APPROVED

TOWN OF APEX
SPECIAL TOWN COUNCIL MEETING
FRIDAY, JANUARY 12, 2024
2:00 P.M.

The Apex Town Council met for a Special Meeting on Friday, January 12, 2024 at 2:00 p.m. at the Apex Town Hall located at 73 Hunter Street in Apex North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel:

https://www.youtube.com/watch?v=T1c_GKnL-18

[ATTENDANCE]

Elected Body
Mayor Jacques K. Gilbert *(presiding)*
Mayor Pro-Tempore Ed Gray
Councilmember Brett Gantt
Councilmember Audra Killingsworth *(arrived late, see note below)*
Councilmember Terry Mahaffey
Councilmember Arno Zegerman
Absent: None

Town Staff
Interim Town Manager Shawn Purvis
Town Attorney Laurie Hohe
Town Clerk Allen Coleman
All other staff members will be identified appropriately below

[COMMENCEMENT]

Mayor Gilbert called the meeting to order, and led those in attendance in a recitation of the Pledge of Allegiance.

[CONSENT AGENDA]

A **motion** was made by **Councilmember Zegerman,** seconded by **Mayor Pro Tempore Gray,** to approve the Consent Agenda as presented.

Councilmember Gantt asked that the motion be amended to pull Consent Item No. 5 (CN5) for discussion prior to Closed Session.

A **motion** was made by **Councilmember Gray,** seconded by **Councilmember Zegerman,** to approve the Consent Agenda, with the removal of Consent Item No. 5 (CN5).

VOTE: 4-0, with Councilmember Killingsworth absent

CN1 2024 Town Council Meeting Calendar Amendments (REF: OTHER-2024-002)
Council voted to amend the 2024 Town Council Meeting Calendar.

CN2 Agreement – Badger Meter, Inc. – New Water Meters – Meter System Upgrade Project (REF: CONT-2024-008)
Council voted to award an agreement with Badger Meter, Inc. as Sole Source Vendor for the purchase of new water meters required for the Meter System Upgrade Project, and authorize the Interim Town Manager, or their designee, to execute on behalf of the Town.

CN3 Agreement – North Carolina Department of Transportation (NCDOT) and Town of Apex - Extend Completion Date for Apex Peakway Project. (REF: CONT-2024-009)
Council voted to approve Supplemental Agreement ID No. 12773 with North Carolina Department of Transportation (NCDOT) to extend the completion date for project U-5928, Apex Peakway, to December 31, 2028.

CN4 Annexation No. 745 – The Preserve at Holt – 5.367 acres (REF: RES-2024-001, RES-2024-002, and OTHER-2024-003)
Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for January 23, 2024, on the Question of Annexation - Apex Town Council's intent to annex 5.367 acres, located at The Preserve on Holt, Annexation No. 745 into the Town Corporate limits.

~~CN5 REVISED Appointment(s) – Board of Adjustment~~
This item was removed from the Consent Agenda.

CN6 Capital Project Ordinance Amendment No. 2024-10 - GoApex Bus Stop Improvements (Four Locations) and Sidewalk Connection Project (REF: ORD-2024-001)
Council voted to adopt Capital Project Ordinance Amendment 2024-10 allocating funding for the GoApex Bus Stop Improvements (Four Locations) and Sidewalk Connection Project.

CN7 Council Meeting Minutes – Various
Council voted to approve, as submitted, the Meeting Minutes from the following meeting:
November 28, 2023 – Town Council Regular Meeting Minutes
November 30, 2023 – Town Council Work Session – Public Safety
December 12, 2023 – Regular Town Council Meeting
December 14, 2023 – Town Council Work Session

CN8 Human Resources (HR) Policy Updates - Town's Personnel Policies (REF: PLCY-2024-001)
Council voted to approve an amendment to the Town's Personnel Policies.

CN9 Ordinance - Authorizing Creation of and Establishing Procedures for the Petty Cash and Cash Change Funds (REF: ORD-2024-002 and PLCY-2024-002)

Council voted to approve an Ordinance authorizing the creation of the petty cash and cash change drawer funds, as well as establishing operating procedures.

CN10 Resolution – Amendment to Designated Deputy Finance Officers (REF: RES-2024-003)

Council voted to amend resolution designating the Deputy Finance Officer position with the authority of the Finance Officer for the purposes of complying with the Local Government Budget and Fiscal Control Act.

CN11 Rezoning Case No. 23CZ16 - Friendship Station Sec 3 PUD Amendment – Statement and Ordinance (REF: ORD-2024-003)

Council voted to approve the Statement of the Town Council and Ordinance for Rezoning Case No. 23CZ16 Friendship Station Section 3 PUD Amendment, Charm City Developers, LLC, petitioner, for the property located at 0 Humie Olive Road (PIN 0721306888).

CN12 Speed Limit Revision - North Carolina Department of Transportation (NCDOT) - Olive Chapel Road between New Hill Olive Chapel Road and Apex Peakway, 45mph (REF: OTHER-2024-004)

Council voted to approve North Carolina Department of Transportation (NCDOT) Certification of Municipal Declaration to Enact Speed Limits and Request for Concurrence for a 45-mph speed limit on Olive Chapel Rd between New Hill Olive Chapel Road and Apex Peakway, and revert the speed limit to 35-mph on Olive Chapel Road between Apex Peakway and NC 55 as its within municipal limits.

CN13 Tax Report – November 2023 (REF: OTHER-2024-001)

Council voted to approve Apex Tax Reports dated December 11, 2023.

[CONSENT ITEM 5]

Councilmember Gantt said he had been looking through the candidates, and has a newfound appreciation of the importance of the board, and wanted to spend some time discussing the options before voting on the appointees.

Councilmember Killingsworth arrived at 2:04 p.m.

Mayor Gilbert thanked him for bringing it up. He said he speaks to the individuals interested in these seats, and also looks at what may be missing on the boards. He said it's also important to have some stability on the Board of Adjustment, and it is currently a young board. He said he saw Ms. Sico's experience in the Wake County DA's office as valuable, as well as her understanding of the quasi-judicial process. He said he said he also looked at trying to ensure there was more balance in the diversity of voices on the boards. He said he is open to discussion.

Councilmember Mahaffey said his desire was to increase the legal expertise that was on the Board of Adjustment. He said 3 or 4 people stood out to him, and one person in particular, Mr. William Hart. He said the town would be well-served to have someone of his

character and experience on the board. He said he also concurred with the Mayor on Ms. Sico, given her legal experience, and those were the two people he would support today.

Councilmember Zegerman asked how Councilmember Mahaffey assessed Mr. Hart's legal experience. He said he does not see that reflected in the application.

Councilmember Mahaffey said he was a judge's advocate, which is a military judge. He said he has respect for that position, and the character he brings would speak volumes to the town.

Mayor Pro Tempore Gray said Mr. Hart would be a great board member. He said as a quasi-judicial body, the Board of Adjustment makes findings of facts and then make decisions based on those. He said this is an area where having more lawyers can complicate things. He said that waters down the advice given to the board by Town Attorneys, and rather than relying on them they may look inwardly to themselves or each other for legal opinions. He said having as broad of a cross-section from the community as possible would be the best way to keep the board independent and operate on its own. He said this is for the 3rd alternate position, and he would like to fill those spots with less lawyers rather than more lawyers.

Councilmember Mahaffey said he is looking to affect change immediately on the Board of Adjustment. He said he would like to go with Mr. Hart for the open seat instead of re-appointing Mr. Johnson, and concur with the Mayor's recommendation to appoint Ms. Sico to the 3rd alternate seat.

Mayor Gilbert asked how much experience Mr. Johnson serving on the Board of Adjustment

Councilmember Mahaffey said he's served two terms.

Mayor Pro Tempore Gray wanted to clarify that Mr. Johnson still wished to continue serving.

Mayor Gilbert said he has not heard anything about Mr. Johnson not performing to their expectations.

Mayor Pro Tempore Gray said he was not inclined to make a replacement in this case, unless Mr. Johnson wanted to step down. He said he understands what Councilmember Mahaffey is trying to do, but he would not want to do that at this stage.

Councilmember Mahaffey said it was his desire to affect change, and opportunities to put new people on boards do not always line up with when Council wants to do it. He said this would be a case where they could impact change, to get somebody new on the board at the end of an expired term. He said Mr. Johnson has served well, and this is not a reflection of his service. He said they have an opportunity once a year to affect change via appointments, and he wants to look at that here.

Mayor Gilbert asked what kind of change he is trying to make.

Councilmember Mahaffey said he wants to see more legal expertise and legal procedure understanding get onto the board, and filling an expired seat is the most immediate way to do that.

Councilmember Gantt said he agreed with the desire to have a lot of procedural things happening, and having legal experience would be good for the board.

Councilmember Mahaffey said he's happy this conversation is happening, as this board has actual statutory authority.

Mayor Gilbert added that he decided they would increase training for the Board of Adjustment, which will help everybody on the Board.

Town Attorney Hohe said the Board of Adjustment is having training Tuesday, January 17th, and that in the future, there will be a member of the Town Attorney's office at every Board of Adjustment meeting. He said they will be ensuring the Board knows that if they have questions, they need to be asking the town's legal staff.

Town Clerk Coleman said they could split up the 3 motions from the original Consent item: one to fill the vacant seat on the Board, one to move up Alternates 2 and 3 one spot, and one to appoint Ms. Sico to Alternate 3.

A **motion** was made by **Councilmember Mahaffey,** seconded by **Councilmember Gantt,** to fill the vacant seat on the Board of Adjustment by ballot vote between the two nominees, Bryan Johnson and William Hart.

VOTE: 4-1, with Mayor Pro Tempore Gray dissenting

The following votes for appointment to the Regular Seat on the Board of Adjustment (Term: January 1, 2024 – December 31, 2026) were captured by ballot and announced by the Town Clerk:
Mayor Pro Tempore Gray for Bryan Johnson
Councilmember Mahaffey for William Hart
Councilmember Killingsworth for William Hart
Councilmember Gantt for William Hart
Councilmember Zegerman for Bryan Johnson

Vote Results: William Hart, 3-2

A **motion** was made by **Councilmember Gantt,** seconded by **Councilmember Mahaffey,** to move Alternate 2, Michael Sayers, to Alternate 1 and keep term (February 28, 2023 – February 28, 2026), and to move Alternate 3, William Hollenbeck, to Alternate 2 and keep term (February 28, 2023 – February 28, 2026).

VOTE: UNANIMOUS (5-0)

A **motion** was made by **Councilmember Mahaffey,** seconded by **Councilmember Zegerman,** to concur with Mayor Gilbert's recommendation and appoint Heidi-Marie Sico as the Board of Adjustment's Alternate 3 (Term: January 1, 2024 – December 31, 2026).

VOTE: UNANIMOUS (5-0)

[CLOSED SESSION]

A **motion** was made by **Councilmember Killingsworth,** seconded by **Mayor Pro Tempore Gray,** to enter in to Closed Session pursuant to NCGS § 143-318.11(a)(6).

VOTE: UNANIMOUS (5-0)

Council entered into Closed Session at **2:23 p.m.**

Council returned to Open Session at **6:13 p.m.**

Mayor Gilbert adjourned the meeting at **6:13 p.m.**

Jacques K. Gilbert
Mayor

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

Submitted for approval by Town Clerk Allen Coleman and approved on January 23, 2024 (CN3).

APPROVED

TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, JANUARY 23, 2024
6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, January 23, 2024 at 6:00 PM in the Council Chambers at Apex Town Hall, located at 73 Hunter Street in Apex, North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel. The recording of this meeting can be viewed here: https://www.youtube.com/watch?v=9bPLefRoIX4&t=12865s

[ATTENDANCE]

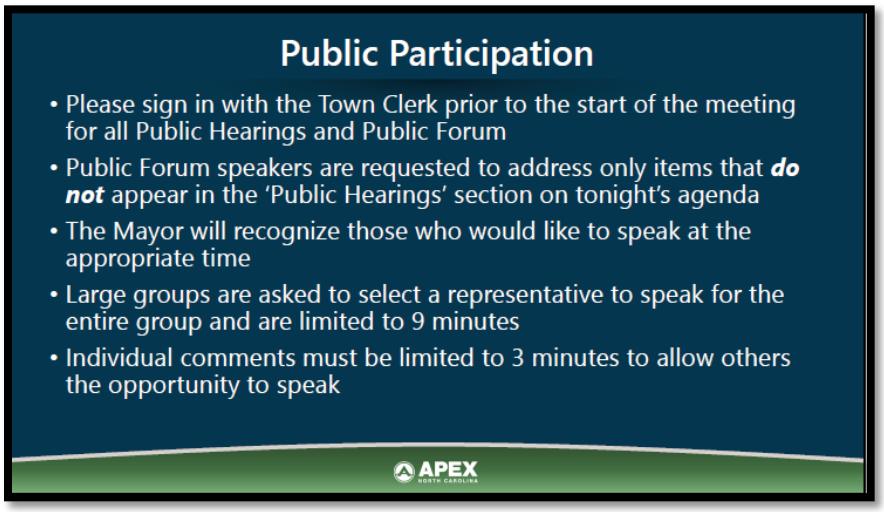
Elected Body
Mayor Jacques K. Gilbert (presiding)
Mayor Pro Tempore Audra Killingsworth
Councilmember Ed Gray
Councilmember Arno Zegerman
Councilmember Terry Mahaffey
Councilmember Brett Gantt

Town Staff
Interim Town Manager Shawn Purvis
Assistant Town Manager Demetria John
Assistant Town Manager Marty Stone
Town Attorney Laurie Hohe
Town Clerk Allen Coleman
Deputy Town Clerk Ashley Gentry
Planning Director Dianne Khin
All other staff members will be identified appropriately below

[SLIDE 1]



[SLIDE 2]



[COMMENCEMENT]

Mayor Gilbert called the meeting to order and welcomed all who were in attendance and watching. He spoke about the tragedy that occurred on January 15th, with the killing of Nancy Taylor and Gabrielle Raymond. He said this is a time of many emotions and questions, and that we may not know exactly what to do or say in this time. He said he knows that they can show they love, support, and unity. He invited everyone to observe a moment in which a candle was lit in love and honor of Ms. Taylor and Ms. Raymond. He then invited everyone to join in observing a moment of silence.

Mayor Gilbert added that the Hunter Street Water Tower has been lit up purple to show a symbolic moment of healing, love, and unity. He then invited Larry Eckhart of Jordan Lutheran Church to give the Invocation.

Mr. Eckhart said this was personal, and most so for the Taylor and Raymond families, who are recovering from unspeakable tragedies. He said it was personal for everyone in the community, since these people were friends and neighbors, and the effect of that lingers. He said the first order

of business for the town was about people and ensuring their safety. He then offered a prayer of comfort and healing to the Taylor and Raymond families, and to all people impacted by this tragedy.

Mayor Gilbert informed that there would be a candlelight vigil held in Ms. Taylor and Ms. Raymond's honor on Monday, January 29th at 5:15 PM in the Town Hall courtyard.

Mayor Gilbert then led those in attendance in the Pledge of Allegiance.

[CONSENT AGENDA]

A **motion** was made by **Councilmember Zegerman,** seconded by **Councilmember Gantt,** to approved the Consent Agenda as presented.

VOTE: UNANIMOUS (5-0)

CN1 Agreement(s) - Research Triangle Regional Public Transportation Authority DBA GoTriangle - 2024 Funding for GoApex (REF: CONT-2024-016, CONT-2024-017, and CONT-2024-018)

Council voted to approve three (3) agreements for funding associated with GoApex for Fiscal Year 2024, including: (1) General Operating Funding Agreement for Bus Operations – Community Funding Area, (2) General Capital Funding Agreement Community Funding Area Program for Bus Infrastructure, and (3) General Capital Funding Agreement for Capital Planning – Community Funding Area Program, and to authorize the Interim Town Manager, or their designee, to sign and execute on behalf of the Town.

CN2 Construction Contract Award/Budget Ordinance Amendment No. 11 – FSC II, LLC DBA Fred Smith Company - 2024 Road Rehabilitation Project (REF: CONT-2024-019 and ORD-2024-004)

Council voted to amend the budget, award a construction contract with FSC II, LLC DBA Fred Smith Company, for the 2024 Road Rehabilitation Project, and to authorize the Interim Town Manager, or their designee, to execute the contract on behalf of the Town.

Council voted to adopt Budget Ordinance Amendment No. 11

CN3 Council Meeting Minutes – January 12, 2024

Council voted to approve Minutes from the following meeting:

January 12, 2024 – Special Town Council Meeting

CN4 Resolution - Designation of Applicant's Agent(s) - North Carolina Division of Emergency Management (REF: RES-2024-004 and OTHER-2024-026)

Council voted to adopt a Resolution Designating Primary and Secondary Agents authorized to execute and file applications for federal and/or state assistance on behalf of the Town of Apex, for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act.

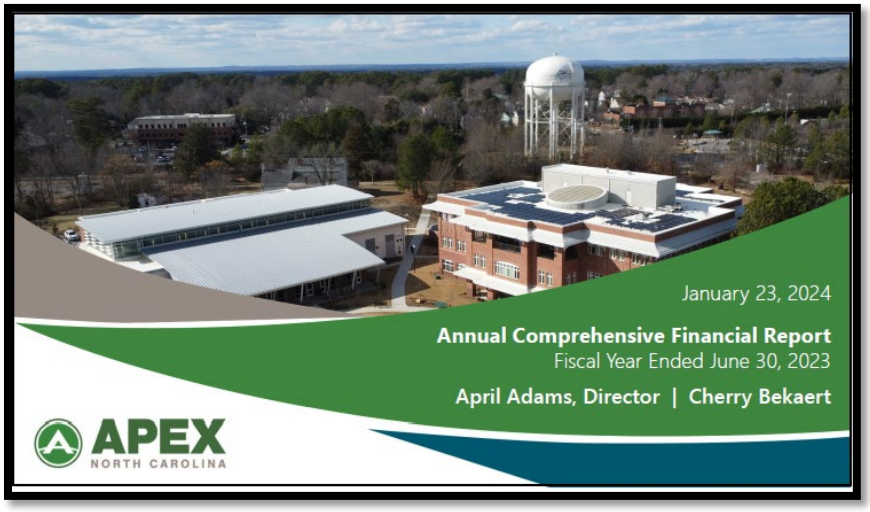
Council voted to approve a Building Resilient Infrastructure and Communities (BRIC) Grant Local Match Fund Commitment Letter, and to authorize the Interim Town Manager, or their designee, to execute on behalf of the Town.

[PRESENTATIONS]

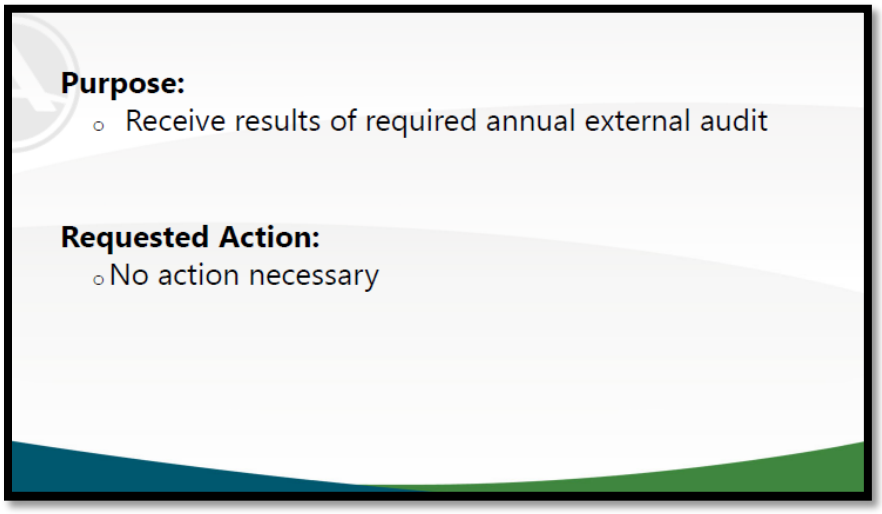
PR1 Fiscal Year 2023 Audit - Annual Comprehensive Financial Report (ACFR)

April Adams, of Cherry Bakaert, and **Antwan Morrison,** Finance Director, gave the following presentation regarding the Fiscal Year 2023 Audit and the Annual Comprehensive Financial Report.

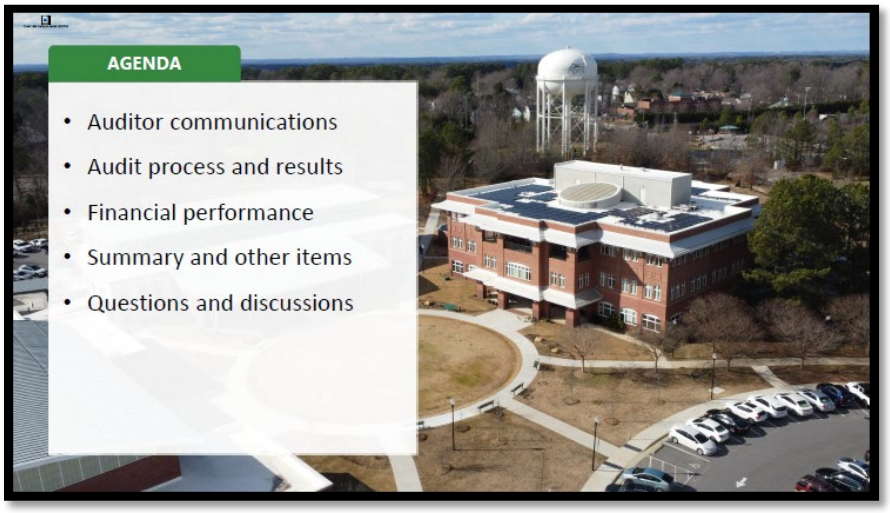
[PR1 – SLIDE 1]



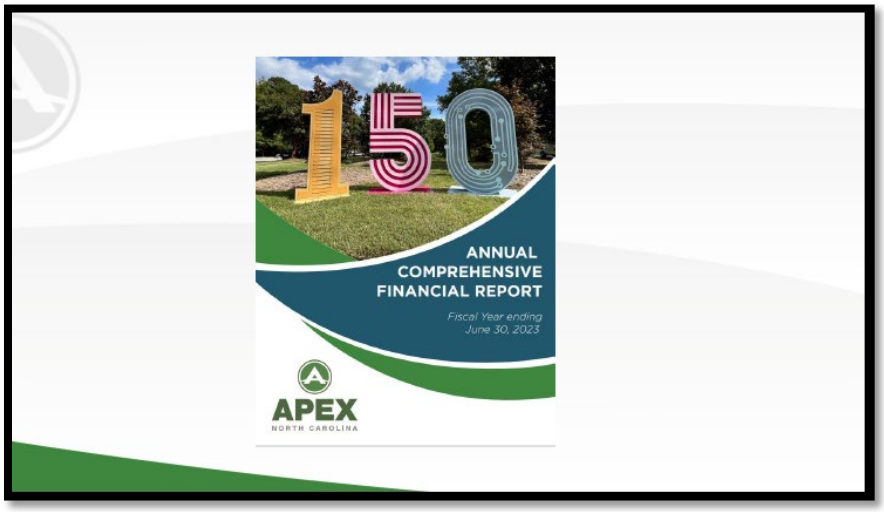
[PR1 – SLIDE 2



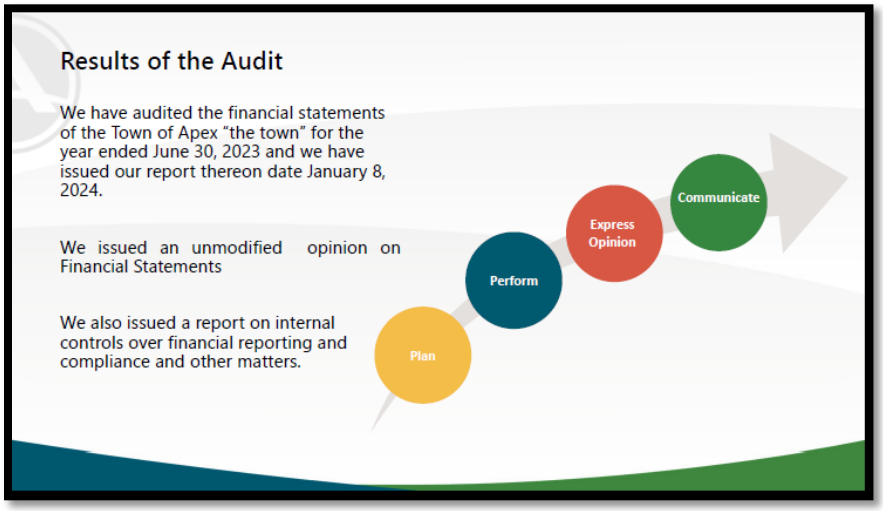
[PR1 – SLIDE 3]



[PR1 – SLIDE 4]



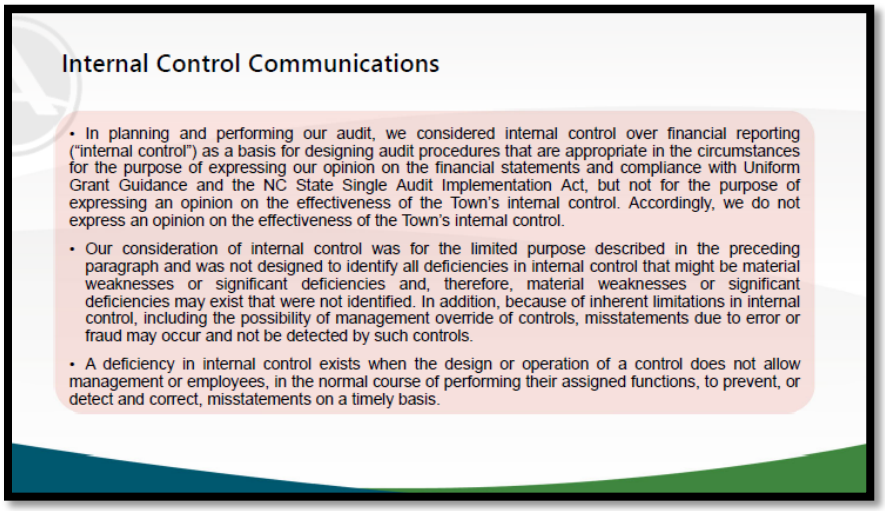
[PR1 – SLIDE 5]



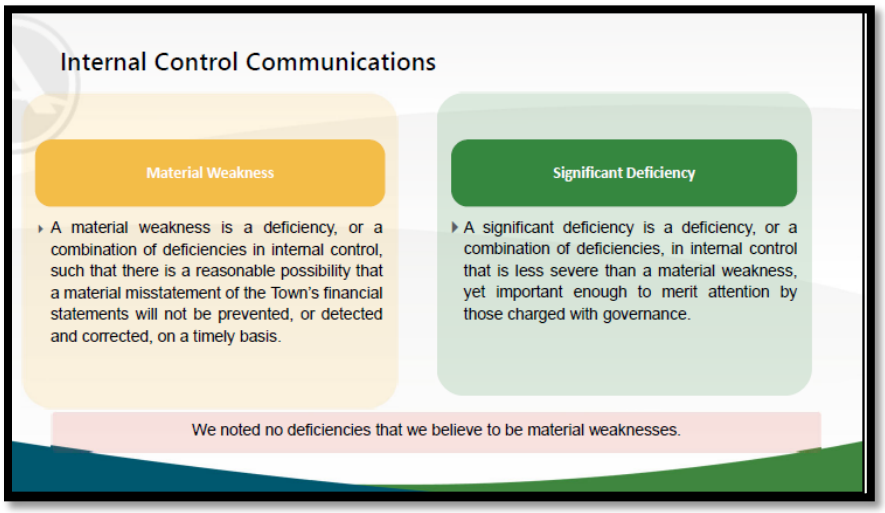
[PR1 – SLIDE 6]



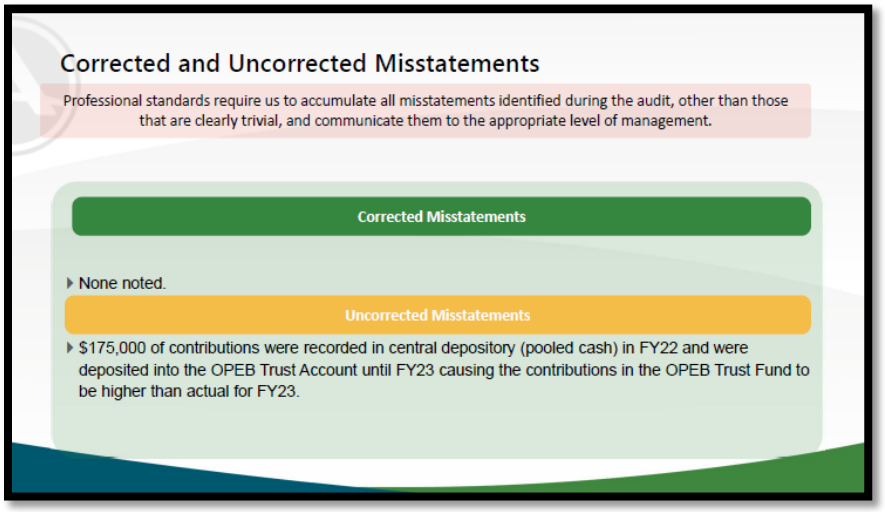
[PR1 – SLIDE 7]



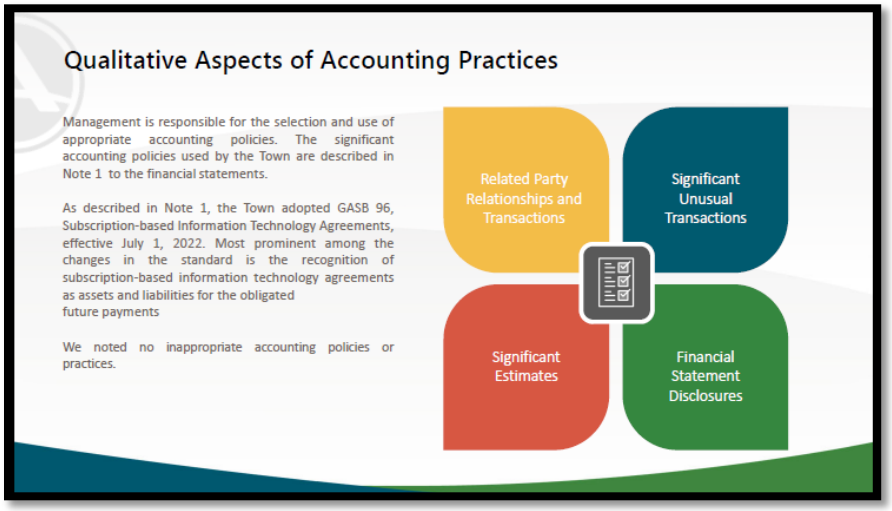
[PR1 – SLIDE 8]



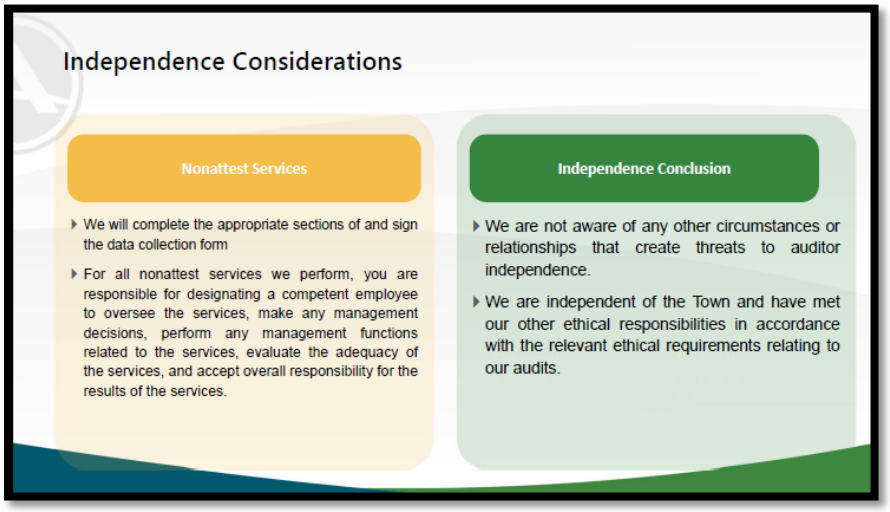
[PR1 – SLIDE 9]



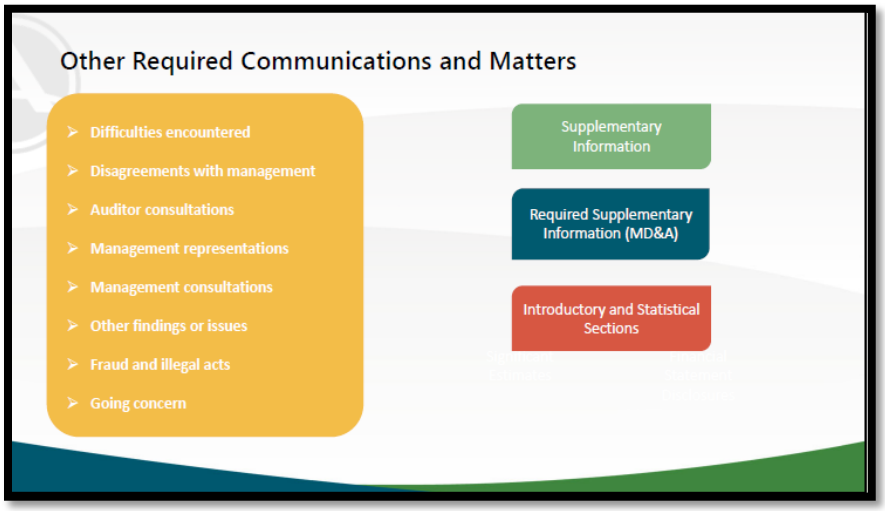
[PR1 – SLIDE 10]



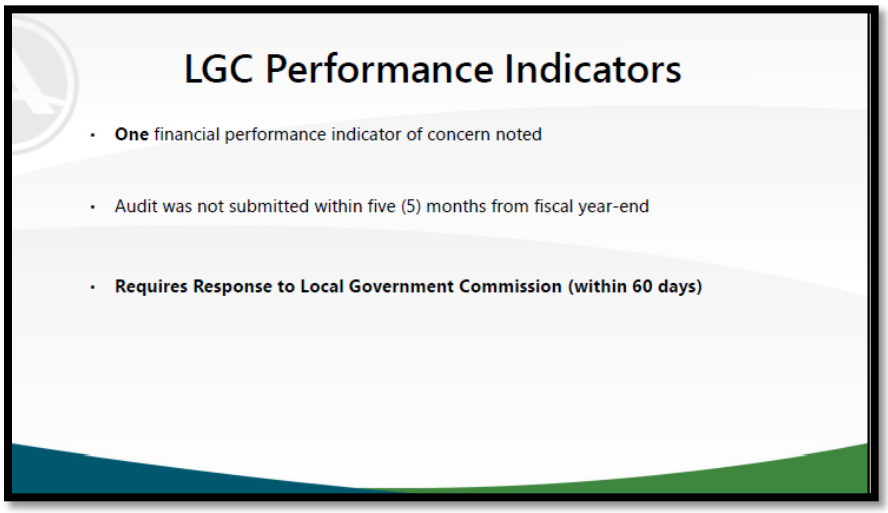
[PR 1 – SLIDE 11]



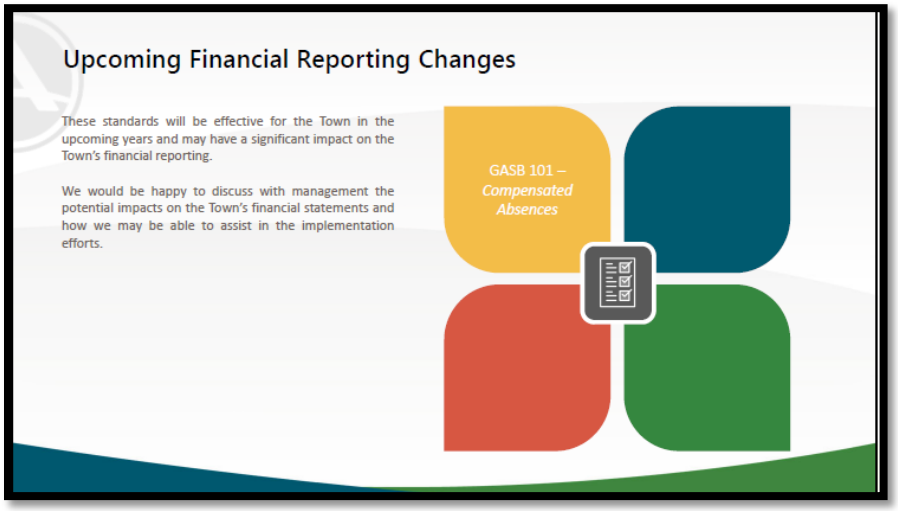
[PR1 – SLIDE 12]



[PR1 – SLIDE 13]



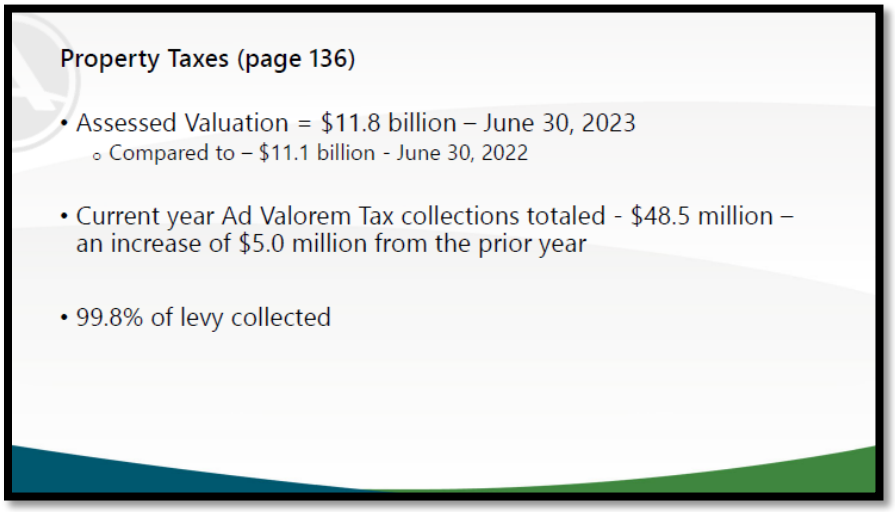
[PR1 – SLIDE 14]



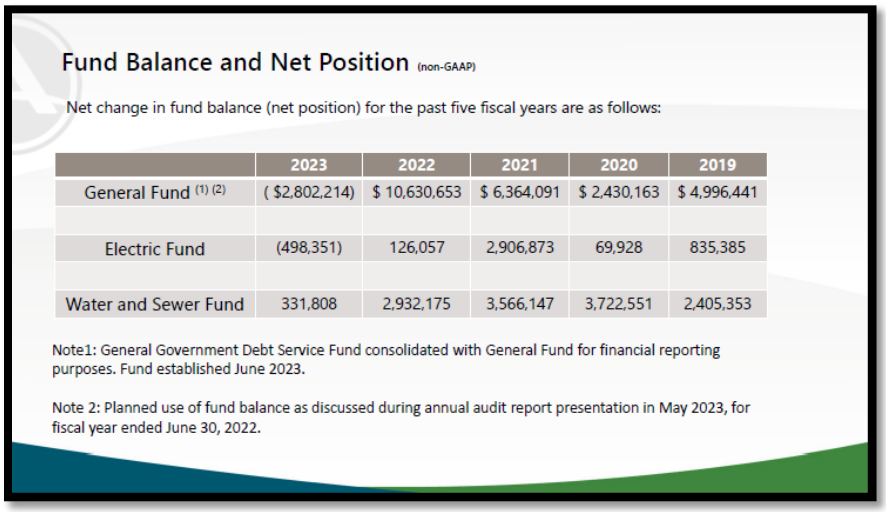
[PR1 – SLIDE 15]



[PR1 – SLIDE 16]



[PR1 – SLIDE 17]



Fund Balance and Net Position (non-GAAP)

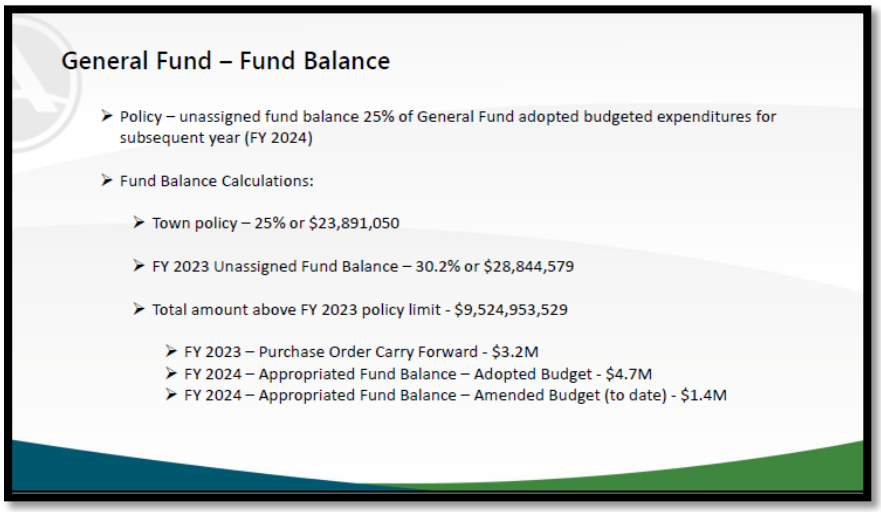
Net change in fund balance (net position) for the past five fiscal years are as follows:

	2023	2022	2021	2020	2019
General Fund (1) (2)	($2,802,214)	$ 10,630,653	$ 6,364,091	$ 2,430,163	$ 4,996,441
Electric Fund	(498,351)	126,057	2,906,873	69,928	835,385
Water and Sewer Fund	331,808	2,932,175	3,566,147	3,722,551	2,405,353

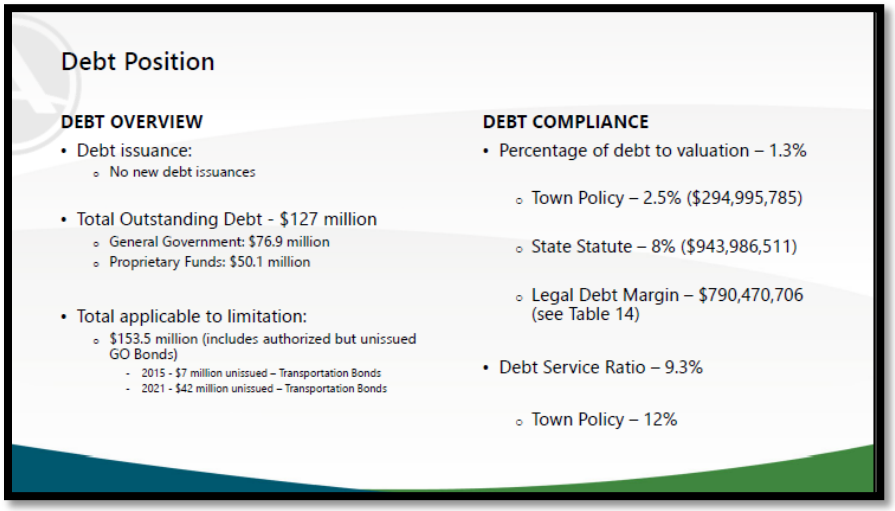
Note1: General Government Debt Service Fund consolidated with General Fund for financial reporting purposes. Fund established June 2023.

Note 2: Planned use of fund balance as discussed during annual audit report presentation in May 2023, for fiscal year ended June 30, 2022.

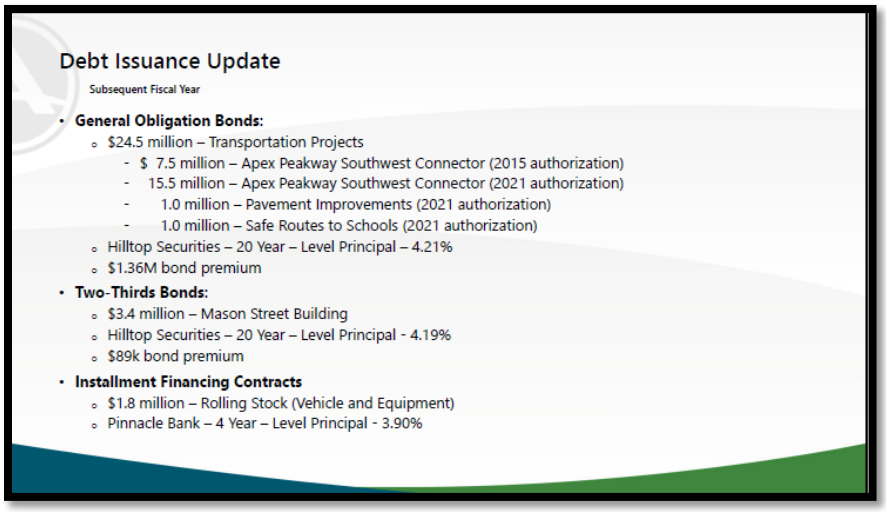
[PR1 – SLIDE 18]



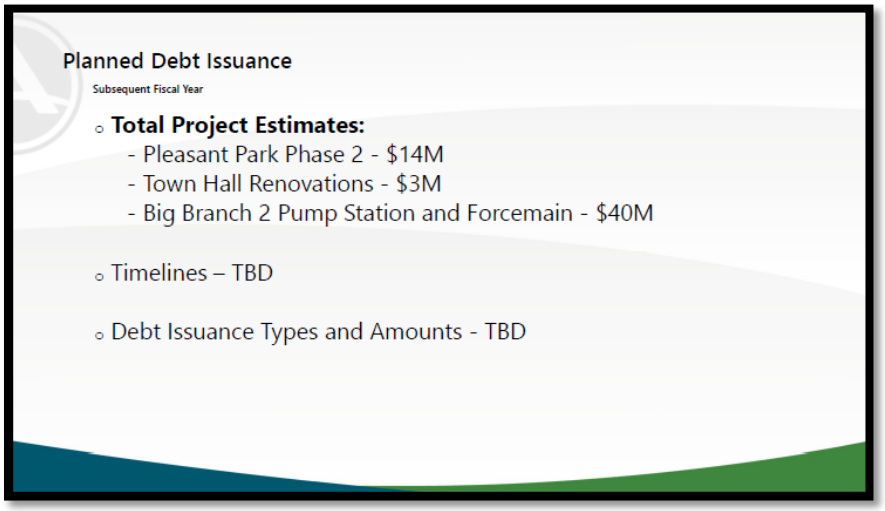
[PR1 – SLIDE 19]



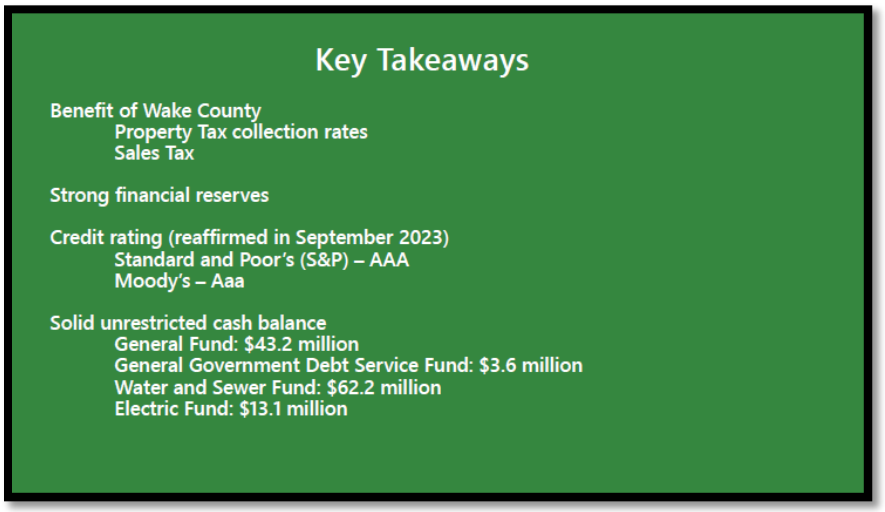
[PR1 – SLIDE 20]



[PR1 – SLIDE 21]



[PR1 – SLIDE 22]



[PR1 – SLIDE 23]



Councilmember Zegerman asked if there were any consequences to the town not making the cutoff for the financial reporting within 5 months of the fiscal year close.

Director Morrison, said they will have to submit a letter explaining why, and that it is something understandable because of staffing and other things that caused delays, and they are looking forward to getting back on track. He said they are looking to get it in on time this upcoming year.

Councilmember Zegerman said the town policy was a 25% fund balance position, and asked if there was a legal requirement.

Director Morrison said no, but there is a recommendation of 8%.

Councilmember Zegerman said he wanted to call out that the town is very conservative in their own policies in that regard.

Ms. Adams said the LGC has a financial performance indicator of 25% for towns, so this matches what they are looking for, but it is not a statutory requirement.

Councilmember Zegerman said there seems to be a discrepancy between the town policy of 2.5% of evaluation and what the town wants it debt service ratio to be. He said with these numbers, they could almost double the debt to get to 2.5%, but that would never fit into the debt service policy of 12%. He asked what the town would do if they loosened than the debt service constraint, or should they bump down the 2.5% policy.

Director Morrison said he would like to discuss that with the town's financial advisors, because they work with governments across the state, and could provide more direction on which one to focus on and if they should adjust either.

Councilmember Gantt asked if the debt service was based on taxes and the valuation is based on the assessed value overall.

Director Morrison said that was correct.

Councilmember Gantt said the valuation could change based on the tax rate, but the debt service is based on the evaluation, which presumably will go up next year.

Councilmember Zegerman said the town policy seems very relaxed compared to actually making payments. He said restricting themselves to 12%, he asked what that translated to in terms of debt to valuation once that is factored in.

Ms. Adams said the payments for the debts are always straight lined.

Councilmember Mahaffey asked if the LGC had any key performance indicators, and said they had talked about the debt service ratio being too aggressive before.

Ms. Adams said they are definitely looking for the 8% for the legal guideline, and the commission has to approve all debt issuances, so there's no telling how many things they look for before making that approval.

Councilmember Zegerman said they have zero interest in bumping debt levels up to 8% evaluation, which is unrealistic. He said they are constraining themselves by having a debt service ratio at 12%. He said the town's policy of 2.5% does not match that. He said he wants to understand where the boundaries are.

Councilmember Gantt asked if the town picks out single areas to study in the single audit, or if the auditor does, or if it's a mix.

Ms. Adams said there is a prescribed methodology, but there is some judgement within that.

Councilmember Gantt asked if they ever advise to pick different things each year.

Ms. Adams said they want programs to be on at least a 3-year rotation if they're over a certain threshold, and they also want you to achieve a certain level of coverage. She said the town has been doing that, and now in her third year doing these for Apex she covered all of the town's significant grants.

Mayor Gilbert thanked Ms. Adams and Director Morrison.

PR2 Proclamation - Human Trafficking Prevention Month 2024 (REF: PRO-2024-002)

Mayor Gilbert, along with the rest of Council, read the 2024 Human Trafficking Prevention Month 2024 Proclamation in unity.

Representatives of Shield NC accepted the proclamation and took a picture with the Mayor and Council.

Niki Miller spoke about how human trafficking is happening in North Carolina, in the Triangle, and in Apex. She said Human Trafficking is different from smuggling or abduction. She said Shield NC provides Human Trafficking awareness training every month virtually, and thanked the Mayor and Council for their continuous efforts to support Shield NC in their mission.

[REGULAR MEETING AGENDA]

A **motion** was made by **Councilmember Mahaffey,** seconded by **Councilmember Killingsworth,** to approve the Regular Meeting Agenda as presented.

VOTE: UNANIMOUS (5-0)

[PUBLIC FORUM] (Note: To view public forum and public hearing sign in sheets, please see **OTHER-2024-012)**

First to speak was **Larry Gustky:**

"Good evening everyone, my name is Dr. Larry Gustky, I'm a retired faculty member of the College of Forestry at North Carolina State with expertise in Social Science Research and economic development. My wife Nancy and I have resided at 110 Hunter Street in Apex since 1989. Located in our small front yard is what some town employees refer to as that tree. It has also been affectionately named Oakie. The tree is a majestic Willow Oak that is approximately 104 feet tall and 192 inches in circumference. It shades and protects our 87-year-old Sears Bungalow and adds beauty to Hunter Street, the Historic District, and the community. I am before you this evening to state my opposition to any activity that would adversely impact Oakie. I also would like to remind all of us, including the audience, about the importance of trees, which we often take for granted. In a folder we have given each Council member is a handout that summarizes key contemporary information about the value of trees. I encourage each member to review that information. To help, I am going to summarize a few major points that some of you may not be aware. Trees help control temperature and can reduce home cooling as much as 50%, certainly valuable during our hot summers and of course

given climate change. Trees increase the value of homes and the associated tax revenues. They absorb carbon dioxide and contribute to clean air. They absorb impervious surface runoff, control erosion, and reduce flooding. Trees add to a sense of community and community pride, they contribute to good health and well-being, they often contribute, believe it or not, to reducing crime. And they contribute to enhancing business opportunities. Willow Oaks like Oakie tolerate pollution, drought, and are trouble-free. Older trees like Oakie store more carbon than younger trees. Many of these benefits that I have just stated to you are in the 2018 Apex tree stormwater study referred to in your handout. The study has helped the town to do an excellent job at planning for growth, planting trees, and many other things. However, it is unclear what the status of two of the recommendations in the study that were made. What about a heritage witness tree program? Will it be created? And secondly, what about a comprehensive forestry management plan? Where can I find that? And it would help if it was more clearly communicated to the citizens, to all of you, and to everyone in the community. Thank you."

Mayor Gilbert thanked Mr. Gustky for his comments.

Nest to speak was **Nancy Gustky:**

"Good Evening Mr. Mayor, Town Council members, Apex Residents, my name is Nancy Gustky. As Larry said, we've lived at 110 Hunter Street which some of you might know as the Luther House, that's been there for a long time, but we've been there since '89. I'm retired history faculty at NC State, Larry and I have been members of the Apex Historical Society since we arrived in Apex and our house has been on the Apex Society's home tour. I am the past chair of the Apex appearance commission. We bought the Luther House in part because of the Historic Charm of the area, proximity to downtown, and because of the beautiful tree named Oakie by our Mayor, which is "a character defining element of the Apex national register historic district." We do not want to lose Oakie, which the proposed 8-foot sidewalk plan would necessitate. Oakie was saved prior to 2004 when a sidewalk was first proposed. It was going to go on the North side of Hunter Street, I went to a Town Council meeting asking what would happen to the tree, and it was decided that the sidewalk would instead go on the south side of Hunter Street, which it did, so we already have sidewalk access. In addition, Oakie has survived the 2011 street widening, but it may not survive this round. It did receive the annual tree award in 2004, and the North Carolina forest service has deemed it second place champion status for the state, and first place status as a nominee in Wake County, and that information is in your folder. Oakie has been determined to be a healthy tree, both by the Apex Powerline Forester Phillip Barnes, and John Gallant of Apex Tree Service, both agree, however, that any disturbance to Oakie could seriously put the tree at risk. There are aesthetic and environmental reasons to save this mature specimen tree that contributes to the small-town charm of Apex. Saving Oakie would show how forward-thinking Apex is in preserving its heritage, as well as long-range planning in terms of impervious surface management. The best option for saving Oakie would be no sidewalk, since one already exists on the south side of Hunter Street, and thus there would be no disturbance to the tree at all. A possible alternative would be to put the sidewalk and possible a bike lane in the street by eliminating part of the turn lane. This could possible have the additional benefit of reducing the speed on Hunter Street, making it safer. There is in your folder a photograph of an

Oak tree that was supposedly going to be saved at the Cary Town Center, but wasn't. Even despite everything that they've tried, so we asked that you please don't put Oakie at risk. Thank you very much."

Mayor Gilbert thanked Ms. Gustky for her comments.

Next to speak was **Cat Kearns** of 216 Hunter Street:

"Good evening Town Council, and to our supporters out there, thank you citizens for coming in to support Oakie and my neighbors at Hunter Street. I've lived in Apex since the late 80's, it's over half of my life, and the Apex quaint, historic downtown is what drew me to make my home in Apex, when I was only 26 years old. I dreamed of living in downtown Apex for over 30 years, my husband and I finally built our forever home on the last lot in the historic downtown business district on Hunter Street. All of those homes had the beautiful curb appeal with the picket fences, mature landscaping, and gracious front porches that make the first two blocks a beautiful extension of Apex's downtown historic district. I am fortunate and feel very lucky to live where I do. As a real estate agent since 1997, I've sold countless homes in Apex, and what most attracts buyers is our lovely and quaint downtown area. Few newcomers to the area say anything differently if you ask them. And strategically, I would meet them in the crown jewel, our downtown, to talk with them about moving to Apex, and usually they did. I and my neighbors along the north side on Hunter Street will have so much to lose if a sidewalk is installed in front of our homes. The beautiful turn of the century feel that belongs to those historic homes, the ones that you see in your folder, and the blue lines is where the potential sidewalk would be, right at our front door. This will also reduce our driveway and the potential parking at our homes, our precious front yards, lowering the impervious for our lots, and drastically decreasing the distance from our homes to foot traffic. When I built my home, we had the normal building requirements, but we also had the ones included in the historic downtown business district, and also the small town character overlay requirements, with the front and the side setbacks. If a sidewalk is installed, I will no longer be in compliance. My builder left me enough room for impervious to build an outdoor kitchen which I am sure would get denied when I have that higher impervious. The lot we own behind our home, we planted 12-15 small trees, those could be taken down right along the edge of our street, on Pate Street, right behind our house. And all of the sidewalk will adversely affect our home's curb appeal, our values, reduce our marketability whenever the time comes for that. I ask that you be good stewards of town funds and look for less costly means than buying our front yards, relocating utilities, and installing a sidewalk, there's one already across the street. I appreciate your time, and your consideration.

Next to speak was **Judy Ives** of 3413 Pleasant Plains Road:

"Good evening Town Council and Mr. Mayor. After I spoke at the last Town Council Meeting, I met with Mayor Gilbert. I told him that I wished public forum could be a 2-way dialogue, and he assured me that anyone that speaks at Public Forum gets contacted by someone on the Town Council. As of yet, I have not been contacted. When I negotiated with the conservation fund for the sale of the farm

that is now Pleasant Park, I was told it would be a park with sports fields in the back bordering the highways, and probably a nature park with trails towards the front. Instead, I watched as all the trees were cut down. I endured years of noise and ground trembling caused by the destruction of a 92 acre sports complex, and wished every day for it to be over. Then one day it was, now every morning, at a time when I once enjoyed my morning coffee outside before the construction workers started, I hear the incessant pinging of pickleballs. Where I once felt safe, I now have to wonder whose squalling tires in the park late at night. I hear yelling on the basketball court, and horns blowing, and children screaming, and then there are the times when the constant streams of cars going into the park in the afternoon tells me that late, I'll have a constant stream of headlights shining on my house when they leave. I'm here to ask for your help. Putting up noise and light barriers both at the park and on my property. Mayor Gilbert and I discussed an 8-foot brick wall along the front of my property, although I laughed when he asked how long it would need to be. I meant no disrespect Mr. Mayor, but as I showed you that day my experience with the Town of Apex has been more about them laughing in my face. Like when I needed to move my driveway down past the park entrance to avoid turning left out of my driveway into traffic entering the park. They would not pay to put a driveway to alleviate the problem. I have provided each of you a drawing showing what Apex was willing to do, which would have been to move my driveway such so that it lined up directly with the entrance of the park. I considered moving my house back away from the park entrance, but it would be very expensive and disruptive, and it would kill a lot of trees. I don't need to repeat to you my feelings about my land and my house and how I was instrumental in Apex being able to get the land for the park, but I would like to know what the town is willing to do about the unbearable impact this park has had on my well-being. Will you once again offer me pennies on the dollar, or will you reach out to me to provide an acceptable solution. Maybe that solution is not moving my house or building a brick wall, but I need to know you are hearing me. I hope that after this meeting, one of you will reach out to me. If not, I will see you at the next meeting."

Mayor Gilbert thanked Ms. Ives for her comments.

Next to speak was **Elizabeth Stitt** of 3113 Friendship Road:

"Mayor, Town Council, good evening. As you know my neighbors and I have been working to move the Big Branch Force Main from the north side of US 1 to the south side. I will be meeting with Mike and Steve on Friday to do a deep dive, but I wanted to give you a preview of what we have been able to put together. For those of the people in the audience who aren't familiar, in simple terms the force main needs a 30-foot strip of land where you have a 10-foot buffer, then 5 feet for pipe number 1 and 5 feet for pipe number 2, and then another 10-foot buffer to complete the 30 feet. If you ask Duke Energy to provide all 30 feet, then answer is no. If you ask DOT for all 30 feet, the answer is no. And you ask us property owners for all 30 feet, the answer is no. However, by asking each of us for a portion, there is a path to a yes. Duke Energy does allow certain uses along a transmission line. These allowable uses are going to be emailed to you. We were able to determine that if the town were to submit a formal request for 10 feet, effectively creating an overlapping easement into the transmission line into the force main's first 10-foot buffer. With no continuous infrastructure in the ground, it would meet both the letter and the spirit of their policy. For the remaining 20 feet, it was

determined that DOT and their plans to add additional lanes could provide only 10 feet on the south side. It did not have the 20 feet to give due to the center line of US 1 being fixed by the center piers of two bridges. But, on January 15, DOT funded 10 million dollars to replace and widen the New Hill Holloman bridge over US 1, providing the engineering opportunity to shift the center line of US 1 10 feet to the north, to complete the needed 20 feet of the force main. The second bridge, friendship road bridge, will inevitably be replaced when DOT adds lanes because there is no room under the bridge for any additional lanes. The shifting of US 1 will require property owners on the north side to probably provide at least 10 feet to make DOT whole, but losing land to DOT is preferable. DOT can build a noise wall for us, and we don't have to live with the ongoing annoyance and odor of a force main on our property. For apex, the force main is constructed in a permanent place, free from the risk of being moved due to the original lanes being built on the north side. And you don't have to lower our quality of life, and you don't have to spend Apex hard earned tax dollars to condemn our property with eminent domain. It is a win-win opportunity, and we ask that you support the staff in considering the options. Thank you."

Next to speak was **Fadi Rahal** of 3000 Old US 1 N:

"Mr. Mayor, all my respect. Councilmembers, all my respect. I'm a resident of faith house on Old US 1, also the owner of 0 Hinsley Road, as well as 3012, 3016, 3034, and 3032 Old US 1. I'm here to request three things, very specific, very direct. Being a resident of New Hill, we have no voices here. Congratulation Apex, you're growing, we love it. We're growing with you as well. But it's going to come at an expense to you. And you're going to have to choose how to do this, and doing the right thing might be the easier route. So the first thing I want to ask for, I would like for a new seat at the Planning Board for the residents of New Hill. A new seat. Let's open it up, whoever is eligible let them run, let them be there, so they have a voice when it comes to planning what is happening in New Hill. The second, I would like you to hire an independent auditor, not a financial auditor, independent auditor, to go out and audit the proposed amendments, specifically around the New Hill area. Because as we've discovered, there is amendments active since 2016 and no one knew about it. No one shared it with us, it was a surprise that we found out only a few weeks ago, that that amendment, oh it's almost going to be approved, it's a matter of signature. That is not the right thing to do. And excuses, well when I took my board seat it was already active. Well that's great that you found out, you should have spoke out, that's the wrong thing to do. Tell us that it's active. And by the way I'm talking about the Beaver Creek, and we'll talk about that a little bit coming up. So get an independent auditor because I guarantee you you're going to find out there's other proposed amendments active and no one knows about it. I'm willing to bet my job as a matter of fact. My profession I am an investigator, and I can prove that to you. I will even put my career on the line that you have active projects, active amendments, no one knows about it. Shame on us. Shame on us if that's the case. We, the citizens, need to know what you're working on, especially if it's going to affect us. Once you do that audit, please update your map land, make it current, don't surprise us. When I moved, by the way I was a resident of Apex for 4 years, when I moved 2 miles down the road to be in New Hill, and I made it based on that map. Hey, this is what's going to happen, this is great, I want to move here and be part of this community. But those surprises, they're not good to anyone. So find us a way to get a new seat at the Planning Board, hire an independent auditor, not financial

one, assessment, let's update the map that's coming up due soon in a few months, let's make it current so we know exactly what active projects you have. Thank you."

Mayor Gilbert thanked for his comments

Next to speak was **Dean Krupa** of 2001 Simca Court

"I have a reading for you tonight. It's called Let's Stand for Trees. When will we stand for trees like they stand for us? They offer so many gifts that cannot fit into any one list. I won't be redundant since the fine gentleman spoke about many of them earlier. I will speak to some of the spiritual benefits though. Trees provide a silent wisdom that only those who love trees can understand. They're so quiet, yet they speak volumes to those who listen. They hold up a mirror to humans who rush around being consumers, always so busy yet lacking a true sense of purpose. Trees know not of this, only to stand and they stand for us. What do you see when you look at a tree? They seem to be everywhere and yet often ignored. When I see a tree, I see a wise, silent warrior. A being that has survived many storms, including those from mother nature and those from human nature. For the trees that have been around a while, they have seen a great many things. With their awesome pallet of varieties and colors, they don't cower from diversity, they embrace it. I recommend anyone to spend time with trees, they provide a quiet peacefulness that can cure many woes. Trees are more than shady areas on maps, they deserve a lot more consideration and protection than they can offer. Why do we allow them to be wiped out so easily by slick developers armed with their fancy PowerPoints and topo maps. I supposed when your Earth takes 3 inches on a zoning application, that can easily happen. Those who love nature and the outdoors understand their plight. In a world of capitalism run amok, trees and all their peers in the natural world have become collateral damage. Trees don't need to order anything from Amazon, post to Facebook, or stream the latest show on Netflix. They don't participate in human conflicts and don't need to pollute the earth with carbon dioxide, disposable packaging, industrial waste, or cigarette butts. Trees give life in so many ways, physical and spiritual. How is it that we have become their judge, jury, and executioner. We get to decided their fate and it's just not fair. We are the world's worst landlords. Just ask a tree. We take them for granted and disgrace their existence through our political and capitalistic ways. We show them no mercy, with cold blades and demolition machines. All to replace them with human constructs such as a planned unit development or a sidewalk. I'll end there, but their consideration is worth more than 3-minute speech will ever hope to deliver. Thank you."

Mayor Gilbert thanked Mr. Krupa for his comments.

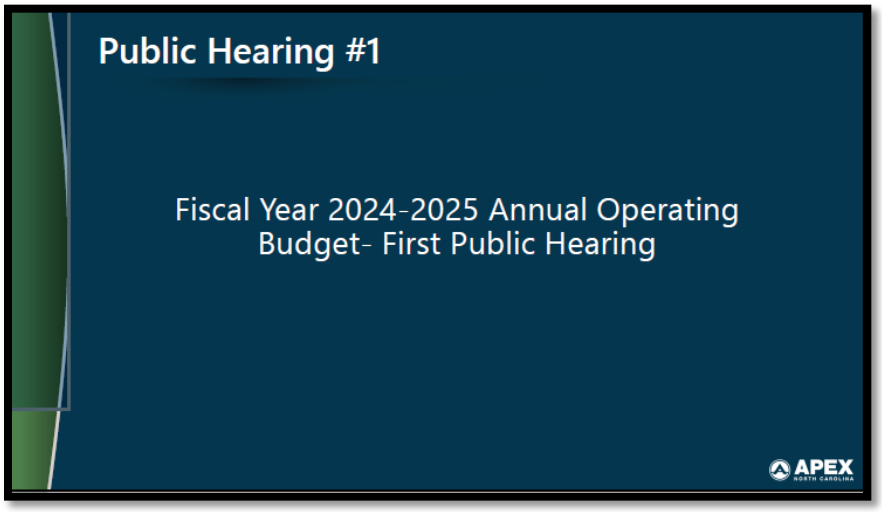
With no further sign ups, **Mayor Gilbert** closed Public Forum.

[PUBLIC HEARINGS]

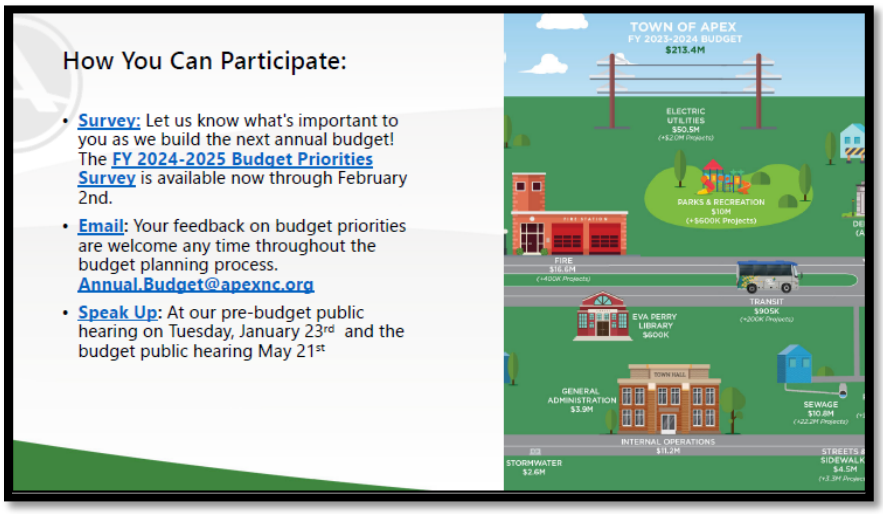
PH1 Fiscal Year 2024-2025 Annual Operating Budget - First Public Hearing

Amanda Grogan, Budget and Performance Management Director, gave the following presentation regarding the Fiscal Year 2024-2025 Annual Operating Budget.

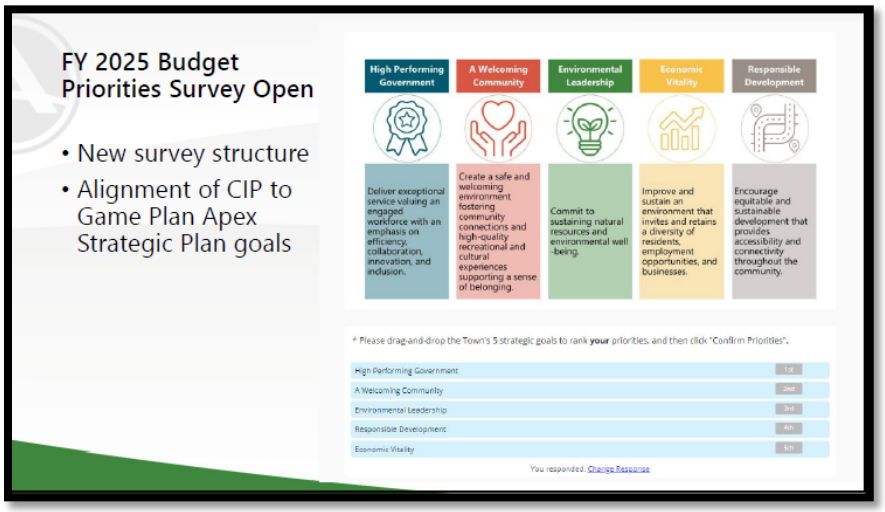
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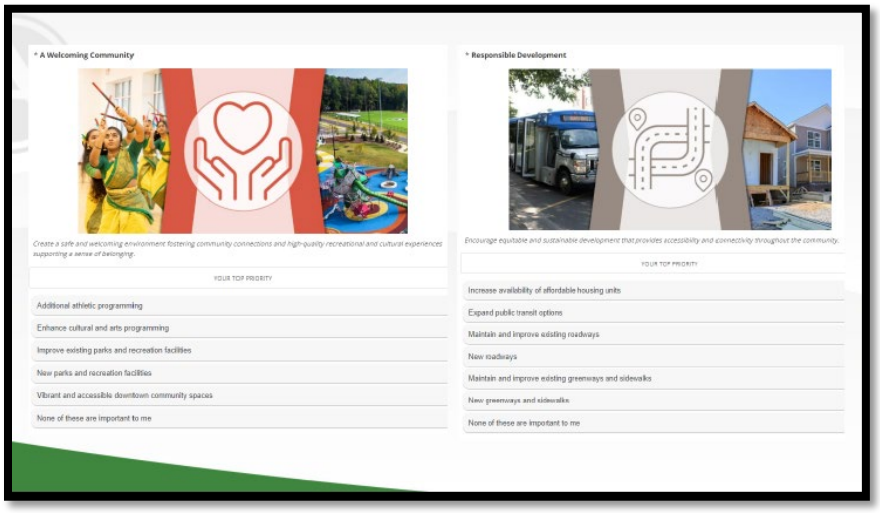
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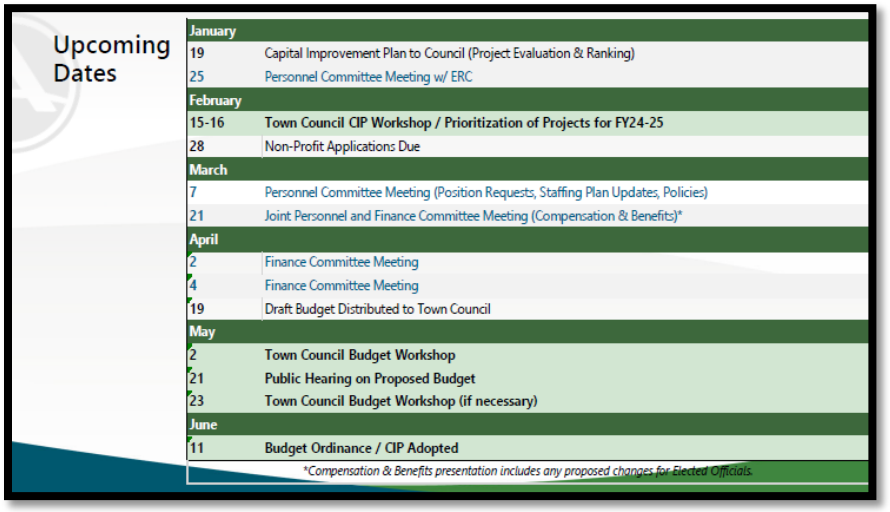
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[SLIDE 7]



[SLIDE 8]



Mayor Gilbert opened up Public Hearing for this item

First to speak was **Elizabeth Stitt** of 3113 Friendship Road:

"You know I'm a data geek, and I have read the budget the last couple years back and forth, back and forth. But given the conversation that I had a week or two ago, and over the last six months, about the town's desire to take part of my property through condemnation, it made me wonder how much money does the town actually pay for legal fees to condemn people's property. And so I couldn't find it in the budget, there's not actually a line item for it in the budget, what happens is, as it's been explained to me is the legal fees are rolled up into the overall project, so no one in the community really knows how much money you're paying to condemn property. We also don't know how much money you are paying to buy the people's property. I'm still digging through some of the beginning and ends of the cases, but this kind of information is important, this is Apex citizens tax dollars, and so we're just asking to have a little more transparency, because if you are going to condemn someone's property, you voted for it, so it should not be something that is hidden, and

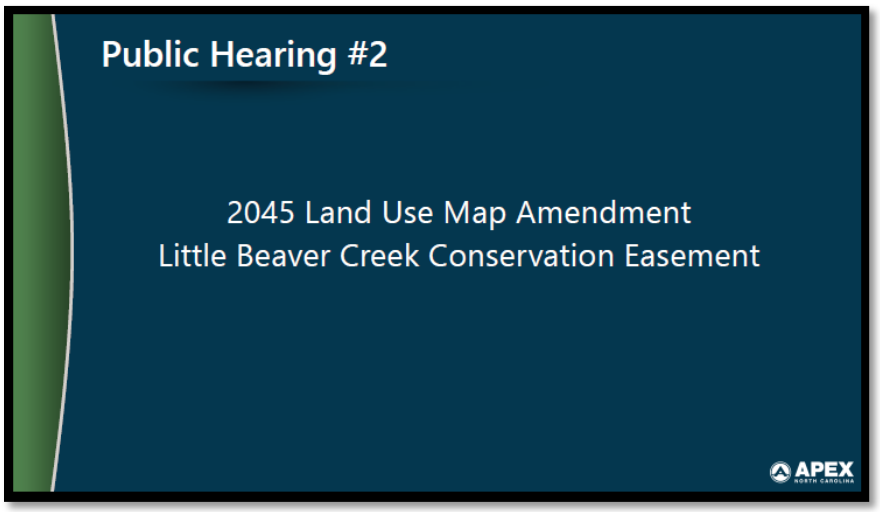
those of us who have been threatened with it, and I have had people who have had their properties taken, is a pretty heavy thing. You try to talk to people around you and they're like what do you mean, Apex doesn't do that. And it's kind of like, well, yes, sometimes things happens. Sometimes things don't go right, like the first project there. The White Oak Pump Station. Everybody knows Beverly Rubin, who lives out on Olive Chapel Road out in the Friendship-New Hill area, we know all about it. I mean if you look at the total, I'm sure you guys have seen the total so I'm not going to put that out there, but I want you to stop and consider, is it worth this kind of money? Maybe you offer money up front. More, more so, than forcing people to go to court. And have you looked at how much you offer initially, and how much they actually get, after having to go through a trial? So I just ask for the budget to have some more transparency on the decision that you're making, because I will be talking to my community and my neighbors, and I simply don't want to have to say yes of course they're doing this. I think it's fair for you guys to own the activities that you're going to do. Thank you."

With no further sign ups, **Mayor Gilbert** closed Public Hearing for this item. He said the next Public Hearing for the Budget is scheduled for May 21st, 2024, and the proposed adoption is scheduled for June 11th, 2024.

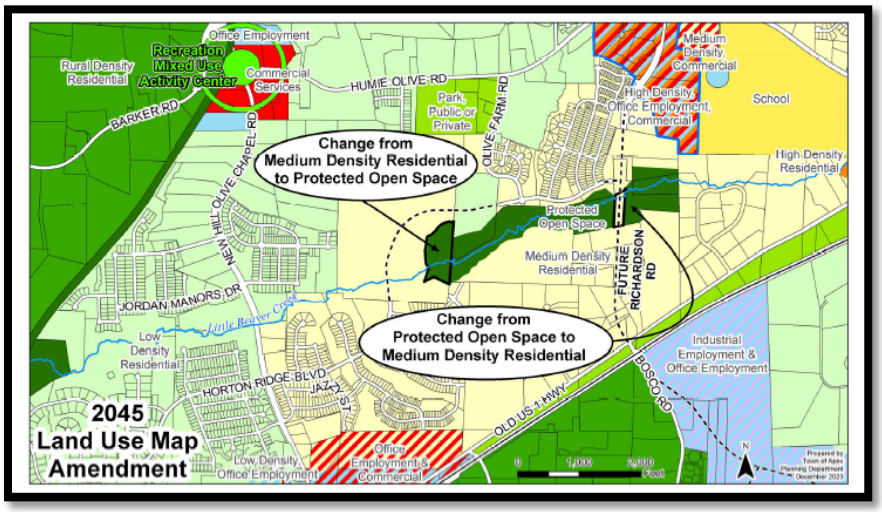
PH2 2045 Land Use Map Amendment - Little Beaver Creek Conservation Easement

Shannon Cox, Long-Range Planning Manager, gave the following presentation regarding the 2045 Land Use Map Amendment – Little Beaver Creek Conservation Easement.

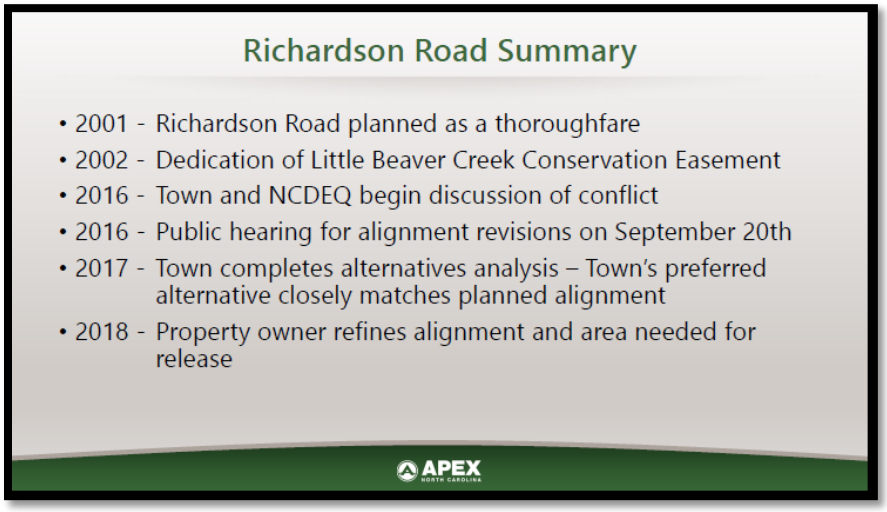
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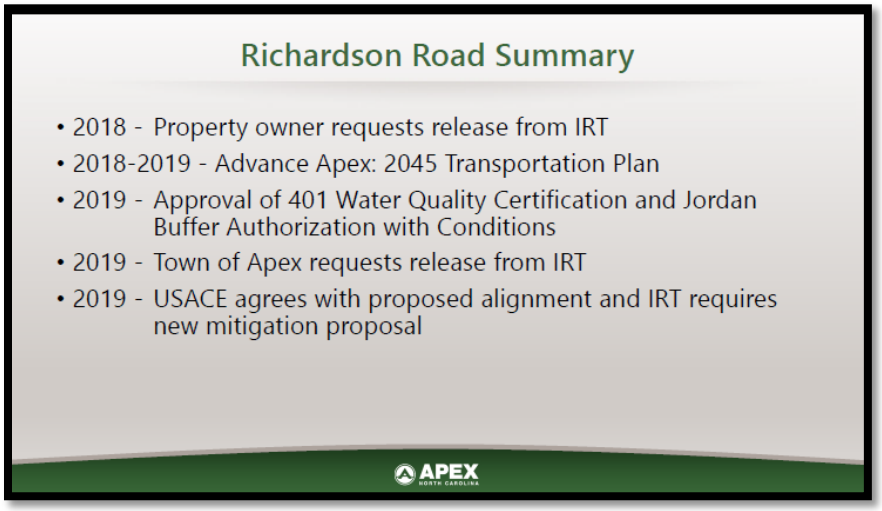
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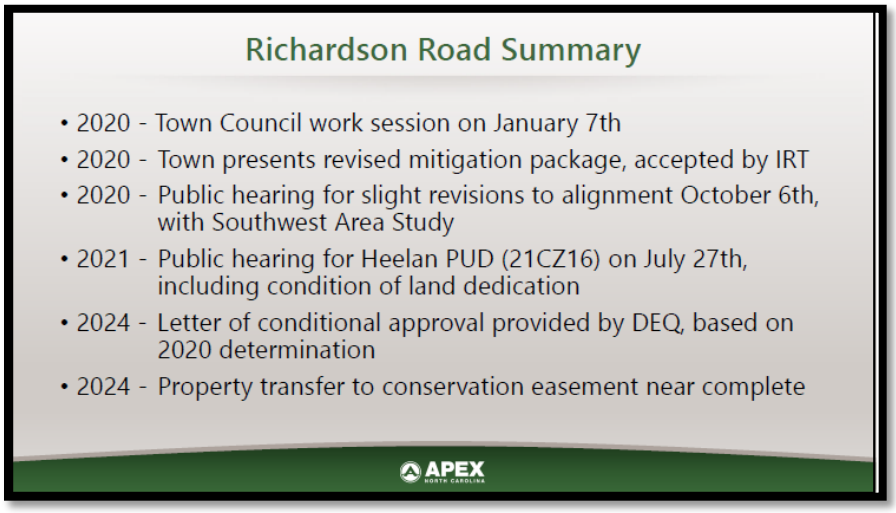
[SLIDE 11]



[SLIDE 12]



[SLIDE 13]



Councilmember Mahaffey asked if she could summarize the exchange that is happening.

Ms. Cox said they presented a minimization approach, which would bridge the conservation easement, and limits the footprint and construction easements needed. She said there was a minimization fee they are working with NCDEQ to agree upon. She said there would be about 8 acres of conservation land given in exchange for the 2 acres of land released for the project.

Councilmember Gray said he appreciated the summary, as there were lots of questions at Planning Board. He said she explained the years of progress that took place to get her. He said it seems they are gaining more protected space with this amendment.

Ms. Cox said this amendment is to reflect the change on their map. She said the actual commitment has already been done prior to this amendment.

Councilmember Zegerman asked what would be the consequence of not approving the map update right now.

Ms. Cox said it would mean the map would not reflect what is expected with the properties. She said the department and the public use it for planning. She said other than that she is not aware of potential consequences.

Councilmember Zegerman asked if the Heelan PUD would still happen, since that was approved by Council already, and the road would still go here, this was just a map update.

Ms. Cox said yes, the planning work has been done for this route. She said south of the easement there would be planning and survey work to be done, and there is no funded public project there.

Councilmember Zegerman asked if the filing of the property to become conservation easement was in reaction to the town planning the road through it.

Ms. Cox said she could not speak to the intent of the property owner, but DEQ was not aware that the town had the road planned for this location, based on what they said when they accepted it.

Councilmember Mahaffey asked if the DEQ evaluated potential projects in an area when accepting property.

Ms. Cox said she doesn't think that was happening at that time. She said they were the first to go through this process of identifying a conflict between a Municipal adopted plan and a conservation easement, but there have been more since. She said the process is becoming more formalized.

Councilmember Gantt said if the goal of doing the easement was to make things more difficult for the town, it worked.

Councilmember Zegerman said he was somewhat annoyed with where the town is with this. He said residents have reasonable expectations for conservation easements to mean that the land is protected land. He said in this case, the road was planned before the easement was established. And while this may feel vindictive, they can't go back 20 years to know anything. He wanted to be clear that the vote tonight was just to update the map, and that the project would happen no matter what.

Ms. Cox said the letter they received outlined that the town still needs to meet the conditions of the release agreement, and the property transfer needs to occur. She said it is correct that adopting this amendment does not change that part of the process.

First to speak was **Kurt Kuechler** of 2721 Silver Stirrup Lane:

"I had a pretty good idea what I was going to say, but thanks to Arno, he opened up a whole new train of thought here. I very much appreciate that comment, and you will notice on that timeline, that yes the town had thoughts that they needed a road in this area, that's still up for debate as to whether this road is even needed or not, but they've been hellbent on seeing that this road gets put through. Again, if you go back to the timeline, yes the conservation easement got put in place, it was put in place by Robert and Elizabeth Olive. Ms. Olive is deceased now. She has no way to comment any further about what you all are trying to do, to her intentions. A conservation easement is unconditionally and irrevocably a grant forever, in perpetuity. Y'all decided that means nothing, we've got to have this road, so we're going to do everything we can over the rest of this timeline, from 2002 to today, to make sure that those words mean nothing, because you want a road. That stinks. And your sales tactic to the public, of we're only taking 2 acres, but look, we're getting 8 acres. Those 8 acres to begin with are crap land from the developer's point of view, they would never have been able to build anything on that to begin with, they're happy to give it over to you, it was probably part of the RCA, when that development was approved. It was probably already carved out as conservation area. So you're not giving us anything else. We already had it. So quit quit selling it that way."

Mayor Gilbert thanked Mr. Kuechler for his comments.

Next to speak was **Michael Hinsley** of 3217 Hinsley Road:

"Mayor Gilbert, I wonder if you personally recall Hinsley Road, you drove our school bus in high school a time or two, stopping to pick us up on Old US 1. Specifically, my sister and I, well I was in elementary school, we go way back. We're both originals. For most who don't know me, I'm native to the area, I grew up on Hinsley Road, and apart from the time I spent active duty and overseas with

the Navy, and several years in California with the corps of engineers, I lived either within, or in close proximity to Apex proper. I attended AV Baucom, Apex Elementary, Apex High School. My first real job was at Horton's Hardwar on Main Street where Salem Street Pub now sits. My roots run very deep here, as do my families. Both my mother and father went the Apex High, where Apex Middle School sits right now, and there are many buildings in Apex whose brick and block masonry were built by my grandfather, my dad, my uncle, my great uncles, and although we did not live in the town limits, my family quite literally had a hand in building Apex. Including the old brick fire station still there on Main Street. Now for multiple decades, back to the early 60's, the Hinsley family has owned and resided on the property surrounding the current Hinsley road in New Hill, and we've always strived to be good neighbors to those around us, including the Town of Apex. And as time has gone by, people of similar mindset have taken residence among us to form our community of neighbors. This started with Robert and Caroline Halberd in the 80's, and the Rayhaws and Defriezes in 2021, we care for each other, we care for each other, we look out for each other, and we value our little community greatly. And we all understand that progress and prosperity is driven by growth, and that change is an inevitable component required for that progress. As such, we understand Apex's need to plan for interconnectivity and expansion, and have willingly participated in conversations surrounding those plans. Including discussions of some way for Richardson Road to come across the old Olive family farmland, tying to Old Us 1, across the CSX rail line, and then connect to the roads to the south and east in the Holly Springs network. Our commitment to being open to change, and to being good neighbors, is clearly demonstrated by those discussions, as well as recent negotiations over the past year or so, for a gravity sewer main easement to cross Hinsley Road land, as requested by neighboring developers, which has gone through. In being good neighbors, we have tried to be transparent and operate in good faith during all of that. So it was with great surprise, disappointment, and quite frankly frustration that we learned in early January of this year how the conceptual dotted line, showing the extension of Richardson Road in the general vicinity of Hinsley Road, and I've got examples, see exhibits A-F in the back, is now a set specific alignment, which the Town of Apex has progressed, without the knowledge or input from the property owners on Hinsley Road, for at least 6 years. Studies were commissioned, alignments selected, and a series of decisions made which locks in that alignment, requiring a bridge across wetlands within the conservation area being discussed tonight. What's even more unsettling is that these decisions made behind closed doors and without public input, were already well underway, when the property owners, including my father, who is here tonight, were asking specific questions about where the alignment was going to land, what did the town intend to do. And he was told, they were told, you don't need to worry about that, it's just a dotted line on the map, we haven't even sent anyone out to look at it yet. This was in the 2018 timeframe. After the route assessments had already been completed with route assessments and survey documentation in hand, and after the bridge alignment requiring this partial release, had been committed to. This implication, that someone would come out before decisions were committed to never became a reality. I also think it's significant to note that the adjacent developers were apparently fully aware of the town's plans. It was just those impacted the most that were in the dark and out of the conversation. Now we're still trying to understand all of the decisions that have been made, having just learned two weeks how far all of this progressed. But one particularly troubling realization, is that the information upon which the decision has been made appears to be incomplete, inaccurate, and uninformed. The alternative routes used to determine this

least impactful final alignment, which you can see Exhibit H, I've provided an example of that, appear to be arbitrarily or even intentionally exaggerated, creating a strawman argument that drives the outcome of the assessment to the one desired result. Additionally, the status of the adjacent property was mischaracterized in conversations with NCDEQ, that's in Exhibit I, creating false premise upon which to make decisions, and that premise is being used to justify punching a hole in a decades-old conservation easement, put in place by members of the Olive family, our former neighbors, who knew that development was coming and wished to protect the area. This desire is clear form the language in the conservation easement itself. And I recognize some of you are asking what does this have to do with what we are voting on tonight, the change you are voting on tonight updates the land use map and removes the last remaining obstacle standing in the way of the bridge and the road alignment. Since all proposed Apex projects reference this map prior to their approval, voting to amend and incorporate this change green lights the corridor through the easement of your guiding document. It also locks in the alignment, which in turns frees up the adjacent open space to be developed, despite their being a more efficient, less impactful possibility, that avoids the easement all together through currently open space. Once development of that space is started, it will be impossible to do anything but build a bridge and the road, which consumers six of our homes, yields a significant part of our property and ancillary buildings effectively unusable, and destroys both the mid-19th-century family graveyard, and the original residences in its path. Just by existing as the only future option, this creates significant direct impacts on our future property usage and values. I know that those who will say the decision to commit to this alignment was made long ago, and that the vote tonight is an administrative one for a guidance document, they'll also likely say the time for this kind of discussion was when the decision was being made, to which I would say I would absolutely agree. If only we had been invited to participate in the discussion with the developers to our west, north, and east before the decision was made. We could have pointed out our concerns to better inform the decision-making process, for example, no one from the town has ever been out, nor sent anyone else out, to see the land that they plan to build upon. They were not even aware of the mid-19th century family graveyard that I just mentioned, until I told them this past Friday. After 6+ years of working to get this alignment locked down the town still has no idea that their selective alignment runs right over the top of it, and it was not accounted for at all in their alignment comparison. Other things we would have highlighted: the town has provided a condition precedent that Richardson must hit the Bosco Road rail crossing, but have admittedly never made any attempts at engaging CSX for other potential options, despite there being proposed alternates by other planning organizations, see Exhibit F. Town staff simply assumed that it would be too difficult, based on past negotiations with the railroad, for adding a new crossing in a congested area close to downtown. It's a completely different situation than shifting an existing railroad crossing like Bosco. Having personally worked with the railroads in my time with the Army corps, I know they can be challenging. But I also know it costs nothing to ask a question. We also have the town's comments that designing construction of the road is not currently programmed, and that future construction would likely be funded by a developer who purchased that property. I know this is intended to assuage feelings of uncertainty, which I appreciate, but it actually highlights a long-term concern. The developer who constructs this road, and even if they're only required to give the right of way for it to be built in the future, will by default have reduced profitability on the purchase, which directly translates to lower purchase price for the existing property owners. So, it indirectly transfers the cost

burden of that road onto us. Keep in mind we have no near term interest in selling for development, but that doesn't mean it's right to force the burden of the town's future expansion on the backs of people who aren't even in the town's jurisdiction. And that doesn't even begin to get into the longer range concerns of eminent domain by the town, should none of us choose to sell to a developer over the next 20 or 30 years. So I'm here tonight to make it clear that we intend to challenge the town on this series of decisions should it continue to progress. I shall let you know we have engaged legal counsel, and initiated a series of public document requests to civil documentation and also be engaging a third-party engineering firm to review and opine on the alignments generated. I would ask all members of the Town Council to defer your votes on the proposed, pause on the progression of this line of decision making, until you and your representatives are able to take a close look at the decisions being made and the resulting impact. This is a very serious issue. Thank you for your time."

Mayor Gilbert thanked Mr. Hinsley for his comments.

Next to speak was **Elizabeth Stitt** of 3113 Friendship Road:

"I promise this is the last time I'm speaking tonight, and it's a good thing because I am going to go in a totally different direction than I had planned. So, my son-in-law is the grandson of Elizabeth Olive, and we are her tonight with these two women who are no longer with us, and mee-maw passed away in November, so how dare anybody suggest that she had a vindictive bone, how dare you. She did not have a vindictive bone, so before you start suggesting about character, you need to stop and consider maybe she truly loved her dairy farm. If you go back and you look at the application or the conservation easement, they had a true flooding issue that was messing up the dairy farm. Period. And DEQ does not care what Apex does back then, they're not going to consult. If there is an environmental issue with a piece of agricultural land, with dairy cows on it, guess what they're going to do, they're going to help mitigate it, because it is a harm to the water and she is in the watershed for Jordan Lake. So, it was done with pure, good intentions. Now mee-maw was interviewed for the 150th Anniversary videos for Apex, so if you'd like, go look her up. And you will see there is nothing vindictive about mee-maw. So I'm going to need to set that aside for the moment, but you know I've been around a lot these last two years, really digging into everything around our community, and every time I have ever said anything about Richardson Road, whether I have heard you guys talk about it in a public hearing, whether I came and made comments to you, whether I made comments to staff at the different open houses, consistently I have been told, it's not a funded project, we'll figure it out when we get to it. So, I was blindside, I saw this just by pure dumb luck, that looked at the Planning Board agenda, and I was like what is this? This is within walking distance, how do I not know after two years of conversation saying hey, I'm here to build a relationship, to try to bridge some of these gaps, and nobody, I don't know how many of you knew, but I can go back to the voting record, and I have, who were involved in the different votes on these neighborhoods, none of you, none of you gave me the consideration of saying hey heads up, it's not set, but the town is actually taking activities to do something. So I'm going to go home, I'm going to have my good cry over this whole thing, I cannot believe that anybody would be talking about mee-maw in the way she was talked here tonight, and I will show back up Friday to be constructive with Steve and Mike when

I talk to them, but if these two ladies beside us doesn't give you reason to be respectful, when somebody has passed away, please let today be the day you learn that lesson. Thank you."

Mayor Gilbert thanked Ms. Stitt for her comments.

Next to speak was **Fadi Rahal** of 3000 Old Us 1:

"Let me continue with a few things, I've also changed some of the points I've wanted to talk about. Thank you for making the point of what is protected, I'll leave it right there. I bought my house because of the land use map, I saw the protected area behind it. I bought my house knowing that we'll get to it, we'll get to it when we can. Let me also take a moment to help you explain, I do have a barn that was built in 1910, that's the reason why I bought. The people who sold me the house had many offers, they showed it to me, said Fadi, look we have many offers but we said no. And you know why we said yes to you? Because we know you're going to take care of this place. Come and visit me. Let me show you what I've done in the last 4 years in that place. Come and see. So other than being blindsided, please my point is clear, kill it. Just don't add this to the map. Just don't do it. Don't delay it. Just kill this idea. Okay, and one more thing, I told you I'm an investigator, and let me tell you what those investigation skills taught me. So I can teach you and you're going to remember this for the rest of your life. Okay, I don't know who knew about this at what time, okay, our investigation skill says if I'm to come and audit you, and find out that you knew about this and you did nothing about it, you're extremely guilty. However, if you did not know anything about it, I'm going to assume some of you did not know, it's fair you did not know. But now you knew, do the right thing. You cannot force someone to say you know what, just because of a mistake please approve it. No. You found a mistake, correct it. That's why you're in that position. Please do the right thing. It's not too late. It's not too late. Thank you."

Mayor Gilbert thanked Mr. Rahal for his comments.

Next to speak was **Scott Lassiter** of 209 Roundsby Drive:

"Thank you, Mayor, thank you Councilmembers, it's great to be back, it's an honor to be back in this chamber, honestly I've been tempted and asked in various occasions to come back and speak to my hometown governing body in the past and I've always resisted, knowing it's really not my place to do so anymore, you guys have got it. But, tonight I'm here to speak about something that's directly impacting the work I'm doing now, as Wake County Soil and Water Conservation District Supervisor. I Vice Chair that Board, a Board that's working actively and desperately to preserve easements, environmental conservation easements, agricultural easements, in what is a rapidly growing and developing county. So, some concerned, and rightfully so, neighbors reached out to me for help regarding this project. A plan that is going to interfere with this conservation easement, that's what brings me here tonight. Just for some context, 2002 was when this was recorded with the Register of Deeds. There was, there still is plenty of undeveloped land, in this area. This may be a convenient way to do it, there may be more costly ways to developers and to Apex, but I will say that all parties have had some notice of this easement since 2002. We've got some neighbors, folks, that are truly

concerned. I'll tell you what it's like sitting up there, and I was so thankful to no longer have to engage in land use decision, because you certainly don't make friends in them, it's the hardest work that you do. And I also am no stranger to looking out there and seeing angry New Hill residents. I'll be honest with you, some of you may remember when I was here. I'm just thankful that I'm on this side tonight. But looking at that proposal, and as a representative of Wake County, I will say that the first time that this was brought to my attention, even with all the work the county is doing around environmental protection and wetland protection, and easement protections, was this month, earlier this month by some aggrieved community members that are here tonight. So, I will say that if I wasn't aware of what was going on around a project that we directly work with in county government, I can't be surprised why these folks didn't understand it. You heard that you may be met with a lawsuit by neighbors, I'm just asking you and encouraging you to pump the brakes on this, because I think the narrative that is being portrayed, because I know many of y'all personally, I know what your campaign platforms are, I think the narrative that is being portrayed, rightly or wrongly, is in conflict with who you are. It's in conflict with what the Town of Apex is about. You've got community members that are feeling, because of what is happening with this conservation easement, that conservation is not important, and that development reigns supreme, not trees, not property rights, not historical properties, now not even protected conservation easements is what's in play here, and I don't believe that's what you actually believe. It's in conflict with myself, the county commissioners, again doing this preservation work, easements, again I just implore you to pump the brakes. This body, I want to say, and I'll end with this, does have the power to do something, does have the power to back down town staff, I understand what an uncomfortable position that can be, to look at your staff and not support a recommendation that comes forward, but I will say that at some point part of our job as elected officials is to remind staff who they work for, and that's ultimately us as representatives of the people. So thank y'all very much, I trust that you'll make the best decision you can."

Mayor Gilbert thanked Mr. Lassiter for his comments.

With no further sign ups, **Mayor Gilbert** closed Public Hearing for this item and moved discussion back to Council.

Councilmember Zegerman said he was frustrated that they were here. He said he would be equally frustrated if he were in their shoes.

Mayor Pro Tempore Gray asked where the town was with regard to the impact of not doing this road on the Friendship Station and the new PUD.

Ms. Cox said those are approved developments, and she doesn't think anything can be done to stop those projects at this point. She said they are moving forward with construction. She said the condition with Heelan PUD was to contribute those 7 acres. She said that and the other conditions in the IRT were considered sufficient mitigation for the removal of the 2 acres from the conservation easement.

Councilmember Gantt said the alternatives were presented to them. He said one of the possible routes conflicted with the school, while others went through residences, and Friendship

Station, and that the route aligns with what they see, with the expectation that the road would be a north-south major collector to US 1.

Ms. Cox said it would be a major thoroughfare. She said that it appears to be from the memo that VHB prepared for the town with those 4 alternatives. She said they all have residential impacts, or impacted the school.

Mayor Gilbert said there was a lot to think about here. He asked again what the impact would be if the town did not move forward with this tonight.

Ms. Cox said a vote on changing the land use map does not change what is happening. She said the land use map is meant to reflect this transfer of property and its subsequent release.

Councilmember Gantt asked if staff would anticipate substantial impacts to the other roads in the area if the road was never constructed down to Old US 1 and US 1.

Ms. Cox said it is anticipated for Richardson Road to have 20,000 vehicles daily within this corridor in the future. She said that is why it has been identified as a need.

A **motion** was made by **Councilmember Gantt,** seconded by **Councilmember Mahaffey,** to approve the 2045 Land Use Map Amendment to incorporate changes from the Little Beaver Creek Conservation Easement.

Councilmember Mahaffey said they were committed to this plan. He said a lot of the alternatives are no longer available because they have been developed and there are going to be homes there. He said part of Richardson Road in this area has been developed along with the Friendship Station PUD. He said the time to stop this was 10 years ago.

Mayor Pro Tempore Gray said this was one of those decisions that was always difficult, as there have been layers of decisions made leading to this. He said he appreciated Mr. Lassiter's comments, because it is a reflection of where they are standing. He said he reflects on the decisions actually before them. He said today it is about a land use map amendment. He said those maps are important because they help in planning and decision making. He says the years of decisions have compounded this issue. He said he doesn't like that, but there is stare decisis that needs to move forward. He said he agrees with Councilmember Mahaffey in regards to where the alternatives go. He said they may never end up making the connection, but he thinks this is the appropriate time to address the Land Use Map amendment.

Councilmember Zegerman asked why the map was not updated in the past, and why is this coming to them now. He said as a matter of principle, they have made a mission to pay more attention to preservation, and he said this feels to go counter to that. He said conservation area must mean something. He said he has a fundamental problem with them coming before them right now.

Councilmember Mahaffey said this is coming before them now because the actual swap is about to happen, and the map will be reflected for reality. He said 8 acres of conservation is more than 2. He said the state has agreed to this because they are getting a good deal for conservation.

Councilmember Zegerman said he gets it.

VOTE: 4-1, with Councilmember Zegerman dissenting

Councilmember Mahaffey asked for a 15-minute recess.

Mayor Gilbert announced a 15-minute recess.

Council took a recess at **8:08 PM**

Council returned to session at **8:25 PM**

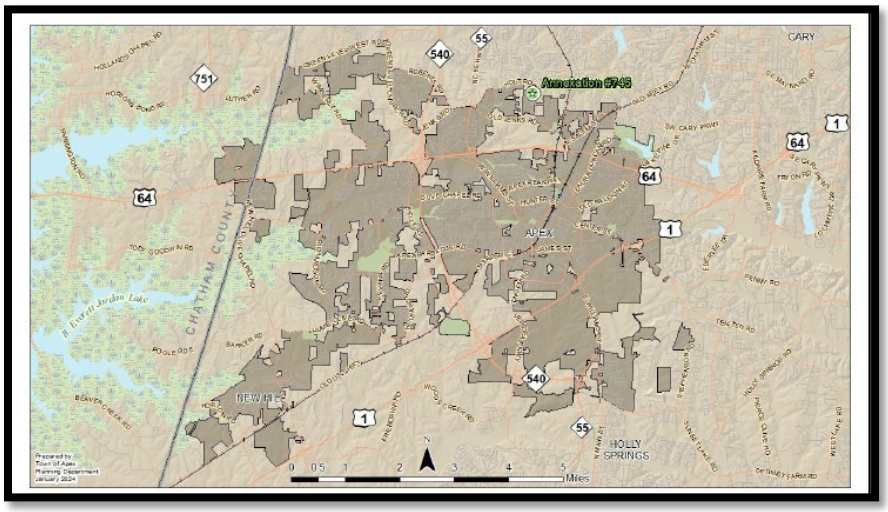
PH3 Annexation No. 745 - The Preserve on Holt - 5.367 acres

Dianne Khin, Planning Director, gave the following presentation regarding Annexation No. 745 – The Preserve on Holt.

[SLIDE 14]



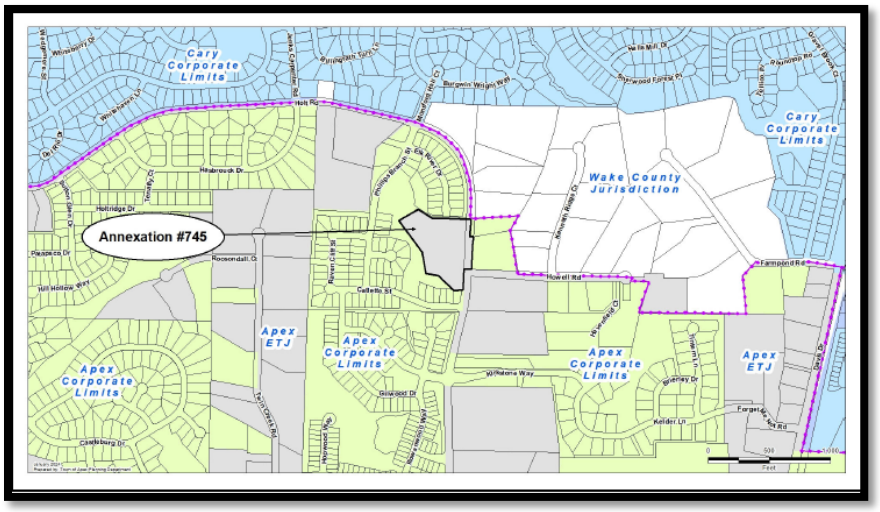
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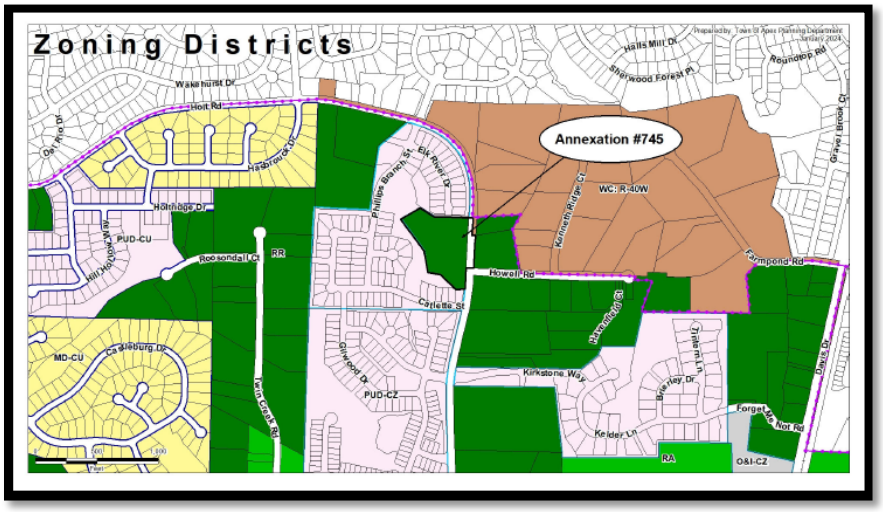
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[SLIDE 18]



Councilmember Gantt asked if any road access to the future homes was contingent on the annexation.

Director Khin said no.

Mayor Gilbert opened up Public Hearing for this item. With no sign-ups, he closed Public Hearing and moved discussion back to Council.

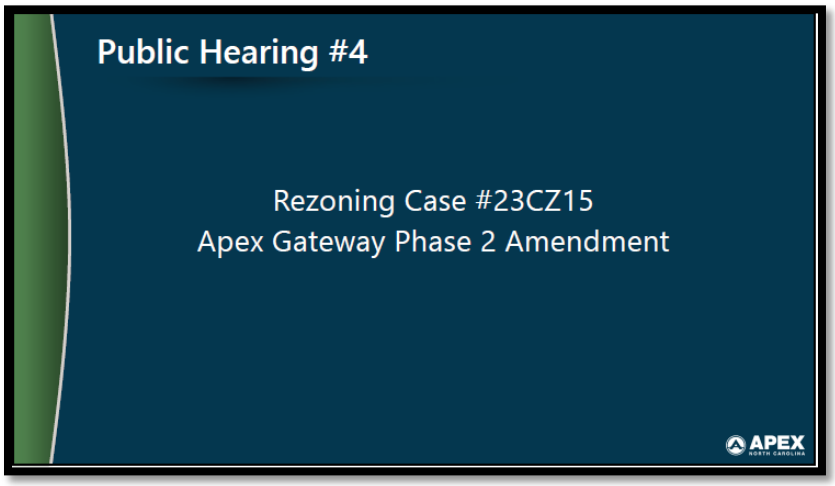
A **motion** was made by **Mayor Pro Tempore Gray,** seconded by **Councilmember Killingsworth,** to approve Annexation No. 745 – The Preserve on Holt.

VOTE: 4-1, with Councilmember Mahaffey dissenting

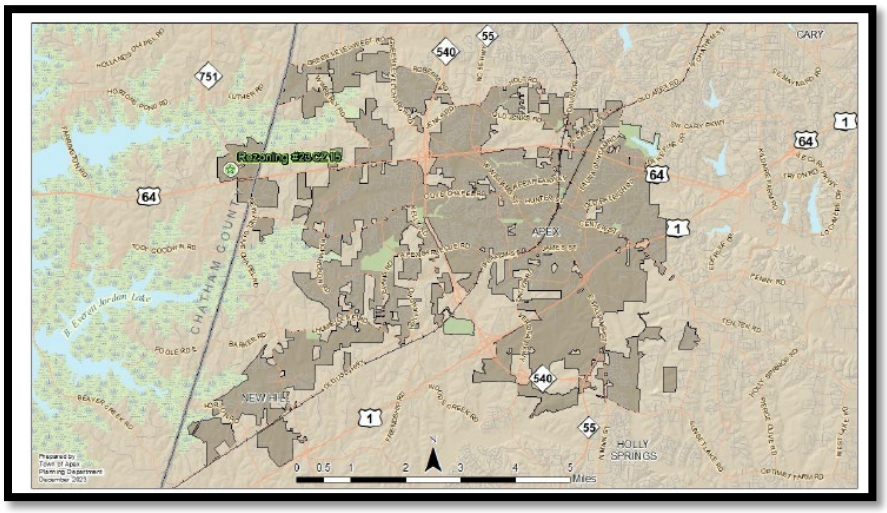
PH4 Rezoning Case No. 23CZ15 - Apex Gateway Phase 2 Amendment

Amanda Bunce, Current Planning Manager, gave the following presentation regarding Rezoning Case No. 23CZ15 – Apex Gateway Phase 2 Amendment.

[SLIDE 19]



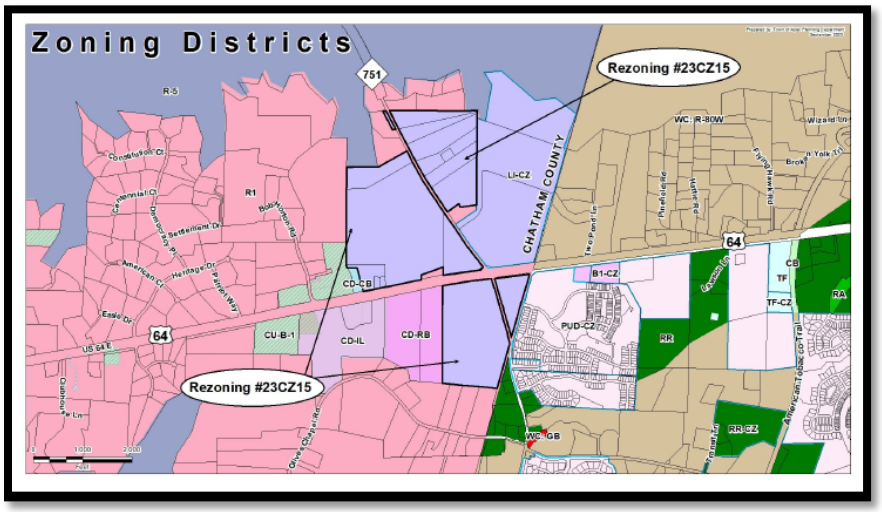
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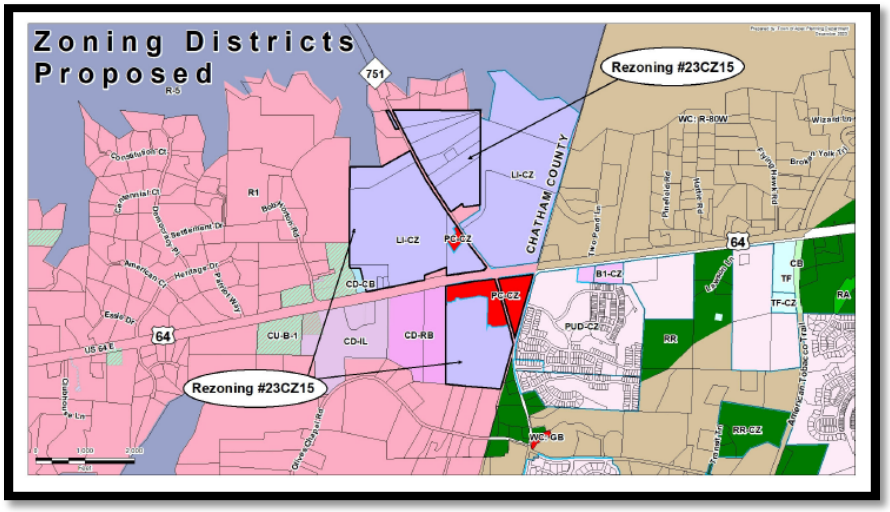
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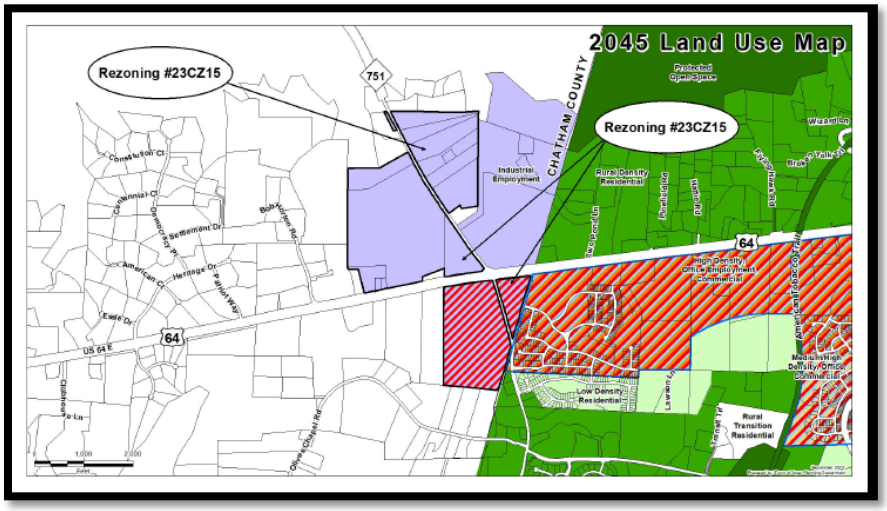
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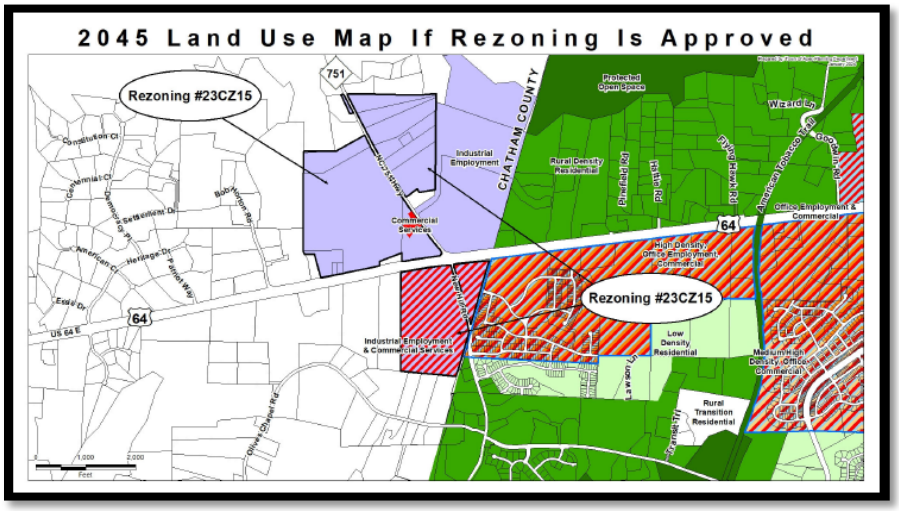
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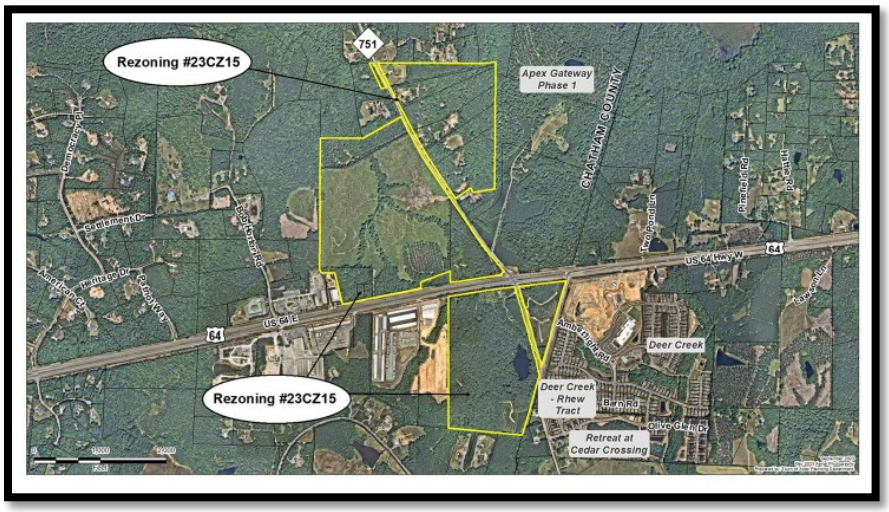
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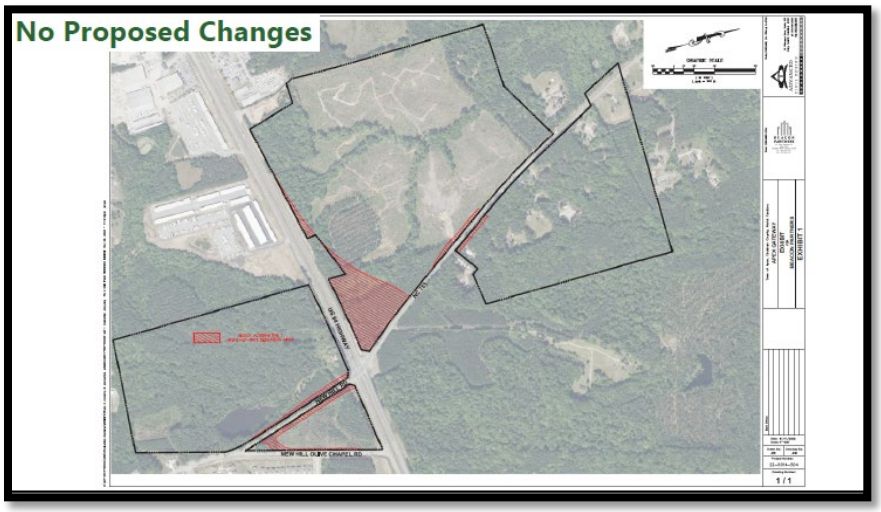
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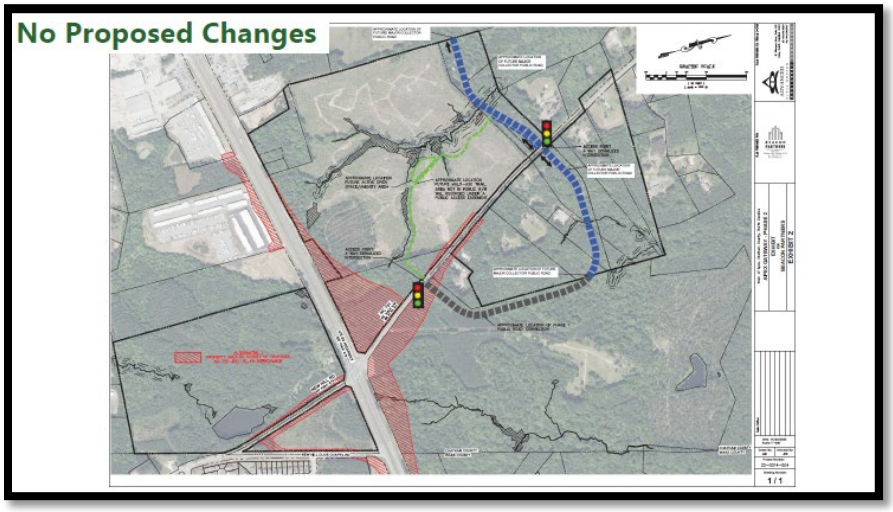
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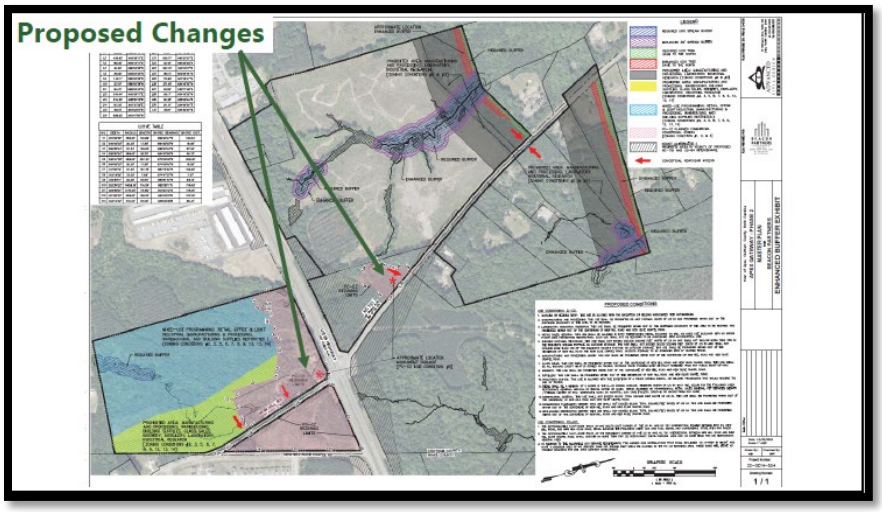
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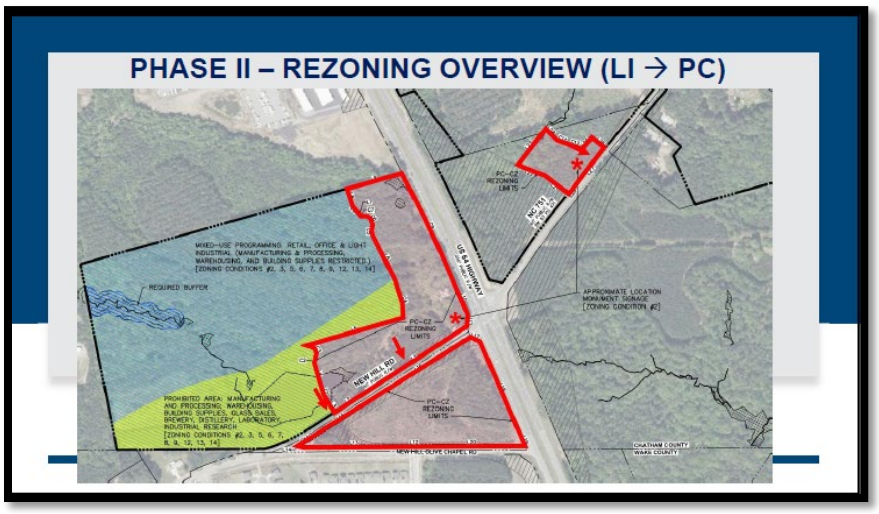


Grey Harrell, of Beacon Partners, on behalf of the applicant, gave the following presentation.

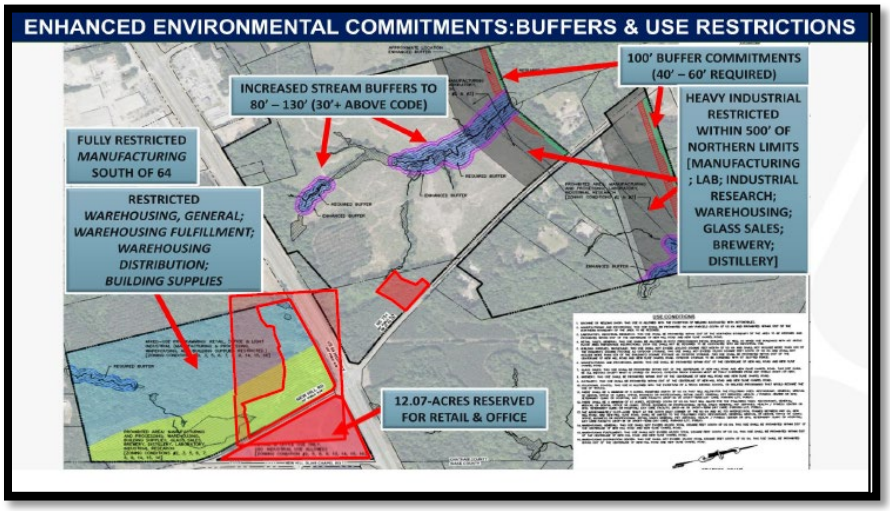
[PH4 APPLICANT – SLIDE 1]



[PH4 APPLICANT – SLIDE 2]



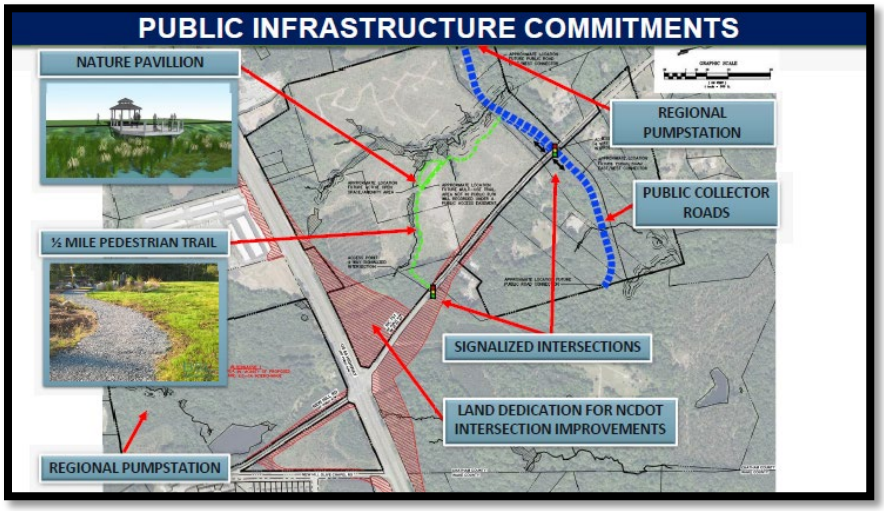
[PH4 APPLICANT – SLIDE 3]



[PH4 APPLICANT – SLIDE 4]



[PH4 APPLICANT – SLIDE 5]



[PH4 APPLICANT – SLIDE 6]



Councilmember Gantt said he thinks the demand for gas stations will go down over time with the rise of EVs, and the difficulty of underground tanks makes it so he doesn't want them anymore. He said they may not be useful in 15 years. He said they're also usually ugly. He hopes the site plan can hide some of those negative features.

Mayor Gilbert opened up Public Hearing for this item. With no sign-ups, he closed Public Hearing and moved discussion back to Council.

Councilmember Mahaffey said he hasn't received any feedback from the surrounding residents about this proposal, while he had received a lot for the original proposal. He said at the time he was pushing for more commercial uses that could be amenities to the surrounding neighbors, and he thinks this is a positive change for that. He said he thinks residents will like that aspect of the project in place of Light Industrial uses, even if they may still object to the project as a whole.

Councilmember Zegerman said there was a lot of requests to limit Light Industrial when this was first proposed, and he thinks this a positive change.

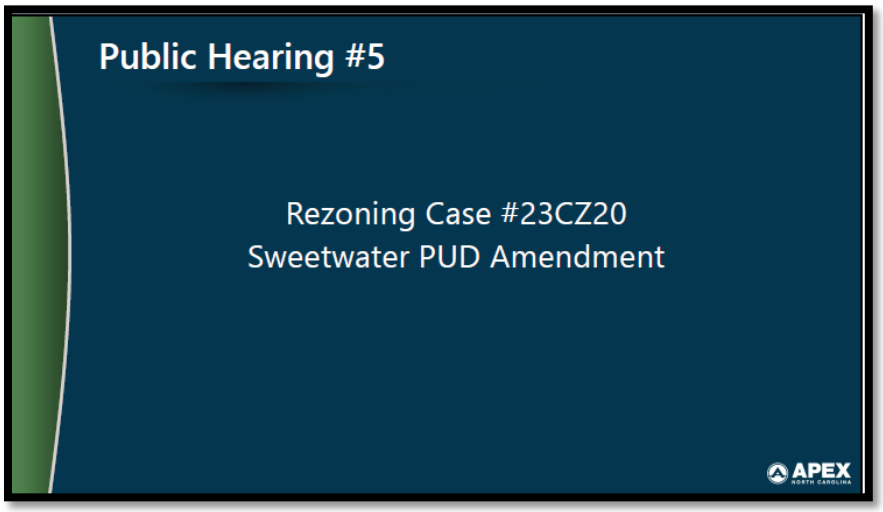
A **motion** was made by **Mayor Pro Tempore Gray,** seconded by **Councilmember Mahaffey,** to approve Rezoning No. 23CZ15 – Apex Gateway Phase 2 Amendment.

VOTE: UNANIMOUS (5-0)

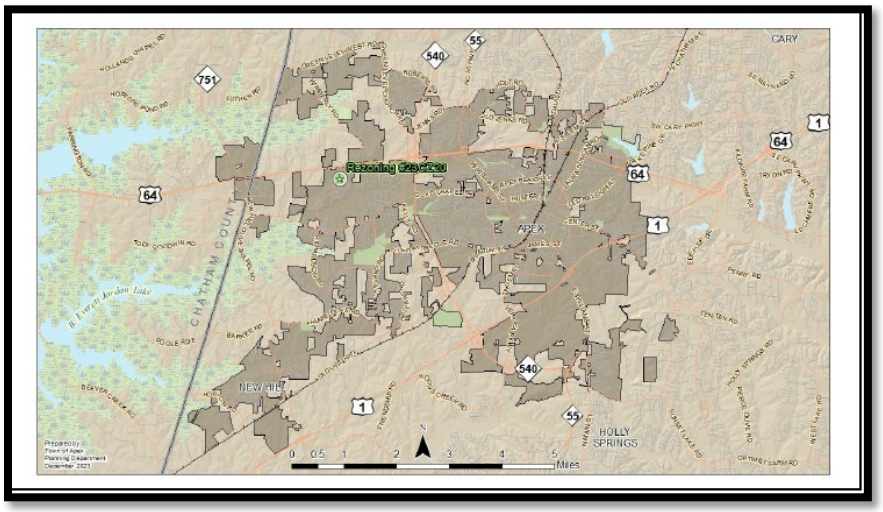
PH5 Rezoning Case No. 23CZ20 - Sweetwater PUD Amendment

Amanda Bunce, Current Planning Manager, gave the following presentation regarding Rezoning No. 23CZ20 – Sweetwater PUD Amendment.

[SLIDE 30]



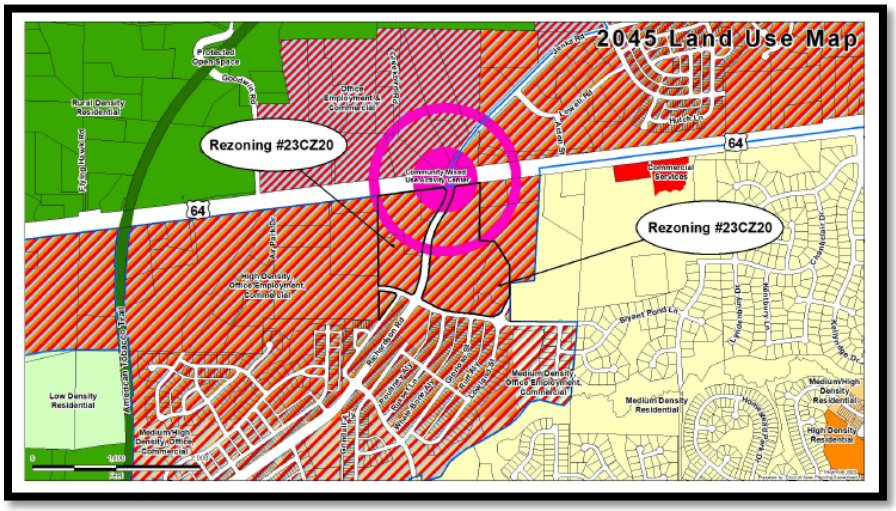
[SLIDE 31]



[SLIDE 32]


Rezoning #23CZ20
Rezoning #23CZ20
Townes at Westford
64 West Business Park
Security Self Storage
Communication Tower
Deck Air Park
Smith Farm PUD
Sweetwater
Lightbridge Academy
Sweetwater Amenity Center
Tinkerbell Rd
Goodwin Rd
Richardson Rd
Tinkerbell Ln
Tinkerbell Ct
Tinkerbell Pl
Tinkerbell Cir
Tinkerbell Way
Tinkerbell Trl
Tinkerbell Dr
Tinkerbell

[SLIDE 35]



[SLIDE 36]



Marvin Waldo, on behalf of the applicant, gave some comments. He said they have tried really listening to Apex and what they want on the site. He said they have tried to be malleable with the market conditions as well. He said he has gone under contract with a Marriott property, and it is planned to be designed to add more energy to the property, and it would help add meeting space. He said he thinks the community will be happy the have a first-class hotel there.

Councilmember Mahaffey said they did a previous rezoning last year, and they were told they needed to remove some of the buffer to fit a hotel. He asked if this hotel is now going where the office building is being moved from in this proposed amendment.

Mr. Waldo said he couldn't know it was for a hotel then, he said that was for anyone who would need to come back later and change. He said he always dreamed of a hotel being in the middle of the big lawn. He said they are 95% leased on the whole property, and that made the hotel feel more comfortable about not being on the road. He said they are looking doing more family entertainment related uses on the road front portion.

Mayor Gilbert opened up Public Hearing for this item. With no sign-ups, he closed Public Hearing and moved discussion back to Council.

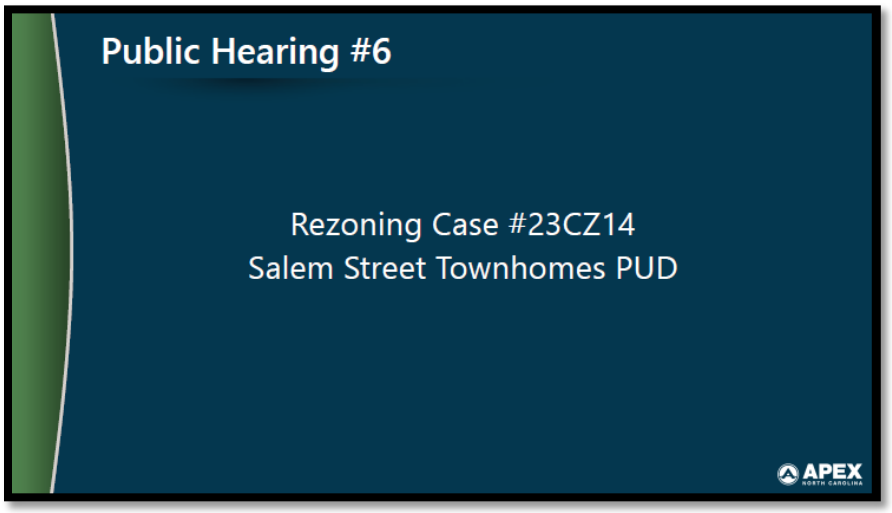
A **motion** was made by **Councilmember Zegerman,** seconded by **Councilmember Killingsworth,** to approve Rezoning No. 23CZ20 – Sweetwater PUD Amendment.

VOTE: UNANIMOUS (5-0)

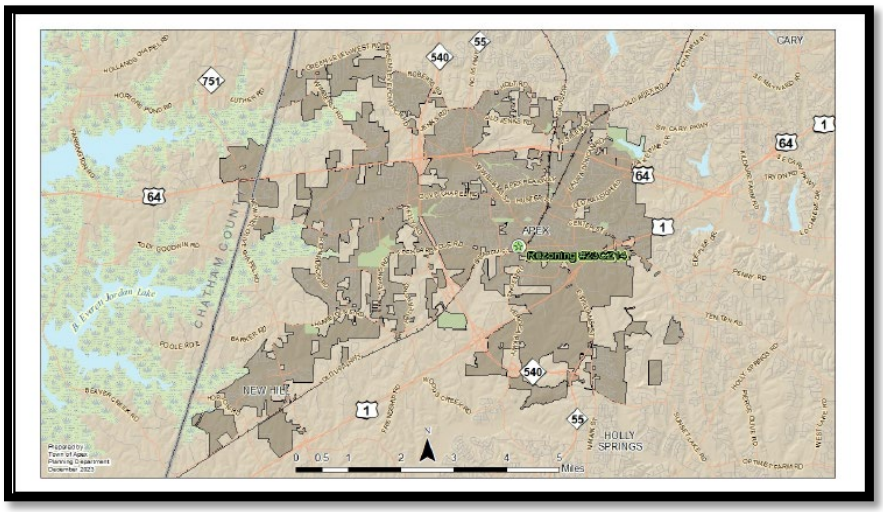
PH6 Rezoning Case No. 23CZ14 - Salem Street Townhomes PUD

Liz Loftin, Senior Planner, gave the following presentation regarding Rezoning No. 23CZ14 – Salem Street Townhomes PUD.

[SLIDE 37]



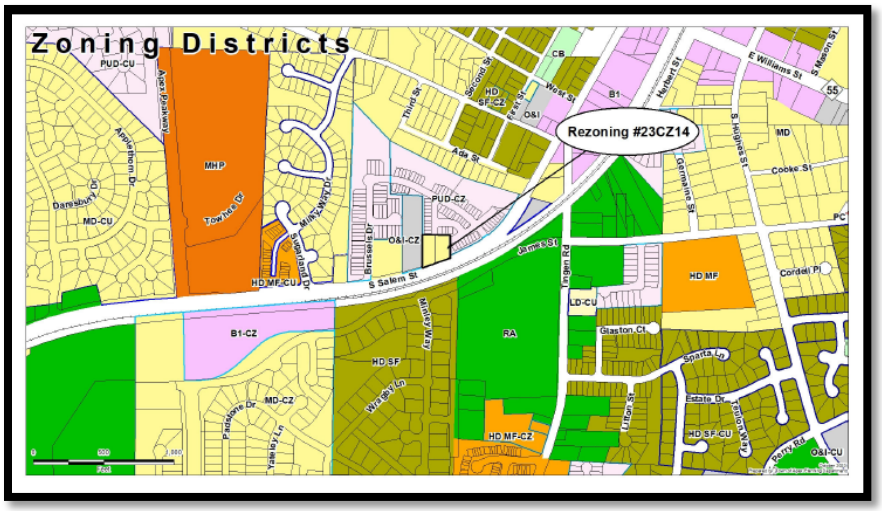
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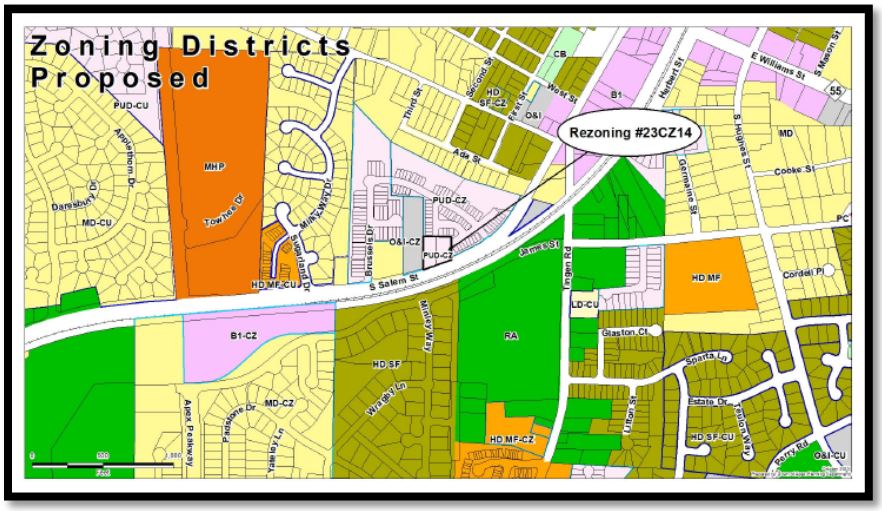
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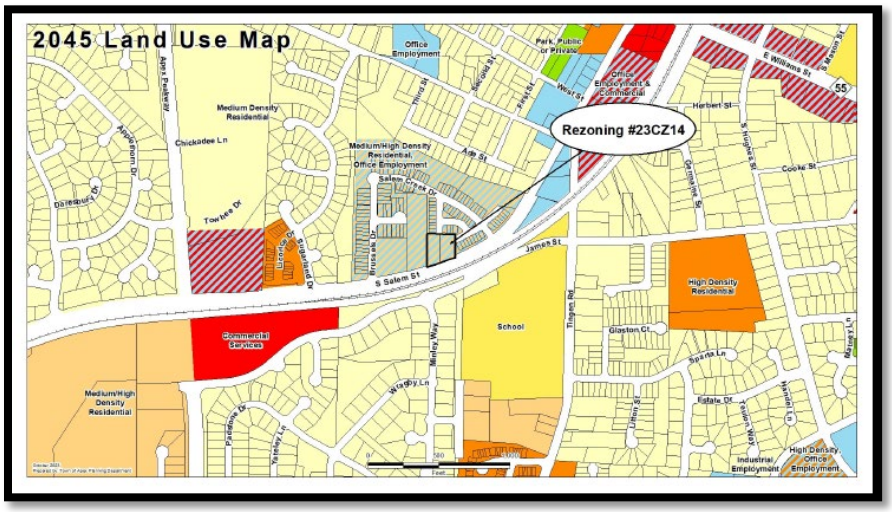
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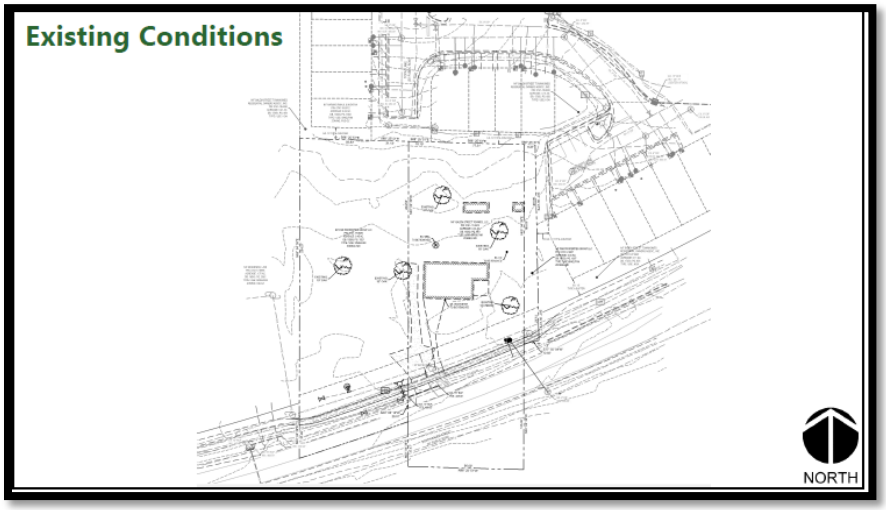
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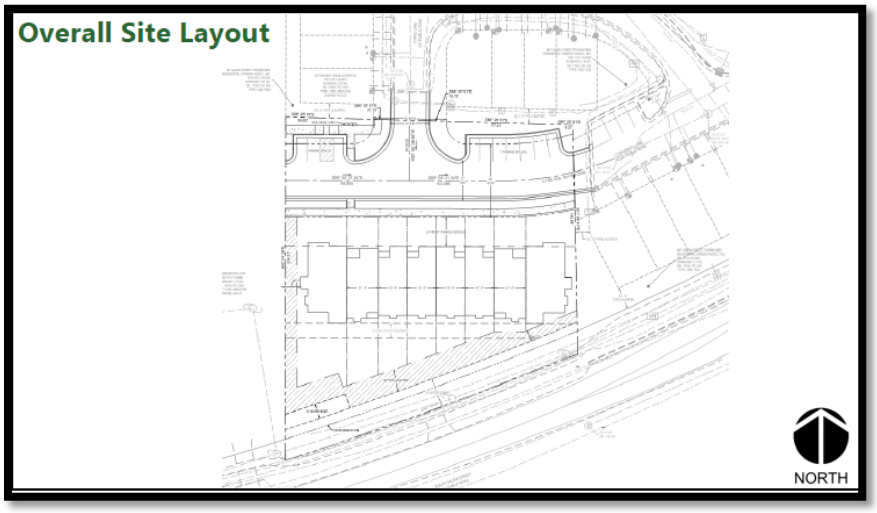
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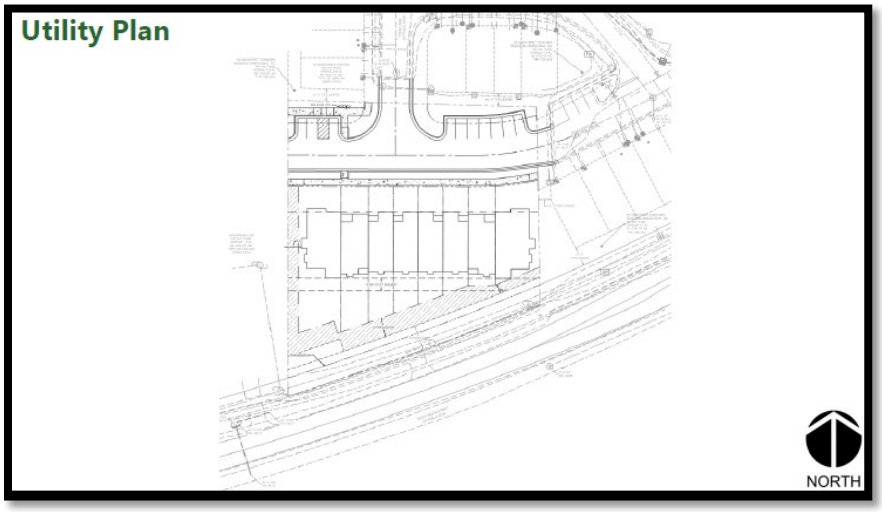
[SLIDE 43]



[SLIDE 44]



[SLIDE 45]



[SLIDE 46]



[SLIDE 47]



Councilmember Gantt asked if they had worked with the developer to make sure the roads would align if everything ended up getting developed together.

Ms. Loftin said they looked at multiple layouts for the property, and she believes that was one of the reasons they provided internal connections rather connecting to Salem Street.

Mr. Dalton said the applicant had a number of constraints on this property, and this is trying to get this road a little farther away from Salem to fit the units in.

Scott Moore, of the Cooley Group, on behalf of the applicant, thanked staff for working with them, and said the road alignment was made for safety and maneuverability, and offered to answer any questions.

Mayor Gilbert opened up Public Hearing for this item.

First to speak was **Brendan Fetter** of 1314 Topaz Lane:

"Mayor Gilbert, members of the Council, thank you for the privilege of speaking here today. Point of privilege, if that's okay, being the HOA president in Salem Creek, and being so close with South Walk, I really want to thank everybody here, staff has been great, Mayor, members of the Council have reached out to me personally with what we can do to support our friends and neighbors in South Walk and our community, it's really meant a lot to me, our neighborhood, their neighborhood and our entire community. I want to say this entire process has been great working with Scott and his team, their initial plans came to us and we've had a significant parking issue in our neighborhood, which you've seen if you walk by, and the 7 years that we've been there, we've had about 100 non-emergency complaints to the Police Department, we've had about 30-35 blasts go from our management company, 2 residents reminding them kindly of our parking issues, so we've made it very clear that we cannot take any more parking concerns into our neighborhood from this

development. Scott and his team were phenomenal through that process, making sure that we added adequate parking, and they have gone above and beyond adding that parking, and I am so greatly appreciative as an HOA Board Member, and our community is so grateful. Our community support at that initial planning was loud and clear, we had about 3/4ths of our residents there, and that totally shifted the conversation, and that resulted in that unanimous planning board decision a few weeks. I humbly ask the Board that we need this going forward, and keep this as planned right now. Thank you."

Mayor Gilbert thanked Mr. Fetters for his comments. With no further sign ups, he moved discussion back to Council.

Councilmember Mahaffey thanked the applicant for working so closely with the neighbors, and he thinks this will be a positive for the community.

Mayor Pro Tempore Gray said he also wanted to thank the applicant, because he was responsive to the needs of the community, and that means a lot.

A **motion** was made by **Councilmember Mahaffey,** seconded by **Mayor Pro Tempore Gray,** to approve Rezoning No. 23CZ14 – Salem Street Townhomes PUD.

VOTE: UNANIMOUS (5-0)

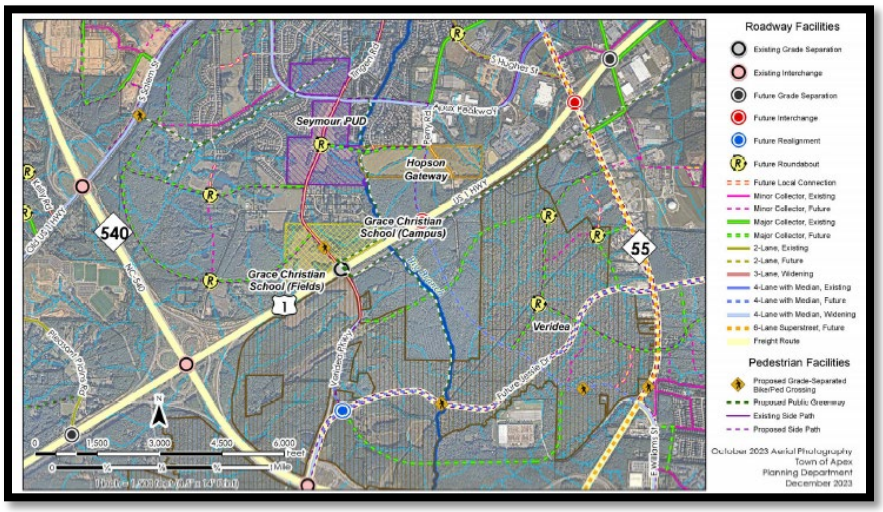
PH7 Apex Transportation Plan Amendment(s) - Rezoning No. 23CZ13 Seymour PUD

Shannon Cox, Long-Range Planning Manager, gave the following presentation regarding Apex Transportation Plan Amendments – Rezoning No. 23CZ13 Seymour PUD. She said these were associated with Public Hearing 8, and the vote for this item will not be held until after Council has also heard Public Hearing 8.

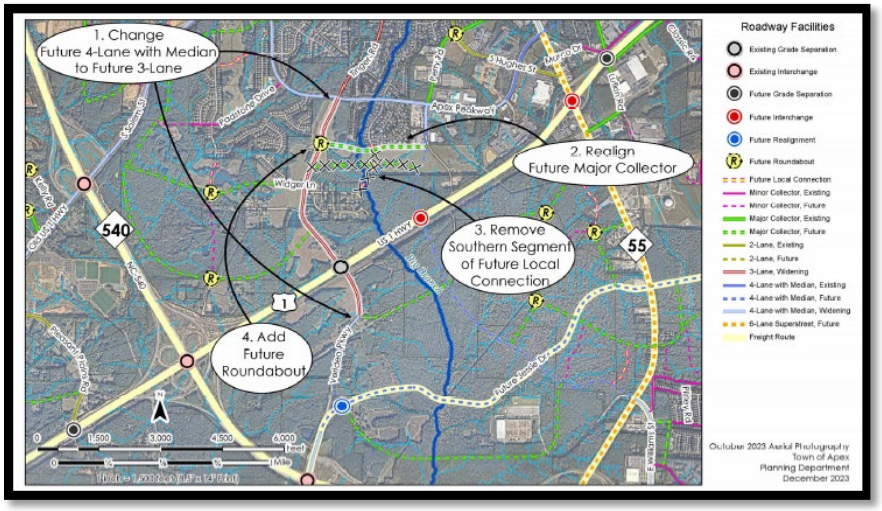
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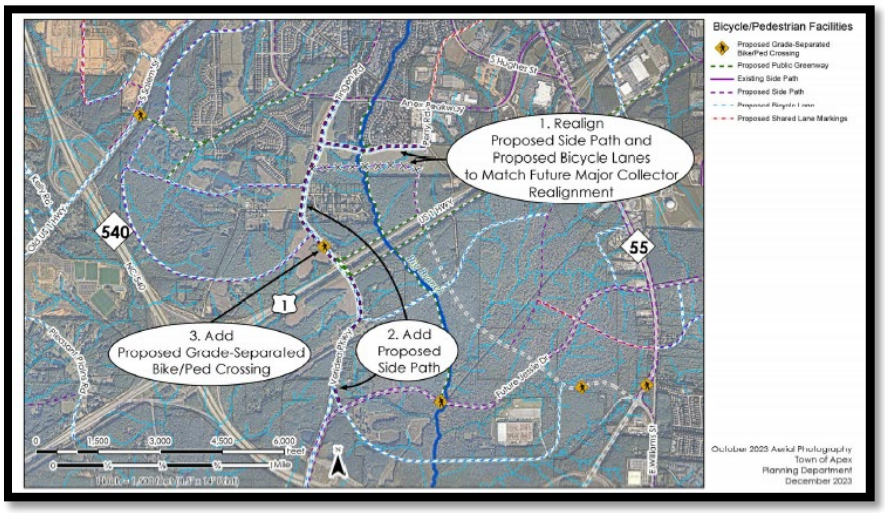
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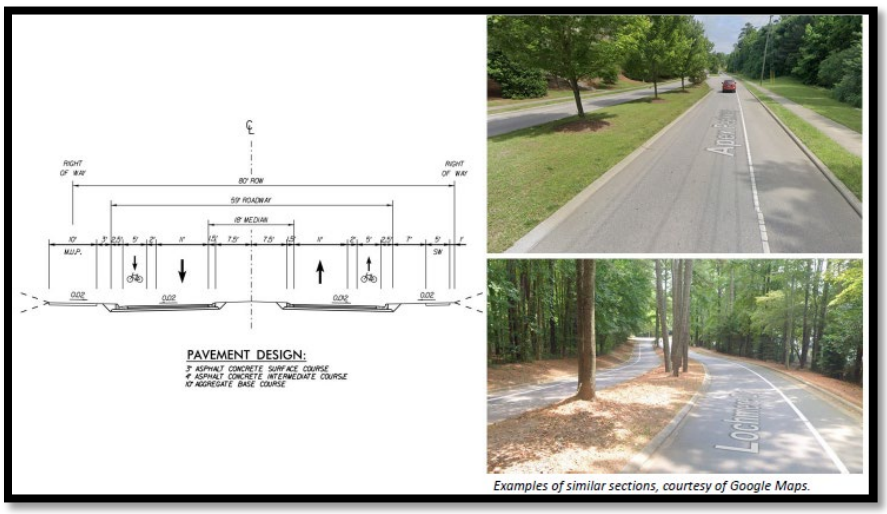
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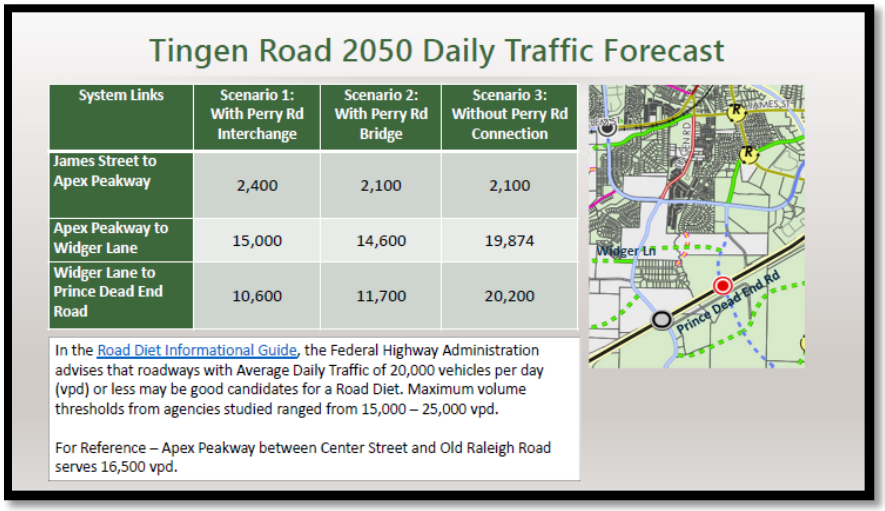
[SLIDE 51]



[SLIDE 52]



[SLIDE 53]



Councilmember Zegerman asked if they were downgrading the road to 3 lanes, which seems to indicate the road can sustain even in the worst-case scenario. He said there is still the 2 lane chokepoint with the current bridge. He asked what the alternative was, since the bridge would cause an issue no matter how many lanes were off the bridge.

Ms. Cox said those are the kinds of conversations they have had among staff, and ultimately their recommendation is based on the adopted plan, which is to have an interchange, or at least a crossing at Perry Road. She said Perry Road is seen as very important in these models, so staff would prioritize that connection over widening the existing bridge at Tingen. She said it also widens Tingen, which makes it easier for traffic to move faster, but more difficult for pedestrians to cross.

Councilmember Mahaffey said the bridge is the problem, and it doesn't matter what they do to Tingen in this scenario. He asked what road diets were, and how they could be defined.

Ms. Cox said in some places, roads are wider than they need to be. She said there is a trend to take away travel lanes and in multi-modal transportation options. She said they are trying to think proactively, given the chokepoint and other considerations, and downsizing to help prioritize those other modes.

Councilmember Mahaffey asked if it could be used as a calming measure.

Ms. Cox said yes. She said this plan would cause more congestion on Tingen Road than with a 4-lane roadway, and that would slow traffic down.

Councilmember Zegerman asked if there is any NCDOT guides with the two-foot buffer put between the main road and the bike land, rather between the bike lane and the edge of the road before the sidewalk. He said that is a very common design in Europe, and is safer that way. He asked if they can accommodate that.

Ms. Cox said there are options like that, and they do include options like that in the bike Apex plan. She said in this case, there was concern for emergency service providers for a car to be able to pull over, so the striped buffer was recommended.

Councilmember Zegerman said he understands the concern, but he said it works in Europe with their emergency service providers. He requested that staff look at that as a potential road design alternative.

Ms. Cox said she believes there is some flexibility in the PUD text to continue to think about that, but she will let the applicant and Ms. Cowles confirm that.

Councilmember Gantt said he would argue that some countries pick bicyclists over emergency vehicles, and the town is choosing the other way. He said that's especially true since there are not a lot of people on bikes in the US and in this area.

Councilmember Mahaffey said the trucks are bigger here, and the vehicles in general.

Councilmember Zegerman said they could also look at if they need paths on both sides of these roads, or potentially move the bike path to one side of the road and have it be bi-directional. He said he requests to reconsider this, and he wants to look at making these designs more pedestrian friendly.

Councilmember Mahaffey said he supports him on that, and they have an opportunity to make a space for that in Apex that they haven't had before. He said they should take some time to look at this and make it more pedestrian and bicycle friendly than anywhere else in Apex, as this is already close.

Mayor Gilbert said he would encourage them to take a ride along with police, so that they can understand how that may impact response times before making those kinds of changes.

Councilmember Mahaffey said he thinks that's fair, he thinks the PUD text should have the flexibility to continue looking at it.

Councilmember Zegerman said his understanding was that the property across from Irongate is currently vacant farm land, and asked if the road could be shifted enough not to impact the property owners in Irongate.

Ms. Cox said that was one of the reasons it was downgraded in the first place. She said she couldn't say if they could shift the road to the west and widen it, but they could look at.

Councilmember Zegerman said it would be good to be able to move the road a little and not have to get into residential property acquisition discussions.

Councilmember Gantt said that would make the curb more severe, and it may be counterproductive for safety

Councilmember Zegerman said it may, but they should look at it to see.

Ms. Cox said they could look at it. She said it doesn't affect the amendment unless it changed it from 3 lane to 4 lanes.

Councilmember Zegerman said he was concerned about the alignment of the new east-west connector. He asked what would connect to the roundabout.

Ms. Cox said she would like the applicant to respond to that, she said they do not have the layout information at this point.

Matthew Carpenter, of Parker Poe, on behalf of the applicant, said the right of way for Tingen Road has been shifted west, so more impacts are on that side. He said the collector street is further south than Ticehurst, and there is a connection that there would not be a straight connection to that road.

Mayor Gilbert opened up Public Hearing for this item.

First to speak was **Lawrence Kevin** of 1628 Salem Village:

"I'm just going to cut to the chase, vote no on Apex Transportation Plan Amendments. Reason Number 1, voting planning member board member had a conflict of official conduct, publicly listed January 8th as an associate for Lee and Associates, hours before the meeting on January, the CEO of Lee and Associates emailed the Town of Apex that was then forwarded to the Planning Board. It was a letter of support for Seymour's Agenda's items. The email from the CEO was also written on behalf of Grace Christian, who could benefit from the proposed amendments in the 2045 transportation plan voted on. The notification of official conduct conflict was emailed to the town, the Interim City Town Manager and City Council, on January 11th, 2024. So hopefully, this is not new. I also spoke with a City Council member in person, and raised the issue and concern, I'm still waiting to hear back, I do not hear anything. So I'm raising the issue again tonight, and I expect a public response from the Apex Town Council regarding my concerns regarding all Seymour agenda items voted on by the Planning Board on January 8th. There is standard operating process in place to recuse from voting, and is not a complex process. The member not only voted, but was the Planning Board member that motioned to recommend approval as presented. I have provided additional

information in the handouts, due to the compressed timeline for public speaking. Reason 2, regarding plan amendments. Tingen Road, ready parkway, to be downgraded to a 4-lane thoroughfare with a median, future 3 lane thoroughfare, between Apex Peakway and a major collector, I'm in total disagreement, and part of that is going off the town's staff report, a disadvantage of the proposed downgrade on Tingen Road from a 4-lane median divided thoroughfare to a 3-lane thoroughfare, is traffic capacity. Traffic capacity projections are incomplete with Grace Christian and Hopson, TIA is not factored into the calculations. That is data you guys need to make a decision. The current Seymour design plans for another reason for changing to 3 was impacts to the Irongate neighborhood. That would associated with the widening to the 4 lanes. Now sure they'd be impacted by a 4-lane road, but they're also going to be impacted by having a 400-unit apartment complex in their backyard, which is designed as kind of one house per acre, so you're changing the complexity of their view. The Perry Road bridge, this for example was not brought up, but according to the CAMPO map, the date on that is 2040, that's 16 years away. I don't know what you can do to speed it up but it's 2040, that's 16 years. That's a kid going from birth to a sophomore in high school. The traffic amendments do not factor the large development projects. Grace Christian. Thank you. I had more."

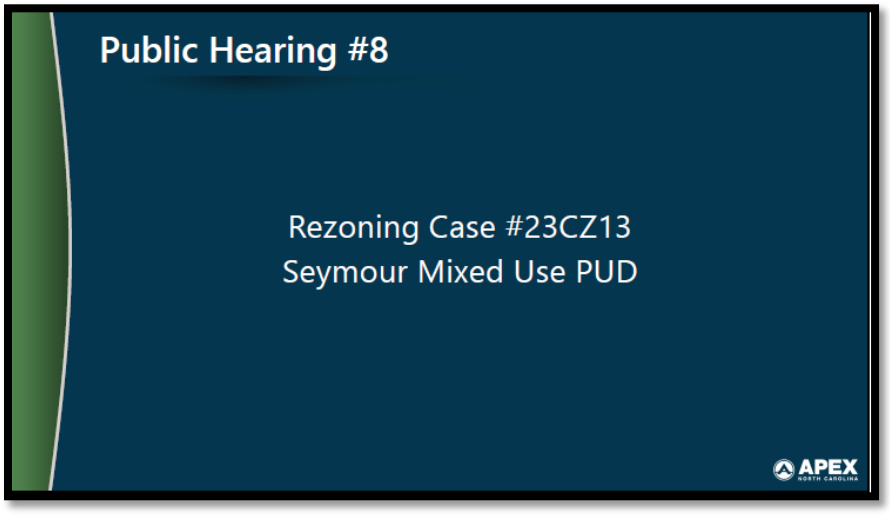
Mayor Gilbert thanked Mr. Kevin for his comments. With no further sign ups, he closed Public Hearing and moved to the next item.

AND

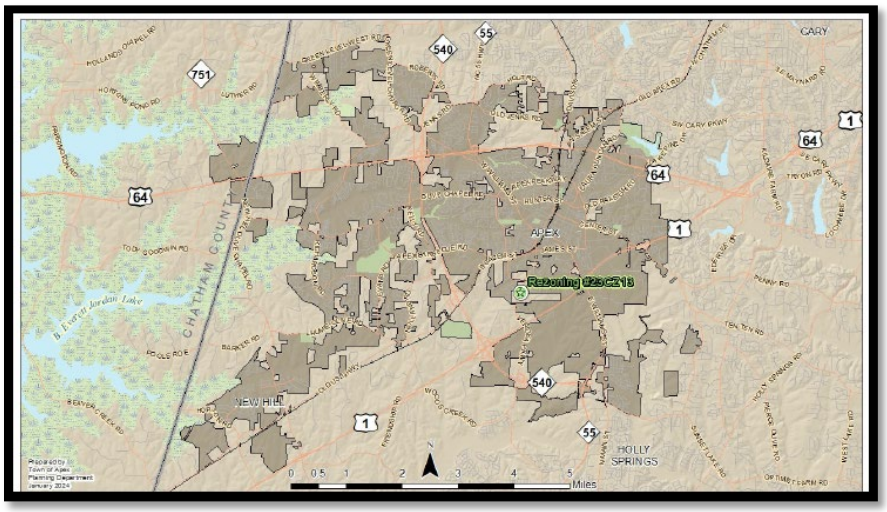
PH8 Rezoning Case No. 23CZ13 - Seymour Mixed Use PUD

June Cowles, Senior Planner, gave the following presentation regarding Rezoning No. 23CZ13 – Seymour Mixed Use PUD.

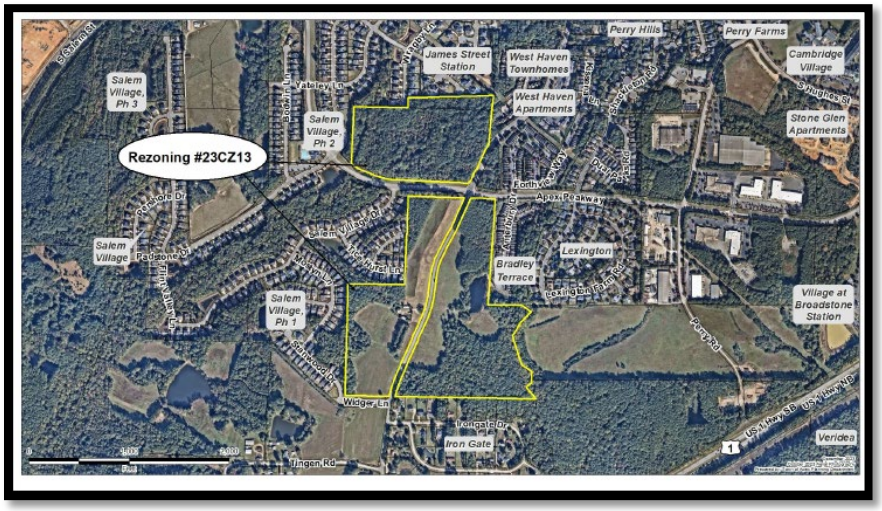
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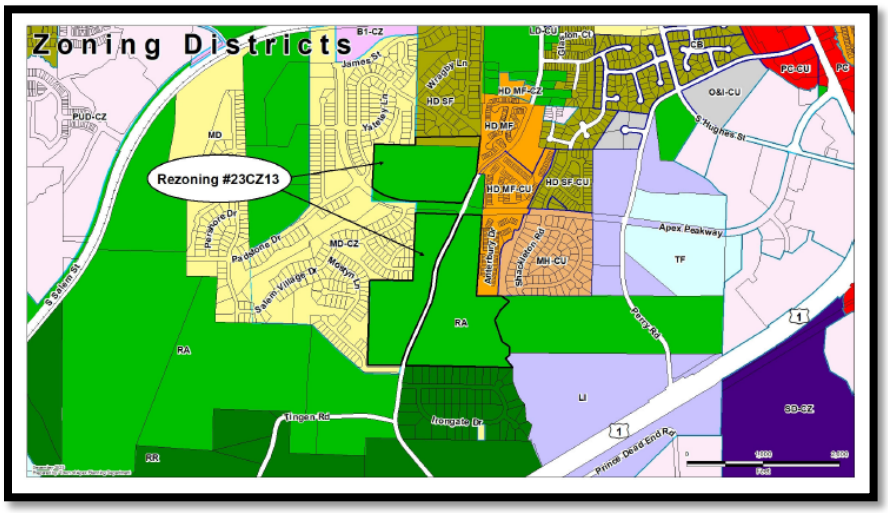
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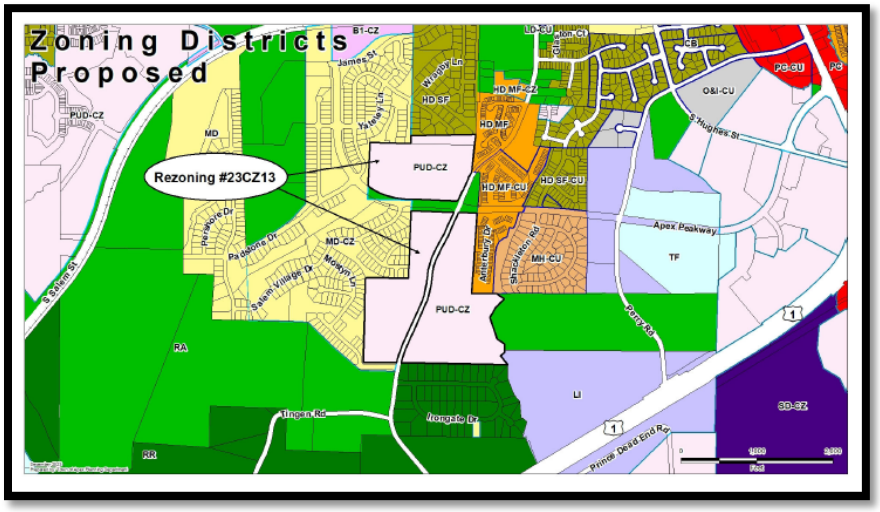
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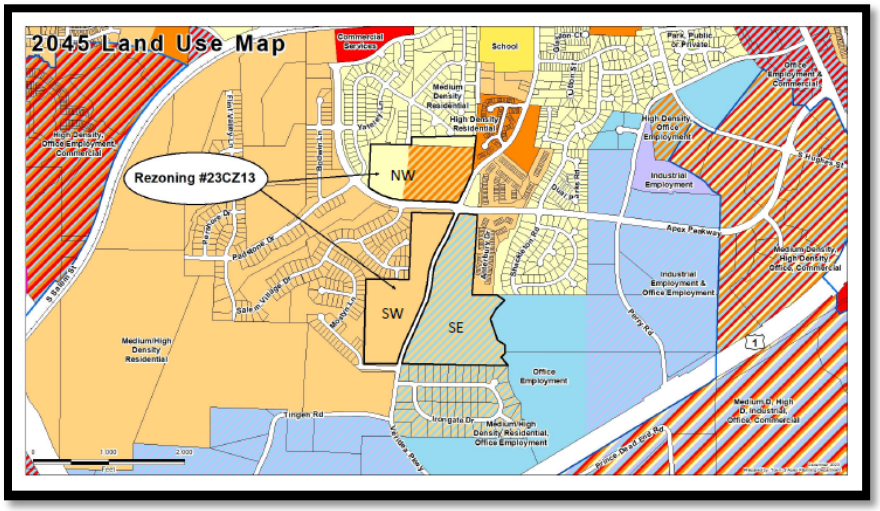
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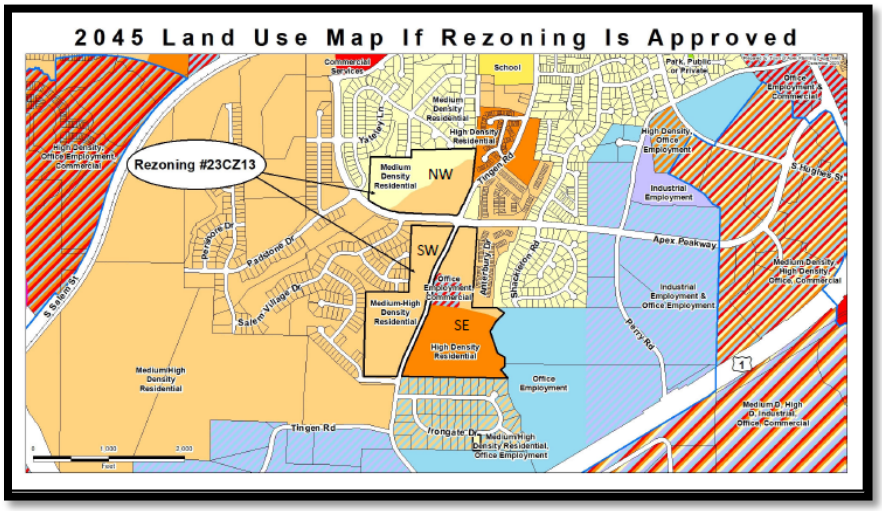
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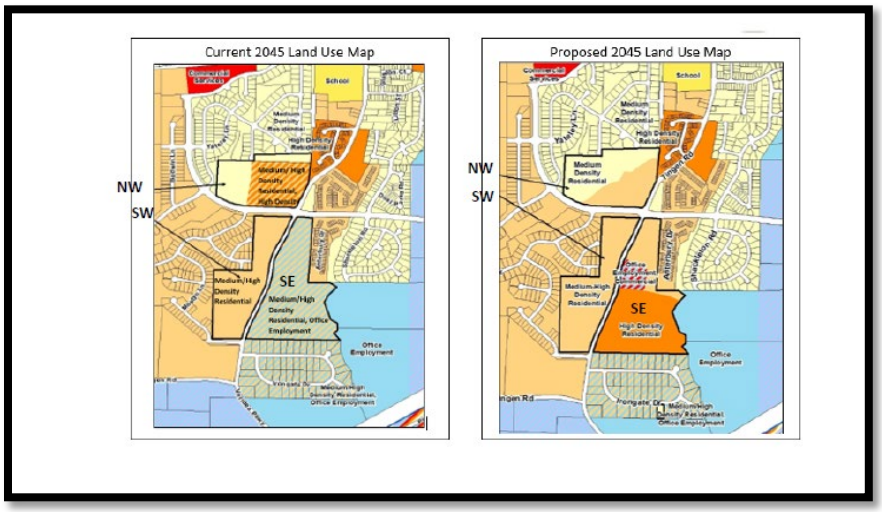
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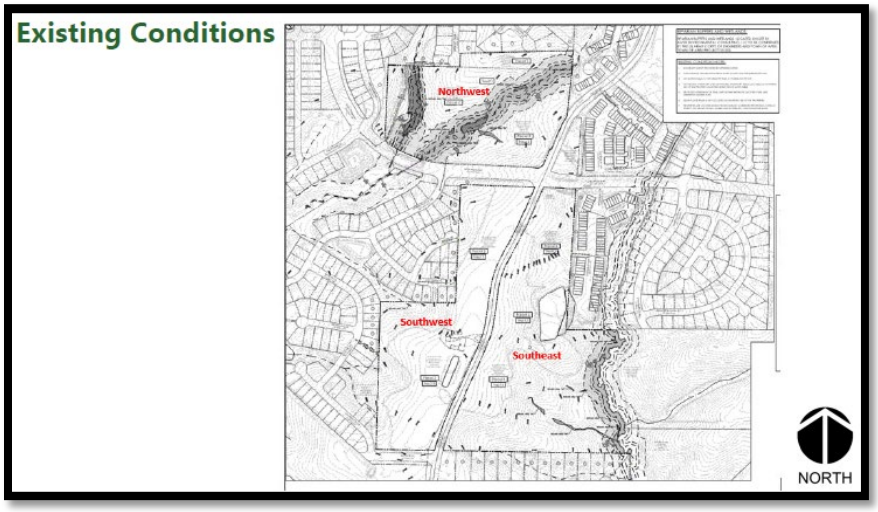
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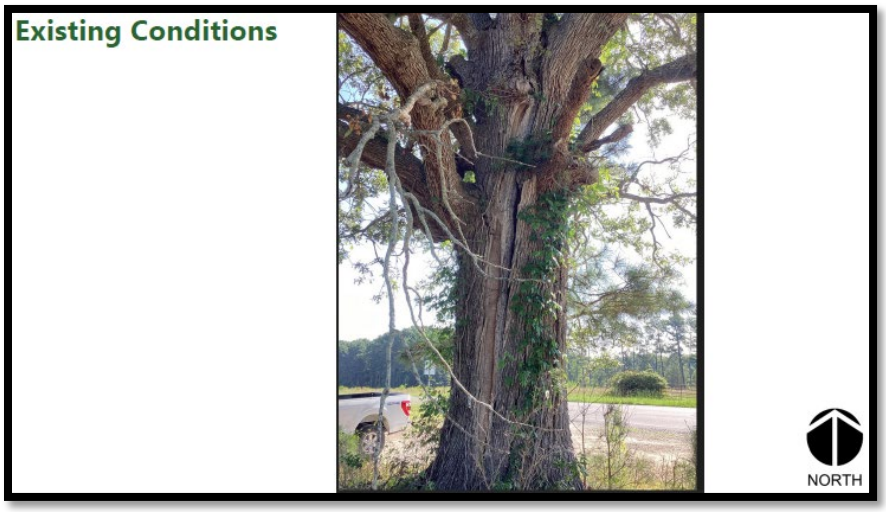
[SLIDE 62]

Area	Current LUM	Proposed LUM (PUD Plan)
Northwest	**Medium Density Residential** (Max 7 units per acre) **Medium/High Density Residential** (7-14 units per acre) **High Density Residential** (14 units per acre with max density determined at the time of rezoning or site plan approval)	**Medium Density Residential** (Max 6 units per acre) **Medium/High Density Residential** (Max 8 units per acre)
Southwest	**Medium/High Density Residential** (7-14 units per acre)	**Medium/High Density Residential** (Max 8 units per acre)
Southeast	**Medium/High Density Residential** (7-14 units per acre) **Office Employment**	**Medium/High Density Residential** (Max 12 units per acre) **High Density Residential** (Max 20 units per acre) **Commercial Services/Office Employment**

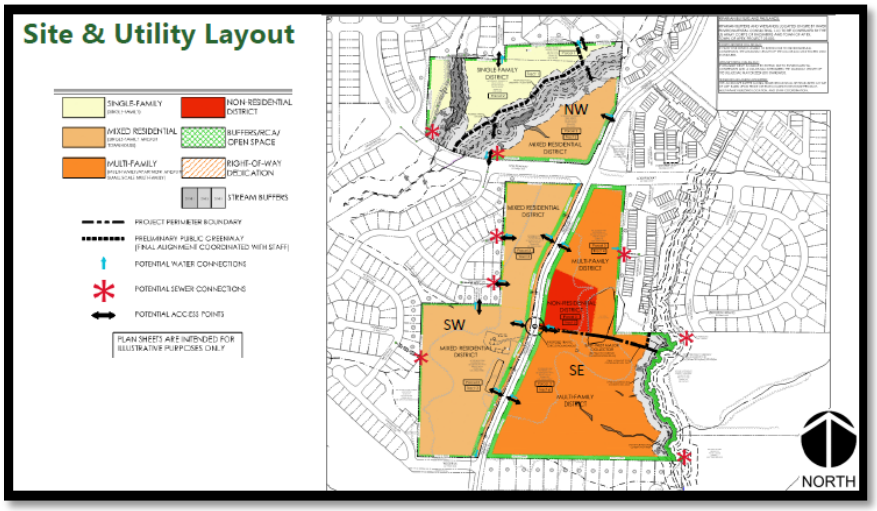
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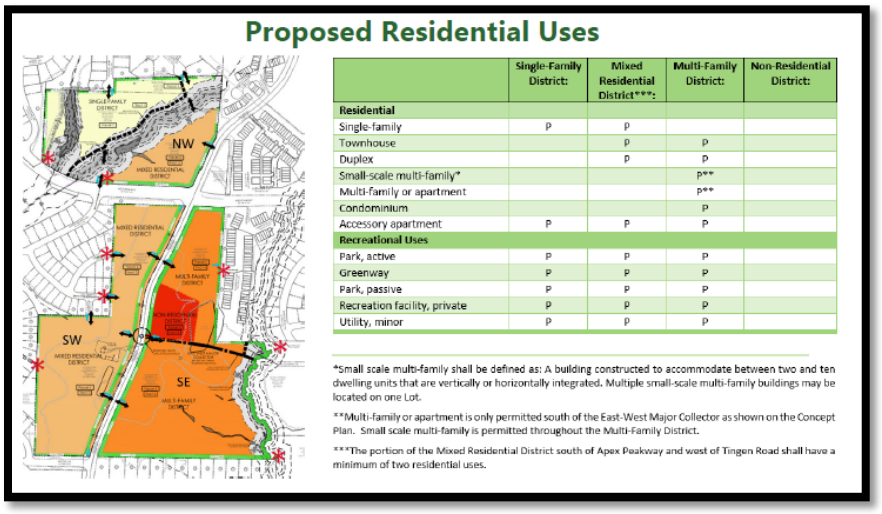
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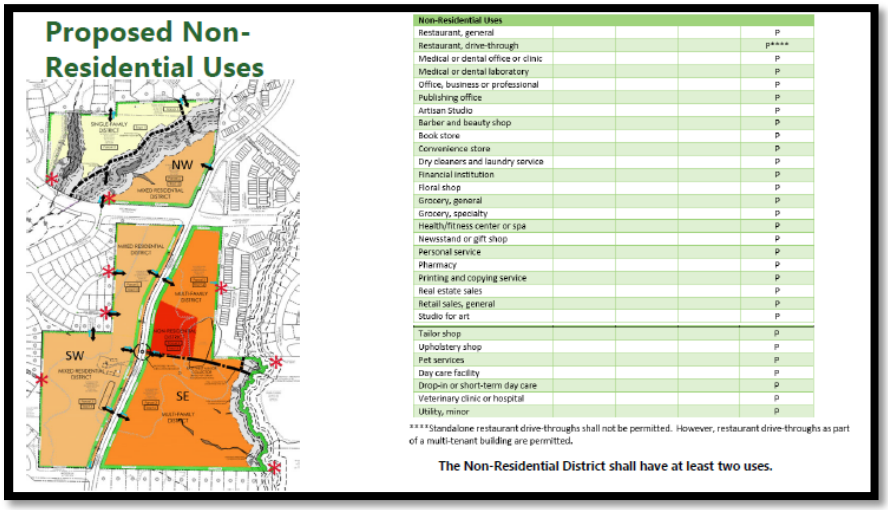
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Proposed Residential Design Controls



SINGLE-FAMILY DISTRICT	
Approximate Acreage	14.88 acres
Maximum Density	6 units/acre
Maximum Built-Upon Area	60%
Minimum Lot Size	5,000 square feet
Minimum Lot Width	50 ft.
Minimum Setbacks	
Front	20 ft.
Side	5 ft.
Rear	10 ft.
Corner Side	10 ft.
Maximum Building Height	3 stories; 45 ft.
Minimum Buffer/RCA Setbacks	Buildings: 10 ft. Parking: 5 ft.

[SLIDE 69]

Single-Family Concept Elevations



[SLIDE 70]

Proposed Residential Design Controls



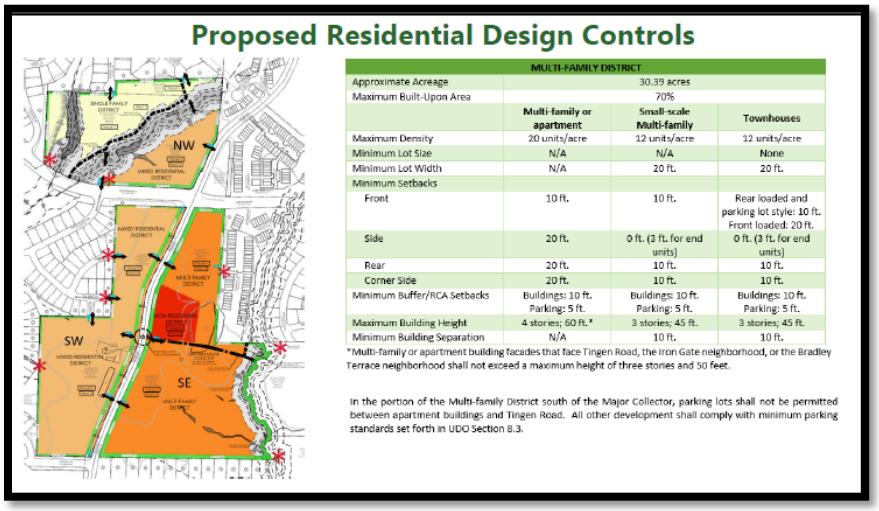
MIXED RESIDENTIAL DISTRICT		
Approximate Acreage	33.28 acres	
Maximum Density	8 units/acre	
Maximum Built-Upon Area	65%	
	Townhouses*	Single-Family
Minimum Lot Size	None	5,000 square feet
Minimum Lot Width	20 ft.	50 ft.
Minimum Setbacks		
Front	Rear loaded and parking lot style: 10 ft. Front loaded: 20 ft.	20 ft.
Side	0 ft. (3 ft. for end units)	5 ft.
Rear	10 ft.	10 ft.
Corner Side	10 ft.	10 ft.
Minimum Building Separation	10 ft.	
Maximum Building Height	3 stories; 45 ft.	3 stories; 45 ft.
Minimum Buffer/RCA Setbacks	Buildings: 10 ft. Parking: 5 ft.	Buildings: 10 ft. Parking: 5 ft.

*Townhouses shall not be located within 65 feet of existing single-family lots in Salem Village that share a property line with the property and front the existing stub streets of Drumlin Drive, Tice Hurst Lane, and Hawkes Drive.

[SLIDE 71]



[SLIDE 72]



[SLIDE 73]

Additional Proposed Seymour PUD Condition

Added on January 11, 2024 (included staff report in bold)

Apartments (excluding Small Scale Multi-family) south of the Major Collector street shall be designed to meet the requirements for one of the following green building certifications: LEED, Energy Star, BREEAM, Green Globes, NGBS Green, NAHB, or GreenGuard. A third-party consultant shall be hired to evaluate the project and certify to the Town of Apex that the project meets the standards for certification. The applicant shall forward a copy of the certification application to the Town of Apex Planning Department to verify that the application has been submitted.

Added on January 22, 2024 (not included in the staff report)

- Added a deadline time for the Apartment green building certifications: "Prior to issuance of a certificate of occupancy for a building, the developer shall demonstrate to the Town that the building has been certified as a green building by providing a copy of the green building certification."

[SLIDE 74]

Multi-family Concept Elevations



[SLIDE 75]

Proposed Non-Residential Design Controls

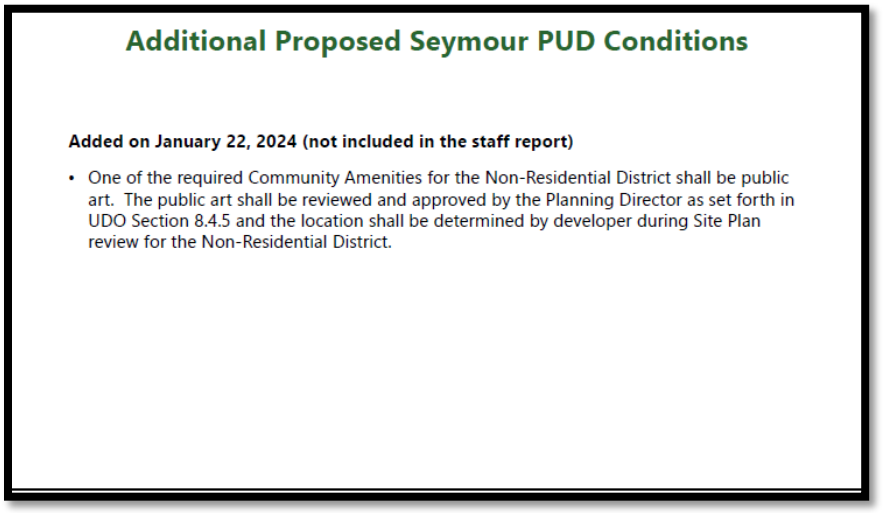


NON-RESIDENTIAL DISTRICT DESIGN CONTROLS	
Approximate Acreage	3.37 acres
Maximum Square Footage	50,000 sf
Maximum Built-Upon Area	70%
Minimum Setbacks	
Front	20 ft.
Side	20 ft.
Rear	20 ft.
Minimum Buffer/RCA Setbacks	Buildings: 10 ft. Parking: 5 ft.
Maximum Building Height	48 ft.

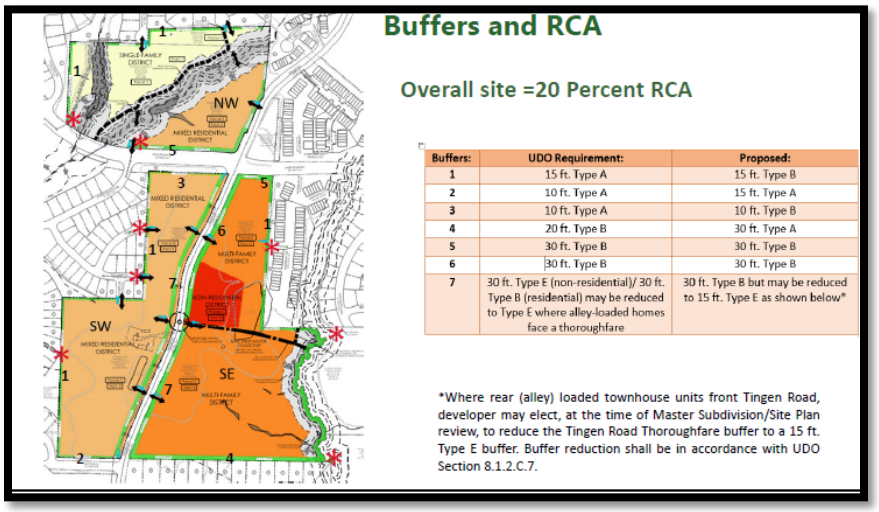
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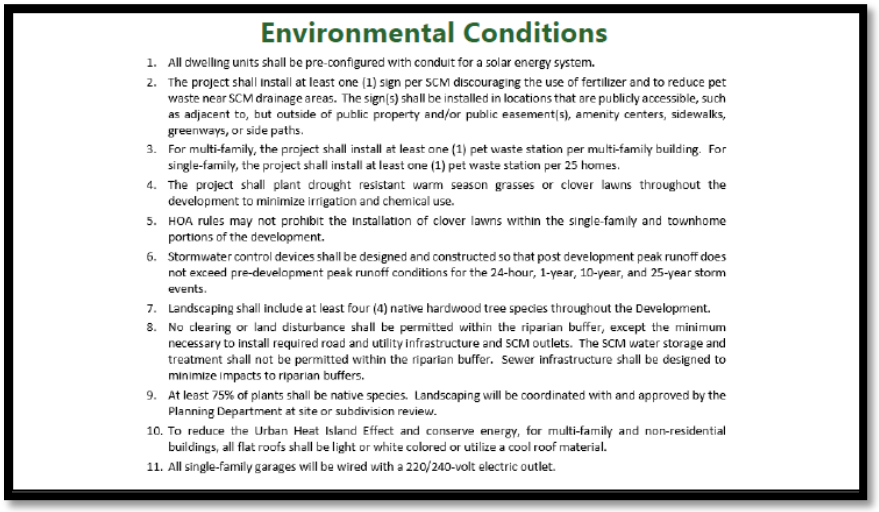
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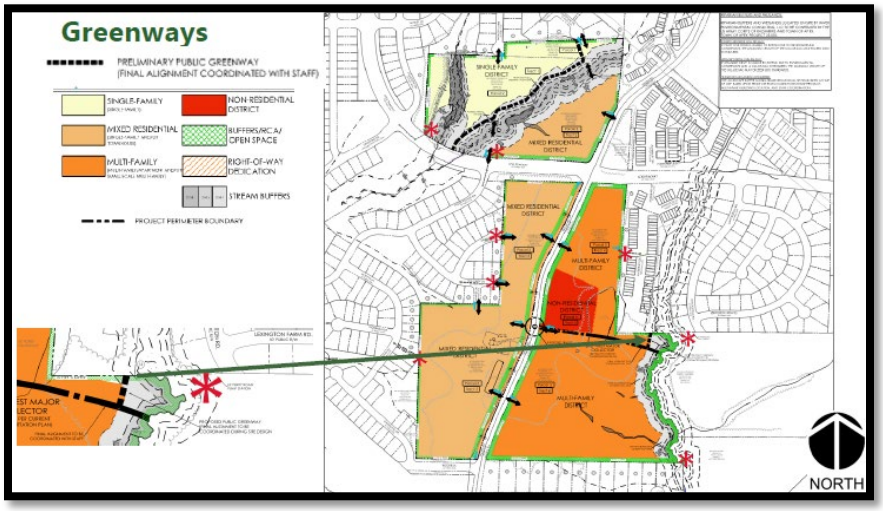
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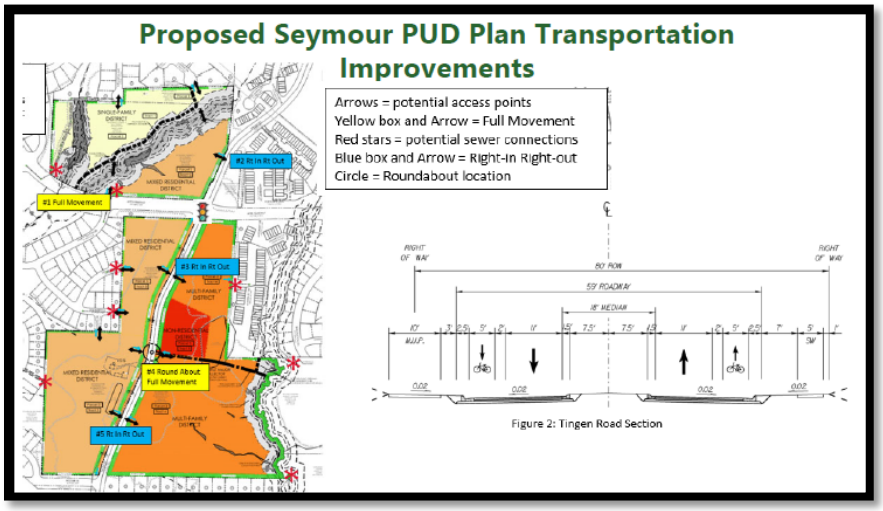
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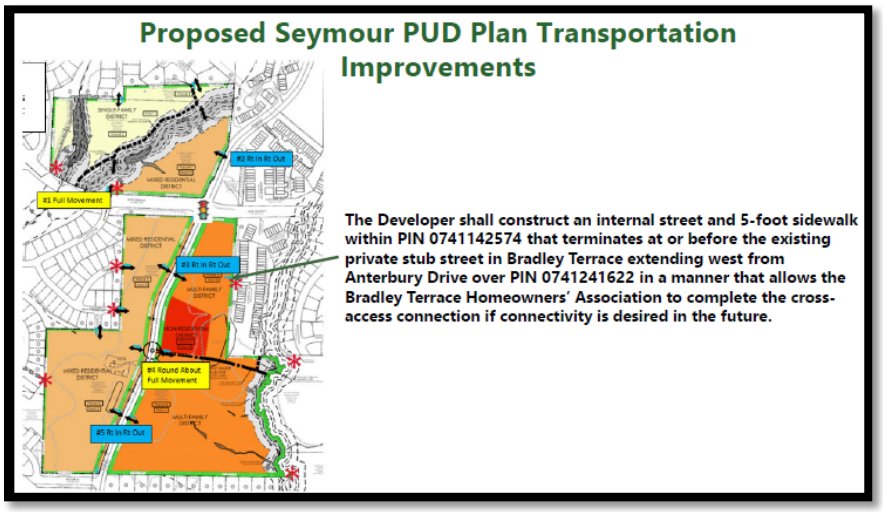
[SLIDE 80]



[SLIDE 81]



[SLIDE 82]



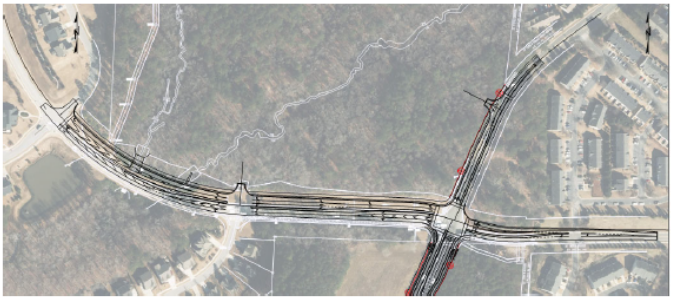
[SLIDE 83]

Revised Proposed Peakway Improvements

Exhibit D

(Revised Jan 22, 2024. Not included in the staff report).

4. **Apex Peakway**. Developer shall widen Apex Peakway through the intersection with Tingen Road westward to provide the ultimate 4-lane median divided section along the project frontage, with lane transitions eastbound and westbound as shown in the attached **Exhibit D** (the "Peakway Section"), subject to permitting requirements and right of way/easement acquisition set forth below. The Director of Transportation and Infrastructure Development may administratively approve modifications to dimensions and design elements of the Peakway Section. In addition, Developer shall construct the following improvements along Apex Peakway.



[SLIDE 84]

Revised Proposed Peakway Improvements

(Revised Jan 22, 2024. Not included in the staff report).

a. ***Traffic Signal***. Install a metal strain pole traffic signal at the intersection of Apex Peakway and Tingen Road when permitted by NCDOT. A warrant study shall be performed prior to platting 300 single-family or townhouse residential units or site plan final plat for up to 300 apartment dwelling units, at the direction of Apex staff. If NCDOT does not permit the traffic signal at that time, Developer shall pay a fee-in-lieu for the estimated cost of design and installation of the metal strain pole traffic signal and dedicate all necessary easements and rights of way based on a conceptual engineering layout to be provided by Developer. Minimum turn lane lengths shall be constructed/striped as follows:

i. Northbound left turn lane with 150 feet of storage, plus deceleration and taper
ii. Northbound right turn lane with 100 feet of storage, plus deceleration and taper
iii. Southbound left turn lane with 175 feet of storage, plus deceleration and taper
iv. Eastbound left turn lane with 175 feet of storage, plus deceleration and taper
v. Westbound left turn lane with 150 feet of storage, plus deceleration and taper

5. a. ***Westbound Approach***. Widen the westbound approach to Tingen Road to provide a left turn lane and taper/transition to set the curb line, as shown in the attached Peakway Section (the "Taper"), within the existing Apex Peakway right of way adjacent to PINs 0741159109 and 0741250245 (the "Cemetery Property"). Provided, however, that if plans for the Taper (a) require grading that disturbs existing graves on the Cemetery Property or in the right-of-way, or (b) require relocation of one or more existing graves on the Cemetery Property or in the right-of-way, Developer may narrow the road width for the Taper (the "Revised Taper") to avoid any impact on existing graves. In no event shall Developer be required to relocate existing graves. If the Revised Taper is required, Developer may reduce the width of the Peakway Section west of the intersection of Apex Peakway and Tingen Road to provide an appropriate transition from the Revised Taper.

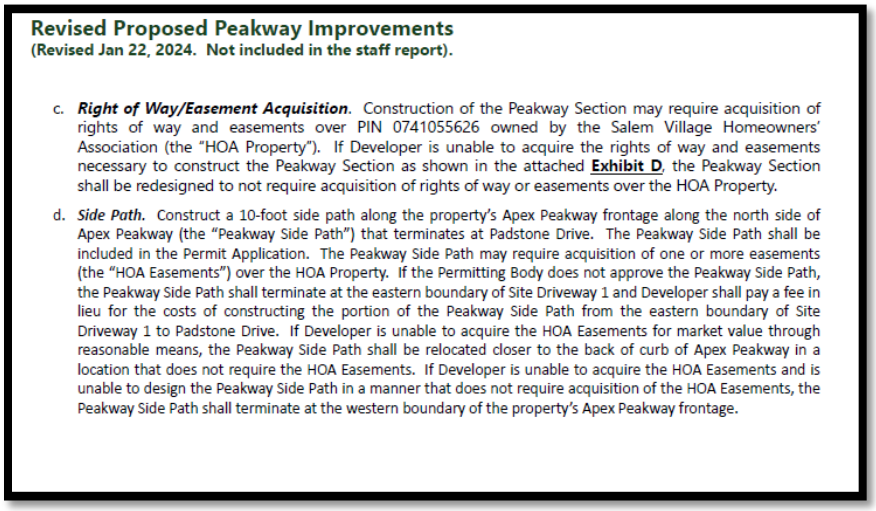
[SLIDE 85]

Revised Proposed Peakway Improvements

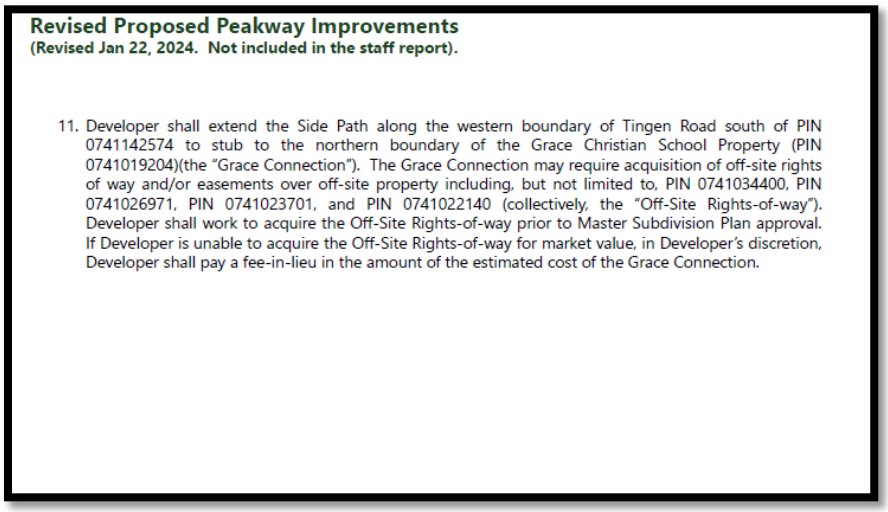
(Revised Jan 22, 2024. Not included in the staff report).

b. ***Permitting***. There are two existing streams on PIN 0741152543 (the "Peakway Property") that cross Apex Peakway through two existing culverts located in the Apex Peakway right of way (the "Culverts"). Construction of the Peakway Section will require extending the Culverts which will disturb the streams (the "Stream Disturbance") and require one or more permits from the United States Army Corps of Engineers (the "USACE"), or other relevant governmental agency (together, the "Permitting Body"). During plan review for the Peakway Property, but no later than Construction Drawing review, Developer shall file an application with the Permitting Body to permit the Stream Disturbance and construction of the Peakway Section the "Permit Application") and the Town shall serve as applicant. Developer shall prepare, and pay the costs of preparing, the Permit Application, including all required design work (the "Design Costs") and permitting/mitigation costs. The Permit Application shall be a separate application from other environmental permit applications that may be required for other portions of the project (the "Additional Permit Applications"). If the Permitting Body denies the Permit Application, or requires the Permit Application and the Additional Permit Applications to be submitted and reviewed as one application ("Individual Permit") and the sole justification for the requirement of an individual Permit is the construction of the Peakway Section, then Developer shall construct a reduced Apex Peakway section that terminates at the western boundary of Site Driveway 1 and pay a fee in lieu for all costs to construct the portion of the Peakway Section from Site Driveway 1 to the eastern boundary of Padstone Drive and the Design Costs shall be credited towards the fee in lieu. The fee in lieu estimate shall include all costs, including design, environmental permitting/mitigation and construction. Developer shall dedicate all right of way, permanent and temporary easements necessary to accommodate the future 4-lane divided roadway section.

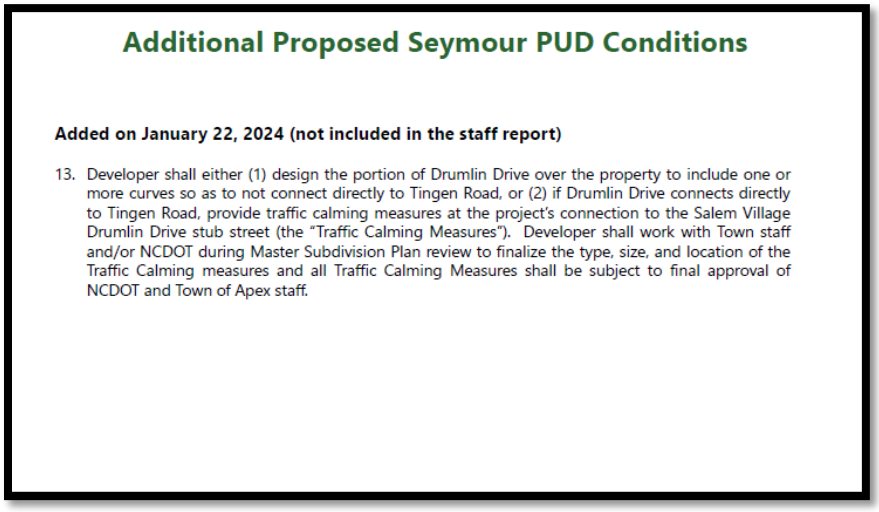
[SLIDE 86]



[SLIDE 87]



[SLIDE 88]



[SLIDE 89]

Additional Proposed Seymour PUD Conditions

Added on January 22, 2024 (not included in the staff report)

- Developer shall install a high-visibility mid-block crosswalk on Tingen Road between Baberton Drive and the project driveway on Tingen Road north of Apex Peakway. The final location of the crosswalk shall be determined during Master Subdivision Plan review and is subject to review and approval of NCDOT and Town of Apex staff.



[SLIDE 90]

Staff Recommendation

Planning staff recommends approval of Rezoning #23CZ13 Seymour Mixed Use PUD provided the applicant agrees to the following revised conditions:

Transportation Improvements:

- 5b: Permitting. Staff recommends removing "and the Design Costs shall be credited towards the fee in lieu" from the sentence:

...If the Permitting Body denies the Permit Application, or requires the Permit Application and the Additional Permit Applications to be submitted and reviewed as one application ("Individual Permit") and the sole justification for the requirement of an individual Permit is the construction of the Peakway Section, then Developer shall construct a reduced Apex Peakway section that terminates at the western boundary of Site Driveway 1 and pay a fee in lieu for all costs to construct the portion of the Peakway Section from Site Driveway 1 to the eastern boundary of Padstone Drive... ~~and the Design Costs shall be credited towards the fee in lieu.~~

APEX NORTH CAROLINA

[SLIDE 91]

Staff Recommendation

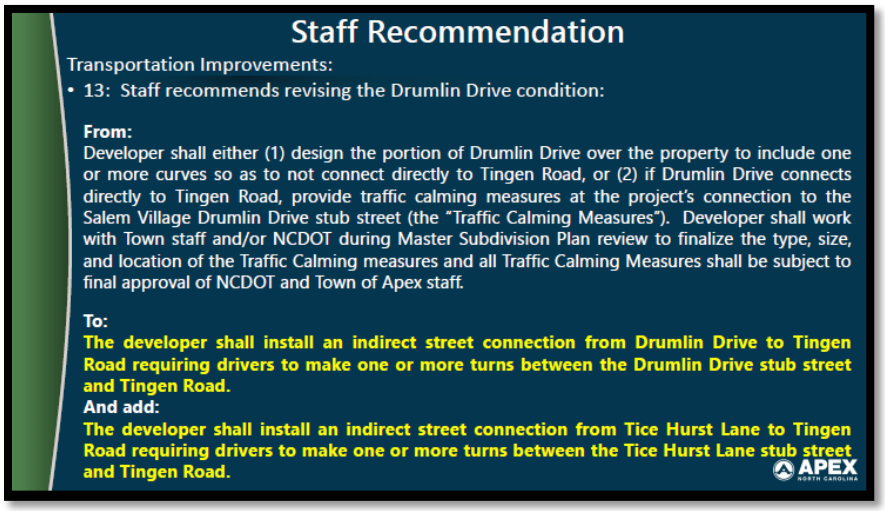
Transportation Improvements:

- 5c: Right of Way/Easement Acquisition. Staff recommends the condition read as follows:

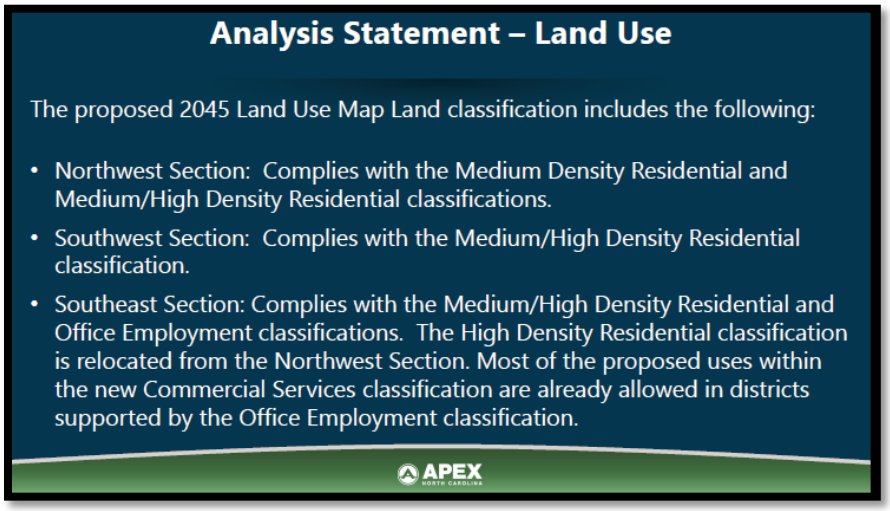
Right of Way/Easement Acquisition. Construction of the Peakway Section may require acquisition of rights of way and easements over PIN 0741055626 owned by the Salem Village Homeowners' Association (the "HOA Property"). Developer shall make good faith efforts to acquire the rights of way and easements necessary to construct the Peakway Section as shown in the attached **Exhibit D**. If the Developer is unable to acquire such rights of way and easements through private negotiation and the Town is unwilling or unable to assist in the acquisition of said easements and rights of way, Developer shall redesign the Peakway Section to not require acquisition of rights of way or easements over the HOA Property.

APEX NORTH CAROLINA

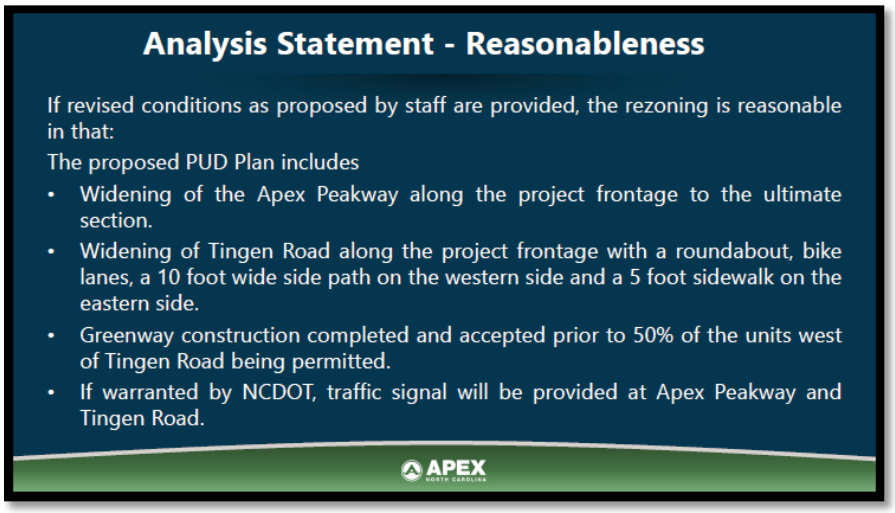
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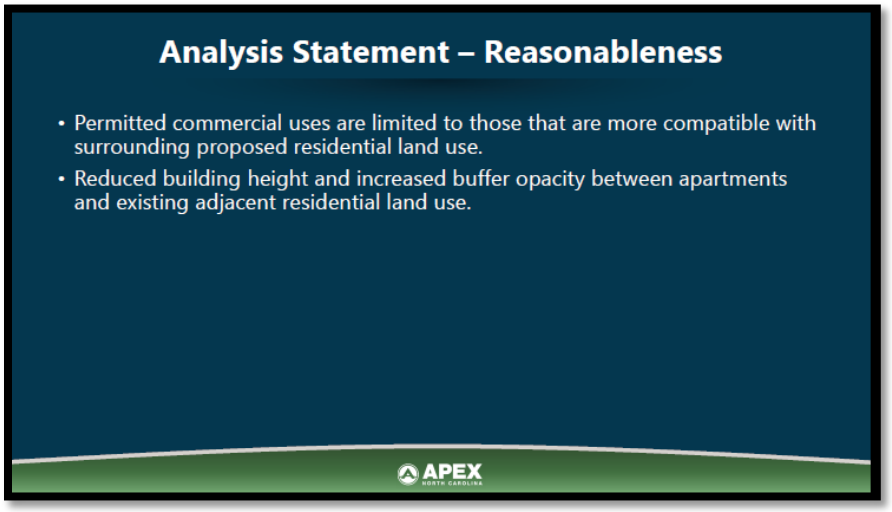
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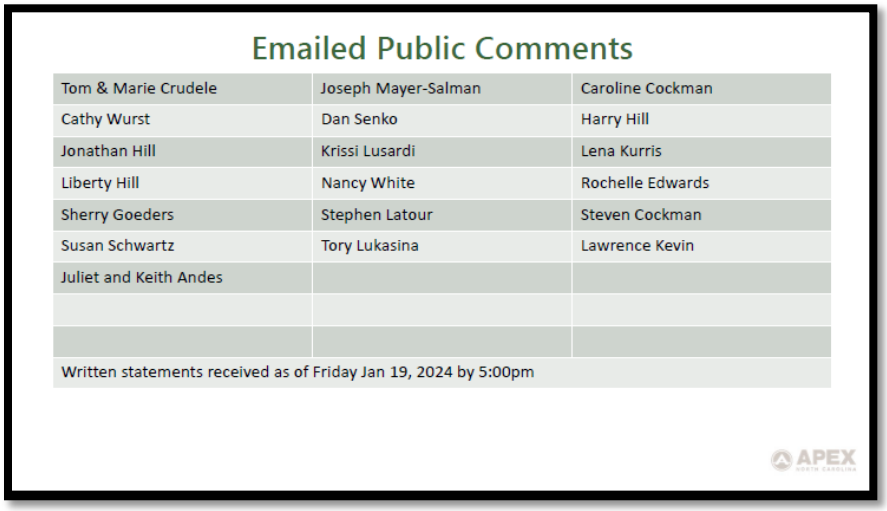
[SLIDE 94]



[SLIDE 95]



[SLIDE 96]



Councilmember Mahaffey asked why the mid-block crosswalk was being added.

Councilmember Gantt said that was a request by him, to facilitate access to the bus there and potentially one that comes in on the other side.

Councilmember Mahaffey asked if staff had an opinion on this. He said they had said these crossings were dangerous before, and was surprised to see this included.

Mr. Dalton said they're not necessarily dangerous, but they just can't put crosswalks anywhere someone may want to cross the street. He said they need to be judicious and make sure they are safe, and make an appeal to NCDOT as part of the process as well. He said they are fine with the way the comments are worded.

Councilmember Mahaffey asked if the curve of the road is a concern.

Mr. Dalton said that is why the condition is worded as it is, so if it is considered to be deemed unsafe because of the geometric constraint, then it would not be approved.

Councilmember Gantt said he thinks people would cross there regardless, and he wants them to be able to do it as safely as possible.

Councilmember Zegerman asked if it could be done further south.

Councilmember Gantt said that wouldn't be needed because there is a signal light crossing that way. He said this offers a crossing for people to not have to go down to the light, then cross, then go back up to the bus stop. He said they would cross the road where they were anyway.

Mr. Dalton said the safest location would be north of the right-in-right-out, so it does not conflict with turning movements, and there would be a protected median at that intersection. He said they are constructing a new crossing for Sparta Lane which will be the new one to service Apex Elementary School.

Councilmember Gantt said he thinks the one they have crossing Tingen Road is a great spot, and that's why he asked for this.

Councilmember Gantt asked if Wake County Public Schools reached out regarding the removal of the cap on Apex Elementary and school capacity issues.

Ms. Bunce said they did not receive communication about that change, and have not requested a letter, as it was very recent.

Councilmember Mahaffey said it hasn't officially happened yet.

Councilmember Zegerman asked if there were any proposed improvements to the currently unsignaled crosswalk in the area further west.

Mr. Dalton said the applicant could propose upgrades to that crosswalk, but at a minimum would have to include its current standards with any widening. He said they could propose a rapid-flash beacon system, subject to staff review.

Councilmember Zegerman said the issue with that intersection is that there are a lot of kids who use that crosswalk to get to the Salem Village amenities.

Mr. Dalton said they can evaluate that with changing conditions, and they are open to looking at improvements. He said the town could also install this separate from zoning.

Councilmember Gantt asked if this potential change would go into the consideration of the school's TIA.

Mr. Dalton said the school TIA was scoped prior to approval of this development. He said the MOA for that scoping would not include this development traffic or improvement in the analysis. He said NCDOT is responsible for recommendations on state roads, so they can't require the school to do improvements.

Councilmember Gantt asked if their TIA was based on Tingen as it exists currently, and asked if they have it.

Mr. Dalton said they do not have the analysis yet.

Councilmember Mahaffey said they wouldn't be able to have them to anything anyway. He asked if there was a possibility to rescope their TIA if this gets approved tonight.

Mr. Dalton said they could revisit that and see what they can do.

Councilmember Gantt said the internal driveway of that school would be an issue anyway.

Mr. Dalton said schools follow the NCDOT's guidelines for stacking within school traffic. He said that is being updated as carpooling increases over time.

Councilmember Killingsworth asked if the Bradley Terrace stub does not end at the edge of the property line.

Ms. Cowles said it's an older development, and is a private road. She said there is a side connection that locals use. She added that the proposal was to stop it short, and if the HOA of Bradley Terrace wanted to make the connection, they could.

Councilmember Gantt said it's a thought for the future in case the connection becomes desired. He said he thinks it would happen and that's why he asked for it.

Councilmember Killingsworth wondered how big the gap was.

Councilmember Zegerman asked if there was a reason why they wouldn't connecting Canterbury to the main road.

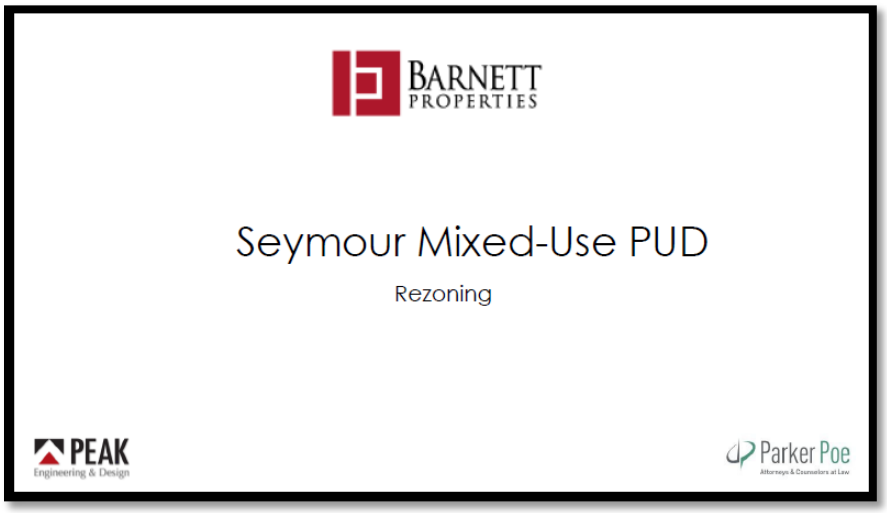
Ms. Cowles said it's a cul-de-sac.

Councilmember Zegerman said that could be another option there if connectivity is the goal.

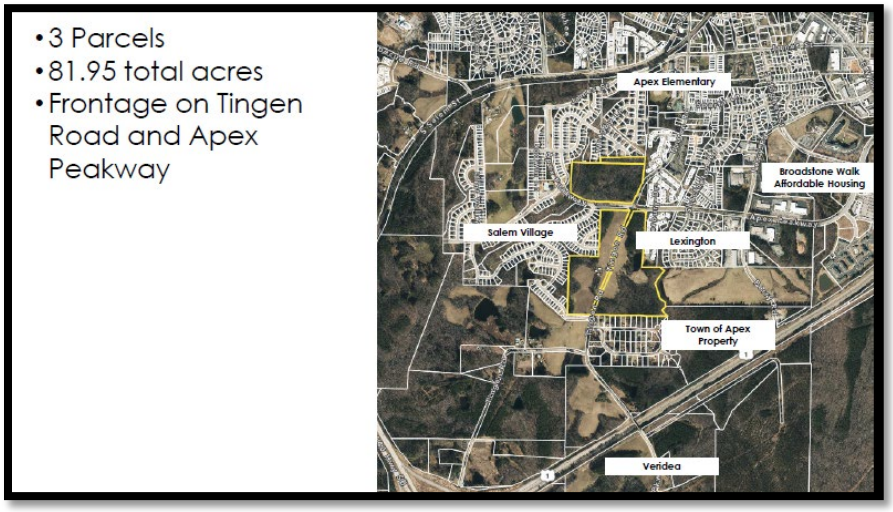
Ms. Cowles said it was never a stub street connection.

Matthew Carpenter, of Parker Poe, on behalf of the applicant, gave the following presentation in regards to Rezoning No. 23CZ13 – Seymour Mixed Use PUD.

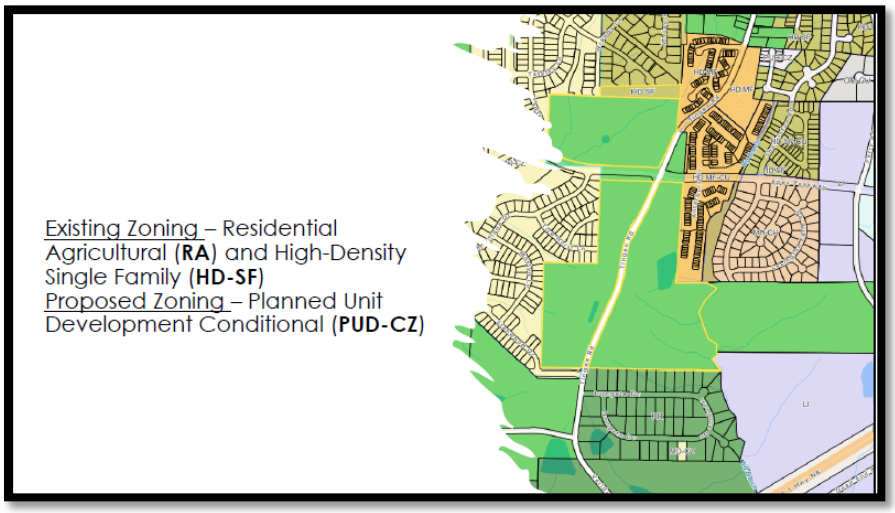
[PH8 APPLICANT – SLIDE 1]



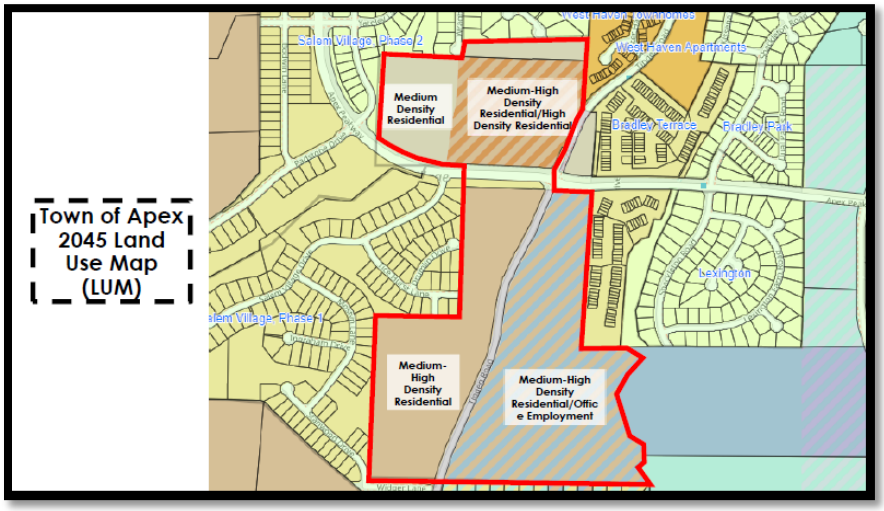
[PH8 APPLICANT – SLIDE 2]



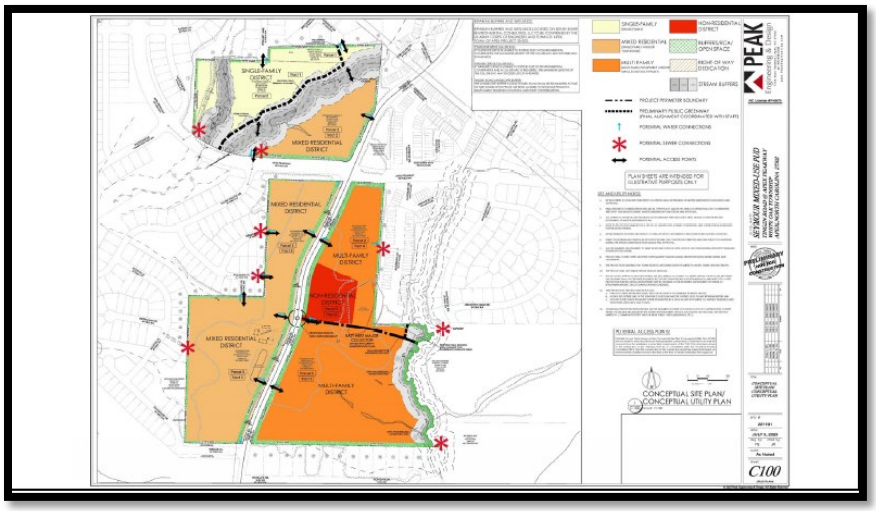
[PH8 APPLICANT – SLIDE 3]



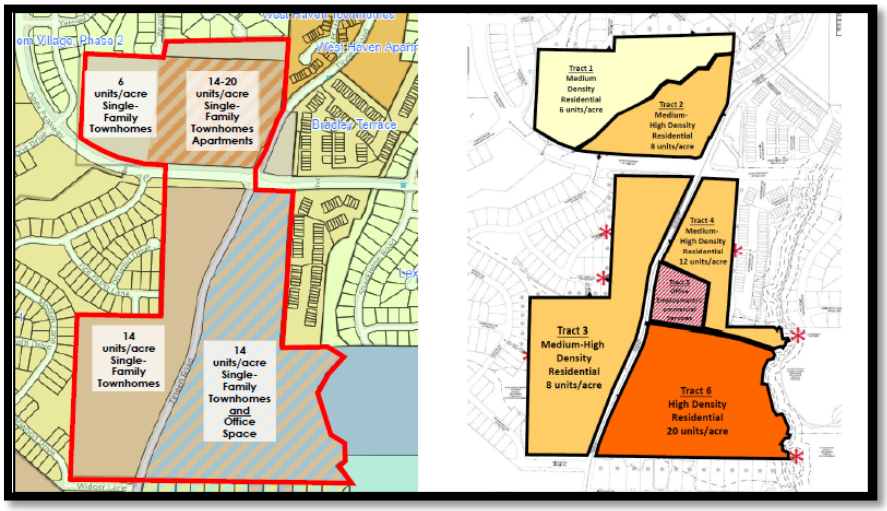
[PH8 APPLICANT – SLIDE 4]



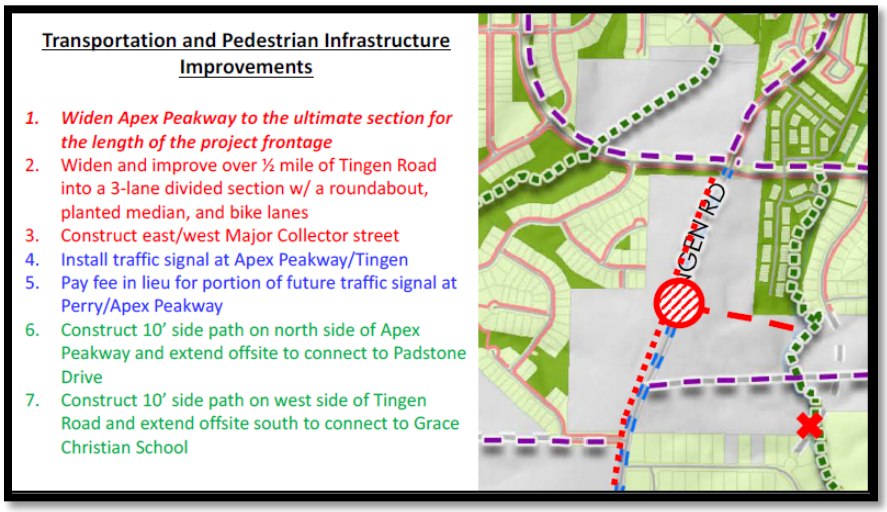
[PH8 APPLICANT – SLIDE 5]



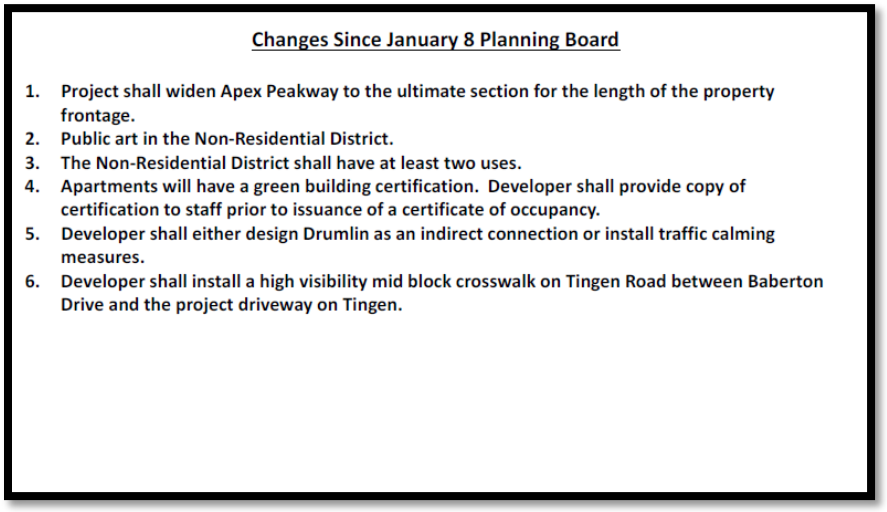
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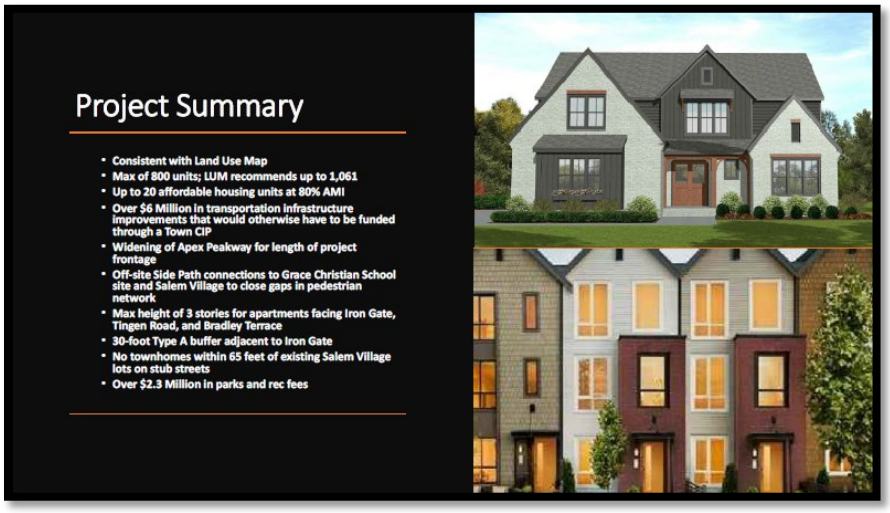
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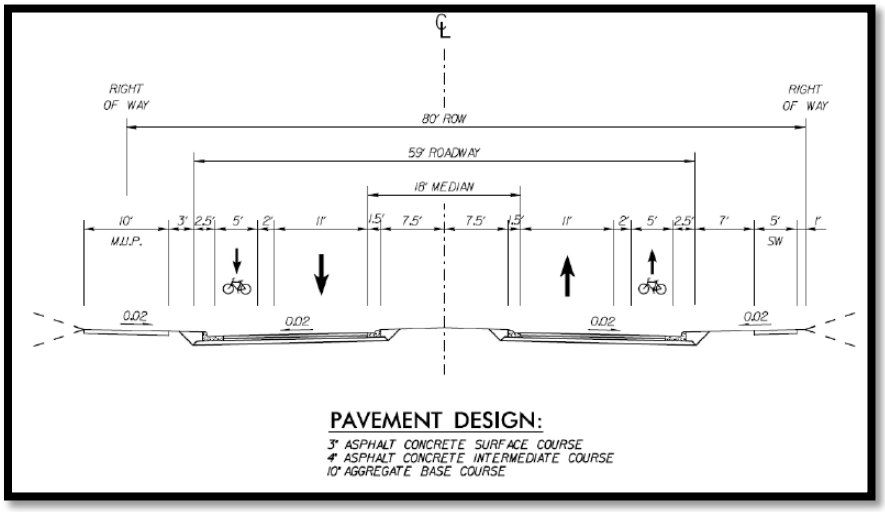
[PH8 APPLICANT – SLIDE 8]



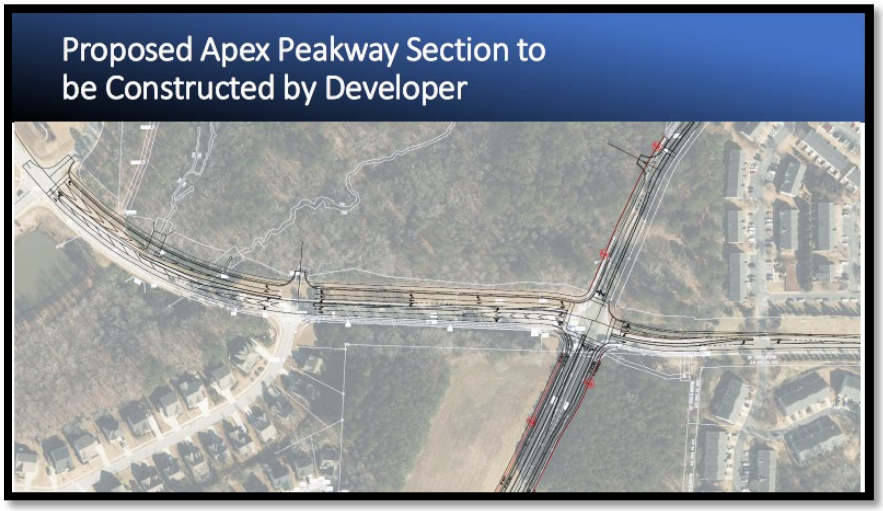
[PH8 APPLICANT – SLIDE 9]



[PH8 APPLICSNT – SLIDE 10]



[PH8 APPLICANT – SLIDE 11]



[PH8 APPLICANT – SLIDE 12]



Mayor Pro Tempore Gray asked for clarity on timing between houses and road construction, and if houses would be built before roads were fully operable.

Mr. Carpenter said no, and that different phases of the project would come at different times. He said the infrastructure for each phase would be required before the CO's were issued for the homes.

Councilmember Zegerman said part of the property would depend on the big branch 2 pipeline, and that the eastern portion of the property could not be constructed without it.

Mr. Carpenter said yes, and this would seek to help the overall sewer issue, and that they could not connect to the Salem Village pump station.

Councilmember Zegerman said he wanted to make sure they were not having a conversation 6 months from now about a variance if big branch 2 does not come to fruition.

Mr. Carpenter said a variance for sewer would be very difficult.

Councilmember Zegerman said he just wanted to make things clear up front.

Councilmember Mahaffey said they typically don't adjudicate sewer capacity through rezonings, and that it is done through actual capacity calculation. He said the same goes for stormwater. He says town laws control for those issues.

Councilmember Gantt asked if a 25-year storm condition was included.

Mr. Carpenter said yes.

Councilmember Gantt said that was above and beyond required, and was an EAB recommendation.

Councilmember Mahaffey said it may make conditions better then.

Councilmember Zegerman asked for a minimum type A buffer, rather than removing and replanting.

Mr. Carpenter said they look at neighboring uses and intensity, and that's how they arrived at the wider, thicker buffer to the south. He said on the west side of Tingen Road the development would be more compatible with the things in the area, and he thinks that is much more compatible

for size and scale. He said he thinks they chose type B because they would to remove more existing vegetation with type A. He said the goal is to leave more existing vegetation.

Councilmember Killingsworth asked what the buffer was on the Salem Village side.

Mr. Carpenter said it was 15-foot type B. He said there is no buffer along the western portion, as the Salem Village subdivision did not leave any buffer. He said they are really tight there at Tingen Road.

Councilmember Killingsworth asked if there was a reason why that was not required with Salem Village.

Ms. Bunce said Salem Village was approved before there was a requirement for there to be a buffer between residential uses, and that change was around 2015 or 2016.

Councilmember Gantt confirmed the calculations of the buffers for the single-family homes.

Councilmember Zegerman said he would like to see a 30-foot buffer between the residential uses. He said if there is not existing vegetation, type A may not be practical, but where there is, he is asking for it to remain essentially undisturbed.

Mr. Carpenter said they are comfortable leaving existing trees and vegetation, but he does not think they can change the buffer sizes given the constraints.

Councilmember Mahaffey said he asked for a full tree canopy replaced, which he said seems feasible on that site. He asked why they were unable to commit to doing that.

Mr. Carpenter said there was a lot of canopy on the eastern side on Tingen and the north side of the Peakway. He said it was more they don't have the data yet to make that commitment than that they already knew they couldn't do it. He said he didn't want to make the commitment then not be able to meet it.

Councilmember Mahaffey said he had offered some suggestions to mitigate the lack of school capacity for middle school in the area. He said he recommended a 55+ community, changing the mix of 1-bedroom and 2-bedroom apartments, and those were not included.

Mr. Carpenter said they discussed an age restriction, and he said that was at odds with providing housing for people in the area with different ages, incomes, and conditions. He said that was the vision of the land use map here, and the age restriction did not accomplish that goal to their opinion. He said they also didn't want to place that restriction on the site, and in a year or two have a solution to the middle school capacity issue, then be stuck with 55+.

Councilmember Mahaffey said he was concerned about the setback distance, and said they were pretty tight. He asked them to increase them, but they were not included, and asked if he had any comments.

Mr. Carpenter said those were all minimums. He said they are not going to be that small on every home, as that is not workable. He said the low minimums help with site design and flexibility.

Councilmember Mahaffey said housing staff asked for a stronger housing condition than offered, as they are offering 5% of the apartment units to be affordable and the request was for 5% of all units. He said he would also support a larger affordable housing condition. He asked if he had comments.

Mr. Carpenter said a lot of the units would be for-sale, and it is a more difficult and complex process, and is much more restrictive. He said he has heard from builders that people who are trying to get loans for affordable-locked homes, as they are seen as capped for appreciation. He said adding more units as affordable to the apartment construction couldn't absorb the cost in the pro-

forma without government financing. He said that could also cause a phasing issue, since they may not know the total units during the earlier phases.

Mayor Gilbert opened up the Public Hearing for this item.

First to speak was **Joseph Mayer-Salman of 1971 Drumlin Drive:**

"Real quickly, while you're getting those I just want to give a shoutout to staff for working with me, I appreciate their help, they're responsive, and I can tell they care about what they do. So, thanks to them. So I am Joseph Mayer-Salman of 1971 Drumlin Drive and I am here to represent Drumlin Drive. So that's next page. I am requesting your help with a zoning condition, I know staff cannot support this, on principle, but I am asking your help and I am entrusting you to consider what I am about to share, and not connecting Drumlin Drive to the new development with a road, and instead connect with a sidewalk or a greenway. So we're going to look through it real quick, about how it's not essential, we're going to take a look at it, and last but not least, safety. Alright, next page. So, the vehicular connection I believe is not required, not essential, because the two nearest stub streets you can see on the map with the red arrows will connect. So there's lot of connectivity in this area, I actually looked to find another place in Apex, I asked staff about it as well, and I could not find another place with 3 this close that connect. In addition, there are no markings or signs on Drumlin Drive that it is a stub street, like the other 2 stub streets, or how a stub street should be marked. Alright next page. It has been built and utilized as a cul-de-sac for over a decade, so traffic flows around in a circle, it's less than 600 feet long like a cul-de-sac should be per the UDO, and has a landscaped center island. Vehicles go around it in a circle without backing up, including the trash truck. Alright next page. Drumlin Drive also has 150 feet of frontage with an HOA maintained open space, so today kids of all ages, and I do mean all ages, I'll show you that shortly, congregate here to play. When Ticehurst Lane connects, this will be the only safe space remaining for those kids to play. Next page. So this is a picture of a regular day in October, you can see the lawn inflatables, this is before Halloween, and you can count 16, there's really 17 there's someone behind a tree my wife said I couldn't mark them because you couldn't see them, but they're out here playing in the open space out here having fun, they're actually playing 3 different games. There's football, there's baseball, and there's volleyball back in the corner. Alright next page, I am going to skip that, because it's actually been covered prior to getting to my section, so I will skip it. I think the buffer piece here has been covered as well, but the other thing I would like to ask for here is having two story units right along the buffer with Salem Village, and that's because the homes in Salem Village are of a similar size and having a three-story thing right on the edge there would be kind of towering over the homes along the buffer, especially if the buffer is thin and not the 30 foot type A requested here and asked about before. And I can see I am out of time, so thank you."

Mayor Gilbert thanked Mr. Mayer-Salman for his comments.

Next to speak was **Mettina Damm** of 1628 Salem Village Drive:

"Good night, Mayor and City Council members, I would like the town to review the 23CZ13 Rezoning Project and invalidate the Planning Board vote on January 8th, with a conflict of official conduct. City Councils and Planning Board members have a tunnel vision in Seymour Rezoning project, the focus on Apex Peakway and they neglect crucial aspects presented by the Apex citizens. With a month to review before motions are made to the vote, complete and sound compound traffic impact report. There is no school capacity at any level, nor will the school be built in the next 5 years. Sewer lines, foot lines, ecologic preservation, need to go with town guidelines. Our community has clear demands on this project. Medium density, no more than 400 units, 25% of these units are residents aged 55+, no commercial areas, preserve at least 30% of the trees, real commitment for the developer, build a park, 100 years stormwater management plan, conduct a traffic study, include all projects, Grace Christian, Hughes and Peakway intersection along with bumpers and review traffic lights. Review the buffers in Salem Village. Only medium density will resolve most of the issues today, and save millions of dollars. Salem Village has 400 houses, and the land is bigger than the Seymour one. This will be comparable and fit with the Apex city guidelines. 100 of these units, 25%, should be 55%, to increase the chance that our kids, not the developer's kids, not the Seymour kids, our kids, stay close and don't spend one hour on the bus. No commercial areas, that comes with high density. 94 percent tree removal. To the environment zoning board, we implore. Raise your development standards, and ensure developers cover 50% of the green lights. You approve this project with only 20%. The developer agreed only with 15 of our 73 suggestion. Don't kill the trees in Apex. Our children deserve to walk in the park. We refuse to raise casualties due to planning traffic. We demand you invalidate the Planning Board meeting on January 8th, all past votes where member Alyssa Byrd has a conflict of interest, her vote to send emails regarding the Seymour 23CZ23 proposal, we have documents recording all the issues in these meetings. If this is approved today without review, the City of Apex can be held legally, financially, and accountable for potential frauding, sewer problems, and potential casualties resulting from inadequate planning. City Council members, you have a serious responsibility. Thank you."

Mayor Gilbert thanked Ms. Damm for her comments.

Next to speak was **Dave Zonca** of 1718 Minley Way:

"Good evening, ladies and gentlemen, I appreciate the time. One of the things that I wanted to bring up is a little off the radar screen when looking at the presentations. Around this development is the area of Tingen Road from Apex Peakway to Salem Street, crossing the railroad tracks. And James Street, from say around Hughes Street, to Apex Peakway. I moved to Apex in 2015, first home built, October 15th we moved in, Apex Manors. Not Apex Village, Apex Manors, directly behind the Elementary School. I can frame my future concerns based on today's state. Today, particularly around, well there's been some conversations around Apex Elementary and what the future is and the traffic loads, I can tell you it's a mess there. It's a safety hazard, and it's a congestion issue. Today, you can't make a turn off of James Street crossing over Tingen and see traffic coming both directions. It's a hope and a prayer. There are cars parked all along James Street, both sides, because there's not enough room to stage. There's barely enough room for a car to get through there, and you frequently have to cross over the yellow line into the opposing lane to get around

traffic. There are cars that are double parked on James Street, further down the traffic circle, with their flash and flashers blinking. Why? Because parents don't want to sit in that line for staging, so they park their cars on Miller Street, Minley Way, and on James Street, and they pick up their kids and take them back to the car. There are times you cannot even access the neighborhood because the traffic circle is blocked, and there are so many cars on the street that you can't get through. That's today's state. I think that there are opportunities to improve that, until the development comes in place. I don't know what the future impact is going to be, when the Peakway is going to be extended over Salem Street, when Tingen will be closed at the railroad tracks and what that's going to do to traffic patterns. It's going to be a lot of variables. What's the staging of the new development and what are the number of people that are going to be coming into that area. When the Peakway is going to be completed, when streets are going to be closed. I have no idea how to project that traffic flow. But what I can tell you is I think the problem is going to move from where it is today, from everybody staging on James Street, which is not designed for people to be parking on both sides. I think that's something we need to address today, but also keep in mind as we're doing the planning, what's the future going to be in that area that I think is being overlooked."

Mayor Gilbert thanked Mr. Zonca for his comments.

Next to speak was **Stephen LaTour** of 1560 Ticehurst Lane:

"Mayor and Council, good evening, my name is Stephen LaTour and I live at 1560 Ticehurst Lane, just west of the proposed development. I have several concerns that I believe require conditions being attached to this zoning change. I do object to the construction of thru cuts on the current stubs. There are 3 stubs, all within 150 feet of each other, 2 of the stubs are within 159 feet of each other, thus the amount of traffic that is going to be generated in a small area could be quite high. I really don't think that the UDO should require connections in all cases. These are narrow streets, you can only have one lane of traffic moving if someone is parked on the side of the road, and there are sidewalks on only one side. Those kinds of streets should not be subject to stub connection. I do appreciate changing connections to indirect, that certainly will help, but I don't think that's a sufficient condition. I also believe the minimum distance of only 65 feet between townhomes and the single-family homes in Salem Village should be increased, I suggest 200 feet. 65 feet is just a little more than one typical lot width in Salem Village. There's also a substantial grade level difference at the top of Ticehurst between the Seymour property and Salem Village, it's about 15-18 feet higher, which increases the height of those townhomes relative to the homes in Salem Village. I really think that minimum distance should be much greater certainly than 65 feet. The minimum lot size of 500 square feet is too small for the portions of track 3 bordering Salem Village. The developers have not considered consistency with Salem Village as-built. I'm not asking that the minimum lot size be higher elsewhere, just close to Salem Village. The lots in that area are 8,000 to 10,000 square feet, so I think the minimum lot size bordering Salem Village there maybe within 200 feet or so should be 8,000 square feet. Those are my concerns and I hope that you will consider them, thank you."

Mayor Gilbert thanked Mr. LaTour for his comments.

Next to speak was **Terry Ryan** of 1781 Yately Lane:

"I've been cycling for over 50 years, and I typically put on several thousand miles a year. Now after Lori Cove was tragically hit up in Cary about 5 years ago, I've been concentrating basically off-road. I've been doing the ATT, you know about the push button flashing light, and I'd say about 75% of the cars actually stop when that is activated. It's not necessarily a huge issue, I mean it is but the cyclists are used to looking for vehicles. Now, the kids going across Apex Peakway to the swimming pool are not going to be used to trhat, so I would ask the Council that as a condition of approving it, the developer install a push-button flashing stop light at the intersection of Apex Peakway and Padstone, such that when they hit that, it's going to make the cars going down Apex Peakway stop. I think that's for the kid's safety. That's number 1. Number 2 is with Councilmember Zegerman, I absolutely agree with him that the design of having two 5 foot lanes, and then having a 10 foot elevated one, you're better off getting rid of the street level 5-foot lanes and make one 20 foot wide bi-directional bike lane. And, also like the Councilman, I've cycled in Europe and they're far advanced. And that;'s they way to go. So I'm just saying it doesn't cost any more, and it's going to be a whole lot more effective, because as a cyclist if I'm going down Tingen, I'm certainly not going to take the bike lane that's street level if there's a bike path that's available. Number 3, and that is with the two lane bridge going over US 1. That is a recipe for disaster, because you've got 3 lanes both ways, and you've got pedestrians, and when they all meet they're at the bridge, and it's a recipe for disaster. And unfortunately the cyclists will lose. Thank you."

Mayor Gilbert thanked Mr. Ryan for his comments.

Next to speak was **Kyle Corley** of 333 Anterbury Drive:

"I guess before voting the real thing to consider is we keep hearing about the infrastructure. To be honest, I mean our schools are already capped, so if you build all these multi-family homes, single-family homes, where are you going to put them. I get a high school is going to be built in 5 years, an elementary school is going to be built in 5 years. But I mean, like someone mentions, what about Middle Schools? My daughter is in 6th grade, 6th, 7th, 8th and then she goes to high school. So, what about the middle school people? There's just no infrastructure to be honest., You've got schools, you've got traffic, there's a new shopping thing built near Wal-Mart, I think one shop has been filled. And you've got employers who are looking and wanting, need employees, so I get you need people but yet, I don's see the infrastructure. I've grown up in a small town, I'm from Alabama, Homewood which is right outside Birmingham, small town I get you gotta grow. But to grow successfully you need to have a stable infrastructure in place, and I just don't see that right now in Apex. And I think we need to look at the infrastructure first, get that in place, and then we can add this new development, and all these homes. The townhomes are right up next to each other, you have no yards or anything like that, you're living pretty much on top of each other, that's like New York, all Northeast, they live on top of each other. That's just a recipe for disaster with public health, I mean Covid showed the nation that. And to go back to the question earlier, there's only one way in and out of Anterbury Drive, there's a pond, there's a roundabout, cul-de-sac, if you're going to be

inserting that, having a second exit off Anterbury needs to be discussed. I think that's everything, thank y'all for your time."

Mayor Gilbert thanked Mr. Corley for his comments.

Next to speak was **Jean Radke** of 340 Anterbury Drive:

"I just had to present tonight my objections to the Seymour PUD, besides the congestion, noise, the additional development, the destruction of the property, the woods and things like that. The biggest concern to me is the traffic, I think it's going to be a traffic, it's going to cause traffic misery. With 800 units expected, a conservative estimate might be 1600 more cars right in that area along those local streets. Then there's congestion down Tingen at Apex Elementary School, in the other direction they're going the build Grace Christian School as I understand it, that will have to accommodate 1200 students, and they do not offer bus service. So that's how many more vehicles travelling these roads right in this local area. The only access into my community on Anterbury Drive is right off the Peakway, about maybe 200 feet from Tingen, and I think if there's all this traffic and a stop light put up at the corner at Tingen and Apex Peakway, we're going to have a hard time getting in and out of our development, because like I said we're very close to that intersection. In addition to these traffic problems, in that local area down the Peakway a little ways across form Wal-Mart was the new development I believe with 164 apartments. There's more traffic, more cars on these same few streets. At the busiest times of day, sometimes coming home on US 1 and exiting and trying to exit onto Williams Street on Exit 95, some of the traffic is stopped in the lanes out on US 1 where it should be moving, they're at a stand still in the travel lanes because there's that many cars exiting there. So, I would ask you to please make a prudent decision for the citizens of Apex and reject this proposal for the Seymour PUD, and a couple of my neighbors are with me tonight, they asked that I let you know that they would also, if this goes forward, at least the 30-foot buffers that you proposed. Thank you very much for your time."

Mayor Gilbert thanked Ms. Radke for her comments.

Next to speak was **Andre Powell** of 311 Anterbury Drive:

"I don't want to beat a dead horse, but I'm going to beat it. The issue is traffic. The sexy part of their proposal is the infrastructure, the issue is you won't get the infrastructure up to fix the problem. It's horrendous. So leaving out of my home in Bradley Terrace, I pick a way to go depending on which day of the week it is. Because traffic is bad. If I have to go down into Apex, I have to drive around to beat the traffic, because I can't pass Apex Elementary. It's not a fun game, it's kind of like being in New York, but there's no subway. So I say all that to say this, what they are proposing sounds great if you can actually execute it. I don't know the company, I'm just being honest. A great plan without execution is a failure to me. The second thing I would be concerned about, my daughter is at NC State right now so I don't have any kids in school, but you know where I wouldn't move to? A place that didn't have schools. If I had to do it all over again, and this is what we were doing to ourselves on purpose. Not planning for the future of our children, I wouldn't move to Apex. One of the reasons

we picked Apex was the proximity to Cary where I used to work at, the schools are great, but when we start picking away the real choices of why people buy homes, you become a less desirable place. I'll end with this. I have a friend who lives in Fuquay, I went to see him from Downtown Raleigh. It took me an hour and 20 minutes to get from downtown Raleigh to Fuquay. You know one of the biggest complaints is for Fuquay and Holly Springs, the traffic. And I think we're starting to duplicate the same problem in Apex. As I am picking on Emily, dude it took me an hour and 20 minutes to gets here. I go back home, and it's like, it took me a long time to get back home in Apex, because the traffic is swelling. Nobody's fault, but we can actually be more proactive and reduce that issue. The second concern is the schools. I would not gamble to move to a place that said we'll see what happens in 5 years. As all of my kids are grown that's not the issue. I can think of other smaller, younger families who do not consider that to be an option. So that's all."

Mayor Gilbert thanked Mr. Powell for his comments.

Next to speak was **Ryan Shealey** of 530 Old Mill Village Drive:

"I walked here, so there was no traffic, So I have some notes out of randomness, we are talking about this new development, and new is scary I get it. But one thing that I kind of noticed was there was that crosswalk that I believe Brett wanted, love it, but the idea of yellow flashing crossings which was an option apparently, may not be sufficient. The traffic might be low enough to never need it, but if it is ever something that's coinsdierewd a hawk design is better if you know what that is. It's basically you push a button and it's like a red light out of nowhere. It's not a full traffic light it's just a red light. Going to the bike ability, going to the bike ability, the multi-use path is the sidepath, someone mentioned that before, no one is going to bike on that better, it's just a waste of space. But I can understand that if you want traffic calming and you can't get tree lined streets that is a way to make it look like there's a bike lane there so it slows you down, but it does allow for fire and police. So overall, it's not horrible if you can't get an Amsterdam designed street, that's probably as good as you're going to get. I would like to see of course a sidepath on both ends but that; just me I like biking. In fact, I sold my car when I moved to Old Mill Village, we just have one car we're a one car family, I bike everywhere, it's great. Not everyone is as privileged as me to have access to bike facilities, so I get it, the Tingen Road looks great form the Peakway going south, but the Peakway going north could use some improvement. As far as all that traffic going to the elementary school, we've got to get rid of cars. I don't car what anybody says that ever speaks at this stand, we have too many cars in America, Amsterdam has 50% of their people having cars, I get it they've built that way since the 70's and they have crazy high gas prices, but there are better ways to do it here. And if you know what strong towns is, strong towns is an organization across American trying to fix the urban experiment, the suburban rather and reduce the number of cars we have and get more places like downtown Apex everywhere. Parking minimums that's another thing. So Raleigh and Durham got rid of their parking minimums so that we can have more diverse developments, I'm just wondering when Apex and Cary is going to follow suit. I saw the recent plan on the S line development, I'm very excited about that. Thank you for your time. "

Mayor Gilbert thanked Mr. Shealey for his comments.

Mayor Gilbert said they would begin with discussion and a possible vote for Public Hearing 7.

Councilmember Zegerman asked about the connection of Anterbury Drive to the east west connector earlier. He asked if the proposed improvement would extend to Anterbury Drive.

Mr. Cash, with Kimley Horn and Associates, said they extended the tapers past Anterbury to provide left turn lanes into that road.

Mayor Pro Tempore Gray said the concerns that have been brought to them on James Street and around Salem are things they need to get further study on. He asked if staff could take a look at that. He said he thinks these are transportation changes the town needs to make, so he would make a motion to approve.

A **motion** to approve was made by **Mayor Pro Tempore Gray,** seconded by **Councilmember Killingsworth,** to approve the Apex Transportation Plan for Rezoning 23CZ13 Seymour PUD.

Councilmember Gantt asked what would happen if they approve PH7 if they denied PH8.

Ms. Cox said they want to discuss 8 before the vote for 7, unless they want to approve the transportation plan amendments regardless.

Councilmember Zegerman said he would prefer to discuss item 8 prior to discuss either.

Mayor Pro Tempore Gray withdrew his prior motion.

Councilmember Zegerman asked the applicant about the building height of the homes bordering the existing communities. He asked if he was right to think there would be at least one single-family residence prior to the townhomes, and that the single family residence would be limited to a two-story building.

Mr. Carpenter said practically he thinks there will be a row of single-family homes. He said the condition does not allow townhomes within 65 feet. Of the property line, so they could have open space then townhomes. He said they do not know for sure yet, and it may be market driven. He said the height limit is 3 stories on single family and that is the same for townhomes.

Councilmember Zegerman said they don't have a precedent of requiring stubs unless there are extreme conditions. He asked what removing one of those would mean in terms of the other connections, and if that would work for them.

Mr. Carpenter said he is okay limiting one or more of those connections, and they know Council has normally done that. He said that's how they arrived at indirect connection. He said they could remove one and have it still work.

Councilmember Zegerman said he would really like to see the 30-foot properties.

Mr. Carpenter said he thinks they will stick with 15, he would have to talk about other options.

Councilmember Zegerman said it seems like there may be other options, and he thinks now would be the time to make that commitment.

Mr. Carpenter asked if he wanted that along the property line or just in the northern section.

Councilmember Zegerman said he wants that where it borders existing property.

Mr. Carpenter said he thinks they need to with 15 for now. He said townhomes aren't much more intense, especially with a 15 foot buffer.

Mayor Gilbert asked Director Johnson about his thoughts on this in regards to other things he has worked on in his career.

Director Johnson said Wake County's growth is really strong, and school construction always seems to be lagging behind. He said eh assumes Wake County will find a way to make the school issue works.

Councilmember Gantt said he thinks the Depot 499 is very dense and has two schools close by. He said that is comparable.

Councilmember Mahaffey said he is not going to support the project. He said he didn't get his trees, and he suggested several mitigations that were not agreed to, and there wer other conditions that were not included. He said he wanted to be clear that density was not a reason he was not supporting it. He said the land use map here calls for up to 1000 homes and has for a decade. He said if it gets turned down, there may be another development that large. He said the developer has also made an effort to move to the east side of Tingen. He said Wake County caps schools, and has the existing residence stay. He said the kids that may move in here would have to go to farther away schools in that scenario. He say Apex Middle is nearly full, but Lufkin is not. He said the 5-year projections are solid, and those schools are under construction today. He said there's longer term stuff for a middle school in the area. He said the carpool for Apex Elementary school, and it's the same at any school. He said not to go by the schools during those times.

Councilmember Zegerman said he has been fretting over this one. He said as a Salem Village resident, he empathizes with some of the reasons for not liking this development. He said he has to separate himself from that as a Councilmember. He said he wishes he got his 30 feet of trees here tonight, and that put him back in the tossup stage. He said that if this does get turned down, another development may bring more homes than this would. He said Grace Christian is still going to happen, and the traffic would still hit the road. He said this would bring a signal, and Tingen would be widened with sidewalks and paths, which would not exist without this, or the town would have to fund it. He said he really wants his 30 feet of trees. He said it will be a last minute decision on his part and he would want to hear from the rest of Council.

Mayor Pro Tempore Gray said his points are illustrating the larger issues that are inherent when there is something like this. This is a constant balancing act, with a number of factors and issues to get to a resolution of a problem. He said there can be something to resolve the issue, and there are some things he wishes they got, such as more affordable housing. He said the traffic issue is the biggest concern. He said he would love to reduce the number of cars, but that is a larger societal issue they have to address. He said from the whole town perspective, this solves a lot of the bigger problems in the area. He said it does so to allow them to deal with other issues that may not be high priority for the state. He said he agreed with Board Member Sherman a lot, on that they shouldn't make big changes to the LUM unless it makes things better. He said this change from the LUM does make things better. He said they have heard what people have had to say, even if they may not agree. He said they won't solve every problem today, like school capacity. He said his kid goes to Lufkin which is 2/3 full. He said it only is because of a fear of year-round school. He said they still are great teachers and programs. He said this is a creative solutions for a big problem in the area, and he has no problems supporting it.

Councilmember Killingsworth said they have heard the community, and wanted to make sure they knew that. She said the number 1 problem they hear about in Apex is traffic related. She said they cannot solve it alone. She said the big problem is with the General Assembly, because they have created the constraints that have handcuffed the town to have the problem they do with this now. She said the town has to pay for transportation improvements to schools, including private schools. Any requirement for those improvements has to be town funded. She said the town is not allowed to fully address transportation impact, because the state does not allow them to charge impact fees. She said that is not a town issue, but they have to be the ones to solve. She said they have solved it within the development that come in, and that's all they can do. She said state laws are why the town is behind. She said not doing the stubs will kick them later on. She said creating as much connectivity as possible is the way to fix the issues. She said this is not a perfect project, but it solves a lot of issues. She said she would like to see bigger buffer, but she would like to have seen Salem Village dedicate those buffers in the first place, and then there would not be an issue. She said the affordable housing is not perfect, but this is getting some built affordable housing. She said she is in support of this, and feels like it solves their biggest issues in the area.

Councilmember Gantt said they connect stub streets in Apex, and he hates the request not to. He said he wishes it would never be asked again. He said he heard that Salem Village folks wished they would extend that development to Tingen. He said that bugs him because the average home price in Salem Village recently has been $775,000. He said he thinks that puts everybody who works for the town, and almost all public employees, out of reach to afford those houses. He said Depot 499 will be around $450,000. He said apartments are also going to be more attainable for housing, and none of that would happen if they extended Salem Village further. He said this area will be much more walkable, and the developer has added more things to further that.

A **motion** was made by **Councilmember Gantt,** seconded by **Mayor Pro Tempore Gray,** to approve the Apex Transportation Plan for Rezoning 23CZ13 Seymour PUD.

VOTE: UNANIMOUS (5-0)

A **motion** was made by **Councilmember Gantt,** seconded by **Councilmember Killingsworth,** to approve Rezoning No. 23CZ13 – Seymour Mixed Use PUD.

VOTE: 3-2, with Councilmember Mahaffey and Councilmember Zegerman dissenting.

[CLOSED SESSION]

A **motion** was made by **Mayor Pro Tempore Gray,** seconded by **Councilmember Mahaffey,** to enter into Closed Session pursuant to **NCGS § 143-318.11(a)(5) and NCGS §143-318.11(a)(3)**

VOTE: UNANIMOUS (5-0)

Council entered into closed session at **11:09 p.m.**

CS1 Steve Adams, Real Estate/Utilities Acquisition Specialist

NCGS § 143-318.11(a)(5):

" To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract."

CS2 Councilmember Terry Mahaffey

NCGS §143-318.11(a)(3):

"To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body."

Council returned to open session at **11:38 p.m.**

[ADJOURNEMENT]

Mayor Gilbert adjourned the meeting at **11:39 p.m.**

Jacques K. Gilbert
Apex, Mayor

Allen Coleman, CMC, NCCCC

Town Clerk to the Apex Town Council

Submitted for approval by Apex Town Clerk Allen Coleman and approved on February 13, 2024 (CN9).

APPROVED

TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, FEBRUARY 13, 2024
6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, February 13, 2024 at 6:00 PM in the Council Chambers at Apex Town Hall, located at 73 Hunter Street in Apex, North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel. The recording of this meeting can be viewed here: https://www.youtube.com/watch?v=8r5geZhdujQ

[ATTENDANCE]

Elected Body
Mayor Jacques K. Gilbert (presiding)
Councilmember Audra Killingsworth
Councilmember Arno Zegerman
Councilmember Terry Mahaffey
Councilmember Brett Gantt
Absent: Mayor Pro Tempore Ed Gray

Town Staff
Interim Town Manager Shawn Purvis
Assistant Town Manager Demetria John
Assistant Town Manager Marty Stone
Town Attorney Laurie Hohe
Town Clerk Allen Coleman
Deputy Town Clerk Ashley Gentry
Planning Director Dianne Khin
All other staff members will be identified appropriately below

[COMMENCEMENT]

Mayor Gilbert called the meeting to order and welcomed all who were in attendance and watching. He said Apex is celebrating Black History Month and not just for the month of February but throughout the entire year. He said he would like to reflect on the significance that many people have made contributions in our community. He then said the invocations will be delivered by Jedah Dancy who is apart of the Mayors Internship Program and is an Ambassador on the champion Apex team and is also a Senior at Apex Friendship High School.

Jediah Dancy introduced herself and shared what Black History Month means to her. She said "As I look back on Black History Month I see unwavering resilience courage and strength. I am inspired by the black leaders, activists, artists, scientists, and everyday heroes who in the face of

adversity pave the way for Progress, Justice, and Equality from the fight against oppression to the triumphs of innovation the journey from then to now has been a testament to a different kind of power, a power that truly exemplifies what it means to be black and beautiful. For me black history isn't just about remembering the past it is about building our future. We all have to remember that in challenging times there is power and unity the work is not yet done but together we can continue to work towards a better future for all we must continue to stand firm in the face of Injustice advocate for change and celebrate our differences because that is how we as a society can continue and honor the work of those who came before us. I consider myself a very fortunate person to be born and raised right here in Apex, in a community where a sentiment of unity and inclusion is the standard. Apex is growing we all know it we all see it but what I love most about the growth is that as we grow in numbers we also grow in recognition what I mean by this is that in these past few years I have loved to see our community's focus on diversity truly flourish. I have attended festivals and celebrations where I've been able to experience different cultures food music and other Arts. I can also remember walking through the downtown area in protest with the black lives matter movement and just a week or so ago one of my best friends was able to set up a try on hijab Booth kind of right downtown in honor of world her job day and I thought that was pretty cool as well um being able to hear from and learn about other cultures is truly amazing. Apex has been coined the peak of good living and I say that we keep earning this Honor by ensuring that we continue to be the welcoming community that I love and more. like I mentioned before the work is not done yet but I can't wait to see what we do next and before I go I just want to leave off with this quote from former president Barack Obama. “Change will not come if we wait for some other person or some other time we are the ones we've been waiting for we are the change that we seek” thank you”

Mayor Gilbert then led those in attendance in the Pledge of Allegiance.

[CONSENT AGENDA]

A **motion** was made by **Councilmember Zegerman,** seconded by **Councilmember Gantt,** to approve the Consent Agenda as presented.

VOTE: UNANIMOUS (4-0)

CN1 Agreement - Magnet Forensics Software - Digital Evidence Examination (REF: CONT-2024-027)

Council voted to approve a license agreement with Magnet Forensics, effective January 1, 2024 through December 31, 2024, to examine digital evidence with mobile, cloud, and digital resources, and authorize the Interim Town Manager, or their designee, to execute on behalf of the Town

CN2 Annexation No. 773 - 1075 South Hughes Street - Chick-Fil-A - 3.431 acres (REF: RES-2024-005, RES-2024-006, and OTHER-2024-028)

Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for February 27, 2024, on the Question of Annexation - Apex Town Council's intent

to annex 3.431 acres, located at 1075 South Hughes Street, Chick-Fil-A, Annexation No. 773 into the Town Corporate limits.

CN3 Annexation No. 775 - 1133 Twin Creek Road - 2.80 acres (REF: RES-2024-007, RES-2024-008, and OTHER-2024-029)

Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for February 27, 2024, on the Question of Annexation - Apex Town Council's intent to annex 2.80 acres, located at 1133 Twin Creek Road, Annexation No. 775 into the Town Corporate limits.

CN4 Annexation No. 776 - Sundance of NC, LLC - Salem Church Road - 2.90 acres (REF: RES-2024-009, RES-2024-010, and OTHER-2024-030)

Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for February 27, 2024, on the Question of Annexation - Apex Town Council's intent to annex 2.90 acres, Sundance of NC, LLC, located on Salem Church Road, Annexation No. 776 into the Town Corporate limits.

CN5 Appointments - Environmental Advisory Board (EAB)

Council voted to reappoint the following Apex Environmental Advisory Board (EAB) members each for a three-year (3) term expiring December 31, 2026:
EAB-001 - Suzanne Mason - reappointment for 2nd Term
EAB-003 - Katie Schaaf – reappointment for 3rd Term
EAB-004 - Patrick Adams – reappointment for 2nd Term
Council voted to appoint Njeri Moller to the Apex Environmental Advisory Board (EAB) for a three-year (3) term expiring December 31, 2026:
EAB-008 - Njeri Moller – appointment for 1st Term

CN6 Appointments - Environmental Advisory Board (EAB) - Chair/Vice-Chair

Council voted to confirm the following leadership positions on the Environmental Advisory Board (EAB) for calendar year 2024:
Suzanne Mason, Chair of the Environmental Advisory Board (EAB)
John Garrison, Vice-Chair of the Environmental Advisory Board (EAB)

CN7 Budget Ordinance Amendment No. 12 - Electric Utility Operations (REF: ORD-2024-006)

Council voted to adopt Budget Ordinance Amendment No. 12 allocating additional funds for expansion of Apex's electric utility distribution system

CN8 Construction Contract Award - Hollins Construction Services, Inc. (HCS) - Reedy Branch Greenway and Capital Project Ordinance Amendment 2024-11 (REF: CONT-2024-008 and ORD-2024-012)

Council voted to award a construction contract with Hollins Construction Services, Inc (HCS) for Reedy Branch Greenway (Sweetwater Gap) construction and adopt corresponding Capital Project Ordinance Amendment 2024-11, and to authorize the Interim Town Manager, or their designee, to execute on behalf of the Town.

CN9 Council Meeting Minutes – Various

Council voted to approve Meeting Minutes from the following meeting:

January 16, 2024 – Town Council Work Session Minutes
January 23, 2024 – Regular Town Council Minutes
February 3, 2024 – Special Town Council Meeting Minutes
February 4, 2024 – Special Town Council Meeting Minutes

CN10 Friendship Village Subdivision - Fee-in-Lieu (FIL)

Council voted to approve a Fee-in-Lieu (FIL) in the amount of $10,870.95 for an 8-inch DIP Sewer Main located in the Friendship Village Subdivision.

CN11 Resolution - Abandon Existing Utility Easements - Primrose School Site (REF: RES-2024-011)

Council voted to approve a resolution entitled Resolution to Abandon Portion of Existing Public Utility Easement at Primrose School Property, located at 614 Old Mill Village Drive.

CN12 Rezoning Case No. 23CZ13 Seymour Mixed Use PUD – Statement and Ordinance (REF: ORD-2024-007)

Council voted to approve Statement of the Town Council and Ordinance for Rezoning Case No. 23CZ13 Seymour Mixed Use PUD, Barnett Properties, LLC, petitioner, for the property located at 0, 0, and 0 Tingen Road (PINs 0741142574; 0741152543; 0741155913).

CN13 Rezoning Case No. 23CZ14 Salem Street Townhome PUD – Statement an Ordinance (REF: ORD-2024-008)

Council voted to approve the Statement of the Town Council and Ordinance for Rezoning Case No. 23CZ14 Salem Street Townhome PUD, Bateman Civil Survey Company, petitioner, for the property located at 0, 0, 720 South Salem Street (PINs 0741178829, 0741179910, 0741179971).

CN14 Rezoning Case No. 23CZ15 Apex Gateway Ph. 2 Amendment Statement and Ordinance (REF: ORD-2024-009)

Council voted to approve Statement of the Town Council and Ordinance for Rezoning Case No. 23CZ15 Apex Gateway Phase 2 Amendment. The applicant is Gray Harrell, Beacon Development for the properties located at: 314, 450, 482, 472, 546, 610, 696, 527, 0, & 0 NC Hwy 751; 0, 0, & 0 Hwy 64 East; 0 & 44 New Hill Road (PINs 071200461386, 071200460876, 071200367945, 071200470121, 071200378303, 071200376549, 071200372751, 071200261673, 071200350755, 071200245813, 071200245419, 071200246438, 071200435356, 071200452105, and 071200543241).

CN15 Rezoning Case No. 23CZ20 Sweetwater PUD Amendment – Statement and Ordinance (REF: ORD-2024-010)

Council voted to approve the Statement of the Town Council and Ordinance for Rezoning Case No. 23CZ12 Sweetwater PUD Amendment, David Schmidt, ExperienceOne Homes, LLC, petitioner, for the properties located at 1451 Richardson Rd; 1051 & 1075 Newland Ave; 2800, 2810 Teachey Pl, & 2820 Teachey Pl; 0 Core Banks St and 0 Little Gem Lane (PINs 0722550034, 0722544876, 0722544404, 0722457646, 0722454406, 0722443942, 0722441499, and 0722441386).

CN16 Software License - Gladiator Forensics

Council voted to approve the terms and conditions for purchase and use of Gladiator Forensics' software license and permission to use Wake County Sheriff's Office Gladiator Forensics Server, and to authorize the Interim Town Manager, or their designee, to execute on behalf of the Town.

CN17 Surplus Badge and Service Weapon - Retiring Sergeant John Jones

Council voted to declare one badge and service weapon (Glock Model 19, 9mm handgun, Serial Number XWZ747) as surplus property, and award these items to retired Sergeant John Jones.

CN18 Surplus Vehicles - 1999 GMC C8500 and 2008 International Workstar 7300

Council voted to declare the following two (2) vehicles as surplus, authorize the sale of both vehicles, and authorize the Purchasing Manager and Interim Town Manager, or their designee, to sign documents necessary to complete the sale:

Vehicle A – 1999 GMC C8500 Vin # 1GDP7H1CXXJ512964

Vehicle B – 2008 International Workstar 7300 Vin # 1HTZZAAR98J047097

CN19 Tax Report – December 2023 (REF: OTHER-2024-031)

Council voted to approve Apex Tax Reports dated January 9, 2024.

[PRESENTATIONS]

PR1 Apex Public School Foundation - Quarterly Peak S.T.A.R. Awards – 2nd Quarter

Councilmember Mahaffey introduced the Peak S.T.A.R Award, which is meant to honor the hard work of a school faculty member in Apex Schools. He introduced Barb Conroy, President and Co-Founder of the Apex Public School Foundation (APSF), who would be honoring the recipient.

Ms. Conroy said the APSF represents 19 schools, and would be expanding to 20 next year. She said their main program is their teacher grant programs, which funds programs to enhance student engagement. She introduced Erin Muse of Salem Middle School, Math Interventionist, who was the recipient of this quarter's Peak S.T.A.R Award. She said she is a school-wide leader, and works hard to support all students.

Councilmember Mahaffey gave the award to Ms. Muse, and thanked her for all she does for the students in Apex.

Ms. Conroy spoke about the grants that the APSF has recently provided.

PR2 Proclamation – Black History Month – February 2024 (REF: PRO-2024-003)

Mayor Gilbert, along with the rest of Council, read the Black History Month 2024 Proclamation in unity.

Phyllis Daniel received a copy Proclamation in honor of Clarice Atwater, who was the first Black Mayor Pro-Tempore in the town's history.

Kim Davis received a copy of the Proclamation in honor of her mother Sarah Davis, an Apex resident who rode a bus to Washington, D.C. to hear Martin Luther King Jr.'s "I Have a Dream" Speech, and her father Rev. William Davis, who was a longtime minister in the Town of Apex. Mayor Gilbert noted that this couple was a "voice of hope" for the Black community in Apex.

Several members of the Justice family received a copy of the Proclamation, In honor of Abraham and Correnna Justice, who developed the land near what is now knows as Justice Heights Street in order to provide homes for the Black Community in Justice Heights.

Karen Lee received a copy of the Proclamation in honor of her great-grandfather Waylon Matthews, one of the first businessmen to establish a general store in the Town of Apex

Pender Beckwith received a copy of the Proclamation, in honor of his uncle John Wayne Beckwith, who became the first Black police officer with the Apex Police Department in 1962.

Anthony Bowens Jr. and Tyler Evans received a copy of the Proclamation, who were two of the driving forces behind bringing a Juneteenth celebration to the Town of Apex.

Ms. Lee thanked Councilmember Killingsworth and former Councilmember Nicole Dozier, who helped establish a town-led celebration of Black History Month in Apex. She said she used to have to go to neighboring towns to celebrate, and she is happy she can celebrate great Black History Month events here in the town.

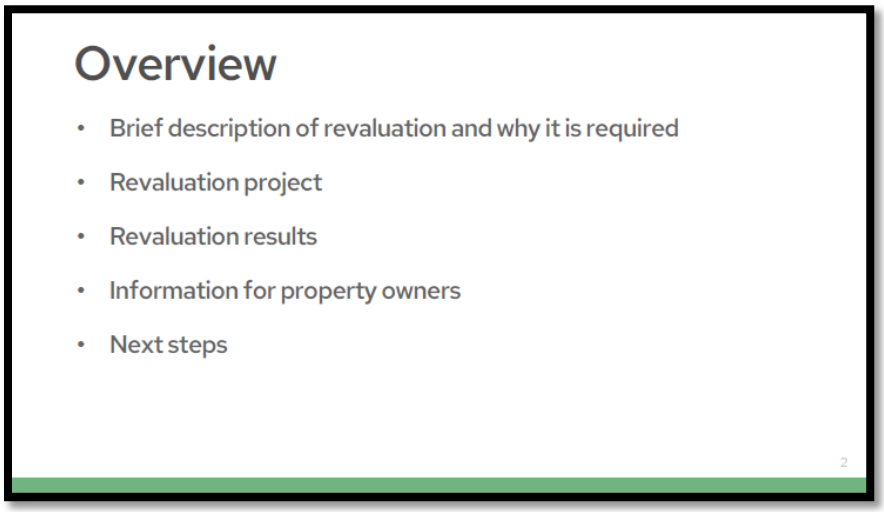
PR3 Wake County 2024 Revaluation Results

Nicole Kreiser, Deputy Tax Administrator for Wake County, gave the following presentation regarding the Wake County 2024 Revaluation Results.

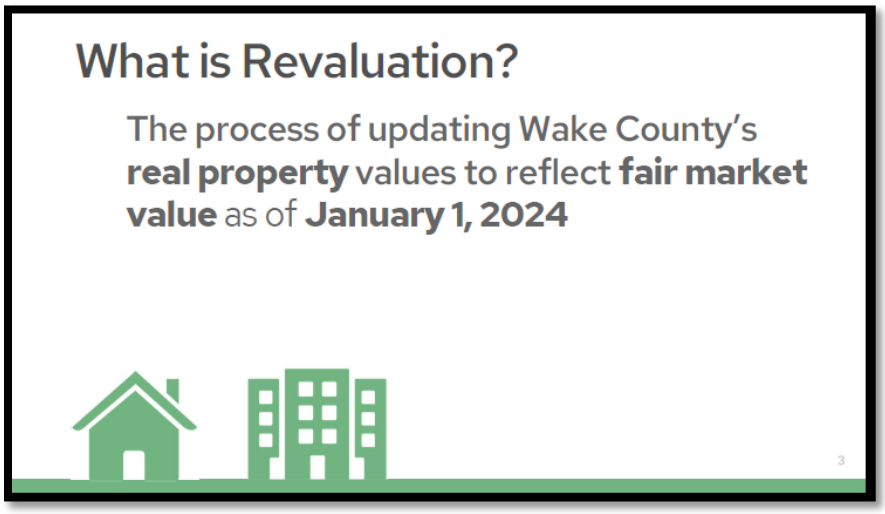
[PR3 – SLIDE 1]



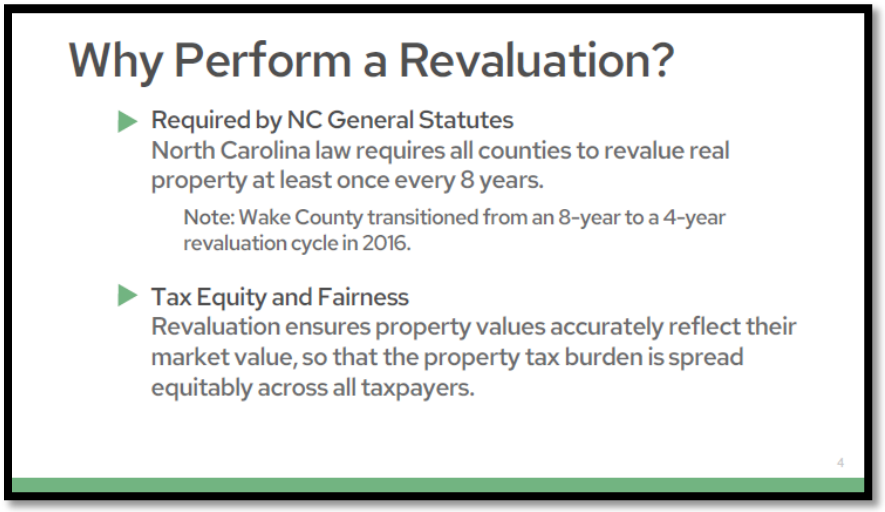
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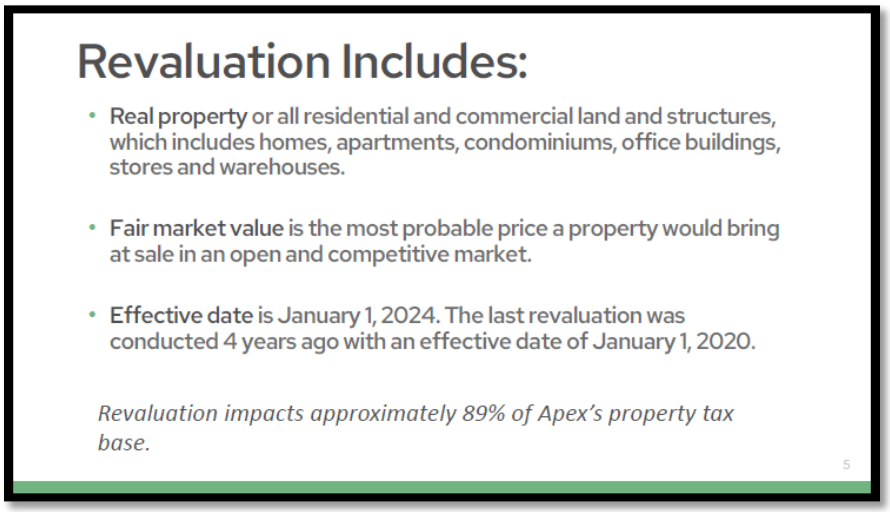
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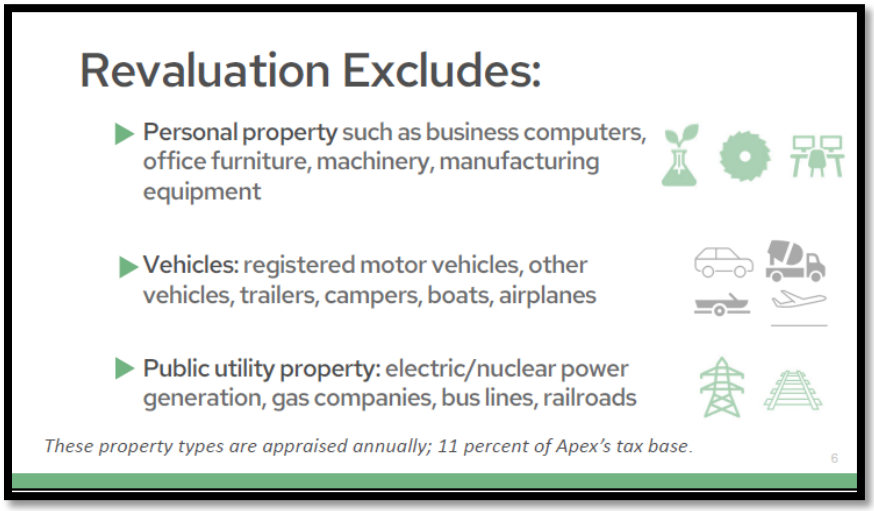
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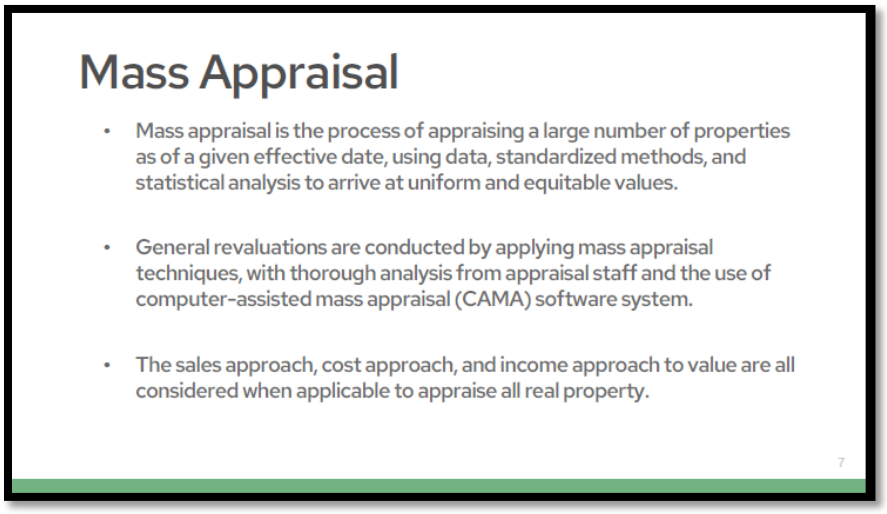
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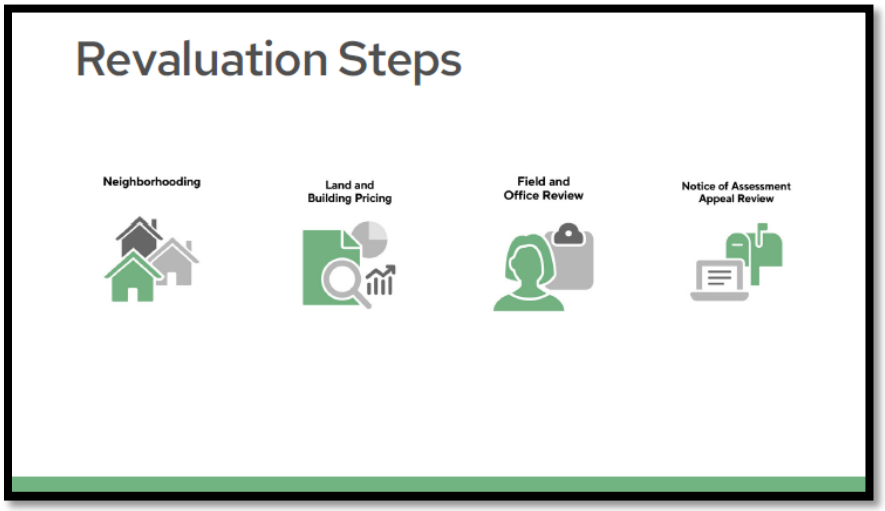
[PR3 – SLIDE 6]



[PR3 – SLIDE 7]



[PR3 – SLIDE 8]



[PR3 – SLIDE 9]

Wake County Revaluation Review Activity

Property Type	Office Reviews	Field Reviews
Residential	220,553	151,798
Rural	13,744	16,457
Commercial	14,534	9,200
Total Reviewed	248,831	177,455

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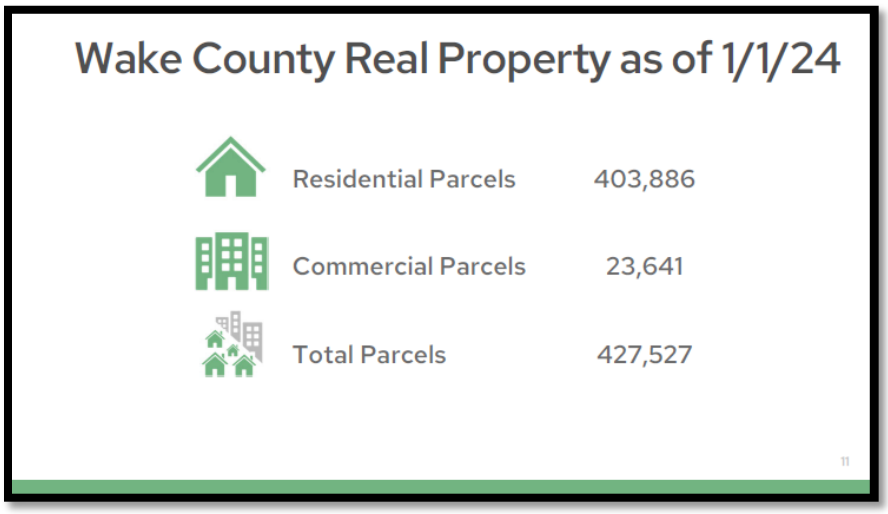
[PR3 – SLIDE 10]

Wake County Revaluation History

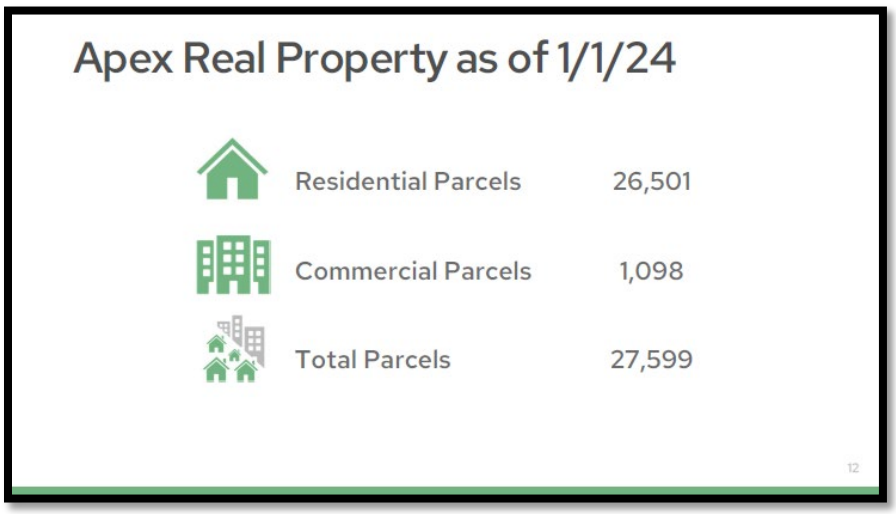
	1992	2000	2008	2016	2020
Total Parcels	165,000	230,000	325,000	360,000	395,000
Single Family	105,000	150,000	258,000	283,700	312,000
% Change from Reappraisal	43%	43%	40%	5%	23%
Taxable Value Post Reappraisal	$21 B	$43 B	$94 B	$118.3 B	$162.2 B
Taxable Value After Growth (New Construction)	$30 B	$67 B	$112.3 B	$131.3 B	$178.5 B

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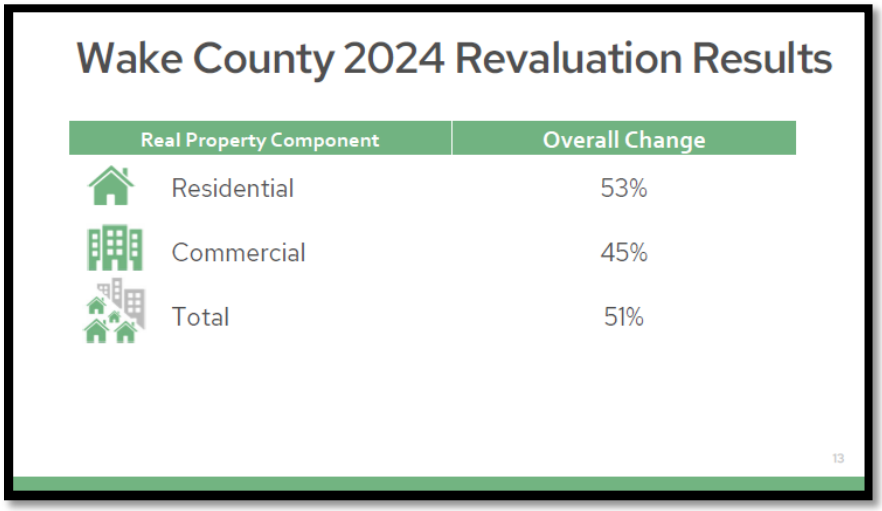
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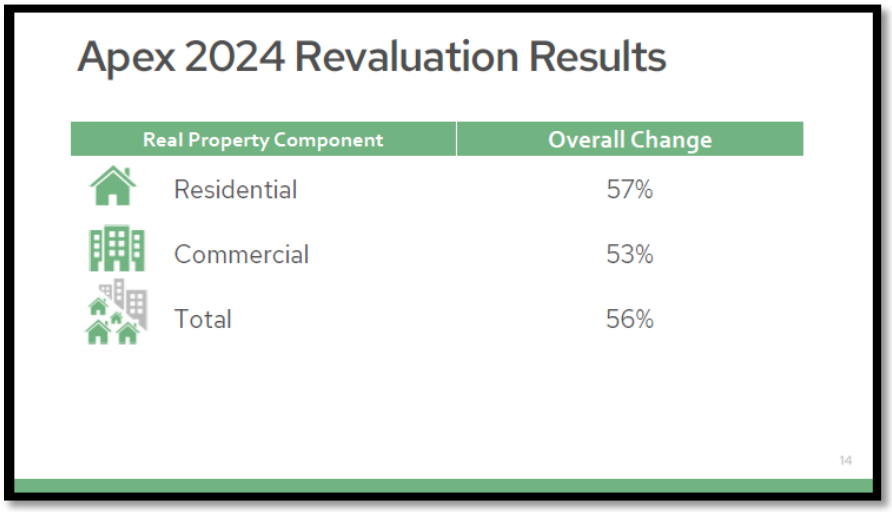
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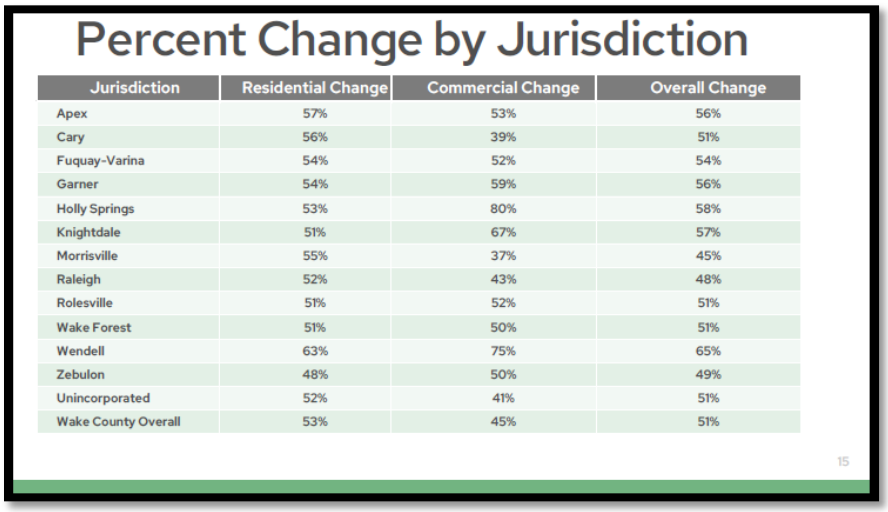
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[PR3 – SLIDE 14]

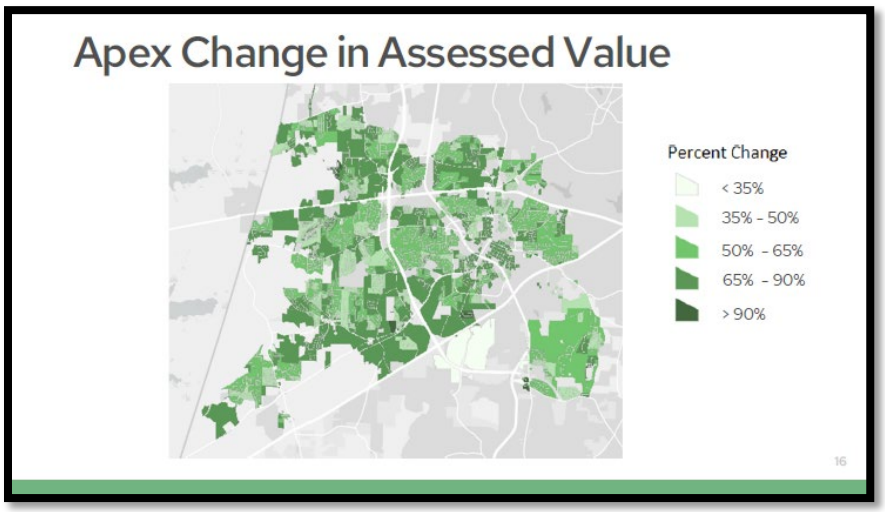


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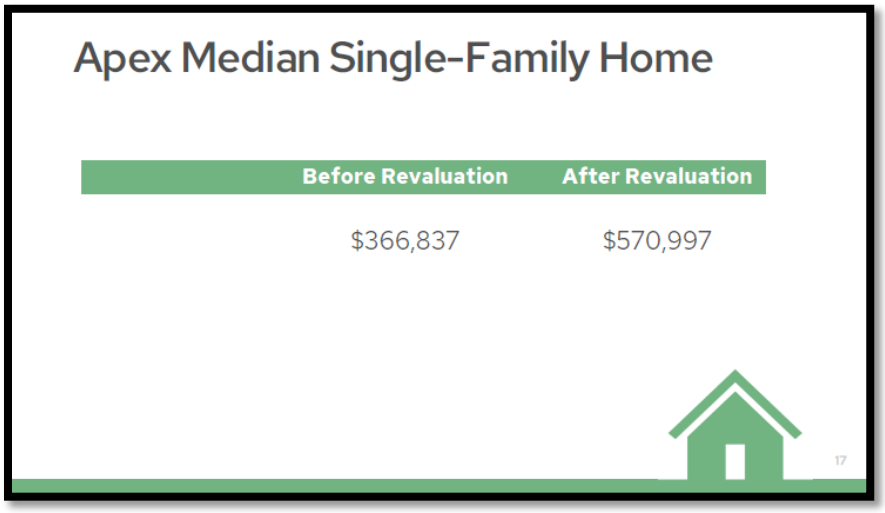


Jurisdiction	Residential Change	Commercial Change	Overall Change
Apex	57%	53%	56%
Cary	56%	39%	51%
Fuquay-Varina	54%	52%	54%
Garner	54%	59%	56%
Holly Springs	53%	80%	58%
Knightdale	51%	67%	57%
Morrisville	55%	37%	45%
Raleigh	52%	43%	48%
Rolesville	51%	52%	51%
Wake Forest	51%	50%	51%
Wendell	63%	75%	65%
Zebulon	48%	50%	49%
Unincorporated	52%	41%	51%
Wake County Overall	53%	45%	51%

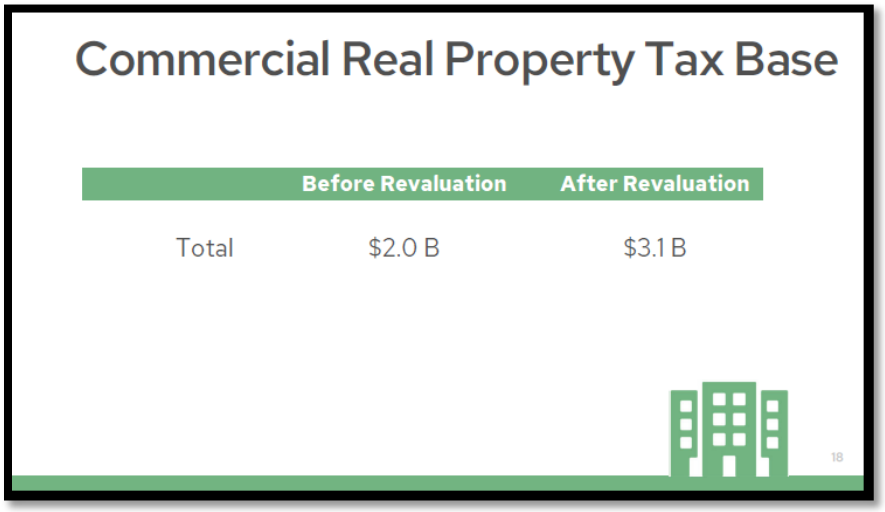
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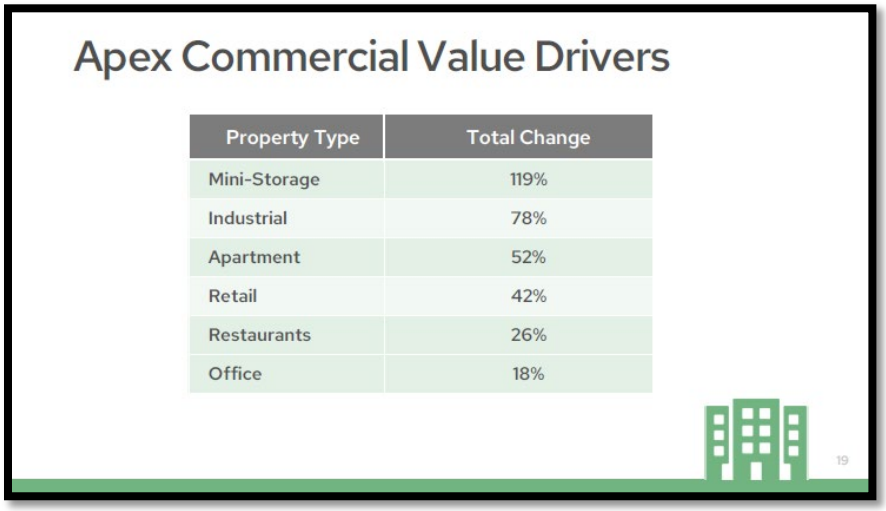
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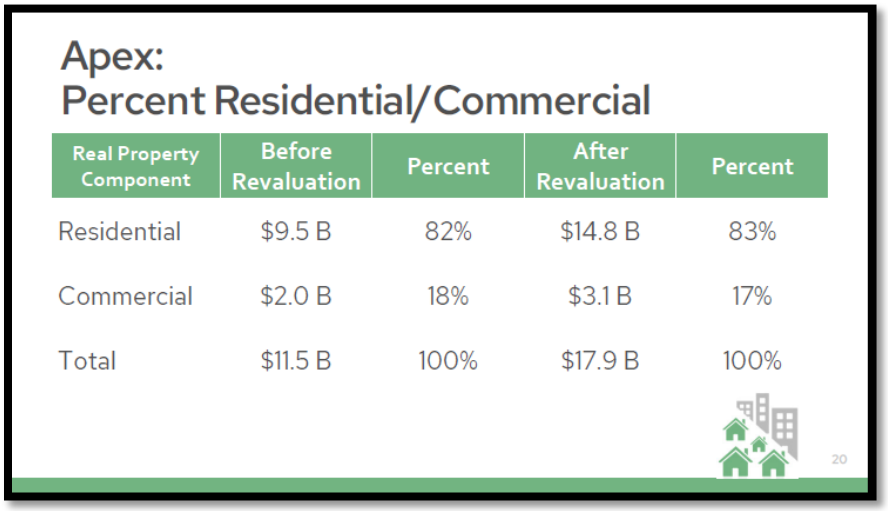
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[PR3 – SLIDE 19]



[PR3 – SLIDE 20]

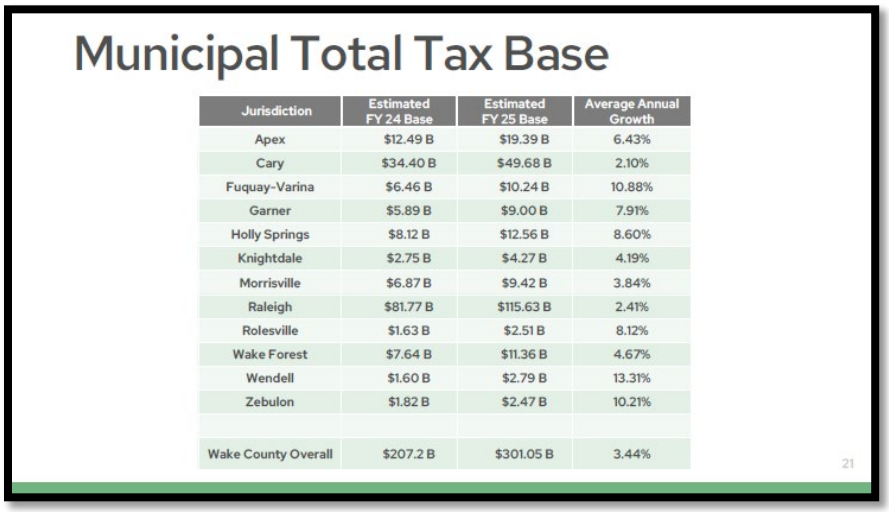


Apex: Percent Residential/Commercial

Real Property Component	Before Revaluation	Percent	After Revaluation	Percent
Residential	$9.5 B	82%	$14.8 B	83%
Commercial	$2.0 B	18%	$3.1 B	17%
Total	$11.5 B	100%	$17.9 B	100%

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[PR3 – SLIDE 21]

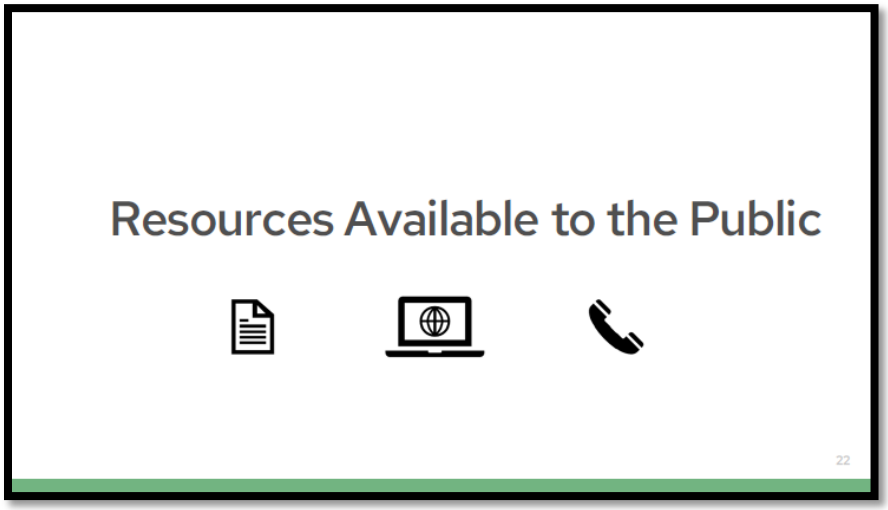


Municipal Total Tax Base

Jurisdiction	Estimated FY 24 Base	Estimated FY 25 Base	Average Annual Growth
Apex	$12.49 B	$19.39 B	6.43%
Cary	$34.40 B	$49.68 B	2.10%
Fuquay-Varina	$6.46 B	$10.24 B	10.88%
Garner	$5.89 B	$9.00 B	7.91%
Holly Springs	$8.12 B	$12.56 B	8.60%
Knightdale	$2.75 B	$4.27 B	4.19%
Morrisville	$6.87 B	$9.42 B	3.84%
Raleigh	$81.77 B	$115.63 B	2.41%
Rolesville	$1.63 B	$2.51 B	8.12%
Wake Forest	$7.64 B	$11.36 B	4.67%
Wendell	$1.60 B	$2.79 B	13.31%
Zebulon	$1.82 B	$2.47 B	10.21%
Wake County Overall	$207.2 B	$301.05 B	3.44%

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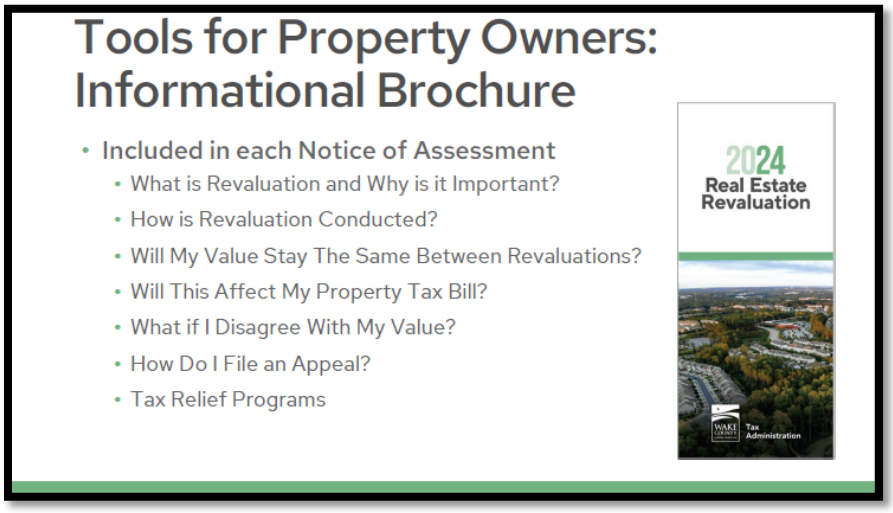
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Resources Available to the Public

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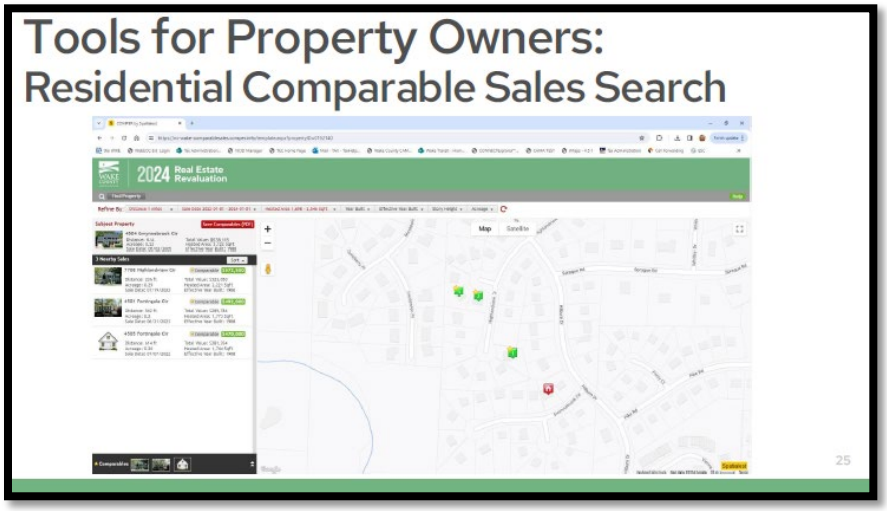
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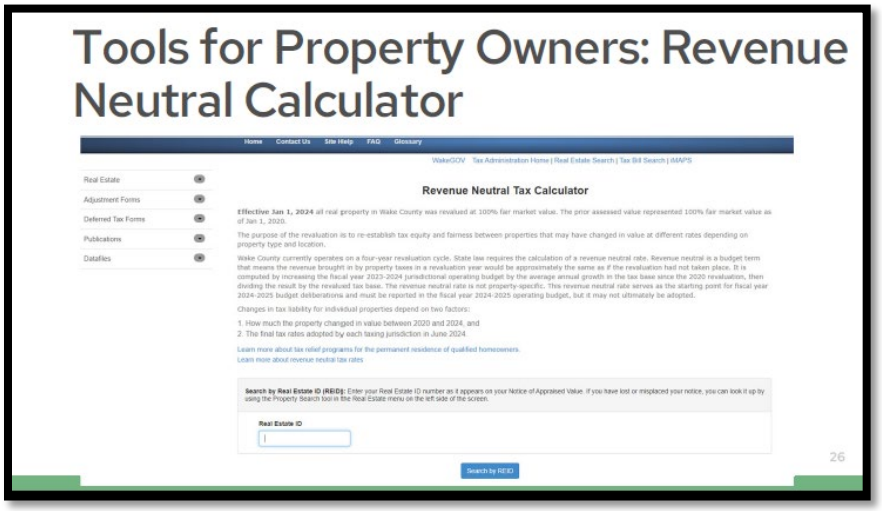
[PR3 – SLIDE 24]



[PR3 – SLIDE 25]



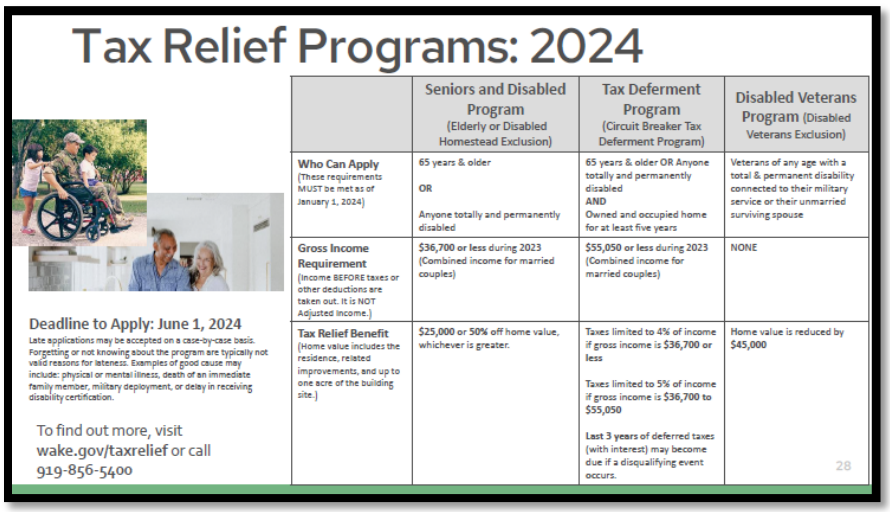
[PR3 – SLIDE 26]



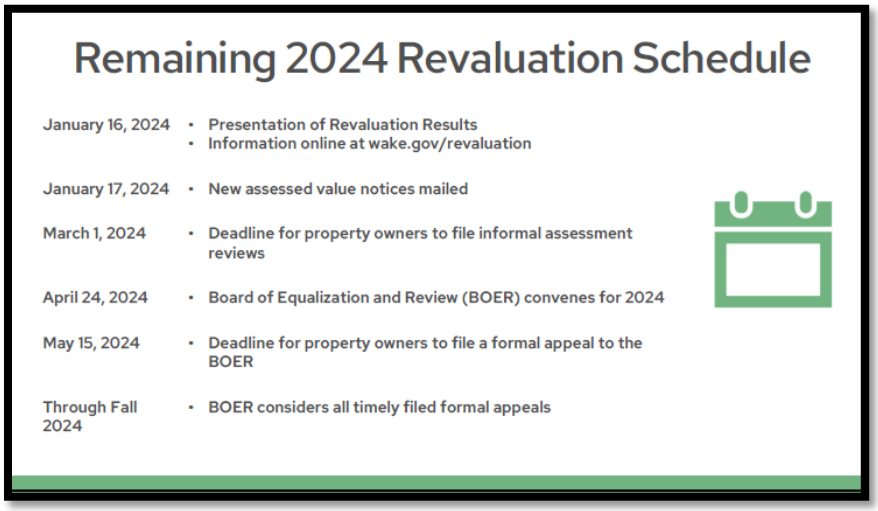
[PR3 – SLIDE 27]



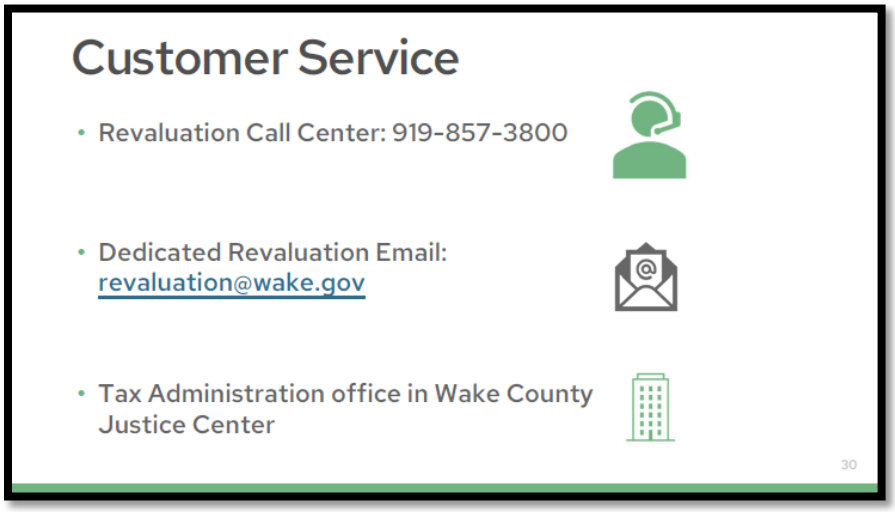
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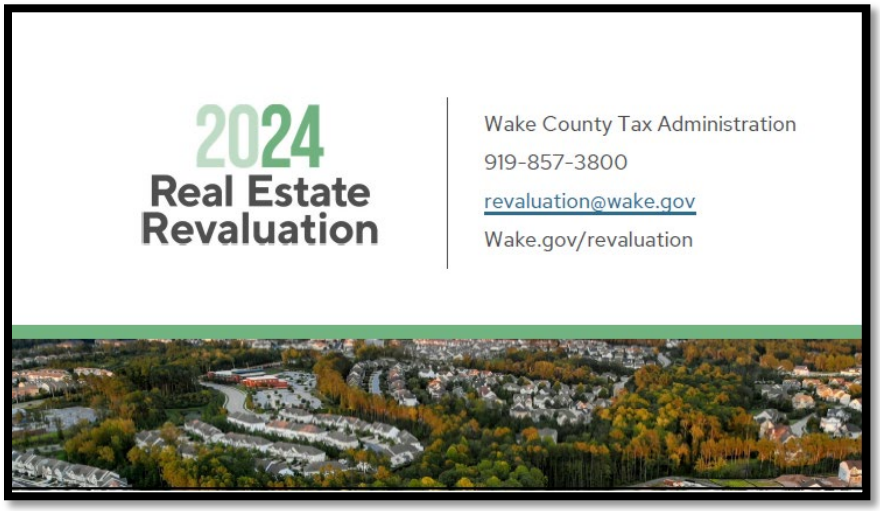
[PR3 – SLIDE 29]



[PR3 – SLIDE 30]



[PR3 – SLIDE 31]



Councilmember Mahaffey thanked Ms. Kreiser for providing this information, and he was glad she gave some resources for folks with questions. He said the appeals process is important, and asked if it was a possibility that an appeal would lead to the property value increasing.

Ms. Kreiser said that was a possibility. She said anything is a possibility when looking at things again, but she did not want that to discourage people from applying.

Councilmember Mahaffey said he wanted to make a point that not everyone should just apply, he said it would be advisable to look at your own data first and determine if there is reason to appeal the results. He said there were also two different appeals process, and asked if she suggest people using both.

Ms. Kreiser said it is up to the discretion of the property owner, but she said a quicker and easier way to start is an informal review. She said after that, if they chose, they could still appeal to the Board of Equalization and Review for a formal review. She said people can do both, or either.

Councilmember Mahaffey asked about the revenue-neutral tax calculator on the County's website not including Apex.

Ms. Kreiser said town's who chose to participate are included, so Apex properties currently only show County rates.

Councilmember Mahaffey asked if they could be included if they provided the necessary data.

Ms. Kreiser said yes.

Councilmember Mahaffey said he would look into that and follow up.

Councilmember Zegerman asked why some properties within neighborhoods had higher rates of increase than the other properties near them.

Ms. Kreiser said she didn't want to specify without looking at the data, but they may have a larger square footage, or a different characteristic than other homes in that neighborhood. She encouraged anyone who was curious about a case like that to reach out to their office to speak to an appraiser and walk through the data.

Councilmember Mahaffey asked if this was the process where getting a home addition would roll into the new property value.

Ms. Kreiser said yes.

Councilmember Gantt said for him the land value went up a lot for him. He said he noticed large parcels went up more than others, so the land seems to have gone up more than buildings.

Mr. Kreiser said they had been lower on land value in the 2020 revaluation, so this time both land and building value were at market value.

Councilmember Zegerman said it was also noticeable that older areas of town seem to have appreciated much more than the newer areas. He said this seems backwards, since newer homes are larger and with more amenities. He asked if this was a common trend in Wake County.

Ms. Kreiser said she doesn't have the data for that in front of her, but they did a targeted project at what they called "legacy homes", which were homes from before 1980's that haven't had ownership changes, and since there haven't been permits taken out for many of those, there was an assumption that many of those homes hadn't had some modernizations.

Councilmember Zegerman said the Justice Heights neighborhood really stands out to him, since it had a high rate of revaluation increase and is a poorer area of town. He said something feels off about that.

Ms. Kreiser suggested any homeowner in that area with questions or concerns, and they will look at the data to ensure the value is reflecting fair market value. She said they included a downward adjustment for homeowners who had lived there for a long time and hadn't made alterations to their home, in order to try to account for changes in properties around them.

Councilmember Gantt said he would argue that Apex is so new that many of the older homes are near downtown, so the desirability of living in those neighborhoods has gone up over time, and especially recently. He asked about land vs. building tax rates, and that he thinks it would be beneficial to have different tax rates for those two things. He said he thinks it may be beneficial for the Board of Commissioners to add to their legislative agenda a differential tax rate for those things, since State law currently requires they be the same. He said other states do that, and he thinks they have had good outcomes.

Ms. Kreiser said Article 5, Section 2 of the North Carolina Constitution has a uniformity clause, which requires local governments to tax land and buildings at the same rate, and follow the same rules for exclusions and exemptions. She said it may be a pretty uphill battle for that to change.

Councilmember Mahaffey said it would seem better to tax buildings higher than land, since older lots typically have larger land amounts and smaller homes.

Councilmember Gantt said typically taxing land higher is done in order to encourage development, and it could be an incentive to develop land in Apex, especially near downtown.

Councilmember Mahaffey said that could encourage development, but it wouldn't help homeowners. He said a more comprehensive list of tax relief programs would be good, but that a lot of people cannot qualify for them.

Councilmember Gantt said there could be a progressive property tax rate, but that would be even less likely to happen.

Councilmember Zegerman said as much as the town would want to be able to give people a break on their property taxes, they are not able to.

Ms. Kreiser said last week they gave tax relief information to municipalities and other organizations. She said last year urban counties worked to try to get a bill passed that would change how the tax relief would be done to be on a percentage basis, but the General Assembly told them that would violate the uniformity clause.

Councilmember Mahaffey said he wanted people to understand that the change in the home value is more relevant based on the relative value to the rest of Apex. He said if your property went up 50%, but lots of other properties nearby went up 60%, your tax bill will probably decrease. He said the tax rate is going to do down dramatically in order to compensate for much higher values. He said he also wanted to highlight the appeals process and how there was a limited time to file those. He also said there were resources available for people to utilize tax relief, that different people are able to qualify for. He said he was also frustrated that the revaluation shifted some of the relative tax burden more to residences, but he said that shows they should shift the development in the town to more commercial properties.

Councilmember Gantt said they have been doing that in recent years.

Councilmember Mahaffey said yes, but they are still 83% residential.

Councilmember Gantt said he thinks that will be different in 2028 based on the things they have been doing in the last couple years.

[REGULAR MEETING AGENDA]

A **motion** was made by **Councilmember Zegerman,** seconded by **Councilmember Killingsworth,** to approve the Regular Meeting Agenda as presented.

VOTE: UNANIMOUS (4-0)

[PUBLIC FORUM] (Note: To view Public Forum and Public Hearing Sign Up Sheets, **see OTHER-2024-034)**

First to speak was **Beth Bland** of Friendship Road

"So tonight, this is basically just for you Mayor Gilbert, I just got this in the mail, I don't know if you all have seen this but it's a great article about the Mayor. I wanted to congratulate you being featured in the cap trust magazine. My family has known you for a very long time, and I enjoyed reading the article and learning more about you and your family. I personally have experience how you truly care about the people you know and serve. So, it's been 13 years now, but I have never forgotten your kindness the day I told you about my late husband passing. You're a man of great integrity and sincerity. I can't imagine the number of hats you wear in your job, or all of the different agendas that cross your desk, and I'm going to Segway just a little bit. So, for those of us being affected by the Big Branch Force Main, we have appreciated your listening and encouragement in our effort to move it to the south side of US 1. Some of your advice in the article was to show up. So, I have never been to a Town Council meeting before until about 18 month ago, I have learned a lot, and I will keep showing up. Another advice was to speak up. The big branch force main to myself, to Tom, and many of our neighbors, needs to be moved, and there is a solution out there. So, I appreciated being able to be heard, and I appreciate you and the work that you do. Thank you. "

Mayor Gilbert thanked Ms. Bland for her comments.

Next to speak was **Dawn Cozzalino** of Bosco Road:

"While I wish this was a two-way forum where we could exchange ideas, I can only ask you to listen. What I'm going to be mentioning tonight about Apex is not directed towards the Mayor, it's directed towards Town Council and the staff. Apex has lost the people's trust. It's due to numerous reasons. For example, not sharing information to the community, downplaying casually the effects of eminent domain, quietly working behind the scenes communicating to state officials and developers. Apex knew exactly what they were doing. They simply took a Sharpie to southwestern Wake County. We're

talking about little beaver conservation easement, we're talking about extension of Richardson Road, we're talking about the extension of western big branch force main. Even when the community provided other opportunities to course correct, Apex authoritarian culture could not adapt. The train left the station, and is hurling down the tracks, So I've quoted from the movie The Terminator, "the government machine can't be bargained with, can't be reasoned with, it doesn't feel pity or remorse or fear, and it absolutely will not stop. Apex has also demonstrated that it does not care about our community. Apex wants us to believe there is only one way, and that they must make take properties in the name of eminent domain. When Apex fights for the benefits of citizens first and foremost, not developers, there are always other ways of working with the community for meaningful outcomes. Otherwise, all Apex is doing is weaponizing eminent domain to control and to conceal outright stealing of properties. Thank you."

Next to speak was **Elizabeth Stitt** of 3113 Friendship Road:

"Mayor you may recognize my handwriting for all 3 speakers tonight because there was a major 3-car accident at Old US 1 and Friendship Road, and I got out before the accident happened, so I signed them up. So I'm going to talk a little bit about my tax value. One of my properties, my main property, went up 84%. I have a smaller piece that went up over 100%. And it does not actually encourage development, I think it makes it harder for development because for a developer to come buy out my property, they're going to have to pay me a lot more, and what they can build on my property have to have a greater TCO in order to make the project work. So if my value has gone up a lot, people aren't going to be able to buy it, but I'm going to be able to go get loans against it. And tap into my equity, bound equity just because the tax rate went up, and I can go buy my neighbor's properties, and I can go buy other's properties. It helps me become more wealthy and tap into other properties of other people who may not be able to continue to afford, you know sell out. So the increasing land value is a benefit to those of us who have the land, it's not good for the community, it's not good for development. I wanted to give that counterpoint because I was listening to the conversation and saying we have a real problem with affordable housing, and these values going up do not help that problem at all. And those of us that are still here, very few of us are going to leave anytime soon because it is our forever homes, and where can we go in Wake County where we can be this close to an airport, this close to hospitals, this close to shopping, this close to food, this close to roads, we have more connectivity out in the Friendship county than anywhere else in Wake County. If you look at the number of points that we have to 540, to US 1, to 64, to 55, we have been made a unicorn based on what every one of my neighbors have told me. So you know when we come up here and say hey we want to have a say in our community, we want to have a say, because we're not going anywhere. And I had to walk out of the Town Council meeting last meeting because I was so offended, because what I realized was we do care more about protecting our trees, protecting our water, protecting conservation easements, things that are supposed to be protected. We're the ones that are living and breathing that protection. And there was no opportunity to really have a dialogue about the little beaver creek conservation easement the way it was put up. So I can tell you what I do know is decisions can change, rezonings can change, and we can have some discussions and have a better outcome. So I just encourage you consider having some more dialogue with us. Thank you."

Mayor Gilbert thanked Ms. Stitt for her comments.

Next to speak was **Phil Welch** of 1471 Big Leaf Loop:

"My name is Phil Welch. I live at 1471 Big Leaf Loop in Apex. I'm an advocate for housing choices for all of our residents and workers here. I want to speak to you about: A Case for Protecting Our Hard-Working Neighbors. I'm referring to an older neighborhood in Apex where homes sprung up in the late 1980s. The development was originally envisioned as a place where working-class families could own modest, affordable homes. Over the ensuing 40 years, the neighborhood has changed dramatically, along with the surrounding community. Initially, this neighborhood served as a launchpad for younger families. They were able to save their money and move to larger homes as their families grew. However, as their housing expenses increased and reasonably priced, middle-market homes became scarce, there were far fewer families that could save and move on. Also, as the homes aged and families struggled to maintain them, the neighborhood became less desirable, except for the prices which, up until recently, continued to be reasonable.
Now, as with so many older neighborhoods in Apex, this neighborhood of about 100 affordable homes is seriously threatened by rising land values and potential redevelopment. This would displace families which have lived here for 10 years or more. Unfortunately, the land there is now worth more than the homes which is a recipe for irresistible property sales, out-migration of lower-income families, wholesale redevelopment and in-migration of higher-income households, also known as gentrification. The possible removal of these long-time residents would also be diametrically opposed to the vision in Apex's Affordable Housing Plan: Apex welcomes people of diverse backgrounds, and supports opportunities for affordable, safe, sanitary, and quality housing that meets the needs of people of all incomes, ages, and abilities. With that vision in mind, we need to explore all possible ways to preserve the affordable homes and neighborhoods of these families. Losing these homes would mean the displacement of families with deep roots in the community, including their jobs, their children's schools, their extended families and their faith communities.
If this was a neighborhood of working-class, white families, these individuals would be showing up to protest at Council meetings, taking to social media to state their case and organizing rallies and marches. However, this is a marginalized community of people of color, including undocumented adults, who are fearful of the publicity, discrimination and retaliation that would threaten their families, almost as much as their relocation to other counties or states. I'm referring to one of Apex's three manufactured home communities. I beg you to join me and other advocates, some of whom are here with me tonight, in exploring creative ways to protect these beloved neighbors from threatened displacements from their homes and community. Thank you!"

Next to speak was **Zoe Wampler** of 1011 Tender Drive:

"My name is Zoe, I am a Jewish resident of Apex and a member of the Triangle Chapter of Jewish Voice for Peace. I'm here today to draw attention to a safety issue for our residents. As you may already be aware, the current Israeli war on Gaza has been characterized as genocide, not to be used lightly by the US-based Center for Constitutional Rights. The war has also led to a dramatic

increase in islamophobia and antisemitism here in the US, with the most recent incident taking place in Austin, Texas when a group of Muslim-Americans were violently attacked in a suspected hate crime. Last week I sent an email asking each of you to sign on to a letter co-drafted by Jewish Voice for Peace, Muslim Women for, and NC General Assembly Representatives Harrison, Price, and Cervania. This letter calls on the Biden Administration, and the NC Congressional Delegation to take the following actions: number 1, support the ceasefire now resolution currently in the US House of Representatives and introduce a companion resolution in the Senate. Number 2, urge the Biden Administration to continue to work for the diplomatic release of all hostages, both those held by Hamas and the Palestinians detained by the Israeli Government and Military. And number 3, urge the US Department of State and Homeland Security to extend the temporary protected status and authorize deferred enforced departure to Palestinian families currently residing in the United States, so as to offer them the much-needed protection and stability they need in this time. I want to thank Councilmembers Killingsworth and Zegerman, who have already courageously signed on to this letter, and I urge the rest of the Council to join them. According to the US Campaign for Palestinian Rights, every year North Carolina residents contribute over 90 million in federal tax dollars toward the US funding of the Israeli military, which totals 3.8 billion dollars annually. Apex resident account for just under $750,000 of that sum. It is the responsibility of local elected officials such as yourselves to ensure that our taxpayer money is used for the betterment and safety of the people you serve, and not for supporting genocidal wars. I urge the Council to follow in the footsteps of our fellow North Carolinians on the Carrboro Town Council, and put forth a ceasefire resolution against the ongoing Israeli attack on Gaza. These symbolic measures represent the will of the people, as well as put pressure on our Congressmembers, such as Representative Wiley Nickel, who have yet to sign on to such resolutions. Jewish and Palestinian safety are thoroughly intertwined, and a permanent ceasefire is the only way to achieve safety for all, both those living on the land of Israel and Palestine, and those of the Jewish and Palestinian diaspora living here in North Carolina. Thank you for your time."

Mayor Gilbert thanked Ms. Wampler for her comments.

[PUBLIC HEARING]

PH1 Unified Development Ordinance (UDO) Amendments - January 2024 (REF: ORD-2024-011)

Amanda Bunce, Current Planning Manager, gave the following presentation regarding the January 2024 UDO Amendments. She requested amendment 2 be pulled, and will be returning with potential alterations.

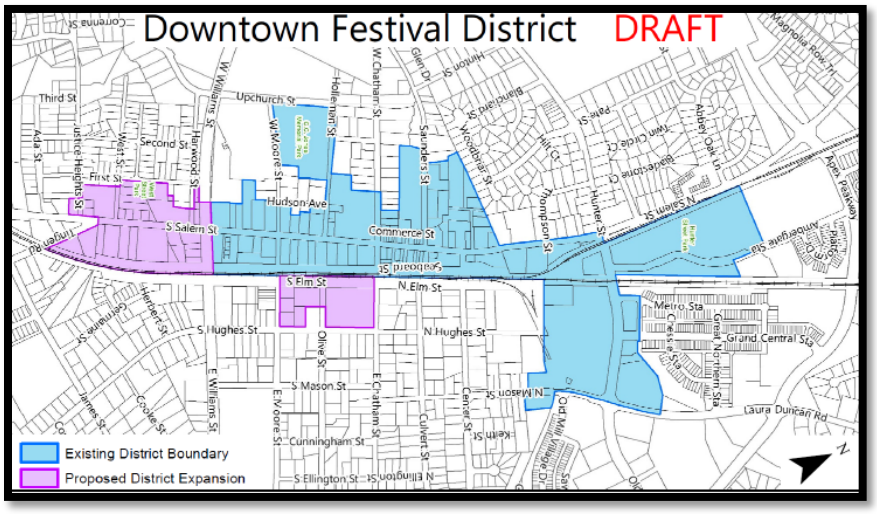
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[SLIDE 2]



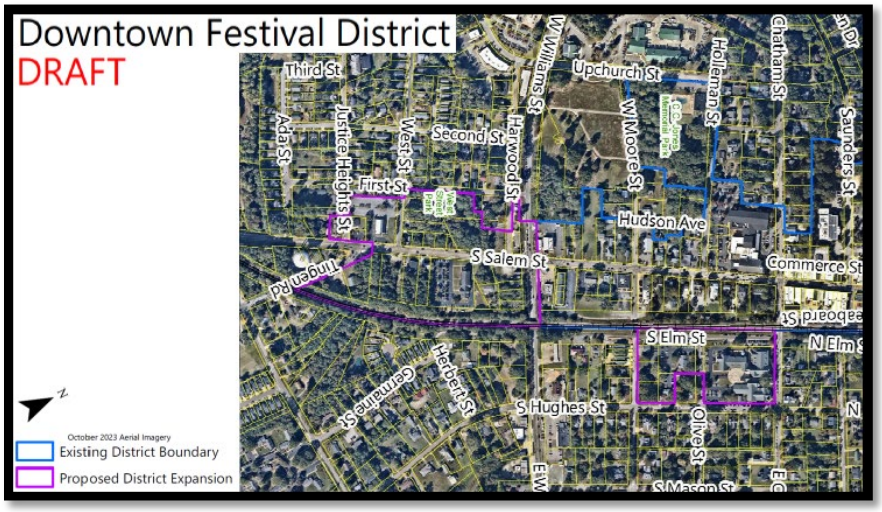
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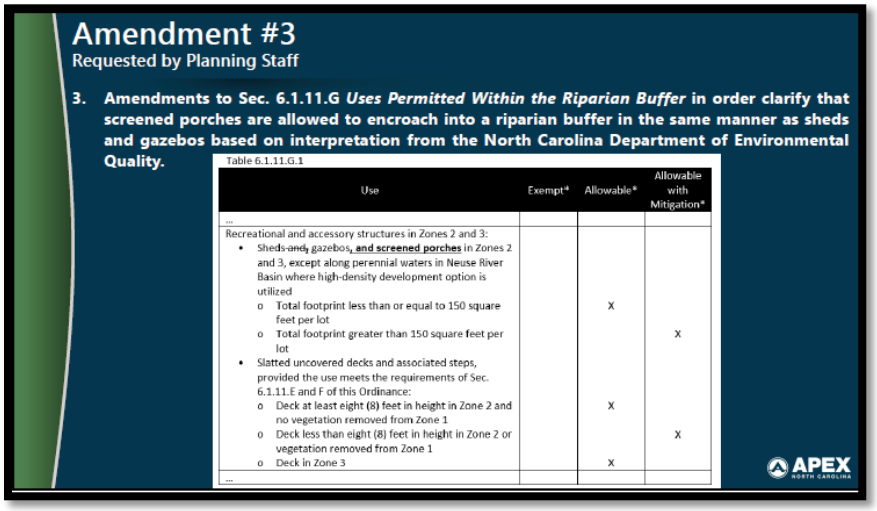
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[SLIDE 5]



[SLIDE 6]



Councilmember Mahaffey noted that he was disappointed Amendment 2 got pulled, as he was ready to speak against it for half an hour. He said he thinks it would be bad, and hopes they never bring it back.

A **motion** was made by **Councilmember Gantt,** seconded by **Councilmember Killingsworth,** to approve Amendments 1 and 3 of the Unified Development Ordinance Amendments of January 2024.

VOTE: UNANIMOUS (4-0)

[OLD BUSINESS]

OB1 Ordinance Amendment - Chapter 5 - Article 1 - Section 5 - Automatic Fire Sprinkler System Requirements (Discussion *ONLY*)

Mayor Gilbert said this originally discussed and passed 3-2 during the November 14th, 2023 meeting, and needed to come back for a second reading. He said he was originally concerned that this item did not receive enough public input initially, and there were also different staff measures that didn't have an opportunity to weigh in. He said this was an opportunity for Council to give direction to staff so they can bring this back for a second vote at a scheduled time. He asked each Councilmember to share with staff what direction they want them to go in, and what they would like to see in the staff report when it comes back to Council.

Councilmember Gantt asked if he wanted them to provide people they want to be involved in the process, or questions that they have.

Mayor Gilbert said anything that helps to give Interim Town Manager Purvis and staff a better idea of what they need in the staff report.

Interim Town Manager Purvis said the biggest thing they are looking for is what Council would like to see and know, before they send staff down the avenues of research. He said the staff report will be laying out the consideration to have.

Councilmember Mahaffey said he was a bit surprised that they were still on this in February, as he said he thought they had decided they were going to be sharing with staff what they wanted to see individually then, and then setting a public hearing to further the discussion. He said he sounds like that is the plan now. He said he sent Interim Town Manager Purvis an email after the meeting in November about the information he felt would be relevant. He said these types of ordinances are in place around the country, and there has been lots of research done on those. He said he thought other members would be sharing that information with staff then as well. He said he would like this to move quickly, get the information they need, hold the public hearing, and then make a decision.

Mayor Gilbert said he wanted to have it this way for transparency. He said he wanted the discussion to be public, and that he wouldn't see emails that Councilmember Mahaffey sent. He said it would be good to have this discussion, and he thinks there could even be a work session regarding this to hold a dialogue with staff. He said there are people that would really be impacted by this in the community, and he said it's important that they hear this discussion.

Councilmember Zegerman said he would like to see a summary of changes to the building fire code over the last 4 years. He said that would be good context. He said this would be for single family and townhomes, since apartments already require sprinkler systems. He wants to see the allowable building materials and if those have changed, and what the impact of that has been of the fire safety of the structures. He said he was mostly concerned about townhomes, but was also concerned about single-family residences since the lot offset has decreased. He said he'd like to see how these changes change the building industry, so they can have more impact about what these changes may bring.

Councilmember Killingsworth asked if he would prefer to have a work session or just a public hearing once the information comes in.

Councilmember Zegerman said he would prefer to just have a public hearing, unless there was more information presentation than the staff could put in the staff report. He said unless staff requests a work session, he is fine with just having a public hearing.

Councilmember Killingsworth said she would like some clarifying information regarding this has been implemented. She wanted additional information on how water damage insurance would work if sprinklers went off, and if there were protections for homeowners for water damage in these scenarios. She added that she'd like to see information regarding the flammability of what houses are constructed with now versus a decade ago.

Councilmember Zegerman said that's similar to what he would like to see. He said he would like to see the evolution of the fire code and the safety measures over recent times.

Councilmember Killingsworth said she also wanted to know what the cost estimate difference between homes without sprinkler systems and homes with in case of fire. She said she would like to see this on a local level if possible, or at least to a comparable area. She said she would definitely like to have input from the public, but she would prefer that to be in the form of a work session, which she says they have done similar in the past. She said this would be a time for plenty of discussion and public input, but not when they would expect to make the decision.

Councilmember Mahaffey asked if that would be separate from the Public Hearing.

Councilmember Killingsworth said yes.

Councilmember Mahaffey asked how it would be different.

Councilmember Killingsworth said it would just be a time for them to gather information.

Councilmember Gantt said he would be interested in a discussion about the setbacks, cul-de-sac lengths, and what planning changes could benefit from the sprinklers being in the houses based on safety. He asked if staff would recommend any changes to the ordinances to go along with it. He said he would also love to love to get a cost estimate per square foot that was based on Apex, Wake County, and/or North Carolina, or a comparable community in another state. He wanted to know what the actual cost would have been in the last few years. He said he would also prefer a work session on this topic in order to do a deeper dive on it.

Councilmember Killingsworth asked if Interim Town Manager Purvis needed any clarifying information on that.

Interim Town Manager Purvis said he didn't think so. He said he would be getting in touch with staff to determine the time needed to put this research and information together.

Councilmember Gantt asked if they agreed that they wanted the data to be based on Apex in the past couple years to get a best estimate.

Councilmember Mahaffey said not really. He said there really won't be any residential sprinkler information in Apex in the past 2 years. He said he thinks data regarding how it behaves on homes is applicable across the country because of industry standards.

Councilmember Gantt said he sees the national estimates, but he isn't sure how it would translate to here very well. He said lots of houses in Apex are using a different option for siding in construction than many houses nationwide.

Councilmember Mahaffey said he understands his point, but he wanted to add that fire safety of homes has been studied by every community in every country forever. He said the data is out there, and he is saying it is okay to look at data for homes in other places because they live in homes like we do.

Councilmember Gantt said the cost question is wondering about if more expensive homes translate to more expensive sprinkler systems.

Councilmember Mahaffey said he thinks that was a good question.

Mayor Gilbert said he would like staff to gather input from stakeholders, including residents, homebuilders, modelers, affordable housing advocates, and others, and he would like to have it vetted by the Housing Advisory Board.

Interim Town Manager Purvis said he was wondering what the best venue to receive all of this public input would be.

Mayor Gilbert said he was mostly wanting to make sure that they are able to gather input from stakeholders and have a structured way of doing that.

Interim Town Manager Purvis said they can speak about what the best way to receive that input may be, and that Housing Advisory Board would be one of those stakeholders.

Mayor Gilbert said he was concerned about voting on the same night as the public hearing for something like this, as the public may present information they didn't account for, and that could be problematic.

Councilmember Zegerman asked if it would be good if they did a work session and then a public hearing.

Mayor Gilbert said he would hope so.

Councilmember Gantt asked if they would need a public hearing if they do the work session to gather community input.

Councilmember Killingsworth said the idea of public hearing would be to get input from residents and stakeholders, and her idea would be that they did not vote on it during the work session when they gather all of this information together, and then at the next meeting be able to vote.

Councilmember Mahaffey asked if they wanted to set dates.

Town Clerk Coleman said once they voted, anything they approved would have to go before the Building Code Council, and they have already missed the deadline to have something go before the Council in March. He said it also doesn't sound like they would be able to meet the June deadline. He said at that point the next Building Code Council meeting would be September 9th, so they could work their way back from there.

Councilmember Zegerman asked what the submission deadline was.

Town Clerk Coleman said it was normally the first day of the month prior, so to make the September 9th meeting the deadline would be August 1st. He said this would mean they would need to vote on it by June, since they don't meet in July.

Councilmember Mahaffey said in June they will be finalizing the budget.

Mayor Gilbert said this was a lot of work to get the information they are wanting, so it may need to be pushed back.

Interim Town Manager Purvis suggested June 18th, as that could still meet the August 1st deadline.

Councilmember Zegerman said that seemed a little late since there would only be one Council meeting after that.

Councilmember Mahaffey said he was concerned about this overlapping with preparing the budget. He asked if he would be more worried about this being in May or June.

Interim Town Manager Purvis said May. He said he hopes by the end of the May the budget would be pretty much wrapped up. He said the budget Public Hearing was scheduled for May 21st, and the follow-up workshop, if needed, was May 23rd. He said they were hoping to adopt the budget on June 11th.

Mayor Gilbert said his concern was how this policy would impact the residents and stakeholders in Apex.

Councilmember Gantt said it could be a work session in June, and then a public hearing and vote on the second Council meeting date in June.

Councilmember Zegerman said he was concerned that it was a short turnaround between the potential work session the last meeting in June. He said they could potentially call a special session in July if necessary.

Town Clerk Coleman clarified that Council agreed to amend the calendar to hold a Work Session for this item on June 18th, and a Public Hearing for this item on June 25th.

[UPDATES BY TOWN MANAGER]

Interim Town Manager Purvis reiterated the Counter History Ice Cream Social that was upcoming at the Halle. He said Think Apex nominations were open through the end of the month, and the town would be celebrating businesses, individuals, and nonprofits in the town. He said the Wake Up and Read drive ends this week, and the town has collected about 500 books so far. He said restaurant week was February 26-March 3, and there are 16 participating restaurants this year. He said there was a full week this week, with a budget workshop this Thursday and Friday.

[CLOSED SESSION]

A **motion** was made by **Councilmember Mahaffey,** seconded by **Councilmember Zegerman,** to enter into Closed Session pursuant to NCGS § 143-318.11(a)(3) and NCGS § 143-318.11(a)(5).

VOTE: UNANIMOUS (4-0)

Council entered into Closed Session at **7:49 p.m.**

CS1 Demetria John, Assistant Town Manager and
Steve Adams, Real Estate and Utilities Acquisition Specialist

NCGS § 143-318.11(a)(5)

"To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease."

CS2 Laurie Hohe, Town Attorney

RE: Town of Apex v. Briartac Family, LLC

NCGS § 143-318.11(a)(3):

"To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body."

CS3 Laurie Hohe, Town Attorney

NCGS § 143-318.11(a)(3):

"To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body."

Council returned to open session at **8:39 p.m.**

A **motion** was made by **Councilmember Killingsworth,** seconded by **Councilmember Zegerman,** to enter into Closed Session pursuant to NCGS § 143-318.11(a)(6)

ADDED CS4 Mayor Jacques K. Gilbert

NCGS § 143-318.11(a)(6)

"To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee"

.

Council returned to open session at **9:25 p.m.**

[ADJOURNEMENT]

Mayor Gilbert adjourned the meeting at **9:26 p.m.**

Jacques K. Gilbert
Apex, Mayor

Allen Coleman, CMC, NCCCC

Town Clerk to the Apex Town Council

Submitted for approval by Apex Town Clerk Allen Coleman and approved on February 27, 2024 (CN8).

APPROVED

TOWN OF APEX
TOWN COUNCIL RETREAT
THURSDAY, FEBRUARY 15, 2024
8:30 A.M.

The Apex Town Council met for a work session on Thursday, February 15, 2024 at 8:30 a.m. at the Apex Town Hall located at 73 Hunter Street in Apex North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel:

https://www.youtube.com/watch?v=MH9L4G59i8k&t=22669s

Elected Body
Mayor Jacques K. Gilbert (presiding)
Mayor Pro-Tempore Ed Gray
Councilmember Brett Gantt
Councilmember Terry Mahaffey
Councilmember Arno Zegerman
Councilmember Audra Killingsworth

Town Staff
Interim Town Manager Shawn Purvis
Assistant Town Manager Demetria John
Assistant Town Manager Marty Stone
Town Attorney Laurie Hohe
Town Clerk Allen Coleman
DEI Director Linda Graham Jones
Parks, Recreation, and Cultural Resources Director Craig Setzer
Public Works Director John Mullis
Electric Utilities Manager Eric Neumann
Planning Director Dianne Khin (attended via Teams)
Budget and Performance Management Director Amanda Grogan
Water Resources Director Michael Deaton
Finance Director Antwan Morrison

All other staff members will be identified appropriately below.

[COMMENCMENT]

Mayor Gilbert welcomed everyone and introduced Glenis Redmond, City of Greenville S.C. Poet Laureate, Motivation Coach.

[MOTIVATION COACH]

Glenis Redmond, City of Greenville S.C. Poet Laureate, said the first thing people say is, "what is a Poet Laureate". She said all it means is that she takes poetry to the masses. She said she has been doing this work for 30 years. She said she was born in South Carolina but raised her family in Asheville, North Carolina for 7 years. She thanked Allen Coleman and Mayor Gilbert. She gave a shout out to Linda Jones and Celeste Sherer.

Ms. Redmond said the way she looks into story telling is there are individual stories and familial stores and also collective stories. She asked Council to write down three things about themselves that make them who they are today. She asked Council to write down one thing from the list about who you were before, what led you to now, and a person that you want to give a shout out to. She then started with Interim Town Manager Purvis to start.

Interim Town Manager Purvis said his faith, his grandparents, and that ties it all back to where he is now in a sense of service above self.

Councilmember Zegerman said the person who got him here is his mother, and said it was her birthday yesterday. He said his parents weren't inspiring they were demanding, which helped him get to where he is today. He said the value his parents saw in him was to achieve great things. He said that ties back into where he is today where ultimately his decision to go from being a techie to giving back to the community.

Councilmember Gantt said his dad affected him by having similar traits as him. He said his main traits are big into science and a lover of the outdoors. He said today, he thinks about the long-lasting possible benefits to the community that he gets to be a part of.

Mayor Gilbert said his parents gave him the example of how to stick with things and never give up. He said he's a very tenacious individual. He said his dad had limited education but was still able to pursue what he wanted in life and was the Water Superintendent in Cary. He said he also loved to serve people.

Mayor Pro-Tempore Gray said he will go with who he is today and that's a social engineer. He said a large part of that is based on his parents. He said his civic instructor back in 10th grade was really instrumental because of saying, "you can do anything you want to do" and that stuck. He said the traits he has is the ability to laugh at himself and laugh at others, ability to relate to others, and the ability to make reason analysis in a very quick way.

Councilmember Mahaffey said the person who he is today is a programmer by profession. He said is father is a big part of his life. He said traits he considers about himself is a relatively chill person. He said his wife, Lindsey, has been with him a long time through this journey to get where he is today. He also mentions his parents as well and Bill Gates, who helped get his first job right out of college.

Councilmember Killingsworth said she is a mother, partner, and a giver. She said it's hard not to be a giver when you're a woman and giving to the point when there's nothing left. She said she likes to listen more than she likes to talk. She said she loves Justice, Peace, and Nature because that brings peace. She said the people that have guided her are her mother. She said she was very hardworking. She said her seventh and eighth grade English teacher, who encouraged her to work really hard. She said finally, the State of Louisiana, because of

scholarship opportunities. She said because of that opportunity allowed her to go to college. She said that opportunity gave her the chance to have a great career as a occupational therapist.

Town Attorney Hohe said she will start with her mom and dad. She said she grew up in the 70's and her mom instilled in her that she is a strong, independent woman.

Ms. Redmond thanked everyone for sharing. She said this is part of storytelling, building community, and giving back. She said it was about understanding about service on the individual level, familial level, and collective legal.

Ms. Redmond shared who inspires her and she said her mother. She said her mother is 87 years old and growing up they were poor. She said to look at the cover of her first book called "Backbone", she said there's a picture of her and her mother in the 60s. She said it's because of her backbone in which she stands today. She read a poem she wrote called "Momma's Magic" –

"My Momma is Magic always was always will be, there was one phrase that constantly bubbled from the lips of her body children, my mama can do it, we thought my mama knew everything, believe she did as if she were born full-blown from the encyclopedia Britannica. I can tell you stories how she transformed a rundown paint pill Shack, into a home, how she heated us with tin-tin tub bath, from a kettle on the stove poured over in their life in Elixir. My mama is from those that protection she tucked Us in with cut out history all around us and we found we could walk anywhere in this world and not feel alone. My mama never whispered the shame of poverty in our ears she talk us to dance to our own Shadows pay no attention to those grand parties on the other side of the track, make your own music, she sa,y as she walked and cleaned the sagging doors of that place, you'll get there, you'll get there her broom seemed to say with every wish we were my mom's favorite recipe she wed us up with her big brown and a big brown Bowl, supported by her big brown arms we were homemade Children, stitched together with homemade love. We didn't get everything we ever wanted but we laughed for nothing, we looked at the stars of my mama's eyes and they told us we own the world, we walk like kings and queens, even on midnight trips to the outhouse we were under her spell. My mama didn't study at no Harvard or yell with the things she knew you couldn't learn an old book like how to make your life sing like sweet potato pie sweetness inside an open window, how to make anybody, anybody feel at home how at just the right moment be silent and with those eyes say everything's going to be all right child everything's going to be all right. How she tended to our sickness, how she raised our Spirits, how she kept flowers living on our dilapidated porch in the midst of family chaos my mama raised children like it was her business in life, put us on her hip and kept on moving keeping that house Pine Sol clean yeah my mom's magic always was always will be. Her magic how to stay steady and short in this fast paced world now when people see me with my head held high in my back and look at me with that who does she think she is I keep on walking with Assurance inside: I'm Black magic, and I'm Janette Redmond's child". She said when we know our gifts we know who we are that sets an example.

Ms. Redmond said she wants to do a poem that nods to her grandmother, her mothers, mother. She was from Waterlou, South Carolina and lived to be 109 years old. She said even though she didn't grow up with her grandmother, her grandmother is one of the biggest parts of who she is. She wrote a poem for her grandmother called, "Afro Carolinian" – With Carolina on my lips I sing a quilt, a Crooked Stitch that weaves its way around my pie shaped state that conjures food, too sweet like Amber iced tea or cake red velvet Rich two sweets like the words I was raised on, words that say if you don't have nothing nice to say, lace it with sugar. There's always more in the South like the twos and threes coming out of my grandma's mouth, hush your mouth child. These words are not a command for silence but a signal for the teller to keep on spinning because their words hit bone, Grandma's words were cold, lit lanterns we wind down yonder in the Merin not a pronouncement to a destination but a place where she'd teach a lesson at her favorite fishing spot by her foot a coffee can full of nightcrawlers, in her mouth a cigarette she barely puffed, in her hands a homemade fishing rod lying steep in the water waiting for hook tub. She never said words like patience she just stood there, Oak-like, rounded in her own wisdom a Baptist Buddha woman teaching be here now. her uncanny ways taught me how to wait on the spirit hunched in her favorite recliner King James Bible on the left, her eyes forward soaking and wrestling her faith rooted in the Lord and Ricky Steamboat. I was wrapped in how she would contort herself as if she was head locking demons choke holding them in Jesus name. Simultaneously burning tufts of hair in a glass ashtray break from her cone so no one would work a root. Grandma taught me the truth was a complex helix rising from her I learned to watch as well as pray, and how the shackles speak in a double tongue as a second daughter of a second daughter I began Life as a shamefaced girl, too shy to string together words I did not open my mouth until I had something to say. I was busy looking at grown folk's mouth collecting the old ways and placing them on my tongue. My first language was scratched from the land, sweet potatoes, collards, and black-eyed peas. As a second daughter of a second daughter, I straddled the abyss of the diaspora and the church pew, where I speak Afro-Carolinian fluently. Some call it a backwards tongue, I call it a knowing, a spiritual, that will carry you forward if you listen and learn how to sing."

Ms. Redmond said she wants to tell two more stories about when she moved back to South Carolina with her mom. She said she wants to talk about a man name David Drake. He was an enslaved potter poet from Edgeville, South Carolina. She said he wrote his most famous couplet on his pots. It said, "I wonder where is all my relation, friendship to all in every nation". She said she now calls David Drake, her literary forefather. She said, this is what Dave would say, "First time I see a jar rise up, I be midwife into life, see how theses pots and I be kin, dismissed to what's under foot. I learned to turn and turn people the world with pots, until 40,000 around me crowd but everything I love, I lose, so I want what I mold, to hold, even my empty pots be full. One say, I wonder where is all my relations, friendship, to all in every nation, there are lanterns in my words, every story, got another story, some call me Dave the slave and that's all they got, I say leave the rhymes to me, when people look at me

as slave, be the first excuse they use not to see me, I say praise me, it won't fall on deaf ears. I catch praise like most people catch naps, I'm a six-foot vessel of anything but ordinary, a one of a kind with a Carolina Shine. I step out of the rolls of cotton the master the potters will I take the wind out a can with my mark, I make a mark, I sign my name daily, I don't write slave, see if my pots not spin history, if we hold, hold." She said it wasn't until her father passed away that she started writing in men's voices and telling stories. She said the next poem is by the name of Clayton Bates, one-legged tap dancer from Fountain Inn, South Carolina. He was 12 years old and begged his mom to work in the factory to make money for his family. Third day of work, he gets his leg caught in the cotton gin. She said long story short, he gets a peg leg, and becomes the most famous tap dancer. She said she wrote a poem for him called, "I'm Fly", because he was always matched his tuxedo to his peg leg, and he also had a move that he called "American Jet Plane". She reads the poem she wrote, "I'm flying some people got too good feet and still don't know what to do, my smoothness makes the argument for just one my other leg be long gone sacrifice to the cotton gin god. They pin my mango mess down to the kitchen table, made me suffer more under the hand of a unsterilized knife with only a cotton bit to bear the pain I got up spit out that terrible Taste of Jim Crow and pity, saw my mama's burning guilt into a dance that twist Pastor David's prayers, how he going to make do on just one leg huh. I strap up my drinks with tuck tails and flare I turn can't into can without losing time not even in my mind this fountain in Sun done good I knock beats on, wood I'm a worldwide show stopper, I shout rings around all those other two-footers I'm the master of my own faith and when the world cut me at the thigh, I don't shuffle off in misery, I get up on my one good leg and fly".

Ms. Raymond said in close with a poem that will point outward. She said what that means, is she's going in as a poet to tell her own story and go out underneath the stories of others and look as a collective. She said she does a lot of Civic projects, and bringing poets like Joy Harjo to us, and North Carolina Poet Laureate to Greenville through a grant. She said she also works with the Metropolitan Arts Council to get artists and Poets together to tell their stories. She said her last civic duty is that she has installed seven little free libraries around, and her goal is to install little free libraries everywhere she has ever lived. She said since its Black History Month, and just celebrated Martin Luther King's birthday, she left with a poem called, "Pieces of the Dream" –

"There's no I in y'all no matter how you spell it no matter how much you claim to be an island y'all means all a whole unit each and every one of us has had goodness poured into us there's always been someone who's walked with you along the way someone who gave you gifts of how to be or how not to be, no matter who you are if you are here with breath and love in your lungs, you took heed you are an extension of King's dream, you began to rise from your singular eye to become a wondrous we, dreams come from the highest rung, a golden thread not to be dismissed as a visitation of fog but held onto with
Fist and heart dreams boom from our deepest selves - anything we have worth using, seeing, believing, hearing, or reading started out in a dream. Rough drafts of our imagination, dreams are kites connected to the heart they beg to be secured, firmly held by hand and hope to take to the sky, listen to the say so of your dreams and act accordingly, no matter

how small or how huge keep giving wind to your dreams, give no never mind to your fears or the naysayers or the haters, no matter which way the World Turns stand confidently on the shoulders of the ones who place you here, remember all those who filled you with courage. You do not walk this road alone, your ancestors applaud you now, those who help you stay in your tallest to walk firmly on the pathway to Build a Better World, follow the mile markers in your dreams pointing this way to leave the world better than you found it how do you become a mayor how did you become a civil servant with hard work and never losing the dream in your eye, assisting the town to be the freshest and so clean green and green, make this a place to reside a sought after destination, remember many hands make light work and in that lifting with all hands and All Hearts we are creating a giant quilt sewing the seams of our dreams to make us better than we were before, a crafted peace that does not work without all, Y'all. Thank you"

Mayor Gilbert thanked Ms. Redmond and said she can build her little free library in Apex.

[TEAM BUILDING ACTIVITY]

Mayor Gilbert introduced Steven Maye, Sr. Consultant of Maxwell Leadership for the next activity.

Mr. Maye said he moved from New Jersey to Apex. He moved to Apex in 1990 and said fell in love immediately. He said he tries to accomplish three things, he loves to solve problems, add value, and service. He asked Council, what was their interpretation of teamwork.

Councilmember Killingsworth said, there is no I in team.

Councilmember Zegerman said a higher purpose, which transcends what one person does to another.

Mayor Gilbert said stronger in the difference.

Mr. Maye then led Council in a team building activity that required them to work together. He said this game is called, "the marshmallow game". He said the purpose of this exercise is to build the tallest structure with the marshmallow on top.

There were two teams, the first team was Mayor Gilbert, Councilmember Mahaffey and Councilmember Killingsworth.

The second team was Mayor Pro-Tempore Gray, Councilmember Gantt, and Councilmember Zegerman.

All councilmembers worked together in their teams to build their structure.

Mr. Maye said that was a small exercise to simulate what we face in team activities, but he said what you do goes beyond the range of activity. He said this is real life. He asked,

what would you do if it's not easy. He said rule number one, communication. He said how you communicate makes a difference on how you operate as a team.

Mr. Maye then led the transitioned of Council to the "fun table" for another exercise. After all councilmembers were seated at the table, he said what they are about to do is called a Leadership Game and explained the rules.

Mayor Gilbert started the game and Councilmembers followed in discussion within the table. (This discussion can be found at time markers1:34:33 to 2:31:43 on YouTube)

Mr. Maye said he would like to do one more exercise. He asked the whole table, "What do we expect our position to face in the next 12 months". He instructed everyone to write their answer on a sticky note.

Councilmember Killingsworth started with her point of view and the Mayor and the other Councilmembers followed with their answers. (This discussion can be found at time markers 2:31:48 to 2:38:02)

Mr. Maye closed in thanking for what Council has done thus far and is continuing doing. He said sometimes appreciation may not be in monetary value but a simple thank you for what you do goes a long way.

Mayor Gilbert declared the meeting in recess until 11:00 a.m. [10:50 a.m.]

Mayor Gilbert declared the meeting back in session [11:02 a.m.] and introduced Angela Reincke, Parks Planning Project Manager to start the next agenda item.

[Parks, Recreation, and Cultural Resources Projects and Programming Updates]

Angela Reincke, Parks Planning Project Manager introduced herself and introduced the team with her; Patrick Fitzsimons, Pleasant Park Manager, and Elizabeth Shoaf, Recreation Program Supervisor.

Ms. Reincke said she will present but imagine together walking down the path to some of our current projects in the works. She then gave an overview on what current projects she is working on and any upcoming projects and where they currently stand in the works.

[PRCR PROJECTS AND PROGRAMING UPDATES - SLIDE-1]



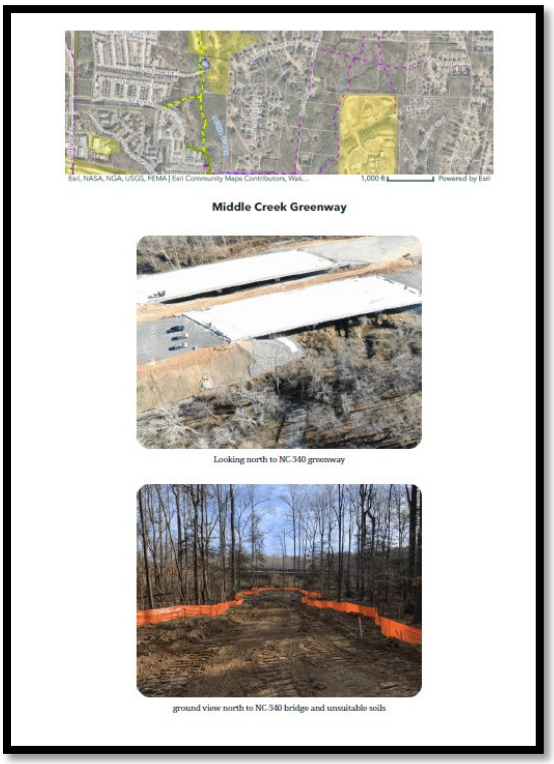
[PRCR PROJECTS AND PROGRAMING UPDATES - SLIDE-2]



[PRCR PROJECTS AND PROGRAMING UPDATES - SLIDE-3]



[PRCR PROJECTS AND PROGRAMING UPDATES - SLIDE-4]



Councilmember Gantt asked about roots or the soil that they had to address the underground issue.

Ms. Reincke said they cut down to subgrade and if that won't compact then a remedy has to be done, which requires you to dig more or add other materials like fabric and gravel or concrete, that's been recycled to stabilize the ground.

Councilmember Zegerman asked if a boardwalk is an option.

Ms. Reincke said a boardwalk is five times the cost.

Councilmember Zegerman said never mind.

Councilmember Gantt asked if she can discuss the crossing of Sunset Lake Road in the interim and long term.

Ms. Reincke said when they do get to Sunset Lake Road project there will be a mid-block pedestrian crossing with a median refuge. She said this is an NCDOT road and they have already approved crossing.

Councilmember Gantt said if there are concerns about someone getting his in the week and causing havoc regarding what to do here.

Ms. Reincke said she doesn't think so, and they coordinate all of the plans inhouse with the TID team. She said any information about what the town can do to either to promote education or put up signage and said the whole section is being modified because of the NC 540 plans, she said she'll have to see how the finished plans go.

Councilmember Gantt asked if the flashing beacon would light up.

Ms. Reincke said she would have to check on that, she said sometimes the trails have to be in place for it to be tested first. She said if they are able to it, they will.

[PRCR PROJECTS AND PROGRAMING UPDATES - SLIDE-5]



Apex West Greenway



Corridor clearing towards ATT connection

[PRCR PROJECTS AND PROGRAMING UPDATES - SLIDE-6]



Connectivity to existing side path along south side of Olive Chapel Road

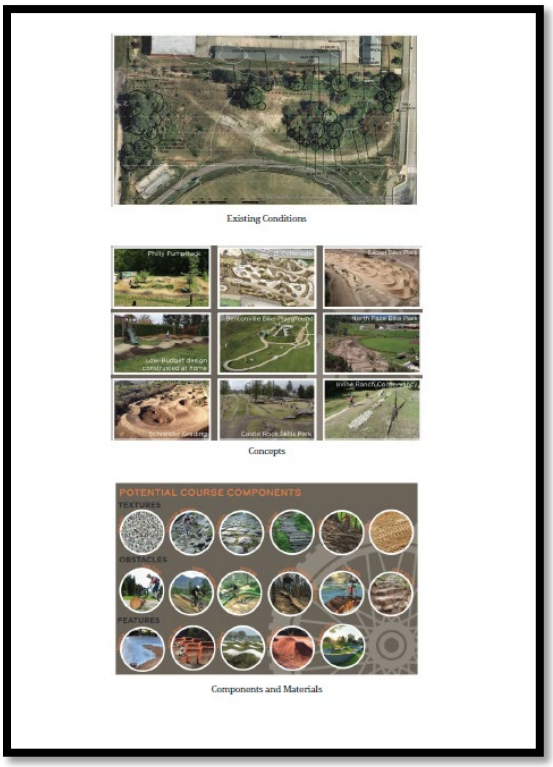


Upcoming Projects

[PRCR PROJECTS AND PROGRAMING UPDATES - SLIDE-7]



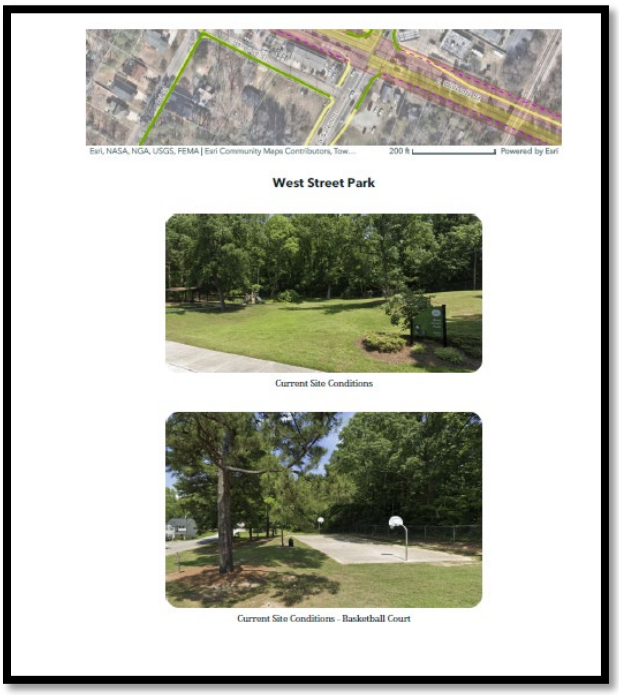
[PRCR PROJECTS AND PROGRAMING UPDATES - SLIDE-8]



Mayor Gilbert asked if this project is going to be illuminated.

Ms. Reincke said through some public comment and meetings, there were some neighborhoods expressed they did not desire the lights, then after the rezoning last year, staff increased the buffer width and maintained the natural tree stand that's there.

[PRCR PROJECTS AND PROGRAMING UPDATES - SLIDE-9]



[PRCR PROJECTS AND PROGRAMING UPDATES - SLIDE-10]



Councilmember Gantt asked if the town is on track with some of the goals that were presented from the Master Plan effort.

Ms. Reincke said she is tracking her strategic plan with align with the master plan and both are tracked annually.

Patrick Fitzsimons, Pleasant Park Manager, finished out the presentation with an overview of Pleasant Park since it has been opened.

[PRCR PROJECTS AND PROGRAMING UPDATES - SLIDE-11]



Mayor Pro-Tempore Gray asked how the town is marketing this park that this is the place to come to.

Mr. Fitzsimons said so far most are local groups that the town has worked with. He said this hasn't been marketed anywhere since the word is spreading. He said he is getting calls from other organizations that want to bring their event to the town of apex, some with national organizations.

Director Setzer said we are also partnering up with Greater Raleigh Sports Alliance and they bring in lots of organizations to the fields like tournaments in from other areas. He said having a partnership with them will be huge for the town.

[PRCR PROJECTS AND PROGRAMING UPDATES - SLIDE-12]



Councilmember Zegerman asks if the revenue will feed back into the operating budget.

Director Setzer said it goes back into the General Fund.

Councilmember Zegerman said it would make sense if there was a reserve for some of the funds so we can fund some of the projects.

Interim Town Manager said the last three years or so the town has been adjusting the fee schedules and there is an opportunity to consider as this is a new process for the town. He said there is an opportunity to consider that because the town is still not able to meet demand.

Director Setzer said they've seen a spike in revenue in the past year or two.

Councilmember Gantt asked about separating the funds to include outside grants.

Director Setzer said they have two grants now for Pleasant Park and it requires you to send a lot of data to Wake County. He said everything is being tracked.

Mayor Gilbert asked if cricket is only for youth and if the town is converting Jaycee Park to a Cricket pitch.

Mr. Fitzsimons said the town is very excited about the opportunity of a Cricket Pitch at Jaycee Park. He said Cricket Pitch is a different surface in that it requires a special service to play because the ball has to bounce on the turf.

Director Setzer said the goal for construction is to start the cricket pitch at the end of February. He said that will be more for youth purposes because of the side of the field.

Councilmember Mahaffey asked what's going on with the dirt pile at Pleasant Park.

Assistant Town Manager Stone said the dirt is supposed to be used for the Peakway Project, and it will be relocated with that.

Councilmember Mahaffey asked about the cross-country track.

Mr. Fitzsimons said there is a short-term solution even with the dirt pile there to make a cross country course usable in a 5K capacity, but he said it would not yet be able to host cross-country meets.

Councilmember Mahaffey asked if the town has been contacted by high schools that have cross country meets.

Mr. Fitzsimons said yes, all cross-country coaches from all different schools are excited to use the track.

Councilmember Gantt asked if the trail is already built.

Ms. Reincke said one area is finishing up.

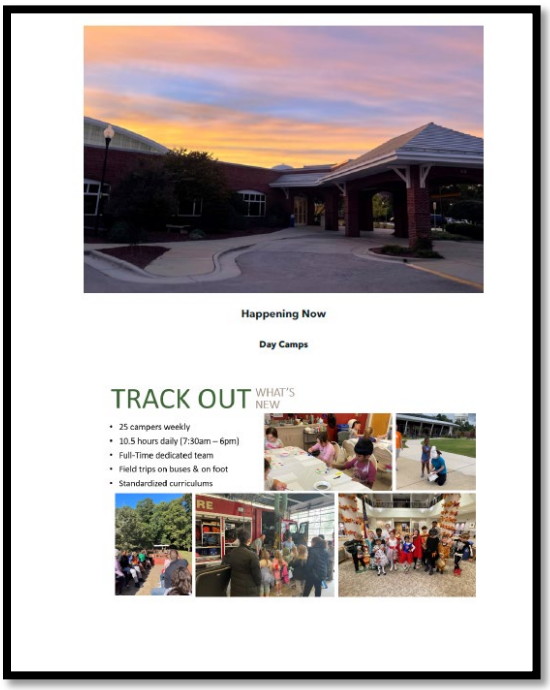
Councilmember Mahaffey said he knows there was an issue with the water play area with permitting last year, he asked is the town all good to go for spring opening.

Director Setzer said there have been some pretty good frustrations about it and there had been meetings last week regarding the concern. He said the goal is the splash pad to be operational by spring time.

Councilmember Mahaffey asked what is still getting in the way.

Director Setzer said there are some issues where the water nozzles have been covered by the concrete, but he said the company is confident they will able to find them and fix the issue. He said the County still needs to approve the splash pad. He promised they are doing everything they can to make sure it gets open by Spring.

[PRCR PROJECTS AND PROGRAMING UPDATES - SLIDE-13]

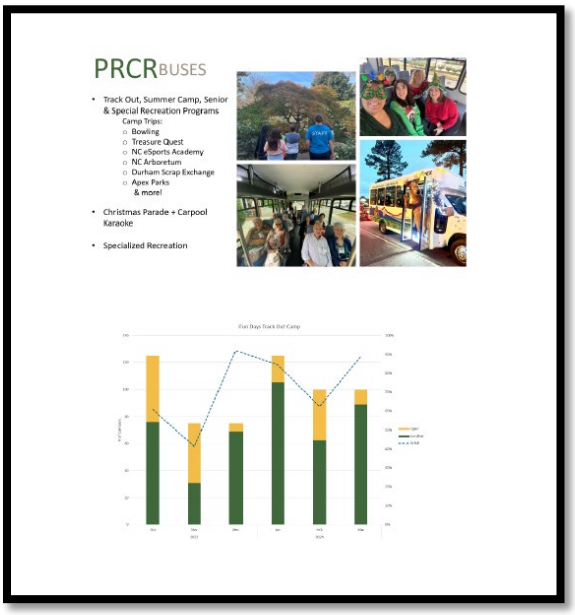


Elizabeth Shoaf, Recreation Program Supervisor, said she oversees the fun day camp program and all programs in the town from preschool to adults.

Councilmember Gantt asked if the town manages the buses.

Ms. Shoaf said yes.

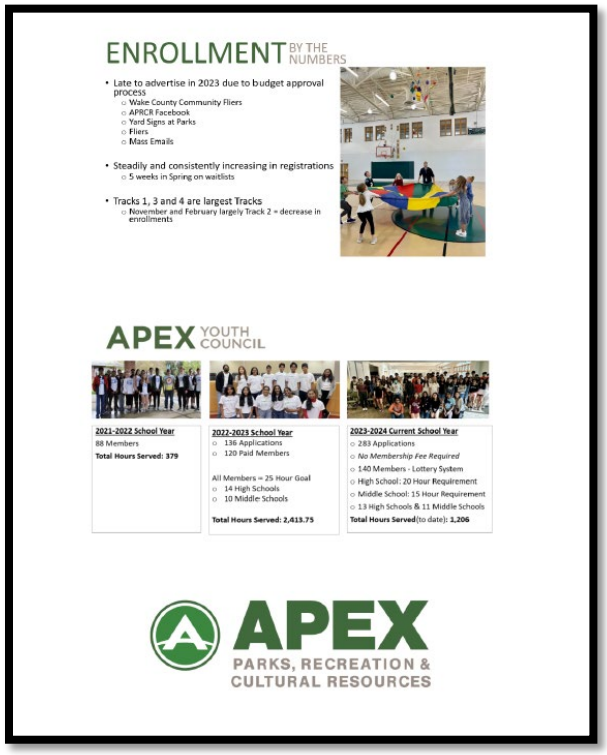
[PRCR PROJECTS AND PROGRAMING UPDATES - SLIDE-14]



Councilmember Zegerman asked why the capacity wasn't fixed.

Ms. Shoaf said different months have different numbers of Mondays, which changes the calculations, and sometimes tracks overlap.

[PRCR PROJECTS AND PROGRAMING UPDATES - SLIDE-15]



Councilmember Gantt asked if the town needed people or facilities to help.

Ms. Shoaf said staffing would need to go up because the ratios would increase.

Mayor Pro-Tempore Gray asked what is the majority age and grades that the town is seeing the majority of.

Ms. Shoaf said from what she sees right now it's advertised as six to eleven-year olds. She said the town will accept five-year olds if the parents can show the school enrollment within a school system.

Councilmember Zegerman asked if she saw any repeat customers.

Ms. Shoaf said yes, there are a lot of returning families in the part-time program and new families that are now in our full-time program.

Councilmember Zegerman said aside from festivals what other volunteer opportunities is the town giving the youth council.

Ms. Shoaf said there are some donation drives and the youth council has donated 600 articles of clothing. She said now they are actually donating for a book drive. She said there are some internal opportunities if help is needed with Family Bingo night. She said there are opportunities for them to sign up for the cultural arts program in theater production at the Halle.

Councilmember Zegerman asked if the youth council are included in Think Apex Day.

Ms. Shoaf said the program has not gotten to that point yet but it's on the list. The youth council will help at Pig Fest.

Councilmember Killingsworth said she wanted to give a big thanks to Director Setzer and his team for adding the full-time position with the Parks and Recreation for kids and she said this was exactly what she had envisioned.

Ms. Shoaf said there had been a lot of changes in the past year and a half, and she thanked Council for their support.

Councilmember Zegerman asked what kind of feedback is the town getting from the community on the expansion of programs.

Ms. Shoaf said there has been a lot of appreciation for the full-time care. She said the price did increase due to what was being offered but parents see that there is more being offered.

Director Setzer said his team has revamped all of their surveys and the town will start seeing more feedback about the programs related to future or any improvements that are related.

Councilmember Gantt asked is there a need for budget considerations for volunteer opportunities.

Ms. Shoaf said youth council has a budget of $5,000 a year to buy T-shirts for the kids and supplies.

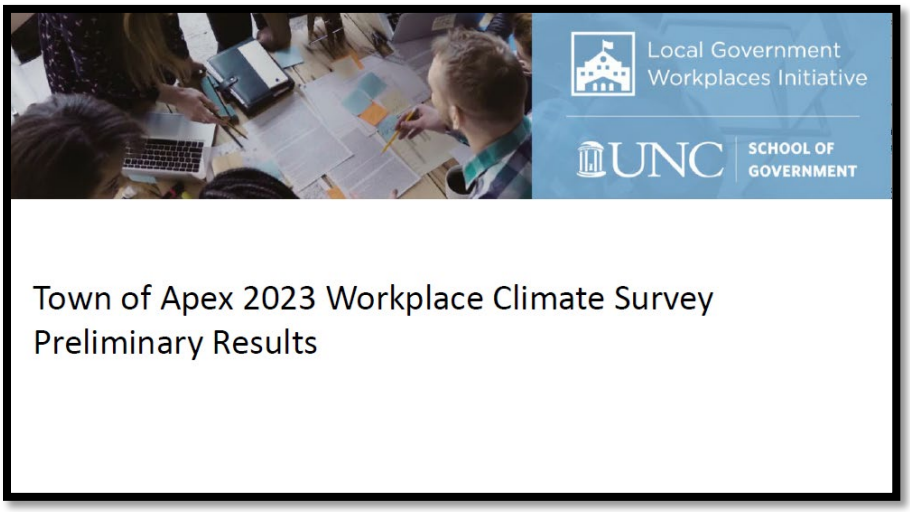
Councilmember Zegerman said to maybe look into some partnerships, especially for kids 16 and up.

Mayor Gilbert called a recess for lunch and asked for the meeting to and to return at 1:00p.m.

[WORKPLACE CHECK UP HIGH-LEVEL OVERVIEW]

Leisha DeHart-Davis, from the UNC School of Government, gave a presentation regarding the workplace climate survey high-level overview and results.

[WORKPLACE SURVEY – SLIDE 1]



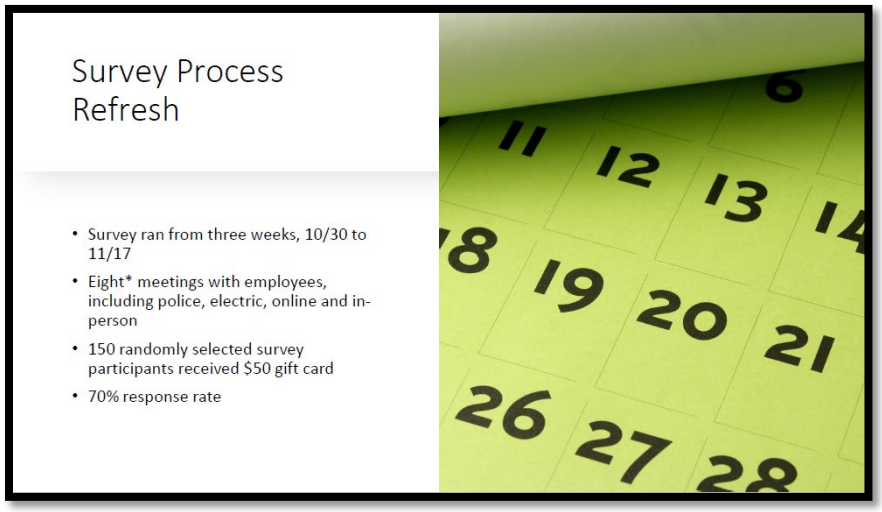
[WORKPLACE SURVEY – SLIDE 2]



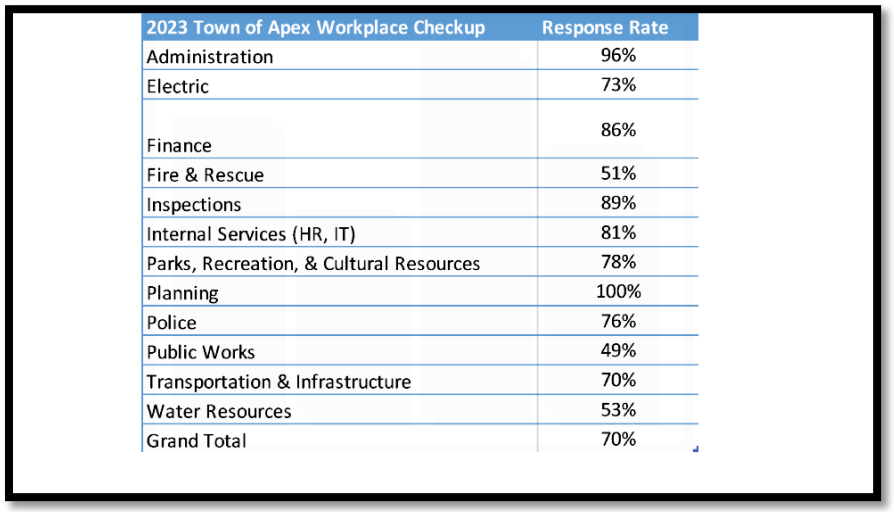
[WORKPLACE SURVEY – SLIDE 3]



[WORKPLACE SURVEY – SLIDE 4]

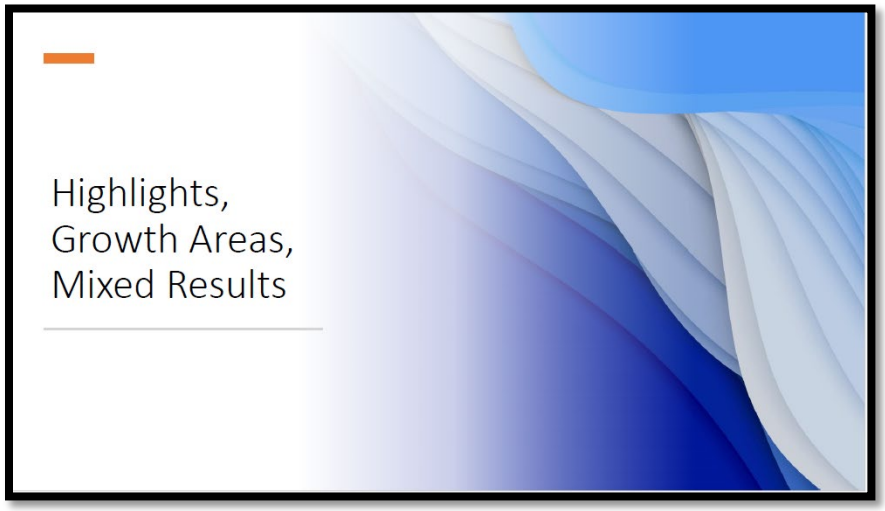


[WORKPLACE SURVEY – SLIDE 5]

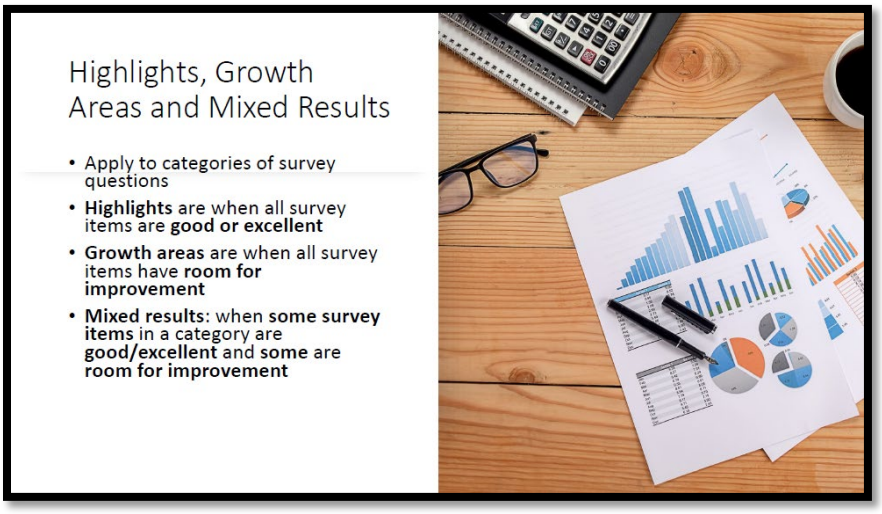


2023 Town of Apex Workplace Checkup	Response Rate
Administration	96%
Electric	73%
Finance	86%
Fire & Rescue	51%
Inspections	89%
Internal Services (HR, IT)	81%
Parks, Recreation, & Cultural Resources	78%
Planning	100%
Police	76%
Public Works	49%
Transportation & Infrastructure	70%
Water Resources	53%
Grand Total	70%

[WORKPLACE SURVEY – SLIDE 6]



[WORKPLACE SURVEY – SLIDE 7]



Councilmember Gantt asked if they did these surveys in other areas of North Carolina, and if she would be sharing areas in which Apex is unique compared to those municipalities. He said if exhaustion is common across almost all workplaces, it probably isn't as important as factors where Apex is uniquely good or bad in.

Ms. DeHart-Davis said they would be getting comparisons between themselves and other local governments on things like exhaustion, and if Apex is at the top, that is a data point for them to look at.

Councilmember Zegerman asked if they would be getting detailed reports.

Ms. DeHart-Davis said they would be receiving a dashboard reported that allowed to see distributions of all survey responses.

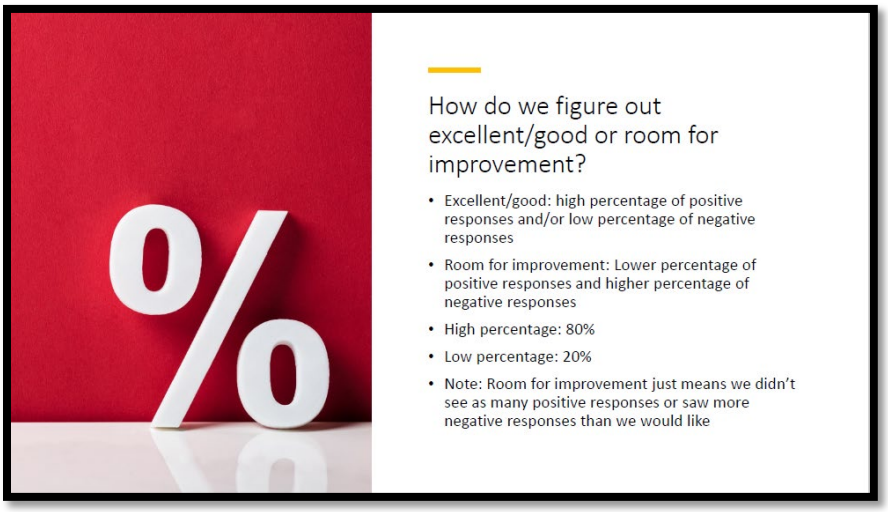
Councilmember Zegerman asked if there would be a recommendation included.

Ms. DeHart-Davis said yes, but it takes a while to get there. She said they would be working with the town to interpret the data.

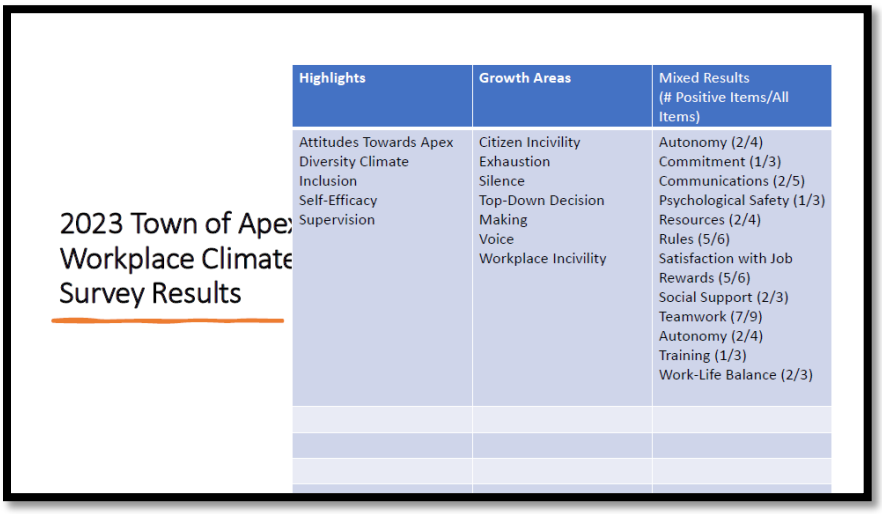
Councilmember Zegerman asked what the timeline would be. He said surveys would only be meaningful close to the time they were taking.

Ms. DeHart-Davis said a lot of that depends on the town. She said it depends on the back and forth and conversation between the town and the School of Government in order to interpret the data.

[WORKPLACE SURVEY – SLIDE 8]



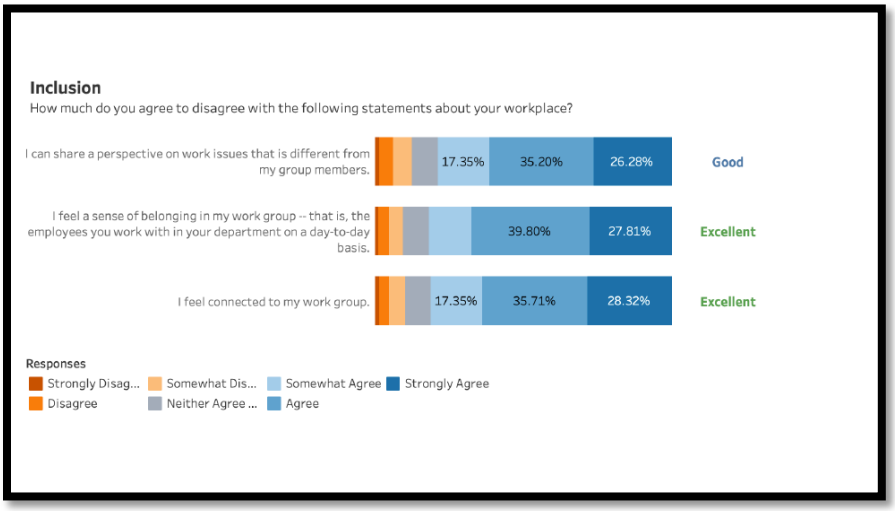
[WORKPLACE SURVEY – SLIDE 9]



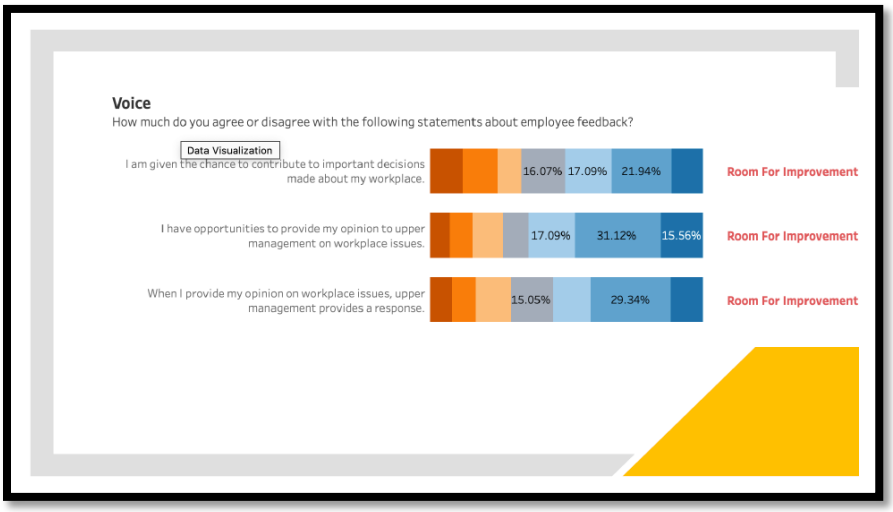
2023 Town of Apex Workplace Climate Survey Results

Highlights	Growth Areas	Mixed Results (# Positive Items/All Items)
Attitudes Towards Apex Diversity Climate Inclusion Self-Efficacy Supervision	Citizen Incivility Exhaustion Silence Top-Down Decision Making Voice Workplace Incivility	Autonomy (2/4) Commitment (1/3) Communications (2/5) Psychological Safety (1/3) Resources (2/4) Rules (5/6) Satisfaction with Job Rewards (5/6) Social Support (2/3) Teamwork (7/9) Autonomy (2/4) Training (1/3) Work-Life Balance (2/3)

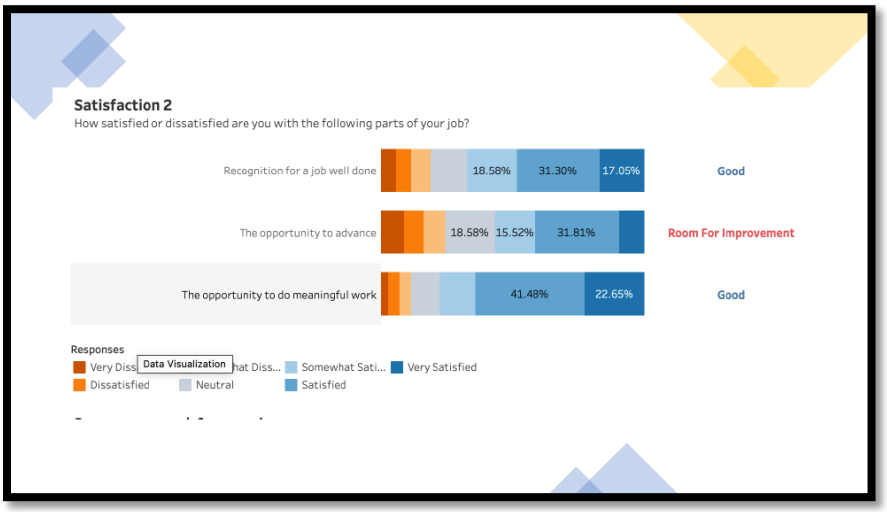
[WORKPLACE SURVEY – SLIDE 10]



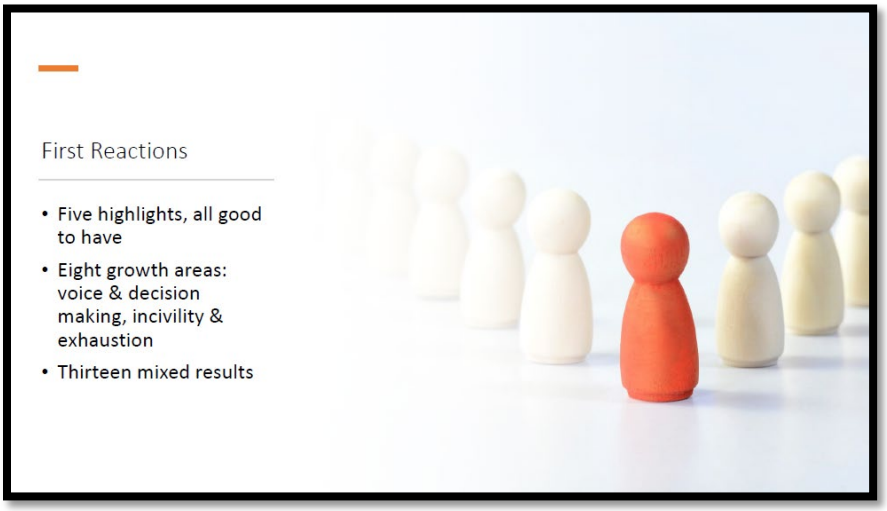
[WORKPLACE SURVEY – SLIDE 11]



[WORKPLACE SURVEY – SLIDE 12]



[WORKPLACE SURVEY – SLIDE 13]



[WORKPLACE SURVEY – SLIDE 14]



[WORKPLACE SURVEY – SLIDE 15]



Councilmember Gantt asked if these questions were based around a "moment in time", or something like "in the past 6 months", or another larger timeframe.

Ms. DeHart-Davis said for these questions, they are meant to be about whatever their perspective was, which would typically encompass whatever timeframe they felt was relevant to answer the question. She said in some cases, how an employee felt on the day of taking the survey could influence their responses, but they assume that cancels out.

[WORKPLACE SURVEY – SLIDE 16]



Councilmember Gantt asked if the departments with a higher response rate were typically the ones that were "happier", or did a correlation not exist there.

Ms. DeHart-Davis said there was not a correlation that she has seen.

Councilmember Zegerman said from what he could tell, it looked like the departments with lower response rates were the ones with less time spent in the office.

Councilmember Zegerman said it was hard to tell anything specific from this without more in-depth data.

Ms. DeHart-Davis agreed, and said that is why these results were preliminary. She said they won't know the full picture until they dive in deeper.

[WORKPLACE SURVEY – SLIDE 17]



Councilmember Mahaffey asked if the dashboard they got have would have the raw data.

Ms. DeHart-Davis said it would be more refined data, and that there would be graphs like the ones presented earlier would be available for every category.

Councilmember Zegerman said he feels like 4 months to compile results is a really long time. He said by the time these results come out fully it will be so far removed from when staff actually took the survey, and they will lose a lot of their meaning.

Ms. DeHart-Davis said that would be the case if there have been lots of changes within a department. She said generally, surveying people shortly after having already doing it does not tend to change their responses.

Councilmember Zegerman said he was concerned employees would feel like nothing was happening with this survey because it has been so long.

Ms. DeHart-Davis said employees were told the timeline, and it was reiterated that it would take a while. She asked if they wanted to talk about employee communications.

Interim Town Manager Purvis said they sent this information out to all staff recently, and have asked Directors to meet with their staff regarding these initial results. He said they are working on determining a timeline to meet with directors regarding these results, and then after that meeting with departments in a tight timeline. He said the plan is for those things to happen in the next two weeks.

Councilmember Zegerman said in his company, they do these types of survey twice a year, and have an action plan developed shortly after results come in. He said this timeline has felt like a very long time to even get results. He said by the time an action plan is developed from these results, so many things may have changed, such as a new town manager having started. He said he wished the timeline would be more compact, and he isn't sure how this timeline has been so long compared to what he is used to in the business environment.

Ms. DeHart-Davis said they have been in contact with HR Director Manville and Interim Town Manager Purvis regarding results, so they haven't been radio silent.

Councilmember Zegerman said he isn't trying to lay blame anywhere, but is just commenting on how this has felt like a long process. He said he wanted to try to do whatever they could to get this finished as quick as possible, and asked her to let Council know if there was anything they could do to help.

Interim Town Manager Purvis asked that Council recognize the sensitivities that they were approaching this with, and the contracted timeline that has occurred from that. He said normally that may not be the case, but there were concerns expressed to them from staff and from Council that needed to be addressed. He said that takes time in how it is address and delivered. He said there will be analysis and plan developed for each department. He said a new town manager coming in would not change this process. He asked for leniency and patience, and to understand where they started with this.

Councilmember Gantt said as someone who also works in government, this timeline seems normal to him. He asked if management would be putting together a response to the survey that would be going to Council and/or staff.

Interim Town Manager Purvis said there would be general responses overall, but there will also be things handled at department-level. He said meetings with departments with also help inform them on the specifics of the concerns.

Councilmember Gantt asked if there was a report made comparing cities who have done this, and recommendation given.

Ms. DeHart-Davis said there would be a PowerPoint created with recommendations, but they wouldn't be super specific. She said they could create an infographic as well.

Mayor Gilbert said it was important employees felt they were able to remain anonymous in this survey. He asked how they planned to get feedback in regards to concerns like "voice", and employees feeling they won't be heard.

Ms. DeHart-Davis said they will be looking at the comments left on those questions throughout the surveys. She said the two most common examples across local government in general for reasons why people don't speak up is because they have in the past and feel that it is futile to do so, or they fear being retaliated against. She said she expects those two themes to come through from those comments.

Mayor Gilbert asked how they would go about getting additional feedback from department members, and how do they establish the environment where they can safely gather that information.

Ms. DeHart-Davis said there could be things like service groups within or across departments, but she said there were problems with those too.

Mayor Gilbert not everyone would feel comfortable speaking up in focus groups.

Ms. DeHart-Davis agreed.

Mayor Pro Tempore Gray asked if there would be an opportunity for department heads to work together to discuss lessons learned and ways to respond to this information.

Interim Town Manager Purvis said there would be opportunities for that. He said admin would be able to talk to departments and do that. He said there would also be opportunities for directors to organically talk to one another about these results and way to improve.

Councilmember Mahaffey asked to what extent the questions of this survey overlap with previous surveys. He said he wants to be able to look at the year over year changes and make sure staff is driving things in the right direction. He said he wants to focus on things that have not been improving, and to find that out there needs to be a regular cadence of these kinds of surveys.

Interim Town Manager Purvis said they did want to increase the consistency of these things, and the pandemic disrupted what they used to do. He said there are some comparisons between the last survey they did and now, and they will present those. He said sometimes things are cultural changes that take time, and there's multiple levels solutions need to be trickled through. He said he does agree that these surveys need to become a common thing, and many other staff and directors also feel that way.

Councilmember Gantt asked how often they perform this survey in other municipalities.

Ms. DeHart-Davis said it depends on how many local governments come to them and say that they need it. She said they do anywhere from 6 to 10 of these in a year, and the questions change slightly each year. She said they currently have good data going back to 2020 that they can look at comparatively.

Interim Town Manager Purvis said there are benchmarks within the sector. She said that is the study they do.

Councilmember Zegerman asked what the recommended cadence was. He said in his work experience, doing them every 6 months doesn't show big changes, but does allow them to compile data to see trend lines and when things improve or get worse. He said they haven't done one of these since 2018-2019, and asked what the recommended frequency would be after this going forward.

Ms. DeHart-Davis said every 2 years. She said the town needs time to implement any changes they take away from the results, and it takes about that long for those changes to set in. She said potentially 18 months at a minimum, but the town would have to be really moving quickly for that.

Mayor Pro Tempore Gray said he also recognizes that there is fatigue with things like this. He said in surveys that are done on a frequent basis, like every 6 months, participation rates drop over time. He said employees don't end up prioritizing completing it because they have jobs to get done. He said there is also the issue of certain departments having to come into the office to get access to a computer during the day, like Public Works, and that may create a self-selecting group who end up participating.

Ms. DeHart-Davis said those are good points, and people would be less likely to participate if they are done closer together and the town hasn't shown any changes from the last time they did one.

Councilmember Zegerman said he takes issue with the idea that it would take 18 months to demonstrate change, and he thinks the town can move faster than that. He said there is a balance here somewhere, but he thinks they need to be moving a lot faster here. He said a 2-year cadence seems entirely too long to assess progress.

Mayor Pro Tempore Gray asked if there were other ways to assess things like this that weren't as intensive, which could be done in smaller intervals, in order to figure out progress along the way. He said he understands Councilmember Zegerman's desire to move quickly and not lose momentum, and they want to make sure Apex is the best place to work in the state.

Councilmember Killingsworth said she understands how slow government moves. She said it takes to whole 2-year cycle for the whole process to be completed. She said if it was on a yearly basis, there wouldn't be time to address issues that come up.

Councilmember Mahaffey said the intensity of the survey is going to be proportional to how often it can be done. He said there could be a much smaller survey done more often, but they have to adjust their expectations for what that survey produces.

Mayor Pro Tempore Gray said there may be recommendations that Council can keep an eye on and address in the short term.

Ms. DeHart-Davis said there were things staff could help address easier, such as giving employees space and time after they deal with citizen incivility. She said some of these instances can be very traumatic.

Mayor Gilbert thanked Ms. DeHart Davis for her presentation.

[LANGUAGE ACCESS PLAN UPDATES]

Linda Jones, DEI Director, gave the following presentation regarding the Language Access Collaborative.

[LANGUAGE ACCESS – SLIDE 1]



[LANGUAGE ACCESS – SLIDE 2]



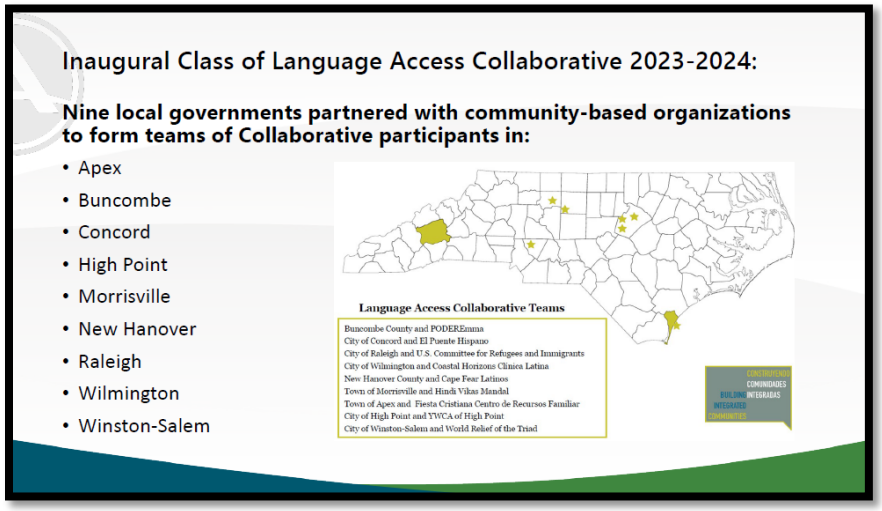
[LANGUAGE ACCESS – SLIDE 3]



[LANGUAGE ACCESS – SLIDE 4]



[LANGUAGE ACCESS – SLIDE 5]



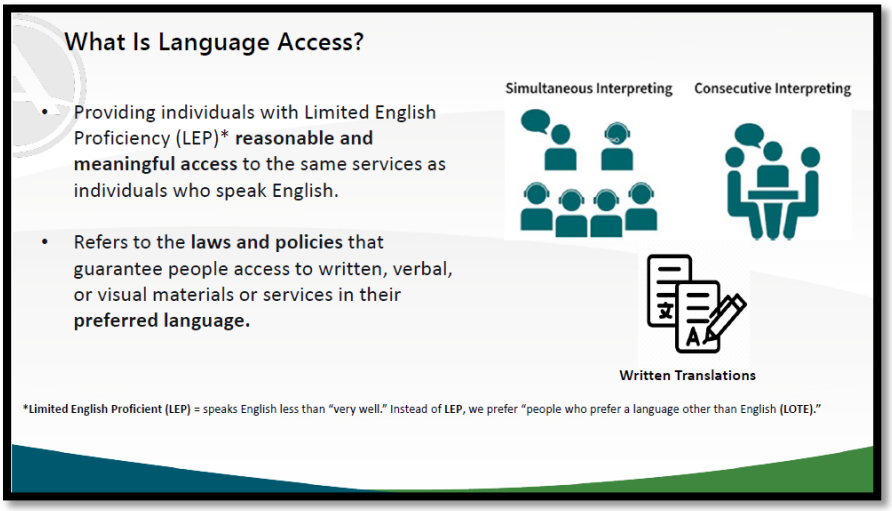
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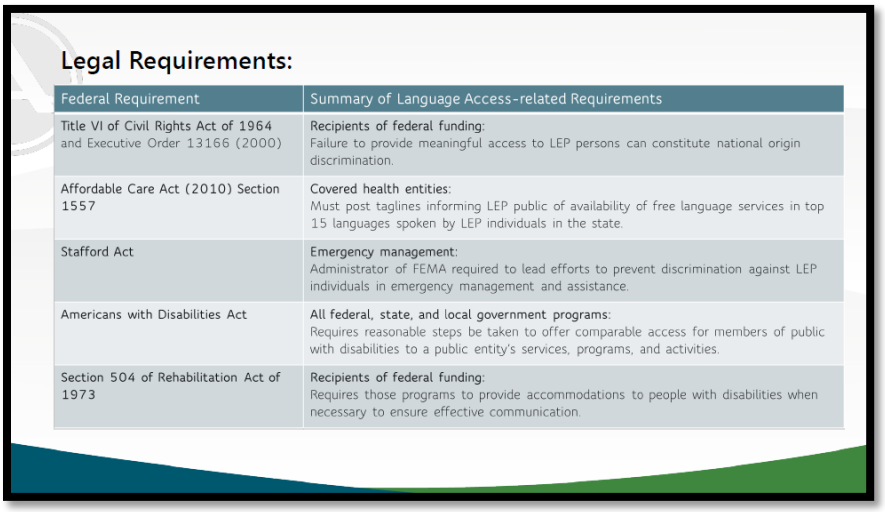
[LANGUAGE ACCESS – SLIDE 7]



[LANGUAGE ACCESS – SLIDE 8]



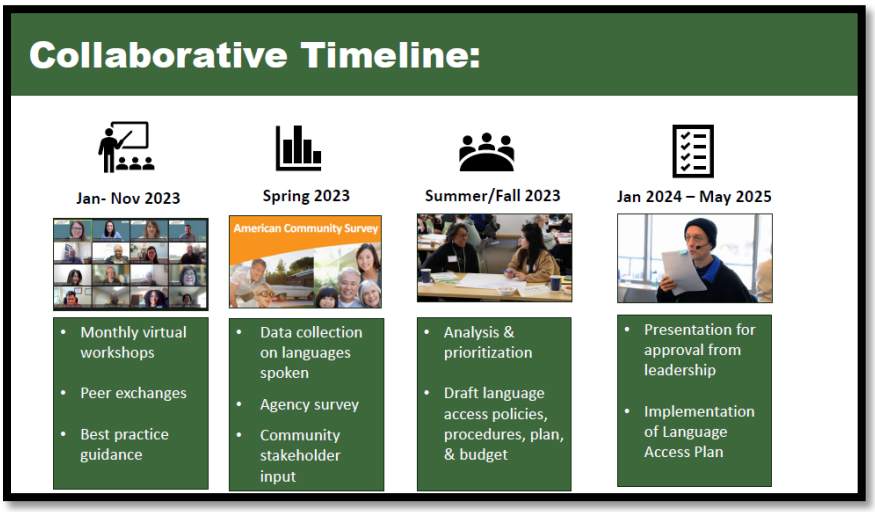
[LANGUAGE ACCESS – SLIDE 9]



Legal Requirements:

Federal Requirement	Summary of Language Access-related Requirements
Title VI of Civil Rights Act of 1964 and Executive Order 13166 (2000)	Recipients of federal funding: Failure to provide meaningful access to LEP persons can constitute national origin discrimination.
Affordable Care Act (2010) Section 1557	Covered health entities: Must post taglines informing LEP public of availability of free language services in top 15 languages spoken by LEP individuals in the state.
Stafford Act	Emergency management: Administrator of FEMA required to lead efforts to prevent discrimination against LEP individuals in emergency management and assistance.
Americans with Disabilities Act	All federal, state, and local government programs: Requires reasonable steps be taken to offer comparable access for members of public with disabilities to a public entity's services, programs, and activities.
Section 504 of Rehabilitation Act of 1973	Recipients of federal funding: Requires those programs to provide accommodations to people with disabilities when necessary to ensure effective communication.

[LANGUAGE ACCESS – SLIDE 10]



[LANGUAGE ACCESS – SLIDE 11]



[LANGUAGE ACCESS – SLIDE 12]



Apex Progress To Date:

Actions:	Status:
Internal Language Capacity Assessment Survey for All Departments	**Developed: April 17, 2023** **Deployed: April 18, 2023**
First Report and Survey Results Due to BIC	**May 16, 2023**
Team Meetings with Community Partner	**Occurred Monthly**
Collaborative Meetings with BIC	**Occurred Monthly**
Webpage Launched	**May 2023**
Second Progress Report Due to BIC	**August 15, 2023**
BIC Visit with Town of Apex and Fiesta Cristiana	**October 18, 2023**
Draft Plan and Budget Due to BIC	**November 17, 2023**
Municipal Language Access Network (MLAN) Facilitated from Governor Cooper's Office	**Occurs Monthly**

[LANGUAGE ACCESS – SLIDE 13]



Next Steps: Approval and Implementation:

- Language Access Summit – January 19, 2024
- Town Council Meeting – April 23, 2024 (formal presentation and request for approval)
- Implementation Plan – Begin July 2024
- Additional Support:
  - Municipal Language Access Network (MLAN)
  - Welcoming America – Labs, Workshops, Conferences
- Additional Resources:
  - Applying to The Lead for NC Fellow Program thru UNC School of Government
  - Department of Justice (www.usdoj.org)

[LANGUAGE ACCESS – SLIDE 14]



Councilmember Gantt asked about how much they have discussed the town embracing and investing in technology that can help with translations and information in different languages.

Director Jones is one of the findings they determined needs to be worked on. She said through this grant, they would be receiving $20,000 to go towards technology and digital signage. She said they would be continuing to look at the technology components.

Mayor Gilbert declared the meeting in recess at **2:04 p.m.**

Mayor Gilbert reconvened the meeting at **2:20 p.m.**

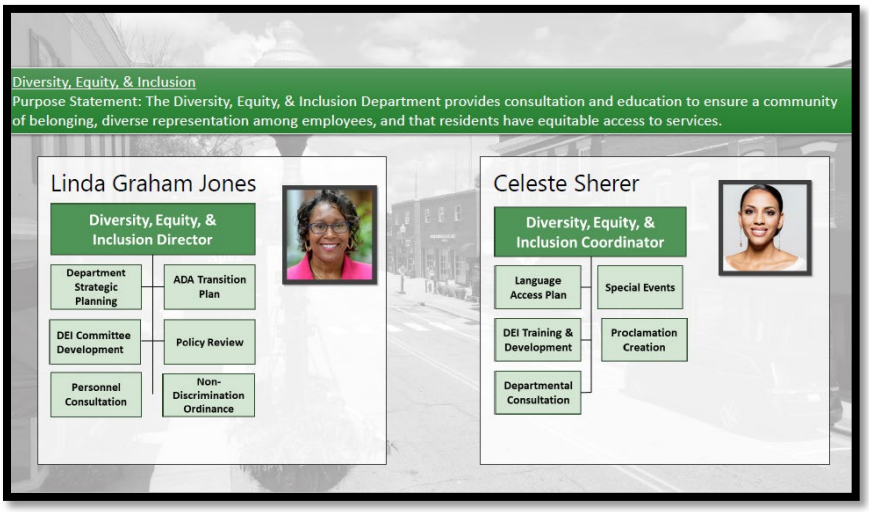
[INCLUSIVE LEADERSHIP]

Celeste Sherer, DEI Coordinator, gave the following presentation regarding inclusive leadership in the town.

[INCLUSIVE LEADERSHIP – SLIDE 1]



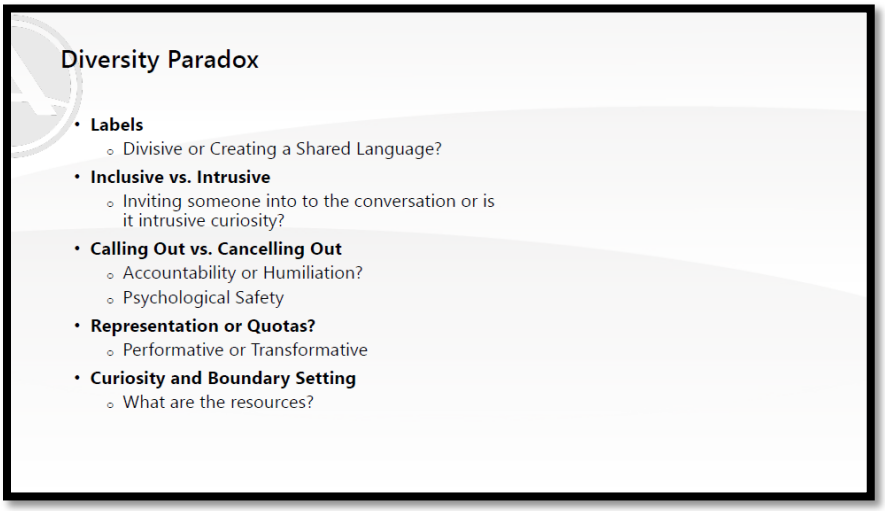
[INCLUSIVE LEADERSHIP – SLIDE 2]



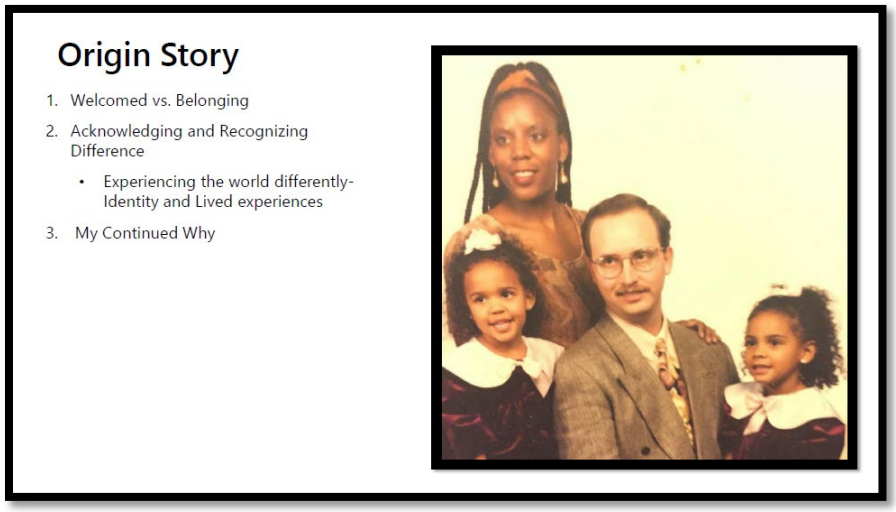
[INCLUSIVE LEADERSHIP – SLIDE 3]



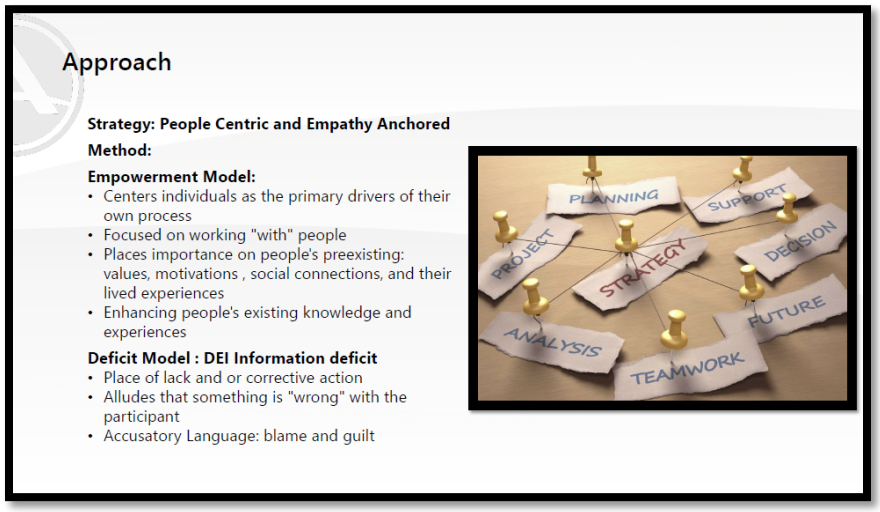
[INCLUSIVE LEADERSHIP – SLIDE 4]



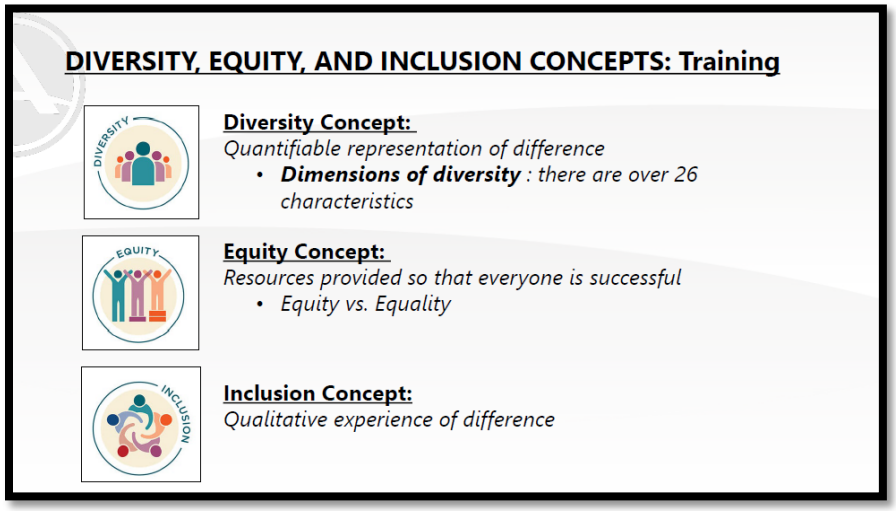
[INCLUSIVE LEADERSHIP – SLIDE 5]



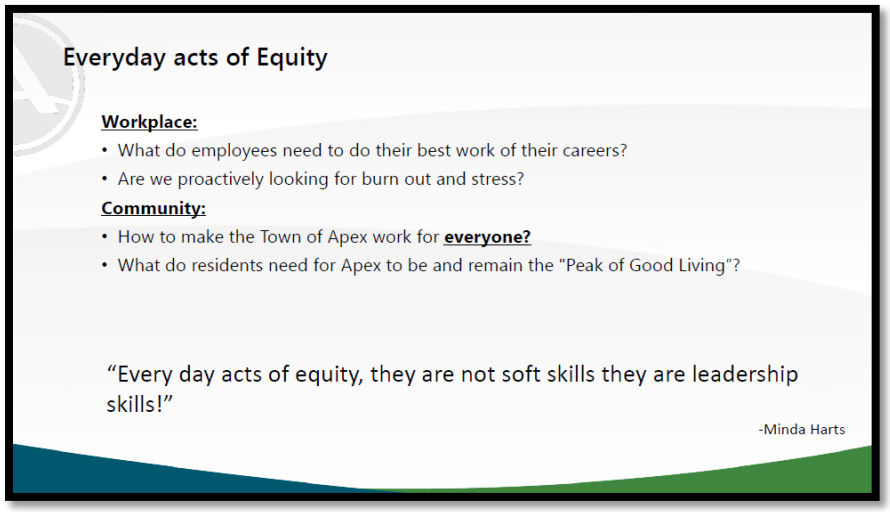
[INCLUSIVE LEADERSHIP – SLIDE 6]



[INCLUSIVE LEADERSHIP – SLIDE 7]



[INCLUSIVE LEADERSHIP – SLIDE 8]



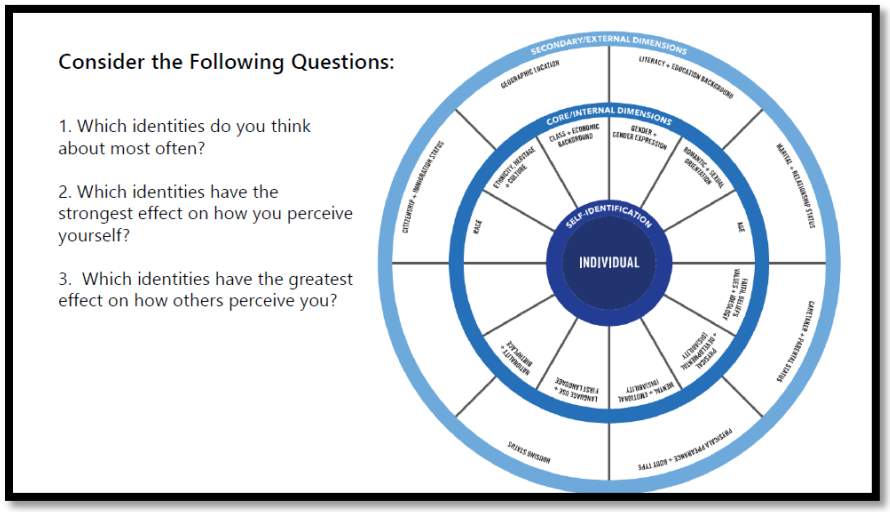
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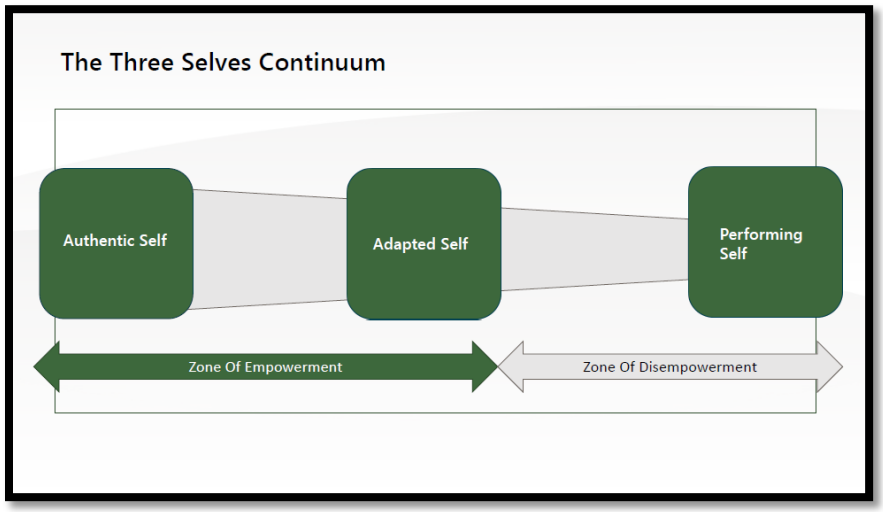
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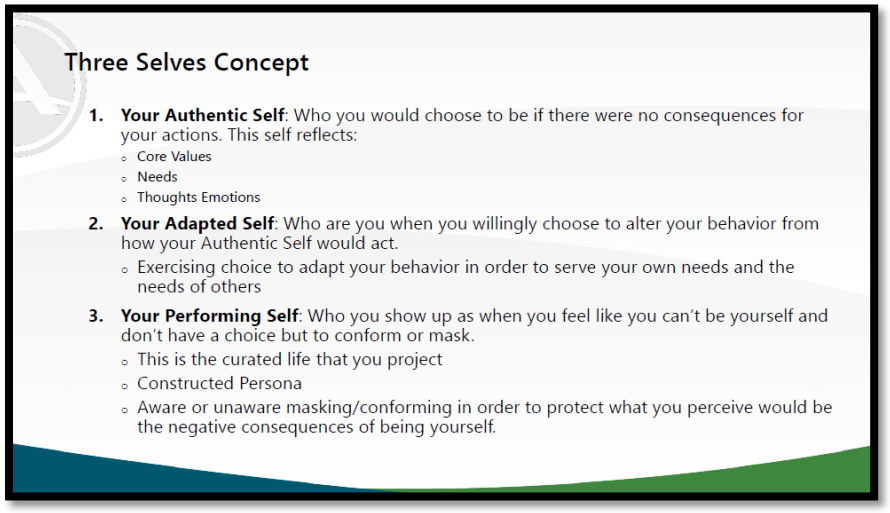
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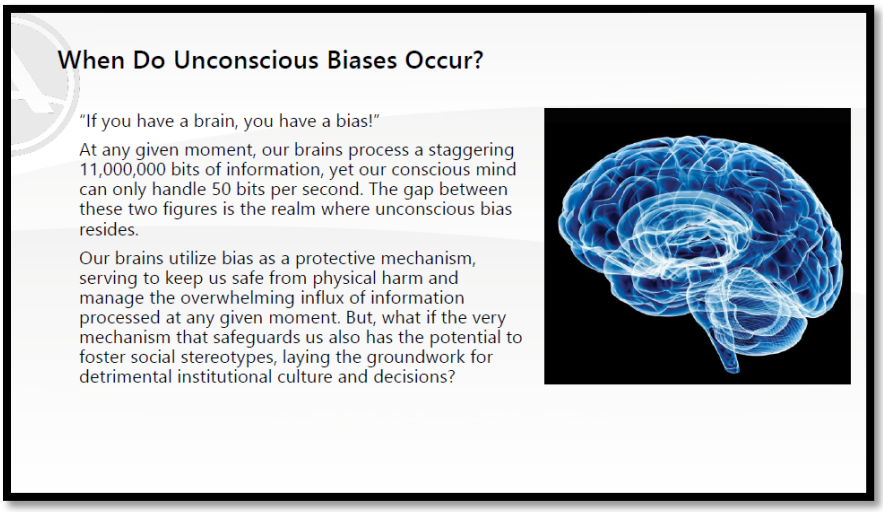
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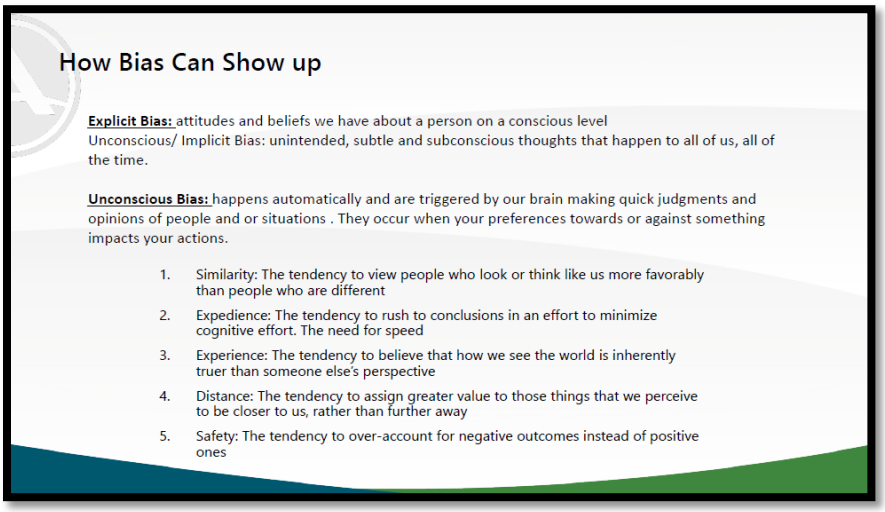
[INCLUSIVE LEADERSHIP – SLIDE 13]



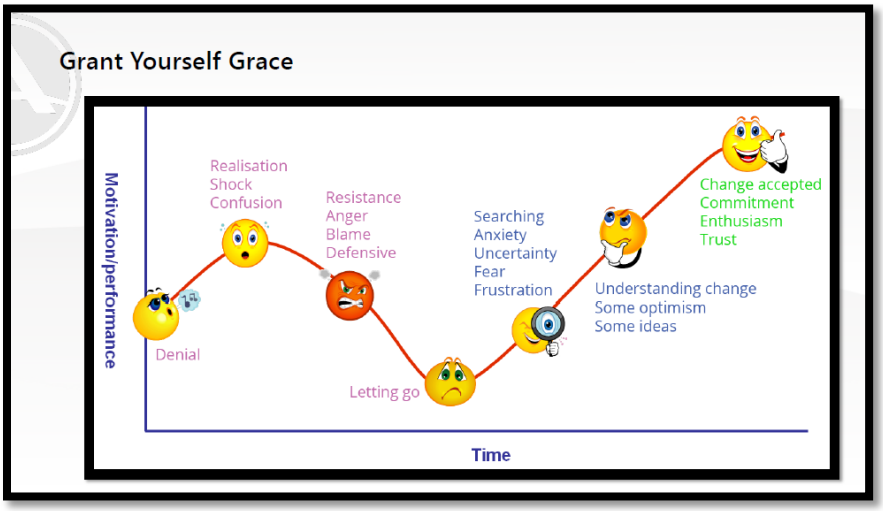
[INCLUSIVE LEADERSHIP – SLIDE 14]



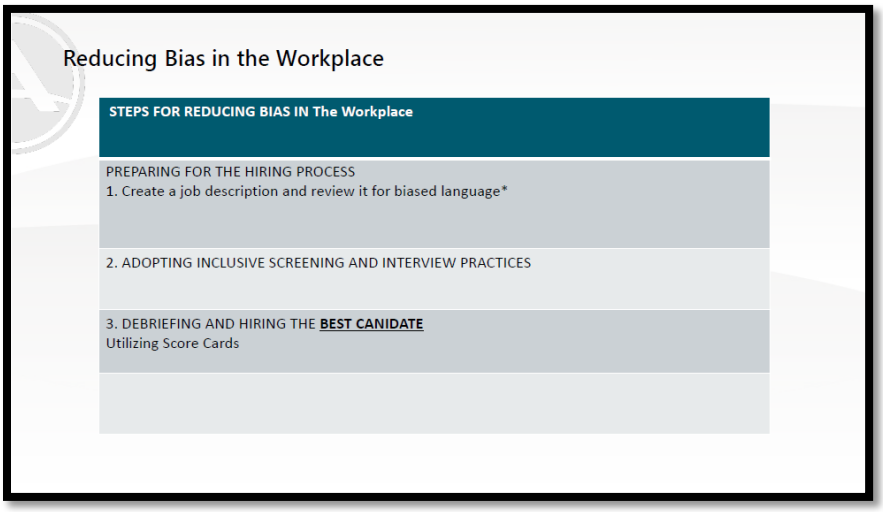
[INCLUSIVE LEADERSHIP – SLIDE 15]



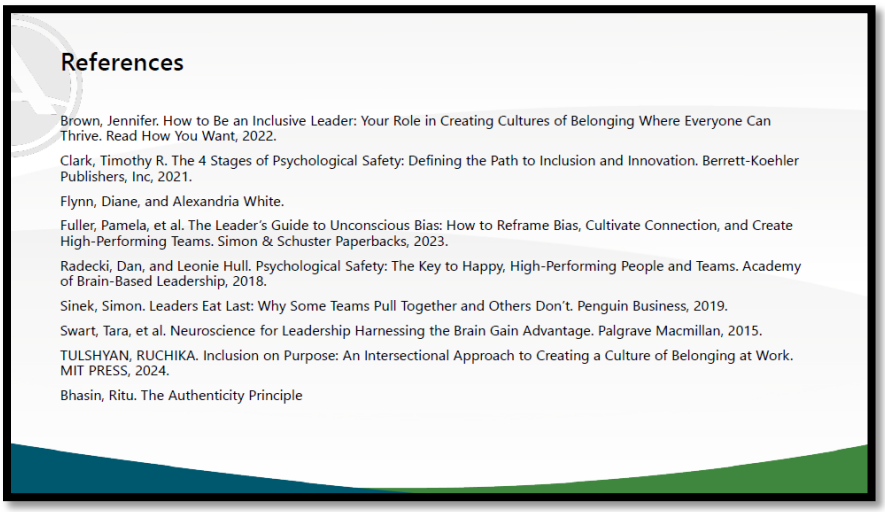
[INCLUSIVE LEADERSHIP – SLIDE 16]



[INCLUSIVE LEADERSHIP – SLIDE 17]



[INCLUSIVE LEADERSHIP – SLIDE 18]



Ms. Sherer discussed what belonging meant with Councilmembers, and how they understand and experience it in their lives. She led the Council in a discussion training regarding inclusion, belonging, and boundaries.

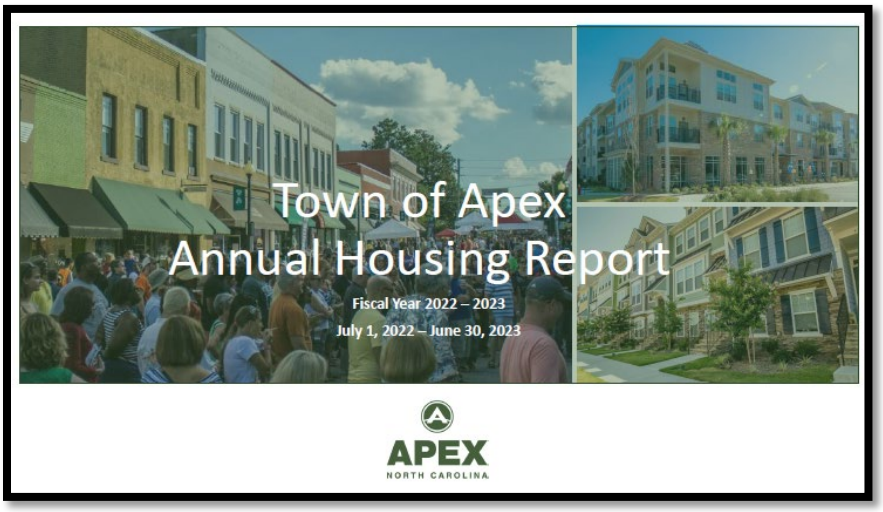
Councilmember Gantt asked if the department's work was more internal or external.

Ms. Sherer said it was some of both, as their work requires working with employees as well as external stakeholders.

[TOWN OF APEX ANNUAL HOUSING REPORT]

Michael Linsenmeyer, Senior Housing Specialist, gave the following presentation regarding the Town of Apex Annual Housing Report.

[ANNUAL HOUSING REPORT – SLIDE 1]



[ANNUAL HOUSING REPORT – SLIDE 2]

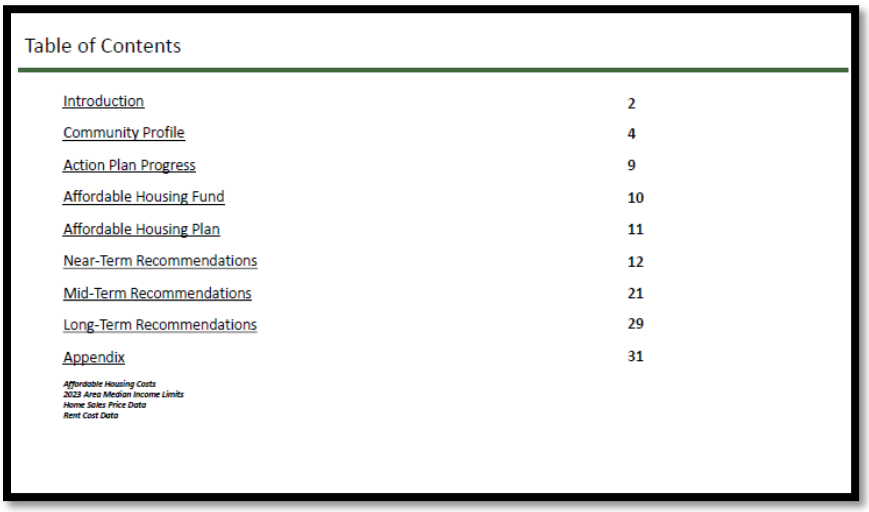
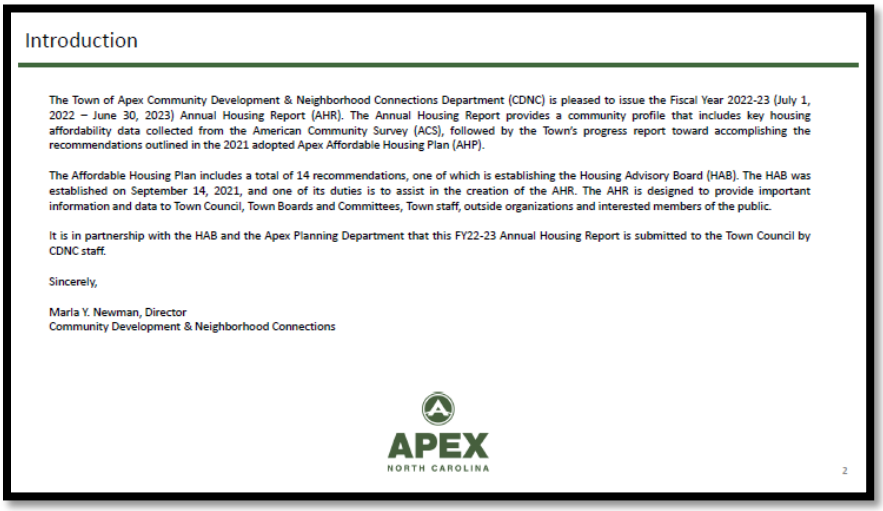


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Affordable Housing Plan	11
Near-Term Recommendations	12
Mid-Term Recommendations	21
Long-Term Recommendations	29
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Affordable Housing Costs
2023 Area Median Income Limits
Home Sales Price Data
Rent Cost Data

[ANNUAL HOUSING REPORT – SLIDE 3]



Introduction

The Town of Apex Community Development & Neighborhood Connections Department (CDNC) is pleased to issue the Fiscal Year 2022-23 (July 1, 2022 – June 30, 2023) Annual Housing Report (AHR). The Annual Housing Report provides a community profile that includes key housing affordability data collected from the American Community Survey (ACS), followed by the Town's progress report toward accomplishing the recommendations outlined in the 2021 adopted Apex Affordable Housing Plan (AHP).

The Affordable Housing Plan includes a total of 14 recommendations, one of which is establishing the Housing Advisory Board (HAB). The HAB was established on September 14, 2021, and one of its duties is to assist in the creation of the AHR. The AHR is designed to provide important information and data to Town Council, Town Boards and Committees, Town staff, outside organizations and interested members of the public.

It is in partnership with the HAB and the Apex Planning Department that this FY22-23 Annual Housing Report is submitted to the Town Council by CDNC staff.

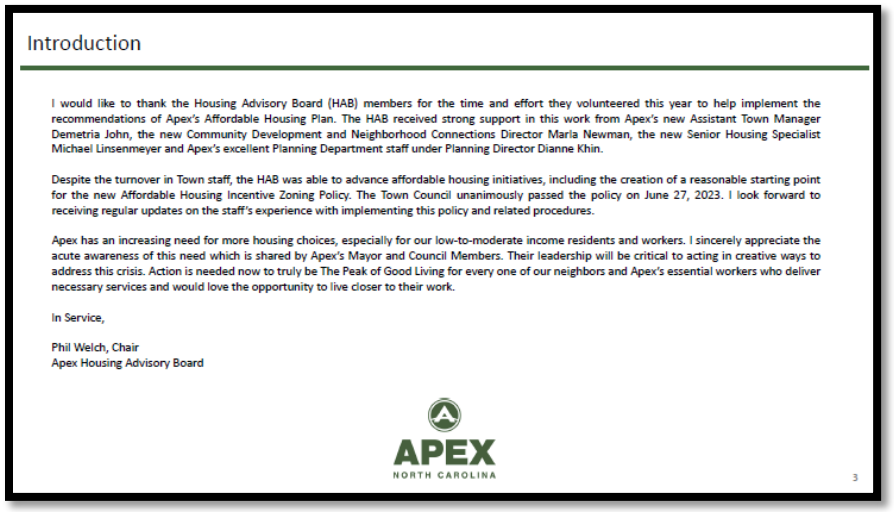
Sincerely,

Marla Y. Newman, Director
Community Development & Neighborhood Connections

APEX
NORTH CAROLINA

2

[ANNUAL HOUSING REPORT – SLIDE 4]



Introduction

I would like to thank the Housing Advisory Board (HAB) members for the time and effort they volunteered this year to help implement the recommendations of Apex's Affordable Housing Plan. The HAB received strong support in this work from Apex's new Assistant Town Manager Demetria John, the new Community Development and Neighborhood Connections Director Marla Newman, the new Senior Housing Specialist Michael Linsenmeyer and Apex's excellent Planning Department staff under Planning Director Dianne Khin.

Despite the turnover in Town staff, the HAB was able to advance affordable housing initiatives, including the creation of a reasonable starting point for the new Affordable Housing Incentive Zoning Policy. The Town Council unanimously passed the policy on June 27, 2023. I look forward to receiving regular updates on the staff's experience with implementing this policy and related procedures.

Apex has an increasing need for more housing choices, especially for our low-to-moderate income residents and workers. I sincerely appreciate the acute awareness of this need which is shared by Apex's Mayor and Council Members. Their leadership will be critical to acting in creative ways to address this crisis. Action is needed now to truly be The Peak of Good Living for every one of our neighbors and Apex's essential workers who deliver necessary services and would love the opportunity to live closer to their work.

In Service,

Phil Welch, Chair
Apex Housing Advisory Board

APEX
NORTH CAROLINA

3

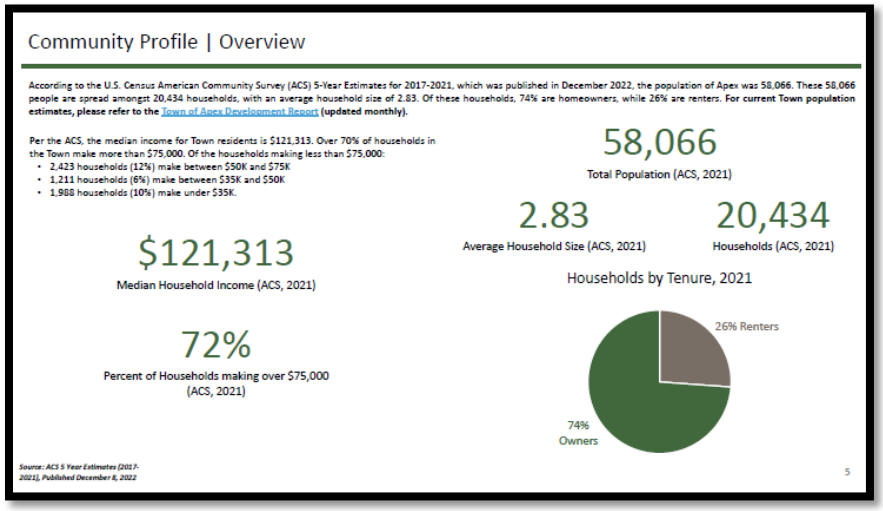
[ANNUAL HOUSING REPORT – SLIDE 5]



Community Profile

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[ANNUAL HOUSING REPORT – SLIDE 6]



Community Profile | Overview

According to the U.S. Census American Community Survey (ACS) 5-Year Estimates for 2017-2021, which was published in December 2022, the population of Apex was 58,066. These 58,066 people are spread amongst 20,434 households, with an average household size of 2.83. Of these households, 74% are homeowners, while 26% are renters. **For current Town population estimates, please refer to the Town of Apex Development Report (updated monthly).**

Per the ACS, the median income for Town residents is $121,313. Over 70% of households in the Town make more than $75,000. Of the households making less than $75,000:

- 2,423 households (12%) make between $50K and $75K
- 1,211 households (6%) make between $35K and $50K
- 1,988 households (10%) make under $35K.

$121,313
Median Household Income (ACS, 2021)

72%
Percent of Households making over $75,000 (ACS, 2021)

58,066
Total Population (ACS, 2021)

2.83
Average Household Size (ACS, 2021)

20,434
Households (ACS, 2021)

Households by Tenure, 2021

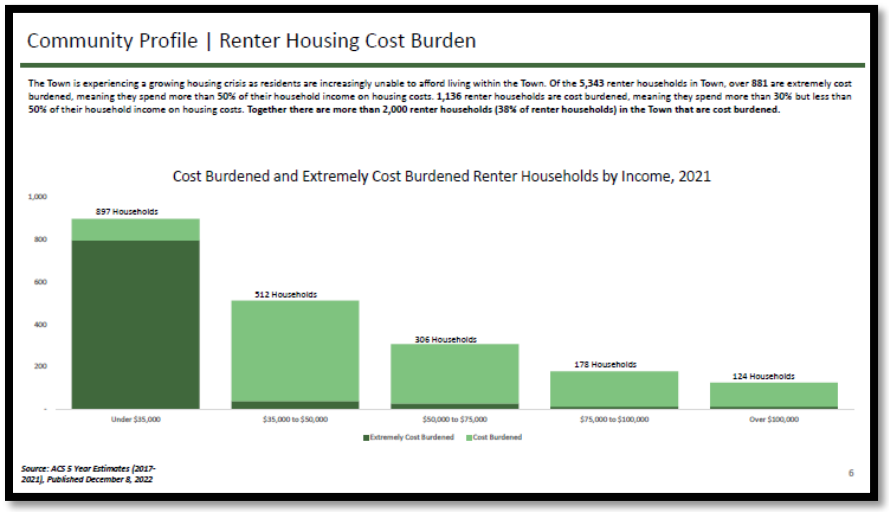
26% Renters

74% Owners

Source: ACS 5 Year Estimates (2017-2021), Published December 8, 2022

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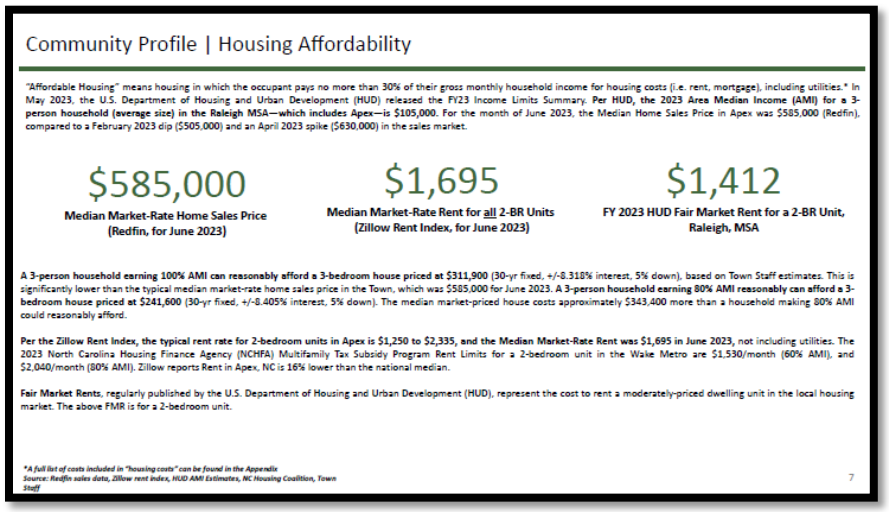
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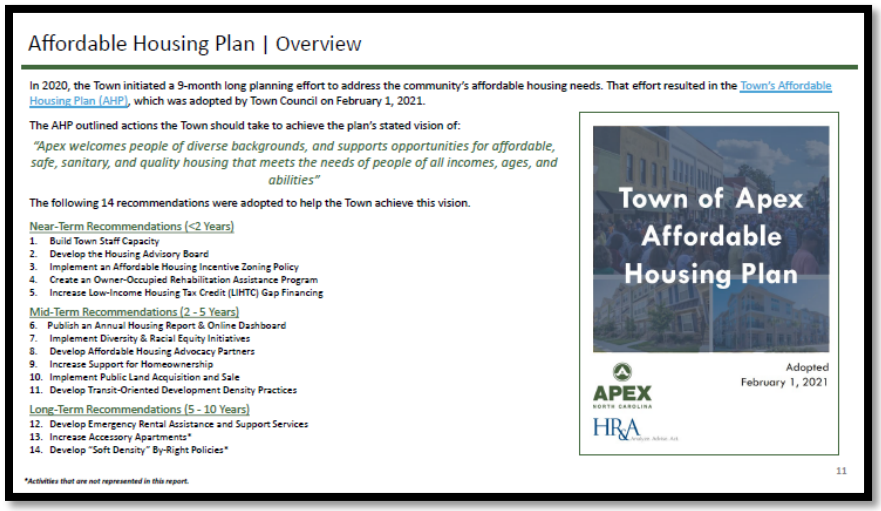
Councilmember Zegerman asked how it was possible that households making over 100 thousand or more a year would be cost burdened or extremely cost burdened. He said according to averages, the rents should not have them in this range.

Mr. Linsenmeyer said there may be large discrepancies in the income gap. He said he isn't specifically sure why this is the case. He said in the next report he can include a broader range of incomes.

[ANNUAL HOUSING REPORT – SLIDE 8]



[ANNUAL HOUSING REPORT – SLIDE 9]



Affordable Housing Plan | Overview

In 2020, the Town initiated a 9-month long planning effort to address the community's affordable housing needs. That effort resulted in the Town's Affordable Housing Plan (AHP), which was adopted by Town Council on February 1, 2021.

The AHP outlined actions the Town should take to achieve the plan's stated vision of:

"Apex welcomes people of diverse backgrounds, and supports opportunities for affordable, safe, sanitary, and quality housing that meets the needs of people of all incomes, ages, and abilities"

The following 14 recommendations were adopted to help the Town achieve this vision.

Near-Term Recommendations (<2 Years)
1. Build Town Staff Capacity
2. Develop the Housing Advisory Board
3. Implement an Affordable Housing Incentive Zoning Policy
4. Create an Owner-Occupied Rehabilitation Assistance Program
5. Increase Low-Income Housing Tax Credit (LIHTC) Gap Financing

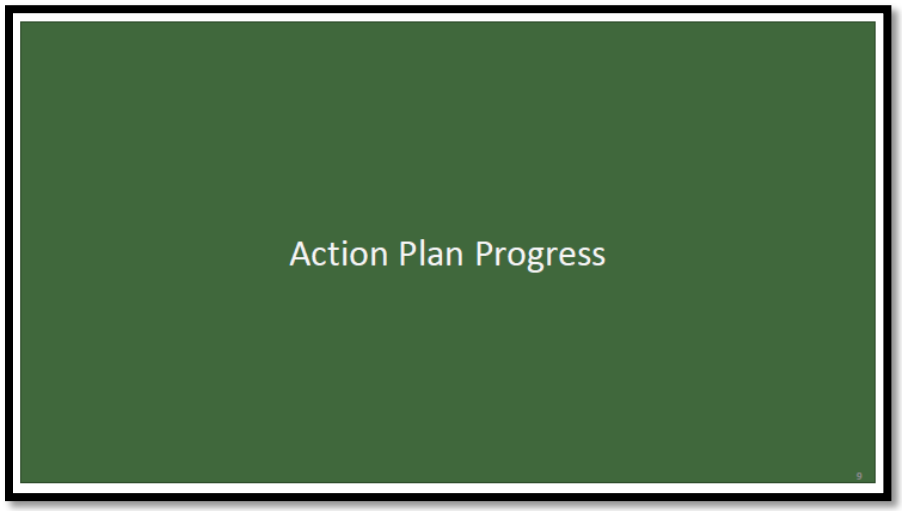
Mid-Term Recommendations (2 - 5 Years)
6. Publish an Annual Housing Report & Online Dashboard
7. Implement Diversity & Racial Equity Initiatives
8. Develop Affordable Housing Advocacy Partners
9. Increase Support for Homeownership
10. Implement Public Land Acquisition and Sale
11. Develop Transit-Oriented Development Density Practices

Long-Term Recommendations (5 - 10 Years)
12. Develop Emergency Rental Assistance and Support Services
13. Increase Accessory Apartments*
14. Develop "Soft Density" By-Right Policies*

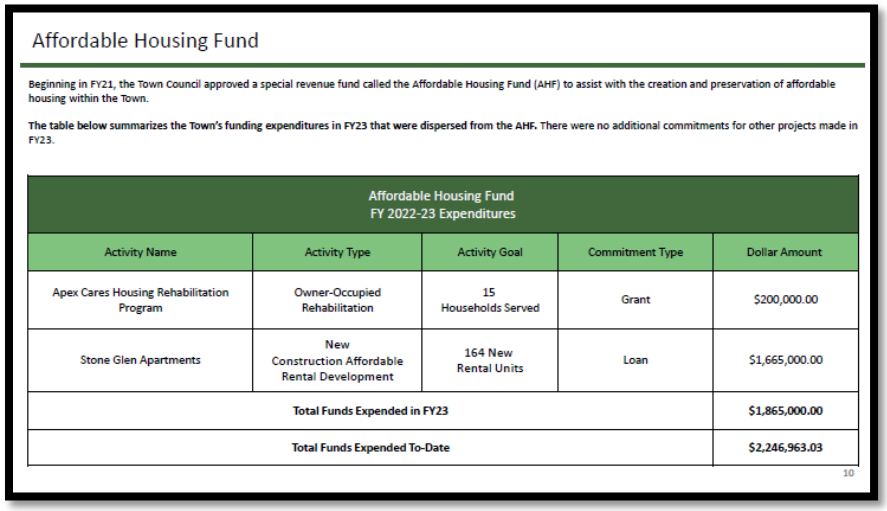
*Activities that are not represented in this report.

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[ANNUAL HOUSING REPORT – SLIDE 10]



[ANNUAL HOUSING REPORT – SLIDE 11]



Affordable Housing Fund

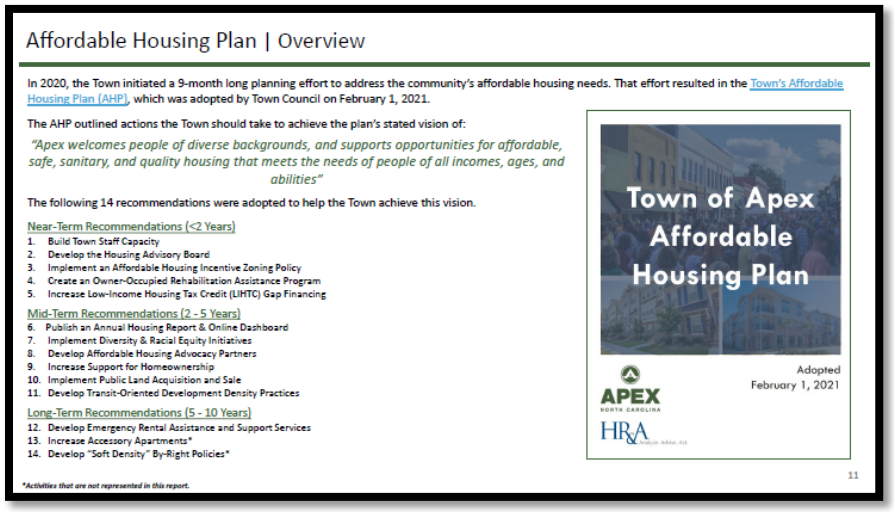
Beginning in FY21, the Town Council approved a special revenue fund called the Affordable Housing Fund (AHF) to assist with the creation and preservation of affordable housing within the Town.

The table below summarizes the Town's funding expenditures in FY23 that were dispersed from the AHF. There were no additional commitments for other projects made in FY23.

Affordable Housing Fund FY 2022-23 Expenditures				
Activity Name	Activity Type	Activity Goal	Commitment Type	Dollar Amount
Apex Cares Housing Rehabilitation Program	Owner-Occupied Rehabilitation	15 Households Served	Grant	$200,000.00
Stone Glen Apartments	New Construction Affordable Rental Development	164 New Rental Units	Loan	$1,665,000.00
Total Funds Expended in FY23				**$1,865,000.00**
Total Funds Expended To-Date				**$2,246,963.03**

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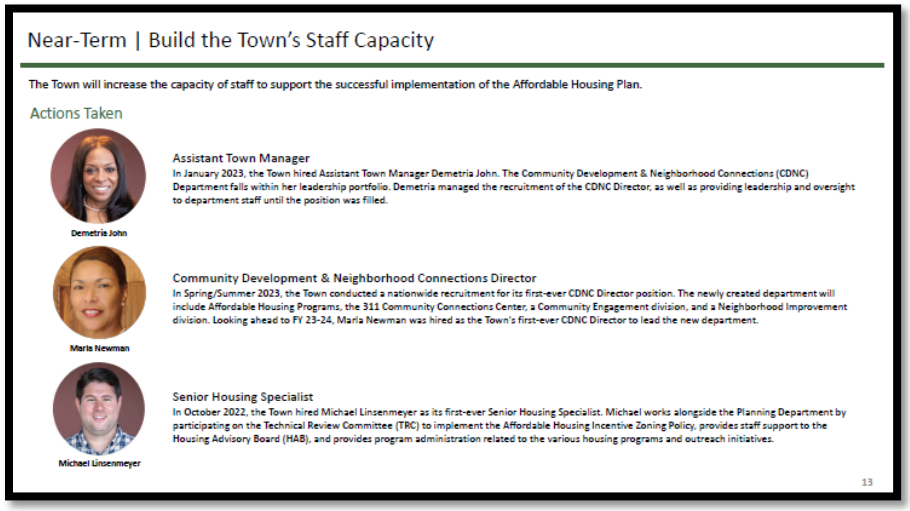
[ANNUAL HOUSING REPORT – SLIDE 12]



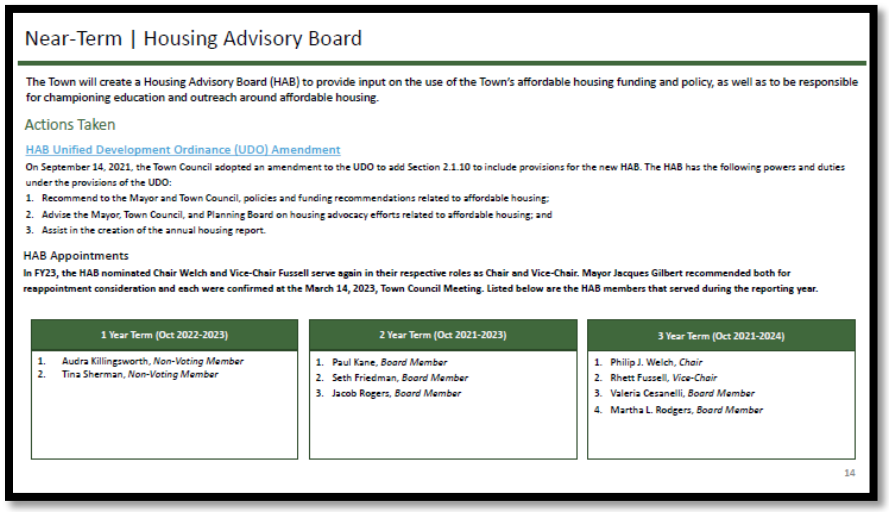
[ANNUAL HOUSING REPORT – SLIDE 13]



[ANNUAL HOUSING REPORT – SLIDE 14]



[ANNUAL HOUSING REPORT – SLIDE 15]



Near-Term | Housing Advisory Board

The Town will create a Housing Advisory Board (HAB) to provide input on the use of the Town's affordable housing funding and policy, as well as to be responsible for championing education and outreach around affordable housing.

Actions Taken

HAB Unified Development Ordinance (UDO) Amendment

On September 14, 2021, the Town Council adopted an amendment to the UDO to add Section 2.1.10 to include provisions for the new HAB. The HAB has the following powers and duties under the provisions of the UDO:

1. Recommend to the Mayor and Town Council, policies and funding recommendations related to affordable housing;
2. Advise the Mayor, Town Council, and Planning Board on housing advocacy efforts related to affordable housing; and
3. Assist in the creation of the annual housing report.

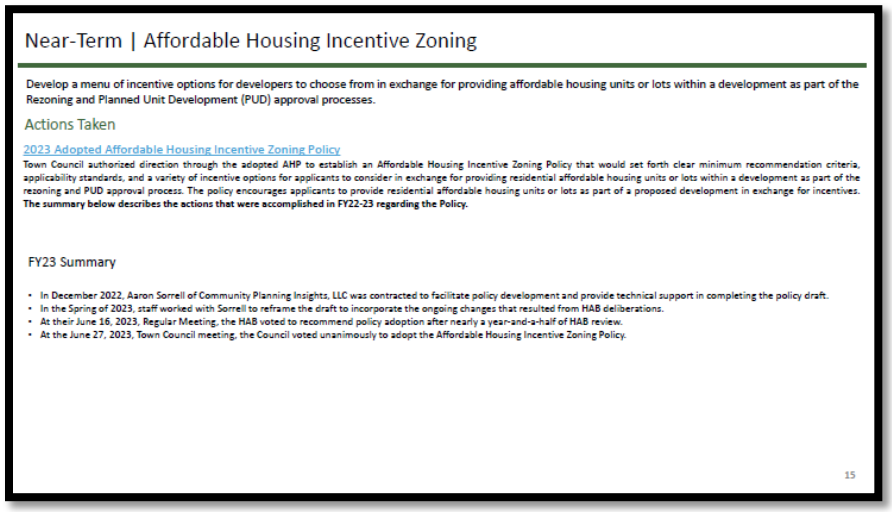
HAB Appointments

In FY23, the HAB nominated Chair Welch and Vice-Chair Fussell serve again in their respective roles as Chair and Vice-Chair. Mayor Jacques Gilbert recommended both for reappointment consideration and each were confirmed at the March 14, 2023, Town Council Meeting. Listed below are the HAB members that served during the reporting year.

1 Year Term (Oct 2022-2023)	2 Year Term (Oct 2021-2023)	3 Year Term (Oct 2021-2024)
1. Audra Killingsworth, *Non-Voting Member* 2. Tina Sherman, *Non-Voting Member*	1. Paul Kane, *Board Member* 2. Seth Friedman, *Board Member* 3. Jacob Rogers, *Board Member*	1. Philip J. Welch, *Chair* 2. Rhett Fussell, *Vice-Chair* 3. Valeria Cesanelli, *Board Member* 4. Martha L. Rodgers, *Board Member*

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[ANNUAL HOUSING REPORT – SLIDE 16]



Near-Term | Affordable Housing Incentive Zoning

Develop a menu of incentive options for developers to choose from in exchange for providing affordable housing units or lots within a development as part of the Rezoning and Planned Unit Development (PUD) approval processes.

Actions Taken

2023 Adopted Affordable Housing Incentive Zoning Policy

Town Council authorized direction through the adopted AHP to establish an Affordable Housing Incentive Zoning Policy that would set forth clear minimum recommendation criteria, applicability standards, and a variety of incentive options for applicants to consider in exchange for providing residential affordable housing units or lots within a development as part of the rezoning and PUD approval process. The policy encourages applicants to provide residential affordable housing units or lots as part of a proposed development in exchange for incentives. **The summary below describes the actions that were accomplished in FY22-23 regarding the Policy.**

FY23 Summary

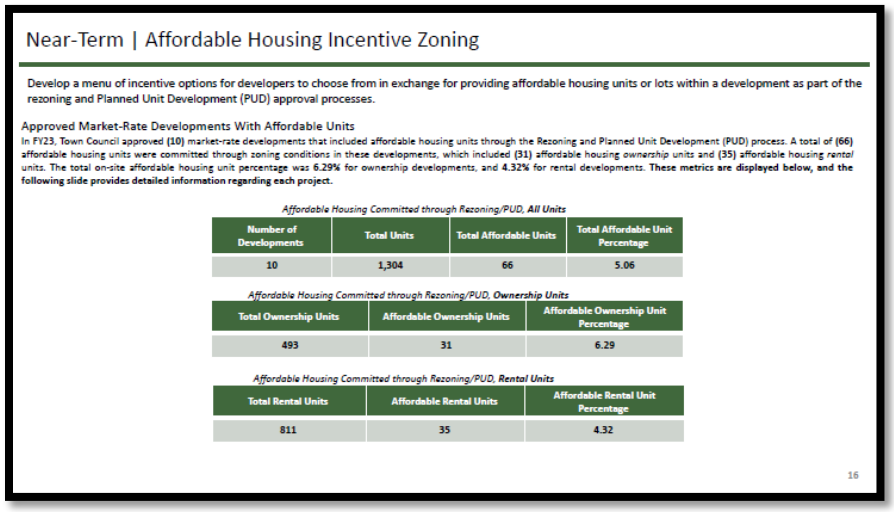
- In December 2022, Aaron Sorrell of Community Planning Insights, LLC was contracted to facilitate policy development and provide technical support in completing the policy draft.
- In the Spring of 2023, staff worked with Sorrell to reframe the draft to incorporate the ongoing changes that resulted from HAB deliberations.
- At their June 16, 2023, Regular Meeting, the HAB voted to recommend policy adoption after nearly a year-and-a-half of HAB review.
- At the June 27, 2023, Town Council meeting, the Council voted unanimously to adopt the Affordable Housing Incentive Zoning Policy.

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Councilmember Gantt asked if this policy has been used in development yet.

Mr. Linsenmeyer said he'll provide information for how it's being used. He said components of it were being implemented when the policy was still in the draft phase.

[ANNUAL HOUSING REPORT – SLIDE 17]



Near-Term | Affordable Housing Incentive Zoning

Develop a menu of incentive options for developers to choose from in exchange for providing affordable housing units or lots within a development as part of the rezoning and Planned Unit Development (PUD) approval processes.

Approved Market-Rate Developments With Affordable Units

In FY23, Town Council approved (10) market-rate developments that included affordable housing units through the Rezoning and Planned Unit Development (PUD) process. A total of (66) affordable housing units were committed through zoning conditions in these developments, which included (31) affordable housing ownership units and (35) affordable housing rental units. The total on-site affordable housing unit percentage was 6.29% for ownership developments, and 4.32% for rental developments. These metrics are displayed below, and the following slide provides detailed information regarding each project.

*Affordable Housing Committed through Rezoning/PUD, **All Units***

Number of Developments	Total Units	Total Affordable Units	Total Affordable Unit Percentage
10	1,304	66	5.06

*Affordable Housing Committed through Rezoning/PUD, **Ownership Units***

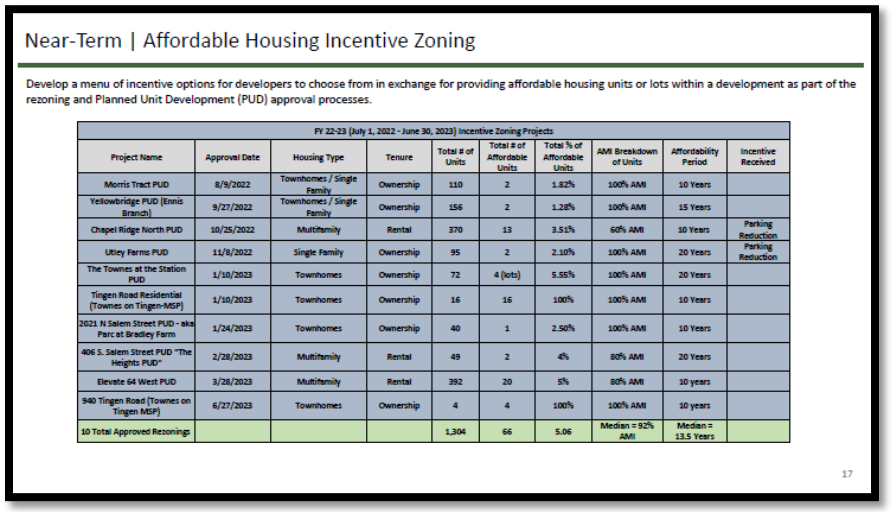
Total Ownership Units	Affordable Ownership Units	Affordable Ownership Unit Percentage
493	31	6.29

*Affordable Housing Committed through Rezoning/PUD, **Rental Units***

Total Rental Units	Affordable Rental Units	Affordable Rental Unit Percentage
811	35	4.32

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[ANNUAL HOUSING REPORT – SLIDE 18]



Near-Term | Affordable Housing Incentive Zoning

Develop a menu of incentive options for developers to choose from in exchange for providing affordable housing units or lots within a development as part of the rezoning and Planned Unit Development (PUD) approval processes.

FY 22-23 (July 1, 2022 - June 30, 2023) Incentive Zoning Projects

Project Name	Approval Date	Housing Type	Tenure	Total # of Units	Total # of Affordable Units	Total % of Affordable Units	AMI Breakdown of Units	Affordability Period	Incentive Received
Morris Tract PUD	8/9/2022	Townhomes / Single Family	Ownership	110	2	1.82%	100% AMI	10 Years	
Yellowbridge PUD (Ennis Branch)	9/27/2022	Townhomes / Single Family	Ownership	156	2	1.28%	100% AMI	15 Years	
Chapel Ridge North PUD	10/25/2022	Multifamily	Rental	370	13	3.51%	60% AMI	10 Years	Parking Reduction
Utley Farms PUD	11/8/2022	Single Family	Ownership	95	2	2.10%	100% AMI	20 Years	Parking Reduction
The Townes at the Station PUD	1/10/2023	Townhomes	Ownership	72	4 (lots)	5.55%	100% AMI	20 Years	
Tingen Road Residential (Townes on Tingen-MSP)	1/10/2023	Townhomes	Ownership	16	16	100%	100% AMI	10 Years	
2021 N Salem Street PUD - aka Parc at Bradley Farm	1/24/2023	Townhomes	Ownership	40	1	2.50%	100% AMI	10 Years	
406 S. Salem Street PUD "The Heights PUD"	2/28/2023	Multifamily	Rental	49	2	4%	80% AMI	20 Years	
Elevate 64 West PUD	3/28/2023	Multifamily	Rental	392	20	5%	80% AMI	10 years	
940 Tingen Road (Townes on Tingen MSP)	6/27/2023	Townhomes	Ownership	4	4	100%	100% AMI	10 years	
10 Total Approved Rezonings				1,304	66	5.06	Median = 92% AMI	Median = 13.5 Years	

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Councilmember Gantt said he thought there would be more tradeoffs with developers in this policy.

Councilmember Killingsworth said most of these were before the policy was approved, and so there would be more of those since then.

Mr. Linsemeyer said he had been showing applicants drafts of the policy before it was approved, and most of them went along with affordable improvements without asking for incentives.

Councilmember Gantt wondered if it was because the incentives weren't good enough.

Councilmember Zegerman said in lots of cases these were providing a lower number of affordable units than would qualify for incentives in the policy, with a minimum of 5% of units.

Councilmember Gantt said he was expecting painful rezonings with the benefit of higher affordability, but he said with the exception of a few of them he hasn't seen that. He said it may happen later.

Director Newman said most of the ones who are at 100% affordable are non-profit, mission-driven entities. She said it's the for-profit developers that they have intense negotiations with during this process to try and get to 5% affordable. She said the idea of passing this was to create a policy that established more concretely the practices that Council have been looking to for a while. She said they are looking at ways they can improve the policy and increase participation from for-profit developers. She said there's a lot of tools they can use to invest in developers to help get them to the affordability levels they desire. She said they are working on ideas for how the strengthen the policy and hope to present some information to them in the next few months.

Councilmember Zegerman said they were essentially hitting the benchmark of the policy without incentives even being used in 2023.

Councilmember Mahaffey talked about how in policies there's carrots and there's sticks. He said currently the policy is all carrots. He said he wants the floor to be set at 5% for affordability, and said the policy should mix in some "stick" measures.

Director Newman said they will be looking at raising this floor, as 5% is too low. She said there is data that shows the majority of town staff does not live in Apex because of affordability issues.

Councilmember Killingsworth said staff has done a great job researching this. She said Durham has their own policy that has never been used. She said they need to learn from their mistakes, and continue adjusting to make this the right policy.

Councilmember Gantt said he thinks cash would be the best incentive.

Director Newman said part of what they are looking at is ways to invest, and things like cash investments come at a price.

Councilmember Mahaffey said there are also things like waiving fees. He said his understanding is fee waiving is more statutorily usable.

Director Newman said there are many things they can use, like grants and loans, as well as some federal funding which may help.

Councilmember Mahaffey said he thought there was requirements on affordability before they were able to bring cash.

Assistant Town Manager John said he may be referring to a statute that says the town has to do 20-25% for projects that are 60% or lower. She said the town can go higher than that if they satisfy that first.

Mr. Linsenmeyer said providing money to a developer really lends itself to being a rental project.

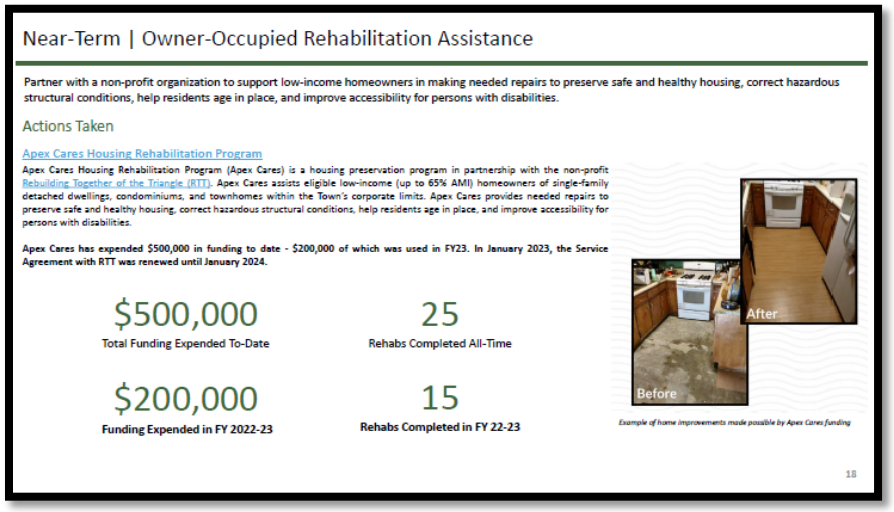
Councilmember Mahaffey said he thought waiving fees was more flexible.

Mr. Linsenmeyer said they can't waive fees directly, but they can provide reimbursements. He said that wasn't treated the same as cash.

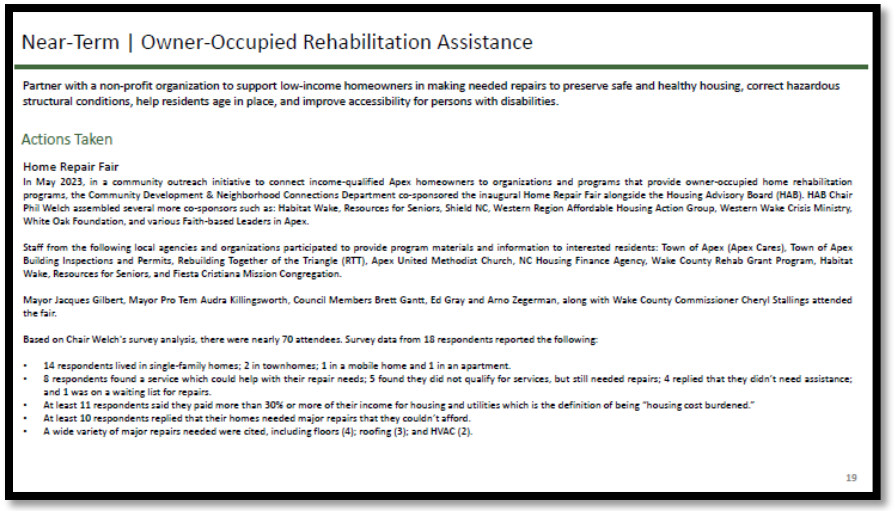
Director Newman said there is a lot of investment the town can do with federal program dollars, and they'll discuss that further at the April Work Session.

Interim Town Manager Purvis said these types of mechanisms fit in differently to the requirements.

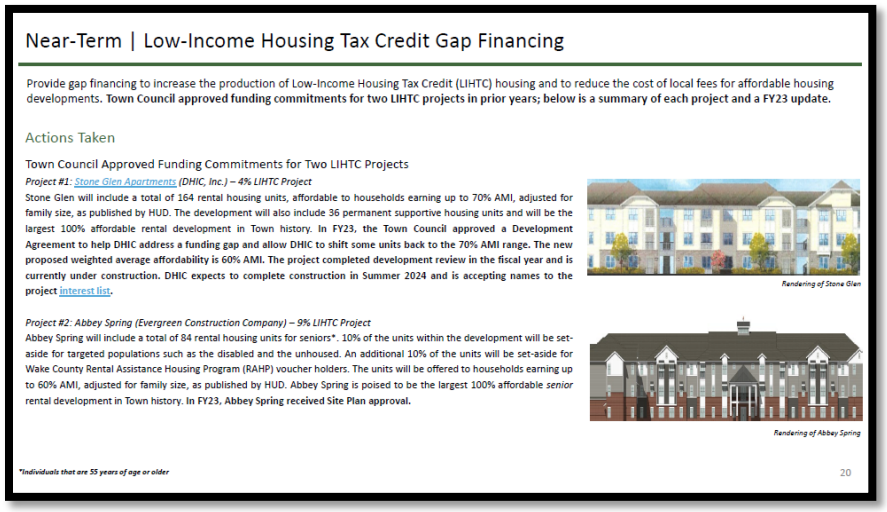
[ANNUAL HOUSING REPORT – SLIDE 19]



[ANNUAL HOUSING REPORT – SLIDE 20]



[ANNUAL HOUSING REPORT – SLIDE 21]



Councilmember Zegerman asked what the status of the project was.

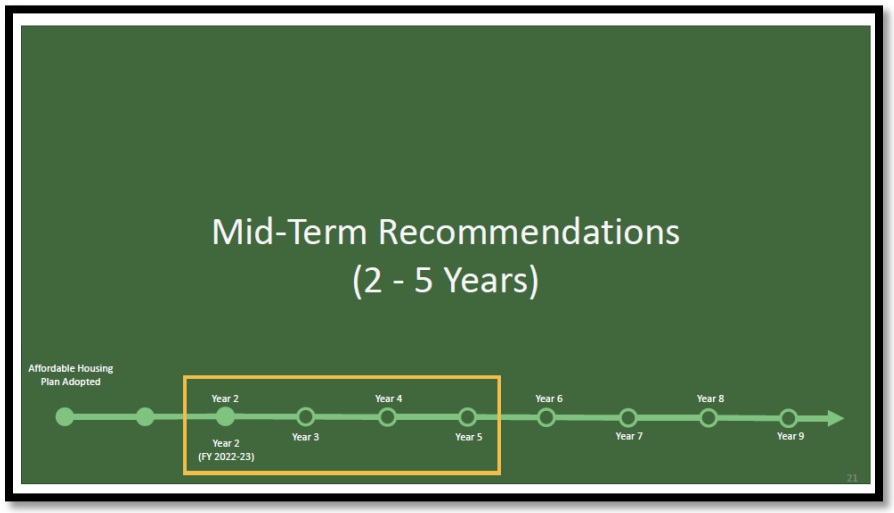
Mr. Linsemeyer said there is a large financing gap.

Director Newman said they are looking at potential options, and staff is looking into whether the area still qualifies for USDA money since it's 100% affordable and for seniors.

Assistant Town Manager John said Wake County has also emphasized that the development needs to exhaust all their options before coming to the table. She said there are things they need to do to progress this.

Director Newman said the developer is still very committed to the project. She said the current gap is around $4 Million.

[ANNUAL HOUSING REPORT – SLIDE 22]



[ANNUAL HOUSING REPORT – SLIDE 23]

Mid-Term | Annual Housing Report & Dashboard

Provide the public with transparency on data, progress, and performance on the Affordable Housing Plan recommendations. Provide an Online Housing Dashboard to track efforts and convey important data.

Actions Taken

Annual Housing Report

This version of the Annual Housing Report is the second edition and covers the program's accomplishments during FY23. The Annual Housing Report is built using a similar framework as the Affordable Housing Plan, to allow Town Council, HAB members, community members, and staff to track the ongoing progress of the Town each fiscal year with respect to each of the 14 recommendations identified in the Affordable Housing Plan.

The inaugural Annual Housing Report was issued for FY2021-22 and presented to the HAB on July 7, 2022.

Online Housing Dashboard

Town staff is in the process of designing an Online Housing Dashboard (OHD) to provide data that informs the community of affordable housing progress and accomplishments. In FY23 internal work on the report was conducted between the GIS team in the Town's Planning Department and Housing Program staff. The Dashboard will include key metrics and performance indicators to help track and report on housing development activities. The OHD is anticipated to be made available to the public in FY24.

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[ANNUAL HOUSING REPORT – SLIDE 24]

Mid-Term | Diversity & Racial Equity Initiatives

Ensure the Town's commitment to being a welcoming community of all backgrounds is met. Apply a racial equity lens to understand housing policies, programs, and investments.

Actions Taken



Linda Jones

Town Diversity, Equity, and Inclusion (DEI) Office

In 2022, the Town hired Linda Jones as Diversity, Equity, and Inclusion Director for Town-wide diversity and racial equity initiatives. This position allows for the Town to understand the potential barriers of entry for a diverse population and the ability to analyze housing policies and programs in relation to diversity and racial equity.

DEI updates for FY23 include:

- DEI Coordinator, Celeste Sherer was hired in March 2023.
- In June 2023, the Western Regional Community Advocacy Committee (WRCAC) invited the Town of Apex and the Town of Morrisville to present their Language Access Plan efforts.



Celeste Sherer

Looking ahead to FY24:

- As each new department continues to grow, programs and policies will become more integrated particularly as it relates to Community Engagement initiatives.
- A designee from the Community Development & Neighborhood Connections will replace Director Jones as the Town Liaison to the WRCAC. The mission of the WRCAC is to ensure residents of Western Wake County have equal access to Health and Human Services and to engage the community, so it is evident to everyone that addressing the basic human needs of the Western region will improve the quality of life for everyone, not just the recipients of the services.

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[ANNUAL HOUSING REPORT – SLIDE 25]

Mid-Term | Diversity & Racial Equity Initiatives

Ensure the Town's commitment to being a welcoming community of all backgrounds is met. Apply a racial equity lens to understand housing policies, programs, and investments.

Actions Taken

Accessible Marketing Strategy

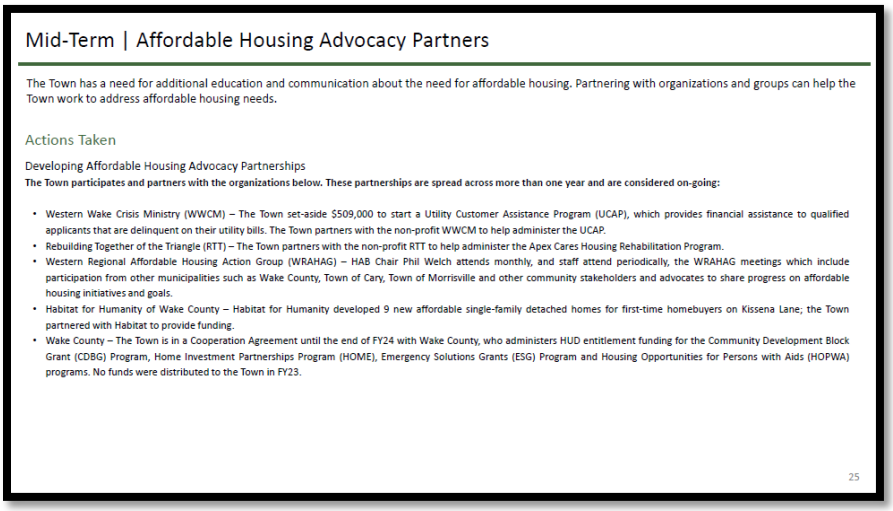
Town staff ensured that housing information was easily accessible to all members of the public. Town staff employed a variety of methods to spread awareness of housing initiatives; including but not limited to the following:

FY23 Summary

- Created a dedicated webpage for the Community Development & Neighborhood Connections Department, which includes subpages for all affordable housing programs and policies;
- Created multilingual marketing materials for the 2023 Home Repair Fair and Apex Cares Housing Rehabilitation Program;
- Engaged with the public at the Home Repair Fair in May 2023;
- Engaged with the public at PeakFest in May 2023;
- Attended Western Regional Affordable Housing Action Group (WRAHAG) meetings and provided Housing Program updates to the group's organizers;
- Engaged with Planning Department staff to make progress towards implementing the Housing Dashboard.

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[ANNUAL HOUSING REPORT – SLIDE 26]

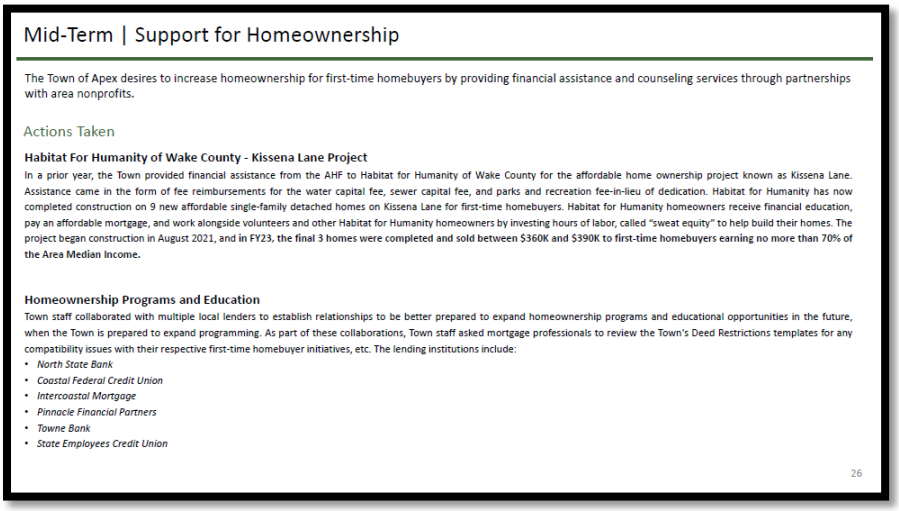


Councilmember Gantt asked about what other nearby areas are doing.

Mr. Linsenmeyer said Morrisville has an incentive policy, and he has been working with nearby municipalities on developing things like this. He said Cary hasn't done anything around this yet, but there are opportunities for collaboration as they are an entitlement community. He said Holly Springs and Fuquay haven't been doing much with it either.

Councilmember Gantt said he wants the region to be more aligned on this, but he isn't sure they would want to do this policy.

[ANNUAL HOUSING REPORT – SLIDE 27]



Councilmember Mahaffey asked if they confirmed with lenders that the deed restriction was not problematic.

Mr. Linsenmeyer deed restrictions being problematic is not their experience.

Director Newman said they have a list of lenders for these types of situations. She said some of these will be at the housing fair in April.

Councilmember Gantt asked if some of them had different mortgages for this purpose.

Director Newman said yes, and Truist is one of them. She said they will a workshop during the housing fair to talk about their products and programs. She said they can share the full list with them. She said there are areas where the down payment assistance can go as high as $90,000. She said they are anxious to become an entitlement community to get an allocation of HUD dollars and grant funding. She said this would give them more control, as currently they have to go through Wake County for that kind of funding.

Councilmember Mahaffey said they've been using their general fund, while other communities like Raleigh and Cary get to use direct federal funding.

Councilmember Gantt said he thought they were able to get the federal dollars through Wake County.

Director Newman said it wasn't quite that simple, there was a competitive process involved with it for the allocation from the county. She said they are pursuing becoming an entitlement community.

Councilmember Mahaffey said he felt Wake County used the town using their own dollars for affordable funding as a reason to move the federal funding to other communities.

Councilmember Gantt asked if federal money could be used for gap financing.

Director Newman said yes.

Councilmember Killingsworth said if they had their own entitlement, they would get to determine where the money went instead of the county.

Assistant Town Manager John said the local government could also request the money from Wake County, not just the developer.

Councilmember Mahaffey asked if they knew how much money the town would get.

Director Newman said they don't know yet. She said they are working on that part.

Councilmember Gantt asked when the next renewal was.

Director Newman said they need to look at that and the agreements they are in.

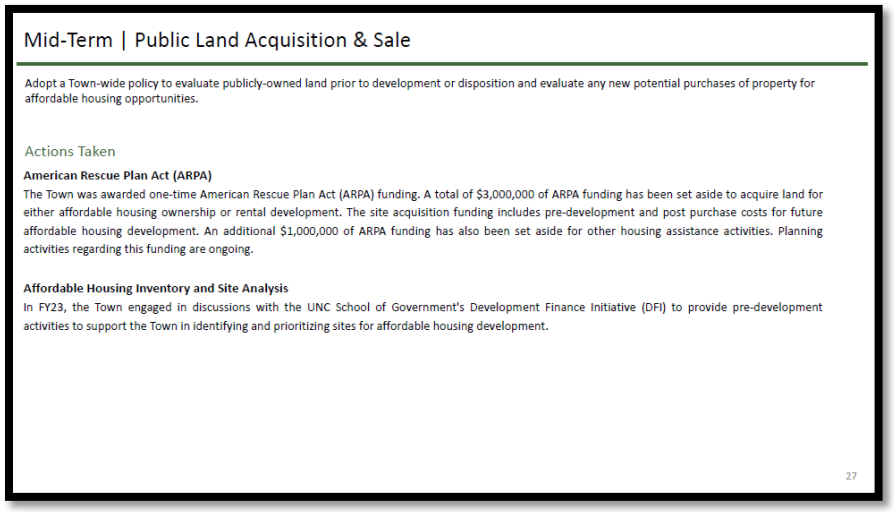
Interim Town Manager Purvis said they aren't going to do another three-year agreement.

Assistant Town Manager John said they are in conversation with Wake County, and being more intentional about sharing what they need.

Councilmember Killingsworth said she appreciates the direction the town is going with this. She said they are expressing their needs better and communicating better.

Councilmember Gantt said it helps a lot that there's staff for this now.

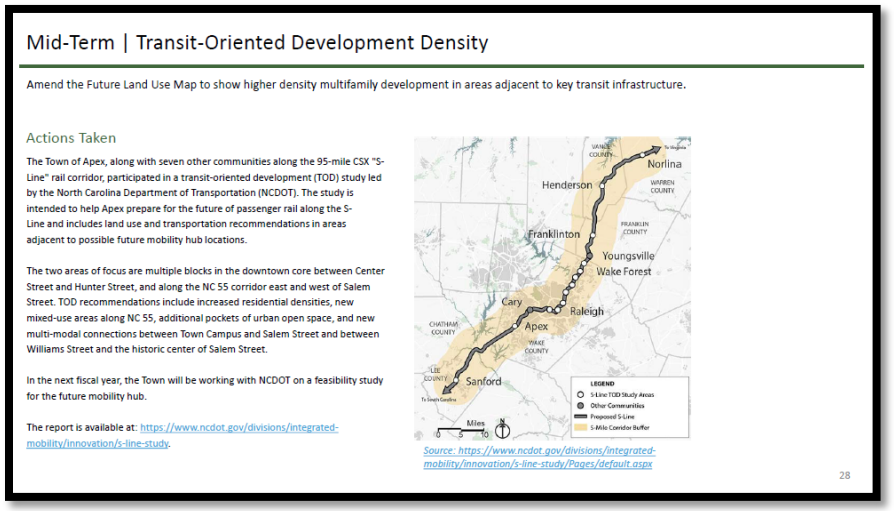
[ANNUAL HOUSING REPORT – SLIDE 28]



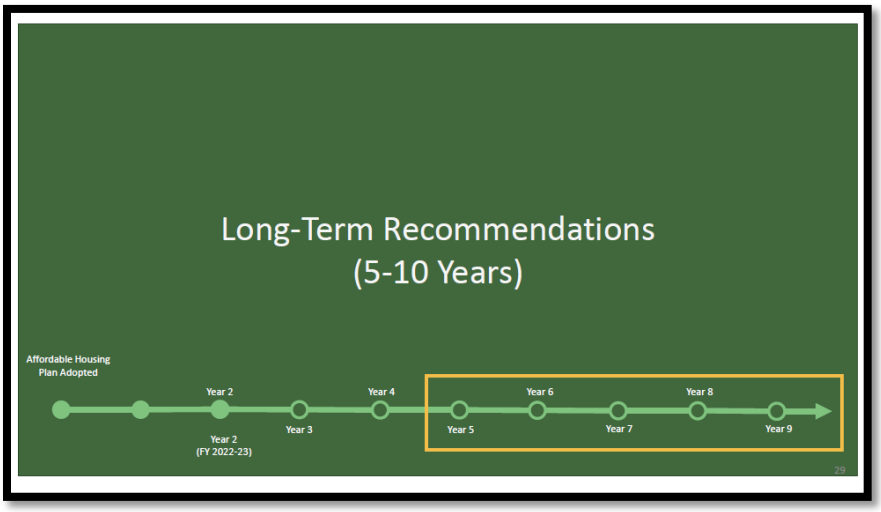
Councilmember Zegerman asked if the School of Government analysis would be ready for the April Work Session.

Director Newman said that was the goal.

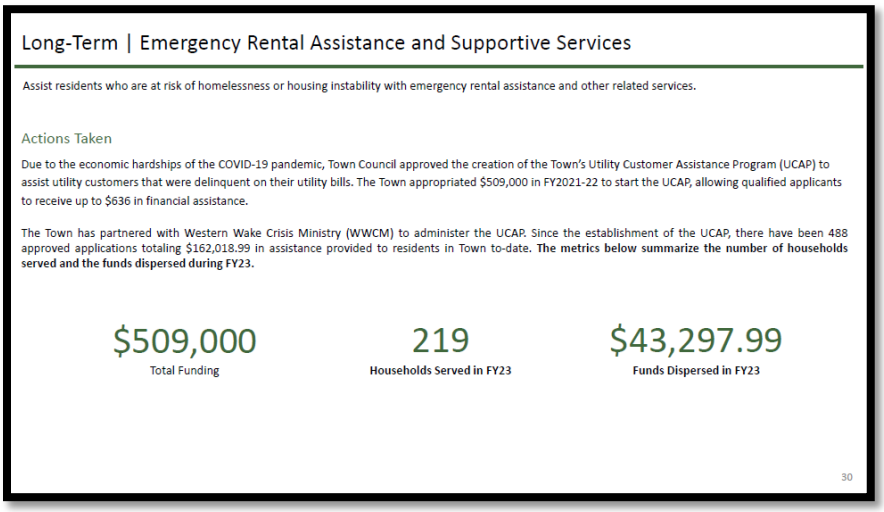
[ANNUAL HOUSING REPORT – SLIDE 29]



[ANNUAL HOUSING REPORT – SLIDE 30]



[ANNUAL HOUSING REPORT – SLIDE 31]



Councilmember Zegerman asked how long the funding was good for.

Mr. Linsenmeyer said he was not completely sure.

Interim Town Manager Purvis said the initial amount was during Covid, then they extended the program based on what they saw. He said since then, they have only used about half of that money. He said they haven't asked for additional funding because there has been enough based on averages. He said they have not yet gotten to the point to look at adding additional allocation.

Councilmember Mahaffey asked if the initial half million dollars was reimbursable.

Interim Town Manager Purvis said that was the town's own money, and this was before ARPA.

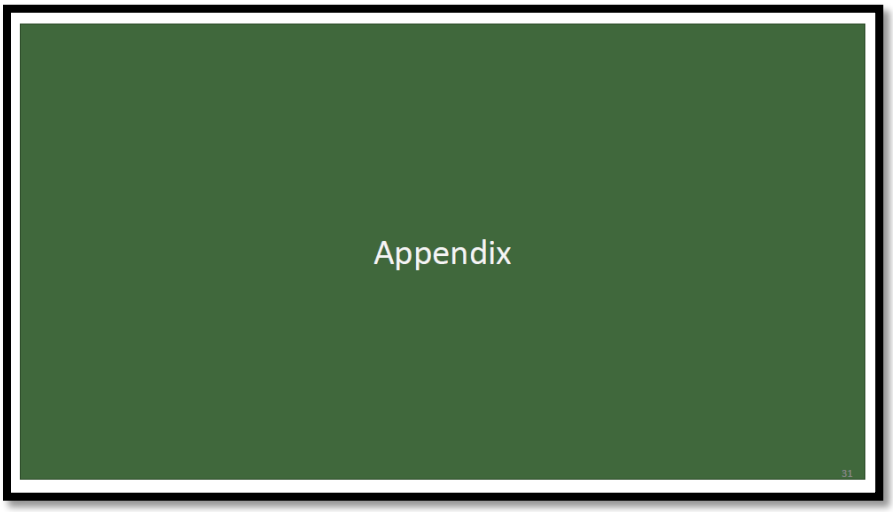
Councilmember Mahaffey asked if this is in the general fund.

Interim Town Manager Purvis said yes.

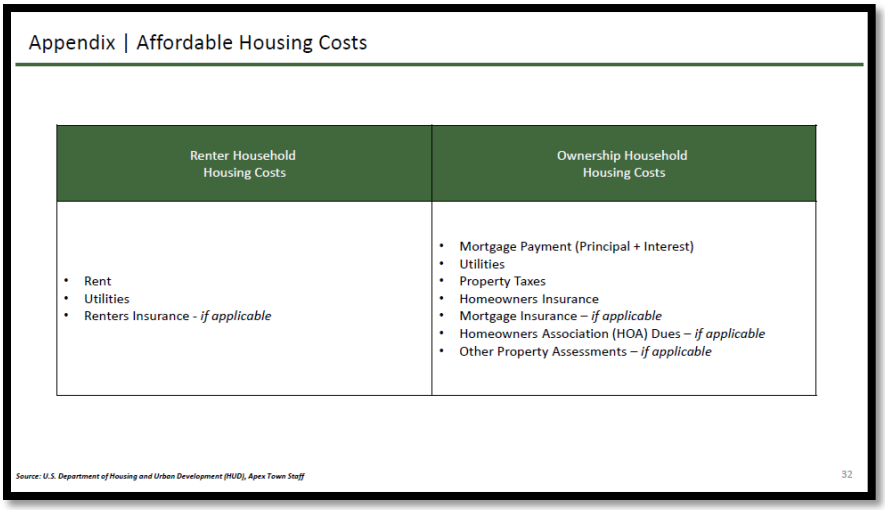
Councilmember Zegerman asked if they could make a yearly allocation.

Interim Town Manager Purvis said yes, if they wanted to. He said currently it is just a carryover.

[ANNUAL HOUSING REPORT – SLIDE 32]



[ANNUAL HOUSING REPORT – SLIDE 33]



[ANNUAL HOUSING REPORT – SLIDE 34]

Appendix | 2023 Area Median Income Limits

Affordable AMI % & Income Category	Family Size 1 Person	Family Size 2 Person	Family Size 3 Person	Family Size 4 Person	Family Size 5 Person
30% AMI Extremely Low-Income	$23,800	$27,200	$30,600	$34,000	$36,750
50% AMI Very Low-Income	$39,700	$45,350	$51,000	$56,650	$61,200
65% AMI Low-Income (Apex Cares Program Income Limit)	**$53,235**	**$60,840**	**$68,445**	**$76,050**	**$82,134**
80% AMI Low-Income	$63,500	$72,550	$81,600	$90,650	$97,950
100% AMI Median-Income	$81,900	$93,600	$105,300	$117,000	$126,360

Source: U.S. Department of Housing and Urban Development (HUD)

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[ANNUAL HOUSING REPORT – SLIDE 35]

Appendix | Sales Price Data

Market-Rate Median Home Sales Price	Est. 3 Bedroom Maximum Affordable Initial Sales Price*	Market-Rate to Affordable Sales Price Dollar Difference
$585,000** (June 2023)	$256,200 80% AMI (Low-Income)	$328,800
	$334,200 100% AMI (Median-Income)	$250,800

Affordable initial sales price assumptions include: 5.00% down payment, 95.00% Loan-To-Value (LTV), 30 yr. fully amortized fixed rate principal and interest loan.

**The Redfin Median Home Sales Price for June 2023 represents a temporary dip in Median Sale Prices compared to other months during the fiscal year.

Source: Refin.com, Town Staff

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[ANNUAL HOUSING REPORT – SLIDE 36]

Appendix | Rent Data

Bedroom Size	Average Monthly Market-Rate Rents (Apartments)	Affordable Monthly Maximum Rent Limits @ 60% AMI (Including Utilities)	Monthly Market-Rate to Affordable Rent Dollar Difference
1 Bedroom	**$1,466**	**$1,275**	**+$191**
2 Bedroom	**$1,695**	**$1,530**	**+$165**
3 Bedroom	**$1,900**	**$1,767**	**+$133**

Source: U.S. Department of Housing and Urban Development (HUD), NCHFA LIHTC MTSP Rent Limits, Zillow, Town Staff

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Interim Town Manager Purvis said this was a great Segway into tomorrow's session, and gave an overview of the agenda of goals of the Day 2 agenda.

Mayor Gilbert thanked the leadership team and the presenters for their hard work, Council for their collaboration, and Town Clerk Coleman and his team for handling the logistic.

[ADJOURNEMENT]

Mayor Gilbert adjourned the meeting at **4:53 p.m.**

Jacques K. Gilbert
Apex, Mayor

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

Submitted for approval by Apex Town Clerk Allen Coleman

Minutes approved on 9th of April 2024 (CN8).

APPROVED

TOWN OF APEX
TOWN COUNCIL RETREAT
FRIDAY, FEBRUARY 16, 2024
8:30 A.M.

The Apex Town Council met for a work session on Friday, February 16, 2024 at 8:30 a.m. at the Apex Town Hall located at 73 Hunter Street in Apex North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel:

https://www.youtube.com/watch?v=q4ybg-RGgnc&t=15s (Part 1, audio issues) –

https://www.youtube.com/watch?v=99R5195BeOk

Elected Body
Mayor Jacques K. Gilbert (presiding) *(arrived late, noted below)*
Mayor Pro-Tempore Ed Gray *(presiding initially)*
Councilmember Brett Gantt
Councilmember Terry Mahaffey
Councilmember Arno Zegerman
Councilmember Audra Killingsworth

Town Staff
Interim Town Manager Shawn Purvis
Assistant Town Manager Demetria John
Assistant Town Manager Marty Stone
Town Attorney Laurie Hohe
Town Clerk Allen Coleman
Budget and Performance Management Director Amanda Grogan
Assistant Water Resources Director Jonathan Jacobs
Community Development and Neighborhood Connections Director Marla Newman
Fire Chief Tim Herman
Finance Director Antwan Morrison
Budget and Performance Analyst Mariah Canup
Lead Budget and Performance Analyst Jessica Hoffman
Communications Director Stacie Galloway (attended via teams)
Transportation and Infrastructure Director (attended via teams)
Parks, Planning, and Project Manager Angela Reincke (attended via teams)

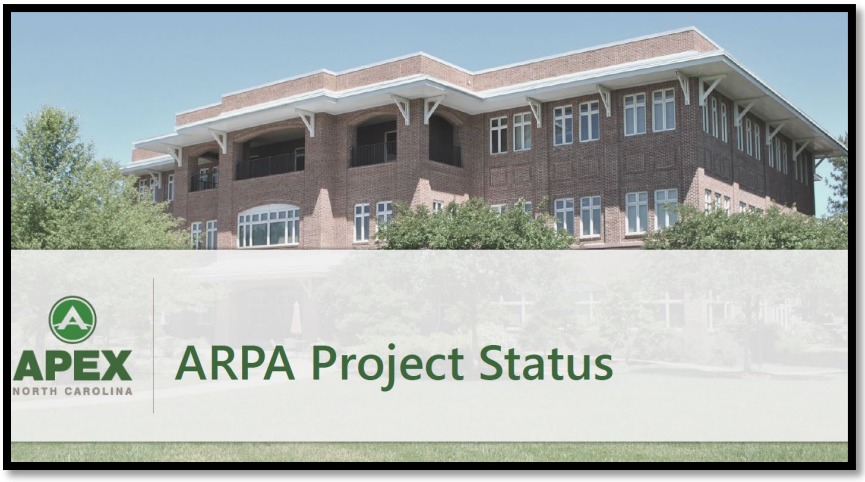
[COMMENCEMENT]

Mayor Pro Tempore Gray called the meeting to order at **8:34 a.m.** He gave an overview of the day's agenda.

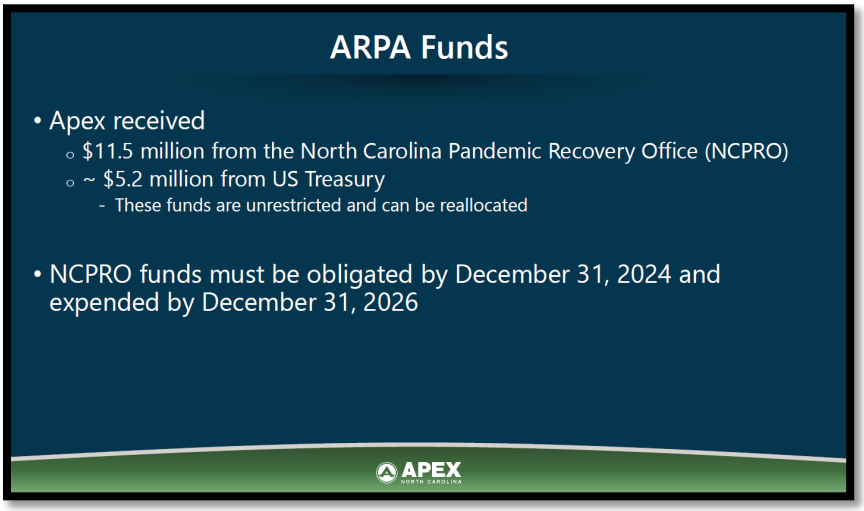
[ARPA PROJECT STATUS]

Amanda Grogan, Budget and Performance Management Director, gave an overview of the ARPA Project status. She talks about various projects, including project estimates, funding sources, and project timelines for each.

[ARPA PROJECT STATUS-SLIDE 1]



[ARPA PROJECT STATUS-SLIDE 2]



[ARPA PROJECT STATUS-SLIDE 3]

NCPRO Funded Projects

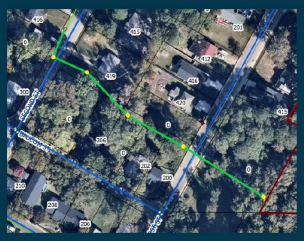
West Street Park

- Park upgrades include installation of a restroom, basketball court improvements, and a path between the parking lot and the basketball courts as identified in the Park Master Plan developed through community input.



Baucom Sewer Extension

- The project will bring Town gravity sewer lines to six parcels in the Justice Heights Neighborhood as well as the Town's West Street Park project.



[ARPA PROJECT STATUS-SLIDE 4]

1.5 MG Elevated Storage Tank

- This project will construct a 1.5-million-gallon elevated water storage tank. Tank is required to meet North Carolina Department of Environmental Quality (NCDEQ) public water supply (PWS) storage requirements for water systems
- $3.6M allocated from NCPRO.
- Project estimate is currently $8.65 (1/15/24).
  - Increase tied to price of steel
- Land Acquisition activities for a potential alternative tank location are no longer in progress

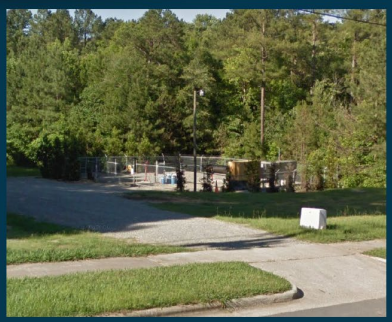


APEX NORTH CAROLINA

[ARPA PROJECT STATUS-SLIDE 5]

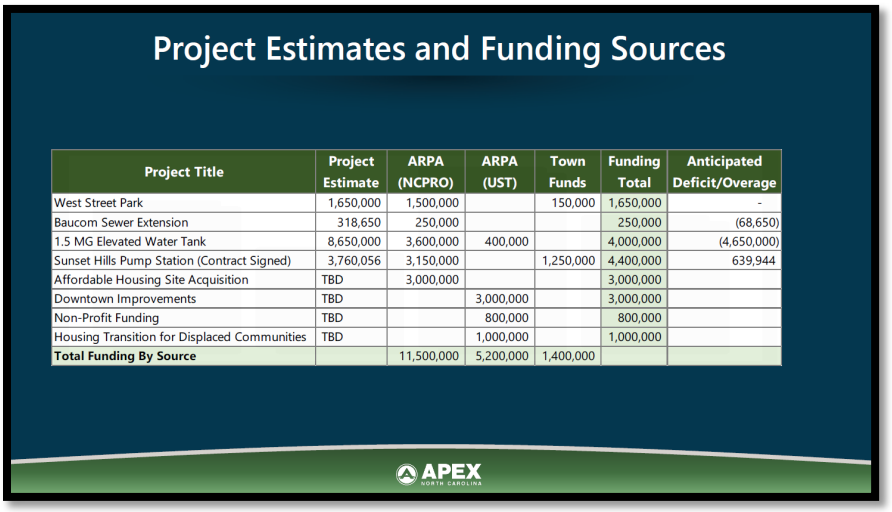
Sunset Hills Pump Station

- This project will consist of relocating the existing pump station outside of the 100-year floodplain and constructing the wet well deeper to serve the entire sewer basin (including the Felton Grove High School)
- Expected to use $3,150,000 in funding from NCPRO
- Contract amount is $3,760,056



APEX NORTH CAROLINA

[ARPA PROJECT STATUS-SLIDE 6]



Project Title	Project Estimate	ARPA (NCPRO)	ARPA (UST)	Town Funds	Funding Total	Anticipated Deficit/Overage
West Street Park	1,650,000	1,500,000		150,000	1,650,000	-
Baucom Sewer Extension	318,650	250,000			250,000	(68,650)
1.5 MG Elevated Water Tank	8,650,000	3,600,000	400,000		4,000,000	(4,650,000)
Sunset Hills Pump Station (Contract Signed)	3,760,056	3,150,000		1,250,000	4,400,000	639,944
Affordable Housing Site Acquisition	TBD	3,000,000			3,000,000	
Downtown Improvements	TBD		3,000,000		3,000,000	
Non-Profit Funding	TBD		800,000		800,000	
Housing Transition for Displaced Communities	TBD		1,000,000		1,000,000	
Total Funding By Source		11,500,000	5,200,000	1,400,000		

Councilmember Zegerman asks about the construction timeline and if the town will be paying for signage.

Director Grogan said yes, but it's a small fraction of the cost.

Councilmember Gantt suggest switching five million that the tank needs and just do general fund with west street so the town would have that money already obligated.

Councilmember Mahaffey said it didn't matter where the money came from as long as it gets done.

Director Grogan said they could move some money around.

Mayor Pro-Tempore Gray asked if this would be a recommendation from staff to make that adjustment for the timeline so ARPA funds could be used.

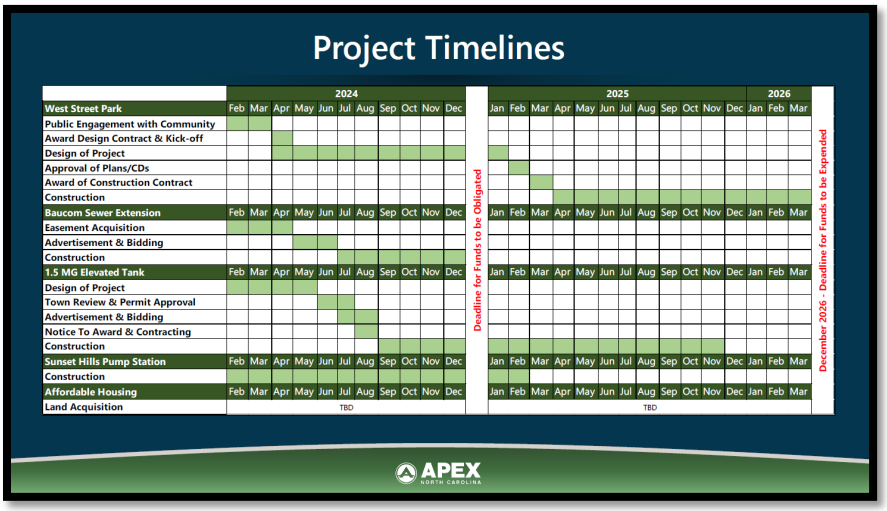
Director Grogan said yes, but it also means that the town will have to come up with five million for the tank.

Councilmember Killingsworth said if the town isn't going to spend the funds then it's being wasted. She said to use the funds on something the town knows it needs and then use the general fund to pay for the other one.

Councilmember Mahaffey asked when is the conversation on where to find five million dollars.

Director Grogan said she would think after the tank presentation and the affordable housing presentation, which would inform some of those decisions.

[ARPA PROJECT STATUS-SLIDE 7]



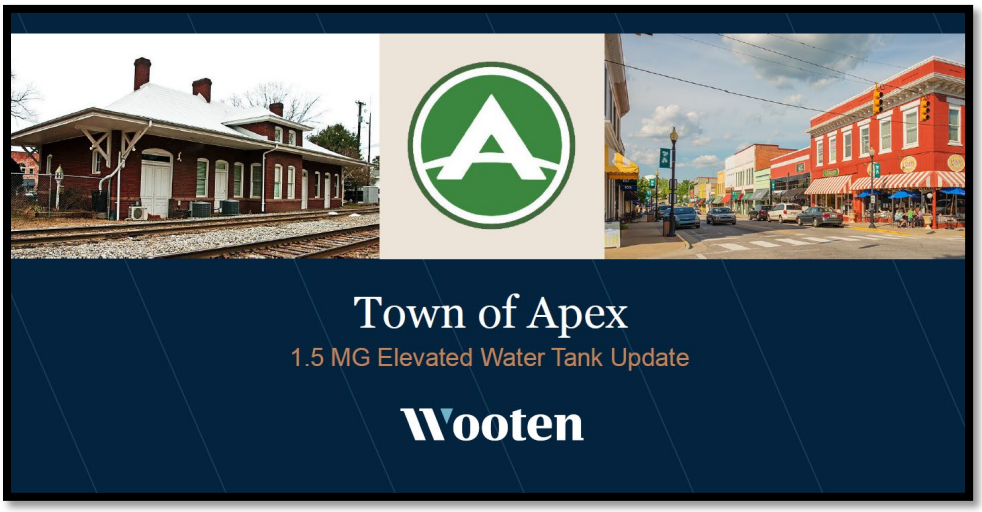
[WATER TANK LOCATION OPTIONS & DIRECTION]

Jonathan Jacobs, Assistant Water Resources Director, introduced Don Galloway, Wooten Company, to give an update on the proposed 1.5 million elevated storage tank that's currently being explored at Pleasant Park.

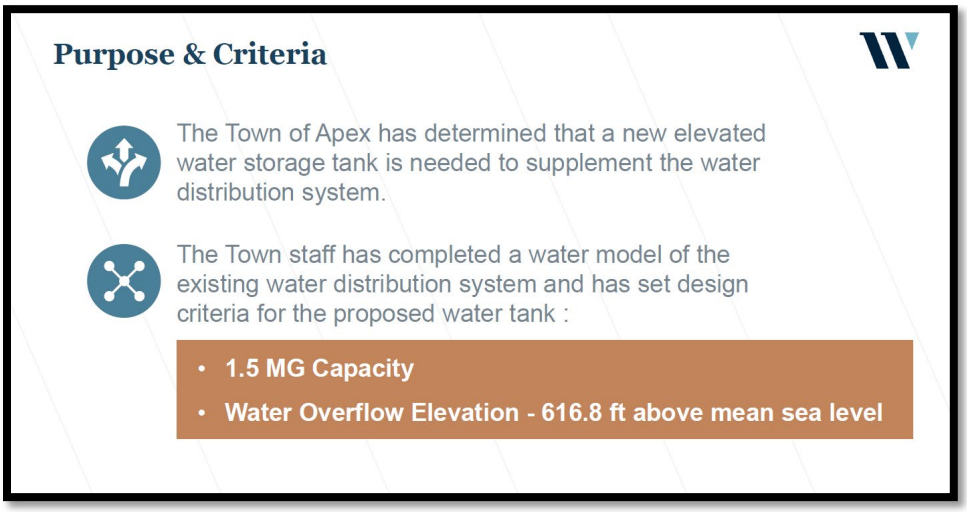
[WATER TANK LOCATION OPTIONS & DIRECTION-SLIDE 1]



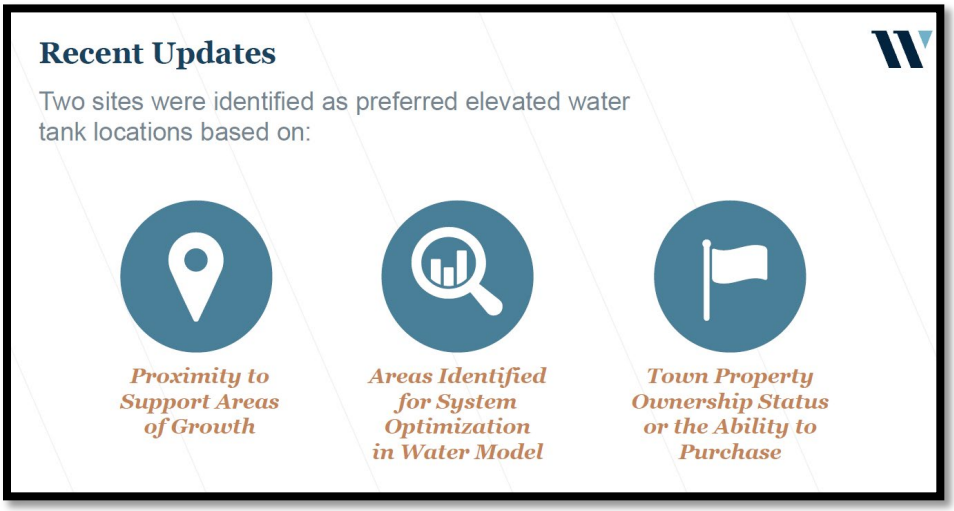
[WATER TANK LOCATION OPTIONS & DIRECTION-SLIDE 2]



[WATER TANK LOCATION OPTIONS & DIRECTION-SLIDE 3]



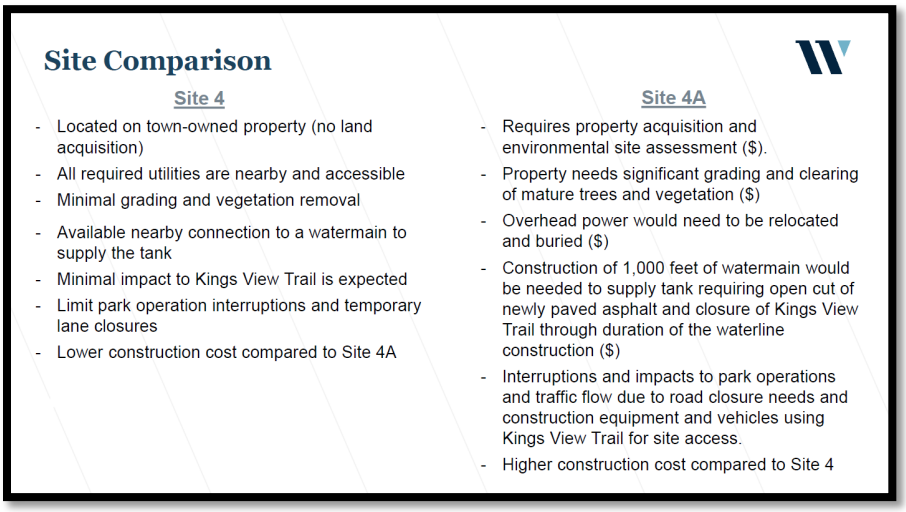
[WATER TANK LOCATION OPTIONS & DIRECTION-SLIDE 4]



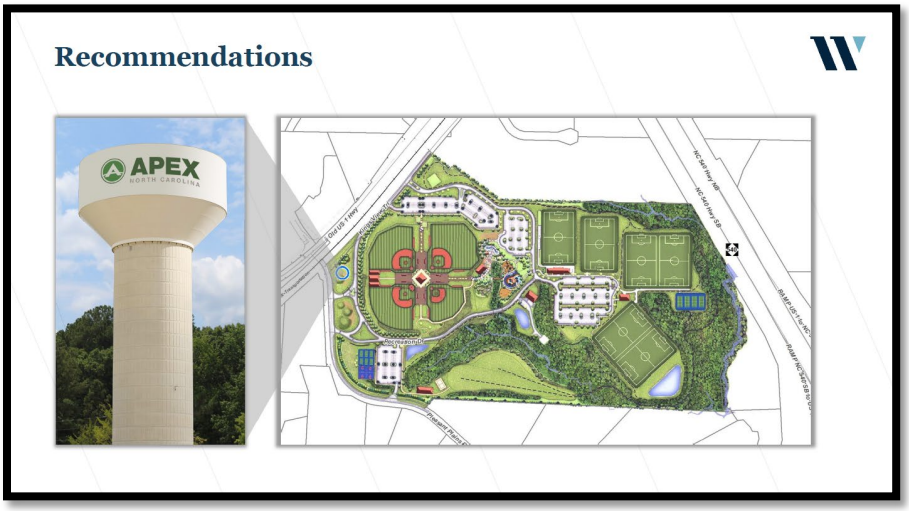
[WATER TANK LOCATION OPTIONS & DIRECTION-SLIDE 5]



[WATER TANK LOCATION OPTIONS & DIRECTION-SLIDE 6]



[WATER TANK LOCATION OPTIONS & DIRECTION-SLIDE 7]



[WATER TANK LOCATION OPTIONS & DIRECTION-SLIDE 8]



Councilmember Killingsworth asked if there was a different in the life cycle of them.

Mr. Galloway said a composite-style tank has a much lower maintenance cost than the other. He said the roof on this one may need to be re-painted about every 20 years.

[WATER TANK LOCATION OPTIONS & DIRECTION-SLIDE 9]



Councilmember Zegerman said the new road that's being proposed is used for larger vehicles, he asked will the larger road carry the weight of those vehicles.

Mr. Galloway said he can't say 100 percent there would not be damage. He said there will probably be minimal damage. He said as part of the contract, it states the Wooten Company would bring in new payment back in to fix any damaged pavement.

Assistant Town Manager Stone said that road is a road. He said its not a drive to the park. He said it's a state standard type road, but with those vehicles there may be some damage to the edges. He said Wooten would have to come back to fix it as part of the contract. He also noted how the construction of the tank would be done in segments and very concentrated.

Mayor Pro-Tempore Gray asked about Site 4A having less impact on the operation of the park than Site 4.

Assistant Town Manager Stone said he thinks it's more impact.

Mr. Galloway said the ability to access this site requires a water line. He said the waterline does not run along Kings Trail. He said the impacts would be more interruptions because CSX railroad has a gas line that crosses though the area as well as a conditional sewer. He said there are a lot of utilities that are being used underneath the campus. He said the town will have to provide water to this particular site and run a tight line along King View Trail and navigate it though. It will also require for Kings View Trail to likely shut down during construction.

Assistant Town Manager Stone said there were previous conversations of where to place the water line and ended up having to place the water line on the railroad side.

Mayor Pro Tempore Gray wondered about placing it a site 4 would be better from a park operation standpoint.

Mr. Galloway said Kings View Trail would remain open other than the intermittent lane closure portion of the project. He said also with installing the water line on the other side of the road and the depth of work it entails, which would not only limit the ability of the trail but the adjacent property owners would not have access. He said the adjacent property is vacant.

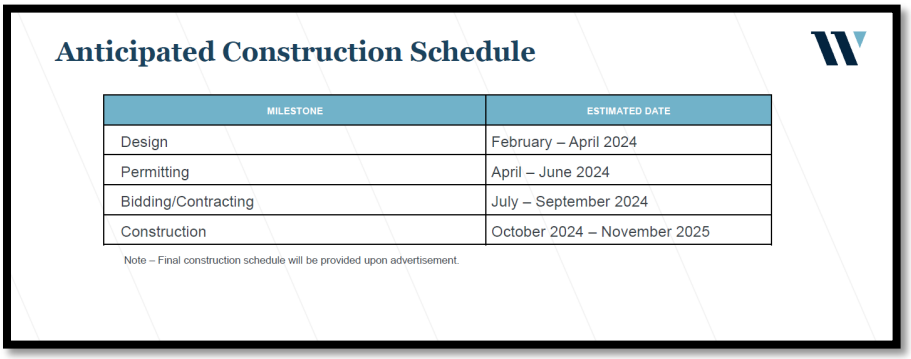
Councilmember Zegerman asked what the delta cost is

Mr. Galloway said that is largely tied into the water line and acquisition of the site. He said the electric had to be rerouted, and there was extensive grading compared to site 4.

Councilmember Zegerman asked how many millions is it going to cost.

Mr. Galloway said he thinks it would be 2 millions plus the cost of the land.

[WATER TANK LOCATION OPTIONS & DIRECTION-SLIDE 10]



Councilmember Mahaffey asked if the bidding and permitting process to go pretty smooth on a project like this.

Mr. Galloway said yes. He said the water supply and the erosion control typically takes about 90 days for permitting.

Assistant Town Manager Stone said this is a specialized manufacturing, so there will be very concentrated bids. He said they may only et 2 initially, but they would readvertise immediately.

Mayor Pro-Tempore Gray asked if the construction schedule is the same schedule.

Mr. Galloway said this is based on an estimate.

Mayor Pro-Tempore Gray asked which site this was based off of.

Mr. Galloway said site 4.

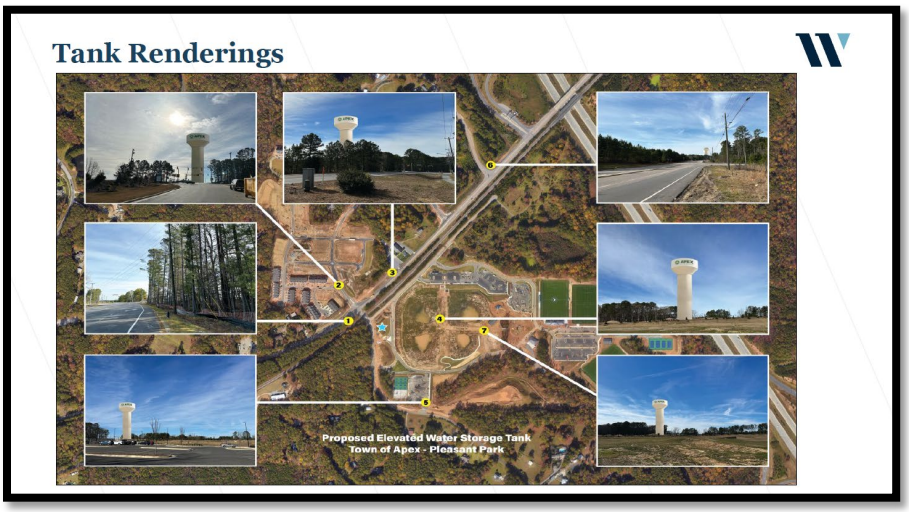
Mayor Pro-Tempore said he is trying to get a sense if this is based on site 4 or an estimate based on assumptions that come with 4A.

Mr. Galloway said this is for site 4. He said for 4, there still is property acquisitions that need to be done, and other things such as permitting and grading.

Councilmember Mahaffey said there have been conversations about 4A and it didn't go very well.

Councilmember Zegerman said he didn't think 4A was a viable option.

[WATER TANK LOCATION OPTIONS & DIRECTION-SLIDE 11]



[WATER TANK LOCATION OPTIONS & DIRECTION-SLIDE 12]



[WATER TANK LOCATION OPTIONS & DIRECTION-SLIDE 13]



Councilmember Mahaffey asked if these are old renderings.

Mr. Galloway said all of them are new

Assistant Town Manager Stone said these are renderings of the tank in the same location, looked at from different angles.

[WATER TANK LOCATION OPTIONS & DIRECTION-SLIDE 14]



[WATER TANK LOCATION OPTIONS & DIRECTION-SLIDE 15]



[WATER TANK LOCATION OPTIONS & DIRECTION-SLIDE 16]



[WATER TANK LOCATION OPTIONS & DIRECTION-SLIDE 17]



[WATER TANK LOCATION OPTIONS & DIRECTION-SLIDE 18]



Councilmember Mahaffey asked if the reason site 4 is being presented because its higher.

Mr. Galloway said yes, it's about 5 feet higher. He said 4A was being considered mainly because it was not at the park entrance.

Assistant Town Manager Stone said it was thought that it may be less impactful to the park.

[WATER TANK LOCATION OPTIONS & DIRECTION-SLIDE 19]



Councilmember Killingsworth asked if they considered putting an art design on the concreate base of the water tank.

Assistant Town Manager Stone said it's a very uneven surface and it's a lot of maintenance, but it's possible.

Councilmember Gantt asked to add color the concrete.

Assistant Town Manager Stone said that was possible.

Mayor Pro-Tempore Gray asked about the reaction of others who live near the area.

Councilmember Gantt said they know the answer to that. He said they should also start thinking about the West Village residents as they come in.

Interim Town Manager Purvis said before Council decides, there will be other information to come and will circle back to this conversation.

Assistant Town Manager Stone said the town will also need another tank in the future to continue matching the growth of the town.

Councilmember Zegerman asked why not make this tank bigger.

Assistant Town Manager Stone said it's about optimal performance. He said the efficiency and hydraulic modeling of the tank. He said also it represents what tanks turn over for water quality.

Councilmember Gantt asked if this tank is needed for the performance of the whole water system and then suggest another one in year 2030 at another spot.

Assistant Town Manager Stone said the with the numbers today the tank in the location now performs better hydraulically than putting a tank at Hunter Street at this point. He discussed possible operational concerns for different tank locations.

Interim Town Manager Purvis said at some point it will be needed further south in the New Hill area.

Councilmember Killingsworth said to confirm, the town can do one at Hunter Street or done at the park.

Interim Town Manager Purvis said yes, they can choose one right now, but the town will need something for the south.

Councilmember Zegerman asked can the town work with developers in that area before it gets built up.

Assistant Town Manager Stone said it would be a good idea.

[AFFORDABLE HOUSING SITE STUDY UPDATE]

Marla Newman, Community Development and Neighborhood Connections Department Director discussed the need for affordable housing. She said the affordable housing plan was adopted in February of 2021. While identifying parcels the town engaged in UNC School of Government's development finance initiative to help identify those parcels and do an analysis to determine suitability for the Housing Department. Ms. Newman introduced Sonya Turner with UNC School of Government discuss the preliminary analysis of Apex Fire Station 3 and the next steps to prepare for a final analysis which will be presented at the work session in April.

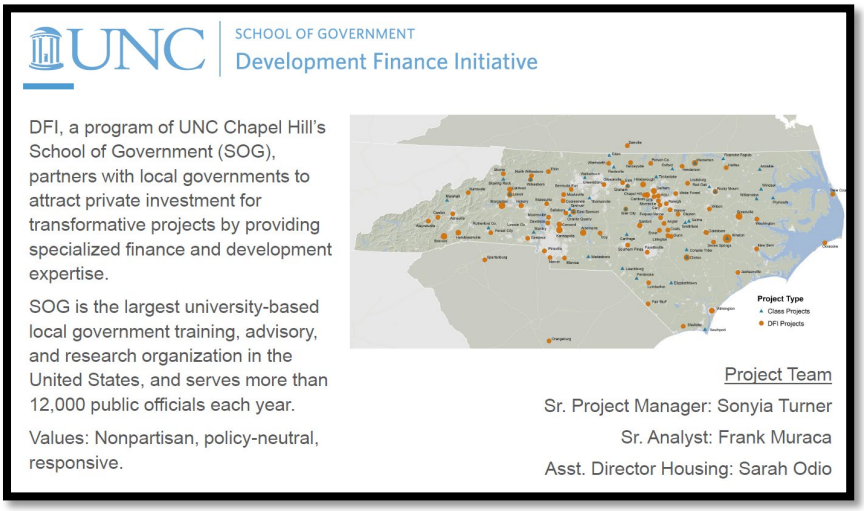
[AFFORDABLE HOUSING SITE STUDY UPDATE-SLIDE 1]



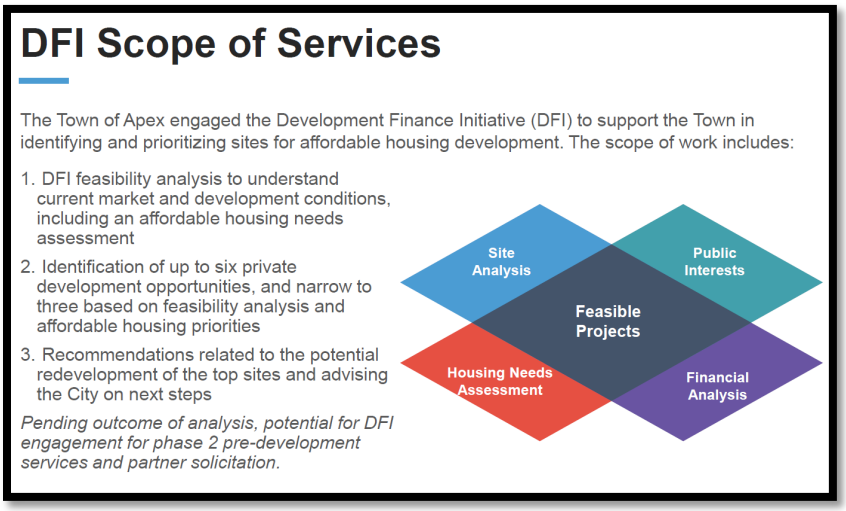
[AFFORDABLE HOUSING SITE STUDY UPDATE-SLIDE 2]



[AFFORDABLE HOUSING SITE STUDY UPDATE-SLIDE 3]



[AFFORDABLE HOUSING SITE STUDY UPDATE-SLIDE 4]



Councilmember Gantt asked is it only town properties that are being looked at.

Ms. Turner said no. She said she looked at all properties across Apex that intersect with either town or privately owned.

Councilmember Gantt said private property gets zoned sometimes and suggested to jump on the property for this purpose if interested.

Ms. Turner said she's aware of property often coming up for sale and find it's sold pretty quickly. She said she will talk about that the next time she's back for discussion and bring recommendations along.

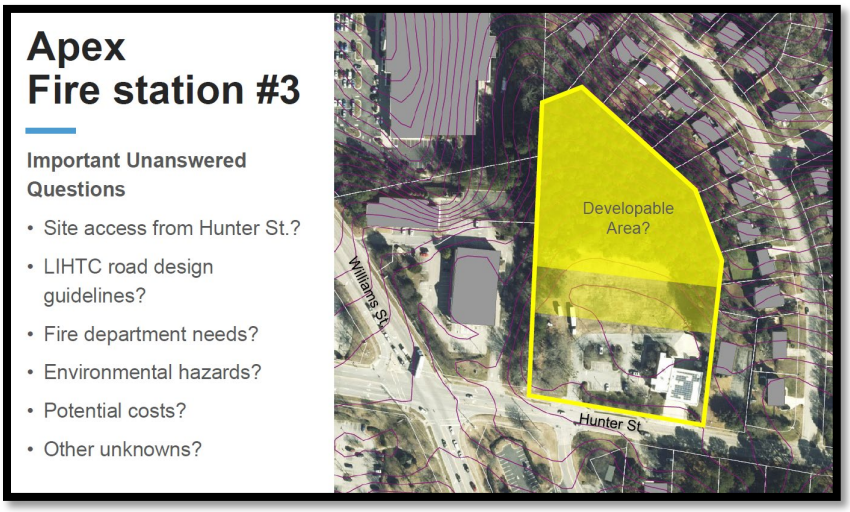
[AFFORDABLE HOUSING SITE STUDY UPDATE-SLIDE 5]



Councilmember Killingsworth asked what type of housing this was looking at.

Ms. Turner said apartments.

[AFFORDABLE HOUSING SITE STUDY UPDATE-SLIDE 6]



Assistant Town Manager John said Council will also hear from Chief Herman who's going to talk more about the fire station and departments needs in the afternoon.

Councilmember Gantt asked if there was a roundabout on Chad and Hunter, could the fire trucks still get through.

Chief Herman said yes.

Interim Town Manager Purvis said it's the challenge of fire and housing.

Director Newman said there is a conflict as it one way in and one way out and will need to be widened to accommodate traffic flow.

Councilmember Gantt said he was concerned about the potential crashed with 80 units here.

Director Newman said they could scale it back, and they have also discussed the possibility of a signal.

Mayor Pro-Tempore Gray asked if there are examples of where to see this sort of housing this close to emergency services. He asked what are the potential issues.

Ms. Turner said the Town of Chapel Hill is an example. She said they are looking at doing a big fire station and affordable housing development. She said when she comes back in a month, she will share some other studies.

Councilmember Killingsworth said she thinks the town should keep their options open for affordable housing.

Councilmember Zegerman asked his colleagues should they wait to ask more questions until they hear from Chief Herman.

Councilmember Killingsworth said there are a lot of options when you consider this site. She said one thing the town should consider is the stub street being able to stub to that parking lot is not going to work because it's private property.

Councilmember Zegerman said he would like to see the other options.

Director Newman said her team has looked at a number of sites. She said there is another potential site but it's one that the town would have to acquire. She said the town has nothing else that's not spoken for.

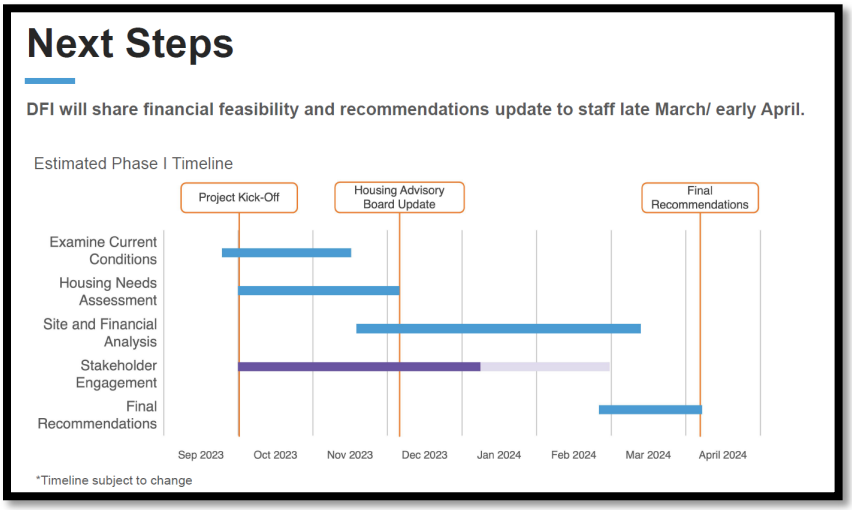
Councilmember Zegerman said about the current fund balance for affordable housing.

Director Newman said 3 million.

Interim Town Manager Purvis said 3.5 million.

Director Newman said although it shows there is a balance, she said some of the money has already been committed to for other projects, like Abby Springs.

[AFFORDABLE HOUSING SITE STUDY UPDATE-SLIDE 7]



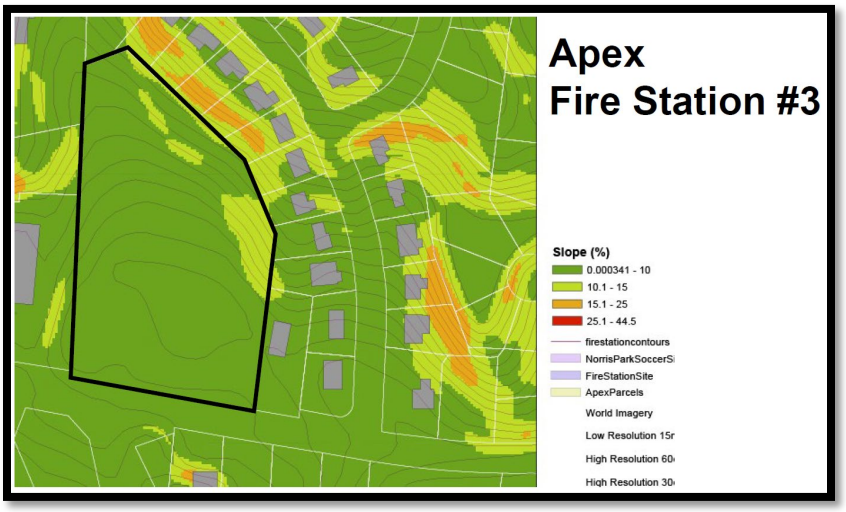
Councilmember Gantt asked if UNC School of Government works with other entities like real estate.

Ms. Turner said yes. She said they work with affordable housing and any real estate development question that any local government has. She's worked with Downtown Redevelopment Neighborhood Revitalization, Infield Development, and Historic Rehab Mills and other projects across the state.

Councilmember Gantt asked if she had any case studies on the map that can relate.

Ms. Turner said she can forward some examples from the school of government. She said there are some examples on the website.

[AFFORDABLE HOUSING SITE STUDY UPDATE-SLIDE 8]



[AFFORDABLE HOUSING SITE STUDY UPDATE-SLIDE 9]



Mayor Pro-Tempore Gray called for a break and to be back at 10:30am.

[FIRE STATION NEEDS, LOCATION, & DIRECTION]

Tim Herman, Fire Chief, gave a high-level overview of Fire Station Needs, Fire Admin Building, and Stations 1 and 3. This includes a Town-Wide Master Facility Plan study on what that looks like for the town. He said the study will be finalized and brought back to Council at a Regular Town Council Meeting.

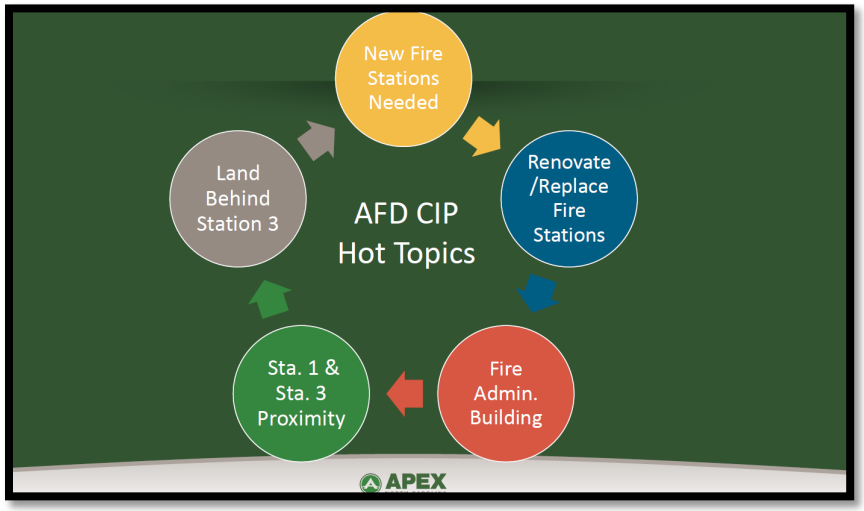
[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 1]



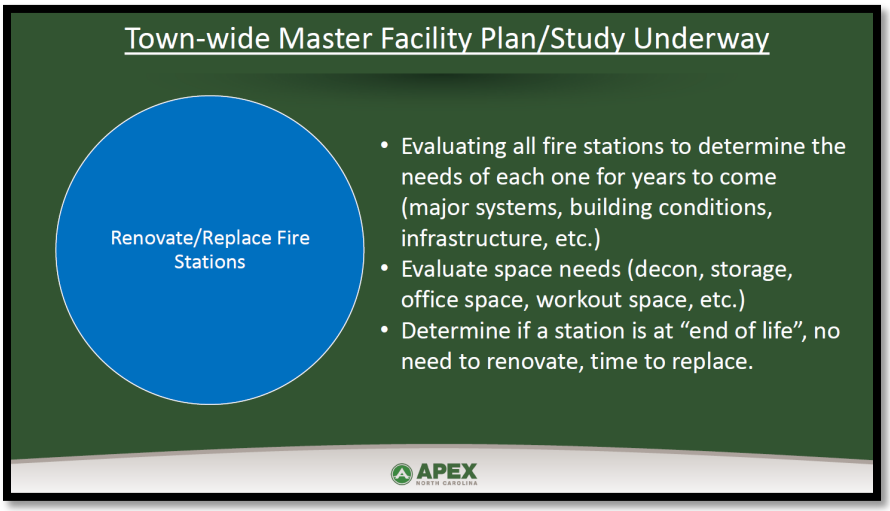
[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 2]



[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 3]



[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 4]



[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 5]

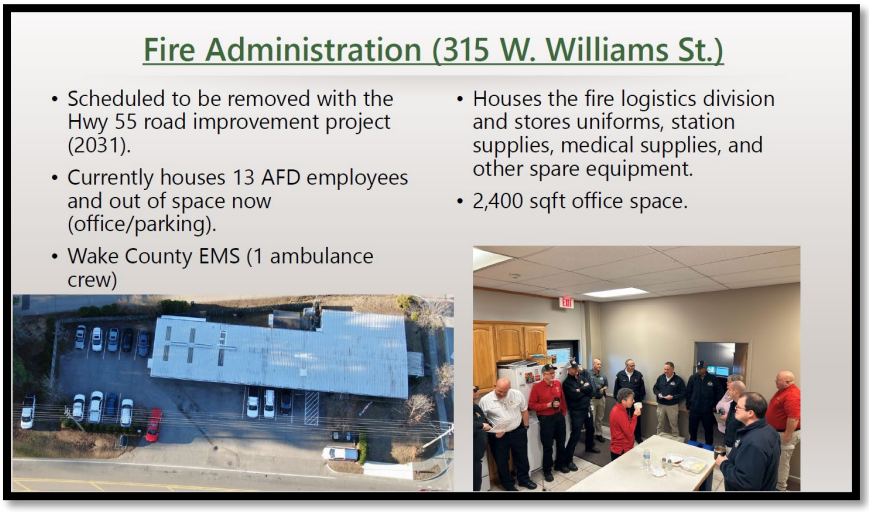


Councilmember Gantt asked if they knew the total number of stations.
Chief Herman said not yet.

[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 6]



[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 7]



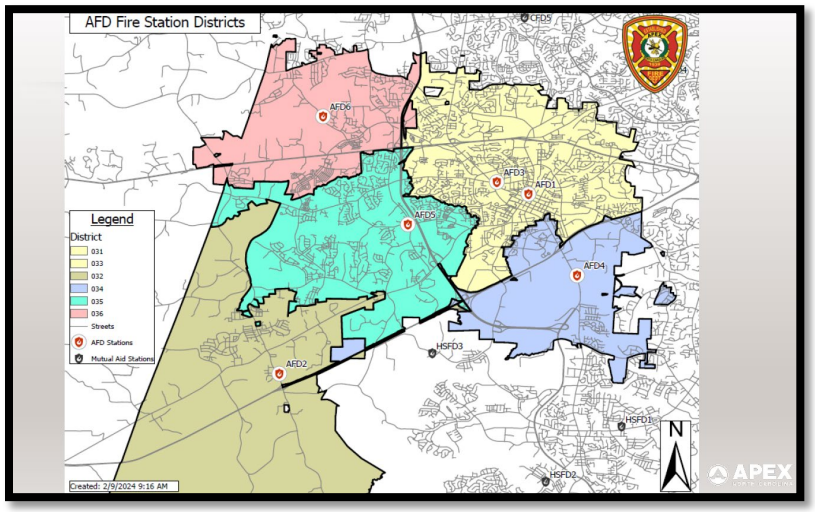
[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 8]



[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 9]



[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 10]



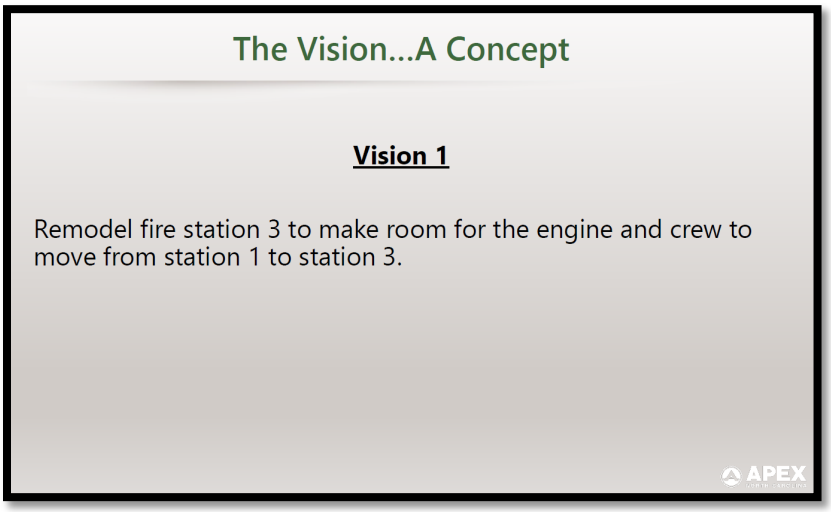
Councilmember Zegerman asked where are the other mutual aid stations, asked if they were the surrounding areas.

Chief Herman said all three Holly Springs stations, Cary Stations, North Chatham and others that are not showing on the map.

[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 11]



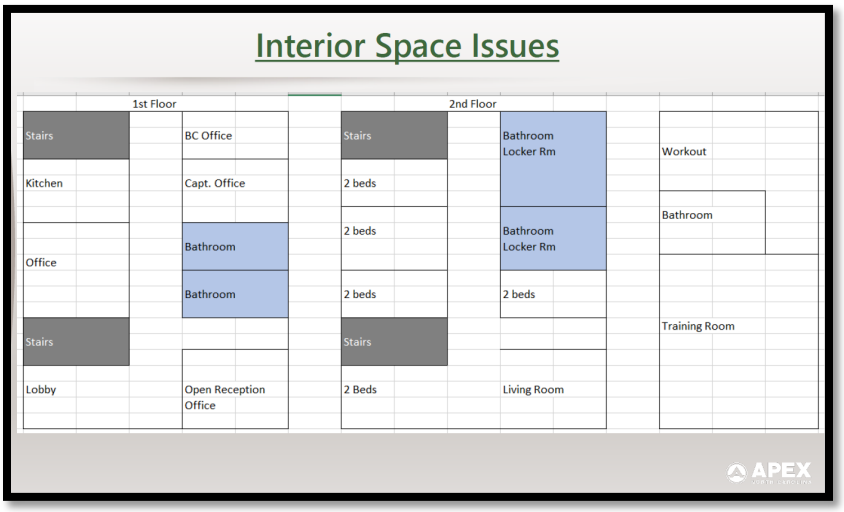
[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 12]



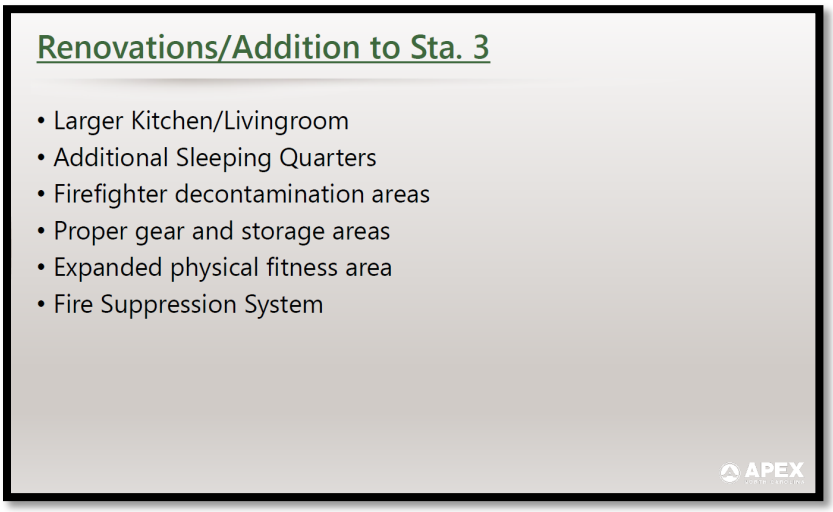
[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 13]



[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 14]



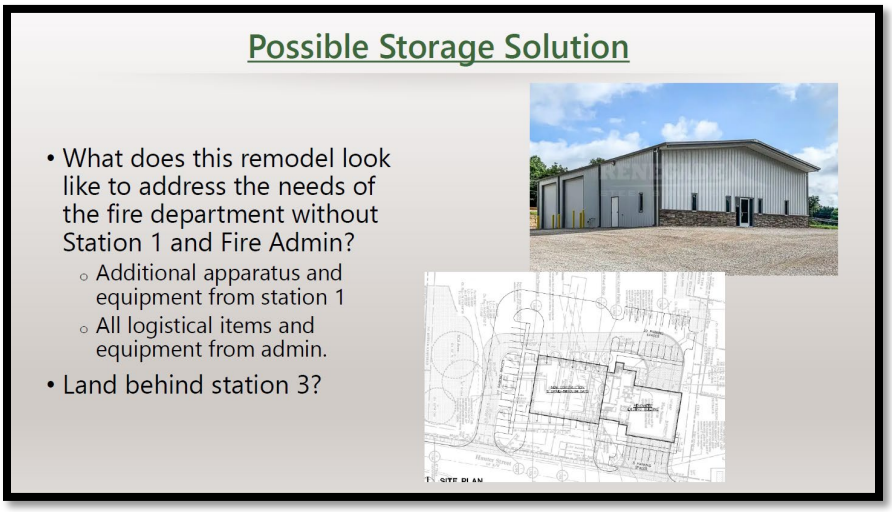
[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 15]



[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 16]



[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 17]



Councilmember Zegerman asked if the design show a two-floor design like the 2014 plan.

Chief Herman said it would be a two story.

Councilmember Zegerman asked if there would be office spaces for the administrative office.

Chief Herman said the current CIP plan is to put the Administration on the land behind it because of rebuilding the fire station downtown. He said vision two will address administration more.

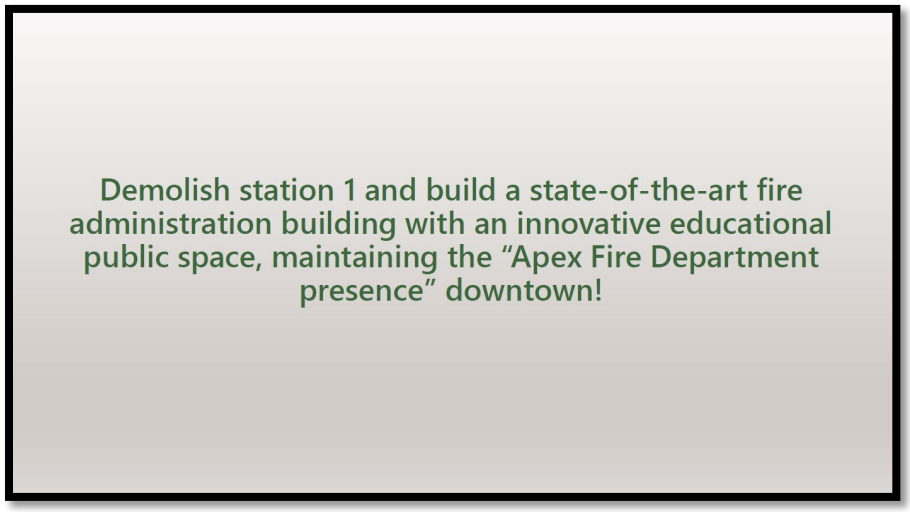
Councilmember Gantt asked the difference of remodel and rebuild.

Chief Herman said the rebuild is to update the existing footprint, he said the bones of the building are good.

[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 18]



[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 19]



[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 20]



[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 21]



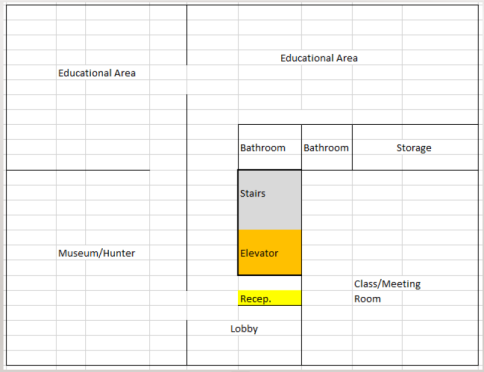
[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 22]

Public Comments

- The main reason cited by proponents of keeping the fire station on Salem Street were:
  - the history of the department
  - presence in this location
  - the opportunity for community interaction
  - special events, and the support/presence for special event
  - emergency response was a lower priority/need.
- Re-envision the fire station as a civic and mixed use development

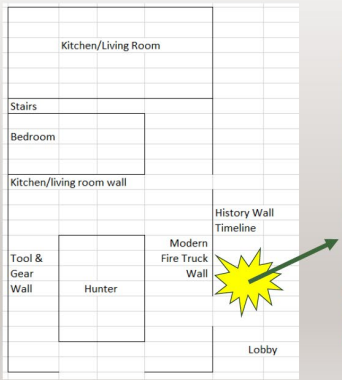
[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 23]

1st Floor Museum/Educational Space



[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 24]

Lobby





[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 25]



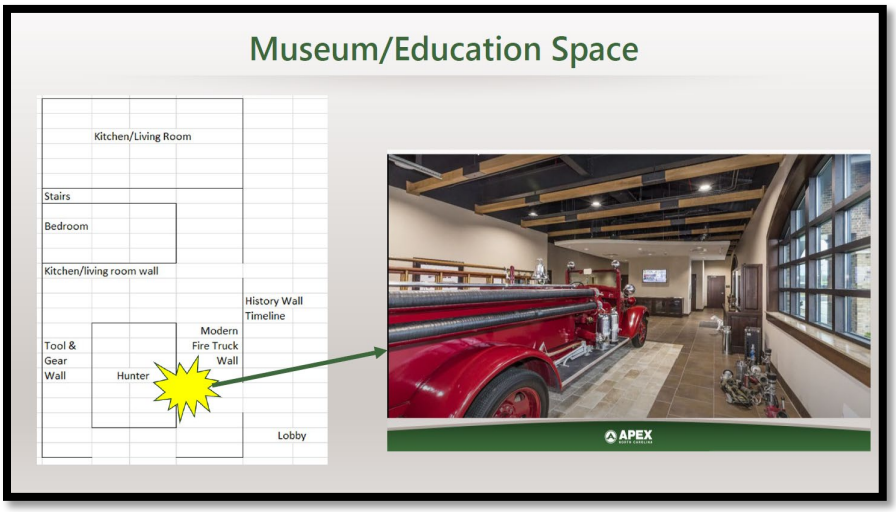
[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 26]



[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 27]



[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 28]



[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 29]



[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 30]



[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 31]



[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 32]



[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 33]



[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 34]



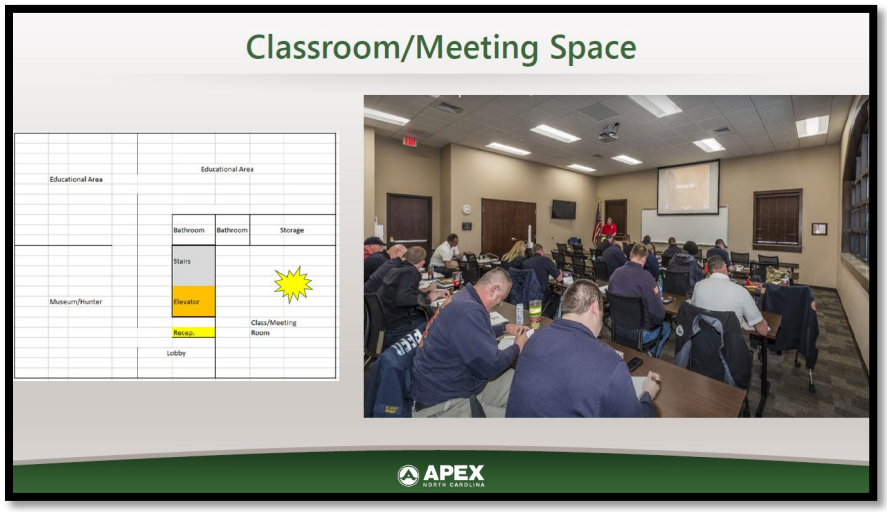
[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 35]



[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 36]



[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 37]



[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 38]



[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 39]



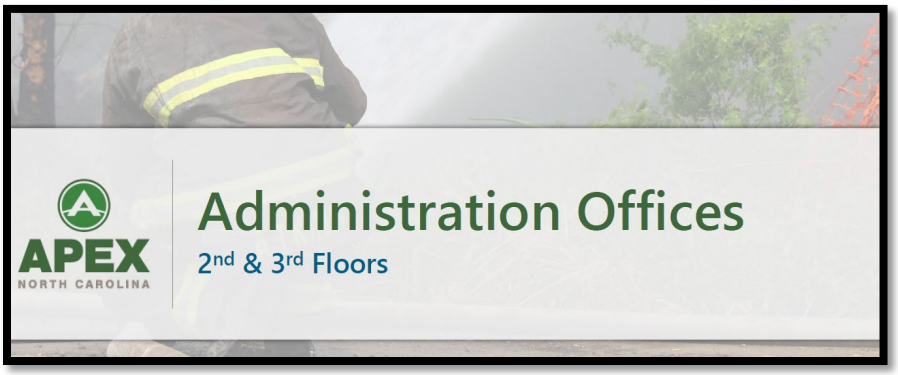
[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 40]



Councilmember Gantt asked about Frisco partnering with schools.

Chief Herman said Frisco run every third and fifth grader through different curriculum for each grade.

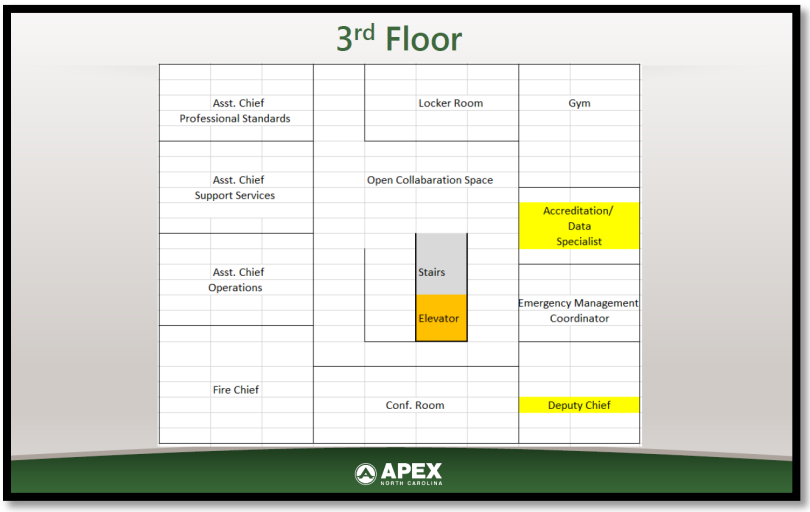
[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 41]



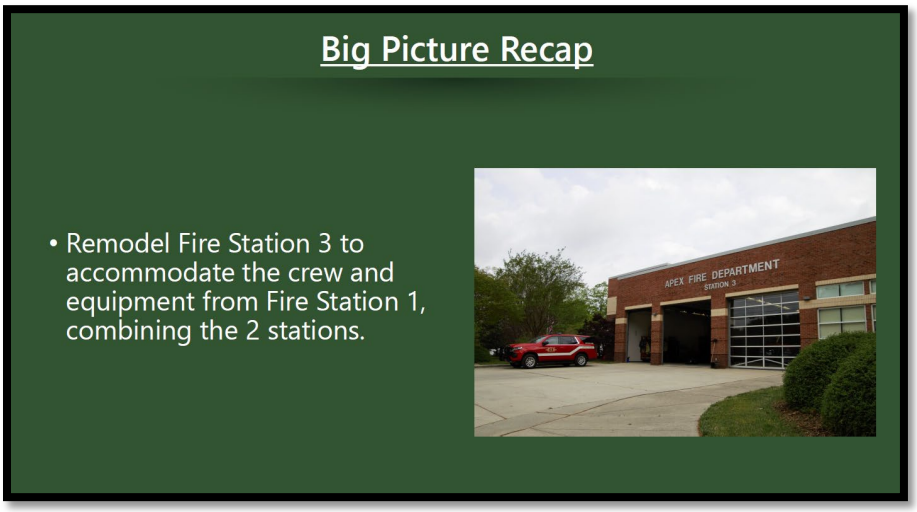
[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 42]



[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 43]



[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 44]



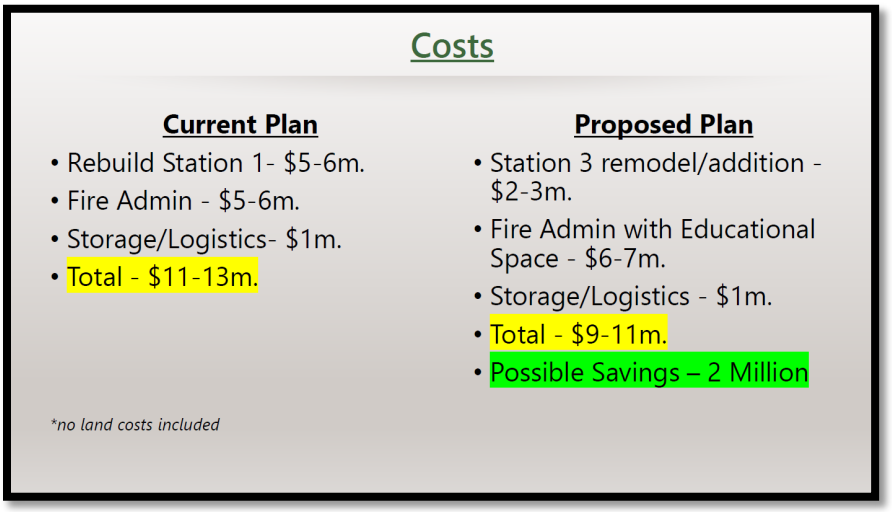
[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 45]



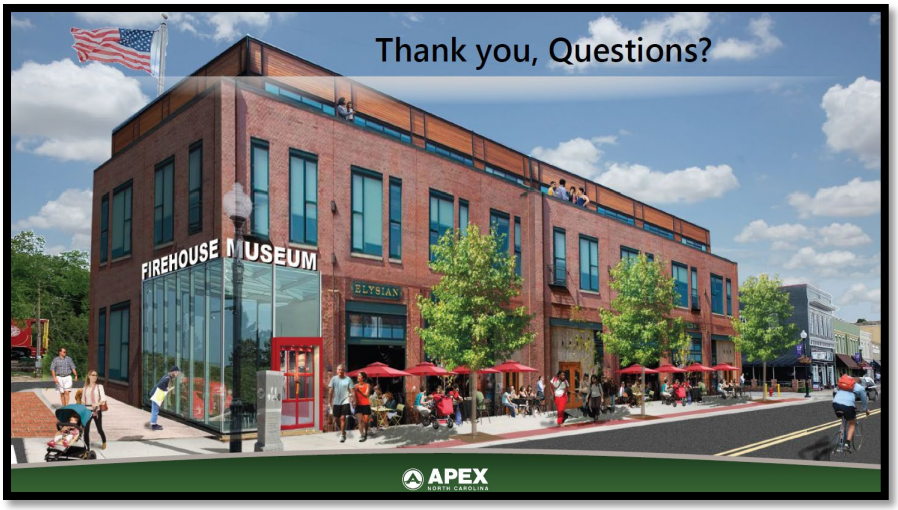
Mayor Pro Tempore Gray asked if this would not fully solve the storage issue.

Chief Herman said that was correct.

[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 46]



[FIRE STATION NEEDS, LOCATION, & DIRECTION-SLIDE 47]



Councilmember Zegerman said half of the space is the building and asked what is the other half.

Chief Herman said that will be a public private partnership.

Interim Town Manager Purvis said do not get attached to these designs that's its only a concept. He said typically the town would do an analysis of the site to see what can go there. He said working with RFP, a developer will come in and provide the town with specifics.

Mayor Pro-Tempore said if there's an engine in the downtown station that its still not optimal place for an engine.

Chief Herman said it's a challenging station. He said if that station stays then the plan is to maintain station three.

Councilmember Mahaffey said there were previous conversations and public support that was discussed regarding fire station downtown was specifically for an engine.

Councilmember Killingsworth said the biggest thing that sticks in her mind from discussion is that it provides educational opportunities and interaction opportunities. She said emergency response was not mentioned previously. She said this is what the desire of the public wants and she agrees. She said there is a fire engine that's close to downtown that needs to be expanded already, and it would be awkward place to have a fire engine downtown.

Councilmember Gantt said it was discussed which is why the doors were narrowed down from four doors to two doors.

Mayor Pro-Tempore Gray said he finds this option helpful because it helps him understand the context but provides an option so that Council can figure out a direction.

Councilmember Killingsworth said if she was asked to vote on the previous decision versus this option, she said she would go with this one.

Councilmember Zegerman said he likes the project. He said with any remodel that the town is planning to do, it needs to have office space.

Interim Town Manager Purvis said the need for office space is the reason for the spacing study. He said the plan is to accommodate where it's possible.

Councilmember Mahaffey said they all recognize having a fire engine downtown is difficult from an operational perspective. He said the vision that's being proposed honors the vision and the history of the park in the community. He proposed that some staff members have had a hand in building that fire station and suggested using some of the brick and incorporating it into the new building. He said he really likes the vision of the interacting spaces and keeping the look of the fire station from the outside.

Mayor Pro Tempore Gray said it seems like there are a lot of options for which departments could best use this land.

Interim Town Manager Purvis said it's now up to Council to decide which decision to make and will have the most impact.

Councilmember Killingworth asked if the land on Olive Farm, a potential future park, has been evaluated for a site or a water tower.

Interim Town Manger Purvis said it wasn't considered as much due to the elevation

Director Newman said that site was also looked at for a possible housing site but it had already been earmarked for a park space.

Councilmember Mahaffey said that location would be a great spot for housing because it is close to schools.

Director Khin said in order to do that, that location would need expanded transit.

Director Newman said the DFI model is predicated on tax credits, but that's not the only way to finance. She said what's more available is the 4 percent credit and they require some other financing, but the 9% option is not the only one.

Assistant Town Manager John said even with low-income tax credits that takes care of the 60 percent and below. She said she has an area still meeting income of 80 percent and that doesn't require transit.

Director Newman said transit is important to people who may not have cars or need other ways of transportation in the low-income housing community.

Mayor Pro-Tempore Gray asked if anyone else had questions for the chief.

Councilmember Gantt asked if its possible to design a site to have Fire Station 3, some housing, and a water tower on the same site.

Interim Town Manager Purvis said the more you diminish the footprint for housing the less viable the project.

Councilmember Killingsworth asked if they want Council to decide now.

Interim Town Manager said yes, staff needs direction.

Councilmember Killingsworth said her preference is Pleasant Park for the water tank as site 4. She said the Fire presence downtown in renovating station three and adding storage space.

Chief Herman said the study supports building in the next three to five years. He said he would recommend station one and three and admin first, and then building seven.

Councilmember Gantt asked if we discussed the Wake County site near there.

Chief Herman said he'd love to know where that was and he could talk to them.

Director Khin said they haven't shown anything of that to them.

Councilmember Mahaffey said it is good to have a fire station near schools.

Mayor Pro-Tempore Gray said Councilmember Killingsworth gave a recommendation, and asked if everyone is on board in terms of consensus and someone to make a motion.

Councilmember Zegerman supported her position.

Councilmember Killingsworth restated her position, which was to do the site 4 Pleasant Park water tower, have more of a fire presence downtown, renovate station 3 to be a full firehouse with emergency response, and continue affordable housing conversations.

Councilmember Mahaffey said he would like to honor and preserve any aesthetics the town can to the building and use it on the new one. He said he's not a big fan of a three-story building in downtown. He said it seems affordable housing may not be the most viable option here, and a fire department has needs to best serve the community.

Councilmember Zegerman is in consensus. He suggested he'd like to see a second water tower in another location and options for that.

Councilmember Mahaffey asked if there was any efficiency of scale for doing two towers at once.

Assistant Town Manager Stone said not currently.

Councilmember Gantt is in consensus. He said the public art could somehow be an asset more. He suggested the three-story admin building have their own administrative floor on the second floor.

Interim Town Manager Purvis said there will be lots of discussion on that moving forward. He said the Station 7 timeline still has to be set, so there isn't as much information on that right now. He said station 3 would be the main fire priority.

Councilmember Killingsworth asked how many floors the potential apartments near station 3 would be.

Director Khin said it would be whatever they like.

Councilmember Mahaffey asked if a water tower could be placed on a building.

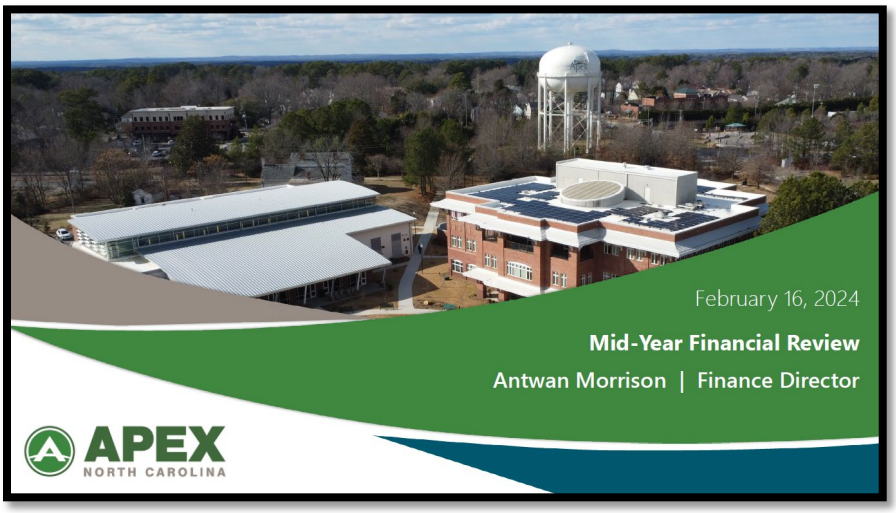
Assistant Town Manager Stone said it would be a monumental task, but it could solve some sprinkler problems.

[FINANCIAL CONDITION REVIEW]

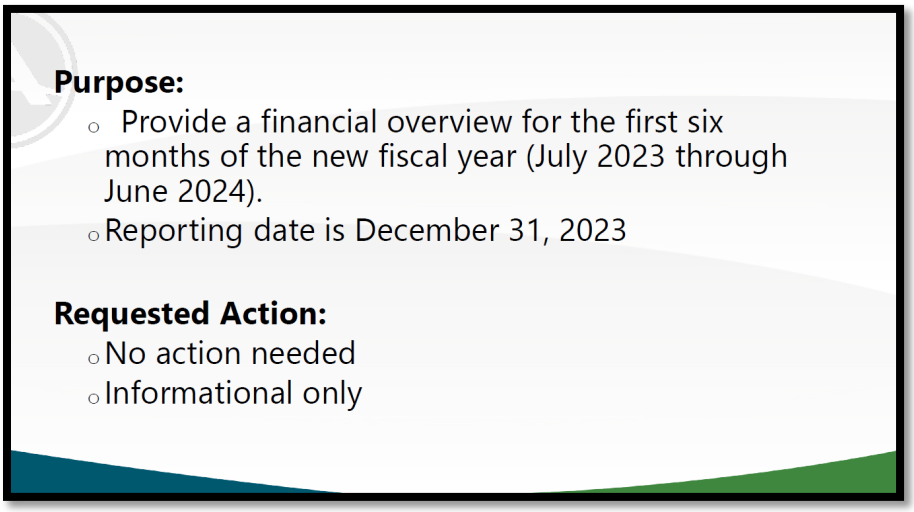
[FINANCIAL CONDITION REVIEW-SLIDE 1]



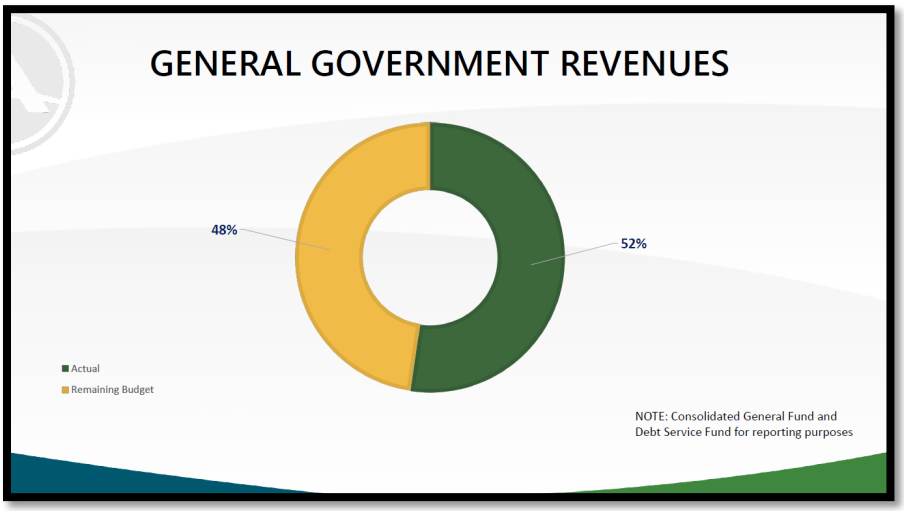
[FINANCIAL CONDITION REVIEW-SLIDE 2]



[FINANCIAL CONDITION REVIEW-SLIDE 3]



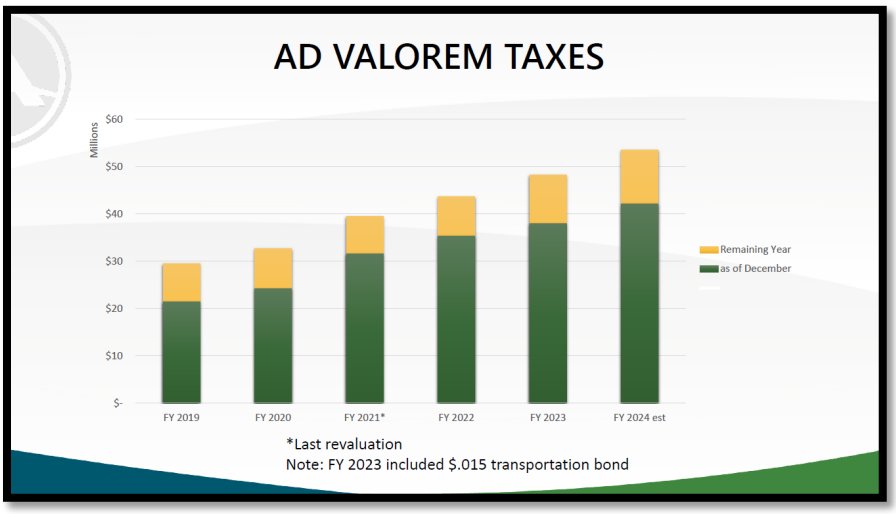
[FINANCIAL CONDITION REVIEW-SLIDE 4]



Councilmember Zegerman asked if they assume that revenues and expenses are equal throughout the year.

Director Morrison said no, because of when revenues come in.

[FINANCIAL CONDITION REVIEW-SLIDE 5]

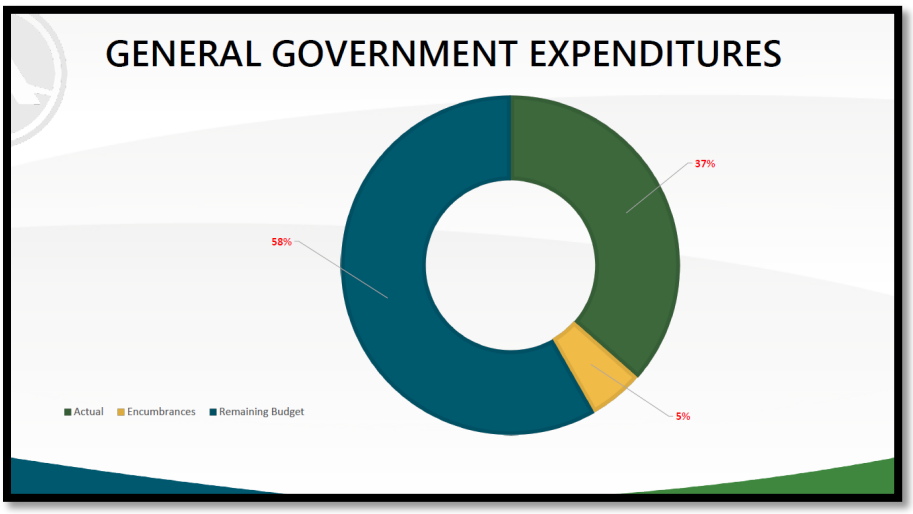


[FINANCIAL CONDITION REVIEW-SLIDE 6]



Councilmember Gantt asked if this considered population.
Interim Town Manager Purvis said the funds are distributed based on population.

[FINANCIAL CONDITION REVIEW-SLIDE 7]



Councilmember Zegerman asked if things had gotten delayed, and why the remaining budget was so much high than expenditures.

Director Morrison said not every month would spend a twelfth of the budget, and some months would have higher spending than others depending on when things occurred.

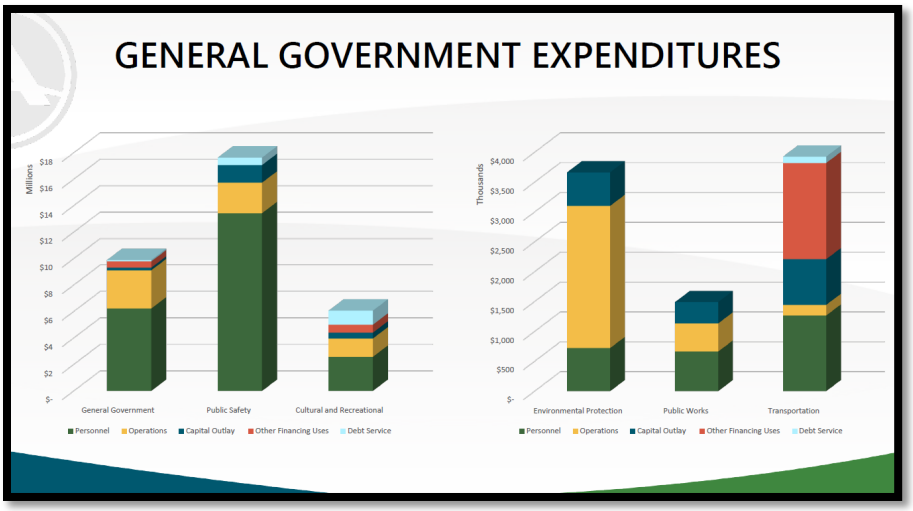
Councilmember Zegerman said he's having a hard time understanding if this is good or bad.

Director Grogan said they're on track to underspend. She said there a 3-million-dollar contract that is not included on this.

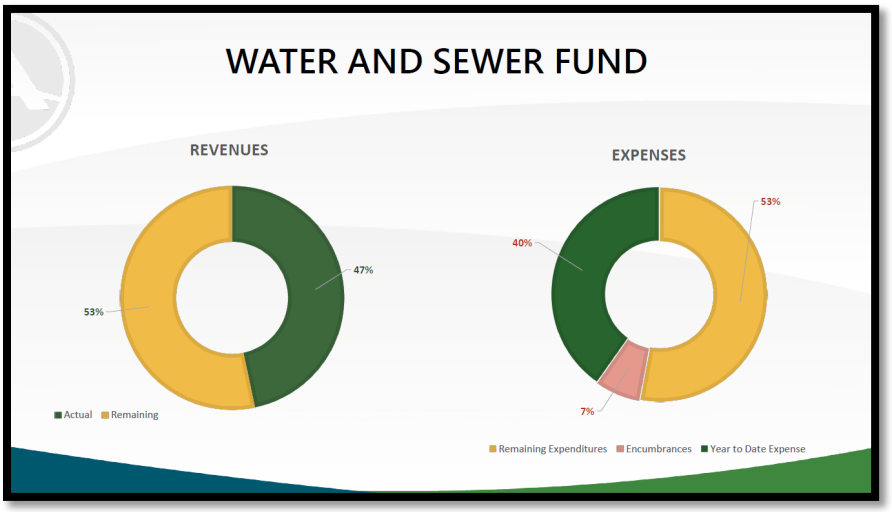
Councilmember Zegerman said coming in 1 or 2 points under budget is good, but he wants to make sure there aren't things they want to get done on the table.

Interim Town Manager Purvis said they recognize that, and they can move up projects if there ends up being space in this current year's budget. He said they have done that before.

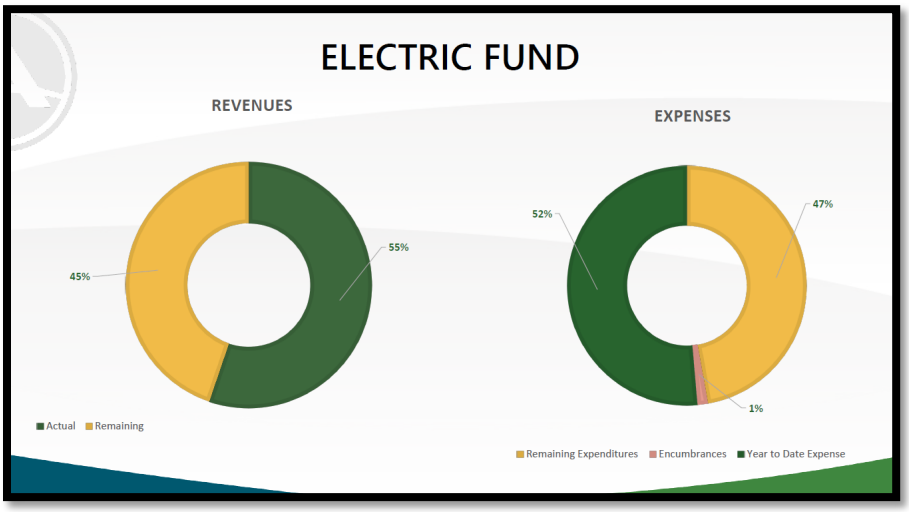
[FINANCIAL CONDITION REVIEW-SLIDE 8]



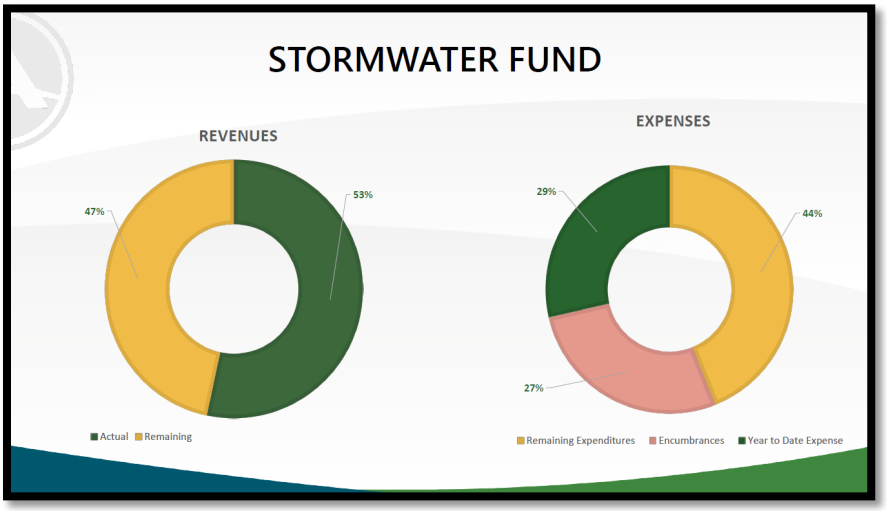
[FINANCIAL CONDITION REVIEW-SLIDE 9]



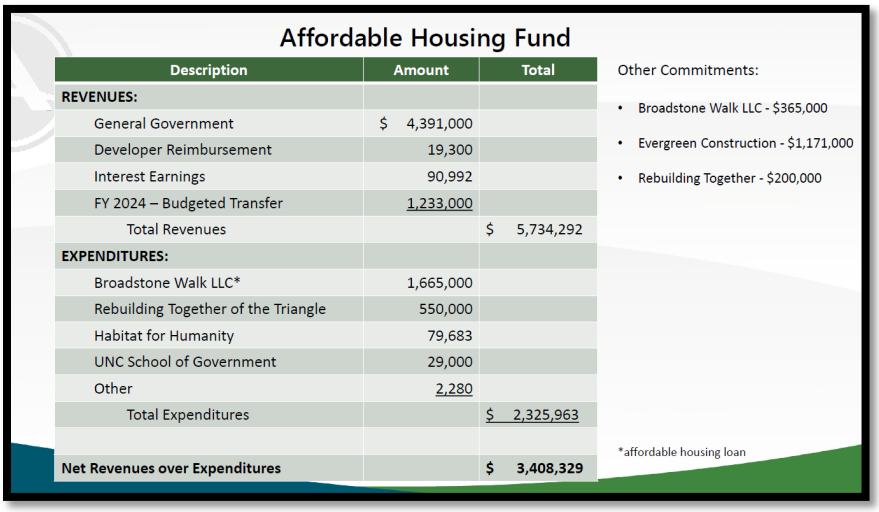
[FINANCIAL CONDITION REVIEW-SLIDE 10]



[FINANCIAL CONDITION REVIEW-SLIDE 11]



[FINANCIAL CONDITION REVIEW-SLIDE 12]



Affordable Housing Fund

Description	Amount	Total
REVENUES:		
General Government	$ 4,391,000	
Developer Reimbursement	19,300	
Interest Earnings	90,992	
FY 2024 – Budgeted Transfer	1,233,000	
Total Revenues		$ 5,734,292
EXPENDITURES:		
Broadstone Walk LLC*	1,665,000	
Rebuilding Together of the Triangle	550,000	
Habitat for Humanity	79,683	
UNC School of Government	29,000	
Other	2,280	
Total Expenditures		$ 2,325,963
Net Revenues over Expenditures		**$ 3,408,329**

Other Commitments:

- Broadstone Walk LLC - $365,000
- Evergreen Construction - $1,171,000
- Rebuilding Together - $200,000

*affordable housing loan

Councilmember Zegerman asked if this was essentially a $1.7 million available balance, not counting the ARPA funding.

Director Morrison said that was correct.

Councilmember Mahaffey said the penny they allocated for this in the last tax rate would be worth more with a lower tax rate.

Interim Town Manager Purvis said yes, it would be a significant jump, and that fund would be worth close to $2 million now.

Councilmember Mahaffey suggested that it may be better to set the policy as a percentage, rather than having a penny of the tax rate contribute to that fund.

Councilmember Killingsworth said she thinks it will level out over the next few years as more money is able to go to assisting in affordable housing.

Mayor Pro Tempore Gray said they had discussed rather this was easier than a percentage.

Councilmember Mahaffey said at the time it was tied to stormwater.

Councilmember Gantt said the drop was because of the ARPA funds.

Councilmember Zegerman said they've been allocating some of that money, and he would love to see the results of the study in April. He said they may want to look at what they want to accomplish in the next few years and then go fund it. He said his objective in this is to start putting the money to work.

Councilmember Killingsworth said it's always a challenge, since they can't predict these types of projects coming up. She said they need to be able to have funds on hand to help them when they do come up. She said land purchase would also be very expensive, and she said they will need all the funds they can. She suggested keeping it at the penny rate, and keep it as a savings account for those possible projects ahead.

Councilmember Gantt said Phil Welch said there was a possible issue with mobile homes and these funds.

Councilmember Zegerman said yes, that would be something they be looking to accommodate. He said they need to be mindful of the optics. He wondered if putting money in an account without a plan to use it would be the best way to use tax dollars.

Councilmember Mahaffey said they have put a lot of it to work, much of it coming from Broadstone Walk. He said bigger scale projects wouldn't be viable for this.

Councilmember Zegerman said land acquisition for public-private partnerships would be a good idea, as they could donate it for affordable developments.

Councilmember Mahaffey said his frustration is that he feels the County has leaned more on them because they contribute so much of their own funding to affordable housing, and so they don't see them as a high priority for GAAP funding.

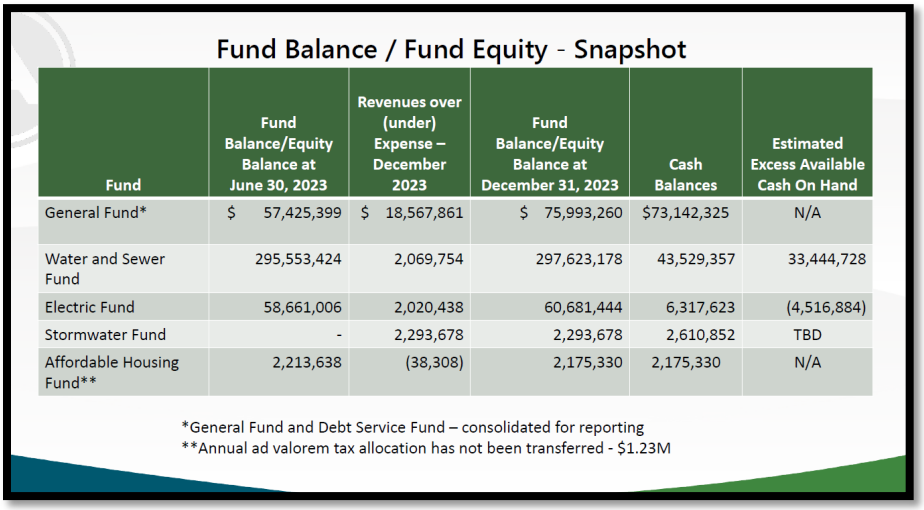
Councilmember Zegerman said they want to protect themselves by spending this money for land acquisition.

Councilmember Mahaffey said the answer is to ultimately become their own entitlement community. He said they haven't had a situation like Broadstone Walk in a while, but that's what he would like to do.

Interim Town Manager Purvis said their next steps are likely to be site acquisition. He said a lot of the information they get in April will be regarding that. He said to keep in mind that land is expensive. He said Director Newman's team is working through all of the aspects of affordable housing as well, and all of the funding options.

Councilmember Killingsworth said that is why she wants to keep the rate that way.

[FINANCIAL CONDITION REVIEW-SLIDE 13]

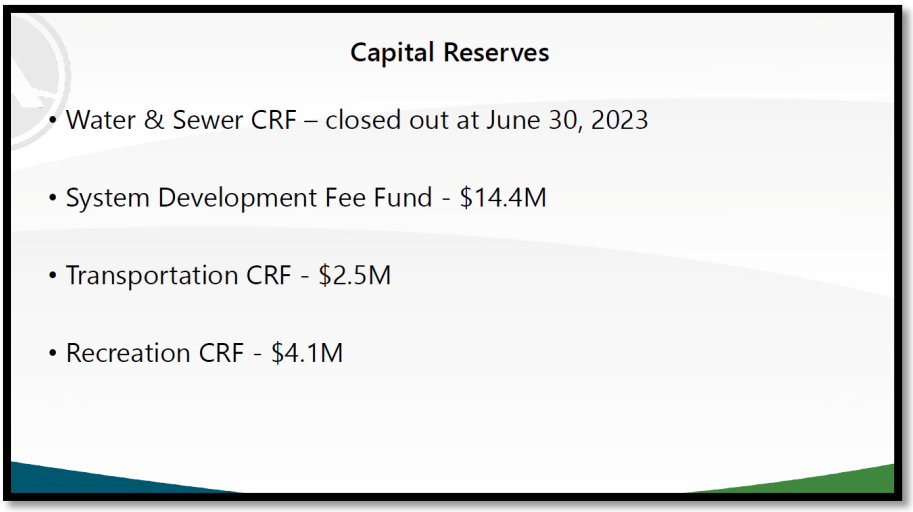


Fund Balance / Fund Equity - Snapshot

Fund	Fund Balance/Equity Balance at June 30, 2023	Revenues over (under) Expense – December 2023	Fund Balance/Equity Balance at December 31, 2023	Cash Balances	Estimated Excess Available Cash On Hand
General Fund*	$ 57,425,399	$ 18,567,861	$ 75,993,260	$73,142,325	N/A
Water and Sewer Fund	295,553,424	2,069,754	297,623,178	43,529,357	33,444,728
Electric Fund	58,661,006	2,020,438	60,681,444	6,317,623	(4,516,884)
Stormwater Fund	-	2,293,678	2,293,678	2,610,852	TBD
Affordable Housing Fund**	2,213,638	(38,308)	2,175,330	2,175,330	N/A

*General Fund and Debt Service Fund – consolidated for reporting
**Annual ad valorem tax allocation has not been transferred - $1.23M

[FINANCIAL CONDITION REVIEW-SLIDE 14]



Councilmember Mahaffey asked if the water tower would go under the system development fee at this point.

Interim Town Manager Purvis said potentially it could, since it was system expansion.

Councilmember Mahaffey asked how system development fees compared to towns around them.

Assistant Town Manager Stone said they are comparable to Cary, but he thinks Holly Springs is higher.

Director Morrison said Holly Springs will also be raising their rates.

Councilmember Gantt asked if this was just studied.

Town Attorney Hohe said a system development fee analysis is required at least every 5 years, but they can do it more frequently than that.

Assistant Town Manager Stone said they did one last year.

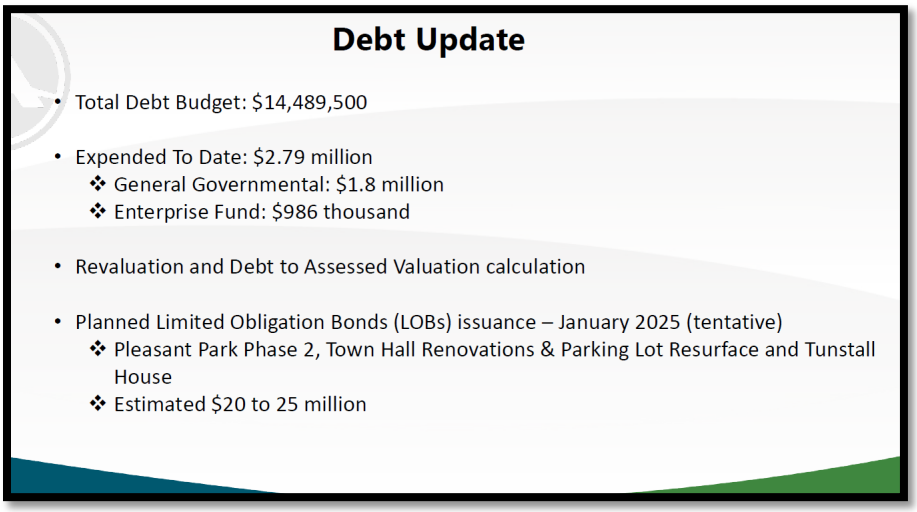
Director Morrison said they do not want to have a lot of idle cash sitting around.

Director Grogan said there are a lot of expensive water projects coming in the future as well.

[FINANCIAL CONDITION REVIEW-SLIDE 15]



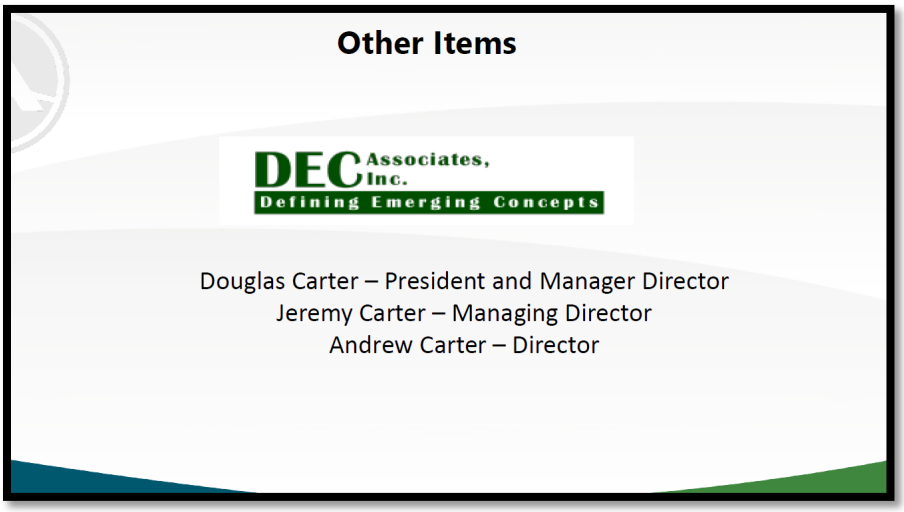
[FINANCIAL CONDITION REVIEW-SLIDE 16]



Councilmember Zegerman said this was the combination of 2.5% of tax value and 12% of debt ceiling expenditures, he said they seem to be out of line. He wondered if there was more room to maneuver, and asked what the right balance would be.

Director Morrison said the town's financial advisors will have some ideas on that based on history and the experiences of governments across the state.

[FINANCIAL CONDITION REVIEW-SLIDE 17]



[FINANCIAL CONDITION REVIEW-SLIDE 18]



Councilmember Zegerman asked what were the things that gave Director Morrison worry about the town's finances.

Director Morrison said the scale of the projects the town wants to accomplish. He said there is a lot going on, and wondering about if the town has the staffing capacity for it.

Mayor Pro Tempore Gray declared a recess on the meeting for lunch at **12:13 p.m.**

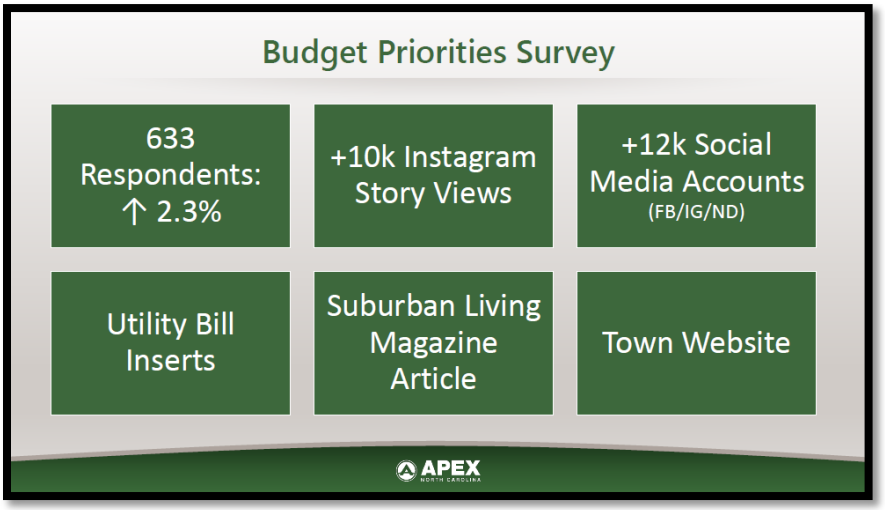
Mayor Gilbert arrived at **12:54 p.m.**

Mayor Gilbert reconvened the meeting at **1:00 p.m.**

[BUDGET SURVEY – SLIDE 1]



[BUDGET SURVEY – SLIDE 2]



[BUDGET SURVEY – SLIDE 3]



Councilmember Zegerman asked if they were able to track where respondents accessed the survey to see which outreach methods were most effective.

Ms. Canup said she did not have that information, but it may be available.

Ms. Hoffman said they didn't have the data that says where people who finished the survey accessed it from, but they do have the data on how many times people clicked on the link from each source.

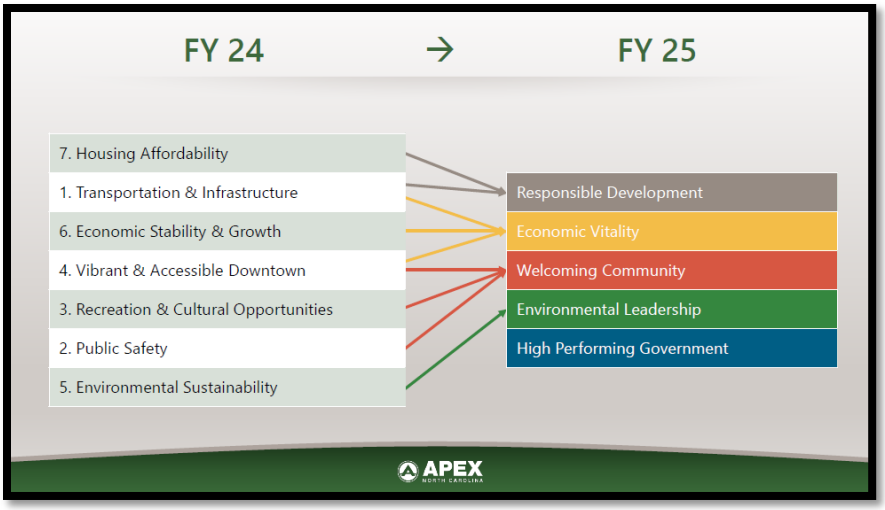
Councilmember Gantt asked if the goal was to get a higher rate of filling the survey compared to just clicking on it.

Ms. Hoffman said yes, and they had been working with Communications to put together a strategy. She said this year they were able to reach more areas effectively and the spread of responses was greater.

[BUDGET SURVEY – SLIDE 4]



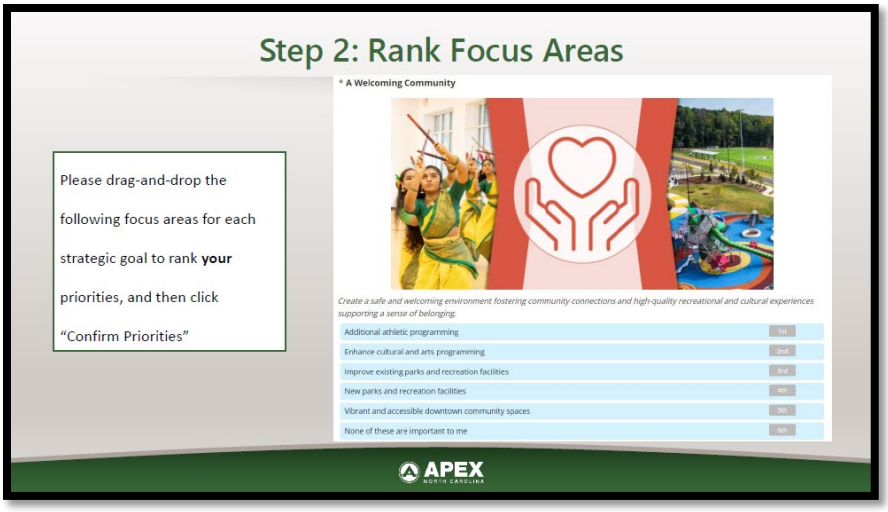
[BUDGET SURVEY – SLIDE 5]



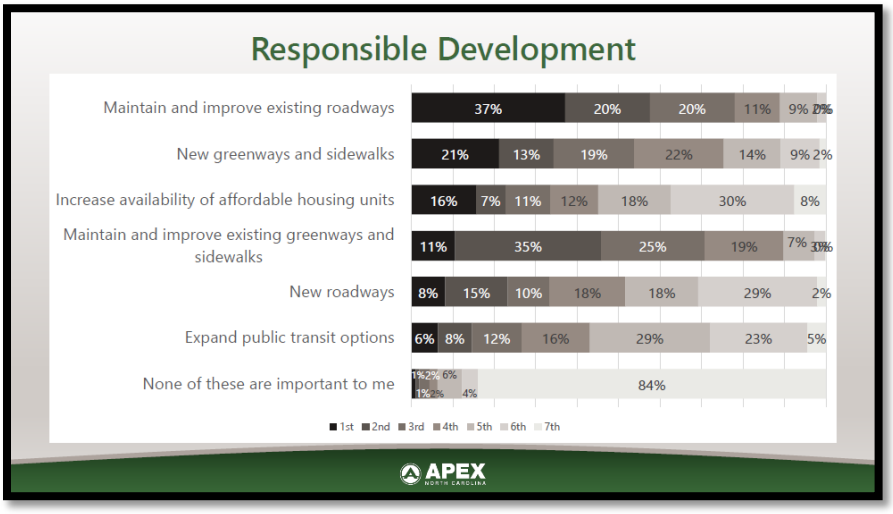
[BUDGET SURVEY – SLIDE 6]



[BUDGET SURVEY – SLIDE 7]



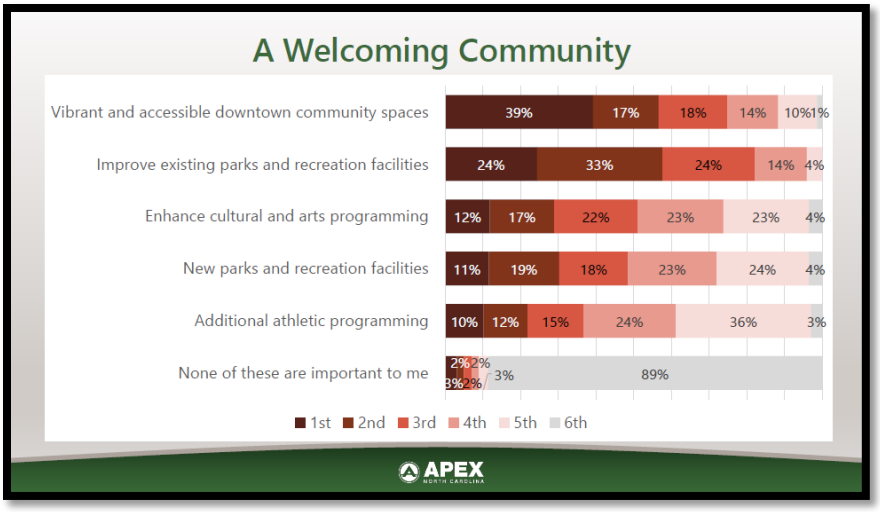
[BUDGET SURVEY – SLIDE 8]



[BUDGET SURVEY – SLIDE 9]



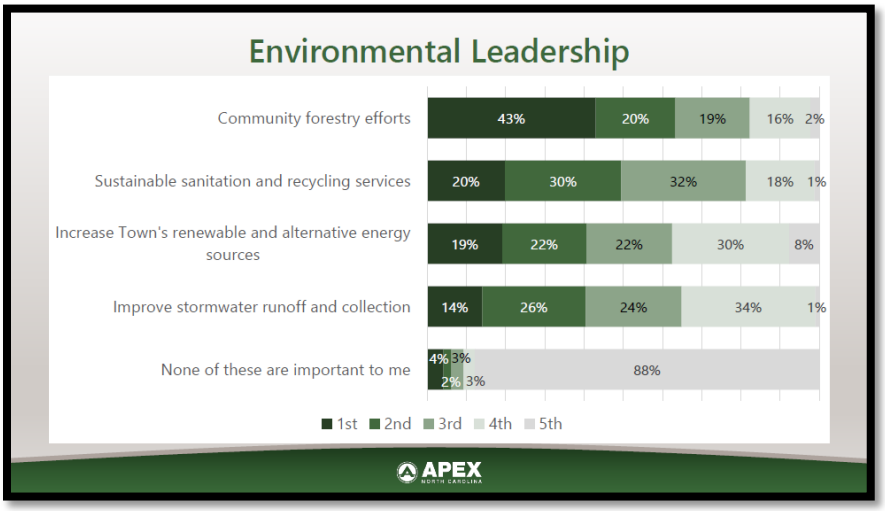
[BUDGET SURVEY – SLIDE 10]



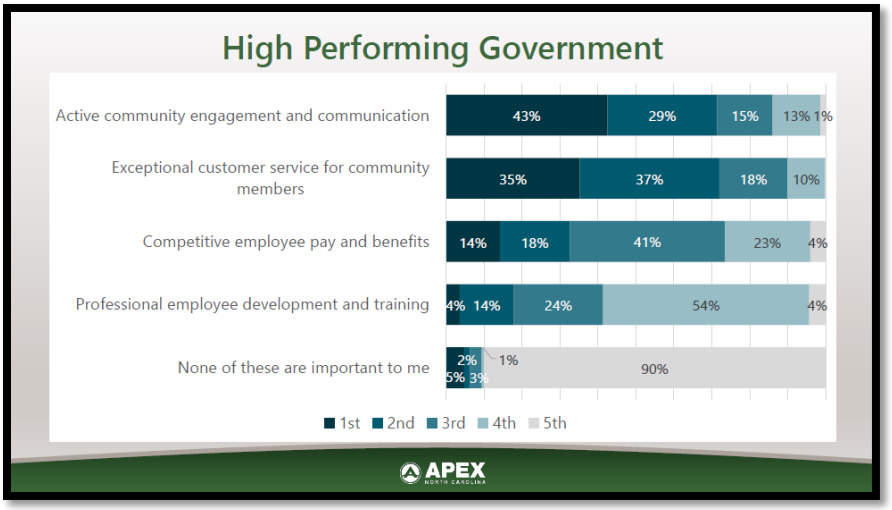
[BUDGET SURVEY – SLIDE 11]



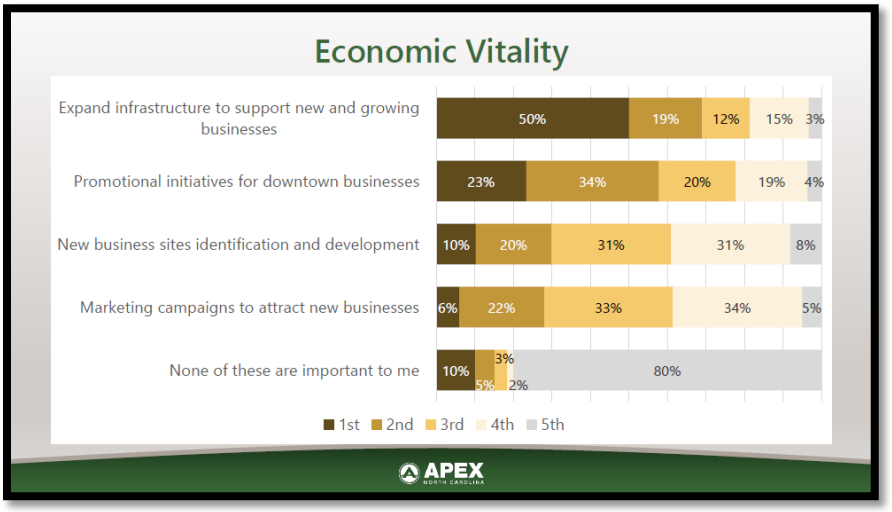
[BUDGET SURVEY – SLIDE 12]



[BUDGET SURVEY – SLIDE 13]



[BUDGET SURVEY – SLIDE 14]



Councilmember Mahaffey asked if they would get a report for the full thing.

Councilmember Gantt asked if they could also get comments.

Director Grogan said yes, they could put that together. She said they also have the memo with demographic information.

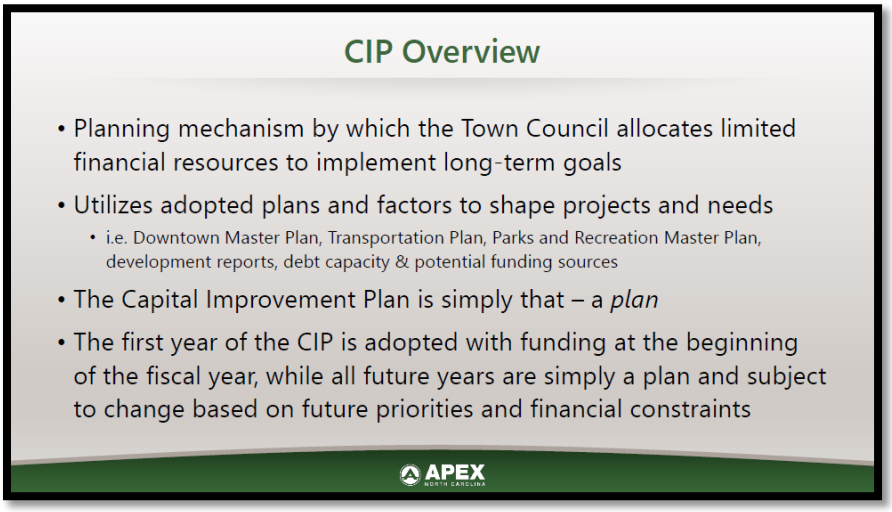
Councilmember Gantt asked if there was information on how the turnout of this survey compared to last year.

Ms. Hoffman said they didn't include that information because of how different the survey was this year. She said now that there is a baseline they will do that going forward.

[CIP PRIORITIZATION – SLIDE 1]



[CIP PRIORITIZATION – SLIDE 2]



Councilmember Zegerman asked how studies were included on this list, and why aren't those studies considered separately from actual construction projects.

Interim Town Manager Purvis said the studies are evaluated as part of the construction projects because they are the first step.

Director Grogan said projects are funded in different phases. She said they wouldn't allocate the full amount each year because some of the money wouldn't be used until later. She said they try to allocate appropriately.

[CIP PRIORITIZATION – SLIDE 3]

CIP – Major Objectives

- The purpose of the CIP is to forecast and match projected revenues and major capital needs over a five-year period.
- Links community infrastructure needs and the financial capacity of the Town
- Major capital expenditures that have an asset value of greater than $100,000 and a useful life of greater than three years.
  - acquisition of land,
  - construction or significant renovation of public facilities (i.e. buildings/parks),
  - construction of new transportation infrastructure (i.e. roads, sidewalks, multi-use paths),
  - expansion or significant renovation of water, wastewater, electric, or stormwater infrastructure,
  - capital equipment to support operations

APEX NORTH CAROLINA

[CIP PRIORITIZATION – SLIDE 4]

General Fund CIP Project Summary

Element	Submittals	FY24-25	FY25-26	FY26-27	FY27-28	FY27-28	Future
Transportation	33	15,711,000	26,852,330	26,018,560	14,056,270	26,984,710	37,720,500
Parks, Recreation & Cultural Resources	17	17,400,000	14,698,000	27,247,000	65,025,000	51,910,000	52,800,000
Public Facilities	15	6,185,000	7,900,000	1,400,000	430,000	125,000	31,380,000
Public Safety	11	3,411,050	2,237,050	2,777,050	1,411,000	300,00	1,324,000
Public Works	10	-	1,266,000	485,000	340,000	565,000	545,000
Total All General Fund	**86**	**$42,707,050**	**$52,953,380**	**$57,927,610**	**$81,262,270**	**$79,884,710**	**$123,769,500**

APEX NORTH CAROLINA

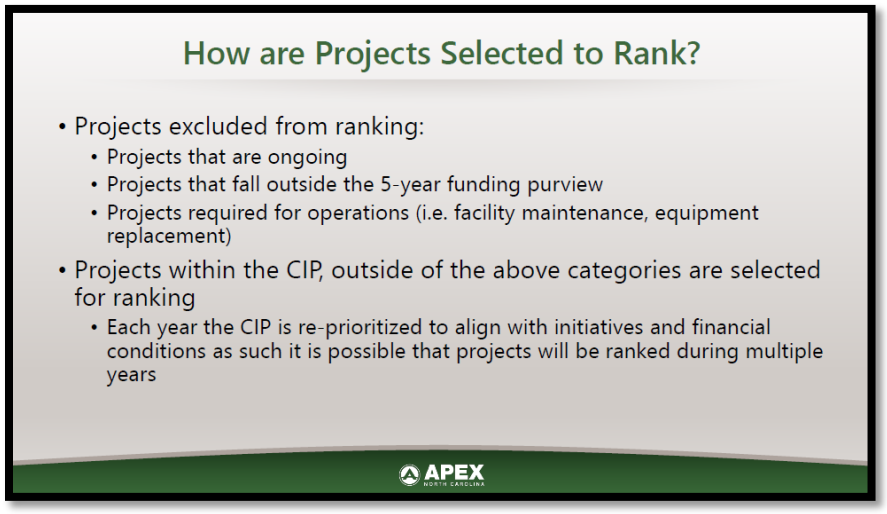
[CIP PRIORITIZATION – SLIDE 5]

Utility Fund CIP Project Summary

Element	Submittals	FY23-24	FY24-25	FY25-26	FY26-27	FY27-28	Future
Water Sewer Utility	26	2,184,500	11,669,250	2,225,750	6,472,000	11,396,500	75,750,500
Stormwater Utility	5	625,000	135,000	225,000	334,000	-	500,000
Electric Utility	8	3,680,000	1,525,000	3,950,000	1,500,000	-	-

APEX NORTH CAROLINA

[CIP PRIORITIZATION – SLIDE 6]



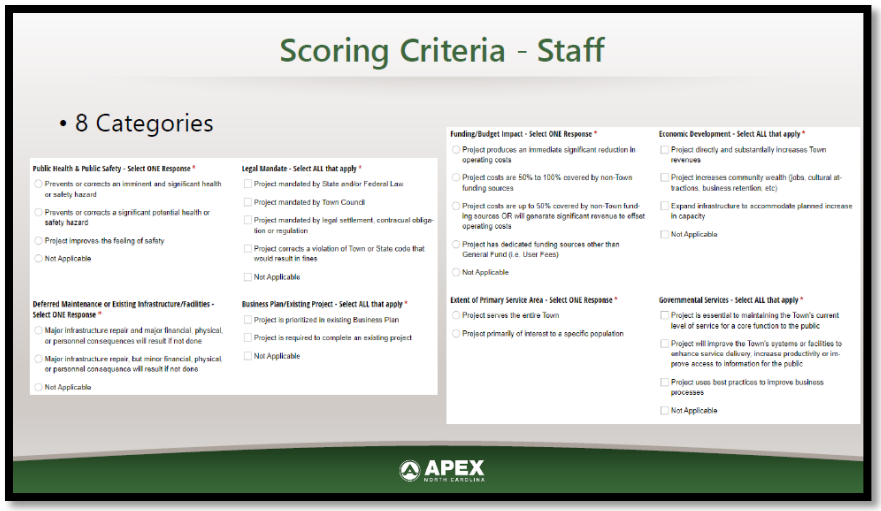
Councilmember Killingsworth said she appreciated them including information around maintenance and equipment, since Council would not be in a position to know exactly when things need to be replaced or updated.

Councilmember Zegerman asked if departments put that in their budgets.

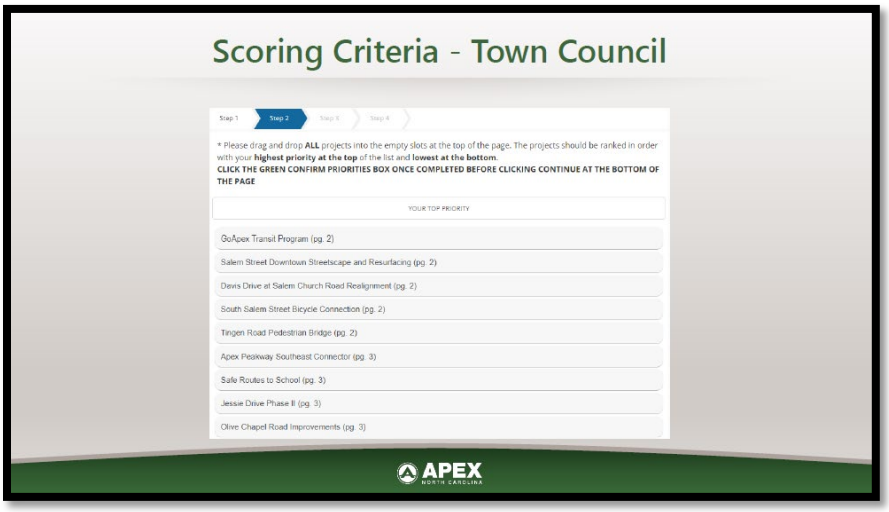
Ms. Hoffman said all fleet, vehicles, and equipment follow a replacement schedule.

Director Grogan said they also can adjust based on lead times for certain things, such as fire trucks, which are currently on three-year lead times. She said just because something is on the schedule for replacement review, it doesn't mean it would be replaced if it is still in good shape. She said this comes out of the operating fund.

[CIP PRIORITIZATION – SLIDE 7]



[CIP PRIORITIZATION – SLIDE 8]



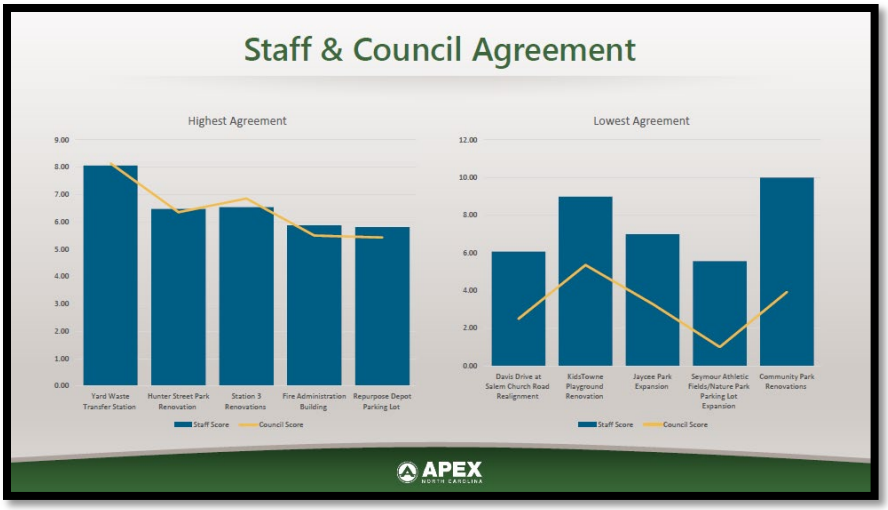
[CIP PRIORITIZATION – SLIDE 9]



Councilmember Zegerman asked how they compared these two scores.

Ms. Hoffman said they normalized the staff and Council scores so they would be able to overlay and compare on the chart.

[CIP PRIORITIZATION – SLIDE 10]



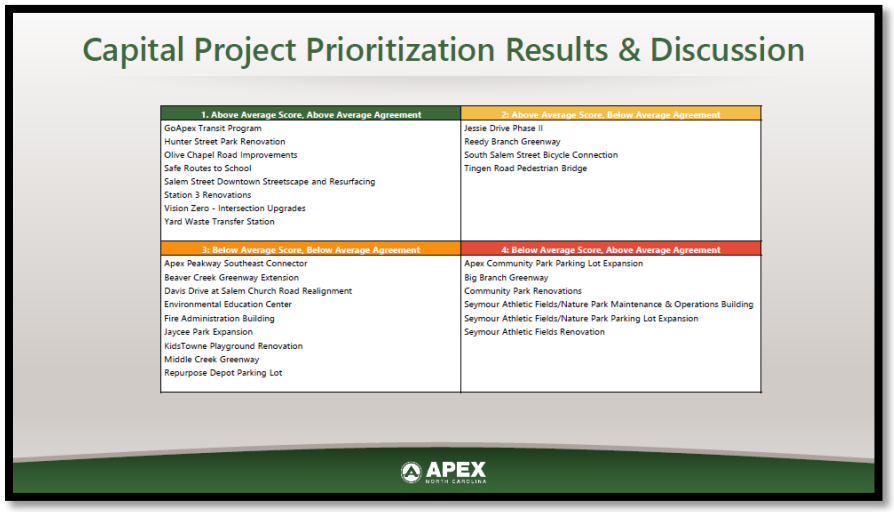
[CIP PRIORITIZATION – SLIDE 11]



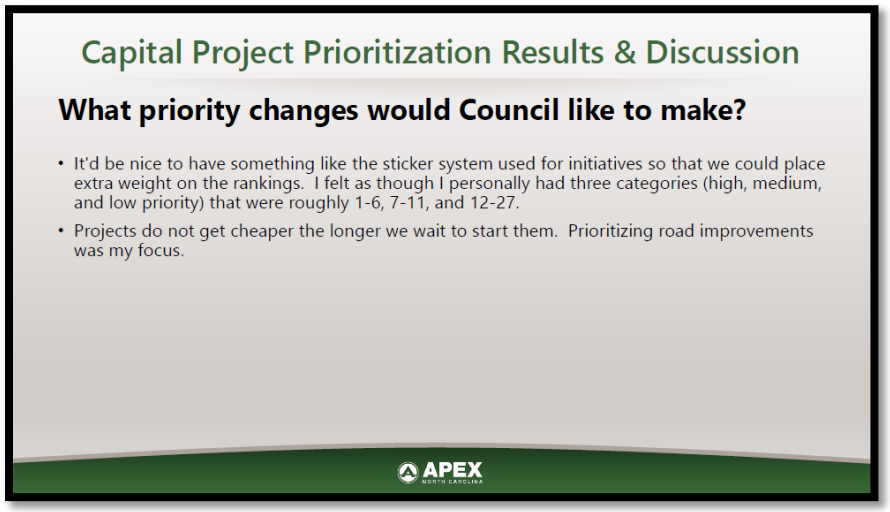
[CIP PRIORITIZATION – SLIDE 12]



[CIP PRIORITIZATION – SLIDE 13]



[CIP PRIORITIZATION – SLIDE 14]



Councilmember Mahaffey asked what the status of the Environmental Education Center was. He said he feels like it's the new Tunstall House, where he has to keep fighting for it to get done every year.

Assistant Town Manager Stone said the RFP for it should go out in March, and they would select in March.

Councilmember Mahaffey asked if they would get a design for it this year and then budget for it.

Ms. Hoffman said they have an estimation of the cost based on the footprint and concept.

Councilmember Mahaffey said he could wait until the RFP came back and they got to see pricing estimates.

Councilmember Gantt said things depend on how much the Center costs. He said they should stick with the quadrants for the most part.

Councilmember Mahaffey said he wanted to talk about the Olive Chapel Road Improvements. He said he's happy to see it ranked so high.

Councilmember Gantt asked how the intersection at Davis at Salem Church Road was lower.

Councilmember Mahaffey said he thinks the Olive Chapel and Barbecue intersection is the worst one in Apex. He said it would only get worse as more traffic came through that area, and they need to get ahead of the problem better.

Councilmember Gantt said he wanted to make sure they weren't biasing themselves.

Councilmember Mahaffey said he didn't think he was being biased, it's just what he knows. He said Olive Chapel and Barbecue is something that is within the town's scope, and something DOT probably would never get to.

Councilmember Zegerman said he agreed the Davis Drive intersection is bad. He said his criteria is how many residents are in an area and how is the area developing. He said to Councilmember Mahaffey's point, there is more development in the western part where the Olive Chapel and Barbecue intersection is.

Councilmember Gantt said it was on the edge of town, and 1/3 of those impacted would be Cary Residents. He said they could maybe do a joint project.

Councilmember Killingsworth said Cary has already done their part on that road, having widened it. She said they are waiting on Apex to do their part.

Councilmember Mahaffey said part of the problem was to make those improvements at Davis, they would likely have to acquire a home. He said at Olive Chapel they may have to acquire property, but not a home.

Councilmember Killingsworth said that was true. She said the home on the corner knows their house would have to be taken to make those improvements, but they are budgeting for it to happen five years down the road, not now.

Councilmember Mahaffey said they also have date on the number of crashes. He said he thinks the Olive Chapel intersection has more. He said he thinks it was number 8 in town.

Director Johnson said they may handle the Olive Chapel intersection in-house, but would have to contract for Davis.

Councilmember Gantt said cost/benefit would really be important for it with that.

Councilmember Killingsworth said they all agree the Olive Chapel intersection should be done because it ranked first.

Councilmember Gantt said he wanted to make sure they were thinking about everybody in their analysis.

Councilmember Killingsworth said she used to drive on Davis every day, and so she realizes how bad it can be.

Mayor Pro Tempore Gray said he was right to think about not being biased based on what they typically drive. He said Davis Drive has a longer impact backing up into Cary, and goes to Salem, Jenks and more. He said when that road is bad, it gets bad everywhere. He said he ranked it as an area that needs to be focused on.

Councilmember Gantt said he did not, but he was looking at the road and thinking about improvements. He said there are a lot of worthy projects, and he tries to think about his perception of the situation if he lived there.

Councilmember Killingsworth said it would definitely be a more complicate fix.

Councilmember Zegerman said the Davis intersection is all sorts of terrible, but he thinks it's a much larger project.

Councilmember Gantt asked if there was a long-term plan the intersection at 64. He said it's a bad exit arrangement.

Councilmember Killingsworth said it was better once it was re-striped.

Interim Town Manager Purvis said he wasn't sure there was anything DOT would do.

Councilmember Killingsworth said the plan was to replace the railroad bridge at some point, but she doesn't think it goes down to the next intersection yet.

Councilmember Gantt said he was good with the grid as-is.

Councilmember Mahaffey said they should focus on what they are going to do this year.

Interim Town Manager Purvis said they want to order things based on priority to determine where to put efforts into, even if they aren't all going to happen soon.

Director Grogan said the downtown project was an expensive one, so they continue to try to prioritize and plan for the funding.

Councilmember Gantt asked if there were any disagreements among the rankings of residents, staff, and Council that concerned them.

Councilmember Mahaffey said he thought it was interesting the Salem Downtown Streetscape didn't score a 5 among residents. He said they also probably don't understand the issues to town is facing with yard waste and transportation.

Councilmember Killingsworth said she would move the Davis Drive project higher.

Councilmember Mahaffey said the Nature Park parking lot is also a bad situation.

Councilmember Gantt said there was also disagreement among Council and staff for Community Park.

Councilmember Zegerman said part of his rankings was to build new facilities rather than do work on existing facilities. He said he wants to see Wimberly Road park get finishing before investing more into parking lots of existing parks. He said that is also more in-line with what the residents are asking for.

Councilmember Gantt said he thinks deferred maintenance often leads to worse things in the future, but building new things can definitely help in some cases.

Mayor Pro Tempore Gray said he agrees with staff with viewing it as a safety issue.

Councilmember Mahaffey asked about what order the parks need to be looked at.

Councilmember Zegerman said they keep kicking the ball down the road, but things like the turf fields with Pleasant Park can wait a little more since Pleasant Park will lighten the load on them a bit. He said maintenance is important.

Councilmember Gantt said interest in the kid's town has gone down since Pleasant Park opened. He said it's in the middle of his ranking, and every new park affects other parks a little bit.

Councilmember Mahaffey said the problem with kid's town is that a kid could get hurt. He doesn't want to get behind on that and have an injury, then they respond quickly.

Councilmember Killingsworth asked if it should be moved up in priority.

Councilmember Mahaffey said yes.

Councilmember Gantt said that would make it more even.

Councilmember Mahaffey said kid's town needs to get done, they can't keep waiting for the next year on that.

Councilmember Zegerman said he thought staff had told them it would need to be fully rebuilt.

Mayor Pro Tempore Gray said he recalls the reason for pushing back kid's town was that Pleasant Park was going to be coming online. He said that would give another option. He said they have a lot of options.

Councilmember Mahaffey said they're about to build a new bike track near Hunter Street park, hopefully the Environmental Education Center, and they can distribute some of the park dollars to kid's town.

Mayor Pro Tempore Gray said if they put the money in roads earlier, they can save themselves costs over time.

Interim Town Manager Purvis said 4 of the top 8 are transportation focused.

Director Grogan asked if they would like to make any more changes other than moving kid's town to box 2.

Mayor Gilbert declared the meeting in recess at **1:50 p.m.**

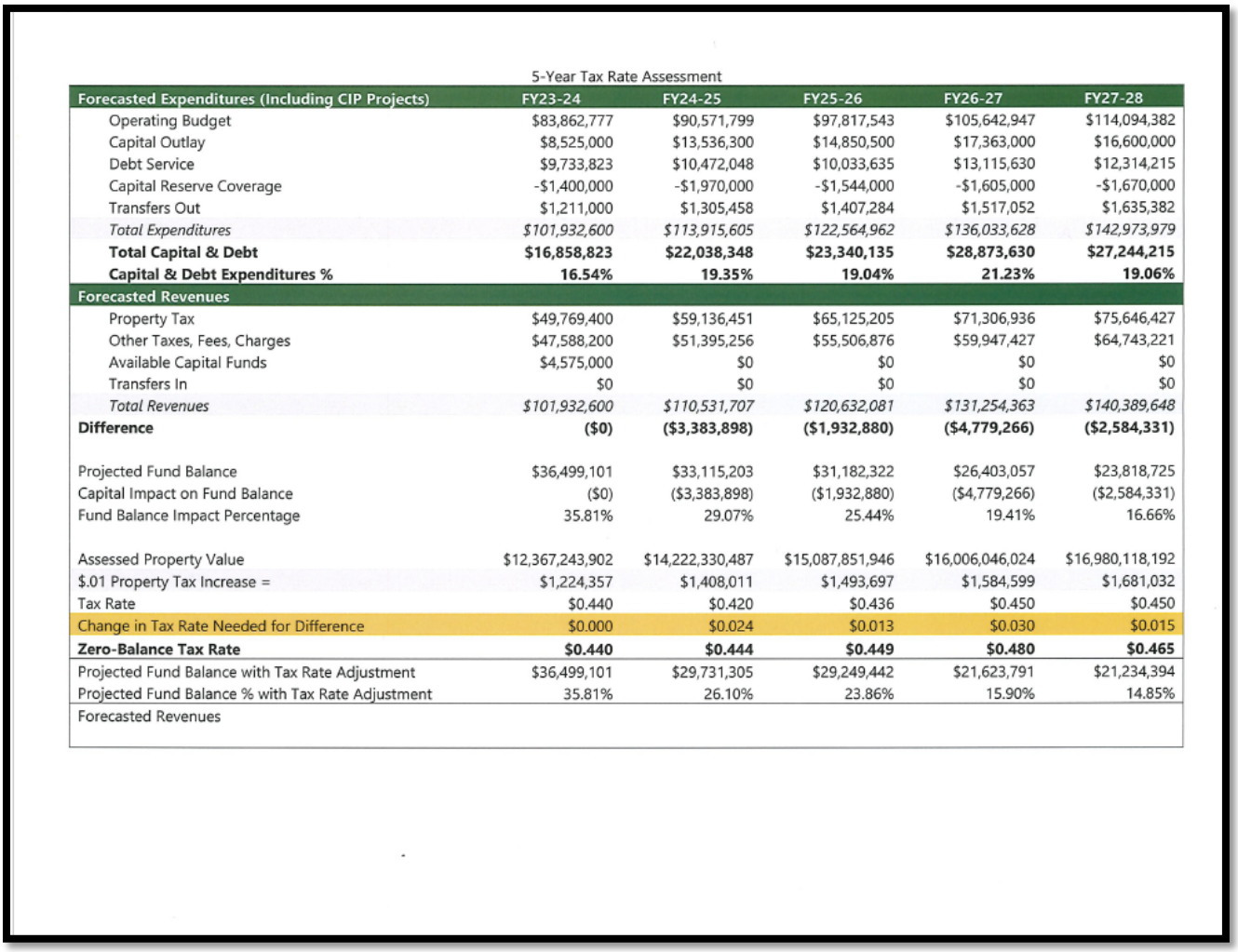
Mayor Gilbert reconvened the meeting at **2:15 p.m.**

Director Grogan gave the following presentation regarding impact of Wake County Revaluation.

[REVALUATION – SLIDE 1]



[REVALUATION – SLIDE 2]



5-Year Tax Rate Assessment

Forecasted Expenditures (Including CIP Projects)	FY23-24	FY24-25	FY25-26	FY26-27	FY27-28
Operating Budget	$83,862,777	$90,571,799	$97,817,543	$105,642,947	$114,094,382
Capital Outlay	$8,525,000	$13,536,300	$14,850,500	$17,363,000	$16,600,000
Debt Service	$9,733,823	$10,472,048	$10,033,635	$13,115,630	$12,314,215
Capital Reserve Coverage	-$1,400,000	-$1,970,000	-$1,544,000	-$1,605,000	-$1,670,000
Transfers Out	$1,211,000	$1,305,458	$1,407,284	$1,517,052	$1,635,382
Total Expenditures	*$101,932,600*	*$113,915,605*	*$122,564,962*	*$136,033,628*	*$142,973,979*
Total Capital & Debt	**$16,858,823**	**$22,038,348**	**$23,340,135**	**$28,873,630**	**$27,244,215**
Capital & Debt Expenditures %	**16.54%**	**19.35%**	**19.04%**	**21.23%**	**19.06%**
Forecasted Revenues					
Property Tax	$49,769,400	$59,136,451	$65,125,205	$71,306,936	$75,646,427
Other Taxes, Fees, Charges	$47,588,200	$51,395,256	$55,506,876	$59,947,427	$64,743,221
Available Capital Funds	$4,575,000	$0	$0	$0	$0
Transfers In	$0	$0	$0	$0	$0
Total Revenues	*$101,932,600*	*$110,531,707*	*$120,632,081*	*$131,254,363*	*$140,389,648*
Difference	**($0)**	**($3,383,898)**	**($1,932,880)**	**($4,779,266)**	**($2,584,331)**
Projected Fund Balance	$36,499,101	$33,115,203	$31,182,322	$26,403,057	$23,818,725
Capital Impact on Fund Balance	($0)	($3,383,898)	($1,932,880)	($4,779,266)	($2,584,331)
Fund Balance Impact Percentage	35.81%	29.07%	25.44%	19.41%	16.66%
Assessed Property Value	$12,367,243,902	$14,222,330,487	$15,087,851,946	$16,006,046,024	$16,980,118,192
$.01 Property Tax Increase =	$1,224,357	$1,408,011	$1,493,697	$1,584,599	$1,681,032
Tax Rate	$0.440	$0.420	$0.436	$0.450	$0.450
Change in Tax Rate Needed for Difference	$0.000	$0.024	$0.013	$0.030	$0.015
Zero-Balance Tax Rate	**$0.440**	**$0.444**	**$0.449**	**$0.480**	**$0.465**
Projected Fund Balance with Tax Rate Adjustment	$36,499,101	$29,731,305	$29,249,442	$21,623,791	$21,234,394
Projected Fund Balance % with Tax Rate Adjustment	35.81%	26.10%	23.86%	15.90%	14.85%
Forecasted Revenues					

Councilmember Zegerman asked if completing projects would help make more funds available.

Director Grogan said if they came in under budget it would.

Councilmember Zegerman said there weren't any new projects added through this, and asked if there was any reserve money in this.

Director Grogan said a lot of projects were funding through the Capital Project Fund, and this is the operating fund.

Councilmember Gantt asked if the rate could change.

Interim Town Manager Purvis said yes, but they planned for revenue neutral to help control and be able to adjust. He said there can be appeals and values can change. He said they updated the cost for projects that have been approved, and included the revaluation numbers, to show the Council the impact. He said they will still go and update the CIP.

Director Grogan said she is asking some direction in that, which will help inform the CIP. She said they will need to scale things back if certain funding is not going to be given for projects in the future.

Councilmember Mahaffey said a lot of towns will raise taxes as soon as bonds are approved by voters. He said this had an advantage of extra revenue before the debt is issued, and asked if they would support that model. He said if there's a tax raise several years after approval, residents may not remember what it was for.

Councilmember Gantt said the counter-argument to that was the shock.

Interim Town Manager Purvis said they could follow either model. He said if it was a larger number they could break it up. He said if taxes were raised ahead of time it would still go into the debt service, and not other things.

Director Grogan said they will set up so that additional tax allocation will go directly to debt service funds.

Councilmember Killingsworth said raising the tax earlier helps interest to accrue, which overall reduces the tax burden for citizens.

Interim Town Manager Purvis said these things are all included in the models they work with financial advisers on. He said he sees some cases where the tax rate may be different if done immediately or in the future.

There was discussion regarding how the model worked and how the calculations were made.

Councilmember Gantt said if they don't raise rates, they may have to push some things they want to get done down the road. He said it's a balance of what they want to do now, and what the willingness of the people to pay for those projects would be. He asked if the range in revaluation was +/- 15%.

Interim Town Manager Purvis said it's a huge range.

Councilmember Gantt said it's important to think about the impact of what each rate change may be. He asked what the standard deviation was of value changes.

Councilmember Mahaffey said he thought it would be pretty small, but had a large tail.

Councilmember Zegerman said he thinks they can model it out. He said revaluation disproportionally hits the older neighborhoods in town. He said even if the tax rate was lowered, those people would still see an overall increase in what they have to pay. He said they should look at what the impact would be for a fictional $200,000 home.

Councilmember Mahaffey said he did some analysis, and it looks like it wasn't a downward sloping line in tax increase from lower valued homes, but there was a sharp drop off in net increase with the highest value properties.

Councilmember Zegerman said it looks like the most of the impact is in the middle level of property values, and the impact on the lower end of the property values wasn't as high as he thought.

Councilmember Gantt said the costs of things have gone up so much, if they want to build all of what they want, they would need to raise taxes.

Mayor Pro Tempore Gray asked if staff had a recommendation on the tax rate.

Interim Town Manager Purvis said they will budget based on Council's decisions, and give them the data they need to determine where it would have to be in order to fund a certain level of projects at revenue-neutral. He advised to at least not go below revenue-neutral. He said he understands there is a lot of considerations for Council around this. He also mentioned how there are utility rate increases that are needed, especially for electric. He said they will come up with separate models for those, and aske them to keep those impacts in mind as well. He said they will be meeting internally soon to put those together.

Councilmember Mahaffey asked if there were other recommendations they have given outside of capital projects that may necessitate rate increases, such as program expansion.

Interim Town Manager Purvis said things like maintenance are already factored in, but they have looked at the potential need for expansion to staffing to run the programs of the town. He said last year there was more staff hired in order to run the parks programs, and will need more in the future. He said there are lots of Planning things on the horizon, and there may be considerations needed to expanding that department.

Councilmember Mahaffey asked if a tax increase offset the capital impact of the fund balance.

Director Grogan said yes.

Interim Town Manager Purvis said you wouldn't want to carry more than the policy, but they are a little lower on the policy now and may add more soon.

Councilmember Killingsworth said her suggestion was based on the 30.5 rate. She said she would like to see a 32 and a 33 analysis as well.

Councilmember Zegerman said he would like to see that and a wider upper range as well up to around 35. He said they could look at what projects become available at each level.

Mayor Pro Tempore Gray said he has been considering the increased cost of the projects as well, and would also like to see more flexibility in the modeling.

Councilmember Gantt said there is a number they would never really go to.

Director Grogan said they will get them a menu with different levels of the tax rate to help them to decide what could be funded at each rate, up to 35.

Councilmember Mahaffey asked how the staffing considerations would impact the possibilities,

Interim Town Manager Purvis said they are still evaluating that plan.

Mayor Gilbert thanked everybody for their work.

Councilmember Zegerman asked if the housing transition assistance was limited to mobile home.

Interim Town Manager Purvis said if the need arises.

Councilmember Killingsworth said she likes the idea of doing West Street Park with some of the funds, and keep the housing transition available as needed.

Councilmember Gantt asked if they still needed to follow rules regarding who they partner with.

Director Grogan said there are still rules they need to follow for who they can work with and their non-profit status. She said these funds could be moved around to allocate to other things. She said she would need to bring a budget amendment to move things around if they wanted to fund West Street Park.

Councilmember Mahaffey said he was mostly concerned with just making sure all of the ARPA funds are able to be used.

Director Grogan said staff is continually checking to make sure they are closely sticking to schedules.

Interim Town Manager Purvis said the water tank could be a contingency plan if the funding needed to get used.

Mayor Gilbert thanked staff for all of their work over the past two days.

Councilmember Zegerman also expressed appreciation in all the work they have done for this.

Councilmember Gantt said one thing that really bothers him is resident incivility being a concern on the employee survey, but he said one thing he could be sure to impact was minimizing Town Council incivility, and making sure staff feels appreciated for all their hard work. He said it was nice to see everybody in one room together since that doesn't happen often.

Mayor Pro Tempore Gray said that everybody in the room has made a dedicated effort to make Apex better. He thanked them for everything that they do, it's a lot of hard work, and everyone appreciates what they do.

Councilmember Mahaffey echoed what Mayor Pro Tempore Gray said, and said this was one of his favorite meetings of the year. He said there are some tough conversations, but he enjoys speaking with everyone.

Councilmember Killingsworth said it's been an honor to be on Council for the past 6 years, and she appreciates the amount of talent and creativity among staff, and enjoys seeing them grow over the years.

Mayor Gilbert invited Council to join him in a round of applause for staff.

[ADJOURNMENT]

Mayor Gilbert adjourned the meeting at **3:15 p.m.**

Jacques K. Gilbert
Apex, Mayor

Allen Coleman, CMC, NCCCC
Apex Town Clerk

Submitted for approval by Apex Town Clerk Allen Coleman.

Minutes approved on 9th of April, 2024 (CN8).

APPROVED

TOWN OF APEX
TOWN COUNCIL WORK SESSION
TUESDAY, FEBRUARY 20, 2024
3:30 P.M.

The Apex Town Council met for a work session on Tuesday, February 20, 2024 at 3:30 p.m. at the Apex Town Hall located at 73 Hunter Street in Apex North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel: https://www.youtube.com/watch?v=Tq17QonOp1g

Elected Body
Mayor Jacques K. Gilbert (presiding)
Mayor Pro-Tempore Ed Gray
Councilmember Terry Mahaffey
Councilmember Audra Killingsworth *(arrived late; see note below*)

Absent: Councilmember Brett Gantt
Councilmember Arno Zegerman

Town Staff
Interim Town Manager Shawn Purvis
Assistant Town Manager Demetria John
Assistant Town Manager Marty Stone
Town Attorney Laurie Hohe *(attended via teams)*
Town Clerk Allen Coleman

All other staff members will be identified appropriately below.

[COMMENCMENT]

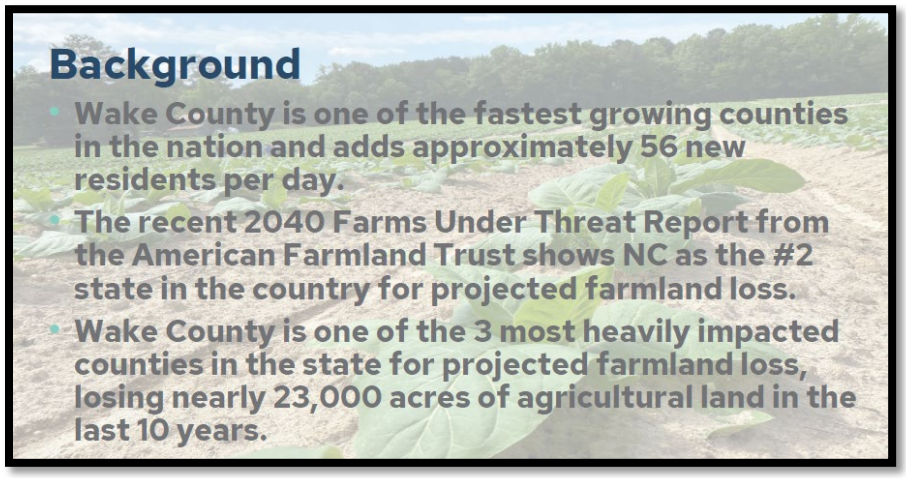
[ADDED - AGENDA ITEM NO. 1 – WAKE COUNTY FARMLAND PRESERVATION PROGRAM PRESENTATION]

Mayor Gilbert said he's going to wait until Councilmember Killingsworth arrives to make the meeting official. He suggested to proceed and he introduced Loren Hendrickson, Wake County Farmland Preservation Coordinator, and Trevor Hyde, Wake County Cooperative Extension Agent for Local Food Systems, to start their presentation on Wake County Farmland Preservation Program.

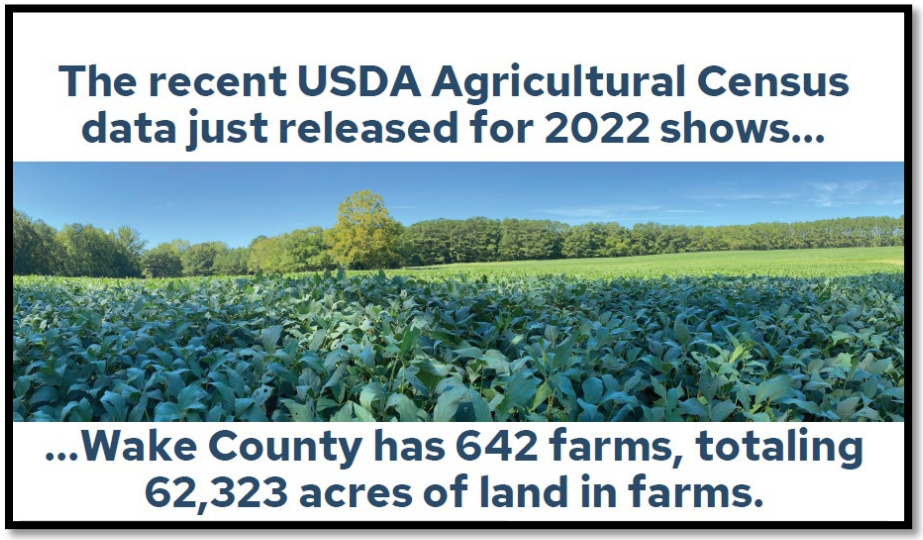
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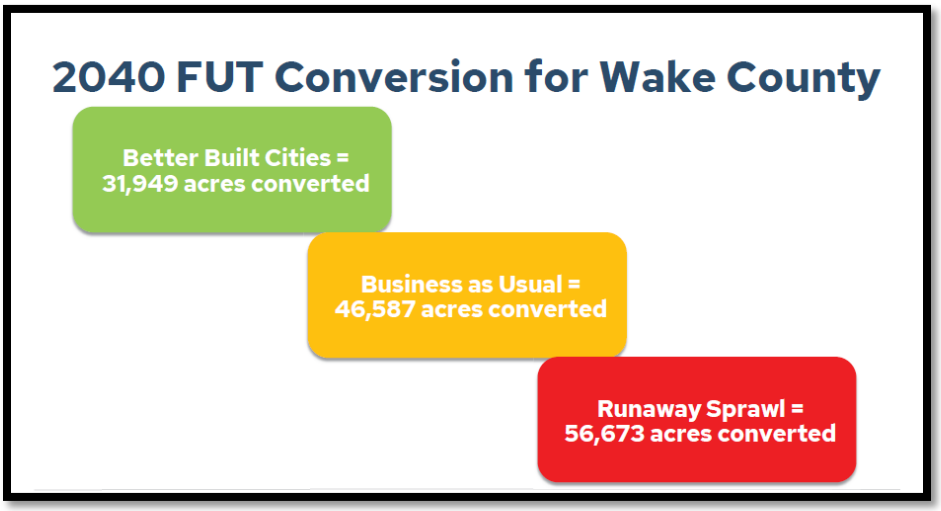
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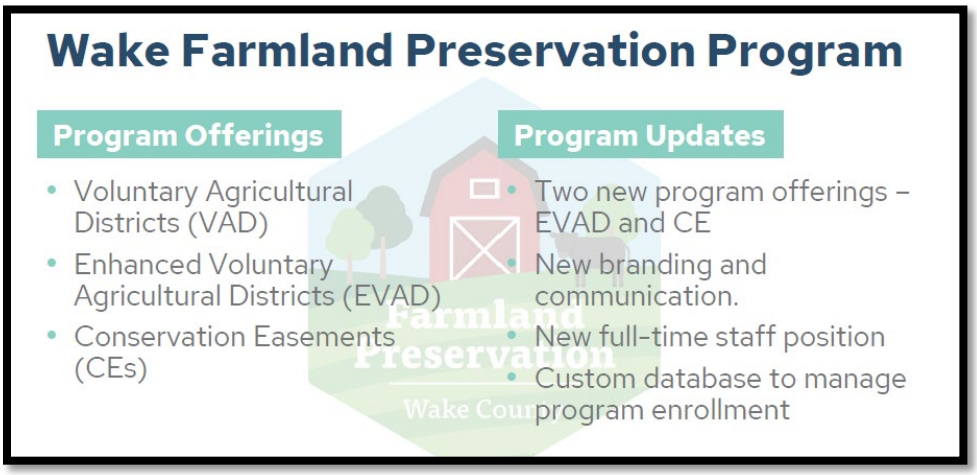
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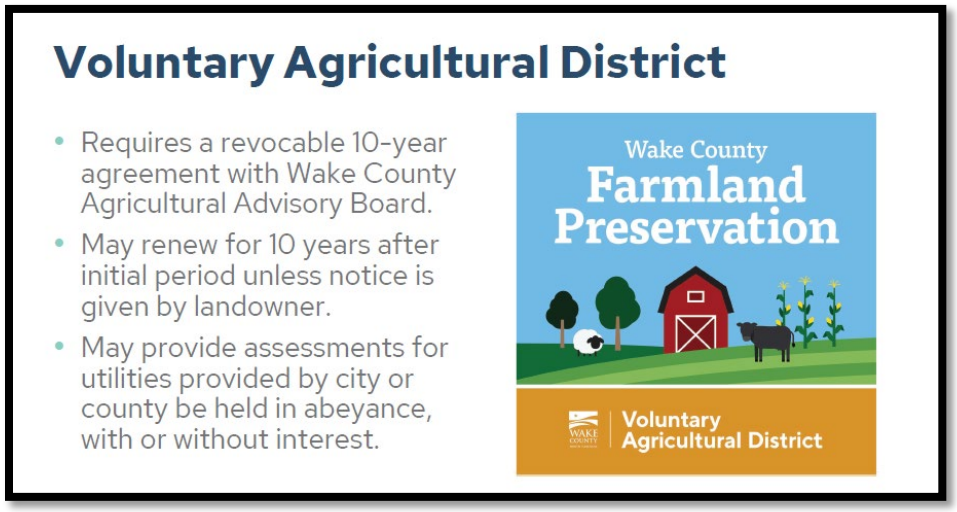
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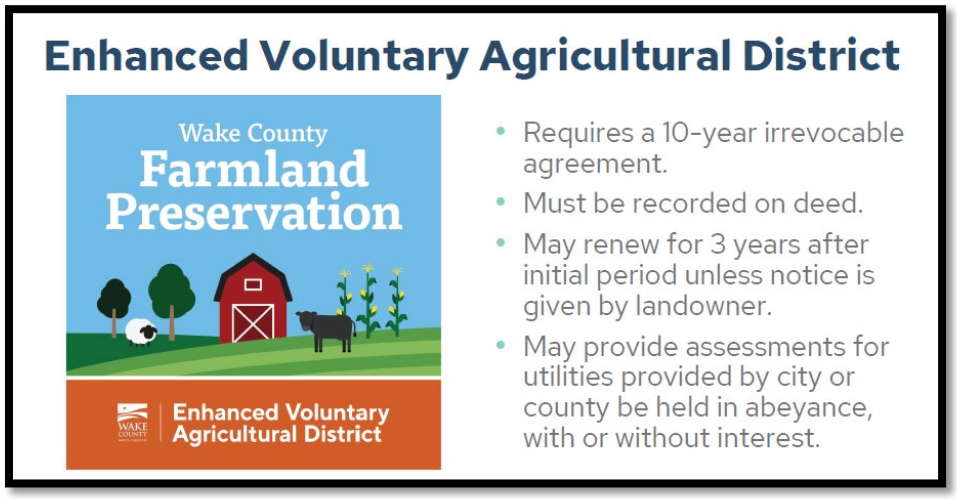
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[SLIDE-7]



[SLIDE-8]



[SLIDE-9]



[SLIDE-10]

Getting Serious about Conservation

- In March of 2023, Wake BOC approved the use of deferred tax dollars from PUV rollback to fund permanent conservation easements.
- $4.2 million committed for farmland preservation largest in the state and southeast.
- All $4.2 million has been either spent or allocated to future projects.

Farmland Preservation
Wake County

[SLIDE-11]

Two Successful Closings





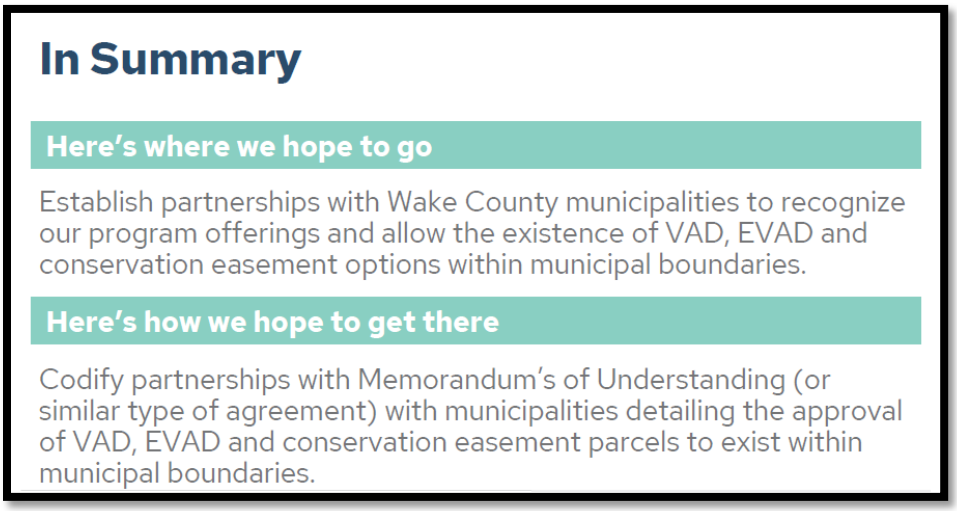
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Early Success



- Since the program was established in February 2023, our office has approved:
  - 1,376 acres of additional land for VAD (VAD total is 12,559 acres)
  - 128 acres of EVAD
  - 2 conservation easements totaling 246 acres
  - Submittal of 7 applications for future conservation easement funding

[SLIDE-13]



[SLIDE-14]



Councilmember Mahaffey thanked them for coming said this is great information. He asked why would someone want to opt into this program and asked if there are any incentives of the Voluntary Agricultural District (VAD).

Mr. Hendrickson said public hearings have come up more frequently and it's affecting any utility roadway projects which affect the land owners. He said with VAD it gives the opportunity to know what changes are going on around the land owners. He said it would also show VAD highlighted on the iMaps map as well. He said it also useful for nuisance management, to let people know there may noises and smells associated with farms.

Mr. Hyde said there is no cost associated to enroll in the VAD program for land owners.

Councilmember Mahaffey asked why would someone move from the Voluntary Agricultural District (VAD) to the Enhanced Voluntary Agricultural District because then the land owner would have to record a deed restriction.

Mr. Hendrickson said the two big differences are one its entities the farmer to a higher rate of cost shares. He said if you're a farmer and worked with Wake County on any conservation projects, it allows you to receive more money from being in the Enhancement VAD Program. It also helps with filling out a grant application and cost sharing criteria. He said being in the Enhancement VAD program will allow you to sell a higher percentage of non-farm goods and still qualify as a bona fide farm.

Councilmember Mahaffey asked to clarify a sentence that states, "May provide assessments for utilities provided by city or county be held in abeyance, with or without interest".

Mr. Hendrickson said it's more statutory language, but hints to the protection and public hearings requirements.

Mayor Pro-Tempore Gray asked what is our definition of a farm. He said is it the statutory definition of what is North Carolina has. He asked to be a part of VAD, EVAD and the Conservation District Program, do you have to be an existing farm now.

Mr. Hendrickson said, mostly yes. He said when Wake County Farmland Preservation assess property the criteria mirror the bona fide farm statute at state level. He said they need to be in production before enrolling.

Mayor Pro-Tempore Gray asked can three or four partial owners come together that maintain farm land.

Mr. Hyde said it would depend on the size of the land. He said these have specific size minimums. He said he will provide information on other options for smaller parcels.

Mayor Pro-Tempore Gray said he wanted to clarify if this is not for vegetable production.

Mr. Hendrickson said anything that meets the state agriculture definition would apply.

Mayor Pro-Tempore Gray said what about commercially owned versus family owned property.

Mr. Hendrickson said there are no guidelines on ownership. He said almost all of their VAD parcels are smaller, family farms.

Mr. Hyde said some municipalities have established their own definition on what counts as a farm. He said the Town can construct a Memorandum of Understanding (MOU) and construct their own rules within town limits and Wake County Farmland Preservation can help staff create those policies and can bring back at a later date to propose for adoption if Council chose to go that direction.

Councilmember Mahaffey asked if they had an MOU template already established to look at ahead of time.

Mr. Hyde said yes.

Mayor Gilbert asked if anyone had any other questions.

Councilmember Mahaffey said he would love to learn more and see how the town can support the program.

Mr. Hendrickson said this would be the first MOU they have established with any municipality.

Mayor Gilbert called for a brief recess.

Councilmember Killingsworth arrived at 4:16 p.m.

Mayor Gilbert called the Work Session to order, and led in a recitation of the Pledge of Allegiance.

[AGENDA ITEM NO. 1 – TOWN FACILITY SOLAR STUDY]

Daniel Edwards, Senior Capital Projects Manager, gave an overview of the Town's Facility Solar Feasibility study report.

[TABLE-1 – TABLE 1- TOWN OF APEX FACILITIES-EXISTING FACILITY INFORMATION]

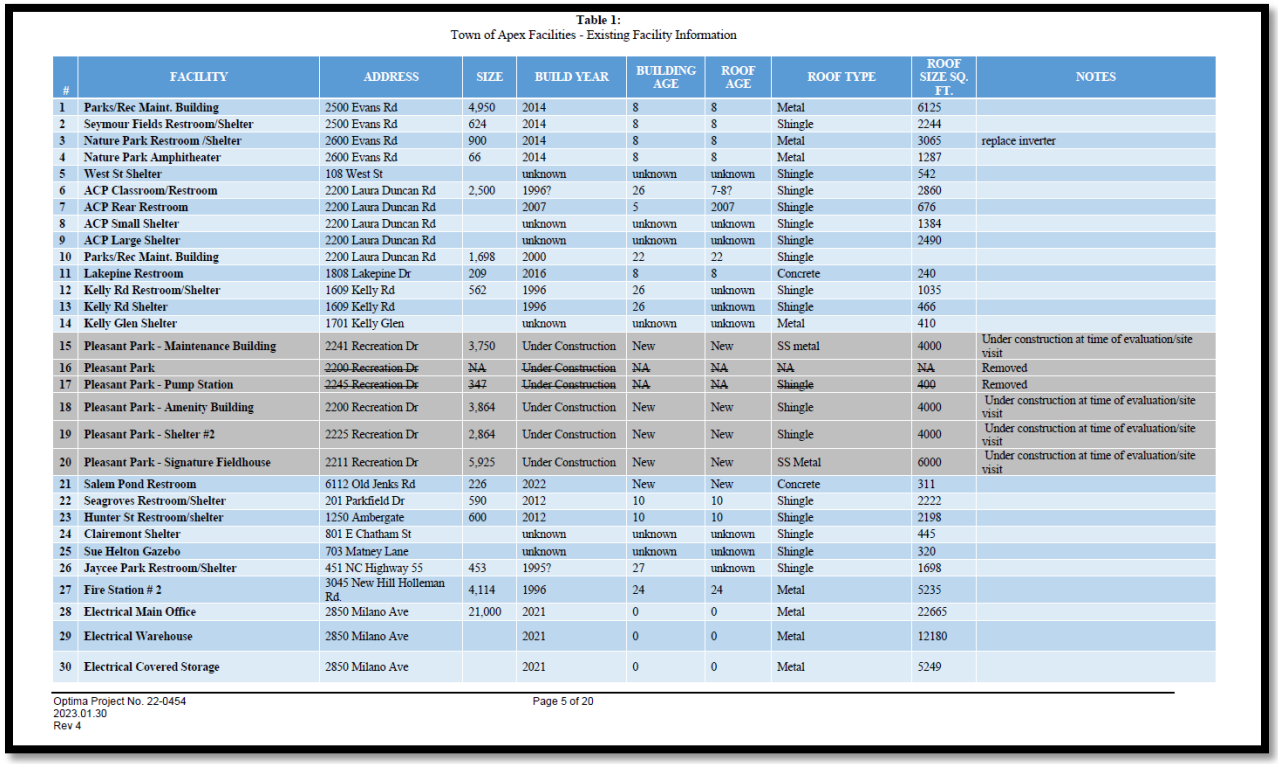


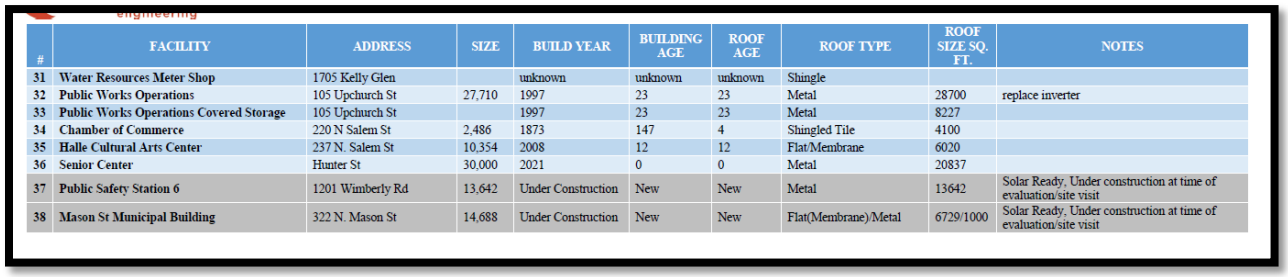
Table 1:
Town of Apex Facilities - Existing Facility Information

#	FACILITY	ADDRESS	SIZE	BUILD YEAR	BUILDING AGE	ROOF AGE	ROOF TYPE	ROOF SIZE SQ. FT.	NOTES
1	Parks/Rec Maint. Building	2500 Evans Rd	4,950	2014	8	8	Metal	6125	
2	Seymour Fields Restroom/Shelter	2500 Evans Rd	624	2014	8	8	Shingle	2244	
3	Nature Park Restroom /Shelter	2600 Evans Rd	900	2014	8	8	Metal	3065	replace inverter
4	Nature Park Amphitheater	2600 Evans Rd	66	2014	8	8	Metal	1287	
5	West St Shelter	108 West St		unknown	unknown	unknown	Shingle	542	
6	ACP Classroom/Restroom	2200 Laura Duncan Rd	2,500	1996?	26	7-8?	Shingle	2860	
7	ACP Rear Restroom	2200 Laura Duncan Rd		2007	5	2007	Shingle	676	
8	ACP Small Shelter	2200 Laura Duncan Rd		unknown	unknown	unknown	Shingle	1384	
9	ACP Large Shelter	2200 Laura Duncan Rd		unknown	unknown	unknown	Shingle	2490	
10	Parks/Rec Maint. Building	2200 Laura Duncan Rd	1,698	2000	22	22	Shingle		
11	Lakepine Restroom	1808 Lakepine Dr	209	2016	8	8	Concrete	240	
12	Kelly Rd Restroom/Shelter	1609 Kelly Rd	562	1996	26	unknown	Shingle	1035	
13	Kelly Rd Shelter	1609 Kelly Rd		1996	26	unknown	Shingle	466	
14	Kelly Glen Shelter	1701 Kelly Glen		unknown	unknown	unknown	Metal	410	
15	Pleasant Park - Maintenance Building	2241 Recreation Dr	3,750	Under Construction	New	New	SS metal	4000	Under construction at time of evaluation/site visit
16	Pleasant Park	~~2200 Recreation Dr~~	~~NA~~	~~Under Construction~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	Removed
17	Pleasant Park - Pump Station	~~2245 Recreation Dr~~	~~347~~	~~Under Construction~~	~~NA~~	~~NA~~	~~Shingle~~	~~400~~	Removed
18	Pleasant Park - Amenity Building	2200 Recreation Dr	3,864	Under Construction	New	New	Shingle	4000	Under construction at time of evaluation/site visit
19	Pleasant Park - Shelter #2	2225 Recreation Dr	2,864	Under Construction	New	New	Shingle	4000	Under construction at time of evaluation/site visit
20	Pleasant Park - Signature Fieldhouse	2211 Recreation Dr	5,925	Under Construction	New	New	SS Metal	6000	Under construction at time of evaluation/site visit
21	Salem Pond Restroom	6112 Old Jenks Rd	226	2022	New	New	Concrete	311	
22	Seagroves Restroom/Shelter	201 Parkfield Dr	590	2012	10	10	Shingle	2222	
23	Hunter St Restroom/shelter	1250 Ambergate	600	2012	10	10	Shingle	2198	
24	Clairemont Shelter	801 E Chatham St		unknown	unknown	unknown	Shingle	445	
25	Sue Helton Gazebo	703 Matney Lane		unknown	unknown	unknown	Shingle	320	
26	Jaycee Park Restroom/Shelter	451 NC Highway 55	453	1995?	27	unknown	Shingle	1698	
27	Fire Station # 2	3045 New Hill Holleman Rd.	4,114	1996	24	24	Metal	5235	
28	Electrical Main Office	2850 Milano Ave	21,000	2021	0	0	Metal	22665	
29	Electrical Warehouse	2850 Milano Ave		2021	0	0	Metal	12180	
30	Electrical Covered Storage	2850 Milano Ave		2021	0	0	Metal	5249	

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[TABLE-1 CONT. – TABLE 1- TOWN OF APEX FACILITIES-EXISTING FACILITY INFORMATION]



#	FACILITY	ADDRESS	SIZE	BUILD YEAR	BUILDING AGE	ROOF AGE	ROOF TYPE	ROOF SIZE SQ. FT.	NOTES
31	Water Resources Meter Shop	1705 Kelly Glen		unknown	unknown	unknown	Shingle		
32	Public Works Operations	105 Upchurch St	27,710	1997	23	23	Metal	28700	replace inverter
33	Public Works Operations Covered Storage	105 Upchurch St		1997	23	23	Metal	8227	
34	Chamber of Commerce	220 N Salem St	2,486	1873	147	4	Shingled Tile	4100	
35	Halle Cultural Arts Center	237 N. Salem St	10,354	2008	12	12	Flat/Membrane	6020	
36	Senior Center	Hunter St	30,000	2021	0	0	Metal	20837	
37	Public Safety Station 6	1201 Wimberly Rd	13,642	Under Construction	New	New	Metal	13642	Solar Ready, Under construction at time of evaluation/site visit
38	Mason St Municipal Building	322 N. Mason St	14,688	Under Construction	New	New	Flat(Membrane)/Metal	6729/1000	Solar Ready, Under construction at time of evaluation/site visit

[TABLE-1 – TOWN OF APEX FACILLITIES – UTILITY INFORMATION]

Table 2:
Town of Apex Facilities - Utility Information

#	FACILITY	UTILITY TRANSFORMER	BUILDING SERVICE	METER #	PEAK DEMAND (KW)	MAX ANNUAL USAGE (KWH)	ELECTRICAL SERVICE	BASE CHARGE	ELECTRICAL RATE PER (KWH)	DEMAND CHARGE	NOTES
1	Parks/Rec Maint. Building	Underground	120/240V 1PH, 600A	10261185	17.1	64,200	Small General Service	$ 27.00	$ 0.0966		
2	Seymour Fields Restroom/Shelter	Underground	120/240V 1PH, 200A	10271850	8.752	10,650	Small General Service	$ 27.00	$ 0.0966		
3	Nature Park Restroom /Shelter	Underground	120/240V 1PH, 200A	10038576	12.932	25,042	Small General Service	$ 27.00	$ 0.0966		Existing PV
4	Nature Park Amphitheater	Underground	(2) 120/240V 1PH, 200A	15825638	1.752	4,391	Small General Service	$ 27.00	$ 0.0966		
5	West St Shelter	NA	None	NA					$ 0.0966		
6	ACP Classroom/Restroom	Underground	120/240V 1PH, 200A	10271847	13.14	35,246	Small General Service	$ 27.00	$ 0.0966		
7	ACP Rear Restroom	Underground	120/240V 1PH, 100A	10278881	49	101,509	Small General Service	$ 27.00	$ 0.0966		Multiple Services
8	ACP Small Shelter	NA	No panel, Powered lights & rec	same as above	-	-					Multiple Services
9	ACP Large Shelter	NA	No panel, Powered lights & rec	same as above	-	-					Multiple Services
10	Parks/Rec Maint. Building	Overhead	120/240V 1PH,200A	10278863	15.656	43,017	Small General Service	$ 27.00	$ 0.0966		
11	Lakepine Restroom	Underground	120/240V 1PH, 200A	20170093	8.864	12,819	Small General Service	$ 27.00	$ 0.0966		
12	Kelly Rd Restroom/Shelter	Underground	120/240V 1PH, 125A	10261181	54.54	43,640	Small General Service	$ 27.00	$ 0.0966		
13	Kelly Rd Shelter	NA	None	NA	-	-					
14	Kelly Glen Shelter	NA	None	NA	-	-					
15	Pleasant Park - Maintenance Building	New (unknown)									Under construction at time of this report
16	Pleasant Park	NA									
17	Pleasant Park - Pump Station	NA									
18	Pleasant Park - Amenity Building	New (unknown)									Under construction at time of this report
19	Pleasant Park - Shelter #2	New (unknown)									Under construction at time of this report
20	Pleasant Park - Signature Fieldhouse	New (unknown)									Under construction at time of this report
21	Salem Pond Restroom	Underground	120/240V 1PH, 100A	20023138	19.576	8,786	Small General Service	$ 27.00	$ 0.0966		
22	Seagroves Restroom/Shelter	Underground	120/240V 1PH,	12722375	10.832		Small General	$ 27.00	$ 0.0966		

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[TABLE-1 CONT. – TOWN OF APEX FACILLITIES – UTILITY INFORMATION]

#	FACILITY	UTILITY TRANSFORMER	BUILDING SERVICE	METER #	PEAK DEMAND (KW)	MAX ANNUAL USAGE (KWH)	ELECTRICAL SERVICE	BASE CHARGE	ELECTRICAL RATE PER (KWH)	DEMAND CHARGE	NOTES
			200A			30,472	Service				
23	Hunter St Restroom/shelter	Underground	120/240V 1PH, 200A	12722415	11.82	22,472	Small General Service	$ 27.00	$ 0.0966		
24	Clairemont Shelter	NA	None	NA	-	-					
25	Sue Helton Gazebo	NA	None	NA	-	-					
26	Jaycee Park Restroom/Shelter	Underground	120/240V 1PH, 40A, No space left	10038614	47.296	32,286	Small General Service	$ 27.00	$ 0.0966		Service Panel in sight of shelter
27	Fire Station # 2	Overhead	120/240V 1PH, 400A,Gen backed	325393878	19	4,663	Small General Service (large)	$ 21.00	$ 0.12546		Duke Energy
28	Electrical Main Office	Underground	120/208V 3PH, 1000A, Gen backed	30906009	118.23	337,520	Large General Service	$ 350.00	$ 0.0451	$ 20.18	Multiple Services
29	Electrical Warehouse	Underground	120/208V 3PH, 500A, feed from main, Gen backed	same as above	-	-					Multiple Services
30	Electrical Covered Storage	Underground	120/208V 3PH, 125A, feed from main, Gen backed	same as above	-	-					Multiple Services
31	Water Resources Meter Shop	Underground	277/480V 3PH, 250A		-	-	Large General Service	$ 350.00	$ 0.0451	$ 20.18	
32	Public Works Operations	Underground	120/208V 3PH, 1200A	10434375	117.28	215,600	Large General Service	$ 350.00	$ 0.0451	$ 20.18	Existing PV
33	Public Works Operations Covered Storage	Underground	277/480V 3PH, 400A	10434405	36.7	64,300	Medium General Service	$ 90.00	$ 0.0788	$ 8.20	
34	Chamber of Commerce	Overhead	120/240V 1PH, 200A	10271884	12.116	21,045	Small General Service	$ 27.00	$ 0.0966		Historical building, Special tile
35	Halle Cultural Arts Center	Overhead	120/208V 3PH, 1200A	10434352	97.76	310,560	Large General Service	$ 350.00	$ 0.0451	$ 20.18	
36	Senior Center	Underground	120/208V 3PH, 2000A	19045451	83.85	236,630	Large General Service	$ 350.00	$ 0.0451	$ 20.18	
37	Public Safety Station 6	New (unknown)									Under construction at time of this report
38	Mason St Municipal Building	New (unknown)									Under construction at time of this report

Assistant Town Manager Stone said he recommended looking at putting solar at all the sites, and if it can produce some solar, how much it would cost. He said these tables would be the breakdown if there were solar at these sites.

Councilmember Killingworth asked if maintenance cost is a yearly or over the life of the 25 years.

Mr. Edwards said he believes it's 25 years.

[TABLE-3 – TOWN OF APEX FACILITIES-SITE INVESTIGATION]

Table 3:
Town of Apex Facilities - Site Investigation

#	FACILITY	CAN WE ADD SOLAR TO ROOF? (REFER TO HELIOSCOPE ANALYSIS)	SOLAR CONNECTION POINT	WOULD NEW/UPGRADED ELECTRICAL SERVICE BE REQUIRED?	WOULD NEW ROOF BE REQUIRED/ RECOMMENDED?	ARE TREES/ OBSTRUCTIONS AN ISSUE OF SHADING?	NOTES
1	Parks/Rec Maint. Building	Yes	Panel	No	No	Yes	Has shading issues, Trees around building should be removed.
2	Seymour Fields Restroom/Shelter	Yes	Panel	No	Yes	No	Would need to upgrade shingled roof
3	Nature Park Restroom /Shelter	No	-	-	-	-	Has existing Solar and no other area is available. Areas that are available are not ideal
4	Nature Park Amphitheater	Yes	Panel	No	No	No	Building orientation is not ideal
5	West St Shelter	No	None	Yes	Yes	Yes	No power, covered by trees, small footprint for panels, and shingled roof, structural deterioration
6	ACP Classroom/Restroom	No	Panel	No	Yes	Yes	Covered by trees and on shingled roof, Roof areas for mounting and orientation is not practical
7	ACP Rear Restroom	No	Panel	No	Yes	Yes	Building orientation is not ideal, small footprint for panels and shingled roof
8	ACP Small Shelter	No	None	Yes	Yes	Yes	No power, covered by trees, and shingled roof, structural deterioration
9	ACP Large Shelter	No	None	Yes	Yes	Yes	No power, covered by trees, and shingled roof, structural deterioration
10	Parks/Rec Maint. Building	Yes	Panel	No	Yes	Yes	Covered by trees and on a shingled roof. Would be good if trees and roof were addressed.
11	Lakepine Restroom	No	Panel	No	No	Yes	Has shading issues, building orientation is not ideal, too small footprint for panels, and a concrete roof
12	Kelly Rd Restroom/Shelter	Yes	Panel	No	Yes	Yes	Has shading issues, building orientation is not ideal, and has shingled roof
13	Kelly Rd Shelter	No	XFM	Yes	Yes	No	No power, Require ductbank, and Shingled Roof, structural deterioration
14	Kelly Glen Shelter	No	XFM	Yes	No	No	No power, Require ductbank
15	Pleasant Park - Maintenance Building	Yes	Panel	No	No	Yes	No utility info, building orientation is not ideal, and shading is an issue. Under constructed at the time of this report
16	Pleasant Park	NA	NA	NA	NA	NA	
17	Pleasant Park - Pump Station	NA	NA	NA	NA	NA	
18	Pleasant Park - Amenity Building	NA	NA	NA	NA	NA	Under construction at the time of this report, No utility info, No building info, to perform layout
19	Pleasant Park - Shelter #2	Yes	Panel	No	No	No	No utility info, New shingled roof, Under constructed at the time of this report
20	Pleasant Park - Signature Fieldhouse	Yes	Panel	No	No	No	No utility info, New metal Roof but Orientation would be on parking lot side Under constructed at the time of this report
21	Salem Pond Restroom	No	Panel	No	No	Yes	Has shading issues, building orientation is not ideal, too small footprint for panels, and a concrete roof
22	Seagroves Restroom/Shelter	Yes	Panel	No	Yes	No	Would need to upgrade shingled roof
23	Hunter St Restroom/shelter	Yes	Panel	No	Yes	Yes	Has minor shading issues, building orientation is not ideal, and Shingled Roof. Would need to upgrade shingled roof

[TABLE-3 CONT. – TOWN OF APEX FACILITIES-SITE INVESTIGATION]

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#	FACILITY	CAN WE ADD SOLAR TO ROOF? (REFER TO HELIOSCOPE ANALYSIS)	SOLAR CONNECTION POINT	WOULD NEW/UPGRADED ELECTRICAL SERVICE BE REQUIRED?	WOULD NEW ROOF BE REQUIRED/ RECOMMENDED?	ARE TREES/ OBSTRUCTIONS AN ISSUE OF SHADING?	NOTES
24	Clairemont Shelter	No	None	Yes	Yes	Yes	No power, has shading issues, building orientation is not ideal, too small footprint for panels, and a shingled Roof
25	Sue Helton Gazebo	No	None	Yes	Yes	Yes	No power, has shading issues, building orientation is not ideal, too small footprint for panels, and a shingled Roof
26	Jaycee Park Restroom/Shelter	Yes	XFM	Yes	Yes	Yes	Has shading issues, building orientation is not ideal, would need to upgrade service or ductbank,and a shingled Roof. In addition, wood rot on building is significant.
27	Fire Station # 2	Yes	Utility XFM, Gen backed	No	No	No	Building orientation is not ideal, would require ductbank to utility or work around Generator, No utility info, Duke only provided Total Annual Consumption and Peak
28	Electrical Main Office	Yes	Utility XFM, Gen backed	No	No	No	Front of Main Building is best but may not be allowed, and other building orientations are not ideal. If KW is higher than load we could not connect to panels because the site is generator backed up and panels would backfeed into gen. Would only recommend if KW is lower than load. service disconnect would need to be next to utility and ductbank would impact payback.
29	Electrical Warehouse	Yes	Utility XFM, Gen backed	No	No	No	Feed from Main office, building orientation is not ideal
30	Electrical Covered Storage	Yes	Utility XFM, Gen backed	No	No	No	Feed from Main office, building orientation is not ideal
31	Water Resources Meter Shop	Yes	Panel	No	Yes	Yes	No utility info, building orientation is not ideal, shingled roof, and shading is minor issue
32	Public Works Operations	Yes	Panel	No	No	Yes	Would only provide on main part, Shading is an issue with rest, Building Orientation is not ideal. Removing trees would help on parts of building
33	Public Works Operations Covered Storage	Yes	Panel	No	No	No	Building orientation is not ideal
34	Chamber of Commerce	No	Panel	No	No	No	Historical Building, building orientation is not ideal, and special Roof would not allow attachment of panels
35	Halle Cultural Arts Center	Yes	Panel	No	No	Yes	Would be a ballasted system and only a couple panels and would not off set much. Roof equipment has shading
36	Senior Center	Yes	Panel	No	No	No	Areas that are available are not ideal
37	Public Safety Station 6	Yes	Panel	No	No	No	Under construction at the time of this report. Drawings were provided, No utility info
38	Mason St Municipal Building	Yes	Panel	No	No	No	Under construction at the time of this report. Drawings were provided, No utility info

[TABLE-4 – TOWN OF APEX FACILITIES-STRUCTURAL ANALYSIS]

Table 4:
Town of Apex Facilities – Structural Analysis

#	FACILITY	STRUCTURAL ROOF SYSTEM	STRUCTURAL CONDITION	WOULD STRUCTURAL BE IMPACTED IF SOLAR WAS ADDED? (BASED ON 3 LBS/SQFT OR LESS)	STRUCTURAL REQUIREMENTS FOR ADDED SOLAR	WILL STRUCTURAL BE MAJOR OR MINOR?	POTENTIAL STRUCTURAL COST ESTIMATE FOR ADDITION OF SOLAR	STRUCTURAL NOTES
1	Parks/Rec Maint. Building	Steel purlins with steel deck	Average	No	None	None		
2	Seymour Fields Restroom/Shelter	Gluelam Arches with T&G decking	Average	No	None	None		
4	Nature Park Amphitheater	Gluelam Beams with T&G decking	Average	No	None	None		
10	Parks/Rec Maint. Building	Hard Ceiling No Attic Access - likely wood trusses with Plywod Deck	Can not be determined at this time	No	None	None		
12	Kelly Rd Restroom/Shelter	Heavy Timber, Gluelam arches with T&G decking	Visible deterioration	No	Replacement of deteriorated wood members	Major	$10,000	Major changes to the structure for solar is not likely. Do not recommend
15	Pleasant Park - Maintenance Building	Wood trusses with plywood deck	New	No	None	None		
19	Pleasant Park - Shelter #2	Heavy Timber with T&G decking	New	No	None	None		
20	Pleasant Park - Signature Fieldhouse		New	No	None	None		
22	Seagroves Restroom/Shelter	Heavy Timber with T&G decking	Average	No	None	None		
23	Hunter St Restroom/shelter	Heavy Timber with T&G decking	Old	No	None	None		
26	Jaycee Park Restroom/Shelter	Heavy Timber with T&G decking	Visible deterioration	No	Replacement of deteriorated wood members	Major	$10,000	Major changes to the structure for solar is not likely. Do not recommend
27	Fire Station # 2	PEMB with Steel purlins and steel deck	Average	No	None	None		
28	Electrical Main Office	PEMB with Steel purlins and steel deck	Average	No	None	None		
29	Electrical Warehouse	PEMB with Steel purlins and steel deck	Average	No	None	None		
30	Electrical Covered Storage	PEMB with Steel purlins and steel deck	Average	No	None	None		

[TABLE-4 CONT. – TOWN OF APEX FACILITIES-SITE INVESTIGATION]

#	FACILITY	STRUCTURAL ROOF SYSTEM	STRUCTURAL CONDITION	WOULD STRUCTURAL BE IMPACTED IF SOLAR WAS ADDED? (BASED ON 3 LBS/SQFT OR LESS)	STRUCTURAL REQUIREMENTS FOR ADDED SOLAR	WILL STRUCTURAL BE MAJOR OR MINOR?	POTENTIAL STRUCTURAL COST ESTIMATE FOR ADDITION OF SOLAR	STRUCTURAL NOTES
31	Water Resources Meter Shop	Hard Ceiling No Attic Access - likely wood trusses with Plywod Deck	Can not be determined at this time	No	None	None		
32	Public Works Operations	PEMB with Steel joist and purlins and steel deck	Surface Rust Noted	No	None	None		
33	Public Works Operations Covered Storage	PEMB with Steel purlins and steel deck	Average	No	None	None		
35	Halle Cultural Arts Center	Steel joists with steel deck	Average	Yes	Additional miscellaneous steel and possible joist reinforcement likely required	Minor	$15,000	Ballasted System will likely be up to 7 lb/sqft
36	Senior Center	Steel joists with steel deck	Average	No	None	None		
37	Public Safety Station 6	Cold Formed Trusses w/ steel decking	New	No	None	None		
38	Mason St Municipal Building	Steel joists with steel deck	New	No	None	None		LM design the structure. Solar was included in design

[TABLE-5 – TOWN OF APEX FACILITIES-SOLAR ANALYSIS]

Table 5:
Town of Apex Facilities – Solar Analysis

#	FACILITY	UTILITY PEAK (KW AC)	RACKING TYPE	SYSTEM SOLAR SIZE (KW AC)	SYSTEM SOLAR SIZE (KW DC)	LOAD RATIO	MAX ANNUAL PRODUCTION (MWH)	APPROXIMATE CAPITAL COST ($)	25YR LEVELIZED COST OF ENERGY ($/KWHR)	ANNUAL ENERGY SAVINGS ($)	NOTES
1	Parks/Rec Maint. Building	17.1	Flush	9.1	11.6	1.27	15.9	$ 34,800.00	0.14	$ 1,535.94	
2	Seymour Fields Restroom/Shelter	8.752	Flush	3.8	4.9	1.29	6.9	$ 14,700.00	0.14	$ 666.54	
4	Nature Park Amphitheater	1.752	Flush	9.1	11.6	1.27	14.5	$ 34,800.00	0.16	$ 1,400.70	
10	Parks/Rec Maint. Building	15.656	Flush	2.7	3.4	1.26	4.7	$ 10,200.00	0.15	$ 454.02	Additional Panels could be adding if shading was addressed
12	Kelly Rd Restroom/Shelter	54.54	Flush	3.8	4.9	1.29	6.4	$ 14,700.00	0.15	$ 618.24	Additional Panels could be adding if shading was addressed
15	Pleasant Park - Maintenance Building	0	Flush	8.4	10.7	1.27	14	$ 32,100.00	0.15	$ -	No utility info for production savings
19	Pleasant Park - Shelter #2	0	Flush	9.1	11.6	1.27	12.4	$ 34,800.00	0.19	$ -	No utility info for production savings
20	Pleasant Park - Signature Fieldhouse	0	Flush	11.4	14.6	1.28	19.9	$ 43,800.00	0.14	$ -	No utility info for production savings
22	Seagroves Restroom/Shelter	10.832	Flush	5.7	7.3	1.28	10.3	$ 21,900.00	0.14	$ 994.98	
23	Hunter St Restroom/shelter	11.82	Flush	5.7	7.3	1.28	9.3	$ 21,900.00	0.16	$ 898.38	
26	Jaycee Park Restroom/Shelter	47.296	Flush	3.8	4.9	1.29	6.9	$ 14,700.00	0.14	$ 666.54	Additional Panels could be adding if shading was addressed
27	Fire Station # 2	19	Flush	19.8	26.7	1.35	30.2	$ 80,100.00	0.17	$ 3,788.89	
28	Electrical Main Office	118.23	Flush	84.2	113.5	1.35	137.3	$ 340,500.00	0.16	$ 6,192.23	
29	Electrical Warehouse	0	Flush	48.6	65.5	1.35	66.1	$ 196,500.00	0.19	$ 2,981.11	
30	Electrical Covered Storage	0	Flush	23	31	1.35	35.3	$ 93,000.00	0.17	$ 1,592.03	
31	Water Resources Meter Shop	0	Flush	4.6	5.8	1.26	7.7	$ 17,400.00	0.15	$ 347.27	
32	Public Works Operations	117.28	Flush	46.4	62.6	1.35	80.8	$ 187,800.00	0.15	$ 3,644.08	Additional Panels could be adding if shading was addressed
33	Public Works Operations Covered Storage	36.7	Flush	37.8	50.9	1.35	62.6	$ 152,700.00	0.16	$ 4,932.88	
35	Halle Cultural Arts Center	97.76	Ballasted	2.5	3.4	1.36	4.5	$ 10,200.00	0.15	$ 202.95	
36	Senior Center	83.85	Flush	72	97	1.35	118	$ 291,000.00	0.16	$ 5,321.80	
37	Public Safety Station 6	0	Flush	36.7	49.5	1.35	66.5	$ 148,500.00	0.15	$ -	No utility info for production savings
38	Mason St Municipal Building	0	Ballasted	18.4	24.7	1.34	33	$ 74,100.00	0.15	$ -	No utility info for production savings

[TABLE-6 – TOWN OF APEX FACILITIES-SUMMARY]

Table 6:
Town of Apex Facilities – Summary

#	FACILITY	IS SOLAR RECOMMENDED	APPROXIMATE SOLAR CAPITAL COST ($)	STRUCTURAL COST	SYSTEM SOLAR SIZE (KW DC)	ROOF TYPE	ROOF AGE	SOLAR POTENTIAL	25YR LEVELIZED COST OF ENERGY ($/KWHR)	PROJECT RANKING (ORDER OF BEST JOB TO COMPLETE FIRST)	NOTES
1	Parks/Rec Maint. Building	Yes	$ 34,800.00	$ -	11.6	Metal	8	Satisfactory	$ 0.14	6	Tree shading issues
2	Seymour Fields Restroom/Shelter	Yes	$ 14,700.00	$ -	4.9	Shingle	8	Satisfactory	$ 0.14	7	Roof may need replaced
4	Nature Park Amphitheater	Yes	$ 34,800.00	$ -	11.6	Metal	8	Poor	$ 0.16	16	Bad Orientation and Tree shading issues
10	Parks/Rec Maint. Building	Yes	$ 10,200.00	$ -	3.4	Shingle	22	Poor	$ 0.15	18	Tree shading issues, and roof needs replaced
12	Kelly Rd Restroom/Shelter	No	$ 14,700.00	$ 10,000.00	4.9	Shingle	unknown	Poor	$ 0.15	NA	Major Structural and roof would exceed solar gain, Tree shading issues
15	Pleasant Park - Maintenance Building	Yes	$ 32,100.00	$ -	10.7	SS metal	New	Excellent	$ 0.15	2	
19	Pleasant Park - Shelter #2	Yes	$ 34,800.00	$ -	11.6	Shingle	New	Excellent	$ 0.19	5	
20	Pleasant Park - Signature Fieldhouse	Yes	$ 43,800.00	$ -	14.6	SS Metal	New	Excellent	$ 0.14	1	
22	Seagroves Restroom/Shelter	Yes	$ 21,900.00	$ -	7.3	Shingle	10	Excellent	$ 0.14	4	Roof may need replaced
23	Hunter St Restroom/shelter	Yes	$ 21,900.00	$ -	7.3	Shingle	10	Satisfactory	$ 0.16	12	Roof may need replaced
26	Jaycee Park Restroom/Shelter	No	$ 14,700.00	$ 10,000.00	4.9	Shingle	unknown	Satisfactory	$ 0.14	NA	Major Structural and roof would exceed solar gain,Tree shading issues
27	Fire Station # 2	Yes	$ 80,100.00	$ -	26.7	Metal	24	Satisfactory	$ 0.17	15	Difficult Electrical Service connection
28	Electrical Main Office	Yes	$ 340,500.00	$ -	113.5	Metal	0	Excellent	$ 0.16	3	Difficult Electrical Service connection
29	Electrical Warehouse	Yes	$ 196,500.00	$ -	65.5	Metal	0	Satisfactory	$ 0.19	8	Difficult Electrical Service connection
30	Electrical Covered Storage	Yes	$ 93,000.00	$ -	31	Metal	0	Satisfactory	$ 0.17	9	Difficult Electrical Service connection
31	Water Resources Meter Shop	Yes	$ 17,400.00	$ -	5.8	Shingle	unknown	Poor	$ 0.15	19	Roof needs replaced, Tree shading issues
32	Public Works Operations	Yes	$ 187,800.00	$ -	62.6	Metal	23	Poor	$ 0.15	17	Tree shading issues
33	Public Works Operations Covered Storage	Yes	$ 152,700.00	$ -	50.9	Metal	23	Satisfactory	$ 0.16	14	
35	Halle Cultural Arts Center	No	$ 10,200.00	$ 15,000.00	3.4	Flat/Membrane	12	Poor	$ 0.15	NA	Structural cost and limited solar
36	Senior Center	Yes	$ 291,000.00	$ -	97	Metal	0	Satisfactory	$ 0.16	13	
37	Public Safety Station 6	Yes	$ 148,500.00	$ -	49.5	Metal	New	Satisfactory	$ 0.15	10	
38	Mason St Municipal Building	Yes	$ 74,100.00	$ -	24.7	Flat(Membrane) /Metal	New	Satisfactory	$ 0.15	11	

[TABLE-7 – TOWN OF APEX FACILITIES-RUNNING ORDER]

Table 7:
Town of Apex Facilities – Ranking Order

#	FACILITY	APPROXIMATE SOLAR CAPITAL COST ($)	STRUCTURAL COST	SYSTEM SOLAR SIZE (KW DC)	25YR LEVELIZED COST OF ENERGY ($/KWHR)	PROJECT RANKING (ORDER OF BEST JOB TO COMPLETE FIRST)	NOTES
20	Pleasant Park - Signature Fieldhouse	$ 43,800.00	$ -	14.6	$ 0.14	1	
15	Pleasant Park - Maintenance Building	$ 32,100.00	$ -	10.7	$ 0.15	2	
28	Electrical Main Office	$ 340,500.00	$ -	113.5	$ 0.16	3	Difficult Electrical Service connection
22	Seagroves Restroom/Shelter	$ 21,900.00	$ -	7.3	$ 0.14	4	Roof may need replaced
19	Pleasant Park - Shelter #2	$ 34,800.00	$ -	11.6	$ 0.19	5	
1	Parks/Rec Maint. Building	$ 34,800.00	$ -	11.6	$ 0.14	6	Tree shading issues
2	Seymour Fields Restroom/Shelter	$ 14,700.00	$ -	4.9	$ 0.14	7	Roof may need replaced
29	Electrical Warehouse	$ 196,500.00	$ -	65.5	$ 0.19	8	Difficult Electrical Service connection
30	Electrical Covered Storage	$ 93,000.00	$ -	31	$ 0.17	9	Difficult Electrical Service connection
37	Public Safety Station 6	$ 148,500.00	$ -	49.5	$ 0.15	10	
38	Mason St Municipal Building	$ 74,100.00	$ -	24.7	$ 0.15	11	
23	Hunter St Restroom/Shelter	$ 21,900.00	$ -	7.3	$ 0.16	12	Roof may need replaced
36	Senior Center	$ 291,000.00	$ -	97	$ 0.16	13	
33	Public Works Operations Covered Storage	$ 152,700.00	$ -	50.9	$ 0.16	14	
27	Fire Station # 2	$ 80,100.00	$ -	26.7	$ 0.17	15	Difficult Electrical Service connection
4	Nature Park Amphitheater	$ 34,800.00	$ -	11.6	$ 0.16	16	Bad Orientation and Tree shading issues
32	Public Works Operations	$ 187,800.00	$ -	62.6	$ 0.15	17	Tree shading issues
10	Parks/Rec Maint. Building	$ 10,200.00	$ -	3.4	$ 0.15	18	Tree shading issues, and roof needs replaced
31	Water Resources Meter Shop	$ 17,400.00	$ -	5.8	$ 0.15	19	Roof needs replaced, Tree shading issues
12	Kelly Rd Restroom/Shelter	$ 14,700.00	$ 10,000.00	4.9	$ 0.15	NA	Major Structural and roof would exceed solar gain, Tree shading issues
26	Jaycee Park Restroom/Shelter	$ 14,700.00	$ 10,000.00	4.9	$ 0.14	NA	Major Structural and roof would exceed solar gain,Tree shading issues
35	Halle Cultural Arts Center	$ 10,200.00	$ 15,000.00	3.4	$ 0.15	NA	Structural cost and limited solar
	Total	**$ 1,870,200.00**	**$ 35,000.00**	**623.4**	**$ 0.16 (avg)**		

Councilmember Mahaffey said in the table there is a flat cost per kilowatt and asked where it came from.

Mr. Edwards said it's a cost based on equipment and labor.

Councilmember Mahaffey asked is it market data, or if they sent off and got estimates.

Mr. Edwards said this is market data and typical dollar per watt.

Councilmember Mahaffey asked if the town pursues solar energy, are there federal programs available to municipalities.

Interim Town Manager Purvis said staff will look into it and see what programs are available for the town. He said they know those programs are out there, but they need more info.

Mr. Edwards said Don Reeves, the town's Sustainability Coordinator, is looking into programs that can help support solar in the town and help them increase their ROI.

Councilmember Mahaffey said the town's bill from Duke Energy involves peak demand, he asked if the batteries on the site to discharge during peak hours to offset the peak demand from Duke.

Assistant Town Manager Stone said staff has been working on finding out if the batteries on site can change. He said he spoke to someone with Duke and was told that they couldn't make a solar combined with a battery system work for our system, based on the economic considerations. He said they would put an RFP to see if somebody is able to make it work. To reduce the peak, their consideration, it was cheaper to go with battery storage at certain locations. He said the town is looking at a 10 megawatt to reduce our peak.

Councilmember Mahaffey asked what direction does staff want Council to go with this report.

Assistant Town Manager Stone said the plan is to see what kind of grants are out there and what's available. He said then Council would give specific directions to staff on how to move forward with solar, including specific projects. He said it's cheaper to do a package than individual solar panels. He said also staff can break it down into a program and look at cost wise. He said they can also specify how quickly they want staff to act on certain things and work with them to create a schedule.

Councilmember Killingsworth said to go with table 6, look at solar potential, and do ones rated excellent.

Councilmember Mahaffey said table 7 as it's sorted by priority.

Councilmember Killingsworth said it makes sense to do the ones with a bigger potential first as a grouping.

Councilmember Mahaffey said he thinks it makes sense to wait for the lifetime of the roof to replace it. He said he wants the priority for solar to be at Pleasant Park, since it's the newest and supposed to their modern park.

Interim Town Manager Purvis said they can start with looking at the excellent rated options. He said staff needs a little bit more time to evaluate the extra cost for the structural piece. He said they can also see what the CIP looks like.

Councilmember Mahaffey said it sounds like the idea is to look at the projects over a three-year period and place in priority order.

Interim Town Manager Purvis said staff will start working to put a plan together. He said they will share how it would impact the budget.

Councilmember Mahaffey said he is excited about seeing the potential programs the town can use to help them with this.

Assistant Town Manager Stone said the Municipal Building and Public Safety 6 are solar ready and he recommends to include those buildings as part of the packaging.

Councilmember Killingsworth said she would like to see the Senior Center to be included in the packaging since it's a newer building.

[ADJOURNMENT]

Mayor Gilbert thanked everyone and declared the meeting adjourned at 4:43 p.m.

Jacques K. Gilbert
Apex, Mayor

Allen Coleman, CMC, NCCCC
Apex, Town Clerk

Submitted for approval by Apex Town Clerk Allen Coleman.

Minutes approved on 12th of March, 2024 (CN6).

APPROVED

TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, FEBRUARY 27, 2024
6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, February 27, 2024 at 6:00 PM in the Council Chambers at Apex Town Hall, located at 73 Hunter Street in Apex, North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel. The recording of this meeting can be viewed here: https://www.youtube.com/watch?v=ENBRmHtoe5c

[ATTENDANCE]

Elected Body
Mayor Jacques K. Gilbert (presiding)
Mayor Pro Tempore Ed Gray
Councilmember Audra Killingsworth
Councilmember Arno Zegerman
Councilmember Terry Mahaffey
Councilmember Brett Gantt

Town Staff
Interim Town Manager Shawn Purvis
Assistant Town Manager Demetria John
Assistant Town Manager Marty Stone
Town Attorney Laurie Hohe
Town Clerk Allen Coleman
Deputy Town Clerk Ashley Gentry
Planning Director Dianne Khin
All other staff members will be identified appropriately below

[COMMENCEMENT]

Mayor Gilbert called the meeting to order, and led those in attendance in a Moment of Silence. He then led in a recitation of the Pledge of Allegiance.

[SLIDE 1]



[CONSENT AGENDA]

Councilmember Gantt requested Consent Items 3 and 4 be removed from the Consent Agenda for further discussion.

A **motion** was made by **Mayor Pro Tempore Gray,** seconded by **Councilmember Zegerman,** to approve the Consent Agenda, with the removal of Consent Items 3 and 4.

VOTE: UNANIMOUS (5-0)

CN1 Agreement - North Carolina Department of Transportation (NCDOT) - EB-6021 Beaver Creek Greenway Project - Supplemental Agreement (REF: CONT-2024-035)

Council voted to approve a Supplemental Agreement with North Carolina Department of Transportation (NCDOT) for $3,442,629 in additional funding for the EB-6021 Beaver Creek Greenway Project and authorize the Interim Town Manager, or their designee, to execute on behalf of the Town.

CN2 Appointments - Board of Adjustment (BOA) - Chair/Vice-Chair

Council voted to confirm the following leadership positions on the Apex Board of Adjustment (BOA) for calendar year 2024:
Robert Carmac, Chair of the Apex Board of Adjustment (BOA)
Tracy Taylor, Vice-Chair of the Apex Board of Adjustment (BOA)

~~**CN3 Appointments - Planning Board (PB)**~~

This item was pulled from the Consent Agenda, per Council vote.

~~**CN4 Appointments - Planning Board (PB) - Chair/Vice Chair**~~

This item was pulled from the Consent Agenda, per Council vote.

CN5 Capital Project Ordinance Amendment No. 2024-12 - Middle Creek Greenway and Appropriations Capital Project Funds (REF; ORD-2024-013)

Council voted to adopt Capital Project Ordinance Amendment No. 2024-12 to cover additional cost of existing deficit ($508,500) and an amount equal to 10% of the contract costs, for the construction of Middle Creek Greenway Phase I and Phase IIB, and to appropriate funds already received in the various Capital Project funds.

CN6 Capital Project Ordinance Amendment No. 2024-13 - Wimberly Road Property Acquisition (REF; ORD-2024-016)

Council voted to adopt Capital Project Ordinance Amendment 2024-13 appropriating recreation reserve funds for the purchase of Wimberly Road Property.

CN7 Construction Contract Award Amendment - Fred Smith Co. - Beaver Creek Greenway Extension Phase I, IA, and II - and, NCDOT Supplemental Agreement EB-6021 (REF: CONT-2024-036 AND CONT-2024-037)

Council voted to approve an amendment to the construction contract awarded with Fred Smith Co., previously approved on August 8, 2023 and September 9, 2023, for the extension of Beaver Creek Greenway Phase 1, 1A, and II and authorize Interim Town Manager, or their designee, to execute on behalf of the Town.

AND

Council voted to approve a Supplemental Agreement with Fred Smith Co. for a memorializing contract amendment, and to sign the recommendation of approval of North Carolina Department of Transportation (NCDOT) EB-6021 Supplemental Agreement No. 1, and authorize the Interim Town Manager, or their designee, to execute on behalf of the Town.

CN8 Council Meeting Minutes - February 13, 2024

Council voted to approve Meeting Minutes from the following meeting:
February 13, 2024 – Regular Town Council Minutes

CN9 Encroachment Agreement - 2512 Canarywood Lane Lot 31(REF: CONT-2024-038)

Council voted to approve an Encroachment Agreement between the Town and property owner Taylor Morrison of Carolinas, Inc., located at 2512 Canarywood Lane, Apex, NC 27523, to install a sidewalk that will encroach 8 square feet (SF) and a driveway that will encroach 81 square feet (SF) onto the Town of Apex Public Drainage Easement and authorize the Interim Town Manager, or their designee, to execute the same.

CN10 Encroachment Agreement - 2516 Canarywood Lane Lot 30 (REF: CONT-2024-039)

Council voted to approve an encroachment agreement between the Town and property owner Taylor Morrison of Carolinas, Inc., located at 2516 Canarywood Lane, Apex, NC 27523, to install a sidewalk that will encroach 11 square feet (SF) and a driveway that will encroach 12 square feet (SF) onto the Town of Apex Public Drainage Easement and authorize the Interim Town Manager, or their designee, to execute the same.

CN11 North Chatham Volunteer Fire Department (VFD) - Annexation Debt One-Time Payment (REF: CONT-2024-040)

Council voted to approve a Voluntary Annexation Agreement (RE: Annexation No. 748 – Apex Gateway Phase II) with North Chatham Volunteer Fire Department and to authorize staff to proceed with payment of $6,349.45, which is a pro-rata share of the department's debt pursuant to North Carolina General Statute 160A-31.1.

CN12 Reimbursement Resolution (2) - Municipal Building Projects and Parks & Recreation Projects (REF: RES-2024-012 AND RES-2024-013)

Council voted to adopt a Reimbursement Resolution for Municipal Building Projects authorizing a latter issuance of public funding to pay for these prior expenditures.
AND
Council voted to adopt a Reimbursement Resolution for Parks and Recreation Projects authorizing a latter issuance of public funding to pay for these prior expenditures.

CN13 Unified Development Ordinance (UDO) Amendments - January 2024 - Statement and Ordinance (REF: OTHER-2024-035)

Council voted to approve the Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the Unified Development Ordinance (UDO) Amendments of February 13, 2024.

Councilmember Gantt said he asked for this to be pulled for further discussion, and said he had watched a lot of Planning Board meetings in his time on the Council. He said he sees value in putting new people on the board, and he felt the Mayor's recommendation did not strike the right balance of new ideas versus experience.

A **motion** was made by **Councilmember Mahaffey,** seconded by **Mayor Pro Tempore Gray,** to approve Consent Items 3 and 4 as presented.

Councilmember Gantt motioned to amend the motion to remove Tina Sherman and Tim Royal, as they have already served two terms.

Mayor Gilbert said he wanted to point out the process in place, and their colleagues have voted unanimously to have them back on the board. He also expressed concerns about not having the board reflect the demographics of the town.

Councilmember Gantt said it depends on who would be appointed in their place.

Mayor Gilbert said he was not changing his recommendation.

Councilmember Zegerman asked about the impact of striking two names from the appointments.

Town Clerk Coleman said it would remove them from consideration, and send the item back to the Mayor for consideration.

Mayor Gilbert asked Town Attorney Hohe if these names were struck, would he be prohibited from bringing them back at the next meeting.

Town Attorney Hohe said there wouldn't be anything prohibiting that except the same result occurring repeatedly.

Mayor Pro Tempore Gray noted that at the first Planning Board meeting in January, it took 5 hours. He said it was a vital service to the town and a big help to Council. He said it was a blessing to have folks that are willing to continue to serve in this capacity. He said having someone on the board for a third term would be a benefit. He thanked the Planning Board for their service.

Mayor Gilbert agreed, and thanked other boards for their service as well.

Councilmember Mahaffey asked for a point of order, saying Councilmember Gantt's amendment needs a second to be considered.

Councilmember Gantt's amendment to the motion did not receive a second, so his motion failed.

CLERK'S NOTE: The following motion was made previously, but restated below for clarity.

A **motion** was made by **Councilmember Mahaffey,** seconded by **Mayor Pro Tempore Gray,** to approve Consent Items 3 and 4 as presented.

VOTE: 4-1, with Councilmember Gantt dissenting.

[PRESENTATIONS]

PR1 Proclamation - Bleeding Disorders Awareness Month - March 2024 (REF: PRO-2024-004)

Mayor Gilbert, and the rest of Council, read the Bleeding Disorders Awareness Month 2024 Proclamation in unity.

Charlene Colwell and Karen Davis, of the Bleeding Disorders Foundation of North Carolina, accepted the proclamation.

Ms. Colwell thanked everyone for being here, and it's important to promote advocacy within their communities. She thanked the Mayor and Council for bringing awareness to Bleeding Disorders. She noted that many people don't know that have a bleeding disorder, and that can be very impactful.

PR2 Proclamation – Women's History Month – March 2024 (REF: PRO-2024-005)

Mayor Gilbert, and the rest of Council, read the Women's History Month 2024 Proclamation in unity.

Women who have positively impacted the Apex community were recognized and received the proclamation. These women were: Tayon Dancy, Renee Pfeifer, Lisa Esterrich, Angela Reincke, Eraina Ferguson, former Mayor Pro-Tempore Nicole Dozier, and Tina Sherman.

Ms. Dancy commended Apex for recognizing the women who have contributed to Apex. She said they stand on the shoulders of the women who came before them. She said there are so many women that could be recognized and celebrated. She mentioned Councilmember Killingsworth, the only sitting woman on the Apex Town Council, Nicole Dozier, Tina Sherman, and Karen Lee. She wanted to recognize the "unsung hero", the women who aren't mentioned, and those who impact the town in ways that are not always called out. She recognized Betty Prince, the lady who helps maintain the restrooms at the Halle Cultural Arts Center. She recognized Renee

Rains, who would have a play about her life at the Halle. She recognized Elizabeth Stitt, who consistently comes to Council meeting to advocate for her community. She recognized Tine Weiss, who brings her son to these meetings to learn about the work that goes on. She invited people to remember the women who picked tobacco in Apex, the Women business owners in the area, and her daughter Jadyah, who just graduated, and who she said would go on to be an advocate for other women. She continued with recognizing women who work tirelessly for their family and community, and called for the town to focus on female equality and inclusion throughout the town.

Councilmember Killingsworth said there was a primary going on, and invited everyone to vote and let their voices be heard.

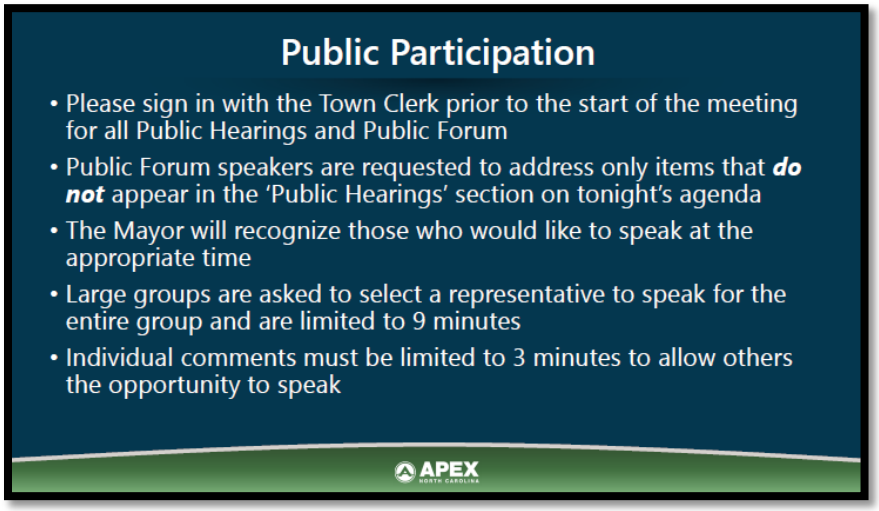
[REGULAR MEETING AGENDA]

A **motion** was made by **Councilmember Zegerman,** seconded by **Councilmember Gantt,** to approve the Regular Meeting Agenda as presented.

VOTE: UNANIMOUS (5-0)

[PUBLIC FORUM] (NOTE: To view Public Forum and Public Hearing sign in sheets, see **OTHER-2024-036)**

[SLIDE 2]



First to speak was **Tina Sherman:**

"First of all, thank you Mayor for the honor, I very much appreciate it. I think you all know my name by now, my name is Tina Sherman, proud resident, a mom of 4, an 18-year-old who is about to graduate, two twins 15-year olds, and a 9-year-old. I'm a wife to this wonderful gentleman here, and on my day job, the day hat I wear is I work in public policy. Specifically, in improving maternal health, and given our disparities, specifically in improving Black maternal health. A few of my recent

accomplishments include rights for pregnant and pumping workers in Congress, recently signed into law, celebrating its first year. I also recently spoke before the UN on improving breastfeeding rates in the United States. Believably, the United States has the worst breastfeeding rates in the world. But here in Apex, and why I am here tonight, is that I am an advocate in this community for engagement, and have been for many, many years. I started the Apex Community Forum, many of you al may be familiar with. I am not on Facebook anymore, but I did start it in an effort to inform the community. I worked in partnership with the farmer's market to help secure the town's commitment and partnership with the farmer's market. I pushed the previous Mayor, Mayor Olive to hold a Town Hall, again, all for community engagement. I insisted for the establishment of Peak Academy, alongside our former Town Clerk Donna. I'm very proud to say I was a part of the inaugural class and know that many of you in here have been a part of Peak Academy. I was humbled and honored to receive a Think Apex nomination in 2020, and I serve on a few boards, you may have heard of a few of those. Including the Vision Zero Traffic Study and the Housing Advisory Board. My most proud accomplishments here in the town was working with Mayor Pro-Tem Dozier to ensure that town employees had access to paid leave, so that they could take care of their families when they needed. And you have heard that I was asked to be re-appointed by the Mayor for my third term on the Planning Board. Many of the folks on this Planning Board, again third term, have voted for me before, last year I was nominated as Vice Chair, this year I was nominated unanimously as Chair, and I just wanted to take a moment to play a clip. I'm going to read a few notes for you, because you've heard that my tenure should be done. The previous Planning Board chair said "I know the town is in good hands with you, I know where you heart is, take it easy." One of our members who is sitting on Council, said "watching a Planning Board meeting, I don't have Tina's phone number, but please let her know that I am standing up and applauding her right now." Another thing that I try to do is really connect individuals in the community to governing. It's hard y'all, governing is hard, and understanding the different nuances of governing is hard. So after a very strenuous, long 5-hour meeting, I reached out to all of the Planning Board and staff and said from our conversation last night, it appears that at least one of the neighbors had reached out to the town, and did not receive the information he was asking for. So Dianne Khin, thank you Dianne, expressed we appreciate that you assisted the neighbors in a better understanding of the issues last night. Y'all I have 4 kids. I'm here for all of you, I want to make that clear. Again, I'm going to express my gratitude for the proclamation, but I also want to shed some sunlight on some things that were happening over the last week. There were some rumblings and rumors about what transpired here during the session. The new addition, and the pulling of my name. Councilman Gantt, who you saw pulled, Councilman Mahaffey, and Councilman Zegerman were threatening to pull my name. Which would mean that my name would have been pulled tonight. Mr. Gantt and I have had one-on-one conversations. He doesn't like my style. Some might call that tone policing. In the 20 minutes I was here, I was here with my husband doing a little bit of work, I had several of you come up and express appreciation for my comments on Monday at the last Planning Board Meeting. You're welcome. I will be there for you, as long as that Mayor wants me to be there for you. I want you all to know that Monday after that Planning Board Meeting I had just returned from California where we moved my mother-in-law into assisted living care. It was a several hour meeting, that I was here for all of you, not for me. Mr. Mahaffey and Mr. Zegerman, we had a disagreement during the election. You want to know about that, see me outside of the 4 walls of this building. Because in this building, it's about all of you. It's about governing. It's about ensuring your voice is heard as issues are moving through this town. So

how did I leave it? I said, Mr. Mahaffey, Mr. Zegerman, I hope, because there was a chance there was going to be a chance they were sitting right here, and here they are, I hope that you make a choice, I'm asking you that you make a commitment that you will make the choice that I will be working with you. And they assured me that they would. So when I heard that the three of them gathered and were discussing removing me, I was shocked. Because you see politics is politics, but governing is about all of you. This feels a little bit like retaliation. There was no solid reason given. Did you hear a solid reason from Mr. Gantt? It was term, right? They can write that into the UDO. They have the power to change the UDO and write term limits into the UDO. And I am perfectly fine if it is time for me to go, write it in the UDO, I will honor that. If you all decide that you've had enough of me, give me a call, I'll go. There was no discussion with me and the Mayor. Last week these rumblings were the first I had heard of this, there was no discussion about wanting me removed. Mr. Gantt and I have had conversations, he didn't say Ms. Sherman, your time is up. So I want to shed light on this, again I'm deeply appreciative of the recognition this evening, but the reality is there is work to do, so I want to shed light on this process. Y'all I have a proven track record, I pride myself in advocating for the citizens, whether it's developers or the town, and the fact that there's no transparency and trust, the fact that there was no transparency around these actions, is appalling. So, with being unanimously voted, I hope that this will not come again, I hope that if you have any problems or concerns with me, that you will ensure that the residents, with me or anybody, because there was someone else on this slate as well, if there is changes that you would like to make, there is an opportunity in this place. You all have the power, don't go after someone personally. Thank you."

Mayor Gilbert thanked Ms. Sherman for her comments

Next to speak was **Manzoor Cheema:**

"Greeting, Apex City Council, thank you very much for giving me this opportunity this evening, my name is Manzoor Cheema of Raleigh, North Carolina. I'm a member of People's Power Lab, and Muslims for Social Justice. I'm here to present Zora Amas who is a resident of Apex, North Carolina for the last 5 years. Sister Zora's son is a victim of injustice. He is incarcerated on allegedly trumped-up charges for decades. She is also a victim of racism, Islamophobia, health disparities, and housing unaffordability. Her son was also tortured in Raleigh prison, which was documented and complained against. They are the victims of extreme racism, which is called Islamophobia, or Anti-Muslim bigotry. Since Israel's war on Gaza, there is a spike, an increase in anti-Muslim bigotry, as well as antisemitism. We are here, our organization, People's Power Lab and Muslims for Social Justice, to demand that Apex should have a human relations commission or defend the human rights of the people. This is beyond the corporate DEI language, it is about human rights of the people. We have people who are discriminated against based on their race, ethnicity, gender, background, and it is related to foreign policy too. When we are dropping bombs on innocent women and children, that racism is going to trickle in our own country. And this is why many cities across the country are establishing human relations commissions, so Apex should establish a human relations commission. I also want to thank Councilmember Killingsworth and Councilmember Zegerman for signing the letter for ceasefire, the city should pass a resolution, this is not a symbolic gesture, it puts pressure on our government to pass a ceasefire. One other particular issue that I also wanted to add is the mental health crisis. Since COVID-19 there is a spike in mental health crisis. There are suicides

happening among an increased number of people, and if you happen to be Muslim, or Black, or brown, or poor, then there are even higher rates of mental health crisis. And guess what, when people have a mental health crisis, who comes to protect you? The police. The police is not there to serve people who have mental health crisis. They handcuff people and then they take them to the mental health institute. Many cities across the county have passes non-police crisis response team centers, including Durham and Raleigh, Apex should also have crisis response units so that people are treated with respect and dignity, and this is a city mandate, so we request you work on both of those, human relations commission and non-police crisis response team. Thank you so much."

Mayor Gilbert thanked Mr. Shima for his comments

Next to speak was **Elizabeth Stitt** of 3113 Friendship Road:

"Good evening, I would like to tag onto Councilmember Killingsworth's statement about early voting. The polls are open until 7:30 right across the street, I voted before I came in, so wanted to just add that, because the clock's right there, you've got time to walk across the street. I do want to mention I am a mom of 5 young adults, it's a blended family. 3 I had the privilege of birthing, 2 I've had the privilege of calling my own, they have 3 significant others. I am a mom to 2 horses and 5 cows, so when people talk about when we walk in the door, we do carry a lot, and sometimes it is hard to come into this room, because it's not always the friendliest. And I've tried to take the time to introduce myself to people, get to know people, and I know that protocol is you sit back and you listen, you don't really nod, you really don't engage, and it's hard. It's hard when someone comes in here to say I'm worn out and tired, but I'm going to show up, I'm going to show up with what little I have left to say here are my concerns, and then have it be a monologue, occasionally get a phone call. The Mayor is really good at that. But you know I'm coming up on 2 years of standing up here saying hey here's what the problems are in our community, and it would be nice that we start figuring out how we have more conversations, so Raleigh just put back in the Citizen Advisory Council, where there are groups that aren't appointed by any of you, that get to represent their community, and have a say, and be a group that you can come to and talk with, and I think that would be a huge benefit to Apex, because as you are growing into different communities, unless you give us a chance to have a two-way conversation, a lot is left on the table. The other thing that would be incredibly helpful during the public hearings, is we always talk about these projects, about how this is in public interest. And there's times where I sit in the audience and think well it's not clear to me, how certain projects are in the public interest. And I've asked some questions over the last two years about how do you actually quantify that. And the reality is, you guys don't. I think it would be very helpful to quantify, this is the tax revenue we're going to bring in, here are the costs we're going to incur adding fire, police, all these services, here is the cost for adding more cars to our cars, here's the cost to losing our trees. You know you do have the Apex tree canopy study that says here's what the economic value of your trees are. So, thank you for your time, I've run out as normal, 3 minutes is really hard. Thank you."

Mayor Gilbert thanked Ms. Stitt for her comments.

Next to speak was **Julia Owen:**

"My name is Julia Owen, I've been a resident of Apex since 1998. 26 years, a lot has changed, but one thing that hasn't is our unbreakable goodwill towards all, both here in Apex and abroad. I'm here to speak on behalf of Palestine. In over 140 days, more than 30,000 people are dead in Gaza. Over 13,000 children are forever gone. Remind me who Israel is fighting this war against. 13,000 children in 4 months, forever gone. While Americans were distracted with the Super Bowl, Israel aired a commercial and began bombing the last safe zone in Gaza, where nearly 2 million civilians were taking refuge in an area about the size of Sanford. Let's acknowledge the dads, those grieving fathers of those 13,000 dead children, those struggling to locate their dead children under the rubble, bury their dead children in a warzone, struggling to find the necessities of life so the remaining can live as bombs come down all around them. And yes, let's release all of the hostages, including more than 200 children, some under the age of 13 years old, mainly for throwing rocks. 13-year-old children arrested by professional military soldiers with machine guns, tried by professional military interrogators, with no parents, no lawyers, no advocates present, and what's worse: those children are the lucky ones. Just last month, Tophik Abdel-Jabbar was murdered by the IDF in the West Bank. He was an American citizen, teenager, killed by the IDF in the West Bank under suspicion of throwing rocks. Not in Gaza, but in the West Bank where there is no Hamas. In what world would any sane individual think that throwing rocks would constitute a death sentence? As a long-standing citizen of Apex, I am demanding that you totally divest from Israel. I am appalled that we spent $750,000 dollars to support Israel, when those funds are absolutely, direly needed here at home. Stop our complicity in funding genocide. I can't bear the thought of having the blood of 30,000 dead civilians, 13,000 of which are children, on my conscience or the conscience of my town. One day, we are going to look back on this moment, and we are going to be appalled that we didn't do more, your children, your grandchildren are going to look back on this moment and be appalled that we didn't do more. I'm joining you to be on the right side of history by joining our sister cities in Carrboro and Durham, and calling for an immediate and permanent ceasefire. Be leaders, show Raleigh that we are better than them. Show them that we are not only the Peak of Good Living for ourselves, but that we are also the Peak of Good Living for more, and that we stand for more. As citizens, we need you to step up and represent what is right. Call for an end to the violence and an end to our complicity in the war machine decimating the Palestinian people. Please vote for a ceasefire, divest from Israel, save Gaza and its children. Free Palestine."

Mayor Gilbert thanked Ms. Owen for her comments.

Next to speak was **Dawn Cozzalino** of 3632 Bosco Road:

"Good evening everyone. I ask tonight that there be follow-ups from the Town Councilmembers to those that speak at this public forum. We, the people, do count. We need to be acknowledged for our concerns, and have a dialogue which results in next steps and actions. To pursue a solution our concerns. Our concerns are not minor, they have a great impact on our daily lives, because a lot of these concerns are projects that are eminent domain, which is taking of our properties. Just because we don't have elected officials representing us, that's the New Hill/Friendship community, it's not an excuse to ignore us. Our community is strongly united. I hold up a petition opposing the partial release of the Little Beaver Creek Conservation Easement. This was signed over by over 65 property

owners. While there has been acknowledgement of the Planning Board and Town Council of the Land Use Map change, we still are moving forward with this petition. We know that behind the scenes, there has been a lot done by the government of Apex working on this project and others. And this is the question I bring to you tonight, it's really about the Western Big Branch and Force Main, a similar project, and the question is, how can we be making this forum, open house, these meetings available to others outside of our community. We're giving them a say about our homesteads. How can we allow people that don't know what a well or septic system even are to have a major say in eminent domain projects? I feel this is discriminatory and irresponsible, and definitely would lead to bias. I believe also that Apex has a desired outcome, and doesn't want to hear other beneficial proposals, and I hope that's not the case. Could you work with us when we reach out to you? It's a monologue here, it's very hard to come up here and not have a dialogue without very serious matters. I provided to Allen, my person email and phone number, and I look forward to talking with you. Please reach out, thank you."

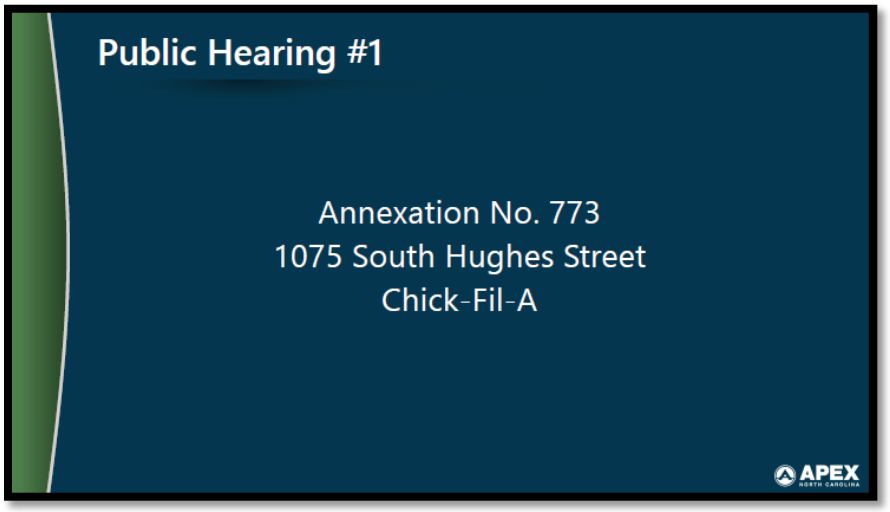
Mayor Gilbert thanked all who spoke at Public Forum. With no further sign ups, he moved the meeting to Public Hearings

[PUBLIC HEARINGS]

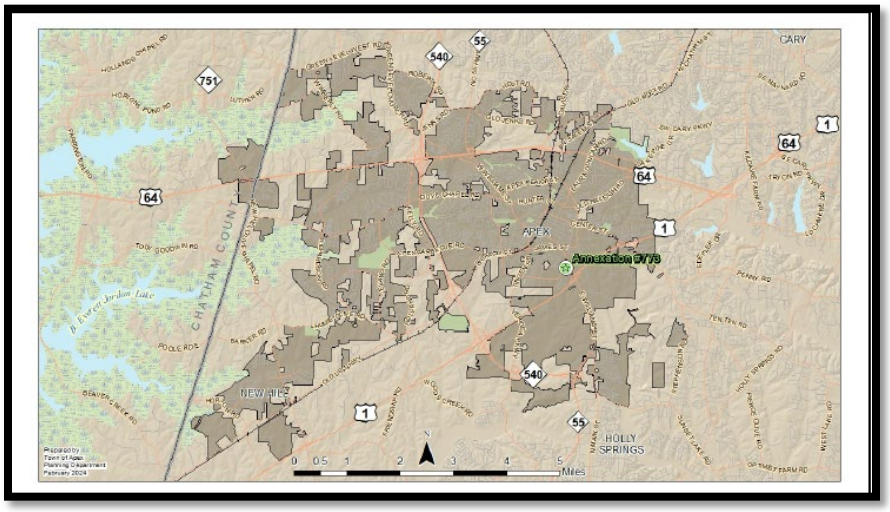
PH1 Annexation No. 773 - 1075 South Hughes Street - Chick-Fil-A - 3.431 acres (REF: ORD-2024-015)

Director Khin gave the following presentation regarding Annexation No. 773 – 1075 S Hughes Street – Chick Fil A – 3.431 Acres.

[SLIDE 3]



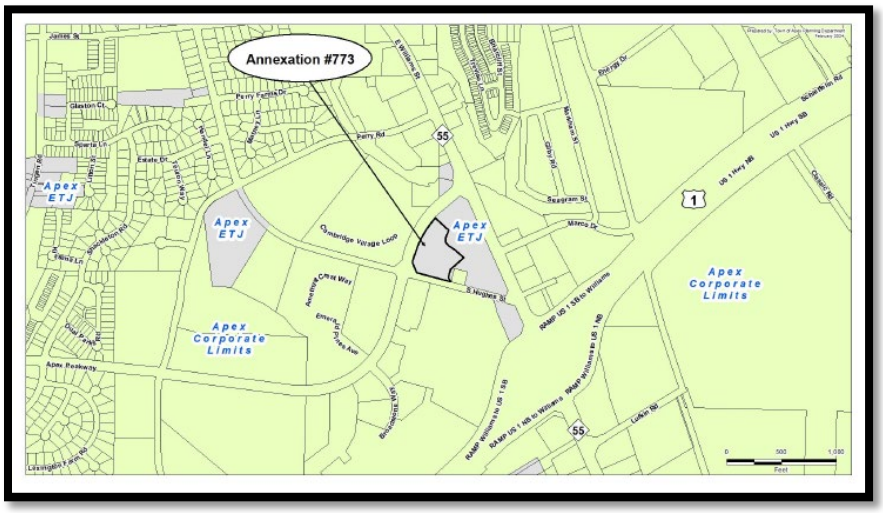
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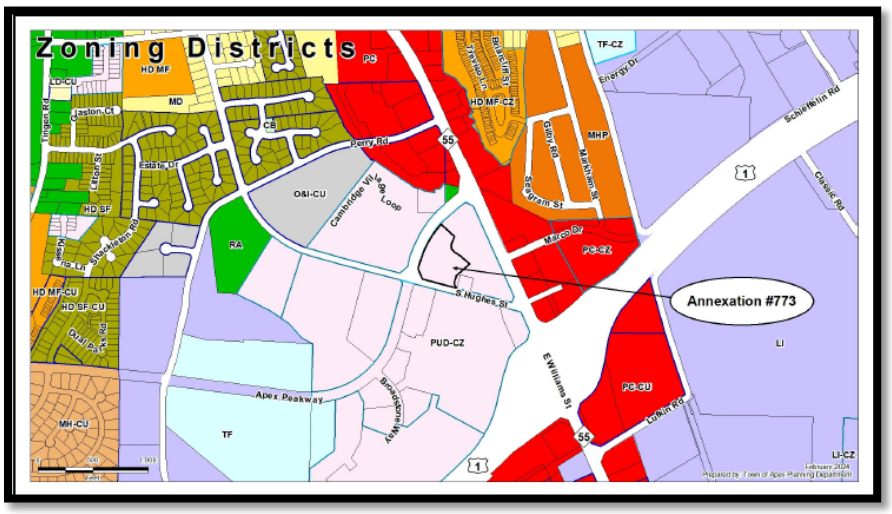
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[SLIDE 6]



[SLIDE 7]



Mayor Gilbert opened up Public Hearing for this item. With no sign ups, he closed Public Hearing and moved discussion back to Council.

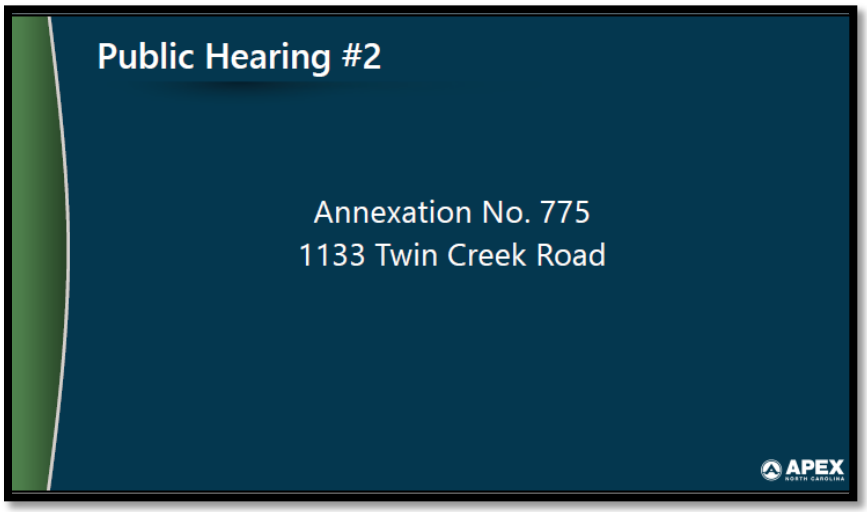
A **motion** was made by **Councilmember Zegerman,** seconded by **Councilmember Gantt,** to approve Annexation No. 773.

VOTE: UNANIMOUS (5-0)

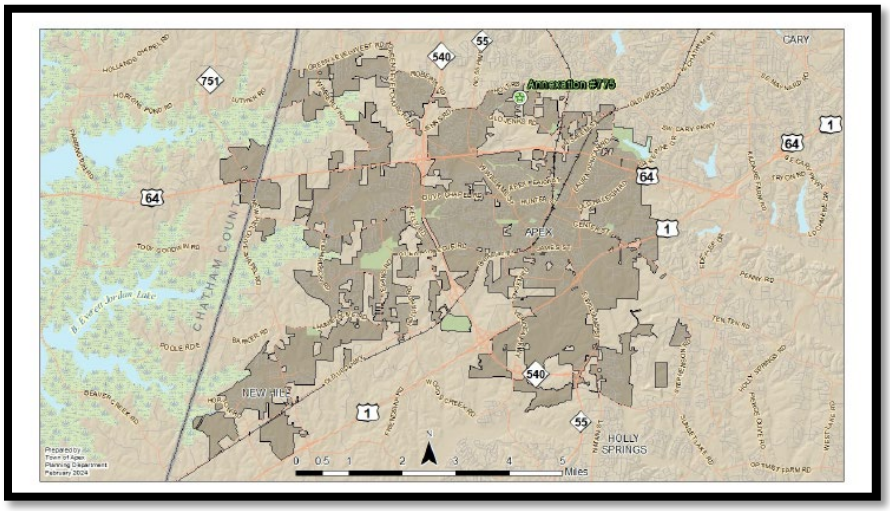
PH2 Annexation No. 775 - 1133 Twin Creek Road - 2.80 acres (REF: ORD-2024-016)

Director Khin gave the following presentation regarding Annexation No. 775 – 1133 Twin Creek Road – 2.80 Acres.

[SLIDE 8]



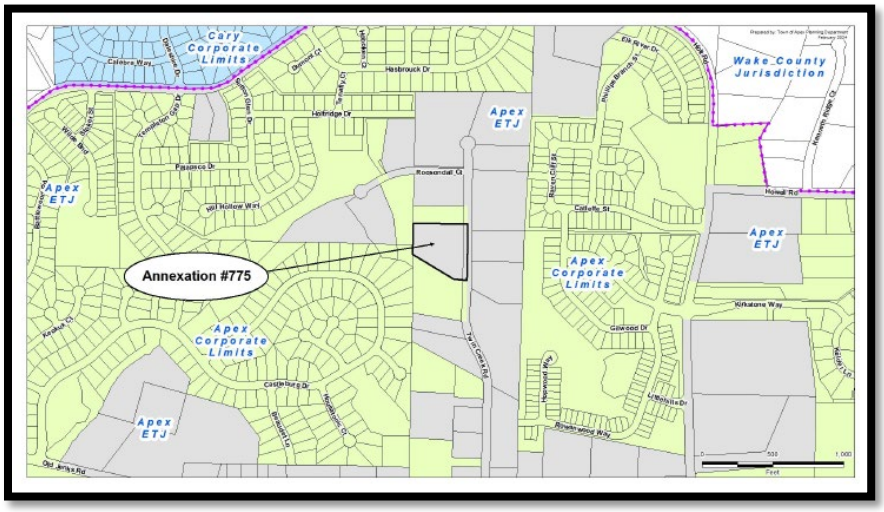
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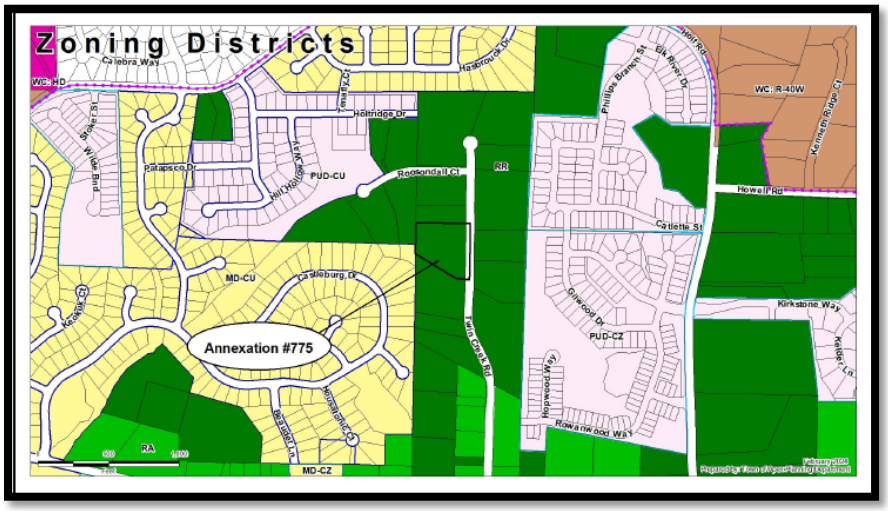
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[SLIDE 11]



[SLIDE 12]



Mayor Gilbert opened up Public Hearing for this item. With no sign ups, he closed Public Hearing and moved discussion back to Council.

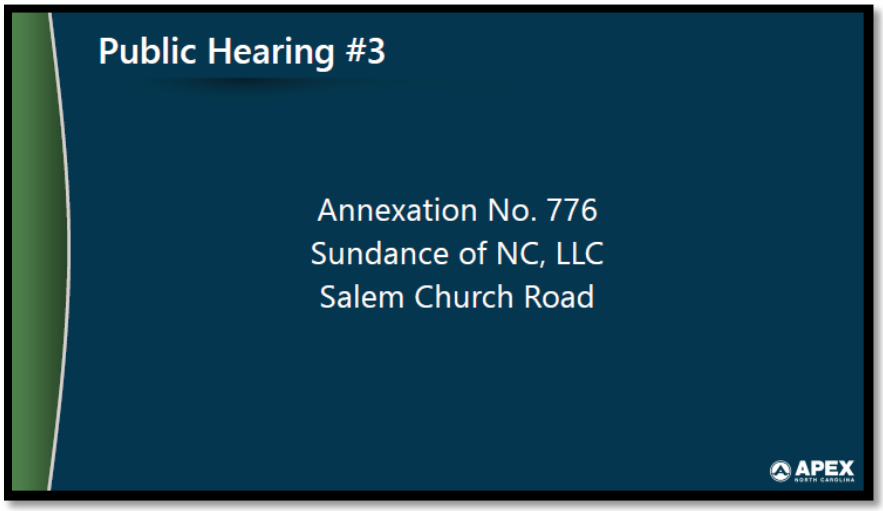
A **motion** was made by **Councilmember Mahaffey,** seconded by **Mayor Pro Tempore Gray** to approve Annexation No. 775.

VOTE: UNANIMOUS (5-0)

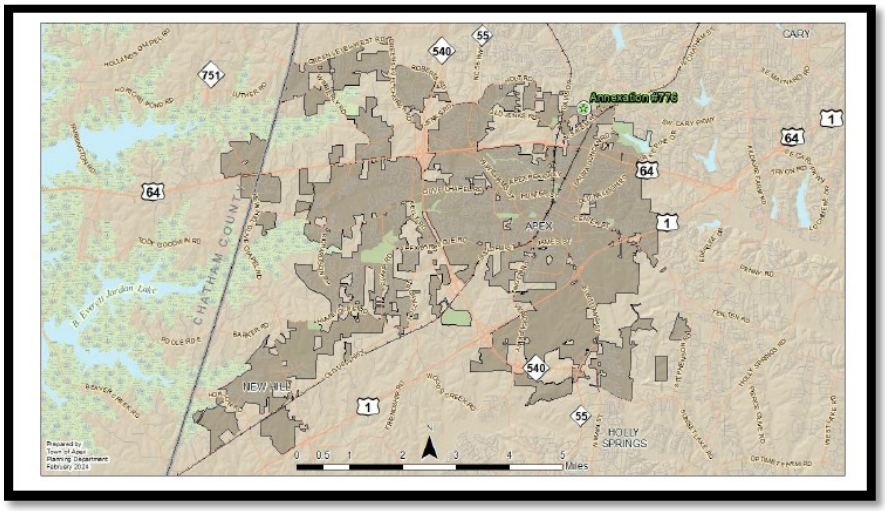
PH3 Annexation No. 776 - Sundance of NC, LLC - Salem Church Road - 2.90 acres (REF: ORD-2024-017)

Director Khin gave the following presentation regarding Annexation No. 776 – Sundance of NC, LLC – Salem Church Road.

[SLIDE 13]



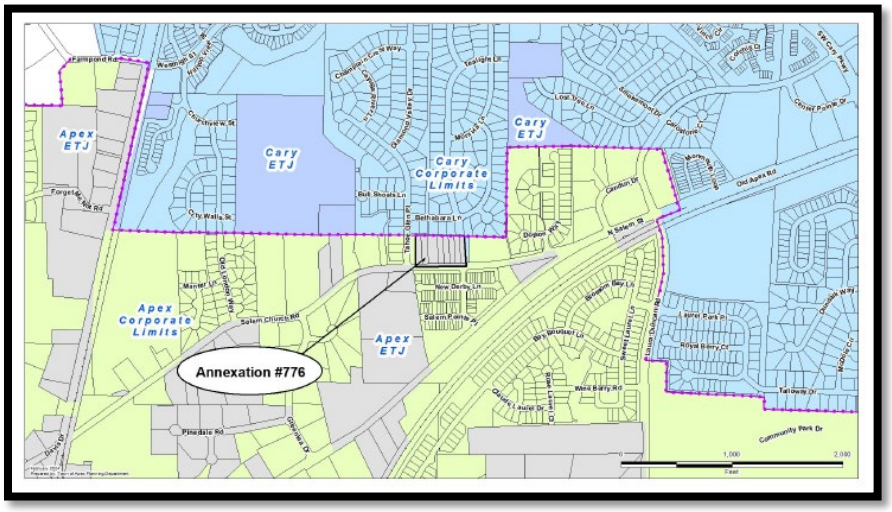
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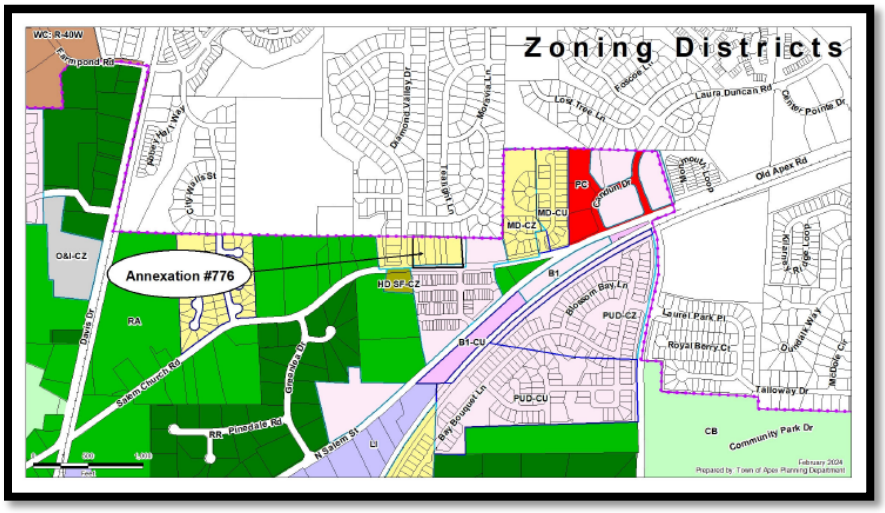
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[SLIDE 16]



[SLIDE 17]



Mayor Gilbert opened up Public Hearing for this item. With no sign ups, he closed Public Hearing and moved discussion back to Council.

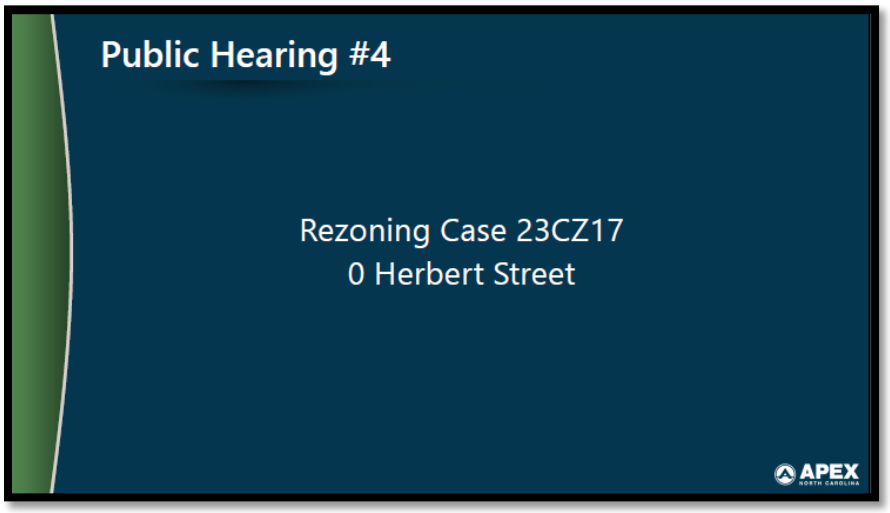
A **motion** was made by **Councilmember Zegerman,** seconded by **Mayor Pro Tempore Gray,** to approve Annexation No. 776.

VOTE: UNANIMOUS (5-0)

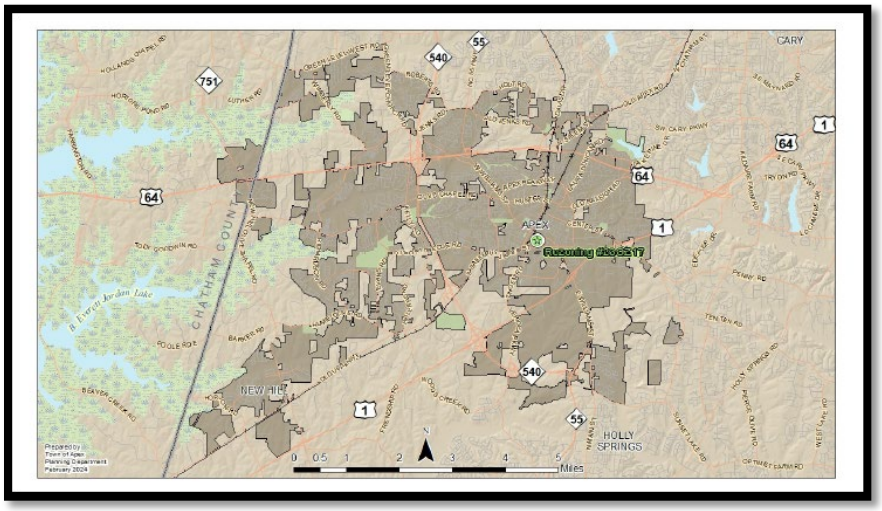
PH4 Rezoning Case No. 23CZ17 – 0 Herbert Street

Liz Loftin, Senior Planner, gave the following presentation regarding Rezoning No. 23CZ17 – 0 Herbert Street.

[SLIDE 18]



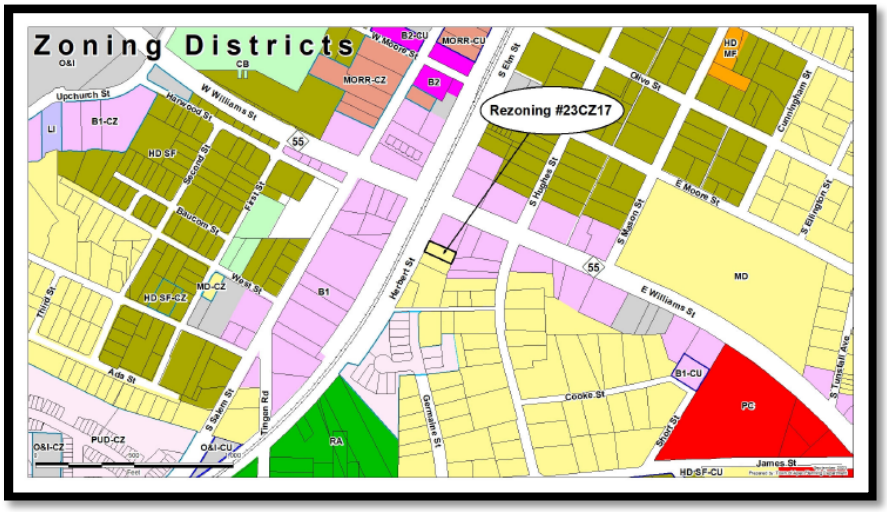
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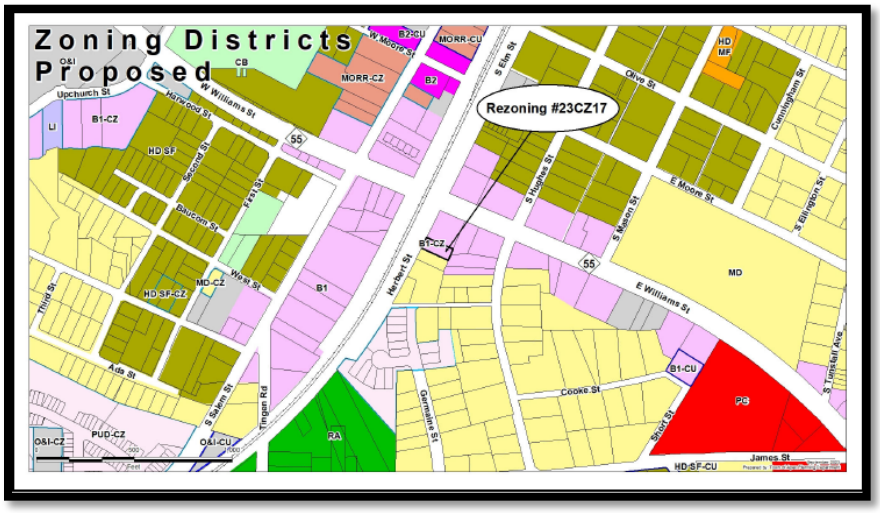
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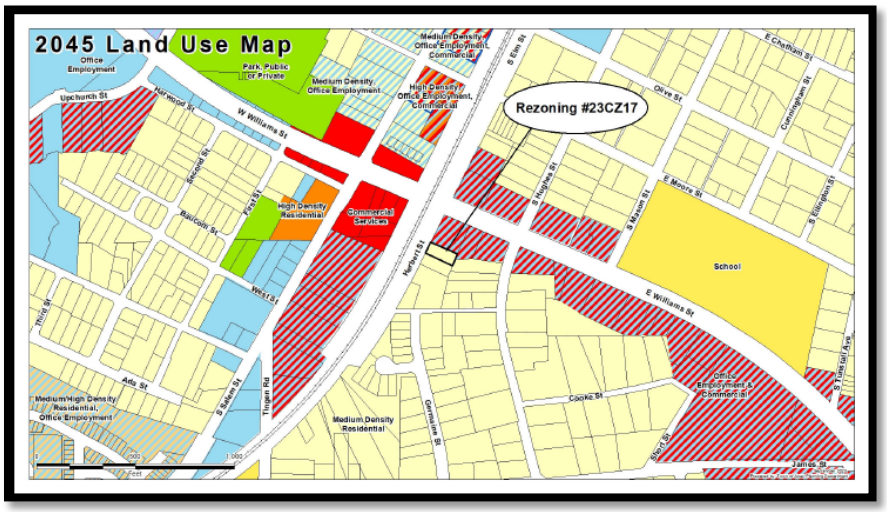
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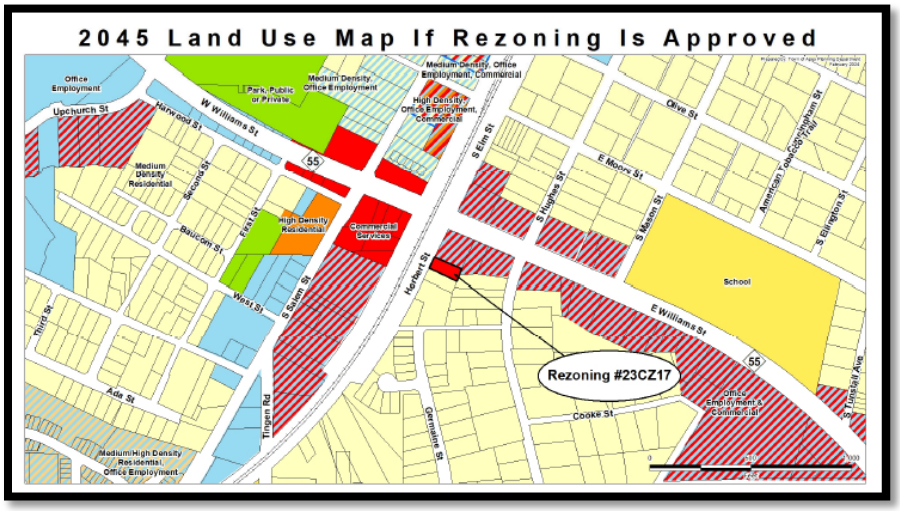
[SLIDE 22]



[SLIDE 23]



[SLIDE 24]



[SLIDE 25]



Councilmember Zegerman asked if traffic from Herbert Street was prohibited to access that lot, would it still be allowed for the other lots closer to Williams Street.

Ms. Loftin said it would only be for the non-residential development.

Councilmember Zegerman asked if the only access point was the existing driveways off of Hughes Street.

Ms. Loftin said it is currently the only access to the partial from Herbert Street.

Councilmember Zegerman asked if the driveway had enough space for a commercial development.

Russell Dalton, Senior Transportation Engineer, said the town would be okay with a right-in-right-out on Hughes Street, and there had been discussion about a right-in-right-out, or possibly right in only, off of NC 55.

Russell Copersito, on behalf of the applicant, spoke about how the goal of the property was to match the other parcels the owner has. He said they have met with neighbors to address their concerns, including putting up a privacy fence, and develop the surrounding area.

Councilmember Gantt asked if there would be pedestrian access from Herbert.

Mr. Copersito said it wouldn't be walled off, but it would depend on how it was used later in the site plans.

Councilmember Gantt asked if a sidewalk connection to Herbert would be an option.

Mr. Copersito said that would depend on the usage in the site plan. He said that isn't something that has been turned down.

Mayor Gilbert opened up Public Hearing for this item. With no sign ups, he closed Public Hearing and moved discussion back to Council.

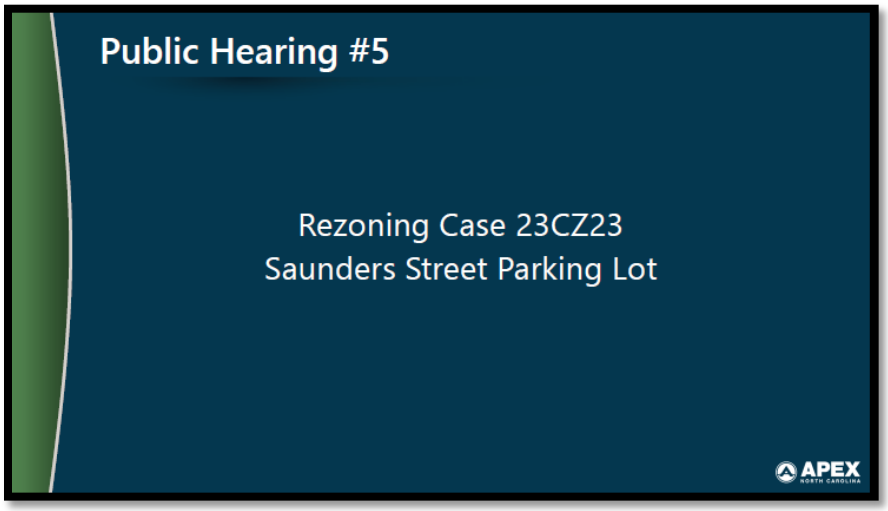
A **motion** was made by **Councilmember Mahaffey,** seconded by **Councilmember Killingsworth,** to approve Rezoning No. 23CZ17.

VOTE: UNANIMOUS (5-0)

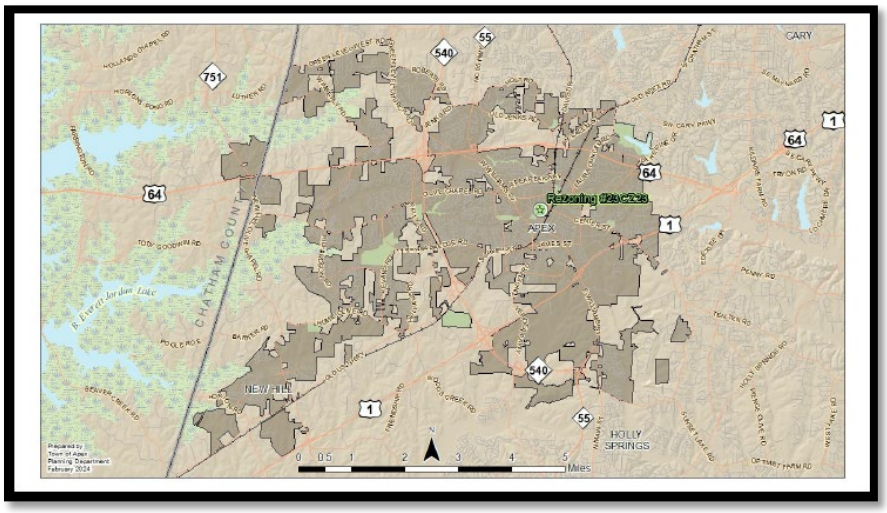
PH5 Rezoning Case No. 23CZ23 – Saunders Street Parking Lot

Ms. Loftin and **Mr. Dalton** gave the following presentation regarding Rezoning No. 23CZ23 – Saunders Street Parking Lot.

[SLIDE 26]



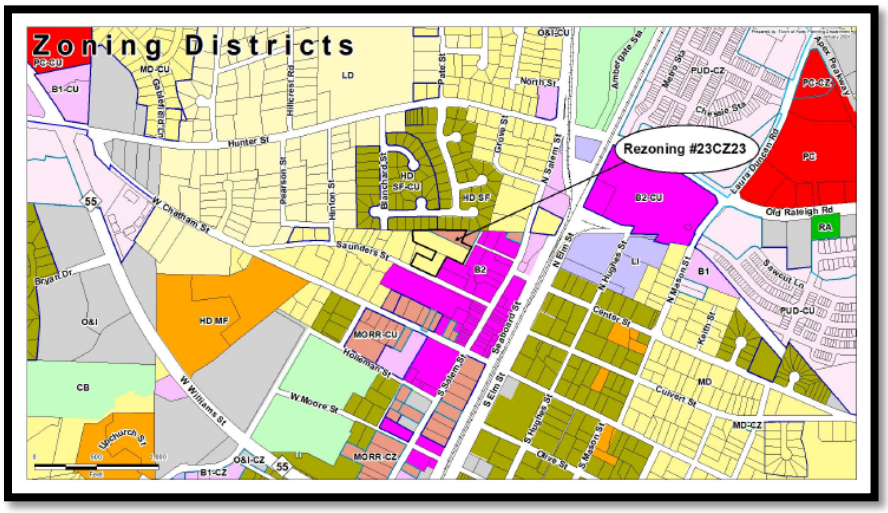
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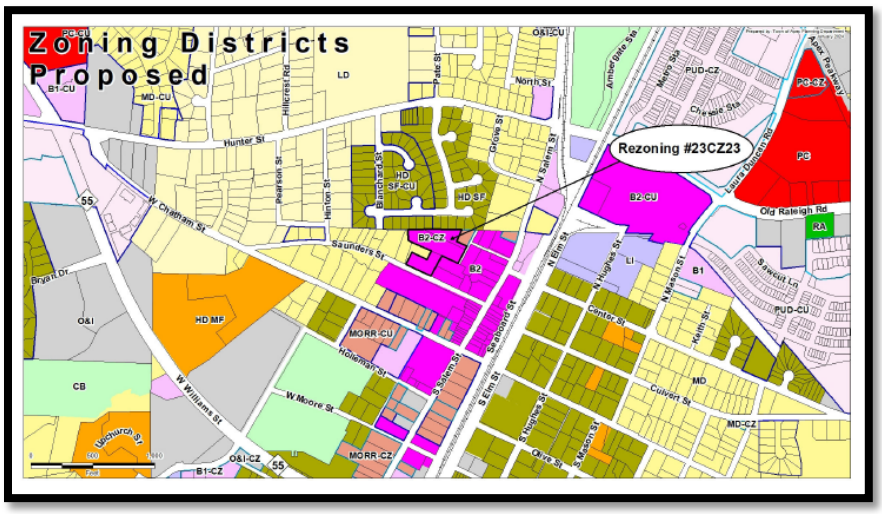
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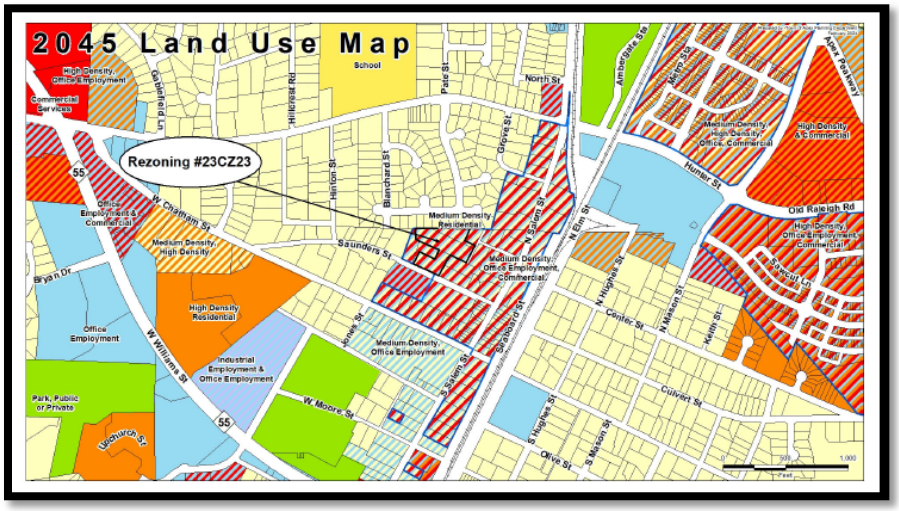
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[SLIDE 30]



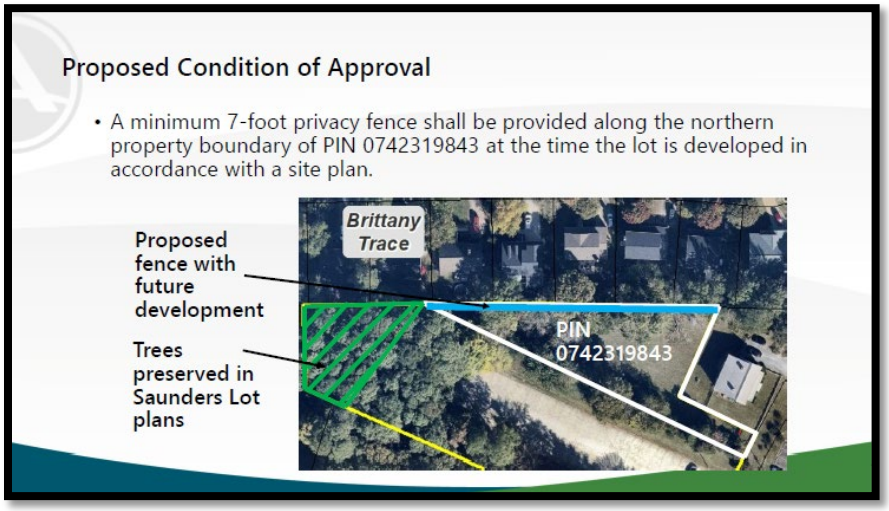
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[SLIDE 32]



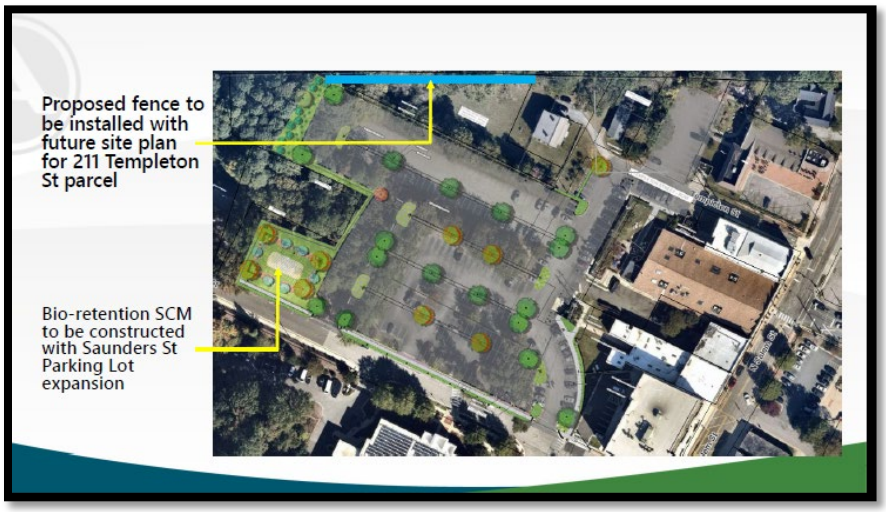
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[SLIDE 34]



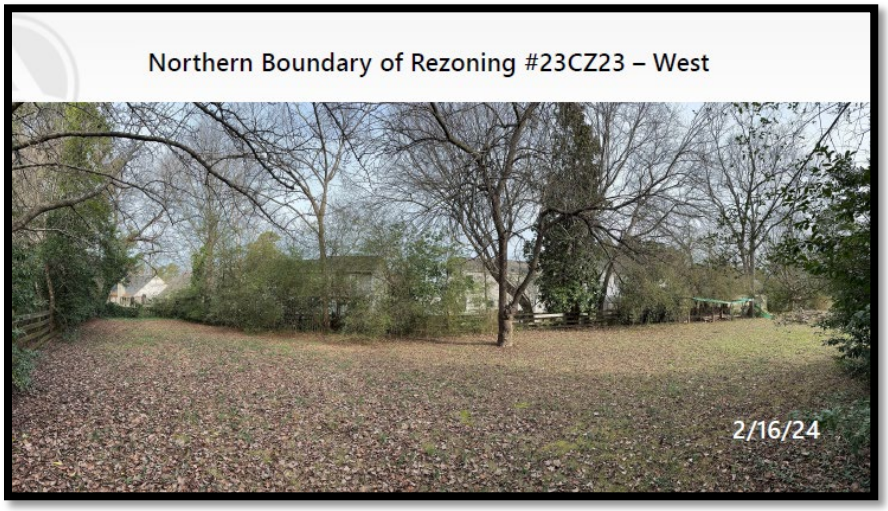
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[SLIDE 36]



[SLIDE 37]



[SLIDE 38]



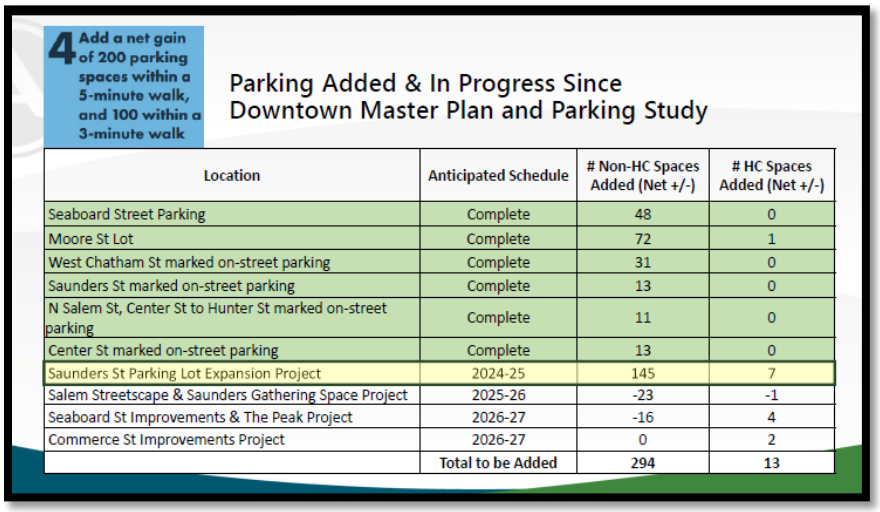
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[SLIDE 40]



[SLIDE 41]

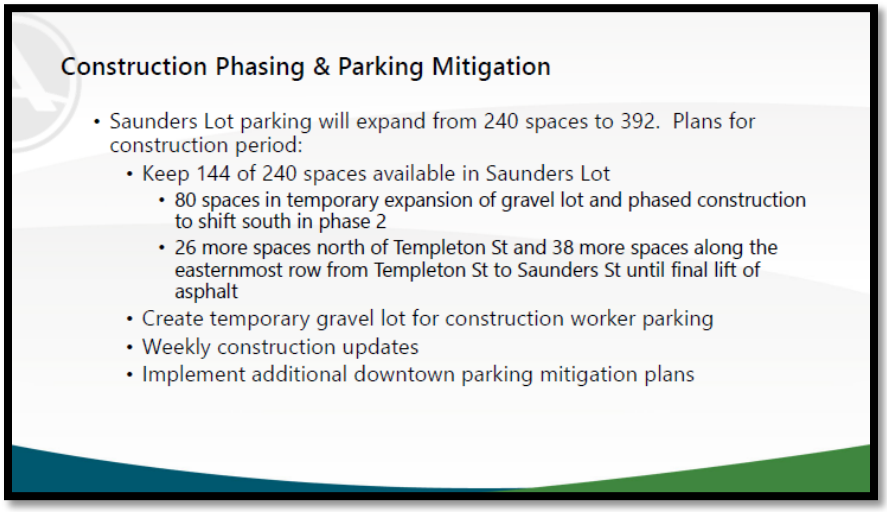


4 Add a net gain of 200 parking spaces within a 5-minute walk, and 100 within a 3-minute walk

Parking Added & In Progress Since Downtown Master Plan and Parking Study

Location	Anticipated Schedule	# Non-HC Spaces Added (Net +/-)	# HC Spaces Added (Net +/-)
Seaboard Street Parking	Complete	48	0
Moore St Lot	Complete	72	1
West Chatham St marked on-street parking	Complete	31	0
Saunders St marked on-street parking	Complete	13	0
N Salem St, Center St to Hunter St marked on-street parking	Complete	11	0
Center St marked on-street parking	Complete	13	0
Saunders St Parking Lot Expansion Project	2024-25	145	7
Salem Streetscape & Saunders Gathering Space Project	2025-26	-23	-1
Seaboard St Improvements & The Peak Project	2026-27	-16	4
Commerce St Improvements Project	2026-27	0	2
	Total to be Added	**294**	**13**

[SLIDE 42]



Construction Phasing & Parking Mitigation

- Saunders Lot parking will expand from 240 spaces to 392. Plans for construction period:
  - Keep 144 of 240 spaces available in Saunders Lot
    - 80 spaces in temporary expansion of gravel lot and phased construction to shift south in phase 2
    - 26 more spaces north of Templeton St and 38 more spaces along the easternmost row from Templeton St to Saunders St until final lift of asphalt
  - Create temporary gravel lot for construction worker parking
  - Weekly construction updates
  - Implement additional downtown parking mitigation plans

Councilmember Gantt asked if there has been an estimation of how much additional time the phasing would cause.

Mr. Dalton said it's a difficult question, he said his consultant estimated 8 months would be a reasonable timeframe, and it may could be shortened if there was no phasing. He said phasing would raise the cost of the bids, but setting too short of a timeframe may exclude some contractors from wanting to bid.

Councilmember Mahaffey asked what the best way was to incentivize contractors to move quickly. He said a late penalty may incentivize contractors to overestimate how long something would take them on the front end.

Mr. Dalton said setting a reasonable construction timeframe is the first thing. He said they are going to talk to some contractors about what they think. He said awards can be given to contractors for completing the project ahead of schedule.

Councilmember Gantt said it seems most projects are behind schedule, though most have reasonable delays. He said if this project is similar it may be 10 or 12 months instead.

Mr. Dalton said there are many things that can contribute to delay. He said sometimes utility issues that can come up that slow things down, as well as other things.

Mayor Pro Tempore Gray asked if he could speak about Seaboard Street parking.

Mr. Dalton said in effect that was parking on private property. He said CSX tolerated that, bit they could have not allowed parking there.

Mayor Pro Tempore Gray asked if we are now in an agreement to maintain that parking now.

Mr. Dalton said yes, it has been formalized and paved now.

Councilmember Mahaffey asked about the above-ground retention pond. He said the original plans were underground, and asked about why that changed.

Mr. Dalton said he would look into that, but cannot provide an answer as he is not an expert on that. He said they are also trying to mitigate runoff from the Williams lot as well.

Mayor Gilbert opened up the Public Hearing for this item.

First to speak was **Cynthia Mollenkopf** of 221 N Salem Street:

"I spoke on behalf of many downtown businesses at the Planning Board Meeting, the content of which I sent to you along with the YouTube links. I detailed the destructive impact of having the Saunders Lot under construction during the holiday season, no matter the number of parking mitigation efforts, and then shared some mitigation suggestions. I am hopeful that you all have found time to read it or watch it, so I won't repeat all that now, but I will say that it was a fact-based, logical, and reasonable argument for the January 2025 start date for the construction that I don't believe has swayed some of the member of the Council. So I'd like to add a few comments. Two years ago, one of the public meetings that Russell mentioned, I expressed my concerns to some of the Councilmembers about the expected length of construction time for the lot, and the need to avoid holiday season. That concern has been ignored. Nowhere in the downtown plan does it say sacrifice the future of the current retail businesses and the investments they have already made downtown in the process of implementing this plan. Nor does it say sacrifice the livelihoods of employers, employees, vendors, and landlords to implement this plan. Nor does it say the execution of this plan is more important than the people, and the businesses, and the downtown it is meant to improve. The downtown businesses were not the ones who held up the negotiation to acquire the land. Nor were we the ones who chose not to take advantage of a public-private partnership to build a parking deck. Nor were we the ones who made a deal with one developer at the expense of all the other business owners. So, we shouldn't be the ones to pay the price for the town's delays. No matter when you start construction, our businesses will face financial challenges. But we are willing to do this for the long-term benefit of downtown Apex. But please don't put aside a business over a small delay. There's plenty of things that town staff can be doing the rest of the year and during construction to prepare for and implement other aspects of the plan. I don't want to believe that you don't care about our businesses. So instead, I am left to assume you don't believe there will be a negative impact from the lot construction. If that is the case, then bet on it financially. If you proceed in June, with 8 months of construction in the Saunders lot, commit to the downtown businesses that

the town will make up the differences between our 2024 holiday sales, and those of 2023. Or, amend the proposed zoning, to include a start date of January 2025. Thank you."

Next to speak was **Doug Meckes** of 1765 Town Home Lane:

"Thank you for the opportunity to speak this evening. I stand before you wearing two hats, the first hat, that of a small business man in Apex since 1977, when I became a partner at the Apex veterinary hospital on E Williams Street. During my 29 years here, my partners and I were privileged to serve this community and surrounding counties to meet the needs of critters large and small. We expanded our veterinary practice into other surrounding communities and at one time had over 75 employees. So I stand here knowing full well what is required to meet a payroll, to pay for products and supplies necessary to operate a business, and to provide our services to the public. Even after leaving the practice of veterinary medicine, I remained invested in the Apex business community. Most importantly the Salem Street Corridor at 221-223 N Salem Street. The building which Georgia, my wife, and I co-own with Stewart Jones and other members of Jones-Cnossen engineering. In preparing for this meeting I spent some time with tenants of our building and the other small business owners up and down Salem Street. While all concerned look forward to what is likely the first step in addressing parking issues downtown, there is significant concern about the project and how it will unfold, and given my small business experience, I am fully empathetic to their concerns. As I stated in a note to you all last week, Russell Dalton has done work laying out steps to ensure additional parking during construction, and planning for a phased approach to constructing the Saunders Street lot. However, there's considerable angst up and down the street about the timing of the project. The impact and the effective loss of so much available parking during the Christmas season is a great concern to the downtown business community. Now my second hat, that of a former Apex Town Board member from 1995 to 2005, after almost 10 years serving in that role, I stepped down in 2005 to begin a new adventure in Washington, DC. While Georgia and I were excited about our future, we were saddened to leave behind this wonderful community, even though we knew we would return, and we did 9 years later. As I prepared to leave, I submitted a letter to the Apex Herald, no longer in publication obviously, and thanked the community for the privilege to care for their various critters over the years, and the opportunity I'd had to serve on the town Board for those years. I felt the decisions that we made during that time were always in the best interest of Apex. Given that experience, I suggest to the Town Council this evening that it's not in the best interest to begin the South Saunders Street construction this Springs, it's not in the best interest to have empty businesses that fail because there's no access to their businesses over the Christmas holidays, and it's certainly not in the best interest of Apex to be perceived as lacking in support for the downtown business community. It is after all the downtown that contributes mightily to the overall character of this community. Thank you."

Mayor Gilbert thanked Mr. Meckes for his comments.

Next to speak was **Andrew Werking** of 117 N Salem Street:

"Good evening, my name is Andrew Werking, my wife Heather and I own Werking Design and Décor, 117 N Salem. As a downtown business owner, my wife and I have an obvious vested interest

in the goings on downtown, particularly as it related to commerce, transit, accessibility, and parking. Our interest are Apex's interest. We want and work very hard to realize a downtown that's open for business, offers a healthy mix of retail, restaurants, services businesses, activity venues, and public art. Simply states, we want a vibrant, prosperous, and expanding downtown business district. It has always been, and always will be, the heart of Apex. That said, we are currently deeply concerned. While we commend the town for pushing forward with the downtown plan, it's clear that the current plan to expand the Saunders Lot falls short of meeting the needs of parking in downtown Apex, let alone our parking needs in the future. Over the past months, we have heard countless town staff and countless Town Council members refer to a parking study that's more than 5 years old, and stating that we currently have a parking surplus downtown, and that after completion of the Saunders Lot Project before you tonight, we'll have a parking surplus downtown. Apex has exploded in growth over the past 5 years. 45% based on the town's own numbers from your planning department in terms of vehicles registered in town and the number of people that have come here in the 5 years that have elapsed since the completion of that study. We hear every day, every day from our patrons, the ones that do make it into our shop because they did manage to finds a spot. We hear from them how difficult it is to find a place downtown. Just yesterday morning, just after 11 o'clock, I had to go into the Mule Exchange building to do some business. It took me over 5 minutes riding around, and I finally got a spot in the back edge of the gravel lot in the Saunders lot. On a Monday morning. So, I would invite all of you to think about your experience in trying to go downtown, and trying to find a place to park when you make your decision tonight. Others have mentioned an agreement that recently came to light between certain members of this Council and town staff with the developer of the High Line building, guaranteeing a certain number of spots in the Saunders lot. In light of that, and then in light of the fact that many of you, and many of town staff, while knowing about this agreement, told other small business owners downtown that spots couldn't be allocated for a particular purpose or to a particular business because they belong to the taxpayers of Apex. In light of that, I recommend the town not approve zoning on this lot tonight, such that we may consider a solution that's more appropriate for current and future parking needs, and more fair for the small business owners' downtown that make up the heart of this community. Thank you."

Mayor Gilbert thanked Mr. Werking for his comments.

Next to speak was **Michelle McHenry** of 1017 Woodbrier Street:

"Good evening, thank you, I am speaking as a resident of Brittany Trace, and I want to speak specifically to the backyard, we're talking the former Williams property. So I'm not talking about the parking lot in the parking study, but just this residential lot. So, as a resident of Brittany Trace, I respectfully ask the Town Council at this time to not rezone the former Williams property. It is already zoned government service, park active park passive, we ask it not be rezoned to be 2-CZ. We ask the Town Council to separate the Williams property from the present plans from the other parcels, the town can redo the present parking lot without rezoning the former Williams property. In fact, all site plans to redo the present parking lot does not involve the former Williams property at all. The town seeks to gain 152 parking spaces by redoing this present parking lot, the former Williams property does not need to be rezoned to become a parking lot in the future. We were told it would only yield about 30 parking spaces. I respectfully ask when did the town of Apex start buying people's

backyards to turn into parking lots? Parking lots with less than 30 parking spaces. Yes, we are only 5 or 6 property owners whose backyards will be affected, we are all the people here along that blue line, how would you feel if the town turned your neighbor's backyard into a parking lot? A beautiful, green backyard given up for maybe 30 parking spaces. We ask for this former Williams property to remain park active park passive. It is already zoned, does not require any rezoning. Because it's already rezoned, park active park passive, we ask for any development decision on this property to be some type of park or green space. Apex would greatly benefit from a green space downtown. This former backyard would be a lovely spot for a Rose garden, a sunflower field, a wildflower field, a quiet space, with a walking labyrinth, a meditation spot, a community garden, a place for photographs, or any or all of the above. It would be a nice gesture to make it a memorial to Steven Errol Williams, since it was his former backyard. With all the mental health issues people are experiencing in our day, a quiet downtown green space would be a wonderful addition to our town. A privacy wall that would be built to buffer the Brittany Trace residents could be painted with a lovely, thoughtful mural. The Williams house is the oldest residence in the Town of Apex. It is presently surrounded by parking on three sides. How sad to have it completely surrounded by parking lots. We are asking the former Williams property not to be turned into a parking lot in the future, and at this time we specifically ask for it not to be rezoned. At what time it would be decided to be developed we ask that all mature trees be preserved, we ask for a buffer between the former Williams property and the Brittany Trace residents. We ask for screen plantings between the Williams property and Brittany Trace residents. We ask for more than the 7-foot-tall privacy fence. We are very thankful to the planning board who approved the fence now rather than later. If water and sewer extensions would be necessary to make this former Williams property a park, we accept that. Thank you."

Mayor Gilbert thanked Ms. McHenry for her comments.

Next to speak was **Jim Bishop** of 219 N Salem Street:

"Good evening Town Councilmember, my wife and I own Sawdust and Clay downtown, next to Common Grounds, Cynthia pretty much said what I wanted to say, but I just wanted to add something on a personal note. At least 5 times a week, I have customers to say this is a great place to come buy gifts for Christmas. So, if there is limited parking, and they cannot shop in our shop for Christmas time, that's revenue gone. And you guys have the power to help us succeed with many challenges that small businesses face all of the time. Anything you guys can do to help us is so appreciated. Thank you."

Mayor Gilbert thanked Mr. Bishop for his comments.

Next to speak was **Jack Otepka** of 116 and 118 N Salem Street:

"Good evening, my name is Jack Otepka, my wife and I own 621 productions at 118 N Salem, and we also now own Alleyway Bookstore at 116 N Salem. Obviously, we are invested in Apex. Here to support my fellow downtown businesses that have spoken, and my wife and I support everything

that was written to the Town Council by Cynthia Mollonkopf, it was very well said. We appreciate her for doing that. We would ask for the Council to consider with heavy weight the mitigation measures that the downtown businesses have presented. It's our livelihoods, our businesses, our lives. We're asking that the construction of the Saunders Street lot be started in January 2025 not to interfere with the businesses fourth quarters, the holiday season is everything to all of us, no matter what kind of businesses we have. The opening of the bookstore, many positive social media comments came in, we're very excited to be able to have it downtown, but one comments that did stand out to us in all of the social media comments, a used bookstore back in Apex, that's amazing. Is parking in Apex still a nightmare? True story. I have spoken before to the Council a few times about downtown parking when the issue has arisen. As I have stated here before, my concerns are mostly with the handicapped and the elderly. A lot of my clients are elderly, I just am always worried about what the situation will be for them and the handicapped. So please consider the needs as you decide the final plans, help make Apex more ADA accessible, and thank you all for your time."

Mayor Gilbert thanked Mr. Otepka for his comments.

Next to speak was **Mikki Kline** of 1013 Woodbriar Street

"My name is Mikki Kline, and I am a resident of Brittany Trace, and I definitely back everything that Michelle said, I did want to add just a little bit of personal commentary to it, as we have lived in Apex for over 19 years. When we bought our house, behind our house was the cornfields, and were not as long, which Nicholas used to run and play with his dogs on when he was a baby. And we've asked to buy that Williams Street property many times, I've sent letters to them, I've talked to them in the street, and was completely surprised when we found out the town had purchased and wanted to pull it down to put a parking lot. So I just wanted to share what the back of our house means to us. When we looked outside during COVID, my husband and I sat there and we listened to the trees go back and forth and crack, they talked to each other. We'd listen to the hawks as they were going after their prey. We enjoy that beautiful, and I know it's a gravel parking lot now, but there's tons of trees and livelihood back there, so just the thought that that's going to be pulled down to be a 7-foot wood wall just breaks my heart. Even with the gravel parking lot there, we still have a ton of people come in and out of our parking lots all the time. We hear the wheelies in the back of our yard, we hear music playing, we hear car alarms, we hear people hanging out in the middle of the lot in the middle of the night, we have the PigFest that comes in and they park back there for the whole weekend. And none of that deters us, we are excited to live here in Apex, but the idea that at the very back of our property is now going to be a wood fence with cars right there is just heartbreaking, and I would urge Apex Town Council that there are many things that we can do back there, many that Michelle listed off as well, such as our historical area, a garden, etc. So just please think about it being your property, and we want Apex to thrive, but I am sure there are many opportunities we can work together on. So thank you."

Mayor Gilbert thanked Ms. Kline for her comments.

Next to speak was **Kyle Denis** of 408 Grove Street:

"Mr. Mayor, Council, my name is Kyle Denis and I live at 408 Grove Street in downtown Apex. I also own Apex Outfitter and Mission Market. I also own Peak City Properties and Investments that manages 225 N Salem Street, which is the Tobacco Mule and Exchange building. Parking in downtown Apex, more parking is great, we all know that. But what Cynthia said tonight, I back 100%. Going into this season, we've waited 5 years for this plan to come out. A lot of us were on this board in 2019, spent 100's of hours of work on this, and now, with very little communication, we're jumping at this. But we're thinking about what are the repercussions. The repercussions are 35% of my business happens in Q4. So I have ordered all of my inventory over a year in advance, I can't go change that, and now Q4, all of a sudden I have to plan for this. I mean, it could be devastating to my business, it could be devastating to most people's businesses, and that's why we're all here. I think waiting until January '25 is not an incredibly insane idea. I'm asking you guys this because it's your responsibility to look out for us, and not town staff. It's us. We elect you guys, and we need you guys to look out for us, who made downtown Apex what it is today. That's all I have to say, thank you."

Mayor Gilbert thanked Mr. Denis for his comments.

With no further sign ups, **Mayor Gilbert** closed Public Hearing and moved discussion back to Council.

Mayor Gilbert said he really appreciates everyone who came out to speak. He said he hears how this would impact business, and he is concerned. He said this is a big discussion, and he thanked staff for managing all the moving parts. He asked Council for their thoughts on the item.

Councilmember Zegerman said the intent of the Williams Property was for it not to be paved, and he would be open to an amendment to the motion to exclude the Williams property from the rezoning. He said it gives the necessary zoning that they want for this location already.

Councilmember Mahaffey said he doesn't think that is possible. He said the process would have to be restarted, there would have to be another neighborhood meeting.

Director Khin said if the area is being reduced, the process can continue to move forward. She said there would need to be a new ordinance drafted, but it could still be voted on tonight.

Mr. Dalton said he did include park active, park passive, and government service in the rezoning for all parcels just for flexibility. He said they are currently not working on any plan for the Williams lot at the moment.

Councilmember Mahaffey they have not discussed paving, but he said some public use in the area had been discussed. He said as of now, nothing is planned for that property. He said he had heard objections to the 7-foot fence, and they could possibly not put that up now, or leave it out of the zoning conditions.

Mr. Dalton said the current zoning for the property also does not have any buffer or fencing requirements. He said it is up to the town what goes in there or not.

Councilmember Killingsworth said that knowing that the rezoning does not preclude them from creating a park there, she would like to keep that option open.

Councilmember Mahaffey said they have talked about mitigations for years. He said his recollection was two years ago, a lot of people had reached out to say the project needed to be phased. He said that was always the gold standard to make the plan better, and they listened to that and heard. He said it may not be the best for everyone, but they are committing to keep over 60% of the lot open. He said the other would be offset by the Moore Street lot, and the parking would be temporary so that employees wouldn't park there. He said that's a lot better than the initial plan they had. He said he understands the angst about this, but he is proud of the work that has been done. He said there is still work to be done with the mitigation plan. He said staff will come back with another round of mitigations in April. He urged everyone to see the phasing as a benefit, and understand the town is still working to address the concerns that remain. He asked if anybody had confidence in a government entities construction timeline. He asked that the minutes reflect nobody raised their hand to that question. He said an 8-month project timeline, he hears 12 months from the start. He said every project ends up going beyond the anticipated timeline and he hates it. He said this project seeks to fit an initial 8-month estimation into a 10-month window to ensure it doesn't impact the holiday season. He said they can't exactly choose the start date down to the day, and that there are unknowns. He said history shows timelines change. He said the phasing plan adds consistency. He said a contractor is not going to want to bid for a project now if they wouldn't start until next year. He said if they then bid it in October, the bid may fail. He said he can't predict all of the things out of their control. He said they are going to continue to look for steps to assist in their concerns. He added that there has been discussion about an agreement the town had with a business. He said what they saw had been a letter of intent to discuss an arrangement, and that no agreement had been made. He said it fell through right after that letter was sent. He said the company wanted it to be done for free, but the town said they couldn't do that. He said after that discussion stopped. He said they are there whether there is an arrangement or not, and he said an agreement where the town gets paid may be good. He said there is no parking deck, is because all the deals that have come up are terrible deals. He said they are less parking at a higher cost. He said he would want a parking deck, but he doesn't think the Saunders location is a good place for it. He said he was not willing to put a tall parking deck in downtown, but he does want to explore those in other areas.

Councilmember Zegerman added that there is no phasing if there was a parking deck, so that would be a much worse solution to the current problem. He said this lot gets more spaces than the decks in Holly Springs and Cary.

Councilmember Mahaffey said the Holly Springs lot has 300 spots, and the project for the Saunders Lot has 400.

Councilmember Zegerman said this would be difficult no matter the timing. He said even starting in January, there may not be a guarantee for it not to impact Christmas. He said he understands the angst, but there are too many variables for them to control. He said his recommendation would be to continue moving forward as fast as possible and continue the dialogue to mitigate the issue as much as possible. He said the delay they've had has allowed them to construct more parking in the area to allow more reprieve.

Councilmember Gantt said he has relentlessly pushed the downtown plan as much as he can. He said he thinks it would take 12 months as well, but he wants this as soon as possible. He said unfortunately, it would be likely impact Christmas no matter what they do.

Mayor Pro Tempore Gray said they have heard and recognize the concerns about Q4. He said they all recognize the legitimacy of that. He said that concern has led to the phasing aspect of the plan and other aspects of mitigation. He said he knows there are livelihoods depending on this. He said with confidence the nobody on Council wants to see any business in Apex close. He said the idea of a Q4 loss is one of the things that drive their decisions on this. He said this reminds him of the lesson "you have to eat an elephant one bite at a time". He said the business before them tonight is the first step in getting this going. He wanted to recognize that this was a joint effort, such as Apex Baptist allowing people to park there. He said the downtown project is ambitious, and is not small in any way. He said at the end of this, things would be better on the other side. He said they are concerned about the impacts, and Council wants them to thrive. He said they will continue to support downtown business, and be good custodians of taxpayer dollars.

Councilmember Killingsworth said she echoes the concerns her colleagues have shared. She said the specifics for mitigation would be addressed at a different time, other than at the rezoning tonight.

A **motion** was made by **Councilmember Killingsworth,** seconded by **Councilmember Gantt,** to Approve Rezoning No. 23CZ23

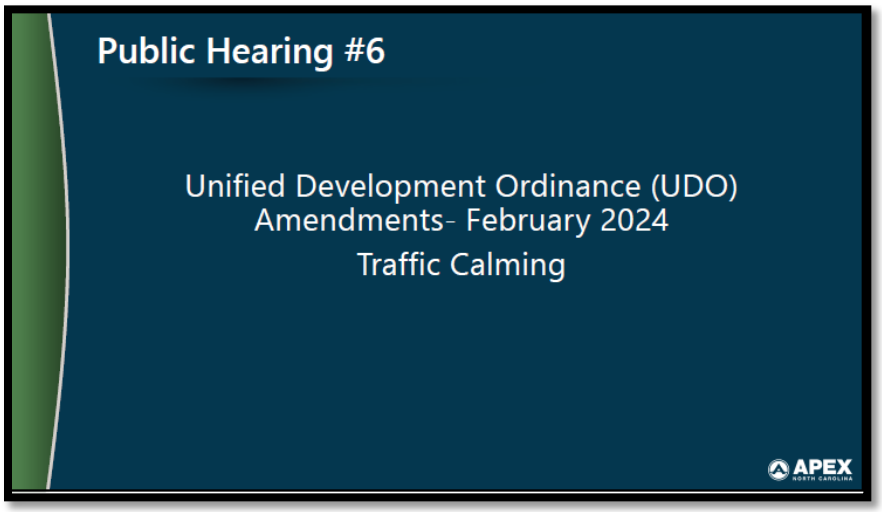
VOTE: UNANIMOUS (5-0)

Mayor Gilbert called for a recess at **8:03pm** and to return at **8:15pm.**

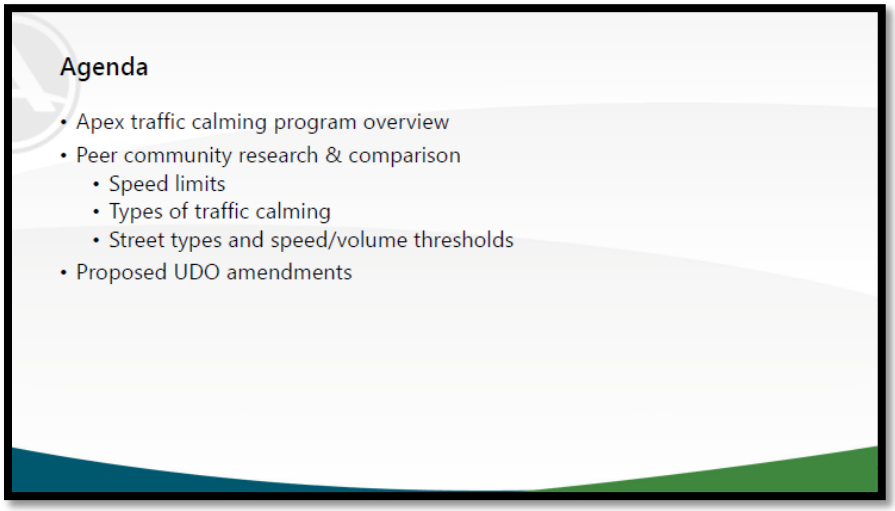
PH6 Unified Development Ordinance (UDO) Amendments - February 2024 - Traffic Calming (REF: ORD-2024-018)

Sajid Hassan, Traffic Safety Engineer, gave the following presentation regarding the UDO Amendment of February 2024 for Traffic Calming.

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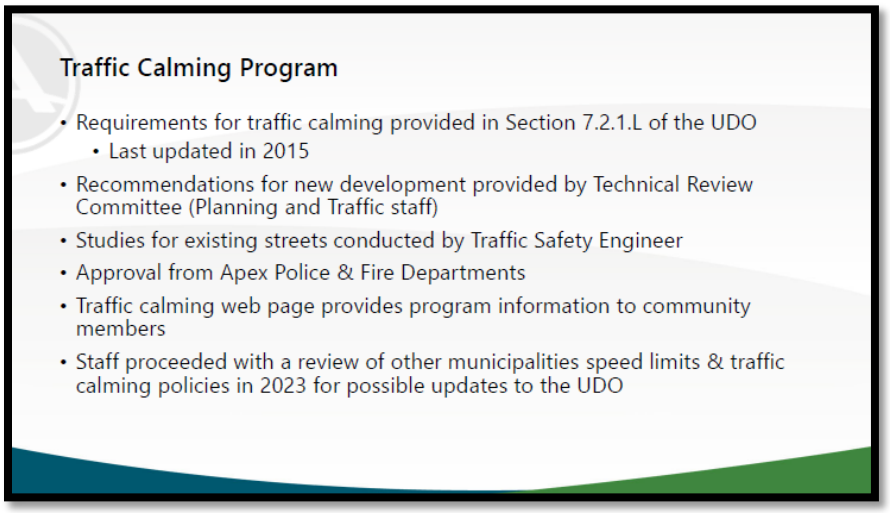
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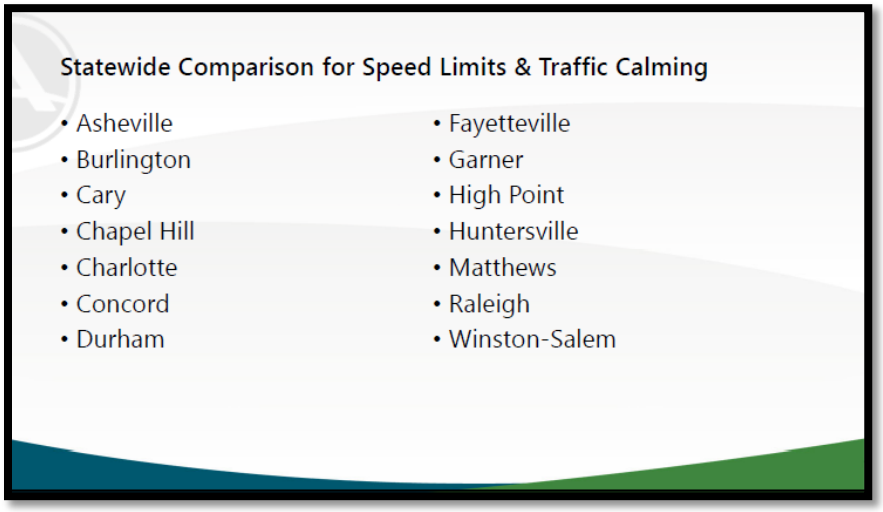
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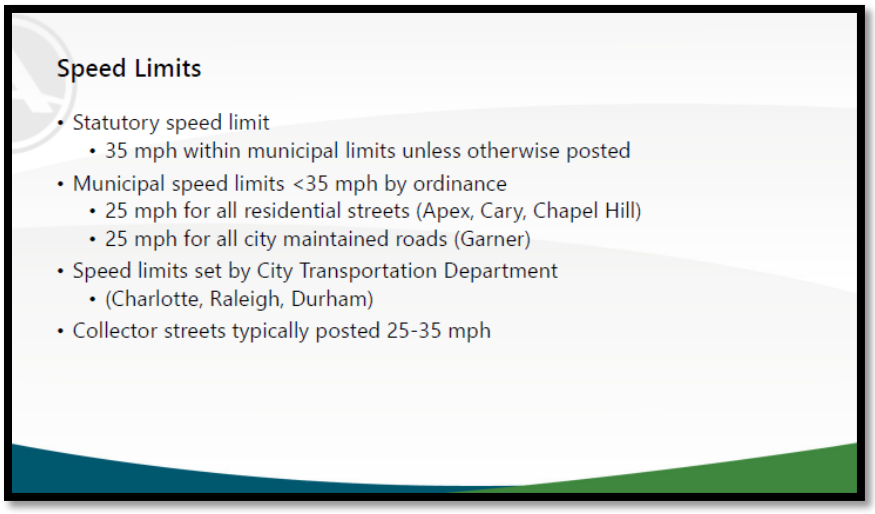
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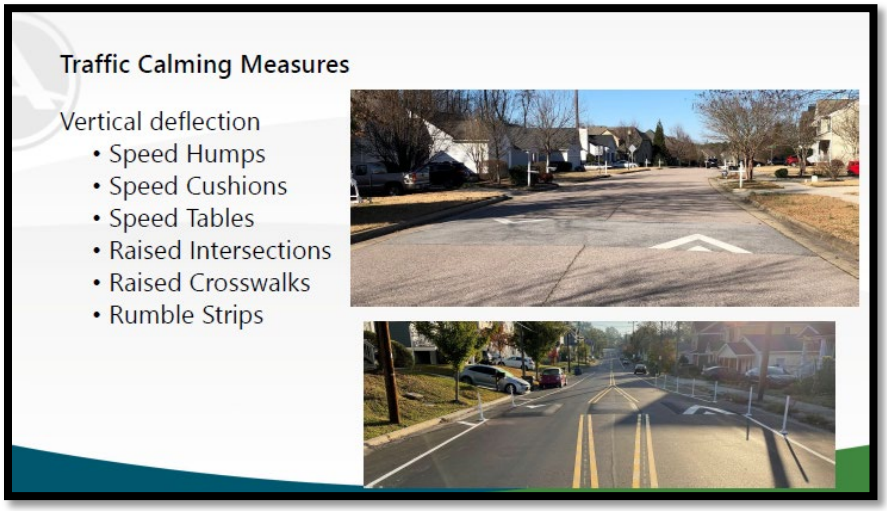
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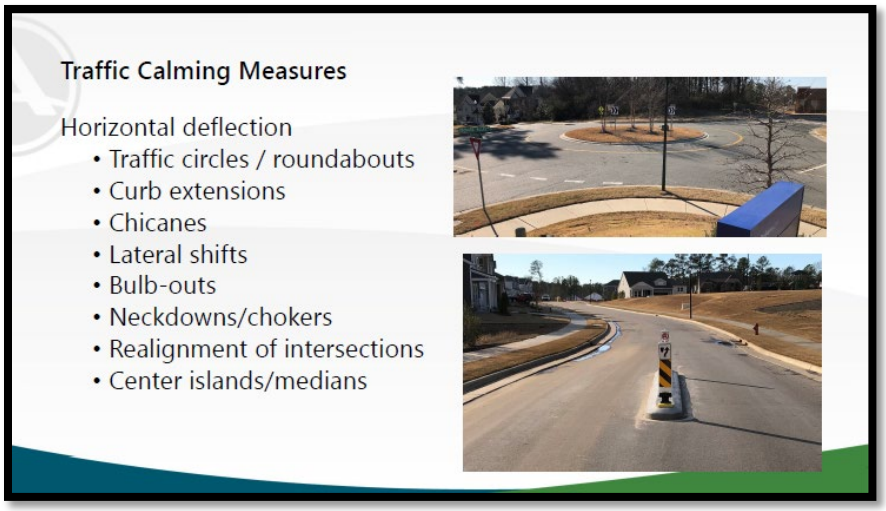
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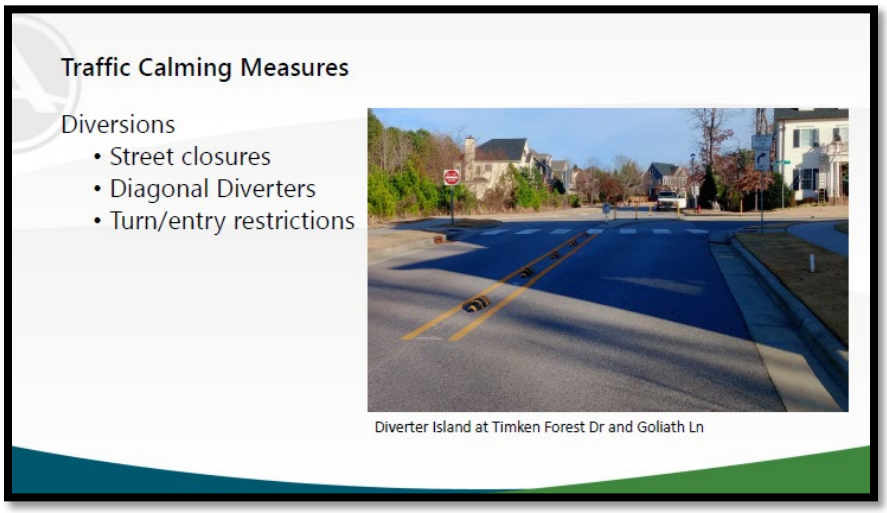
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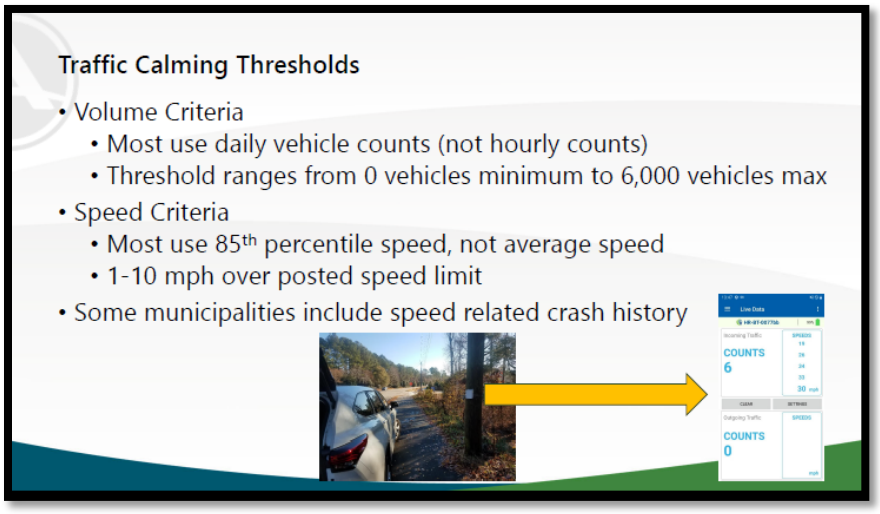
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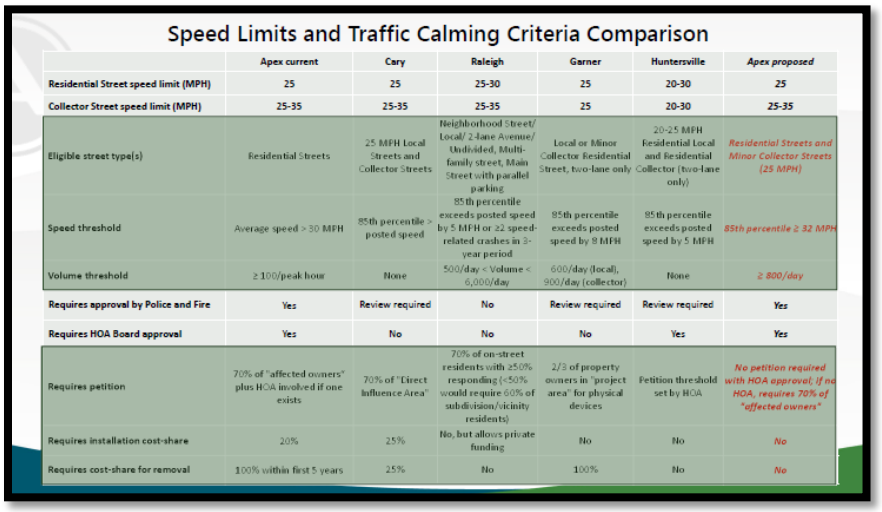
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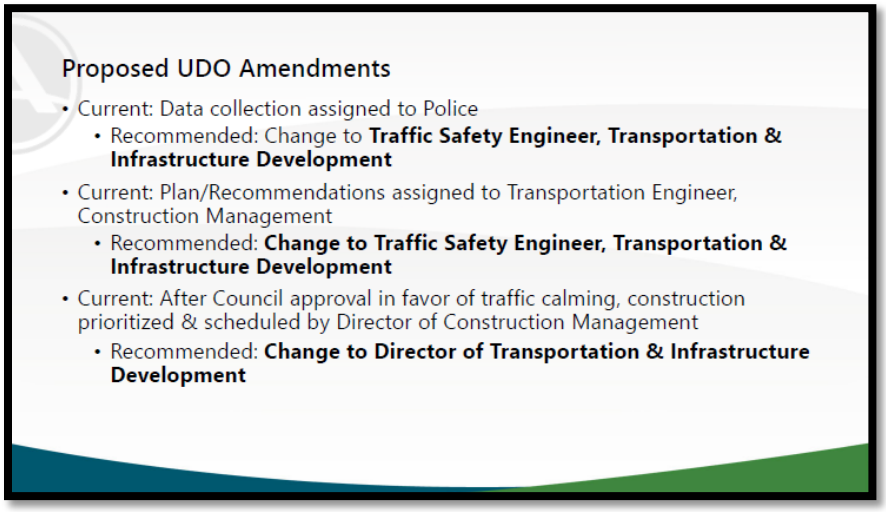
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Speed Limits and Traffic Calming Criteria Comparison

	Apex current	Cary	Raleigh	Garner	Huntersville	*Apex proposed*
Residential Street speed limit (MPH)	25	25	25-30	25	20-30	*25*
Collector Street speed limit (MPH)	25-35	25-35	25-35	25	20-30	*25-35*
Eligible street type(s)	Residential Streets	25 MPH Local Streets and Collector Streets	Neighborhood Street/ Local/ 2-lane Avenue/ Undivided, Multi-family street, Main Street with parallel parking	Local or Minor Collector Residential Street, two-lane only	20-25 MPH Residential Local and Residential Collector (two-lane only)	*Residential Streets and Minor Collector Streets (25 MPH)*
Speed threshold	Average speed > 30 MPH	85th percentile > posted speed	85th percentile exceeds posted speed by 5 MPH or ≥2 speed-related crashes in 3-year period	85th percentile exceeds posted speed by 8 MPH	85th percentile exceeds posted speed by 5 MPH	*85th percentile ≥ 32 MPH*
Volume threshold	≥ 100/peak hour	None	500/day < Volume < 6,000/day	600/day (local), 900/day (collector)	None	*≥ 800/day*
Requires approval by Police and Fire	Yes	Review required	No	Review required	Review required	*Yes*
Requires HOA Board approval	Yes	No	No	No	Yes	*Yes*
Requires petition	70% of "affected owners" plus HOA involved if one exists	70% of "Direct Influence Area"	70% of on-street residents with ≥50% responding (<50% would require 60% of subdivision/vicinity residents)	2/3 of property owners in "project area" for physical devices	Petition threshold set by HOA	*No petition required with HOA approval; if no HOA, requires 70% of "affected owners"*
Requires installation cost-share	20%	25%	No, but allows private funding	No	No	*No*
Requires cost-share for removal	100% within first 5 years	25%	No	100%	No	*No*

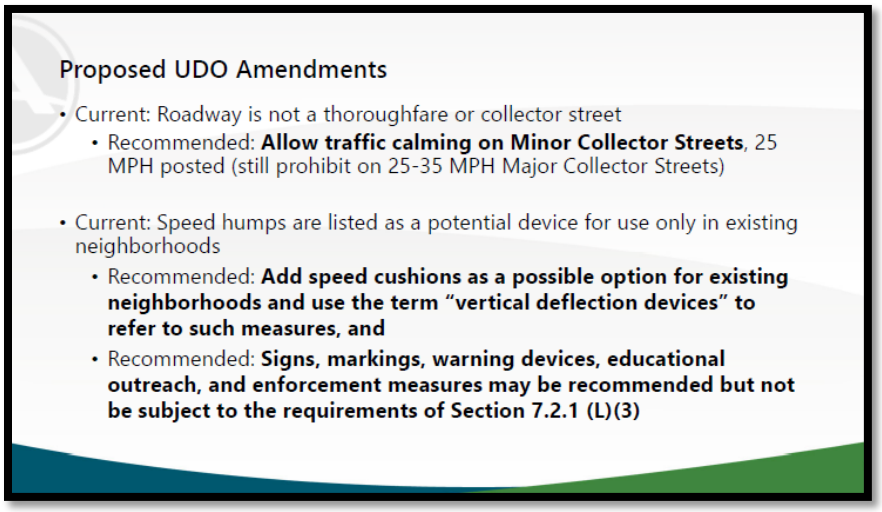
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Proposed UDO Amendments

- Current: Data collection assigned to Police
  - Recommended: Change to **Traffic Safety Engineer, Transportation & Infrastructure Development**
- Current: Plan/Recommendations assigned to Transportation Engineer, Construction Management
  - Recommended: **Change to Traffic Safety Engineer, Transportation & Infrastructure Development**
- Current: After Council approval in favor of traffic calming, construction prioritized & scheduled by Director of Construction Management
  - Recommended: **Change to Director of Transportation & Infrastructure Development**

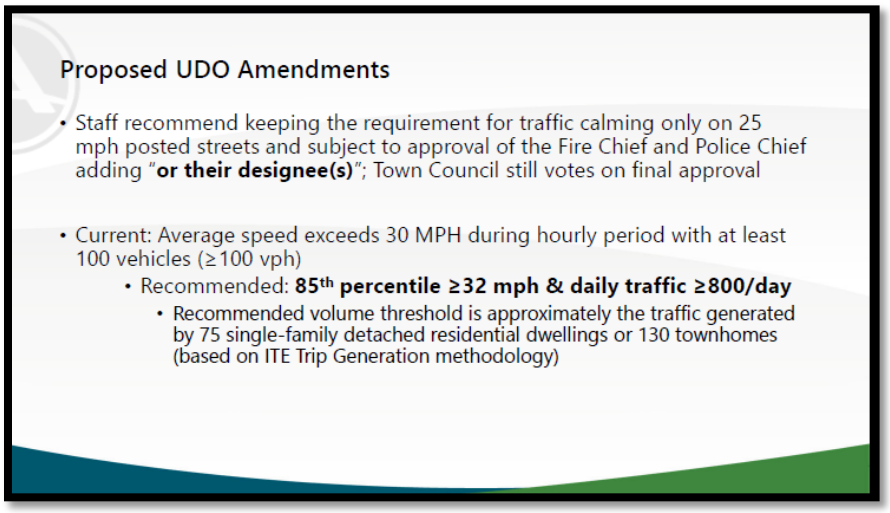
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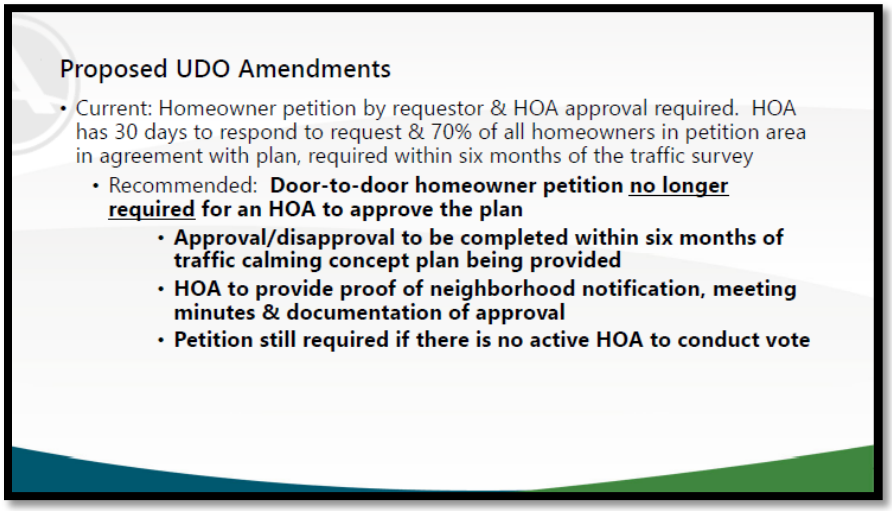
Proposed UDO Amendments

- Current: Roadway is not a thoroughfare or collector street
  - Recommended: **Allow traffic calming on Minor Collector Streets**, 25 MPH posted (still prohibit on 25-35 MPH Major Collector Streets)
- Current: Speed humps are listed as a potential device for use only in existing neighborhoods
  - Recommended: **Add speed cushions as a possible option for existing neighborhoods and use the term "vertical deflection devices" to refer to such measures, and**
  - Recommended: **Signs, markings, warning devices, educational outreach, and enforcement measures may be recommended but not be subject to the requirements of Section 7.2.1 (L)(3)**

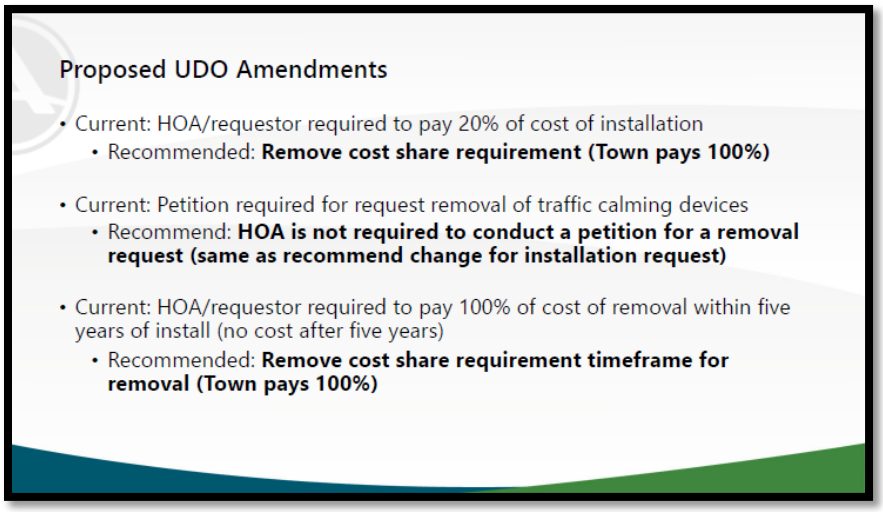
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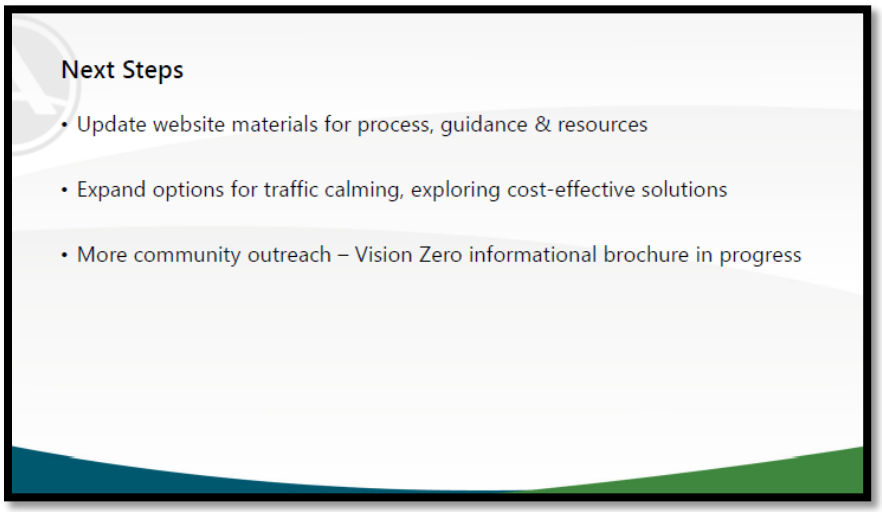
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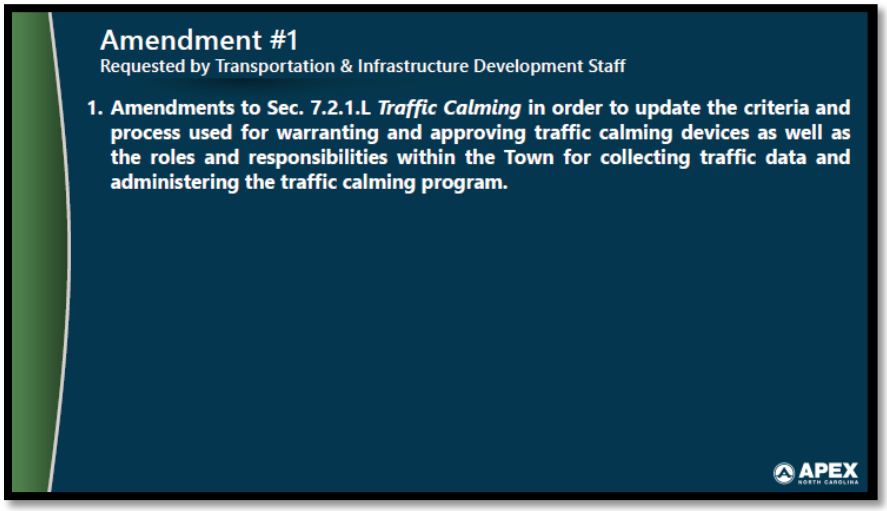
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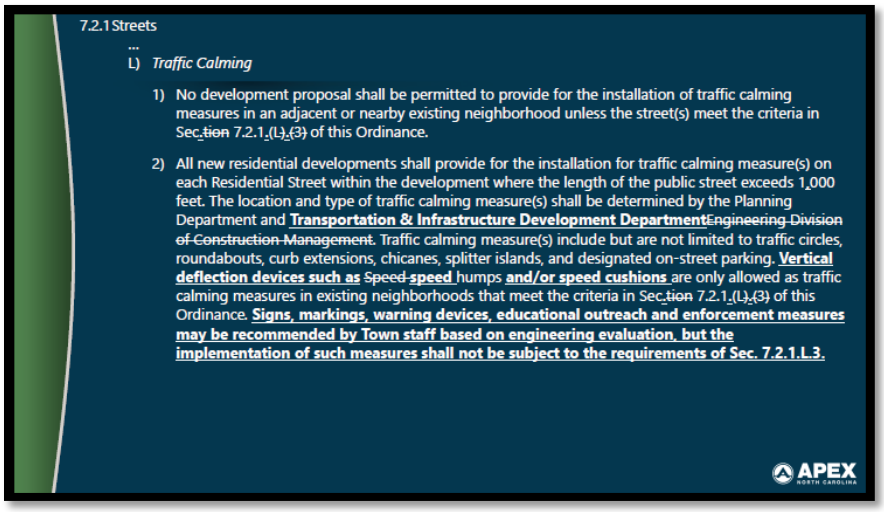
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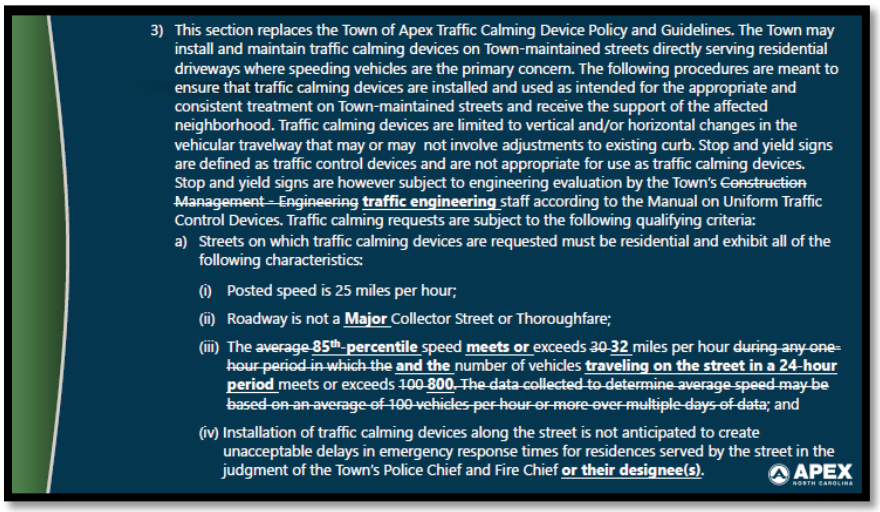
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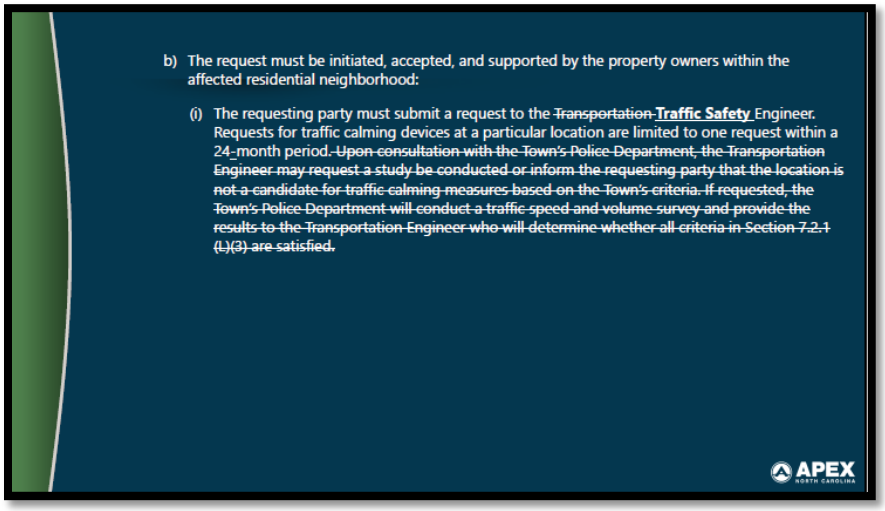
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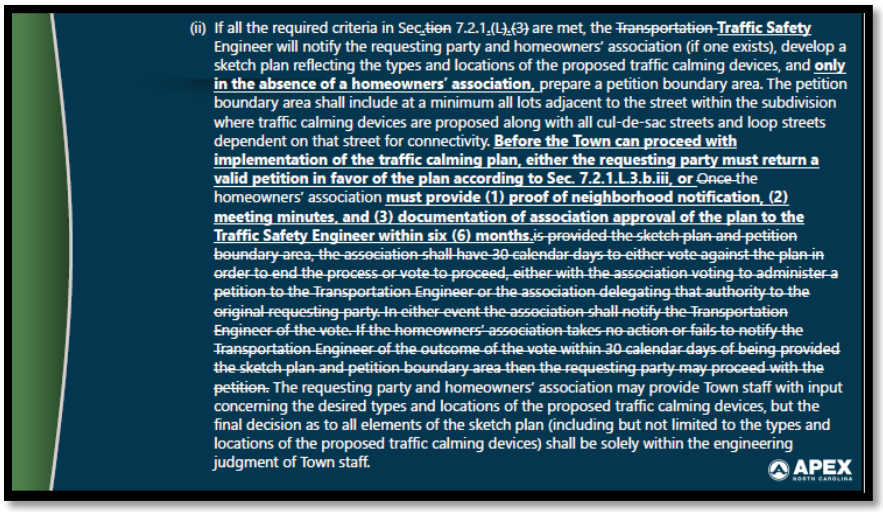
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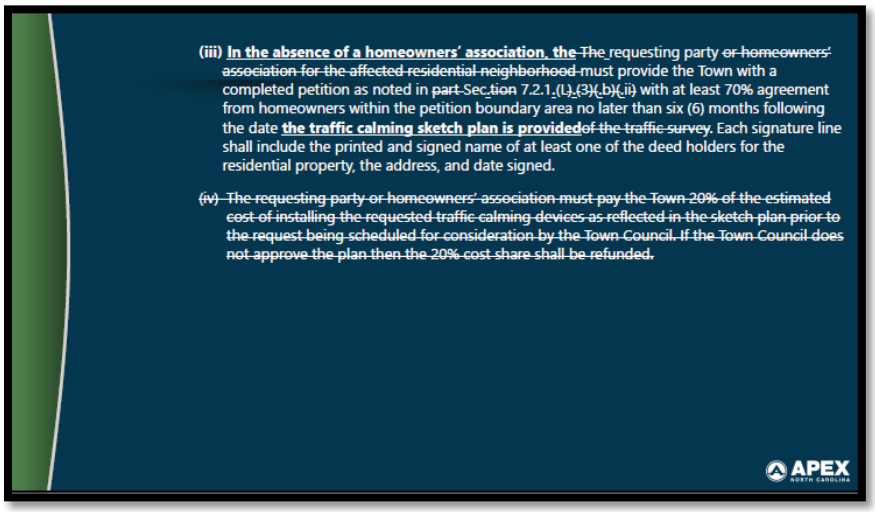
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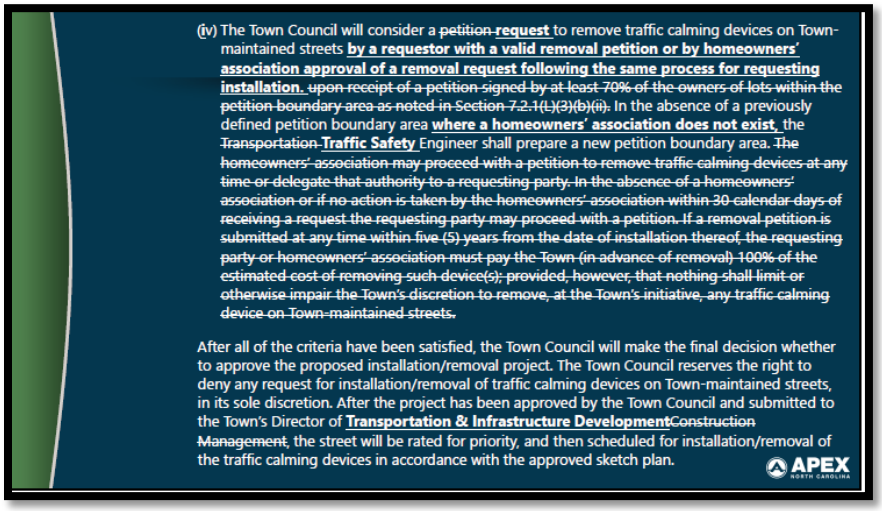
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Councilmember Gantt said he hates vertical traffic calming devices, and asked if the goal was to steer people to the horizontal calming measures.

Mr. Hassan said they do not allow vertical measurement on new development. He said there are other factors to consider in current developments, and sometimes vertical measures are the only option. He said this can be if the grade of the road is such that it causes people to speed up.

Councilmember Gantt asked how to deal with neighborhoods who aren't familiar with vertical measures.

Mr. Hassan said the first step is to work with the Apex PD for enforcement, then look at the other options.

Councilmember Gantt asked if the other options would take precedent over speed humps after that.

Mr. Dalton said there a lot things they can do for traffic calming, but they have to be cautious of existing neighborhoods and the cost. He said a mini-circle could be used, but it would be higher cost. He said it is up to the departments to create plans and present them to the HOA for approval. He said there is currently no dedicated budget for traffic calming.

Councilmember Zegerman asked about the cost sharing component with new development, and if the builder would still be responsible.

Ms. Hassan said yes.

Councilmember Zegerman asked if there were major collectors that were at 25 miles an hour.

Mr. Dalton said there were some, yes.

Councilmember Zegerman asked if language describing a collector street with a 25 mph or lower speed limit would be better than just minor collectors.

Mr. Dalton said they could, but the purpose of major collectors was used more for emergency response routes, so they wouldn't want to use traffic calming measures as much in those areas. He said that would be a more in-depth discussion with police and fire on a case-by-case basis. He said major collectors also do not allow residential driveways.

Councilmember Zegerman asked about the data to determine traffic calming measures.

Mr. Hassan said if it exceeds 32 mph at the 85th percentile and has more than 800 vehicles per day, than the road would qualify for traffic calming measures.

Mayor Pro Tempore Gray asked about why the cost is being shifted fully over to the town, and taking the 20% cost share with HOA's away.

Mr. Hassan said some HOA's are not as well-organized or as well-funded as others, and some neighborhoods do not have HOA's, making a 20% up-front cost share a prohibitive burden.

Councilmember Zegerman asked who ultimately determines what gets built and where.

Mr. Hassan said the town is the final arbiter of where calming measures go, and potentially Council if something additional needs to be funded. He said there will be a process and engineering review for everything.

Councilmember Mahaffey said these are citizen-friendly amendments that make it much easier for people to use these measures.

Mayor Gilbert opened up Public Hearing for this item. With no sign ups, he closed Public Hearing and moved discussion back to Council.

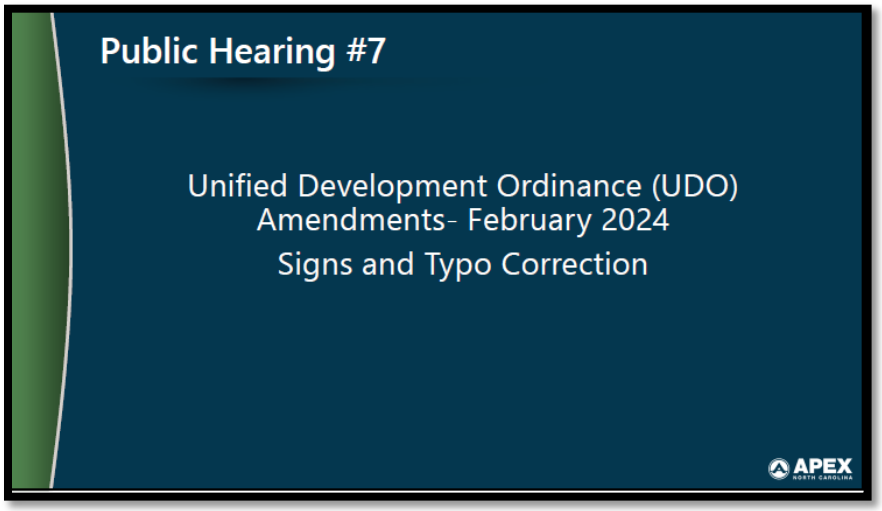
A **motion** was made by **Councilmember Zegerman,** seconded by **Councilmember Gantt,** to approve/deny the Unified Development Ordinance Amendments of February 2024 related to Traffic Calming.

VOTE: UNANIMOUS (5-0)

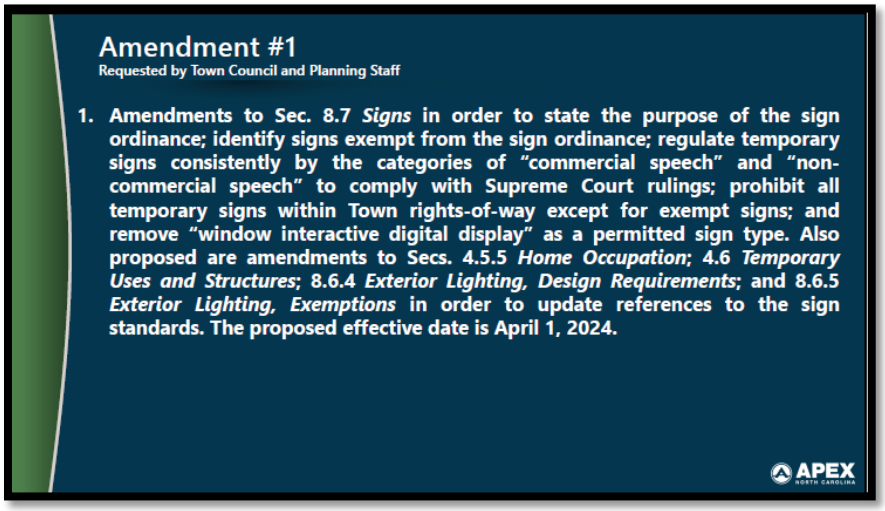
PH7 Unified Development Ordinance (UDO) Amendments - February 2024 - Signs and Typo Correction (REF: ORD-2024-019)

Amanda Bunce, Current Planning Manager, gave the following presentation regarding the UDO Amendments of February 2024 related to Signs and Typo Correction.

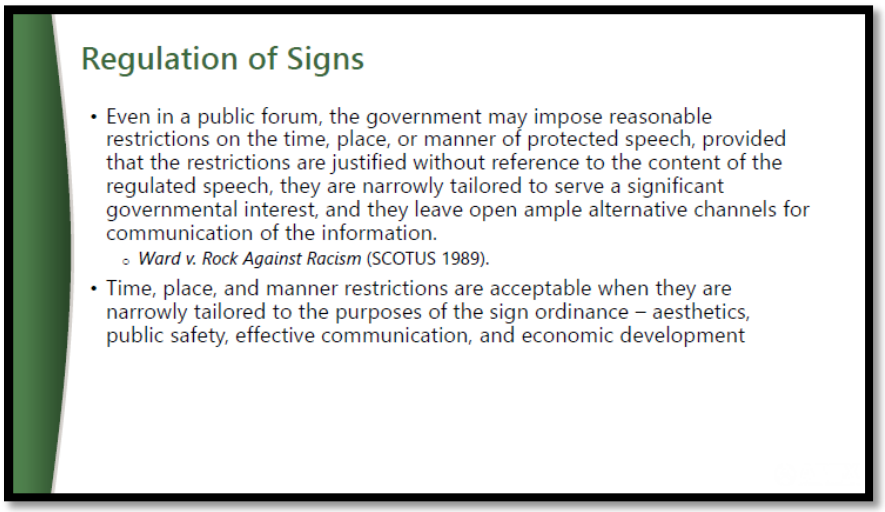
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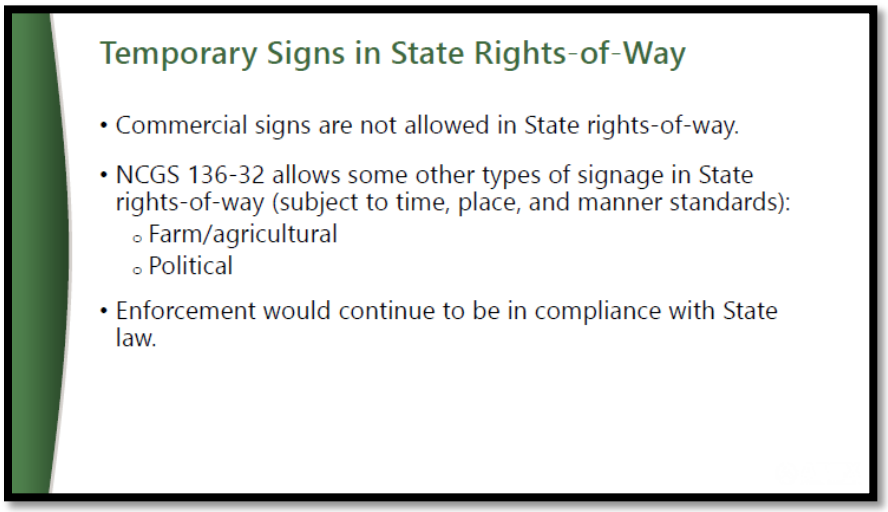
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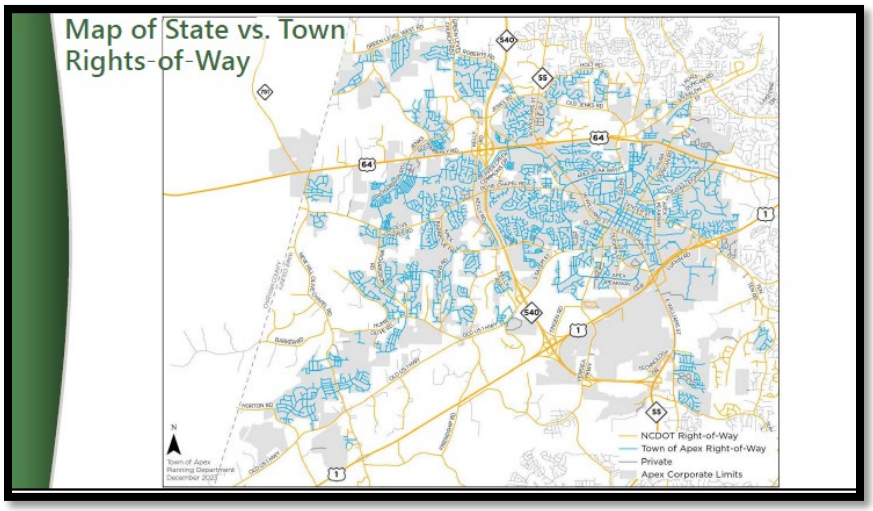
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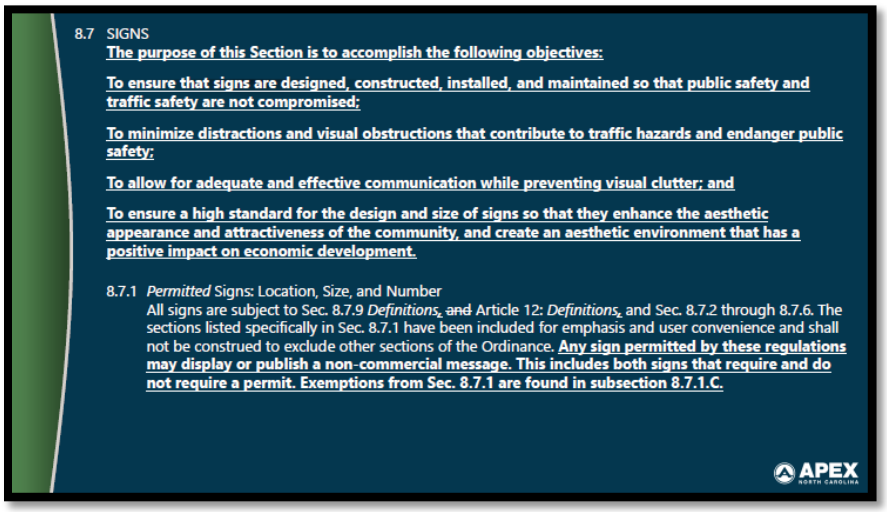
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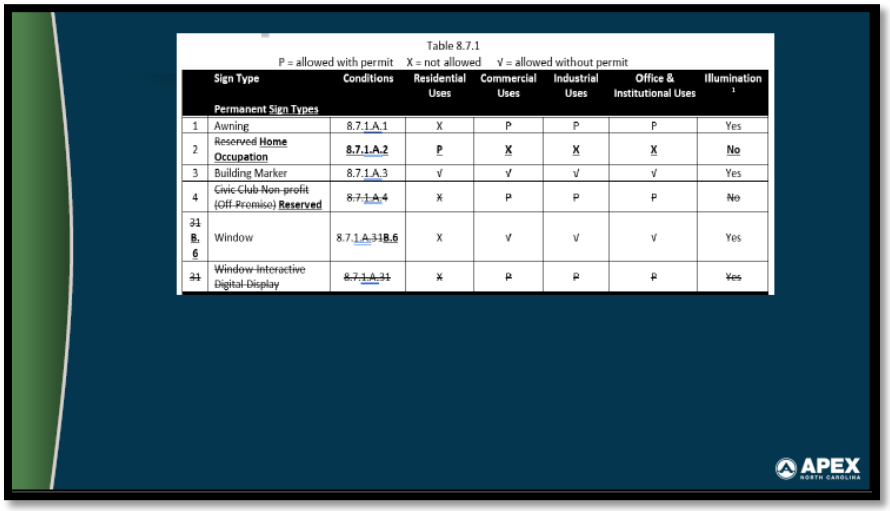
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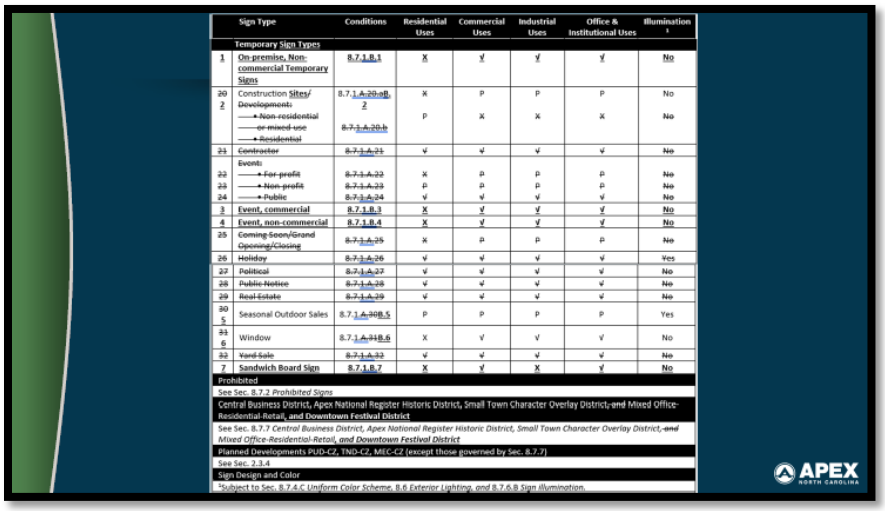
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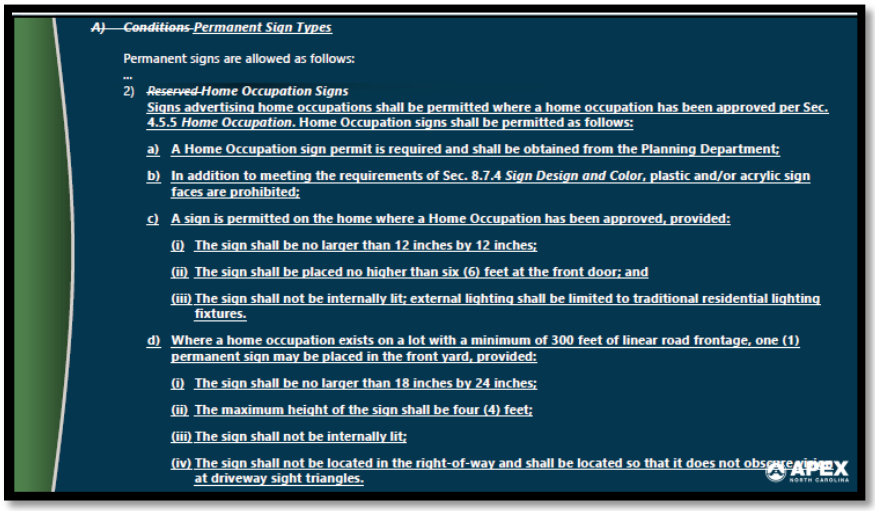
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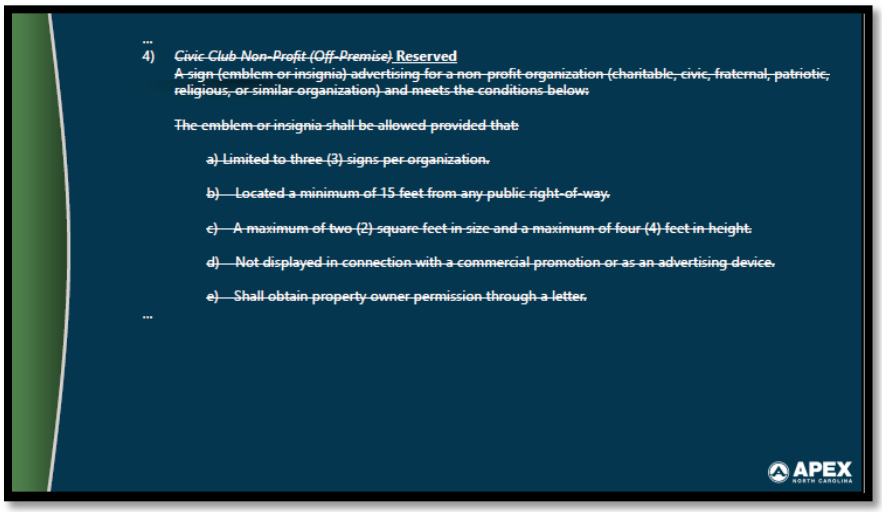
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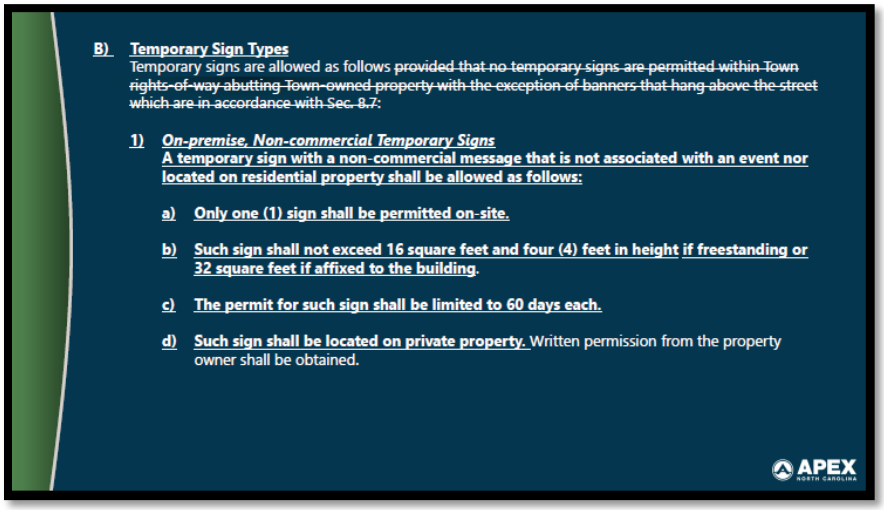
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[SLIDE 83]

~~20)~~ 2) *Construction Sites~~/Development~~*
An on-~~site~~premise temporary sign erected during the active construction of a development project that meets the conditions below:

~~a) Non-Residential or Mixed-Use (including both non-residential and residential uses) Construction/Development signs shall be allowed provided that:~~

~~(i)~~ a) One (1) sign is allowed per ~~major~~full-service vehicular entrance. If there is no full-service vehicular entrance, then such sign may be located at one (1) limited-service vehicular entrance.

~~(ii)~~ b) ~~No s~~Such ~~temporary~~ signs shall not exceed ~~64~~ 32 square feet or a maximum height of five (5) feet.

~~(iii) Permits for such temporary signs shall be limited to six (6) months with renewable option upon written request for an additional six (6) month period.~~

~~(iv)~~ c) Construction Plan approval is required prior to approval of the sign permitting.

~~(v)~~ d) Sign shall be removed prior to approval of the Certificate of Occupancy for the final building in a non-residential, multi-family, or mixed-use development and no later than the time at which 100% of the properties within a residential subdivision have initially been sold to a private owner or initially leased to the first resident.

~~b) Residential Construction/Development signs shall be allowed provided that:~~

~~(i) A maximum of one (1) such sign per development at a residential development entrance shall be permitted.~~

~~(ii) Such sign shall not exceed 32 square feet and five (5) feet in height.~~

~~(iii) Construction Plan approval is required prior to sign permitting.~~

~~(iv) The sign shall be removed no later than the time at which 100% of the properties within the residential development have initially been sold to a builder or private owner.~~

APEX NORTH CAROLINA

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~~21) *Contractor*~~
~~An on-site temporary sign identifying the name of the contractor performing a service such as but not limited to painters, building contractor, roof cleaning, landscaper, and meets the conditions below:~~

~~a) Contractor sign shall be allowed provided that:~~

~~b) Contractor signs shall be no larger than five (5) square feet and four (4) feet tall.~~

~~c) One (1) sign per a contractor per a site shall be allowed.~~

~~d) Such sign may be displayed during the time and on-site that the service is being performed.~~



~~Figure 8.7.1.A.21: This contractor sign is of appropriate size.~~

APEX NORTH CAROLINA

[SLIDE 85]

~~22)~~ 3) *Event, ~~for-profit~~ commercial*
Temporary on-premise signs ~~for~~ erected during commercial events shall be allowed provided that:

~~a) Only one (1)~~ No more than three (3) signs advertising promotional or other commercial events ~~or fairs, carnivals, horse shows, and similar events~~ shall be permitted on-site.

b) The combined sign area for the number of signs permitted ~~Such sign~~ shall not exceed 16 square feet ~~and four (4) feet in height~~ if freestanding or 32 square feet if affixed to the building. Freestanding signs shall not exceed four (4) feet in height.

c) The effective date for a ~~P~~permits for such ~~temporary~~ sign(s) shall ~~be limited to no~~ not be sooner than ~~one~~two (2) weeks prior to the commencement of the event. Such sign(s) ~~and~~ shall be removed no later than two (2) days after the end of the event.

d) See Sec. 4.6 *Temporary Uses and Structures.*



~~Figure 8.7.1.A.22: This on-premise sign meets size requirements.~~

APEX NORTH CAROLINA

[SLIDE 86]

~~23)~~ **4)** *Event, ~~non-profit~~ non-commercial ~~(on-premise and off-premise)~~*

~~a) On premise~~
Temporary, on-premise signs ~~for~~ **erected during** non-~~profit~~ **commercial** events shall be allowed provided that:

~~(i)~~**a)** ~~Signs advertising non-profit events shall be limited to~~ **No more than** three (3) signs ~~per lot~~ **for such event shall be permitted on-site.**

b) The combined sign area for the number of signs permitted ~~and individually or cumulatively~~ shall not exceed ~~32 square feet and five (5) feet in height.~~ **16 square feet if freestanding or 32 square feet if affixed to the building. Freestanding signs shall not exceed four (4) feet in height.**

~~(ii)~~**c)** ~~Such signs shall be permitted no sooner than one~~ **The effective date for a permit for such sign(s) shall not be sooner than two (2)** weeks prior to the commencement of the event**. Such sign(s)** ~~and~~ shall be removed no later than two **(2)** days after the end of the event.

~~(iii) If the sign display area is permanent but the message displayed is subject to periodic changes, then the sign shall be regarded as permanent.~~

~~(iv)~~**d)** Signs shall be non-illuminated only.

~~(v)~~**e)** ~~The~~ **One (1)** structure holding the ~~banners~~ **sign, such as a banner,** may remain between events and shall not be used to display ~~banners or~~ signs between events and shall not exceed a maximum of five (5) feet in height.

~~(vi)~~**f)** See Sec. 4.6 *Temporary Uses and Structures.*

APEX NORTH CAROLINA

[SLIDE 87]

~~b) Off premise~~
~~Temporary off-premise signs for non-profit events shall be allowed provided that:~~

~~(i) Signs advertising fund raisers, school events, fairs, revivals and other similar events shall be limited to 30 signs event and each shall not exceed five (5) square feet in size and four (4) feet in height.~~

~~(ii) Such signs shall be permitted no sooner than one week prior to the commencement of the event and shall be removed no later than two (2) days after the end of the event.~~

~~(iii) Written permission from the property owner shall be obtained.~~

~~(iv) See Sec. 4.6 *Temporary Uses and Structures.*~~

APEX NORTH CAROLINA

[SLIDE 88]

~~24) *Event public (on-premise and off-premise)*~~
~~Public event signs or banners shall be allowed provided that:~~

~~a) Such signs or banners shall be permitted only for public events proclaimed by the Town Council.~~

~~b) Such signs may be located in the public right-of-way but outside of the sight triangles.~~

~~c) Such signs shall be removed within 48 hours after the end of the event.~~

~~25) *Coming Soon/Grand Opening/Closing*~~
~~A sign advertising the permitted during the initial opening or closing of a business and meets the conditions below:~~

~~Coming Soon/Grand Opening/Closing signs shall be allowed provided that:~~

~~a) Such signs shall be attached to the building wall.~~

~~b) The total signage shall not exceed 32 square feet.~~

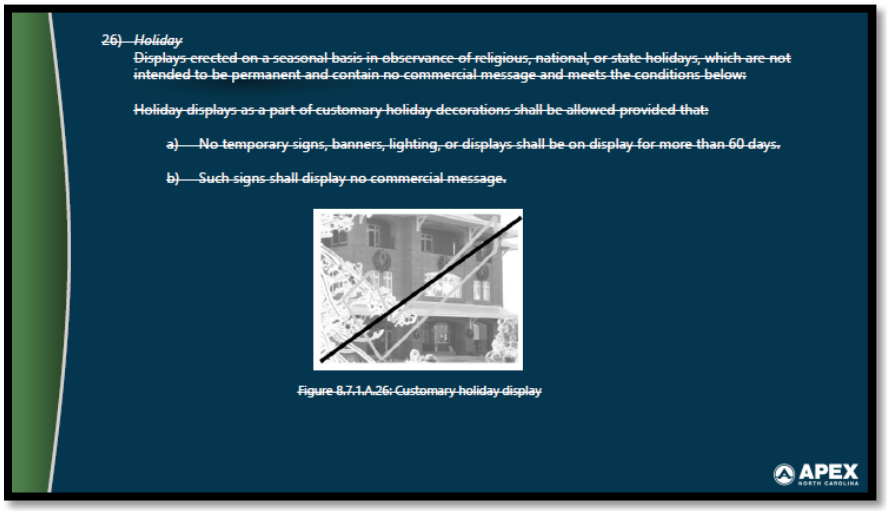
~~c) Permits for such temporary signs shall be limited to 60 days each.~~



~~Figure 8.7.1.A.25: This banner meets the maximum size requirement.~~

APEX NORTH CAROLINA

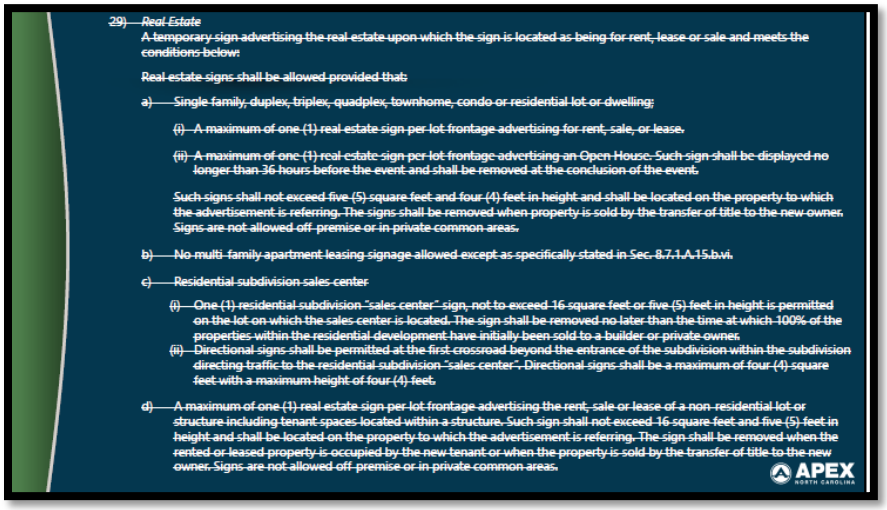
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[SLIDE 91]



[SLIDE 92]

~~30) *Seasonal Outdoor Sales*~~

~~a) Seasonal Agricultural Signs for Products Sold Where They Are Grown~~

~~(i) *Definitions.* (a) "Seasonal Agricultural Signs" are signs that advertise seasonal agricultural products which were grown on the property where they are offered for sale and that contain no other messages; (b) "On-Site Agricultural Products" are seasonal agricultural products which were grown on the property where they are offered for sale; and (c) "Off-Site Agricultural Products" are seasonal agricultural products that were not grown on the property where they are offered for sale.~~

~~(ii) *On-Premises Signs.* Pursuant to UDO Sec. 1.4.4, on a private property where On-Site Agricultural Products are sold, Seasonal Agricultural Signs are not regulated by the Town of Apex.~~

~~(iii) *Off-Premises Signs.* For each private property where On-Site Agricultural Products are sold, 30 Off-Premises Seasonal Agricultural Signs that advertise the products shall be allowed. Off-premises signs allowed by this subsection may be displayed only on private property and only with the permission of the off-premises private property owner. Only one off-premises sign is allowed per off-premises private property.~~

~~(iv) *Duration.* For each private property where On-Site Agricultural Products are sold, Off-Premises Seasonal Agricultural Signs may be displayed only while the advertised products are actually for sale, and only during one 45-consecutive day period per calendar year per On-Site Agricultural Product. The signs shall be removed immediately upon the sooner of the end of the 45 day period or the end of the sale of the products. At no time shall more than 30 Off-Premises Seasonal Agricultural Signs be displayed for a given property regardless of the number of agricultural products being sold on that property.~~

~~(v) *Physical Characteristics.* Each Off-Premises Seasonal Agricultural Sign shall not exceed five (5) square feet in area and four (4) feet in height. Off-Premises Seasonal Agricultural Signs may only be ground signs.~~

~~(vi) *Limitation on Off-Site Agricultural Products.* Off-Site Agricultural Products shall not be a majority of the agricultural products offered for sale on a property during any time that an Off-Premises Seasonal Agricultural Sign is being displayed related to the property.~~

~~(vii) *Contiguous Properties.* Contiguous properties owned by the same person, family, establishment, or entity shall be treated as one property for the purposes of the Section.~~

~~(viii) *Limitations Are Comprehensive.* The limitations on Off-Premises Seasonal Agricultural Signs stated in Subsections i-vii of this Section shall apply regardless of the number of persons, family members, establishments, or entities that sell the products on a property and regardless of the number of booths, stands, tables, tents, or the like that are located on a property.~~

~~(ix) See Sec. 4.6 *Temporary Uses and Structures* and Sec. 8.7.6.B *Sign Illumination*.~~

APEX NORTH CAROLINA

[SLIDE 93]

~~b~~5) ~~Other~~ Seasonal Outdoor Sales Signs

Outdoor temporary ~~sales~~ signs ~~advertising a product of a particular season~~ **not located on a bona fide farm** shall be permitted **on sites with a temporary use permit allowing seasonal outdoor sales** provided that:

~~(i) Such signs shall advertise the sale of seasonal products such as, but not limited to, Christmas trees, pumpkins, and fireworks.~~

~~ii)~~ **a)** Such signs shall be limited to 32 square feet and ~~four (4)~~ **five (5)** feet in height.

~~iii)~~ **b)** Such signs shall be permitted for no more than 30 days.

~~iv)~~ **c)** See Sec. 4.6 *Temporary Uses and Structures* and Sec. 8.7.6.B *Sign Illumination*.

~~v)~~ **d)** **Such S**signs ~~authorized by this Subsection 8.7.1.A.30.b may~~ **shall** be displayed only on the premises where the seasonal products are being sold.



~~Figure 8.7.1.A.30: This seasonal sign is located in the right-of-way.~~

APEX NORTH CAROLINA

[SLIDE 94]

~~31)~~6) *Window*

Any sign~~, picture, symbol, or combination thereof~~ that is placed on the outside or inside of a window or door and is visible from the exterior and meets the conditions below:

a) Signs shall be allowed on the show window glass of non-residential buildings provided that all such commercial and incidental signs (both temporary and permanent) do not exceed a combined maximum of 25% of the total window area per facade.

b) Temporary window signs shall only be installed on the inside of a window or door.

c) ~~An Interactive Digital Display is a digital window sign that is placed on the inside of a window or door and has a display area that changes at a predetermined frequency and upon a person interacting directly with the sign. This type of window sign shall meet the conditions listed above in addition to the following:~~

~~(i) Such sign shall only be placed on a window that is angled at least 45 degrees from the street.~~

~~(ii) The display area shall not exceed three (3) square feet.~~

~~(iii) The display area of the sign shall remain static for at least five (5) minutes unless a person is actively using the interactive features of the display area.~~

~~(iv) Such sign shall be equipped with automatic dimming technology that adjusts the sign's brightness in direct correlation with natural ambient light conditions.~~

~~(v) The brightness shall not exceed six (6) foot-candles from dusk to dawn when measured one (1) foot from the center of the display area.~~

APEX NORTH CAROLINA

[SLIDE 95]

~~32) *Yard Sale*~~

~~A sign advertising the sale of household articles in a residential yard or garage and meets the conditions below:~~

~~Yard sale signs shall be allowed provided that:~~

~~a) Such signs shall be no larger than five (5) square feet and four (4) feet in height.~~

~~b) Such signs shall be displayed no longer than 36 hours before the event and shall be removed at the conclusion of the event.~~

~~c) Such signs shall be allowed one (1) on-site and two (2) off-site on private property only with permission of property owners.~~



~~Figure 8.7.1.A.32: This sign is located in the public right-of-way.~~

APEX NORTH CAROLINA

[SLIDE 96]

7) *Sandwich Board Sign*

A sign consisting of two panels joined together at the top and configured in the shape of an inverted "V" so that the bottom of the sign rests upon or near the ground and meets the conditions below.

Sandwich Board Signs shall be allowed provided that:

a) The total area of the signboard (including both sides) shall not exceed 14 square feet.

b) Any sandwich board sign shall not exceed two (2) linear feet in width, with a maximum height of 42 inches.

c) The sign must be constructed of materials that present a finished appearance. Rough cut plywood is not acceptable. The sign's lettering should be professionally painted or applied.

d) The sign shall not interfere with vehicular circulation and shall be placed to allow for at least three (3) feet of sidewalk width for unrestricted pedestrian movement;

e) The sign shall be removed at the end of the business day.

f) Any person erecting a sandwich board sign shall indemnify and hold harmless the Town and its officers, agents, and employees from any claim arising out of the presence of the sign on Town property or public right-of-way.

APEX NORTH CAROLINA

[SLIDE 97]

~~*B) Home Occupation Signs*~~

~~Signs advertising home occupations shall be permitted where a home occupation has been approved per UDO Sec. 4.5.5 *Home Occupation*.~~ Home Occupation signs shall be permitted as follows:

1) ~~A Home Occupation sign permit is required and must be obtained from the Planning Department;~~

2) ~~In addition to meeting the requirements of Sec. 8.7.4 *Sign Design and Color*,~~ plastic and/or acrylic sign faces are ~~prohibited;~~

3) ~~A placard is permitted on the home where a Home Occupation has been approved, provided:~~

~~a) The sign shall be no larger than 12 inches by 12 inches;~~

~~b) The placard shall be placed no higher than 6' at the front door; and~~

~~c) The sign shall not be internally lit; external lighting shall be limited to traditional residential lighting fixtures.~~

4) ~~Where a home occupation exists on a lot with a minimum of 300 feet of linear road frontage, one sign may be placed in the front yard, provided:~~

~~a) The sign shall be no larger than 18 inches by 24 inches;~~

~~b) The maximum height of the sign shall be 4 feet;~~

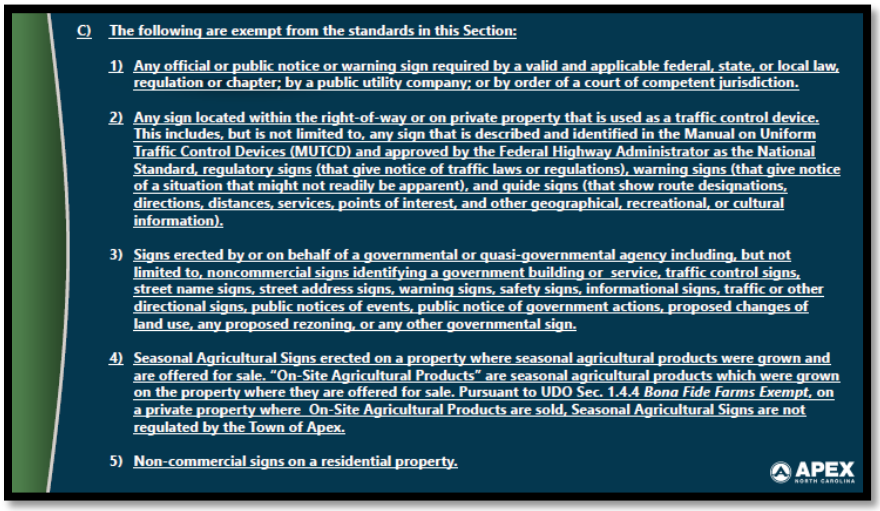
~~c) The sign shall not be internally lit;~~

~~d) The sign must be permanent and affixed to a permanent pole(s); and~~

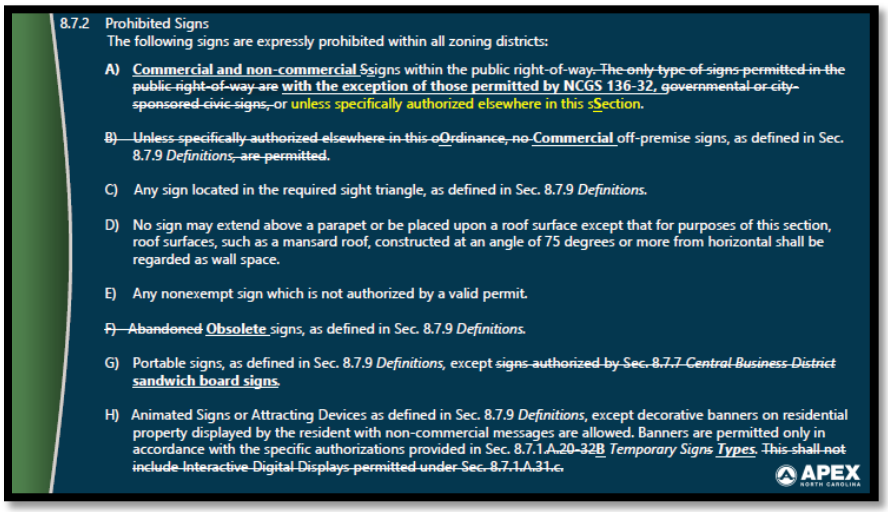
~~e) The sign shall not be located in the right-of-way and must be located so that it does not obscure vision at driveways or sight triangles.~~

APEX NORTH CAROLINA

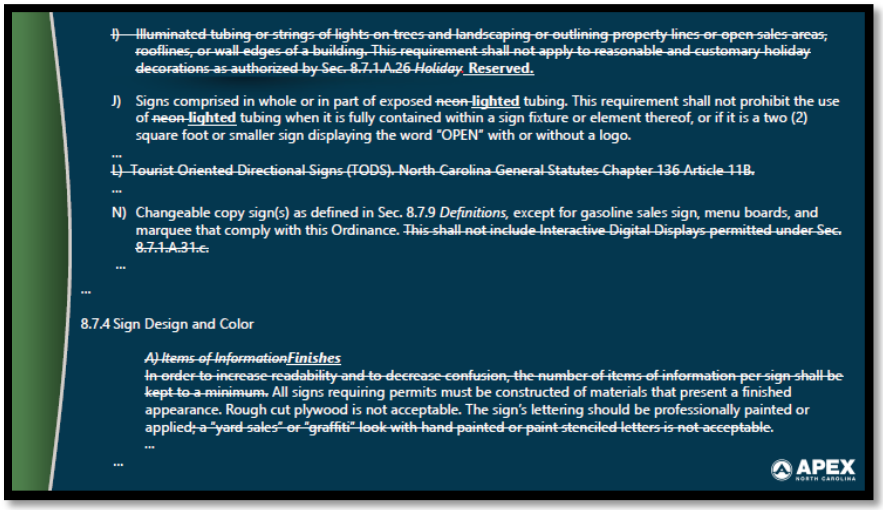
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[SLIDE 99]



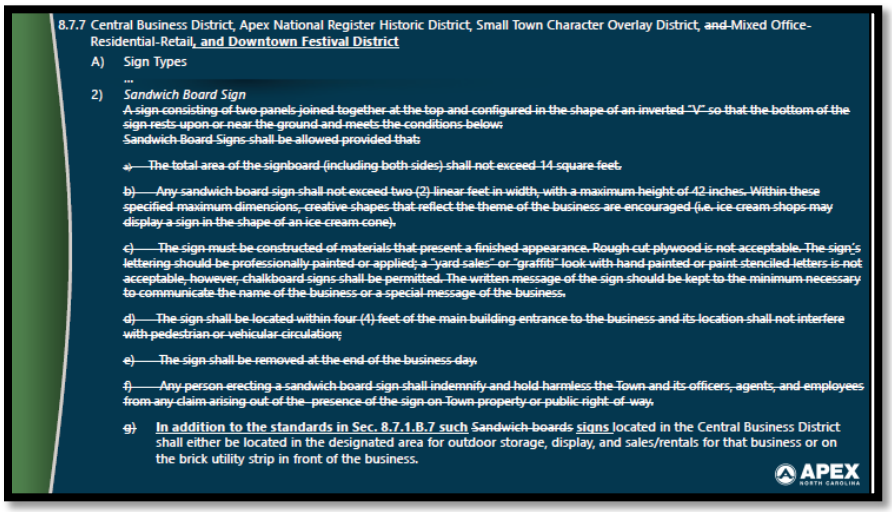
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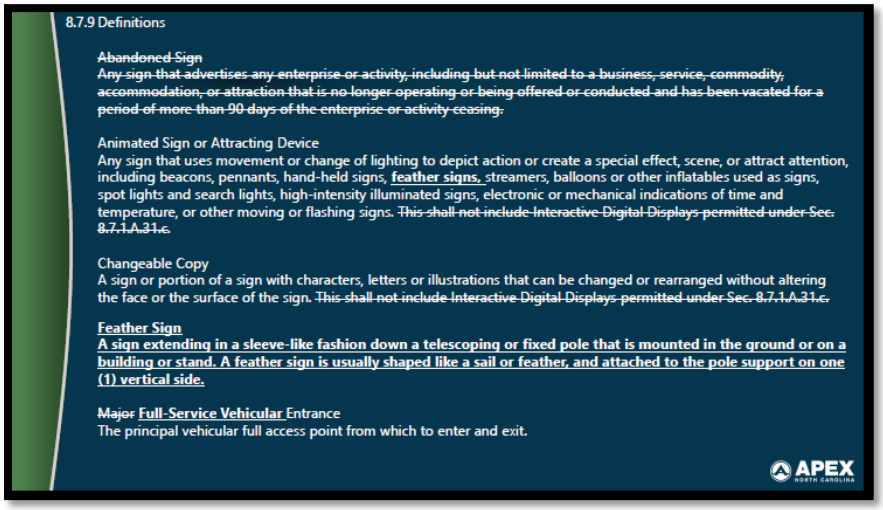
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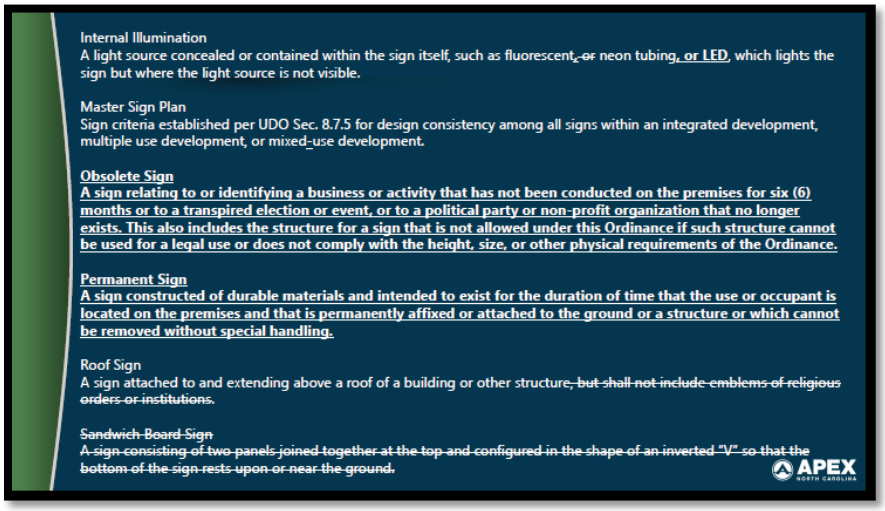
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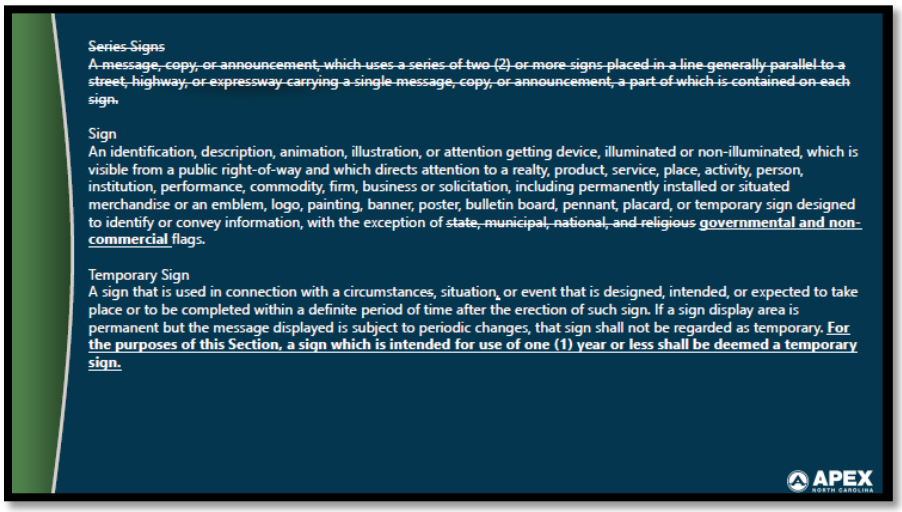
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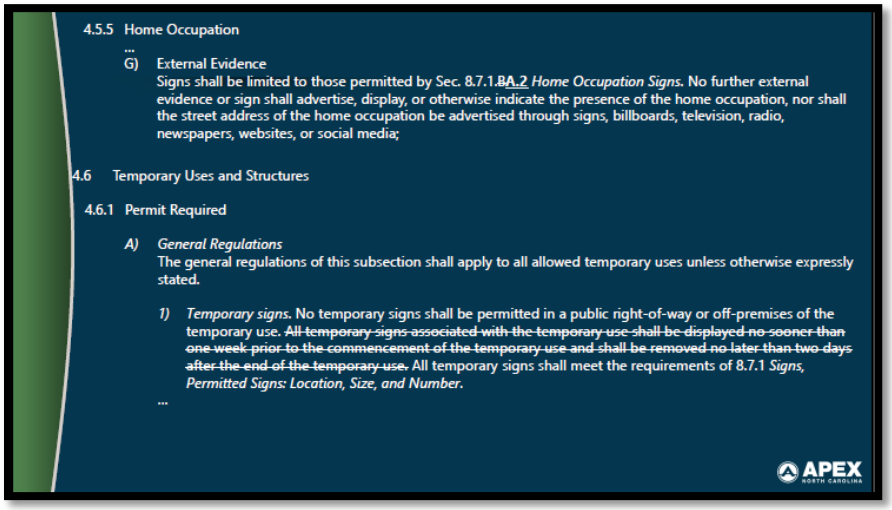
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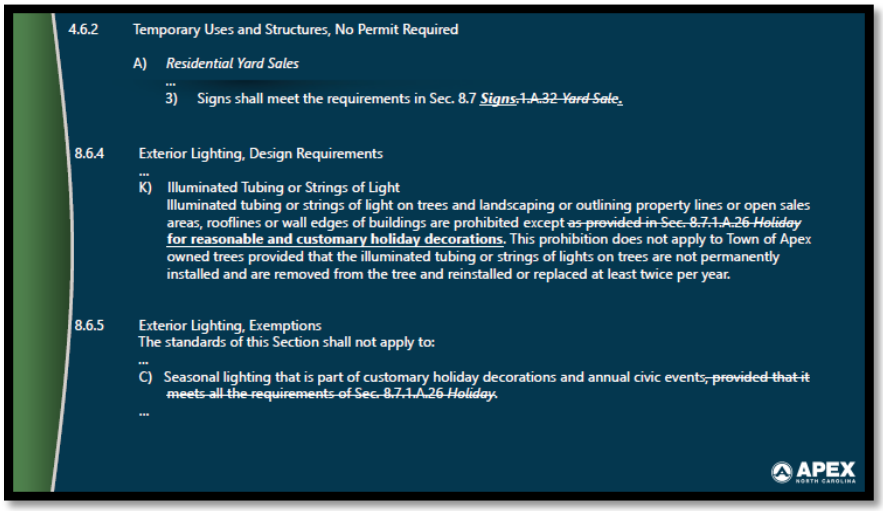
[SLIDE 105]



[SLIDE 106]



[SLIDE 107]



Councilmember Zegerman asked if, for feather signs, this was referring to right-of-way's or private properties as well.

Ms. Bunce said both. She said these types of signs are usually quite large.

Councilmember Zegerman asked about things that were allowed government-wise.

Ms. Bunce said anything that was a town-sponsored event would be exempt.

Councilmember Zegerman asked if something like the Pancake Breakfast with the Rotary Club would count.

Ms. Bunce said no. She said signs can be placed on private property, and groups can coordinate with property owners to do so.

Councilmember Gantt asked if this would prohibit the town from doing digital signs in the future.

Director Khin said that would be a government sign so it would be exempt, and this is only for temporary signage.

Mayor Pro Tempore Gray asked if this would stop people from putting up signs like "this is the home of an Apex graduate" or something similar in their yards.

Ms. Bunce said it would not stop them form putting that on their private property.

Councilmember Mahaffey said this was trying to make it simpler in that all temporary signs are not allowed in the right-of-way. He asked if this is what other towns have been doing in response to the Supreme Court cases.

Ms. Bunce said yes. She said there is an effective date of April 1st.

Councilmember Mahaffey asked if there were exemptions for signs that were associated with a special use permit.

Ms. Bunce said no.

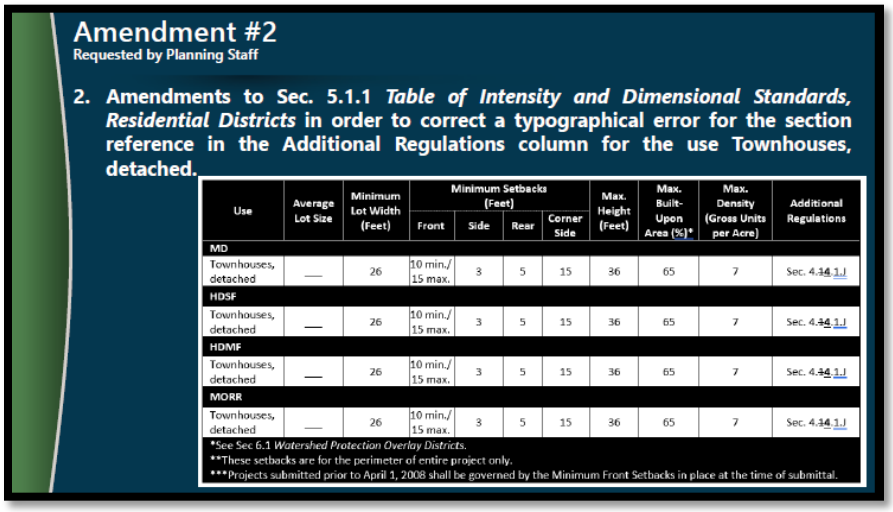
Councilmember Mahaffey said enforcement and consistency were going to be really important, and asked about the plan to make sure that was met.

Director Khin said there are already zoning compliance officers. She said they respond to complaints, and pick up all of the signs in that area, not just the sign that caused the complaint. She said they also do sign sweeps 4 times a year, and often will pick up 200 signs at a time. She said they pick up all of the signs that they see that are against the ordinance.

Councilmember Gantt asked if the public can pick up the signs they know are offending.

Director Khin said no, as that could potentially be stealing. She said it may not be obvious if a sign is in the right-of-way or on private property.

[SLIDE 108]



Use	Average Lot Size	Minimum Lot Width (Feet)	Minimum Setbacks (Feet)				Max. Height (Feet)	Max. Built-Upon Area (%)*	Max. Density (Gross Units per Acre)	Additional Regulations
			Front	Side	Rear	Corner Side				
MD										
Townhouses, detached	—	26	10 min./ 15 max.	3	5	15	36	65	7	Sec. 4.~~14~~ 1.J
HDSF										
Townhouses, detached	—	26	10 min./ 15 max.	3	5	15	36	65	7	Sec. 4.~~14~~ 1.J
HDMF										
Townhouses, detached	—	26	10 min./ 15 max.	3	5	15	36	65	7	Sec. 4.~~14~~ 1.J
MORR										
Townhouses, detached	—	26	10 min./ 15 max.	3	5	15	36	65	7	Sec. 4.~~14~~ 1.J

*See Sec 6.1 *Watershed Protection Overlay Districts.*
**These setbacks are for the perimeter of entire project only.
***Projects submitted prior to April 1, 2008 shall be governed by the Minimum Front Setbacks in place at the time of submittal.

Mayor Gilbert opened up the public hearing for this item. With no sign ups, he closed public hearing and moved discussion back to Council.

A **motion** was made by **Councilmember Mahaffey,** seconded by **Councilmember Killingsworth,** to approve/deny the Unified Development Ordinance Amendments of February 2024 related to Signs and Typo Correction.

VOTE: UNANIMOUS (5-0)

[UPDATES BY TOWN MANAGER]

Interim Town Manage Purvis spoke about the temporary change in water treatment, which would start March 1st. He said there may be a chlorine smell, but the water will remain safe to drink. He said residents can contact Water Resources if they have any questions or concerns during this project. He said the Wester Big Branch area plan has three community meetings coming up on March 6th, March 18th, and March 20th.

Councilmember Gantt asked if the format would be the same as the previous ones.

Director Khin said there would be a pre-recorded presentation, and the time in person would be spent more on discussion with staff. She noted the location at Pleasant Plains Baptist was not handicap accessible, so anyone needing that should attend another meeting.

Mayor Gilbert thanked Corporal Stewart and Officer Foster for being there for the meeting.

[CLOSED SESSION]

A **motion** was made by **Councilmember Killingsworth,** seconded by **Councilmember Zegerman,** to enter into Closed Session pursuant to NCGS § 143-318.11(a)(6).

VOTE: UNANIMOUS (5-0)

Council entered into Closed Session at **8:58 PM.**

Council will enter into closed session pursuant to:

CS1 Mayor Jacques K. Gilbert

NCGS § 143-318.11(a)(6):

"To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee."

Council returned to open session at **10:02 p.m.**

[ADJOURNMENT]

Mayor Gilbert adjourned the meeting at **10:02 p.m.**

Jacques K. Gilbert
Apex, Mayor

Allen Coleman, CMC, NCCCC

Town Clerk to the Apex Town Council

Submitted for approval by Apex Town Clerk Allen Coleman and approved on the 9th of April, 2024 (CN8)

APPROVED

TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, MARCH 12, 2024
6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, March 12, 2024 at 6:00 PM in the Council Chambers at Apex Town Hall, located at 73 Hunter Street in Apex, North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel. The recording of this meeting can be viewed here: https://www.youtube.com/watch?v=_o8fDMbQrRk&t=2s

[ATTENDANCE]

Elected Body
Mayor Jacques K. Gilbert (presiding)
Mayor Pro Tempore Ed Gray
Councilmember Audra Killingsworth
Councilmember Arno Zegerman
Councilmember Terry Mahaffey
Councilmember Brett Gantt

Town Staff
Interim Town Manager Shawn Purvis
Assistant Town Manager Demetria John
Assistant Town Manager Marty Stone
Town Attorney Laurie Hohe
Town Clerk Allen Coleman
Deputy Town Clerk Ashley Gentry
All other staff members will be identified appropriately below

[COMMENCEMENT]

Mayor Gilbert called the meeting to order, welcomed those in attendance, and observed a moment of silence.

Mayor Gilbert then led those in attendance in the recitation of the Pledge of Allegiance. He then recognized members of the Apex Youth Council that were in attendance.

[CONSENT AGENDA]

A **motion** was made by **Councilmember Zegerman,** seconded by **Councilmember Mahaffey,** to approve the Consent Agenda, as presented.

VOTE: UNANIMOUS (5-0)

CN1 Agreement – North Carolina Department of Transportation (NCDOT) - S-Line Mobility Hub Feasibility Study (REF: CONT-2024-041)

Council voted to approve an agreement with the North Carolina Department of Transportation (NCDOT) for a NCDOT-Administered Transit-Oriented Development Planning related to the S-Line Mobility Hub Feasibility Study, and authorize the Interim Town Manager to execute.

CN2 Annexation No. 771 – Castleberry Reserve – 13.52 acres (REF: RES-2024-014, RES-2024-015, and OTHER-2024-040)

Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for April 9, 2024, on the Question of Annexation - Apex Town Council's intent to annex 13.52 acres, Castleberry Reserve, Satellite Annexation No. 771 into the Town Corporate limits.

CN3 Annexation No. 778 – Parc at Bradley Farm – 6.69 acres (REF: RES-2024-016, RES-2024-017, and OTHER-2024-041)

Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for April 9, 2024, on the Question of Annexation - Apex Town Council's intent to annex 6.69 acres, Parc at Bradley Farm, Annexation No. 778 into the Town Corporate limits.

CN4 Budget Ordinance Amendment No. 13 – Economic Development Incentive Payments and Contracted Town Lobbyist (REF: ORD-2024-020)

Council voted to approve Budget Amendment No. 13 to allocate funds for Economic Development incentive agreement payments and to secure a contracted town lobbyist in the Office of the Town Clerk.

CN5 Contract Amendment No. 3 - CDM Smith Inc. - Sunset Hills Pump Station Project (CONT-2024-042)

Council voted to approve Contract Amendment No. 3 between CDM Smith Inc. and the Town of Apex for the Sunset Hills Pump Station Improvements Project, and authorize the Interim Town Manager to execute the agreement.

CN6 Council Meeting Minutes – February 20, 2024

Council voted to approve, as submitted or amended, Meeting Minutes from the following meetings: February 20, 2024 – Town Council Work Session

CN7 Peak Landing Fee-In-Lieu (FIL)

Council voted to approve a fee-in-lieu of land dedication for the proposed Peak Landing Subdivision project.

CN8 Reimbursement Agreement - Lennar Carolinas, LLC - Depot 499 PUD (REF: CONT-2024-043)

Council voted to approve a Utility Infrastructure Development Reimbursement Agreement with Lennar Carolinas, LLC, and to authorize the Interim Town Manager to execute the same for construction of an oversized 20-inch waterline along South Salem Street.

CN9 Resolution - Abandon Existing Drainage Easement – Kiddie Academy 905 Acton Street (REF: RES-2024-018)

Council voted to adopt a resolution titled "Resolution to Abandon Portion of Existing Public Drainage Easement" which will abandon areas shown on the attached exhibit at the Kiddie Academy 905 Acton Street property in Apex, North Carolina.

CN10 Resolution – North Carolina Division of Water Infrastructure (NCDWI) American Rescue Plan (ARP) Grant Funds and Capital Project Ordinance Amendment No. 2024-8 (REF: RES-2024-019 and ORD-2024-021)

Council voted to adopt a resolution titled "Resolution Accepting American Rescue Plan Funds" which are grant funds from the NC Division of Water Infrastructure (DWI) to complete an Asset Inventory and Assessment (AIA), approve the corresponding Capital Project Ordinance Amendment 2024-8, and authorize the Interim Town Manager to execute the grant agreement and other grant related documents.

CN11 Rezoning Case No. 23CZ17 - 0 Herbert Street – Statement and Ordinance (REF: ORD-2024-022)

Council voted to approve the Statement of the Town Council and Ordinance for Rezoning Case #23CZ17 0 Herbert Street, Salem Street Realty, LLC, petitioner, for the property located at 0 Herbert Street (PIN 0741397109).

CN12 Rezoning Case No. 23CZ23 - Saunders Street Parking Lot – Statement and Ordinance (ORD-2024-023)

Council voted to approve the Statement of the Town Council and Ordinance for Rezoning Case #23CZ23 Saunders Street Parking Lot, Town of Apex, petitioner, for the property located at 0 Saunders Street, 0 & 211 Templeton Street (PINs 0742319843, 0742318765, 0742317640).

CN13 Tax Report - January 2024 (REF: OTHER-2024-042)

Council voted to approve Apex Tax Reports dated February 4, 2024.

CN14 Unified Development Ordinance (UDO) Amendments February 2024 – Signs and Typo Correction – Statement (REF: OTHER-2024-043)

Council voted to approve the Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the Unified Development Ordinance (UDO) Amendments of February 27, 2024 related to signs and correcting a typographical error.

CN15 Unified Development Ordinance (UDO) Amendments February 2024 – Traffic Calming – Statement (REF: OTHER-2024-044)

Council voted to approve the Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the Unified Development Ordinance (UDO) Amendments of February 27, 2024 related to traffic calming.

[REGULAR MEETING AGENDA]

A **motion** was made by **Councilmember Gantt,** seconded by **Mayor Pro Tempore Gray,** to approve the Regular Meeting Agenda as presented.

VOTE: UNANIMOUS (5-0)

[PUBLIC FORUM]

First to speak was **Elizabeth Stitt** of 3113 Friendship Road:

"Mayor, Town Council, good evening. I'm going to go off-script, I do that a lot. I got to hear Councilmember Gantt speak to the Youth Council for a few minutes coming in, and he shared that sometime the decisions are hard, and sometimes he loses sleep. We're losing sleep with you. I'm sorry you're losing sleep, I'm sorry we're losing sleep, but I understand sometimes there's hard decisions that need to be made. So obviously there was the open house for the Western Big Branch Area Plan, still struggle to get that name out because we don't identify ourselves with that, I appreciate the couple of you that came. I hope the rest of you can either come to the March 18th or the March 20th, there's a lot of good conversation that has been happening after the first one, we're going to put a request in for some additional information, and a lot of us aren't filling out the feedback form until we get through all 3 sessions, because what we're doing is taking the information, talking between all of us, and trying to come back with something that kind of meets everybody in the middle, so just wanted to give you a heads up on that. I am still continuing to go to Holly Springs Town Council Meetings. They did a preview of their land use map and all of the zonings for the next six months, none of them impact the Friendship area. So I'm glad to see it's going to be a little quiet there, and of course the Mayor knows I've been going to CAMPO meetings, and I will continue to do that. I will be meeting with DOT tomorrow to talk about some additional things in our area, so we're starting to really focus our efforts on certain activities, so just wanted to keep you guys in the loop, don't want you to be blindsided by anything, if you have a question feel free to reach out and I'd be glad to help you. Thank you."

Mayor Gilbert thanked Ms. Stitt for her comments.

Next to speak was **Nabel Zanta** of 1114 Brynmar Oaks Circle:

"Good evening officials. Well over 30,000 dead in Gaza. Well over 13,000 of those dead are babies, children. If there's one takeaway from the primaries, it's that there are a huge number of constituents that want a change in policy, and are calling for a permanent ceasefire. Ordinary people don't have much visibility to congress, what we have is our ability to work with you all. The no preference vote better be a wake up call to our elected officials that only listening to their campaign donors is not enough. We, the people, must have a voice, and we, the people, have stood up and demanded peace. North Carolina collectively sends Israel 92 Billion Dollars, that's 92 Billion Dollars. Apex contributes 750,000 towards what the US donates annually to Israel. So, this is definitely a local issue. These are collectively our tax dollars. Yours, mines, and everybody else in this room also. When you refuse to vote on this, you are refusing to acknowledge our hard work, and our hard-earned tax dollars. You are refusing to side with peace, and your refusal to vote sides with genocide and occupation. Your votes reverberate through the halls of Congress, and their complicit stance on genocide. Your vote reverberates through bombings dropped on Palestinians every single day. Your vote reverberates in forced starvation and ethnic cleansing of Palestinians. This is as much of our issue as it is there's, it's our tax dollars that are going to this genocide, I am not okay with my tax

dollars going to annihilate a whole group of people. I know deep down each one of you know and believe that this is our issue because this is our issue because this is our money we're sending there, and deep down you do not stand with genocide, because you are human. And that's all it takes. Be the voice of reason, be the beacon of the Peak of Good Living, be the peak of humanity, prosperity, and freedom for all. Thank you for your time."

Mayor Gilbert thanked Mr. Zanta for his comments.

Next to speak was **Carol Hill** of 2661 Bryant Pond Lane:

"Good evening, I'm here tonight because I have lived in Apex for 12 years. I have called and complained on numerous occasions, but never put forth the effort to keep on going with it, regarding the yard waste in the streets. I think when Apex was smaller and they came up with the collection where they would use the sucker truck and the grinder truck for the big limbs, that was fine. But I think now it has grown, the trees and shrubs and everything are getting larger and larger and the piles in the street are getting larger. I know there is a working session on this next week, but I can't speak so they asked me to come tonight and give my concerns. I made some pictures Sunday morning, and from what I understand there is an ordinance that says you shouldn't put it out until 48 hours before pick up, and it's put out on many occasions 5 minutes after pickup, people are just mowing their yard and dump it in the street. So we have constant yard waste in the street. It hurts the aesthetic value of the neighborhood, we have had a number of people come through, family and friends, and say why does everybody dump their crap in the street? That's a quote. And that's just the way that it's done in Apex. I know when I lived in Cary, I know you don't want to hear about Cary, but we had to use the bags to keep it behind our house until the evening before pickup. I think there are safety concerns, the piles are so large, and this has happened to me, there's small children playing behind the piles at the end of the driveway, and you can't see them when you're driving down the street, when the leaves are on the shrubs when they put them out there. It's also a safety concern because I don't think firetrucks and ambulances could get through if they needed to on occasion because one neighbor is going to put it out and the neighbor across the street is going to put it out and leave one lane to get through, so it's also a driving hazard because you can't drive through the neighborhood, because you have to constantly pull over, let a car go through, then go through the piles. I've talked about the 48-hour ordinances, but I don't how that gets enforced, I've lived here 12 years and I've never seen that enforced."

Mayor Gilbert said he will have someone from staff reach out to her to help answer her questions.

Next to speak was **Dawn Cozzalino** of 3632 Bosco Road:

"Good evening Town Council and Mayor Gilbert, I appreciate that Mayor Gilbert reached out to me as well as Councilman Gantt, at my request from the last Town Council, so I really appreciate that the feedback was heard, and it's an encouraging dialogue between us and our community and your Town Council, so thank you for that. I really do believe we can find common ground, little by little. I'll

give some positive feedback from the open house that was last week. It was very well organized and staffed, it was great to see Councilman Gray as well as Councilman Zegerman, so it was great to see people and staff and those folks addressing questions and concerns and doing follow ups, so it was really positive. And a greater effort was also made to distinguish between the residents in the community who are impacted and those who are outside in Apex and non-incorporated Wake County. So that was really good news on that behalf, but we still have some more to go. The venue was in the Town of Apex, which isn't in unincorporated Wake County, the Apex residents I don't think were really aware of the decisions or the survey intentions, they weren't very educated on what the impacts were. They were shown three scenarios, as if those were the three scenarios we were all shown here from our community, and that wasn't the case. So perhaps there was more information in videos and pamphlets, but somebody that I talked to at that particular open house, she was under the impression that we are really happy about selling out our properties and wanting them developed, and I think there's a misunderstanding and misinformation about what the intention of these meetings are, and I think that the seriousness too on the story of eminent domain. The impacts of these three decisions were not laid out, like if we do x, y, or z, what happens to the community at large. So that was something that I think we could do better on, and only the people who belong to our community should have a say on our community and our land, so I think I've come before you before saying I don't agree with the process of opening it up, especially when we don't have representation. And most importantly, I'd like to ask the Planning Board to get involved with us and meet with us, to come up with maybe more than scenario 3, a 4, 5, 6. We're willing to work and we want to work with you guys, and we think that can come together. And I really appreciate that, and I look forward to hearing from the Planning Board and yourselves, thank you.

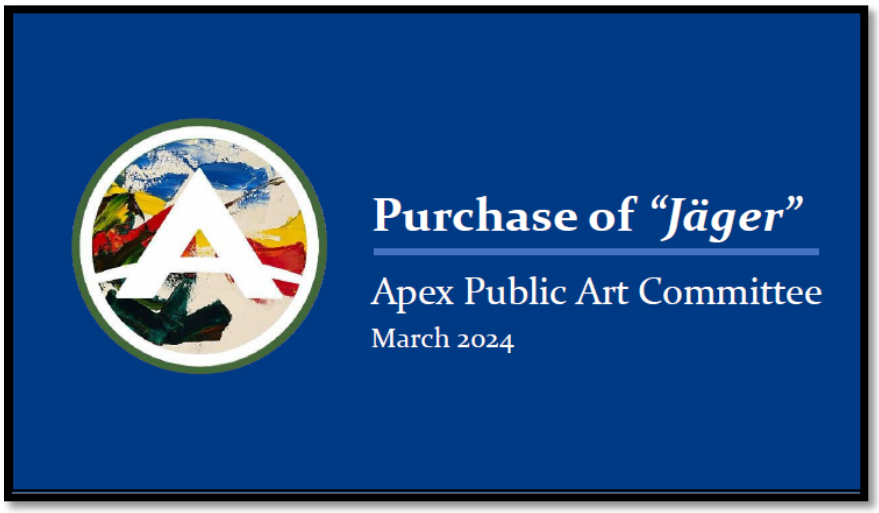
Mayor Gilbert thanked Ms. Cozzalino for her comments.

[NEW BUSINESS]

NB1 Public Art – Permanent Sculpture Collection Expansion

Taylor Wray, Cultural Arts Center Manager, gave the following presentation regarding Public Art – Permanent Sculpture Collection Expansion.

[PUBLIC ART – SLIDE 1]



[PUBLIC ART – SLIDE 2]



Mayor Pro Tempore Gray said he has pictures in front of this sculpture with his children, and how this is an example of why the town has this program.

Councilmember Mahaffey said this is an awesome piece that invites interaction, and is happy to hear it won best in show. He said Mr. Christiansen, the piece's creator, is a teacher at Apex High School and is an awesome guy. He said he fully supports the purchase.

Councilmember Killingsworth and Councilmember Zegerman agreed.

Councilmember Gantt said he loved the art walk and the opportunity to provide more sculptures and public art, and he likes expanding the program using the best in show each year. He said it's a great way to build it up over time with the best are around.

A **motion** was made by **Mayor Pro Tempore Gray,** seconded by **Councilmember Zegerman,** to purchase *Jager* from TJ Christiansen for $9,200.00

VOTE: UNANIMOUS (5-0)

[UPDATES BY TOWN MANAGER]

Interim Town Manager Purvis said he had a few quick ones. He said they have received federal funding of $2 million for a project in the Cash Corporate area. He added the town will be starting a survey with GoTriangle for a transfer station at the Mason Street Municipal Building. Finally, he said the town would be meeting with downtown stakeholders next week in regards to downtown parking.

Councilmember Gantt asked if the transfer station would have a shelter.

Interim Town Manager Purvis said yes it would, and there would be sidewalk connections in the area to get to the shelter. He said it would have a trash can and hopefully bike racks.

Councilmember Gantt asked if there would be an opportunity for the station to be more decorative.

Interim Town Manager Purvis said he would look into that and see what the funding can be used for. He said they put last year's public art piece across the street from the planned stop intentionally.

[CLOSED SESSION]

A **motion** was made by **Councilmember Killingsworth,** seconded by **Councilmember Mahaffey,** to enter into Closed Session pursuant to NCGS § 143-318.11(a)(5), NCGS § 143-318.11(a)(1), and NCGS § 143-318.11(a)(6).

VOTE: UNANIMOUS (5-0)

Council entered into closed session at **6:22 p.m.**

Council entered into closed session pursuant to:

CS1 Steve Adams, Real Estate and Utilities Acquisition Specialist

NCGS § 143-318.11(a)(5)

"To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease."

CS2 Allen Coleman, Town Clerk

NCGS §143-318.11 (1):

"To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a

public record within the meaning of Chapter 132 of the General Statutes."

CS3 Mayor Jacques K. Gilbert

NCGS § 143-318.11(a)(6):

"To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee."

Council returned to open session at **7:15 p.m.**

A **motion** was made by **Councilmember Mahaffey,** seconded by **Councilmember Killingsworth,** to appoint Randall Vosburg as Town Manager, effective Monday, April 15, 2024, and authorize the execution of his employment agreement.

VOTE: UNANIMOUS (6-0)

Councilmember Zegerman thanked Town Clerk Coleman for coordinating the process with Developmental Associates. He said that the recruitment process was very organized, detailed, and a lot of work was involved to get us to this point.

Councilmember Mahaffey thanked Interim Town Manager Purvis for his efforts in the past 7 months.

Mayor Gilbert thanked Town Attorney Hohe as well.

[ADJOURNMENT]

Mayor Gilbert adjourned the meeting at **7:17 p.m.**

Jacques K. Gilbert
Apex, Mayor

Allen Coleman, CMC, NCCCC

Town Clerk to the Apex Town Council

Submitted for approval by Apex Town Clerk Allen Coleman and approved on the 9th Day of April, 2024 (CN8).

APPROVED

TOWN OF APEX
TOWN COUNCIL WORK SESSION
TUESDAY, MARCH 19, 2024
3:30 P.M.

The Apex Town Council met for a work session on Tuesday, March 19, 2024 at 3:30 p.m. at the Apex Town Hall located at 73 Hunter Street in Apex North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel:

https://www.youtube.com/watch?v=VORlmqvQMqE

Elected Body
Mayor Jacques K. Gilbert (presiding)
Mayor Pro-Tempore Ed Gray
Councilmember Terry Mahaffey
Councilmember Audra Killingsworth *(arrived late)*
Councilmember Brett Gantt
Councilmember Arno Zegerman

Town Staff
Interim Town Manager Shawn Purvis
Assistant Town Manager Marty Stone
Town Attorney Laurie Hohe
Town Clerk Allen Coleman
Public Works Director John Mullis
Public Works Operations Manager Heather Cashwell

All other staff members will be identified appropriately below.

[COMMENCMENT]

Mayor Gilbert called the Work Session to order, and led in a recitation of the Pledge of Allegiance.

[AGENDA ITEM NO. 1 – YARD WASTE PROGRAM UPDATES]

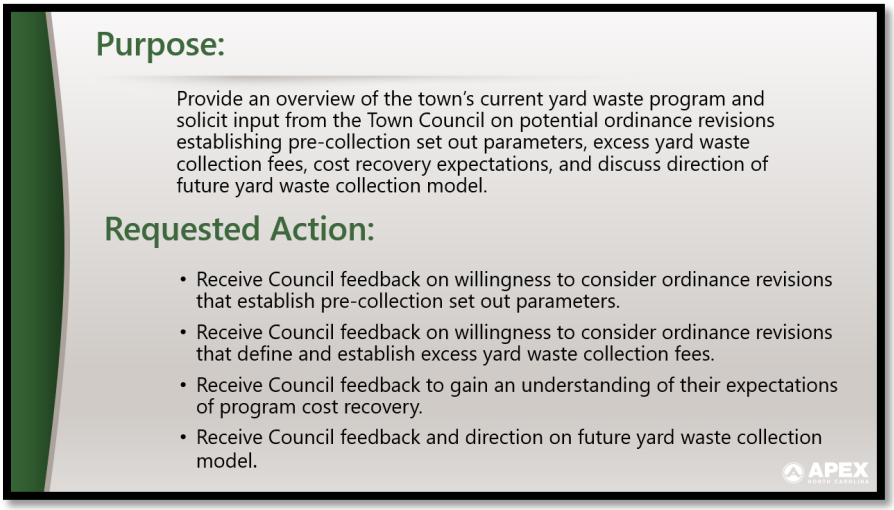
Interim Town Manager Purvis said this meeting is a follow-up from their work session a few months prior. He said Director Mullis and Public Works staff have been working hard to incorporate feedback from Council and the public into their proposal.

John Mullis, Public Works Director, gave an overview of the town's current yard waste program and to receive input from the Town Council on potential ordinance revisions on establishing a pre-collection and discussing direction of a future yard waste collection model.

[SLIDE-1]



[SLIDE-2]



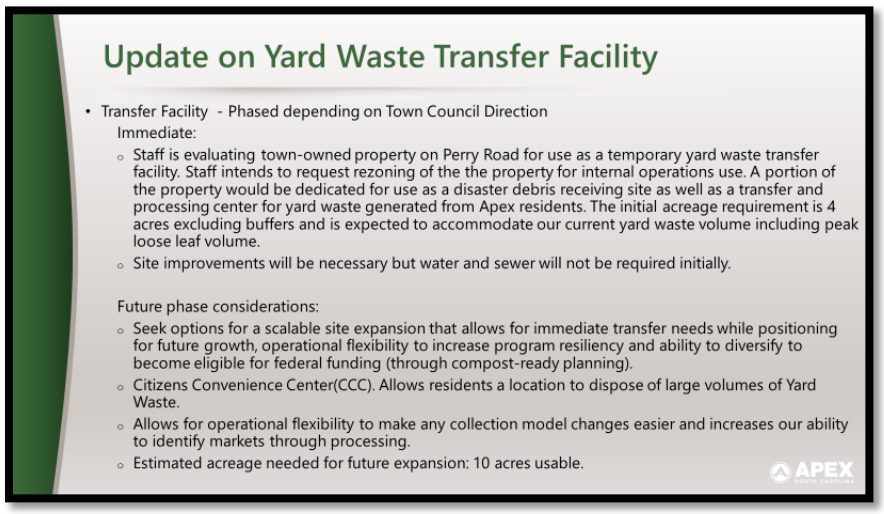
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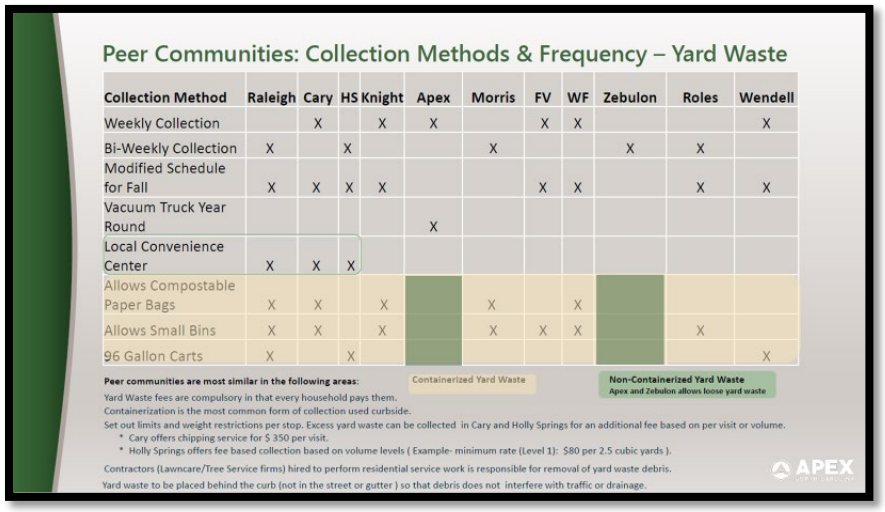
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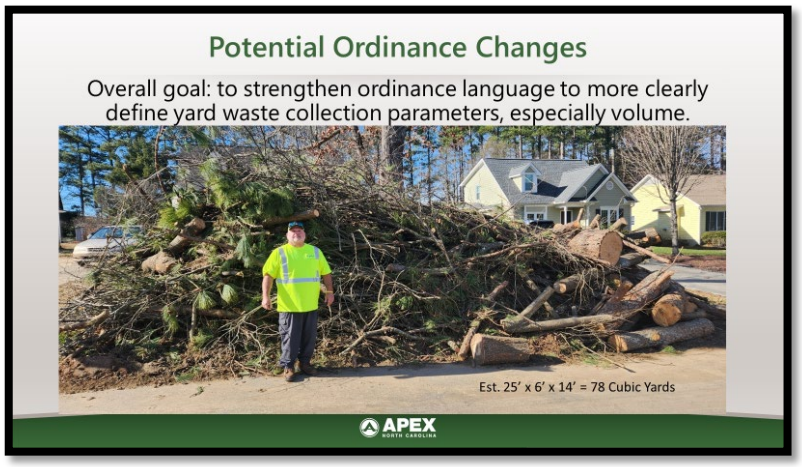
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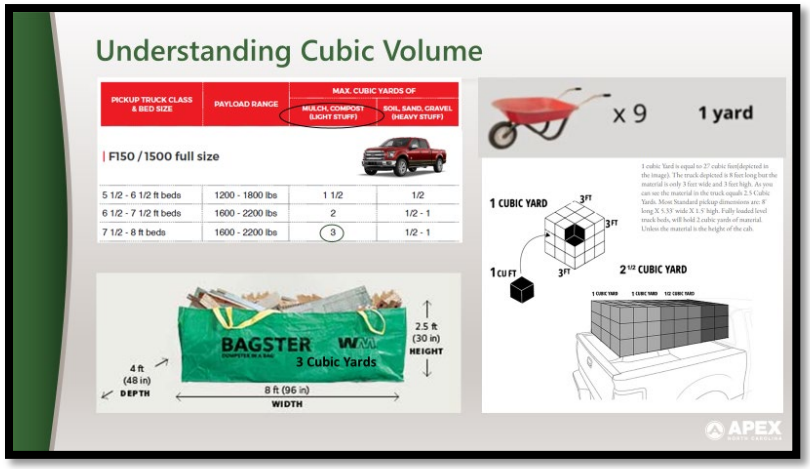
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[SLIDE-7]



[SLIDE-8]



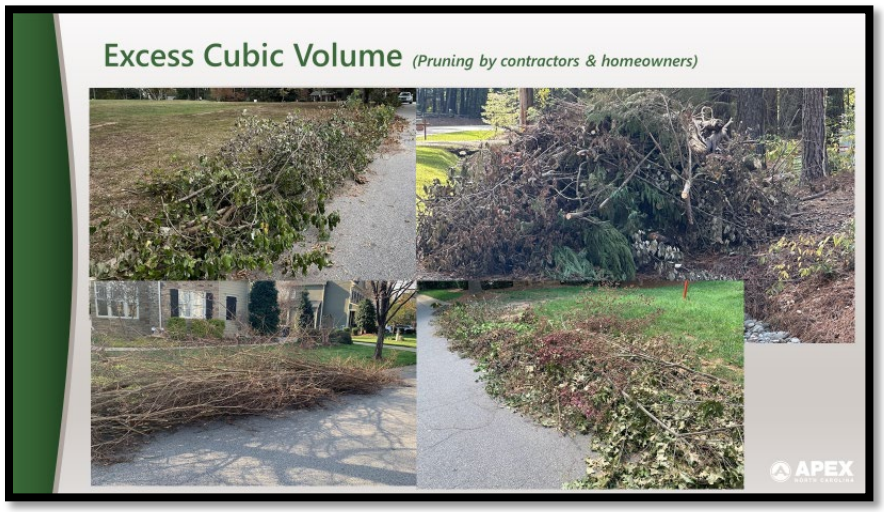
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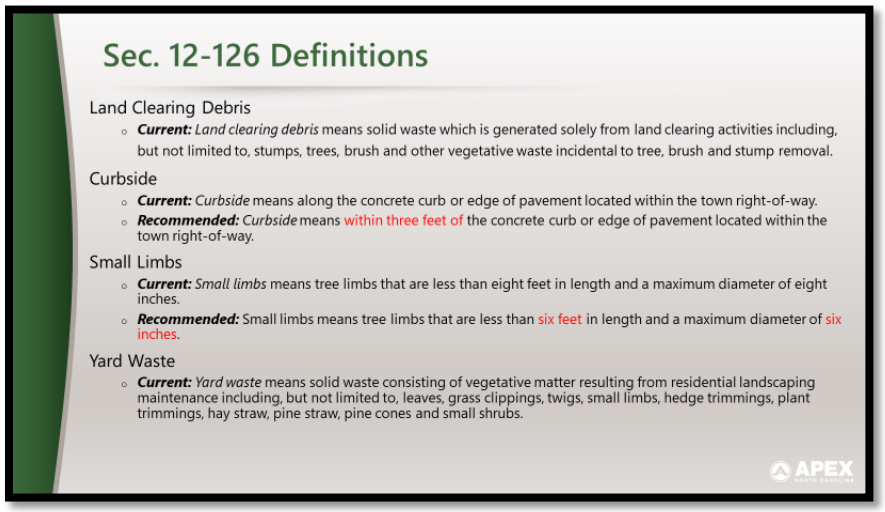
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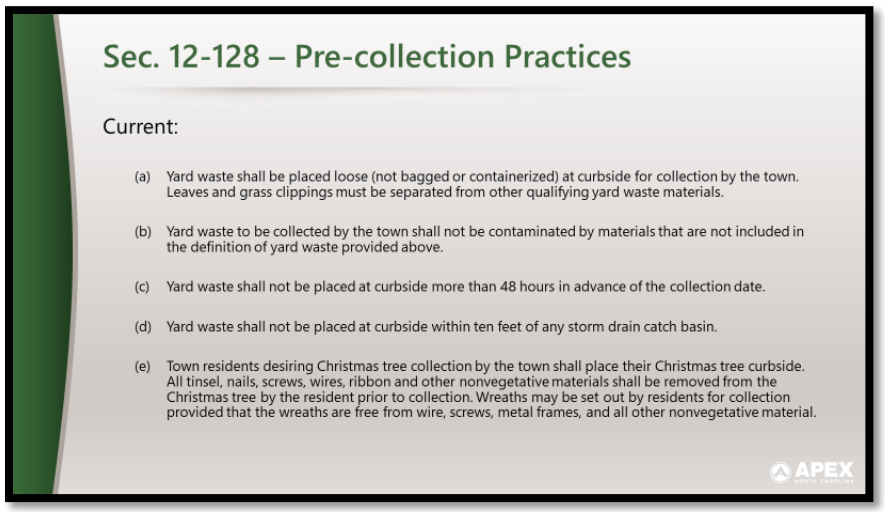
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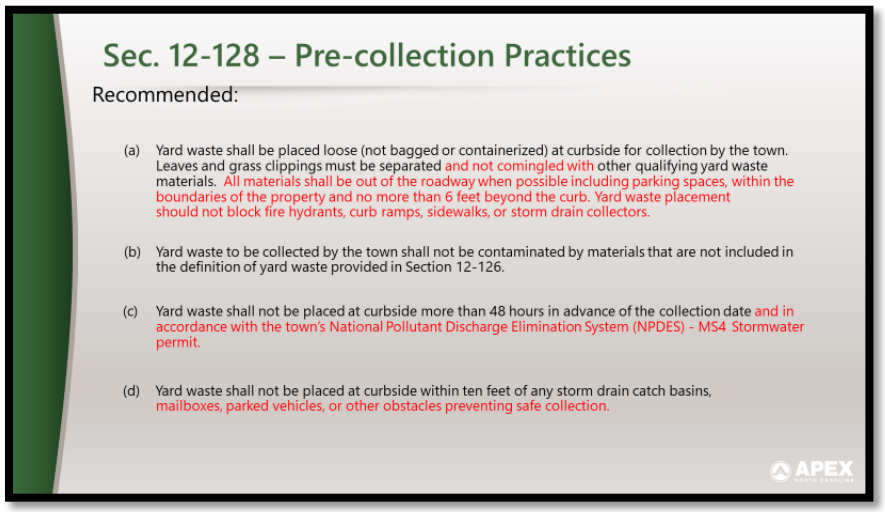
[SLIDE-12]



[SLIDE-13]



[SLIDE-14]



Councilmember Gantt asked why is there six feet there and three feet for curbside.

Councilmember Killingsworth arrived at **3:37 p.m.**

Director Mullis said the three feet from curbside is for debris and six feet and beyond is where the leaf vac hose can reach beyond the curb.

Assistant Town Manager Stone said they wanted people to place yard waste 3 feet behind the back of the curb in the right-of-way, and 6 feet behind if they had the space to do so.

Councilmember Mahaffey said in the last conversation they talked about how Council didn't have much available on enforcement guidelines. He asked what they could do improve this

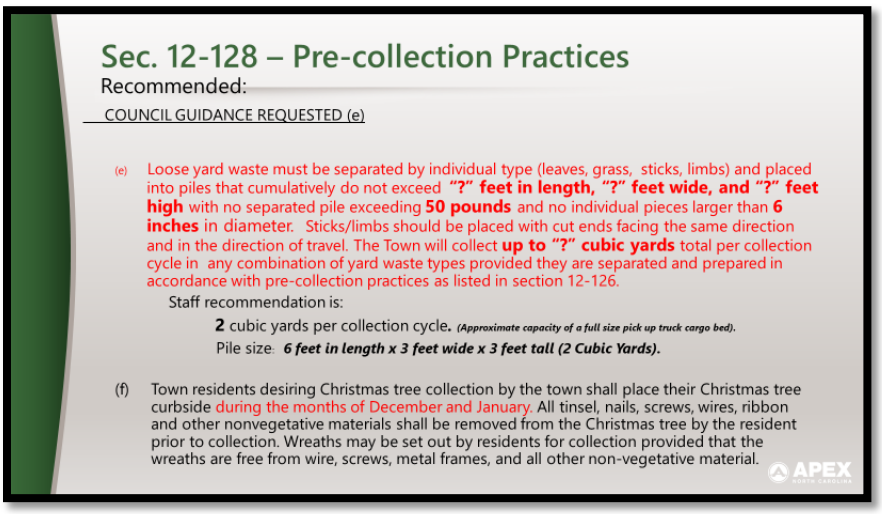
Director Mullis said what they try to do is more education based. He said his staff is working on researching what other communities do in regards to enforcement of this, if that's the direction Council wants to go.

Councilmember Zegerman said they can educate all they want, but unless they codify some enforcement mechanisms, it was only voluntary.

Director Mullis agreed. He said they currently have yard waste tags, which they leave with people explaining why their yard waste was non-compliant. He said in some cases they have to leave a tag for them to separate the pile, since some things require different trucks.

Councilmember Mahaffey said they may could consider additional fees if people put too much yard waste out.

[SLIDE-15]



Councilmember Zegerman asked how would he know of repeat offenders, as far as people who have put out piles that are too large.

Director Mullis said it's easy in this business to know pile size. He said the town already gives the residents a little grace as far as what's excess. He said staff remember the people who had piles that were too big in the past.

Assistant Town Manager Stone said when the pile is picked up and it's too large, there is a capability to give the resident a rough dimension of the pile and it would be noted

in City Works that the residents pile was oversized. He said it wouldn't have to be a guess, and everything could be recorded.

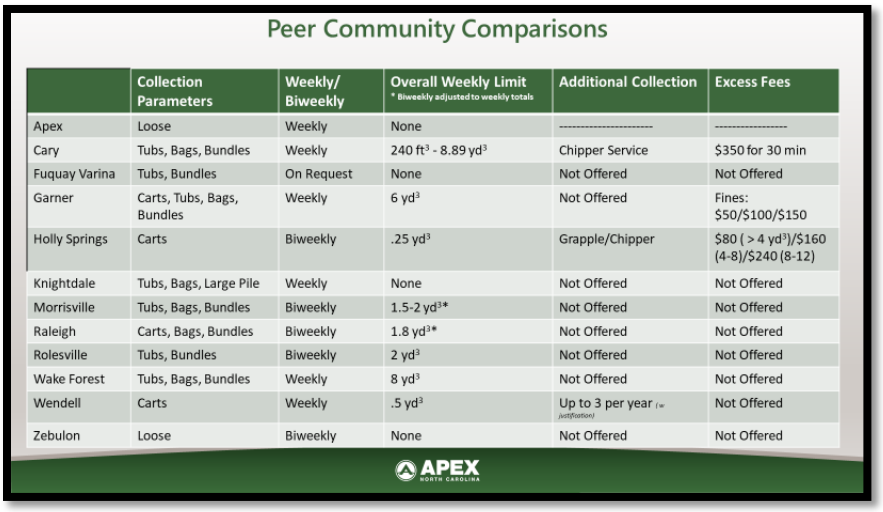
Mayor Pro-Tempore Gray asked about seasonal fluctuations in maximum pile size.

Director Mullis said there would be more administrative burden in fluctuating pile size limits. He said he does face challenges in certain periods of time, as some neighborhoods are full of debris and it all happens at the same time. He said he thinks the best way to manage this would be a free service, and fee-based collection above the maximum pile size.

Mayor Pro-Tempore Gray asked about post-storm debris.

Director Mullis said the Council could authorize fees to be waived in a situation like post-storm debris clean up.

[SLIDE-16]



Peer Community Comparisons

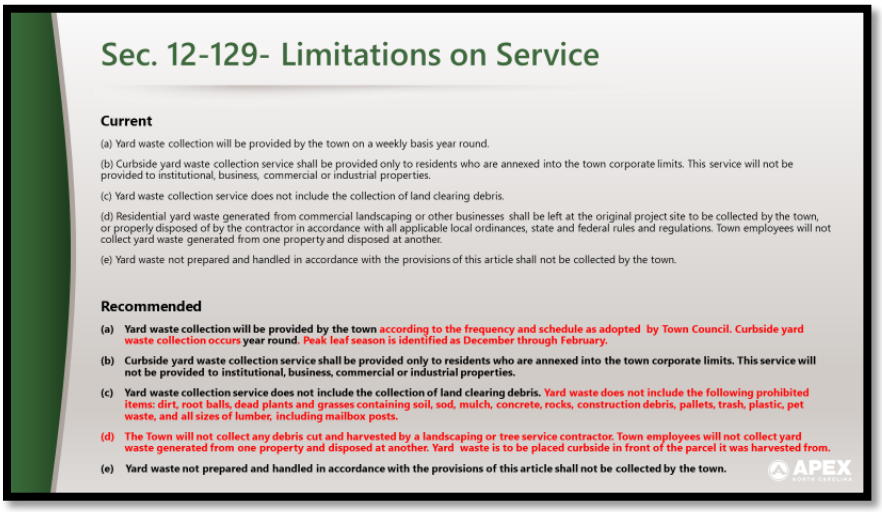
	Collection Parameters	Weekly/ Biweekly	Overall Weekly Limit * Biweekly adjusted to weekly totals	Additional Collection	Excess Fees
Apex	Loose	Weekly	None	----------	----------
Cary	Tubs, Bags, Bundles	Weekly	240 ft^3 - 8.89 yd^3	Chipper Service	$350 for 30 min
Fuquay Varina	Tubs, Bundles	On Request	None	Not Offered	Not Offered
Garner	Carts, Tubs, Bags, Bundles	Weekly	6 yd^3	Not Offered	Fines: $50/$100/$150
Holly Springs	Carts	Biweekly	.25 yd^3	Grapple/Chipper	$80 (> 4 yd^3)/$160 (4-8)/$240 (8-12)
Knightdale	Tubs, Bags, Large Pile	Weekly	None	Not Offered	Not Offered
Morrisville	Tubs, Bags, Bundles	Biweekly	1.5-2 yd^3*	Not Offered	Not Offered
Raleigh	Carts, Bags, Bundles	Biweekly	1.8 yd^3*	Not Offered	Not Offered
Rolesville	Tubs, Bundles	Biweekly	2 yd^3	Not Offered	Not Offered
Wake Forest	Tubs, Bags, Bundles	Weekly	8 yd^3	Not Offered	Not Offered
Wendell	Carts	Weekly	.5 yd^3	Up to 3 per year (w/ justification)	Not Offered
Zebulon	Loose	Biweekly	None	Not Offered	Not Offered

APEX NORTH CAROLINA

Councilmember Gantt asked what's the service level and asked if residents are happy with what they get in other places.

Director Mullis said the service level in Apex is get all you can for free. He said when he was with Holly Springs it was forty dollars for over two and a half cubic yards and that has gone up to 80 because of rising costs. He said in most cases, people did not mind paying that extra fee for the extra waste once they were used to it. He said it all depends on the level of service the town offers.

[SLIDE-17]



Councilmember Mahaffey said he really likes the idea of having a variable frequency throughout the year. He said it's better than having trucks running around just as much in the winter when there isn't as much to collect.

Director Mullis said it would be up to Council to make the decision of doing that.

Councilmember Mahaffey asked if there was a relationship between some of the big landscaping companies in the area to let them know that the town will not pick up their debris.

Director Mullis said the yard waste crews are on the lookout and do occasionally run across landscapers, and now that they had been to a property consistently when waste is out multiple days in a week. He said currently there is nothing in the ordinances prohibiting them from doing that.

Councilmember Killingsworth asked specifically, "The Villages of Apex", which have the mailbox kiosk that only have one collection and some have mailboxes in front of every house. She said it would be difficult to put yard waste in some areas because that's where the cars park. She said she didn't want to offer something to residents if everyone can't be included in the yard waste pick up.

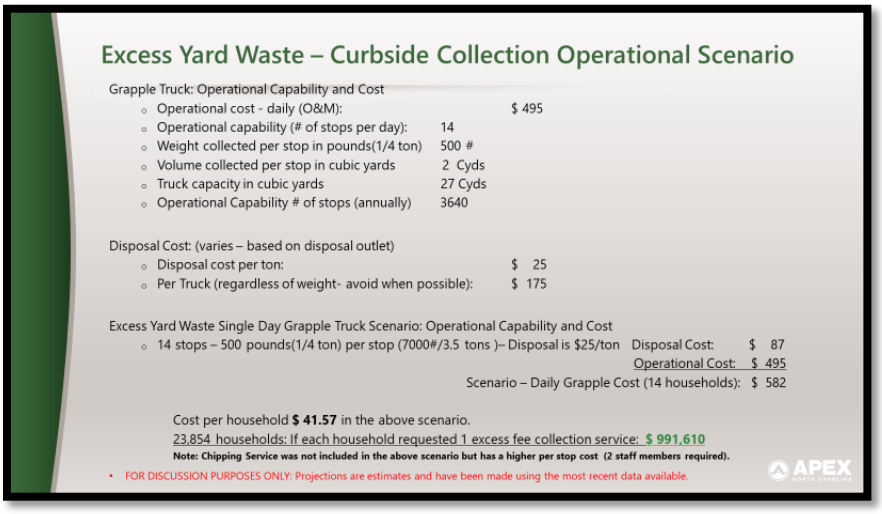
Director Mullis said he thinks they could address that with language such as "when practical" or "when possible"

Councilmember Zegerman asked how would yard waste crew assess where waste has been harvested.

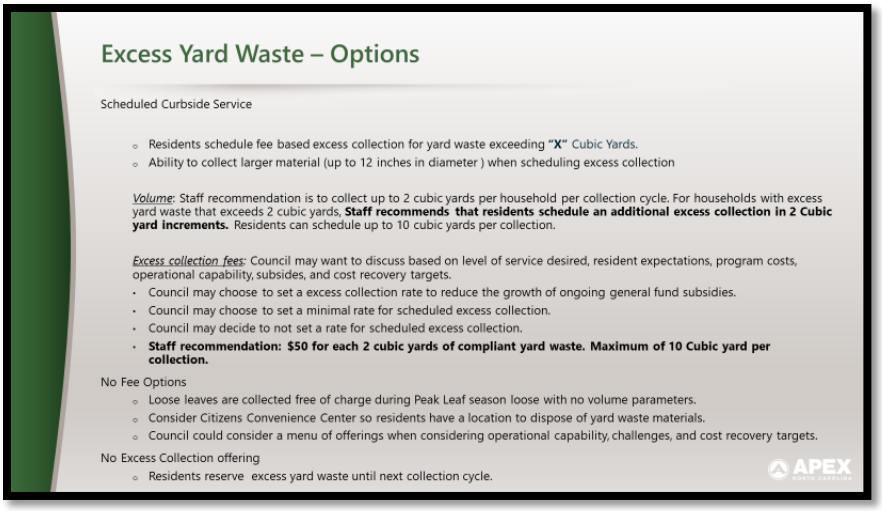
Assistant Town Manager Stone gave some examples in his neighborhood in a case where homes are close together, and have a single designated area. He said sometimes there is no perfect spot to put debris on when homes are close together, but still try to meet the requirements of the town.

Councilmember Killingsworth said for her property, the only way she could meet all of the requirements would be to place it in front of her neighbor's house.

[SLIDE-18]



[SLIDE-19]



Councilmember Mahaffey asked if the customer need to request the service.

Director Mullis said the customer can. He said in some communities, they take a picture and add it on the utility bill.

Councilmember Mahaffey asked about the options for picking up excess waste.

Director Mullis said there's two systems. He said yard waste crew can collect the debris and put the invoice in their utility bill or the town will tag it and the resident can schedule the excess pick up. He said it's best to know there is excess in the first place, but if not, he said collecting and invoicing is an easier option. He said this is for Council to decide what their preference is.

Councilmember Mahaffey asked if there was any pushback from any residents.

Director Mullis said mostly residents argue with the size. He said that's why they take a picture to show the resident the size.

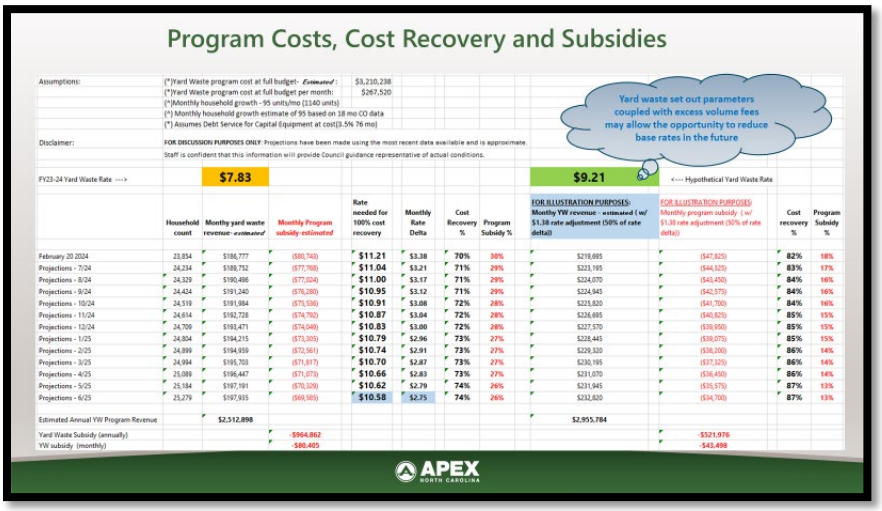
Assistant Town Manager Stone said the biggest issue with doing automatic is with neighborhoods, as sometimes there are multiple families using the same spot.

Director Mullis said that is something they try to get people not to do.

Assistant Town Manager Stone said they understood that some properties cannot put their waste in front of their home for various reasons. He said this would be a first step in a volume limit, and with that and more education it should cut down on the problem. He said it may lead to a containerized system in the future.

Director Mullis asked for Council to provide direction on what a reasonable amount to collect in a week was, and how to go about collecting excess.

[SLIDE-20]

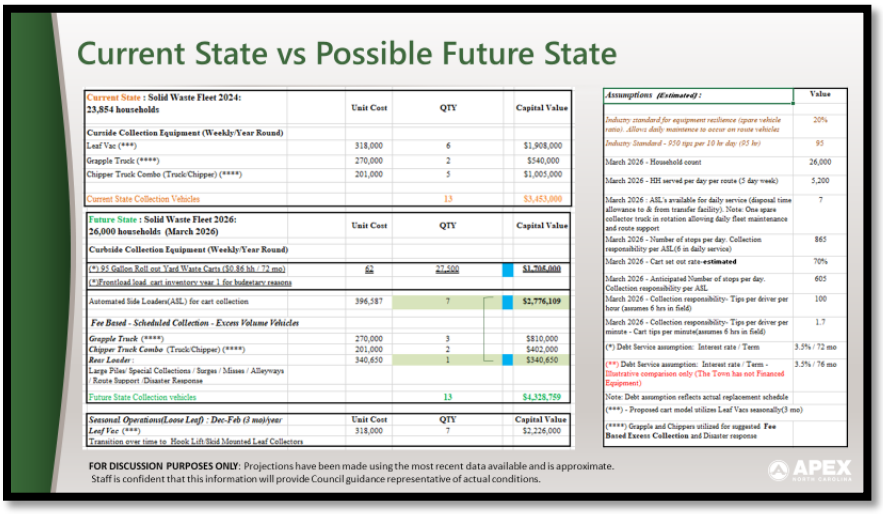


Councilmember Mahaffey said this was the most important slide for him. He said excess collection fees would help balance the cost burden of the small lots who may not use the service much with the large lots who use it very often

[SLIDE-21]



[SLIDE-22]



Councilmember Zegerman said since there are no leaf vacs in the bottom half of the chart, he asked if all the leaves are going to get stuffed in the containers.

Director Mullis said no. He said you would still keep your loose-leaf season but these would just be running three months a year.

Councilmember Zegerman asked why the fleet trucks are not in the capital fund.

Director Mullis said with not buying leaf vac this is what it would be if the same capital was deployed to do everything year-round. He said the leaf trucks are already paid for. He said the town shouldn't have to replace one for another three years. He said this was to illustrate the asset cost if they changed systems over time.

Councilmember Zegerman asked if the town will be adding two more grapple trucks or just one.

Director Mullis said the town has two and one more for excess collection.

Councilmember Gantt asked if there was a 10-year number.

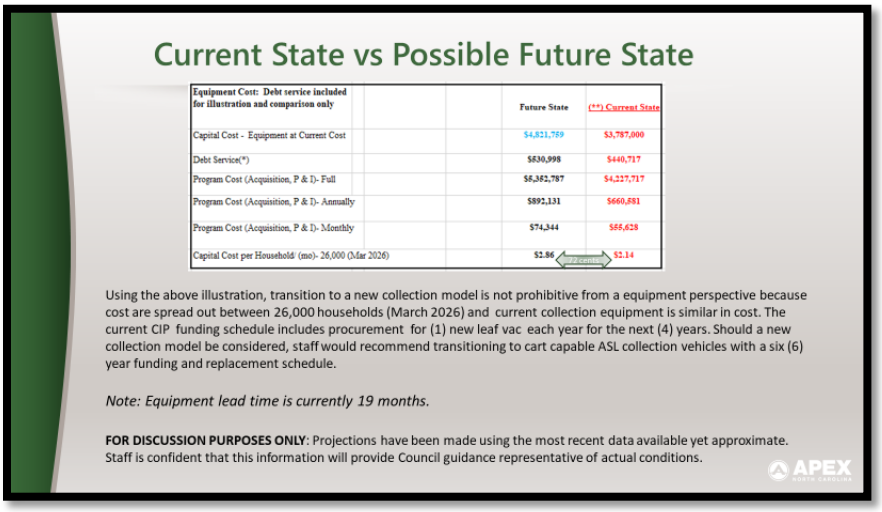
Director Mullis said he has connected with other municipalities, and their ASL trash truck of the leaf vacs are extremely expensive to maintain, so there would be a lot of change in the capital and operations.

Councilmember Gantt asked if operations would require less staff.

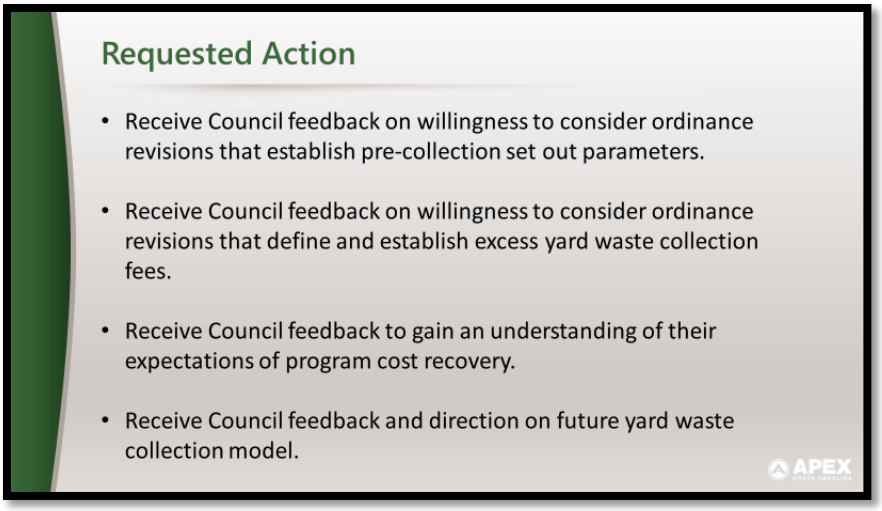
Director Mullis said it would be less personnel.

Assistant Town Manager Stone said this is a preliminary look at what the future could look like in yard waste. He said the first step is for Council to reduce the volume the yard waste crew is picking up and to codify that and educate residents. He said they have to take incremental steps like this to get the system containerized.

[SLIDE-23]



[SLIDE-24]



Councilmember Zegerman said instead of it being the same for all residents it should be more usage-based. He asked if there have been different model showing different revenue options.

Director Mullis said the yard waste crew doesn't know how many piles there are. He said it would be hard to estimate until the town started having more excess piles and could then come back and give Council more data.

Assistant Town Manager Stone said currently they do have an idea on tonnage but no idea on the amount of volume dropped off.

Councilmember Zegerman wondered if the town decided on this today, he asked do we have the system and staff to handle it, or if they needed additional people.

Councilmember Gantt said if it was made more equitable, he suggested to go lower than two cubic yard and go one cubic yard as the baseline and ramp up the excess a little bit faster.

Councilmember Mahaffey said it could end up like a tiered system.

Councilmember Gantt said he likes the tier system for stormwater.

Councilmember Killingsworth said going from two cubic yards to a maximum of 10 cubic yards is a huge difference.

Director Mullis said it could be unlimited but the goal is to get at least two or three houses before having to go drop off and the fee still has to be paid no matter what.

Councilmember Mahaffey said it's not all about the revenue. He said it's about changing behaviors for customers, and getting more yard waste off of curbs.

Mayor Pro-Tempore Gray said if the town adopts recommendations, it can be figured out how to better democratize this. He said reducing the size and increasing the cost of taking away, it's a long education process. He asked what is staff looking at in terms of adoption for codification.

Director Mullis said March of 2026 is optimal. He said education is the most important part, and that needs to be given time.

Councilmember Killingsworth said she would like to start at one cubic yard and then eventually go to the bins. She said the fees for excess are the way to handle that transition.

Director Mullis said in Holly Springs, a big lesson learned was that crews were so lenient picking up yard waste that residents thought what they were putting out was the normal pile.

Councilmember Killingsworth said they could have a convenience center to set up to manage it themselves if they know there is excess. She said the fees need to be higher than 50. She mentioned how certain developments, it's hard to comply with the 10 feet regulation from mailboxes, cars, etc. She said that could go to 6 feet.

Director Mullis said they could work with 6 feet for that.

Councilmember Gantt asked what is the safe amount of space from a mailbox that the truck won't hit the mailbox.

Director Mullis said he thinks 6 would work.

Councilmember Mahaffey said he wanted to address the tired system. He said people with more yard would pay more. He said what worries him about one cubic yard is that there is a lot of yard just generate from a single bow. He said it may not be feasible, but something like that would be good.

Councilmember Zegerman said he would like to know the start-up costs in terms of equipment purchases. He asked if that was the 4.8 million and is the convenience center included as well.

Director Mullis said the equipment purchases is included in the 4.8 million. He said the convenience center is another discussion. He said they are in the process of rezoning but nothing has been designed.

Councilmember Zegerman asked what is the depreciation operating cost looks like over a period of time.

Councilmember Mahaffey said he was hoping there would be more operational savings going into containerization but it sounds like a wash to him.

Mayor Gilbert asked what the next steps would be.

Councilmember Gantt said if the town is going to a container in a couple years, then they don't need to nitpick on the numbers for the next two years.

Interim Town Manager Purvis said he thinks that's a good point. He said if they did not want to move to containers, it would be a different plan altogether.

Councilmember Killingsworth left at **4:57 p.m.**

Mayor Pro-Tempore Gray said he would like to see a model container plan.

Councilmember Zegerman said he does not want to put residents in a position where they don't know where to dispose of their yard waste.

Councilmember Mahaffey said he wants to get rid of some of the faults in the system today and have a better practice.

Councilmember Zegerman said also what needs to be discussed is setting a limit and how updating the ordinance is meaningless unless the town starts doing something about it.

Councilmember Mahaffey said there are two things. One is the cost. He said give the resident a tag and the town won't pick it up and that's the enforcement.

Interim Town Manager Purvis said there would be difficulties in transitioning to stricter enforcement and lower limits.

Councilmember Gantt said he is good with the recommendation that's already mentioned for one and going with the two cubic yards maximum and work towards the container stuff more once there is more information.

Mayor Gilbert left the meeting at **5:03 p.m.**

Mayor Pro-Tempore Gray said he is good with the recommendation of staff.

Councilmember Mahaffey said they could make those changes now and revisit this in a year to really see the impact and the data available.

Director Mullis said it would be great if Council did that since they already enter work orders in City Works and that will create the data Council is looking for. He said they would continue working on the convenience center.

Councilmember Zegerman this does not need to come back March 2026 to revisit. He said he would like to see some cost analysis and some data that's already collected. He said to take a year to get the data and run financial models so that Council is better prepared to make a decision.

Councilmember Gantt asked if 10 feet from the drains and 6 from the mailboxes and other impediments was the plan.

Interim Town Manager Purvis said yes, they would make that note. He said it seems Council is in consensus for moving towards containers. He said it seems two cubic yards is the consensus. He said he will get that and enforcement into this year's budget. He said next steps would be to build out a potential transition plan program to cost out the plan what looks like to go to the container route.

Councilmember Mahaffey asked about a possible recovering the start up costs through a fee system.

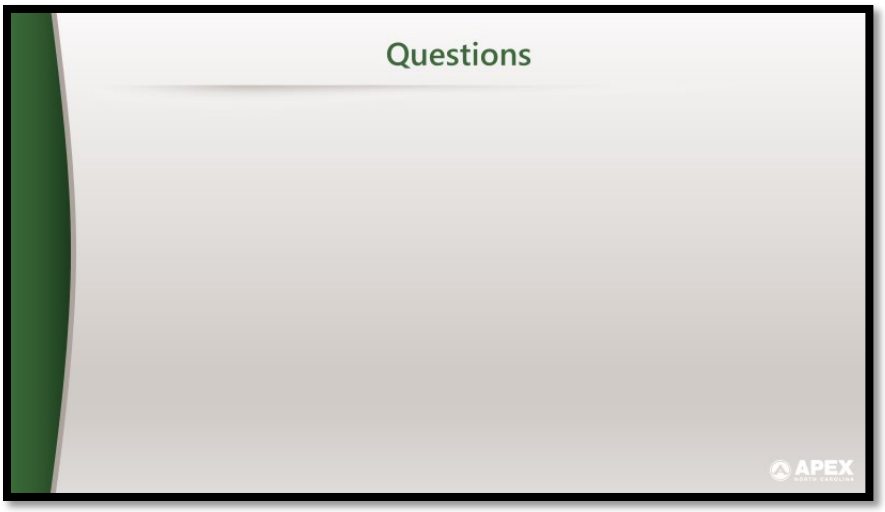
Councilmember Zegerman said not every household needs a start up cost. He said there may be alternatives they want to implement in higher-density communities.

Councilmember Mahaffey said he thinks they should start working towards containerization without putting a firm timeline on it yet. He asked if the recommendation was to do it all at once.

Director Mullis said all at one time. He asked Council if the pre-collection parameters, waste collection fees proposed, and other recommendations were okay.

Council indicated consensus.

[SLIDE-25]



[ADJOURNMENT]

Mayor Pro-Tempore Gray thanked everyone and declared the meeting adjourned at **5:17 p.m.**

Jacques K. Gilbert
Apex, Mayor

Allen Coleman, CMC, NCCCC
Apex, Town Clerk

Submitted for approval by Apex Town Clerk Allen Coleman.

Minutes approved on 9th of April, 2024 (CN8).

APPROVED

TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, APRIL 9, 2024
6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, April 9, 2024 at 6:00 PM in the Council Chambers at Apex Town Hall, located at 73 Hunter Street in Apex, North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel. The recording of this meeting can be viewed here: https://www.youtube.com/watch?v=JkbAOddxMzw&t=14936s

[ATTENDANCE]

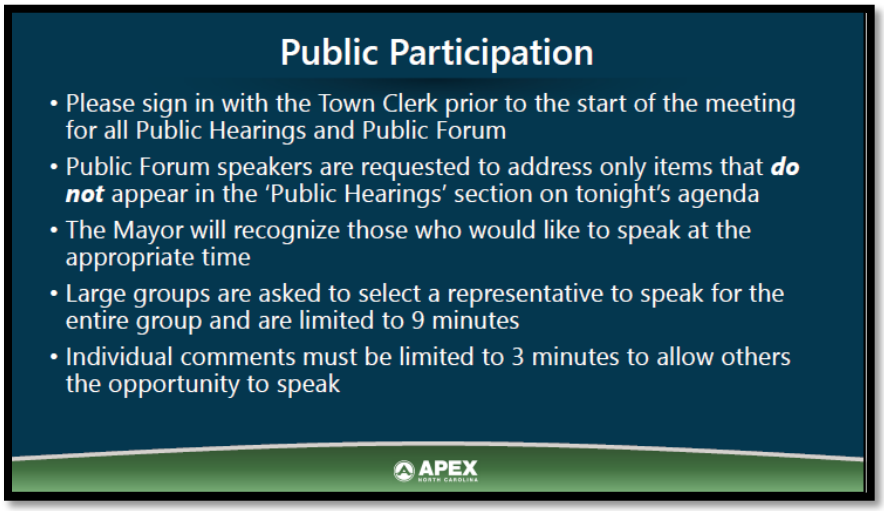
Elected Body
Mayor Jacques K. Gilbert (presiding)
Mayor Pro Tempore Ed Gray
Councilmember Audra Killingsworth
Councilmember Arno Zegerman
Councilmember Brett Gantt *(arrived late)*
Absent: Councilmember Terry Mahaffey

Town Staff
Interim Town Manager Shawn Purvis
Assistant Town Manager Demetria John
Assistant Town Manager Marty Stone
Town Attorney Laurie Hohe
Town Clerk Allen Coleman
Deputy Town Clerk Ashley Gentry
Planning Director Dianne Khin
Department of Transportation and Infrastructure Director Chris Johnson
All other staff members will be identified appropriately below

[SLIDE 1]



[SLIDE 2]



[COMMENCEMENT]

Mayor Gilbert called the meeting to order, and said he wanted to take time to reflect on the tragic death of Felicia Barbee-Battle, who was a beloved community member. He honored the family to show support. He said domestic violence needs to be eradicated in the community, and thanked the Apex Police Department for their efforts in this. He asked for a moment of silence, and then asked Pastor Kevin O'Brien, of Apex Baptist Church and who is the Chaplain of the Apex Police Department, if he would come and deliver a prayer. He also noted that the water tower on Hunter Street will be illuminated purple this evening in memory of Ms. Barbie-Battle. He then led those in attendance in the reciting of the Pledge of Allegiance.

[CONSENT AGENDA]

Councilmember Zegerman made a request for Consent Items 2 and 3 be moved to new business.

A **motion** was made by **Mayor Pro Tempore Gray** seconded by **Councilmember Killingsworth**, to approve the Consent Agenda, with the continuation of Consent Items 2 and 3 to new business.

VOTE: UNANIMOUS (3-0), with Councilmember Gantt and Councilmember Mahaffey absent

CN1 Annexation No. 777 – 2014 Lufkin Road – 2.208 acres (REF: RES-2024-020, RES-2024-021, and OTHER-2024-049)

Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for April 23, 2024, on the Question of Annexation - Apex Town Council's intent to annex 2.208 acres, located at 2014 Lufkin Road, Annexation No. 777 into the Town Corporate limits.

~~**CN2 Appointments - Housing Advisory Board (HAB)**~~

This item was removed form the Consent Agenda, per Council vote.

~~**CN3 Appointments - Housing Advisory Board (HAB) – Chair/Vice-Chair**~~

This item was removed from the Consent Agenda, per Council vote.

CN4 Budget Ordinance Amendment No. 14 – Stormwater Fund Equity (REF: ORD-2024-024)

Council voted to adopt Budget Ordinance Amendment No. 14 to transfer stormwater fund equity from the Water and Sewer Fund to newly established Stormwater Fund.

CN5 Contract - Central Pines Regional Council of Governments - Grant Administration - April 1, 2024 through June 30, 2025 (REF: CONT-2024-087)

Council voted to approve a Standard Services Agreement between the Town of Apex and Central Pines Regional Council of Governments, effective April 1, 2024 through June 30, 2025 for Grant Assistance, and to authorize the Interim Town Manager, or their designee, to execute on behalf of the Town.

CN6 Contract - HR&A Advisors, Inc - Housing Data Dashboard - April 9, 2024 through April 8, 2027 (REF: CONT-2024-088)

Council voted to approve a three-year contract with HR&A Advisors, Inc, effective April 9, 2024 through April 8, 2027 to implement, host and maintain a data dashboard, and to authorize the Interim Town Manager, or their designee, to execute the contract on behalf of the Town.

CN7 Contract Amendment No. 6 – Kimley-Horn and Associates Inc. – Beaver Creek Greenway Supplement No. 6 (REF: CONT-2024-089)

Council voted to approve Contract Amendment No. 6 between the Town of Apex and Kimley-Horn and Associates, Inc, for the Beaver Creek Greenway Extension, and to authorize the Interim Town Manager, or their designee, to execute on behalf of the Town.

CN8 Council Meeting Minutes – Various Meetings

Council voted to approve, as submitted or amended, Meeting Minutes from the following meetings:

February 15, 2024 – Town Council Retreat Minutes
February 16, 2024 – Town Council Retreat Minutes
February 27, 2024 – Regular Town Council Meeting Minutes
March 12, 2024 – Regular Town Council Meeting Minutes
March 19, 2024 - Town Council Work Session Minutes

CN9 Fee-in-Lieu (FIL) of Land Dedication - Ashland Subdivision

Council voted to approve a payment of Fee-in-Lieu (FIL) of dedication for Ashland Subdivision.

CN10 Interlocal Agreement – Town of Apex and the Capital Area Metropolitan Planning Organization (CAMPO) – Rail Relocation Study (REF: CONT-2024-090)

Council voted to approve an Interlocal Agreement between the Town of Apex and Capital Area Metropolitan Planning Organization (CAMPO), effective until June 30, 2025, for the Apex Rail Switching Operations Relocation Study, and to authorize by the Interim Town Manager, or their designee, to execute on behalf of the Town.

CN11 Revisions to Town Standard Specifications & Standard Details (REF: OTHER-2024-051 and OTHER-2024-052)

Council voted to approve revisions to the Town Standard Specifications and Standard Details.

CN12 Tax Report - February 2024 (REF: OTHER-2024-050)

Council voted to approve Apex Tax Reports dated March 7, 2024.

[PRESENTATIONS]

PR1 Presentation - 2023 Pavement Management Report

Adam Stephenson, Transportation Engineering Manager, brought results to their most recent pavement conditions survey and analysis that is conducted every three years. He stated that Consultant Mott MacDonald completed the survey selected from a group of nine firms that provided statements of qualifications. He introduced Tracy Pilson, who presented results.

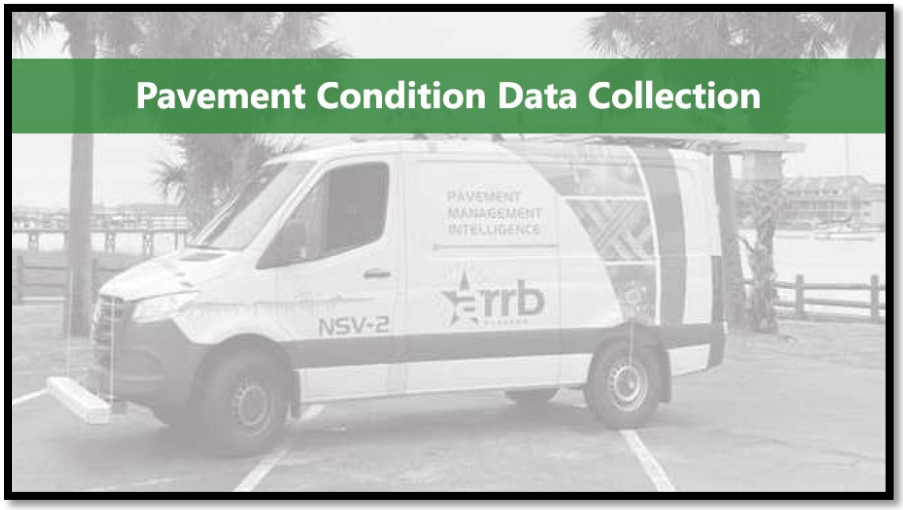
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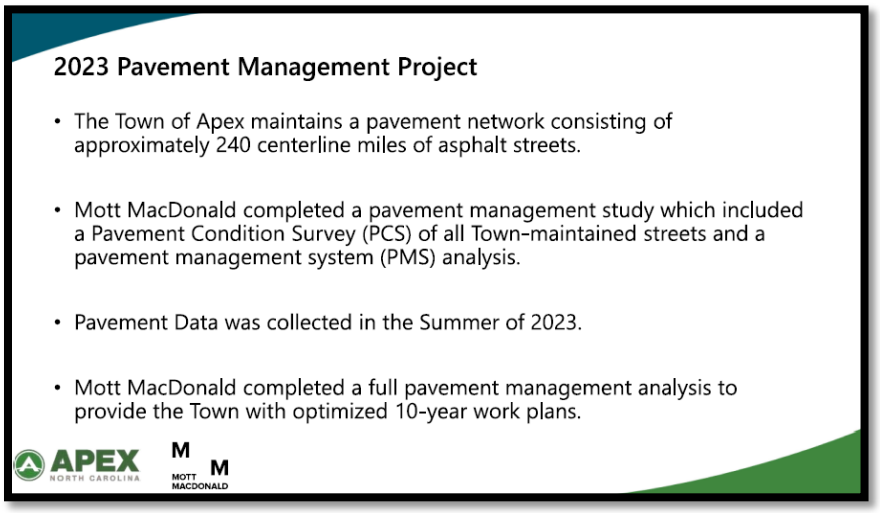
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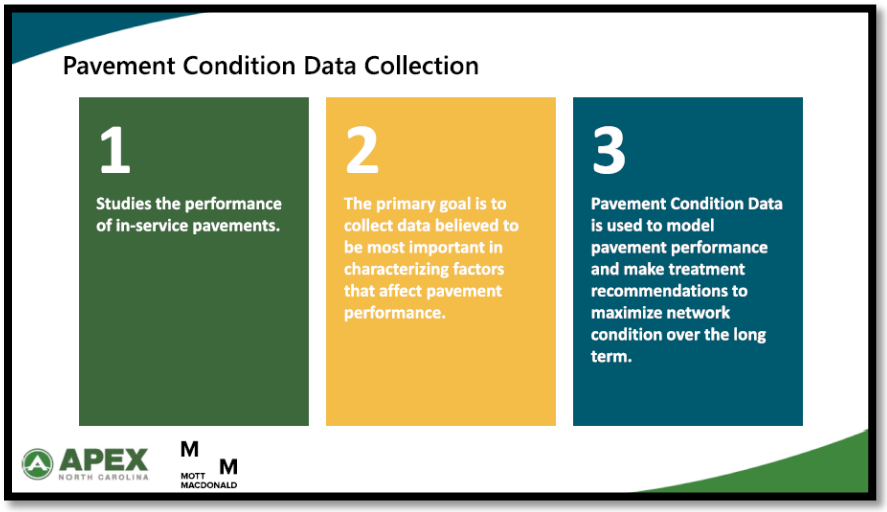
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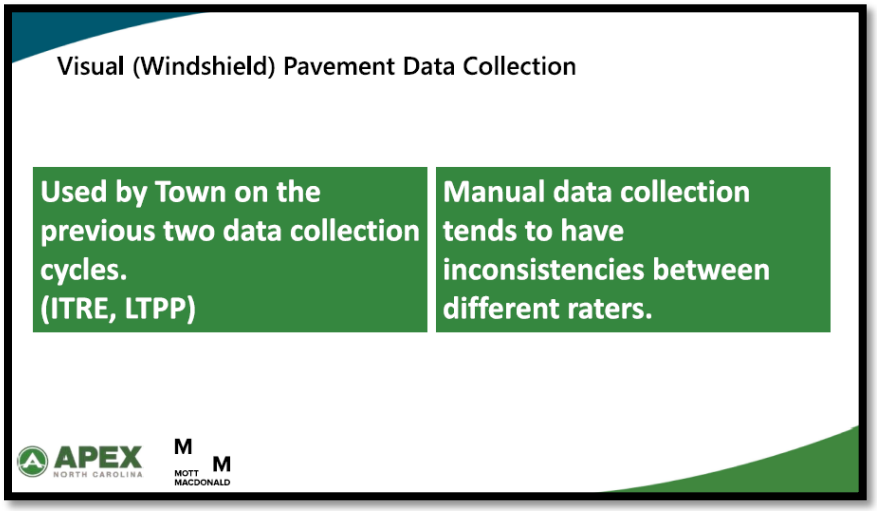
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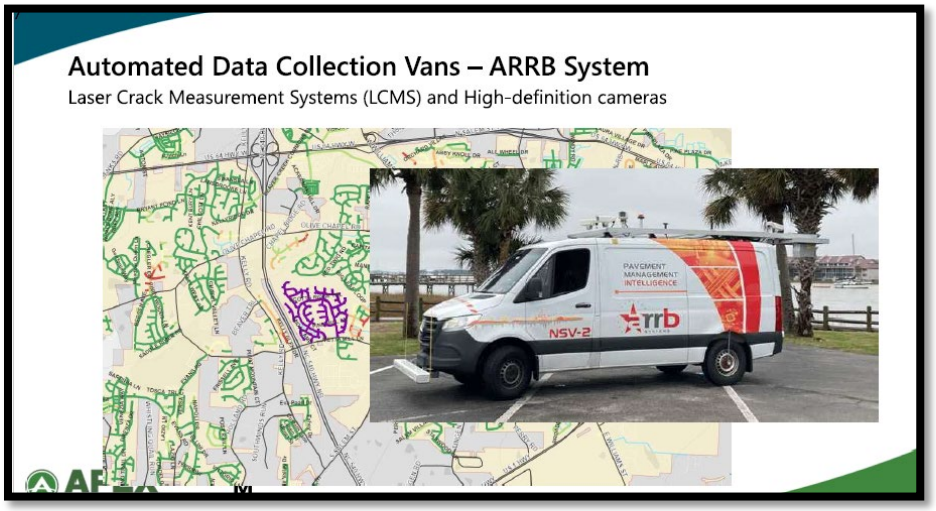
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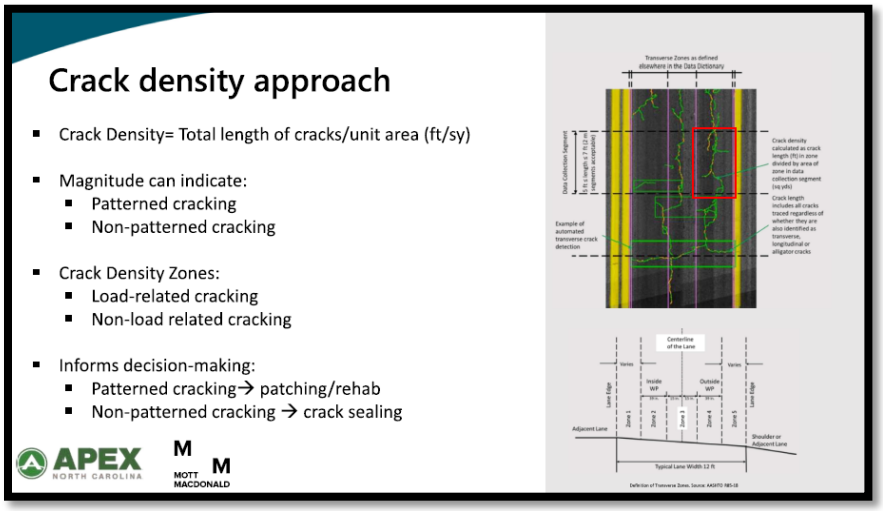
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[SLIDE-8]



[SLIDE-9]

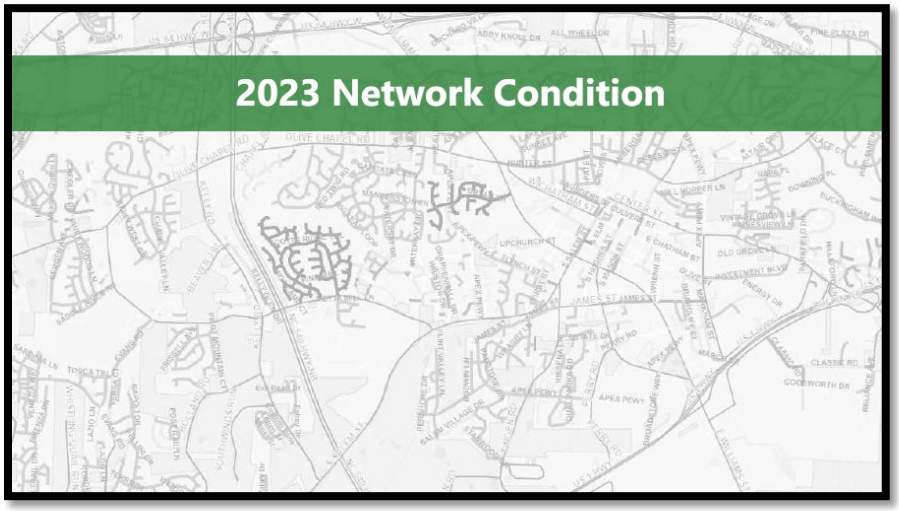
Benefits of using crack density

- Independent of data collection vendor's experience/specific technology
- Allows agencies flexibility in aggregating data to condition scores
- Highly repeatable
- Less reliant on subjective definitions of distress types and severities

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[SLIDE-11]

2023 Network Condition

Network Summary

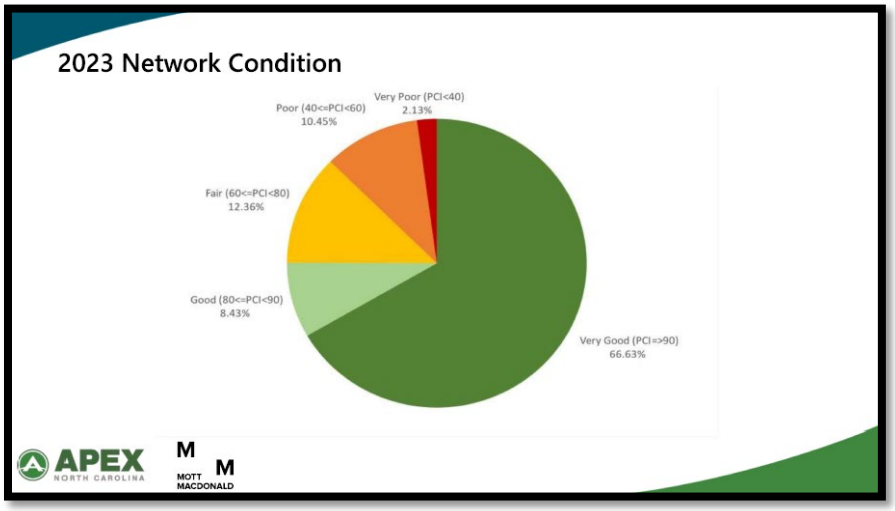
Description	Value
Length of Network (Center Line Miles)	240.4
Lane Miles	487.8
Area of Network (Square Yards)	3.3M
Weighted Average Network PCI	84.8
Previous Weighted Average Network PCI (2020)	79.3
Total Asset Value of Pavement Network	$222.1M *
Remaining Asset Value (Current Condition, PCI=84.8)	$188.4M **
Percent of Network in Good Condition (PCI ≥ 80)	75.1%
Percent of Network in Poor (PCI < 60)	12.6%

APEX NORTH CAROLINA

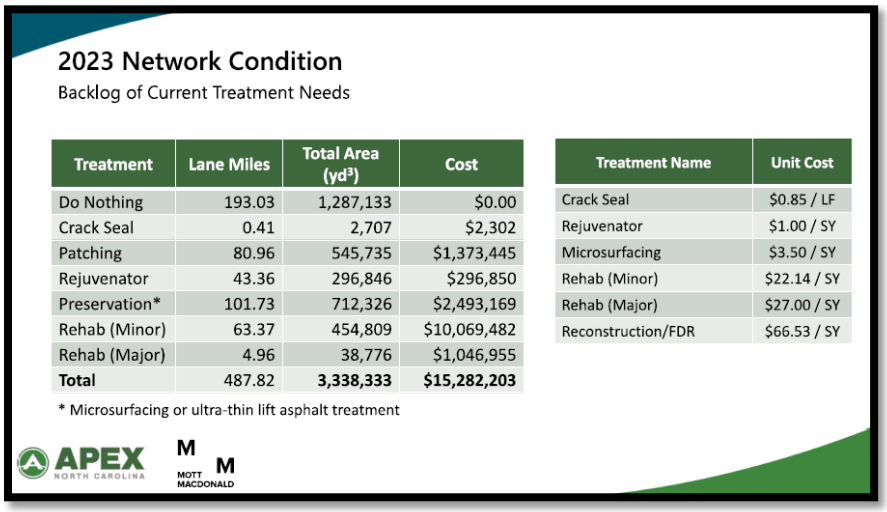
MOTT MACDONALD

* Total area of the network x industry average replacement cost
** Value of network in its current condition (PCI = 84.8)

[SLIDE-12]



[SLIDE-13]



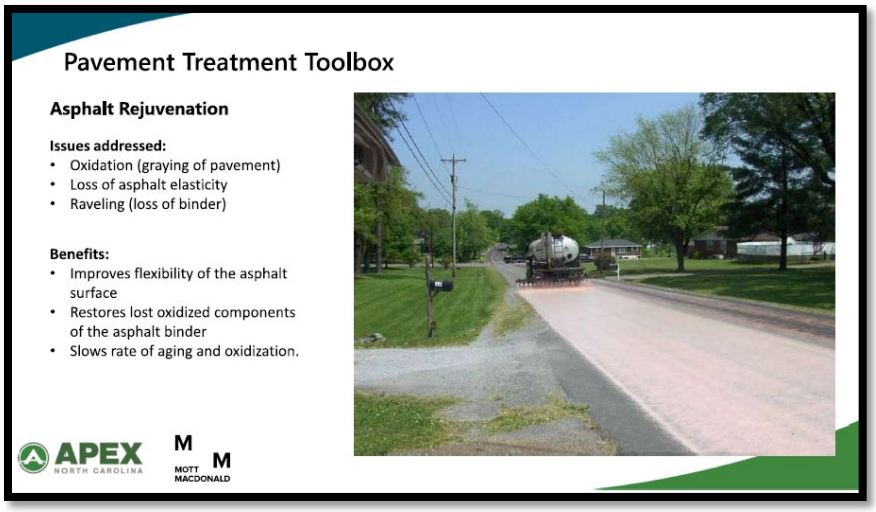
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[SLIDE-15]



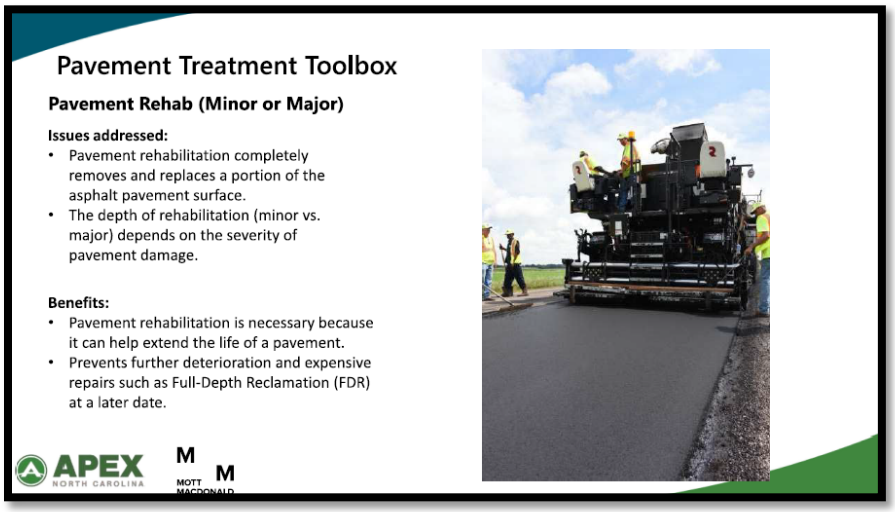
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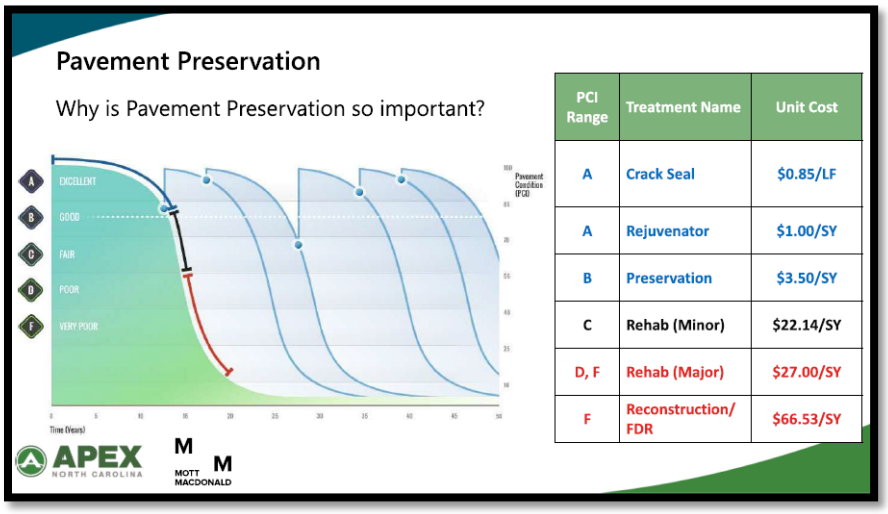
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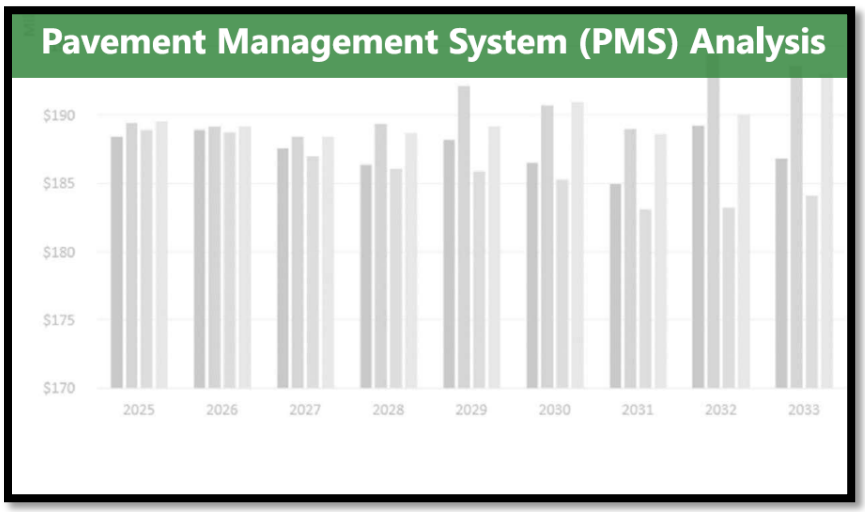


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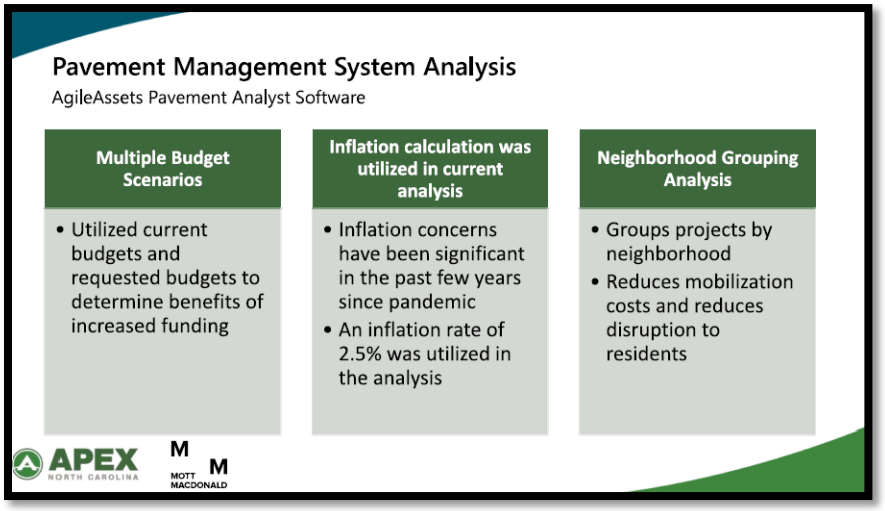


PCI Range	Treatment Name	Unit Cost
A	Crack Seal	$0.85/LF
A	Rejuvenator	$1.00/SY
B	Preservation	$3.50/SY
C	Rehab (Minor)	$22.14/SY
D, F	Rehab (Major)	$27.00/SY
F	Reconstruction/ FDR	$66.53/SY

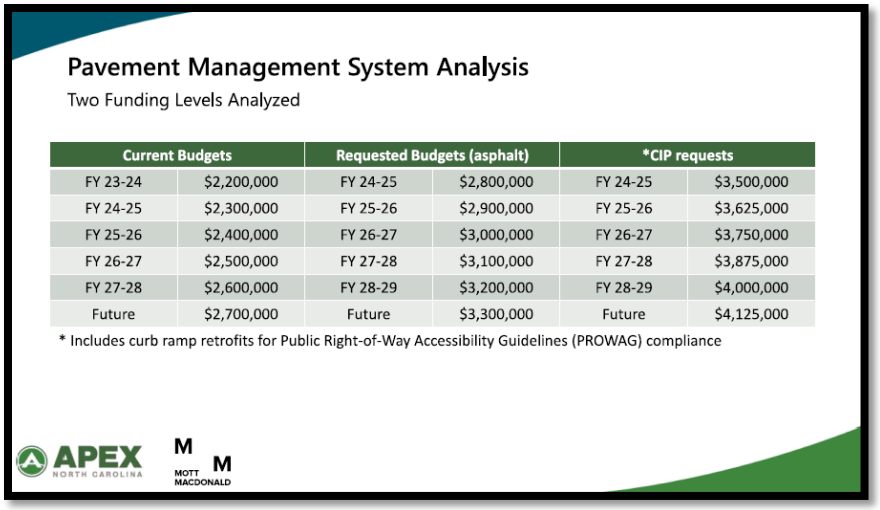
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[SLIDE-22]



[SLIDE-23]



Pavement Management System Analysis

Two Funding Levels Analyzed

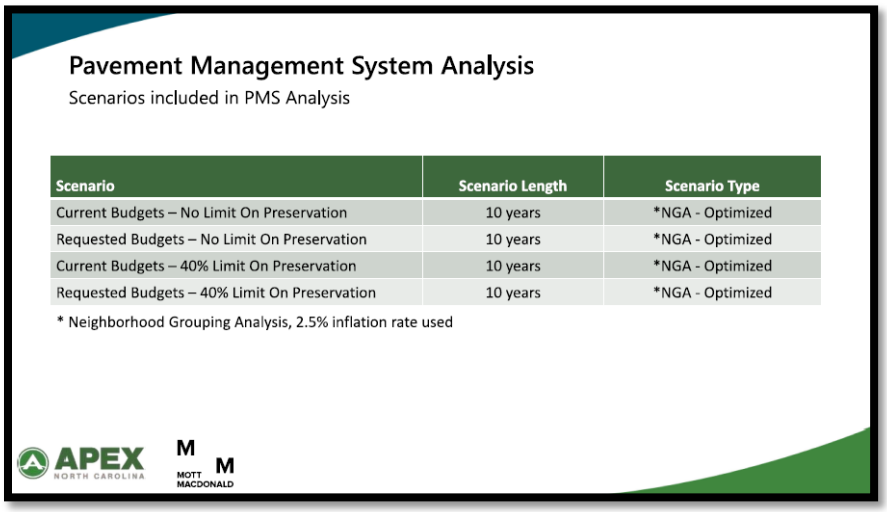
Current Budgets		Requested Budgets (asphalt)		*CIP requests	
FY 23-24	$2,200,000	FY 24-25	$2,800,000	FY 24-25	$3,500,000
FY 24-25	$2,300,000	FY 25-26	$2,900,000	FY 25-26	$3,625,000
FY 25-26	$2,400,000	FY 26-27	$3,000,000	FY 26-27	$3,750,000
FY 26-27	$2,500,000	FY 27-28	$3,100,000	FY 27-28	$3,875,000
FY 27-28	$2,600,000	FY 28-29	$3,200,000	FY 28-29	$4,000,000
Future	$2,700,000	Future	$3,300,000	Future	$4,125,000

* Includes curb ramp retrofits for Public Right-of-Way Accessibility Guidelines (PROWAG) compliance

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[SLIDE-24]



Pavement Management System Analysis

Scenarios included in PMS Analysis

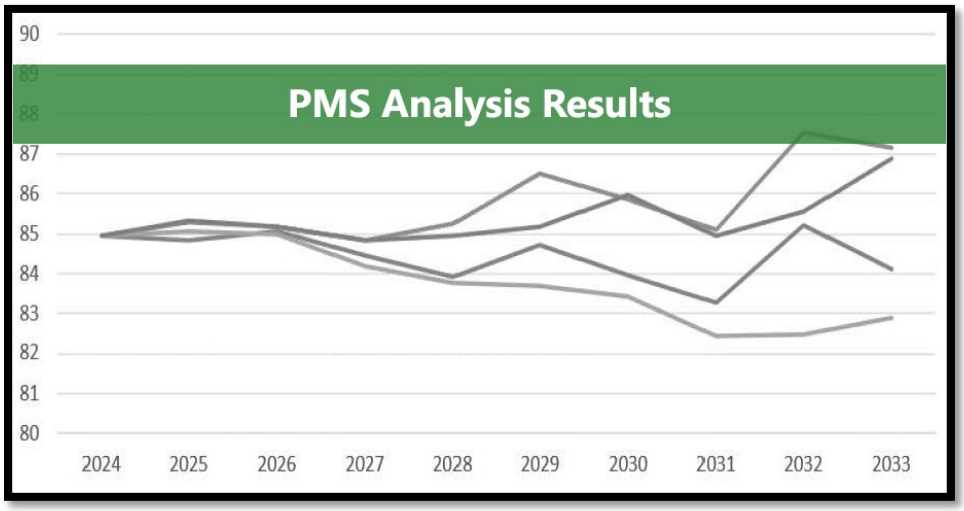
Scenario	Scenario Length	Scenario Type
Current Budgets – No Limit On Preservation	10 years	*NGA - Optimized
Requested Budgets – No Limit On Preservation	10 years	*NGA - Optimized
Current Budgets – 40% Limit On Preservation	10 years	*NGA - Optimized
Requested Budgets – 40% Limit On Preservation	10 years	*NGA - Optimized

* Neighborhood Grouping Analysis, 2.5% inflation rate used

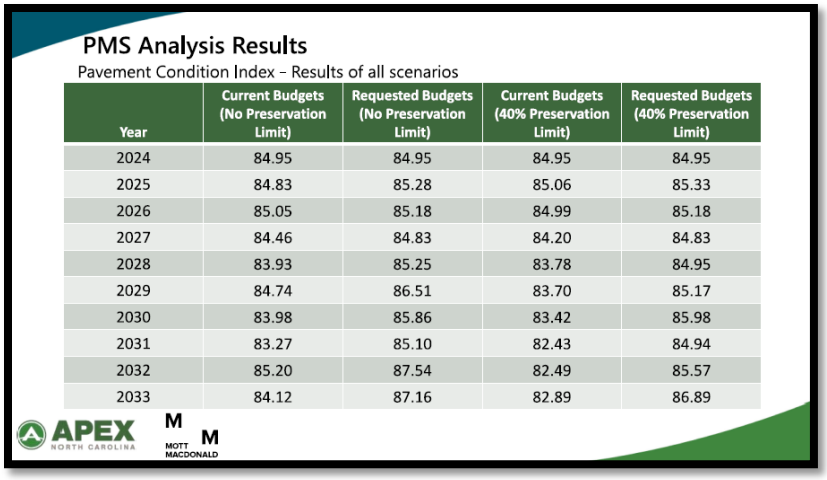
APEX NORTH CAROLINA

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[SLIDE-26]



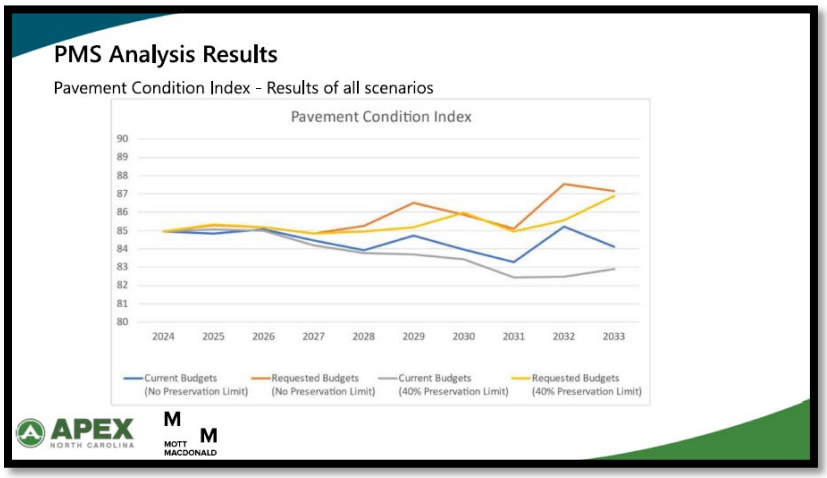
PMS Analysis Results

Pavement Condition Index – Results of all scenarios

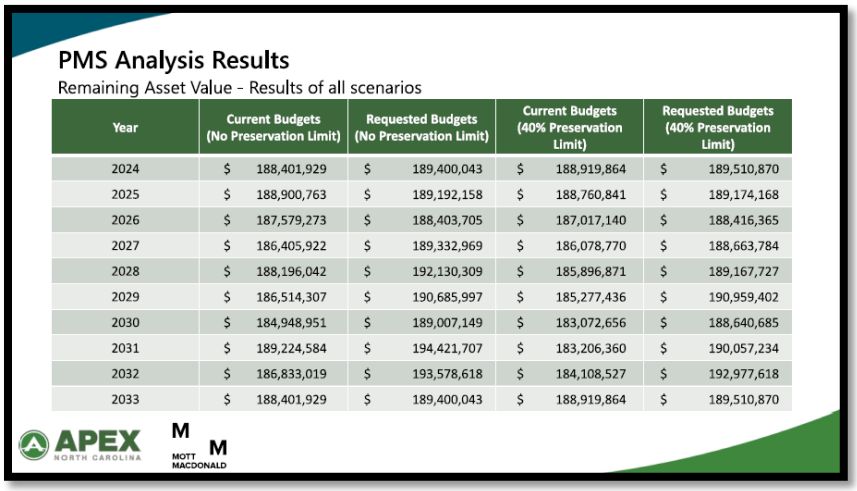
Year	Current Budgets (No Preservation Limit)	Requested Budgets (No Preservation Limit)	Current Budgets (40% Preservation Limit)	Requested Budgets (40% Preservation Limit)
2024	84.95	84.95	84.95	84.95
2025	84.83	85.28	85.06	85.33
2026	85.05	85.18	84.99	85.18
2027	84.46	84.83	84.20	84.83
2028	83.93	85.25	83.78	84.95
2029	84.74	86.51	83.70	85.17
2030	83.98	85.86	83.42	85.98
2031	83.27	85.10	82.43	84.94
2032	85.20	87.54	82.49	85.57
2033	84.12	87.16	82.89	86.89

APEX NORTH CAROLINA MOTT MACDONALD

[SLIDE-27]



[SLIDE-28]



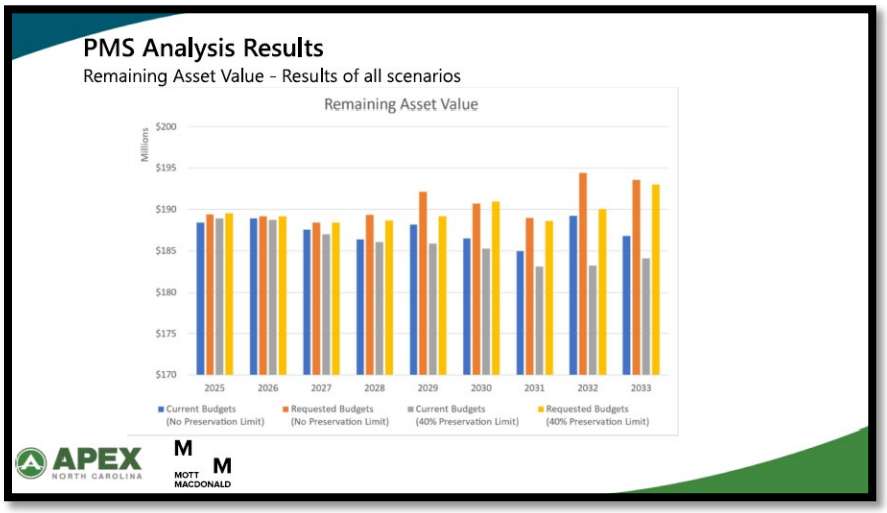
PMS Analysis Results

Remaining Asset Value – Results of all scenarios

Year	Current Budgets (No Preservation Limit)	Requested Budgets (No Preservation Limit)	Current Budgets (40% Preservation Limit)	Requested Budgets (40% Preservation Limit)
2024	$ 188,401,929	$ 189,400,043	$ 188,919,864	$ 189,510,870
2025	$ 188,900,763	$ 189,192,158	$ 188,760,841	$ 189,174,168
2026	$ 187,579,273	$ 188,403,705	$ 187,017,140	$ 188,416,365
2027	$ 186,405,922	$ 189,332,969	$ 186,078,770	$ 188,663,784
2028	$ 188,196,042	$ 192,130,309	$ 185,896,871	$ 189,167,727
2029	$ 186,514,307	$ 190,685,997	$ 185,277,436	$ 190,959,402
2030	$ 184,948,951	$ 189,007,149	$ 183,072,656	$ 188,640,685
2031	$ 189,224,584	$ 194,421,707	$ 183,206,360	$ 190,057,234
2032	$ 186,833,019	$ 193,578,618	$ 184,108,527	$ 192,977,618
2033	$ 188,401,929	$ 189,400,043	$ 188,919,864	$ 189,510,870

APEX NORTH CAROLINA MOTT MACDONALD

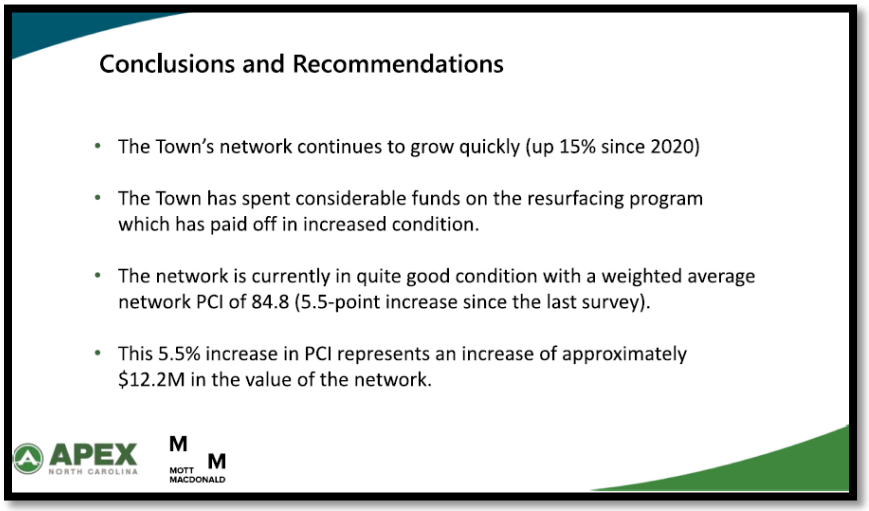
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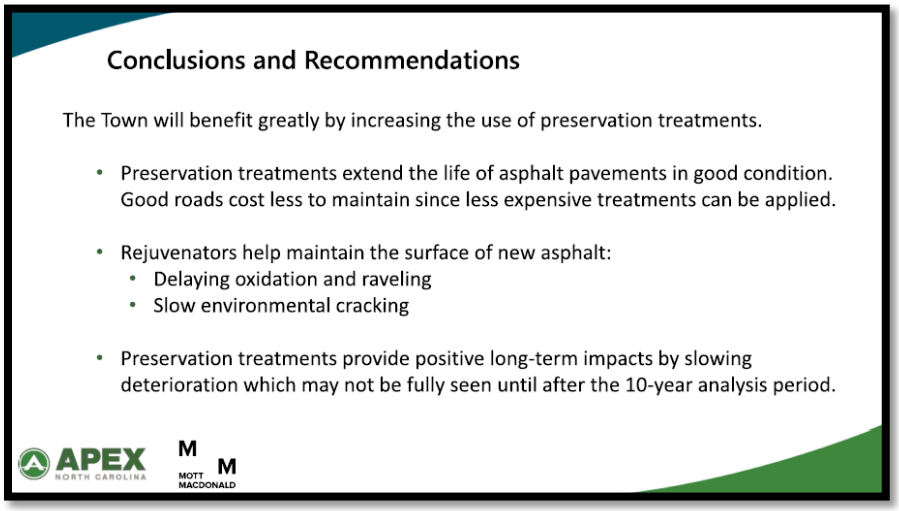
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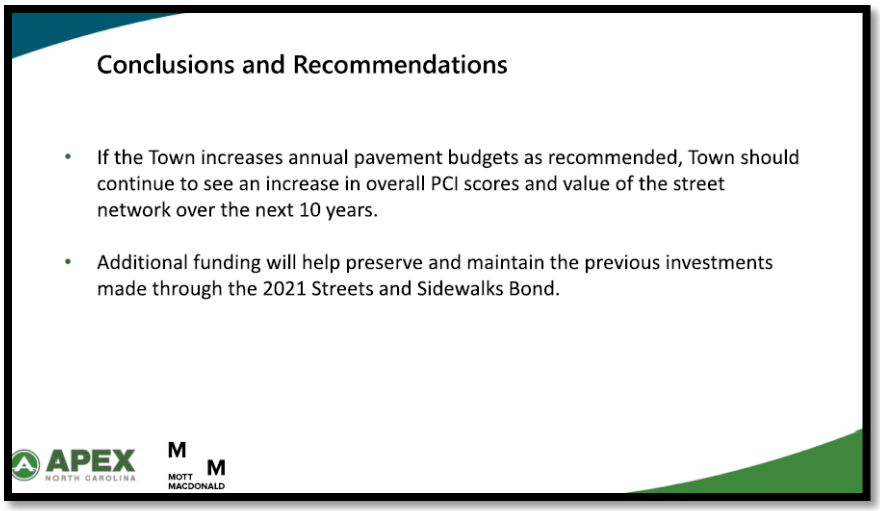
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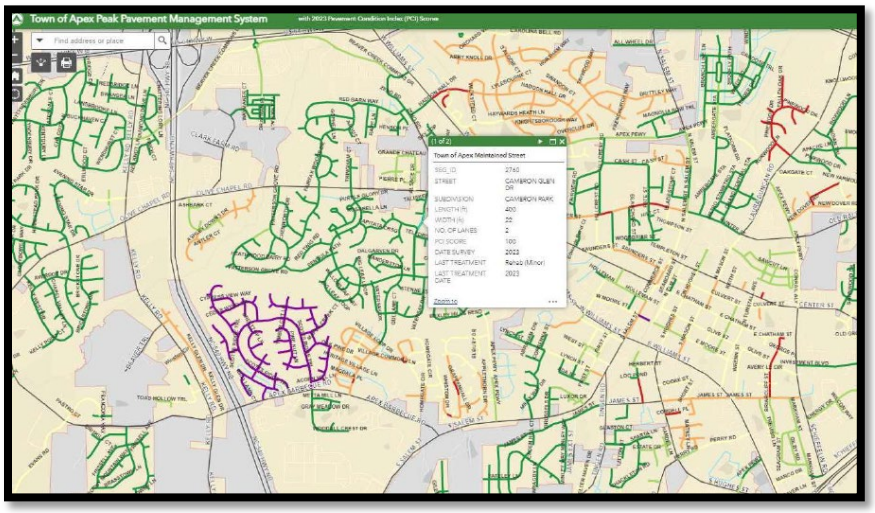
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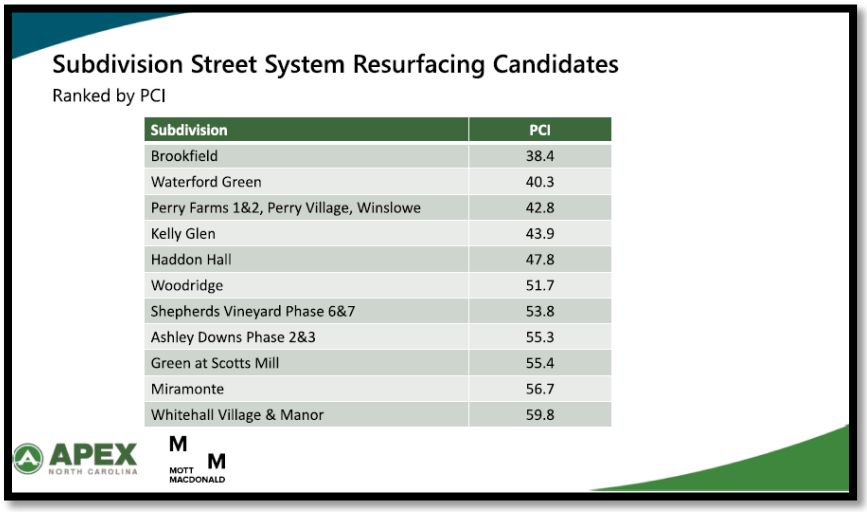
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[SLIDE-34]



[SLIDE-35]



[SLIDE-36]



Tracy Pilson, thanked the Council for letting them come speak about their recent project with the town to do a pavement management analysis for the town. She said the town of Apex maintains 240 centerline miles of road, which is large network for the population. Mott MacDonald did a pavement management study which included pavement condition survey of all of the towns-maintained streets and then the pavement management system analysis and the payment management data was collected last summer in 2023. The purpose of collecting data for pavements is to characterize the in-service pavements to determine the current condition and then model the expected performance of those pavements over time. The town transitioned from a manual to an automated data collection. The purpose of this is to try to eliminate human subjectivity from manual data collection to automated data collection. She presented a picture of one of ARB systems data collection vs ARB system, which was the company that did the data collection. On this slide, she explained how the system collects pictures of the cracking data with cameras used for the study. She explained what the crack density approach is that was used for this study and the benefits of using the crack density approach. Ms. Pilson explained treatment options and maintenance treatments and why payment preservation was so important. She spoke about the analysis that was conducted and the budgetary implementations and the PMS Analysis results. Ms. Toler explained how the Town could pay with bond money for the treatments.

Mr. Stephenson gave information to the online tool and that the takeaway was to continue the funding.

Mayor Pro Tempore Gray made a comment on the hard work and managing the growth, and thanked Mr. Stephenson for his work.

Councilmember Zegerman asked about the difference in the current budget and future budget. He asked if there would be a digression in maintenance if the levels are maintained rather than increased.

Mr. Stephenson said that was why they would request the amount needed annually to maintain the streets properly.

PR2 Proclamation - Child Abuse Prevention Month - April 2024 (REF: PRO-2024-006)

Mayor Gilbert said that Joshalin Williams, Karen Morant, Sandy Wyndham, Allison Thompson and Kelly McNeil Williams would be receiving the Proclamation. Council read the Child Abuse Prevention Proclamation in unity. Mayor Gilbert invited each recipient up to receive the Proclamation and take a picture.

Karen Morant, Regional Director of Wake County Health and Human Services, said it was an honor and privilege to be here. She said this is an opportunity for every year in April to raise awareness for how it is important to all work together collectively. Ms. Morant thanked the Mayor, Council and Staff for their continued partnership.

Councilmember Gantt arrived at 6:15 p.m.

PR3 Proclamation - National Telecommunicator Week - April 14 through April 20, 2024 (REF: PRO-2024-007)

Mayor Gilbert said this Proclamation would be read by Mayor Pro Tim Gray and other Council members individually. Mayor Gilbert thanked them for their service. Mayor Gilbert invited Chief Armstrong and other staff members to receive the Proclamation and take a picture.

Chief Armstrong thanked the Mayor and Council for the recognition. He said these first responders are the unseen heroes, and the department cannot work without them. He said he is proud of this team, and they are part of what makes the Apex Police Department the best in North Carolina.

PR4 Proclamation - Nepal Day 2024 - Saturday, April 20, 2024 (REF: PRO-2024-008)

Mayor Gilbert said that the Proclamation would be read by Council members. Mayor Gilbert invited Bikash Shakya, the President of the Nepal Center of North Carolina, up to receive the Proclamation.

Mr. Shakya thanked the town for recognizing Napal Day. He said it was an honor for Nepali community, which consists of nearly 10,000 people in the Research Triangle area, to have a partnership with and support from the Town of Apex. Mr. Shakya invited the members of the Nepali Community in attendance to join in a picture with the Mayor and Council.

PR5 Proclamation - World Autism Acceptance Month - April 2024 (REF: PRO-2024-009)

Mayor Gilbert said that Cheryl Byrne would receive the Proclamation. The Council read sections of the Proclamation individually. Mayor Gilbert invited Ms. Burns and any families that are affected by autism to come up to receive the Proclamation. Ms. Burns then took a picture with Mayor Gilbert and Council.

Ms. Byrne thanked the Mayor, Council and Staff on behalf of families in Apex and the surrounding communities.

PR6 Presentation - Think Apex Awards – 2024

Mayor Gilbert introduced Barbara Belicic, Small Business Specialist, Economic Development Department. Ms. Belicic welcomed everyone to the Think Apex Awards presentation. Ms. Belicic gave history and information about the Think Apex Awards. She recognized each of the nominees for each category. Ms. Belicic then recognized the top thinker for each category and asked that each come up to receive their award and a picture with the Council. Ms. Belicic thanked all nominees and winners on behalf of the Town of Apex. Ms. Belicic invited all the winners to come up for a group photo.

Mayor Gilbert announced a 10-minute recess at 7:07 PM

Council returned at 7:17 PM

[REGULAR MEETING AGENDA]

A **motion** was made by **Mayor Pro Tempore Gray**, seconded by **Councilmember Zegerman**, to approve the Regular Meeting Agenda as presented.

VOTE: UNANIMOUS (4-0) – Councilmember Mahaffey absent

[PUBLIC FORUM] *(NOTE:* To view Public Forum and Public Hearing Sign in Sheets, see **OTHER-2024-055**)

First to speak was **Beth Bland** of 3724 Friendship Road:

"I just wanted to tell you I felt that the town planning staff did well in their presentation of the Apex Western Big Branch area plan, the 2045 area plan. It was also nice to see a lot of you there and a lot of the staff were there to answer questions and to go over everything. I do have to say that unfortunately none of the three options that were presented works for anything in our neighborhood. So, we are Kill Castle Farm, which is four residential properties and a barn property that has a 15-stall horse barn. We all support that barn, and our covenants don't even allow for our property to be divided, and our covenants do not expire. I know I've told a number of you that already, but I just wanted to make sure that I said it here also. Two of the scenarios show a connector road from Bosco Road going through our neighborhood to connect to Friendship Road, and they also show our properties being designated as light industrial or commercial use. The third option shows us as rural transition density, one house per acre which doesn't work when our covenants don't allow for our properties to be divided. So we as Kill Castle Farm neighborhood have sent our survey back, as a collective group rejecting the scenarios and asking to remain rural. I also wanted to point out that Kill Castle Farm is not within the Town of Apex limits and we are not in your ETJ, so we are Wake County. As an almost 40-year resident, my hope is that some of the Apex that many of us moved here for which is rural, which you know is land, being able to be out in what I consider to be you know, the country, but close to a town, can remain and will survive. So, I'm interested in how the surveys and what will be put out, so I'll look forward to that. Thank you".

Mayor Gilbert thanked Ms. Bland.

Next to speak was **Cynthia Minkov**, owner of 221 North Salem Street:

"We greatly appreciate the recent efforts of the Planning staff board and the Town Council to create additional parking in downtown and to mitigate the impact of the construction process and we are grateful that our voices have been heard with regards to that mitigation. In new business today on your agenda, you'll be asked to consider the mitigation plan for the Saunders Street lot construction. Assuming that the recommendations to the Council are as we discussed in the meeting on March 18th, the downtown business owners ask that you listen to the staff, who has listened to the people, and approve their recommendations for mitigations including the delayed start of the Saunders Street lot construction for after the holiday season of 2024. At the Town Council meeting on February 27th where the zoning was approved, I heard several of the Council members say, 'I just

want to get this done', well guess what, it's not about you, it is about the business owners who urged the creation of the downtown plan in the first place, and the constituents who will benefit from it. Neither of them will benefit from less parking during the holiday season and we've already talked about why. You can spin the parking availability numbers any way you want to make it look like parking won't be an issue, but it will be. Some of you said, 'Well we can't guarantee that it won't impact the holiday season in 2025, we might as well just start in June anyway', no you can't guarantee it, but at least it's more likely. Plus, you in this case, will be the customer of the contractor. You should be in the power seat. The comments I heard at Town Council meeting suggested that the contractors were in charge. With good planning, a good contractor and a mutual understanding of expectations, this project can be completed between January and August of 2025. Thank you for your time."

Next to speak was **Dawn Cozzalino** of 3632 Bosco Road:

"Good evening. It was very refreshing to see the Town Council and the staff at Western Big Branch open house, really do appreciate that, thought they were well run, it was a positive vibe with the engagement, one-on-one, and it was very important that we had the community engagement. However, I just want to point out that we again had input from other members that are not part of our community involved in the process, so that would be my hope in the future, that we could can just limit really the input to the specific area of the study or the group or the progress in the planning directives so that it is not open to others that do not live in the area that are not impacted in the community. As Beth had mentioned, our community has rejected all the options that were put forth. Some of them it's just really hard to understand, it's very frustrating to see a road through 30 properties when there's no roads of that mass there today. It's a rural community, it's a historic farm community. It seems that the 3 options are more following a city footprint, so this is very common for Apex, to kind of use that same look and fell, but we are a rural community and there needs to be a good transition between us and the bordering communities. We respect the environment, we respect our trees, we are a critical watershed. We have a lot of complementary businesses to the area; dog training, horse stables, training, wedding events, koi-fish, could list a dozen of those businesses contributing to the economy of North Carolina as well as employing many different folks involved in the agricultural industry: farriers, vets, feed, you know, you name it. So, we are supporting it two ways, we are giving and we are also supporting those that are supporting us, and we love our community. Our intentions by responding to the survey were to show you that we want things to remain rural, we want to be a rural community, that's our identity, and that's what makes us very, very unique. Thank you very much."

Mayor Gilbert thanked Ms. Cozzalino

Next to speak was **Lama Wafa**:

"I'm a Palestinian American and a proud member of the party for Socialism and Liberation, PSL. I come before you with a heavy heart. We are in the sixth month of Israel's genocidal war on Gaza.

Palestine may seem far away, it may seem unrelated to our lives in North Carolina, but as we sit in relative safety her in Apex, a genocide is being financed in Gaza with billions of our tax dollars. As community members, we have to keep raising our voices and say not in our names and not with our tax dollars. Israel is acting in complete defiance of the international court of justice which has ordered that Israel take immediate and effective measures to enable the provision of urgently needed basic services and humanitarian aid. Israel is enacting collective punishment on the entire population of Gaza, one of the hallmarks of genocide. Israel has mercilessly bombed hospitals killing sick and injured people, cancer patients, the elderly and newborn babies, along with their mothers. Israel has massacred lines of people who were waiting for food rations, so their families didn't have to eat bold grass at least one meal. Israel also killed humanitarian workers in a measure for flagrance that the Biden Administration has started to change its own tone with Israel. This is just a glimpse into the suffering inflicted upon the Palestinian people since the start of this war, tens of thousands of Palestinians have been murdered and more than 77 thousand have been injured. Israel has shown no signs that it is going to stop. How much more of this do we need to witness until we say enough? In the words of Dr. Martin Luther King, Jr., there comes a time when silence becomes betrayal. As Israel commits genocide every moment and complicity is another drop of blood in our hands. It is sinful for us to sit around and do nothing as Israel continues to commit atrocities. It is our duty as citizens of a country of plenty, where we have a right to freedom of speech, and we have so many resources to use our platforms and whatever power we have to call for a ceasefire to stop funding Israel's atrocities and demand an end to the colonial occupation of Palestine. This conflict did not begin on October 7th, this war is a result of the 1948 Nakba where 75 years ago, Israel expelled 750,000 Palestinians from their homes and villages and killed tens of thousands of Palestinians. This war is the result of 75 years of opposition, 75 years of a hellish apartheid system and of almost two decades of siege, isolating Gazans from the world and depriving it of necessities like food, water and medicines and defines of international law and of presidents set at Nuremberg after World War II. Israel is attempting to erase Palestine by committing genocide in full view of the world. Under these circumstances calling for a ceasefire is the bare minimum. A ceasefire is only a humanitarian measure to end Israeli's mass killing in Gaza. Members of the Apex Town Council, I ask you to follow the leads of millions around the world, including many thousands in our country and state who continue to stand in solidarity with the Palestinian people. I ask for you to show that we care about human rights and won't stand for genocide. Our Town Council should say loud and clear, ceasefire now!"

Next to speak was **Alexis Kennedy** of 106 Buck Haven Court.

"Good evening, Council members, tonight I would like to talk to you about the things that I have learned about in the last 185 days. While I'm a scientist by profession, I have the heart of a historian. As a child I would read deeply into history, always wondering why, why would people not step in for what is right. I read into the 20th century genocides, Rwanda, Native Americans, my own people, the Mayans in Guatemala, genocide in Bengal India during World War II caused by the British and then of course the genocide that all of us learned about, the Holocaust, and I thought, why did these go on for so long? Why did people allow 6 million, 7 million, 8 million, 9 million people to die and I think it's because people didn't want to cause ripples, they want to put their heads down, do a good

job and keep their families safe. Our society has designed a self-survival. When you stand up to the government, you also have to stand up to family members and it causes ripples. This causes fights internally, myself included. People don't want to break the status quo, it's easier to stay in your lane or ignore it because at least it's not happening to you. Or the hardest one, which is to acknowledge you actually have a heavy hand in these atrocities, indirectly or directly. We have to dig deep and think about how our lifestyle is built on the backs of oppression and slaughtering of people, and that's a really hard thing to think about. How do you make those right and I think I've learned in these last 185 days that there is a way to make it right, that's by, when you see another group being oppressed the way many of the people in this room's own family members were oppressed, if they were Irish, if they were Jewish, if they were Muslim, if they were African-American, if they're Latin American, we all have history of oppression and the only way to right the wrongs of the world, past and present, is to protect the people that are being oppressed now, that are being murdered in their own homes day in and day out with erasure of their culture. I am the daughter of two genocides and the product of a political coup. As a child, I would dream about how I could have saved my family or rescued the ones lost in mass murder, but that's all I can do, is dream, but here now I can be part of a movement that saves the lives of Palestine and other countries like the Congo and Sudan. Every person has their peace in this complex puzzle called the world and here in Apex are starts with supporting a permanent ceasefire in Palestine. Putting humanity first, rehumanize the lives that have been dehumanized, people are not numbers, children especially are not numbers, and as 14,000 children's lives are gone, we can't get them back, but we can protect the children that are alive and stop Israel's slaughter, every minute counts. Thank you."

Mayor Gilbert thanked Ms. Kennedy.

Next to speak was **Phil Welch** of 1471 Big Leaf Loop:

"First, I thank you for responding to my request a year ago to support Apex's first home repair fair. Some of you helped spread the word in our neighborhoods, many of you showed up in person at the fair, your support definitely made the difference. This year the Community Development and Neighborhood Connections Department is organizing Apex's first full scale housing fair. Its purpose is to provide existing and aspiring community members with the opportunity to learn about all things related to housing such as, preparing for home ownership, available resources for first time home buyers, affordable rental housing options, home rehabilitation programs, housing policy, fair housing, homelessness prevention, and more. Participating providers will include Rebuilding Together of the Triangle, resources for seniors, North Carolina Housing Finance Agency, Wake County's Housing Affordability and Community Revitalization Department, the Town of Apex, Habitat Wake and many more, about 30 in all. There will be new activities this year as part of Think Apex Day, which is the same day, volunteers can participate in a supervised project doing minor home repairs in the Apex Community under the direction of our partner Rebuilding Together of the Triangle. Also, workshops will be presented on preparing for home ownership by the Truist Bank and Fair Housing and tenants' rights presented by the North Carolina Human Relations Commission. The housing fair will be held on Saturday, April 27th from 9:00 a.m. to 1:00 p.m. in our beautiful Senior Center. Once again, I ask for your help in publicizing this community wide event and please

consider stopping by that morning to learn more various housing assistance programs available to our residents. Together we can help ensure that the peak of good living begins with the opportunity for all of our residents and essential workers to have their choice of a variety of safe, good quality homes that cost less than a third of their household incomes. Thank you."

Mayor Gilbert thanked Mr. Welch.

Next to speak was **Daniel Kahana.**

"I'm coming here from Durham because of the lies that have been said. As you can see in the graph over here this the genocide that happened in Rwanda, the number go down, over here this is the genocide that happened right now for the Muslim in China, the number go down. This is the Jews, they never come back to the number pre-World War II. You say that those numbers over here when you see the Arabs in Judea and Samaria, Gaza strip and in Israel, because we have 2 million Israeli Arabs, increase their numbers by 5 times, it is not a genocide guys, this is a lie, this is just a pressure that they go and into City Council in order to pressure Israel to stop the war against Hamas, because Hamas started war on October 7, that he put his end to it, so they grow five times more. Even if you believe the number of Hamas run Administrative of Health, which is 32,000, they didn't was right about the numbers, which extremely fabricate the number, the ratio of terrorist vs. civilians is one to 1.5. This is the lowest ratio in warfare in modern. We are talking in open area, 1 to 1.5, this is the lowest record, better than Afghanistan, better than Iraq. So, one thing you would not hear from those people, the word peace. Those people represent the approach of the Palestinian groups of terror which they had opportunity after opportunity to create peace in the Middle East, all of those ones they said no to all of those instead, they go ahead and put a price tag on my head and on my Jewish family. Every people that they kill, they pay by the like the months that Israel gave them or years of penalty in the prison. They pay attribute for the death of my people and it's time to say this, Jews, as our name suggested, come from Judea. It's in the old in the Quran in the new testimony, in the old Bible. We come from Israel. Judea, those people that come over here and says that we are not native, this is far from the truth. These are the citizens of Gaza, I put over here a QR code for you guys to see that yourself, they are demanding that Hamas will leave them. Video after video, you can see them beg about Hamas to leave them. Why? Cause they steal their humanitarian aid, he give it to the terrorist first, then he sell it in the black market to make more money on the poor people. The leaders of Hamas sit in Qatar with $11 billion, you want to tell me that with $11 billion, you cannot create Society? No, they can, there is a better future for the Middle East and it's not with Hamas. Thank you very much."

Mayor Gilbert thanked all that came out to speak.

[PUBLIC HEARINGS]

PH1 3427 Olive Chapel Road – Historic Landmark Designation - Goodwin House

Liz Lofton, Senior Planner gave the following information regarding 3427 Olive Chapel Road – Historic Landmark Designation – Goodwin House.

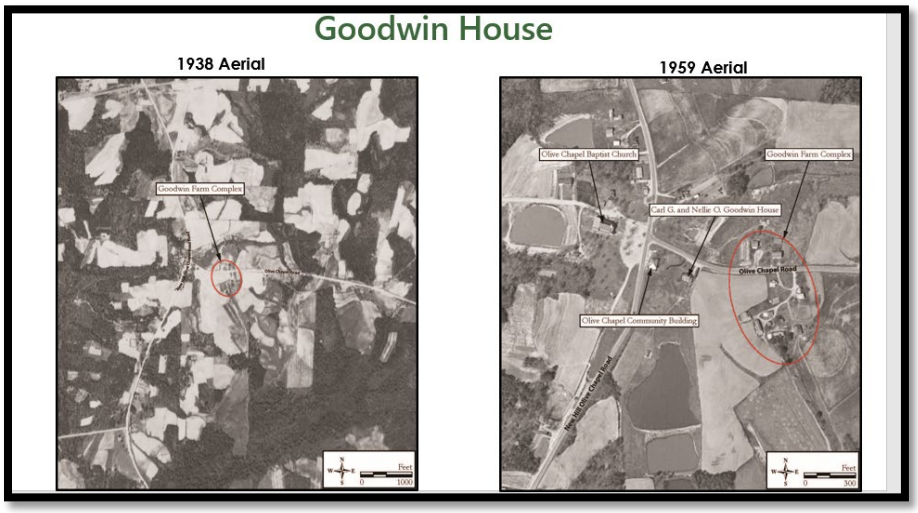
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Jeremy Brad, Preservation Specialist, Calvary Preservation gave more information and history.

Jeff Hastings, Wake County Historic Preservation Commission, Vice Chair presented the official recommendation to the Council.

Mayor Pro Tempore Gray said it was important to preserve history, as it gave a reminder of how far we've come and a milestone for where we are going. He thanked everyone for bringing this property to their attention.

Mayor Gilbert then opened up the public hearing. With no sign ups, he closed public hearing and moved discussion back to Council.

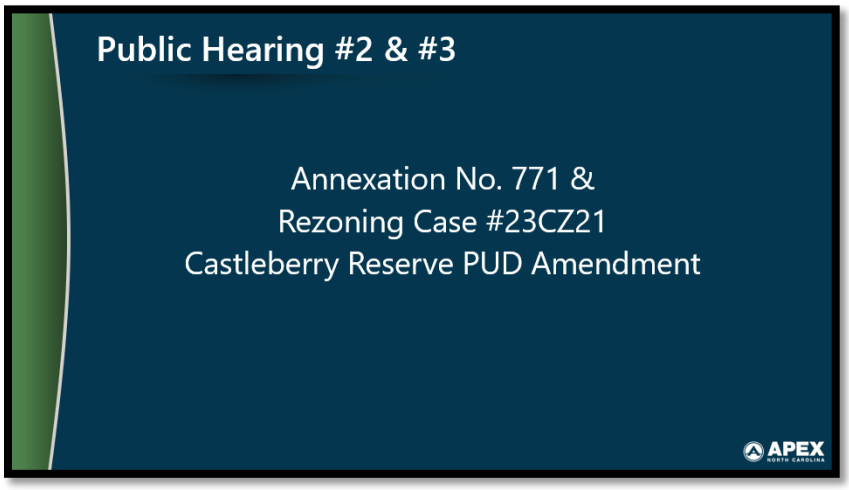
A **motion** was made by **Councilmember Killingsworth,** seconded by **Councilmember Gantt,** to approve the Historic Landmark Designation for 3427 Olive Chapel Road – Goodwin House.

VOTE: UNANIMOUS (4-0), with Councilmember Terry Mahaffey absent

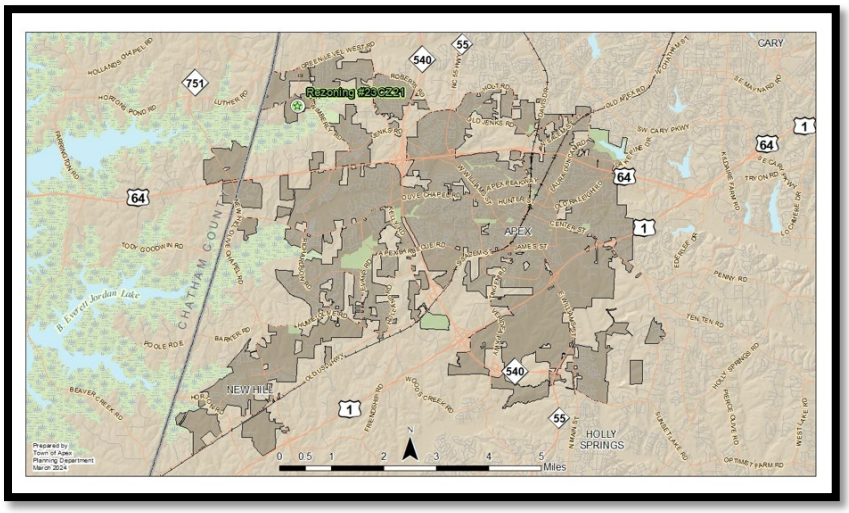
PH2 Annexation No. 771 - Castleberry Reserve - 13.52 acres

June Cowells gave the following information regarding Annexation No. 771 – Castleberry Reservation – 13.52 acres.

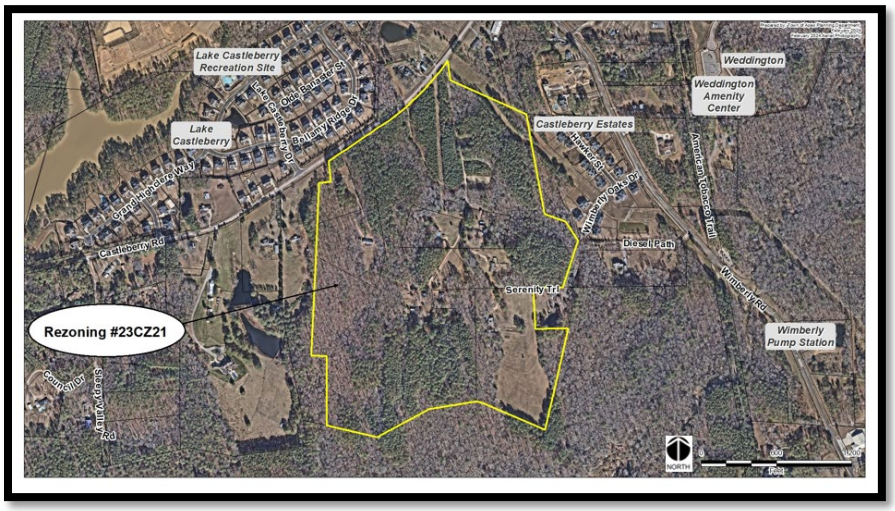
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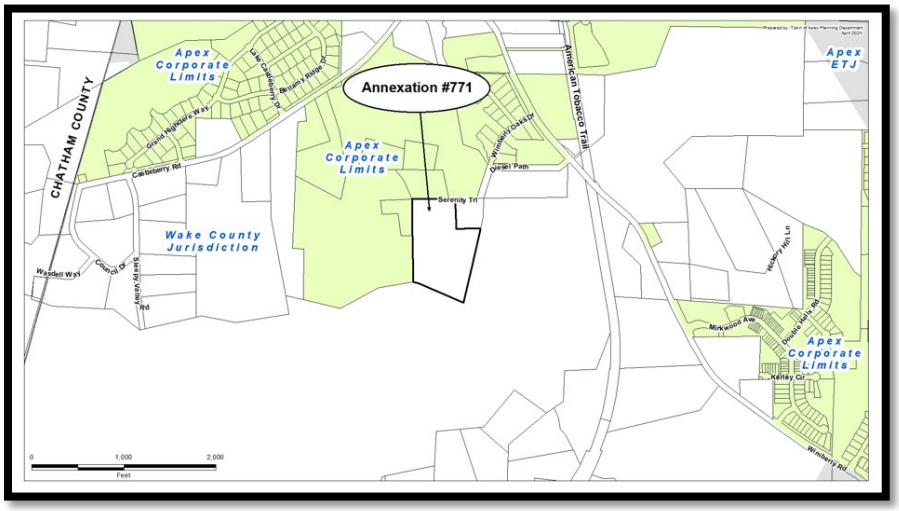
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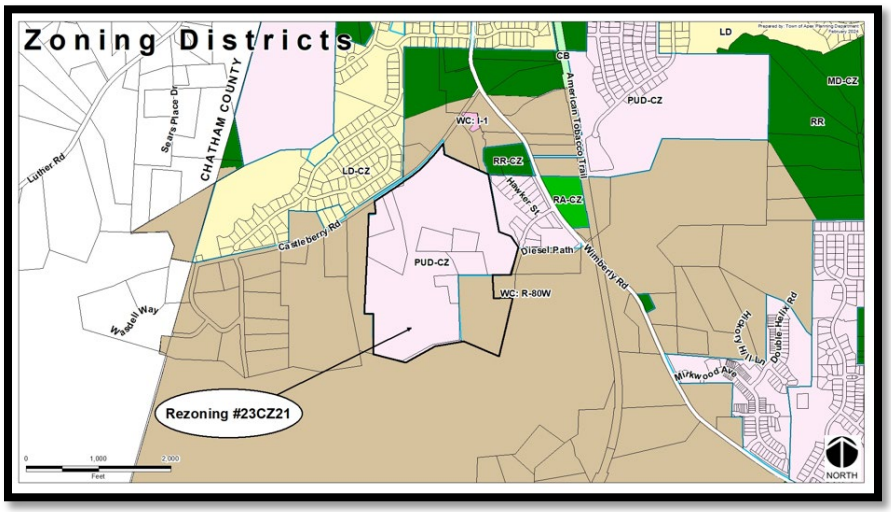
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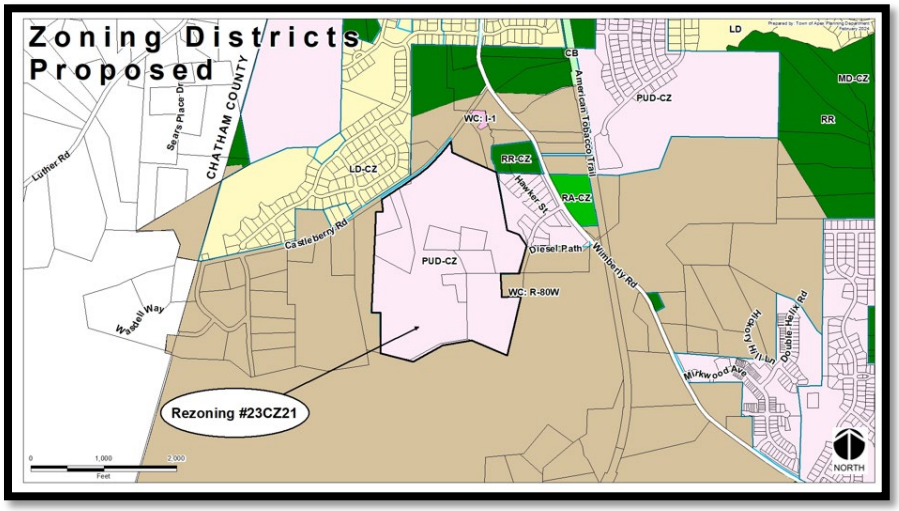
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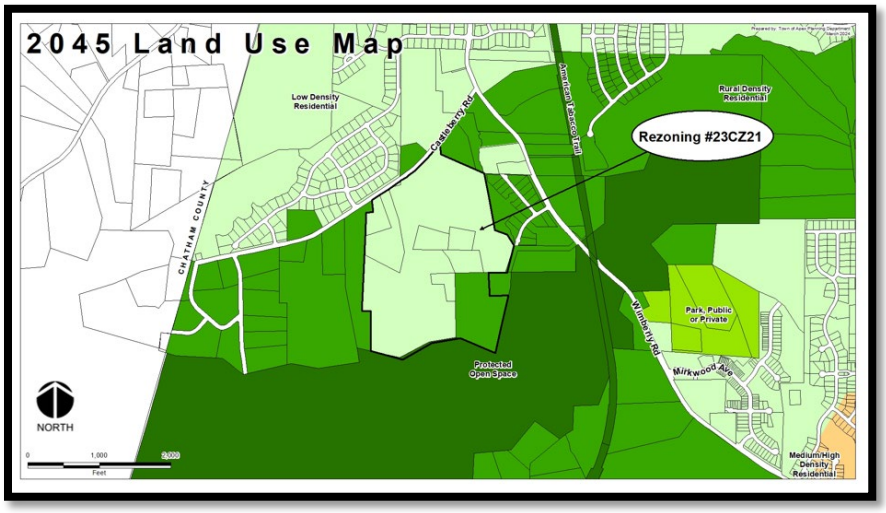
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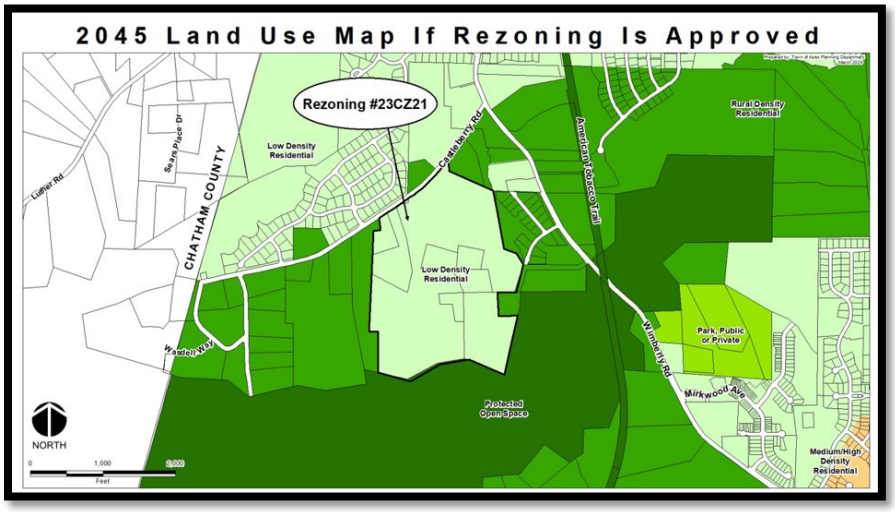
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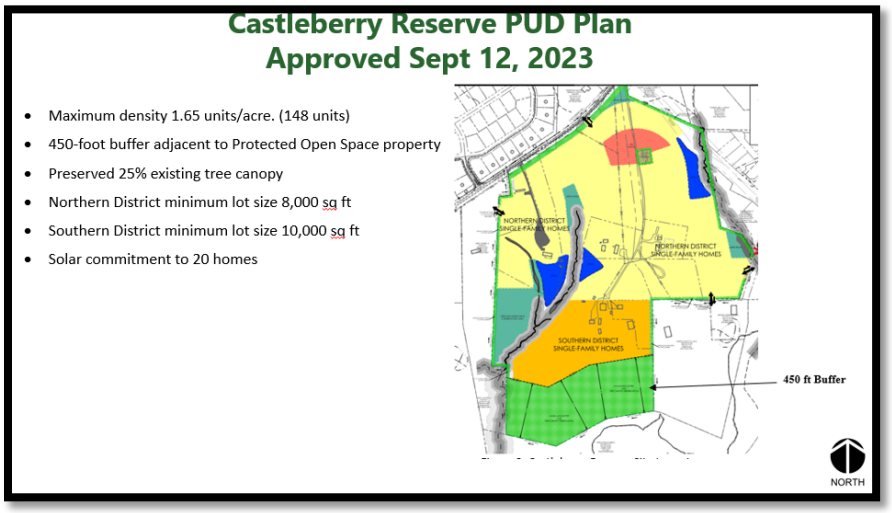
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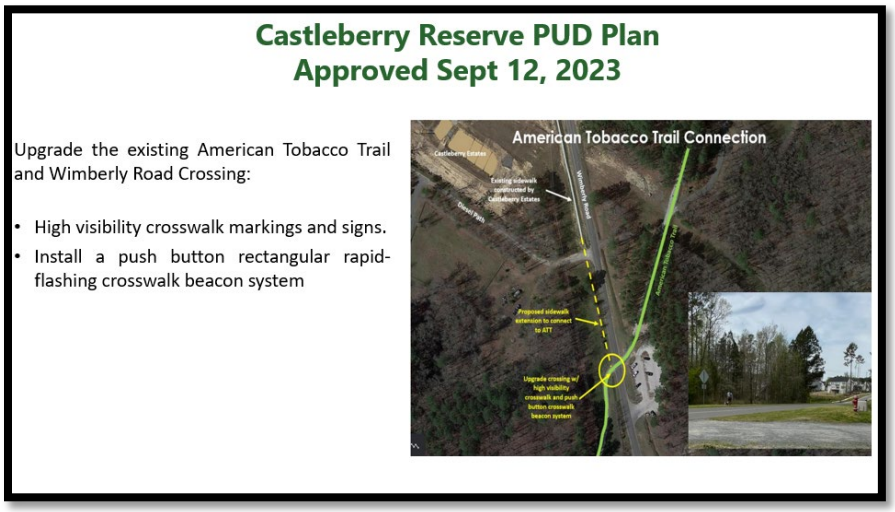
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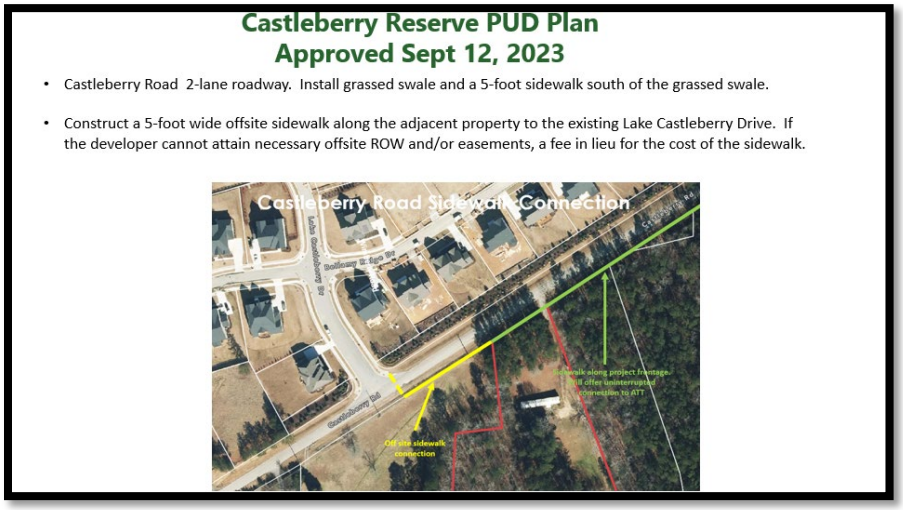
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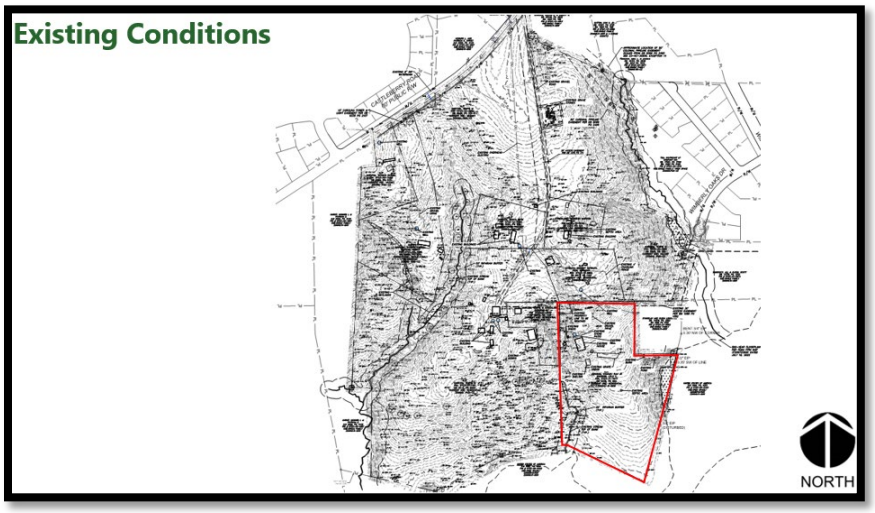
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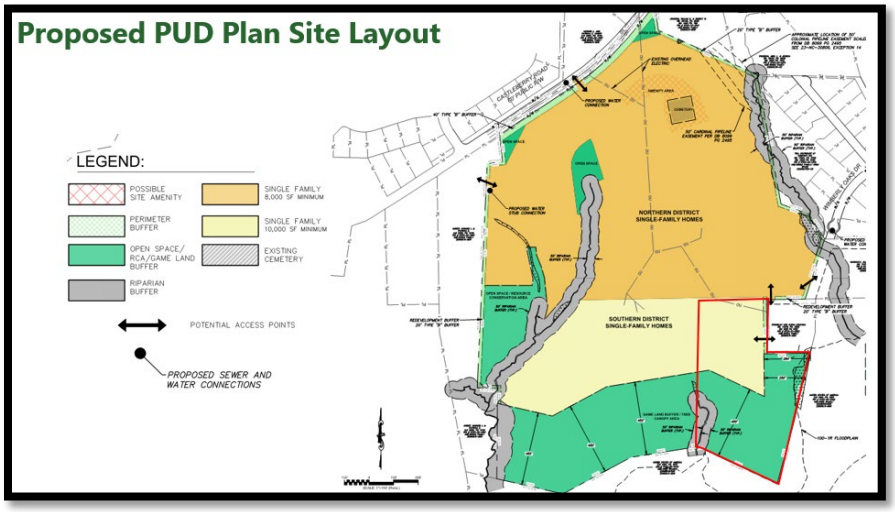
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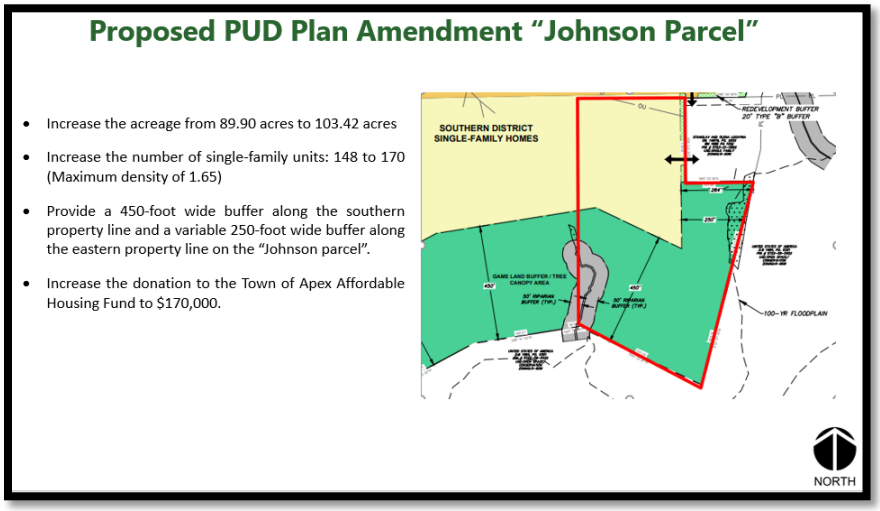
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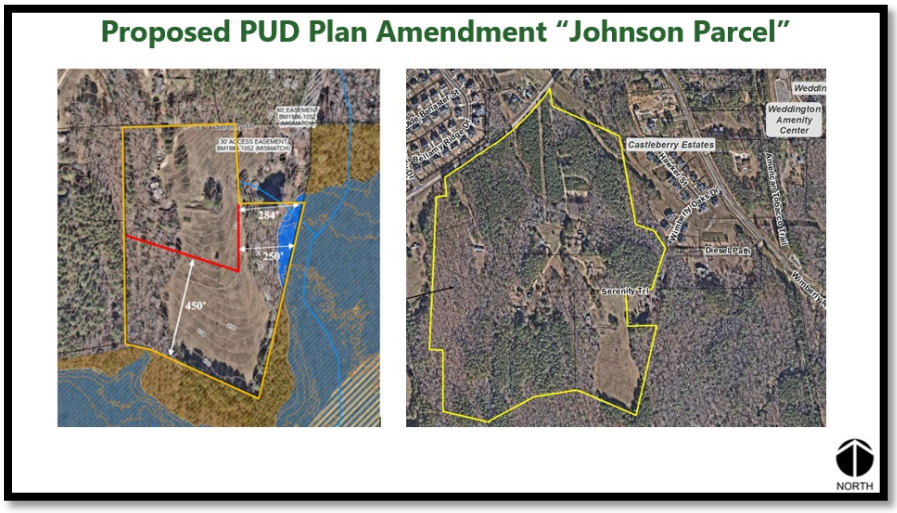
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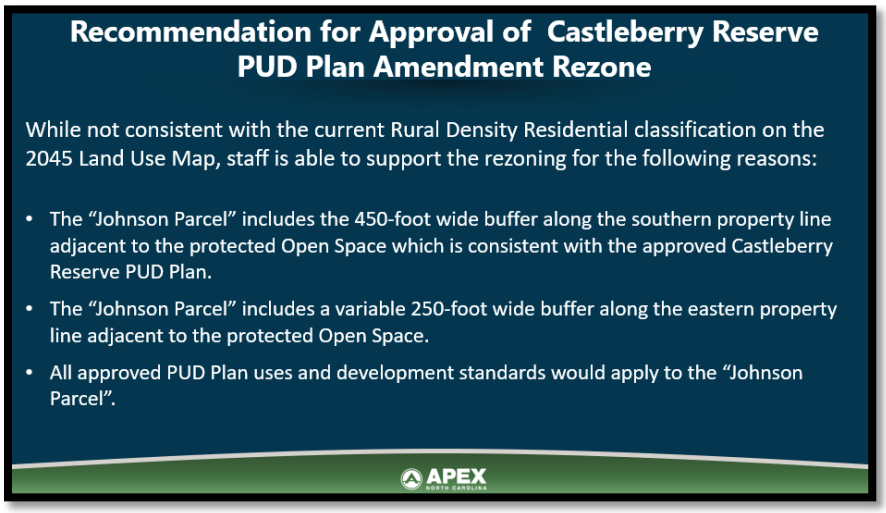
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Matthew Carpenter of Parker Poe, on behalf of the applicant, gave the following presentation.

Mayor Gilbert then opened up the public hearing. With no sign ups, he closed public hearing and moved discussion back to Council.

Mayor Pro Tempore Gray said he had an opportunity to watch the Planning Board meeting, and there were questions. He said that all those questions were vetted out and a lot of questions were answered during that component. He said he appreciated the staff highlighting a number of those items. He said it is a great example of how the Planning Board was very skeptical the first time it came around, and they made the adjustments as necessary. He said that there were some conversations with Council, and he felt like a lot of what those concerns were being reflected again within this application, so he felt good about being able to recommend this and thought that the vetting done by the Planning Board helped Council come to a better conclusion.

Councilmember Zegerman said that he disagreed. He said he didn't like this development the first time it came around, and he still doesn't like it. He said it's not that he didn't appreciate all the concessions that the developer had made but based on the requests and plan feedback back in September. He said he appreciated the 450-foot buffer and the extended buffers along the sides of the property, he said he wished they were not building it right here. He said that it validated what he had warned about which was if we rezone the first property, all the other dominoes are going to fall, and this is the scenario playing out. He said, again, he appreciated a lot of the work that both staff and the applicant have put into this, but he still could not support this because this is not in line with the land use designation for this area. He said he believed that they should not have supported the first land rezoning, but they did. He said he was going to stand with his previous vote and would not support this.

Councilmember Killingsworth said that she would make a comment about affordable housing. She said going from building affordable housing to going to just contributions are a step backwards from where this needs to go. She said increasing from 148 to 170 total units, increasing from 2 to 3 affordable units would be what she would like to see for her to support this.

Mr. Carpenter said that he thought they would feel comfortable moving from two to three affordable units if that would help.

A **motion** was made by **Councilmember Gantt,** seconded by **Mayor Pro Tempore Gray,** to approve Annexation No. 771 – Castleberry Reserve.

VOTE: 3-1, with Councilmember Zegerman dissenting, and Councilmember Terry Mahaffey absent

AND

PH3 Rezoning Case No. 23CZ21 Castleberry Reserve PUD Amendment

June Cowells gave the following information regarding Rezoning Case No. 23CZ21Castleberry Reserve PUD Amendment.

Matthew Carpenter with Parker Poe gave a presentation regarding Rezoning Case No. 23CZ21 Castleberry Reserve PUD Amendment.

Mayor Gilbert asked if there were any questions for Mr. Carpenter.

Mayor Gilbert then opened up the public hearing. With no sign ups, he closed the public hearing and moved discussion back to Council.

A **motion** was made by **Councilmember Gantt,** seconded by **Mayor Pro Tempore Gray,** to approve Annexation No. 771 – Castleberry Reserve, and Rezoning No. 23CZ21 – Castleberry Reserve PUD Amendment, with the added condition of increasing the number of affordable housing units from 2 to 3.

VOTE: 3-1, with Councilmember Zegerman dissenting, and Councilmember Mahaffey absent

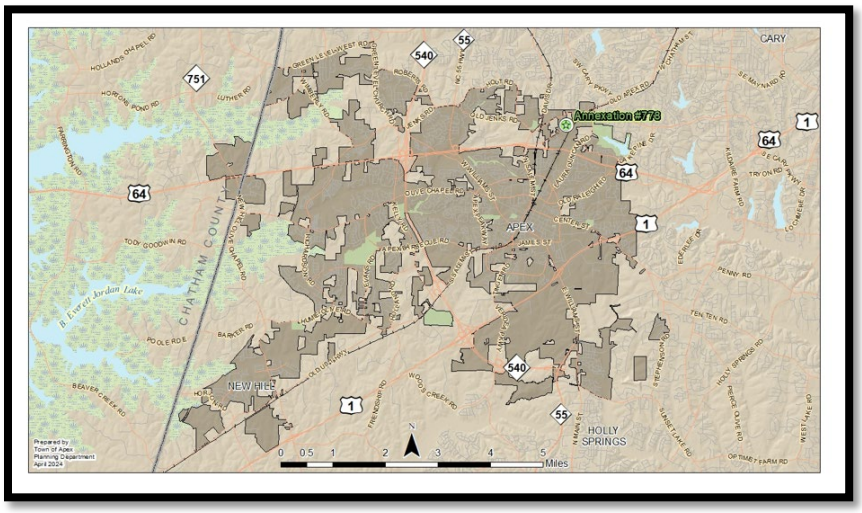
PH4 Annexation No. 778 - Parc at Bradley Farm - 6.69 acres

Director Khin gave the following information regarding Annexation No. 778 - Parc at Bradley Farm - 6.69 acres.

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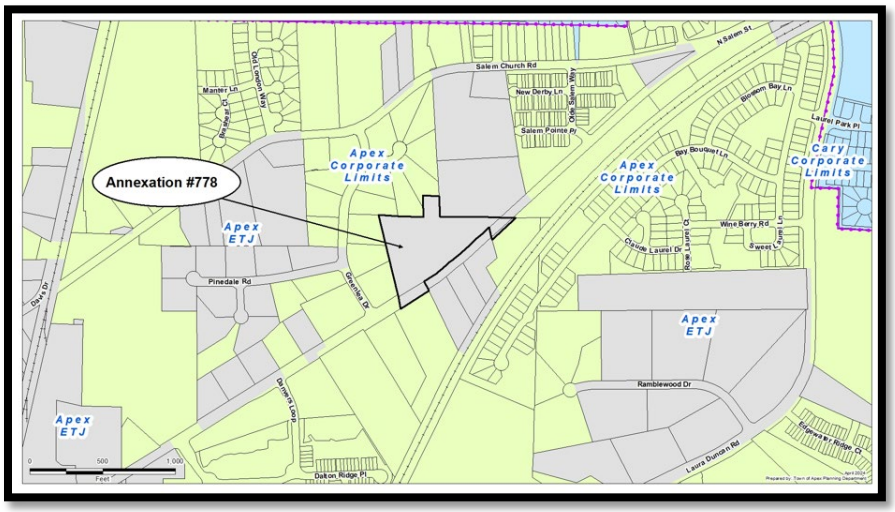
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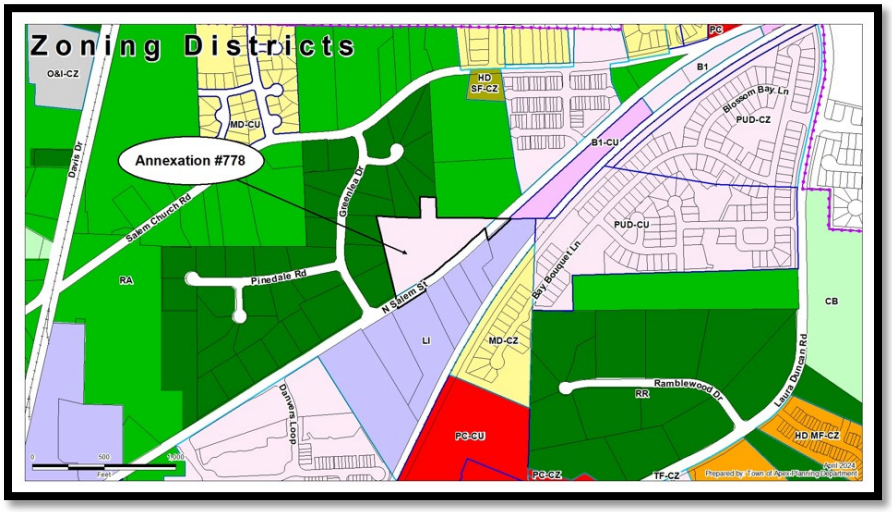
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Mayor Gilbert then opened up the public hearing. With no sign ups, he closed the public hearing and moved discussion back to Council.

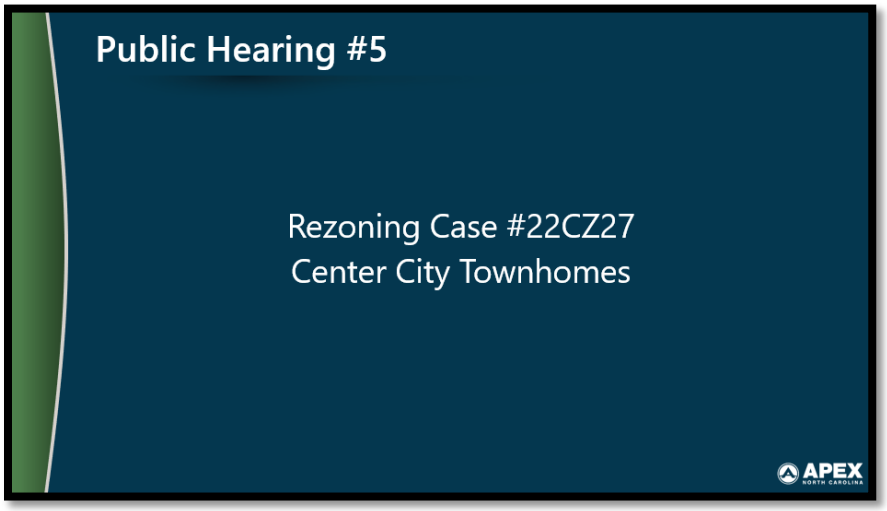
A **motion** was made by **Councilmember Killingsworth,** seconded by **Councilmember Zegerman,** to approve Annexation No. 778 – Parc at Bradley Farm – 6.69 Acres.

VOTE: UNANIMOUS (4-0), with Councilmember Terry Mahaffey absent

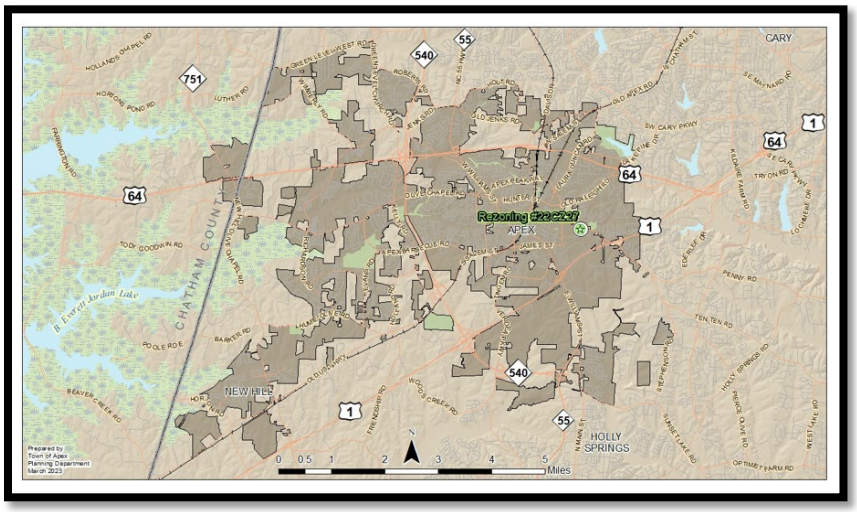
PH5 Rezoning Case No. 22CZ27 Center City Townhomes

Lauren Staudenmaier, Planner II gave the following information regarding the Rezoning Case No. 22CZ27 Center City Townhomes.

[SLIDE-1]



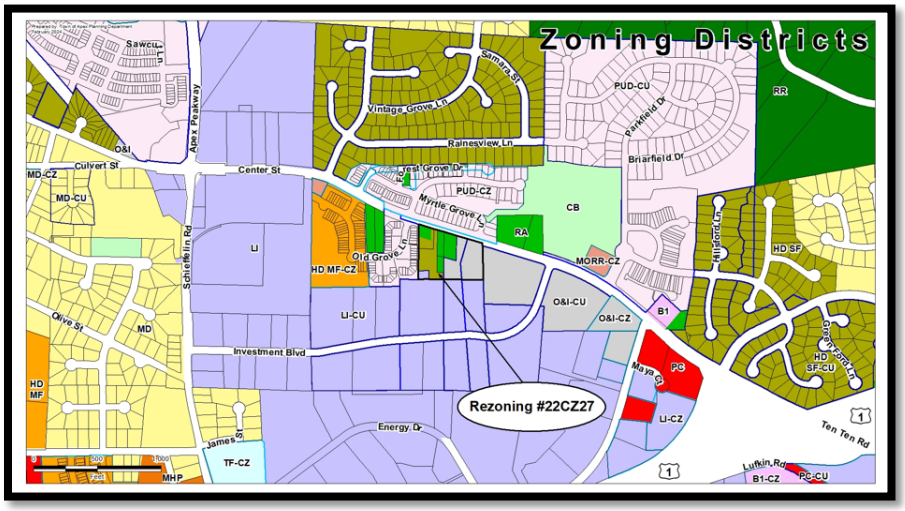
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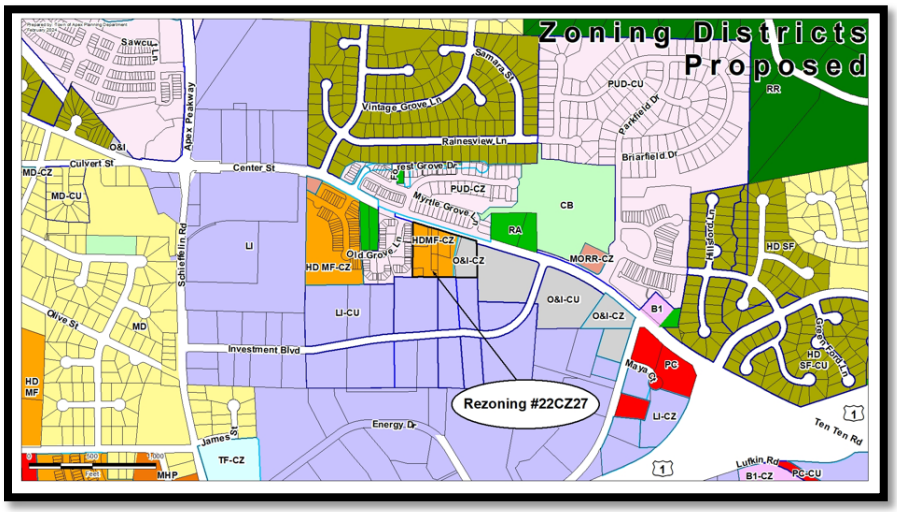
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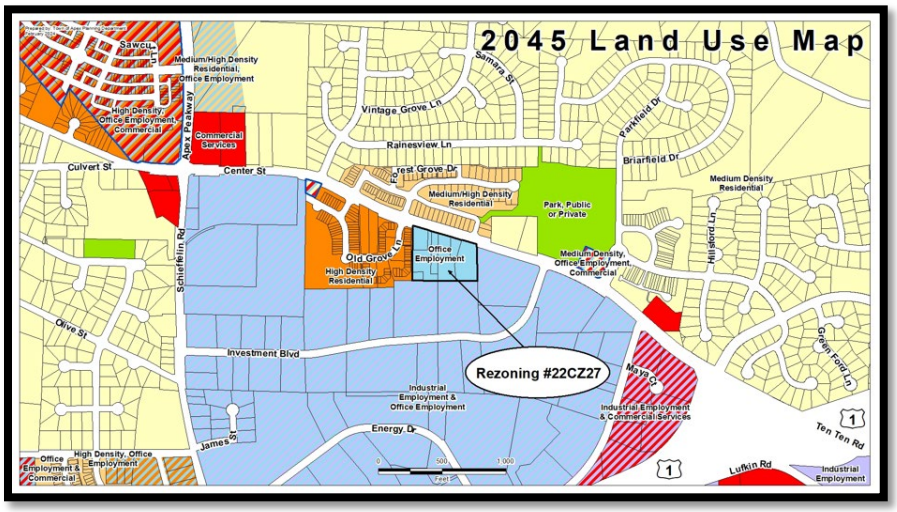
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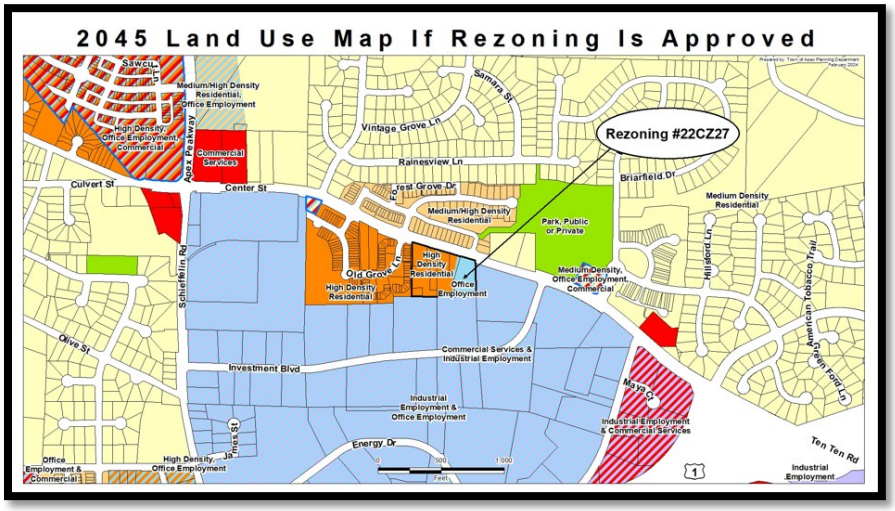
[SLIDE-5]



[SLIDE-6]



[SLIDE-7]



[SLIDE-8]

Proposed Uses

Uses in the HDMF-CZ District

1. Townhouse
2. Park, passive
3. Greenway
4. Recreation facility, private
5. Park, active
6. Utility, minor

Uses in the O&I-CZ District

1. Park, passive
2. Greenway
3. Park, active
4. Barber and beauty shop
5. Utility, minor
6. Office, business or professional
7. Publishing office
8. Personal Service %
9. Printing and copying service
10. Real estate sales
11. Pharmacy %
12. Studio for art
13. Tailor shop
14. Pet services
15. Health/fitness center or spa
16. Financial institution
17. Floral shop

[SLIDE-9]

Proposed Conditions

- Maximum of 30 dwelling units proposed
- Provision of at least one (1) affordable housing townhouse ownership unit
  - initial sales price based on the 100% Area Median Income (AMI), adjusted for family size
  - minimum affordability period of 10 years
- The landscape buffer along the N/F Calvary Chapel Cary, Inc. property may be reduced to 20' to provide public street access to Center Street for alignment with Myrtle Grove Lane.

[SLIDE-10]

Proposed Conditions

- Construction and dedication of a public residential street from the intersection of Myrtle Grove Lane at Center Street to the residential parcel(s) is required for the first residential subdivision plat.
  - No additional access points to Center Street shall be permitted.
  - The length of a public street cul-de-sac may be permitted to exceed the requirements of the UDO in order to facilitate the limited access onto Center Street from the subject property.
- Subject to approval by NCDOT and the Town, a 5' concrete sidewalk shall be constructed across the property's Center Street frontage in compliance with Town sidewalk standards.
- A stub street shall be provided on the eastern boundary of the subject property adjacent to Calvary Chapel.

[SLIDE-11]

- Development shall include right-of-way dedication of 55 ft from the centerline of Center St and thoroughfare frontage widening consistent with the Town's adopted Transportation Plan (and Apex's UDO, including applicable fee-in-lieu provisions) and typical section for a 4-lane, median divided thoroughfare.
- At the time of construction drawing approval, the applicant shall be required to dedicate additional right-of-way for Center Street consistent with the latest available plans for the DOT Widening Project, subject to the following: the buffer along Center Street required for development of the property shall be reduced on a one-for-one basis for each foot of additional right-of-way needed for the DOT Widening Project, but in no case shall be less than 15' in width.

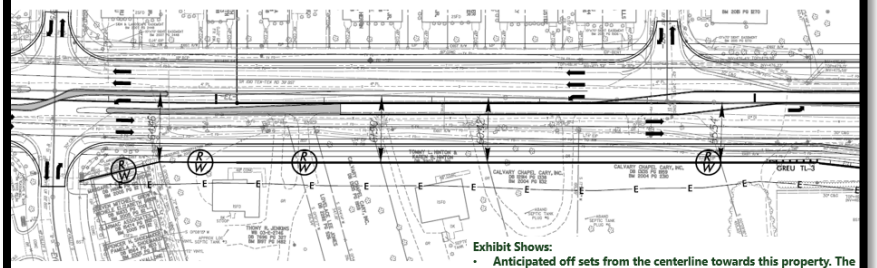
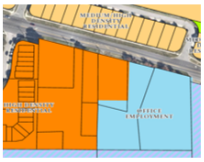


Exhibit Shows:
- Anticipated off sets from the centerline towards this property. The widest on the western side and close to 65'
- Median in the center- so no left-in/left-out for this development

[SLIDE-12]

Peak Plan 2030 that was adopted on August 6, 2013 showed the future land use classification as High Density Residential on the west and Office Employment on the east.



Advanced Apex: The 2045 Land Use Update was approved on February 5, 2019. With the approval, all properties were designated as Office Employment.



When the parcels were purchased by Michael Funari and/or Equity Trust Company FBO Michael Funari, the future land use designations were a mix of plans. (Purchase dates were 2018 & 2019)



[SLIDE-13]

Transportation Concerns

- Staff recommended the applicant dedicate right-of-way and easements consistent with the latest-available design of State Transportation Improvement Program (STIP) project U-5825, Improvements to Ten Ten Road. The applicant has addressed this recommendation with a proposal to reduce the buffer along Center Street.
- Applicant proposes that the cul de sac length may exceed that allowed by the UDO.
  - Additional access points to Center Street are not recommended by staff based on the available street frontage and are excluded from consideration by the proposed zoning conditions.
  - Access may be restricted to right-in/right-out when Center Street is widened and a median is constructed by NCDOT in STIP project U-5825.

[SLIDE-14]

Recommendation for Denial of Rezoning #22CZ27 Center City Townhomes

- The HDMF-CZ district is not consistent with the 2045 Land Use Map.
- The change from Office Employment to High Density Residential affects the economic development potential of the area as it would reduce the amount of land available for Tech Flex and/or Office & Institutional near the Investment Boulevard office and industrial park.
- The residential properties would be adjacent to properties zoned Light Industrial and if the Light Industrial properties redeveloped in the future to a higher Light Industrial Land Use Class there could be potential issues and hazards.
- Reduced buffers when NCDOT widens Center Street.
- No connectivity to the residential development to the west.
- Future access will be right-in/right-out due to the future median location and cross access through the Calvary Church's parking lot to reach Investment Boulevard would be advantageous.

[SLIDE-15]



Councilmember Gantt asked Ms. Staudenmaier why there wasn't a stub road made to the development from the development to the West originally.

Ms. Staudenmaier said she was not aware but would find out.

Director Khin suggested that it may be because it was not a land locked parcel.

Councilmember Gantt asked if that was normally the policy.

Director Khin said that they may not have had a Transportation Planner or Transportation Engineer at the time this was signed.

Ms. Staudenmaier said that because of the history and not having the future land use maps and so many changes. She said that it may not have been thought about at the time.

Councilmember Killingsworth asked how the existing Townhomes would be affected if this was designated high density.

Ms. Staudenmaier said that looking at it from a transition purpose from more of a tech flex to a townhouse, if anything does get redeveloped or developed in the future, it will prohibit any possible changes that we didn't do for the other townhouses.

Councilmember Killingsworth said she understands, but there are already properties there now where there is concern.

Councilmember Gantt said it would be more people with the concern.

Jason Barron of Morning Star Law Group, on behalf of the property owners provided information. He said the proposal for mix use is a combination of town homes and office and institution spaces. He said the portion of the site that they are seeking to zone for residential is inconsistent with the towns comprehensive plan. He said a large portion is already zoned for residential. He said only 2.5 acres he is wanting to zone. He said its not a significant change but wanted to talk about it since it's not consistent with the plan but also is a case where it fits with their plan.

Mayor Pro Tempore Gray asked what was the vision from the non-residential aspect.

Mr. Barron said that there were a variety of things. He said in the immediate term, they were working with the owner to relocate the house to the eastern portion of the site or to build something new and the current owner that is operating a non-residential use of the current house would be occupying the building that would be constructed or relocated on that site.

Mayor Pro Tempore Gray asked why in this proposal, for 30 units, there is only 1 at a 100% AMI.

Mr. Barron said it is not a large project. He said if they could get 30 units approved, they would be willing to add a second affordable unit.

Councilmember Killingsworth asked if that could be made a condition.

Mr. Baron said yes.

Councilmember Zegerman asked what the price point was? He said that these were being classified as affordable.

Mr. **Barron** said he was not sure he didn't have a builder at this time. He said without having a garage the units would be a two-story unit and would be smaller, but at this time he did not know the exact price point. He said that he would be fine with adding a condition that the 30th unit would be the second affordable unit.

Councilmember Killingsworth asked if he would be using the same 100% AMI.

Mr. Barron said yes.

Councilmember Zegerman asked what was the length of the cul-de-sac.

Mr. **Barron** said that he thought they were code compliant but asked Jeff Roach to come up and give more information.

Jeff Roach, Peak Engineering and Design, gave information from the presentation. He said the cul-de-sac was about 520 feet. He said it was a small site, but that they put this in as a condition in case there were any issues with staff.

Councilmember Zegerman asked if they were anticipating any non-vehicular connection from the cul-de-sac to the sidewalk along Center Street.

Mr. Roach said yes, the cul-de-sac will come up and hit up against the buffer and there will be lots on the left and right and then a sidewalk connection that is shown on the sketch plane going right up against the buffer right up to Center Street.

Mayor Gilbert then opened up the public hearing. With no sign ups, he closed the public hearing and moved discussion back to Council.

Councilmember Zegerman said he was conflicted. He said that with there would be only one point of ingress and egress for street access. He said that he felt like that would be setting up a problem down the road for coming in and out of the development. He said it is a relatively small site, but knowing the current 2045 land use plan that this is classified as light industrial and where we are with our tax base and the regression of the balance between commercial property and tax base and currently seeing a regression in the balance between commercial property tax and residential property tax, and it going the wrong way, he said he would like to see more commercial property tax. He said the little bit of industrial space that we are sacrificing to residential development was not helping. He said that moving toward a bedroom community wasn't helping to solve the problem. He said that he sees that what was proposed is probably the best that can be done on this site given that the site towards the east being available. He said that in a high-density area you expect this

along a transit route would good, but with this the inconsistency with the land use map and the future transportation consideration gives him some pause.

Councilmember Killingsworth said she said that if this was a big parcel that she would have pause, but this is not a huge parcel. She said that it is her understanding that this is not light industrial but office employment for this particular parcel. She said as long as there is the 30th house triggering the addition affordable housing, this area has connections to Center Street, is walkable distance to downtown, that it's desirable for residents for this area. She said that it is a decent choice for this area. She said that there were already townhomes in this area, so she didn't see an issue with adding more townhomes.

Councilmember Gray said he was inclined to agree with Councilmember Killingsworth and it would be a different analysis if the Groves wasn't there already. He said if the entire area were set aside for non-residential purposes, it may make more sense, but this is going to address some of the affordable housing aspect and it's walkable. He said that he would love for a business there, but he didn't know of a business that would fit on the 5 acres. He said he was inclined to vote in approval.

Councilman Gantt said he was agreed with staff. He said he thinks the developments there were a mistake, and this would be doubling down on it. He said he wished this area would be for employment uses. He was also concerned about the traffic concerns, particularly with the entrance and exit, in the future.

A **motion** was made by **Mayor Pro Tempore Gray,** seconded by **Councilmember Killingsworth,** to approve Rezoning No. 22CZ27 – Center City Townhomes, with the added condition that a 2nd affordable housing unit shall be added if there are at least 30 residential units constructed total.

VOTE: 2-2, with Councilmember Gantt and Councilmember Zegerman dissenting, and with Councilmember Mahaffey absent.

Mayor Gilbert noted that as the Chair of the Economic Development Committee, he wanted to support bringing businesses to Apex, and help shift the balance of the tax burden more towards businesses. He said he was with staff on this one, but understands the points raised by Councilmembers that were in support of this development.

Pursuant to the Town of Apex Town Charter, **Mayor Gilbert** voted in the negative in order to break the tie. Motion failed.

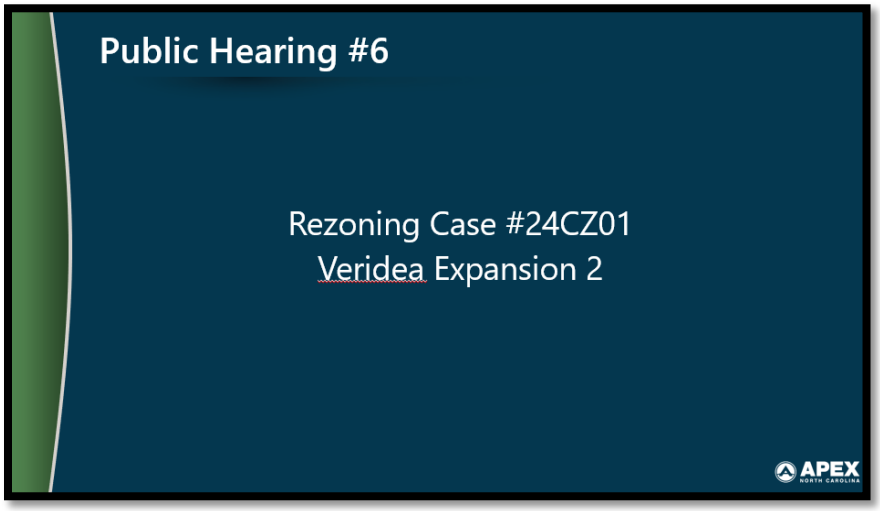
Mayor Gilbert declared a 5-minute recess at 8:48 PM

Council returned at 8:53 PM

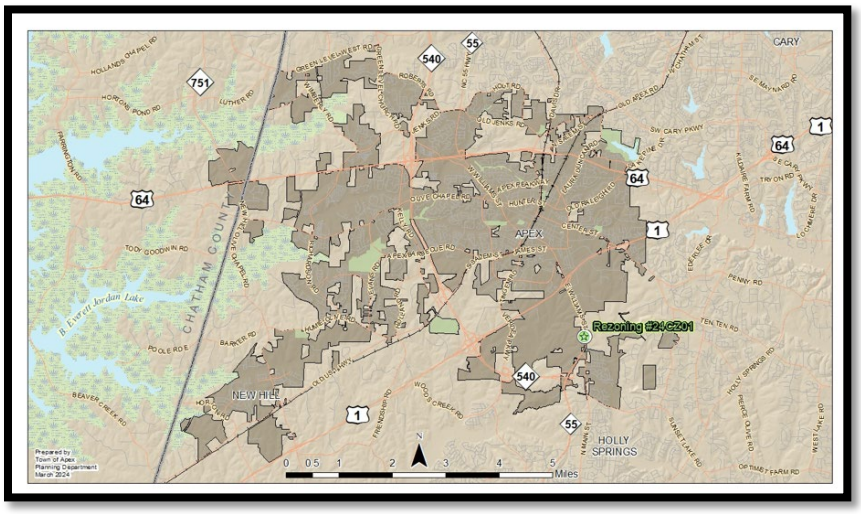
PH6 Rezoning Case No. 24CZ01 Veridea Expansion 2

Amanda Bunce, Planning Manager gave the following presentation regarding Rezoning Case No. 24CZ01 Veridea Expansion 2

[SLIDE-1]



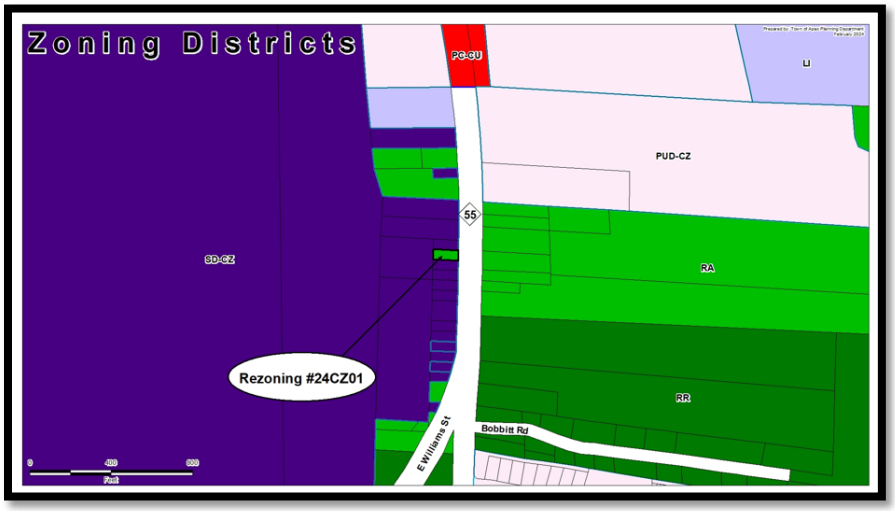
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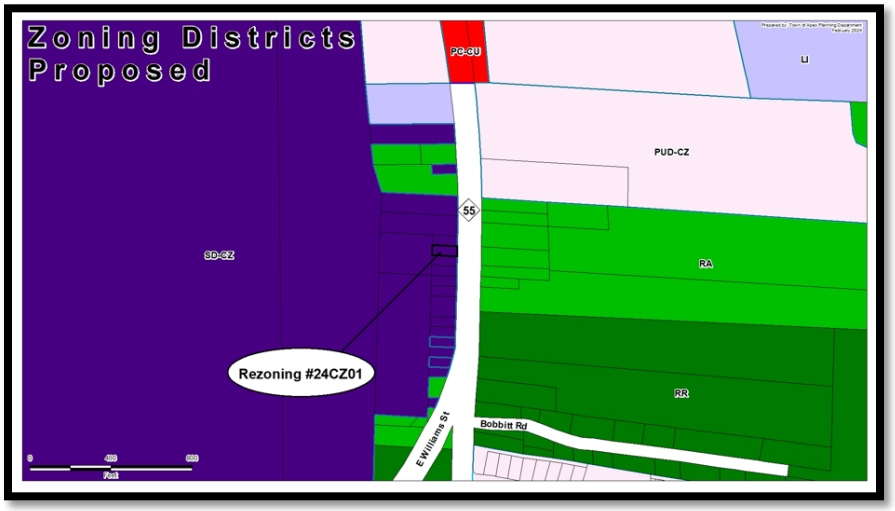
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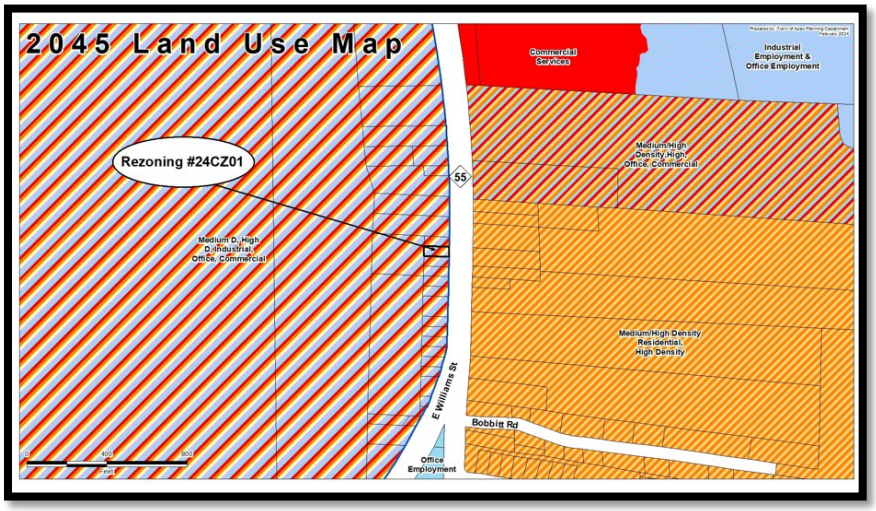
[SLIDE-4]



[SLIDE-5]



[SLIDE-6]



[SLIDE-7]



Mayor Pro Tempore Gray said he wanted clarification that it was .17 acres.

Ms. Bunce answered yes.

Mayor Gilbert then opened up the public hearing.

Mr. **Barron** said this is the smallest zoning case he had ever worked on and would be happy to answer any questions Council may have. He said this is a minor piece of a much larger puzzle that Council is familiar with. He said as staff noted, they are not seeking to increase the residential alignment associated with the overall allotment associated with the development as part of the zoning. He said he could answer said he could answer any questions from Council.

Mayor Gilbert closed the public hearing and moved discussion back to Council.

A **motion** was made by **Councilmember Zegerman,** seconded by **Councilmember Killingsworth,** to approve Rezoning No. 24CZ01 – Veridea Expansion 2.

VOTE: UNANIMOUNS (4-0), with Councilmember Terry Mahaffey absent

[NEW BUSINESS]

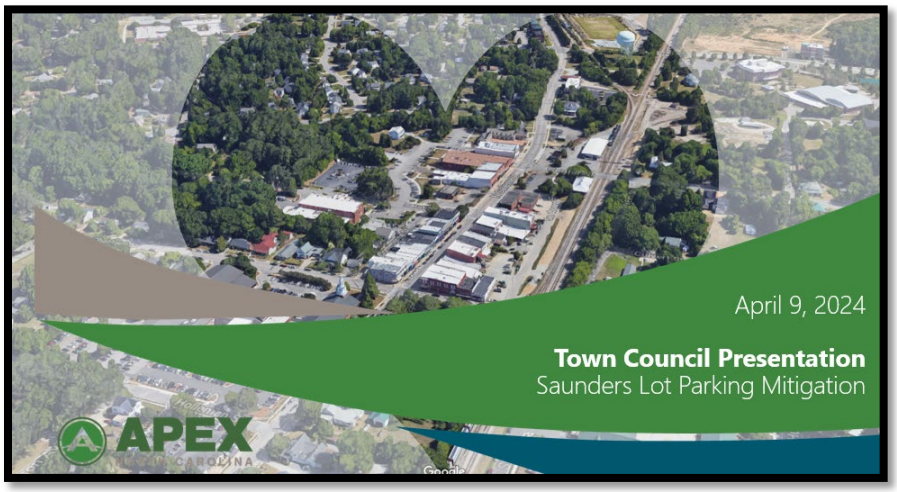
NB1 Downtown Design Project – Saunders Street Lot - Parking Mitigation Strategy

Shannon Cox, Long Range Planning Manager gave the following presentation regarding the Downtown Design Project – Saunders Street Lot - Parking Mitigation Strategy.

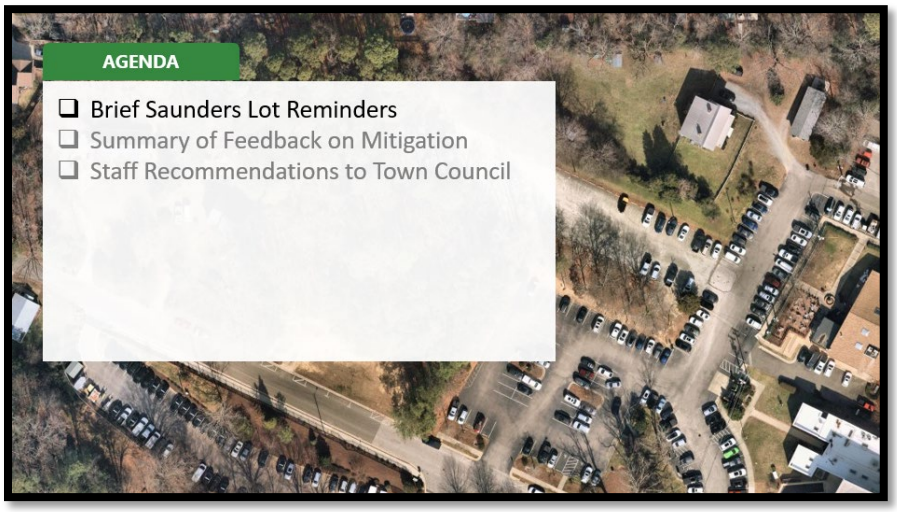
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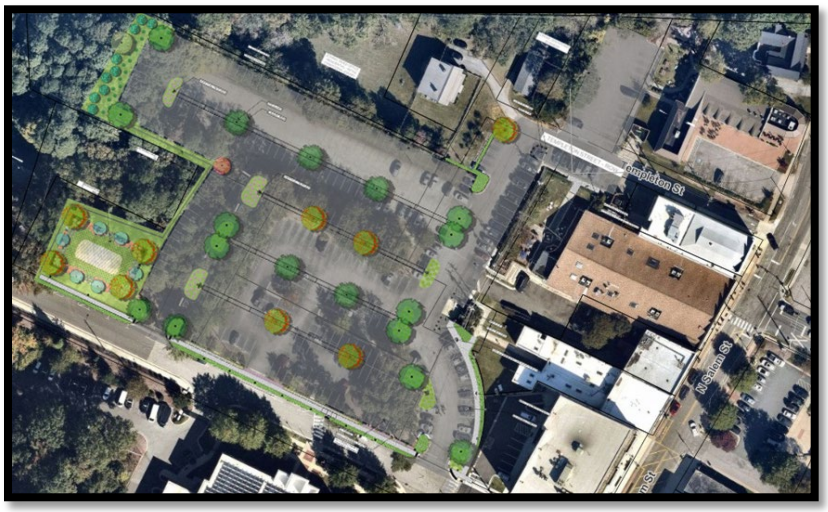
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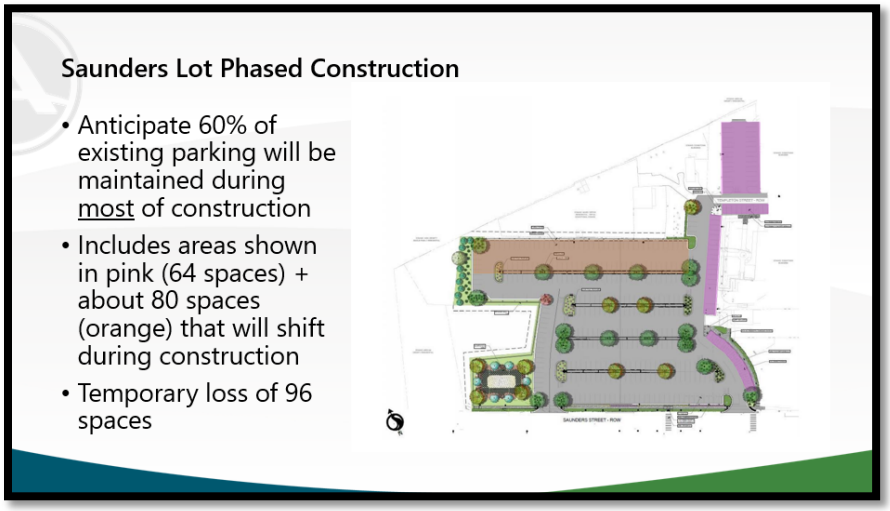
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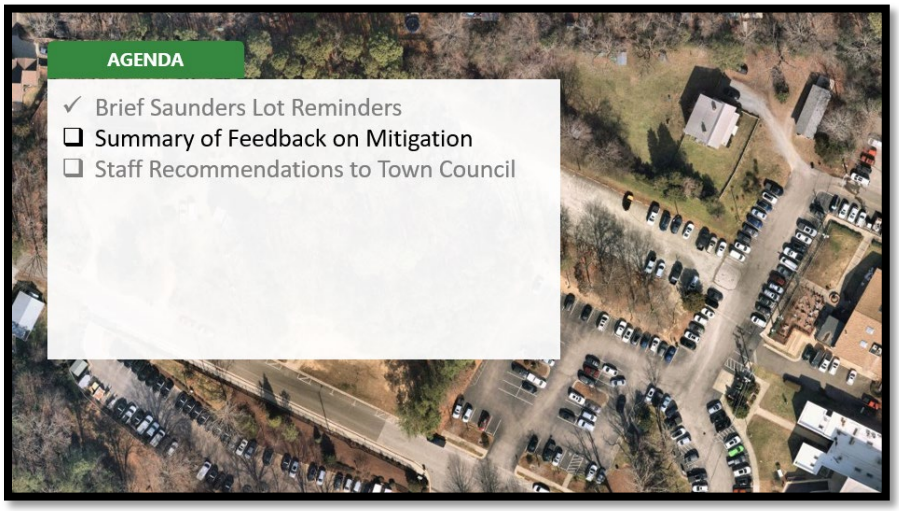
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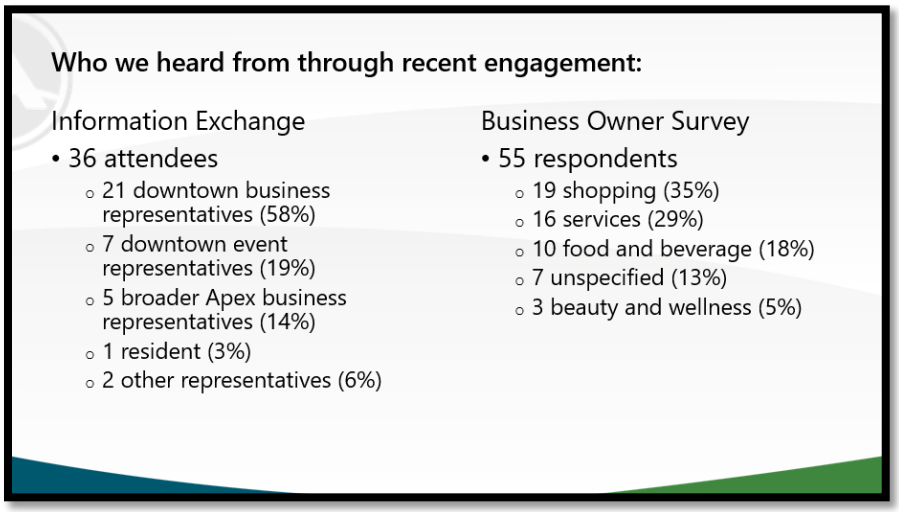
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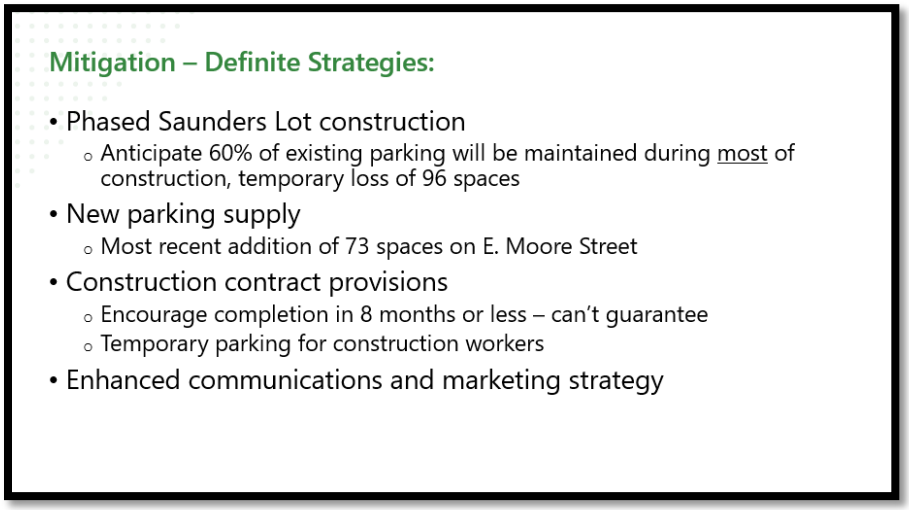
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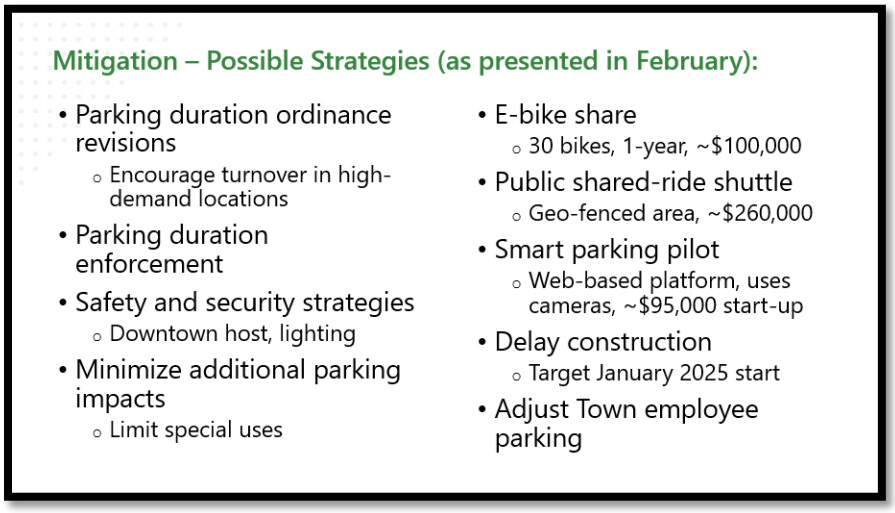
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[SLIDE-10]



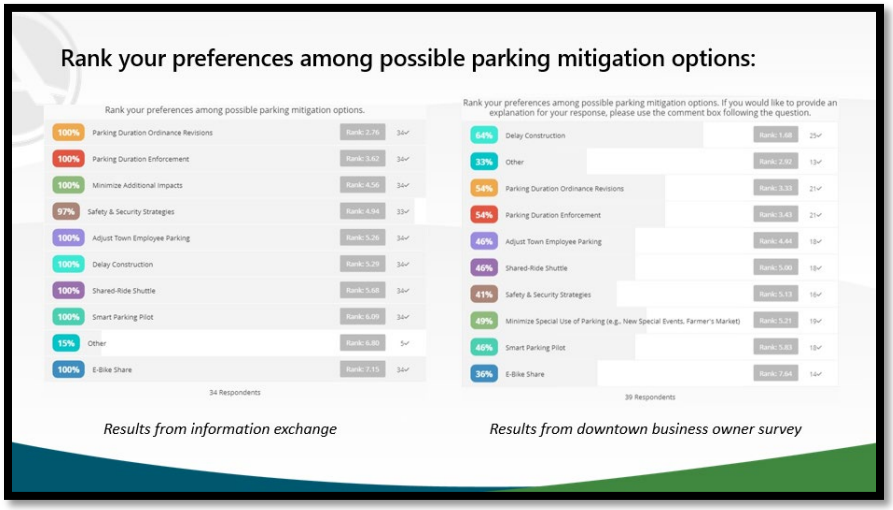
[SLIDE-11]



Councilmember Gantt asked what the earliest start date would be.

Mr. Purvis said it would likely be at the end of August or beginning of September.

[SLIDE-12]



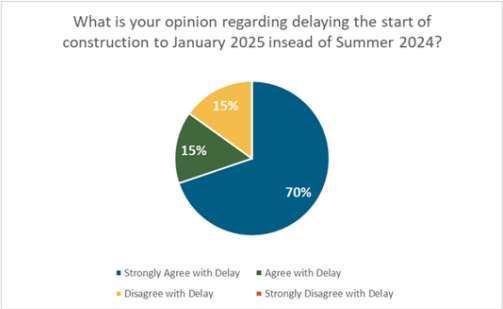
[SLIDE-13]

General Summary of Additional Comments
(In no particular order)

- Conduct a robust marketing campaign
- Install lighting
- Implement permitted parking for businesses
- Add employee parking in Seaboard Lot
- Prioritize a parking deck
- Install parking meters
- Limit parking restrictions to duration of construction
- Against e-bikes
- Doubt that a shuttle would be used
- Support for delaying construction

[SLIDE-14]

What is your opinion regarding delaying the start of construction to January 2025 instead of Summer 2024?



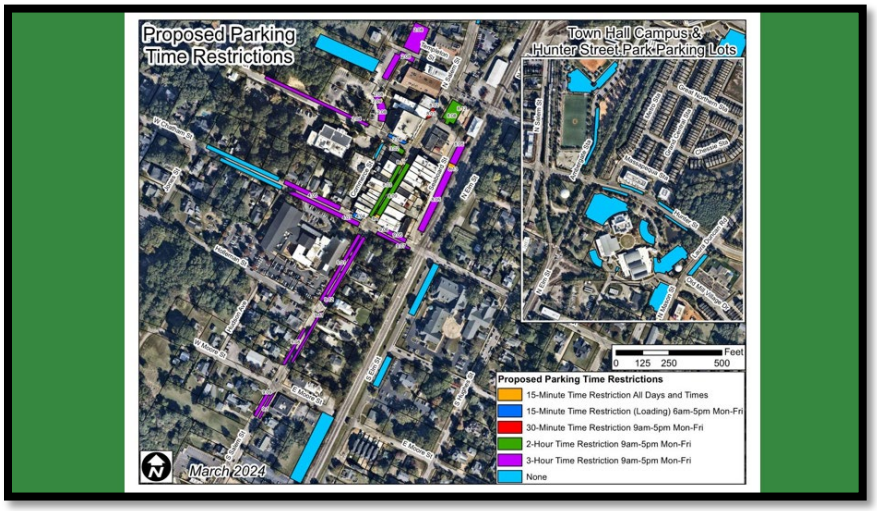
Results from downtown business owner survey

[SLIDE-15]

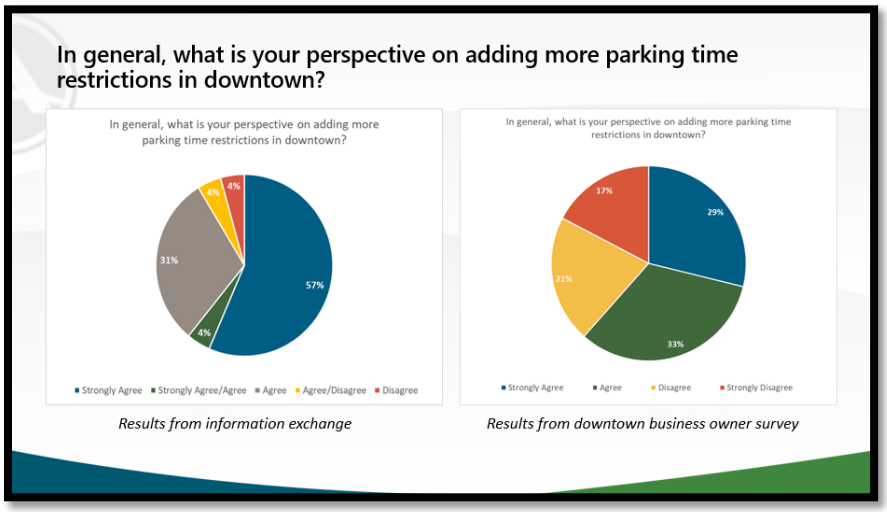
General Summary of Additional Comments

- For Delay
  - Importance of 4th quarter sales
  - Importance of Summer and Fall sales
  - Highest number of visitors is around the holidays – construction at that time will make employee parking more difficult
  - Realize construction may not be finished by 4th quarter 2025, but starting in January 2025 is the best chance, and allows for planning
- Against Delay
  - Concern that costs will go up
  - Time to get it over with
  - Likely to take more than 8 months and impact Q4 2025 anyway
  - It will be easier to walk further to parking in Summer months
  - Preschool is not open in the Summer, and that takes substantial parking

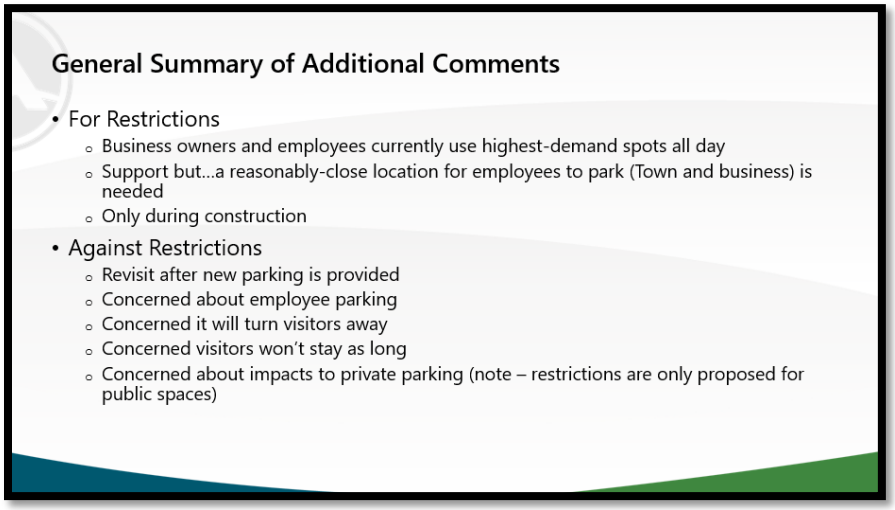
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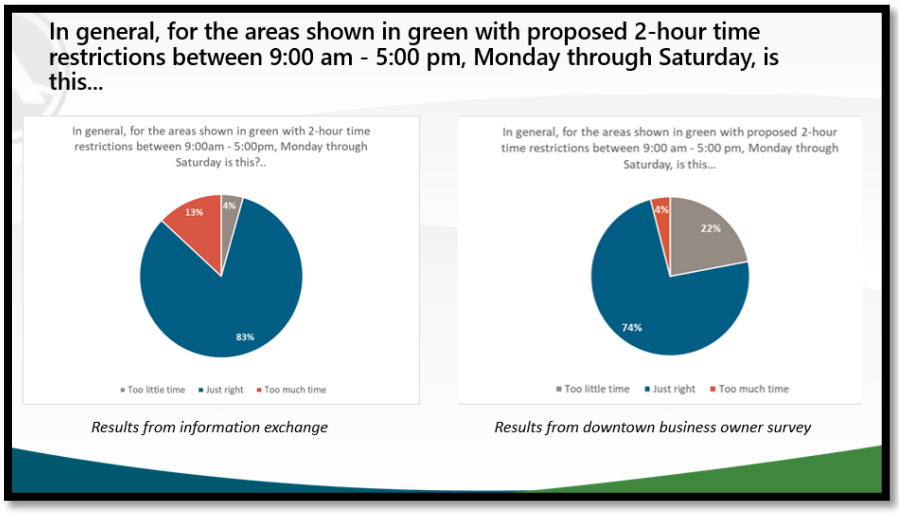
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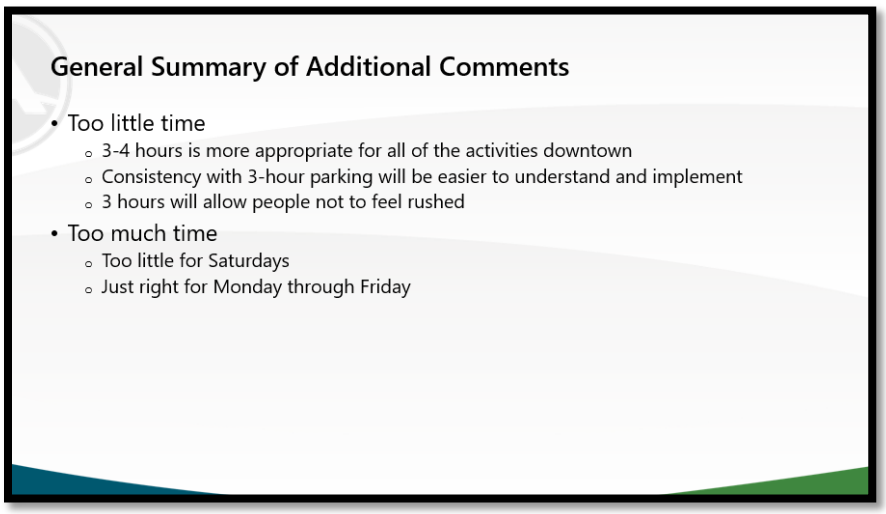
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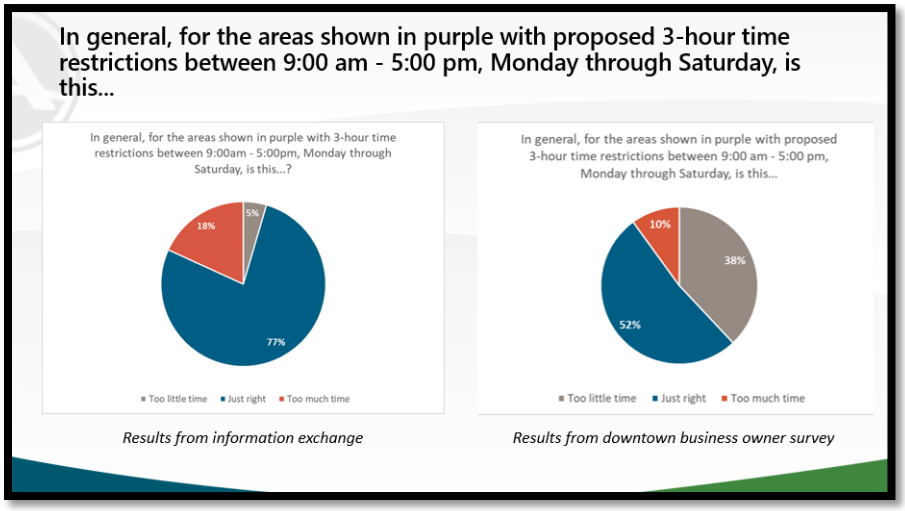
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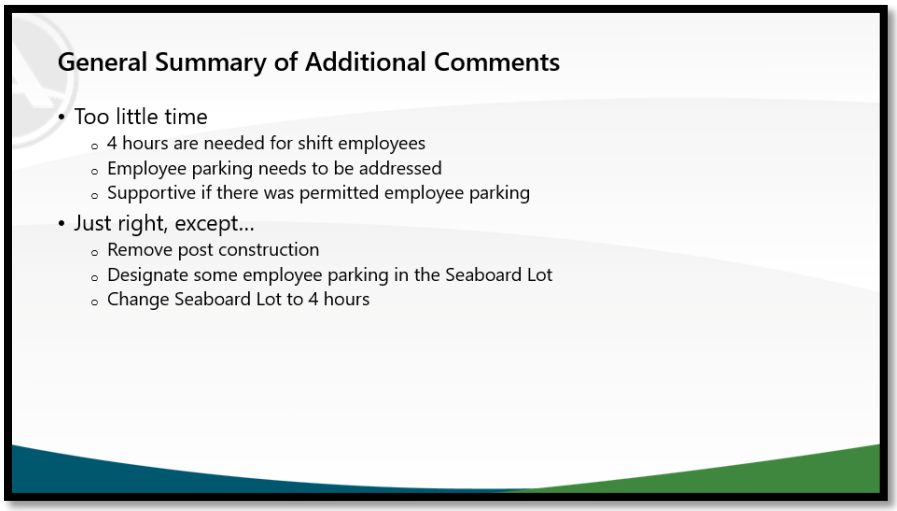
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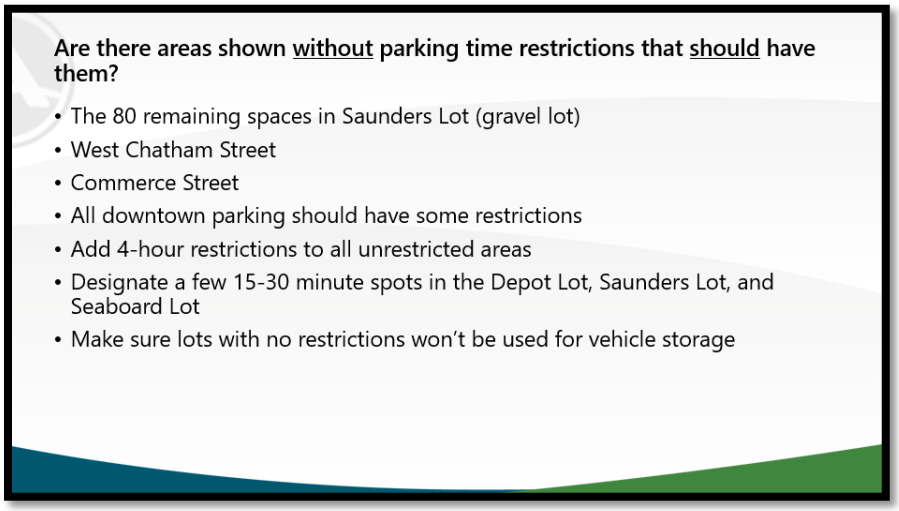
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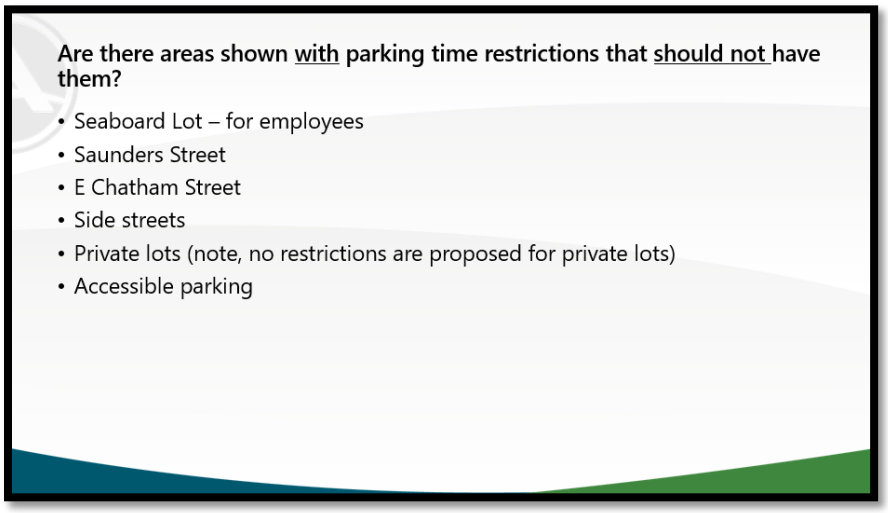
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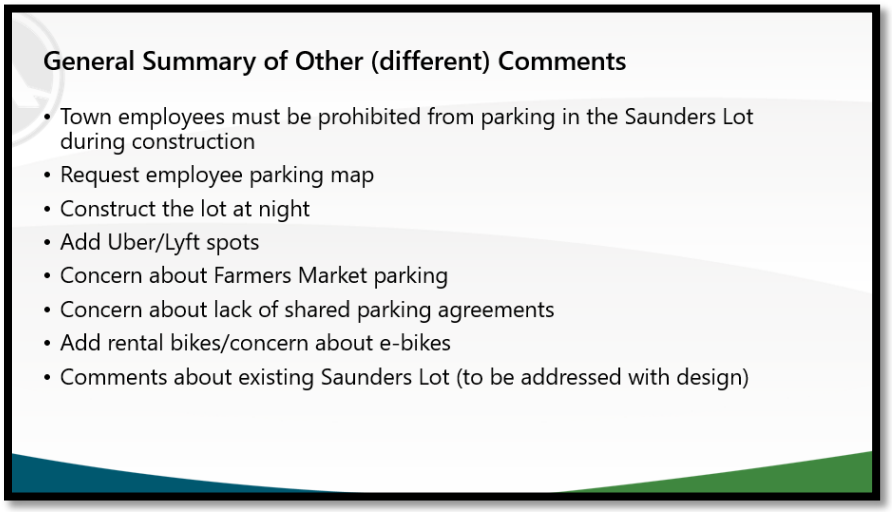
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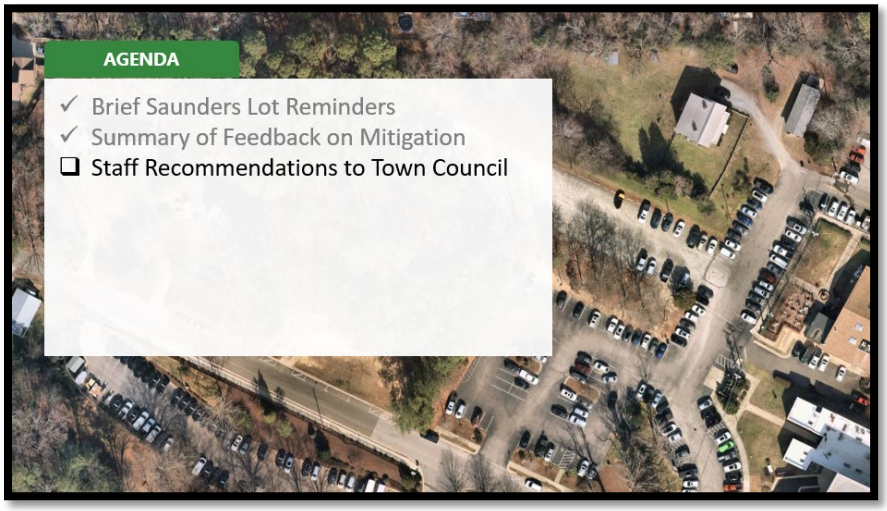
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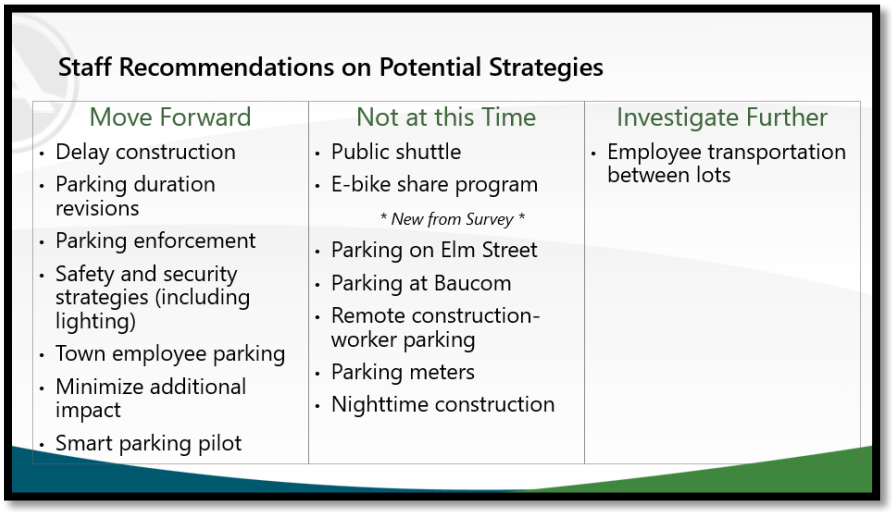
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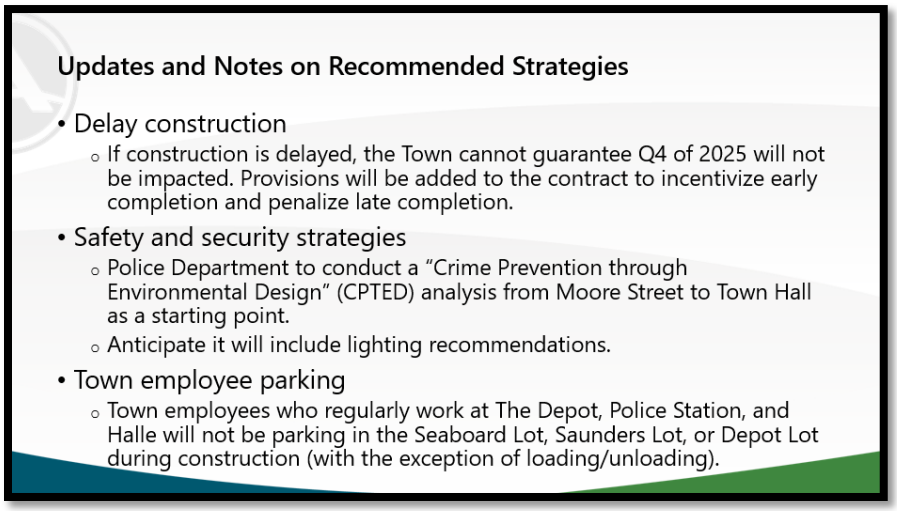
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[SLIDE-27]



[SLIDE-28]

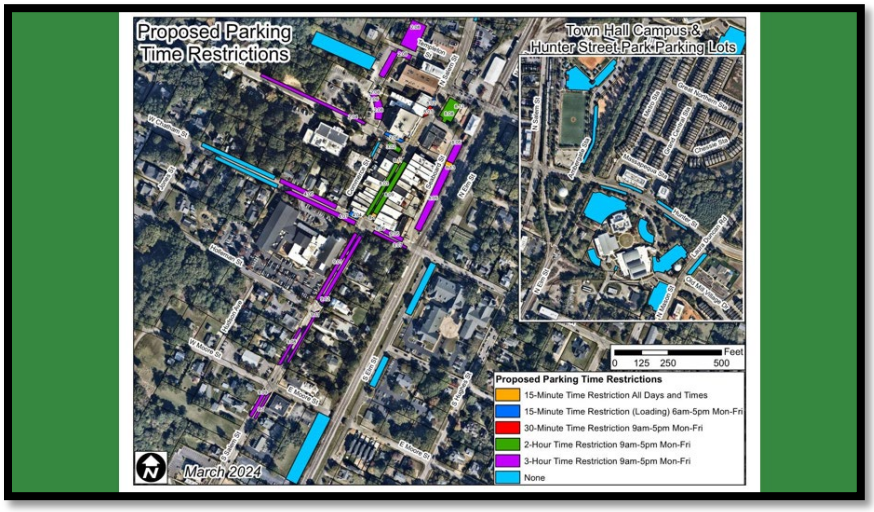


[SLIDE-29]

Updates and Notes on Recommended Strategies

- Parking duration modifications
  - Recommended:
    - Add 3-hour limit to West Chatham Street
    - Add short-term drop-off spots to Depot Lot (1), Saunders Lot (1), Seaboard Lot (2)
    - Change restrictions to 9:00 AM – 5:00 PM, Monday through Friday only (not Saturday)
  - Not Recommended:
    - Add restrictions to gravel/phased section of Saunders Lot
    - Add all-day, employee parking to Seaboard Street
  - Next Step:
    - Public hearing for ordinance revisions

[SLIDE-30]



[SLIDE-31]

Next Steps

- Requested motion to approve staff-recommended parking mitigation plan to include:
  - Delay construction
  - Parking duration revisions
  - Parking enforcement
  - Safety and security strategies (including lighting)
  - Town employee parking
  - Minimize additional impact
  - Smart parking pilot
- Staff will continue to work on mitigation strategies
- Future updates will be provided

[SLIDE-32]



Mayor Gilbert thanked Ms. Cox recognized what a long process this was and thanked her for all of her work.

Mayor Gilbert said that it was pointed out in the last meeting that there would be education on parking enforcement.

Ms. **Cox** said that was what Chief Armstrong indicated would be education on parking enforcement, so that people would be aware that this would be happening.

Councilmember Gantt asked in the bigger picture of all of the projects in the Downtown plan, would the delay in the construction cause the streetscape of Salem Street be delayed?

Ms. **Cox** said it may not, because of the acquisition and easements that would need to take place.

Councilmember Gantt said he considers that project as the transformational project in this series of three. He said parking is an issue that residents and businesses care about, but that's not the transformational issue. The transformational project is the streetscapes. He asked how all of these fits together and in the future.

Director Johnson said the acquisition for the streetscape is being handled separately, so the construction of the Saunders lot does not necessarily impact the acquisition, so they would continue working on that acquisition throughout this fall and next year. He said they will continue to move forward and see how that lines up at the end of construction verses where we are with Commerce Street and Salem Street, and that he could get more information back to Council, but he said he did not think it would be a large impact.

Councilmember Gantt said he was hoping that these projects would be able to align while still preserving Q4 sales.

Director Johnson said they would continue to move all of the different phases together as fast as they can where they align, and he said depending on how fast that acquisition phase will be.

Councilmember Gantt asked if Salem Street requires acquisition and not just Commerce Street.

Director Johnson said yes, all of the projects require acquisitions. He said a lot of times they are the same owners, especially with Commerce Street and Salem Street, which are the first two, and then Seaboard Street the town will probably work with them a little bit later.

Mayor Pro Tempore Gray asked if the town starts with this project in 2025, is there a plan or consideration to regard of reducing that construction timeline. He asked was there strategies to take away more parking to fix it faster.

Director Johnson said the plan will mostly remain the same other than the start date, they are shifting the time that the project will be advertised. He said although they will be planning with the January start time, they will be starting the advertising process later this summer. He said that they can't guarantee things, not just construction, he gave the bidding as an example of when they could run into time issues, and other examples of reasons that there may be issues. He said some of these things they won't know until they get into get into the contract state once they get started that they could run into unforeseen sight conditions. He said they were hopeful, but it is going to be a challenge.

Councilmember Zegerman said for those reasons he did not want to delay the advertising. He said he would rather delay the mobilization of the contractor than delay the advertising process because of the unforeseen and we know that in recent times that we have had trouble with attracting enough bids and have to readvertise projects multiple times. He said if it was going to push us to the end of the year or into next year, so I don't want to artificially hold back and introduce more delay.

Director Johnson said it can be a double edge sword, sometimes if you try to award and then have that long delay, that's introducing more risk to the contractor because now they have to consider the possibility of pricing and inflation, which could cause the bid could cause those bid prices to go up. He said the contractor has to take that into account and include it in their bid. He said so it hard to ever have a crystal ball, so that's why we try to move the contracts forward pretty quickly. He said that there is a risk in either scenario.

Councilmember Zegerman said that a lot of the mitigation hinges on enforcement, and asked how would we do that, and what the enforcement look like.

Ms. **Cox** said for most of these strategies, they had limited information to share with Council at this point, and were asking for direction of support from Council so that they could continue to allocate staff time towards flushing these out. She said in terms of parking enforcement, the Police Department is actively working on identifying potential approaches for that, it would include additional capacity in one way or another, and it could be hired capacity. She said that also they are looking at how the Smart Parking pilot could inform parking enforcement, and if there are aspects of that technology that could be used. She said there is more to come for that, and all other strategies and we would continue to work on that, once direction is given on how to proceed.

Councilmember Zegerman said that it was his understanding that Apex has an agreement with the Baptist Church to use their lot, but that the lot is not highlighted as a parking option on the slide and asked if it was because we are limited on hours. He asked why this wasn't being considered on our mitigation strategy, because that is a sizeable lot.

Ms. Cox said the town doesn't currently have a formal agreement with the Baptist Church to advertise that as public parking. She said they've always welcomed people to park there, and they've have been very open to that and I think they even have some private signs up about that, but we

don't have a formal agreement that allows us to sign and point people to that direction. She said that this is something that have been conversations about, but there is no formal agreement at this time.

Councilmember Zegerman said that as a potential mitigation strategy for the duration of construction, is that something we could consider, where we temporarily lease part of that lot or have more of a formal agreement.

Ms. **Cox** said that it is something that they have actively been working on and will continue to work on with the Church.

Mayor Gilbert said he would also like to add that could become complicated, as the Church has lots of events.

Councilmember Zegerman said that maybe they could use it during the week, and that he was just looking at more parking options. He said it seems that they have ruled out more bus service, but asked about more park and ride options where we designate more lots having small shuttles, faring employees and construction employees to the site.

Ms. Cox said that the public shuttle that was proposed that was included in the 2022 engagement did not show much interest in the 2022 survey as well as the most recent survey.

Councilmember Zegerman said that they didn't ask the population, and this was asked to the Downtown business owners.

Ms. **Cox** said that 2022 was targeted to both business owners and a public open house and the meeting that we recently had, the open information exchange, was opened to the public but mostly downtown businesses. She said there was other options, the geofence area, also a node-based pickup/drop off, which could be structure that however is preferred. She said they could extend an agreement with the Town of Cary that could be from a designated lot to downtown. She said the feedback that they have gotten, for using it for this purpose, has not been positive enough for them to include in this staff recommendation, but if that is something Council wants staff to do then they will investigate further.

Councilmember Zegerman said that he would like to move some of the parking for employees and construction to offsite.

Ms. Cox said staff did not recommend having construction contract provisions that require them to park remotely, and do not think it is in the overall best interests to include that, but will take the feedback and consider it.

Mayor Gibert asked if there were any other questions. He said that at the last Council meeting where there was a rezoning, before the survey was completed, there was a desire to move forward. He said that he would like to say as the mayor, that the town needs to listen to the business owners and support the staff recommendation. He said that he did not think the business owners were against the plan, but the timing and the amount of product that they had ordered for their Q4 had a lot to do with it, and they wanted to be as prepared as possible, so I hope the support is to delay it and support the business owners and support the staff's recommendations.

Mayor Pro Tempore Gray said that he has confidence that staff has enough flexibility to award the contract and address any limiting factors that may come up. He said direction from him was to start the award with the recommendations that Council has and if there is any possibility of reducing that original build timeline that had been forecasted as a 6-8-month project. He said he did not see a reason why he should fight the recommendation of staff.

Councilmember Zegerman asked how much of the overall timeline is because we are doing parking mitigation.

Director Johnson said it was a hard question to answer and that there was already parking. He said as a 6-month project it may save an extra month to do it all at one time.

Councilmember Gantt made a comment about the survey. He said he was irritated with how the Town employees were treated about how they were treated differently verses the business' employees parking, and they should be treated the same way.

Mayor Pro Tempore Gray said that was a solid point. He said it was important to consider the downtown business owners because they have an impact and they are physically there, but we also have to be very cognizant that we are using the tax dollars of everybody in Apex, so giving them an opportunity to have a say is important and that they had an opportunity to have a part in the survey. He said that he felt that this is reflective of what is a community sentiment.

Councilmember Killingsworth said that if it went out community wide, that they may be seeing different things.

Councilmember Gannt said he was hearing 'when are you going to get it done' they want it done as soon as possible, he said the festivals would like for it to be done as soon as possible too,

A **motion** was made by **Mayor Pro Tempore Gray,** seconded by **Councilmember Gant,** to approve a mitigation plan for the temporary loss of parking in the Saunders Lot during construction.

VOTE: UNANIMOUS (4-0) with Councilmember Terry Mahaffey absent

NB2 Pulling of Consent Items 2 and 3

Councilman Zegerman said that he had asked to pull consent items 2 and 3 which is specific to the appointment of the Housing Advisory Board's members and the Appointment of the Chair and Vice Chair of the Board. He said he didn't have much concern with Consent item 3. He said he wanted to discuss the staffing of the Housing Advisory Board, he said housing affordability is one of the most concerns in Apex. He said his expectations of the housing advisory board is that they advise Council on policy to address every tier of the market. He said if they are missing the bottom tiers in the conversations, he believes the advisors of the Boards should reflect the priorities stronger. He said he would like to see more of a representation from people representing organizations, non-profits that have vast experience in that area and to come up with policy for Council to follow. He said that this is not the ability to those on the Board, or their skill. He said everyone on the Board brings something to the table and lots of the applicants have very strong qualifications, his preference would be to use this opportunity while there are 3 positions that stronger consideration is given to those individuals that represent non-profit and housing affordability question a little more. He said he wanted to make a motion to defer to reconsider bringing back candidates and ask the Mayor to reconsider his nominations and bring back candidates, and if the Mayor doesn't want to do this then the next Motion would be to start striking names.

Mayor Gilbert said that he and Council Zegerman have had conversations about this in the past and it was nothing personal, it is just a philosophical difference. He said that at this time is to get

cooperation of the development community. He said that it would be a waste of time because he would bring back the same name.

Councilmember Zegerman said he appreciated the Mayor's point and he understands keeping the building committee on the Boards. He said he doesn't think they have the same motivations that we do as we look out to the future of our town.

Mayor Gilbert said that the point may be missing. He feels that they need to keep them at the table.

Councilmember Zegerman said he doesn't disagree. He said that last year put out an Affordable Housing policy that we have yet to see a single developer pick up and the intent of the policy was to move in a much bigger scale and we are not seeing the uptick in that. He said so how do we write policy if the ones that do not want to use it are the ones making the recommendations.

Mayor Gilbert said this is a work in progress. He said he wanted to support staff and had not heard any resistance from them.

Councilmember Killingsworth said as a member of the Housing Advisory Board she had had many different discussions. She said that there were two people mainly from the development community on the Board and that one has been super helpful and the other person didn't show up for a lot of the meetings, so she did not find that him being on the Board to be very helpful and that is why she did not recommend him being on the Board.

Mayor Gilbert asked if we are giving constructive feedback to the Board members on expectations of the individuals on the Committees and Boards. He directly asked was Mr. Rogers was given feedback about the expectations of serving on the Board.

Councilmember Zegerman said that was a fair question. He said that when you except a position on a Board or a Committee, that the expectation is that you should attend the meetings. He said his desire was to have people that have a stronger focus on housing affordability. He said that having a representation of on the Advisory Boards that reflect our priorities.

Councilmember Killingsworth said that they need to think outside of the box because the things that we are trying to solve have not been solved.

Mayor Gilbert said he agreed, which is why he asked Elana Money Garmin to serve on the Board. He said that she completed a project, 30 tiny homes in Chatham County for Veterans, she thinks outside of the box.

Councilmember Killingsworth said that there were two mobile home parks that we had to come up with other solutions for and Habitat has had solutions.

Councilmember Zegerman said that he would propose to meet the Mayor half way and strike Mr. Jacob Rogers from the nominations and instead nominate Daniel Sargent who represents Rebuilding the Triangle Together as a potential replacement for that position. He said that would lead us to re-appointing Mr. Paul Kane, appointing Elana Money and appointing Daniel Sargent.

Mayor Gilbert asked for a 10-minute recess at 9:53 p.m.

Council returned at 10:07 p.m.

Councilmember Zegerman said that there was a question about conflict of interest with Mr. Sargent in his opinion that the nature of his business is very different, he said there was no conflict of

interest with Mr. Sargent. He said he wanted to make a **motion** to strike Jacob Rogers from the nominations and nominate Daniel Sargent, Paul Kane, and Elaina Money.

Mayor Gilbert said that as per policy, he would have to be the one to make the nomination.

Councilmember Zegerman made a motion to strike Jacob Rogers from the nominations.

Mayor Gilbert said that when they came back, he would bring Mr. Jacob Rogers back.

Councilmember Gantt said that if we could require things from developers, like affordable housing it would be a different discussion. He said that developers need to be in the room in these discussions because if there is a tilted weight toward advocates there may be a policy form that may be more active. He said crafting incentives and voluntary things needs the input of that Community. He said he is not going to vote for this action item.

A **motion** was made by **Councilmember Zegerman,** seconded by **Councilmember Killingsworth,** to strike Jacob Rogers from the nominations.

VOTE: 2-2, Mayor Pro-Tempore Gray and Councilmember Gantt dissenting, with Councilmember Mahaffey absent

Mayor Gilbert said his vote is no.

Interim Town Manager Purvis said nobody has been appointed yet, so a motion needs to be made.

A **motion** was made by **Mayor Pro-tempore Gray** and second by **Councilmember Gantt** to approve New Business Item No. 2 and previously Consent Item No. 2 and 3, as previously proposed.

VOTE: 2-2, Councilmember Killingsworth and Councilmember Zegerman dissenting, with Councilmember Mahaffey absent

Pursuant to the Town of Apex Charter, **Mayor Gilbert** voted in the affirmative in order to break the tie.

Motion Passed, 3-2, with Councilmember Mahaffey absent

[UPDATES BY INTERIM TOWN MANAGER]

Interim Town Manager Purvis said last week they got checked off ono the County Inspection for the Splash pad. He said also Gateway has started construction. He said the third thing was that everything went well at the Holy Celebration this past Saturday. He said there were 5 straight weeks of events, he said festival season is here. He said he wanted to thank the Recreation, Public Works and Public Safety staff for all of the work during these festivals.

Councilmember Killingsworth thanked Mr. Purvis and all the work he has done while filling in as Interim Town Manager on top of doing his job at the same time.

Mayor Gilbert thanked Mr. Purvis for the update and thanked Lieutenant Overton for providing safety and order.

[CLOSED SESSION]

A **motion** was made by **Councilmember Zegerman,** seconded by **Councilmember Gantt,** to enter into Closed Session pursuant to NCGS § 143-318.11(a)(5).

VOTE: UNANIMOUS (4-0), with Councilmember Terry Mahaffey absent

Council entered into Closed Session at 10:14 p.m.

CS1 Steve Adams, Real Estate and Utilities Acquisition Specialist

NCGS § 143-318.11(a)(5)

"To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease."

Council returned to open session at **10:38 p.m.**

[ADJOURNMENT]

Mayor Gilbert adjourned the meeting **10:39 p.m.**

Jacques K. Gilbert
Mayor

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

Submitted for approval by Town Clerk Allen Coleman and approved on the 14th day of May, 2024 (CN7).

APPROVED

TOWN OF APEX
TOWN COUNCIL WORK SESSION
TUESDAY, APRIL 16, 2024
3:30 P.M.

The Apex Town Council met for a work session on Tuesday, April 16, 2024 at 3:30 p.m. at the Apex Town Hall located at 73 Hunter Street in Apex North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel:

https://www.youtube.com/watch?v=w-1FrNl47uc

Elected Body
Mayor Jacques K. Gilbert (presiding)
Mayor Pro-Tempore Ed Gray
Councilmember Brett Gantt
Councilmember Terry Mahaffey
Councilmember Arno Zegerman
Absent: Councilmember Audra Killingsworth

Town Staff
Town Manager Randy Vosburg
Deputy Town Manager Shawn Purvis
Assistant Town Manager Demetria John
Assistant Town Manager Marty Stone
Town Attorney Laurie Hohe
Town Clerk Allen Coleman
Director Marla Newman

All other staff members will be identified appropriately below.

[COMMENCMENT]

Mayor Gilbert called the Work Session in order and welcomed Town Manager Randy Vosburg to his first work session, and led in a recitation of the Pledge of Allegiance.

[AGENDA ITEM NO. 1 – HOUSING PROGRAM UPDATES]

Marla Newman, Director, Community Development and Neighborhood Connections, said this meeting is an overview of where the new department is at, updates on some existing work that's been going on, as well as bringing in the School of Government, and how to move forward with housing needs.

[SLIDE-1]



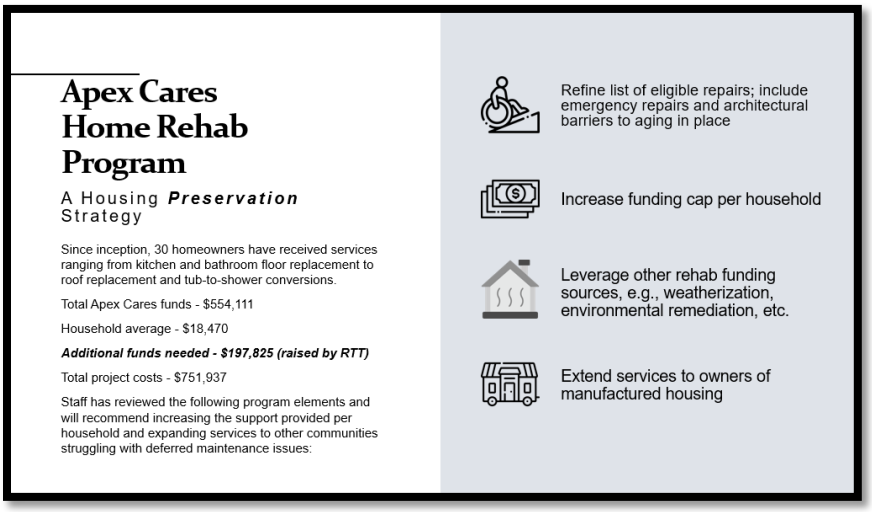
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[SLIDE-3]



[SLIDE-4]



Mayor Pro-Tempore Gray asked what ways are we approaching or dealing with the gap with homeowners and those that are renters, and how they may be eligible for this type of funding.

Director Newman said first is to make sure the town is in compliance with the requirements. She said some kind of legal agreement where there is a restrictive covenant put on the property so that it can be continue to be rented and affordable. She said the department is still working on ideas and will bring to council some ideas after consulting with the Housing Advisory Board (HAB) and receiving their feedback.

[SLIDE-5]



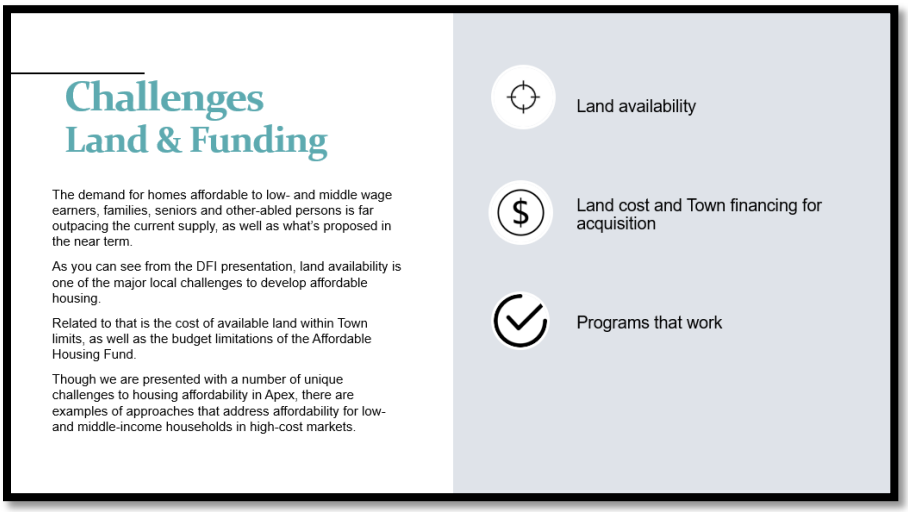
Councilman Gantt asked if the development and preservations was more of an in-depth strategy.

Director Newman said yes, beyond simple recommendations and really incentivizing the zoning policy.

[SLIDE-6]



[SLIDE-7]



[SLIDE-8]



[AGENDA ITEM NO. 2 – HOUSING DEVELOPMENT OPPORTUNITIES PRESENTATION]

Sonyia Turner, Senior Project Manager, UNC-SOG Development Finance Initiative (DFI), gave a presentation discussing opportunities for affordable housing development in Apex.

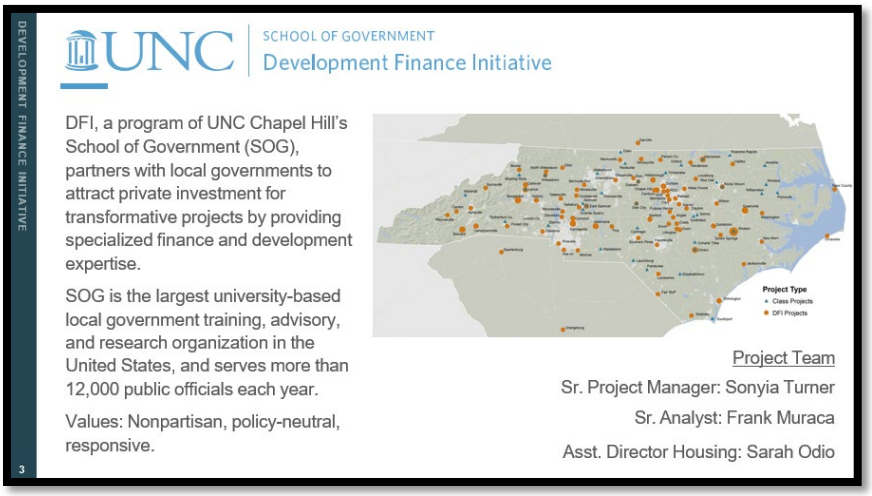
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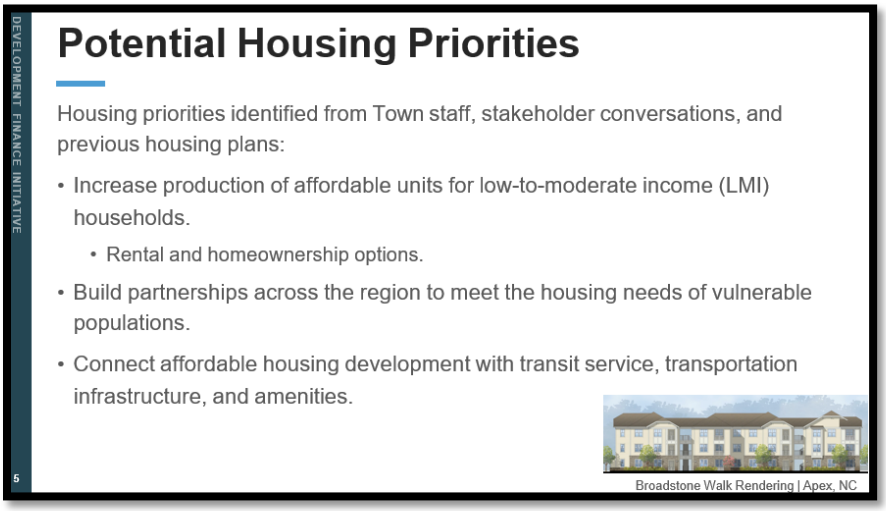
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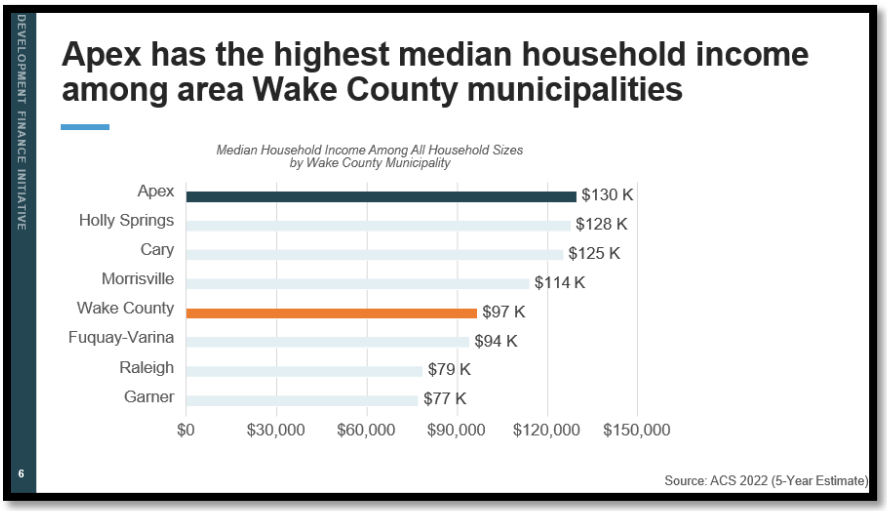
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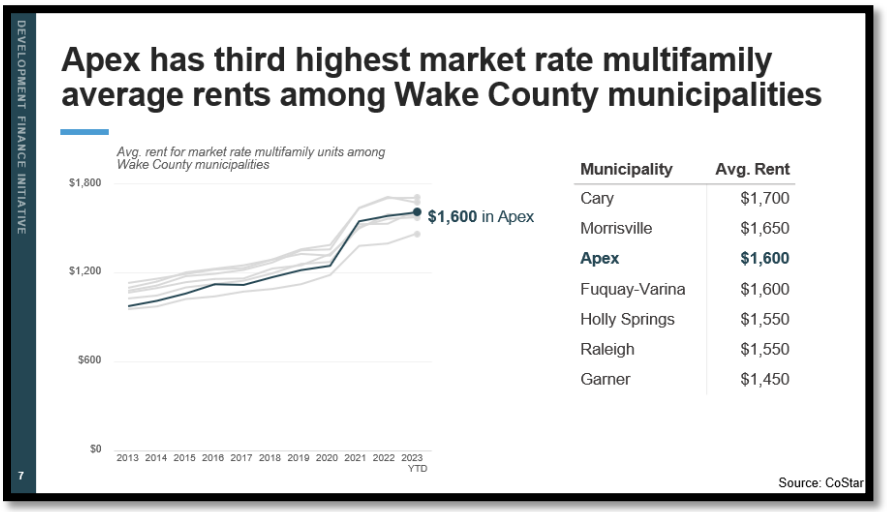
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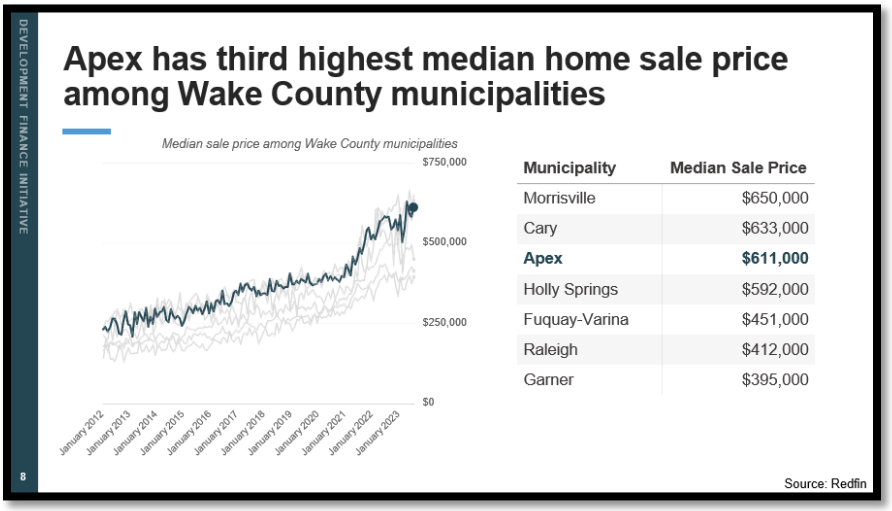
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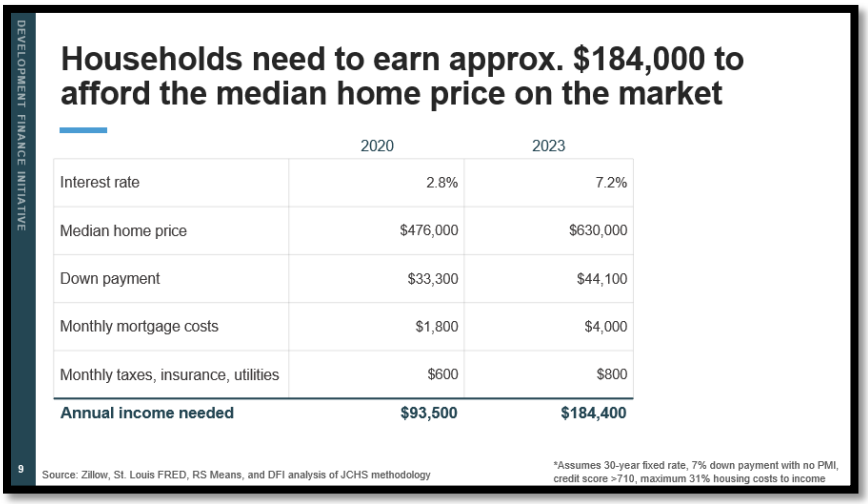
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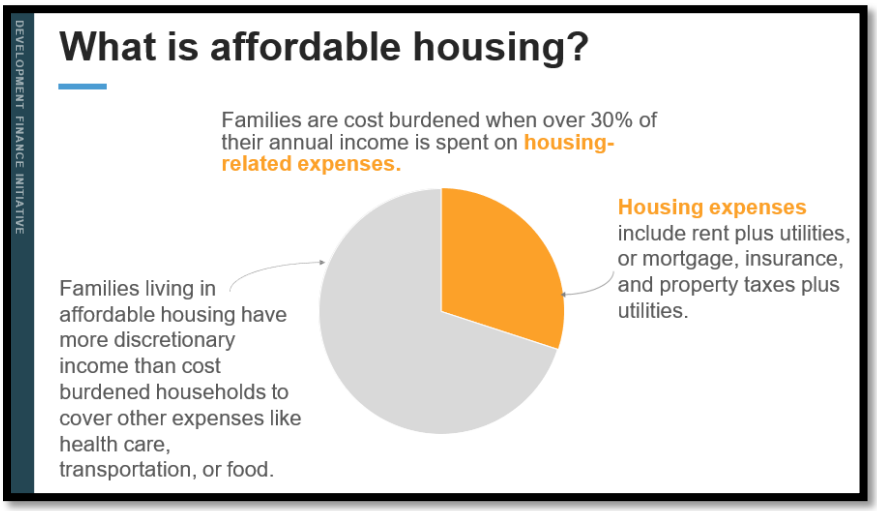
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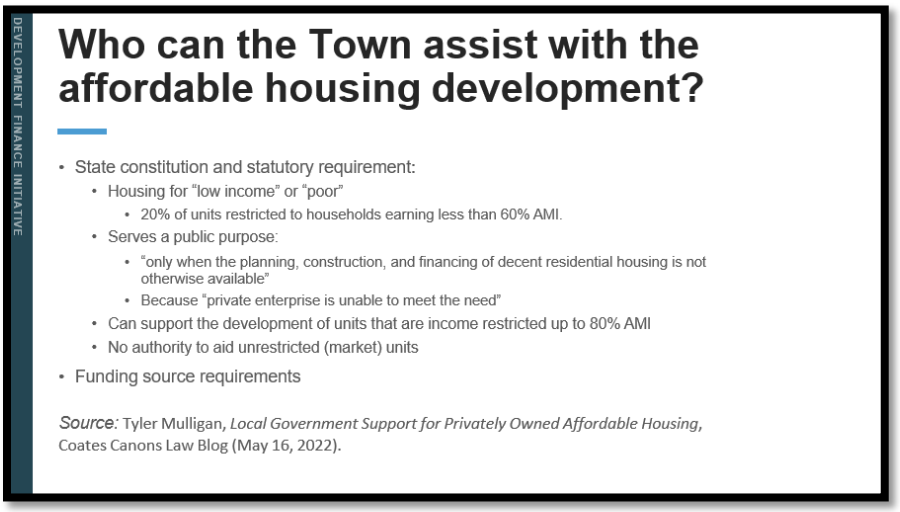
[SLIDE-9]



[SLIDE-10]



[SLIDE-11]



Assistant Town Manager John asked what could the Town do to cast the Net wider for the 81% up to 120%.

Ms. Turner said the nuance of that would be the town to provide an investment or subsidy for the development project to meet those requirements.

Councilmember Gantt said he was confused by the restrictions to households in regards to 60% AMI and 80% AMI.

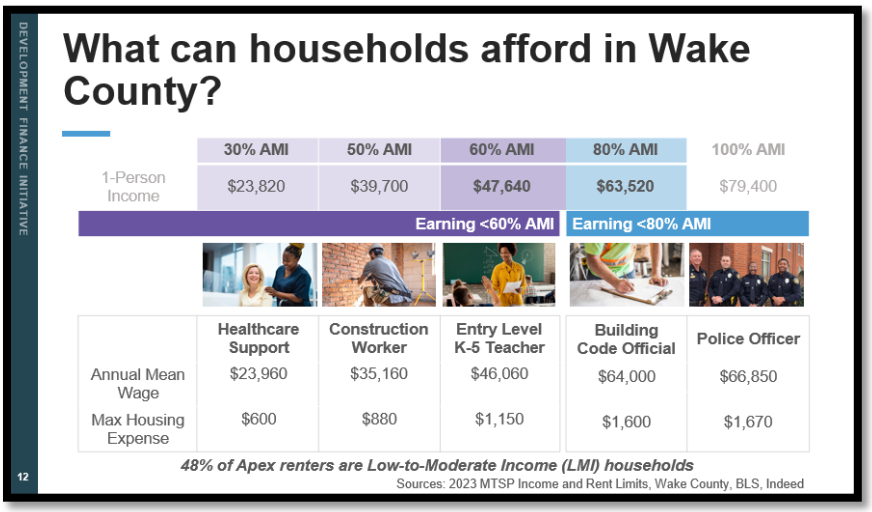
Ms. Turner said the guidelines are 20% of the units have to serve households earning 60% AMI and the market rate for the rest of the units.

Director Newman said the greater income mix also helps to underwrite or support those units that are at the lower income scale.

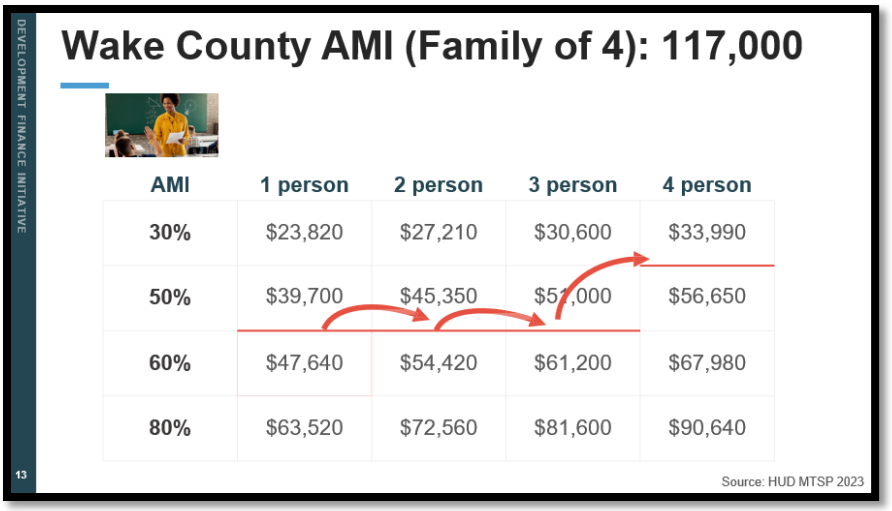
Councilmember Mahaffey asked if there is a distinction between what types of support would be subject to 20% limitation.

Ms. Turner said she would have to defer that question to their attorney, Tyler Mulligan.

[SLIDE-12]



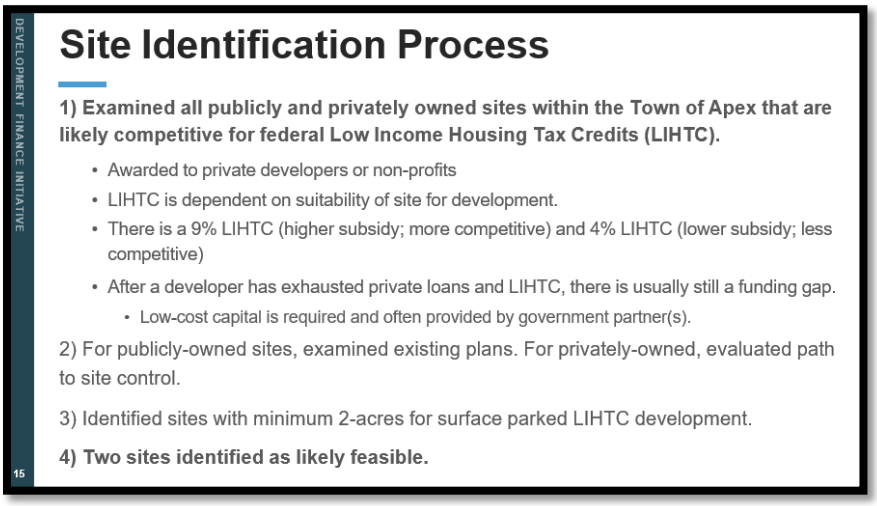
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[SLIDE-14]



[SLIDE-15]



Councilmember Gantt asked to explain the criteria requirements.

Ms. Turner said per state of North Carolina the sites have to have a perfect score to compete within Low Income Housing Tax Credits (LIHTC).

Assistant Town Manager John asked to talk about the 9% tax credits since it's so competitive, in which the 4% is not.

Ms. Turner said the 9% is more competitive there's an application period which takes to a year to finalize, then 4% process is a little expedited but the tradeoff is the lower subsidy.

Assistant Town Manager John said Federal Homeland Bank is usually used as part of a GAP source.

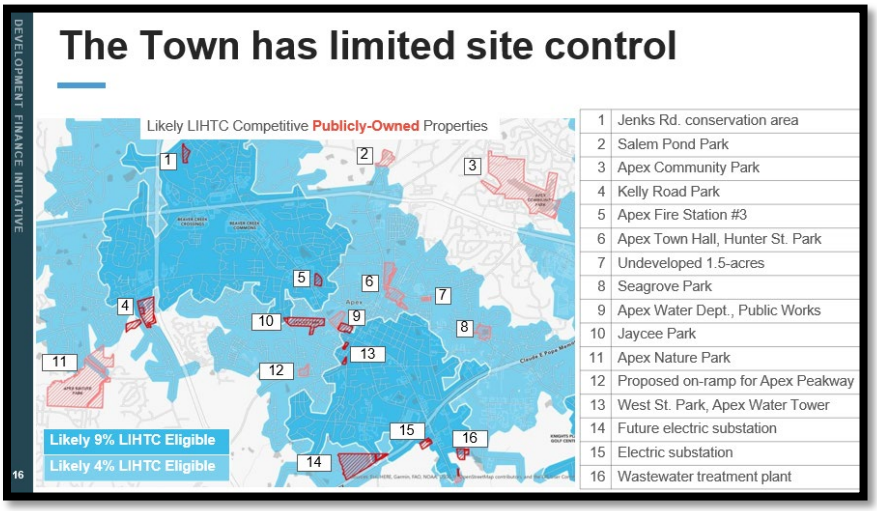
Councilmember Gantt asked if there was a Cap on number of units that are eligible for the 9%.

Ms. Turner said yes.

Director Newman said there are ways to still maximize a large parcel even if there may be some caps on how many tax credit funded units. She said you can do other stuff around that on the same parcel just not in that particular case.

Assistant Town Manager John said even replotting for commercial space.

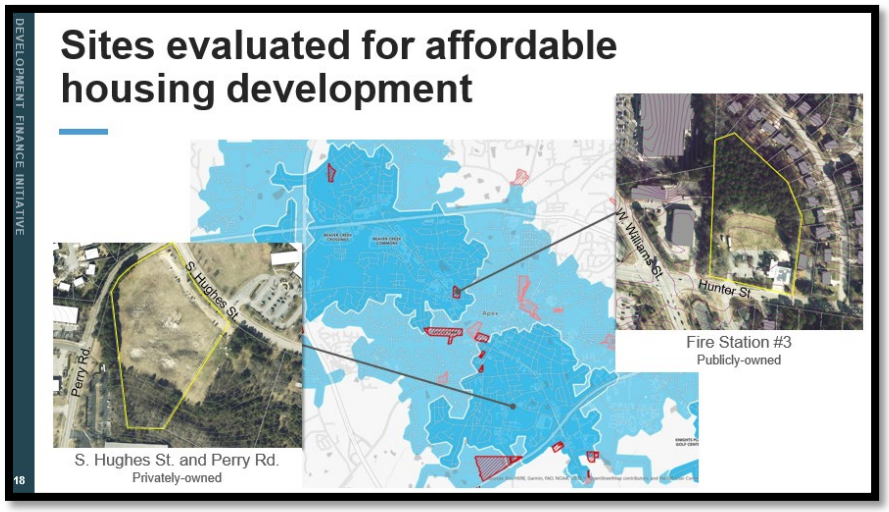
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Councilmember Gantt said he didn't think the town closed on the housing site.

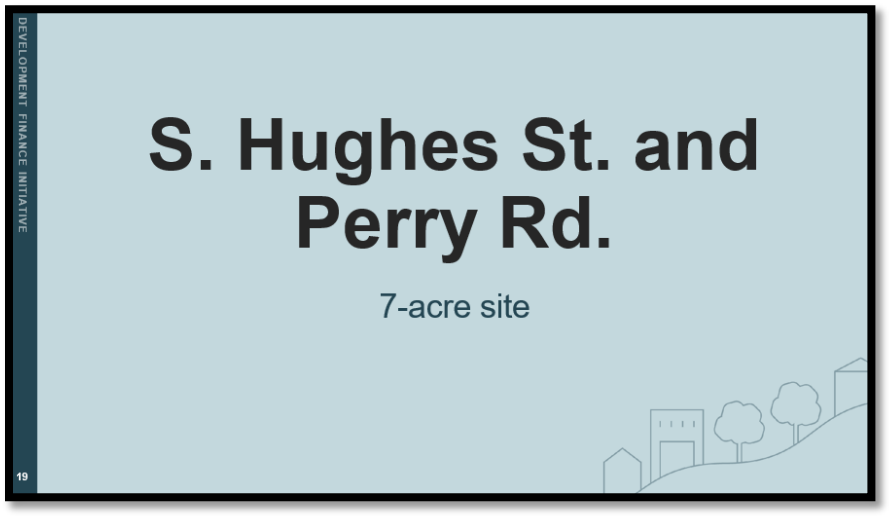
Interim Town Manager Purvis said the direction was to expand the fire department on that site.

Director Newman said there was also consideration about administration being at that site which would require some additional development.

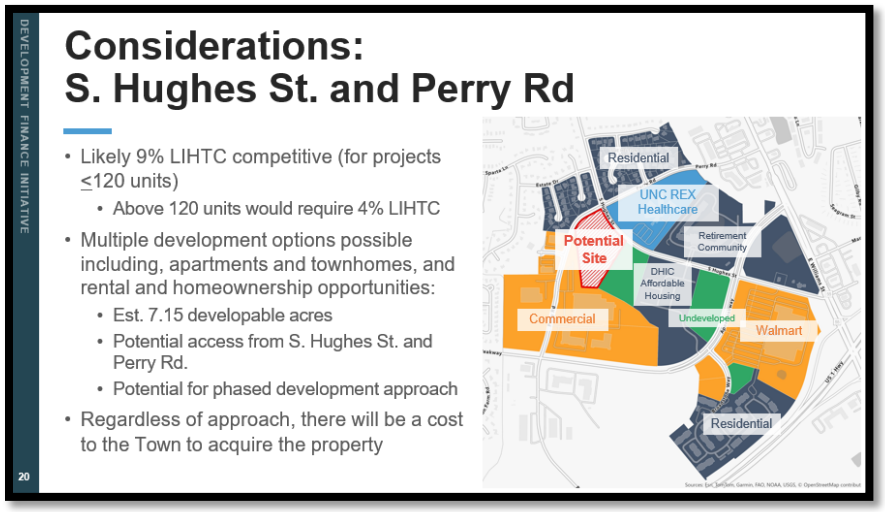
Mayor Pro-Tempore Gray asked about property acquisition and what it looks like from a purchase perspective.

Director Newman said a number of parcels were looked at over a few months period of time. She said when they see a parcel, it ends up selling fast. She said its been challenging, but she hopes to have other conversations later about other opportunities. She said this one parcel is a good one for us if council chooses.

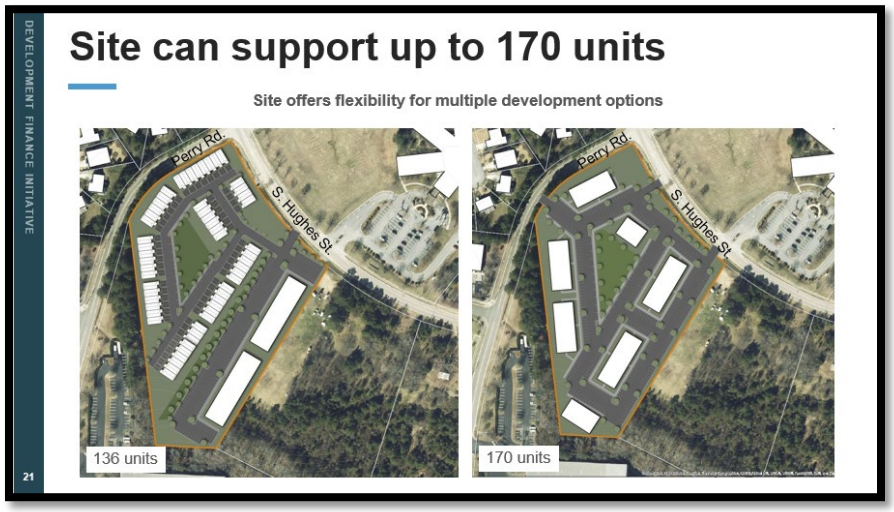
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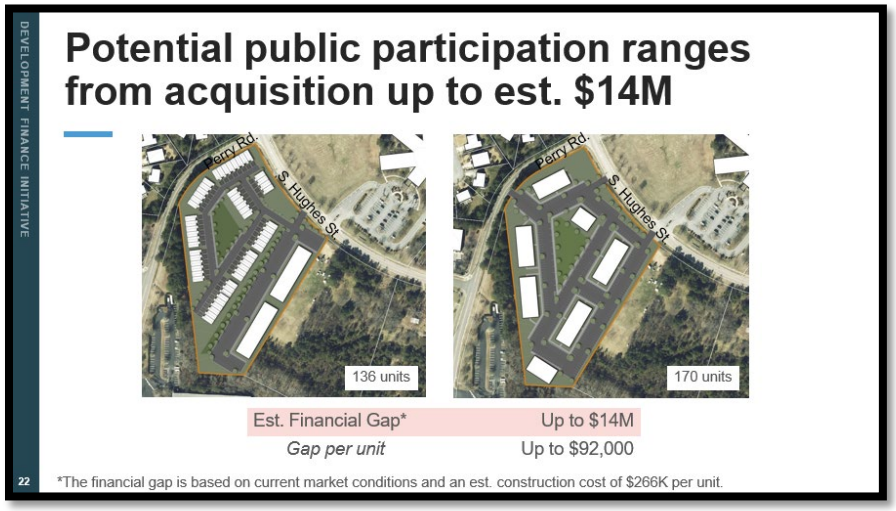
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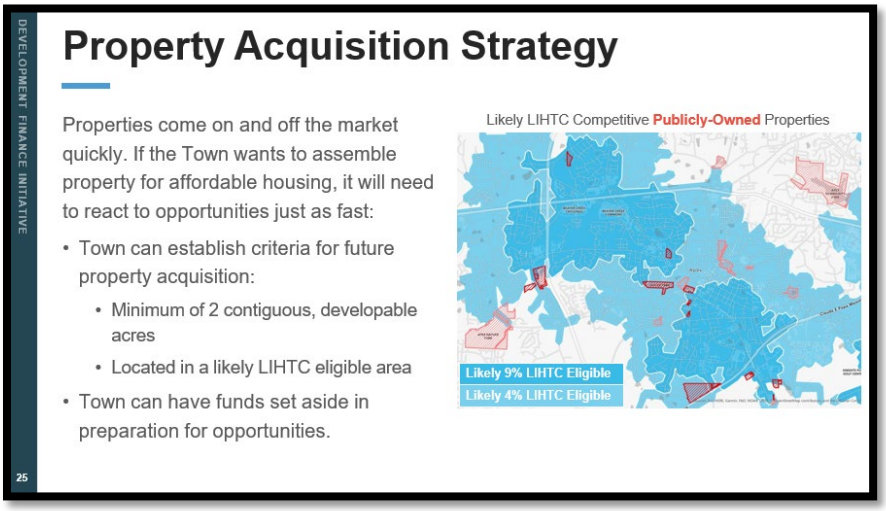
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[SLIDE-24]



[SLIDE-25]



[SLIDE-26]



Councilmember Gantt asked is there a way to make a guess on what the LIHTC map will look like in 5 years.

Director Newman said that's a part of why the affordable housing plan was updated. She said the updates include an acquisition strategy so the town doesn't have to look down the road and question the development process.

Assistant Town Manager John asked how does the census track area impact the town if we go further outward.

Ms. Turner said the next step would to look at a map and identify what areas are eligible for LIHTC.

Councilmember Killingsworth said specifically toward Sweetwater area as that develops as their plan was grocery store and urgent care type of set up so that could also open that quarter up a little bit.

Councilmember Gantt asked it would be difficult but would partial properties that could be combined with one to get over the 2-acre mount could be viable.

Director Newman said yes, being able to find those opportunities and replat it as one parcel.

Assistant Town Manager John said one thing about Finance State Housing agencies is for a place like Apex, we would need to get creative with development.

Councilmember Mahaffey asked about where we are with Apex being its own entitlement community.

Director Newman said she has a virtual meeting scheduled on Thursday afternoon with HUD to talk about the Towns potential eligibility.

Councilmember Mahaffey said he thinks the town is large enough to do a more effective job. He asked is the staff looking fir direction from Council today or just talking. He said it would be awesome to make a move but some additional questions regarding number of unites with rentals or home ownership opportunities.

Assistant Town Manager John said we would need to table the discussion around real estate since that's done in closed session.

Councilmember Gantt said the rentals are pretty similar across Wake County but the home values were a wide range. He said he would suggest to go with rentals so the Towns not skewed too high on comparison.

Councilmember Mahaffey said he agrees. He said the rental market has also got out of control the pack couple of years. He said the interest rates for mortgages today is outrageous. He said his prospective is to focus on rental units in the short term and try to get those online and then eventually moving up to home ownership.

Director Newman said staff has been in discussion about future development regarding long term conversations when the town has other developments that are looking to be rezoned, she asked how much should the town inquire in terms of investment for affordable unites that makes sense for the town. She said those conversations are being brought to HAB in the next few months.

Assistant Town Manager John said that also includes conversations with developers who are interested in building communities here in Apex.

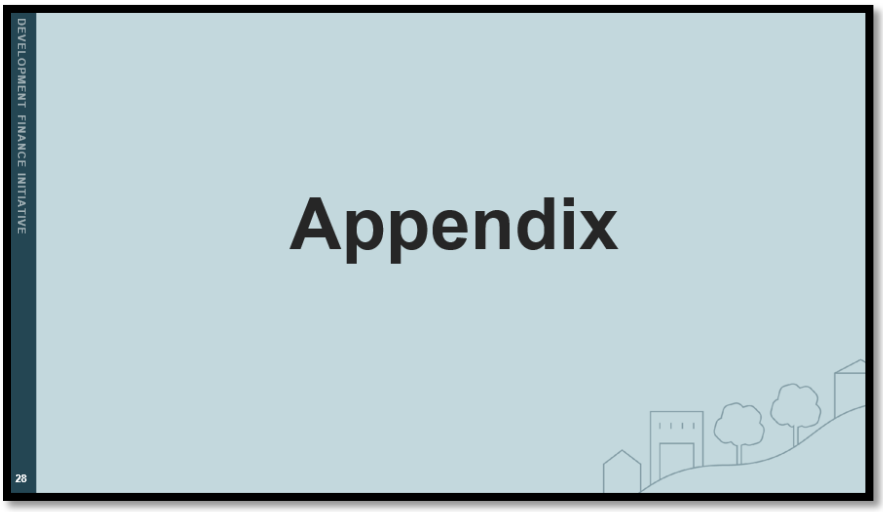
Director Newman said one of the things she's focused on is having a developer workshop and bring these developers into the room and have those conversations.

Assistant Town Manager said she's talking about those individuals who are above the 80% area median income when it comes to purchasing those homes.

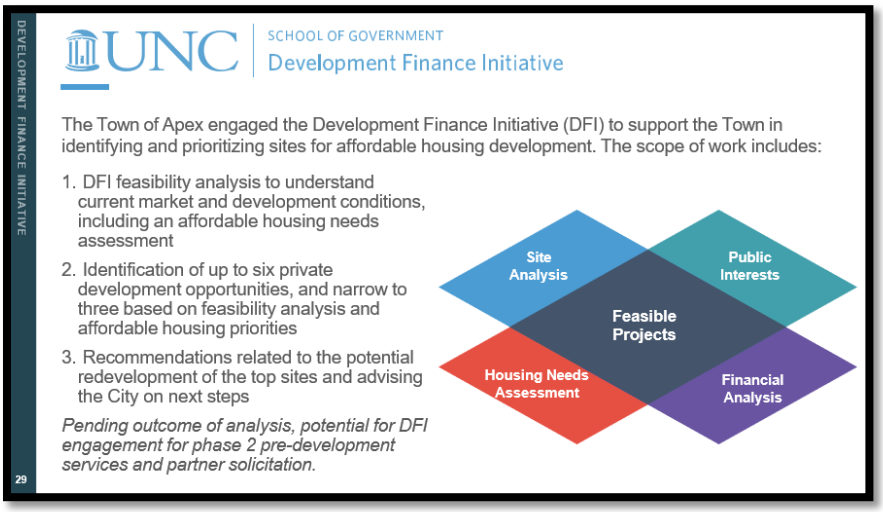
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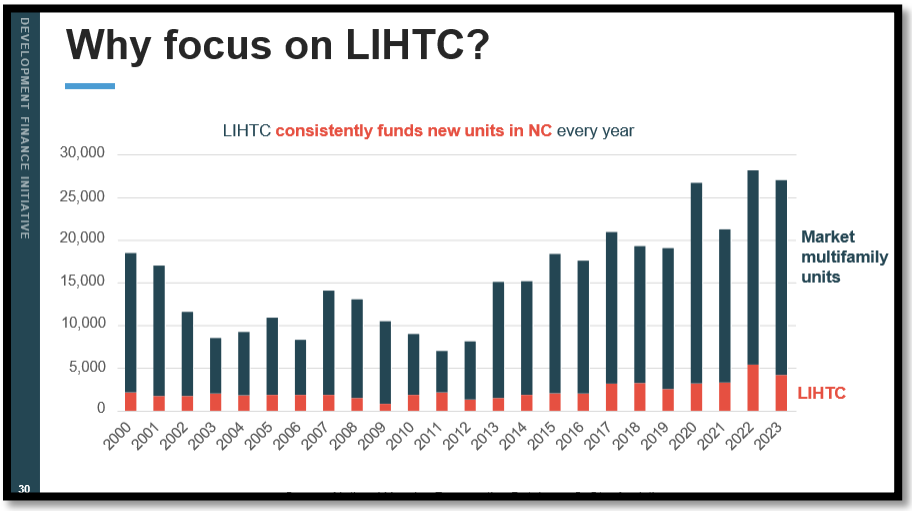
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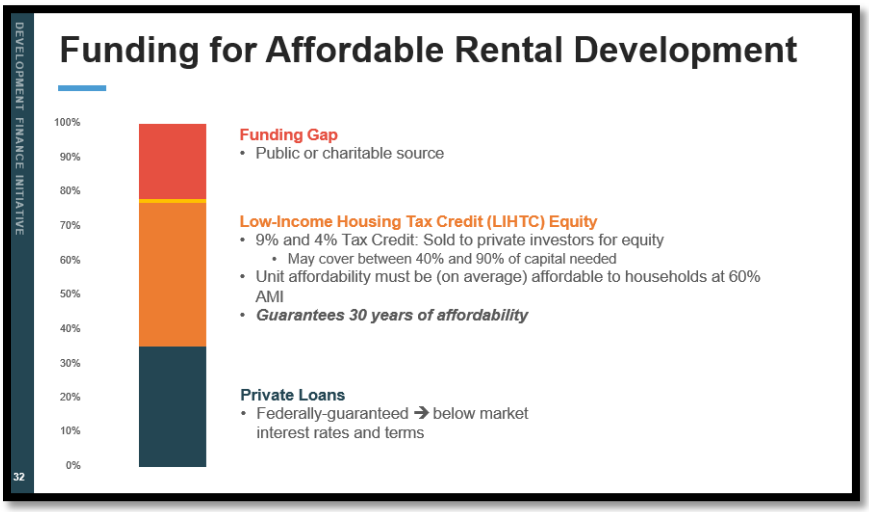
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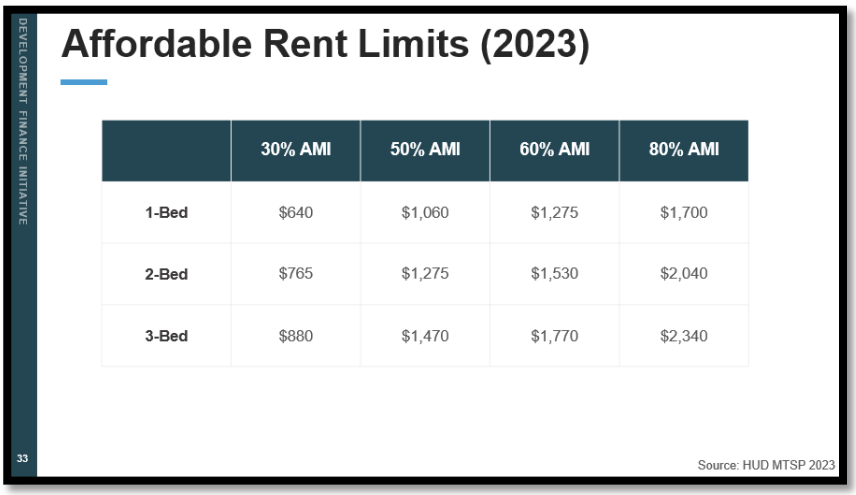
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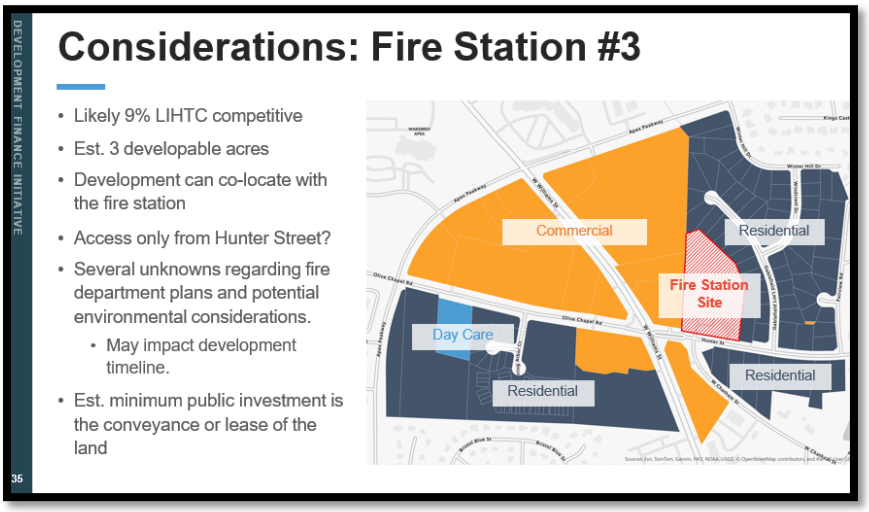
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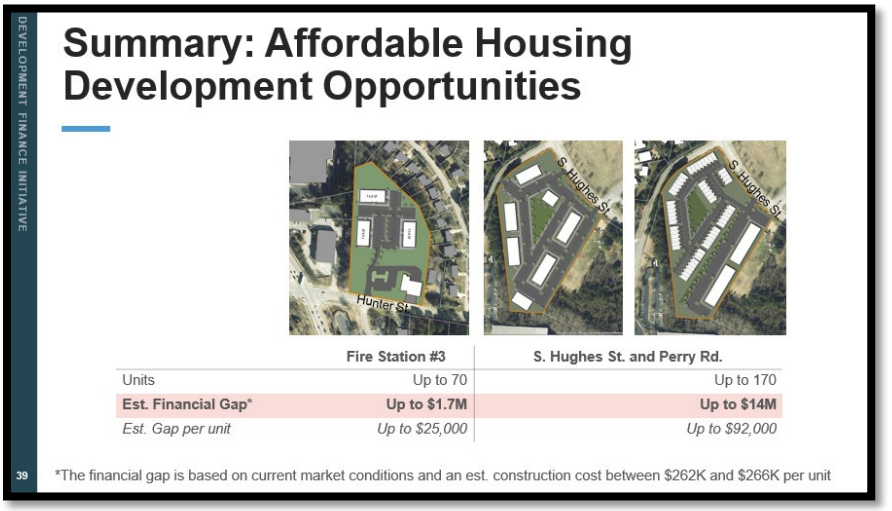
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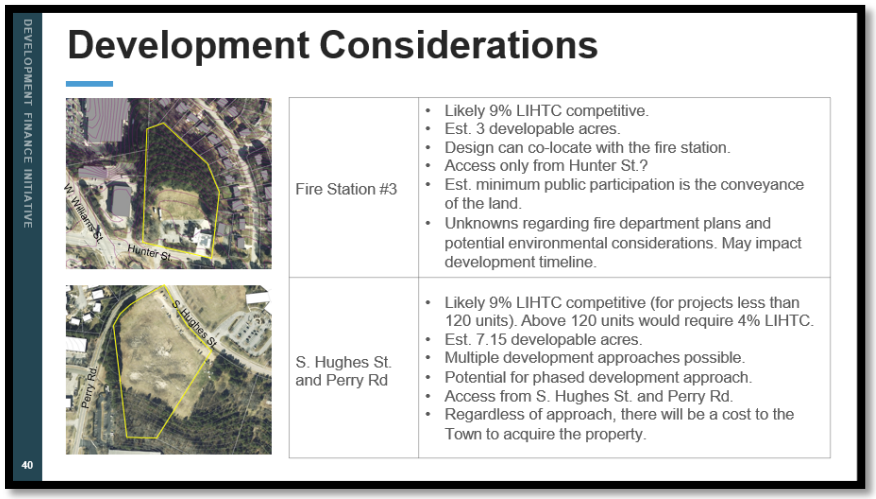
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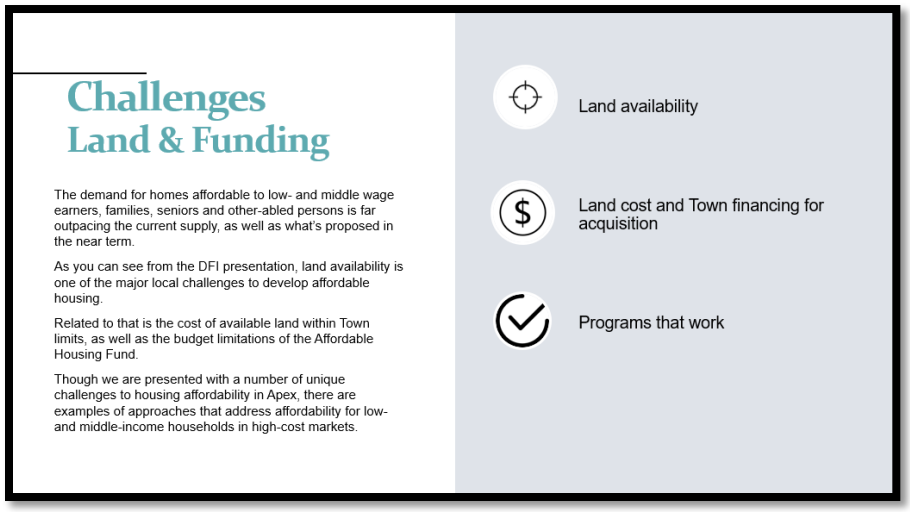


[SLIDE-40]



Lamont Taylor, Housing Program Manager, spoke on funding and what the next steps look like for Housing Affordability.

[SLIDE-1]



[SLIDE-2]



Councilmember Gantt asked has there been discussions of land use and zoning interaction with this.

Director Newman said not with Housing.

Assistant Town Manager John said we want that, though.

Mayor Pro-Tempore Gray said he thinks it's a necessary conversation to have as were looking. He said one of his concerns is as the Town grows further and further westward and the southward and going into the rural residential kind of location, he said it doesn't seem to make sense talk to developers about low-income affordable housing when it seems like were saddling somebody with debt. He said he doesn't like to give away that line from the Town's standpoint. He said he likes the idea of going back and figuring out what's the right mix. He said, is it Housing dollars or asking for more dollars.

Assistant Town Manager John said something to think about is how the Town defines "affordable" and where the income ranges live.

Mayor Pro-Tempore Gray said he feels the affordable action is a sliding scale. He said it's got to encompass those residents who are already here in Apex. He suggested having a range of incomes.

Director Newman said we have a range of people with range of needs. She said she wants to make sure that the town serves that entire range. She said possible partnerships with Wake County's Housing Authority which targets certain income ranges.

Assistant Town Manager John said there is even more discussions to come on the manufactured home community.

Director Newman said she's had conversations with Habitat for Humanity with a grant opportunity for the manufactured home community called the preservation and reinvestment inactive for community enhancement.

Councilmember Gantt asked how are the conversations being made when Garner's affordability units may be half the price of Apex's units.

Director Newman said it's a about what Apex brings to the table, and Apex is trying to be diverse in multiple ways to meet the needs of everyone in Apex.

Councilmember Gantt asked if they are going to talk to the Wake County Staff and to share with Council their talking points so maybe that can be shared to the County Commissioners as well.

Councilmember Killingsworth said everyone's having to deal with the affordable housing conversation. She said putting it out there to everyone is going to be helpful when it comes to doing community surveys on all this information. She said she hopes to keep going with these partnerships as its beneficial in so many ways whether to the Town or to development community.

Mayor Gilbert said he has three quick questions. He said he's happy to hear about the extended resources and asked are there an additional process that will be put in place for people who are being displaced or about to be put out of their homes. He asked is there an opportunity to increase funding for our partners to keep people in their homes and he said Western Wake Ministries is one and asked has that been considered.

Director Newman said funding for nonprofit organizations is handled in another part of operations in city government and not within our office. She said the towns ability to provide these resources is constrained. She said its more effective for the town to support these organizations and partnerships in the community.

Mayor Gilbert asked about the latest project Abby Springs 84-unit project.

Director Newman said there is a gap they are trying to close and they've been working closely with Wake County on Abby Springs. She said there are some sources they have considered and she wants to get back to the table and do more outreach to Evergreen Construction. She said they had to go back and rework their numbers and discussing some of the additional sources that can help them.

Mayor Gilbert said he was curious with Wake County Economic Development if they discuss housing in their conversations.

Director Newman said they do in some instances. She said its also important for the local community to push a conversation about that.

Assistant Town Manager John said it also depends on if it aligns with the affordable housing goals.

Councilmember Killingsworth asked does Council want to call for a Closed Session on discussion that was talked about earlier.

Town Attorney Lohe said it would be for the purpose of property acquisition.

Mayor Gilbert said there is a property on the table.

[CLOSED SESSION]

A **motion** was made by **Councilmember Killingsworth,** seconded by **Councilmember Mahaffey,** to enter into Closed Session pursuant to NCGS § 143-318.11(a)(5).

VOTE: UNANIMOUS (5-0)

Council entered into Closed Session at **5:18 p.m.**

CS1 Marla Newman, Community Development and Neighborhood Connections Director

NCGS § 143-318.11(a)(5)

"To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease."

Council returned to open session at **5:42 p.m.**

[ADJOURNMENT]

Mayor Gilbert thanked everyone and declared the meeting adjourned at **5:42 p.m.**

Jacques K. Gilbert
Apex, Mayor

Allen Coleman, CMC, NCCCC
Apex, Town Clerk

Submitted for approval by Apex Town Clerk Allen Coleman.

Minutes approved on 14th of May, 2024 (CN7).

APPROVED

TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, APRIL 23, 2024
6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, April 23, 2024 at 6:00 PM in the Council Chambers at Apex Town Hall, located at 73 Hunter Street in Apex, North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel. The recording of this meeting can be viewed here:
https://www.youtube.com/watch?v=8Simz0Dtyv4

[ATTENDANCE]

Elected Body
Mayor Jacques K. Gilbert (presiding)
Mayor Pro Tempore Ed Gray
Councilmember Audra Killingsworth
Councilmember Terry Mahaffey
Councilmember Arno Zegerman
Councilmember Brett Gantt

Town Staff
Town Manager Randy Vosburg
Deputy Town Manager Shawn Purvis
Assistant Town Manager Marty Stone
Town Attorney Laurie Hohe
Town Clerk Allen Coleman
Deputy Town Clerk Ashley Gentry
Planning Director Dianne Khin
All other staff members will be identified appropriately below

[COMMENCMENT]

Mayor Gilbert called the meeting to order and welcomed all who were in attendance and watching on stream. He then said the invocation would be delivered by Gudika Jenn from Radha Krishna Temple located in Apex, NC.

Gudika Jenn thanked Mayor Gilbert for the opportunity to speak. She gave a description of the Temple. She spoke about how it was founded and the teachings of Swami Mukundan Nanji, the founder. She said the object of the temple was to connect with divine and to develop and have faith and believe in God. Ms. Jenn said it was also for nurturing and nourishing young minds. Ms. Jenn said it gave information about how it was for middle schoolers and high schoolers and that there was leadership and communication to develop programs, and to prepare them for the future ahead. She said that the object was to come and show that and inspire others and encourage other people and children so that everyone can reach their best version of themselves. She said that the Temple offers a beautiful platform for everyone. She shared a message from the book "The Art and Science of Happiness" written by Swami Mukundi. She thanked everyone and said she appreciated the opportunity and looked forward to attending more of these forums so that she could take inspiration and could continue a journey of becoming a better person.

Mayor Gilbert then led those in attendance in the Pledge of Allegiance.

[CONSENT AGENDA]

A **motion** was made by **Councilmember Zegerman** to approve the Consent Agenda with the continuation of Consent Item 10 be moved to Old Business 1.

VOTE: UNANIMOUS (5-0)

Mayor Gilbert requested that this item be heard before moving to presentations.

CN1 Agreement - University of North Carolina at Chapel Hill School of Government Services (SOG Services) - Benchmarking Project – April 23, 2024 through December 31, 2026 (REF: CONT-2024-100)

Council voted to approve an agreement between School of Government Services (SOG Services) and the Town of Apex, for participation in the NC Benchmarking Project, effective April 23, 2024 through December 31, 2026, and to authorize the Town Manager to execute on behalf of the Town.

CN2 Agreement Amendment - Wake County, Town of Cary, and Town of Apex - Co-Locating Communication Equipment - Western Wake Regional Water Reclamation Facility (REF: CONT-2024-101)

Council voted to approve an agreement for First Amendment of Ground Lease between the Town of Cary and Town of Apex and Wake County, for co-locating communication equipment on an existing radio tower at the Western Wake Regional Reclamation Facility, and to authorize the Mayor to execute on behalf of the Town.

CN3 Annual Operating Budget FY2024-2025 – 2nd Public Hearing – Tuesday, May 14, 2024 – Set Public Hearing

Council voted to schedule a second budget public hearing for May 14, 2024 on the Annual Operating Budget including expenditures for Economic Development (pursuant to NCGS 158-7.1) for fiscal year 2024-2025.

CN4 Budget Ordinance Amendment No. 15 - Electric System Expansion (REF: ORD-2024-029)

Council voted to approve Budget Ordinance Amendment 15 allocating additional funds for the expansion of Apex's electric utility distribution system.

CN5 Capital Project Ordinance No. 2024-14 - Active Capital Project Allocations (REF: ORD-2024-030)

Council voted to approve Capital Project Ordinance Amendment No. 2024-14 appropriating funds already in capital project funds to active projects.

CN6 Capital Project Ordinance Amendment 2024-15 and 2024-16 - ARPA Project Funding Allocations (REF: ORD-2024-031 and ORD-2024-032)

Council voted to adopt Capital Project Ordinance Amendment(s) No. 2024-15 and 2024-16 to allocate ARPA funds for identified projects.

CN7 Capital Project Ordinance Amendment No. 2024-17 - Beaver Creek Greenway Project (REF: ORD-2024-033)

Council voted to approve Capital Project Ordinance Amendment 2024-17 appropriating an additional $3,632,629 in federal grant funds and interest earnings for the Beaver Creek Greenway Project.

CN8 Fee-in-Lieu (FIL) of Land Dedication - The Preserve on Holt

Council voted to approve a Fee-in-lieu (FIL) of land dedication, a public greenway easement, being offered by the applicant for a southern portion of the site to allow further design of the greenway alignment to tie into the existing greenway easement on the adjacent property provided by the Courtyard on Holt.

CN9 Rezoning Case No. 24CZ01 – Veridea Expansion 2 – Statement and Ordinance (REF: ORD-2024-034)

Council voted to approve the Statement of the Town Council and Ordinance for Rezoning Application No. 24CZ01, Todd Rechler, RXR Realty, petitioner, for the property located at 0 E Williams Street (PIN 0740992164).

~~**CN10 Rezoning Case No. 22CZ27 – Center City Townhomes – Statement of Denial**~~

This item was pulled from the Consent Agenda, per Council vote.

[OLD BUSINESS]

OB1 Rezoning Case No. 22CZ27 – Center City Townhomes – Statement of Denial

Councilmember Zegerman said he would like to give the applicant an extension to consider their feedback on this item from the last public hearing and incorporate it into their zoning. He said he would like to give a 60-day extension, make a motion to reconsider, and set the Public Hearing for the June 25th meeting.

A **motion** was made by **Councilmember Zegerman,** seconded by **Councilmember Killingsworth,** to reconsider Council's vote on Rezoning No. 22CZ27 – Center City Townhomes, made at the April 9th, 2024 Regular Town Council Meeting.

VOTE: UNANIMOUS (5-0)

A **motion** was made by **Councilmember Zegerman,** seconded by **Councilmember Killingsworth,** to set the Public Hearing for this item for the June 25th, 2024 Regular Town Council Meeting.

VOTE: UNANIMOUS (5-0)

[PRESENTATIONS]

PR1 Proclamation - Civilian Law Enforcement Professionals Week 2024 - April 21 through April 27, 2024 (REF: PRO-2024-010)

Mayor Gilbert, along with the rest of Town Council, read the Civilian Law Enforcement Professionals Week 2024 proclamation. He thanked Chief Armstrong and his Department for all their hard work. He invited Chief Armstrong and the members from the Apex Police Department to receive the Proclamation and to take a picture.

Chief Armstrong, along with other members of the Apex Police Department accepted the proclamation. He thanked the Mayor and Councilmembers for supporting the effort and recognizing the amazing work that Apex Police Department does. Apex is the only Police Department that he is aware of in the Country that recognizes the professional staff with a Proclamation such as this. He said that this was added a couple of years ago because they saw a void where they weren't paying the honor and the respect to the organization for the work that their professional staff do. He said he was grateful and thanked the Council.

PR2 Proclamation - Small Business Week 2024 - April 28 through May 4, 2024 (REF: PRO-2024-011)

Mayor Gilbert along with the rest of Town Council read the Small Business Week 2024. He invited Colleen Merays and Apex Small Business Owners in attendance to receive the Proclamation, to be recognized and take a picture.

PR3 Proclamation - Think Apex Day 2024 - Saturday, April 27, 2024 (REF: PRO-2024-012)

Mayor Gilbert along with the rest of the Town Council read Think Apex Day 2024. Mayor Gilbert invited Think Apex members or volunteers to receive the Proclamation and for a picture. He recognized Barbara Belicic, Small Business Specialist for all the work she has done with the Think Apex Awards.

PR4 Town of Apex Language Access Plan (LAP) (REF: PLCY-2024-003)

Mayor Gilbert introduced Linda Jones, Director of the Diversity, Equity, and Inclusion Department, and Celeste Sherer, Coordinator, Diversity, Equity, and Inclusion Department.

Director Jones presented a packet to the Councilmembers of the Language Access Collaborative Process and Scope of Work Plan and the findings and implementation action items. She also recognized other staff members. She asked that the Council consider approving the language of the access plan. She also asked to provide an update at the 2025 Council retreat.

Celeste Sherer, Diversity Equity and Inclusion Coordinator presented the proposed Language Access Plan. She outlined the proposed implementation and proposed action items for Councilmembers.

[LAP – SLIDE 1]



[LAP – SLIDE 2]



[LAP – SLIDE 3]



[LAP – SLIDE 4]



[LAP – SLIDE 5]



[LAP – SLIDE 6]

Why Language Access?

The Language Access Plan (LAP) of the Town of Apex represents a proactive and strategic framework aimed at providing accessible services with an intentional focus on language equity.

Language Spoken at Home:
Among residents of Apex aged 5 years and older, **19%** (11,988 individuals) reported speaking languages other than English. Among those who reported speaking a language other than English at home, **4.2%** (2,562 individuals) indicated that their speaking ability was "less than very well,". Over the past decade residents who reported speaking a language other than English has increased from **13.6%** (4,659) to **19.5%** (11,988).

Table. 1 Language Spoken at home by Apex residents

Languages	Population Estimate	Percent
Total Population 2022 *(5 years of age and older)*	61, 462	
Speak only English	49, 474	80.5%
Speak languages other than English	11, 988	19.5%
Speak English less than "very well" (LEP)	**2562**	**4.2%**

Source: ACS 2022(5 Year Estimates), Table S1601

[LAP – SLIDE 7]

Legal Requirements:

Federal Requirement	Summary of Language Access-related Requirements
Title VI of Civil Rights Act of 1964 and Executive Order 13166 (2000)	Recipients of federal funding: Failure to provide meaningful access to LEP persons can constitute national origin discrimination.
Affordable Care Act (2010) Section 1557	Covered health entities: Must post taglines informing LEP public of availability of free language services in top 15 languages spoken by LEP individuals in the state.
Stafford Act	Emergency management: Administrator of FEMA required to lead efforts to prevent discrimination against LEP individuals in emergency management and assistance.
Americans with Disabilities Act	All federal, state, and local government programs: Requires reasonable steps be taken to offer comparable access for members of public with disabilities to a public entity's services, programs, and activities.
Section 504 of Rehabilitation Act of 1973	Recipients of federal funding: Requires those programs to provide accommodations to people with disabilities when necessary to ensure effective communication.

[LAP – SLIDE 8]

Language Data

Language and English-Speaking Ability	Population Estimate	Percent
Spanish	5445	9.99%
Speaks English "very well"	3786	6.95%
(LEP) Speaks English less than "very well"	**1659**	**3.04%**
Chinese (including Mandarin)	3215	5.90%
Speaks English "very well"	2039	3.74%
(LEP) Speaks English less that "very well"	**1176**	**2.15%**
Telugu	2869	5.27%
Speaks English "very well"	2477	4.49%
(LEP) Speak English less than "very well	**392**	**.72%**
Russian	1027	1.88%
Speaks English "very well"	735	1.34%
(LEP) Speaks English less than "very well"	**292**	.53%
Hindi	1998	3.66%
Speaks English "very well"	1736	3.19%
(LEP) Speaks English less than "very well	**262**	.48%
*The highlighted sections indicate the Limited English Proficiency (LEP) languages that necessitate a review of Safe Harbor parameters.		

[LAP – SLIDE 9]

Factors and Assessment

Factors	Town of Apex
# or proportion of LEP Individuals in the community	**19%** (11,988) or residents speak a languages other than English **4.2 %** (2,562) of residents are LEP
Frequency of Contact with LEP Community	Department Frequency
Nature of Importance of Services	The Town provides essential services which include public safety services
Resources Available	To evaluate the Town conducted research to identify the elements necessary for the delivery of proficient and accurate language assistance
Identified Strategic Languages	The Town of Apex has employed the Department of Justice's safe harbor threshold, which is defined as 5% or 1,000 individuals, whichever is less, to determine the requirement for translation services . Upon reviewing the data , the Town of Apex is committed to translating essential documents into both Spanish and Chinese. Further assessment is required to determine whether documents should undergo translation into Traditional Chinese or Simplified Chinese

[LAP – SLIDE 10]

Needs Assessment: Survey Findings

Internal Language Capacity Assessment:

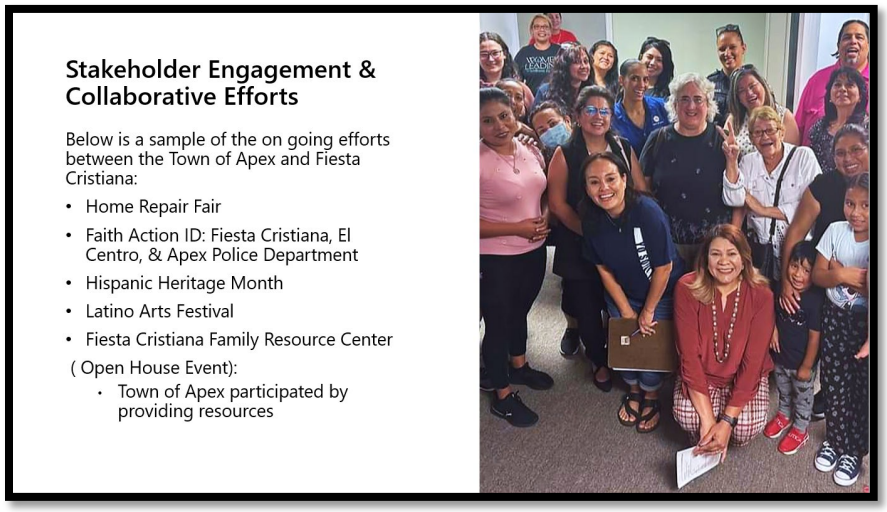
- Eight departments reported "often" interactions with LEP residents who have the preferred languages of: **Spanish, Hindi, Chinese and Russian**
- Seventeen departments reported "occasional" interactions with the previously identified preferred languages in addition to Vietnamese
- Seven departments mentioned using bilingual employees to translate and interpret materials which is not required by their job responsibility and they are currently not compensated for this added responsibility
- Multiple departments receive funds dedicated towards language assistance: utilize telephonic translation services
- Notable challenges reported in regards to accuracy of digital translations along with potential technological barriers

The Language Assistance line of the Police Department was also examined, revealing the following insights:

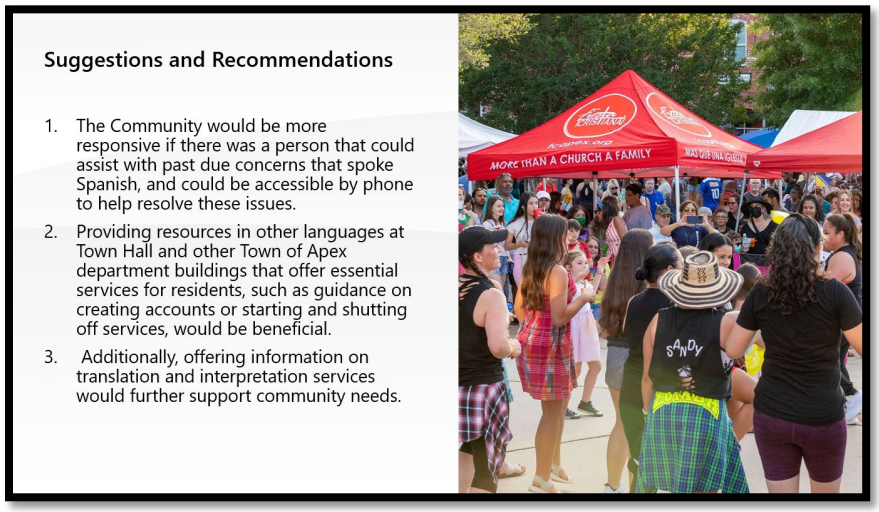
- Over the past decade, Spanish dominated language requests, accounting for 82.6% of all calls seeking Language Assistance.



[LAP – SLIDE 11]



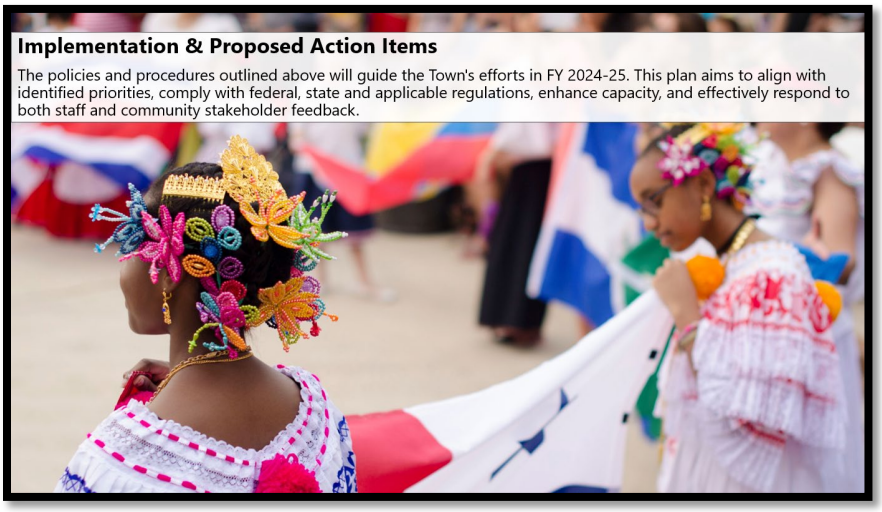
[LAP – SLIDE 12]



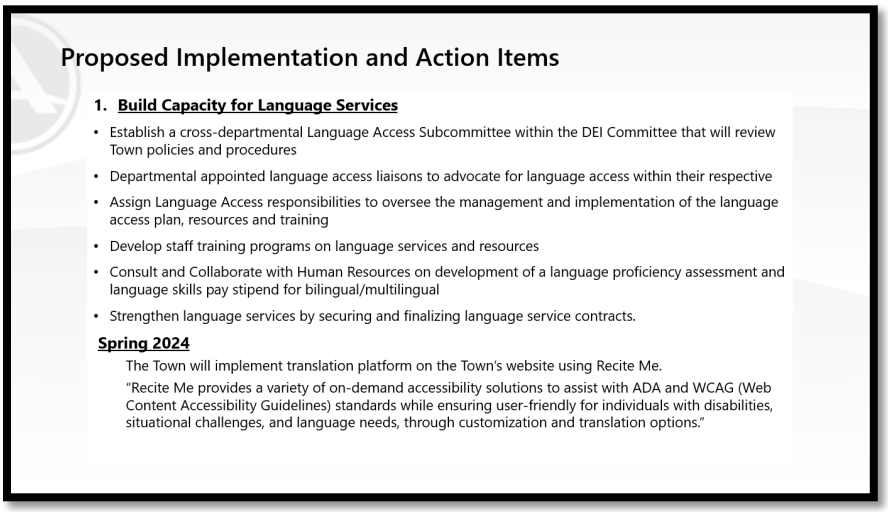
[LAP – SLIDE 13]



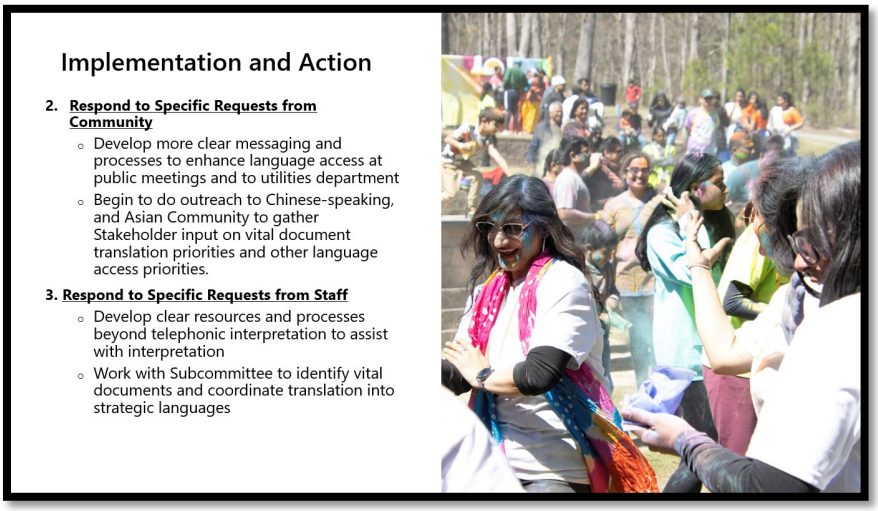
[LAP – SLIDE 14]



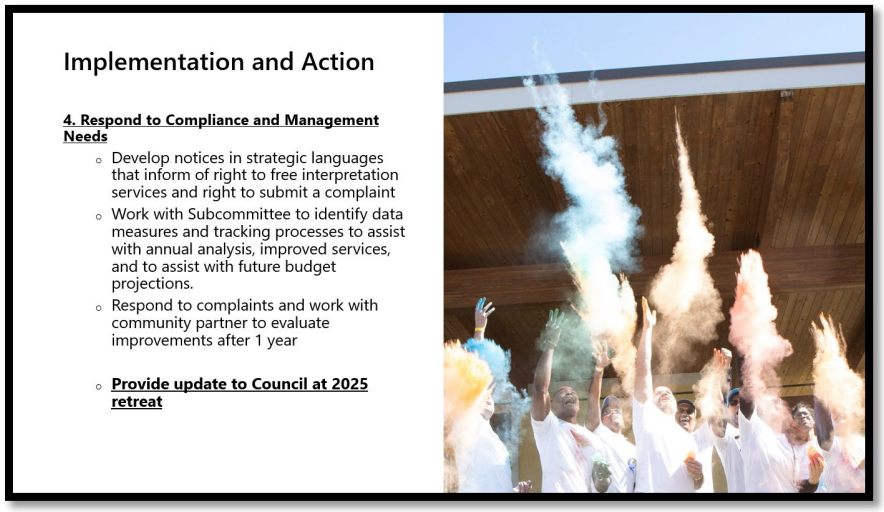
[LAP – SLIDE 15]



[LAP – SLIDE 16]



[LAP – SLIDE 17]



[LAP – SLIDE 18]



Mayor Gilbert thanked Ms. Sherer.

Mayor Pro Tempore Gray said this is a great effort and a good step forward. He said this will allow for better access to the services that are provided, and that it is absolutely necessary. He thanked the DEI Staff, and said he is proud to have them here.

Councilmember Zegerman said it was a great thing that the town was very diverse. He thanked the DEI Staff for getting them to this point and said he was looking forward to seeing implementation plan.

Councilmember Mahaffey asked about plans for language access for Town Council meetings and making them more accessible with translation services.

Director Jones said that part of the implementation process is to identify those particular gaps and the type of equipment that is needed and would be working the Allen Coleman, the Town Clerk to streamline that process.

Councilmember Mahaffey also asked how sign language would be integrated into the plan.

Susan Clifford, Building Integrated Communities Staff Member, said that they were recommending and encouraging language access and coordination. Also, she talked about resources that would be incorporated under the language access services with compliance being taken into consideration.

Mayor Gilbert thanked them for all of the work they did.

A **motion** was made by **Councilmember Zegerman,** seconded by **Mayor Pro-Tempore Gray** approve the Town of Apex Language Access Plan.

VOTE: UNANIMOUS (5-0)

[REGULAR MEETING AGENDA]

A **motion** was made by **Councilmember Gantt,** seconded by **Councilmember Killingsworth,** to approve the Regular Meeting Agenda with an added Closed Session Item pursuant to NCGS § 143-318.11(a)(3).

VOTE: UNANIMOUS (5-0)

[PUBLIC FORUM]

First to speak was **Elizabeth Stitt** of 3113 Friendship Road:

"Mayor, Town Council, good evening. On behalf of the Friendship Community. I would like to extend a warm welcome to the new Town Manager, Mr. Vosburg, welcome, we look forward to getting to know you. We also want to thank Shawn Purvis for his time, we tried not to wear him down too much while he was serving as Interim Manager, but we do want to say thank you as well. Segway into other thank you's, as I was very excited Friday when the budget was posted online. You know what I was looking for, I did see the funding for the improvements to Friendship Road intersection, it does go a long way to helping the congestion in our area, but we have a little more work to do. Because even with the turn lanes that you put in; it is not going to flow properly without the signal, and I understand right now that currently we don't have funding for the signal portion, so I'm trying to figure out how much money that is and then I'm going to start campaigning to go find that money, as you guys well know. I plan to hit Holly Springs up, and plan to hit D.O.T., but if there's some other non-traditional sources that you need my community and I to go campaign for some money, let me know. I'm glad to have the opportunity to do that. In the short term, however, if we could have a traffic officer. We have looked at how we have reduced the time that we would need someone, and we have 2 one-hour windows from 7:00 a.m. to 8:00 a.m. in the morning and then from 5:00 p.m. to 6:00 p.m. in the evenings, it would go a long way because what's happening today is

obviously there's a lot of people playing the game of chicken, darting into the traffic. We're having more accidents. We did talk to D.O.T, and they are going to get us the latest figures for the last 12 to 18 months because there have been many more of those. We're having some road rage, we're having people getting frustrated, they're honking their horns a lot more. They're doing some crazy cut throughs, it's just getting to a point where we need something to bring the temperature down. Every time we have an accident, we do see that a police officer stays or checks at the next couple of days and it's a whole lot better and that's why we're asking for a traffic officer for one hour in the morning and one hour in the afternoon and that's it for tonight. Thank you very much, appreciate it."

Mayor Gilbert thanked Ms. Stitt

Next to speak was **Dawn Cozzalino** of 3632 Bosco Road:

"Good evening everyone, as you heard from Elizabeth I'm also very excited about the funding for this intersection of Friendship and old US One for the turning lanes and it's a big step, it's not all the way, but it's a big step to improving the traffic. Folks listening, watching tonight, you may know this intersection, it's a stop sign onto a two-way traffic, east and west, and it just backs up and causes a lot of stress, causes a lot of dangerous driving, it's almost like you have to be, you know, SpaceX to kind of jump out onto the highway. Shouldn't be that way, right, we can do better with that intersection, and there has been an uptick in accidents as well. And the D.O.T has been a great partner. I worked with them for a traffic study actually, or safety study I should call it, for Bosco Road that is also a very dangerous, like there is not visibility, it's on a hill, and with their partnership getting this safety information and partnering and collaborating with them, we were able to get those orange intersection warning signs, because people I don't even think were aware that was a road and folks live out on that road, so there's a lot that we've been doing you know ourselves, but you know just asking that you guys work as well with some of the solutions, recommendations for a traffic cop. There was also something I thought might be interesting, it's a little techy but at the Chatham Vinfast Site, if you're familiar, they've been building out there. It's on a very curvy road. They had these freestanding traffic lights, and they were metering without a person at all, they were metering with red and green lights, the traffic on a closed lane which I thought was pretty impressive. I don't how the tech worked, I'm not going to pretend to know how the tech worked, but it's just another thought or an idea about until we get to that point where we have the traffic light, we have the metering, we have the extra lanes and we can, you know, allow people to drive and understand the rules of the road and not feel stressed, not feel compelled to be frustrated and angry and so I ask that we just look into different solutions and we're going to keep working with D.O.T. and on our end and supporting this effort. It's very important for people's welfare and for everybody's peace in these times, so thank you very much and God bless."

Mayor Gilbert thanked Ms. Cozzalino

Next to speak was **Danya Dahbour** of 410 James Street:

"My name is Danya, I'm a Palestinian American born and raised in North Carolina. I stand before you today expelled from stolen land on stolen land. Because there is a strip of land smaller than Raleigh, it is densely populated by 2.1 million native Palestinians, 50% children living under years of oppression, occupation, and siege. This land in the last 37 days has been turned into a demolition site by USA-backed Israel. It's become an assortment of body parts of the dead, innocent. Palestinian men, women, and children, a 99.5% civilian death toll. Dead doctors, dead journalists, dead staff members, dead NICU infants, remnants of native people's homes, hospitals, churches, schools, any and everything turned to rubble. A melting pot, the American dream. We have stood idly by as Israel publishes lies blindly endorsed by the President of the United States, the same United States that was built on the backs of indigenous people, nurtured by the Africans that were brought here in slavery. The same President who is sending 14.3 billion of my Palestinian-American tax dollars to fund the extermination of my lineage in Palestine. Is your pedestal obstructing your view of these atrocities because your children don't look like these children? Are you just pretending that you're not watching a genocide happen on your phone? I see myself in these children, I see my parents, I see my siblings, my nephews, my cousins, I see my family. I don't have the privilege of disassociating from the Palestinians who are being wiped off the earth. We could have spared the lives of more than 5,000 children if our leaders listened to the millions of people across the globe urging for a ceasefire. I gave this speech on November 23rd of 2023. I'm here today, almost 7 months later, and today marks 200 days of genocide and Gaza has become more than a demolition site, in the last 200 days it has become a haunting place made up of your worst nightmares. It is overtaken by famine, anguish for lost loved ones, stories of unspeakable atrocities and desperation to end genocide, the 14,000 children dead today could have been spared by a ceasefire 7 months ago and now the President has sent 26 billion of my Palestinian-American tax dollars to fund Israel's crimes. It is unbelievable that I have been forced to find creative ways to say genocide is bad. I grew up on James Street, I will pass by my house today after I leave here and reminisce on my childhood and when the people of Gaza pass their childhood homes, there is nothing there except dust and their dead family members, please pass a ceasefire."

Mayor Gilbert thanked Ms. Dahbour

Next to speak was Ms. **Alexis Kennedy** of 106 Buckhaven Court:

"Good evening Councilmembers. I have a few things that I would like to address which involved the incident during mine and Lama's speech last meeting. Lama, a young, intelligent Palestinian woman was speaking about the atrocities that were being committed against her family and her people. It took great courage for her to speak about her personal trauma, personal trauma that is being spread via Instagram, TikTok and Twitter on live stream for the

whole world to witness. It took courage for Lama to come up here to speak for her people and her family. Her speech was a mere 4 and ½ minutes. The Zionist that was sitting directly behind her could not even handle that, and had to shuffle his papers and toss them around, throw up graphs and pictures to distract her and intimidate her, but Lama kept her voice clear and held her poise. What we witnessed is just a tiny glimpse of what Palestinians have to go through on a daily basis, in Gaza and West Bank. With Zionists that even in peaceful protests, they have to aggressively attack. Afterwards, it was the Zionist's time to speak, and we all respected it and listened with no interruptions. At the end of the meeting, it was not enough for the Zionist, he had to come across the way and try to hand us paperwork and we respectfully declined, and he couldn't take no for an answer. Trying to intimidate our group and we were very lucky that we had the Police Department and our Police Chief to protect us and de-escalate the situation, because he was taking no for an answer, and I would like to take a moment and acknowledge both Police Officers that assisted us here in Apex. We are extremely lucky to have a community that protects us, but who is protecting Palestine. I do have to say the Zionist did have a valid point and called out that neither one our speeches called for peace, and I agree, we didn't call for peace. Because peace doesn't mean justice, peace doesn't mean Liberation; you can have peace and injustice at the same time, you can have oppression and peace at the same time. True peace cannot be achieved until oppression is stopped, until the genocide has stopped, until the apartheid has stopped in Palestine. And while we don't have peace at this moment, there is a bountiful amount of love and value of life from the people that are asking for a bare minimum ceasefire. There's a picture in front of you, that is our future, and I would like to take a moment and have the people that are in that picture stand up, so that you know that these are Apex residents that went to Washington, DC to support humanity. If you are wondering what our message means, this picture sums it all up for you. This is who is asking for a ceasefire, this is who is asking for a free Palestine, the people in the picture are looking at their fellow humans and recognize them as an individual, as a community and a culture to be protected. My last speech I spoke of the world being a complex puzzle, and after seeing this picture in Washington DC, I realized it was more than that, we are far more beautiful than a puzzle, we are a collective that are more like a kaleidoscope, when you look at the individual pieces, they're different, beautiful, uniquely shaped, but when you put them together, you make a kaleidoscope, and you look into the light and the beauty is unexplainable, making beautiful patterns with every turn and that is what diversity and humanity looks like to me and to us who are asking for a ceasefire. We are a collective of unique pieces, different backgrounds, different ethnicities, different religions who look to the light and we are all united on the idea of never again means never again, for everyone. Free Palestine. Thank you."

Mayor Gilbert thanked Ms. Kennedy.

Next to speak was **Jeff Hastings** with PeakFest:

"Thank you, Mayor, Town Council, welcome Town Manager. I just wanted to say that next Saturday is PeakFest. I've seen some of you volunteer to help out at 5:30 in the morning, Jacques, Mayor please. I just want to take an opportunity to thank the town for all that y'all have done to help PeakFest. We will have 110 arts and crafts vendors, we have 26 nonprofits, we have 21 sponsors, we have the town well represented. We have another 19 food trucks that'll be here, and so I didn't want to say thank you after the fact, I want to say thank you before the fact, for all that the town does to help us to pull this off and we couldn't do it without everybody at the table, and just thank you very much, so we will see you on May 4th and hope for sunny weather. Thank you."

Mayor Gilbert thanked everyone that came out to speak.

[PUBLIC HEARINGS]

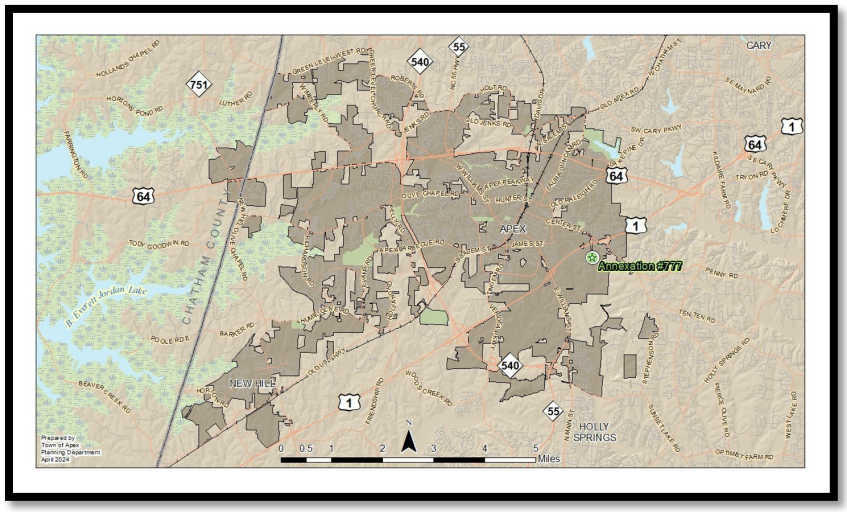
PH1 Annexation No. 777 – 2014 Lufkin Road – 2.208 acres (REF: ORD-2024-035)

Dianne Khin, Director of Planning Department, gave the following presentation regarding 2014 Lufkin Road Annexation No. 777.

[SLIDE 1]



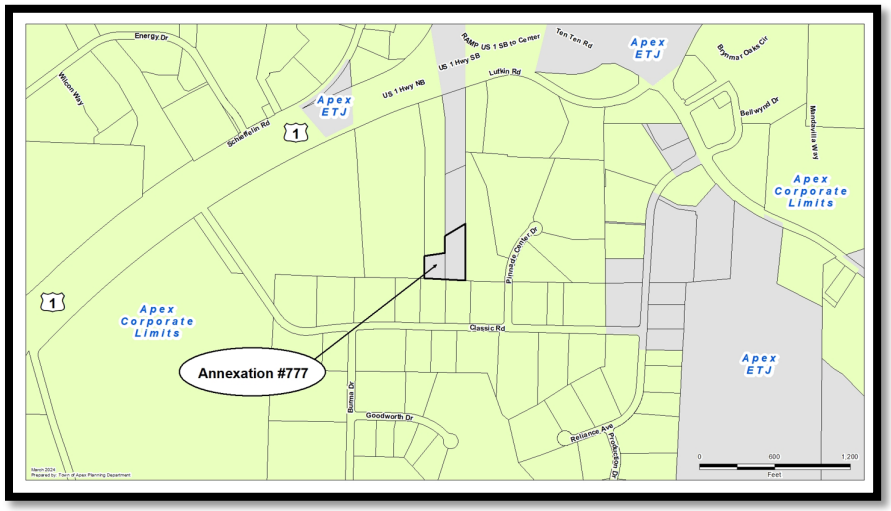
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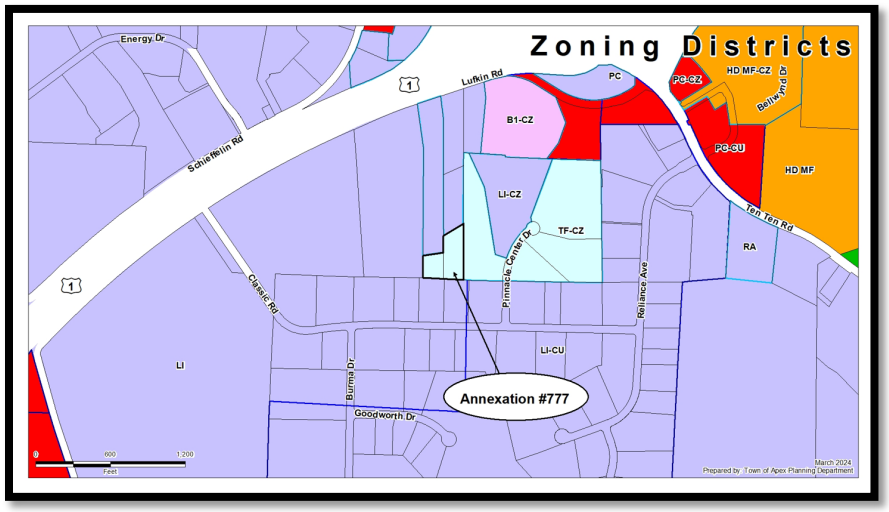
[SLIDE 3]



[SLIDE 4]



[SLIDE 5]



Mayor Gilbert opened Public Hearing for this item. With no one signed up, he closed Public Hearing and moved discussion back to Council.

A **motion** was made by **Councilmember Killingsworth,** seconded by **Councilmember Mahaffey,** to approve Annexation No. 777 – 2014 Lufkin Road

VOTE: UNANIMOUS (5-0)

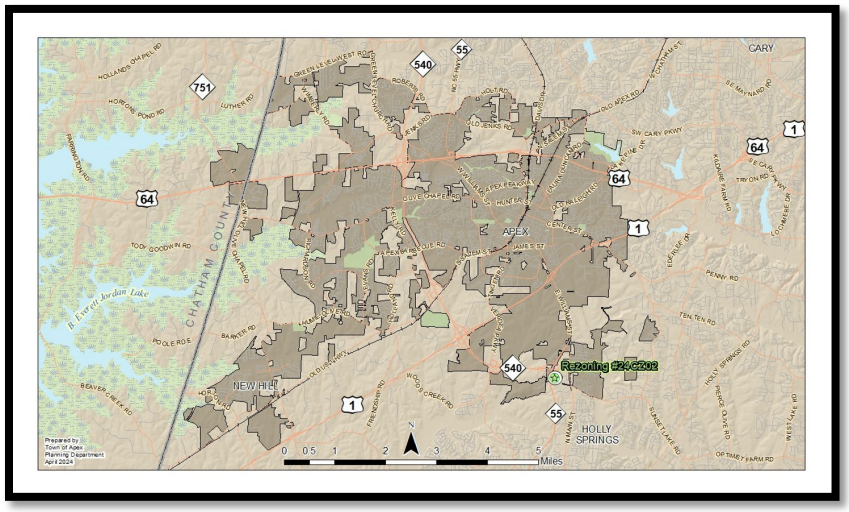
PH2 Rezoning Case No. 24CZ02 – 5836 Old Smithfield Road

Shelly Mayo, Planner II, Planning Department, gave the following presentation regarding 5836 Old Smithfield Road.

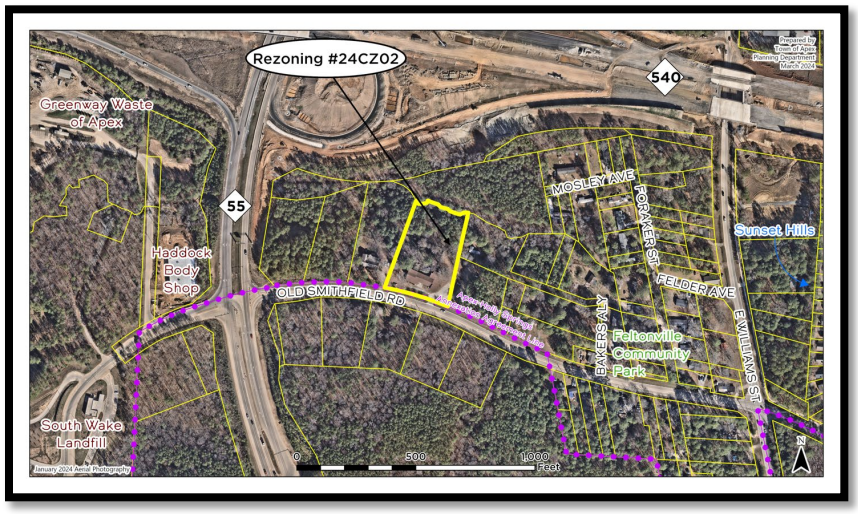
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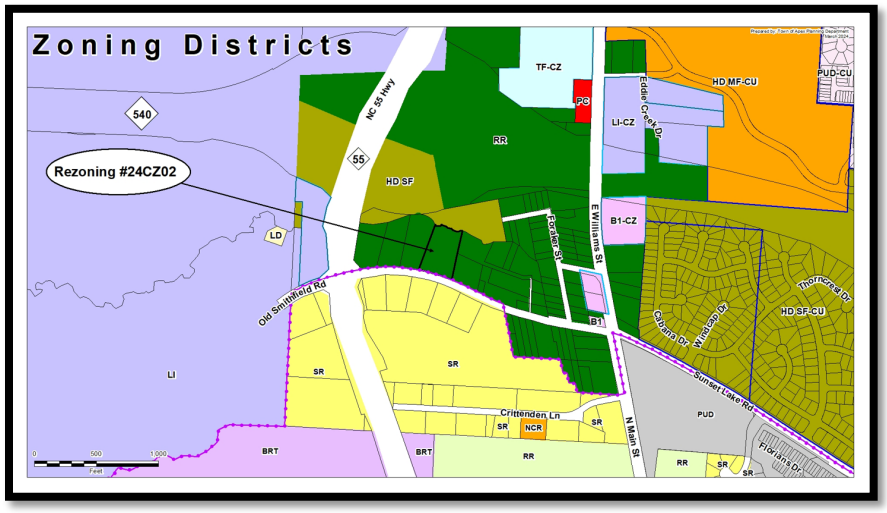
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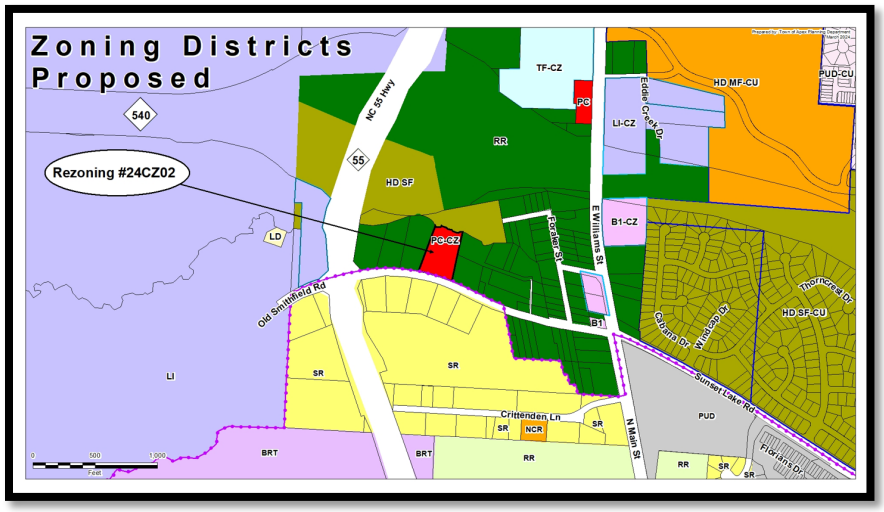
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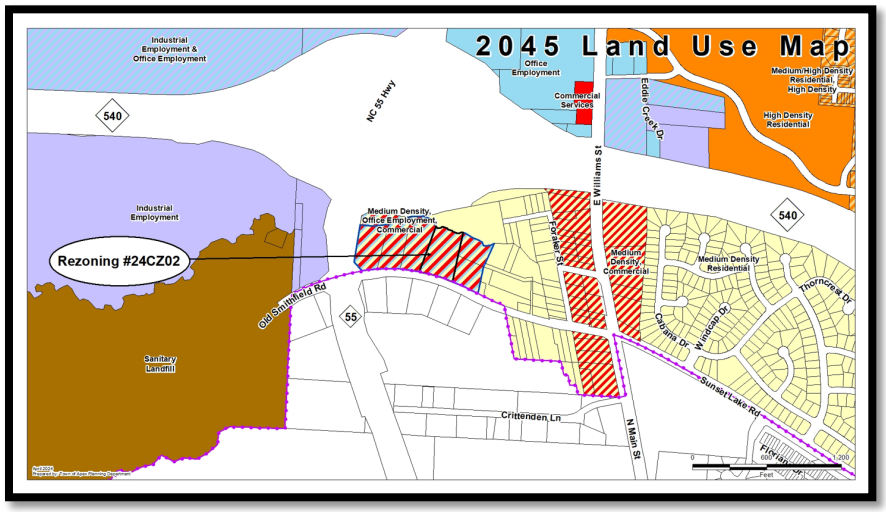
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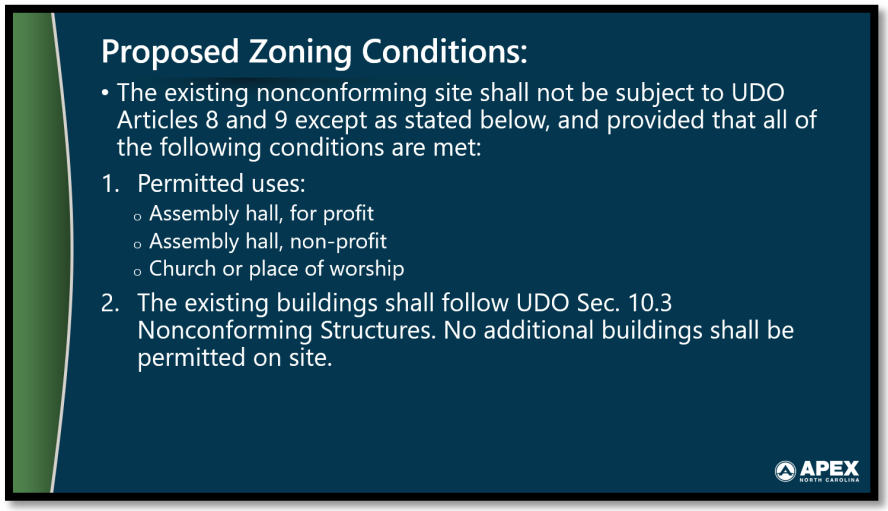
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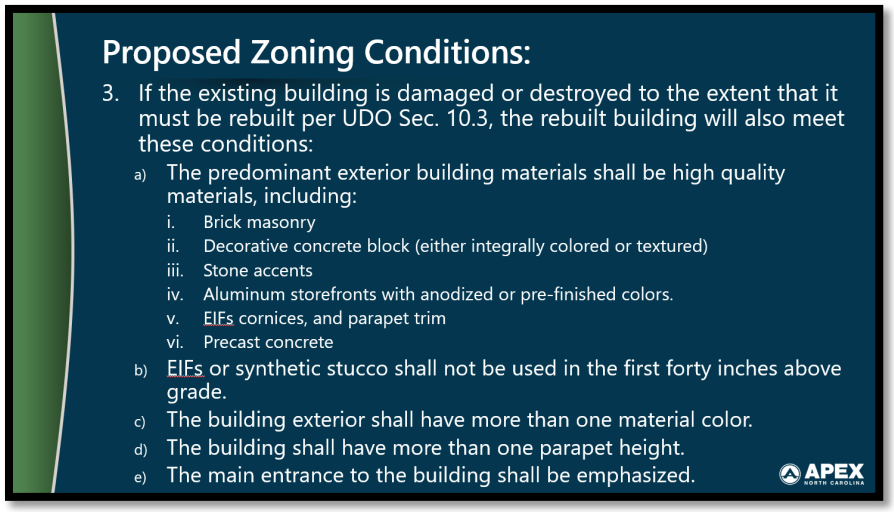
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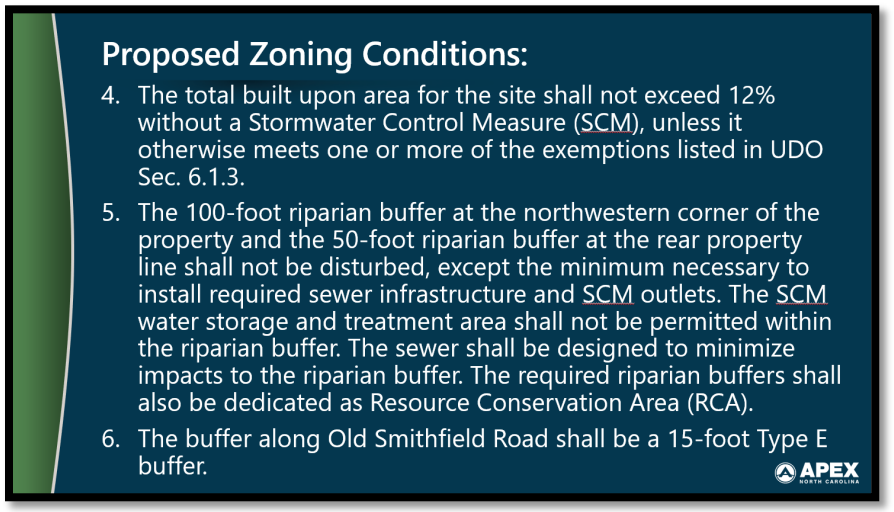
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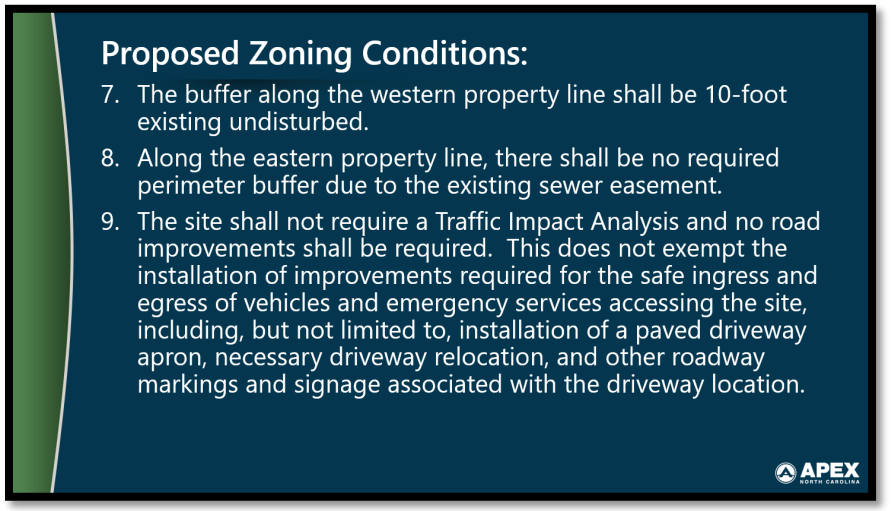
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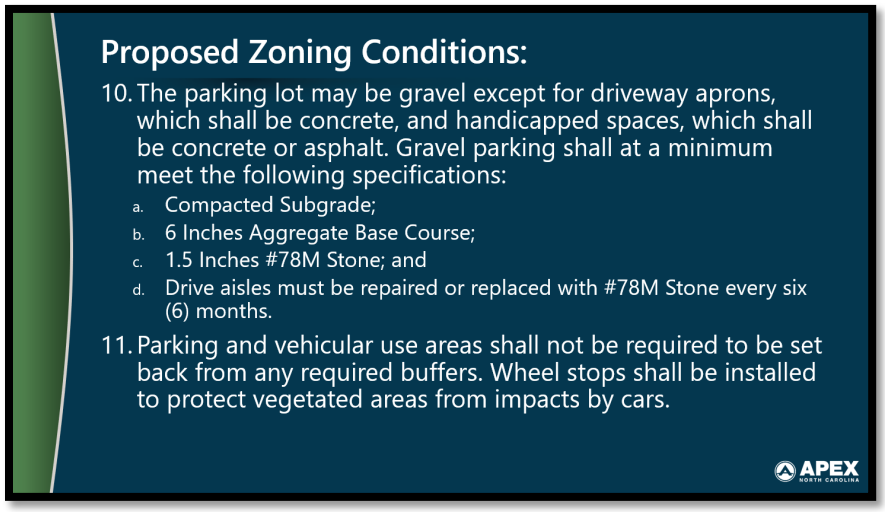
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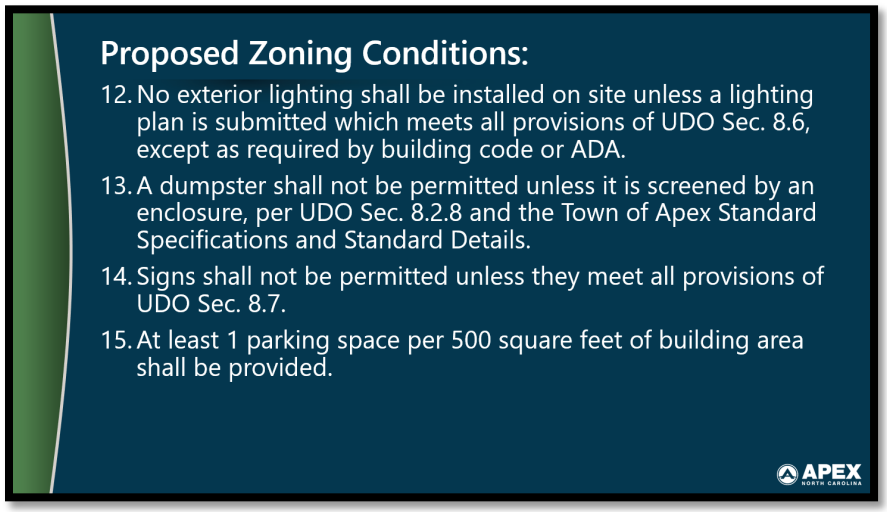
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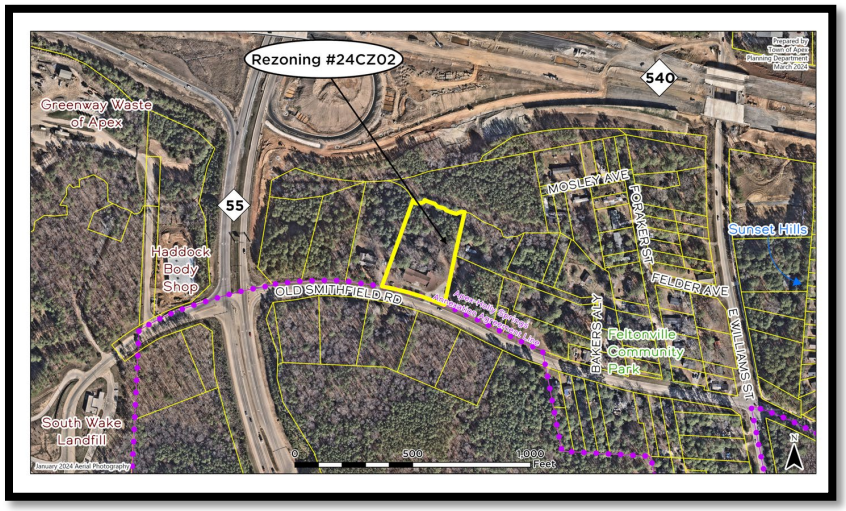
[SLIDE 16]



[SLIDE 17]



[SLIDE 18]



Councilmember Gantt asked if staff were concerned about the dust from the gravel becoming a nuisance for the nearby residents.

Ms. Mayo said it had been graveled for a very long time, there had not been any complaints from the neighbors, and the owners live right next door and are tightly wound in their community.

Mayor Gilbert thanked Ms. Mayo for working with the applicants. He said it was an iconic building and there were lots of good memories associated with it.

Mayor Gilbert opened Public Hearing for this item. With no one signed up, he closed Public Hearing and moved discussion back to Council.

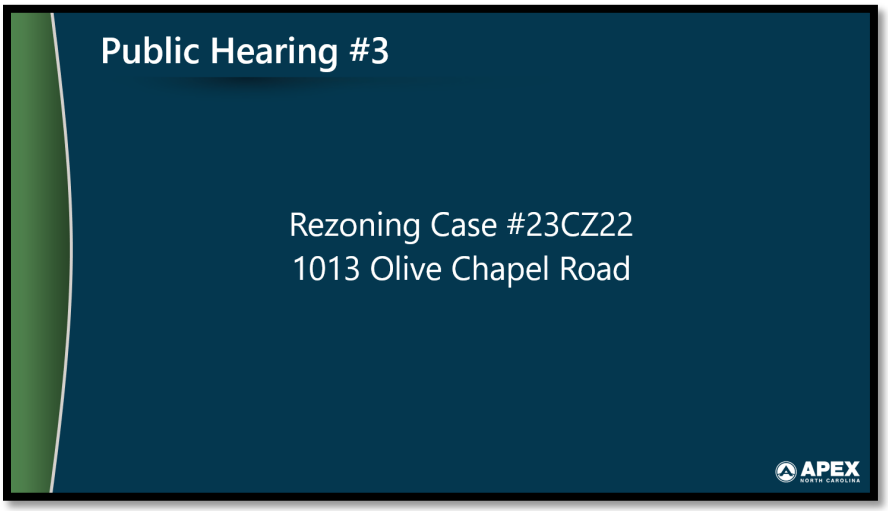
A **motion** was made by **Councilmember Mahaffey,** seconded by **Councilmember Zegerman,** to approve Rezoning No. 24CZ02 – 5836 Old Smithfield Road.

VOTE: UNANIMOUS (5-0)

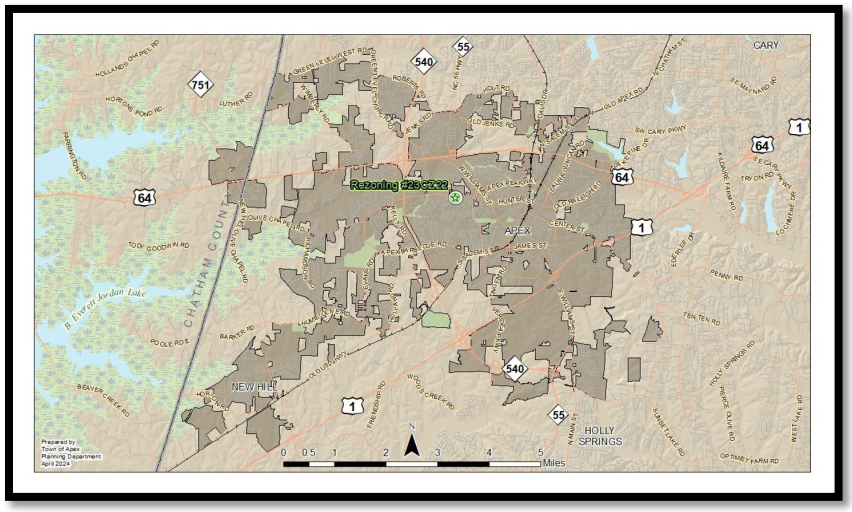
PH3 Rezoning Case No. 23CZ22 – 1013 Olive Chapel Road (REF: OTHER-2024-059)

Joshua Killian, Planner I, Planning Department gave the following presentation regarding 1013 Olive Chapel Road.

[SLIDE 19]



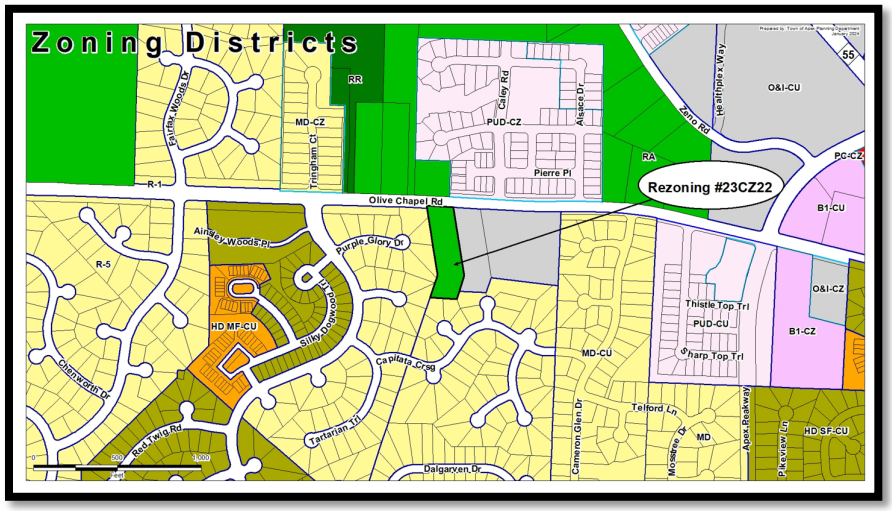
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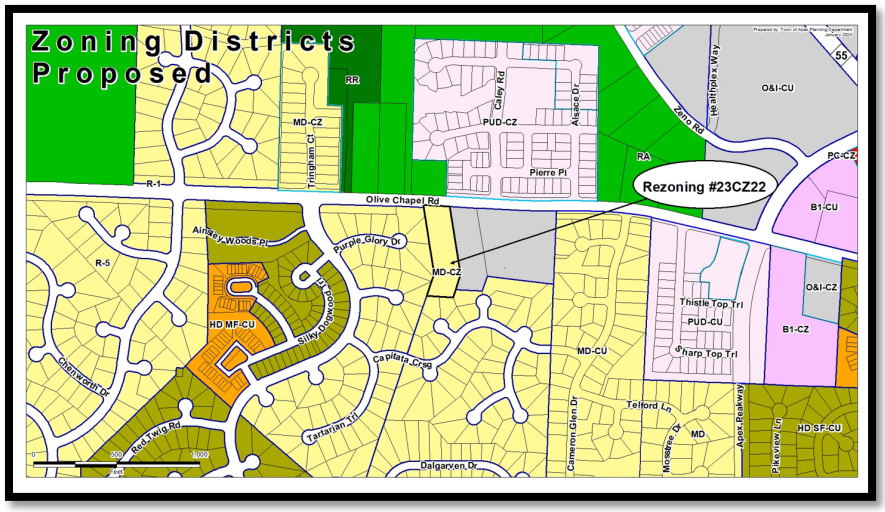
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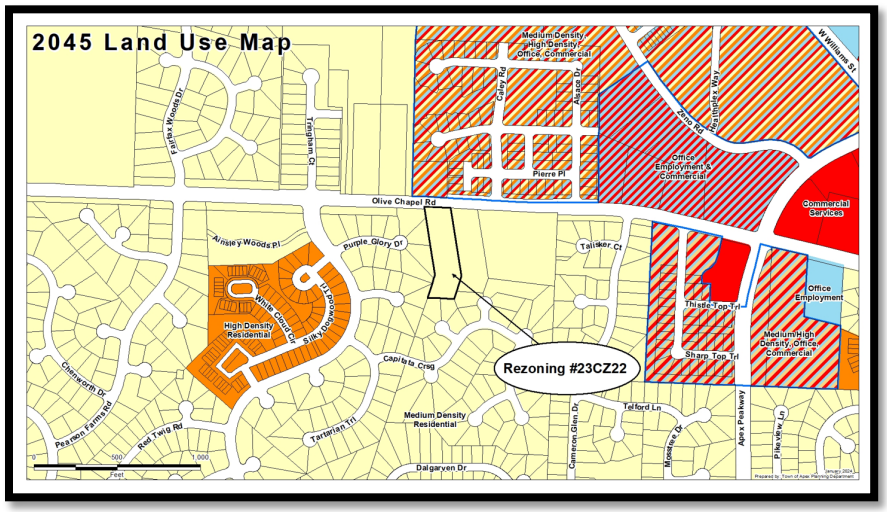
[SLIDE 22]



[SLIDE 23]



[SLIDE 24]



[SLIDE 25]



Councilmember Gantt asked how many houses by-right could be put on this site if the site was not rezoned.

Director Khin said it would be one unit per 5 acres.

Councilmember Gantt asked about the land use map showing this area as medium density but the zoning for the parcels to the east are office and institutional. He asked about the history and why there was no office institutional on the land use map for the sites.

Director Khin said that she wasn't sure why it was rezoned to office institutional, but when it was adopted, no one put office institutional. She said the land use map indicates that if the property comes in for rezoning now that would be its classification. She added that they have the legal ability to zone as Office and Institutional on this property if they would like.

Councilmember Gantt asked was there ever a discussion from staff or anyone else to try to move the driveway off of Olive Chapel Road?

Mr. **Killian** said that was not a desire from staff or Capital Area Preservation.

Leticia Shapiro, Attorney of the Morning Star Law group gave the following presentation on behalf of the owners.

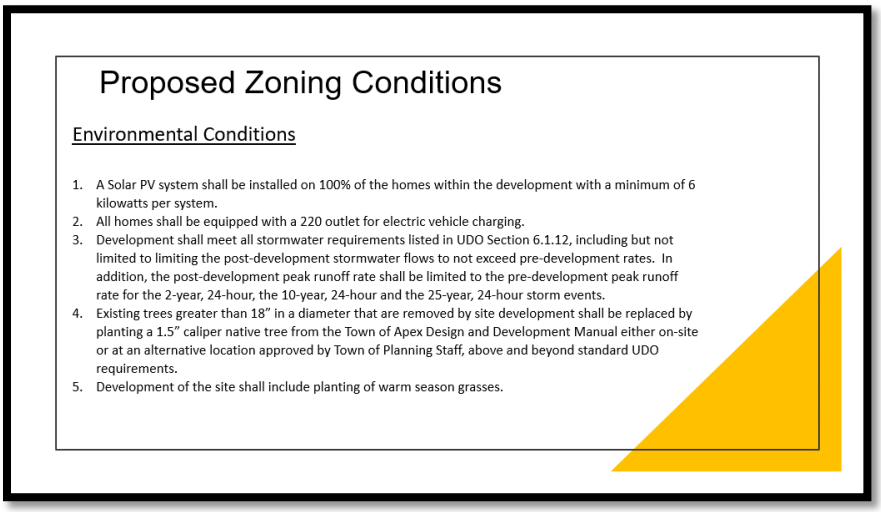
[APPLICANT PRESENTATION - SLIDE 1]



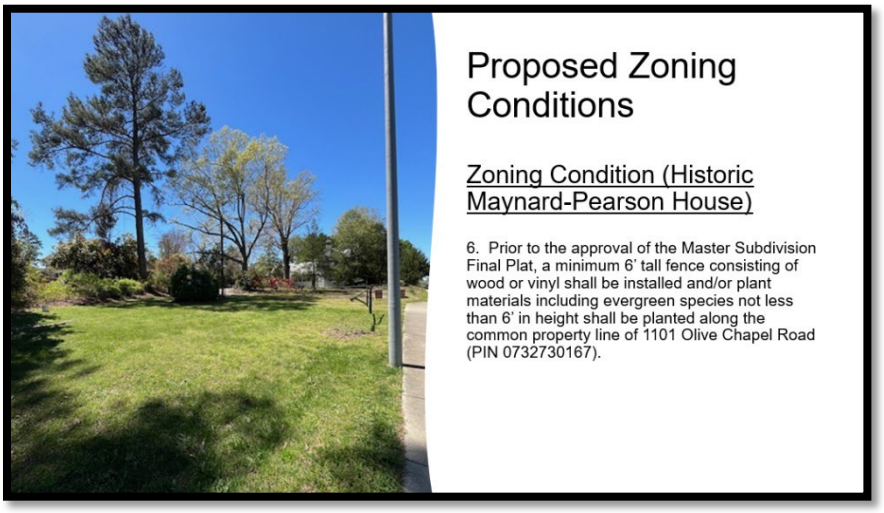
[APPLICANT PRESENTATION - SLIDE 2]



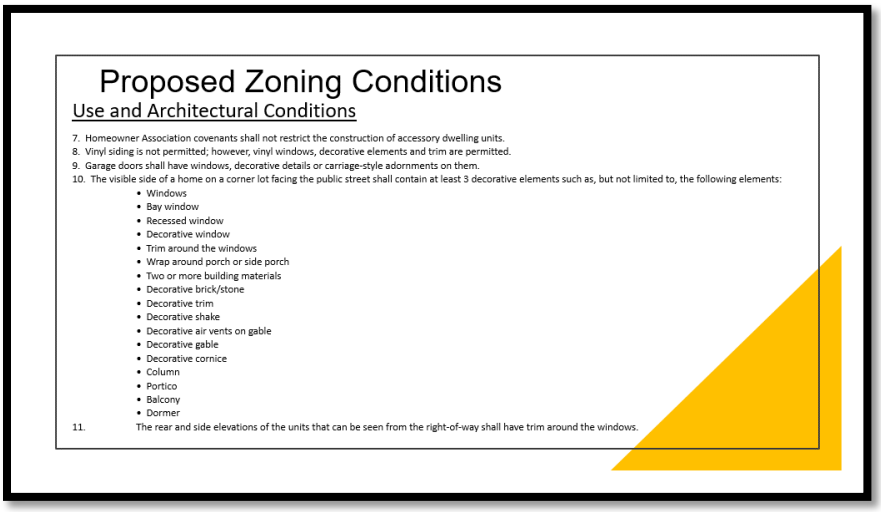
[APPLICANT PRESENTATION - SLIDE 3]



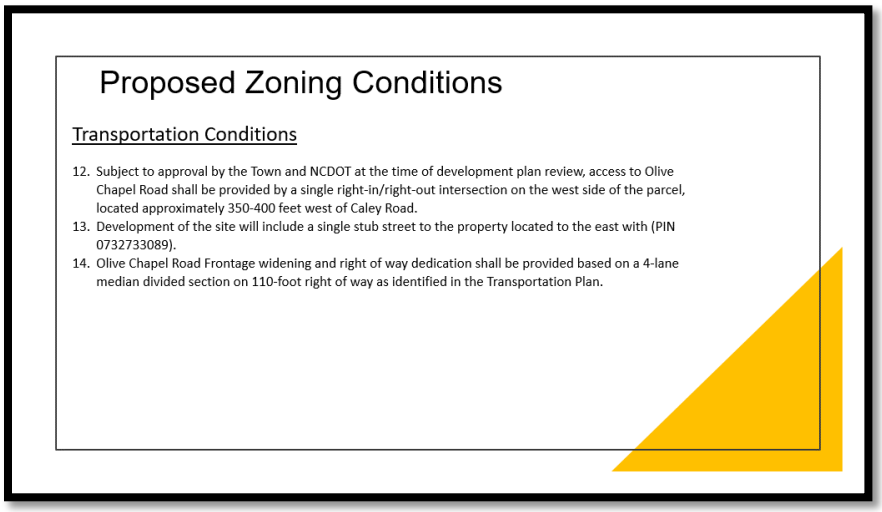
[APPLICANT PRESENTATION - SLIDE 4]



[APPLICANT PRESENTATION - SLIDE 5]



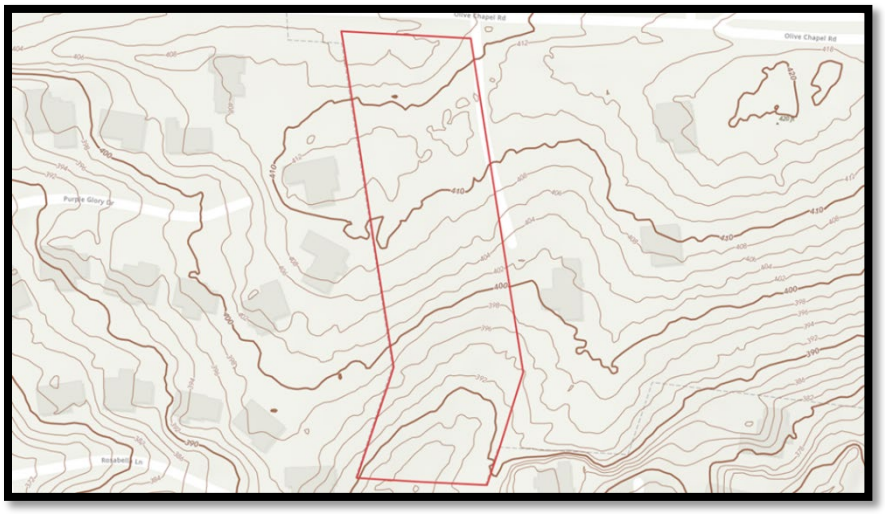
[APPLICANT PRESENTATION - SLIDE 6]



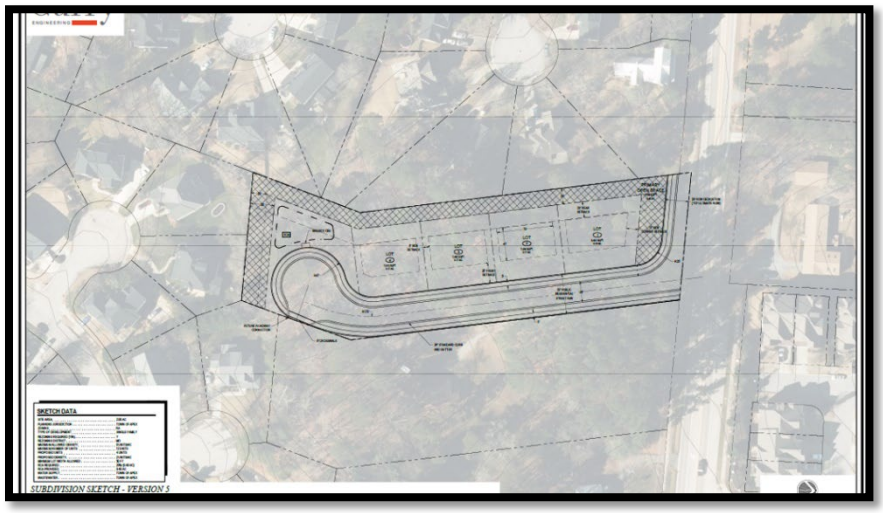
[APPLICANT PRESENTATION - SLIDE 7]



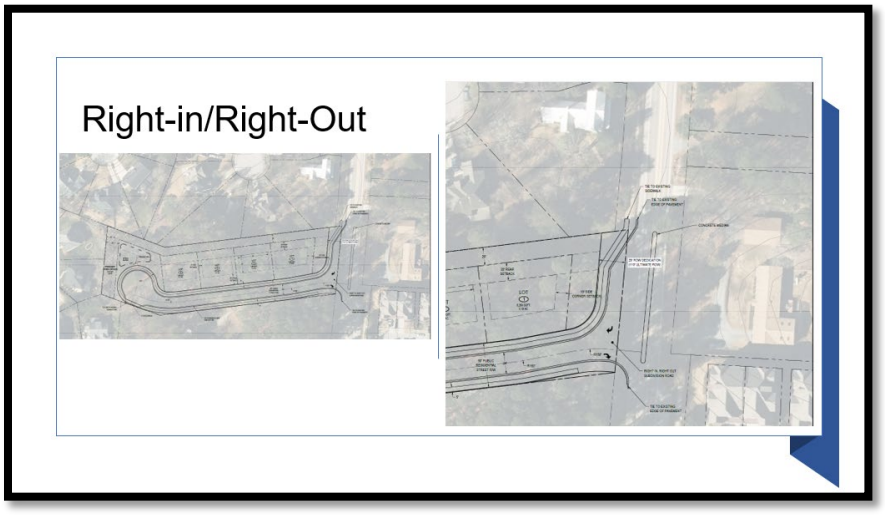
[APPLICANT PRESENTATION - SLIDE 8]



[APPLICANT PRESENTATION - SLIDE 9]



[APPLICANT PRESENTATION - SLIDE 10]



Councilmember Gantt said he had a hard time seeing how the parcel to the east is going connect with the street stub. He said he thinks the obvious thing would be to have the road to go right between these two on the property line and split it to allow for a more cohesive development in his opinion.

Don Curry, Curry Engineering, said the plan is work with staff to provide access to the parcel to the east the south end. Mr. Curry said they do not have access to the adjacent property.

Councilmember Gantt asked if homes were developed in the future and the stub is at the very southern end, how it would connect.

Mr. **Curry** said it was stubbed at the southern end of the property, but it is stubbed to the east as per staff's request so if a development occurred on that property, they would have the ability to connect to it as a public road. Mr. Curry said that their layout would need to conform to that stub location which is pretty typical of the first property in an area to develop. He said they would work with staff to set those street locations and then when future development occurs on vacant parcels then they connect to that stub.

Councilmember Gantt said this would imply that there would be a large cul-de-sac because there would probably not be another right in, right out 100 feet away on Olive Chapel Road.

Councilmember Zegerman asked if this would be a fully developed street with curb and gutter.

Mr. **Curry** said yes, it is a public street.

Councilmember Zegerman said he could see homes being developed on the other side of the road.

Councilmember Gantt said the Planning Board had said it would be on the other side of the road.

Councilmember Zegerman said he thought that condition was removed by Planning Board.

Mr. **Curry** said that condition was edited at the Planning Board. He said that he believed the staff's recommendation remained with the original language. He said in either case, they would need to stub to the east and more than likely that requirement would still remain at the staff level which is pretty typical when developing a piece of property.

Councilmember Gantt asked if the stub was on the east side instead of the west would there be driveways that would be able to access it from the parcel to the east. He said it seems from the sketch there would be a buffer and then there wouldn't be driveways on it.

Mr. **Curry** said that if it mirrors the layout that the applicant currently has, the road would be on the west side and then the cul-de-sac would be south of the homes, so the stub would be from that cul-de-sac to the east after passing the homes so there wouldn't be any conflict with the new homes or their yards.

Councilmember Gantt said that then there would presumably be two right in right outs on the western edge of the property, and then on the eastern edge of the adjacent

property, and it would have a big loop. He asked if that is how it could potentially be arranged.

Mr. **Curry** said he did not know how a future connection would work on Olive Chapel Road, it would depend on their layout. He said he could foresee another connection, another right and right out, to Olive Chapel Road, or possibly a full access if it lines assuming the current home is removed with future development.

Councilmember Gantt said he just wanted the very best use of that land with all three parcels cohesively interacting with each other, if possible.

Mr. **Curry** said they were doing the best they could to accomplish that by putting a public road on the property and stubbing to the east, since they were only working with one parcel.

Councilmember Zegerman said he did not see any buffer conditions and asked if the road would go right up to the property line.

Mr. **Curry** said there was a buffer on the west side along the historic property line, but said he did not believe there was a buffer on the east side.

Councilmember Zegerman said that he did not see any buffer on the plans so conceivably there would be driveway access from that property to the east.

Councilmember Gantt asked if driveway access would access Olive Chapel Road from the east.

Mr. **Killian** said based on the current zoning condition that is in the staff report the road would be located on the west and then a stub would go to the east for public street access.

Russell Dalton, Traffic Engineering Manager, showed a schematic explaining why they chose to put the stub on the western end of the property. He explained that having the connection on the west side of the parcel would allow drivers more time to move over into the turn lane if they wanted to make the left-hand turn across the street.

Councilmember Gantt asked if it was expected to have full movement at Kaylee in the ultimate construction.

Mr. Dalton said yes, that's correct.

Councilmember Mahaffey asked to clarify what the condition being presented today.

Mr. Dalton said that the condition, subject to Town and NCDOT approval, is that the access would be located approximately 350 to 400 ft west of Kaylee Road which is toward the western side of the property.

Councilmember Mahaffey asked to clarify what the sketch was showing

Mr. Dalton said, this sketch illustrates what they'd shown previously, and it illustrates why putting it on the east side is so problematic.

Councilmember Mahaffey said that implies the road would then be on the western edge of the property.

Mr. Dalton said yes, as far west as practical.

Councilmember Mahaffey questioned if it would be the road and then the buffer and then the existing homes next to it being on the west side. He clarified that the condition

today is the original staff recommended condition of restricting it to the west and not the Planning Board recommendation of removing that and letting it have more flexibility.

Mr. Dalton said that is correct.

Councilmember Gannt asked if staff was assuming that in the case that the U-turn is going to happen in the street and not at the light.

Mr. Dalton said that's correct. It is natural driver behavior that they are going to take the first possible U-turn opportunity and in a lot of ways it's easier to make a U-turn at a location like this which is lower volume than a traffic light may be.

Councilmember Zegerman asked if the property is moved and the road did come through, where would the storm water retention go.

Mr. **Curry** explained how the property drained and said they would need to do some field surveying and get some topography on the property to try to get the storm water work.

Councilmember Zegerman asked if the 25-year storm condition would still stand.

Mr. **Curry** said yes, there was no change in that condition.

Councilmember Zegerman asked if the applicant has accepted the conditions outlined by staff.

Ms. **Shapiro** said ideally the applicants would like to have the flexibility to not have the strict language after agreeing to the right in right out turn. She said the applicant is willing to do it either way and see how it goes. She added that they would like to work with staff and do the best possible thing for this site.

Mr. **Killian** made one final note, that the zoning condition does also state that it is subject to the approval of NCDOT and the Town of Apex, so the condition may not come into play if the engineering doesn't work out.

Mayor Gilbert opened up the Public Hearing for comment.

First to speak was **Ken Alridge**, 1004 Alma Trail.

"Thank you, Mr. Mayor and Council Members. First of all, we would like to welcome new residents. We're glad, we've lived here 15 years, and we think anyone that can enjoy this town the we have, we're happy to see them come in. Our concern is we're at the very southwest corner of this property and there is a drain in the back of our yard that essentially catches storm water runoff from all these parcels, anytime it rains more than an inch, the water runs from that parcel into that drain for about a week, okay, so it gets pretty backed up. At one time we were very concerned about that, contacted the engineers for Apex that came out looked at it and said it's a problem with a low water table back in that property. We see in the plans that there is a plan for a sand filter as a solution and according to the North Carolina Storm Water design manual and email from Jessica Bolin, who is the Manager of the Engineers, basically that addresses the quality of the water, not the quantity. We've been told that there's a 25 and a 40-year flood plan that's been looked at. My concern is that I don't know how they can assess that when they're assessing it on property that is full of mature trees and undergrowth and now we're going to have paved services and roofs, you know and

roads. Obviously, the water run-off is going to much greater, so our only concern is that we would like to see a current study of what that runoff would be and how that would impact our property and if they come up with a good plan, then we'll be happy with that. We just want to make sure that we're not going to be getting flooded since all that land does run, as stated earlier, to the southwest corner, that's the low point. The other concern we have is that there's a couple of very mature champion trees on the property towards the south end in excess of 40 inches around and we would like to know if there's a way we can preserve those trees. I know that currently there's a plan that if you have a tree that's so big, you have to replace it with another tree of 1 ½ or 2 ½ inches, but it could be planted anywhere that's needed in the town, hate to see the champion trees to be torn down, but we do understand."

Mayor Gilbert thanked him.

Next speaker is **Bill Keys** of 1014 Olive Chapel Road.

"I've been living there for almost 50 years and it used to be easy to get out on Olive Chapel Road, it's not so easy now and if I'm looking forward to the prospect of median and right in and right out, that's going to be great, we probably take 90% of every turn out our driveway, we go east to Church, grocery store, whatever. To have to go right, that means we it's a turnaround, it's finding somewhere to make a U-turn, it's to me that's just adds to the problem of traffic, so that is the problem for us. I know it's a traffic concern when you have that many cars coming out of which will effectively be a driveway with four house and not an intersection or like really a street, but that's what my concern is, also the fact if you look at the property when they widen Olive Chapel Road, I'm probably going to lose 20 to 30 feet of my front yard because that would be the extension of the outside lane on the north side, would go right through there so, that was my complaint, my piece of the pie here. We want to see it done in a way that it doesn't impact us, I mean everybody wants it that way but I just wanted you to be aware that if it does go right in right out, it doesn't just affect them it affects other people. Thank you."

Next speaker is **Jeff Hastings** with Apex Historical Society of 1110 Olive Chapel Road:

"I would ask that you eliminate the right in, right out and the reason being is if anybody that's coming west of that property, the first turnaround is the Maynard Pearson House. The Maynard Pearson house has no driveway that is paved, it is all grass and mulch right now and so every FedEx, UPS, Amazon, Chewy, visitor, anybody that's coming from Apex that turns around, is going to turn around into the Maynard Pearson house, and it's enough of an issue right now to maintain our yard and it'll be decimated going forward. We will be forced to put up a gate, which is counteractive to what we want to do for the Town of Apex. So if you look here, if they're looking at that, you know, the right in and right out, here on the west end side, the next driveway is us and if you look at the right, there where I'm shading, it's all gravel, and it's all mulch and so it's a big issue for us with the Maynard

Pearson house of how with, without somebody living there, how do we maintain that property and how do we maintain that driveway. The second thing is when it came, when I first saw it and the driveway was on the east, then I look at the condition number 12, and the driveway moves to the west. The driveway to the west, they're asking for a wood or vinyl fence or a 6-foot buffer of vegetation. I'd like it to be a fence, wood, vinyl fence on the west hand side to preserve the Maynard Pearson house from new development. So those are my two asks and I'm not against development, we've seen this coming, we welcome the neighbors, we welcome somebody else along with Rob, who is our neighbor, to overlook the property to make sure that no mischief is happening, we'd love to see it developed in a right way, four houses sounds like a fine idea, but it's just how do we preserve our property without it being at the expense of having the right in, right out dedicated. So, thank you very much."

Mayor Gilbert thanked him.

Next speaker is **Rob Wellman** on behalf of Purple Glory Court:

"My name is Rob Wellman, and I am here on behalf of all of Purple Glory Court, I actually talked to Mr. King here earlier today so I would like to address some of the things before I start on what I have, because of things that you guys brought up, I wanted to talk about Mr. King's property here first. He has zero intentions of turning that thing into a residential property, he has it zoned, the way he got it I don't know, it happened 25, 30 years ago, how people got the zoning that they get, you know what? But he has it as commercial conditional improved and he has hopes of putting a wedding venue or some sort of Community Center, event, that could house you know, weddings, baby showers or Church gatherings, all sorts of things he mentioned VFW, American Legion, all those things, so that's his intentions for this property, keep hearing about how you know, just automatically assume that it's going to become houses, but that's not what he's looking to do. So again, my name is Rob Wellman, I live at 1100 Purple Glory, I live next to the Maynard Pearson house there and I'd like to start by asking the whole room a question and that is you know is this process supposed to be fair, transparent and honest for everybody, including the applicants the Town, the neighbors, you know. Does anybody disagree with the statement? No. Great. This rezoning process has been anything but, and I'd like to start with the history of the property On March 10th, 2021, 1013 Olive Chapel went on the market for sale of $385,000, two days later on March 12th, 2021 it went under contract, apparently there was an experienced builder that bought the property and they came to the Town of Apex and were looking to get approval for six homes on that lot, whatever answer they got, did not satisfy the builder. He gave up all his deposit money, walked away. On May 5th of 2021, the applicants took the property under contract and purchased the property for $350,000, it's $35,000 off asking price, good job. Why did the property sale for $35,000 less when every builder in the Greater Triangle area had a swipe at it? It's because they all knew that between the drainage, the road and everything else, that this property was really just meant for one or two homes. So, the new owners take over and they wait one year and 3 months, on November 22nd they put it on

the market for $800,000, so $450,000 more in a real short time period. I'm a real estate agent, I've seen a lot of whoppers, as far as it goes and price jumps over the last several years but that one takes the cake. In addition to this it was the property was purchased using a $245,000 note, that's kind of important when I get to what I'm going to talk about later. After nobody bites on the property in February 2023, they drop it to $690k, still no takers on the property and it expires in the MLS on May 2023. Magically in July of 2023 the property appears before the Rezoning Board or I'm sorry, TRC, the first records of the property coming to be rezoned happened one month after the property expired. I don't understand why they're trying to sell this family plot of land that they're talking about, I mean they didn't put a sign up, it was internet only, nobody lives there, why not put a sign in the yard advertising that it was for sale. You get more money, get more attention. In the MLS listing, and this is for both of them, the one when they purchased it and when they posted it, it said forested land, zoned rural agriculture and beautiful set on 2-acre lot waiting for your custom-built dream home, nestled in highly sought-after prime Apex location, Beaver Creek Shopping Center, it was the same language for each one. Here is exactly what happened in my opinion, I think in 2019 individuals got together and they've started property investing, that's good, you know, we use property investors, they have multiple town homes and single family homes all over the Triangle, they're leveraged on majority of those properties, they've taken money out like ATMs until the end of 2022 when the rates went up so much that it was no longer feasible. They are very smart individuals, don't question me, I'm not questioning any of that, they're very, very smart, I can appreciate what they were doing, but this is all just an investor's game, there's not true intent to actually develop the property. I know everybody despises the recent phenomenon of the corporate investor taking homes from hardworking families, just trying to achieve a piece of the pie. This is the same thing, a lot of their properties are brand new town homes, do you like driving through all the new town home subdivisions developments and seeing a For Rent sign in the yard before they're even done building the other four town homes in that building? Because I mean if that's the phenomenon you like, that's what you're approving. The applicants also own a property at 0 New Hill, Olive Chapel Road, it is 4 acres, it is a beautiful property, primed for Home Building. You probably lose an acre of building because a buffer would be needed because out there it's by the water, foul impoundment, but it's still 3 acres of flat land, used to be farmland, it looks like, and it'd be protected for eternity. They have a lot of room to build out there, like I said it's flat and there's a proposed school going in right there. I lived in Scotts Mill when you guys put in the Scotts Ridge Elementary School, pretty darn good for property value when you guys put in a school there. Another point on the property at 0 New Hill Olive Chapel Road, they have eight different individuals on the deed, why, because they're expanding investment operations. From a group that is always looking for a discount on the real estate, it seems like a no-brainer, why would you build behind our houses, deal with the traffic, the drainage, the right in, the right out headaches, why would you not pick the land that would come out with positive equity, otherwise, you're just looking at lighting 2 million dollars on fire if you 're looking to view if you're looking to build on this property. They can explain some of the transactions. In the notes that the Attorney had, she said participant asked if any of the owners would be looking

to live in the properties, yes all of the owners will live in the houses. The participant asked if the owner had ever built a home, no we've never built, we bought the parcels to build our own homes. Participant asked the owner if they had ever built in the subdivision before, no, but we know some contractors do that, we're talking with builders who would do that for us. Participant asked was the price point, they don't know. Participant asked what's the setbacks, then they go on to say we have not yet talked to contractors, these are her notes, not my notes, even though in the previous one, it says they're already talking with builders. Then the participant, which I believe is me, asked for the plan was to live there, why did they try and sell it for 6 months over the last year? For those 6 months last year, we were looking to sell because we bought new homes but now do not like our homes and want to move into our own homes that we can build. Well on January 18th, one of the applicants bought a house in Trinity Park for 4,000… it was 4,000 square ft, they bought it for $780,000, again another steal, because it was listed at $820,000, it was a brand-new spec home. The neighborhood's beautiful, has a huge pool, I just want to get this straight, they're buying new construction homes that are 4,000 square ft in the same year that they've going to breaking ground and digging in and starting new homes, that just make any sense to me. So we all get together on January 23rd, five days after the applicant closes on his brand new home telling us they're going to build brand new houses behind us, they just built one, I mean I cherish my time with my family, I know my neighbors cherish their time with their family, we don't appreciate being called into these rezoning meetings on a Wednesday night only to be served a buffet of cowpie because they just built a home, yet they're telling us they're going to be building homes behind us, I'm a little confused. Another thing is for the project itself, it's a pure financial loser, they're not building enough addresses to make up for the infrastructure. I'm running short on time, I see that, so I'll hurry up here. But, basically, they're hot to trot, they're getting ready to build and start according to them they're going to be tearing down trees here later this summer, they didn't submit a site plan, in addition to their rezoning plan, I don't understand why they would not do that."

Mayor Gilbert thanked Mr. Wellburn.

With no further sign ups, **Mayor Gilbert** closed public comment and opened back up for Council discussion.

Councilmember Killingsworth wanted more information about the right in, right out. She said that there had been emails and comments about not having the right in, right out as part of a zoning condition.

Mr. Dalton explained the minimum standards for full movement intersections with NCDOT, that full movement did not work here from a safety perspective. He said it is great for connectivity to have full movement access, but it would not work here. He said there are other design options that could address it, but there may be some other problems with those. He said the specifics will be worked out in the design process with NCDOT.

Councilmember Zegerman asked if at some point in the future this would be a divided thoroughfare.

Mr. Dalton said that was correct. He said it may be a long time, but there would be a divider in the middle and everything would be right in and right out.

Councilmember Gantt said he was not going to support this. He said it would be a better development if it incorporated the property to the east.

Councilmember Mahaffey agreed with Councilmember Gantt.

Councilmember Zegerman clarified the motion to approve the rezoning with the conditions stated in the staff report as recommended by staff.

Councilmember Killingsworth said to clarify the options of having a fence and not vegetation as a buffer or both, whichever would be best suited for the separation regarding the right in, right out.

Ms. **Shapiro** clarified that condition number 6 provides flexibility for either a fence or both or just vegetation. She said they have had great conversations with neighbors and want to be as accommodating as possible, and that she understood the concerns. She said the families want to plant roots here, and there are 8 people on a deed because it consists of 4 married couples.

Councilmember Zegerman said it would be a better plan to have all 3 properties come up together, but that is not the case. He said the rezoning request is consistent with the 2045 land use map. He said he would vote in favor of the motion.

Councilmember Killingsworth asked if they would they be willing to take out the vegetation piece of the condition.

Councilmember Zegerman asked if at least a fence be included at minimum and vegetation could be included along with the fence.

Ms. **Shapiro** said yes.

Councilmember Killingsworth said that given the amount of traffic, that she would support the staff's recommendation for the right in, right out.

A **motion** was made by **Mayor Pro Tempore Gray,** seconded by **Councilmember Killingsworth,** to approve Rezoning No. 23CZ22 - 1013 Olive Chapel Road with the modification of the conditions to require a fence to be installed.

Councilmember Gantt gave a scenario of a wedding venue and the possibility of this making it harder for future development.

Councilmember Killingsworth said that Council can't predict the future of the development.

Councilmember Zegerman said it may never happen because of the infrastructure costs. He said is there to approve this zoning condition.

VOTE: 3-2, with Councilmember Gantt and Councilmember Mahaffey dissenting

(*NOTE*: To view the additional zoning conditions documents, please see **OTHER-2024-059)

Mayor Gilbert called for a recess at 8:15pm, and Council returned at 8:25pm.

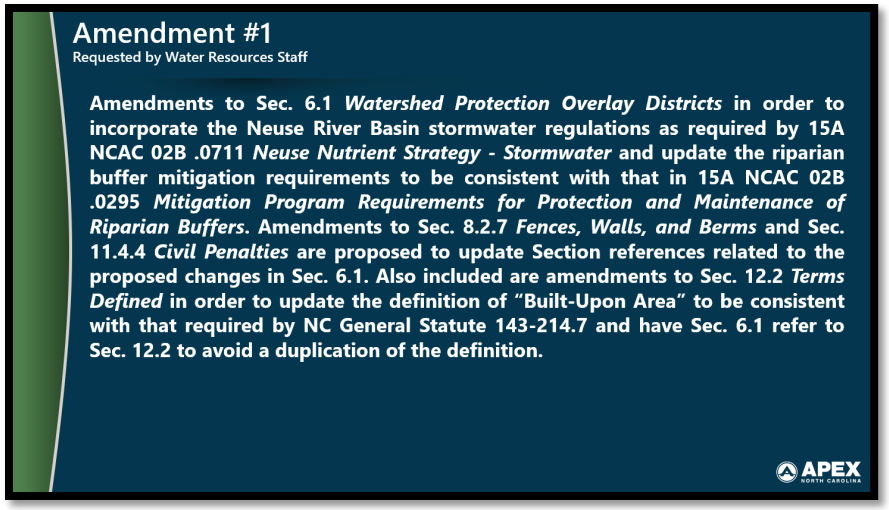
PH4 Unified Development Ordinance (UDO) Amendments – April 2024 (REF: ORD-2024-036)

Robert Patterson, P.E., Senior Stormwater Engineer, Water Resources Department gave the following presentation regarding the Unified Development Ordinance (UDO) Amendments – April 2024.

[SLIDE 26]



[SLIDE 27]



[SLIDE 28]

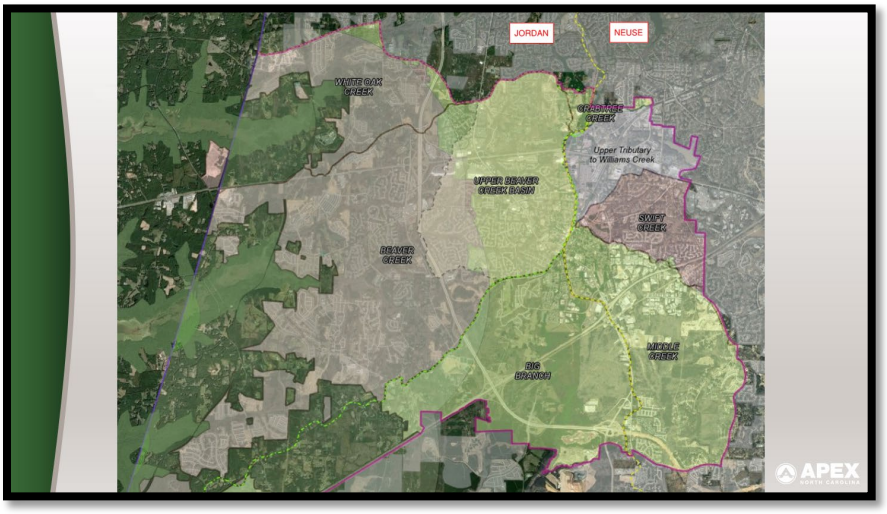
Proposed Changes

- Section 6.1 – *Watershed Protection Overlay Districts*
  - Add Neuse River Basin Nutrient Management
  - Update Riparian Buffer Mitigation
- Section 12.2 – *Terms Defined*
  - Update Built-Upon Area (BUA) definition

UDO	Revision	State Regulation
6.1	Neuse Rules	15A NCAC 02B .0711
6.1	Buffer Mitigation	15A NCAC 02B .0295
12.2	BUA Definition	NCGS 143-214.7

APEX NORTH CAROLINA

[SLIDE 29]



[SLIDE 30]

Neuse Nutrient Management for Developments

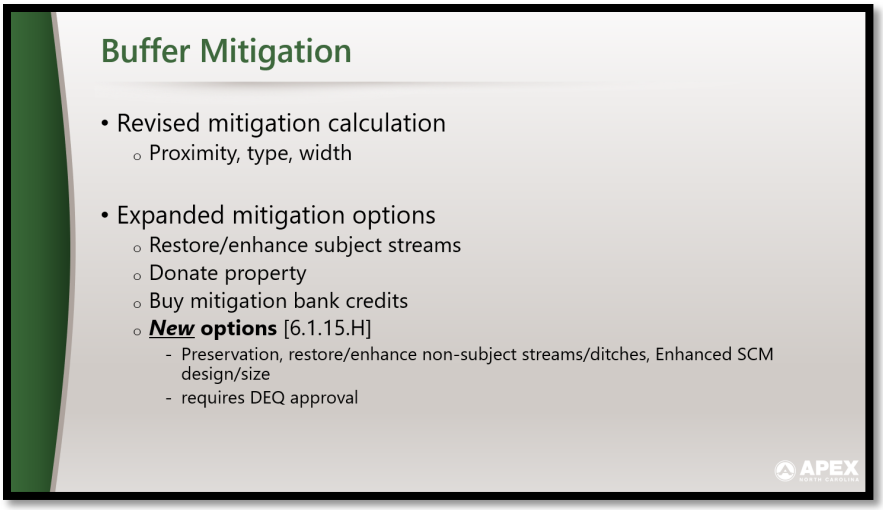
- Nitrogen stormwater loading rate limit: ≤3.6 lbs/ac/yr*
- Land disturbance thresholds for stormwater requirements:

	Current	Min. Required per Regulation		Proposed	
Development Type	Town-wide	Neuse	Jordan/Cape Fear	Neuse	Jordan/Cape Fear
Single Family / Duplex	1 ac.	1 ac.	1 ac.	1 ac.	1 ac.
Commercial, Multifamily, etc.	1 ac.	0.5 ac.	1 ac.	0.5 ac.	0.5 ac.

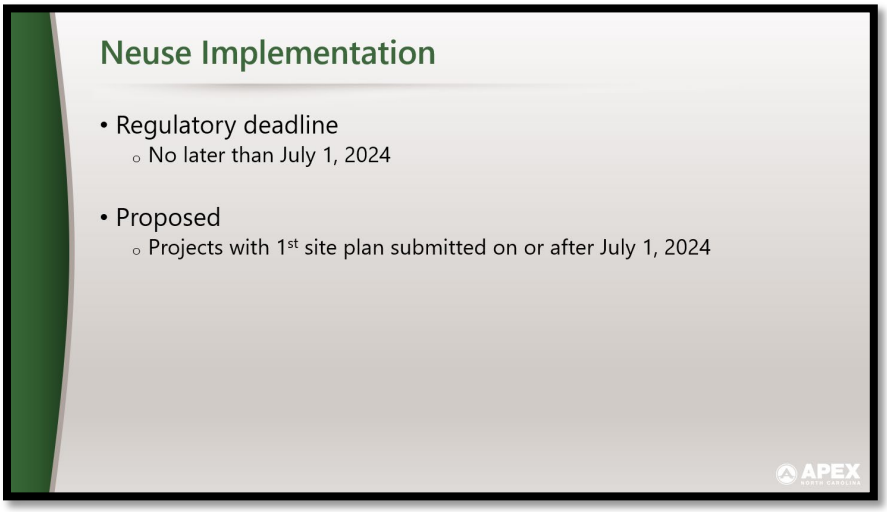
*Currently no nutrient requirements within the Jordan/Cape Fear basin

APEX NORTH CAROLINA

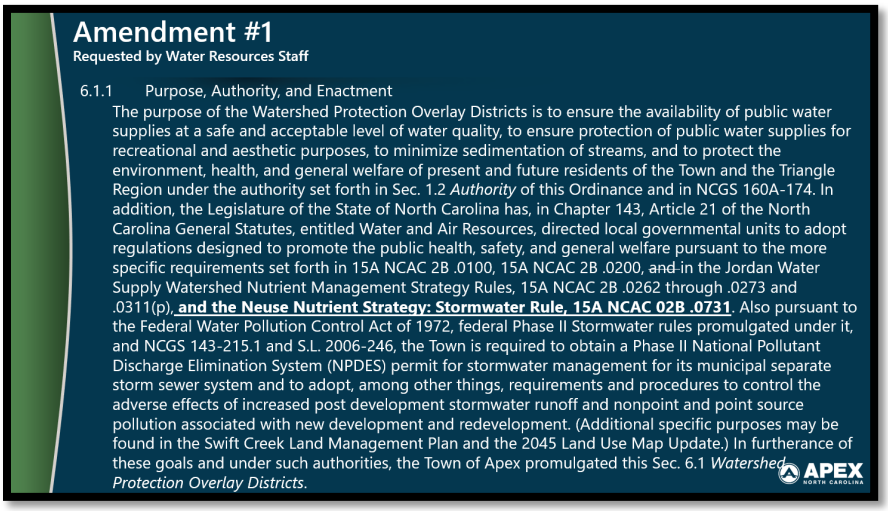
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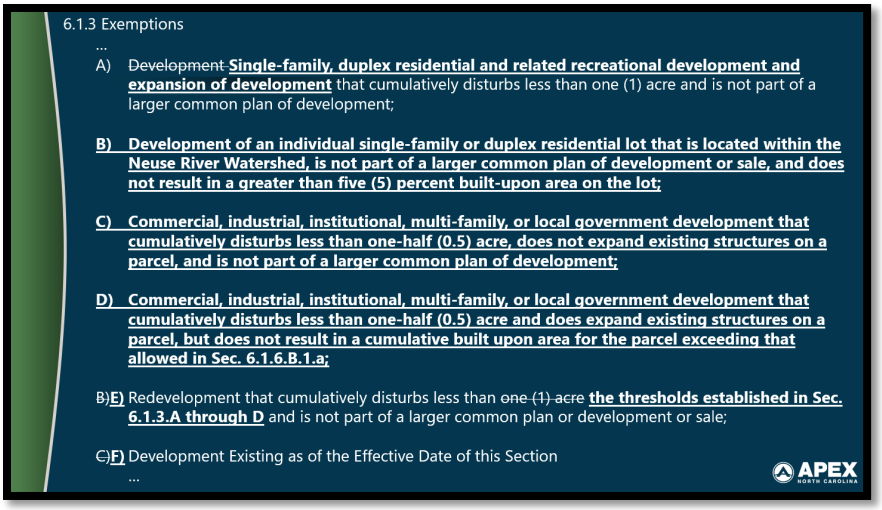
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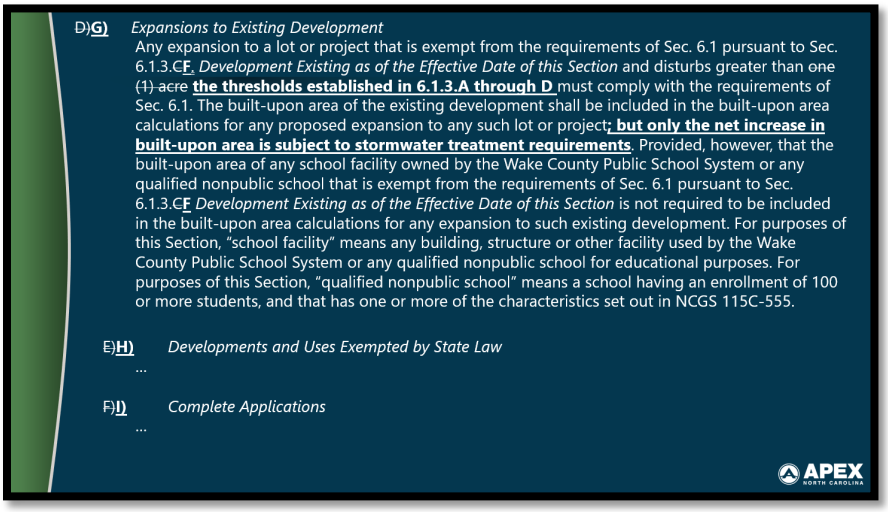
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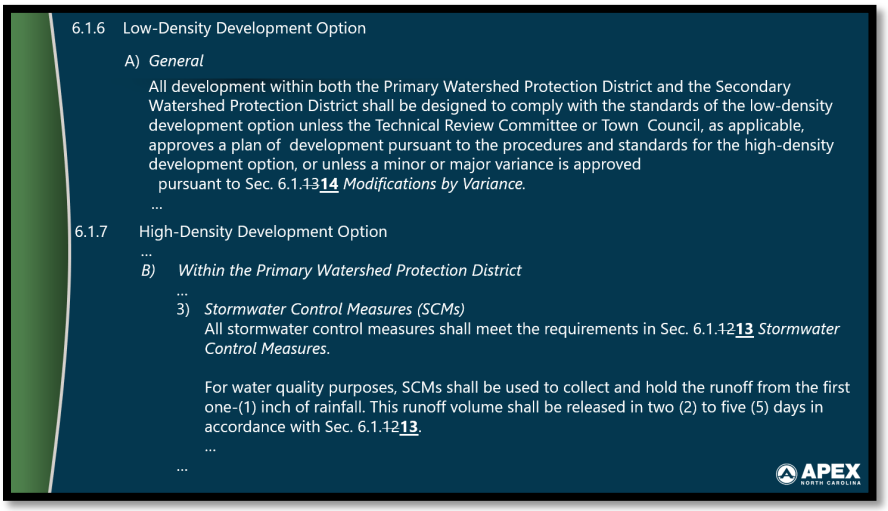
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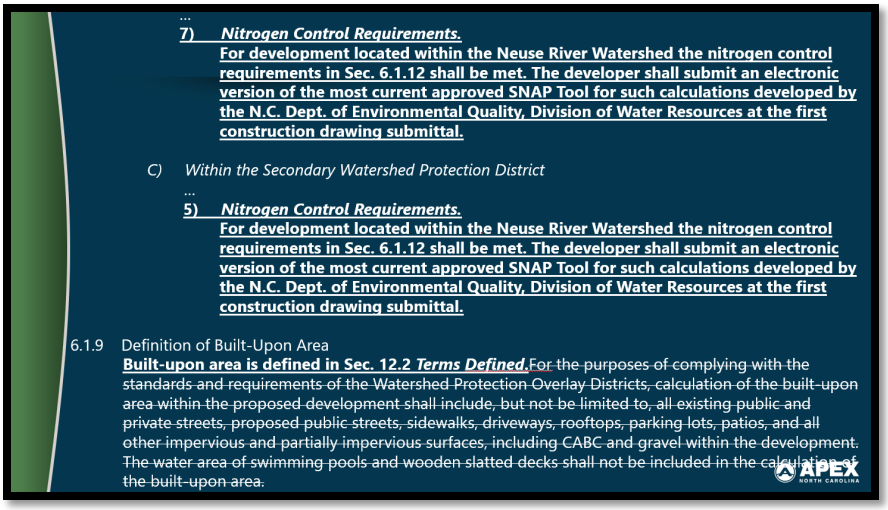
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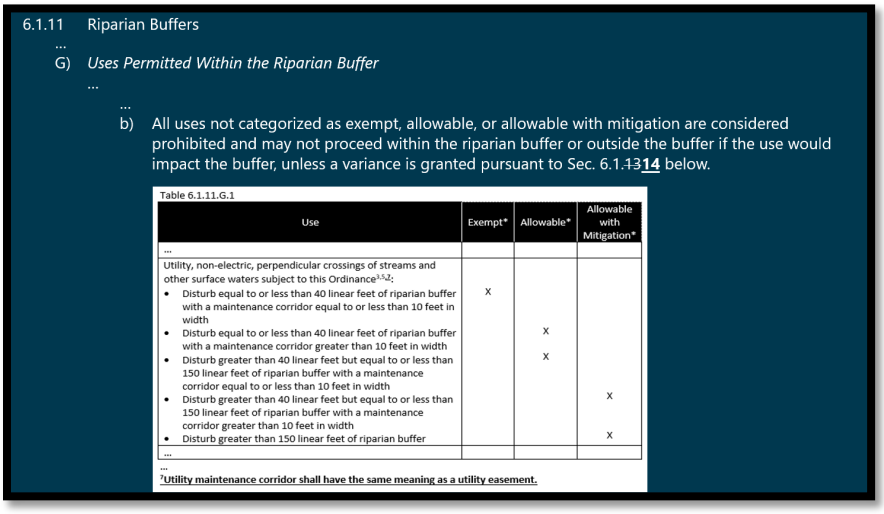
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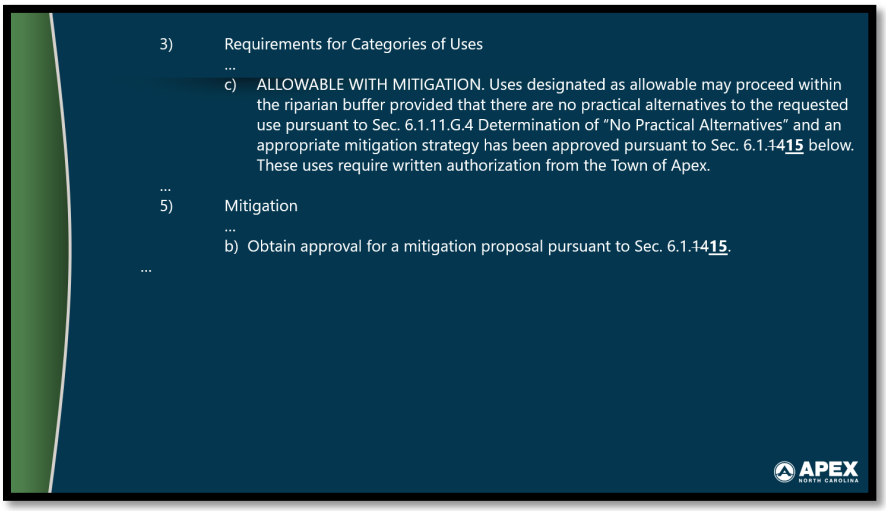
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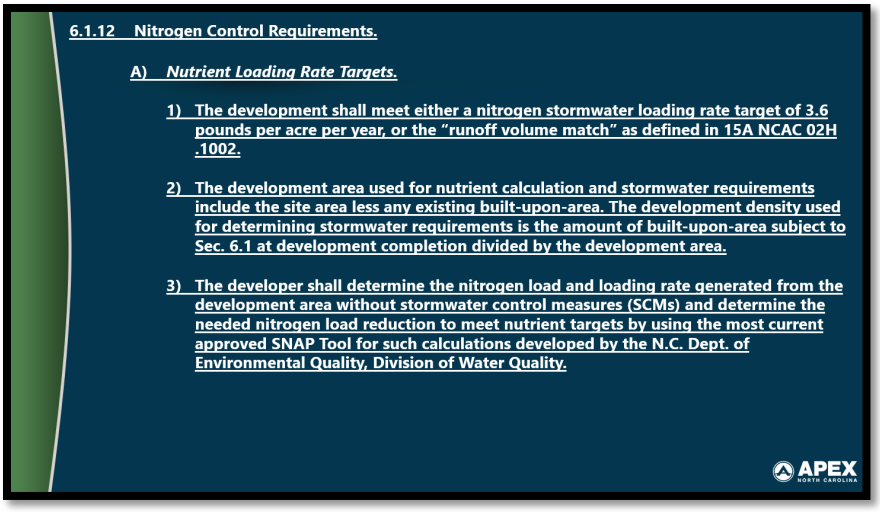
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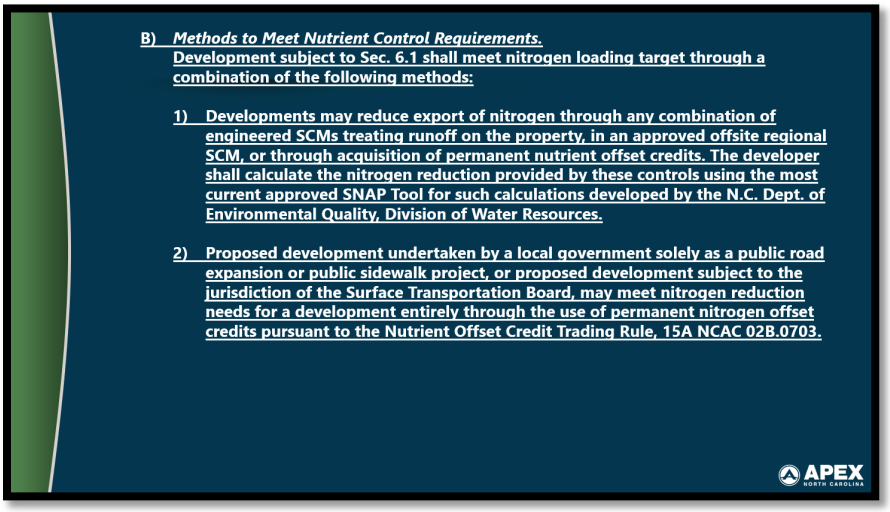
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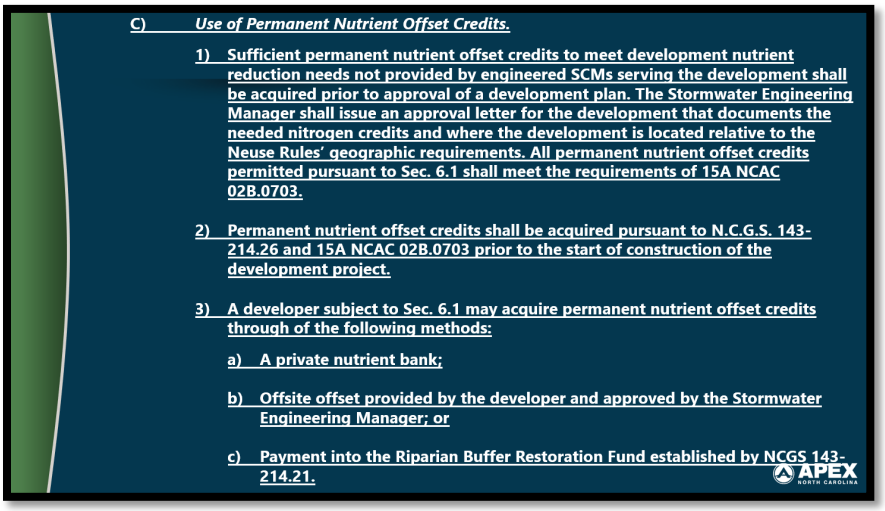
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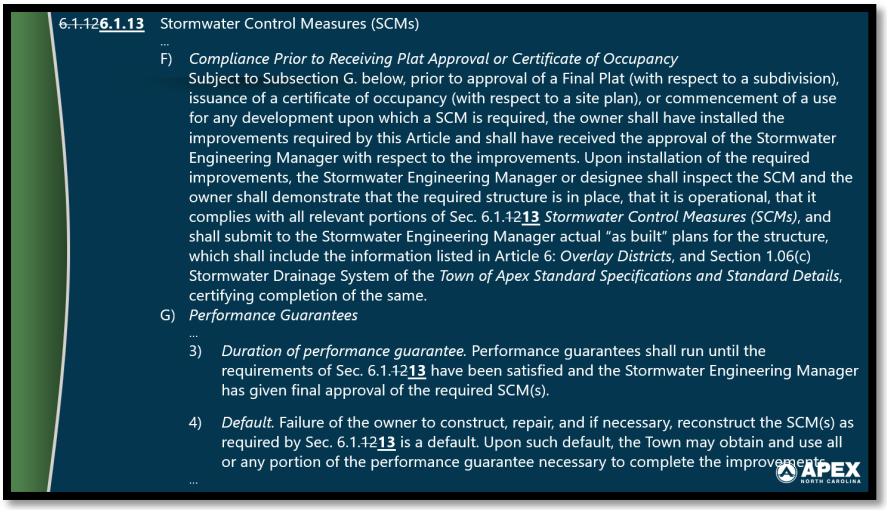
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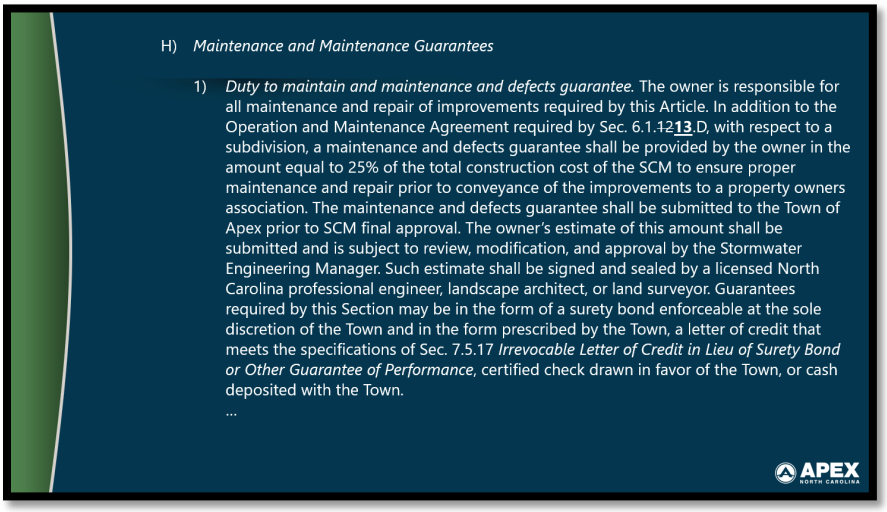
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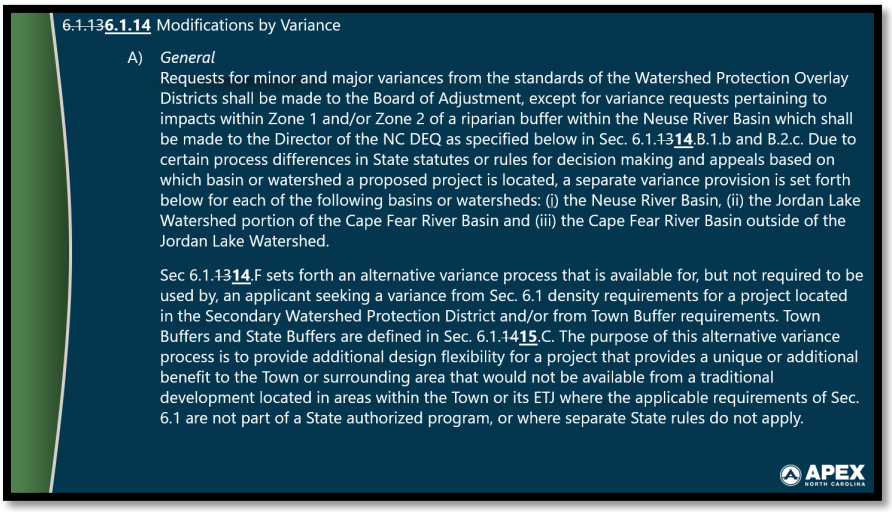
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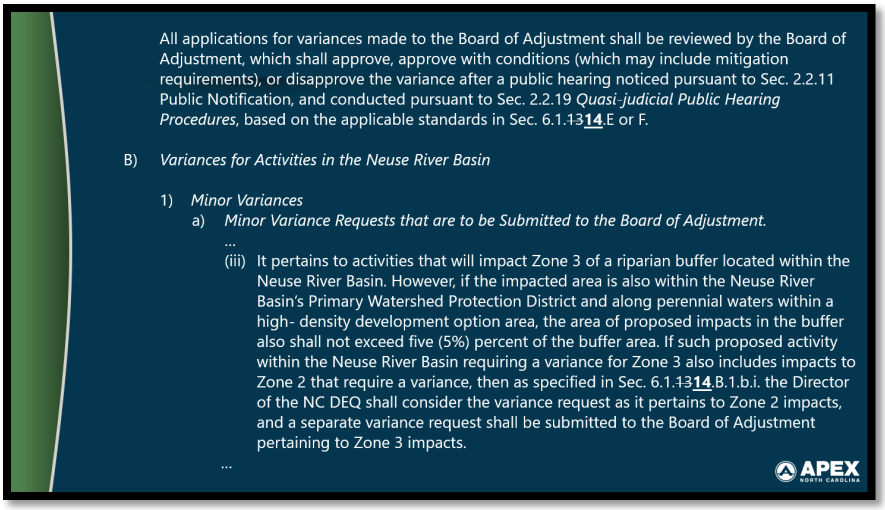
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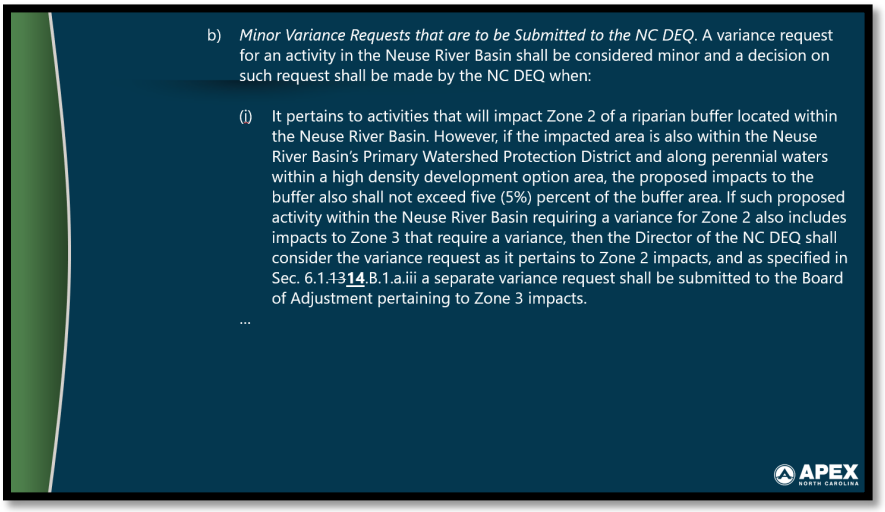
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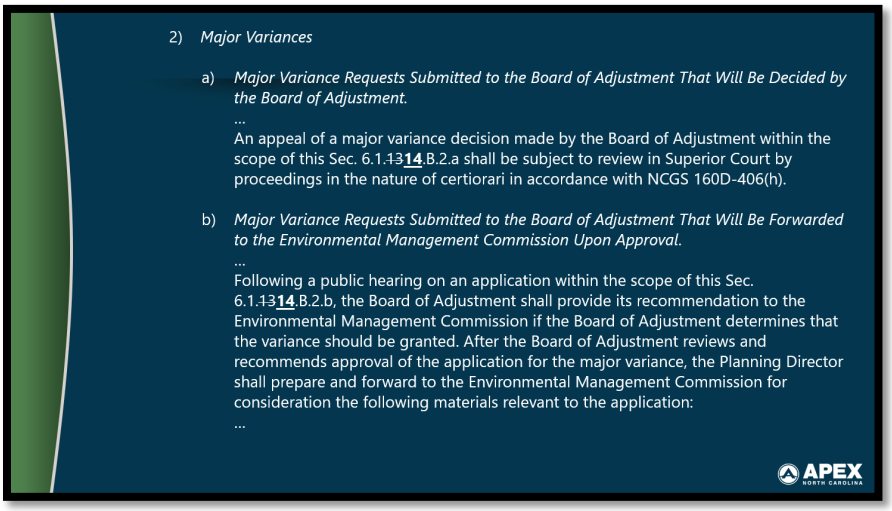
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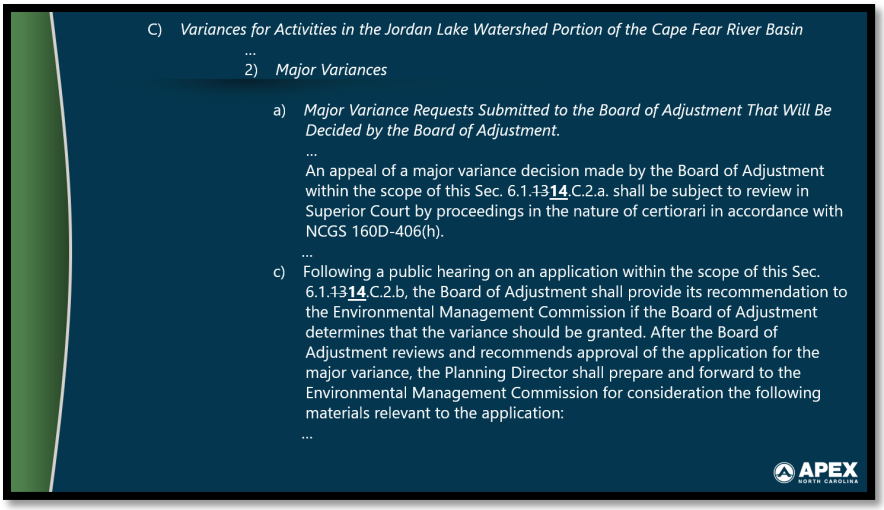
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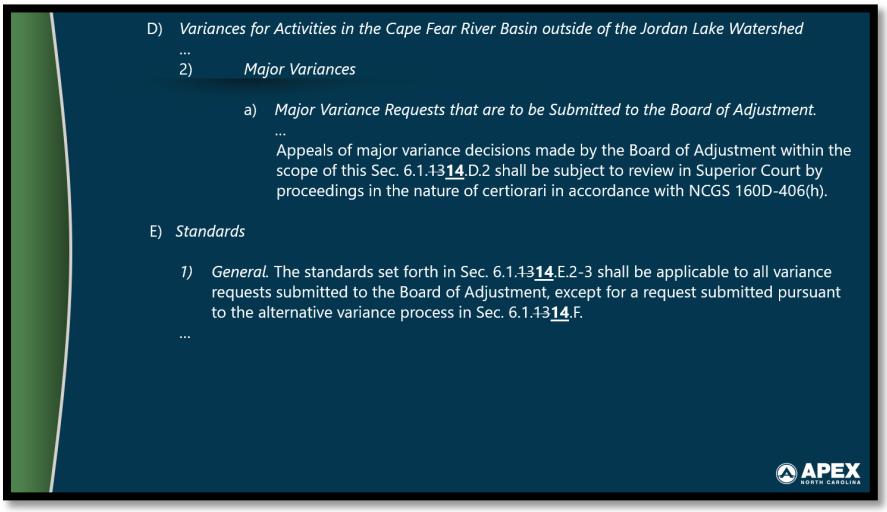
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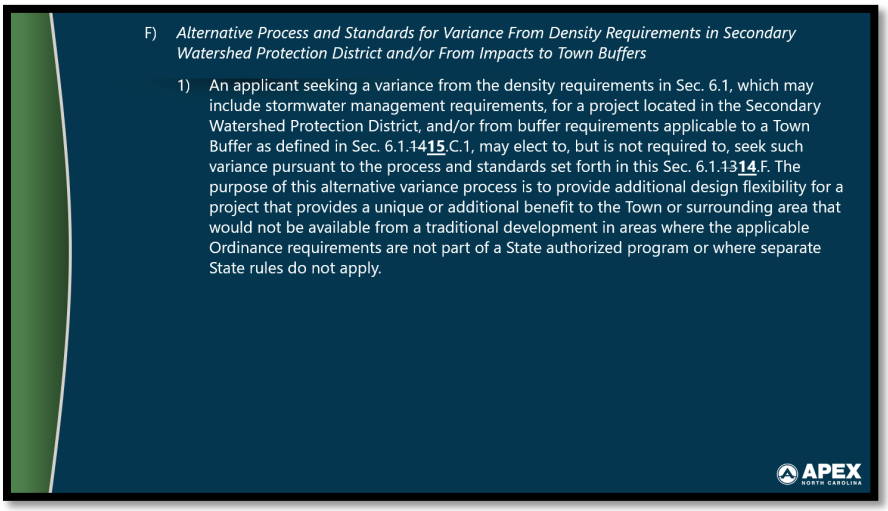
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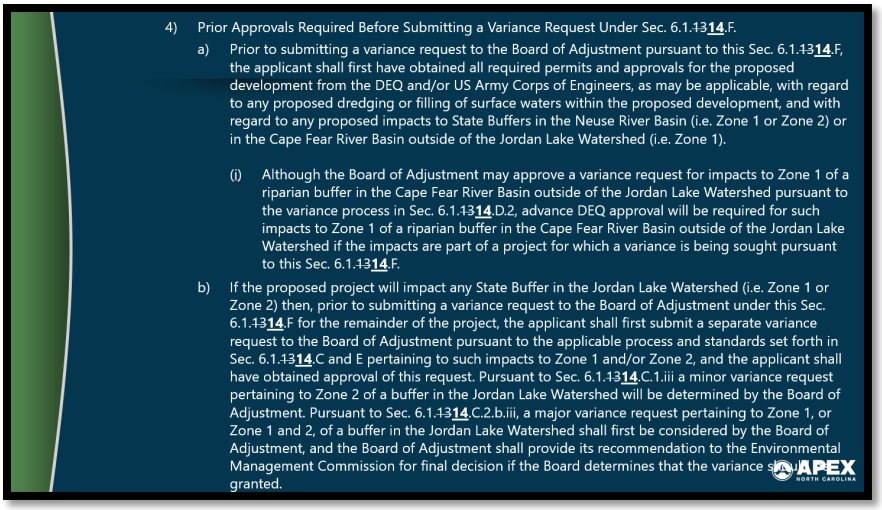
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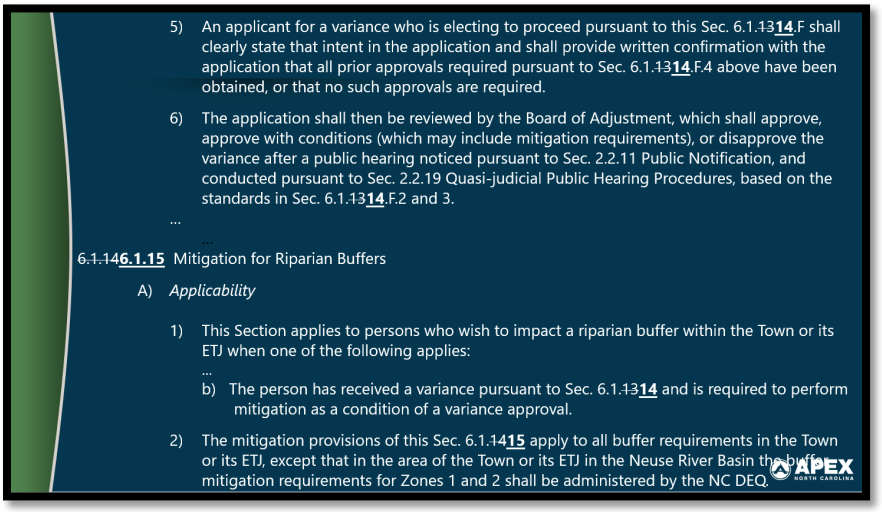
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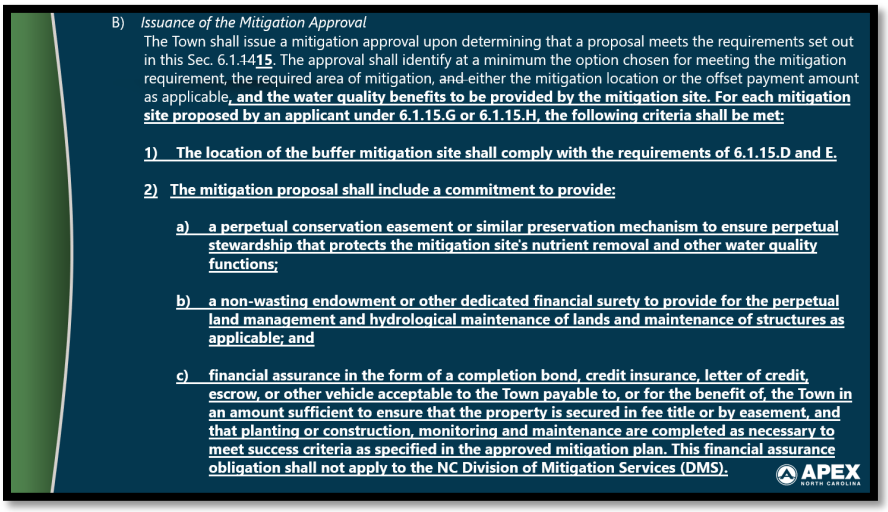
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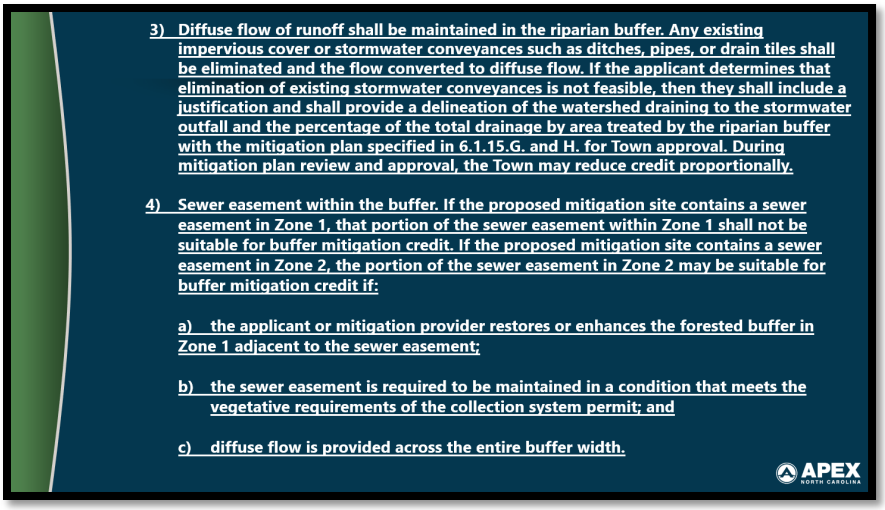
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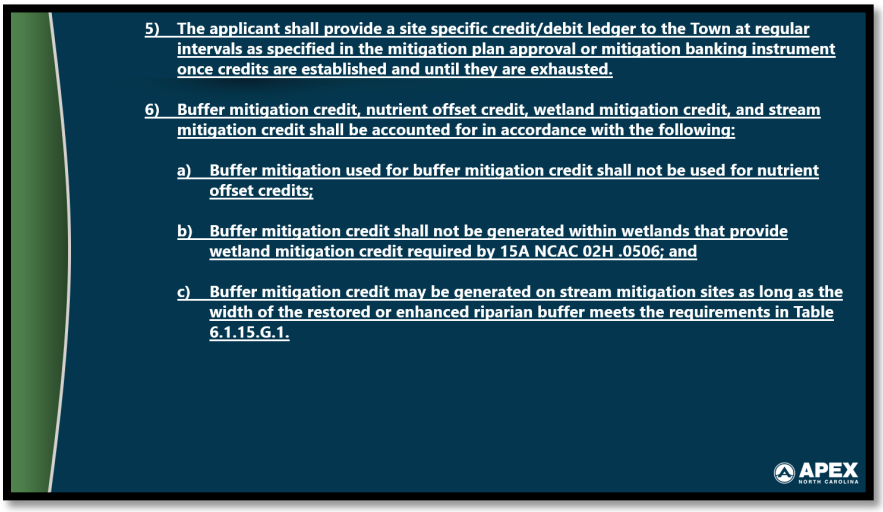
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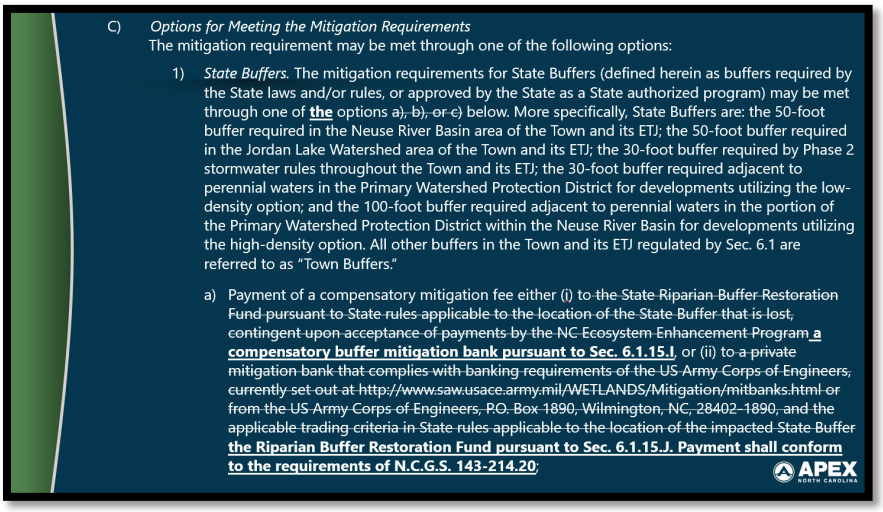
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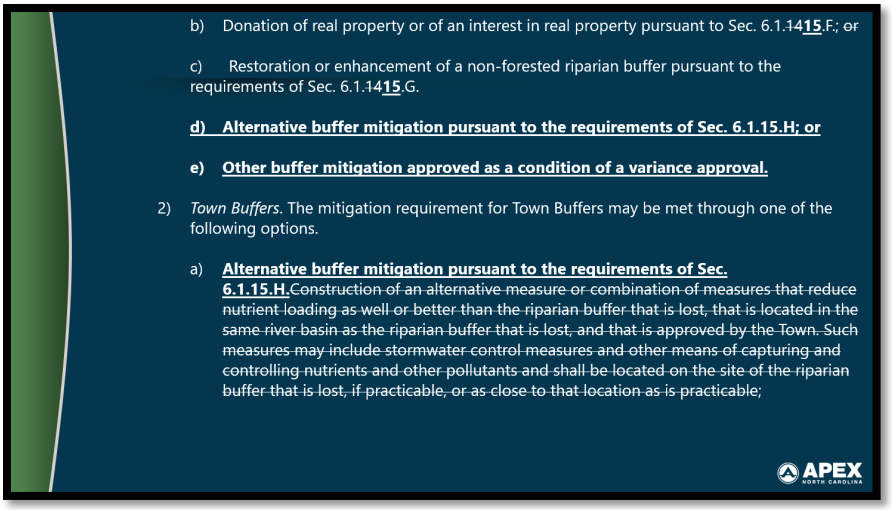
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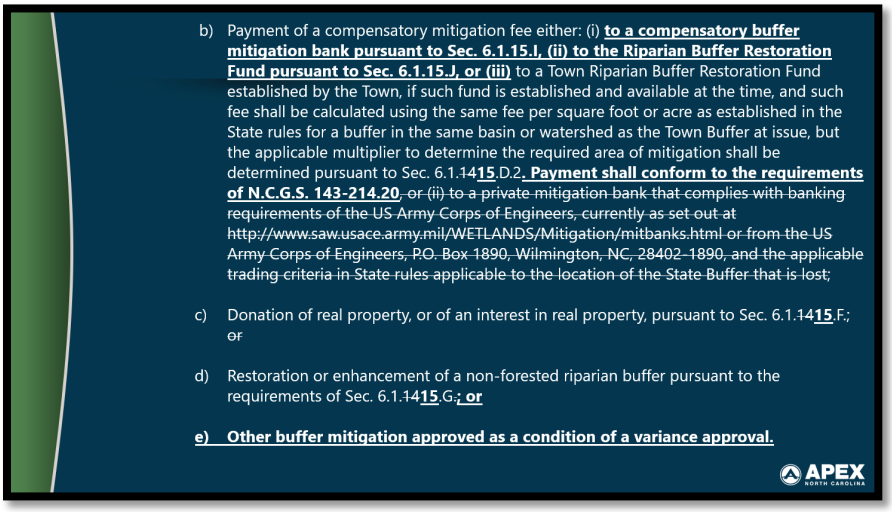
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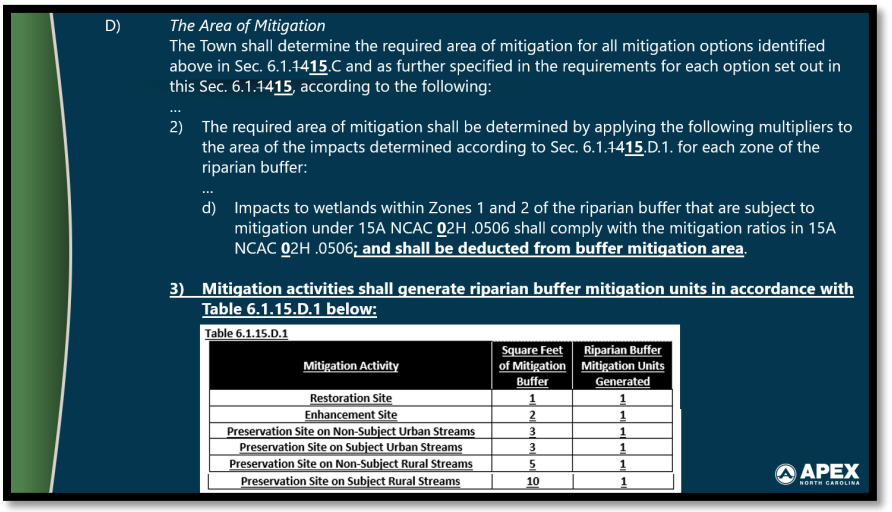
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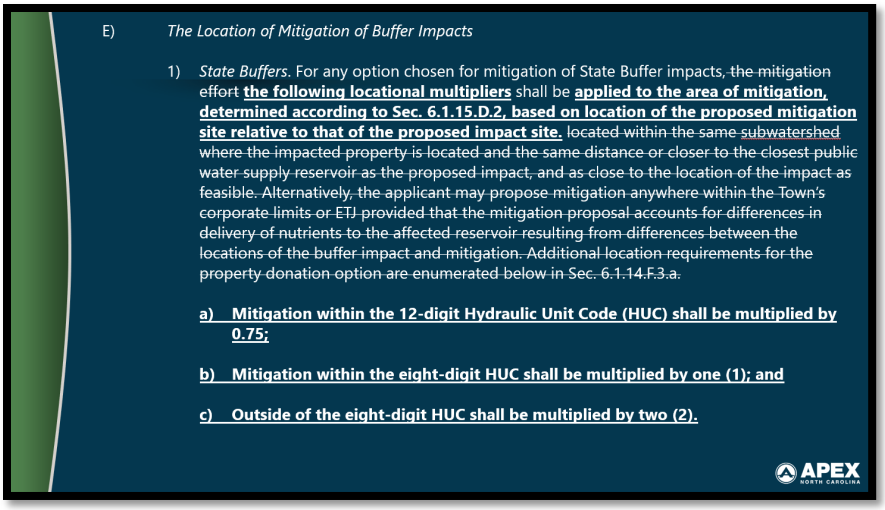
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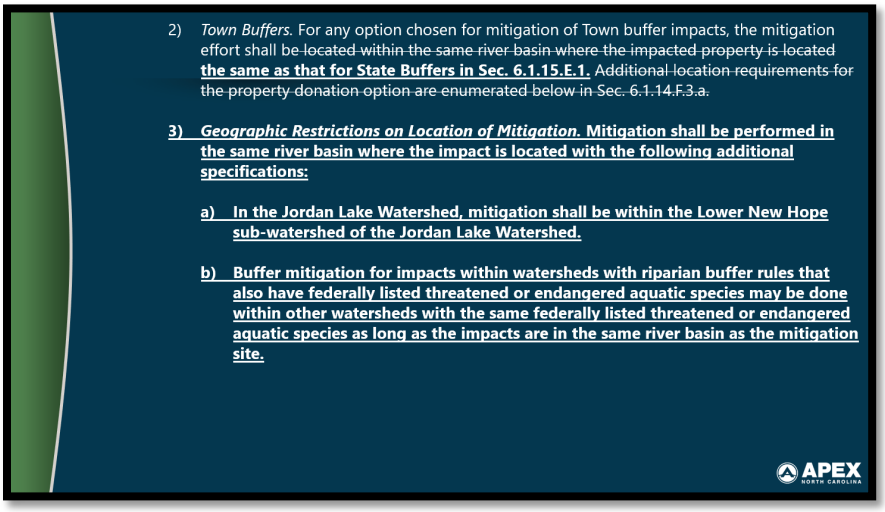
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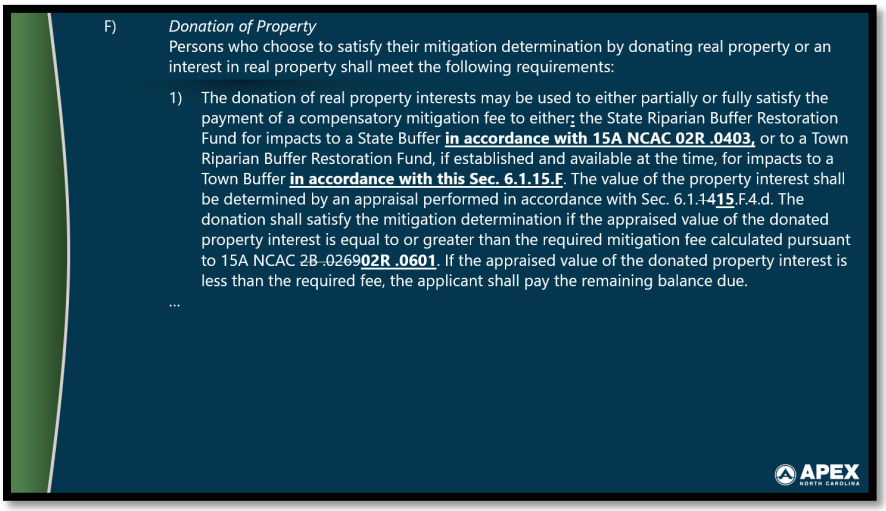
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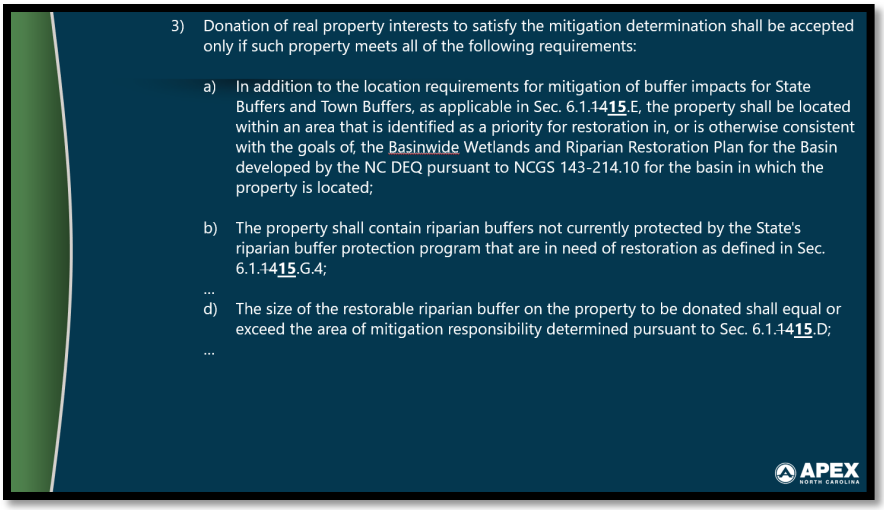
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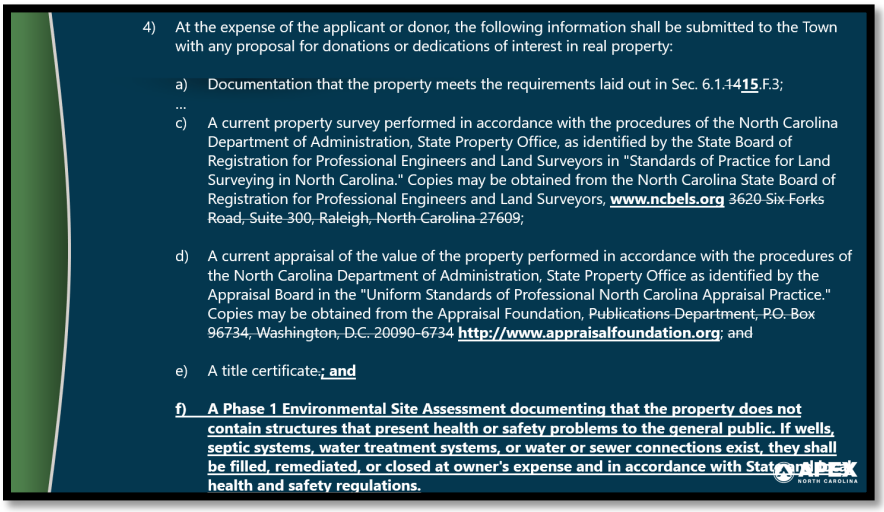
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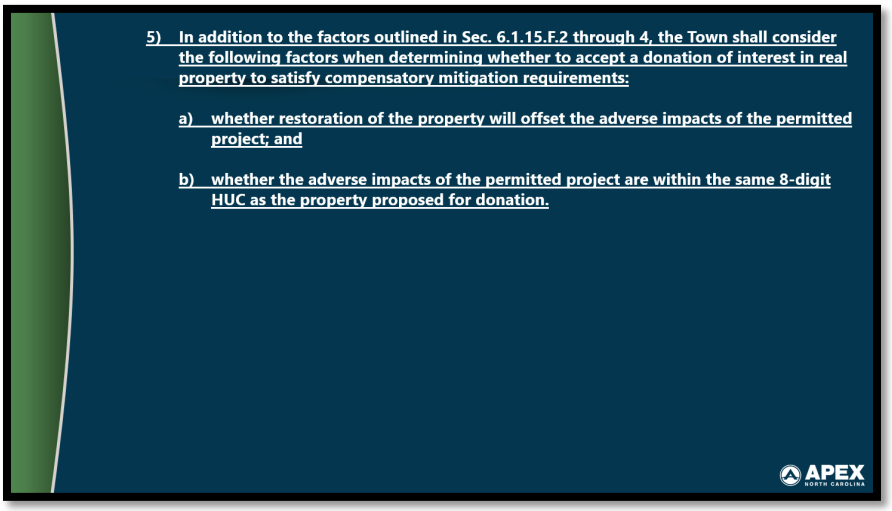
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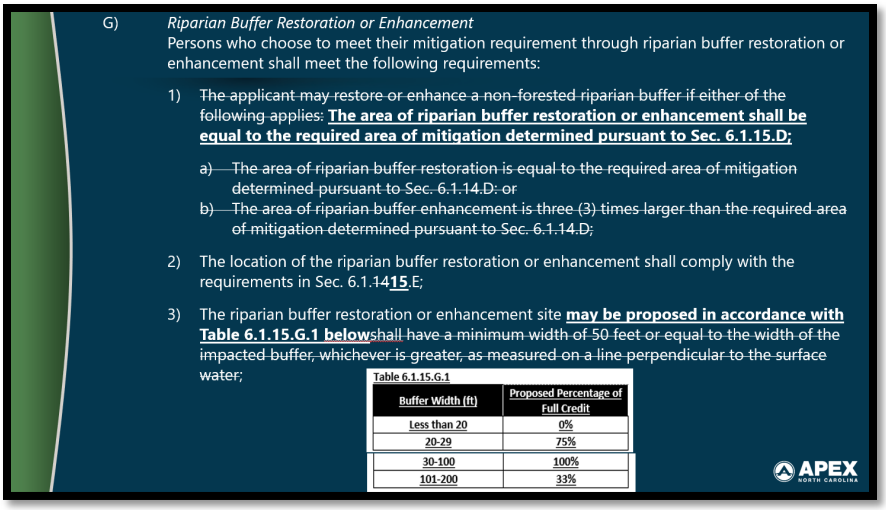
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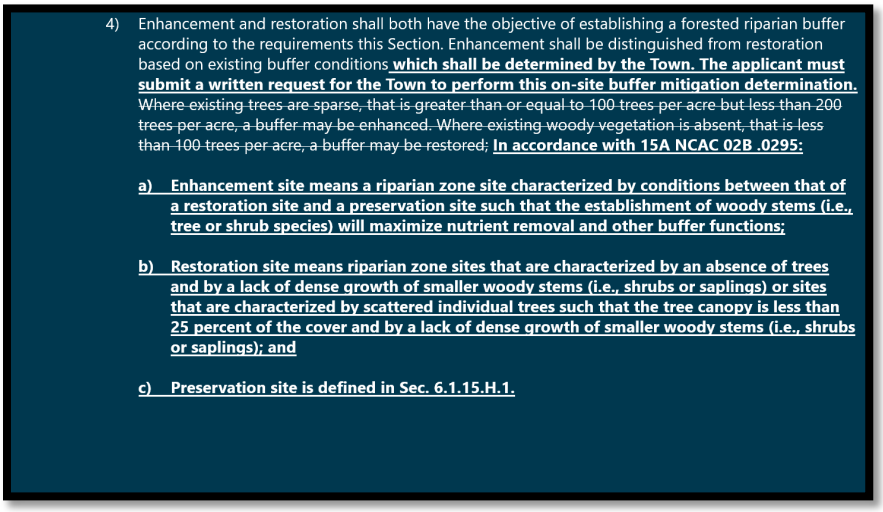
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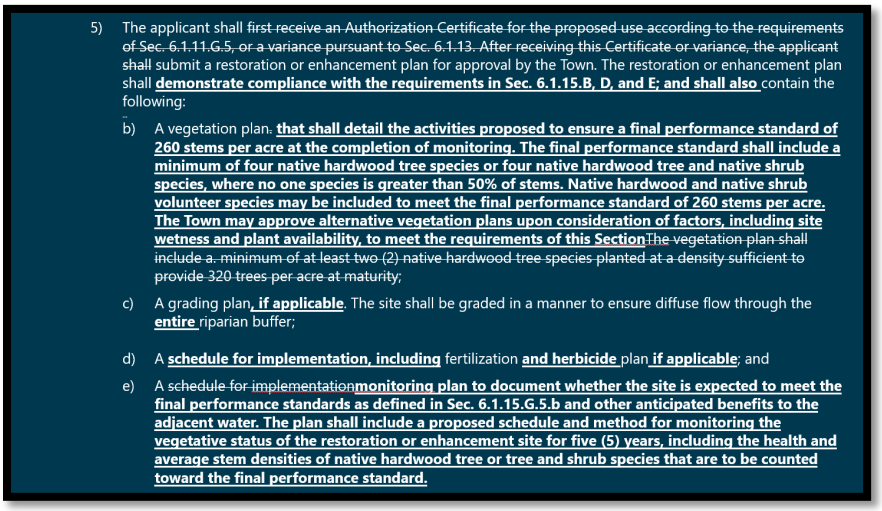
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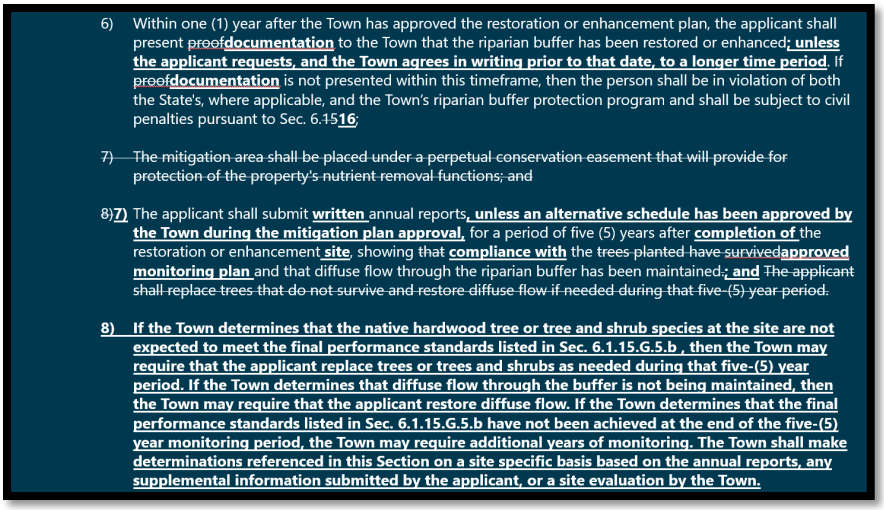
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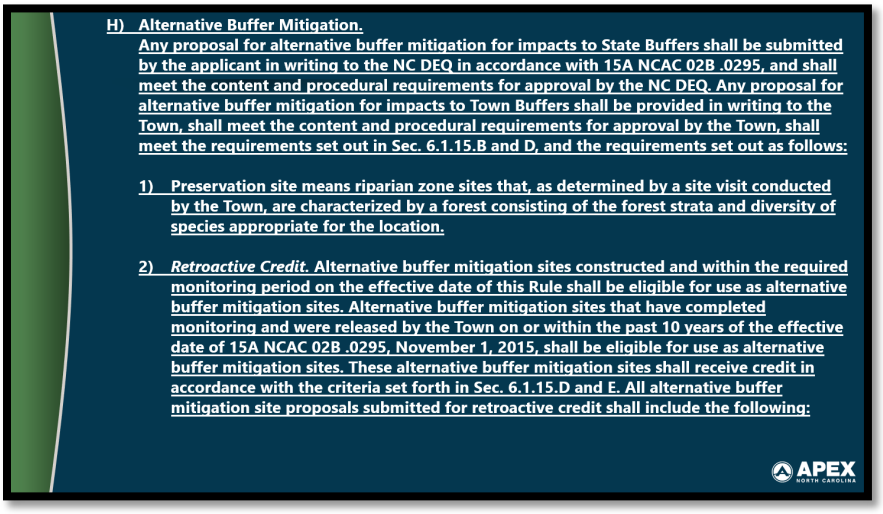
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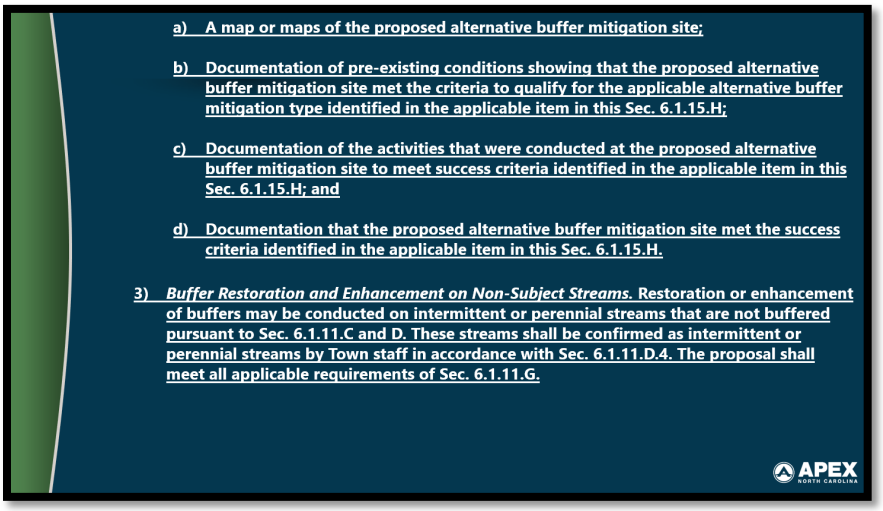
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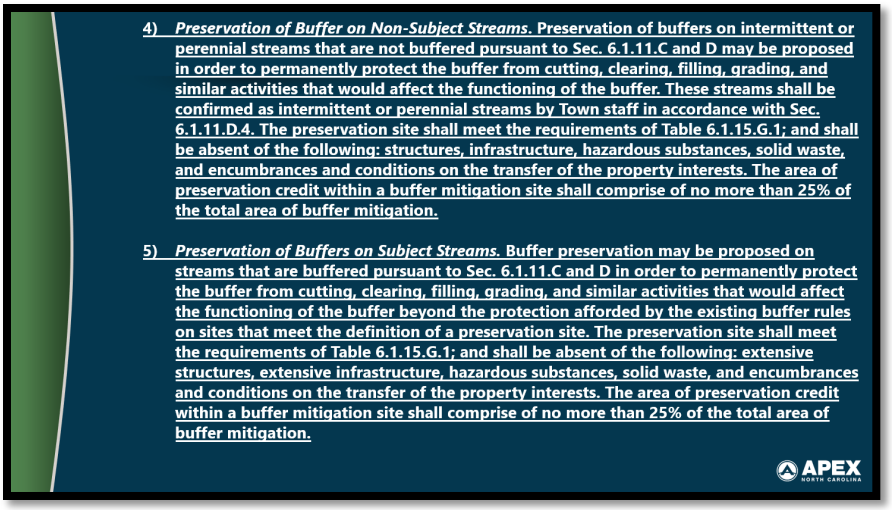
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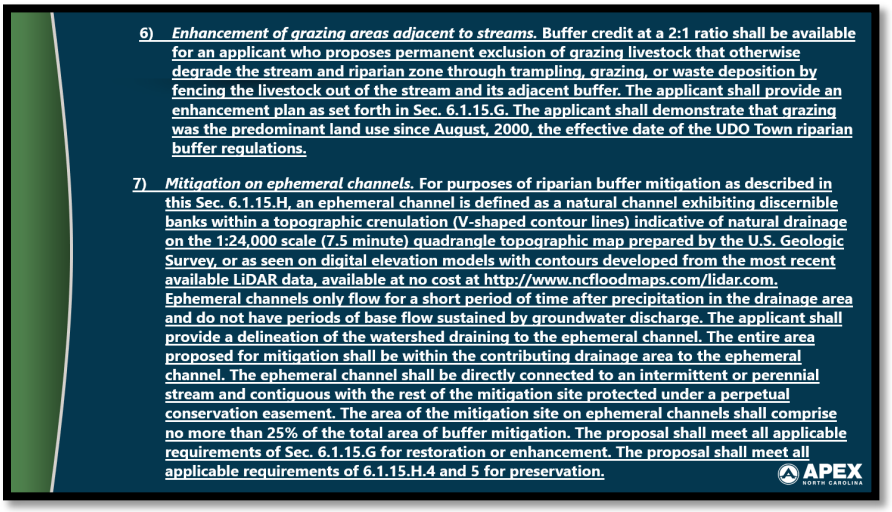
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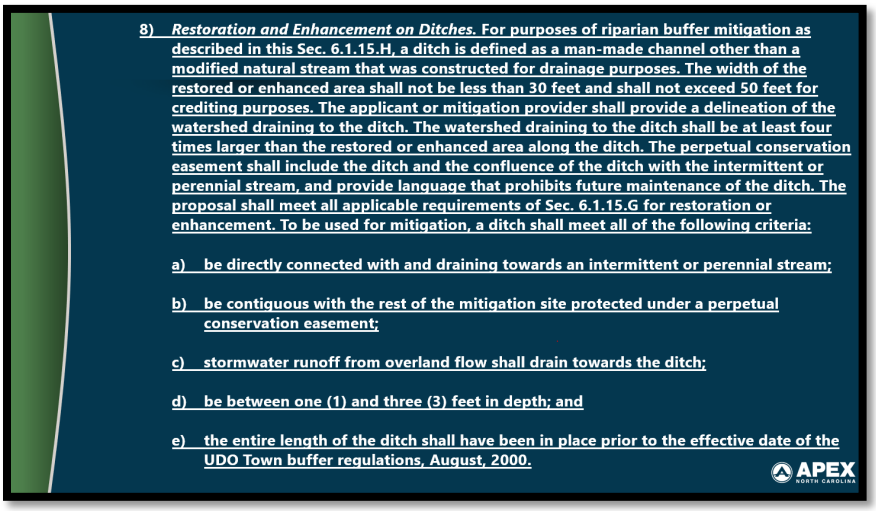
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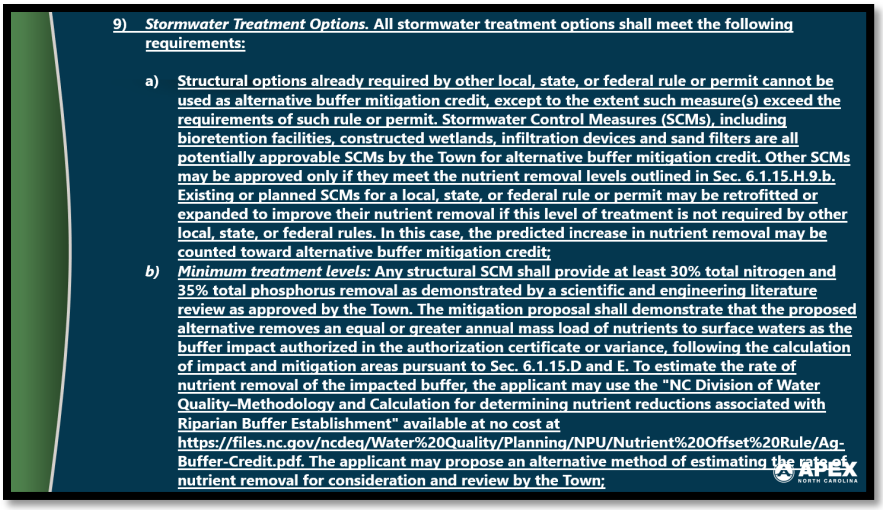
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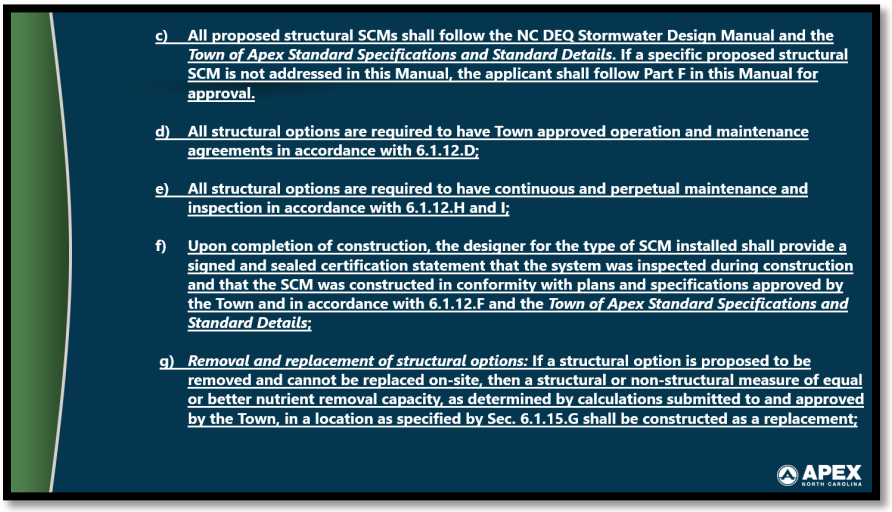
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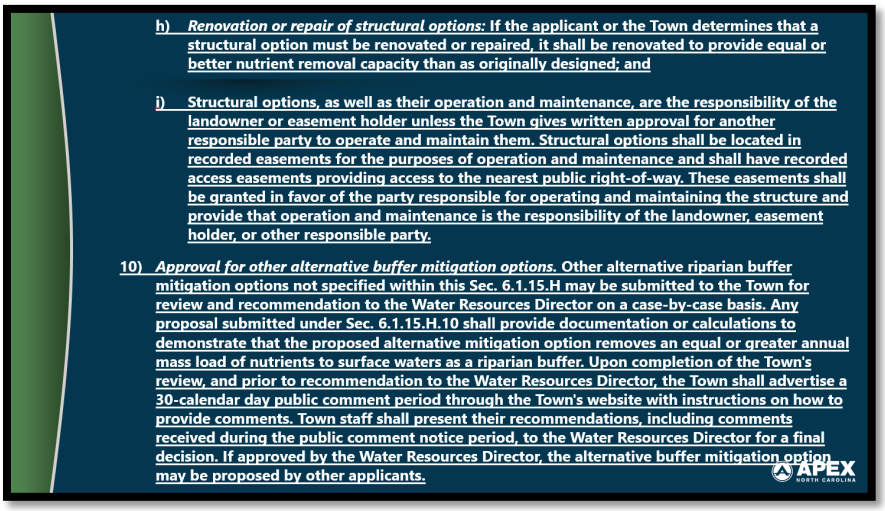
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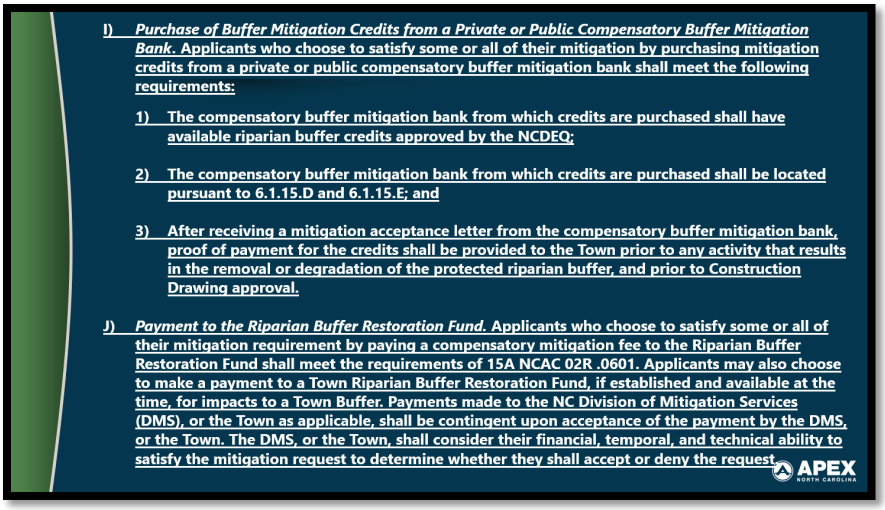
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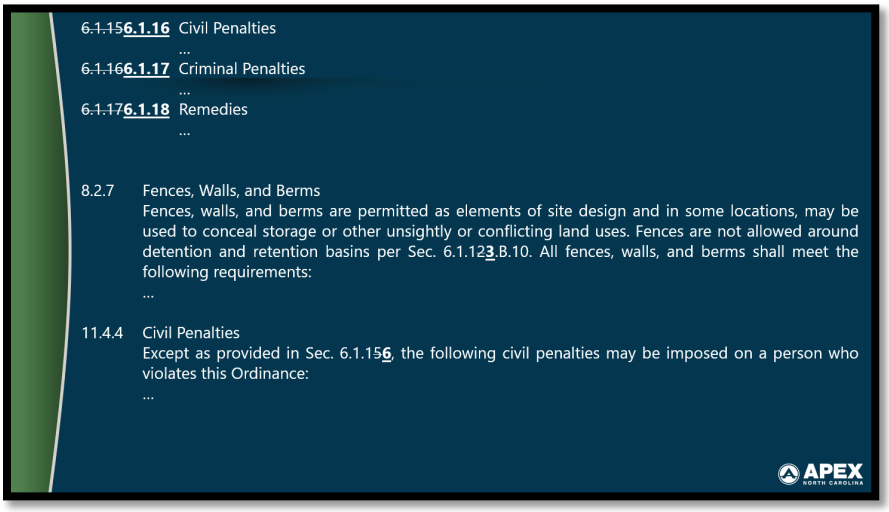
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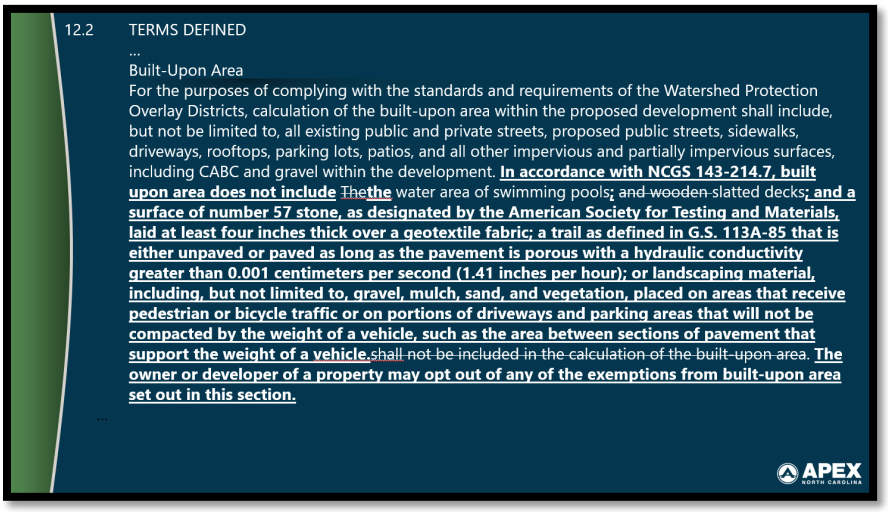
[SLIDE 79]



[SLIDE 80]



[SLIDE 81]



Councilmember Mahaffey asked if these were to be in compliance with state law.

Mr. Patterson said yes, with one caveat.

Councilmember Mahaffey asked how a stormwater control measure could be created on half of an acre.

Mr. **Patterson** said it could be underground, and there were various other options.

Councilmember Killingsworth asked how much extra time it would take to get permission from DEQ.

Mr. **Patterson** said it may take an extra month or two, but that could vary.

Councilmember Mahaffey asked how this impacted the current buffer width requirements.

Mr. **Patterson** said it did not change the current buffer and explained that it changed the mitigation calculations.

Councilmember Mahaffey asked what the state standard for buffer width was.

Mr. Patterson said the state standard was 50 feet, but the town standard was 100 feet for perennial streams, and 50 for intermittent.

Councilmember Mahaffey asked if there was any interaction with the new rules for mitigation if the town buffer rules are stricter.

Mr. **Patterson** said no, it will not impact that.

Mayor Gilbert opened up Public Hearing for comment. With no one signed up, he closed Public Hearing and moved discussion back to Council.

A **motion** was made by **Councilmember Mahaffey,** seconded by **Councilmember Zegerman,** to approve the Unified Development Ordinance (UDO) Amendments of April 2024.

VOTE: UNANIMOUS (5-0)

[UPDATES BY TOWN MANAGER]

Town Manager Randy Vosburg said that the budget had been released and said it could be found on the town's website. He said there were two upcoming events: The Housing Fair and Think Apex Day. He said that the Communications Department had received an Excellence in Communications Award from the North Carolina City and County Communications (NC3C), recognizing the department for their work on the 150th year and the 150th year party. He thanked the Council and the Mayor and said that everyone had been very welcoming.

[CLOSED SESSION]

A **motion** was made by **Councilmember Zegerman,** seconded By **Councilmember Gantt,** to enter into Closed Session Pursuant to NCGS § 143-318.11(a)(3) and NCGS § 143-318.11(a)(6).

VOTE: UNANIMOUS (5-0)

Council entered into Closed Session at 8:42 PM.

CS1 Laurie Hohe, Town Attorney

RE: Empire Contractors, Inc. v. Town of Apex.

NCGS § 143-318.11(a)(3)

"To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body."

CS2 Laurie Hohe, Town Attorney

NCGS § 143-318.11(a)(6)

"To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee."

CS3 ADDED - Laurie Hohe, Town Attorney

NCGS § 143-318.11(a)(3)

"To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body."

Council returned to open session at **10:01 p.m.**

[ADJOURNMENT]

Mayor Gilbert adjourned the meeting at 10:01 p.m.

Jacques K. Gilbert
Mayor

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

Minutes approved on 11th day of June, 2024 (CN10).

APPROVED

TOWN OF APEX
TOWN COUNCIL BUDGET WORK SESSION
THURSDAY, MAY 2, 2024
2:00 P.M.

The Apex Town Council met for a work session on Thursday, May 2, 2024 at 2:00 p.m. at the Apex Town Hall located at 73 Hunter Street in Apex North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel:

https://www.youtube.com/watch?v=F67QICl15lw&t=11s

Elected Body
Mayor Jacques K. Gilbert (presiding)
Mayor Pro-Tempore Ed Gray
Councilmember Brett Gantt
Councilmember Terry Mahaffey
Councilmember Arno Zegerman
Councilmember Audra Killingsworth
Absent: None

Town Staff
Town Manager Randy Vosburg
Deputy Town Manager Shawn Purvis
Assistant Town Manager Demetria John
Assistant Town Manager Marty Stone
Town Attorney Laurie Hohe
Town Clerk Allen Coleman
DEI Director Linda Graham Jones
Fire Chief Tim Herman
Police Chief Jason Armstrong
Public Works Director John Mullis
Planning Director Dianne Khin
Budget and Performance Management Director Amanda Grogan
Finance Director Antwan Morrison
IT Director Erika Sacco
Parks, Recreation, and Cultural Resources Director Craig Setzer (attended via virtually via Microsoft Teams)
Electric Utilities Manager Eric Neumann (attended via virtually via Microsoft Teams)
Water Resources Director Michael Deaton (attended via virtually via Microsoft Teams)

All other staff members will be identified appropriately below.

[COMMENCMENT]

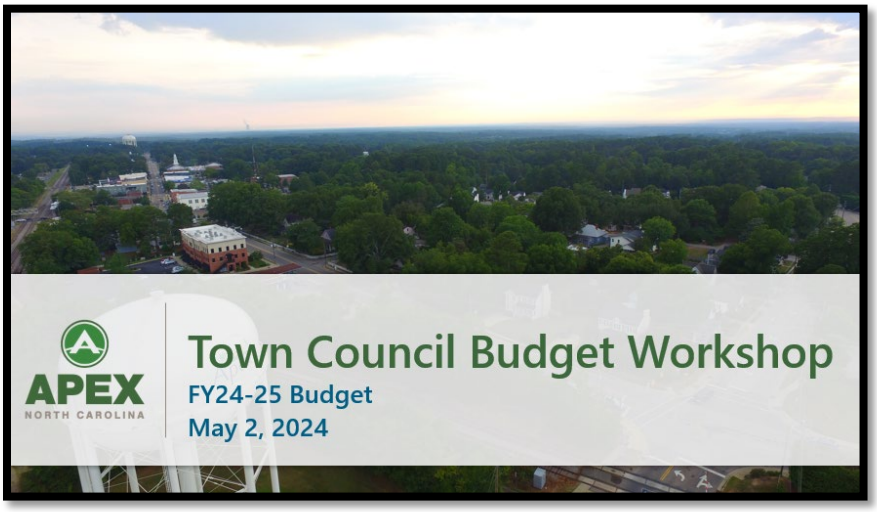
Mayor Gilbert welcomed everyone and introduced Randy Vosburg, Town Manager, to say a few words.

Town Manager Vosburg thanked the staff for the work that has been done thus far and for catching him up to speed on Budget materials. He handed it off to Amanda Grogan to start the Budget Review Presentation.

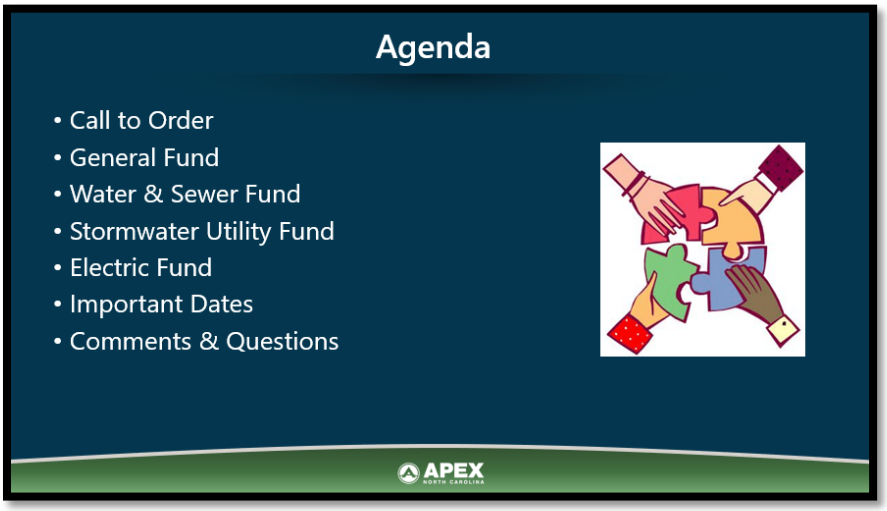
[FISCAL YEAR 2024-2025 BUDGET REVIEW]

Amanda Grogan, Budget and Performance Management Director, gave an overview of the Fiscal Year 2024-2025 Budget Review.

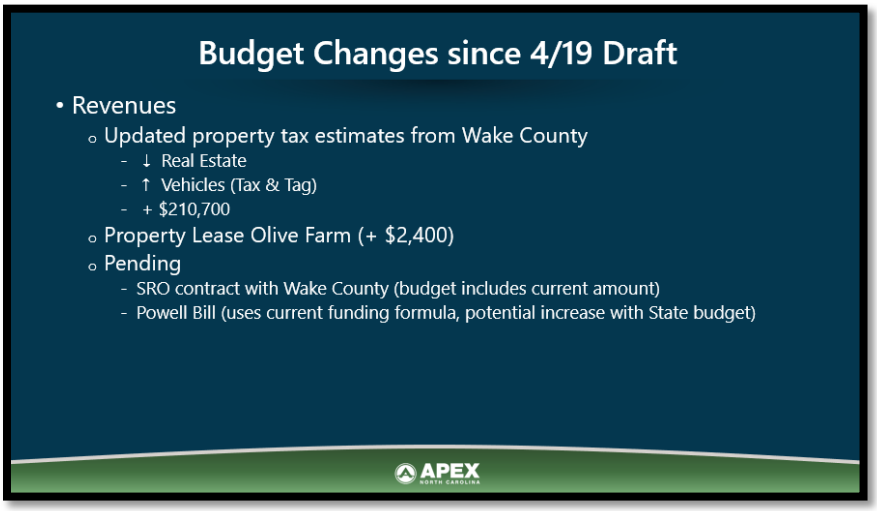
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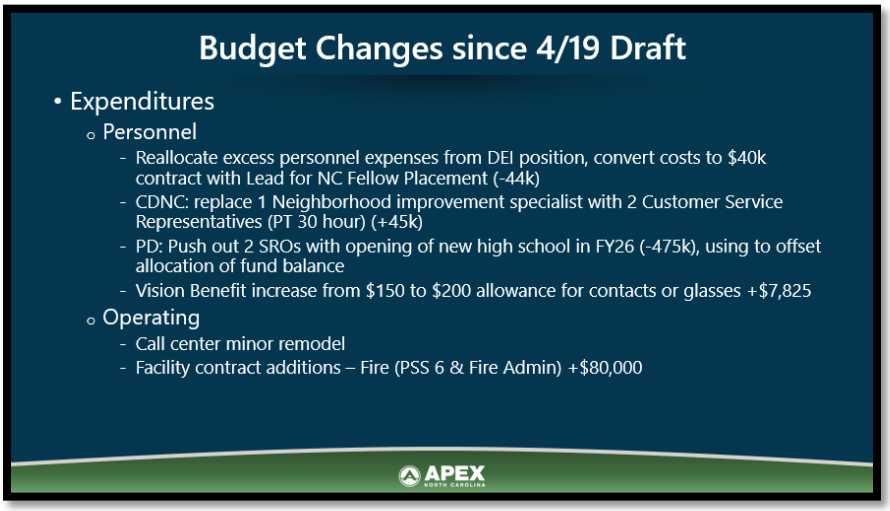
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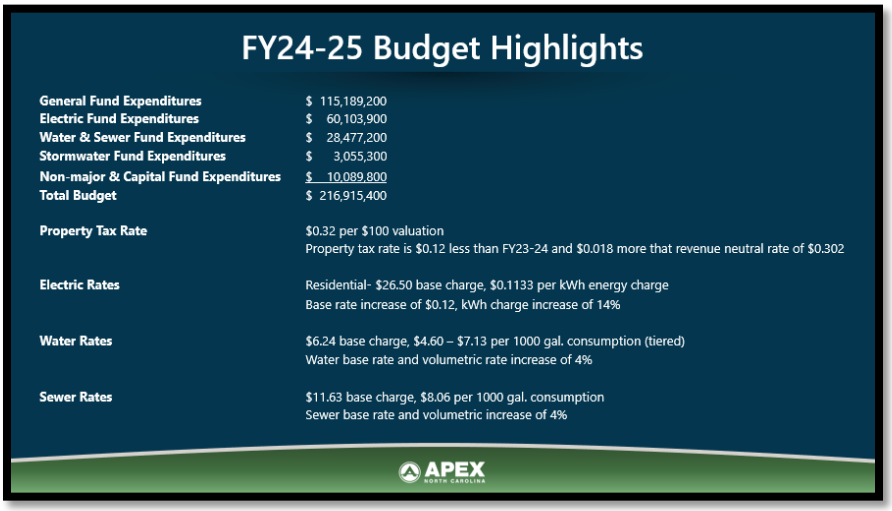
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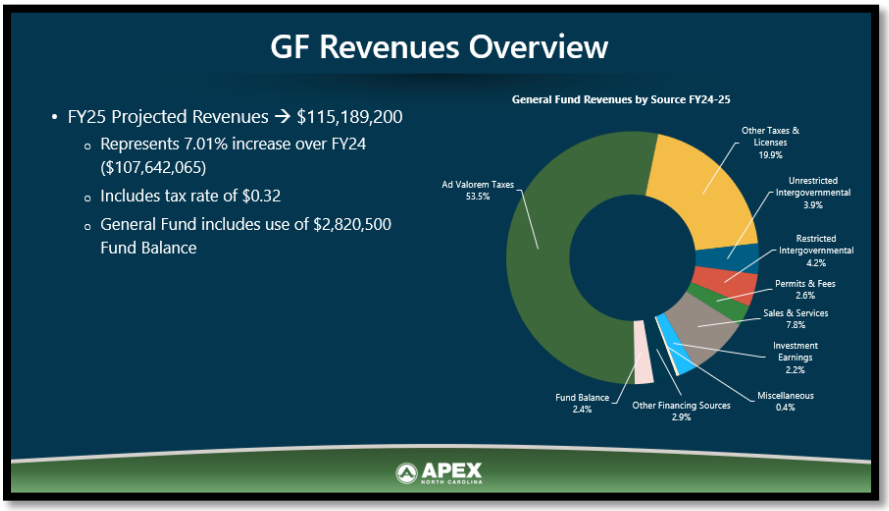
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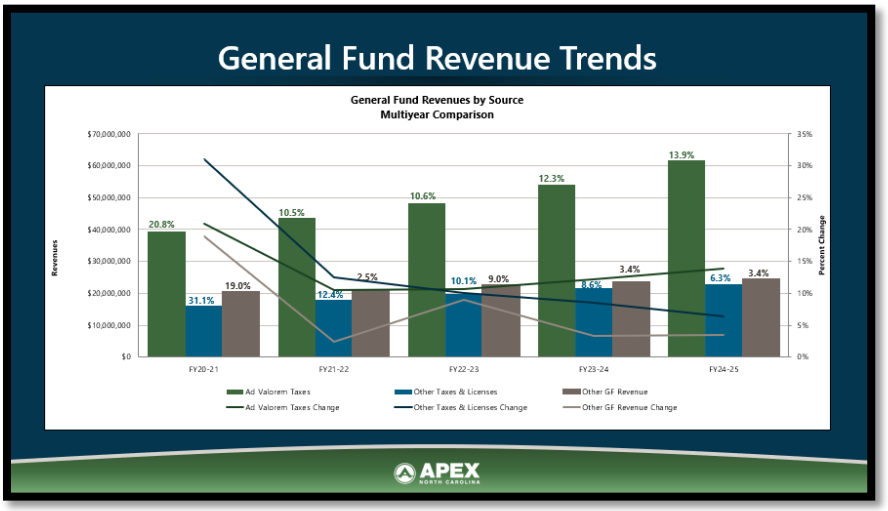
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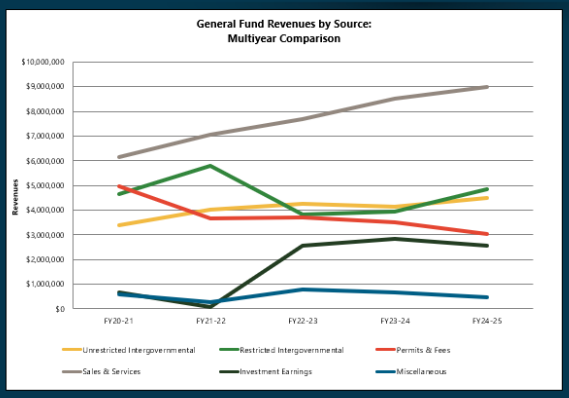


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General Fund Revenue Trends - Other



Revenues by Source GF	3-Year Average Change
Unrestricted Intergovernmental	3.8%
Restricted Intergovernmental	-2.7%
Permits & Fees	-6.0%
Sales & Services	8.4%
Investment Earnings	859.0%
Miscellaneous	55.6%

[SLIDE-9]

General Fund Revenue Summary

General Fund Revenues by Source

Source	FY22-23 Actual	FY23-24 Budget	FY23-24 Estimate	FY24-25 Budget	Percent Change
Ad Valorem Taxes	48,234,835	54,294,000	54,149,889	61,661,700	13.57%
Other Taxes & Licenses	19,871,951	21,078,500	21,579,857	22,947,000	8.86%
Unrestricted Intergovernmental	4,261,249	4,330,000	4,135,000	4,506,000	4.06%
Restricted Intergovernmental	3,806,524	4,259,790	3,938,367	4,833,200	13.46%
Permits & Fees	3,710,146	2,514,000	3,509,337	3,038,200	20.85%
Sales & Services	7,677,681	7,803,400	8,517,060	8,998,700	15.32%
Investment Earnings	2,544,666	1,320,850	2,820,000	2,545,000	92.68%
Miscellaneous	804,309	191,500	136,345	467,000	143.86%
Other Financing Sources	4,122,338	2,025,000	2,025,000	3,371,900	66.51%
Fund Balance	-	9,825,025	3,167,925	2,820,500	-71.29%
Total	**$95,033,698**	**$107,642,065**	**$103,978,780**	**$115,189,200**	**7.01%**

[SLIDE-10]

General Fund Rates: Property Tax

- Tax Rate: $0.32 per $100
  - Current Rate = $0.44
  - $0.01 = $1,935,849
  - $0.015 = $2,903,774

*amended
- $0.01 = $1,942,556
- $0.015 = $2,918,211

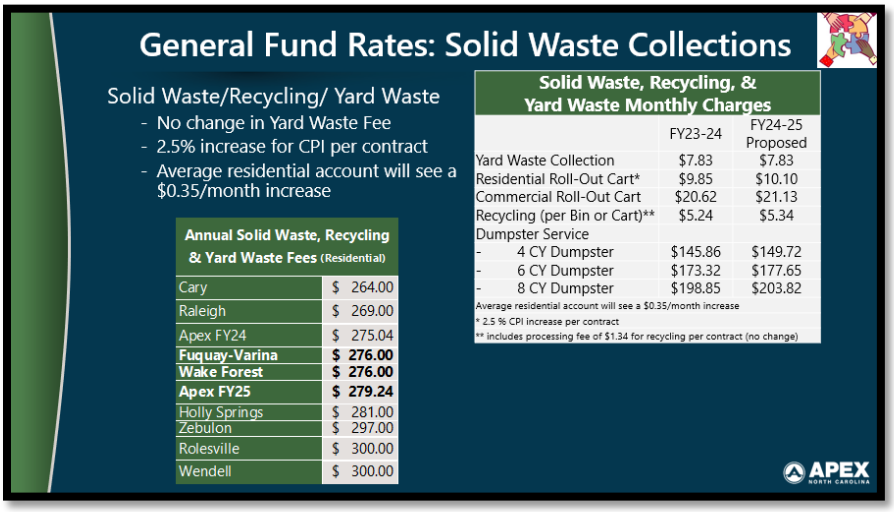
Wake County Municipal Tax Rates

Municipality	2019	2020	2021	2022	2023	Revenue Neutral	Proposed 2024	Difference
Wake County	0.7210	0.6000	0.6000	0.7210	0.6570	0.468		
Apex	**0.4150**	**0.3800**	**0.3900**	**0.4150**	**0.4400**	**0.302**	**0.320**	**0.018**
Cary	0.3500	0.3500	0.3450	0.3500	0.3450	0.245	0.325	0.080
Fuquay Varina	0.4330	0.3950	0.3950	0.4330	0.4550	0.318	0.368	0.050
Garner	0.5600	0.4971	0.5121	0.5600	0.6270	0.442	0.530	0.088
Holly Springs	0.4830	0.4216	0.4216	0.4830	0.4216	0.295	0.335	0.040
Knightdale	0.4300	0.4200	0.4200	0.4300	0.4500	0.303		
Morrisville	0.3900	0.3600	0.3600	0.3900	0.3900	0.295	0.350	0.055
Raleigh	0.4380	0.3552	0.3730	0.4380	0.4330	0.314		
Rolesville	0.4800	0.4600	0.4600	0.4800	0.4600	0.323		
Wake Forest	0.5200	0.4950	0.4950	0.5200	0.5050	0.355	0.420	0.060
Wendell	0.4900	0.4700	0.4700	0.4900	0.4700	0.306	0.400	0.094
Zebulon	0.5920	0.5500	0.5500	0.5920	0.5750	0.466	0.470	0.004
Average	**0.4848**	**0.4426**	**0.4658**	**0.4783**	**0.4923**	**0.3409**		**0.0555**

** Not confirmed or published; estimated based on bonds, debt or development **

APEX NORTH CAROLINA

[SLIDE-11]



Town Manager Vosburg said there are decision points in the upper right corner are to refer back to if needed later on for open discussion.

Councilmember Mahaffey asked if there was any information from the last discussion on the increase of yard waste rates.

Director Grogan said she is happy to do a memo and gather some data and get it to Council.

Councilmember Mahaffey said his only concern is when this calculation is done the Town is 30 percent behind. He said the Town needs to raise it six dollars.

Director Grogan said that topic was talked about in the Finance Committee and it was presented to hold the rate at this point, because of certain unknowns that ordinance changes may bring.

Councilmember Zegerman said to Mr. Mahaffey's point said the time to change things around is now before the budget is passed. He asked how fast can assessments get done in the next two weeks so it can be included it in this year's budget.

Director Grogan said yes, she can have something to Council in the next couple weeks. She said there isn't a hard deadline on, and to keep in mind that the town's rates and fees can be changed at anytime throughout the year.

Councilmember Gantt said this program may change in the future and asked about a Glide path.

Director Mullis said he would suggest for an increase incrementally. He said to Councilmember Zegerman's point that the rate could be raised, but it depends on the level of subsidy Council wants.

Director Grogan said Solid Waste is set up in the General fund, so it doesn't operate the same as water and sewer.

Councilmember Mahaffey said in principle there shouldn't be a subsidy for this, and the system should be self-supporting.

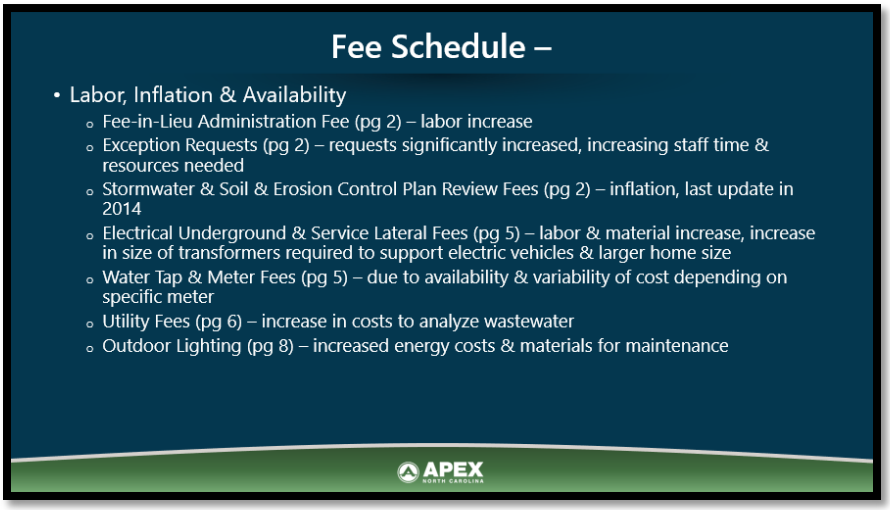
Councilmember Zegerman asked what would happen if another dollar was added to the Solid Waste Collection Fees, and where does the subsidy land.

Councilmember Mahaffey said it's not done right now but Council can change it anytime in the future.

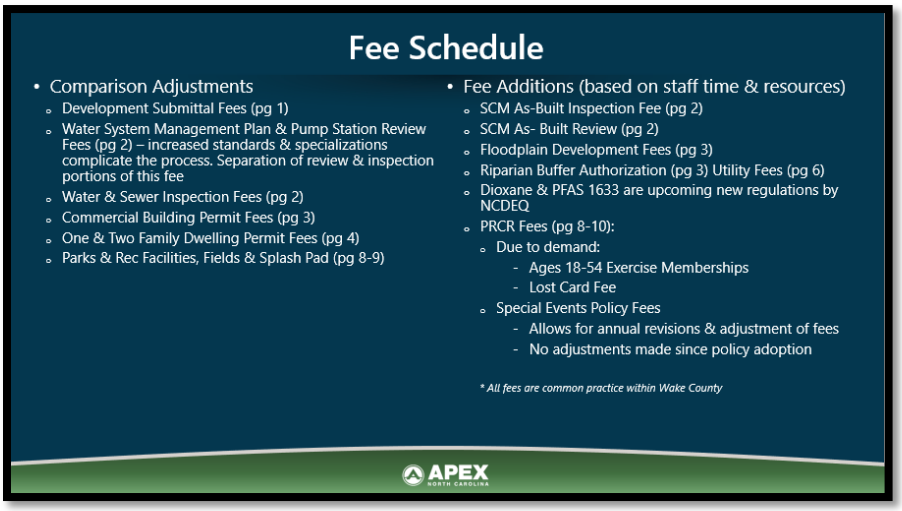
Director Grogan said they want to be cautious, and she will present information with a glide path and methodology.

Councilmember Gantt said he thinks what they have been doing with water and sewer has been good because things have gotten aligned over time.

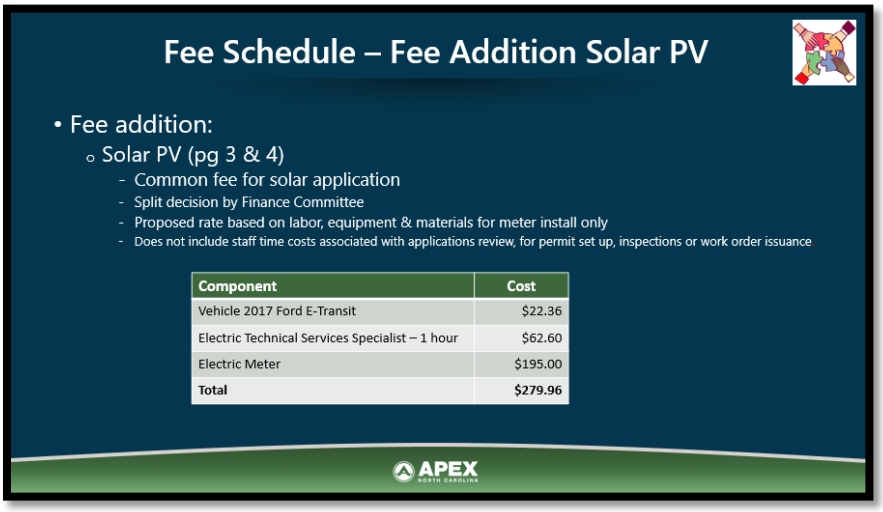
[SLIDE-12]



[SLIDE-13]



[SLIDE-14]



Councilmember Mahaffey said he was curious to why the additional 100 dollar charge in annexation fees for a well and septic failure mattered.

Director Khin said she thought that was keeping things the same.

Councilmember Mahaffey said he had things backwards.

Councilmember Gantt asked the numbers of Solar PV that were installed.

Assistant Town Manger Stone said about 80 a month.

Councilmember Zegerman said last year there were about 800 customers for solar, he asked if there are there over 2,000 customers now.

Assistant Town Manager Stone said he will verify that information.

Councilmember Zegerman asked what kind of subsidy is this if Council chooses not to do this.

Councilmember Gantt said the chart shows an upward trend in solar.

Director Grogan said the revenue would go to the electric fund.

Town Manager Vosburg said the subsidy currently comes from the electric fund.

Councilmember Zegerman asked about installing of LED lighting and new solar on Town buildings.

Director Grogan said LED lighting currently is electric and the Town solar is general fund.

Councilmember Killingsworth asked to hear from the Finance Committee about the split decision.

Councilmember Mahaffey said he was opposed to adding the fee back. He said there was some context: the fee was removed in 2018 or 2017 as part of an initiative to encourage solar adoption. He said this would be a reversal of that policy and it's not something that he was in favor of. He said he likes the fact Apex is viewed as the most solar friendly community in the state, and he thinks the policy is working well.

Mayor Pro-Tempore Gray said they are on a path where they will have to do it. He said the Town has plenty of incentives to encourage solar use. He said now is the time to

make a move on this and when looking at some long-term costs it makes sense. He said this is something that needs to be addressed now.

Councilmember Mahaffey asked is there another fee that would be a better source.

Mayor Pro-Tempore Gray said to ask staff to take a look and find out what other options are out there.

Councilmember Gantt asked was a decision ever made on the net metering and the two-way metering.

Councilmember Zegerman said it was depending on the ERP upgrades and the meter upgrades. He said instead of going below zero the $26 base fee was decided to apply to all customers.

Councilmember Gantt asked when the metering was going to be finished.

Assistant Town Manager Stone said it's still in progress, and setting up infrastructure now. He said it will take a year and a half or more to get all the meters implemented in place. He said he has some quick data points: the Town has 1,053 solar systems today. He said the average is 23 per month and apologized for the high estimate he gave earlier. He said he had 800 totals in 2023. He said the town loses $455 per solar customer in revenue and that number was provided by the consultants in April of last year.

Mayor Pro Tempore Gray said there was a budget year coming up that would have a lot of costs for water/sewer and retirement, so he wanted to get these kinds of things done now, so things can be made easier in the future. He thinks 2027 and 2028 will already be difficult for the town. He said they may get to a point where they can no longer afford to provide certain services.

Councilmember Zegerman said he would like to continue to encourage solar adoption. He said if the Town is going to charge this and it creates a revenue stream for electric, he said he would want it to fund the town's solar adoption.

Deputy Town Manager Purvis said it's not a money revenue stream, it's cost recovery. He said it's money in and money out.

Councilmember Killingsworth said she agrees with Mayor Pro Tempore Gray, and said that the town should be charging for meter installs. She said the more that is recovered now, the less has to be recovered later.

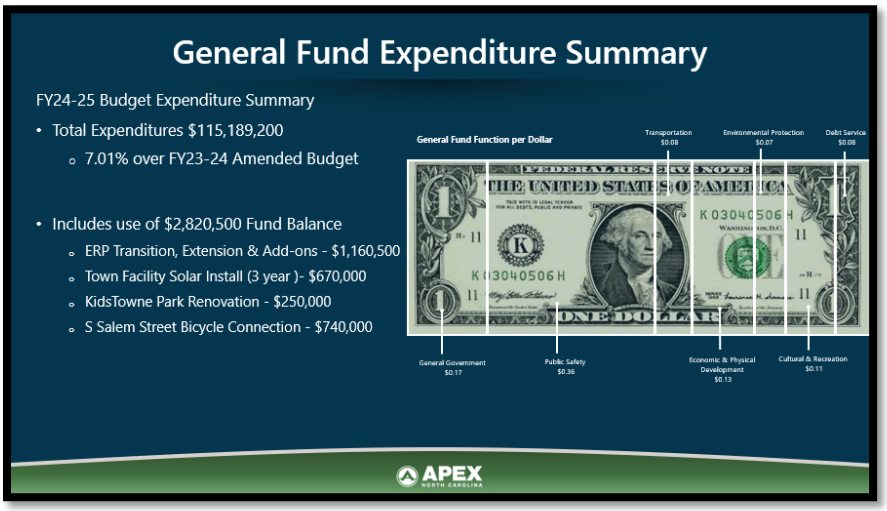
Councilmember Mahaffey said Apex embraces solar and it fits with our values. He said the loss that the town is taking represents a level of investment and he said the town should be making these types of initiatives, and it's something he's proud of and would be sad to see it go to a fee.

Councilmember Killingsworth said the town is asking $280 for meter to be installed. She said its not a lot to ask for a fee to reimburse the people who go out and put it in.

Mayor Pro-Tempore Gray said when the town has to renegotiate the ElectriCities contract and talking about how Duke is going to charge the town, he said the conversation becomes different. He said he doesn't think this is the price that residents are going to be paying in 2027 when looking at how much and the town has to got start buying this back up.

Councilmember Gantt said residents are making a decision on a $10,000 investment in solar, not $300 they are saving on the installation the net metering. He said he agrees with Councilmember Killingsworth.

[SLIDE-15]



Councilmember Gantt asked if the town has never paid for solar using electric fund money, and that it's always been general fund, because of the types of allowed uses.

Director Grogan said yes. She said there is no return on investment so it's not something they will greatly benefit from for the electric department, and it isn't a business decision. She said the capital costs are covered by the electric funds and the operating costs are covered by the general fund.

Councilmember Zegerman said the street lights have a higher return on investment and suggested maybe some of the funds needs to go there and reduce the consumption instead of increasing our general fund.

Assistant Town Manager Stone said the return is much higher on LED lights.

Councilmember Gantt said it has lower maintenance cost and last longer and said he would like to do more with that.

Director Grogan said Councilmember Gantt asked if they could use 1 million dollars per year on street lights.

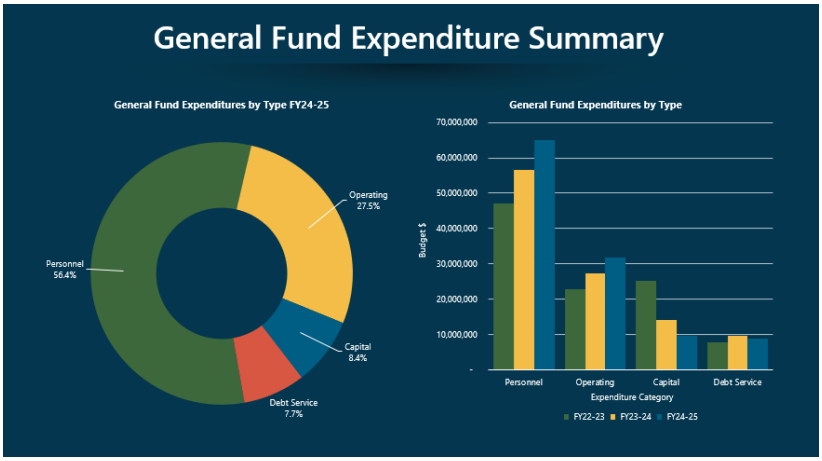
Assistant Town Manager Stone said yes, but a lot of that money would have to go to contracting staff, since town staff would not be sufficient for that supplemental work. He said there would be more payback on installing LED lights through contracting services than spending on solar installation.

Director Grogan said the costs have gone up a lot.

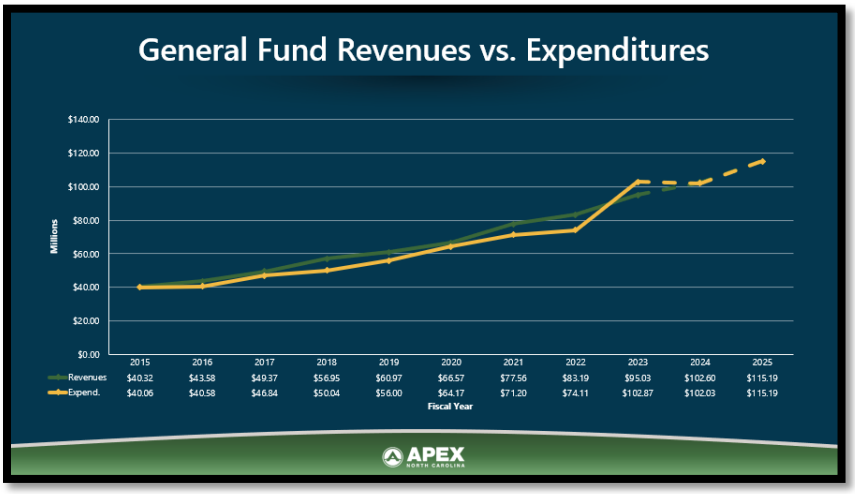
Councilmember Zegerman asked how many street lights are currently LED.

Assistant Town Manager Stone said he would look it up but they are a long way from where the town wants to be.

[SLIDE-16]



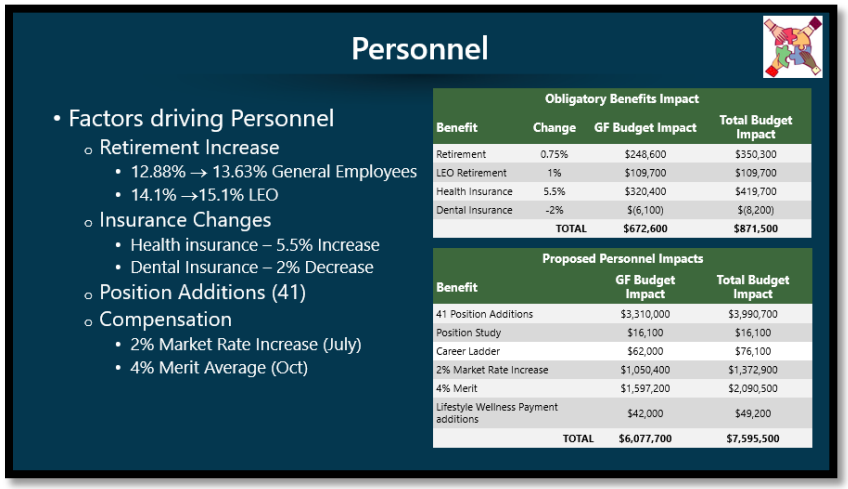
[SLIDE-17]



Councilmember Zegerman said moving forward he would like to see a separation of Capital cash flow and Operating expenses.

Director Grogan said they can do that. She said capital can sometimes be variable, and sometimes bids go higher than anticipated.

[SLIDE-18]



Councilmember Zegerman said there are departments have a higher increase in expenses than other departments, without adding new staff. He asked why is it not a standard rate of 6% across the board.

Director Grogan said some money is used to allocate for open positions, which is a spike in rates in some departments. She said one department might have seven vacancies and that money would need to be reallocated in some departments versus others. She said some departments support other departments, such as Finance and Utilities, and some funding went towards that.

Assistant Town Manager Stone said the way it looks is that the current year is the one that is not accurate, because some money from vacant positions has been moved elsewhere. In the next budget, that money is projected to be back in those positions, so it looks like an increase.

Councilmember Zegerman said he didn't think they were talking about the same thing and he would follow up in a separate conversation.

[SLIDE-19]

FY24-25 Personnel

- Current Approved FT positions: 636.25
- Proposed new positions: 41
  - 40 FT → 676.25
  - 1 LSE

Fund	Requests	Recommended	Annual Salary & Benefits
General	66	36	$3,675,460
Electric	4	2	$284,355
Water-Sewer	3	2	$284,355
Stormwater	2	2	$205,779
TOTAL	**73**	**42**	**$4,449,949**

APEX NORTH CAROLINA

[SLIDE-20]

Positions Recommended

Department	Position	Rec.	FY24-25 Personnel Cost	Hire Date	Annual Salary & Benefit - Recommended	Operating & Capital Costs - Recommended	Total Costs - Recommended
4110 - Town Clerk	Public Records Coordinator	1	92,422	10/1/2024	123,230	10,725	133,955
4200 - Administration	Diversity, Equity, & Inclusion Specialist (Lead for NC)	1	N/A	7/1/2024	106,015	11,025	117,040
4220 - Information Technology	IT Specialist - Public Safety	1	123,230	7/1/2024	123,230	3,775	127,005
	IT Specialist	1	92,422	10/1/2024	123,230	1,575	124,805
4230- Legal Services	Assistant Town Attorney	1	127,578	10/1/2024	170,103	6,025	176,128
4800 - Community Development & Neighborhood Connections	Customer Service Representative PT (30 Hour)	2	97,950	10/1/2025	97,950	14,050	112,000
	Community Engagement Specialist	1	114,252	7/1/2024	114,252	13,675	127,927
	Customer Service Representative	2	170,336	7/1/2024	170,336	24,050	194,386
4900 - Planning	Environmental Programs Coordinator	1	123,230	7/1/2024	123,230	8,725	131,955
	Planner II	1	123,230	7/1/2024	123,230	8,025	131,255
5100 - Police	Police Officer-Detective (Mental Health & DV)	1	103,822	8/1/2024	113,260	95,000	208,260
	Police Officer-K-9 Handler	1	103,822	8/1/2024	113,260	131,400	244,660
	Police Officer-School Resource Officer	3	330,233	7/1/2024	330,233	371,550	701,783
	Civilian Traffic Crash Investigator	2	86,120	10/1/2024	43,060	167,200	210,260
	Police Officer-Recruitment & Training Officer	1	116,426	10/1/2024	155,235	124,300	279,535
	Intelligence Analyst	1	85,689	10/1/2024	114,252	9,800	124,052
	Police Officer	3	302,714	8/1/2024	330,233	367,200	697,433
5110 - Emergency Communications	Telecommunicator	2	183,055	7/1/2024	183,055	11,300	194,355
5300 - Fire	Accreditation Specialist	1	106,015	7/1/2024	106,015	6,950	112,965
5400 - Transportation & Infrastructure Development	Capital Projects Inspector	1	114,252	7/1/2024	114,252	73,825	188,077
5700 - Solid Waste Services	Heavy Equipment Operator	1	63,876	10/1/2024	85,168	69,500	154,668
	Seasonal Leaf Collector	1	14,353	11/1/2024	21,530	1,700	23,230
5800 - Fleet Services	Fleet Service Mechanic	1	68,646	10/1/2024	91,528	8,400	99,928
5900 - Building Inspections & Permitting	Senior Plans Examiner	1	99,762	10/1/2024	133,016	17,525	150,541
	Building Code Official I	1	53,008	1/1/2025	106,015	10,800	116,815
6200 - Parks & Recreation	Parks & Greenways Engineering Supervisor	1	123,230	7/1/2024	123,230	1,200	124,430
	Recreation Program Specialist	1	106,015	7/1/2024	106,015	31,940	137,955
	Special Events Specialist	1	106,015	7/1/2024	106,015	4,753	110,768
Fund Total		35	3,309,991		3,675,460	1,601,493	5,276,953

*Positions in red indicate alignment with Staffing Plan

[SLIDE-21]

School Resource Officer (SRO)

Apex Schools	Count	Personnel Cost	County Cost Share
6 Elementary Schools	2	$253,656	$0
Apex Friendship Middle	1	$123,784	$0
Apex Middle	1	$123,784	$0
Lufkin Road Middle	1	$123,784	$0
Salem Middle	1	$123,784	$0
Apex High	2	$267,469	$79,480
Apex Friendship High	2	$306,665	$79,480
Command staff	2	$296,830	$0
Total	**12**	**$1,619,757**	**$158,960**



Councilmember Mahaffey asked if the Lobbyist should get on board with this, as they are disappointed every year by the reimbursement rates. He said there is a lot of support for SRO's at the state level.

Director Grogan said it's more a county issue, as there are grants available the town is willing to apply for that they need the county to work with.

Chief Armstrong said the last conversation he had with the school district was they were not on board with pursuing the grant component. He said their explanation was if they something for one district, then they would have to do it for all jurisdictions, and there's not enough funding to accommodate everyone. He said he did speak to Dr. Taylor, the superintendent, a couple weeks ago regarding Apex's desires. He said with this relationship with Wake County the funds should be split between the County and Town half and half.

Mayor Gilbert said this has been going on for decades and Wake County is not willing to give. He said some agents still get appropriations from the general assembly.

Councilmember Gantt said he would like to see normal officers in grade schools and would like to make a vote on this action. He said he feels strongly that schools are not seeing the public safety benefit of grade school SROs by their lack of funding.

Mayor Gilbert said SROs are appreciated by schools because of their long-term investment and ability to create relationships. He said there is also a high vacancy rate among deputies.

Councilmember Killingsworth said because the town hires our own and train our own it becomes a lot easier to know who's going to be in the schools, and know more about their disposition and/or temperament. She said with Wake County deputies, the town would have zero control over that.

Councilmember Gantt said he doesn't see the need for the SROs in grade schools, and that regular officers would be more beneficial. He said in middle schools and higher it makes sense, as the students are more adult-acting.

Mayor Gilbert said he did the SRO job and there's a lot of benefit, and he encouraged Councilmember Gantt to do a ride along or walk along.

Councilmember Gantt said if they continue voting on it he will do that. He said he wanted to see if he was in the minority on the three that the town has in the budget for next year.

Mayor Gilbert said he isn't willing to entertain that at the moment. He asked if Councilmember Gantt understood the implications that gave to the community.

Councilmember Gantt said he understood, but he wanted to know if he was in the minority based on his position.

Councilmember Zegerman said he's not there yet but thinks it's an interesting perspective. He said there is benefit of having SROs in schools even at the elementary level. He said he isn't willing to vote on this now.

Councilmember Gantt said he hasn't seen data on this, other than information on positive interactions.

Councilmember Zegerman said he wanted to have more of a plan on this before proceeding.

Mayor Pro-Tempore Gray said he is not there. He said there is a lot of support for SROs at all levels of the school, and said they seem to be doing a good job at all level of the school. He said the conversation is that they are paying a lot of money for a resource the County could be paying. He said the Sheriff's Office is understaffed if they pulled out SROs, and they wouldn't staff Apex. He said this is an unfair expense, but he doesn't see the alternative right now.

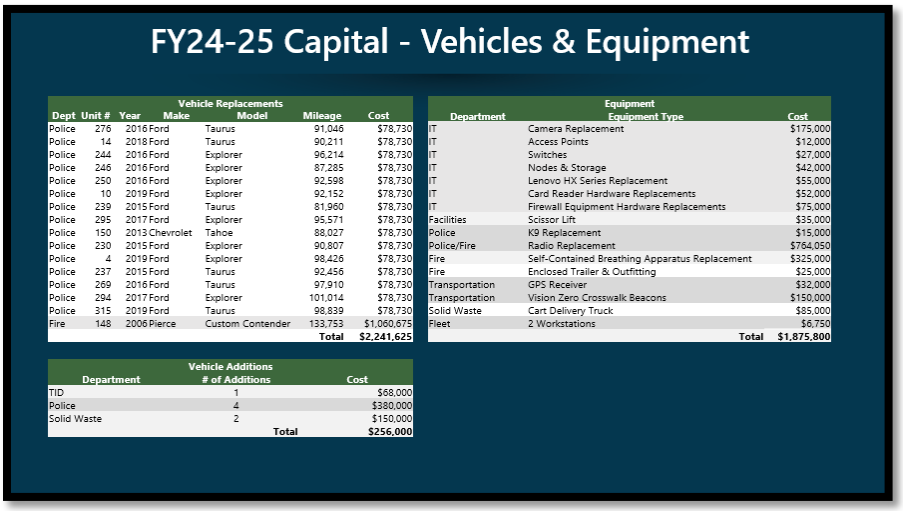
Councilmember Gantt said most other municipalities in Wake County don't do this. He said they think it is either too unfair or not worth it. He said it is just Holly Springs and Apex.

Councilmember Mahaffey said there are funding inequities that bother him. He said part of the solution needs to be the advocates funding. He said his impression is they're passing through the state funding, and that's why the state needs to increase. He said he thinks that are other ways to address this before trying what Councilmember Gantt is suggesting.

Councilmember Gantt said when he first joined, there were none in grade schools, now there is 3 in 6 grade schools. He said that's more than $300,000.

Town Manager Vosburg said he has a meeting at the end of the month with the County. He said there are vacancy dollars, and while they can't fill those positions, in theory they may be able to have some of those dollars available from those positions to offset.

[SLIDE-22]



Councilmember Mahaffey asked if is the town buying more EV's.

Director Grogan said the intention is to prioritize EV and/or hybrid vehicles, if it's something the town has access too and can utilize. She said in some cases EVs are not practical.

Councilmember Zegerman asked what is the replacement mileage for the town. He said there is a lot of capital on replacing cars that not have reached 100,000 miles and most cars live beyond that. He asked what's the difference and asked would the town be better off with hiring a mechanic.

Director Grogan said there are different standards by type of vehicle based on how old it is and then the number of miles and determine what the life cycle is based off that information. She said they determine when it would be cheaper to replace than continue to maintain.

Councilmember Zegerman asked how often are those standards revised.

Director Grogan said it's on the list for this year, and finance is working to update the depreciation schedule and then going to take a look at the vehicle replacement policy. She said they don't replace everything that's requested, but they tend to focus on replacing police and fire vehicles/apparatus on schedule.

Councilmember Zegerman asked if the town needs to custom design our own fire trucks. He said why not buy a shell ready to go fire truck and go through the entire design process. He asked what is the difference in money if the town did that.

Chief Herman said he met with their vender this week about some stock vehicles not just for saving money but getting it faster. He said those prices were still in the $900,000 range. He said still talking $100,000 difference and with the increased price of apparatus the town will have to look at what needs to be cut as the trucks keep going up.

Councilmember Zegerman asked would it be feasible or beneficial to lease the vehicles instead of purchasing them.

Chief Herman said he did look into those options and he said it's about a million dollars a year right now. He said it does not seem to be beneficial.

Councilmember Zegerman said he would like to look into more options regarding the fire truck expenses.

Mayor Pro-Tempore Gray said this is something that maybe the town can incentivize. He said maybe taking a look at refining our budget process down the road and looking at different ways of cost moderation over time. He said he thinks it would be good to give directors more ability to determine those things.

Chief Armstrong said that's actually what his team does. He said he had a number of vehicles that met the requirement for replacements, and that number was way too high to bring to Council. He said his team got together internally and went through all the vehicles that were listed and checked each one to see if any could be repurposed, assigned to patrol, passed to an SRO, and things that are not putting the wear and tear on it every day. He said he did end up finding 5 or 6 vehicles that he could repurpose by doing that by passing it down.

Mayor Pro Tempore Gray said he likes that, as they are able to be the experts on their resources and make the professional determinations.

Councilmember Zegerman said the number of new officers and number of new vehicles as they seem to be very closely related. He said since there are officers not on duty 24/7, he asked is there opportunity for some vehicle sharing.

Chief Armstrong said that's one of the biggest recruiting tools, having officers with their own cars, and it would be doing a disservice to move away from that. He said there is a an area that they have to keep the vehicle within, and a mileage policy.

Mayor Gilbert asked if an officer has an EV and wants to take their vehicle home how would they charge it. He asked has the discussion as far as cost happened.

Deputy Town Manager Purvis said that's coming. He said when the town does get to that point that police will be one of the last to transition. He said they may benefit from more mileage but there are other complications they need to explore.

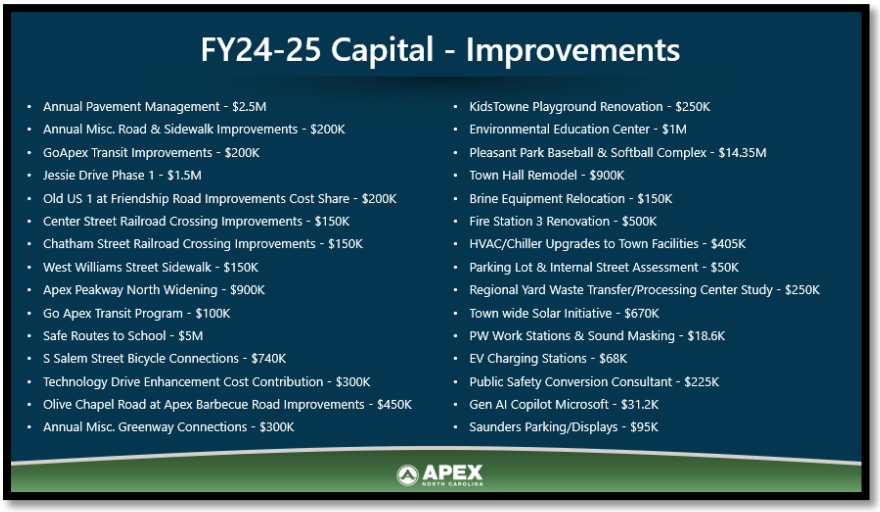
Chief Armstrong said they do have an EV patrol car. He said it's not assigned to anyone to take home but he said it did take some time to get outfitted and its currently being tested to see if it will hold up doing what police needs it to do. He said it stays in town.

Councilmember Mahaffey said he noticed a debate over the size of the fire trucks and asked the Chief to talk more about the type of trucks to purchase.

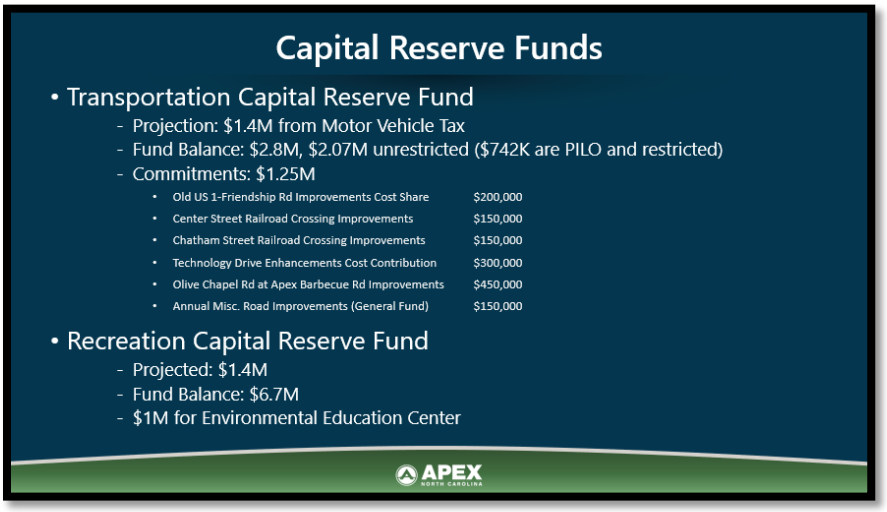
Chief Herman said the town fire trucks are a common size. He said he has been working to get the truck smaller due to turning radius and how the town is developing neighborhoods. He said he's speaking of taking the truck from 35ft to 32ft long. He said the smaller trucks would be the brush trucks and that's not suitable to maintain the standard of class one.

Mayor Gilbert called for a recess and to be back at 3:45p.m.

[SLIDE-23]



[SLIDE-24]



Councilmember Zegerman asked if the $6.7M is unreserved.

Director Grogan said yes and no. She said it's restricted typically when it's paid in and reserved for different parks, improvements, or amenities in that development area.

Councilmember Zegerman asked is there an opportunity to put some of the money towards greenways in those development areas.

Director Grogan said it has been done before with Ready Branch subdivision. She said it's allocated depending on the project and their location. She said a lot of it has to do with staff capacity.

Councilmember Zegerman said having this untouched is making to value become less and less over time with inflation. He said he wanted to look at seeing if they could do more with that.

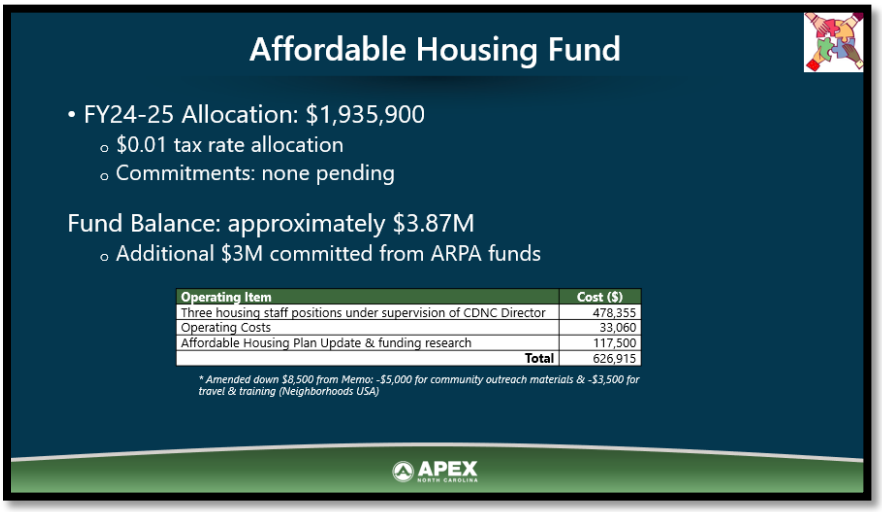
Councilmember Mahaffey asked if there was a project that could pull this year to use some of that 7 million.

Ms. Reincke said she's in hopes to move into a more cyclical program where she will know each year when there will be projects and potentially move others. She said where there's a gap is money that's funded for construction when there are no plans yet in place.

Director Setzer said if additional greenway projects get pulled there are operating expenses that go along with it. He said it's not just about the impact of time but also impact of operations perspective.

Councilmember Zegerman said his only ask is to look into that and see if there's an opportunity to accelerate some of the projects. He said he wants to see some of this money get to work.

[SLIDE-25]



Councilmember Zegerman said this is a hard no for him. He said this fund is to make investments and make it actually happen and not to pay our operating expenses.

Mayor Gilbert asked how anyone else felt about it.

Councilmember Mahaffey said it felt it was appropriate for spending on staff to look into studies to work on affordable housing.

Director Grogan said there are approximately 3.8 million that is currently the fund balance that's in the fund from previous allocations. She said the town will have an additional 3 million that's committed to ARPA funds for affordable housing.

Councilmember Gantt said which have to be spent by 2026.

Director Grogan said instead of doing a transfer for the affordable housing fund, it would offset those operating cots the $626.000 from that annual allocation. She said its still allocating 1.3 million to the fund this year but it removes the $626,000 from the general fund.

Councilmember Killingsworth said she's thinking something like the affordable housing plan update would be appropriate to be a part of this since we're talking about our incentives within the affordable housing. She said she doesn't agree with the staff operating cost being pulled from this.

Councilmember Gantt said he's thought that fund balance is an important thing if the town needs to make a major purchase but having ARPA now he is less concerned with that.

Councilmember Killingsworth said it's part of the housing plan initiatives that the housing fund is working toward. She said she's good with the housing plan update being included, that's part of the indicatives, but not necessarily the operating or the staff positions being funded through this.

Councilmember Mahaffey said to not look at it the wrong way. He said housing staff positions are funded with a dedicated funding source. He said Council can change that number year after year regarding how much to give them.

Mayor Pro-Tempore Gray said to keep it as a funding source.

Councilmember Gantt asked is the consensus to have the top two operating items be from the annual allocation and the housing plan be from the fund balance.

Director Grogan said is the affordable housing plan would be from the affordable housing fund, positions and operating costs would be from the general fund. She said this would be charged to the affordable housing funds where Councilmember Mahaffey thinks that everything can go under affordable housing fund.

Councilmember Zegerman said he looks at this as our investments, like the towns war chest, to support affordable housing.

Councilmember Killingsworth said like Councilmember Mahaffey and Mayor Pro-Tempore Gray was saying earlier it is more likely to continue if the expenses are coded to the Affordable Housing fund from the beginning.

Councilmember Mahaffey said two things to make clear, the property tax rate can be changed to increase the fund balance, if there was an opportunity for affordable housing. He said for example if the town is 500K short in this fund because last year the town funded a couple positions, the money can come from general fund if necessary. He said its not about doing less or anything different, its how the money is accounted for and where its appropriated.

Councilmember Zegerman said he's afraid the funds will rapidly decrease over time if the town doesn't start investing now.

Councilmember Mahaffey said they're still working on affordable housing so there's still investments being made in future years.

Councilmember Killingsworth said she changed her mind and is okay with operating and personnel expenses being charged to the Affordable Housing Fund.

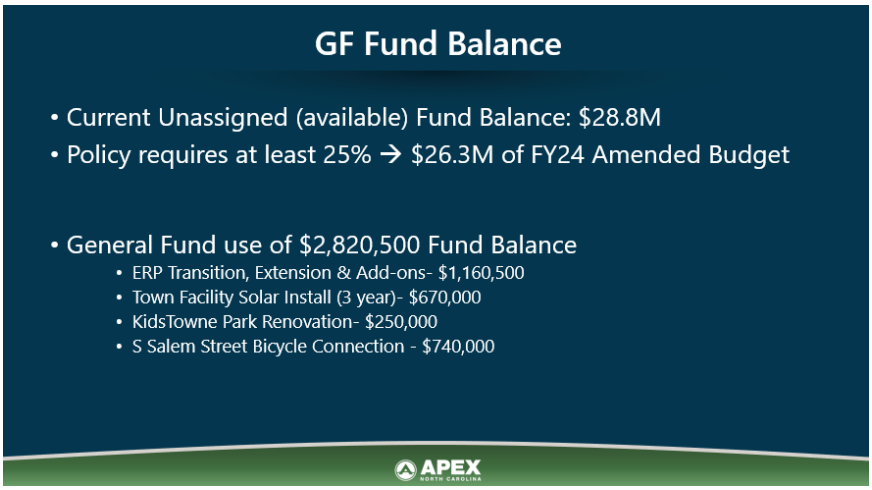
Director Grogan said to clarify, operating and personnel expenses should be charged to the affordable housing fund. She said it appears as though at least three were in favor of moving in this direction.

Councilmember Gantt said he was also onboard with charging affordable housing expenditures to the affordable housing fund.

Director Grogan said sounds good.

Mayor Gilbert said everyone has stated their position and preferences.

[SLIDE-26]



Councilmember Zegerman said there's a projection to go below the policy.

Director Grogan said it depends on how Council chooses to prioritize projects moving forward.

Councilmember Gantt asked if the consequence of this long term is that the town would be more reliant on bonds to pay for onetime things.

Deputy Town Manager Purvis said that's their next step, as a significant portion of funding relies on debt. He said Director Morrison is working on some debt modeling and that will come back next season.

Councilmember Zegerman said if they know they're heading towards a cliff then they can make incremental changes.

Deputy Town Manager Purvis said that's what they are working to put in place. He said things have changed, and it may be better to look at debt service percentage and capital percentage. He said if there's more debt that's needed to do projects, that combination will capture it.

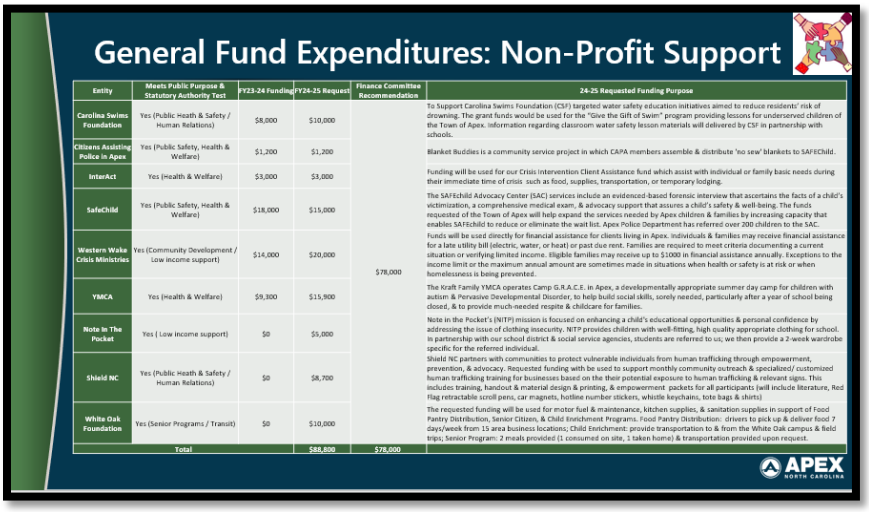
Councilmember Zegerman said he thinks there is a lot of room to use debt service to get over the hump of demand, before things can get smoothed out.

Deputy Town Manager Purvis said he thinks that would likely be necessary.

Councilmember Gantt asked will this come with the general fund usage policy that could be developed to save the really big projects for debt service, and have some capital projects that are smaller paid for by the general fund balance.

Deputy Town Manager Purvis said in general you would want to finance everything, but in practice some things would have to be funded by debt. He said at the end of summer or fall, staff will be coming back to Council with a lot more information about what modeling looks like.

[SLIDE-27]



Entity	Meets Public Purpose & Statutory Authority Test	FY23-24 Funding	FY24-25 Request	Finance Committee Recommendation	24-25 Requested Funding Purpose
Carolina Swims Foundation	Yes (Public Heath & Safety / Human Relations)	$8,000	$10,000	$78,000	To Support Carolina Swims Foundation (CSF) targeted water safety education initiatives aimed to reduce residents' risk of drowning. The grant funds would be used for the "Give the Gift of Swim" program providing lessons for underserved children of the Town of Apex. Information regarding classroom water safety lesson materials will delivered by CSF in partnership with schools.
Citizens Assisting Police in Apex	Yes (Public Safety, Health & Welfare)	$1,200	$1,200		Blanket Buddies is a community service project in which CAPA members assemble & distribute 'no sew' blankets to SAFEChild.
InterAct	Yes (Health & Welfare)	$3,000	$3,000		Funding will be used for our Crisis Intervention Client Assistance fund which assist with individual or family basic needs during their immediate time of crisis such as food, supplies, transportation, or temporary lodging.
SafeChild	Yes (Public Safety, Health & Welfare)	$18,000	$15,000		The SAFEchild Advocacy Center (SAC) services include an evidenced-based forensic interview that ascertains the facts of a child's victimization, a comprehensive medical exam, & advocacy support that assures a child's safety & well-being. The funds requested of the Town of Apex will help expand the services needed by Apex children & families by increasing capacity that enables SAFEchild to reduce or eliminate the wait list. Apex Police Department has referred over 200 children to the SAC.
Western Wake Crisis Ministries	Yes (Community Development / Low income support)	$14,000	$20,000		Funds will be used directly for financial assistance for clients living in Apex. Individuals & families may receive financial assistance for a late utility bill (electric, water, or heat) or past due rent. Families are required to meet criteria documenting a current situation or verifying limited income. Eligible families may receive up to $1000 in financial assistance annually. Exceptions to the income limit or the maximum annual amount are sometimes made in situations when health or safety is at risk or when homelessness is being prevented.
YMCA	Yes (Health & Welfare)	$9,300	$15,900		The Kraft Family YMCA operates Camp G.R.A.C.E. in Apex, a developmentally appropriate summer day camp for children with autism & Pervasive Developmental Disorder, to help build social skills, sorely needed, particularly after a year of school being closed, & to provide much-needed respite & childcare for families.
Note In The Pocket	Yes (Low income support)	$0	$5,000		Note in the Pocket's (NITP) mission is focused on enhancing a child's educational opportunities & personal confidence by addressing the issue of clothing insecurity. NITP provides children with well-fitting, high quality appropriate clothing for school. In partnership with our school district & social service agencies, students are referred to us; we then provide a 2-week wardrobe specific for the referred individual.
Shield NC	Yes (Public Heath & Safety / Human Relations)	$0	$8,700		Shield NC partners with communities to protect vulnerable individuals from human trafficking through empowerment, prevention, & advocacy. Requested funding with be used to support monthly community outreach & specialized/ customized human trafficking training for businesses based on the their potential exposure to human trafficking & relevant signs. This includes training, handout & material design & printing, & empowerment packets for all participants (will include literature, Red Flag retractable scroll pens, car magnets, hotline number stickers, whistle keychains, tote bags & shirts)
White Oak Foundation	Yes (Senior Programs / Transit)	$0	$10,000		The requested funding will be used for motor fuel & maintenance, kitchen supplies, & sanitation supplies in support of Food Pantry Distribution, Senior Citizen, & Child Enrichment Programs. Food Pantry Distribution: drivers to pick up & deliver food 7 days/week from 15 area business locations; Child Enrichment: provide transportation to & from the White Oak campus & field trips; Senior Program: 2 meals provided (1 consumed on site, 1 taken home) & transportation provided upon request.
Total			$88,800	$78,000	

Mayor Pro-Tempore Gray said looking at the non-profit support this year, as opposed to in the past, there's some traditional entities that aren't on the list. He said Finance Committee is looking at moving those resources to potentially Economic Development as a different source for them and looking at different funding sources for them. He said they

wanted to focus on providing this funding for direct services to our residents that the town does not provide.

Councilmember Gantt asked where the capital purchases for nonprofit was going.

Councilmember Mahaffey said that money is already dedicated towards nonprofit support.

Director Grogan said the application process will open in July. She said to clarify the town has a policy that was adopted for non-profit funding which sets the funding level at $1 per capita. She said the policy would need to be updated in order to amend the funding level, which the Council could do if they wished.

Mayor Gilbert asked how many applications are there each year.

Director Grogan said four more on top of the ones listed in the slide.

Councilmember Mahaffey said staff also worked with some applicants that didn't quite meet the criteria.

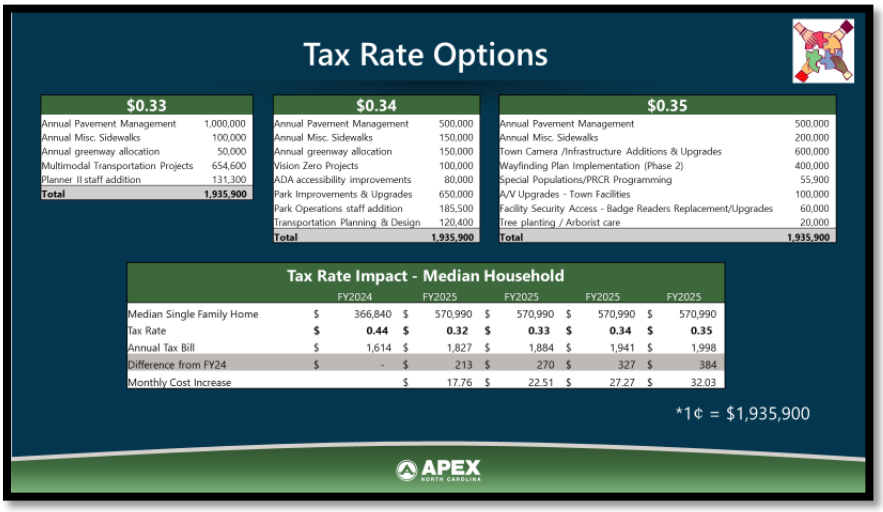
Councilmember Killingsworth said the money that hasn't been allocated yet should be allocated equally. She said there were too many good causes to have to choose between to not give something to these organizations.

Mayor Pro Tempore Gray said some of this list are more attractive for ARPA funding than others, so they could think about that as well.

[SLIDE-28]



[SLIDE-29]



Councilmember Gantt asked what the amount of money in pavement management meant in terms of how many neighborhoods get paved. He asked how much did Scott's Mill cost.

Director Johnson said it was three or four million. He said he could get a lot more lane miles if they were doing preservation versus resurfacing, and try to do more of that as a lot of the town's streets are resurfaced. He said its good to get those preservation measures moving quickly before it starts to degrade, and it can cover up to fix to six times many miles with the same dollar with preservation work. It keeps the best roads in best shape. He said for example, resurfacing would cover about five to ten miles, where preservation will cover 20 miles. He said currently, there is about 240 miles total right now to cover.

Councilmember Gantt said the map is still showing a lot of red.

Director Johnson said the town has the bond coming in 2026 that will go towards resurfacing.

Councilmember Mahaffey said the extra million would have been for preservation.

Director Johnson said it would be a mix of preservation and resurfacing.

Councilmember Mahaffey asked to clarify what preservation means.

Director Johnson said to preserve the road it could be putting down rejuvenators which going on like liquid and then it goes away and you can't hardly tell it was there. He said there's also an option of going in to fill the cracks and make sure drainage is not getting in. He said you can also do thin micro surfacing which in a quarter inch deep, very unimpactful, looks a little different than asphalt.

Councilmember Zegerman asked is the town setting themselves up for trouble by staying at a conservative tax. He said if we don't do this now the town could be looking at a bond for 20 million dollars to catch up on a couple years down the road instead of adding a few pennies here and there now to keep up. He wondered if they should be more like their neighbors and be more aggressive in recovering expenses.

Town Manager Vosburg said things are not going to get cheaper either. He said with the limited staff and resources, it's cheaper to get these things done now versus delaying to avoid the inflating cost down the road.

Councilmember Zegerman said then the question becomes spending any on debt to get leverage. He said instead of getting 1.9 million out of the penny the town could get 10 million out of the penny because it's a service and could be a better outcome.

Councilmember Mahaffey said Pleasant Park baseball field this year is going to be out of bond debt.

Councilmember Zegerman said he was wondering what putting money into debt service rather than the capital fund, and see how much that can get them.

Councilmember Mahaffey said that would be issuing more bonds.

Councilmember Zegerman said something they can look at to get ahead on these projects.

Director Grogan said for clarification the town does have a debt service fund. She said bond debt is not the only kind of debt.

Director Morrison said not to feel like the town is doing a disservice and could increase the rate, and when comparing that to our neighbors, it depends on what the town is comfortable with. He said to Town Manager Vosburg's point, the town could take into consideration one or two more cent but then the town doesn't have the staff and the resources available to push those projects forward and make things happen. He said it's a matter of the funding versus putting it to work.

Councilmember Zegerman said if there is so much demand and the town is being conservative with our tax rate increase right now. He said he's trying to gauge form staff and where they see the risks or potentials.

Director Grogan said there's always a risk as its going to get more expensive. She said this is solely based on debt services growth. She said she will update them as they find out what other town's are doing this year.

Deputy Town Manager Purvis said the two cents that Council asked may not even accomplish the offset with inflation.

Councilmember Killingsworth said its not considering the personnel cost. She said the Council needs to think about if fully staffing and bringing people in that can do all the projects then Council would need to put more money in too.

Councilmember Mahaffey said he's comfortable with $0.33 cents. He said he likes the idea of investing in the streets that will save the town money in the long term. He said the proactive maintenance that can be done on the streets whether its resurfacing or preservation and that this sounds like a wise investment.

Councilmember Gantt said he is going with $0.34. He said he can justify vision zero and park operations. He said he really wants the wayfinding phase one to happen.

Mayor Pro-Tempore Gray said he's comfortable with $0.34 as well.

Councilmember Killingworth said agreed with the $0.34 rate.

Councilmember Zegerman said he's good with $0.34, He said he would be curious if the town can get more leverage, like a bond issue this year, which would give the town more to work with than 4 million.

Deputy Town Manager Purvis said the two cents could go to this year then going into next year the Council could bring those two cents into debt calculations. He said this is for capital and not operating costs.

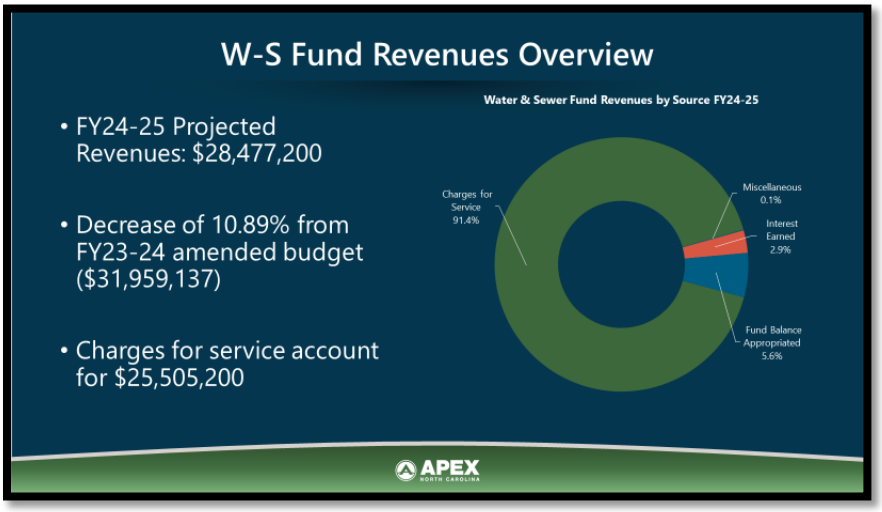
Councilmember Gantt asked what the Transportation Planning & Design is.

Director Grogan said that is a fund for smaller scale transportation projects.

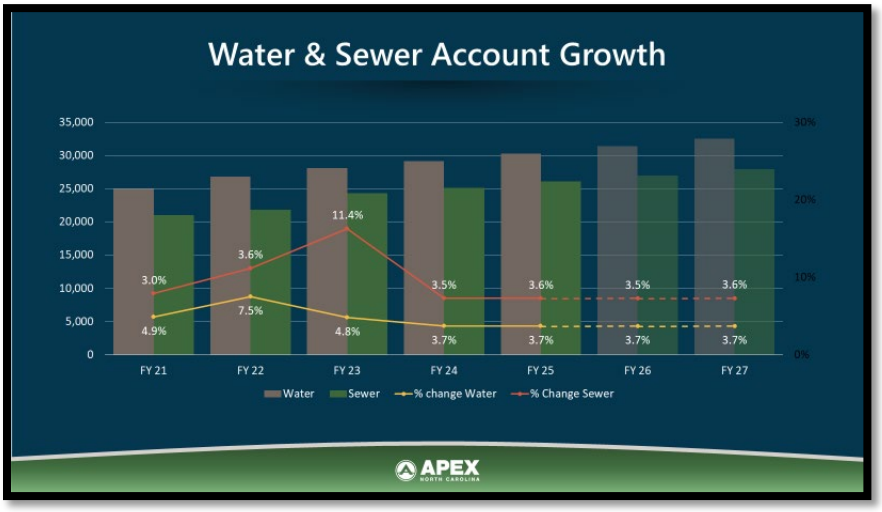
Deputy Town Manager Purvis said there are a lot of things that pop up every year that Transportation has to go look into.

Councilmember Mahaffey asked for a memo or email with a little more detail about the items listed. He said he would like a few sentences in case Council is asked questions.

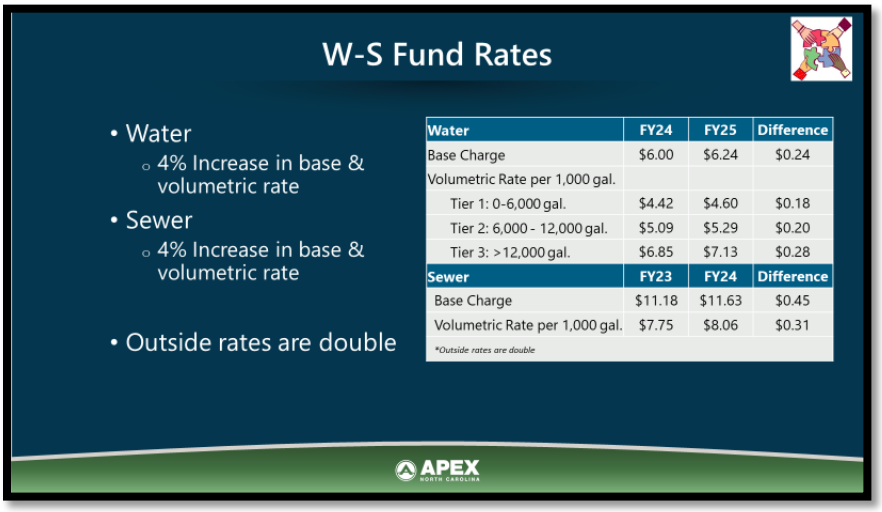
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[SLIDE-31]



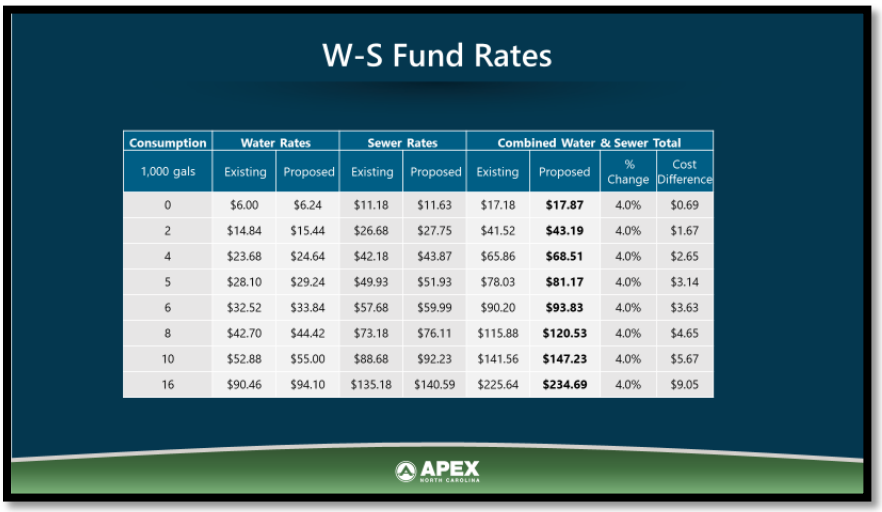
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Water	FY24	FY25	Difference
Base Charge	$6.00	$6.24	$0.24
Volumetric Rate per 1,000 gal.			
Tier 1: 0-6,000 gal.	$4.42	$4.60	$0.18
Tier 2: 6,000 - 12,000 gal.	$5.09	$5.29	$0.20
Tier 3: >12,000 gal.	$6.85	$7.13	$0.28
Sewer	**FY23**	**FY24**	**Difference**
Base Charge	$11.18	$11.63	$0.45
Volumetric Rate per 1,000 gal.	$7.75	$8.06	$0.31

**Outside rates are double*

[SLIDE-33]

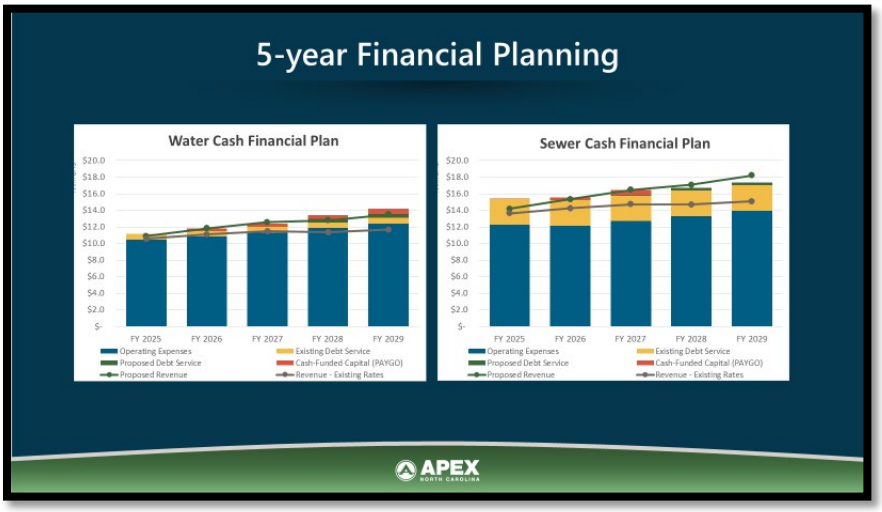


Consumption	Water Rates		Sewer Rates		Combined Water & Sewer Total			
1,000 gals	Existing	Proposed	Existing	Proposed	Existing	Proposed	% Change	Cost Difference
0	$6.00	$6.24	$11.18	$11.63	$17.18	**$17.87**	4.0%	$0.69
2	$14.84	$15.44	$26.68	$27.75	$41.52	**$43.19**	4.0%	$1.67
4	$23.68	$24.64	$42.18	$43.87	$65.86	**$68.51**	4.0%	$2.65
5	$28.10	$29.24	$49.93	$51.93	$78.03	**$81.17**	4.0%	$3.14
6	$32.52	$33.84	$57.68	$59.99	$90.20	**$93.83**	4.0%	$3.63
8	$42.70	$44.42	$73.18	$76.11	$115.88	**$120.53**	4.0%	$4.65
10	$52.88	$55.00	$88.68	$92.23	$141.56	**$147.23**	4.0%	$5.67
16	$90.46	$94.10	$135.18	$140.59	$225.64	**$234.69**	4.0%	$9.05

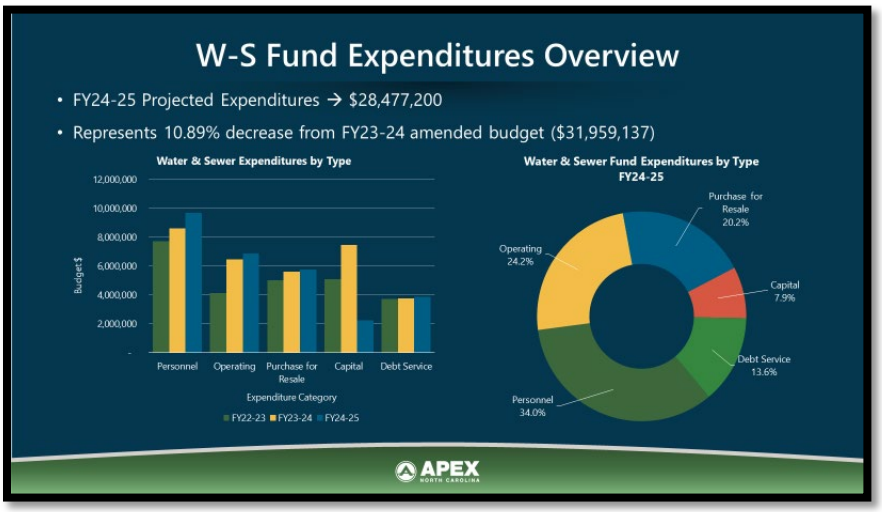
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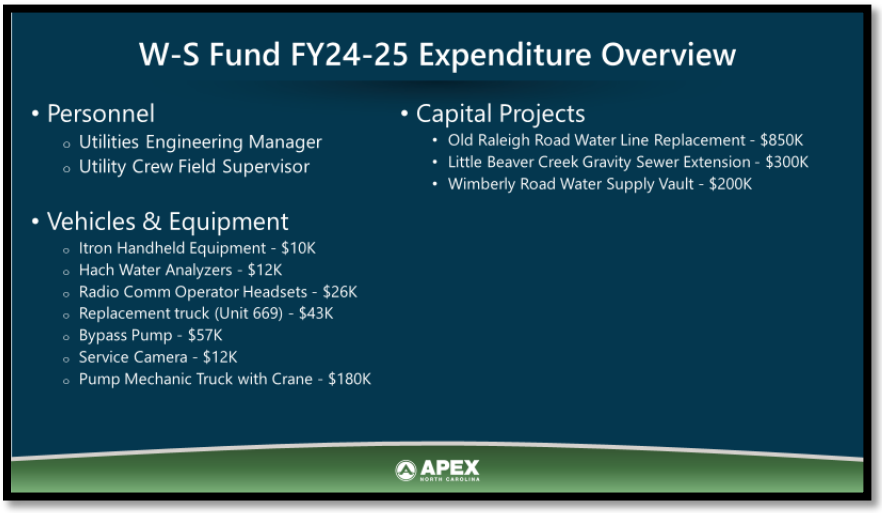
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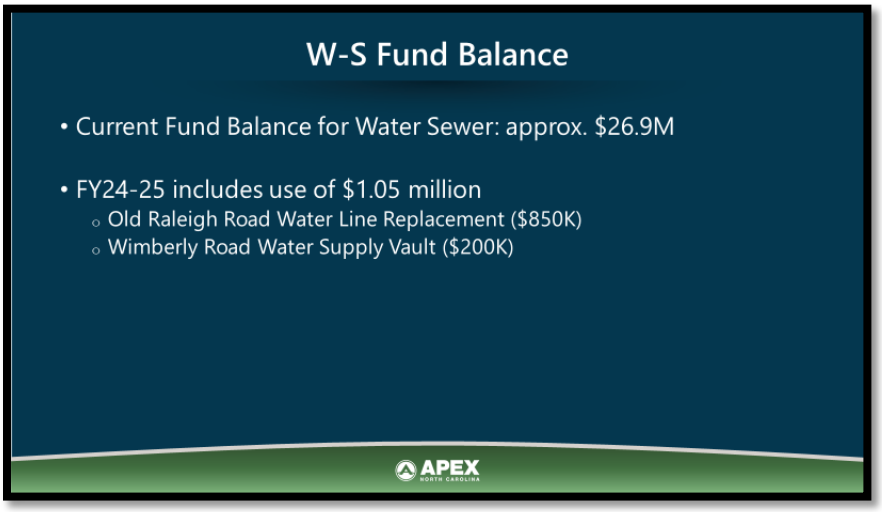
[SLIDE-36]



[SLIDE-37]



[SLIDE-38]



Councilmember Killingsworth asked if a vault is the same thing as a tank.

Assistant Town Manager Stone said a vault is a metering point and helps to provide needed redundancy.

Councilmember Zegerman said he's trying to make sense of the narrative in the budget message. He said he's confused on what exactly the town is raising rates for based on the outlook of the budget message. He said the charge for service number is flat year after year.

Director Grogan said she wasn't clear on the question, and confirmed it was for water and sewer funds. She said this is not just charges for services on the water and sewer bill, and there are different charges for saleable water that comes through, which is tied to development. She said there are other things as well.

Councilmember Zegerman said the charges for service are increasing 7%, even though the numbers are the same year to year

Town Manager Vosburg said the 7% comes from the difference in budget.

Councilmember Zegerman said it doesn't imply a rate increase because the town's actual collections this year is already 25 million.

Director Grogan said the 25 million is an estimate.

Councilmember Zegerman said the town is two months away from the end of the year and said our estimates should be on point by now. He asked what the town's year end outlook is going to look like.

Director Grogan said the estimates were done at the end of March. She said the estimate was dependent on what was done previous years and what those costs are.

Assistant Town Manager Stone said if it included water purchase than the number showing today would be different.

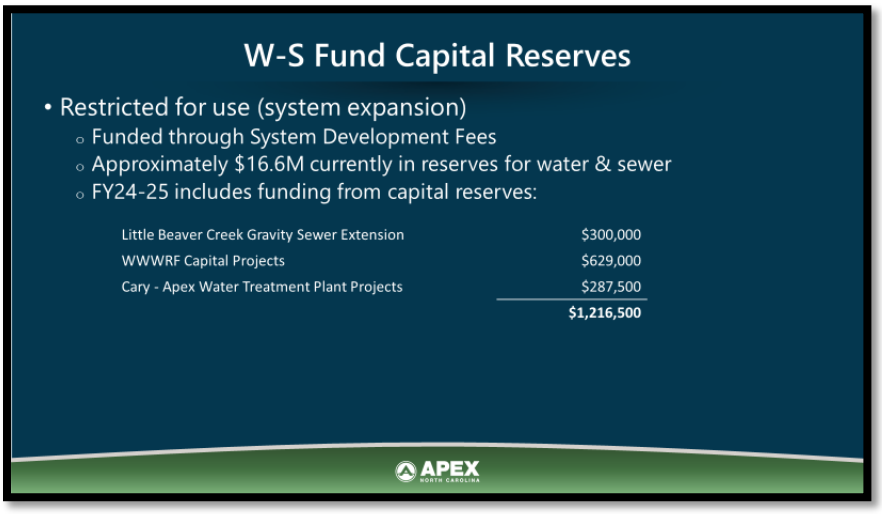
Councilmember Zegerman said the budget message does not support a rate increase, he said he doesn't understand why its being proposed today as a rate increase.

Mayor Gilbert asked if staff needed more time to look into it.

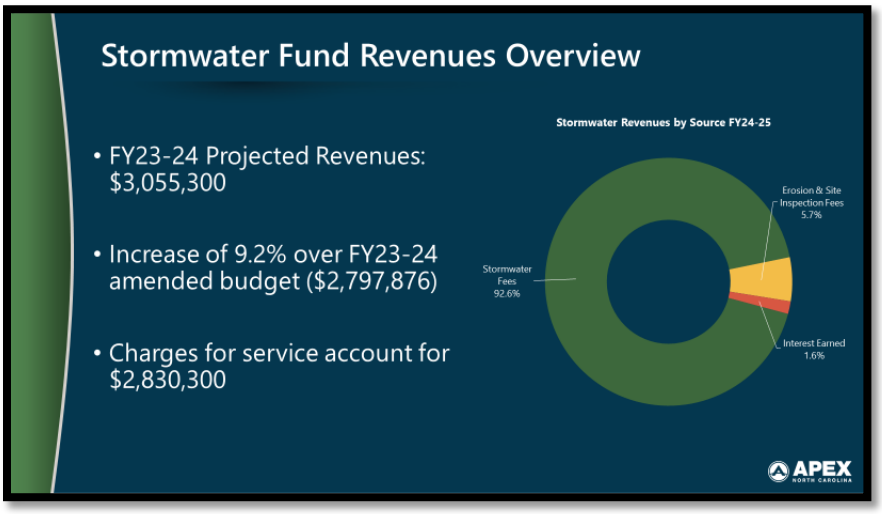
Councilmember Zegerman said he can have more discussion in the second session in May and can defer the conversation until then.

Director Grogan said she will pull the numbers and connect with Councilmember Zegerman on how she came up with the outcome.

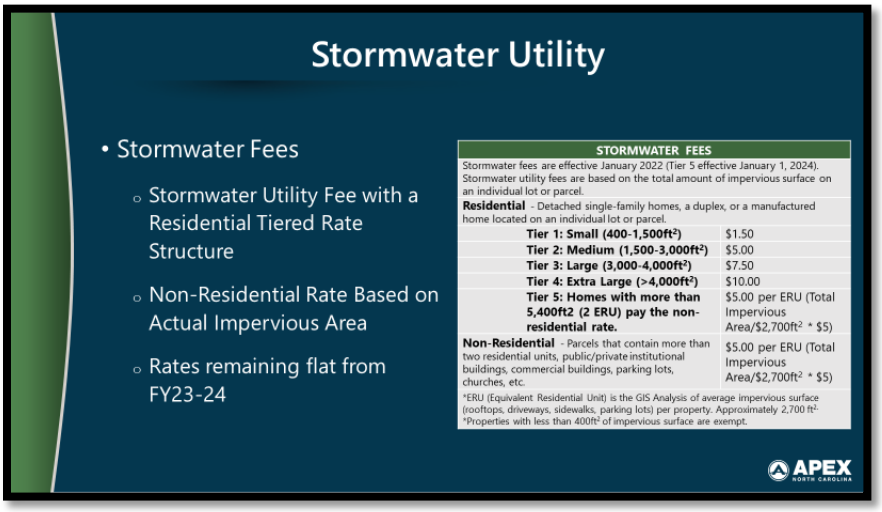
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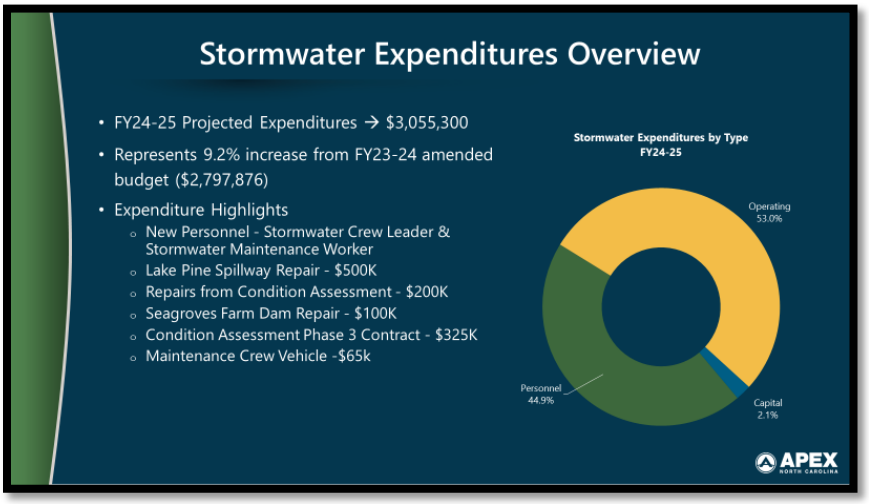
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[SLIDE-41]



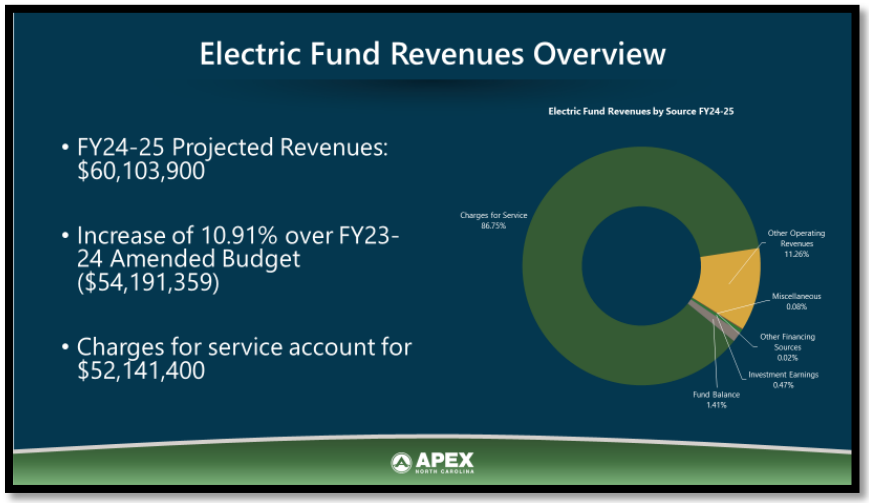
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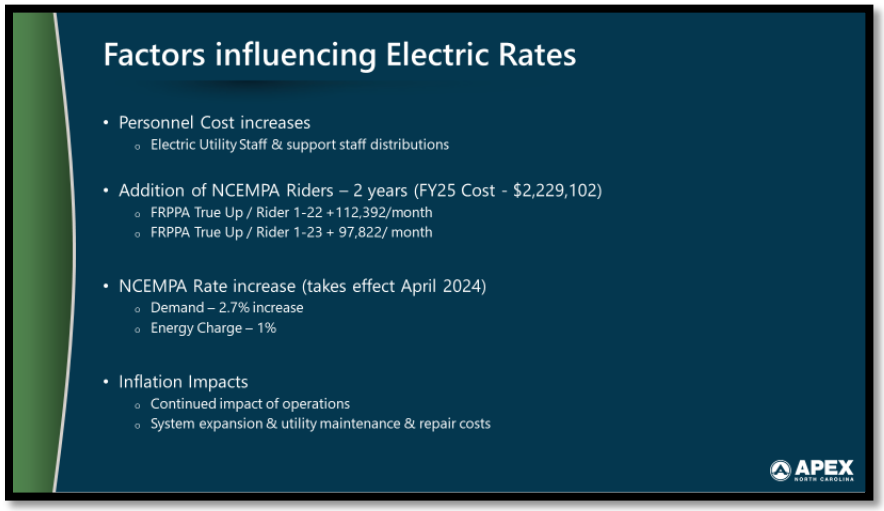
Councilmember Gantt asked if the masterplan was in last year's budget for storm water.

Director Grogan said stormwater had a phase two condition assessment that they are currently working on now and then this would be their third. She said they are coming up with the master plan and then budget will work with them to build out the CP.

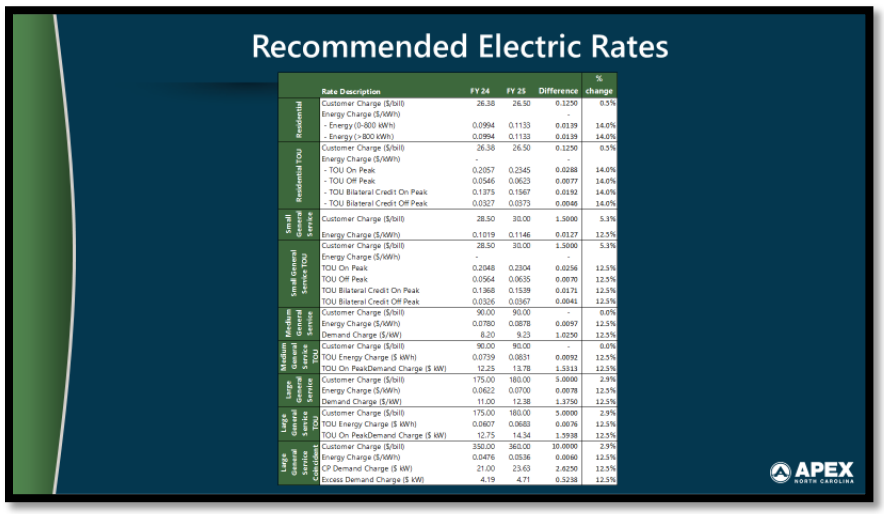
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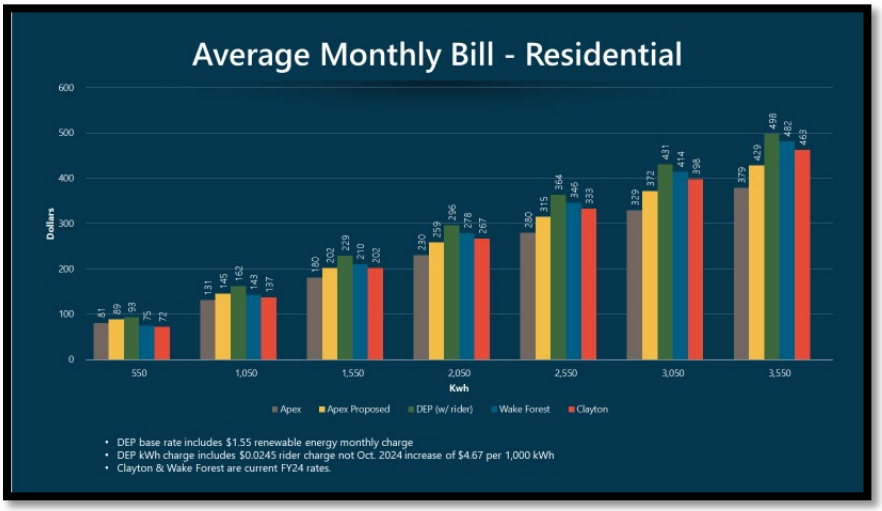


[SLIDE-45]



	Rate Description	FY 24	FY 25	Difference	% change
Residential	Customer Charge ($/bill)	26.38	26.50	0.1250	0.5%
	Energy Charge ($/kWh)			-	
	- Energy (0-800 kWh)	0.0994	0.1133	0.0139	14.0%
	- Energy (>800 kWh)	0.0994	0.1133	0.0139	14.0%
Residential TOU	Customer Charge ($/bill)	26.38	26.50	0.1250	0.5%
	Energy Charge ($/kWh)	-		-	
	- TOU On Peak	0.2057	0.2345	0.0288	14.0%
	- TOU Off Peak	0.0546	0.0623	0.0077	14.0%
	- TOU Bilateral Credit On Peak	0.1375	0.1567	0.0192	14.0%
	- TOU Bilateral Credit Off Peak	0.0327	0.0373	0.0046	14.0%
Small General Service	Customer Charge ($/bill)	28.50	30.00	1.5000	5.3%
	Energy Charge ($/kWh)	0.1019	0.1146	0.0127	12.5%
Small General Service TOU	Customer Charge ($/bill)	28.50	30.00	1.5000	5.3%
	Energy Charge ($/kWh)	-		-	
	TOU On Peak	0.2048	0.2304	0.0256	12.5%
	TOU Off Peak	0.0564	0.0635	0.0070	12.5%
	TOU Bilateral Credit On Peak	0.1368	0.1539	0.0171	12.5%
	TOU Bilateral Credit Off Peak	0.0326	0.0367	0.0041	12.5%
Medium General Service	Customer Charge ($/bill)	90.00	90.00	-	0.0%
	Energy Charge ($/kWh)	0.0780	0.0878	0.0097	12.5%
	Demand Charge ($/kW)	8.20	9.23	1.0250	12.5%
Medium General Service TOU	Customer Charge ($/bill)	90.00	90.00	-	0.0%
	TOU Energy Charge ($ kWh)	0.0739	0.0831	0.0092	12.5%
	TOU On PeakDemand Charge ($ kW)	12.25	13.78	1.5313	12.5%
Large General Service	Customer Charge ($/bill)	175.00	180.00	5.0000	2.9%
	Energy Charge ($/kWh)	0.0622	0.0700	0.0078	12.5%
	Demand Charge ($/kW)	11.00	12.38	1.3750	12.5%
Large General Service TOU	Customer Charge ($/bill)	175.00	180.00	5.0000	2.9%
	TOU Energy Charge ($ kWh)	0.0607	0.0683	0.0076	12.5%
	TOU On PeakDemand Charge ($ kW)	12.75	14.34	1.5938	12.5%
Large General Service Curtailable	Customer Charge ($/bill)	350.00	360.00	10.0000	2.9%
	Energy Charge ($/kWh)	0.0476	0.0536	0.0060	12.5%
	CP Demand Charge ($ kW)	21.00	23.63	2.6250	12.5%
	Excess Demand Charge ($ kW)	4.19	4.71	0.5238	12.5%

[SLIDE-46]



Councilmember Mahaffey said he wished there was more time to talk more about this slide. He said residents will see the increase and have concerns. He asked to simplify what is the reason driving the electric increase. He asked is it the true-up entirely or is it increasing costs.

Director Grogan said it's tied to the increase in costs. She said even though the town is spending 4 million on system expansion but electric has also increased those rates. She said electric has drastic increase in their revenue because their substantially increased and their trying to put those costs back onto developers so residents that are using it are paying for the system expansion. She said the bigger issue that the town is running into is the costs that are associated with system maintenance. She said it taking six months to three years lead time to get equipment and equipment is being ordered before it's even needed. She said also some of it is time to operating inflation which has hit the utility funds the most and being tied back to true-up.

Councilmember Gantt said he's bothered that the town doesn't have a tier system for electric like the town does for water and other stormwater related things.

Director Grogan said Duke is the only one that has that tier system and said the town had a similar one to it years ago. She said certain seasons of the year changes the rate.

Councilmember Gantt asked would it explain the difference between low and high end for the town.

Director Grogan said that is tied to base rate.

Councilmember Mahaffey said last year the town raised the base rate and lowered the per kWh and this year the town is raising our kWh back to what it was last year.

Councilmember Zegerman asked if the town can do tiers if they choose or is it constrained by the billing systems.

Director Grogan said the town used to charge that way but it was shifted to simplify the rate structure.

Councilmember Mahaffey said it's not as big for equity as it would seem. He said it wouldn't just impact larger, newer homes, it could negatively impact older and less energy efficient homes as well.

Assistant Town Manager Stone said the time of use is going to be a better way to handle rates. He said they can't get there until the switch over to the new system. He said older homes have much less insulation, and have to use more energy to try and keep the home cool at times.

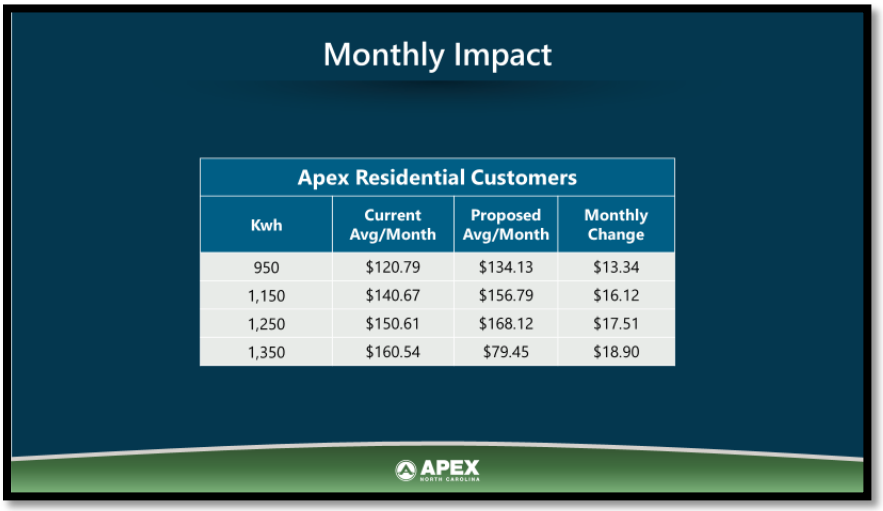
Councilmember Mahaffey said the best way to help out our residents that need help is to invest in programs that help educate on energy efficiency.

Councilmember Zegerman He said the town is losing $450 per solar customer, and that can be spread out more equitably.

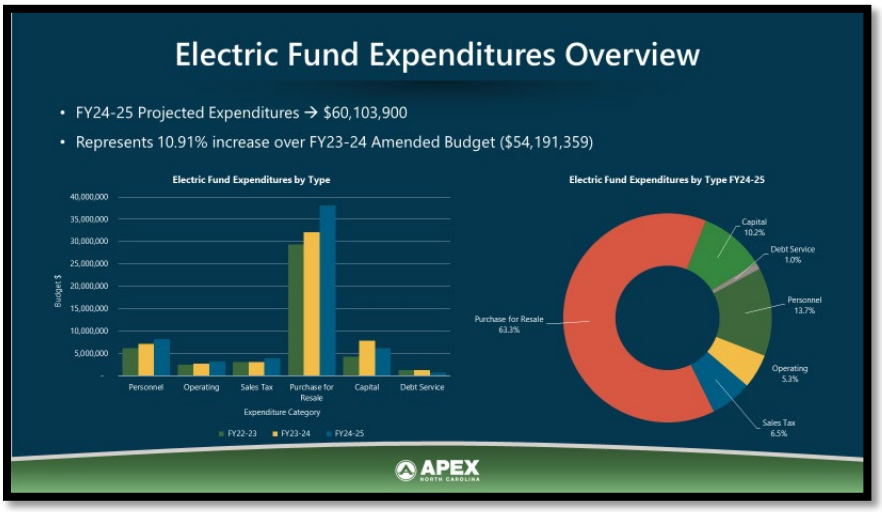
Councilmember Killingsworth said that once the AMI system was in place, they could approach the homeowners as apart of the APEX CARES program to help them on saving energy, which would also help the town out.

Councilmember Zegerman said he has the same narrative around the electric fund as he made about the water fund and will talk about this in the next session.

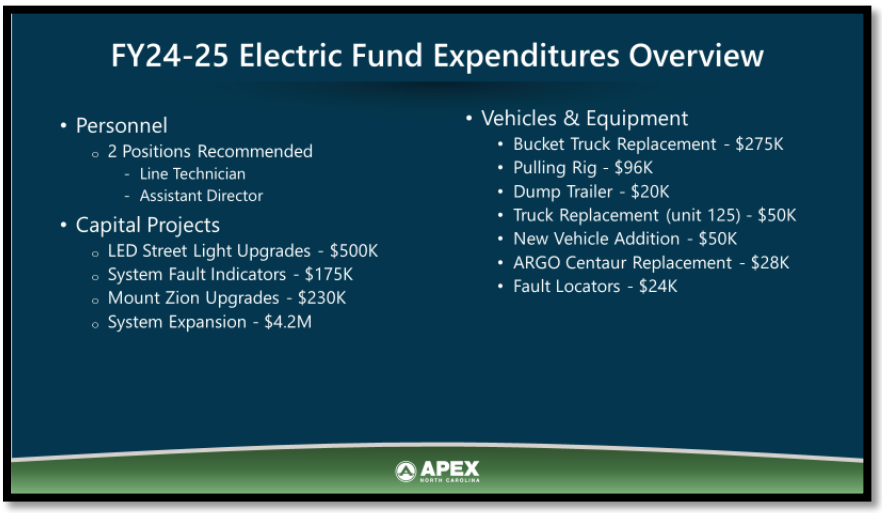
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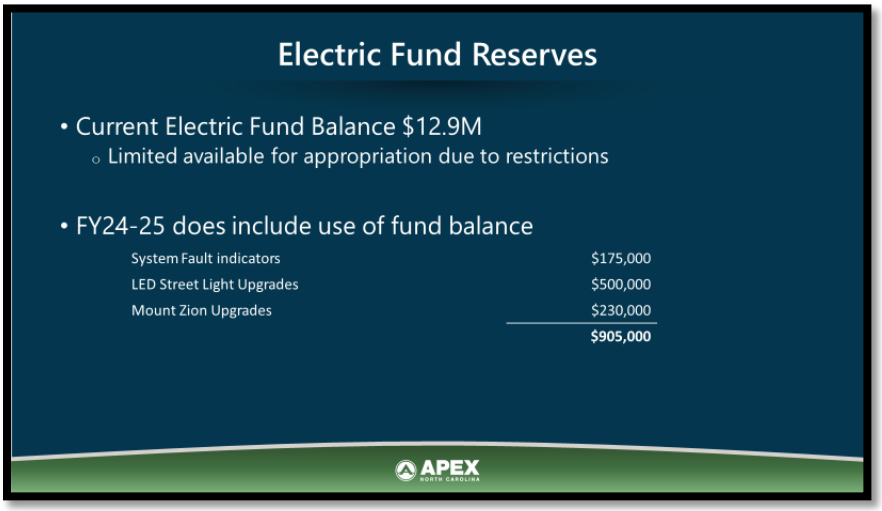
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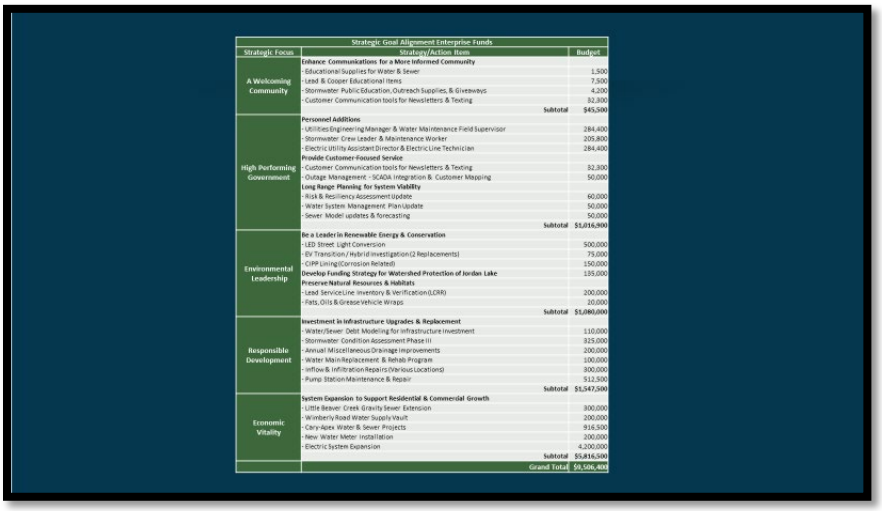
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[SLIDE-50]



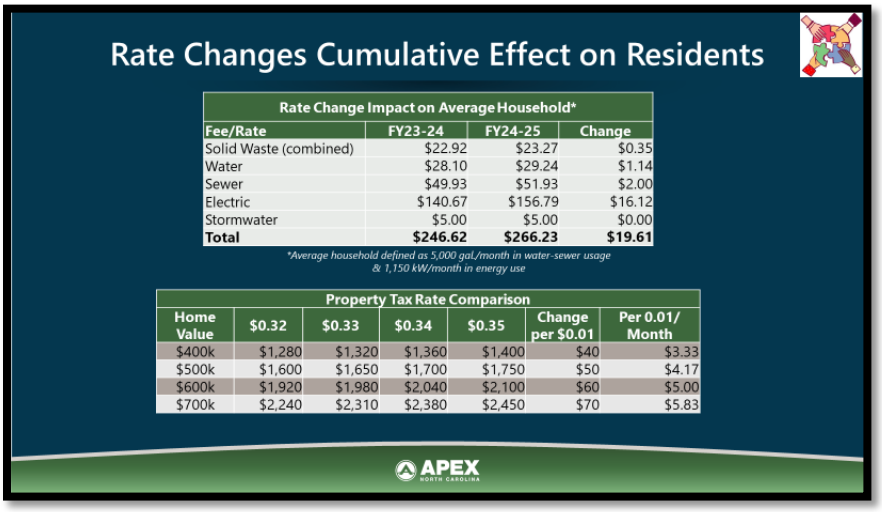
[SLIDE-51]



Strategic Goal Alignment Enterprise Funds

Strategic Focus	Strategy/Action Item	Budget
A Welcoming Community	**Enhance Communications for a More Informed Community**	
	- Educational Supplies for Water & Sewer	1,500
	- Lead & Cooper Educational Items	7,500
	- Stormwater Public Education, Outreach Supplies, & Giveaways	4,200
	- Customer Communication tools for Newsletters & Texting	32,300
	Subtotal	$45,500
High Performing Government	**Personnel Additions**	
	- Utilities Engineering Manager & Water Maintenance Field Supervisor	284,400
	- Stormwater Crew Leader & Maintenance Worker	205,800
	- Electric Utility Assistant Director & Electric Line Technician	284,400
	Provide Customer-Focused Service	
	- Customer Communication tools for Newsletters & Texting	32,300
	- Outage Management - SCADA Integration & Customer Mapping	50,000
	Long Range Planning for System Viability	
	- Risk & Resiliency Assessment Update	60,000
	- Water System Management Plan Update	50,000
	- Sewer Model updates & forecasting	50,000
	Subtotal	$1,016,900
Environmental Leadership	**Be a Leader in Renewable Energy & Conservation**	
	- LED Street Light Conversion	500,000
	- EV Transition / Hybrid investigation (2 Replacements)	75,000
	- CIPP Lining (Corrosion Related)	150,000
	Develop Funding Strategy for Watershed Protection of Jordan Lake	135,000
	Preserve Natural Resources & Habitats	
	- Lead Service Line Inventory & Verification (LCRR)	200,000
	- Fats, Oils & Grease Vehicle Wraps	20,000
	Subtotal	$1,080,000
Responsible Development	**Investment in Infrastructure Upgrades & Replacement**	
	- Water/Sewer Debt Modeling for Infrastructure Investment	110,000
	- Stormwater Condition Assessment Phase III	325,000
	- Annual Miscellaneous Drainage Improvements	200,000
	- Water Main Replacement & Rehab Program	100,000
	- Inflow & Infiltration Repairs (Various Locations)	300,000
	- Pump Station Maintenance & Repair	512,500
	Subtotal	$1,547,500
Economic Vitality	**System Expansion to Support Residential & Commercial Growth**	
	- Little Beaver Creek Gravity Sewer Extension	300,000
	- Wimberly Road Water Supply Vault	200,000
	- Cary-Apex Water & Sewer Projects	916,500
	- New Water Meter Installation	200,000
	- Electric System Expansion	4,200,000
	Subtotal	$5,816,500
	Grand Total	$9,506,400

[SLIDE-52]



Rate Changes Cumulative Effect on Residents

Rate Change Impact on Average Household*

Fee/Rate	FY23-24	FY24-25	Change
Solid Waste (combined)	$22.92	$23.27	$0.35
Water	$28.10	$29.24	$1.14
Sewer	$49.93	$51.93	$2.00
Electric	$140.67	$156.79	$16.12
Stormwater	$5.00	$5.00	$0.00
Total	**$246.62**	**$266.23**	**$19.61**

**Average household defined as 5,000 gal./month in water-sewer usage & 1,150 kW/month in energy use*

Property Tax Rate Comparison

Home Value	$0.32	$0.33	$0.34	$0.35	Change per $0.01	Per 0.01/ Month
$400k	$1,280	$1,320	$1,360	$1,400	$40	$3.33
$500k	$1,600	$1,650	$1,700	$1,750	$50	$4.17
$600k	$1,920	$1,980	$2,040	$2,100	$60	$5.00
$700k	$2,240	$2,310	$2,380	$2,450	$70	$5.83

APEX NORTH CAROLINA

[SLIDE-53]

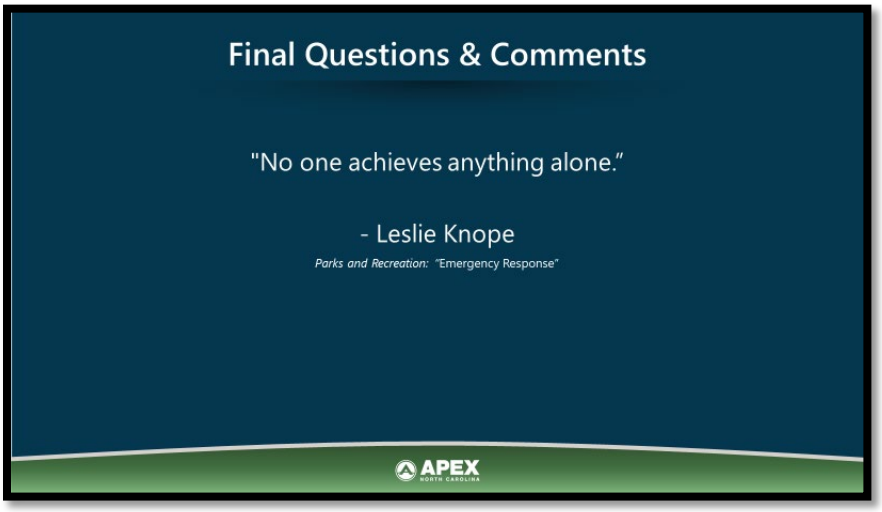


Important Upcoming Budget Dates

- **May 3:** Revisions and updates
- **May 3:** Budget draft available online
- **May 14:** Public hearing for FY24-25 Recommended Budget
- **May 23:** Second Council budget workshop (if necessary)
- **June 11:** Adopt FY24-25 Budget Ordinance & CIP
- **July 1:** Begin new fiscal year

APEX NORTH CAROLINA

[SLIDE-54]



Mayor Gilbert asked has there been an analysis made regarding to personnel costs with special events. He said regarding options for personnel from special event companies that provide staff like security and etc.

Director Grogan said staff did look into that and it will be incorporated into the memo. She said it will talk through some of the different opportunities, like the internship program potentially utilizing Mutual Aid for Police Officers. She said also contracting out someone who could collect trash as well.

[ADJOURNEMENT]

Mayor Gilbert adjourned the meeting at **5:08 p.m.**

Jacques K. Gilbert
Apex, Mayor

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

Submitted for approval by Apex Town Clerk Allen Coleman

Minutes approved on 28th of May, 2024 (CN3).

APPROVED

TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, MAY 14, 2024
6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, May 14, 2024 at 6:00 PM in the Council Chambers at Apex Town Hall, located at 73 Hunter Street in Apex, North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel. The recording of this meeting can be viewed here: https://www.youtube.com/watch?v=8lTqzzHP8o0

[ATTENDANCE]

Elected Body
Mayor Jacques K. Gilbert (presiding)
Mayor Pro Tempore Ed Gray
Councilmember Audra Killingsworth
Councilmember Terry Mahaffey
Councilmember Arno Zegerman
Councilmember Brett Gantt

Town Staff
Town Manager Randy Vosburg
Deputy Town Manager Shawn Purvis
Assistant Town Manager Marty Stone
Town Attorney Laurie Hohe
Town Clerk Allen Coleman
Deputy Town Clerk Ashley Gentry
Planning Director Dianne Khin
All other staff members will be identified appropriately below

[COMMENCEMENT]

Mayor Gilbert called the meeting to order and welcomed all who were in attendance and watching. He then said the invocation supports unity recognizing that not everyone practices the same traditions. Everyone was welcome to have a moment of silence.

Mayor Gilbert read a prayer.

Mayor Gilbert then led those in attendance in the Pledge of Allegiance.

[CONSENT AGENDA]

A **motion** was made by **Councilmember Zegerman,** seconded by **Mayor Pro-Tempore Gray,** to approve the Consent Agenda as presented.

VOTE: UNANIMOUS (5-0)

CN1 Agreement - Renewal of GoApex Agreement with Town of Cary and MV Transportation - July 1, 2024 through June 30, 2025 (REF: CONT-2024-114)

Council voted to approve an Agreement Amendment No. 2 between Town of Cary, Town of Apex and MV Transportation, to renew terms and responsibilities for the operation of GoApex transit services, effective July 1, 2024 through June 30, 2025, and to authorize the Town Manager to execute on behalf of the Town.

CN2 Annexation No. 767 - Apex Commerce Center Lot E - 5125 Jessie Drive - 27.5221 acres (REF: RES-2024-024, RES-2024-025, and OTHER-2024-061)

Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for May 28, 2024, on the Question of Annexation - Apex Town Council's intent to annex 27.5221 acres, located at 5125 Jessie Drive – Apex Commerce Center Lot E, Annexation No. 767 into the Town Corporate limits.

CN3 Annexation No. 779 - Apex YMCA - New Hill Holeman Road - 25.68 acres (REF: RES-2024-026, RES-2024-027, and OTHER-2024-062)

Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for May 28, 2024, on the Question of Annexation - Apex Town Council's intent to annex 25.68 acres, located at New Hill Holeman Road– Apex YMCA Center, Satellite Annexation No. 779 into the Town Corporate limits.

CN4 Budget Ordinance Amendment No. 16 and Capital Project Ordinance Amendment No. 2024-18 - Community Development Block Grant (CDBG) Go-Apex Project Funding (REF: ORD-2024-037 and ORD-2024-038)

Council voted to adopt Budget Ordinance Amendment No.16 and Capital Project Ordinance Amendment 2024-18 allocating additional funding for the GoApex CDBG Bus Stops Improvement and Sidewalk Project.

CN5 Capital Project Ordinance Amendment No. 2024-19 – Cybersecurity Model Grant (REF: ORD-2024-039)

Council voted to approve Capital Project Ordinance Amendment 2024-19 allocating funding and grant award for cybersecurity model project.

CN6 Contract Amendment – Itron Inc. - June 9, 2022 through June 9, 2025 (REF: CONT-2024-115)

Council voted to approve Contract Amendment No.2 between the Town of Apex and Itron Inc., to extend the Field Deployment Manager (FDM) Field Tools Mobile Device Software Agreement (CONT-2022-059) for one year, effective until June 09, 2025, and authorize the Town Manager to execute on behalf of the Town.

CN7 Council Meeting Minutes – Various

Council voted to approve Meeting Minutes from the following meetings:
April 9, 2024 – Regular Town Council Minutes
April 16, 2024 – Town Council Work Session Minutes

CN8 Historical Marker Program Update - Increase Grant to $4,000

Council voted to approve an update to the Historical Marker Program application to change the grant amount to up to $4,000.

CN9 Memorandum of Understanding (MOU) between Capital Area Metropolitan Planning Organization (CAMPO), Town of Apex, and Various Municipalities - Administrative Updates (REF: CONT-2024-116)

Council voted to approve the Memorandum of Understanding (MOU) between Capital Area Metropolitan Planning Organization (CAMPO), Town of Apex, and various municipalities, to reflect the administrative updates of current codes and practices, in cooperation with United States Department of Transportation Agreement No. 2024-04-17 and authorize the Mayor to execute the agreement on behalf of the Town.

CN10 Rezoning Case No. 23CZ22 – 1013 Olive Chapel Rd – Statement (REF: ORD-2024-040)

Council voted to approve Statement of the Town Council and Ordinance for Rezoning Case No. 23CZ22 1013 Olive Chapel Rd, Ashwini Kumar Reddy Yalala, Srikanth Nalla, Rajanikanth Chippa, and Gurudath Munimakula, petitioners, for the property located at 1013 Olive Chapel Rd (PIN 0732732042).

CN11 Rezoning Case No. 24CZ02 – 5836 Old Smithfield Rd – Statement (REF: ORD-2024-041)

Council voted to approve the Statement of the Town Council and Ordinance for Rezoning Case No. 24CZ02, Natalie Hinton-Brooks & Inetta L. Hinton, applicant, for property located at 5836 Old Smithfield Rd (PIN 0740840331)

CN12 Special Event Authorization – Alcoholic Beverages and Open Containers - Juneteenth Festival 2024

Council voted to authorize alcohol possession, consumption, and open container of the same in The Depot parking lot located at 220 North Salem Street in Apex, North Carolina, for the Town's Juneteenth Festival scheduled for June 15, 2024.

CN13 Unified Development Ordinance (UDO) Amendments – April 2024 – Statement (REF: OTHER2024-063)

Council voted to approve the Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the Unified Development Ordinance (UDO) Amendments of April 23, 2024.

[PRESENTATIONS]

PR1 Apex Public School Foundation – Quarterly Peak S.T.A.R. Awards – 3rd Quarter

Mayor Gilbert said that Councilmember Terry Mahaffey would give the presentation along with Barbara Conroy Co-Founder and President of Apex Public School Foundation.

Councilmember Mahaffey introduced the Peak S.T.A.R award, and invited Fundraising Chair of the Apex Public School Foundation Jack Otepka, to give more information.

Mr. Otepka gave information on the Apex Public School Foundation and how it promotes creativity and recognizes extraordinary employees from the Apex area in Wake County Schools with the Peak Star Award each quarter. He said that the Board of Directors selects an individual recognized for doing extraordinary work to support students at their schools. He recognized Ms. Lauren Roy for this quarter's Peak Star Award. He said that the nomination was received from Principal Kelly Wilson who said that Ms. Roy was an advocate for all children, she embraces the beauty and importance of creativity problem solving and risk-taking. He said she is someone that loves to challenge her students, always challenging herself by learning the latest and most innovative approaches to teaching and learning, and she's always looking for ways to involve the entire school community and her classroom environment. He said she sponsors open chess play, the literacy ambassadors book club for children regardless of their AIG identification. Ms. Roy recognizes that there is brilliance in all kinds of minds at West lake Elementary, and that the community is grateful and thankful to have Ms. Lauren Roy as one of their own. He congratulated Ms. Roy and thanked her. He asked Ms. Roy to come up and speak along with Principal Kelly Wilson.

Principal Kelly Wilson addressed Councilmembers, special guests, and community members. She reflected on a feeling of gratitude and appreciation that fills her heart as everyone comes together to recognize the outstanding accomplishments and contributions of Lauren Roy, AIG teacher. She has worked to increase representation with underserved populations, and acknowledged the collective impact that she has made in the community. She said Ms. Roy's tireless efforts have not only grown the AIG program but have also opened the doors of opportunity for students who have otherwise been overlooked and increased access by 20% over the past two years to students in underserved populations. She thanked the Apex Public Schools Foundation for the support and advocacy, yearly grants, teacher recognition, and community perks for local educators, and help bring and retain high quality teaching staff in Apex. She thanked the Apex Public Schools Foundation, the Apex Town Council and the Apex Community for recognizing Ms. Lauren Roy.

Ms. **Roy** came up to receive the award and to take a picture. She then thanked the Apex Public School Foundation and Town Council for the recognition and the Peak S.T.A.R Award. She also thanked Principal Wilson for her support and belief in the vision and for allowing her to create a nurturing environment at West Lake Elementary School so that every

child can thrive and excel. She also thanked West Lake Elementary school-based committee for Gifted Education, PTA, and the Advanced Learning Services team at WCPSS for the support to insure the children have access to the resources and support that they need to meet their full potential. She said that this is not just about celebrating past achievements, it's also reaffirming commitment to advocacy and equity in education. She said it was important to advocate for adequate funding and policies for gifted education. She said that as she accepts this award, she does so not for herself, but for every gifted and talented child.

Mayor Gilbert thanked Ms. Roy and thanked Councilmember Mahaffey for leading the presentation.

PR2 Proclamation - Apex Public Service Recognition Period - May 5 through May 18, 2024 (REF: PRO-2024-013)

Mayor Gilbert along with the rest of the Town Council read Apex Public Service Recognition Period - May 5 through May 18, 2024. He invited the Human Resources Director, Mary Beth Manville and other Town of Apex employees in attendance to be recognized and take a picture.

PR3 Proclamation - Asian American, Native Hawaiian and Pacific Islander Heritage Month - May 2024 (REF: PRO-2024-014)

Mayor Gilbert along with the rest of the Town Council read the Asian American, Native Hawaiian and Pacific Islander Heritage Month - May 2024. He invited Reverand Gary Lee and Linda Graham Jones, DEI Director to accept the Proclamation and take a picture.

Reverand Gary Lee said he was thankful for the Town of Apex. He said it is a great place for his family to live. He thanked Mayor Gilbert for his support for him and the faith community in Apex. He said he was happy to accept the Proclamation as part of the Asian community.

PR4 Proclamation - National Foster Care Month - May 2024 (REF: PRO-2024-015)

Mayor Gilbert with the rest of the Town Council read National Foster Care Month - May 2024. He invited Karen Morant, Kim Adcock, Shanna Davis, Sheila Alford and Joselyn Williams from Wake County Health and Human Services to receive the Proclamation and for a picture.

A Representative for Wake County Health and Human Services thanked Council for the proclamation and raising awareness. She said if anybody was interested in becoming a foster parent, they could contact foster4wake@wake.gov or call (919) 212-7474.

PR5 Proclamation - National Police Week 2024 - May 12 through May 18, 2024 (REF: PRO-2024-016)

Mayor Gilbert along with the Town Council read Proclamation - National Police Week 2024 - May 12 through May 18, 2024. Mayor Gilbert invited Police Chief Jason Armstong and other members of Apex Police Department to receive the Proclamation and take a picture. Mayor Gilbert thanked the family members of the Police Department for their sacrifice as well. He said that as part of National Police Week the Hunter Street Water Tower will be lit blue beginning tonight through Sunday in their honor. He thanked them for all they do.

PR6 Proclamation - National Tennis Recognition Month - May 2024 (REF: PRO-2024-017)

Mayor Gilbert along with the Town Council read Proclamation - National Tennis Recognition Month - May 2024. He invited Laura Weygandt, Executive Director of Western Wake Tennis to receive the Proclamation and take a picture.

Laura Weygandt thanked the Mayor and Council, and thanked Town of Apex, Parks, Recreation, and Cultural Resources Department for their partnership in helping provide tennis opportunities to the community.

PR7 ADDED - Proclamation – The Fifty-Fifth Professional Municipal Clerk's Week May 5TH – May 11th, 2024

Mayor Gilbert along with the rest of the Town Council read Professional Municipal Clerk's Week May 5TH – May 11th, 2024. He invited Town Clerk Allen Coleman and Deputy Town Clerk Ashley Gentry to receive the Proclamation and take a picture.

PR8 Western Big Branch Area Plan Update

Jenna Shouse, Senior Planner, gave the following presentation of the Western Big Branch Area Plan Update.

[WESTERN BIG BRANCH AREA PLAN - SLIDE 1]

Western Big Branch Area Plan

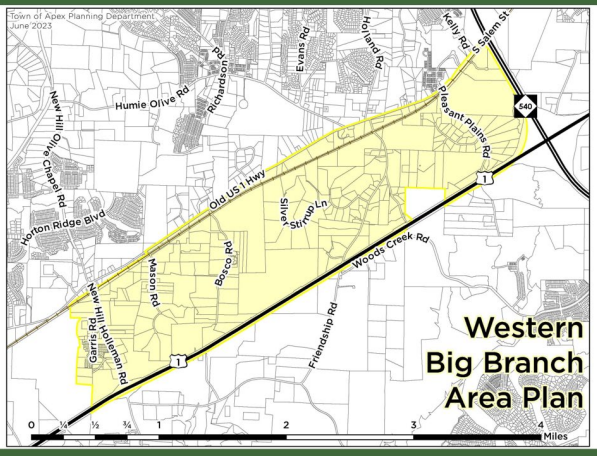
Spring 2024 Public Input Summary

[WESTERN BIG BRANCH AREA PLAN - SLIDE 2]

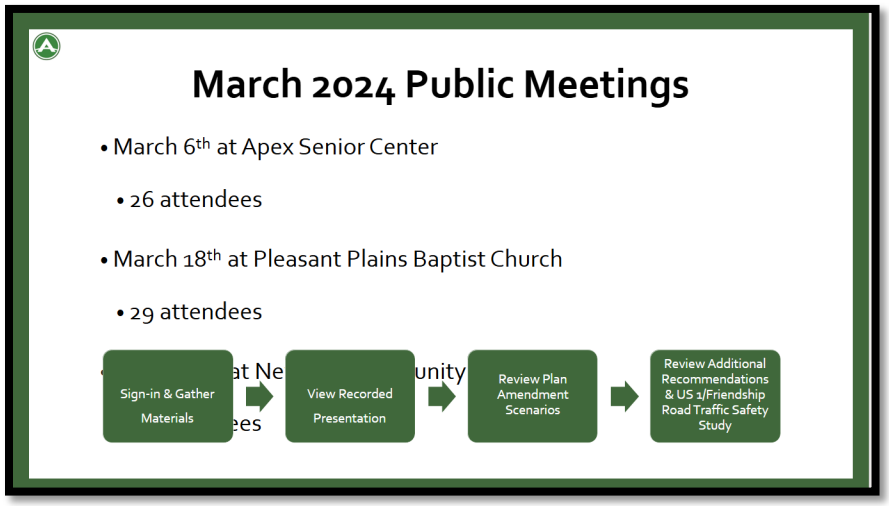
Overview

- Presentation includes summary of input on:
  - Three plan amendment scenarios
  - Friendship and New Hill Community Land Use Map & Neighborhood Conservation Overlay District
- Staff report **also** includes summary of input on:
  - Draft Additional Plan Recommendations

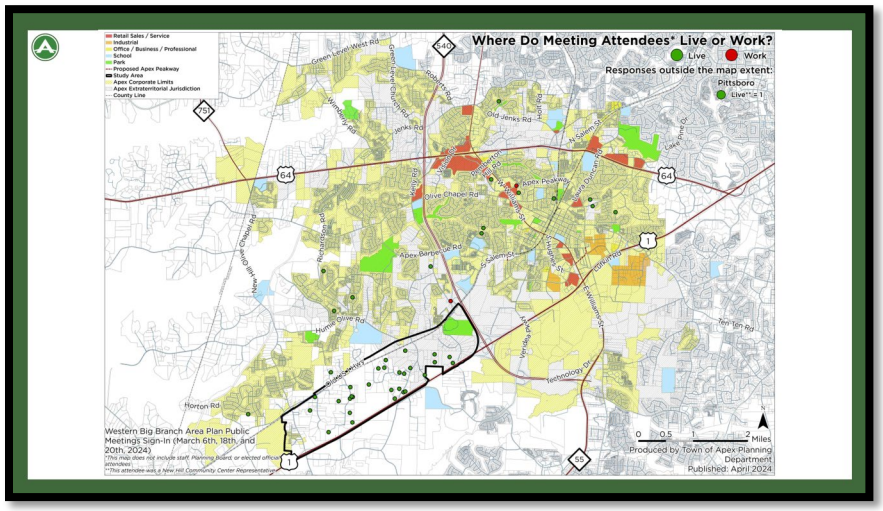
[WESTERN BIG BRANCH AREA PLAN - SLIDE 3]



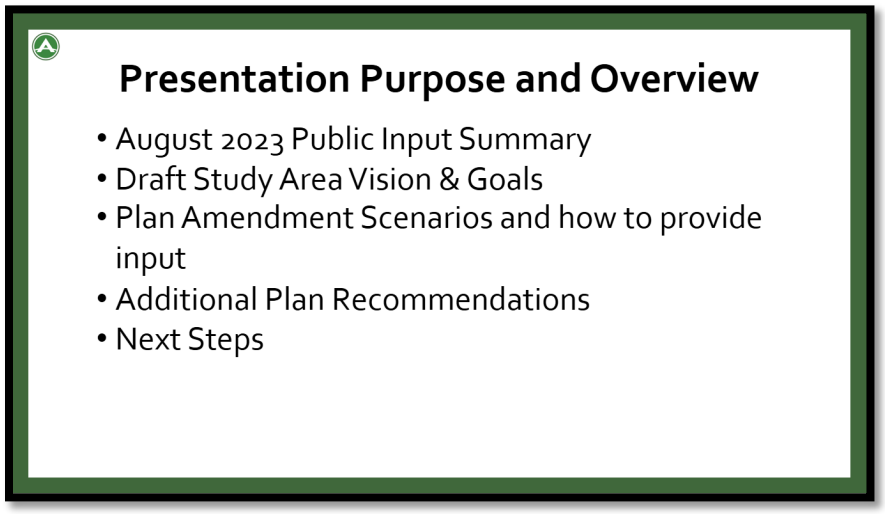
[WESTERN BIG BRANCH AREA PLAN - SLIDE 4]



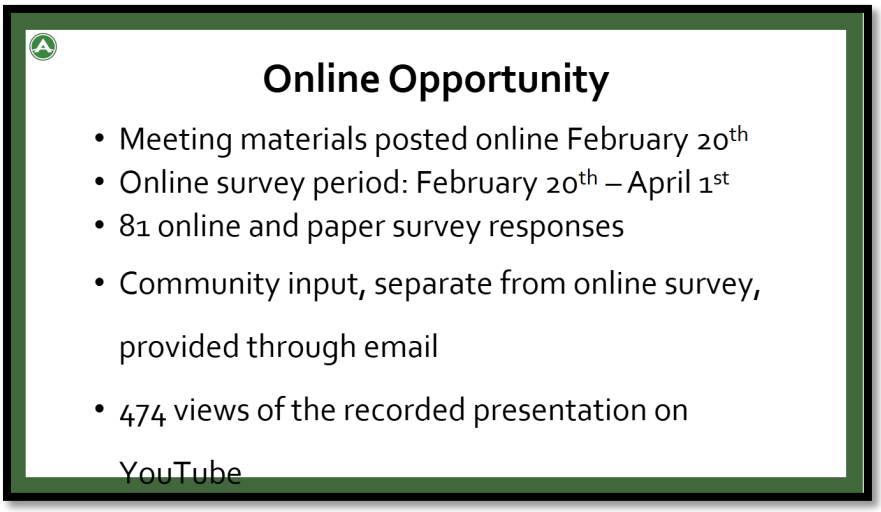
[WESTERN BIG BRANCH AREA PLAN - SLIDE 5]



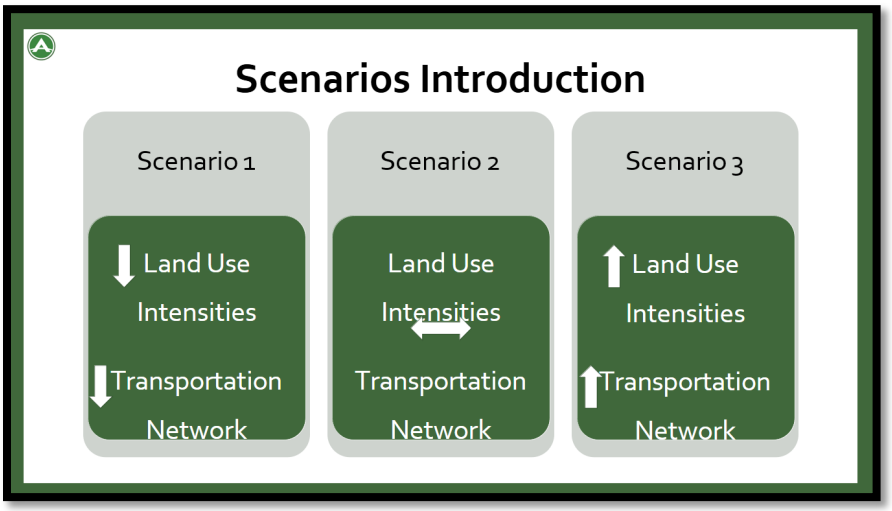
[WESTERN BIG BRANCH AREA PLAN - SLIDE 6]



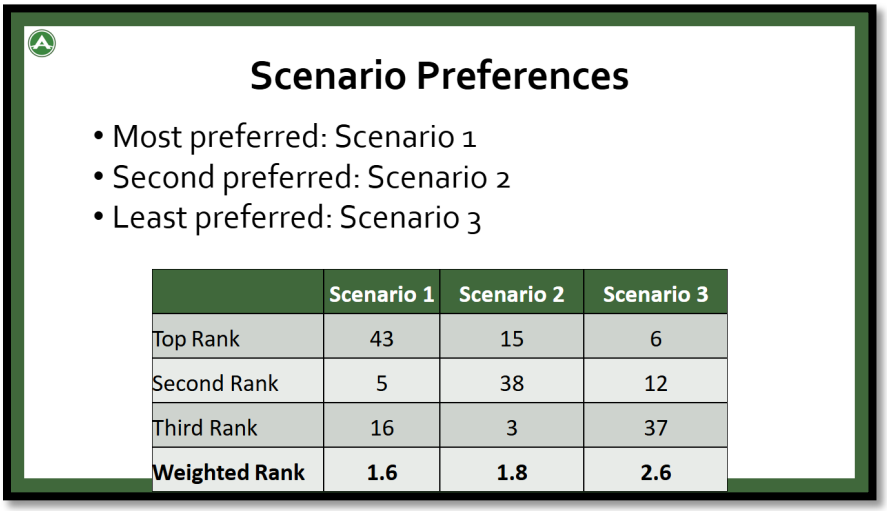
[WESTERN BIG BRANCH AREA PLAN - SLIDE 7]



[WESTERN BIG BRANCH AREA PLAN - SLIDE 8]

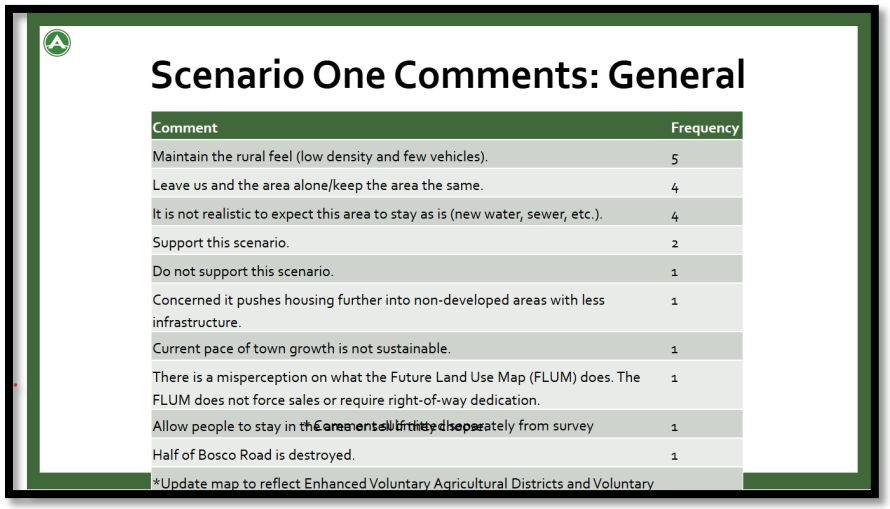


[WESTERN BIG BRANCH AREA PLAN - SLIDE 9]



	Scenario 1	Scenario 2	Scenario 3
Top Rank	43	15	6
Second Rank	5	38	12
Third Rank	16	3	37
Weighted Rank	**1.6**	**1.8**	**2.6**

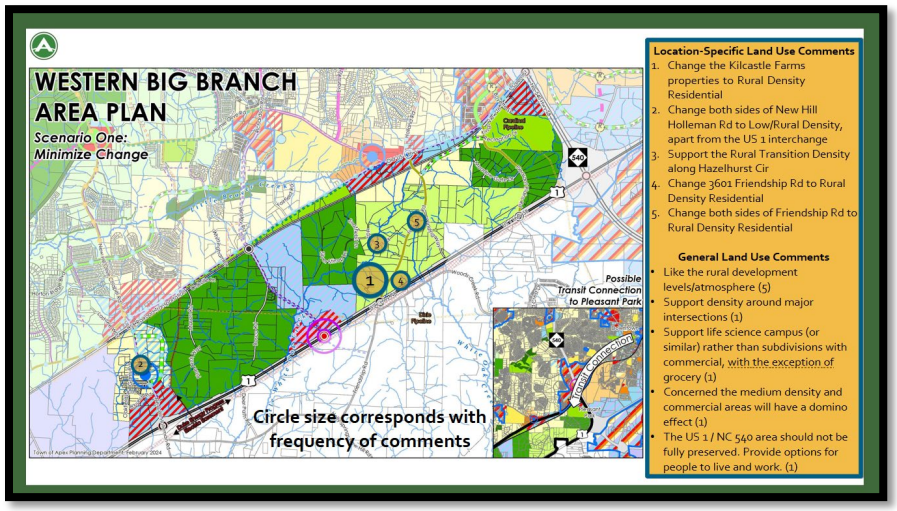
[WESTERN BIG BRANCH AREA PLAN - SLIDE 10]



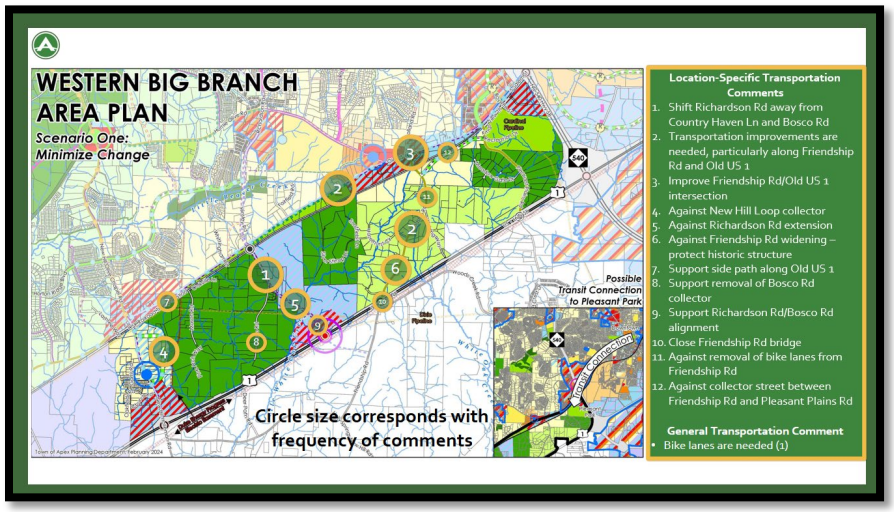
Scenario One Comments: General

Comment	Frequency
Maintain the rural feel (low density and few vehicles).	5
Leave us and the area alone/keep the area the same.	4
It is not realistic to expect this area to stay as is (new water, sewer, etc.).	4
Support this scenario.	2
Do not support this scenario.	1
Concerned it pushes housing further into non-developed areas with less infrastructure.	1
Current pace of town growth is not sustainable.	1
There is a misperception on what the Future Land Use Map (FLUM) does. The FLUM does not force sales or require right-of-way dedication.	1
Allow people to stay in the area until they desire to separately from survey	1
Half of Bosco Road is destroyed.	1
*Update map to reflect Enhanced Voluntary Agricultural Districts and Voluntary	

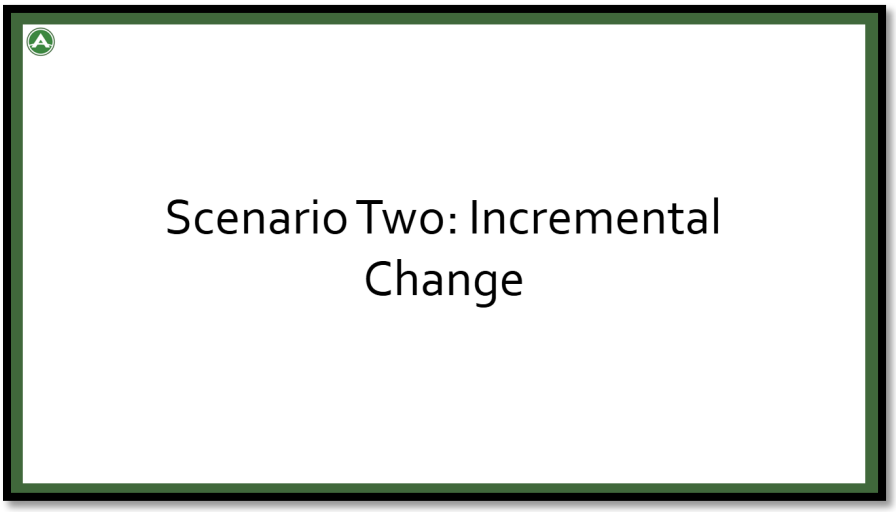
[WESTERN BIG BRANCH AREA PLAN - SLIDE 11]



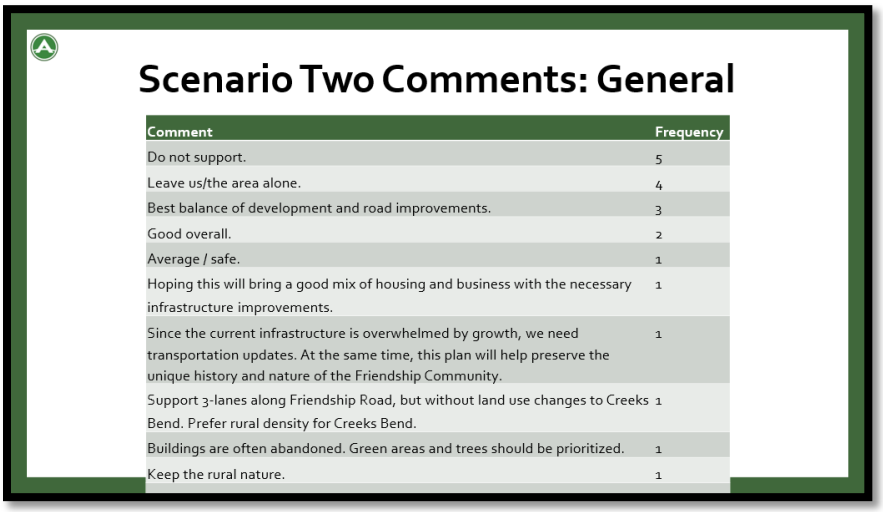
[WESTERN BIG BRANCH AREA PLAN - SLIDE 12]



[WESTERN BIG BRANCH AREA PLAN - SLIDE 13]



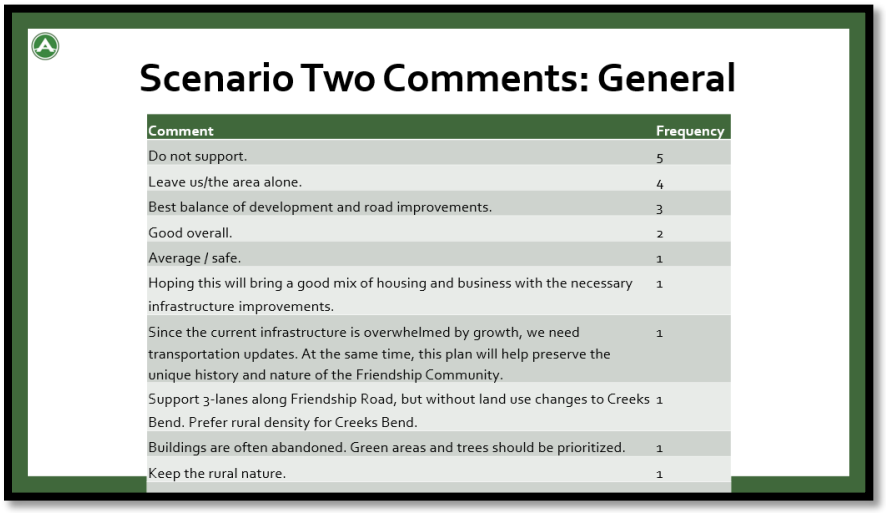
[WESTERN BIG BRANCH AREA PLAN - SLIDE 14]



Scenario Two Comments: General

Comment	Frequency
Do not support.	5
Leave us/the area alone.	4
Best balance of development and road improvements.	3
Good overall.	2
Average / safe.	1
Hoping this will bring a good mix of housing and business with the necessary infrastructure improvements.	1
Since the current infrastructure is overwhelmed by growth, we need transportation updates. At the same time, this plan will help preserve the unique history and nature of the Friendship Community.	1
Support 3-lanes along Friendship Road, but without land use changes to Creeks Bend. Prefer rural density for Creeks Bend.	1
Buildings are often abandoned. Green areas and trees should be prioritized.	1
Keep the rural nature.	1

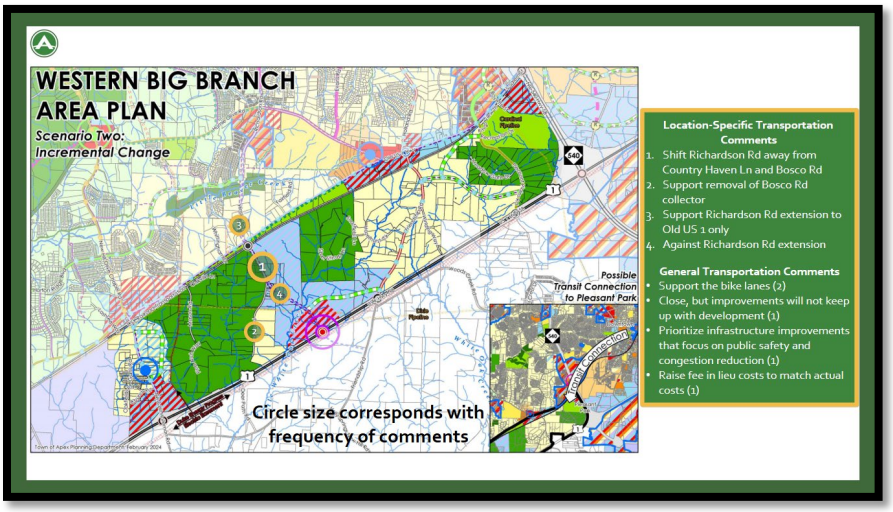
[WESTERN BIG BRANCH AREA PLAN - SLIDE 15]



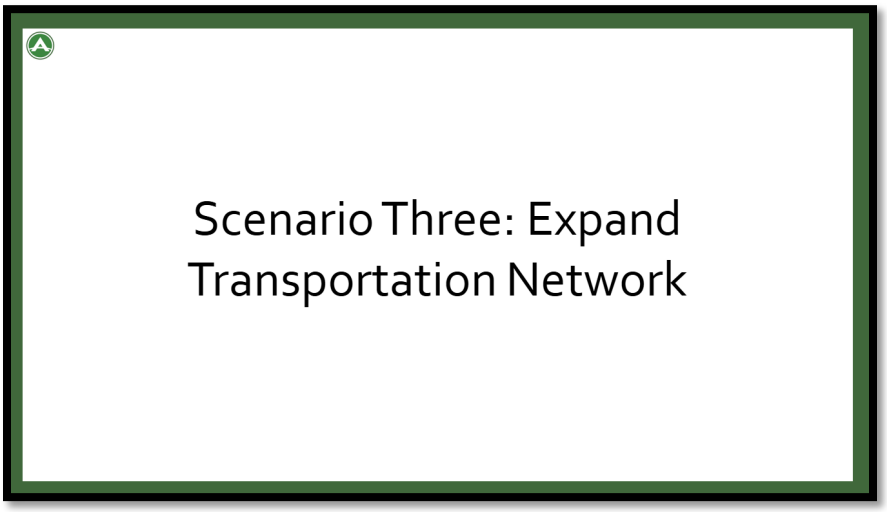
Scenario Two Comments: General

Comment	Frequency
Do not support.	5
Leave us/the area alone.	4
Best balance of development and road improvements.	3
Good overall.	2
Average / safe.	1
Hoping this will bring a good mix of housing and business with the necessary infrastructure improvements.	1
Since the current infrastructure is overwhelmed by growth, we need transportation updates. At the same time, this plan will help preserve the unique history and nature of the Friendship Community.	1
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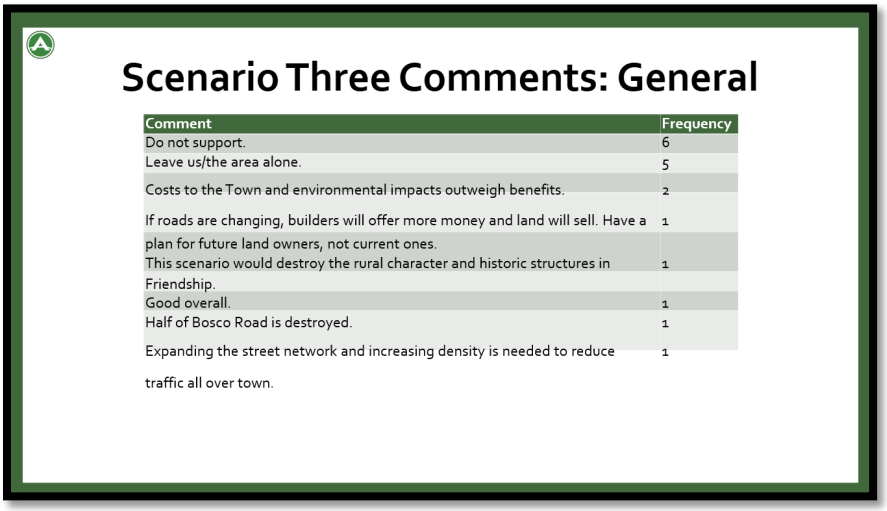
[WESTERN BIG BRANCH AREA PLAN - SLIDE 16]



[WESTERN BIG BRANCH AREA PLAN - SLIDE 17]



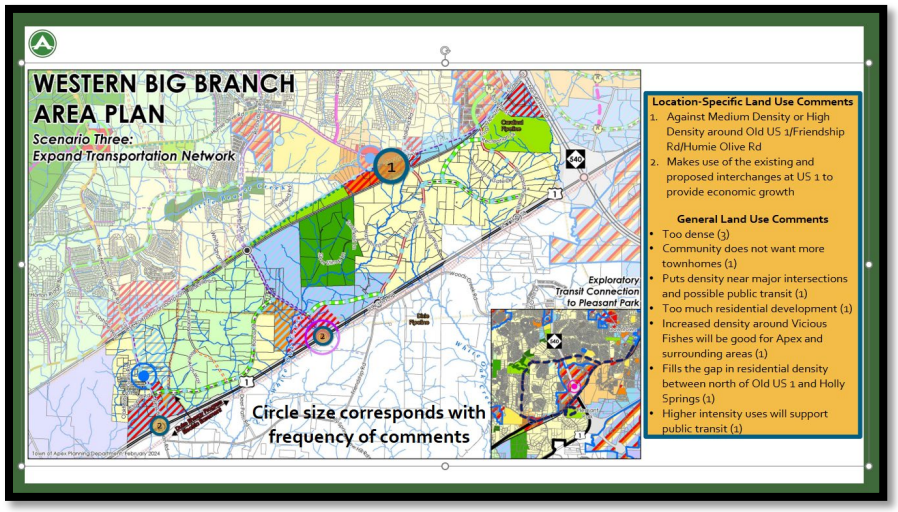
[WESTERN BIG BRANCH AREA PLAN - SLIDE 18]



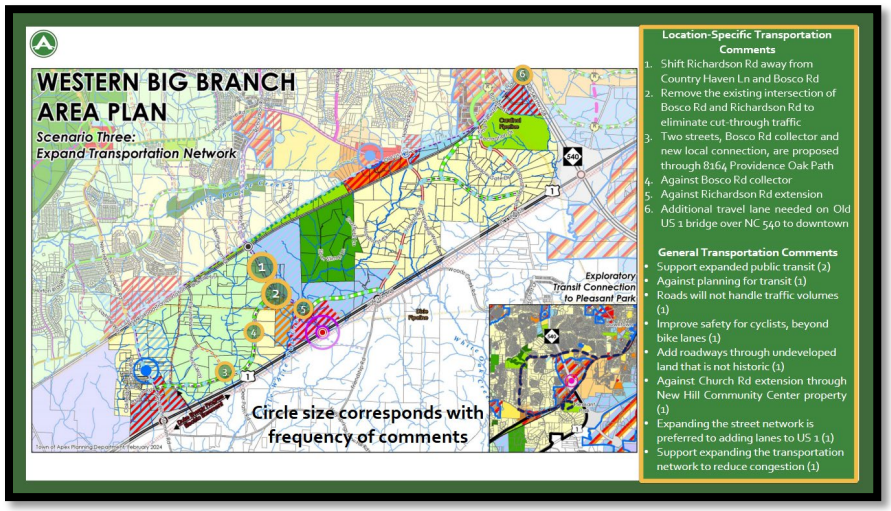
Scenario Three Comments: General

Comment	Frequency
Do not support.	6
Leave us/the area alone.	5
Costs to the Town and environmental impacts outweigh benefits.	2
If roads are changing, builders will offer more money and land will sell. Have a plan for future land owners, not current ones.	1
This scenario would destroy the rural character and historic structures in Friendship.	1
Good overall.	1
Half of Bosco Road is destroyed.	1
Expanding the street network and increasing density is needed to reduce traffic all over town.	1

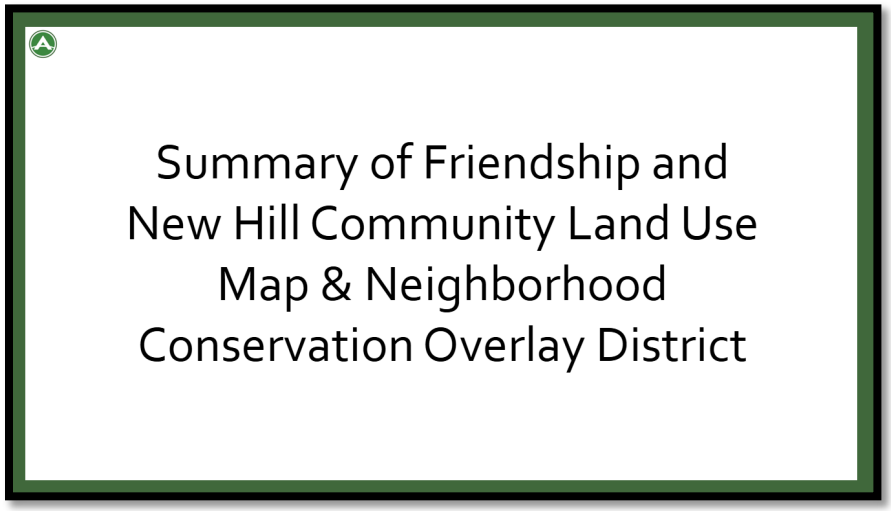
[WESTERN BIG BRANCH AREA PLAN - SLIDE 19]



[WESTERN BIG BRANCH AREA PLAN - SLIDE 20]



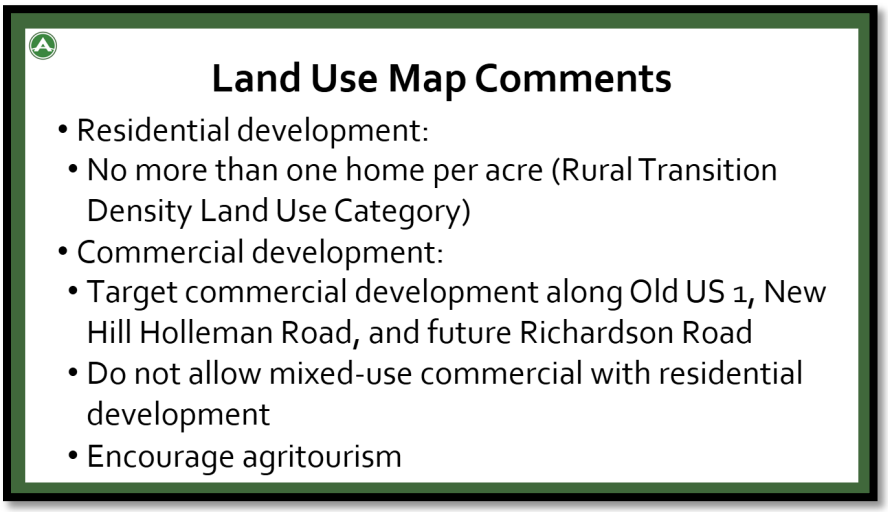
[WESTERN BIG BRANCH AREA PLAN - SLIDE 21]



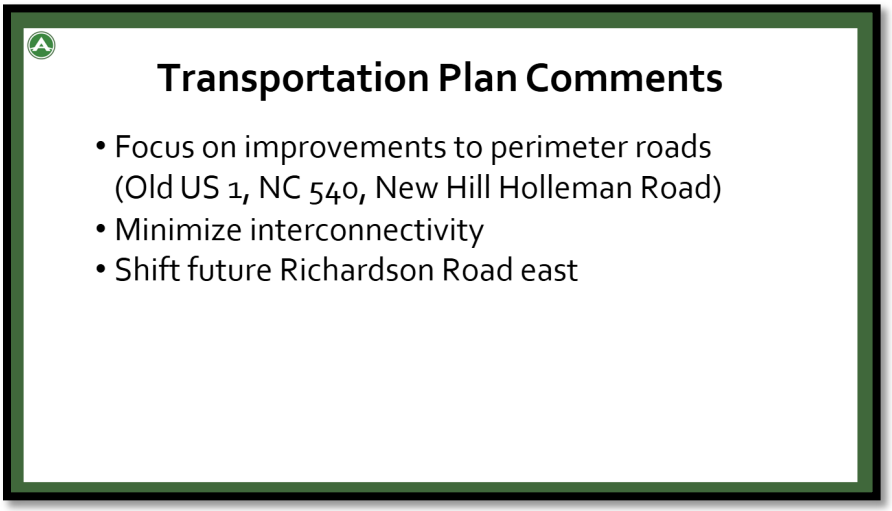
[WESTERN BIG BRANCH AREA PLAN - SLIDE 22]



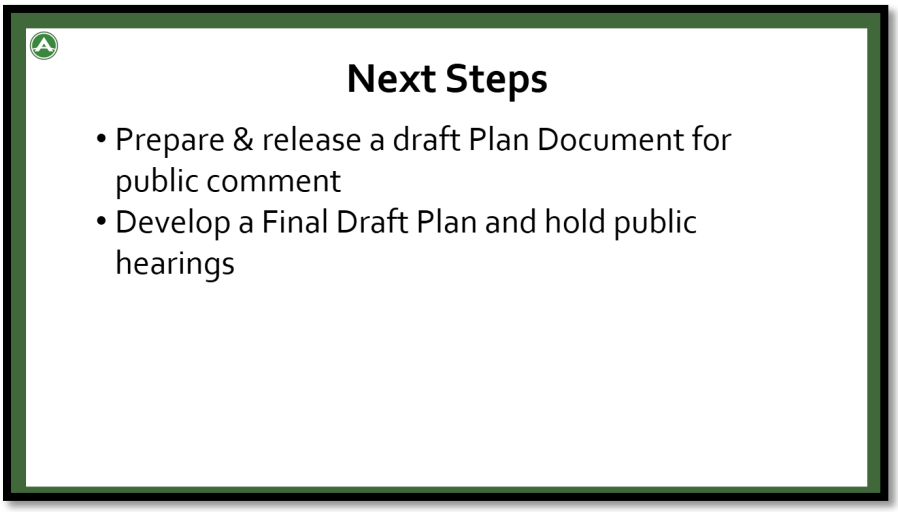
[WESTERN BIG BRANCH AREA PLAN - SLIDE 23]



[WESTERN BIG BRANCH AREA PLAN - SLIDE 24]



[WESTERN BIG BRANCH AREA PLAN - SLIDE 25]



Mayor Gilbert thanked Ms. Shouse for the work and community members for being engaged, and asked if there were any questions.

Councilmember Gantt said in 2019 during the last Land Use Map update, some communities wanted the town to "leave them alone", then a few years later were wanting help developing the area around them. He said the results of this reminded him of the initial sentiment then.

Councilmember Mahaffey wanted to clarify that this is not a regulatory change on anyone's property, it is an update to a future land use map and explained that this is a plan that has to be published. He said the map reflects the possible zoning for a property if that property decides to be developed.

Councilmember Zegerman said the Land Use Map was very important for Council and future Councils, and thanked staff for their work in crafting this vision along with the community.

Mayor Gilbert thanked Ms. Shouse for the update.

[REGULAR MEETING AGENDA]

A **motion** was made by **Councilmember Gantt**, seconded by **Councilmember Killingsworth**, to approve the Regular Meeting Agenda as submitted.

VOTE: UNANIMOUS (5-0)

[PUBLIC FORUM] (NOTE: To view Public Forum and Public Hearing Sign In Sheets, see **OTHER-2024-064)**

First to speak was **Elizabeth Stitt** of 3113 Friendship Road:

"Mayor and Town Council good evening. I signed up first so I could go right behind Jenna. Jenna has done a fabulous job presenting the Planning Board, presenting to you tonight, working with us in the Community, so her and her staff, I have to say, thank you for all the time they spent. So, I am a part of the group that is proposing the Overlay District, so I'd like to address a couple of things first. If you look at the owners within that corridor, nobody has sold out or developed since 2019, and most of us that are left have no plans of going anywhere, so I appreciate you may have had some bad experiences, but I want to reassure you that's not on the current horizon. I'd also like to reassure you that there's no misunderstanding, that this is a land use map that this is not the town annexing us, this is not the town changing our land zones or anything of that nature, what our response back is we are coming to you with what we want because we have seen development around us that's not consistent with who we are as a community, and we know that if we don't take the time to engage and say, look you did project X, Y, or Z, we raised concerns and objections, you out voted us, and clearly we don't have a vote for any of you, because we don't have a right to vote in town elections, you haven't heard us, you know, you still move forward with the projects that you decided on. So through this, you know, we looked at the three plans and none of them really fit and we kind of joked about how it's kind of like, you know, it' a guy coming up saying, hey you want to go out on a date, you know, what do you want to do and you're like, oh, I don't know, you know, and they suggest three different things when it would better for us just to say, hey, this is what we like to go do on the date. So, this is a date between us and the town, so there's going to be many more conversations. I don't expect us to cover everything in the last 56 seconds I have. A couple of things I want to call out is our proposal is in the packet from page 269 to 297 and our goal is not anti-development, we've actually proposed four times the amount of residential density that exists there today. We have made recommendations on what type of commercial development, and of the 249 parcels that are included, we had 146 owners sign on to these recommendations that they were in support of it. So, it is not all anti-development, we did have some individuals that said we're not signing on because you're allowing some development, we want zero, so they're against us, so we're trying to find something that is somewhere in between all of us. We did propose a citizen committee because you need to be talking to us."

Mayor Gilbert thanked Ms. Stitt.

Next to speak was **Omar Nabulsi** of 410 James Street:

"Peace be upon you all. Today I'm going to tell you why the safety of Palestinians in Palestine is directly correlated to my safety here in America. Despite this geographical distance, as a Muslim-Palestinian American who proudly served in the US Army, I speak from both personal and collective experience. The plight of Palestinians resonates deeply with our community, as it reflects a struggle for justice, dignity and human rights. My service in the US Army

exemplifies the diversity and strength of our nation, built on the principles of equality and liberty for all. Yet as a Palestinian-American, I cannot ignore the controversy of advocating for freedom abroad and turn a blind eye to the injustices committed against my people in Palestine. While I was active duty, a Sergeant, someone I trusted with leadership and authority, expressed that if it were up to her, all Palestinians would be obliterated off the map. Hearing those words from someone in a position of power was not just shocking, it was deeply disturbing. What struck me most was the realization that individuals harboring such extreme and hateful views, are the very ones we entrust with guns and send to the countries where Palestinians reside. While the conflict may seem distant, its ramifications are felt locally. The Palestinian diaspora, including many within our city, grapple with the anguish of displacement, loss, and the constant fear for the safety of themselves and loved ones. The trauma inflicted by the ongoing violence runs back generations, leaving a profound impact on mental health and community cohesion. Moreover, our City's commitment to Human Rights and social justice demands that we stand in solidarity with oppressed communities around the world. Just as we advocate for justice on local issues, we must extend our support to those facing systemic injustice and violence elsewhere. Silence in the face of adversity condones violence and perpetuates oppression. It is silence that got UNC students Deah Shaddy Barakat, Yusor Abu-Salha, and Razan Abu-Salha killed in Chapel Hill, got Wadea Al-Fayoume, a 6-year-old Palestinian American boy stabbed to death by his neighbor, and got three Palestinian Americans in Vermont shot. These crimes were a direct result of the US's involvement in decades of vilification and dehumanization of our community and were undoubtedly fueled by hatred and bigotry. Would you sit here and tell them their lives don't matter if they were standing where today. Silence speaks volumes. Just last week a woman took a 10-second clip of me walking with Palestinian flag and fabricated a story of aggressively following a Jewish Family. I walked with cadence in this video, something that was drilled into my head during my time in service. The online responses to this were threats of violence against me. I was made to feel unsafe, simply for existing and representing my country. These incidents underscore the urgent need for advocacy and protection for Palestinian-Americans. While our government rightfully sponsors ads addressing antisemitism, and supports the Jewish Community, there is a stark absence of similar initiatives for Palestinian Americans. This disparity and support leaves Palestinian-Americans vulnerable to targeted attacks and hate crimes because of their ethnicity or perceived political affiliations. Allowing discrimination against Palestinians on foreign land, not only violates their human rights, but also jeopardizes the safety and security of Palestinian Americans at home. It undermines America's credibility, fosters resentment and radicalization, and sets a dangerous precedent for the erosion of civil liberties and human rights. Every great movement has faced resistance, ridicule, and even violence, but it's the unwavering commitment of individuals and communities to stand firm in their convictions that ultimately drives change. Whether it's advocating for marginalized communities, fighting against systemic injustice, or speaking truth to power, our actions today shape the world we leave for future generations. It is imperative that we stand against discrimination and oppression wherever it occurs both as a matter of principle and to ensure the safety and well-

being of all Americans. I will continue to be a voice for the voiceless, even when my voice shakes. I took an oath to defend the principles of freedom and justice, not just for me but for all. Thank you."

Next to speak **Zane Zanta,** 1100 Ryanmar Circle of Apex:

"Good evening, I'd like to begin by acknowledging and thanking the Council for the diversity on display here before us today. Representation is existence, and existence is to be seen, felt, and heard. While we're on the subject of diversity, we have a diversity of children in our community who look like Palestinians. They are witnessing what's happening to them as our coward leaders and soulless of a President are openly spewing Islamophobic rhetoric and encouraging a country and its inhabitants to be flattened and wiped off the Earth. Children in our community do not feel safe, we installed in our youth the love of knowledge, education, college, serving our communities, and serving our country. We champion our youth, our students for participating in society and Government, and when they do, they are being punished. Protests have broken out across the country and the world alike. Students protested peacefully after not being heard for months and their demands not being met. The University of Chapel Hill students were targeted by a police mob at the early hour of the morning. Many were arrested, but why. For protesting a genocide. Dutch police were seen bulldozing and beating students. The Dutch Colonial Empire and the American Colonial Empire are displaying what they learned from the Israeli terrorist forces, the same methods that were laid upon the South Africans during the apartheid. Have we not learned anything. If for a second, you think that this has nothing to do with you, then you better look deeper, our struggles are all connected. If anybody's freedom offends you, then you need to check yourself. The hypocrisy of our children being sent to war and die, but not being able to protest a war is unfathomable. The latest resigning of top American military personnel and the soldiers coming back home and committing suicide, should at least have you question why. As we draw parallels of student protests, we cannot forget the Greensboro luncheon protest, started by four Black students against segregation. This is a survey taken in the 1960s that I will be giving to you in a second. On the first day, four students sat in, the second day 25 more joined, and the third, 63 students joined. By the fifth day, more than 300 demonstrators had joined. Four local men against a system that prevented them from having any rights for the last 100 years after their own Liberation in the 1960s. Their movement spread to many Southern States, fueling changes which transcended into global recognition. The process which brought down segregation."

Mayor Gilbert thanked Mr. Zanta for his comments.

Next to speak was **Lorraine Meehan**, 2524 Walden Woods Creek:

"As I said, I am a resident of Apex and I want to thank you first off for acknowledging our Police. My husband was a federal law enforcement officer, he died from injuries he received

while recovering the bodies of the dead on 9/11 at the World Trade Cetner. So, what you did here tonight acknowledging the sacrifice that he made and the impact on me, I am very, very grateful. As a resident, I understand the purpose of the City Council is to act as our legislative body for the Town of Apex, not to opine on world issues or events. In the past weeks. speakers here in this room have falsely accused Israel of genocide, but they won't tell you about Hamas' own genocidal plans, written in the Hamas Covenant of 1988 Preamble. Israel will exist and will continue to exist until Islam will obliterate it. You won't hear them talk about Article 2, that Hamas is a wing of the Muslim Brotherhood, the same people responsible for the 1993 bombing of the World Trade Center, or Article 15 that Jihad is an individual duty in face of the Jews usurpation. Even the UN, who is no friend of Israel, exposed Hamas' lies and officially cut in half the number of women and children killed in this war from Humas' own official numbers. Showing that the vast majority killed in Gaza are Hamas terrorists who use women and children as human shields. In light of these veiled, yet very real anti-Semitic charges by others in this room in previous weeks, I thank Council for your position of keeping Apex Council business just that, the business of governing Apex without distraction. Thank you."

Next to speak was **Amy Rosenthal**, 402 Old Larkspur Way:

"No doubt you've seen the explosion of anti-Semitism, in other words, hatred of Jews, appear on campuses here in North Carolina and across the country. Jewish students have had water bottles thrown at them and people have spit in their faces and more, how did this happen. The infamous Nazi propaganda Minister Joseph Goebbels said if you repeat a lie often enough people will believe it and you will become to believe it yourself. The Jewish community is all too familiar with where these lies lead, to hate, to violence, to actual genocide. Unfortunately, that is exactly what we're seeing today. You have heard some of the anti-Israel lies and propaganda here in this room. Some of the speakers before you have dedicated their lives to promoting the genocide of Jews in Israel. They cloak their hate in noble language, but make no mistake, their goal is to eliminate Jews by any means. This includes terrorism as we saw October 7th when Hamas publicly bragged about cutting babies out of pregnant women, burning children alive in front of their parents, beheading babies, gang rape of women and more, just because they were Jewish. When they can't destroy, Israel with violence, they use gullible Americans to do the job for them by hurting Israel economically and more. They want Apex to be complicit in their quest to eliminate the only Jewish State in the world. They want Apex to hop onto the bandwagon of hate. Others who parrot lies about Jews are intellectually lazy, believing the anti-Sematic propaganda without question so that they'll be accepted by the mob. They call it love bombing and it works on weak minds. These are the new Nazis. You are probably tired of hearing them, you have a city to run. Thank you for standing strong against anti-Israel lies. Thank you for standing against anti-Semitism."

Next to speak was **Andrew Gluck**, 2524 Waldon Wood Creek:

"First just to address what was said here earlier, there's never been and still isn't a sovereign country called Palestine. It's never existed, and Hamas still calls for the destruction of Israel. A lot of accusations against Israel apartheid have been made, I want to point out virtually no Jews presently live in Arab and North African Nations today. Over 850,000 Jews were kicked out from those countries when Israel was founded in 1948, all victims of apartheid. They were told to leave with just what they could carry or they would be killed. They were absorbed by the State of Israel which has been the Jewish homeland for over 3,000 years, disproving the lie that Israel is a white racist country, remember Israel even went with great Pearl and rescued over 15,000 Jewish Ethiopians from the country while a Civil War was going on and brought them to Israel. To have to even come here and say anything as the Town of Apex is supposed to focus on the Town of Apex issues only, but unfortunately, we have misinformed and hateful people who want to bring world issues to a peaceful town and remember over 80% of this country supports Israel over Hamas, don't fall for the lies and hate because that's all they have. Thank you."

Next to speak was **Arnan Ullman**, Sterling Oak Court:

"I would like to address a couple of things that were said here today. First of all there were people saying genocide. In 2005, Israel left Gaza. There were 1.3 million people living there, right now there are 2.1 million. Since the war has started over 20,000 babies have been born in Gaza, those 20,000 babies are still alive, Israel does everything it it's power to protect civilian lives. When we look at death rates in global conflicts, you have a ratio of 1 to 5 when not in cities and in cities you have 1 to 9, one combat soldier to nine civilians. Right now, with that data coming from the UN, it is one to two, one combatant soldier to two civilians in one of the most densely populated areas in the world. I would not say that this is a great thing, nobody thinks so. On October 7th if that day did not happen many lives would be still here on the Palestinian and on the Israeli side, sadly it happened and since then, Israel has been doing everything in its power to defend itself and to defend the Palestinian people ability to have their own right to govern themselves and not a terrorist group. But let's talk about other things. Ethnic cleansings, there are no Jewish people living in Gaza since 2005. Right now there are 130 Israelis held as captives there, why, because they wanted to go into a trip there, no, they wee stolen from their house, people burn in their houses, we have other things said here, apartheid, Israel the apartheid state, do you know what state actually is an apartheid to Palestinians? Lebanon. Lebanon doesn't allow them to own land, doesn't allow them to be doctors. In Israel, any Arab Israeli can become whatever he wants. The Supreme Court of Israel sent a prime minister and a president to prison. That person that sent them to prison was an Arab Israeli, what they would call Palestinian Israeli, he send them that is not an apartheid state when somebody can send a president or a prime minister to prison, that just shows freedom. Lastly, a lot of times we're hearing the colonizers, colonizers are whom, out of curiosity which country did we represent, not the US, not Canada, not others, we're a Jewish nation that just came back to our homeland. And finally there was something very,

very, very, really bad said today here, oppressed people, nobody should be oppressed, but when you're held by terrorist organization, captive and holding 2.1 million people, you are oppressed, get rid of them, that's what you should be doing and if you really want to something, call Karen, Wake County has 404 people that, kids that need more fostering, do that, that's what we need to do for this community. Thank you."

Next to speak, **Daniel Cahana**, 605 West Chapel Hill St, Durham:

"Hi everyone, this is October 7th, as you can see, this is a Jewish woman pregnant being cut open and her baby being cut before he was born. Those terrorists, Hamas capture her and then didn't stop there, they go ahead and broadcast to the entire world to go to see what they mean when they say intifada and I want you to understand guys, today what they mean when they say they want to globalize it, that this is a serious matter, and it should be a threat over here. When those people ask for ceasefire, why do they ask for ceasefire, not for peace, did you ever come this mind, why not peace, I want peace, everybody wants peace. I want you to understand that in the mind of Jihadistic Islamic, that want Sharia law over the whole world, this is just a piece, ceasefire between the big war, there will be not peace up until the entire regime and the entire world become Muslim and I want you to understand that this is the reason that they ask for ceasefire. For example, only this year in Africa they kill 8,000 Christians because they are Christians. When the Jihadistic Palestinians group came to Lebanon, they decided to cleanse over there, the entire Christian population, we still have in New Jersey some of their refugee's ceasefire in 2008, 2012, 2014, 2021, 2023, they promise to do this again and again. To what we need the ceasefire another one if Hamas is going to break it one more time. When King of Jordan go ahead and create want to create a peace in the Middle East a century ago, the Palestinian terror group decided to go ahead and murder him and more than that and you can see this. All of those is a Peace Agreement that they had like an option to create a Palestinian State, why won't any one of them go ahead and advocate even once for this one? If they really want a Palestinian State, they could have any one of those. So, here's the thing, those people don't have peace, any peace in their mind. I want to guide you guys, that if they don't say the word peace, they say ceasefire, think about the global team. Now, the first thing that I want you to understand, I live next to Arabs all of my life, the Arabs is the first one that suffer from those Jihadistic group, take example for the people of Afghanistan that suffer from the Taliban, take for example the people of Iran that suffer from the Iranian regime. The same way there is people in Gaza that go ahead and oppose the Hamas regime. Israel wants to take Hamas down because Hamas is the one that prevents them to have any peace in the Middle East. In order for having that we have got to get them out, out of the equation. Thank you very much."

Next to speak was **Alex Har:**

"My name in Arabic would be Iskander because I am an Arab, I am here actually without propaganda, without a speech that I've written to you without anything I'm just here

recognizing this is the Town of Apex, you are the Council and your work is to work for the Town or the City of Apex, not international conflict. We all know that, both sides know that, but they're trying to bring politics and views that have nothing to do with your work or with anything that you do but, in case that this town will vote for anything political, or anything associated with the state of Israel, I am here to tell you that it will be a huge mistake. I can't believe that we are standing here in 2024 defending the Jewish people, how is this possible. When is this darkness will end. When will we just have peace, when will that happen? When Jihadi terrorist groups such as Hamas stop killing Jews, when people stop advocating for murder, for genocide. What is genocide. Genocide is when they say *(spoken in foreign language)* like a very known antisemite that lives in the triangle and everybody go and give her a mic, they keep saying these things, they keep saying from the river to the sea, a lot of Americans don't even know which river and which sea unfortunately, they just repeat this because of lies they hear. The river is Jordan, and the sea is the Mediterranean. It means the annihilation of Israel, the only Jewish State, the only Democratic State, the only state where the LGBT community have, oh you can laugh all you want, I am a member of the LGBT community, you know what will happen to me in there, why there are not gay people in Gaza or in Judea and Samaria or what is called West Bank because they throw them off the roofs, because they murder them, because they killed them and I quote the words of Hassan Yusef, the son of the creator of Hamas, he says 'This is a struggle between light and darkness', why do we defend the state of Israel, because Israel is the light in there, the only Democratic state in there, the only state that have yes, Black people who are not discriminated against gay people who are not discriminated against, minorities who are not discriminated against, and for that I urge you to support the state of Israel. Thank you."

Next to speak was **Emanuela** of 105 Heart Pine Drive, Cary:

"I would like to ask you not to give into any demands for resolutions against the state of Israel and for ceasefires. As has been noted, ceasefire is just an opportunity to re-arm. There are still 132 people who are hostages of Hamas in Gaza, and it is important to note that there are five of them are US citizens. Their names are not mentioned anyone by the powers that be, so I would like to name them; Keith Seagull, native of North Carolina, born in Capel Hill, Edan Alexander, Omar Naltra, Hersch Goldberg Poland and Sagui Dekel Chen. We have not forgotten them, and we hope and pray for the day they can go home to their loved ones. I noticed that this Town Council has made note of the heritage month for Asian-Americans, has noted tennis, has rightfully honored the police and in the Town of Apex which I honor as well, but you have not mentioned and I find this very odd, you have not mentioned Jewish-American heritage month which is the month of May and I have to wonder if you forgot to mention Jewish-American contributions to American fabric of life because you are cowed by the presence of Islam fascists among us. The demonstrations that you see daily in our towns on bridges in our Universities in City centers, those demonstrations are a show of force, this is the alliance between the Reds and the Greens at play. They openly say that their goal is to destroy America, we Jews are just in the way and it's always been like that, we are the counter

in the minds. You think you're safe? You cannot be, because if Jewish-Americans cannot be safe then nobody is safe in this country. That's the truth when they take down the American flag at UNC Chapel Hill, when they burn American flags in New York City, when they chant intifada, what they're saying is they're bringing their war to our shores and they're already here, so please don't be cowed. Thank you."

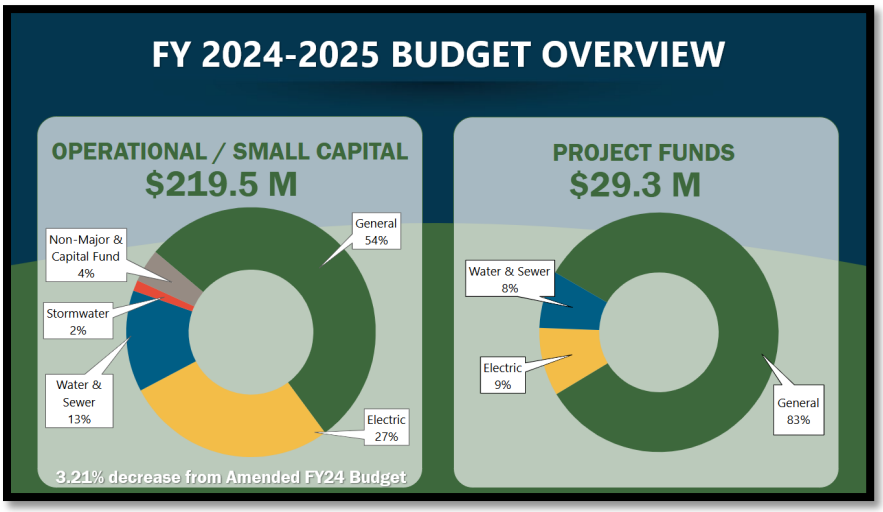
Mayor Gilbert thanked everyone that came out to speak and closed the public forum.

Mayor Gilbert called for recess at 7:40 p.m. and returned at 7:50 p.m.

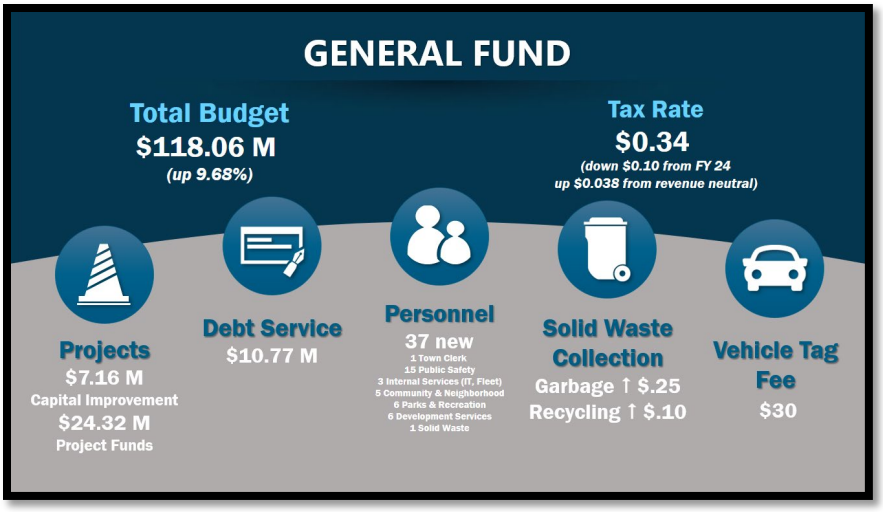
PH1 FY 2024-2025 Annual Operating Budget and Capital Improvement Plan (CIP) – 2nd Budget Hearing

Amanda Grogan, Director, Budget & Performance Management Department, gave the following presentation regarding FY 2024-2025 Annual Operating Budget and Capital Improvement Plan (CIP) – 2nd Budget Hearing.

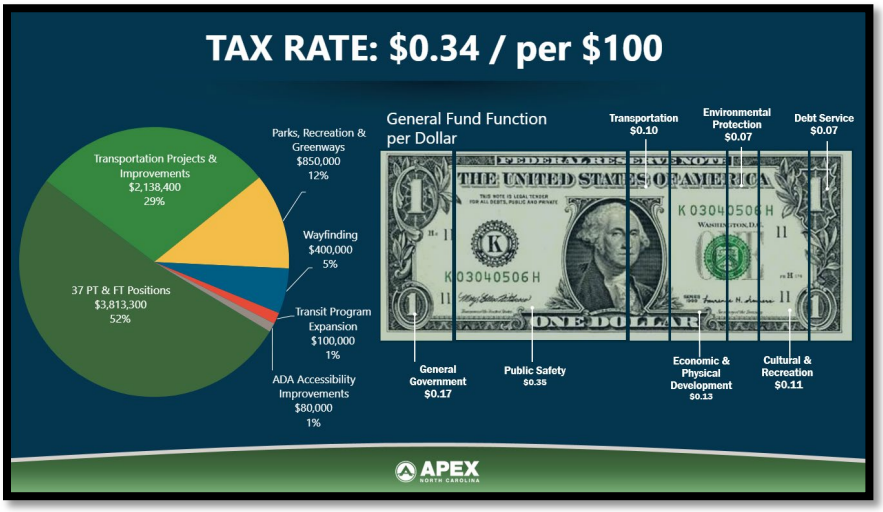
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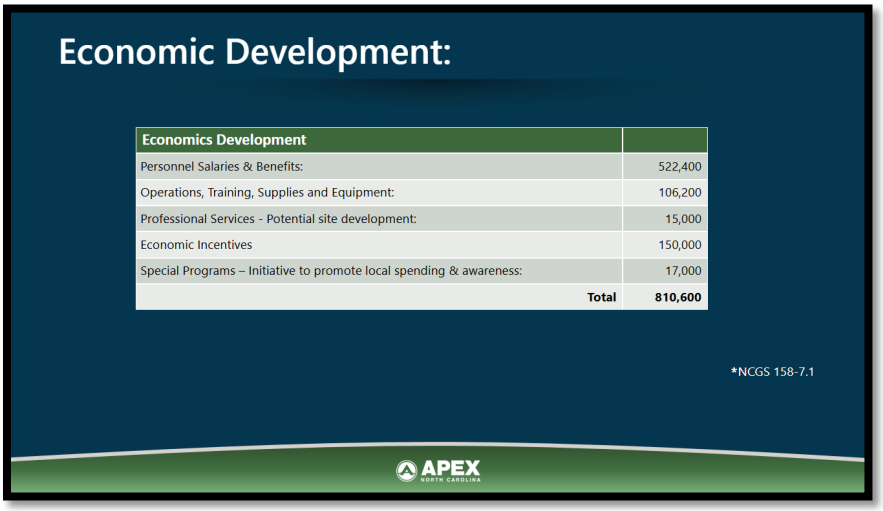
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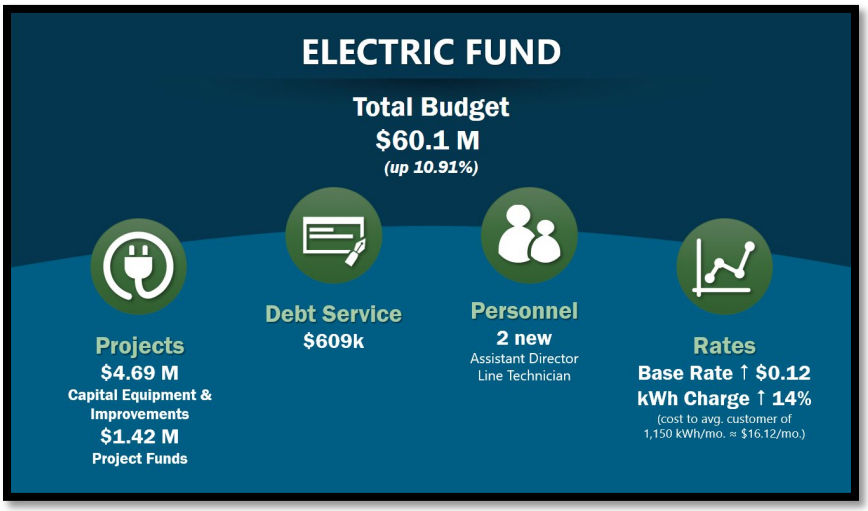
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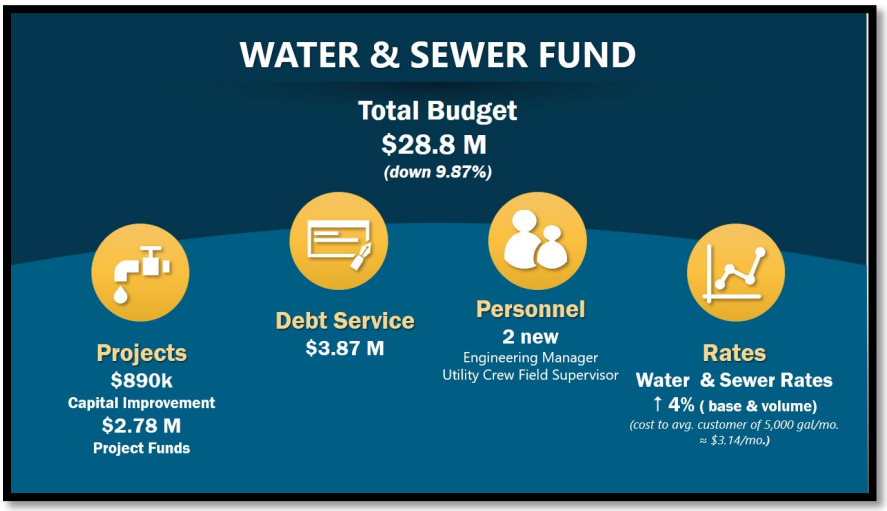
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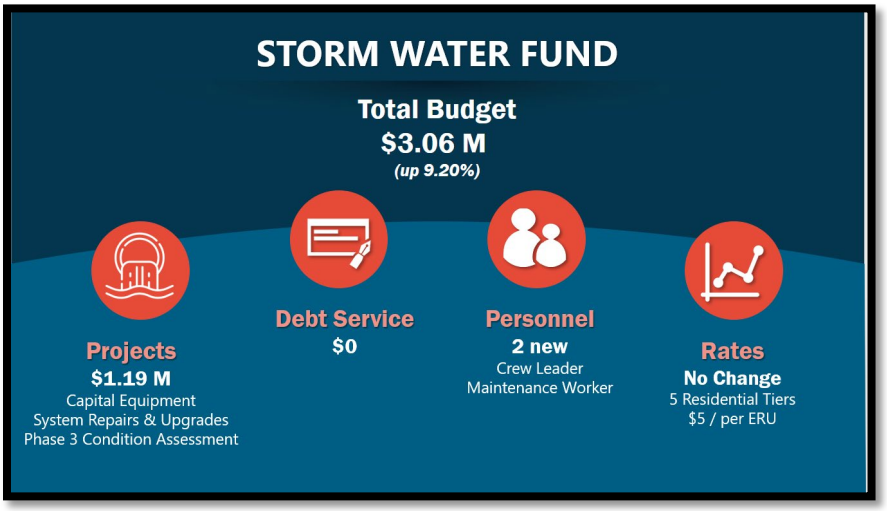
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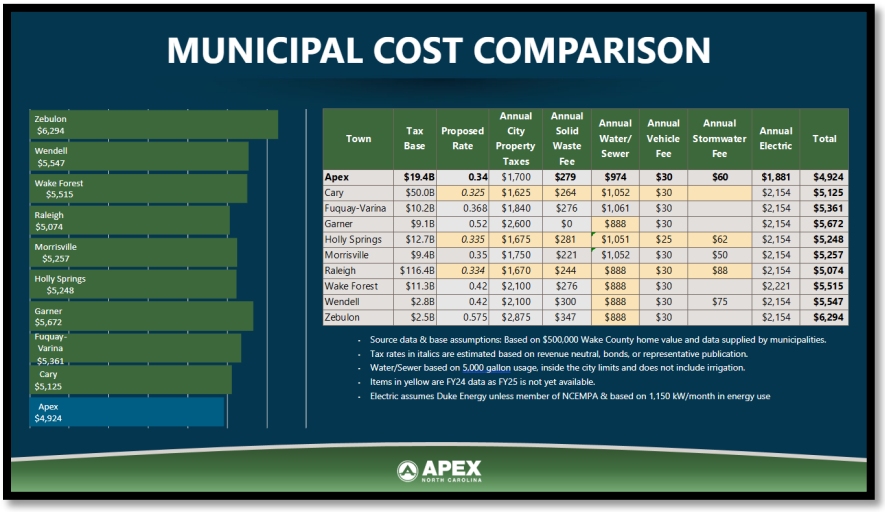
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[SLIDE 7]



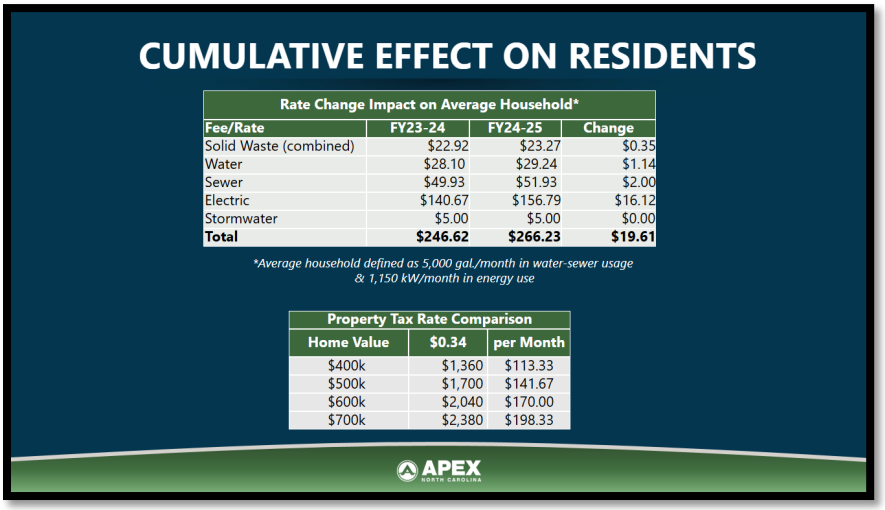
[SLIDE 8]



Town	Tax Base	Proposed Rate	Annual City Property Taxes	Annual Solid Waste Fee	Annual Water/ Sewer	Annual Vehicle Fee	Annual Stormwater Fee	Annual Electric	Total
Apex	**$19.4B**	**0.34**	$1,700	**$279**	**$974**	**$30**	**$60**	**$1,881**	**$4,924**
Cary	$50.0B	*0.325*	$1,625	$264	$1,052	$30		$2,154	**$5,125**
Fuquay-Varina	$10.2B	0.368	$1,840	$276	$1,061	$30		$2,154	**$5,361**
Garner	$9.1B	0.52	$2,600	$0	$888	$30		$2,154	**$5,672**
Holly Springs	$12.7B	*0.335*	$1,675	$281	$1,051	$25	$62	$2,154	**$5,248**
Morrisville	$9.4B	0.35	$1,750	$221	$1,052	$30	$50	$2,154	**$5,257**
Raleigh	$116.4B	*0.334*	$1,670	$244	$888	$30	$88	$2,154	**$5,074**
Wake Forest	$11.3B	0.42	$2,100	$276	$888	$30		$2,221	**$5,515**
Wendell	$2.8B	0.42	$2,100	$300	$888	$30	$75	$2,154	**$5,547**
Zebulon	$2.5B	0.575	$2,875	$347	$888	$30		$2,154	**$6,294**

- Source data & base assumptions: Based on $500,000 Wake County home value and data supplied by municipalities.
- Tax rates in italics are estimated based on revenue neutral, bonds, or representative publication.
- Water/Sewer based on 5,000 gallon usage, inside the city limits and does not include irrigation.
- Items in yellow are FY24 data as FY25 is not yet available.
- Electric assumes Duke Energy unless member of NCEMPA & based on 1,150 kW/month in energy use

[SLIDE 9]



Rate Change Impact on Average Household*			
Fee/Rate	**FY23-24**	**FY24-25**	**Change**
Solid Waste (combined)	$22.92	$23.27	$0.35
Water	$28.10	$29.24	$1.14
Sewer	$49.93	$51.93	$2.00
Electric	$140.67	$156.79	$16.12
Stormwater	$5.00	$5.00	$0.00
Total	**$246.62**	**$266.23**	**$19.61**

**Average household defined as 5,000 gal./month in water-sewer usage & 1,150 kW/month in energy use*

Property Tax Rate Comparison		
Home Value	**$0.34**	**per Month**
$400k	$1,360	$113.33
$500k	$1,700	$141.67
$600k	$2,040	$170.00
$700k	$2,380	$198.33

Councilmember Gantt requested for next budget year to show the percentages of expenditures on areas for other municipalities.

Ms. **Grogan** said that this information is submitted to the County for tax billing purposes, and the categories may not be the same.

Councilmember Gantt said that possibly Ms. Grogan could make a chart with some comparable information. He asked how often he worked with surrounding towns to see what they were doing.

Ms. **Grogan** said that they do talk pretty often to see what the trends are and make comparisons. She said they do share information and it's a more collaborative approach.

Councilmember Gantt commented that it is public information.

Ms. **Gorman** said that sometimes they are on different schedules, so they don't want our Council to see something before their Council.

Councilmember Gantt said he understands.

Councilmember Mahaffey commented that typically every town has some version of the expenditures chart in their budget message. He said that Public Safety is one that is usually consistent. He said he had looked a couple of years ago and Apex was among the highest in the County for Public Safety expenditures, as that was the year Apex had opened a new fire station.

Councilmember Gantt said having that expenditures comparison from year to year may be valuable.

Councilmember Mahaffey said items that are strategic priorities like environment leadership and other categories may not be comparable.

Ms. **Grogan** said that they could try to include that chart.

Councilmember Mahaffey thanked Ms. Grogan and her team for all the hard work. He said it was an excellent budget and addressed the needs and the properties of the Town and that he was very happy that the tax rate is among the lowest increases that he had seen. He asked if there was an increase in Zebulon, as they kept their rate the same, which was an 11.5% increase in taxes after revaluation.

Ms. **Grogan** said that they had just had their meeting.

Councilmember Mahaffey said that he was proud of the way Apex did their budget.

Councilmember Zegerman said that he appreciated all of the hard work and detail that went into the budget.

Ms. **Grogan** said it is a team effort and that she is very fortunate.

Mayor Gilbert opened up for public comment.

First to speak was **Elizabeth Ray Stitt**, 3113 Friendship Road.

"Mayor and Town Council, good evening. I had started my three-minute practice in saying, I should come to you guys to say hello sharks, I'm here to ask for $250,000. I am here to ask for $250,000 so through all the discussions around old US1 and the Friendship Road intersection, there's enough funding to do everything but the traffic signal and Russell Dalton said it was $250,000 and so that's why I'm asking for $250,000. It's very little when you look at a budget of $219 million, I mean come on, it's not much. But what I wanted to call out was a couple of things, so I hit send on my email while I was sitting there. This is the Town's Traffic Study that said our intersection met three of the nine warrants that we need a traffic signal, now. Then I included an updated crash analysis from D.O.T., so in the last 26 months we've had 12 accidents that was not reflected in the Big Branch or the Western Big Branch area plan. Here it said there were only three accidents in the last 5 years, that was because they didn't pull the current data, so we went back as a community, and so you now have 12 accidents, Russell and team has the 12 accidents, and basically what I was told was, hey it's

really late in the game to be asking for $250,000, but I listened to you guys budget workshop on May 2nd, y'all were talking about being number one in solar, can we be number one in safety as well, please? So, if we get a no here, we have already started talking with the State Legislature, some of the contacts there to look for funding, D.O.T. has already turned us down, after that, if we can't get any yeses, we're going to start a GoFundMe campaign and look to try to raise the $250,000. If you guys would come out, day after day, and sit there, and listen to the number of times people are now honking their horns because they are so tired and frustrated, the number of hand gestures, the number of times people are pulling into people's yards and driveways and turning around because the backups are just that ridiculous, but what's really said is we have some elderly neighbors who are fearing for their lives, they are afraid the moment they need an ambulance, nobody's going to get in, your cars cannot pull off on the side of our roads because we have no shoulders and our elderly should not be fearing for their lives because we can't come up with $250,000. I love solar, $670,000 going on solar panels, over the actual lives and safety, so I know Vision Zero is a top town priority, but if you don't fund it, is it not just Zero Vision at that point, I mean we kind of joke about that we need to get this intersection fixed. Thank you. It's in your mailbox, I already hit send, thanks."

Mayor Gilbert said thank you and closed public comment. He commented that this was the second budget hearing, the first one was held on Tuesday, January 23rd and the next budget Work Session is to be held Thursday, May 23rd. He said final budget adoption is anticipated to be on Tuesday, June 11th.

[UPDATES BY TOWN MANAGER]

Town Manager Vosburg said that Go Apex Onboard survey that started this past Saturday and will go through this upcoming Saturday to inform the Transit Prioritization Study. He said a Public Open House will be held in Town Hall on May 20th 4:30 p.m. – 6:30 p.m. related to Jessie Drive and the final design plans. He said that due to maintenance, the bridge between Ambergate Station and Grand Central Station will be closed from Monday, May 20th to Friday, May 24th. He also gave an update on Senate Bill 166 and how that Bill will impact the Town of Apex. He said one of the items is related to residential sprinklers, and were planning to bringing it to Council in June. He said their lobbyist indicated there was a high likelihood that provision would pass, but that he was happy to pause or continue efforts based on Council's direction.

Mayor Gilbert asked if the Council would want to see what the General Assembly does with Bill 166, he said that if it passed the General Assembly that it wouldn't come to Council.

Councilmember Gantt said he would agree on a pause. He said he didn't want staff to spin their wheels on something that wouldn't be allowed.

Councilmember Mahaffey supported pausing as well.

Councilmember Zegerman supported pausing the bill until there is clarity of where Bill 166 is going. He said he was frustrated that the state would be reducing what the town can do with building safety.

Councilmember Gantt asked Town Manager Vosburg if the item was paused, was there a presentation ready so that it would not delay the Work Session.

Town Manager Vosburg said he did not think it was ready for presentation.

Councilmember Gantt asked if they could provide Council the information without a presentation.

Town Manager Vosburg said that they can give them what they have.

Mayor Pro Tempore Ed Gray asked for it to be given in paper form, and any questions could be brought up in Work Session. He said it would be prudent to refocus efforts towards something else.

[CLOSED SESSION]

A **motion** was made by **Mayor Pro Tempore Gray,** seconded by **Councilmember Mahaffey,** to enter into Closed Session Pursuant to NCGS § 143-318.11(a)(3) and NCGS § 143-318.11(a)(6).

VOTE: UNANIMOUS (5-0)

Council entered into Closed Session at **8:16 p.m.**

Council will enter into closed session pursuant to:

CS1 Laurie Hohe, Town Attorney

RE: Williams v. Town of Apex.

NCGS § 143-318.11(a)(3)

"To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body."

CS2 Randy Vosburg, Town Manager

NCGS § 143-318.11(a)(6)

"To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee

or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee."

CS3 Laurie Hohe, Town Attorney

NCGS § 143-318.11(a)(6)

"To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee."

Council returned to open session at **10:12 p.m.**

[ADJOURNMENT]

Mayor Gilbert adjourned the meeting at **10:12 p.m.**

Jacques K. Gilbert
Mayor

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

Submitted for approval by Town Clerk Allen Coleman.

Minutes approved on 11th day of June, 2024 (CN10).

APPROVED

TOWN OF APEX
REGULAR TOWN COUNCIL WORK SESSION – MAY 2024
TUESDAY, MAY 21, 2024
3:30 PM

The Apex Town Council May Work Session originally scheduled for Tuesday, May 21, 2024 was cancelled. No time sensitive agenda items were scheduled. Proper notice of the meeting cancellation was posted on the Town's Bulletin Board and on the Town's website calendar.

Jacques K. Gilbert
Mayor

Allen Coleman, CMC, NCCCC
Town Clerk

Submitted for approval by Town Clerk Allen Coleman.

Minutes approved on 28th day of May, 2024 (CN3).

APPROVED

TOWN OF APEX
REGULAR TOWN COUNCIL BUDGET WORK SESSION
THURSDAY, MAY 23, 2024
2:00 PM

The Apex Town Council Budget Work Session originally scheduled for Thursday, May 23, 2024 was cancelled. Proper notice of the meeting cancellation was posted on the Town's Bulletin Board and on the Town's website calendar.

Jacques K. Gilbert
Mayor

Allen Coleman, CMC, NCCCC
Town Clerk

Submitted for approval by Town Clerk Allen Coleman.

Minutes approved on 28th day of May, 2024 (CN3).

APPROVED

TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, MAY 28, 2024
6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, May 28, 2024 at 6:00 PM in the Council Chambers at Apex Town Hall, located at 73 Hunter Street in Apex, North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel. The recording of this meeting can be viewed here:
https://www.youtube.com/watch?v=eIbQNG6B4Ts

[ATTENDANCE]

Elected Body
Mayor Jacques K. Gilbert (presiding)
Mayor Pro Tempore Ed Gray
Councilmember Audra Killingsworth
Councilmember Terry Mahaffey
Councilmember Brett Gantt
Absent: Councilmember Arno Zegerman

Town Staff
Town Manager Randy Vosburg
Deputy Town Manager Shawn Purvis
Assistant Town Manager Marty Stone
Town Attorney Laurie Hohe
Town Clerk Allen Coleman
Deputy Town Clerk Ashley Gentry
Planning Director Dianne Khin
All other staff members will be identified appropriately below

[COMMENCEMENT]

Mayor Gilbert called the meeting to order and led those in attendance in a Moment of Silence. He then led in a recitation the Pledge of Allegiance.

[CONSENT AGENDA]

A **motion** was made by **Councilmember Mahaffey**, seconded by **Councilmember Gantt**, to approve the Consent Agenda as presented.

VOTE: UNANIMOUS (4-0), with Councilmember Zegerman absent

CN1 Construction Contract Award – Salisbury and Moore Construction Inc. – Apex Community Park Street Hockey Rinks (2) and Capital Project Ordinance Amendment No. 2024-20 (REF: CONT-2024-136 AND ORD-2024-042)

Council approved an award a construction contract to Salisbury and Moore Construction Inc. for the construction of two (2) Street Hockey Rinks at Apex Community Park, authorize the Town Manager, or their designee to execute, and approve the corresponding Capital Project Ordinance Amendment 2024-20.

CN2 Contract Amendment No. 2 - Worrie Free Cleaning Services LLC - Expansion of Services Public Safety Station Six and Mason Street Municipal Building - Term July 1, 2022 through June 30, 2025 (REF: CONT-2024-137)

Council voted to approve a second amendment to the multi-year standard services agreement between Worrie Free Cleaning Service, LLC, and the Town of Apex, to include the following additional Town Facilitates and associated cost: Public Safety Station No. 6 and Mason Street Municipal Building, effective upon execution through June 30, 2025, and authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN3 Council Meeting Minutes – Various

Council voted to approve Minutes from the following meetings:
May 2, 2024 – Town Council Budget Work Session Minutes
May 21, 2024 – Town Council Work Session Minutes
May 23, 2024 – Town Council Budget Work Session Minutes

CN4 Surplus Vehicle – 2003 GMC C7500 Bucket Truck

Council voted to declare the following vehicle as surplus, authorize the sale of said vehicle, and authorize the Purchasing and Contracts Manager and the Town Manager, or their designee, to sign documents necessary to complete the sale:
Vehicle – 2003 GMC C7500 Bucket Truck – VIN No. 1GDP7E1C13F518521

[PRESENTATIONS]

PR1 Proclamation – LGBTQIA+ Pride Month - June 2024 (REF: PRO-2024-018)

Mayor Gilbert and the rest of Council read the LGBTQIA+ Pride Month Proclamation in unity.

Mayor Gilbert invited members of the Apex Pride Committee Erin Schultz, Deana Conard, Carrie Anne Krall, Ellen Dershowitcz, Chris Moore, and Nicole Angling to accept the Proclamation and take a picture.

PR2 Proclamation – Juneteenth – Wednesday, June 19, 2024 (REF: CONT-2024-019)

Mayor Gilbert and the Council read the Juneteenth Proclamation in unity.

Mayor Gilbert invited T.J. Evans, Anthony Barnes, Jr., Kalabria Gilbert and Croix Evans to accept the Proclamation and take a picture.

Mr. Evans said he could not miss out on an opportunity to promote Juneteenth. He spoke about how important Juneteenth was to him and what it means. He said it was about coming together and about celebrating a monumental time in history, and realizing where society has come from, where it is now, and what's left to come. He spoke about the celebration at the Juneteenth event on June 15th from 11:00 a.m. to 5:00 p.m. in the Depot parking lot. He thanked his team and Mayor Gilbert.

[REGULAR MEETING AGENDA]

A **motion** was made by **Councilmember Mahaffey**, seconded by **Councilmember Gantt**, to approve the Regular Meeting Agenda, as presented.

VOTE: UNANIMOUS (4-0), with Councilmember Zegerman absent

[PUBLIC FORUM] (NOTE: To view Public Forum and Public Hearing Sign In Sheets, see **OTHER-2024-068)**

Mayor Gilbert opened up Public Forums and invited the first speaker up.

First to speak was **Dawn Cozzalino** of 3632 Bosco Road:

"Good evening, Town Council and Mayor. The last time we talked, you first heard about the Friendship New Hill Community Land Use map and the neighborhood conservation overlay district. A tremendous amount of time, effort, and money was put forward by our community, especially Elizabeth Stitt who is in the audience today to develop this proposal. Also, Jenna and Sharon from the Planning staff invested time with us to prepare for the presentation to you. I wanted to note that a couple of the Council Members made cynical comments about it that really took away the spirit of the proposal and we greatly desire to work closely with you. I don't want to see it being a barrier. Our community works proudly in our daily lives, full-time on farms, businesses, family and at our work. Apex's future land use map proposed designation have pushed an additional burden to us. We are the only ones to march forward

with environmentally and people-centric solutions we bring to the Apex Town Council and Mayor, and other government staff. This creativity is what we bring to the community and those in Wake County in order to thrive, please don't stifle this. We look forward to the discussions that we're going to be having in the open forum to discuss this further. I have another minute left, but I want to thank you in advance for that. Top of mind is also the traffic congestion. This is a terrible problem, it's caused by obvious overdevelopment in our area, all the high-density planning around the area, and in fact there's public forum on the new Holeman Road, adding more annexation, zoning, etc. You see it now with the accidents, the road rage driving incidents, it's compounded further with going live on these large-scale city developments like Depot 499 and the Veridea. Keep in mind that we don't add the low, high, or medium density, it's from your approvals and it's unfortunate that the Wake County Sheriff and the Highway Patrol have to monitor our areas. So, I just want to make the statement and perhaps there's other solutions we'll be bringing to you, but please keep in mind the traffic. Really appreciate it, thank you."

Next to speak was **Elizabeth Stitt** of 3113 Friendship Road:

"Mayor, Town Council, good evening. As Dawn was talking about the neighborhood conservation overlay district, we did work with the land use zoning attorney to give us the guidelines of what we can work within, so that we're not asking for something that's outside of the boundaries. So Apex already has some of this with the small town character overlay district, it's just our district is a little bit different, so we have proposed this to Wake County as well because we see ourselves as one community, we are not Apex ETJ, we are not Wake County, we are one community. So, Wake County is working on their land use map and they're holding a public outreach on June 12th at the new Hill Holloman Community Center and since it's not a town sanctioned event, I hope all of you can come out without getting into trouble by the number of you are in a room and there was a question about how this was being organized by our community. There is a representative from each road so I believe some of you know Tony Sanatoro, he's off at Pleasant Plains Road, I represent Friendship Road, ETJ portion, Kurt Kuechler, who has been to a number of these meeting, he represents Creeks Spin and Hazelhurst, Beth Bland represents Friendship Road, Wake County section, Don Cozzalino is Bosco Road and Patty McGyver, who's here tonight for the first time, right there, she represents Mason Road. So, you know we've organized as a steering committee and to be clear, we're not anti-development, that's not what this is about, this is putting parameters in so that we have low conflict in the development process. There's certain things about our area that we want to be able to preserve. So, of the 247 properties in our area, and we excluded some because some that are already too far down the path of development, we're not here to try to go back and do anything retroactive, we realize that's too much of an ask. But of the 247, we had 61% of those property owners review and sign on to our petition that they were for the things that were in that overlay district. We do have some folks who said no, primarily because they want no development and we know that's not realistic, we

know that there's going to be some development, so where you have questions, we would love to have the opportunity to sit down and go in depth as to how we went through this process and help you understand it's not anti-development, this is the road map for our future, you know, relationship together and we want you to be a part of that. Thank you."

Next to speak was **Alexis Kennedy** of 106 Buckhaven Court:

"Good evening, Council Members, I come to you today to respond to the slanderous, hateful, xenophobic comments addressed to me and my community. Two weeks ago on my birthday, May 14th, a large group of Zionists came into these halls and in there total of almost 24 minutes, we were subjected to being called rats, jihadists, implying we were not Americans, claimed that we supported that we supported the death of the LGBTQ community, and even made a salacious comment that we wanted to kill all Jews and take over the world and impose Sharia Law. I would like to say that it was terrifying to be in a room of racists that racially profiled me and my group, for instance, the fact that my hair is brown, my eyes are brown and my skin is olive, that they assumed I was Muslim, when in actuality, which Council is aware, I'm half Guatemalan and half European, was raised Catholic with a sprinkle of Baptist and as an adult I have no affiliation to a religion. My belief is that you be kind and you treat people with respect, and you leave the world a better place than you found it. I believe in body autonomy, religious freedom, and most importantly the separation of church and state. And when I condemn a government, I don't condemn the religion, as I view them as two separate entities and there is a reason why our founding fathers demanded it, which is why it's in our first amendment, because we know people abuse religion for power and I understand that Israel abuses its power by using past trauma done to the Jewish Community by Europeans and oppressing the Palestinians. I'm wise enough to blame an individual or government, not the religion, I know there's a difference between Jews and Zionists because there are plenty of Zionists that are Christians, Atheist and even Muslims. To address the LGBTQ: Right now, A Palestinian is more l likely to die from being bombed by Israel than being killed for being gay, so let's stop the bombing of people so people can grow and learn not to be homophobic, and let's not mince words, gay marriage and inter-religion marriages are not allowed in Israel, you need to leave the country to get married. This is coming from the most democratic country in the Middle East. They even brought up September 11th which 20 years ago, half the population in Gaza wasn't even born and had nothing to do with it, but as my mama always says, don't throw stones if you live in a glass house, because most of us know about the USS Liberty where Israel killed American troops that were flying our flag, killing 34 American soldiers, which to me is a million times worse than a video of some dancing Palestinians 20 years ago, or in a more recent timeline where Israel killed seven world kitchen volunteers, one of whom was American. For the grotesque story about the pregnant woman, that was debunked. Unfortunately, on October 7th, the youngest victim was a 10-month-old baby, and she had a name, and her name is Mila Cohen. A child's death is tragic and it's dishonorable to her memory to put forth a lie that removes the remembrance

of her, and also the 38 other children that perished on that day. And the last thing that I need to address was someone said that Palestine never existed, and that God promised them the land 4,000 years ago, I have submitted to the Council that is an excerpt of the Paris Peace Conference from 1919 to 1920 and there they were discussing how to rule Palestine after the dismantlement of the Ottoman Empire that ruled the land for 600 years. I don't know where anywhere else a 4,000-year-old land ownership stands in this day and age. Palestine did exist, I can go through with the history and facts, but if you want to bring up something that isn't real that would be Netanyahu's name which was changed from Benzion Mileikowsky because he was Polish, and he is Polish, but he changed his name to sound like he was from the region. And now that we got that out of the way, I want to discuss the main reason why I'm here, why I have been coming since January, which is to have our City Council sign and support a ceasefire, a permanent one and go through our portfolio and show that we are not investing or working with any companies that work with Israel. For the last 3 days, I have been filled with motherly and human rage, I have witnessed true atrocities live streamed for the whole world to see. I can't go into it because I am still processing the trauma, but it was an UN encampment filled with men, women and children in tents and I am sick of the government telling me it's not our problem when those bombs have our names on it, and it is our money that is supporting it. I first tried to tackle it with my Senators, they said it wasn't their problem, I tried to tackle it with Congressman Nickle, and he shut the door on me, physically and verbally, and even called the police on a group of mothers with children and Veterans because we were threatening. And it is not a surprise because if you go on his Instagram account and he follows, 94 people in this big state for District 13 and one of them is AIPAC, so it tells you where his alliance lies and it's not with us. I am told it's not a local issue, so there is no accountability, and my belief is it starts at the bottom because from the bottom we can grow and we can get stronger and go higher. Right now our Congress is hiding in their offices jumping into elevators that Americans can't get into. But here I stand, and I'll start small because I am a believer that all children are our children, so if that child lives 500 miles away from me, it is still my child. I am still responsible for their well-being and livelihood, that they have food in their bellies, that they have a safe place to sleep. Convincing me that burning children alive is necessary to protect another country if you are not moved by a child being burned alive, or a child witnessing their own father being burned alive, may your reflection haunt you. Thank you."

Next to speak was **Lydia Wiggins** of 1501 Laura Duncan Road:

"Good evening. I am Lydia a current student and FFA member at Apex High School. I'm here proudly representing our 2024 Agricultural Issues Team. So, we are tasked with finding agriculturally related issues in our community and bringing it to the attention of others. As a resident in the Town of Apex, there is no better place than here to present a prevalent issue. Today, I will talk about the urbanization of agriculturally productive land. North Carolina has a smaller amount of people living in urban areas than the national average, but has increased

urbanization over the past two decades. In 2010 two out of every three North Carolina residents was living area urban area up from 60 % in the year 2000. Expanding neighborhoods taking over farmland brings up big problems, more people moving to certain areas means needing more houses, so they are often built where crops are growing. This spreading out, often called urban sprawl, causes a variety of issues. Losing farmland makes it harder to grow food locally which can raise food prices and make communities more reliant on imported food. I know what you're thinking, food prices are already through the roof, and now I'm telling you the prices might continue to rise. According to the American Farmland Trust, North Carolina, loses about 55 acres of farmland every day. What are the risks. Converting farmland into housing developments can lead to habitat loss, soil erosion, water pollution and decrease biodiversity. Urban Development typically increases water demand for industrial and commercial purposes as well as residential, this can lead to competition for water resources. According to the North Carolina National Heritage program, about 20% of North Carolina is farmland. Agriculture is the second largest land use category overing 6.9 million acres of the state's land and open water area. Three quarters of a million jobs are in agriculture and in 2021 these jobs contributed to 92.7 billion dollars in economic impact. As an example, cows need fields to roam and graze, if there's not enough land for this then we won't have enough cows, no cows means no cheeseburgers, and that's a world I don't want to live in. Farmland serves as green spaces that provide environmental and recreational benefits to communities. The land plays an important role in carbon farming and agroforestry. When land is converted, this can release stored carbon and contribute to greenhouse gas emissions through increased urbanization and transportation. The loss of cultural and historical significance reflecting the heritage of farm communities will be destroyed when land is repurposed. While the conversion of land poses risks and challenges, there can be benefits as well. Housing developments often stimulate economic activity by creating jobs in construction, real estate, retail and service industries. New residents can also boost local business. The development of which property values benefiting homeowners and increasing their equity. By the year 2040, North Carolina's population expected to reach about 13 million people in the state with a growing population, neighborhood sizes will increase, agricultural land will begin to shrink, leaving North Carolina unable to grow and produce enough food for such a large population. In the most recent state population assessment North Carolina was projected to increase by 1.3%. Thank you for your time and I hope you learned something from my presentation."

Mayor Gilbert thanked Ms. Wiggins for her comments and thanked everyone who spoke in public forum again. He then closed the Public Forum and moved the meeting onto Public Hearings.

[PUBLIC HEARING]

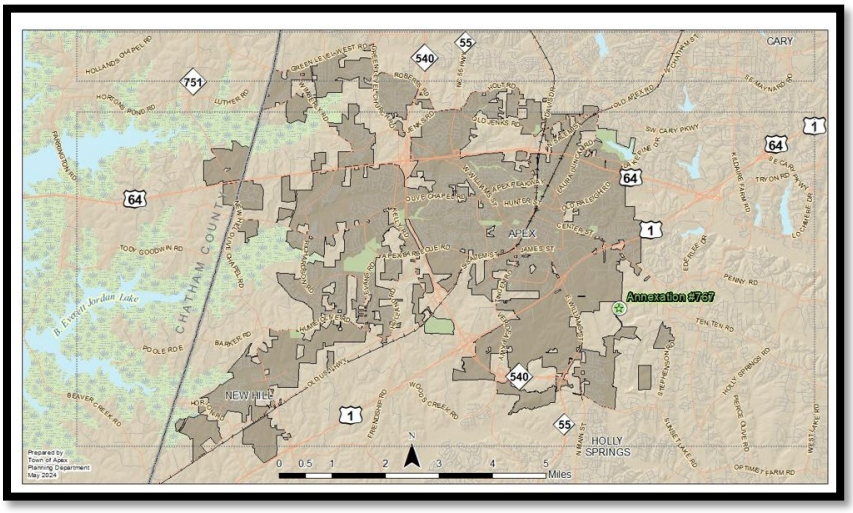
PH1 Annexation No. 767 - Apex Commerce Center Lot E - 5125 Jessie Drive - 27.5221 acres (REF: ORD-2024-043)

Dianne Khin, Planning Director, gave the following presentation regarding Annexation No. 767 - Apex Commerce Center Lot E - 5125 Jessie Drive - 27.5221 acres

[SLIDE 1]



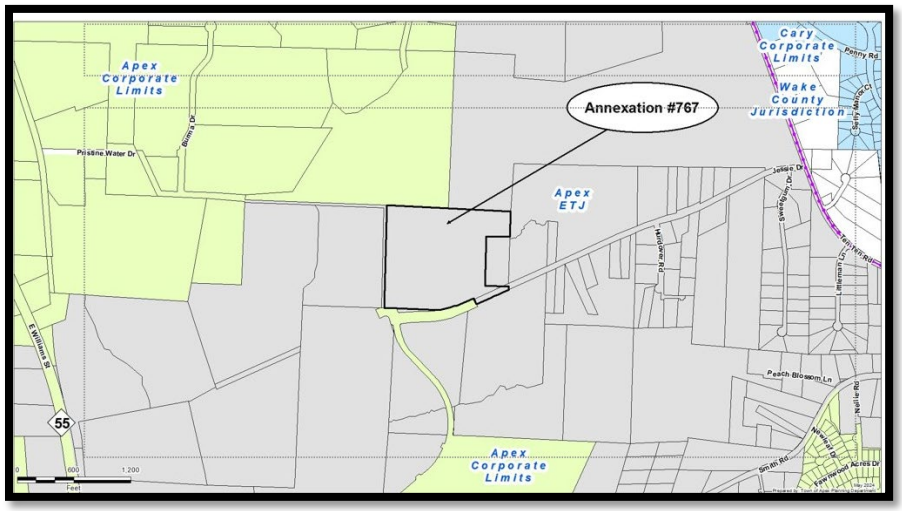
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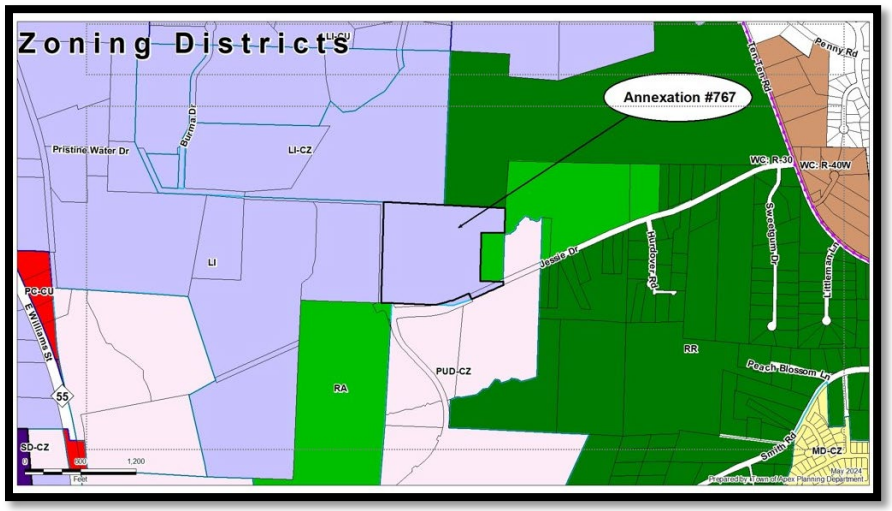
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[SLIDE 4]



[SLIDE 5]



Ms. Khin said staff recommended approval and offered to answer any questions.

Mayor Gilbert opened public comment.

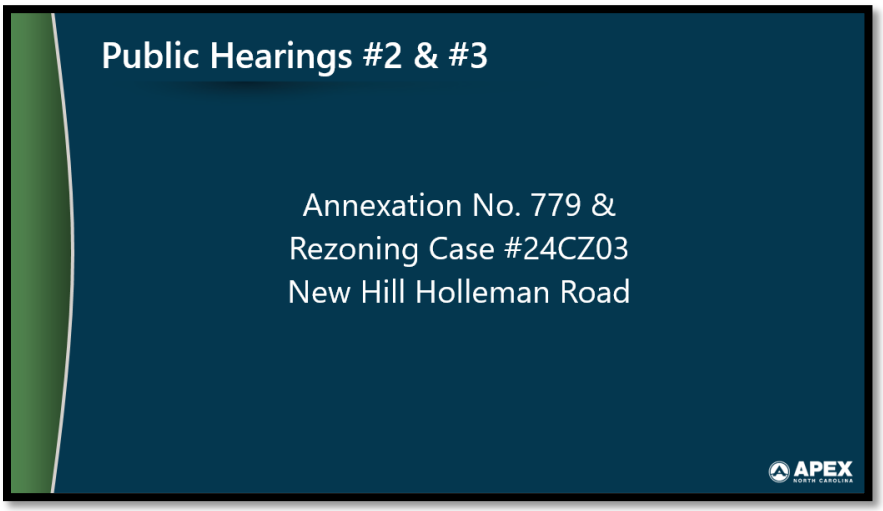
A **motion** was made by **Mayor Pro Tempore Gray**, seconded by **Councilmember Killingsworth** to adopt Annexation No. 767.

VOTE: UNANIMOUS (4-0), with Councilmember Zegerman absent

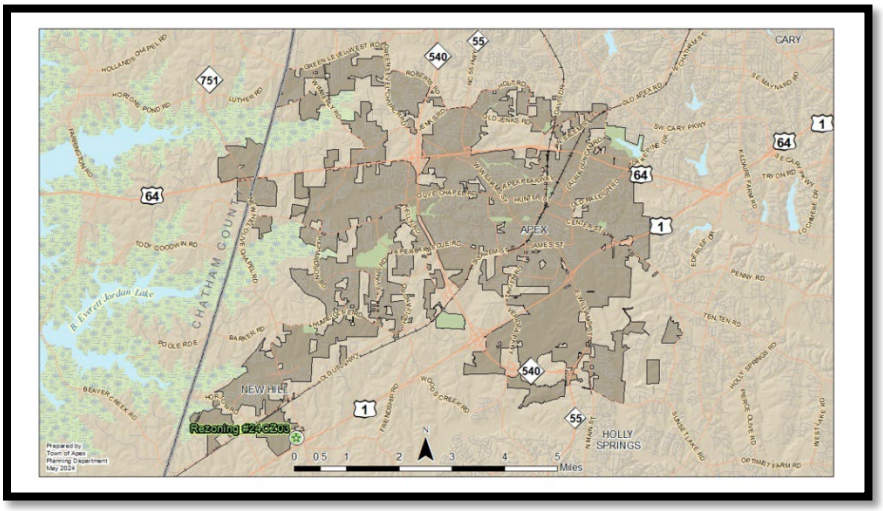
PH2 Annexation No. 779 - Apex YMCA - New Hill Holleman Road - 25.68 acres (REF: ORD-2024-044)

Shelly Mayo, Planner II, Planning Department, gave the following presentation regarding Annexation No. 779 - Apex YMCA - New Hill Holleman Road - 25.68 acres, **AND** Rezoning No. 24CZ03 – New Hill Holleman Road.

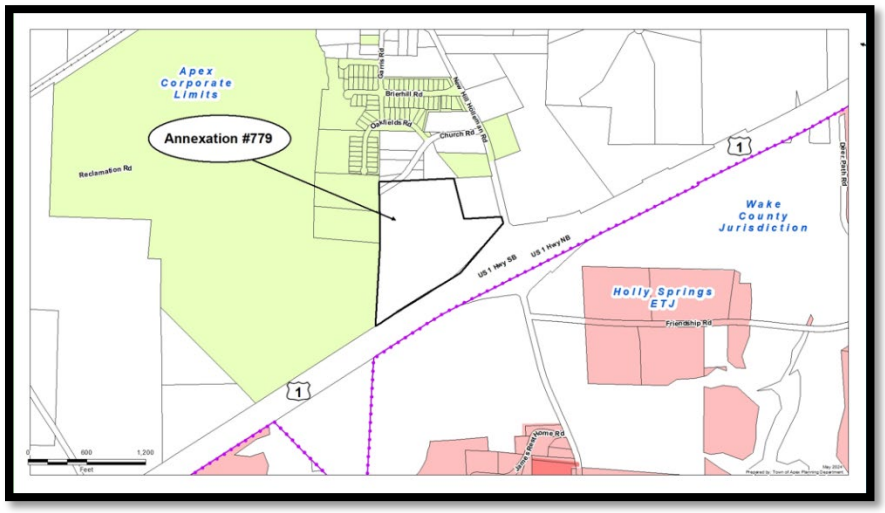
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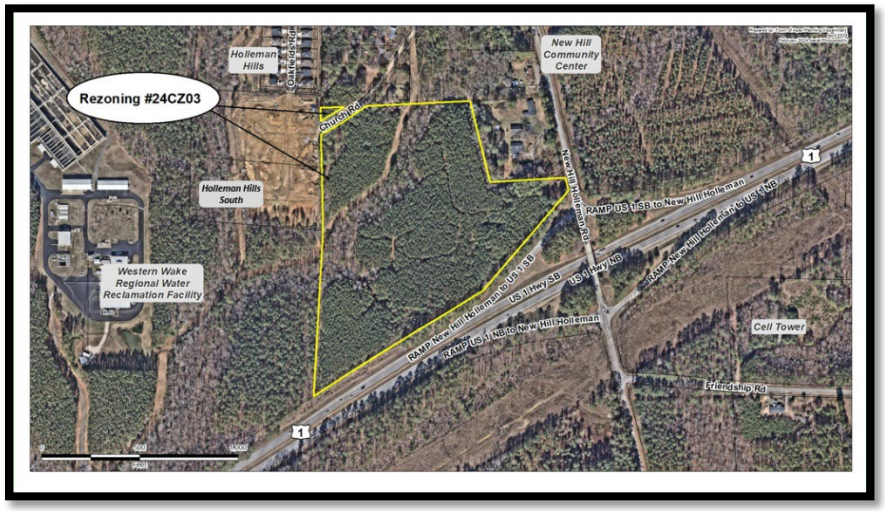
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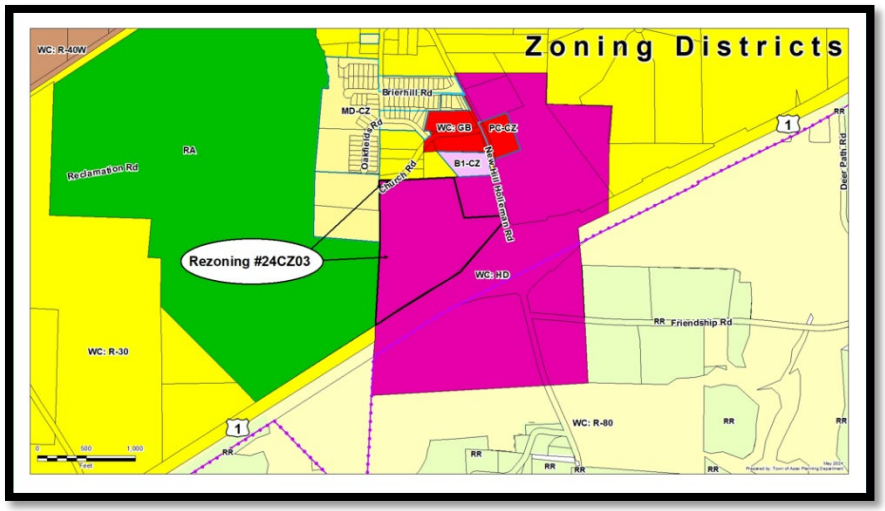
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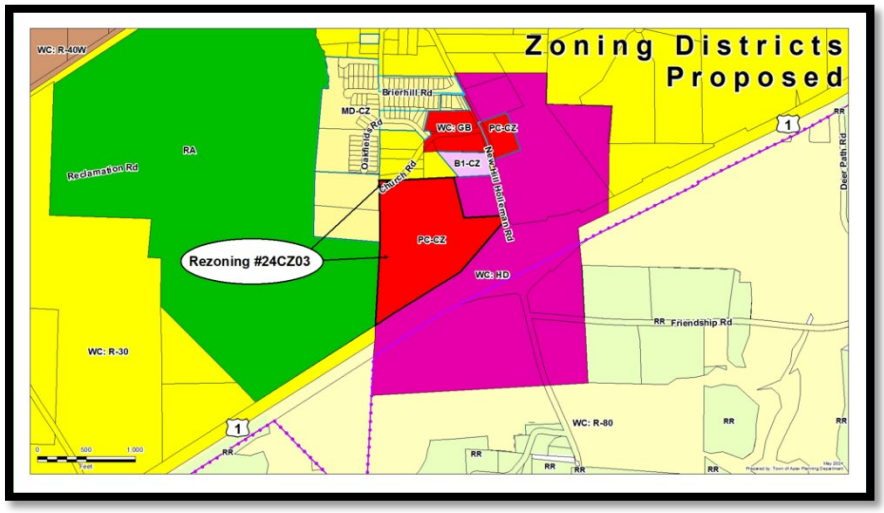
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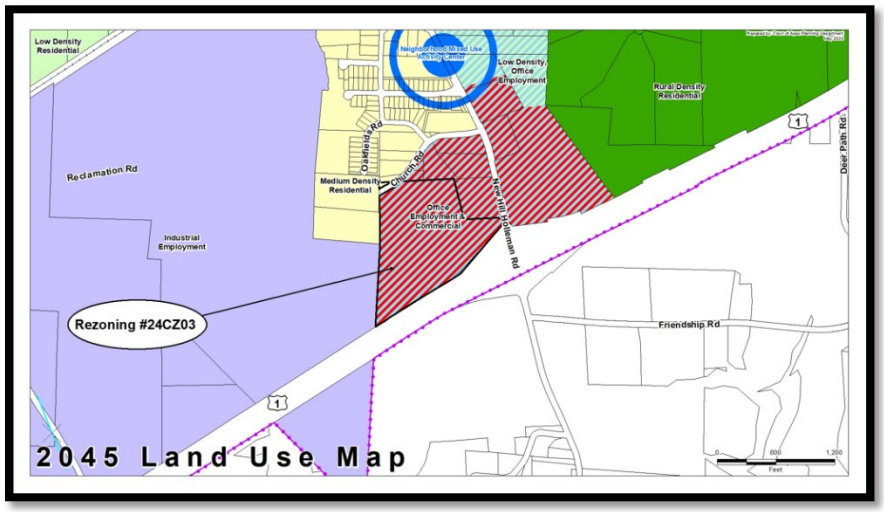
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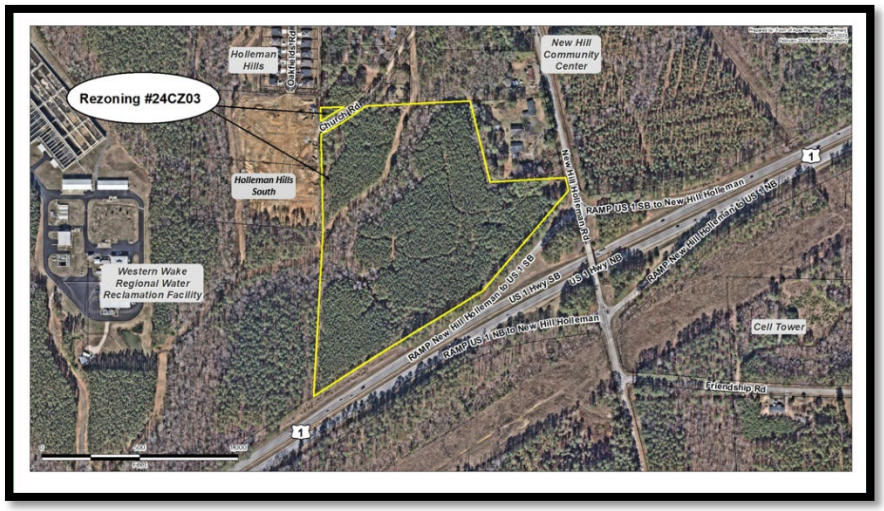
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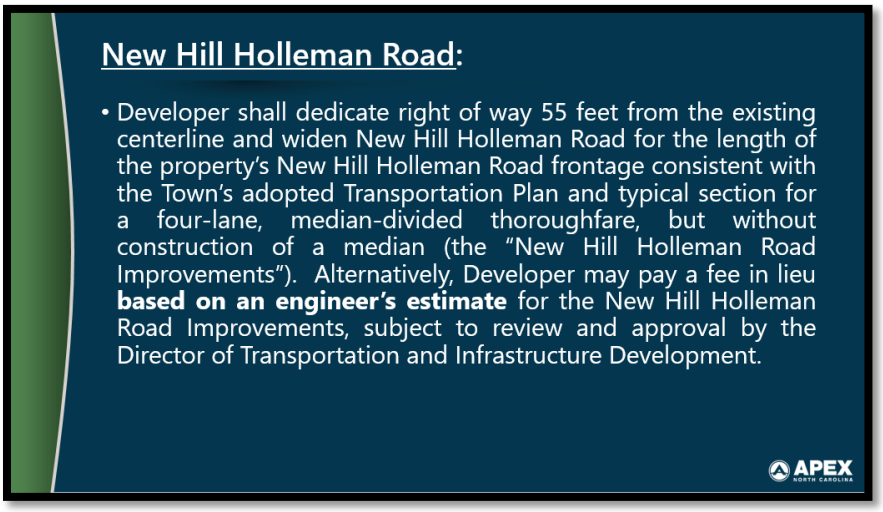
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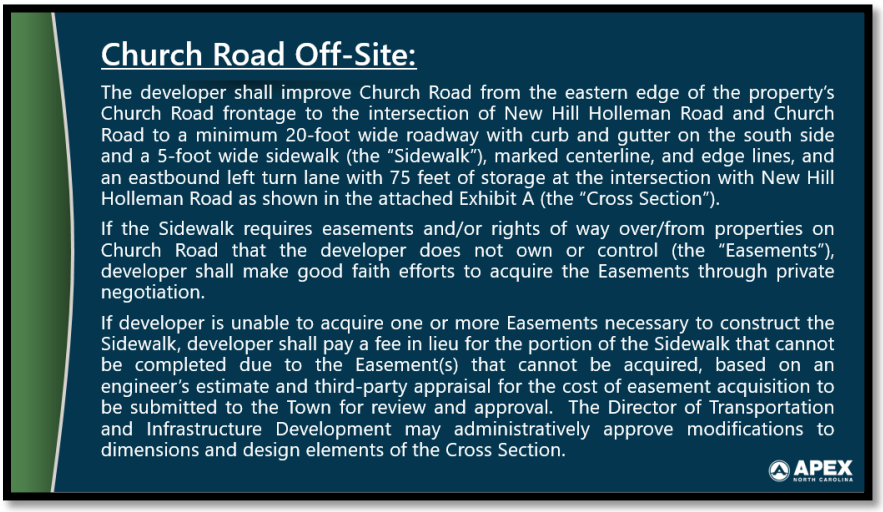
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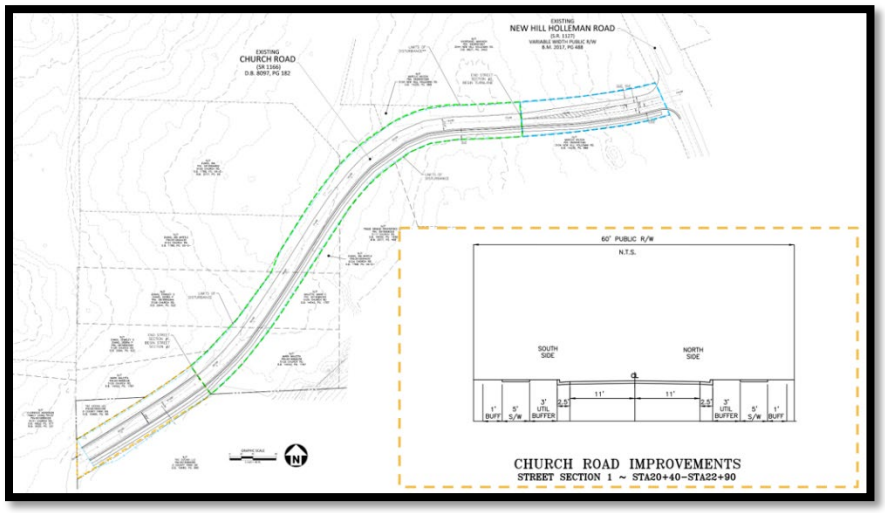
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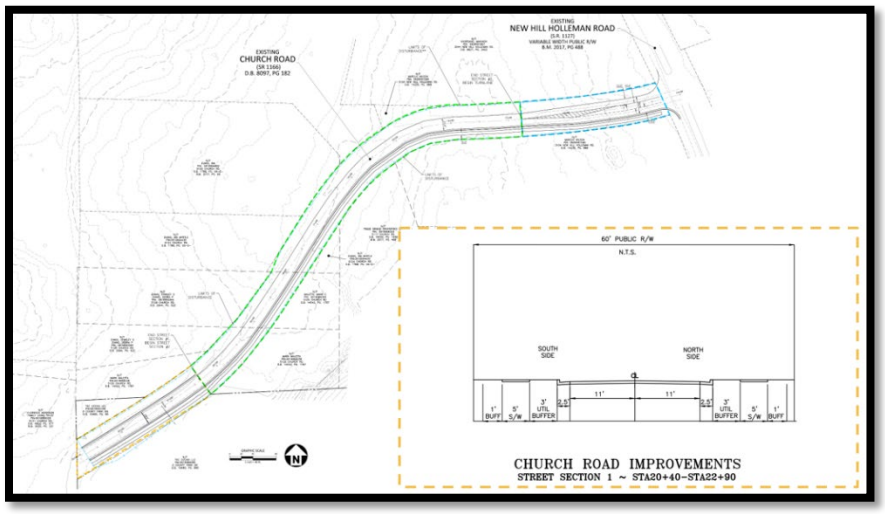
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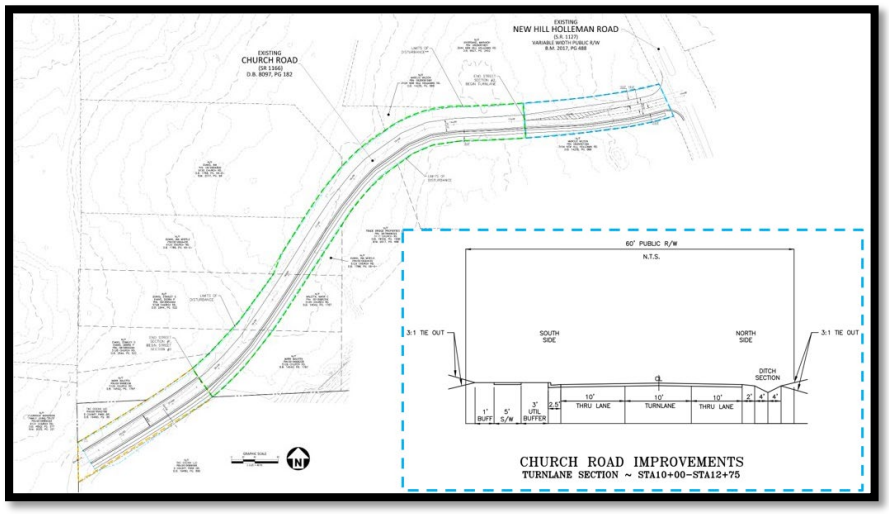
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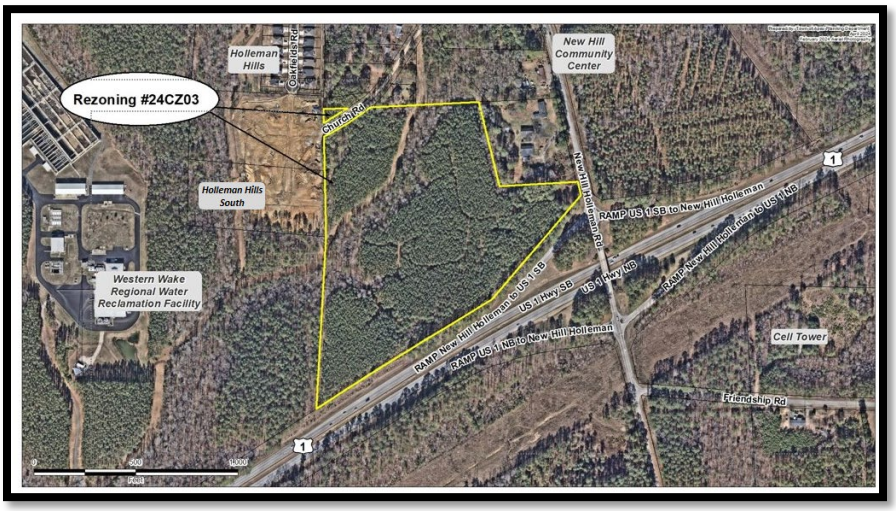
[SLIDE 12]



[SLIDE 13]



[SLIDE 14]



Ms. Mayo asked if the staff had any questions.

Councilmember Gantt asked if any of the Western Wake facilities would possibly be used in the future and if so, would there be a connection road or utility connection.

Ms. Mayo said she was not aware of any plans to use any of that property.

Councilmember Gantt asked if a future site plan would require any stubbing because it is not connected to any road.

Ms. Mayo said that the UDO would require a connection of some kind to provide connectivity between parcels. She also said it was zoned LI (Light Industrial) so if it was going to be developed for industrial uses it would have to be rezoned.

Ms. Khin said that Western Wake Regional Water Reclamation facility has an approved site plan for that entire parcel with road access. She said that the UDO would not require access to the southern portion Councilmember Gantt is referring to.

Councilmember Gantt asked if there would be any requirements for sidewalks to connect to the corner of New Hill Holleman.

Ms. Mayo said there were conversations about that with staff. She said they are not sure they are ready to require that at this stage.

Councilmember Gantt asked if the limited width possible precludes sidewalks.

Ms. Mayo said that she would have to ask Russell Dalton to answer that.

Mayor Gilbert said that they would also hear from the applicant regarding the Rezoning.

AND

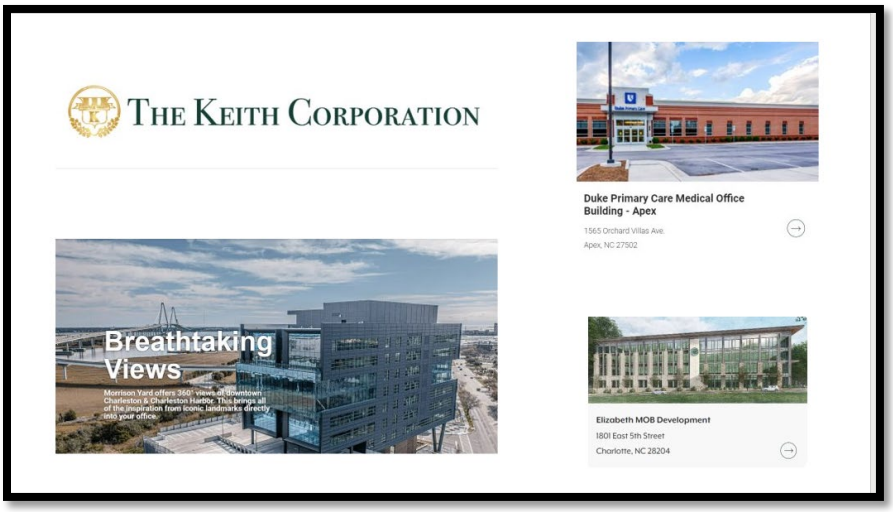
PH3 Rezoning Case No. 24CZ03 – New Hill Holleman Road

Matthew Carpenter with Parker Poe gave the following presentation.

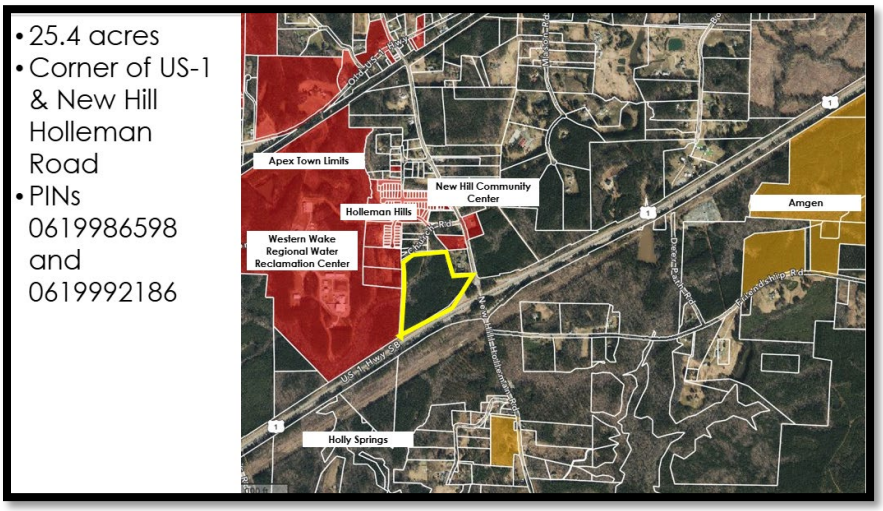
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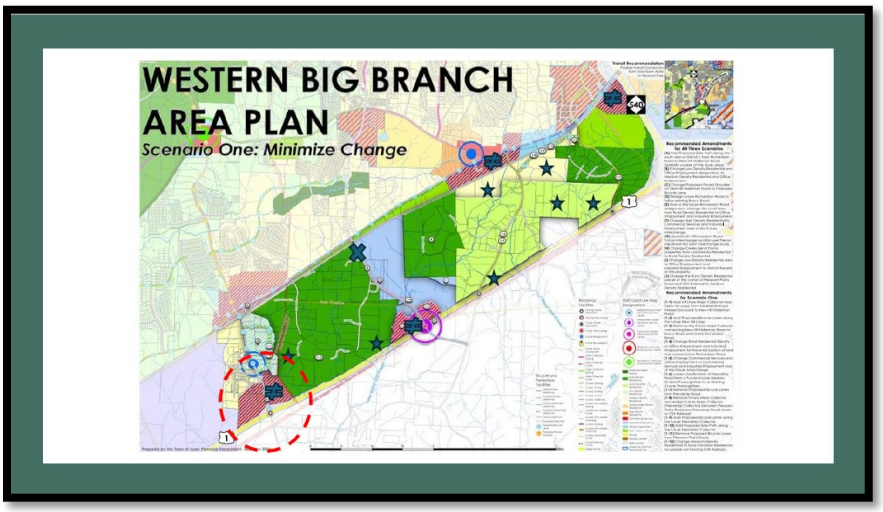
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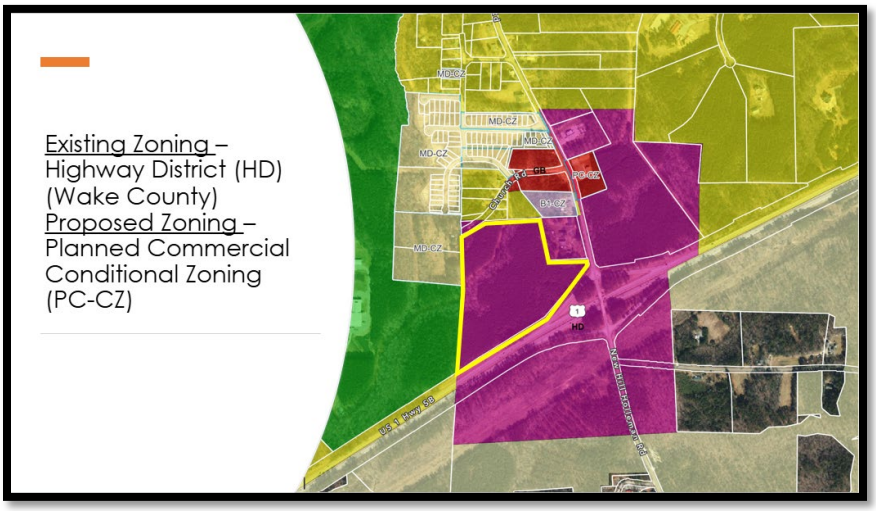
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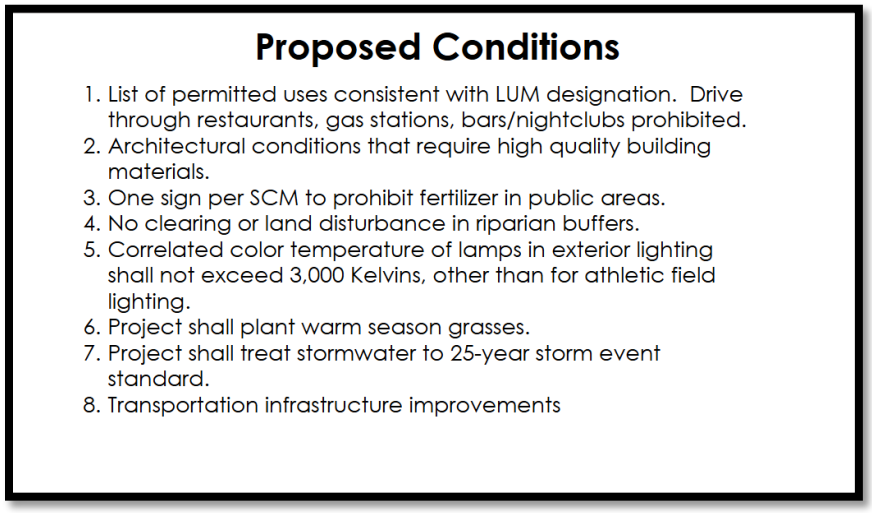
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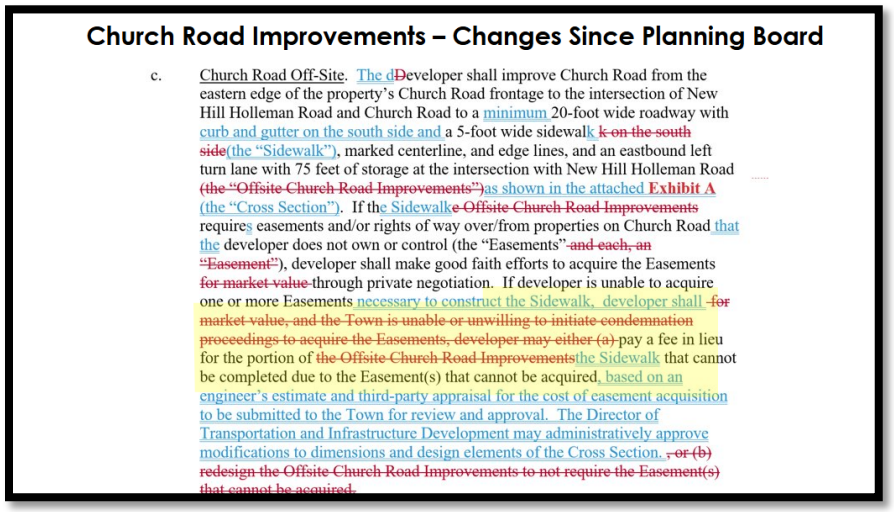
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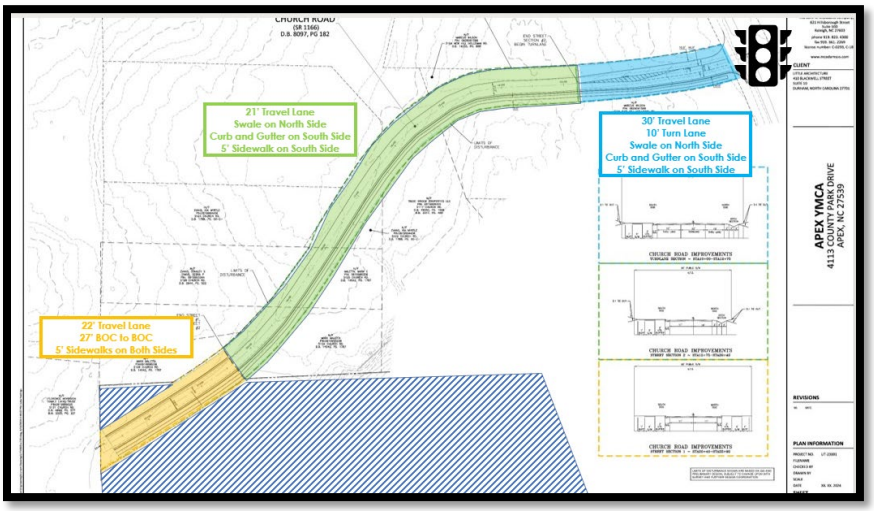
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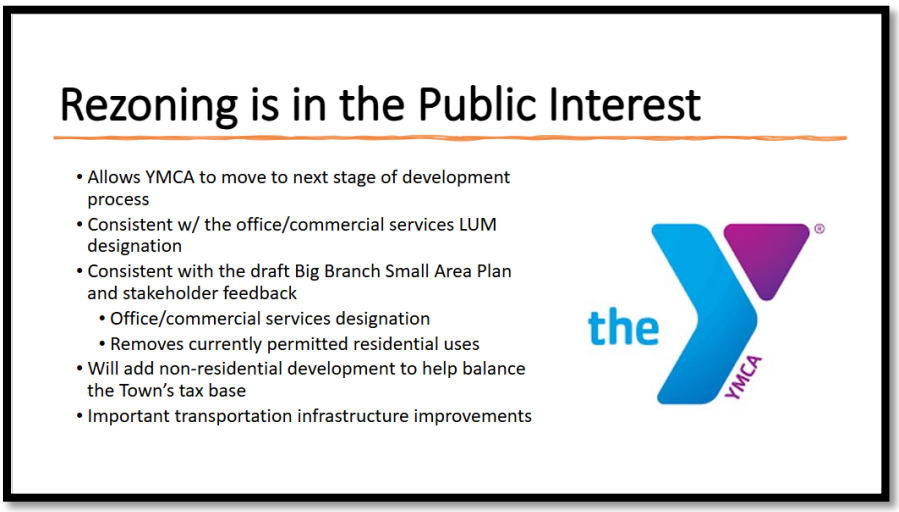
[SLIDE 7]



[SLIDE 8]



[SLIDE 9]



Mr. Carpenter said that he would address Councilmember Gantt's two questions. He said the cross connectivity to the Water Reclamation facility, that on he plans there was a storm water pond in that location and that could be reconfigured if needed. He said to address the sidewalk connectivity question as part of the site plan will have a sidewalk that connects to the new sidewalk on Church Road and that sidewalk will extend internally to the site's entrance. He said they would look at the site plan, when they have further engineering details, and how far east they can extend to New Hill Holloman Road.

Councilmember Gantt said it looks like to him there would be about 60-70 feet to work with if the development went 20 feet in.

Ms. Khin said that it is all RCA in the corner on the site plan. She said that there is about 500 feet of environmentally protected area.

Councilmember Gantt said they could theoretically choose to change that in the future.

Ms. Khin said yes.

Mayor Gilbert asked if there were any other questions.

With no further questions from the Council, **Mayor Gilbert** opened Public Hearing for Comment on this item.

First to speak was **Elizabeth Stitt** of 3113 Friendship Road:

"So, I am not here for or against the YMCA, I want to be very clear on that. What I want to point out is the lack of representation, the process. So, at the planning board meeting there is a Wake County representative and that is the only representative that these neighbors in this part of our community have, is that one person. They don't get to vote for any of you, they don't get to vote for that Wake County rep, that rep gets appointed, well that Wake County rep recused himself because he's affiliated with the project and you know this is supposed to be America, this is supposed to be the peak of good living to end up in a situation where you have a community with no voice, no voice at all, no alternate representative to step in when he backs out that similarly could be the same case with the ETJ if the ETJ rep steps out, then there is no representation and so the objections that I've heard from the majority of my community is where's our voice. So, I understand that Mr. Akers is leaving and there is going to be a new rep appointed and so we would like for the community to have a say in it, we also would like for you guys to consider to have a backup in case that next representative is not available for whatever reason because that's the only voice that we have. Thank you."

The next speaker was **Elizabeth Moore** of 3804 Mason Road:

"Good evening, this is my first time here, but I'm a longtime resident and I used to be more involved in the community's activities but as Elizabeth just said so nicely, we are Wake County and my address is 3804 Mason Road and then I also have the adjacent lot which is on Pine Archway, 4036 Pine Archway, and sorry, I've had tongue surgery a couple years ago and then recently as well. I just wanted to stand up, I don't have a prepared bunch of things to say, I want to just say that I feel really blessed to be here. I love Apex, I love where I live. I've lived there since 2001 and I also lived in California and New York State, and I was born in Pennsylvania, my father served in the military, and I was like a Army brat, moved around and lived a lot of different places, and I really value being here. Mainly I want to back what Elizabeth said about the voice part, I also wish my husband could be here because we built our farm together and we searched all over the country for an area like this, we have a trail easement that goes around our 100 acre subdivision, also our neighbors are really special people and they support me, in fact when my husband passed away two and a half years ago. So, I have been trying to run my business, Victory Hill Farm, on my own and I think I'm doing fairly well, but basically, we have a really very original kind of place, there's really no place else like it. Things that kind of concern me, I still have relatives in different parts of the country and so things that are on my mind are when I first moved here for probably the first 10 to 12

years, I felt like Apex, their rate of development, was really very moderate, pretty well thought out, recently I've seen some changes in that and it does worry me, I'm not anti-development, I am very excited that maybe a YMCA could be coming and some other things potentially, but I do really want to encourage you guys to be really careful what you wish for and I know it's really hard because you want to get the tax base and get income and increase services and connectivity and you know, and Brett you mentioned sidewalks, and just then we had a lovely young lady taking about agricultural use earlier. I just put my two properties into the Agricultural District to preserve them, at this point. All of my neighbors I think are like-minded, I've spoken to all of them, if they all agreed that oh we should change, you know that would be one thing, but they're all just terrific people and I guess that the last thing I really wanted to make sure I talked about was being really careful that we don't put so much cement in that people with like longer vehicles can't turn around and agricultural use vehicles can't get in and out, you know I get these giant horse shipping vans in and hay suppliers and things like that and I planned pretty carefully and I just want to encourage you guys all to really think about that and the traffic is a big concern as well because we've been very fortunate really, so just be really careful and thank you all for your time."

Mayor Gilbert thanked Ms. Moore for her comment and then closed public comment and opened for discussion.

Mayor Gilbert thanked the staff and applicant for coming together for a solution.

Mayor Pro Tempore Gray said that he appreciated the work on coming up with the traffic solution. He said that this area is harder to look at for rezoning and that there is some value to a YMCA, and it is appropriate and the changes that were made to Church Road were important.

Councilmember Gantt asked Mayor Pro Tempore Gray if there were any uses that he didn't like.

Mayor Pro Tempore Gray said he didn't want to pre-judge an application, but said that there were more dense uses for that property that would add more traffic congestion or prohibit larger vehicles from being able to move around.

Councilmember Killingsworth said that there had been businesses in the past that had caused issues so that the town has to be careful. She said that the list of current uses for this property is all reasonable for this area.

Councilmember Mahaffey said that this was a success story, and the work has been done before it came before Council. He said he supported the YMCA. He said he was okay with the list of uses and he would be supporting the project.

Councilmember Gantt said that if the desire is slower growth that it is down from 5 years ago by several percent. He said he hopes that when the site plan is presented the road and easements are included.

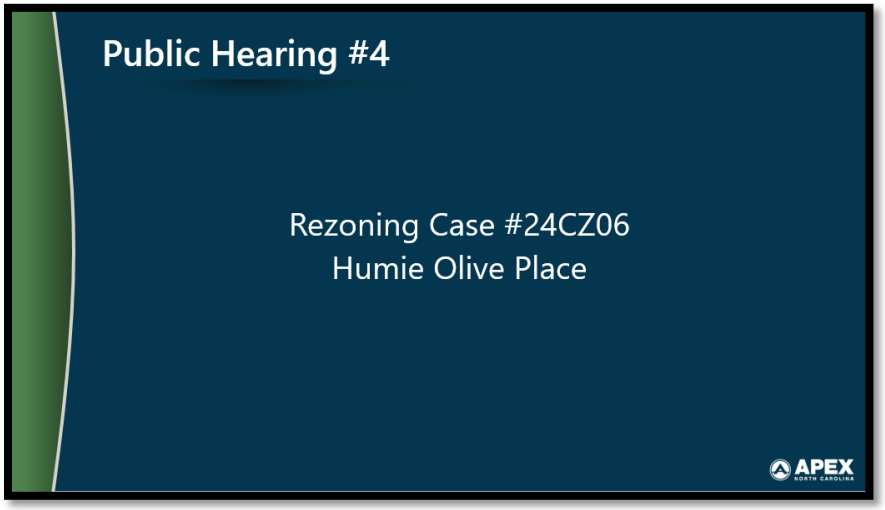
A **motion** was made by **Councilmember Gantt**, seconded by **Councilmember Mahaffey** to adopt Annexation No. 779 - Apex YMCA - New Hill Holleman Road - 25.68 acres **AND** Rezoning Case No. 24CZ03 – New Hill Holleman Road.

VOTE: UNANIMOUS (4-0), with Councilmember Zegerman absent

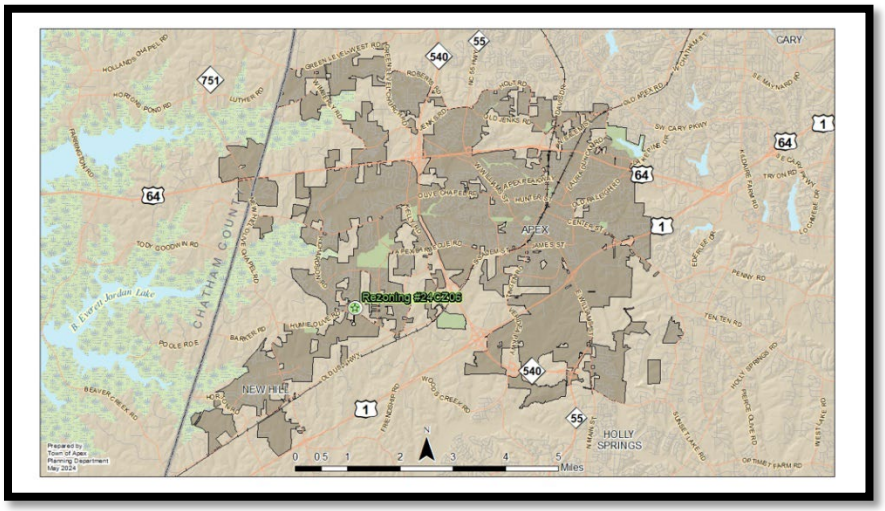
PH4 Rezoning Case No. 24CZ06 – Humie Olive Place

Amanda Bunce, Current Planning Manager, Planning Department presented the following presentation.

[SLIDE 1]



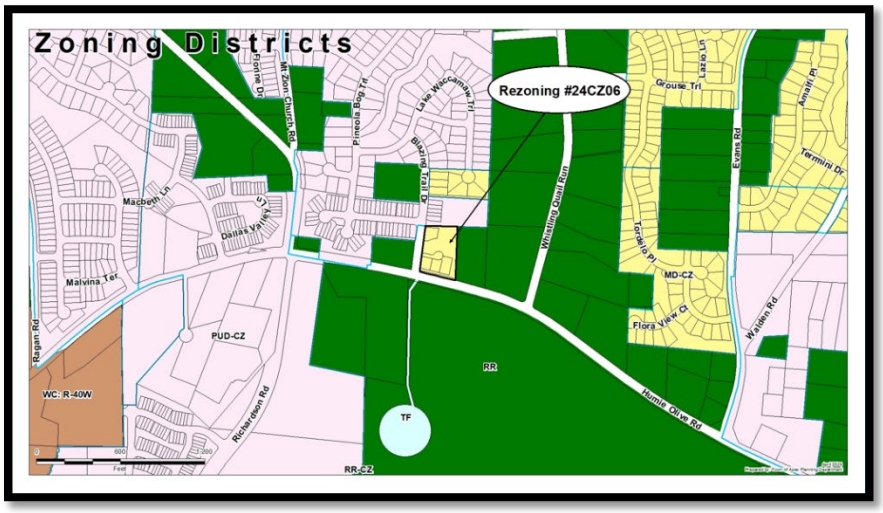
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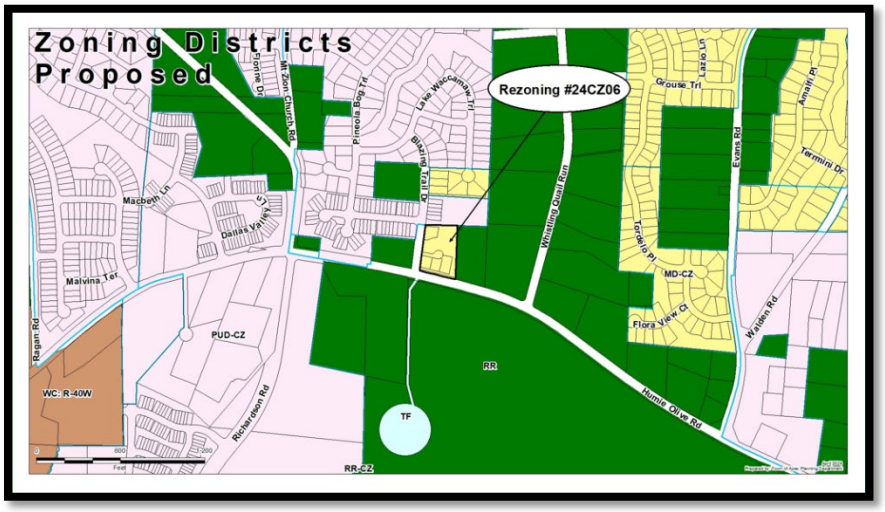
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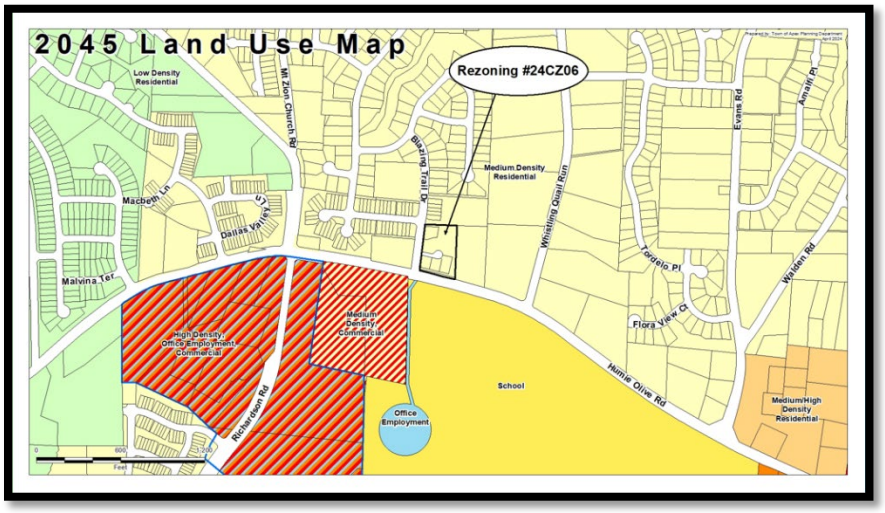
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[SLIDE 5]



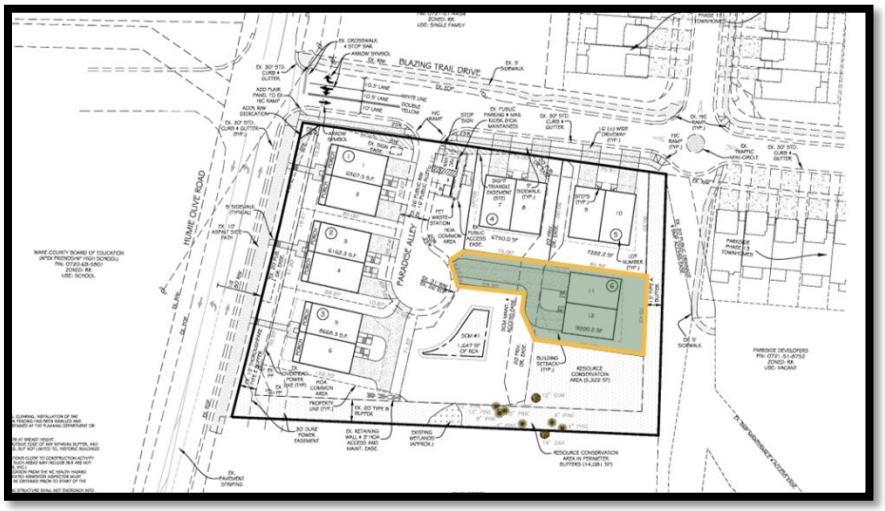
[SLIDE 6]



[SLIDE 7]



[SLIDE 8]



Mayor Gilbert asked for the applicant to speak.

Peter Cnossen of Jones and Cnossen Engineering of 221 North Salem Street, Apex spoke on the rezoning.

Councilmember Gantt asked about the status of the HOA approval of the east side of Blazing Trail near the roundabout.

Mr. Cnossen said that the HOA would not allow them access to construct the sidewalk. He said they did not want any encroachment on their property. He said that they would be glad to construct that, and it would also be an easement that would have to be granted.

Councilmember Gantt said if the sidewalk was put in, that it would take one crossing on Blazing Trail to get to the school.

Mr. Cnossen said he would reach back out to the neighbors.

Councilmember Gantt asked Mr. Cnossen to let the Council know if there was a change in the crossing and thanked Mr. Cnossen for comments.

Mayor Gilbert opened public comment.

With no sign ups, **Mayor Gilbert** then closed public comment and opened for discussion.

A **motion** was made by **Councilmember Killingsworth**, seconded by **Mayor Pro Tempore Gray** to Rezoning Case No. 24CZ06 – Humie Olive Place

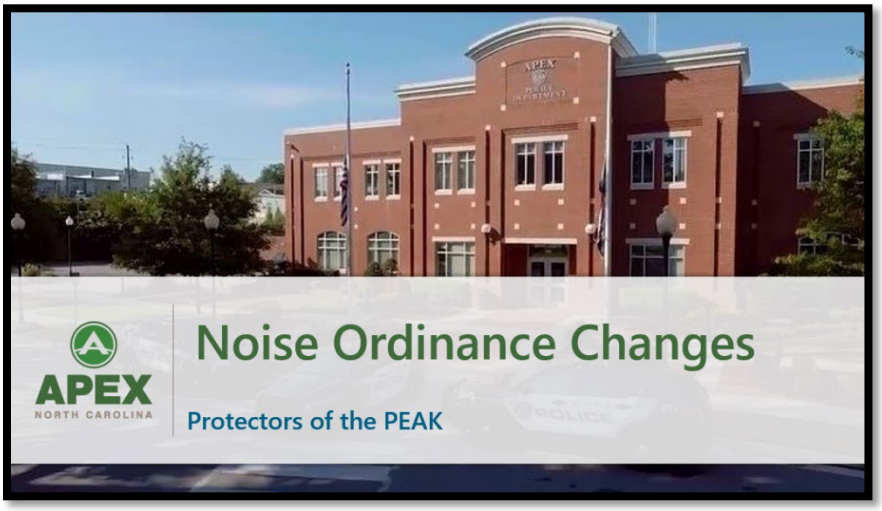
VOTE: UNANIMOUS (4-0), with Councilmember Zegerman absent

[NEW BUSINESS]

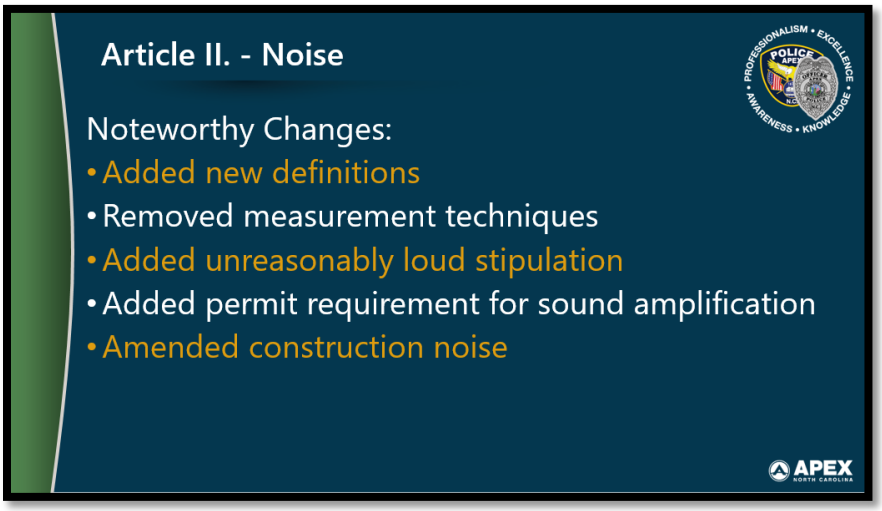
NB1 Ordinance Amendment - Chapter 14 Article II – Noise (REF: ORD-2024-045)

Jason Armstrong, Chief, Apex Police Department (APD), presented the following presentation regarding potential changes to the Town Ordinances related to noise.

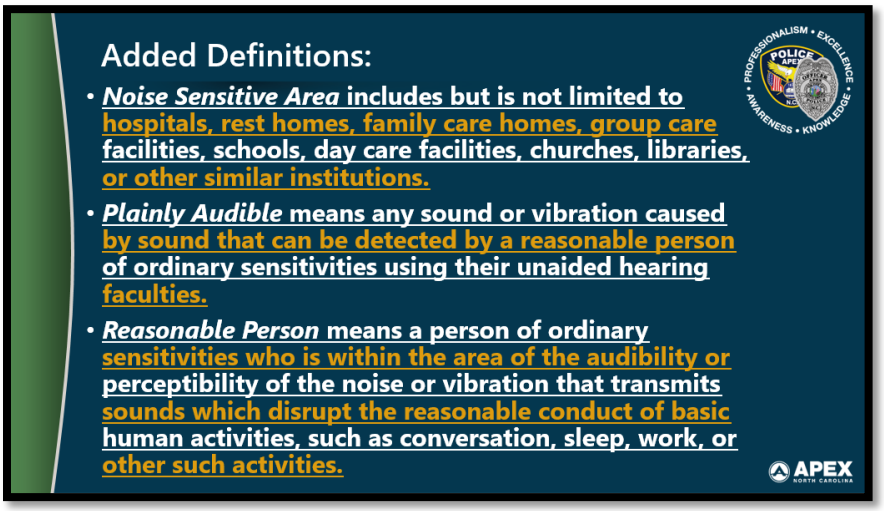
[NOISE ORDINANCE - SLIDE 1]



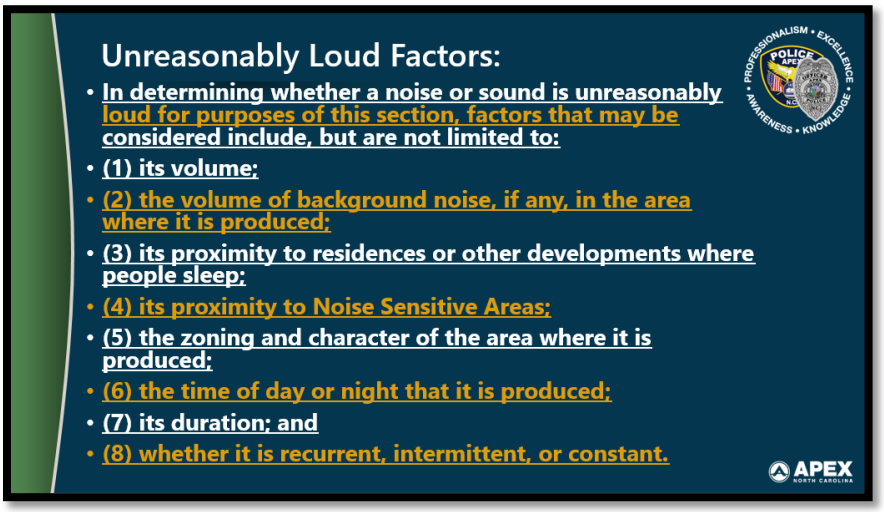
[NOISE ORDINANCE - SLIDE 2]



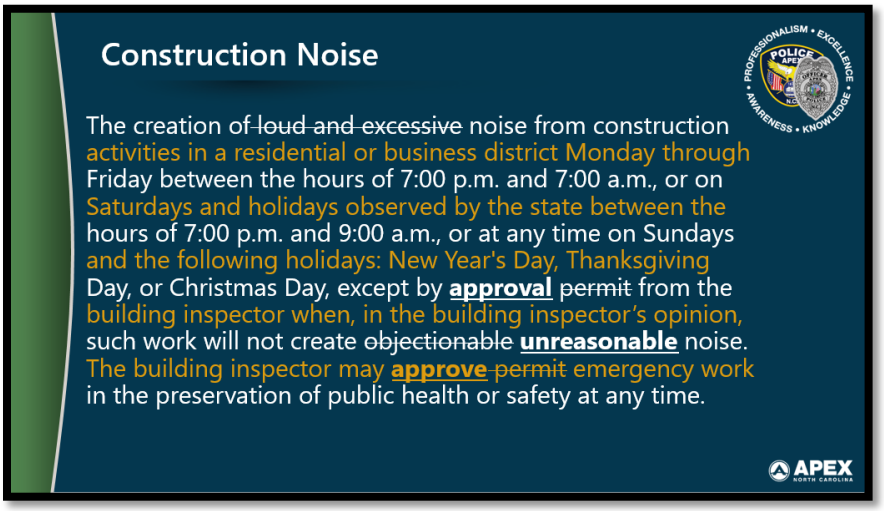
[NOISE ORDINANCE - SLIDE 3]



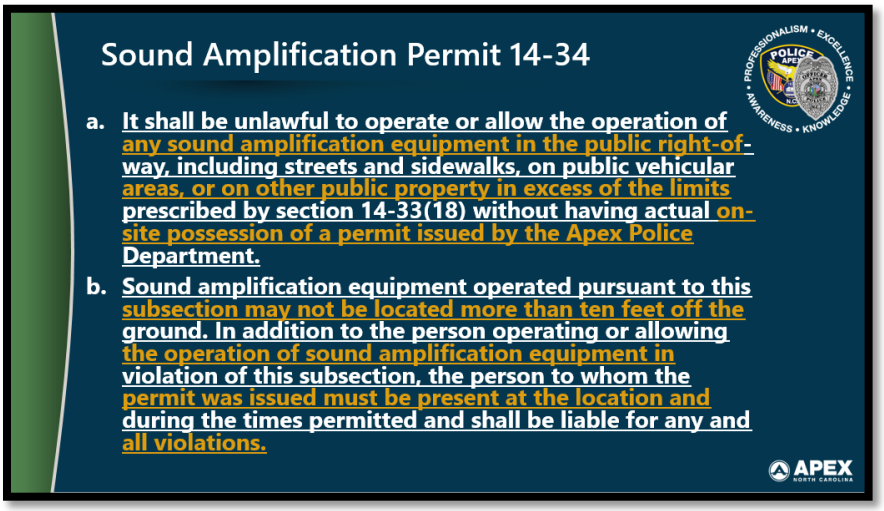
[NOISE ORDINANCE - SLIDE 4]



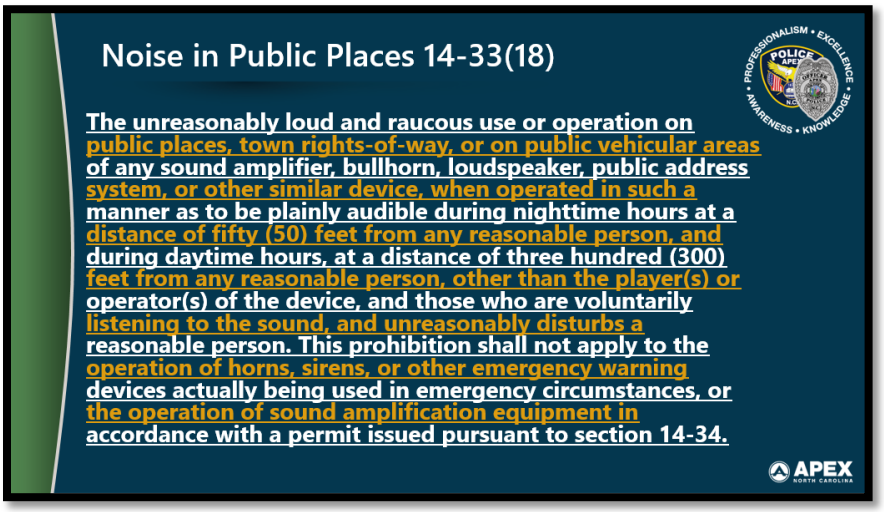
[NOISE ORDINANCE - SLIDE 5]



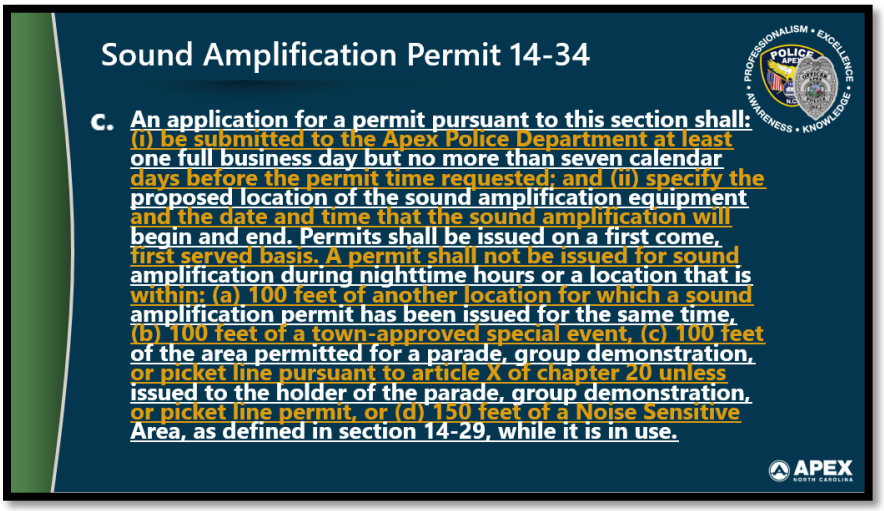
[NOISE ORDINANCE - SLIDE 6]



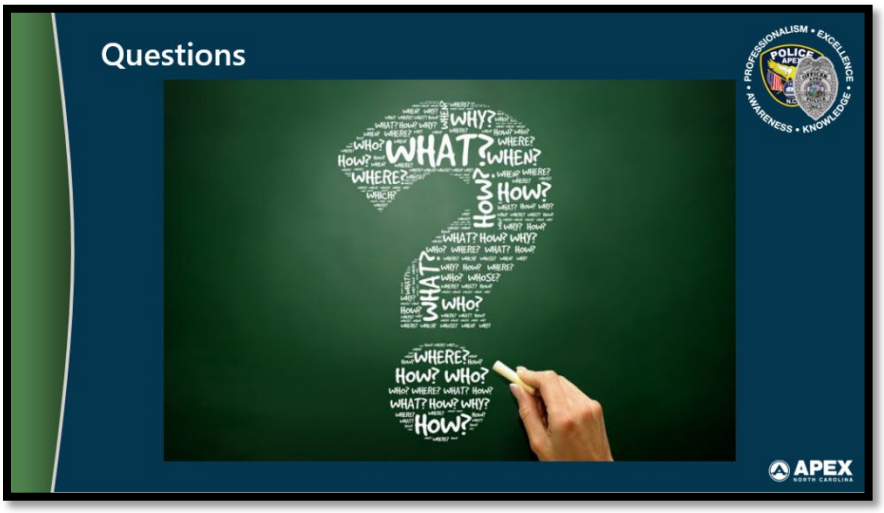
[NOISE ORDINANCE - SLIDE 7]



[NOISE ORDINANCE - SLIDE 8]



[NOISE ORDINANCE - SLIDE 9]



Mayor Gilbert said he wanted to clarify that this noise ordinance would not prohibit a construction company that was doing work inside.

Chief Armstrong said that it would not. He said the complaints that they had received were complaints that were outdoor construction or construction on properties without walls and roofs yet.

Councilmember Killingsworth asked about handling construction vehicles that created noise by showing up 15 or 20 minutes early, be handled.

Chief Armstrong said that would not be in violation of this ordinance. He said that is similar to a school bus backing up.

Mayor Pro Tempore Gray joked that this does not cover noise from cicadas.

A **motion** was made by **Councilmember Killingsworth,** seconded by **Councilmember Mahaffey,** to approve Ordinance Amendment - Chapter 14 Article II – Noise.

VOTE: UNANIMOUS (4-0), with Councilmember Zegerman absent

[UPDATES BY TOWN MANAGER]

Town Manager Randy Vosburg thanked the Parks and Recreation Staff for the work they did with the splash pad opening this past weekend and said that was a great event. He said the town would be sending letters out to the residents related to the EPA because of issues with lead pipes. The EPA has asked local governments to come up with an inventory of water systems and that there are some homes that are part of the water system that were built prior to 1988 that have unknown statuses as it pertains to their pipes. He said that there would be 3 methods to work with the homeowners to collect the information about their pipes to accommodate how residents would like it to be done.

Councilmember Gantt asked for clarity that that there was no lead in the Town's pipes.

Town Manager Vosburg said that is correct. He said this was related to residential pipes

Mayor Pro Tempore Ed Gray asked if these letters would be going out to just homes that were built prior to 1988.

Town Manager Vosburg said that the letters were going out to only the homes built prior to 1988 that have been identified.

Town Manager Vosburg said that there would be an official ribbon cutting for the Mason Street Municipal Building on Friday at 3:00 p.m. and invited all Council Members.

Mayor Pro Tempore Gray thanked staff for helping the town get through the first half of festival season for all their hard work.

Mayor Gilbert thanked Corporal Shuart for providing security at the meeting.

Councilmember Killingsworth thanked Kendall Hart for the drawings of Apex Downtown.

Mayor Gilbert adjourned the meeting at **7:35 p.m.**

Jacques K. Gilbert
Mayor

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

Submitted for approval by Town Clerk Allen Coleman.

Minutes approved on 25th day of June, 2024 (CN13).

APPROVED

TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, JUNE 11, 2024
6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, June 11th, 2024 at 6:00 PM in the Council Chambers at Apex Town Hall, located at 73 Hunter Street in Apex, North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel. The recording of this meeting can be viewed here:
https://www.youtube.com/watch?v=jsxobxvmc4s

[ATTENDANCE]

Elected Body
Mayor Jacques K. Gilbert (presiding)
Mayor Pro Tempore Ed Gray
Councilmember Audra Killingsworth
Councilmember Terry Mahaffey
Councilmember Arno Zegerman
Councilmember Brett Gantt

Town Staff
Town Manager Randy Vosburg
Deputy Town Manager Shawn Purvis
Assistant Town Manager Marty Stone
Town Attorney Laurie Hohe
Town Clerk Allen Coleman
Deputy Town Clerk Ashley Gentry
All other staff members will be identified appropriately below

[COMMENCEMENT]

Mayor Gilbert called the meeting to order and welcomed all who were in attendance and watching.

Mayor Gilbert then took a moment of silence for the invocation and then lead those in attendance in the Pledge of Allegiance. He acknowledges the Apex Youth Council and thanked them for being at the meeting.

[CONSENT AGENDA]

A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember Gantt ,** to approve the Consent Agenda.

VOTE: UNANIMOUS (5-0)

CN1 Agreement – Capital Costs Related to Construction and Development Funding Agreement between Wake County and Town of Apex – Pleasant Park Phase I and Phase II (REF: CONT-2024-151)

Council voted to approve a Funding Agreement between the Town of Apex and Wake County for capital costs related to construction and development of Phase I and II of the Pleasant Park project, effective May 6, 2024 through December 31, 2026, and authorize the Town Manager and/or their designee to execute on behalf of the Town.

CN2 Agreement Amendment – Renewal of ADA Paratransit Service Agreement with Wake County – Fiscal Year 2024-25 (REF: CONT-2024-152)

Council voted to approve an Amendment to the American with Disabilities Act (ADA) Paratransit Services Agreement and Renewal No. 2 with Wake County, effective July 1, 2024 through June 30 2025, and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN3 Annexation No. 780 – 7019 Roberts Road (Roberts Crossing Phase 2) – 11.42 acres (REF: RES-2024-028, RES-2024-029, and OTHER-2024-069)

Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for June 25, 2024, on the Question of Annexation - Apex Town Council's intent to annex 11.42 acres, located at 7019 Roberts Road (Roberts Crossing Phase No. 2), Satellite Annexation No. 780 into the Town Corporate limits.

CN4 Annexation No. 781 – 0 Dezola Street (Horton Road Amenity Parcel) – 3.95 acres (REF: RES-2024-030, RES-2024-031, and OTHER-2024-070)

Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for June 25, 2024, on the Question of Annexation - Apex Town Council's intent to annex 3.95 acres, located at 0 Dezola Street (Horton Road Amenity Parcel), Annexation No. 781 into the Town Corporate limits.

CN5 Annexation No. 782 – Townes on Tingen – 2.4938 acres (REF: RES-2024-032, RES-2024-033, and OTHER-2024-071)

Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for June 25, 2024, on the Question of Annexation - Apex Town Council's intent to annex 2.4938 acres, Townes on Tingen, Annexation No. 782 into the Town Corporate limits.

CN6 Annexation No. 783 – Castleberry Reserve – 0.672 acres (REF: RES-2024-034, RES-2024-035, and OTHER-2024-072)

Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for June 25, 2024, on the Question of Annexation - Apex Town Council's intent to annex 0.672 acres, Castleberry Reserve, Satellite Annexation No. 783 into the Town Corporate limits.

CN7 Annexation No. 784 – 1717 and 1713 Holt Road – 1.882 acres (REF: RES-2024-036, RES-2024-037, and OTHER-2024-073)

Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for June 25, 2024, on the Question of Annexation - Apex Town Council's intent to annex 1.882 acres, located at 1717 Holt Road and 1713 Holt Road, Annexation No. 784 into the Town Corporate limits.

CN8 Annexation No. 786 – Tobacco Road Place (FKA: Beauregard Place) – 3.34 acres (REF: RES-2024-038, RES-2024-039, and OTHER-2024-074)

Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for June 25, 2024, on the Question of Annexation - Apex Town Council's intent to annex 3.34 acres, Tobacco Road Place (FKA: Beauregard Place), Annexation No. 786 into the Town Corporate limits.

CN9 Budget Ordinance Amendment No. 17 - Debt Service Funds Payments, Police Donations, and Electric Purchase Resale (REF: ORD-2024-046)

Council voted to approve Budget Ordinance Amendment No. 17 transferring budgeted Debt Service payments from the operating fund to respective Debt Service Funds, Affordable Housing Fund and allocating additional funding to Police Donations and Electric Utility Funds.

CN10 Council Meeting Minutes – Various

Council voted to approve Meeting Minutes from the following meetings:
April 23, 2024 – Town Council Meeting Minutes
May 14, 2024 – Town Council Meeting Minutes

CN11 Position Authorization - Additional 0.625 FTE - Finance Department

Council voted to approve a 0.625 (25 hr.) Full-time Equivalent (FTE) position authorization for a Mail Courier, salary grade MR04, in the Finance Department.

CN12 Resolution to Collect Taxes – Chatham County (REF: RES-2024-040)

Council voted to adopt a resolution authorizing Chatham County Tax Administrator to collect taxes on behalf of the Town of Apex.

CN13 Resolution to Collect Taxes – Wake County (REF: RES-2024-041)

Council voted to adopt a resolution authorizing Wake County Tax Administrator to collect taxes on behalf of the Town of Apex.

CN14 Rezoning Case No. 24CZ06 – Humie Olive Place – Statement and Ordinance (REF: ORD-2024-047)

Council voted to approve the Statement of the Town Council and Ordinance for Rezoning Application No. 24CZ06, Construction Masters LLC, applicant, for the properties located at 2155, 2157 & 0 Blazing Trail Drive and 7996, 7994, 7990, 7988, 7984, & 7982 Humie Olive Road (PINs 0721516598, 0721517488, 0721516357, 0721517335, 0721518305).

CN15 Tax Report – March and April 2024 (REF: OTHER-2024-075 and OTHER-2024-076)

Council voted to approve Apex Tax Reports dated April 13, 2024; and
Apex Tax Reports dated May 5, 2024.

CN16 Town Standard Specifications and Standard Details – Revisions (REF: OTHER-2024-077 and OTHER-2024-078)

Council voted to approve revisions to the Town Standard Specifications and Standard Details.

[PRESENTATIONS]

PR1 Proclamation - Apex Pollinator Week 2024 - June 16 through June 22, 2024 (REF: PRO-2024-020)

Mayor Gilbert, along with the rest of Town Council, read the Proclamation – Apex Pollinator Week 2024 - June 16 through June 22, 2024. He invited Ellison Lambert, Volunteer Coordinator, Eleanor Niehaus, Girl Scout Troop 4076, Ashley Niehaus, Co-Leader of Girls Scout Troup 4076, Kathleen Lim, Apex Youth Council President and other Apex Youth Council to accept the proclamation and take a picture.

PR2 Proclamation - Apex Public Works Week 2024 – June 9 through June 15, 2024 (REF: PRO-2024-021)

Mayor Gilbert, along with the rest of Town Council, read the Proclamation Apex Public Works Week 2024 - June 9 through June 15, 2024. He invited John Mullis, Public Works Director and other Public Works staff to accept the proclamation and to take a picture.

PR3 Special Recognition - Apex Friendship High School Students - 2024 WRAL Brain Game Champions

Mayor Gilbert spoke about the playoffs and the winning of Apex Friendship High School and then he asked some trivia questions for Apex Friendship High School students to answer. He invited Sid Ram, James O' Hara, Will Rucker, Ori Van Zanten, David Groves, Brandon Maloney, and Coach Adam Ruh to come up and receive the recognition and take a picture. He said he wanted to Sid Ram and James O'Hara as Ambassadors for Mayor's Internship Program and thanked them.

Sid Ram said hello Apex and that he was very proud of this team, and they had worked hard. He said, "GO APEX".

[REGULAR MEETING AGENDA]

Mayor Gilbert asked for a motion set the Regular Agenda and asked if there were any recommendation meeting changes at this time.

A **motion** was made by **Councilmember Killingsworth**, seconded by **Mayor Pro Tempore Gray** to approve the Regular Meeting Agenda as presented.

VOTE: UNANIMOUS (5-0)

[PUBLIC FORUM] (NOTE: To view the Public Forum Sign In Sheet, see **OTHER-2024-079)**

Mayor Gilbert opened up the Public Forum and invited the first speaker up.

First to speak was **Reverand Dr. Sequola Dawson** of 600 S. Salem Street:

"Hello Apex North Carolina, I am here with St. Mary AME Church and I am here with St Mary African Methodist Episcopal Church, 600 S Salem Street, where St Mary's deep roots run throughout the City in love and charity for our neighbor. Not only on Sunday at 11 o'clock, but Tuesday and Friday with our Food Pantry. We are here to stand not only to introduce me as the new Pastor to you the City Council, but to the city at large. We are here in support of you for all of the positive measures that you do that thrust Apex and two all of the positive measures of living out the meaning of you being its high point. I know you love your people, the diversity of the communities and the equal opportunities that Apex and its buildings provide. This is what makes Apex the best City in American. I am glad now to be a part, if we ever we St. Mary can be of service, please, do not hesitate to call. Thank you."

Mayor Gilbert thanked Dr. Dawson and called the next speaker.

Next speaker was **Shreya Dhakal** of 114 Grantham House:

"Dear members of the Town Council, I would like to invite you and our public to our upcoming celebration the International Day of Yoga as well as the various events and efforts undertaken by the Hindu Community in our area. Throughout the year we have actively celebrated diverse events and festivals, such as teacher appreciation day, Sewa Diwali, Raksha Bandhan, and many more. These celebrations foster unity and spread love and joy in our society. In May we celebrated Teacher Appreciation's Day, Teachers play an integral role in our lives and this event provides us the opportunity to appreciate invaluable contribution to educating children like me. Many teachers attended this event expressing their gratitude and support for such an initiative. We also participate in Sewa Diwali, a food drive campaign

for local food pantries and in supporting those in need in our community. This initiative helps to ensure that our local food pantries are well stocked and are able to assist families who require support. Additionally, we celebrate Raksha Bandha as Universal Oneness Day, where we appreciate our First Responders, Town Administrators and Staff. This event symbolizes our gratitude and respect for those who serve and protect our community, fostering a sense of unity and mutual appreciation. Our next event is the International Day of Yoga recognized by the UN and celebrated worldwide. Yoga is a physical, mental and spiritual ancient practice that is originated in India and Nepal. The word Yoga derives from Sanskrit and means to join or to unite, symbolizing the union of body and consciousness. This year marks the 10th anniversary of International Day of Yoga which aims to raise awareness and numerous benefits of practicing yoga. Our community will celebrate this event on June 23rd at 8 a.m. at the HSNC Center located at 309 Aviation Parkway, Morrisville. We look forward to your continued support and participation in these events as we strive to make a positive contribution in our community. Thank you"

Mayor Gilbert thanked Ms. Dhakal and called up the next speaker.

Next speaker was **Dawn Cozzolino** of 3632 Bosco Road:

"Good evening, Town Council and Mayor. I didn't appreciate the local government I had in New Jersey. This governed well water and governed septic properties much like our community in Friendship in New Hill, and boy we have beautiful countryside, and we still have beautiful countryside, it's still protected and it's still rural. It astonishes me living here that I don't have government representation. We need to be watchful that there is a balance there. This plays a part and a role in any decision making that the Town of Apex would be planning to do. So, I will answer yes Councilman Gantt, our area is very special, very special indeed. There is nothing absolutely special about track housing, accidents, razing trees, increased air conditioning and over development. Our Friendship and New Hill Community has many small businesses like Apex, lots of commerce, and environmental protections that are very critical. I want to thank you because you have given me a gift, you have given me purpose to advocate for ideas for our community and you know I didn't know anybody in my community, we are in a rural area, I came from a different State and you give me an opportunity to engage with my community and they are wonderful people, they're just trying to live their lives to the fullest, the best they can and I think you know, my work will continue, so thank you for the gift, my work will continue and I think we can have a beautiful vision working together moving forward for the future. Thank you."

Mayor Gilbert thanked Ms. Cozzolino and called up the next speaker.

Next speaker was **Elizabeth Stitt** of 3113 Friendship Road:

"I think I need to go to St. Mary's church, if I could get a little bit of that energy, I think it would be good. Two things tonight, first I want to say thank you to the Fire Chief Tim Herman, he engaged with me and brought out the tanker truck, so I have a pond that is big enough and deep enough that the tanker trucks can actually pull the water out of my pond, and that will enable them to be able to save my house should something happen or if something happened to my neighbor's house, but what was neat about the whole thing is he brought the trucks out, the guys out, and they mapped out exactly where my pond was, how they would get to it, so that if anyone dialed 911 from my area, they would know exactly how to get to the pond and they know the trucks can actually get from point A to point B because my driveway has wooded trees, so it was real valuable service that he was able to help my neighbors out. The second thing was, I just wanted clarification. So, my part of Friendship Road, we are in the ETJ and there was some discussion on social media about whether the Town's money can fund traffic improvements in our area. In GS 136-66.3 it says, 'Municipal participation is authorized', now you may choose not to, but you do have the ability, I did want that to be clarified because there is that post that really created a lot of confusion in our community, because I think as a whole everybody is somewhat confused about how to fix our roads. There are so many transportation issues, and the different layers between CAMPO and DOT, the Town, so I just wanted to be very clear to the community that the ETJ, you can invest in the roads, so I am looking forward to our stop light being funded in the very near future and obviously I am going to keep showing up until that happens. Thank you for your time."

Mayor Gilbert thank Ms. Stitt and called the next speaker.

Next to speak was **Rakan DiarBakerli** at 1702 Grand Barton Court:

"Hello, my name is Rakan, and I am a teacher. I have been teaching for over 10 years now, most recently at Apex Middle School, I am a resident of Apex and I currently now work at Duke University's Art Museum, the Nasher. Being a teacher puts a lot of pressure on me to teach by modeling, and more than any of the subject matter that they could possibly get from my classroom, I try to teach good character, I want them to be better people by the time they leave my classroom. Now as we are all aware of what continues to happen in Palestine, I know it is a global issue, I know it's an international issue and the question is, why should the Town of Apex even care. I teach that no matter how small people's actions may be, it is always symbolic of what their intensions are and its part of the legacy that they leave behind when their time is gone. It hurts more personally for me being a Muslim myself, and being an Arab as well, I hear the suffering and I understand it deeply, using the language, using my faith, seeing faces that look just like mine, and already at baseline it means I care, but more than that, I believe that it's something that we should all care about because we are all human. It is difficult for us to continue to support this type of action towards innocent humans, more particularly children, and that's not even mentioning parents, fathers, and mothers and aunts and uncles and more. In my final minute, I would just like to say, as distant as this may seem, it

is reflective of our humanity and I would urge us to, please in whatever compacity we can, to continue speaking on preventing the aid that supports this genocide, and every dollar we invest in this should be removed. Finally, I thank you for your time, and I want us to remember that no matter how much money we received to continue supporting, please remember that your humanity and your legacy is more important than that. Thank you."

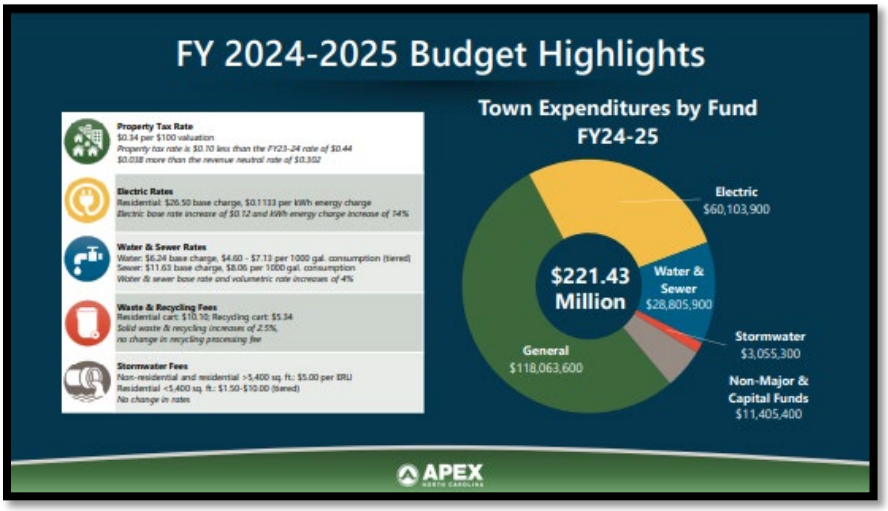
Mayor Gilbert thanks everyone that came out to speak. He closed the Public Forum and moved to New Business.

[NEW BUSINESS]

NB1 Fiscal Year 2024-2025 - Annual Operating Budget and Fee Schedule Adoption (REF: ORD-2024 (REF: ORD-2024-048 and PLCY-2024-005)

Amanda Grogan, Director, Budget and Performance Management Department gave the following presentation on the Fiscal Year 2024-2025 – Annual Operating Budget and Fee Schedule Adoption. She asked if there were any questions.

[SLIDE 1]



Councilmember Mahaffey thanked Ms. Grogan for all the hard work on the budget. He said he was very proud of what this budget does for this community. He said that the last time he checked that this represents the 2nd lowest tax rate in Wake County as of today and the lowest tax increase above the revenue neutral rate in the County. He said that every other town has raised taxes more than the town. He said that they did try to keep cost low while still delivering the excellent level of service that Apex residents expect. He said that there were some Capital products that are funded in this budget that he was excited about. He said one that he wanted to point out was the start of the completion of Pleasant Park, and this budget puts us on a path to completing this project. He thanked Ms. Grogan again and her team.

Director Grogan said that it was a team effort.

Councilmember Zegerman said this budget reflects the town's priorities and it reflects to our residents where the town will be spending the money. He said thank you to Director Grogan and her staff for all the efforts that went into this budget.

Mayor Gilbert said that it was cool to be in a room with all of the Mayors in Wake County and everyone is comparing notes on budgets, and Apex is the first one to pass there's. He recognized the community members who provided feedback, and encouraged more to do so going forward. He said thank you to Director Grogan and her staff.

Councilmember Killingsworth said if you look at the details of the budget, you see items that will save our community and taxpayers money down the road. She said if you look at how the town rehabilitates streets instead of having to spend millions of dollars later, it rehabilitates them and saves money. She said it was amazing to look through the budget and see all of the great ideas staff is coming up with to help save money. She thanked Director Grogan.

Mayor Pro Tempore Ed Gray said this was not an easy task and thanked Director Grogan for the heavy lift on this budget. He said this budget was a vision of struggle. He said it's a struggle to find the balance between providing the necessary services for people and keeping in mind people who are struggling financially, but it is something done extremely well in our budgeting process, due to Director Grogan, the Department Heads and staff. He said it is much harder than it looks and it is much harder than you can imagine. He said Director Grogan, Deputy Town Manager Purvis, Town Manager Vosburg, and everybody else who has worked on this has done a great job.

Councilmember Gantt said that he had found the first budget that he had worked on, 2017-2018 budget. He said it really indicated that the Town has come a long way. He said the Capital improvements that had been completed and was good for the town. He said the staff capacity is much higher now than it was, and the community is benefitting from that investment. He said thank you to Director Grogan.

Councilmember Killingsworth said she had pulled that budget out too.

Ms. Grogan said that we have come a long way budget wise and document wise for sure.

Councilmember Gantt said that there were some projects that had not been done, like The Crossing at Chatham and Center Street, but most of the big-ticket items are done and he was looking forward to doing more Capital Improvement projects this year.

Councilmember Zegerman said Apex was lucky to have Director Grogan that drives this work. He said this is not an easy feat. He said there was a lot of effort put in by lots of people, and he thinks this is something the town would benefit from.

A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember Mahaffey** to approve the Fiscal Year 2024-2025 – Annual Operating Budget and Fee Schedule.

VOTE: UNANIMOUS (5-0)

NB2 Fiscal Year 2024-2025/2028-2029 - Capital Improvement Plan (CIP) (REF: ORD-2024-049 and PLCY-2024-004)

Amanda Grogan, Director, Budget and Performance Management Department said that there was no presentation. She said that the CIP is in conjunction with the budget.

A **motion** was made by **Councilmember Killingsworth**, seconded by **Mayor Pro Tempore Gray** to approve Fiscal Year 2024-2025/2028-2029 - Capital Improvement Plan (CIP).

VOTE: UNANIMOUS (5-0)

[UPDATES BY TOWN MANAGER]

Town Manager Vosburg said that he would also echo his sentiments on the budget. He said he came in on the tail end, but such a great process and leadership from our elected officials. He said we are excited to get started to get to work on the new priorities and get to work on the next budget. He said that the Peakway will be closed from Ambergate Station to Grand Central Station from Monday, June 17th through Friday, June 21st, to complete the bridge maintenance work. He said that he wanted to say thank you to staff members that helped with the Pride Event that was here on Town Hall campus. He said there was a lot of hard work from the community and Town Staff. He said that there is another event coming up, Juneteenth, on Saturday, June 15th, and he thanked staff and community members for all of the work. He said that town staff got the Peakway bid out for the Bridge Extension, so hopefully that will be progressing.

[CLOSED SESSION]

A **motion** was made by **Mayor Pro Tempore Gray**, seconded by **Councilmember Gantt** to go into closed session at 6:39 p.m.

VOTE: UNANIMOUS (5-0)

CS1 Laurie Hohe, Town Attorney

RE: Williams v. Town of Apex.

NCGS § 143-318.11(a)(3)

"To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body."

CS2 Laurie Hohe, Town Attorney

NCGS § 143-318.11(a)(3)

"To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body."

CS3 Allen Coleman, Town Clerk

NCGS § 143-318.11(a)(6):

consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee."

[ADJOURNMENT]

Mayor Pro Tempore Gray adjourned the meeting at **8:41p.m.**

Jacques K. Gilbert
Mayor

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

Submitted for approval by Town Clerk Allen Coleman.

Minutes approved on 13th day of August, 2024 (CN11).

APPROVED

TOWN OF APEX
TOWN COUNCIL WORK SESSION
TUESDAY, JUNE 18, 2024
3:30 P.M.

The Apex Town Council met for a work session on Tuesday, June 18, 2024 at 3:30 p.m. at the Apex Town Hall located at 73 Hunter Street in Apex North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel: 2024.06.18 Town Council Work Session - YouTube

[ATTENDANCE]

Elected Body
Mayor Jacques K. Gilbert (presiding)
Mayor Pro-Tempore Ed Gray
Councilmember Brett Gantt
Councilmember Terry Mahaffey
Councilmember Arno Zegerman
Councilmember Audra Killingsworth
Absent: None

Town Staff
Town Manager Randy Vosburg
Deputy Town Manager Shawn Purvis
Assistant Town Manager Demetria John
Assistant Town Manager Marty Stone
Town Attorney Laurie Hohe
Town Clerk Allen Coleman
Communications Director Stacie Galloway

All other staff members will be identified appropriately below.

[COMMENCMENT]

Mayor Gilbert welcomed everyone and led those in attendance in the pledge of allegiance.

[COMMUNITY SURVEY RESULTS – ZENCITY]

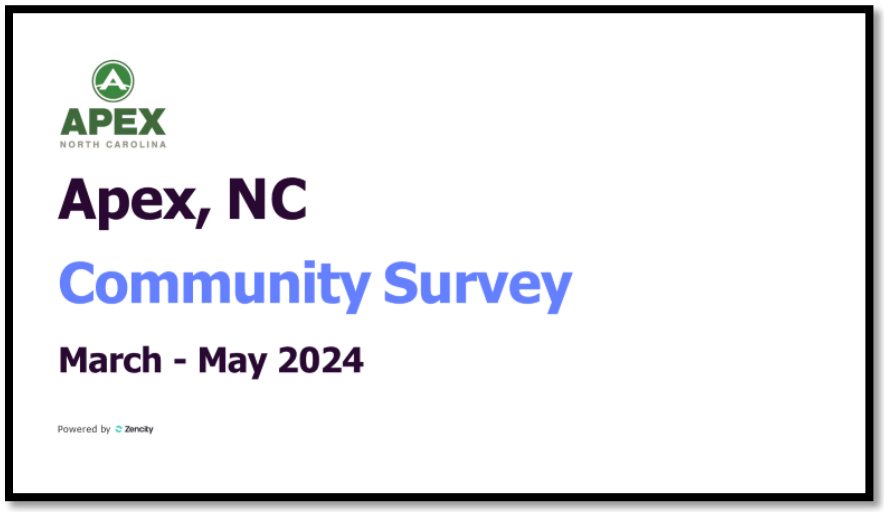
Mayor Gilbert invited Director Galloway Galloway, Communications Director, to begin the presentation of the Community Survey Results – Zencity.

Director Galloway introduced Ms. Hoffman Hoffman, Customer Service Manager with Zencity.

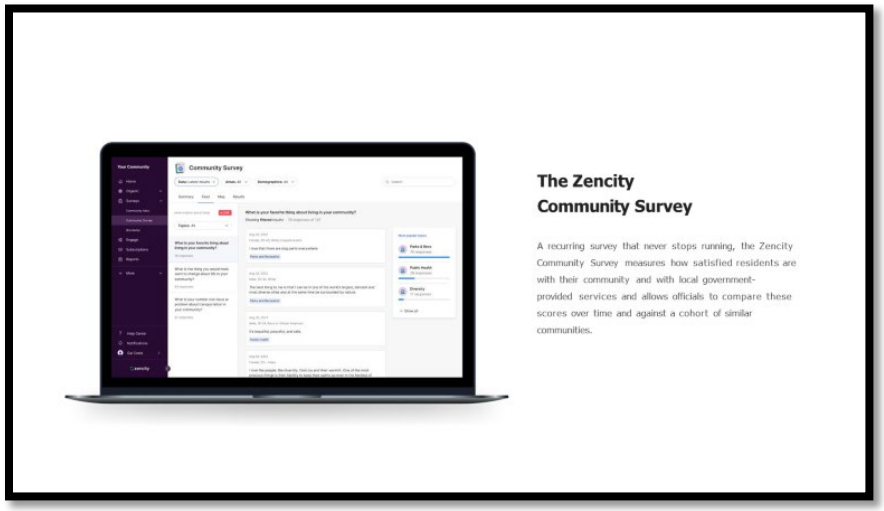
Ms. Hoffman introduced Katelyn Webber, Survey Research Analyst with Zencity.

Ms. Webber give the following presentation regarding Community Survey Results – Zencity.

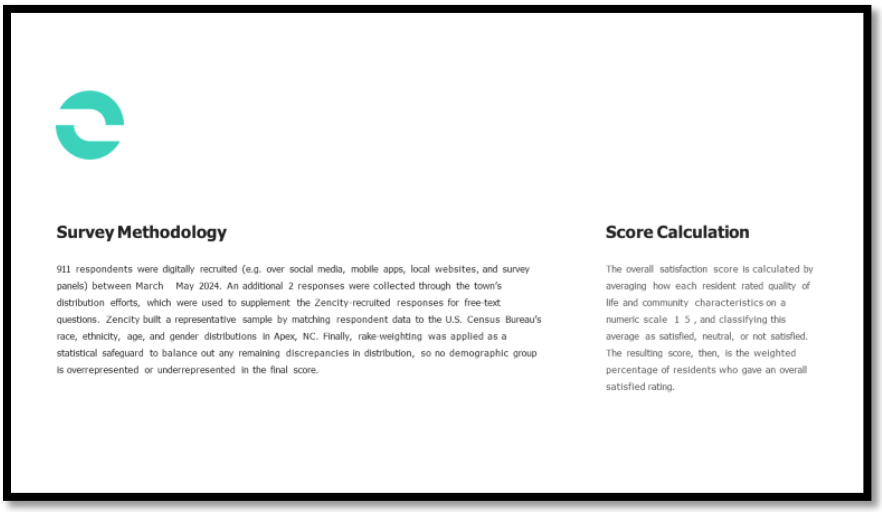
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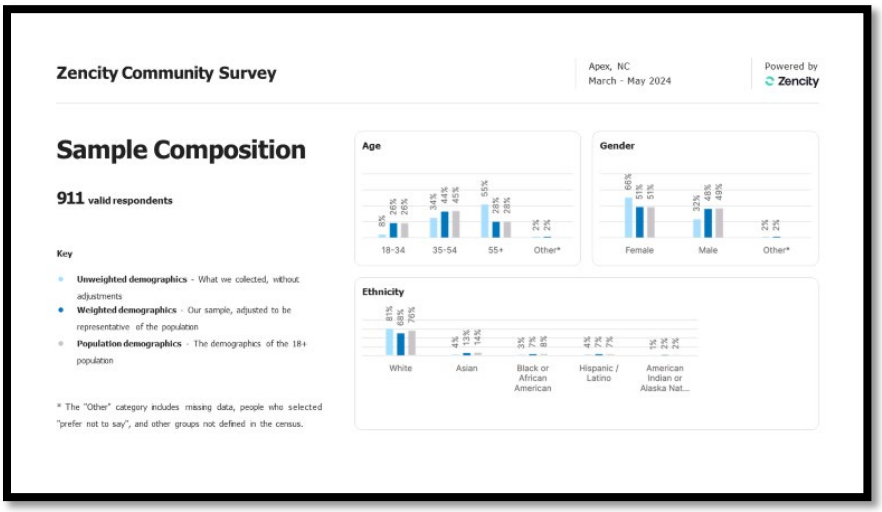
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[SLIDE-3]



[SLIDE-4]



Councilmember Mahaffey asked if there was any information on the results of modality. He said he was curious how many were from Facebook.

Ms. Webber said that she thought they would have that breakdown but would have to go into the platform to look at that data. She said she could send him the breakdown of what platforms the data came from Councilmember Gantt if he was interested.

Councilmember Mahaffey said that he would want that.

Councilmember Zegerman asked how it is decided what responses are uses.

Ms. Webber said that all responses are used with the waiting a bit to make sure that they are getting a representative sample.

Councilmember Zegerman asked if that was a common methodology that is used for all surveys.

Ms. Webber said that is correct.

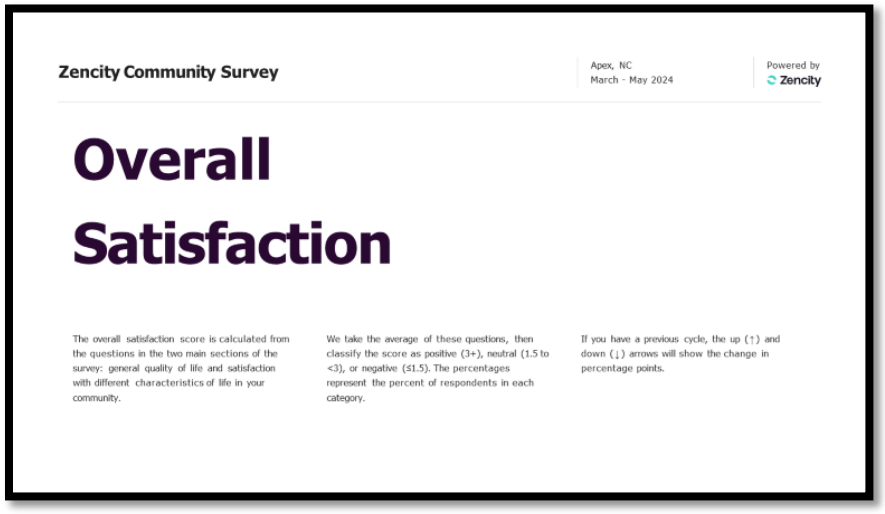
Councilmember Gantt said that here were changes from year to year. He asked if the baseline year had a similar number of respondents.

Director Galloway said that the first pilot sample was last Fall but did not hit the representative numbers. She said that she would like to count this as their baseline data.

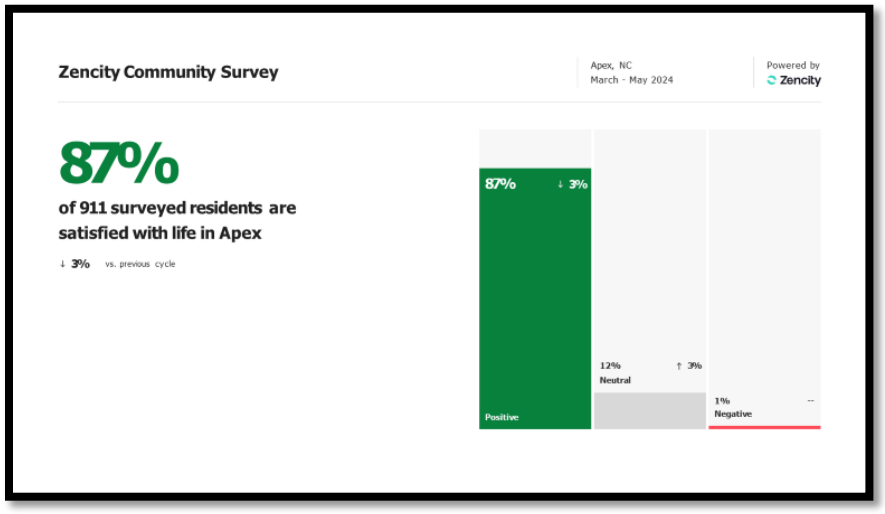
Councilmember Gantt asked if the changes next time may be more robust.

Director Galloway said, yes.

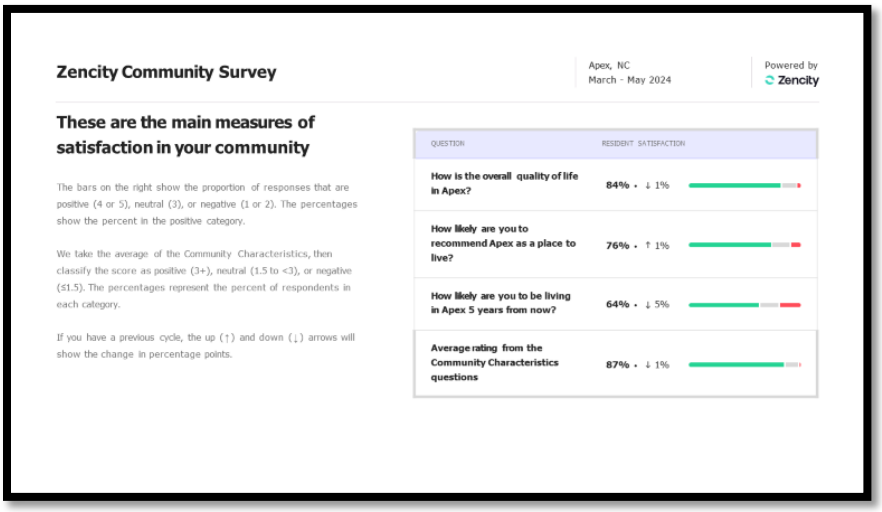
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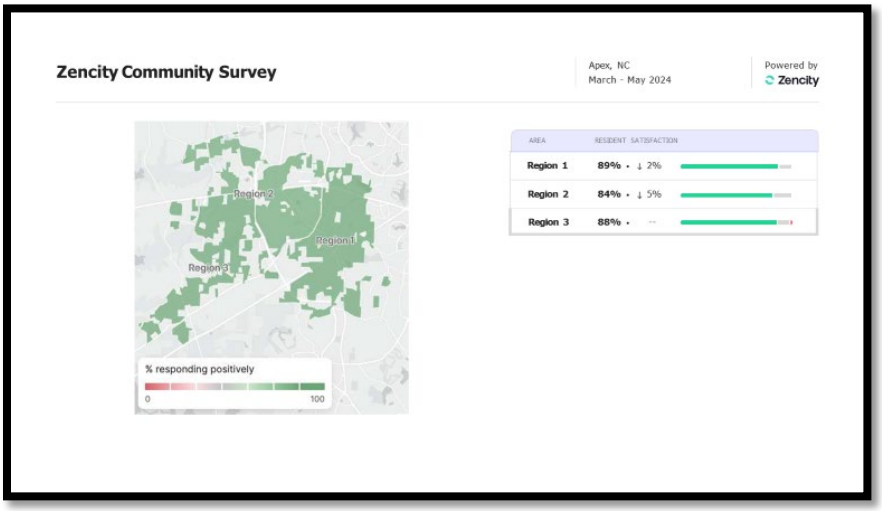
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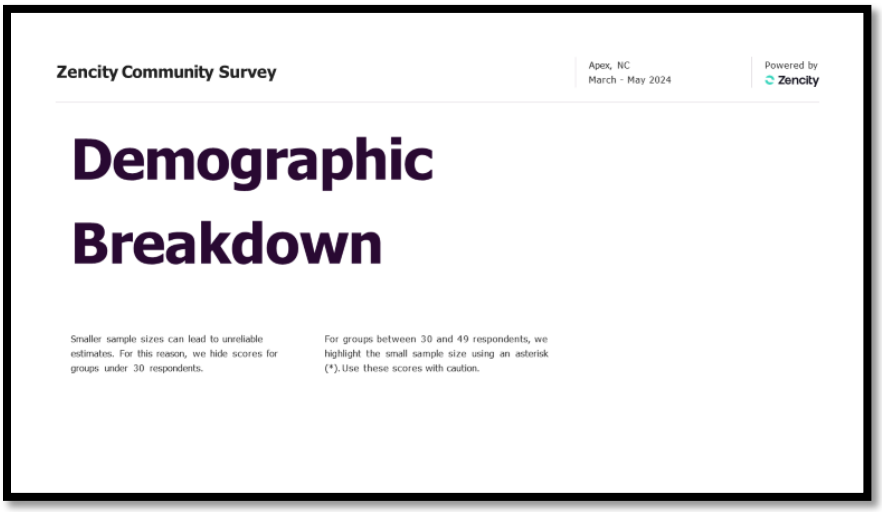
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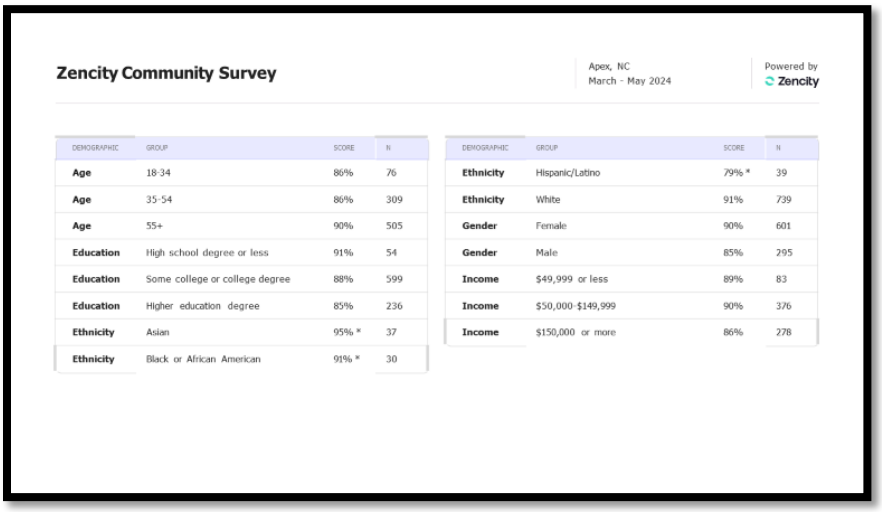
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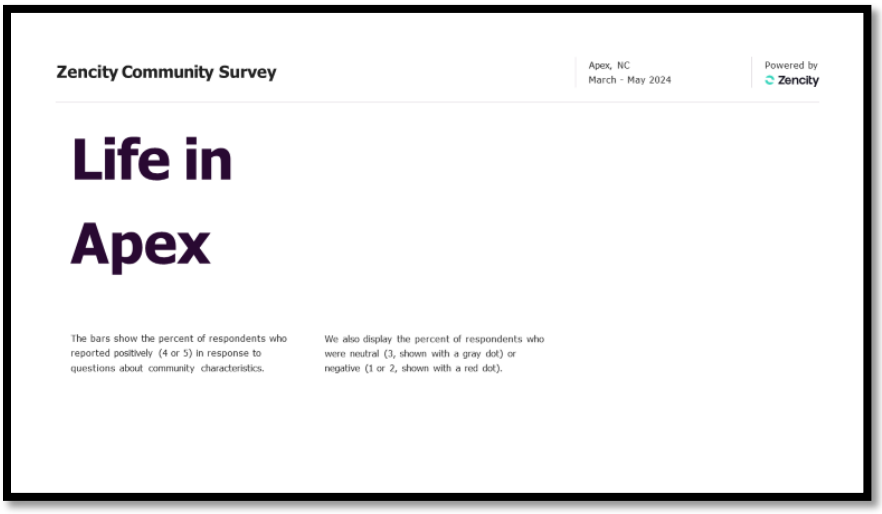


Councilmember Mahaffey asked if it was typical trends in other communities, for example the education and income levels being higher.

Ms. Webber said that it really wasn't typical. She said that there wasn't really a typical demographic satisfaction between communities. She said that there are different variables that can change any certain demographic group's satisfaction.

Ms. Hoffman said that there would be benchmarks later in the report that will validate that the scores are good.

[SLIDE-12]



[SLIDE-13]



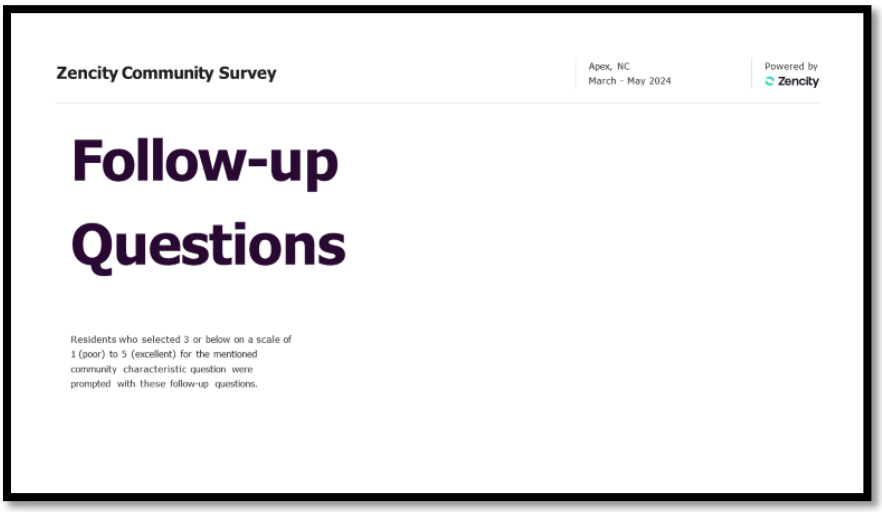
Councilmember Zegerman asked why some of these categories are involved and is there a significance.

Ms. Webber said there is a change in both the positive score as well as the negative score. She said that if there is a change of more than 5% they would be bolded.

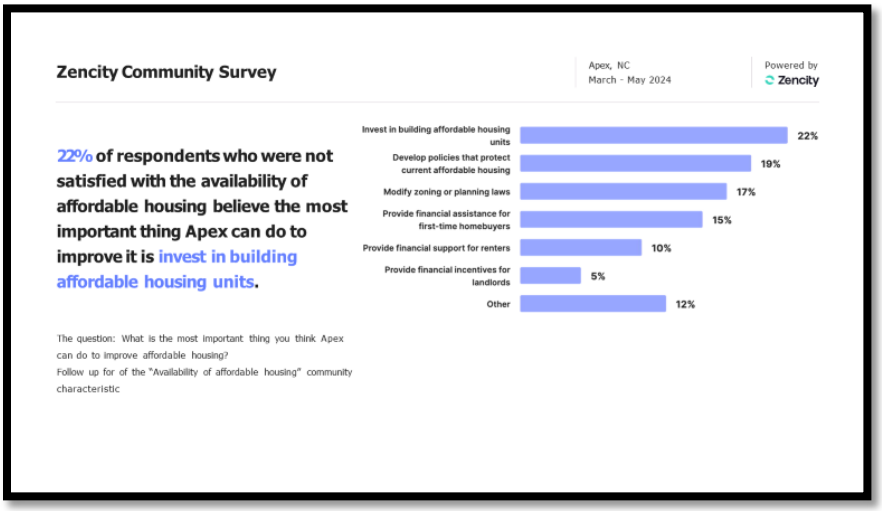
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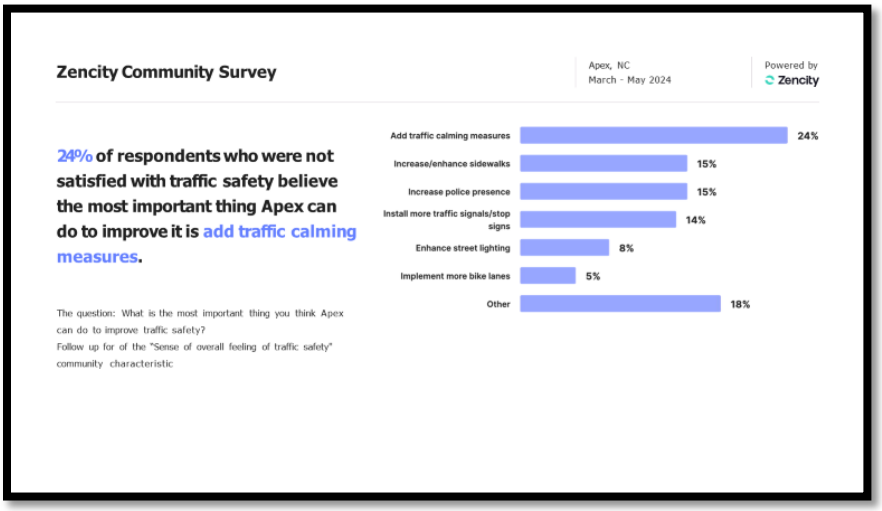
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Councilmember Killingsworth asked if the "other" category was that a fill-in the blank.

Ms. Webber said that if people chose "other" then it opens an open text response. She said that those could be sent over if Council would like.

[SLIDE-17]



Councilmember Gantt said that people usually ask for speedbumps.

Councilmember Mahaffey said he expected more on the bike lanes.

Councilmember Zegerman asked about roundabouts.

Mayor Pro Tempore Gray asked about other responses.

Ms. Webber said that "Other" responses were 18%. She said that she would work on the open text sent to Council.

Councilmember Gantt asked Council collectively what they thought about what citizens really meant by people are going to fast in neighborhood roads.

Mayor Pro Tempore Gray said that he sees it could be people are driving too fast generally and also it could be that there are too many people. He said he would like to know what is in the 18%.

Councilmember Gantt said that it is 18% of the 24% so it's not that representative of the people.

Councilmember Killingsworth said that possibly on the next survey to ask more specific questions.

Director Galloway said that there is a vision zero survey. She said that this is high level to get some data over time and see the trends and then is where we would focus more intentional efforts.

Mayor Pro Tempore Gray said that to question if this was within the ETJ or within the physical boundaries.

Director Galloway said she was not sure if it asked if the citizen was within corporate limit.

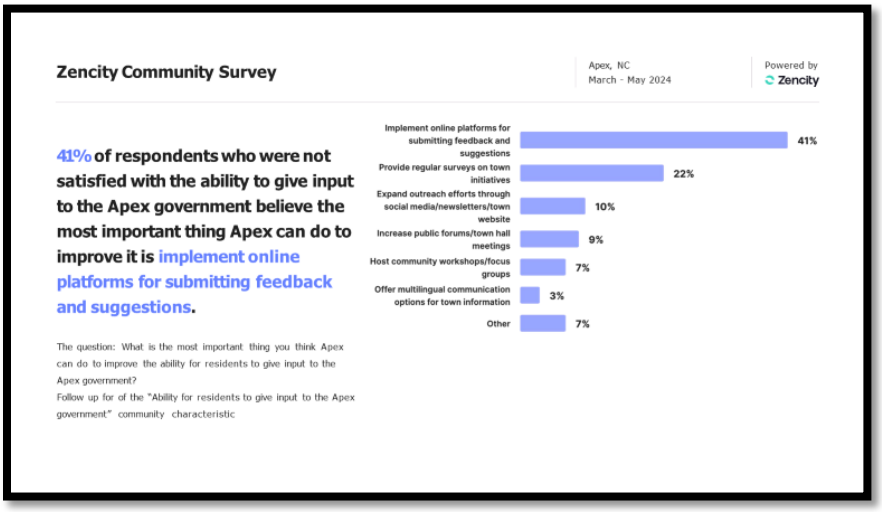
Ms. Webber said that at the beginning of the survey it is asked if the respondent lives in Apex and if they do not, they are diverted out of the survey.

Ms. Hoffman asked if it was zip code based on the demographics.

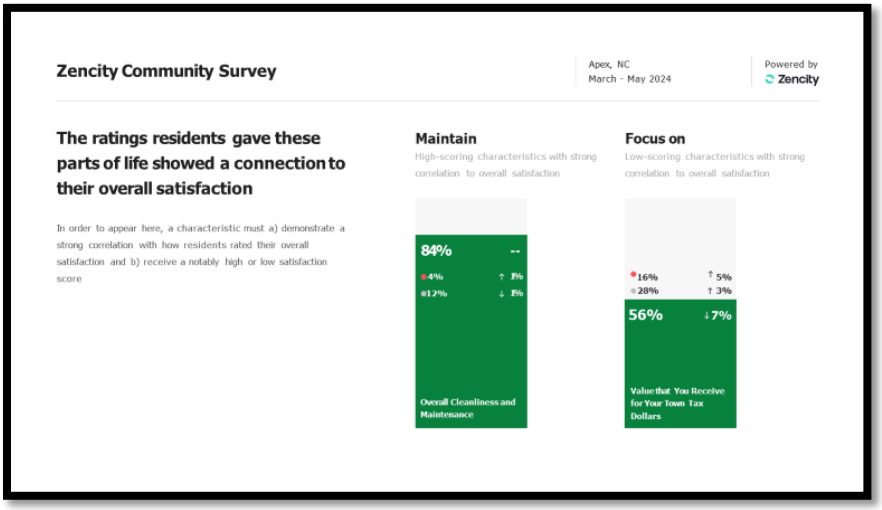
Ms. Webber said that the survey does ask for a zip code.

Ms. Hoffman said that the Town Council may want to look at the lowest score and that they may want to change the questions some in the next survey.

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[SLIDE-19]



[SLIDE-20]



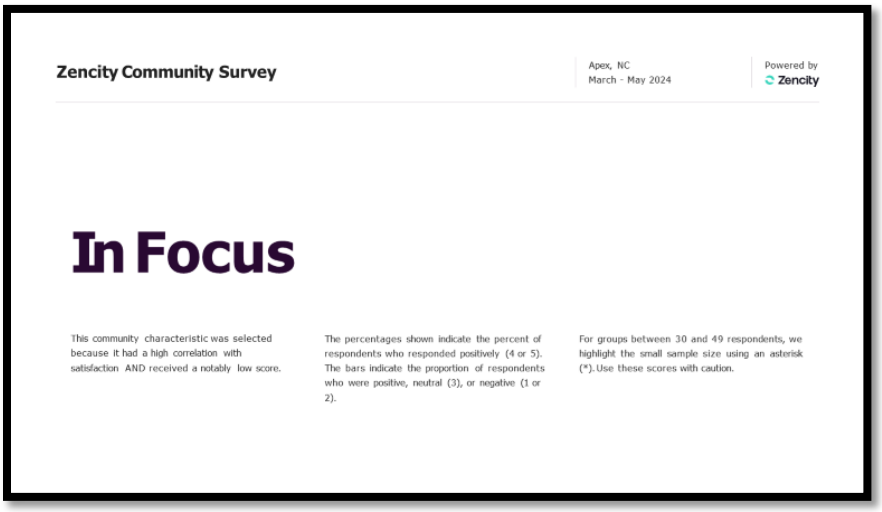
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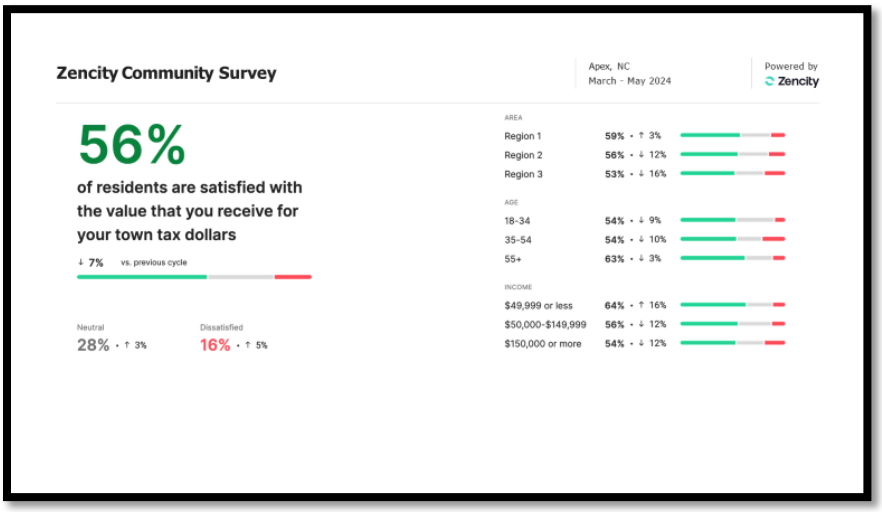
Councilmember Zegerman said that he could see that the younger age group being more sensitive to the littering and the overall Environmental Education.

Ms. Webber said that the survey does indicate that that age group is a bit more critical. She said that they would send a breakdown of how this survey and the national and some communities compare.

[SLIDE-22]



[SLIDE-23]



Councilmember Mahaffey aid that this was a question that people are going to be negative about. He said everyone likes to pay less taxes. He said that he was not surprised about these results.

Deputy Town Manager Purvis wasn't sure what high would be on this, but it would be good to see the comparison. He asked what a normal trend looks like. He said that when this survey was taken that there was a lot of tax rates were unknown.

Councilmember Zegerman said that over all he felt like the numbers were positive.

Mayor Pro Tempore Gray said that he wasn't sure if they were asking the right questions.

Councilmember Mahaffey said that this number is not the value that they want to get out of the survey.

Director Galloway asked if this was a benchmark question.

Ms. Webber said she would check.

Director Galloway said that benchmark questions have to be phrased exactly the same to measure but some that were added because we had measured these before.

Deputy Town Manager Purvis said that is important what is communicated in the budget.

Ms. Hoffman said she was looking at the slide and that she did not think it was a benchmark question. She said that the Council can re-word the question as it is or use one of the custom questions that is available.

Ms. Webber said that it may be worth rephrasing the question.

Director Galloway said it had been asked because it had been asked in the previous surveys.

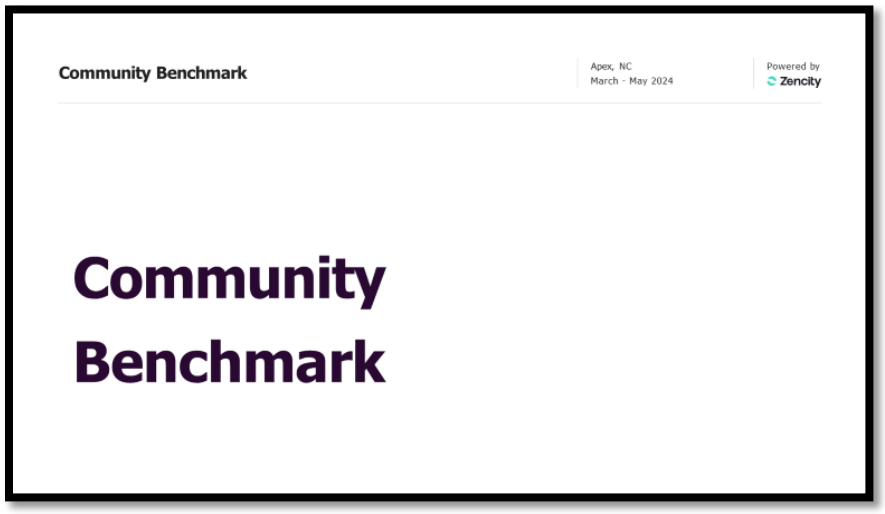
Councilmember Gantt said that part of the response was because it was done right after an election. He said that the timing matters.

Councilmember Mahaffey said he wanted to figure out how to make the data to be of value.

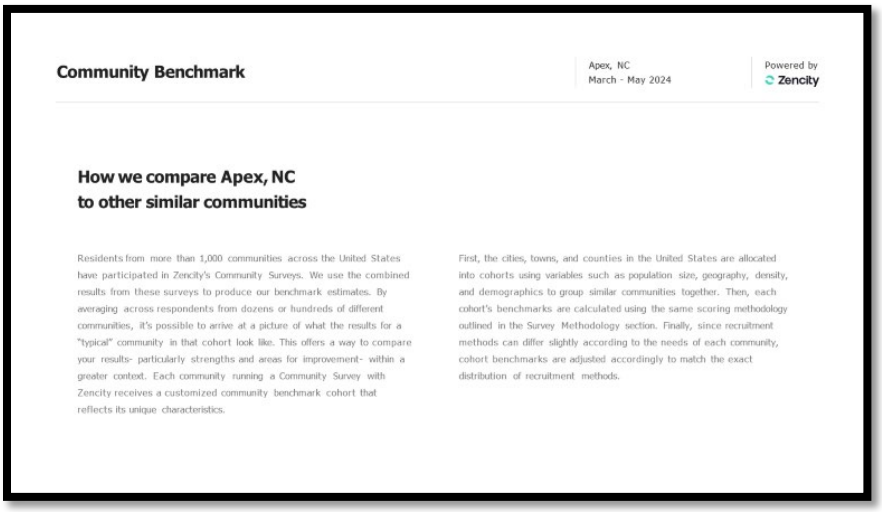
Ms. Webber said that there were ways to rephrase the question.

Councilmember Zegerman said he liked the frequency of the survey.

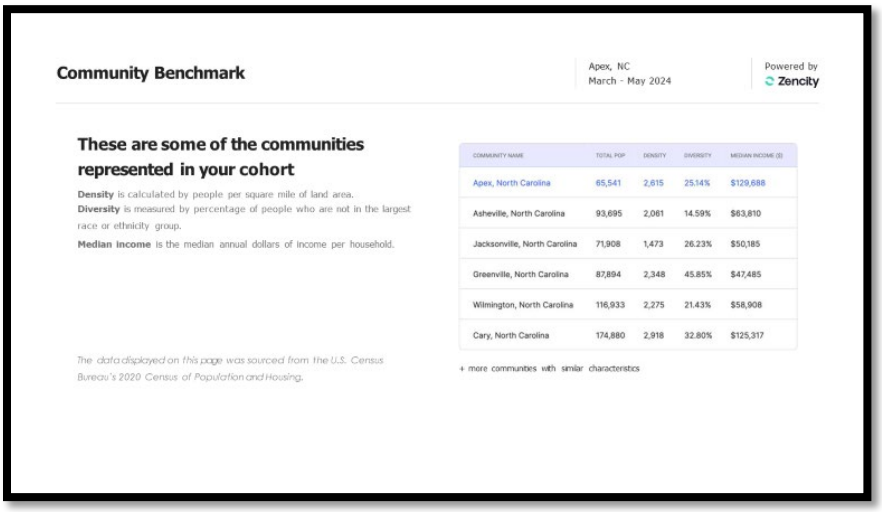
[SLIDE-24]



[SLIDE-25]



[SLIDE-26]



Councilmember Zegerman asked what the methodology with the cohort comparisons were. He said that the comparisons were with communities far away and not local like Holly Springs, Fuquay or Zebulon or Wake Forest.

Ms. Webber said that the comparisons were with communities with similarities.

Councilmember Zegerman asked if they could get a complete list of the cohorts.

Ms. Webber said yes.

Director Galloway said that the names in the comparison were just a few of the cohorts. She asked Ms. Webber to provide the list of cohorts if that list is available.

Ms. Webber said she would talk with her team to see what is available.

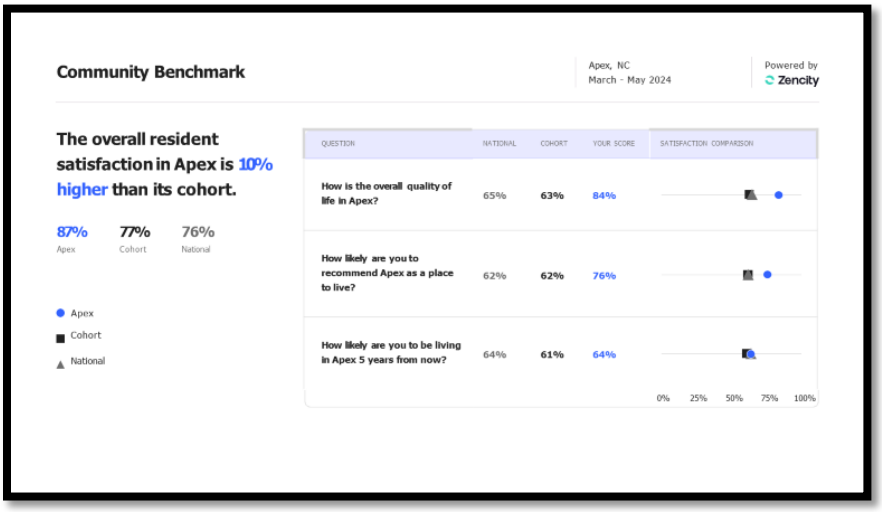
Councilmember Zegerman asked if there was a smaller cohort that Apex can be compared to.

Ms. Webber said that she would check with her team to get a list of the full cohorts and see if this list can be updated.

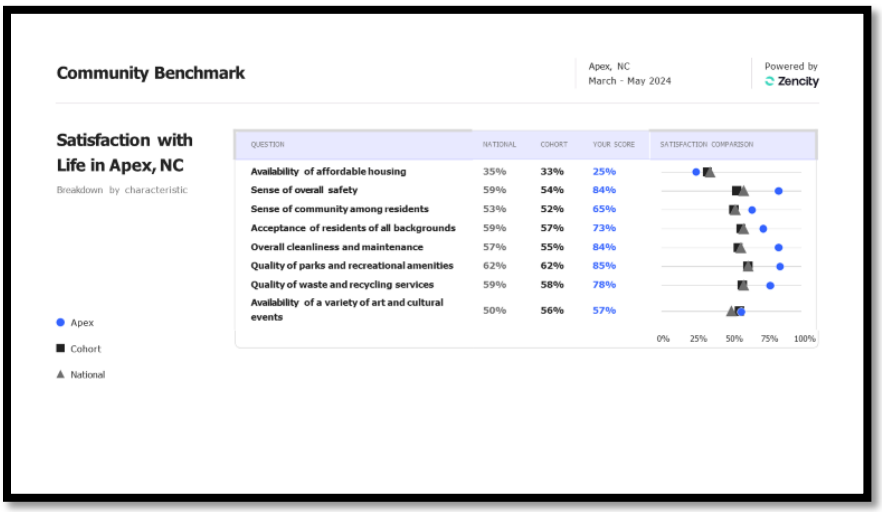
Councilmember Gantt said that switching out Jacksonville and Greenville for the suburbs of major cities in the Southeast. He asked if the Departments had seen this.

Director Galloway said that they were just given it this morning.

[SLIDE-27]



[SLIDE-28]



Councilmember Gantt said that Parks and Wreck Facilities were much higher than Cultural Arts and that he was pretty sure that they spend 80% on Parks and Rec and 20% if not less on Cultural Arts and that maybe this is showing this in this survey.

Ms. Webber said that it was important to note that it is still higher in the cohort and the national benchmarks.

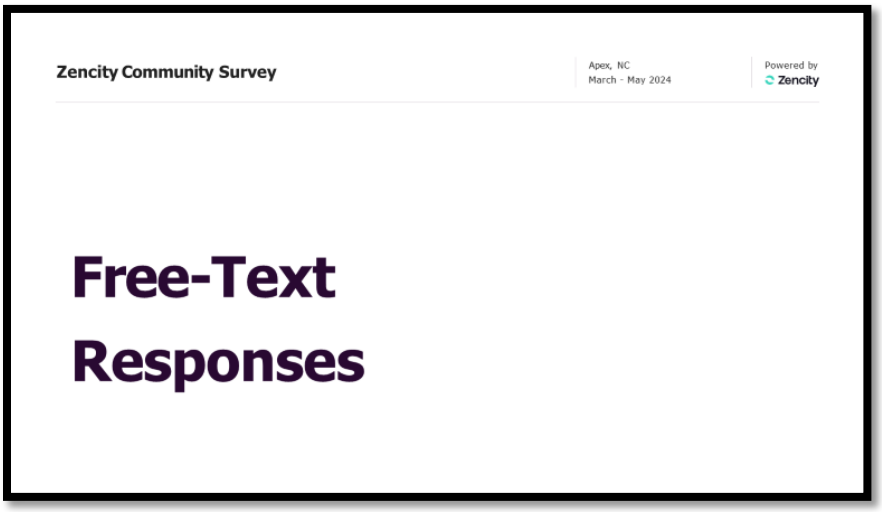
Councilmember Zegerman asked what people are reacting to.

Councilmember Gantt said that it could be that Cary has the nice theatre downtown. He said they may just be looking around and comparing.

Councilmember Mahaffey said that this would be worth looking at.

Ms. Webber said all of these would be good to add to the survey in the next cycle.

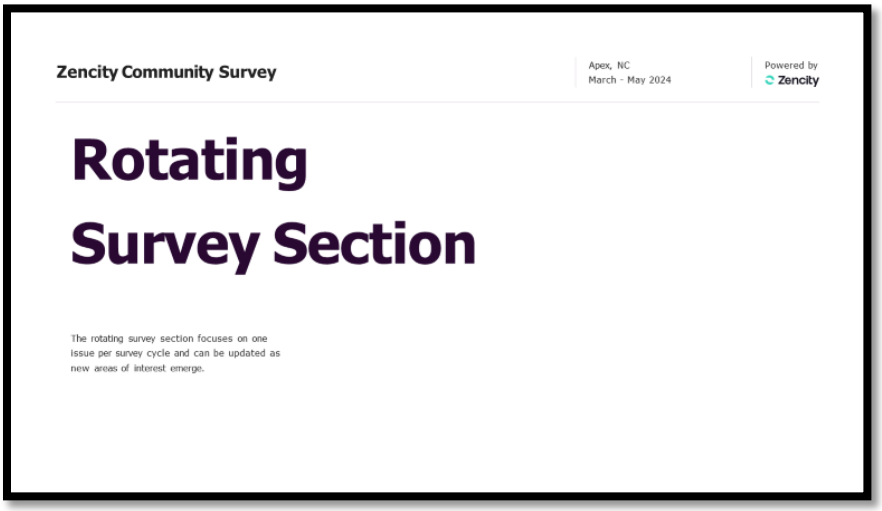
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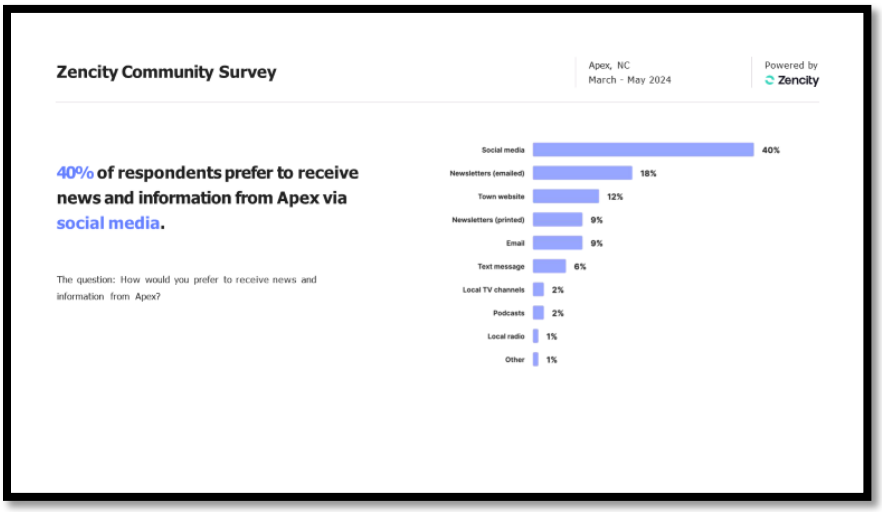
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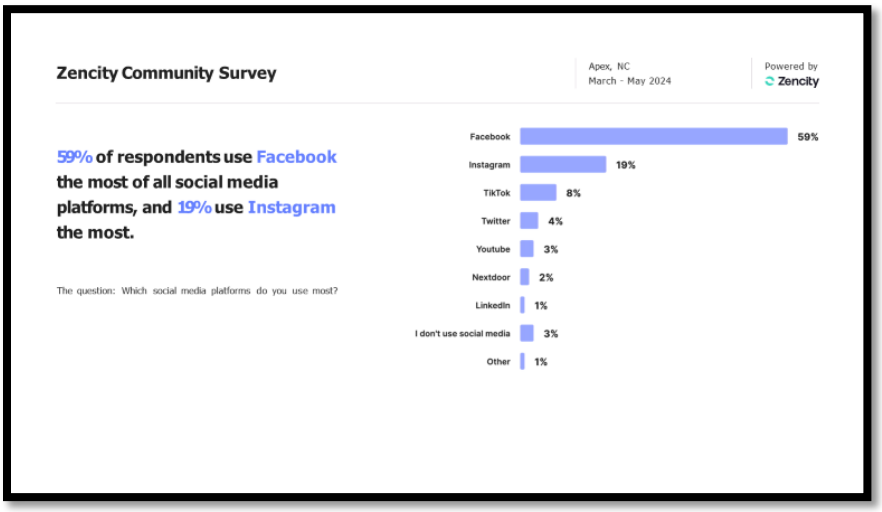
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[SLIDE-32]



[SLIDE-33]

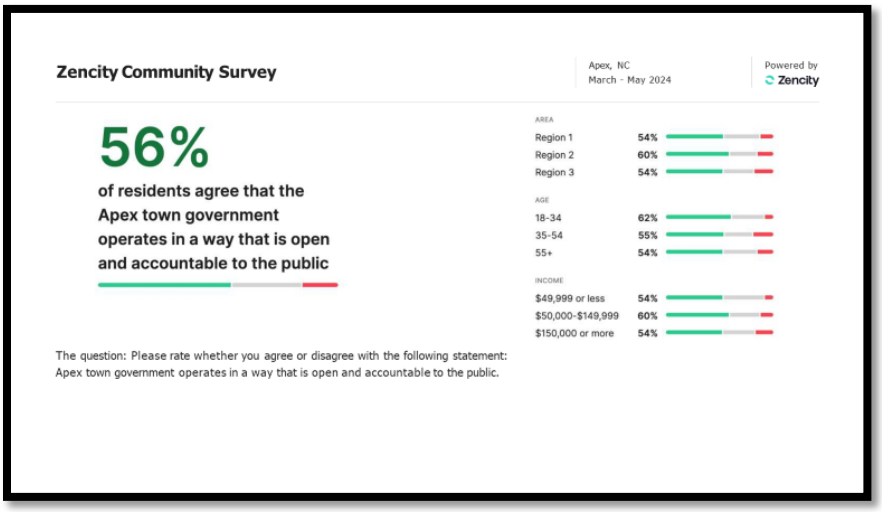


Councilmember Gantt said he would like to see the contrast with the source of the response.

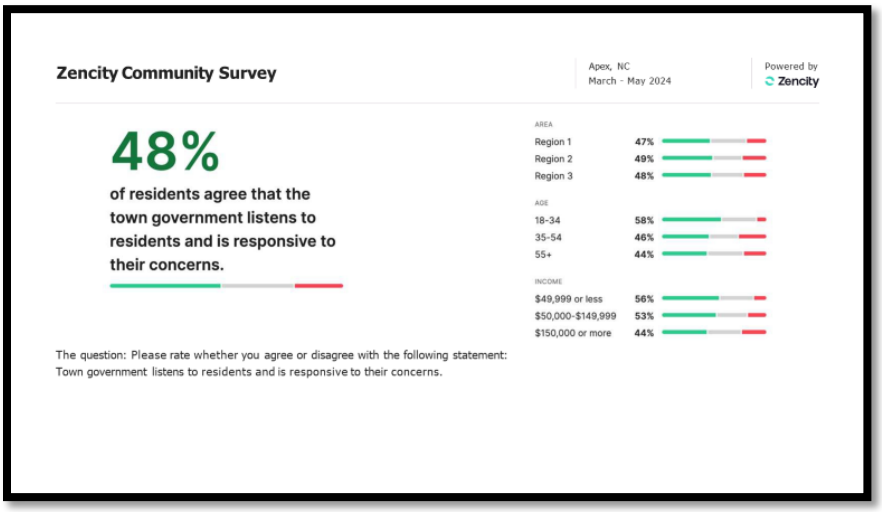
Ms. Webber said that she would look to see if there is any correlation.

Councilmember Gantt said that the information aligns the efforts with some of the information and the age breakdown.

[SLIDE-34]



[SLIDE-35]

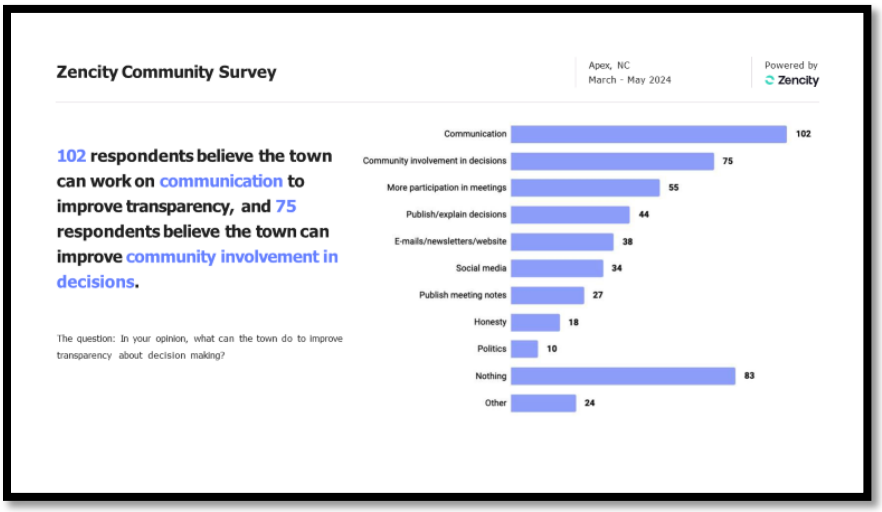


Councilmember Zegerman said that how the question was stated could have been answered as how well Council listens or how quickly the service is followed up.

Councilmember Gantt said it could be the same thing. He said he thinks this question is about growth and more about policy.

Ms. Webber said that if they wanted to ask about specific about resident requests, it could be done on the next survey.

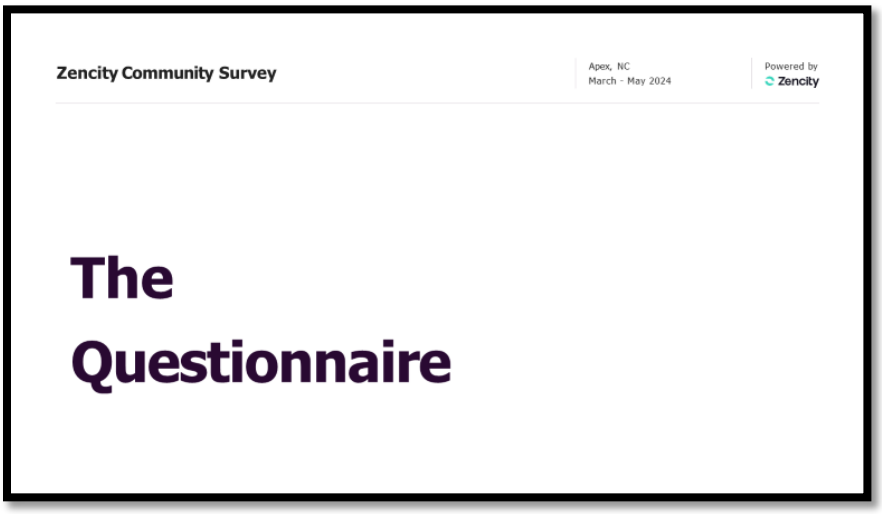
[SLIDE-36]



Councilmember Zegerman asked if these were responses written in or were these pre-worded questions.

Ms. Webber said this was an open text response. She said that it was a very encouraging response. She said that they would get the full list of responses.

[SLIDE-37]



Councilmember Zegerman said that he wanted to be careful that they weren't overloading the survey with lots of questions. He asked in what way could some of the questions be supplemented.

Director Galloway said that Zencity has software to do a less formal survey. She agreed that they should keep the survey shorter. She said that they would provide these surveys every 6 months.

Town Manager Vosburg said that his concern that is if they are only putting something up on Facebook then they are only getting 40% responses.

Councilmember Gantt said this survey is twice a year. He asked if there was much value to the one off.

Councilmember Zegerman said it was a pulse check. He suggested keeping the online official survey and shortening two points and to use supplemental avenues to do a pulse check. He said that he wanted to get a snap of the information and not wait six months every time.

Mayor Gilbert said that he would like to get more ethnicity engagement.

Ms. Webber said that they work to get as many as possible. She said if there were demographic groups they would keep that in mind for future campaigns.

Director Galloway said they are trying to diversify some strategies for different demographics.

Ms. Hoffman said that Zencity does have an online community engagement tool that allows to promote educational content or feedback. She gave several options for diverse outreach in the community.

Deputy Town Manager Purvis said that they were building a Community Engagement team.

Councilmember Gantt asked what the staff plan for improvement is.

Town Manager Vosburg said that they are not surprised in the survey results. He said that Council is budgeting money where some of these gaps are. He said that there needs to be strategies on being more transparent.

Councilmember Killingsworth said moving the survey slightly during Festival Season so that there can be more in person engagement to have people complete the survey possibly on iPad or devices.

Director Galloway said that surveys completed on an iPad would not be counted in the survey.

Ms. Webber said that this was because those surveys tend to be biased and there is no way to weight the questions in the way that the online survey panels are done.

Councilmember Mahaffey said that they have other ways to do follow ups.

Director Galloway said that she wanted to point out that things we can do to improve transparency and communicate more were scored fairly low, but with honesty and politics being low on the list was very encouraging because that is harder to build back up than it is to increase the frequency of our communications.

Councilmember Killingsworth said that even adjusting Council meeting times, we will not satisfy everyone.

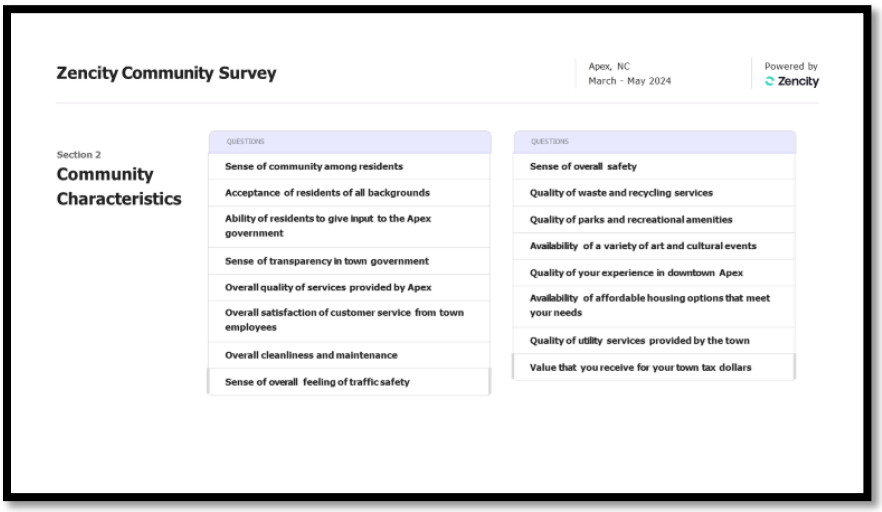
Ms. Hoffman thanked the Council for all the feedback received. She said she was honored to be a part of this.

Councilmember Zegerman asked if future presentations would be a part of the Council meetings for the sake of transparency.

[SLIDE-38]



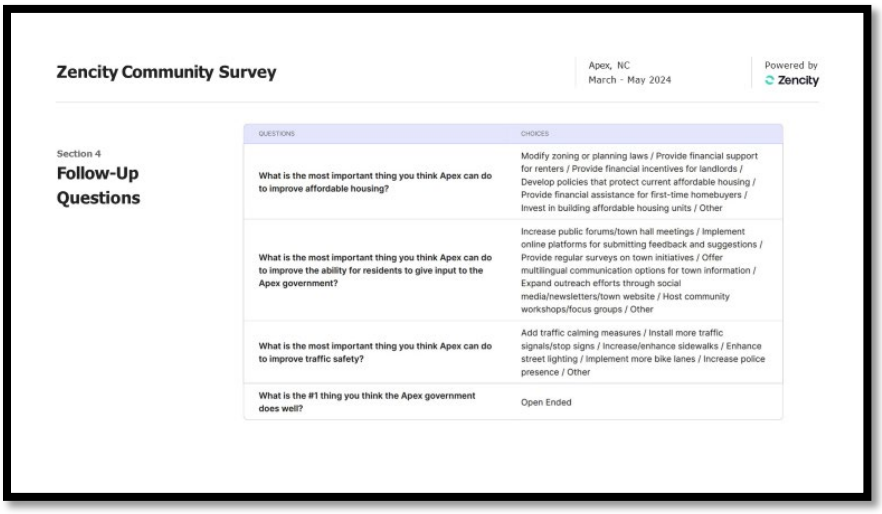
[SLIDE-39]



[SLIDE-40]



[SLIDE-41]



Zencity Community Survey

Apex, NC
March - May 2024

Powered by Zencity

Section 4
Follow-Up Questions

QUESTIONS	CHOICES
What is the most important thing you think Apex can do to improve affordable housing?	Modify zoning or planning laws / Provide financial support for renters / Provide financial incentives for landlords / Develop policies that protect current affordable housing / Provide financial assistance for first-time homebuyers / Invest in building affordable housing units / Other
What is the most important thing you think Apex can do to improve the ability for residents to give input to the Apex government?	Increase public forums/town hall meetings / Implement online platforms for submitting feedback and suggestions / Provide regular surveys on town initiatives / Offer multilingual communication options for town information / Expand outreach efforts through social media/newsletters/town website / Host community workshops/focus groups / Other
What is the most important thing you think Apex can do to improve traffic safety?	Add traffic calming measures / Install more traffic signals/stop signs / Increase/enhance sidewalks / Enhance street lighting / Implement more bike lanes / Increase police presence / Other
What is the #1 thing you think the Apex government does well?	Open Ended

[SLIDE-42]



Zencity Community Survey

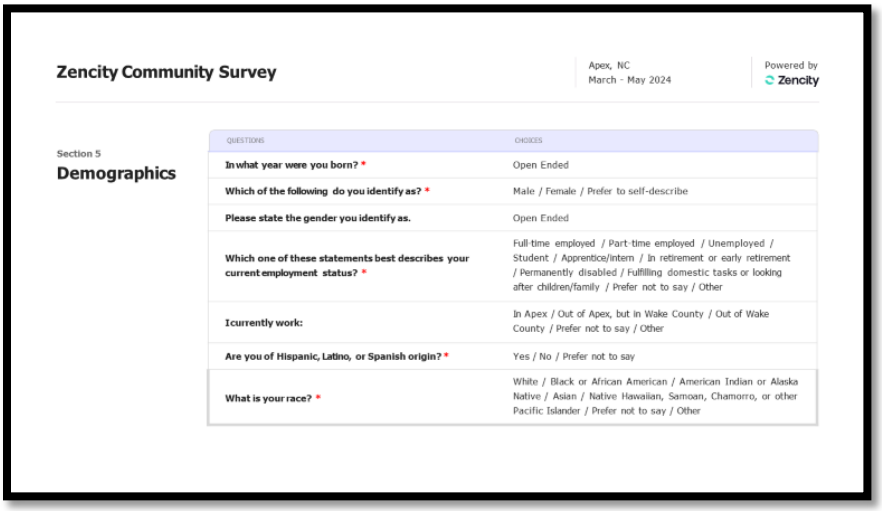
Apex, NC
March - May 2024

Powered by Zencity

Section 4
Follow-Up Questions

QUESTIONS	CHOICES
What is the #1 thing you think the Apex government could do to improve its services?	Open Ended

[SLIDE-43]



Zencity Community Survey

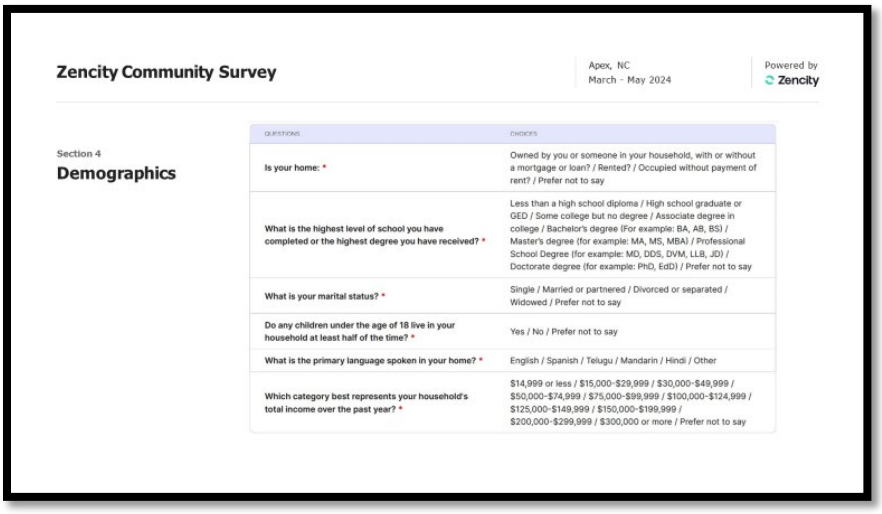
Apex, NC
March - May 2024

Powered by Zencity

Section 5
Demographics

QUESTIONS	CHOICES
In what year were you born? *	Open Ended
Which of the following do you identify as? *	Male / Female / Prefer to self-describe
Please state the gender you identify as.	Open Ended
Which one of these statements best describes your current employment status? *	Full-time employed / Part-time employed / Unemployed / Student / Apprentice/intern / In retirement or early retirement / Permanently disabled / Fulfilling domestic tasks or looking after children/family / Prefer not to say / Other
I currently work:	In Apex / Out of Apex, but in Wake County / Out of Wake County / Prefer not to say / Other
Are you of Hispanic, Latino, or Spanish origin? *	Yes / No / Prefer not to say
What is your race? *	White / Black or African American / American Indian or Alaska Native / Asian / Native Hawaiian, Samoan, Chamorro, or other Pacific Islander / Prefer not to say / Other

[SLIDE-44]



Zencity Community Survey

Apex, NC
March - May 2024

Powered by Zencity

Section 4
Demographics

QUESTIONS	CHOICES
Is your home: *	Owned by you or someone in your household, with or without a mortgage or loan? / Rented? / Occupied without payment of rent? / Prefer not to say
What is the highest level of school you have completed or the highest degree you have received? *	Less than a high school diploma / High school graduate or GED / Some college but no degree / Associate degree in college / Bachelor's degree (For example: BA, AB, BS) / Master's degree (for example: MA, MS, MBA) / Professional School Degree (for example: MD, DDS, DVM, LLB, JD) / Doctorate degree (for example: PhD, EdD) / Prefer not to say
What is your marital status? *	Single / Married or partnered / Divorced or separated / Widowed / Prefer not to say
Do any children under the age of 18 live in your household at least half of the time? *	Yes / No / Prefer not to say
What is the primary language spoken in your home? *	English / Spanish / Telugu / Mandarin / Hindi / Other
Which category best represents your household's total income over the past year? *	$14,999 or less / $15,000-$29,999 / $30,000-$49,999 / $50,000-$74,999 / $75,000-$99,999 / $100,000-$124,999 / $125,000-$149,999 / $150,000-$199,999 / $200,000-$299,999 / $300,000 or more / Prefer not to say

[SLIDE-45]



Zencity

Published on June 17, 2024 by Zencity
support@zencity.io

[ADJOURNEMENT]

Mayor Gilbert adjourned the meeting at **4:23 p.m.**

Jacques K. Gilbert
Apex, Mayor

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

Submitted for approval by Apex Town Clerk Allen Coleman

Minutes approved on 13th day of August, 2024 (CN11).

APPROVED

TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, JUNE 25, 2024
6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, June 25th, 2024 at 6:00 PM in the Council Chambers at Apex Town Hall, located at 73 Hunter Street in Apex, North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel. The recording of this meeting can be viewed here:
https://www.youtube.com/watch?v=5xwFExiK0Ok&t=1521s

[ATTENDANCE]

Elected Body
Mayor Jacques K. Gilbert (presiding)
Mayor Pro Tempore Ed Gray
Councilmember Audra Killingsworth
Councilmember Arno Zegerman *(arrived late; see note below)*
Councilmember Brett Gantt
Absent: Councilmember Terry Mahaffey

Town Staff
Town Manager Randy Vosburg
Deputy Town Manager Shawn Purvis
Assistant Town Manager Marty Stone
Town Attorney Laurie Hohe
Town Clerk Allen Coleman
Deputy Town Clerk Ashley Gentry
All other staff members will be identified appropriately below

[COMMENCEMENT]

Mayor Gilbert called the meeting to order and welcomed all who were in attendance and watching. He said Councilmember Zegerman would be joining the meeting shortly, and noted that Council was dressed down in a tropical Hawaiian shirt summer theme.

Mayor Gilbert then took a moment of silence for the invocation and then lead those in attendance in the Pledge of Allegiance.

[CONSENT AGENDA]

A **motion** was made by **Councilmember Killingsworth**, seconded by **Mayor Pro Tempore Gray**, to approve the Consent Agenda as presented.

VOTE: UNANIMOUS (3-0), with Councilmember Zegerman and Councilmember Mahaffey absent.

CN1 2024 Town Council Meeting Calendar – Amendment No. 2 (REF: OTHER-2024-081)

Council voted to amend the 2024 Town Council Meeting Calendar.

CN2 Agreement Amendment No. 2 - Wake County Community Development Block Grant (CDBG) Contract - GoApex - July 1, 2024 through June 30, 2025 (REF: CONT-2024-159)

Council voted to approve Amendment No. 2 to extend the existing contract between the Town of Apex and Wake County, effective until June 30, 2025, for the GoApex Community Development Block Grant (CDBG) Bus Stops Improvement and Sidewalk Project, and to authorize the Town Manager, or their designee, to sign on behalf of the Town.

CN3 Agreement/Grant Award - United in Arts Council of Wake County - Arts for Towns Program - $5,000 (REF: CONT-2024-160)

Council voted to award the United "Arts for Towns" Grant Agreement between United Arts of Council of Raleigh and Wake County, Inc and Town of Apex, effective July 1, 2024 through June 30, 2025, for a $5000 grant that will fund Monica Linares painting workshops at The Halle Cultural Arts Center, and authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN4 Agreement Renewal - Fleet Management Information Software (FMIS) - July 1, 2024 through June 30, 2026 (REF: CONT-2024-161)

Council voted to approve an Agreement Amendment No. 2 between Fleetio and Town of Apex, to renew terms and annual subscription costs for the modern fleet management software system, effective July 1, 2024 through June 30, 2026, and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN5 Apex Cares Homeowner Rehabilitation Program Revisions (REF: PLCY-2024-006)

Council voted to approve modifications to the Apex Cares Homeowner Rehabilitation Program to increase the maximum assistance provided and establish three (3) additional rehabilitation assistance types and one (1) program to assist persons experiencing homelessness under the Apex Cares umbrella of programs.

CN6 Appointments – Housing Advisory Board (HAB)

Council voted to appoint Patricia Birch to the Apex Housing Advisory Board (HAB) for a partial term, effective June 26, 2024 through October 31, 2024. This partial term was created by Valeria Cesanelli, Position No. HAB-2021-003.

CN7 Appointments – Planning Board

Council voted to appoint Jeff Hastings to the Voting, Wake County Non-Extra-Territorial Jurisdiction (ETJ) and Non-Corporate Limits Position on Apex Planning Board for a partial term, effective June 26, 2024 through December 31, 2024. This partial term was created by Ryan Akers, Position No. PB-005.

CN8 Appointments – Public Art Committee – Chair/Vice-Chair

Council voted to confirm the following leadership position(s) on the Public Art Committee (PAC) for fiscal year 2024-2025:
Tom Colwell, Chair of the Public Art Committee (PAC)
Sean Durham, Vice-Chair of the Public Art Committee (PAC)

CN9 Appointments – Public Art Committee

Council voted to reappoint Mr. Tom Colwell to the Public Art Committee (PAC) for a three-year (3) term expiring June 30, 2027.
Council voted to reappoint Ms. Bethany Bryant to the Public Art Committee (PAC) for a three-year (3) term expiring June 30, 2027.

CN10 Budget Ordinance Amendment No. 18 and Capital Project Ordinance Amendment No. 2024-22 - Year-End Budget and Capital Project Transfers (REF: ORD-2024-050 AND ORD-2024-051)

Council voted to approve Budget Ordinance Amendment 18 and corresponding Capital Project Ordinance Amendment 2024-22 transferring allocations from operating funds to respective Debt Service Funds and Capital Project Funds.

CN11 Contract Multi-Year - Cameron Testing Services, Inc. - Required New Development E-Coli Water Quality Testing - July 1, 2024 through June 30, 2024 (CONT-2024-162)

Council voted to approve a Master Services Agreement (MSA) between Cameron Testing Services, Inc. and the Town of Apex, effective July 1, 2024 through June 30, 2027, to perform required Total Coliform and E. Coli water quality texting on new development, and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN12 Contract Multi-Year - Pace Analytical Services, LLC - Required Quarterly Disinfection Byproducts and Lead and Copper Analysis - July 1, 2024 through June 30, 2027 (REF: CONT-2024-163)

Council voted to approve a Standard Services Agreement (SSA) between Pace Analytical Services, LLC., and Town of Apex, effective July 1, 2024 through June 30, 2027, for a required analysis to collect quarterly water samples for Disinfection Byproducts and Lead and Copper, and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN13 Council Meeting Minutes – Various

Council voted to approve, as submitted or amended, Meeting Minutes from the following meetings:

January 10, 2023 – Town Council Meeting Minutes Revised

May 28, 2024 – Town Council Meeting Minutes

CN14 Human Resources (HR) Policy Revisions – Town's Personnel Policies (PLCY-2024-007)

Council voted to approve revisions to the Town's Personnel Policy Manual to include the removal of the Additional Sick Leave policy and update to the Vacation Accrual policy

CN15 Ordinance Amendment – Chapter 20 Traffic – Article V. Traffic Control Devices – Traffic Schedules I & II, Stop & Yield – Annual Updates (REF: ORD-2024-052)

Council voted to approve an Ordinance 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.

CN16 Ordinance Amendment – Chapter 20 Traffic – Article VIII. Parking – Section 165(a) Blazing Trail Dr & Parkside at Bella Casa On-Street Parking Restrictions (REF: ORD-2024-053)

Council voted to approve an Ordinance amending Section 20-165(a) with removal of the references to the Knollwood and Brookfield Subdivisions and replacement with a reference to the current list of streets in subsections (1) through (14), and the addition of subsections (15) through (20) applying to six (6) additional streets in the Ananda and Parkside at Bella Casa subdivisions where parking will be prohibited on school days between the hours of 10:00 a.m. to 2:00 p.m.

CN17 Pay and Classification Plan – Fiscal Year 2024-2025 (REF: PLCY-2024-008)

Council voted to approve the Fiscal Year 2024-2025 Pay Grades and Salary Ranges for the Town's Pay and Classification Plan.

CN18 Resolution - Abandon Existing Public Utility Easements - Old Mill Village (REF: RES-2024-042)

Council voted to approve a resolution titled "Resolution to Abandon Portion of Existing Public Utility Easement" which will abandon areas shown on the attached exhibit at the North Carolina II LP property (Old Mill Village).

CN19 Resolution - Authorizing Execution of Kroger Opioid Settlement and Second Supplemental Agreement for Additional Funds (REF: RES-2024-043 AND CONT-2024-164)

Council voted to approve a Resolution authorizing execution of Kroger opioid settlement and approving the second supplemental agreement for additional funds.

[PRESENTAIONS]

PR1 Proclamation - Parks and Recreation Month - July 2024 (REF: PRO-2024-022)

Mayor Gilbert, along with the rest of Town Council, read the Parks and Recreation Month Proclamation. He invited the Parks and Recreation staff to accept the proclamation and take a picture.

[REGULAR MEETING AGENDA]

Mayor Gilbert set the Regular Agenda and asked if there were any recommendation meeting changes at this time.

Councilmember Gantt noted that several public hearing items that were originally scheduled were being moved, as detailed in the agenda.

Mayor Gilbert said yes, and he would explain in more detail when they reached those items.

A **motion** was made by **Councilmember Gantt,** seconded by **Mayor Pro Tempore Gray**, to approve the Regular Meeting Agenda, with the continuation of Public Hearings 1 through 7 to the June 27th, 2024 Special Town Council Meeting *(See Clerk's Note Under Public Hearing)*.

VOTE: UNANIMOUS (3-0), with Councilmember Zegerman and Councilmember Mahaffey absent.

[PUBLIC FORUM] (*NOTE:* To view Public Forum and Public Hearing Sign-in Sheets, see OTHER-2024-083)

Mayor Gilbert opened up the Public Forum and invited the first speaker up.

First to speak was **Beth Bland** of 3724 Friendship Road:

"I'm still around, haven't been here in the last month or so, had senior graduation, lots of sports, but I'm back, still around. I'm still wanting to discuss the Big Branch Force Main. Tom and I are advocating for it to get moved to the south side. There's been lots of discussions with NCDOT, Duke Energy, and the Town of Apex, Mike Deaton, I think everyone's on board with trying to get this to happen. It makes a lot of sense and I think it should happen. So, I also want to just do some bullet points just for our property so that you understand how it affects us. We have one of the smaller properties that the force main is going to go through. There is five acres. The Force main will take an acre, 20%. It's going to render our pasture unusable and it's going to take every tree out of the pasture that we have. So, we have had an arborist come and evaluate the trees that are going to be coming down and the appraiser from the Town of Apex was out last week to look at it and he had comments about the trees also, the size of them, the maturity of them, but we have 11 loblolly pines, one red oak, two red maples, two white oaks, a hickory tree, and there are 45 eastern red cedar that Tom planted when he built the house that are in the pasture that'll all come down and right now

there's a redheaded woodpecker in there that lives, and there's numerous other birds. I can't tell you all the birds we have on our property, and we also have a pair of fawns that momma deer decided to be on our property, all this is going to disturb the wildlife that's there and I can't even tell you, we are right on US1 and the noise when these trees come down, it's just going to expose us even more. It will also expose us to Friendship Road and the traffic that's going on there. So, there has not been one of you that have come out to the property to see it, to understand why we're fighting so hard to make this happen. The force main will also have air release valves on our property, so give me 30 seconds and I just want to make sure that you understand our position and what this means to us and our livelihood and where we live and how we live. It's going to disrupt us greatly. So, let's get this together and let's move it to the other side. It's possible, it makes a lot of sense. Thank you."

Mayor Gilbert thanked Ms. Bland and called the next speaker.

Next speaker was **Phil Welch** of 1471 Big Leaf Loop Road:

"My name is Phil Welch. I live at 1471 Big Leaf Loop in Apex and I believe that everyone deserves a safe, affordable home. I know this is a little bit out of order, but I wanted to express some appreciation for the revisions to the Apex Cares Program and specifically to the Housing Program staff for expanding the scope and the budget of the Apex Cares Program. They split out specific subprograms for urgent repairs, for removing architectural barriers to accommodate residents' accessibility needs, and provide weatherization upgrades. They're now including owners of manufactured homes and rental units and specific instances, they're increasing the project budget limits to reflect the recent increases in construction costs and importantly to me, they provide the proposed revisions to the Housing Advisory Board with plenty of time for us to take a look at that and have a good discussion at our June 4th meeting. As a result, the board was able to discuss the revisions, relate them to other programs that the members were familiar with, decide whether any further tweaks might be needed, and then we voted unanimously to accept the revisions and send them to y'all today for approval. So, just to put a little context around this, much of the Housing Advisory Board's work focused during the last couple of years on providing incentives for builders to include affordable housing in their new developments. I believe preserving and improving our existing naturally occurring affordable homes are just as important. With median prices of homes approaching $600,000 around here, it's more cost-effective to spend up to $40,000 to repair an existing naturally occurring affordable home than to spend upwards of $100,000 to acquire a developable lot or pay $400,000 or more to build a new home. I look forward to hearing how the revised Apex Cares Program is doing an even more effective job at keeping our more vulnerable residents housed, and I thank you for approving the revisions. Thank you."

Mayor Gilbert thanked Mr. Welch.

Mayor Gilbert thanks everyone that came out to speak. He closed the Public Forum and moved to Public Hearings.

[PUBLIC HEARINGS]

***CLERK'S NOTE*: The public hearing resolutions associated with each of the below items were approved on June 11 and scheduled for June 25, 2024. Proper public notice was not provided in sufficient time in accordance with North Carolina General Statutes § 160A-58.2, therefore, these items are scheduled for consideration at special meeting scheduled for June 27, 2024 at 4:30 PM. Only the items denoted below in a red asterisk are being delayed.**

Mayor Gilbert noted that Public Hearings 1 – 7 would be held on Thursday, July 27th at 4:30 p.m. in the Council Chambers.

PH1* Annexation No. 780 – 7019 Roberts Road (Roberts Crossing Phase 2) – 11.42 acres
Dianne Khin, Director, Planning Department

PH2* Annexation No. 781 – 0 Dezola Street (Horton Road Amenity Parcel) – 3.95 acres
Dianne Khin, Director, Planning Department

PH3* Annexation No. 782 – Townes on Tingen – 2.4938 acres
Dianne Khin, Director, Planning Department

PH4* Annexation No. 784 – 1717 and 1713 Holt Road – 1.882 acres
Dianne Khin, Director, Planning Department

PH5* Annexation No. 786 – Tobacco Road Place (FKA: Beauregard Place) – 3.34 acres
Dianne Khin, Director, Planning Department

PH6* Annexation No. 783 – Castleberry Reserve – 0.672 acres
June Cowles, Senior Planner, Planning Department

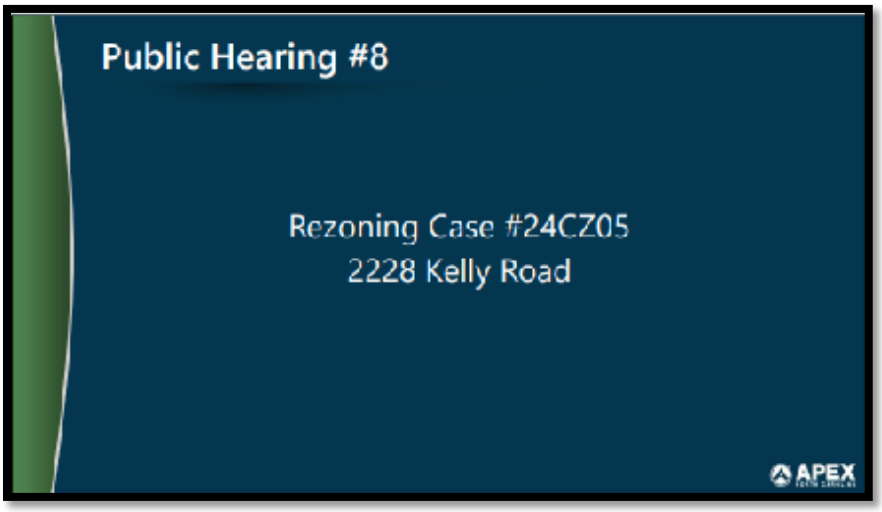
AND

PH7* Rezoning Case No. 24CZ09 – Castleberry Reserve PUD Amendment
June Cowles, Senior Planner, Planning Department

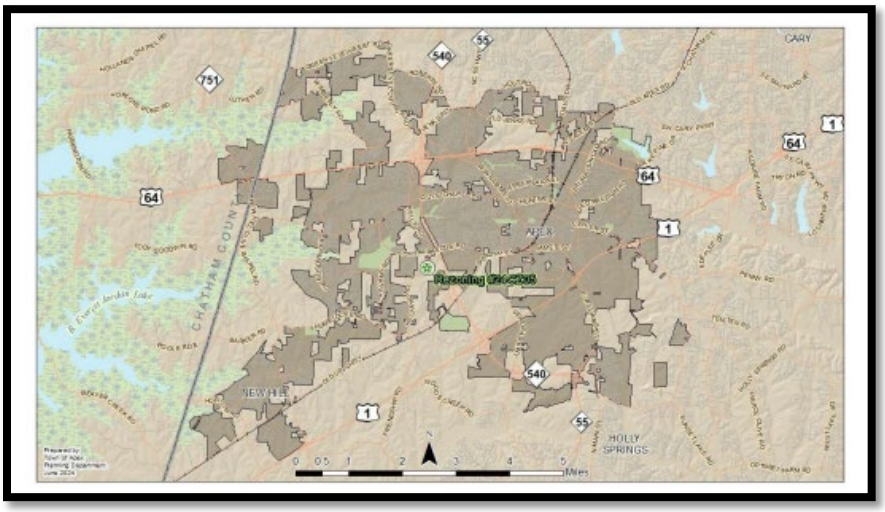
PH8 Rezoning Case No. 24CZ05 – 2228 Kelly Road

Lauren Staudenmaier, Planner II, gave the following presentation regarding Rezoning Case No. 24CZ05 – 228 Kelly Road.

[SLIDE 1]



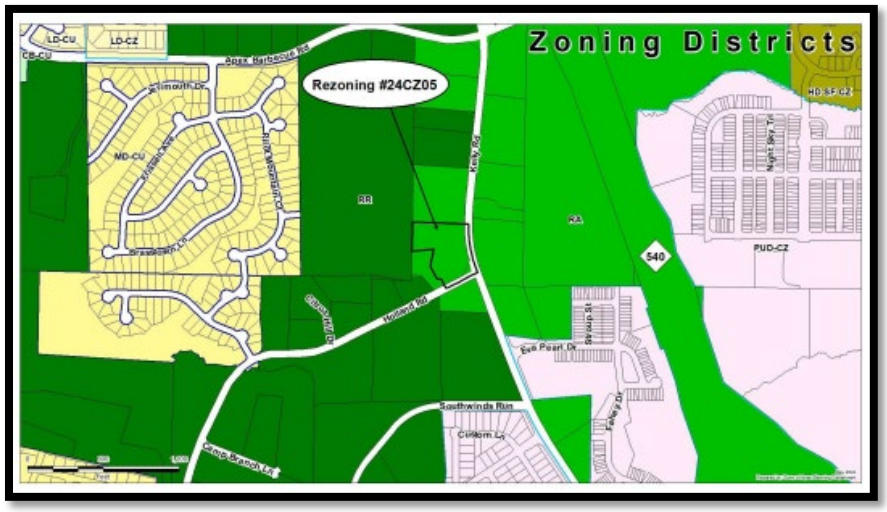
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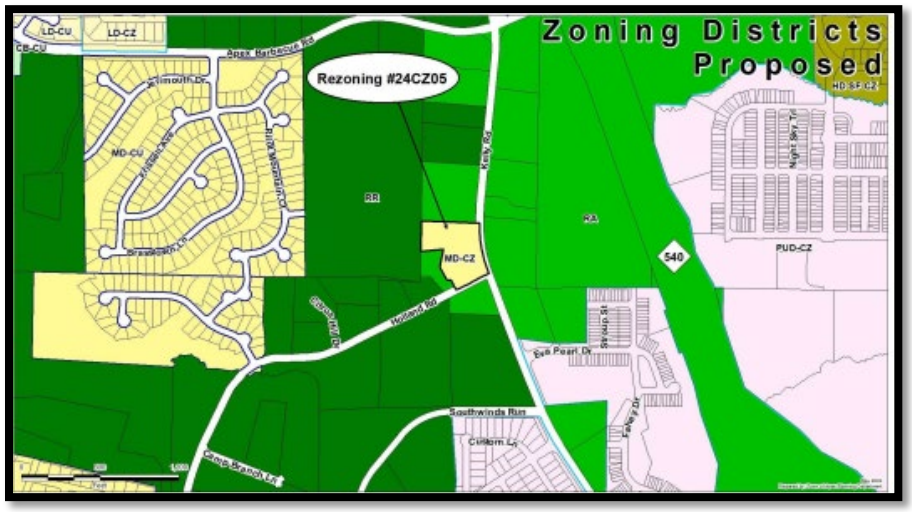
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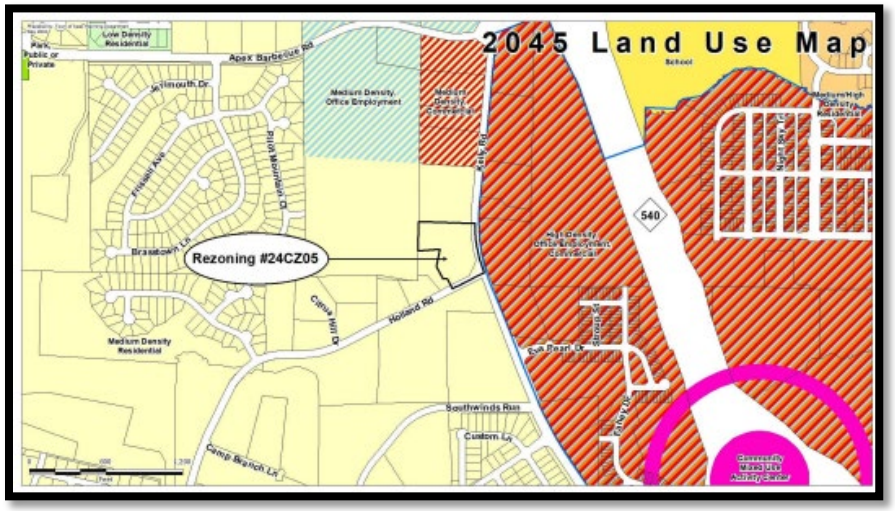
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[SLIDE 5]



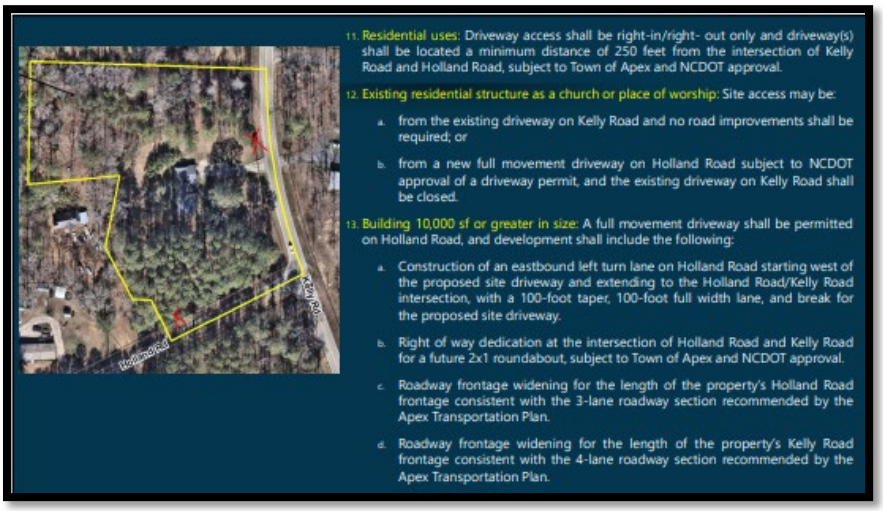
[SLIDE 6]



[SLIDE 7]



[SLIDE 8]



[SLIDE 9]



Mayor Gilbert thanked **Ms. Staudenmaier** and asked if there were any questions.

Councilmember Gantt asked how the 10,000 square foot number if there was an incentive based on the conditions to build just under this amount for the road frontage improvement requirements.

Ms. Staudenmaier asked Russell Dalton, Traffic Engineering Manager, if he would come up and address Councilmember Gantt's question.

Mr. Dalton said that 10,000 sq feet is the cut off in the UDO, so this is the number that is used. He said that they put that in because it was in line with the UDO.

Councilmember Gantt asked if there could be other requirements added for square footages under 10,000.

Mr. Dalton said that this is just a rezoning plan and not a PUD, so this is already complicated for what it is because of access concerns and the location of the property by a major intersection. He said that could be something they asked for, and that may be something Councilmember Gantt could discuss with the applicant if they wanted to move to a stepwise approach.

Matthew Carpenter with Parker Poe, gave a presentation on behalf of the applicant and the property owner, St. Paul American Coptic Orthodox Church. He said the Church was excited for this property and the purpose was to use the existing structure for prayer meetings and other Church offices.

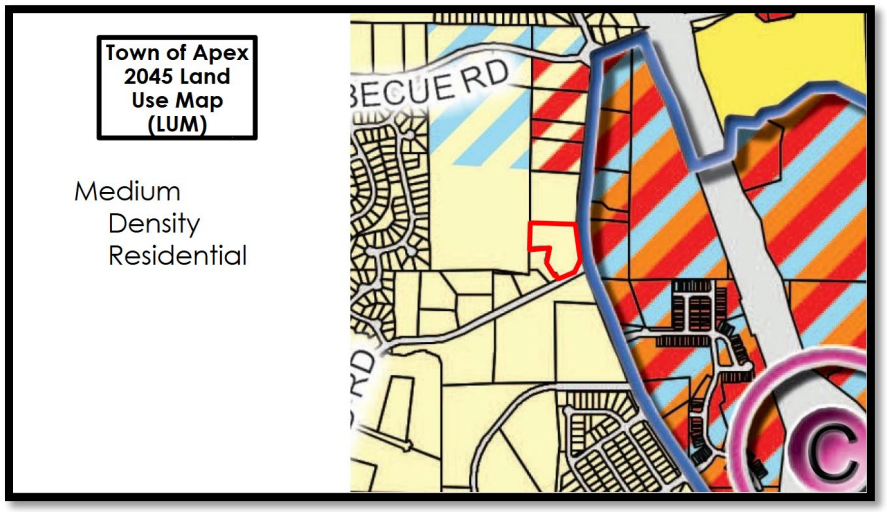
[PH8 APPLICANT PRESENTATION - SLIDE 1]



[PH8 APPLICANT PRESENTATION - SLIDE 2]



[PH8 APPLICANT PRESENTATION - SLIDE 3]



[PH8 APPLICANT PRESENTATION - SLIDE 4]



[PH8 APPLICANT PRESENTATION - SLIDE 5]

Proposed Rezoning Conditions

1. Only the following uses are permitted:
   1. Church or place of worship
   2. Accessory apartment
   3. Duplex
   4. Family care home
   5. Single-family
   6. Townhouse, detached
   7. Greenway
   8. Park, active
   9. Park, passive
   10. Recreation facility, private
2. Maximum of 19 residential units on the property
3. Non-residential architectural conditions
4. Residential architectural conditions
5. One sign per Stormwater Control Measure to prohibit fertilizer in a location that is publicly accessible
6. At least 75% of newly installed plants shall be native or nativar species of North Carolina
7. New landscaping shall include warm season grasses

[PH8 APPLICANT PRESENTATION - SLIDE 6]

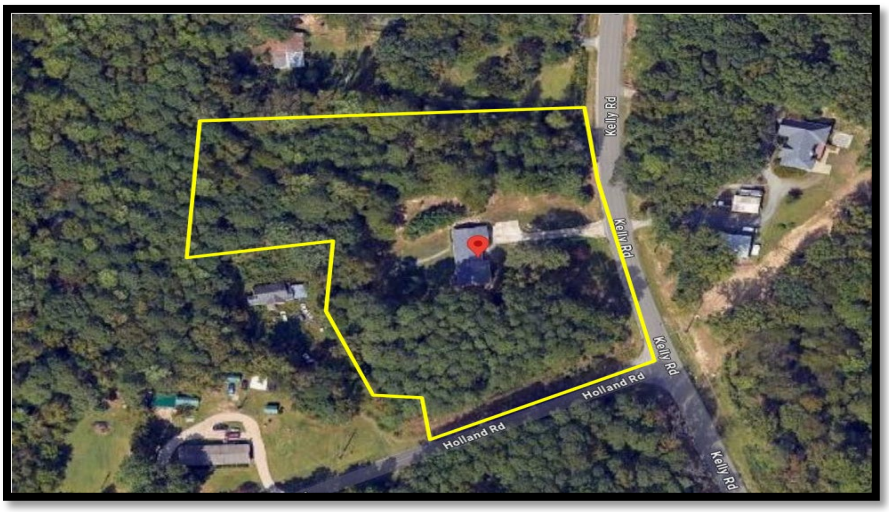


[PH8 APPLICANT PRESENTATION - SLIDE 7]

Proposed Rezoning Conditions (Cont.)

8. If residential uses developed on the property, project shall install at least one pet waste station
9. HOA covenants shall not restrict accessory dwelling units
10. If residential uses are developed, project shall include a stub street to PIN 0731260620
11. If residential development, driveway access shall be right-in/right-out
12. If existing structure used for a church, site access may be from the existing driveway on Kelly Road or from a new driveway on Holland Road
13. If Site Plans are filed for a building 10,000 sf or greater, a full movement driveway shall be permitted on Holland Road and development shall include:
    - Construction of eastbound left turn lane on Holland
    - Right of way dedication at intersection of Holland Road and Kelly Road for future traffic circle
    - Road widening on Holland Road frontage
    - Road widening on Kelly Road frontage

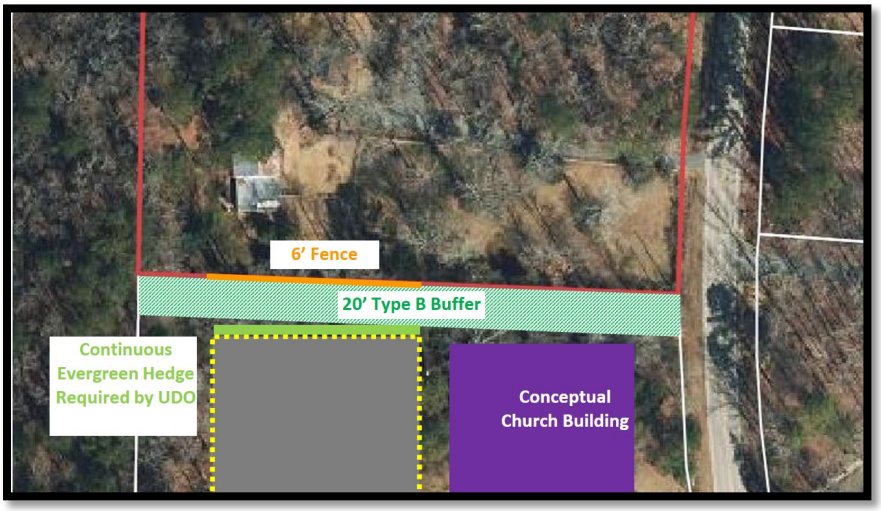
[PH8 APPLICANT PRESENTATION - SLIDE 8]



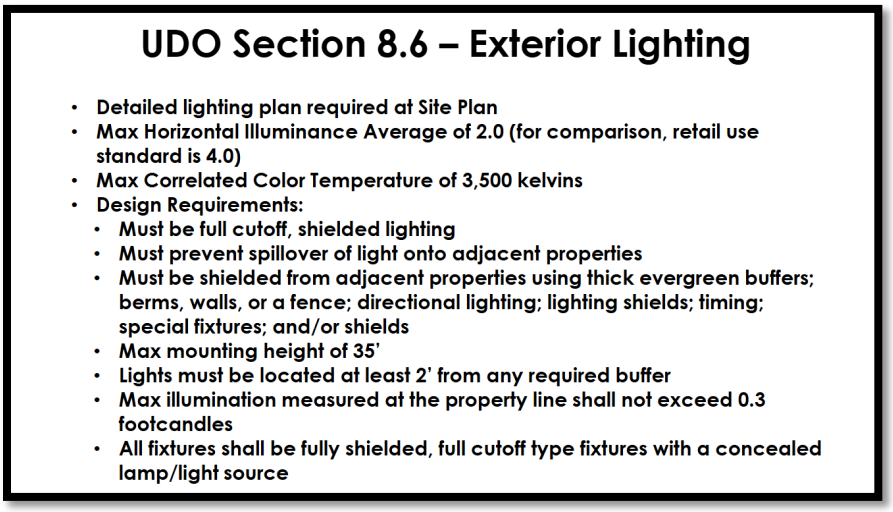
[PH8 APPLICANT PRESENTATION - SLIDE 9]



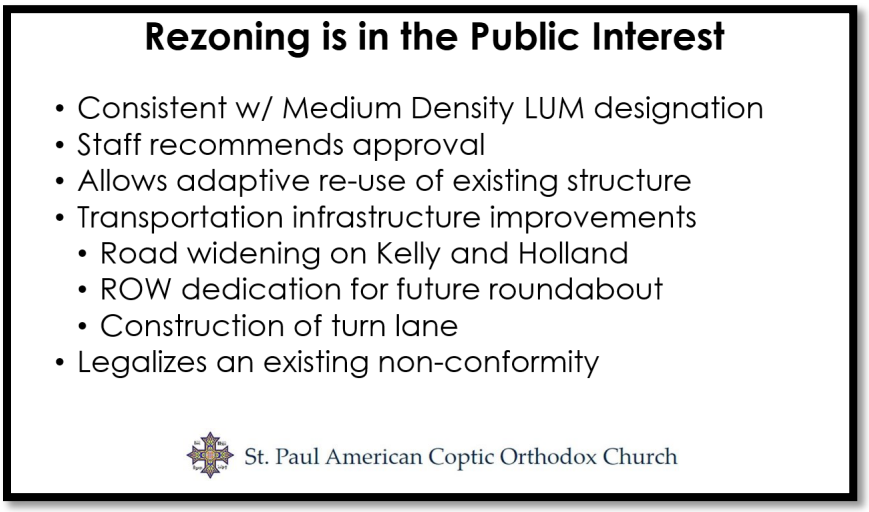
[PH8 APPLICANT PRESENTATION - SLIDE 10]



[PH8 APPLICANT PRESENTATION - SLIDE 11]



[PH8 APPLICAN PRESENTATION - SLIDE 12]



Mr. Carpenter said that they respectfully requested Council approval and asked if there were any questions.

Councilmember Zegerman arrived at **6:24 p.m.**

Councilmember Gantt asked if there could be a mix of housing and the Church.

Mr. Carpenter said that theoretically it could happen but it wouldn't be practical because of the size of the site and the access considerations.

Councilmember Zegerman asked if the stub street would be to the property to the north.

Mr. Carpenter said that it would be to the property to the west of the property.

Mayor Gilbert asked if there were any other questions. He then opened the Public Hearing on this item.

First speaker was **Robert Rose** of 2208 Kelly Road:

"My wife Debbie is here with me also, and we live next door. I sent you all a letter about our objections to the proposal, if y'all approve the fence frankly we got no objections anymore and if you don't approve the fence, then I guess I'm going to walk away and just be mad. Frankly, I've got an electric fence, I don't want people near it where they'll mostly be is the parking lot milling around and that's why I want the fence. I mean yeah it probably will help with like driving car lights but basically, I'm just worried about the electric fence. So, I really do have no objections, neither one of us have any objections, we've worked with the Church, they've removed the school use, they're going to keep the trees there, as long as they don't build a Church, so if we get a fence, seriously I'm okay with this."

Mayor Gilbert thanked Mr. Rose and closed Public Hearing for comments. He turned the discussion back to Council.

Councilmember Killingsworth asked for clarity of the fence, if it was along the entirety of the property line or was it the small piece.

Mr. Carpenter said yes it was the small piece. He said he had worked with staff on the language today and he had it to hand out to staff. He said it would be the length of the property line.

Councilmember Zegerman asked for clarification that the fence is part of the design in case of any development of that site, to address Mr. Rose's comment.

Mr. Carpenter said that is correct.

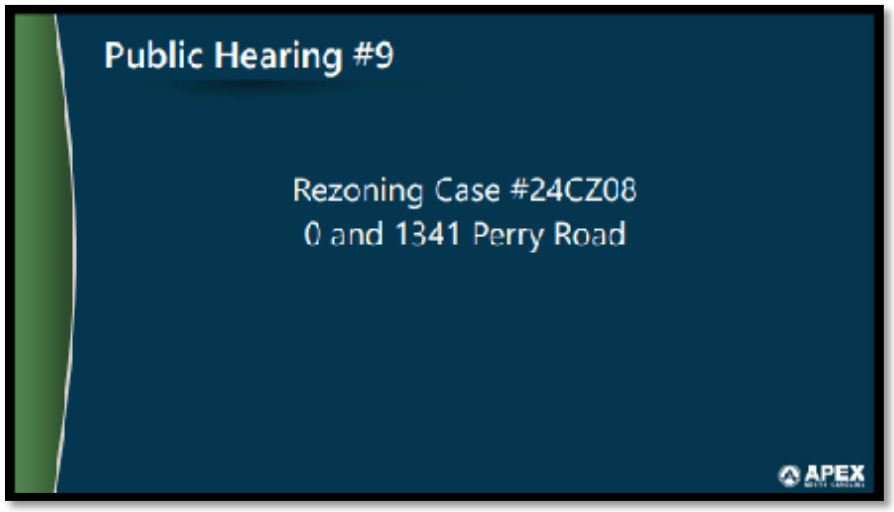
A **motion** was made by **Councilmember Killingsworth**, seconded by **Mayor Pro Tempore Ed Gray,** to approve Rezoning Case No. 24CZ05 – 228 Kelly Road.

VOTE: UNANIMOUS (4-0), with Councilmember Mahaffey absent.

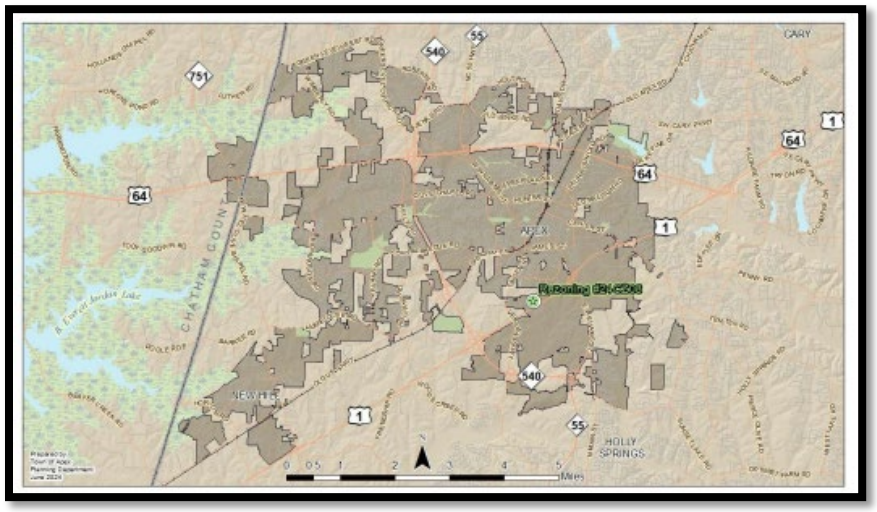
PH9 Rezoning Case No. 24CZ08 – 0 and 1341 Perry Road

Shelly Mayo, Planner II, gave the following presentation on Rezoning Case No. 24CZ08 – 0 and 1341 Perry Road.

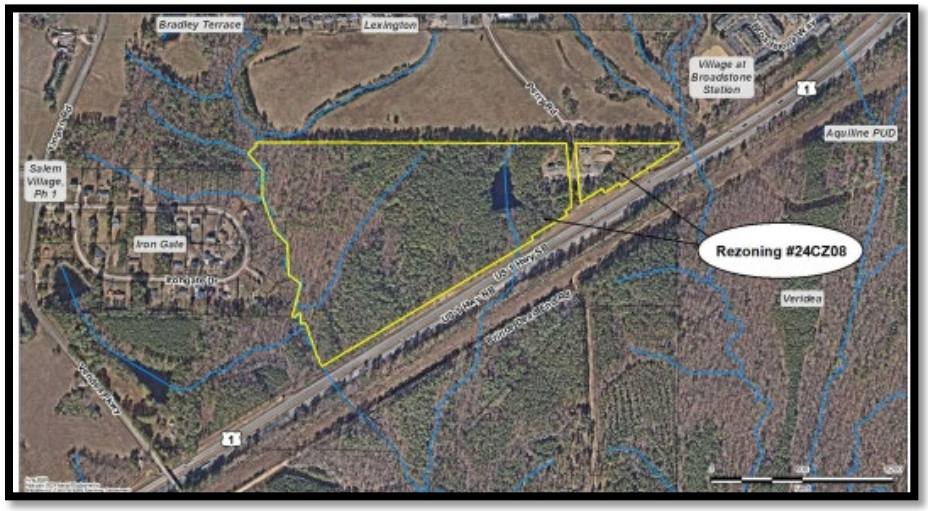
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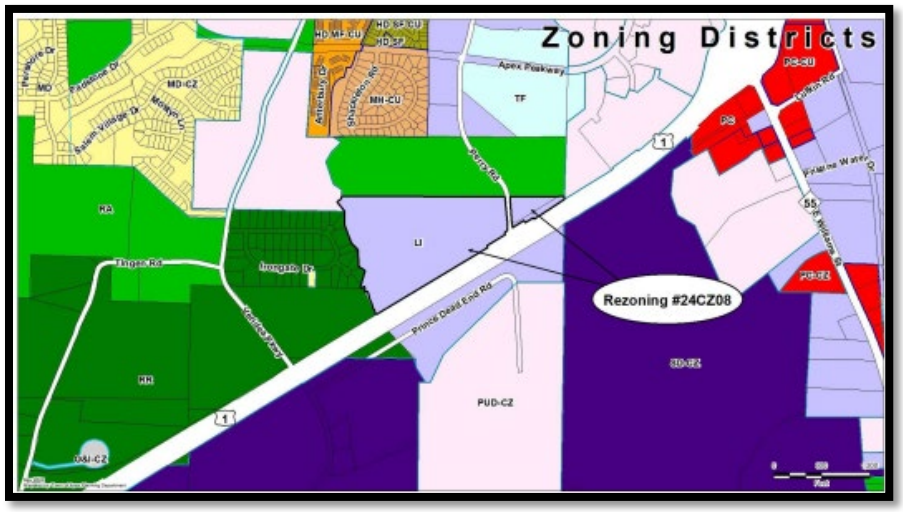
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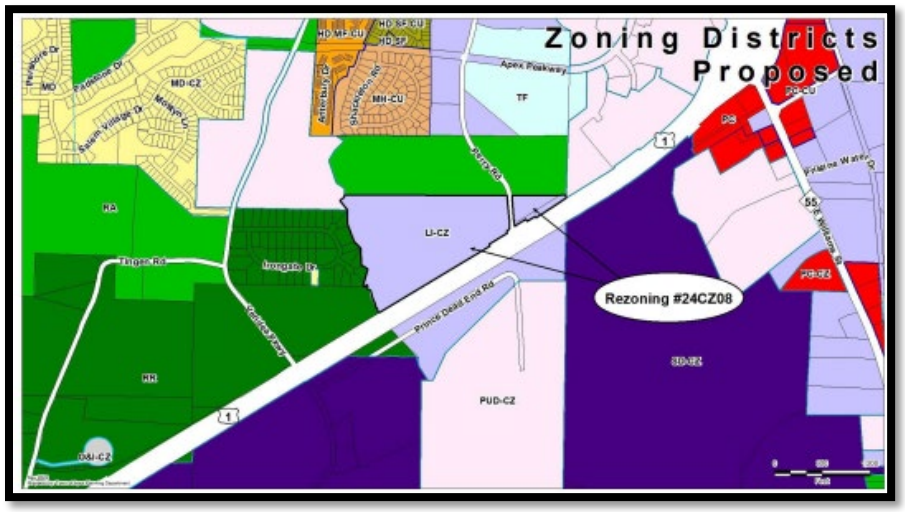
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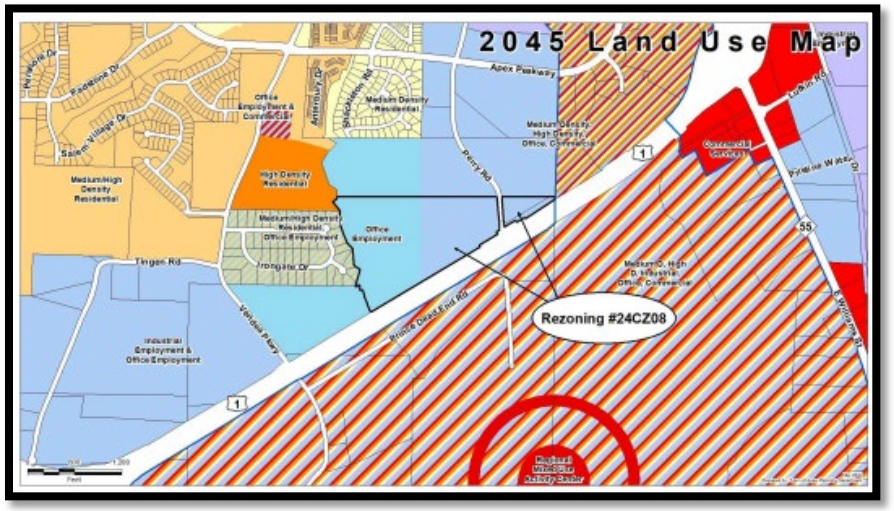
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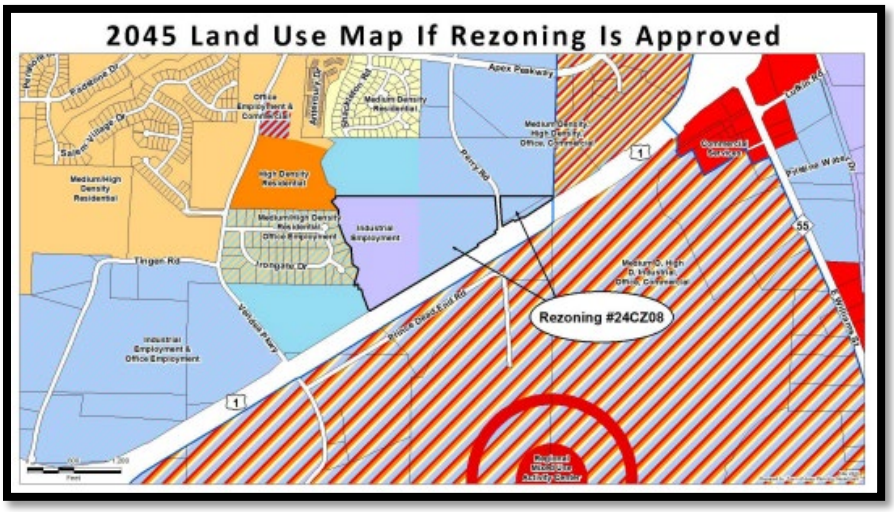
[SLIDE 14]



[SLIDE 15]



[SLIDE 16]



[SLIDE 17]



Ms. Mayo asked if there were any questions.

Councilmember Zegerman asked if there were conversations with the property owner to the north of the property for the potential land swap to make this property a little less pie shaped, and wondered if he was correct to assume that those conversations have stalled.

Ms. Mayo said that she was not aware of the status of those conversations. She said that it was her understanding that this facility was needed at this time and that even if there was a future land swap there would be another rezoning at that time.

Town Manager Vosburg said it was his understanding that those conversations were still ongoing.

Mayor Gilbert asked if there any other questions. He opened up for Public Hearing and with no one signed up to speak, he closed Public Hearing. He said it was back to Council for discussion and leading to a possible motion.

A **motion** was made by **Councilmember Killingsworth**, seconded by **Councilmember Gantt** to approve Rezoning Case No. 24CZ08 – 0 and 1341 Perry Road.

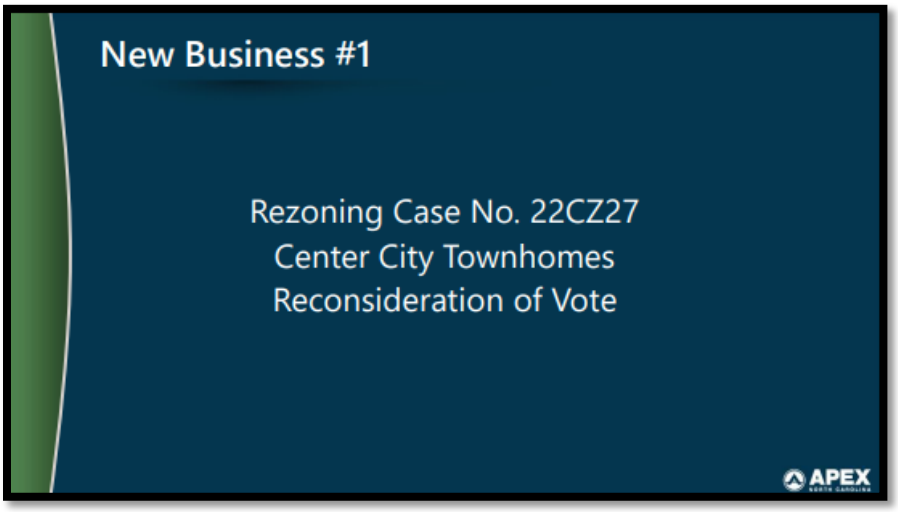
VOTE: UNANIMOUS (4-0), with Councilmember Mahaffey absent.

[NEW BUSINESS]

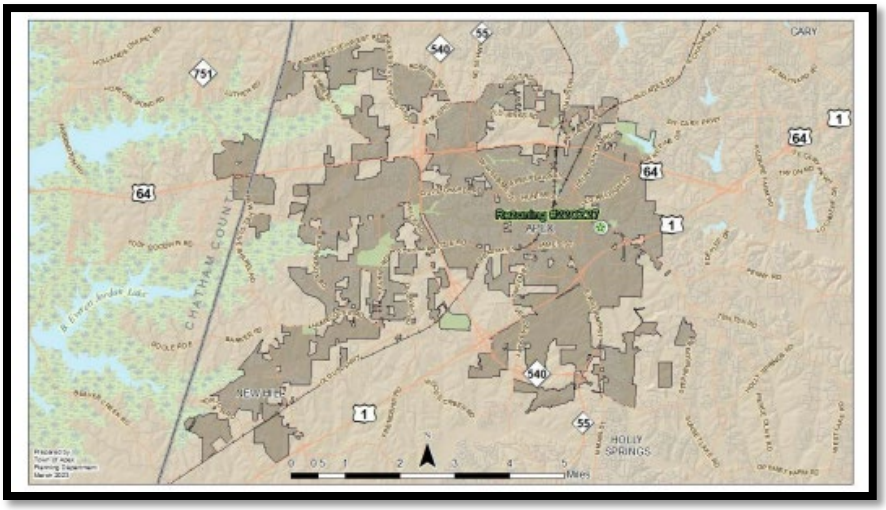
NB1 Rezoning Case No. 22CZ27 – Center City Townhomes - Reconsideration of Vote

Lauren Staudenmaier, Planner II, Planning Department gave the following on Rezoning Case No. 22CZ27 – Center City Townhomes - Reconsideration of Vote.

[SLIDE 18]



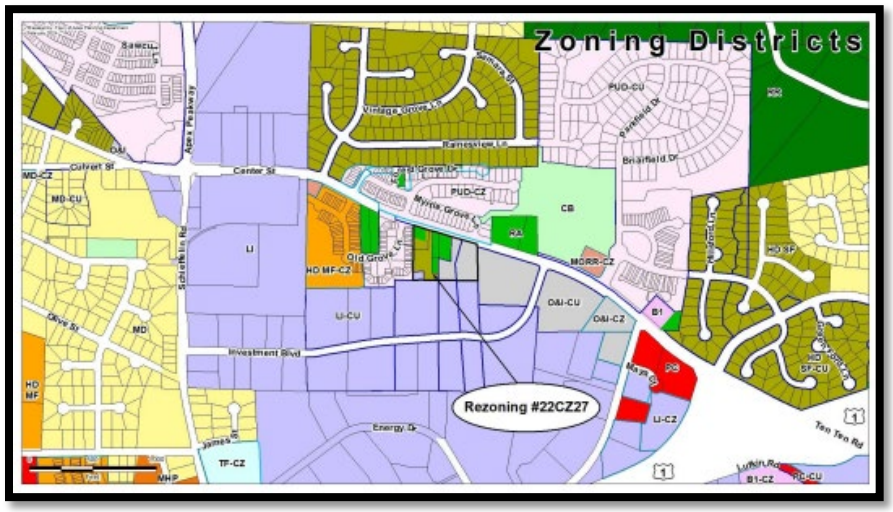
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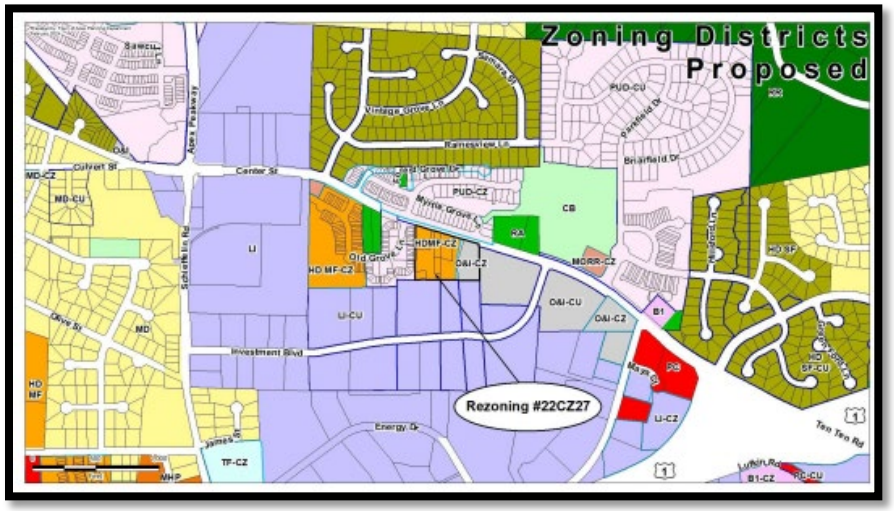
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[SLIDE 21]



[SLIDE 22]



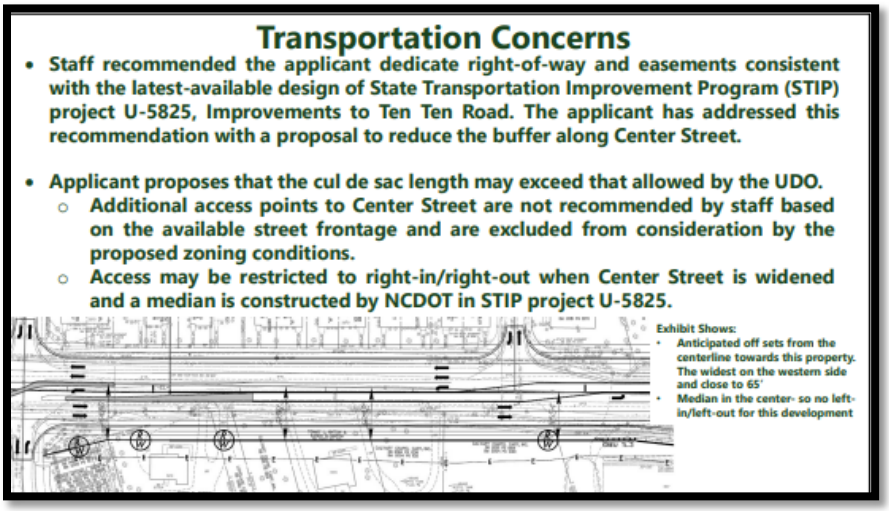
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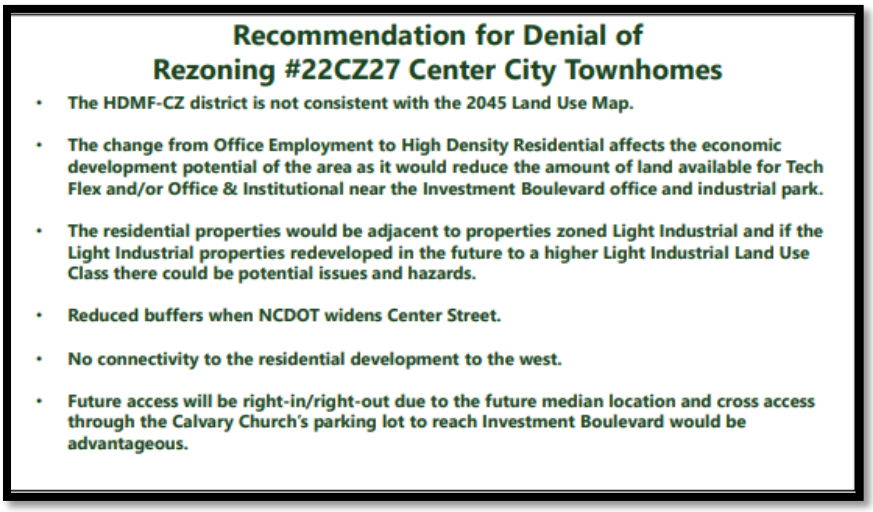
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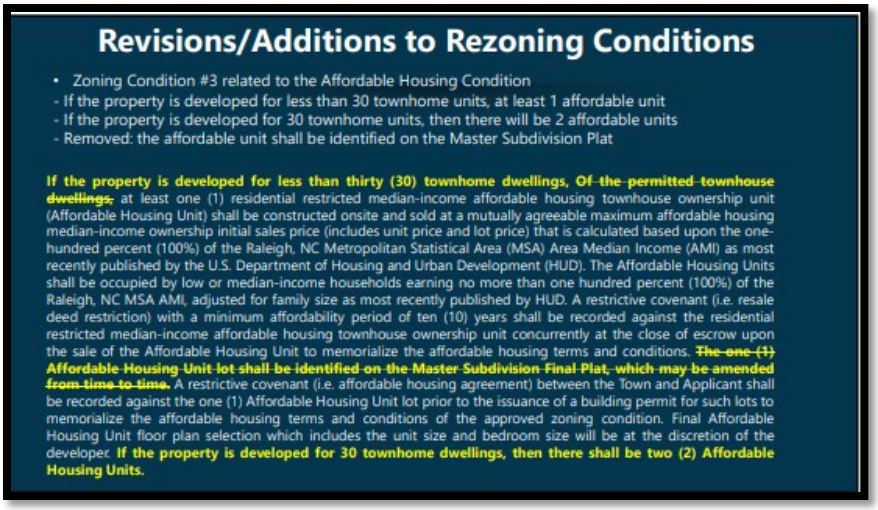


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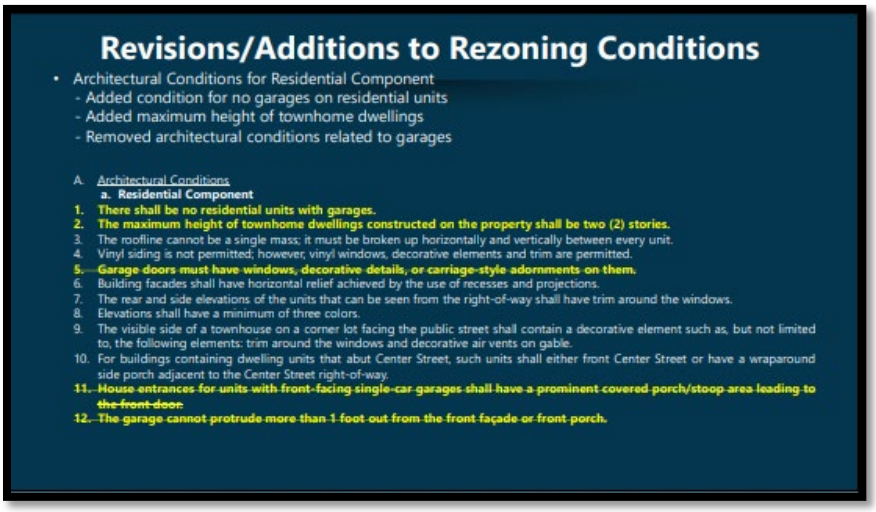


Jason Barron with Morning Star Law Group, on behalf of the applicant, gave the remainder of the presentation.

[SLIDE 27]



[SLIDE 28]



Mr. Barron asked if there were any questions and he respectfully asked Council for approval.

Mayor Gilbert thanked Mr. Barron and asked if there were any questions. He asked Mr. Dalton if he would come up and explain about the access over at Calvary Chapel.

Mr. Dalton explained the development of the future site would have cross access with commercial development that would provide the ability to get onto Investment Boulevard through the site if or when that is developed in the future.

Councilmember Zegerman asked Mr. Barron if there had been conversations with the seller about the accommodation of an easement in the future.

Mr. Barron said that the easement will exist because of the Town's ordinance. He said that he had shared the information with his client and that he believed that information had been communicated.

Mayor Gilbert said to keep in mind staff's recommendations of denial of the rezoning and brought the discussion back to Council.

Councilmember Zegerman said he appreciated the applicant bringing back this item. He said his concern was still ingress and egress of the traffic. He said he still wasn't in favor of this project at this time. He said he thinks there would still be traffic danger posed with this development. He said he liked the development proposal with smaller units and smaller price points, but he still couldn't support this specific project.

Councilmember Gantt said he agreed with Councilmember Zegerman and valued staff's input. He said there had not been changes to connectivity that he was concerned with. He said the lack of knowledge that he has with the connectivity, he is still opposed to this project.

Mayor Pro Tempore Gray said this is still the best mix that could possibly be. He said that it does increase the inventory for affordable housing. He said that with the UDO that there is access to the stub. He said it was not a perfect solution but does help with one of the concerns for the residents with affordable housing, and this does so by increasing inventory.

He said this inventory in this location provides a good solution at this time. He said that he was in support of this project.

Councilmember Killingsworth said that she would agree with Mayor Pro Tempore Gray. She said that having affordable housing is in the right place for this project and this this transition makes sense. She said that she would support this.

Mayor Gilbert said that in the past he had an issue with the access, which is why he was against it before, but with Mr. Dalton's information on the ordinance and considering the lack of inventory of affordable housing he will support this.

A **motion** was made by **Councilmember Killingsworth,** seconded by **Mayor Pro Tempore Ed Gray** to approve Rezoning Case No. 22CZ27 – Center City Townhomes.

VOTE: 2-2, with Councilmember Gantt and Councilmember Zegerman dissenting, and Councilmember Mahaffey absent.

Pursuant to the Town of Apex Town Charter, **Mayor Gilbert** voted in the affirmative in order to break the tie. Motion passed.

[UPDATES BY TOWN MANAGER]

Town Manager Vosburg said the Fireworks Frenzy will be on July 3rd, 5 p.m. – 10 p.m. around Hunter Street Park with activities and food vendors. He said that the Old Fashioned Fourth in Downtown on July 4th. He read an email from a resident applauding the work of the Apex Electric Utilities Department in restoring a recent power outage.

Mayor Gilbert thanked Town Manager Vosburg for the updates.

[CLOSED SESSION]

A **motion** was made was made by **Councilmember Zegerman**, seconded by **Councilmember Gantt** to move into closed session pursuant to NCGS §143-318.11(a)(1), NCGS §143-318.11(a)(3), and NCGS §143-318.11(a)(6).

VOTE: UNANIMOUS (4-0), with Councilmember Mahaffey absent

Council entered into Closed Session at **7:03 PM.**

CS1 ADDED: Laurie Hohe, Town Attorney

NCGS § 143-318.11(a)(3)

"To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body."

CS2 Allen Coleman, Town Clerk

NCGS §143-318.11(a)(1):

"To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes."

CS3 Randy Vosburg, Town Manager

NCGS § 143-318.11(a)(6):

"To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee."

Council returned to open session at **7:50 PM.**

[ADJOURNMENT]

Mayor Gilbert adjourned the meeting at **7:51 p.m**.

Jacques K. Gilbert
Mayor

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

Submitted for approval by Town Clerk Allen Coleman.

Minutes approved on 13th day of August, 2024 (CN11).

APPROVED

TOWN OF APEX
SPECIAL TOWN COUNCIL MEETING
THURSDAY, JUNE 27, 2024
4:30 PM

The Apex Town Council met for a Special Town Council Meeting on Tuesday, June 27th, 2024 at 4:30 PM in the Council Chambers at Apex Town Hall, located at 73 Hunter Street in Apex, North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel. The recording of this meeting can be viewed here: https://www.youtube.com/watch?v=IxUDaSwsE9w

[ATTENDANCE]

Elected Body
Mayor Jacques K. Gilbert (presiding)
Mayor Pro Tempore Ed Gray
Councilmember Audra Killingsworth *(arrived late; see note below)*
Councilmember Arno Zegerman
Councilmember Brett Gantt
Absent: Councilmember Terry Mahaffey

Town Staff
Town Manager Randy Vosburg
Deputy Town Manager Shawn Purvis
Assistant Town Manager Marty Stone
Town Attorney Laurie Hohe
Town Clerk Allen Coleman
Deputy Town Clerk Ashley Gentry
All other staff members will be identified appropriately below

[COMMENCEMENT]

Mayor Gilbert called the meeting to order and led those in attendance in a recitation of the Pledge of Allegiance.

[REGULAR MEETING AGENDA]

A **motion** was made by **Mayor Pro Tempore Gray,** seconded by **Councilmember Zegerman,** to approve the Regular Meeting Agenda as presented.

VOTE: UNANIMOUS (3-0), with Councilmember Killingsworth and Councilmember Mahaffey absent

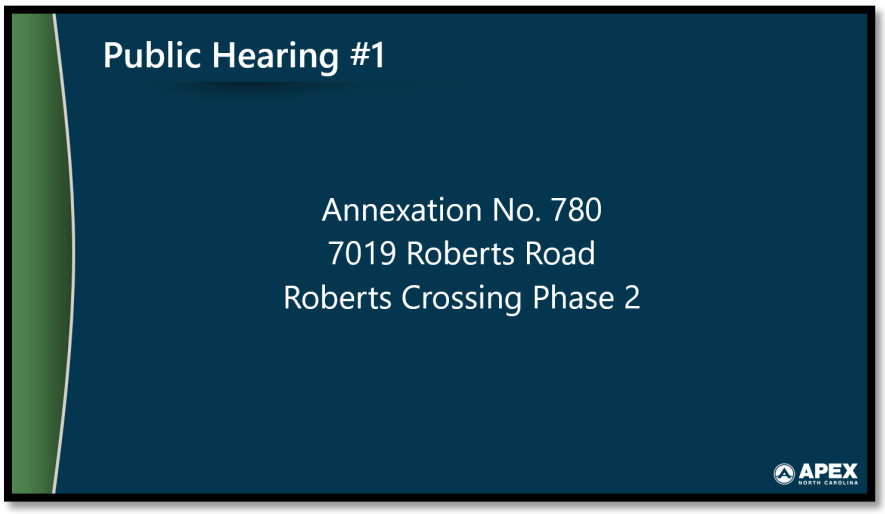
[PUBLIC HEARINGS]

***CLERK'S NOTE*: The public hearing resolutions associated with each of the below items were approved on June 11 and scheduled for June 25, 2024. Proper public notice was not provided in sufficient time in accordance with North Carolina General Statutes § 160A-58.2, therefore, these items are scheduled for consideration at special meeting scheduled for June 27, 2024 at 4:30 PM.**

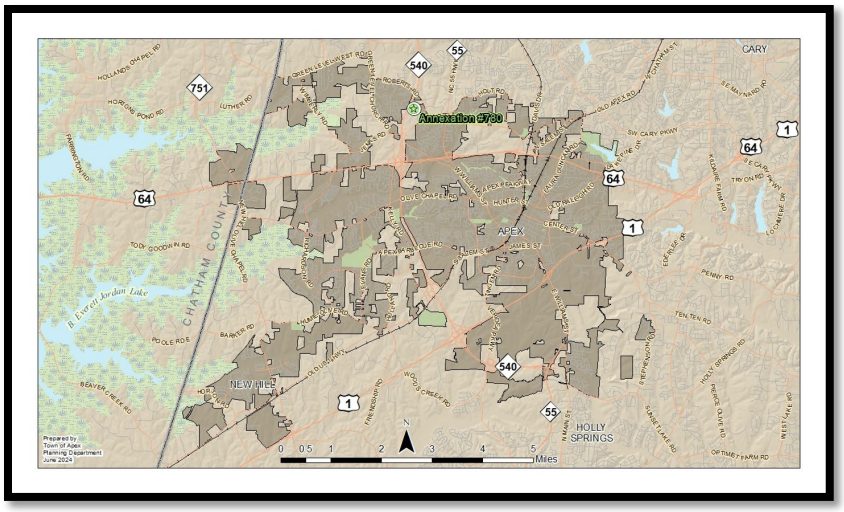
PH1* Annexation No. 780 – 7019 Roberts Road (Roberts Crossing Phase 2) – 11.42 acres (REF: ORD-2024-054)

Director Khin gave the following presentation regarding Annexation No. 780 – 7019 Roberts Road (Roberts Crossing Phase 2).

[SLIDE 1]



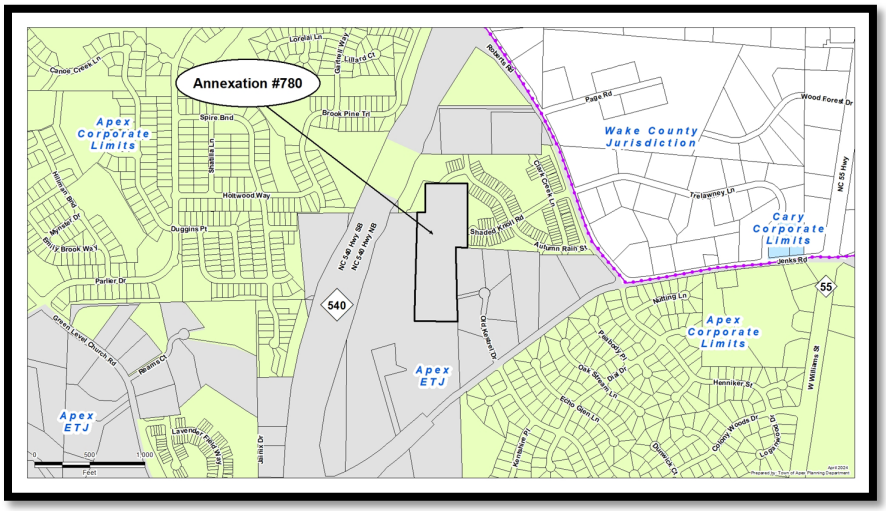
[SLIDE 2]



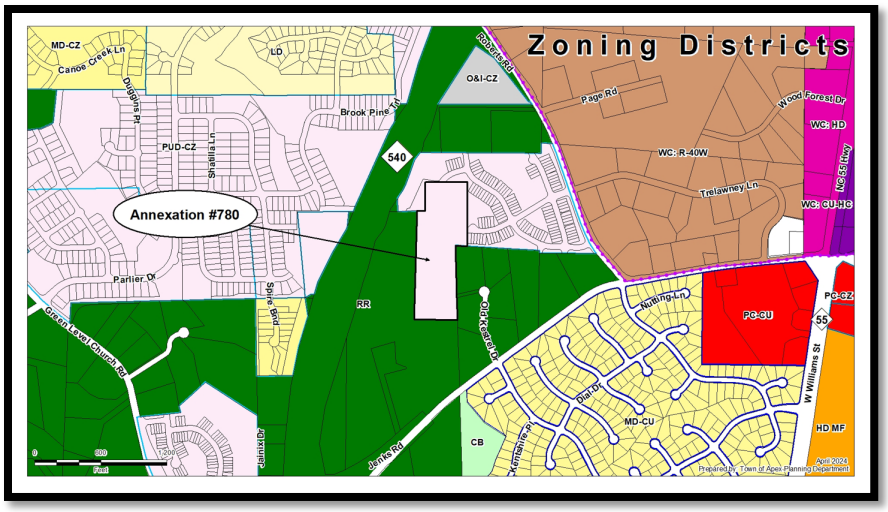
[SLIDE 3]



[SLIDE 4]



[SLIDE 5]



Mayor Gilbert opened public hearing for comment. With no one signed up to speak, he closed public hearing and moved discussion back to Council.

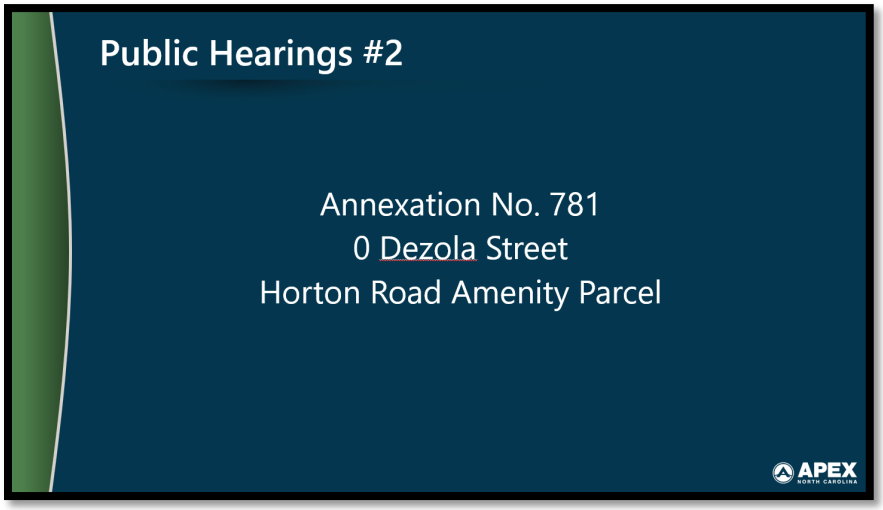
A **motion** was made by **Councilmember Zegerman,** seconded by **Councilmember Gantt,** to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex 11.42 acres, located at 7019 Roberts Road, also known as Roberts Crossing Phase 2, Satellite Annexation No. 780 into the Town Corporate Limits.

VOTE: UNANIMOUS (3-0), with Councilmember Killingsworth and Councilmember Mahaffey absent

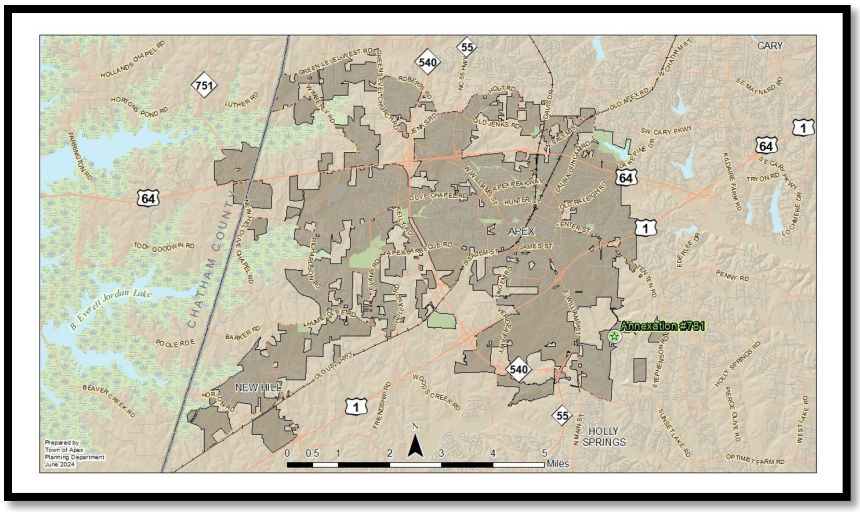
PH2* Annexation No. 781 – 0 Dezola Street (Horton Road Amenity Parcel) – 3.95 acres (REF: ORD-2024-055)

Director Khin gave the following presentation regarding Annexation No. 781 – 0 Dezola Street (Horton Road Amenity Parcel).

[SLIDE 6]



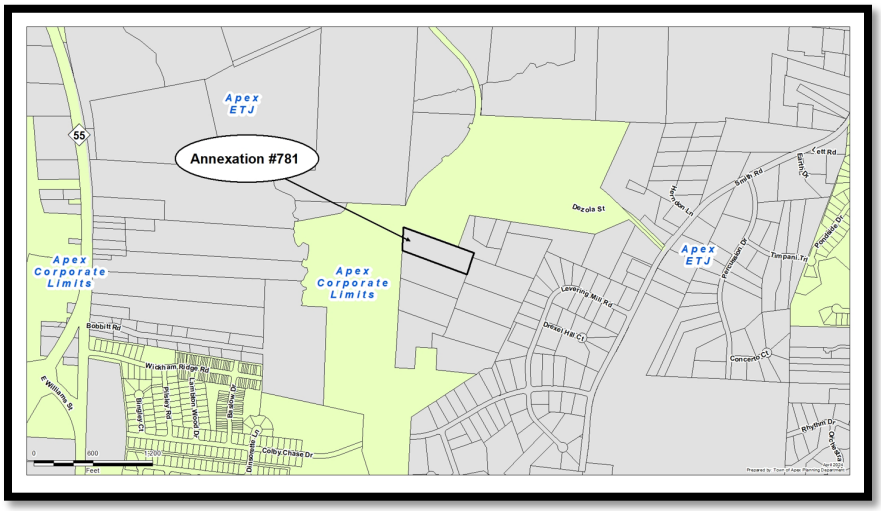
[SLIDE 7]



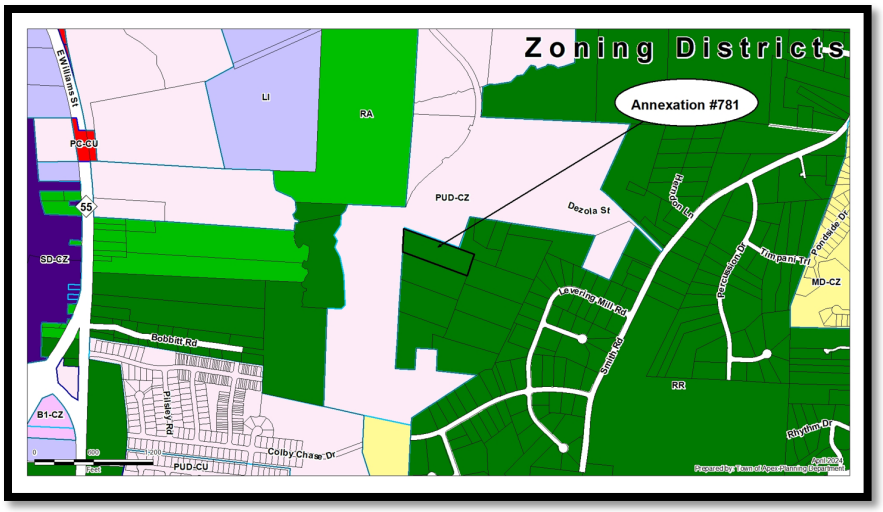
[SLIDE 8]



[SLIDE 9]



[SLIDE 10]



Mayor Gilbert opened public hearing for comment.

Chris Myers of 2524 Reliance Avenue signed up for Public Hearing and said he was representing the applicant, and asked if Council had any questions.

With no questions from Council and no further sign ups, **Mayor Gilbert** closed public hearing and moved discussion back to Council.

A **motion** was made by **Councilmember Gantt,** seconded by **Mayor Pro Tempore Gray,** to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex 3.95 acres, located at 0 Dezola Street, also known as Horton Road Amenity Parcel, Annexation No. 781 into the Town Corporate Limits.

VOTE: UNANIMOUS (3-0), with Councilmember Killingsworth and Councilmember Mahaffey absent.

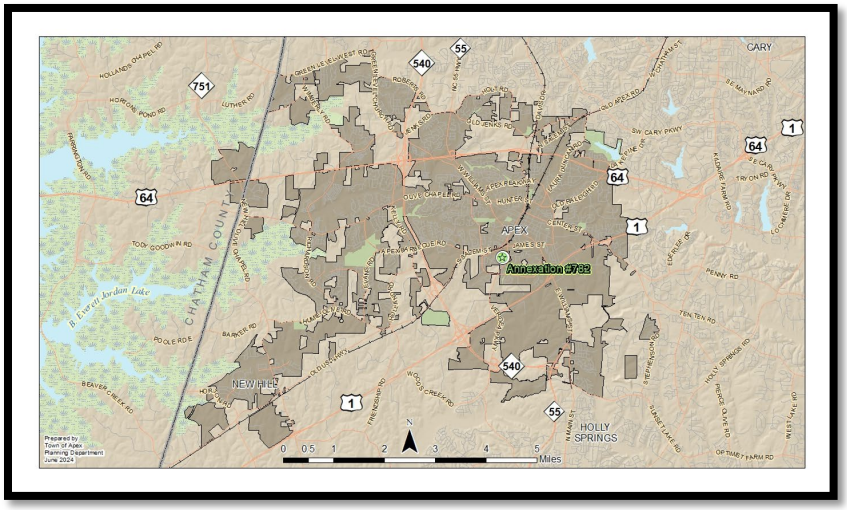
PH3* Annexation No. 782 – Townes on Tingen – 2.4938 acres (REF: ORD-2024-056)

Director Khin gave the following presentation regarding Annexation No. 782 – Townes on Tingen.

[SLIDE 11]



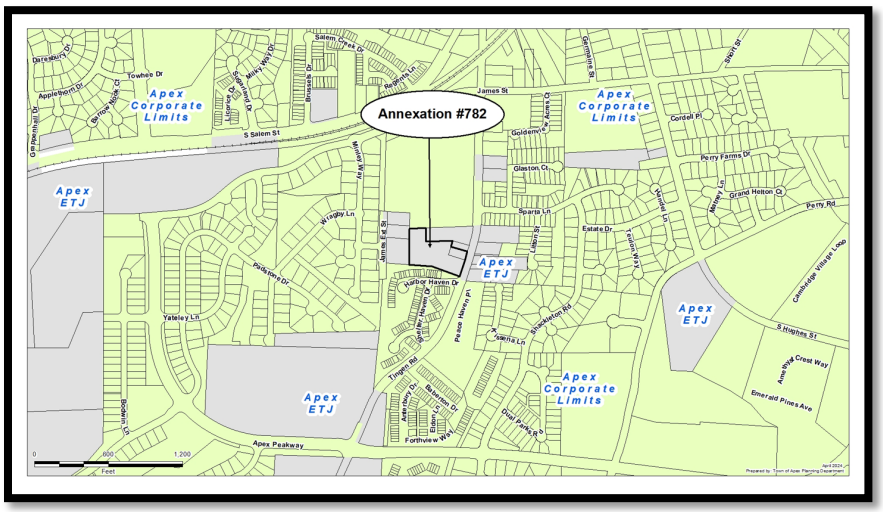
[SLIDE 12]



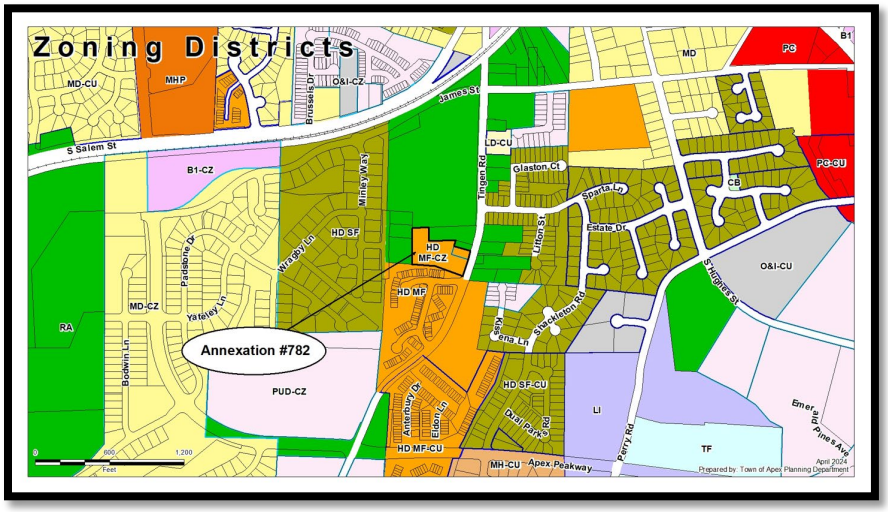
[SLIDE 13]



[SLIDE 14]



[SLIDE 15]



Councilmember Zegerman asked why the small parcel that was rezoned to the northeast of the property was not part of the Annexation.

Director Khin said that parcel he was referring to was included, and she showed it on the map.

Mayor Gilbert opened public hearing for comment. With no one signed up to speak, he closed public hearing and moved discussion back to Council.

A **motion** was made by **Councilmember Zegerman,** seconded by **Mayor Pro Tempore Gray,** to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex 2.4938 acres, Townes on Tingen, Annexation No. 782 into the Town Corporate Limits.

VOTE: UNANIMOUS (3-0), with Councilmember Killingsworth and Councilmember Mahaffey absent.

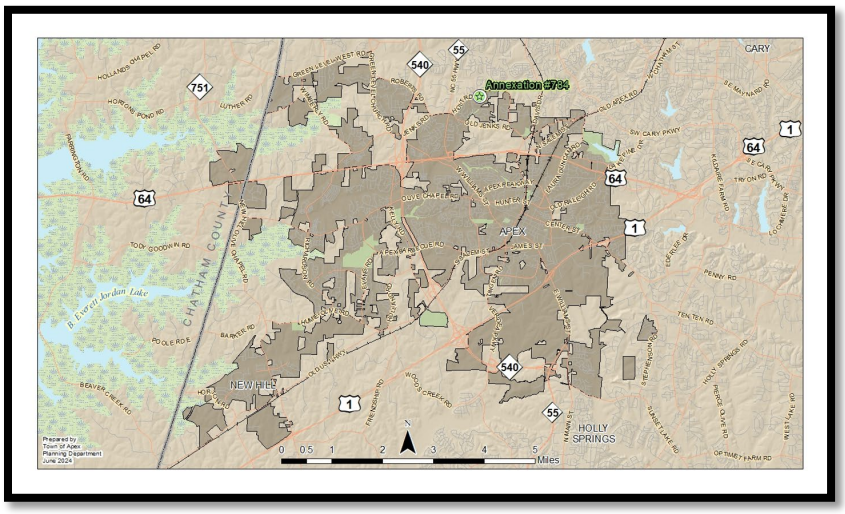
PH4* Annexation No. 784 – 1717 and 1713 Holt Road – 1.882 acres (REF: ORD-2024-057)

Director Khin gave the following presentation regarding Annexation No. 784 – 1717 and 1713 Holt Road.

[SLIDE 16]



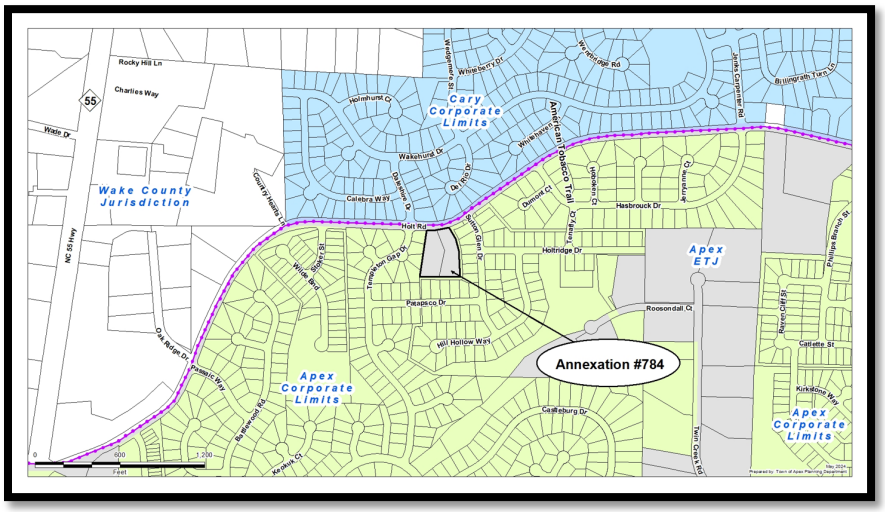
[SLIDE 17]



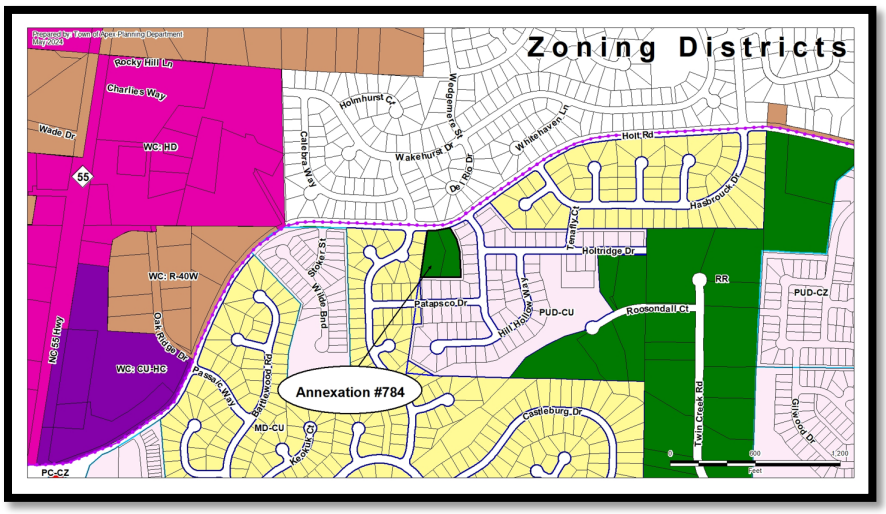
[SLIDE 18]



[SLIDE 19]



[SLIDE 20]



Mayor Gilbert opened public hearing for comment. With no one signed up to speak, he closed public hearing and moved discussion back to Council.

A **motion** was made by **Councilmember Gantt,** seconded by **Councilmember Zegerman,** to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex 1.882 acres, located at 1717 and 1713 Holt Road, Annexation No. 784 into the Town Corporate Limits.

VOTE: UNANIMOUS (3-0), with Councilmember Killingsworth and Councilmember Mahaffey absent.

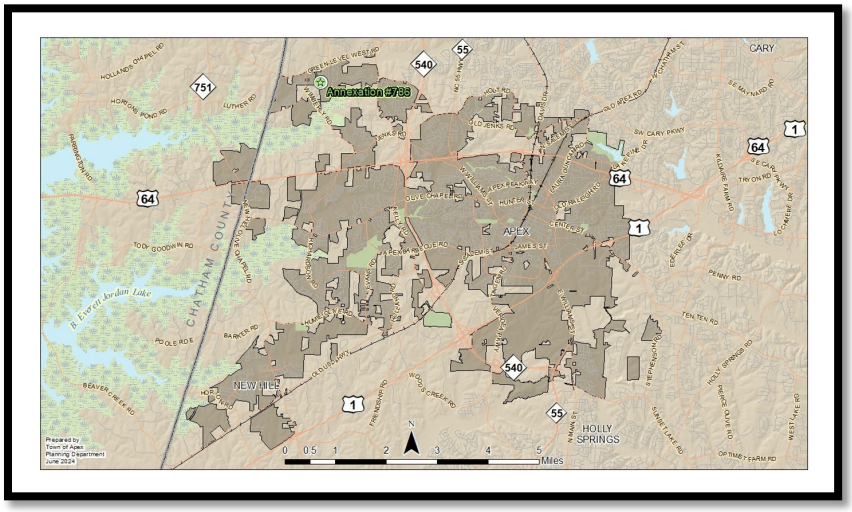
PH5* Annexation No. 786 – Tobacco Road Place (FKA: Beauregard Place) – 3.34 acres (REF: ORD-2024-058)

Director Khin gave the following presentation regarding Annexation No. 786 – Tobacco Road Place (FKA: Beauregard Place).

[SLIDE 21]



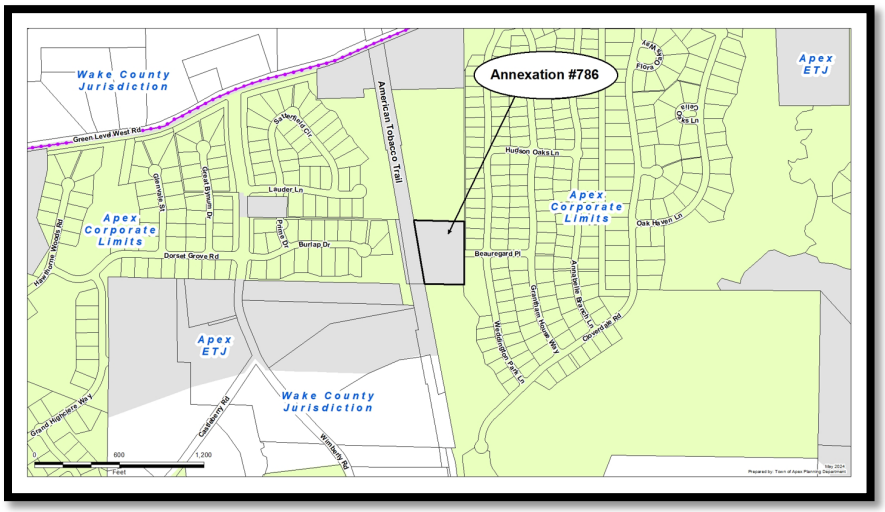
[SLIDE 22]



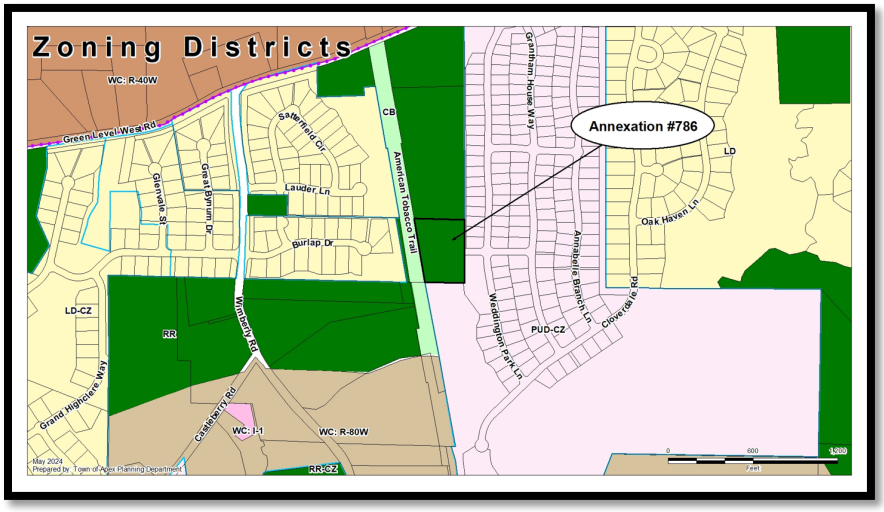
[SLIDE 23]



[SLIDE 24]



[SLIDE 25]



Councilmember Gantt said he recalled a failed rezoning for this parcel, and asked if there were entitlements that allowed them to build something on the parcel anyway to need annexation now.

Director Khin said they are still zoned Rural Residential, and they are building 2 lots on the parcel.

Mayor Gilbert opened public hearing for comment. With no one signed up to speak, he closed public hearing and moved discussion back to Council.

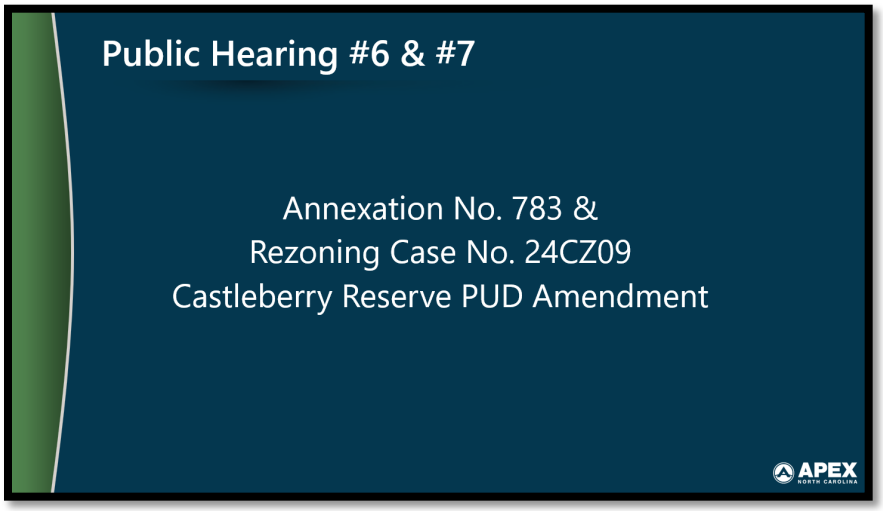
A **motion** was made by **Mayor Pro Tempore Gray,** seconded by **Councilmember Gantt,** to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex 3.363 acres, Tobacco Road Place (Formerly Known As: Beauregard Place), Satellite Annexation No. 786 into the Town Corporate Limits.

VOTE: UNANIMOUS (3-0), with Councilmember Killingsworth and Councilmember Mahaffey absent.

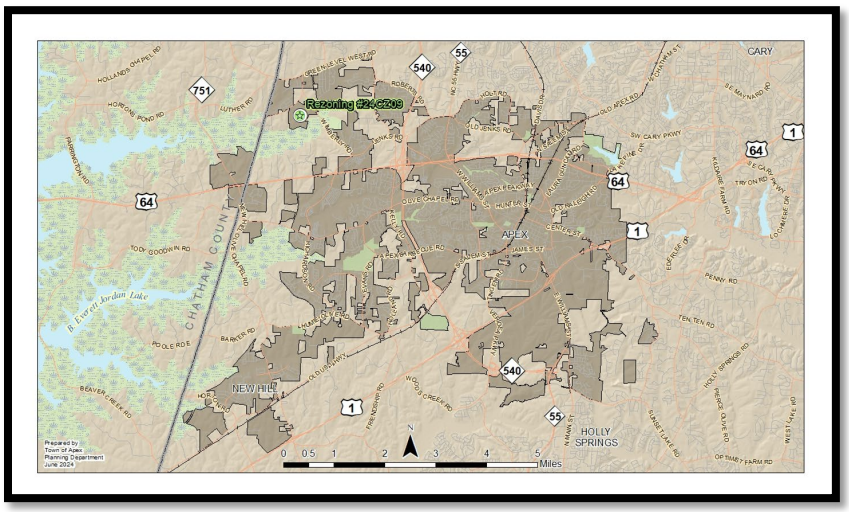
PH6* Annexation No. 783 – Castleberry Reserve – 0.672 acres (REF: ORD-2024-059)
AND
PH7* Rezoning Case No. 24CZ09 – Castleberry Reserve PUD Amendment (REF: ORD-2024-060)

June Cowles, Senior Planner, gave the following presentation regarding Annexation No. 783 – Castleberry Reserve, and Rezoning No. 24CZ09 – Castleberry Reserve PUD Amendment.

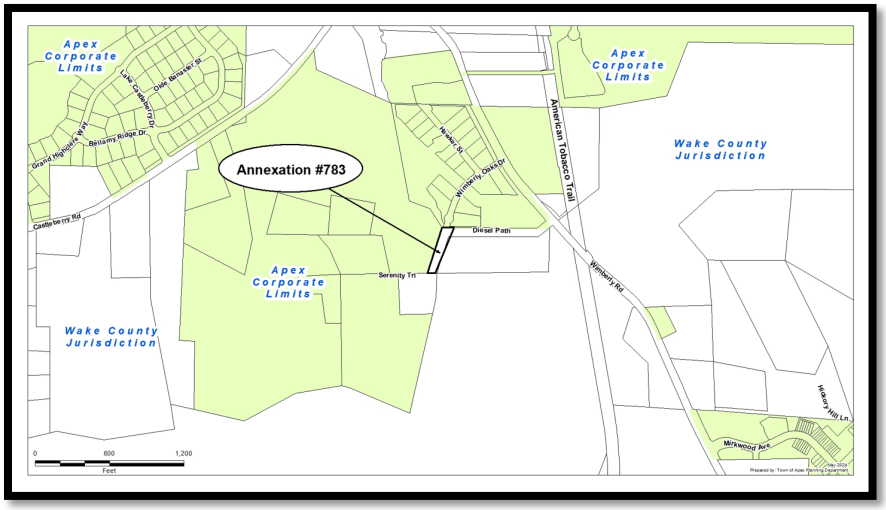
[SLIDE 26]



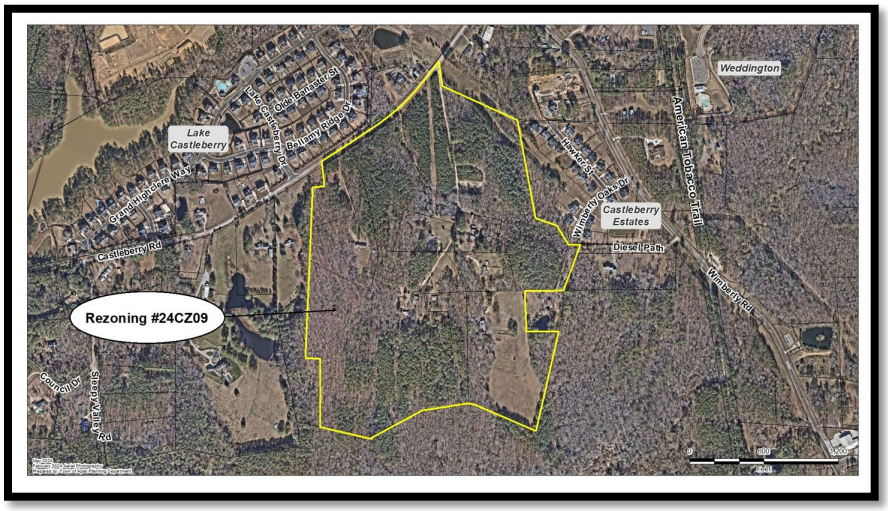
[SLIDE 27]



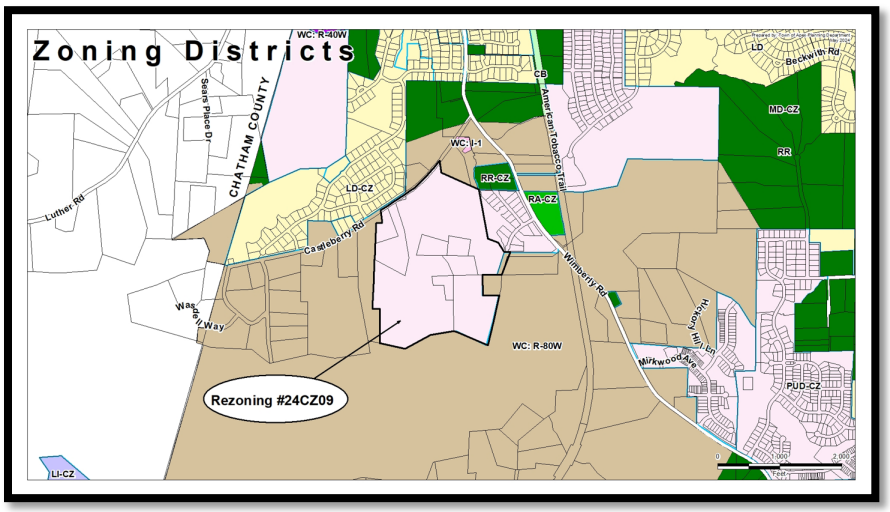
[SLIDE 28]



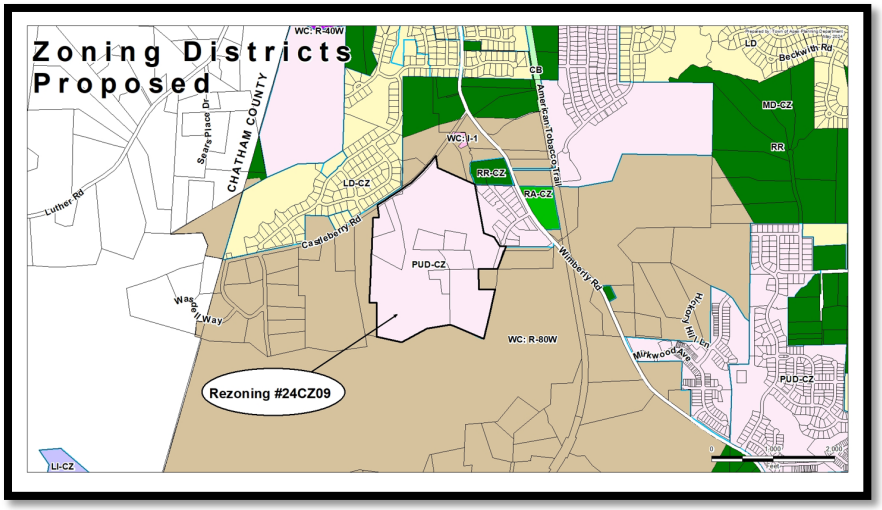
[SLIDE 29]



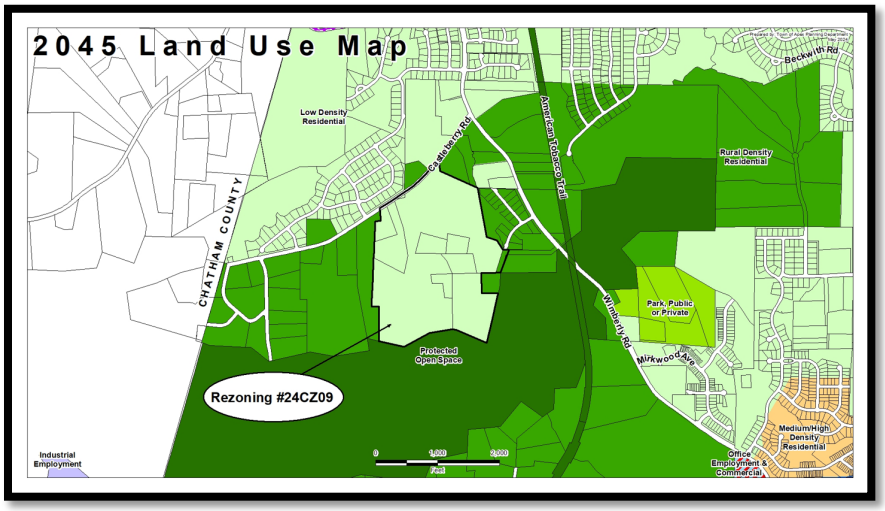
[SLIDE 30]



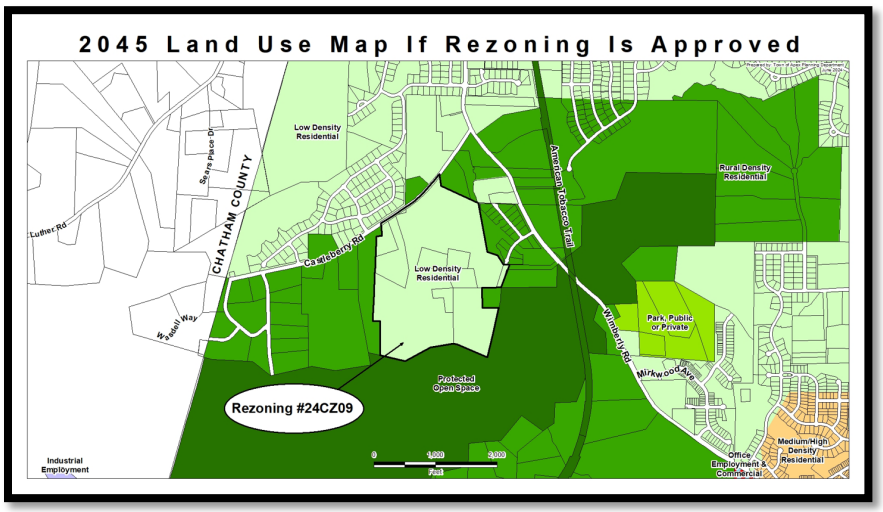
[SLIDE 31]



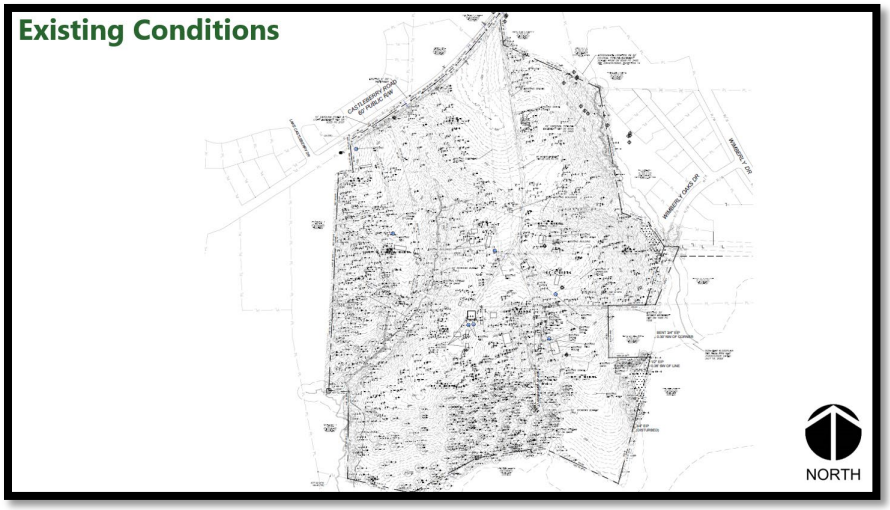
[SLIDE 32]



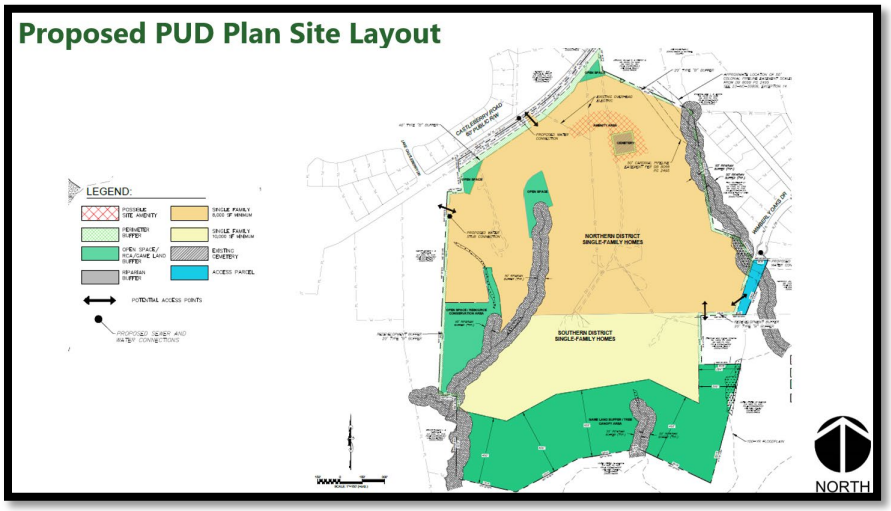
[SLIDE 33]



[SLIDE 34]



[SLIDE 35]



Matthew Carpenter, of Parker Poe on behalf of the applicant, said there were minor changes made to the roadway on the property, and asked for approval.

Councilmember Killingsworth arrived at **4:42 PM.**

Mayor Gilbert opened public hearing for comment. With no one signed up to speak, he closed public hearing and moved discussion back to Council.

A **motion** was made by **Councilmember Gantt,** seconded by **Mayor Pro Tempore Gray,** to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex 0.672 acres, Castleberry Reserve, Satellite Annexation No. 783 into the Town Corporate Limits **AND** approve Rezoning No. 24CZ09 – Castleberry Reserve PUD Amendment.

VOTE: 3-1, with Councilmember Zegerman dissenting and Councilmember Mahaffey absent.

[ADJOURNMENT]

Mayor Gilbert adjourned the meeting at **4:43 PM.**

Jacques K. Gilbert
Mayor

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

Submitted for approval by Town Clerk Allen Coleman.

Minutes approved on 13th day of August, 2024 (CN11).

APPROVED

TOWN OF APEX
SPECIAL TOWN COUNCIL MEETING
TUESDAY, JULY 09, 2024
5:00 PM

The Apex Town Council met for a Special Town Council Meeting on Tuesday, July 09, 2024 at 5:00 PM in the Council Chambers at Apex Town Hall, located at 73 Hunter Street in Apex, North Carolina.

This meeting was open to the public.

[ATTENDANCE]

Elected Body
Mayor Jacques K. Gilbert (presiding)
Mayor Pro Tempore Ed Gray
Councilmember Audra Killingsworth
Councilmember Arno Zegerman
Councilmember Brett Gantt
Absent: Councilmember Terry Mahaffey

Town Staff
Town Manager Randy Vosburg
Assistant Town Manager Marty Stone
Town Attorney Laurie Hohe
Town Clerk Allen Coleman
All other staff members will be identified appropriately below

[COMMENCEMENT]

Mayor Gilbert called the meeting to order and led those in attendance in a recitation of the Pledge of Allegiance.

[NEW BUSINESS]

Assistant Town Manager, Marty Stone, said the Town received nine bids for the Town Hall Finance Renovation Project June 20, 2024. He said Lomax Construction, Inc. of Colfax, North Carolina, was the lowest responsive, responsible bidder with a total bid price of $554,900.00.

A **motion** was made by **Mayor Pro Tempore Gray,** seconded by **Councilmember Zegerman,** to award a building construction contract to Lomax Construction, Incorporated, for the Town Hall Finance Renovation Project, and authorize the Town Manager, or their designee, to execute the contract on behalf of the Town.

VOTE: UNANIMOUS (4-0), with Councilmember Mahaffey absent.

[CLOSED SESSION]

A **motion** was made was made by **Councilmember Zegerman**, seconded by **Councilmember Gantt** to move into closed session pursuant to NCGS §143-318.11(a)(3).

VOTE: UNANIMOUS (4-0), with Councilmember Mahaffey absent

Council entered into Closed Session at **5:06 p.m.**

CS1 Laurie Hohe, Town Attorney

NCGS § 143-318.11(a)(3)

"To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body."

Council returned to open session at **7:07 p.m.**

[ADJOURNMENT]

Mayor Gilbert adjourned the meeting at **7:08 p.m**.

Jacques K. Gilbert
Mayor

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

Submitted for approval by Town Clerk Allen Coleman.

Minutes approved on 27th day of August, 2024.

APPROVED

TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, AUGUST 13, 2024
6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, August 13th, 2024 at 6:00 PM in the Council Chambers at Apex Town Hall, located at 73 Hunter Street in Apex, North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel. The recording of this meeting can be viewed here: https://www.youtube.com/watch?v=WW6HWjR-FwM

[ATTENDANCE]

Elected Body
Mayor Jacques K. Gilbert (presiding)
Mayor Pro Tempore Ed Gray
Councilmember Audra Killingsworth
Councilmember Arno Zegerman
Councilmember Terry Mahaffey
Absent: Councilmember Brett Gantt

Town Staff
Town Manager Randy Vosburg
Deputy Town Manager Shawn Purvis
Assistant Town Manager Marty Stone
Town Attorney Laurie Hohe
Town Clerk Allen Coleman
All other staff members will be identified appropriately below

[COMMENCEMENT]

Mayor Gilbert called the meeting to order and welcomed all who were in attendance and watching.

Mayor Gilbert then took a moment of silence for the invocation and a moment of peace and then lead those in attendance in the Pledge of Allegiance.

[CONSENT AGENDA]

A **motion** was made by **Mayor Pro Tempore Gray**, seconded by **Councilmember Killingsworth,** to approve the Consent Agenda as presented.

VOTE: UNANIMOUS (4-0), with Councilmember Gantt absent

CN1 Agreement - Active Network, LLC - Recreation Programming Registration Software – September 1, 2024 through June 30, 2025 (REF: CONT-2024-211)

Council voted to approve a Product and Services Agreement between Active Network, Inc and the Town of Apex, to change the terms of the annual subscription from varying service and transaction fees to an annual subscription fee and lower charges per transaction, effective September 1, 2024 through June 30, 2025, and authorize the Town Manager and/or their designee to execute on behalf of the Town.

CN2 Agreement – Interlocal Agreement – Emergency Dispatch and Communications Systems – Town of Apex, Town of Cary, and Town of Morrisville (REF: CONT-2024-212)

Council voted to approve a new Interlocal Agreement between the Town of Apex, Town of Cary, and Town of Morrisville (CAM Agencies) for Emergency Dispatch and Communications Services for the Town of Apex, effective three (3) years from the date listed in the first paragraph and automatically renew for up to nine (9) successive (3) year renewal terms.

CN3 Annexation No. 785 – Elevate 64 West – 35.15 acres (REF: RES-2024-044, RES-2024-045, and OTHER-2024-086)

Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for August 27, 2024, on the Question of Annexation - Apex Town Council's intent to annex 35.15 acres, known as Elevate 64 West, Annexation No. 785, into the Town Corporate limits.

CN4 Annexation No. 787 - Chapel Ridge North - 21.56 acres (REF: RES-2024-046, RES-2024-047, and OTHER-2024-087)

Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for August 27, 2024, on the Question of Annexation - Apex Town Council's intent to annex 21.56 acres, known as Chapel Ridge North, Annexation No. 787, into the Town Corporate limits.

CN5 Appointment(s) - Parks, Recreation, and Cultural Resources Advisory Commission

Council voted to reappoint the following members to the Apex Parks, Recreation and Cultural Resources (PRCR) Advisory Commission for three-year terms each and expiring June 30, 2027:

PRCR-006 – Lisa Esterrich – reappointment for 3rd Term

PRCR-007 – Michael Kanters – reappointment for 4th Term

AND

Council voted to appoint the follow member to the Apex Parks, Recreation and Cultural Resources (PRCR) Advisory Commission for a three-year term and expiring June 30, 2027.

PRCR-008 – Lisa Montoya – initial appointment (first term)

CN6 Appointment(s) - Parks, Recreation, and Cultural Resources Advisory Commission - Chair-Vice-Chair

Council voted to confirm the following leadership positions on the Parks, Recreation, and Cultural Resources (PRCR) Advisory Board for fiscal year 2024-2025:
Darryl Lanier, Chair of the Parks, Recreation, and Cultural Resources (PRCR) Advisory Board
Matt Carusona, Vice-Chair of the Parks, Recreation, and Cultural Resources (PRCR) Advisory Board

CN7 Construction Contract Award - W.C. Construction Company – Columbarium Project Budget Ordinance Amendment No. 1 and Capital Project Ordinance Amendment No. 2025-1 (REF: CONT-2024-219, ORD-2024-062, and ORD-2024-063)

Council voted to award a construction contract agreement between W. C. Construction Company and the Town of Apex, for Phase 2 of the Apex Cemetery Columbarium Project, and adopt Budget Ordinance Amendment 1 and corresponding Capital Project Ordinance Amendment 2025-1, and authorize the Town Manager, or their designee, to execute on behalf of the town.

CN8 Contract Multi-Year - Blink Charging Co. - Install New EV Charging Infrastructure - August 2024 through August 2029 (REF: CONT-2024-214)

Council voted to approve a multi-year agreement between Blink Charging Co and the Town of Apex, to install charging infrastructure and provide network and date portal access and service warranties, effective August 2024 through August 2029, and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN9 Contract – Single Source Vendor – Borders States - Regulator Controllers at Mount Zion Substation - Eaton CL-7 Series (REF: CONT-2024-215)

Council voted to approve Sole Source Vender, Border States, to replace the regulator controllers at Mount Zion Substation.

CN10 Contract Agreement Amendment - Municipal Fire Protection with Wake County - Fiscal Years 2023 through 2025 (REF: CONT-2024-216)

Council voted to approve a second amendment to the Fiscal Year 2023-2025 Wake County Fire Protection to add funds approved in the Fiscal Year 2025 adopted budget for the provision of Fire Services under the Agreement, effective through June 30, 2025, and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN11 Council Meeting Minutes – Various

Council voted to approve, as submitted or amended, Meeting Minutes from the following meetings:
June 11, 2024 – Regular Town Council Meeting Minutes
June 18, 2024 – Town Council Work Session Meeting Minutes
June 25, 2024 – Regular Town Council Meeting Minutes
June 27, 2024 – Special Town Council Meeting Minutes

CN12 Human Resources (HR) Policy Updates - Town's Personnel Policies (REF: PLCY-2024-009)

Council voted to approve the revisions to the Special Event Pay policy of the Town's Personnel Policies Manual.

CN13 Memorandum of Agreement (MOA) between Town of Apex, State of North Carolina Division of Water Resources, and the Lower Neuse Basin Association and Permittees – In-Stream Monitoring Requirements (REF: CONT-2024-217)

Council voted to approve a Memorandum of Agreement (MOA) between the State of North Carolina's Division of Water Resources, the Lower Neuse Basin Association and Permittees, and the Town of Apex, to fulfill the in-stream monitoring requirements required by the NPDES wastewater permit, effective through July 2029, and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN14 Rezoning Case No. 22CZ27 – Center City Townhomes – Statement and Ordinance (REF: ORD-2024-064)

Council voted to the Statement of the Town Council and Ordinance for Rezoning Application No. 22CZ27, Jason Barron, Morningstar Law Group, applicant for the properties located at 1316, 1314, 0, 1320, 1332, 1400, 1328, and 0 Center Street (PINs 0741994612, 0741993895, 0741993581, 0741995716, 0741996516, 0741997663, 0741995786, & 0741995610).

CN15 Rezoning Case No. 24CZ05 – 2228 Kelly Road – Statement and Ordinance (REF: ORD-2024-065)

Council voted to approve the Statement of the Town Council and Ordinance for Rezoning Application No. 24CZ05, Matthew Carpenter, Parker Poe, applicant for 2228 Kelly Road (PIN 0732257946).

CN16 Rezoning Case No. 24CZ08 - 0 and 1341 Perry Road – Statement and Ordinance (REF: ORD-2024-066)

Council voted to approve the Statement of the Town Council and Ordinance for Rezoning Case No. 24CZ08, Matt Wetherell, Facilities & Grounds Manager, applicant, for property located at 0 & 1341 Perry Road (PINs 0741326706, 0741427922).

CN17 Tax Report – May 2024 (REF: OTHER-2024-088)

Council voted to approve the Apex Tax Report dated June 03, 2024.

[PRESENTATIONS]

PR1 Proclamation - Apex Outreach Service Project (AOSP) - Celebrating 25 Years of Service and Success [REF: PRO-2024-023]

Mayor Gilbert, along with the rest of the Town Council, read the Proclamation – Apex Outreach Service Project (AOSP) – Celebrating 25 Years of Service and Success. He invited Pastor Laura Katherine Stern and Tanner Johnson and others to accept the proclamation and take a picture.

Tanner Johnson, Youth Pastor of Apex United Methodist Church, said that he was always amazed of the heart and love for neighbors people showed through the Apex Outreach Service Project.

Wally Jordan said he had been doing this for 17 years and the last 6 or 7 he had been in charge of pulling together the projects and that he goes out and meets the homeowners, determines which project to do, and puts the budget together. He said they have been to over 250 homes, and it will continue growing.

Mayor Gilbert presented a commemorative coin of the Town of Apex's 150th Anniversary for doing work at the Christian Home Church, the oldest Church in Apex.

[REGULAR MEETING AGENDA]

Mayor Gilbert noted there would be two Closed Session Items added to consult with the Town Attorney, one prior to New Business, and one during normal Closed Session time.

A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember Mahaffey,** to approve the Regular Meeting Agenda with the addition of the two Closed Session Items.

VOTE: UNANIMOUS (4-0), with Councilmember Gantt absent

[PUBLIC FORUM] (*NOTE:* To view Public Forum and Public Hearing Sign-in Sheets, see OTHER-2024-090)

Mayor Gilbert opened up the Public Forum and invited the first speaker up.

First to speak was **Elizabeth Stitt** at 3113 Friendship Road:

"Mayor, Town Council, good evening, in the very near future perhaps even tonight you're going into Closed Session to discuss the big branch force main. That discussion will only have partial information and you may be asked to make a decision based on incomplete data because we, the impacted property owners, are not allowed to participate, and as such we are not able to help you understand our issues, or even opportunities for the alternatives. I have been told by several of the Council that your lack of direct engagement with us may be in part due to a fear of a lawsuit. To be clear, it has been the Town that has been promoting the use of litigation, not us in the community. It was the Town who planned behind closed doors for at least four years to take our land and only notified us when the town was legally required to, we received a 30-day notice that you were going to come onto our properties and do field work. We since that time, that was April of 2022 and then in July of 2022, you had a work session where the town staff told you the condemnation was likely, and you voted to go forward with the current route on our properties knowing that condemnation was the plan. Since that time, we property owners have been forced to take off time from our jobs, we use our vacation time to coordinate all of the different subcontractors that have come in and off of our property, it has not been without hardship, there's been no compensation, no empathy, no working with us, it has been a battle. But nonetheless, we keep showing up and we keep showing up because we want to work with you because there are other alternatives, but it's very hard to convince you of other alternatives when you're being told from the Town staff that this is what they want to do. So, I did some conversations with some prior Council Members and said hey, you know in the past, I know about the lawsuit with the New Hill Community over the water treatment facility, the lawsuit against Beverly Ruben and the impact to her property, the lawsuit with developers on impact fees and I said hey, in these

Closed Sessions, what happens you know, help me understand and basically I've been told by multiple former council members that the conservation is, you get advised and you take the information the best that you have and you make decisions accordingly. And then I asked the question, well now that the time has passed and you could look back on the lawsuit that the New Hill Community had, how they delayed construction of the Wastewater facility for 5 years, how they were able to get a half million dollars for the community center, how they were able to get domes put over sewage ponds, I said do you feel like you were given enough information to avoid a 5-year delay and of course the answer was no. You pose the same question on the Beverly Ruben case to say hey, you sat in Closed Session, you made a decision to do eminent domain on her property, 9 years later the Town is still in litigation, if you had known that you were still going to be in litigation 9 years later, would you have made the same decision or would you maybe have tried to do something to have a different outcome, maybe shorten the length of time, you know something and the answer is of course yes. You have the same question about the impact fees that you charged to developers. Hey if you had known that you didn't have the authority from the general assembly and that you needed to go do these certain steps with the general assembly, would you have made a different decision and each time the answer is yes. So I lay this out in painful detail is because we know, the property owners know, that there are things that you don't understand and we don't know how to engage with you, we get this 3 minute or 9 minute monologue, but we never really get to have a conversation, so how do we effectively work through tough problems if you won't engage. We're not the ones filing the lawsuit here, it is the Town that's filing the lawsuit, and we will respond because we have our constitutional rights to be able to respond, but we have opportunity even now to continue to work through alternatives, so we in the community have worked with Duke Energy and NCDOT, we have gotten concessions, we have moved the needle without your help and we need more help. There are more things that can be achieved. So, the town in February did start having some of those conversations because we open the door and our understanding is, got a yes, but yes with constraints that it may not be you know, as attractive as initially understood, so we are going back to NCDOT and Duke Energy to have more conversation. Our ask is to figure out how do we have a conversation with you as a part of it, do you need to bring an attorney with you, you know, how do we move this to where we're working with each other, because there are things that you don't know and you're going to make decisions in closed session without having all the facts. We don't want to be 9 years down the road fighting at all, but we've come two years in this effort to say, hey, let's have a dialogue and we're still not able to have a dialogue, and so while I appreciate the Mayor's comments in the beginning that we are united as a community and we want to work together. I see that with the different proclamations and different groups, every group but us. So the ask is, what do we need to do, what do we need to do differently, how do we make the ask in order to have conversations to figure out how we minimize the impact, because it is good for the community, it's good for you, it's good for us, litigation is only good for attorneys, but you're not giving us a choice. So, I have a list of a couple of things to share with you guys, because we can't go through all of the things that you should need to consider. Here is a short list of some things that we would like for you to

ask during these closed sessions, but we would really like for you to have a conservation one at a time if need be. Don't we deserve it, and don't the taxpayers of Apex deserve to know that you've done everything in your power as an individual leader to have a better outcome for the community? It's a simple ask, I understand it's hard. Some of these conversations are really hard, but how do you get through it unless you have the conversation. So, I apologize for not dropping this off to the Town Clerk, but you know, please review this and please consider having conversation with us. Thank you very much."

Mayor Gilbert thanked Ms. Stitt and called the next speaker.

Next speaker was **Dawn Cozzalino**:

"Good evening, Town Council and Mayor. I was very moved by Elizabeth's discussion. I think we are trying to open the doors and very committed, we work very hard to partner up, we have a lot of great ideas, a lot of creativity in our environment and we care about our community. So I just want to echo, because it is our future, very important. So, I want to thank the Planning Department, so we had Jenna, Diane and Amanda, we had a couple of Zoom calls about our New Hill Friendship Historic overlay district, and it was really a great partnership. So, really appreciate the time that the staff spent with us to understand the concepts in the document and want to be engaged to prepare it to put out there for public input. We were very pleased with that partnership; we had the due date last week that everything was submitted and we're looking forward to that coming before the Planning Board shortly. In between that there is a draft that's going to be re-written and we're just asking for a little bit more time and the reason we're asking for a little bit more time before that September 9th Board date, Planning Board date is because it gives us very little time, less than two weeks to look at the material and we all work full-time, we're very busy, everybody has personal commitments and we want to make sure that all the data is complete and I'll echo the points of what you heard already is that sometimes these decisions are made without complete data and an example I'll give you is the traffic study or the accident studies that were done for our study area did not include secondary roads that are not managed by Apex, they're managed by the North Carolina Department of Transportation and that would be, not everybody reports accidents, you hope they do, but that would be reported by Wake County Sheriff and the North Carolina Highway Patrol. So, those entitles data inputs are not getting into the system, into Apex's data which is really important because this kind of gives you a little snippet of really the big picture, so in order to ensure, you know some of those really important points because traffic is dangerous, it's getting more congested, there, we need really good data to support a good decision so we want to make sure that we have a lot of the time to do that. So, I'd just like to ask for a little bit more time so that we can gather that data, and I appreciate it. Thank you."

Mayor Gilbert thanked Ms. Cozzalino and called the next speaker.

Next speaker was **Beth Bland** at **3724 Friendship Road**:

"I'm not going to talk real long tonight, I've been on a plane for way too long, not a lot of sleep. But, I really felt it was important to be here tonight, just very quickly, the Friendship Road signalization I hope that's pretty much a non-problem for you to approve, it's so needed. All the development going on Old US 1 on Woods Creek and then you have Friendship Innovation Park and none of its done and they're all using Friendship Road and it's just going to continue to get worse and worse, it's really needed, so that's that part. The other part, the force main, so Elizabeth went over that pretty well tonight but I wanted to bring up our property specifically because we did have the surveyor, we asked the Town, the surveyor came out and marked our property for where the force main is going to go through and even though we were told our buffer would not be impacted, that's not true, so part of it's going to come down and expose us to US 1, so when I talked with Mike Deaton and we still have to get back with him, we have been gone for 3 weeks, so he did reach out, we're going to go back with him, but after we had it marked, Mike came out, Steve came out and the appraiser came back out to look at it just to make sure they had all the information and when I went back at Mike with email concerning that it's not drawn and we were promised our buffer would not be touched his response back to me was uh well they were trying to protect more of your trees, so the threat was oh okay, well if you don't let us take your buffer, we're going to take more of your trees, so there's already 70 some trees coming down on our property alone, we only have 5 acres and there is a solution to that, they can put a bend so that it doesn't affect any more trees. So, that one of the conversations I'll be having with him, but I just wanted you to understand that Elizabeth is correct, that you don't have all the information, and it is possible to move it to the South side. So, I'm asking for all of your support and trying to move it to the South side and for all the reasons that have been presented already, it makes a lot of sense. Thank you."

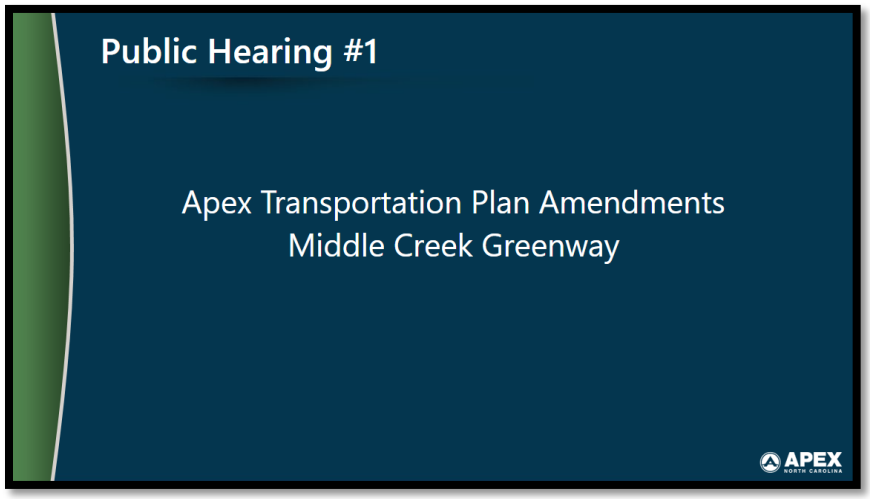
Mayor Gilbert thanks everyone that came out to speak. He closed the Public Forum and moved to Public Hearings.

[PUBLIC HEARINGS]

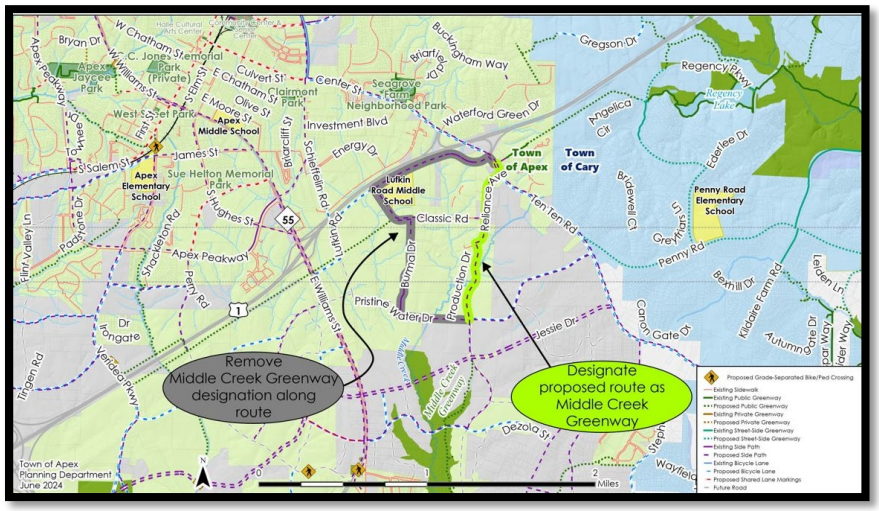
PH1 Apex Transportation Plan Amendments – Middle Creek Greenway

Angela Reincke, Parks Planning Manager, Parks, Recreation, and Cultural Resources Department gave the following presentation:

[SLIDE 1]



[SLIDE 2]



Ms. Reincke asked if there were any questions.

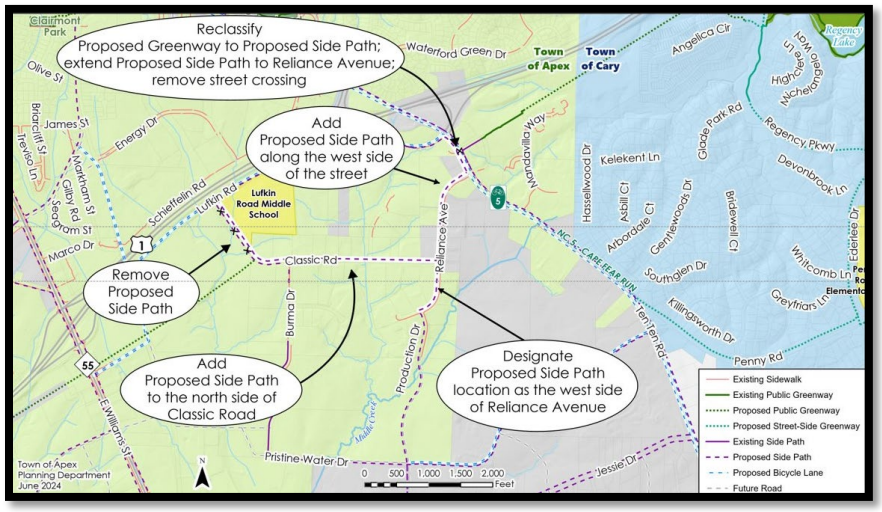
Councilmember Mahaffey asked what the motivation was.

Ms. Reincke said that the motivation was to look at the connection of the Corridor to achieve completion from Jessie Drive to Ten-Ten Road.

Councilmember Mahaffey asked what the motivation was to move the route that goes by the middle school to the Eastern path.

Ms. Reincke said the impacts of the type of traffic and use on some of the roads nearby.

[SLIDE 3]



Mayor Gilbert thanked Ms. Reincke asked if there were any questions.

Councilmember Zegerman said it looked like there would be a proposed greenway along Classic Road which would require a road crossing, and asked if it would be better to leave the proposed path the way it is.

Ms. **Reincke** said it was already a developed property and there's a side path there on one side. She said that it was taken from the south side because it wasn't as visible in the study to see how that side of the trail would be utilized. She said there would be a sidewalk designated.

Councilmember Zegerman confirmed this was a change from the original recommendation of a 10-foot sidepath.

Mayor Gilbert opened up for public hearing for comment, with no one signed up to speak he closed public hearing and moved discussion back to Council.

A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember Killingsworth** to approve Apex Transportation Plan Amendments – Middle Creek Greenway.

VOTE: UNANIMOUS (4-0), with Councilmember Gantt absent

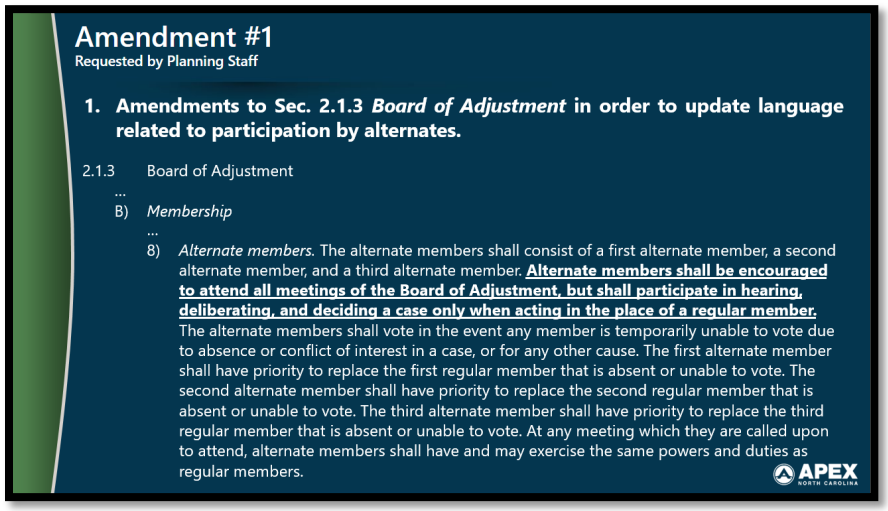
PH2 Unified Development Ordinance (UDO) Amendments – July and August 2024 (REF: ORD-2024-067)

Amanda Bunce, Current Planning Manager, Planning Department gave the following presentation:

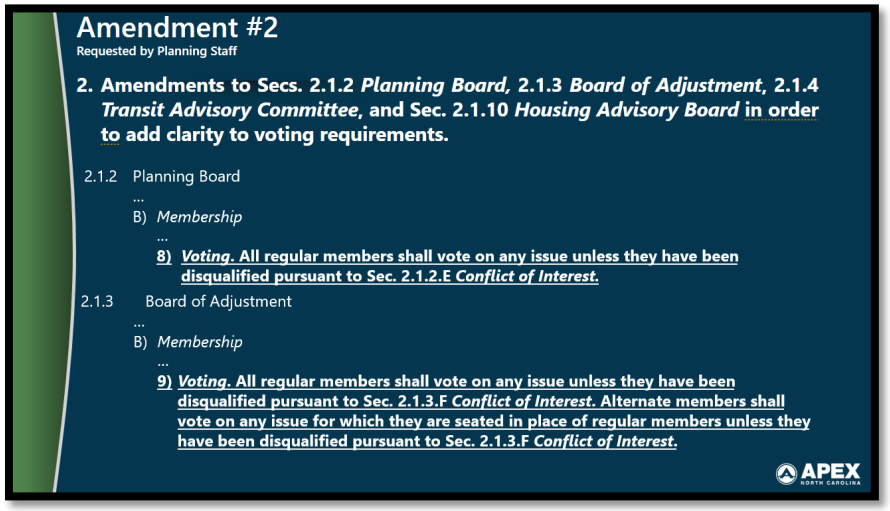
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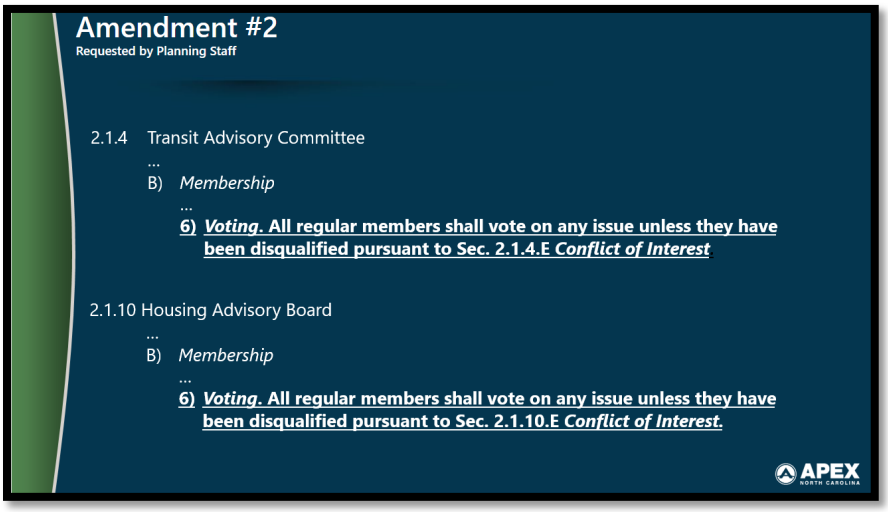
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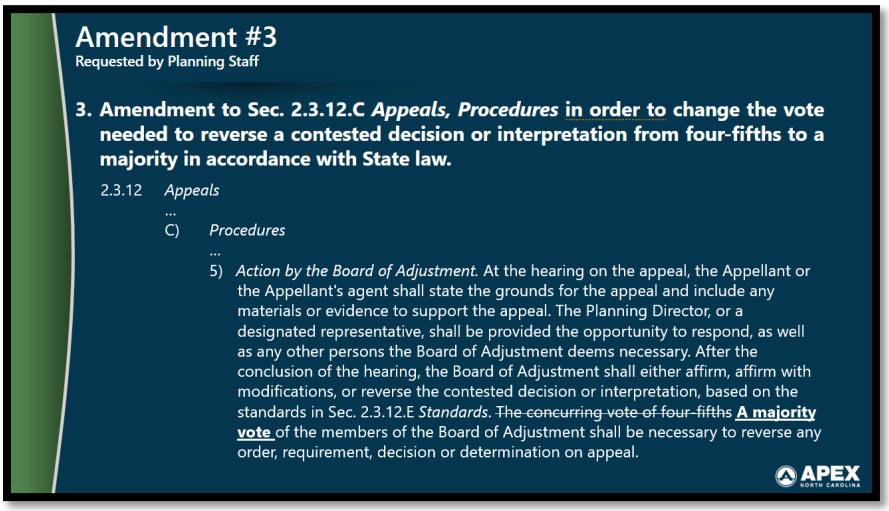
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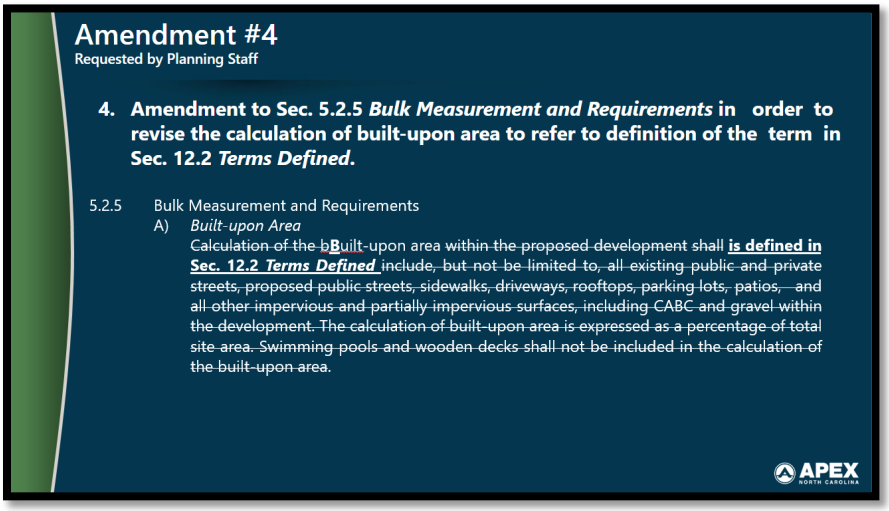
[SLIDE 4]



[SLIDE 5]



[SLIDE 6]



Mayor Gilbert opened up for public hearing for comment, with no one signed up to speak he closed public hearing and moved discussion back to Council.

A **motion** was made by **Mayor Pro Tempore Gray** and seconded by **Councilmember Mahaffey** to approve the Unified Development Ordinance (UDO) Amendments – July and August 2024.

VOTE: UNANIMOUS (4-0), with Councilmember Gantt absent

[CLOSED SESSION]

A **motion** was made by **Councilmember Killingsworth**, seconded by **Councilmember Mahaffey** to enter into Closed Session pursuant to NCGS § 143-318.11(a)(3) to consult with the Town Attorney.

VOTE: UNANIMOUS (4-0), with Councilmember Gantt absent

Council entered into Closed Session at **6:37 P.M.**

Council returned to Open Session at **7:13 P.M.**

[NEW BUSINESS]

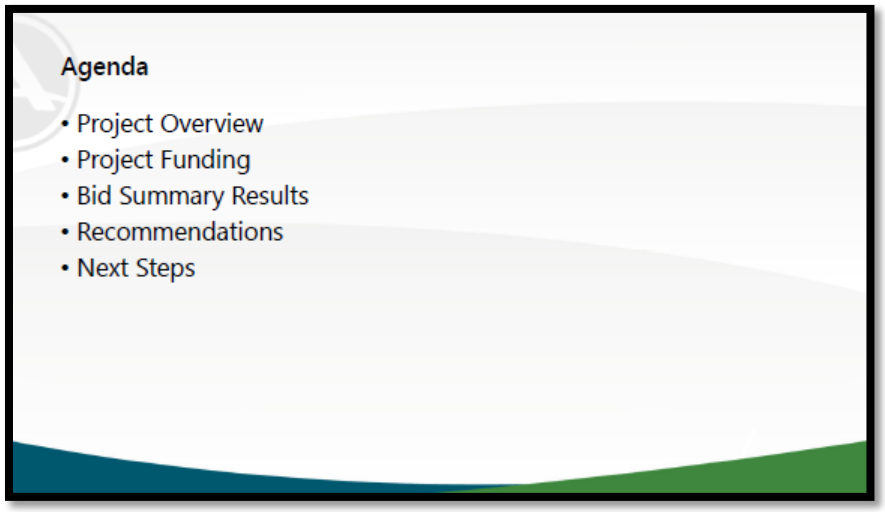
NB1 Construction Contract Award – S. T. Wooten Corporation – Apex Peakway Southwest Connector (REF: CONT-2024-218]

Russell Dalton, Traffic Engineering Manager, Transportation and Infrastructure Dev. Department, and **Adam Stephenson**, Transportation Engineering Manager, Transportation and Infra. Dev. Dept. gave the following presentation:

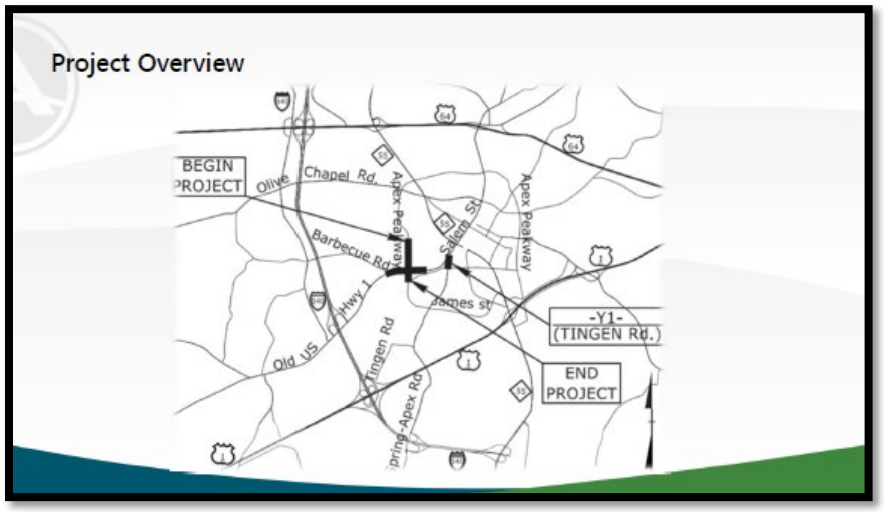
[NB1 - SLIDE 1]



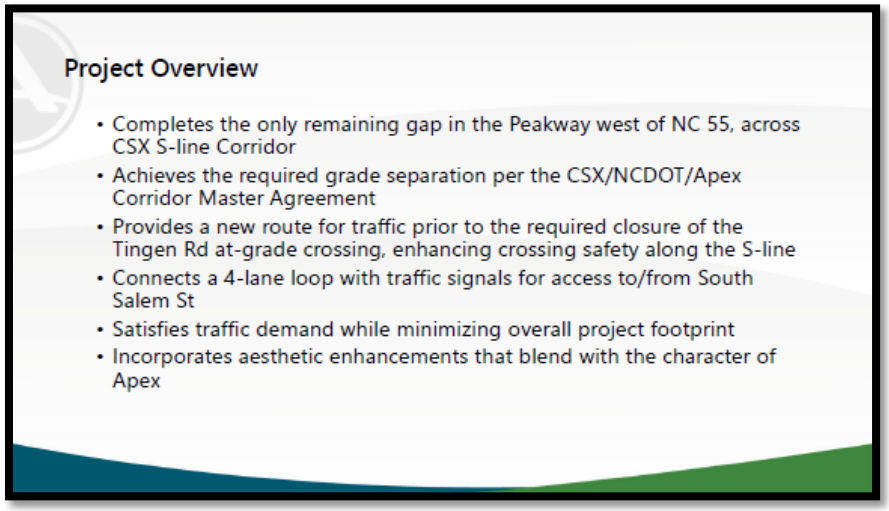
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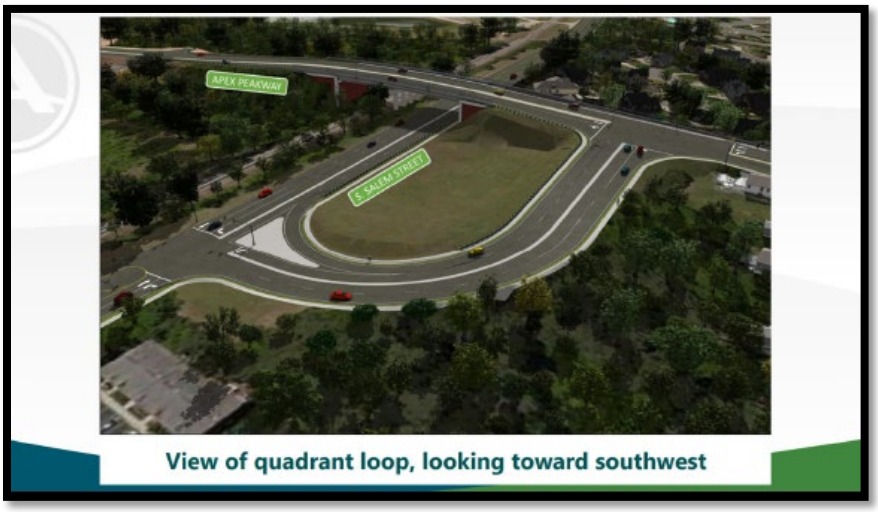
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[NB1 – SLIDE 4]



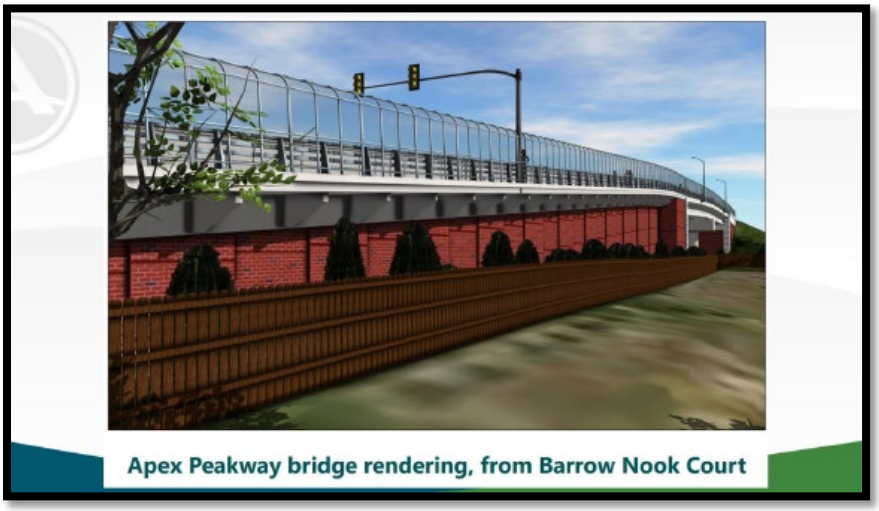
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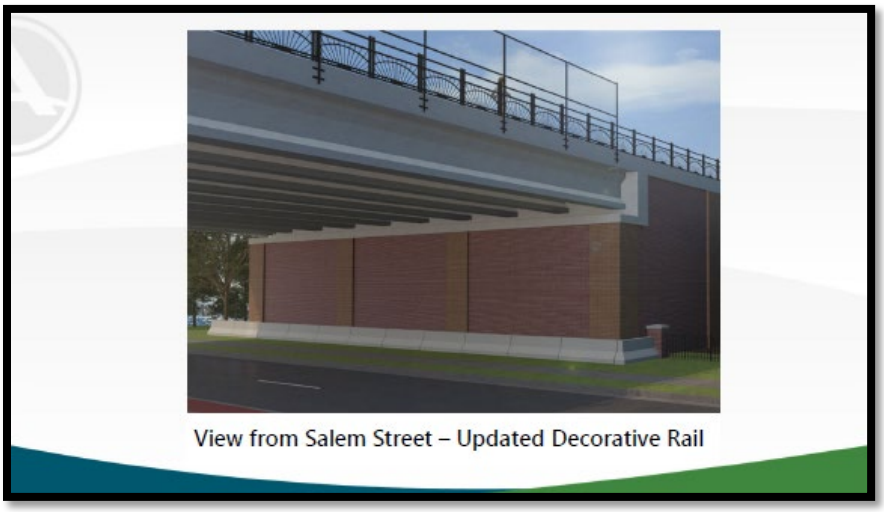
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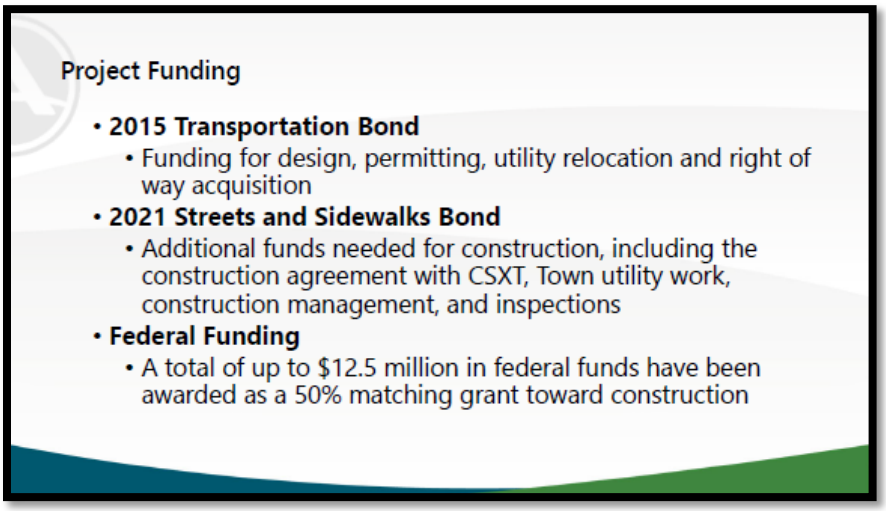
[NB1 – SLIDE 7]



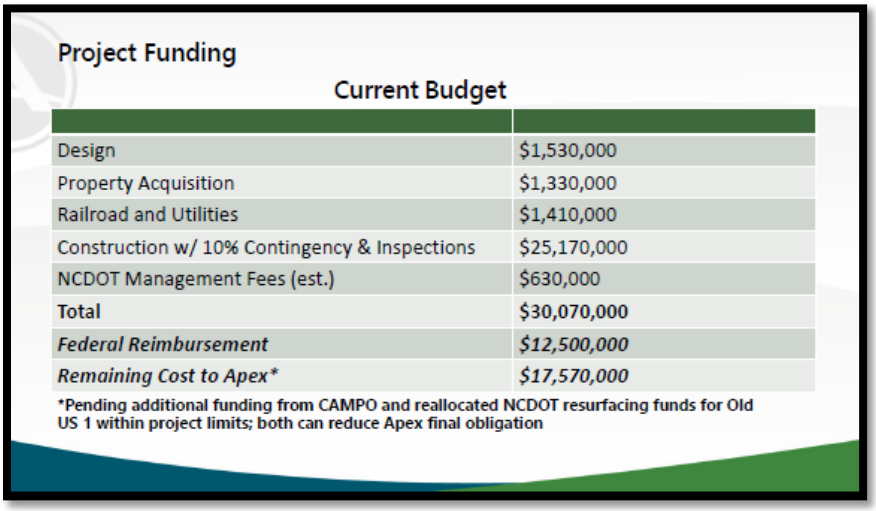
[NB1 – SLIDE 8]



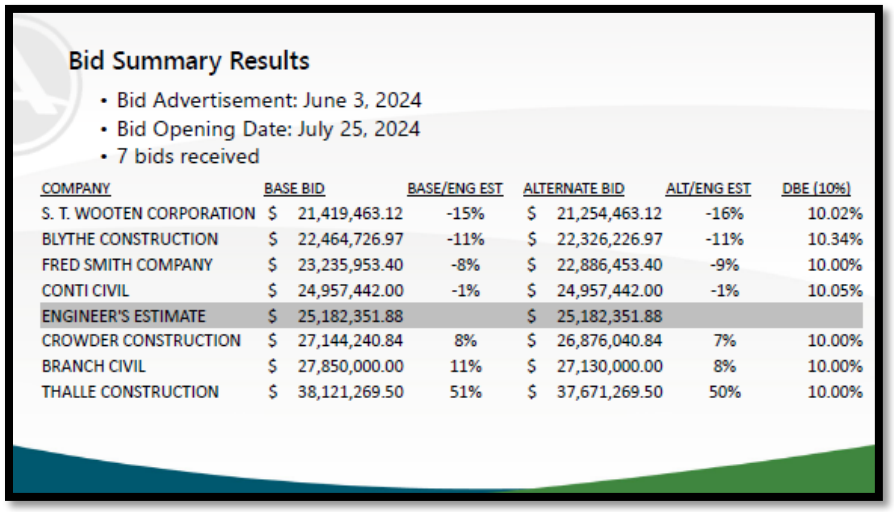
[NB1 – SLIDE 9]



[NB1 – SLIDE 10]



[NB1 – SLIDE 11]

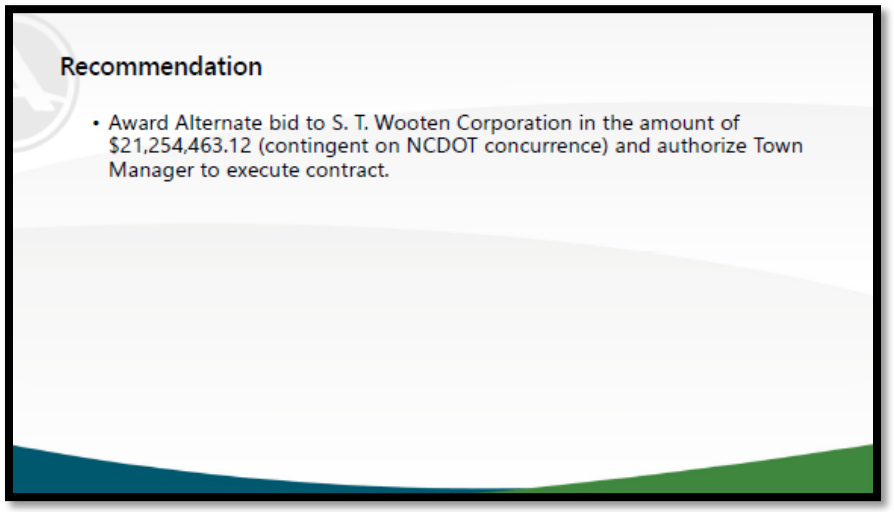


Bid Summary Results

- Bid Advertisement: June 3, 2024
- Bid Opening Date: July 25, 2024
- 7 bids received

COMPANY	BASE BID	BASE/ENG EST	ALTERNATE BID	ALT/ENG EST	DBE (10%)
S. T. WOOTEN CORPORATION	$ 21,419,463.12	-15%	$ 21,254,463.12	-16%	10.02%
BLYTHE CONSTRUCTION	$ 22,464,726.97	-11%	$ 22,326,226.97	-11%	10.34%
FRED SMITH COMPANY	$ 23,235,953.40	-8%	$ 22,886,453.40	-9%	10.00%
CONTI CIVIL	$ 24,957,442.00	-1%	$ 24,957,442.00	-1%	10.05%
ENGINEER'S ESTIMATE	$ 25,182,351.88		$ 25,182,351.88		
CROWDER CONSTRUCTION	$ 27,144,240.84	8%	$ 26,876,040.84	7%	10.00%
BRANCH CIVIL	$ 27,850,000.00	11%	$ 27,130,000.00	8%	10.00%
THALLE CONSTRUCTION	$ 38,121,269.50	51%	$ 37,671,269.50	50%	10.00%

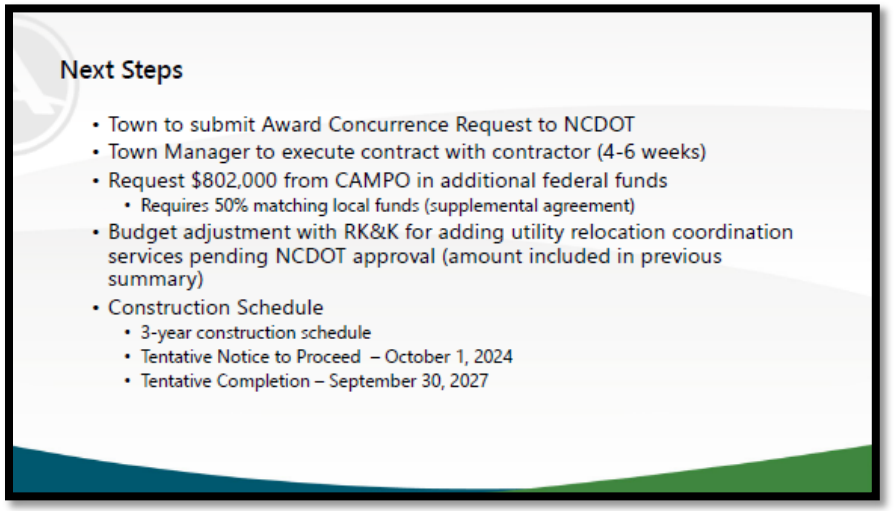
[NB1 – SLIDE 12]



Recommendation

- Award Alternate bid to S. T. Wooten Corporation in the amount of $21,254,463.12 (contingent on NCDOT concurrence) and authorize Town Manager to execute contract.

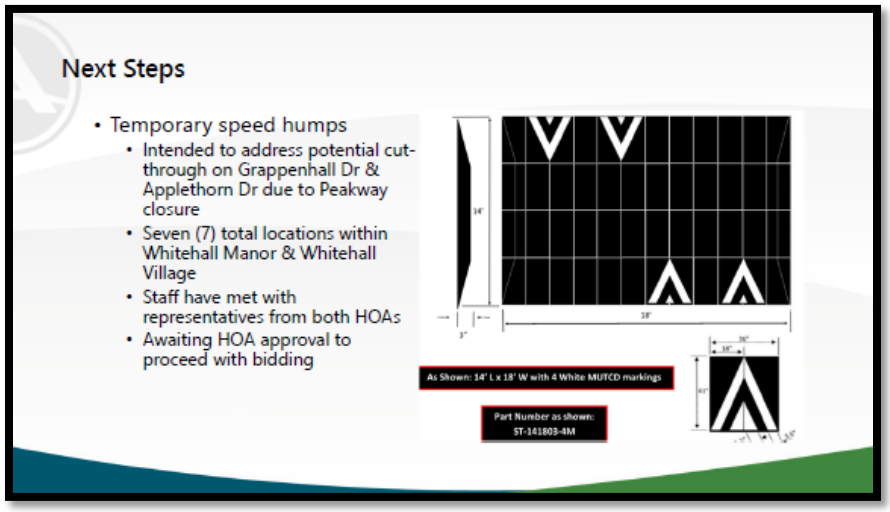
[NB1 – SLIDE 13]



Next Steps

- Town to submit Award Concurrence Request to NCDOT
- Town Manager to execute contract with contractor (4-6 weeks)
- Request $802,000 from CAMPO in additional federal funds
  - Requires 50% matching local funds (supplemental agreement)
- Budget adjustment with RK&K for adding utility relocation coordination services pending NCDOT approval (amount included in previous summary)
- Construction Schedule
  - 3-year construction schedule
  - Tentative Notice to Proceed – October 1, 2024
  - Tentative Completion – September 30, 2027

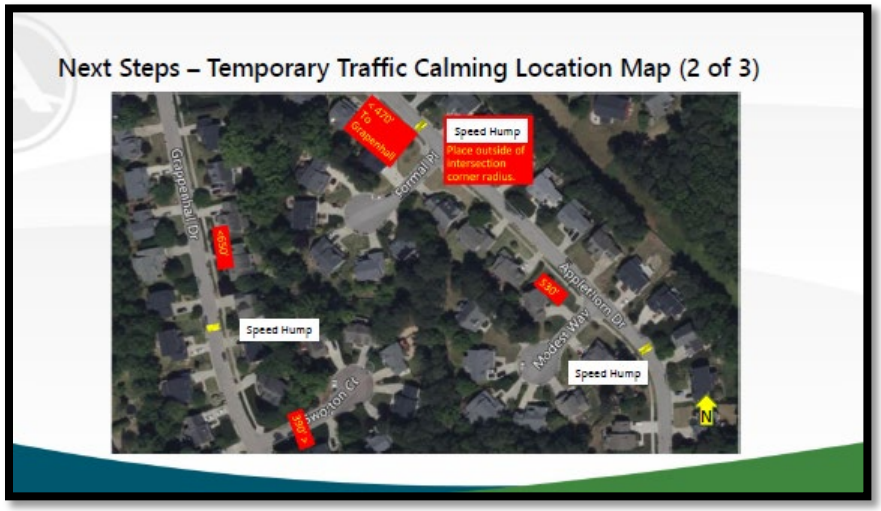
[NB1 - SLIDE 14]



[NB1 - SLIDE 15]



[NB1 - SLIDE 16]



[NB1 – SLIDE 17]



Mayor Gilbert thanked Mr. Dalton and Mr. Stephenson.

Mayor Gilbert asked about the potential construction noise and nighttime work.

Mr. Stephenson said that is to be determined and they would coordinate with the contractor to find out what they propose.

Councilmember Mahaffey asked if South Salem would be open.

Mr. Stephenson said it would remain open during the day.

Councilmember Mahaffey said that the Apex Peakway would be closed off at some point but South Salem itself would be accessible. He asked if South Salem would be closed overnight.

Mr. Stephenson said that there were lane closure restrictions during peak hour but that South Salem would remain open. He said he did not think it would be a need to close South Salem during the project.

Councilmember Zegerman said that he would like to be proactive with any traffic issues before traffic gets heavy.

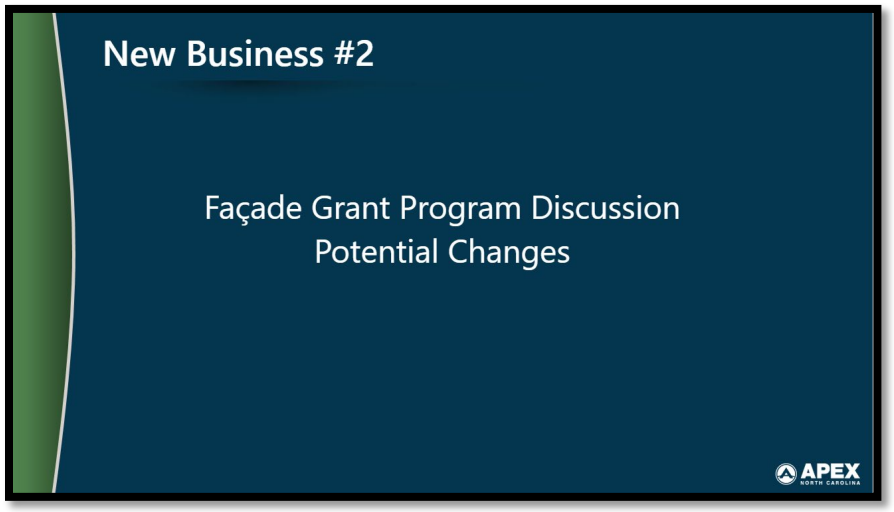
A **motion** was made by **Councilmember Mahaffey** seconded by **Councilmember Killingsworth** to approve the Construction Contract Award for the Alternative Bid to S. T. Wooten Corporation for the Apex Peakway Southwest Connector.

VOTE: UNANIMOUS (4-0), with Councilmember Gantt absent

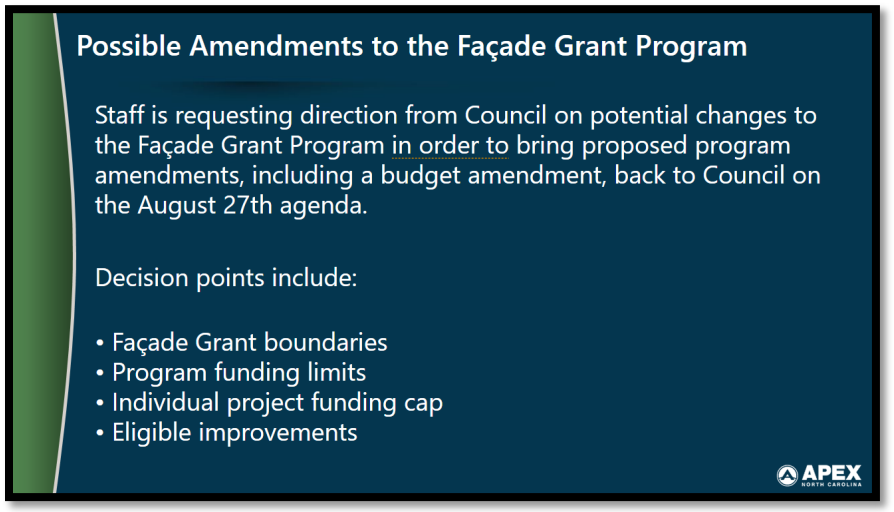
NB2 Façade Grant Program Discussion – Potential Changes

Dianne Khin, Planning Director, gave the following presentation:

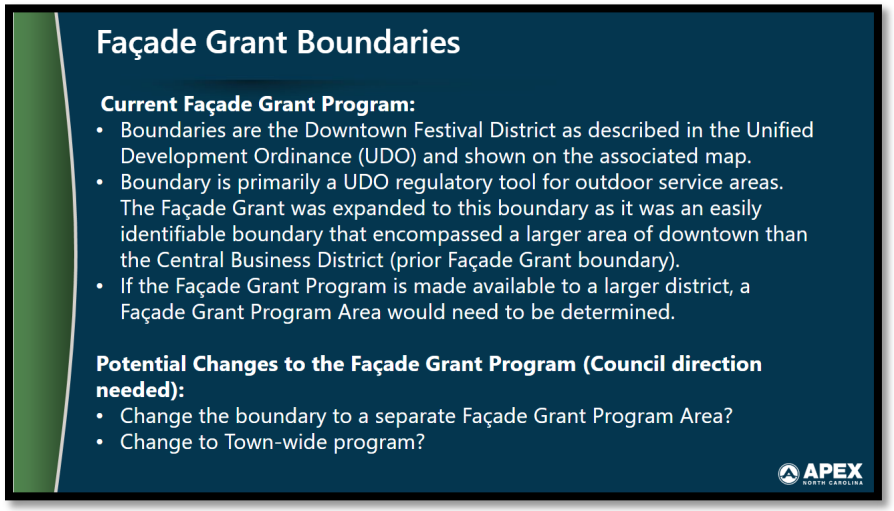
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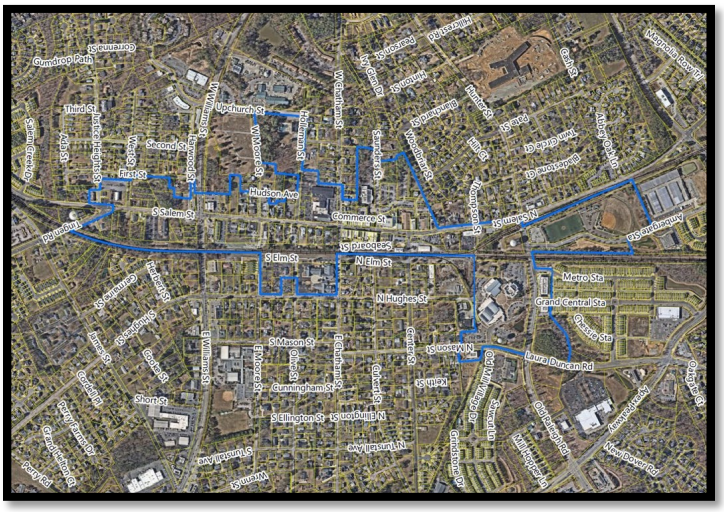
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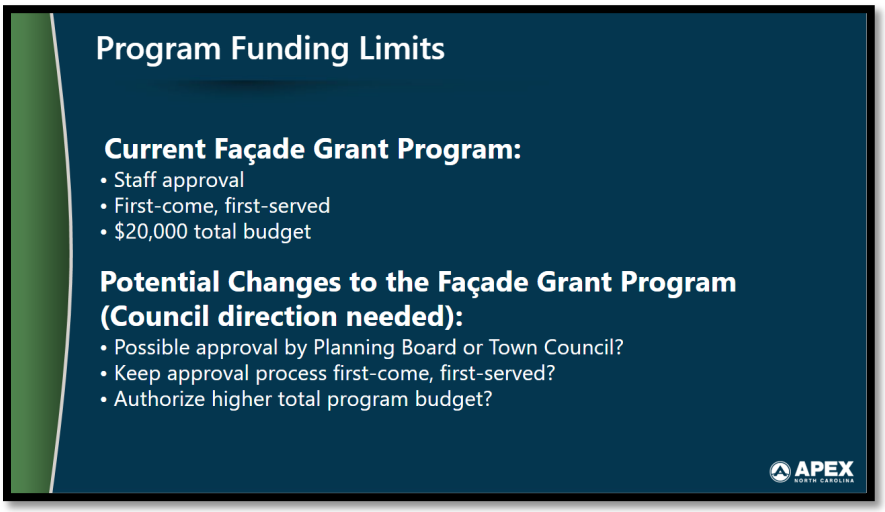
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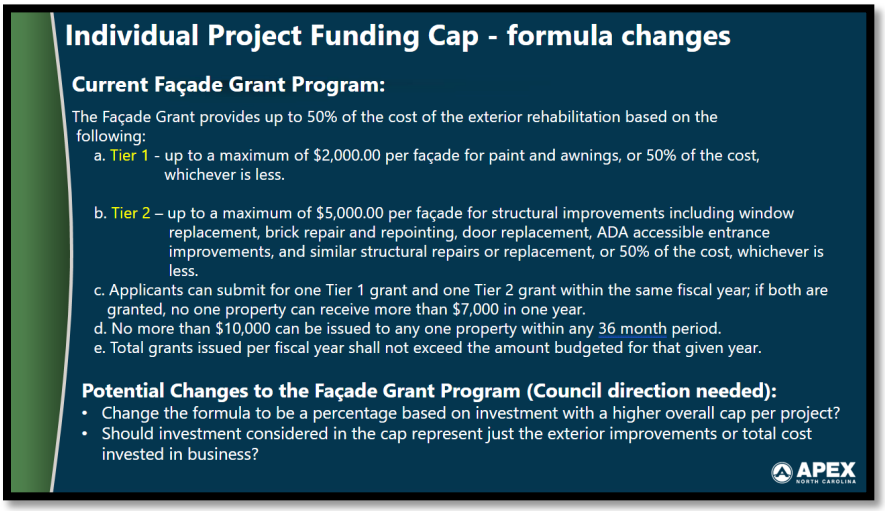
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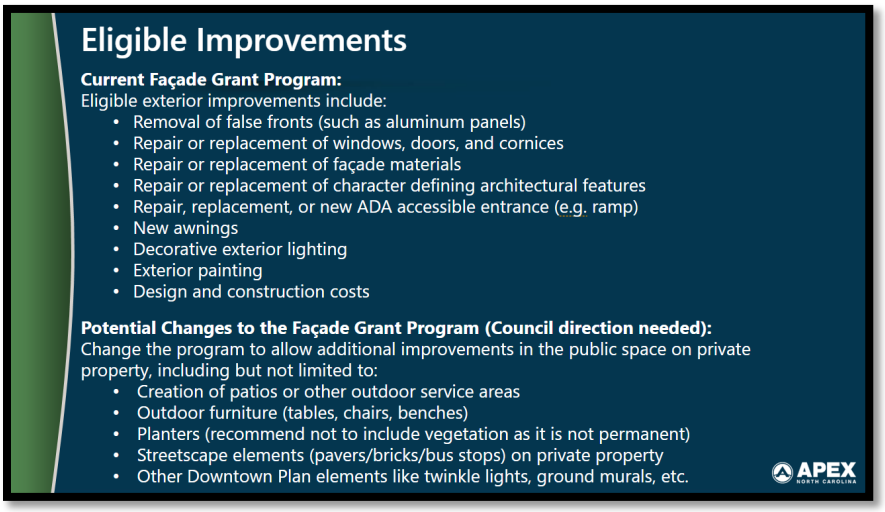
[SLIDE 5]



[SLIDE 6]



[SLIDE 7]



Mayor Gilbert asked if there were any questions or discussions.

Mayor Pro Tempore Gray said that he would like a little more time and to get a little more information.

Councilmember Killingsworth agreed.

Councilmember Zegerman agreed.

Mayor Pro Tempore Gray thanked Director Khin for bringing this before the Council.

Mayor Gilbert asked Town Manager Vosburg about establishing a timeline to bring this back to Council.

Town Manager Vosburg said that he would like to bring this back to the next Council meeting.

Director Khin said that she did not think this timeline would work and suggested to have it on the September 17th Work Session.

Mayor Gilbert said that the September 17th Work Session would be fine.

Councilmember Killingsworth said she loved the idea of expanding the area of this program.

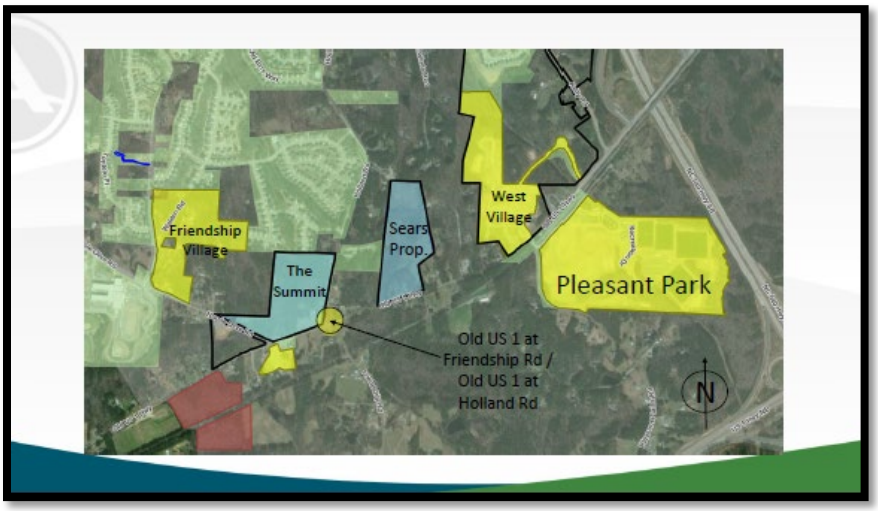
NB3 Old US Highway 1 at Friendship Road and Holland Road Improvements

Russell Dalton, Traffic Engineering Manager, Transportation and Infrastructure Development Department gave the following presentation:

[NB3 - SLIDE 1]



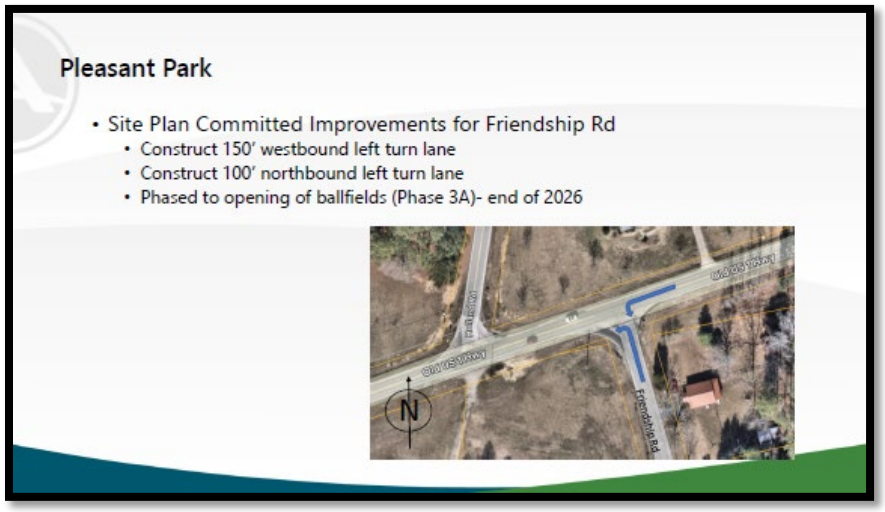
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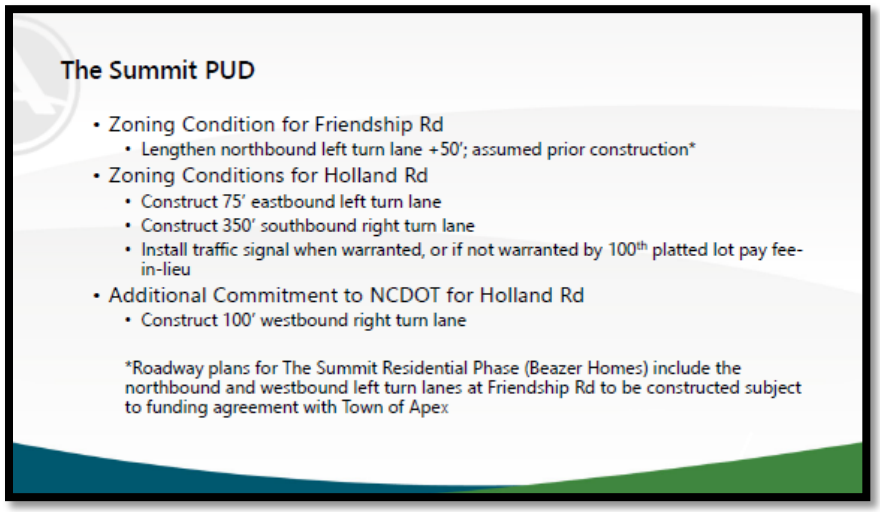
[NB3 - SLIDE 3]



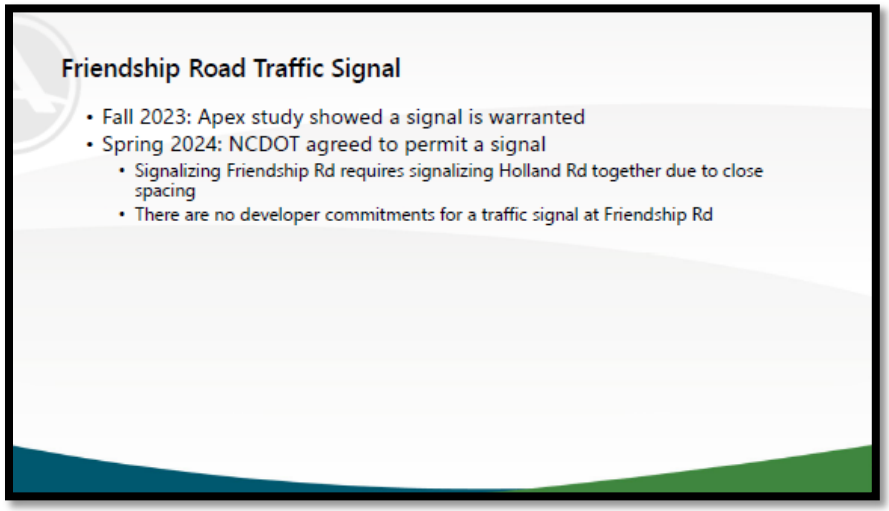
[NB3 - SLIDE 4]



[NB3 - SLIDE 5]



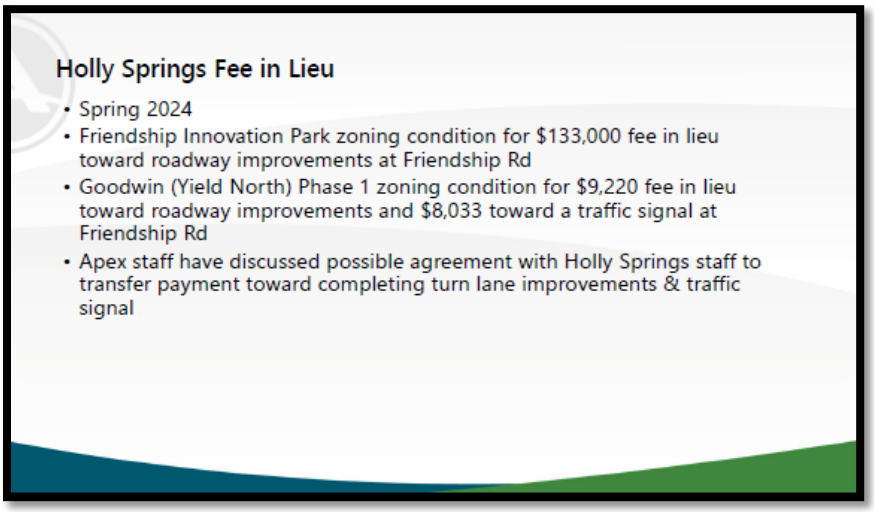
[NB3 - SLIDE 6]



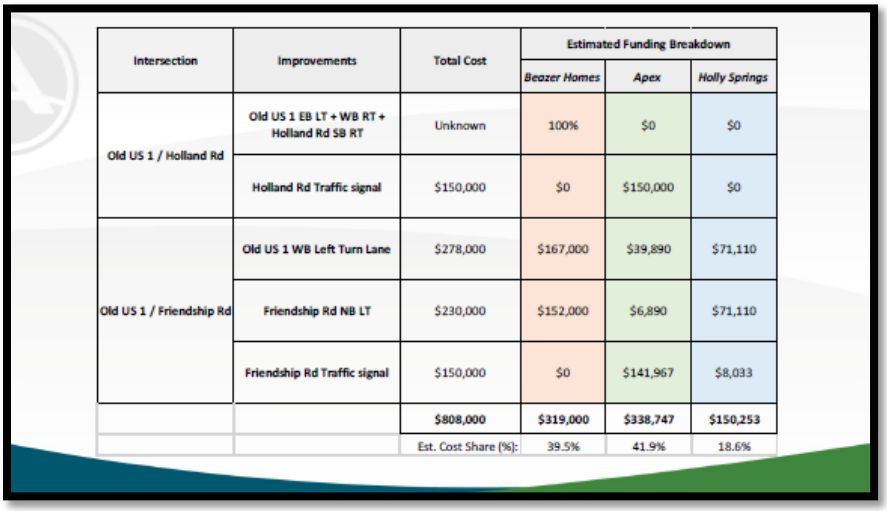
[NB3 - SLIDE 7]



[NB3 - SLIDE 8]



[NB3 - SLIDE 9]



Intersection	Improvements	Total Cost	Estimated Funding Breakdown		
			Beazer Homes	*Apex*	*Holly Springs*
Old US 1 / Holland Rd	Old US 1 EB LT + WB RT + Holland Rd SB RT	Unknown	100%	$0	$0
	Holland Rd Traffic signal	$150,000	$0	$150,000	$0
Old US 1 / Friendship Rd	Old US 1 WB Left Turn Lane	$278,000	$167,000	$39,890	$71,110
	Friendship Rd NB LT	$230,000	$152,000	$6,890	$71,110
	Friendship Rd Traffic signal	$150,000	$0	$141,967	$8,033
		$808,000	**$319,000**	**$338,747**	**$150,253**
		Est. Cost Share (%):	39.5%	41.9%	18.6%

Councilmember Zegerman asked for clarity of the turn lane going onto Friendship Road.

Mr. Dalton said that going into Friendship Road would be a westbound left turn lane and the northbound left turn lane.

Councilmember Mahaffey asked about conversations about Holly Springs and funding for the improvements.

Mr. Dalton said that there had been discussions with Holly Springs, and they were open.

Town Manager Vosburg said that he had a conversation recently with Mr. Harrington, Holly Springs Town Manager, and that everyone seems to be onboard.

Councilmember Mahaffey confirmed that included the developed in Holly Springs.

Town Manager Vosburg confirmed.

Councilmember Mahaffey asked what is the projected dates for the project beginning and when could he expect to see the traffic signal.

Mr. Dalton said that the construction should start this fall and roadway improvements should happen next year.

Councilmember Mahaffey asked what a realistic timeline would be to have a traffic signal.

Mr. Dalton said that likely the end of 2025 or beginning of 2026. He explained that there were a lot of variables in terms of installation which could affect the timing.

Chair Mason asked if there was any assistance needed with NCDOT from Apex.

Mr. Dalton said no. He said that NCDOT has agreed to permit the traffic signal and as soon as funding was available that they would enter into a design agreement.

Councilmember Mahaffey asked what the next steps were to proceed with this project.

Mr. Dalton said that there was a Developer Agreement that would need to be executed.

Councilmember Mahaffey asked if the realignment at Holland Road would be safer, faster, or cheaper.

Mr. Dalton said it was not faster or cheaper to realign the roads. He said it was the involvement of properties that were not involved in the development plans so there are significant impacts. He said that realignment could end up incurring significant costs.

Councilmember Zegerman asked if the signalization is not 100% dependent on the turn lanes being there. He asked if the Town could do both projects.

Mr. Dalton said that they could design the traffic signal concurrent with the turn lanes.

Councilmember Mahaffey asked where they were with the easements with this project.

Mr. Dalton said that it is his understanding that the developer had not had any issues with acquiring any of the easements, but they don't know if there will be additional easements necessary until they get deeper into the planning process.

Councilmember Zegerman asked if something could be done intermittently with the

signals for the existing roadways while the turning lanes are being built.

Mr. Dalton said that since there was not a signal agreement and design that there would not have a signal design ready.

Councilmember Zegerman said he was just trying to have some relief for the residents in the meantime.

Mr. Dalton said that doing something like that would run into other capacity issues because of the turning traffic and may cause more congestion on Friendship Road and Old US 1 if it is signalized without turn lanes being in place.

Mayor Gilbert asked if there were any other questions.

Mayor Pro Tempore Gray said that he did not see any reason to wait to do this project and is in favor.

Council consensus was for staff to continue with this project.

Mayor Gilbert thanked all of the community members who have presented information and spoke at Holly Springs during their public meetings making sure that this stayed as a priority. He asked Mr. Dalton to keep them updated so that Council could let the residents know.

[UPDATES BY TOWN MANAGER]

TM1 Police Chief Recruitment Process Overview

Town Manager Vosburg said that the Town had started the recruitment process for a new Police Chief. He invited up the consultant, Mr. Charles Kimble to talk about the process.

Mr. Kimble introduced himself as the Sr. Vice President for Executive Recruiting for Strategic Government Resources, referred to as SGR in the Field. He said that he had met with Senior Staff and talked about the timelines and the process. He said that he would be meeting with the Police staff and the Community. He said that he would provide a brochure that would go out throughout the country. He said that he would reach approximately 40,000 people with other resources such as LinkedIn. He said that he is on a 10-to-12-week timeline. He said that he anticipated about 60 to 70 applications and explained the process to get the semi-finalists with generally having 5 finalists. He would work with the Town Manager on what that will look like. He went through the assessments and the process of identifying the finalist.

Mayor Pro Tempore Gray asked about looking at internal candidates.

Mr. Kimble said that he would be looking for the best fit for the organization and if it is an internal candidate that is an added bonus.

Mayor Gilbert thanked Mr. Kimble for the update.

[CLOSED SESSION]

A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember Mahaffey** to enter into Closed session pursuant to NCGS § 143-318.11(a)(1), NCGS § 143-318.11(a)(3), and NCGS § 143-318.11(a)(5).

VOTE: UNANIMOUS (4-0), with Councilmember Gantt absent

Council entered into Closed Session at **7:56 PM.**

CS1 Steve Adams, Utilities Acquisition and Real Estate Specialist

NCGS §143-318.11(a)(5):

"To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease."

CS2 Laurie Hohe, Town Attorney

RE: Williams v. Town of Apex

NCGS § 143-318.11(a)(3)

"To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body."

CS3 Allen Coleman, Town Clerk

NCGS §143-318.11(a)(1):

"To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes."

[ADJOURNMENT]

Council returned to Open Session at **8:41 PM.**

Mayor Gilbert adjourned the meeting at **8:41 PM**.

Jacques K. Gilbert
Mayor

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

Submitted for approval by Town Clerk Allen Coleman and approved on September 10, 2024 (CN8).

APPROVED

TOWN OF APEX
TOWN COUNCIL WORK SESSION
TUESDAY, AUGUST 20, 2024
3:30 P.M.

The Apex Town Council met for a work session on Tuesday, August 20, 2024 at 3:30 p.m. at the Apex Town Hall located at 73 Hunter Street in Apex North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel:

https://www.youtube.com/watch?v=QVZ4bTiAdio

[ATTENDANCE]

Elected Body
Mayor Jacques K. Gilbert (presiding)
Mayor Pro-Tempore Ed Gray
Councilmember Brett Gantt (*attended virtually*)
Councilmember Arno Zegerman
Councilmember Audra Killingsworth
Absent: Councilmember Terry Mahaffey

Town Staff
Town Manager Randy Vosburg
Deputy Town Manager Shawn Purvis
Assistant Town Manager Demetria John
Assistant Town Manager Marty Stone
Town Attorney Laurie Hohe
Town Clerk Allen Coleman
Director Antwan Morrison
Director of Transportation and Infrastructure Chris Johnson
Transportation Engineering Manager Adam Stephenson
All other staff members will be identified appropriately below.

[COMMENCMENT]

Mayor Gilbert called the meeting to order at 4:36 p.m., welcomed everyone, and led everyone in the pledge of allegiance.

[FINANCIAL ADVISORY INTRODUCTION AND DEBT FINANCING PRESENTATION]

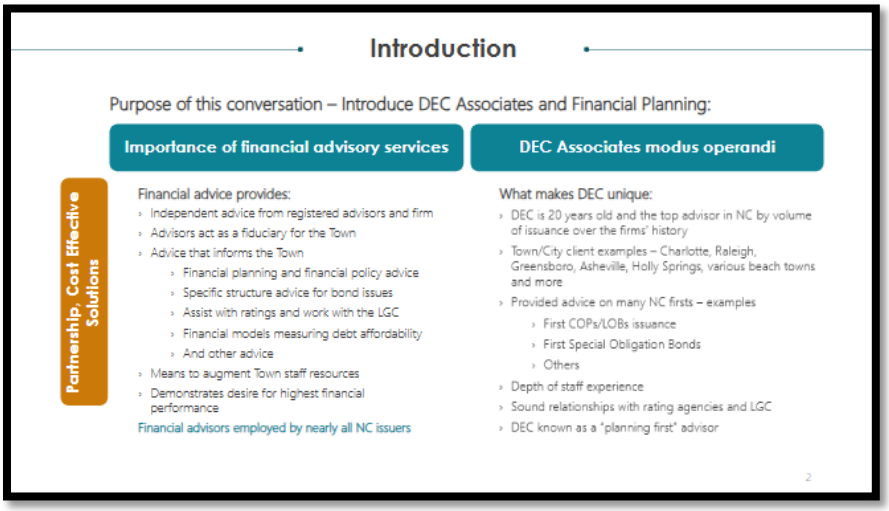
Mayor Gilbert introduced **Antwan Morrison**, Finance Director introduced the DEC Associates and Financing Emerging Concepts, the financial advisors for Apex and their team; Douglas Carter, President, Andrew Carter, Director and Jeremy Carter, Managing Director.

Mr. Jeremy Carter began the presentation.

[SLIDE 1]

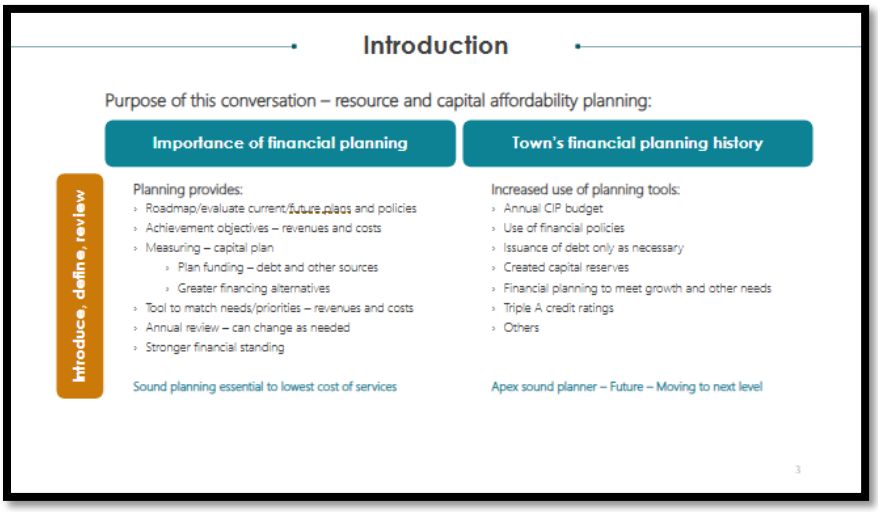


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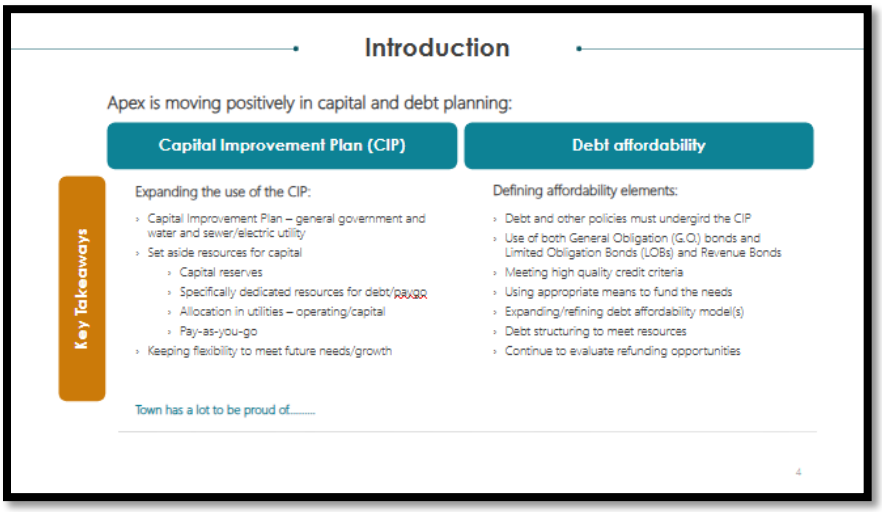


Councilmember Zegerman asked to define PayGO.
Mr. Jeremy Carter said it was "pay as you go."

[SLIDE 3]



[SLIDE 4]



Councilmember Zegerman asked about primary objectives.

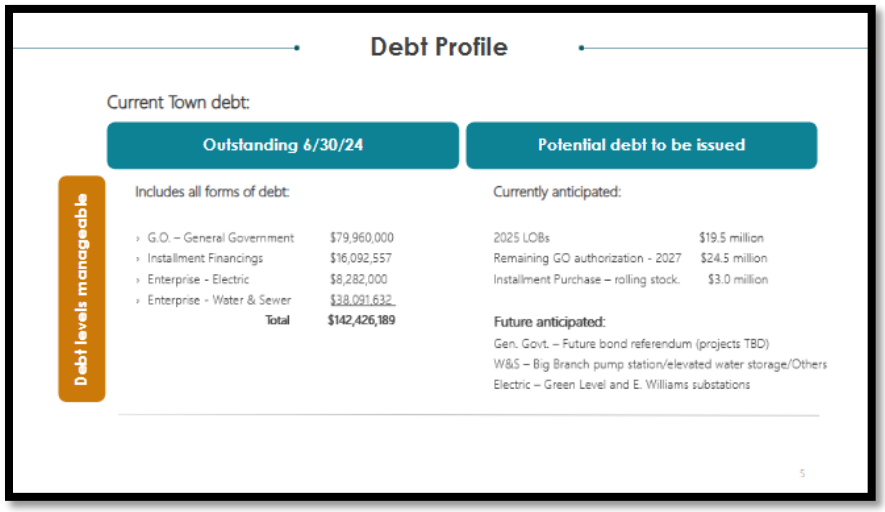
Mr. Jeremy Carter said that would be addressed in later slides.

Councilmember Zegerman asked why Parks and Recreation weren't included in the Capital Improvements plan.

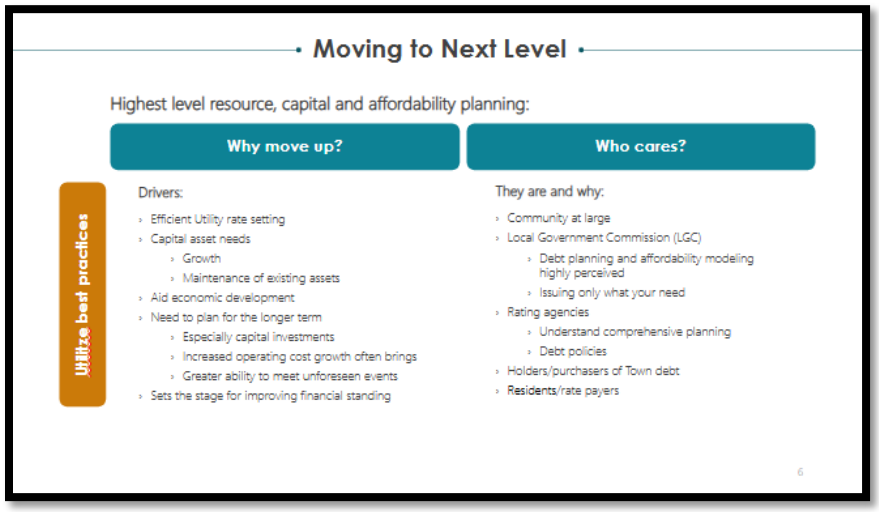
Mr. Jeremy Carter said that would be covered in General.

Mr. Douglas Carter began the next portion of the presentation.

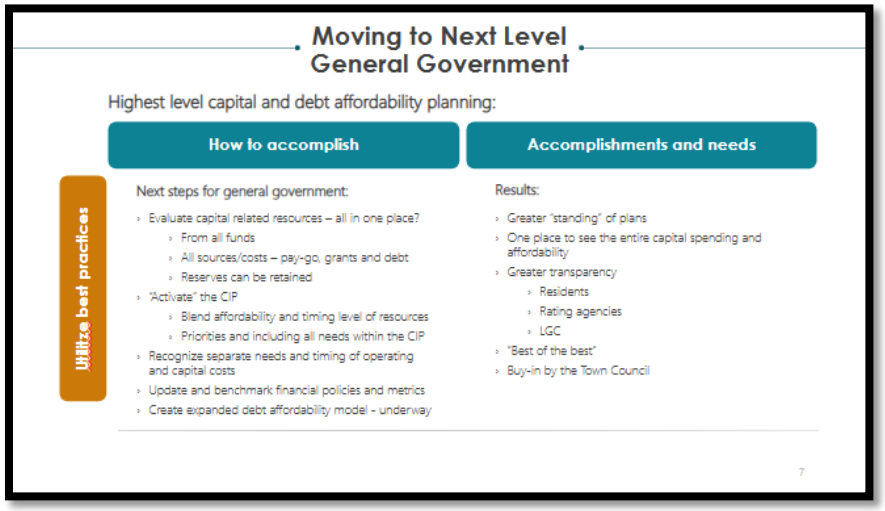
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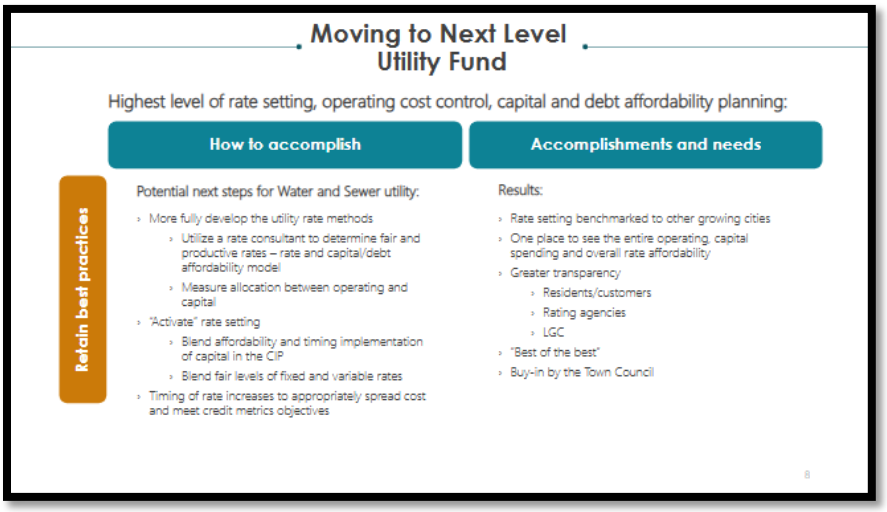
[SLIDE 6]



[SLIDE 7]



[SLIDE 8]



Councilmember Zegerman asked why water and sewer were being mentioned and there were no other utilities were being looked at.

Mr. Douglas Carter said that that was what they really had time to look at thoroughly, as not as many municipalities do electric utilities.

Councilmember Zegerman said that there were challenges with rate collections and the ElectriCities contract rate spikes.

Director Morrison said that they are looking at the water and sewer because of the upcoming debt needs.

Councilmember Zegerman asked if usage was the only thing that was looked at.

Mr. Douglas Carter said other things were looked at such as fees, and there was a lot of litigiousness regarding those rates. He said there would be lots on time with the rate consultant.

Councilmember Zegerman asked was there was an analysis of sewer and developer rates last year. He asked if this was a reassessment of the plan from last year.

Assistant Town Manager Stone said this was not redoing the Capital reimbursement fees. He said that was done every 5 years.

Councilmember Killingsworth said that it was a discussion during a presentation to the Council in preparation of projects.

Councilmember Zegerman said planning for the future was about building the reserve.

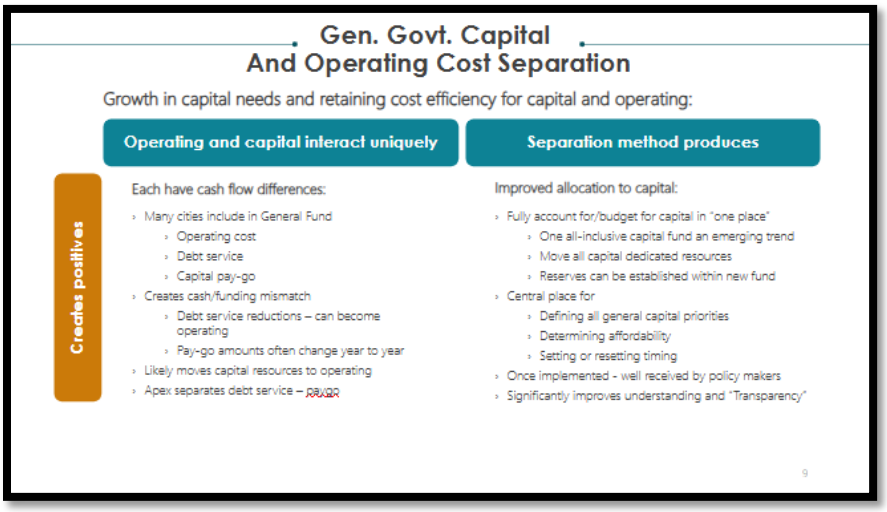
Director Morrison said that's where the affordability planning comes in.

Assistant Town Manager Stone explained how sometimes the projects in the Capital Plan are better to wait on in terms of how they affect Capital Reimbursement Fees.

Councilmember Zegerman said those are just one piece of the puzzle, and they still need to plan ahead.

Mr. Douglas Carter said Capital Reimbursement Fees are also highly controlled by the legislature, and they have to be very careful about watching different types of fees over time and how they change.

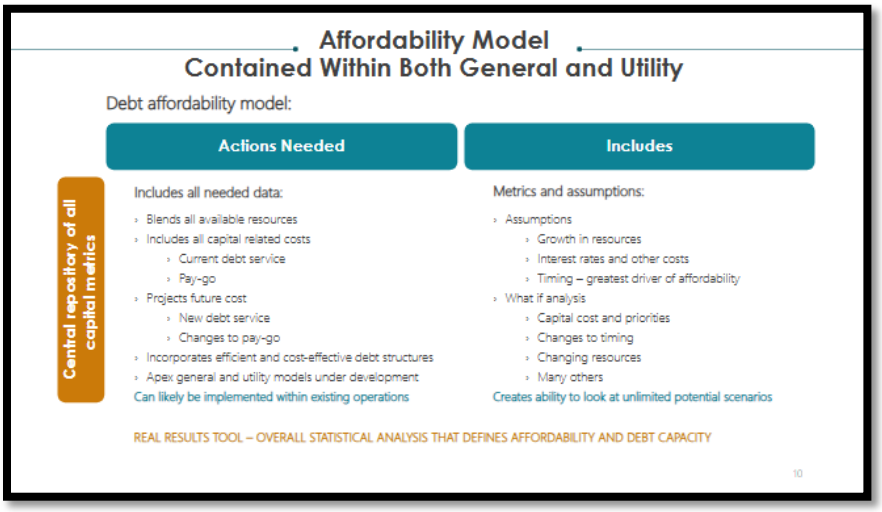
[SLIDE 9]



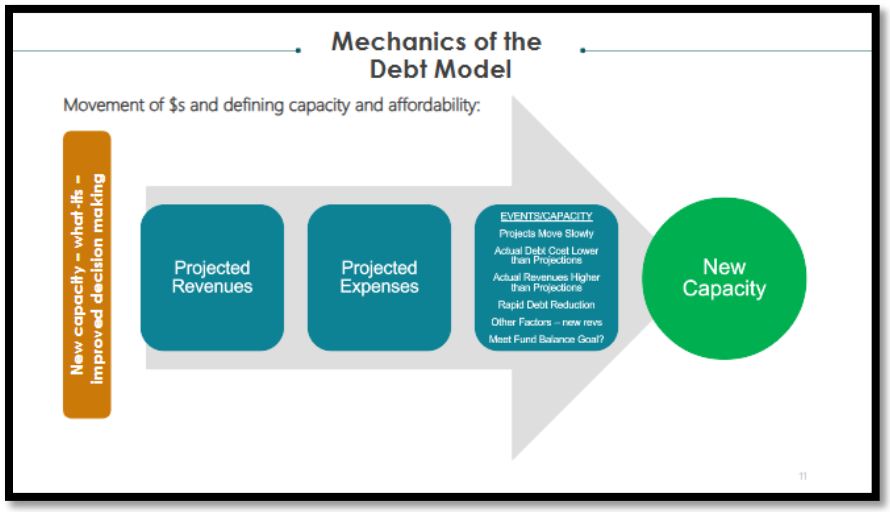
Councilmember Zegerman asked about the utility funds being self-funded.

Mr. Douglas Carter said that the enterprises would not be in the General funds, Enterprise funds have to be separate. He said General Funds could be more flexible based on State Law as well.

[SLIDE 10]



[SLIDE 11]



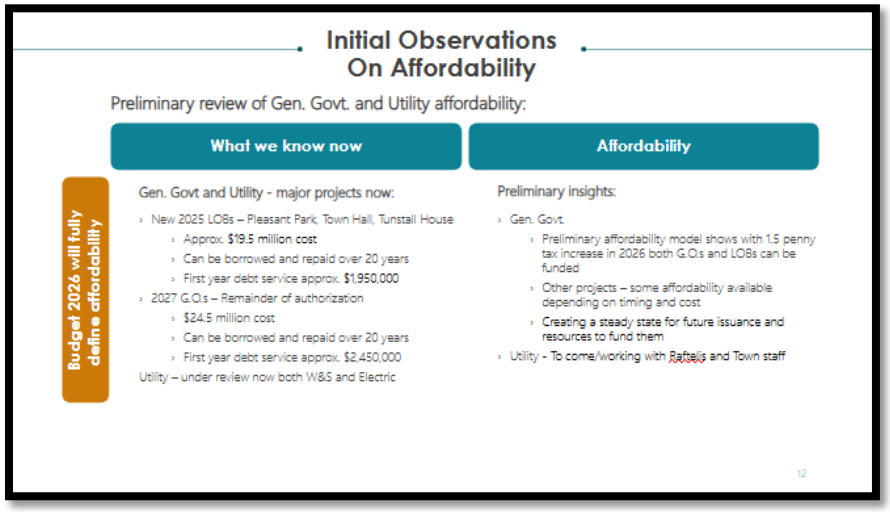
Councilmember Zegerman asked where policy comes into play for this plan.

Mr. Andrew Carter said the policies will guide what the guardrails will be on the models. He explained how the model would help calculate what may be going on in future years. He said there could be adjustments to current policies.

Councilmember Zegerman wondered if they were restricting themselves a little too much considering the growth, and if they had more wiggle room on what they could do while maintaining their rating.

Mr. Andrew Carter said that would be part of the more in-depth conversations they would have.

[SLIDE 12]

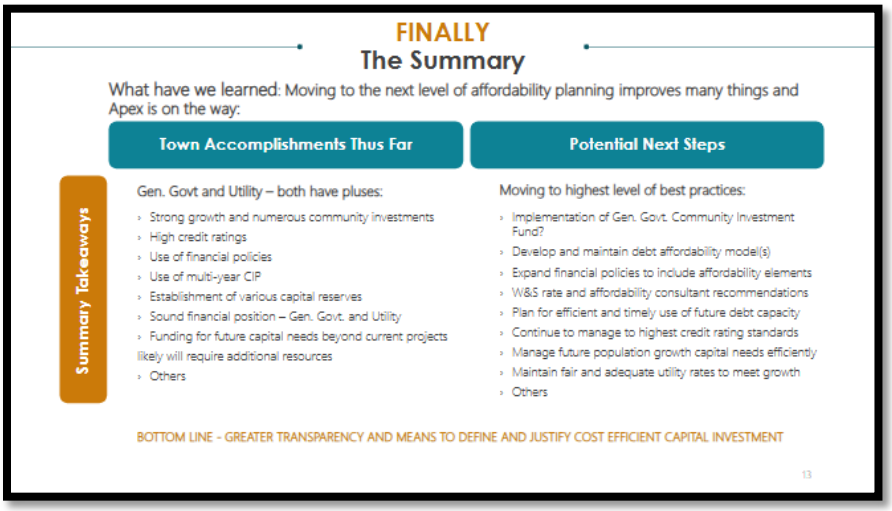


Councilmember Zegerman asked about putting all Capital expenditures and debt service payments in one bucket.

Mr. Andrew Carter said they referred to it as General Government for most expenditures.

Mr. Douglas Carter said in future discussions they would refer to the "steady state", which refers to planning ahead based on the revenues they know they will generate in the future.

[SLIDE 13]



Councilmember Zegerman asked what the timelines and the next steps for a follow-up conversation were.

Mr. Douglas Carter said they need to discuss Council's views and meet with staff again, and they can fit in however Apex staff wants them to.

Councilmember Zegerman asked staff and colleagues how they wanted to work on this.

Mayor Gilbert said this should probably be another meeting, since Councilmember Mahaffey was not here.

Mayor Pro Tempore Gray said a lot of the conversation would be about the adjustments that could be made and the variables that could come up for projects and funding.

Town Manager Vosburg said they could potentially do it in the Fall Retreat.

Mayor Pro Tempore Gray asked to ensure this was part of the larger planning.

Deputy Town Manager Purvis said that it would be. He said there have been other conversations about the policies that can be utilized, and see where certain projects can fit.

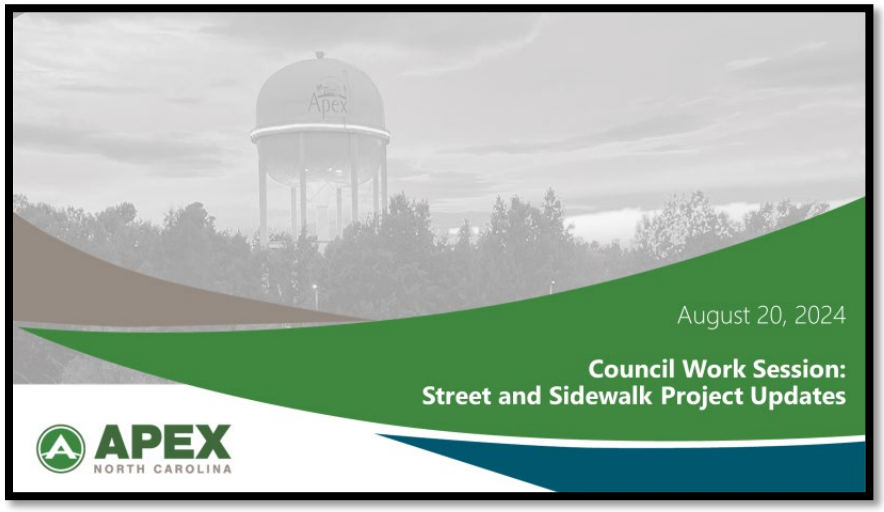
Mr. Douglas Carter said it was a process, and it is constantly changing as things change.

Mayor Gilbert said there would be a break at 5:40 p.m.

[STREET AND SIDEWALK DESIGN UPDATES]

Chris Johnson, Transportation and Infrastructure Director, gave an overview on Street and Sidewalk Design updates. He introduced Adam Stephenson, Transportation Engineering Manager, and said he would be presenting as well.

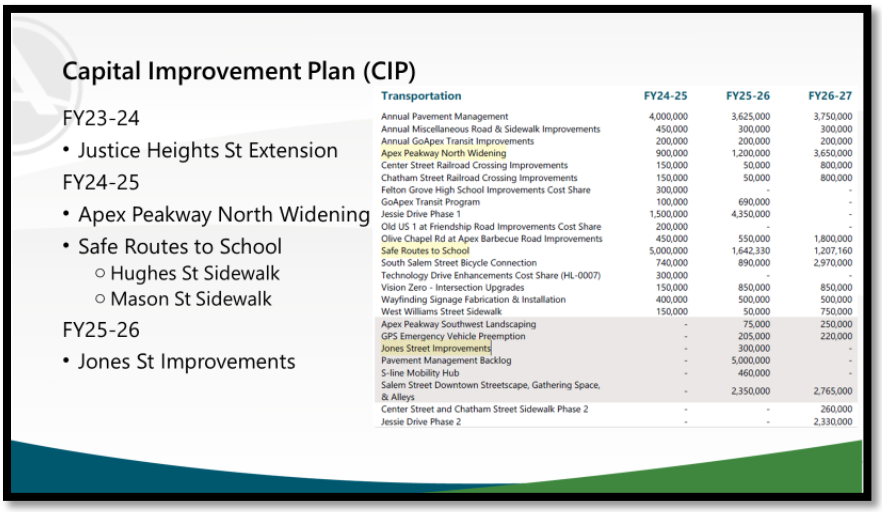
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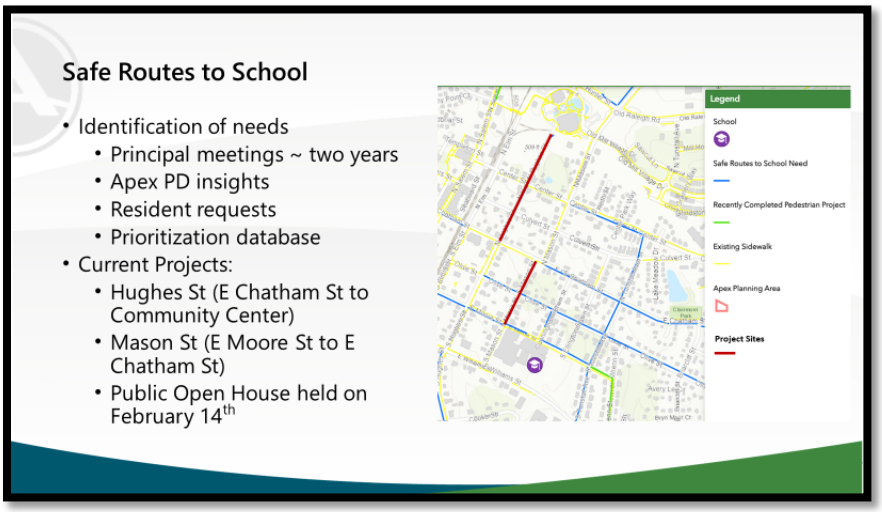
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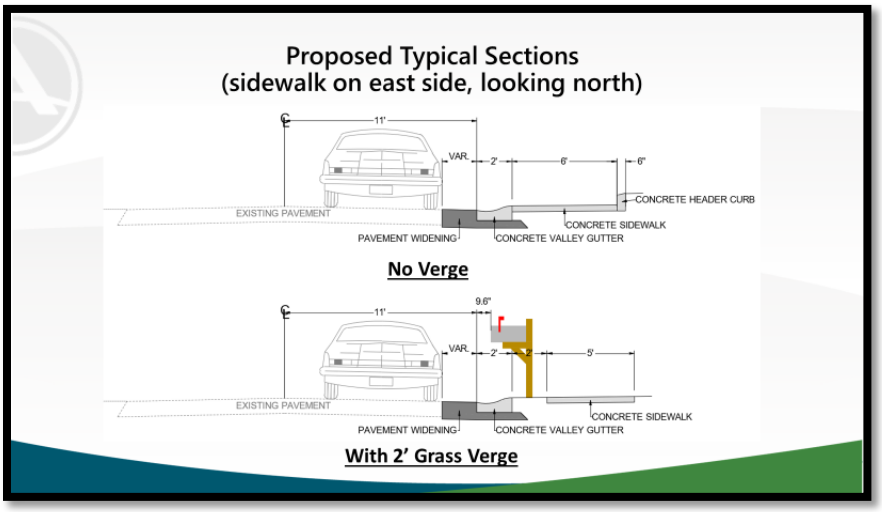
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[SLIDE 4]



[SLIDE 5]



Councilmember Killingsworth asked about stormwater.

Director Johnson said that some of the areas don't have a ditch so it would be just changing into curb and gutter.

Mr. Stephenson said that this was a big improvement on frontages where they are inundated with drainage currently.

[SLIDE 6]



Councilmember Zegerman asked if both concepts were being implemented.

Manager Stephenson said yes, around 50-50 based on current plans.

[SLIDE 7]



Councilmember Gantt asked how this would interact with the gate at the senior center.

Mr. Stephenson said the gate crosses the road.

Director Johnson said it would be up to Council if the gate would stay open, but pedestrians would still have access to the sidewalk there either way.

Councilmember Gantt said he was in favor of having the gate open, and he thinks Council should discuss that.

Mayor Gilbert asked if there have been any responses from the Community members.

Director Johnson said there had been mixed opinions from the Community.

Mr. Stephenson said that there was one resident on that block had concerns about truck traffic.

Councilmember Zegerman asked about the crosswalk on Hughes and Center Street.

Mr. Stephenson said that they would not plan to mark a crosswalk on Center Street. He said the Safety Engineer did a study, and it was not warranted at this time.

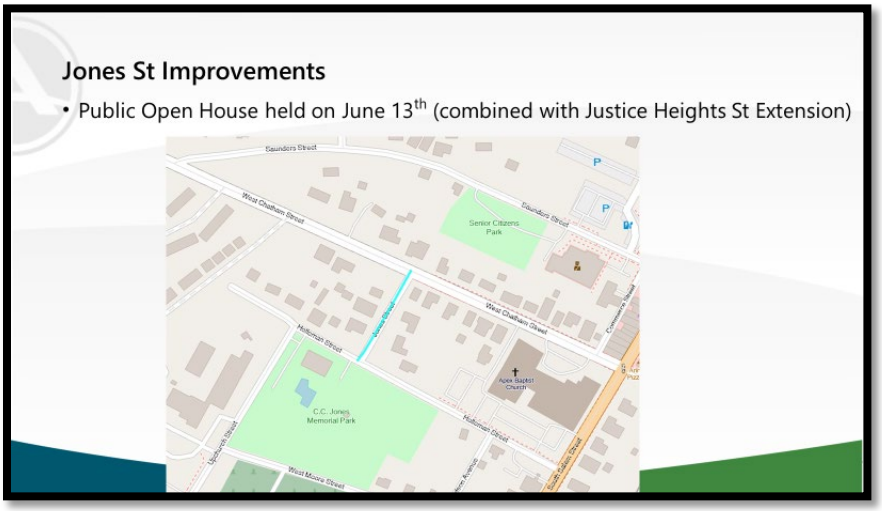
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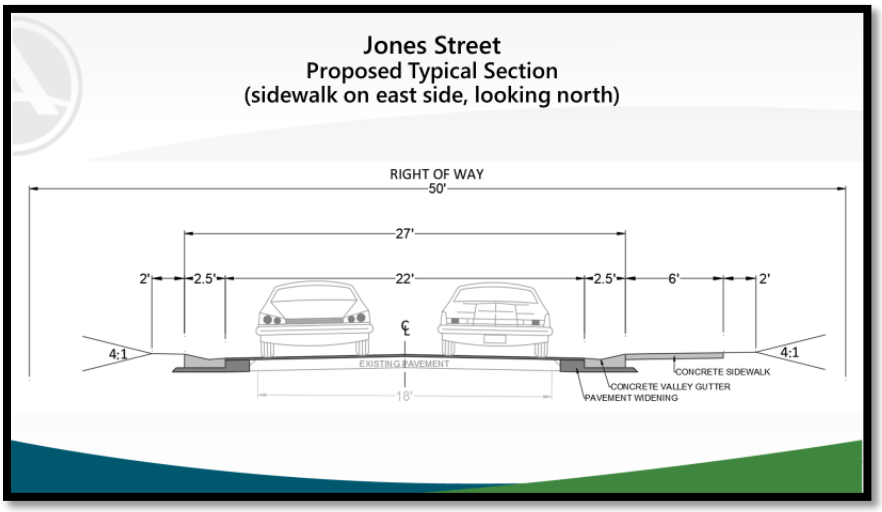
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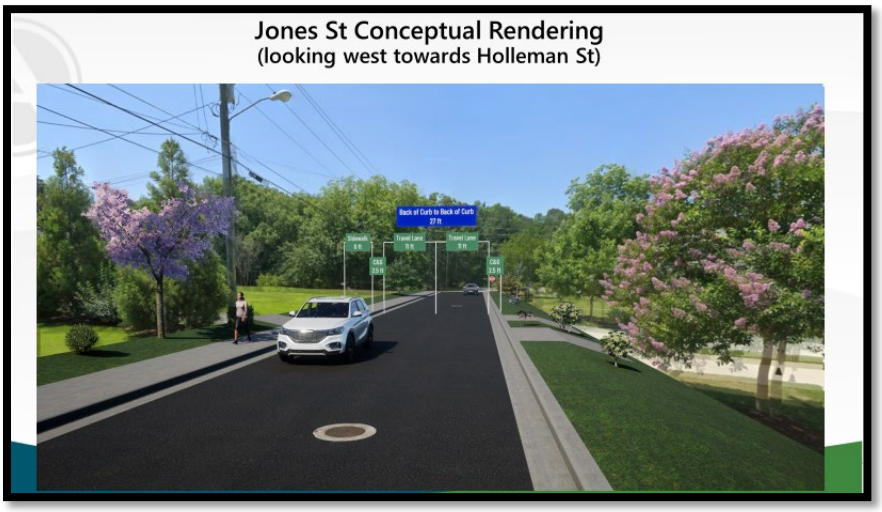
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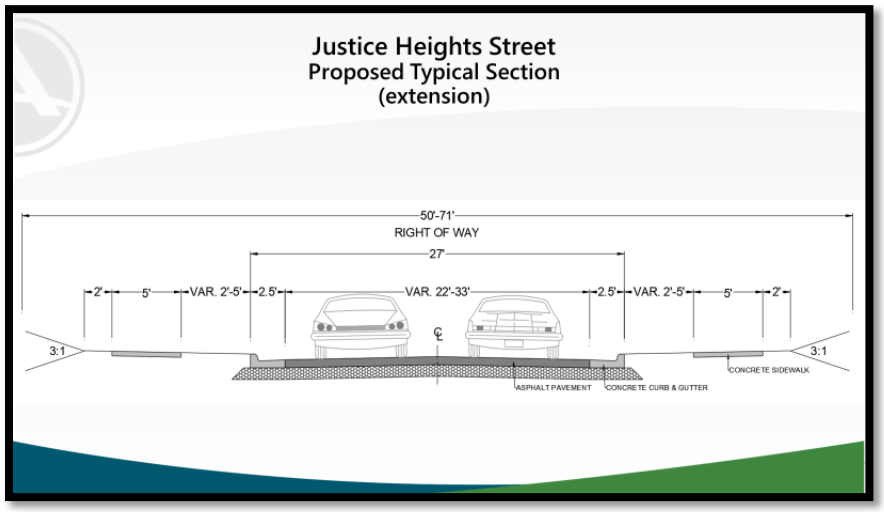


Councilmember Killingsworth asked if it was just the sidewalks on Jones Street.
Manager Stephenson said that was correct and it was the east side only.

[SLIDE 13]



[SLIDE 14]



[SLIDE 15]



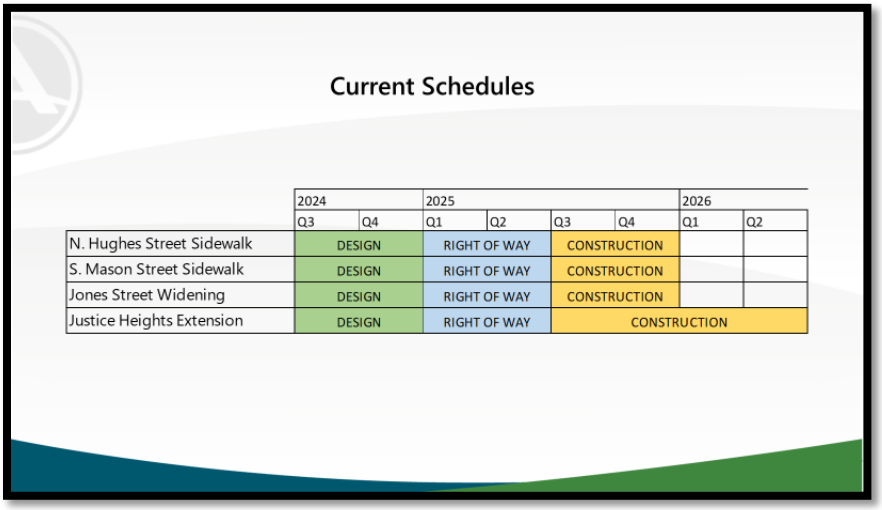
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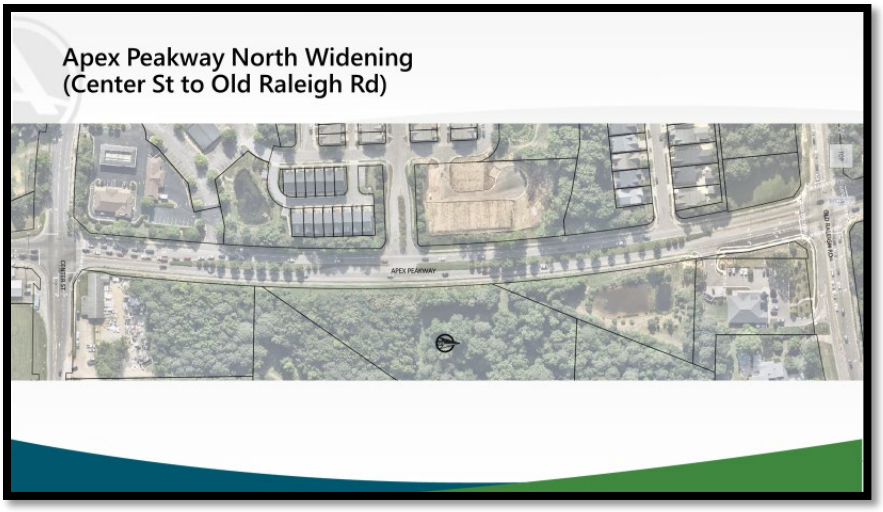
Councilmember Zegerman asked if they were talking about the entire length of Justice Hight's Street.

Mr. Stephenson said it was to Gumdrop Path.

[SLIDE 17]



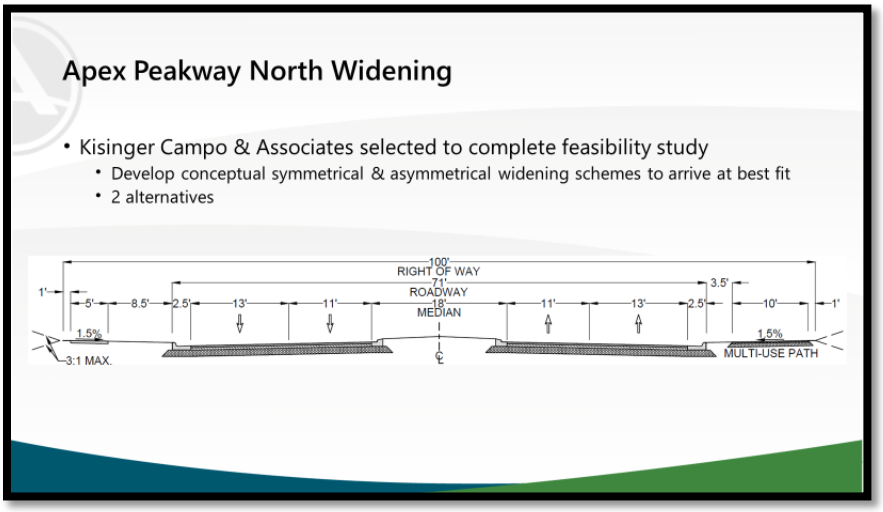
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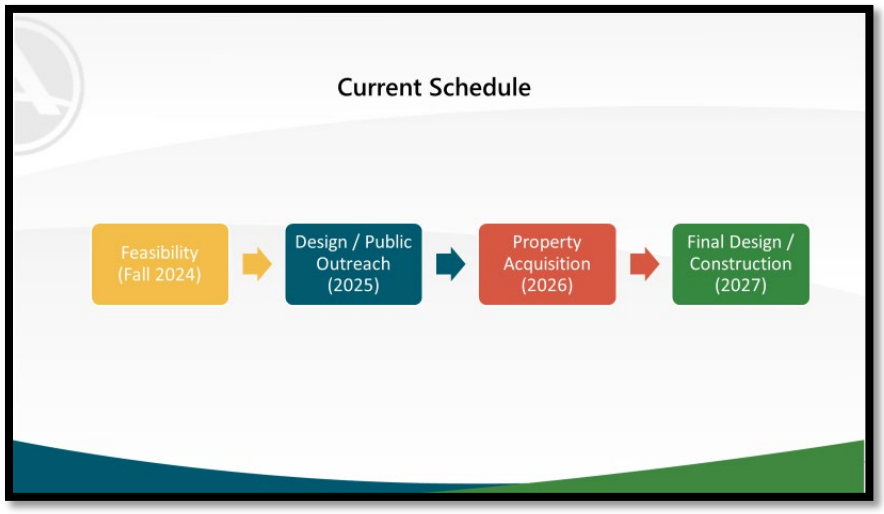
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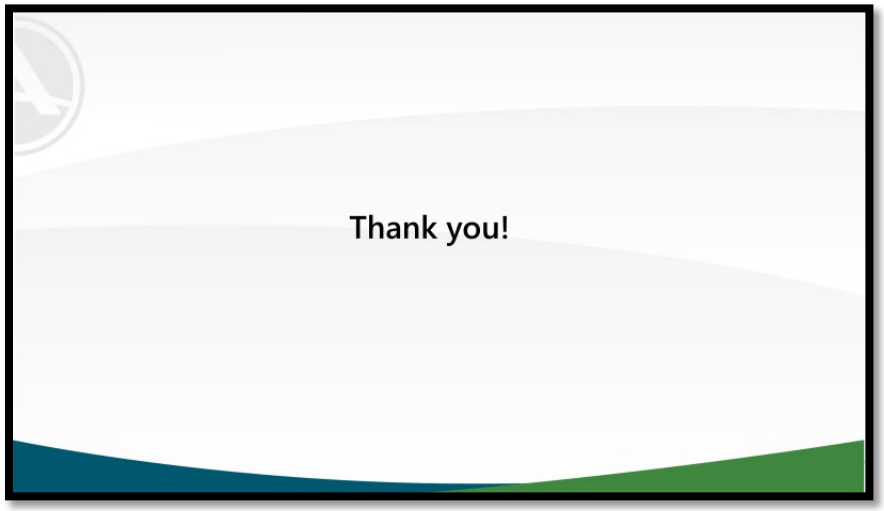
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[SLIDE 23]



Councilmember Zegerman said that there was no crosswalk on North Hughes Street. He asked how people would get to the section of the sidewalk between Center Street and Town Hall without a connection of the sidewalk.

Director Johnson said that they could put a marked crosswalk, but it is not something that is usually done without a beacon or signal.

Councilmember Zegerman was concerned about kids crossing over Center Street in an unmarked crossing. He said it would be safer for them to stay on Mason Street and use the signal intersection and walk Mason Street to enter the John Brown Community Center instead of through Hughes Street.

Councilmember Killingsworth said crossing in front of the traffic was not safe. She agreed with Councilmember Zegerman.

Councilmember Zegerman asked how Center Street would be crossed. He said that something would have to be done on the north side of Center Street to make the connection. He asked staff to take a look at options for the crossings in this area to make them safer and more accessible on the north side of Center Street.

Councilmember Gantt said that it was his understanding that kids are walking now in the street. He said that it may be safer to walk on the sidewalk in that part of Hughes instead of in the street.

Councilmember Zegerman said that he wasn't against the idea of building that sidewalk. He said he just wanted to make sure that there was thought given to the connective tissue at that location. He said that either do at Hughes Street or if it is too close to Mason Street then decide out how to cross at Mason.

Director Johnson said they would look to make it safe as possible they could look at the beacon with a crosswalk.

Mayor Gilbert thanked staff for the presentation.

Mayor Pro Tempore Gray asked about property acquisition.

Director Johnson said that it should not take long for the property acquisition. He said maybe 4 months.

Mr. Stephenson said that they were only working with one owner.

[ADJOURNEMENT]

Mayor Gilbert adjourned the meeting at **6:14 p.m.**

Jacques K. Gilbert
Apex, Mayor

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

Submitted for approval by Apex Town Clerk Allen Coleman

Minutes approved on 10th of September, 2024 (CN8).

APPROVED

TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, AUGUST 27, 2024
6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, August 27, 2024 at 6:00 p.m. in the Council Chambers at Apex Town Hall, located at 73 Hunter Street in Apex, North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel.

The recording of this meeting can be viewed here:
https://www.youtube.com/watch?v=TFc4BzzZnKU&t=2s

[ATTENDANCE]

Elected Body
Mayor Pro Tempore Ed Gray (presiding)
Councilmember Audra Killingsworth
Councilmember Arno Zegerman
Councilmember Terry Mahaffey
Councilmember Brett Gantt
Absent: Mayor Jacques K. Gilbert

Town Staff
Assistant Town Manager Marty Stone
Assistant Town Manager Demetria John
Town Attorney Laurie Hohe
Town Clerk Allen Coleman
Planning Director Dianne Khin
Current Planning Manager Amanda Bunce
Absent: Town Manager Randy Vosburg
All other staff members will be identified appropriately below

[COMMENCEMENT]

Mayor Pro Tempore Gray called the meeting to order and welcomed all who were in attendance and watching. He acknowledges the Apex police for the protection provided for the meeting.

Mayor Pro Tempore Gray then led those in attendance in the Pledge of Allegiance. He then took a moment of silence for the invocation. He then recognized invited members of the Apex chapter of Hindu Swayamsevak Sangh to lead a Raksa Bandhan ceremony, which is a traditional Hindu ceremony promoting unity and peace. Councilmembers were presented with Rakhis (bracelets) to signify these well-wishes.

A **motion** was made by **Councilmember Killingsworth**, seconded by **Councilmember Zegerman,** to approve the Consent Agenda as presented.

VOTE: UNANIMOUS (5-0)

[CONSENT AGENDA]

CN1 Contract Multi-Year – Carolina Civilworks, Inc. – Master Services Agreement (MSA) – Wastewater, Pump Station, and Water Distribution Repairs, Replacements, and New Installations as Needed – September 1, 2024 through August 31, 2027 (REF: CONT-2024-237)

Council voted to approve a Master Services Agreement (MSA) between Carolina Civil works, Inc., and the Town of Apex, effective September 1, 2024, through August 31, 2027, to perform wastewater, pump station, water distribution repairs, replacements, and new installation as needed, and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN2 Contract Multi-Year – Carolina Management Team LLC – Master Services Agreement (MSA) – Wastewater Appurtenances Lining, Sealing, and Grouting Services as Needed – September 1, 2024 through August 31, 2027 (REF: CONT-2024-238)

Council voted to approve a Master Services Agreement (MSA) between Carolina Management Team, LLC., and the Town of Apex, effective September 1, 2024, through August 31, 2027, to perform wastewater appurtenances lining, sealing and grouting service, and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN3 Contract Multi-Year - Data Voice International - WorkPal App - September 1, 2024 through August 31, 2027 (REF: CONT-2024-239)

Council voted to approve a multi-year contract with Data Voice International and the Town of Apex for a software application program (WorkPal) to assist with power outages, effective September 1, 2024 through August 31, 2027and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN4 Council Meeting Minutes – July 09, 2024 – Special Meeting

Council voted to approve, as submitted or amended, Meeting Minutes from the following meetings:

July 09, 2024 – Special Town Council Meeting Minutes

CN5 Unified Development Ordinance (UDO) Amendments – July and August 2024 – Statement (REF: OTHER-2024-091)

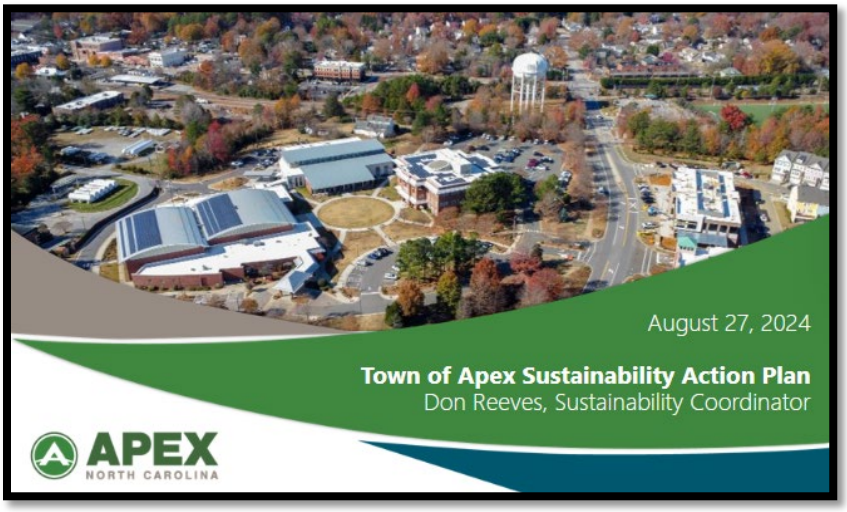
Council voted to approve the Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the Unified Development Ordinance (UDO) Amendments of August 13, 2024.

[PRESENTATIONS]

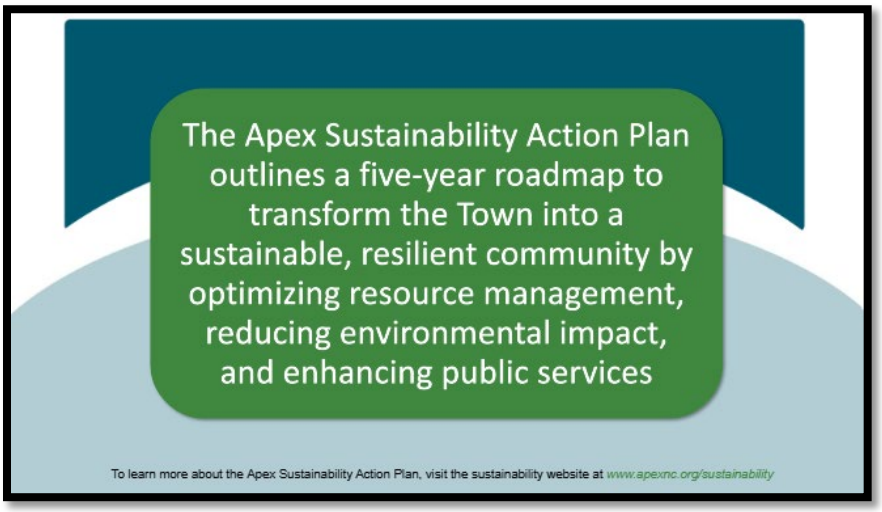
PR1 Apex Sustainability Action Plan (REF: PLCY-2024-010)

Don Reeves, Sustainability Coordinator, Budget and Performance Management Department gave the following presentation.

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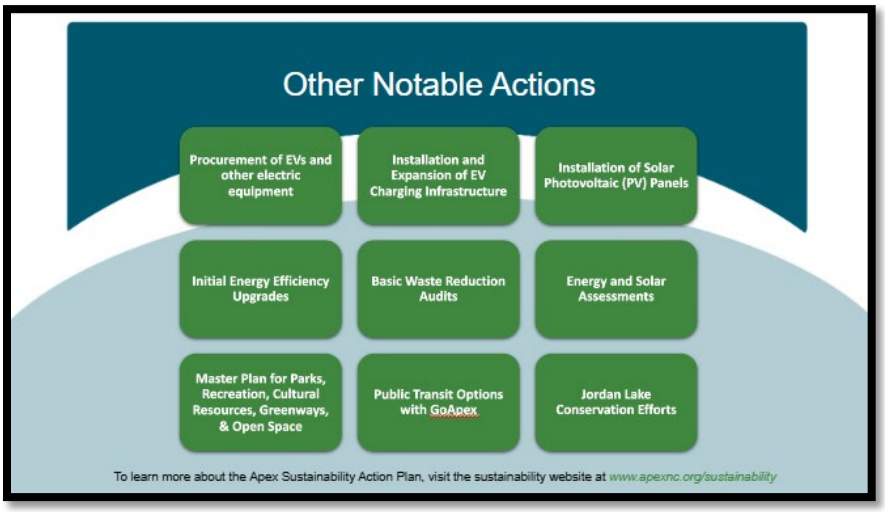
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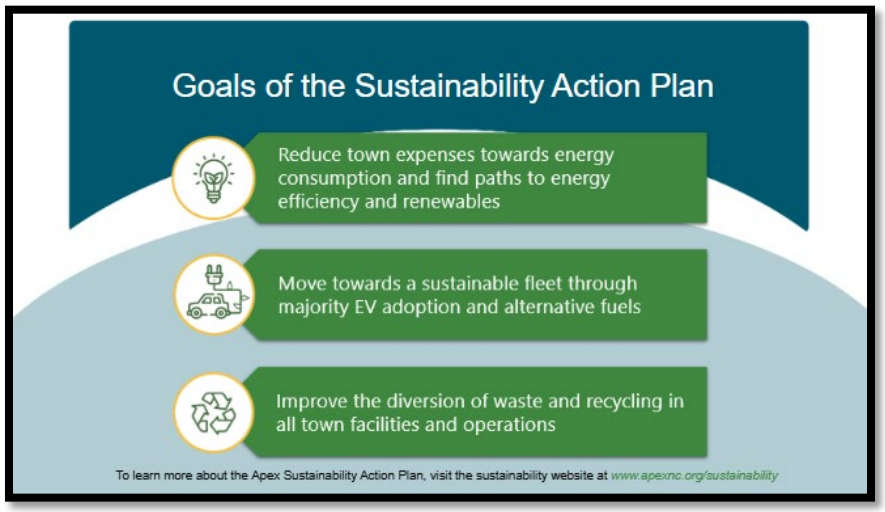
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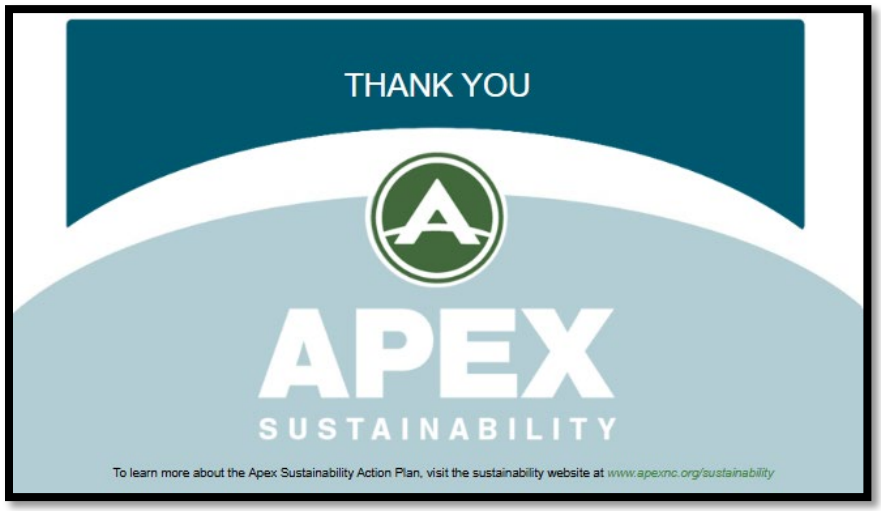
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[SLIDE 6]



[SLIDE 7]



Mr. Reeves thanked the Council.

Mayor Pro Tempore Gray asked if there were any questions.

Councilmember Killingsworth said the document was highly detailed, and suggested anyone interested to take a look at it.

Councilmember Mahaffey what the timeframe for is finding the EV's for other departments and the transition.

Mr. Reeves said they are doing research to see what vehicles would actually work and identifying the funding. He said it would probably be 8 to 10 years.

Councilmember Zegerman asked if the greenhouse gas inventory was going to be reported in this fiscal year or if it would be based on calendar year.

Mr. Reeves said probably for the calendar year but that the timeframe is flexible. He said that they are using Impura, a company that tracks how much energy and water that is being consumed and what the impact of the greenhouse gas emissions.

Councilmember Zegerman asked what the scope was. He said that assessment will help guide future investments.

Mr. **Reeves** said he could get that information.

Councilmember Mahaffey asked what would be used to promote sustainable practices into the community. He asked about contracting companies with more sustainable practices.

Mr. Reeves said that they wanted to be as internally focused as possible because they wanted to lead by example. He said that it was planned that in two to three years there would be a robust community facing plan.

Mayor Pro Tempore Gray asked if there were any other questions and thanked Mr. Reeves and staff for all of the work that they had put into this project.

A **motion** was made by **Councilmember Mahaffey** and seconded by **Councilmember Gantt,** to adopt the Apex Sustainability Action Plan.

VOTE: UNANIMOUS (5-0), with Mayor Gilbert absent

[REGULAR MEETING AGENDA]

Mayor Pro Tempore Gray set the Regular Agenda and asked if there were any recommendation meeting changes at this time.

A **motion** was made by **Councilmember Mahaffey**, seconded by Mayor Pro **Councilmember Zegerman** to approve the Regular Meeting Agenda.

VOTE: UNANIMOUS (5-0)

[PUBLIC FORUM] (NOTE: *To view Public Forum and Public Hearing Sign In Sheets, see OTHER-2024-092)*

Mayor Pro Tempore Gray opened up the Public Forum and invited the first speaker up.

First to speak was **Reverand Mike Merker** of 1201 Chapel Ridge Road:

"Esteemed Council members, I come to you this evening from Jordan Lutheran Church, we are at 1201 Chapel Ridge Road. The property that we have, we are continuing our development journey but we're here just to thank you. We're here to say thank you to your Planning Department for just guiding us, teaching us, helping us to know what's going on and sometimes, along the way, you learned things. So, one of the things that we discovered as you were looking to annexation to some adjoining properties, we said what else could we do, what could we do with our property. So, we offered that property up to five different States came in to do a disaster response training event earlier this year, so they came in to take down trees to learn to train, we ran it through the town and got approval for those and then we said, well, we still have the property, what else could we do. So, we said we'll go to the fire department and say would you guys like to just have access to this building and they said yes and immediately said we think over 100 hours of training could take place here, so I just want to give a special thanks to Lee Spencer, Jeff Womack, Training Coordinators with the department, Chief Tim Herman and countless others who made that possible. It was just wonderful to work with the Town and realize sometimes when plans change, better things happen. If the Mayor was here, I'd thank him, so I'm thanking him in abstention, he's always told me he said if we can get nonprofits and businesses and citizens to work together, great things happen. You guys are a part of that, so I just wanted to share that good story. I spoke to some of the fire department staff as they were there, they were so happy, you have a humble staff, you have a great staff, they were out there on site and also just it's different to do something 40 feet in the air on a ladder than it is on the ground, where we train, so thank you for letting us put holes in your building, we were glad to do so, so it was a whole lot of fun to do that. So right now, as the congregation's looking forward, we've got some zoning things that we look forward to just continuing that cooperative spirit with all of you on the Council, so I just wanted to say thank you, to you and letting us be a part of what it is to be here in Apex. So have a wonderful evening."

Mayor Pro Tempore Gray thanked Mr. Merker and invited the next speaker.

The next speaker was **Elizabeth Stitt** of 3113 Friendship Road:

"Good evening. I'm going to do something unusual. I've been asked by numerous people to please repeat my phone number. I've had numerous people try to get a hold of me from watching the YouTube videos, and I'm very happy that we have an audience. For those folks that want to text me or call or phone, however you want to do it, my phone number is 919-649-3768. As you know, my neighbors and I have been coming a while. I figured out two

years and three months at this point. If you had asked me in the beginning of this journey if I was going to be here this many meetings, I would have told you that you are crazy. I'm not a public speaker. I don't like to come to meetings, and I don't do anything on camera. You can go see all my social media, and there's no videos. Only thing that exists of me is that, and I don't like that. So, it's been a long journey, and when we first started, I was just really confused how the town operated. Then I thought, okay, now I'm starting to understand we have huge disconnects. I still think we have some major disconnects, especially around the force main. We would love to have the opportunity to talk with you, we offered that up many times, and it's really puzzling when I share with people the story of the journey, and they're like, well, how many times do they meet with you and I'm like, well, you know, there are some people who've not met with us at all, and that's really hard to get your head wrapped around but that is the reality is just some people just don't want to have the discussion with us, very important project, very large dollar project for the town, and we have our own consultants, we have our own attorneys, we have a different point of view, you may not agree with it, but we don't get the time to actually share it with you. You get little three-minute monologues, which, you know, I have yet to figure out how to perfect something in three minutes. So, we'd love to still have the conversation with you. So, the offer is put out there once again. We have been able to build some bridges. Obviously, we're working with the Planning Department around zoning in our particular area, and we greatly appreciate that opportunity in the meetings. I know on your September 17th Work Session, the zoning out in our area is going to be discussed. It is still very early from my perspective. We just got an email today asking us for input, haven't had a chance to review it, and it's going to be really tough, partly because with the force main, the town is going to be having a public hearing in front of the Ag board. Some of our properties are part of the voluntary Ag district program, my property, the Stone property, the Hastings property and the town's going to go in front of the Ag board to do a public hearing to talk about the force main. This will be the first time that there will be a public meeting about the force main where we property owners get more than three minutes, we actually get to have a part in that conversation. When you originally had this presented to you from Town staff back in July of 2022, it was in a Work Session, we weren't allowed to participate, our views were not heard. So very much looking forward to that on September 10th, and then of course we'll be back in front of you guys, not participating but watching and listening at the Work Session, because again, the Work Session does not allow the public to participate. So, I put this out there to you that we come to you over and over and over, we have concerns, we want to be heard, we want to be a part of this community, but this distance, this lack of communication, makes us feel like we're not a part of the community and I realize culturally the Friendship area, we act a little differently, hey, that's okay, but make room for us. It is almost as if all of these new people moved into town and what used to be something we could count on, getting to the stop sign without having a 20-minute wait or getting to the grocery store, just no longer exists. So, we want to get ahead of some of those things in our area, our area doesn't have to become like the rest of Apex. We should be allowed to be Friendship. We should be allowed to be a community. You recognize all the other communities that make up the diversity and all the vibrancy of Apex, but somehow,

we're just continually squashed because the constant message is, "We want your land, we want your land, we want your land. We want you to move, and if you don't move, please die so that your children can sell your property." I've literally had people say that to me. So, you know, we aren't anti-development. I've had numerous conversations with developers. We're just looking for a way to make it a better outcome. When we look at development in this town, obviously there are things to be learned. We want to take those learnings and have a better outcome. So, I hope that you use my phone number. Obviously, the town has my email address, and yes, the rest of the community is welcome to call me because we are organizing further and greater outside of our area as more people have heard the battle that we're fighting, they want to help. They don't like their tax dollars being weaponized to take my property, but that's what's happening. The developers don't like to be on the hook for reimbursing the Town for projects that maybe could be less expensive if approached differently, but we have yet to have that opportunity in front of you guys. So, thank you for listening to me. I hope that you give me a call, and I hope you have a great evening. Thanks."

Mayor Pro Tempore Gray thanked Ms. Stitt and called the next speaker.

Next to speak was **Dawn Cozzolino** at 3632 Bosco Road:

"Good evening, Town Council. I sent you a report today, I just got it, actually, in the traffic study for our area, which is pretty interesting. I'll get to that in a moment, but I just wanted to say something that safety is a big concern. These are about wrecks and crashes and accidents and people getting hurt and lifelong injuries and things like that and cost to people and I think we owe it to the safety of our citizens of North Carolina, not just our community but people that pass through our community, all the folks, to look at this issue and this issue is about vehicle crashes on secondary roads. Now, why do I say secondary roads? They're called SR. Why does that matter? Well, it's so important because the zoning is based on Apex's data. Apex doesn't have jurisdiction over these secondary roads. Very, very important. That's NCDOT, the Department of Transportation's responsibility. But if you go back to even, I'll just drop back to the storm, we had that tropical storm Debbie, and people were like, oh my, you know, traffic lights out here, whatever. Well, they didn't know what to do, right, because they don't know that nobody is managing that road. So, okay, the accident data I sent you, frankly, it scares me a lot. I know that not including the information in big decisions like zoning it's really a problem because you're ignoring a lot of the data points. So in the six and a half years of data, there were 79 accidents. There were, in total property damage, $773,920.00, and we're not even talking about the lifelong injuries people get, neck, back, broken parts all of that. That's a lot of money. And we're already at about 48,000 halfway through the year, it's about 100,000 a year. And a lot of developments that are in this corridor are yet to be fully in function. The other thing is that the conditions were daytime during the week, so we're talking about commuting folks, right, trying to get to their job, just doing their thing, and it was on dry roads. So, no snow, no ice, no rain. So that's a preponderance of the data that is showing that, and then 60%, the majority, are your right turns, your left turns, and your rear-end and your angle accidents. So, what does that mean?

Because the speed is 55 on Old US 1. Thank you very much. I hope you read the study. Thank you.

Mayor Pro Tempore Gray thanked everyone that came out to speak. He closed the Public Forum and moved to Public Hearings.

[PUBLIC HEARINGS]

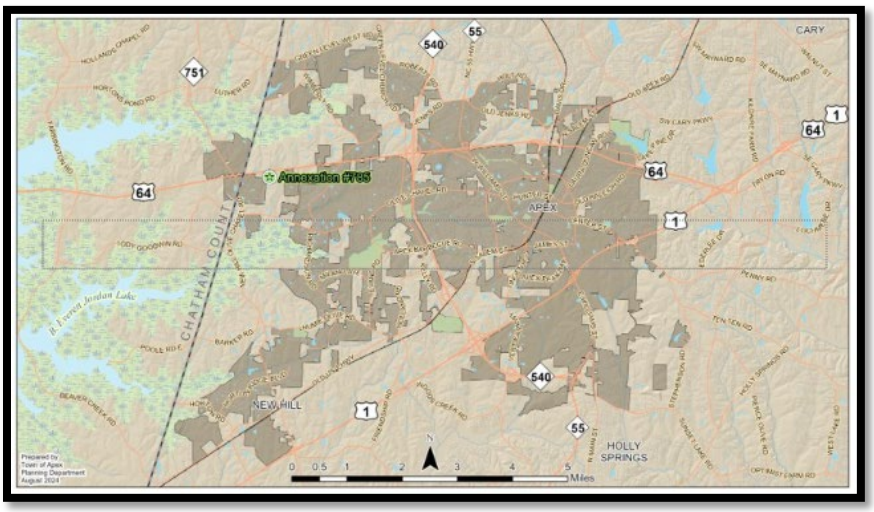
PH1 Annexation No. 785 - Elevate 64 West - 35.15 acres (REF: ORD-2024-069)

Dianne Khin, Director, Planning Department gave the following presentation.

[SLIDE 1]



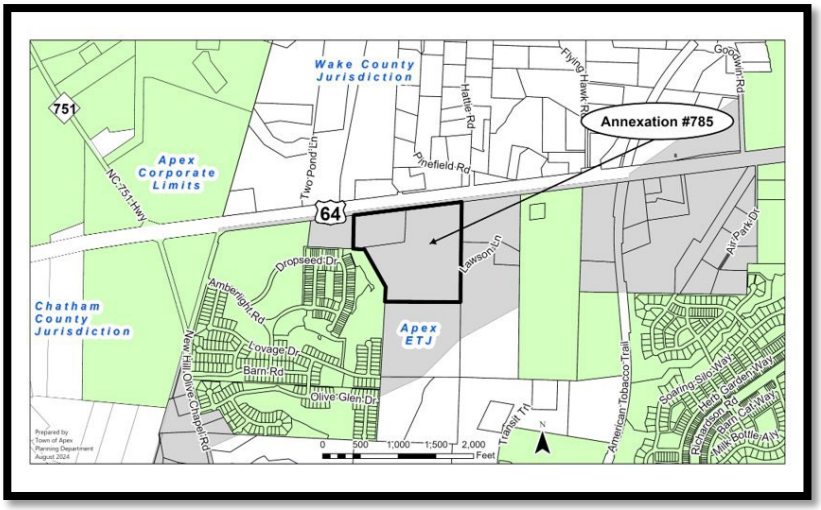
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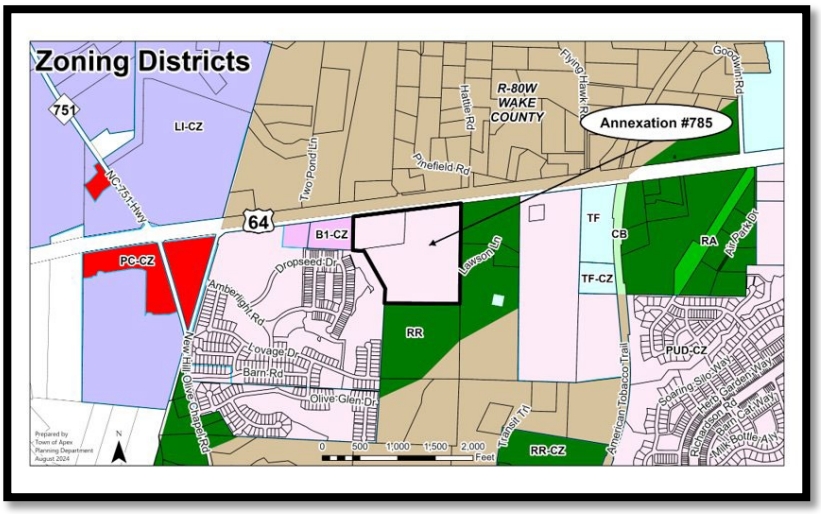
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Mayor Pro Tempore Gray asked if there were any questions. He opened it up for Public Hearing and closed it.

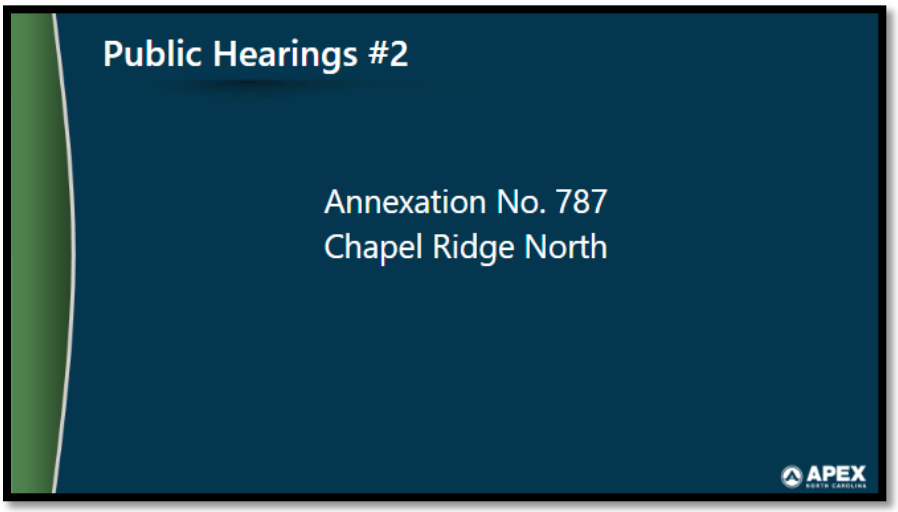
A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember Gantt,** to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex 35.15 acres, known as Elevate 64 West, Annexation No. 785 into the Town Corporate Limits.

VOTE: UNANIMOUS (5-0)

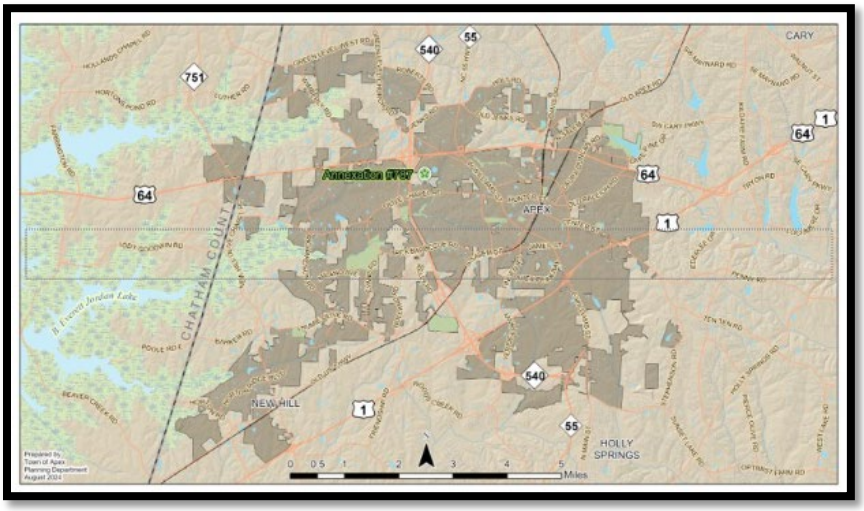
PH2 Annexation No. 787 - Chapel Ridge North - 21.56 acres (REF: ORD-2024-070)

Dianne Khin, Director, Planning Department gave the following presentation.

[SLIDE 1]



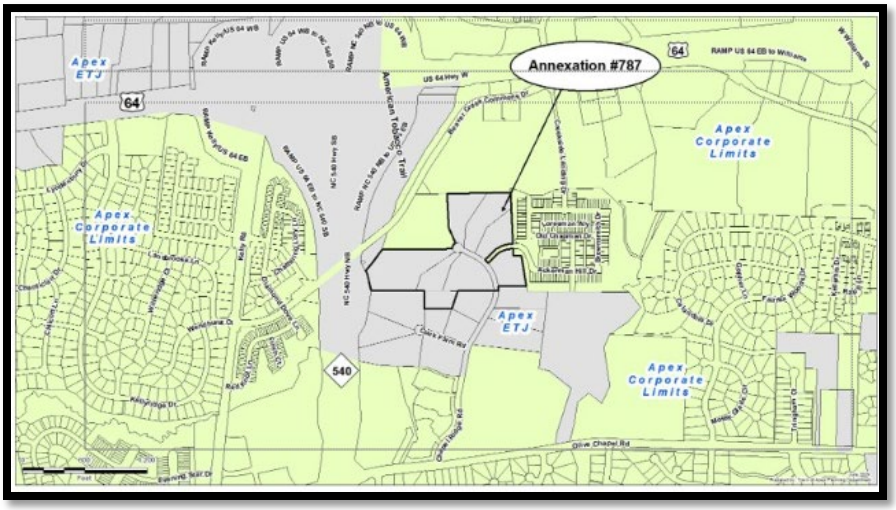
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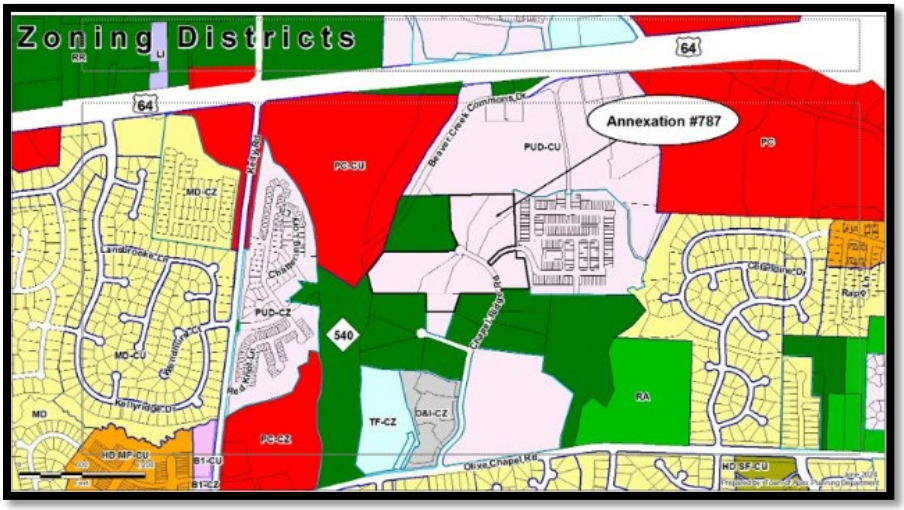
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Mayor Pro Tempore Gray asked if there were any questions. He opened it up for Public Hearing and closed it with nobody signed up.

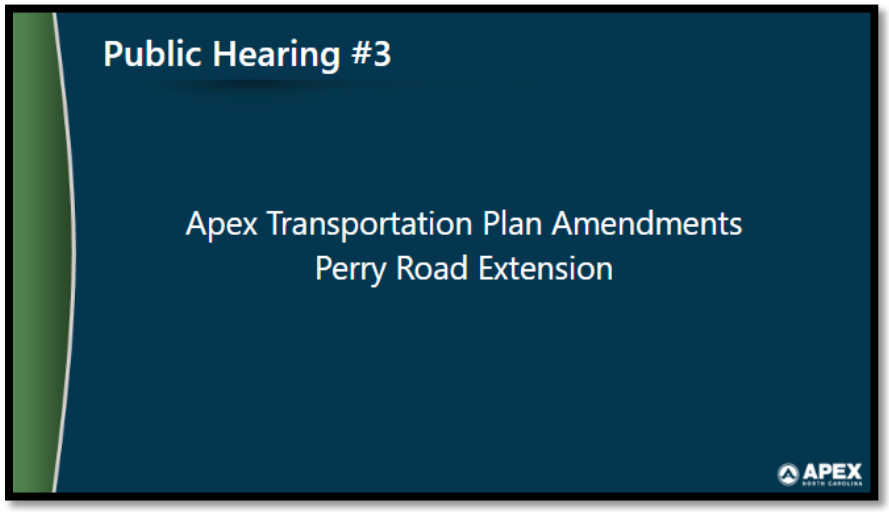
A **motion** was made by **Councilmember Killingsworth,** seconded by **Councilmember Zegerman** to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex 21.56 acres, known as Chapel Ridge North, Annexation No. 787 into the Town Corporate Limits.

VOTE: UNANIMOUS (5-0)

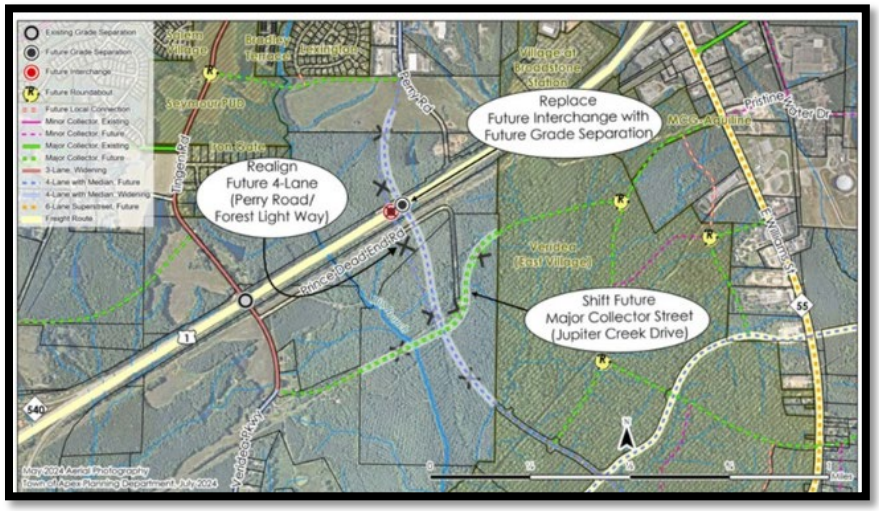
PH3 Apex Transportation Plan Amendments - Perry Road Extension

Shannon Cox, Long-Range Planning Manager, Planning Department gave the following presentation.

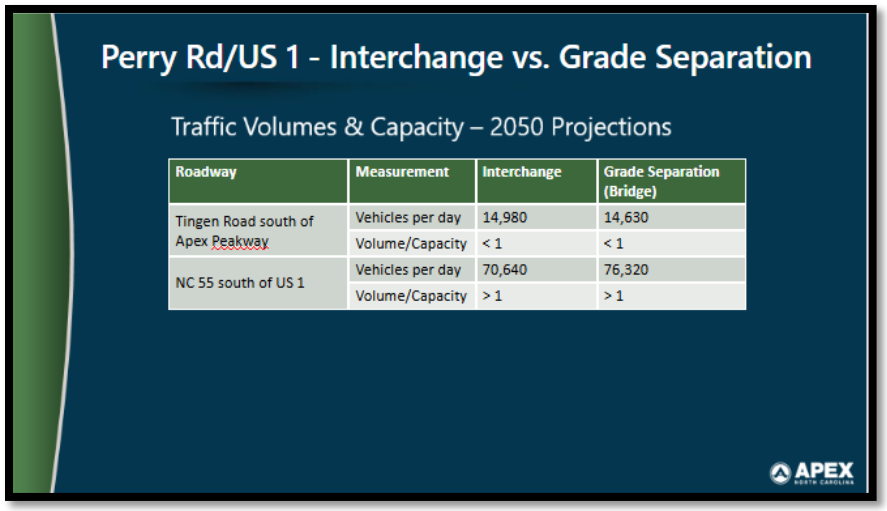
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Councilmember Gantt asked why with the grade separation at Perry Road that along Tingen Road there would be fewer vehicles.

Ms. Cox said that she expected that some cars would want to avoid the congestion, but she was not definitely sure.

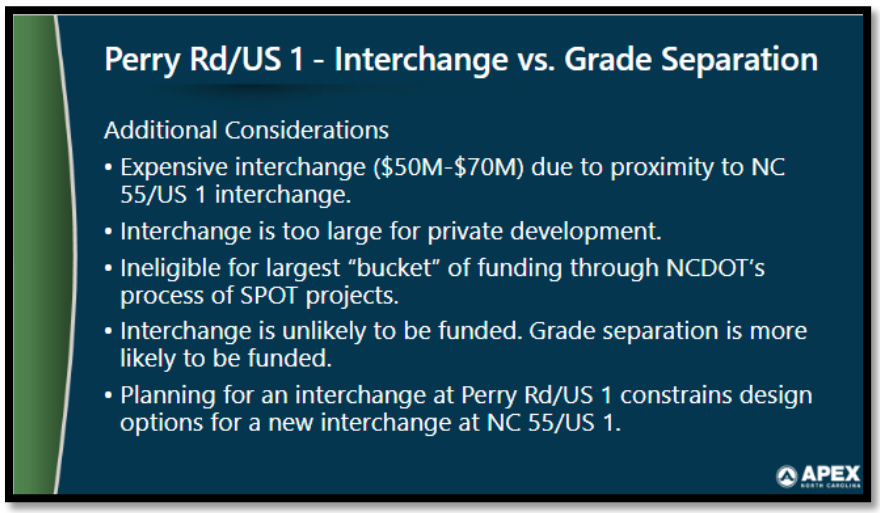
Councilmember Gantt asked if this would be at the intersection of the Peakway.

Ms. Cox said it would be the segment south of the Peakway and north of US 1.

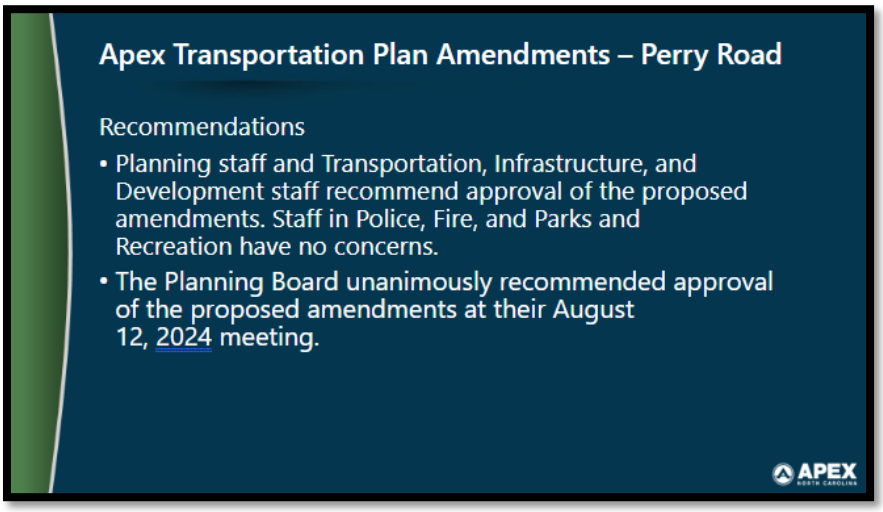
Councilmember Gantt had some concerns about Perry with no intersection.

Ms. Cox said this was compared with the interchange at Perry Road and then no connection at Perry Road.

[SLIDE 4]



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Councilmember Killingsworth asked if this would use division funding.

Ms. Cox said there was no division funding at this time but will submit it again to Campo division.

Councilmember Mahaffey asked if there were other ways to get it built other than the Campo division.

Ms. Cox said that they could pursue LAPP funding, Town funding or other sources to contribute.

Councilmember Killingsworth asked what the requirement for this was to be a NCDOT funded crossing.

Ms. Cox said there were 3 levels of funding when it comes to the State Transportation Improvement program and this project does not qualify. She said that so far it has been treated as a division needs project and the funding bucket is not big enough.

Councilmember Mahaffey asked where staff prioritizes the Perry Road Bridge project. He asked if there was vision of what should be done to cross US 1 and what order they may be done in.

Ms. Cox said there is a project prioritization in the document. She said that there is a near, mid-term and long-term recommendation for the projects.

Councilmember Mahaffey asked how this project was prioritized compared to the New Hill Holleman Road widening project.

Ms. Cox said that Perry Road would be a long-term project. She said staff has been looking at the best options for each location.

Councilmember Zegerman asked why this would be done now.

Ms. Cox said there are three reasons to consider doing it now. She said the first reason is to try to keep the map transparent and updated. She said the 2nd reason would try to continue to have it prioritized for the funding that is available. She said the last reason is because NCDOT is working on the express designs for the US 1-55 interchange and Perry Road does impact the express designs for the US 1-55 location.

Councilmember Zegerman asked if there was a design that included pedestrian and bicycle facilities.

Ms. Cox said that what was on the plan now was sidewalks on both sides of the Perry Road extension, it is a four-lane thoroughfare, and there is a greenway on the plan that would cross US 1 and extend into Veridea and provide that bicycle pedestrian connection parallel.

Councilmember Zegerman asked if there were anticipated traffic volumes on the Perry Road connection. He said that would extend the longevity of the Tingen Road Bridge.

Ms. Cox said she did not have it in the staff report with her, but there was model data for Perry Road. She said that the higher the cost of the project, the harder they are to get programmed.

Councilmember Zegerman said he appreciated the clarification and information.

Mayor Pro Tempore Gray said that the cost will go up over time, so if funding becomes available, would the town be ready to move forward would this provide the option to move forward.

Ms. Cox said it would help to move it forward through prioritization.

Councilmember Mahaffey said that there would need to be more connection given the future growth. He said that this does make sense to do, and he said a future Council would likely have to build this anyway given the transit options currently.

Mayor Pro Tempore Gray asked if there were any questions. He opened it up for Public Hearing and closed it with no signups.

A **motion** was made by **Councilmember Killingsworth**, seconded by **Councilmember Mahaffey,** to amend the Thoroughfare and Collector Street Plan map in the vicinity of future Perry Road extension and US 1 Highway.

VOTE: UNANIMOUS (5-0)

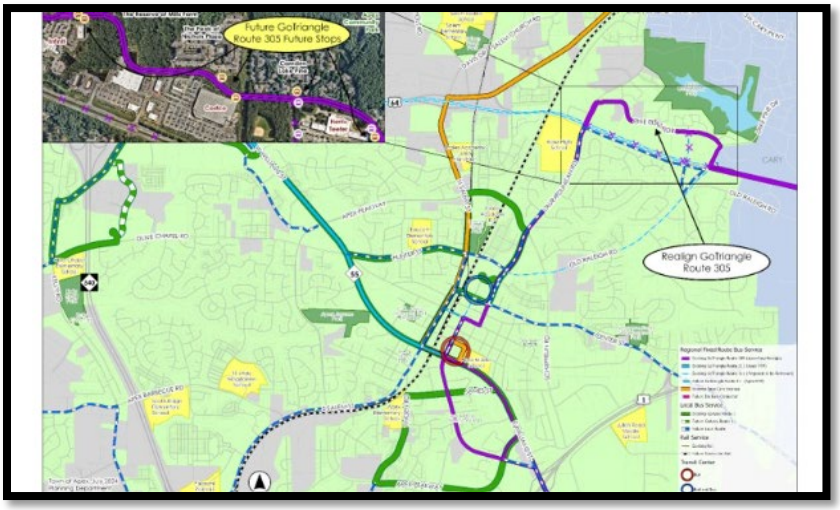
PH4 Apex Transit Plan Map Amendment - GoTriangle Route 305

Katie Schwing, Senior Planner – Long Range Transit, Planning Department gave the following presentation.

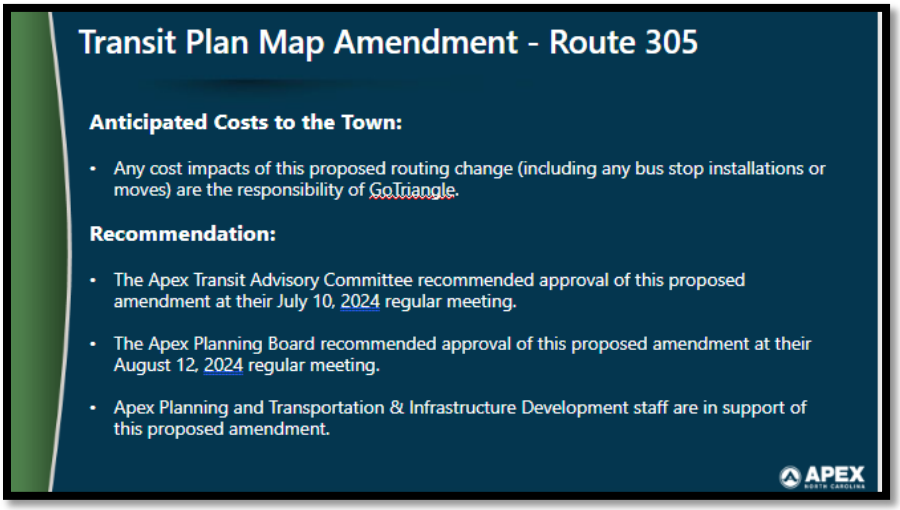
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Councilmember Gantt asked could the roundabout at Laura Duncan in Pine Plaza could be separated from the 64 overpass and talked about in the CIP in the future. He said if it could be separated the possibility of doing it sooner.

Councilmember Killingsworth agreed.

Councilmember Mahaffey said he liked that idea as well.

Mayor Pro Tempore Ed Gray asked if there were any questions. He opened it up for Public Hearing and closed it.

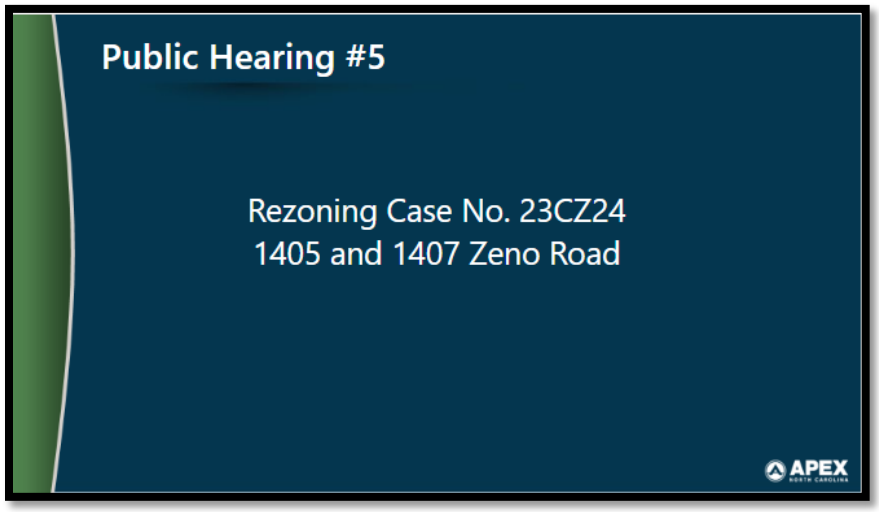
A **motion** was made by **Councilmember Gantt**. seconded by **Councilmember Mahaffey** to amend the Transit Plan Map of the Town's Transportation Plan to update GoTriangle Route 305 routing to travel from Laura Duncan Rd, to Pine Plaza Drive, to Lake Pine Drive, northbound, and Lake Pine Drive, to Pine Plaza Drive, to Laura Duncan Rd southbound.

VOTE: UNANIMOUS (5-0)

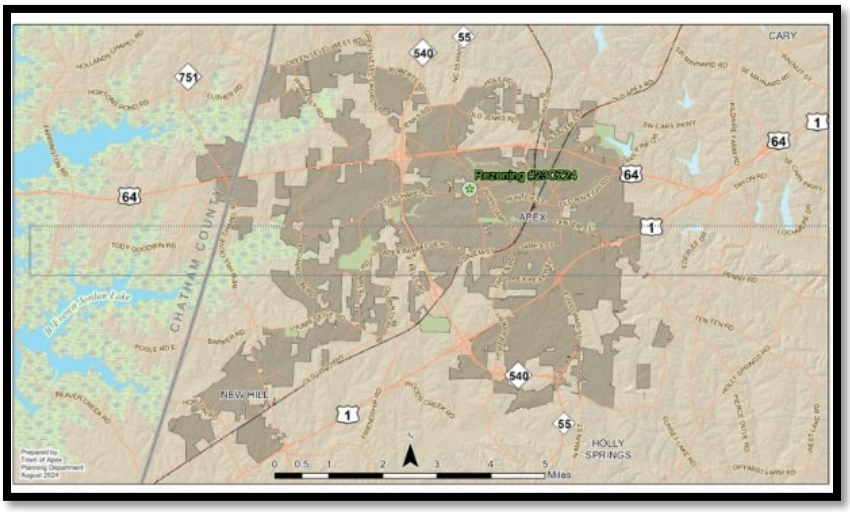
PH5 Rezoning Case No. 23CZ24 – 1405 and 1407 Zeno Rd

Joshua Killian, Planner I, Planning Department gave the following presentation.

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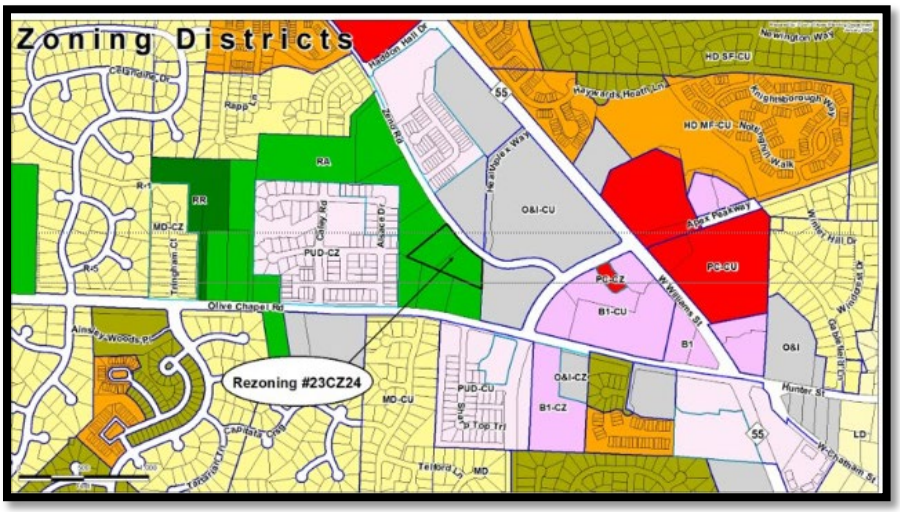
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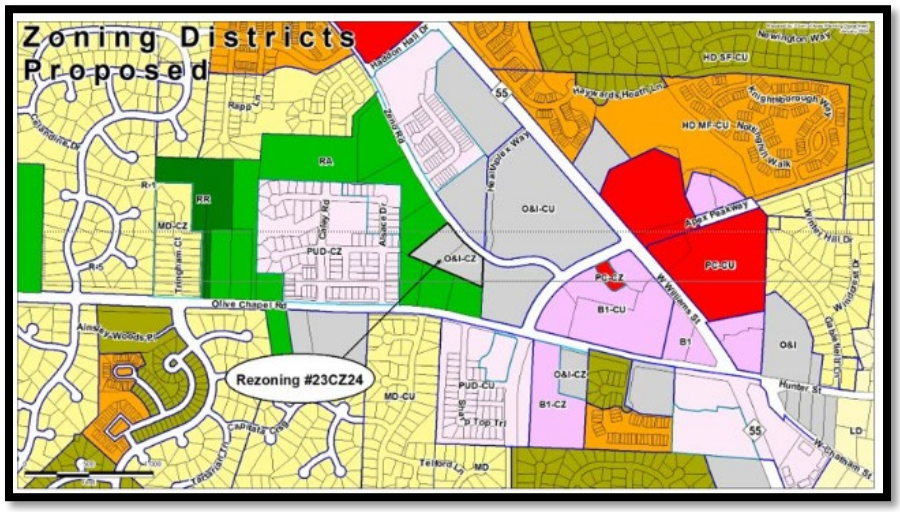
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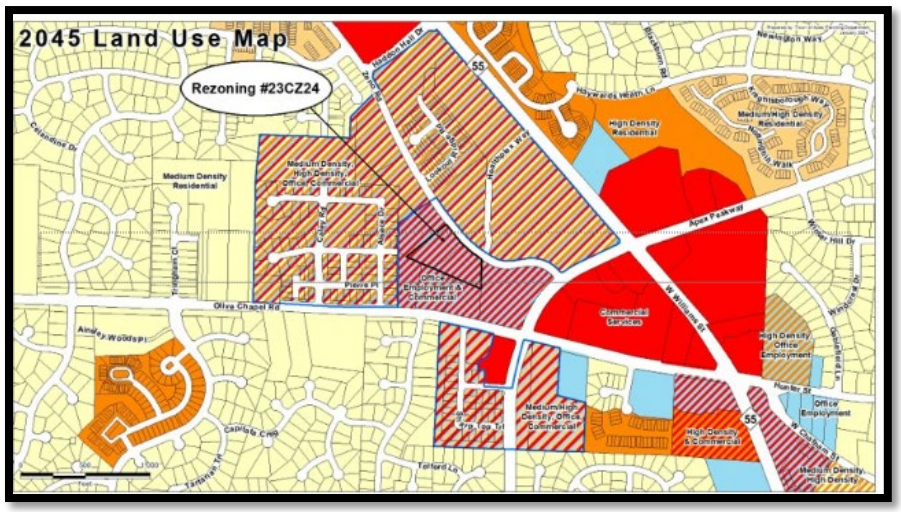
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[SLIDE 7]



[SLIDE 8]



Councilmember Gantt asked about the future road not being aligned at the Health Center and the Health Plex Way.

Mr. Killian said he would like Russell with Transportation to answer this question. He said this was a conditional use rezoning that had been done years prior.

Councilmember Gantt asked where the entrance to the project would be.

Mr. Killian showed on the map where the right in and right out would be.

Mr. Dalton addressed Councilmember Gantt's question about alignment. He said that with the development of Life Point it was recommended that there be access between halfway Health Plex Way and the other access to the hospital. He said that they did not want it to be lined up with the driveway to the hospital because of the four-leg intersection being close to the Peakway. He said that they have recommended the three-lane road section with the center turn lane and provided ample offset between the driveways so there wouldn't be any left turn conflict and have tried to make the best of the situation.

Mayor Pro Tempore Gray asked if the 3-lane road had 2 lanes and a turning lane.

Mr. Dalton said yes. He said they are spaced out as far as reasonably possible to keep it farther away from Health Plex Way. He said he would expect that development of the property to the west would provide more access, but it can be hard to get commercial properties to work together on a shared access.

Councilmember Gantt asked if the plan was to align the roundabout at the northeast corner of the neighborhood.

Mr. Dalton said that hopefully the two properties would come together to provide one shared access.

Councilmember Zegerman asked if the driveway would hug the border of the property.

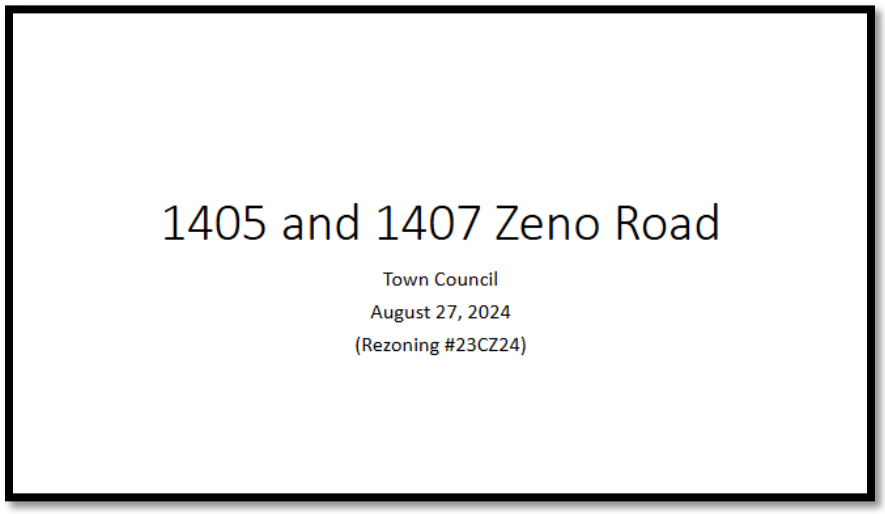
Mr. Dalton said there is a 20-foot buffer, but they could offer a stub to that property or a cross-access easement that would provide the ability for them to connect in the future. He

said it was not part of the condition right now. He said there would be an offset buffer from the adjacent property.

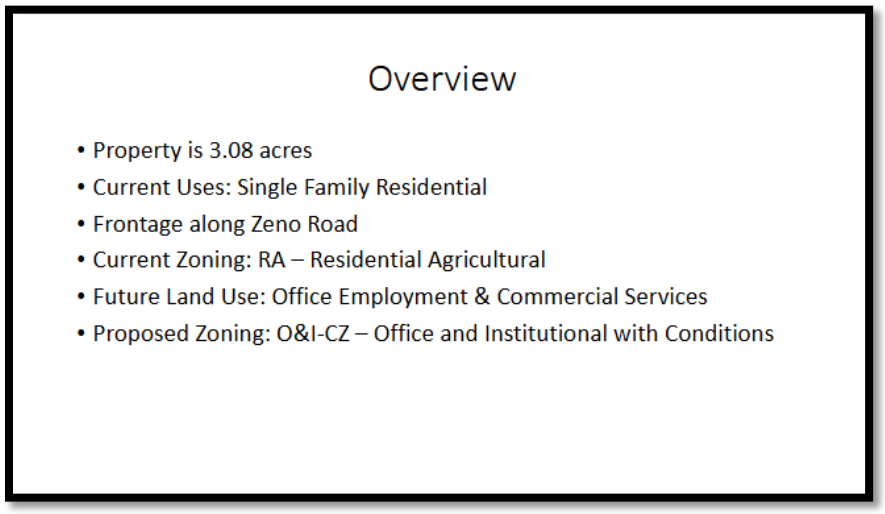
Mayor Pro Tempore Gray said there were required buffers so there would not be a road.

Jennifer Ashton with Longleaf Law Partners spoke on behalf of the applicant. She gave the following presentation on 1405 and 1407 Zeno Road.

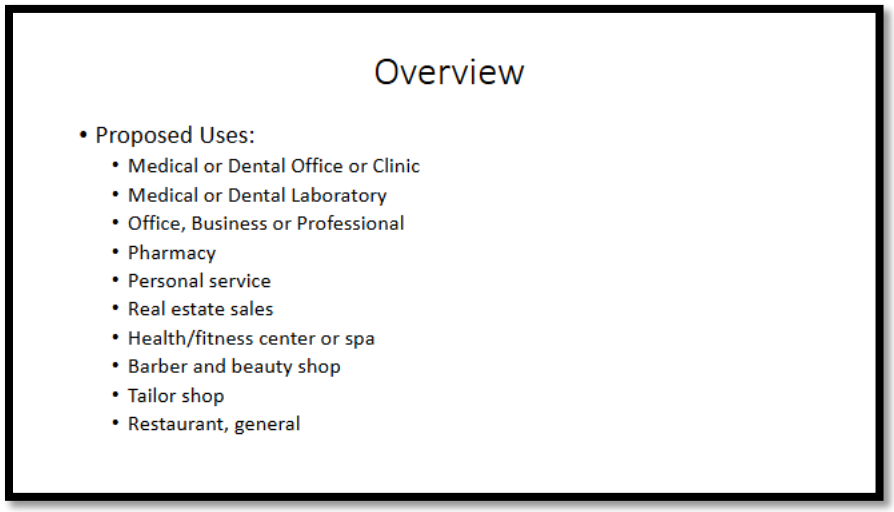
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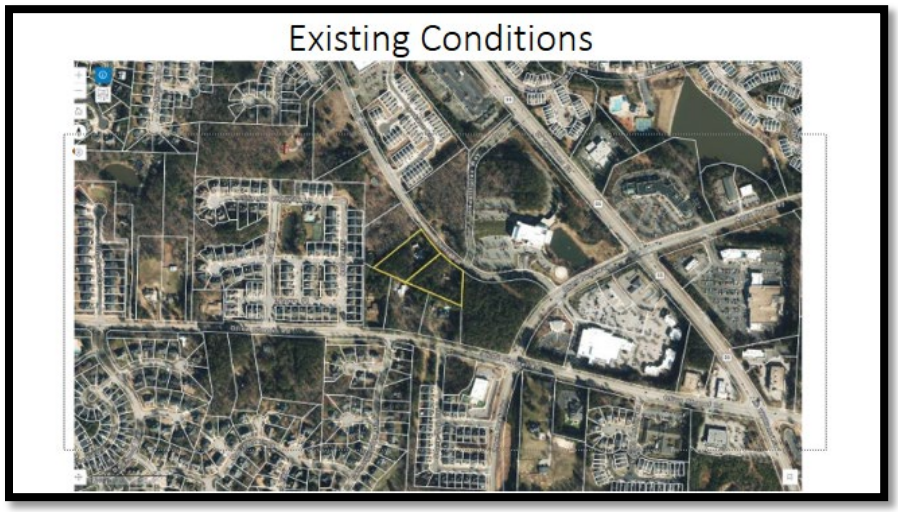
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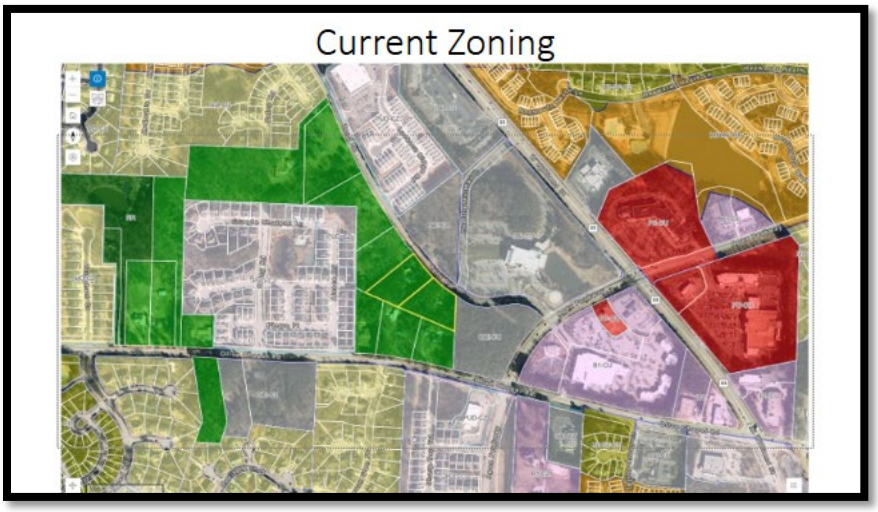
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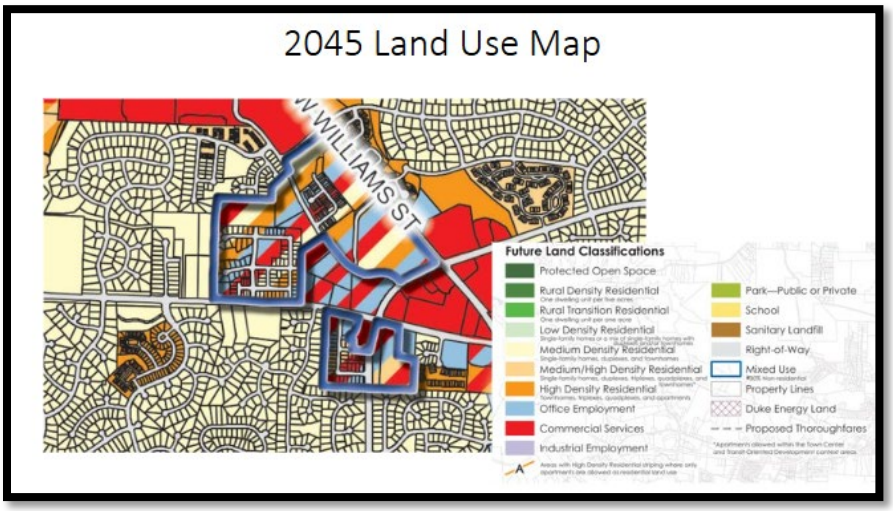
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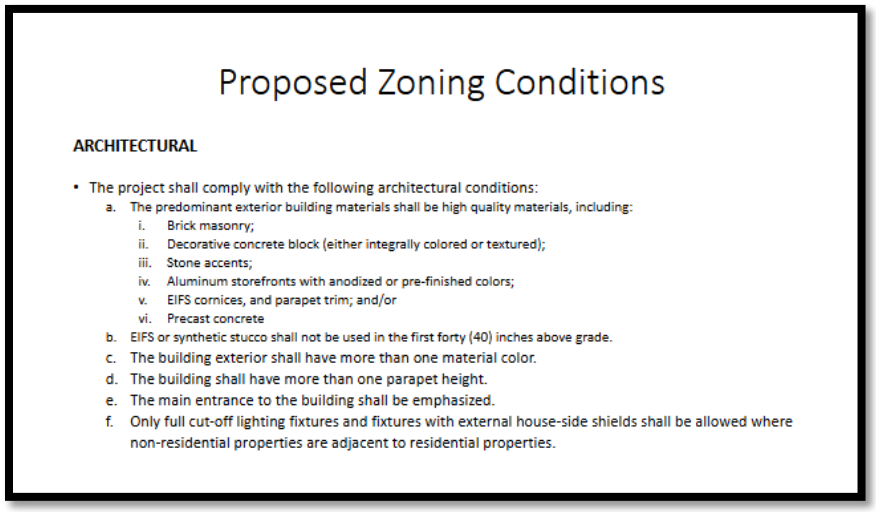
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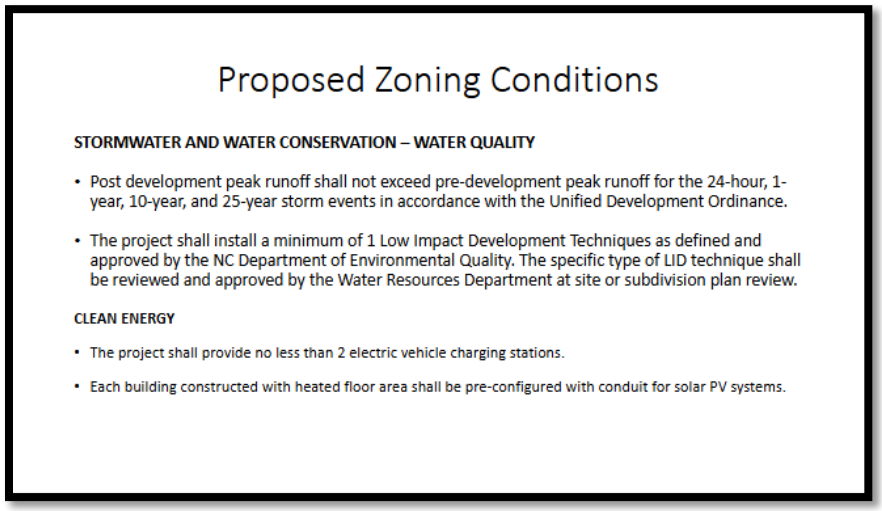
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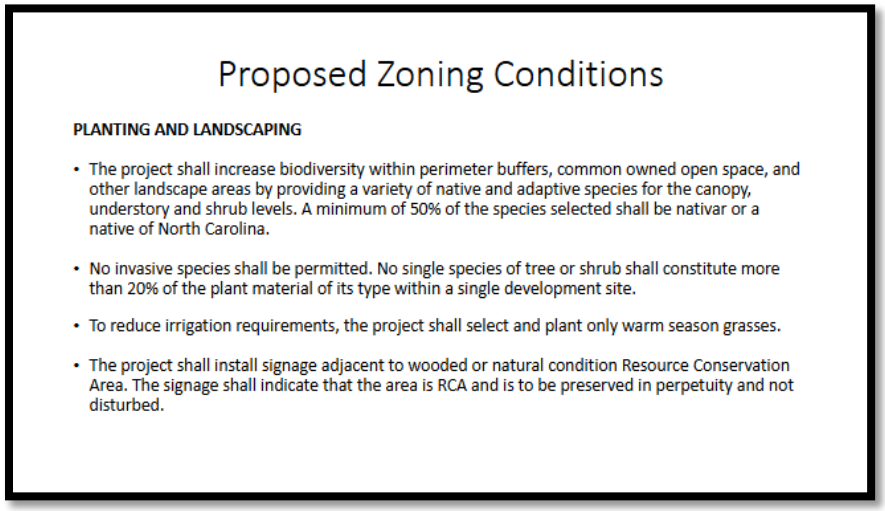
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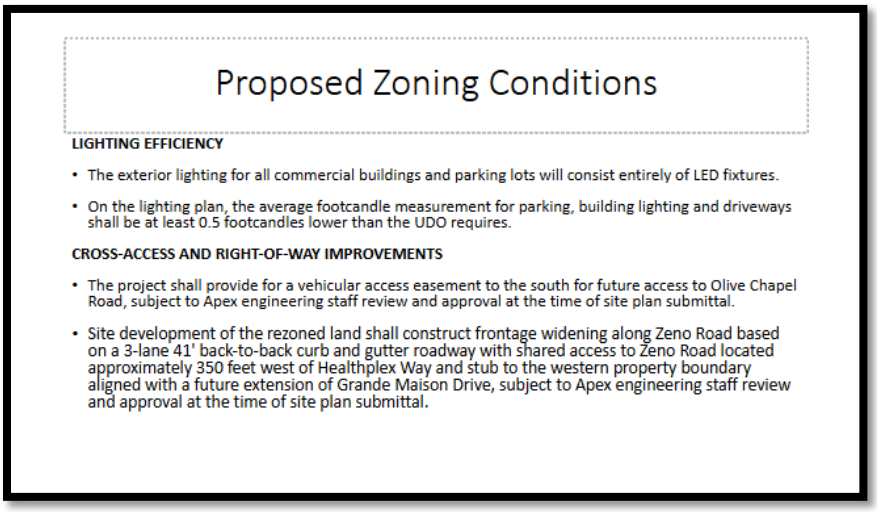
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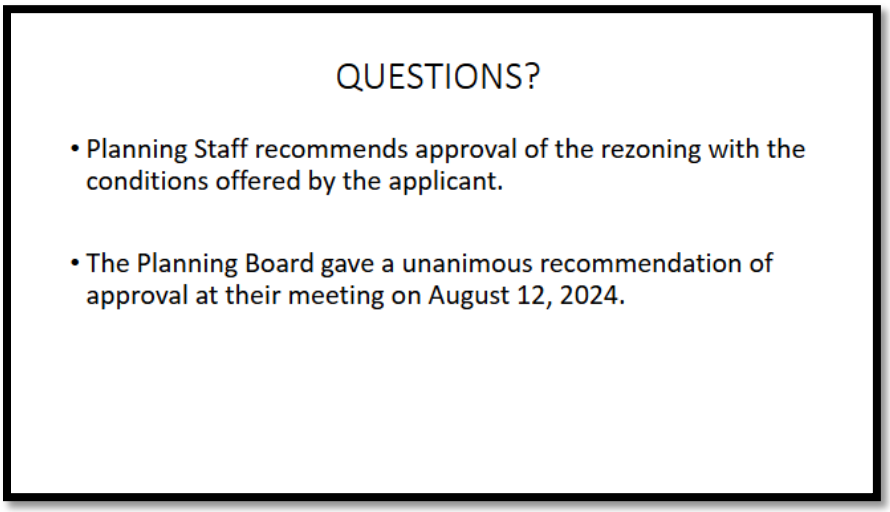
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[SLIDE 13]



Councilmember Zegerman asked if the discussion regarding the owner of the neighboring property who had asked for a privacy fence during the Planning Board had been settled.

Ms. Ashton said that a fence had not been offered before this current meeting. She explained that staff had proposed that the road could be spaced out enough so that there would be room for a fence and not interfere with the right of way. She said that if Council wanted to take the proposal from staff and to provide a fence for the neighbor that would do that. She said that it would be a private drive, because of the reduction of the road width. She said when 1409 Zeno Road was developed in the future, the plan would be for that fence to go away.

Mr. Dalton said that it would be a private drive but there would be a public access easement, which is typical on commercial sites.

Councilmember Gantt said that the issue with a driveway is that the property owner has to do maintenance. He said that the Town should be able to get emergency vehicles in and so the Town has to do the maintenance anyway.

Mr. Dalton said that is not typical with commercial sites. He said Apex has other public access or it may be private driveways that provide connectivity that people use for public access. He said that the concern is when it's a residential type of development like townhomes. He said this would be a smaller section, around a 20 foot driveway, and much easier to maintain.

Councilmember Gantt asked if there were multiple businesses, would it create problems who actually takes responsibility for the maintenance.

Mr. Dalton said that they would stub a short gap to the west to this private driveway. He said that he could see why there would be concern about the long-term maintenance, but having this is typical of commercial developments.

Councilmember Zegerman asked if it impacted future development with the extension to Grand Maison Drive to provide the proper connection.

Mr. Dalton said the road would be to the minimum fire code standards, and he was not overly concerned about this situation in this development, as it was typical. He said this is what has been done in the past for commercial development to provide that type of cross access.

Councilmember Mahaffey said that he would like this to be public road given that it is going to a hospital and would be an alternative route if there were an accident at Olive Chapel and Apex Peakway.

Mr. Killian said that a hospital use would not be allowed on this property, and emergency vehicles would be able to access the roads that led to the hospital across Zeno Road.

Mr. Dalton said that if the concern is the standard of the road, then the applicant could offer to build it to the residential street. He said it would be privately maintained on a public access easement. He said the Town would have full control over the long-term maintenance and it would have to be a dedicated public right of way.

Councilmember Zegerman said that to clarify, in the design it will be a 27-foot public road on the property, and if the change is made it would be a 20-foot private driveway.

Ms. Ashton said the change would allow for the fence to be installed, and it would not be a major road width change. She said for maintenance purposes this property would not have been lot of small businesses, she said this is intended to be a single owner or a condo building in the future, so there wouldn't be a lot of different owners having to work together.

Councilmember Gantt said that based on the zoning it could be several small businesses.

Ms. Ashton said that the property was likely too small for there to be lots of small buildings.

Bob Zumwalt with BGE said that the property was small, and they did not have any issue maintaining the 27-foot back-to-back street section. He said they could keep the street section the same. He said keeping the street private with a public access easement would

give them the ability to do things like doing a sidewalk on one side instead of both sides, and have more room for planting. He said that they would maintain it.

Mayor Pro Tempore Gray asked if there were any questions. He then opened it up for Public Hearing and called the first speaker.

First speaker was **Russell Miles** of 1409 Zeno Road:

"I live at 1409 Zeno Road adjacent to the proposed project, lived here for 38 years. I would like a natural buffer left in place between me and the project. The present plan is to put the road into the project with no buffer, the road would be right next to my property line. They say it will make easier access to connect to Grande Maison, the road that dead ends behind my property. They still have to make a sharp turn to connect to the center line of Grande Maison is approximately 60 ft from the project's property line. No straight connection is possible. Moving the road over to allow for a natural buffer to be left in place not only gives me some privacy but also adds beauty to the landscape. On the other side of this project, the hospital left a buffer zone in place, I would like the same consideration. Also concerned with the rain runoff. Thank you very much for your time.

Mayor Pro Tempore Gray thanked Mr. Miles and closed Public Hearing for comments. He turned the discussion back to Council.

Councilmember Zegerman asked for clarification about the buffer.

Mr. Killian said yes. He said with the current zoning condition as written, there would not be space to properly put the required buffer on the property line from this project to 1409 Zeno Road. He said that with the discussion that we've just had about shifting the access by 20 ft, then we would be able to provide the UDO-required 20-foot type B buffer between the class one use of the residential building that's there on 1409 Zeno Road and the class four building of medical/dental office, which would be the highest intensity that's allowed for this site. He said that the current zoning condition number 13 would not allow for planting for a natural buffer. He said with what was talked about today with shifting would provide the buffer, which is required by the UDO, but it would allow the shifting of that shared access to benefit both the site not being right of way and the neighboring property owner.

Councilmember Zegerman said the way the requirement is written that the developer is given a pass on the UDO requirement.

Ms. Bunce said that the way it's worded now that it does say approximately 350 ft. Either the buffer is going to be provided on one side of the drive or road or another. She said It would not eliminate the requirement to have the buffer, so there will be a buffer. She said that the goal would be to put the buffer on the property owner's side to provide the best screening of the property as possible. She said that the wording may need to be amended to accommodate the provision of a 20-foot type A buffer, type B buffer.

Ms. Ashton said that she wanted to add clarification there, the buffer is going to be required. The question right now is what side of the road was it going to go on. What they were hearing from staff where they wanted Grand Mason Drive Extension to go, it would prohibit the buffer from being planted along that property line with 1409. What is being discussed tonight, right before this meeting and with you all, is allowing the right of way now to move down away from 1409 and give room to plant the buffer next to the 1409 property. In exchange for that, it would be changing it from a 50-foot right of way to a 27-foot private drive with a public access easement over the top of it.

Councilmember Zegerman asked why the road would need to be narrowed if there would be a buffer on the north side versus the south side of the road, since there is the same amount of space.

Ms. Ashton said that if the 50-foot right of way cross-section was publicly dedicated to the Town there would be more requirements. She said that doing it as a 27-foot private access can be used for the buffer next to the property line and have more flexibility.

Councilmember Zegerman asked in the current design where the 20-foot type B buffer be.

Ms. Ashton said that buffer would most likely be on the opposite side of the road from 1409.

Councilmember Zegerman asked why the road needs to be smaller if the same amount of space is dedicated to the road and buffer.

Ms. Ashton said it was omitting one of the sidewalks.

Mr. Zumwalt said that when you build a building adjacent to a road, so that it doesn't feel like the building would be right on the road, they allow 15' between the road and the building. He said that this gives some flexibility to not have to do that on both sides, and that the change would save about 8-10 feet.

Councilmember Mahaffey confirmed that the discussion was regarding a 50-foot road versus a 27-foot private drive, and that the 20-foot drive was the fire code minimum Mr. Dalton was referring to earlier.

Mr. Killian said that condition number 13 does not require the current shared access to be right of way, although the applicant is currently using that language and maybe they are using this as an offer, but that this is not written in the condition. He said they could dedicate the right of way and could name it Grand Maison Drive, but as written it is a shared access.

Councilmember Mahaffey asked if the condition is currently a private drive.

Ms. Ashton said it looks like there was some confusion on the intent of the language that was added, and said it was already dedicated for private access drive by the language. She asked the Council what width they would want this to be. She said the 27-foot drive would allow the buffer to go along the 1409 Zeno property line.

Councilmember Zegerman asked if the amended condition would be a private driveway of 27 foot with sidewalk on one side that allowed the 20-foot butter to be planted on the north side of the road

Mr. Killian said yes that would be the amendment and he read the current condition.

Director Khin said it was written so as not to block access future development to the adjacent property. She said it should be 330 feet and 27 feet back-to-back private with a public access. She said it would also need a cross-access easement allowed through the buffer for Mr. Miles' property to potentially develop in the future. She said that they could work with this condition now.

Ms. Ashton said they were agreeable to that.

Director Khin said they could adjust that language with them now.

Mayor Pro Tempore Gray said the meeting would stand in recess for ten (10) minutes at 7:50 p.m.

Mayor Pro Tempore Gray reconvened the meeting at 7:53 p.m.

Mayor Pro Tempore Gray said that the applicant had revised the conditions and asked Ms. Bunce to go over the amendment.

Ms. Bunce said that wording of Condition 13 is reworded as follows:

"Site development of the rezoned land shall construct frontage widening along Zeno Road based on a three lane 41-foot back-to-back curb and gutter roadway. Access to Zeno Road shall be a 27-foot back-to-back private access driveway within a public easement. The public access easement shall be wide enough to encompass the access road and sidewalk. Access to Zeno Road shall be located approximately 330 feet west of Health Plex Way and stubbed to the western property boundary aligned with a future extension of Grand Maison Drive subject to Apex engineering staff review and approval at the time of site plan submittal."

A New Condition 14 – "A cross-access easement to 1409 Zeno Road shall be allowed through the buffer with the location subject to Apex Engineering staff review and approval at the time of site plan submittal of the subject property."

Ms. Bunce said what that means is that the easement location would be designated but the buffer would be in place until 1409 was ready to develop in the future.

Councilmember Gantt asked if Ms. Bunce would explain that the condition would impact the sidewalks and if the road was or wasn't private.

Ms. Bunce said it would be a sidewalk on one side, since that is what Grand Maison had.

Councilmember Gantt asked if someone is coming from the hospital would have to cross the driveway, go down the driveway and cross the driveway again.

Director Khin said that if they went into the building, they would follow the sidewalk from the front of the building to Zeno Road.

Councilmember Gantt asked if in the future, all of the parcels were together, how would the road be different.

Mr. Killian said that both properties would be needed.

Councilmember Zegerman said that it means that the 20-foot buffer is going to be on the north side of the street between 1409 property and this property.

Ms. Ashton said that was correct.

Mayor Pro Tempore Gray asked if there was a motion.

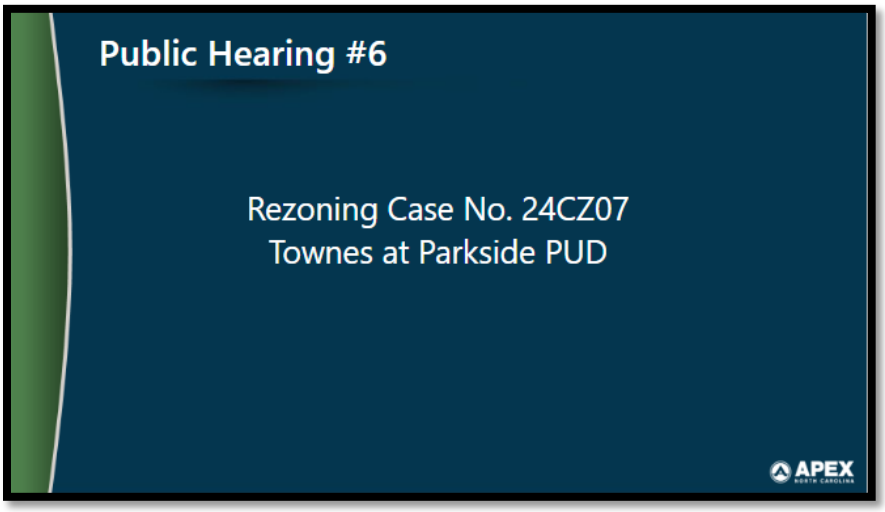
A **motion** was made by **Councilmember Zegerman**. seconded by **Councilmember Killingsworth** to approve Rezoning Application #23CZ24 1405 & 1407 Zeno Road - Rezone approximately 3.08 acres from Residential Agricultural (RA) to Office and Institutional-Conditional Zoning (O&I-CZ), with revised Conditions 13 and 14.

VOTE: UNANIMOUS (5-0)

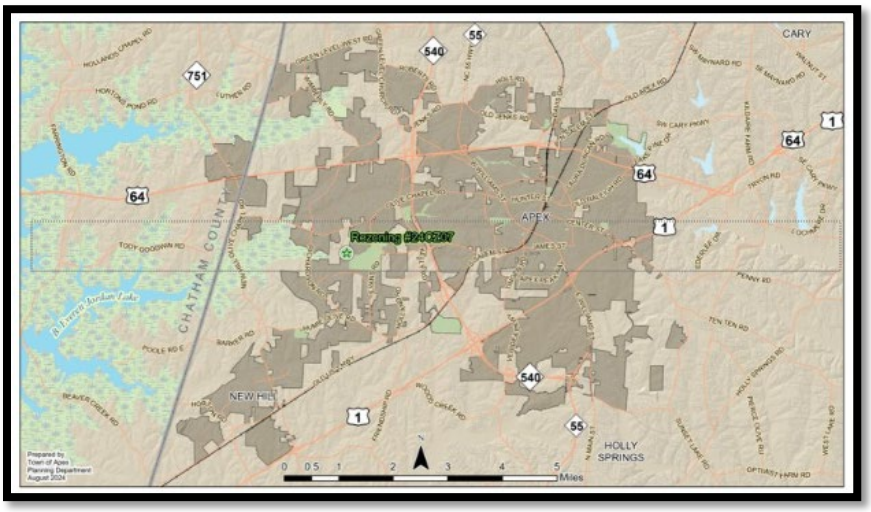
PH6 Rezoning Case No. 24CZ07 – Townes at Parkside PUD

Liz Loftin, Senior Planner, Planning Department gave the following presentation.

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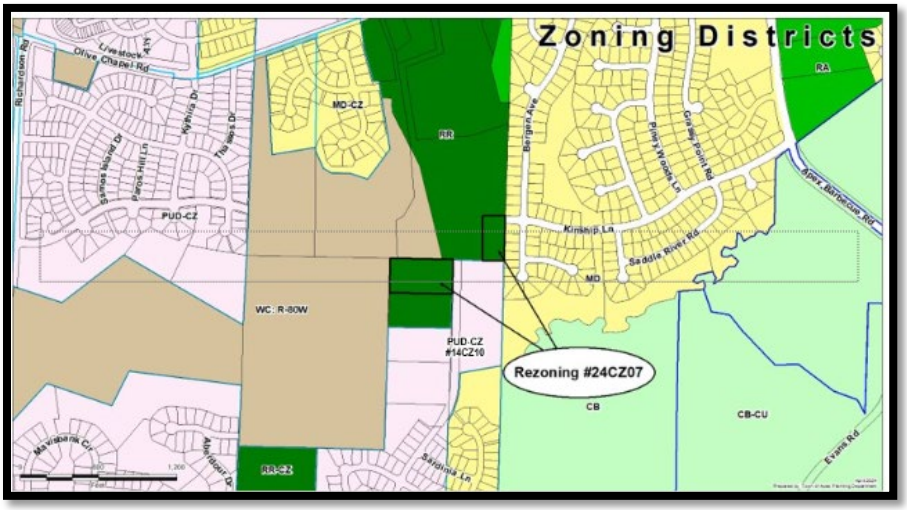
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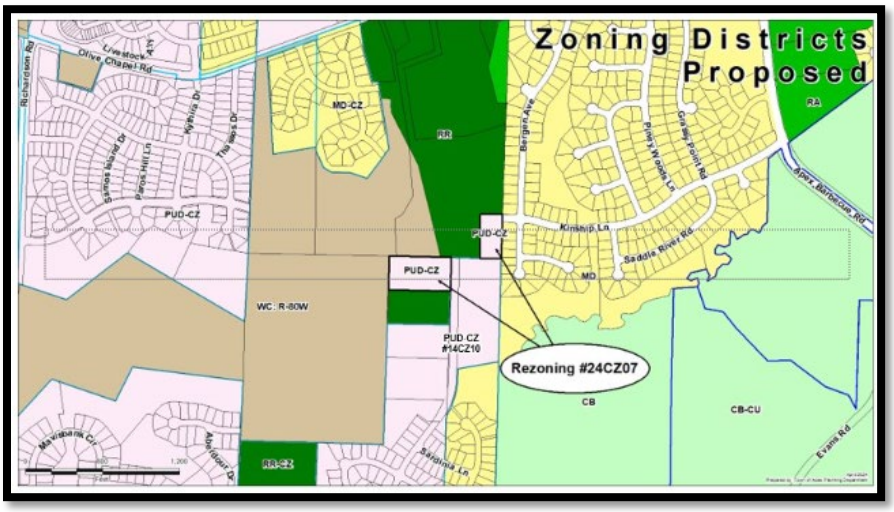
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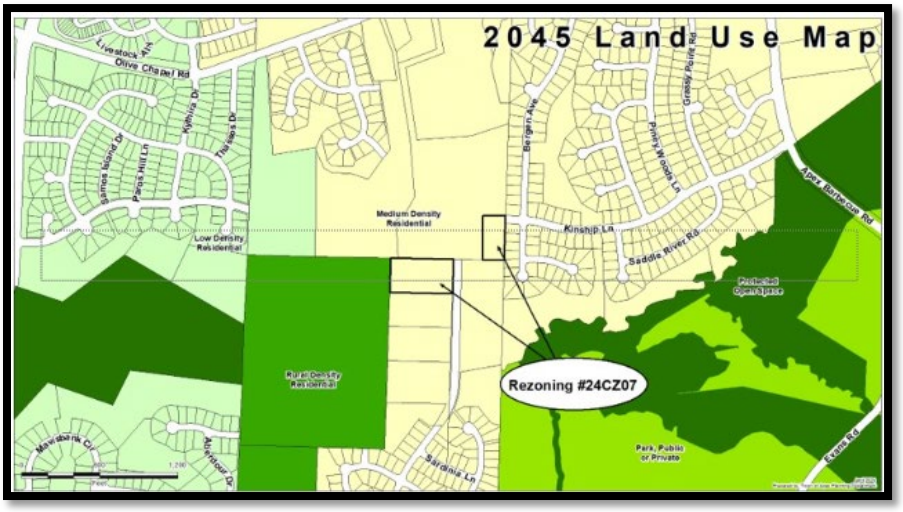
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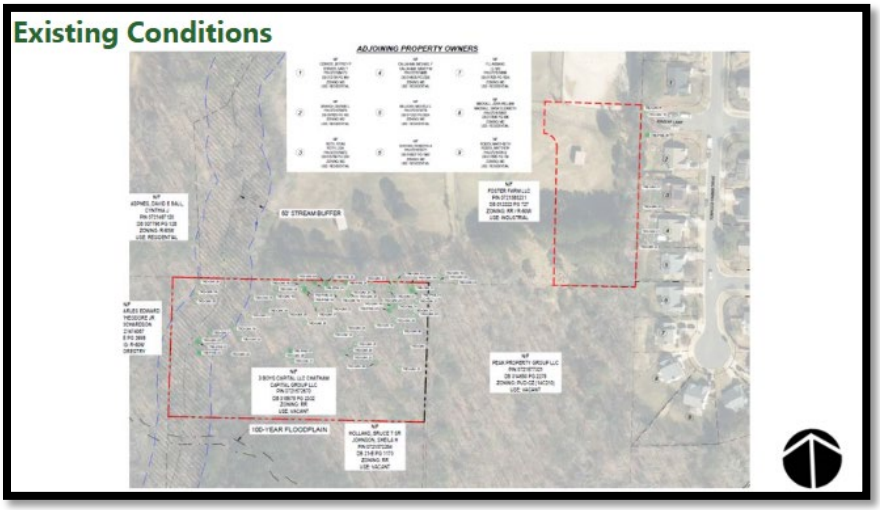
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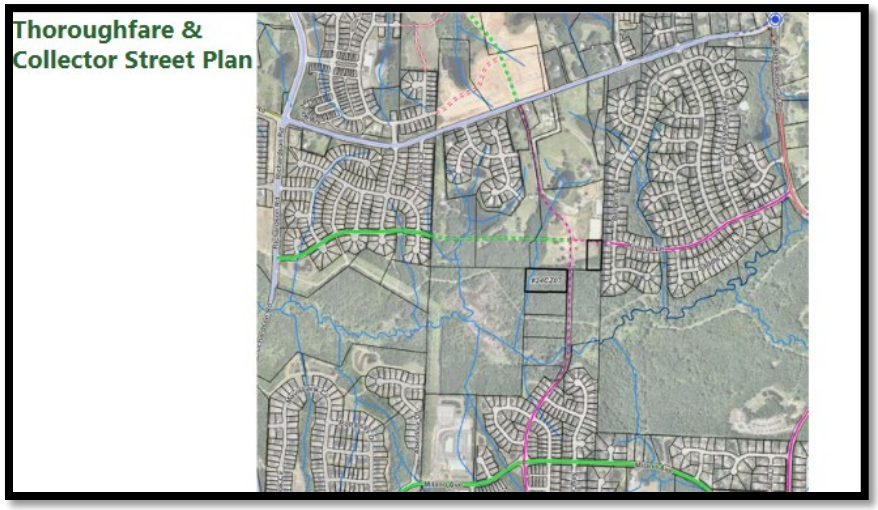
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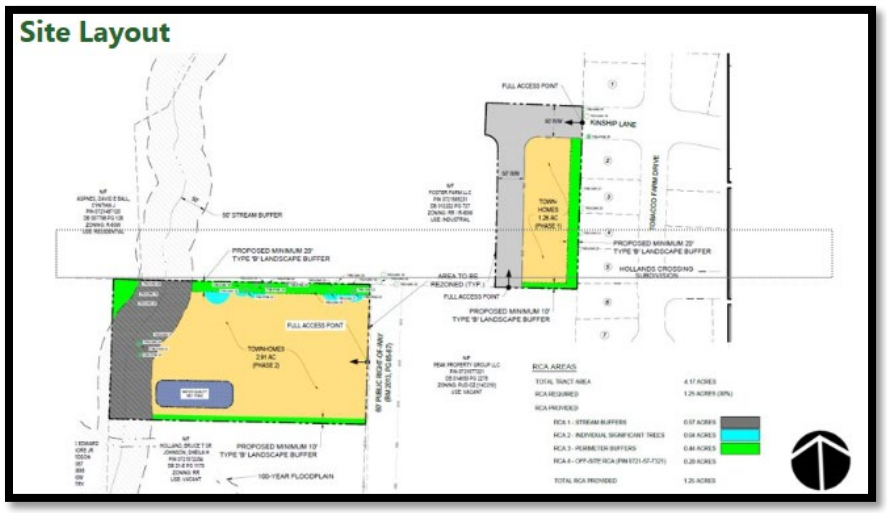
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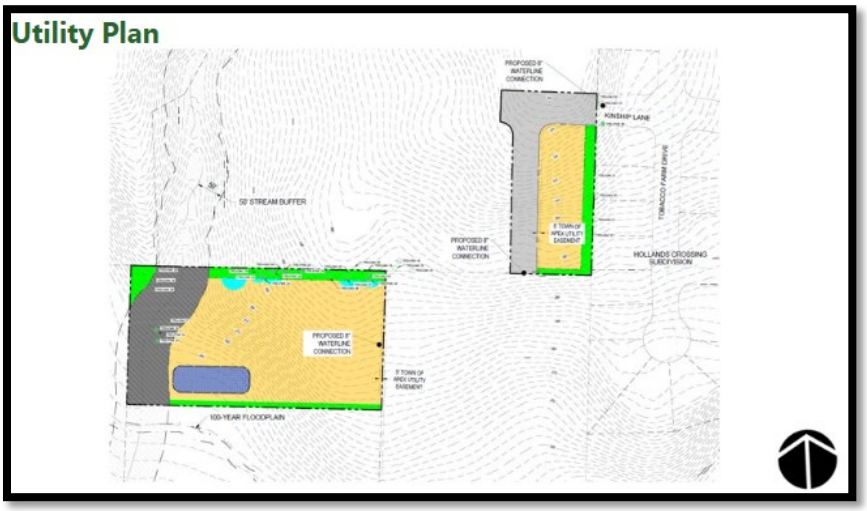
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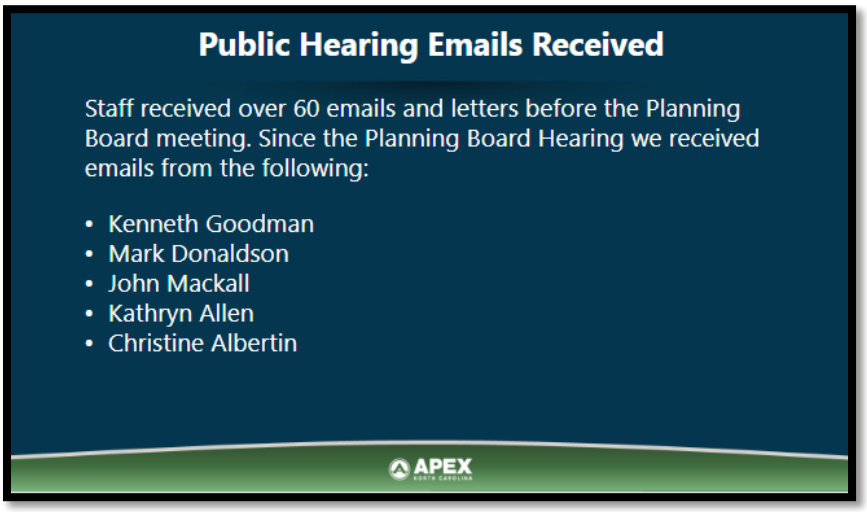
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[SLIDE 13]



[SLIDE 14]



Ms. Loftin said an applicant is here and will give a presentation about the Beaver Creek Bridge. She said she would answer any questions.

Councilmember Gantt asked about the dotted line was added to the map.

Ms. Loftin said she was not sure when, she said minor collectors are typically 60 foot right of ways. She said she would think the line has been like that on the map for a long time. She said the North-South connector would improve response times.

Councilmember Gantt said that any plan in the future would have that road going through that approximate area.

Ms. Loftin said yes, if the properties were to develop, they would have to construct that section.

Councilmember Gantt asked if that was the only piece left. He asked if the Greenway goes underneath the bridge.

Ms. Loftin said that on the Parks and Recreation map it is shown in the vicinity and they would look at opportunities for connection.

Councilmember Gantt asked if the proposed road alignment is generally where it would go if other developments came in along this line, regardless of this specific development.

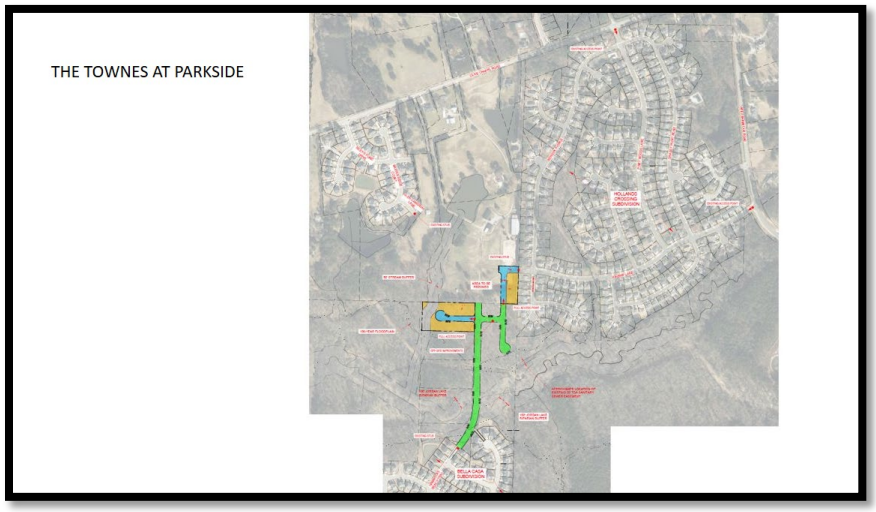
Ms. Loftin said that is correct.

Councilmember Gantt asked if the neighborhood street in the north end was intended to be a pedestrian path.

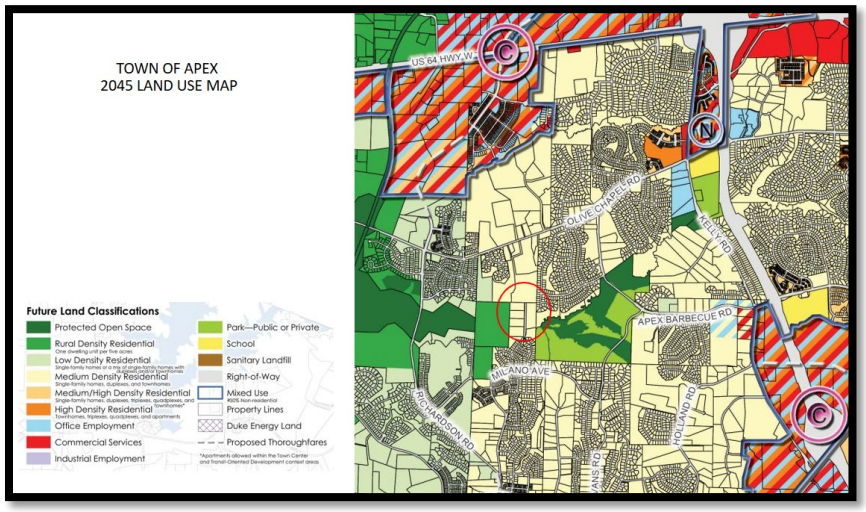
Ms. Loftin said that was intended to be access for Stormwater Control Measures.

Mitch Craig, with CE group at 301 Glennwood Avenue, representing the owner-developer of the project, gave the following presentation.

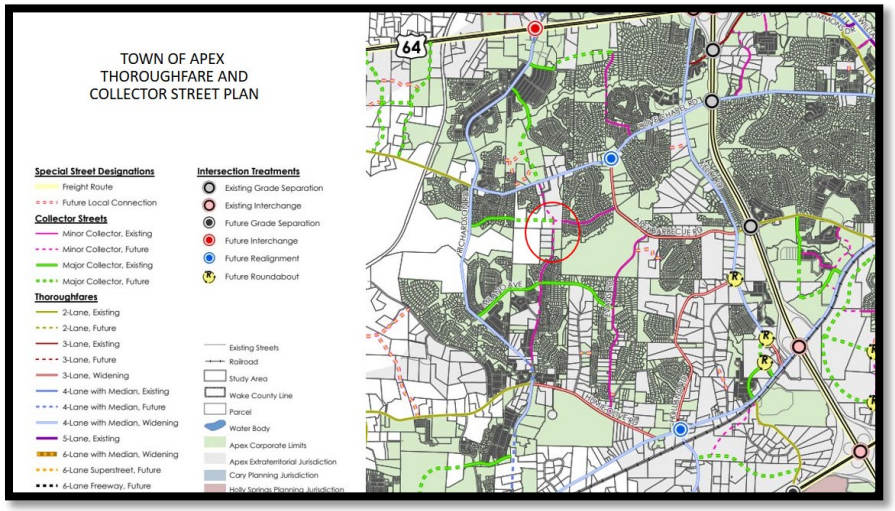
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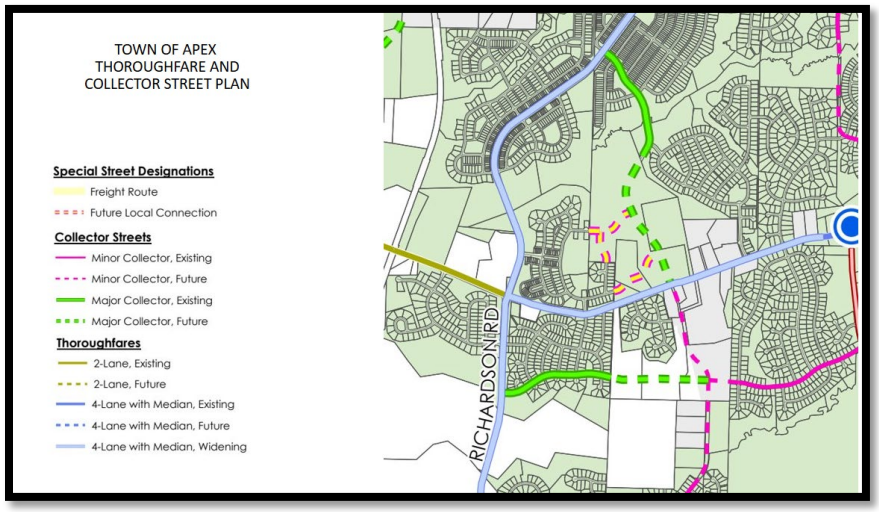
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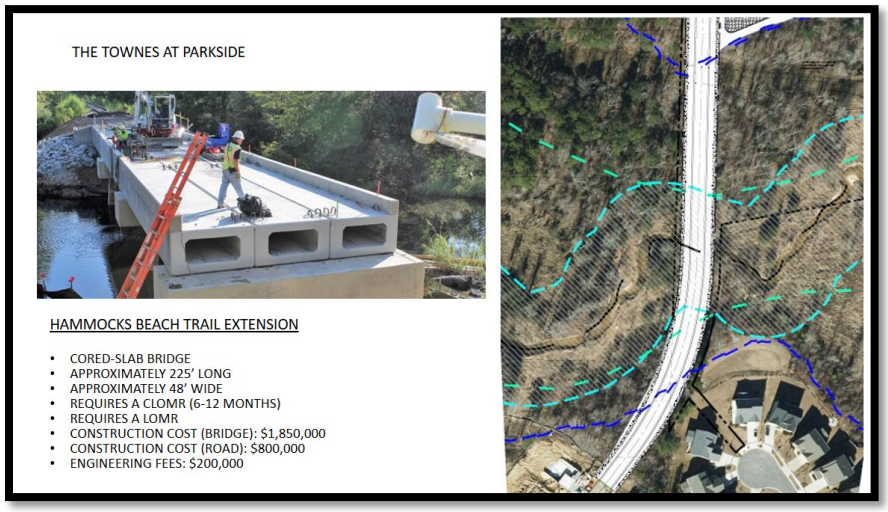
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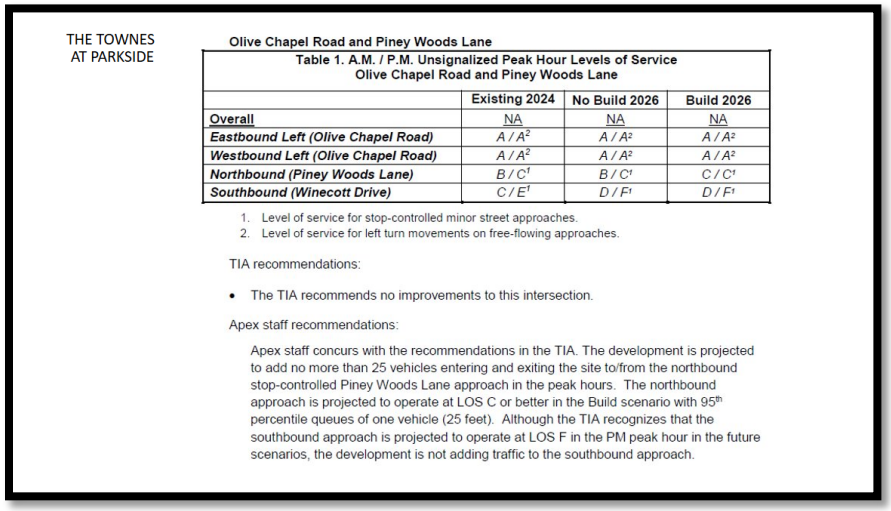
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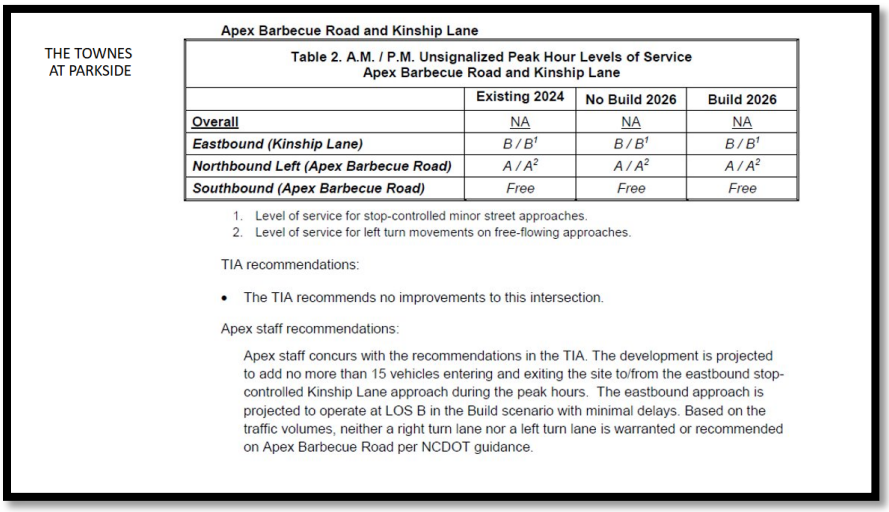
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THE TOWNES AT PARKSIDE

Apex Barbecue Road and Kinship Lane

Table 2. A.M. / P.M. Unsignalized Peak Hour Levels of Service
Apex Barbecue Road and Kinship Lane

	Existing 2024	No Build 2026	Build 2026
Overall	NA	NA	NA
Eastbound (Kinship Lane)	*B / B*[1]	*B / B*[1]	*B / B*[1]
Northbound Left (Apex Barbecue Road)	*A / A*[2]	*A / A*[2]	*A / A*[2]
Southbound (Apex Barbecue Road)	*Free*	*Free*	*Free*

1. Level of service for stop-controlled minor street approaches.
2. Level of service for left turn movements on free-flowing approaches.

TIA recommendations:

- The TIA recommends no improvements to this intersection.

Apex staff recommendations:

Apex staff concurs with the recommendations in the TIA. The development is projected to add no more than 15 vehicles entering and exiting the site to/from the eastbound stop-controlled Kinship Lane approach during the peak hours. The eastbound approach is projected to operate at LOS B in the Build scenario with minimal delays. Based on the traffic volumes, neither a right turn lane nor a left turn lane is warranted or recommended on Apex Barbecue Road per NCDOT guidance.

Mr. Craig said he would answer any questions. He said the applicant was at the meeting as well.

Councilmember Gantt asked if there was room for a Greenway path under the bridge.

Mr. Craig said it probably would not go under the bridge because of the sewer easement.

Councilmember Zegerman asked if they could reduce the height of the homes bordering the Holland's Crossing neighborhood.

Mr. Craig said that the reason for the 4-foot reduction is because with the three-story, 36 foot is definitely a minimum.

Councilmember Zegerman asked why two-story elevation homes were being shown on the plans if they were not being built.

Mr. Craig said to keep the options open.

Councilmember Zegerman asked if there was an option to build two-story units along that property boundary. He said there was concern from some of the neighbors with the height and elevation difference.

Mr. Craig said that they would keep them at 36 feet if they were moved to 2 story.

Councilmember Zegerman asked if there was more room with potentially different elevation, since 36 feet along Holland's Crossing wasn't a large difference from the 40 feet homes in the other places on the property.

Mr. Craig said he would have to defer to the applicant, but he said he didn't think so.

Councilmember Gantt asked about the construction traffic direction and which way it will be coming in.

Mr. Craig said that it would be an impact on both neighborhoods and would like to be fair. He said his desire would be the construction traffic going through Hammond's Beach Trail rather than Holland's Crossing to try to proportion the traffic.

Councilmember Mahaffey said that micromanaging the construction traffic is the least of the problems. He asked for a response from the neighbor that asked to have the parcels adjacent to Tobacco Trail to be limited to 2-stories.

Mr. Craig said 2-stories could be 36 feet as well.

Mr. Tyler, the applicant, said that they went through the requests but did not respond to the residents. He said that they decided to do 3-story townhomes, since that is what buyers wanted.

Councilmember Mahaffey said that there was a buffer increase requested.

Mr. Tyler said that if they increase the buffer, they would not physically be able to put the units on that property.

Councilmember Mahaffey said there was a request to a type A.

Mr. Tyler said they would be open to that but because of the topography grade they may have to go in and clear more trees and they did not want to commit to it now.

Councilmember Mahaffey asked about the privacy fence.

Mr. Tyler said it would be the same. He said that until they were able to cut down the grade during construction they do not know if a privacy fence would be able to be used.

Mayor Pro Tempore Gray asked why there was no affordable housing.

Mr. Tyler said that initially it was going to be done with just access point at Kinship, and at that stage there would have been significant affordable housing. He said after talking with staff that the bridge was non-negotiable, so they had to take out the affordable housing.

Mayor Pro Tempore Gray confirmed the cost of the bridge prohibited the affordable housing from their perspective.

Councilmember Zegerman asked how many homes were planned for the small parcel bordering Hollands Crossing.

Mr. Tyler said that it would not be known until construction begins but that the max would be 10 based on the acreage.

Councilmember Gantt asked if they had considered extending the sidewalk that's on Kinship Road.

Mr. Tyler said there was a condition to extend the sidewalk.

Councilmember Zegerman asked if it was in the existing packet.

Mr. Tyler said it was not in the existing packet.

Councilmember Zegerman asked if there could be a conversation about an amendment.

Mr. Craig said that the condition that they would like to add:
"Prior to issuance of the first residential certificate of occupancy, developer shall install sidewalk, a minimum of 5 ft in width, along the Kinship Lane Frontage of real ID 0232492 provided sufficient right-of-way exists for such installation. This condition shall not require developer to obtain additional easements from third parties."

Councilmember Gantt asked if that's on the Northern side of the Kinship Road stub.

Mr. Craig said yes.

Councilmember Zegerman asked if the applicant was making the right-of-way dedication.

Mr. Tyler said no, that it was Holland's Crossing.

Ms. Bunce said that staff can't hold up something based on a Certificate of Occupancy being issued, so the beginning of that condition needs to be reworded prior to the Master Subdivision Plat verses Certificate of Occupancy.

Mr. Tyler said that was fine.

Mayor Pro Tempore Gray said that they would move to Public Hearing, and he invited the first speaker to come up.

First speaker was **Judith Mellor** on 119 Saddle River Road:

"Thank you for letting me express, I was the one didn't sign it, but I wrote The Pack thing. I'm Judith Mellor, 119 Saddle River Road which is at the bottom of the Hollands Crossing development and last week after the planning board meeting I got in touch in the middle of the night with the fact that there's a lot of sink holes that's not been discussed really that I've seen and anything that I've and I've listened to mostly everything that's been going on and to me that's a serious factor that needs to be really considered deeply because the contour of the land has been so changed with all the developments that have been going on the north side of Olive Chapel and Richardson Road gets flooded more deeply than ever before and I took a ride through kinship all that at the other end near Richardson is getting flooded too and I think many of us have noticed that our properties have been more flooded as more homes have gone in all around that area, going towards the end of Olive Chapel Road at the big church. So, I'm just saying I really think that the way the contour of the land has been changed so much in the last 5 years that they shouldn't even be allowing anything to be developed there because there's so much more flooding going on and Evans Park is right at the other side right there by Beaver Creek runs right through all of that, we have flood things running all the time and the Greenway, I wouldn't want to be on the Greenway in a torrential rain, the water that comes down through my backyard in a regular rain is horrifying. Most of us have had to have a lot of money sunk into you know drainage ditches put in and all this piping put in and it's getting worse and worse and to me that is one of the biggest problems. We need to keep our drainage, there's so much building being done now that nobody seems to be thinking about what it's doing to the contour of the land in the drainage of all of our properties. And so, they're going to put in ultimately 71 development pieces up there? That's going to definitely bring in a lot more flooding it already has on what's been done and the Kinship on the other side is getting a lot of flooding too. So, something needs to be a study, or something needs to be really seriously instituted to look into that before anything is built. I think, because we need to live in harmony with nature and that's been given up, I think, and it's not making the place any peak of good living anymore I don't think, it's gone now. Thank you."

Mayor Pro Tempore Gray said thank you and called the next speaker.

Next speaker was **Mary Beth Roden** of 206 Tobacco Farm Drive:

"I sent the email on behalf of our neighbors to Mitch Craig who sent it to the applicant. So, listening to what I've heard just a few minutes ago they have not agreed to any of the concessions. With all due respect, you don't have buyers for your town homes yet, so to say that you know the two-story verse three story um that's just disheartening honestly because we are residents of Apex and I'm not anti-development, we know Kinships going to go through, I had even changed my perspective on these town homes. In my personal opinion the property that was rezoned 10 years ago was a mistake just because of the community that it was adjacent to which is Holland's Crossing that's been there for over 30 years. That's an established Community with primarily single-story ranch homes, so building three-story townhomes adjacent to this as you could see the buffer is just a massive intrusion on privacy and the quality of life. So, we did try to meet halfway and ask for some concessions but now I'm asking that you just vote no on this I know that the property is going to be developed but this just is not neighborly this is not being a good neighbor to come in and just completely disregard all the requests that we've made. We're trying here, we really are, we're trying to, we love this town. I don't think any of us any of us anticipated 10 years ago where we would be now and the amount of people that are here now, but we love this town. I live here, I work here, I worship here and just, I'm a little disheartened honestly by the conduct of the applicant and the disregard to the concessions that we put so I would just ask you that you please consider those of us in Holland's Crossing, please consider our interests as well as the neighbors that we're eventually going to have on that property, you know we're going to have new neighbors and we want the best for everyone involved, so thank you for your time, thank you for your support and we are hoping for the best outcome. "

Mayor Pro Tempore Gray said with no one else to speak he would close Public Hearing and move it back to Council for further discussion and possible motion.

Councilmember Zegerman said he had visited the sites to get a better understanding of the concerns raised. He said there was a big elevation change between the existing neighborhoods. He asked the applicants to commit to having some transitional housing to blend the denser neighborhood to the less dense adjacent neighborhood. He asked for the 8 to 10 townhomes along the border of Holland's Crossing to be limited to two stories.

Mr. Tyler said that he could not commit to that zoning condition.

Mayor Pro Tempore Gray said that one of the things is affordable housing. He said that he is concerned that the affordable housing in this project. He said that increasing the housing inventory would be good. He said that when he looks at this project that some of the factors that concerns are transportation and other factors. He said the question for today is this what the Town wants and if this was going to meet the goals with regard to this matter.

Councilmember Mahaffey said no to the project. He said that he thought the height restriction requests were reasonable given the topography.

Councilmember Zegerman said he agreed, and there were some good things proposed. He said that the request is reasonable and he was not in favor.

Councilmember Killingsworth said that given the cost to build a bridge that it would have to be townhomes and not single-family homes. She said the costs could not be recovered otherwise, and it brings in necessary transportation improvements.

Councilmember Zegerman said that it was a reasonable request, and 8-10 2 story units in the whole development would not sink its financial viability.

Councilmember Gantt said he thought the crossing would be built by the Town if this didn't come in. He said he is about connectivity and this road is essential for the Town and its connections will mean people from all areas would be using it. He said the height cap was the more important to consider.

Councilmember Zegerman said there would be windows on the third floor that would be looking down on the houses.

Councilmember Gantt they would not build ranch style homes.

Councilmember Zegerman said that's not what we are looking for.

Councilmember Gantt said the neighborhood had been there for a long time.

Mayor Pro Tempore Gray asked if there was a motion.

A **motion** was made by **Councilmember Mahaffey**, seconded by **Councilmember Zegerman**, to deny Rezoning Case No. 24CZ07 – Townes at Parkside PUD**.**

VOTE: (2-3), with Councilmember Killingsworth and Councilmember Gantt dissenting, and Mayor Pro Tempore Gray dissenting.

MOTION FAILED.

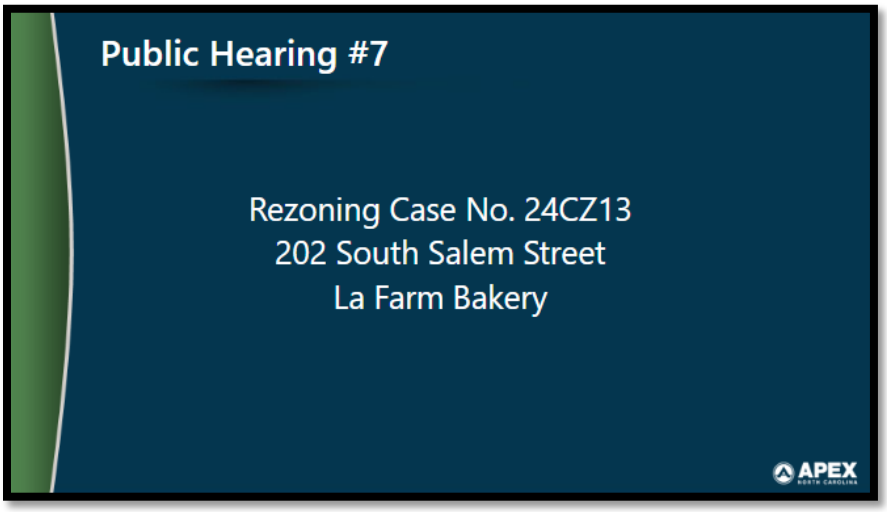
A **motion** was made by **Councilmember Gantt,** seconded by **Councilmember Killingsworth** to approve Rezoning Case No. 24CZ07 – Townes at Parkside PUD - to rezone approximately 4.17 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ) at 0 Olive Chapel Road and a portion of 2437 Olive Chapel Road.

VOTE: (3-2), with Councilmember Mahaffey and Councilmember Zegerman dissenting

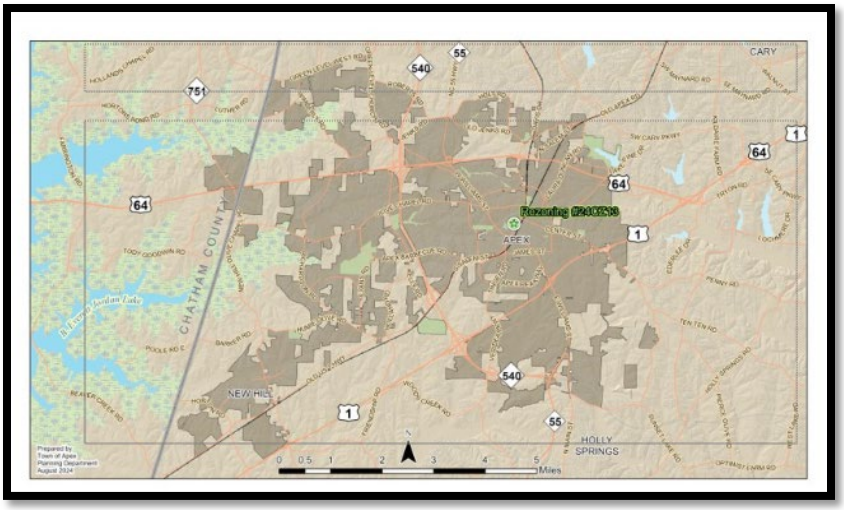
PH7 Rezoning Case No. 24CZ13 – 202 South Salem Street – La Farm Bakery

Liz Loftin, Senior Planner, Planning Department gave the following presentation.

[SLIDE 1]



[SLIDE 2]



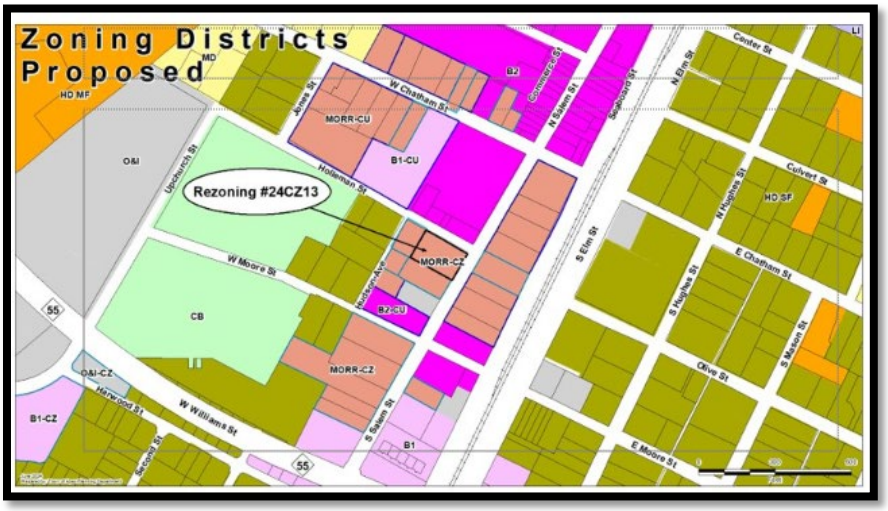
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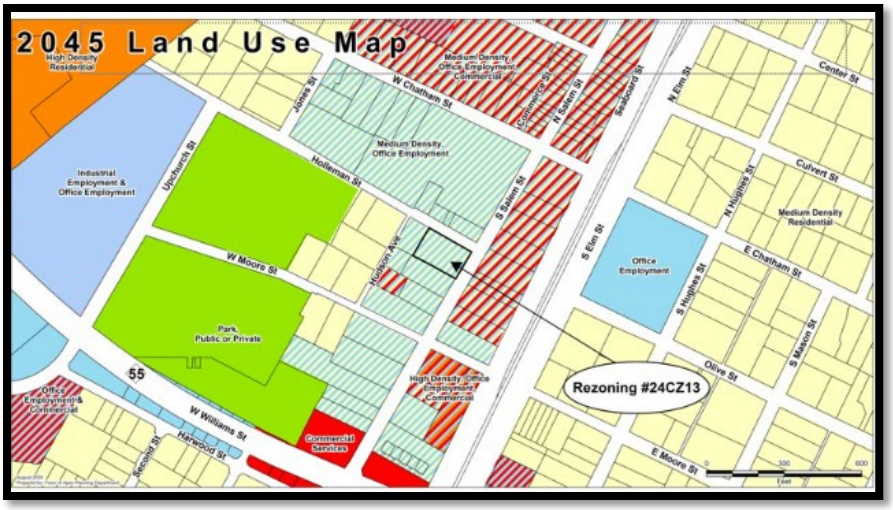
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[SLIDE 6]



[SLIDE 7]



Ms. Loftin said that she would answer any questions.
Omar Gay, CEO of La Farm Bakery and applicant spoke.

"I'm really excited to be here to be able to talk to you about the project that we've been envisioning here. The goal is for us to expand into Apex which is an area that have long requested for La Farm to be here and as we were looking at where to go this was really a great situation for us because we feel that we will be an addition to the downtown area, and we will build a building that will fit what already exist. We look we look forward to working with the city and the neighborhood and have had really tremendous discussions with folks in the neighborhood and I've always looked for the win-win situations and have been actually made some changes to our initial request subsequent to those discussion. So, we feel that we can have a great win for the city in terms of extending the downtown in terms of adding to already everything that is existing there and opening up a building that has been closed that is not the best looking, so we think that we can really add to the goal that the City has for downtown. So, we look forward to doing this and you know appreciate all of the support

we've gotten and the work that has already happened between La Farm, the City, and the neighborhoods. I will tell you that on our first meeting there was a lot of people attending that meeting that had concerns but as we talked with them and answered their question and they saw that we were willing to be good neighbors and find that situation on the second meeting there was almost nobody in there because they felt really comfortable what we are going to do here so, we look forward to being in the neighborhood and really being a productive member of the community. Thank you."

Mayor Pro Tempore Gray asked if there were any questions.

Mayor Pro Tempore Gray asked if the building had been vacant for 4 years.
Staff said yes.

Mayor Pro Tempore Gray opened it up for Public Hearing and with no one signed up to speak he closed Public Hearing. He then opened up for discussion and a possible motion.

Councilmember Mahaffey said that this would be a great addition to downtown.
Councilmember Killingsworth said that this does open the corridor more and is for the project.
Councilmember Zegerman said this is an exciting stepping stone. He said that it opens the downtown streetscape further towards Highway 55 and across Highway 55 into the Justice Heights neighborhood.
Councilmember Gantt said that discussions should continue to get people walking and enjoying downtown and not just driving to the area.
Mayor Pro Tempore Gray said that vacant spots do not give a good perception and impacts walkability. He said that it was consistent with the UDO and the Historic Overlay District, and is in support.

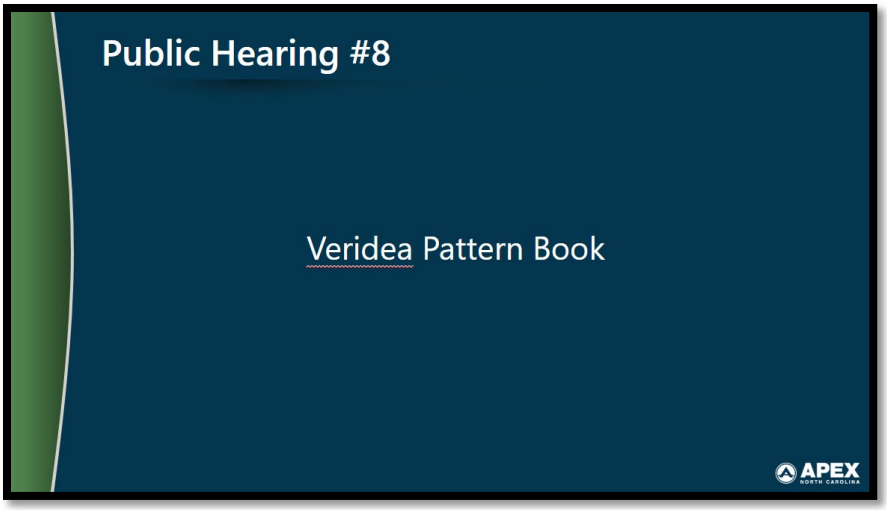
A **motion** was made by **Councilmember Mahaffey**, seconded by **Councilmember Gantt**, to approve Rezoning Case No. 24CZ13 – 202 South Salem Street – La Farm Bakery - rezone approximately 0.53 acres from Office & Institutional (O&I) to Mixed Office-Retail-Residential-Conditional Zoning (MORR-CZ) at 202 S Salem Street.

VOTE: UNANIMOUS (5-0)

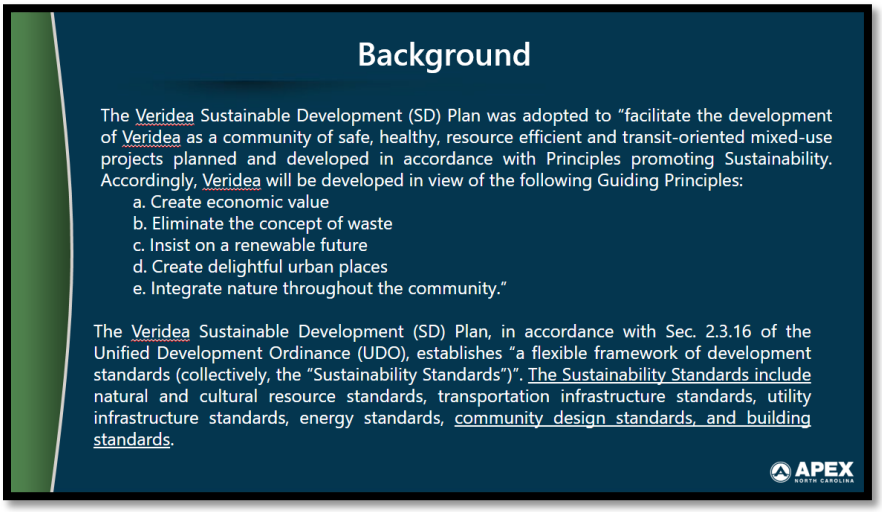
PH8 Veridea Pattern Book (REF: ORD-2024-068)

Amanda Bunce, Current Planning Manager, Planning Department gave the following presentation.

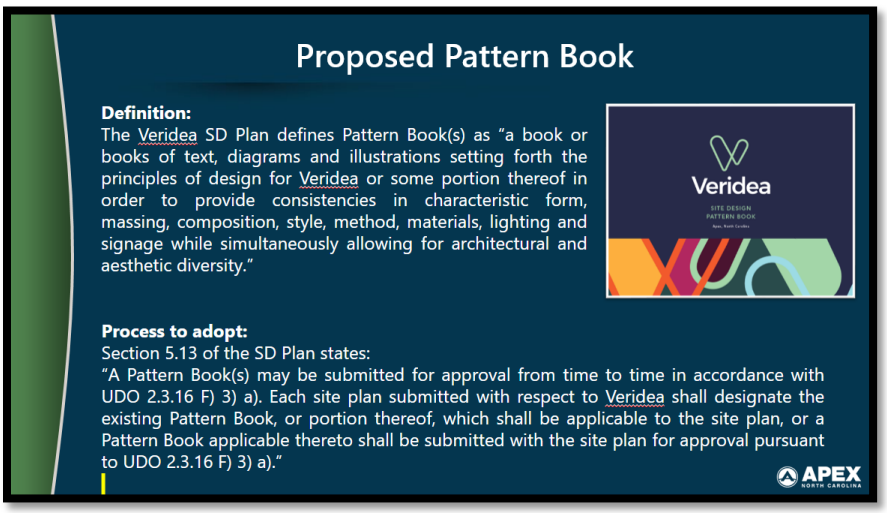
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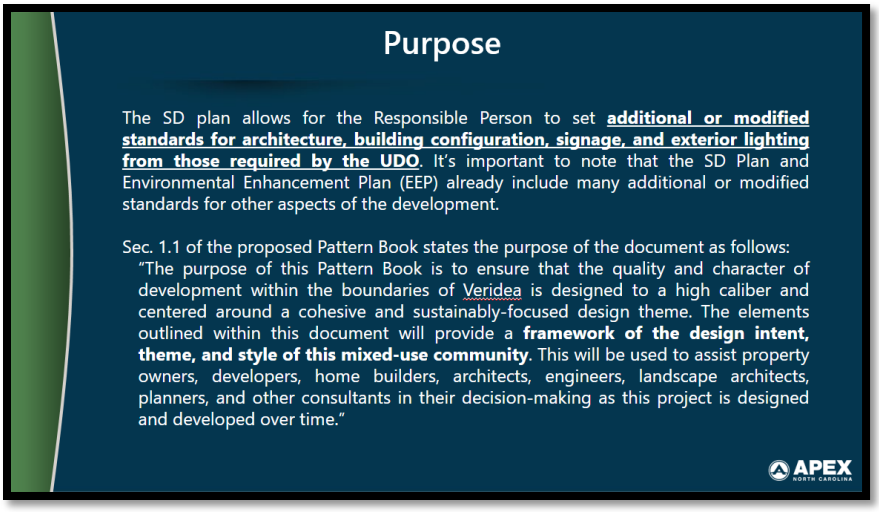
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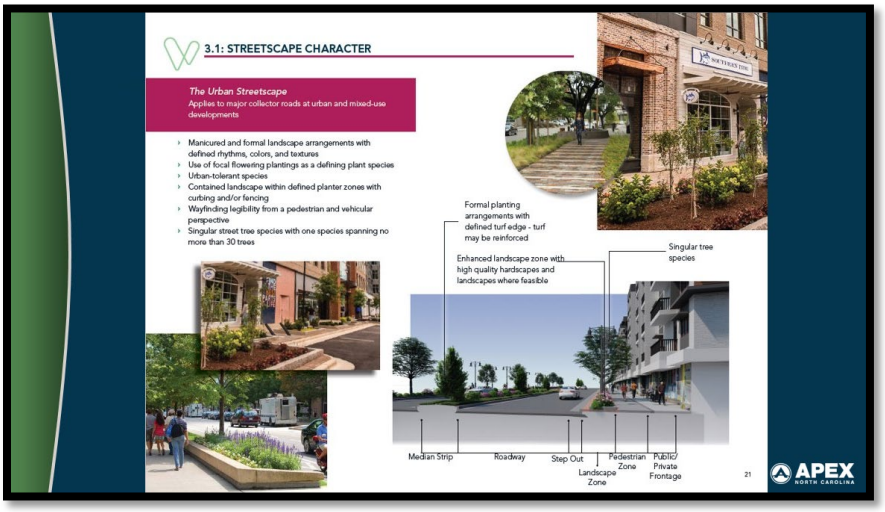
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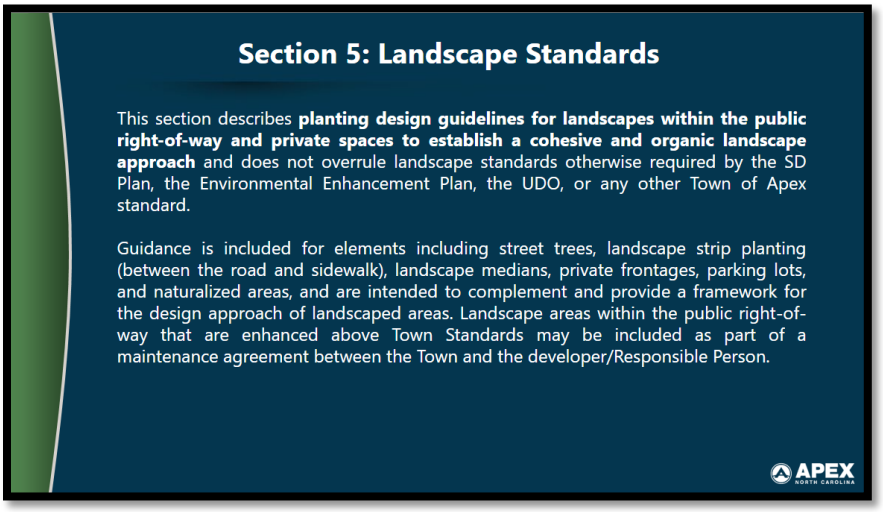
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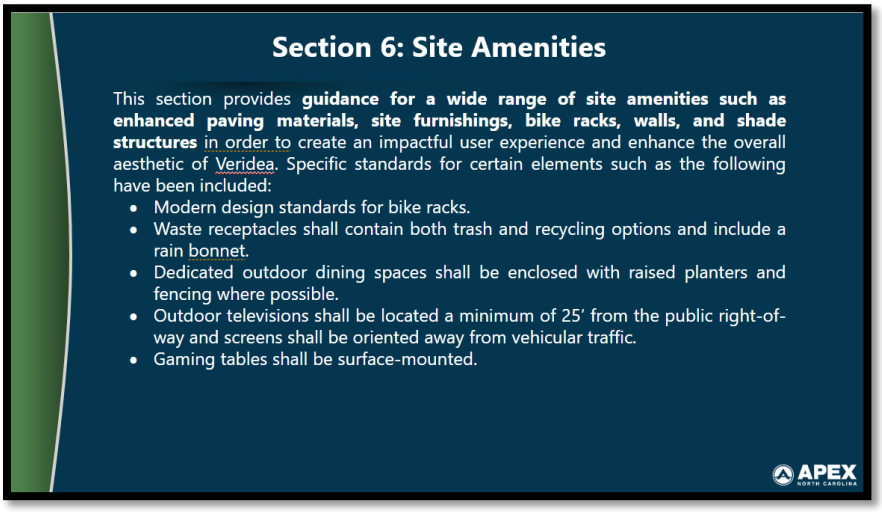
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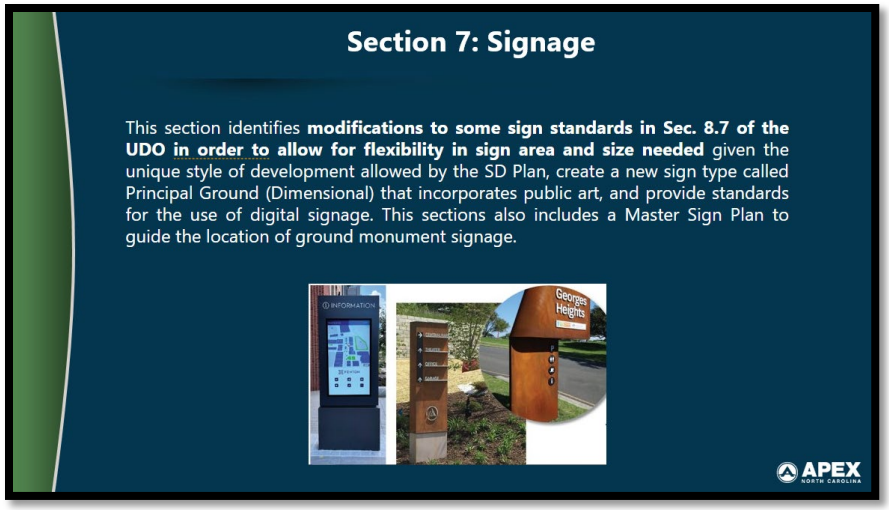
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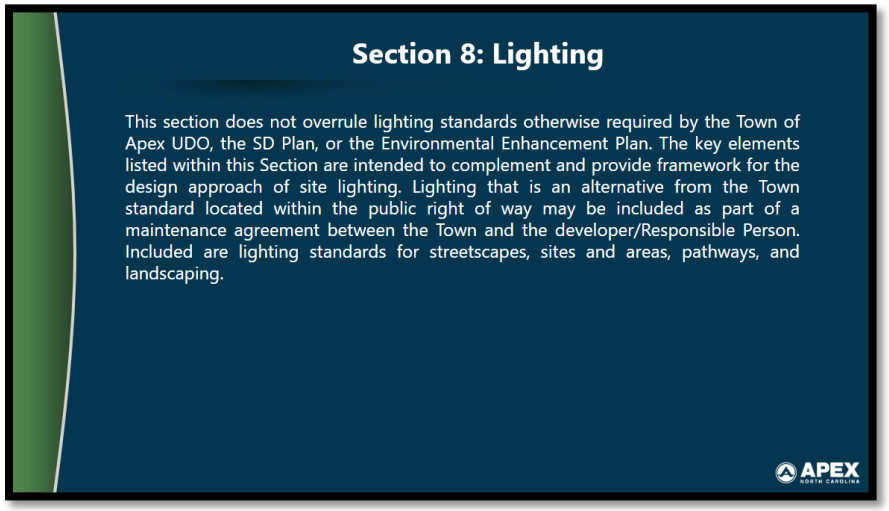
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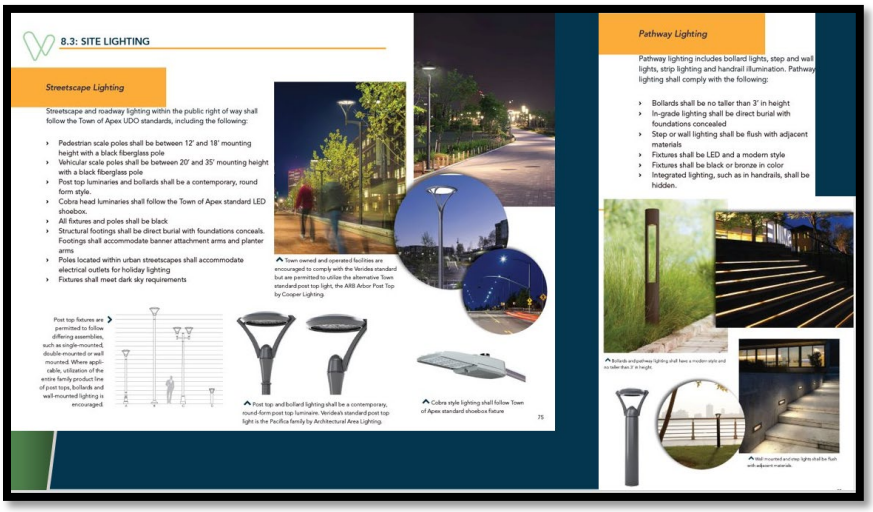
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[SLIDE 17]



Ms. Bunce said that she would answer any questions.

Councilmember Gantt asked what draft this was.

Ms. Bunce said that this was draft 5. She said there was back and forth on the signage section and that it was a very collaborative process between staff and the developer.

Councilmember Zegerman asked if there was material difference in the thoroughfare design in Section 3 compared to the normal town standards. He asked if there was a difference in dedication right-of-way.

Ms. Bunce said that there was a lot of variety in Veridea. She said that they have worked with the developer on thoroughfares cross sections to accommodate sidewalks, bicycle lanes, medians, street trees, and utilities.

Councilmember Zegerman asked for a copy of the cross sections. He said that he would like to see physical separation of the bicycle lanes from the right-of-way. He said that he would like to use them as an example for future projects.

Ms. Bunce said that she could provide them. She wasn't sure if the bicycle lanes were what he was looking for.

Councilmember Zegerman said that it would be useful for future project roadway designs.

Councilmember Gantt said that there is debate about having separated side paths versus smaller side paths and sidewalks with separated bike lanes. He said that the side path is better because there are more people walking than biking at this time.

Councilmember Zegerman said that there could be further discussion on this topic at a later time.

Mayor Pro Tempore Gray opened for Public Hearing and closed Public Hearing with no one signed up to speak. He brought this back to Council for further discussion and a possible motion.

A **motion** was made by **Councilmember Killingsworth**, seconded by **Councilmember Zegerman**, to adopt Sustainability Standards for Veridea known as the Veridea Pattern Book.

VOTE: UNANIMOUS (5-0)

[UPDATES BY ASSISTANT TOWN MANAGER]

Assistant Town Manager Stone said there was an update on the traffic situation at the Triangle Math and Science Academy. He said that the Town staff and TMSA administration. He said that TMSA stays committed to working with the Town and the staff has already implemented some improvements. They are working with Kimley Horn, a Traffic Engineering Firm for long-term solutions. He also gave an update on utility billing. He said that customers have to create their e-suite profile to log into the online portal and can now see copies of their previous bills. He said that they are communicating with the customers that they are receiving bills that reflects two months which is why the bills are higher. He said that there was some discrepancy with the rate that had been applied to some bills relating to irrigation meter and that is being corrected. He said that if anyone believes their bill is not correct, they should contact customer service at 919-362-8676 or go to the website: www.apexnc.org/payment. He said some of the calls were being dropped due to volume of calls and technical glitches. He said that all Town facilities and offices will be closed on Monday September 2nd for Labor Day. He said that all Public Safety would still be working and to keep them in your thoughts as they are out keeping everyone safe and protecting us.

Mayor Pro Tempore Gray thanked Mr. Stone.

[CLOSED SESSION]

A motion was made to by **Councilmember Zegerman**, seconded by **Councilmember Killingsworth** enter into Closed Session Pursuant to NCGS § 143-318.11(a)(3) and NCGS § 143-318.11(a)(6).

VOTE: UNANIMOUS (5-0), with Mayor Gilbert absent.

Council entered into Closed Session at 9:19 p.m.

CS1 Laurie Hohe, Town Attorney

NCGS § 143-318.11(a)(3)

"To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body."

CS2 Mayor Jacques K. Gilbert

NCGS §143-318.11(a)(6):

"To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee"

Council returned to Open Session at 11:10 p.m.

[ADJOURNMENT]

Mayor Pro Tempore Gray adjourned the meeting at 11:11 p.m.

Jacques K. Gilbert
Mayor

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

Submitted for approval by Town Clerk Allen Coleman and approved on September 24, 2024 (CN4).

APPROVED

TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, SEPTEMBER 10, 2024
6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, September 10th, 2024 at 6:00 PM in the Council Chambers at Apex Town Hall, located at 73 Hunter Street in Apex, North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel. The recording of this meeting can be viewed here:
https://www.youtube.com/watch?v=vTsUNBFxa7I

[ATTENDANCE]

Elected Body
Mayor Jacques K. Gilbert (presiding)
Mayor Pro Tempore Ed Gray
Councilmember Audra Killingsworth
Councilmember Arno Zegerman
Councilmember Terry Mahaffey
Councilmember Brett Gantt

Town Staff
Town Manager Randy Vosburg
Deputy Town Manager Shawn Purvis
Assistant Town Manager Marty Stone
Town Attorney Laurie Hohe
Town Clerk Allen Coleman
All other staff members will be identified appropriately below

[COMMECEMENT]

Mayor Gilbert called the meeting to order, and said it was honor to serve in this roll. He said that there were colors posted by a combination of the Honor Guard of the Apex Fire Department and Apex Police Department. He then led those in attendance in the reciting of the Pledge of Allegiance. He said he wanted to give a special appreciation to the Apex Fire Department and Apex Police Department for the display.

Mayor Gilbert then took a moment of silence for the invocation.

[CONSENT AGENDA]

A **motion** was made by **Councilmember Zegerman,** seconded by **Councilmember Gantt**, to approve the Consent Agenda as presented.

VOTE: UNANIMOUS (5-0)

CN1 Agreement Amendment No. 1 - Town of Cary - Remix Transit Planning Software Cost Reimbursement - August 1, 2024 through July 31, 2025 (CONT-2024-258)

Council voted to approve an Agreement Amendment No. 1 between the Town of Cary and the Town of Apex for Remix Transit Planning software cost reimbursement, to assist with long range transit planning, not to exceed $8,500, effective August 1, 2024 and ending July 31, 2025, and to authorize the Town Manager, or their designee, to execute the agreement on behalf of the Town.

CN2 Annexation No. 788 - Oliver Property - Hie Olive Road - 15.9428 acres (REF: RES-2024-048, RES-2024-049, AND OTHER-2024-094)

Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for September 24, 2024, on the Question of Annexation - Apex Town Council's intent to annex 15.9428 acres, known as Oliver Property – Hie Olive Road, Annexation No. 788, into the Town Corporate limits.

CN3 Appointments - Transit Advisory Committee (TAC)

Council voted to reappoint Linda Barrett to the Transit Advisory Committee (TAC) for a three-year (3) term expiring July 31, 2027.

AND Council voted to appoint Patrick Kirkley (new) and Wendy Perry (new) to the Transit Advisory Committee (TAC) for a three-year (3) term expiring July 31, 2027.

AND Council voted to appoint Frances Williams (new) to the Transit Advisory Committee for a partial term, previously occupied by Stuart Wagner, expiring July 31, 2025.

CN4 Contract Multi-Year - Clearwater Inc. - Master Services Agreement – Wastewater, Pp Station, Water Distribution Repairs, Replacements, and New Installations - October 1 2024 through September 30, 2027 (CONT-2024-259)

Council voted to approve a Master Services Agreement (MSA) between Clearwater, Inc. and the Town of Apex, to perform wastewater, pp station, water distribution repairs, replacements, and new installation as needed, effective through September 30, 2027 and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN5 Contract Multi-Year - Jack Moore and Associates - Master Services Agreement - Emergency Preventative Maintenance and Repair Elevated Water Towers - October 1 2024 through September 30, 2027 (CONT-2024-260)

Council voted to approve a Master Services Agreement (MSA) between Jack Moore & Associates, Inc. and the Town of Apex, to perform emergency preventative maintenance and repair for water appurtenances and altitude valve maintenance at water towers, effective

through September 30, 2027, and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN6 Contract Multi-Year - KB Power Systems - Master Services Agreement - Emergency Electrical and Alternative Power Services at Town Facilities and Pp Stations - October 1 2024 through September 30, 2027 (CONT-2024-261)

Council voted to approve a Master Services Agreement (MSA) between KB Power Systems, LLC. and the Town of Apex, to perform emergency electrical and alternative power services at Town facilities and pp stations, effective through September 30, 2027, and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN7 Contract Multi-Year - Vision NC LLC - Master Services Agreement - Emergency Pp and Haul, Pipe Cleaning, Video Inspection, and Flow Monitoring Services - October 1 2024 through September 30, 2027 (CONT-2024-262)

Council voted to approve a Master Services Agreement (MSA) between Vision NC, LLC., and the Town of Apex, to perform emergency pp and haul, pipe cleaning, video inspection, and flow monitoring services, effective through September 30, 2027 and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN8 Council Meeting Minutes – Various

Council voted to approve Meeting Minutes from the following meetings:
August 13, 2024 – Regular Town Council Meeting
August 20, 2024 – Town Council Work Session

CN9 Electronic Signature Policy - Amendment - Formal Bidding Range Electronic Signature Authorization (REF: PLCY-2024-011)

Council voted to approve amended Town of Apex Electronic Signature Policy, to allow electronic signatures for contracts in the formal bidding range, effective September 10, 2024.

CN10 Resolution Supporting Abandonment of a Portion of Chapel Ridge Road by North Carolina Department of Transportation (NCDOT) (REF: RES-2024-050)

Council voted to adopt a Resolution Supporting Abandonment of a Portion of Chapel Ridge Road (SR 1197, Wake County) by the North Carolina Department of Transportation.

CN11 Rezoning Case No. 23CZ24 - 1405 and 1407 Zeno Rd - Statement and Ordinance (REF: ORD-2024 (REF: ORD-2024-071)

Council voted to approve the Statement of the Town Council and Ordinance for Rezoning Application No. 23CZ24, East West Partners Management Co, petitioner, for the properties located at 1405 and 1407 Zeno Road.

CN12 Rezoning Case No. 24CZ07 - The Townes at Parkside PUD - Statement and Ordinance (REF: ORD-2024-072)

Council voted to approve the Statement of the Town Council and Ordinance for Rezoning Case No. 24CZ07 The Townes at Parkside PUD, Charm City Developers, LLC, petitioner, for the property located at 0 Olive Chapel Road and portion of 2437 Olive Chapel Road (PINs 0721572670, 0721585231 portion of).

CN13 Rezoning Case No. 24CZ13 - La Farm Bakery - Statement and Ordinance (REF: ORD-2024-073)

Council voted to approve the Statement of the Town Council and Ordinance for Rezoning Case No. 24CZ13 La Farm Bakery, petitioner, for the property located at 202 South Salem Street (PIN 0742306498).

CN14 Veridea Pattern Book - Statement of Town Council (REF: OTHER-2024-095)
Council voted to approve the Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the Veridea Pattern Book approved on August 27, 2024.

CN15 Tax Report - June and July 2024 (REF: OTHER-2024-096 AND OTHER-2024-097)
Council voted to approve Apex Tax Reports dated July 8, 2024 and August 6, 2024.

[PRESENTATIONS]

PR1 Proclamation – Italian American Heritage Month 2024 – October 2024 (REF: PRO-2024-024)

Mayor Gilbert invited the Council in the reading of the Proclamation for Italian American Heritage Month 2024.

Mayor Gilbert invited Michael D'Amore to come up and receive the proclamation and take a picture.

Mr. D'Amore thanked the Town of Apex, all of the representatives and citizens. He said that you may notice from all the traffic that has built up over the years that some Italians are coming down here from traditional enclaves like New York, Connecticut, and Pennsylvania. He said that this isn't Italians first time coming to North Carolina. He said Italians came here as one of the oldest original settlements, fleeing due to persecution. He said the town of Valdese in the mountains was settled by Italians and today, there is a welcoming community. He said that Apex is hosting its first Festa Italiana and celebrating its second Italian American Month Proclamation. He invited all to attend on September 21st from 11 AM to 7 PM to experience the richness of the culture. He thanked everyone.

PR2 Proclamation - National Hispanic Heritage Month 2024 - September 15 through October 15, 2024 (REF: PRO-2024-025)

Mayor Gilbert invited the Council in the reading of the Proclamation of National Hispanic Heritage Month 2024.

Mayor Gilbert invited Pastor Jose Luis Villasenor, with Fiesta Christiana, Juan Ortega, Pilar Rocha-Goldberg, and Mauricio Solano to come up and receive the proclamation and take a picture.

Pastor Villasenor thanked Mayor Gilbert, the Town Council and friends and family who were in attendance, on behalf of the Hispanic and Latino Community. He said that this

celebration is for the history, culture and contributions of Hispanic Americans. He said he had been a resident in Apex for 17 years. He said he accepts the challenge to continue to protect and advocate for all people to be treated with respect and dignity.

Mr. Ortega invited everyone to the Hispanic Heritage Festival Saturday, September 28th from 3:00 pm – 9:00 pm. He thanked the community for the support.

PR3 Proclamation - Patriot Day 2024 - September 11, 2024 (REF: PRO-2024-026)

Mayor Gilbert invited the Council in the reading of the Proclamation for Patriot Day 2024.

Mayor Gilbert invited the Apex Police Department and Apex Fire Department to accept the Proclamation and take pictures.

Fire Chief Tim Herman said that it was an honor to be representing the men and women of the Fire Department. He thanked Mayor Gilbert and Council for remembering and all the support that they give.

Police Chief Jason Armstrong thanked Mayor Gilbert and the Council for supporting the Apex Fire Department. He said that September 11, 2001 is a reminder that any day can be changed in a second. He said the Fire men and women are committed to serving every day.

Mayor Gilbert invited members of the Apex American Legion Post 124 to also receive the Proclamation for Patriots Day 2024 and take a picture.

An American Legion member thanked the Town on behalf of the men and women in Apex Post 124 in the American Legion. She said she was in the Pentagon 23 years ago on September 11, 2001. She said it is not a good day, but she appreciated the Town's support, and it is an honor. She thanked Mayor Gilbert and Council members for remembering and thanked them again.

Mayor Gilbert said he wanted to remind the community that Apex would be hosting the Patriot Day Memorial ceremony tomorrow, September 11, 2024 at 9:30 a.m.

PR4 Carolina Academy of Performing Arts (CAPA) - Potential Apex Site

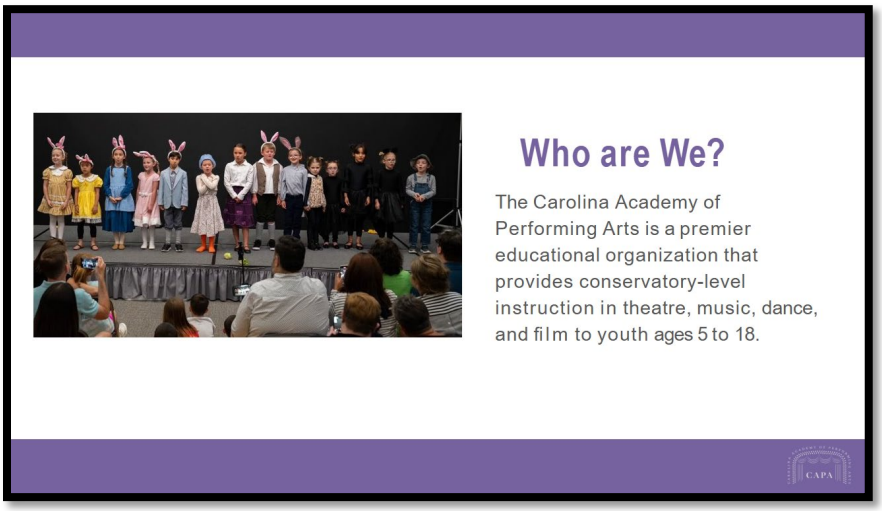
Mayor Gilbert introduced Tracy Weeks, *President, Carolina Academy of Performing Arts Theatre Inc.*

Ms. Weeks introduced Melanie Prince, Founder and Artistic Director and Reed Jacob, Vice President of the Board. She said that CAPA is a premier educational organization that focuses on Conservatory Level Training for the Performing Arts. She gave information on what CAPA stands for and their vision. She gave the following presentation:

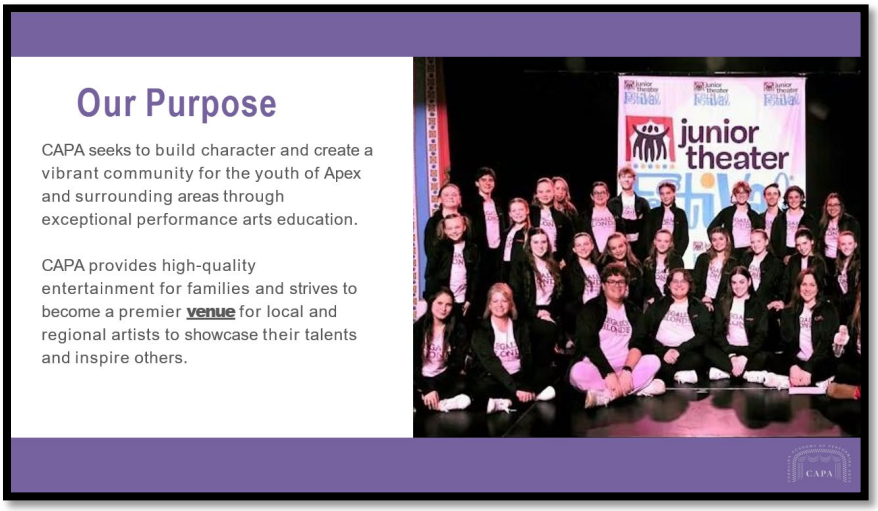
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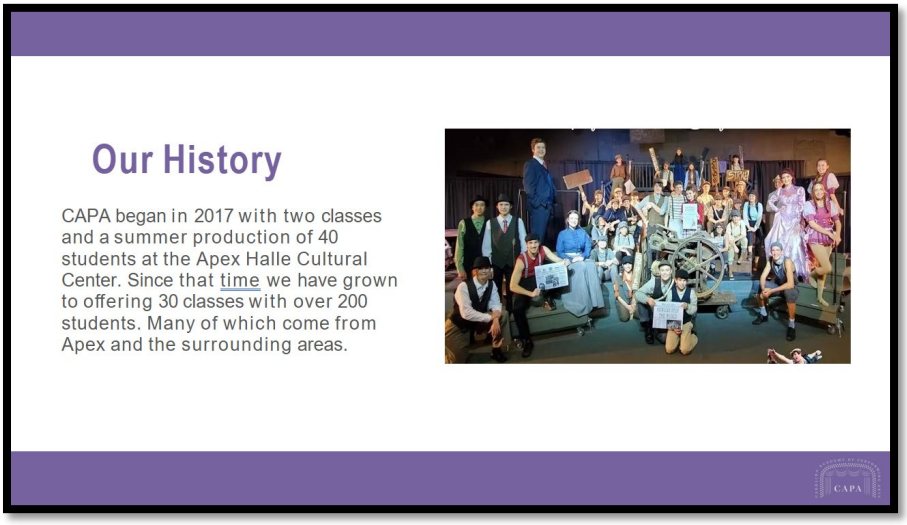


[SLIDE 3]



Ms. Prince spoke about the History of CAPA and gave the following presentation:

[SLIDE 4]



[SLIDE 5]



Ms. Weeks spoke on how CAPA could work with Apex and gave the following presentation.

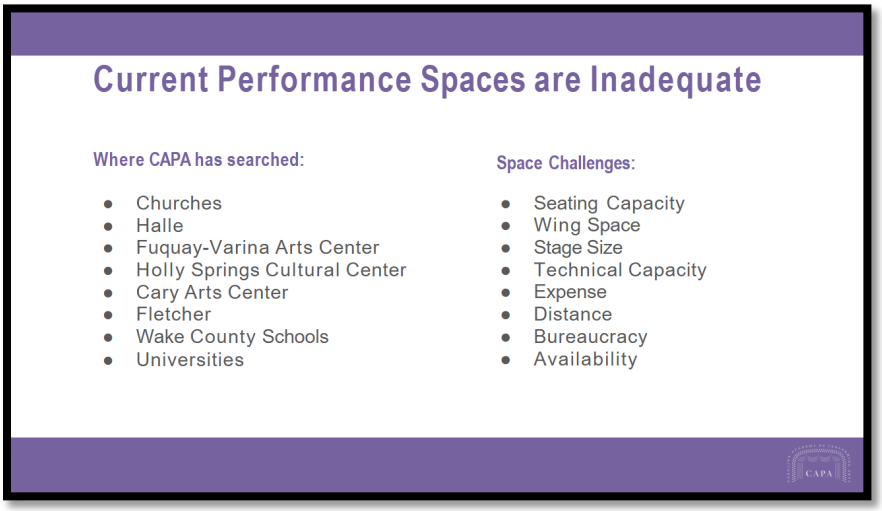
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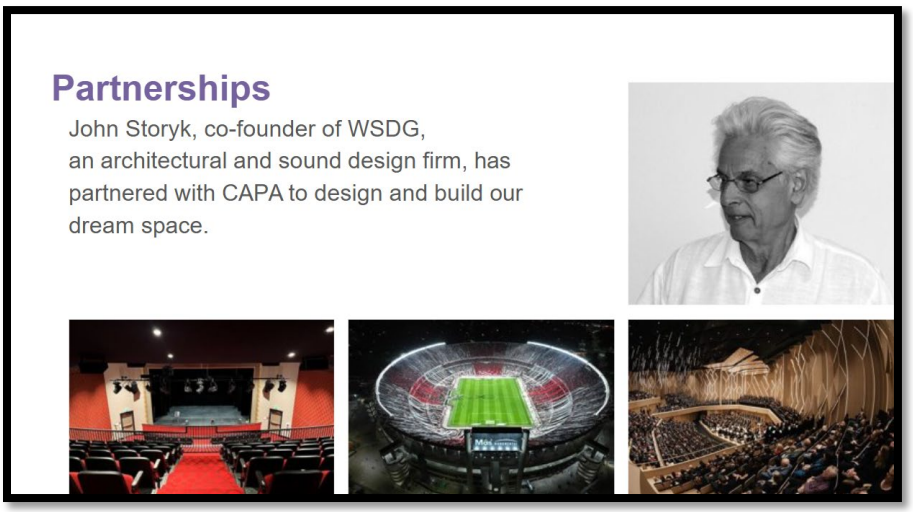


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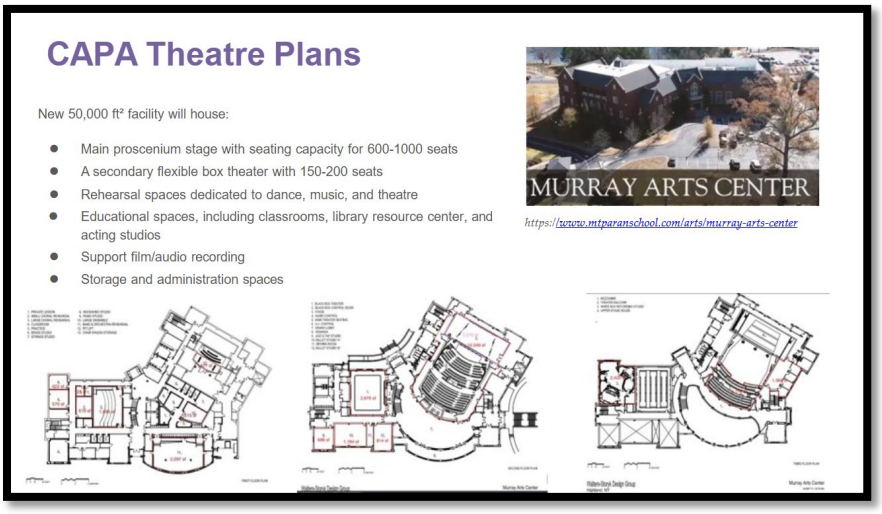


Mr. Jacob spoke on the facilities and gave the following presentation:

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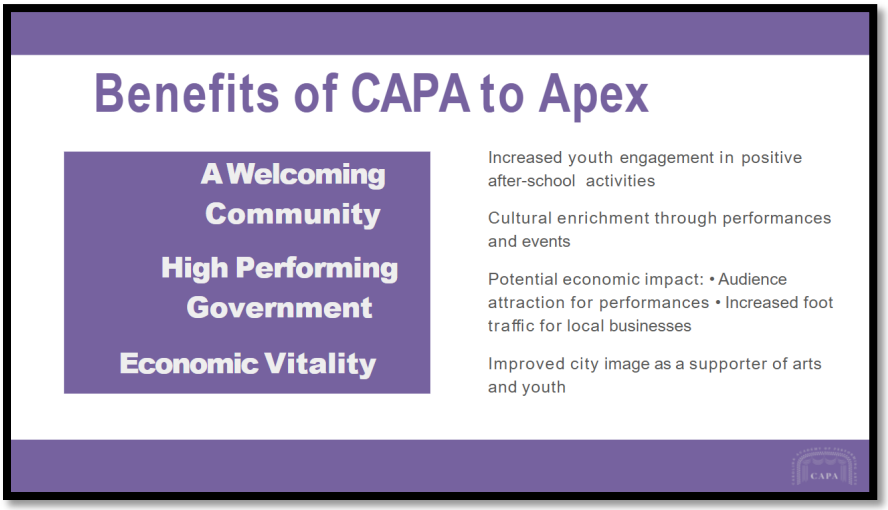


[SLIDE 11]



Ms. Weeks spoke how this would benefit Apex and gave the following presentation:

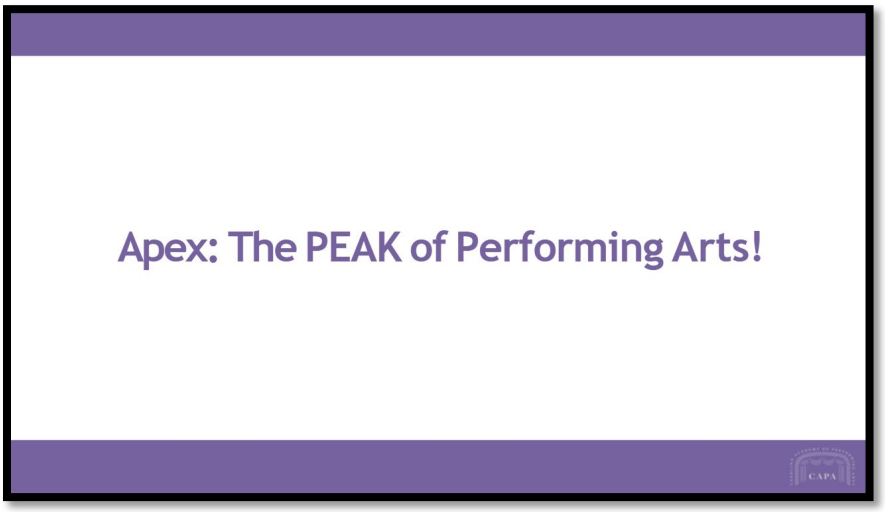
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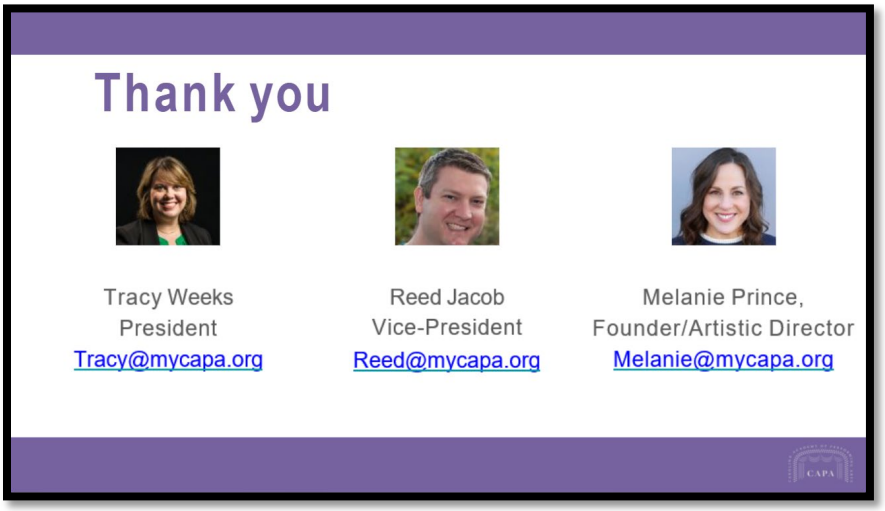
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[SLIDE 14]



[SLIDE 15]



Ms. Weeks asked if there were any questions.

Mayor Gilbert thanked Ms. Weeks for coming in and sharing the vision. He said that the performances by CAPA were extraordinary, and we would love to

Councilmember Zegerman asked about what size property CAPA was looking for.

Ms. Weeks said likely 20 to 25 acres for adequate parking and the potential room for expansion.

Councilmember Gantt asked if there was a model of a city that has done this in the last 10 years.

Ms. Weeks said that DPAC in Durham is a public-private partnership, and gave some other examples that they can learn lessons from, like Roanoke Rapids.

Councilmember Gantt asked for an example of similarly sized town that has partnered with a municipality or County.

Ms. Weeks said that you would have to go outside the Performing Arts and look at other examples like sports programs.

Councilmember Mahaffey asked if they had any ideas of where they would like to have this theater.

Ms. Weeks said that Apex would be the location, but that finding the right balance for space and development around this.

Ms. Prince said that she would like to see Professional acts come through, as well. She said she would like this to be a destination location. She said that she would like to embrace the outlying areas of Apex.

Councilmember Mahaffey asked about the fundraising process and goals.

Ms. Weeks said that they are in the early stages of fundraising.

Councilmember Zegerman asked if they had any meetings with Apex staff.

Ms. Weeks said that they had met with Mayor Gilbert.

Councilmember Killingsworth said that logistics would be the biggest challenge but supported the idea.

Mayor Gilbert thanked them and encouraged them to continue planning.

Mayor Gilbert moved to set the regular meeting Agenda.

[REGULAR MEETING AGENDA]

Mayor Gilbert said that there was an add-on Closed Session NCGS §143-318.11(a)(3): Williams vs. the Town of Apex.

A **motion** was made by **Councilmember Gantt**, seconded by **Mayor Pro Tempore Gray** to approve the Regular Agenda, with the addition of the Closed Session for Williams vs. Town of Apex.

VOTE: UNANIMOUS (5-0)

[PUBLIC FORUM]

Mayor Gilbert opened up Public Fors and invited the first speaker up.

First to speak was **Dawn Cozzalino** of 3632 Bosco Road:

"Good evening, simple presentation tonight messages town of Apex planning and transportation are emitting the secondary roads so the secondary roads on this map are all the purples and you can see the crashes and cars and such and there's 12 secondary roads so these aren't counted in zoning and if you notice Peak Landings right there so I want you to pay attention to that as I go through this so safety's easy comes with analyzing data, right? Mile post by mile post literally this is 3.1 miles and data like this shouldn't be excluded right from any planning decisions it's big decisions you're making but Peak Landing is coming out right here. There's three roads right in that area and already we've had in the past five years 60 wrecks, 104 Vehicles involved and an estimated, and this is estimated $637,200 in damage. We're thankful no fatalities have actually happened in this area, and we want to keep it that way, right, safety first. We have even a reason to celebrate actually there's a success story warning signs were side warning signs were put here at the intersection of Bosco and that's dropped crashes on 11 out of 12 secondary roads to zero so real success story. Something you can't unsee, and you know this is where we come into the partnership with DOT, and doing traffic studies analyzing the data and helping to support the facts to make big decisions, but I as I understand a Peak Landing has not had one single engineering traffic study, volume or anything, which is interesting because, Russell Dalton's he had a November 2023 investigation in this area up here you know a Friendship intersection at Holland Road all that, you guys approved the signals which was awesome, that intersection is so dangerous and his traffic study said there was 13,260 vehicles traveling on old one which is a secondary road, 101 okay so somehow, I'm asking tonight if we can push forward that traffic study consider it because this is real data, there's real accidents, people are getting hurt, somebody's going to die and if you put two entrances right here on the bottom of a hill I don't know what's going to happen but I really want to take care of our neighborhood. I want to I really want to watch out for it, so I hope you do too. Thank you very much."

Mayor Pro Tempore Gray asked if they could keep the board she was using for a visual and they would return it to her.

Ms. Cozzolina said yes.

Next to speak was **Elizabeth Stitt** of 3113 Friendship Road:

"I was listening to CAPA since the YMCA fell out why not look at that 25 acres for them to have a facility? I think Bill Baker in the Keith Corp are looking for something, so I wanted to

make sure you guys were aware of that. All right, to my regular comments. Tag teaming on what Dawn just shared of that $600 some thousand dollar of Damages 450,000 of it was at the Friendship Holland Road Old us one intersection and Thursday of last week I was leaving my house, and the end of my driveway to the intersection is 1,000 ft, it took me 24 minutes to go 1,000 ft and I knew I was pulling out of my driveway at the wrong time thankfully somebody was very kind let me get in but as I'm looking at everybody behind me there was a school bus that was stuck in the traffic about six cars behind me and then three cars behind it was an Apex police officer, who could not get out could not serve the community because he was sitting or she was sitting in traffic, so things were going slow enough my neighbor picked a few tomatoes came over to the car handed me a few tomatoes when he was getting his mail. So, we need to do something about this and so previously we had talked about getting a patrol officer out there for just certain periods of the time, and certain time periods of the day. So, I think we need to put this back on the table. I should not have to wait 24 minutes to go 1,000 feet. I sat and watched all of these cars playing chicken darting into Old US1. I know the town had a vehicle that was called in an accident was rolled over not too long ago. So, we'd like to have the conversation about what we have to do. Does the community, do we need to chip in to pay for the overtime hours to have an officer out there, do we go to DOT? I don't know where we start but there is going to be an email in your boxes very shortly to say and help us do something for our community. I love the fact that you approved this traffic light, but we've got to do something between now and then. Thank you."

Mayor Gilbert thanked Ms. Cozzolina and asked for the next speaker to come up.

Next speaker was **Beth Bland** of 3724 Friendship Road:

"I was at the Ag Board meeting today where the properties being affected by the force main that are in is a VAD or the enhanced VAD program presented their cases. There were two things that I'd like to bring to your attention, you're going to get questions from the Ag Board after that meeting, they'll be coming in probably tomorrow or Friday because I think they have to have answers by Friday. But the first has to do with fiscal responsibility, the force main and the way it's aligned down US 1 and with knowing that there's an interchange going in there's widening of the road, question is how can you be fiscally responsible when you know this Force main is going to get moved? The CAMPO study has just put an interchange into their 2030 plan. What I heard today it's supposed to be completed, the Force main, as far as how it's set now by 2026. So, within 5 to 10 years of putting this in the ground and the millions of dollars spent to do that it's going to get moved it's going to be affected. So, I would just ask that you look at this again with the DOT because either the town's going to pay for it, or DOT is going to be paying for it and they won't want to do that. The other question that arose that I want to bring to your attention is liability, so the easement that the town is going to put on all of our properties, who is liable if someone gets hurt, if someone trespasses on there because now our buffer to US 1 is being taken down? So we're very concerned about people coming up into our properties how that gets prevented, I don't think

it does, and who is liable? You have to come and you have to check, on everything with the force main, if someone gets hurt on the property is the property owner liable or is the town, or how does that work? So, I just wanted to make you aware there were a lot of issues that came up in that meeting and I'm sure you'll have some questions that you'll need to answer. So, thank you."

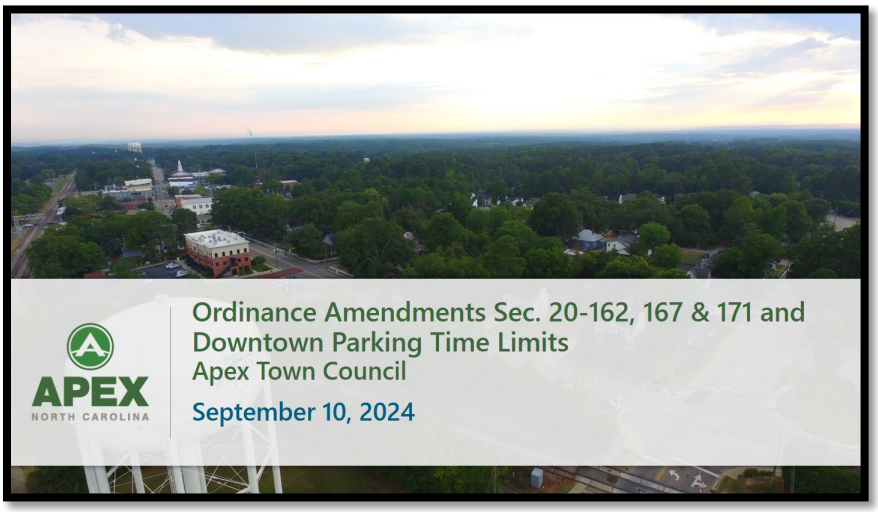
Mayor Gilbert thanked Ms. Bland. He said with there being no other speakers he closed the Public Hearing and moved to New Business.

[NEW BUSINESS]

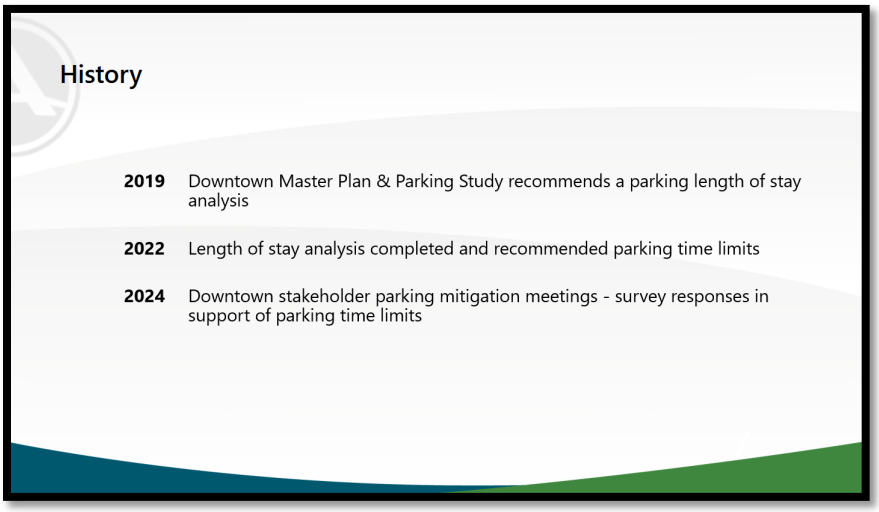
NB1 Ordinance Amendments - Chapter 20 - Traffic, Article VIII. - Parking, Sub Sections 20-162, 167 and 171 - Downtown Parking Time Limits (REF: ORD-2024-074)

Russell Dalton, Traffic Engineering Manager, Transportation and Infrastructure Dev. Department gave the following presentation:

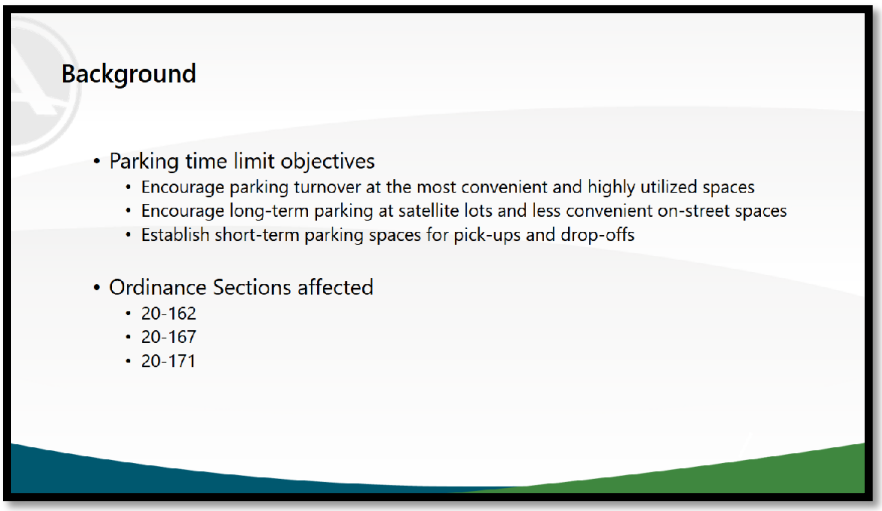
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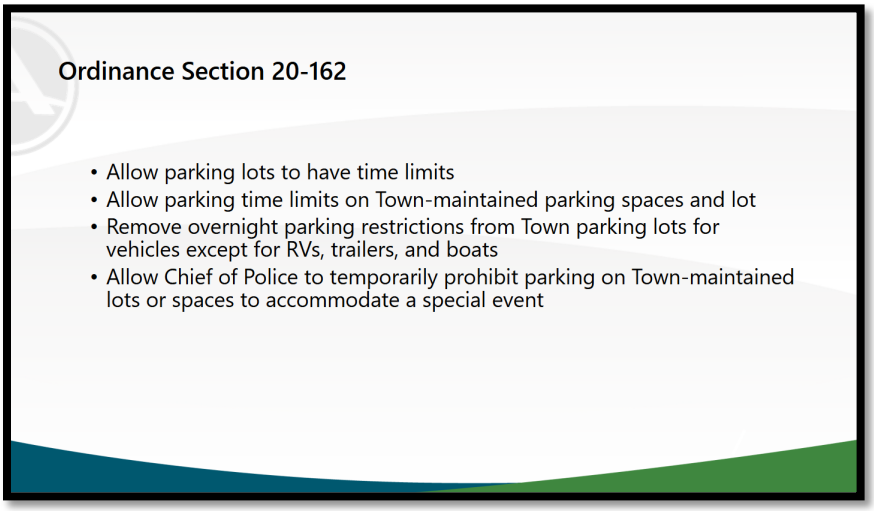
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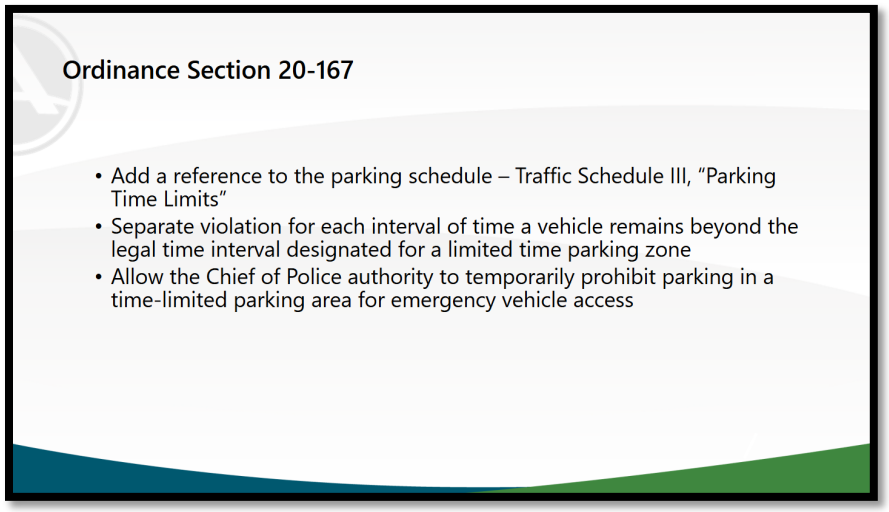
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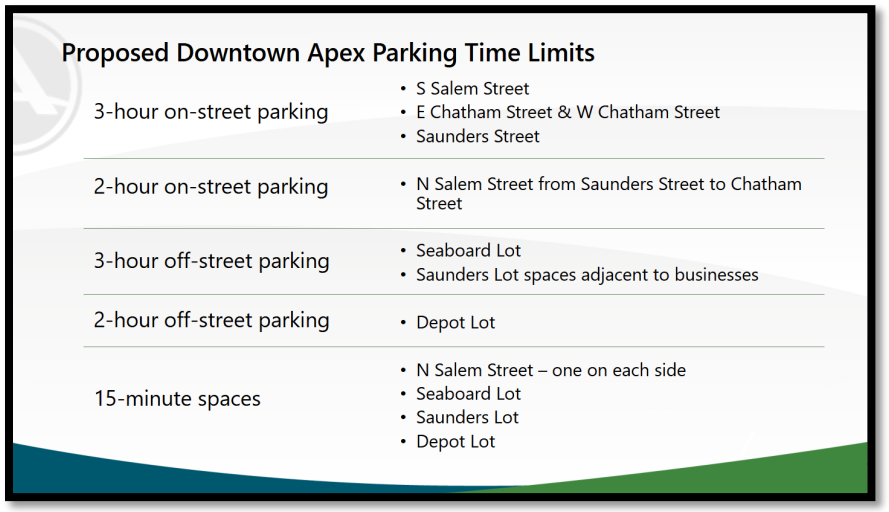
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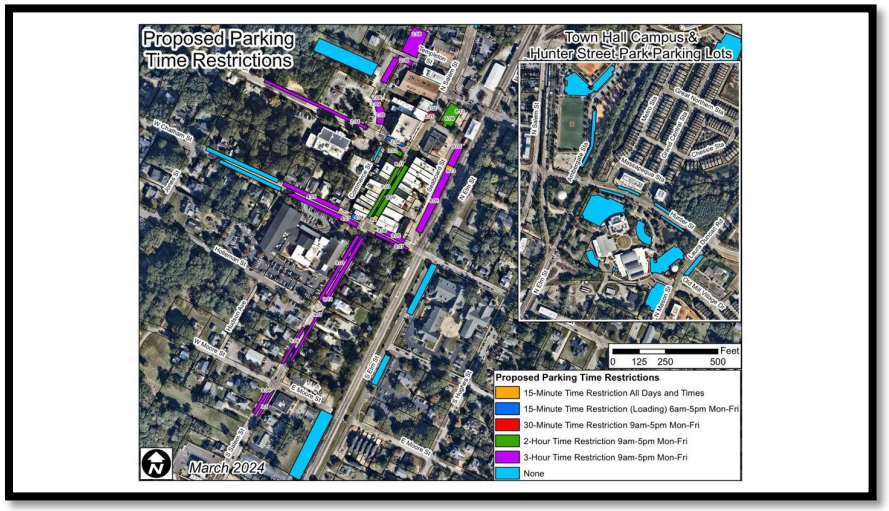
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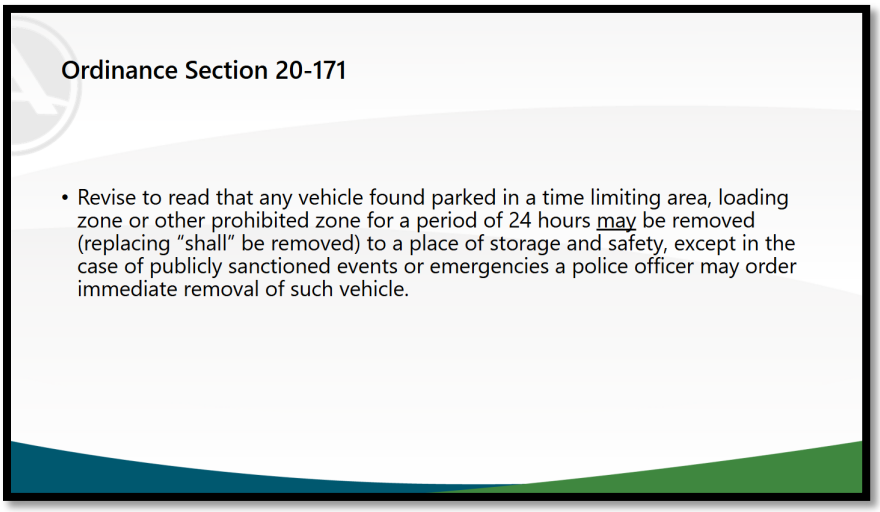
[SLIDE 6]



[SLIDE 7]



[SLIDE 8]



[SLIDE 9]



Mr. Dalton asked if there were any questions.

Councilmember Mahaffey asked if there were any concerns about the bid process and update for the Saunders Street Lot.

Mr. Dalton said that there were no major concerns, but that questions can come up from these types of bids.

Councilmember Mahaffey asked if it was still scheduled to be awarded in October.

Mr. Dalton said that was correct.

Councilmember Mahaffey asked about enforcement, and if there dedicated parking for Police Officers.

Captain Rosser said that from an enforcement standpoint it would be like any other new ordinance. He said it would be educating through social media and other means to make the public aware before they would start enforcing it. He said they are exploring options of covering this due to staffing restraints.

Councilmember Mahaffey asked if this was something a civilian could cover.

Captain Rosser said yes, civilian is an option.

Councilmember Gantt asked if this would be a complaint-based system from business owners and other people in downtown.

Captain Rosser said it could be, especially the Saunders lot construction, but there will be continuous monitoring from PD.

Mayor Pro Tempore Gray said that this would be a new process for the community to learn. He asked if there was a plan to bring the businesses into the educating plan.

Captain Rosser there is a plan. He said they have CPOs meeting with the Downtown businesses. He said it was a joint communication plan.

Councilmember Zegerman asked Mr. Dalton what feedback from the Downtown employees about parking and any vision of the mitigation solutions.

Mr. Dalton said that there is a special parking team that has worked on this. He said that Shannon Cox may have more information.

Ms. Cox said that she was not prepared to do a full update. She said that recently there was a Downtown business outreach and coordination survey. She said that it was specifically focused on the employee shuttle that the Council had asked to be investigated. She said that they are working on these results now.

Mayor Gilbert asked Captain Rosser how much the ticket violation would cost.

Captain Rosser said he was not sure, but would get that to him

Mayor Gilbert asked if it was the cost of court.

Captain Rosser said he thought $30.00. He said that the penalty was changed to Civil which took the court cost piece out, unless a criminal citation is writte..

A **motion** was made by **Councilmember Zegerman,** seconded by **Councilmember Gantt,** to adopt Ordinance Amendments - Chapter 20 - Traffic, Article VIII. - Parking, Sub Sections 20-162, 167 and 171 - Downtown Parking Time Limits.

VOTE: UNANIMOUS (5-0)

Mayor Pro Tempore Gray wished Mayor Gilbert a Happy Birthday. He asked anyone attending to sing Happy Birthday.

[UPDATES BY TOWN MANAGER]

Town Manager Vosburg gave an update on the Utility Bill situation. He said they have put more Customer Service in place and doubled the number of employees that are taking calls to try to eliminate the wait times. He said the amount of time spent with each customer is the reason for the long wait times. He said there are still some phone issues. He said they had to go back to their old phone while this is being fixed, and they implemented a system for leaving messages. He said that beginning on Thursday they would have extended hours, until 6:30 PM. He said that because of some of the issues with rebuilding the system, there is a delay in the data entry which are trying to be caught up before the next billing cycle. He said

that they are avoiding service to be cut off and penalties, so residents should not be concerned about that. He said there upticks at certain times during the day, so they are encouraging citizens to use the off-peak times. He said that in the e-suite portal, the residents can analyze their data themselves, which can help with answering some of the questions. He said they will continue to generate paper bills. He will also be utilizing a 3rd party in the future to review the utility bills that were issued during this time to work on reconciliation and work with Apex. He said he wanted to thank the residents for their patience. He said he also wanted to thank the staff for how diligently they are working.

Councilmember Mahaffey thanked Town Manager Vosburg for the update. He was happy to see capacity for customer service increased for this. He said it was good to hear to have a 3rd party to be brought in to reconcile this.

Mayor Pro Tempore Gray said that throughout this billing disruption that the town is not turning off water or utilities if someone can't pay their bill.

[CLOSED SESSION]

A **motion** was made was made by **Councilmember Killingsworth** and seconded by **Councilmember Zegerman** to enter into closed session pursuant to **NCGS §143-318.11(a)(5) and NCGS §143-318.11(a)(3).**

VOTE: UNANIMOUS (5-0)

Council entered into Closed Session at **7:16** p.m.

CS1 Steve Adams, Utilities Acquisition and Real Estate Specialist
NCGS §143-318.11(a)(5):
"To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease."

CS2 Laurie Hohe, Town Attorney
NCGS § 143-318.11(a)(3)
"To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body."

CS3 – ADDED CS3 Mayor Gilbert – RE: Williams v. Town of Apex
NCGS § 143-318.11(a)(3)
"To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body."

Council returned to Open Session at **7:52** p.m.

[ADJOURNMENT]

Mayor Gilbert adjourned the meeting at **7:53** p.m.

Jacques K. Gilbert
Mayor

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

Submitted for approval by Town Clerk Allen Coleman and approved on October 08, 2024 (CN7).

APPROVED

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

The Apex Town Council met for a work session on Tuesday, September 17, 2024 at 3:30 p.m. at the Apex Town Hall located at 73 Hunter Street in Apex North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel: 2024.09.17 Town Council Work Session - You Tube

[ATTENDANCE]

Elected Body
Mayor Jacques K. Gilbert (presiding)
Mayor Pro-Tempore Ed Gray
Councilmember Brett Gantt (*arrived late)*
Councilmember Arno Zegerman
Councilmember Audra Killingsworth (*arrived late)*
Councilmember Terry Mahaffey
Absent: None

Town Staff
Town Manager Randy Vosburg
Deputy Town Manager Shawn Purvis
Assistant Town Manager Demetria John
Assistant Town Manager Marty Stone
Town Attorney Laurie Hohe
Town Clerk Allen Coleman
Parks, Recreation, and Cultural Resources Director Craig Setzer
Special Events Manager Lisa Raschke
Planning Director Dianne Khin

All other staff members will be identified appropriately below.

[COMMENCMENT]

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

[SPECIAL EVENTS PROCESS REVIEW]

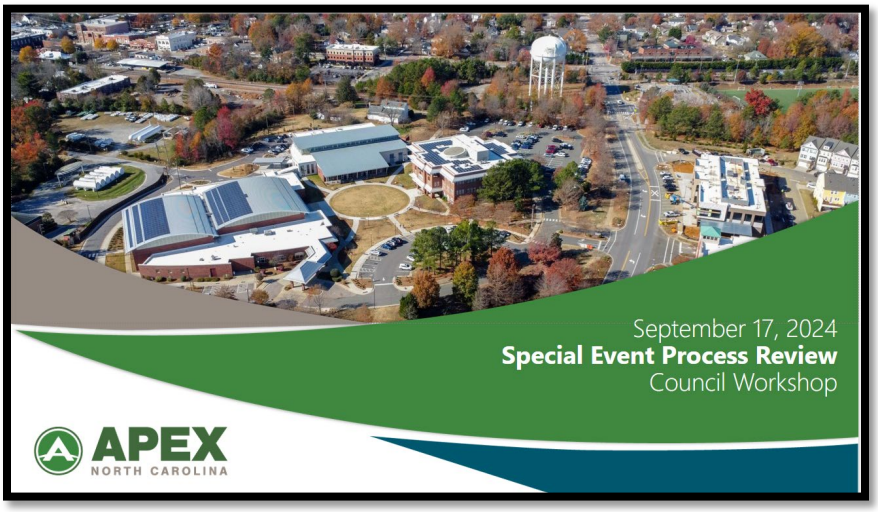
Mayor Gilbert asked Town Manager Randy Vosburg to begin with the Special Events Process Review.

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

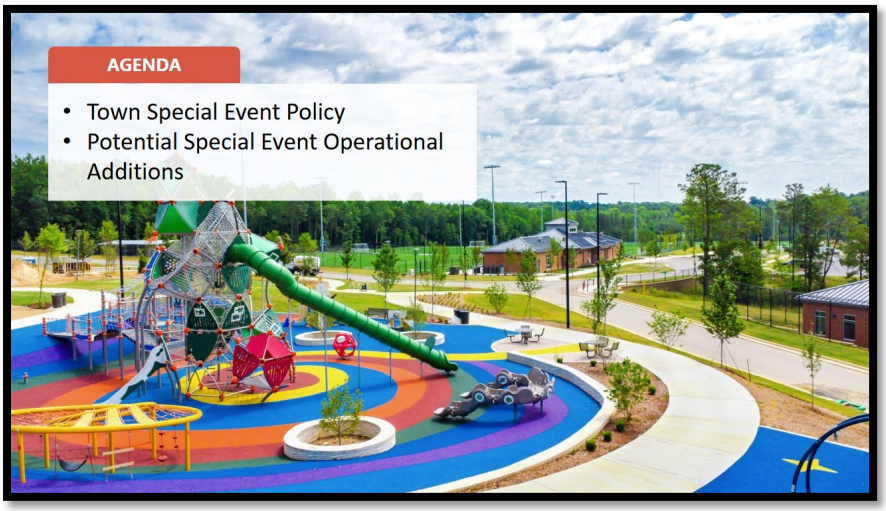
Councilmember Gantt arrived at 3:36 p.m.

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

[SLIDE 1]



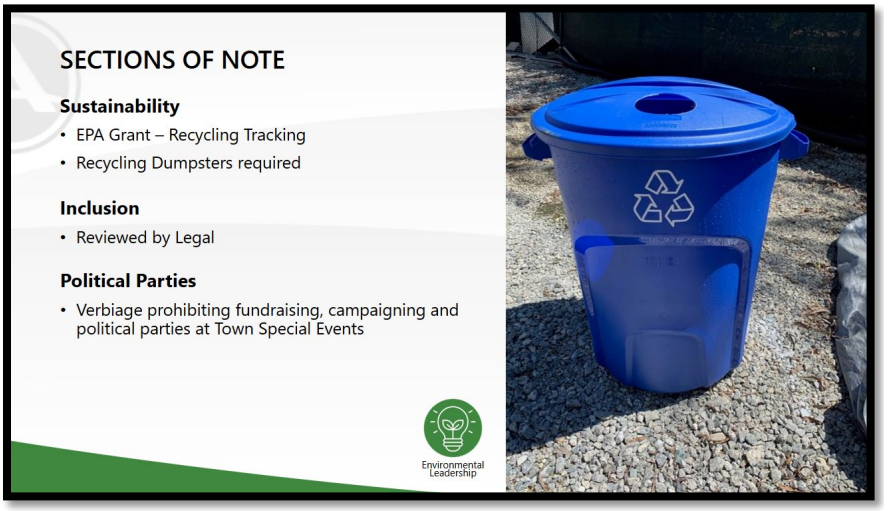
[SLIDE 2]



[SLIDE 3]



[SLIDE 4]



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

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

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

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

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

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

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

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

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

Councilmember Gantt asked Councilmember Zegerman to clarify.

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

Mayor Gilbert asked Town Attorney Laurie Hohe to speak.

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

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

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

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

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

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

Mayor Gilbert said yes.

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

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

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

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

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

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

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

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

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

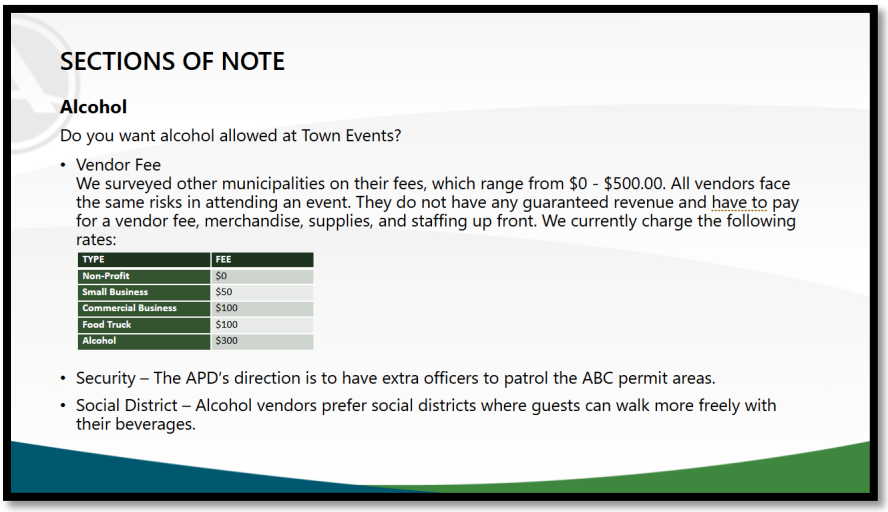
Councilmember Zegerman asked what language was added and the problem in regards to inclusion.

Councilmember Killingsworth arrived at 3:47 p.m.

Ms. Raschke said that she wanted to bring attention to the non-discrimination clause and that she was on a special event committee for Regional People of the Southeast. She said that they talk about inclusion and that all people are included in the festivals. She said it was a big focus for the event this year.

Mayor Gilbert asked if everyone was ok with this.

[SLIDE 5]



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

Mayor Gilbert said yes

Councilmember Killingsworth said yes.

Councilmember Gantt said no.

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

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

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

Mayor Gilbert asked what Cary was doing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Councilmember Gantt said that he was still a no.

Mayor Gilbert asked if they were still on Town property.

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

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

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

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

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

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

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

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

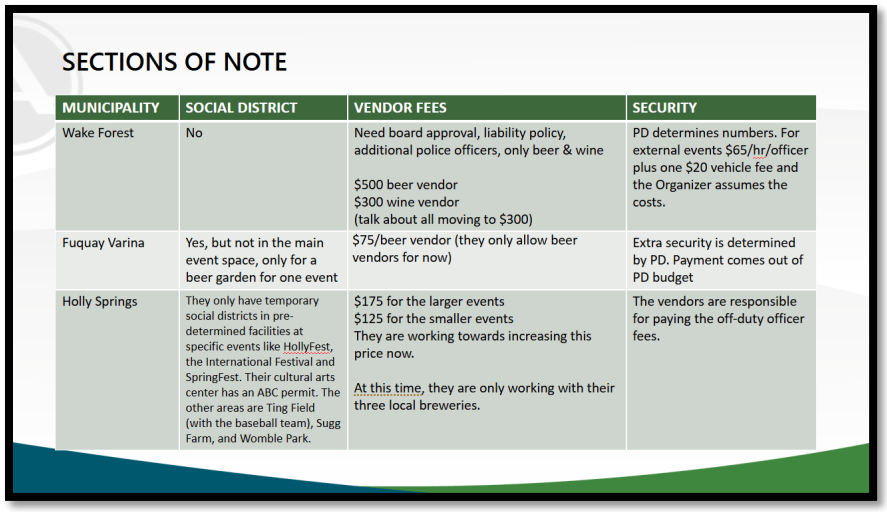
Mayor Gilbert asked if they were going to talk about community comments.

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

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

Ms. Raschke continued with the presentation.

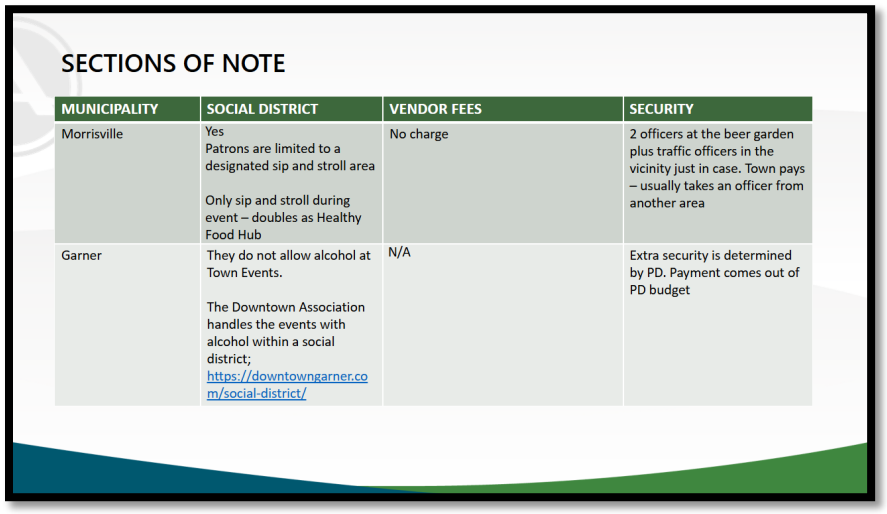
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SECTIONS OF NOTE

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

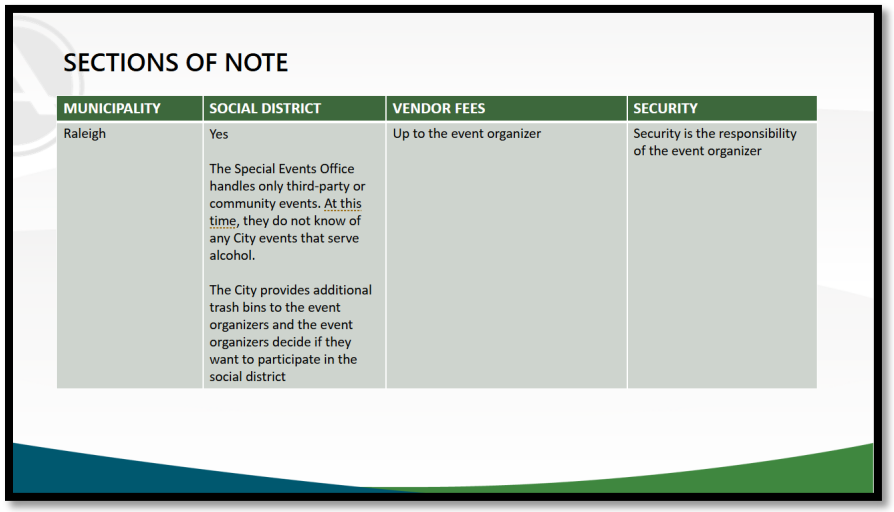
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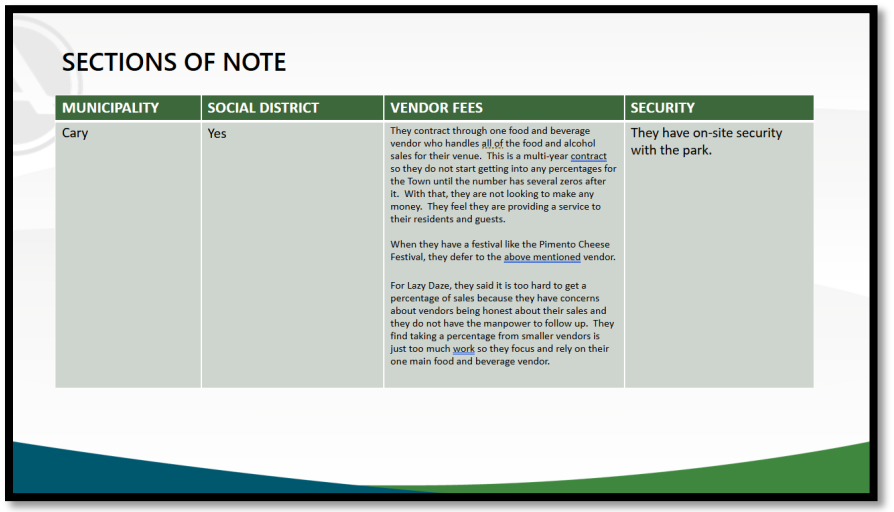
SECTIONS OF NOTE

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

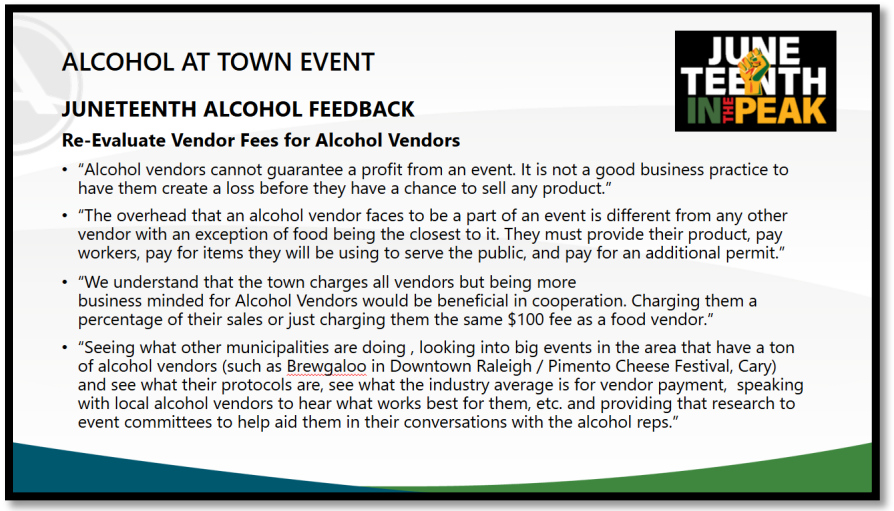
[SLIDE 8]



[SLIDE 9]



[SLIDE10]



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

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

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

Ms. Raschke said yes.

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

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

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

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

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

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

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

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

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

Councilmember Zegerman said that's different.

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

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

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

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

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

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

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

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

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

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

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

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

Councilmember Gantt said he was still against it.

Mayor Gilbert said community events are still family friendly.

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

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

Councilmember Gantt said they have the flexibility.

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

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

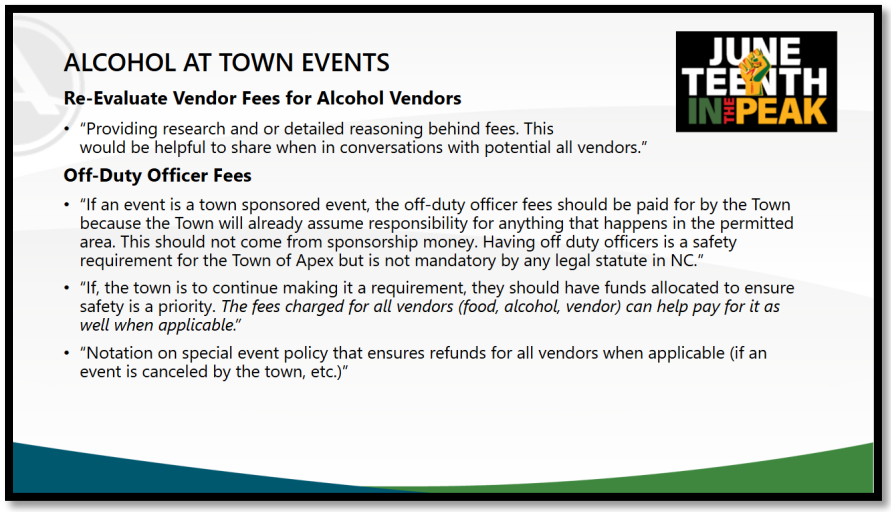
Councilmember Mahaffey said that if you go through the list of towns that have a third-party, they all have a clever way of trying to find a way for the vendor to be responsible. He said that we will still be advertising. He said but we are the ones serving the alcohol, but if it is a Community Event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

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

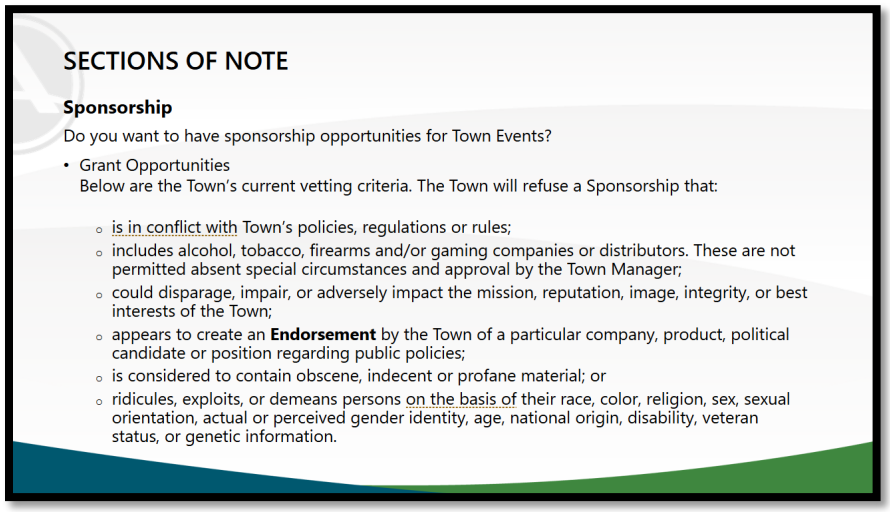
Ms. Hohe said that in either event the Town is likely to be sued but with the Community event there are things in place to shift that liability.

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

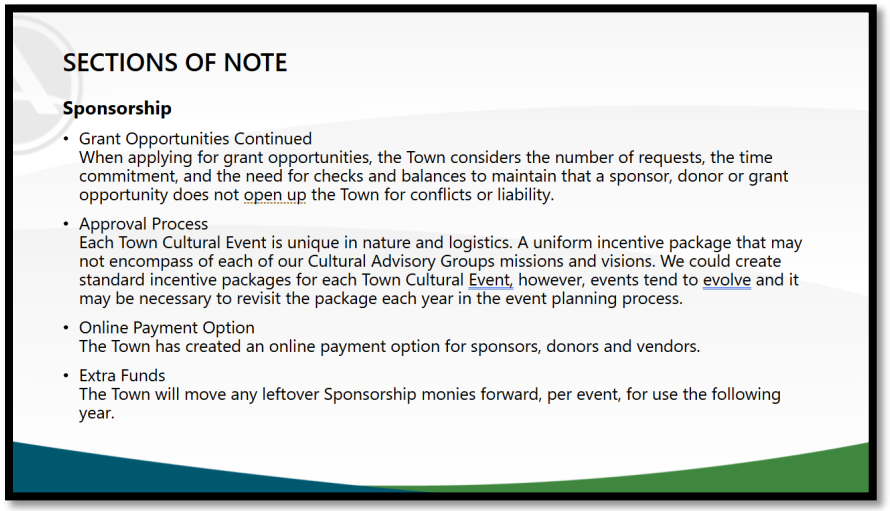
[SLIDE 11]



[SLIDE 12]



[SLIDE 13]



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

[SLIDE 14]



Councilmember Zegerman asked about the Turkey Run and if it was a Town Event.

Ms. Raschke said that this was a Town event, and she said it was an "in kind" donation.

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

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

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

Councilmember Mahaffey asked if there was a demand for sponsorships.

Director Setzer said there were from local businesses.

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

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

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

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

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

Councilmember Gantt said that is what bothered him the most.

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

Mayor Gilbert asked what the expectations were from the sponsor.

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

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

Mayor Pro Tempore Gray asked what other municipalities are doing.

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

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

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

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

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

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

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

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

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

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

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

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

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

Mayor Gilbert said he was fine with this.

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

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

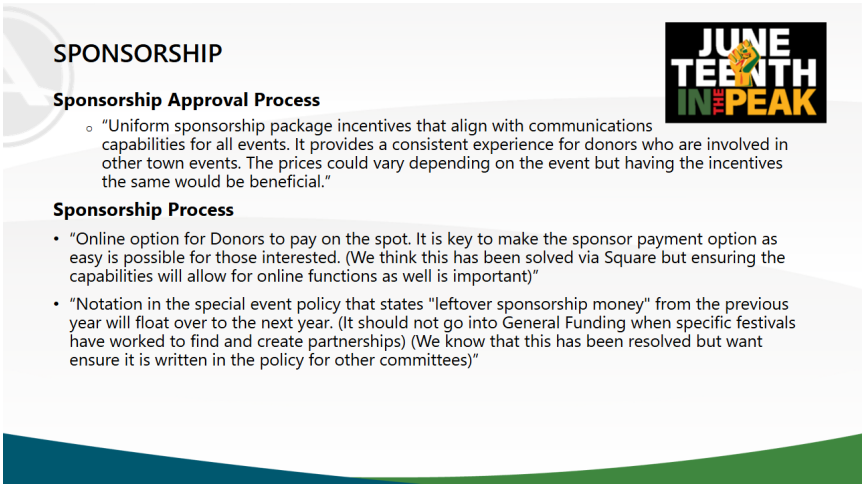
Councilmember Gantt said that he was a no. He said that he didn't like the idea of endorsing one local business over another.

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

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

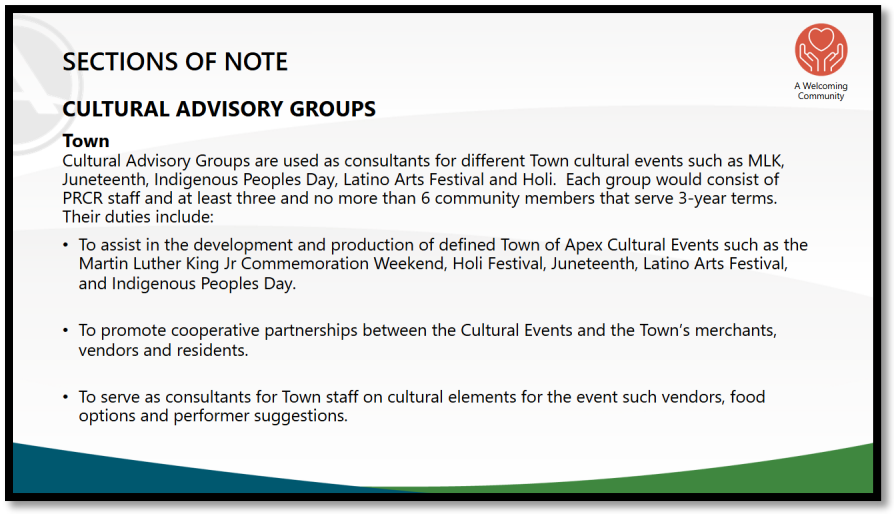
Councilmembers said yes.

[SLIDE 15]



Ms. Raschke continued with the presentation.

[SLIDE 16]



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

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

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

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

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

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

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

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

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

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

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

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

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

Councilmember Killingsworth said she was not in support.

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

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

Councilmember Gantt asked about these groups.

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

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

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

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

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

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

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

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

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

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

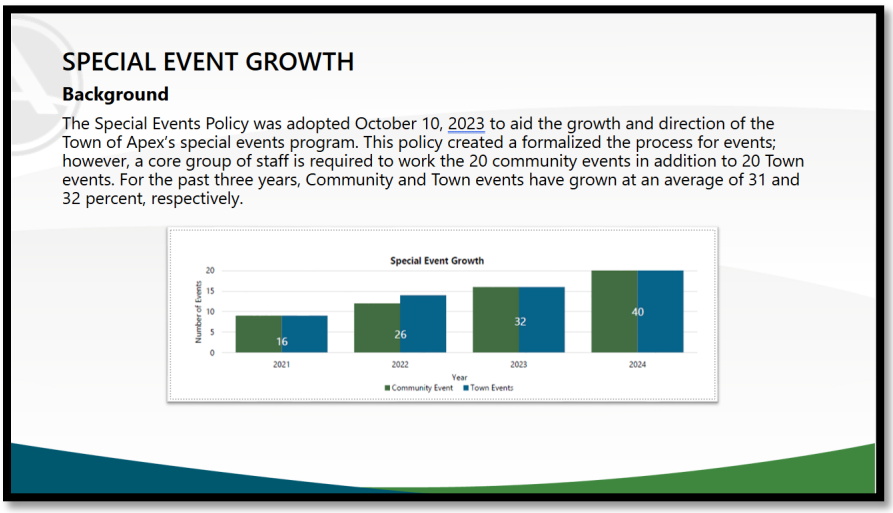
Mayor Gilbert said that there needed to be effective communication. He said that some communication had gone out but wasn't sure how far out into the community. He said working with the Communications team would be important.

Ms. Raschke resumed her presentation.

[SLIDE 17]



[SLIDE 18]



[SLIDE 19]

SPECIAL EVENT GROWTH

Background

Event staffing was previously assigned on a volunteer basis. The schedule and increased number of events, has resulted in required assignment to work events. The Town has modified special event pay and there has been feedback from staff regarding burnout and a lack of work life balance with total events that staff must work increased by 122 percent since 2021.

In addition to working during event hours, Town staff must work the hours before and after each event for set up and clean up. Previous attempts to contract out services for these events resulted in substandard service, and either required teams to supervise the work performed or supplement the services.



[SLIDE 20]

SPECIAL EVENT GROWTH



Background

The Town added a Volunteer Coordinator position in 2023 to encourage additional volunteer support which may alleviate some pressure on staff. However, volunteers cannot replace the need for Police, Fire, Parks Operations, or Public Works staffing.

[SLIDE 21]

ELECTRIC PEDESTALS

Town Hall Parking Lot Power

Events held on Town Campus do not require public road closures, but they impact the ability to operate the Community Center and Senior Center at full programming levels because the power boxes are located in the in the arc and Community Center parking lots. The addition of power boxes to the Town Hall side of campus would allow special events to shift location within the Town Campus without impacting the Community Center and Senior Center's programs or operations. This addition would cost approximately $40,000 for materials and installation.



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

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

Ms. Raschke said this was for the Town Hall.

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

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

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

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

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

Ms. Raschke continued with the presentation.

[SLIDE 22]



Councilmember Zegerman asked the difference between a supervisor and a team lead.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Councilmember Zegerman said that desirability criteria can be tricky.

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

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

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

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

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

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

Director Setzer said that they always have issues with trash.

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

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

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

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

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

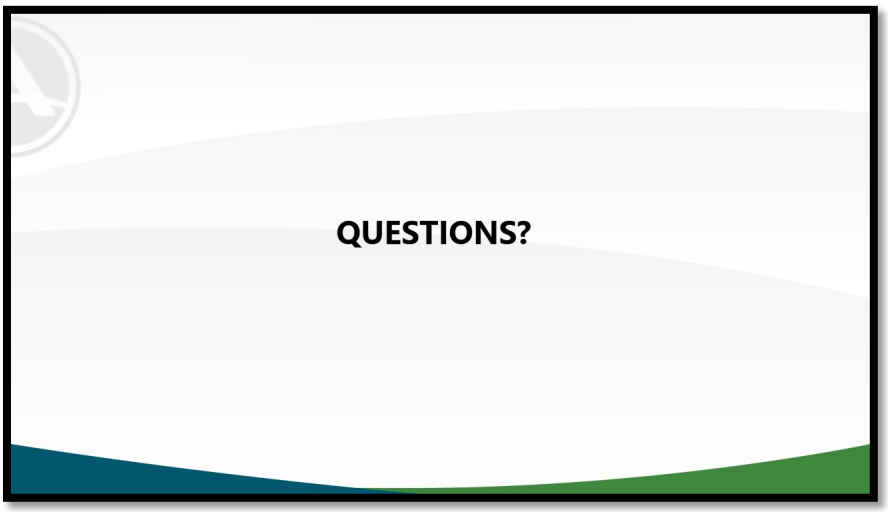
Mayor Gilbert said this was a good conversation. He asked if there was one more slide.

Ms. Raschke continued with the presentation.

[SLIDE 23]



[SLIDE 24]



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

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

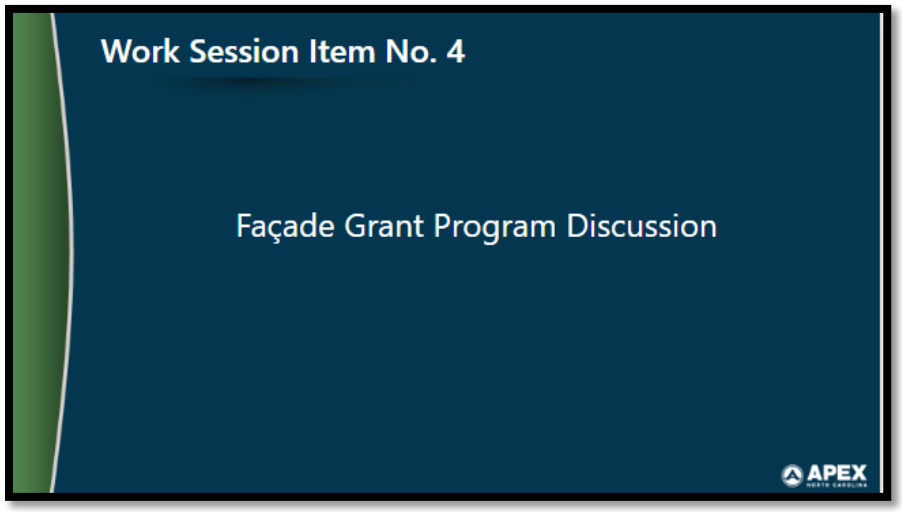
Mayor Gilbert reconvened the meeting **5:30** p.m.

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

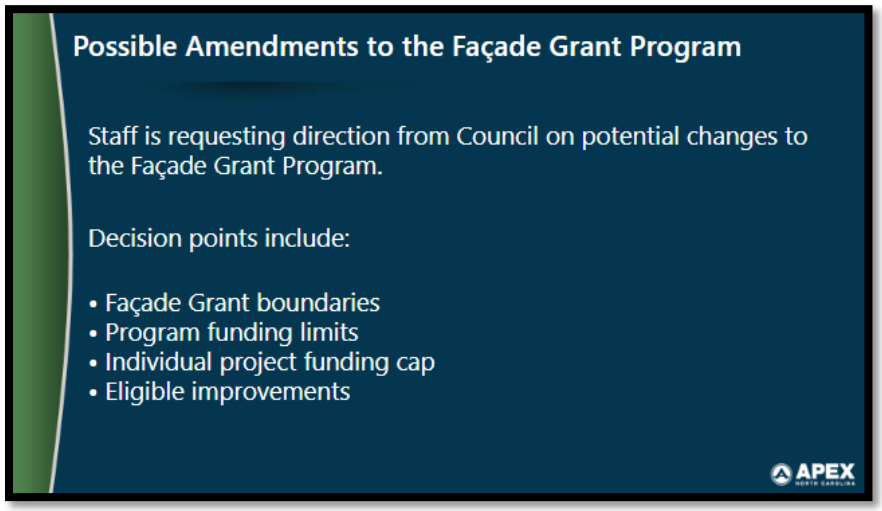
[FAÇADE GRANT PROGRAM DISCUSSION]

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

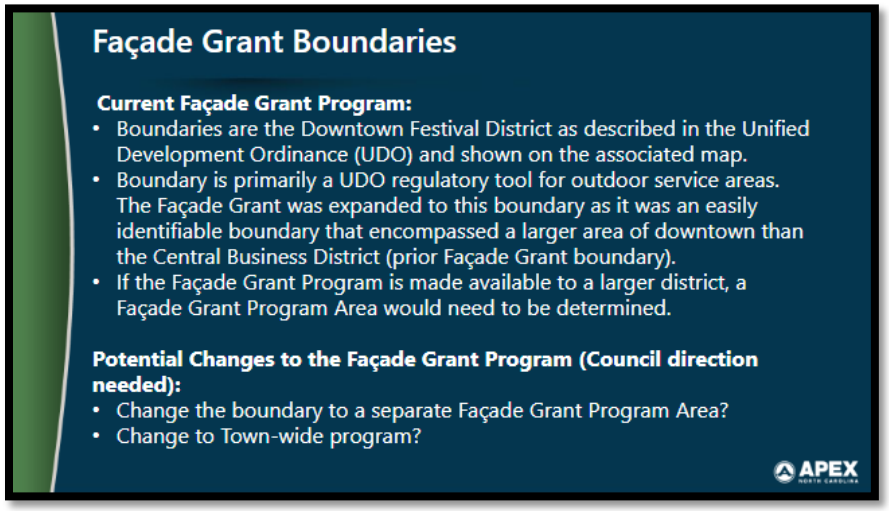
[SLIDE 1]



[SLIDE 2]



[SLIDE 3]



[SLIDE 4]



[SLIDE 5]



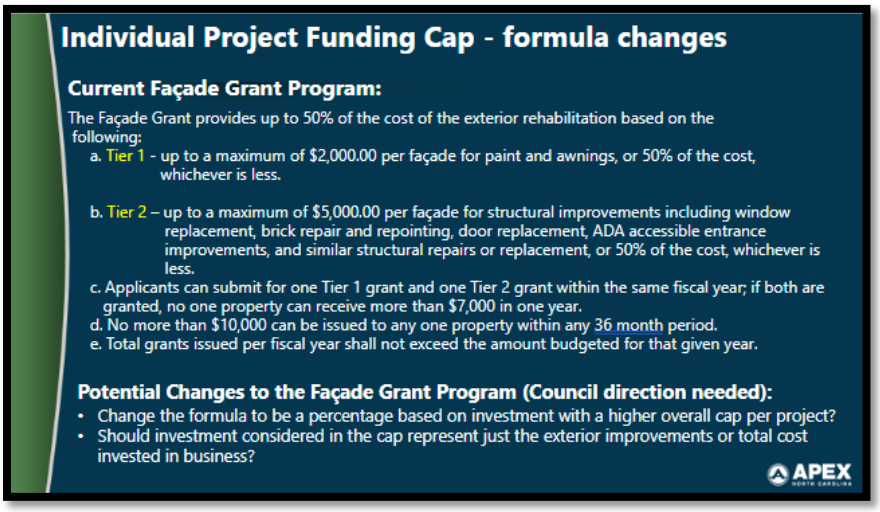
Councilmember Gantt asked to clarify what was the purpose of this grant and if it had been around for a while.

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

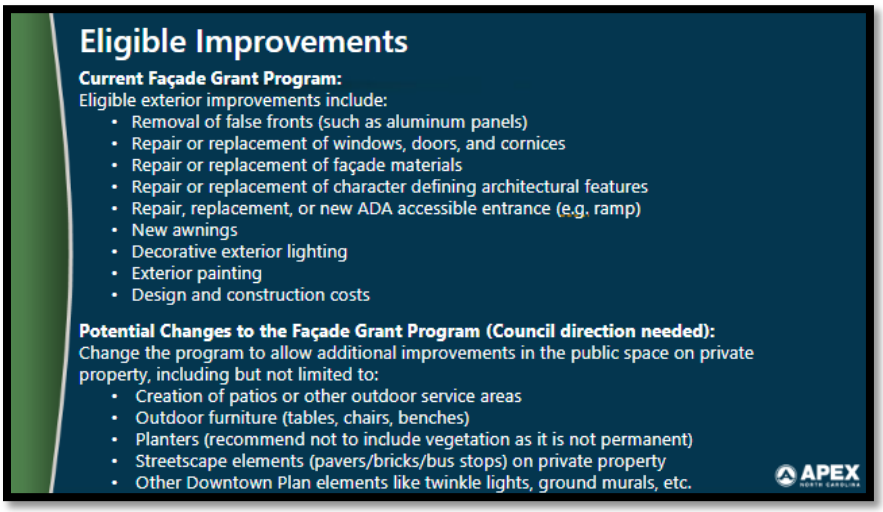
Councilmember Gantt asked if they were required to make improvements.

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

[SLIDE 6]



[SLIDE 7]



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

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

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

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

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

Councilmember Zegerman asked if they tax in the Overlay District.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Director Khin said that is what she would recommend.

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

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

Councilmember Killingsworth said that everything else would stay the same.

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

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

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

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

Councilmember Killingsworth asked about the total budget for this.

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

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

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

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

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

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

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

Councilmember Gantt asked if this could be summarized.

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

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

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

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

Councilmember Killingsworth asked about the total budget.

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

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

Councilmember Killingsworth said that it would depend on the project.

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

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

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

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

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

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

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

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

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

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

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

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

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

Councilmember Gantt asked if this was for each project.

Town Manager Vosburg said yes.

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

Mayor Gilbert asked if there were any other questions.

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

Council Members collectively said they were good with it.

Mayor Gilbert thanked the staff for all their hard work.

[ADJOURNEMENT]

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

Jacques K. Gilbert
Apex, Mayor

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

Submitted for approval by Apex Town Clerk Allen Coleman

Minutes approved on 8th of October, 2024 (CN7).

APPROVED

TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, SEPTEMBER 24, 2024
6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, September 24th, 2024 at 6:00 p.m. in the Council Chambers at Apex Town Hall, located at 73 Hunter Street in Apex, North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel. The recordings of this meeting can be viewed here:

Part 1: https://www.youtube.com/watch?v=kV6gcdH2byQ

Part 2 (Work Session): https://www.youtube.com/watch?v=m6cLDOKdVxk&t=11s

[ATTENDANCE]

Elected Body
Mayor Jacques K. Gilbert (presiding)
Mayor Pro Tempore Ed Gray
Councilmember Audra Killingsworth
Councilmember Arno Zegerman
Councilmember Terry Mahaffey
Councilmember Brett Gantt

Town Staff
Town Manager Randy Vosburg
Assistant Town Manager Marty Stone
Assistant Town Manager Demetria John
Town Attorney Laurie Hohe
Town Clerk Allen Coleman
All other staff members will be identified appropriately below

[COMMECEMENT]

Mayor Gilbert thanked everyone in attendance and welcomed those who joined by live stream. He said it was great to see so many people in the Council Chambers.

Mayor Gilbert called the meeting to order at 6:00 pm.

Mayor Gilbert read a diversity statement. He invited Benit Shastri to deliver the invocation on behalf of the Radha Krishna Temple of North Carolina.

Mayor Gilbert then led those in attendance in the reciting of the Pledge of Allegiance. He then explained that interpreters were present to assist with language access services.

[CONSENT AGENDA]

Councilmember Zegerman asked that an amendment to Consent Item 3 be made, to adjust the Revenues and Expenditures on the proposed Budget Ordinance Amendment No. 2 to read $592,500 instead of $542,500.

A **motion** was made by **Councilmember Zegerman,** seconded by **Councilmember Killingsworth,** to approve the Consent Agenda, with the proposed amendment by **Councilmember Zegerman.**

VOTE: UNANIMOUS (5-0)

CN1 Appointments - Transit Advisory Committee - Ex-Officio Replacement
Council voted to appoint Lauren Staudenmaier, Planner II, to the Ex-Officio seat previously held by Amanda Bunce on the Apex Transit Advisory Committee (TAC) effective September 1, 2024.

CN2 Contract – Developmental Associates, LLC - Appointed Officials Evaluation Facilitation (REF: CONT-2024-274)
Council voted to approve a Standard Services Contract between Developmental Associates, LLC and the Town of Apex, for the facilitation of the Town Manager's performance evaluation to include short term feedback and one-year evaluation goals and objectives, effective September 24, 2024 through November 30, 2024.

CN3 Contract Multi-Year - Rebuilding Together of the Triangle - Apex Cares Rehabilitation Program Administration – October 1, 2024 through September 30, 2027, and Budget Ordinance Amendment No. 2 (REF: CONT-2024-275 and ORD-2024-075)
Council voted to approve a Multi-Year Contract with Rebuilding Together of the Triangle, to administer the Apex Cares Rehabilitation Program, effective October 1, 2024 through September 30, 2027, and to authorize the Town Manager, or their designee, to execute on behalf of the Town, and approve the corresponding Budget Ordinance Amendment No. 2.

CN4 Council Meeting Minutes - August 27, 2024
Council voted to approve, as submitted or amended, Meeting Minutes from the following meetings:
August 27, 2024 – Regular Town Council Meeting

CN5 Revisions to Standard Specifications and Standard Details (REF: OTHER-2024-099 and OTHER-2024-100)

Council voted to approve revisions to the Town Standard Specifications and Standard Details.

[PRESENTATIONS]

PR1 Apex Public School Foundation - Quarterly Peak S.T.A.R. Awards – 4th Quarter

Councilmember Mahaffey said that Apex partners with the Apex Public School Foundation. He said that they would like to talk about the program and honor educators for their hard work in educating our children. He then invited the Barbara Conroy, Co-Founder and President of Apex Public School Foundation to talk more about the Apex Public School Foundation and the Honoree and to accept the award and take a picture.

Ms. Conroy thanked Councilmember Mahaffey for creating the program. She said The Apex Public School Foundation supports the 19 Wake County public schools with an Apex mailing address. She said that's 3 High Schools, 5 Middle Schools and 11 Elementary Schools currently in the Town of Apex. She said that the primary program, the teacher grant program, funds teacher proposals that promote student engagement through Innovative, creative, and collaborative programs. She said that the 2024-25 grant window just opened and they are currently accepting applications. She said that applications will be accepted through October 15th, and they will be awarded funds in early 2025. She said that each Tuesday the foundation celebrates exceptional Educators, administrators, and staff members through the weekly shout out program. The weekly honorees are then eligible for this quarterly award. She said that it is her pleasure to introduce this quarter's Peak Star Award recipient Miss Lucretia Weber of Scotts Ridge Elementary School. She said that Miss Weber serves the Sailor Community as a music teacher and regularly goes above and beyond her job description to engage her students in meaningful musical experiences. She said that these include a student course that meets before the school day begins, so again, before she's even expected to be teaching Miss Weber is working with students on her course. She said that Ms. Weber also does grade level performance concerts for first, third and fifth grade students at Scotts Rich Elementary School, leading the school's Steam Night Event, which is no small task, and DJing other school events. She said that Scott Ridge's Principal Derek Evans shared "Mrs. Weber is an incredible music teacher who gets students excited about all that music has to offer, her love for our students and school is always a parent and everyone in the school loves her right back." She thanked her for all she does and congratulated her for being recognized as a Peak Star. She asked Ms. Weber to come up and said she's joined tonight by assistant principal Angela Griffin.

Ms. Griffin said that she would like to add that Ms. Weber is such a huge asset to the community, and she gives every day with a servant's heart. She said that she also teaches students the ukelele along with the recorder. She said that they loved her so much and were so proud that she was getting this recognition tonight.

PR2 Proclamation - Domestic Violence Awareness Month - October 2024 (REF: PRO-2024-027)

Mayor Gilbert invited the Council to read the Domestic Violence Awareness Month Proclamation.

Mayor Gilbert said that the Hunter Street water tower would be illuminated purple on Friday October 4th, 2024 following the Glow of Grace event in honor of victims and survivors of domestic violence. He then invited Florida DeVaul-Dudley and Ed Dudley, Co-Founders of Shining Light in Darkness, Rada Mills, Board President, Dr. Felicia Tittle, Board Vice President and Dr. Ebony Dill, Strategic Advisor, as well as Danica Coleman, Victim Advocate at Apex Police Department to receive the Proclamation and take a picture.

Mrs. DeVaul-Dudley said that this was a surprise for the hard work that they do with Shining Light in Darkness. She said she was upset with her husband because she had already had a long day. She was elated for the honor. She said that Light in Darkness has been in existence for 10 years, she said it was 95% volunteer led and funded by her and her husband. She said those they serve are seen, supported, and empowered. She said that it was good to see that her labor and work is not in vain. She thanked everyone.

PR3 Proclamation - Hindu Heritage Awareness Month - October 2024 (REF: PRO-2024-028)

Mayor Gilbert invited the Council in reading the Hindu Heritage Month Proclamation.

Mayor Gilbert invited Hindu Swayamsevak Sangh, Ashutosh, Arati and Vaibhav to receive the proclamation and take a picture.

Mr. Sangh said that they were thankful to the Apex Town Council for the proclamation for Hindu Heritage. He said that they are celebrating the Festival of Lights and other events in October. He thanked everyone for the opportunity.

PR4 Proclamation - Public Power Week 2024 - October 6 through 12, 2024 (REF: PRO-2024-029)

Mayor Gilbert invited the Council in the reading of the Public Power Week Proclamation

Mayor Gilbert invited Eric Neumann, Director of Apex Electric, Emily Woody, Caitlyn Skotnicki, Philip Barnes, Ben Lannon, Mark Risby, Ken Weatherman and Jon Rose to receive the proclamation and take a picture. He also invited Assistant Town Manager, Marty Stone.

Mr. Neumann said he wanted to thank his entire staff. He said that Apex has extremely good reliability. He said that they had been recognized throughout the entire State and County as being one of the top performers. He said that they outperform the other 70 municipalities, and thanked the Council.

[REGULAR MEETING AGENDA]

A **motion** was made by **Councilmember Gantt**, seconded by **Mayor Pro Tempore Gray** to approve the Regular Agenda.

VOTE: UNANIMOUS (5-0)

[PUBLIC FORUM] (NOTE: to view Public Forum and Public Hearing Sign in Sheets, see **OTHER-2024-101)**

Mayor Gilbert opened up Public Forum and invited the first speaker up.

First speaker was **Beth Bordeaux** of 1044 Branch Line Lane:

"My family and I have lived here for nearly 30 years I've spent my career in Human Services as a Social Worker and a nonprofit leader. I served on the Steering Committee for the development of the Town of Apex's Affordable Housing plan which was adopted in February of '21. There was agreement that the market alone cannot adequately address the affordable housing issues that Apex residents face and that the town has a central role and responsibility to address the housing market through both regulation and public investment. Apex manufactured housing communities and the residents who live there are particularly vulnerable. By design, mobile home parks, a misconception in naming, disadvantages homeowners and there's very little policy in place to protect them. Most residents own their homes, however because of the high cost to move their home, homeowners are at the mercy of landlords who own the land, set the rent rates, set the rules for the community and ultimately have the power to sell the property and displace residents. This is not just about finding a new affordable place to live because manufactured homeowners who are displaced often have to forfeit the home that they purchased even if they continue to have payments. One of the recommendations from the affordable housing plan is to include special requirements for discretionary development in areas particularly sensitive to redevelopment, such as mobile home parks, to minimize displacement. Informed by our research, I and others here today believe that there are viable Sustainable Solutions within the town's authority to prevent displacement of residents from our manufactured home communities. Therefore, we are specifically asking that the Town Council, one commit to non-displacement of the residents of Apex's three manufactured home communities and two, keep manufactured

housing as the future intended land use for these areas, unless it is affordable housing that is financially and practically accessible to the current residents. I'm joined here today by residents who live in these communities, by faith leaders representing their congregations and by other advocates, and we're asking you as our elected leaders to lead with innovation, to lead with our values, and to commit your support for affordable housing preservation through regulation and public investment and you can begin with your commitment. Thank you."

Mayor Gilbert said thank you and invited the next speaker.

Next speaker was **Lina Junco** of Apex Mobile Estates:

"I live on Markham Street, and I've been there for the last 16 years. I've lived in Apex for 20 years. I raised my children here, they went to school here, and I would like to continue living here in Apex. So, I would ask the Council to support us so that we do not have to move our homes, and I'm here to speak in the name of the community, it's a Latino community, and so, most of us have lived there for many years and we are very happy living here in Apex, so I would ask for your support. Thank you."

Mayor Gilbert said thank you and invited the next speaker.

Next speaker was **Lizeth Cortez** of Apex Mobile Estates:

"Hello, good evening, my name is Liset, I'm 34 years old and I live in a trailer home community here and for the last nine years since we got here, this has been our home I have two children, they are four years old and 13 years old, and so I ask for your support, that you not remove our homes. These are the homes that we have, the places that we know and love, and so I'm speaking on behalf of my community here today and I would really like your support. Thank you."

Mayor Gilbert said thank you and invited the next speaker.

Next speaker was **Reverand Jose Luis Villasenor** of Greenbrier Subdivision:

"I live at the Greenbrier Subdivision on Brickston Drive in Apex. I'm the senior pastor of Iglesia Fiesta Cristiana, a United Methodist Mission congregation that serves individuals and families in Apex and surrounding areas with a focus on serving historically marginalized communities and tonight I want to present a letter signed by 14 faith leaders, many of whom are here tonight, representing over 24,000 congregates, many of who are here tonight as well. Faith leaders have signed on this letter out of concern for Apex residents who live in manufactured home communities, concerned that they are facing the potential of displacement. We also want to speak on defending diversity and inclusion in our community,

as the majority of these residents have a Hispanic Latino heritage. We feel as faith leaders that we have an obligation to find solutions to prevent the displacement of these families due to socioeconomic factors that are out of their control. As a town, we have an Affordable Housing Plan, as we've already heard. I was part of the team that worked on that plan, and this plan calls for Apex to identify and eliminate potential barriers to attracting our diverse population and to adopt a racial equity lens to evaluate all housing policies and investments. Protecting residents in mobile home parks is a real opportunity to do this so that Apex can live into the values of a community that welcomes people from all walks of life. So tonight, Mayor, Council, I ask you to join 24,000 voices to prevent displacements of residents of mobile home parks, to protect affordable housing in Apex, and to live into the values of diversity and inclusion. I'd like to end with a quote from Dr. Martin Luther King Jr.: "There's nothing new about poverty. What is new, however, is that we have the resources to get rid of it." We can do this. As faith leaders, as people of faith, as people of goodwill, let's stand together with our neighbors to build a more loving and diverse community. Thank you."

Mayor Gilbert thanked Mr. Villasenor and invited the next speaker:

Next to speak was **Reverand Dr. Tirzah Turner** of South Point Drive:

"I'm a resident of Apex and I'm the Community Pastor at Cross Point Church in Cary who many of our congregants live and work in Apex. Cross Point signed the pastoral letter that you received a moment ago, but we also heard from our individual congregants that they wanted their voices to be heard directly, and they knew of others who wanted to be a part of this as well. So, what's being presented to you is with another 1,000 individual signatures from the Apex area, 17 of which are from Cross Point directly. And they are many other concerned citizens, many that are, as you've heard, here today. I encouraged my congregants to sign this letter because our faith calls for and compels us to look outside of ourselves and to care for one another, particularly those who are most vulnerable among us. As a mother, as a resident, and as a pastor representing my congregation, we recognize that when something affects one of us, it affects all of us and many of these individuals and families in these mobile home parks are long-term residents, as you've heard. They are our neighbors, they are our co-workers, they are our co-residents, they are fellow students in our children's classrooms, and their future hopes mirror our own. Their fear of displacement should be our own fears. The decisions we make regarding this community will speak loudly about the type of community we are and the type of community that we want to be. So, I ask you on behalf of myself and my family and on my congregation to work to find an alternative to displacement of our cherished neighbors. These residents matter, as you know. They are a part of the fabric of our community, and they have helped to make Apex the great place that it is. Their homes should be protected so that they might continue to be a part of Apex's future. Thank you so much for your time."

Mayor Gilbert thanked Ms. Turner and invited the next speaker.

Next speaker was **Carolyn Wilson**, Director of Pastoral Services at St. Michael the Archangel Catholic Church of Cary:

"We currently have 5,350 families or households within our Parish. St. Michael Church signed onto the pastoral letter because our Parish cares about and stands with the residents in our community who are being affected by the potential sale of the land on which they are living. We have seen residents of manufactured housing communities be displaced across Wake County, like the Wellington Mobile Home Park residents in Wake Forest and soon residents from Chatham Estates in Cary. We call on you to use your local government authority to stop the displacement trend in Wake County here in Apex. People of faith are called to love our neighbor and stand with those who are vulnerable, and those who live in manufactured housing are particularly vulnerable. The value of land has increased immensely since 2020, putting naturally occurring affordable housing like these communities at risk of unaffordable redevelopment. It is prohibitively expensive to move a manufactured home, which can cost up to $14,000 and can also cause damage to the home. Many of the residents of Apex's manufactured houses communities have low incomes and do not have the resources to move their homes. On behalf of Father Scott McHugh, pastor at St. Michael, and I quote, "One of the seven themes of Catholic social teaching is a preferential option for the poor and vulnerable. A basic moral test is how our most vulnerable members are faring in a society marred by deepening divisions between rich and poor. Our tradition recalls the story of the last judgment in Matthew 25 when we are reminded, 'Lord, when did we see you hungry and feed you, or thirsty and give you drink? When did we see you a stranger and welcome you, or naked and clothe you? When did we see you ill or in prison and visit you?' And the King will say to them in reply, 'Amen, I say to you, whatever you did for one of these least brothers of mine, you did for me.' We are instructed to always put the needs of the poor and the vulnerable first." Thank you."

Mayor Gilbert said thank you and invited the next speaker.

Next speaker was **Father Bill John** of Fuquay Varina:

"I am the pastor of St. Bernard Catholic Parish there in Fuquay Varina and I'm honored to sign on this letter because since the foundation of our Parish, there has been great work done by the bishop, priest, and faithful members to provide the Eucharist, sacraments, faith formation, and our rich ministry, especially to the Hispanics. I am glad to see that 45% of our registered members, who are 2,000, are Hispanic or of Hispanic descent. Many of the residents of Apex mobile home parks are Hispanics, you already heard that, and many of them are Catholics as well and attend our local Catholic parishes and missions and some of them, thanks to the Opportunity Scholarship Program offered by the State, are attending also our Catholic schools. This also speaks of the sacrifices some of these families are making to raise their children with the hope of a brighter future for them, our community, and our

country. Many are longtime residents who have raised families, built strong community, and serve key roles in our congregations. To give a few examples, 21 of our catechists are Hispanics. Some of the Hispanic families have become so close friends with the elderly parishioners that it is difficult for me to imagine that there is no family celebration in which they are not invited to have some tacos and some tamales. When someone needs immediate assistance to replace or fix something in their homes, they call the Church and we can recommend a Hispanic parishioner to help them. Another beautiful thing is to see a good number of Hispanic youth going to serve our country in the armed forces and the police. It is devastating for priests, pastors, and leaders of the congregations to see community members being forced to move when children must break friendships, support structures, and transfer schools because of economic issues. It is heartbreaking and I question if that is able even to be justified. It is painful to picture losing a good number of parishioners, especially when you know they are doing so much good work here and are needed here. Together, we must ensure that they can bring food to the table and be able to join us every Sunday at the prefiguration of the Heavenly banquet and worship. If they are displaced, their families and our community will be disrupted, causing potential financial, emotional, and spiritual harm. Apex rental costs are too high to support these families. Residents will have virtually no choices within the Apex community if they are forced to move. Please support these residents by protecting the land they live on and they learn how to love."

Mayor Gilbert said thank you and called the next speaker.

Next to speak was **Margie Ward** of 3116 Pleasant Plain Road:

"I've lived on Pleasant Plains Road for almost 30 years. Many of my neighbors have lived there longer. Our neighborhood has always been a quiet rural place with some of us owning horses or other livestock. Until Apex built Pleasant Plains Park, no one even knew our neighborhood was there. The park has brought noise, traffic, and crime to our dead-end street neighborhood. It has made getting to and from our homes difficult. It has put our livestock and pets in danger with the additional traffic, and these concerns we communicated to the town before the park was even built. We knew a separate entrance was needed for the park, but we were ignored, and all our concerns have become reality. I never used to lock my car in my driveway, but I do now. Sometimes I would forget to lock our doors, but I double-check them these days. I've added security cameras to my property as well and there are too many unwelcome visitors in our neighborhood now, and there have been multiple property damage incidents and trespassers. We've had to adjust our lives to the park, but we do not want to have to adjust to commercial property designations to any lots on the street or multi-unit zoning changes. This would only add to the issues we currently have because of the park. We want our neighborhood to remain a rural residential area as it always has been. It is one of the last few green spaces developers have not clear-cut and put in multiple unit or zero lot housing along the old US-1 Corridor. The green spaces were what made Apex such a charming little town. Our neighborhood is an example of what Apex could have been if not

for all the mismanagement and greed. The Town Council should want to protect us like a museum piece instead of changing us. I have petitions signed by 90% of our neighbors to oppose any such zoning changes. We are going to become the squeaky wheel on this issue. We love our homes and our neighborhood, and we are not going to let you destroy it for money. And let's face it, that is what this is all about, money. Our neighborhood is not within the City Limits of the Town of Apex, and we like it that way, but it also means we have no voting power, but we are going to continue to make our opinions heard and you may get all the other green spaces around us, but we're going to continue to fight to keep our little piece, to keep some of the charm that made Apex wonderful. And you should let us keep it. Thank you."

Mayor Gilbert said thank you and invited the next speaker.

Next speaker was **Dawn Cozzolino** of 3632 Bosco Road:

"Good evening. Apex August development report came out, 78,000 people live in Apex and projections are in less than six years, 100,000 people and growth rate 4.9% okay, June of 2022 through June of 2023. It's a big number, so let's face it this is not a town anymore it's a City and you're sitting in a hot seat because you're governing and steering a City. It's very big responsibility. Return on investment should be front and center to maximize every single tax dollar and create a desirable place for us to call home whether you received our vote or not, the community deserves fiscal responsibility and safety that is the paramount pillar of government. So, let's do a traffic study. We need a traffic study for the Peak Development. I'm asking you tonight this Peak Development is in a rural Wake County, it's on Old US1. They're planning 73 homes to dump out right into Old US1. This is a simple map I did from Google and it shows the street view because I think when you look on a map you can't really tell the dimensions and the feel of the environment and what you can see here is there's a couple secondary roads and I talked about that last time all the crashes on the secondary roads but I want you to see this area and how narrow the road is, and for those of you that don't know US1 it's a 22-foot wide narrow no shoulder old age hilly road, shady road, sunny road and it's very dangerous to drive on it. So, we already have the dangers from adding, I think we have 3,200 homes that you're constructing right now, and they're not affordable by the way, just so everybody knows that they're in the you know 700 plus range. You're constructing all those homes and allowing that development that's just going to increase the traffic flow, and I don't know if there you know whether there's a policy or State law I've heard this before it doesn't matter. People are stressed out driving, people are hurt in crashes. This is something we can do for safety. It's not much to ask for the New Hill Friendship Community to really just get the whole picture and prioritize road safety and make it safe and enjoyable for everyone. Thank you very much."

Mayor Gilbert said thank you and invited the next speaker.

Next speaker was **Elizabeth Stitt** of 3113 Friendship Road:

"Mayor, Town Council good evening. On September 10th, there was a Public Hearing for Apex in front of the Wake County Agricultural Board in regard to three properties, which mine was one of the three. I had asked for the hearing to be delayed the Friday before, for two reasons. I had submitted questions to the town about the force main that I needed answers to in order to prepare for the hearing. I had not received the answers, so for 20 days, no answers, but yet the Town would not agree to delay the hearing. So, I had to go into the hearing without answers to any of my questions. I also asked for a delay because Ricky Stone, one of the other property owners, was sick with COVID. He knows I'm sharing this, so it's not anything confidential, but Ricky Stone is a retired Wake County Sheriff. He put his life on the line for us daily, year after year after year after year after year, but yet the town would not allow a delay in the hearing for him to be able to come and speak about his concerns about the force main on his agricultural property. So, we did the best thing possible. He wrote a statement, and I read it for him. This was not okay, we deserved better treatment from the Town. Now I understand that the statute says, "Hey, the Town can request a Public Hearing and you hold it within 30 days," and everybody's stuck to the rules. So, we are going to advocate after the election to get the statute updated. If a property owner is sick, there should be a provision to allow that hearing to be delayed. If the Town has withheld information from property owners where we can't properly advocate for our concerns, the hearing should be delayed because the whole purpose of having the hearing is for our concerns to be addressed. So, I don't know if you have seen the letter, but the town received a letter on September 13th where the Wake County Agricultural Board found that the town had not met the requirements, had not established the need for the Big Branch force main to go through our properties. So, the letter, if you haven't seen it, please take the time to read it because it is very important. What I don't understand is this has been on the Town's radar now for two plus years. What's the rush? Can we not get it right? Can we not be treated fairly in the process? Do we really have to be treated this way? You hear about everybody tonight talking about inclusion and displacement. Well, what you're doing in your decisions on the force main is causing displacement for some of us. Thank you."

Mayor Gilbert thanked the speaker. He thanked all of those that came out to speak. He said he also thanked Julie Von Haefen, Representative from the North Carolina General Assembly for attending. He also wanted to thank the Apex Youth Council for attending. He said they closed the Public Forum.

Mayor Gilbert called for a 10-minute recess at **7:01** p.m.

Mayor Gilbert reconvened the meeting at **7:10** p.m.

[PUBLIC HEARINGS]

CLERK'S NOTE:* **The public hearing resolutions associated with each of the below items were approved on September 10 and scheduled for September 24, 2024. Proper public notice was not provided for the corresponding Annexation in sufficient time in accordance with North Carolina General Statutes § 160A-58.2. The Town does not have authority to rezone property not within their jurisdiction, therefore, these items are scheduled for consideration on October 08, 2024. *Only* the items denoted below in a red asterisk are being delayed to October 08, 2024.

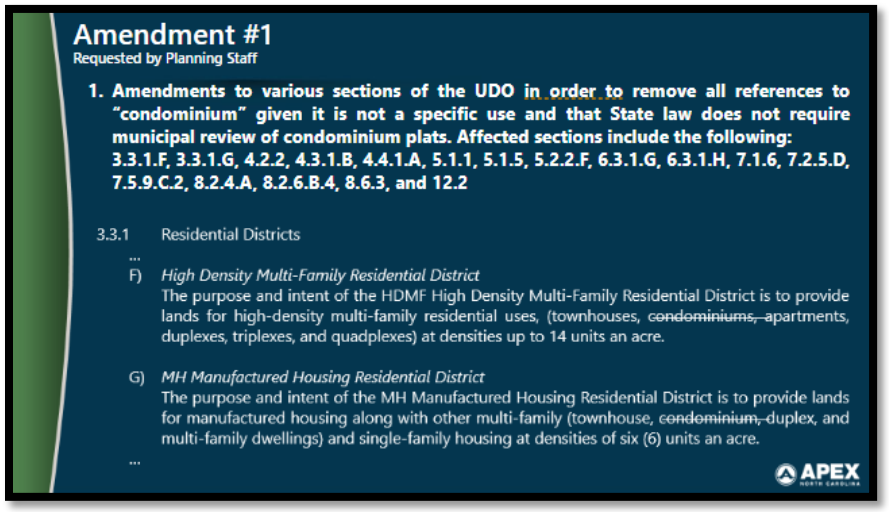
PH1* Annexation No. 788 - Oliver Property - Humie Olive Road - 15.9428 acres
Joshua Killian, Planner I, Planning Department
AND
PH2* Rezoning Case No. 24CZ12 – Oliver Property
Joshua Killian, Planner I, Planning Department

PH3 Unified Development Ordinance (UDO) Amendments-September 2024 (REF: ORD-2024-076)

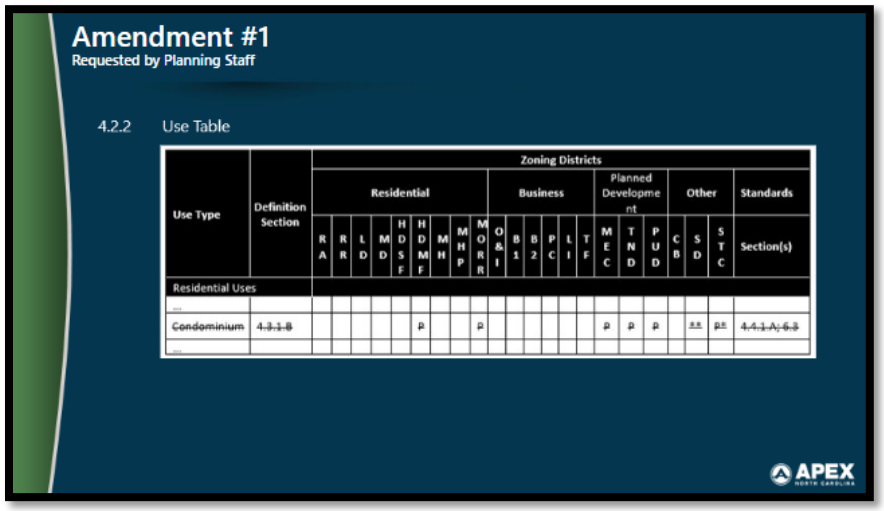
Amanda Bunce, Current Planning Manager, Planning Department gave the following presentation to amend various sections of the ordinance.
[SLIDE 1]



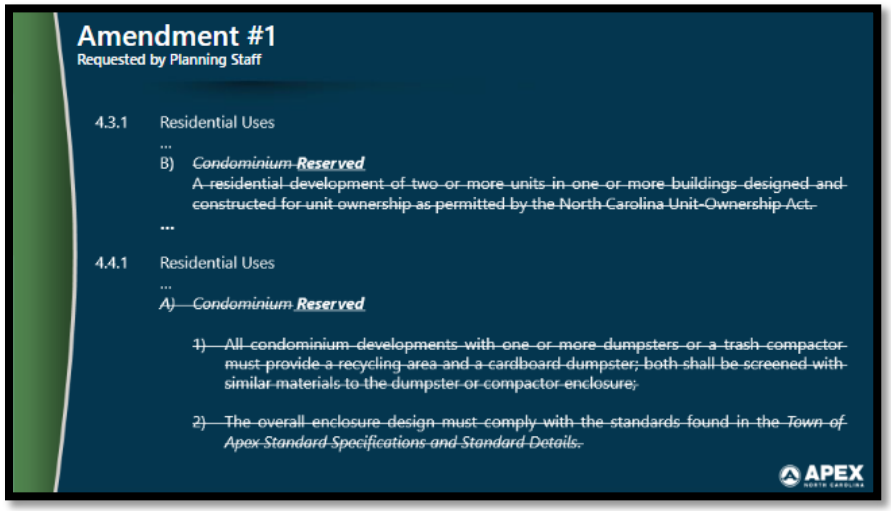
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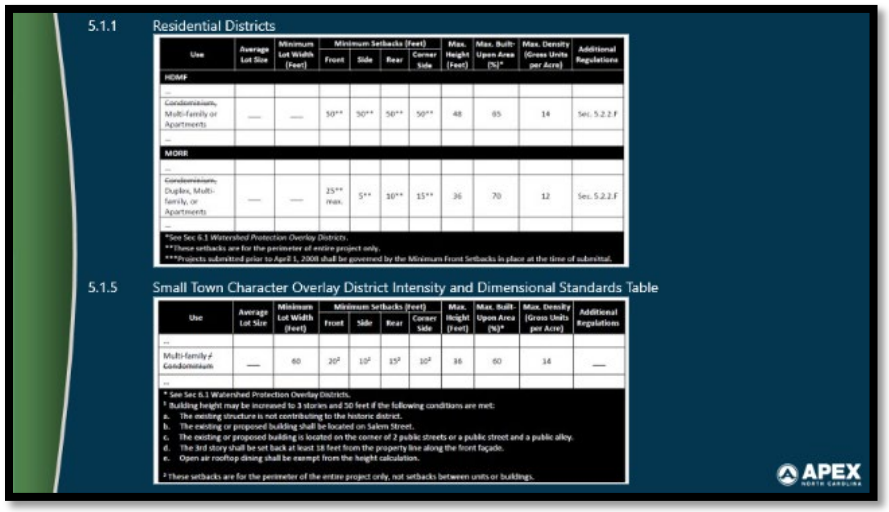
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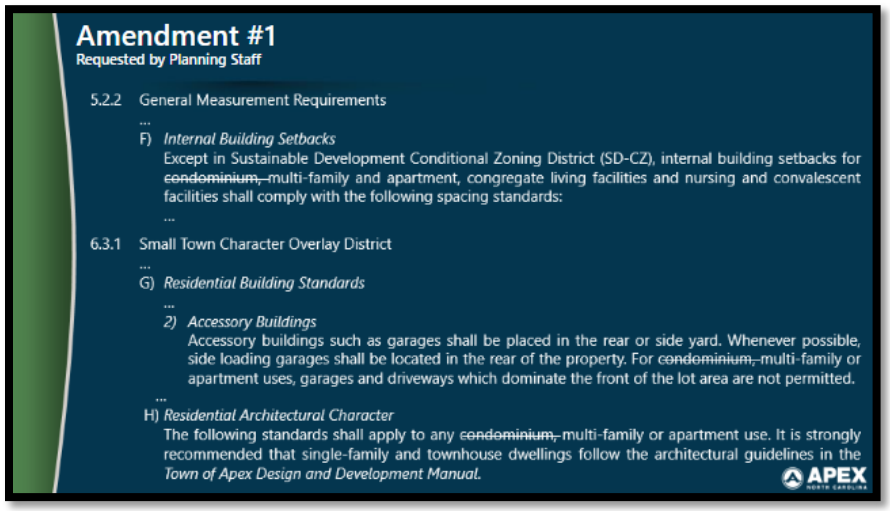
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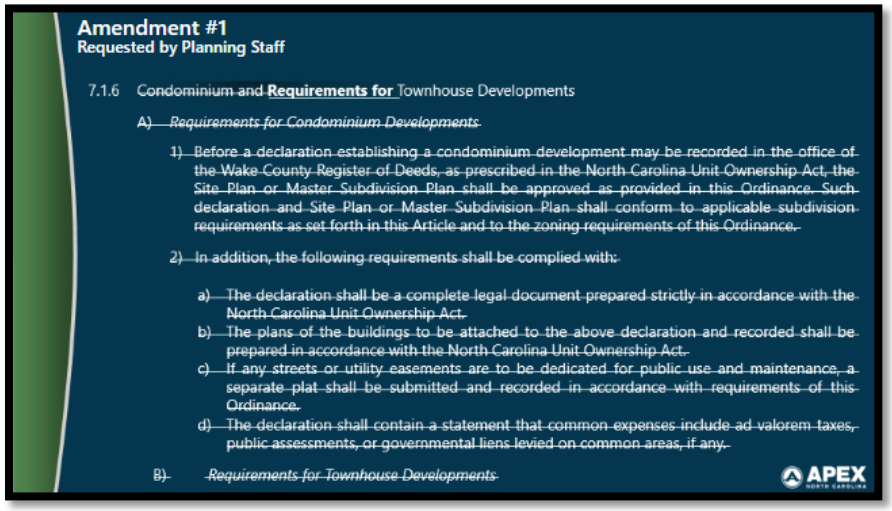
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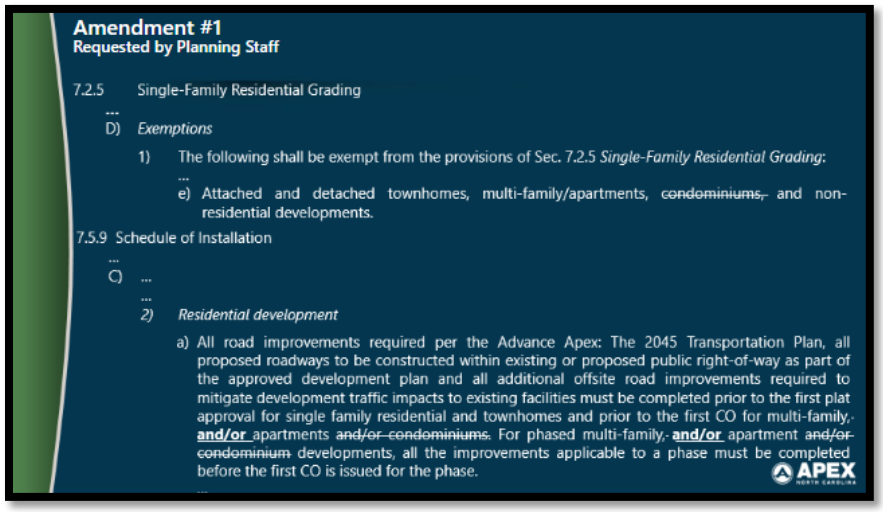
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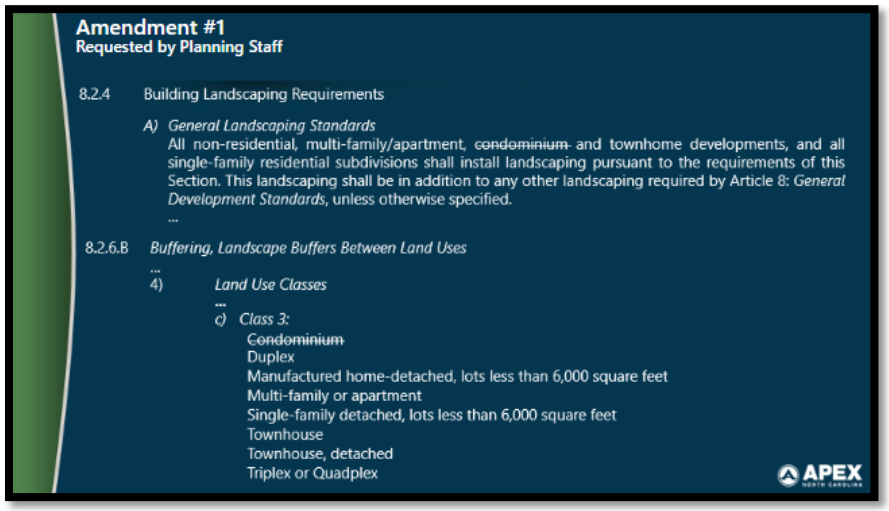
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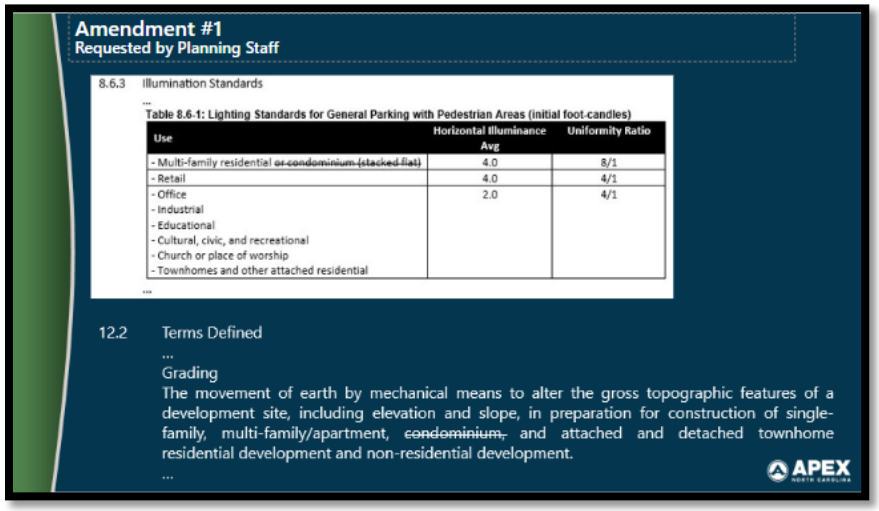
[SLIDE 8]



[SLIDE 9]



[SLIDE 10]



Ms. Bunce asked if there were any questions.

Mayor Gilbert asked if there were any questions. He opened the Public Hearing and closed Public Hearing with nobody signed up to speak.

A **motion** was made by **Councilmember Gantt**, seconded by **Councilmember Zegerman** to approve the Unified Development Ordinance (UDO) Amendments of September 2024 related to Condominiums.

VOTE: UNANIMOUS (5-0)

[UPDATES BY TOWN MANAGER]

Mr. Stone gave an update on the Utility billing. He said that they were working very diligently to get it on its normal billing cycle schedule. He said that cycle two, August bill would be on its normal billing cycle. He said that the draft for the cycle 2 August draft will occur on the 26th of September. He said that the website has been updated to include this information. He said that the Cycle 1 September bill is three months and includes approximately 100 days. He said that they have worked hard along with Finance to make this clear. He said that there will be a 4 page insert to explain the bill. This 4-page insert will also be emailed to the customers that they have email on file for. He said it will also be a handout for walk in customers so that they can explain this. He said it will also go in the October newsletter that goes out and, on their website, as well. The October bill will be back on its normal 30-day billing cycle. He said that Finance renovation of the old Inspections area is getting started and Lomax is the contractor. He said that they are mobilizing tomorrow afternoon and demo will start in a few weeks and they will let everyone know when it starts. He said the plan is that it will be finished the renovation and occupancy will be late Winter/early Spring. He said the Hunter Street logo project for the Hunter Street Water Tank is complete and looks great. He said that plans are to start Mason Street this week. He said they would be taking the parking to put a containment system in place. He said this would open up mid-October and remain open during voting, and then close again after the election. He said the tank should be completed in late December. He said that the tank on Tingen Street will not be done until there is a new tank. He said this is due to capacity issues and they don't want to take this tank offline. He said on the Saunders Lot they were unable to open bids because there were only 2 bidders. He said they plan on re-opening on October 8th and if they receive a bid, they will be able to meet the requirements. He said the job is scheduled to begin in January.

Mayor Gilbert asked if there were any questions.

[CLOSED SESSION]

A **motion** was made by **Councilmember Zegerman** and seconded by **Mayor Pro Tempore Gray** to enter into Closed Session Pursuant to: NCGS § 143-318.11(a)(5).

VOTE: UNANIMOUS (5-0)

Council entered into Closed Session at **7:19** p.m.

CS1 Steve Adams, Utilities Acquisition and Real Estate Specialist
NCGS §143-318.11(a)(5):
"To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease."

Council returned to open session at **8:11** p.m.

RECESS AND RECONVENE

Mayor Gilbert called for a 10-minute recess at **8:11** p.m.

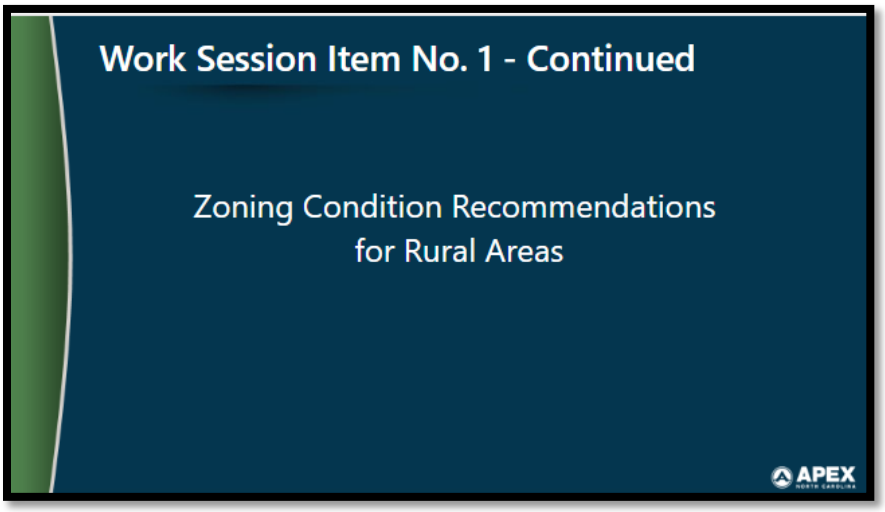
Mayor Gilbert reconvened at **8:19** p.m.

[WORK SESSION CONTINUED]

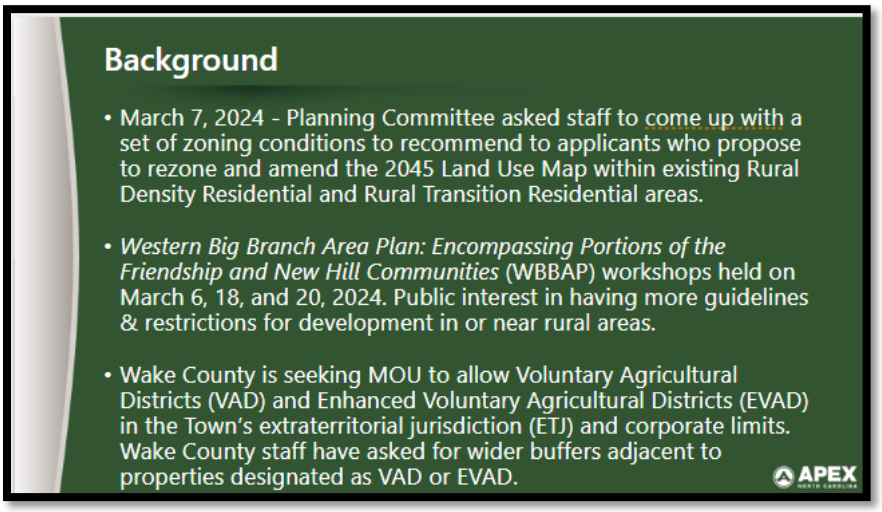
WS1 Zoning Condition Recommendations for Rural Areas *(deferred from September 17, 2024 Town Council Work Session)*

Dianne Khin, Director, Planning Department, and **Amanda Bunce**, Current Planning Manager, Planning Department gave the following presentation on Zoning Condition Recommendations for Rural Areas.

[SLIDE 1]



[SLIDE 2]



Councilmember Gantt asked what the difference between rural density and rural transition.

Director Khin said that the rural density residential allows rezoning to the residential agriculture district, which is one unit per five acres, and the rural transition residential area allows rezoning to rural residential, which is one unite per acre.

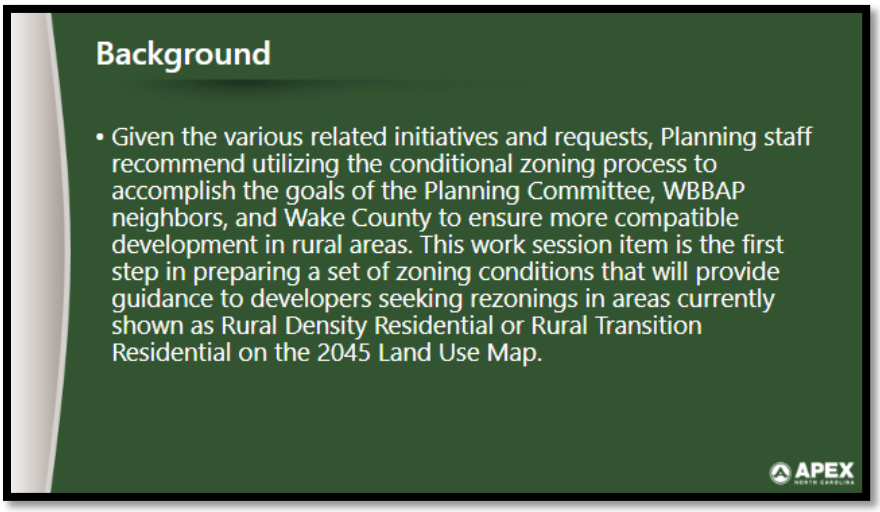
Councilmember Gantt asked if there had been any rural residential rezoning requests lately.

Director Khin said no, she said they would be going from rural density to rural transition or rural transition to low density.

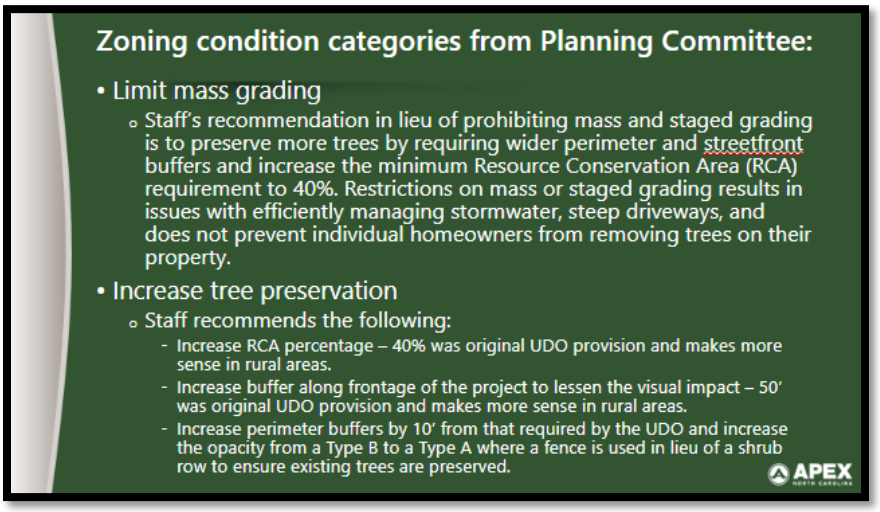
Councilmember Gantt asked if Wake County staff differentiate in terms of the request of the VAD vs EVAD.

Director Khin said no. She said that they consider it the same for the same as the buffer request that they made to Apex.

[SLIDE 3]



[SLIDE 4]



Councilmember Gantt asked if when the RCA switched from 40% if this was prior to Stormwater.

Director Khin said yes. She said that when the Stormwater program came in you could plant the stormwater ponds and so it counted as the RCA and then the State said that there had to be grass around the stormwater ponds, so then it was mostly no longer counted.

Councilmember Gantt asked if geographic RCA in the UDO based on certain roads, is west to 540 considered the boundary.

Director Khin said no that it's the rural density and rural transition land use classifications. She said it's not a road, it's the current classifications.

Councilmember Gantt said that there were some properties in that category. He said they are much closer to town than others.

Ms. Bunce said most rural transition properties are in the western edge in Apex jurisdiction, however there are some that are closer to town because the neighbors ask for low density such as Capital and Buckingham.

Councilmember Mahaffey suggested that if property was in this geographic area, you are a certain density.

Director Khin said that this wasn't the UDO that it is zoning conditions.

Councilmember Zegerman asked if this is just from rezoning how much land would be zoned this way. He asked would this apply to these properties.

Director Khin said yes, because this is land use not zoning.

Ms. Bunce said that if they request to come into our jurisdiction, which is if they need water and sewage services, then that's when they would do it.

Councilmember Mahaffey said that the effective change here is because most of the land for residential is in the park currently is 30 and the 5% mass grading increase.

Director Khin said that sounds right.

Councilmember Gantt said that it would be a zoning issue so there would be a mass grade.

Director Khin said that it would be a flat 40%.

Councilmember Zegerman asked how staff would interact with developers with these recommendations. He asked if they would be denied.

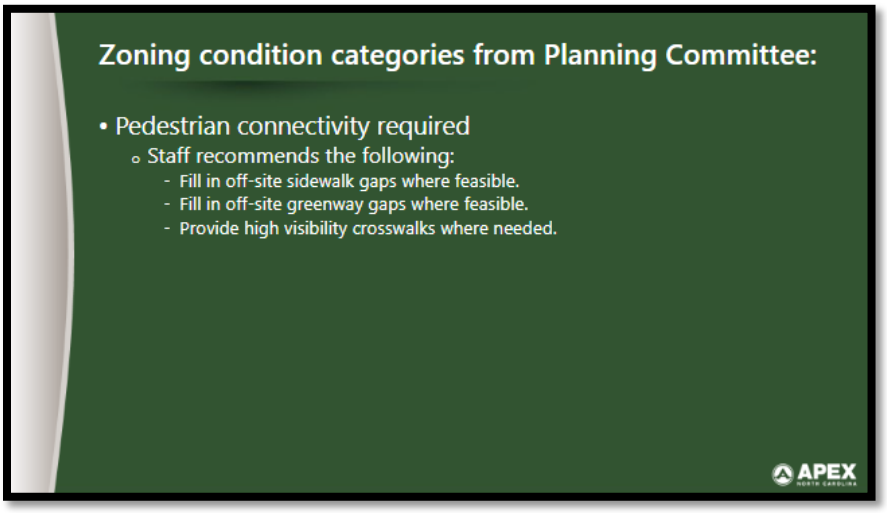
Director Khin said they would be denied if they didn't feel like they did not do what they could do. She said that they would make recommendations.

Councilmember Mahaffey said sometimes it makes more sense to have the conservation mesh with the other areas like RCAs or Game Lands around it.

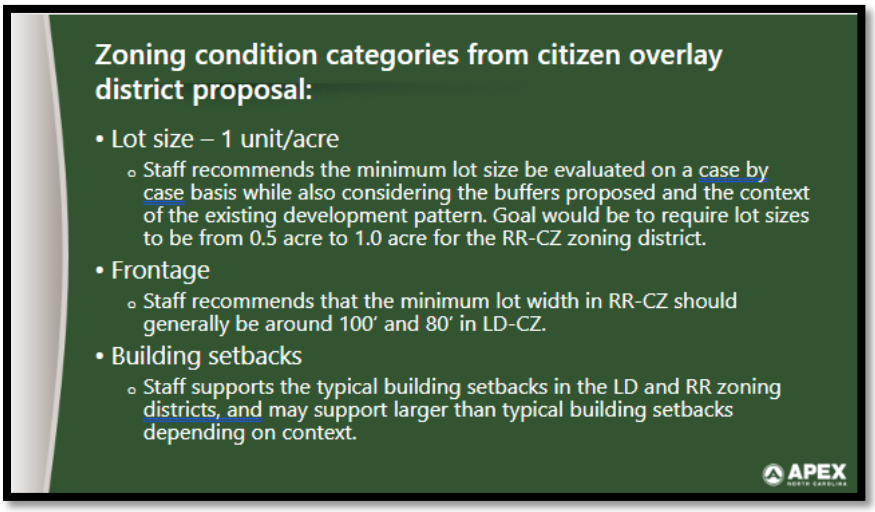
Councilmember Gantt asked if they could make a denial recommendation even if it's not against a part of the UDO.

Director Khin said they spend months making recommendations, and they can make denial recommendations based on their professional opinions. She said most of the time staff and developers come to an agreement before it reaches Council.

[SLIDE 5]



[SLIDE 6]



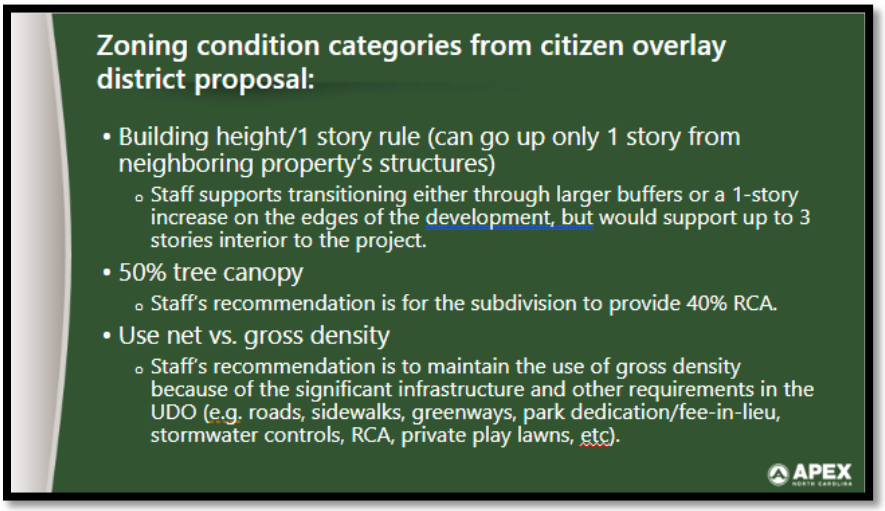
Councilmember Gantt asked how places like close to Jordan Lake were but still in Wake County being looked at.

Director Khin said that they looked at properties and thought about how it would work in this context, but that this is why there must be flexibility. She said that they can have goals and targets, but every project is different.

Councilmember Gantt asked if this was Town wide.

Director Khin said yes, land-use is Town wide.

[SLIDE 7]



Councilmember Gantt asked if there was a level of detail to know it's a rezoning and not a PUD.

Director Khin said that it would be the zoning condition that the first layer of homes can only be how many stories and what the height.

Director Khin said that it had been asked for a 50% tree canopy, but 40% tree canopy is still recommended in the UDO, but it would be up to the Council to decide.

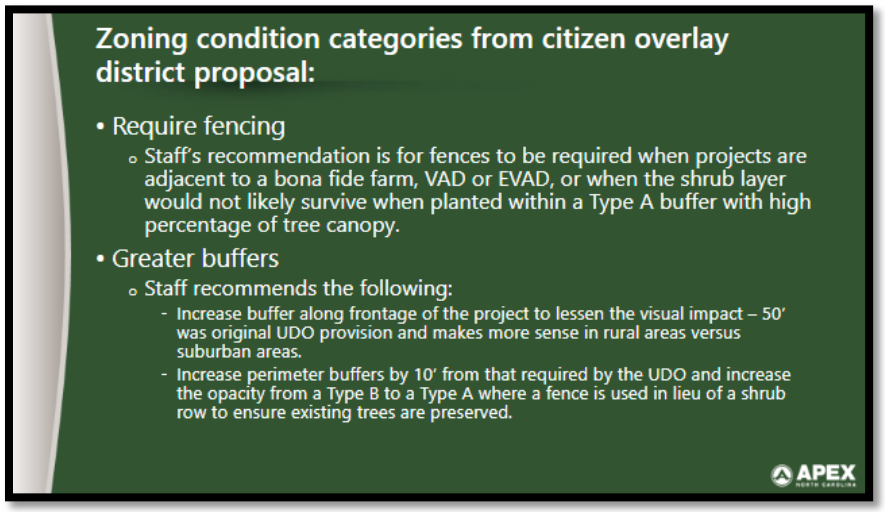
Councilmember Zegerman asked if this was subject to the UDO.

Director Khin said no, this is a zoning condition.

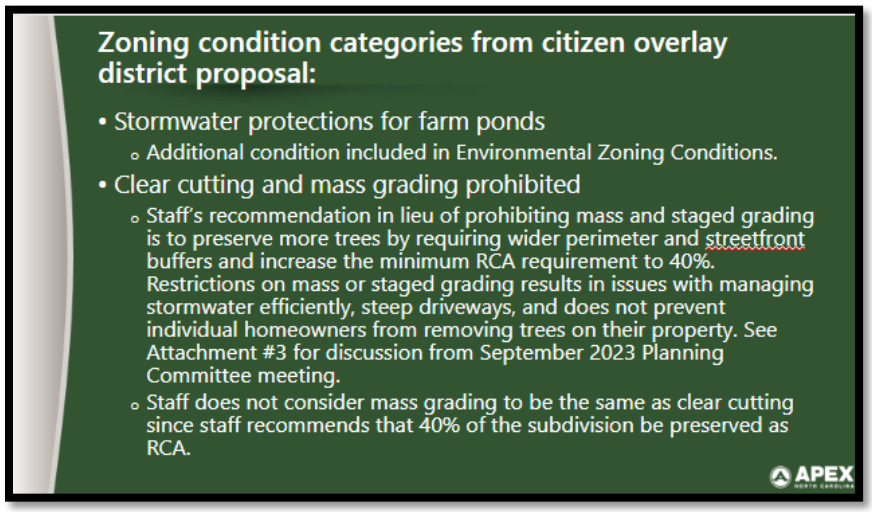
Councilmember Mahaffey said that the gross density had been discussed in the past. He said that the current values for the density designation is set on the assumption of gross density and if you change that density then you recalculate the value, and nothing really changes.

Director Khin said yes.

[SLIDE 8]

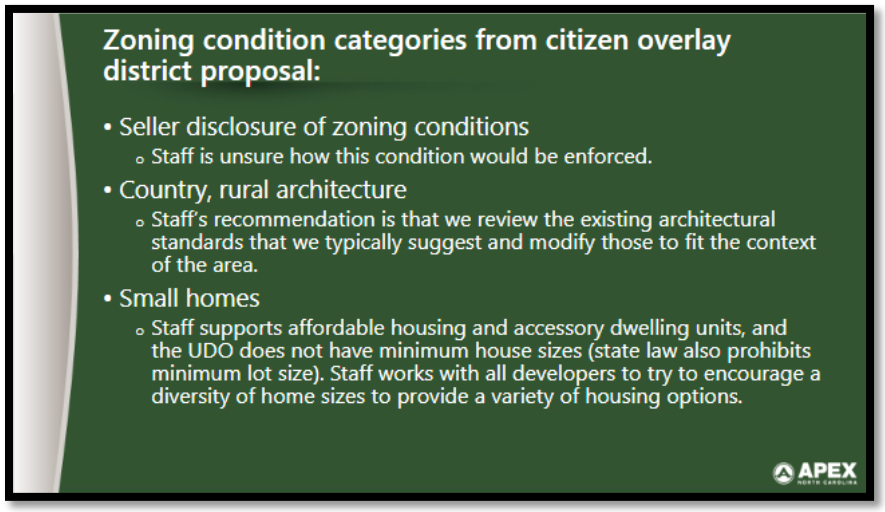


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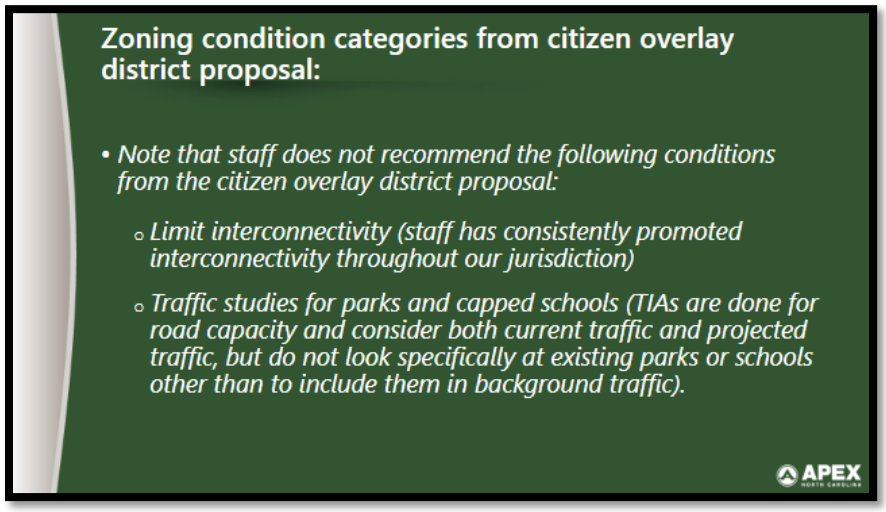


Councilmember Killingsworth said that it is noticed that in the subdivision areas where they didn't have the mass grading that they have more stormwater issues and flooding areas. She said that when you have a house built on a hill and you don't have any stormwater guides to control it there is flooding.

[SLIDE 10]



[SLIDE 11]



Councilmember Mahaffey asked if there was a request for a traffic study to be done for the school or asked to ensure that the school and parks are included.

Director Khin said that it is in the background traffic.

Councilmember Zegerman said that the challenge is when a school is coming, and they are excluded from the traffic study because of the improvements.

Councilmember Gantt said that things can change.

Councilmember Killingsworth said there are professional standards.

Councilmember Mahaffey said that there are objective determination.

Director Khin said that there are a bunch of assumptions and projections based on data that the engineers that have been collected, and they are more of an art than a science.

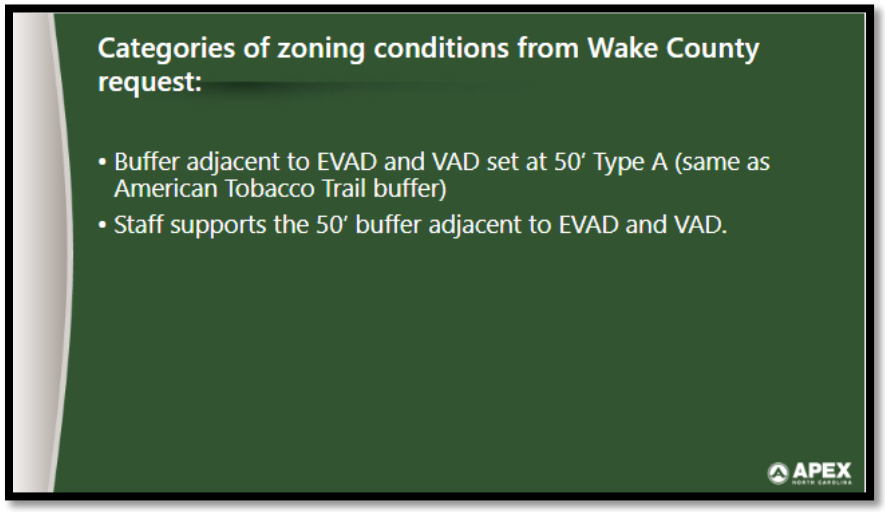
Councilmember Mahaffey said that there are negotiations, but he is not sure who should be mandating the negotiations.

Director Khin asked how far away to look at this.

Councilmember Mahaffey said the farther you go the more the traffic.

Ms. Stitt said that this is a conversation with NC Department of Transportation. She said that if you are going to put development in an area where schools are located then you need the pipeline that school that's not going to have the capacity in 5 or 10 years. She said they are tackling it from both sides and ending up with more traffic from development in an area where schools are capped with no relief for 5 or 10 years.

[SLIDE 12]



Councilmember Gantt asked what the difference of EVAD and VAD.

Director Khin said that one is more permanent.

Councilmember Mahaffey said VAD's are not as big of a commitment to him for Type A, and EVADs are 10-year commitments. He said there is some work that needs to be done with them.

Director Khin said that agricultural easements had issues with easements and roads. She said that with the environmental easement and agricultural easements would work the same way. She said if it was in the wrong area, it would cause issues.

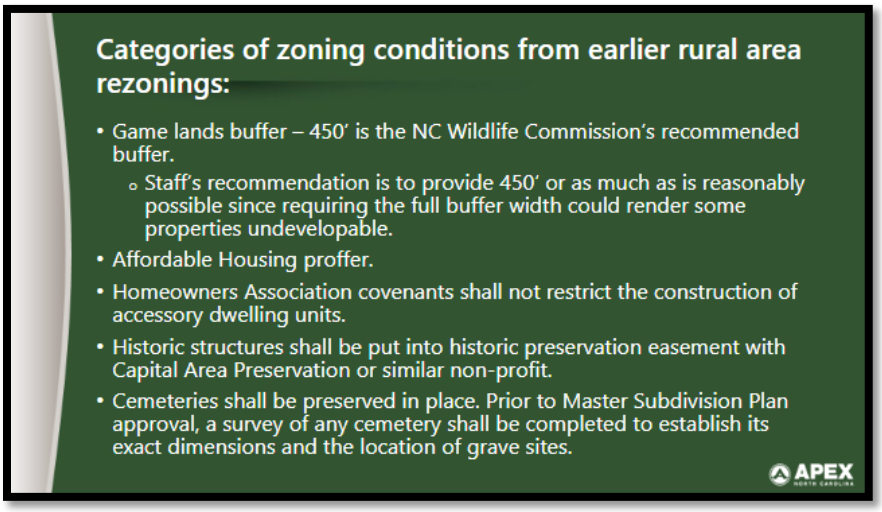
Councilmember Zegerman said that this may take more discussion.

Director Khin said the Memorandum of Understanding may be where this could be worked out to ensure they aren't placed where roads are planned. She said that it may be an Administrative and Legal issue.

Councilmember Gantt said that they should work with Wake County staff and Legal as well.

Director Khin said that the zoning conditions from Wake County could be discussed later and add it later.

[SLIDE 13]

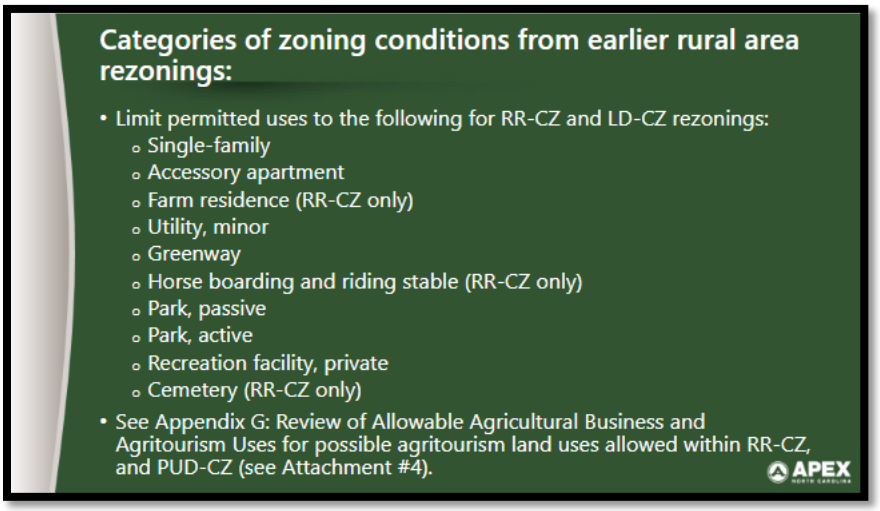


Councilmember Zegerman asked if it was in the UDO.

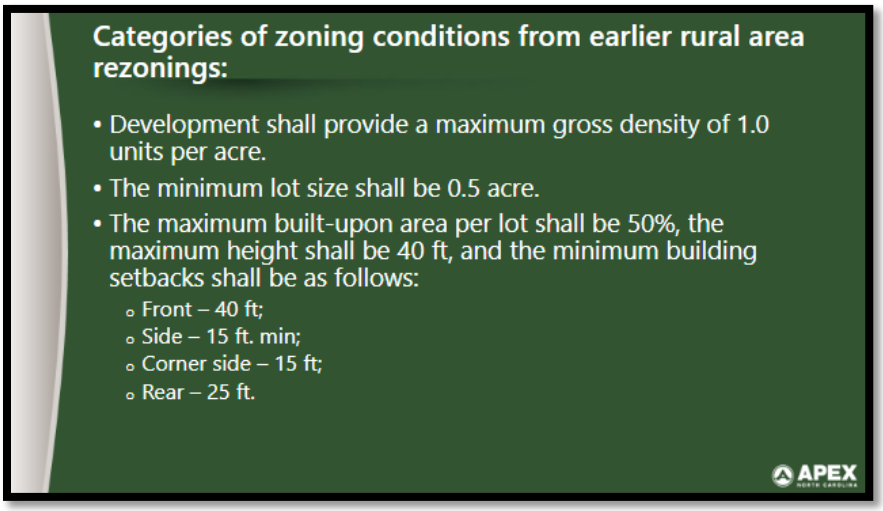
Director Khin said that it's not in the UDO that it was a zoning condition on others.

Ms. Bunce said that it was a recommendation from the Wildlife Commission.

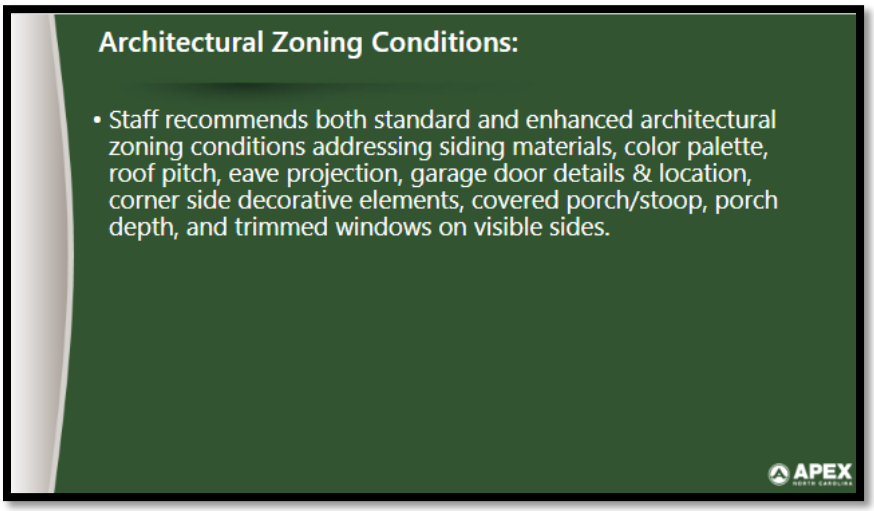
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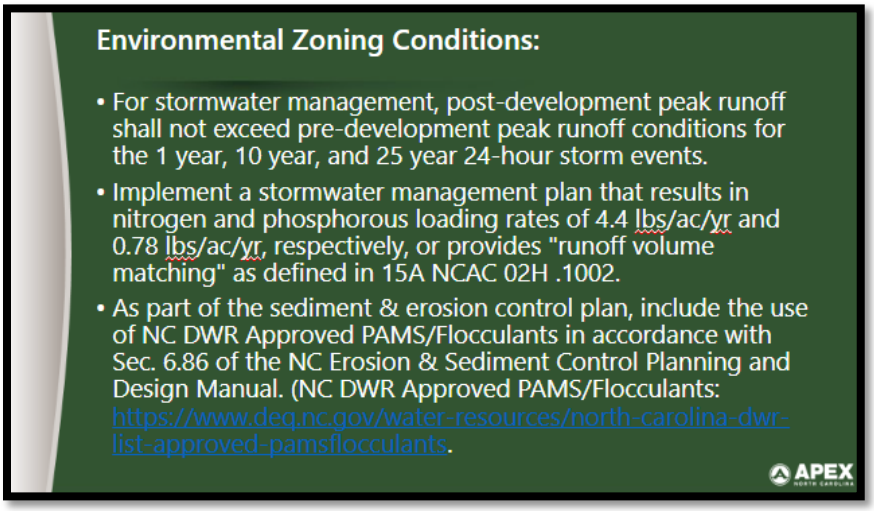
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[SLIDE 17]



Director Khin said that the second bullet is to implement a stormwater management rule and it may be related to the Jordan Lake rules that have been suspended.

Town **Manager Vosburg** confirmed that's what it was.

Director Khin said that the zoning conditions to have the mimic the Jordan Lake rules.

Councilmember Gantt asked if this was done by reporting or do the current control do this by design.

Councilmember Gantt asked if the link between the year storm and the nutrients is not one to one.

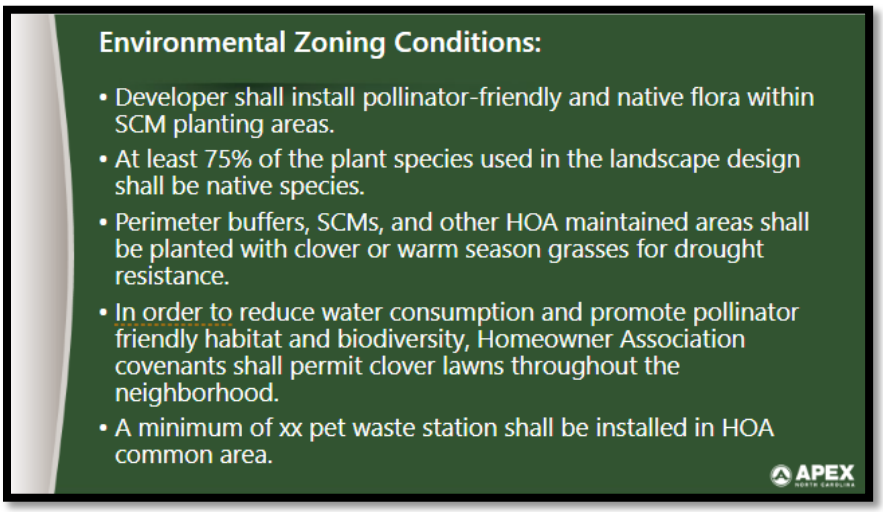
Mr. Patterson said no.

Director Khin said that the last item was written to address the neighbors concern about stormwater protections for farm pond and she asked Mr. Patterson to speak on this.

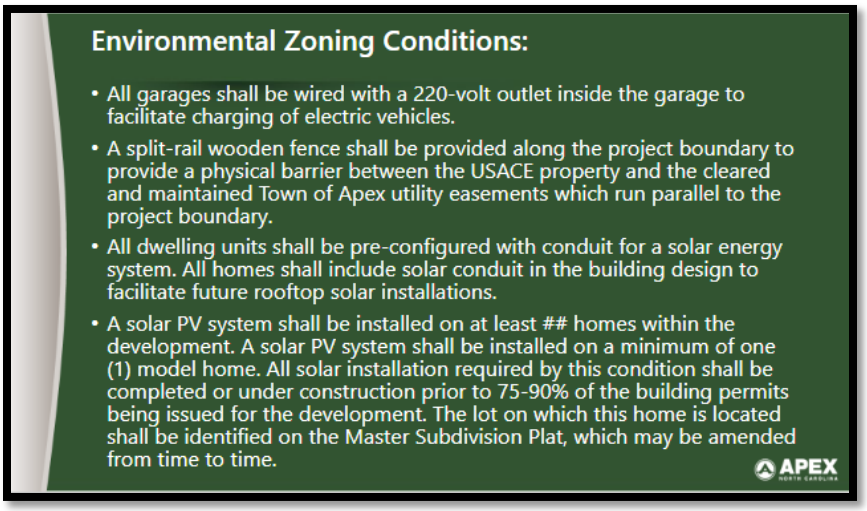
Mr. Patterson said it was recommended for control devices.

Director Khin said that it was to keep the turbidity out of the farm pond, so it doesn't turn into a brown mess.

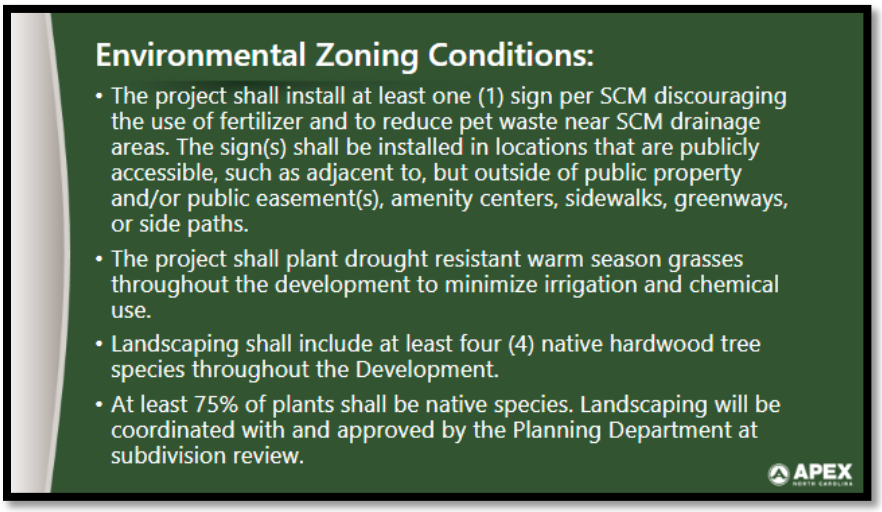
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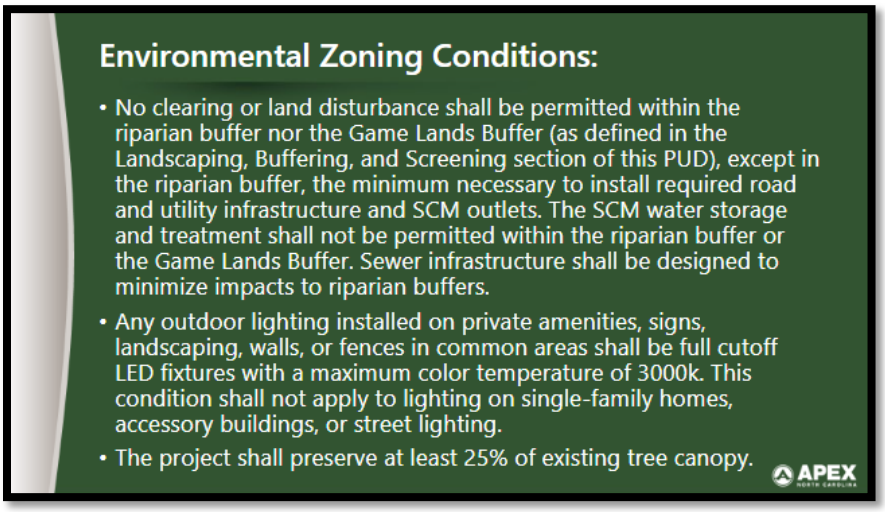
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[SLIDE 20]



[SLIDE 21]



Director Khin said that they may want to keep a tree canopy.

Councilmember Mahaffey said that the goal would be to preserve or restore 100% of the canopy possibly by offsite improvements or donations.

Councilmember Zegerman said that he would like the 25 closer to 40.

Councilmember Mahaffey said that there had been discussions about having inventory of offsite locations and planting thing every year.

Councilmember Zegerman asked if it was an addition about restoration, 25% - 40% onsite and restoration offsite.

Councilmember Mahaffey said yes. He said finding creative ways to replace tree canopy was important.

Director Khin asked to clarify that the existing trick canopy on site should be preserved between 25% and 40% and it could be overall offsite restoration or onsite preservation for 100%.

Councilmember Mahaffey said yes, restored by developer or restored by someone else. He said they work with tree planting charities.

Director Khin said that they could offer this, but it could not be added to the list. She said that they may be able to say that the offsite preservation or onsite restoration needs to 100%.

Ms. Bunce said the properties in the area are agricultural and have been cleared for farmland. She said that this would be considered at the time of development.

Councilmember Gantt said that this could incentive people to clear cut their land. He asked if it was year for them that they have to wait.

Ms. Bunce said that by State law there is a 3 – 5 years and for single family there is not a time restriction.

Director Khin said that there is the use code for Forestry and that they can clearcut their land.

Councilmember Gantt asked if this was only for undeveloped land.

Councilmember Mahaffey said that property owners have certain rights, so they can't control tree removal on single family properties.

Councilmember Gantt said that they could cut the trees if they decided to.

Ms. Bunce said that you could clear everything except what is for the RCA for your subdivision, because you would have to replant that.

Councilmember Mahaffey asked what happens if it is a single-family property owner that has a large property, and they are under contract with a buyer who wants to rezone.

Councilmember Gantt asked if this is 40% instead of 25% and they are required to do RCA for 30% then they will cut more so that they don't have to follow this process. He said that they will try to find ways around this rule.

Councilmember Mahaffey asked if they didn't require a tree canopy restoration.

Councilmember Gantt said it was not a requirement it is a zoning condition.

Councilmember Mahaffey said yes it a zoning condition.

Councilmember Gantt said that a condition is different than the UDO.

Councilmember Mahaffey asked if they tree conditions as they were a few years ago. He said you can't go back.

Director Khin said that the developer doesn't want the trees cut down. She said that the rezoning must be approved, and they wouldn't want Council to be upset that they were cutting down all of the trees.

Councilmember Gantt asked how the RCA react with the canopy.

Director Khin said that other things could be RCA and RCA may be 40% total but at least 25% would be trees. She said 15% could be other things, like a cemetery or a historic home, or other things. She said this is just to make sure that there are some trees. She thanked the Council and said they would work on this some more and come back.

[ADJOURNMENT]

Mayor Gilbert adjourned the meeting at **9:09** p.m.

Jacques K. Gilbert
Mayor

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

Submitted for approval by Town Clerk Allen Coleman and approved on October 08, 2024 (CN7).

APPROVED

TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, OCTOBER 8, 2024
6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, October 8th, 2024 at 6:00 p.m. in the Council Chambers at Apex Town Hall, located at 73 Hunter Street in Apex, North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel. The recording of this meeting can be viewed here:
https://www.youtube.com/watch?v=UcoH8BxLoxM&t=4066s

[ATTENDANCE]

Elected Body
Mayor Jacques K. Gilbert (presiding)
Councilmember Audra Killingsworth
Councilmember Terry Mahaffey
Councilmember Brett Gantt
Absent: Mayor Pro Tempore Ed Gray and Councilmember Arno Zegerman

Town Staff
Town Manager Randy Vosburg
Deputy Town Manager Shawn Purvis
Assistant Town Manager Marty Stone
Assistant Town Manager Demetria John
Town Attorney Laurie Hohe
Town Clerk Allen Coleman
All other staff members will be identified appropriately below

[COMMENCEMENT]

Mayor Gilbert called the meeting to order at 6:00 p.m. and thanked those who were in person as well as watching live stream. He also welcomed Girl Scout Troop 2058 and thanked them for being at the meeting. He then took a minute of silence to support our neighbors in Western North Carolina and asked everyone to continue keeping them in thoughts and prayers. He said that there were emergency personnel and electric utilities from the Town of Apex deployed there and to keep each of them in prayers as well. He then led the Town Council and members of the public to recite the pledge of Allegiance.

[CONSENT AGENDA]

A **motion** was made by **Councilmember Killingsworth**, seconded by **Councilmember Mahaffey**, to approve the Consent Agenda as presented.

VOTE: UNANIMOUS (3-0), with Mayor Pro Tempore Gray and Councilmember Zegerman absent

CN1 Agreement – Developer Agreement between Town of Apex and Beazer Homes – Roadway Improvements Old US 1 and Friendship Road – Budget Ordinance Amendment No. 3 and Capital Project Ordinance Amendment No. 2025-2 (REF: CONT-2024-288, ORD-2024-077, AND ORD-2024-078)

Council voted to approve a Development Agreement between Town of Apex and Beazer Homes for reimbursement of roadway improvements at the intersection of Old US 1 and Friendship Road, authorize the Town Manager, or their designee, to execute the agreement on behalf of the Town, and approve corresponding Budget Ordinance Amendment 3 and Capital Project Ordinance Amendment 2025-2.

CN2 Agreement - ElectriCities and Town of Apex - Load Management Control System - October 8 through September 30, 2025 (REF: CONT-2024-289)

Council voted to approve an Agreement between the Town of Apex and ElectriCities, to update the load management control system, effective October 8, 2024 through September 30, 2025, and authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN3 Contract Multi-Year - Garrison Enterprise, Inc. - On-Call Water and Sewer Repairs, Hot Taps, Line Stops, and Valve Insertions - October 08, 2024 through September 30, 2027 (REF: CONT-2024-290)

Council voted to approve a Master Services Agreement between Garrison Enterprise, Inc. and the Town of Apex, effective October 8, 2024 through September 30, 2027, to perform emergency on-call services including water and sewer repairs, hot taps, line stops, and valve insertions, and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN4 Contract Multi-Year - L.G. Jordan Oil Co., Inc. - On-Call Fuel Delivery, Tank Maintenance, and Access to Plant for Diesel Refueling - October 08, 2024 through September 30, 2027 (CONT-2024-291)

Council voted to approve a Master Services Agreement between L.G. Jordan Oil Co., Inc., and the Town of Apex, effective October 8, 2024 through September 30, 2027, to perform fuel delivery, tank maintenance and access to the plant for diesel refueling of town vehicles and equipment and to authorize the Town Manager, or their designee, to execute on behalf of the Town

CN5 Contract Multi-Year - Pete Duty and Associates, Inc. - On-Call Services Pump Repairs, Wastewater Infrastructure Maintenance - October 08, 2024 through September 30, 2027 (REF: CONT-2024-292)

Council voted to approve a Master Services Agreement between Pete Duty & Associates, Inc., and the Town of Apex, effective October 8, 2024 through September 30, 2027, to perform emergency on-call services for pump repairs, wastewater infrastructure and appurtenance maintenance, repair, or replacement at pump station and the wastewater treatment plant and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN6 Contract Multi-Year - Southern Grounds Control, Inc. - On-Call Water or Sewer Valve and Service Tap or Main Repair, Replacement, or Installation - October 08, 2024 through September 30, 2027 (REF: CONT-2024-293)

Council voted to approve a Master Services Agreement between Southern Grounds Control, Inc., and the Town of Apex, effective October 8, 2024 through September 30, 2027, to perform emergency on-call services for water or sewer valve and service tap or main repair, replacement, or installation and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN7 Council Meeting Minutes – Various

Council voted to approve Meeting Minutes from the following meetings:
September 10, 2024 – Regular Town Council Meeting
September 17, 2024 – Town Council Work Session
September 24, 2024 – Town Council Meeting Minutes

CN8 Election Voting Leave Pay - 2024 General Election Only

Council voted to approve up to 3 hours of "Voting Leave" pay for Town employees to use to vote in the 2024 general election during the Early Voting period or on Election Day.

CN9 Encroachment Agreement – 723 Meadowside Court Lot 93 (REF: CONT-2024-294)

Council voted to approve an Encroachment Agreement between the Town of Apex and property owners, Gina Frances Arias and Gian Alberto Arias, Trustees of the Arias Living Trust, located at 723 Meadowside Court Lot 93, to install a fence that will encroach 46 linear feet (LF) onto the 30' wide Public Town of Apex Sanitary Sewer Easement, and authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN10 Unified Development Ordinance (UDO) Amendments – September 2024 Statement (REF: OTHER-2024-109)

Council voted to approve the Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the Unified Development Ordinance (UDO) Amendments of September 24, 2024.

[PRESENTATIONS]

PR1 Proclamation - Cyber Security Awareness Month 2024 - October 2024 (REF: PRO-2024-030)

Mayor Gilbert invited the Council in the reading of the Proclamation for Cyber Security Awareness Month 2024.

Mayor Gilbert then invited Conrad Sain, IT Security Admin, Erika Sacco, IT Director and David Epley, Client Services to receive the proclamation and take pictures.

PR2 Proclamation - Fire Prevention Week 2024 - October 8 through October 14, 2024 (REF: PRO-2024-031)

Mayor Gilbert invited the Council in the reading of the Proclamation for Fire Prevention Week 2024. A video was shown regarding the importance of smoke alarms.

Mayor Gilbert then invited Fire Chief Herman and other members of the Apex Fire Department to receive the proclamation and take pictures. Also, Sparky and Smoke Alarm made an appearance for pictures!

Chief Herman thanked the Mayor and Council for recognizing such an important week. He said that they take great pride in the risk reduction component of fire operations and are ready to respond at any moment. He said preventing fires and preventing emergencies is so important. He wanted to thank the Risk Reduction Division and the Fire Marshal's Office. He said the smoke alarm is Coutney Butler, Risk Reduction Coordinator and that it was her idea for the video and the production. He also thanked Randall Haskins for taking pictures and videoing. He said it takes many departments to help with messaging.

PR3 Proclamation - Indigenous Peoples' Day 2024 - October 14, 2024 (REF: PRO-2024-032)

Mayor Gilbert invited the Council in the reading of the Proclamation of Indigenous Peoples' Day 2024.

Mayor Gilbert then invited JD Freeman, Rozanna Lindorfer, Jezalyn Keziah, and other representatives from Triangle Native American Society to receive the proclamation and take pictures.

Ms. Lindorfer said she wanted to sincerely thank the City of Apex for their trailblazing and allowing Native American History to be known and to celebrated after so many years, and that this was a part of healing. She said that this was groundbreaking because of their trailblazing she had been offered opportunities, even the Daughter's of the American Revolution asked her to speak at their Women's History Month and two other opportunities for morning and evening sessions at the Cary Visitor Center. She thanked the Town of Apex and said that it was the peak of good living. She said that she is the voice of her ancestors from the past and their voice of the present and their voice of the future. She said they are truly silent no more. She thanked them.

[REGULAR MEETING AGENDA]

A **motion** was made by **Councilmember Gantt,** seconded by **Councilmember Killingsworth**, to approve the Regular Meeting Agenda as presented.

VOTE: UNANIMOUS (3-0), with Mayor Pro Tempore Gray and Councilmember Zegerman absent.

[PUBLIC FORUM]

Mayor Gilbert opened the Public Forum.

First to speak was **Lure Wilkin** of 600 North Coulport Drive in Amherst Subdivision:

"Hi, thank you for this opportunity. I want to start by thanking the Mayor and the Town Council for the fantastic job you're doing. I'm a 25-year resident and I think what you do is the reason that Apex continues to be the best town in North Carolina, so thank you. I have two comments today, the first one is just a comment of concern about the traffic light on 751 North after turning right off of 64 West. As you might know that intersection is already notorious for accidents and there's just a concern that traffic back-up may make that even a more unsafe intersection. The second comment is around the energy cost. I'm sure this has been a topic of conversation, and I probably speak on behalf of a lot of people in Apex, 14% increase in an energy bill, I know it's been discussed, is a lot. Most of us don't see more than a 2% increase in pay every year, but the specific question I had was just the details around the increase, notably, does any portion of it go to shortfall in pension funding, does any of it go to shortfall in infrastructure because electrical has to go out to growing neighborhoods and does any of it go to covering costs that may have been due to ransomware or some issues like that with the system integrity issue? So, thank you for hearing me.

Mayor Gilbert asked if the speaker would give his name and address for the record and said that he would have someone from staff reach out to him about his questions.

Mr. Wilkin thanked Mayor Gilbert.

Next speaker was **Dawn Cozzalino** of 3632 Bosco Road:

"Good evening, Town Council, I just wanted to acknowledge the progress that was made with Beazer Homes and as well with your support to get that road improvement in infrastructure over at the Friendship and Old US1 intersection, so that's a great progress that I wanted to acknowledge. So, my topic tonight is kind of along the lines of traffic in a weird way, because I always focus on traffic safety, accidents, and common sense, so my topic is on caps. I didn't know a lot about this topic but there are school caps and it's a very strange premise down here, but basically, they want to keep the student-to-teacher ratio and when

they have too many students, they cap it and put them to an overflow school. So, I didn't know what this meant, but enrollment caps are a way to shift the burden of reducing school overcrowding onto newcomers. This is from a News and Observer report. So, what does that mean? Well, there aren't many options, right, so, I live in the New Hill Friendship community, it's a rural community, and our schools are Apex Elementary, Apex Friendship Middle, and Apex High, all those schools have capped, and they've been capped. So, the Elementary School was just capped last year in February of 2023, the Middle School was capped in 2021 of March and so was the High School. So, these schools are not available to people moving in like we have a zoning request tonight and the Peak Landing, all these newcomers will have to figure out a solution for their children to go to another school and what that means is they have three option: they have a Charter School, they have a Magnet school, and they have Public Schools, and Public School maybe might provide transportation or not, but what does that mean to our community? Just a ton of traffic, because now we're 100% cars out where we are. There is no mass transit, you all could agree and nod your head to that. What's going to happen is all those parents have to now take their kids out of the area and take them to another school and drive through the area, meanwhile, there would have been a bus going the same way and could have picked the school kids up. So, you're in fact doubling the traffic probably and not realizing it, but I just want to reemphasize these schools have been capped for years, so it's not like it's an unknown so, when you look at any zoning approval, please look at the big picture. Look at the traffic studies, environmental, and also these school systems that can't support kids anymore. Thank you"

Mayor Gilbert thanked Ms. Cozzalino and called the next speaker.

Next speaker was **Beth Bland** of 3724 Friendship Road:

"First, I would also like to say thank you, I see that the first item on the agenda tonight was concerning the old US-1 and Friendship Road. And it's good to see that moving forward, so I wanted to say thank you. Second, I'm here because of the Big Branch force main. I'm showing up and I'm going to continue to show up concerning this force main project. I want you to know and understand there is a price for your vision of progress, and I get the impression that none of you care how this is affecting the families and the properties along its projected route. Council Member Gray had said he would come out and see my property, Mayor, you had mentioned you would come by, that didn't happen. Now it's my understanding that the Town Attorney has advised against any of you having discussions with us. Councilmember Mahaffey, this is what you ran on last year for your re-election: Trust, transparency, and trees. So, I'd like to read your tree paragraph. It says, 'Trees: A commitment to our natural environment. Development Ordinances can be reformed as it relates to keeping existing tree canopy cover. We can have growth but provide a framework so new development better integrates into the existing environment. Clear-cutting and mass grading is not how Apex keeps its charm and encourages residential and economic advancement.' I agree with that, except for I have 70 trees coming down on my property for

this force main. They're all mature trees, they've all been there over 40 years, there's a lot of them over 80 feet tall. Transparency, so, this project was being worked on for two years before being made public in 2022 and in the last two years, there was a viable option presented to move the force main to the south side of US-1. There was a lot of work done, not by the Town, but by a number of the property owners and concerned citizens. However, once this was presented to the Town, we were no longer permitted to be part of the dialogue with Duke Energy or NCDOT. Now we are told it is impossible, I wouldn't call that transparency. Trust, Mayor, you offered to be the middleman between us and the Town, but I don't have any trust in the Town anymore. The Town has refused to meet with us or have a direct dialogue, so where is the trust? That's all."

Mayor Gilbert thanked Ms. Bland.

Mayor Gilbert then thanked everyone for coming out and closed Public Forum and opened Public Hearings.

[PUBLIC HEARINGS]

PH1 Annexation No. 788 - Oliver Property - Humie Olive Road - 15.9428 acres (REF: ORD-2024-079)

AND

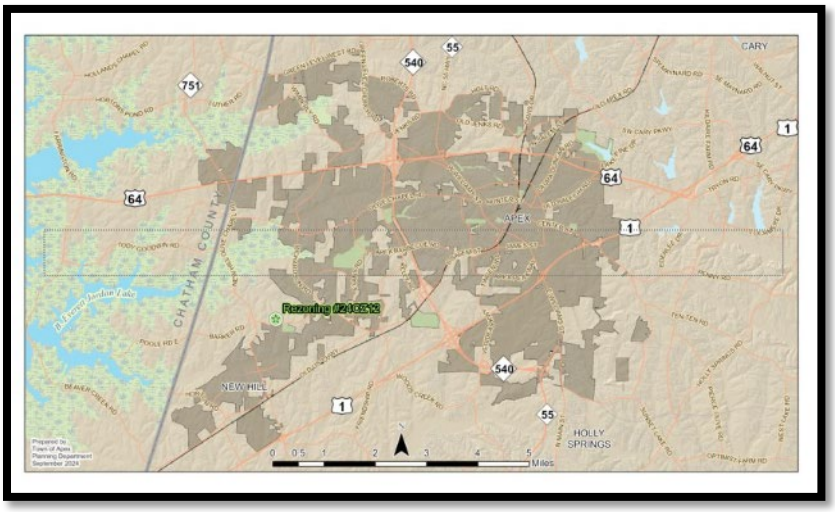
PH2 Rezoning Case No. 24CZ12 – Oliver Property (REF: ORD-2024-080)

Joshua Killian, Planner I, Planning Department gave staff presentation on Annexation No. 788 - Oliver Property - Humie Olive Road and Rezoning Case No. 24CZ12 – Oliver Property.

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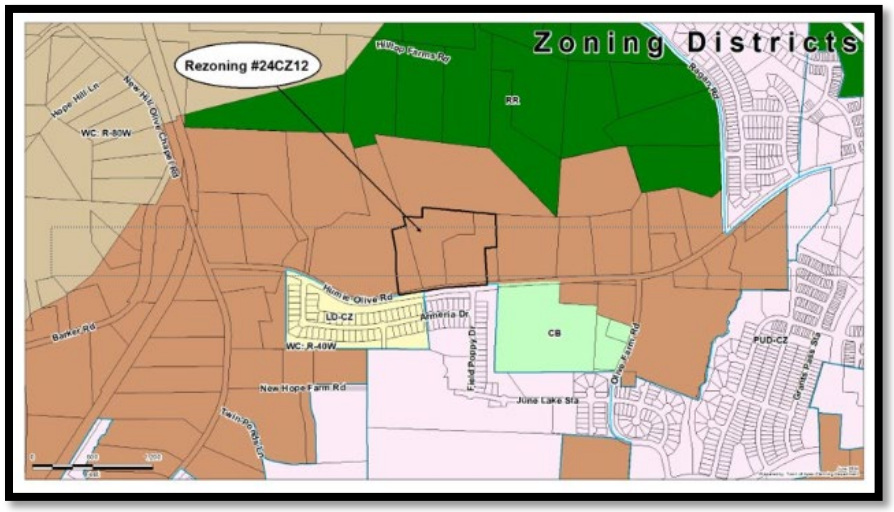
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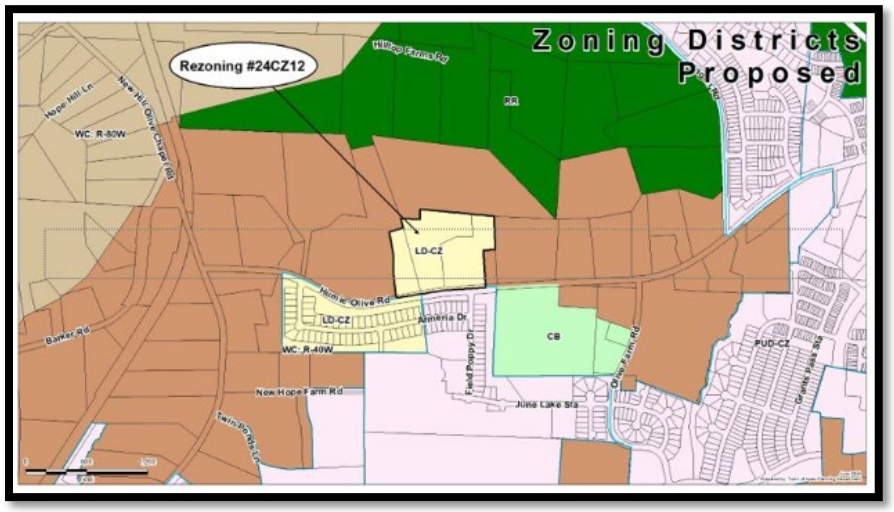
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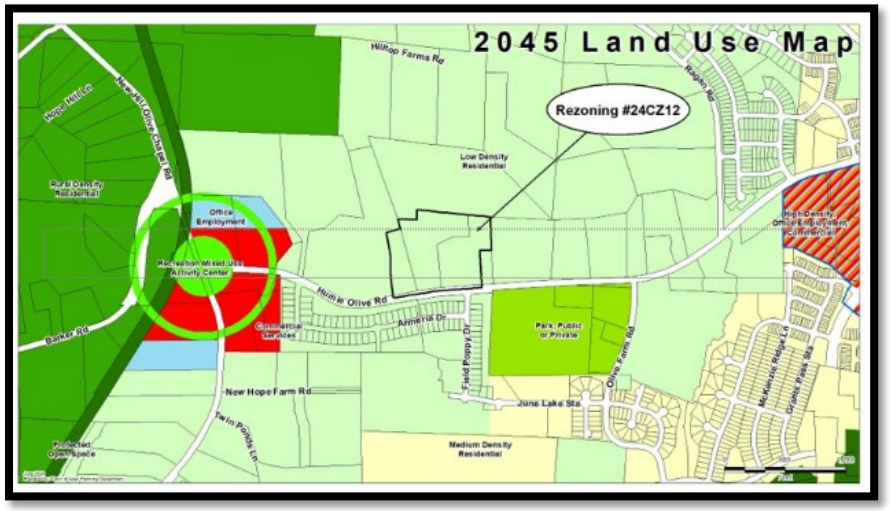
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[SLIDE 6]



[SLIDE 7]



[SLIDE 8]



Mr. Killian asked if there were any questions.

Councilmember Gantt asked how Planning envisioned people walking in the to the future park near this neighborhood and others close by.

Mr. Killian said that this was a discussion with Transportation and right now NCDOT doesn't have enough data to warrant a pedestrian crossing on Humie Olive Road to go south to the existing street side greenway, but that the pedestrian crossing at the intersection is legal and could be allowed in the future.

Councilmember Gantt asked how warrants for pedestrian crossings work with NCDOT, specifically what inputs do they use.

Mr. Killian said that would be a question for Transportation staff which are not available at this meeting.

Councilmember Gantt said that at the western entrance it is a right in and out so people wanting to turn left on Humie Olive would have to turn into the neighborhood to get to the full access intersection.

Mr. Killian said that was a concept plan made by the Developer and that may not necessarily be approved. He said that this is the condition that is written.

Mayor Gilbert asked if there were any other questions. He said that the applicant would speak.

Will Norton with Jones and Cnossen Engineering addressed Council. He said that he wanted to echo all of Mr. Killian's hard work and the Planning Staff's work on getting this presentation ready for tonight. He said that he wanted to thank Transportation as well. He thanked the Council for taking the time to discuss this. He said that he thought that this would preserve a lot of the character in the area. He said that the layout that was provided at the neighborhood meeting is a similar concept. He said the local connection that will be provided with this project along the Western property line would be a residential style street. He said that lining up full movements from the Engineering standpoint it is more advantageous to not have any additional intersections. He said that a lot of the tree canopy in the northeast corner will be preserved where most of the RCA will be found as well as in the

buffers. He said they are doing a 30' type B which is consistent with the Transportation Plan. He said that they have had support from many of the neighbors in the North. He said many of the property owners have brought some of their concerns and that is a lot of the conditions put forth shows their commitment to the property owners. He said the Developer is from Apex and he is committed to the conditions. He said that he looked forward to working with the Council in the future and would greatly appreciate the support.

Councilmember Gantt asked about the solar EAB recommendation.

Mr. Norton said that being a custom builder, they were unsure of the pitch of the roofs and what would be most viable with solar. He said that there had been no plans to put solar installations in the plans, but they would do the solar conduit for the floorplans. He said that the Developer would make that decision of what would be viable. He said that they would encourage solar when they get further in development, but are not prepared to make that a condition at this time.

Mayor Gilbert opened Public Comment for this hearing.

First speaker was **Dawn Cozzalino** of 3632 Bosco Road:

"I normally don't speak at these annexations, but I've been studying a lot of the zoning documents and getting more familiar with them and again, it was interesting from that PowerPoint presentation and his explanation that this is an example of a community that is completely capped. So, there are people that are going to spend between $500,000.00 and $800,000.00 to buy a house there, they have to figure out where to put their kids, but anyway, that's not what I wanted to talk about. I wanted to talk about incomplete information and the credibility of these documents. I understand they're notarized, right, by a lawyer or attorney. Well, there's conflicting information, so I just don't know too much about how they're set up, but I can see the numbers in here. So, let's start with the low-density definition, it's up to three units per acre. They have 15 acres, simple math, 15 X 3 is 45, okay, so 45 allowed. If you go to page 178, it has there the mentions the existing two units and then proposed 45, so does that mean that 47 units are allowed here, or is it 45? Okay, you're shaking your head, so it's 45, okay, that helps. But there's still another discrepancy that I think needs to be corrected. On page 208 and page 223, there's a diagram, and there's 41 units and in the Wake County Schools System, it says that the total number of units is 41, okay, so I want to point out that because I think that's really important that we have everything buttoned up, everything should be accurate, and I think all the documents are so important to our community on how anything is approved and we want to make sure everything's credible and lined up properly, because I've looked at documents in the past and there've been blanks in them. They shouldn't be passed that way, shouldn't be submitted and passed with an affidavit signed for any document that's missing information or inaccurate. So, I would appreciate if you could take a look at those numbers so that we make sure that we have the right number and the public understands the right number. If you can circle back with that to me, I'd very much appreciate it. Thank you so much for your time, and I'm going to be doing a traffic study

because that one, I think it's this guy up here, and I didn't take a look at any of the secondary roads above our area. So, I'm going to be doing that. I'm going to be doing the traffic study. So, thank you very much. Have a good evening."

Mayor Gilbert thanked Ms. Cozzolina.

Mayor Gilbert closed the Public Hearing and moved discussion back to Council.

Mr. Killian said the documents within neighborhood meeting invitations are preliminary. He said that on the Wake County residential form does have 41 total units and the Housing, Planning and Transportation Departments looked at and this is consistent with the documentation. He said that there are 41 units being offered in the development.

Councilmember Mahaffey asked if the developer could propose lower than the zoned density, which in this case is 3 units per acre.

Mr. Killian said yes. He said that this is also gross units per acre, and things like RCA and buffers decrease what can be put on a development.

Mayor Gilbert said that this is back at discussion and asked what the desire of the Council is.

A **motion** was made by **Councilmember Killingsworth**, seconded by **Councilmember Mahaffey**, to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex 15.9428 acres, known as Oliver Property – Humie Olive Road, Annexation No. 788, into the Town Corporate limits, **AND** approve Rezoning Application No. 24CZ12 Oliver Property – Rezone approximately 15.94 acres from Wake County Residential 40W (R-40W) to Low Density Residential-Conditional Zoning (LD-CZ) at 8608, 8612, and portion of 8620 Humie Olive Rd.

.

Councilmember Mahaffey said that there are four new schools opening up this year and additional schools opening up next year, a total of six overall in Southwestern Wake County. He said that the Council has worked to get these done and now there were new schools. He said that he was proud of the progress the Council had made on getting new schools. He said that if you are in a capped school, you do get transportation provided.

Councilmember Gantt said that he was not in support of this because the development would likely contain expensive homes, and he wants to see Community investment in infrastructure and connectivity, which helps counteract the disruption of the area character. He also wanted to see solar options. He said a bigger development, even if it were lower density, could provide more infrastructure and connectivity to the area.

VOTE: (2-1) with Councilmember Gantt dissenting, and Mayor Pro Tempore Gray and Councilmember Zegerman absent.

Mayor Gilbert moved to New Business.

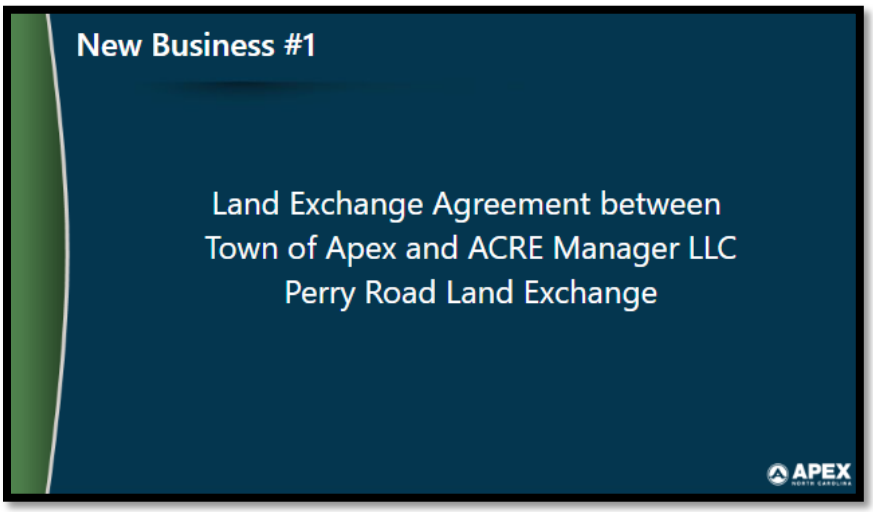
[NEW BUSINESS]

NB1 Land Exchange Agreement between Town of Apex and ACRE Manager LLC - Perry Road Land Exchange (REF: CONT-2024-295 AND RES-2024-051)

Mayor Gilbert opened New Business for the discussion and possible motion to adopt the resolution approving a land exchange agreement between the Town of Apex and AC Manager to execute the agreement on behalf of the Town of Apex.

Marty Stone, Assistant Town Manager – Development and Operations Portfolio gave a presentation on Land Exchange Agreement between Town of Apex and ACRE Manager LLC - Perry Road Land Exchange (REF: CONT-2024-295 AND RES-2024-051).

[SLIDE 1]



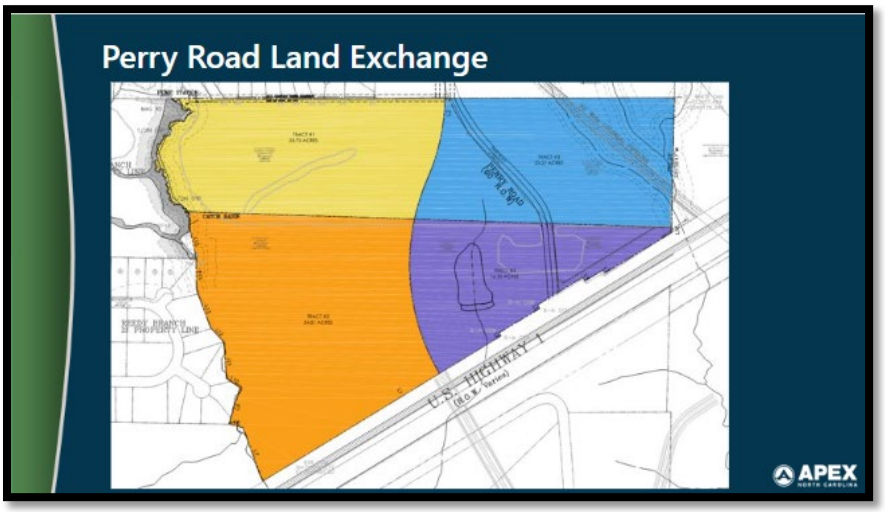
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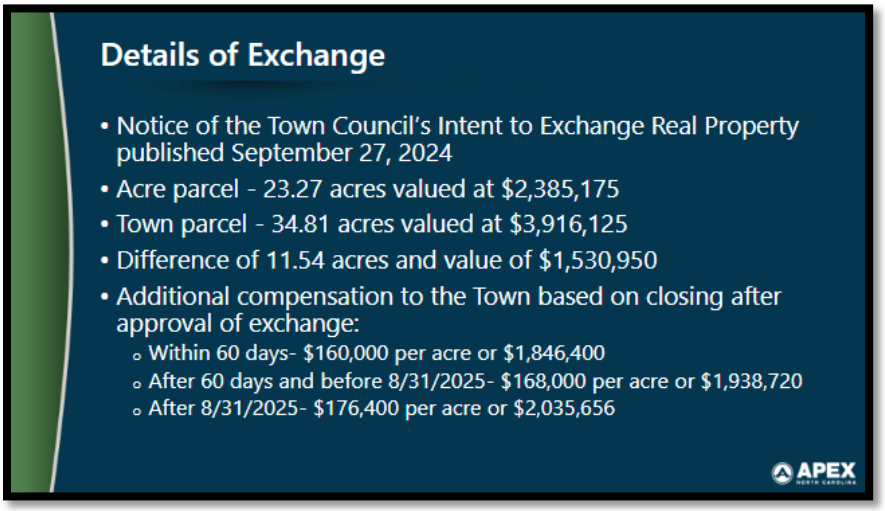
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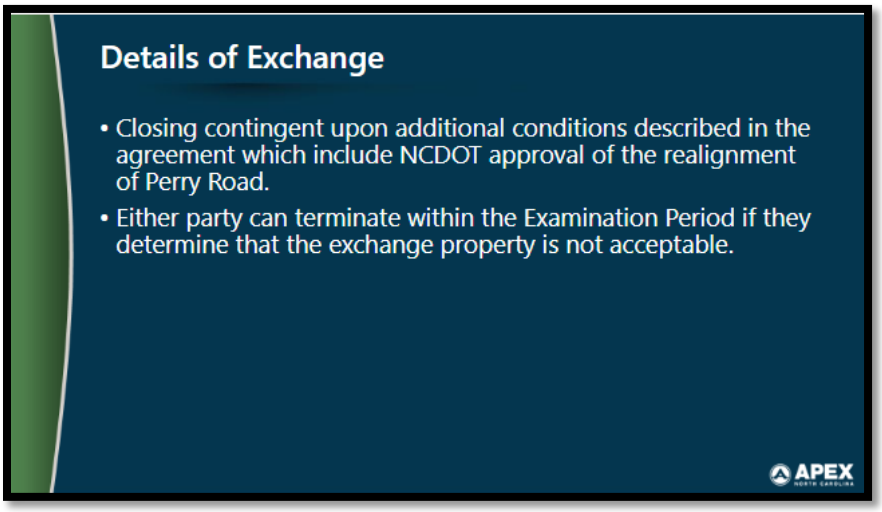
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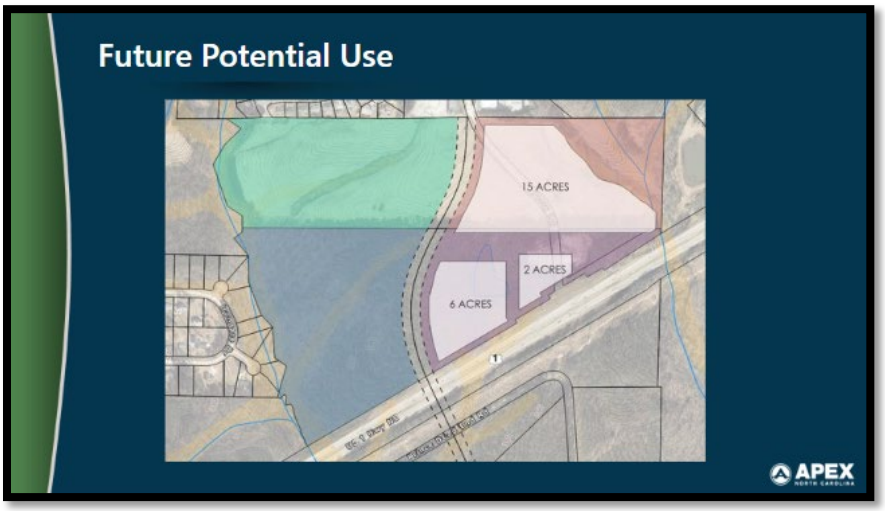
[SLIDE 5]



[SLIDE 6]



[SLIDE 7]



Mr. Stone asked if there were any questions.

Mayor Gilbert thanked Mr. Stone. He asked if there were any discussions or a motion.

A **motion** was made by **Councilmember Killingsworth**, seconded by **Councilmember Gantt**, to approve the Land Exchange Agreement between Town of Apex and ACRE Manager LLC.

VOTE: (3-0), with Mayor Pro Tempore Gray and Councilmember Zegerman absent

[UPDATES BY TOWN MANAGER]

Town Manager Vosburg gave an update of staff that were deployed to Western North Carolina. He said there were 22 or 23 staff members. He said there may be future

deployments. He gave an update on Saunders Lot. He said that there was a bid opening and there was an extension a couple of times due to clarification and questions and the second time there were only two bids. He said that the bid was opened again today and that they had received 3 bids and that they were going through the bids to make sure that they qualify and meet the minimums. He said they would share information at the next Council meeting on October 22nd. He gave an update on the October Fest on this Saturday, October 12, 2024, from 12:00 p.m. – 7:00 p.m. in Town Hall Courtyard area.

Mayor Gilbert led the Council in wishing Councilmember Gantt a Happy Birthday.

[ADJOURNMENT]

Mayor Gilbert announced the meeting adjourned at **6:56 p.m.**

Jacques K. Gilbert
Mayor

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

Submitted for approval by Town Clerk Allen Coleman and approved on November 12, 2024 (CN7).

APPROVED

TOWN OF APEX
TOWN COUNCIL WORK SESSION
TUESDAY, OCTOBER 15, 2024
3:30 P.M.

The Apex Town Council met for a work session on Tuesday, October 15, 2024 at 3:30 p.m. at the Apex Town Hall located at 73 Hunter Street in Apex North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel: https://www.youtube.com/watch?v=EvXb77jlgHU

[ATTENDANCE]

Elected Body
Mayor Jacques K. Gilbert (presiding)
Mayor Pro-Tempore Ed Gray
Councilmember Brett Gantt
Councilmember Arno Zegerman
Councilmember Audra Killingsworth
Councilmember Terry Mahaffey
Absent: None

Town Staff
Town Manager Randy Vosburg
Deputy Town Manager Shawn Purvis
Assistant Town Manager Demetria John
Assistant Town Manager Marty Stone
Town Attorney Laurie Hohe
Town Clerk Allen Coleman

All other staff members will be identified appropriately below.

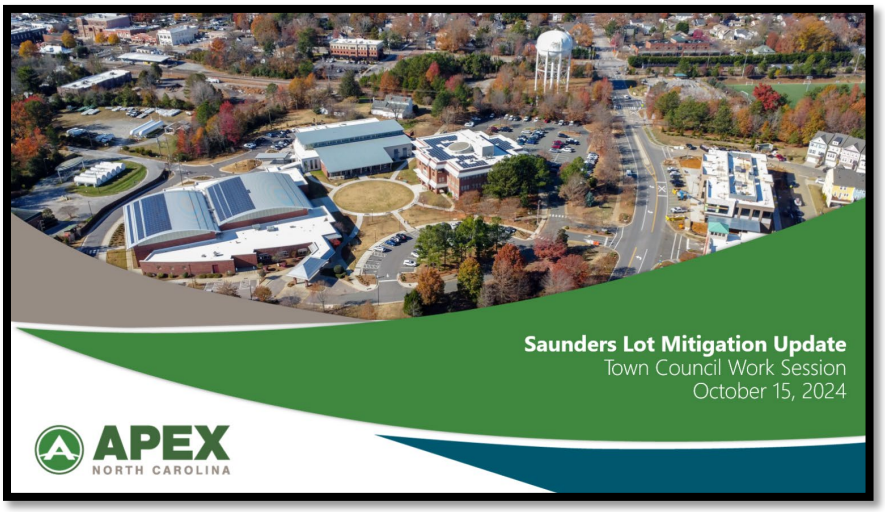
[COMMENCMENT]

Mayor Gilbert called the meeting to order at 3:37 p.m., welcomed everyone, and led everyone in the pledge of allegiance.

[SAUNDERS LOT MITIGATION UPDATE]

Shannon Cox, Long-Range Planning Manager, Planning Department gave the following presentation on the Saunders Lot Mitigation Update:

[SLIDE 1]



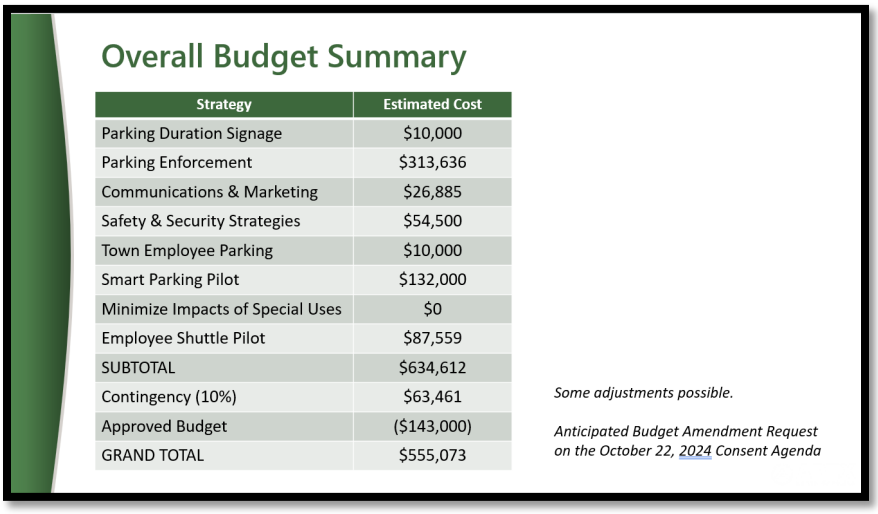
[SLIDE 2]



[SLIDE 3]



[SLIDE 4]



Town Manager Vosburg said that there could be a difference in the staffing numbers, and these numbers could decrease depending on how much they are able to leverage technology.

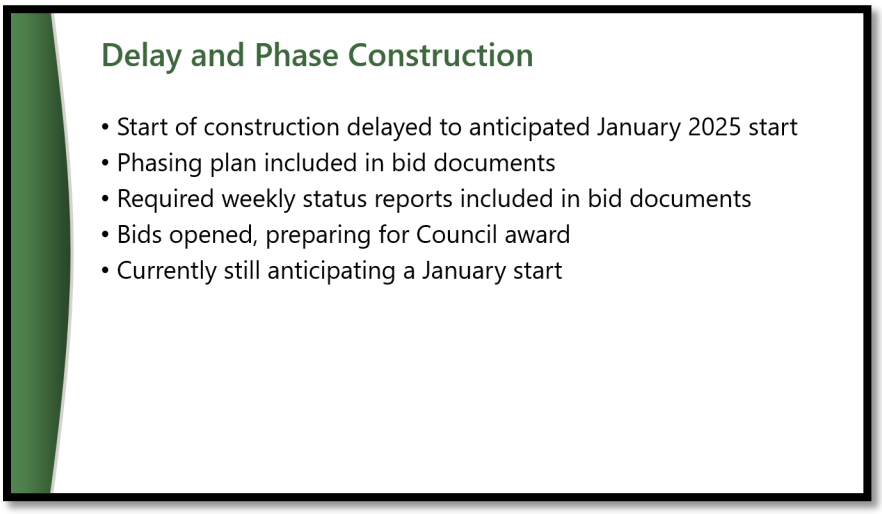
Councilmember Gantt asked what the time frame was for the ramp up and if issues could be worked with later.

Town Manager Vosburg asked if Councilmember Gantt was referring to staffing.

Councilmember Gantt said referring to the entire plan.

Ms. Cox said that this should be moving forward now. She said that it could be talked through how long it would take. She said that this is just an update and it should start in January which includes a phasing plan and will keep stakeholders informed. She said the idea is to bring the contract to Council to be awarded when the bids have all closed.

[SLIDE 5]



[SLIDE 6]

Parking Duration Revisions

- Ordinance approved with new parking time limits, effective January 2, 2025
- Signage plan underway
  - Estimated cost: $10,000

[SLIDE 7]

Parking Enforcement

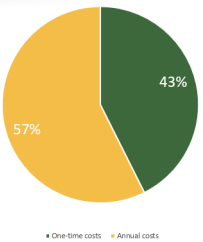
- Parking enforcement to be handled by Police Department
- Completed meetings with multiple technology vendors
- Coordinated with City of Raleigh on best practices
  - Recommended using internal staff over consultants
- Proposal: Hire two Parking and Traffic Control Technicians
  - Traffic Safety Unit
  - Civilian positions
  - Responsible for parking enforcement
  - Assist with traffic direction during accidents and light malfunctions

[SLIDE 8]

Parking Enforcement – Budget

Item	Cost	Quantity	Total
Parking and Traffic Control Technician*	$90,000	2	$180,000
Marked vehicle	$49,668	2	$99,336
Laptop and dock with monitor	$3,500	2	$7,000
Supplies	$13,650	2	$27,300
TOTAL			$313,636

*Salary and overhead cost is an initial estimate. This position needs classification.



APEX NORTH CAROLINA

Councilmember Zegerman asked about focusing just on enforcement. He said this could be a budget request from the police department, not something specific to this project. He said this may be putting more in here than just parking enforcement. He said that he would like to see enforcement separated out, and if the Police Department wanted a budget request, then this could be looked at separately.

Ms. Cox clarified that he wanted to look at the parking enforcement separate from the other proposed responsibilities.

Town Manager Vosburg said that there should be a permanent solution for how to hire in the future for projects like this.

Ms. Cox said that there should be more discussion and they break down the numbers based on what they were requesting.

Justin Rosser, Police Captain, said that staffing would be difficult to break this out because there is not the staffing to dedicate to downtown parking. He said that this is the difficulty of the Saunders Lot project because it affects the whole downtown area, but that they will definitely look at this.

Councilmember Zegerman said that if there will be civilian labor there could be contract labor for the construction period. He said that this is more of a permanent addition, and this should go through a normal budget cycle and not be considered part of the project.

Captain Rosser said that they could work on that.

Mayor Pro Tempore Gray said the traffic enforcement was going to be civilian position and asked if there was a reason these were not sworn officers. He asked if there would be any problems.

Captain Rosser said that it wouldn't be an issue in terms of parking enforcement. He said the idea was to solve multiple problems at once with these positions, but civilians would be better for strictly parking enforcement.

Mayor Pro Tempore Gray said that knowing where to put this budget was the issue for Police, and it should be considered in the larger picture.

Councilmember Mahaffey asked if there was any opportunity for parking enforcement just for this spot without this budget item, or is it too much of a staffing issue.

Captain Rosser said that it was possible, but to have someone to be dedicated to this would not be currently feasible. He said that with the current status of staffing right now they would send an officer when needed. He said they could handle it, but there would not be dedicated staffing.

Councilmember Mahaffey asked if there was an opportunity to do something for the budget by July.

Captain Rosser said that they could get something by July.

Ms. Cox said that the parking team approached as a permanent need for enforcement based on the revised timing of the ordinance for construction.

Captain Rosser said that they were looking at the big picture because their neighborhoods have parking issues as well.

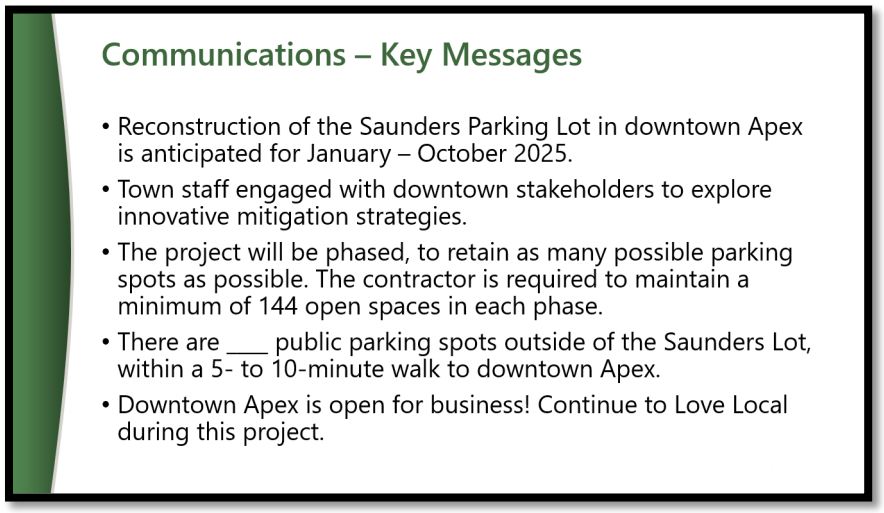
Councilmember Zegerman said that he would like to look at this separately.

Captain Rosser said that they would take it back and look at it.

Councilmember Mahaffey asked what the bids were that were mentioned.

Ms. Cox said Russell and Chris were not here to provide updates, but she would get something to them.

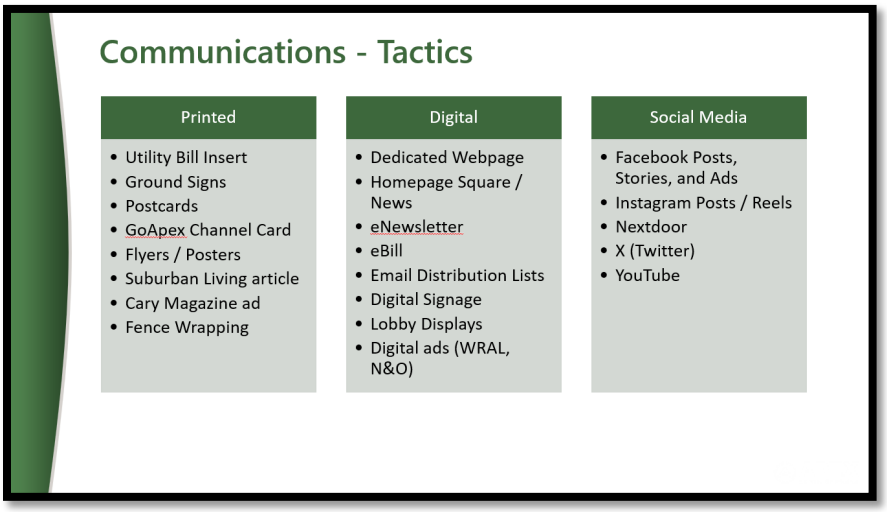
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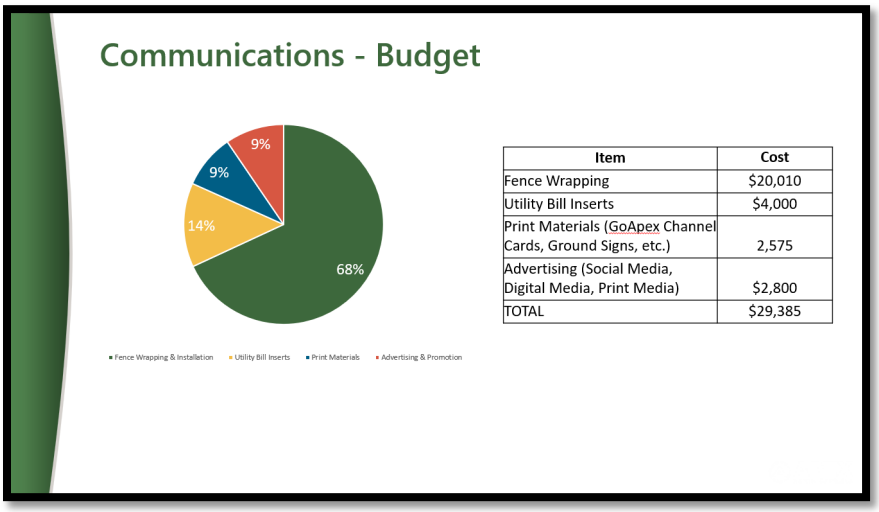
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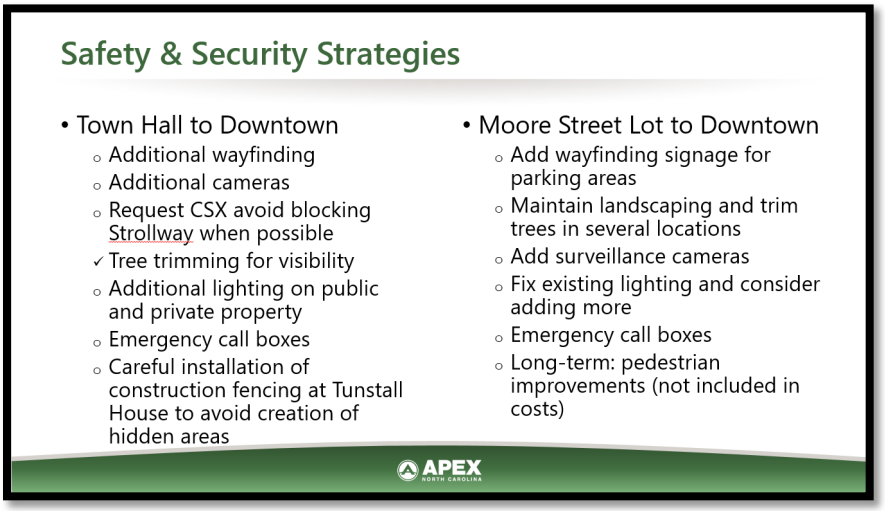
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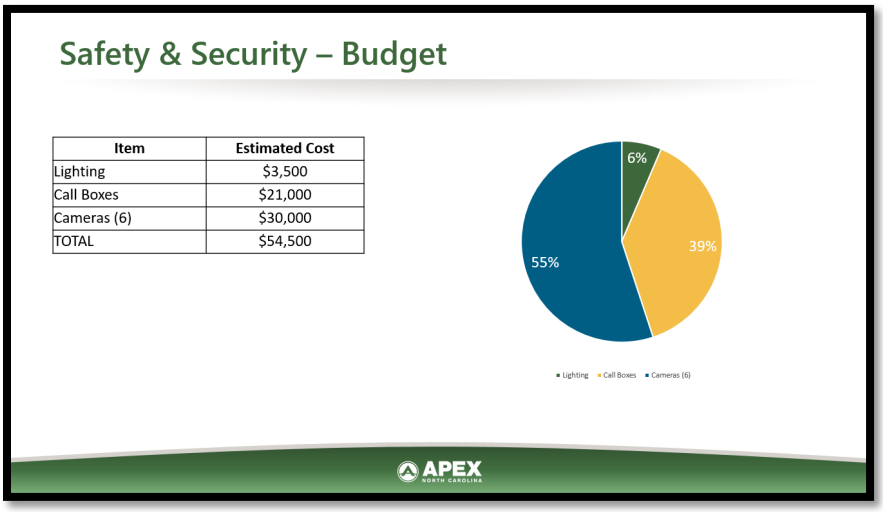
[SLIDE 12]



[SLIDE 13]



[SLIDE 14]



Councilmember Gantt asked if there would be permanent wayfinding in the plan.

Ms. Cox said that it would not be in place in the proposal in time for the Saunders Lot construction. She said it would be in the plan. She said that what is being proposed is temporary wave finding and that it is included in the Communications budget.

[SLIDE 15]



Councilmember Zegerman said that this is concurrent and asked if it would it include the police officers.

Ms. Cox said that it is not necessarily Police Officers, but 20 police employees 9a-5p that they would need to find a place for them to park.

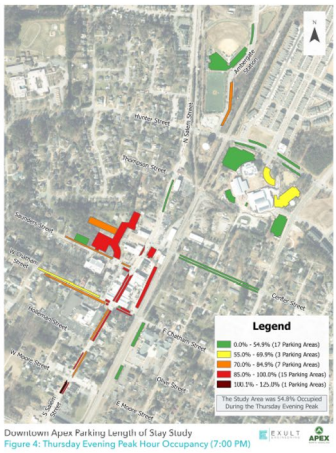
[SLIDE 16]

Smart Parking Pilot

- Purposes:
  - Encourage visitors to park in lesser-used and lesser-known places
  - Encourage visitors to park in spaces without time restrictions
  - Point people to lots with large capacity
  - Avoid areas that will be under construction
  - Point people to proposed shuttle stop locations
  - Keep costs low

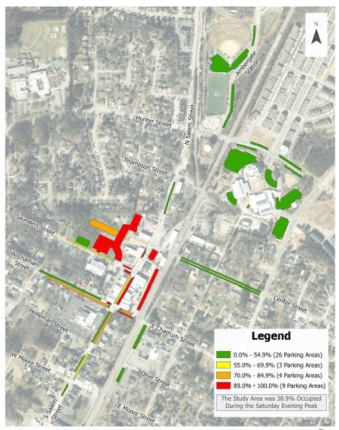
[SLIDE 17]





[SLIDE 18]

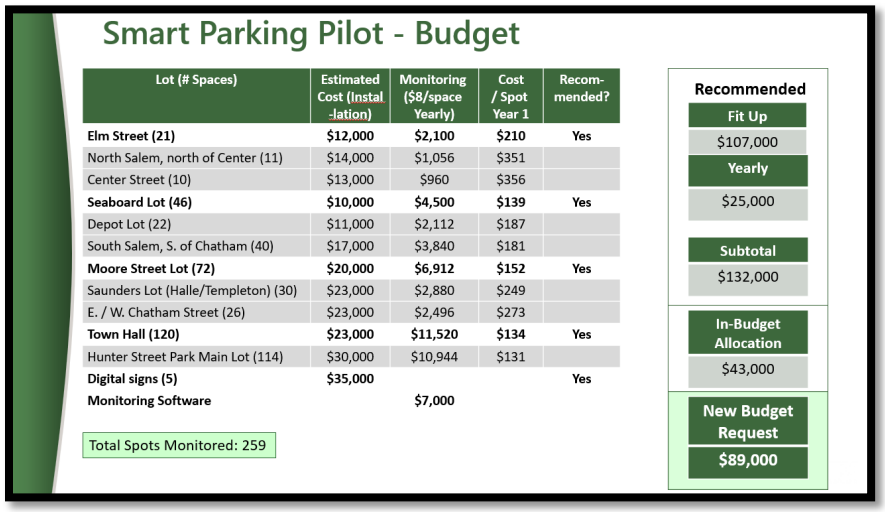




Councilmember Zegerman why not include Hunter Street parks because there is a lot of parking space.

Ms. Cox said that they considered Hunter Street and Town Hall, and didn't include because of costs. She said they could be included, especially as there is the strollway to downtown.

[SLIDE 19]



Smart Parking Pilot - Budget

Lot (# Spaces)	Estimated Cost (Instal-lation)	Monitoring ($8/space Yearly)	Cost / Spot Year 1	Recom-mended?
Elm Street (21)	**$12,000**	**$2,100**	**$210**	**Yes**
North Salem, north of Center (11)	$14,000	$1,056	$351	
Center Street (10)	$13,000	$960	$356	
Seaboard Lot (46)	**$10,000**	**$4,500**	**$139**	**Yes**
Depot Lot (22)	$11,000	$2,112	$187	
South Salem, S. of Chatham (40)	$17,000	$3,840	$181	
Moore Street Lot (72)	**$20,000**	**$6,912**	**$152**	**Yes**
Saunders Lot (Halle/Templeton) (30)	$23,000	$2,880	$249	
E. / W. Chatham Street (26)	$23,000	$2,496	$273	
Town Hall (120)	**$23,000**	**$11,520**	**$134**	**Yes**
Hunter Street Park Main Lot (114)	$30,000	$10,944	$131	
Digital signs (5)	**$35,000**			**Yes**
Monitoring Software		**$7,000**		

Total Spots Monitored: 259

Recommended

Fit Up: $107,000

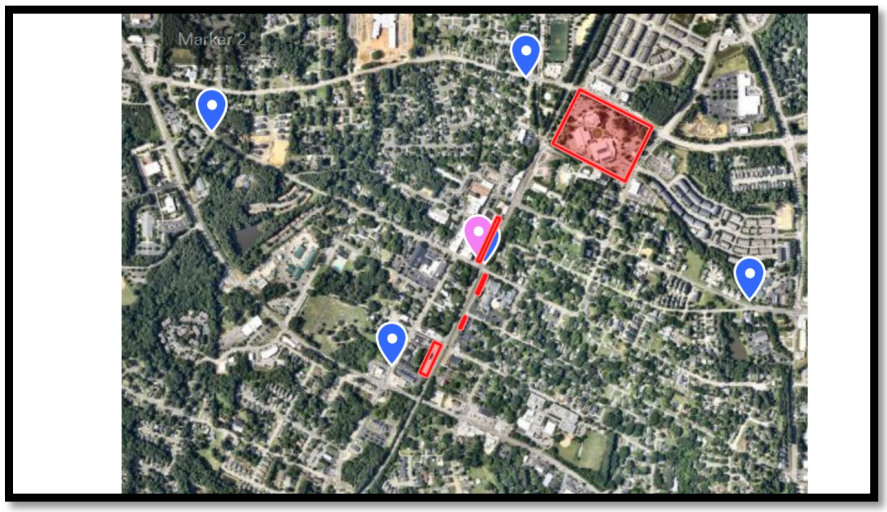
Yearly: $25,000

Subtotal: $132,000

In-Budget Allocation: $43,000

New Budget Request: $89,000

[SLIDE 20]



[SLIDE 21]

Minimize Special Use Impacts

- Issue:
  - While special events enhance the vibrancy and quality of life in downtown Apex and can boost business visibility, they also present notable challenges
  - The impact varies depending on the event type and the affected businesses
  - Although some events may increase long-term exposure and attract more visitors, the immediate effects can be detrimental
- Recommendations:
  - Request that PRCR evaluate and recommend possible modifications to special events and the Farmers Market during construction

[SLIDE 22]

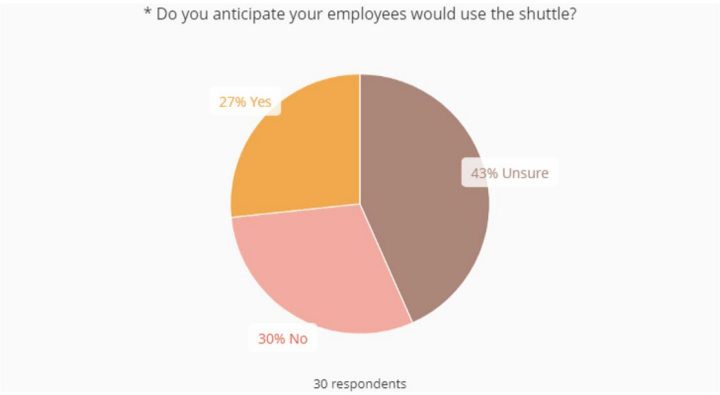
Employee-Focused Shuttle Pilot

Additional research:

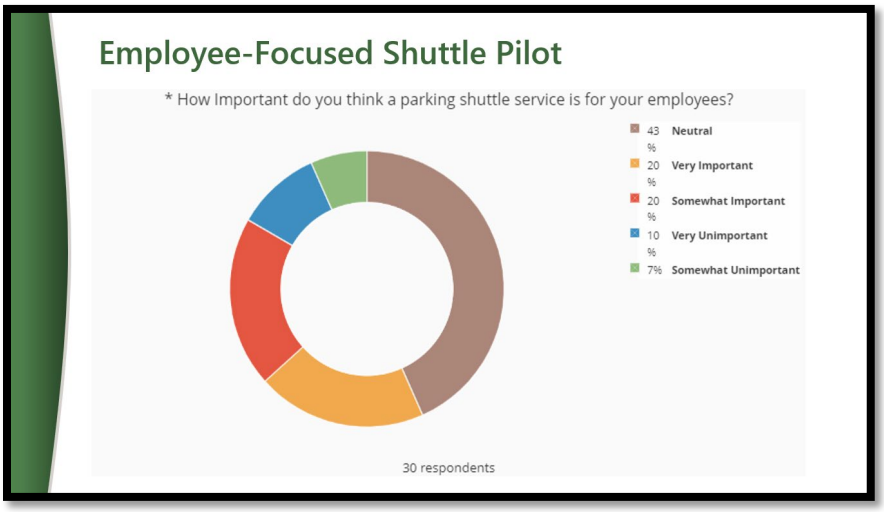
- Met with Fenton manager
  - Operating a temporary shuttle while parking is under construction
- Additional business survey
  - 30 respondents
  - Representative of retail, office, service, restaurant
- Evaluated lower-cost options

[SLIDE 23]

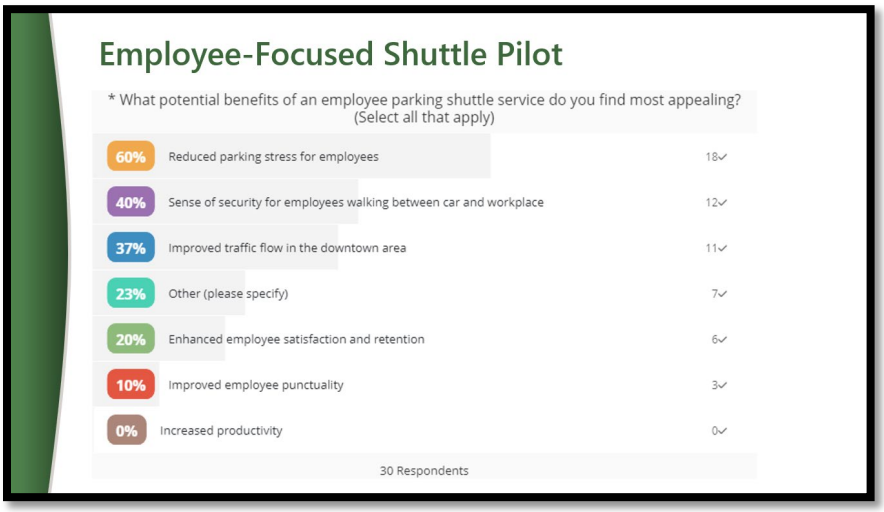
Employee-Focused Shuttle Pilot



[SLIDE 24]



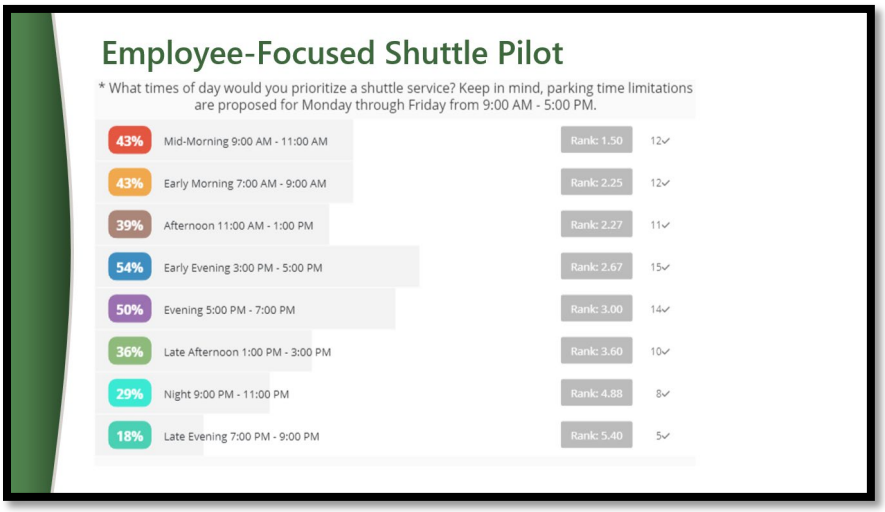
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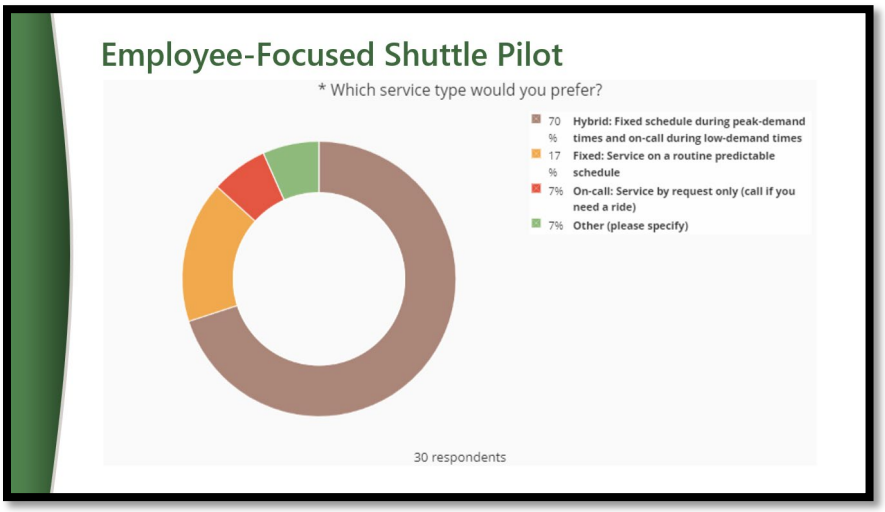
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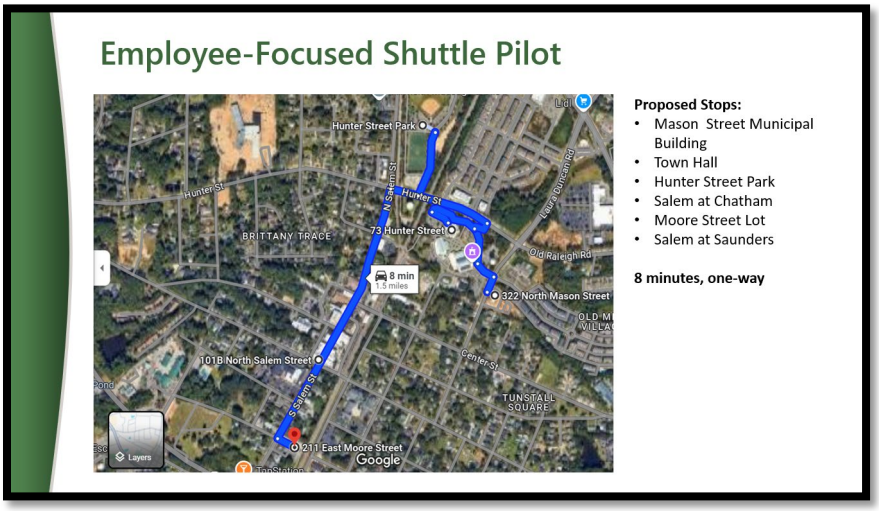
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[SLIDE 28]



[SLIDE 29]



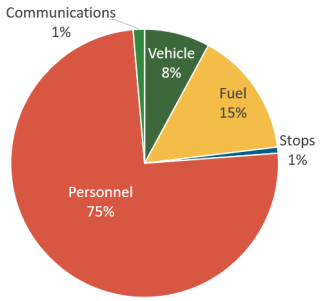
[SLIDE 30]

Employee-Focused Shuttle Pilot

- Temporarily re-purpose and re-brand Police van
  - Shuttle would have to shut down for emergency van use
- Temporary stops with very minimum investment at:
  - MSMB, Town Hall, Hunter Street Park, Moore Street Lot
- Monday through Friday, 7AM - 6PM
- Hybrid approach
- Driver cell/text given to business managers for pick-up/drop-off requests
- Staffed by three LSEs
- Recommended evaluation after four months (January – April)

[SLIDE 31]

Employee-Focused Shuttle Pilot – Budget



Item	Cost
Vehicle	$6,925
Fuel	$13,266
Stops	$648
Personnel	$65,520
Communications	$1,200
TOTAL	$87,559

[SLIDE 32]

Overall Budget Summary

Strategy	Estimated Cost
Parking Duration Signage	$10,000
Parking Enforcement	$313,636
Communications & Marketing	$26,885
Safety & Security Strategies	$54,500
Town Employee Parking	$10,000
Smart Parking Pilot	$132,000
Minimize Impacts of Special Uses	$0
Employee Shuttle Pilot	$87,559
SUBTOTAL	$634,612
Contingency (10%)	$63,461
Approved Budget	($143,000)
GRAND TOTAL	$555,073

Some adjustments possible.

Anticipated Budget Amendment Request on the October 22, 2024 Consent Agenda

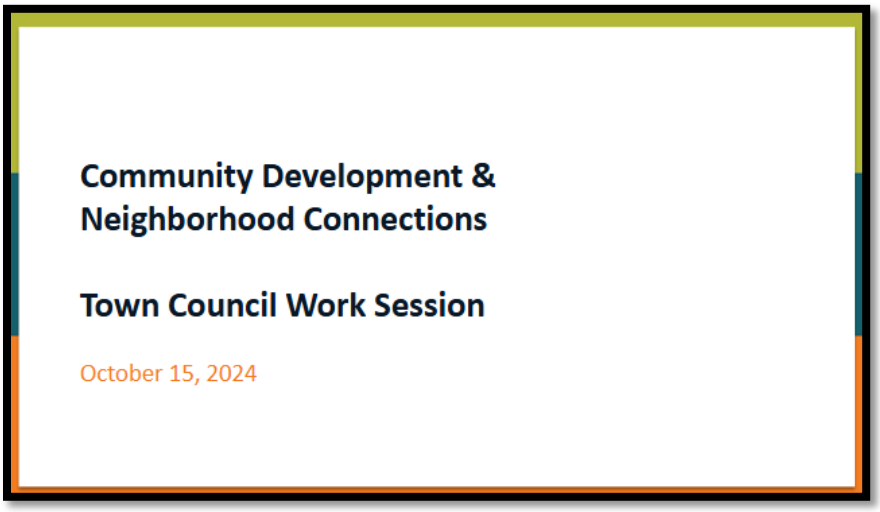
Mayor Gilbert thanked Ms. Cox for the presentation and asked if there were any questions.

[COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONNECTIONS (CDNC) UPDATE]

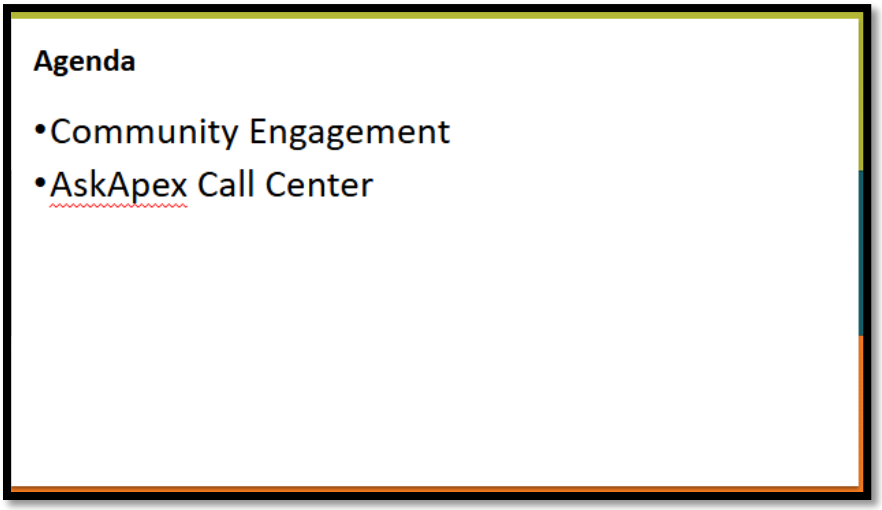
Marla Newman, Director, Community Development and Neighborhood Connections Department said that **Brianne Gill**, Community Engagement Manger and **Darla Bryant**, AskApex Call Center Manager would give the update on Community Development and Neighborhood Connections.

Ms. Gill introduced herself and introduced Jimmy Torres, who is the new Community Engagement Specialist. Ms. Gill gave the following presentation.

[SLIDE 1]



[SLIDE 2]



[SLIDE 3]



[SLIDE 4]



[SLIDE 5]



[SLIDE 6]



[SLIDE 7]



Councilmember Zegerman asked if these trainings were happening at this time.
Ms. Gill said that they plan to host their first training in January.

[SLIDE 8]



Councilmember Mahaffey said that bringing the community leaders into the neighborhoods was awesome. He said that monthly or quarterly may be good.

Ms. Gill said they were looking forward to this as well and looked forward to seeing Council there.

[SLIDE 9]



Councilmember Zegerman said that doing the community volunteering more frequently would give more people an opportunity to get more things done in the Community. He said sign ups fill up quickly when it's once a year, and sometimes it doesn't work for people with timing.

Ms. Newman said that they would like to broaden the opportunities for more people to serve.

Councilmember Gantt said that Springtime would be a good time to offer more opportunities, he said the Summer was so hot that they may not have a good turnout.

[SLIDE 10]



Councilmember Mahaffey asked if the Town would be supporting this or would it be neighbors inviting Council members or staff members over to talk. He asked if this was for specific or general issues.

Ms. Gill said this would be general conversations, or if it were specific issues, they could be discussed.

Councilmember Gantt asked if the Town staff would be there or not.

Ms. Gill said that staff were invited. She said that it was an option to bring information from the staff and they could come if residents were comfortable with that.

Councilmember Mahaffey said that the neighbors ask for Council to come over when there are issues. He said is there a way to combine these two together. He asked how this process would work.

Councilmember Zegerman said they didn't want to get bogged down in the process or duplicating meetings with people about the same issue.

Councilmember Mahaffey said sometimes it would be good to have staff there as well to work through certain issues.

Director Newman said the idea is to be proactive and just have conversations. She said sometime people have great ideas but don't have the opportunity to talk about what is going on and to build connections.

Councilmember Zegerman said that these could possibly be worked through HOAs, so there could be a broader reach.

Director Newman said it was not designed for the larger community or formal communication. She said it was informal, and meant to generate more conversations.

Assistant Town Manager John said there are instances where there are small neighborhoods who aren't part of something larger like an HOA, and this would work better for them.

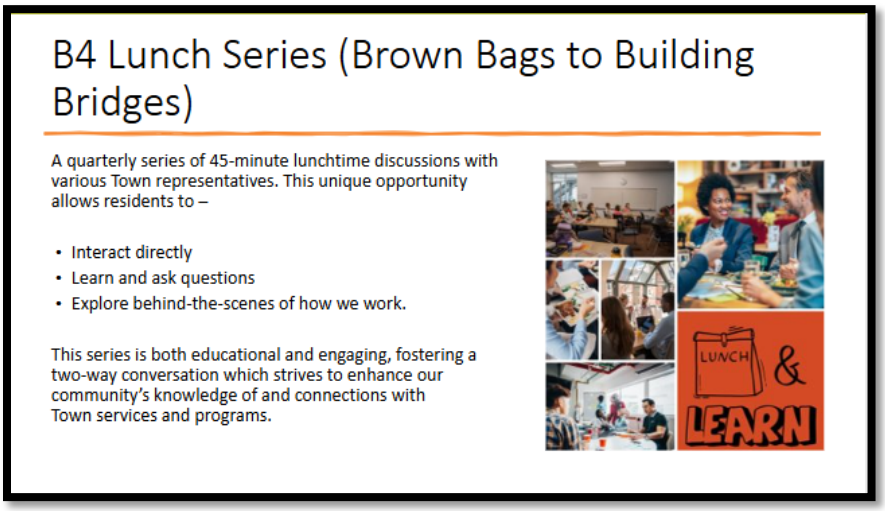
Councilmember Zegerman said he liked this idea, but was wondering about how the program would be utilized.

Town Manager Vosburg said it wasn't intended for invitations of elected officials and groups of people that have asked elected officials to speak. He said that this is for the other groups and that this would be trial and error.

Councilmember Killingsworth said that there is annual training that gives people fact-based information to take back to their community and this is a similar idea on a smaller scale.

Mayor Pro Tempore Gray said this is a great way to formalize this process. He said that it is good for trying to identify trends for the Council.

[SLIDE 11]



Councilmember Gantt asked if the lunchtime discussions could be posted on YouTube for those who can't attend.

Director Newman said that was a good idea.

[SLIDE 12]



[SLIDE 13]



Councilmember Gantt asked if the scoring matrix could be sent to the Council.
Ms. Gill said yes.

[SLIDE 14]



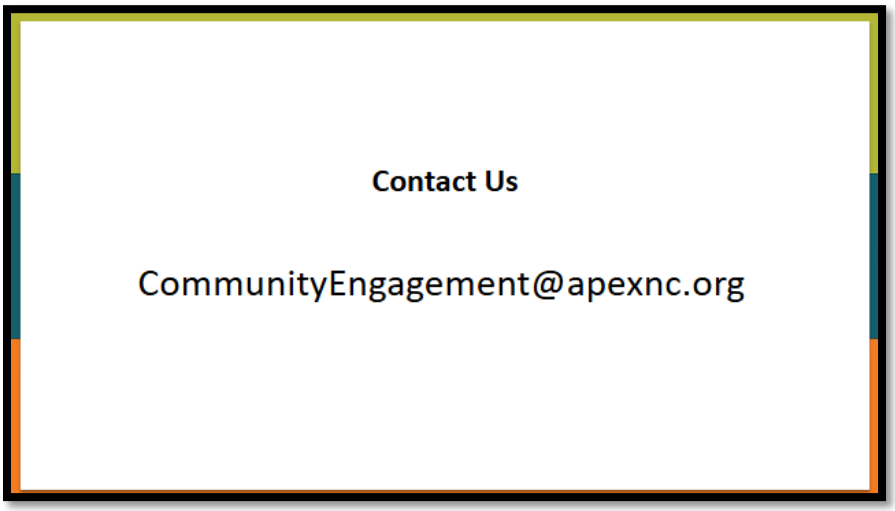
Councilmember Killingsworth asked if there was any staff that is being sent to the Community Health Needs Assessment meetings. She said that every 3 or 4 years Wake County goes through the process of analyzing where funding may be going to address Community needs and this broadly includes Transportation needs and Housing.

Director Newman said that would be great and asked that more connections that could be provided.

[SLIDE 15]



[SLIDE 16]



Ms. Gill thanked the Council for their time.

Mayor Pro Tempore Gray thanked her for her presentation. He asked how to get to the web page for those watching.

Ms. Gill said that it's on the Apex website, using Departments tab and then Community Development and Neighborhood Connections tab then to the main site for the department and there are different tabs for each of the divisions and then Community Engagement tab, which leads to the Community Engagement micro site.

Director Newman said at the top of the CDNC website at the top there is a photo and there are 3 different links to each division.

Mayor Pro Tempore Gray asked that Town Manager Vosburg look at a way to integrate CDNC into the workflow for Public Forum.

Councilmember Mahaffey said he would like to have some metrics to measure community engagement trends over time.

Director Newman said absolutely.

Mayor Gilbert said that this was a great presentation. He asked if there would be a social media site for this department.

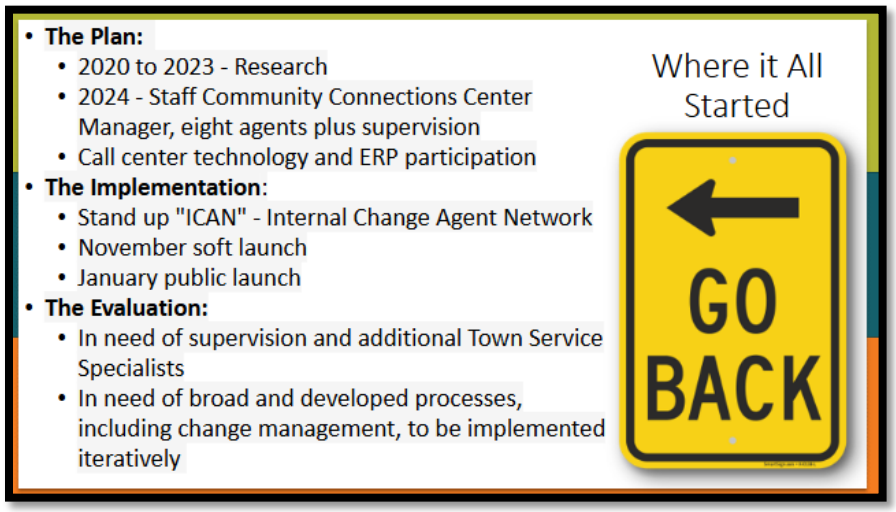
Director Newman said they would work with Communications to try to get something out in the near term.

Darla Bryant, Community Connections Center Manager, gave the remainder of the presentation.

[SLIDE 17]



[SLIDE 18]



[SLIDE 19]



[SLIDE 20]



[SLIDE 21]



[SLIDE 22]



Ms. Bryant asked if there were any questions.

Councilmember Zegerman asked how 311 works with this Call Center.

Ms. Bryant said that there is not a 311 because of jurisdictional issues. She said that this is the 311, but they are not called 311.

Councilmember Zegerman asked about the online presence of the Call Center and asked how other people ask questions other than on social media.

Ms. Bryant said that they are looking at an app and other technology, but they are not in their immediate plans. She said now residents can do online requests. She said that the new online technology ERP is implemented, then residents will need to do a resident profile so that calls and information can be documented, and issues can be tracked to resolution.

Mayor Pro Tempore Gray asked if there would be a budget amendment needed this year for additional staff.

Director Newman said there would not be plans for a budget amendment this

Mayor Pro Tempore Gray asked if there were options for phasing staff in.

Director Newman said they were developing a staffing plan for next year's budget.

Town Manager Vosburg said they were starting below the projected need in the staffing plan, then they could bring data back to decide on if they would need staffing or possibly more technology.

Ms. Bryant said that efficiency is what they would be looking for. She said she likes to manage time and efficiency. She said that a call center is different than how administrative and other teams work.

Mayor Pro Tempore Gray said that at the time of the study some of the variables may change.

Councilmember Killingsworth said that there were people who complained on Facebook that they could not get through so there is still a staff deficit. She said the town is currently having several staff step in to help try and fill the gap.

Councilmember Mahaffey asked if there was an opportunity to consolidate and absorb some positions.

Ms. Bryant said that they had been considered and that would be a leadership decision. She said she did some research with Cary and other municipalities to see what they did at their inception. She said once they have more information, they will be able to know more of what they need.

Director Newman said that there is already data being collected. She said they already know how many calls that are coming in and types of calls.

Councilmember Zegerman asked if others call going out to departments are being tracked.

Ms. Bryant said that there is data on the calls. She said they would be sending out reporting and trends as they are able to track more. She said that if there was something specific that Council would like to see, they could provide that information.

Councilmember Mahaffey said a one-stop shop would be wonderful.

Director Newman said that was the ultimate goal.

Councilmember Zegerman said that it would be good to have 80% of the calls would be handled by the Call Center.

Ms. Bryant said that the website would be updated to get the correct information for the residents, to ensure consistency. She said they would be introducing this to the residents in January. She thanked the Council.

[CLOSED SESSION]

A motion was made to by **Councilmember Killingsworth**, seconded by **Councilmember Gantt** to enter into Closed Session Pursuant to NCGS § 143-318.11(a)(6).

VOTE: UNANIMOUS (5-0)

Council entered into Closed Session at **5:14 p.m.**

CS1 Mayor Jacques K. Gilbert

NCGS §143-318.11(a)(6):

"To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee"

Council returned to Open Session at **6:08 p.m.**

[ADJOURNEMENT]

Mayor Gilbert adjourned the meeting at **6:08 p.m.**

Jacques K. Gilbert
Apex, Mayor

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

Submitted for approval by Apex Town Clerk Allen Coleman

Minutes approved on 12th of November 2024 (CN7).

APPROVED

TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, OCTOBER 22, 2024
6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, October 22nd, 2024 at 6:00 PM in the Council Chambers at Apex Town Hall, located at 73 Hunter Street in Apex, North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel. The recording of this meeting can be viewed here:
https://www.youtube.com/watch?v=erX0WD1Er6c&t=1s

[ATTENDANCE]

Elected Body
Mayor Jacques K. Gilbert (presiding)
Mayor Pro Tempore Ed Gray
Councilmember Audra Killingsworth
Councilmember Terry Mahaffey
Councilmember Brett Gantt
Councilmember Arno Zegerman

Town Staff
Town Manager Randy Vosburg
Deputy Town Manager Shawn Purvis
Assistant Town Manager Marty Stone
Assistant Town Manager Demetria John
Town Attorney Laurie Hohe
Town Clerk Allen Coleman
All other staff members will be identified appropriately below

[COMMENCEMENT]

Mayor Gilbert called the meeting to order and welcomed all who were in attendance and watching on YouTube and then took a moment of silence.

Mayor Gilbert then led those in attendance in the Pledge of Allegiance.

[CONSENT AGENDA]

Mayor Gilbert asked to move CN12 - Special Events Policy - Town Organized Events consent to New Business in order to get clarity on the policy from staff.

A **motion** was made by **Councilmember Gannt**, seconded by **Councilmember Killingsworth,** to approve the Consent Agenda with CN12 moved to New Business.

VOTE: UNANIMOUS (5-0)

CN1 Appointments - Transit Advisory Committee (TAC) - Chair and Vice-Chair
Council voted to confirm the following leadership positions on the Transit Advisory Committee (TAC) for fiscal year 2024-2025:
Andrew Werking, Chair of the Transit Advisory Committee (TAC)
Nick Bryant, Vice-Chair of the Transit Advisory Committee (TAC)

CN2 Budget Ordinance Amendment No. 4 - Downtown Parking Mitigation Strategies (REF: ORD-2024-081)
Council voted to adopt Budget Ordinance Amendment No. 4 to fund downtown parking mitigation strategies.

CN3 Construction Contract Award - FSC II, LLC dba Fred Smith Company - Saunders Street Parking Lot (REF: CONT-2024-315)
Council voted to award a Construction Agreement between FSC II, LLC (dba Fred Smith Company) and the Town of Apex for construction of the Saunders Parking Lot project and authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN4 Developer Agreement No. 1 - RXR Len Apex Owner LLC (RXR) - Veridea Gravity Sewer (REF: CONT-2024-316)
Council voted to approve a Development Agreement between the Town of Apex and RXR Len Apex Owner LLC (RXR) related to construction of oversized gravity sewer outfall and to authorize the Town Manager to execute the same.

CN5 Developer Agreement No. 2 - RXR Len Apex Owner LLC (RXR) - Veridea Upsizing Sewer (REF: CONT-2024-317)
Council voted to Development Agreement between the Town of Apex and RXR Len Apex Owner LLC (RXR) related to construction of oversized gravity sewer outfall and to authorize the Town Manager to execute the same.

CN6 Developer Agreement No. 3 - Utility Infrastructure Reimbursement Agreement - RXR Len Apex Owner LLC - Big Branch 1 Regional Pump Station (REF: CONT-2024-318)
Council voted to approve a Utility Infrastructure Reimbursement Agreement with RXR Len Apex Owner LLC (RXR) related to oversized construction of the Big Branch 1 Regional Pump Station, associated sewer force main, and waterline, and to authorize the Town Manager to execute the same.

CN7 Developer Agreement No. 4 - RXR Len Apex Owner LLC (RXR) - Technology Drive Waterlines (REF: CONT-2024-319)

Council voted to approve a Development Agreement between the Town of Apex and RXR Len Apex Owner LLC (RXR) related to construction of water line and to authorize the Town Manager to execute the same.

CN8 Developer Agreement No. 5 - RXR Len Apex Owner LLC (RXR) - Extra Water Lines (REF: CONT-2024-320)

Council voted to approve a Development Agreement between the Town of Apex and RXR Len Apex Owner LLC (RXR) related to construction of water line in excess of that need by the developer and to authorize the Town Manager to execute the same.

CN9 Fee-In-Lieu - Veridea East Village - Master Subdivision Plan (MSP)

Council voted to approve a payment of Fee-In-Lieu (FIL) of dedication for the Veridea East Village Residential Master Subdivision Plan (MSP) as recommended by the Technical Review Committee (TRC) on 03/23/2023 at the 2023 rate of $2,381.87 MF/unit; $2705.23 SFA/unit; and $4016.66 SFD/unit.

CN10 Fee-In-Lieu - Veridea Mixed Use Major Site Plan (MSP)

Council voted to approve a payment of Fee-In-Lieu (FIL) of dedication for the Veridea Mixed Use Major Site Plan (MSP) as recommended by the Technical Review Committee on 06/27/2024 at the 2024 rate of $2,470.00 MF/unit.

CN11 Resolution - Bond Reimbursement Electric Projects and Water and Sewer Projects 2025 (REF: RES-2024-052 and RES-2024-053)

Council voted to adopt the following resolutions authorizing the later issuance of public funding to pay for prior expenditures:

Reimbursement Resolution for Water and Sewer Projects

Reimbursement Resolution for Electric Projects

~~**CN12 Special Events Policy - Town Organized Events**~~

This item was removed from the Consent Agenda, per Council vote.

CN13 Surplus Vehicle - 2004 Emergency One 75' Ladder Truck

Council voted to declare the following vehicle as surplus, authorize the sale of said vehicle, and authorize the Purchasing and Contracts Manager and the Town Manager, or their designee, to sign documents necessary to complete the sale:

Vehicle: 2004 Emergency One 75’ Ladder Truck, VIN No. 4ENRAAA8X41007598

CN14 Tax Report - August 2024 (REF: OTHER-2024-111)

Council voted to approve the Apex Tax Report dated September 4, 2024.

[PRESENTATIONS]

PR1 American Indian Heritage Month 2024 – November 2024 (REF: PRO-2024-033)

Mayor Gilbert, along with the rest of the Town Council, read the Proclamation for American Indian Heritage Month 2024. He invited Rozanna Lindorfer to accept the proclamation and take a picture.

Rozanna Lindorfer thanked the Council and Mayor for recognizing the American Indian. She said this was the first that she was aware of, to recognize her people and their land. She said she speaks on behalf of her ancestors and the future of her people, and they are silent no more.

[REGULAR MEETING AGENDA]

Mayor Gilbert set the Regular Agenda and asked if there were any recommendation meeting changes at this time.

A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember Gantt** to approve the Regular Meeting Agenda with the addition of New Business 1 – Special Events Policy – Town Organized Events.

VOTE: UNANIMOUS (5-0)

[PUBLIC FORUM]

Mayor Gilbert opened up the Public Forum and invited the first speaker up.

First to speak was **T.J. Evans** at 1001 Diamond Dove Lane:

"Good evening, Mayor and Council. As a leader of the Juneteenth Committee, I now have sent two emails to the Council since our event became town-sponsored in 2022, raising concerns about the event planning process and the upcoming special event policy. So far, I've received responses from the Mayor, who has been instrumental in the event's success each year, and from Audra. As a committee, we'd hoped for a collective response showing empathy for our concerns, curiosity to learn more, commitment to accountability, and gratitude for our partnership. The lack of response and accountability has compounded our negative experience, pushing us to become a community-led event, as it seems the town prioritizes control over holding staff accountable while ensuring transparency, communication, and community engagement. For the past 3 years, we've dedicated six months annually to planning Juneteenth, working with Apex's underserved Black community to amplify their voices and celebrate their rich history in this town. After building this festival from the ground up, we intentionally partnered with the town so the community could see that the town's endorsement was part of an effort to highlight and honor their history. Despite all the hard work that ultimately benefits the town, the Council and town leadership have ignored some of the issues we've raised while making the feedback process disheartening. As a committee, we feel that we've been treated more like community servants than true partners. We've provided essential feedback on the special event policy that lacked meaningful community input. Unfortunately, our feedback, embedded in much of this upcoming policy, has been altered in a way that gives the town full control while excluding us

from the process. Town staff and leadership have said that the community-led event format benefits us more due to the control it gives us, but we were simply asking for a collaborative partnership, not all the power. My frustration goes beyond the Juneteenth planning process, there's a broader issue of inadequate accountability, communication, and community engagement across all town matters. The internal culture of the town is concerning, and unfortunately, our community is bearing the consequences. Many town staff don't live in Apex, leading to disconnection from the impact of their decisions. This is why, as elected officials, it's crucial that you prioritize community engagement in your governance. Community engagement should always be a top priority for Town Council and staff, yet we've repeatedly seen that it's not. Whether it's with our committee's feedback on special events, the Chatham Out at Salem Always Stop, the impact of the Pleasant Park build on neighbors, the eminent domain acquisitions of the Mills and Lund properties, or the recent cyber security attack recovery plan, just to name a few. As a Council, community engagement goes beyond setting up a booth at cultural events. It should be your mission to ensure the town's decisions truly reflect the voices of this community. Council, when voting on matters or working with town staff on policies, the focus should be on engaging those directly impacted to find solutions rather than dismissing valid concerns. A common rebuttal is often, local government moves slow, which can come across as an excuse when we see things move quickly when it's at the benefit of an agenda. The community wants clear communication with tangible results. True leadership involves leading with transparency, actively engaging with residents, integrating their feedback into policies, and holding staff accountable. I also urge the implementation of a comprehensive community engagement plan that extends beyond surveys, social media, and cultural research groups. I want to be clear that this is not a personal attack on any of you. My heart truly is to provide feedback that can be beneficial in the efforts to foster true community engagement within our community. A system without accountability will revoke its ability to grow. As someone who deeply loves this town, I hope to see the Council shift their focus to these concerns. The Apex community deserves better. Thank you."

Mayor Gilbert called the next speaker.

Next speaker was **Joselynne Jaques** of 202 Tobacco Farm Drive:

"Tobacco Farm Drive has come up a bunch lately because of Parkside Townhouses. Everybody within this very large blue range received this in their mail on Friday. I'm a community feelings person, so I'm the person who went up and down the block and talked to everybody, and the three responses I got were, 'we give up, because this has been going on a while', or 'it's going to go in anyway', and 'they're just going to be looking in our houses and it just doesn't matter' and my most concerning one was, 'I bought this house and no one told me there was going to be a development behind it'. That's not okay. We're starting again, is my understanding, so we have another neighborhood meeting with the developer, and then we have another planning meeting, and then we'll be back here, but that's going to be a

while. I don't want you to forget that the vote last time was three to two. My husband has more to say because he is the engineer, so he has the non-feeling part."

Next to speak is **Rob Jacques** at 202 Tobacco Farm Drive:

"I'd like to thank Councilmember Zegerman and Mahaffey for coming to visit us. We are talking about a place that is, you know, you hear the term "not in my backyard." This is literally in my backyard. The development will be closer than those doors will be. When they're built, they're going to be three-story townhouses directly behind my house, which means people will be looking into my backyard and potentially into our bedrooms. Not something we're interested in. Our main concerns really are, it's my understanding the developer has not made any commitments to prevent flooding of our houses. The rain we just had in North Carolina should be of a concern to anybody. We do get a regular river through our backyard when the rains hit. Everything in the horse farm flows directly through our backyard and out to Beaver Creek down the hill. We're hoping that the developer would make some commitment to meet flooding concerns. It's also my understanding that on August 27th, when my wife attended a council meeting here, it was a three-hour meeting during which several developments were discussed, all of which involved some concessions by the developers, with the exception of one, and that was ours. All of the others were voted on unanimously and approved, whereas my wife mentioned the vote went three to two for this one in particular because the developer refused to make any concessions, including privacy fences or any other concessions. I'm not anti-development, I worked in the oil and gas industry for 25 years, including the oil sands of Northern Alberta, so development is not a thing that bothers me. But I am a little bit concerned about flooding. I'm a little bit concerned about privacy, and we're also concerned about traffic. My understanding is the traffic study was done in June, not during the time when it's dark. We have a lot of kids that my wife and I see regularly on our way home from the gym waiting for school buses, and I don't believe the traffic study took that into account at all. Thank you very much for your time."

Mayor Gilbert called the next speaker.

Next speaker was **Dawn Cozzolino** of 3632 Bosco Road:

"Good evening. Last time I promised I would do more than just the old US-1, so this is the New Hill and Friendship Community, I talk about this often and many times because we're a rural community, and I had provided information on all the accidents that occurred before. Now I've mapped just one road up, and thank goodness there are no fatalities in the last 5 years. However, there's a very distressful amount of crashes, 83 over the past 5 years, 159 vehicles involved, and 551 estimated property damages. You know, that's a low number. It's not lifelong, it's not injuries. And what's most concerning is it's only two and a half miles, so you know, you combine that with Old US-1, and you're talking about five miles of roads, so we're up to $1.2 million in low-balled estimated property damages, 143 accidents, 263

vehicles involved. Okay, we can do a lot better, okay, we can, and what I've been asking for is a traffic study, right? I've been coming up here and asking, and I appreciate the comments as well. This is very important in decision-making for your development approvals, the new ones, the existing, the ones in process. We're talking about in our area, Oliver just got approved last time, and that was not even a full vote and then we were talking about Peak Landing, so I've been asking and asking for this traffic data so I finally decided to go on DOT's website. Guess what? They have stations all over North Carolina that pinpoint this data and monitor it by their station location. We actually happen to have one on Old US-1. We also happen to have it all around on New Holleman Road, Olive Chapel, Chapel Ridge, Kelly Road. You can go on and on and on, NC 55 has a volume of 54,000, this is annual average daily traffic. Okay, so this is 2023 data. Just I remember a number being 3,000 as being kind of like a touchpoint trigger. So, Bosco Road's monitor is 4,500. Olive Chapel's monitor's 3,200. Then you've got inflow roads, Richardson is 5,700, this is annual average daily traffic. You've got Olive Chapel coming off is 6,400, 8,300 on Kelly Road, 19,000, and we've got Chapel Ridge, which I know anybody driving on Chapel Ridge has seen the sea of cars, 9,900 and that's just one side, the other side of Olive Chapel and then Apex Barbecue is 4,900. I mean, you know, the ramps between exit 89 and 93 are 39,500. The ramps on US-1 between 540 and 95 and 55, NC 55, are 40,000. This is real data, there are real monitoring stations. This is on two portals on the NCDOT site. We could do better, we want to do Vision Zero, but you've got to look at the data. You have to use the data; you can't ignore it because it tells the story you don't want to see, and you're creating accidents. So, every time I look at the Town Council portal and I see your smiling faces on there and I see another accident, I'm going to think of you. Thank you."

Mayor Gilbert thanked Ms. Cozzalino and called the next speaker.

Next speaker was **Alexis Kennedy** at 106 Buckhaven:

"Good evening, City Council Members. Today I want to talk to you about two little boys and some rocks. Both these little boys live in the same region, they are both 12 years old and both have loving parents, now as we know, children are mischievous and test boundaries, so each little boy, with no parent watching, decides to throw some rocks, each boy is caught by authorities in the act. The first little boy has his parents called. His parents come to collect him. They're given a ticket and must report to juvenile court, where their parents are present, and the child is never taken out of the parents' custody. The little boy and his parents are given a fine, and that's the end of it. Now let's go to the other little boy, who has also been caught. But this little boy is arrested, zip-tied, blindfolded, and thrown into a vehicle. He is taken out of the region, in another country, without his parents and interrogated without a parent present. He is told to sign a form in a language he doesn't speak, and then the little boy is taken to court. But it's just not any court; this is military court, where his parents are still not present, and his crime is punishable for up to 20 years in military prison. The only difference between these little boys is that the first boy is an Israeli settler living in the West Bank, and the other is a Palestinian boy living in the West Bank, where there is a 99%

conviction rate for non-Israeli residents and a 1.9% conviction rate for Israeli settlers. In the West Bank there is an apartheid for people living in the same region, one of whom is living illegally, which is the Israeli, and the other is living on his own land in the region of the West Bank. Yet the one living legally on their own land is subjected to dangerous apartheid laws. It's estimated that 500 to 700 children aged between 12 and 17 are held by Israeli detentions each year according to Save the Children. Human rights have reported that the new regulations implemented last October imposed even stricter limits on family and humanitarian visits. Lawyers initially prohibited from visiting prisons and now face restrictions preventing them from visiting children regularly. The International Committee of the Red Cross has said that its humanitarian visits to Palestinians were suspended. Israel will not release numbers of the detainees in the military, and it's the only country in the world that automatically and systematically prosecutes children in military courts. Thank you."

Mayor Gilbert thanked Ms. Kennedy and called the next speaker.

Next speaker was **Elizabeth Stitt** at 3113 Friendship Road:

"Good evening. So, we start every meeting with a pledge of allegiance, and the very last phrase is "with liberty and justice for all." Tonight, you also honored American Indians and what they brought to our culture and our community, and our land. But somehow, all of those words go out the window as soon as we get past that part of the meeting because what you're doing to my property is not giving me liberty. I don't have the liberty to use it. You're going to change it dramatically, and it is not just. If we have American Indians as a part of our culture and you truly want to honor them, those of us who have not developed our property and don't want to develop our property and want to continue to keep our trees as it is, we're honoring that spirit. There is another route for the force main, it is on the other side of the highway. We actually had a yes to move it to the other side, but somehow when we got excluded from the conversations, that yes turned into yes with all of these extra conditions. I have tried to reach out to folks to say, "Hey, let's have a conversation. Let's really understand what's at risk." So, I sit back and I listen to the Pledge of Allegiance, and I'm like, do you as elected officials believe in it? And then you see the presentation of American Indians. Are they just words? When do those words become action? I've been coming here for two and a half years looking for action. I've lived here since 1991, and I have never seen our community hurt as much as it hurts now. You hear about all the developments and the loss of privacy, the loss of trees, you know wanting some common sense. People give up, people move out, and guess what, it doesn't matter if you move out because you've got a long list of people who want to move in. We're not important, I understand that. But I want to know does the Pledge of Allegiance mean anything? Is this American Indian month? Does it mean anything? Does it mean anything when people come up and talk? Because I've sat here for two and a half years waiting, waiting to see and I have seen a few things. I've seen the Oaky tree saved. I've seen Sweet Water get their extra door to their dog park and lower their speed limit. I'm greatly

appreciative that we're moving forward on the stoplight, but does it have to be this hard? I think that's what you hear, it's frustration. People have conversations. Thank you."

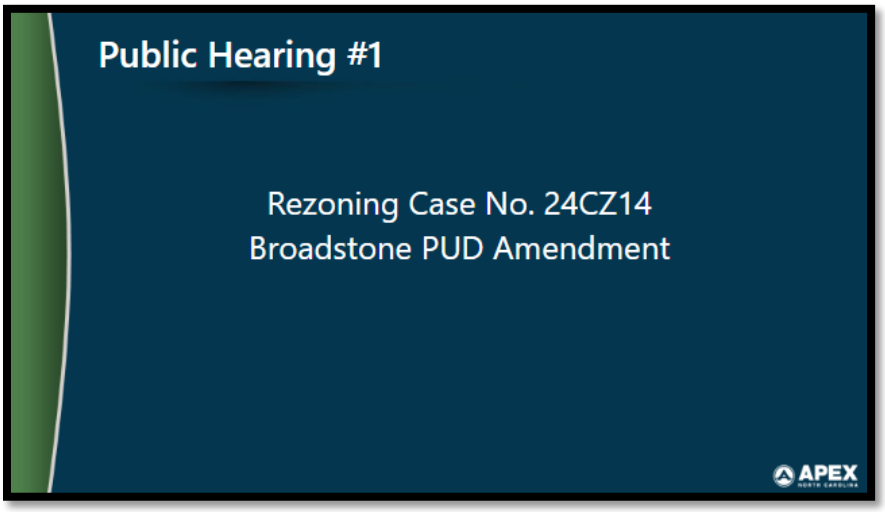
Mayor Gilbert thanks everyone that came out to speak. He closed the Public Forum and moved to Public Hearings.

[PUBLIC HEARINGS]

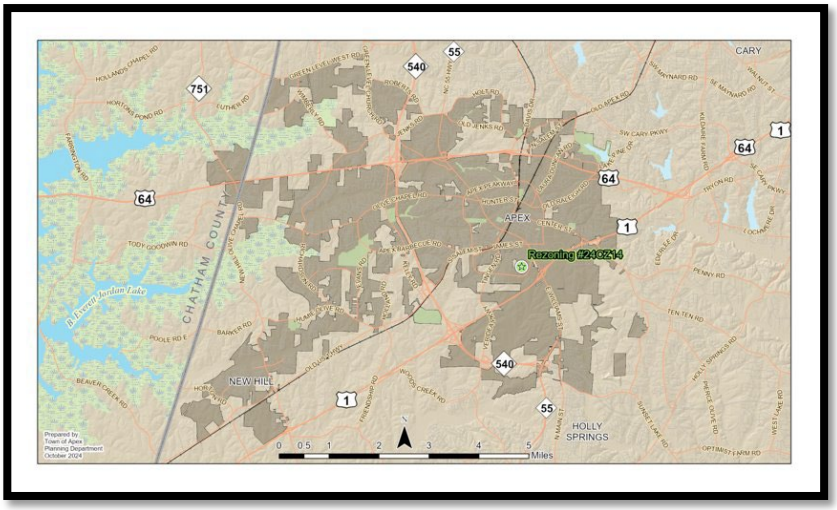
PH1 Rezoning Case No. 24CZ14 – Broadstone PUD Amendment (REF: OTHER-2024-112)

Joshua Killian, Planner I, Planning Department gave the following presentation:

[SLIDE 1]



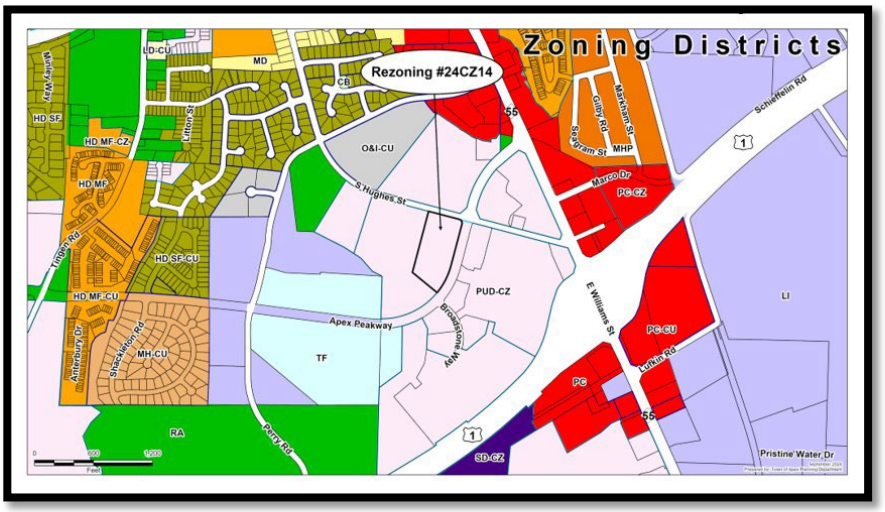
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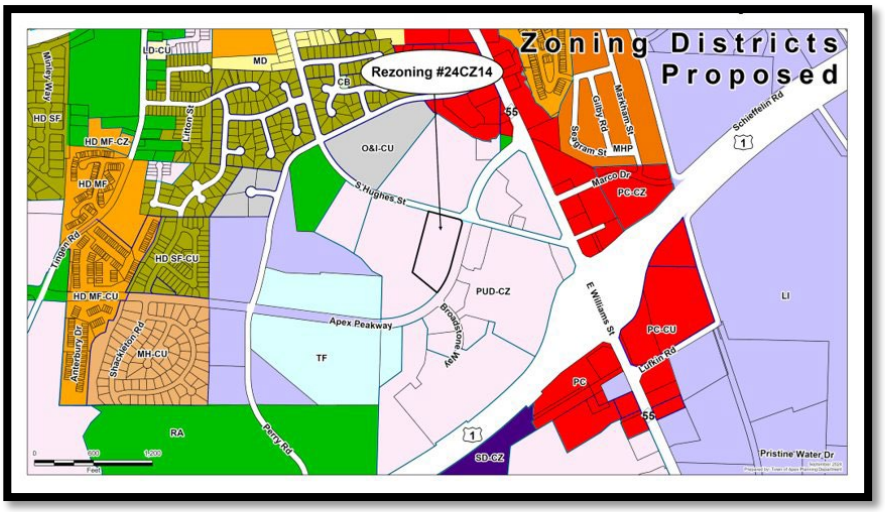
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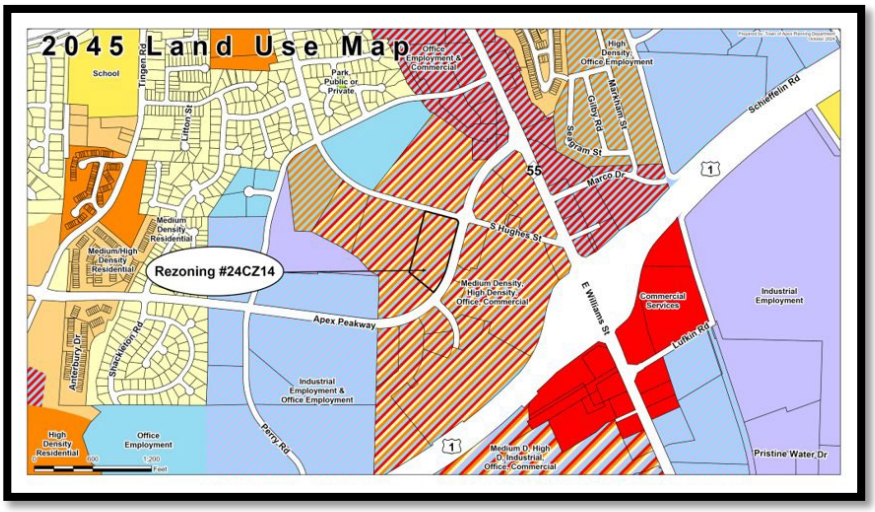
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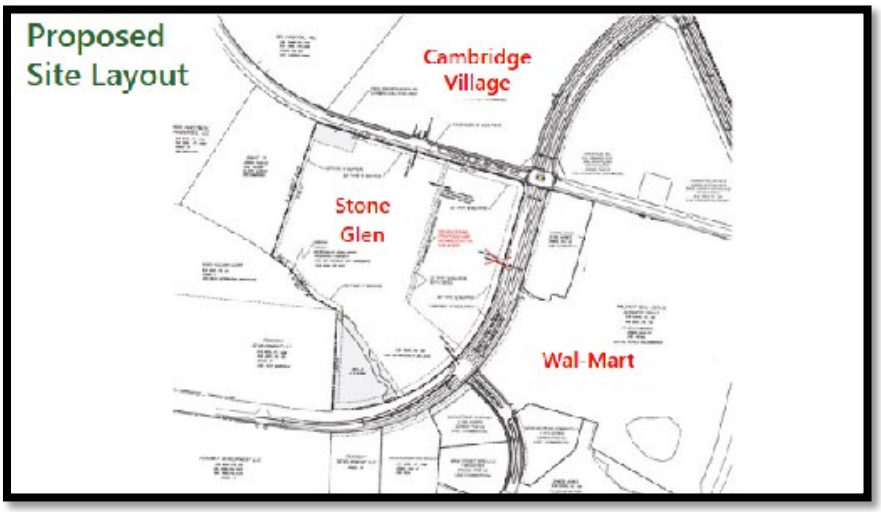
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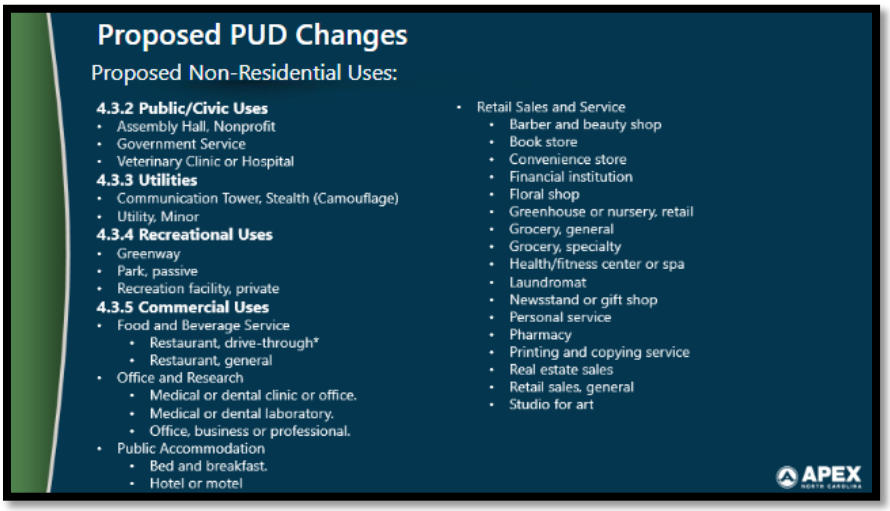
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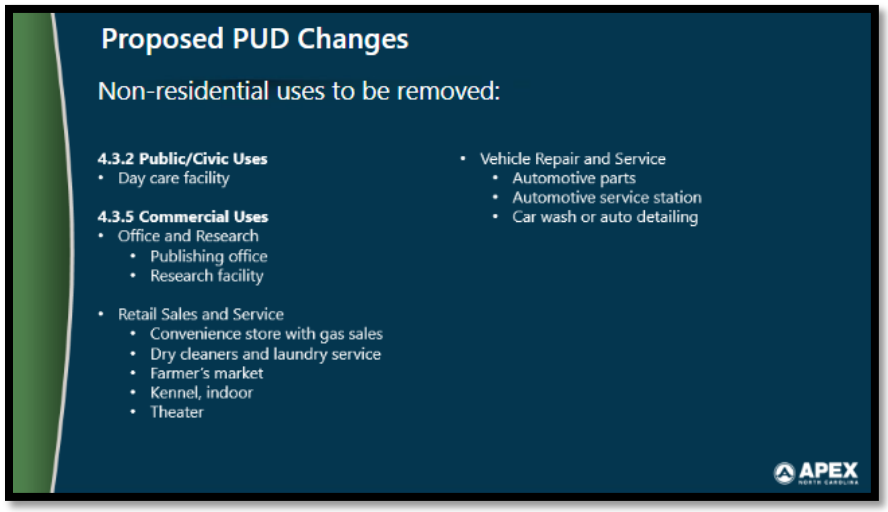
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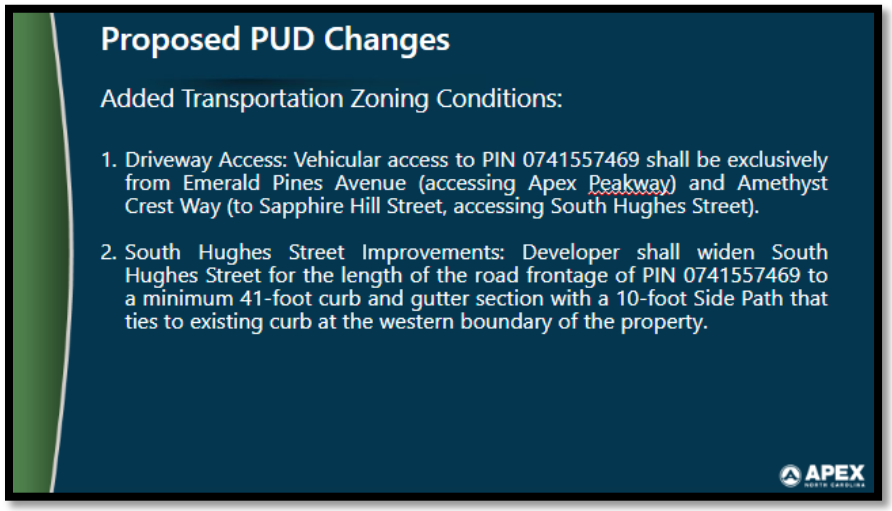
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Mr. Killian asked if there were any questions. He said that Matthew Carpenter is also present for the applicant.

Mayor Gilbert asked if there were any questions.

Matthew Carpenter with Parker Poe, 301 Fayetteville Street spoke on behalf of the developer and property owner. He said that present was Pratique Patel with Angel Management, the Developer, Jeff Roach, Civil Engineer with Peak Engineering and Morgan Rosamund, Transportation Engineer with Kimley Horn. He gave the following presentation:

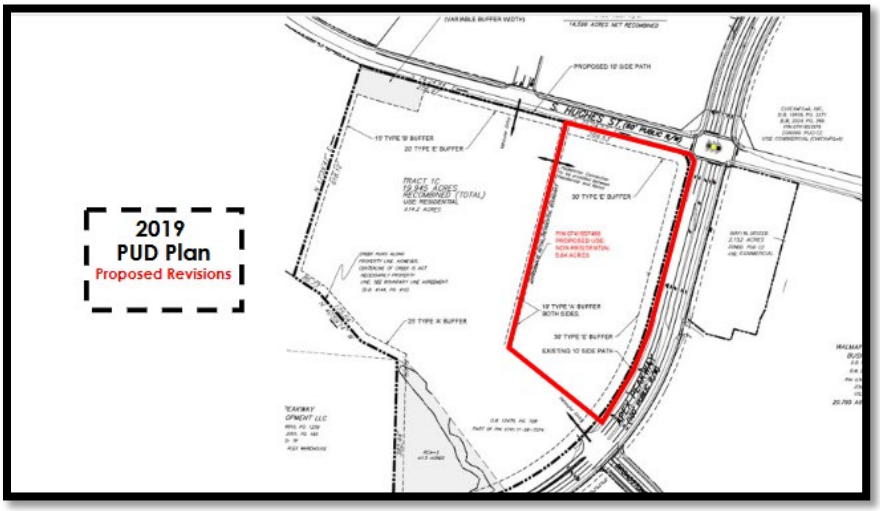
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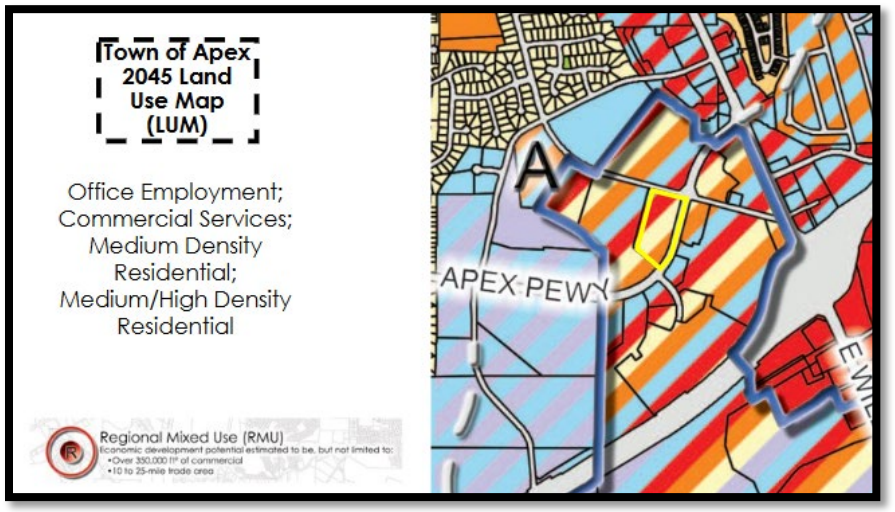
Prohibited Uses (currently permitted)

- Convenience store with gas sales
- Dry cleaners and laundry service
- Farmer's market
- Funeral home
- Gas and fuel, retail
- Kennel, indoor
- Vehicle Repair and Service

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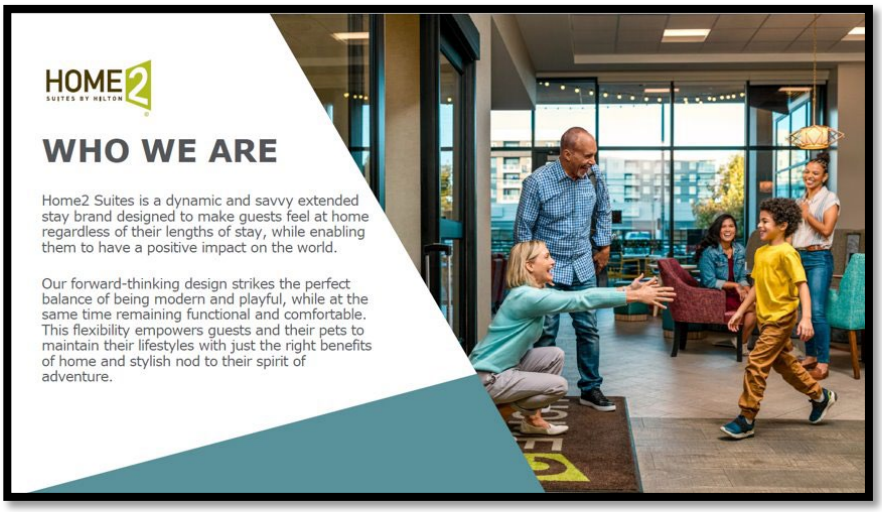
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Councilmember Gantt asked if Mr. Matthews would read the language on the site plan.

Mr. Carpenter read the language, "A minimum of 10,000 square feet of land shall be reserved for food and beverage service, office and research, and retail sales and service uses, and identified on the first site plan application for the property". He said that those use categories are essentially all the use categories under commercial, other than hotel.

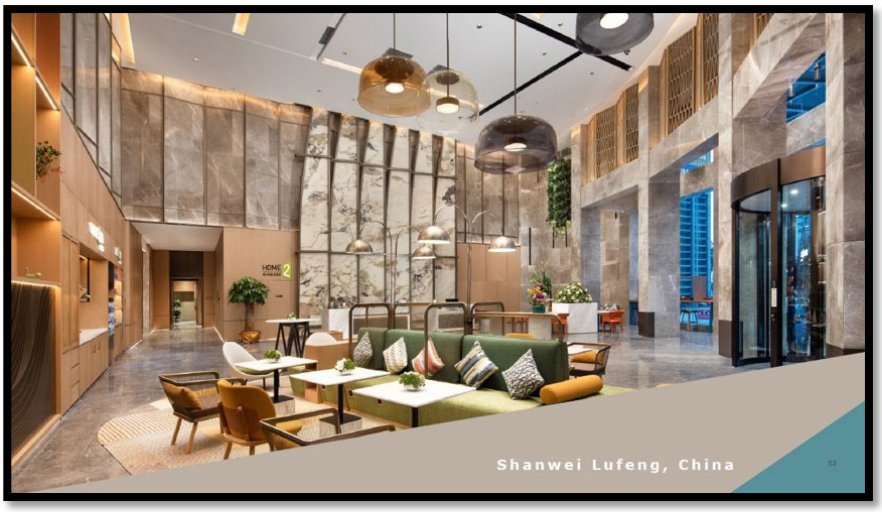
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Mr. Carpenter asked for approval.

Mayor Gilbert asked if there were any questions for Mr. Carpenter.

Councilmember Zegerman asked why they were removing the term "Residential" and make this Non-Residential and not allow a future apartment building or mixed-use apartment building.

Mr. Carpenter said that there were no residential permitted on this property now, only retail. He said that it was going from retail to a broader array of commercial uses. He said that based on the land use map there was no support for residential use. He said that staff wanted to keep it commercial, it is one of the last commercial pieces.

Councilmember Zegerman asked for the staff's opinion.

Ms. Bunce said that staff wanted to ensure that there would be retail or non-residential opportunities on this corner to serve the residents in the area and provide jobs for people that live in the area.

Councilmember Zegerman asked why the bottom floor couldn't be retail with residential on top. He said this gives flexibility to look at potential extension of neighborhoods.

Director Khin said that this was not in their request and they would have to begin the process over with a neighborhood meeting if it was added. She said that looking at the overall project that there had been people in the past that wanted to put residential on this property and that non-residential was preferred because there is already two apartment complexes within the Broadstone PUD.

Councilmember Gantt said that he said that if this would have been apartments that he would have voted for a conversion from office commercial to residential. He said this property is probably least desirable for residential, and most desirable for residential.

Councilmember Zegerman said that five or six years ago when this was rezoned these options for multi-use may not have been thought about. He asked if residential wanted to be reintroduced into this development. He said it allows more flexibility.

Mr. Killian said that there was one remaining tract of land that could be residential as part of Broadstone PUD.

Councilmember Gantt said that mixed use has been encouraged in other developments.

Councilmember Zegerman asked why limit use on this project.

Councilmember Gantt said that it was not proposed, and it is not the most urban feel at this property.

Mayor Pro Tempore Ed Gray said that possibly the intent then, by not placing residential, that this was an area the town wanted to encourage non-residential. He said that the assumption was that there would be many houses there. He said the DHIC project had many variables that led to allowing residential here, like the affordability. He said it seems the intent of development in this area overall was to limit it to commercial uses.

Mr. Carpenter said that at the DHIC hearing, that this was the only land in Apex that met the criteria for LIHTC tax credits, and this made it very unique. He said that staff and other

comments suggest that where there is commercial area on the land use map in Town, they are wanting it to stay commercial.

Councilmember Gantt said that he had asked about bus stops as a part of this project. He said it needs a crossing for safety reasons.

Mr. Carpenter said that they had discussed a potential bus stop at Emerald Pines and Apex Peakway, and reached out to Transit Planning staff. The response from the Transit Planning staff said that it would be difficult because of the mid-block crossing, the curb in the Peakway, and that there are bus stops on South Street near the intersection. He said the preference would be to funnel pedestrians at the intersection if they could not get a pedestrian crossing at Emerald Pines. He said that there would need to be more discussions with NCDOT and Transit staff again and they would be glad to do that. He said that they could not add it as a condition because they have not done the due diligence on it.

Councilmember Gantt said that the hope that if it is not a part of the zoning that it would be a signalized crossing in the future.

Mayor Gilbert opened up the Public Forum and invited the first speaker up.

First to speak was **Phil Welch** of 1471 Big Leaf Loop:

"Good evening Mr. Mayor, Council members. My name is Phil Welch, I live at 1471 Big Leaf Loop in Apex. A thought occurred to me as I was looking over the staff report this morning. I noticed that this parcel, and by the way, there was no coordination with any council members on this, this is just my own thinking, I noticed that the parcel and the surrounding area were rezoned in March of 2007 and designated as residential at that time. More recently, the parcel was reserved for retail development, while the adjacent parent parcel, and I think that was the Stone Glen, now developed as family affordable apartments called Stone Glenn. As an aside, I visited Stone Glen, and I was really impressed with the quality of the construction and the amenities that are there, I toured a two-bedroom, two-bath apartment there, they're really nice, and there's still some available, so if you know people that are looking, direct them over there. The question that occurred to me was whether a mixed-use zoning for the parcel we're talking about tonight was ever considered. I know a hotel is being proposed for the site, so I'm not sure how much of the parcel would be available for other retail uses. My thought was whether the other retail establishments might include upper floors of apartments or condos. Again, this was not at all coordinated, this is just, you know, what I was considering. In my vision, those residences could be a mix of market-rate homes and affordable homes, that would be consistent with the 2045 land use map. It would also be reflective of the market-rate homes across the Peakway in Broadstone Village and the affordable homes in the adjacent Stone Glen. Maybe this possibility has already been considered and found inappropriate for very good reasons, if so, I'd like to understand those reasons. My point is that I think the town of Apex needs to be a bit more creative and aggressive in filling our gap in affordable homes, especially for our essential workers,

especially if we're to have a chance of realizing our collective vision to meet the needs of people of all incomes, ages, and abilities. Thank you."

Mayor Gilbert thanked Mr. Welch. He closed the Public Forum and brought this back for discussion.

Councilmember Killingsworth said that she remembered in discussion when this property was rezoned that it was said that anything with the possibility of residential that it would be done as residential. She said that there are limited areas for commercial use. She said that she likes mixed use but wasn't sure that this is the right area. She said she was in favor of this.

Councilmember Zegerman said that Apex needs hotel capacity, and this makes sense for retail and commercial orientation. He said he would like the owner for future considerations to consider mixed-use in the future.

Councilmember Mahaffey said that historically commercial uses have been protected. He said that they need to be creative. He said this would help shift the tax burden away from residents more. He said he likes this rezoning because it provides other employment opportunities. He said that updating the land use map to have high density apartments could possibly be made and this would not need to be rezoned. He said this project would enrich the neighborhood, provide employment opportunities and help grow the commercial tax base, and he is in favor of the project.

Councilmember Zegerman said that there could be an update on the map of the land use, and it would have the zoning included. He said that he did not support changing the land use map for updating one property.

Mayor Gilbert asked if there was a motion.

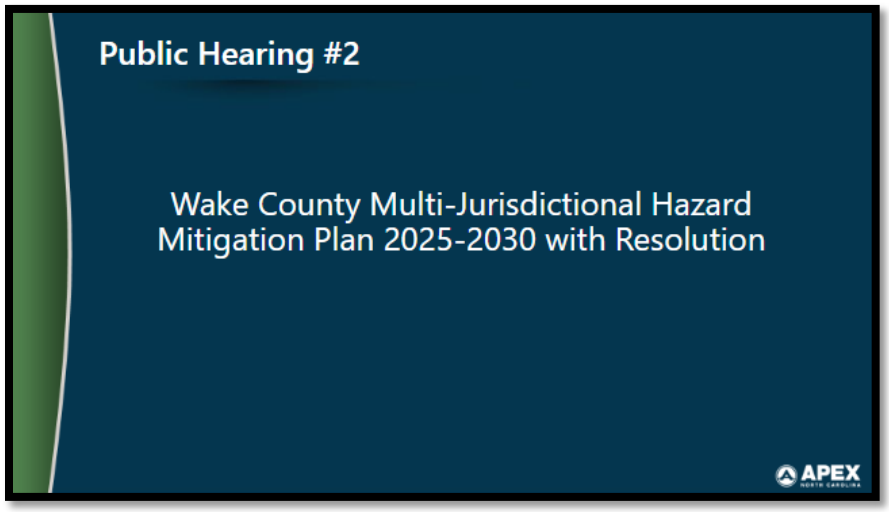
A **motion** was made by **Councilmember Mahaffey**, seconded by **Councilmember Killingsworth** to approve Rezoning Case No. 24CZ14 – Broadstone PUD Amendment - rezone approximately 5.84 acres from Planned Unit Development-Conditional Zoning (PUD-CZ No. 19CZ03) to Planned Unit Development-Conditional Zoning (PUD-CZ) , with the additional condition of "a minimum of 10,000 square feet of land shall be reserved for food and beverage service, office and research, and retail sales and service uses, and identified on the first site plan application for the property."

VOTE: UNANIMOUS (5-0)

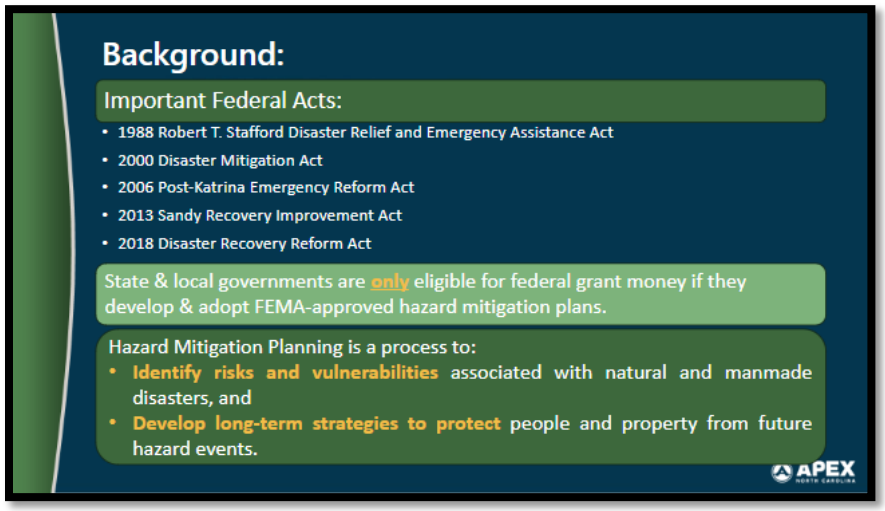
PH2 Wake County Multi-Jurisdictional Hazard Mitigation Plan 2025-2030 w-Resolution

Shelly Mayo, Planner II, Planning Department gave the following presentation:

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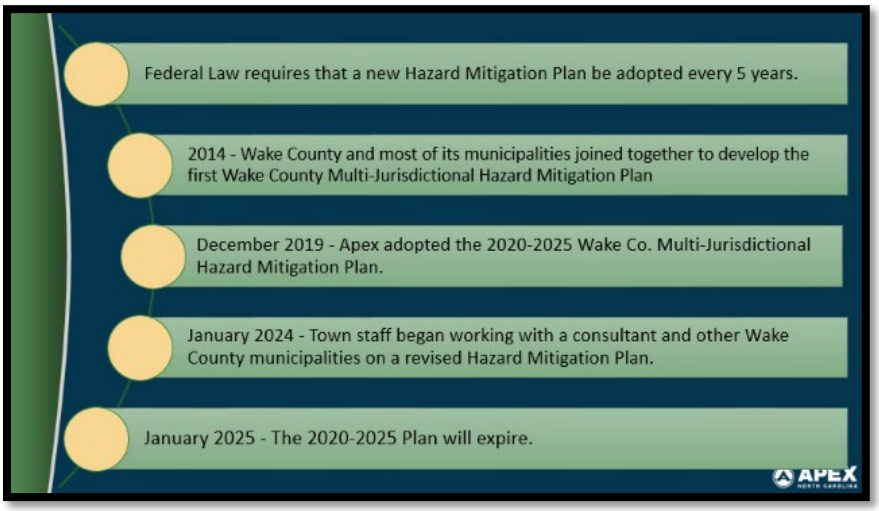
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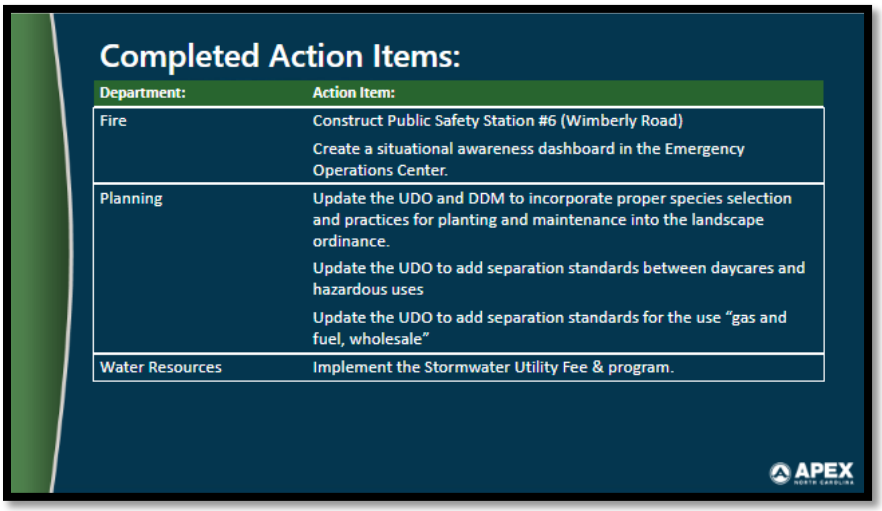
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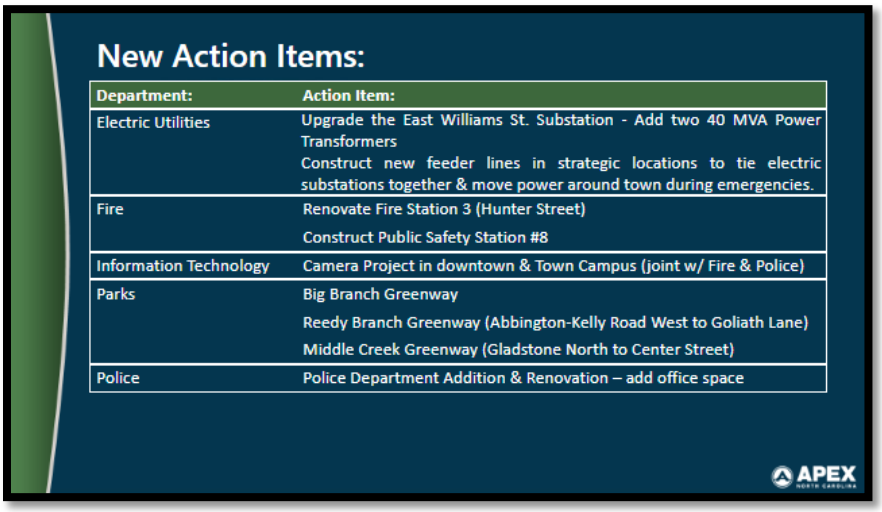
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Department	Committee Designee(s)
Budget & Performance Management	Amanda Grogan, Director & Jessica Hoffman, Budget Analyst
Building Inspections & Permitting	Jeff Nance, Code Enforcement Officer I
Communications	Stacie Galloway, Director
Community Development & Neighborhood Connections	Rebekah Shamberger, Housing Specialist
Diversity, Equity & Inclusion	Linda Graham Jones, Director & Celeste Sherer, Coordinator
Economic Development	Joanna Helms, Director
Electric Utilities	Eric Neumann, Director & Rodney Smith, Technical Services Manager
Fire Department	David Dillon, Deputy Fire Marshall Taylor Sanchez, Emergency Management Coordinator
Human Resources	Amber Bobbitt, Safety & Risk Manager
IT	Michael Smith, Analyst
Office of the Town Clerk	JP Parris, Legislative Assistant
Parks, Recreation, & Cultural Resources	Brian Barnes, Parks Operations Manager
Planning	Dianne Khin, Director & Shelly Mayo, Planner II Amanda Bunce, Current Planning Manager & Will Brown, GIS Analyst
Police Department	Matt Hunter, Senior Police Captain & Justin Rosser, Police Captain
Public Works	Heather Cashwell, PW Operations Manager
Transportation & Infrastructure Development	Adam Stephenson, Transportation Engineering Manager
Water Resources	Jonathan Jacobs, Assistant Director Jessica Bolin, Stormwater Engineering Manager

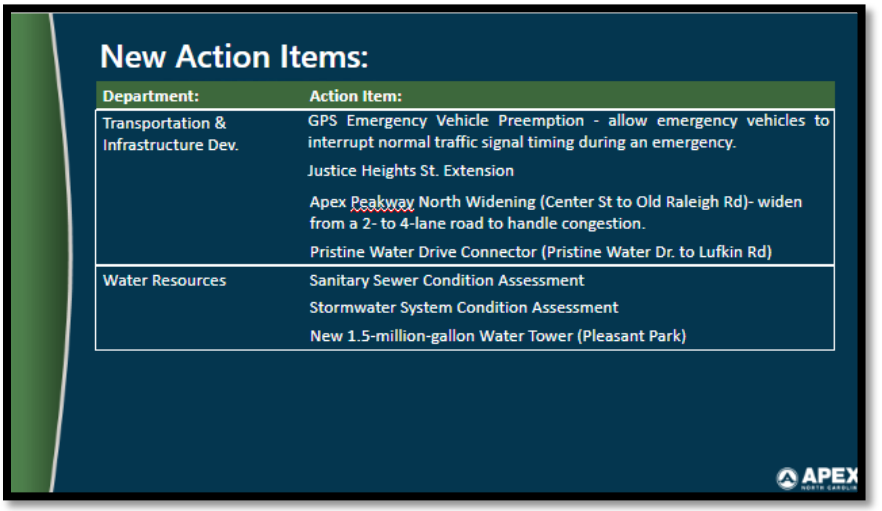
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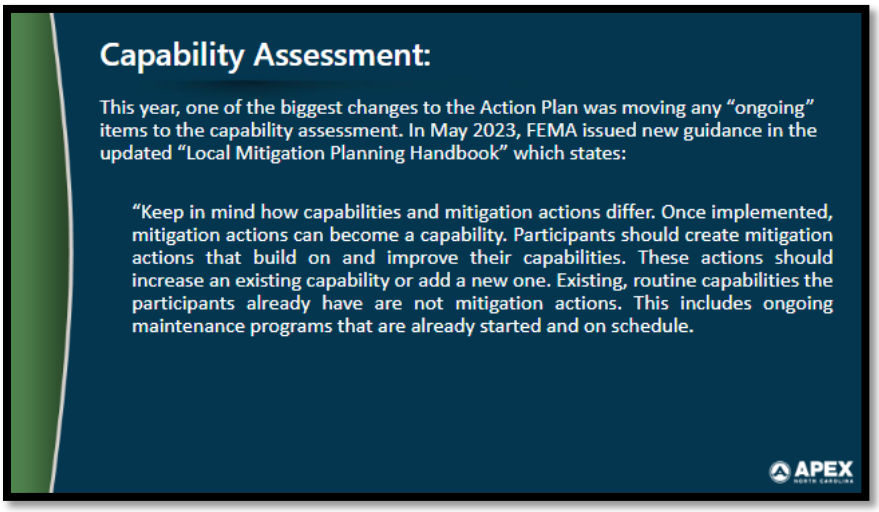
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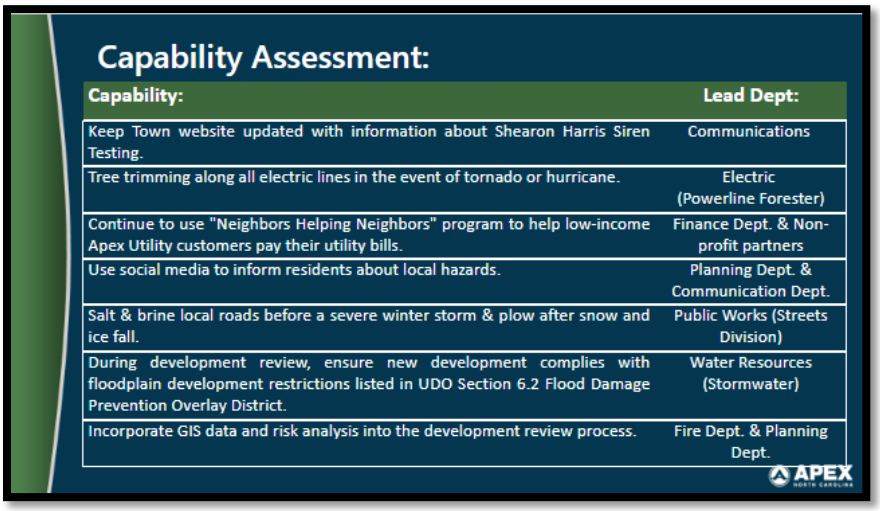
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Ms. Mayo asked if there were any questions. She said that the Planning Board did hear this at their last meeting and recommended approval.

Councilmember Killingsworth asked about the land slide being a part of this in the future.

Ms. Mayo said there was a landside that was a very localized item, due to unique circumstances. She said that she did not think this would be added in the future. She said that there is not that much land in town that meets this criterion. She said that it is possible after the data is presented that it could be added, but it would be surprising.

Councilmember Killingsworth said that landslides incur lots of cleanup afterwards.

Ms. Mayo said it would be surprising for it to be added, as there are not many places in Wake County that are both steep and poorly vegetated.

Councilmember Gantt asked what role this planning effort has for informing the residents about prevent trees from damaging their property during a storm.

Ms. Mayo said that the plan is on Wake County's website, and it will be on Apex's website. She said that there is also information on FEMA's website that they can link to Apex's website. She said that they also work with residents when they are getting permits. She said that they could also use social media.

Councilmember Gantt asked if the information included in this plan is good information for residents or is it more about the power lines.

Ms. Mayo said it was primarily about the power lines and making sure that there is not a situation that a branch falls on a power line during a regular storm. She said that the question about impacts to towns is a good question. She said that older existing trees close to houses have more risk in heavy rain and high winds. She said that trees on new developments are not allowed within a certain distance from buildings.

Councilmember Gantt said that there is value for the town related to infrastructure to talking to residents about what to look for.

Councilmember Mahaffey asked if the storm in Western North Carolina changed the thinking among staff and others when putting together this plan, or was it too late for that.

Ms. Mayo said this had been worked on before the storm in Western North Carolina. She said that there are yearly updates but that there could be updates through the year as new initiatives are needed.

Councilmember Mahaffey said that with the Western NC storms that the response was Statewide and immediate. He said that in the future the town would be able to send disaster relief Statewide.

Ms. Mayo said that electric linemen are sent to most disasters throughout the East Coast. She said that she has been told that there are firefighters and police officers who volunteer as well. She said that the State takes care of the Statewide response, and they work with them closely.

Councilmember Mahaffey asked if there was a state document as well.

Ms. Mayo said yes there is a state document as well as a local municipality document, and Wake County also has one.

Councilmember Zegerman said that actions that have been listed are recognized by the Capital Plan and reflects a community. He said that infrastructure being built is built for resiliency. He asked about how greenway construction helps in hazard mitigation.

Ms. Mayo said that the greenway is a great way to provide an alternate mode of transport especially when there are lots of people on the roads. She said that the greenways are built at an 8' wide standard so emergency vehicles can drive on them.

Mayor Gilbert asked if security enhancements for electric utilities and power stations are part of this mitigation plan.

Ms. Mayo said she was not certain about that. She said she believed there was some action taken, but she did not know the specifics of it.

Mayor Gilbert asked for staff to keep it in focus.

Mayor Gilbert opened up the Public Forum and invited the first speaker up.

First to speak was **Dawn Cozzolino** of 3632 Bosco Road:

"Good evening again. I wanted to comment too. I heard about the man-made disasters as well as the natural ones, but what I didn't hear a lot of is transportation and accidents, and what I mean is also evacuation, so we live near a nuclear plant, and we have, as I was showing you, these monitoring stations throughout our area and we're in Western Wake, right? So, it's more rural, but these numbers are very high. If we were to evacuate, I know it's going to be elaborated on, but it takes five hours to get out. Okay, that's with like old data probably. So, I want to share a story that I witnessed, and this was a couple weeks ago in my area. I don't know if you're familiar with the Dixie pipeline, it's 1,100 miles long. A tractor-trailer got lost, thought it was a good idea, couldn't turn around to back up, and decided to go on a property owner's lawn, it happened that they had the gate down, and they were mowing, they had contractors mow the pipeline. The tractor-trailer almost drove over the pipeline. Now, if that had happened, I talked to the, I have an emergency number now for my community so we can reach out if there's any questions, but that just happened during the day. Even the property owner wasn't home to understand what happened, so I got that communication out, but I got that number, and it's on my cell phone actually and the reason I bring it up is because these wacky things happen, these wonky things happen all the time. If that had happened, he told me, "You're going to see a plume of black smoke." So, what's going to happen? You can imagine somebody sees that, they're going to hit the road, and then we're going to run into all this on 140,000, 40, you know, 55,000, 19,000. We're going to be stuck in a car and not able to escape. So, I want you to take my feedback not only about this particular hazard plan and mitigation, but you know, just practical everyday things that happen. I really hope that you look at the subdivision roads report on minimum standards. It does ask for a traffic impact study on dangerous roads and safe roads, and I will send that to you. Thank you."

Mayor Gilbert called the next speaker.

Next to speak was **Elizabeth Stitt** of 3113 Friendship Road:

"So, I don't know how much time you guys took and go through all the pages, but you know I'm a data geek, and I went through every single page twice. I gave these comments to Sharon Harris Nuclear Plant as well as Wake County. But if you look at the evacuation plan for Sharon Harris Nuclear Plant, I think that is our largest risk of a catastrophe. I mean, I think we deal with hurricanes and other natural causes, but if you look at it, the one thing that jumped out to me immediately was the schools are actually evacuated to different centers than what the homes are. And I don't know about you, but if my kid is in a school evacuating to a different place than where I'm supposed to go, I'm going to go get my kid. So, you know, if you look at it, I know that people are like, "Oh, it's based on capacity," but the parents are going to follow the kids, or the parents are going to rush to the school and if you look at the Apex Friendship schools, you have people rushing to an area that you can't get in and out of. So, one of the suggestions I made to Wake County and to Sharon Harris as they re-evaluate things this coming year is there a way to have some type of alignment between the homes of those students and those schools? The other thing that jumped out to me is, in the case where we have roads that get blocked off for one reason or another, what is our helicopter capability? Because you may have to fly people in to be able to take people out. I don't think we have any of that capability locally. Then the other thing that I asked was actually for a new timed study on the evacuation route. The five hours that Dawn estimated is what the old study was, that to evacuate our part of Apex would take five hours. Can you imagine sitting in a car for five hours with nuclear fallout around you? You're not going to want to get in the car; you're going to want to shelter in place. So then that comes back to the iodine pills that Sharon Harris is supposed to give out. I have heard of some of the local daycares, they don't have the pills because Sharon Harris has run out of the pills. So, some of these things that we know that we're going to need, that I think Apex could take leadership in because we are close to the plant, I would encourage you guys to do so. Thank you.

Mayor Gilbert closed the Public Forum and brought this back for discussion or motion.

A **motion** was made by **Councilmember Killingsworth**, seconded by **Councilmember Zegerman** to approve Wake County Multi-Jurisdictional Hazard Mitigation Plan for 2025-2030 and associated Resolution.

VOTE: UNANIMOUS (5-0)

Mayor Gilbert moved to New Business.

[NEW BUSINESS]

NB1 Special Events Policy - Town Organized Events (REF: PLCY-2024-012)

Mayor Gilbert referenced page 9 and asked if the Cultural Advisor Groups were for Town events or Community events or both.

Town Manager Vosburg said that these policies were for town events.

Mayor Gilbert said that he would like to align this with what is done for the other Boards and Committees for consistency, which is a recommendation from the Mayor and approved by Council.

Councilmember Zegerman said he views Boards and Committees as advisories to Council, and the current appointment process makes sense in that context. He said that these committees are planning committees for events and do not warrant the same type of approval. He said that the community would be able to participate. He said staff should be trusted to choose who serves on this committee and that it is not up to Council to decide. He said he was not in favor of setting up committees as if they were policy advisory committees to Council.

Mayor Gilbert said that he does trust the staff. He asked Town Manager Vosburg to share his information.

Town Manager Vosburg said that staff would make the selections but if it became a political process then he would not want staff to be caught up in that situation. He said that there may need to be a formalized process, and that is what was being presented at the Work Session. He said it could become problematic if there are issues around who staff does and doesn't select for these committees.

Councilmember Gantt said he has been unhappy with the current committee selection process at times. He said that in some cases he had shared his concerns with the Mayor regarding his recommendation privately before the meeting in hopes it would avoid embarrassing individuals in public, and that it did not change things. He said that he is not in favor of expanding that process to this.

Councilmember Mahaffey said that the process of putting on an event is an operational thing, and he does not want to be involved.

Mayor Pro Tempore Gray said that committees that are geared towards providing policy and guidance to Council. He said that there is a distinction between policy and operations. He said that the Charter allows the mayor to make the selection for the Committees and Boards and the Council approves or disapproves. He said that he does not see this as a policy decision. He said the town is also running out of spots that an event can be hosted throughout the year, and that Council is involved because it is a staffing and resource issue for those. He said Council believes these events are important, but they don't want to move into the operational side of these events. He said it would be more appropriate to provide general guidance, and allow staff to work with the details.

Councilmember Killingsworth said that the more that Council gets involved the more political it may look. She said that she did not think Council should be involved with selection of Event committee members.

Mayor Gilbert asked what "rolling basis" means in the document.

Town Manager Vosburg said that it should mean that you would have people rolling off in subsequent years. He asked the staff to clarify.

Parks, Recreation, and Cultural Resources Director Craig Setzer said that "rolling basis" means that there would not be a tenure for serving and if you wanted to add people you could.

Mayor Gilbert said that he was not trying to control this process. He said that he is a very engaged Community member and hears from many people, and that he is being their voice.

Mayor Pro Tempore Gray said that it is important to make sure that no one thinks that the Mayor is trying to hide something or move something forward. He said that is not the case at all. He said that it's trying to be clarified. He said that these committees do matter. He said that he wanted to make it clear that this is still his position, that the Mayor has a role with policy focused boards.

A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember Gantt** to approve the Special Events Policy for Town Organized Events.

VOTE: UNANIMOUS (5-0)

[UPDATES BY TOWN MANAGER]

Town Manager Vosburg gave an update on Western North Carolina and that there are some employees still deployed. He said that there were numerous residents showing appreciation, some had put notes on town vehicles. He said that there were some items coming up for the holidays, such as the Tour of Frights that is October 12th-31st every night from 6:00 p.m.-9:00 p.m. He said there were about 30 houses that are participating in that event. He said Scarecrow Row was from October 24th – 31st at Apex Community Park, open until 10 p.m., and the last one he spoke about is the Goblins Group Family dance on Saturday 26th from 5:00 p.m.-7:00 p.m. at the Halle Cultural Arts Center. He gave an update on Vision Zero certification. He said that there were only two other jurisdictions in NC showing that they have this designation, which are Durham and Charlotte. He said Vision Zero is a strategy to eliminate all traffic fatalities and severe injuries while increasing safe, healthy, equitable mobility for all. He said it is a commitment to eliminating traffic fatalities and severe injuries. He thanked Council and staff for supporting this and making this happen.

Mayor Pro Tempore Gray asked could there be special recognition for the family of the crews that are in the mountains helping whose mother or father or family member that are absent from their day-to-day lives.

[CLOSED SESSION]

Council will enter into closed session pursuant to: NCGS § 143-318.11(a)(3)

A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember Killingsworth,** to enter into Closed Session pursuant to NCGS § 143-318.11(a)(3).

VOTE: UNANIMOUS (5-0)

Council entered into Closed Session at **7:59 p.m.**

CS1 Mayor Jacques K. Gilbert
NCGS § 143-318.11(a)(3)
"To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body."

[ADJOURNMENT]

Council returned to Open Session at **8:46 p.m.**

Mayor Gilbert adjourned the meeting at **8:47 p.m.**

Jacques K. Gilbert
Mayor

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

Submitted for approval by Town Clerk Allen Coleman and approved on November 12, 2024 (CN7).

APPROVED

TOWN OF APEX
TOWN COUNCIL STRATEGIC PLANNING SESSION
FRIDAY, OCTOBER 25, 2024
2:00 P.M.

The Apex Town Council met for a Strategic Planning Session on Friday, October 25, 2024, at 2:00 p.m. at the Apex Town Hall located at 73 Hunter Street in Apex North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel:

https://www.youtube.com/watch?v=6lQqnWGnreI

[ATTENDANCE]

Elected Body
Mayor Jacques K. Gilbert (presiding)
Mayor Pro-Tempore Ed Gray
Councilmember Brett Gantt
Councilmember Arno Zegerman
Councilmember Audra Killingsworth
Councilmember Terry Mahaffey
Absent: None

Town Staff
Town Manager Randy Vosburg
Deputy Town Manager Shawn Purvis
Assistant Town Manager Demetria John
Assistant Town Manager Marty Stone
Town Attorney Laurie Hohe
Town Clerk Allen Coleman
Budget and Performance Management Director Amanda Grogan
Finance Director Antwan Morrison
Transportation Infrastructure and Development Director Chris Johnson
Parks, Recreation and Cultural Resources Director Craig Setzer
Planning Director Dianne Khin
Electric Utilities Director Eric Neumann
Information Technology Director Erika Sacco
Economic Development Director Joanna Helms
Public Works Director John Mullis
Diversity, Equity, and Inclusion (DEI) Director Linda Jones

Community Development and Neighborhood Connections Director Marla Newman
Human Resources Director Mary Beth Manville
Water Resources Director Michael Denton
Building Inspections and Permits Director Rudy Baker
Communications Director Stacie Galloway
Fire Chief Tim Herman
Deputy Police Chief Trevor Materasso
All other staff members will be identified appropriately below.

[COMMENCMENT]

Mayor Gilbert called the meeting to order, welcomed everyone and thanked all in attendance. He then asked Town Manager Vosburg to speak.

Town Manager Vosburg said that the meeting would begin with the Year in Review. He said that it would start with the Directors reporting on some accomplishments and each portfolio manager would tie these into the Council initiatives.

[YEAR IN REVIEW]

Town Manager Vosburg asked who wanted to begin with the first portfolio for the Year End Review.

Dianne Khin, Planning Director, said she is reporting out what has been finished, and they are working on several other things. She said the first thing is UDO Amendments in support of Environmental Advisory Board goals, including lighting ordinance updates, EV parking amendments, limiting temporary signs and providing a public-facing map of the EV Charging Stations. She said the second is the initiative supporting multimodal goals, including installing sidewalk murals at 12 bus stops, conducting interviews with all Apex Area School principals to update safe routes to school needs, completing the S-Line Study with DOT, adding bike lanes to the Apex Transportation plan for major collectors, completing the transit prioritization study and developing a crosswalk lighting standard.

John Mullis, Public Works Director, said that there are four divisions and that he would be reporting on three of them to keep it clear and concise. The first was implementing repair maintenance replacement schedules for all public works assets to ensure asset availability and consistent public quality service. He said they completed the Town Hall generator replacement, along with the rooftop unit. He said for the Fleet Division, they completed the installation of Geotab telemetry devices on all Town vehicles to monitor utilization, repair, and downtime and that is part of the goal two initiative. Also, they were able to continue to build relationships with yard waste disposal output.

Chris Johnson, Transportation and Infrastructure Development Director reported on three items. He said the first was part of implementing transportation projects in the CIP. He said they have completed the design and acquisition of the Southwest Peakway Connector, which is now under construction. He said that also completed was design on several projects, including the Saunders parking lot, Columbarium Phase Two, which will be starting in January, the GPS emergency preemption Phase One, and two of the bike lane markings that Director Khin mentioned, Milano Avenue and Horton Ridge Boulevard, and construction on the Lower Laura Duncan Road sidewalk project and the 2024 bridge preservation contract. He said that the second goal to report on was the use of pavement preservation treatments to maximize the impact of funding, and in addition to the resurfacing contract that finished earlier this year, there is an asphalt rejuvenators contract that just began, which will cover 11 neighborhoods. The department is also finalizing quantities to put out a new micro-surfacing contract, that will be finalized for advertising by the end of this year. He said the last report is that the implementation of the Vision Zero plan has been an ongoing effort that the town been working on for several years, and as Town Manager Vosburg recently mentioned, the Town was officially recognized by the Vision Zero Network as a Vision Zero community, and have also continued implementation of monthly task force meetings across several departments and developed reporting and tracking of the 28 actionable strategies that were adopted in the action plan.

Rudy Baker, Building Inspections and Permits Director, said they have continued to provide permits on a day-to-day basis. He said they have provided excellent customer service by adding an online portal to the department's webpage so people can submit information they need from us or anything in general. He said that there had been public outreach to the community, and 50% of our staff has been involved in public outreach, attending PeakFest and the Housing Fair. He said one of the department has been to continue to be fully staffed through various retention and recruitment efforts. He said that one the supervisors attended three of the events for Wake County Public Schools through Connect for Success for the students to build sheds and that they had attended three of those to raise awareness about available special positions. He said that there had been participation in two community college career fairs, and two ride-alongs with high school seniors to help fill positions.

Michael Deaton, Water Resources Director, said that there are three departments he would report on. He said that the first one is Operations. He said that in 1991, the EPA created the Copper Rule, and recently we had a Copper Rule provision which required us to identify service lines as non-lead, and as of October 16, the town does not have any. He said the next phase, will involve additional sampling requirements throughout town, including schools. He said that that Stormwater Engineering started the utility fee back in 2022, and since then, our first project has been the stormwater condition assessment project, which is currently in phase two, which is looking at a baseline condition for all infrastructure and determining the risk of failure and the consequence if it happening, and this would help understand where things are very high or low in terms of risk, which will help us develop future projects as our

infrastructure ages. He said that the last thing to report on are various projects that has been underway on the utility side. He reported on the Lawrence Crossing rehab project near Perry Road that has been completed, as well as the advertising for the tank project, which has been advertised and bids will be opening next week.

Eric Neumann, Electric Utilities Director, said there were few things to highlight that have been completed this year. He said that the first group would fall under sustainability and reliability, in support of high-performing government. He said that there had been an increased focus on maintenance, and there had been some rather large investments in capital. He said that the substation transformers have not been tested in many years, so testing has begun and that we have completed our Mt. Zion substation this year and that will be going back to Laura Duncan and East Wing substations this upcoming year, and then this will put us on a good cycle to continue that maintenance. He said that there will be replacement with the high-voltage breakers in the Laura Duncan substation this year, which has been part of the town's plans. He said that maintenance is difficult to balance with growth in the town, but it has been a priority it and the money has been put forward to get that done soon. He said that as far as what he would classify as responsible development, some projects fall under that category, although it's not complete and may take a while, the MSU project, placing the meters throughout the town, is highly critical for the Electric Department going forward. He said that the project has started, the initial phase has been completed, and now we will be going on to the main phase of that project shortly, so hopefully next year we'll have that all complete and have that system in place so that the town can do some innovative things. He said that LED replacement has been going on for many years and is continuing, and he is hopeful of it being completed this year. He said that there are more phases of it, and they are hoping to get a majority of the decorative fixtures complete this year, and potentially flow in some of the general streetlight replacements as well this year. He said that the recent increase to developer fees has allowed them to stay more in line with reality, and it allows us to keep capital flowing into our revenue base so that we can make the investments mentioned, because it requires a lot of dollars for better design and development.

Assistant Town Manager Marty Stone reported on the initiatives from 23-24 because it was never really reported back on and some of the Council initiatives and the portfolio that was worked on so that will be for 23-24 and 24-25. He said for a Welcoming Community, there is a neighborhood improvement grant. He said that the historical walkway program was increased to $4,000, and we contracted landscaping to maintain the park and improvements in that program. He said that for environmental leadership, the town has provided free electric car chargers in various locations, standardized EV charger specs, created a permit to identify and map charger locations, and Stormwater added three electric trucks this past year. He said that there was an Adopted Tree Preservation Ordinance to maintain and increase Apex tree canopy cover, and something very similar with an ordinance to protect tree canopy coming up this year. He said that there has been an increase in Plant the Peak from 100 to 234

trees planted this year. He said that zoning conditions are being looked at and other potential ways of increasing canopy in rural areas to address tree canopy loss, and that is an ongoing process. He reported on responsible development and that one of the initiatives was public transit options in the RTP area and increased transit operation frequency in 23-24, where there was increased awareness of Apex, and continued to try to expand that program. He said that under responsible development was focused on improving bike ability across Apex and bike lane ordinances were updated, a policy update for bike lanes on major collector streets, and there were updated standard details for Olive Chapel Road marking for bike lanes and designs for Milano Avenue and Horton Ridge Boulevard bike lanes. He said that also under responsible development was creating opportunities to expand affordable housing options, and developed new expertise in Inspections. He reported that for the 24-25 items under Welcoming Community included working with Wake County to provide a second library in Apex, they met and provided information to the Wake County library staff in August of 2024, and then in September of 2024, GIS provided a suitability analysis for possible friendship library locations. He said that another Welcoming Community initiative was to purchase the Williams property to create a park and that property was purchased, but there has not been anything done with it at this time. He reported on responsible development, a pedestrian bridge over Humie Olive by Friendship Campus has been looked at by staff preliminarily but that the grade is not very conducive to a crossing, and the cost estimate to do that work would be somewhere between $5 and $10 million. He reported on economic vitality, the Western expansion master plan was completed, and then Big Branch 2 and force main design is about to be bid soon, hopefully. He said that under environmental leadership, the discussion off the ordinance protecting the tree canopy, and expanding Apex Cares by identifying code enforcement issues ahead of Apex Cares projects. He said that his portfolio is tremendously impacted by development, these are projects that address Council initiatives. He said that this group does tremendous work for the development community.

Erika Sacco, IT Director reported on three goals from the Strategic Plan and these goals are to maintain and improve service level agreements, ensure data technology is accessible and presentable, and project management and facilitation for innovation. She reported on the first one which is to maintain and improve service level agreements. She said that's a bunch of technical stuff in the background, but she thought they would like to know that there was a lot of money saved. She said it usually costs a lot of money, but there was a lot of money saved. She said that the State awarded us another cyber grant for $100,000 coming for the grant in 2024, and that will be put toward a lot of projects and assessments for 2025 in the area of security. She reported on the telecommunication expense project and thanked her staff. She said that for the monthly savings, a company came in and did some assessments on the circuits, what we're paying against other municipalities or other companies, and how that relates back to us to make sure that our circuits weren't stagnant with payments and what we were doing. She said that they worked with Spyglass, and that Finance and Budget were a big assistance in that as well, so they were able to cut a bunch of circuits that weren't needed and reduce our costs and increase savings, so they like to tout it

as a three-year savings of about $430,000. She reported on the second goal, ensuring data technology is accessible and presentable, she thanked her staff and others that helped on the enterprise resource planning software, which has been in the works for many years and there has been lots accomplished this last year, and there are go-live dates in place. She said that they have the AMI and are also working with Mill Soft and SCW for utility billing and metering, and they are working on building out the AskApex call center. She said they are also working on some other CRM customer management-type applications. She also reported that last year the initiation of phase two on the IPS side, which is the development side, and they will be heavy into that this upcoming year. She said that finally, the last one was the innovation items and that they have been doing pilots with cameras and AI for parking and parks. She said they are also working on a pilot for determining how long people have been parked in preparation for the new Saunders Street lot.

Linda Jones, DEI Director said that for the Welcoming Community, they had achieved the following three goals. She started with the highest part, which was the adoption of the Language Access Plan by Council on April 23rd of this year. She said that from that they have implemented ReciteMe, which is the website accessibility software, and that has been very positively received by the community and the staff. They were also able to hire a lead fellow from the UNC School of Government, and she is creating the implementation plan that proposed back in April, and that there would be an update in February regarding that. She said that with our ReciteMe website, there is some data and analytics that she will be able to share. She said that they had completed several DEI foundational trainings for departments around the value and importance of what diversity, equity, and inclusion is, and how that is being incorporated into the social fabric of the Town of Apex. She added that in January, they would be rolling our another phase of trainings.

Stacie Galloway, Communications Director, said Communications spends a lot of its time ensuring the other projects going on in the room are successful and the information gets out properly. She reported that this past year, they were excited to celebrate the town's 150th anniversary, and that was led by the communications department. She said another goal within Strategic Plan was to increase awareness of special events, including both town events and community events. She said they established a communications plan for all those events, which has helped to establish expectations for event organizers. She reported that the third initiative is the launch of Team Apex Brand, which partnered with the HR Department on an internal communications piece to celebrate the culture of the town. She said they wrapped everything into this Team Apex branding with a reformatted landing page and also a reformatted e-newsletter, which is being really well received by staff. She said that there's a lot more input into that product and a lot more output, and it's really getting a lot of appreciation and that's always great to hear from staff.

Antwan Morrison, Finance Director, reported that they had two stated goals. He said Finance has several objectives they have met or will be meeting. He said that they had been

working with the town's surplus supplies in departments to make sure that we're turning over unnecessary supplies. He said that they had posted an internal training for accounts payable, and they are researching several processes they can update. He said that one of the first ones is the large ERP conversion that the town is getting ready to go through. He also reported on enhancing the financial reporting so that the town can get better and more user-friendly information, as well as a focus on our external electronic vending process, which would help the town with its bid processes. He said they have partnered with Economic Development and DEI to ensure they are reaching a broad network on vendors. He said for fiscal responsibility, they have been focusing a lot on debt planning and focusing on what the next 5 to 10 years look like, as well as providing complete information and diversifying investment strategy. He said that the management strategy makes changes in how the town pays, giving the town more opportunity to earn more money. He said they have been working with DebtBook, which allows the town to plan and centralize all of its debt administration, which has helped across the town. He said that they are still working through some of the challenges but have made strong strides in that process. He said that something went out to staff yesterday showing that the town increased its rebate by 264%, just from using town cards more efficiently. He said changing thinking to not always use checks can help the town save more money.

Joanna Helms, Economic Development reported on goals under the Economic Vitality Town goal. She said the first goal was to strengthen and grow the existing business and industry community. She said that the objective there this year was to engage the existing Apex business and community to implement strategies and other things. She said in the past year they have created the Apex Small Business Advisory Group, which is open to any business in Apex, large or small. She said they hold quarterly meetings with that group to get their specific feedback and input on different programs, workshops, and promotions that the town is proposing throughout the year. She said the group provides valuable feedback on town programs and ways to help the business community in Apex. She said that goal number two is attraction of new business and industry. She said that the objective was to maintain Apex as a choice business and industry location. She said they hosted a team from the Economic Development Partnership of North Carolina (EDPNC) for a familiarity tour of Apex Gateway, which is a development near Highway 54 and 751. She said EDPNC is the State's agency for recruitment and marketing, and this event was to help make sure that all those folks understood what the town's product and community were like. She said getting people familiar with the actual business locations is very helpful in recruitment. She said another goal was to establish the town as a tourism destination, and the objective is to plan and invest in the tourism infrastructure. She said that they had completed identifying the current infrastructure in the town, which allowed them to determine where the gaps or opportunities are for new tourism initiatives, including experiential-type businesses that can attract people to Apex. She said that they also created a new tourism website and upgraded the interior of the depot as a welcome center to boost the town's profile.

Mary Beth Manville, HR Director, reported on their accomplishments in HR this past year. She said that one goal of the department was enhancing leadership and managerial skills of Town supervisors. She said that they completed an in-house developed core foundations training that is unique to Apex, and all of our supervisors will go through the program between October 2024 and January 2025. She said that it will be an ongoing course that will be offered regularly as both newly hired and newly promoted employees come on with the town. She reported that under their goal of creating exceptional employee experience and fostering a positive workplace culture, they completed a townwide workplace checkup survey and had a 70% response rate with 411 out of 588 employees responding, which she thought that was a great response rate. She said that even amidst the timing of when the town did the survey, which was in October and November of last year, when there was still some anxiety about the vacant Town Manager position. She said that 80% of our organization said that when they tell others where they work, they feel proud, and 77% of those who participated said they would recommend the town of Apex to friends and family as a great place to work. She said they hired an in-house training and development consultant who provides training to all of Apex employees that is available to everyone in the organization. She said that they launched three courses in the Spring that are on an open calendar that anyone can sign up for and they are all voluntary. She added that there were over 100 employees from across the organization that have taken advantage of these courses, and they think this training is something employees have been craving, and they are excited to continue building out that program.

Amanda Grogan, Budget and Performance Management Director, reported on the goal of responsibly developing and supporting the town's financial plans and projects. She said one of the things the department has been working on is public engagement. She said they have been trying to expand opportunities for the community to be involved in the budget process and be more aware of it, through budget surveys and videos. She said this year's resident survey engagement rate was increased this year by almost 2.5%, with over 12,000 social media accounts engaged. She said that another goal is to guide the town's strategic plan and measure its performance, and this was something that was done with all departments. She said it ensures that the majority of our departments have at least 90% of their performance measures being quantitatively tracked, exceeding the target. She said they received the Distinguished Budget Presentation Award for the FY25 budget, which was developed in 2024, and also got outstanding recognition for the strategic plan and performance measures. She said that the last goal is to enhance the sustainability of the Town operations to conserve resources and reduce the town's carbon footprint. She said staff did an amazing job adopting that in August, but it was put together prior to that with KPIs to track our progress toward our goals, and metric tons of CO2 equivalent decreased significantly from 2023 to 2024, from over 5,700 to around 4,700, which is a great success, and attributed to all of the different teams here today.

Deputy Town Manager Purvis said this was the performance strategy portfolio, and their work incorporates every other department as well. He spoke on the initiatives that Assistant Town Manager Stone did. He said that he wanted to continue on a few things this group has worked on, starting with the EV chargers. Assistant Town Manager Stone mentioned some of the things we've done, but within the Budget Group and sustainability team, they have been working with the fleet staff for developing a plan for setting up the necessary infrastructure. He said that they had received some grants to install chargers, and those are either coming or have been put in place. He said that they are looking at possible options for setting up a fee system for the public to be able to use the chargers as well as directed by Council, and there is more discussion to be had on that, which will happen at the next Finance Committee meeting. He said that the other initiative they've been working on under economic vitality is implementing regional and public-private partnerships, which involves a lot of work with Economic Development. He said that they have worked with Apex Gateway, and continue to partner with the private sector out there to assist with recruitment in the area. He said that Phase one is almost completely full and that they have all their buildings in Phase one under contract. He said there is still work being done preparing for Veridea, though making connections and establishing partnerships there. He also mentioned the partnership with Wake Tech. He mentioned Fire Station One in downtown, as you know, is part of the downtown plan and is coming up, and the town is putting together an RFQ to advance that work to see what it may can look like as part of that. He said that study will be coming this upcoming year.

Trevor Materasso, Deputy Police Chief, said there are three highlighted three areas he wanted to share with the Council. He said they have been working with other departments on the completion of the firearms training facility. He said they are looking forward to having Council out there to see it. He said it has been a big project, but it is important to keep the force well-prepared and trained. We're very excited that that is now in place, and they will be using it soon. He said the past year has been low on violent crime, but there have been several impactful tragedies in the community. He said there were three homicides, which is very rare for the department. He noted the bravery and expertise on display when officers stopped an active shooter event, which tragically killed two community members. Those arrests have led to a case that will be presented through the court for a high probability of a very good prosecution and conviction. From a law enforcement perspective, that's a significant impact because it's incumbent on them to serve the community, the victims, and their families after the fact by being able to present a case to the district attorney. He said the domestic incident that led to a murder at Molly Maid's is another example, where after the tragic event the department quickly identified the perpetrator and took them into custody. There was collaboration and partnerships with State and Federal counterparts in that search, so those connections helped greatly. The last thing to highlight is the CAR Team, Crisis and Advocacy Response Team. That has been in place for over a year, but the mission has changed, and the focus has really shifted from a reactive response, where it was assigned to the Criminal Investigation Unit, and it has now moved to the Patrol Division. He said this was

done because of the times these calls were often received. He said the focus for it now is responding to the crisis first, and working with them to offer support second.

Marla Newman, Community Development and Neighborhood Connections Director, highlighted the new hires this year that have made of the work in her department possible. She said they enhanced the Apex Cares Program in June and expanded it to create urgent repair program, an architectural barrier removal program, and a weatherization program. She also mentioned working with the County on the housing stability programs which will help those who may be experiencing housing instability or homelessness and connecting them with the services that currently can only be accessed to Raleigh. She said they also were able to raise the cap on what could be expended on these repairs from $20,000 to $40,000, which has helped make the funding for the program more secure and predictable. She also said the town did its first full Housing Fair this past year, as well as a community revitalization project in Justice Heights as part of Think Apex Day. She added they have also completed their community needs survey. She said that survey had 1,912 views, 815 participants, 13,837 responses, and 775 comments. She said she is very proud of the department getting so much engagement on this, and gave credit to all of the new hired that have hit the ground running with their work.

Tim Herman, Fire Chief, said the Fire Department has three overarching goals that have 12 objectives, all in support of our goal of high performing government. The first accomplishment he highlighted was enhancing our training and professional development to prepare and retain employees for a successful career with the Apex Fire Department. He said they created a new division within the fire department called Professional Standards. He said they implemented a new internal training program, revised all professional development guidelines, procedures, and job descriptions, aligning them with the town's HR's recent career progression and job description update project. They also created internal development programs for our firefighters, drivers, and officers. Additionally, they updated and streamlined external training and professional development opportunities. The next one he highlighted is related to fire department performance evaluations and data-informed decision making. For human input, they created data input guidelines and workflows and implemented training. They've also introduced new technology, including rugged computers, updated internet GPS devices in vehicles, and regular data reports for staff. They are evaluating response times from both first-arriving apparatus and effective response forces, doing this both in-house and through a third party. They've also started the international fire service accreditation process, which will related to everything he mentioned already and much more. He also spoke about the accomplishment of improving community outreach efforts, including the education of residents, and that was done through hiring the town's first Community Risk Reduction Coordinator, Courtney Queen, who is doing a fantastic job. She is creating intentional programs targeting audiences ranging from children to older adults, and she is enhancing presence at town events to provide resources, education, and support. She has provided resources to our staff, requiring them to participate in education programs. She

provides lesson plans, PowerPoints, and guidelines to ensure they hit the most important points when speaking on education. Additionally, she has formed partnerships, both internal and external, and has created PR definitions.

Craig Setzer, Parks, Recreation, and Cultural Resources Director gave updates. He said that the first goal he would like to talk about is providing diverse, equitable, and inclusive programs and opportunities. He said they were really excited to hire Ellison Lambert as our Volunteer Coordinator, which was part of our objective to implement a Volunteer Management Program, and she has produced a manual for that program for the first time. He said the town has accumulated a little over 17,000 volunteer hours since July. He said analyzing that a rate of about $29 per hour, that's roughly $500,000 worth of value added to the department through volunteering. These numbers include Apex Youth Council, Dr. Park Youth Athletic coaches, and volunteers who have also assisted with festivals like Latino Arts Festival, Touch a Truck, and numerous other athletic leagues. This will be the first year that we actually acknowledge and recognize them, so that will be exciting in the spring at a volunteer recognition picnic. The next thing is goal number two, which is welcoming the community and facility spaces that can satisfy diverse interests and provide services. He said the town currently has Beaver Creek Greenway, Middle Creek Greenway, Apex West Greenway, and Greedy Branch Greenways under construction. He said they have completed a feasibility study for Middle Creek Phase 3 from Jesse Drive to Ten Ten Road. Ultimately, that will connect Swift Creek Connector to the Town of Cary. Design contracts are in legal for the bike track, and the design contract is also in legal for West Street. Street Hockey courts at Apex Community Park are currently under construction. He said the department is working with Daniel Edwards on the Environmental Education Center design, as well as finishing up any changes to the design. He gave a shoutout to Angela Reincke, Parks Planning Manager, a shoutout for all of her hard work in making these things possible. He said the last thing he'd like to mention is Pleasant Park. Getting the park open, as it did in the Spring, was on the major goals. This goal combines providing diverse, equitable, and inclusive programming opportunities, as well as welcoming the community and providing facilities and spaces that satisfy diverse interests and provide services. Since the park has opened, the department has started a new flag football program with 12 teams and 120 participants. He said they have also increased our fall soccer participation by 18 teams, which includes over 234 participants. The expected park attendance over the first year is around two million visitors. They've also hosted nine events, including spike ball, Gaelic football, and several cross-country and soccer events.

Assistant Town Manager John reflected on the year and the most recent initiatives. For fiscal year 2023-24, the beautification grant is in its final stages of development with a launch date of January of 2025. Under the second goal, increasing the number of elementary school resource officers, the SRO special assignment announcement was officially posted on October 11th, and it closed on October 25th. For current testing, one was added on the current fiscal year cycle, and there is one vacancy from retirement. For 2025 and 2026, they

will ask for the two positions which were deferred because the high school opening was delayed. She mentioned Council will be receiving a full presentation at the Public Safety Work Session in November. Regarding responsible development, she mentioned that for the Apex Greenway and the Middle Creek Greenway, we did have the funding agreements expire, but they were just executed those this week, so they have been extended with Wake County. Under the opportunities to create or keep affordable housing options, Director Newman mentioned the expanded Apex Cares program, and what the enhanced programs are under that, but she added the town has a new multi-year contract with RTT to administer the Apex Cares program. Regarding Stone Glen, as of September 1st, there were 94 of the 164 units occupied. She said they are also looking at adding another opportunity for Think Revitalize work that the community can engage with. She said she will be bringing more information about the co-responder program and CART program with WakeMed and Helpline to them at the Work Session in November. She said the CDNC team is working on a strategy to help revitalize the Justice Heights neighborhood, and they should be able to bring more information about that in the Spring. By then, there should be some proven successes on some things, and we will have an update on the affordable housing plan as well as the assessment of housing needs and that will also be coming in the Spring. As far as assisting with real estate acquisition, the town will be closing on the 12 acres at the end of the year for affordable housing and mixed-income housing. There will be an opportunity, hopefully, to host a roundtable as we further define what affordability looks like in housing. The town hopes to put together a roundtable or design session next year, where we can bring developers to the table so that we can begin conversations with those interested in coming into Apex and developing housing. She said they are continuing to work with other staff within the town, shopping for land opportunities to develop housing, especially around workforce housing. She mentioned the vision for a public-private partnership for Fire Station One. She said that is underway and they will hear more about that at the Work Session. She mentioned assistance with getting permits for Apex Cares, which is something that RTT is already leading on the town's behalf, in terms of identifying code violations or issues with construction for Apex Cares projects. Additionally, staff will be updating the Apex Cares communication plan to reflect on any changes, so that will also come early next year.

Town Manager Vosburg said this is a lot of information. He said they have a document to give to them showing all of the highlights. He said he wanted Council to be inspired and informed on all that was going on, and he thought this was a good way to get things going.

Mayor Gilbert called for a ten (10) minute recess at **3:08 p.m.**

Mayor Gilbert reconvened the meeting at **3:16 p.m.**

Councilmember Gantt asked if there was an organized effort to learn from Western Carolina Utilities about lessons and recovery efforts.

Director Neumann said they learn from every storm that ever happens. He said they will look at of the information in the reports when they come out. He said that they try to be pro-active and they have a relatively new system. He said that trees are always the biggest concern around the power lines. He said they prepare knowing the possibility coming through the area is likely to happen at some point. He said they have a plan in place to respond quickly, and they have a good setup for being able to access all of their lines.

Councilmember Gantt asked Police to speak more on the support for mental health for the responding officers.

Deputy Chief Materasso spoke about the classes that police chiefs attended recently, and how they learned a lot about post-traumatic stress and how to deal with it. He said he has been pushing this heavily since arriving to the town. He said that Apex staff haven't been exposed to this type of thing, and so they are working on a peer support program that collaborates with the Chaplain program. He said they were developing a wellness group. He added that they are looking at policies to ensure employee wellness by proactively stepping in for officers who may need support. He said they are also working on programs and initiative for immediate post-critical event support, and are working to secure grants for these programs as well.

Mayor Pro Tempore Gray asked what resources are being provided for the family of the Officers.

Chief Herman said that the resources that they use are offered to the families as well.

Councilmember Mahaffey asked when the Smart City program could be rolled out to the residents.

Director Sacco said that this is a pilot currently and they wanted to know how well the technology works. She said that once everyone is more comfortable with it, they will roll it out. She said they want to ensure everything works well before investing more money. She said they are looking at expanding the platform as they learn more about, and it will gradually become more complete.

Councilmember Mahaffey asked if they could get a demonstration at the 2025 Council retreat.

Director Sacco said that would work.

Councilmember Mahaffey asked Director Morrison about the electronic bids platform and has it had been deployed, or was it coming.

Director Morrison said that it is new and just getting started. He said the evidence has shown that using something like this will get the bids in front of more eyes.

Councilmember Mahaffey asked Parks and Rec about the cricket pitch.

Director Setzer said that it is going really well, and it is more of a practice pitch, and they are looking at additional ideas to address cricket in the community. He said overall the feedback had been great.

Town Manager Vosburg said they have had several meetings with members of the community closely involved with cricket, and they are working with the town on additional planning.

Mayor Pro Tempore Gray said that it was amazing to see all of the accomplishments that all of the departments have done. He said consistency amongst contracts would be helpful so that processes could be more defined for bidding, quality assurance, and data. He said improving the process would help enforcement and provide incentives for exceptional work.

Councilmember Zegerman talked about Council priorities regarding transit. He wanted to see if there were any updates.

Director Khin read information from Long Range Planning Manager Shannon Cox regarding Apex's work in this aspect. She said Apex is heavily involved in planning for Regional Connections with RTP and other regional transit connections, and these would be included in the scenarios for public engagement. She added additional information about other regional transit agencies, and added Sunday Service is planning to be added for Route 1 in April. She spoke about challenges around vehicle procurement as well.

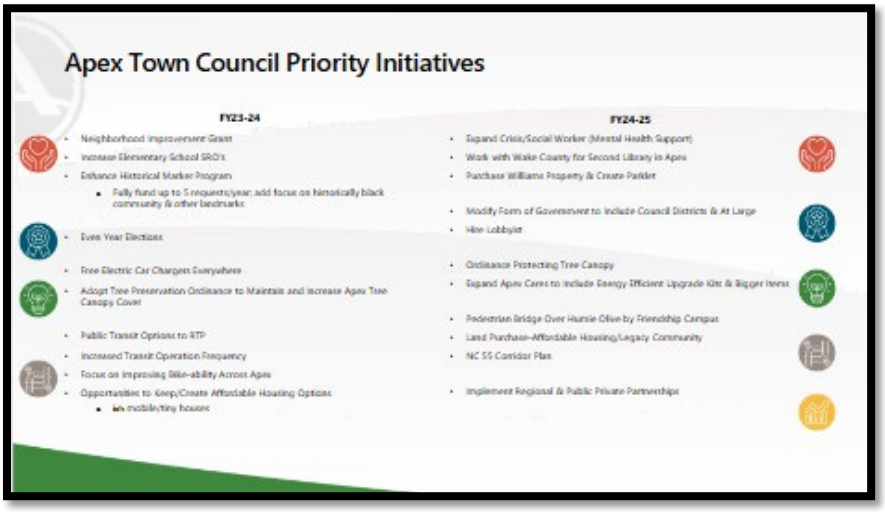
Councilmember Killingsworth thanked the staff for all of the work that they are doing. She said that all of the goals that she had for her 6-year tenure so far have been checked off. She said that all that has been accomplished is amazing.

Councilmember Zegerman said that all of these initiatives that have been completed should be celebrated and put out in the community so that they can see what the staff is doing and can be recognized. He asked that staff work to inform the community on all of the things they are doing to inform them and let them celebrate these things with us.

[COUNCIL INICITIVE PRIORITIES ACTIVITY]

Town Manager Vosburg asked Council to take some time to come up with initiatives they felt were important for the upcoming year. He said to focus on initiatives that weren't included in last year's exercise.

[SLIDE 1]



CLERK NOTE: The Mayor and Members Council discussed different priorities amongst themselves, and consulted with staff.

Council placed their priorities one of 5 boards, each signifying one of the Town's Strategic Goals. Each goal and their corresponding initiatives were read aloud and noted below.

Assistant Town Manager John read the initiatives put under "A Welcoming Community" Goal:
Rosenwald School Preservation
Expand CART (Personnel and Service)
Create/Work with a Community Organization to Support Mobile Home Owners
Apex Welcome Signs
Parking Finders
Increase SRO Program
Crosswalk Infrastructure
Court Reservation Systems (Tennis, Basketball, etc.)

Councilmember Mahaffey said he thinks it would be appropriate to make the Rosenwald School Preservation a priority this year. He said staff has been working on it this past year, and there are several ways the town can help preserve it.

Director Khin said GIS staff has looked at 7 sites for possible feasibility to move the school to.

Director Setzer noted that there is a Reservation System in place, but they have chosen not to use it for Courts because of staffing limitations and heavy court usage.

Councilmember Zegerman said he was thinking about addressing the issue of people not knowing what courts are available and having to drive around town looking for one to use.

Town Clerk Coleman read off the initiatives places under the "High Performing Government" Goal:
Infrastructure/Town CIP Project Development Map
Leader in Smart Cities Technology
Integrated Call Center
Contracting and Procurement Management Policy
Sister Cities
Debt Planning

Councilmember Mahaffey said he wanted a place residents could access easily that showed town development and projects.

Assistant Town Manager Stone said they are working on that right now.

Town Manager Vosburg read the initiatives placed under the "Economic Vitality" Goal
Second GoApex Bus Route
Development of Apex Gateway
Investment in Tech Infrastructure
Improvement and Development of Downtown Between Justice Heights and Holloman
Jordan Lake Branding and Connections
Expand Salem Street Streetscape Plans
New Hope Valley Railway Northern Station

Mayor Pro Tempore Gray said that he wants to see the town invest in infrastructure that could support a workforce that is remote. He said he also wanted to have the infrastructure necessary to support remote workers who live here but work remotely for another company. He said that's another category of resident to attract and support.

Councilmember Gantt said he wasn't sure about the role of municipalities in supplying and supporting broadband.

Director Sacco said it used to be allowed, but companies won the fight over being able to supply that. She said in some cases, the town can provide fiber to a business if there is no way the company can, then the company would take over service. She said the town cannot be a provider. She added that some towns, like Wilson and Salisbury, are providers, but were grandfathered in.

Mayor Pro Tempore Gray said this is an area where he thinks a public-private partnership can be beneficial.

Assistant Town Manager Stone read the initiatives under the "Responsible Development" Goal:
Investment in Safe Crosswalks
Alternative Road Design
Salem Street Pedestrian Zone
Update Priority List
New GoApex Routes
American Tobacco Trail to Humie Olive
Mobility Hub
Mixed Use Developments
Land Use Updates
Encourage/Protect Mobile Home Development
CSX Switching Station Relocation

Director Khin said they are working on a Mobility Hub with NCDOT.

Councilmember Zegerman said he would like to see Salem Street be able to be closed off for a few hours and made into a pedestrian only space for a few hours, such as on a Friday Evening.

Deputy Town Manager Purvis read the initiatives under "Environmental Leadership"
Yard Waste Management Policy
Create More Alternatives for Use of Alternative Energies
Pollinators Planted on all Town of Apex Properties
Plant the Peak Expansion for HOAs
Yard Waste Reduction
Tree Canopy Preservation
More Public EV Chargers

Town Manager Vosburg instructed them Mayor and Council to place dots on projects they wanted to focus on the most. Each Council Member and the Mayor was allocated 14 dots they could place on initiatives they felt were most important for the upcoming year. They were able to put as many of their dots on any given project that they wanted.

The Projects with 5 or more dots assigned to them were:
Rosenwald School Preservation
Increase SRO Program
Expand CART
Personnel Service
Leader in Smart Cities Technology
Alternative Road Designs

New GoApex Route
New Switching Station Location for CSX
Mobile Home Parks
Expanding Salem Streetscape
Plant the Peak Expansion to HOA's

Mayor Gilbert called for a five (5) minute recess at **4:23 p.m.**

Mayor Gilbert reconvened the meeting at **4:29 p.m.**

Mayor Gilbert recognized Dianne Khin, Linda Jones, and Marla Newmann, each have a birthday in the month of October.

[FINANCIAL PLANNING OVERVIEW]

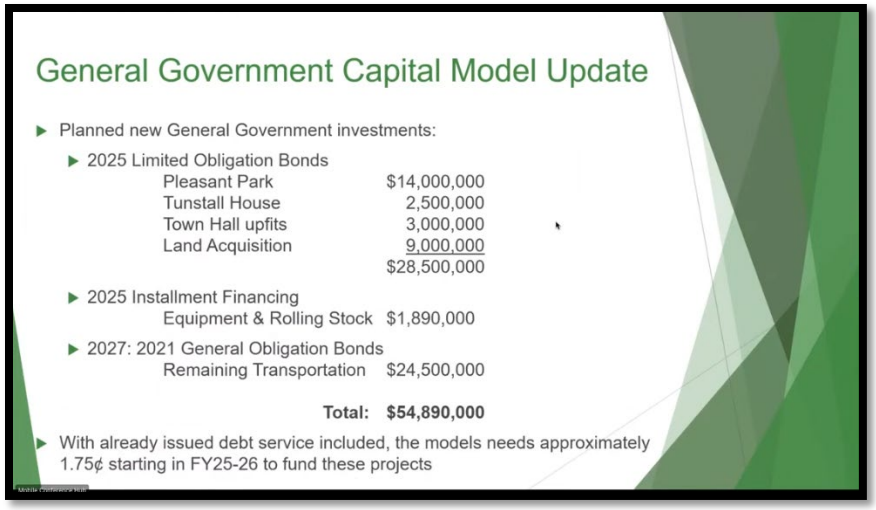
Town Manager Vosburg introduced DEC Financial advisors, Andrew and Jeremy Carter, and they gave the following presentation on Financial Planning Overview.

Antwan Morrison, Director, Finance Department with DEC Associations, Inc talked about the financial health of Apex.

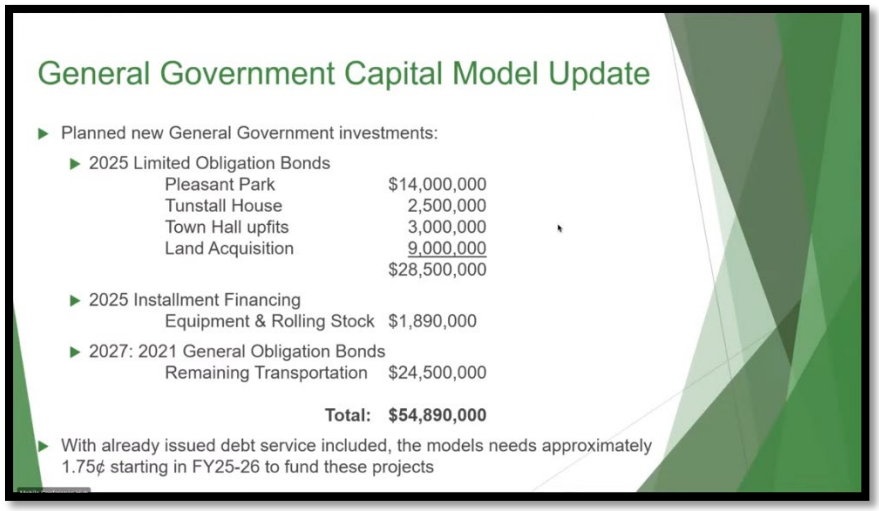
[SLIDE 1]



[SLIDE 2]



[SLIDE 3]



Councilmember Mahaffey asked for clarification of the scheduled tax increase for 25-2026 and asked if that was included in that tax increase or was that on top of the tax increase being talked about.

Director Morrison said that this was included in the tax increase being discussed in the slide.

[SLIDE 4]



Councilmember Zegerman asked if the numbers are adjusted for inflation.

Mr. Andrew Carter said that this is the dollars that can be afforded at the time of the project. He said that as inflation goes up then they would have to adjust.

Councilmember Gantt asked for the growth rate model assumed for the Town of Apex for revenue.

Director Morrison said that it is 3%.

Councilmember Mahaffey asked where the capacity for borrowing for years from 2026 – 2030 shown on the slide.

Mr. Andrew Carter said that there is 2025 – 2027 issuance that has to be gotten through and the capacity wouldn't be available until around 2029 or 2030 time period until additional debt could be added and not violate policies that may be set up in the model.

Mr. Jeremy Carter said that it would incorporate the projects that are already identified that will be occurring and that has be taken into consideration from the current funds.

Councilmember Mahaffey said that they are fixed and asked why it wouldn't be 1.75 cents in 2025-2026 and 2.75 cents for 2029-2030.

Mr. Carter said that they could look at different scenarios and decision points to decide when revenue might be needed.

Mr. Jeremy Carter said that is guidance that will be needed by Council and staff. He said some organizations delay it, and some "rip the band-aid off", building capacity on the front end. He said Council can choose to do it however they like.

Councilmember Mahaffey asked if in this model they would be funding a debt servicing bond each year at a certain rate, and if we needed a bond and it was approved then taxes would not be raised, and the money would be available. He asked if other Towns use that model.

Mr. Andrew Carter said yes. He said that legislature has added a requirement of showing the tax implication on every $100.00 of the value of homes. He said in some cases municipalities have been able to show that number as 0, since taxes would not need to be raised in the funding model. He said that Asheville is going to ask four GO bonds questions. He said it was much less impactful to the citizens. He said Apex may be in a situation where they need to raise less revenue than is actually needed for the debt service, since they would have some capacity already.

Councilmember Mahaffey said they could show on a question for bonds that the tax implication would be 0 if they were funding through a debt service fund. He said that would help eliminate confusion.

Director Morrison said that this is above and beyond what the expectation will be for operations, and this is just for capital.

Mr. Andrew Carter said that if it was a project that added personnel or operation pressure, it would go on the operational side of the budget.

Councilmember Mahaffey asked if there was a way to phase in the 2 cents or 2 ½ cents over the 5 or 6 years so that there is not a surprise if there is a large project. He said there would be a ramp up.

Mr. Jeremy Carter said yes, there are many different scenarios that can be done in the future depending on the Town's desire.

Councilmember Gantt said that he would not want to lock in future Council's items. He said they may not want to do these projects.

Councilmember Zegerman said that future Council's can also lower taxes if the money is not needed. He said that these policies can be changed in the future.

Councilmember Gantt said that doing GO bonds and having them on the ballet is different than internal bonds where the public never votes on them adds to uncertainty when it locks in a project.

Councilmember Mahaffey said he doesn't think this is locking anything in. He said it's important to set the right expectations for the public in regards to the debt servicing.

Councilmember Gantt asked if the debt service being discussed will increase the reliance on a GO bond vs. other types of bonds.

Director Morrison said they still have to issue the debt, and this is planning for the debt. He said this is about getting the most value, and the GO bonds do that.

Councilmember Gantt asked if it was because of the rates being lower.

Director Morrison said that it is a better opportunity to get a lower rate.

Councilmember Gantt asked what was backing the obligation bonds.

Deputy Town Manager Purvis said the assets.

Director Morrison said this is planning for the near future, and trying to give Council more options for projects.

Deputy Town Manager Purvis said that this is for exploring options so that when CIP projects that are coming and the expenses are adding up then one way to do these is with a bond, and it is good to see what the options are.

Councilmember Gantt asked if this was being planned for next year.

Deputy Town Manager Purvis said that they will look at it further at the Finance Committee in January. He said there will be a stronger model coming from the information given today. He said this was mostly to get more information to Council before they see the CIP Project estimates.

Councilmember Zegerman asked what there ideal expenditure is on the annual capital projects. He asked if they could see what was committed in 24-25 and what the annual bucket is. He wanted to know how much additional funding was needed versus what was already possible.

Deputy Town Manager Purvis said that they have that information and will present it to them for the January Finance meeting.0

Councilmember Mahaffey said that there was a spreadsheet that showed what could be funded in the CIP at each tax level, and the news is always grim. He asked if this type of planning and financial practice is looked at positively by creditors.

Mr. Jeremy Carter said that this kind of planning is looked at very highly. He said that the rating agencies and investors are looking more at long-term planning.

Mayor Gilbert thanked them for the information.

Mayor Gilbert noted that the Government Relations Strategy and Legislative Agenda Process Update would be moved to the November 12th, 2024 Regular Town Council Meeting since time was running short.

[BUDGET AND STRATEGIC PLANNING PROCESS: NEXT STEPS]

Deputy Town Manager Purvis presented the next steps and deadlines:

[SLIDE 1]



Town Manager Vosburg said that the February 13th Workshop could be more than one day, so he asked for staff to clear their calendars tentatively.

Deputy Town Manager Purvis said they are showing Council the draft budget prior to the committee recommendations this year. He said he thinks it gives them a better opportunity to evaluate.

Councilmember Gantt asked what has happened from July 1st to current.

Deputy Town Manager Purvis said normally July and August is planning on the performance side and working with departments to understand the plans and new things being put in place. He said in September and October, staff is doing a lot of work putting together CIP project plans and evaluations. He said that personnel requests are coming in and being developed through November and December, and in January this is reviewed and then getting ready for the February retreat.

Mayor Gilbert thanked everyone for all that they have done and for all of the information and how much it is appreciated.

[ADJOURNMENT]

Mayor Gilbert adjourned the meeting at **5:03 p.m.**

Jacques K. Gilbert
Apex, Mayor

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

Submitted for approval by Apex Town Clerk Allen Coleman

Minutes approved on 10th of December 2024 (CN5).

APPROVED

TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, NOVEMBER 12, 2024
6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, November 12th, 2024 at 6:00 PM in the Council Chambers at Apex Town Hall, located at 73 Hunter Street in Apex, North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel. The recording of this meeting can be viewed here:
https://www.youtube.com/watch?v=OH2-WL-2B3A

[ATTENDANCE]

Elected Body
Mayor Jacques K. Gilbert (presiding)
Mayor Pro Tempore Ed Gray
Councilmember Audra Killingsworth
Councilmember Terry Mahaffey
Councilmember Brett Gantt
Councilmember Arno Zegerman

Town Staff
Town Manager Randy Vosburg
Deputy Town Manager Shawn Purvis
Assistant Town Manager Marty Stone
Assistant Town Manager Demetria John
Town Attorney Laurie Hohe
Town Clerk Allen Coleman
All other staff members will be identified appropriately below

[COMMENCEMENT]

Mayor Gilbert called the meeting to order at 6:00 p.m. and welcomed all who were in attendance and watching.

Mayor Gilbert then took a moment of silence for the invocation, and asked people to think about the things they are grateful for. He then led those in attendance in the Pledge of Allegiance. He acknowledged the Apex Youth Council and thanked them for being at the meeting.

[CONSENT AGENDA]

Town Clerk Coleman noted that there was a request from staff to move Consent Item 6 to New Business item 4.

A **motion** was made by **Mayor Pro Tempore Gray**, seconded by **Councilmember Gantt**, to approve the Consent Agenda, with Consent Item 6 moved to New Business as New Business Item 4.

VOTE: UNANIMOUS (5-0)

CN1 2025 Town Council Meeting Calendar Adoption (including Council Committees) (REF: OTHER-2024-114)

Council voted to adopt the Town Council meeting schedule for calendar year 2025.

CN2 Agreement - Installment Purchase Agreement (IPA) and Resolution - Equipment and Vehicles (REF: CONT-2024-334 AND RES-2024-055)

Council voted to approve an Installment Purchase Agreement (IPA) between PNC Bank, National Association and the Town of Apex, with an interest rate of 3. 58% for a four (4) year term; and, to adopt a Resolution Authorizing the Execution and Delivery of An Installment Financing Contract to Finance the Acquisition of Certain Vehicles and Equipment.

CN3 Agreement - North Carolina Department of Transportation (NCDOT) - Municipal Reimbursement Agreement for Right-of-Way (ROW) Mowing Fiscal Year 2024-25 (REF: CONT-2024-335)

Council voted to approve a Maintenance Agreement – Mowing between North Carolina Department of Transportation (NCDOT) and the Town of Apex, effective for five (5) years from the date of full execution, for the Town of Apex to assume mowing responsibilities on the selected NCDOT roads and receive reimbursement payment from the NCDOT at the rate identified in the agreement, and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN4 Agreement - North Carolina Department of Transportation (NCDOT) Supplemental Agreement for Additional Federal Funds – Lake Pine Drive Project (REF: CONT-2024-336)

Council voted to approve a Supplemental Agreement between North Carolina Department of Transportation (NCDOT) and the Town of Apex, authorizing an additional $341,633 in federal funds for the U-5537 Lake Pine Drive Improvements project, requiring 20% local matching funds, for final reimbursement and to close-out the project, and to authorize the Town Manager, or their designee, to execute the agreement on behalf of the Town.

CN5 Annexation No. 791 - Enderline Property - 308 Thorn Hollow Drive - 1.1018 acres (REF: RES-2024-056, RES-2024-057, AND OTHER-2024-115)

Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for December 10, 2024, on the Question of

Annexation - Apex Town Council's intent to annex 1.1018 acres, known as Enderline Property, located at 308 Thorn Hollow Drive, Annexation No. 791, into the Town Corporate limits.

CN6 Construction Contract Award - Landmark Structures - 1.5 MG Elevated Water Storage Tank - Pleasant Park – Budget Ordinance Amendment No. 5 – Capital Project Ordinance Amendments No. 2025-3 and No. 2025-4

Council voted to award a construction contract, in substantial form, to Landmark Structures for the construction of the Pleasant Park 1.5 MG Elevated Water Tank project, authorize the Town Attorney and Town Manager to make minor modifications to the contract not affecting the construction schedule or cost, authorize the Town Manager, or their designee, to execute the contract on behalf of the Town and approve corresponding Budget Ordinance Amendment No. 5 and Capital Project Ordinance Amendments No 2025-3 and No. 2025-4.

CN7 Council Meeting Minutes – Various

Council voted to approve, as submitted, Meeting Minutes from the following meetings:
October 8, 2024 – Regular Town Council Meeting Minutes
October 15, 2024 – Town Council Work Session Minutes
October 22, 2024 – Regular Town Council Meeting Minutes

CN8 Ordinance Amendment Chapter 20 – Traffic, Article VIII. Parking, Sub-Section 20-164(44) Olive Chapel Road No Parking (REF: ORD-2024-082)

Council voted to approve an Ordinance amending the Town's Code of Ordinances, Chapter 20, Article VIII. – Parking, Sub-Section 164 – No Parking Zones to include the addition of subsection (44) prohibiting parking on the north side of Olive Chapel Road from Homestead Park Drive to a point 300 feet west and south side of Olive Chapel Road from Brierridge Drive to a point 200 feet east.

CN9 Rezoning Case No. 24CZ14 – Broadstone PUD Amendment - Statement and Ordinance (REF: ORD-2024-083)

Council voted to approve the Statement of the Town Council and Ordinance for Rezoning Application No. 24CZ14, Angel Management, Inc, petitioner, for the property located at 0 South Hughes Street (PIN 0741557469).

CN10 Surplus Badge and Service Weapon – Retired Chief of Police Jason Armstrong

Council voted to declare one badge and service weapon (Glock Model 26, 9mm handgun, Serial Number AECP429) as surplus property, set the purchase price for $1.00, and award these items to retired Apex Police Chief Jason Armstrong.

CN11 Tax Report – September 2024 (REF: OTHER-2024-116)

Council voted to approve the Apex Tax Report dated October 3, 2024.

CN12 Zoning Compliance Penalty Waiver - 1000 Winding Creek Road

Council voted to waive the civil penalty of $4,450.00 issued to Mr. Andrew Prusik for violation of Sections 4.1.2 and 4.2.2 (Use Regulations) of the Town Unified Development Ordinance (UDO).

[PRESENTATIONS]

PR1 Apex Public School Foundation - Quarterly Peak S.T.A.R. Awards – 1st Quarter School Year 2024-25

Councilmember Mahaffey said that would be giving out the Peak S.T.A.R Award. He said it's a quarterly award where the Town of Apex is partnered with Apex Public School Foundation (APSF) to recognize a staff member, teacher or Administrator. He invited Barb Conroy from the Apex Public School Foundation to talk more about the foundation and the award being presented.

Ms. Conroy said that APSF supports the 19 Wake County schools with an Apex mailing address, currently 3 High School, 5 Middle Schools and 11 Elementary schools, and that would increase next year. She said the primary program, the Teacher Grant program, funds teacher proposals that promote student engagement through innovative and creative programs. She said that volunteers are currently reviewing applications from this year and will award the funds in early 2025. She said that every Tuesday the ASPF celebrates exceptional educators, Administrators, and staff members in the Apex area schools, then the honorees are eligible for the quarterly Peak Star Award. She announced Courtney Maready, a Special Education teacher at Olive Chapel Elementary School, as the Peak Star recipient. She congratulated Ms. Maready and invited her up to receive the proclamation and take pictures.

Ms. Maready thanked the Council, Mayor, and Olive Chapel Elementary Principal Erin May. She said that she has two life goals, one to leave people feeling loved and seen and the second one is to always say the hard things. She said she can't flourish without being planted in good soil, and her family and school provide that.

Principal May said that Ms. Maready is an amazing teacher and exceptional educator and she is proud to work with her. She thanked the Council for recognizing Ms. Maready.

Mayor Gilbert congratulated Ms. Maready and thanked Principal May and Ms. Conroy.

PR2 Proclamation - Small Business Saturday 2024 - November 30, 2024 (REF: PRO-2024-034)

Mayor Gilbert, along with the rest of Town Council, read the Proclamation for Small Business. He invited Colleen Merays and other members from the Economic Development team up to accept the Proclamation and take a picture.

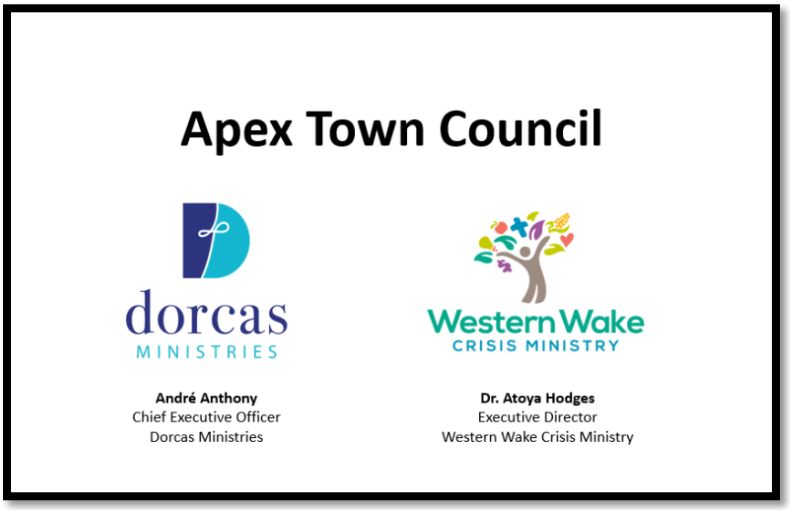
Ayesha Sanders, of the NC Readiness Hub in Downtown Apex, thanked the Mayor, Barbara Belicic, and Colleen Merays. She said she loves encouraging other small businesses. She thanked the officers for keeping them safe Downtown.

PR3 Dorcas Ministries and Western Wake Crisis Ministry Merger Update

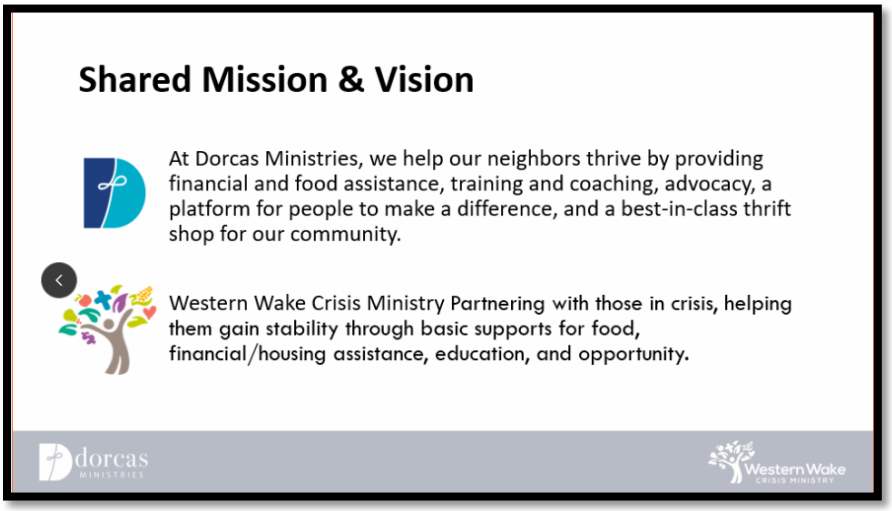
Mayor Gilbert introduced Dr. Atoya Hodges, Executive Director, Western Wake Crisis Ministry and Andre Anthony, Chief Executive Officer, Dorcas Ministries to give a presentation.

Mr. Anthony thanked the Town Council. He spoke about the collaborative partnerships between Dorcas and Wester Way Crisis Ministry. He shared the shared mission and vision keeping people in their homes and providing food. He and Dr. Hodge gave the following presentation:

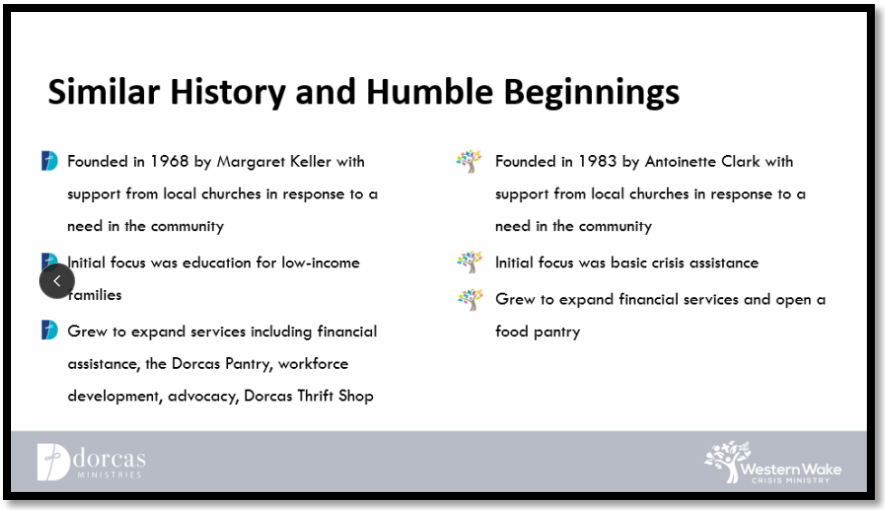
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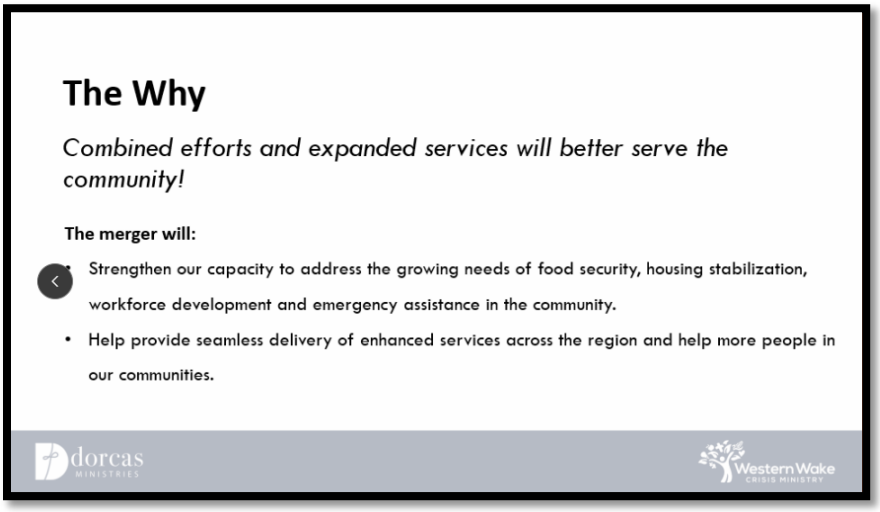
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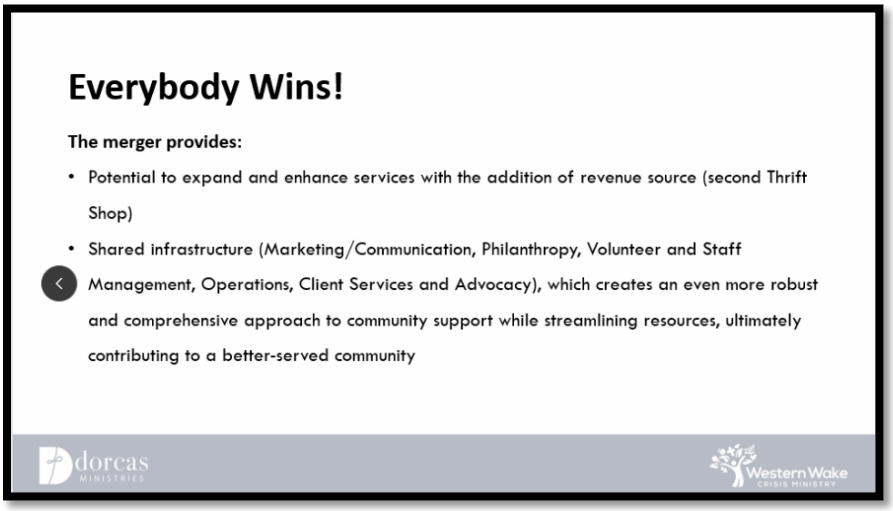
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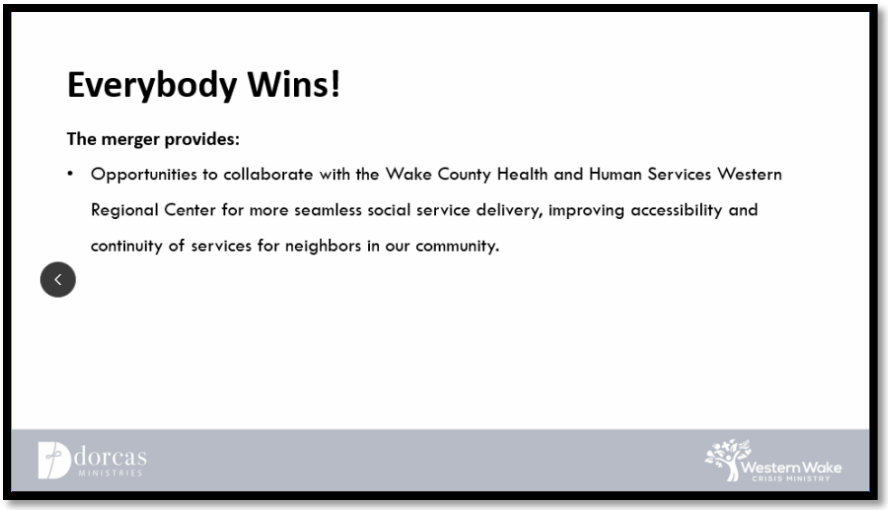
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[SLIDE 5]



[SLIDE 6]



[SLIDE 7]



Councilmember Zegerman asked what the vision was for the people in Apex that currently use Western Wake Crisis Ministries, and if the locations would have expanded services not currently offered by the group.

Mr. Anthony said the vision is only to add services. He said they do not have any interest in people having to go to different locations.

Dr. Hodges said that now they are merging with Dorcas, they will be able to offer additional services to local citizens.

Councilmember Mahaffey thanked them for what they do for the community. He asked if the current partnerships and contracts with Western Wake would continue without interruptions.

Mr. Anthony and **Dr. Hodges** said that is correct.

Councilmember Mahaffey asked if there had been any thought about how Dorcas would be branded.

Mr. Anthony said that until this was determined that they would do business as usual. He said that they have to be careful navigating the change so they do not cause confusion in the community and that they would spend time thinking about this change.

Mayor Gilbert asked Mr. Anthony to highlight some of the ways that the Town of Cary has partnered with Dorcas over the years.

Mr. Anthony said that Dorcas has been the Social Services Agency for the Town of Cary. He said that they administer the utilities assistance program, a scholarship program the with Cary Parks and Rec, and now Dorcas has recently officially partnered with Cary to be the lead agency for people facing housing instability issues. He said that the capacity building side is $500,000 this year, $550,000 next year, $600,000 the following year, and then there is another $800,000 that was approved by Cary Town Council as a seed fund for people that may need to be re-located.

Mayor Gilbert said that he would encourage everyone to visit the Thrift Store and thanked them for the presentation.

Mr. Anthony said that their property has become a hub for Social Services and non-profits in Cary. He said they would be looking at replicating that in Apex.

Mayor Gilbert thanked them again, and moved the meeting on to the Regular Meeting Agenda.

[REGULAR MEETING AGENDA]

Mayor Gilbert set the Regular Agenda and asked if there were any recommendation meeting changes at this time.

A **motion** was made by **Councilmember Zegerman**, seconded by Mayor Pro **Councilmember Killingsworth** to approve the Regular Meeting Agenda with the addition of New Business Item 4.

VOTE: UNANIMOUS (5-0)

[PUBLIC FORUM]

Mayor Gilbert opened the Public Forum and invited the first speaker up.

First to speak was **Dawn Cozzolino** of 3632 Bosco Road:

"Good evening, Town Council. So, I'm wondering why, after several meetings and emails, I presented the traffic crash reports and the traffic volume data for the New Hill Friendship Community, a rural community in Wake County, and nobody's reached out to me.

I was acknowledged for it, but nobody's reached out to me to have a conversation, and I think it's really critical for safety and project Vision Zero. Can I ask that you respond to me and set up a time even to meet with me to discuss? How can you, as a Council, approve developments when you don't consider traffic impact studies or crashes, or when you and your staff don't even visit sites, like physically go out to sites, walk the parcels? I don't know how you can... I can't understand how you can run a city effectively when you look at a two-dimensional map or you're at a desk. So, I want to present to you this is indicative of our community. This is an English riding bridle, and you've probably seen the shows Yellowstone and all the TV shows, and everybody thinks the bit, which is this metal piece here, and the reins are what control a horse. Well, it's far from the truth, actually. It's not that, it is harmony, it is connection, it's working with the horse. Those are the things, and that harmony is what gives the skills of the rider as well as the skills to work with the horse and the horse wants to work together. And what I see in what's happening with the Apex government is rather the thing that everybody thinks as you pull on the reins and you control the horse like this and that is the eminent domain that is going on with the Western Big Branch and Force Main in our area, which is for private development, right? It's for-profit companies, and there's other better ways and diverse ideas that we've provided to you in hopes that you would choose those different options. They do have the same positive impact of sewer and water infrastructure, they just happen to be on the south side of US Highway 1, and there's already a power line under there, so it's ripe for that type of development, and I'm sure much cheaper than the route you're going. So, I just want to ask that you consider that and consider that not just plugging or rushing housing because we need it, but thinking through what's needed, because this is how the whole city comes together. Thank you very much."

Mayor Gilbert thanked Ms. Cozzolino and called the next speaker.

Next speaker was **Theresa Potter** of 106 Shining Star Court:

"I think we can all agree that the utilities issue has become extremely frustrating. In my house, I've lived in Apex for 12 years. It's my husband, myself, and my son who left for the Marines in April. So, the difference between last year and this year is astounding because I no longer have a teenager who leaves lights on and that kind of thing. First and foremost, any and all of the staff that I've interacted with in the past in person have been great, large item removal, landscape removal, one electric issue years ago, everything was great. In my case with utilities. In July, we paid the June amount. In August, we paid $300. In September, we paid $153 because it made sense, the bill came showing $153. In October, the bill showed a measurable, outrageous increase. Now, November is still almost three times more. So, mind you, this is a 1400 square foot ranch, it's not a two-story house. My bill right now for two months is $671.79. When I called the Town, I left a voicemail. It cut me off at 30 seconds, so I couldn't leave my name and number because I didn't know it was going to cut me off. In the second voicemail, I left a message, and it took three weeks to get a call back. Then I got two additional calls after that asking if I had been contacted. They told me I was going to be

contacted by the billing department, but that didn't happen. So, they also need a system of notes where, "Hey, we contacted her already, this is where we're at, we need to follow up." So, I was told that one bill was doubled, but the electricity, water, and sewer were double, but the yard waste, garbage, recycling, and stormwater were not double. So, how can it be a double bill and the service period of the last bill was actually off, so that makes it even more suspicious. I know there are benefits of using the Town for our utilities, however, we, the consumers, are captive to the town and the services you provide. That means we are also captive to the customer service you are providing, and I think all of us were expecting more from a town that is clearly growing that should be prepared for things like this. None of us blame the staff for the cyber-attack, but we do expect the Town to have a plan in place when issues arise. We expect great customer service, we expect an explanation, and the leaders' ability to problem-solve, have transparency with the people, and implement a plan is the key and we are lacking in some of these areas. I did see the latest video, and I think we are headed in a good direction, but we need to see the results and I think maybe the third party coming in to do the investigation may be what we all need because we need to see our bills detailed out with an explanation of what's going on, and we need transparency from our leaders. Thank you."

Mayor Gilbert thanked the speaker and called the next speaker.

Next speaker was **Jack Roelofs** of 1404 Grappenhall Drive:

"Good evening, Mr. Mayor, and esteemed Council. I'm here tonight representing White Hall Manor, which is Grappenhall at the Peakway, and the recent traffic measures that have been implemented there. We've had the shutdown of Peakway and the deviation of traffic through Grappenhall and into Towhee I know at least two of the council members have firsthand experience of what it's like right there. To give a clearer picture of what's happening on the ground and where our concerns lie, I think a little bit of data would be useful here. So, the closure occurred yesterday, and today between 4:40 and 5:03 p.m., we had 59 cars entering the intersection of Towhee and Applethorn. For illustration, let's say this intersection is where Peakway and Olive Chapel meet, but there's no door there right now, as Peakway is blocked off. We have no through-traffic signs at Olive Chapel and Grappenhall, but people can still go through if they consider themselves local traffic and when they get to this point and they can't go any further, there is a deviation allowed to go onto Towhee, there isn't much signage there, and this intersection at Towhee is where we're seeing a lot of issues. Between 4:40 and 5:03 p.m., 59 cars came through there, 23 of which ran or rolled through or ignored the stop sign, California stops I don't believe this is legal in North Carolina. Apex PD pulled over three vehicles between 5:00 and 5:30 p.m. for running the stop sign. Through-traffic is using cul-de-sacs for high-speed turnarounds, now this is a neighborhood full of children. I have two kids, and there are four other members of my neighborhood that are right there, here with me, we all have children there, we have high-speed turnarounds, and stop signs are being ignored and this is only the first day, so there are a few things that

we want to able to talk about here, one, we have a lot of instances of speeding. The speed limit is 25 mph, and while there are new speed tracking signs, they are not active so they're decorative only at this point, so we would like to see some more of that. We do have the speed bumps that were newly installed, and we definitely appreciate that a lot, however, that is doing limited good for being able to legitimately slow down this traffic. The impact should be pretty obvious, right now this is just the second day and now is when habits are going to be created for those using this as a throughway. So right now we have the opportunity to do something about this, I definitely appreciate the police officers that were there and made the pullovers, but just with this small snapshot of data we can see that this is not going to be sufficient, so we do have a couple of suggestions but overall the impact that we're trying to avoid here is we don't want to see any injuries, definitely don't want to see any fatalities, so in line with your Vision Zero, we would like to see a couple things changed up here. I'd like to see new locations for the no through traffic, I think having that at the intersection of Peakway and Towhee would be pretty useful and make sure that is just local traffic only, because it is easy to lose sight of it when you're coming through Olive Chapel and Grappenhall, and now you find that you have a choice here, you're going to probably be irritated, frustrated this is a new traffic pattern and now you're going to take it out on roads that you don't know and people that you are not friendly with, you don't live there. So, we've got a little bit of an issue there. So, changing the no through traffic sign, potentially Towhee and Peakway, Dogwood Drive, Brian Drive and to try to force more traffic to the 55 detour sooner. Potentially another recommendation is to close or add speed bumps on Towhee itself, since that seems to be the intersection that is proving to be more problematic at this point. Granted our data sample is relatively small and constrained but rest assured that the neighborhood will gather more and more data, I have absolutely no doubt. Another suggestion here is to lower the speed limit in Whitehall Manor from 25 to 15, I think all the residents in there would be perfectly fine with getting where they're going a little bit slower in exchange for that. Another one, we request an immediate traffic survey, there were traffic surveys done to be able to prep that but now we have a different situation, and it would be useful to have formalized data rather than just the anecdotal and crowdsourced, as useful as that may be, I know having the legitimate tooling is probably going to be useful here. Finally here, the last one that we had listed was, for the street or stop signs what would be really nice is to have the markings on the ground as well those wide bold white lines that give you an indication on the ground in case you're not paying too much of attention to the octagons and red, and again this is to try and keep in line with the Vision Zero, now we definitely appreciate any help you can give here and we will be in constant communication and hopefully, and very positive communication to be able to make this work as best as possible. I'm here for any questions over for any comments from my team no question comments from my team."

Mayor Gilbert thanked Mr. Roelofs and called the next speaker.

Next to speak was **Elizabeth Stitt** of 3113 Friendship Road:

"Mayor, Town Council, good evening, on your agenda tonight is a discussion about the Town's Legislative Agenda, so I thought I would share my and my neighbor's legislative agenda so we can keep it all in one evening. We are organizing and going to be seeking additional rights for properties in the ETJ and in the Wake County areas because we have not been able to make progress with Apex and in my conversation with other communities who are around fast growing towns they share similar concerns, so I'm very encouraged just as the State Legislature puts the breaks on putting sprinkler systems in new homes that was being proposed here that we can put some breaks on what's happening in Apex as well. So I'll give you some examples, so the sewer map that stayed up on the website for a very long time always showed the force main on the south side of US-1, so we invested in our properties and then we're blindsided by the force main being moved to the north side so we're going to ask that the maps have to be required to be updated and if there is a change to those maps there has to be a waiting period because we as property owners should not invest our money if we know it's going to be torn down. The same is for the water map, if you ask for it, is not posted on your website so I had to ask for a copy the water map the water map has not been updated in 10 years so right now it is showing water lines going down the same path as the Force Main and so again, you know it's 10 years old, if you can't update the maps for people to know how to invest in their properties then you shouldn't be allowed to do certain projects. When it came time to do the field work around the force main the Town tried to bring drilling rigs into my wet waterers, my flood plain, and that was a violation of State Law. Nobody was looking out for us, so I had to be the one to raise my hand and have them stop. We asked the town for the 401 and 404 permits for the force main, didn't get it, but I got a postcard from the US Corps of Army Engineers letting me know that guess what, that permit been submitted, so I read it and in the permit it said the Town was going to use blasting around our properties, but that is not what the Town staff had told us, so then I had to reach out to the Town staff, they did get the permit corrected, but if I had not looked out for that it would have gone through and then you could have actually blasted on our properties when it was not appropriate, you would have just said oh it was in the permit we could do that, that's what the contractors would do in that circumstance. So, we also want we also as a community want a group meeting and we're going to ask State Legislature to require towns to meet with the community and not just blow us off. Thank you."

Mayor Gilbert thanked the speaker and called the next speaker.

Next speaker was **Beth Bland** of 3724 Friendship Road:

"First, I have three things I don't know if I'll get to them all but I'm going to try and do them in order. The first thing Tom and I want to thank Mayor Gilbert for coming out to our property, finally someone from the Town Council, Mayor showed up so that they could understand our concerns about what's going on and what's going to happen to us with the Big Branch force main. It belongs on the south side of US-1 and Tom and I are still advocating to move it to the South side so I'm going to keep showing up, it needs to happen. Second

item very quickly my father lives in downtown Apex he's on Westmore Street he's 93 and a half years old, he lives independently, he can take care of himself, my mother passed a year ago I have very I guess age related genes as far as they lived a long time, but he was affected by the utility bills also he managed it himself, he did go down to Town Hall, found it very difficult to have a conversation through the glass. The people behind him made him uncomfortable that he was holding them up to have the conversation he needed to have so he cut it short he really didn't get the answers he needed and it's just unfortunate that this situation has been so difficult to manage. So, Mr. Vosburg, I hope you can get to a solution soon and as we've heard earlier there's a lot of people I've read a lot on Nextdoor very unhappy with what's going on. Last, it's interesting to me and many others why there is not more Community engagement at the Town Council meetings. It's also interesting how Friendship and the New Hill communities are being impacted by the growth of Apex and we feel more Community engagement is needed. So, we're going to start a dinner club on the nights when the Town Council isn't meeting on Tuesday nights, so our first we're going to hold next Tuesday November 19th at 6 o'clock at JNS pizza and we'd like to extend an invitation to the Town Council and anyone else in this room and in the community to join us and let's figure out some things and what is a better way to have a conversation than over dinner. So, thank you."

Mayor Gilbert thanked the speaker and invited the next speaker.

Next to speak was **Matt Speerschneider** at 109 Kylesku Court:

"It's kind of spontaneous tonight but I'm on the utility bill bandwagon, also full disclosure, I'm kind of relaying this this information, my fiancé pays all the bills, but she's not really happy right now to say the least. So yeah, our bill has, she knows the numbers, she's on it it's been pretty consistently too. It was $224.00 the previous cycle, $216.00 before that, this month it was $471.00. I'm an electrical engineer by trade and I can't envision any type of scenario, the amount of electrons are flowing through my household, especially given that I'm usually only there during the week we're fortunate enough to have a place at the beach she's been out there, so I can't imagine how that this is doubled, more than doubled. So, we can afford to pay the bill but at the same time I think we're, you know fortunate, I get that, but hearing some of the other people, sounds like there's a problem. You don't have this many people come and bring to your attention whatever that is, someone mentioned cyberattack or something I don't know what the issue is but something's going on it doesn't make sense and I would appreciate if somebody could follow up with me get back to me with some detailed explanation of the bill yeah I left my phone number and I can leave my email."

Mayor Gilbert said that he would have staff get his contact information and follow up.

Mr. Speerschneider said thank you.

Mayor Gilbert called the next speaker.

Next speaker was **Alexis Kennedy** of 106 Buckhaven Court:

"Good evening council members today I thought I was going to continue my discussion on apartheid I wanted to talk about the new law that had passed last week in Israel our supposed Ally and democracy in the Middle East, which were with an overwhelmingly voted that children under the age of 14 can now be sent directly to prison and no longer need to be held in juvenile Penitentiary. Instead, I want to focus on one child, Hind Rajab, she was 6 years old and died many months ago. She broke the heart of the world with her cries for help to the Red Crescent on her cousin's low battery cell phone. She was the only remaining survivor in a trapped car with her dead relatives. The ambulance was given clearance to rescue her by the Israeli government which never arrived and was found a week later charred with two men's bodies no longer recognizable. Today a report was released by the Forensic Architect. Forensic Architect is a multi-disciplinary research group based out of the University of London that utilizes architectural techniques and technologies to investigate cases of State violence and violation of Human Rights around the world. The group is led by, I hope I pronounce it correctly, Yal Weisman who is actually an Israeli British Citizen, and it was his team that found 335 bullets were fired into the car that six-year-old Hind was in along with her six relatives, the investigation also found that the Israeli military had a clear view of the vehicle and could have seen the children that were trapped inside. Heyen was trapped in the car surrounded by her slain family for hours while the Red Crescent paramedics tried to reach her and when the ambulance arrived it also was fired upon, killing the paramedics attempting to rescue a dying child. I thought that since it's not being reported in the western news, I would inform my community where their $20 billion this year alone was being sent and I thought to myself where could have this $20 billion gone for Americans where 60% of Americans live paycheck to paycheck, 40% of Americans only control 2.5% of America's wealth and we are supplying $20 billion to a country that has free health care, free education, and supplemented housing grants. Thank you."

Mayor Gilbert thanked the speaker and invited the next speaker.

Next speaker was **Mary Lee Behar** of 1206 Applethorn Drive"

"I'm in White Hall Manor the community that was talked about earlier today with the road traffic deviations. I'm here with my two boys today and well, before I go on, I'll say good evening Mr. Mayor and good evening, Town Council. Thank you for all that you do for our Town I am here with my two boys and I want to reiterate some of the concerns mentioned by my neighbor. I stand Here representing myself and many neighbors who could not be here today who are very understandably angry about what's going on and concerned about safety in our neighborhood with the increased traffic. We acknowledge that the town has put in many safety measures, and we appreciate the forethought that went into that however I don't

think it's enough. I would say maybe every other house in our neighborhood has school aged children or younger including, like newborns, toddlers and you can talk to your kids about being careful but their kids they're going to play they're going to throw balls and ride bikes and it's just not enough, so I don't know. I would like to see some of the things that John mentioned earlier put into place like, no through traffic, maybe another stop sign or more crosswalks, more police activity and presence in the area and I think I would also be in favor of a 15-mph zone. I was thinking that if more neighbors and police start driving through the area at 15 mph hour maybe people will get discouraged from using that as a quick cut through and I think my son has something to say.

Her son continued: 'So, I was going down a cul-de-sac and I was coming out and then I saw a car coming like right in front of me and I was trying to brake and that car also braked and if the car didn't brake then I might have crashed because I was going but my brakes didn't work because they stopped the wheels but the bike just kept going and I was with my friends and one of the other ones also nearly crashed.'

Ms. Behar continued: "That was just in the first day, the kids are coming out of cul-de-sacs and it's dangerous. Thank you."

Mayor Gilbert thanked the speaker and all that was present to speak. He closed the Public Forum and moved to New Business.

[NEW BUSINESS]

NB1 Development and Investment Grant Program Revisions (REF: PLCY-2024-013)
Proposed Action: Discuss recommendations for revisions to the current Development and Investment Grant Policy, provide direction to staff as appropriate, and consider a possible motion to adopt the revised policy.

Joanna Helms, Director, Economic Development Department presented information about the Development and Investment Grant Program Revisions. She said that the Town adopted the first ever Development and Investment Grant policy, known as an incentive policy in 2016. She said the grant encourages location retention, expansion of business and industry by creating jobs and investment in the community. She explained the process to access the grant and that currently there are businesses that have been able to take advantage of this grant. She said that the Economic Development Committee has asked staff to revise the current policy by possibly adding a gradual incentive percentage and expanding it from three to five years. She said that they would like to be more aligned with their partners and more competitive. She said that they are proposing some minor changes in the language of eligibility and that there would be more performance measures in the development agreement, increasing to extend to 5 years at the 90% level and gradually declining over years 2, 3, 4 and 5. She said that there some scenarios comparing the

investment levels with sliding scales down 90%. She said that she would be glad to answer any questions.

Mayor Gilbert said that as the Chair of the Economic Development Committee this is accurate, and it is supported. He asked if Council Members would like to speak.

Councilmember Zegerman said that he agreed to align Apex with other Counties to attract businesses.

Director Helms said that this is a grant that is "after the fact", the business is established and they then get the tax percentage back, so that there is not out of pocket expenses to the Town.

Councilmember Gantt asked if there was feedback from businesses, or were the changes initiated by the Board.

Councilmember Zegerman said that there was no feedback but with the policy being 8 years old, it was time for an update.

Councilmember Mahaffey asked if this aligns Apex with the County's policy.

Director Helms said that it was similar to Wake County and Chatham County, they are all a 5-year policy.

Councilmember Zegerman said that the difference is in percentages.

Director Helms said that is correct and, in both cases, it is a sliding scale downward.

Councilmember Zegerman said that the current scale wasn't favorable compared to the 3-year 90% each year policy.

Councilmember Mahaffey asked if there are statutory restrictions on what this policy could be.

Deputy Town Attorney Meyer said that it is Apex's policy, so it's not limited. He said the only issue would be if it was favorable to one business over another, or other things like that.

Councilmember Killingsworth asked if these can be stacked with County and municipality policies by businesses coming in.

Ms. Helms said yes, they could be and that Wake County's policy requires a local match.

Mayor Gilbert asked Ms. Helms if she feels like this is where this needs to be.

Director Helms said that she did.

Mayor Pro Tempore Gray asked if businesses had done an application under the current business would this bring in more businesses.

Director Helms said that there is an increase in projects looking into this market and we want to make sure that we are competitive with other Counties in this market.

A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember Killingsworth** to approve Development and Investment Grant Program Revisions.

VOTE: UNANIMOUS (5-0)

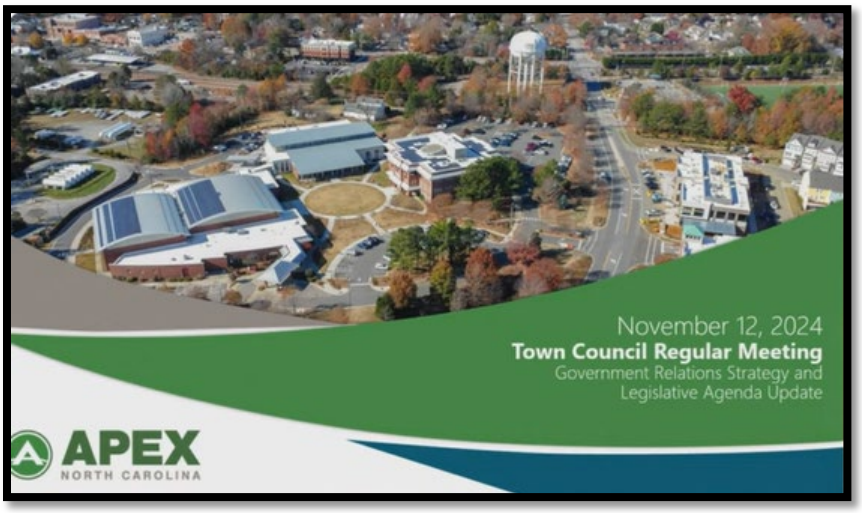
NB2 Government Relations Strategy and Legislative Agenda Process Update

(continued from Town Council Strategic Planning Session on October 25, 2024)

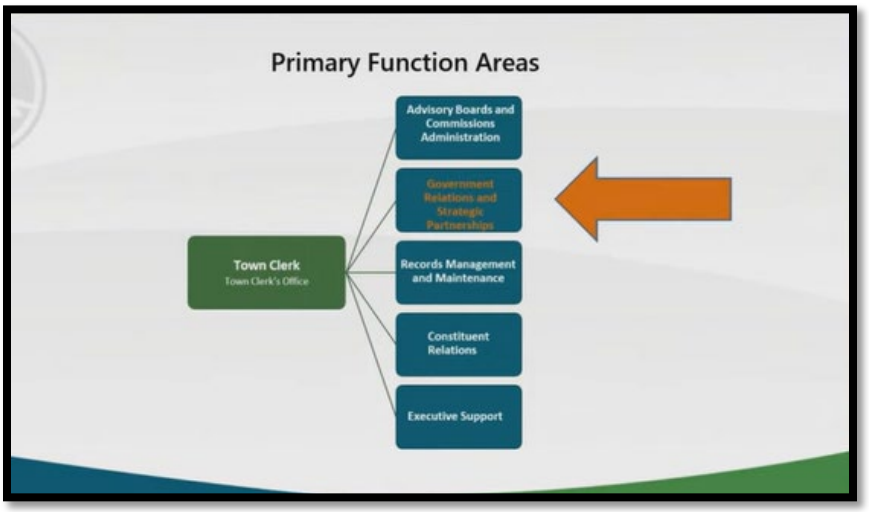
Proposed Action: Receive as information an update on the Town's Government Relations Strategy and upcoming Legislative Agenda Process, and provide direction as appropriate..

Town Clerk Allen Coleman gave the following presentation:

[SLIDE 1]



[SLIDE 2]



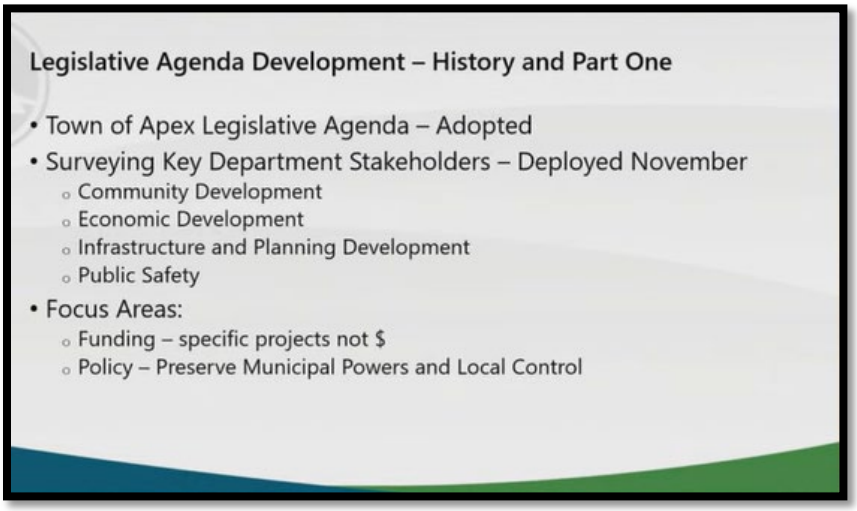
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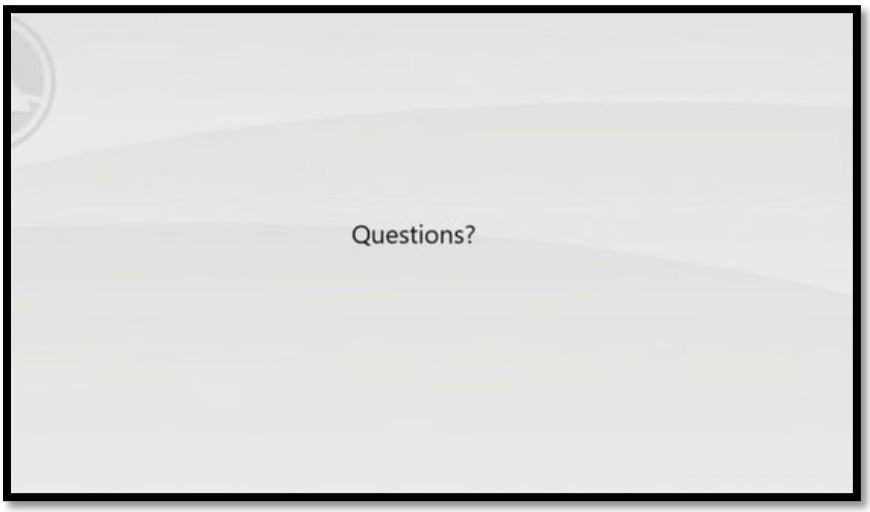
[SLIDE 5]



[SLIDE 6]



[SLIDE 7]



Town Clerk Coleman asked if there were any questions.

Mayor Gilbert thanked Town Clerk Coleman and asked if Council had any questions.

Councilmember Zegerman asked if there was a schedule to share to be able to meet some of these objectives, and to stay ahead of the General Assembly.

Town Clerk Coleman said that the Council retreat is in February and the goal is to survey staff and have prioritization done in December and January and then prep for the February Retreat for Council's prioritization, with having it adopted in February or first of March.

Mayor Pro Tempore Gray said that this is a great step and answer the "why". He said that the Council had identified that there were opportunities that were going to neighboring municipalities that Apex wasn't getting. He said that they wanted to create a legislative framework, so this is a part of a larger strategy. He said that the best thing is to be prepared and that is what this plan is going to do. He said he looked forward to being able to continue working on this. He thanked Town Clerk Coleman for the work that he had put into this.

Councilmember Killingsworth said that this FTE can help with coordination among state and federal representatives of Apex. She said having people in place to have things ready is wonderful and expressed her appreciation for the currently underway.

Mayor Gilbert announced a ten (10) min recess at **7:22 p.m**.
Mayor Gilbert reconvened the meeting at **7:33 p.m.**

NB3 Rosenwald School Project Overview

Proposed Action: Receive as information an update on the Rosenwald School Project in Apex.

Mayor Gilbert invited up Jeff Hastings, President, Apex Historical Society to give an overview of the Rosenwald School Project.

Councilmember Mahaffey said that in the past year and a half he has worked with some of the community members and staff to identify ways to preserve the Apex Community's Rosenwald School on Humie Olive Road. He introduced Jeff Hastings. He is hoping that everyone is supportive.

Mr. Hastings said that he is bringing a unique opportunity to the Council. He spoke on the three Boards that he is on. He said that it is because of Councilmember Mahaffey that they are at this meeting. He said about a year ago he was contacted about possibly saving the Rosenwald School. He said that they looked at several options for the potential of the building to see what could be done to save this property. He said the Rosenwald School was built as part of a project in the early 1900's to address under-funding of African-American schools in the South. He said that after the Supreme Court ruling in 1954, *Brown vs. Board of Education*, which declared school segregation unconstitutional, these buildings were frequently abandoned and dismantled. He said that they would like to try to add this to the list with the State Historic Preservation office. He asked Larry Harris to share more from the educational standpoint.

Mr. Harris said that he was a product of the Rosenwald School in Friendship. He gave history on the Rosenwald School. He said that this building is deteriorating, so action is needed soon to save it. He said that the Rosenwald School was an incubator for the HBCUs, and this was a large contributor to a vibrant Black middle class. He said that he is claiming that this is going to get done, and it will make the town proud. He said that he is an advocate for getting this preserved. He said that his mother wanted him to go to school, so she worked as an assistant teacher there for him to be able to go to Rosenwald. He thanked the Council for their help and support.

Mr. Hastings said that now the Apex Historical Society has agreed to help with this. He said they have been in discussion with Greater Christian Chapel Church about potentially relocating the building to their property. He said that they wouldn't want to move the building to their property and just walk away, so they are analyzing options for continued support. He said saving the building could help make it a cornerstone of the community. He said that the Panther Branch Rosenwald School was saved by a similar project in 2013. He said that the owner of the building is willing to donate the building, and it would come under

a Capital Preservation Easement to protect the building, then they would find a host that has the building and then work on maintaining the building. He said that they are trying to find State and Federal funding. He said that they would come back to the Council to report on what it will entail on saving the building. He said he was passion about saving this building. He passed out information on what the Panther Branch school is today.

Mayor Gilbert thanked them for being at the meeting and sharing this information. He asked Councilmember Mahaffey if he had any closing remarks.

Councilmember Mahaffey said that the vision is to preserve this historic structure to have it act as a centerpiece for the Friendship Community and highlight it as such a rich part of history. He said that this is what building a community looks like. He said the vision is to have this as a Community Center and the role of Apex is to provide the gap funding and work to secure money for these projects.

Mayor Gilbert said the project has his full support, and wanted to see it get done.

Councilmember Gantt wondered if moving it to a park would be a negative thing, since he said at a park the community could use it. He said that potentially it may not be available for the public, despite public money being used to restore it. He asked if there was a goal of public use.

Councilmember Mahaffey said the overall goal is for that to be the case. He said that public use doesn't mean publicly owned, it could be a space for rental or for education. He said that having the government own a historic asset doesn't always lead to the best results.

Councilmember Gantt said that he would hope the investment would be commiserate of the public good, and not just preservation. He said preserving this is worth some amount of money, and a bigger investment implies that people get to use it.

Councilmember Mahaffey said that they were not asking for funding at this time but he envisioned getting $100,000.00 that is dedicated to the Town for the use of Historical Preservation, and that the idea is that money would be used to facilitate the transfer and stabilization of the project. He said he thinks at that point there would be a lot more funding sources available for the restoration of the property.

Mr. Hastings said that Panther Branch is used daily for after-school care for those who may not be able to afford other after-school care. He said that if it is not a corporately or publicly owned building then there is not so much red tape. He said that working with a Church or other organization would be a best-case scenario so that the community can help with it and maintain.

Councilmember Gantt asked if that was something that was written into the contract for the Panther Branch building.

Mr. Hastings said no, it was only written that it was brought back to the condition when it was a school.

Councilmember Gantt said when looking at other Counties that have done this type of project that had some involvement. He asked if the County had been brought into discussions.

Councilmember Mahaffey said that there had been discussions with the County and Commissioners, and they were on board. He said there is not a final plan. He said they were trying to avoid the building continuing to deteriorate.

Mayor Gilbert said that if the County did not want to participate, it not to be the reason that this does not be done.

Councilmember Gantt said that he brought this up because this seems to have been protocol in other examples

Mr. Hastings said that they are trying to get ahead of a case where the property gets purchased and development wants to come in.

Councilmember Gantt said that he just wanted to make sure that Apex is a good steward of the money.

Councilmember Mahaffey reminded Council that they have been give $100,000 which must be used for historic preservation.

Councilmember Zegerman said that Friendship Community has a deep history. He said that he is in support of this project.

Mayor Gilbert thanked Mr. Hastings, Mr. Harris, and the Branch family for sharing this information and attending.

NB4 Construction Contract Award - Landmark Structures - 1.5 MG Elevated Water Storage Tank - Pleasant Park – Budget Ordinance Amendment No. 5 – Capital Project Ordinance Amendments No. 2025-3 and No. 2025-4 (REF: CONT-2024-337, ORD-2024-085, AND ORD-2024-086)

Councilmember Mahaffey noted that this item was on the Consent Agenda originally as CN6, but was removed, and the motion would be modified not to include the Budget Amendment.

A **motion by Councilmember Mahaffey**, seconded by **Councilmember Killingsworth** to award a construction contract, in substantial form, to Landmark Structures for the construction of the Pleasant Park 1.5 MG Elevated Water Tank project, authorize the Town Attorney and Town Manager to make minor modifications to the contract not affecting the construction schedule or cost, authorize the Town Manager, or their designee, to execute the contract on behalf of the Town and approve corresponding Capital Project Ordinance Amendments No. 2025-3 and No. 2025-4.

VOTE: UNANIMOUS (5-0)

[UPDATES BY TOWN MANAGER]

Town Manager Vosburg thanked the residents that came forward from Whitehall Manor. He said that he wanted to assure the residents that the town engaged and monitoring, and as was mentioned the Apex PD is present. He said that they are looking at

signage, monitoring data on speed, and possibly putting speed bumps. He said that they are also hopeful that people using this route will taper off, it may not fix the problem, but hopefully it will help. He said that they are looking for best practices and what they can do legally. He said that the next update is that there was a video that went out today on social media regarding utility billing. He said that they do not have a contract, but they have officially identified the firm Barry Dunn, McNeil, and Parker to do the billing audit. He said that they anticipate having the contract signed soon for the 3rd party review related to the Utility billing. He said that the search for the Police Department Chief is underway. He said that there will be an Open House in the Senior Center on November 19th at 5:30pm for the finalists to speak with the residents. He said due to the Holidays, residents are inquiring about the Trash, Recycling and Yard Waste schedule. He said that trash and recycling are scheduled are as usually scheduled. He said that the Yard Waste schedule will be as normal as possible, but he said that there will be some that carry over to the following week. He said the Apex Service Day will be November 22nd. He said that this will be Staff focused. He said it will be at the Dorcas thrift store, and invited staff to join.

[CLOSED SESSION]

A **motion** was made by **Mayor Pro Tempore Gray** and seconded by **Councilmember Gantt** to enter into close session pursuant to **NCGS §143-318.11(a)(4)**.

VOTE: UNANIMOUS (5-0)

Council entered into closed session at **8:10 p.m.**

CS1 Joanna Helms, Director, Economic Development
NCGS §143-318.11(a)(4):

"To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations, or to discuss matters relating to military installation closure or realignment."

Council returned to open session at **8:28 p.m.**

[ADJOURNMENT]

Mayor Gilbert adjourned the meeting at **8:28 p.m.**

Jacques K. Gilbert
Mayor

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

Submitted for approval by Town Clerk Allen Coleman and approved on December 10, 2024 (CN5).

APPROVED

TOWN OF APEX
SPECIAL TOWN COUNCIL WORK SESSION
TUESDAY, NOVEMBER 19, 2024
3:00 P.M.

The Apex Town Council met for a Special Work Session on Tuesday, November 19, 2024 at 3:00 p.m. at the Apex Town Hall located at 73 Hunter Street in Apex North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel: https://www.youtube.com/watch?v=Q08tBz7ybYI

CLERK NOTE: The November 19, 2024, Town Council Work Session was originally scheduled to begin at 3:30 p.m. and duly noticed as part of the Annual Meeting Schedule. The Governing Body were given the opportunity to meet the finalist for the Police Chief position beginning at 3:00 p.m., therefore the meeting notice was adjusted to begin at 3:00 p.m. since a quorum of the elected body would be present.

[ATTENDANCE]

Elected Body
Mayor Jacques K. Gilbert (presiding)
Mayor Pro-Tempore Ed Gray
Councilmember Brett Gantt
Councilmember Arno Zegerman
Councilmember Audra Killingsworth
Councilmember Terry Mahaffey
Absent: None

Town Staff
Town Manager Randy Vosburg
Deputy Town Manager Shawn Purvis
Assistant Town Manager Demetria John
Assistant Town Manager Marty Stone
Town Attorney Laurie Hohe
Town Clerk Allen Coleman
Interim Police Chief Trevor Materasso
Fire Chief Tim Herman

All other staff members will be identified appropriately below.

[COMMENCMENT]

Mayor Gilbert opened the meeting, and said the beginning portion would be an informal time for Council to meet with some of the candidates for the vacant Chief of Police role.

Town Manager Vosburg introduced Trevor Materasso, Interim Police Chief of Apex and said that the Mayor and Council are welcome to mingle and interact with Interim Chief Materasso. He said that after 5:00 p.m. there would be introductions for another candidate.

Mayor Gilbert called the formal portion of the meeting to order at 3:30 p.m., welcomed everyone, and led everyone in the pledge of allegiance.

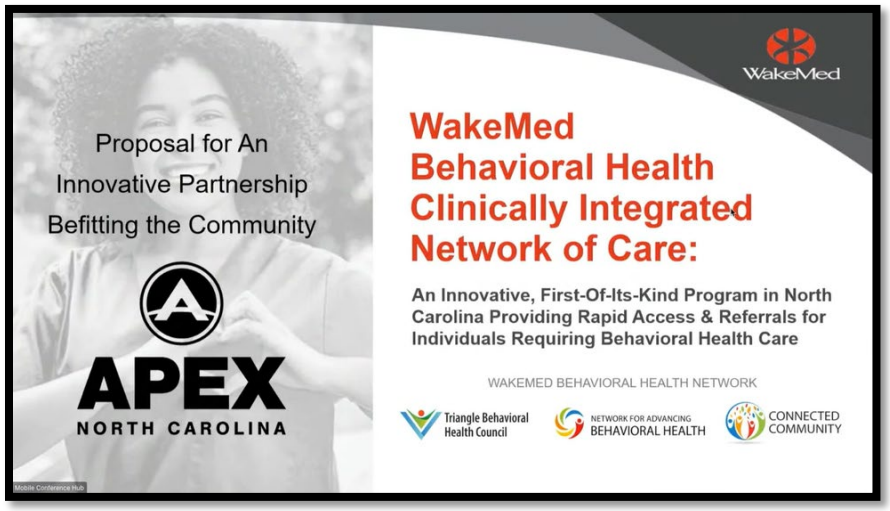
Mayor Gilbert asked Town Manager Vosburg to give Apex Police Department Updates.

[APEX POLICE DEPARTMENT UPDATES]

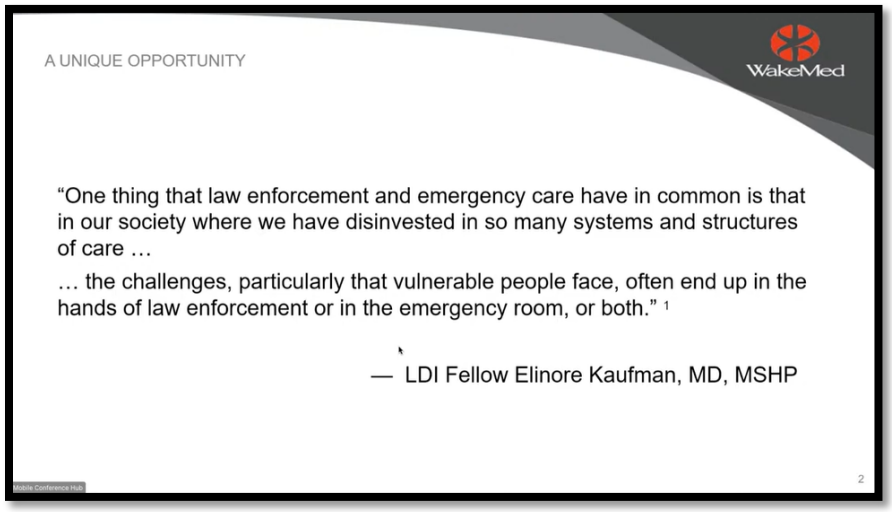
Town Manager Vosburg asked Chief Materasso to give updates on the Apex Police Department.

Interim Chief Materasso introduced **Megan Simpson**, Compliance Manager, and **Tom Klatt**, Executive Director, WakeMed Behavioral Health Network, who gave the following presentation:

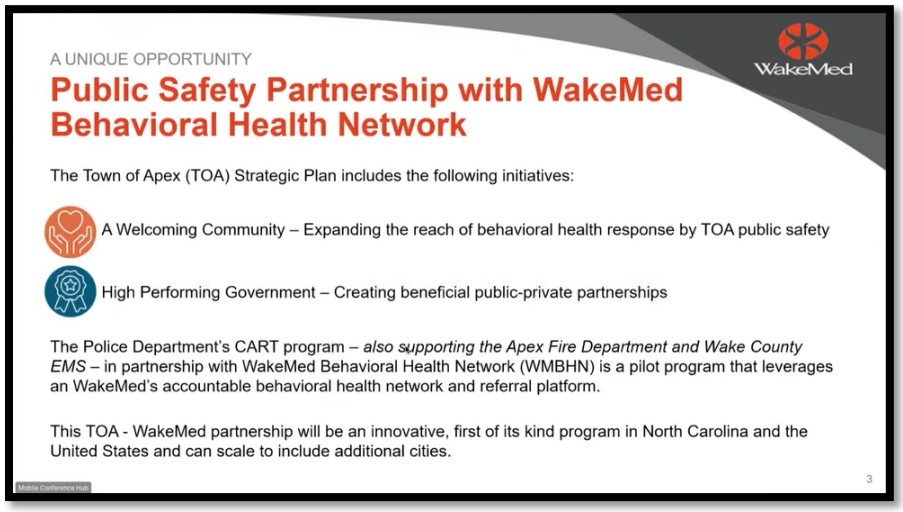
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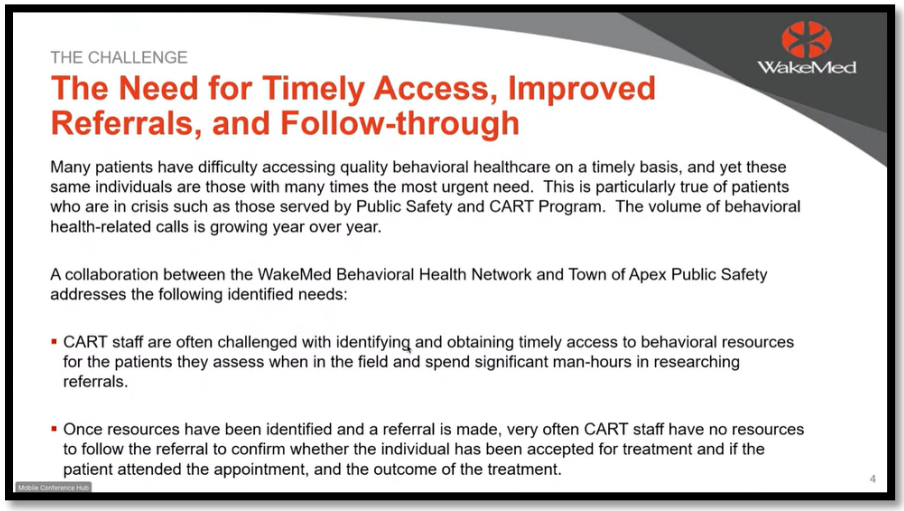
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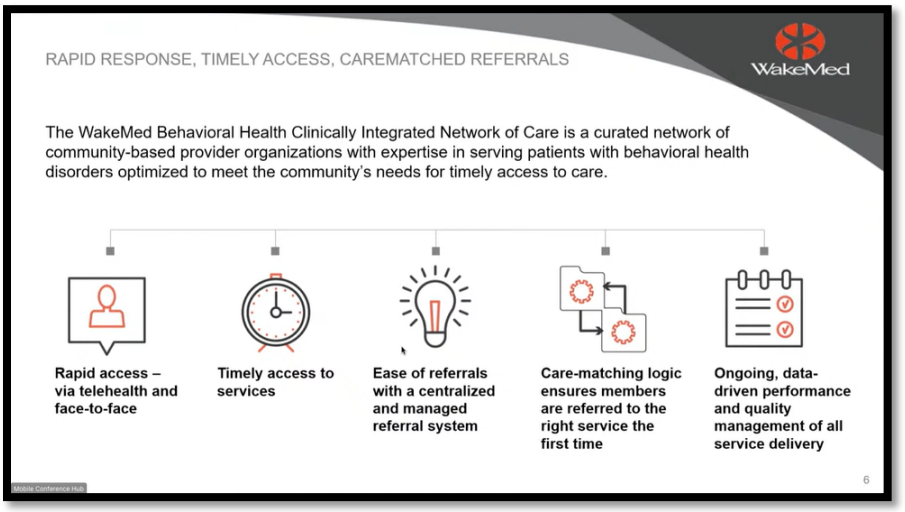
[SLIDE 4]



[SLIDE 5]



[SLIDE 6]



Councilmember Gantt asked what is happening right now without this process.

Ms. Simpson said when a call comes in and it involves the crisis response team, a social worker and officer who are involved respond to the scene, after it is secured, and the crisis counselor establishes a clinical relationship with the person, if possible, to see what the person's needs are. She said Khea Morton, the crisis counselor, would connect the distressed person to resources after the response.

Councilmember Gantt asked if it was common for there not to be any resources.

Ms. Simpson said that is correct, lack of availability is common. She said often resources are needed immediately for the person in crisis, and that can be difficult with this framework.

Councilmember Zegerman asked if victims of crime were separate or if they were part of this process.

Ms. Simpson said that there can be some overlap. She said the Victim Advocate for the town can work with the Crisis Counselor, if needed, and they could establish a clinical

relationship. She said they want to keep that aspect with the Crisis Counselor for clinical privacy and relationships.

Interim Chief Materasso said that they triage cases through the Victim Advocate to see if more support is needed from the Crisis Counselor and other agencies.

Mr. Klatt said this platform would help with scheduling and appointments, and also to be able to see information regarding follow-up and data.

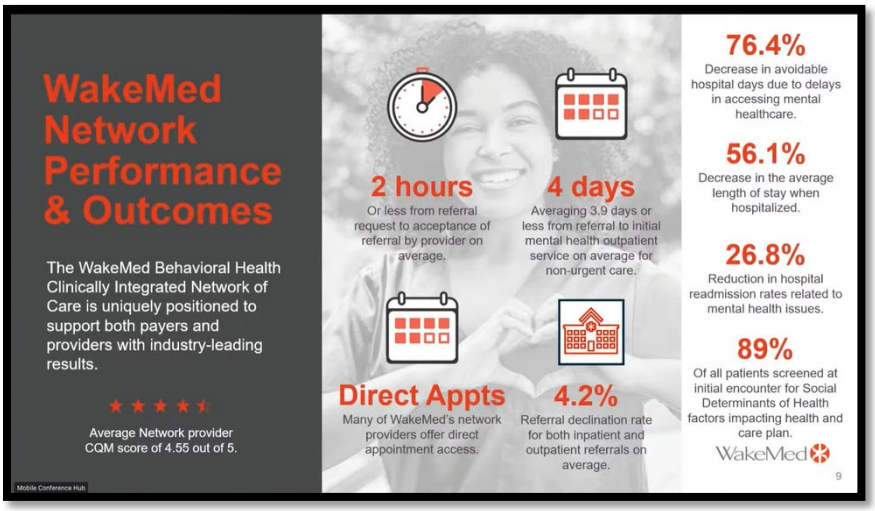
[SLIDE 7]



[SLIDE 8]



[SLIDE 9]



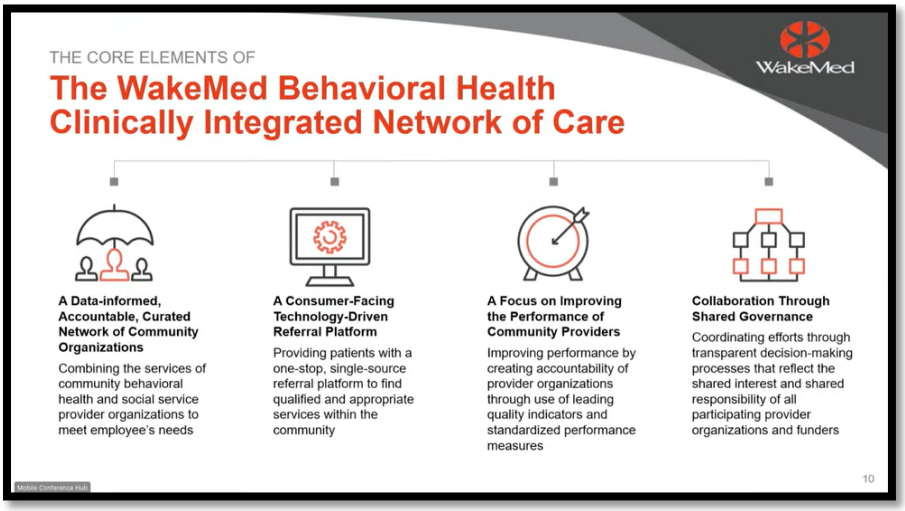
Councilmember Gantt asked what the geographic scope of this network was.

Mr. Klatt said that is across most of the State right now. He said that they have people who utilize their programming from Asheville to Wilmington.

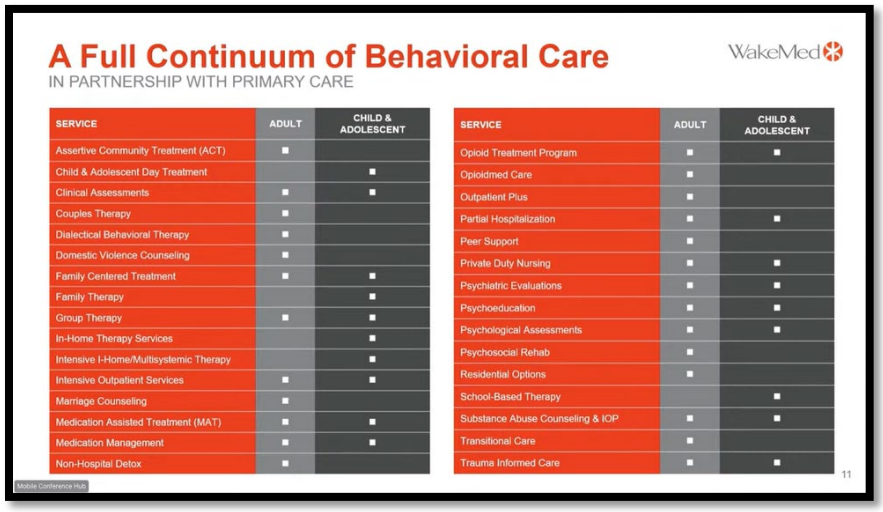
Councilmember Zegerman asked what types of partners were involved.

Mr. Klatt gave some examples of partners. He said there was a combination of community partners and private. He said that these are operators outside of the WakeMed system, and they do not own or manage any of them. He said this is a collaborative network of providers and resources.

[SLIDE 10]



[SLIDE 11]



A Full Continuum of Behavioral Care

IN PARTNERSHIP WITH PRIMARY CARE

WakeMed

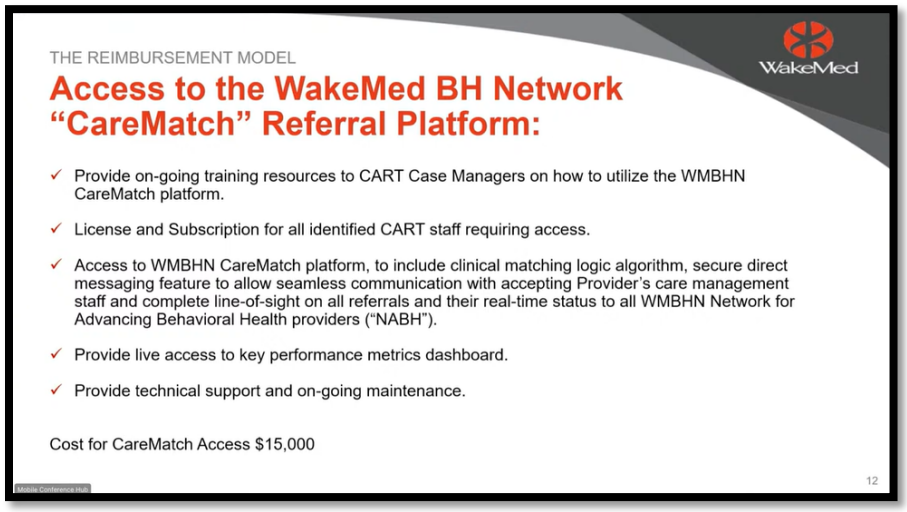
SERVICE	ADULT	CHILD & ADOLESCENT
Assertive Community Treatment (ACT)	■	
Child & Adolescent Day Treatment		■
Clinical Assessments	■	■
Couples Therapy	■	
Dialectical Behavioral Therapy	■	
Domestic Violence Counseling	■	
Family Centered Treatment	■	■
Family Therapy		■
Group Therapy	■	■
In-Home Therapy Services		■
Intensive I-Home/Multisystemic Therapy		■
Intensive Outpatient Services	■	■
Marriage Counseling	■	
Medication Assisted Treatment (MAT)	■	■
Medication Management	■	■
Non-Hospital Detox	■	

SERVICE	ADULT	CHILD & ADOLESCENT
Opioid Treatment Program	■	■
Opioidmed Care	■	
Outpatient Plus	■	
Partial Hospitalization	■	■
Peer Support	■	
Private Duty Nursing	■	■
Psychiatric Evaluations	■	■
Psychoeducation	■	■
Psychological Assessments	■	■
Psychosocial Rehab	■	
Residential Options	■	
School-Based Therapy		■
Substance Abuse Counseling & IOP	■	■
Transitional Care	■	
Trauma Informed Care	■	■

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Mobile Conference Hub

[SLIDE 12]



THE REIMBURSEMENT MODEL

Access to the WakeMed BH Network "CareMatch" Referral Platform:

WakeMed

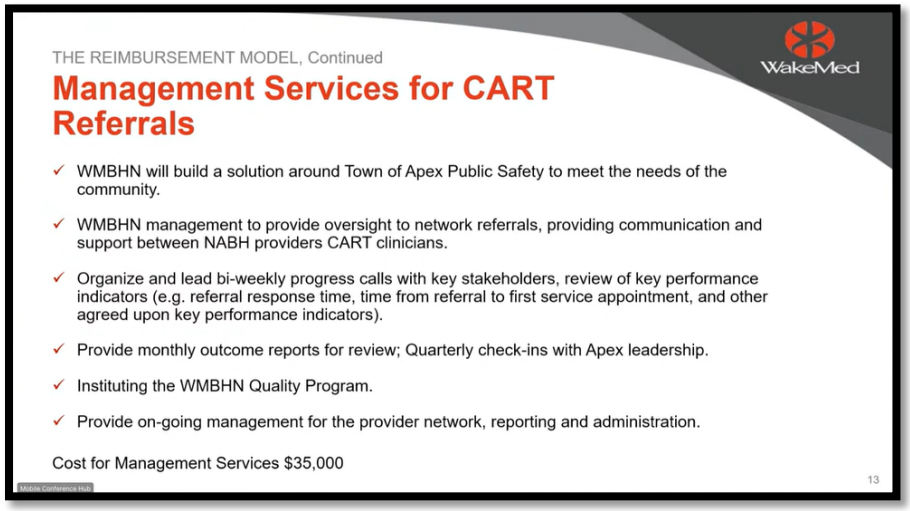
- ✓ Provide on-going training resources to CART Case Managers on how to utilize the WMBHN CareMatch platform.
- ✓ License and Subscription for all identified CART staff requiring access.
- ✓ Access to WMBHN CareMatch platform, to include clinical matching logic algorithm, secure direct messaging feature to allow seamless communication with accepting Provider's care management staff and complete line-of-sight on all referrals and their real-time status to all WMBHN Network for Advancing Behavioral Health providers ("NABH").
- ✓ Provide live access to key performance metrics dashboard.
- ✓ Provide technical support and on-going maintenance.

Cost for CareMatch Access $15,000

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Mobile Conference Hub

[SLIDE 13]



THE REIMBURSEMENT MODEL, Continued

Management Services for CART Referrals

WakeMed

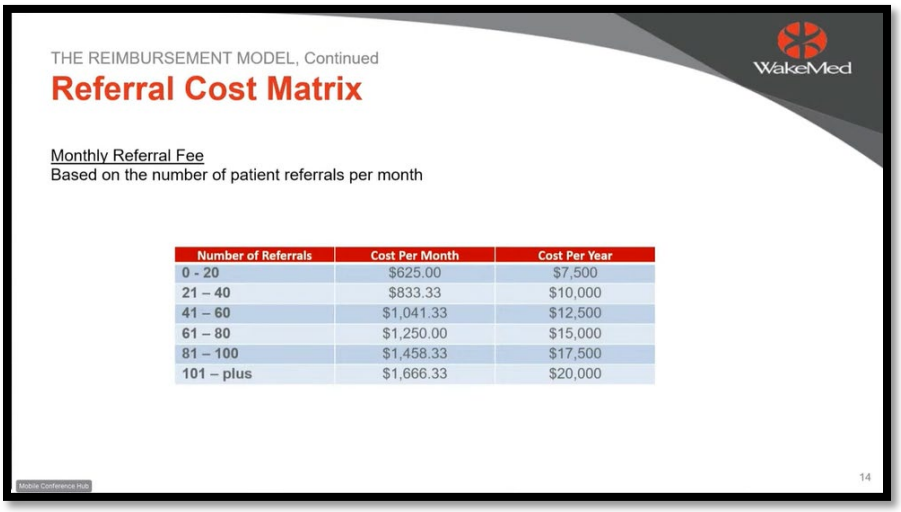
- ✓ WMBHN will build a solution around Town of Apex Public Safety to meet the needs of the community.
- ✓ WMBHN management to provide oversight to network referrals, providing communication and support between NABH providers CART clinicians.
- ✓ Organize and lead bi-weekly progress calls with key stakeholders, review of key performance indicators (e.g. referral response time, time from referral to first service appointment, and other agreed upon key performance indicators).
- ✓ Provide monthly outcome reports for review; Quarterly check-ins with Apex leadership.
- ✓ Instituting the WMBHN Quality Program.
- ✓ Provide on-going management for the provider network, reporting and administration.

Cost for Management Services $35,000

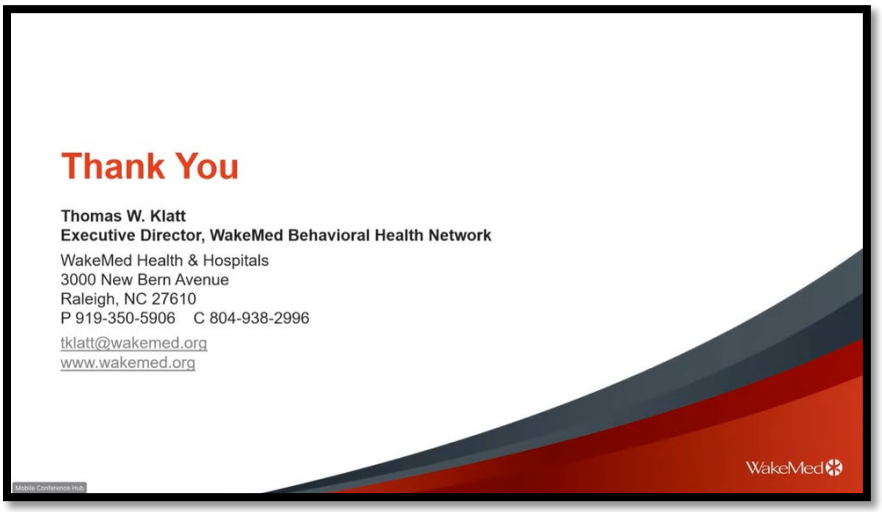
13

Mobile Conference Hub

[SLIDE 14]



[SLIDE 15]



Councilmember Zegerman asked to go back to the Case Management Services slide. He asked how large the case management staff was.

Mr. Klatt asked if Councilmember Zegerman was asking about the agencies receiving referrals.

Councilmember Zegerman asked who was currently doing the case management. He said that he would like there to be other case managers.

Mr. Klatt said the case management in this program would be done by the providers in this system. He said WakeMed would oversee and manage the program, and assist Ms. Morton with her coordination of it on Apex's end.

Interim Police Chief Materasso said they agreed that they do not want to have a single person on the Police Department that would be responsible for all of this. He said that they are starting with one as they step into this. He said that she would be the liaison and if she needed any support that Wake Med would be there to give that support. He said this

would make her more of a liaison rather than a case manager, as that role would fall more to the outside agencies, with Ms. Morton coordinating.

Councilmember Zegerman said that he would want her to do the social work because that is what she was hired for, but he did not want her to be doing case management that would prevent her from servicing the Community.

Interim Chief Materasso said the Police Department is adjusting to the CART program. He said that Ms. Morton is a clinician that is in school logging hours for certain certifications. He said that they were previously sending police officers to respond to behavioral crises and that is not their expertise, Ms. Morton has much more expertise to respond to a person in crisis and she now goes into the Community for the person in crisis at the moment they need it. He said previously it was more focused on the social work component, and that is where the inclusion of this program comes into play.

Councilmember Zegerman said that when the Community is dealing with a person in distress that is where he sees Ms. Morton's value. He said that Ms. Morton doesn't scale by herself, and asked if there were opportunities for volunteer program with other licensed clinicians that can operate independently out in the Community in addition to Ms. Morton.

Ms. Simpson said that they do have a partnership with Avance Health. She said they have established a mirror position to Ms. Morton's that she is able to work with. She said that WakeMed was not the singular partnership. She said that this was just one and there are other proposals and things in the works.

Councilmember Zegerman asked for a follow up conversation.

Ms. Simpson said that there was potentially individual dialogue. He said that if there was a good proposal that Council would like to proceed. He said that there was not a budget for this year so it would be something to work through with dialogue, get a proposal ready, and come back to Council.

Mayor Gilbert asked for a follow up conversation with Council.

Mr. Klatt said they could do that.

Mayor Gilbert thanked them for the information and asked what the next steps were.

Mr. Klatt said the next step would be finalizing the proposal.

Councilmember Mahaffey said this program is a platform for case management for mental health professional cases.

Mr. Klatt said that is correct, and it offers much more with the collaborative relationships that WakeMed has developed.

Councilmember Mahaffey asked what the history of the platform was.

Mr. Klatt said WakeMed has developed this program over the last 6 years. He said prior to the program, they had far more beds taken up by people who needed medical care, but then needed to be transitioned to mental health care. He said now they are much more efficient with transitioning people to the mental health care they need through this.

Councilmember Mahaffey asked if this was the platform the WakeMed ER in Apex used.

Mr. Klatt said yes. He said this would be adapted to suit the needs of the Police Department.

Town Manager Vosburg said it seemed like there was some additional individual dialogue that needed to occur. He said he assumed that Council would like to proceed as soon as possible if a good proposal could be reached. He said it was not budgeted for this year, so a budget amendment would be needed if it was this fiscal year.

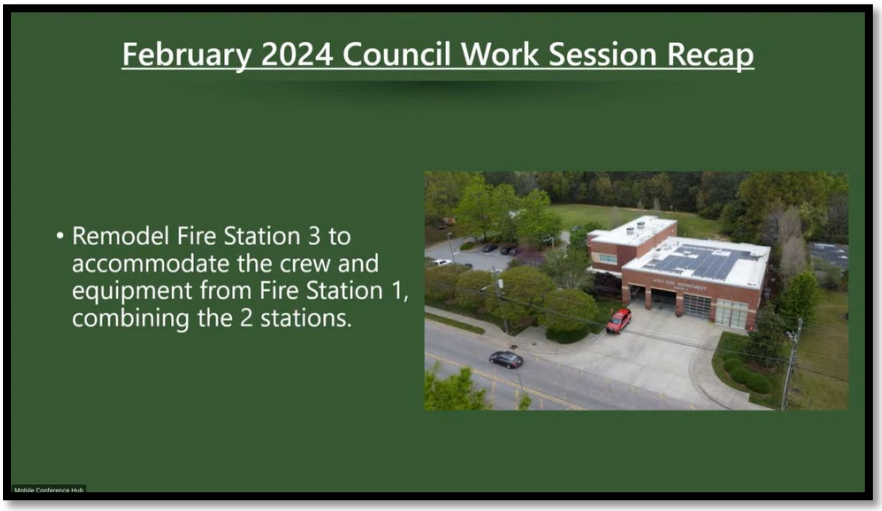
[APEX FIRE DEPARTMENT UPDATES]

Town Manager Vosburg introduced Timothy Herman, Fire Chief of Apex.
Chief Herman gave the following presentation:

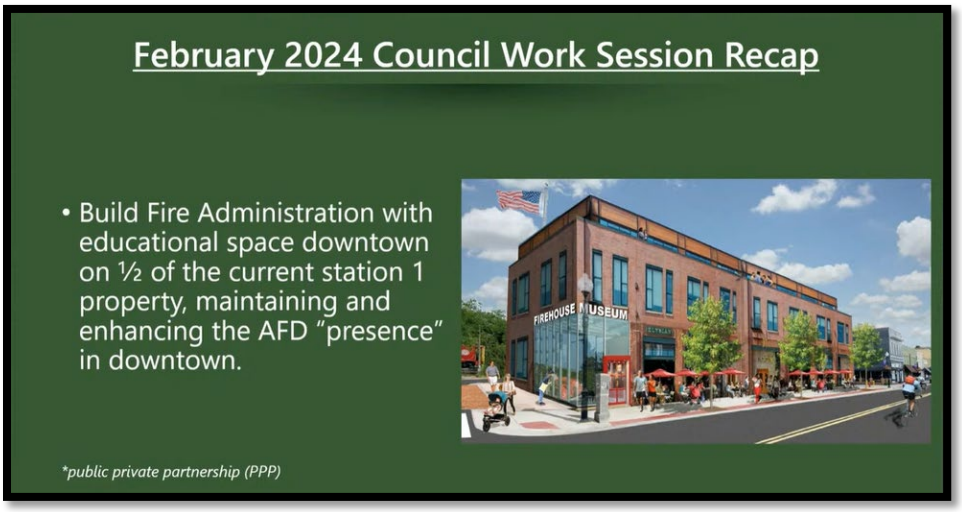
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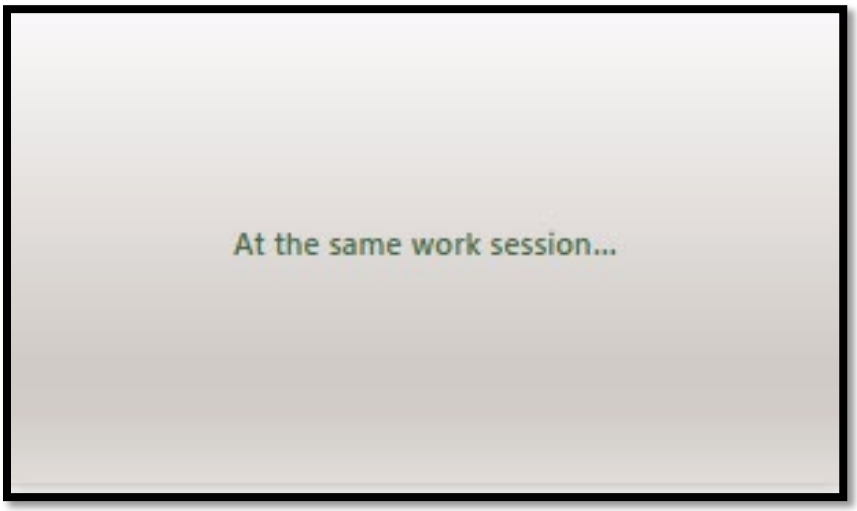
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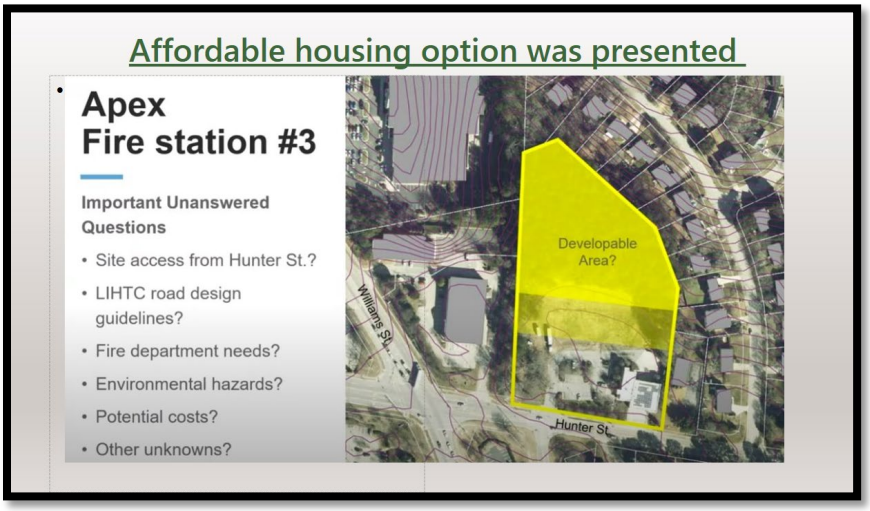
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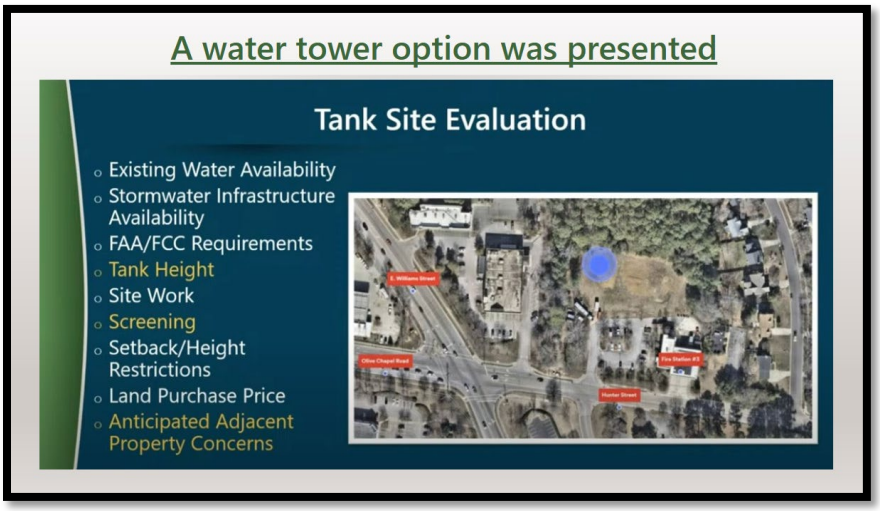
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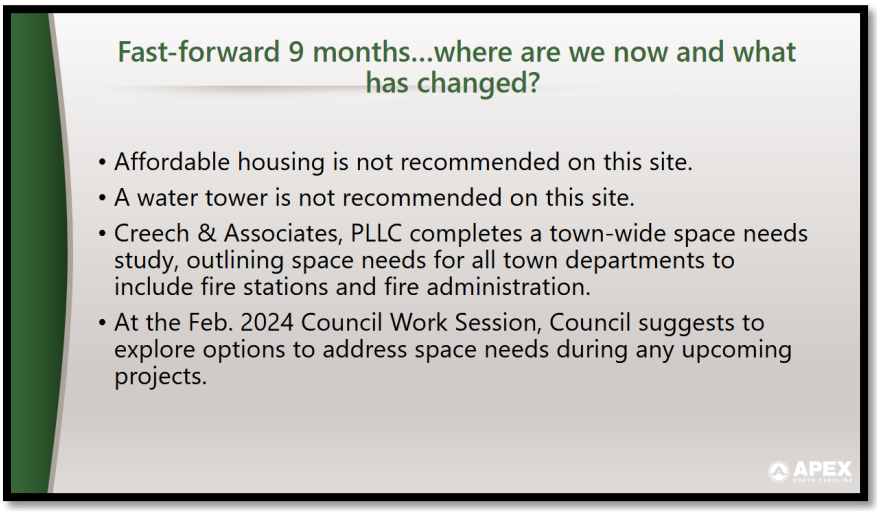
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[SLIDE 6]



[SLIDE 7]



[SLIDE 8]



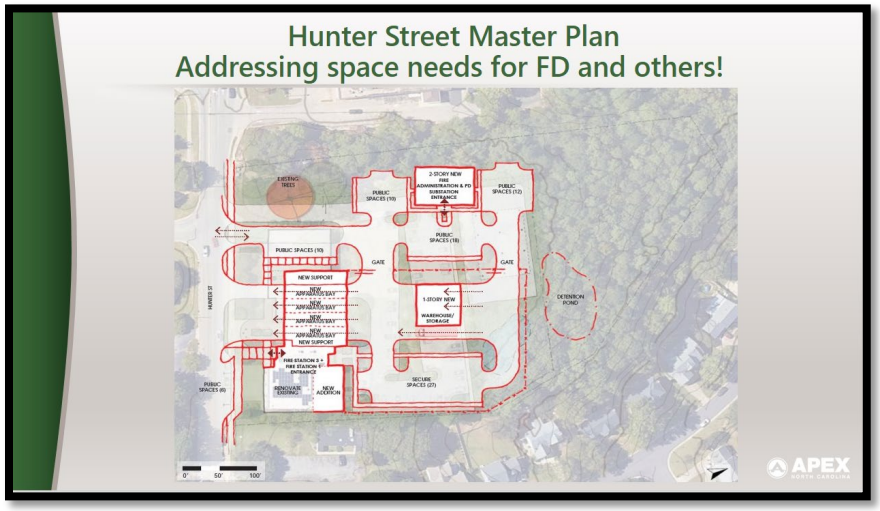
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[SLIDE 10]



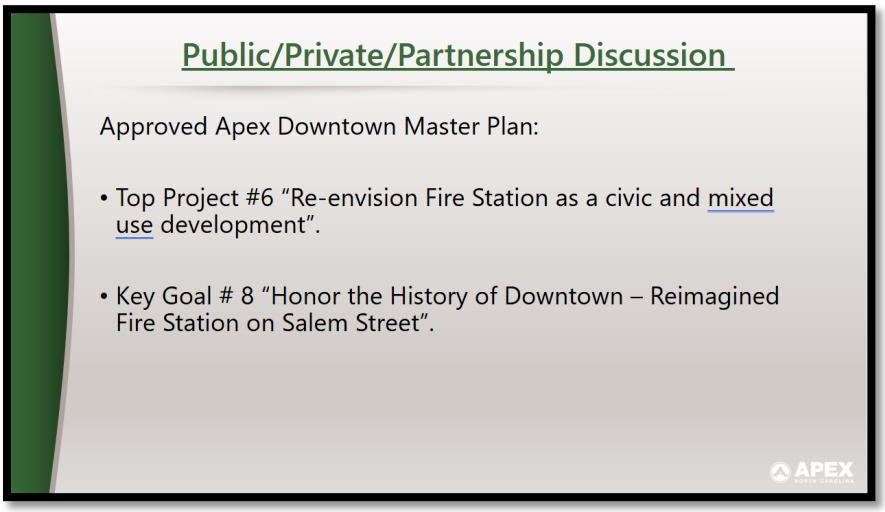
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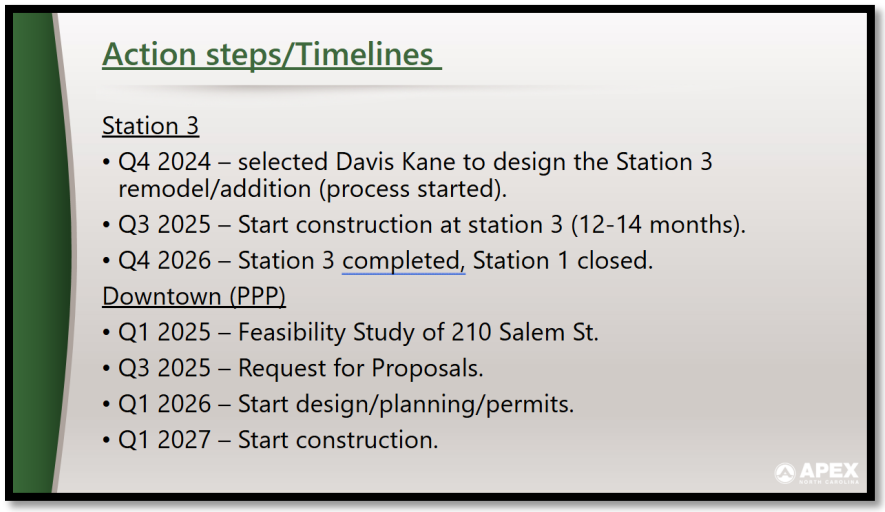
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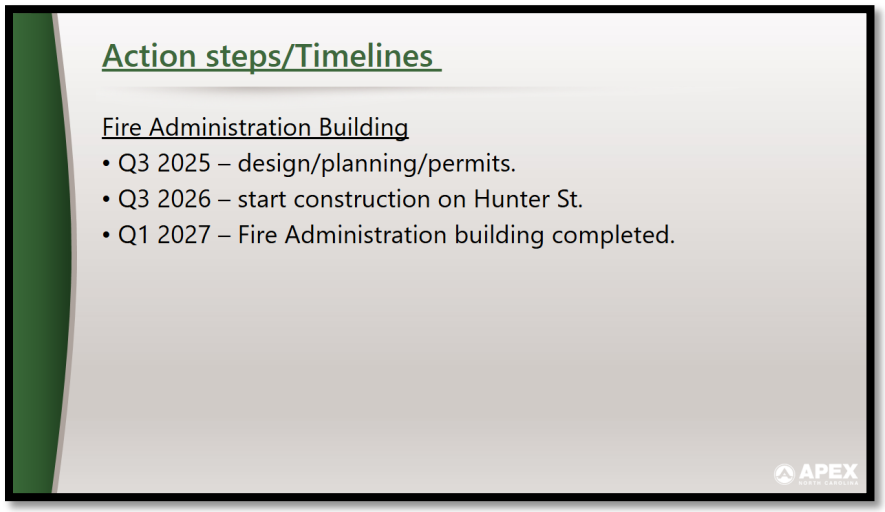
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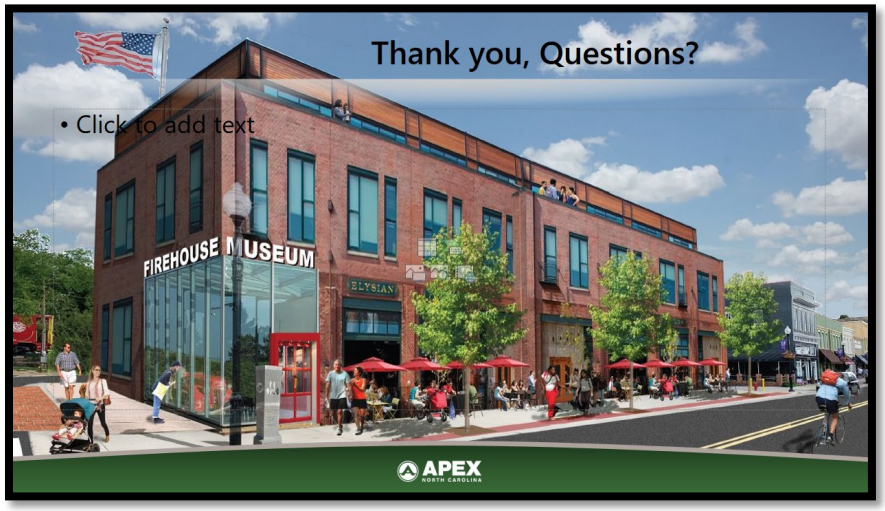
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[SLIDE 16]



[SLIDE 17]



Chief Herman asked if there were any questions.

Councilmember Zegerman asked about the sufficiency of having 4 apparatus bays.

Chief Herman said that space needs study recommended that they build an 18,000-foot fire station which includes three bays and living quarters, and that falls into the square footage of 2 Company Battalion Chief Fire Station.

Councilmember Zegerman asked roughly what the square footage for the Administration Building.

Chief Herman said that the space study recommended that currently needed is 7,800 square feet, and in 20 years that need would be 10,000 for Fire Administration.

Councilmember Zegerman said he was also thinking about PD and Parks and Rec needing additional space, and that in the grand scheme of things this seemed like a small building.

Daniel Edwards, Senior Capital Projects Manager, said that there are constraints on the site, and the maximum size for the building is 14,000 square feet.

Councilmember Zegerman said it addresses the Fire Department needs but no other needs.

Assistant Town Manager Stone said that there are some innovative things that could be looked at and this is the first look. He said that there may be options with storm water going under the parking lot. He said with that they may be able to go up another story to three stories.

Councilmember Zegerman said that previously when they spoke that they potentially would go vertically on the existing building, and that it would give more room for the administrative functions.

Assistant Town Manager Stone said that they are just getting the contract put together. He said in the master planning stage it will be looked at going out and up at the existing facility.

Councilmember Zegerman said that the space looks small for what they may need for the future. He said he wants to prepare for the needs 10-15 years down the road, and not just the current needs.

Chief Herman said that he did not think this property would solve everyone's needs.

Councilmember Zegerman said since it's a fairly large property they already own, it's a good place to try and solve as many issues as they can.

Assistant Town Manager Stone said that they would see how they could construct storm water and parking infrastructure to maximize the size of the building.

Mr. Edwards said that there are other departments that have space needs and there is an existing building south of the property.

Town Manager Vosburg said that they were looking at expanding the current Police Department and some options at the upcoming Environmental Education Center. He said that they are looking at all the options simultaneously.

Councilmember Killingsworth clarified that storm water was one of the biggest issues at the site, and they would need to look at things like permeable pavers.

Assistant Town Manager Stone said yes, they were going to maximize this site, and that they would be addressing storm water and finding ways to do this as efficiently as possible.

Councilmember Zegerman said that he has seen overseas where parking is basically grass, but still has structural supports.

Assistant Town Manager Stone said they will be installing one of those at Pleasant Park.

Councilmember Zegerman said that was a great idea, and would love to see it here.

Mayor Pro Tempore Gray said that the old Administration Building is still town property and that gives some development space there. He said that he supports the idea for the campus. He liked the idea of a public, private relationship and maximizing the use of property. He asked if having a business would create a sense of betrayal for the Community. He said he is supportive of the idea, but that is a concern he has.

Councilmember Gantt said he thinks that will definitely be the case, and that is a known con.

Chief Herman said that this is trying to meet in the middle. He said that some of the staff volunteers are excited about this. He said that it would be like 2 stations under one roof, so some staff do have reservations. He said he thinks if this is done right, it can attract people to the downtown area.

Councilmember Killingsworth said she loved the ideas.

Mayor Gilbert agreed.

Councilmember Zegerman agreed as well, and said that he supported the idea of keeping the same look of the building. He said that he would like more input from Economic Development regarding what may be best to go there. He said that he would like to reserve some space in the building for community events, in addition to the museum piece.

Councilmember Killingsworth said that the whole area would eventually be different, with The Depot space being considered for more public space as well.

Mayor Gilbert thanked them for speaking with the volunteers as well. He asked if there would still be presence from the community risk reduction staff.

Chief Herman said yes, and he said that they want to be very intentional on the hours of volunteers and offer classes along with fun stuff for kids.

Councilmember Mahaffey asked what the purpose of putting Administration downtown.

Chief Herman said the initial vision of the office moving here was because it was the available space, and that he would love to have his office down there as well. He said that when he was challenged to look at it from a different lens, he understood there were different needs in other departments as well. He said they would need 20 parking spots, but it would be challenging. He said operationally, the campus location may be more functional, but he does think there should be some staff here.

Town Manager Vosburg asked the Council if they were good with the parameters of the project.

Director Helms said to keep an open mind to feasibility of the market and let the market dictate some of the decisions.

Councilmember Gantt asked if they are looking at 3 stories.

Chief Herman said it depends a lot on the developer, but they had most recently discussed having 3 stories with the top floor offset. He said it would be allowed to go up to 4 stories per Town ordinance.

Director Helms said that the developer would have to have a working business model, and that it was mostly to need 3 stories to do that.

Town Manager Vosburg encouraged the Council to be open with options.

Councilmember Killingsworth said that she was fine with private business, but she didn't want to have too much office space to where the public couldn't utilize the building. She said she would hope the top floor space could be used for people to sit and enjoy views of downtown.

Councilmember Gantt said he would expect that the 2nd floor would be for the office uses and the 1st and 3rd floors would be for public use.

Councilmember Killingsworth agreed.

Councilmember Mahaffey said the hope would be to sell the building to a developer for them to build out, with an agreement for the town to be able to utilize portions of it. He said he would love some new uses to come in here. He said maker spaces would be cool, but they also wouldn't be utilized a lot of the time.

Councilmember Zegerman said that he would love to see a maker space but that may not be the best use of this space.

Director Helms suggested that it could be an interactive business, like wine and design. She said that could pair well with the museum aspect of the building.

Mayor Gilbert thanked **Chief Herman** and called a recess at **4:47 p.m.**

Mayor Gilbert reconvened the meeting at 5:00p.m.

Mayor Gilbert announced that the Town Council would have the opportunity to informally met with another one of the candidates for the Police Chief vacancy.

[ADJOURNEMENT]

Mayor Gilbert adjourned the meeting at **5:27 p.m.**

Jacques K. Gilbert
Apex, Mayor

Allen Coleman, CMC, NCCCC
Town Clerk to the Apex Town Council
Submitted for approval by Apex Town Clerk Allen Coleman

Minutes approved on 14th of January, 2025 (CN9).

APPROVED

TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
THURSDAY, NOVEMBER 21, 2024
6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Thursday, November 21, 2024 at 6:00 PM in the Council Chambers at Apex Town Hall, located at 73 Hunter Street in Apex, North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel. The recording of this meeting can be viewed here:

https://www.youtube.com/live/3V2ESGVjlow

[ATTENDANCE]

Elected Body
Mayor Jacques K. Gilbert (presiding)
Mayor Pro Tempore Ed Gray
Councilmember Audra Killingsworth
Councilmember Terry Mahaffey
Councilmember Brett Gantt
Councilmember Arno Zegerman

Town Staff
Town Manager Randy Vosburg
Deputy Town Manager Shawn Purvis
Assistant Town Manager Marty Stone
Assistant Town Manager Demetria John
Town Attorney Laurie Hohe
Town Clerk Allen Coleman
All other staff members will be identified appropriately below

[COMMENCEMENT]

Mayor Gilbert called the meeting to order and welcomed all who were in attendance and watching on livestream.

Mayor Gilbert then took a moment of silence for the invocation, and invited attendees to join in a moment of giving thanks. He led those in attendance in the Pledge of Allegiance.

[CONSENT AGENDA]

A **motion** was made by **Councilmember Zegerman**, seconded by **Mayor Pro Tempore Gray**, to approve the Consent Agenda as presented.

VOTE: UNANIMOUS (5-0)

CN1 Agreements – Wake Transit Funding Agreements – Go Apex Funding FY25 – General Operating Agreement for Bus Operations – Community Funding Area Program Wake Transit FY 2025 and General Capital Funding Agreement Community Funding Area Program for Bus Infrastructure Wake Transit FY25 (REF: CONT-2024-345 and CONT-2024-346)

Council voted to approve a General Operating Agreement between Research Triangle Regional Public Transpiration Authority (Go Triangle) and Capital Area Metropolitan Planning Organization (CAMPO) and the Town of Apex, effective until December 31, 2025, for Bus Operations – Community Funding Area Program Wake Transit FY 2025 and to authorize the Town Manager, or their designee, to sign on behalf of the Town.

AND

Council voted to approve a General Capital Funding Agreement between Research Triangle Regional Public Transportation Authority (Go Triangle) and Capital Area Metropolitan Planning Organization (CAMPO) and the Town of Apex, effective until December 31, 2027, for Bus Infrastructure – Community Funding Area Program Wake Transit FY 2025 and to authorize the Town Manager, or their designee, to sign on behalf of the Town.

CN2 Agreement – Sontiq, Inc. dba Identify Force – Identity Theft/Credit Report Monitoring – Employees and Post-65 Retirees – Eligible for Auto Renew Annually (REF: CONT-2024-347)

Council voted to approve a Benefit Agreement between Sontiq, Inc. (dba IdentityForce) and the Town of Apex, to provide Identity Theft/Credit Report Monitoring and related services to employees and retirees not on the Town's Health Insurance Plan, and to authorize the Town Manager, or their designee, to sign on behalf of the Town.

CN3 Agreement Amendment – HireRight, LLC – Additional New Hire Services – Motor Vehicle Record Check and Reference Check (REF: CONT-2024-348)

Council voted to approve an Amendment to the Town's existing background check agreement with HireRight, LLC to include Motor Vehicle Record and Reference Checks.

CN4 Agreement - Lease Agreement - Quadient Leasing - Postage Machine Town Hall and Apex Police Department through November 30, 2027 (REF: CONT-2024-349)

Council voted to approve a lease agreement between the Town of Apex and Quadient Leasing for two (2) postage machines, IX1 and IX7, effective December 1, 2024 through

November 30, 2027 (36 months), and authorize the Town Manager, or their designee, to execute on behalf of the Town.

[PRESENTATIONS]

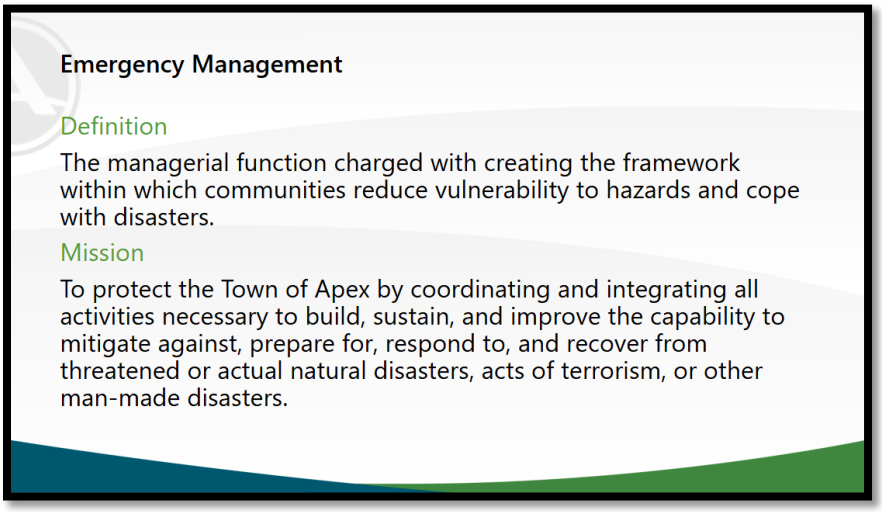
PR1 Emergency Management Program Overview

Mayor Gilbert invited Taylor Sanchez, Emergency Management Coordinator, Apex Fire Department, to give the following presentation.

[SLIDE 1]



[SLIDE 2]



[SLIDE 3]

Legislation

- Chapter 166A, North Carolina Emergency Management Act. 1977
- Robert T. Stafford Disaster Relief and Emergency Assistance Act, 1988
- Homeland Security Presidential Directive 5 (HSPD-5), 2003
- Post-Katrina Emergency Management Reform Act (PKEMRA), 2006
- Presidential Policy Directive 8 (PPD-8), 2011

[SLIDE 4]

Mission Areas
National Preparedness Goal

"A secure and resilient Nation with the capabilities required across the whole community to prevent, protect against, mitigate, respond to, and recover from the threats and hazards that pose the greatest risk."

- Measured by 32 core capabilities
- Over 5 mission areas
- Multidisciplinary / whole community involvement*

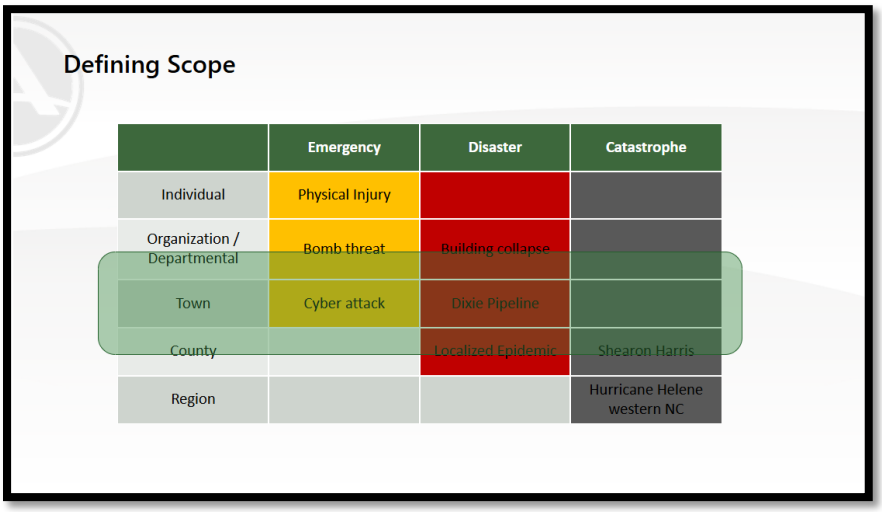
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<tr><td colspan="5">Public Information and Warning</td></tr>
<tr><td colspan="5">Operational Coordination</td></tr>
<tr><td colspan="2">Intelligence and Information Sharing</td><td rowspan="3">Community Resilience
Long-term Vulnerability Reduction
Risk and Disaster Resilience Assessment
Threats and Hazards Identification</td><td colspan="2">Infrastructure Systems</td></tr>
<tr><td colspan="2">Interdiction and Disruption</td><td rowspan="2">Critical Transportation
Environmental Response/Health and Safety
Fatality Management Services
Fire Management and Suppression
Logistics and Supply Chain Management
Mass Care Services
Mass Search and Rescue Operations
On-scene Security, Protection, and Law Enforcement
Operational Communications
Public Health, Healthcare, and Emergency Medical Services
Situational Assessment</td><td rowspan="2">Economic Recovery
Health and Social Services
Housing
Natural and Cultural Resources</td></tr>
<tr><td colspan="2">Screening, Search, and Detection</td></tr>
<tr><td>Forensics and Attribution</td><td>Access Control and Identity Verification
Cybersecurity
Physical Protective Measures
Risk Management for Protection Programs and Activities
Supply Chain Integrity and Security</td><td colspan="2"></td></tr>
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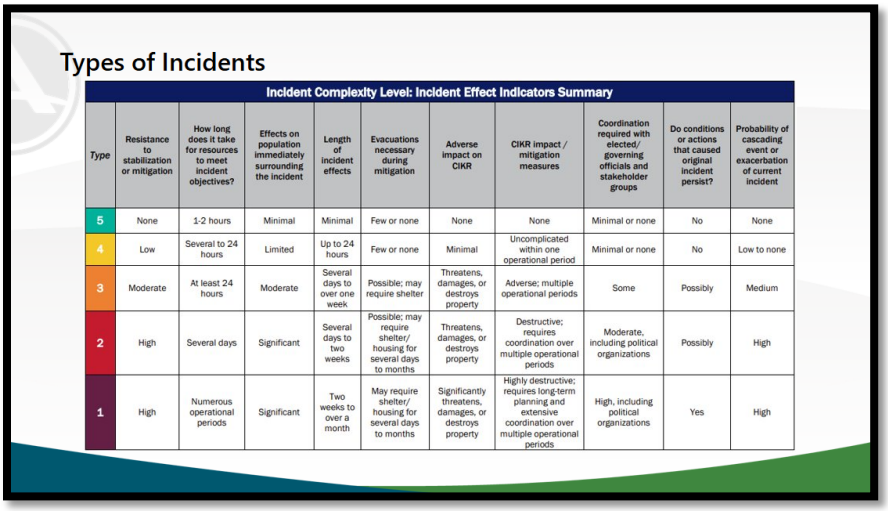
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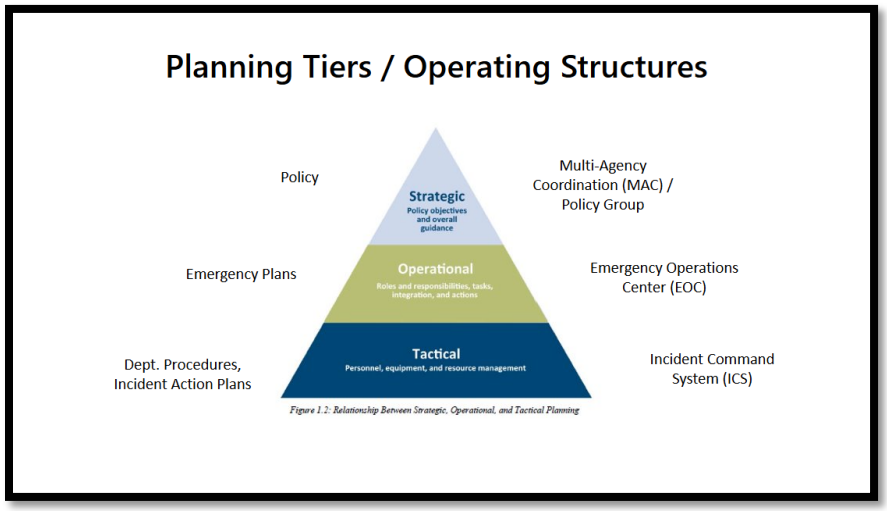
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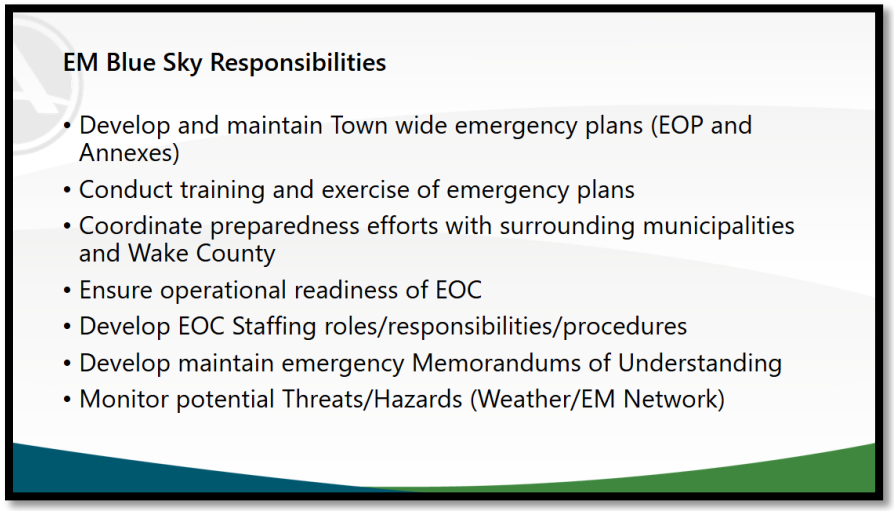
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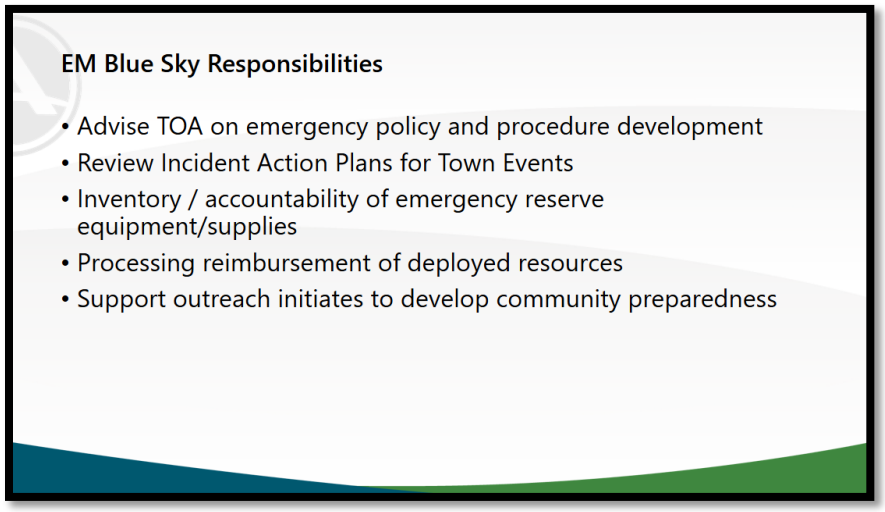
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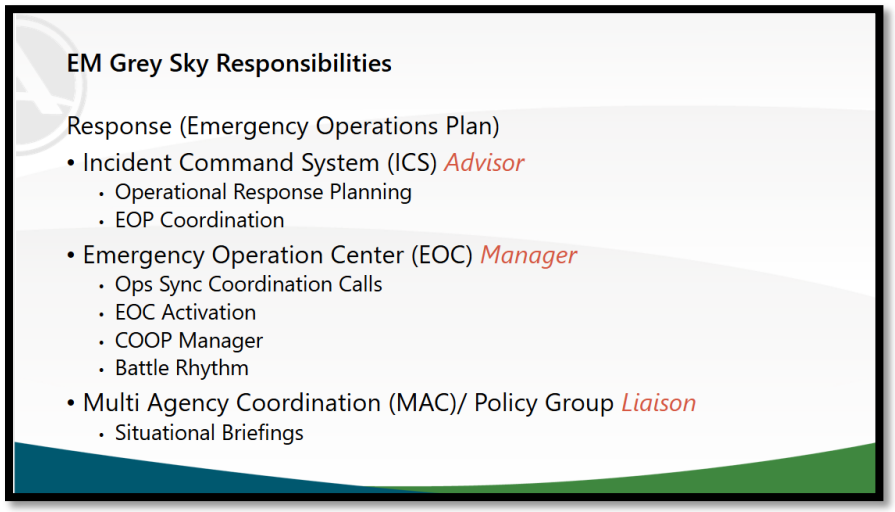
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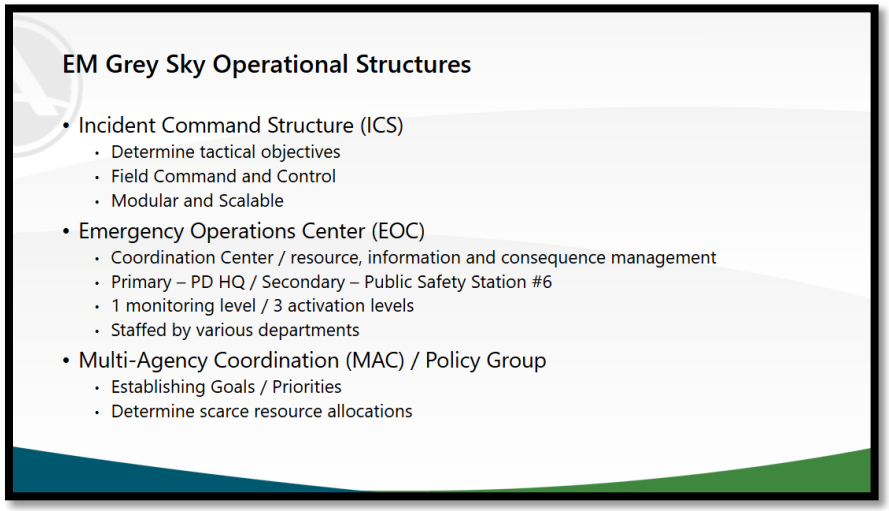
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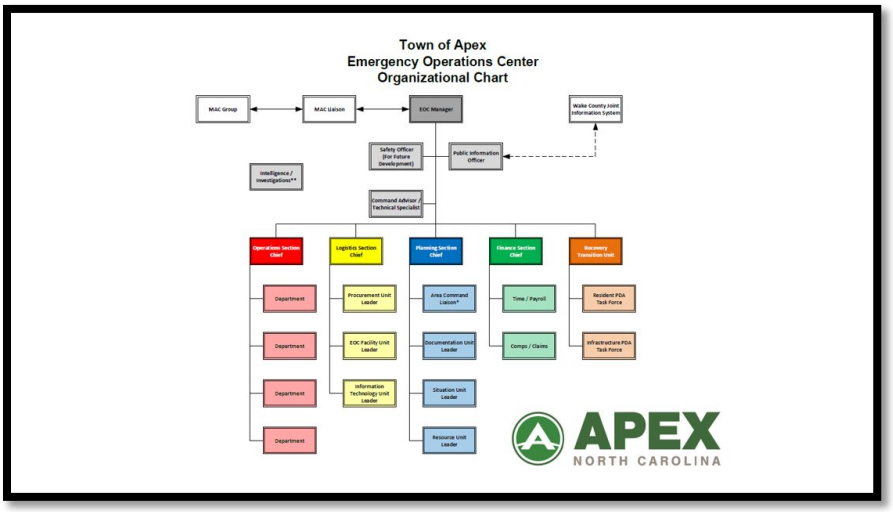
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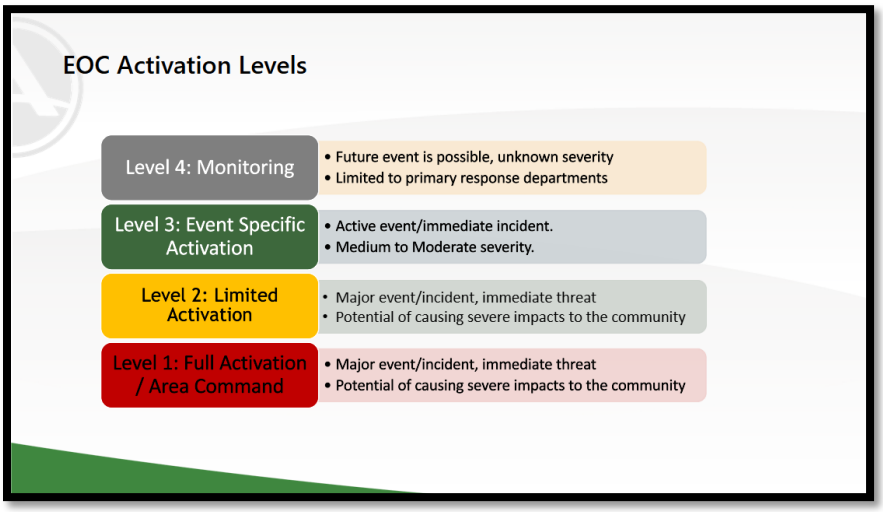
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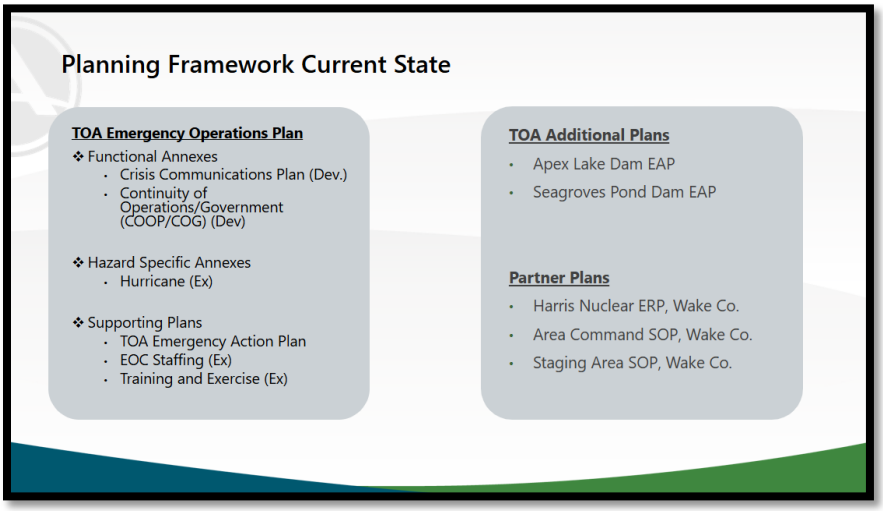
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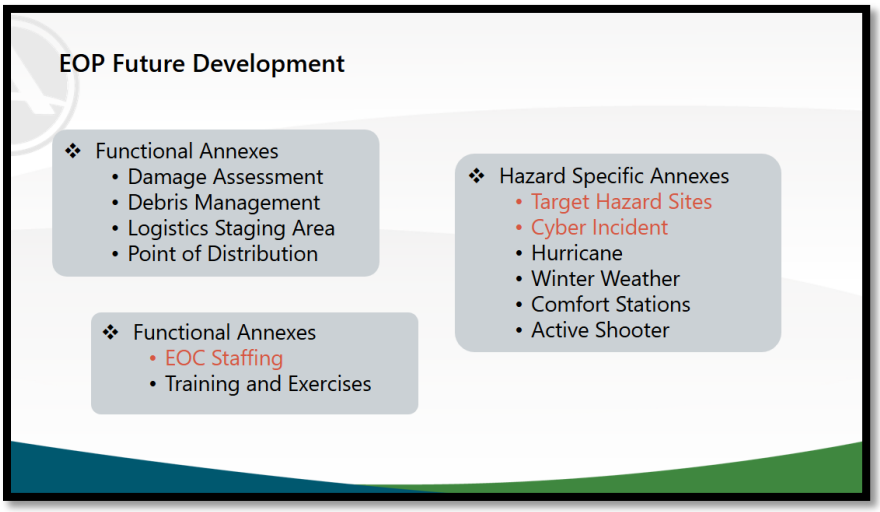
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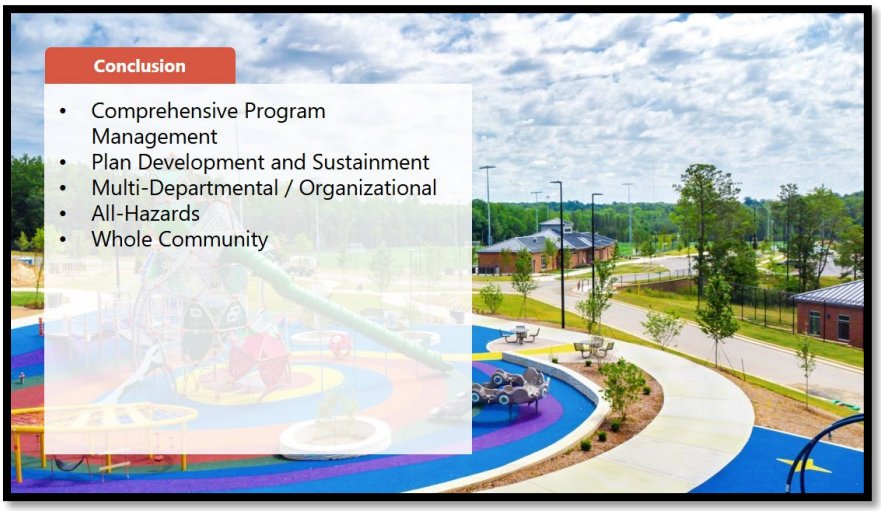
[SLIDE 17]



[SLIDE 18]



[SLIDE 19]



Mr. Sanchez asked if there were any questions.

Councilmember Zegerman asked what could be done for communications to residents in order to prepare them for different events before they may occur.

Mr. Sanchez said that the best way for the residents to stay informed is through Ready Wake alerts, which Wake County is responsible for maintaining. He said registering for that is key, as residents can get weather and emergency alerts directly. He said they plan to keep residents informed through social media, and can also plan outreach events in the future.

Councilmember Zegerman said it would be great to have people be prepared before an emergency occurs.

Mr. Sanchez said that one of the solutions is asking for volunteers during practice and exercises for emergencies.

[REGULAR MEETING AGENDA]

Mayor Pro Tempore Gray noted that New Business Item 1 was labeled as Public Hearing 2 on the webpage, and offered the clarification that the Regular Agenda only has 1 Public Hearing Item.

A **motion** was made by **Councilmember Killingsworth,** seconded by **Councilmember Zegerman**, to approve the Regular Meeting Agenda as presented.

VOTE: UNANIMOUS (5-0)

[PUBLIC FORUM]

Mayor Gilbert opened public forum and invited up the first speaker.

First to speak was **Elizabeth Stitt** of 3113 Friendship Road

"Allen's going to hand you a handout. So, as you guys know I follow tree patterns and policies from other communities and what I have for you here today is the Wake Forest tree policy that they are getting ready to adopt as a part of their revamp of their UDO, and what I wanted to bring to your attention is how the conversation around trees are changing, so you'll see on the second page they start talking about trees in the terms of tree canopy is no longer just about the number of trees it's about the actual canopy, what is that particular tree going to do. And so I just thought it was really interesting how they put it together and I know that this information will get shared out to the EAB and the Tree CAP and the planning department, but I just wanted to keep you up to speed as to what other communities are doing. It seems that the City of Raleigh, with their street tree program my daughter got a tree actually technically two, in the City of Raleigh's right-of-way. My son lives in downtown Durham, he got trees put in his right-of-way as well, and so I know that we've had discussions with the town before, but it' be nice if the town would look at putting trees in the towns right-of-way, you don't have to have large trees you can still have small trees. So, with that part of the community conversation I've been having is because we haven't heard any type of workshop around the tree canopy study that you know came out a year ago, we're probably going to own have our own workshop around trees and bring the forestry agency. I'm in the final stages of getting my Forestry Certification and my controlled burn permit as well, to be able to take care of underbrush. So it is something that I'm comfortable hosting out for the larger community, so once we get dates and we get speakers and all I'll let you guys know but I think there's a lot of people in our community that don't understand what you can do to preserve the trees and like in this UDO one of the things they were talking about in certain areas you wouldn't be allowed to use equipment to put in fences, you would have to do hand digging instead of equipment, and why would you do that, you know it's about the root structure and trying to preserve the trees because what we've heard from a lot of developers is, hey we want to clearcut it because if we don't clearcut it these trees on the perimeter are going to die anyways, and that is not necessarily true there are ways to preserve the trees so I just wanted to share what Wake Forest was doing, Thank you.

Mayor Gilbert thanked Ms. Stitt and invited the next speaker.

Next to speak was **Panshul Aeron** at Green Level High School:

"Good evening Mayor Gilbert, Apex's respected Council Members and my fellow citizens my name is Panshul Aeron, and I am a 16-year-old 11th grader currently attending Green Level High School in Apex. I am proud to say that I've been living in the Cary / Apex area for almost 14 years now. I'm here with my childhood best friend Suayam who I've known since the third grade. Firstly, I'd like to express how grateful we are to have this opportunity to speak to you all today. We recently had the chance to speak at the Town of Cary, September Council meeting where we gathered strong support and we hope the Town of Apex will do the same. Suayam and I started off as two teenagers with a passion for teaching and helping others. We began by tutoring kids in our neighborhood hoping to make a small difference while earning volunteering hours, but as we quickly learned it wasn't easy to gather enough students, that's when we decided to take our efforts to the next level. In November 2023 we officially launched the Global Scholars Alliance, a 501c3 nonprofit dedicated to providing free and nutritious meals to WCPSS students. Since then, I am proud to say that our journey has been nothing short of remarkable. Throughout the past 10 months GSA has grown from a simple idea to a fully established nonprofit organization. We received certification from the IRS, created our own website, gathered a social media presence, launched a successful GoFundMe campaign, and even formed a team of seven student leaders. Through these efforts we've managed to raise over $3,000 which has allowed us to expand our reach and provide ample services to our local community. Before we dive deeper I would like to introduce some of our talented student team members; Babik Kanimuri, a junior at Eno High School, Bobic is our Toastmasters public speaking instructor and a state level award-winning debater. Sadar Chakapuli is our competition math and SAT prep instructor, Sadar is a junior at Green Hope High School and a perfect scorer on the SAT, a 1600. Yasaswini Vadravu, a junior at Green level High School. Yasaswini is a website development intern dedicated to using her coding skills to help our community. Our mission extends beyond just providing free and nutritious meals, we also are advocating for increasing nutritional standards within the WCPPS. Countless students who rely on school cafeterias aren't receiving the vital nutrients that they need for proper development, energy, focus and academic performance. The main counterargument is that improved nutritional standards would decrease school lunch revenue. However, from our research concerning 330 Minnesota school districts and surveys from local teens, we found that school lunch revenue will not decrease and could potentially increase. It is up to us to minimize the gap between public and private school nutritional standards, the cost of higher quality ingredients is minimal compared to the profound impact on developing America's Future Leaders now I'll pass it off to Suayam."

Suayam Shah continued:

"Hello everyone, my name is Suayam Shah, and I've been living here in the Apex area for the past decade. As an organization, one of our proudest accomplishments is our partnership with Davis Drive Middle School. Our team started coaching their math counts and science Teams and our students excelled beyond our expectations. In March, one of our math count students placed third at the State level, and the Science Bowl team that we coached won third place at the national competition, but we're not just about stem tutoring, GSA has a mission to focus on something even closer to our hearts. Ensuring that every WCPSS student has access to free and nutritious meals. How many of you in the audience have eaten at a school cafeteria in the past month? Now, we invite you Mayor Gilbert and the Council members to raise your hands if you have eaten inside a school cafeteria in the past month. Exactly, so when was the last time you had stepped foot in the school cafeteria? Not all adults, especially those who manage the education system, are able to experience the problem with school meals present in WCPSS. That's why Panshul and I took the initiative to be able to solve this problem ourselves as teenagers who regularly eat at its school cafeterias. We believe that no student should have to worry about where their next meal is coming from, and we're working hard to make this initiative a reality through a strong relationship with Council Member Sarika Bansal from the Town of Cary, we were able to meet Mrs. Lindsay Mahaffey, Mr. Mahaffey's wife, who is a WCPSS School Board member. She helped us research our cause and learn more. From our conversation with Mrs. Lindsay Mahaffey, we learned that a quality education is fueled by nutritious meals, something that not all students are able to access each and every day. We learned that it takes about $2 to sponsor one meal, right now we have raised well over $3,000 allowing us to sponsor 1,500 meals. We are looking to grow this number to be able to sponsor 5,000 student meals by the end of 2024. This is an ambitious goal, but we believe it's possible with your support. Throughout the past month we've been working with Josh Stein, NC's Governor-elect, as well as the vice president for the NCAIA, North Carolina Association of Indian Americans, both expressed their support for our mission, as well as that we've already begun reaching out to local businesses for Partnerships and today, we are here to request the Town of Apex's support in donating to our cause. We are formally requesting the town of Apex to support our mission by donating $10,000 to go to free meals for WCPSS students. In addition, we would love to work with the town to gain support to help raise nutritional standards in our local WCPSS school system. Our team wants to ensure that our fellow WCPSS students can attend school knowing that they will be able to eat a healthy meal each day. We know that with the support of the Town of Apex and the wonderful people here, we can make a lasting impact in our community. Thank you all for your time and for giving us this incredible opportunity to speak to you all today."

Mayor Gilbert thanked both speakers and called the next speaker.

Next to speak was **Dawn Cozzolino** of 3632 Bosco Road:

"Good evening, Town Council and Mayor Jacques. Mayor Jacques and Councilman Zegerman, thank you so much for reaching out to me on the traffic safety issues that we've

been voicing, I really appreciate this support and look forward to working with the Council and staff. So, I wanted to, I usually have a prop, so this is a new prop for tonight. This is just a regular old water container, but what I'm trying to do here is represent sustainability so I'm trying to practice better practices, not bringing a water bottle here and all those things. But how I'm thinking about how our community could be more sustainable, and what I noticed with the new traffic pattern and of course, everybody's talking about the congestion and so forth, is that I'm thinking twice about what I do because of either costs or because of congestion, hassle, frustration. I might not actually take a shopping trip that I might have planned normally, and I wonder if other people in Apex feel the same way that I do about, you know, making that decision to go out for dinner, making that decision to go to a park, to, you know, make those extra trips that maybe we can't afford anymore or it's too much stress. So, I was doing a little research online, and you know, there was something that was kind of nagging at me: this city structure and this city vision and It's blowing up so quick, and a lot of what I was reading about was something where the city goes into the suburb, right, but they kind of subsidize the city through the suburb, and that's not really an adequate or good growth strategy because it just leads to higher taxes for everybody. It destabilizes the downtown neighborhoods. Longer-term residents relocate, and there's a decline in economic productivity for the downtown, and that's your restaurants, your retail, and other businesses, more in the long term. So, I hope that doesn't happen to Apex. But, again, sustainability, can we think about more natural growth and think about how we treat our environment? Because we're living with that environment, just like our bodies. We're in it for the long haul. Thank you very much."

Mayor Gilbert thanked the speaker. He closed the Public Forum and moved to Public Hearings.

[PUBLIC HEARINGS]

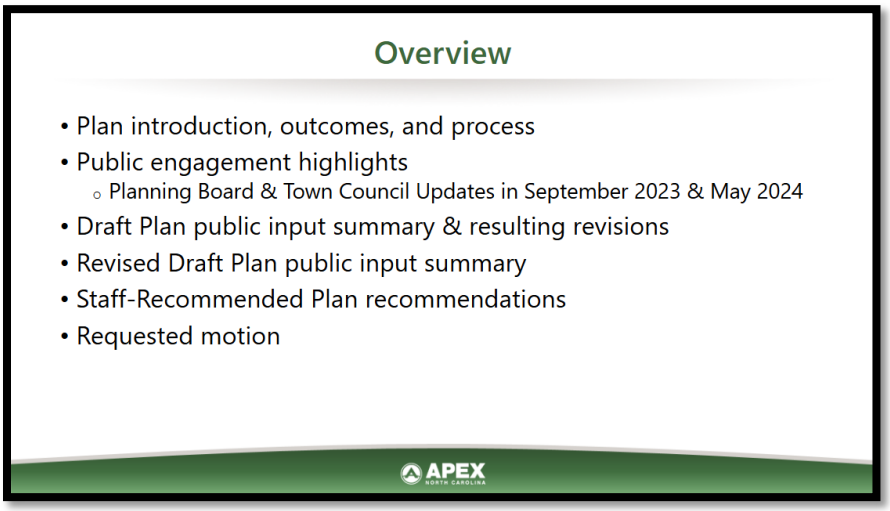
PH1 Western Big Branch Area Plan: Encompassing Portions of the Friendship and New Hill Communities

Jenna Shouse, Senior Planner – Long Range, Planning Department gave the following presentation on Western Big Branch Area Plan: Encompassing Portions of the Friendship and New Hill Communities:

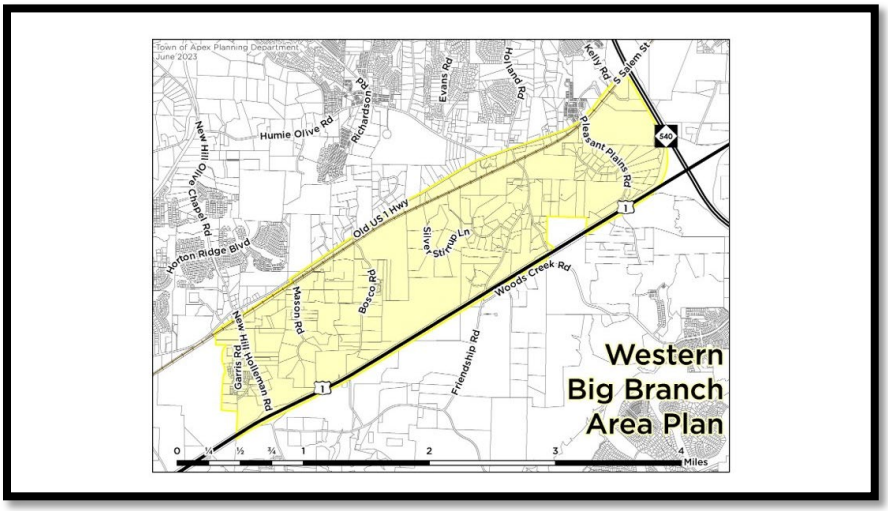
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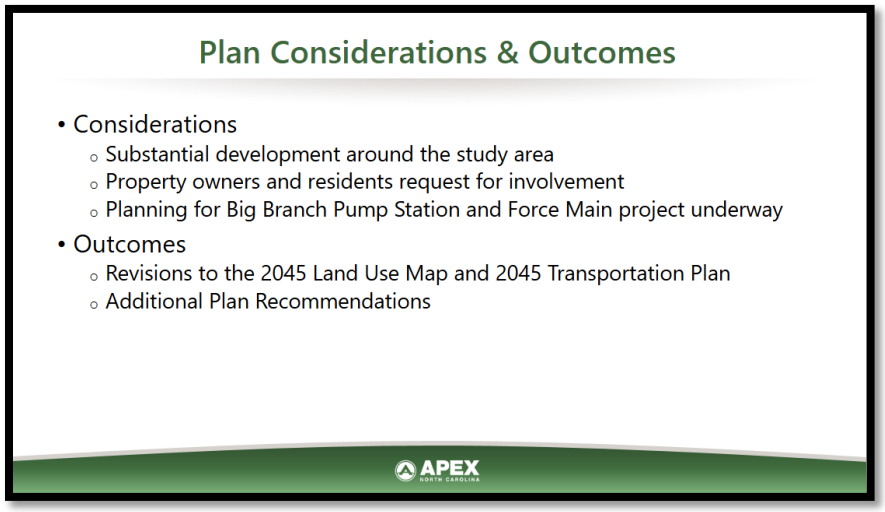
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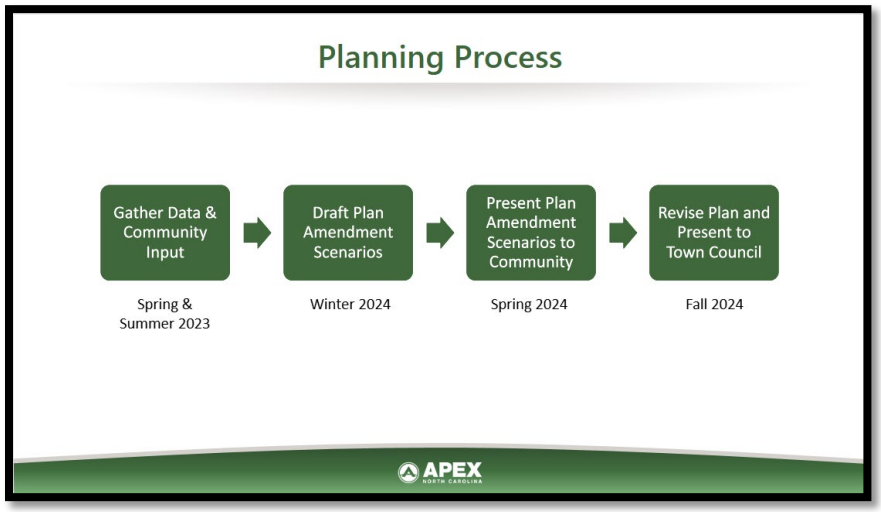
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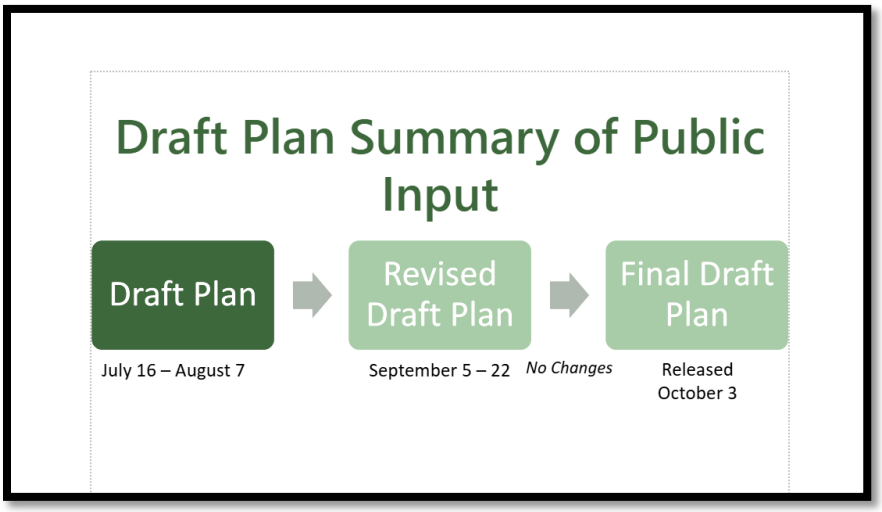
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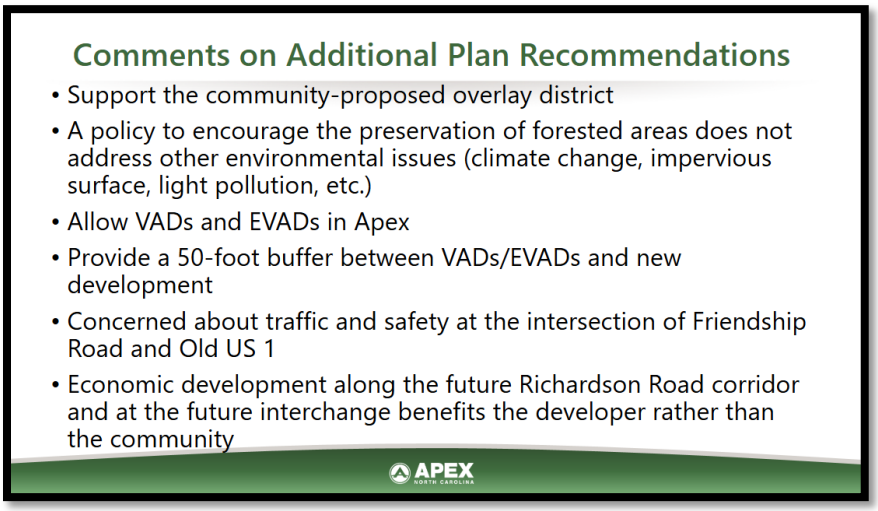
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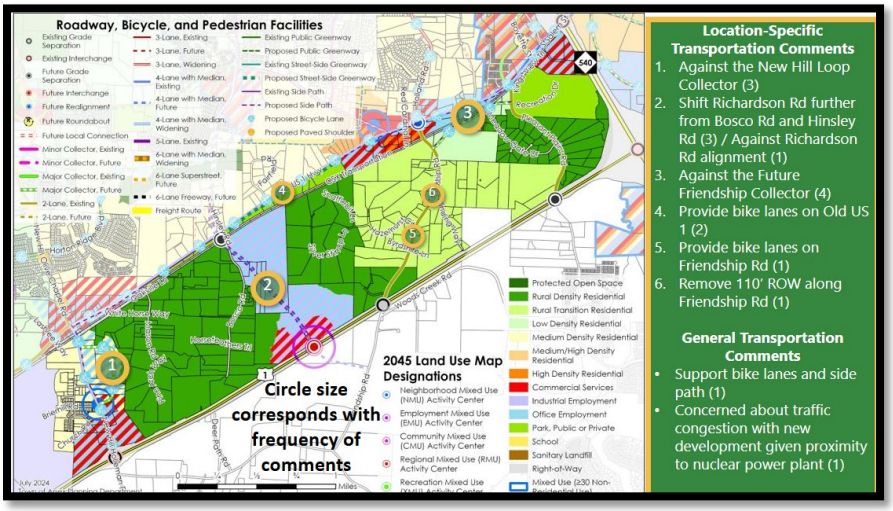
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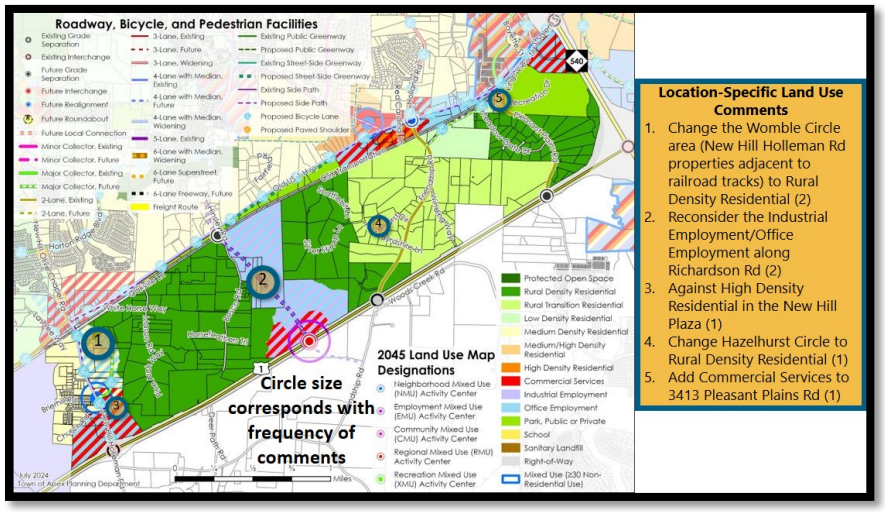
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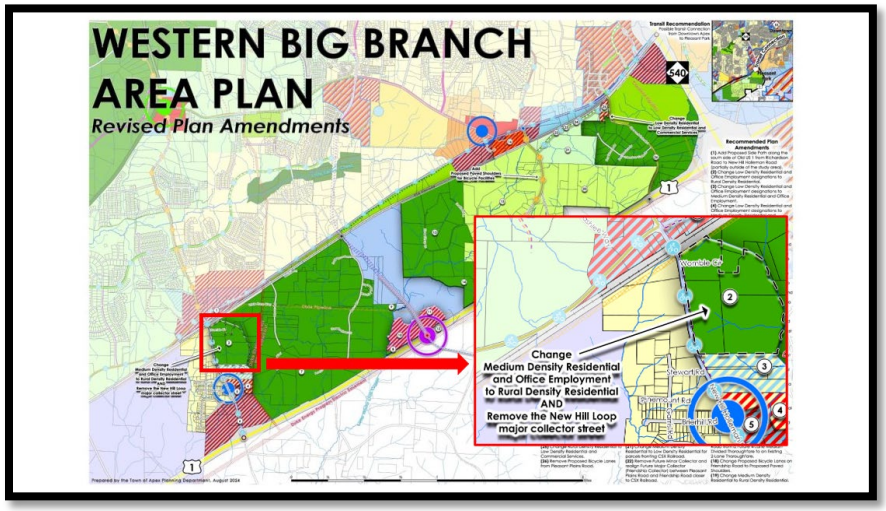
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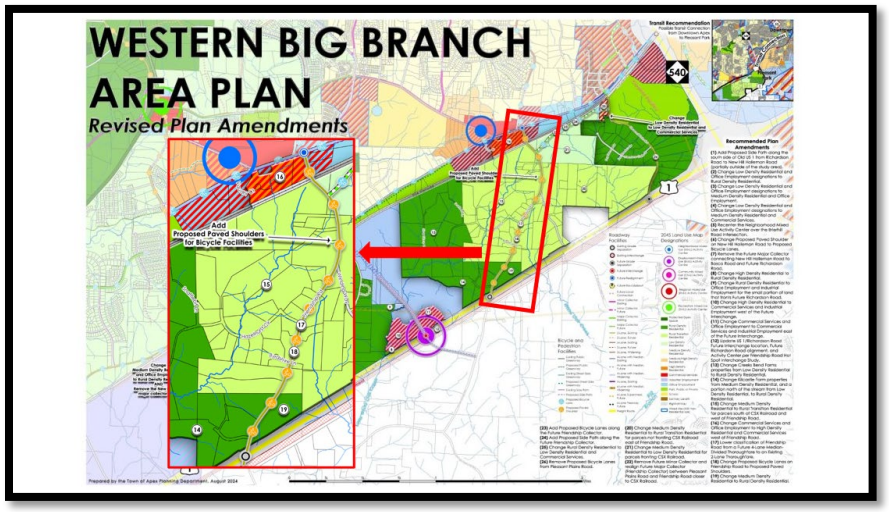
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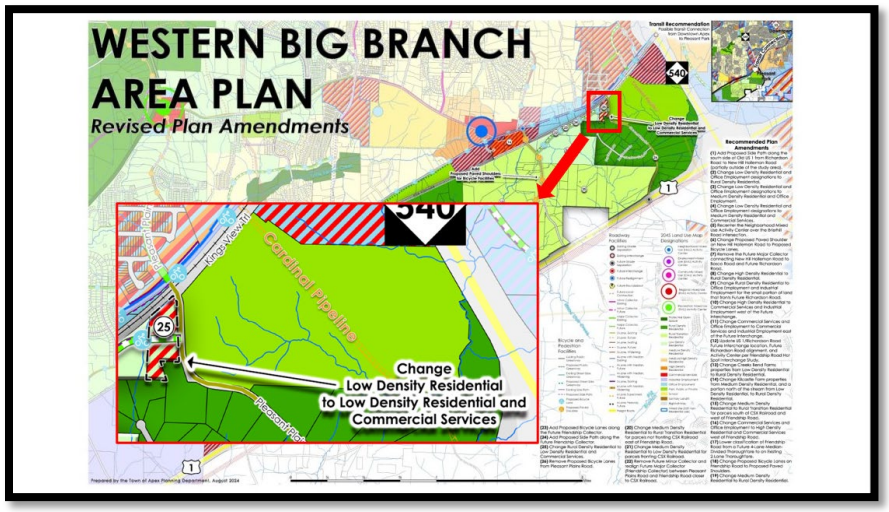
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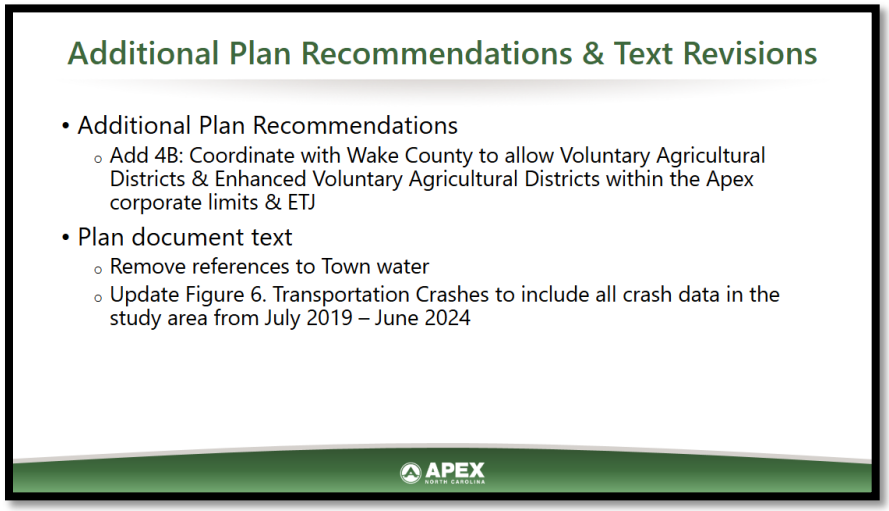
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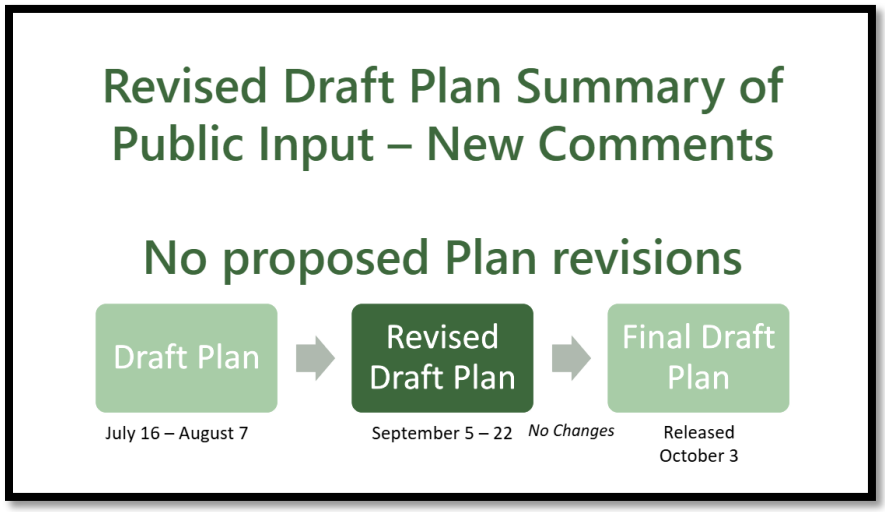
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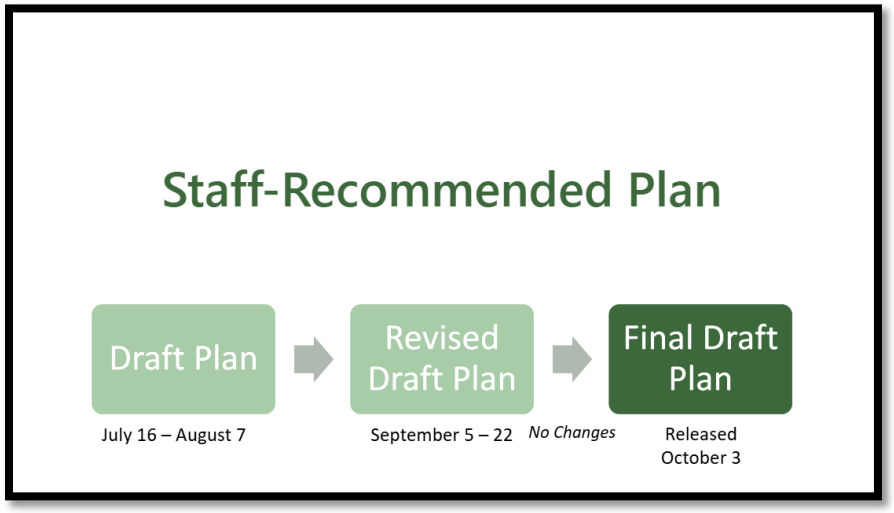
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[SLIDE 17]



[SLIDE 18]



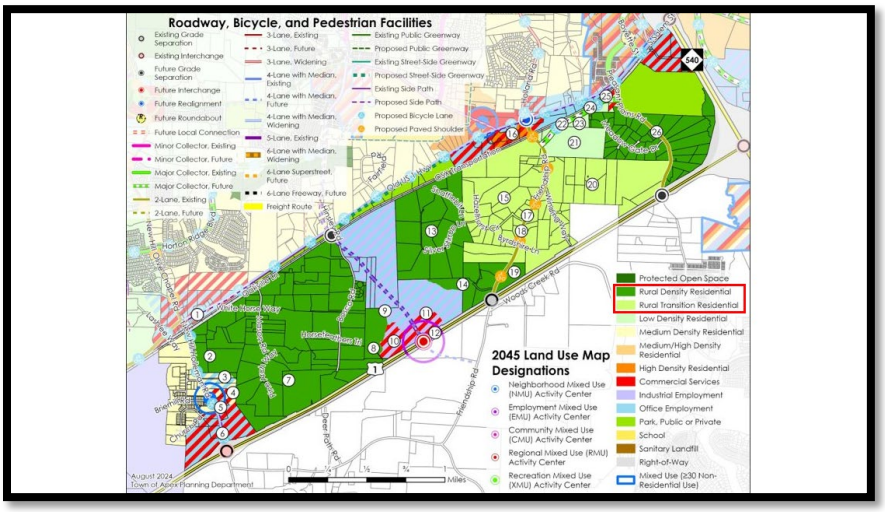
[SLIDE 19]

Plan Amendment Staff Recommendations

- Generally, low-intensity residential land uses, consistent with current conditions.
  - Primarily Rural Density Residential (1 unit per 5 acres) & Rural Transition Residential (1 unit per acre).
  - Where residential is recommended, lower densities than Wake County portions of study area.
- Anticipate limited roadway improvements due to land uses.
- Maintain future Richardson Road corridor as a key regional connection and economic development opportunity.
- Align Richardson Road/US 1 interchange consistent with regional Hot Spot Study.
- Revise Context Areas map, consistent with plan amendment revisions.

APEX NORTH CAROLINA

[SLIDE 20]



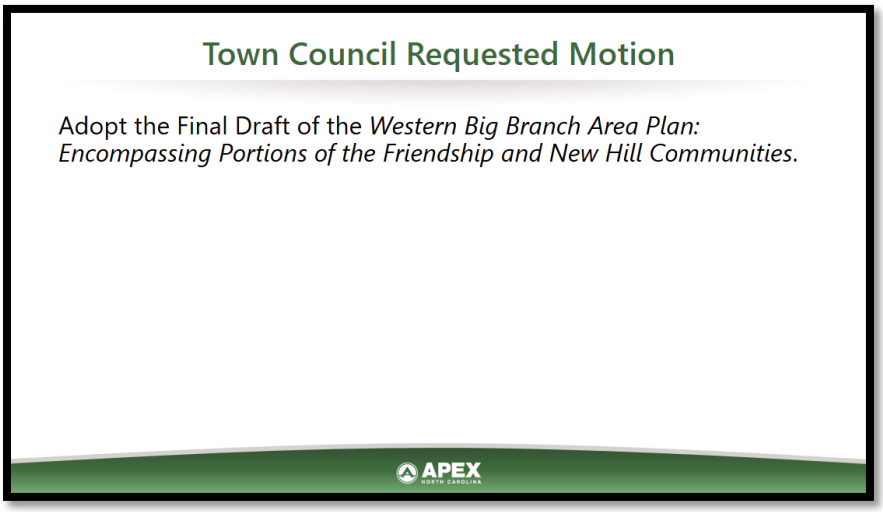
[SLIDE 21]

Additional Plan Recommendations

- Encourage agricultural business and agritourism.
- Encourage development of small-scale downtown near Humie Olive Road/Old US 1.
- Prepare a staff-recommended list of zoning conditions for rural areas for developers to consider.
- Study and potentially invest in turn lanes and a traffic signal at Friendship Road/Old US 1.
- Conduct a feasibility study to improve access to Pleasant Park.
- Review best practices and develop a policy to encourage the preservation of forested areas.

APEX NORTH CAROLINA

[SLIDE 22]



Councilmember Zegerman asked if building Friendship Road to a lower spec than the Holly Springs side would create a bottleneck in that area.

Ms. Shouse said there was a two-lane bridge, and there was not a funded project to widen the bridge.

Councilmember Zegerman said that with the development going on the south side of the road, he was concerned having the town's side be narrower would create potential problems if the bridge is widened in the future.

Ms. Shouse said that is a fair concern, and that widening of the Friendship Road was not supported in the rural transition area, and with it being one unit per acre it is not likely that new development would widen Friendship Road.

Shannon Cox, Long Range Planning Manager, said that the Campo Hotspot study looked at Friendship Road Bridge planned to have a four-lane section on Friendship Road that would connect to Richardson Road with an interchange, and that would be the main thoroughfare with the bridge staying two-lane.

Councilmember Zegerman said that would make sense.

Councilmember Gantt said that in the presentation it was mentioned that there were three scenarios and asked if this would be considered scenario one.

Ms. Shouse said yes, they started with scenario one as a starting point based on the public input received.

Councilmember Gantt asked if it was considered removing residential use at 3413 Pleasant Plains Road to support the commercial services for the park nearby.

Ms. Shouse said that they did not discuss removing it completely, she said keeping both allows the option of low density or commercial.

Planning Director Dianne Khin said that if a developer came in and bought up the property along the railroad tracks with low density, they would be likely put the Rec Center on Pleasant Plains Road, but if it were to develop by itself it would likely be a commercial land use.

Councilmember Gantt said a Rec Center would only be for residents of that area.

Director Khin said yes, and that would be captured in the residential option for the zoning.

Mayor Gilbert opened up Public Hearing and invited the first speaker.

First speaker was **Elizabeth Stitt** of 3113 Friendship Road:

"I wanted to share with you what our view of our area is. We're very appreciative of all the work that we did with Jenna and the Town, but I think one of the reasons that we feel like the low density is going to continue for a period of time, if you think about it from an infrastructure perspective, down along US1 is where the force main is going, and so if I were to extend sewer up to my property, I have to go through eight other people's property to get to mine, and they are smaller residential properties, whereas I have a larger tract.
So, if you look at my larger tract, there's not enough developable area to pay for the cost to pull the infrastructure up, and so what's highlighted in the dark blue on your map, these are neighborhoods that have covenants that automatically renew where they cannot subdivide and if they sell, if they change their covenants, it's like 75 to 100% of the landowners. So, if you look at the geography and the lay of the land, these are our low areas. So, if you're going to do gravity-fed sewer, you're going to have to go through these neighborhoods, and it's going to be pretty tough. The conversations I've had with developers are that you're not going to get a lot of development for a long period of time because you have to be able to buy out a lot of land in order to pull the infrastructure up. And when we were working with the community, we had a number of our community members who were not going to support anything around the development because we were proposing one house per acre. They thought that was too dense. So, this was the best compromise that we could come up with our community to get the majority of them to say, "Hey, at least one acre." Most everybody here has an average of three to four acres, so the thought of somebody having only one acre was kind of a shock to some, so we definitely support what the town has put forth. We didn't get everything we wanted, and there's still some things we want to work towards, but overall, we're happy with the plan, and I just want to make sure you guys understood why the infrastructure was a limiting factor and why we ended up with one house per acre. Thank you."

Mayor Gilbert thanked Ms. Stitt and called the next speaker.

Next to speak was **Dawn Cozzolino** at 3632 Bosco Road:

"So, as Elizabeth mentioned about the covenants, I actually have one, I didn't know I had one, it was discovered. So, I have eight acres, and I'm only allowed one house on that eight acres. I think it was really thoughtful of the people that started the covenants to think about bridging a community and keeping a community sustainable for a legacy to pass those farms on to generations and generations. So, I think it's kind of interesting how it came about.

And the other thing I'll add is everybody is on well water and septic, we maintain it per all the guidelines. It's not easy, but we do it because we enjoy where we live, we appreciate that, and the tree canopy will inevitably help Apex with their forestry numbers and so forth.
So, I just wanted to say that as well, there were a lot of trade-offs, right? There are things that people who have been living in the area a very long time are used to, and they're used to living the way they're used to living. So, changes are very hard, but I think this proposal keeps a lot of green on the map. So, thank you."

Mayor Gilbert thanked Ms. Cozzolino and closed the public hearing, and moved the item back to Council for discussion.

Councilmember Zegerman thanked the staff and all of the planning for the New Hill and Friendship Community area.

Mayor Pro Tempore Gray commented that that this plan has had a lot of compromise on both sides, and that there has been a lot of conversations about increasing the size of commercial in that area because of its access and closeness to US1. He said that there has been a lot of conversations about placing an overlay that would make it a lot denser in terms of the amount of housing, primarily to help support residents in the Holly Springs area. He said that this is a good compromise and gives those within that area the opportunity to maintain this overall aesthetic and outlook for as long as possible, and when looking at the practicalities, he reminded people that the land use map doesn't really get used until people start selling property, and in this case, there are a lot of things that will prevent a lot of sales in the short term. He said he appreciates what the staff has done, the interactions they have had with the community and the comments from those within the community.

Councilmember Gantt said he would be okay with putting this on ice if people wanted, but in lots of cases things like this end up getting changed if people start selling in the future. He said it's better to plan for the future in case something like that happens.

Councilmember Killingsworth said that she agrees and that this is a combination of staff listening to the community and compromising. She said she is in support of the plan as staff has presented.

Councilmember Mahaffey said that he hopes the community feels that they have had a role in shaping this plan, as it is evident, and he appreciates the efforts of staff in working with them. He said that he approves of the plan and pointed it out as a compromise, and that this plan reflects the priorities of Apex. He said he is in support of the plan.

A **motion** by **Mayor Pro Tempore Gray**, seconded by **Councilmember Mahaffey**, to adopt the Western Big Branch Area Plan: Encompassing Portions of the Friendship and New Hill Communities.

VOTE: UNANIMOUS (5-0)

Mayor Gilbert thanked staff for the work on the plan. He then moved to New Business.

[NEW BUSINESS]

NB1 Electric Utilities Updates

Eric Neumann, Director, Electric Utilities Director gave the following presentation on Electric Utilities Updates:

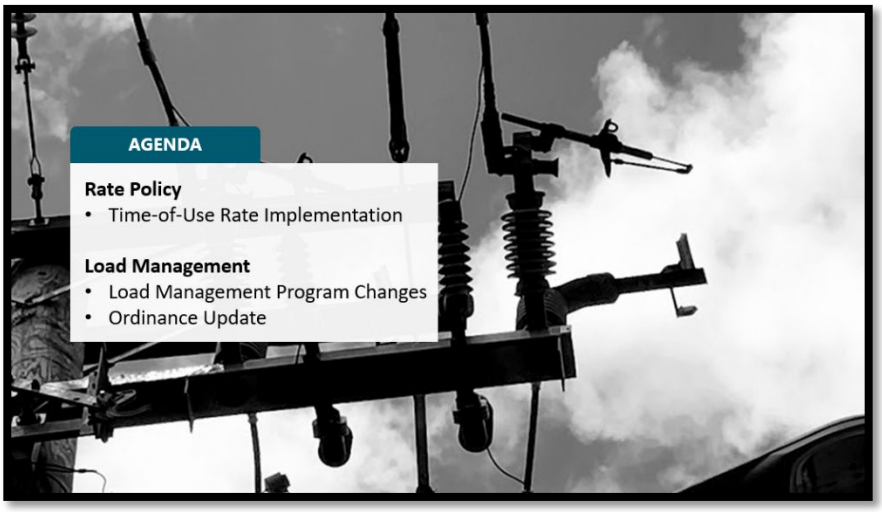
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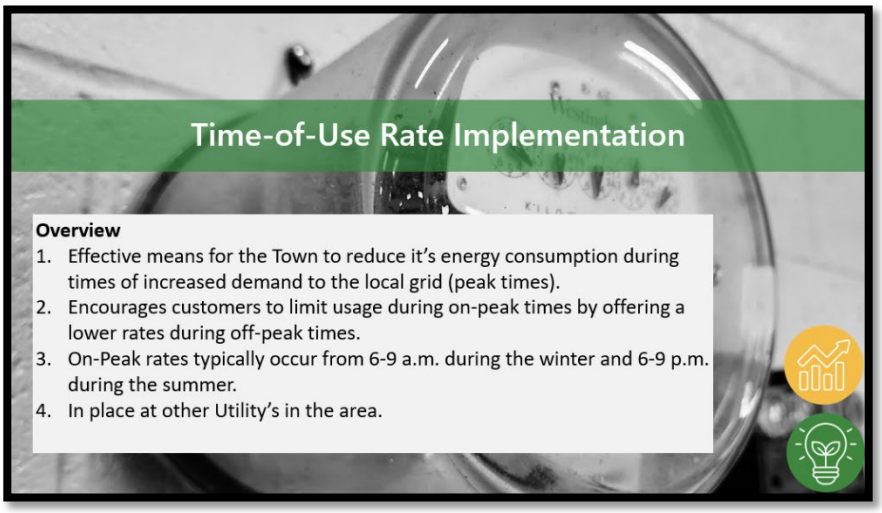
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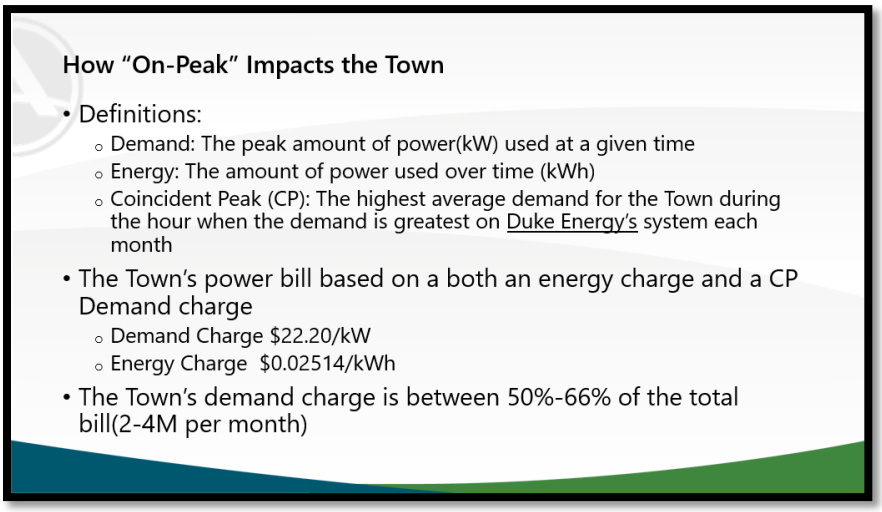
[SLIDE 3]



[SLIDE 4]



[SLIDE 5]



Councilmember Gantt asked if the reason for the difference in the rates in the Western part of the state was because of the power generation and that it was easier to cut on and off.

Director Neumann said they have a different Power Purchase Agreement with Duke Energy because they have the ability to generate and support energy needs in Western Carolina, so they are charged differently.

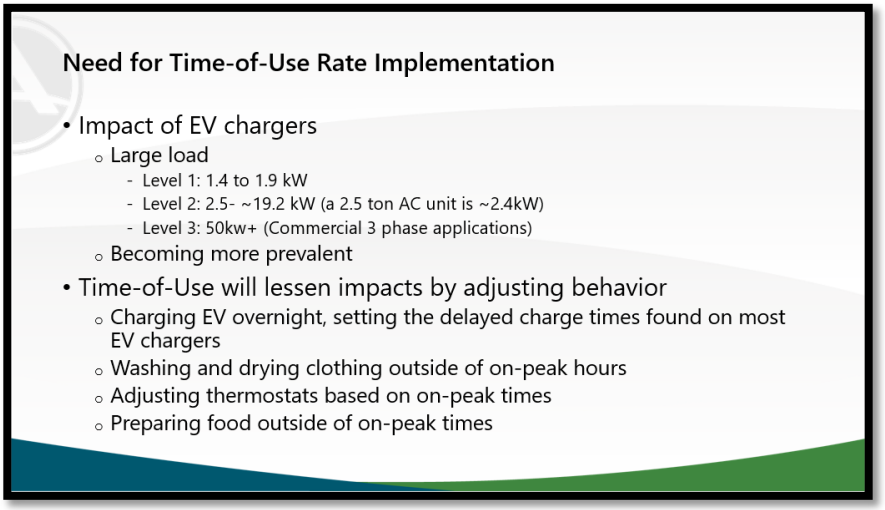
Councilmember Gantt said in our case the nuclear plant can't turn on and off.

Director Neumann said that was correct.

[SLIDE 6]



[SLIDE 7]



[SLIDE 8]

Proposed Time-of-Use Rate Implementation

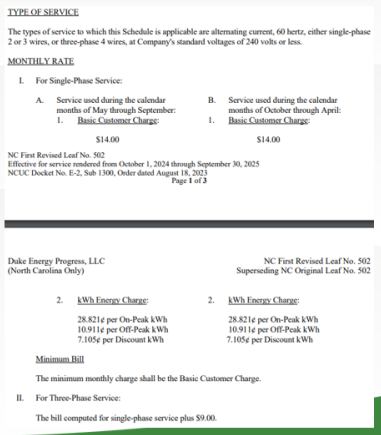
- Proposed rate times (to be verified after rate study)
  - Summer months 6-9 p.m.
  - Winter months 6-9 a.m.
- Time frame for implementation
  - After completion of AMI meter replacement (anticipated by December 2025)
- Commercial versus residential Implementation
  - Required for residential (optional for commercial)

[SLIDE 9]

Time-of-Use Rates at other Utilities

Duke Energy

- Offers non-TOU Rates and multiple TOU rate schedules. One includes notified "critical peak days" where on-peak rates increase 186%
- On-Peak Periods
  - Summer 6:00-9:00pm
  - Winter 6:00-9:00am
- Discount Periods
  - Summer 1:00-6:00am
  - Winter 1:00-3:00am, 11:00am-4:00pm
- Include Riders on most of their rate schedules which may change a customers bill (the example on the right has 8)



TYPE OF SERVICE

The types of service to which this Schedule is applicable are alternating current, 60 hertz, either single-phase 2 or 3 wires, or three-phase 4 wires, at Company's standard voltages of 240 volts or less.

MONTHLY RATE

I. For Single-Phase Service:

A. Service used during the calendar months of May through September:
1. Basic Customer Charge:
$14.00

B. Service used during the calendar months of October through April:
1. Basic Customer Charge:
$14.00

NC First Revised Leaf No. 502
Effective for service rendered from October 1, 2024 through September 30, 2025
NCUC Docket No. E-2, Sub 1300, Order dated August 18, 2023
Page 1 of 3

Duke Energy Progress, LLC
(North Carolina Only)

NC First Revised Leaf No. 502
Superseding NC Original Leaf No. 502

2. kWh Energy Charge:
28.821¢ per On-Peak kWh
10.911¢ per Off-Peak kWh
7.105¢ per Discount kWh

2. kWh Energy Charge:
28.821¢ per On-Peak kWh
10.911¢ per Off-Peak kWh
7.105¢ per Discount kWh

Minimum Bill

The minimum monthly charge shall be the Basic Customer Charge.

II. For Three-Phase Service:

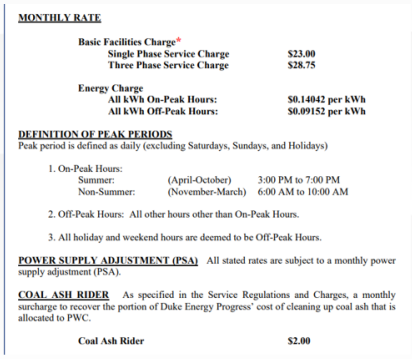
The bill computed for single-phase service plus $9.00.

[SLIDE 10]

Time-of-Use Rates at other Utilities

Fayetteville Public Works

- TOU Rate is the only available option to customers
- No "discount" period
- Lower rates with higher base charge



MONTHLY RATE

Basic Facilities Charge*
Single Phase Service Charge **$23.00**
Three Phase Service Charge **$28.75**

Energy Charge
All kWh On-Peak Hours: **$0.14042 per kWh**
All kWh Off-Peak Hours: **$0.09152 per kWh**

DEFINITION OF PEAK PERIODS
Peak period is defined as daily (excluding Saturdays, Sundays, and Holidays)

1. On-Peak Hours:
Summer: (April-October) 3:00 PM to 7:00 PM
Non-Summer: (November-March) 6:00 AM to 10:00 AM

2. Off-Peak Hours: All other hours other than On-Peak Hours.

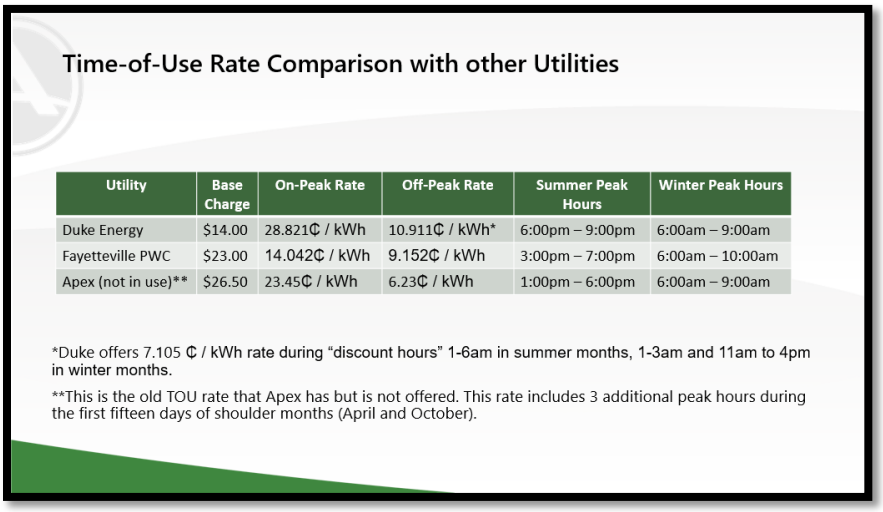
3. All holiday and weekend hours are deemed to be Off-Peak Hours.

POWER SUPPLY ADJUSTMENT (PSA) All stated rates are subject to a monthly power supply adjustment (PSA).

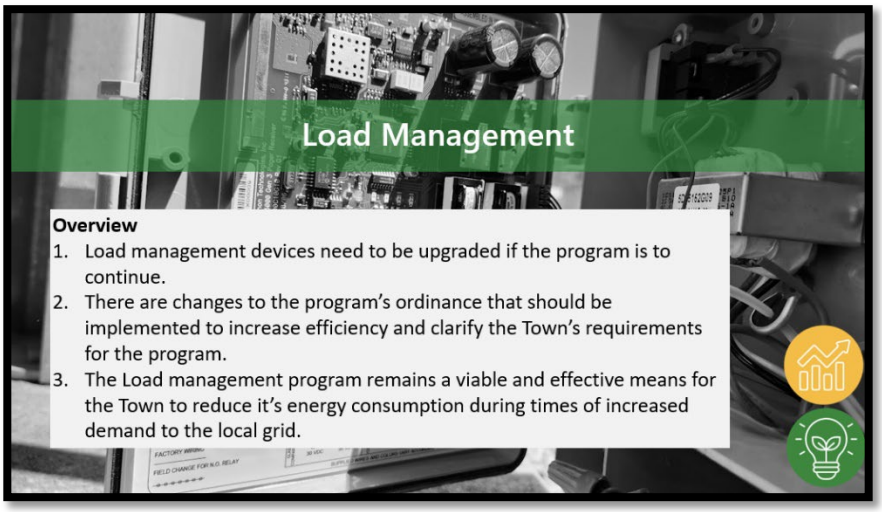
COAL ASH RIDER As specified in the Service Regulations and Charges, a monthly surcharge to recover the portion of Duke Energy Progress' cost of cleaning up coal ash that is allocated to PWC.

Coal Ash Rider **$2.00**

[SLIDE 11]



[SLIDE 12]



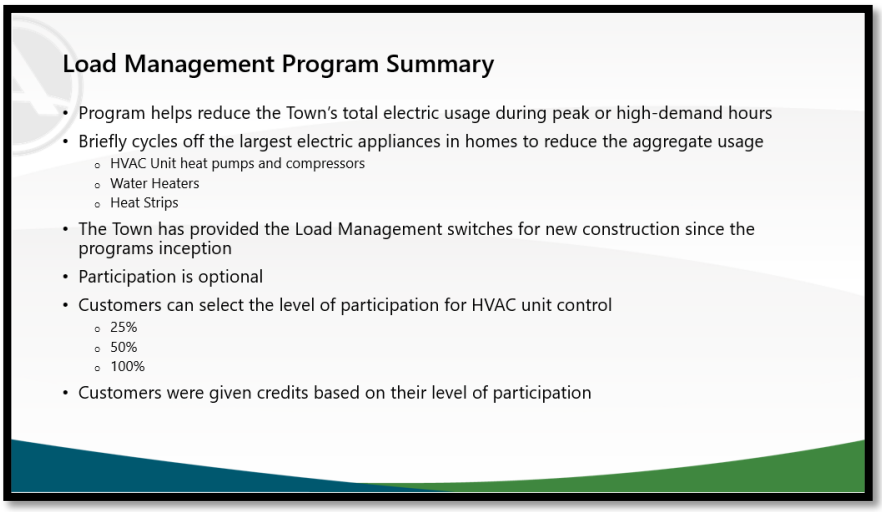
Councilmember Gantt asked if the time use decreases the need for the Load Management Program.

Director Neumann said that it would probably be the reverse if there is a success in the Load Management Program. He said time of use will encourage people to do this naturally, but the Load Management Program is more forced.

Councilmember Gantt said that there would not be a need to force them if they do it themselves based on economics.

Director Neumann said that this would be talked about.

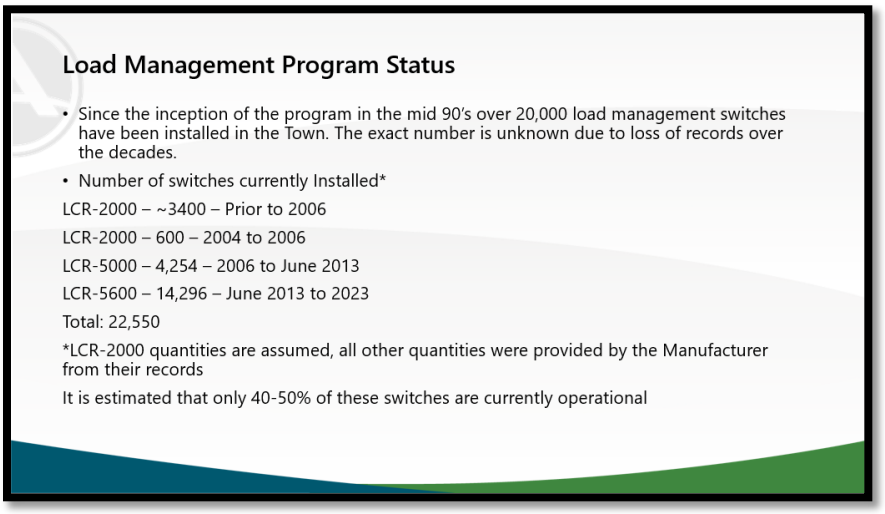
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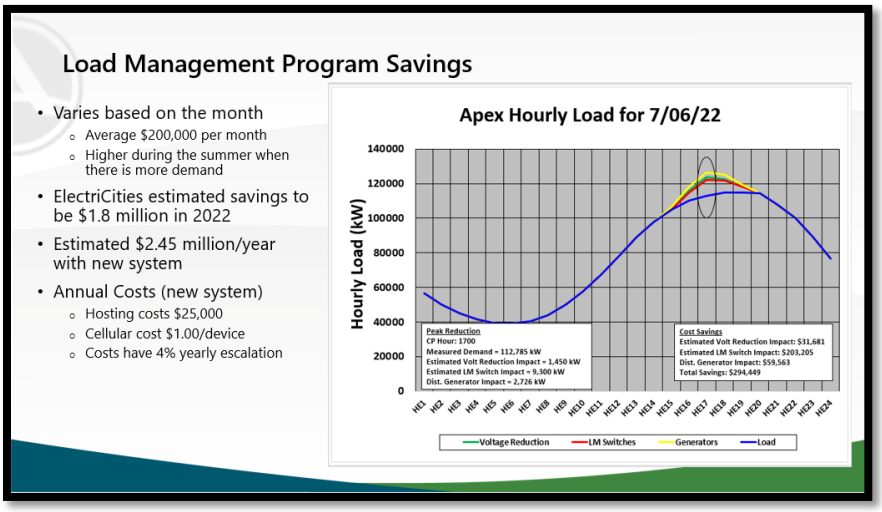
Councilmember Gantt asked if the AMI had this built in.

Director Neumann said no.

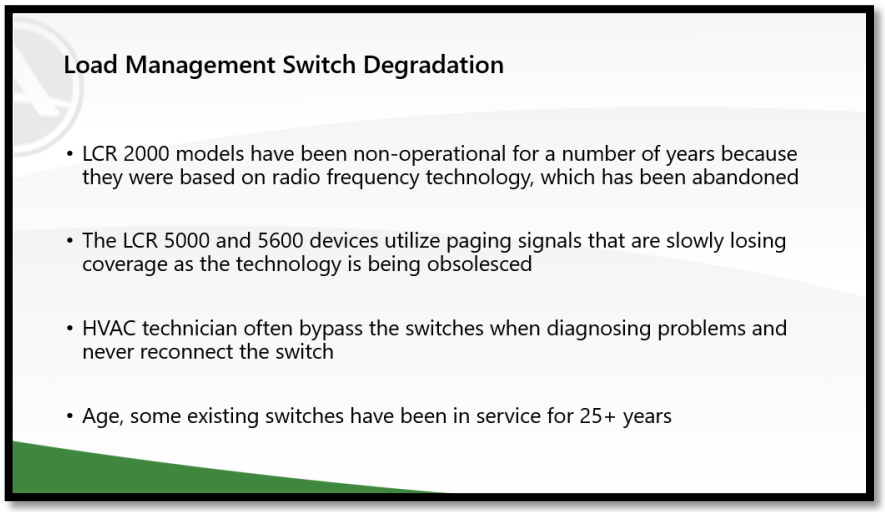
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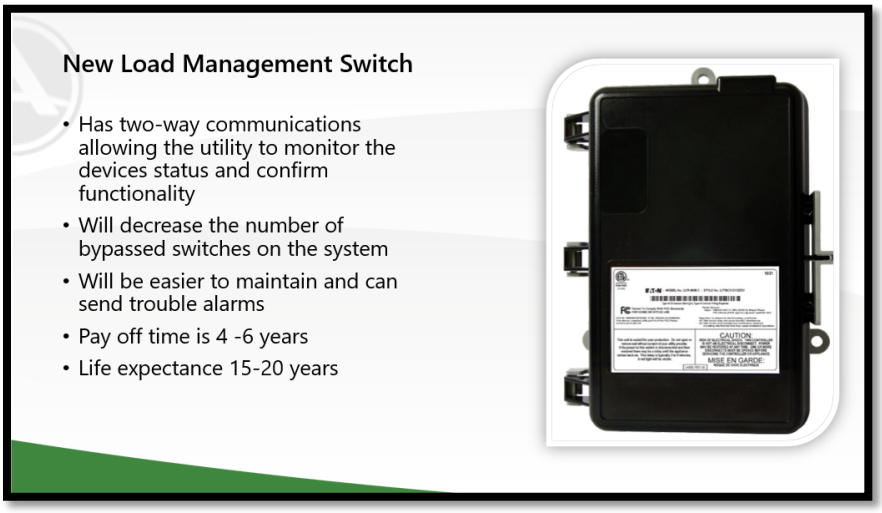
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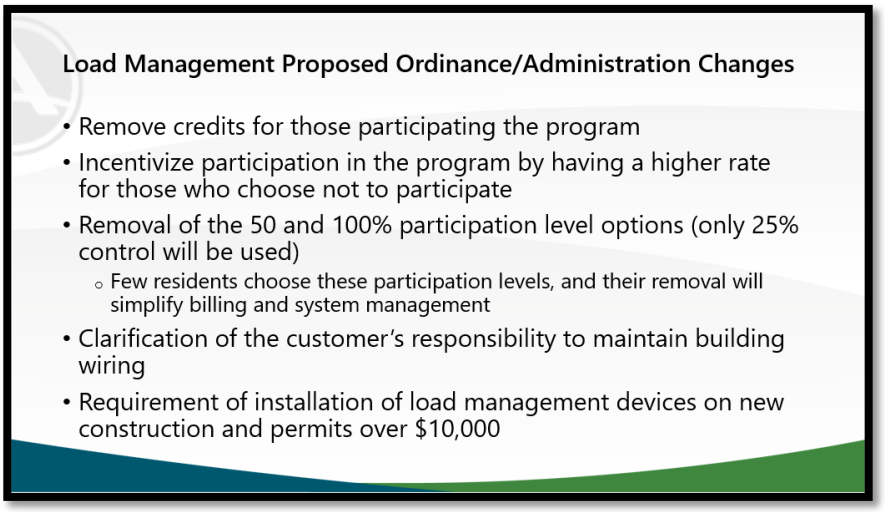
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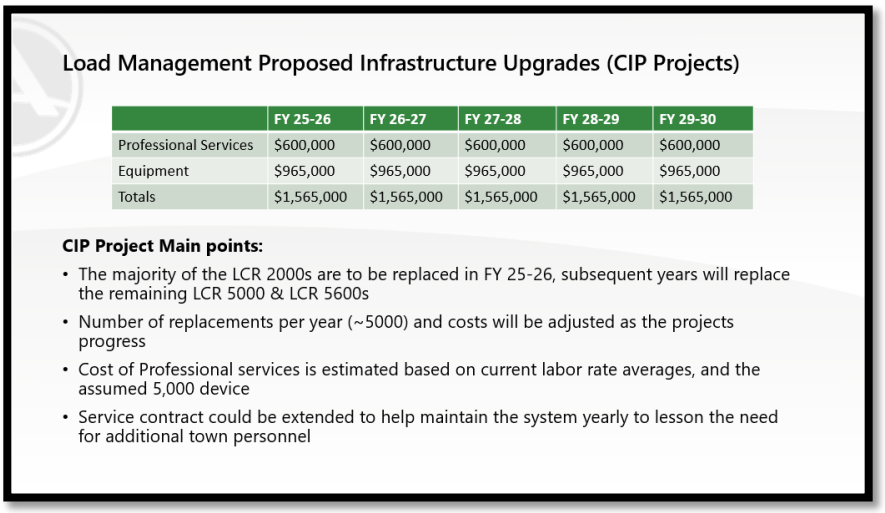
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[SLIDE 18]



[SLIDE 19]



[SLIDE 20]



[SLIDE 21]



Director Neumann asked if there were any questions.

Councilmember Mahaffey said that he is fully in support of this. He said that Duke wants us to do this, and this would be a good investment.

Councilmember Gantt asked how the mandate in Fayetteville worked for this program and if there were any pushbacks.

Director Neumann said that there was push back initially and then it subsided. He said it his highly recommended to switch everyone to time-of-use instead of creating an opt-out system.

Councilmember Mahaffey asked if there was any way to know when Load Management is going on in their homes.

Director Neumann said that there is a light on the switch for the mode. He said that they don't run it all the time. He said that it is within a 3-hour window typically 5 days a month. He said that with the new technology there can be texts sent out to let them know when the load management would be happening. He said that they could implement that as a text alert now.

Councilmember Mahaffey asked if there was a way to ensure when people get new technology items installed at their homes to ensure they are wired to the load management system.

Director Neumann said that there is not a way in the program to connect to the load management system with alterations/additions on the house, and they have to put a separate device. He suggested that people could set up a charging cycle.

Councilmember Gantt said that hot water heater and HVAC is where the load management system would be connected.

Councilmember Mahaffey asked if there was a way to motivate people to program the charging cycle.

Director Neumann said the best way would be to set up time of use rates.

Councilmember Mahaffey said Duke Energy is giving credit for the EV chargers and they are paying people to charge at certain hours. He asked if this was a model that could be used for Apex.

Director Neumann said that the best way for Apex is to incentivize them not to charge during the peak period.

Councilmember Zegerman said that requires a level of awareness and technical understanding.

Director Neumann said that those using the EVs are usually tech savvy.

Councilmember Zegerman asked said there could be some active outreach from the electric department in regards to that.

Councilmember Mahaffey said that it could be some training during the permitting process.

Director Neumann said that with the new system, they will know who is using car chargers based on energy usage patterns, and they could target and market to those for training.

Councilmember Killingsworth said that if they decide to move to time of use that there will be a marketing campaign and communication.

Councilmember Gantt said that if it stays the same throughout that would be good.

Councilmember Mahaffey said that doing comparisons with bills to show people what it looks like with this program before it officially launches.

Director Neumann said that showing people how their activities impact their bills would be a good way to get them interested in the program.

Councilmember Zegerman said that behaviors will adjust. He said that in the future he would like updates where Apex is with evaluating the battery backup capacity cost benefits. He asked if there was a way to enable smart thermostats to force load management.

Director Neumann said they could integrate thermostats similar to what Duke Energy does, but they negate the load management switch on the side of homes. He said if time use does what it should do, it may drive it down where the load management is no longer viable. He said that then people could possibly do this naturally with smart thermostats and smart programming.

Mayor Gilbert thanked Director Neumann for the presentation. He then moved to Town Manager updates.

[UPDATES BY TOWN MANAGER]

Town Manager Vosburg gave an update on the contract that is in place with the third-party related reviewers of the utility issues with Barry Dunn. He said there would be a full scope completed by the end of February. He said that the Tunstall House went out for bid this week. He said that Apex received the 2025 Engineering Excellence Award for Pleasant Park. He said the last item was an update on the detour and Whitehall Manor. He had a report from the Apex Police Department that they have employed the 5 Es: engagement, education, engineering, enforcement and evaluation. He said that there is speed monitoring, and they

do not believe that there is a speeding issue. He said that the main issue being seen is stop sign violations. He said that they believe that the speed humps are effective. He said they have been meeting with the HOA and so if there are any changes to be made they are committed to that.

Councilmember Gantt said that he lives in that area and the neighbors are appreciating the enforcement and the thoughtfulness that has gone into this.

[CLOSED SESSION]

A **motion** was made by **Councilmember Gantt**, seconded by **Councilmember Zegerman** to enter into Closed Session pursuant to **NCGS §143-318.11(a)(1)** and **NCGS §143-318.11(a)(6).**

VOTE: UNANIMOUS (5-0)

Council entered into Closed Session at **7:56 p.m.**

CS1 Randy Vosburg, Town Manager

NCGS §143-318.11(a)(1):

"To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes."

CS2 Laurie Hohe, Town Attorney

NCGS §143-318.11(a)(3):

"To consult with an attorney employed or retained by the public body in order to preserve the attorney client privilege between the attorney and the public body."

CS3 Mayor Jacques K. Gilbert

NCGS §143-318.11(a)(6):

"To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee."

CS4 Mayor Jacques K. Gilbert

NCGS §143-318.11(a)(6):

"To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee."

CS5 Mayor Jacques K. Gilbert

NCGS §143-318.11(a)(6):

"To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee."

Council returned to open session at **10:43 p.m.**

ADJOURNMENT

Mayor Gilbert adjourned the meeting at **10:44 p.m.**

Jacques K. Gilbert
Mayor

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

Submitted for approval by Town Clerk Allen Coleman and approved on January 14, 2025 (CN9).

APPROVED

TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
THURSDAY, DECEMBER 10, 2024
6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Thursday, December 10th, 2024 at 6:00 PM in the Council Chambers at Apex Town Hall, located at 73 Hunter Street in Apex, North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel. The recording of this meeting can be viewed here:

https://www.youtube.com/watch?v=iqT_CiGuu5M&t=1s

[ATTENDANCE]

Elected Body
Mayor Jacques K. Gilbert (presiding)
Mayor Pro Tempore Ed Gray
Councilmember Audra Killingsworth
Councilmember Terry Mahaffey
Councilmember Brett Gantt
Councilmember Arno Zegerman

Town Staff
Town Manager Randy Vosburg
Deputy Town Manager Shawn Purvis
Assistant Town Manager Marty Stone
Assistant Town Manager Demetria John
Town Attorney Laurie Hohe
Town Clerk Allen Coleman
All other staff members will be identified appropriately below

[COMMENCEMENT]

Mayor Gilbert called the meeting to order and said that this was the last regular scheduled council meeting for 2024, and he wished everyone a Happy Holiday and thanked the town for always showing up, and expressed how grateful he was to live in Apex. He then took a moment of silence and then led those in attendance in the recitation of the Pledge of Allegiance.

[CONSENT AGENDA]

Mayor Gilbert noted that there was a request for Consent Item 8 to be moved to New Business 2 by Councilmember Zegerman.

A **motion** was made by **Councilmember Zegerman** seconded by **Councilmember Killingsworth**, to approve the Consent Agenda, with the change of moving Consent Item 8 to New Business 2.

VOTE: UNANIMOUS (5-0)

CN1 Agreement - Facility Encroachment Agreement - Town of Apex and CSX Transportation - Chatham Street Water Line Construction and Maintenance (REF: CONT-2024-358)

Council voted to a Facility Encroachment Agreement No. CSX884583 between the Town of Apex and CSX Transportation, Inc. related to town water line construction and maintenance at North Chatham Street in Apex, North Carolina, and authorize the Town Manager, or their designee, to execute on behalf of the Town

CN2 Agreement - North Carolina Eastern Municipal Power Agency (NCEMPA) dba ElectriCities and the Town of Apex - Load Management Services – Continuous (CONT-2024-359)

Council voted to approve an amendment to the Load Management Agreement, previously adopted by the Town Council on October 08, 2024, between the Town of Apex and North Carolina Eastern Municipal Power Agency (NCEMPA) ElectriCities and authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN3 Agreement Amendment - Interlocal Agreement between Town of Apex, Town of Cary, and Town of Morrisville - Emergency Dispatch and Communication Services (REF: CONT-2024-360)

Council voted to approve a "revised" Interlocal Agreement between the Town of Apex, Town of Cary, and Town of Morrisville (CAM Agencies) for Emergency Dispatch and Communications Services for the Town of Apex, effective three (3) years from the date listed in the first paragraph and automatically renew for up to nine (9) successive (3) year renewal terms, a total of 27 years.

CN4 Budget Ordinance Amendment No. 5 – Grant Funds, Reimbursement Payments, Affordable Housing Land Acquisition, and Debt Proceeds (REF: ORD-2024-087)

Council voted to adopt Budget Ordinance Amendment No. 5 allocating various grant funds, reimbursement payments, and debt proceeds for affordable housing land purchase.

CN5 Council Meeting Minutes – Various

Council voted to approve Meeting Minutes from the following meetings:

October 25, 2024 – Town Council Strategic Planning Session

November 12, 2024 – Town Council Meeting Minutes

CN6 Ordinance Amendment – Chapter 20 – Traffic, Article V. Traffic Control Devices, Sub-Section 20-60.1 – Traffic Schedules – Amending Traffic Schedule III, Parking Time Limits (REF: ORD-2024-088)

Council voted to approve an Ordinance amending Chapter 20 – Traffic, Article V. Traffic Control Devices, Sub-Section 20-60.1 Traffic Schedule III, Parking Time Limits, of the Town of Apex Code of Ordinances, effective January 2, 2025.

CN7 Policy Prohibiting Viewing of Pornography on Town Networks and Devices (REF: PLCY-2024-014)

Council voted to approve a policy titled "Policy Prohibiting Viewing of Pornography on Town Networks and Devices" effective January 1, 2025 to comply with North Carolina State Law.

~~**CN8 Property Acquisition - 0 South Hughes Street and 930 South Hughes Street - Apex, North Carolina**~~

This item was moved to New Business 2, per Council vote.

CN9 Resolution – Reimbursement of Real Property Acquisition (REF: RES-2024-058)

Council voted to approve a resolution authorizing a later issuance of public funding to pay for real property acquisition projects.

CN10 Rezoning Case No. 23CZ20 Sweetwater PUD Amendment - Statement and Ordinance -Correction (previously adopted February 13, 2024; CN15) (REF: ORD-2024-089)

Council voted to approve the revised Statement of the Town Council and Ordinance for Rezoning Case #23CZ20 Sweetwater PUD Amendment, David Schmidt, ExperienceOne Homes, LLC, petitioner, for the properties located at 1451 Richardson Rd; 1051 & 1075 Newland Ave; 2800, 2810 Teachey Pl, & 2820 Teachey Pl; 0 Core Banks St and 0 Little Gem Lane (PINs 0722550034, 0722544876, 0722544404, 0722457646, 0722454406, 0722443942, 0722441499, and 0722441386).

CN11 Sole Source Vendor Authorization – Safegrid – Smart Fault Indicators

Council voted to approve Safegrid as a Sole Source Vendor for smart fault indicators which utilize proprietary sensors and machine learning algorithms to help locate and predict faults on the Town's electrical distribution grid.

CN12 Tax Report – October 2024 (REF: OTHER-2024-119)

Council voted to approve the Apex Tax Report dated November 14, 2024.

[PRESENTATIONS]

PR1 Meritorious Service Recognition – Employees Deployed to Western North Carolina

Mayor Gilbert introduced key staff that participated in Hurricane Helene that relief efforts in Western North Carolina. He spoke on the horrific devastation of Hurricane Helen on September 27th. He said that at the Mayor's Metropolitan meeting he had recently attended, it was honor for him to see the Town of Apex recognized as a municipality that had sent staff and resources to assist in recovery. He said that there were 13 Fire employees, 12 Police employees, 7 Electric Utilities employees, 3 Inspections and Permitting employees, 3 Communications and Information Technology employees and 1 Public Works employee were deployed to assist. He said this was not just about the Town employees but also about the families. He said this is among the highest service recognition possible to risk their life, sacrifice time with their families and so much more to assist neighbors. He then called each person and their family up to receive the award and take pictures.

PR2 MIP – Apex Mayor's Internship Program (MIP) Update

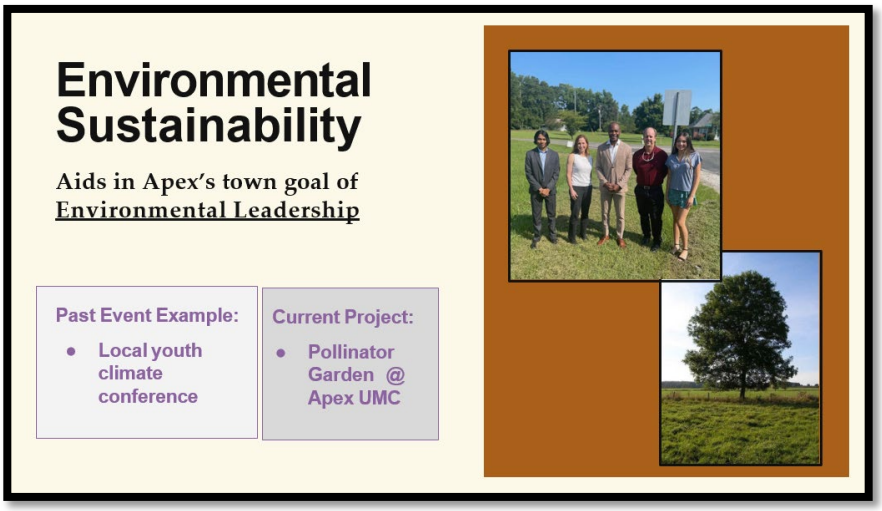
Mayor Gilbert introduced Braxton Williams and Zachary Young to present updates regarding the Apex Mayor's Internship Program.

Mr. Williams and Mr. Young gave the following presentation:

[SLIDE 1]



[SLIDE 2]



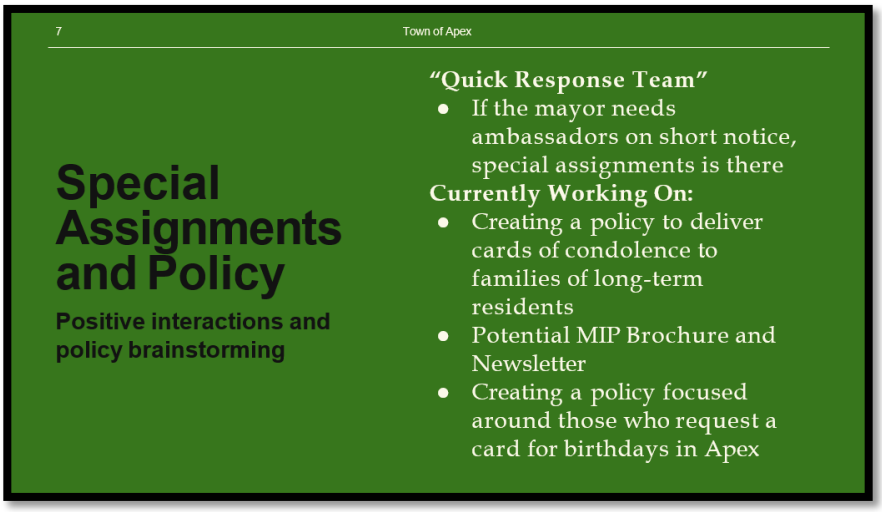
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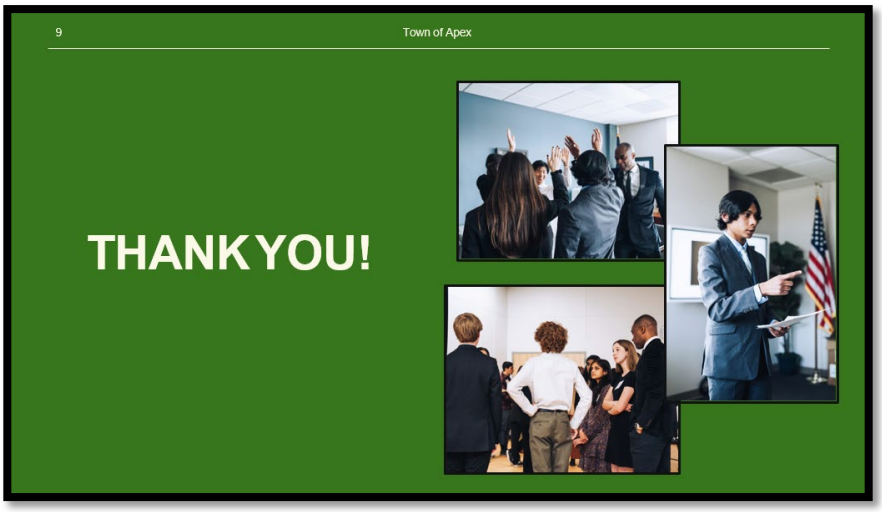
[SLIDE 5]



[SLIDE 6]



[SLIDE 7]



Councilmember Zegerman asked what they would tell someone who was interested in the program as graduates of it.

Mr. Young said that the program offers creativity and an opportunity to think outside the box on issues. He said it was about taking on ideas and building upon them, and provides good civics experience. He said that there was a lot of freedom in doing what you are interested in.

Councilmember Gantt asked what the age range was and how someone would apply.

Mr. Williams said that currently the applications are online and open to freshmen, sophomores and juniors in Apex-based High Schools. He said that the application is posted on their website and social media. He said that there is a selection process, phone interview, and in-person interview, followed by an orientation for candidates that are selected to join the program.

Mayor Gilbert said that he was proud of them and to keep up the good work.

[REGULAR MEETING AGENDA]

A **motion** was made by **Councilmember Gantt,** seconded by **Councilmember Zegerman**, to approve the Regular Meeting Agenda, with the addition of New Business Item 2.

VOTE: UNANIMOUS (5-0)

[PUBLIC FORUM]

Mayor Gilbert opened up the Public Forum and invited the first speaker up.

First speaker was **Elizabeth Stitt** of 3113 Friendship Road:

"Mayor, Town Council, good evening and happy holidays. So, coming in front of you in January will be the update to the land use map for our particular area, and through some of the workshops that we did with the Planning Department, one of the things that was raised to us is that some of our cultural and historical elements that we value about our community are not necessarily known to the greater Apex, so we've been working towards that. So, I'm just going to bring you an update on that. On Saturday, we did have our 44th annual Christmas parade, and the history on that parade is that the neighbors literally would block US-1 and the various roads, and they would go out there and hold the parade. So obviously as the town has grown, we have involved Apex fire. They've provided at least two fire trucks for the last 15 to 20 years, one starts in the beginning, one comes at the end, and that way all of our parade participants are protected but we also had Apex police come out and help us. Wake County Sheriff has jurisdiction, so they provide what they can, but as you know, they're understaffed, so we greatly appreciate the resources from Apex. So maybe next year, at the 45th annual

parade, you will join us. We just got our first Century Farm designation. The Department of Agriculture honors any farm that's been in a family for at least 100 years, and the property next to my property has been owned by the Evans family since 1870, so I worked with them on the history and helped with the Century Farm application. It is a very unique piece of property. We have the history, the deeds, they actually deeded off one acre of the 54 acres to Wake County Public Schools for the first Black school in 1883, so well before the Rosenwald School, so there's some really interesting history. The plaque will come to me after the holidays. The Evans family wanted to share it with their family members first, but once we have it, we will post it for the local community, and we'll provide all the details to Jenna and her team to be able to add that in. We also have two more Century Farms that we're working on, so we'll be bringing that to you as well and we are now registering three Civil War graveyards. There's a lot out in our area that the community doesn't know, so we look forward to continuing to bring you those updates. Thank you."

Mayor Gilbert called the next speaker.

Next speaker was **Dawn Cozzolino** of 3632 Bosco Road:

"Good evening, Town Council, Mayor Gilbert. I know this is the last meeting of the year, and it's a time of reflection, right? You know, for the holidays, we tend to rush everything and get into the mode of things, but we really should reflect and think about what we are grateful for and I'm grateful, actually, I attended the Friendship Community Christmas parade, and it was wonderful. It was a small-town feel, and people were just having a great time. I just want to say that's what's really unique about the Friendship Community, and I will say New Hill was involved as well. So, our New Hill folks were involved in the parade as well. I just wanted to mention that a lot of what I've done over the last year is put a focus, like a flashlight, on some of the topics that I've brought to you in terms of infrastructure projects, road projects, a lot of road projects, and traffic safety. But for next year, I'm going to be looking a little bit more closely at things. And the reason is because I want to understand better how things change. For example, I drive by New Holleman Road, and I drive over, and I see the utility line. It's a huge expanse, there's no trees, and that's where it was planned to put the Big Branch, the main, the force main, and all that back in the day and back in the history, but for some reason, it was moved, and it was moved to private property. I really want to understand that better—what has changed, who has changed, why is it there, what has been involved with this? I think, as any responsible government, you need to be able to address questions and also work with the community on answers. I think moving that Western Big Branch to the Southside, as we call it, that's a win-win for everybody. It really is and earlier, the ambassadors talked about environmental sustainability. Well, yeah, trees. I mean, that's everything around here. So, I just want to mention that and that I wished that the community, too, be engaged with us. It gets very contagious, and I just think that next year we can have real solutions for real problems with the money that is from the taxpayers, the real money that is spent. I think

that's very important for all aspects of people's lives. So, thank you very much, and have a very nice holiday."

Mayor Gilbert called the next speaker.

Next speaker was **Mary Miskimon** of 3177 Retama Run:

"Good evening, Mayor Gilbert and Council Members, and thank you for the opportunity to address you this evening regarding the ongoing utility billing issue that resulted from the cyber-attack in early July. A little background first: five months ago, the Town of Apex experienced a cyber-attack that impacted utility billing for thousands of residents who received power from the town. Many received incorrect bills, including double bills or bills that had not credited previous payments, as was the situation in my case. At least one resident had her bank account wiped out when the town auto-drafted her payment following the cyber-attack. Customers were also having difficulty reaching staff via phone for assistance, phone lines were apparently overwhelmed. In my nearly three decades as an Apex resident, I have never seen such a debacle, so I wrote to the Town Manager in September asking for more information on how the attack happened, why the town moved ahead with auto-drafting accounts, and what the town's protocols and training are for staff. Mr. Vosberg replied that, quote, "The vast majority of our bills have been correct, just not understood by customers as to why they are higher than customers expected," end quote. After another month went by and Apex residents were still reporting incorrect and confusing bills, I wrote to the NC Public Utilities Commission and was told to contact my State Representative, which is the required State Protocol when a Town manages its own utility system. I emailed State Representative Julie Von Haen for assistance, and she replied that, quote, "As a state legislator, I do not have any direct information or involvement about the issue you contacted me about." The Apex Town Manager then reached back out to me with a little bit more information about the cyber-attack and the difficulty the Town was having in reestablishing billing for customers. Since the cyber-attack happened, I have spoken with hundreds of people who continue to have issues with their bills, so I launched a petition in November, which I would like to read now:
On July 2nd in 2024, the Town of Apex experienced a cyber-attack that impacted the electric utility bills of all 25,000 households that receive its power from the Town. Despite numerous complaints on social media and emails to Apex Town Council regarding inaccurate bills, as of November 10th, 2024, Apex has yet to fully recover from the attack, has yet to provide a timeline to recover, or even publish a strategy to recover. Apparently, resolving the issue is such a low priority that the issue has not been listed as a business item on any Town Council meeting agenda to date. Cyber-attacks are an unfortunate reality, but Apex's failure to recover within four months raises significant questions that must be urgently answered about the competence and credibility of the Town Council, Town staff, and their contractors to prevent and recover from cyber-attacks. As such, the undersigned residents of Apex demand that Apex Town Council take the following actions:

1. Immediately hold a public hearing to provide transparency on the full extent of the cyber-attack. All affected systems should be disclosed, and recovery plans for each system, the progress made, and anticipated milestones for full recovery should be provided.
2. Town Council meetings until the town is fully recovered: In each Town Council meeting, as a separate agenda item, ensure that town staff provide a specific update on the recovery plan and the progress made.
3. Update the town's website on a weekly basis.
4. Community Cyber Attack Advisory Board to restore public trust: Create a community board to advise Town Council and Town staff to participate in the selection of third-party audit companies and to remain in place through the completion of all audits and full recovery.
5. Provide additional staff to dramatically reduce wait times and answer phones. Add the ability for residents to schedule time to review bills.
6. Submit to all state investigations regarding the handling of the recovery.

Respectfully requested, Apex, NC residents.

Now, we understand that the town has hired a third-party auditor to review bills. Thank you. We also see that the town has updated the utility billing page to better explain the billing process. Again, thank you. But it's been five months, and residents are entitled to more information and transparency on the scope of the cyber-attack, all billing issues, how excess charges will be addressed, and what protocols the Town will enact to better manage potential future attacks, including better coordination with the State when something like this happens. I'd like to read some of the online comments from Apex residents. They include this from Jeremy: "I want to see total transparency regarding the utility bills and the cyber-attack that occurred." From a different Mary in Apex: "I paid my July water bill by phone on July 1st, the day before the cyber-attack, and had a confirmation number. The next month, I had a $222 bill, which I paid as well. It was the same amount as the June bill, and I was unaware of the cyber-attack, but thought it was strange. Then the next month's bill was over $400. I was shocked, and I called the office to get an explanation, as was told that because of the attack, they had to estimate my bill for the previous month, and I owed 60 days' worth, which made no sense since I had paid the previous month's bills. Also, my supposed water usage went from 2 to 4,000 gallons a month to 15,000. I live alone. I too was told it had to be a leak but had a plumber and had my water meter changed, and it was not. By September, I finally went into the office after at least 20 phone messages. The representative still did not explain why my water usage was so high and basically said unless I can prove I had a plumbing issue, he would not reimburse my money and could not explain a 60-day bill when I paid both of the previous bills, and that bill was $600. I'm a single person living on a limited budget, very careful about my water usage, but always pay my bills. I'm not sure what to do moving forward." Crystal writes: "Apex billing has become increasingly outrageous because of the

cybersecurity attack. My bill was around $120, and now it's over a thousand. They need to fix this sooner rather than later." From Brandy: "Our bills have varied greatly due to the cyber-attack, and accountability is necessary." From Margaret: "The amount due on the paper statement does not match the numbers on the website. I was billed twice in November; the dates on the statement overlap." Kathleen writes: "Although I have a Cary address, the Town of Apex provides my water. Like so many others, my billing invoice appears very inflated and is impossible to figure out. Apex can and should do better for its customers." To date, the petition has over 1,800 signatures. The online comments on Facebook, Nextdoor, and X are now a regular occurrence. Friends of mine who work in the security industry express shock and concern that it has been a full five months, and the Town hasn't recovered. I agree; it's very concerning. There are even some asking if it's time for Duke Energy to take over. In all, Apex hasn't been transparent or efficient and has allowed these issues to go on for too long. Leadership starts at the top, and it's time that you ensure these issues are discussed during official meetings to ensure accuracy and accountability versus the continuation of platitudes that we've heard for the last five months. If we are heard and seen, then where is the transparency, and the path to resolution? We look forward to hearing your response and thank you."

Mayor Gilbert thanked Ms. Miskimon called the next speaker.

Next **Phil Welch** of 1471 Big Leaf Loop:

"Allen is passing out copies of my remarks. First, I congratulate Director Newman for commissioning the study done by the UNC School of Government's Development Finance Initiative. The DFI staff evaluated properties in Apex suitable for the development of affordable housing. This led to the negotiation to purchase the property at the corner of South Hughes Street and Perry Road, which is item CN8, and now moves to the New Business part of the agenda. I look forward to following the development of this property into much-needed homes for Apex's low to moderate-income families, including especially our essential workers.

Second, I have some comments about the Council's Work Session next Tuesday on Apex's advisory bodies. I'm sorry I won't be able to attend the work session, but I'll be viewing the recording after I return from vacation. In the interest of full transparency, I'm currently the chair of the Housing Advisory Board, but I am speaking tonight as an individual resident, not as the board chair.

1. I believe the volunteers on advisory bodies play a crucial role in bringing public input into the deliberations of our elected officials as well as offering public perspectives to our hardworking town staff.
2. I understand that the support of the advisory bodies by town staff, especially the liaisons assigned to them, requires staff time and effort. I hope we can agree that the value of the public input is well worth the staff resources required.

3. It is clear that taking some time to ensure consistency in the operational guidelines of the advisory boards is warranted.
4. By the same token, better defining the roles and responsibilities of the advisory boards, the interrelationships among them, and the communications and collaborations expected between them and support staff would be very helpful.

Finally, I appreciated the opportunity to discuss the experiences that Vice Chair Rhett Fussell and I had on the Housing Advisory Board. We met with Town Clerk Allen Coleman and Deputy Clerk Ashley Gentry, as well as Director Newman and Manager Lamont Taylor. Rhett and I offered several suggestions that I believe Clerk Coleman will be sharing with you next Tuesday, if you have any questions about those suggestions, my contact information is on the sheet that you got. I wish you all a productive Work Session next Tuesday and a blessed holiday season. Thank you."

Mayor Gilbert thanked Mr. Welch and called the next speaker.

Next speaker was **Alexis Kennedy** of 106 Buckhaven Court:

"As we come into Christmas, I have a very profound disappointment in the people and the churches that celebrate this special holiday, because at this moment, Bethlehem, the birthplace of Jesus, Jesus, who is the reason we celebrate Christmas, is under siege and they all remain silent, where Bethlehem, Palestine, has been subjected to apartheid and a great wall to divide us, to divide it from the rest of the world since 2002, where civilians are unable to practice the Christian faith because Israel has blocked their permits to enter into the holy site, denied their rights to pray and attend some of the oldest Christian churches in the world. Or that Christians in this country and around the world have forgotten that Jesus was a Palestinian Jew, something our Pope has also supported by wrapping baby Jesus into a Keffiyeh at the unveiling of the nativity scene at the Vatican just two days ago. Or that the oldest Christians are Palestinian Christians. I wonder what people who have remained silent will say to our God on why they paid for our holy site to be under oppression and to spill innocent blood on the holy land. It's as if they don't know their own Bible, or the meaning of what Christmas represents. And I'm going to quote the words of Father Isaac, a Palestinian Christian who spoke at his congregation on Christmas last year, which was called *Christ Under the Rebel*. "Christmas is not about Santa, trees, gifts, lights, etc. My goodness, how we have twisted the meaning of Christmas. How we have commercialized Christmas. Instead, he says, the Christmas message is that Jesus, who miraculously survived a massacre, was born under the occupied and marginalized. He is in solidarity with us and our pain and brokenness.

So, my question to my community, when it comes our time to meet our God and he asks what we did during this time when Jesus's birthplace was being oppressed, what did you do? Were you silent or did you try everything in your power to stop the oppression of the oppressed?" Thank you and Merry Christmas."

Mayor Gilbert said thank you and Merry Christmas to Ms. Kennedy. He called the next speaker.

Next speaker was **Michele Dipreta** of 3007 Silky Dogwood Trail:

"What would it have taken, I swore to myself, to never look your way again, yet here I am. Funny how your system works, right back where we started. If I hire a third party, does that third party work for me or work for you? You tell anyone anything and have been getting away with it. Are you without consequence, or do you make sure you are insured and bonded? What have you taken? You call yourselves friends, comrades, solutions with a smirk and a smile, yet you do not show us that substance with such grace. Do you care? Do you spare that square? Will we know how this story ends? What would it have taken, Matthew 21:12."

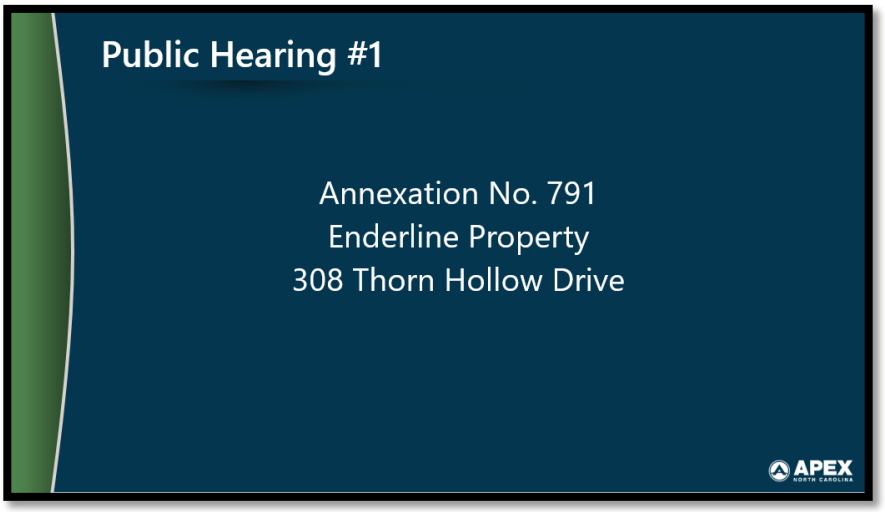
Mayor Gilbert thanked Ms. Dipreta and all that came out and spoke. With no other speakers signed up to speak, Mayor Gilbert closed the Public Forum and moved to Public Hearings.

[PUBLIC HEARING]

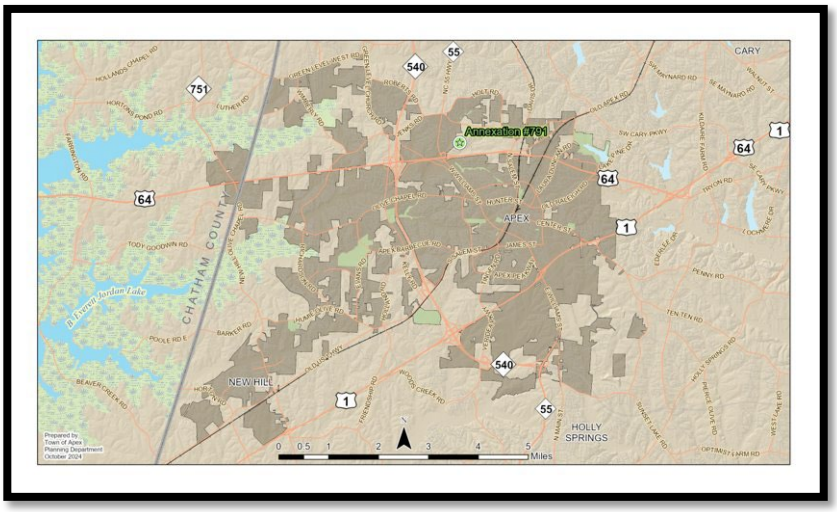
PH1 Annexation No. 791 - Enderline Property - 308 Thorn Hollow Drive - 1.1018 acres (REF: ORD-2024-090)

Dianne Khin, Planning Director, gave a presentation on Annexation No. 791 - Enderline Property - 308 Thorn Hollow Drive.

[SLIDE 1]



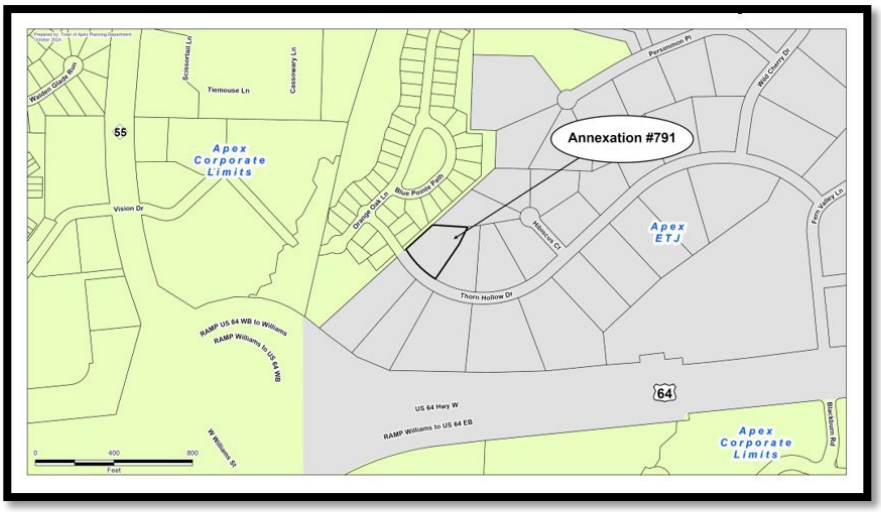
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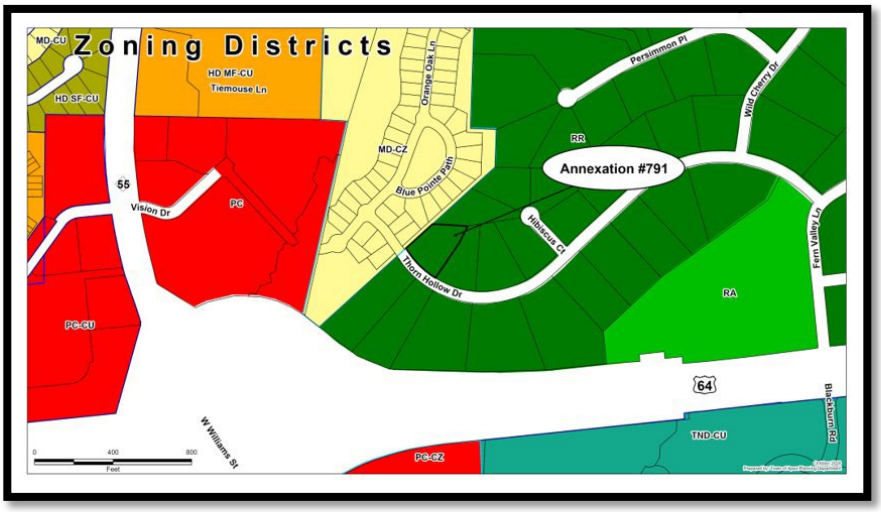
[SLIDE 3]



[SLIDE 4]



[SLIDE 5]



Mayor Gilbert asked if there were any questions and opened Public Hearing for comment. With no one signed up to speak, Mayor Gilbert closed Public Hearing and brought discussion back to Council for possible motion to approve.

A **motion** was made by **Mayor Pro Tempore Gray**, seconded by **Councilmember Gantt** to approve the Annexation No. 791 - Enderline Property - 308 Thorn Hollow Drive - 1.1018 acres.

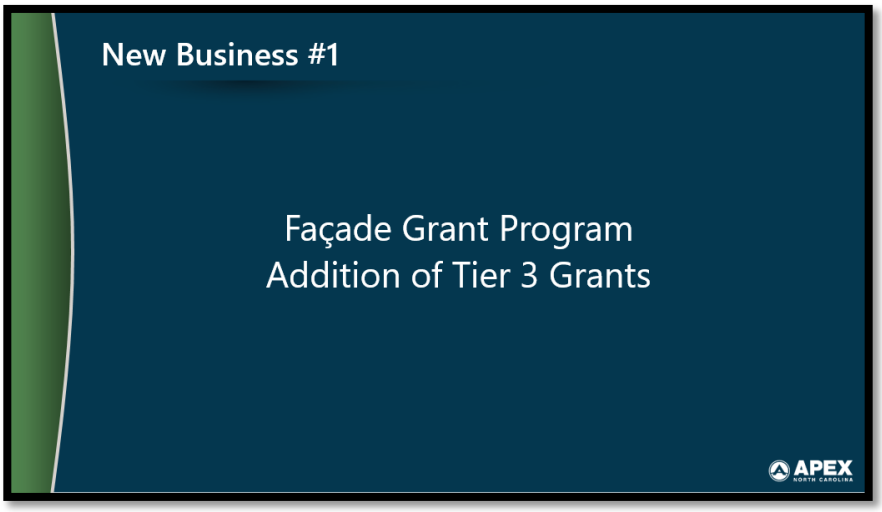
VOTE: UNANIMOUS (5-0)

[NEW BUSINESS]

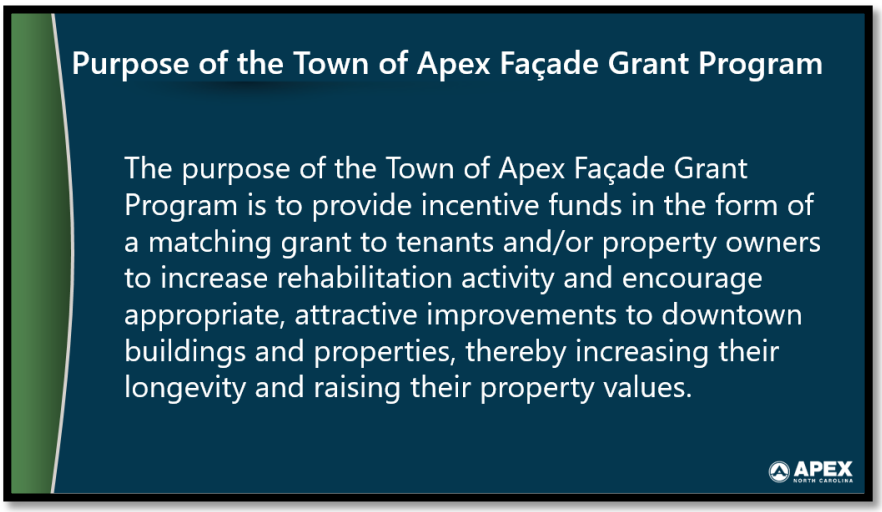
NB1 Façade Grant Program - Addition of Tier 3 Grants

Dianne Khin, Director, Planning Department gave the following presentation on the Façade Grant Program - Addition of Tier 3 Grants.

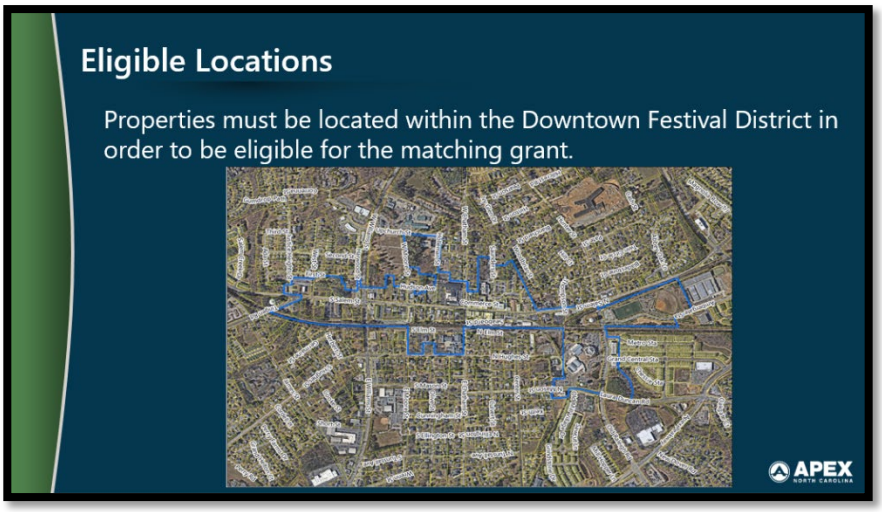
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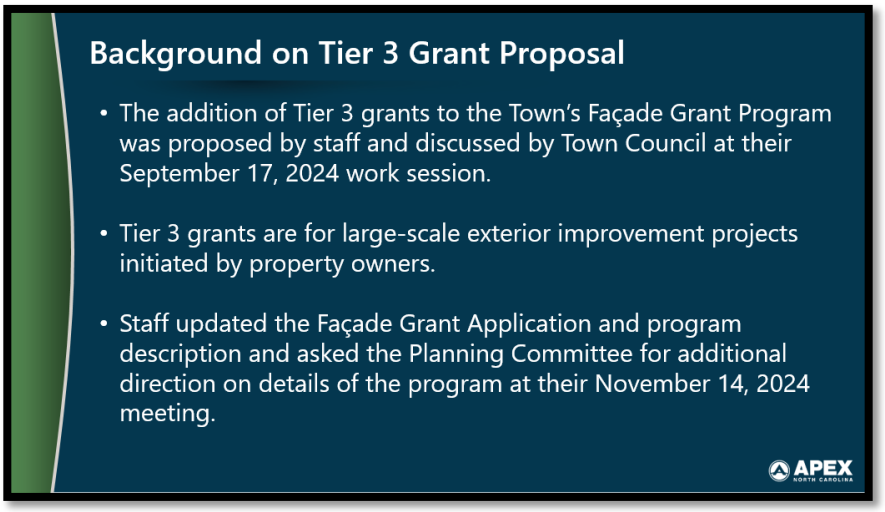
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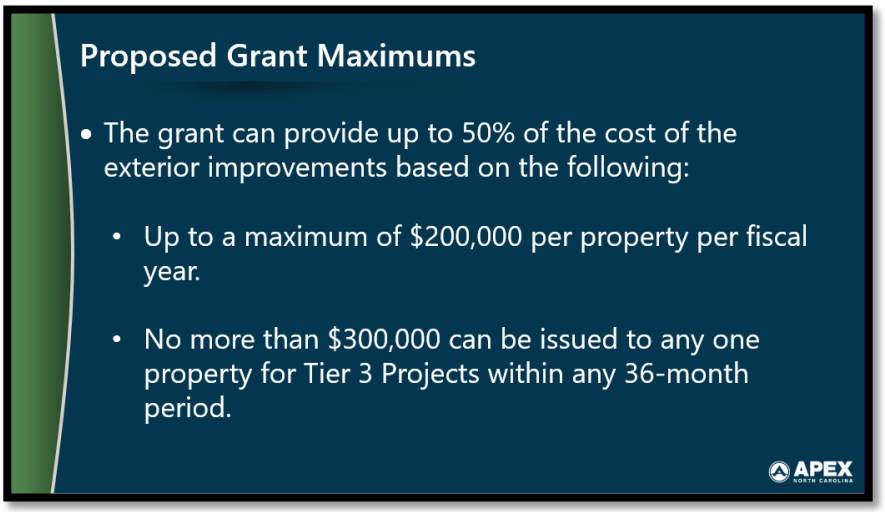
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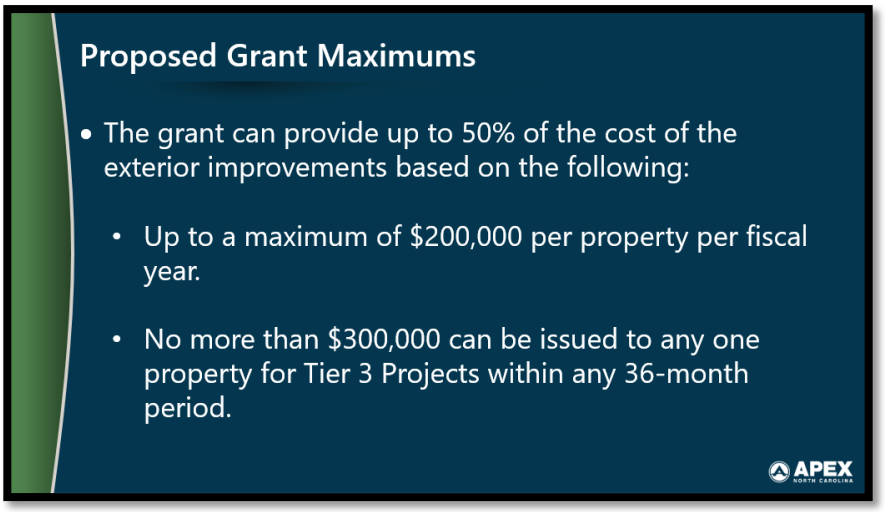
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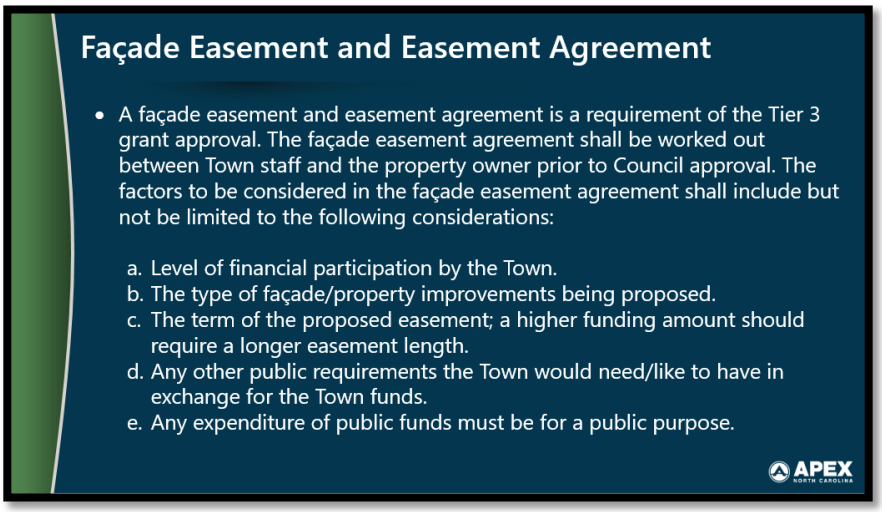
[SLIDE 6]



[SLIDE 7]



[SLIDE 8]



Mayor Gilbert asked if there were any questions. He asked if they wanted to provide the maximum.

Director Khin asked if the Council would want the grant to provide up to 50% of the cost of exterior improvements and if so, what would the maximum be per fiscal year and per three-year period.

Councilmember Gantt said that this number was chosen because it seemed appropriate.

Councilmember Mahaffey said that they tried to come up with some values that were consistent with the Work Session discussion. He said he hopes it achieves the goals of the façade grant/

Councilmember Gantt said that this is a new program so there could be additional discussion.

Councilmember Mahaffey said that there was some discussion in the Planning Committee about the process approval and they put this together and

brought it to Council to decide what to approve. He said it was determined they would propose meeting quarterly and approving any of the applicable proposals at that time.

Councilmember Gantt said that batching would enable the Council to have more discretion depending on the project and also be cognizant of the schedules of construction.

Councilmember Mahaffey said because of the size of the program, they wanted to bring it to the full Council to discuss.

Councilmember Zegerman asked if the cap would be set through the budgeting process.

Councilmember Mahaffey said yes, and that they could direct staff to amend the budget if needed during the year.

Councilmember Zegerman supported the recommendation of the quarterly review cycle. He said since it is a new program there isn't much precedent to the overall numbers, but these seem reasonable as a starting point and can be monitored and adjusted as needed.

Councilmember Gantt said that this amount is only for exterior infrastructure and streetscapes.

Councilmember Mahaffey said that they are gaining access to the façade or other outdoor infrastructure via an easement agreement as part of the program, in order to ensure public access.

Mayor Pro Tempore Gray clarified that they have had this façade program in place, and tier 3 is the new part of the program. He said it is a way of reinvigorating this program and giving more flexibility. He said this gives a bigger reach for businesses to be able to expand. He supported the quarterly reporting and said this is a good starting point.

A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember Killingsworth** to approve the Façade Grant Program - Addition of Tier 3 Grants.

VOTE: UNANIMOUS (5-0)

NB2 Property Acquisition - 0 South Hughes Street and 930 South Hughes Street - Apex, North Carolina

Councilmember Zegerman said this is a significant investment that the Town is making in affordable housing. He said it is a good use of Town funds. He said that there was support from the American Recovery Act. He said he just wanted to highlight this item.

Mayor Pro Tempore Gray thanked the staff for all of the hard work.

Councilmember Gantt said that he would be voting no on this, and that he would like to see the money go further in different ways in terms of units per dollar.

A **motion** was made by **Councilmember Zegerman**, seconded by **Mayor Pro Tempore Gray** to approve the Property Acquisition of 0 South Hughes Street and 930 South Hughes Street.

VOTE: (4-1) with Councilmember Gantt dissenting

[UPDATES BY TOWN MANAGER]

Town Manager Vosburg began his update by expressing gratitude to specific teams within the town of Apex, highlighting the work of the Planning team on the Facade grant, Community Development and Neighborhood Connections for Housing Investments, and the Parks team for organizing a community movie event. He acknowledges the staff's hard work and dedication in completing projects, often under tight deadlines. Next, Town Manager Vosburg announced a holiday event, it is a movie screening of *Polar Express* in Pleasant Park on December 19th. The park will open at 4:45 PM, with the movie starting at 6:00 p.m. There will be food trucks, activities led by the Apex Youth Council, and crafts such as a popcorn bar and a Jingle Bell bracelet craft. Registration for the event is already being opened on the Town's website, and parking will be limited, with overflow parking available for attendees to bring chairs and watch the movie. The event is weather dependent, and if it rains, it will be canceled.

Mayor Gilbert asked if there was any other business before moving to Closed Session.

A **motion** by **Mayor Pro Tempore Gray**, seconded by **Councilmember Killingsworth** to enter in Closed Session.

VOTE: UNANIMOUS (5-0)

Council entered into Closed Session at **7:16 p.m.**

[CLOSED SESSION]

CS1 Mayor Jacques K. Gilbert

NCGS §143-318.11(a)(6):

"To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee."

CS2 Mayor Jacqueenums K. Gilbert

NCGS §143-318.11(a)(6):

"To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee."

[ADJOURNMENT]

Council returned to Open Session at **8:26 p.m.**

Mayor Gilbert adjourned the meeting at **8:27 p.m.**

Jacques K. Gilbert
Mayor

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

Submitted for approval by Town Clerk Allen Coleman and approved on January 14, 2025 (CN9).

APPROVED

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

The Apex Town Council met for a work session on Tuesday, December 17, 2024 at 3:30 p.m. at the Apex Town Hall located at 73 Hunter Street in Apex North Carolina.
This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel: https://www.youtube.com/watch?v=SSYvrRJRpcI

[ATTENDANCE]

Elected Body

Mayor Jacques K. Gilbert (presiding)
Councilmember Brett Gantt
Councilmember Arno Zegerman
Councilmember Audra Killingsworth
Councilmember Terry Mahaffey
Absent: Mayor Pro-Tempore Ed Gray

Town Staff

Town Manager Randy Vosburg
Deputy Town Manager Shawn Purvis
Assistant Town Manager Demetria John
Assistant Town Manager Marty Stone
Town Attorney Laurie Hohe
Town Clerk Allen Coleman

All other staff members will be identified appropriately below.

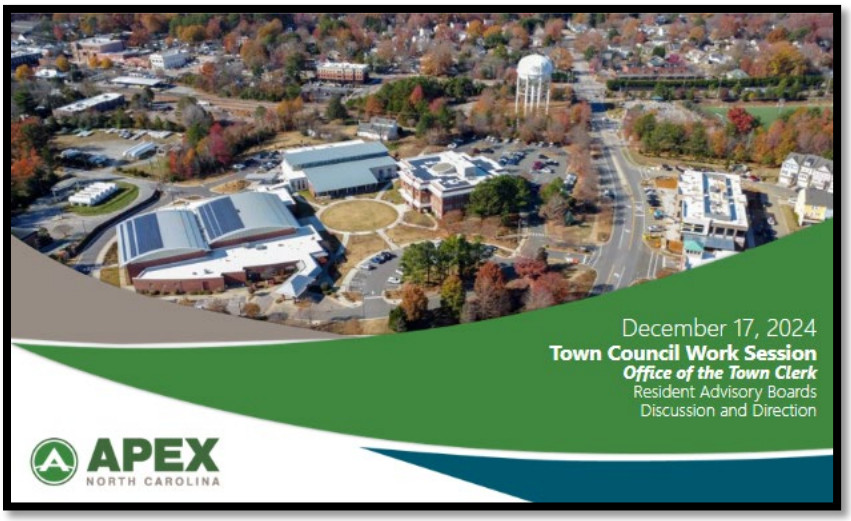
[COMMENCMENT]

Mayor Gilbert called the meeting to order at 3:30 p.m., welcomed everyone, and led everyone in the pledge of allegiance.

[RESIDENT ADVISORY BOARDS DISCUSSION AND DIRECTION]

Allen Coleman, Town Clerk and **Ashley Gentry**, Deputy Town Clerk gave the following presentation:

[SLIDE 1]



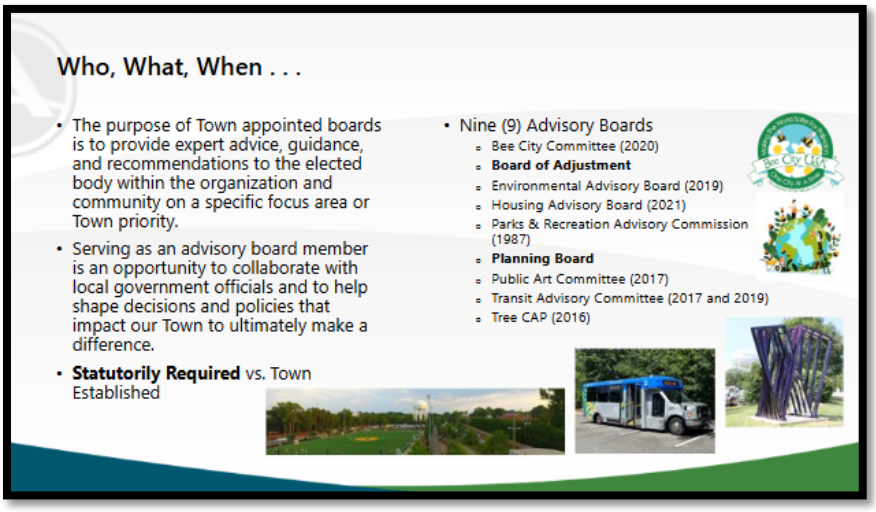
[SLIDE 2]



Councilmember Gantt asked how this item came up as a topic.

Town Clerk Coleman said that some of the Council Members and Advisory Boards had wanted to discuss some of the roles and responsibilities to provide more direction.

[SLIDE 3]



Councilmember Gantt asked if it had been thought about the different kinds of boards and how staff would not have the expertise in. He said that these boards have changed over time and how the priorities for the Boards may have changed.

Town Clerk Coleman asked if he had one that staff would not have the expertise.

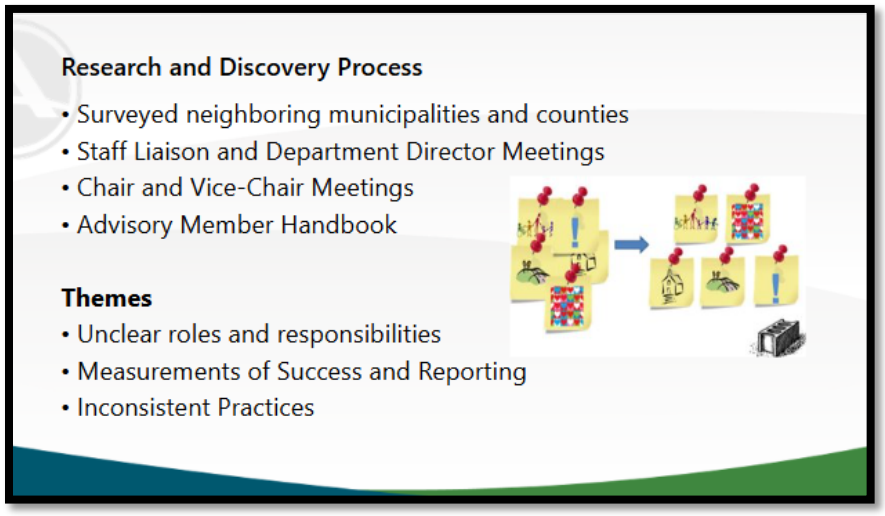
Councilmember Gantt said that the Arts Committee would be one. He said there a lot of artists on that committee, but less staff in that area.

Town Clerk Coleman said that they need direction on expectations from the Council. He said that this will be how to measure their success. He discussed how Council will be deciding the future of boards and if their scope/responsibilities would be adjusted.

[SLIDE 4]



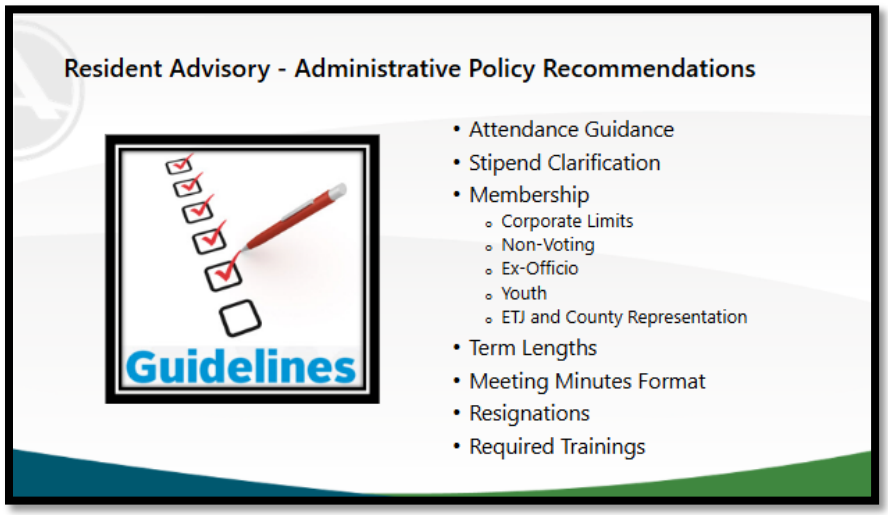
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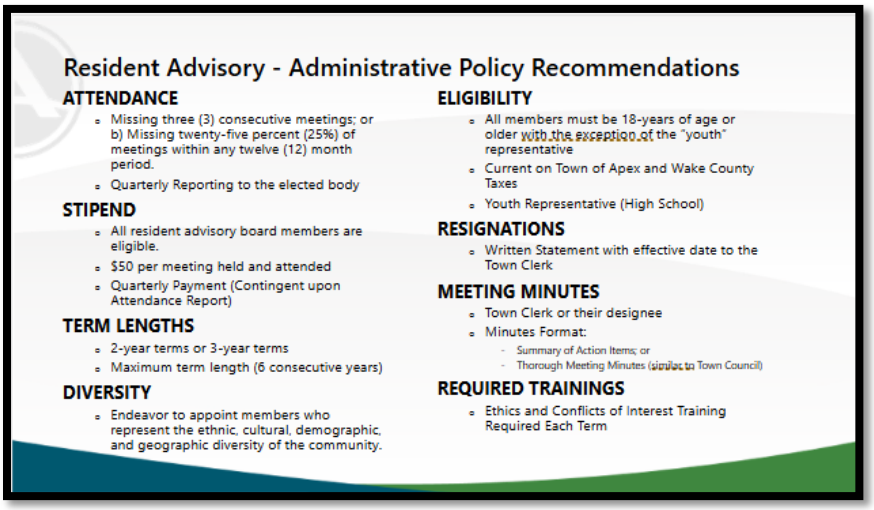
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[SLIDE 7]



[SLIDE 8]



Councilmember Zegerman asked if the proposal was that once a term is over, the member is dismissed from the Board, instead of serving until a replacement is appointed, if they had not yet been.

Town Clerk Coleman said that 90 days prior to the term expiring, the Clerk's office will reach to the member to let them know and ask them if they are planning on continuing to serve, and having them update their application if so. He said the goal would be to have their replacement appointed before their term expires.

Councilmember Zegerman said that he would like there to be a hard cut off for most cases. He said for the attendance piece, over 25% absences would be automatic dismissal.

Councilmember Mahaffey said that there should be excused absences, but if they are not excused they should go towards the 25% absence policy.

Deputy Town Clerk Gentry asked if there should be excused and unexcused absences established.

Councilmember Mahaffey said yes.

Councilmember Killingsworth said that she disagreed with this attendance policy of excused and unexcused absences. She said that if you are not able to attend and unable to give input to the meetings then you shouldn't be on the Board.

Mayor Gilbert said that he agreed with Councilmember Killingsworth.

Town Clerk Coleman said that absences would be reported in the quarterly report to Council. He said if someone had been out for two meetings in that quarter, they would have been contacted by the Town Clerk's office to warn them about their absence status.

Councilmember Mahaffey asked how other City or Towns implement this policy. He asked if it required Council action or would it count as an automatic resignation.

Town Clerk Coleman said that it is some of both. He said some have it as a Council action and some have given the Town Clerk the authority to remove the member.

Councilmember Zegerman asked if there were legal issues for this, for example in the case of pregnancy of a member, and if there were any potential discrimination issues.

Town Attorney Hohe said that if there is an excused or unexcused absence it should be fine. She said that as far as holdovers are concerned, it is allowed by the constitution to allow holdovers to continue in their seat until their replacement is appointed. She said that is to ensure the continued operations of the Board.

Councilmember Zegerman said that they should have a function to vote for replacements on time unless there are specific circumstances.

Town Attorney Hohe said that the process that should be put into place is how you appoint the successor, and not to remove the holdover status of the member of the body so that there is not situation where the boards do not have a quorum.

Councilmember Zegerman said that making these processes more streamlined would be good.

Town Attorney Hohe said that this is in this Council's control.

Councilmember Gantt said that if appointments are on time and everyone is organized, this should not be a problem.

Town Attorney Hohe said she would not recommend changing the holdover status with the Boards that are statutorily required, the Board of Adjustments and Planning Board.

Councilmember Zegerman said that he would like to have internal pressure on Staff and Council to make sure these happen on time.

Councilmember Mahaffey said he thinks removal should be automatic if someone goes over the unexcused absence threshold.

Town Clerk Coleman said that if this is set up for automatic removal, then they could be reconsidered in the future. He said that getting an excuse and unexcused definition has not been established. He said that if all the Council agreed that the policy would be for automatic removal that would be the decision for the policy.

The Council was in approval for this policy as a group.

Town Clerk Coleman said that right now, the Boards are on 3-year terms. He said this could be discussed, but that the Board of Adjustment would have to be a 3-year term.

Councilmember Gantt asked why it had to be a 3-year term.

Assistant Town Attorney Welch explained it's due to the Alternates being on the board.

Mayor Gilbert asked Director Khin if extended terms would impact operations.

Director Khin said that 10 years is too long, and 6 years terms may not be long enough. She said that for the Board of Adjustments, typically their first two to three years do not have many cases, so their experience is limited even as a second-term member. She said that the Planning Board has lots of agenda items. She said that 10-year terms may be too long.

Councilmember Zegerman asked if there was any other Board other than Board of Adjustment that has statutory requirements like that.

Assistant Town Attorney Welch said it was just Board of Adjustment.

Councilmember Mahaffey asked if they could make the two positions alternate and the Board have separate terms so a term as an alternate doesn't count as a term on the Board.

He said that he wasn't sure what the right answer was but that he did like the idea of term limits in principle.

Town Clerk Coleman said that from Ashley's surveys of other municipalities that a lot have gone to 2-year terms, and some have kept 3-year terms, and some have a maximum of nine years and some ten, and it can be varied. He said that this would become consistent.

Councilmember Zegerman asked if there could be a 2-year term limit as an active board member with 1 term as an alternate, for a total of 9 years.

Town Clerk Coleman said that it may be easier to keep Board of Adjustments as it is.

Council Member Mahaffey said that his preference was to leave the Board of Adjustments as it is.

Councilmember Zegerman said that he preferred 2-year terms to increase the rotation.

Councilmember Gantt asked if there was a plan for when the youth would age out. He asked if they would serve for six years as long as they are 18 years old when they start.

Town Clerk Coleman said they could start when entered High School and go until they are in college.

Councilmember Gantt said that they would likely resign when they go to college unless it was a local college.

Councilmember Mahaffey said it was a great resume builder. He agreed they would likely resign once they were in college so rotation would happen.

Councilmember Zegerman asked about the composition of the total number of board members.

Councilmember Gantt asked if they wanted to have different number of members for the boards.

Town Clerk Coleman said they would discuss those topics later. He spoke about the minutes and that they all became centralized to the Clerk's office back in August for consistent format and structure. He said that it had been brought up if the Advisory Board needs to be as thorough as Council minutes.

Councilmember Mahaffey said that they requested that minutes be sent out once they have been approved by the Board so that they can be put on the Consent Agenda for the Council to accept them.

Councilmember Gantt asked if the Boards accept the minutes.

Councilmember Mahaffey said he would want them included so the public could see them easier.

Councilmember Gantt said that the summary at the end of the year would be more appropriate.

Councilmember Mahaffey said it wouldn't do any harm.

Town Attorney Hohe said the Board of Adjustment minutes have a different standard with the quasi-judicial hearing, and should be more detailed.

Town Clerk Coleman said that researching is much easier to do a text search when meeting minutes are more detailed.

Town Manager Vosburg asked if they had talked about adding an informational section to the agenda.

Town Clerk Coleman said yes.

Town Manager Vosburg said these minutes could go there, since they didn't necessarily need to be approved by Council.

[SLIDE 9]



Councilmember Gantt asked if the annual report would be like a lightening round, if they would have 3 or 4 minutes to go over the material and each Board comes in after the other.

Councilmember Zegerman said he would prefer that each Board be staggered.

Director Khin said that Wake County resident to the Planning Board is not a statutory requirement.

Councilmember Zegerman asked could there be an exception. He said that some other board needed an ETJ representative.

Councilmember Gantt asked which Board.

Councilmember Zegerman said he wasn't sure.

Councilmember Killingsworth said that it says that unless otherwise as part of the Charter.

[SLIDE 10]



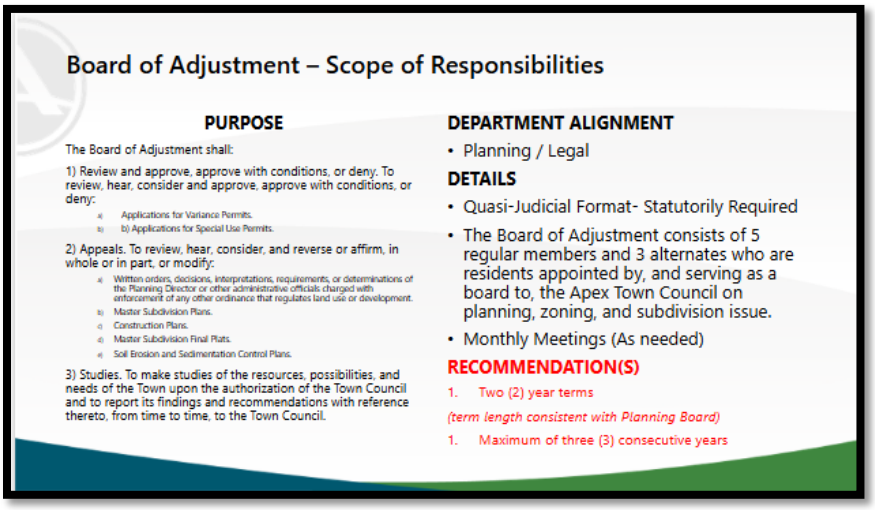
[SLIDE 11]



Councilmember Gantt asked to be a part of that Committee you had to have a committee called The Bee City Committee.

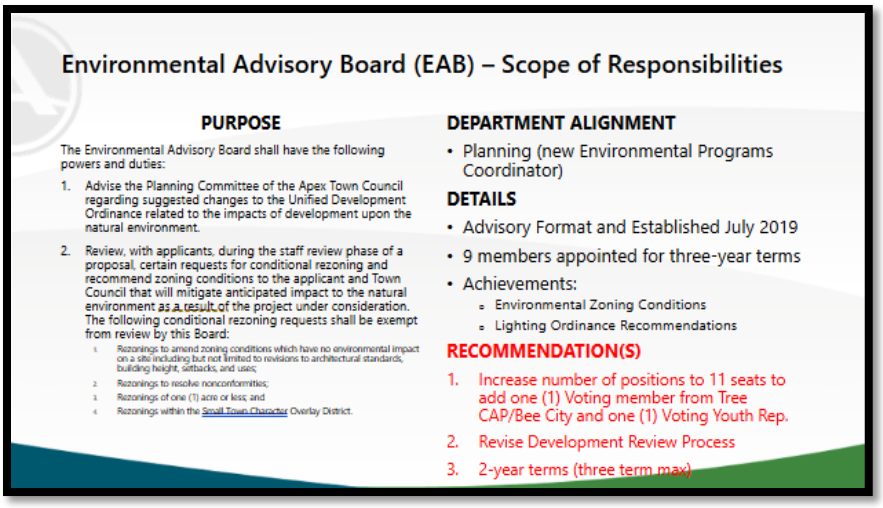
Town Clerk Coleman said that the EAB could be designated as that, and that it didn't have to be solely for the purposes of Bee City.

[SLIDE 12]



Town Clerk Coleman clarified that based on the earlier conversation, they will not be changing the terms structure for the Board of Adjustment.

[SLIDE 13]



Councilmember Gantt asked if he wanted discussion on whether to change the development review process for EAB.

Town Clerk Coleman said that Council could discuss if there were advantages to cases still going through EAB for review.

Councilmember Killingsworth said that the recommendation to remove the review phase would be her preference.

Councilmember Mahaffey said that he would disagree with the recommendation. He said that the review process was where there were conversations and discussions, and a lot of conversations that happen at EAB would then have to be had at Council, which should be the final vote. He said it may push things back further.

Councilmember Gantt said that the EAB gets projects early and not formed yet and the recommendations are hard for the Developer to commit to, because they don't know enough details.

Councilmember Zegerman Said the Planning Team environmental standards are set. He asked if they could look at the environmental items that could be looked at during the Planning Board Review meeting to free up the EAB to review more project phases and more items that are more advisory in nature.

Councilmember Gantt said that the check-off list should be shorter if this is going to every developer so that they can say yes or no instead of having things be open ended.

Councilmember Zegerman said that there is a standard table that comes in the staff packet.

Councilmember Gantt said that the EAB makes a recommendation and fills in some of the information.

Councilmember Mahaffey said that this is a negotiation, for instance some of the 25 items there may be more important than others based on the project, and that is what the review is for.

Councilmember Killingsworth asked if the EAB influence on if they choose those things would be more or less than the Planning Board.

Councilmember Mahaffey said that he wished the EAB was able to give a full recommendation on the project, rather than just adding in specific conditions.

Town Clerk Coleman said that Shelly Mayo in Planning had served as the staff liaison to the EAB and so Director Khin may have some input.

Director Khin said that it could be set up like the Housing Advisory Board, that they have their own policy with a checklist of items they want to see for review with a staff member that reviews these and then makes recommendations. She said that there is an Environmental Programs Coordinator that will be starting in February, so the idea is to move away from reviewing every single rezoning application. She said that they did have to do it to set up the criteria, but these have been set up and they could be reviewed twice a year. She said it seemed like there was too much time being spent on rezoning.

Councilmember Gantt agreed.

Councilmember Zegerman asked where to draw the line for the rezoning.

Director Khin said it may encourage people to rezone. There would be more leeway on more complicated projects like PUDs, so that might could be reviewed.

Councilmember Killingsworth said that the checklist wasn't in place but it is now, because the EAB put that in place. She said that it is an advisory board and that the focus should be on environmental issues.

Mayor Gilbert asked who was in support of Councilmember Killingsworth's suggestion.

Councilmember Gantt asked for clarification that the larger acreage or PUD would go to them for review and everything else would go to the staff person and the EAB would revise the broad conditions accordingly.

Councilmember Zegerman asked could the EAB make a recommendation of what they want to draw the line.

Councilmember Gantt said that they are working for the Council, and the Council should be the ones to decide.

Councilmember Zegerman said they are speaking on behalf of nine people that we believe spent too much time on re-zoning request, so what is the proper way.

Mayor Gilbert said that it can be changed when it comes in the process.

Councilmember Gantt said having the PUD map would really help the EAB evaluate those projects once they have those maps.

Councilmember Mahaffey asked if there was a threshold they don't review.

Councilmember Gantt said that he thought it was less than five acres.

Councilmember Mahaffey said that the review is positive, and the members have impact.

Councilmember Gantt asked if it could be a five-acre policy that would lower the reviews.

Councilmember Mahaffey said that they did not have to decide today.

Director Khin said that she could ask Amanda Bunce.

Councilmember Zegerman said that when they look at the scope of work, that he would like to also look at the 11 Board members, he said it seemed like a high number.

Councilmember Gantt agreed.

Town Clerk Coleman said that it seemed to be consistent to continue with the 2-year terms and a maximum 3 terms.

[SLIDE 14]



Mayor Gilbert asked Councilmember Killingsworth to start the discussion, since she has been the Council liaison.

Councilmember Killingsworth said that the responsibilities could be turned over to staff and any decisions could be taken to Council. She said that she felt the HAB has done everything they set out to do, and she doesn't think it needs to remain.

Councilmember Zegerman said that the town has hired staff that have absorbed a lot of work that the Housing Advisory Board did. He asked if it would be possible to have an advisory committee specific to the entire department to include affordable housing as part of the scope to absorb some of the duties.

Councilmember Killingsworth suggested an ad-hoc Council Committee to be used as needed and meets as needed.

Mayor Gilbert asked staff where they were about this.

Town Manager Vosburg said that they had worked to align all of the Town Departments and functions with the new committees. He said they would talk in January or February about the concepts.

Town Clerk Coleman clarified that the Housing Board Committee would be dissolved due to this work being done by staff.

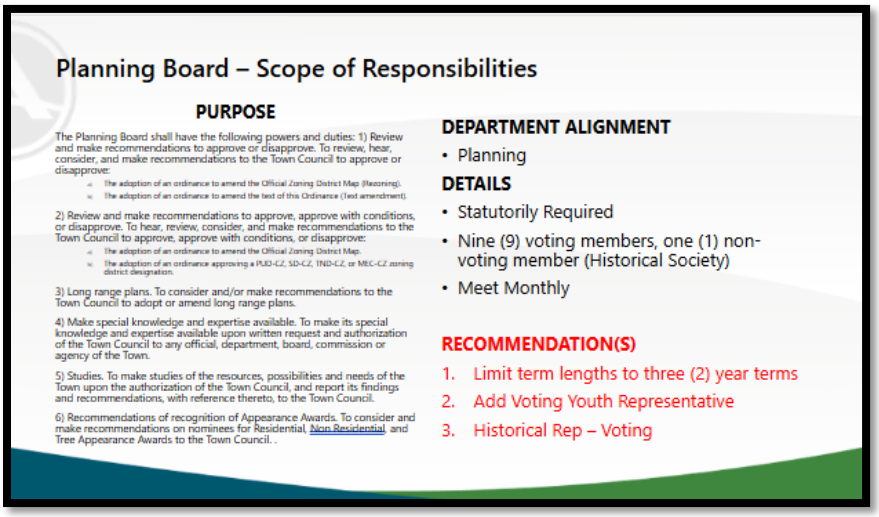
Council agreed.

[SLIDE 15]



Mayor Gilbert asked if everyone approved of this. Everyone was in agreeance for this recommendation.

[SLIDE 16]



Councilmember Gantt asked if similar to the EAB, if the Planning Board was spending their time on rezonings and never getting to items # 4 & 5. He also asked if they were allowed to have a similar size of development that would not have to go through this committee as the EAB does.

Councilmember Mahaffey said no.

Director Khin said that all rezonings had to go before Planning Board.

Councilmember Gantt said that he would like to see more ordinance suggestions and policy suggestions from the Planning Board.

Councilmember Zegerman agreed.

Councilmember Mahaffey said that the Planning Board could be initiating more items and opposing more rules. He said that there were so many rezonings, so in a lot of cases they don't have the bandwidth to.

Director Khin said that the main things that they have done is participation in the long-range planning process over the years. She said that they should be required to participate and not just get updates at the meetings.

Mayor Gilbert said that this should be discussed later.

[SLIDE 17]



Councilmember Gantt asked what "broadening" means.

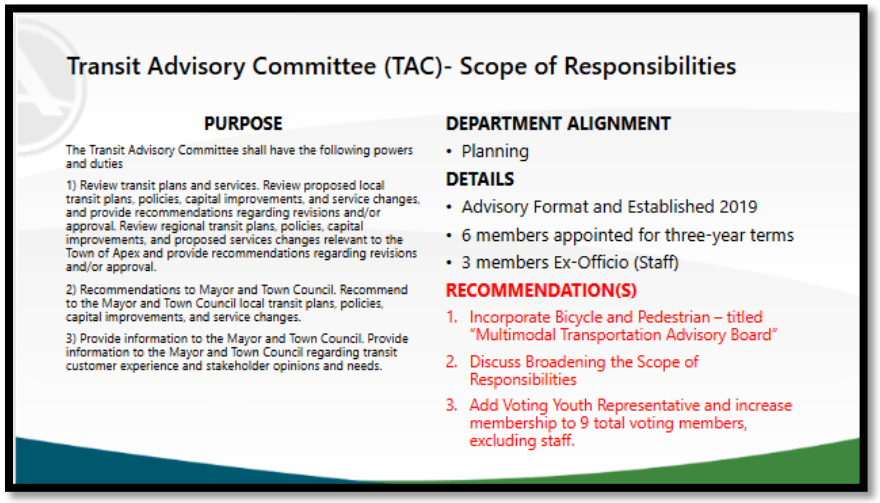
Town Clerk Coleman said it would include to broaden the art related initiatives.

Councilmember Zegerman asked if they were keeping the 2-year terms as previously discussed.

Town Clerk Coleman said yes.

Councilmember Mahaffey said that the Arts Committee had done a great job and was a great example of how an advisory board works.

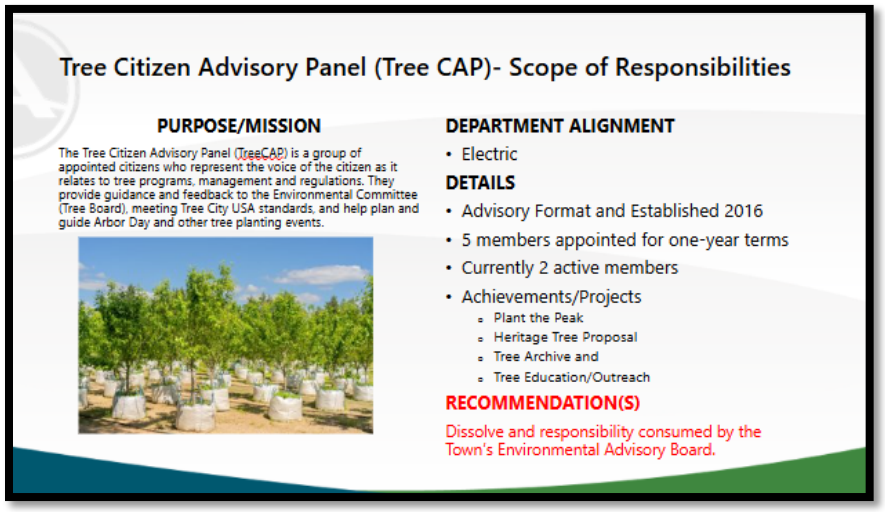
[SLIDE 18]



Councilmember Gantt confirmed that this was a 2-year term with 3 term maximum.

Town Clerk Coleman confirmed that was correct. He said that this was the Board with the least number of seats with 3 ex-oficio staff members, but the committee would benefit from broader membership.

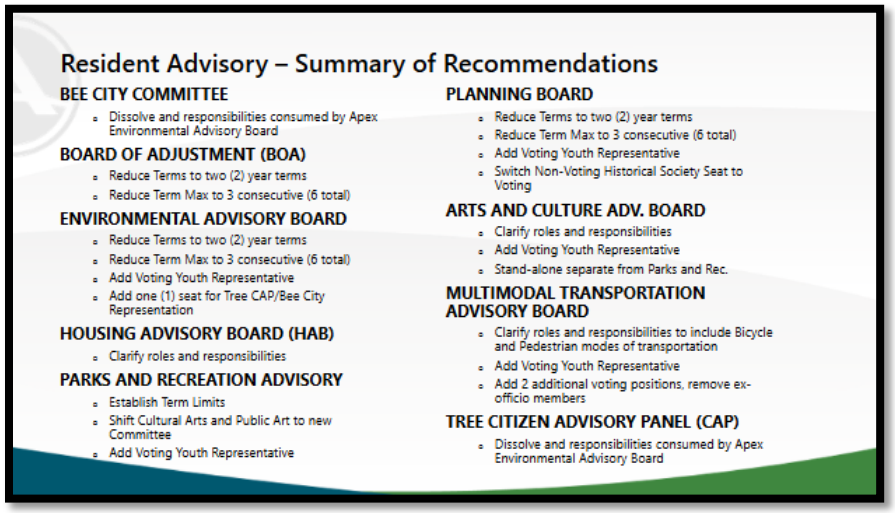
[SLIDE 19]



Councilmember Mahaffey said it may be helpful to form a subcommittee for the Bee City and the Tree CAP.

Town Clerk Coleman said that usually if you form an ad hoc Committee of the membership then it would become a subcommittee of the non-member board and that wouldn't be another set of members.

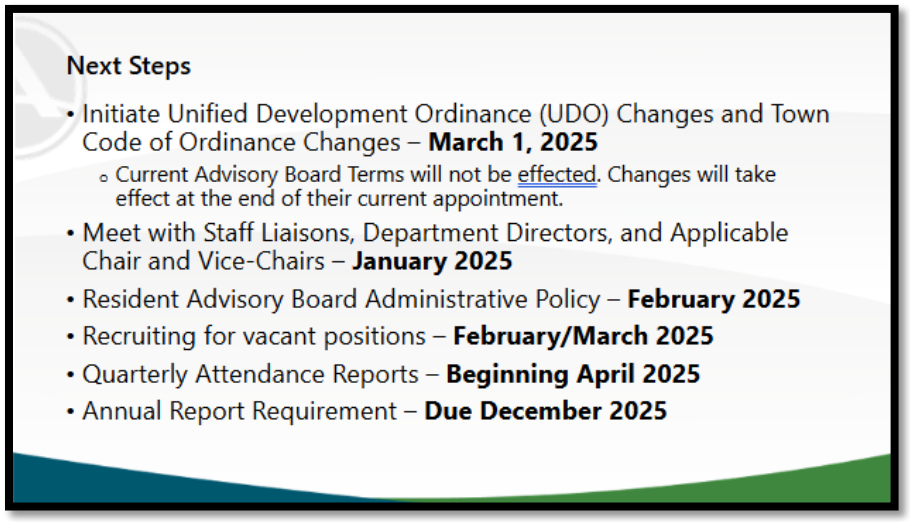
[SLIDE 20]



Councilmember Zegerman asked if this comes back in February.

Town Clerk Coleman said yes, and that some of the Committees are referenced in the UDO and Town Code. He said that they would be communicating with the Department Directors that are affected by the feedback from Council.

[SLIDE 21]



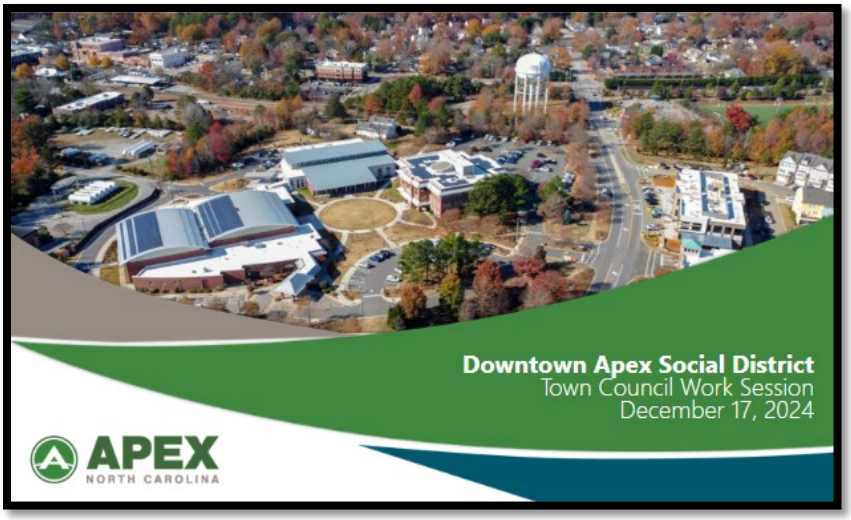
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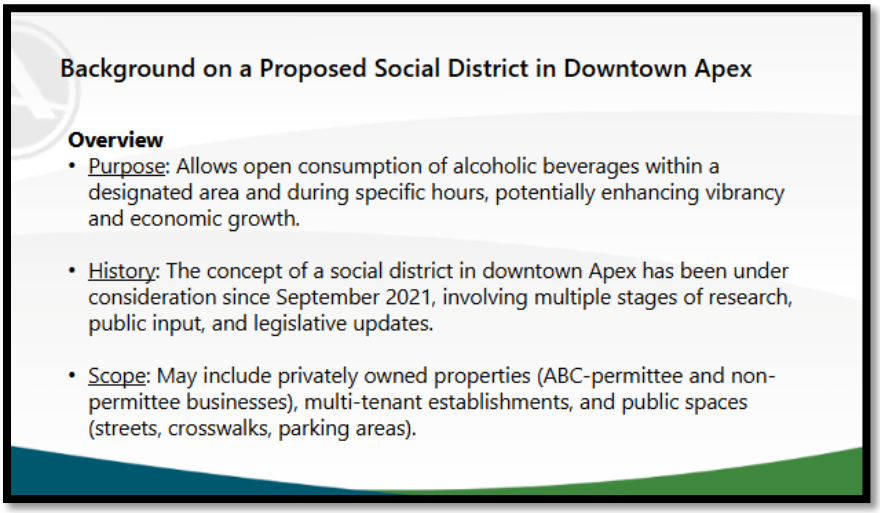
[DOWNTOWN APEX SOCIAL DISTRICT]

Joanna Helms, Economic Development Director gave the following presentation:

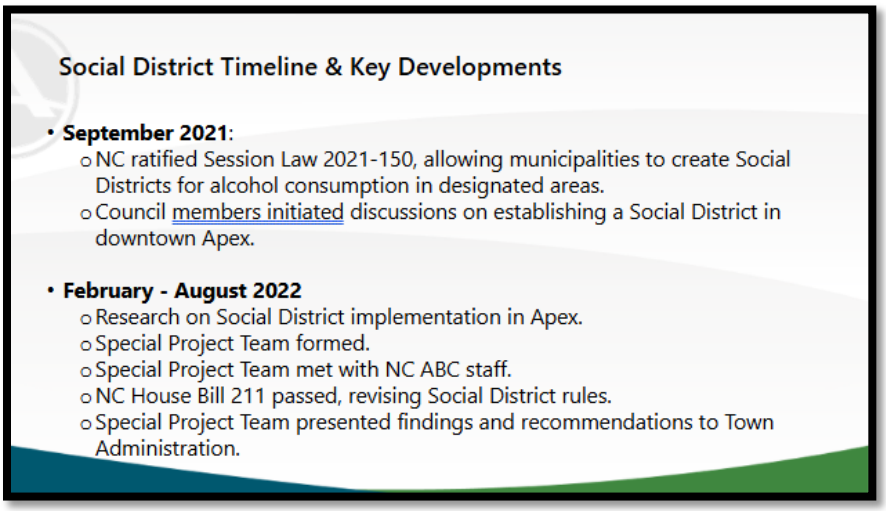
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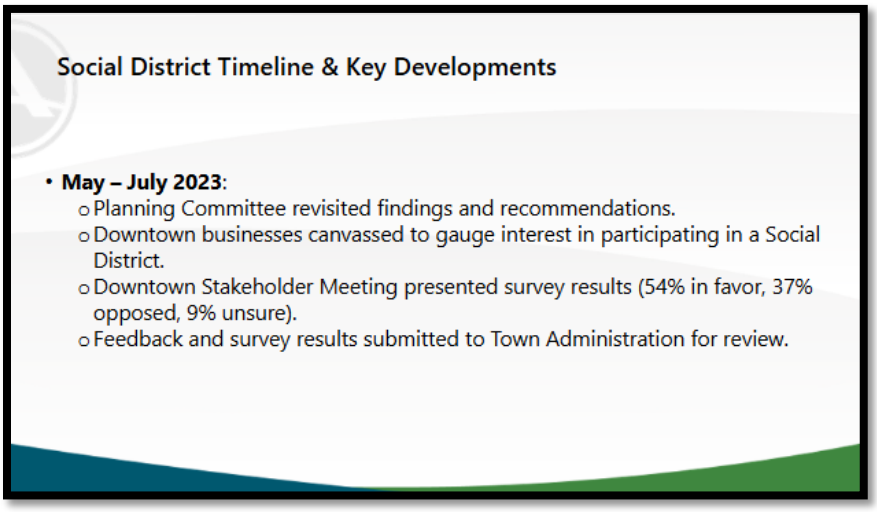
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[SLIDE 4]



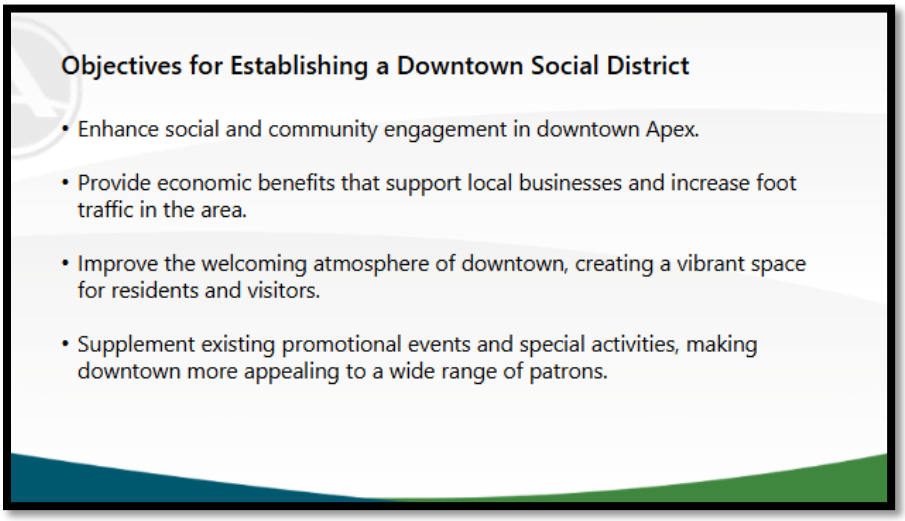
Councilmember Gantt asked about the feedback on the Social Districts.

Director Helms said they had done some research in several communities and all of the feedback was positive.

Councilmember Gantt asked if sales and socializing have gone up in these types of areas?

Director Helms said some areas, Cary for example, haven't had negative comments. She said that she could get the survey to Council.

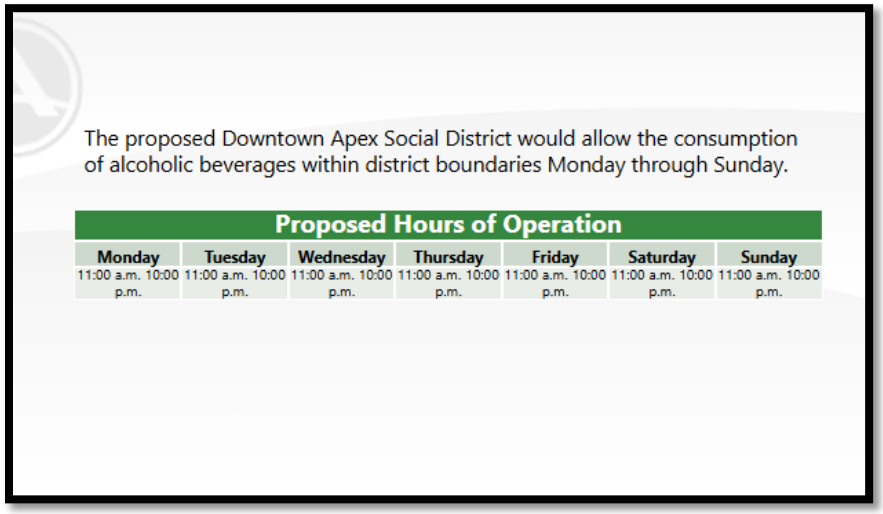
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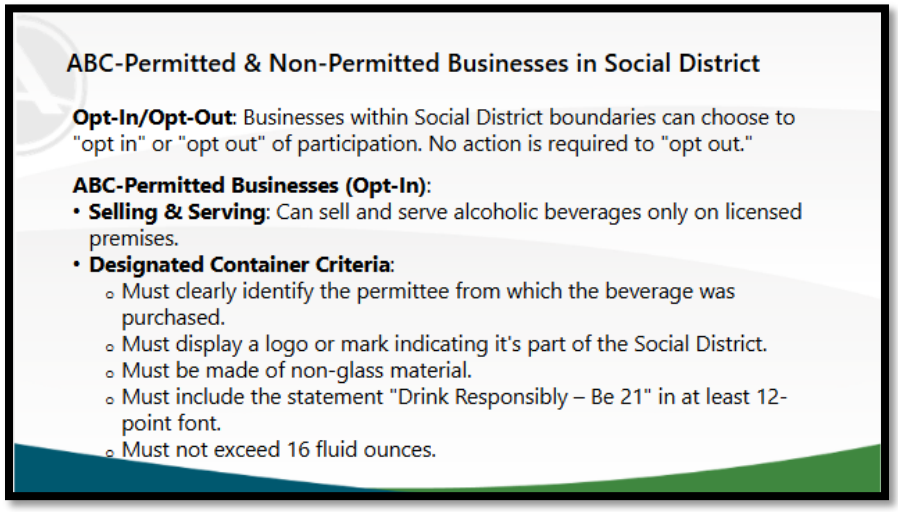
[SLIDE 6]



[SLIDE 7]



[SLIDE 8]



[SLIDE 9]

Non-Permitted Businesses (Opt-In)

- **Alcohol Consumption**: May allow alcoholic beverages purchased from an ABC-permittee within the Social District to be consumed on their premises.
- **Alcoholic Beverage Requirements**:
  - Must be in designated Social District containers.
  - Must be consumed within designated hours (11:00 a.m. to 10:00 p.m. daily).
- **Signage**: Must display signs at exits which do no open to the social district indicating alcohol cannot be taken beyond that point.
- **Law Enforcement Access**: Must grant law enforcement access to customer-accessible areas during Social District operating hours.

[SLIDE 10]

Patron Responsibilities

General Rules for Patrons:

- Alcoholic beverages consumed within the Social District must be purchased from an ABC-permitted business located within the district.
- Alcoholic beverages must:
  - Be in designated Social District containers.
  - Be consumed during the specified hours (11:00 a.m. to 10:00 p.m. daily).
- A patron may not be sold or delivered more than:
  - Maximum of 2 alcoholic beverages (beer or wine) at one time.
  - Maximum of 1 alcoholic beverage (liquor) at a time.
- Patrons must dispose of any alcoholic beverages before exiting the Social District, unless entering a participating business within the district.

[SLIDE 11]

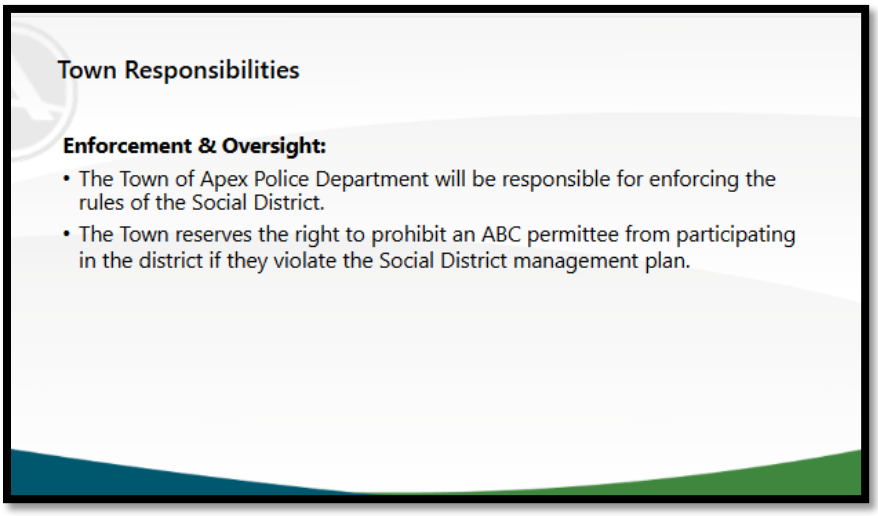
Social District Designated Containers

For Discussion:

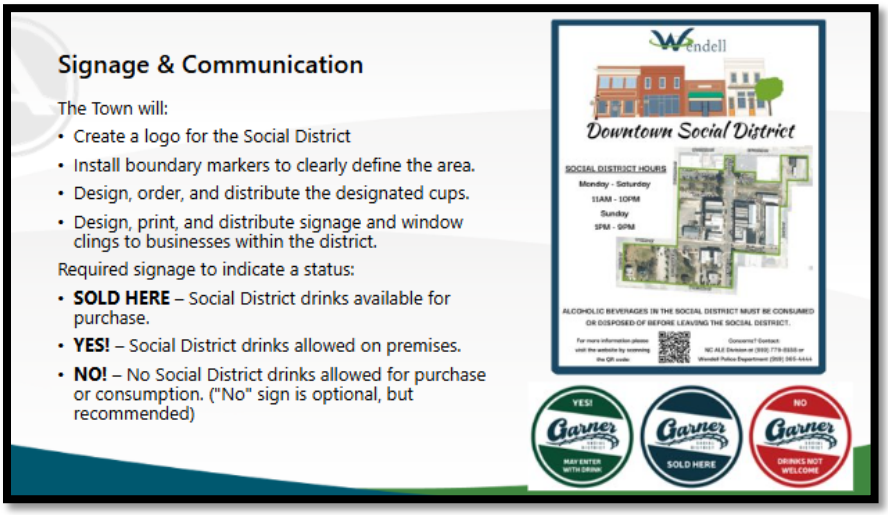
- Who will provide/purchase the social district designated container that meets the requirement of NC law?
- In Cary, the Town provides/purchases the cups. The businesses reimburse the Town for the cost of a standard 16oz. plastic cup. The Town subsidizes the remaining expense.



[SLIDE 12]



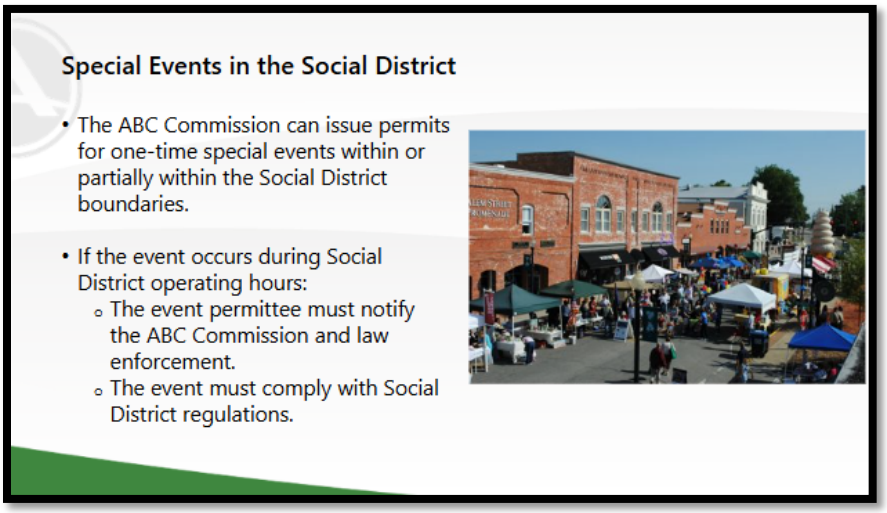
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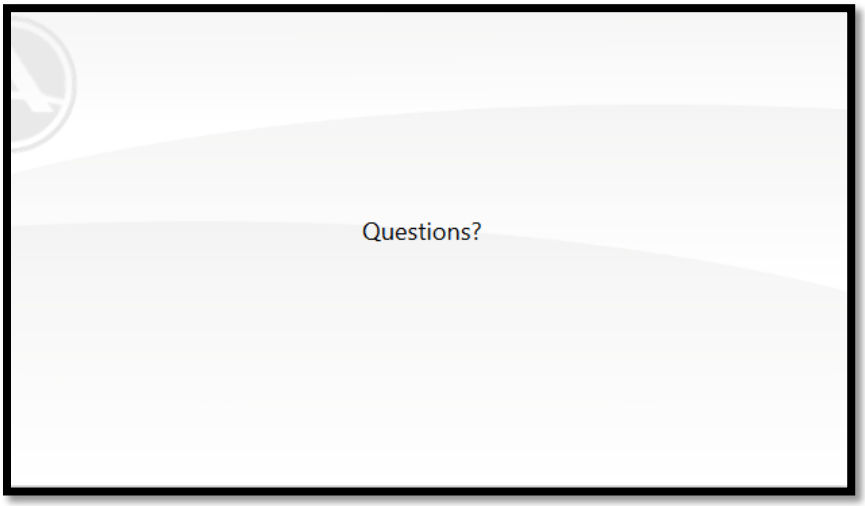
Councilmember Gantt asked if the signs helped having the signs for "No Social District" helped with businesses having to tell customers that they were not participating.

Director Helms said that this is why they recommended the "NO!" signs.

[SLIDE 14]



[SLIDE 15]



Councilmember Gantt asked if the festivals such as Peak Fest could opt out of alcohol in that area.

Director Helms asked Chris Welch for information.

Mayor Gilbert said that they could ask staff.

Town Manager Vosburg said that they needed general consensus about this and some guidance if there is any at this time.

Mayor Gilbert said that there were a lot of positive reviews and there has been a lot of staff time on this, and that they needed to make some decisions.

Councilmember Zegerman said he did not agree. He said that he would like to get feedback again from the businesses. He said he isn't opposed, but he wants to be fleshed out more.

Mayor Gilbert asked what percentage of the businesses he would be looking for to move forward with this.

Councilmember Zegerman said more than 50%. He said that there were things to work out on this. He agreed that he wanted to make forward momentum, but he doesn't think downtown has changed much in the past year.

Mayor Gilbert said that Cary, Holly Springs, Fuquay, and Garner do this.

Councilmember Killingsworth said that it will be 6 months' worth of looking at what the percentage is.

Councilmember Mahaffey said that he would rather do the survey again and we may have better results. He said that there may be a more positive experience. He said that ideally, we want to build consensus, so everyone opts in. He said some businesses have had changed in ownership too. He added he thinks this should move forward eventually, but he wants to reach out to owners again. He said it would be really awkward if the district was created but most shops opted out.

Mayor Gilbert said he agreed to a point. He said that he had spoken to several Mayors from other municipalities and talks to several downtown businesses. He asked what we were waiting for to make the decision.

Councilmember Gantt said that they can do it now, work out the kinks, then it will be ready for the streetscape.

Mayor Gilbert said that a lot of business owners are nervous when construction comes up. He said this will help people come to downtown.

Councilmember Zegerman said there is nowhere to go, no parks to sit in, no benches on the streets, and not any destinations.

Councilmember Gantt said stores, and there would be more later.

Councilmember Zegerman said he prefers a slow roll out and asked if things have changed now. He said that a year ago it was 50-50.

Councilmember Gantt said that nothing has changed and probably would be the same result.

Councilmember Mahaffey said he just wanted to do the homework making sure that we get the survey.

Mayor Gilbert said that he understands. He said he had talked to some of the business owners, and they are ready to go with this. He asked if there was a motion.

Councilmember Mahaffey asked to make an amendment to the motion to do a two-question survey regarding if they wanted to do this, and if they would opt in or out if it happened.

Mayor Gilbert said that would delay more.

Councilmember Zegerman asked what the rush was.

Councilmember Gantt asked if they wanted to tie the results to the metrics and say if it is more than 55% that it would move forward.

Mayor Gilbert asked why a decision would not be made.

Councilmember Mahaffey said that the survey was done 12 or so months before and people said that they would not opt in, so it was stopped.

Mayor Gilbert asked when the last survey was done.

Director Helms said in June of 2023.

Councilmember Mahaffey said that the survey could be done in one month. He said it would not be a good look if we went forward and they did not want to do it.

Councilmember Gantt said 55% said yes and 35% said they did not want it.

Mayor Gilbert said that if people do not want this they can opt out of this.

Councilmember Mahaffey said if everyone opts out it wouldn't be much of a social district.

A motion was made by **Councilmember Killingsworth**, seconded by **Councilmember Gantt** to approve the creation of a Social District in Downtown Apex.

VOTE: (2-2); with Councilmember Mahaffey and Councilmember Zegerman dissenting, and Mayor Pro Tempore Gray absent

Per Town of Apex Charter, **Mayor Gilbert** voted in the affirmative in order to break the tie. **Motion passed.**

[ADJOURNEMENT]

Mayor Gilbert adjourned the meeting at **5:14 p.m.**

Jacques K. Gilbert
Apex, Mayor

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

Submitted for approval by Apex Town Clerk Allen Coleman

Minutes approved on 14th of January, 2025 (CN9).