APPROVED MINUTES

TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, JANUARY 14, 2025
6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, January 14, 2025 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=FqnBjOUEFKM&t=2s

[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
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 and wished everyone a Happy New Year. He then led all those in attendance in a recitation of the Pledge of Allegiance.

Mayor Gilbert then took a moment to remember those that are facing hardships around the country, including Western NC, New Orleans, and Los Angeles. He asked for Reverand Dr. Sequola Dawson, Sr. Pastor at St. Mary's to lead in invocation.

Reverend Dr. Sequola Dawson led the invocation.

[CONSENT AGENDA]

Mayor Gilbert noted that there would be further discussion on Consent Item 8 at the February 18, 2025 Work Session related to the Flock Camera Safety Contract.

Town Manager Vosburg said that the item would still remain on the Consent Agenda, and Council would be voting to approve the Contract tonight. He said the further discussion at the Work Session would be for policy implementation of the Contract.

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

VOTE: UNANIMOUS (5-0)

CN1 Agreement - Apex C.E.R.T., Inc. - Apex Fire Department and Emergency Management – Formalized Volunteer Assistance (REF: CONT-2025-011)

Council voted to approve a service agreement between Apex C.E.R.T., Inc. and the Town of Apex, effective for (1) one-year, to provide volunteer assistance to the fire department and other town departments when requested, and to authorize the Town Manager to execute, or their designee, on behalf of the Town.

CN2 Agreement - Facility Encroachment Agreement No. CSX1027645 - Town of Apex and CSX Transportation, Inc. - Apex Southwest Peakway Connector Project (REF: CONT-2025-012)

Council voted to approve a Facility Encroachment Agreement No. CSX1027645 between CSX Transportation, Inc. and the Town of Apex to construct a 16-inch water line under the rail line for the conveyance of portable water, and to authorize Town Manager, or their designee, to execute on behalf of the Town.

CN3 Agreement - North Carolina Division of Motor Vehicles (DMV) - Access DMV Records Containing Personal Information - eCrash Web - February 1, 2025 through January 31, 2028 (REF: CONT-2025-013)

Council voted to approve an agreement between North Carolina Division of Motor Vehicles (DMV) and the Town of Apex, effective February 1, 2025 through January 31, 2028, to access DMV records containing personal information by utilizing eCrash software, and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN4 Agreement - Mobile Communications of America - Standard Services Agreement - Support for Town of Apex Fire Department Radios (Replacement) – February 1, 2025 through January 31, 2030 (REF: CONT-2025-014)

Council voted to approve a Standard Services Agreement (SSA) between Mobile Communications of America and the Town of Apex, to provide annual preventive maintenance, annual firmware updates and make repairs and replacements as needed to the fire department mobile, portable and vehicle repeater radios, effective February 1, 2025 through January 31, 2030, and to authorize the Town Manager to execute, or their designee, on behalf of the Town.

CN5 Agreement - Mission Critical Partners, LLC - Application Programming Interface (API) - Apex Fire Department's Record Management Software and Scheduling Software - February 1, 2025 through January 31, 2028 (REF: CONT-2025-015)

Council voted to approve a Statement of Services and End-User Subscription Agreement between Mission Critical Partners, LLC and Town of Apex, to provide an application programming interface (API) between the fire department's record management software and scheduling software, effective February 1, 2025 through January 31, 2028, and for the Town Manager, or their designee, to execute on behalf of the Town.

CN6 Budget Ordinance Amendment No. 5 and Capital Project Ordinance Amendment No. 2025-5 - Debt Service Payments and Affordable Housing Land Purchase (REF: ORD-2025-001 AND ORD-2025-002)

Council voted to approve Budget Ordinance Amendment No. 6 transferring budgeted Debt Service payments from the operating funds to respective Debt Service and Affordable Housing Funds and corresponding Capital Project Ordinance Amendment 2025-5 to account for Affordable Housing Land Purchase.

CN7 Budget Ordinance Amendment No. XX - New Position Authorizations (REF: ORD-2025-003)

Council voted to approve updates to the Town's Fiscal Year 2025 Position Authorization List and associated Budget Ordinance Amendment No. 7.

CN8 Contract Multi-Year – Flock Safety Inc. – License Plate Reader Technology – February 1, 2025 through January 31, 2027 (REF: CONT-2025-016)

Council voted to approve an Order Form and Master Services Agreement between the Town and Flock Group, Inc. and the Town of Apex, for License Plate Reader hardware installation, technology, and software, effective February 1, 2025 through January 31, 2027, and to authorize the Town Manager, or their designee, to execute the Order Form and Agreement on behalf of the Town.

CN9 Council Meeting Minutes – Various

Council voted to approve Meeting Minutes from the following meetings:
November 19, 2024 – Town Council Work Session Minutes
November 21, 2024 – Regular Town Council Meeting Minutes
December 10, 2024 – Regular Town Council Meeting Minutes
December 17, 2024 – Town Council Work Session Minutes

CN10 Finance Policy - Internal Control Policy (REF: RES-2025-001 AND PLCY-2025-001)

Council voted to adopt an Internal Control Policy for the Town of Apex.

CN11 Fiscal Year 2025-2026 Annual Operating Budget - Set Public Hearing - First Hearing

Council voted to set a Public Hearing for Tuesday, January 28, 2025 at 6:00 p.m. to receive resident input regarding the formulation of the Fiscal Year 2025-2026 Budget.

CN12 Human Resources (HR) Policy Updates - Town's Personnel Policies - Vacation Leave Max Payout and Retiree Insurance (REF: PLCY-2025-002)

Council voted to approve an amendment to the Town's Personnel Policies Manual.

CN13 Resolution - Abandon Existing Public Utility Easements - Hendrick Toyota - Access Relocation (REF: RES-2025-002)

Council voted to adopt a resolution entitled "Resolution to Abandon Portion of Existing Public Utility Easement", located at 1210 Laura Village Drive.

CN14 Resolution - Abandon Existing Access Easement - Aqualine Pristine Water Access and Dedication (REF: RES-2025-003)

Council voted to adopt a resolution titled "A Resolution to Abandon Portion of Existing Access Easement", located at 1501 East Williams Street.

CN15 Tax Report – November 2024 (REF: OTHER-2025-001)

Council voted to approve the Apex Tax Report dated December, 5, 2024.

[PRESENTATIONS]

PR1 Proclamation - Martin Luther King Jr. Commemoration Weekend 2025 (REF: PRO-2025-001)

Mayor Gilbert along with the rest of Town Council, read the Proclamation for Martin Luther King Jr. Commemoration Weekend 2025. He invited Tayon Dancy and Laric Copes to accept the proclamation and take a picture.

Ms. Dancy said she wanted to recognize Alpha Phi Alpha fraternity that had been working with them. She said that Dr. King was a part of the Alpha Phi Alpha fraternity. She also recognized the historic Apex First Baptist Church that had been helping with this as well. She thanked the Town Council for their support and for the participants. She said that the Fair Housing Act was passed shortly after Dr. King's death, she said this was a part of Dr. King's life work and she said that there is still much progress to be done. She said her heart's desire is for the community to show up and come out in support. She went through the events happening in Apex for the upcoming MLK weekend.

PR2 Proclamation - Human Trafficking Prevention Month - January 2025 (REF: PRO-2025-002)

Mayor Gilbert along with the rest of Town Council, read the Proclamation – Human Trafficking Prevention Month – January 2025. He then invited members of Shield NC – Niki Miller, Michele Stewart, Erin Bircher and Leslie Lockhart. He then invited members of Ship Outreach – Anissa McNair, Pastor Christopher Jones, Aaron Snead and Sons, Layfette Trawick and Tru Pettigrew to accept the proclamation and take pictures.

Ms. Miller spoke on training and awareness. She gave some information on what a trafficking may look like and how important training is for this. She said trafficking was difficult to spot, and most of the time, victims are trafficked by people they know and trust. She said that at shieldnc.org they host an hour-long training each month, where anyone can sign up and learn about how to identify and help prevent human trafficking.

Pastor Jones gave information on Ship Outreach, and how they just opened a trafficking center that help women, men and children that have been trafficked. He said Ship Outreach works with the Federal Government on a "boots on the ground" approach to rescue human trafficking victims. He thanked Apex for doing the Proclamation and bringing awareness to this issue.

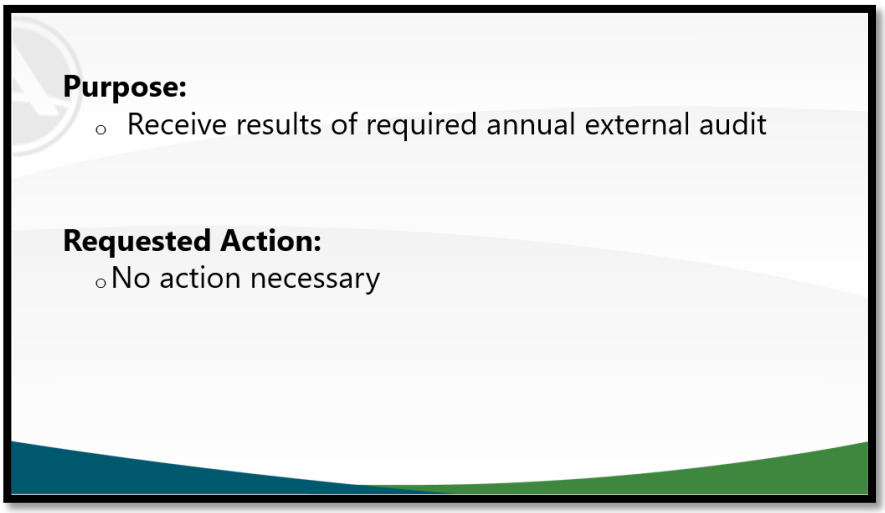
PR3 Fiscal Year Ended June 30, 2024 - Annual Comprehensive Financial Report (ACFR)

Antwan Morrison, Finance Director and April Adams, Assurance Director with Cherry Bekaert gave the following Fiscal Year 2024 Annual Comprehensive financial report:

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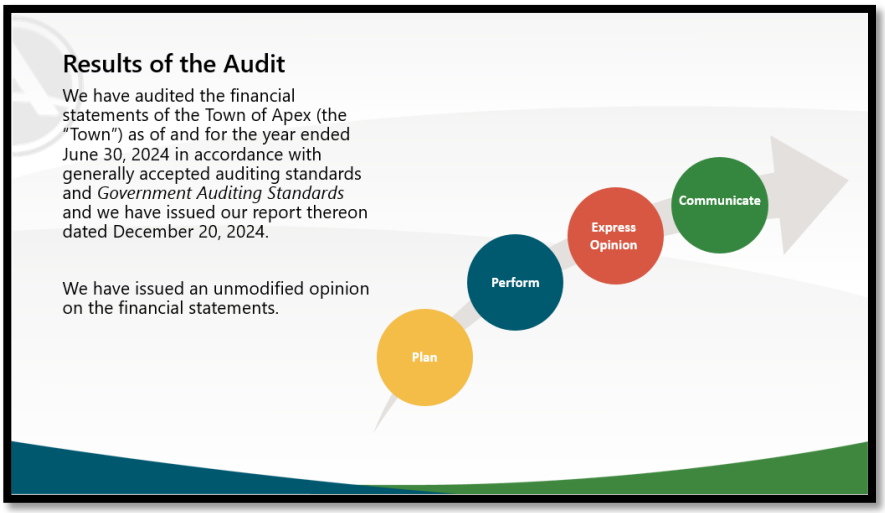
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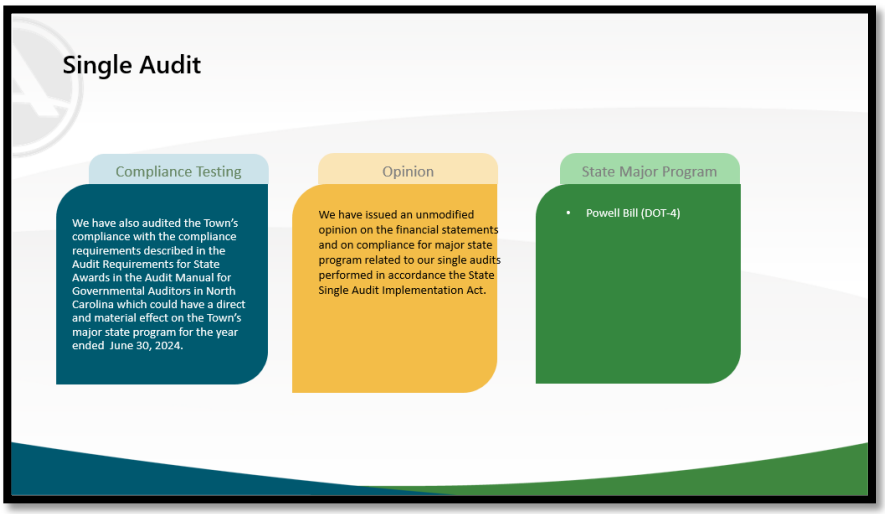
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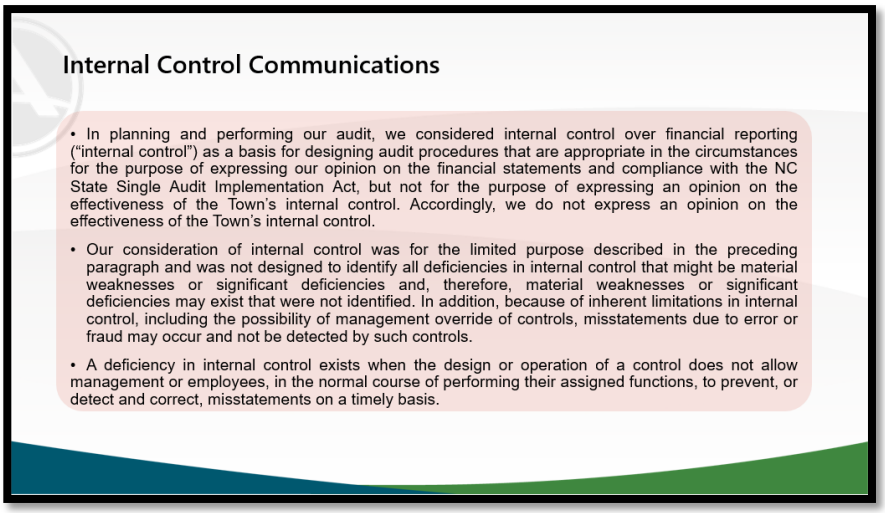
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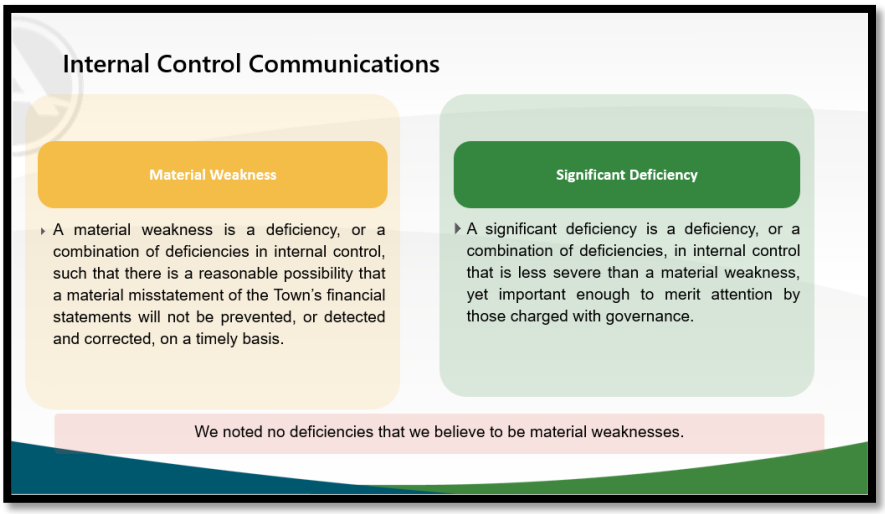
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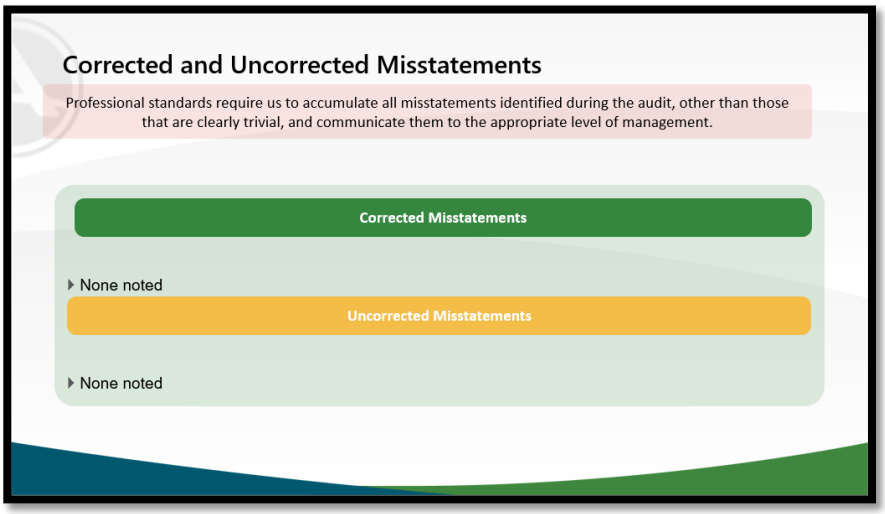
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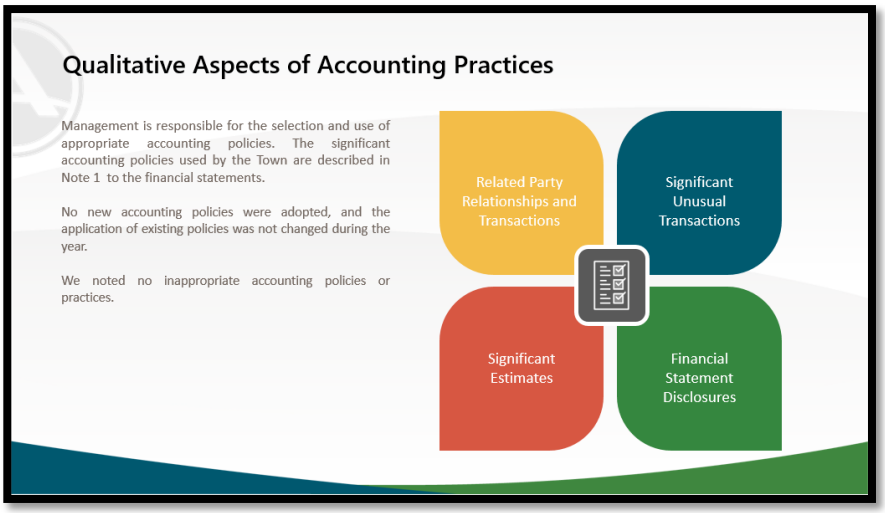
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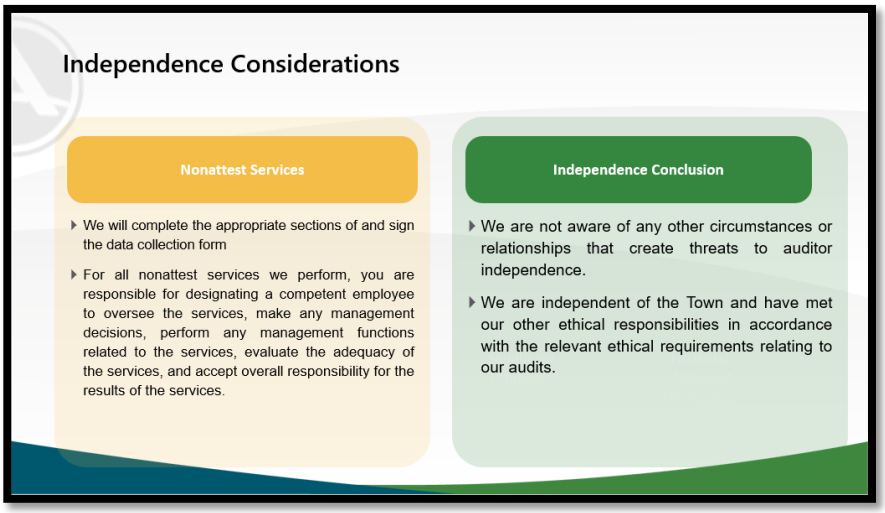
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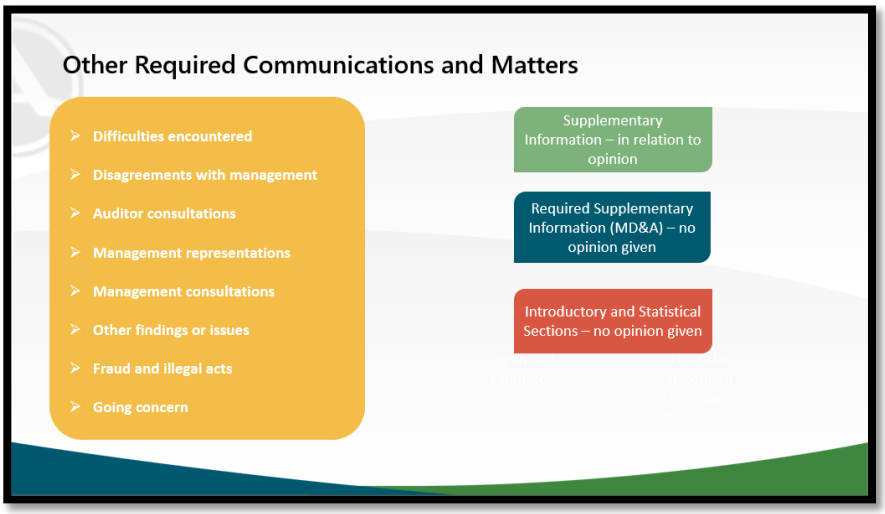
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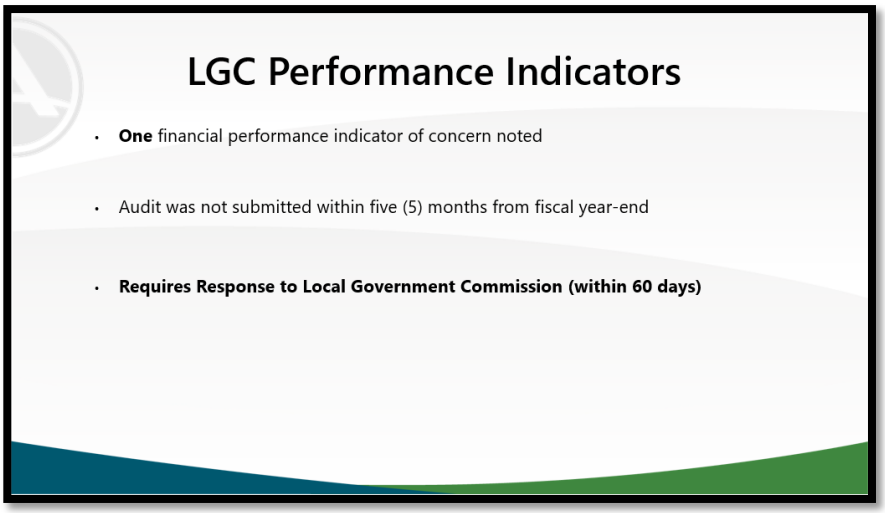
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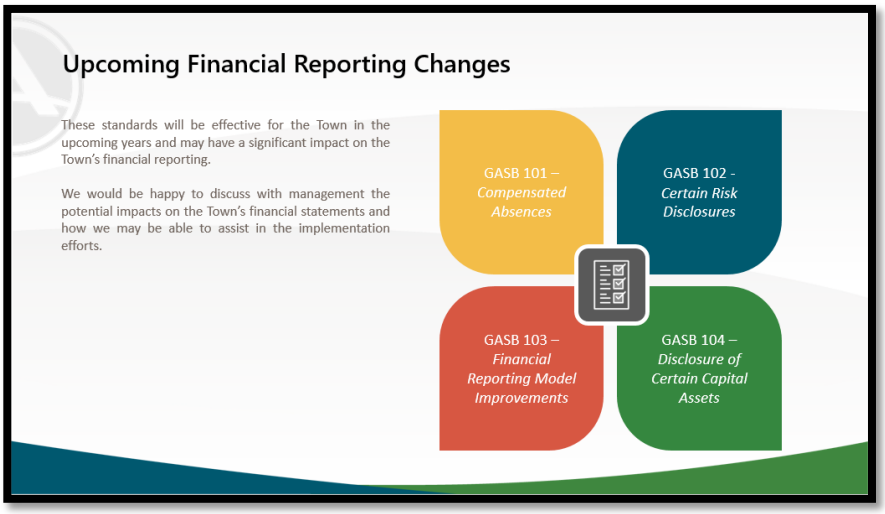
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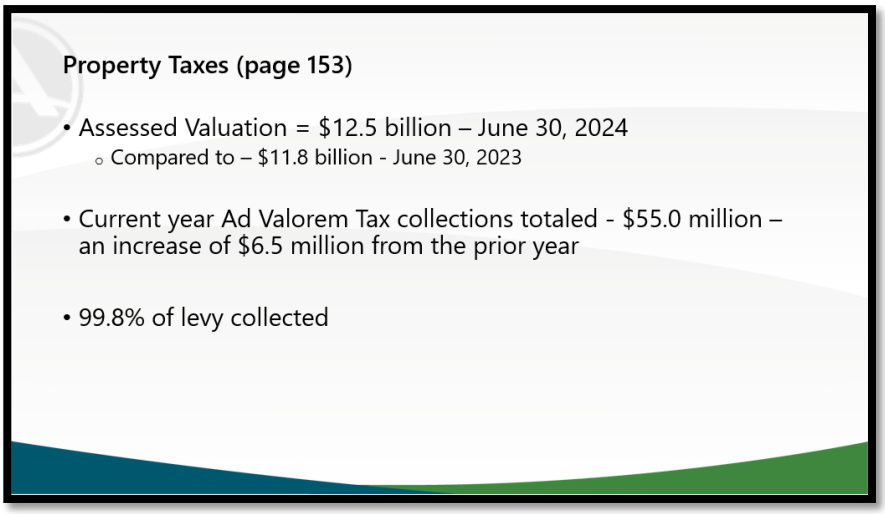
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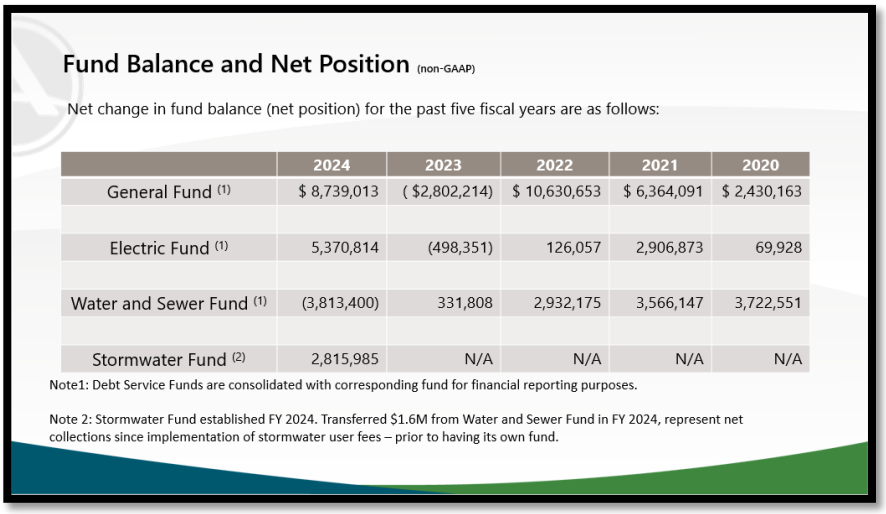
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Fund Balance and Net Position (non-GAAP)

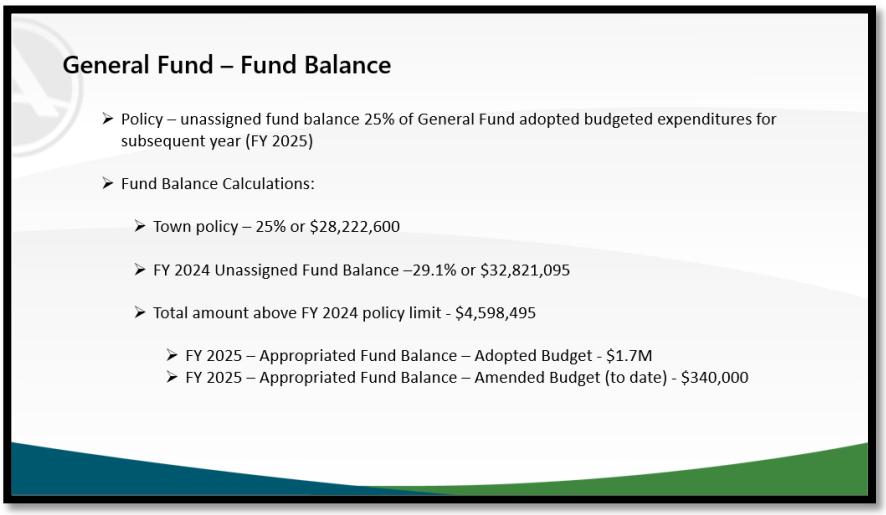
Net change in fund balance (net position) for the past five fiscal years are as follows:

	2024	2023	2022	2021	2020
General Fund (1)	$ 8,739,013	($2,802,214)	$ 10,630,653	$ 6,364,091	$ 2,430,163
Electric Fund (1)	5,370,814	(498,351)	126,057	2,906,873	69,928
Water and Sewer Fund (1)	(3,813,400)	331,808	2,932,175	3,566,147	3,722,551
Stormwater Fund (2)	2,815,985	N/A	N/A	N/A	N/A

Note1: Debt Service Funds are consolidated with corresponding fund for financial reporting purposes.

Note 2: Stormwater Fund established FY 2024. Transferred $1.6M from Water and Sewer Fund in FY 2024, represent net collections since implementation of stormwater user fees – prior to having its own fund.

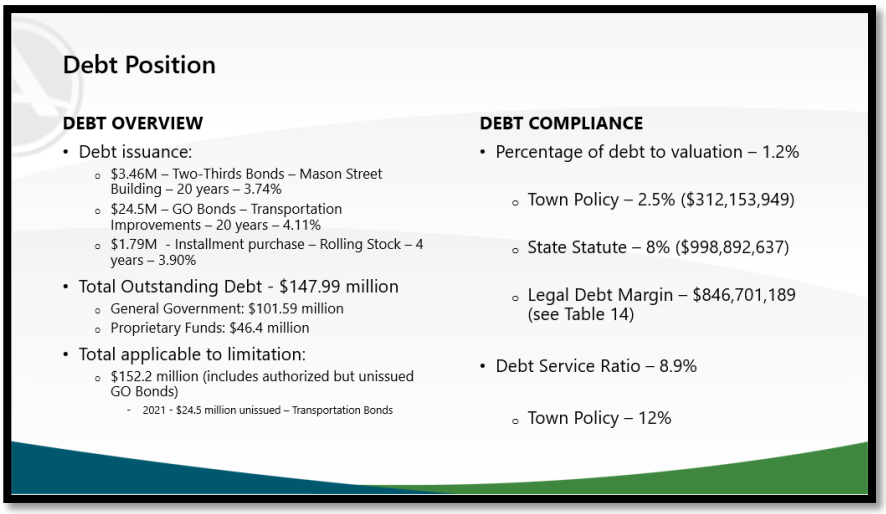
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General Fund – Fund Balance

- Policy – unassigned fund balance 25% of General Fund adopted budgeted expenditures for subsequent year (FY 2025)
- Fund Balance Calculations:
  - Town policy – 25% or $28,222,600
  - FY 2024 Unassigned Fund Balance –29.1% or $32,821,095
  - Total amount above FY 2024 policy limit - $4,598,495
    - FY 2025 – Appropriated Fund Balance – Adopted Budget - $1.7M
    - FY 2025 – Appropriated Fund Balance – Amended Budget (to date) - $340,000

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Debt Position

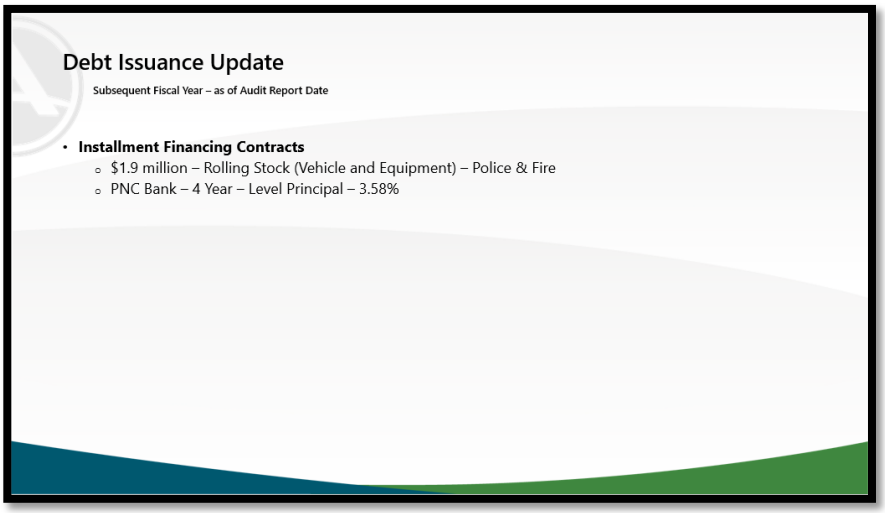
DEBT OVERVIEW

- Debt issuance:
  - $3.46M – Two-Thirds Bonds – Mason Street Building – 20 years – 3.74%
  - $24.5M – GO Bonds – Transportation Improvements – 20 years – 4.11%
  - $1.79M - Installment purchase – Rolling Stock – 4 years – 3.90%
- Total Outstanding Debt - $147.99 million
  - General Government: $101.59 million
  - Proprietary Funds: $46.4 million
- Total applicable to limitation:
  - $152.2 million (includes authorized but unissued GO Bonds)
    - 2021 - $24.5 million unissued – Transportation Bonds

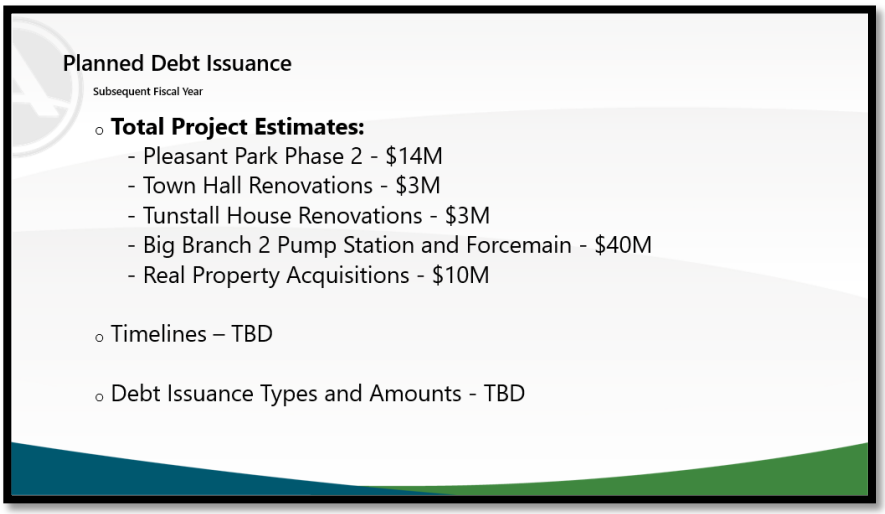
DEBT COMPLIANCE

- Percentage of debt to valuation – 1.2%
  - Town Policy – 2.5% ($312,153,949)
  - State Statute – 8% ($998,892,637)
  - Legal Debt Margin – $846,701,189 (see Table 14)
- Debt Service Ratio – 8.9%
  - Town Policy – 12%

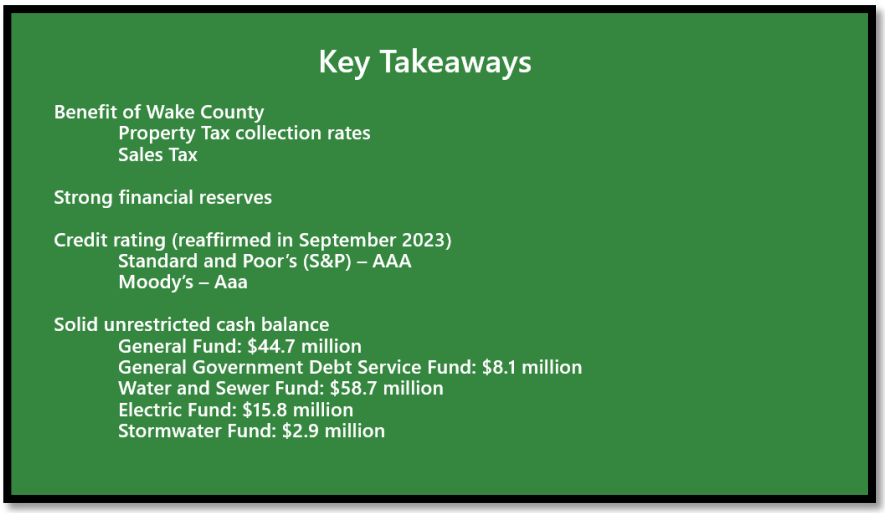
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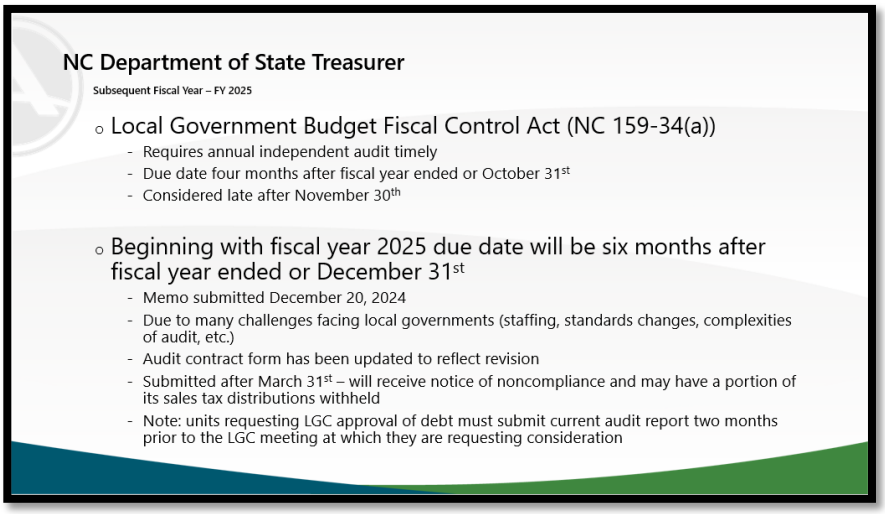
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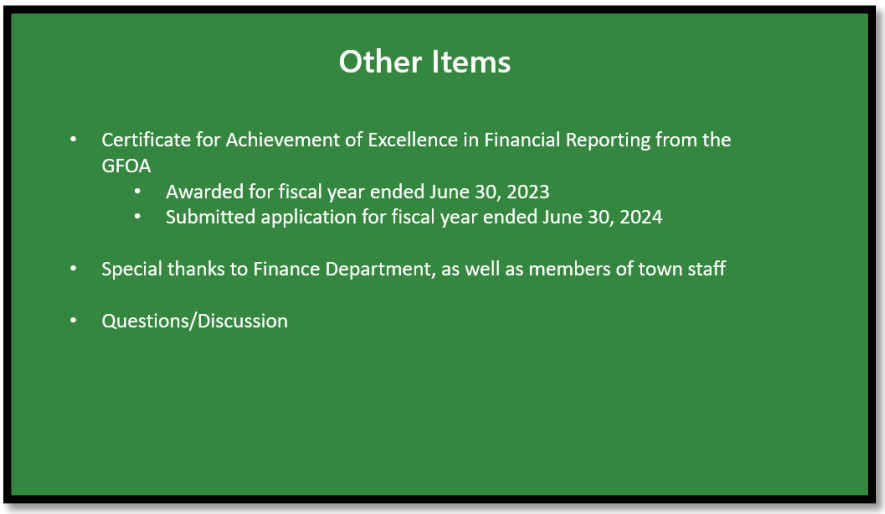
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Mayor Gilbert thanked the staff and Director Morrison for the hard work on the audit.

Councilmember Zegerman congratulated Director Morrison and Finance Staff for a clean report. He asked how much of the rolling balance of the general fund into the next fiscal year was unrestricted.

Director Morrison said that they are all unassigned funds. He said that there is a calculation required to be done by the state that takes out the money that is spoken for in the general fund and this is what is remaining.

Mayor Gilbert thanked Director Morrison and then moved to the Regular Meeting Agenda.

[REGULAR MEETING AGENDA]

Mayor Gilbert asked for a vote to set the Regular Meeting Agenda.

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

VOTE: UNANIMOUS (5-0)

[PUBLIC FORUM]

Mayor Gilbert opened up the Public Forum and invited the first speaker up.

First to speak was **Phil Welch** at 1471 Big Leaf Loop:

"Good evening Mayor, Councilmembers, Town Manager, Staff, Public. I'd like to recognize the other housing advocates joining me this evening. Please raise your hands if you're supporting affordable housing. First, a bit of background. Town Council held a work session on December 17th to discuss changes to their advisory bodies. I couldn't attend, but I did watch the relevant portions of this session afterward, and I was surprised to hear the recommendation to dissolve the Housing Advisory Board after only about three years of operation. The rationale given was that the HAB had accomplished a lot, the housing staff is now in place, and the work of the HAB is basically done. Whether or not these observations are true, Apex is still far from filling its gaps in affordable housing. In fact, I believe the shortage of affordable homes, especially for Apex's low to moderate-income families, has grown worse in the last four years since the Affordable Housing Plan was passed. It was passed unanimously by the Town Council. I offered that perspective in my comments on this year's annual housing report. I thought it might be helpful to read those comments as a basis for my suggestions on how to advise the Mayor, Council, and staff on ways to begin filling Apex's deficit in affordable homes.

Here are my comments:

Apex continues to have a huge deficit of affordable homes for residents and essential workers of at least 1,400 households and more likely closer to 3,000 or more when accounting for our neighbors paying more than 30% of their income for housing plus our essential workers who would love to work and live here. 93% of Apex's residents commute out of town for work, so only 7% of people who work here are able to live here. Our essential workers, for example, healthcare support, construction workers, entry-level teachers, and police officers earning less than 80% of area median income, cannot afford average rents here of $1600. 770 low to moderate-income renters and 650 low to moderate homeowners are severely cost-burdened, paying 50% or more for housing and having little left over for other critical expenses such as food, healthcare, and transportation. So how are we doing closing the gap?

Here are some highlights from the attached annual report:

- At the end of fiscal year 23/24, DHIC was completing construction on and beginning to rent some of the 164 family affordable apartments in Stone Glen, across the Apex Peakway from

the Walmart shopping center. As of September 1st, last year, there were still about 70 apartments available. Please spread the word to friends, family, and essential workers.

- During the fiscal year 23/24, as part of Apex Cares, Rebuilding Together the Triangle completed repairs on six homes owned and occupied by Apex residents, at an average cost of just about $26,000 per home.

- In June, the Community Development and Neighborhood Connection staff and the Housing Advisory Board recommended, and the Town Council approved, major revisions to Apex Cares with the goal of rehabbing 10 homes in each of the four subprograms during this fiscal year.

- Two rezonings were approved in fiscal year 23/24 for market rate developments with three ownership homes at up to 135% of area median income for 30 years, and 20 rental units at 80% of area median income for 10 years. These 23 units are out of a total of 970 housing units or about 2.4% of the total.

Much more is needed to realize the vision in our 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 as background, I'd like to present some ideas I have for sharing information and proposals for closing Apex's gap of affordable homes. My objective is to find ways to better communicate the need for more housing choices to our Council, town staff, especially planning and housing groups, and the public. I have a few ideas, including making the planning and development process more transparent and accountable, and opening better channels of communication among advocates, Councilmembers, and Planning and Housing staff members. I believe the first step would be to estimate Apex's deficits in affordable homes by different household incomes. Then we could ask the staff for specific annual objectives in filling these gaps. These will provide the means to measure Apex's progress towards filling these gaps. We'll also have the ability to hold our elected officials and staff accountable for closing the gaps. Otherwise, I feel that we'll be like any of our other Wake County municipalities, which ignore our neighbors who struggle to pay 30 to 50% or more of their income for housing and continue to live in fear of displacement and homelessness. We'll also continue to assume that it's acceptable for the vast majority (93% or above) of the workers in Apex to commute from other towns and counties to service. I'm thinking that maybe we should use the public forum portions of council meetings to share information with our elected leaders, staff, and the public. Maybe we need to identify other Apex stakeholders who can explain the benefits of stable, affordable homes. For example, we could invite residents such as a Habitat homeowner to describe what a stable, affordable home means to her as a single mother and special ed teacher in Apex. I'm already speaking with leaders from local social service agencies, such as the Interim Executive Director at Western Wake Crisis Ministry, to offer stories about people they've helped at the food pantry and with emergency assistance who are at risk of becoming unhoused. She could also provide statistics on how the demand for their services has been growing before, during, and after the pandemic.

Perhaps I could line up talks by selected local faith community leaders on the calls they're getting from local families who are struggling to find and keep homes within their budgets. Maybe they could speak about the impacts of the lack of affordable homes on members of their congregations. However, I believe more advocacy is also needed. Advocates need to understand developers' proposals so they can support those that include a reasonable number of affordable homes at various price points and for affordable periods of 20 to 30 years or more. As advocates, we need to point out to staff and Councilmembers when developers need to do better with their proposals. I want Apex to continue to stand out in our County and our Country as the peak of good living for all who aspire to live and work here. I invite Councilmembers, staff, and the public to talk to me about creative ways to achieve that vision. Thank you."

Mayor Gilbert thanked the speaker and invited the next speaker.

Next speaker was **Dawn Cozzolino** of 3632 Bosco Road:

"Good evening Town Council. Yesterday 124 households in our New Hill community lost power for over 12 hours. The cause of the outage, and you're getting a handout on that, was reported by Duke Energy as due to public vandalism. This could have been a serious threat. We have folks that are elderly, they have medical conditions, and when we don't have power, we have wells, there's no water, there's no heat, and we lose our refrigerators. Restoration of the power could have been even unknown at that point and it reminds us all of the substation attack in Moore County back in 2022 that was never resolved. Since then, we haven't really heard anything and it quietly went out of the news cycle. I ask for action tonight and interaction between Apex, Holly Springs, and Wake County to address these safety concerns. The local governments need to figure out how to improve the safety for residents, and this is really important to protect the grid. This also relates, as I talk about often, to traffic crashes. I bring that up because what's happening is we have the same roads, we have the same limited police resources, but a significant increase in the people growth from development, I'm not talking about babies being born. We have a high cost of living to go along with that and things aren't getting better, they're getting worse. So I'd like to point out that I think we could be more proactive rather than reactive, and I continue to focus on traffic impact studies and those analyses for any developments, whether existing or proposed for zoning. Could we think about dedicating more Apex police resources to the areas that Apex has grown, and what I'm talking about is the areas of New Hill and Friendship community, and we've asked for that in the past, and I think the timing is right to ask that question again. Remember, development is not on an island where each development has its own needs and it meets some volume limit. Actually, each development is compounded and is part of the whole transportation network and people network. Let's use common sense. Thank you very much for your time."

Mayor Gilbert thanked the speaker and called the next speaker.

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

"Mayor, Town Council, good evening. So, I have been around probably way too long. I've been in the area since 1991 and didn't really pay a lot of attention to the town's financials until the last few years, and I've sat through the annual presentation that the town staff gave earlier today, and I need to make a few comments. It's not meant to be negative, but we need to also be transparent. In 2019, 2020, 2021, and as far as I know any year before that, the financial audit was always turned in to the local government commission on time. Having sat through these meetings, I have known about this in the past, so I reached out to the local government commission in December, and they forwarded the documents to me. So, what you have in front of you is one of the financial indicators, and I only used page six where it states that your report was late in 2022, in 2023, and now we're going to be late in 2024. It states, and I quote, 'as stewards of the public resources, the governing body is responsible for ensuring that the audited financial statements are available to the public in a timely manner. External groups such as the North Carolina General Assembly, federal and state agencies that provide funding, and other public associations need current financial information about your local government as well.' You all received this in 2022, and you signed a letter, a copy of which is in front of you, that you understood the importance of the financials being submitted in time. So, we missed it in 2022 when you got the notice and then 2023 happened and we missed the deadline again and you received the same statement. Those of us who've been watching and having conversations were concerned. This is government 101 that you get your financials in on time. And I've read the letters about high staff turnover. Why are we having staff turnover? You know, what is it that you as a council need to provide the town staff? Is it more money? Is it more guidance? I don't know what it is, but it's embarrassing that we can't get our financials in on time. Now I understand the consequence may not be large, but from a reputational perspective, I think it's important that this is the last year that we're late because we were never late before. So, I ask you to please have conversations among yourself to figure out what you can do to help staff get the reports in on time. Thank you."

Mayor Gilbert thanked the speaker and called the next speaker.

Next to speak was **Mary Miskimon** at 3177 Retama Run, New Hill:

"Good evening, Happy New Year to the Council and staff. Last month I addressed the council regarding the ongoing utility bill issue, and I'm back tonight just to follow up. So far, more than 1,800 people who signed my petition have requested more transparency and accountability. Specifically, more frequent updates to the webpage and a council agenda item addressing the status of utility billing along with any information regarding the cyber investigation that you may have. It's now after the holidays, mid-January. It appears the most recent updates to the webpage were made in early December. I don't see anything on the Council's agenda for tonight to address the cyber-attack and billing issue either. I know of several people who did reach out to me directly to report that they continue to have issues with their December bills. Additionally, I see from the E-permit portal that there were some issues today. It appears from the alert that was sent out that there was a software issue. So, at the most basic, we are simply asking for the following, please:

- A public hearing to give the public the opportunity to ask questions.

- Until the town is fully recovered, each Town Council meeting should have a separate agenda item to ensure that the Town staff provides a specific update on the recovery plan and the progress made.

- An update to the town's website on a weekly basis, please. Thank you for your time tonight."

Mayor Gilbert thanked Ms. Miskimon and called the next speaker.

Next speaker **Cahana Daniel** at 605 W. Chapel Hill Street, Durham:

"Hi guys, I'm going to address the three-month allegation that was over here in the city council, but I have one request: make 2025 about the city council. Don't let any of those things come into here. I'm going to address what is anti-Semitism. Anti-Semitism involves unfairly singling out Israel, denying Jewish history like what was over here last time with Jesus Christ, and having allegations of genocide when there is no support for it. I don't believe that I need to come over here to a room full of Christians and tell you that Jesus Christ was Jewish from Judea. He was born Jewish and here's the thing: unlike Muslims or Christians, where you have so many ethnicities within, Jews are an ethno-religion. We have the Jewish religion, the Jewish faith, the Jewish people, and the Jewish language, Hebrew. The Hebrew translation for Hebrew to English means "the other side of the river," the West Bank, Judah and Samaria. If Jesus was here today, he would only be able to speak to me in Hebrew. No need to say that Jesus was born 135 years before the land was ever called Syria Palestina by a Roman emperor in order to stick it to the Jews who kept on revolting against him because they wanted to release themselves from the occupation of the Roman Empire. Moreover, you all heard about the heartbreaking story of the 16-year-old that was arrested by the IDF. I was searching that, and it's easy to search it in Hebrew. This is Hussain Abuli. As you can see over here, his parents and teachers strapped him with an explosive bomb and sent him to a barricade in Israel in order to explode. Tell me, who is the bad guy over here? The IDF that stripped him off of this bomb in 2004, or was it the parents and the education system that taught him that he would get 72 virgins in heaven? During the intifada in 2002-2003, there were successful suicide bombings. It's come over here to City Council and and give you allegations. It's not the only one. Muhammad Elwat, Abu Katish and more and more children have been sacrificed from their side in order to suicide bomb into Israel. But if they care so much about children, why don't they care about those families that have been kidnapped and held hostage in Gaza? You know what, if they don't care about Jews, why don't they care about the two Arab Israelis that were kidnapped and found dead last week? These allegations come here every week. I'm asking you to stop them. One last thing, the United States does not give money to Israel. They give a voucher to Israel to buy merchandise and weapons from the United States. They also do this for Ukraine and different countries, but somehow, they forgot to mention this. Please make the city council about the city council again. I don't want to come back here. Thank you very much."

Mayor Gilbert thanked all that came out and spoke and then moved to Public Hearings.

[PUBLIC HEARINGS]

PH1 2045 Land Use Map and Transportation Plan Amendments - Western Big Branch Area Plan: Encompassing Portions of the Friendship and New Hill Communities – Continuance Requested to January 28, 2025

Jenna Shouse, Senior Long-Range Planner, Planning Department requested to continue this item to the January 28th Town Council meeting, in order to be heard on the same night as the Parks plan update.

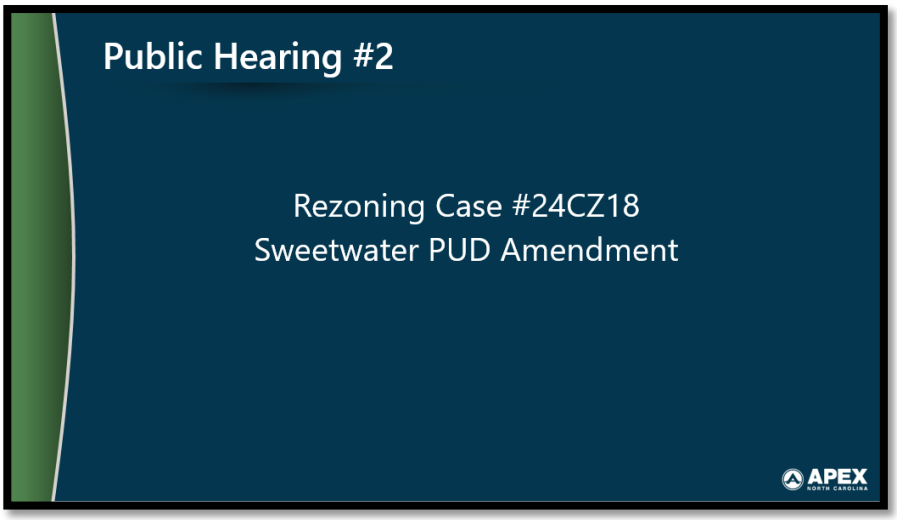
A **motion** was made by **Councilmember Gantt,** seconded by **Councilmember Zegerman** to continue the 2045 Land Use Map and Transportation Plan Amendments - Western Big Branch Area Plan: Encompassing Portions of the Friendship and New Hill Communities to the January 28th Town Council Meeting.

VOTE: UNANIMOUS (5-0)

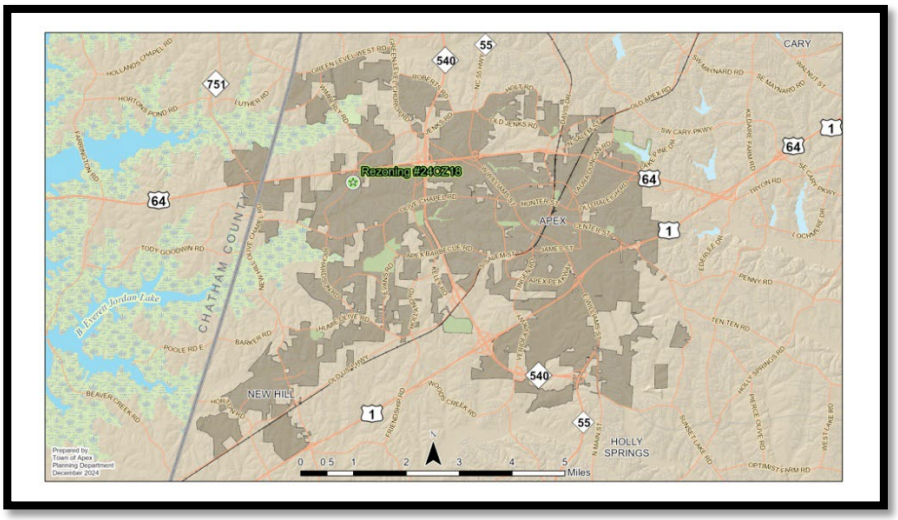
PH2 Rezoning Case No. 24CZ18 – Sweetwater PUD Amendment

Joshua Killian, Planner I, Planning Department gave the following presentation:

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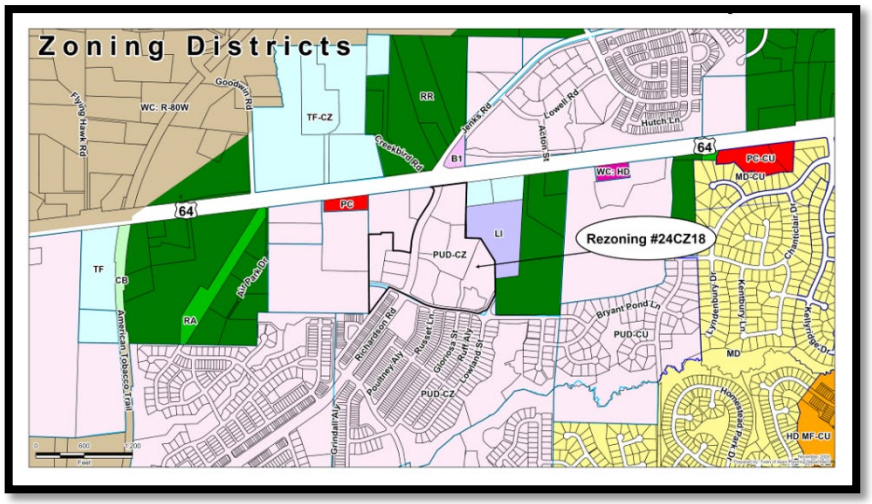
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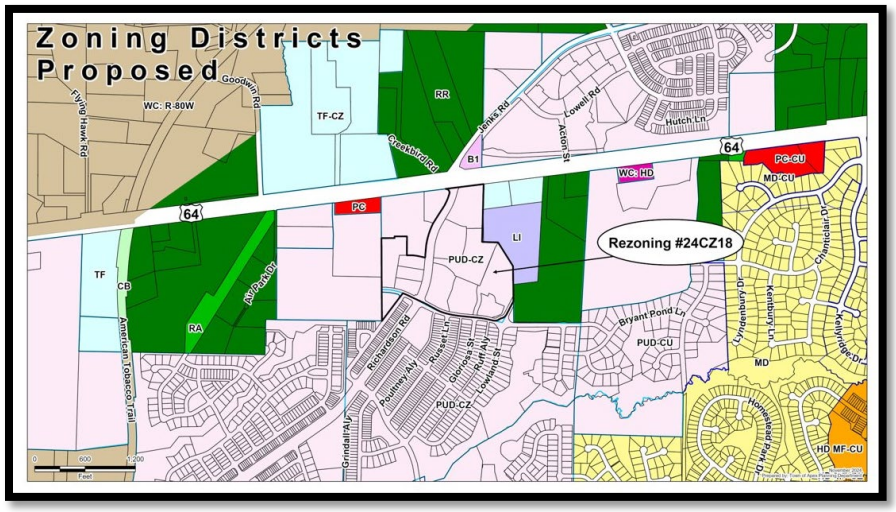
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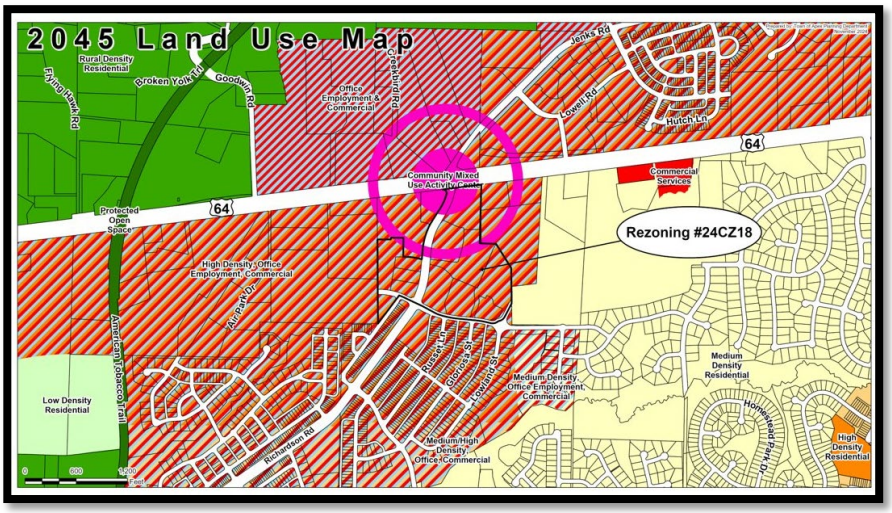
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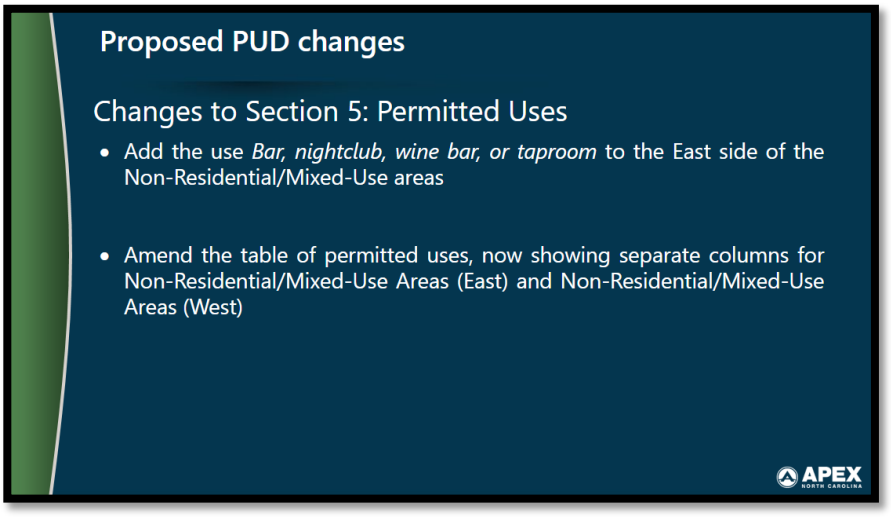
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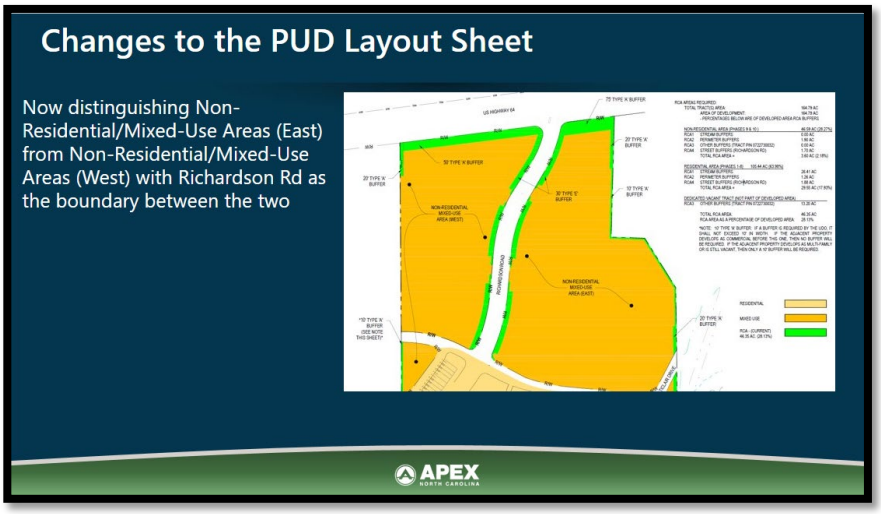
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[SLIDE 7]



[SLIDE 8]



[SLIDE 9]



Mayor Gilbert asked if there were any questions.

Marvin Waldo at 3402 Sir Carlton Court, Raleigh, the applicant, gave an update on the area. He noted that his mother grew up and went to school in Apex. He said that he had not realized the proposed additional uses were not a part of the original rezoning until a potential tenant reached out to him, and that the uses would bring it in line with other similar developments in Wake County. He said that there would also be a major luxury hotel announced for the area in the next 30 days. He asked if there were any questions.

Councilmember Zegerman asked if there would be individual parcels or one ownership.

Mr. Waldo said that this would be one ownership for the whole property.

Councilmember Zegerman confirmed that this would be under one single landowner.

Mr. Waldo said that it would be.

Mayor Gilbert opened the public hearing, and with no one signed up to speak, brought the item back to Council for discussion and a possible motion for approval.

A **motion** was made by **Mayor Pro Tempore Gray,** seconded **Councilmember Gantt,** to approve Rezoning No. 24CZ18 – Sweetwater PUD Amendment.

Councilmember Mahaffey said he was opposed to this Rezoning and wanted to explain why. He spoke on Senate Bill 382 and how it changed the development regulations. He said that in effect, it required any zoning or development regulation to be signed off on by any affected property owner. He said this law has, in effect, eviscerated local authority pertaining to land use. He said that moving forward, they need to know everything they could possibly want to have as part of a rezoning ahead of time. He said that Councilmembers are elected officials with the expectations of being able to make rules to address uses in Apex. He said he believes the state law has but the Town Council in a bad place, and they have to think hard about what to do moving forward.

Councilmember Zegerman asked if there were any conditions with zoning for the bar and night club. He gave examples of sound levels or certain closure times.

Mr. Killian said that all uses in the UDO have supplemental standards. He said that he did not know of any of the PUD zoning district that apply specifically to this use. He said that time of operations and noise levels are in the Town code and not in this zoning ordinance. He said these uses would have to follow all applicable supplemental standards.

Councilmember Gantt said that the location of these uses were only going to be on the east side of the development.

Councilmember Zegerman said that was one thing. He asked Councilmember Mahaffey if the local ordinance was updated, would that trigger a nonconformity.

Councilmember Mahaffey said that needed to be deferred to staff.

Town Attorney Hohe said it remains to be seen.

Councilmember Mahaffey said that this and future rezoning should be looked at in a tighter manner and with conditions in the future, with a smaller list of uses. He said they need to think a lot about the uses and their impact on the residents near the developments, because 382 may not give them an opportunity to change them in the future.

Councilmember Killingsworth said that it would be a bigger burden on the town and the development.

Councilmember Gantt said that he read the Bill, and he did not have the same reading of it as Councilmember Mahaffey. He said he didn't share the same opinion on what may happen because of it, specifically in regards to the downzoning being that broad. He said they still have not heard town Legal staff's full thoughts on it yet.

Councilmember Zegerman explained the bill said that they can't create a non-conformity, such as if the town updated lighting requirements.

Councilmember Gantt said that is related to the uses of the land.

Councilmember Mahaffey said that the bill specifically says development regulations.

Councilmember Killingsworth said that the bill was very broad and encompassed a lot.

Councilmember Mahaffey said the law is poorly drafted and extremely broad and could potentially cover potentially any development regulation. He said that passing non-trivial development regulations, it often creates a non-conformity, otherwise the regulation wouldn't be necessary and typically, these regulations address specific issues, leading to these non-conformities. He said that requiring the signature of every impacted landowner is impractical and effectively means Council can't pass such regulations. He said that he would move forward cautiously until the law is clarified or adjusted. He said that he is not comfortable going forward with business as usual.

Mayor Gilbert said they need to decide if they want to move forward with staff's recommendation on this Rezoning tonight. He said that he would like to have a Work Session on the Bill.

A **motion** was made by **Councilmember Zegerman** to continue this item until after a Work Session on Senate Bill 382 was held.

Mayor Gilbert asked why this issue with Bill 382 wasn't presented to staff before this came to Council.

Councilmember Mahaffey said that staff were aware of his concerns with Bill 382.

Mayor Gilbert said that there was a motion and a second to approve, and an additional motion to that.

Councilmember Mahaffey said that they would need to table the existing motion before making another motion.

Mayor Gilbert said that he would like to hear more discussion before tabling the motion.

Mayor Pro Tempore Gray said that there was an outstanding motion on the table right now. He asked who would have to move to table the motion.

Town Clerk Coleman said that there was already a motion and a second that they need to vote on.

Councilmember Mahaffey said that tabling is a motion to defer to a future time.

Mayor Gilbert said that before doing that, he would like to hear more discussion.

Councilmember Killingsworth said that a Work Session on this Bill will not be productive because of it not being challenged at this time. She said she would prefer to go ahead and vote for this now.

Mayor Pro Tempore Gray said that Bill 382 is so new that challenges to clarify the scope will most likely happen in the future. He said the General Assembly did not consider the will of the municipalities and consider the impact on the development community. He said he would like to move forward with this item and have it be a vehicle for potential clarification of this bill if necessary.

Councilmember Gantt said that this is up zoning and not down zoning, so it is not related to this Bill.

Councilmember Mahaffey said that he was correct, but his concern is that this may prevent any future action to address changes on this development, which are things they have done in the past.

Councilmember Zegerman said he liked the proposed use, but said that he would not support this motion. He said if for any reason, to send a message. He said that the bill has passed severely limits the future abilities to change the property's zoning in the future. He said he sees that this will pass, but he wants to make sure the message is sent from elected officials and the development community that this bill will create significant issues regarding non-commercial development.

Town Clerk Coleman said that he had been working with the Town Attorney, Town Manager, other Town staff, and the Town's contracted lobbyist to get a report on how this Bill would impact the Town and this information will be coming soon.

Mayor Gilbert asked how to proceed, with a motion to table and the original motion with a second.

Town Clerk Coleman said to proceed with the original motion.

Councilmember Mahaffey said the motion to table didn't receive a second, so it couldn't be voted on anyway.

The following motion was made previously and included here for clarity:

A **motion** was made by **Mayor Pro Tempore Gray,** seconded by **Councilmember Gantt** to approve Rezoning Case No. 24CZ18 – Sweetwater PUD Amendment.

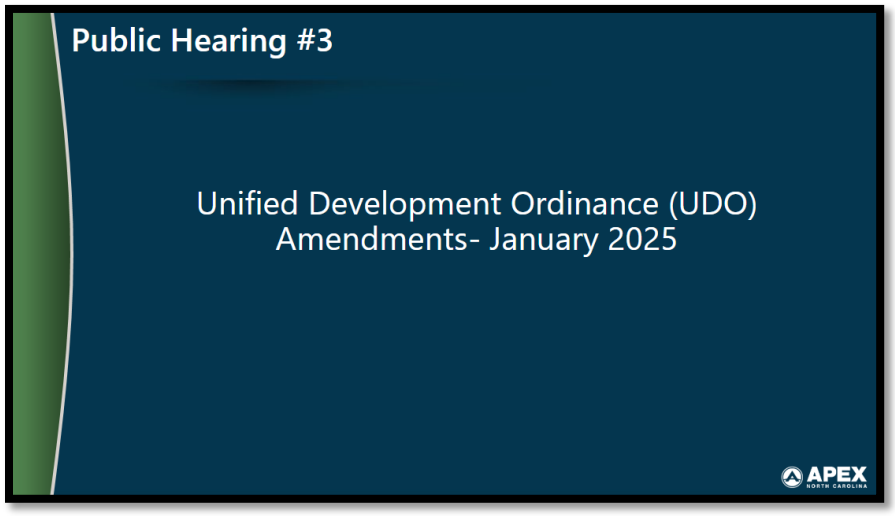
VOTE: 3-2, with Councilmember Mahaffey and Councilmember Zegerman dissenting.

PH3 Unified Development Ordinance (UDO) Amendments – January 2025 (REF: ORD-2025-004)

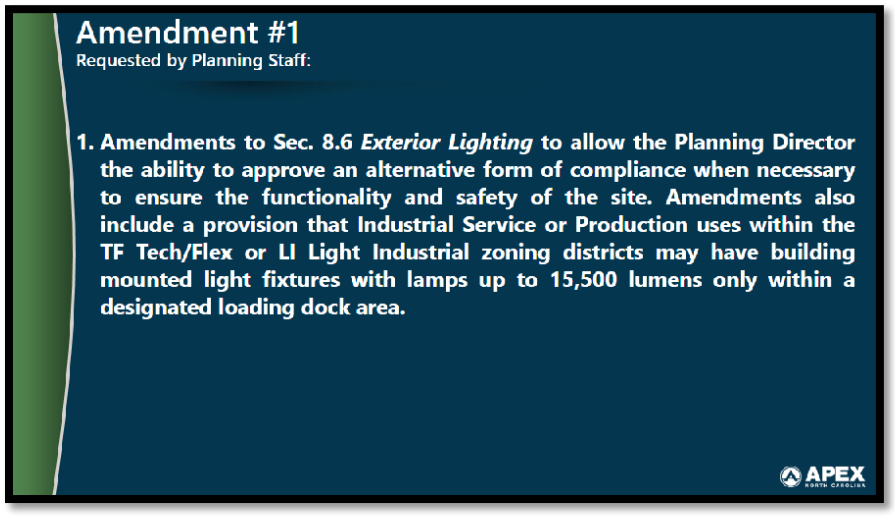
Amanda Bunce, Current Planning Manager, Planning Department introduced Bruce Venable to the new Planner II with the Planning Department. She noted that this proposed amendment would not be impacted by Senate Bill 382.

Mr. Venable gave the following presentation:

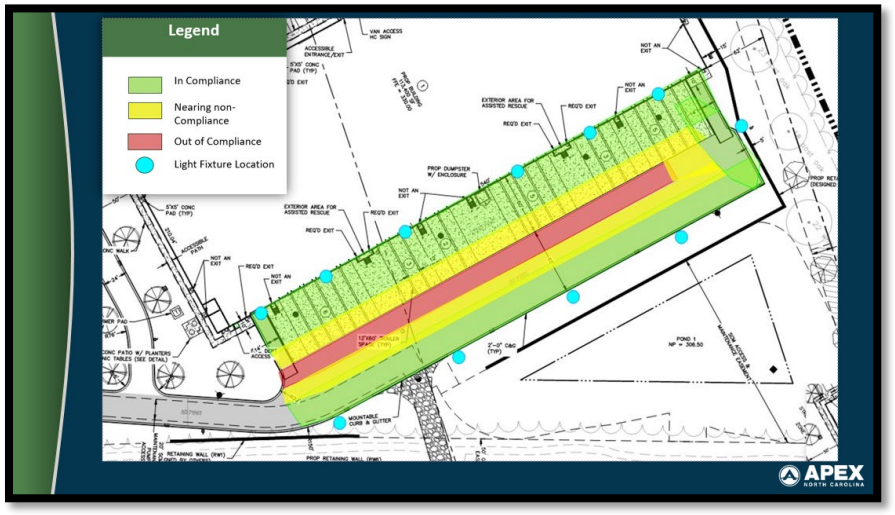
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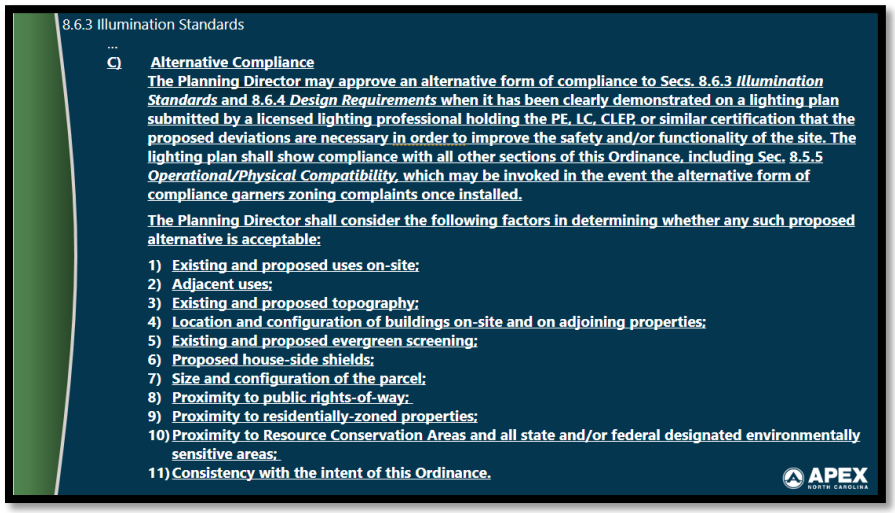
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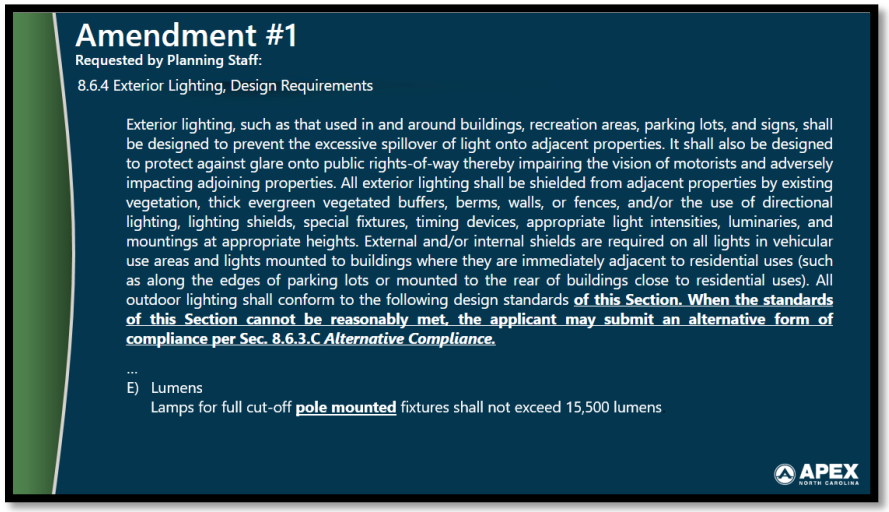
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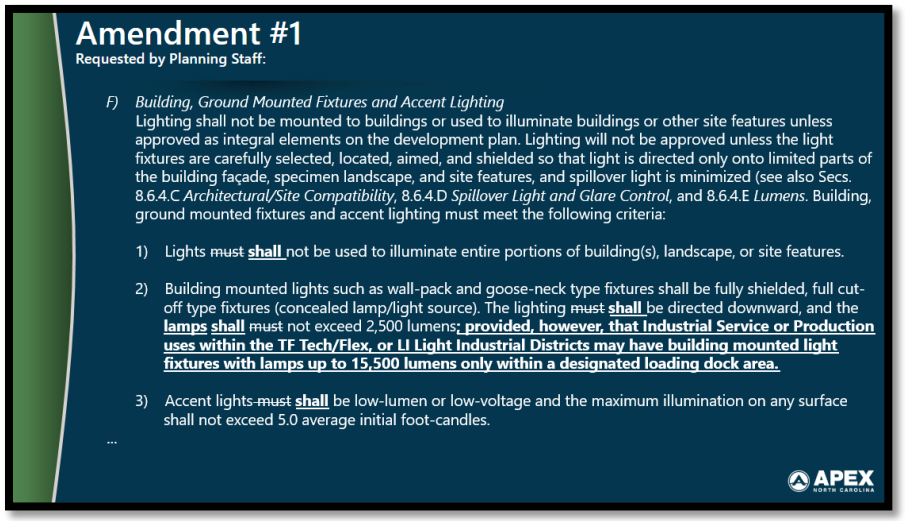
[SLIDE 5]



[SLIDE 6]



[SLIDE 7]



Mr. Venable asked if there were any questions for the first amendment.

Councilmember Mahaffey asked why staff bring the amendments versus the variance process to Council.

Mr. Venable said the variance process often requires demonstrating an undue burden, which can be difficult, particularly with issues like meeting the lighting ordinance. Proving undue burden or meeting the required findings of fact in a quasi-judicial setting can be challenging. He said that they were attempting to provide administrative relief to ensure compliance with the intent of regulations without obstructing projects and hoping to find a path forward without resorting to a quasi-judicial setting.

Councilmember Gantt said he thinks industrial uses are some of the worst light polluters, and that he is hopeful that this doesn't pose a problem, and is glad the Director has discretion on alternatives.

Councilmember Zegerman said to keep in mind that this amendment requires the light fixtures being downward facing.

Councilmember Gantt said yes, which is the important.

Mr. Venable said they will be working with developers during this process to help them comply with the intent of the Ordinance.

Councilmember Mahaffey asked for Mr. Venable to go back to "E" section and asked why the addition of "pole-mounted" was necessary.

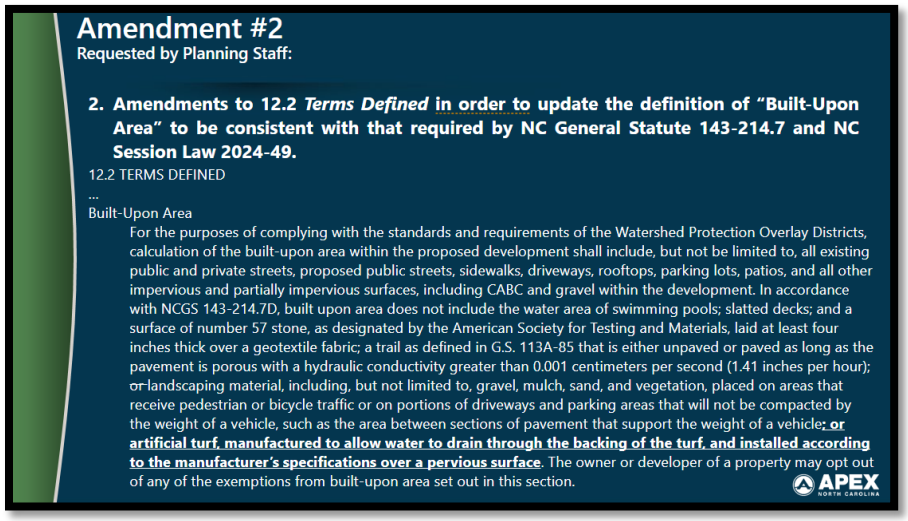
Mr. Venable said that they were concerned that there had been some confusion with lighting professionals regarding what this section meant, so they wanted to clarify it.

Councilmember Mahaffey asked if the intent was the same, it's just a text change.

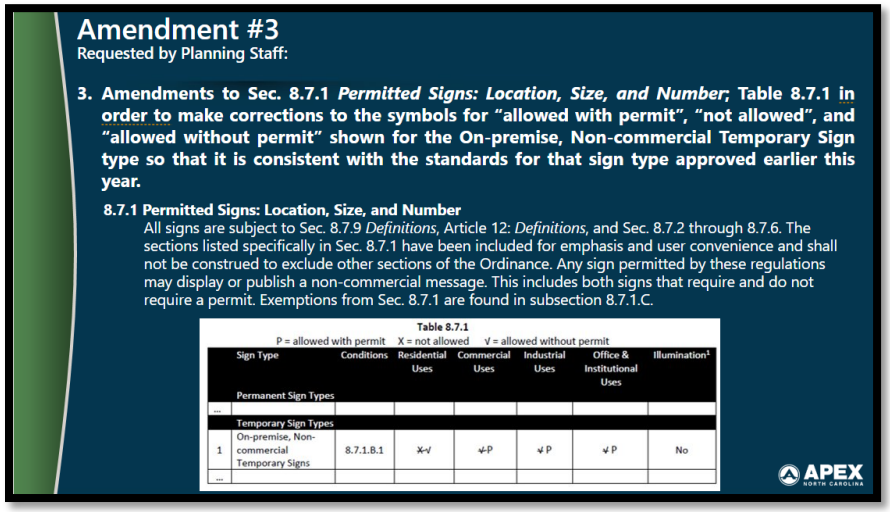
Mr. Venable said yes.

Ms. Bunce continued the presentation.

[SLIDE 8]



[SLIDE 9]



Mayor Gilbert opened up Public Hearing and with no one signed up to speak he closed Public Hearing and brought this item back for discussion and a possible motion.

Councilmember Mahaffey said that Bill 382 there are 3 amendments here. He said one is providing administrative relief for lighting, number two is compliance with State law, and number three is a technical correction. He said these are all minor changes and he is fine with proceeding on them. He said the bill makes it so these are the kinds of things they can do now, they cannot materially change property.

A **motion** was made by **Councilmember Mahaffey,** seconded by **Councilmember Killingsworth** to approve Unified Development Ordinance (UDO) Amendments of January 2025.

VOTE: UNANIMOUS (5-0)

[NEW BUSINESS]

Mayor Gilbert moved to New Business.

NB1 North Carolina League of Municipalities (NCLM) Biennium Legislative Goals and Priorities – Long Session 2025-2026 (REF: OTHER-2025-002)

Town Clerk, Allen Coleman, gave an overview of the proposed legislative priorities as offered by the North Carolina League of Municipalities Board of Directors. He went through the process of the vote. He then asked Councilmember Mahaffey to give feedback since he was a part of the development. He said that for this discussion it would have normally been performed in a Work Session, but the League wants a response by this Thursday to designate a voting representative and a response by Friday to submit responses.

Councilmember Mahaffey said that he served on the Legislative Policy Committee and went through his part of the process to help develop the League's goals. He said that one of the items he advocated for was to expand property tax relief programs. He added that smaller municipalities had concerns about this affecting their revenue streams more significantly than Apex and other municipalities, so they did not move forward with that idea. He said there are some on this list that are more applicable to Apex than others. He said that he would be advocate for items applicable to Apex and encouraged other members to do the same.

Town Clerk Coleman reminded the Council that the voting was up to their top, 10 not in a prioritization order.

Mayor Gilbert asked what the asterisks meant.

Town Clerk Coleman said that the asterisks are what the lobbyist felt like they would be the most effecting in achieving.

Councilmember Mahaffey clarified that effective in achieving may be different than important for Apex, it's just items that they think are possible.

Town Clerk Coleman said that the Town of Apex will be considering our own Legislative agenda which will be separate than this process. He said that would be discussed and developed at the Annual Council Retreat in February. He said this was Apex providing feedback to the League of Municipalities on their Legislative Agenda.

Councilmember Mahaffey said that these goals were developed to not cover broad things that are already a core part of the League's mission, such as preserving local authority.

Town Clerk Coleman went through each goal and took a count. There were ties between goals 1, 7 & 9 for the final goal. They took a vote to remove two of them.

Councilmember Gantt proposed keeping goal 1. He said it would be beneficial to have disaster relief for situations like Hurricane Helene.

Mayor Pro Tempore Gray proposed keeping goal 7. He said it has a broad impact on communities in transition such as Apex. He said the regulatory structure to improve abandoned properties is very dated, and this would help with beautification. He said he felt the disaster relief point was a worthy goal, but they had to choose 10 to send to the League on Apex's behalf.

Councilmember Killingsworth and **Mayor Gilbert** agreed with Mayor Pro Tempore Gray.

Councilmember Gantt said he was okay with proceeding with goal 7.

Town Clerk Coleman said that they would drop goals 1 and 9. He then re-read the goals that they were supporting. He said that the Mayor and Town Council were authorizing Councilmember Mahaffey to vote for goals number 2, 3, 4, 5, 6, 7, 8, 11, 15 and 16.

A **motion** was made by **Councilmember Mahaffey** and seconded by **Councilmember Zegerman,** to designate Councilmember Mahaffey as the voting member for this process with the League of Municipalities and vote for goals number 2, 3, 4, 5, 6, 7, 8, 11, 15 and 16 on Apex's behalf.

VOTE: UNANIMOUS (5-0)

Mayor Pro Tempore Gray thanked Town Clerk Coleman for putting this together and Councilmember Mahaffey for doing the voting.

Mayor Gilbert moved to updates by Town Manager.

[UPDATES BY TOWN MANAGER]

Town Manager Vosburg gave the following updates on projects and events. He said that the Saunders Lot Project was underway and already looks very different. The "Beyond the Lot" campaign has been implemented, providing a lot of good information on the website. Feedback on the campaign has been positive, and parking availability is being monitored effectively. He said that Peakway Extension has noticeable activity and progress at the site. The earthwork and clearing are evident, indicating where the bridge will be and the widening on Salem Street has started. He then said that the Water Tower in Pleasant Park is expected to break ground by the end of February in about a month and a half, marking a significant infrastructure development for the town. He then spoke about the Third-Party Reviewer being currently in the second phase of their three-phase approach, assessing data points, billing systems, and residential bills analysis. Progress is being made, and recommendations are forthcoming. He gave an update on the gas leak on Olive Chapel and said that the incident was due to a third-party vendor working for a utility provider putting in fiber. The fire crews managed the situation for over 12 hours, with road repairs continuing into the night and into today. This is the second gas event in recent weeks, prompting discussions on preventive measures. He gave an update on MLK Events and the several events that are planned, including an MLK Junior learning lunch from 12p-1p at the Senior Center in the Friendship room tomorrow, Author's Night on January 17th from 6:30p to 8:30p at the Halle Cultural Arts Center, MLK Unity March and breakfast on January 18th 8a to 10:30a at Apex Baptist Church, and the National Day of Service on Monday, January 20th from 9:00a to 10:00a at the John Brown Community Center. He noted that the Town Hall will be closed on Monday, January 20th.

[CLOSED SESSION]

A **motion** was made by **Councilmember Zegerman** and seconded by **Councilmember Gantt**, to enter into closed session at **8:06 p.m.**

VOTE: UNANIMOUS (5-0)

CS1 Laurie Hohe, Town Attorney (REF: RES-2025-004)

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 (REF: RES-2025-005)

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 **8:28 p.m.**

A **motion** was made by **Mayor Pro Tempore Gray**, seconded by **Councilmember Mahaffey** to approved a Resolution Authorizing Eminent Domain Proceedings Related to a Sidewalk Project along Pate, Cash, and Hillcrest Streets for the improvement of the Apex Street System.

VOTE: UNANIMOUS (5-0)

A **motion** was made by **Mayor Pro Tempore Gray** and seconded by **Councilmember Mahaffey** to Approve a Resolution Authorizing Eminent Domain Proceedings Related to a Sidewalk Project along Saunders and Hinton Streets for the Improvement of the Apex Street System.

VOTE: UNANIMOUS (5-0)

[ADJOURNMENT]

With no further business being before the Town Council, **Mayor Gilbert** adjourned the meeting at **8:30 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 February 11, 2025 (CN4).

APPROVED MINUTES

TOWN OF APEX
TOWN COUNCIL WORK SESSION
THURSDAY, JANUARY 23, 2025
3:30PM

The Apex Town Council Work Session scheduled for Thursday, January 23, 2025, at 3:30 p.m. at Apex Town Hall located at 73 Hunter Street in Apex North Carolina was cancelled. The meeting was not held.

Jacques K. Gilbert
Apex, Mayor

Allen Coleman
Town Clerk

Submitted for consideration and approval by Apex Town Clerk Allen Coleman.

Minutes approved on 11th day of February 2025.

APPROVED MINUTES

TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, JANUARY 28, 2025
6:00 P.M.

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, January 28th, 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=eXJtjmRHpFU

[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 on live stream. He welcomed Safeka Senthos to share her essay written about Reverend Dr. Martin Luther King Jr. and his impact on her life.

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

[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 Capital Project Ordinance Amendment No. 2025-7 - State Grant Award - Cybersecurity Grant Program (SLCGP) (REF: CONT-2025-026 AND ORD-2025-005)
Council voted to approve Capital Project Ordinance Amendment 2025-7 allocating funding and grant award for cybersecurity model project.

CN2 Capital Project Ordinance Amendment No. 2025-9 - Establishing Grants and Special Revenue Fund (REF: ORD-2025-006)
Council voted to approve Capital Project Ordinance Amendment 2025-9 establishing Grants and Special Revenue Fund and allocating existing revenues and expenses.

CN3 Construction Contract Award - Barnhill Contracting Company - 2025 Road Rehabilitation Project (REF: CONT-2025-027)
Council voted to award a construction contract between Barnhill Contracting Company and the Town of Apex, for the 2025 Road Rehabilitation Project, and to authorize the Town Manager, or their designee, to execute the contract on behalf of the Town.

CN4 Revisions to Standard Specifications and Standard Details (REF: OTHER-2025-009 AND OTHER-2025-010)
Council voted to approve revisions to the Town Standard Specifications and Standard Details.

CN5 Rezoning Case No. 24CZ18 – Sweetwater PUD Amendment - Statement and Ordinance (REF: ORD-2025-007)
Council voted to approve the Statement of the Town Council and Ordinance for Rezoning Application No. 24CZ18, ExperienceOne Homes, LLC, petitioner, for the properties located at 0 Core Banks St; 0 Little Gem Ln; 1051 & 1075 Newland Ave; 1101, 1111, & 1121 Moncure Pl; 1425, 1451, 1481 Richardson Rd; 2701 Lawnview Ln; 2707 Stokesdale Ave; & 2820 Teachey Pl. (PINs 0722441499, 0722441386, 0722544876, 0722544404, 0722444977, 0722444853, 0722444629, 0722551642, 0722459232, 0722448618, 0722540585, 0722551082, 0722452031).

CN6 Unified Development Ordinance (UDO) Amendments - January 2025 - Statement (REF: OTHER-2025-011)
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 January 14, 2025.

[REGULAR MEETING AGENDA]

A **motion** was made by **Councilmember Zegerman,** seconded by **Mayor Pro Tempore Gray**, to approve the Regular Agenda, with the change of moving up Updates by Town Manager in the agenda order.

VOTE: UNANIMOUS (5-0)

[UPDATES BY TOWN MANAGER]

Town Manager Vosburg introduced Ryan Johansen, Police Chief, and welcomed him to the Town of Apex. He gave an update on vehicle break-ins in the Town of Apex and different strategies to combat those. He talked about the message that is being put on social media about "soft targets", and how it was important to keep your cars locked and keep valuables and things like firearms out of sight. He spoke on an incident that occurred at Walmart today, and gave a shoutout to PD for mobilizing quickly and making two arrests related to that incident. He spoke about the funding freeze issued by the Trump Administration and how that may impact federal grants to road projects in Apex, and how there is ongoing litigation in regards to that. He said they are still working through the ramifications and he will be working to get more answers. He gave an update on the Carolina Hurricanes partnership, and said the Street Hockey rink was scheduled to open in the Spring.

[PRESENTATIONS]

PR1 Proclamation - Black History Month - February 2025 (REF: PRO-2025-003)

Mayor Gilbert, along with the rest of the Town Council, read the Proclamation - Black History Month - February 2025. He invited Phyllis Daniel, Karen Lee, Andre Matthews, Cheryl Robinson, Pender Beckwirth, Jr., Chem Davis, Merle Morrison, Bernessalyn Homes, Reverand Dr. George Green, Reverand Dr. Sequola Dawson, Reverand Dr. Franklin McLean, Lisa McLean, Tayon Dancy, T.J. Evans, Kalabria Gilbert, and Croix Evans, to receive the proclamation and take pictures.

Mr. Evans, June Festival Committee Chair, spoke about Black History being American History. He talked about empathy and unity, and the importance of allowing history to be a driving force that brings people together. He spoke about the history of Friendship community held in the Apex. He thanked Kerrin Cox with Apex Communications Department, whose historical research helped provide more visibility to Black history in Apex. He said that Juneteenth Festival will be June 21st from 12 p.m. – 7p.m. He said that one last thing is that it was important to educate ourselves in our history and tell one another about it, and that the best way forward is together.

[PUBLIC FORUM]

Mayor Gilbert opened the Public Forum and invited the first speaker up.

First to speak was **Caden Evans** of 555 Metro Station:

"Good evening, members of the council. Imagine this, you're a high school student sitting in class, wondering what your future looks like. You want more for yourself, but no one has told you how to get there. Your parents didn't go to college. Your friends aren't talking about college. Your counselors are too busy to guide you. This is the reality for countless first-generation students in Apex. Studies show these students are far more likely to question whether college is worth it because they lack exposure to higher education. Now listen, I'm not one of these students. I've had every opportunity to both plan and think about my future, but I stand here today for them because they need a voice, and we as a community have the power to change their lives. At Apex High, many first-generation students feel college is out of reach. Why? First, they don't have the support that others get at home. Research shows first-generation students are far less likely to have parents who can guide them through the college process. Second, counselors are stretched too thin. The recommended ratio is one counselor per 250 students, but at Apex High, it's approaching 1 to 400 students. Students with involved parents push for help and get it, but first-generation students don't even know where to start. Take Malachi. He grew up in low-income housing with a single mom. No one told him college was an option. He got a minimum wage job, thinking that was enough. Malachi didn't see college as a pathway because no one showed him the way. His story is not unique. These students are not unreachable; they're merely overlooked. We don't have to accept this. Apex can lead the way in supporting first-generation students. Start with scholarships to make college more accessible. Even small scholarships significantly boost enrollment and graduation rates. Partner with local businesses to sponsor mentorships and internships. Mentorships builds confidence and shows these students what's possible. Educate parents. When parents understand financial aid and college timelines, their children are far more likely to attend. Advocate for policies guaranteeing regular, personalized college counseling starting freshman year. Early intervention makes all the difference. Finally, raise awareness, let Apex be a town that says, "We do not just care about education, we act on it." Before I close, I want to thank Councilmember Terry Mahaffey for opening a database to check if votes were stolen in the North Carolina Supreme Court race by Jefferson Griffin. Trust in our democracy matters. Right now, there are students in Apex who do not believe college is for them. They don't see themselves walking across a campus or building a future beyond the limits of what they have known. But we can change that. The question I leave you with is, will you take-action. Will you invest in these students, in their dreams, and in the future of Apex? We don't just need to care; we need to act. Scholarships, mentorships, awareness, these are lifelines. Thank you."

Mayor Gilbert thanked the speaker and called the next speaker.

Next speaker was **Mary Stottlemyer** of 1305 Edwards Pond Court:

"Thank you for having me this evening. I'm here to raise a concern regarding pedestrian safety on Chatham Street, particularly in the stretch that runs parallel to Baucom Elementary School and other local establishments. As many of you are aware, Chatham Street has a posted speed limit of 25 miles per hour, but I want to specifically draw attention to the approximately half-mile stretch from the Summit 501 Apartments to the intersection with Hunter Street. This is the only section of Chatham Street where the speed limit is 35 miles per hour. On this short stretch, there are six residences with direct ingress and egress to Chatham Street, which poses additional traffic and pedestrian safety concerns. I walk Chatham Street every day with neighbors, pets, and a soon-to-be new Apex resident. The majority of days I go opposite of what Dr. King would have proposed, which is to act before speaking. Here I am though, by telling people to slow down with my hand, something my mom used to do and really, really embarrassed me, but here we are. The majority of days, there are more than one car that needs to slow down. Just by estimate, the average speed limit would probably be closer to 45 miles per hour on the cars. It's a lot like a Hot Wheels track where you go down the hill, pick up speed, and then continue to accelerate back up.

Given these factors, I'm respectfully requesting that Town Council consider three potential actions: 1. Reduce the speed limit on this section of Chatham Street to be consistent with the rest at 25 miles per hour. 2. Install or consider installing flashing speed limit signs across this stretch of Chatham Street. These signs will alert drivers to the speed limit and increase their awareness of the presence of pedestrians, especially near residential areas and the MusArt School. 3. Conduct a speed study on this stretch of Chatham Street to assess the actual driving speeds and traffic patterns. This will help us to understand the current risks and guide decisions on the most effective measures to improve safety. The combination of these measures will make a meaningful difference in improving safety for pedestrians, residents, and drivers alike in this important part of our community. Thank you for your time and consideration. I strongly urge you to take-action on this issue and help make our streets safer for all. Thank you."

Mayor Gilbert thanked the speaker and called the next speaker.

Next speaker was **Dawn Cozzolino** of 3632 Bosco Road:

"Good evening, Mayor and Town Council. So, Alen's handing out some literature and what I wanted to talk about tonight was safety. I saw in the consent agendas that there were a lot of grants for cybersecurity, the fire department, and police department grants. So, I think that's a great investment given the uncertain age that we live in with technology especially. I'm really interested to get a readout of actions for safety issues in the town of Apex. I

provided the handout and just wanted to kind of flip through for folks the most recent things that are happening. Now, this might not be just Apex but it's our community at large. So, yesterday a tractor-trailer hit a utility pole in downtown Raleigh. It went on the sidewalk there as you can see. I talked about the vandalism last time to New Hill Community, Duke Energy, 124 households went without power because of that. There was actually an incident a couple of days ago in Fayetteville. This was 145 outages and again, this was due to the outage caused by a vehicle damaging our equipment. And then, you know, a couple of other things going on, the data breach with Wake County Public School System. So, this actually happened in December, but we didn't really hear about it until recently, like mid-month this month, and it was former and current students, faculty, and staff. So, a lot of their sensitive information was exposed, personal information, Social Security numbers. So, I hope that's looked into because that sounds like a pretty serious threat as well. And then, there was also a strange threat, and it's kind of not even like technology but sort of is, the last one is on the realtor who almost sold a property in Apex out to a scam artist. These are new threats, different threats, things that are coming in all directions. So, I just ask that there's a plan, an action, and quick response, and how your Council comes with actions to address all these different safety issues. Thank you very much."

Mayor Gilbert thanked Ms. Cozzolino and called the next speaker.

Next speaker was **Alexis Kennedy** of 106 Buckhaven Road:

"Good evening, Councilmembers. Someone came to City Council last meeting and tried to dictate what can and cannot be discussed in City Council, not understanding my message or reasoning and I guess I'll clear the air to the ones that may be confused. My purpose for coming here for a year now is for this dollar in my hand. This dollar dictates my actions. This dollar dictates all of our actions here. It funds our projects for new parks, new hockey rinks, money funding for our firefighters, our bus drivers, our new street projects, or even second breakfast that's offered to our high school students so they can better function when learning. Now, this single dollar doesn't have much power on its own, but when pooled together, it can do a lot for good or for bad. I come to City Council because I want to inform my community as to what this dollar is doing right now. Now, if you knew this dollar was going to be used to pay for a bullet to kill a child in our town, what would your answer be? I'm assuming every person here would say no. What about the next town? I'm thinking no. Now let's make this a bit further. I'm going to make this a child in California. It's not in our community and we most likely aren't going to be affected. What's your answer? Still going to be no. Now we know that that's where we all stand. I'll ask another hypothetical question. What if you know that this dollar is going to be used to kill a child in Palestine? What is your answer now? Does distance make us less guilty? San Francisco is 3,000 miles away. Palestine is only 6,000 miles away. Our dollars, our taxes and we can't deny it's our money, but a North Carolinian living here in Raleigh, a veteran I greatly respect named Matthew Ho said something very profound last night, the only thing we as Americans are not doing is physically dropping the bombs in Palestine. We, as United States citizens, as Apex residents,

are part of it. Our military is there. We're funding it. It's all connected from here all the way across the sea and as a reminder, today is the one-year anniversary of the killing of 5-year-old Hind Rajab. Her family and the two paramedics were in an Israeli tank that unloaded 335 rounds into her vehicle. Our dollars did that to an innocent 5-year-old child and if this dollar is too much to unalive here, then 23 billion is a crime against humanity. Thank you."

Mayor Gilbert thanked the Ms. Kennedy and called the next speaker.

Next speaker was **Elizabeth Stitt** of 3113 Friendship Road:

"Can I just start and say traffic was really, really bad tonight. We've got to do something about this. It should not take me 35 minutes from Friendship to get into town, but it did. I really wanted to talk about the Town Council voting to dissolve, if that is the official word, Tree Cap. If we are supposed to prioritize trees and you disband the one group that you have as a part of the town to provide guidance on how we can set standards, or how we can replant trees, or how we can save trees, if trees are important, why would you disband the group? I understand that you also dissolved the Bee City group, and you have set aside that one position to represent both of those groups on the EAB. I understand that, but really, one person? As much as we see on social media about trees, to have one person in our community showing, and I see, Terry, you're shaking your head, but I have read the actual memo that was sent out to the people who were on that committee. They were quite upset that the group was dissolved, and the word "dissolved" was used. I'm happy to forward the email. It said "dissolve" and one person would be put on the EAB. We have to avoid getting rid of our trees. The 2018 stormwater study that Apex did said your number one way of solving stormwater issues is planting trees because they drink up so much water. The number one way to avoid heat islands and bring down the cost of heating or cooling a home is planting trees. But if you walk through and drive through the newest subdivisions that are being built, there's no room between the road and the sidewalk, or the sidewalk and the front of the house, or in the little backyard for a tree to be planted. So, we all know from the 2023 tree canopy study, Town Council never came out with a response as to what are we doing in Apex about losing trees. We lost more trees quicker than any other community, and I haven't seen anything in the last year and a half that says, "Hey, here are the actionable steps that we are going to take to change the course." Instead, what I saw is Tree Cap get disbanded. So, Terry, I'll be more than happy to forward the email that went out to folks. Those are the words that were used. Thank you."

Mayor Gilbert thanked the speaker and all that was present to speak. He closed the Public Forum and moved to Public Hearings.

[PUBLIC HEARINGS]

PH1 Fiscal Year 2025-2026 - Annual Operating Budget - First Public Hearing

Amanda Grogan, Director, Budget and Performance Management Department said that this public hearing was to give the opportunity to provide feedback prior to beginning the main portion of budget season. She said that there is an ongoing budget priorities survey that would close on Monday, February 3rd and these results would be reported at the annual retreat. She said questions could be submitted on the annual budget page of the town's website as well.

Councilmember Gantt asked about the best way to complete the survey.

Director Grogan said that it was on their website on the home page, and they would be sending out other communications as well.

Councilmember Zegerman asked if there would be opportunities for public input after the survey.

Director Grogan said that the public will be able to provide input or feedback about the annual budget through the annual budget email address provided to the Council.

Councilmember Zegerman asked for the timeline of setting the budget for next Fiscal Year.

Director Grogan said Departments are to submit their budget requests by March 1st. She said Council will receive a draft Budget by April 15th, and there will be budget discussions at Finance Committee Meetings on April 24th and 26th. She said Town Council would have a budget workshop on May 8th. She said there would be another Public Hearing on May 27th, which could be the first time Council could adopt the budget. If desired, there could be a Budget Workshop Work Session on May 29th, then Council could adopt the budget on June 10th.

Councilmember Gantt asked if it should be a priority for newer projects be submitted now versus later in budget season.

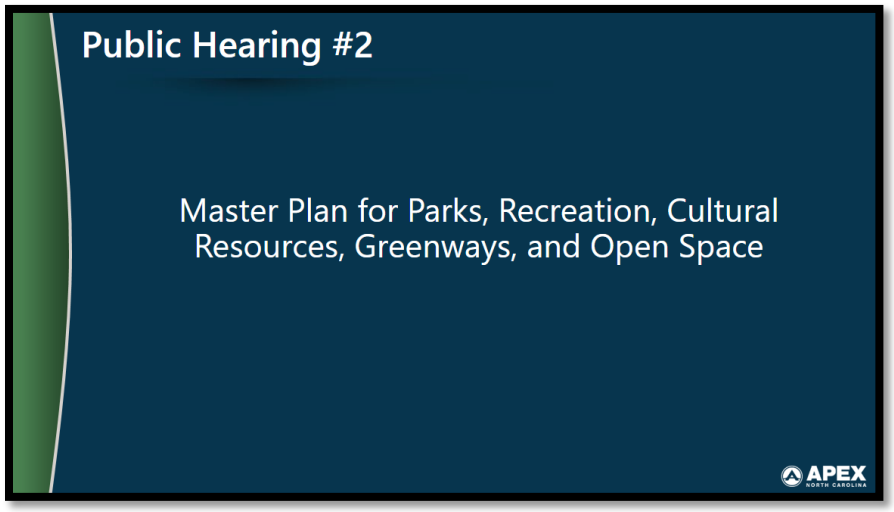
Director Grogan said yes, it would be great to have that feedback now for discussions and the upcoming budget.

Mayor Gilbert opened for Public Hearing and with no one signed up he closed the Public Hearing.

PH2 Master Plan for Parks, Recreation, Cultural Resources, Greenways, and Open Space

Angela Reincke, Parks Planning Manager, Parks, Recreation, and Cultural Resources Dept gave the following presentation"

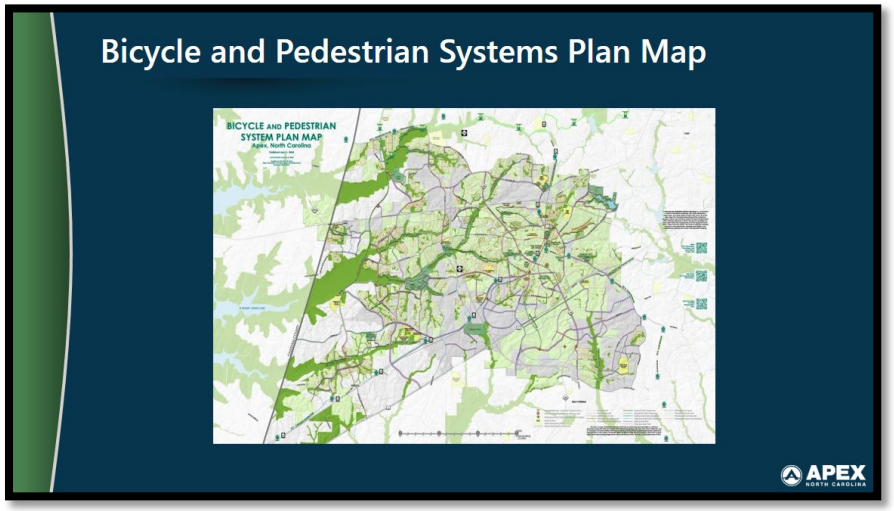
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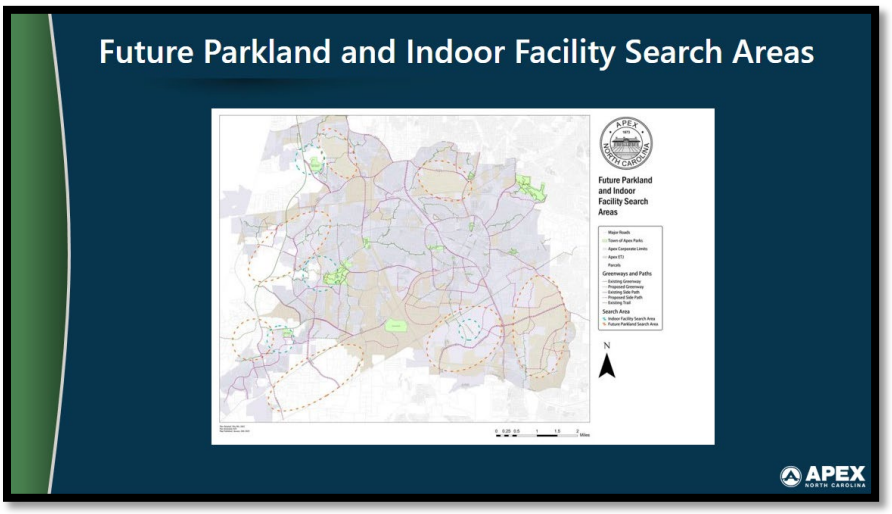
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[SLIDE 3]



[SLIDE 4]



Mayor Gilbert asked if there were any questions and with no questions, he then opened for Public Hearing and called the first speaker.

First speaker was **Lawrence Kevin** of 1628 St. Louisville Drive:

"I'm here to talk about the bicycle and pedestrian system plan map. I was actually at the meeting in May 2023, and it's really to talk about a single line on the map. Now, why are lines important? Well, an example is the Western Main sewer, which people, I think, found out that line is going to cross through their property and cut down trees and have a sewer line in their property. So, lines have become important to me. So, this particular line goes through Salem Village property. It's about a 20-acre parcel of land of forested area. There are actually walkways on either side of it. I think actually Arno brought up a case where you might need a grade crossing, plus we have the Peakway there. So, I'm just here to point out that I'm not in agreement. I think it's poorly planned, and that lines are important, and there hasn't been any. Everybody, I think, on this panel actually voted for the approval of it. So again, I'm just pointing out that line. Again, it's 20 acres, it's wooded. I have a particular affinity to trees. I have a father as a forester and a grandfather. Part of the reason they became foresters is because my grandfather was in World War I, wanted to be a doctor, saw enough guts that he came back and became a forester. My dad had the same experience, went to the Korean War, came back, became a forester. So, I have a little affinity for trees besides putting them on my own website. So, I also think it's an infringement on property rights. It seemed like there's no consideration for the people that live on either side. An example is right now if there's a tree that falls down, in order to cut it, we have to ask permission from the city, and then we pay for it as an HOA. There's a tree right now, it's poking through the house, it's going to cost us as an HOA $2,000 to remove one tree after getting permission from the city. And then here we're talking about putting a Greenway through 20 acres, which my calculation is it might remove five acres of trees. Again, what's important is it's probably the

largest green area that's close to the center of town. So, I just want to point out it's a single line, but I just want to bring it out, make public awareness. I made public awareness to the Salem Village, and again, we're trying to conserve trees. I mean, it actually backs up to my house, it's like that's my backyard to use TJ's words, it's in my backyard, right? So, just pointing it out. Thank you. And I wish I was at the Apex Friendship women's game to watch Jasmine play, but I'm here instead, so that's how important it is to me."

Mayor Gilbert thanked Mr. Kevin and with no other speakers, he brought this back to Council for a possible motion.

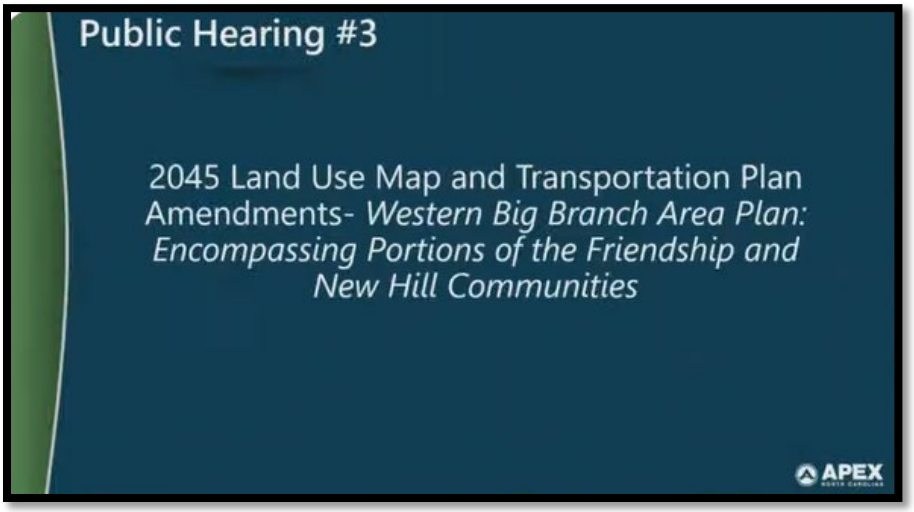
A **motion** was made by **Councilmember Gantt**, seconded by **Mayor Pro Tempore Gray** to approve the Master Plan for Parks, Recreation, Cultural Resources, Greenways, and Open Space.

VOTE: UNANIMOUS (5-0)

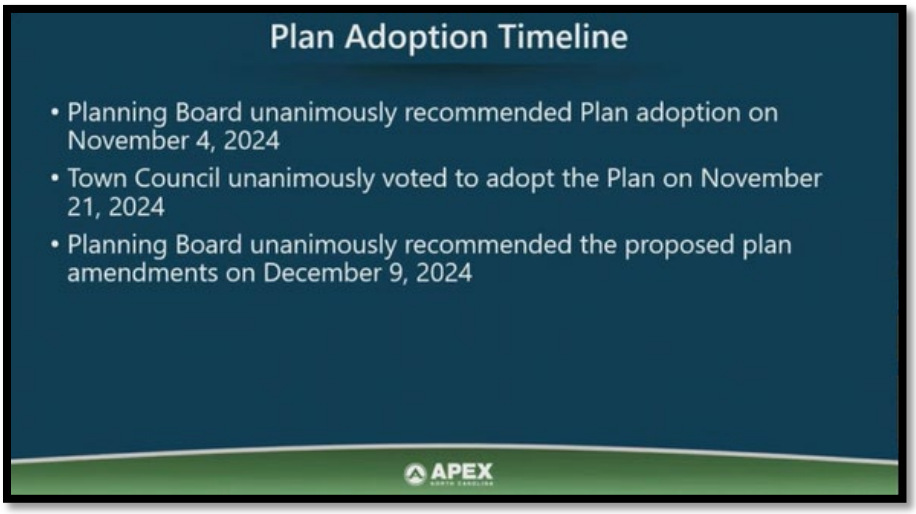
PH3 2045 Land Use Map and Transportation Plan Amendments - Western Big Branch Area Plan: Encompassing Portions of the Friendship and New Hill Communities

Jenna Shouse, Senior Long-Range Planner, Planning Department presented the proposed amendments for the Friendship and New Hill Communities.

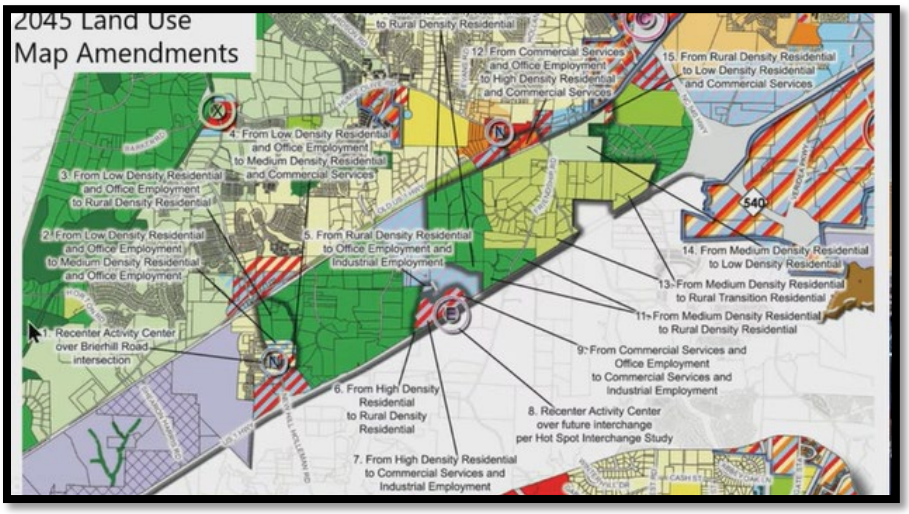
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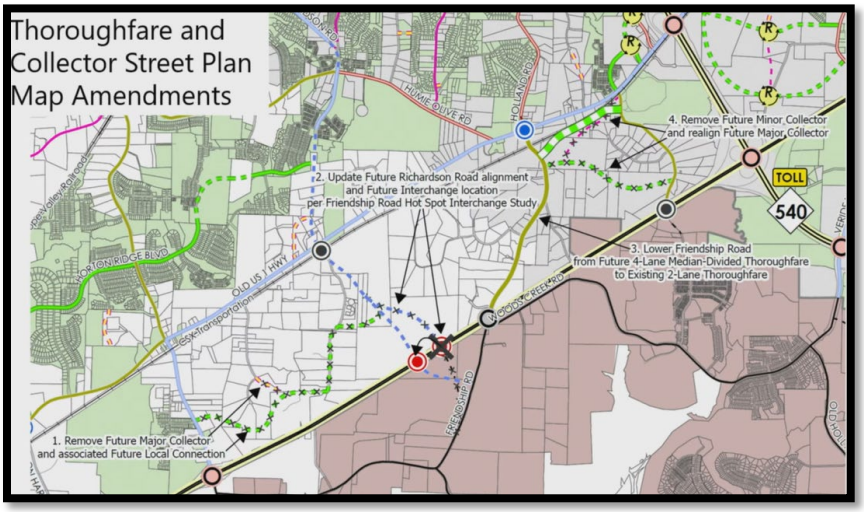
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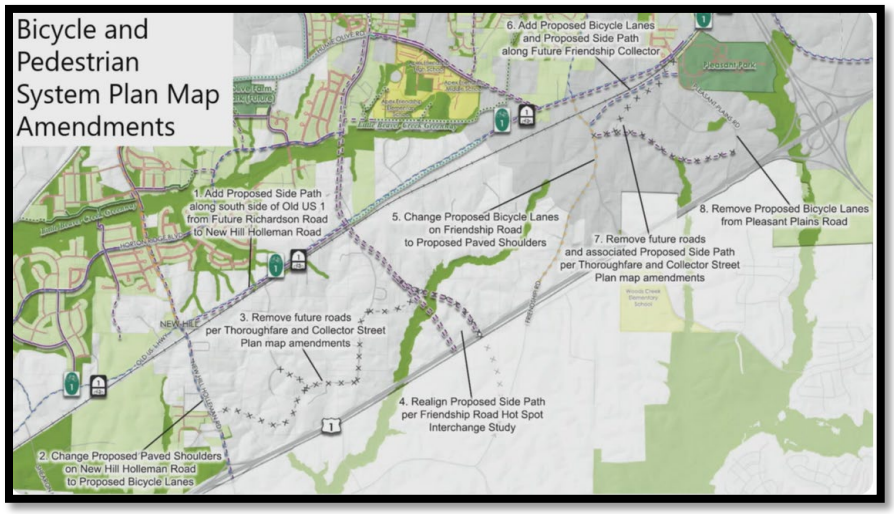
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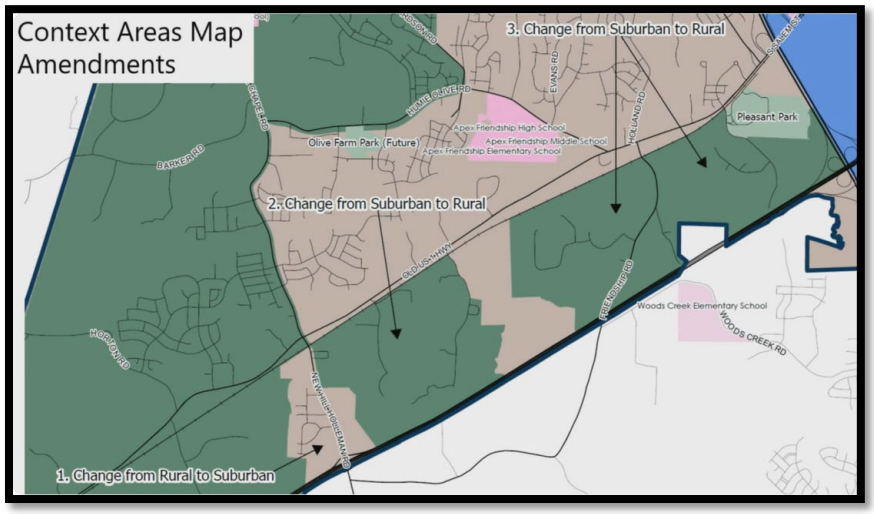
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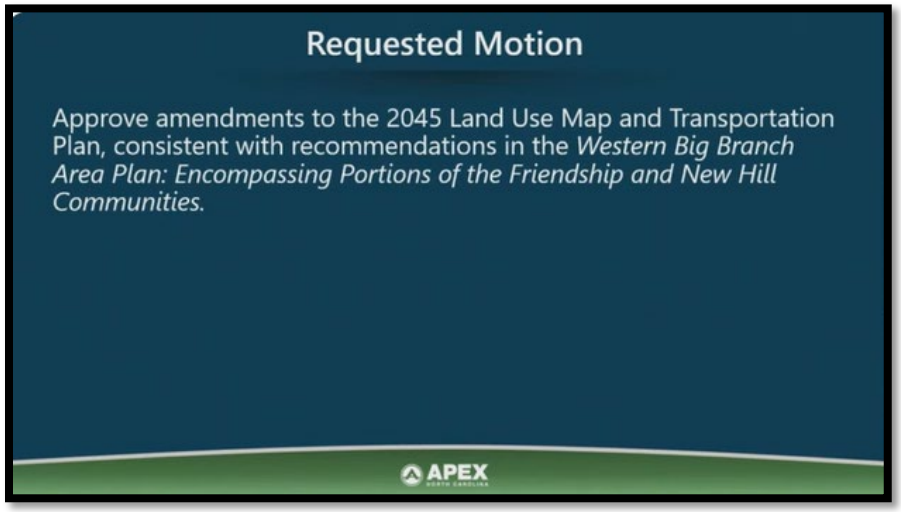
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[SLIDE 6]



[SLIDE 7]



Mayor Gilbert asked if there were any questions.

Councilmember Mahaffey asked if essentially, they were applying the previously adopted changes to the 2045 land use map.

Ms. Shouse said yes, updating the 2045 land use map and all of the transportation elements.

Mayor Gilbert moved to Public Hearing and asked the first speaker to come up.

First speaker was **Dawn Cozzolino** at 3632 Bosco Road:

"I appreciate the opportunity to work with Jenna and Diane on behalf of the planning department with Apex on their engagement with our Friendship and New Hill Community on this zoning land use map. They took the role seriously and demonstrated attention to detail and accountability to ensure that community feedback was integrated and incorporated into the proposal. I'd also like to thank my community for all their hard work, especially Elizabeth Stitt and our steering committee members, Patty, Tony, Kirk, and Beth, for working long weekends and long hours to develop this comprehensive community presentation and get that petition support for our plan. While there were trade-offs on both sides—so there were things that are hard for our community, we had a good working relationship with Apex, and we feel that we listened and heard each other. So, I don't know, I didn't bring a horse trailer for this, but I just have a friend here. This is my friend, and I just wanted to tell you and show you our real-life community. This is actually pretty life-size, which is kind of cool. So, while Apex views connectivity in a different lens, it's sidewalks and roadways, we live our connectivity through nature, with a vast surrounding tree canopy, woods, and even horseback riding trails. We're an established multi-generational community that thrives in the freedom of our beliefs. We run farms for livestock, manage farmlands and forests, and provide undisturbed habitats for a multitude of animals and birds. We all get along together. Something special I just want to leave you with tonight since I'm Italian, the name of my road, Bosco, is an Italian word that actually means, in English, forest, thicket, or woods. So, we are a proud community, and we feel heard. Thank you."

Mayor Gilbert thanked Ms. Cozzolino and called the next speaker.

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

"I do want to thank the Planning Department, Jenna and Diane, for their work. I also wanted to call out their collaboration with Wake County. As a community, we really had not engaged with Wake County Planning much for various reasons, and some of them were based on misconceptions. So, their cooperation and partnership with Wake County, Wake County also just updated their land use for our area. They do have us as more rural than what Apex does, but I wanted to thank them for the partnership because it opened up our eyes to a few things and as Dawn was saying, woods are really important, and I've got my forestry status finally and I'm hoping that we can start doing something more community-related with

the forest. I don't know what that looks like, but I put that invitation out there. Kids love running through the woods, they love seeing the different creeks that come up, we don't have that for them. What we have for our community is manicured walkways and if you really want to understand the healing nature that woods bring, you need to come out where it's wild and not tamed. This manicured walkway is great, it's better than a road, but it is not the same thing. So again, I want to say thank you to Jenna particularly, she spent a lot of hours with us. And thank you for approving and adopting. Thank you."

Mayor Gilbert thanked Ms. Stitt. He closed the Public Hearing and brought this item back to Council for discussion and a possible motion.

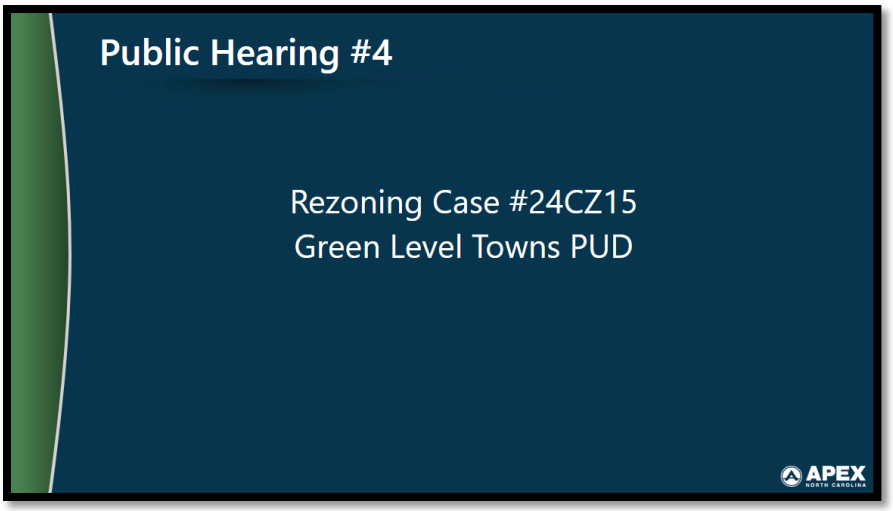
A **motion** was made by **Mayor Pro Tempore Gray** and seconded by **Councilmember Zegerman** to approve the 2045 Land Use Map and Transportation Plan Amendments - Western Big Branch Area Plan: Encompassing Portions of the Friendship and New Hill Communities.

VOTE: UNANIMOUS (5-0)

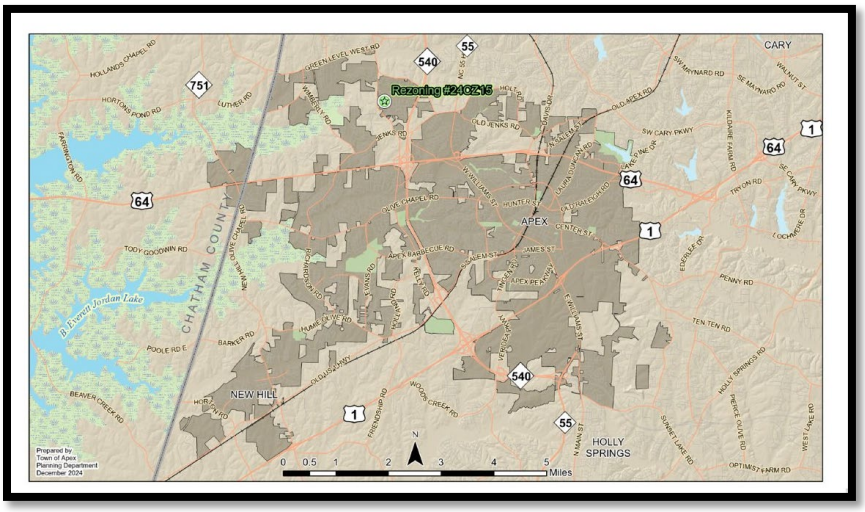
PH4 Rezoning Case No. 24CZ15 – Green Level Towns PUD

Lauren Staudenmaier, Planner II, Planning Department gave the following presentation for Rezoning Case No. 24CZ15 – Green Level Towns PUD.

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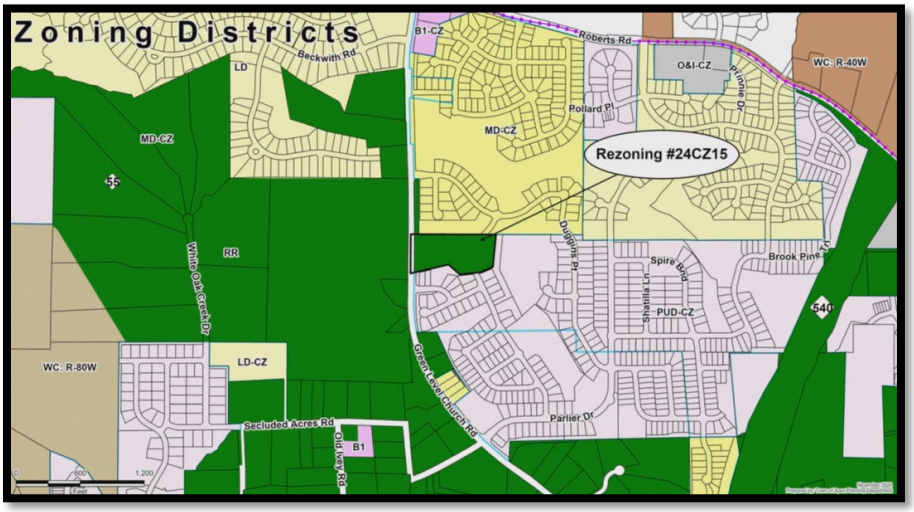
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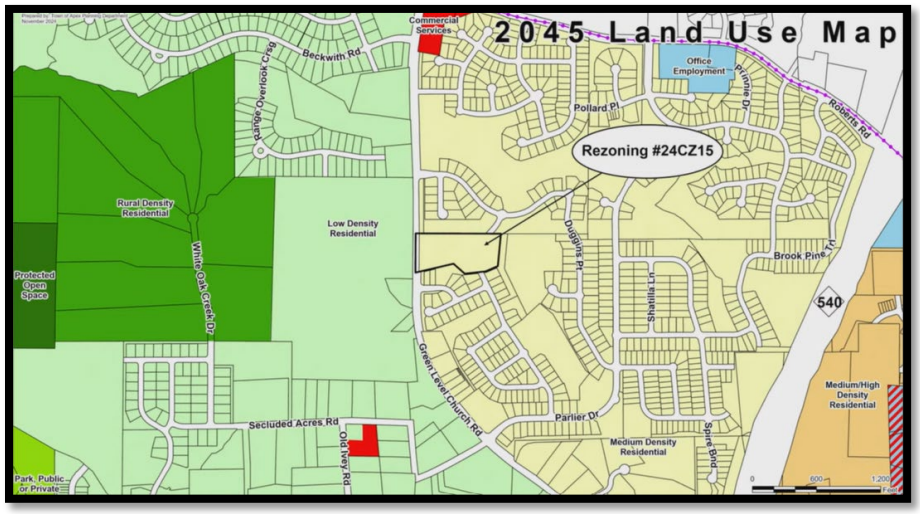
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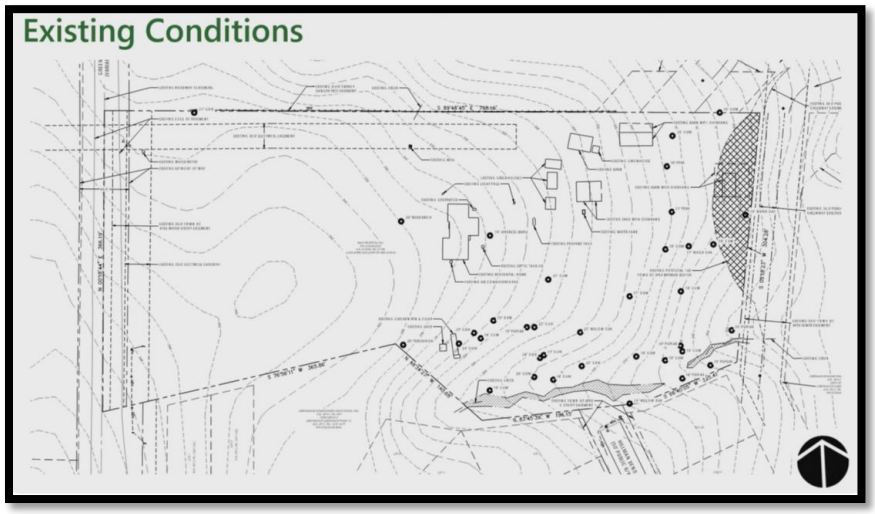
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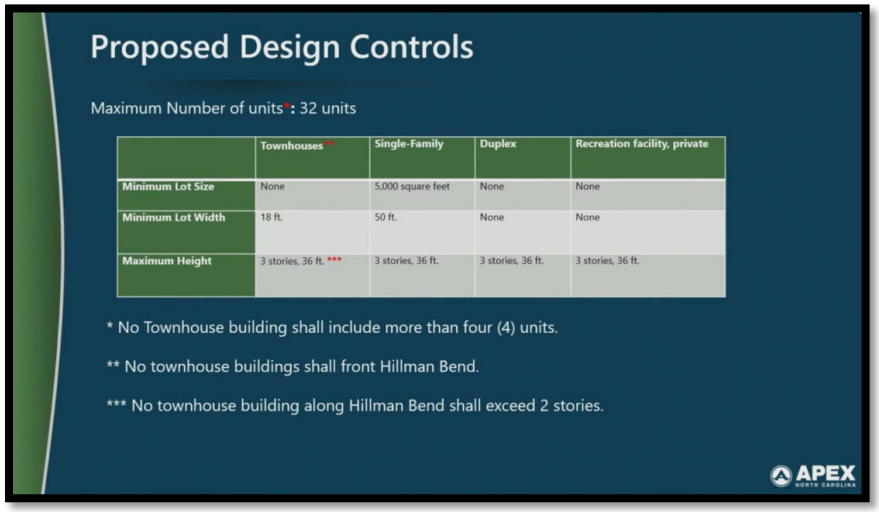
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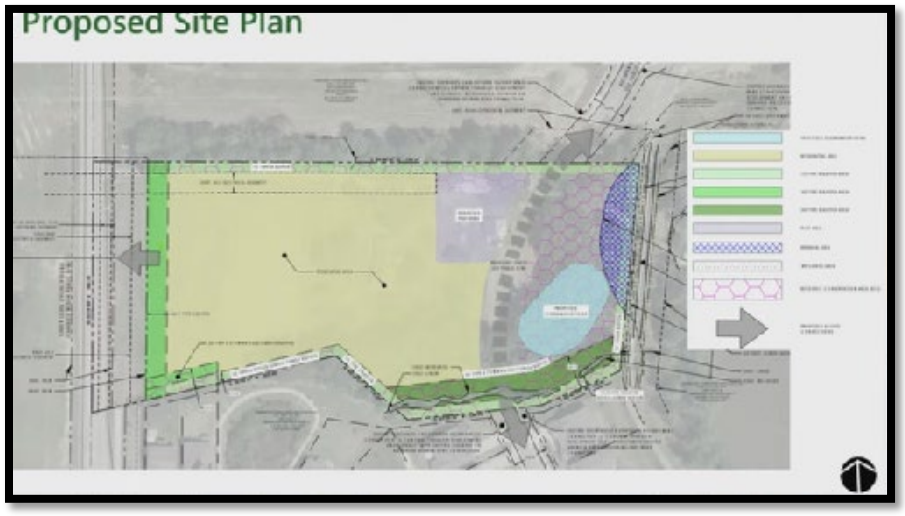
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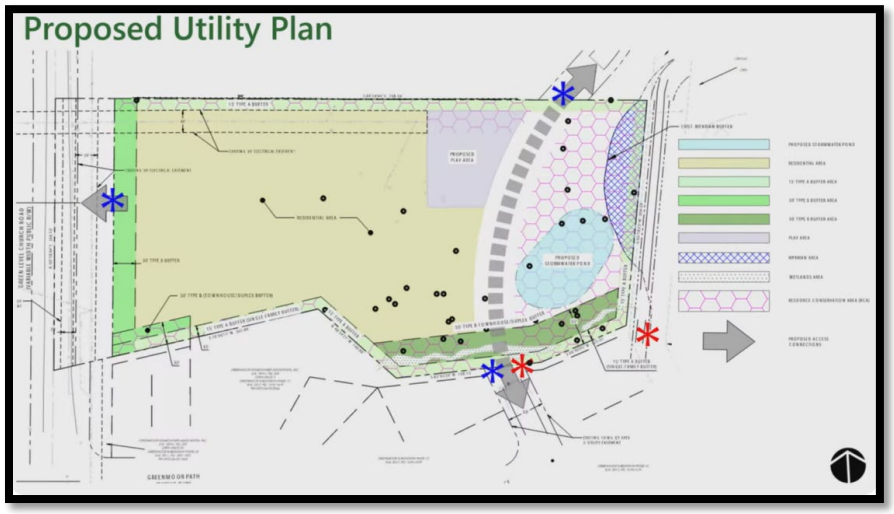
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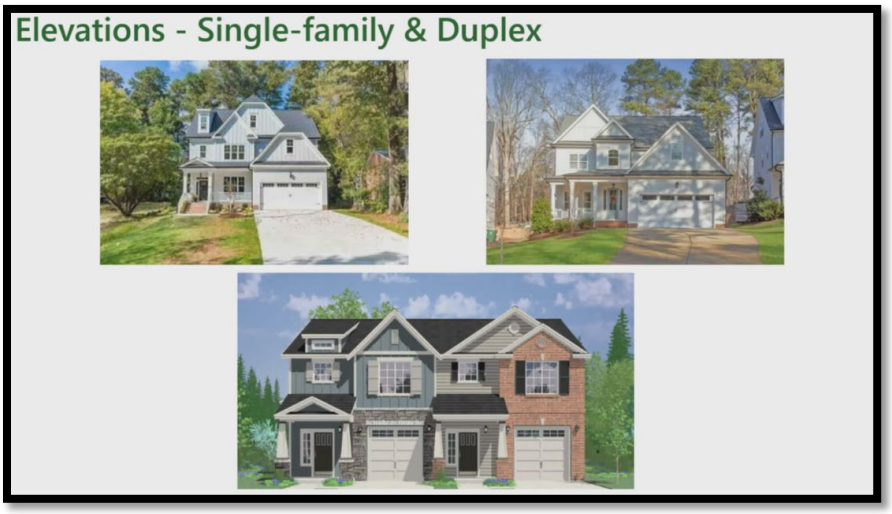
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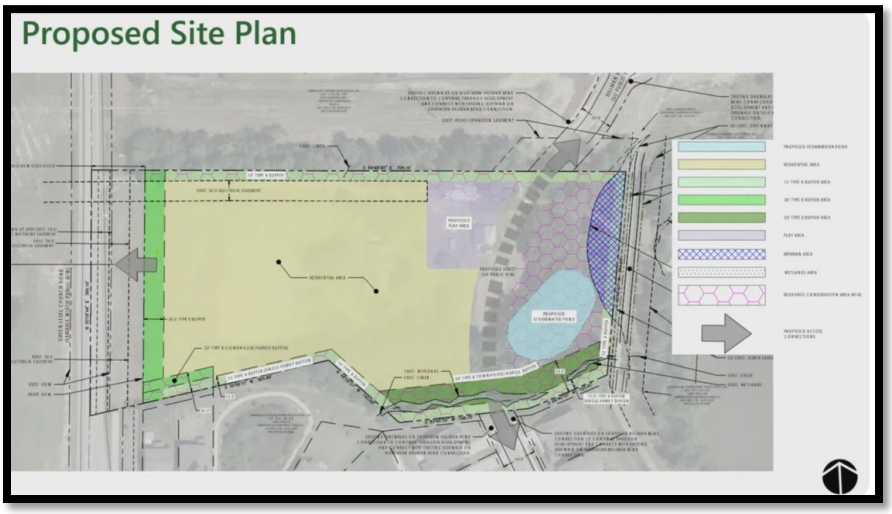
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[SLIDE 12]



Mayor Gilbert asked if there were any questions.

Mayor Pro Tempore Gray asked if there were any affordable housing offered.

Ms. Staudenmaier said not at this time, but that the applicant could speak to that as well.

Councilmember Zegerman asked about the lots facing the road.

Ms. Staudenmaier said that there are no townhouse buildings to include more than four units, and the townhouse building would not front Hillman Bend. She said they could be adjacent but not front it, and no townhouse building along Hillman Bench shall two stories.

Councilmember Zegerman asked about the conditions with the lot sizes.

Ms. Staudenmaier said that the minimum single-family lot width is 50' and the minimum lot size is 5,000 sq. feet.

Councilmember Zegerman asked for clarification that the applicant is only suggesting there are only townhouses in this location.

Ms. Staudenmaier said that there are multiple residential uses, but there are conditions related to townhouses specifically. She said the applicant could speak to the use plans more specifically

Councilmember Zegerman said that the Wake County report mentions townhomes.

Ms. Staudenmaier said that she thought they were proposing townhomes specifically but there are other additional residential uses such as single family or duplex, and that depends on the future development.

Mayor Gilbert asked for Mr. Carpenter to speak.

Matthew Carpenter with Parker Poe gave the next presentation on behalf of the developer and property owner, Parkway Properties with Mike Hunter of Parkway Properties.

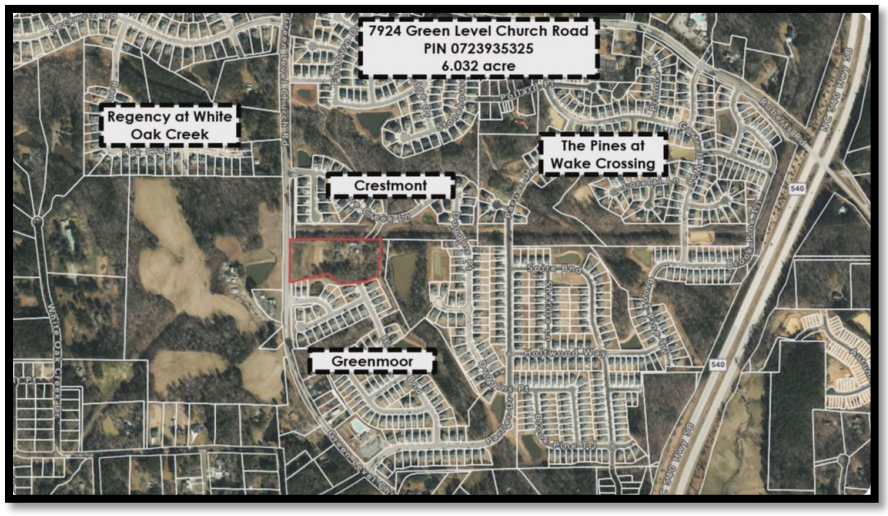
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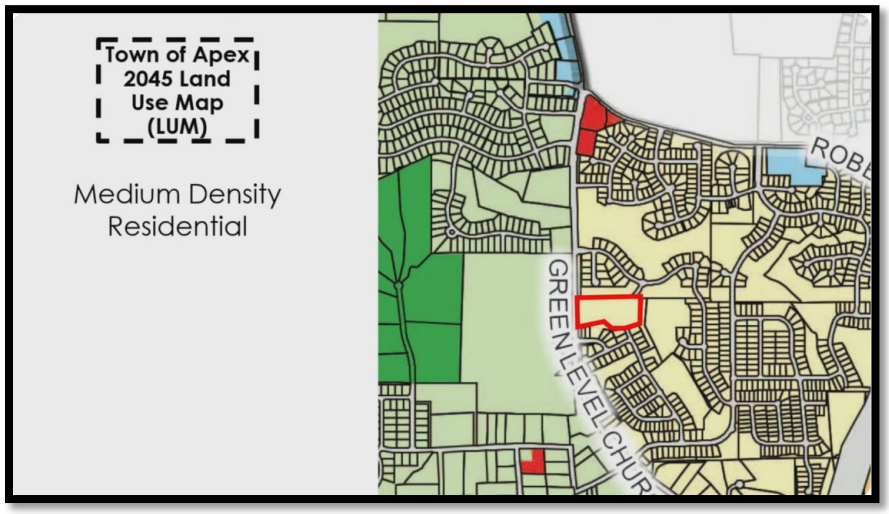
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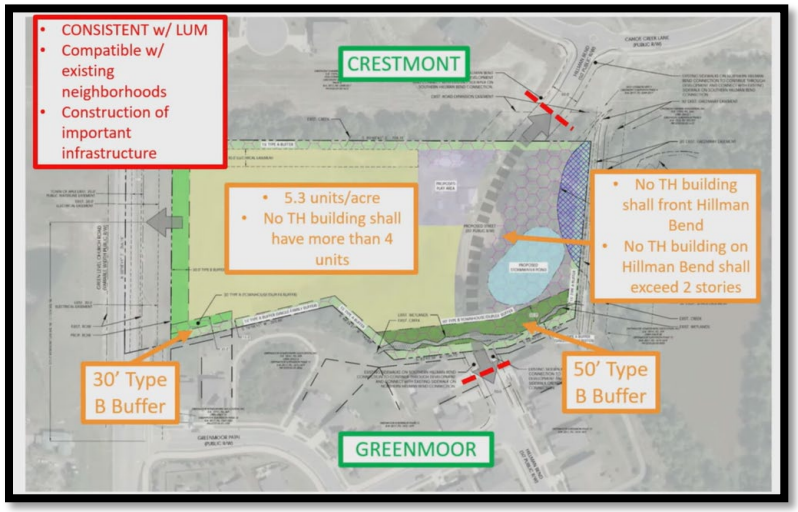
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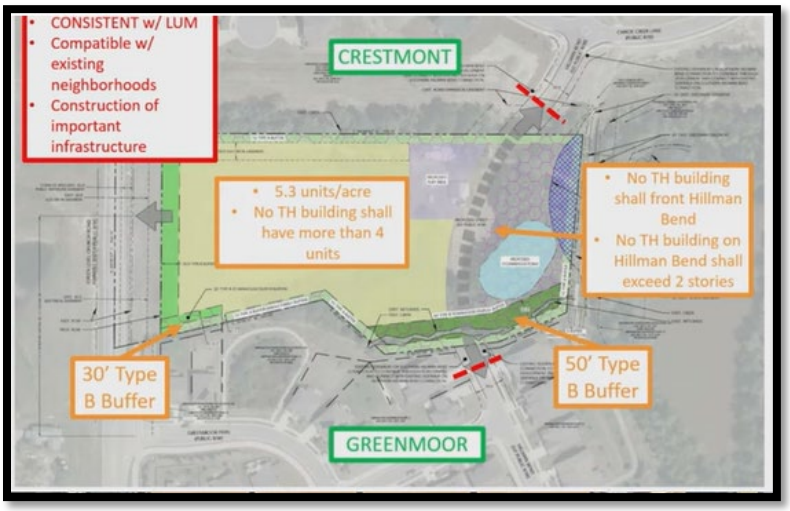
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[SLIDE 7]



Mayor Gilbert asked if there were any questions for Mr. Carpenter.

Councilmember Zegerman asked what the purpose of the elevation of the non-town homes was if this is a townhome development.

Mr. Carpenter said that they were just examples of other nearby neighborhoods that the development had built.

Councilmember Zegerman asked if they could agree that they're completely irrelevant to this development.

Mr. Carpenter said yes but a single-family dwelling is permitted use under the PUD.

Councilmember Zegerman asked to confirm that there was no intention of single-family homes in this development.

Mr. Carpenter said yes, this is a town home development.

Mayor Pro Tempore Gray said that within the Affordable Housing Plan there are incentives for developers to implement affordable housing. He said that the proposed plan

doesn't seem to account for the Affordable Housing Plan, and doesn't provide any affordable housing units. He asked why Mr. Carpenter why should approve this development.

Mr. Carpenter said that looking at the alternative between the proposed zoning and the existing zoning, the existing zoning only allows a large-lot of single-family homes. He said that the construction of townhomes brings affordability through adding units. He said that if this case were denied and it became a two-acre lot subdivision the homes would be upward of $1.52 million each. He said this project is seeking to add to the housing supply. He said on this project it was difficult to absorb the cost of placing a unit at AMI price.

Mayor Pro Tempore Gray said that there are 36 units and not even one would be provided as affordable housing for people like firefighters and teachers. He said that the affordable housing plan would suggest 2 units, and said the developer wasn't even meeting the town halfway.

Councilmember Zegerman asked how long the frontage was on Green Level Church Road.

Mr. Carpenter asked the Civil Engineer.

Salman Moazzam with Urban Design Partners, said the frontage was about 366'.

Councilmember Zegerman said that it was 0.07 miles. He said that it was a very small section of road for improvement.

Councilmember Mahaffey said that this project does not look like it has any more infrastructure cost than any other prior project. He said it looks like it is routine infrastructure cost.

Mr. Carpenter said that this project has a lot less size overall, but there is a lot of infrastructure cost for its size. He said as a percentage, the infrastructure costs are significant.

Councilmember Zegerman said that the needs of the Town have not changed, and the infrastructure improvements have to still be made. He said that there is little attempt to satisfy the needs of the Town. He said there is also little commitment to Environment Advisory Board recommendations, affordable housing units, or constructing a road through the property.

Mr. Carpenter said that they would be open to discussing affordable options if Council would like.

Mayor Gilbert opened up Public Hearing and called up the speaker.

First to speak **Banu Gills** at 446 Hillman Bend:

"The concerns that I had were already shared, so I do not have anything else to add. Thank you."

Mayor Gilbert closed Public Hearing for comment and moved it back to Council for further discussion.

Mayor Pro Tempore Gray made a correction to what he had said earlier using fireman, he meant to say firefighter and police officer, rather than fireman and policeman. He

said the words matter and words put into the Affordable Housing Plans matter. He said that he is not in favor of this rezoning.

Councilmember Killingsworth said she would like to hear if there were more on if affordable housing could be committed to.

Councilmember Mahaffey said that this needs to be compared to any future zoning that could come before Council for a better and more compatible use.

Mr. Carpenter asked for a deferral to the next meeting for further consideration of the potential of affordable housing.

Mayor Gilbert said that he would like to hear from staff.

Ms. Staudenmaier said that the next Town Council meeting will be February 11th.

A **motion** was made by **Councilmember Killingsworth** and seconded by **Mayor Pro Tempore Ed Gray** to defer Rezoning Case No. 24CZ15 – Green Level Towns PUD to the next Regular Town Council Meeting on February 11, 2025.

VOTE: UNANIMOUS (5-0)

Mayor Gilbert recognized Scouting America Troop 2051 and thanked them for attending.

PH5 Rezoning Case No. 24CZ17 – Kelly Road Townhomes

Joshua Killian, Planner I, Planning Department gave the following presentation on Rezoning Case No. 24CZ17 – Kelly Road Townhomes:

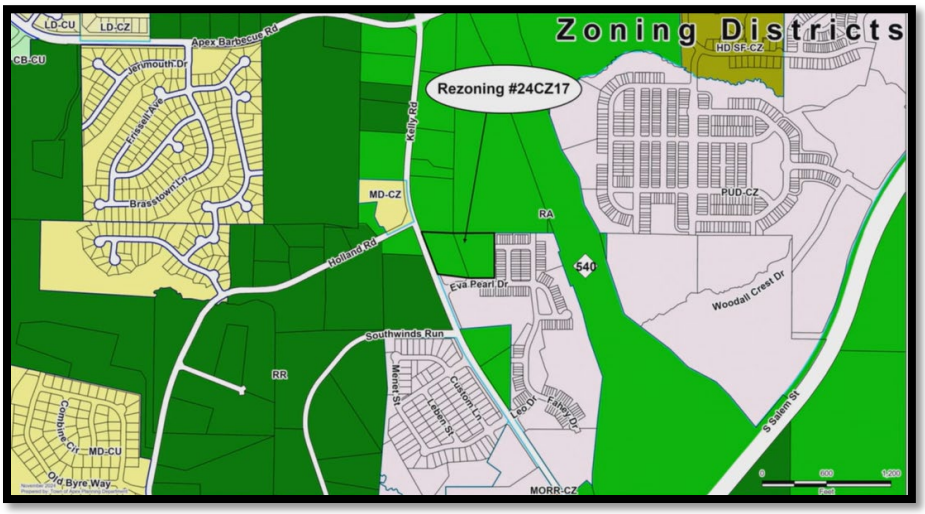
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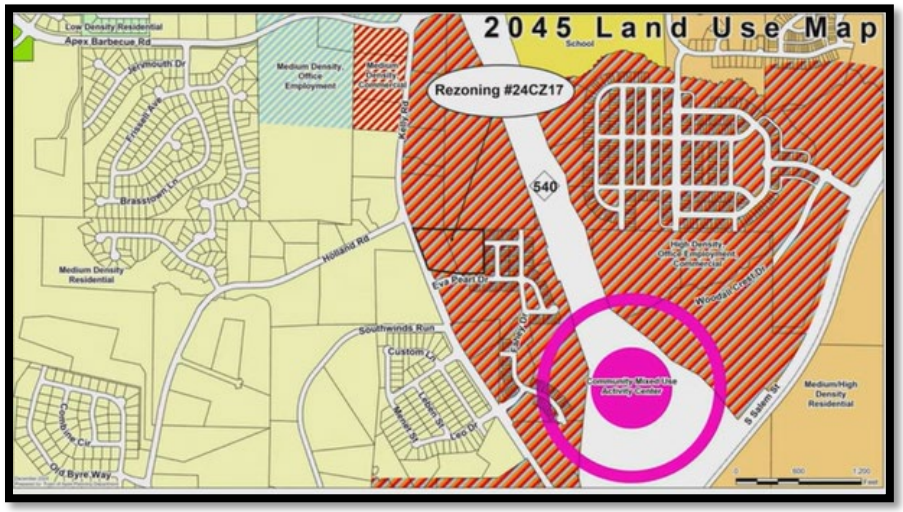
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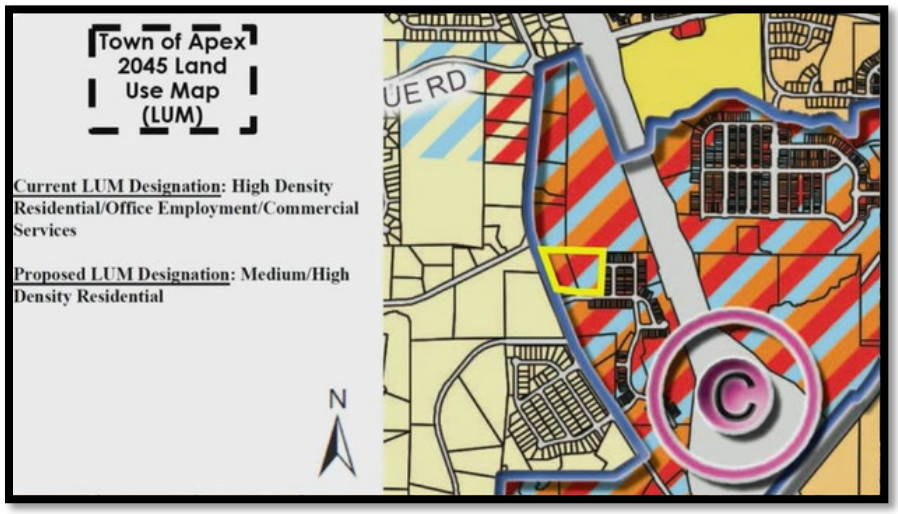


Mayor Pro Tempore Gray asked how many affordable housing units are in this proposal.

Mr. Killian said there were none.

Mr. Carpenter with Parker Poe spoke up on behalf of the property owner and introduced Jeff Roach with Peak Engineering. He said that they are committing to one affordable unit at 135% AMI. He gave the following presentation:

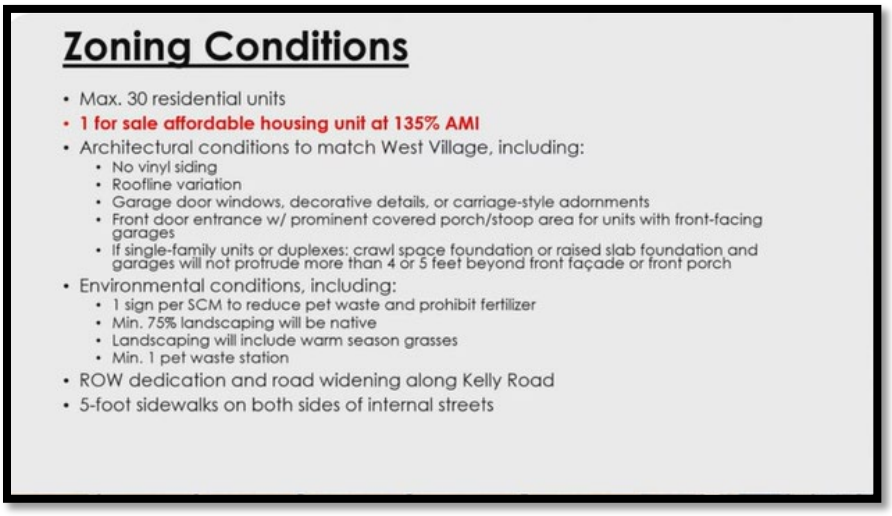
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Councilmember Gantt asked about the connectivity of the sidewalk that stops before the property line to the South.

Mr. Capenter said that the prior phase for the West Village PUD didn't complete the sidewalk likely because of the existing stream. He said they had asked staff if a fee in lieu was paid and there was not one, so they don't have the ability to cross that stream. He said that even if they could justify the riparian impacts for the widening, they are not sure they can justify them for the stop. He said that it could not be a zoning condition, but they weren't sure if they would be able to connect this.

Councilmember Gantt said the bus stop would not require any further need to go to the east.

Mr. Carpenter said he was under the impression that it would be east of the sidewalk. He said prior conditions had read that the stop was on the property.

Mr. Dalton said that that Councilmember Gantt was correct, this was if there were any amenities added like a shelter, bench, or trash can, then it would need to go behind the sidewalk that would require an easement.

Councilmember Gantt asked if this is approved without any condition about connecting the sidewalk, would there be a 20' sidewalk gap permanently without funding from the Town.

Mr. Dalton said yes, and that even if there was funding it is still not known what the potential buffer impacts are and if it can be permitted. He said there is language in the proposed zoning that's been accepted that the roadway frontage widening is subject to permitting. He said Council can still request it as a condition subject to permitting, even though there was no fee-in-lieu paid by the prior development.

Councilmember Gantt said this is new and asked how that could have happened.

Mr. Dalton said that at the time for a lot of development plans it was not requiring ultimate widening and if it was not a specific condition in the zoning it may not have been recorded that way. He said that when fees are collected in lieu it rarely covers the cost of future improvements because of inflation.

Councilmember Mahaffey said that there is an active stream and a culvert, a retaining wall, and it would be a big task to figure out how to connect over that.

Mr. Killian said that the Housing Staff were present if there were any further questions about the conditions or affordable housing.

Councilmember Gantt asked what the staff's concerns about piecing them together and running out of the commercial area.

Mr. Killian said that the West Village PUD within the mixed-use area is recommended that 30% of all land be dedicated towards the non-residential portions, and the West Village PUD has reserved 34%, which offsets this property and possibly the individual parcels that are intervening on the West Village PUD between the Old US 1 to the South.

Councilmember Gantt said he is concerned about not having mixed use in this area, especially if project north of this development come in as residential.

Ms. Bunce said that staff considered the existing land use classification, but given the environmental features on the frontage parcel and development pattern to the South and the East they were comfortable with residential for this parcel. She gave more information on a comprehensive plan update that will be beginning soon, and how input from the community and Council will be considered for those updates.

Councilmember Gantt asked about a future roundabout on Holland and if it would be more suggestive for commercial

Ms. Bunce said she could not say what impact that would have.

Mayor Gilbert opened up Public Hearing and called the speaker.

First to speak was **Dawn Cozzolino** of 3632 Bosco Road:

"This is a great example of a project that's on an island. So, I talk about traffic all the time, and the traffic situation is very bad, right? You know, we heard somebody tonight talk about that. These projects aren't taken as part of the network, right, the whole transportation network. So, my key questions tonight are, where does the traffic go? How are the roads of Apex Barbecue and Kelly Road and Old US 1 impacted? And again, I'll bring up what I've always been keen to ask is, why aren't we doing more traffic impact analyses? We don't do them because I know the volume but let me give you an example of what's going on with Depot 499. Okay, huge development, huge. There was a TIA done, now it's very dated, six years back, and it used very low growth numbers of 3%. So, you know, taking into that, they did model though a lot of the, they call them background developments so, your West Village, your Pleasant Park, all those developments in the area, right, they consider that, they model it, they add it to it, and they did some studies and they said that West Village is eventually going to have to shut down that Kelly Road left turn. So, a couple of things are going to have to happen. Now, we're not at the point where we're actually widening any roads, right? If you look at the NCDOT map, I mean they're like 2050, maybe, and they have to be funded and approved. But so, nothing's happening right now but we're adding, right? So, I just want to tell you from the study, and they did the study way back when, in a 24-hour day, how many new trips are going to result from that Depot 499. Now, you know where that

is, right? Old US 1, 540, Apex Barbecue, that whole little section, right across the road from that, 1.6 miles away, it's going to add new vehicle trips of 26,770 and this site has a school cap. So, I'm going to do more study and analysis into all these TIAs because that's astounding numbers and we just don't have the roads for it. And I don't even know what's going to be done for Depot 499, but thank you very much."

Mayor Gilbert thanked the speaker and brought the item back to Council for discussion and a possible motion.

A **motion** was made by **Mayor Pro Tempore Gray** to approve Rezoning Case No. 24CZ17 – Kelly Road Townhomes.

Councilmember Zegerman asked what the suggestion from Housing Staff was for affordability as part of this plan.

Rebekah Shamberger said it was 5% at 135% of the AMI.

Councilmember Zegerman said given the conditions on this site it is the right zoning and the right number of units. He said he appreciated the staffing recommendations for the affordable housing being included. He said that 135% of AMI translates to about an annual income of about $155,000.00 which is about $13,000.00 per month, that is about $3,900.00 per month for housing, and he said the housing affordability is upward of $600,000.00 and doesn't help the citizens that they are trying to help. He said he appreciates this being included but it is not meaningful for affordability and long-term needs.

Councilmember Mahaffey agrees with Councilmember Zegerman, and does not support this. He said affordable housing and tree canopy are his main concern. He said he would appreciate a condition that addressed the loss of canopy further.

Councilmember Gantt said that he could not support this given the 20-foot sidewalk gap, even if addressing it is complicated.

Mr. Killian said he wanted to note that the recommended affordable housing condition was for 20 years, and the condition proposed by the applicant is 30 years.

Mayor Pro Tempore Gray amended his previous motion to include the proposed condition of one unit being at 135% AMI for 30 years, as proposed by the applicant.

Councilmember Mahaffey said he would like to look at ways to craft affordable conditions that would allow developers to build units with different sizes, setbacks, etc. that would allow for smaller construction cost, and therefore cheaper to purchase units.

Mr. Carpenter said that there may be a discrepancy in the math calculations for affordable housing. He said that the calculations are 135% AMI is about $400,000.00 for an affordable unit. He said that it could be the difference in utilities, down payment and interest rate assumptions.

Councilmember Zegerman asked what the price of the other units will be.

Mr. Carpenter said it would be 3 years from now.

Councilmember Zegerman asked for a range.

Mr. Carpenter said that it was possibly between $500,000 and $650,000, estimating that based on the neighboring subdivision. He said in conversations with staff, the fee-in-lieu for 2 affordable units on this site would be $450,000.

Councilmember Zegerman said that with 135% AMI it is not doing much for the Town. He said he appreciates the concession made but wanted to put the needs in a broader perspective.

Mr. Carpenter said they could take some time and look at the issues that were raised with tree canopy as well. He said they can also look at different sized units.

Councilmember Mahaffey said the intention would be to commit to a higher percentage of affordable housing in exchange for being able to have different development rules on those units.

Councilmember Zegerman said there was a resent rezoning request on Center Street. He said that it was a more affordable unit by design of the construction since they didn't have garages.

Mr. Carpenter said they would like additional time to discuss the issues.

With no second, the prior motion by **Mayor Pro Tempore Gray** failed.

A **motion** was made by **Councilmember Zegerman,** and seconded by **Councilmember Killingsworth** to defer the Rezoning Case No. 24CZ17 – Kelly Road Townhomes to the Regular Town Council Meeting of February 25, 2025.

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

Councilmember Killingsworth said she appreciated the discussions being held again about Affordable Housing.

Mayor Gilbert recognized Town Manager Vosburg and his staff, Town Clerk Coleman his staff, Town Attorney Hohe and her staff, and the Security team for all of the work that goes into preparing and running the Council Meetings.

[ADJOURNMENT]

With no further business being before the Governing Body, the **Mayor Gilbert** adjourned the meeting at **8:18 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 25th day of February, 2025 (CN3).

APPROVED MINUTES

TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, FEBRUARY 11, 2025
6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, February 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=eUkShr9BTvI

[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 for a moment of peace. He then led those in attendance in the Pledge of Allegiance.

[CONSENT AGENDA]

A **motion** was made by **Mayor Pro Tempore Gray**, seconded by **Councilmember Killingsworth**, to approved the Consent Agenda, with the removal on Consent Item 1.
VOTE: UNANIMOUS (5-0)

~~**CN1 REMOVED Agreement - Lease Agreement - The Depot Downtown Apex - Apex Chamber of Commerce and Town of Apex – July 1, 2025 through June 30, 2030 (REF: CONT-2025-049)**~~

This item was removed per Council vote.

CN2 Annexation No. 796 - 2132 Kelly Road - 3.189 acres (REF: RES-2025-006, RES-2025-007, and OTHER-2025-015)

Council voted to approve 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 25, 2025, on the Question of Annexation - Apex Town Council's intent to annex 3.189 acres located at 2132 Kelly Road, Annexation No. 796, into the Town Corporate limits.

CN3 Construction Contract Award - Triangle Grading and Paving Inc. - James Sewer and Street Improvements Project - Budget Ordinance Amendment No. 8 and Capital Project Ordinance Amendment No. 2025-8 (REF: CONT-2025-050, ORD-2025-008, and ORD-2025-009)

Council voted to award a construction contract to Triangle Grading and Paving, Inc. for the James Sewer and Street Improvements Project, authorize Town Manager, or their designee, to execute the contract and approve corresponding Budget Ordinance Amendment No. 8 and Capital Project Ordinance Amendment No. 2025-8.

CN4 Council Meeting Minutes – Various

Council voted to approve Meeting Minutes from the following meetings:
January 14, 2025 – Regular Town Council Meeting Minutes
January 23, 2025 – Town Council Work Session Minutes - *CANCELLED*

CN5 Fee Schedule Rate Adjustments - Mid-Year - Temporary Sign Fees, Columbarium, EV Charging Rates, Flat Rate Sewer Charge, Water Meter and ERT Fees (REF: OTHER-2025-016)

Council voted to amend the Town's Fiscal Year 2024-2025 Fee Schedule to include changes to temporary sign fees, columbarium niche fees, Electric Vehicle (EV) charging rates, flat rate sewer charge, water meter fees, and ERT fees as recommended by the Town Council's Finance Committee, effective February 11, 2025.

CN6 Ordinance Amendment - Chapter 12 Municipal Utilities and Services, Article VI. Cross Connection Control Update - Compliance w-Session Law 2024-49 (REF: ORD-2025-010

Council voted to approve various amendments to Chapter 12 Municipal Utilities and Services, Article VI. Cross Connection Control Update of the Apex Town Code of Ordinance to comply with Session Law 2024-49.

CN7 Property Acquisition - 8300 Jenks Road - Purchase and Sale Agreement - Electric Substation – Capital Project Ordinance Amendment No. 2025-11 (REF: CONT-2025-051 and ORD-2025-011)

Council voted to approve the acquisition of property located at 8300 Jenks Road in Apex, North Carolina, for a purchase price of $3,500,000, ratify the Agreement for Purchase and Sale of Real Property executed by the Town Manager, and authorize the Town Manager and Finance Director, or their designees, to execute any other associated legal documents related to this acquisition.

CN8 Tax Report – December 2024 (REF: OTHER-2025-018)

Council voted to approve the Apex Tax Report dated January 2, 2025.

[UPDATES BY TOWN MANAGER]

Town Manager Vosburg updated the Council on the Mason Street Municipal building is closed through Friday due to a facility issue. He said that the shuttle lot has been shut down due to staffing issues. He noted that Apex has been officially added as the 69th community in Vision Zero, and the 3rd in North Carolina. He gave background information on the Tunstall House item being recommended for removal in order to re-bid the project and provide Council with more options. He gave the update on the Housing Plan Update focus group meetings. He said that the meetings should begin soon and then they will begin the process of the Housing Plan update that will be brought back to the Council. He said that the last update is the Street Hockey event, which has been changes to March 29th. He said they were able to get some of the Hurricanes players for the event.

[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 **Mayor Pro Tempore Gray**, seconded by **Councilmember Zegerman** to approve the Regular Meeting Agenda with the removal New Business 2.

VOTE: UNANIMOUS (5-0)

[PRESENTATIONS]

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

Councilmember Terry Mahaffey, Sponsor spoke on the Peak S.T.A.R. Award, which he said he was always excited to present each quarter, and seeks to recognize some of the amazing teachers, staff, and administrators who contribute to public education in Apex. He

then invited **Barbara Conroy,** Co-Founder and President of Apex Public School Foundation to speak about the foundation and to introduce the award recipient.

Barbara Conroy Co-Founder and President of Apex Public School Foundation introduced herself. She shared information about the 2025 teacher grant recipients. She said that $25,000 was awarded for 9 Apex Schools. She said that this funded 14 grant projects such as Coding and Robotics enhancements at the elementary level, Micro bits and Hummingbird kits program at Laurel Park, an Arduino Circuit Boards program at Baucom Elementary, and programs for Multilingual Learners and others. She said that this is non-profit and asked for support in getting the word out for the program. She said that this program helps promote awareness in all the amazing things happening in Apex schools. She introduced this quarter's Peak Star recipient as Quiwanna Britton – Health Occupations Teacher at Apex High School. She said that Ms. Britton had a great impact on the membership of the school's Health Occupations Students of America Club, has encouraged students from diverse backgrounds to enter the medical field, helped established a mental health fair, and brought greater visibility to hands-on health occupation examples. She read comments from Principal Elaine Hofmann congratulating Ms. Britton for all her contributions and hard work. Ms. Conroy and Councilmember Mahaffey presented Ms. Britton with the award.

Ms. Britton came up and accepted her award and took pictures. She thanked the Apex Public School Foundation and the Town of Apex for recognizing the work in supporting students. She thanked her Administrators at Apex High for this nomination. She said that at Apex, there is a commitment to empowering all students to reach their peak potential by helping them become prepared, engaged, ambitious, and kind. She said this award is not just a reflection of her efforts but the incredible community she is privileged to be a part of. She said these core values remind us that everyone needs community, opportunity, relationships, and engagement, and these are the foundations that make Apex High such a special place, and she was proud to contribute to this mission every day.

PR2 Proclamation – National Engineering Week and Apex Engineering Day 2025 – February 16 through February 22, 2025 and Saturday, February 22, 2025 (REF: PRO-2025-004)

Mayor Gilbert, along with the rest of Town Council, read the Proclamation National Engineering Week and Apex Engineering Day 2025 – February 16 through February 22, 2025 and Saturday, February 22, 2025.

Mayor Gilbert invited up Linda Whipker and several student engineers from the Forge Initiative to receive the Proclamation

Ms. Whipker spoke about the volunteer work that the Forge Initiative does in Engineering education for students in the area. She invited Sejal, one of the Forge Initiative students, to speak about Engineering Day.

Sejal said that Engineering Day is an annual event hosted by the Forge Initiative to celebrate the National Engineers week. She said that the event showcases cutting edge

technology, robotics, and engineering innovations, and offers space for learning and collaboration. She invited the community to join on February 22nd from 2-5 PM at the Apex Community Center

Mayor Gilbert then invited Assistant Town Manager Marty Stone and Assistant Water Resources Director Jonathan Jacobs to receive the proclamation on behalf of the Town of Apex employee engineers.

Assistant Town Manager Stone aid that the Town of Apex is very lucky to have a great engineering staff, and appreciated what they do.

Mayor Gilbert thanked Jeff Roach and the other Engineers in the community for all that they do as well.

PR3 Wake Transit Plan Update, including Phase II Public Engagement Efforts

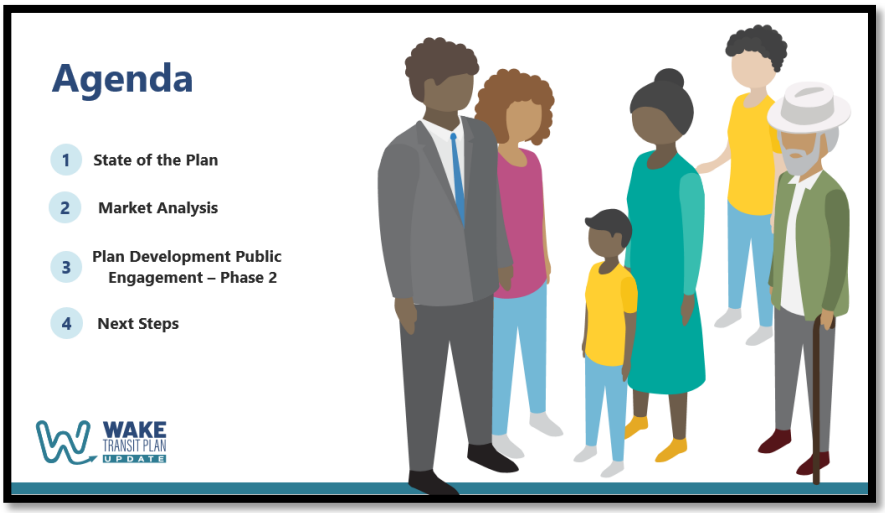
Benjamin Howell, AICP, Wake Transit Program Manager, Capital Area Metropolitan Planning Organization (CAMPO), and **Katie Schwing**, Senior Long-Range Planner, Planning Department gave the presentation for the Wake Transit Plan Update, including Phase II Public Engagement Efforts.

Mr. Howell gave an update and presentation on the Wake Transit Plan.

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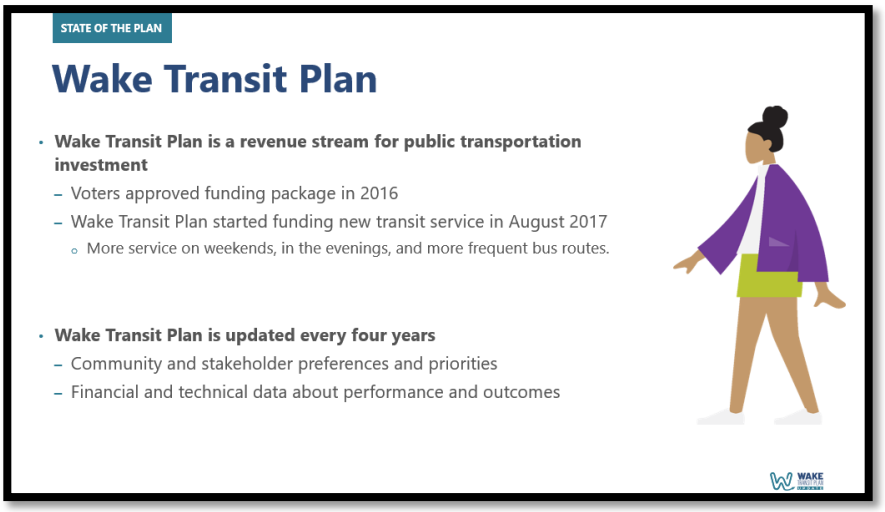
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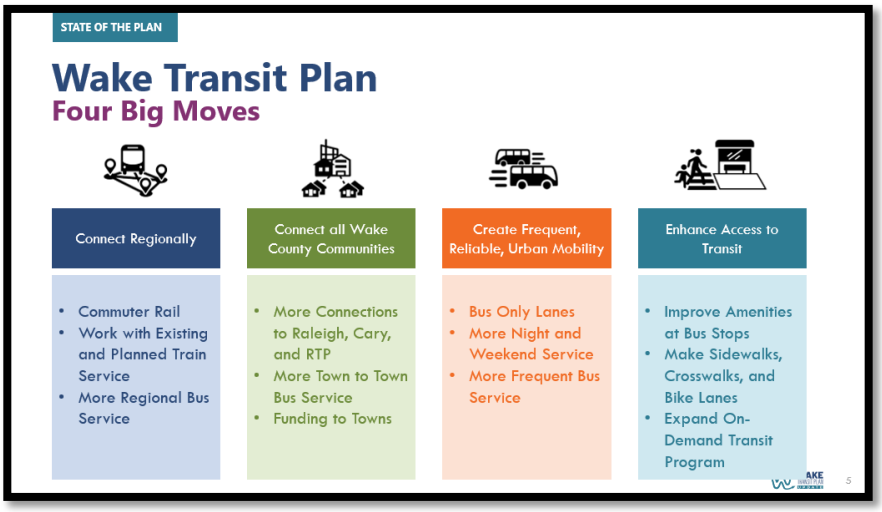
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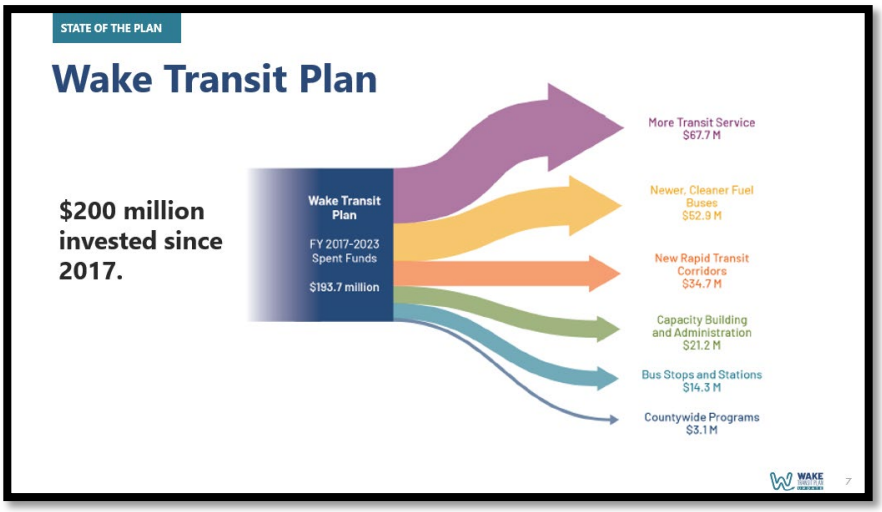
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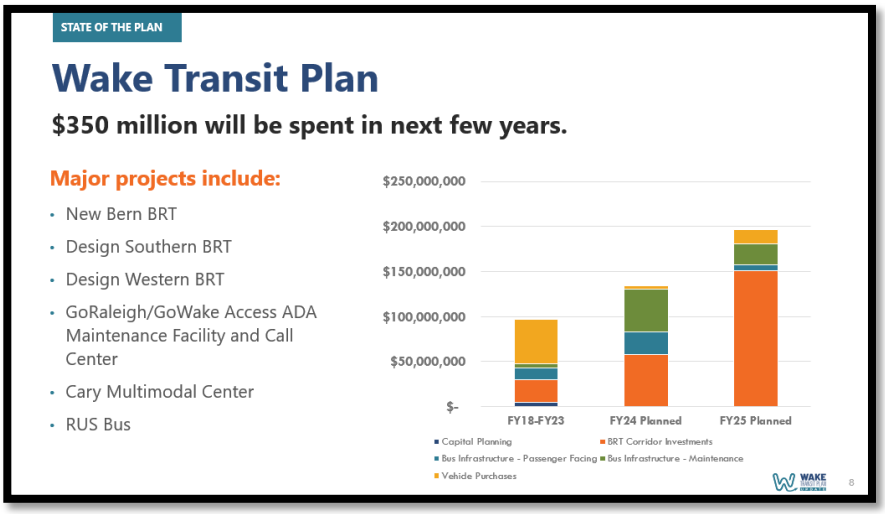
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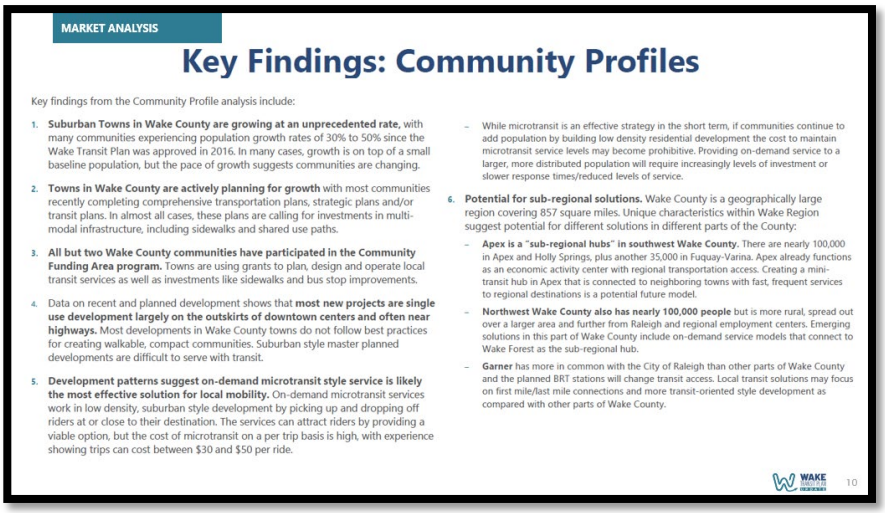
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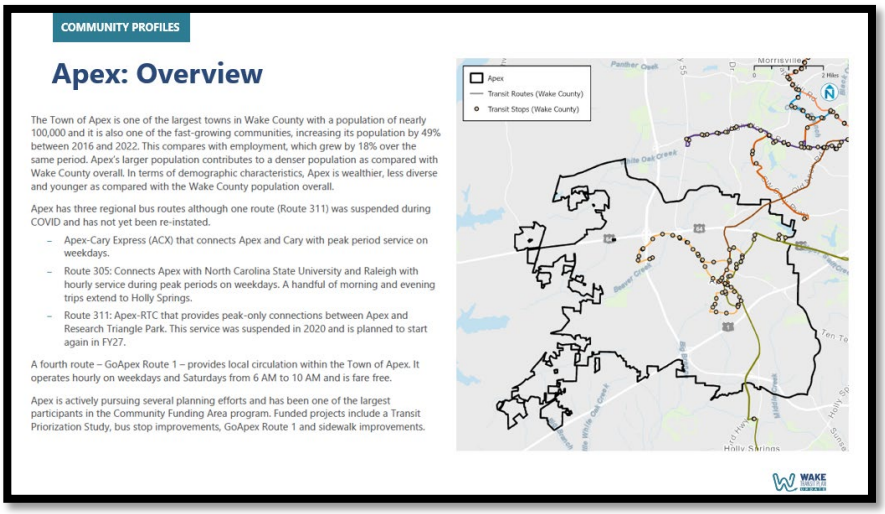
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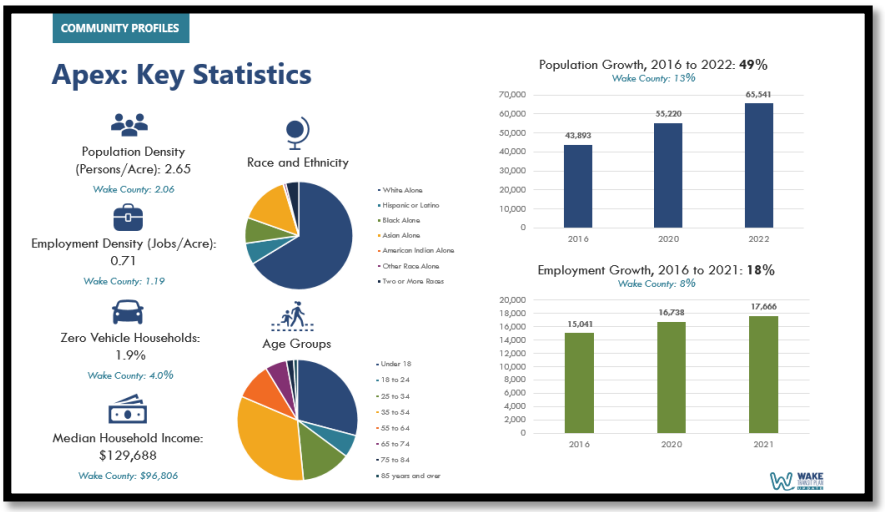
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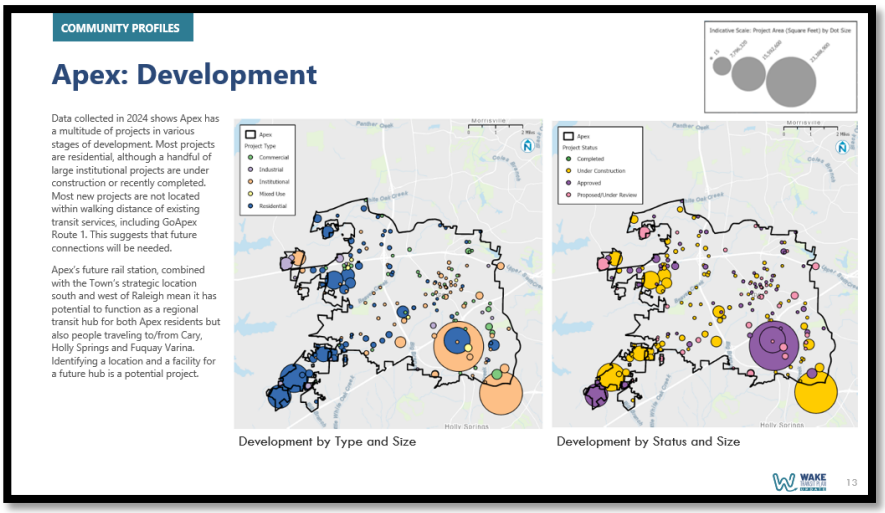
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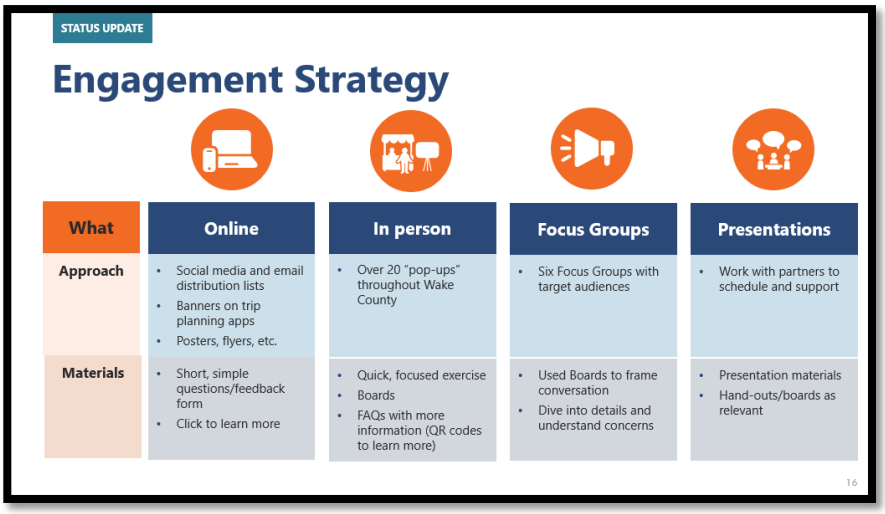
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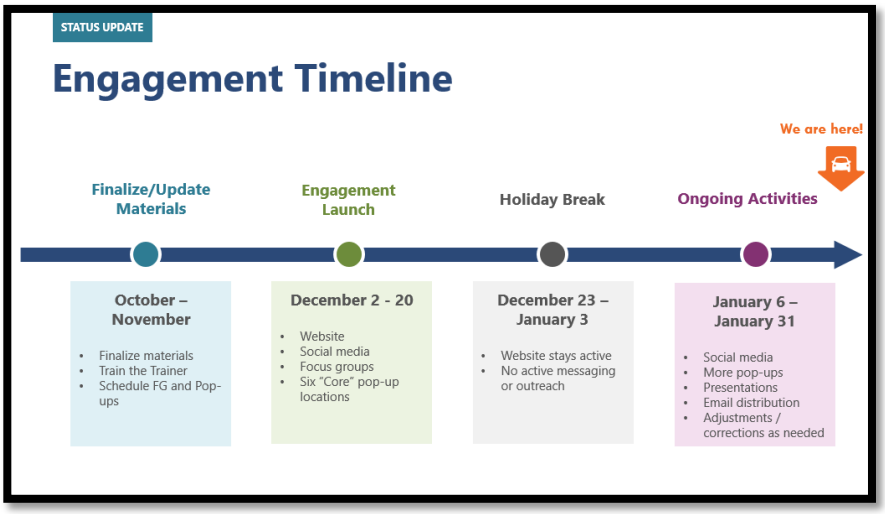
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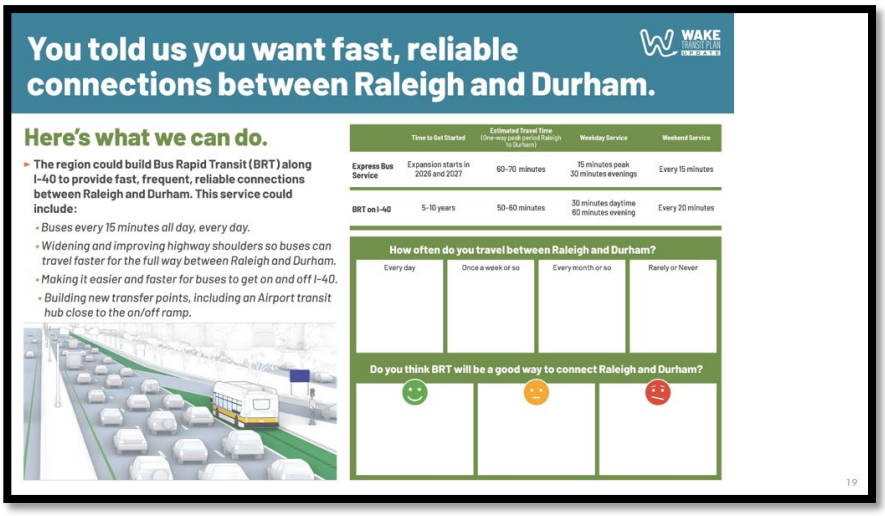
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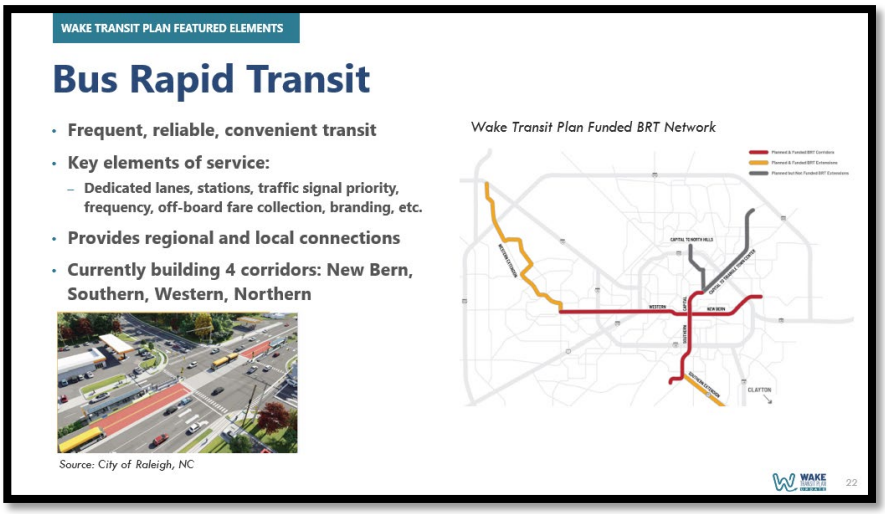
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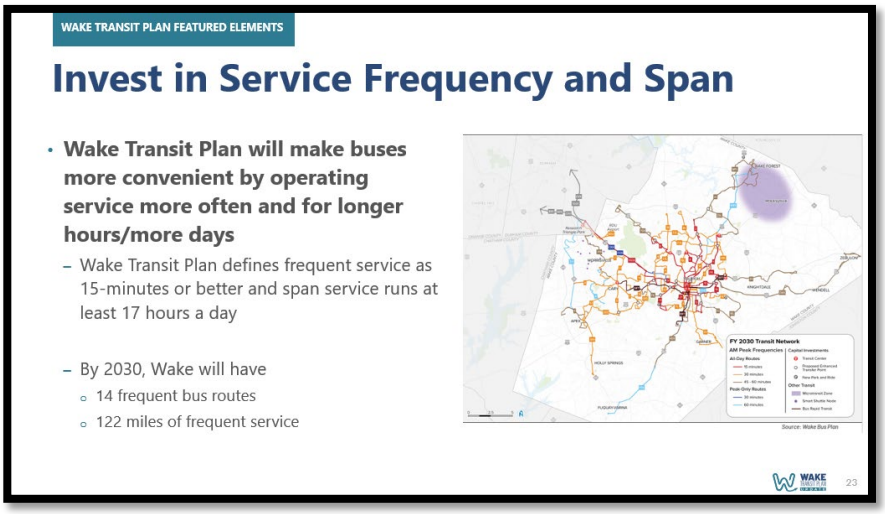
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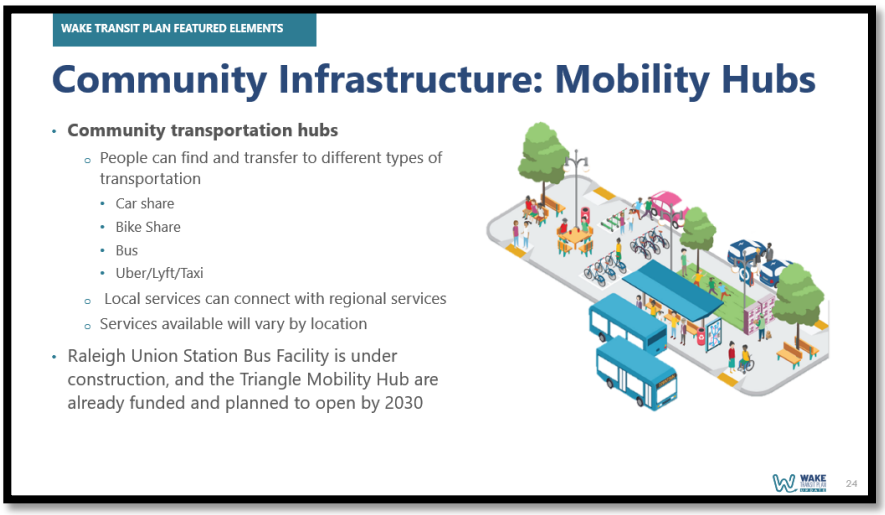
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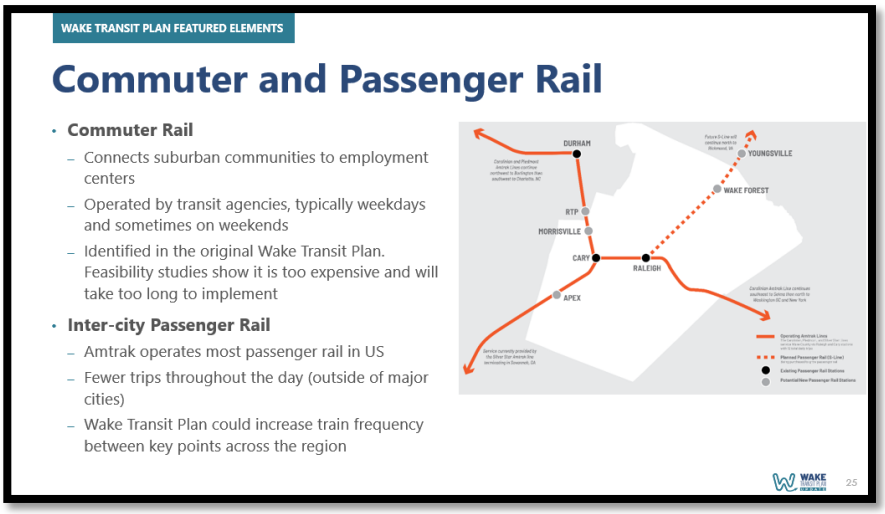
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WAKE TRANSIT PLAN FEATURED ELEMENTS

Improving infrastructure and access

- **Improved infrastructure and access impacts the decision to use transit**
- **Investing in Infrastructure**
  - Purchased and retrofitted 180 buses
  - Improved bus stops and transit centers
  - Purchased clean fuel vehicles
  - Leveraged $30M in Wake Transit funds to get over $133M in federal funds
- **Safe Access to Transit**
  - Crosswalks
  - ADA accessibility
  - Continuous connecting sidewalks



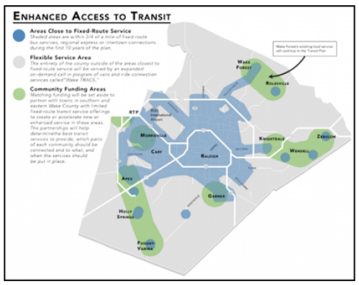
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WAKE TRANSIT PLAN FEATURED ELEMENTS

Investing in Communities

- **Community Funding Area (CFA) Program**
  - Fund eligible projects in 10 municipalities and Research Triangle Park
- **Eligible Project Types**
  - Planning/Technical Assistance
  - Operating Projects
    - Fixed-Route
    - Demand-Response
    - Flex-Route/Microtransit
  - Capital Projects
- **Increased Funding for CFA**
  - Current Financial Model allocates approximately $19.59 Million from FY26 – FY35
  - Wake Transit Plan Update proposing to allocate approximately $40 Million for CFA Program from FY26-FY35



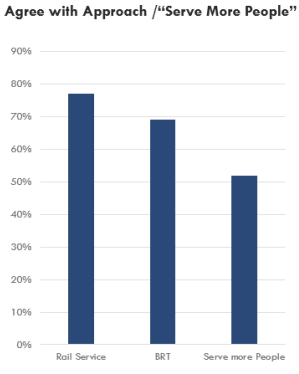
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ENGAGEMENT UPDATE

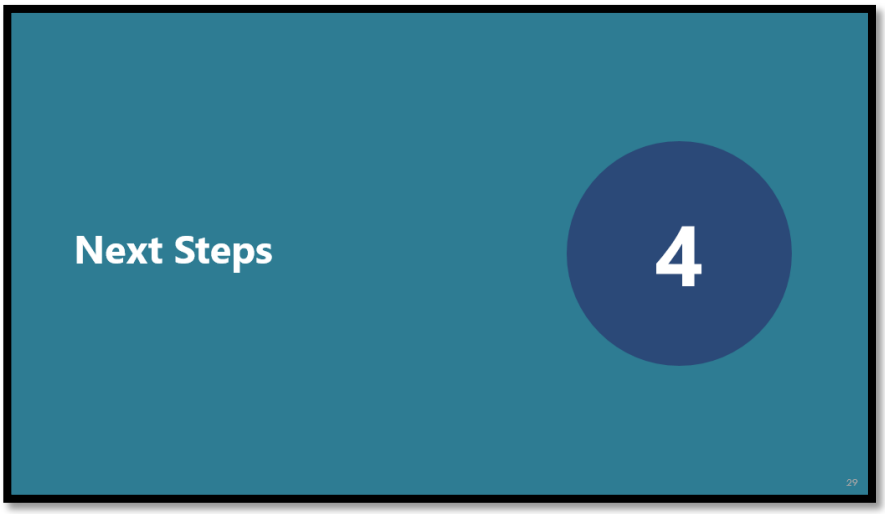
Findings from Public Engagement

- As of Thursday, January 30th
  - 4,435 views of website
  - Over 970 survey responses
- Profile of responses
  - 51% male
  - 53% rarely or never use transit
  - 13% represent minority race
  - 5% of respondents' households receives one or more of these benefits: Medicaid, TANF, SNAP, FNS, LIEAP, or similar

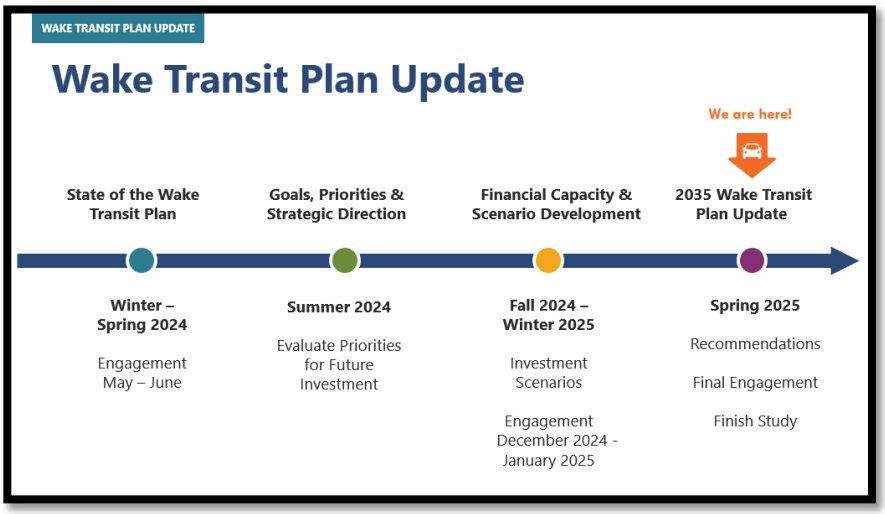


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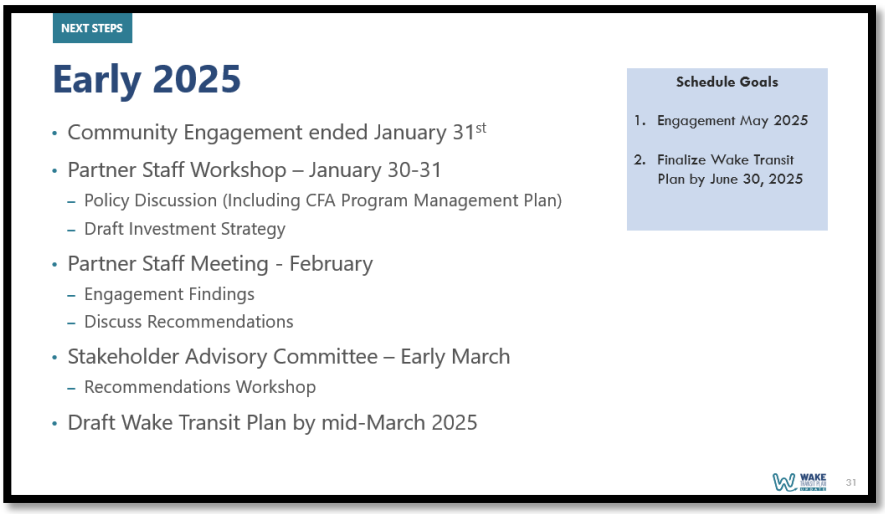
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Mayor Gilbert thanked Mr. Howell for the update and asked if there were any questions.

Councilmember Zegerman asked about serving more people vs. serving more places and what some best practices and lessons they have learned from other communities are.

Mr. Howell said that it is some of both and in other communities they see more people riding, and it is important to invest in the County services. He said that there are multiple employment centers in Wake County, so it is hard to build up a Transit network without a centralized location. He said that they are looking to focus on town-to-town connections. He said that they would like to see the outline communities invest in the Wake County transit system. He said that the Transit Plan will create a fund to assist communities in their bus operations and expansions.

Councilmember Gantt asked about the community funding areas. He said that more investment would help other communities join in on the plan. He said he hoped that this money can be expanded, as it would be an excellent investment.

Mr. Howell said that he agreed with how important this is. He said that they are still working through the final aspects, and they are looking at lowering the match to incentivize more communities to use the program. He said they will continue to look at expanding the funding if communities begin utilizing the programs more.

Councilmember Gantt said that the perception may be community funding areas are putting in more than they are getting out of this program. He said that other communities may look at this differently once the program gets going.

Mayor Gilbert asked Councilmember Gantt if he thought it was about the money and not the priority set by the community.

Councilmember Gantt said that he felt a higher match would create more programs by different municipalities, which would lead to more area covered by mass transit.

Mayor Gilbert thanked Councilmember Gantt for that perspective.

[PUBLIC FORUM]

Mayor Gilbert opened up the Public Forum and invited the first speaker up. First to speak was **Elizabeth Stitt** of 3113 Friendship Road:

"Mayor Town Council, good evening. So, I'm going to steal something that our Star Award teacher from Apex High shared, she said CORE stood for Community, Opportunity, Relationships, and Engagement. My kids went to Apex High, and I think we should take a lesson from Apex High. I think we need more opportunity for the community to actually engage. I don't agree, as I shared last time, with getting rid of boards. I think before anything like that happens, the community should be asked what do they want. If you're not getting what you want out of the boards, well, did you give the boards direction as to what you want? I don't think that happened. So, while we're talking about transportation tonight, I forwarded to the town manager and the mayor that the City of Raleigh has been hosting a series of transportation Open Houses and I'm on all the different listservs, and they've had a really interesting Open House and survey. You should really go out and look at it, the survey, the questions they ask people about transportation so, I would like to see Apex have more open houses where there can be discussions, not these Work Sessions where we can only listen in, like tomorrow, I'm going to listen in. I don't know if you guys have ever watched any of those. I think there was a joke at a meeting Work Session a couple of times ago about Marty Stone's head being in front of the camera, and the audio is not great. I really would like to see more Open Houses where there can actually be engagement, not just where we're trying to listen and figure out who's saying what, so if you could add that to the list, I would appreciate it. Thank you.

Mayor Gilbert thanked Ms. Stitt and called the next speaker.

Next speaker was **Phil Welch** of 1471 Big Leaf Loop:

"During the last Council meeting that I unfortunately missed, I was encouraged to hear Mayor Pro Tem Gray and Councilmembers Mahaffey and Zegerman question applicants about the minimal number of affordable homes offered in two rezoning applications. I especially appreciated Councilmember Mahaffey's suggestion that developers need to build different types of homes that would be offered at different price points. He said this might be possible by having different architectural conditions such as smaller setbacks and smaller square footage, literally different types to make them more affordable. As Terry said, this might make the inclusion of up to 15 to 20% of affordable homes feasible. To take this a step further, I believe Apex's Mayor, Councilmembers, and staff need to focus on providing more housing choices for our low to moderate-income residents and workers. The Council zoning powers must be used to bring about balanced growth that favors new developments reflecting an array of housing types and price points that meet the needs of people of all

incomes, ages, and abilities, that last phrase came directly from Apex's original affordable housing plan. To realize this vision, Apex's decision-makers must consider what specific populations may not be adequately served by our current inventory or our new developments. For example, seniors on limited incomes, essential workers including town employees, healthcare support workers, construction workers, schoolteachers and staff, retail workers, and many others. Also, single mothers and fathers, veterans, households with special needs individuals, college graduates still living with their parents, and so forth. Then we would need a menu of different housing types to address the needs of each of these populations with pricing to match. We also need an analysis of Apex's housing inventory to identify which housing types need increasing or preserving. I imagine that most of you have probably heard the term "missing middle housing" this refers to housing types that fall somewhere in between detached single-family homes and mid-rise apartment buildings. These include townhomes, duplexes, triplexes, courtyard clusters, and accessory dwelling units (ADUs). Missing middle housing can help municipalities increase the availability of less expensive housing types and support vibrant, walkable neighborhoods while gently increasing density. These housing types are an important component of a diverse housing stock, contributing to more inclusive neighborhoods. Please continue to encourage more housing choices for our low to moderate-income households. Thank you.

Mayor Gilbert thanked Mr. Welch and called the next speaker.

Next speaker was **Dawn Cozzolino** of 3632 Bosco Road:

"So good evening Town Council, Mayor. Can you guess what I'm gonna talk about tonight? It's my favorite topic, but it's an important topic, Traffic Safety. This is my old poster board, it's an oldie but a goodie. This is five years of the crash data, so I'm just going to show it to the audience. This is something I've worked on, and now I have an update, so if you look at the first handout, we have five months of new data, now new data is from July to November and basically, I hate to come up here and say bad news, but there are just more and more crashes. We don't have a way to mitigate that, so you're going to see on that data, in 5 months, we've had 12 accidents, 20 vehicles involved, estimated damage of about $120,000 just about, and four injuries to humans. So not a good story at all. Okay, so that's roughly now an accident a month, almost two vehicles involved a month. I want to point out that in the data, because I find this very seriously flawed that there was one accident on Humie Olive. It was two cars, 55 miles per hour each, rear-end, and it was cited as only $1300. So, there's something in the data. Just take note that, that is on the low end of the numbers, so that is not a good story. If you go to the second handout, this is some pictures. I'm a very photo-oriented person. This is the Holland Assembly PUD, and what it's showing is a lot of tree clearing and of course, those are mature trees and tree canopy, and we hate to see that in our neighborhood and our community but I want to focus on traffic safety here because there are more concerns with this traffic safety because now we have construction vehicles coming in, so what do we have going on? We have dump trucks, which are class seven vehicles,

heavy-duty class seven vehicles, coming in, putting the dirt down for a temporary drive. Boom, the flatbed comes in with the backhoe. We have another class seven, maybe a class nine, and then they take away the trees, load them up, and haul them out. These are very large vehicles, and people are scurrying to get out of the way on an 11-foot-wide road, so the good story, I'm going to skip to slide three or four, is our Apex PD. They did a wonderful job a couple of days ago catching and arresting those criminals, I applaud them. Can they help us out? Can they help us mitigate this? Because you know what, this is really going to keep going on. We're going to have people getting hurt and injured, and I think we can do something about it. Thank you."

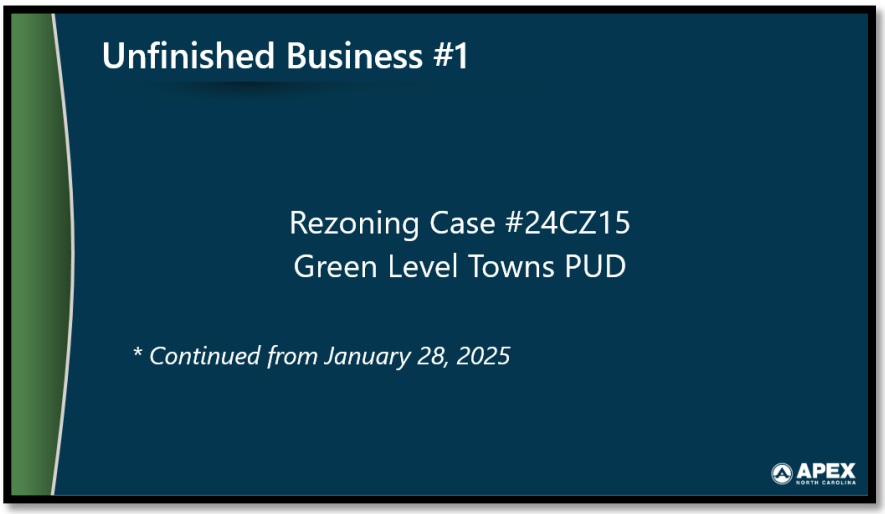
Mayor Gilbert thanked everyone that came out to speak and moved to Unfinished Business.

[UNFINISHED BUSINESS]

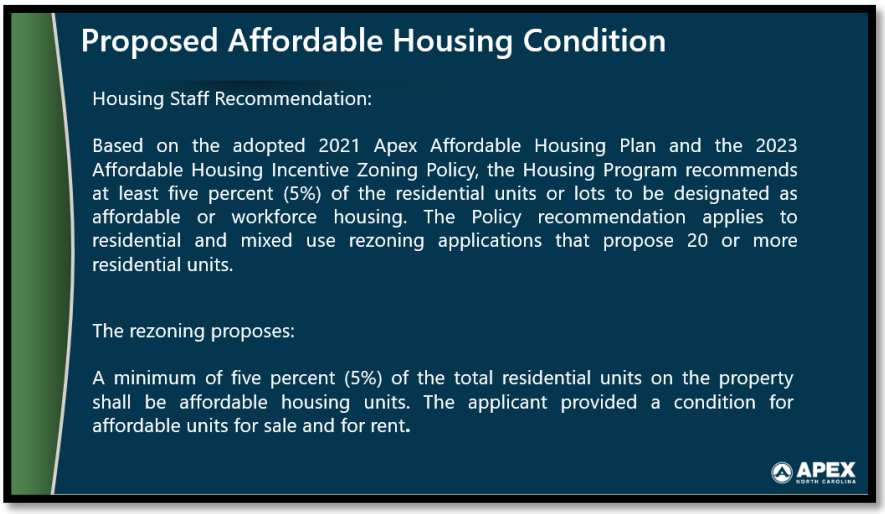
UB1 Rezoning Case No. 24CZ15 Green Level Towns PUD – Continued from January 28, 2025

Lauren Staudenmaier, Planner II, Planning Department gave an update on the Housing staff's recommendation for the rezoning for the adopted 2021 Apex Affordable Housing Plan and the 2023 Affordable Housing incentive zoning policy with a recommendation of a minimum of 5% of the residential units or lots be designated as affordable or Workforce housing. She gave an update with the following presentation:

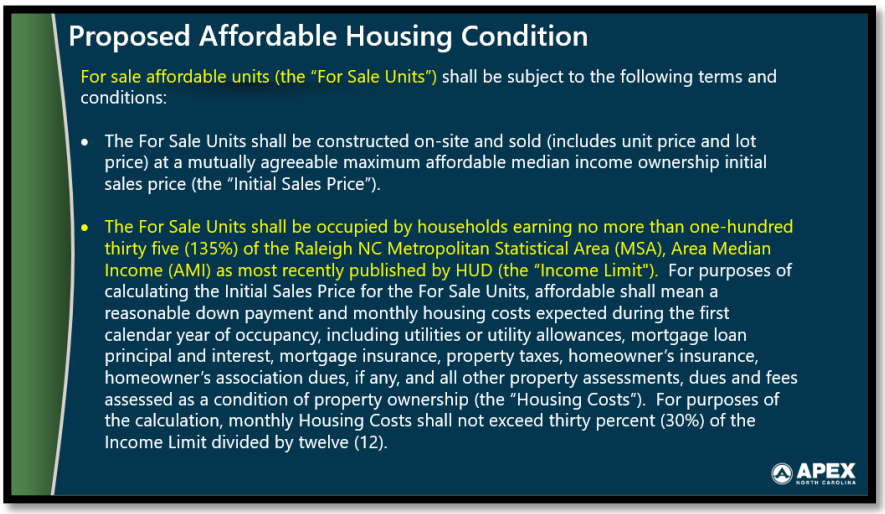
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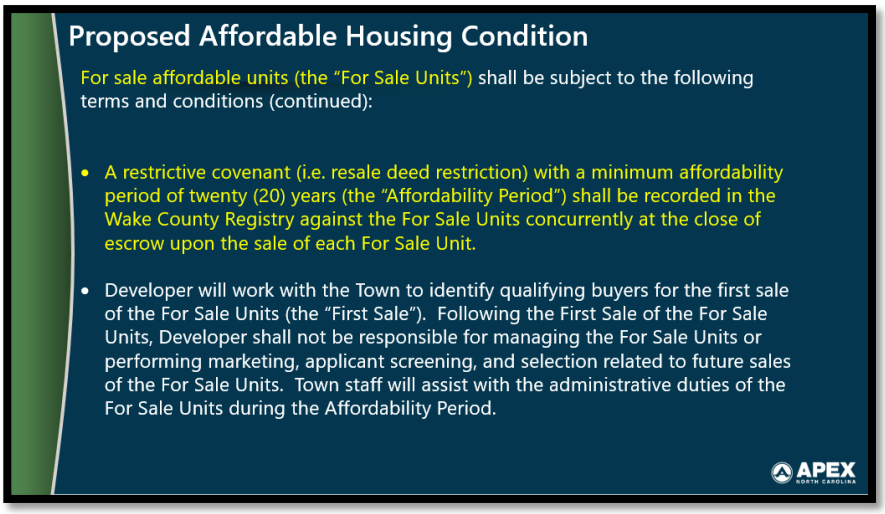
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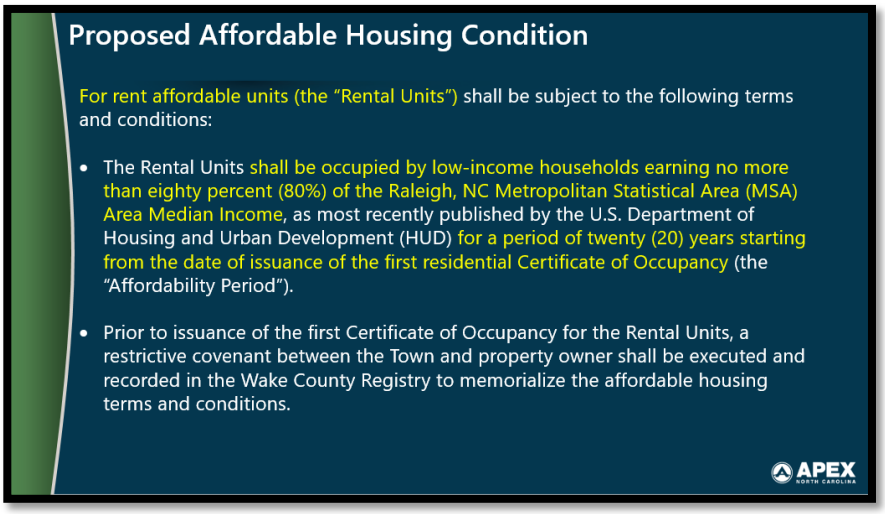
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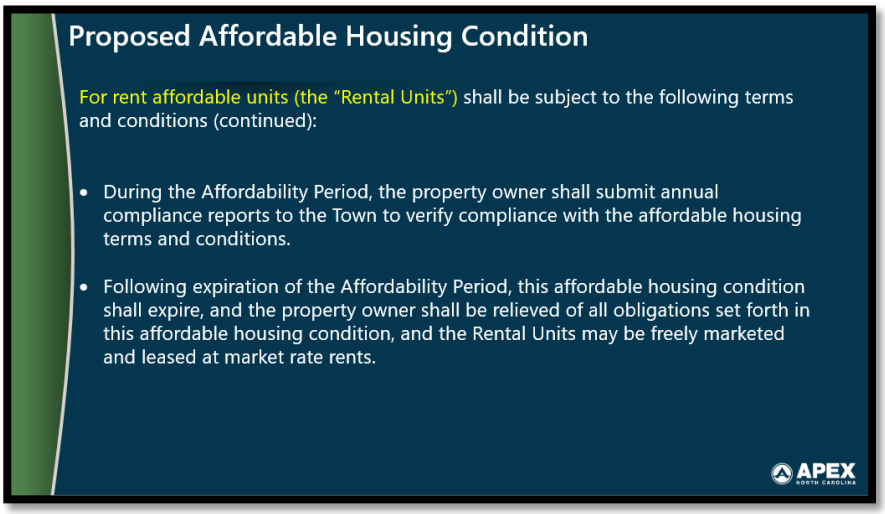
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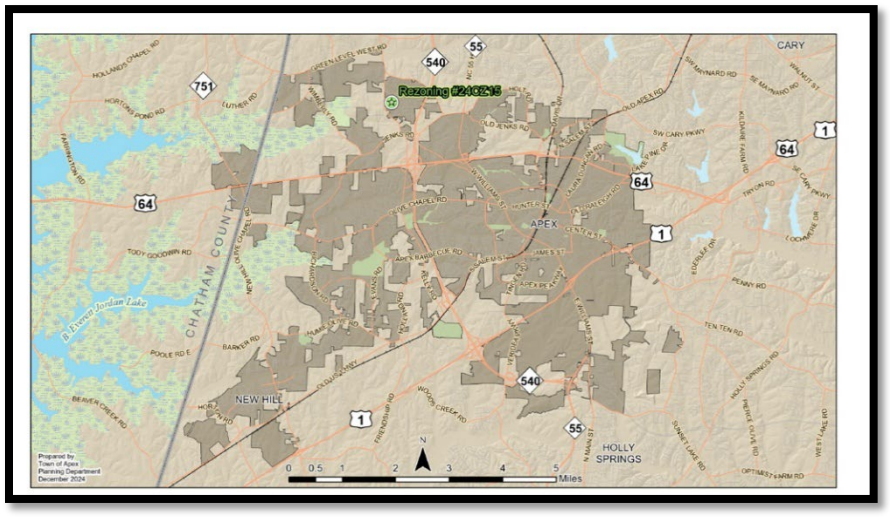
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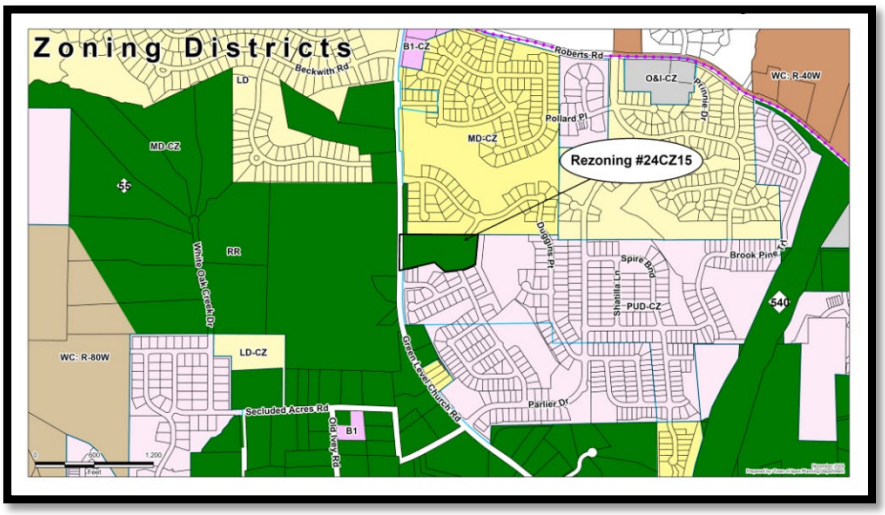
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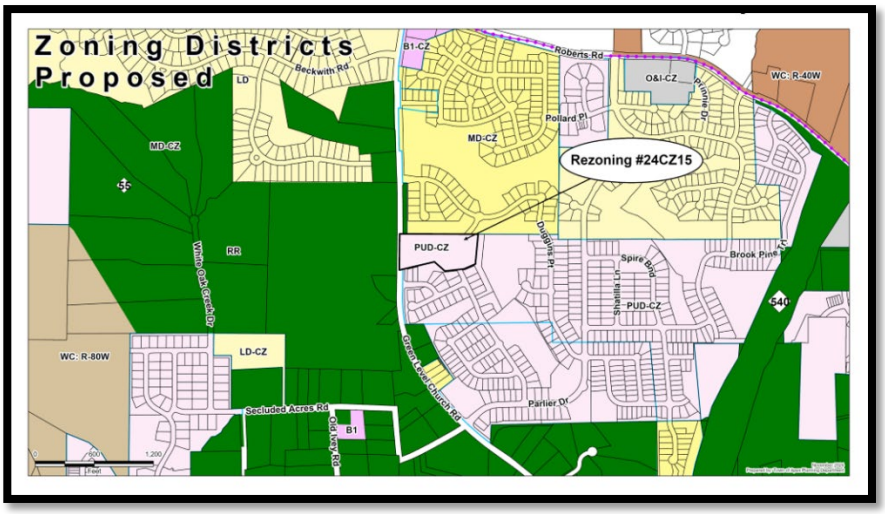
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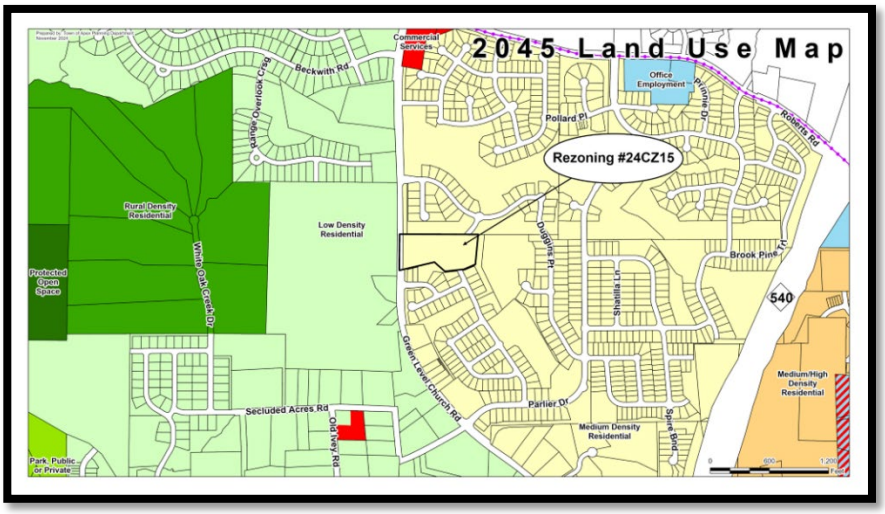
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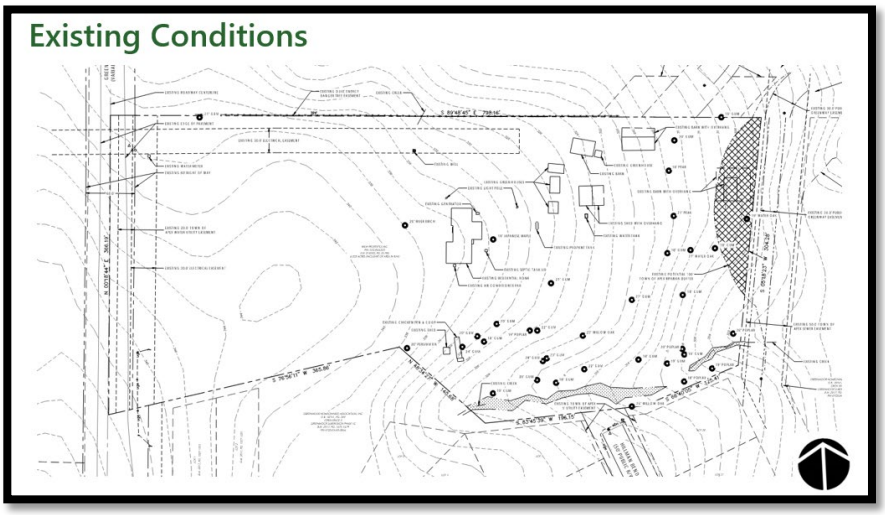
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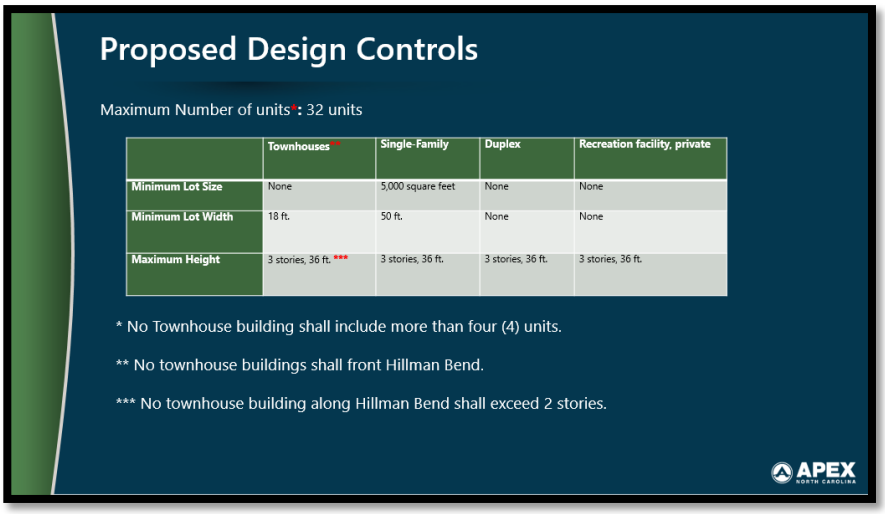
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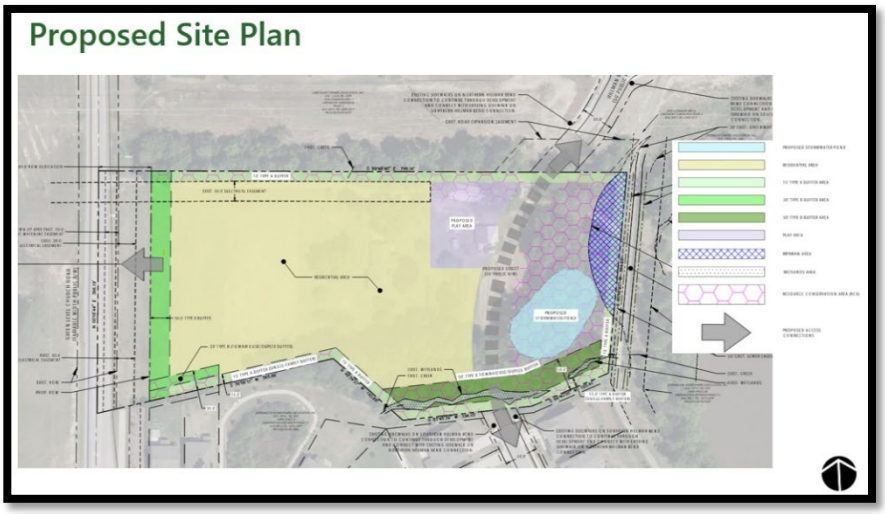
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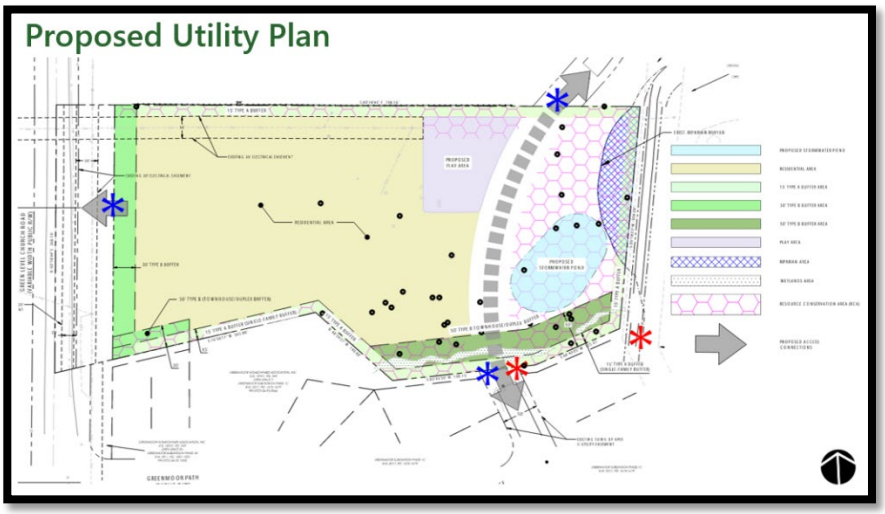
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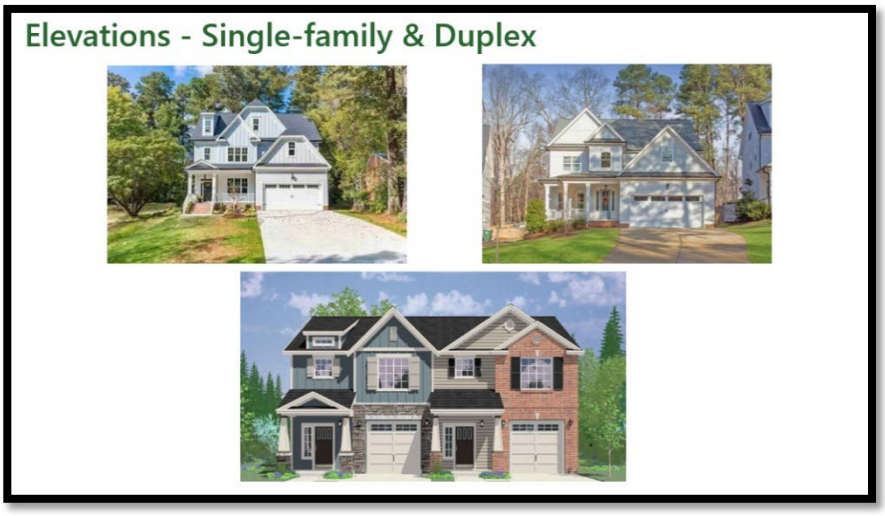
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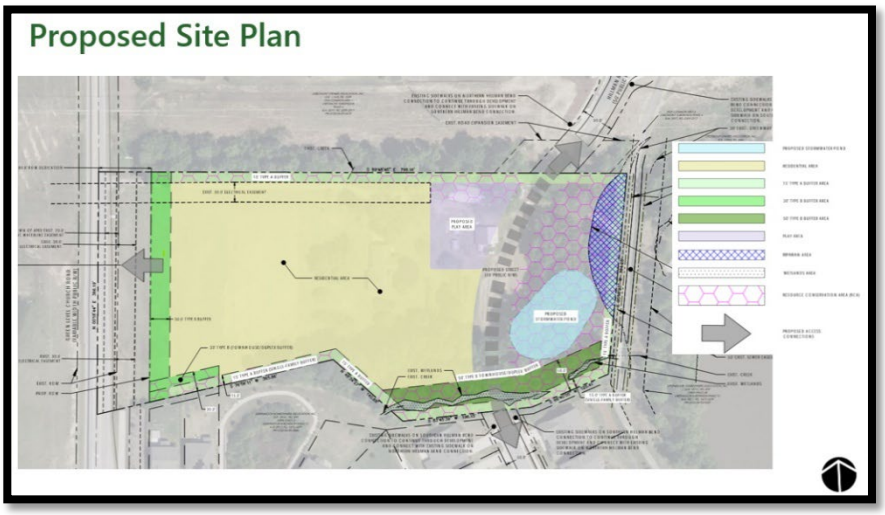
[SLIDE 16]



[SLIDE 17]



[SLIDE 18]



Councilmember Gantt asked if the zoning was specifying the number of units for rent or for sale.

Ms. Staudenmaier said that it had options for both rental and/or for sale.

Councilmember Zegerman asked if there were any plans for building rental units.

Matthew Carpenter with Parker Poe spoke on behalf of the applicant. He said that it was planned for sale units and the neighborhood would be for sale, but wanted to keep the options open and flexible. He said that they have different AMI's for each of the categories based on the recommendations.

Councilmember Gantt asked if there was any update to the sidewalk gap left unconnected.

Mr. Carpenter said that there was no update. He said that the HOA documents would require an acquisition of the HOA owned common area and the Declaration of Covenants prevents conveyance of HOA Common Area. He said that it would be more than a quarter

mile for the extension and require stream crossing and it was not something that was practical for this project.

Councilmember Zegerman asked how many units would be dedicated to affordable housing.

Mr. Carpenter said 5% would be allocated for affordable housing. He said depending on the final total of units it should be 1 to 2 units, depending on how many units end up being built. He said the policy recommends 5%.

Mayor Gilbert brought the item back for discussion and possible motion.

Mayor Pro Tempore Gray said that he appreciated the applicant came back to Council with affordable housing options and he was in support of the rezoning. He said they need to discuss as a Council if 5% was sufficient to have for their housing goals as a whole.

Councilmember Killingsworth said that she agreed and supported the rezoning.

Councilmember Zegerman said that he appreciated the applicant coming back as well but he wanted to look at the guidelines for future development requests and policies to make sure that the needs are met for affordable housing. He said he does not believe a unit priced at 135% AMI helps achieve that goal. He said that he will support this project but has concern about the affordable housing policy they currently have.

A **motion** by **Mayor Pro Tempore Gray**, seconded by **Councilmember Killingsworth** was approved for Rezoning Case No. 24CZ15 – Green Level Towns PUD, to Rezone approximately 6.035 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ) at 7924 Green Level Church Road.

VOTE: UNANIMOUS (4-1), with Councilmember Gantt dissenting.

Mayor Gilbert moved to New Business.

[NEW BUSINESS]

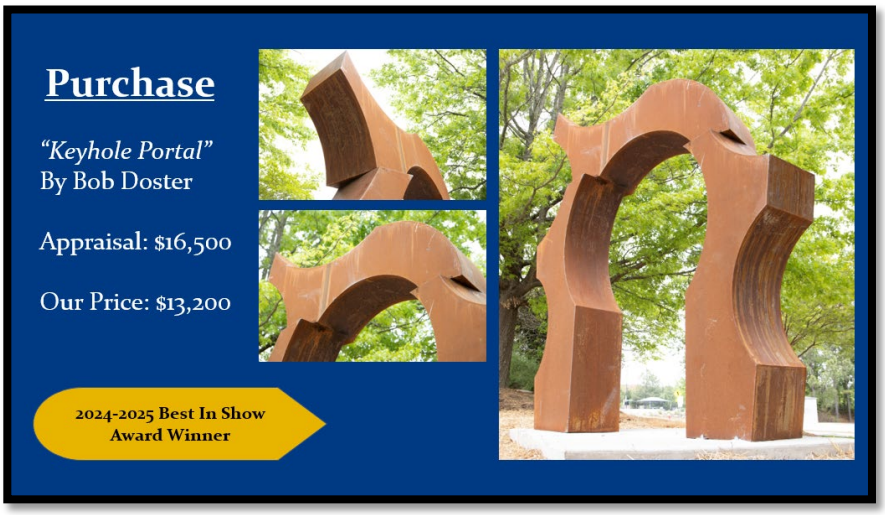
NB1 Public Art - "Keyhole Portal" & "Doves of Peace" Sculpture Purchases and Relocation

Taylor Wray, Cultural Arts Center Manager, Parks, Recreation, and Cultural Res. Dept. representing the Apex Public Art Committee gave the following presentation about the recommendations for the purchase of Keyhole Portal and Doves of Peace.

[SLIDE 1]



[SLIDE 2]



[SLIDE 3]



[SLIDE 4]



[SLIDE 5]



Councilmember Gantt asked how the locations for these pieces were chosen. He asked if the entire Town was looked at for placement.

Ms. Wray said that the entire Town was looked at for placement, as well as the public art map when the locations were chosen. She said these two places were chosen because of what the art represented.

Councilmember Gantt said that was great, but that he wanted to make sure that the entire Town was considered.

A **motion** was made by **Councilmember Zegerman,** seconded by **Councilmember Gantt** to approve the Purchase and Relocation of "Keyhole Portal" & "Doves of Peace".

VOTE: UNANIMOUS (5-0)

~~**NB2 REMOVED Construction Contract Award - CT Wilson Construction Co. - Historical Tunstall House Renovation Project - Capital Project Ordinance Amendment No. 2025-10 (REF: CONT-2025-052 and ORD-2025-012)**~~

This item was removed per Council vote. Reference setting of the Regular Meeting Agenda vote on page 3 of these minutes.

[ADJOURNMENT]

Mayor Gilbert adjourned the meeting at **7:13 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 25th day of February, 2025 (CN3).

APPROVED MEETING MINUTES

TOWN OF APEX
TOWN COUNCIL WORK SESSION
TUESDAY, FEBRUARY 18, 2025
3:30 P.M.

The Apex Town Council met for a work session on Tuesday, February 18, 2025 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=EfDs-xtp7EM

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

All other staff members will be identified appropriately below.

[COMMENCMENT]

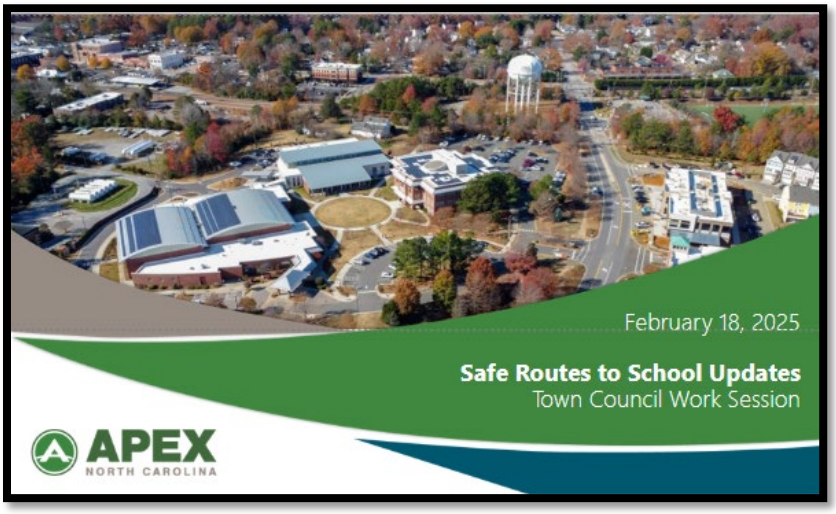
Mayor Gilbert called the meeting to order at 3:30 p.m., welcomed everyone, and led everyone in the pledge of allegiance. He then asked Town Manager Vosburg to give updates.

Town Manager Vosburg thanked the Mayor and Council. He said there were three topics to be covered. He then invited Shannon Cox to give the Safe Routes to School Update.

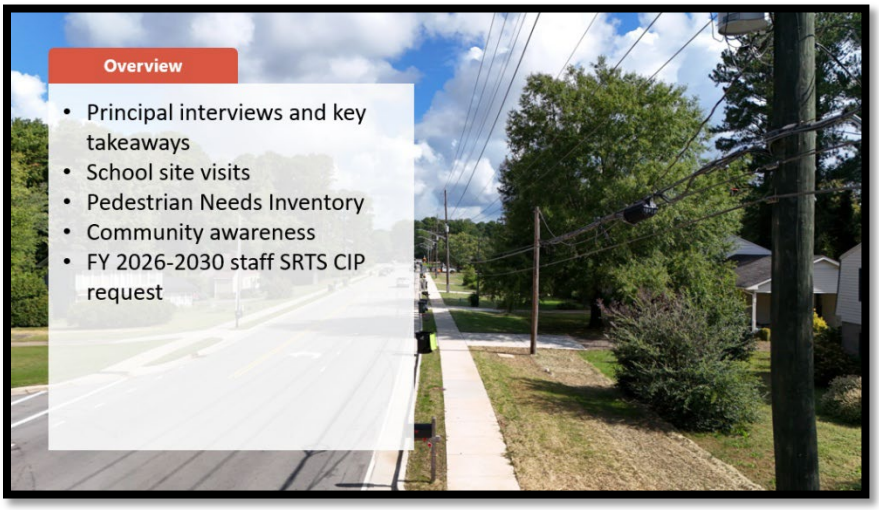
[SAFE ROUTES TO SCHOOL UPDATE]

Shannon Cox, Long Range Planning Manager, gave an update on the Safe Routes to School Program and gave the following presentation:

[SLIDE 1]



[SLIDE 2]



[SLIDE 3]

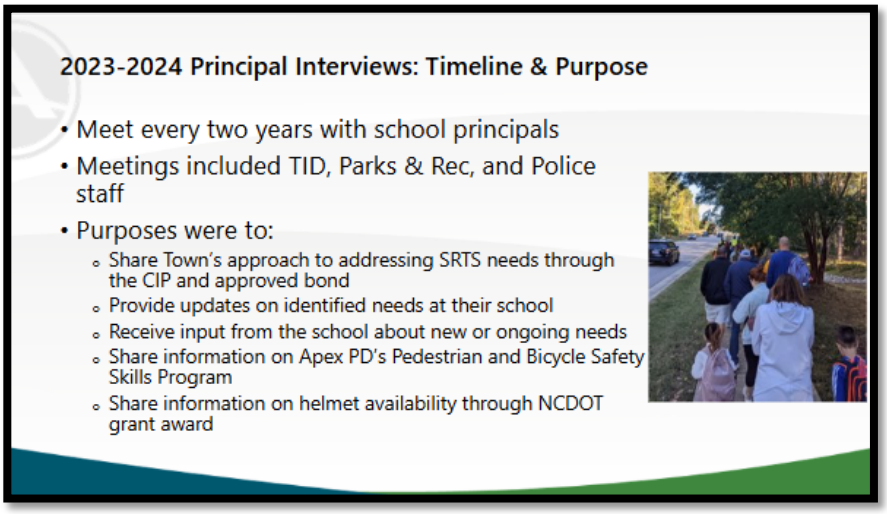


Councilmember Gantt asked if the schools track how many kids get to school via bus, cars or walking.

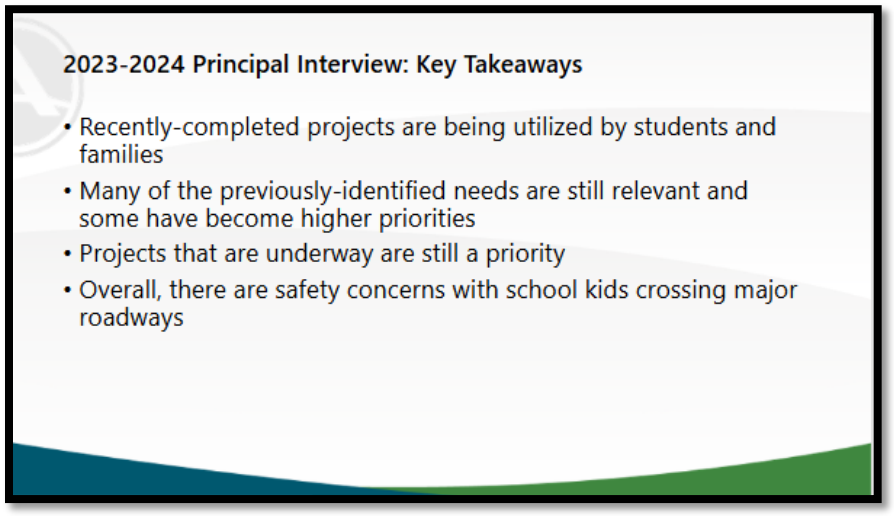
Ms. Cox said that some schools do. She asked Jenna Shouse, Long Range Planner, about the information.

Ms. Shouse said some track, especially in the lower grades and as the student gets older, they estimated.

[SLIDE 4]



[SLIDE 5]

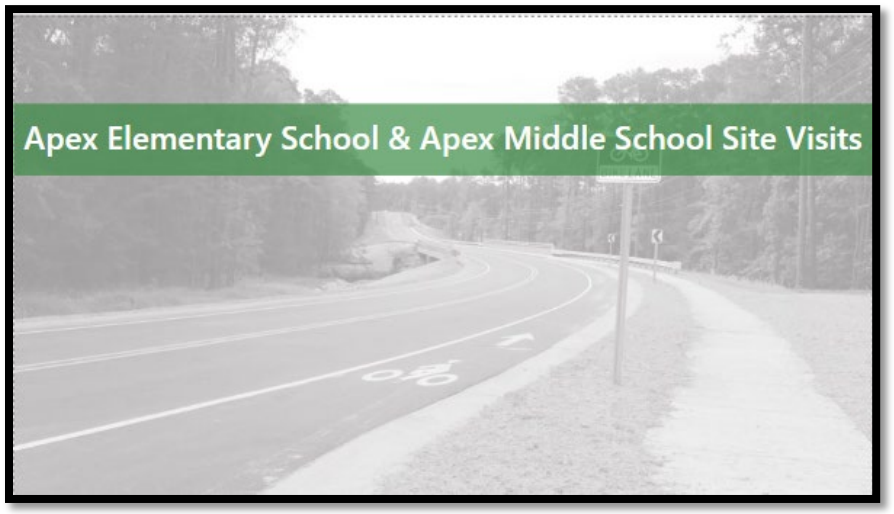


Councilmember Zegerman asked if the location reflects there not being a crossing at all or if they aren't satisfied with the type of the crosswalk's function.

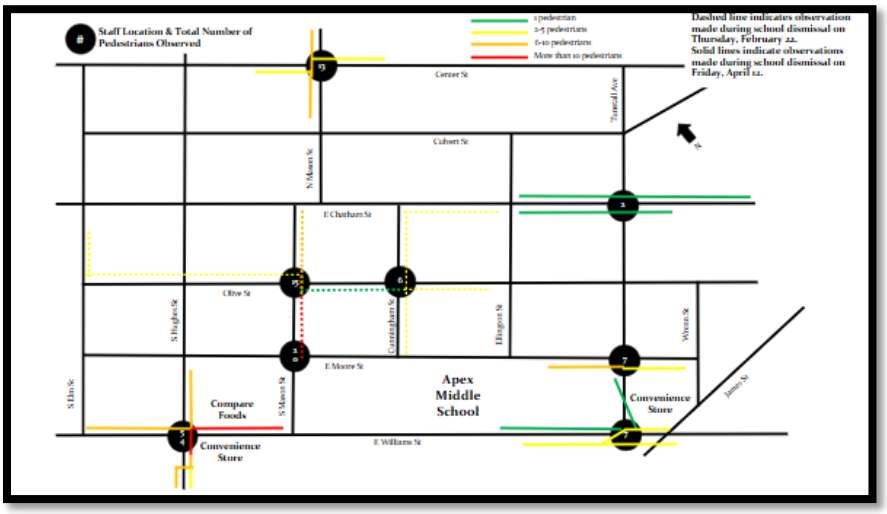
Ms. Cox said part of it was the type of road and some of it was the infrastructure.

Ms. Shouse said that the ones off of thoroughfares were where there were most concerns.

[SLIDE 6]



[SLIDE 7]



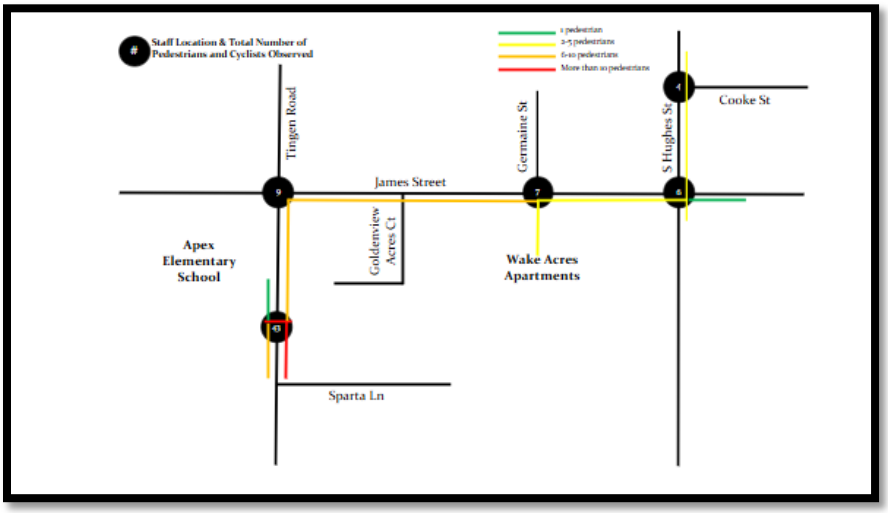
Mayor Pro Tempore Gray asked if the study was done during the morning commute or school dismissal time.

Ms. Cox said that they went out two times and they were done through school dismissals.

Councilmember Zegerman asked how to which roads have sidewalks.

Ms. Cox said that it can't be seen on this diagram, this is pedestrian counts.

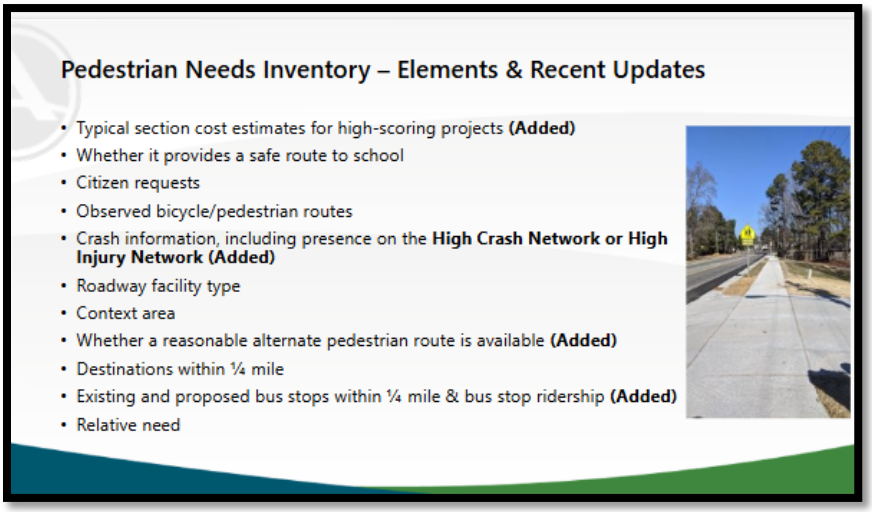
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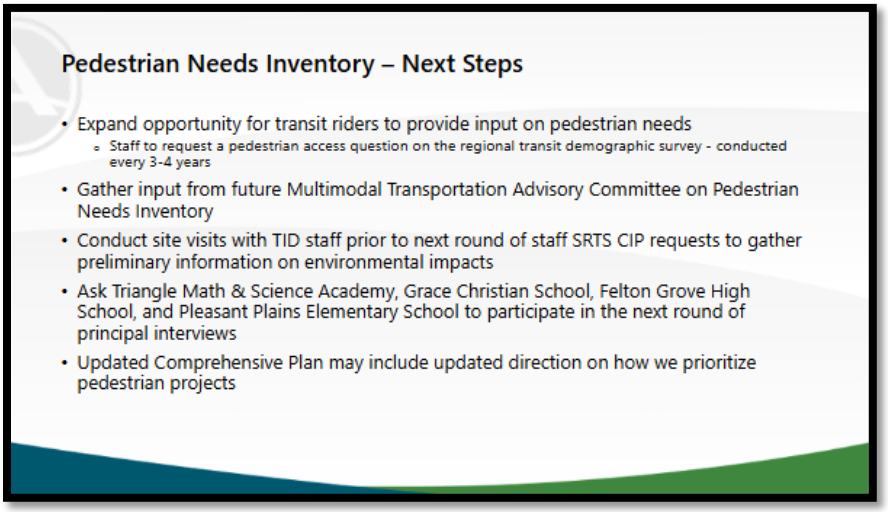
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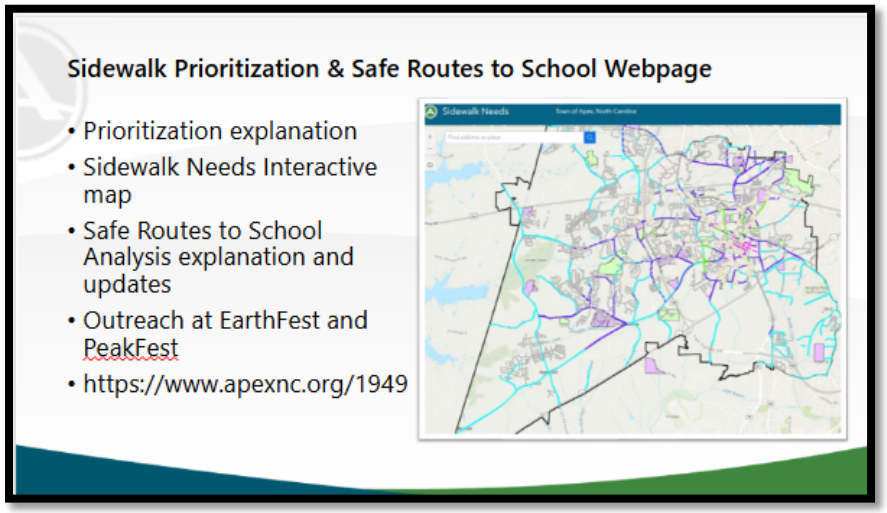
Mayor Pro Tempore Gray asked if the post dismissal times had been looked at for Athletics or other things taking place after school hours to capture the information.

Ms. Cox said that as of now they have looked at some school arrivals and mainly dismissal times. She said that there were opportunities to get that information, and that the observation piece was one element. She said that conversations with School Principals, bringing in the Police Department for their resources and knowledge, and community input are some other options.

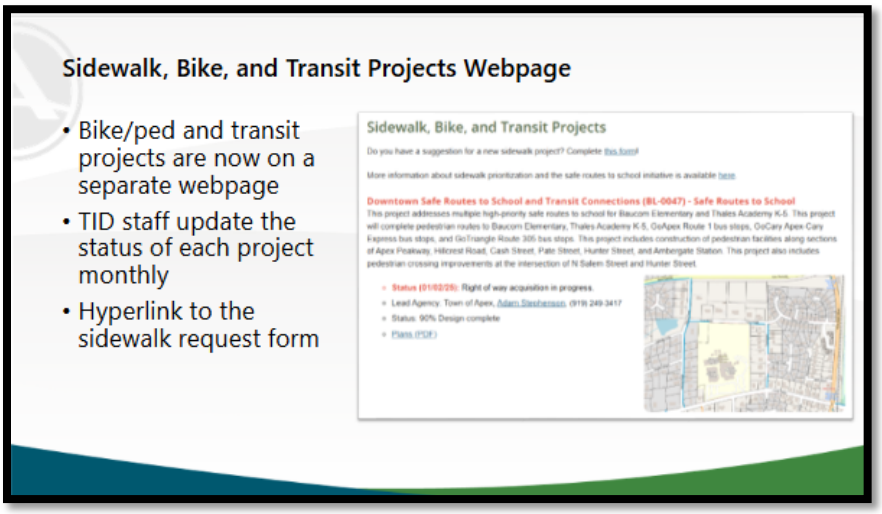
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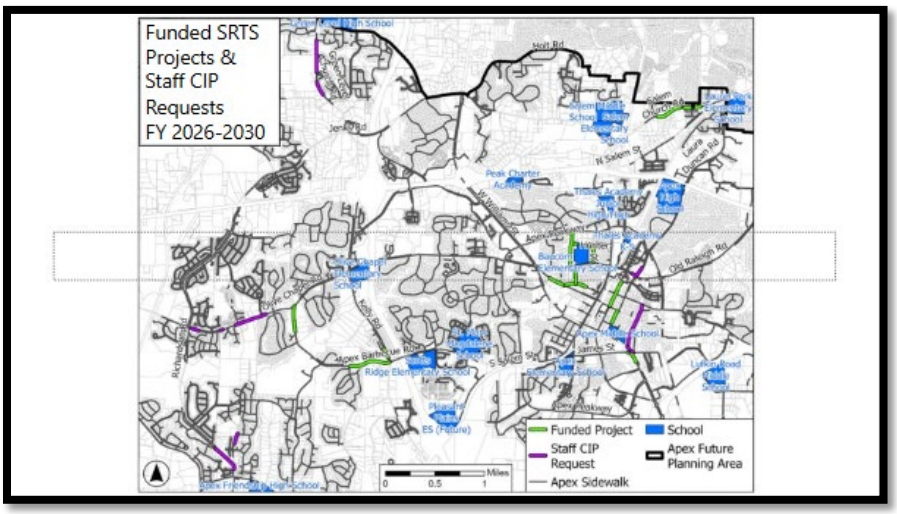
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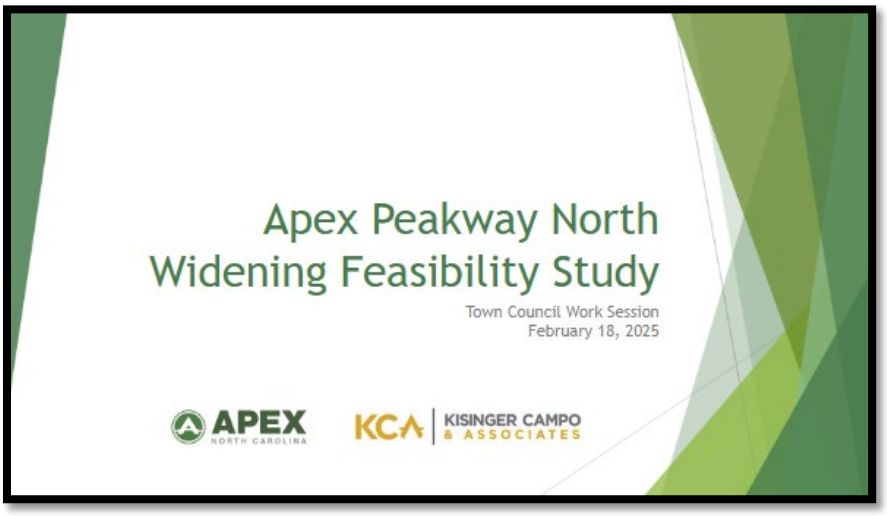
Mayor Gilbert asked if there were any questions.

[APEX PEAKWAY NORTH WIDENING FEASIBILITY STUDY]

Chris Johnson, Transportation and Infrastructure Director, began by speaking about the project, he said that this project is on the Capital Improvement list and is associated with a long-range plan for Ten-Ten widening that was pushed back. He introduced **Andrea Gordon,** with KCA.

Ms. Gordan and her colleague **Eric Adin** gave the following presentation on the Apex Peakway North Widening Feasibility Study.

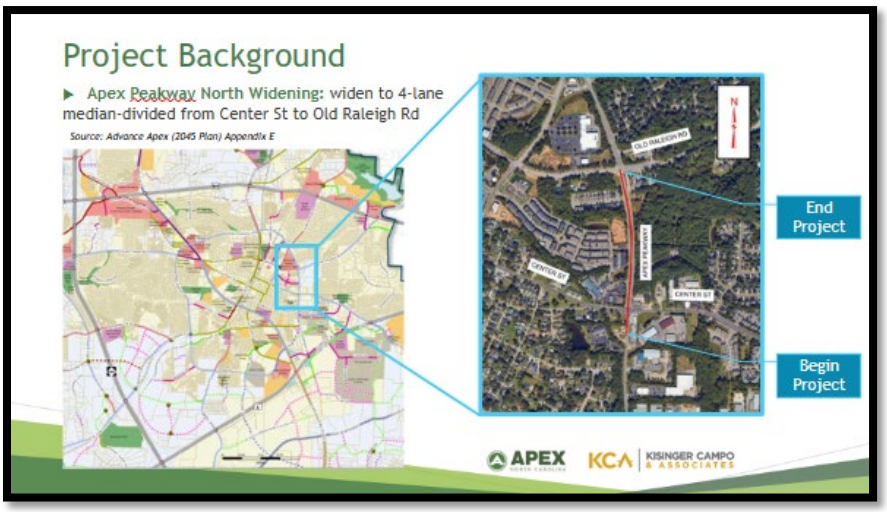
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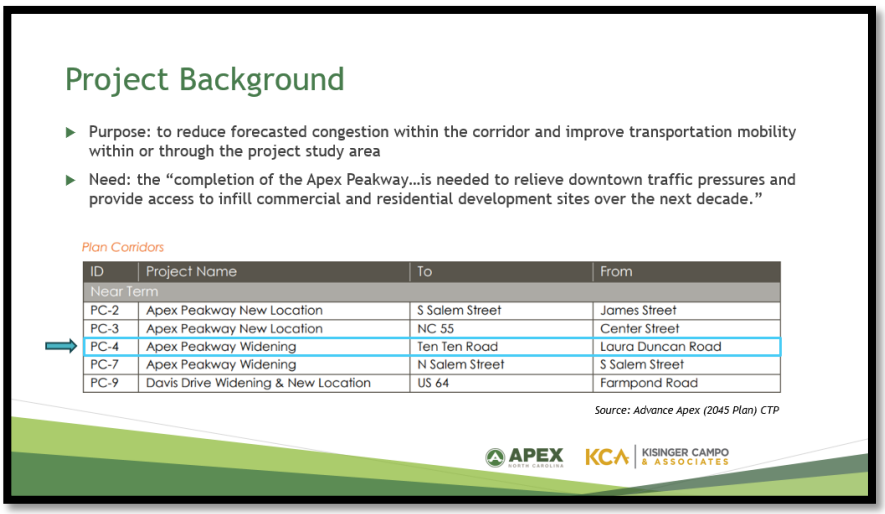
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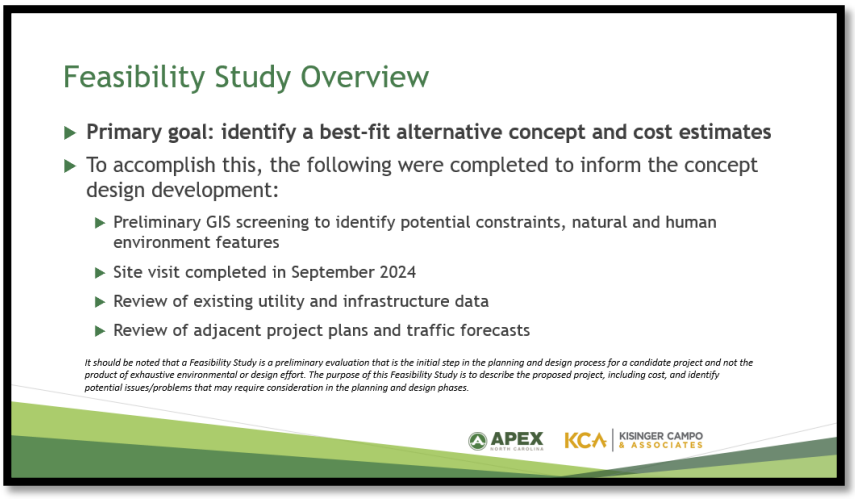
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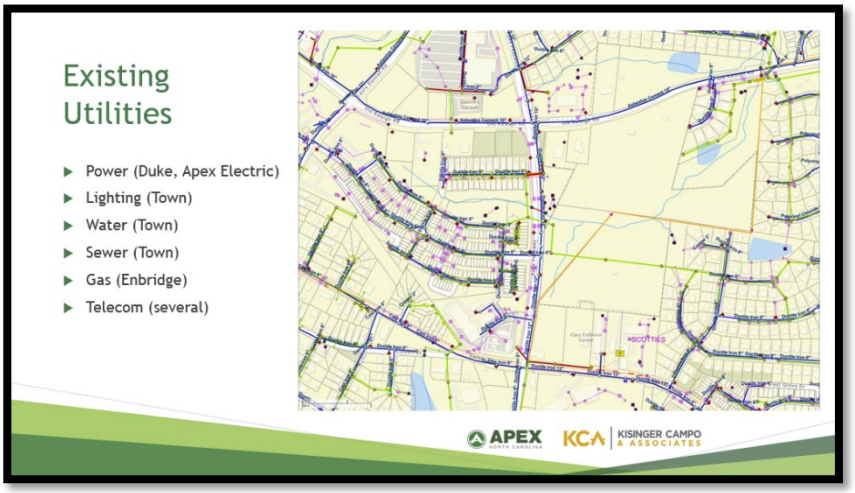
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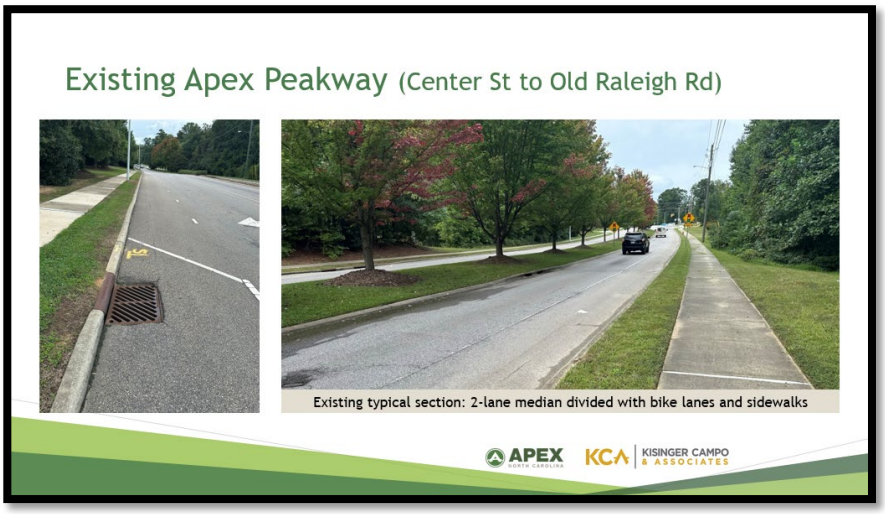
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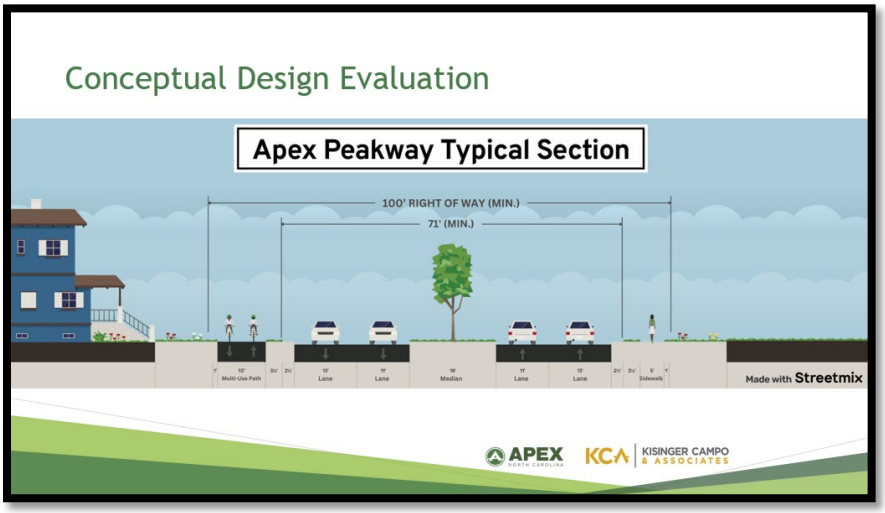
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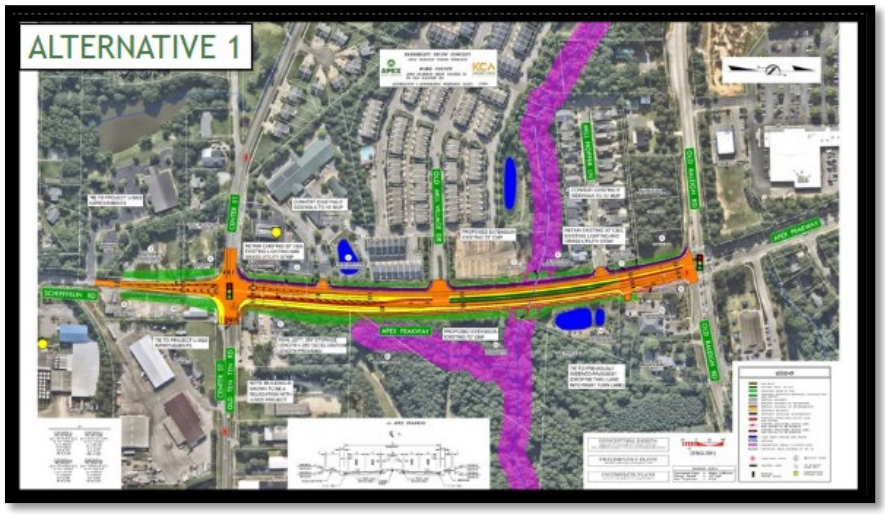
Councilmember Zegerman asked if the multi-use path would be striped.

Director Johnson said that it is considered a side path for all modes of transportation and normally would not have a stripe. He said the comprehensive plan is to run the full loop bidirectional.

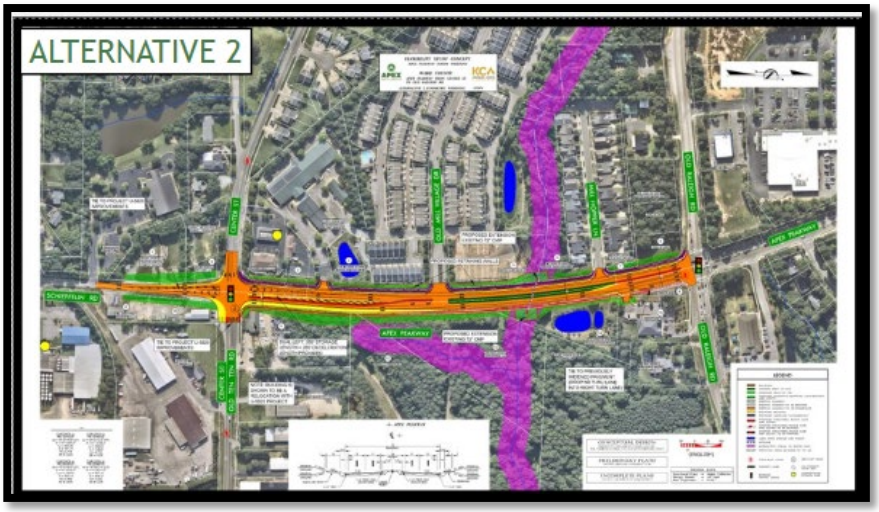
Councilmember Zegerman asked if there would be bike lanes in the main roadway.

Director Johnson said that there are no bike lanes shown but the outside lane can accommodate a cyclist if they choose to use that multi-use path off to the side. He said that there is additional width for larger trucks.

[SLIDE 10]



[SLIDE 11]



Councilmember Mahaffey asked if the commercial building would be relocated on Center Street.

Ms. Gordan said the project to improve Center Street would be in the future. She said that in reviewing the concepts for the project it was shown as a relocation for the U5820 projects.

Councilmember Mahaffey asked how far the business would be relocated.

Ms. Gordan said it meant that the building would be impacted by construction and would have to be a suitable placement location.

Director Johnson said they would need to work with the owner on that process as well as obtaining easements.

Councilmember Gantt asked if the building was old.

Director Johnson said it was very old.

Councilmember Zegerman asked if the costs to relocate the business were included.

Director Johnson said yes.

Councilmember Mahaffey asked if there was any impact to the buildings in the Northeast quadrant.

Ms. Gordan said that for alternatives there may be a construction easement to make sure that the driveway gets reconnected with some widening. She said that the darker green in the middle is showing the grass landscaped island instead of concrete.

Councilmember Mahaffey asked if the right-of-way impact for the property owners is the same or would they have to be moved.

Ms. Gordan referred to the Alternative 2 slide to give more explanation. She said that it would be more of a symmetrical widening to balance the amount of right of way on each side. She said with that there would be more impacts on the developed side to the west.

Mr. Adin said there would be the need for additional storm drainage work, as the main trunk line along the townhome side couldn't be preserved and adjustments would involve shifting the existing guideline three or four feet, which requires moving all the inlets as well, because the line runs parallel to the road. He said that this would ensure proper spacing for future maintenance. He said that the existing pipes are not particularly old and still have significant service life left (provided they were installed correctly), maintaining them is preferred whenever feasible.

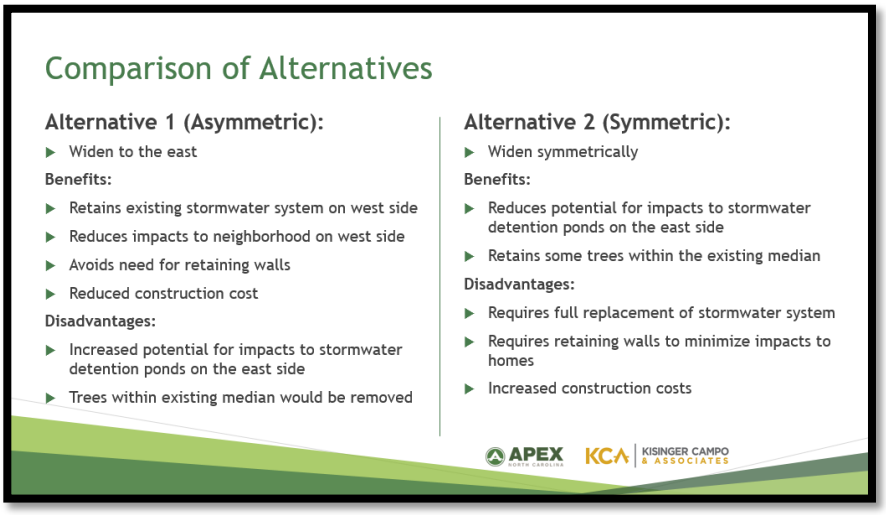
Councilmember Mahaffey wanted to confirm Alternative 2 would impact the 14 townhomes.

Ms. Gordan said that they didn't want to have to impact on the town homes, so they proposed the retaining wall which was about $800,000.00.

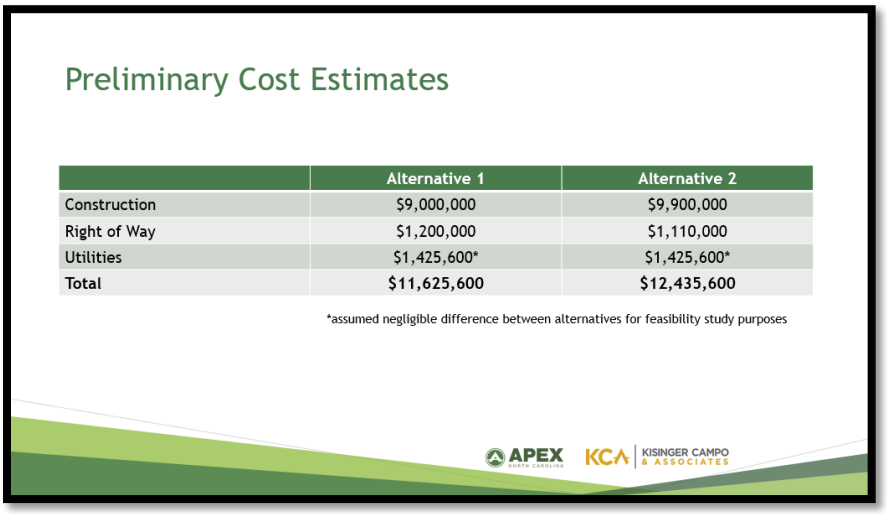
Mayor Pro Tempore Gray said that would be quite disruptive. He asked if the U-Haul building on Center and Peakway would be impacted.

Ms. Gordan said that corner would be one that would need to be looked at but they wanted to limit the impact on the buildings.

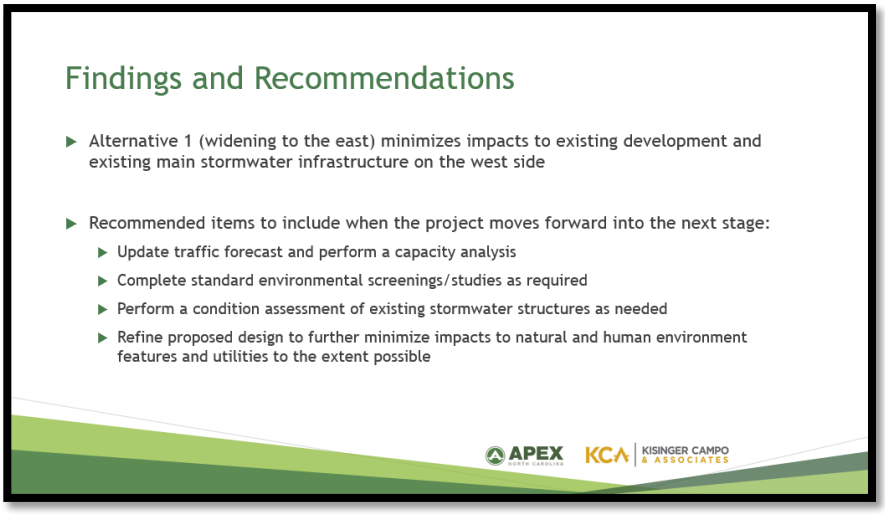
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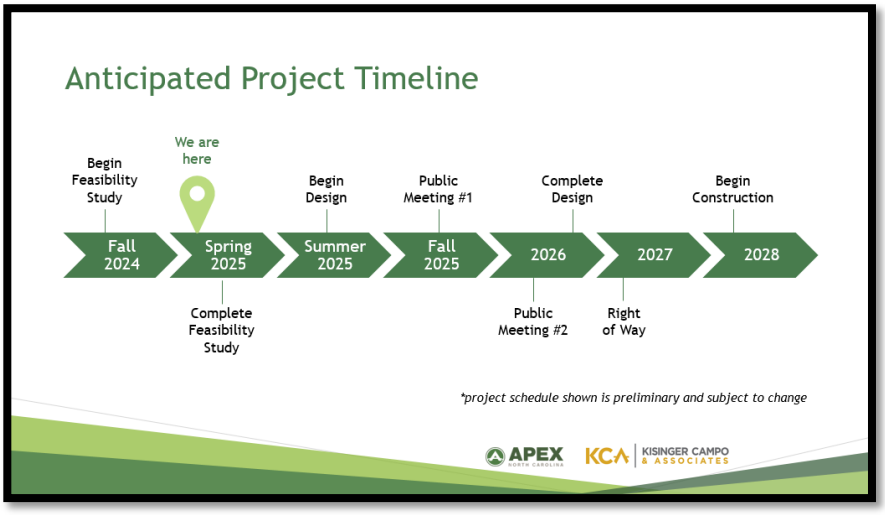
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[SLIDE 15]



[SLIDE 16]



Ms. Gordan asked if there were any questions.

Councilmember Zegerman asked what makes this project priority over the completion of the Peakway and would completion of the Greenway improve flow of traffic to make this less urgent.

Director Johnson said that this was already prioritized in the prior Transportation Bond, and it was prioritized high to be widened. He said traffic backs up all the way across US-1 sometimes. He said completing the Peakway is still a high priority, but it is also a much larger project, at possibly 2-2.5x the cost.

Councilmember Zegerman asked if there were any updates on the flow of the traffic expected with these updates.

Director Johnson said that he would have to confirm with the Transportation Staff but that extra lanes would be needed to handle the traffic. He said signal changes alone would not be sufficient.

Councilmember Zegerman asked if there would be an opportunity to work with NCDOT on improving the signals as well.

Councilmember Mahaffey said there had been a discussion about bond money and asked if there was any other funding for this project, such as LAPP.

Director Johnson said that options could be explored. He said he was not sure how this project would score in those criteria.

Councilmember Mahaffey said that there was additional roadway needed. He said that the Peakway may have been built as a two-lane separate road and a right-of-way for a future four-lane expansion may have been acquired in some places. He said that this does not seem to be the same and he asked if this was consistent given the right of way availability between Salem Street and Hwy 55.

Director Johnson said that there are some areas of the Peakway that there is adequate right of way, for example the southern section. He said that he wasn't sure what the reason was that it was not the same.

Mr. Stephenson said that historically the right of way standard has changed, and now the standard for this type is 100 feet, but when this section was constructed in was 90 feet.

Mayor Gilbert said that these were more questions for staff.

Councilmember Gantt asked if this was for a vote.

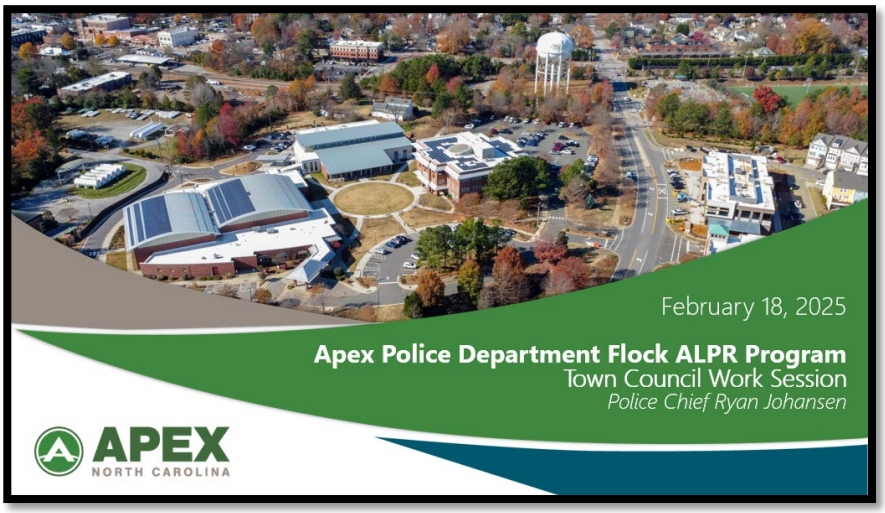
Director Johnson said that they wanted guidance from Council and if they agreed of Alternative 1 so they could engage them on the next round of the agreement.

Mayor Gilbert conducted an informal vote for all in favor of Alternative 1 and all agreed with Alternative 1.

[FLOCK CAMERA PRGRAM REVIEW]

Police Chief Ryan Johansen, Apex Police Department gave information on the background, the Key Policy and Procedure Components of the program in the following presentation.

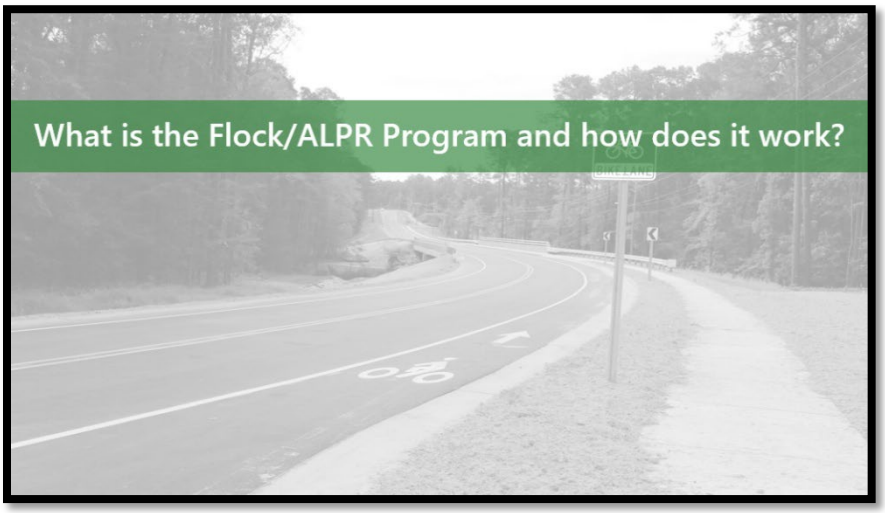
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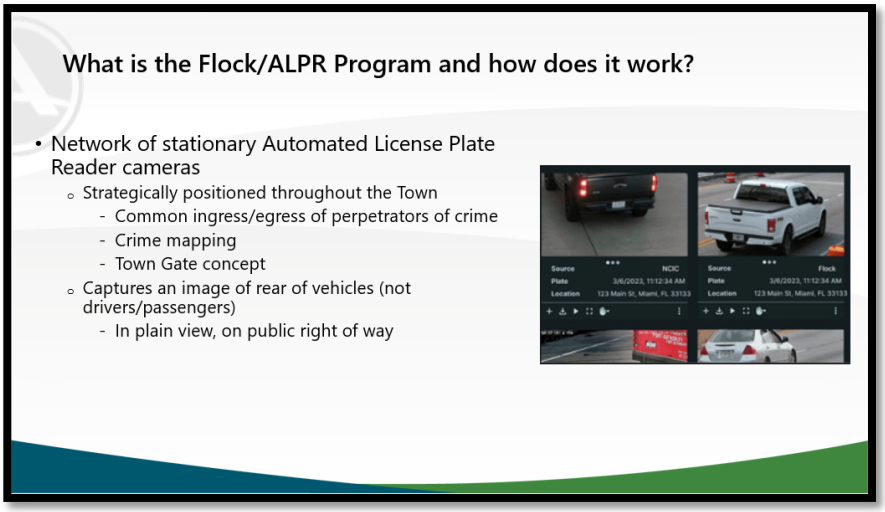
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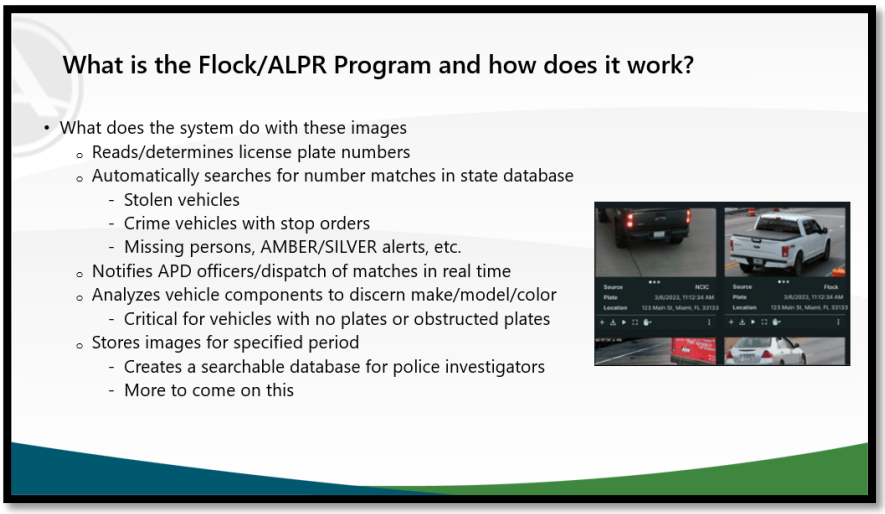


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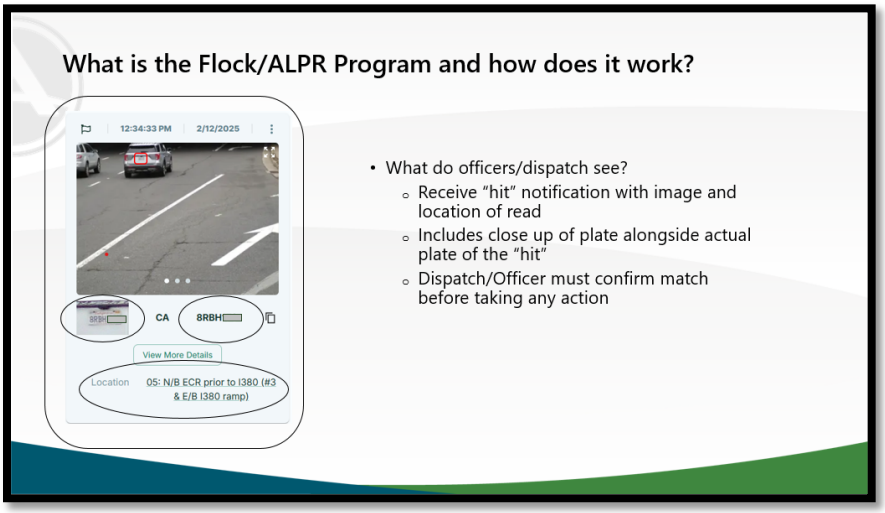


Councilmember Gantt asked if Flock worked at night.
Chief Johansen said yes, it does work at night.

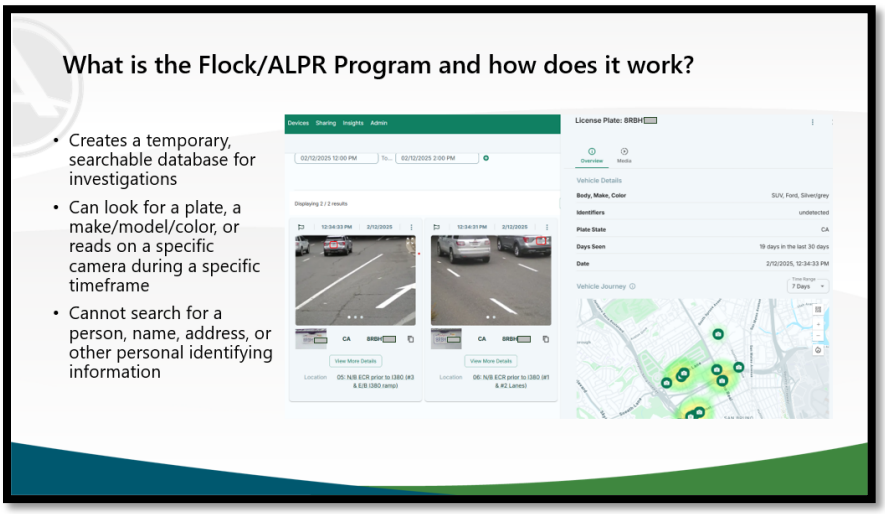
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[SLIDE 7]



Councilmember Zegerman asked if this was cell phone based.

Chief Johansen said it could be but currently it would come to their MCT which is the computer in the police car.

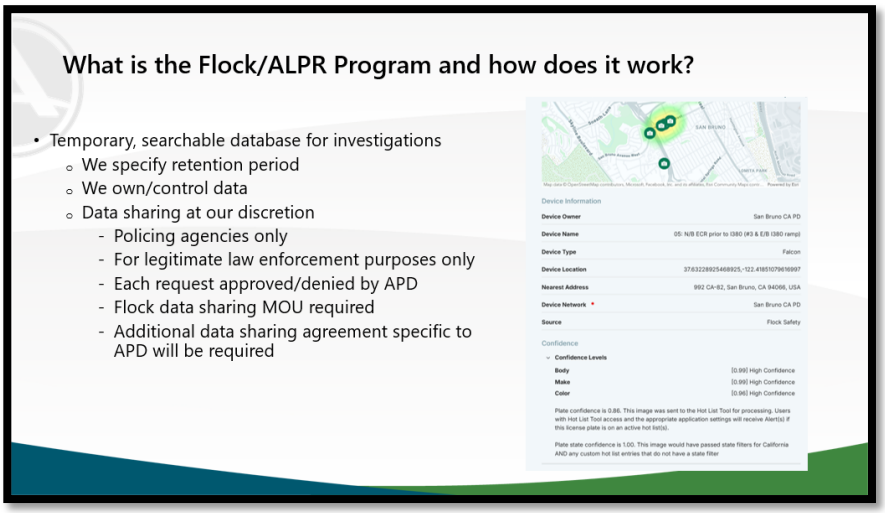
Councilmember Zegerman asked if the dispatch would go to specific officers due to vicinity.

Chief Johansen said it would go to all on duty officers if they were logged into the CAD and RMS system.

Mayor Pro Tempore Gray asked Chief Johansen to speak on passive capture of data.

Chief Johansen said that it would capture any vehicle that comes through its scope of view and take a picture of the license plate and read it. He said that it does not notify the officers of that view but it goes into a database. He said it is important to remember that the data is only retained for 30 days. He also said every search in the system requires a case number, with a need or right to know. He said this is newer tech, but has the same legal requirements as other searches in criminal justice investigations.

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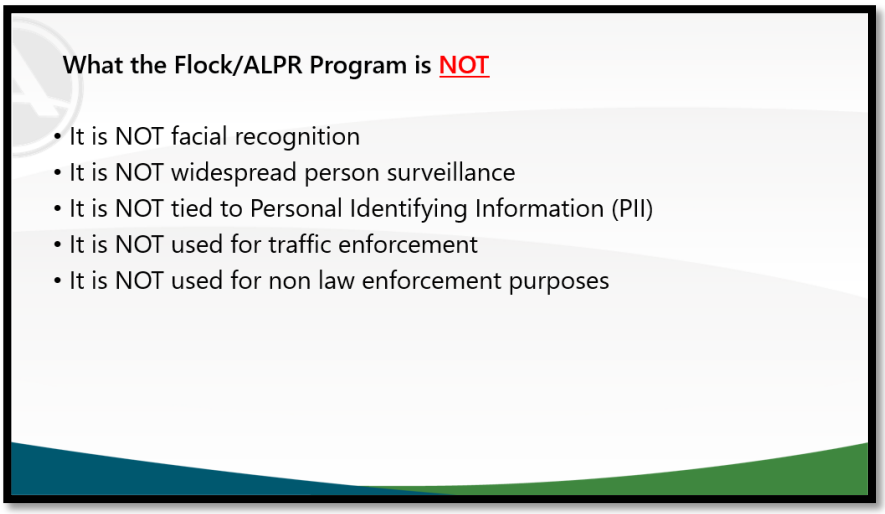
Councilmember Mahaffey asked if private business, HOA's or big box stores could use Flock cameras and possibly join the network and if so, would how would the data be controlled and would the data be integrated into a shared database.

Chief Johansen said that it was both. He said that private entities can and, in many cases, do employ Flock technology. He said they would have a choice to share their licenses plate read data with the police department if they choose to with a MOU, but PD would never share data with private entities.

Councilmember Mahaffey said that with the MOU it would be as if it were one of our cameras in terms of notification and searchability.

Chief Johansen said it can be. He said that the private entity would determine the level of share, the method for notifying the police department, and the search capabilities, all of which are available options.

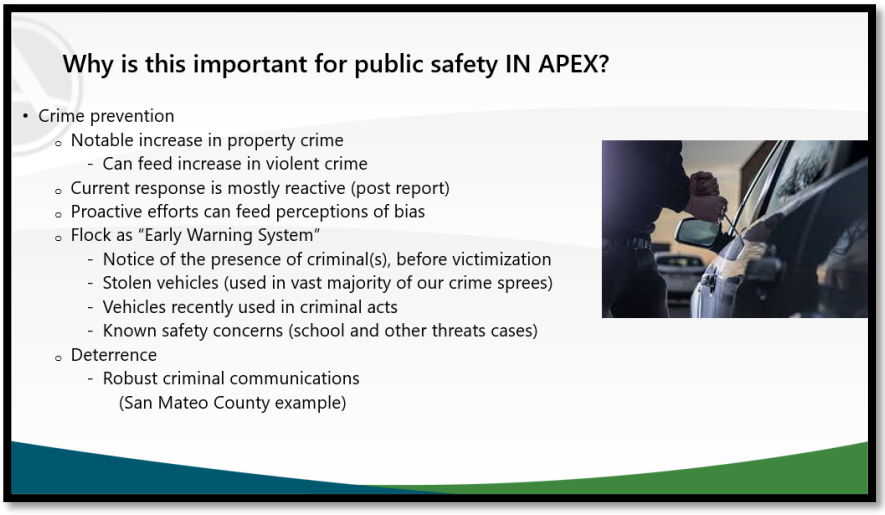
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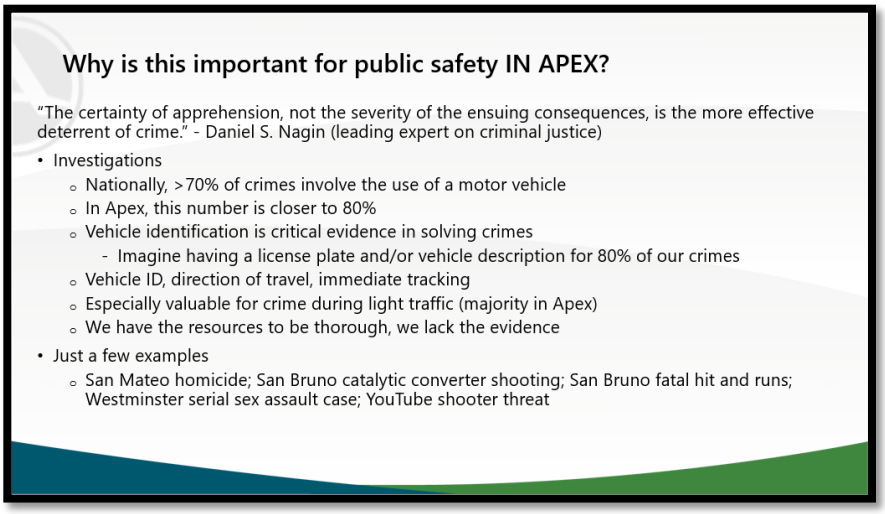
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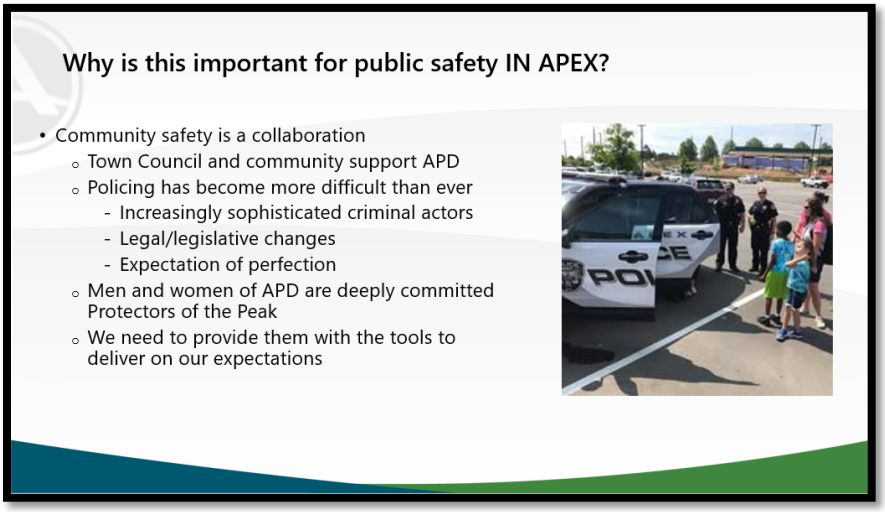
Mayor Pro Tempore Gray said that this would be good as a proactive measure, but in his experience in the legal field lots of criminals don't think about getting caught as a possibility.

Chief Johansen said the better term may be "target hardening" which makes the Town less attractive for crime but that will take some time. He said that the degree in which people think that they are going to be caught may be the best way to keep them from doing the crime.

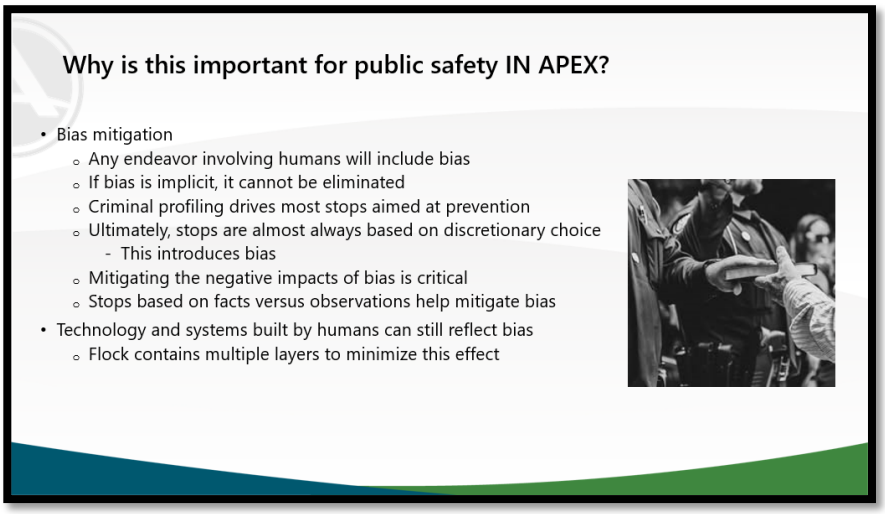
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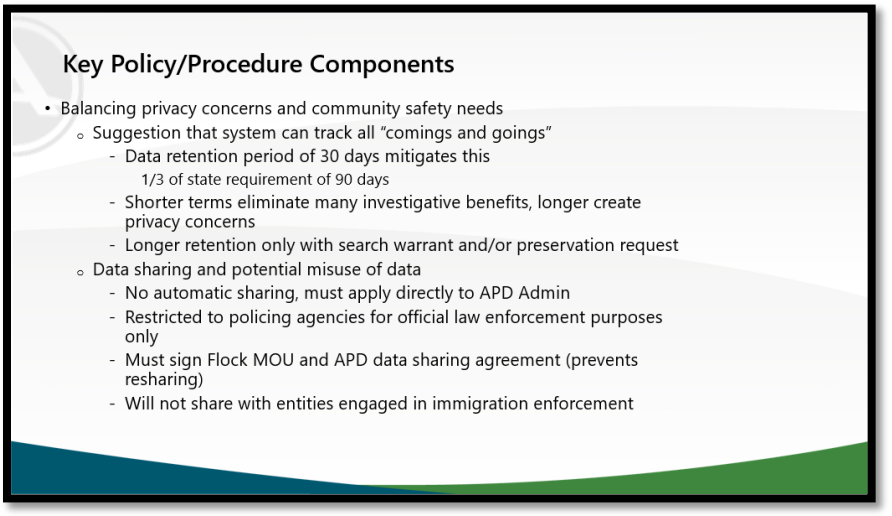
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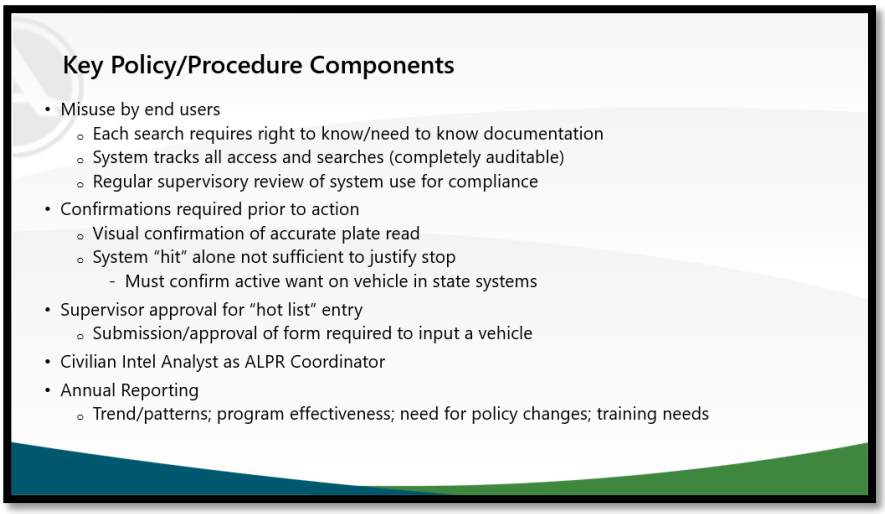
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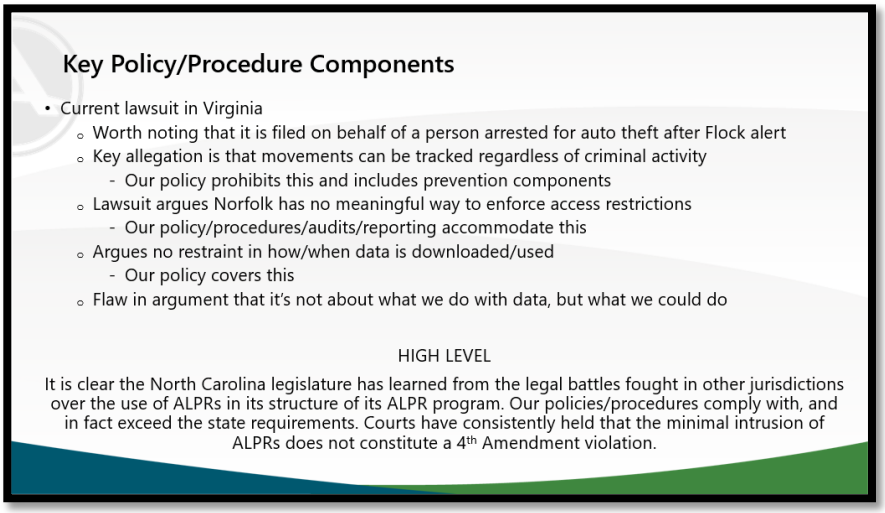
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[SLIDE 18]



Councilmember Gantt asked if there was a state law authorizing this kind of thing, and if something of its kind has been adjudicated at all.

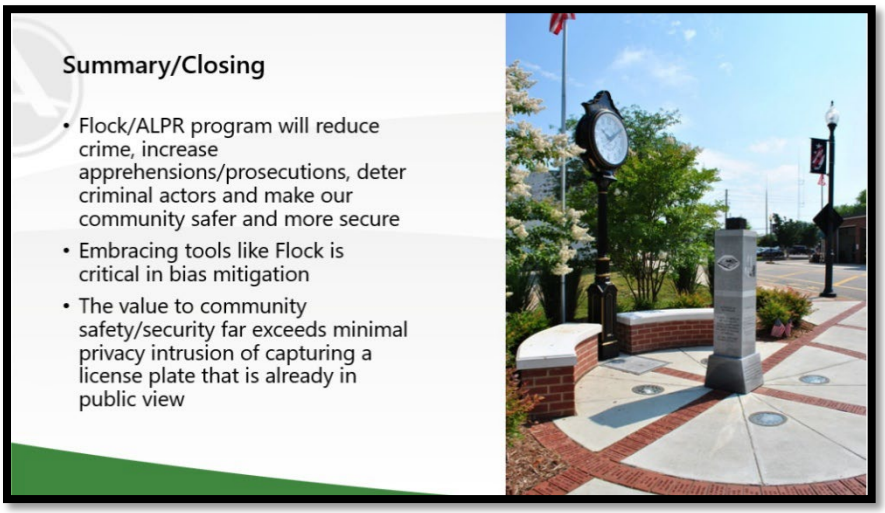
Town Attorney Hohe said that she was not aware of anything in North Carolina as far as litigation. She said that she would look further into it.

Mayor Pro Tempore Gray said that there was a North Carolina statue stating there were certain procedures that had to be followed and data could not be stored beyond 90 days.

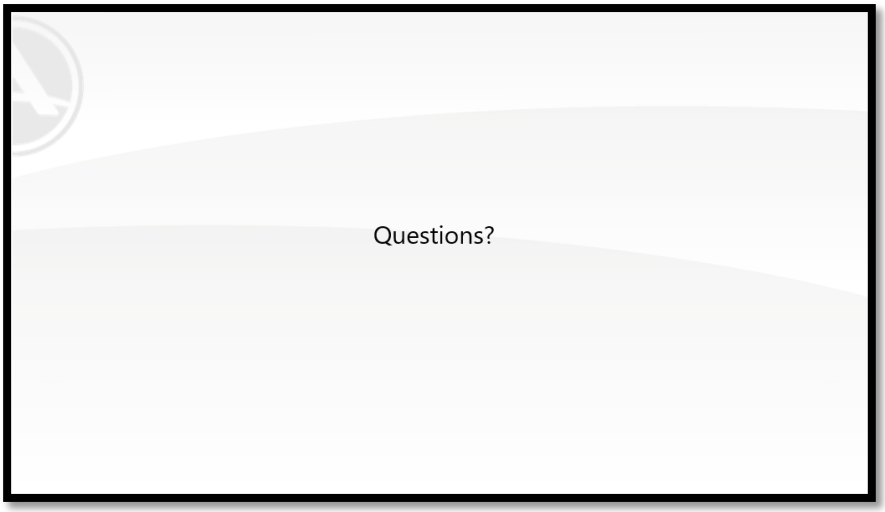
Councilmember Gantt asked if the law has been around a while and if there were any municipalities that has this technology.

Chief Johansen said that there are numerous agencies in Wake County that have this technology, but he wasn't sure about the exact number.

[SLIDE 19]



[SLIDE 20]



Councilmember Zegerman asked about the privacy concerns. He mentioned things like Ring cameras and how prevalent they are.

Chief Johansen said that private citizens can record and do most anything with that information but that there were larger conversations with some jurisdictions that have moved to real-time crime centers and this type of data and integrating with ring cameras and that may be a serious privacy concern, but this technology is a much lower level of concern.

Mayor Gilbert said there were conversations about this technology. He asked Chief Johansen, as far as the police department, what were some of the things that he would be looking for as far as patterns and things similar.

Chief Johansen said the primary focus will be on supervisory audits and spot checks to understand what they reveal. He said he would also focus on accuracy of reads, impacted by camera positioning, remains a critical concern as false reads can have negative consequences. He said that the key factor isn't the technology itself but how it is utilized, specifically, to assess the processes in place for handling data, such as stolen vehicle plate

reads, through training, policy, and strategic actions. He said two main points: (a) that there are no indications of system abuse and (b) how the system is functioning, with a particular focus on how the data is being used, especially in cases involving large numbers of stolen vehicle reads.

Mayor Gilbert asked what the opportunities are to provide more education to the community.

Chief Johansen said that putting out more information, especially screenshots showing exactly what the Officers using the program see, could help.

Mayor Gilbert said that he was a huge supporter. He said he wish they had this when he was in law enforcement.

Assistant Town Manager John said that talking about this on a platform would be through Community engagements, neighborhood meetings where police are going out and speaking on a certain topic throughout the year, or Town Halls.

Chief Johansen said that what he had done in the past was "Chat with the Chief" which is a series of recurring meetings out in neighborhoods and in specific business communities similar to a Small Town Hall, so that they can talk about what interests the community and he can take a computer and show them how this works.

Town Attorney Hohe followed up with Councilmember Gantt's question about litigation in North Carolina and in it was first enacted in North Carolina in 2015 and she found no cases on the law from a quick search here in North Carolina.

Mayor Pro Tempore Gray said that one concern to address is using technology to overly police majority minority locations. He said that it would be important to have a strategy to best inform those communities that have a high-risk point to let them know we are not just putting a bunch of cameras around your neighborhood. He said that it would be particularly useful when the issue of how the data is provided to other agencies. He said that he supported the recommendations, particularly the supervisor's review for the hot list and he would like to see more detail on that. He said that this isn't more intrusive than what we have but the technology is more effective, but the community needs to be educated on this new technology.

Mayor Gilbert said that if Apex moves forward with Flock, the Council should be an extension of the police department in explaining for that trust.

Chief Johansen said that as far as the location of the cameras, where the cameras are most valuable is points of aggress and surrounding neighborhoods doesn't really maximize the use of the cameras, they want as many reads as possible like places where people are coming and going.

Mayor Pro Tempore Gray said the Police Department would bring back recommendations and they would look at them for approval.

Councilmember Mahaffey asked about the software workflow.

Chief Johansen said that it was not a workflow in the system, and this will be a key element of the supervisory audits. He said the use of the system should be 0 outside of investigations.

Councilmember Mahaffey asked if there would be an agreement with NCDOT with placements with the cameras.

Chief Johansen said that they are working through the actual information. He said that NCDOT has a pilot program to allow municipalities to place cameras specifically within the right of way but because of the time restriction for the deadline of April 26th he was not sure if they would have time to get through the process.

Councilmember Mahaffey asked if Chief Johansen would speak on the private participation in this network.

Chief Johansen said that in his prior jurisdiction there was a private entity that had this technology, and they shared it with the police department.

Mayor Gilbert asked how many cameras would be put out.

Chief Johansen said he wasn't sure.

Town Manager Vosburg said that this was just a follow up on key points. He said that the Chief would go forward with giving feedback and the next step would be to look at those MOUs and deployment of the cameras based on the policies outlined.

Mayor Pro Tempore Gray asked if this would satisfy the statutory requirements for the policy.

Town Attorney Hohe said that she would look into this and get the information back.

Councilmember Zegerman asked what the timeline would be to come back to Council for approval on the full program, since they have approved a pilot.

Chief Johansen said that it would be based on how long it took to get the program up and running. He said that he would ask for some time, at least a year of data and reads, to allow for minor modifications in agency procedures. He said Council would receive an update approximately a year after the launch if that was something they would be willing to wait for.

Mayor Gilbert asked if the Council was in agreement with waiting until the data was available and the new Chief had an opportunity to fully asses the program.

Councilmembers provided verbal agreement and unanimous consensus.

[ADJOURNEMENT]

Mayor Gilbert adjourned the meeting at **5:16 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 11th of March, 2025 (CN3).

APPROVED MEETING MINUTES

TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, FEBRUARY 25, 2025
6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, February 25th, 2025 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=txu2jV8Skcc

[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 live stream. He then led all in attendance to the Pledge of Allegiance, with a special Honor Guard.

The invocation was given by **Mindy Buchanan.**

Senior Ambassador with the Apex Mayor's Internship Program (MIP), Chaitra Paasham read new Apex Police Chief, Ryan Johansen's biography. The biography is included below for reference:

Ryan comes to Apex by way of the San Bruno Police Department in California, where he served as the Chief of Police for the past 5 years. Ryan has been a policing professional for about 22 years, and he began this career as a patrol officer with the Southeastern Division of the San Diego Police Department. Ryan transferred to the San Bruno Police Department in 2006 and in the years that followed he served in a variety of positions and assignments, including: Police Chief, Field Services Division Lieutenant, Administrative Division Lieutenant, Watch Commander, Public Information Officer, Traffic Sergeant, Patrol Sergeant, Detective Corporal, Gang Unit Supervisor, Patrol Corporal, and Patrol Officer. In 2010, Ryan served as the Investigations Commander when a 30" natural gas transmission line exploded in a residential neighborhood of San Bruno, killing 8 people and destroying dozens of homes. In 2018, Ryan served as the Incident Commander for an active shooter incident at YouTube's International Headquarters in San Bruno, and as the Tactical Commander for an active shooter incident at San Bruno's regional shopping mall.

As a police executive, Ryan has focused on healthy police organizational culture as the key to enhancing the delivery of police services, improving police/community relations, and ensuring the staying power of critical police reforms. Ryan developed the Integral Wellness Program, a comprehensive approach to sustainable officer wellness that has become a broadly used template throughout the country. Ryan has served on the Executive Committee of the Board of Directors for the California Police Chiefs Association, where he also chaired the Wellness Committee, Finance Committee, and Member Experience Committee. Ryan has also served as the President of the San Mateo County Police Chiefs and Sheriff Association, and on the Board of Directors for Mothers Against Drunk Driving. Ryan is often asked to provide training and serve as a keynote speaker at conferences on officer wellness/resiliency, active assailant response, and public/private partnerships in policing.
Ryan is also a certified mindfulness meditation coach, and he enjoys health, wellness, and fitness activities. Ryan is deeply passionate about servant leadership, and he believes that the key to a successful organization lies in the development and care of the people who work within it.

Ryan has Bachelor of Applied Sciences Degree in Law Enforcement Management and a Master's Degree in Security Studies from the prestigious Naval Postgraduate School's Center for Homeland Defense and Security. Ryan's research and published thesis involved the development of alternative sense and decision-making models for police leaders in their efforts to influence police culture. This research included a case study of how a culture focus produces significant progress in some of the more persistent problems of modern policing, including: officer misconduct, recruitment and retention, police legitimacy, officer wellness and resiliency, and addressing crime. Prior to his career in law enforcement, Ryan worked

primarily in marketing, business development and management, and he has started and operated multiple private businesses.

Ryan has been happily married to his amazing wife Donna for more than 25 years, and they have two beautiful daughters; Olivia who is 22 and attending college in Austin, Texas, and Zoie who is 20 and attending college in Fort Collins, Colorado.

[SPECIAL OATH OF OFFICE CEREMONY]
(REF: OATH-2025-002)

Mayor Gilbert administered the Oath of Office for Ryan Johansen for Chief of Police.

Ryan Johansen was sworn in as Apex Police Chief. Chief Johansen's wife accompanied him. He thanked the Mayor and Council and his wife for the support that she has given over the years. He also thanked the other officers for putting their trust in him. He thanked Town Manager Vosburg and Assistant Town Manager John. He also thanked the Community for putting their trust in him and promised to work hard for the Town of Apex.

[CONSENT AGENDA]

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

VOTE: UNANIMOUS (5-0)

CN1 Agreement Multi-Year – Standard Services Agreement – Recite Me NA, LLC, - Web Accessibility Software – April 1, 2025 through March 30, 2027 (REF: CONT-2025-053)
Council voted to approve a Standard Services Agreement (SSA) between Recite Me NA, LLC, and the Town of Apex, for web accessibility software for the Town of Apex's website and designated URL's, effective April 1, 2025 through March 30, 2027, and to authorize the Town Manager, or their designee, to execute the agreement on behalf of the Town.

CN2 Contract Multi-Year - Juro Online Unlimited - Contract Creation and Management Software - March 17, 2025 through March 16, 2027 (REF: CONT-2025-054)
Council voted to approve a Master Services Agreement (MSA) between Juro Online Limited and the Town of Apex, for contract creation and management software for the Town of Apex, effective March 17, 2025 through March 16, 2027, and to authorize the Town Manager, or their designee, to execute the agreement on behalf of the Town.

CN3 Council Meeting Minutes – Various
Council voted to approve Meeting Minutes from the following meetings:
January 28, 2025 – Regular Town Council Meeting Minutes
February 11, 2025 – Regular Town Council Meeting Minutes

CN4 Fee-in-Lieu (FIL) - Roberts Crossing Phase 2 Sewer
Council voted to approve a Fee-in-Lieu (FIL) in the amount of $138,429.50 for an 8-inch DIP Sewer Main located in Roberts Crossing.
CN5 Resident Advisory Board Application - Modified
Council voted to approve a Fee-in-Lieu (FIL) in the amount of $138,429.50 for an 8-inch DIP Sewer Main located in Roberts Crossing.
CN6 Rezoning Case No. 24CZ15 – Green Level Towns PUD – Statement and Ordinance (REF: ORD-2025-013)
Council voted to approve the Statement of the Town Council and Ordinance for Rezoning Application No. 24CZ15, Mike Hunter, W&W Partners, Inc., petitioner, for the property located at 7924 Green Level Church Road (PIN 0723935325).

[UPDATES BY TOWN MANAGER]

Town Manager Vosburg gave an update on the Mason Street Building and said that the gas company discovered that there is a gas leak and it is being worked on to resolve it. He gave an update on the third-party review relating to the Utility Billing situation. He said that Barry Dunn, the third-party company is performing the audit and had been on site. He said that the timeline is mid-March to the end of March for this to be completed. The last update was on Restaurant Week that is from February 24th through March 2nd, he gave information on how to get the list of restaurants on Apex's website.

Mayor Pro Tempore Gray asked if there was an opportunity to get reimbursement for the costs that were incurred by Apex from the gas company on Mason Street Building.

Town Manager Vosburg said that they would be checking to see if there was any ability to recoup some of their costs.

[REGULAR MEETING AGENDA]

Mayor Gilbert set the Regular Agenda and asked if there were any recommendation meeting changes at this time and if not, he would entertain a motion to approve as presented.

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

VOTE: UNANIMOUS (5-0)

[PRESENTATIONS]

PR1 Proclamation - Bleeding Disorders Awareness Month - March 2025 (REF: PRO-2025-005)

Mayor Jacques K. Gilbert, along with the rest of the Council, read the Proclamation - Bleeding Disorders Awareness Month. He invited Charlene Cowell, Executive Director, Karyn Davis, President of the Board of Directors, Nick Vosburg, and Trent Vosburg to accept the proclamation and take a picture.

PR2 Proclamation - Women's History Month - March 2025 (REF: PRO-2025-006)

Mayor Jacques K. Gilbert along with the rest of the Council, read the Proclamation - Women's History Month. He called upon all residents of Apex to thank a woman in their life and thanked the women in his life. He invited Councilmember Killingsworth and Karen Lea, Town of Apex retiree to accept the proclamation and take a picture. He also recognized Town Attorney, Laurie Hohe, Assistant Town Manager, Demetria John, Planning Director Dianne Khin, Current Planning Manager, Amanda Bunce and Deputy Town Clerk, Ashely Gentry.

[PUBLIC FORUM]

Mayor Gilbert opened the Public Form and invited the first speaker up.

First to speak was **Phil Welch** at 1471 Big Leaf Loop:

"I want to point out two promising recommendations from the 2021 Affordable Housing Plan. The first is support for first-time home buyers. In the fiscal year 24' annual housing report, it says, quote, "analysis of home ownership will be included in the housing plan update scheduled to begin in November 2024". I mentioned this recommendation during a focus group I attended on the Housing Plan Update recently. I call this to your attention because I believe what we need is an actionable plan to implement this recommendation rather than another analysis. First-time home buyers include young singles and couples with or without children who may fill essential jobs in health care, schools, and stores, and as early responders. They may be renting apartments and struggling to save a down payment to buy their own homes. The two parts of this recommendation include home ownership counseling and down payment assistance. The plan says that the counseling may include services such as identifying affordable purchase prices and evaluating mortgage options, learning how to choose a home, a real estate agent, insurance, etc., navigating inspections, home purchase, and closing, planning for full costs of home ownership, including maintenance needs. These services would not need to be provided by Town staff; they could be outsourced to local organizations, including nonprofits such as Habitat Wake or DHIC, local financial institutions such as credit unions, State agencies such as NC Housing Finance Agency, and faith-based organizations such as White Oak Foundation. Turning to down payment assistance, this can reduce the upfront costs of home ownership by providing

income-qualified households with a forgivable loan or grant to cover a portion of the down payment and closing costs. Together with home buyer counseling, down payment assistance can help low- and moderate-income households find stable housing and build wealth through home equity. The other recommendation I want to point out is labeled Affordable Housing Advocacy Partners. The idea for this was for the town to develop partnerships with pro-affordable housing advocates to coordinate an education campaign. The Housing Fairs presented in 2023 and 2024 are two examples. As an advocate for more housing choices, I'm ready, willing, and able to work on these proposed education campaigns. I'd be happy to discuss any of these points with you. Thank you."

Mayor Gilbert thanked the speaker and invited the next speaker.

Next speaker was **Elizabeth Stitt** of 3113 Friendship Road:

"Good evening, what Allen is handing out is a copy of a couple pages out of the encroachment agreement that North Carolina DOT has done with Apex for the force main that the town is working on. Well, I wanted to call a couple of points to you. One, this was not posted on the website. I still keep chasing information and, you know, I'm three years in chasing information. It would be nice if we could figure out how, you know, the town could communicate to us what's happening when instead of me chasing it, because then what I do is turn around and pass it out to all of my neighbors. The second thing I wanted to point out is I have come before you multiple times and told you that the force main is temporary. And if you look on the second page, where I've highlighted number 11, and I quote, "This approval for the sewer mains located within the control of access right of way parallel to US-1 are temporary, and the town agrees will be relocated outside of the NCDOT right of way in the future." I have one of those properties that is subject to this, and so I asked the question, what does that mean? What triggers when you move this temporary force main? I received an opinion but not an actual agreement, so I have reached out to DOT to say, "Hey, what does this mean?" I deserve just a basic answer of whatever the town has agreed to. You know, at what point is DOT going to tell the town, "Hey, it's time to move this temporary force main." You are going to pay for this twice because you have chosen to continue on the north side. If you put the force main on the south side, you won't have to relocate it, so I don't think it's a good use of tax money. Then, on the last page that I included, number 25, when we talk about how Apex is weak on trees, I like to point out what DOT requires: an inventory of trees measuring greater than four caliper inches, measured six inches above the ground, is required when trees within the control access right of way will be impacted by the encroachment installation. So, we know that you're not going to replant any trees because you have to keep the area open, so you're going to be paying a mitigation fee for each one of those trees. I would love to see Apex live up to what the standard is for DOT, four inches, because we cut down many trees that are four inches that never get counted at all in the town's policy. Thank you."

Mayor Gilbert thanked the speaker and invited the next speaker.

Next speaker was **Dawn Cozzolino** of 3632 Bosco Road:

"Good evening, Mayor, Town Council. So, I've been working on analysis, and it's taken me a while, but it's on all the traffic impact analyses or traffic studies people call it, along our corridor of Old US-1. There's quite a bit of development going on, and I want to go back a couple of decades because this is before your all time. So, in doing that, it's not fun work. It's taking a long time, but I promise I will come up with the analysis and present it to you. The key metric in all of this is new trip generation. Okay, what does that mean? Just simply how many vehicles are, you know, on the road in the traffic network on a 24-hour period. Okay, and that's due to the new development, right? Whatever is going in there, it could be housing, it could be office, retail, etc., it's all baked into the numbers. We know that DOT crash reports for our area continue, we continue to see them, I should say, so that's going to continue, but yet, what happens is we see these traffic impact analyses selectively done on certain developments; they're kind of shelved and forgotten about. I don't want to do that. I want to aggregate them because you've already met your numbers in terms of, you've already triggered enough TIAs that every development going forward would need something. And the reason I say this is because our area, you know, our community deserves a fair evaluation of the situation and especially Kelly Town Homes is going to talk tonight. You're going to probably approve it because you approve, you know, all the developments you're for developing. But what I want to add is instead of, you know, what you could do good with your, pen and paper is to mandate they do a traffic impact study. Because we already have, the mixed-use Holland Road development, and that is, —you know, we see the trees coming down. It's, it's, it's hard. It's actually hard to drive by that in Gracewood, and I looked at that TIA and, okay, there's no build-out on that road. We're going to have a traffic light, as you guys know, there's going to be a middle lane, but it's going to add 11,920 new trips, and that was done years ago. So, I don't know where we're going to end up here, and I really hope there's a vision. But I hope you instill this practice of requiring, no matter what it is, any new development needs a traffic study, and I would think DOT would agree because it's their secondary road. Thank you very much."

Mayor Gilbert thanked the speakers and closed the Public Forum and moved to Public Hearings.

[PUBLIC HEARINGS]

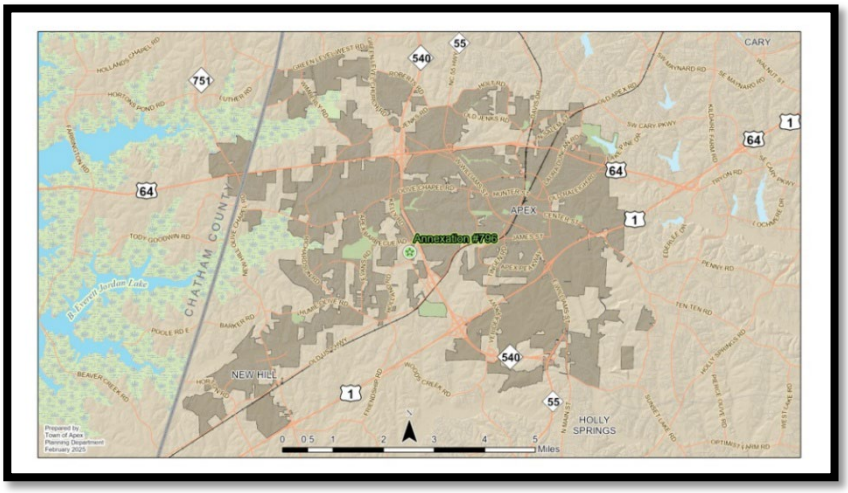
PH1 Annexation No. 796 - 2132 Kelly Road - 3.189 acres (REF: ORD-2025-014)

Dianne Khin, Director, Planning Department gave the following presentation:

[SLIDE 1]



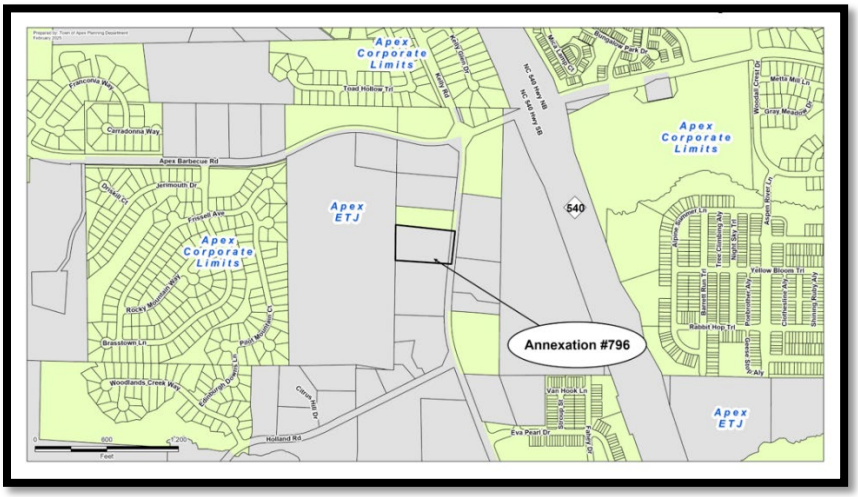
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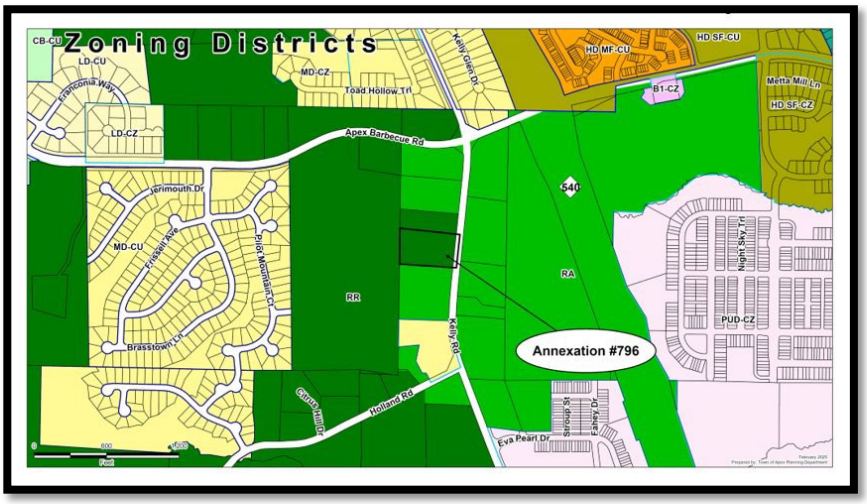
[SLIDE 3]



[SLIDE 4]



[SLIDE 5]



Mayor Gilbert opened up for comments, with no one signing up to speak he closed Public Hearing. He then brought this item back to Council for possible recommendation or a motion.

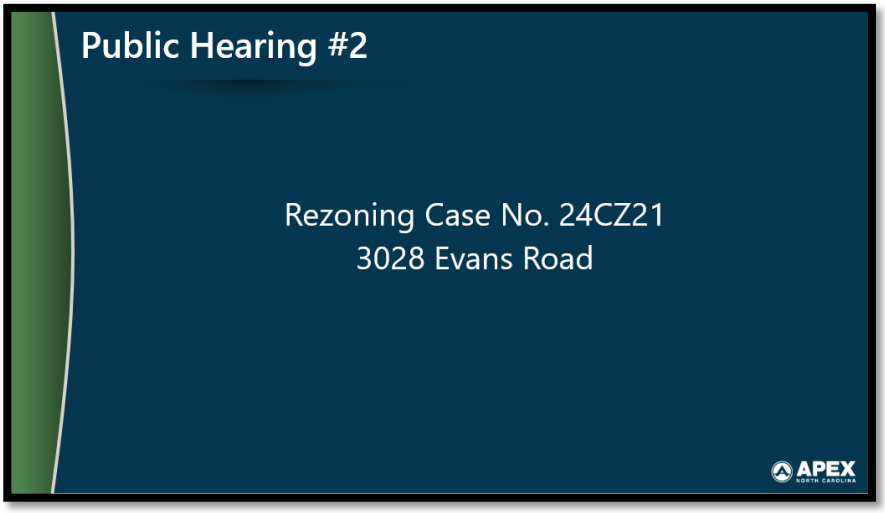
A **motion** was made by **Mayor Pro Tempore Gray,** seconded by **Councilmember Killingsworth** to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex 3.189 acres, located at 2132 Kelly Road, Satellite Annexation No. 796, into the Town Corporate limits.

VOTE: UNANIMOUS (5-0)

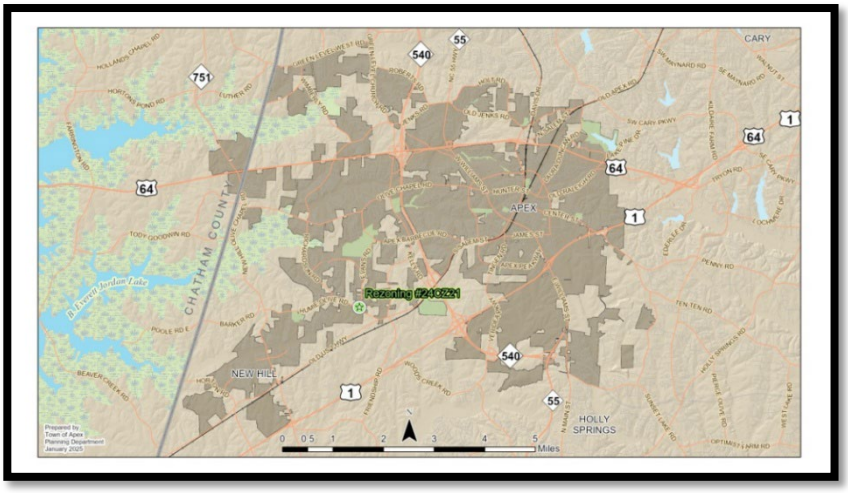
PH2 Rezoning Case No. 24CZ21 – 3028 Evans Road

Joshua Killian, Planner I, Planning Department gave the following presentation:

[SLIDE 1]



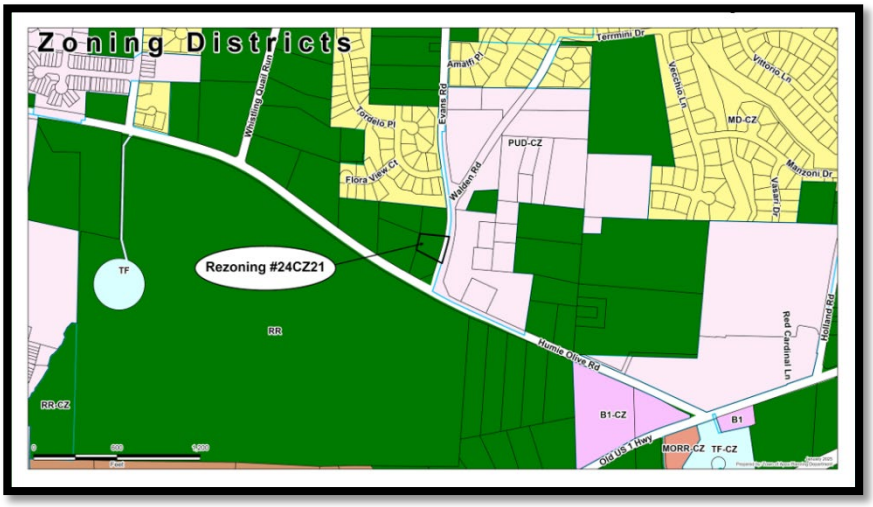
[SLIDE 2]



[SLIDE 3]



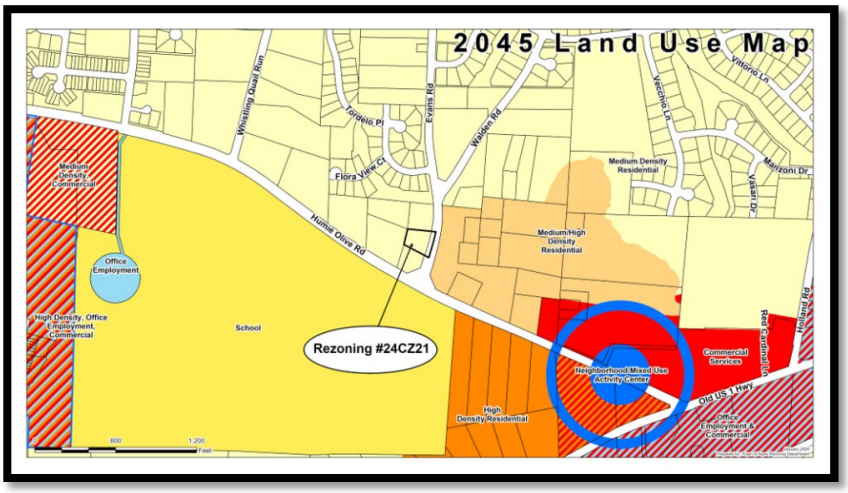
[SLIDE 4]



[SLIDE 5]



[SLIDE 6]



[SLIDE 7]



Mr. Killian stated the staff-recommended additional zoning condition: "The applicant/developer shall install or provide a fee-in-lieu for installation of an additional five feet in width to the existing sidewalk along the parent parcel frontage along Evans Road prior to Plat. The resulting improvement will be consistent with the ten-foot sidepath that is designated on the Town of Apex bicycle and pedestrian system plan." He noted that this condition was because the property would be exempted from the town's subdivision standards, if it were to subdivide, because of its size.

Mr. Killian offered to answer any questions.

Councilmember Zegerman asked if the developer agreed with the added zoning condition.

Mr. Killian said that the developer had not agreed to the zoning condition at this time.

Brendy Vega with Withers Ranel, representing Reverend Alonzo Wilson with ATM Development, said that this property was being requested to be rezoned to medium density to allow this one parcel to be split into parcels. She gave information about the developer, and Reverend Wilson's mission to help the community navigate through the development process. She said the parcel will be assisting the original property owner build a home. She said the applicant was willing to accept the staff-proposed additional condition if Council chose to do so.

Councilmember Gantt said he was concerned about all of the properties coming in on this corner parcel-by-parcel, and said that he had concerns about pedestrian safety if there are driveways on Humie Olive and Evans.

Ms. Vega said that the owner's sister that lives close to the property is willing to give an access easement for her to build a home. She said that there had been communication with the corner property, and they would possibly build on that property. She said they are only able to control what the property owners they are working with want to do.

Councilmember Gantt asked if there had been any consideration of building a proper street instead of a driveway.

Ms. Vega said yes, but that it was not cost effective for a small developer.

Councilmember Gantt said that he was concerned about a child getting hit.

Ms. Vega said that she understood that and they did look at providing a street, but that it becomes cost prohibitive.

Councilmember Mahaffey said that the work of Reverend Wilson was amazing, and the Community needs this. He said that this was across the street from a Middle School and that pedestrian access here was important and that he would prefer to include the condition.

Mayor Gilbert asked if Reverend Wilson would like to speak.

Reverend Wilson thanked the Mayor and Council for hearing the proposal. He said that he believes that this would be a benefit to the Community and his objective is to help out to provide housing. He said that he is amenable to the condition.

Mayor Gilbert thanked Reverend Wilson for the work he has done in the community.

Mayor Gilbert opened up Public Hearing and with no one signed up to speak, he closed the Public Hearing. He brought the item back to the Council for discussion and a possible motion.

Councilmember Mahaffey said that he did worry about the pedestrian and bicycle safety, and would like the additional condition to be added.

Mayor Pro Tempore Gray said that the applicant was not opposed to including the conditions, and he was willing to support its inclusion.

Councilmember Killingsworth said she appreciated the condition as well, and that she appreciates the large lots and smaller builds in this area so that traffic is not made worse.

A **motion** was made by **Councilmember Gantt,** seconded by **Councilmember Mahaffey** to approve Rezoning Case No. 24CZ21 – 3028 Evans Road - rezone approximately

0.76 acres from Rural Residential (RR) to Medium Density Residential-Conditional Zoning (MD-CZ), with the added condition:

"The applicant/developer shall install or provide a fee-in-lieu for installation of an additional five feet in width to the existing sidewalk along the parent parcel frontage along Evans Road prior to Plat. The resulting improvement will be consistent with the ten-foot sidepath that is designated on the Town of Apex bicycle and pedestrian system plan."

VOTE: (4-1), with Councilmember Gantt dissenting

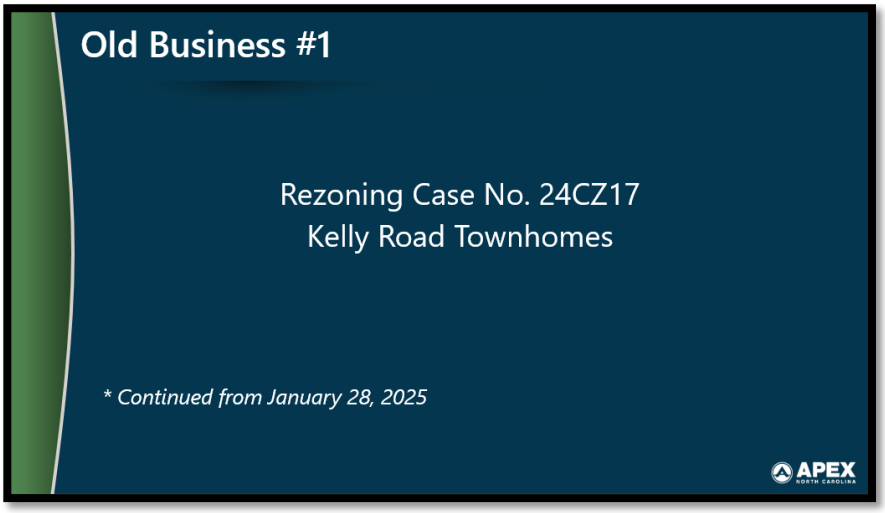
Mayor Gilbert thanked the Apex Youth Council for attending the meeting. He moved to Unfinished Business continued from January 28, 2025 meeting.

[UNFINISHED BUSINESS]

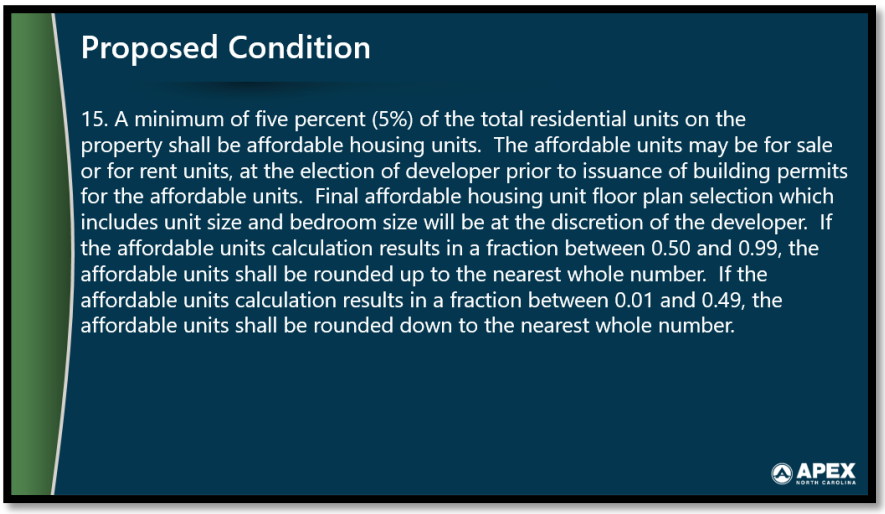
OB1 Rezoning Case No. 24CZ17 Kelly Rd Townhomes – Continued from January 28, 2025

Joshua Killian, Planner I, Planning Department gave the following presentation presenting the proposed condition:

[SLIDE 1]



[SLIDE 2]



Mr. Killian asked if there were any questions.

Mayor Pro Tempore Gray asked to confirm that the zoning condition is the condition that is in the Affordable Housing Plan.

Matthew Carpenter said that yes, this came directly from the policy.

Mr. Killian made a note that policy may reference a Master Subdivision Plat that has been removed here.

Mayor Gilbert asked if there was a motion.

Councilmember Gantt said that he had concerned about the 75' sidewalk gap along Kelly Road, and said it would lead to people crossing over rocks or walking along the road. He said he felt including a bridge was worth fighting for.

Mr. Carpenter said that there were some challenges with putting a bridge. He said that the first challenge is that it is adjacent to the West Village HOA property, so it will require at least a temporary construction easement or possibly right-of-way from the HOA property, which has been an issue before. He said that the second challenge was a stream crossing the road at this location that will need to be rerouted for the sidewalk construction and the third, a 20-foot electric and water utility easement runs exactly where the sidewalk needs to be constructed, necessitating the relocation of these utilities. He said that the distance isn't long, but the engineering complexities make it a challenging project. It is noted that the best time to establish sidewalk connections tends to align with projects involving frontage. He said that unfortunately this is an older issue that is coming up again now.

Mayor Pro Tempore Gray said that he agreed the 75' gap is a problem, but it is something that the Town may have to pay for. He said this was a mistake Council made in the past, so they would have to fix it.

Councilmember Gantt said that it could take a while and wondered if a different developer would be willing to address this for their own residents as well as everybody living in the area so the Town doesn't have to, and so that it would be completed with the rest of the project.

Councilmember Mahaffey said that there would be a larger sidewalk gap if the project was denied.

Mayor Pro Tempore Gray said that essentially, the idea was to bet on somebody else to go through this process and pay for the bridge.

Councilmember Gantt said that would be the hope and a denial would potentially encourage that to happen.

Mayor Pro Tempore Gray said he felt that would just create an additional problem.

A **motion** was made by **Councilmember Mahaffey**, seconded by **Councilmember Killingsworth** to approve Rezoning Case No. 24CZ17 Kelly Rd Townhomes – rezone approximately 5.97 acres from Residential Agricultural (RA) to High Density Single-Family Residential-Conditional Zoning (HDSF-CZ) at 2305 & 2309 Kelly Road.

VOTE: (3-2), with Councilmember Gantt and Councilmember Zegerman dissenting.

[NEW BUSINESS]

NB1 2025-2026 Town of Apex Legislative Agenda (REF: PLCY-2025-003)

Allen Coleman, Town Clerk provided information on the 2025-2026 Town of Apex Legislative Agenda. He noted that Council had discussed this during the Annual Retreat and aligned on their vision and priorities.

Councilmember Zegerman thanked Town Clerk Coleman for all of the work that he and his staff put into this.

A **motion** was made by **Councilmember Killingsworth**, seconded by **Councilmember Zegerman**, to approve 2025-2026 Town of Apex Legislative Agenda.

VOTE: UNANIMOUS (5-0)

NB2 Resolution of Support of House Bill 24 - Restore Down-Zoning Authority (REF: RES-2025-008)
Councilmember Terry Mahaffey, Sponsor

NB3 Resolution of Support of House Bill 59 – Expand Elderly/Disabled Homestead Exclusion (REF: RES-2025-009)
Councilmember Terry Mahaffey, Sponsor

Town Clerk Coleman said that New Business items two and three were requested by Councilmember Mahaffey, and they align with the legislative agenda recently adopted. The first item pertains to House Bill 24, which focuses on restoring downzone and falls under the "Responsible Development" category of the agenda. He said the second item concerns the expansion of property tax exemptions for seniors and the permanently disabled, aligning with the "Welcoming Community" category. He said that the resolutions are provided for review, and Councilmember Mahaffey will address them further.

Councilmember Mahaffey said that said that this is consistent with the adopted legislative agenda and several bills that have been filed in the State House to advance these priorities. He said that these topics are relevant to Local Government and align directly with the Legislative Agenda. He said that at the retreat, he asked the Town's lobbyist if passing a resolution in support of House Bill 24 would be helpful, and the lobbyist affirmed it.

Town Clerk Coleman said that a copy of this Resolution would be forwarded to the Town's Representatives and the entire Wake County delegation to keep them informed of the Council's position.

Councilmember Gantt asked if this was just for Wake County only.

Councilmember Mahaffey said that Bill 59 was for the entire State of North Carolina.

Councilmember Gantt asked if a County-by-County version could be possible.

Councilmember Mahaffey said that it is his understanding that it must be uniform across the State

Mayor Pro Tempore Gray said that the Resolutions reflect larger Legislative desires and reflects the values that the Town has always tried to aspire to. He said this also directly affects the Towns ability and authority to do things and this is us asking in a formal way to be able to have the authority to do so.

Councilmember Mahaffey said that these Resolutions directly speak to items on the Legislative agenda that was just adopted.

Councilmember Zegerman said that issuing these types of Resolutions is something that should be done more often. He said he thinks the Council is too passive with their positions on State Legislation.

Councilmember Killingsworth said that this highlights what the Council already does and puts a public stamp on it saying this is where the Council stands for the residents of Apex.

Councilmember Mahaffey said that it does say the Town of Apex is passing this resolution.

Mayor Gilbert said that he supports these Resolutions but going forward if a Resolution is not unanimously approved by Council he would not support it.

Councilmember Gantt said that this seems less partisan and more about Town operation and he is supportive. He said he thinks there is some value is being passive sometimes.

Councilmember Mahaffey said that to the Mayor's point about being passive that there may be a difference in the language that is used. He said that if you are in opposition may be more offensive than supporting a bill.

Councilmember Zegerman said that the Council should not go partisan and that these are not partisan, but he understands some of the reservations.

A **motion** was made by **Councilmember Mahaffey,** seconded by **Councilmember Killingsworth** to approve the NB2 and NB3 Resolution in support of House Bill 24 and Resolution in Support of House Bill 59.

VOTE: UNANIMOUS (5-0)

[CLOSED SESSION]

A **motion** was made by **Mayor Pro Tempore Gray,** seconded by **Councilmember Killingsworth**, to enter into closed session pursuant to NCGS §143-318.11(a)(3) at **7:20 p.m.**

VOTE: UNANIMOUS (5-0)

Council entered into Closed Session at 7:18 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 Laurie Hohe, Town Attorney

RE: Town of Apex v. Lund
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 **8:13 p.m.**

A **motion** was made by **Mayor Pro Tempore Gray** and seconded by **Councilmember Killingsworth**, for Resolution authorizing the eminent domain proceedings to acquire a public utility easement with regard to the Roberts Road water line.

VOTE: UNANIMOUS (5-0)

A **motion** was made by **Mayor Pro Tempore Gray** and seconded by **Councilmember Killingsworth**, for Resolution authorizing the eminent domain proceedings to acquire a

public utility easement serving the Big Branch Basin area and the Big Branch Force Main project.

VOTE: UNANIMOUS (5-0)

[ADJOURNMENT]

Mayor Gilbert adjourned the meeting at **8:15 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 March, 25, 2025 (CN7).

APPROVED MEETING MINUTES

TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, MARCH 11, 2025
6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, March 11, 2025 at 6:00 p.m. in the Council Chambers on the 2nd Floor 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=xdRIDzSOMKk&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 at **6:00 p.m.** and welcomed all who were in attendance and watching. He thanked Apex Youth Council for attending the meeting.

Mayor Gilbert then took a moment of silence for the invocation and for a moment of peace. He led those in attendance in the Pledge of Allegiance.

[CONSENT AGENDA]

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

VOTE: UNANIMOUS (5-0)

CN1 Budget Ordinance Amendment No. 9 – Lund Property Acquisition (REF: ORD-2025-015)

Council voted to approve a Budget Ordinance Amendment No. 9 appropriating funds for the Lund property acquisition.

CN2 Construction Contract Award - Superior Paving Corporation (NC) - 2025 Microsurfacing Project (REF: CONT-2025-076)

Council voted to award a construction contract between Superior Paving Corporation (NC) and the Town of Apex, for the 2025 Microsurfacing Project, and to authorize the Town Manager or their designee, to execute the contract on behalf of the Town.

CN3 Council Meeting Minutes - February 18, 2025

Council voted to approve Meeting Minutes from the following meeting:
February 18, 2025 – Town Council Work Session Meeting Minutes

CN4 Encroachment Agreement - 2524 Silas Peak Lane (REF: CONT-2025-077)

Council voted to approve an Encroachment Agreement between the Town of Apex and property owner, Amward Homes of NC, Inc., located at 2524 Silas Peak Lane Apex, NC 27523, Lot 12, to install a fence and gates that will encroach 67 linear feet (LF) and air conditioning units that will encroach 20.4 square feet (SQ) onto the Public Drainage Easement, and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN5 Fee Schedule Amendment - Fiscal Year 2024-25 - New Street Hockey Court Rental Fee

Council voted to approve an amendment to the Town's Fiscal Year 2024-2025 Fee Schedule to include a new street hockey court rental fee in the amount of forty dollars per hour ($40/hour), effective March 11, 2025.

CN6 Rezoning Case No. 24CZ17 – Kelly Road Townhomes – Statement and Ordinance (REF: ORD-2025-016)

Council voted to approve the Statement of the Town Council and Ordinance for Rezoning Application No. 24CZ17, Vasu Kollipara, applicant, for the properties located at 2305 and 2509 Kelly Road (PINs 0731352462 and 0731355481).

CN7 Rezoning Case No. 24CZ21 – 3028 Evans Road – Statement and Ordinance (REF: ORD-2025-017)

Council voted to approve the Statement of the Town Council and Ordinance for Rezoning

Application No. 24CZ21, Alonzo Wilson, ATM Development, LLC, applicant, for the property located at 3028 Evans Road (PIN 0721707475).

CN8 Speed Limit Concurrence - North Carolina Department of Transportation (NCDOT) - Portion of Castleberry Road, 35 MPH (REF: OTHER-2025-022)
Council voted to approve North Carolina Department of Transportation (NCDOT) Certification of Municipal Declaration to Enact Speed Limits and Request for Concurrence for a 35 MPH speed limit on SR 1604 (Castleberry Rd), from the intersection of SR 1603 (Wimberly Rd) to 0.805 mile east of SR 1603 (Wimberly Rd).

[UPDATES BY TOWN MANAGER]

Town Manager Vosburg gave updates on the Read Across America Program that was held on March 3rd at Salem Elementary School, which was put on by the Community Engagement team. He gave an update that the Mason Street Building has reopened and is fully safe and secure and meeting residential standards and that there will be updated on after-action reviews. He also gave an update on the Utility Billing and Meter Upgrades. He said that this is unrelated to the Cyber-attack and this is an update that has been planned for years. He said that utility billing cycles have returned to a normal pattern, and meter upgrades continue but will be slowed down on the meter reading side due to the integration of the meter readings with some of the software upgrade issues. He said that about 150 customers, mainly commercial, across two utility billing cycles were impacted and will have experience extended billing cycles. He said they will be slowing down the integration to ensure those issues don't persist with further installations.

Mayor Pro Tempore Gray asked how the customers would communicate with the customers.

Town Manager Vosburg said that the customers are being directly notified by letters or emails, and they are focusing on not having disruptions while moving forward with improvements.

Mayor Gilbert asked if the third-party review was still scheduled.

Town Manager Vosburg said that the third-party review is still scheduled to be completed by the end of March and then there will be meetings to disseminate the findings.

Mayor Gilbert thanked Town Manager Vosburg for the updates.

Town Attorney Hohe introduced the newest Assistant Town Attorney, Seth Kandl.

Mr. Kandl thanked the Council and gave some information about his career journey and said he was excited to be part of Team Apex.

[REGULAR MEETING AGENDA]

Mayor Gilbert called for the setting of the Council's Regular Agenda for March 11, 2025, and asked if there were any recommended changes.

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

VOTE: UNANIMOUS (5-0)

[PRESENTATION]

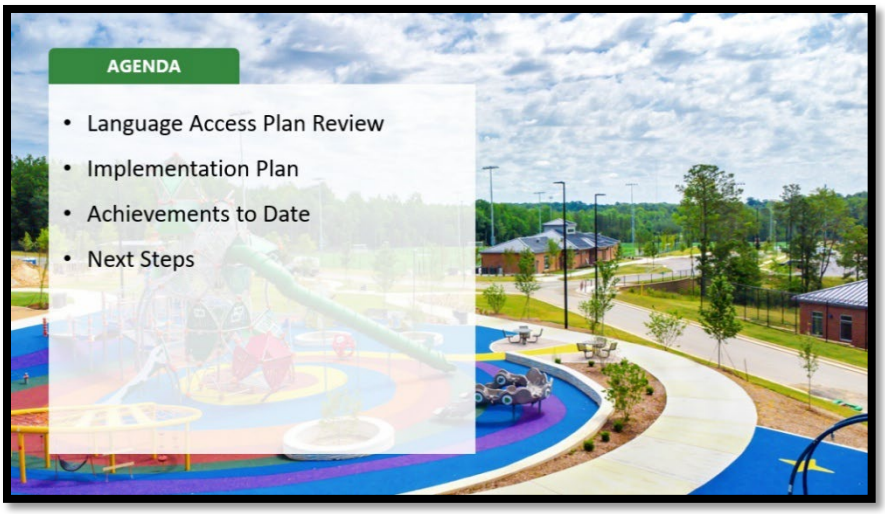
PR1 Language Access Plan Update

Linda Jones, Director, Diversity, Equity, and Inclusion Director and **Kristy Nguyen**, Language Access and Community Coordinator presented the following PowerPoint:

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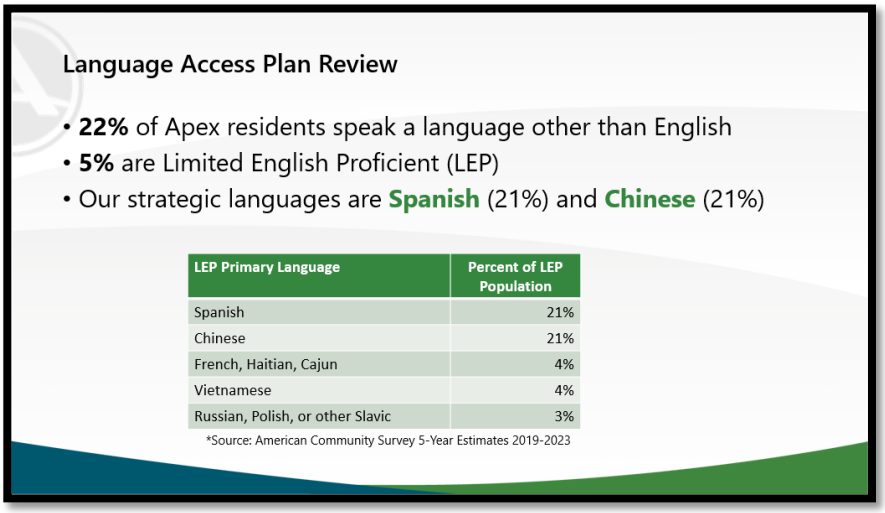
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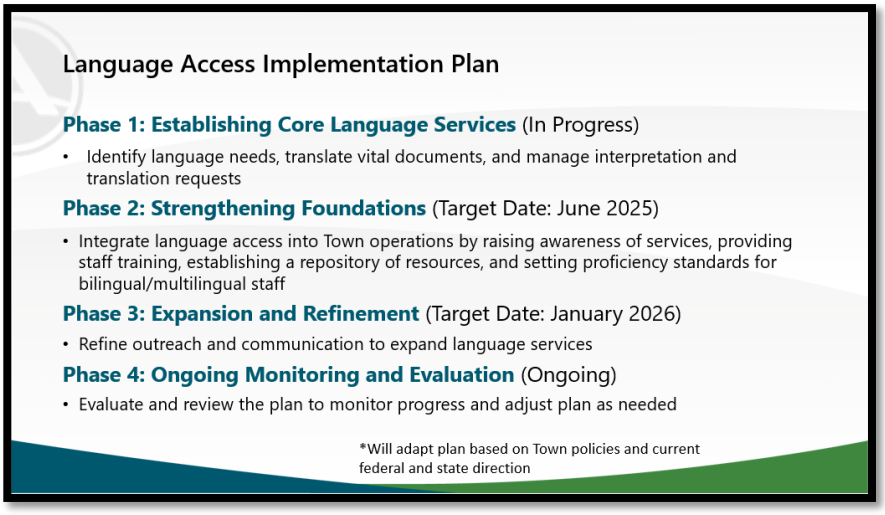
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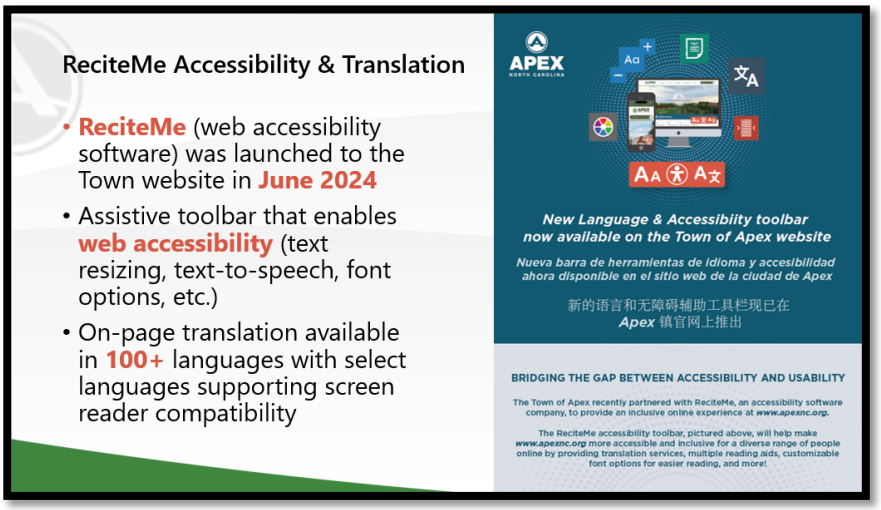
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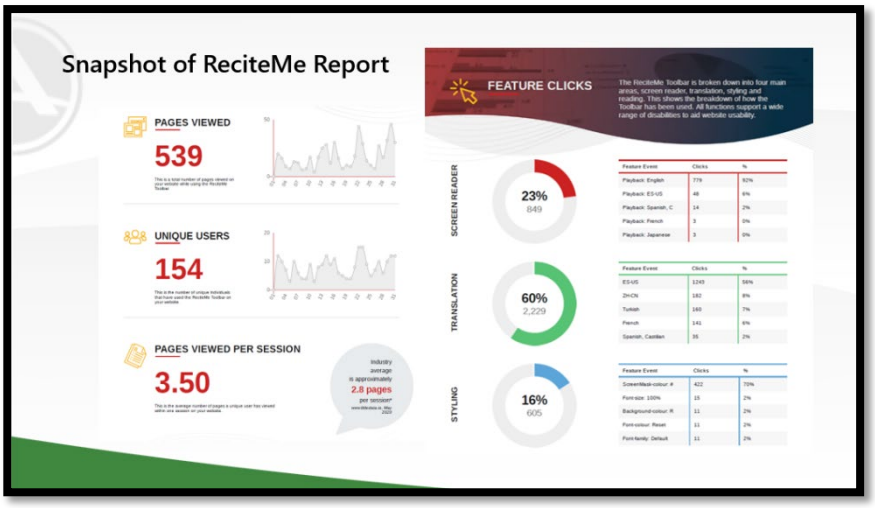
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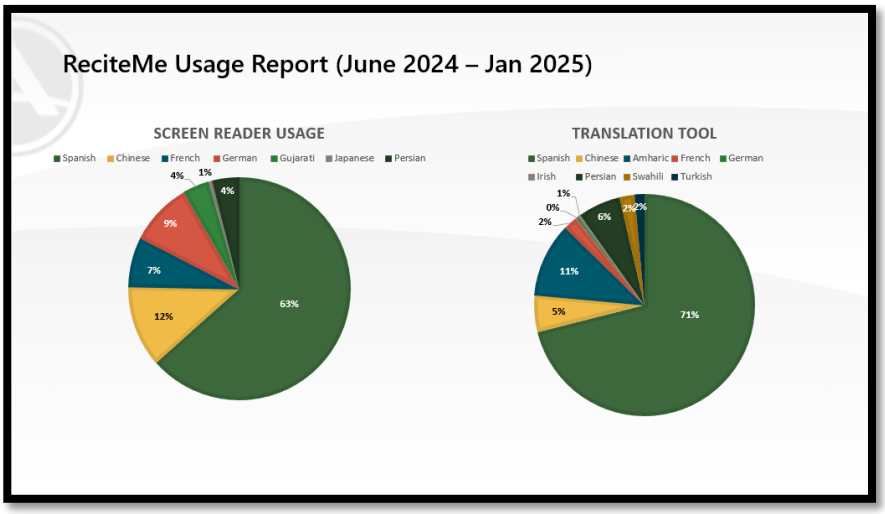
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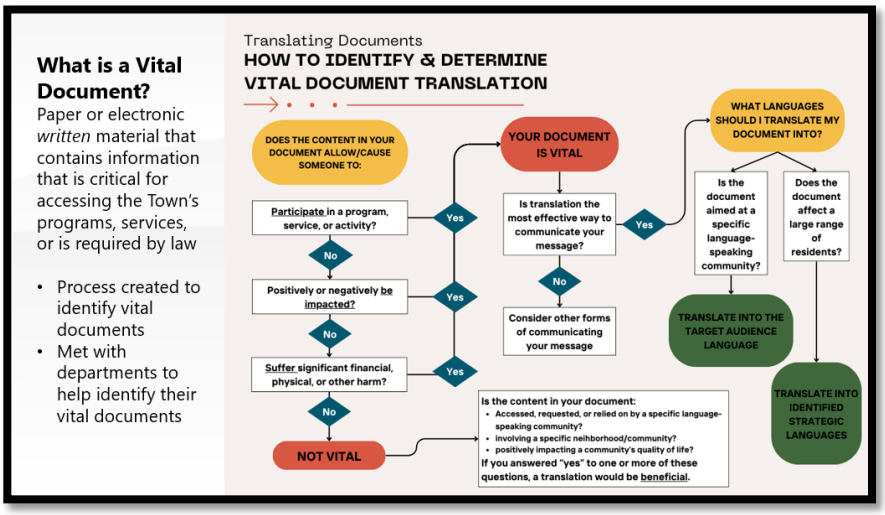
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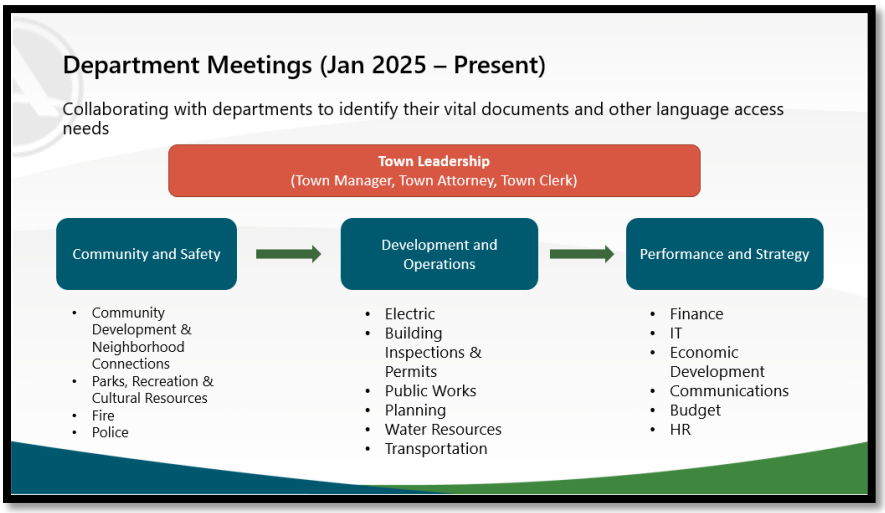
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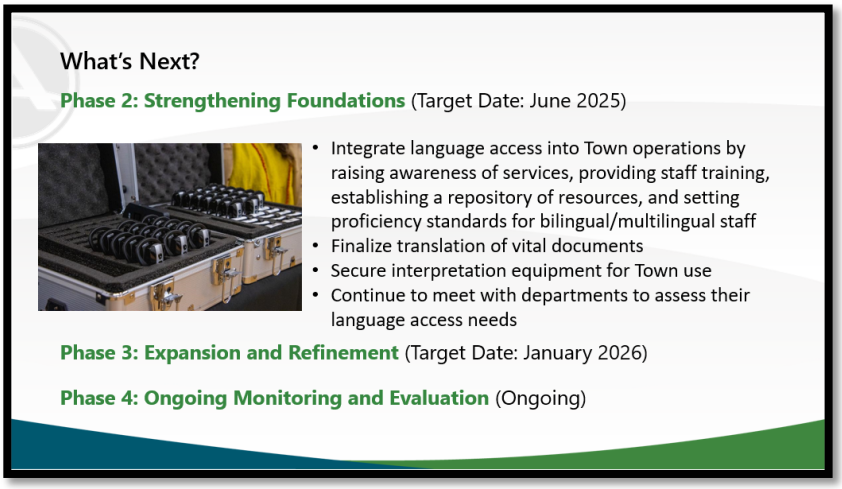
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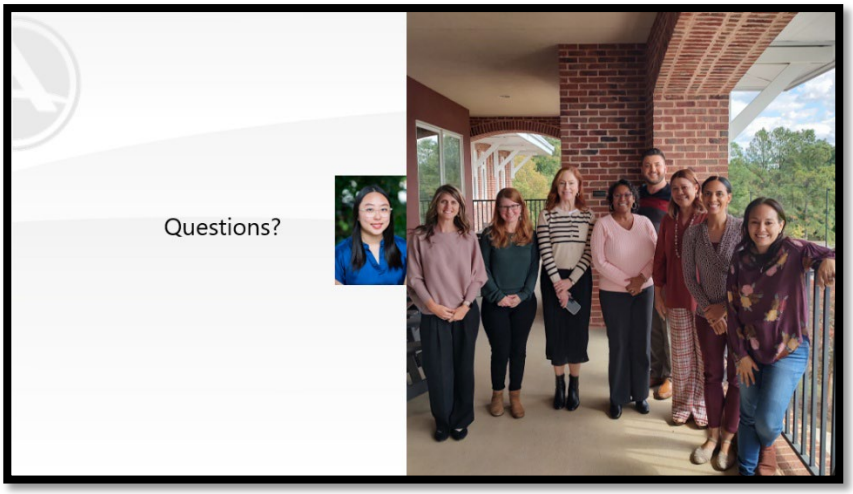
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[SLIDE 13]



[SLIDE 14]



Ms. Nguyen asked if there were any questions.

Councilmember Zegerman asked if the people who responded that they had limited English proficiency was the same kind of breakdown in language percentage wise as the rest of the model.

Ms. Nguyen said to be considered limited English proficient they follow the model is that if they speak less than very well English.

Councilmember Zegerman asked if the 5% of the limited English is spread across multiple languages.

Ms. **Nguyen** said yes, these are spread out in different languages.

Mayor Pro Tempore Gray said that some of the younger residents do not use the webpage. He asked if there was a plan for integration of social media into our language accessibility plan.

Director Jones said that there is a plan, and Stacie Galloway, Communications Director, is a part of the team, and she will be rolling out communication on social media. She said that there were flyers that were translated into our top strategic languages that went out to the town when Recite Me was launched.

Councilmember Mahaffey asked if there was a translation service on request for the Town Council meetings and what the process would be like.

Director Jones said that they were committed to providing those Town services. She said that they are partnered with Language Solutions as needed.

Councilmember Mahaffey asked about the time period that they can get the services.

Director Jones said that it is a 48-hour request, but sometimes when the request comes in with less time before a meeting they have a vendor in place to provide quick on-call services.

Mayor Gilbert thanked Director Jones.

Director Jones thanked Ms. Nguyen for all that she has done.

[PUBLIC FORUM]

Mayor Gilbert opened up the Public Forum and invited the first speaker up.

First to speak was **Andrew Gluck** of Walden Creek Subdivision:

"I've spoke, this has been going on for about since the hurricane that came through devastated the Western part of North Carolina. There's a creek running behind my house, and it doesn't affect me, but it affects the people downstream from me. It's been ever since then there's been a lot of fallen debris in it, which the neighborhood normally cleans up, but this time it's gotten too large. I've been trying since then to get that cleaned up by the Town. I've been told many times I'm going to get call backs, someone's been out now for over a month, nobody showed up, nobody's been out. The problem with this also is it's gotten worse from the rain we've had. Now there's an island in there, trees are about to come down, which

wouldn't have happened if they would have just cleaned it up and the reason, I didn't do it was that it was just too much for us. We always, the neighbor keeps this clean even though it belongs to the Town of Apex. Now, if we get another big rain, and also by the way, two blockages now are formed because of this, not just one. The island is formed with trees on it, which will soon come down, big trees. If this happens, it's not going to affect my house, not going to affect the house next to me, but the people downstream will get flooded. They've got flooded before, but this will be a massive flood. It'll hit the house, it'll wreck a few houses downtown, and I cannot see why the Town will not take responsibility for their own creek and send people out to clean it. I've been asking for at least since that hurricane been here for months ago, we have never had anybody come speak to me about it or return a phone call except one of our Councilmen had called me back about it and he's also tried to get people to call me back who would do this, and no one has luck. We need to get this taken care of. I don't want to go to a Core of Engineers to do it, I just want the Town to take care of what's there's, and it is a creek that's now blocked off in two spots, and as I said, it just keeps getting worse now, there is one area that is almost 20 feet wide, which used to be 6 feet wide, and it's undercutting it now and as I said, my house sits up, it could flood all day long over there, and I'll never get affected, but the people downstream from me will be devastated from this so I'd love somebody to give me a call on this. I need them to come out, send the crew out there to clean it up. They could do this in a day. It's going to take longer now, and now it appears they're going to have to take down some trees too to keep them from falling, and they're pretty big. This would have been a lot easier if they would have just done it when first asked. It would have probably been about a three-hour, two-hour job, but now it's going to take a lot longer. So, someone, I don't think you have my phone number, but if someone could get in contact with me on this, I'll give them my phone number or my phone number to them, and please, please, I've got some pictures that are hard to read, call a printer, but it shows where the creek should be is now covered. It shows where the creek should be also, and this is the island."

Mayor Gilbert asked Mr. Gluck to give his phone number. He called the next speaker.

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

"Mayor and Town Council, good evening. So, in the January 14th meeting and the February 25th meeting, you decided to vote for a resolution on Eminent Domain on 44 properties. I understand, so two of those are my properties. These are properties that are our primary residences, and, you know, people don't expect the town to come in heavy-handed and say, "Hey, we're going to use our power and we're going to take your property." So, I've had a few discussions, and I think the problem is there's no policy. How many times is a Town required to reach out to me before you vote in a closed session? Well, you debated in a closed session and voted on the resolution afterward to take my property. The letters that I have from the Town do not say, "Elizabeth, you need to respond by X date, or we as a Town

are going to take action." I deserve more consideration than this behind-the-scenes closed-door conversation. I'm here every meeting, and nobody had the conversation that said, Elizabeth, we need you to make a decision by X date. Then the law requires you to offer fair market value. Fair market value, what does that mean? The two appraisals on my two properties I received in August and in January used sales from properties in 2020. The fair market value of my property today is not what it was in 2020, but for some reason, your staff is allowed to take an appraisal using 2020 data. So, why would I work with the town? Why would I agree to work on an easement when you're not offering me fair market value? I put this out there to you when you look at your consent item number one from tonight, when you took the Lund property, you offered them $669,000, but the lawsuit just wrapped up and you guys ended up having to pay an additional $610,000. You offered them 52% of what the legal outcome came out at $1.28 million. You have a problem somewhere in your process to take action against 44 properties in two months. Something is broken. So, I ask that you take the time to try to figure out why you have to take action on so many properties. If you're working with the community, you shouldn't have to take action on 44 properties. Thank you."

Mayor Gilbert thanked Ms. Stitt and called the next speaker.

Next speaker was **Beth Bushman Bland** of 3724 Friendship Road:

"I'm going to piggyback onto Elizabeth. I didn't know what she was going to talk about tonight, but basically, I'm in the same boat. I'm one of the 44 properties, we are, Tom and I are also, and I happen to agree with her. I don't see any reason to trust working with the Town. We were told they weren't going to take our buffer; they're taking our buffer. There were other options that weren't looked at. So, I now have representation, and we submitted it through our attorneys on the 28th of January, a public records request concerning Veridia and the big Branch Force main. Our records request was a very reasonable request, didn't require a whole lot of different documents, and the ask was to have the documents in hand by the 18th of February, which was three weeks after the request was made. I think that was pretty reasonable. The response from the Town was sent to the attorneys on the 7th of February, a little over a week later, stating that due to the large volume of records requested, the Town's response would be delayed, but no timeline was given as to how long that's going to take. Nothing. There was also a push in there, what I would consider a push, that said, Oh, we're going to get charged for paper copies, which were not requested, and if needed, a special service charge could be imposed. It's now 6 weeks later, no records. Our attorney did respond back two weeks ago, asking again and going over what was sent to us on the 7th of February. You know, I've seen Allen at Panera at 9:00 at night. I know how hard he works, and I know how much he has to do, but I don't think this was out of the ordinary. I think you guys are snowballing it, you're pushing it, and you have no intention of getting these requests in any kind of timely manner. That's it."

Mayor Gilbert thanked Ms. Bland and called the next speaker.

Next speaker was **Dawn Cozzolino** of 3632 Bosco Road:

"Good evening, Town Council and Mayor. I don't know if you picked up all the patterns tonight, it's care and competence, but my discussion tonight was on growth. I'll just chime in with that real quick. So, this is a blackberry plant. I'm going to put it in the garden, I'm going to nurture it, I'm going to give it water, I'm going to give it sunlight, and it's going to thrive. That's organic growth, natural. Government management of Apex leverages external forces to get their growth at a furious pace. Can't have it both ways. You can't have a small-town charm and be the city of the future. That's why the people here feel so disorganized with this lack of vision. Housing growth is going to overwhelm the schools and the roadways. Talk a lot about roads, but there's no other options but to shuttle kids far away to schools. No other means of travel, and, you know, they have to leave their friends and the stability there, and we're going to plague our roadways with more accidents and serious safety concerns. This is what's advertised to the outside world, outside of here, and I just think it's an ambiguous narrative that brands everything in a wholesome manner and packages it up, when you're not really telling the entire truth or you're hiding it. Just heard about Eminent Domain, why is that in secret? Why is there even Eminent Domain on private development? I mean, this is not for the public good. These are questions said, okay, why is it so difficult to get a simple request for a traffic impact study? Okay, just three developments on Old US Road are going to add 17,000 new vehicle trips a day to that road, the three that are getting built now. Why is that too much to ask? And then a community waits over 417 days for a public records request. Why is that so hard? Care and competence and the truth will be the sunlight. Thank you."

[NEW BUSINESS]

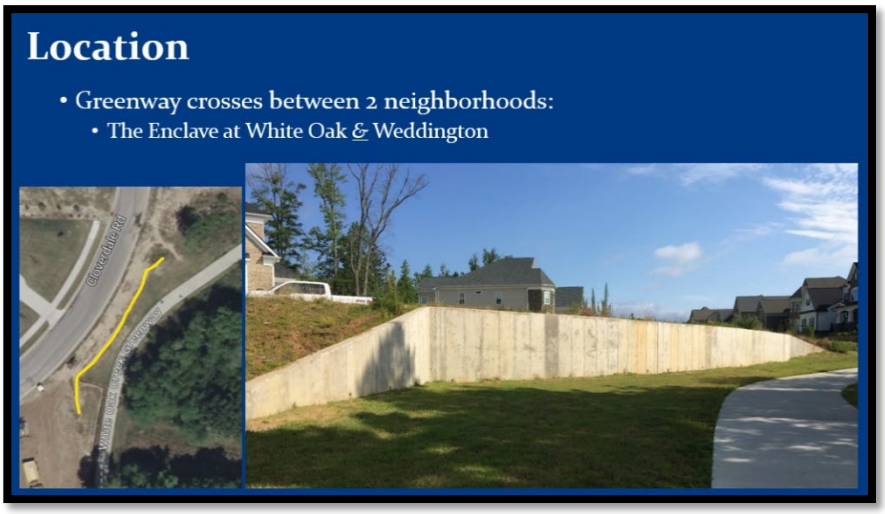
NB1 White Oak Creek Greenway Mural Design Endorsement

Taylor Wray, Cultural Arts Center Manager, Parks, Recreation, and Cultural Resources Dept. gave the following presentation:

[SLIDE 1]



[SLIDE 2]



[SLIDE 3]



[SLIDE 4]



[SLIDE 5]



Ms. Wray thanked everyone for their time.

Mayor Gilbert asked if there was anyone at the meeting from the Public Art Committee.

Ms. Wray said that Chair Tom Cowell was in attendance.

Mayor Gilbert asked if there were any questions.

Mayor Pro Tempore Gray said that someone had asked him why the Town was spending money on murals. He said that one way to combat graffiti and vandalism is with art because artists respect other artists' work. He said this was a reflective piece of art that is a small investment to ensure beauty stays in Apex.

A **motion** was made by **Councilmember Killingsworth**, seconded by **Councilmember Zegerman** to approve the White Oak Creek Greenway Mural Design Endorsement.

VOTE: UNANIMOUS (5-0)

[CLOSED SESSION]

A **motion** was made by **Councilmember Gantt,** seconded by **Mayor Pro Tempore Gray** to enter into closed session pursuant to NCGS §143-318.11(a)(3).

VOTE: UNANIMOUS (5-0)

Council entered closed session at **6:55 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 **7:09 p.m.**

[ADJOURNMENT]

Mayor Gilbert adjourned the meeting at **7:10 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 8th day of April, 2025 (CN5).

APPROVED MEETING MINUTES

TOWN OF APEX
TOWN COUNCIL WORK SESSION
TUESDAY, MARCH 18, 2025
3:30 P.M.

The Apex Town Council met for a work session on Tuesday, March18, 2025 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=ZSix5DaOgMg

[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 3:30 p.m., welcomed everyone. He said Councilmember Killingsworth will be around 20 minutes late, then led everyone in the pledge of allegiance.

Mayor Gilbert thanked for those who joined via livestream and transitioned into the team building activity from February's Town Council Retreat.

Town Manager Vosburg introduced Elizabeth, a junior at Apex High School, who is participating in the Chamber's Youth Leadership Program. He noted that the Chamber has added a new mentee/mentor component to the program this year, and he is serving as

Elizabeth's mentor throughout the process. He also shared that several other Town staff members are participating in the program as mentors.

Town Manager Vosburg then introduced Dr. Ruth Steidinger to present the results of the recent team-building activity.

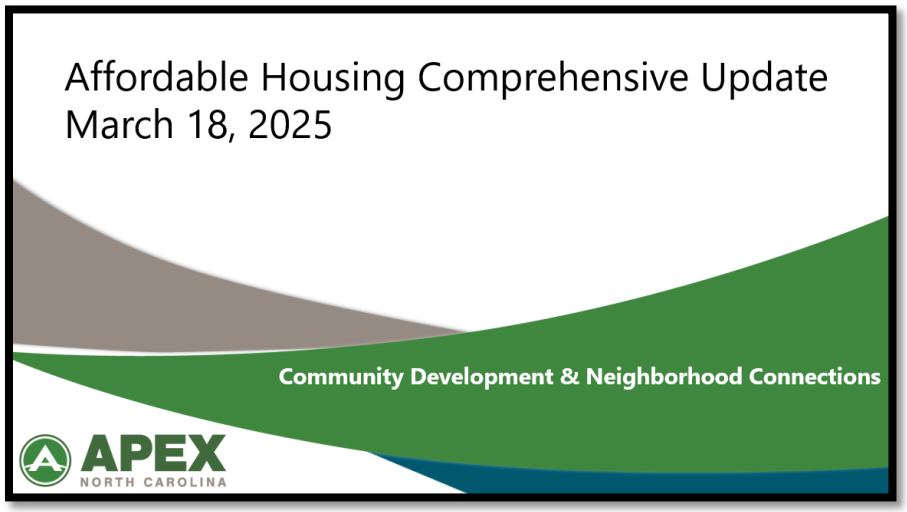
[TEAM BUILDING ACTIVITY FOLLOW-UP – TOWN COUNCIL REATREAT FEBRUARY 2025]

Dr. Ruth Steidinger, Owner and CEO of Steidinger Consulting, provided a follow-up to Town Council on the results of the team-building activity conducted during the February 2025 Council Retreat.

[HOUSING PROGRAM UPDATE]

Lamont Taylor, Housing Programs Manager with Community Development & Neighborhood Connections (CDNC), gave an overview of the information that would be presented.

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[SLIDE 2]



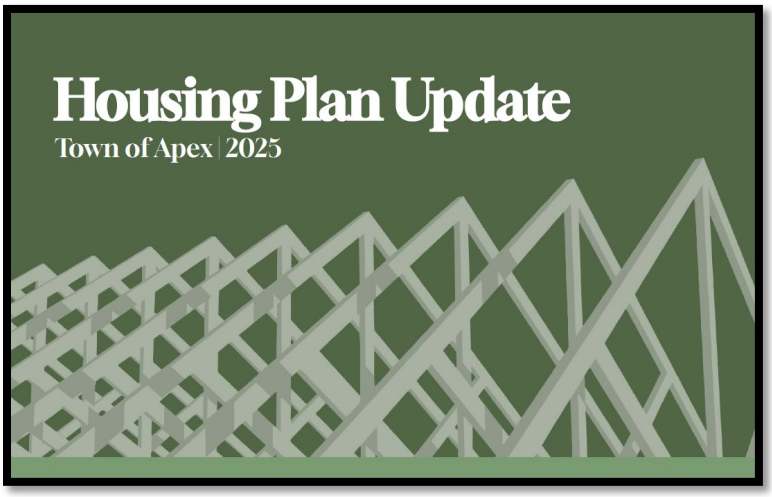
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Mr. Taylor introduced Jeff Saucer, Consultant with Community Scale, who is the lead project team member.

Mr. Saucer provided overview of the project's goals, initial observations, upcoming engagement opportunities, and outlined the next steps as the team moves forward finalizing the plan.

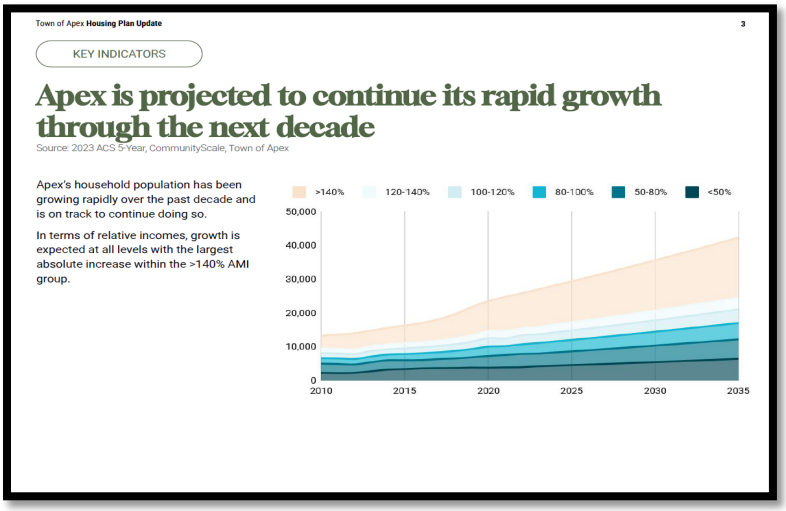
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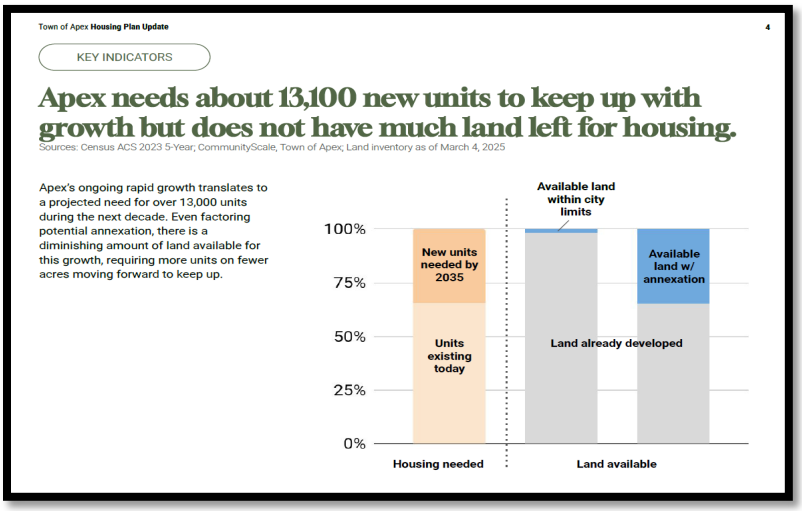
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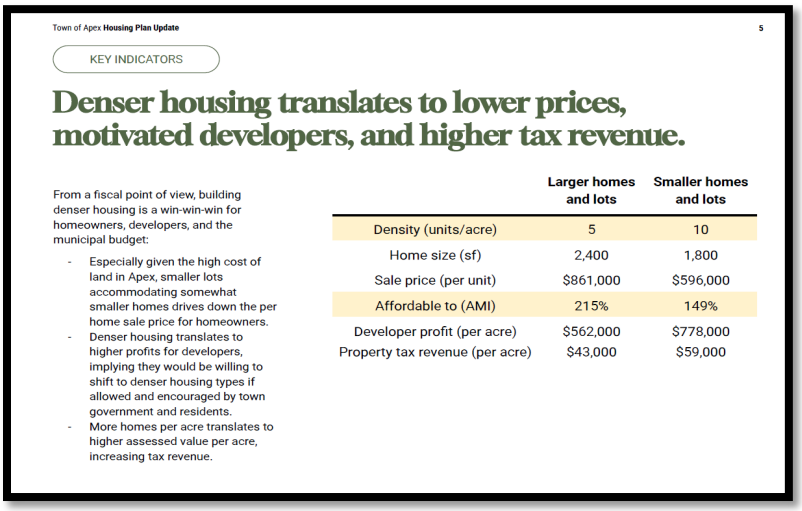
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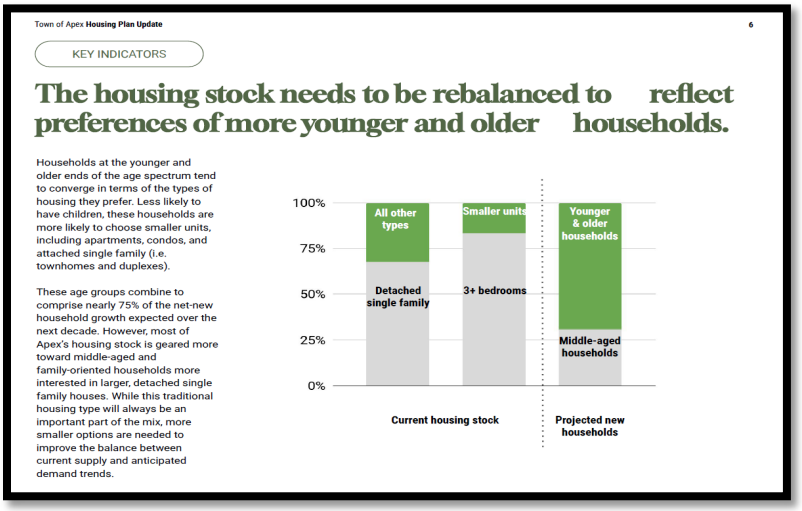
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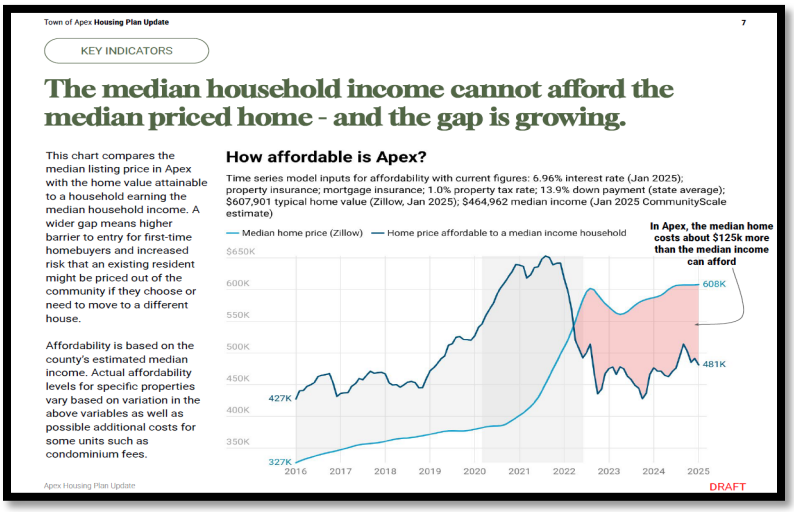
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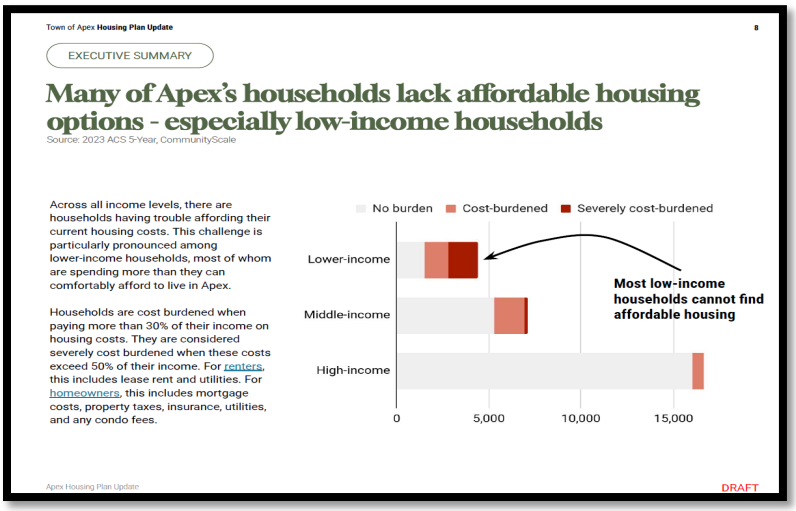
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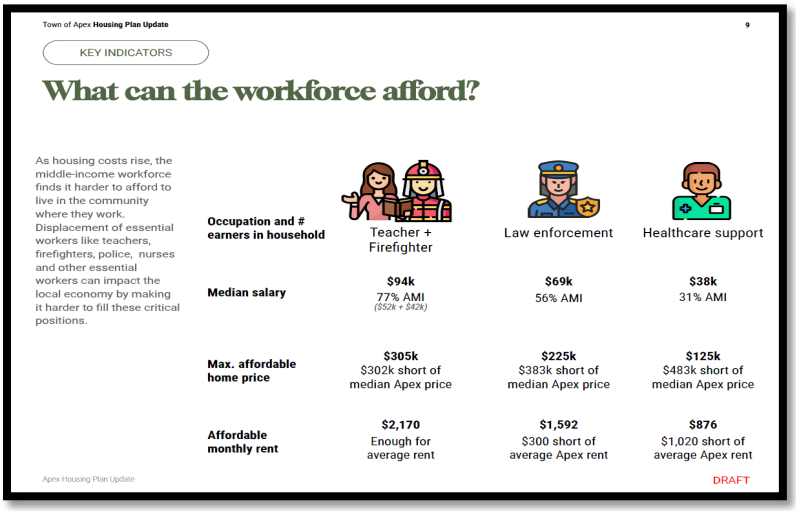
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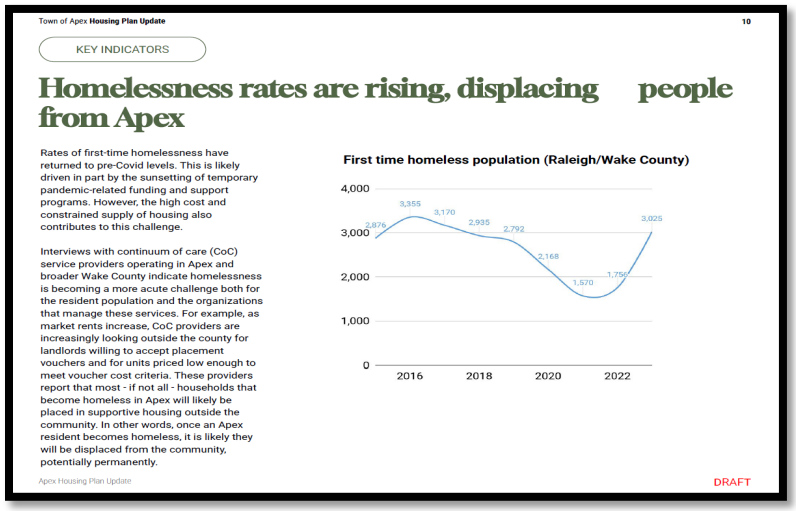
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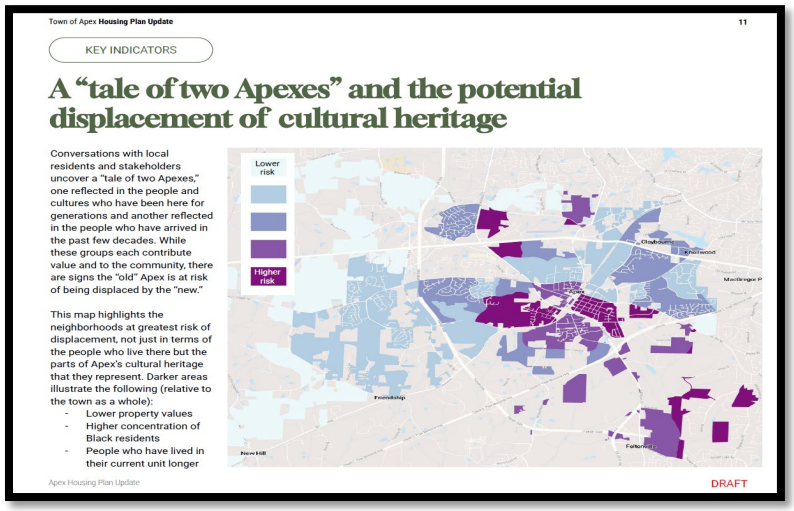
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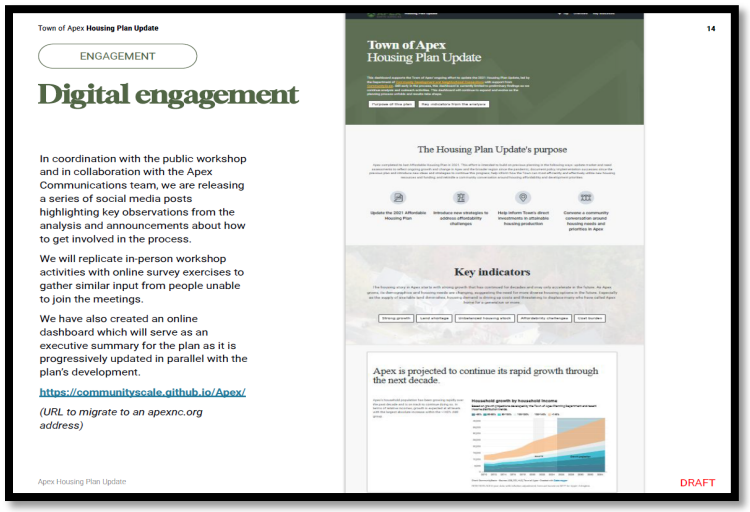
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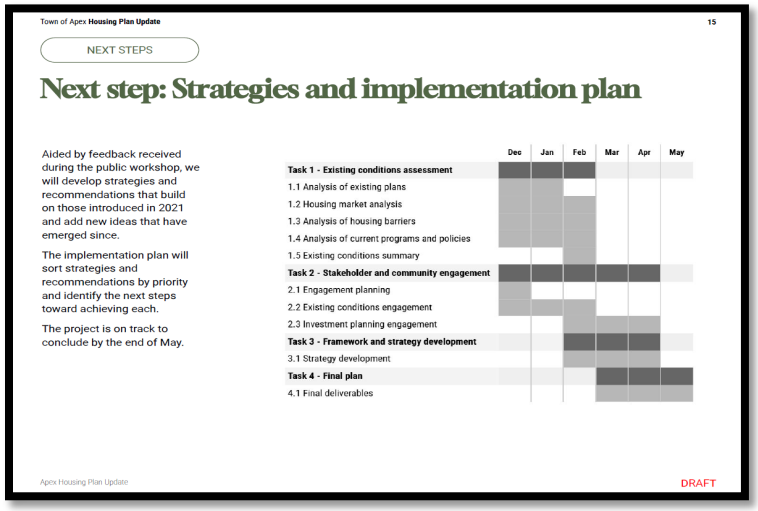
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[SLIDE 15]



Councilmember Gantt asked whether there is an existing policy that needs to be revised or if a new policy is needed to address issues related to the current housing stock.

Mr. Saucer explained that, over the long term, new development is expected to become denser. He emphasized the importance of implementing policies that help ensure the community is comfortable with increased levels of density.

Councilmember Zegerman noted the previously approved rezoning requests and asked how those approvals align with the goal of reaching 13,000 housing units being sought.

Mr. Saucer said this is great observation to determine how to translate these observations into new policies. He said they can look into if there have been missed opportunities and look at what has happened in recent years.

Councilmember Zegerman asked about how income brackets are quantified in this study.

Mr. Saucer stated that the brackets have been calibrated into six brackets in accordance with guidelines from the U.S. Department of Housing and Urban Development (HUD).

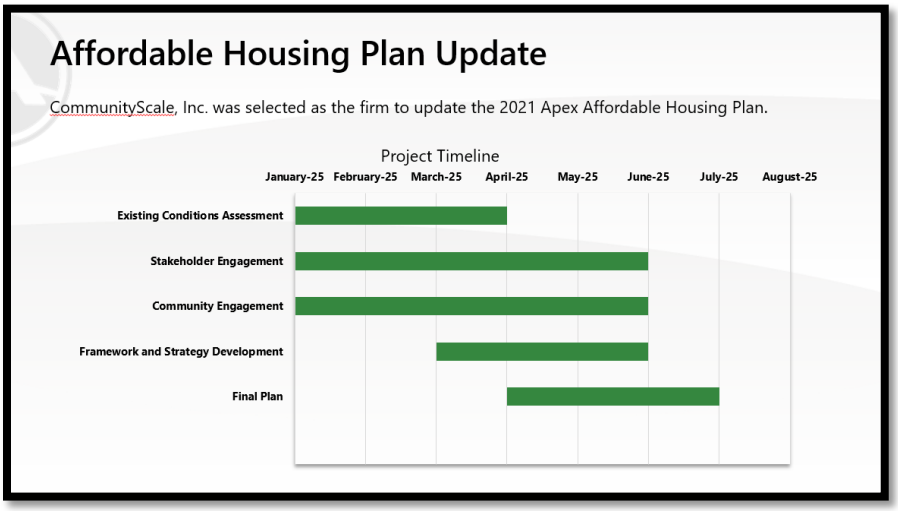
Councilmember Gantt recommended that the workshop exercise should include residents living in single-family homes and emphasized asking what residents would be happy with behind their property where road stubs are.

Mayor Pro Tempore Gray asked whether stakeholder meetings are planned and requested clarification on the groups involved.

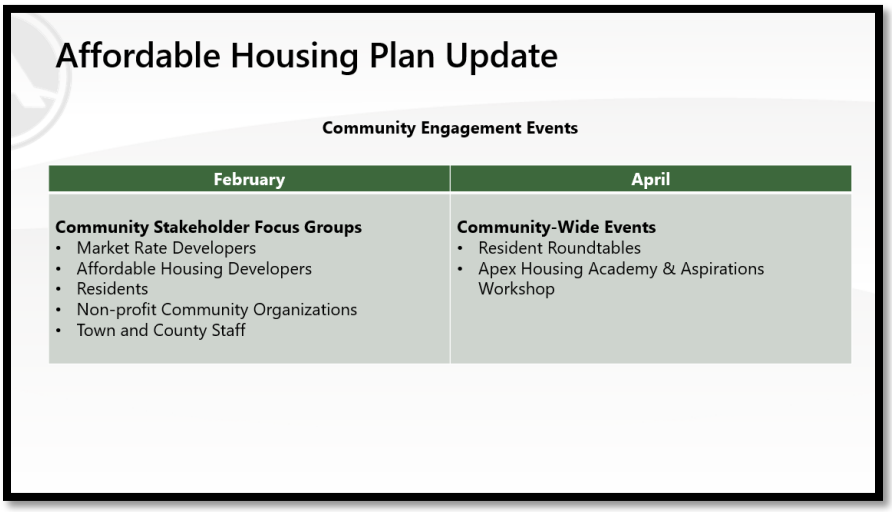
Mr. Saucer confirmed a series of stakeholder meetings are scheduled. He noted meetings would include private developers, nonprofit developers, service providers, local planners, and regional planners. He said the upcoming events are intended for local residents across Apex.

Mr. Taylor resumed his presentation.

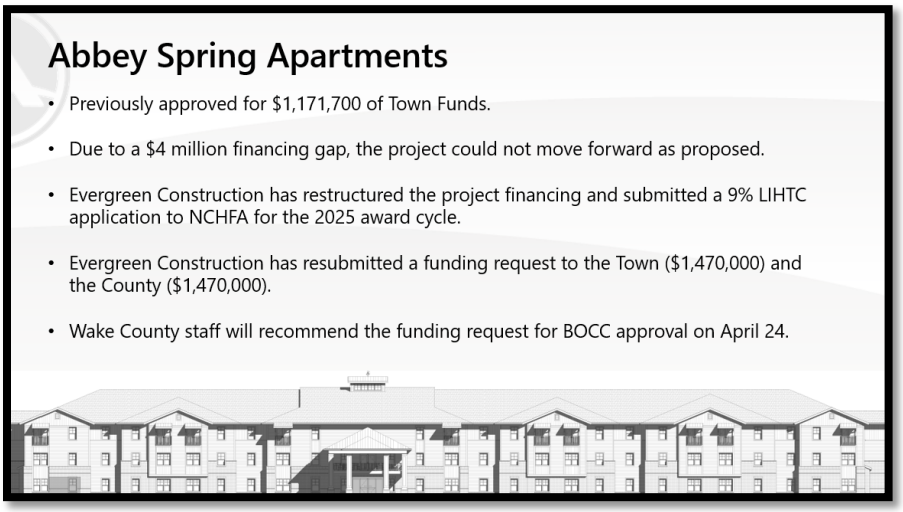
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[SLIDE 5]



[SLIDE 6]



Councilmember Gantt asked if there was a financing gap policy for the maximum per unit loan.

Director Newman said cost is relative. She explained that the funding gap arose because the combined commitments from the Town and Wake County at the time were insufficient to fully address the shortfall. The developer revisited and adjusted the financial plan, ultimately reducing the number of units to eliminate the funding gap.

Councilmember Zegerman wanted to confirm if there was an additional ask for a $1.5 million.

Director Newman said no, the ask is $1,470,000 total.

[SLIDE 7]

Abbey Spring Apartments

Abbey Spring Apartments is a 56-unit affordable development for seniors being developed by Evergreen Construction. The development will be located on 5.01 acres on West Williams Street. The site is near several amenities, including shopping and grocery stores.

Unit Type	Target AMI%	Unit Count	Monthly Rent
1BR	30	7	$575
2BR	30	7	$700
1BR	50	7	$1,000
2BR	50	7	$1,200
1BR	60	15	$1,200
2BR	60	14	$1,450



Councilmember Gantt said it seemed counterintuitive that the AMI would go down when the cost of the land is the same, and asked why a smaller development was better.

Director Newman stated that increased costs have contributed to the current situation.

Assistant Town Manager John added that its now $175 per square foot (SF) in Raleigh.

[SLIDE 8]

Apex Cares Housing Rehab Program - Guidelines

Program Guidelines

Criteria	Homeowner Rehab	Urgent Repair	Architectural Barrier Removal	Weatherization
Qualifying Households	No age restriction Homeowners	No age restriction Homeowners	Elderly (62 years of age or older) and/or disabled Homeowners and Renters	No age restriction Homeowners and Renters
Household Income Limit	65% AMI	65% AMI	65% AMI	65% AMI
Ownership Tenure	3 years	3 years	n/a	n/a
Maximum Assistance	$40,000	$15,000	$5,000	$2,500
Form of Assistance	*Forgivable Loan	Grant	Grant	Grant
Loan Term	10 years	n/a	n/a	n/a

Councilmember Mahaffy asked about the new plan for Abby Springs is contingent on receiving the 9% tax credit.

Mr. Taylor said it is.

Councilmember Mahaffey asked is it realistically a competitive bid.

Director Newman said she thinks so, it's 100% affordable, and because of the location it is in alignment with the public transit services as well.

Assistant Town Manager John suggested that the Qualified Allocations Plan for 2025 is likely to be more favorable for previously submitted projects that were not funded in the last round.

Councilmember Mahaffey asked what happened after the 9% tax credit.

Director Newman said the gap was too large. She said there was a $4 million gap that the Town or County couldn't fill so the numbers had to be reworked.

Assistant Town Manager John explained that Wake County was overextended with projects prioritized in the Raleigh area. She stated that several meetings were held with Wake County to explore funding partnerships. Unfortunately, Wake County had to withdraw due to constraints related to the established service date, which could not be met.

Councilmember Zegerman asked if it's possible to add a story to the building or was it prohibited because of regulations.

Director Newman said it was not due to cost of construction and adding additional units.

Councilmember Zegerman said it doesn't seem logical that construction costs could be prohibitive given that the price of land and infrastructure remains consistent, and there isn't much additional work required.

Director Newman said that one of the factors contributing to the project's increased competitiveness this round is the focus on deeper affordability, targeting approximately 30% of Area Median Income (AMI). She noted that this approach involves scaling the project to achieve greater affordability while still increasing the number of units. However, she emphasized the challenge of balancing the loss of income typically generated from higher-income units. For tax credit projects, rent levels are capped at 60% AMI, which is appropriate, but previously the focus was primarily on 60% and some 50% AMI units, with less attention to 30% AMI units. She highlighted that while construction costs remain consistent, the lower rent levels associated with 30% AMI units make it difficult to underwrite the debt service, representing a tradeoff.

Councilmember Mahaffey said he was looking at the debt ratio on the entire service.

Assistant Town Manager John said that one possibility is to go to the housing finance agency to see if they could go higher on the rents for a certain percentage.

Councilmember Zegerman said he wanted to make sure the town was not in the way of getting more units.

Director Newman said no, that was not the case. She said they considered many possibilities, but this was the best way for the math to work out.

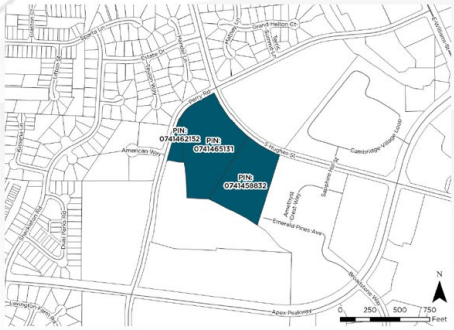
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Apex Cares Housing Rehab – Program Update

- The program is administered by Preserving Home (formerly Rebuilding Together of the Triangle) and provides up to $40,000 for home repairs.
- Program implementation is currently underway.
- Currently 2 homes are in the pipeline for repairs.

[SLIDE 10]

Hughes Street Site



The 12.43 acre site is located at 930 Hughes Street, immediately south of the intersection of Perry Road and Hughes Street.

[SLIDE 11]

Hughes Street Site – Currently Underway

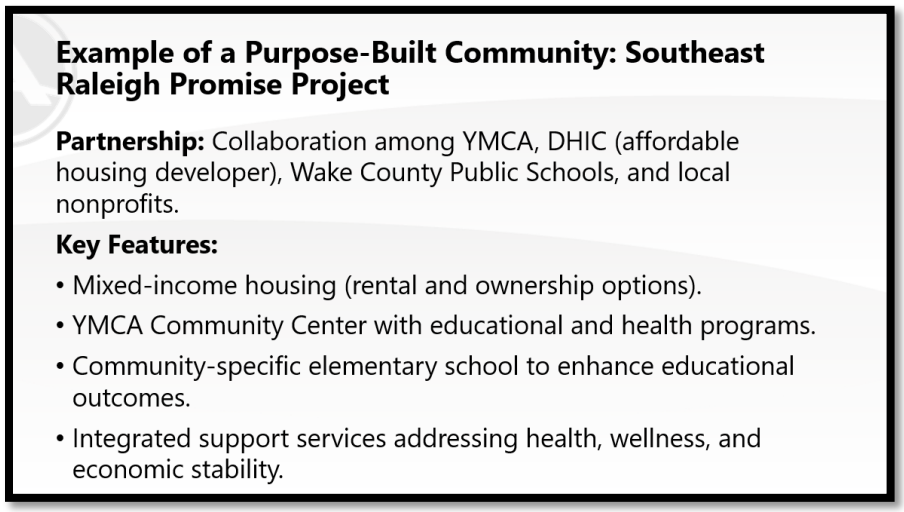
- Submit a re-zoning and PUD site plan pre-application for TRC review.
- Phase 2 Environmental Assessment
- Evaluate potential CIP funding for infrastructure improvements and site prep to improve the suitability for development.
- Select firm to create site plan and highest and best use analysis.
- Explore public-private partnership opportunities.

Director Newman introduced Andre Anthony, with Dorcas. He stated his partner Dr. Troy Hodges, Executive Director, of Western Practice Main Street, could not be in attendance, but thanked everyone for the opportunity to speak today regarding a Public-Private Partnership opportunity with Dorcas.

[SLIDE 12]



[SLIDE 13]



[SLIDE 14]

Proposed Dorcas/WWCM and Town of Apex Partnership

Location: 12+acre property acquired by the Town of Apex.

Development Summary:

- Dorcas Thrift Store
- Offices and Social Services Facility (includes food pantry, workforce development, veteran support, etc.)
- Space reserved for potential medical clinic (Federally Qualified Health Center) and/or other partner(s)
- Mixed-income housing: owned and rented; townhomes/condos/apartments
- Community gathering spaces, green spaces, and walkable streetscapes
- Ample parking

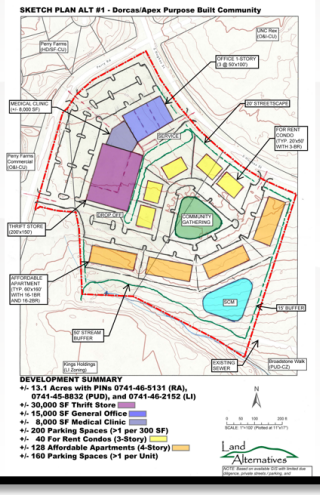
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Why Partner with the Town of Apex?

- **Shared Vision:** Commitment from the Town to community well-being aligns directly with Dorcas and WWCM's mission of comprehensive community support.
- **Collaboration and Resources:** Partnership provides access to town expertise, infrastructure, and resources that enhance the project's feasibility and sustainability.
- **Local Impact:** Joint development ensures services and infrastructure directly reflect and meet community needs.
- **Sustainability and Growth:** A strong public-private partnership lays the groundwork for ongoing growth, economic vitality, and improved quality of life for residents.

[SLIDE 16]

Example of what the Dorcas/WWCM and ToA partnership COULD look like.



Councilmember Gantt asked whether there are examples of similar developments in areas with secondary thoroughfares rather than major ones. He noted that the retail component appears intensive for a location that does not currently experience significant traffic.

Mr. Anthony said he doesn't know all the different purpose-built communities. He said he has seen them in different kind of neighborhoods.

Councilmember Zegerman asked how big is the Southeast Raleigh side.

Mr. Anthony said he does not recall the whole gap.

Councilmember Zegerman said there is a school on a lot.

Mr. Anthony said there is a credit union there and affordable apartments that range up to three or four stories

Director Newman said the location is at Interstate 40 and Rock Quarry Road.

Assistant Town Manager John asked if Beacon was one of them.

Director Newman said yes.

[SLIDE 17]



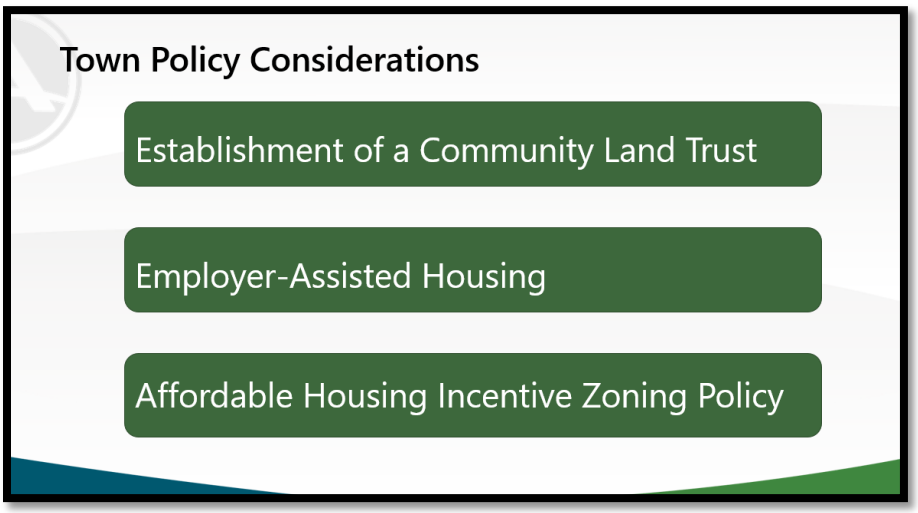
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Councilmember Gantt said he is hopeful that the process could include a discussion about nearby parcels to explore potential opportunities. He mentioned uncertainty about whether the hospital intends to utilize all of its available land, noting the large grassy area across the street. He suggested it would be valuable to consider a broader vision that encompasses the entire intersection rather than focusing solely on the 12-acre site.

Director Newman proposed exploring the feasibility of relocating the health center to UNC property across the street in collaboration with relevant stakeholders. This approach, she suggested, could preserve existing site space for housing and green infrastructure while leveraging existing community assets. She emphasized the need to evaluate this option alongside the current site proposal, noting that the planning consultant's expertise would help determine the most strategic configuration for optimizing land use and community benefits.

[SLIDE 19]

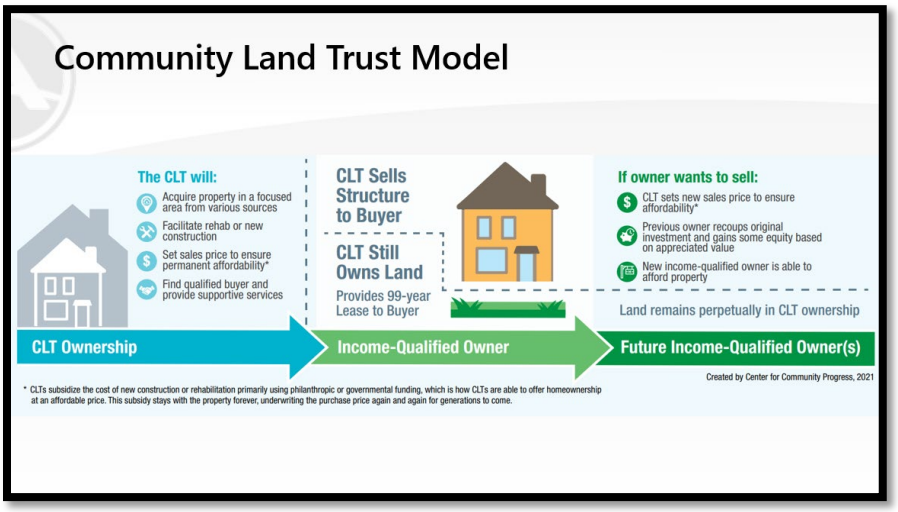


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What is a Community Land Trust?

A community land trust (CLT) is a structure that allows land to be held "in trust" for community needs, outside of the influence of market pressures. The CLT model connects income-qualified homebuyers with **perpetually affordable**, quality homes using the national **Community Land Trust model.**

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[SLIDE 22]

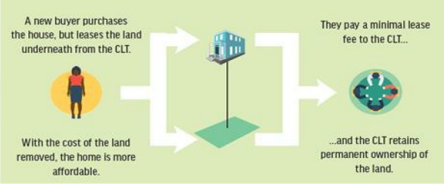
Benefits of Community Land Trust Homeownership

- Purchase price set significantly **below market** to be affordable to qualified buyer(s)
- Buyer(s) purchase **home only** and **lease land at a nominal rate** from CLT for a period of time (often 99 years) creating perpetual affordability of the land and protects Town investments.
- Property taxes assessed only on value of the home making tax bills **substantially lower than market-rate homes.**
- **Resale price** of home is restricted to ensure the home remains affordable to subsequent buyers.
- **Opportunity to build individual/family equity** for those typically not able to access homeownership.

[SLIDE 23]

Community Land Trust (CLT) Example

CLTs use long term land leases (99+ years) to lower costs for renters and homeowners.



Homeownership Example

	CLT Ownership	Regular Ownership
Initial Sale Price	$459,000	$459,000
Assessed Value of Land	-$100,000	$100,000
Total Purchase Price	$359,000	$459,000

[SLIDE 24]

CLT Legal Framework and Next Steps

- **CLT Legal Framework – Formation and Governance**
  - Form the CLT as a North Carolina nonprofit corporation – file articles of incorporation
  - Obtain a Federal tax identification number
  - Appoint and seat a Board of Directors
  - Approve and adopt bylaws, conflict of interest policy, and elect officers
  - Approve and adopt mission, vision, and initial land development program, with direction and support from the Town of Apex
  - File for 501(c)(3) tax exempt status – form 1023 application with the IRS
- **Initial Land Development Program**
  - Prepare and Issue RFPs for a 3rd Party Management Entity and Development Partners
  - Prepare development agreements, ground leases, grant and loan agreements
  - Prepare declarations of affordability covenants

[SLIDE 25]

Employer-Assisted Housing

Employer-Assisted Housing (EAH) programs are financial assistance programs to help mitigate employee housing-related costs. Some public-sector employers have developed EAH programs in areas where the cost of living is high. Programs may include:

- Ongoing grants to reduce rental housing costs
- Grants for down-payments and closing costs to purchase a home

[SLIDE 26]

Employer-Assisted Housing Program Examples

The Town of Chapel Hill's Employee Housing Program provides homebuyer and rental assistance for income-eligible Town employees.

The City of Greensboro's Public Service Heroes program provides homebuyer assistance for income-eligible employees of the City of Greensboro, Guilford County, Guilford County Public Schools, active-duty military service members, and veterans.

[SLIDE 27]

Affordable Housing Incentive Zoning Policy (AHIZP)

Adopted by Council in 2023, the policy encourages developers to provide affordable homes or lots as part of a proposed development in exchange for incentives. Zoning-based incentives include:

- Higher Density Zoning District
- Density Bonus
- Development Standards
  - Increased Maximum Building Height
  - Reduced Minimum Lot Widths
  - Reduced Minimum Building Setbacks
- Resource Conservation Area Reduction
- Parking Reductions
- Sidewalk Reductions

[SLIDE 28]

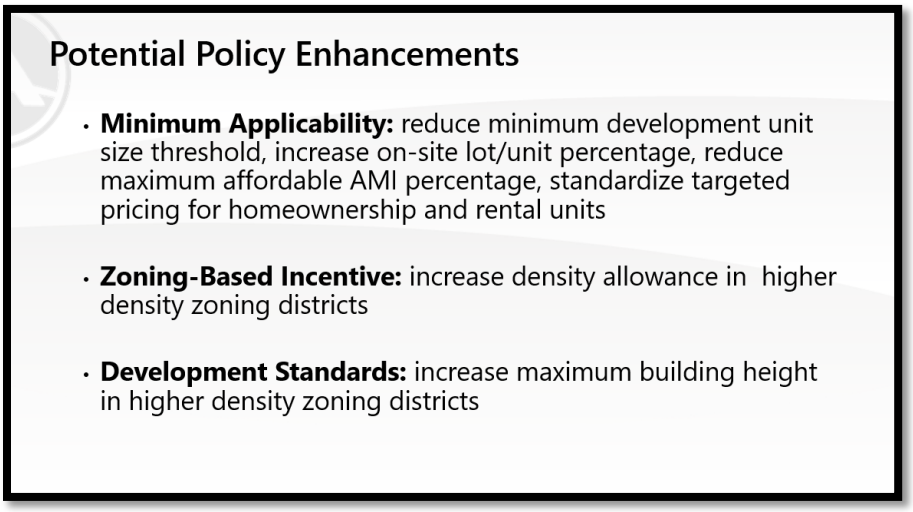
Affordable Housing Incentive Zoning Policy (AHIZP)

Since the adoption of the policy, only two approved re-zonings have designated the minimum required of 5% of total development units.

Rezoning Case	Projected Total Units	Affordable Units Designated	Ownership or Rental	Targeted AMI Percentage*	Affordability Period
Green Level Towns PUD (2025)	32	2	Ownership	135%	20 years
			Rental	80%	20 years
Kelly Road Townhomes (2025)	30	2	Ownership	135%	20 years
			Rental	80%	20 years

*Area Median Income (AMI)

[SLIDE 29]



Councilmember Gantt expressed concern that some of the recommended changes appear to be more restrictive and counterintuitive.

Director Newman said that the plan includes introducing additional incentives, such as reductions in parking requirements, density bonuses, and other incentives that would help offset the cost of creating more affordable units.

Councilmember Gantt said the lack of participation may be due to the incentives not being strong enough. He suggested that the type of incentive most desirable to developers might be an automatic approval from Council if certain conditions were met. He questioned whether the current incentives are truly compelling and asked whether developers would actually be interested in pursuing greater density, as in some cases it appears that high-density projects may not be well-suited to the surrounding area.

Director Newman said the developers don't feel sufficiently incentivized. She said there are things they can look at to enhance those incentives.

Councilmember Gantt said the push back from residents is greater the more the town does incentivize things like density.

Director Newman said it's also important to educate on affordable housing vs. making homes more affordable.

[SLIDE 30]

Potential Policy Enhancements

- **Resource Conservation Area Reduction:** reduce RCA in developments with 10% of units designed as affordable
- **Parking Reduction:** reduce minimum parking requirements in MF developments that are pedestrian-oriented mixed-use and/or within .25-mile of existing or planned transit stops
- **Financial Incentives:** Town loan financing, Water and Sewer Fee reduction, Parks and Recreation Fee reduction
- **Policy Alternatives:** standardized fee-in-lieu calculations

[SLIDE 31]

Affordable Housing Funding

- The budget allocation for Fund 21 (Affordable Housing Fund) began in FY2020-21 and the allocation was 1.5 cents on the tax rate.
- Starting in FY2023-24, the allocation was reduced to one cent.
- In FY2024-25, the allocation remained at one cent on the tax rate; and Council used part of the transfer to offset affordable housing personnel costs previously supported by general fund revenues.
- The FY2024-25 allocation is $1,930,600 (including housing personnel and operating costs).

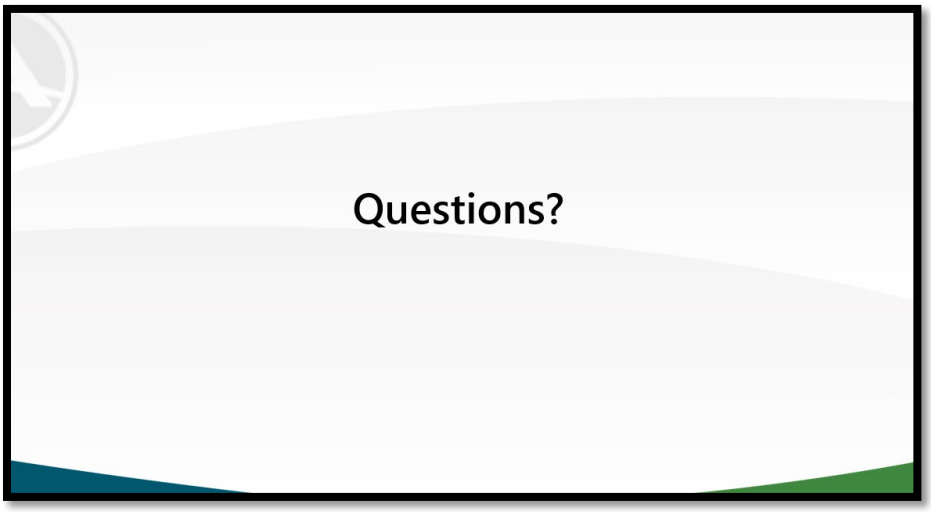
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Affordable Housing Fund Status

- The Affordable Housing Fund - $6,074,611 (Fund Balance at 1/31/25)
- Apex Cares - $625,000 annually
- Abbey Spring Funding Request - $1,470,000
- Hughes Street site purchase - $2,900,000
- Potential future gap financing for homeownership - $1M example ($10K each)
- Potential redevelopment area investments – TBD

Remaining available for investment - $79,611

[SLIDE 33]



Councilmember Killingsworth asked when this was coming back to Council.

Director Newman said hopefully April.

Councilmember Zegerman stated that the initial presentation will offer important insights that should help shape future policy. He pointed out that higher density developments already lead to greater profits for developers, raising the question of why additional incentives are necessary. He also noted a disconnect between what is considered affordable in the policy and actual income levels, suggesting the current approach may not effectively serve the intended community. He emphasized that the housing plan recommendations need to directly inform policy decisions.

Mayor Gilbert asked about nonprofit developers.

Director Newman said they were included in one of the stakeholder meetings last month. She said they'll be invited to join again to the public sessions next month at the table for both profit and nonprofit developers.

Town Manager Vosburg emphasized the importance of ensuring broad support for the initiative, noting that the goal is not merely incremental improvement but rather a more significant and impactful transformation. He suggested opening up to something that's more drastic than what has been proposed.

Councilmembers indicated yes.

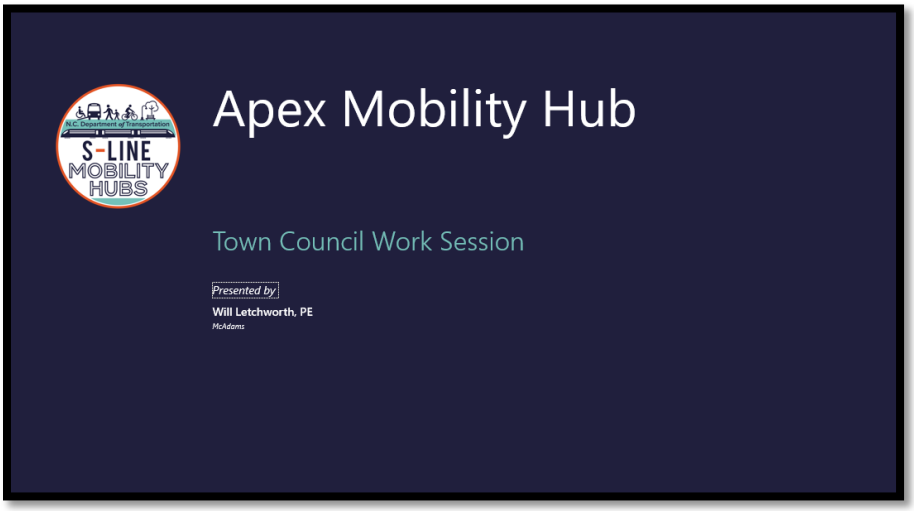
Councilmember Zegerman suggested tying the result to the first finding.

Mayor Gilbert thanked everyone for all the information.

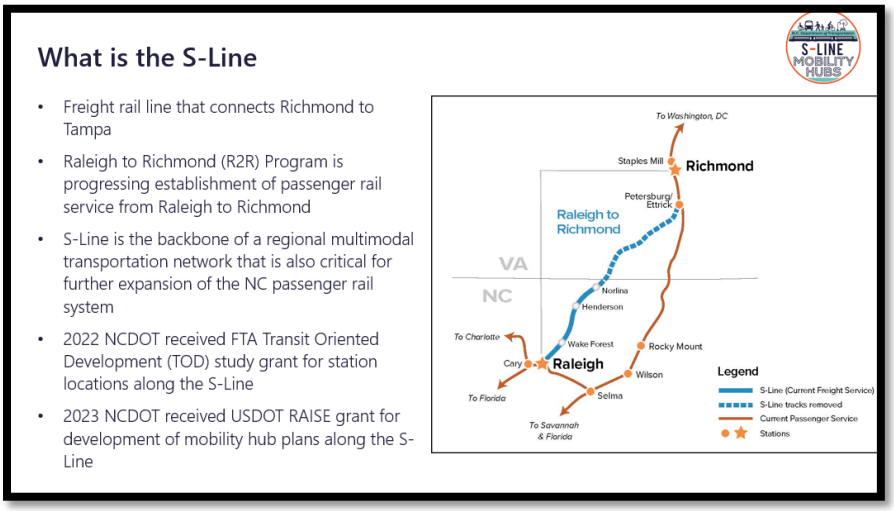
[S-LINE MOBILITY HUB FEASIBILITY STUDY]

Shannon Cox, Long Range Planning Manager, Planning Department, introduced Will Letchworth, Vice President of Transportation with McAdams who is presenting the Apex S-Line Mobility Hub.

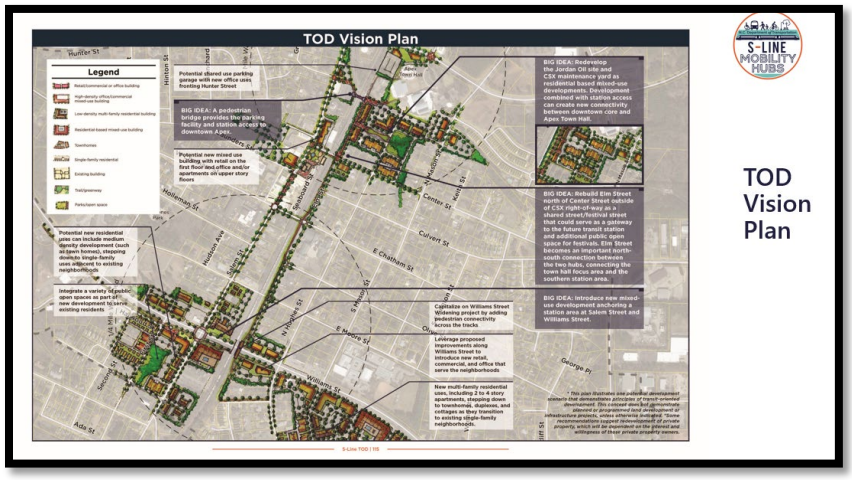
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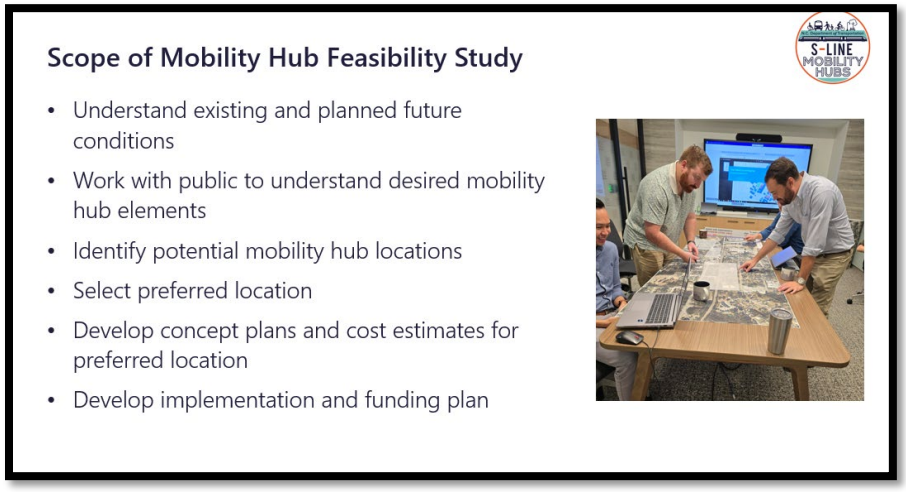
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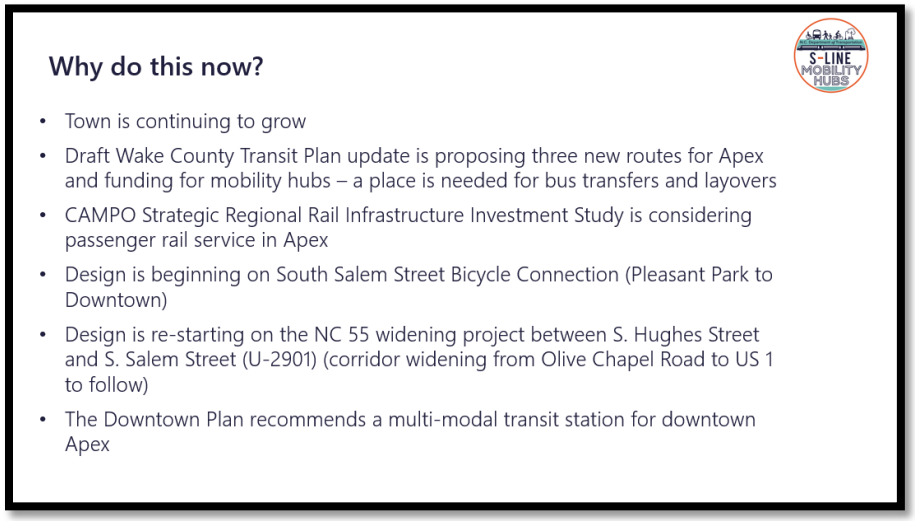
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[SLIDE 6]

Mobility Hub Feasibility Study Timeline

- July 2023 - TOD Plan Completed
- May 2024 – Feasibility Study Begins
  - Understand current and planned future conditions
- August 2024 – Public Open House / Survey
  - Identify potential locations and select preferred location
- January 2025 – Property Owners Meeting
  - Develop mobility hub concepts and cost estimates
  - Develop implementation and funding plan
- February 2025 – Public Open House
  - Revise concepts and finalize report
- May 2025 – Town Council Meeting for Possible Adoption

[SLIDE 7]





Public Engagement

- Public Open House on August 5, 2024
- Public Survey – 421 Participants
- Property Owners Meeting on January 9, 2025
- Public Open House on February 26, 2025 – online survey

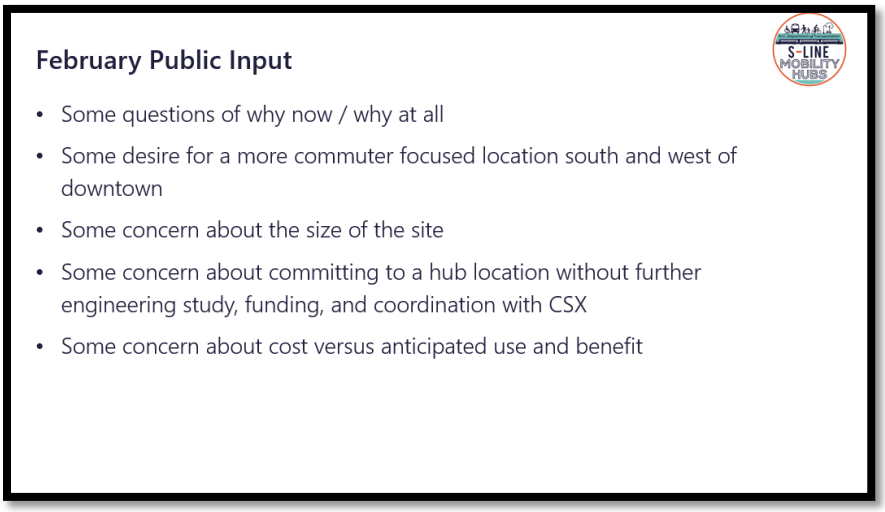
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What Did We Learn – Public and Property Owners

- Strong desire for public space
- Public restrooms are needed – expandable to indoor waiting area
- Desire for additional retail
  - Transit user specific a must
  - Should support adjacent retail
- Less desire for parking than anticipated
- Desire for visual screening on southeast side of tracks adjacent to residential area
- Concern about possible parking on Elm Street and surrounding streets
- Request for strategies to address safety and security and to minimize potential loitering

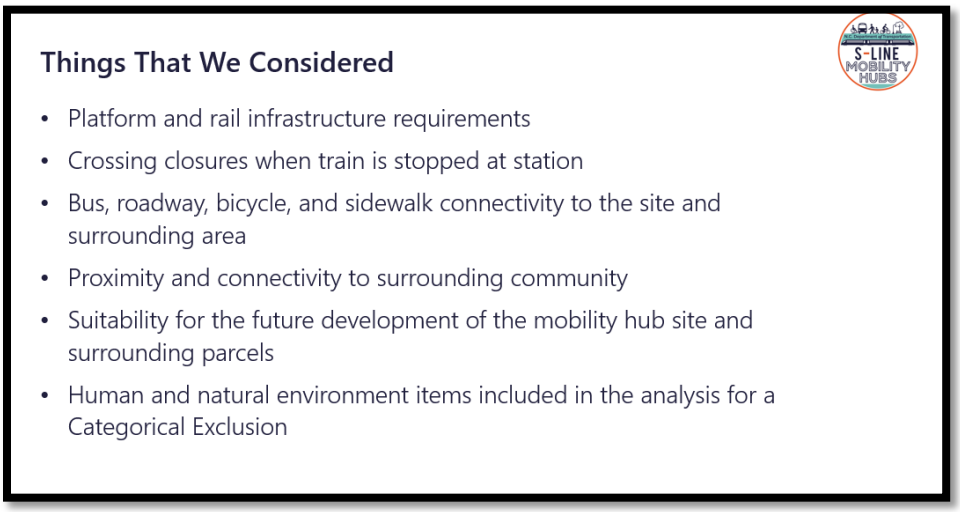


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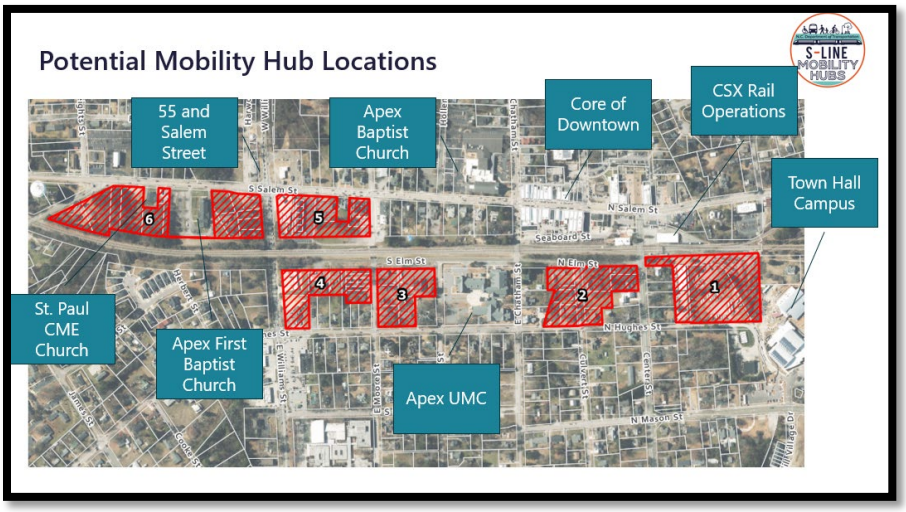


Councilmember Gantt expressed concern about commuter-based transit models that rely on large surface parking lots, noting they can be underutilized, uninviting, and detrimental to surrounding areas. He preferred transit options integrated into more vibrant, walkable areas, suggesting that the feedback supporting large park-and-ride models may not be suitable for Apex.

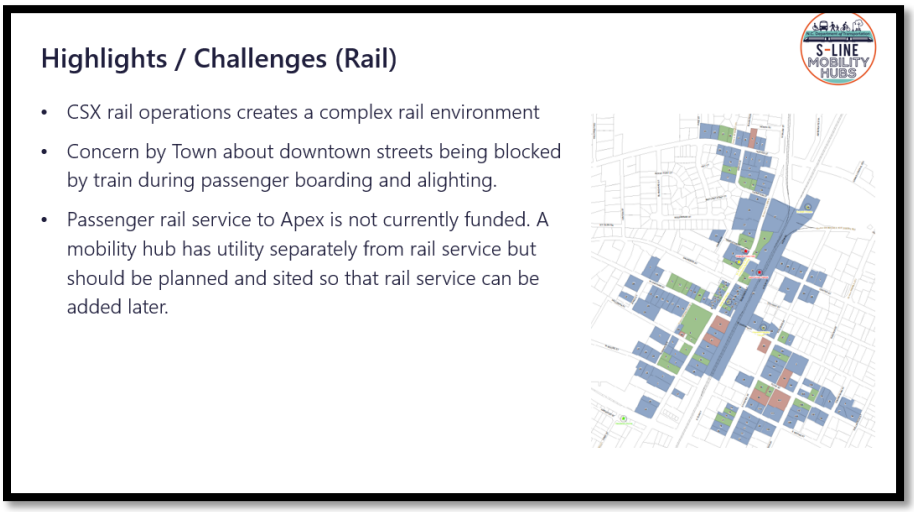
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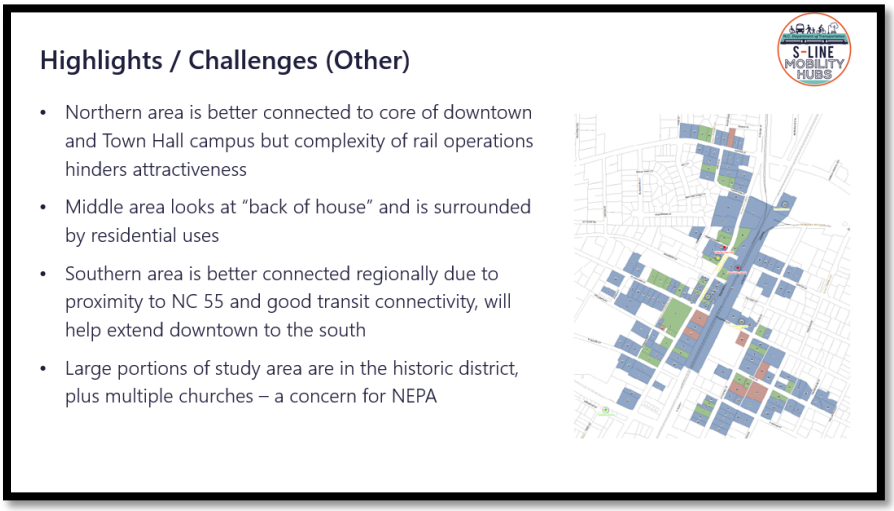
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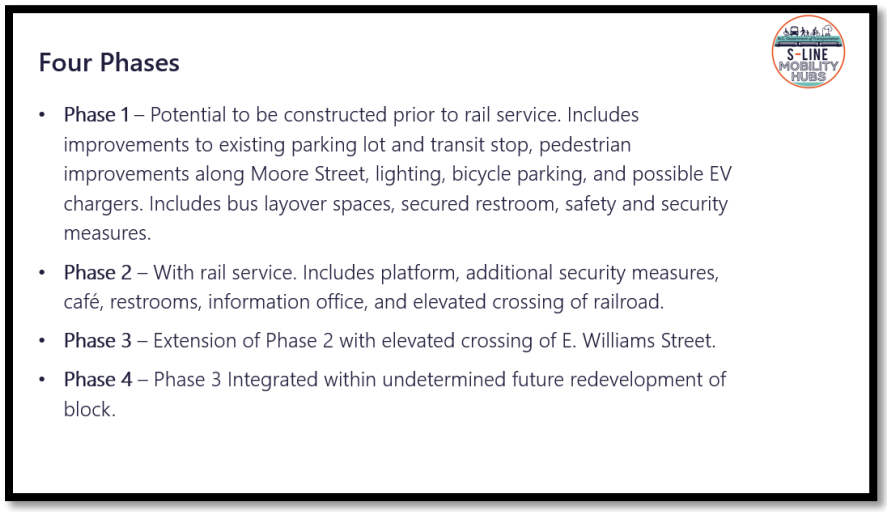
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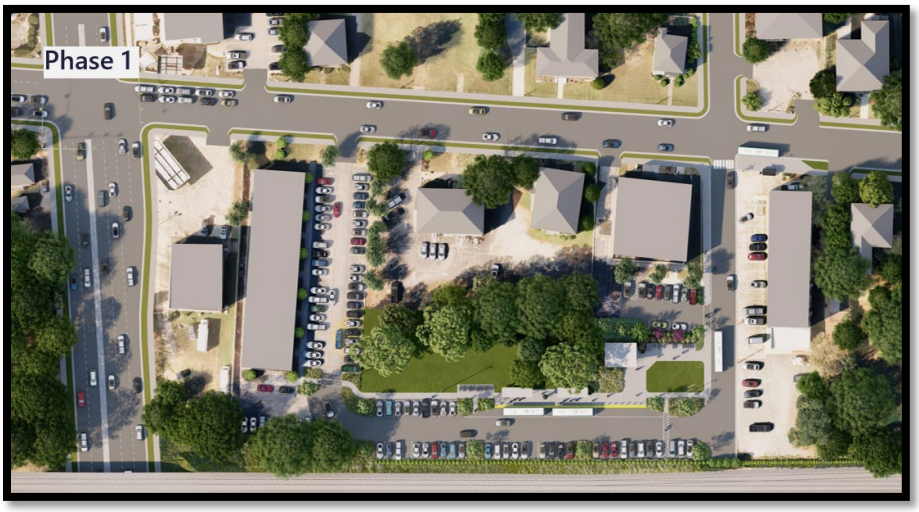
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Councilmember Gantt asked about the funding of phase one with the Wake Transit Plan.

Ms. Cox said the upcoming Wake Transit Plan, expected in May, includes multi-million dollar estimates for mobility hubs, though it does not yet outline specific features or identify which locations will be prioritized. She noted that, with bus routes planned for Apex, an Apex mobility hub would likely be a high priority. She also explained that while Phase 2 involves rail, Phase 3—which includes a pedestrian crossing over East Williams Street—could be constructed in coordination with Phase 1.

[SLIDE 16]



[SLIDE 17]



Councilmember Mahaffey asked whether the property owners are open to a shared maintenance agreement, with the Town responsible for maintaining the parking lot.

Mr. Letchworth said yes, noting that while the topic was discussed, they did not go into extensive detail.

Ms. Cox said that there is a public process for Olive Chapel Professional Park, as GoApex turns around there.

[SLIDE 18]



[SLIDE 19]



[SLIDE 20]



[SLIDE 21]



[SLIDE 22]



[SLIDE 23]



[SLIDE 24]



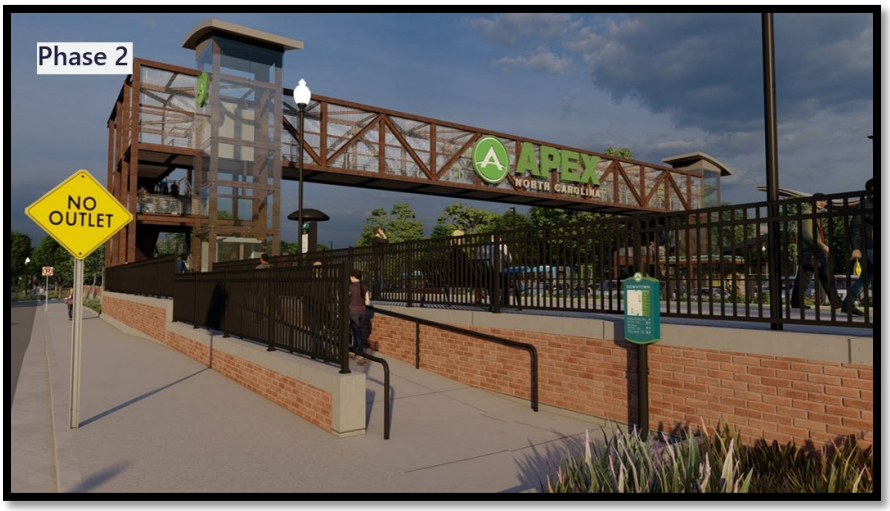
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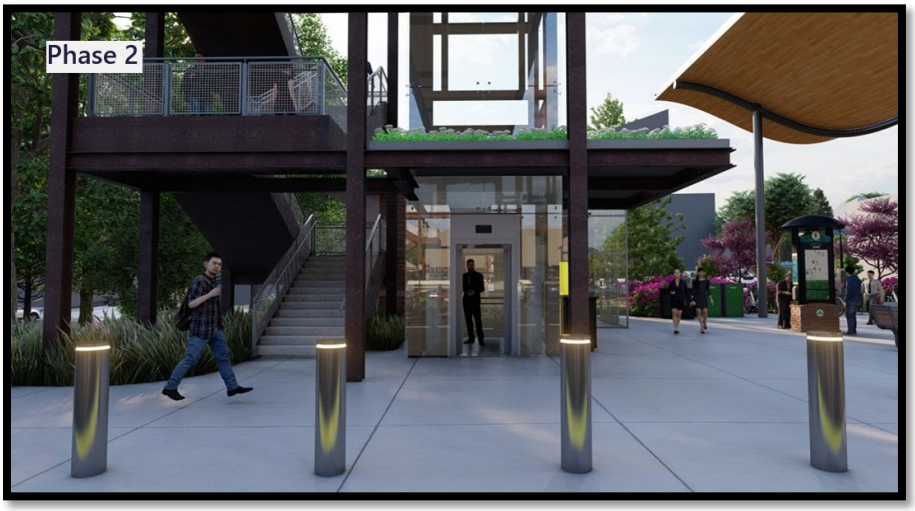
[SLIDE 27]



[SLIDE 28]



[SLIDE 29]



[SLIDE 30]



[SLIDE 31]



[SLIDE 32]



[SLIDE 33]



Councilmember Zegerman said the main line is the line to the east so loading and unloading is in either direction.

Mr. Letchworth said yes.

[SLIDE 34]



[SLIDE 35]



[SLIDE 36]



[SLIDE 37]



[SLIDE 38]



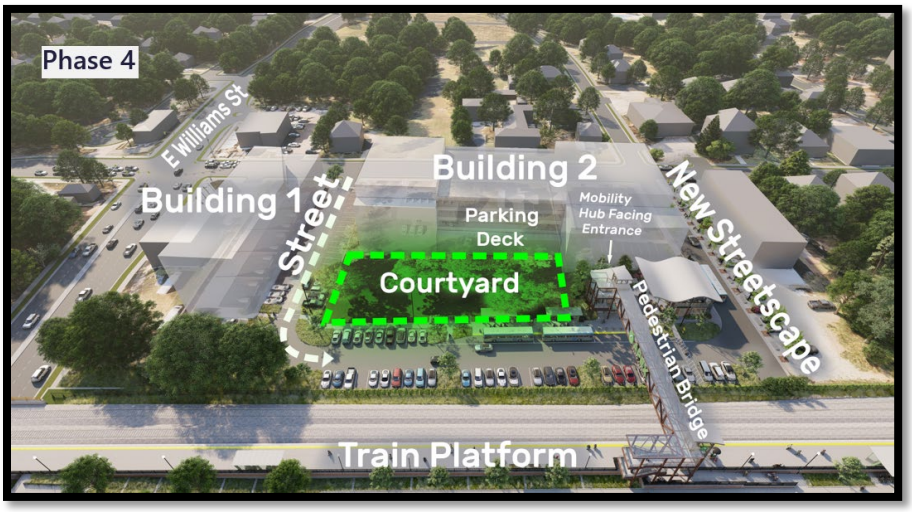
[SLIDE 39]



[SLIDE 40]



[SLIDE 41]



[SLIDE 42]

Next Steps

- Refine concept plans and planning level cost estimates based on your input
- Finalize report outlining improvements, impacts, and costs, also highlight interagency coordination, zoning and ordinances changes, utility upgrades, and an implementation and funding plan
- Anticipated presentations:
  - April 14th - Planning Board public hearing for recommendation
  - May 13th - Town Council public hearing for possible adoption

[SLIDE 43]

Key Messages

- There is no current funding or schedule for property acquisition or construction
- There is no current funding or schedule for passenger rail service in Apex
- Transit is planned to expand in Apex and the Town is growing, now is the time to plan for a mobility hub
- Significant additional design work and public engagement will be performed before construction
- This feasibility study document will be used to advance the concept of a mobility hub through future requests for funding / grant applications and in coordination with potential future developments

[SLIDE 44]



Mayor Gilbert asked if there were any questions.
Councilmember Mahaffey said he will save his questions for the Public Hearing.

[ADJOURNEMENT]

Mayor Gilbert adjourned the meeting at **6:09 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 22nd of April, 2025.

APPROVED MEETING MINUTES

TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, MARCH 25, 2025
6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, March 25th, 2025 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=Ae3s9PbSGsM

[ATTENDANCE]

Elected Body
Mayor Jacques K. Gilbert (presiding)
Mayor Pro Tempore 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. He then invited all to participate in the invocation with a moment of silence and then led all in recitation of the Pledge of Allegiance.

Mayor Gilbert took a moment to recognize special dignitaries. He acknowledged former Apex Town Councilmembers Christine Hilt, Carl Helton, and Doug Meckes, as well as Robert Carmac, Board of Adjustment Chair.

[CONSENT AGENDA]

CN1 2025 Town Council Meeting Calendar Amendment (REF: OTHER-2025-025)
Council voted to amend the 2025 Town Council Meeting Calendar.

CN2 Agreement - Central Pines Regional Council (CPRC) - Solid Waste Consortium – July 1, 2024 through June 30, 2025 (REF: CONT-2025-088)
Council voted to approve a Memorandum of Agreement (MOA) between Central Pines Regional Council (CPRC) and Town of Apex, effective July 1, 2024 through June 30, 2025, for the purpose of participating in the Solid Waste Consortium and to authorize the Town Manager, or their designee, to execute the agreement on behalf of the Town.

CN3 Agreement – Traffic Review and Inspection Agreement – North Carolina Department of Transportation (NCDOT) – Old US Highway 1 at Holland Road and Friendship Road – Traffic Signal (REF: CONT-2025-089)
Council voted to approve a Traffic Review and Inspection Agreement between North Carolina Department of Transportation (NCDOT) and the Town of Apex, for review and inspection of a new signal installation at Old US 1 and Holland Road/Friendship Road interstation and authorize the Town Manager or their designee, to execute on behalf of the Town.

CN4 Agreement - Terms and Conditions Accepting of Payment from the Aqueous Film-Forming Foam (AFFF) Public Water System Settlement Program (CONT-2025-090)
Council voted to authorize the Apex Town Manager or his designee to accept the 3M/Dupont and Tyco/BASF PFAS litigation settlement's "Terms and Conditions of Accepting Payments from the AFFF Public Water System Settlement Program".

CN5 Annexation No. 792 – Jainix South – Jenks Road – 7.243 acres – Set Public Hearing (REF: RES-2025-012, RES-2025-013, AND OTHER-2025-026)
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 08, 2025, on the Question of Annexation - Apex Town Council's intent to annex 7.243 acres project entitled Jainix South, and located on Jenks Road, Annexation No. 792, into the Town Corporate limits.

CN6 Capital Project Ordinance Amendment No. 10 and Capital Project Ordinance Amendment No. 11 - Debt Proceeds and Interest Earnings For Facility And Recreation Projects (REF: ORD-2025-018 AND ORD-2025-019)
Council voted to approve Capital Project Ordinance Amendment 2025-10 and Capital Project Ordinance Amendment 2025-11 allocating debt proceeds and interest earnings for facility and recreation projects.

CN7 Council Meeting Minutes – February 25, 2025
Council voted to approve Meeting Minutes from the following meetings:

February 25, 2025 – Regular Town Council Meeting Minutes

CN8 Tax Report – January 2025 (REF: OTHER-2025-027)

Council voted to approve the Apex Tax Report dated February 24, 2025.

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

VOTE: UNANIMOUS (5-0)

[UPDATES BY TOWN MANAGER]

Town Manager Vosburg congratulated John Mullis and Bill Spare on the Fleet Department's award for the 2025 Innovation Award in Excellence from Geotab, related to the town's Telemetry program.

[PRESENTATIONS]

PR1 Proclamation - Apex Rotarian Day - Tuesday, March 25, 2025 (REF: PRO-2025-007)

Mayor Gilbert along with the rest of Town Council, read the Proclamation Apex Rotarian Day - Tuesday, March 25, 2025. He invited Roy Moore, Apex Rotary Club President and other club members to receive the proclamation and take pictures.

PR2 Proclamation - National Volunteer Month - April 2025 (REF: PRO-2025-008)

Mayor Gilbert along with the rest of Town Council, read the Proclamation National Volunteer Month - April 2025. He invited the Apex Youth Council, Lisa Rosi and volunteers to receive the proclamation and take pictures.

PR3 Special Recognition - Apex High School - Cheer Partner Stunt - 2025 State Champions

Mayor Gilbert along with the rest of Town Council, gave a Special Recognition for the 2025 Cheer Partner Stunt State Champions. He invited Holly Coleman, Wynter Davenport, Rhiannon Martin, Lauren McGinnis, Katelyn Wayne, Coach Taylor Hartley, Assistant Athletic Director Scott Ferguson and Apex High School Principal Elaine Hoffman to come up to receive the recognition and take pictures.

Coach Taylor Hartley thanked Mayor Gilbert and the athletes for all of their hard work.

PR4 Special Recognition - Apex High School - Men's 100 Backstroke State Champion - 2024-2025 Champion

Mayor Gilbert along with the rest of Town Council, gave Special Recognition for the Men's 100 Backstroke State Champion. He invited Scott Ferguson, Assistant Athletic Director, to call the recipient.

Mr. Ferguson called Abhay Tharakan and Abigail Springer, Assistant Coach, to receive the recognition.

Mayor Gilbert read the recognition to Abhay Tharakan.

Coach Springer said that she was so proud of all of Abhay's accomplishments.

PR5 ADDED - Special Recognition – McKenna Hartman, Senior – Apex Friendship High School - Environmentally Friendly Dog Waste Bags

Mayor Gilbert invited McKenna Hartman to come up and accept special recognition for the Environmentally Friendly Dog Waste Bags. He invited McKenna to receive special recognition and presented to her the Prestigious Peak award for outstanding leadership and promoting the Town's environmental sustainability goal. He said that this was a school project, and she came up with the idea for these bags and went to the HOA at Bella Casa for them to use.

Town Manager Vosburg gave two other updates, first was on the Street Hockey Opening this upcoming Saturday, March 29th from 2:00 p.m. – 4:00 p.m. at Apex Community Park, and the second was Apex Holi Celebration on April 5th from 2 p.m. – 6 p.m. at Salem Middle School.

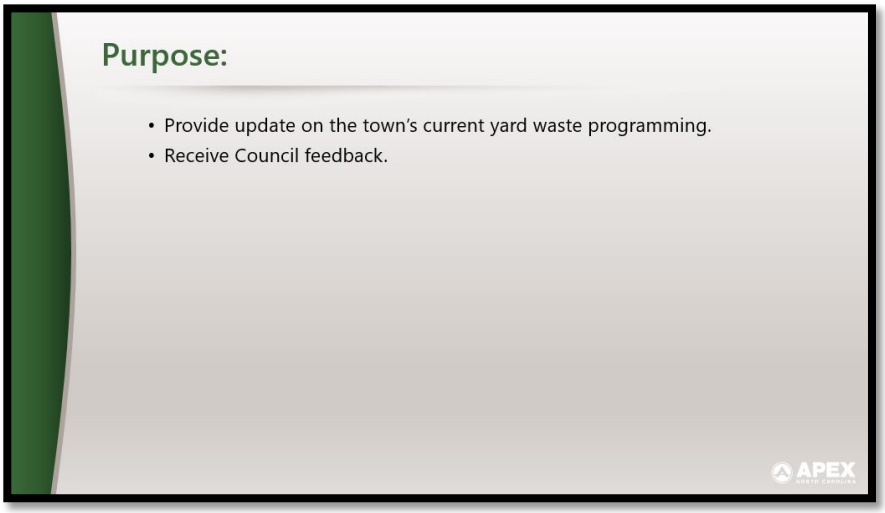
PR6 MOVED DOWN - Yard Waste Program Update

John Mullis, Director, Public Works Department gave the following presentation:

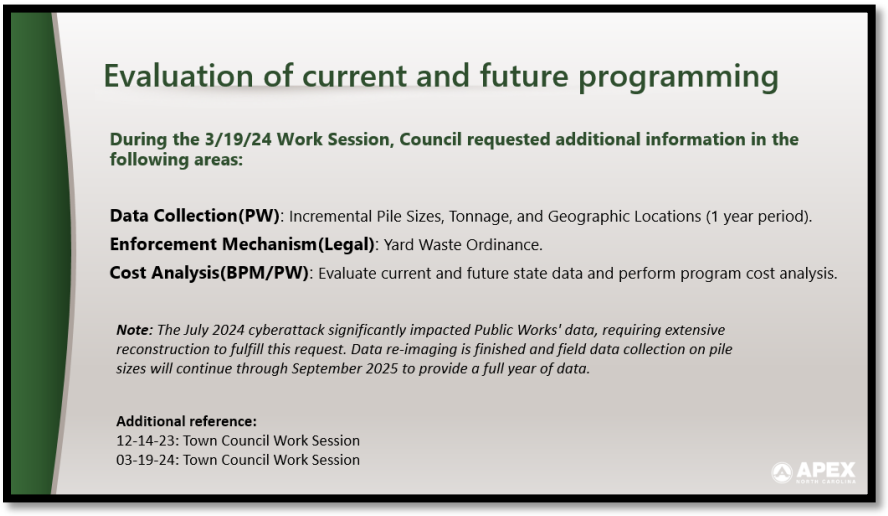
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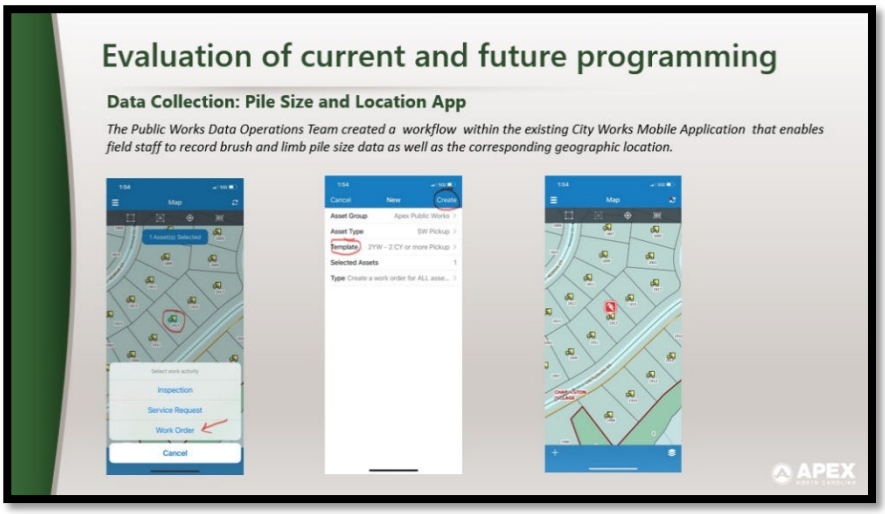
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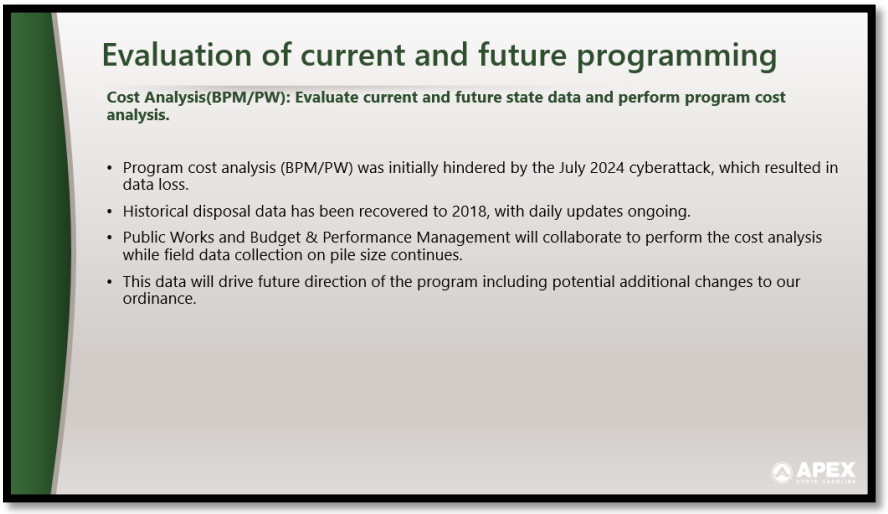
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[SLIDE 5]



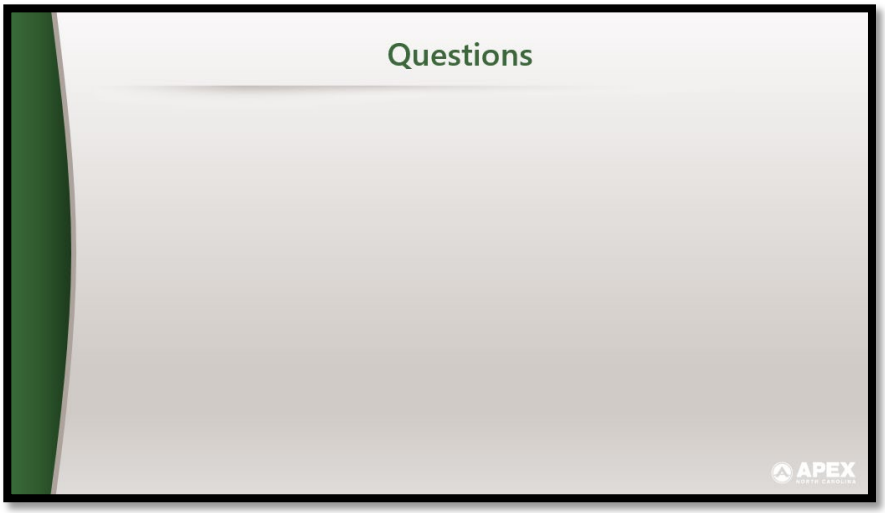
[SLIDE 6]



[SLIDE 7]



[SLIDE 8]



Director Mullis said that he would be glad to answer any questions.

Councilmember Killingsworth asked if it was difficult to dispose of grass because of the pesticides.

Director Mullis said that is part of the reason, but grass is not something that is reusable, and warm season grass is not easy for the impeller.

Councilmember Killingsworth asked if contractors that are hired to do yard work are required to remove waste from the site or are they allowed to leave it.

Director Mullis said that it is common in most municipalities if a landscaper is hired, they take their waste with them. He said that the tree companies working in Apex know that Apex will pick up items within a reasonable size. He said ideally companies would remove their own waste.

Mayor Pro Tempore Gray asked how to get out the information of companies needing to take their yard waste with them to residents.

Director Mullis said that communicating with the residents would be important, and it would be up to them to understand that if they hire someone to work that they should remove the yard waste. He said it will take good messaging.

Councilmember Zegerman asked if there was still a concern about the facility running out of capacity.

Director Mullis said that they use several different facilities but for leaves and grass Greenway waste is used and they have applied for an expansion and then there should be enough capacity. He said that the facility that is being used for chips and brush has a large capacity. He said neither of these are contracted and are just pay-as-you-dispose.

[REGULAR MEETING AGENDA]

Mayor Gilbert set the Regular Agenda and asked if there was a motion to approve the Regular Meeting Agenda.

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

VOTE: UNANIMOUS (5-0)

[PUBLIC FORUM]

Mayor Gilbert opened the Public Forum and invited the first speaker up.

First to speak was **Beth Bordeaux** at 1044 Branch Line Lane:

"I'm concerned about the lack of affordable housing choice in Apex. I believe that solving this problem requires that elected officials, town staff, and community members collaborate on creative approaches to increase housing choices that are affordable for low to moderate-income households and that is households with incomes of less than $30,000 a year and those up to 80% of the area median income, which in 2024 was about $78,000 a year for a family of two or $98,000 a year for a family of four. My daughter and son-in-law recently moved back to the area. They have one child, and both parents work full-time. My daughter is a bookkeeper for an accounting firm, and my son-in-law is an airplane mechanic. They have good credit and steady employment. For months, they paid more than 50% of their income for a rental unit in Apex before moving to Morrisville, where they fortunately found a four-bedroom house for less than the two-bedroom apartment cost them here.
My dad is also considering his options to move closer to either my family or my brother in Wilmington. He has found an independent living community with meals, transportation, and other senior amenities covered for the same price in Wilmington that my daughter and her husband were paying for an apartment in Apex. Similar options in Apex were double the cost.

Recent data analyzed by Phil Welch, using the U.S. Census and American Community Survey, shows that from 2018 to 2023, the percentage of Apex homeowners who were cost-burdened has decreased slightly for incomes between $20,000 and $75,000, but during that same period of time, the percentage of Apex renters who are cost-burdened—paying 30% or more of their income for housing, has increased across all income levels, most significantly for that same group between $35,000 and $75,000. Also, note (and you have the charts in front of you) there are100% of renters with incomes less than $20,000 and 99% of all renters with incomes between $20,000 and $35,000 are cost-burdened in Apex. These households are our essential workers, seniors, single parents, and other vulnerable neighbors. Of significant importance, this data does not show the number of households that have been evicted or experienced foreclosure, those who have become homeless, those who have had to move out of Apex to find affordable housing, or those who have been unable to move to Apex because of the lack of affordable housing here, even though they work here or have family and other support systems here. It doesn't even show the number of households who are severely cost-burdened, paying more than 50% of their income for housing. This is just one small data slice, but it indicates the need for updating the affordable housing plan, which is currently underway. The landscape has changed, and the data I just shared indicates that affordable housing is more challenging than ever. I watch the housing market, and I see small homes in naturally occurring affordable areas being sold for $300,000 and more. Townhomes are now regularly at the $400,000-plus mark. Today, there is one home on the market in Apex that is priced at $250,000 or less—it's a two-bedroom, one-bath, 581square-foot home on the border of Holly Springs, listed for $239,900. The average two-bedroom rental in Apex is $1,650. Just creating smaller, denser developments will not solve the affordability problem, $240,000 for a 581-square-foot home is not affordable. Developers who are only seeking high revenues will see an advantage to building tiny luxury apartments that continue to be unaffordable. As elected officials, you have the responsibility and the power to make change. I ask for your leadership in this effort in four key ways: Number one - Build socioeconomic equity into the 2025 affordable housing plan by requiring and ensuring that those who need affordable housing are the primary residents providing input to the plan. Recognize that there may be a loss of trust between lower-income residents and town officials and take steps to rebuild trust. Move community engagement sessions into the communities most affected and give power to their voices, back up their input with direct funding allocations. Number two - Consider affordable housing as a core value in all zoning, planning, and policy actions. Make all decisions with this in mind, will it help or will it hurt moving the needle on affordable housing? Number three - Set aside additional funding to support increased affordable housing choices, funding that is directly and 100% dedicated to increasing the number of units affordable for households making 80% of the area median income or lower. Number four - Ensure more integrated affordable housing, not clustered small units and affordable housing in targeted neighborhoods and segregated apartment complexes. If you're concerned that any of what I'm suggesting is outside of the legal authority of the town, I recommend allocating additional funding to litigation budgets, work with local advocates to explore ways that other communities have gained increased local authority, either through

their own initiatives or by petitioning State Legislators. Know that making our community a more inclusive place will be hard work and commit to doing what it takes to move the needle. Thank you."

Mayor Gilbert thanked the speaker and invited the next speaker.

Next speaker was **Elizabeth Stitt** of 3113 Friendship Road:

"Mayor, Town Council, good evening. So, I'm back to talk about eminent domain, part two. I don't know if you guys keep track of how many times you've used eminent domain, so I did a public records request, and I'm happy to say it came back fairly quickly so I want to thank the town for that, but I only went back six years when all of you were elected. I didn't want you to be responsible for things that you didn't vote on. So, from 2019 through February of 2025, which is basically six years, there were 117 properties that were included in a total of 23 resolutions. So, 23 times you guys went into closed session, you came out, and voted to authorize eminent domain. I do want to be clear for everybody, eminent domain is basically two steps: one, the town takes time to vote to have the powers and do the resolution, and then separately, the town can take the legal work to the courts. One hundred and seventeen properties, these are people who have family, friends, and neighbors who are impacted by this. This is a black cloud that I've had over my head for the last three years since I first got the town's letter about wanting to take a portion of two of my properties. I think you forget the personal impact, and the reason I say that is for the last three years, I want you to go back to your emails and see how many times you reached out to me. I come here on a regular basis pleading my case that these are my most important assets. This is how I create generational wealth for my children. You're taking my trees that are desperately needed by the community. I am one person who actually wants to keep their trees, I don't want to sell out, but this project that you're going to do to my property is going to require me to timber a larger part of my forestry plan because I have no choice. So, Apex claims to be transparent, but I couldn't find any of these resolutions anywhere on the website. I go to the Big Branch force main page that was set up to keep us property owners notified of what is happening, and guess what? It's not on there. So, I ask for the resolution for my property to be posted because I think it's important for the community to know that you are using these powers to take property to do projects. I think if you put out all the good stuff about the town, own up to the other parts. This is not all Pleasantville. So, when you put out information, understand you need to be fair and own what you have done. Thank you."

Mayor Gilbert thanked the speaker and invited the next speaker.

Next speaker was **Mary Miskimmon** of 3177 Retama Run:

"Hey, good evening, Mayor. Good evening, everybody. Mary Miskinum, 3177 Rama Run. I'm going to be really quick tonight so you guys can move on. I'm just checking in on the utility update. I know that you're having a Town Hall, and I think that was on your agenda.

We're at 2,018 signatures as of today, and I had a couple of people just reach out and kind of wanted to know where we were. I think the last time Randy and I spoke, or emailed, I should say, that we were in phase two of three phases, and I understand that phase two is the most challenging or difficult. So, do we have any results? Do we know why? I know you said it was extended because they found other irregularities, but do we have any more information on what those irregularities are? So, thank you very much."

Mayor Gilbert thanked the speaker and invited the next speaker.

Next speaker **Beth Bland** of 3724 Friendship Road:

"So, this is an update for you, although I feel like you're already aware and once again, I'm piggybacking off of Elizabeth, although I didn't know what she was going to say, it pretty much is our main focus of what's going on. Tom and I received our letter of intent to condemn our property. I have it in hand, and it's for the Big Branch force main. It's a 30-day notice, and the date of the condemnation is going to be around April 9th. The letter says .74 acres, but that's not correct. The force main, as it goes through our property, makes portions of our property unusable, it's at least an acre of a 5-acre property, about 20% over 70 trees. The letter also states it contains an offer based on the fair market value of the property being taken, it's not even close. Why does this town undervalue property they are condemning? You do. It shouldn't be our responsibility to tell you what our property is worth. You don't do a good job valuing the properties, As advised by the Town of Apex attorney, we are consulting with our own attorney. I continue to be surprised and shocked by what this town feels they can do, and this was quoted in the letter, "to serve the public better."
Councilmember Mahaffey and I'm not picking on you, but you're the one who posts the most as far as what's going on. I am on Nextdoor because it's the Apex New Hill Nextdoor, I like to know what's going on around us. So, you posted things concerning what the town saw happened at the Town Council meeting on March 11th, but you only commented on what you want the citizens of Apex to know. It was good things, it wasn't bad things, but interestingly, what was posted by the Holly Springs Update, this was the same Town Council meeting, their headline was "Apex Residents Voice Concerns Over Flooding, Eminent Domain, and Growth at Town Council Meeting." There is no mention by you in your post of any of that. That's it. Thank you."

Mayor Gilbert thanked the speaker and invited the next speaker.

Next speaker was **Dawn Cozzolino** of 3632 Bosco Road:

"So, I'm going to tag on what my community is talking about, eminent domain, such a devastating thing to people, and I don't think the weight is really felt in this room. But I just wanted to reiterate some of the thoughts I had. I mean, you've got to remember, it was a perfect site on the south side, no trees, an electric utility line running for miles, and it would cost less, and this is the direction you wanted to take it. Sewer is an agreement with Veridia,

it's a private thing, it's not a public thing. I know the town attorney is going to tell me there's a new North Carolina law on eminent domain that is very broad, but it's not just, okay it's not just, it's a land grab, that's what it is. It's simple as that. That's what eminent domain does. And the crazy thing is, some of these properties, I mean, they're under ETJ (Extra-Territorial Jurisdiction). It's like you put a blanket over it and call it your own, and the other half are in unincorporated Wake County, which has nothing to do with Apex. It's crazy. It's crazy, I mean it's our property, it's our freedoms, it's our land. And I'm sure everybody, too, has seen what's been going on with all the orange snow fencing and all the trees being run in and out with the big tractor trailers and I'm sure people in Apex can't put a finger on it, but what's that name? What is happening? It's called infilling. Ooh, that's a very nice name for a very cold practice, it just means development is happening too much, too fast, and with no limits. You've heard from your residents' numerous times, in fact, my neighbors, but also, you had translators for the mobile park and other things. People sent emails, did online surveys, no consequence, no feeling, no thought, no emotion. But the good stuff, right? You want to post the good things, and that's nice to do, but this is a serious issue. These are serious things. These are very important things, and they control people's livelihoods, and they affect us deeply on an emotional level, to a point where we can't do what we want to do on our property, which isn't the American way at all, and I did see in the workshop you have on page 39 on increasing housing density. Do you really think that's going to help the schools, help the roads, help anybody, help nature? Are we going to have any nature left? And what are we going to leave for the future of the kids of Apex? Thank you."

Mayor Gilbert thanked all that came out and spoke and then moved to Old Business.

[OLD BUSINESS]

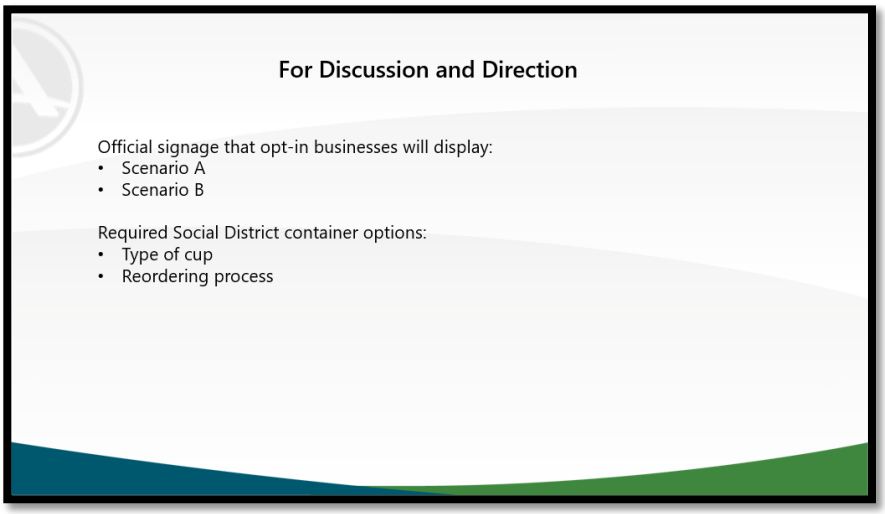
OB1 Social District Progress Update – Anticipated Effective Date June 1, 2025

Joanna Helms, Director, Economic Development Department, asked for discussion and direction of the Council. She gave the following presentation:

[SLIDE 1]



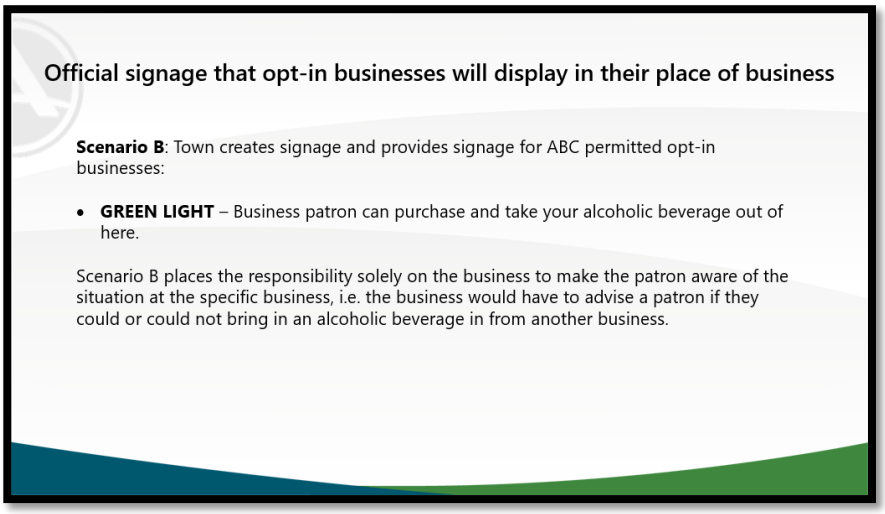
[SLIDE 2]



[SLIDE 3]



[SLIDE 4]



Councilmember Gantt asked if there had been preferences considered by other communities that are already doing this.

Director Helms said yes scenario A.

Councilmember Zegerman asked what happens to businesses that opt-out of participating in the Social District.

Director Helms said that businesses that opt out are not required to do anything, but the Town will be making signage for them.

Councilmember Zegerman asked about the ABC permitted business' do not want to participate.

Director Helms said they are not obligated to do anything, but they would receive a sign that just has the red light.

Councilmember Zegerman asked if the legality had been sorted out of taking a drink from one establishment to another.

Director Helms said that the law has been updated to allow us to take a drink from one establishment to another.

Councilmember Mahaffey said that he was concerned about all of the colors being confusing. He asked for comments from Director Helms based on other town's experience.

Director Helms said there are two ways and if you opt in that you are participating that are two different ways.

Mayor Gilbert said that canvassing the downtown area businesses there are several that would like to opt-in but not allow other drinks to come in.

Director Helms said this was just a generalization of how this signage could be and one way to depict it.

Councilmember Mahaffey said his concern was how to effectively communicate with the residents.

Director Helms said that it will be an education process and take getting used to.

Councilmember Killingsworth said that there are street boards that can be put out on the sidewalks.

Mayor Pro Tempore Gray asked if the Town was providing the signage.

Director Helms said yes.

Mayor Pro Tempore Gray asked if there was any idea on cost.

Director Helms said no.

Councilmember Zegerman asked if there was a sense of what the budget allocation for signage and cups should be.

Director Helms said that she did not have that on the signage but that she had some indication for the cost of the cups but not on the overall budget.

Mayor Pro Tempore Gray asked if for the signage was Apex paying for the initial distribution of the signs or replacement as well. He said that it is something to think about with the budget aspect.

A **motion** was made by **Councilmember Killingsworth** and seconded by **Councilmember Gantt** to move forward with option A.

VOTE: UNANIMOUS (5-0)

[SLIDE 5]



Councilmember Gantt asked if it was required to have the same size cups.

Mr. Kandl said that it may be that the standard size is capped at 16oz.

Councilmember Gantt said that a glass of wine in a 16oz cup seems odd.

Mr. Kandl said that wine is premeasured serving amounts and the lines indicate measurements.

Town Manager Vosburg asked about the stickers and for Director Helms address this.

Director Helms said that staff is suggesting that the cups will have all the information on them and choosing not to use stickers because they are not recyclable.

Councilmember Mahaffey asked if the aluminum cups would be reused more.

Mr. Kandl said that aluminum cups do not have the rigidity to be cleaned to ABC standards, and this is why plastic is usually used. He gave some other instances on other municipalities with souvenir cups and how they have a $10 deposit and then they are swapped out. He said that you also must dispose of the cup when leaving the Social District.

Councilmember Zegerman asked how these cups would be separate from other garbage.

Director Helms said that it is something being worked through.

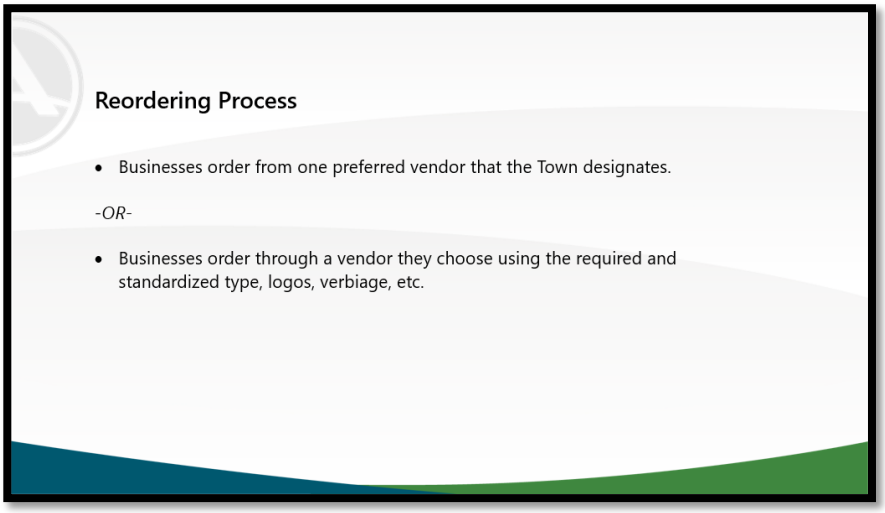
Councilmember Gantt said that plans have some kind of nicer recycling and trash containers.

Director Helms said that one thing to consider is that the Town is going to purchase the first mass ordering for the businesses and then the re-ordering will be up to the businesses that are participating in the Social District.

A **motion** was made by **Councilmember Zegerman** and seconded by **Councilmember Killingsworth** to approve using the clear plastic cups for the Social District.

VOTE: UNANIMOUS (5-0)

[SLIDE 6]



Councilmember Gantt said that option one would be more consistent. He asked if the Town would want to do the ordering and then sell to the businesses.

Mr. Kandl said one of the major issues is because they imprint the name of the business to be able to identify the business that sold the alcohol for a source investigation.

Councilmember Zegerman asked how the orders would the first order be for all of the businesses.

Mr. Kandl said that there is a possibility of marking with pen but there are concerns about permeability. He said that some municipalities have found ways to work through these issues.

Councilmember Killingsworth asked if they were sure that there were no recyclability options for stickers.

Mr. Kandl said that the issue with recycling stickers is with stickiness and the machines and processing abilities.

Councilmember Killingsworth asked about a paper sleeve to slip the cup into.

Mr. Kandl said that removability of that is the issue.

Councilmember Mahaffey said that if the business is required to put their name on the cup, then they should be able to use their own vendor perhaps that they already use for other items.

Councilmember Gantt said that he agreed.

Councilmember Mahaffey asked who would be responsible for monitoring compliance if the business ordered substandard cups.

Mr. Kandl said that there would be compliance within the Social District and you may only keep non-social district beverages on the premises of the ABC permitted establishment, once it leaves that establishment then that would fall under open container ordinance.

Councilmember Killingsworth said that if they are making sure that the logo and all information to the vendors that we would also look at the type of cup that they are purchasing.

Director Helms said that it would be ideal to provide all the correct information, and this is what they would have to follow to stay in regulation.

Mr. Kandl said that there is a mandated 16oz size cups.

A **motion** was made by **Councilmember Killingsworth**, seconded by **Councilmember Mahaffey** to approve that businesses participating in the Social District option would order cups through a vendor that they choose using Apex's required standard type logos and verbiage.

VOTE: UNANIMOUS (5-0)

Mayor Pro Tempore Gray said this is a great illustration of the idea of when people want to know if they can drink downtown, and it's said that it's complicated.

[NEW BUSINESS]

NB1 Town Council Committee Structure - Effective July 1, 2025

Allen Coleman, Town Clerk said game plan Apex was adopted in September of 2022 and after several reorganizations that took place in the organization and the creation of several town departments, and that the Town Council's Rules Committee has met several times and discussed the realignment of the various Council Committees within the new strategic framework. He said that as many Council Committees were created decades ago, this at least sets out a clear charter and purpose for their existence going forward. He said

that the proposed Council Committees structure creates clear objectives, membership, and advisory board alignment where applicable and that it ensures each town department has a designated home committee and clarifies where certain policy recommendations should be routed. He said that Council Committees serve as policy review and decision discussion bodies, assisting the Council in examining issues in greater detail and developing recommendations for the full body to consider, but they do not have the authority to take binding action on behalf of the Council. He said that in June of 2024, the town's department directors considered the proposed changes, as well as in the November 2024 Council's rules committee that this framework was unanimously adopted. He walked through the proposed framework and said that now there are five Council Committees, and it is proposed to continue with five and in the new framework and that some are consolidated and expanded others based on the topics and the nature of what we've been seeing over the last two years. He said that the new Council committee structures, for those watching, are for Council Committees, not resident advisory boards. He said that the first one is Governance, Fiscal Stewardship, and Internal Support, the second is Environmental Leadership, the third is Responsible Development, the fourth is Vibrant Community and Economic Vitality and the fifth is Public Safety. He said that in the current committee structure and the way things are currently aligned, it's not clear where many departments would bring a particular topic that it is a little too broad, and this hopefully narrows that scope. He deferred to the Rules Committee Chair, Councilmember Mahaffey.

Councilmember Mahaffey said that the proposal was modest with five Committees currently and this proposal renames them and gives them a Charter that gives them the scope of work. He said that it gives directions to staff as to what goes where which is something that has been needed. He said that Town Clerk Coleman did a great job putting this together with staff. He said that workflow would be coming but this is aligning the committees to the strategic goal and giving each of them a charter for a clearer path of their scope.

Councilmember Zegerman asked about the Departments that are marked with asterisks and asked for clarification if they designate their home committee and a secondary committee.

Town Clerk Coleman said that is correct.

Councilmember Mahaffey said that these can be changed.

Councilmember Killingsworth said that it makes sense aligning with organizational changes.

Councilmember Gantt asked about the timing and the implementation of this.

Councilmember Mahaffey said that it is aligned with the fiscal year. He said that there is a current calendar and the advantage of pushing it back would mean that the calendar wouldn't have to be changed. He said that he would not be opposed to the December organizational meeting and have any process changes to be made at that meeting.

Councilmember Zegerman said that it would be cleaner to have all changes made at the December organizational meeting when new committee assignments occur.

A **motion** was made by **Councilmember Mahaffey**, seconded by **Mayor Pro Tempore Gray** to approve the adoption of the new committee structure to the organizational meeting on December 3rd, 2025.

VOTE: UNANIMOUS (5-0)

NB2 Town Council Regular Meeting Agenda Format - Effective July 1, 2025

Allen Coleman, Town Clerk, said that there was a new Regular Council Meeting Agenda format, and this was to adopt the framework for that format. He went through the Regular Meeting Agenda format.

Councilmember Gantt said that some nearby local governments have made news including some National news during Councilmember remarks and he asked if there were guidelines for topics that for what's appropriate.

Councilmember Mahaffey said that first thought is this is America, say what you want. He said the second thought may be to adopt an Ethics policy as a Council and would be bound by that.

Councilmember Killingsworth said that she would think to share things like a community event or a resident concern that could be shared.

Councilmember Gantt said that it is important to keep it local.

Mayor Pro Tempore Gray recommended that the Proclamations should be kept at the beginning of the meeting to be good stewards of the Public's time.

Councilmember Mahaffey asked Town Clerk Coleman what the thought was of moving the proclamations to be moved was when it was discussed. He said some of the earlier items are for providing information to the public.

Councilmember Killingsworth said that if Proclamations were made that it should not be any higher than #8.

Town Clerk Coleman said that the Council Committee Reports is monthly, and the Public Art Moment is quarterly. He said that there was an email shared from a constituent today about moving up the Public Forom piece and that is something to consider as well.

Councilmember Mahaffey said that this is all preference and there is no right answer.

Councilmember Zegerman recommended moving item 8 down to item 10, and moving item 9 and 10 up.

Councilmember Gantt said that at some point there was a discussion of the Resident Advisory Committee give a report.

Town Clerk Coleman said that was annual.

Councilmember Gantt said that it should be added.

Town Clerk Coleman said that it would fall under Special Presentations.

A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember Mahaffey** to approve the new agenda format with the change of moving item 8 to item 10,

and moving item 9 and 10 up, and to begin using the new format at the organizational meeting on December 3rd, 2025.

VOTE: UNANIMOUS (5-0)

[CLOSED SESSION]

A **motion** was made by **Councilmember Gantt** and seconded by **Mayor Pro Tempore Gray**, to enter into Closed Session pursuant to NCGS §143-318.11(a)(1) and NCGS §143-318.11(a)(6) at **7:42 p.m.**

VOTE: UNANIMOUS (5-0)

Council entered into closed session pursuant to:

CS1 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."

CS2 ADDED – Mayor Pro-Tempore Ed Gray
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 **7:57 p.m.**

[ADJOURNMENT]

Mayor Gilbert adjourned the meeting at **7:58 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 22nd day of April, 2025 (CN3).

APPROVED MEETING MINUTES

TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, APRIL 8, 2025
6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, April 8th, 2025 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=AKSez2jbuF0

[ATTENDANCE]

Elected Body
Mayor Jacques K. Gilbert (presiding)
Mayor Pro Tempore 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 said that there was ministries and faith organization attending and invited Pastor John McDonald of World Seasons Ministries to deliver the invocation and for a moment of peace. He then led those in attendance with the Pledge of Allegiance.

[CONSENT AGENDA]

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

VOTE: UNANIMOUS (5-0)

CN1 Advisory Board Attendance Report 2025 - Quarter 1

Council voted to accept the resident advisory board attendance reports for quarter one, which includes January, February, and March, of calendar year 2025.

CN2 Agreement - Utilities Infrastructure Reimbursement Agreement - Chatham County and Town of Apex - Apex Gateway Partnership Project (CONT-2025-099)

Council voted to approve a Utilities Infrastructure Reimbursement Agreement between Chatham County and the Town of Apex for a one-time reimbursement of $300,000 of public infrastructure costs (paid to the Town of Apex), and authorize the Town Manager or their designee, to execute on behalf of the Town.

CN3 Annexation No. 789 - Chinese Christian School - Secluded Acres Road - 4.72 acres (REF: RES-2025-014, RES-2025-015, and OTHER-2025-030)

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 April 22, 2025, on the Question of Annexation - Apex Town Council's intent to annex 4.72acres project entitled Chinese Christian Mission Church, and located on Secluded Acres Road, Annexation No. 789, into the Town Corporate limits.

CN4 Annexation No. 801 - Apex Light Industrial - 0 Creekbird Road - 3.19 acres (REF: RES-2025-016, RES-2025-017, and OTHER-2025-031)

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 22, 2025, on the Question of Annexation - Apex Town Council's intent to annex 3.19 acres project entitled Apex Light Industrial, and located on Creekbird Road, Annexation No. 801, into the Town Corporate limits.

CN5 Council Meeting Minutes – Various

Council voted to approve Meeting Minutes from the following meetings:
February 12, 2025 – Town Council Retreat Day One
February 13, 2025 – Town Council Retreat Day Two
March 11, 2025 – Regular Town Council Meeting Minutes

CN6 Encroachment Agreement - 1461 Hasse Avenue (REF: CONT-2025-100)

Council voted to approve an Encroachment Agreement between the Town of Apex and property owner, Pulte Home Company, LLC, to install a driveway that will encroach 84 square

feet (SF) onto the Public Drainage Easement, and authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN7 Encroachment Agreement - Huxley Open Space – 0 Hasse Avenue (REF: CONT-2025-101)

Council voted to approve an Encroachment Agreement between the Town of Apex and property owner, Pulte Home Company, LLC, to install a sidewalk that will encroach 9 square feet (SF) onto the Public Drainage Easement and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN8 Fiscal Policy Guideline Amendments - Budget Targets, Debt Targets, Fund Balance, Cash and Investments, and Utility Fund Targets (REF: PLCY-2025-004)

Council voted to approve the amendments to the Fiscal Policy Guidelines for the Town of Apex.

CN9 Human Resources (HR) Policy Updates - Town Personnel Policies - Define Immediate Family and Clarify Secondary Employment with the Town (REF: PLCY-2025-005

Council voted to amend the Personnel Policies for the Town of Apex effective April 08, 2025.

CN10 Property Acquisition - 0 Pristine Water Drive - 0.9468 acres (REF: CONT-2025-102)

Council voted to approve the acquisition of property located at 0 Pristine Water Drive (Recombination Plat Pin No 0741-93-8441 and 0741-93-2178) in Apex, North Carolina, for a purchase price of $15,000.00, to authorize the Town Attorney or Town Manager make minor modifications to the Offer to Purchase and Contract not affecting the cost or acreage, and authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN11 Property Acquisition - 0 Tingen Road - 5.5926 acres (REF: CONT-2025-103)

Council voted to approve the acquisition of property located at, 0 Tingen Road (PIN No. 0731-70-6441) in Apex, North Carolina, for a purchase price of $135,000.00, to authorize the Town Attorney and Town Manager to make minor modifications to the Offer to Purchase and Contract not affecting the cost or acreage, and authorize the Town Manager, or their designee, to execute on behalf of the Town.

[UPDATES BY TOWN MANAGER]

Town Manager Vosburg gave updates on the following:

- **Housing Plan Update** – Resident Roundtables, April 13th 2:00 p.m. – 3:00 p.m. and 5:30p-7:00 p.m. at Apex United Methodist Church
- **Pig Fest** – April 11th and 12th at Apex Town Hall (new location due to Saunders lot construction)
  Budget Work Session – Next week at 3:30 p.m. in the Council Chambers
- **Good Friday** – April 18th Town Hall is closed
- **Bid openings** - **Solar Bid Opening** - Thursday, April 10th; Tunstall House, bids due May 8th

- **Telecommunicators Week** – April 13th - 19th (Proclamation to follow)
- **Advisory Board Recruitment** – Information on Town website, search for Advisory Boards and the Town Clerk's office can assist with applications or any questions.
- **Utility Bill Review Update** – Simulation is complete for cycle 1, and data is currently being compared. A simulation is planned for next week for cycle 2 and a data comparison is planned for the following week and then we will brief the Council and Public Communication will go out. A finalized report is expected in about 3 weeks. He said from there, they would brief Council individual, then brief the public on the findings.

Mayor Gilbert thanked Town Manager Vosburg and asked if there were any questions, and with no questions he moved to Presentations.

[PRESENTATIONS]

PR1 ADDED – Special Recognition – Cub Scout Pack 312

Mayor Gilbert asked Councilmember Mahaffey to speak about the Cub Scouts' special recognition.

Councilmember Mahaffey said that there was a special award for the Cub Scout Pack 312. He said that the Pack had won the NC Cardinal District Pinewood Derby held on March 1st. He invited them up to accept the award and take pictures.

PR2 Proclamation – Child Abuse Prevention Month 2025 – April 2025 (REF: PRO-2025-010)

Mayor Gilbert and the rest of Council read the Child Abuse Prevention Month Proclamation in unity.

Mayor Gilbert invited Danica Coleman, Town of Apex Police Department Victim Advocate, Karen Morant, Wake County Western Health and Human Services Director to receive the proclamation.

PR3 Proclamation - National Public Safety Telecommunications Week 2025 - April 13 through April 19, 2025 (REF: PRO-2025-011)

Mayor Gilbert and the rest of the Town Council, read the Proclamation for National Public Safety Telecommunications Week 2025. He then invited up James, Nehaus, Emergency Communications Center Manager, Shawn Williams, Kylie Rhodes, Jerrica Cole, Kim Wylie, Harley Ciccarelli, Janera Cumbo, and Priestly Law to receive the proclamation and take pictures.

PR4 Proclamation - Nepal Day 2025 - Saturday, April 19, 2025 (REF: PRO-2025-012)

Mayor Gilbert and the rest of the Town Council, read the Proclamation for Nepal Day 2025 He then invited Niveeta Sharma, Bikash Shakya, Bikram Gautam, Dadin Pandey and Ishwor Dhakall to come up and accept the proclamation and take pictures.

Niveeta Sharma with NCNC spoke about the honor of representing the Nepali community in North Carolina. She spoke about the significance of April, and they are celebrating the new year of 2082 on the Nepali calendar. She invited everyone to the Nepal parade and celebration on April 19th.

PR5 Think Apex Awards – 2025

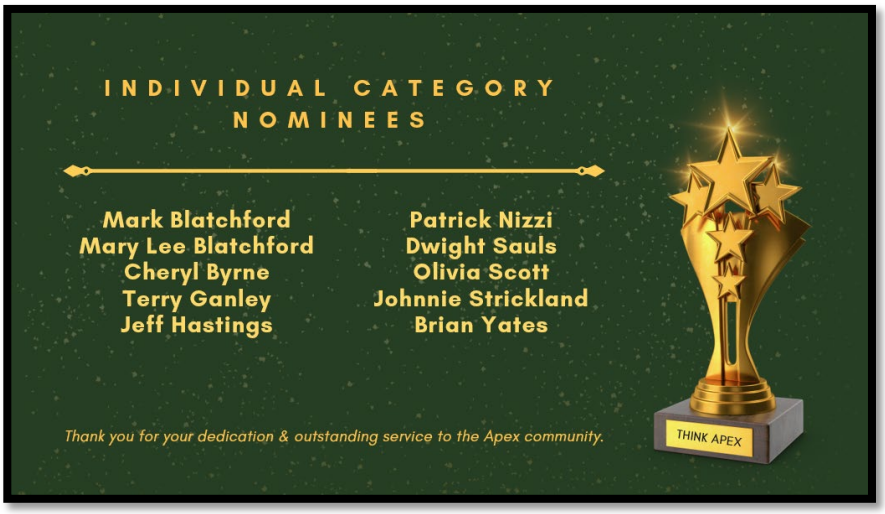
Mayor Gilbert invited Brianne Gill to give the presentation.

Brianne Gill, Community Engagement Manager, Comm. Dev. And Neighborhood. Conn. Department thanked all for the Think Apex Award. She gave the following presentation and awards for the contributions being made to the Apex Community.

[SLIDE 1]



[SLIDE 2]



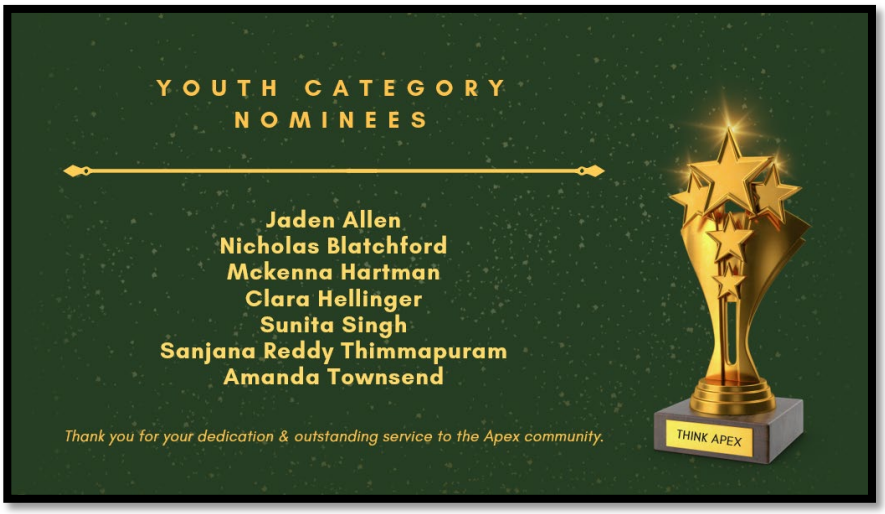
[SLIDE 3]



[SLIDE 4]



[SLIDE 5]



[SLIDE 6]



[SLIDE 7]



[SLIDE 8]



[SLIDE 9]



[SLIDE 10]



[SLIDE 11]



[SLIDE 12]



[SLIDE 13]



[SLIDE 14]



Ms. Gill thanked the Town of Apex and all for coming and congratulated all of the nominees and winners. She said that she would like to encourage all to continue to embrace and foster a local mindset by being intentional about supporting and investing in the unique qualities of Apex. She invited all of the winners up for pictures. l

Mayor Gilbert congratulated all of the winners and thanked Ms. Gill for putting all of this together. He then moved to the Regular Agenda.

[REGULAR MEETING AGENDA]

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

VOTE: UNANIMOUS (5-0)

Mayor Gilbert then moved the meeting to Public Forum.

[PUBLIC FORUM]

Mayor Gilbert opened the Public Forum and invited the first speaker up.

First to speak was **Dawn Cozzolino** of 3623 Bosco Road:

"Good Evening Mayor Gilbert and Town Council. Tonight, I want to make sure that the community is aware of the Wake County Public Schools. They're going to be having public budget hearing meetings; these are all happening tonight in Cary and over the next week. So just some background, Superintendent Robert Taylor has proposed over a $60 million budget increase over last year's budget, and this is, due to, or as he stated, was due to, over

the four new schools that are being built or in construction in progress, new school enrollment, and employee benefits. So, this would be an opportunity for folks, for everyone to be heard and provide their input, on behalf of our community and our students. He didn't sugarcoat it either. And he said that hard cuts will need to be made. So, understand, you know, these budgets don't have much fixed, they're all fixed costs. There's really no discretion. So, the hard cuts are going to come in terms of people losing jobs and other resources that won't be provided. So, as I mentioned, Cary's hosting this meeting tonight, but there are three other meetings I hope you can join and take part in, the next meeting, and they all take place between 6:15 and 8:15 at night, April 11th at Fuquay-Varina Middle, April 16th at Abbotts Creek Elementary and that's in Raleigh, and April 23rd at Southeast Raleigh YMCA, and that's in Raleigh again. So, no Apex in here. So, you know, maybe next time. Back to how this fits with the Town Council. So, when you continue approving all growth, okay, the developers and all growth, you do in fact increase the town revenues, and that's an important thing to grow the town. However, the burden also increases in other areas, and I want to bring that to your attention. So those areas are traffic, congestion, and of course yes, the schools are impacted, because we have school caps and we have school reassignments. And that's really too much disruption, for kids in their development years to go through and to the families and communities that love them. So please reconsider when you're approving developments that you're not exploding beyond the means of our roads and our schools. Thank you."

Mayor Gilbert thanked the speaker and called the next speaker.

The next to speak was **Reverand Kara Matthews** of 3509 Pony Soldier Drive:

"Would the other housing advocates who are joining me tonight please raise their hands? Okay. I'm concerned about the lack of affordable housing choices in Apex. I believe that solving the problem requires that elected officials, town staff, and community members collaborate on creative approaches to increase housing choices that are affordable for all low- to moderate-income households. That is, households with annual incomes of less than $30,000 and up to 80% of the area median income, which in 2024 was about $78,000 for a family of two and $98,000 for a family of four. One of the gifts of serving as a pastor is being invited into the sacred goggles of people's hearts. We are never guaranteed entrance into people's stories. And so, when God allows us sacred space whereby someone trusts us enough to tell their story, we know that we are on hallowed ground. I have the profound privilege of working with survivors of human trafficking and domestic violence. I am in awe of their strength, candor, and resilience. And with each day, they place one foot in front of the other and find fortitude where others might not. They deal with complex trauma, and one of the ongoing issues for them is to place that trauma in the background and not allow it to creep into their daily interactions and lives. It's not easy, as you might well imagine. I'm here tonight to share some of their stories and their plight to obtain affordable housing. Survivor A moved into a beautiful home with her daughter and had access to one of our amazing

schools in Apex. Unfortunately, she became infirm with COVID during the time when many of us did, and as a result, she was not able to work for a couple of weeks, which meant that she was not receiving compensation from her employer. When she finally returned to work, she was so delinquent in her bills that she just couldn't see a way out. She had even contemplated returning to her trafficker regardless of the risk that it posed to her. Sadly, this family was evicted. The survivor is now living 40 minutes away from her child's school and makes the commute each morning and each afternoon so that her child can remain in the school. Survivor B was living unhoused for about six months. The survivor began working with an organization to embark upon moving into one of the apartment complexes we have in Apex. Unfortunately, the survivor had an immensely difficult day. Survivors can experience pop-up trauma anytime and anyplace. It can be an ordinary experience that erects a traumatic event, and it leaves them completely disassociating and unable to cope with the present reality. This caused a cessation of everything. The survivor missed work, and without a couple of days of income, the apartment moved further away from becoming a true reality. And the survivor said, "The rent is just too high, so I think I'll just stay where I am." She's now subject to being trafficked again, because of course, living unhoused makes her incredibly vulnerable. My final story for tonight is Survivor C, who is another single mom with two children. They were in an apartment in Apex, and it was perfect for the family. But each year, the landlord would increase the rent, and it finally got to the point where they just couldn't stay there anymore. They relocated to another place, but she said it reminded her of the place where she was trafficked. So recently, she and her children relocated yet again, and the community is 45 minutes away. But she said it doesn't trigger her trauma, and the rent is affordable. In each of these cases, they wanted to be in Apex because of the quality of life, but the affordability was not plausible for them. I do hope that we as a community can work together to create affordable housing, because our community does represent some truly extraordinary opportunities for individuals who would otherwise be unseen. Thank you."

Mayor Gilbert thanked the speaker and called the next speaker.

The next to speaker was **Mark Stohlman** at 225 Flat Rail Trail of Cary:

"Good evening, Mayor Gilbert and Town Councilmembers. It's an honor to be here, I'm Mark Stohlman. I live at 225 Flat Rail Trail in the beautiful suburb of Apex called Cary. So, Morrisville kicked me out a few years ago, been living downtown Cary for the last four and a half years now. But before I say that I would like to thank you all. Those proclamations you, I love the way you did it, they were heartfelt, they meant a lot, particularly the Nepal Day. It's a good group of people and, I was always honored to help with that also. So, thank you very much. And lastly, not lastly, but thank you also for the cricket pitch that you put up in Jaycee Park. I try to get Mayor Gilbert out there to play a couple times. We'll get you out there, we'll get you hitting those boundaries before you know it. But, anyway, thanks again for your service. I'm actually here tonight to talk about a little lighter subject. I'm a little humbled

following the school budget discussions and affordable housing. And this is maybe a little bit of a lighter subject, but I think it's pretty important for the town and its future, and that's the social district that you're contemplating. Cary's had a social district for the last year and a half. My neighborhood literally goes up to the boundary of it. I am at the social district line in the Town of Cary and I just wanted to set your expectations on what you may or may not expect or what will happen when this social district goes into effect. There are probably 50 to 60 social districts in North Carolina right now. It's very popular. I don't blame you guys for looking at it. It's a lot of fun to have. It's a great selling point for the town. There's music involved and have those things.. The reality is, living next door to the social district, just expect a couple things. As good as your Apex citizens are, a lot of them will ignore the boundaries, they'll ignore the times, they'll bring their own drinks into your social district. So, I kind of want to say, expect all those things. It's very difficult for your police department to police everyone walking outside the boundaries, to police every cup, to police every hour of the day. It's 12 hours should be enough, but believe it or not, people want to drink at 9:00 in the morning and at midnight, that sort of thing. So, you may have a temptation, as frustrating as it is, you'll hear from your citizens, you'll hear about all these things I just mentioned, you may have the temptation just to say, you know, the heck with the boundaries, the whole town is social district now. You know, drinking for all, everything's… I advise you think against that, don't let that be your first inclination, you know, work with your citizens, work with your police. Try to get that enforcement, I think early enforcement would, would have made a difference in Cary, get that message across early, you don't have to fine people. You don't have to be mean about it. Just tell them, you know, you're two blocks from the social district, maybe step back into it, that sort of thing. Anyway, good luck with your deliberations on that, it is a lot of fun to have a social district outside your door, but with it comes a lot of responsibilities and some few crazy people. So, be careful what you vote for in a couple weeks and hope you have very good luck with it. Thank you."

Mayor Gilbert thanked Mr. Stohlman and his service in Morrisville and called the next speaker.

The next to the speaker was **Ed Gray** of 1004 West Sterlington Place:

Good evening, everyone, colleagues, Mayor. I'm taking this unusual step of being on this side of the dais to make a couple of points, because I think there's three important things that we need to remind ourselves occasionally. The first thing is that this opportunity to communicate is something that is really important, and I know that this is something that I know all of us up there truly believe in, but we want to encourage more of this engagement. We want to encourage more folks to come to these meetings, to engage and have these conversations. It's part of our First Amendment right, it's part of our freedom of speech, and it's something that we feel very strongly about as a community. But most importantly, we, when we're sitting up there, strongly believe in your ability to exercise that right of free

speech, so I know it can be frustrating for some who come to talk and we may not respond or we may not answer or we may not make comment, but that's in pure deference just to those who are speaking here, engaging in that freedom of speech, and making sure that we're not trampling on that freedom of speech regardless of what that speech is and many times that speech can be critical of us. Which brings me to my second point. I know that, you know, there's been a lot of conversations about, the cyber incident that we had, and I will be the first to tell you that, you know, I remember around July 4th when we got that call that it was happening, and I remember the leadership that was, initiated by the Mayor on this issue, the leadership initiated by all of you to help handle this issue and to be clear, these are international incidents involving foreign actors that are at the purpose of trying to disrupt how we operate, and it's important to understand that, and you guys took that seriously, and I think it's important for someone to say thank you for that. Because I know that it's very difficult to remember that we're not just talking about the impact on our utility billing, and we know that that has had a severe impact on many folks but it's also important to remember that our public safety was not impacted. Our public responders were able to respond to scenes even though their computers were the focus of the attack. Our Fire Department was able to make responses and respond to accidents and people. Why? Because this town took it seriously enough to address. So, I want to say thank you for those efforts and particularly I want to thank Mayor Gilbert for his leadership on that, because these are the basic things that make towns happen. And the fact that we didn't lose lives when there was a targeted attack on us, I think it is a testament as to how we were able to address it. We didn't do it perfectly, I'll be the first person to tell you that we could have done some things better, that's right, but I will say that I think it's encouraging to know that regardless of how we handled the billing, no one has had their power turned off. Not one person. There are a lot of people who owe us money, but not one person has had their power turned off. And that brings me to my last point. It's important that although we have the right to come up here and say what we want, I do think it's really critical that those of us who are in this position keep in mind that maybe playing politics with these severe and serious issues isn't appropriate. So, I want to say thank you to all of you for the hard work that you do. And I want to say thank you to all of you who are here for being here, because it's your voice that we want to hear. Thank you, Mayor. Thank you, Council."

Mayor Gilbert thanked the speaker and moved to Public Hearings.

[PUBLIC HEARINGS]

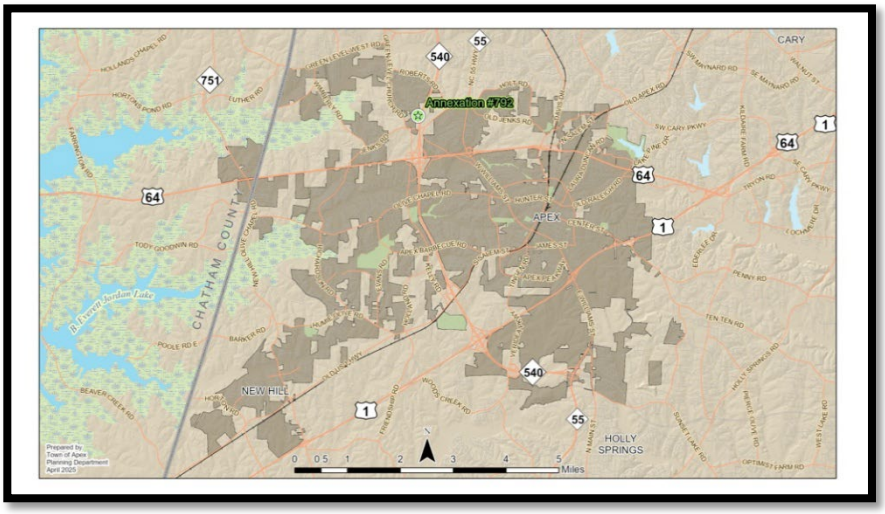
PH1 Annexation No. 792 - Jainix South - Jenks Road - 7.243 acres (REF: ORD-2025-021)

Dianne Khin, Director, Planning Department gave the following presentation:

[SLIDE 1]



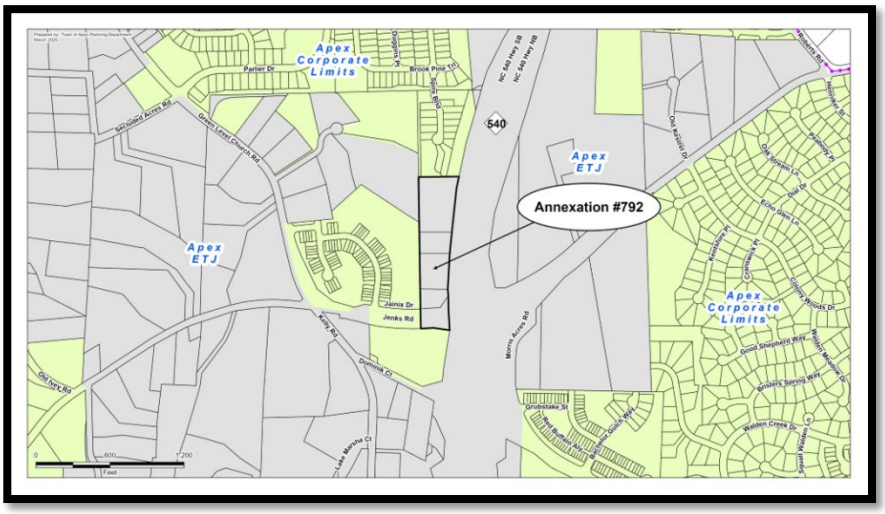
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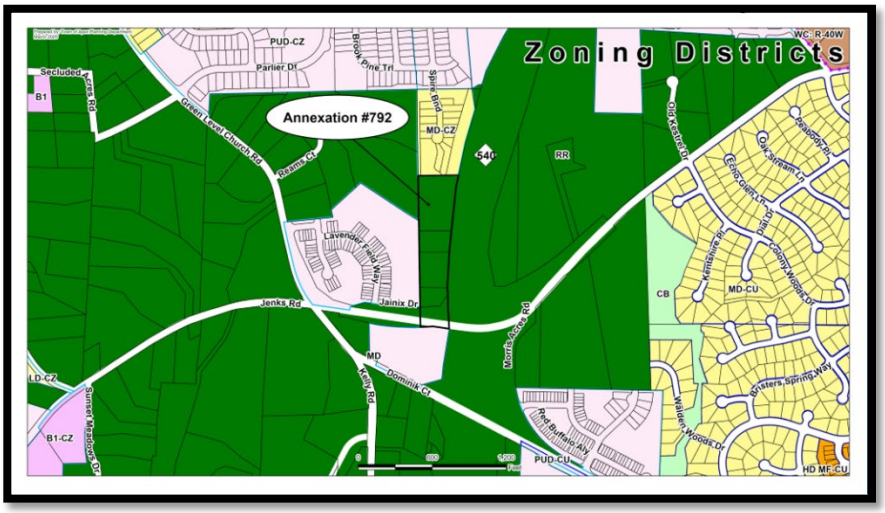
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[SLIDE 5]



Mayor Gilbert opened up for Public Hearing and with no one signed up to speak, he closed Public Hearing and brought it back to Council for discussion and a possible motion.

A **motion** was made by **Councilmember Killingsworth** and seconded by **Mayor Pro Tempore Gray**, to adopt an Ordinance on the Question of Satellite Annexation - Apex Town Council's intent to annex 7.243 acres, commonly referred to as Jainix South, located on Jenks Road, Satellite Annexation No. 792, into the Town Corporate limits.

VOTE: UNANIMOUS (5-0)

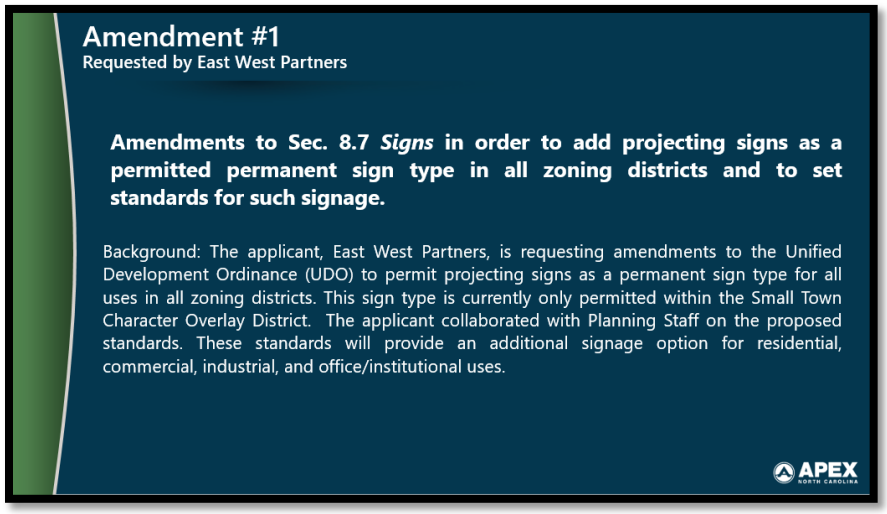
PH2 Unified Development Ordinance (UDO) Amendments – Signs – March/April 2025 (REF: ORD-2025-022)

Bruce Venable, Planner II, Planning Department said that this was an applicant driven amendment request and would address signs in the ordinance. He gave the following presentation:

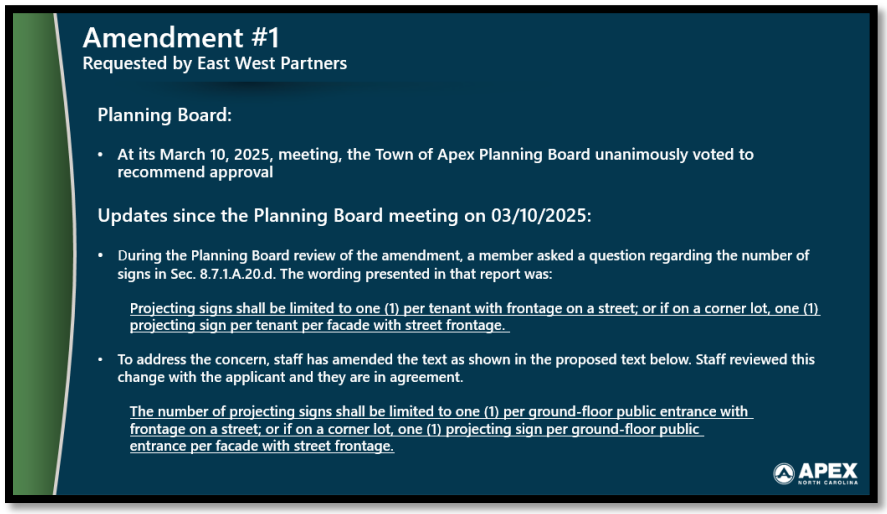
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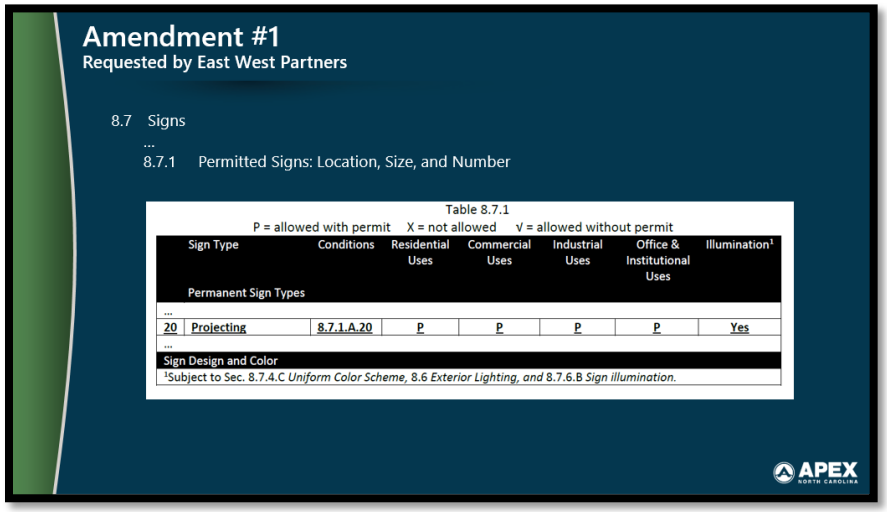
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[SLIDE 5]

Amendment #1
Requested by East West Partners

A) Permanent Sign Types

...

20) Projecting Signs

A sign affixed to a building or wall in such a manner that its leading edge extends more than 12 inches beyond the surface of said building or wall and meets the conditions below:

a) Projecting signs shall maintain a minimum vertical clearance of nine (9) feet and shall not project higher than the building height, roof line, or parapet wall.

b) Projecting signs may only be used as an alternative to a wall sign. In no instance shall a single tenant have a projecting sign, and a wall sign located on the same building façade.

APEX NORTH CAROLINA

[SLIDE 6]

Amendment #1
Requested by East West Partners

c) The maximum sign area permitted for such sign shall be determined by the mounting height of the top of the sign as listed in Table 8.7.1.A.20 below.

Table 8.7.1.A.20

Projecting Sign Location	Maximum Sign Area
Ground Floor	12 square feet
Between ground floor and secondary story	18 square feet
Between second story and third story	32 square feet
Third story and above	48 square feet

d) The number of projecting signs shall be limited to one (1) per ground-floor public entrance with frontage on a street; or if on a corner lot, one (1) projecting sign per ground-floor public entrance per facade with street frontage.

APEX NORTH CAROLINA

[SLIDE 7]

Amendment #1
Requested by East West Partners

e) The outside edge of the projecting sign shall not project more than five (5) feet beyond the façade of the building.

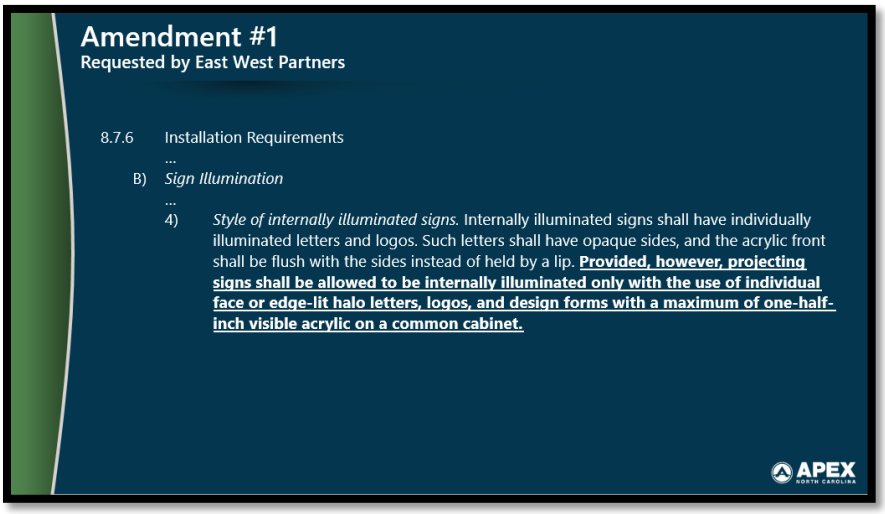
f) Also subject to Sec. 8.7.4 *Sign Design and Color*, 8.7.5 *Master Sign Plan Requirement*, Sec. 8.7.3 *Sign Area Measurement*, and 8.7.6.B *Sign Illumination*.

g) Projecting signs in compliance with the above regulations may project into the air rights of a public right-of-way if approval for such encroachment is obtained from the governmental authority having jurisdiction over improvements in the public right-of-way prior to the approval of the sign permit.

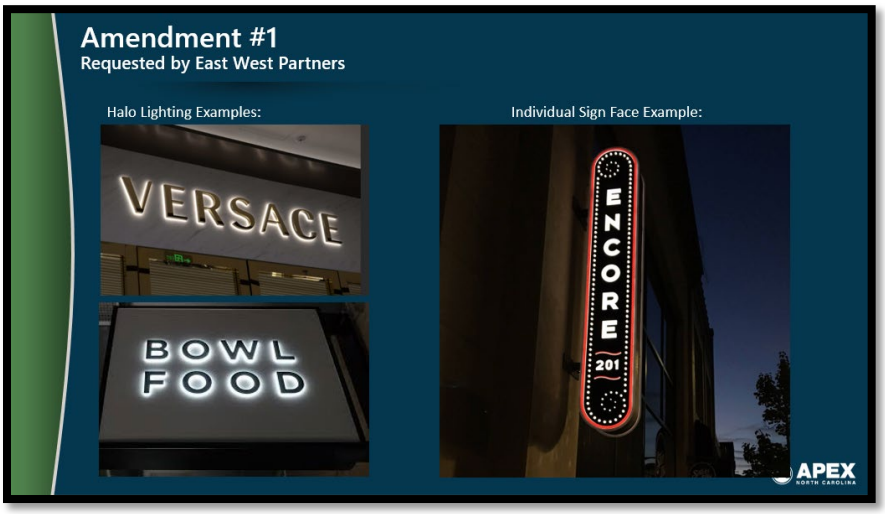


Figure 8.7.1.A.20 Examples of projecting sign type.

[SLIDE 8]



[SLIDE 9]



Mayor Pro Tempore Gray asked if the applicant agreed with the number of signs that there could be on the same floor.

Mr. Venable said yes that the applicant was in full agreement.

Mayor Gilbert opened up the Public Hearing and closed it with no one signed up to speak. He brought this back to the Council for discussion and a possible motion.

A **motion** was made by **Councilmember Zegerman** and seconded by **Mayor Pro Tempore Gray**, to approve the Unified Development Ordinance (UDO) Amendment related to signs – March/April 2025.

VOTE: UNANIMOUS (5-0)

PH3 Unified Development Ordinance (UDO) Amendments – Various – March/April 2025 (REF: ORD-2025-023)

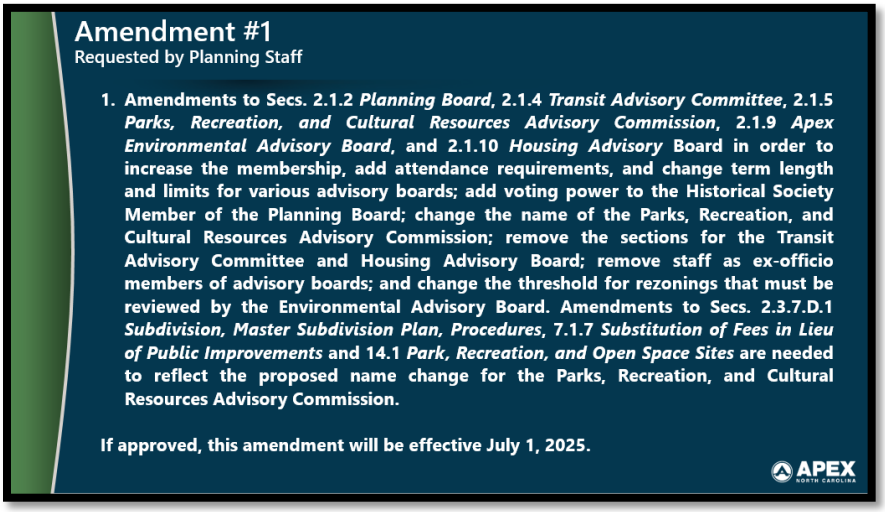
Amanda Bunce, Current Planning Manager, Planning Department presented the first two amendments.

Bruce Venable, Planner II, Planning Department presented the last amendment.

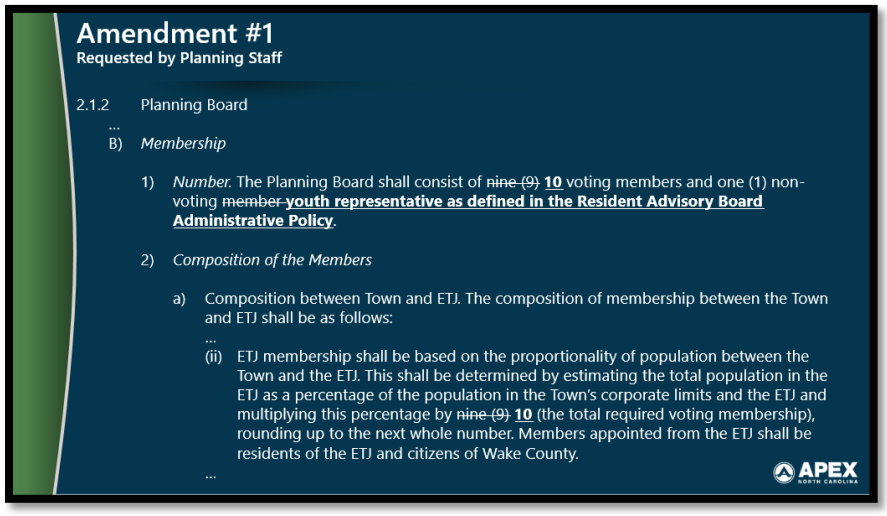
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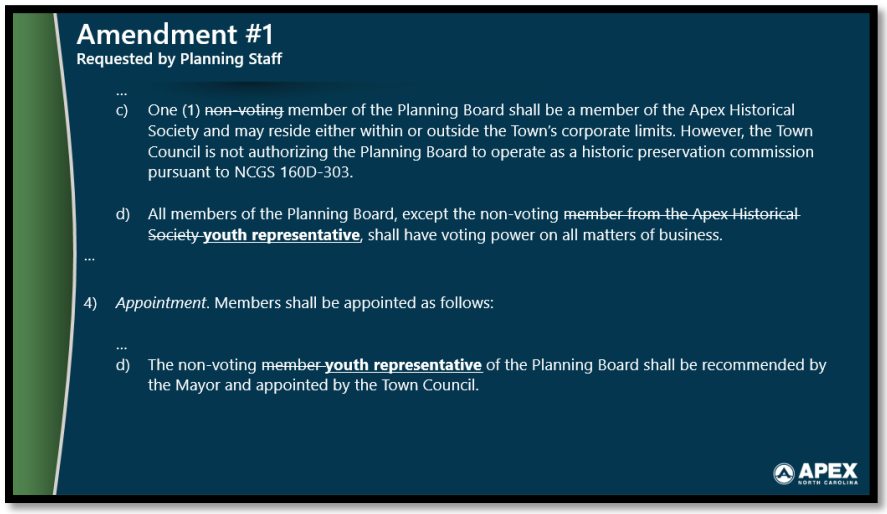
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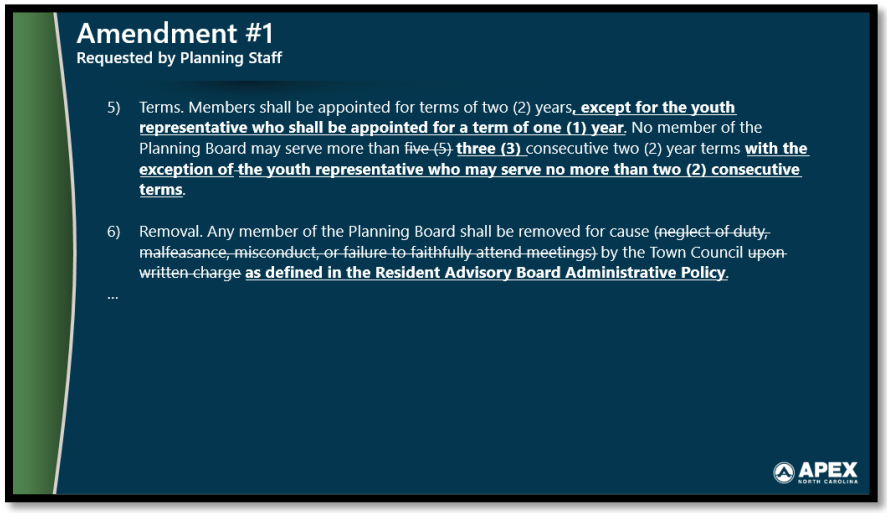
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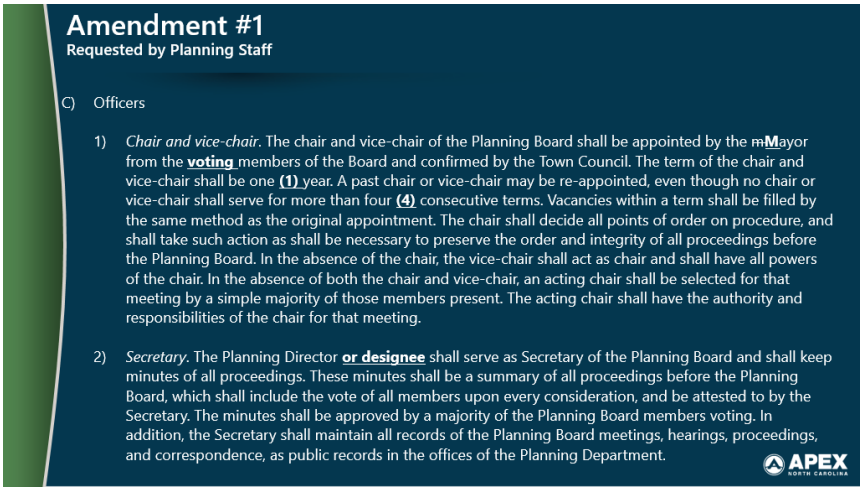
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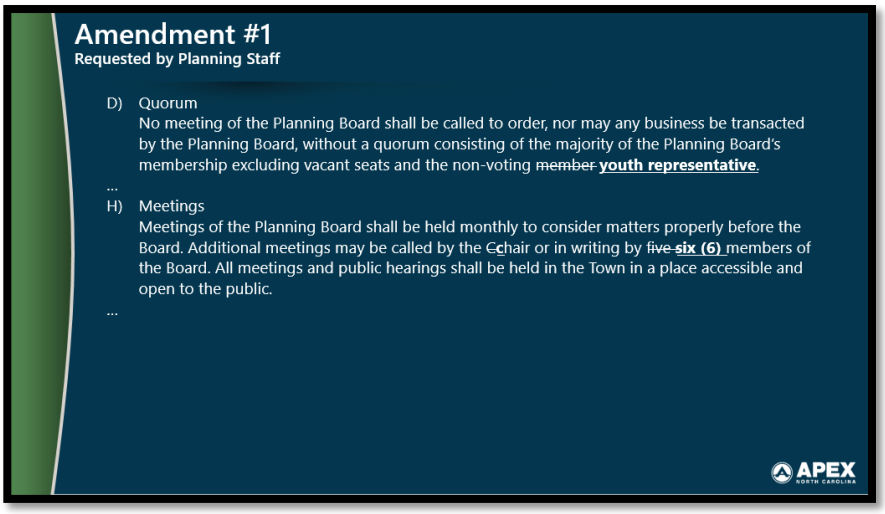
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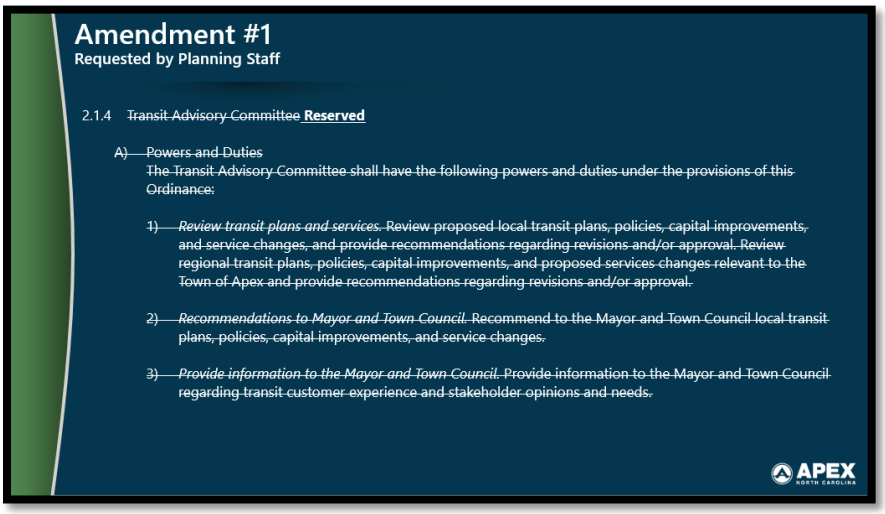
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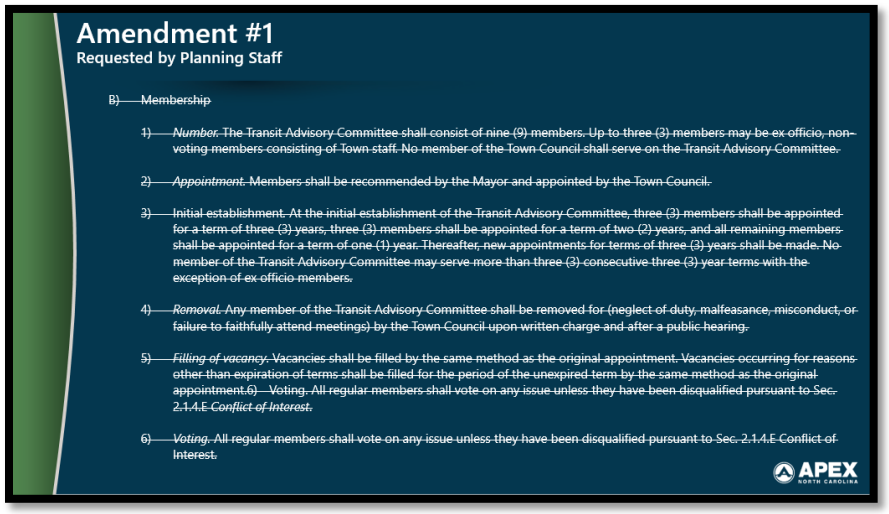
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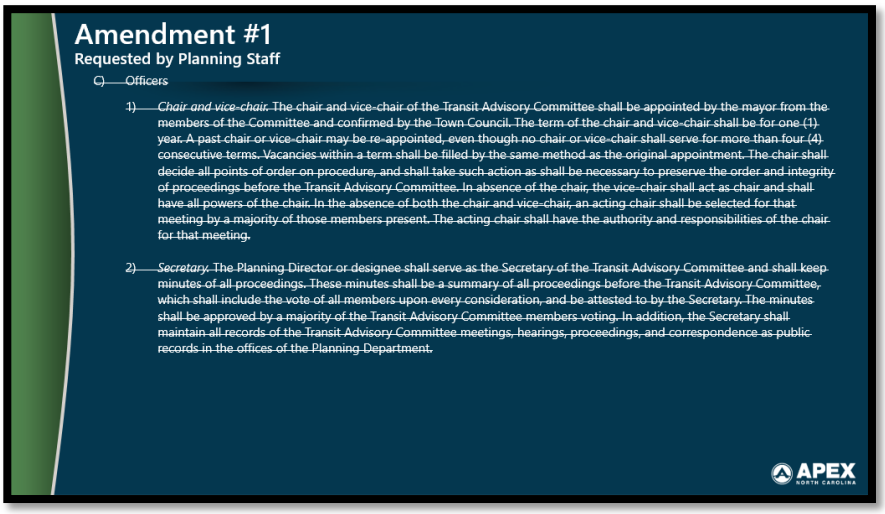
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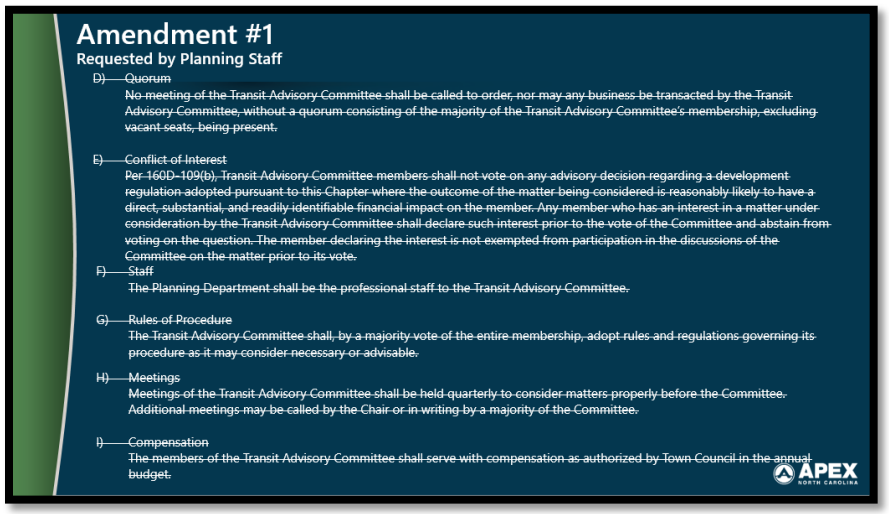
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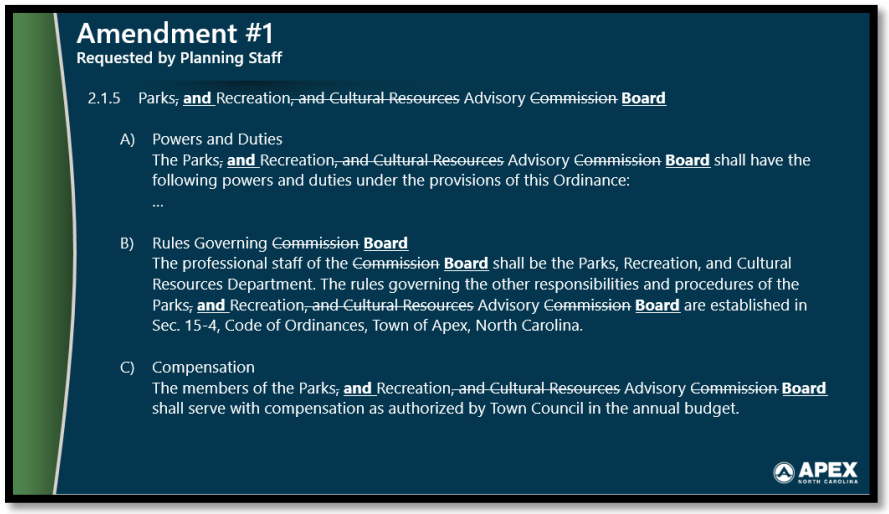
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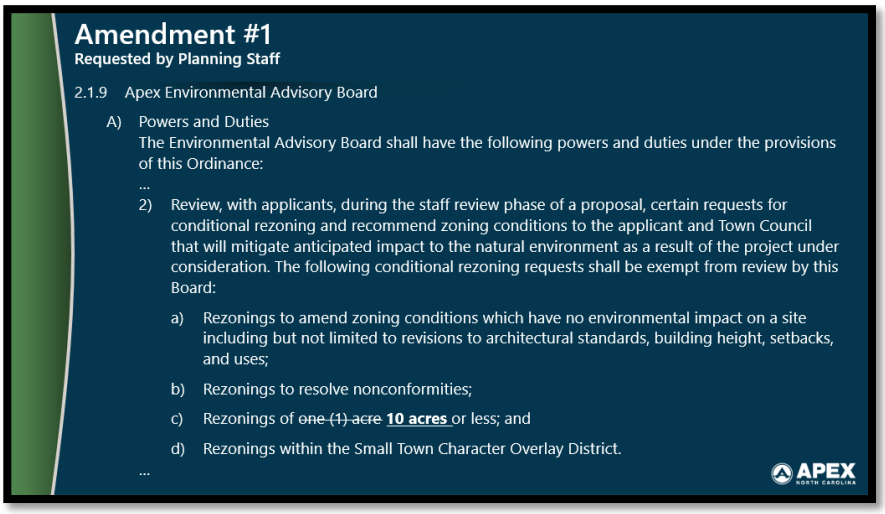
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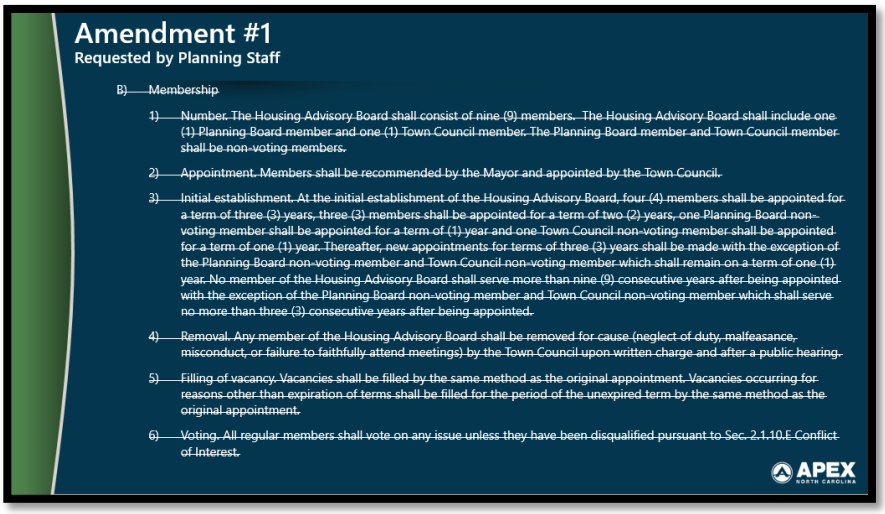
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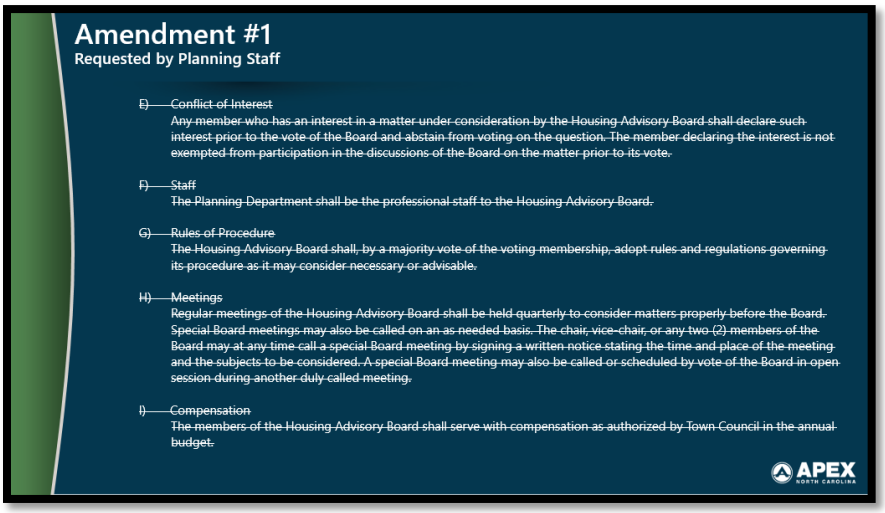
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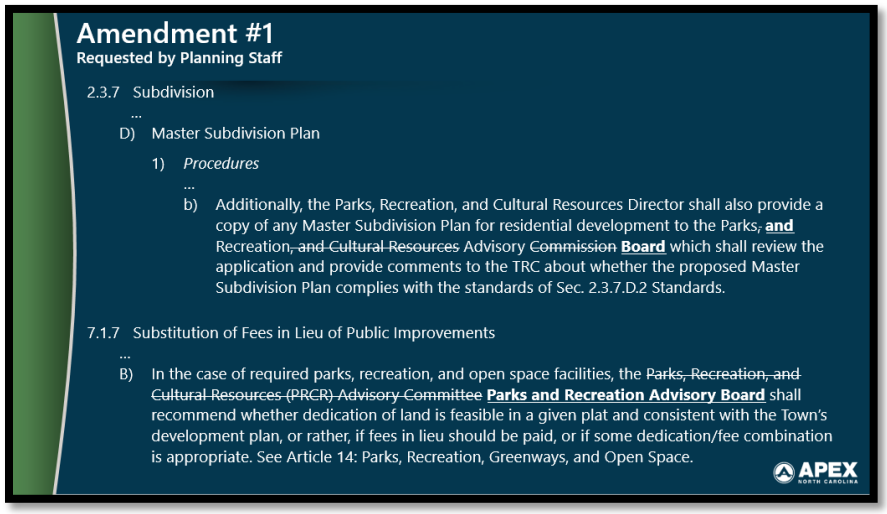
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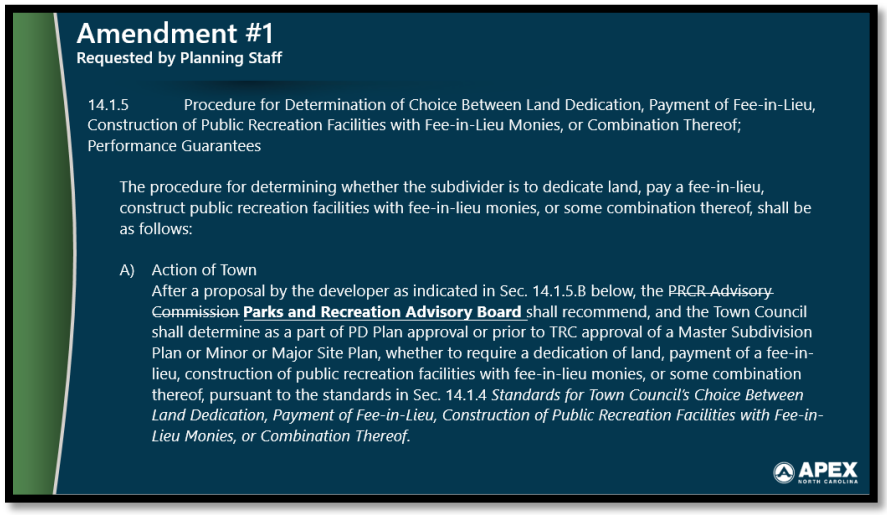
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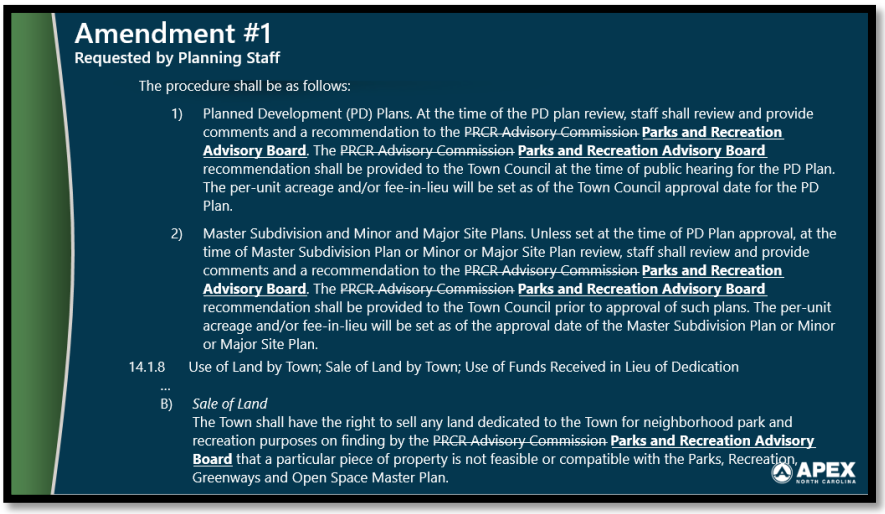
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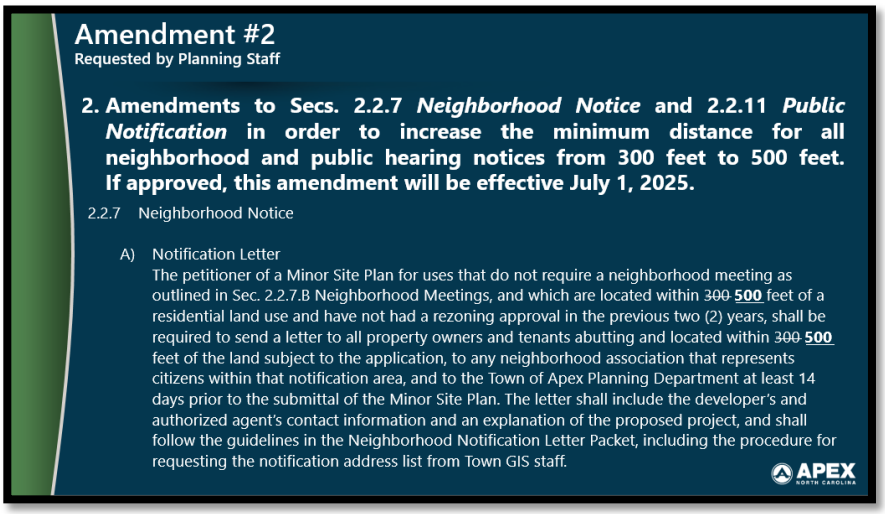
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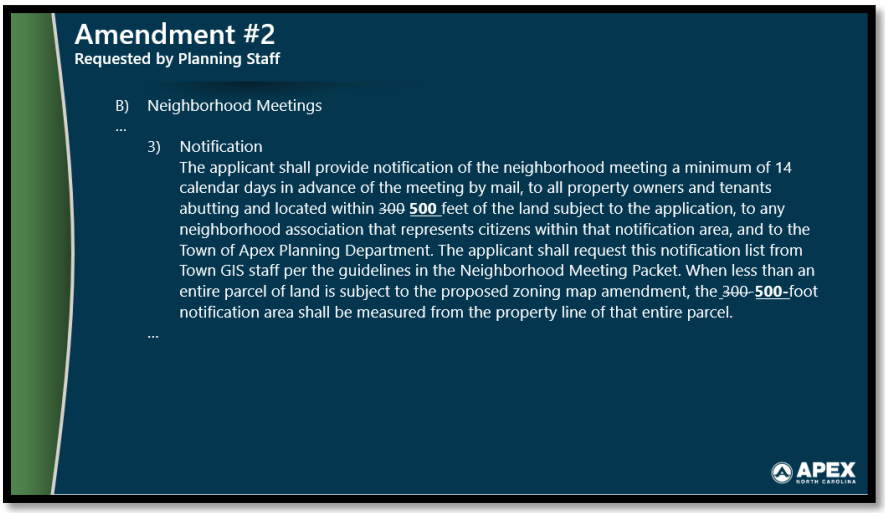
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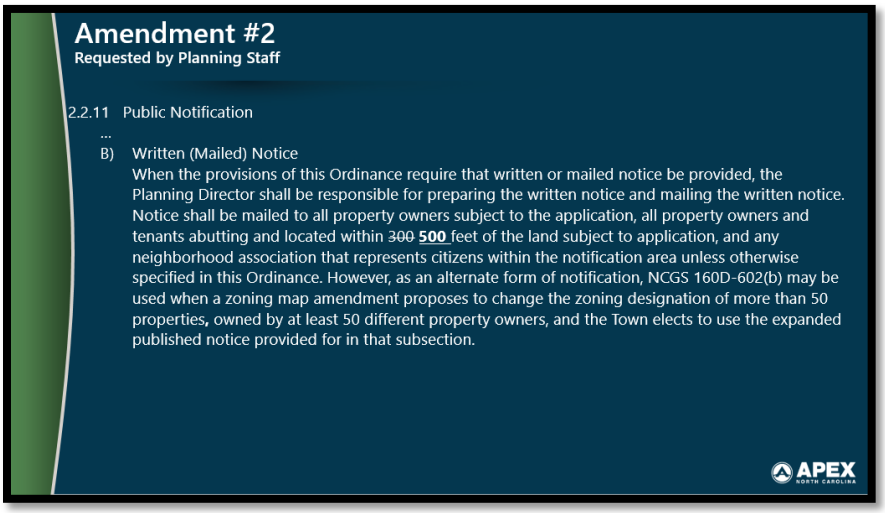
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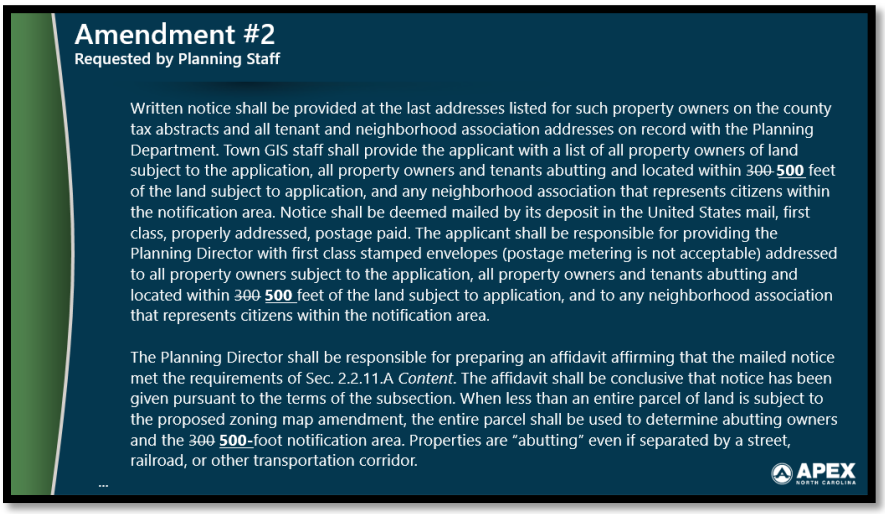
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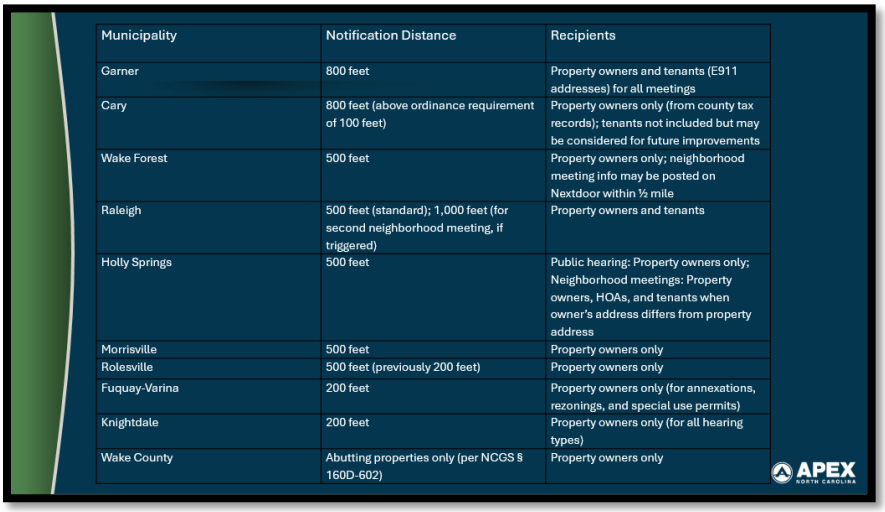
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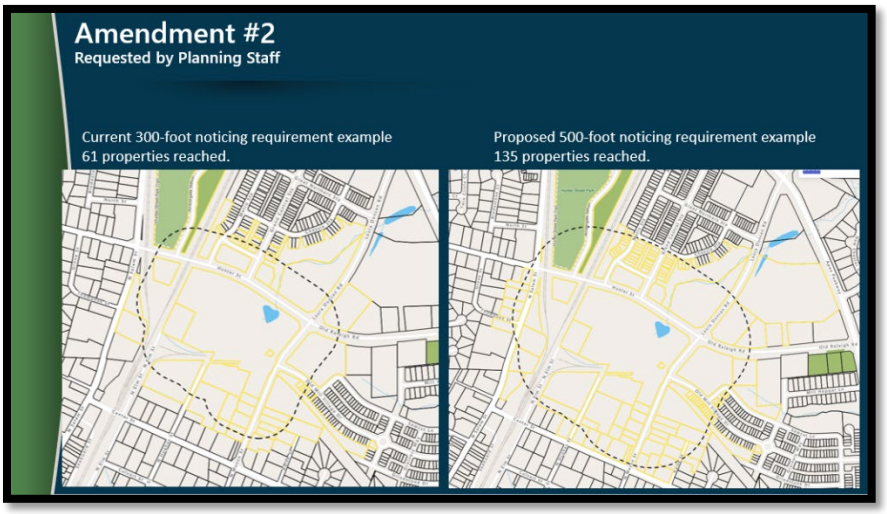
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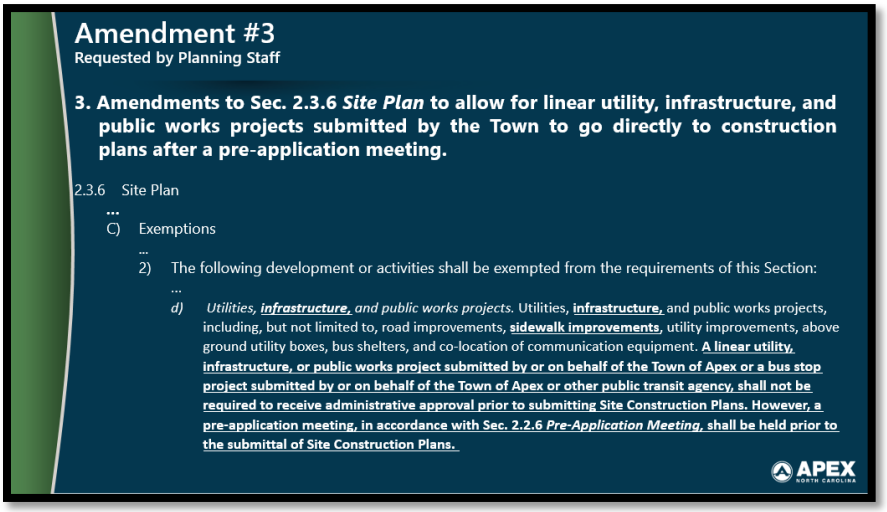


[SLIDE 27]



Mr. Venable continued with the rest of the presentation.

[SLIDE 28]



[SLIDE 29]



Mr. Venable asked if there were any questions.

Mayor Gilbert opened up the Public Hearing and closed it with no one signed up to speak. He brought this back to the Council for discussion and a possible motion.

A **motion** was made by **Councilmember Gantt** and seconded by **Councilmember Zegerman**, to approve Unified Development Ordinance (UDO) Amendments – Various – March/April 2025.

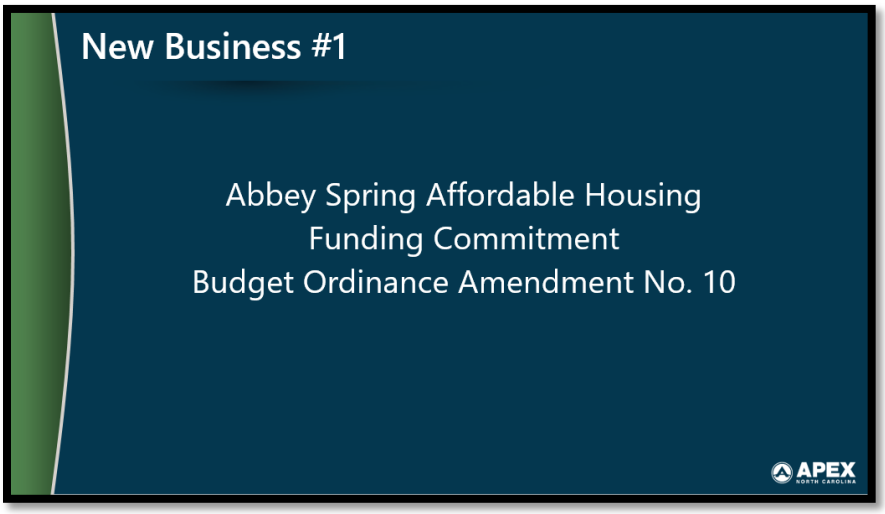
VOTE: UNANIMOUS (5-0)

[NEW BUSINESS]

NB1 Abbey Spring Affordable Housing Funding Commitment – Budget Ordinance Amendment No. 10 (REF: ORD-2025-020)

Lamont Taylor, Housing Services Manager, Community Dev. and Neighborhood. Conn. Dept. gave the following presentation:

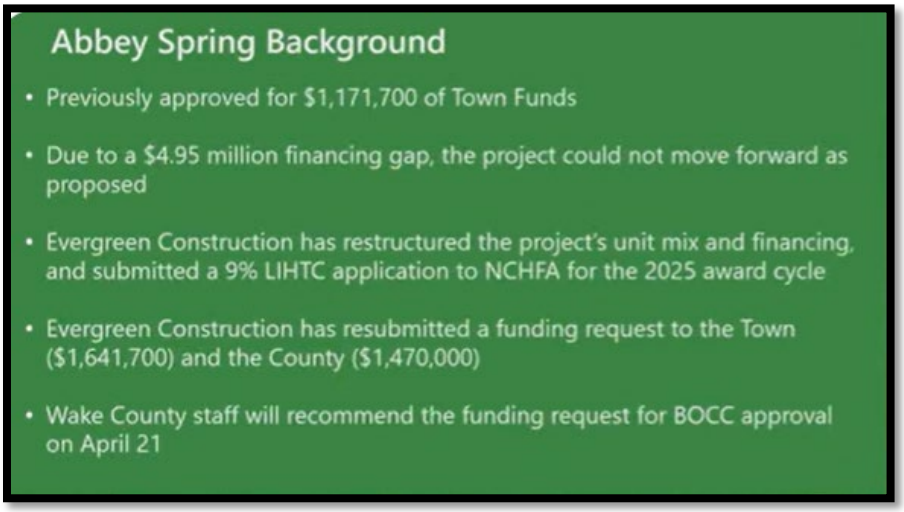
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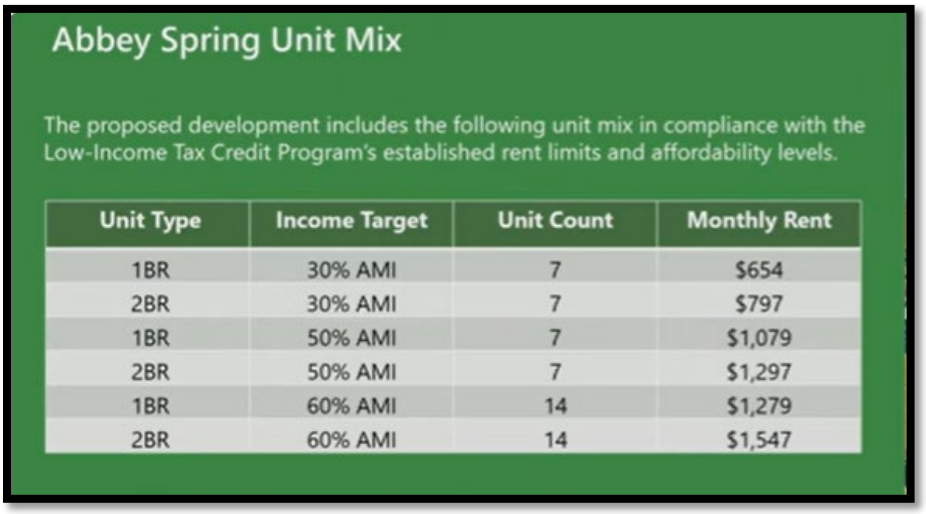
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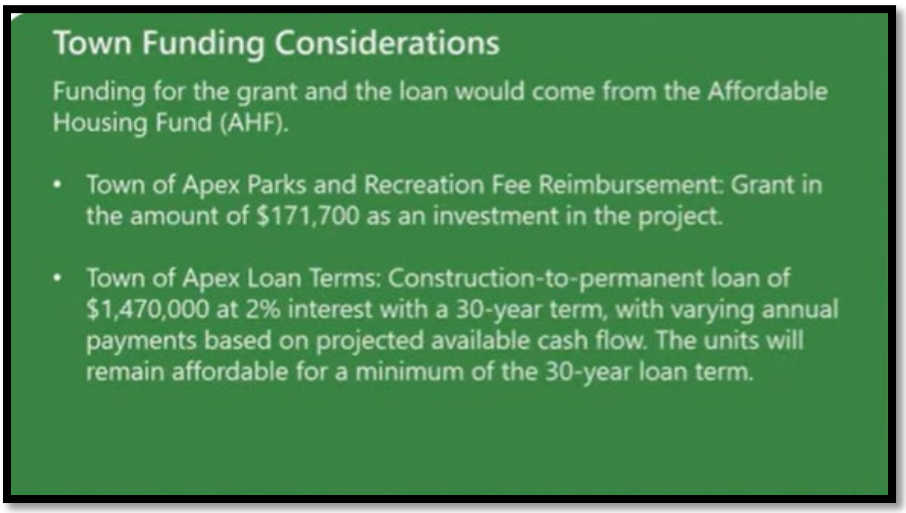


Abbey Spring Unit Mix

The proposed development includes the following unit mix in compliance with the Low-Income Tax Credit Program's established rent limits and affordability levels.

Unit Type	Income Target	Unit Count	Monthly Rent
1BR	30% AMI	7	$654
2BR	30% AMI	7	$797
1BR	50% AMI	7	$1,079
2BR	50% AMI	7	$1,297
1BR	60% AMI	14	$1,279
2BR	60% AMI	14	$1,547

[SLIDE 5]

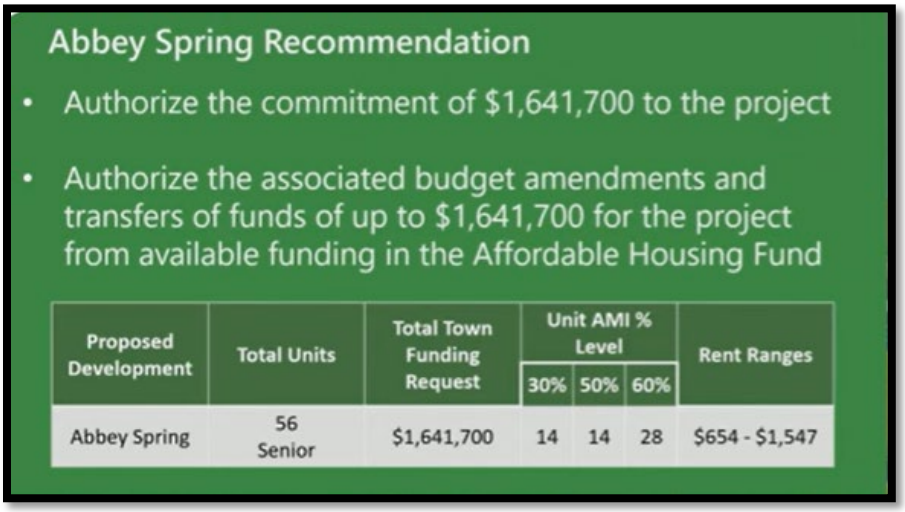


Town Funding Considerations

Funding for the grant and the loan would come from the Affordable Housing Fund (AHF).

- Town of Apex Parks and Recreation Fee Reimbursement: Grant in the amount of $171,700 as an investment in the project.
- Town of Apex Loan Terms: Construction-to-permanent loan of $1,470,000 at 2% interest with a 30-year term, with varying annual payments based on projected available cash flow. The units will remain affordable for a minimum of the 30-year loan term.

[SLIDE 6]



Abbey Spring Recommendation

- Authorize the commitment of $1,641,700 to the project
- Authorize the associated budget amendments and transfers of funds of up to $1,641,700 for the project from available funding in the Affordable Housing Fund

Proposed Development	Total Units	Total Town Funding Request	Unit AMI % Level			Rent Ranges
			30%	50%	60%	
Abbey Spring	56 Senior	$1,641,700	14	14	28	$654 - $1,547

Mayor Gilbert asked if there were any questions.

Councilmember Gantt asked for clarification of the differences in the request to the County and Town and how the numbers were arrived at.

Mr. Taylor said that the original request included a grant for Parks and Rec fee reimbursement and was included in the 2nd request as well. He said if you add those together that you would get to that $1 million.

Councilmember Gantt said that this was the 2nd time there was a request and asked if it happened a third time would there be a reason to fully say yes or no rather than continuing with brining it back and changing things.

Mr. Taylor said that this project was challenged financially due to infrastructure and site improvements that weren't anticipated originally, and it created a $4.95 million gap, and it necessitated the need to reduce the units down from 84 to 56. He said this is a very reasonable per-unit request.

Councilmember Gantt asked if there was more knowledge of infrastructure needed at this time.

Mr. Taylor said that was correct.

Councilmember Mahaffey clarified that this is a new request and not on top of the previous request.

Mr. Taylor said that is correct.

Councilmember Mahaffey asked who does the loans.

Mr. Taylor said that it is done in-house, and they work with their finance team to ensure compliance.

Councilmember Zegerman said that he is in full support with this project with the 30 to 60% of AMI range. He said this is an inventory that is lacking in Apex.

Councilmember Mahaffey said that seeing projects like this being over 50 units that makes a measurable difference.

Councilmember Killingsworth said that having discussions about affordability was difficult in 2017 and they have come a long way since that time. She said that finding affordable housing is very individual and depends on individual income. She said it is wonderful to have different ranges of incomes, but all ranges should be able to find housing that is affordable.

A **motion** was made by **Mayor Pro Tempore Gray** and seconded by **Councilmember Zegerman**, to approve the Abbey Spring Affordable Housing Funding Commitment, and associated Budget Ordinance Amendment No. 10.

VOTE: UNANIMOUS (5-0)

[CLOSED SESSION]

A **motion** was made by **Mayor Pro Tempore Gray,** and seconded by **Councilmember Gantt**, to enter into closed session pursuant to NCGS §143-318.11(a)(5) and NCGS §143-318.11(a)(3) for the two items listed.

VOTE: UNANIMOUS (5-0)
Council entered into closed session at **7:34 p.m.**

CS1 Steve Adams, Real Estate and Utilities Acquisition Sp., Trans. and Infra. Dev. Dept.

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. Mills

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 **7:54 p.m.**

Mayor Gilbert asked if there was any other business.
Councilmember Mahaffey said that he would like to make a motion.

A **motion** was made by **Councilmember Mahaffey**, seconded by **Councilmember Killingsworth** to appoint Councilmember Terry Mahaffey as a voting member on behalf of Apex for the League of Municipalities Election.

VOTE: UNANIMOUS (5-0)

[ADJOURNMENT]
Mayor Gilbert adjourned the meeting at y: **7:55 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 13th day of May, 2025 (CN5).

APPROVED MEETING MINUTES

TOWN OF APEX
TOWN COUNCIL WORK SESSION
TUESDAY, APRIL 15, 2025
3:30 P.M.

The Apex Town Council met for a work session on Tuesday, April 15, 2025 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:

CLERK NOTE: While this meeting took place at Apex Town Hall, part one was conducted in the Town Council Chambers on the 2nd Floor and part two was conducted in the training rooms A and B on the 3rd Floor.
Part 1 - https://www.youtube.com/watch?v=N5S3jfUiCIU
Part 2 - https://www.youtube.com/watch?v=BFJiDFzZGsc

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

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 3:35 p.m., welcomed everyone, and led everyone in the pledge of allegiance.

[FY 2025-2026 MANAGER'S RECOMMENDED BUDGET PRESENTATION]

Town Manager Vosburg gave the following presentation:

[SLIDE 1]



[SLIDE 2]



[SLIDE 3]



[SLIDE 4]



[SLIDE 5]



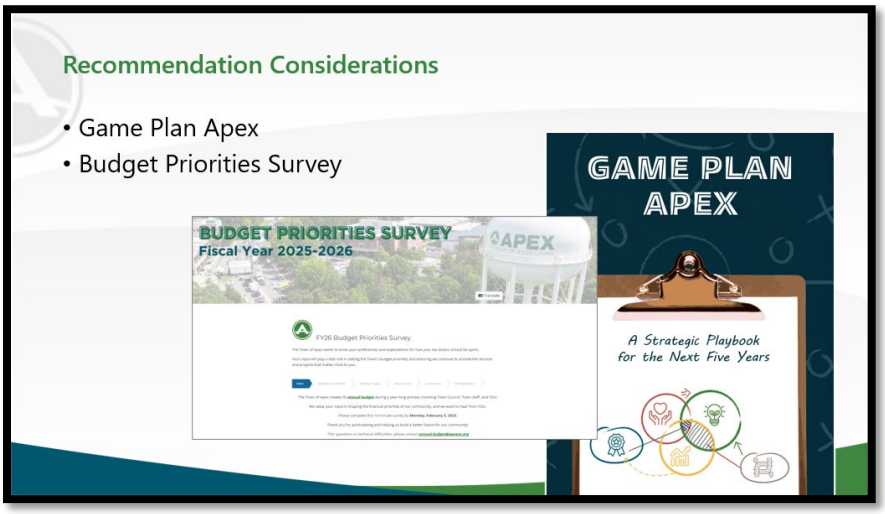
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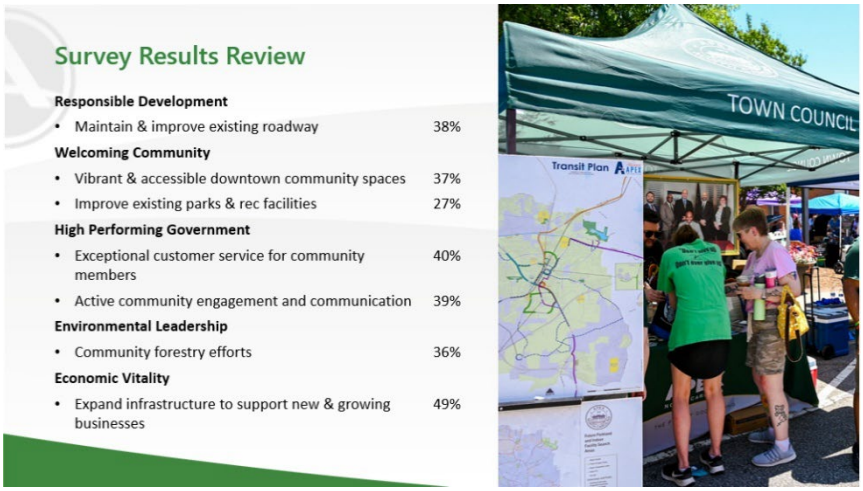
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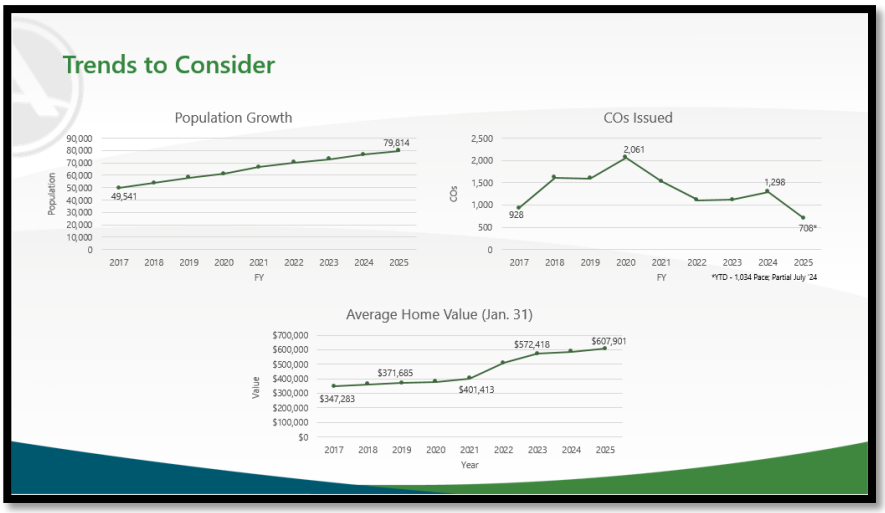
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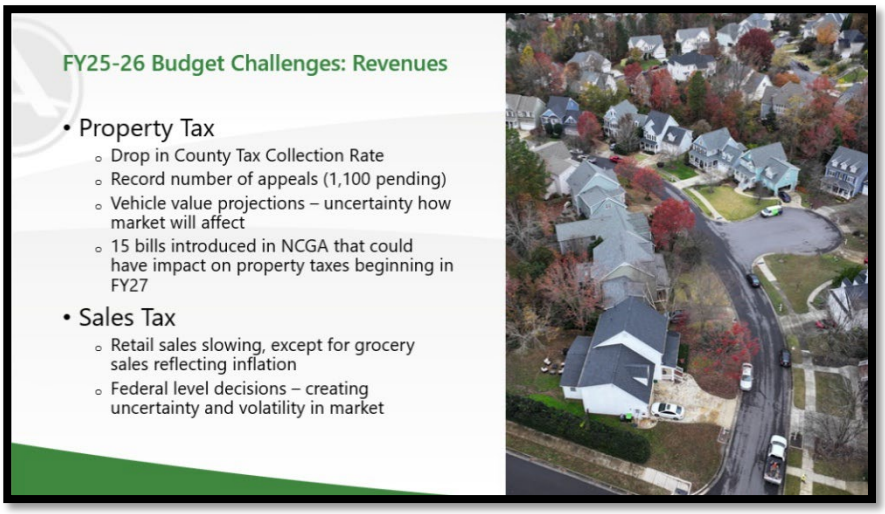
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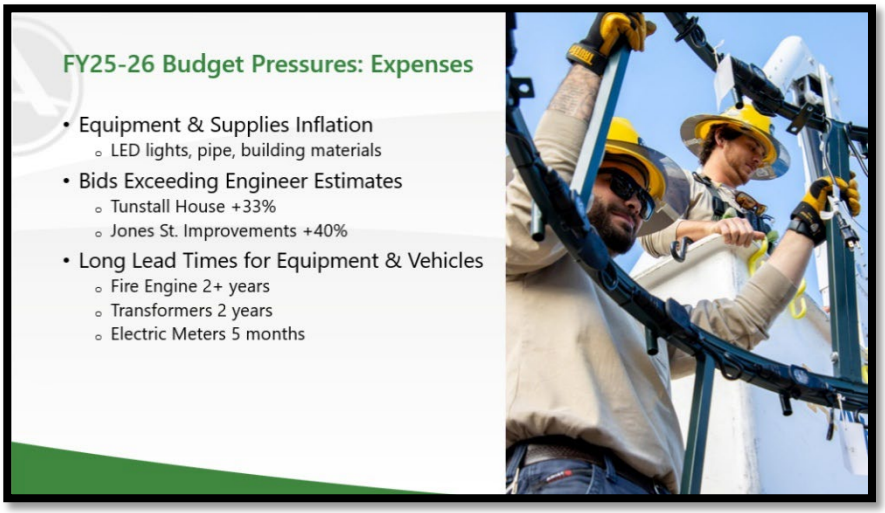
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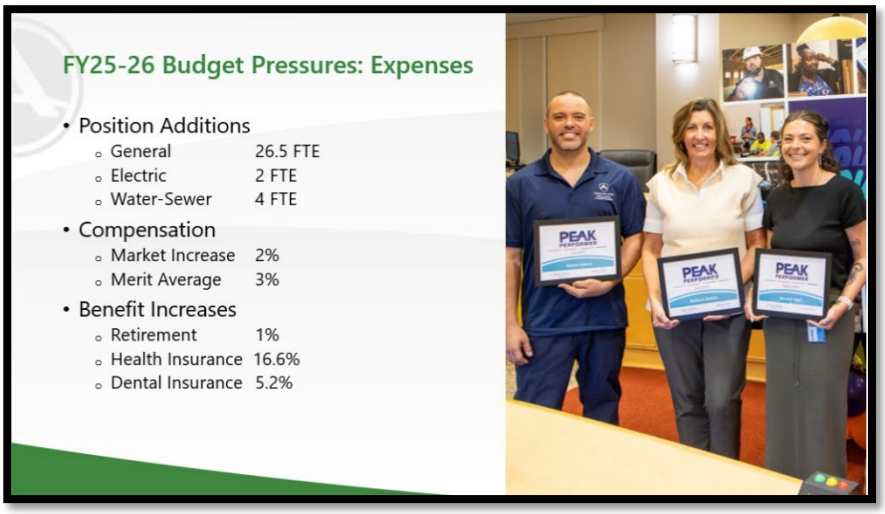
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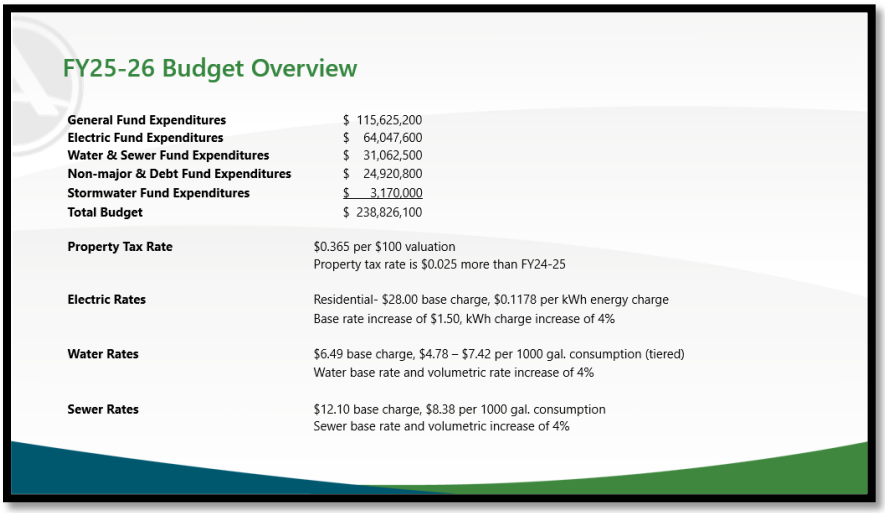
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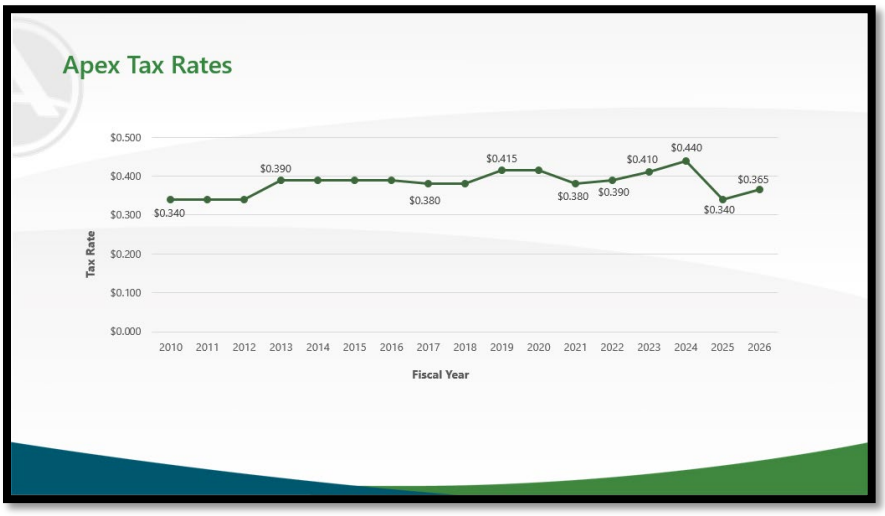
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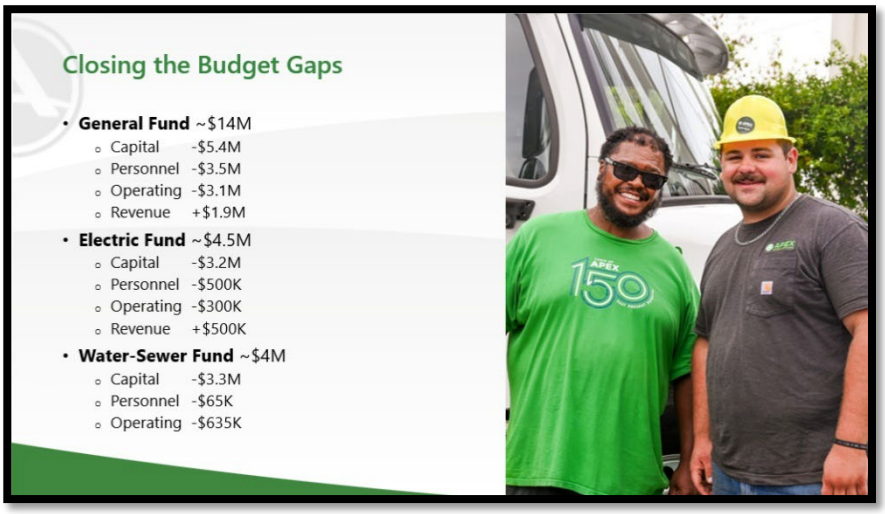
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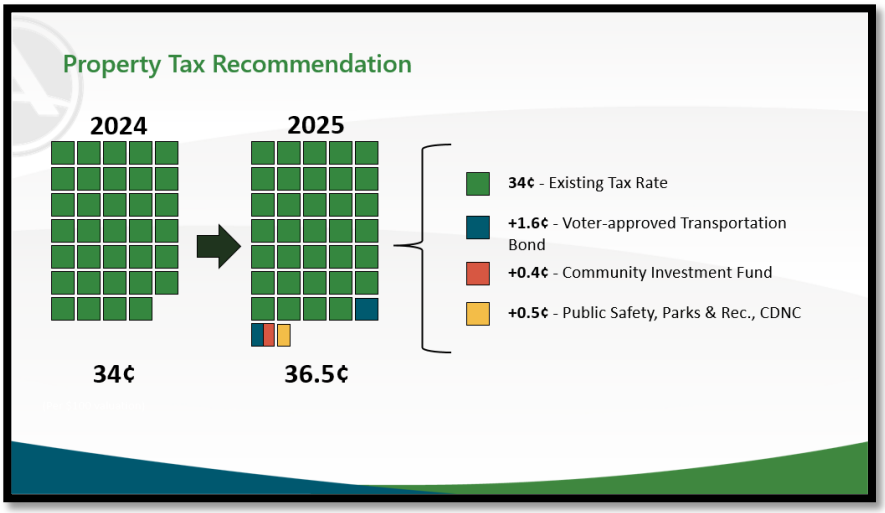
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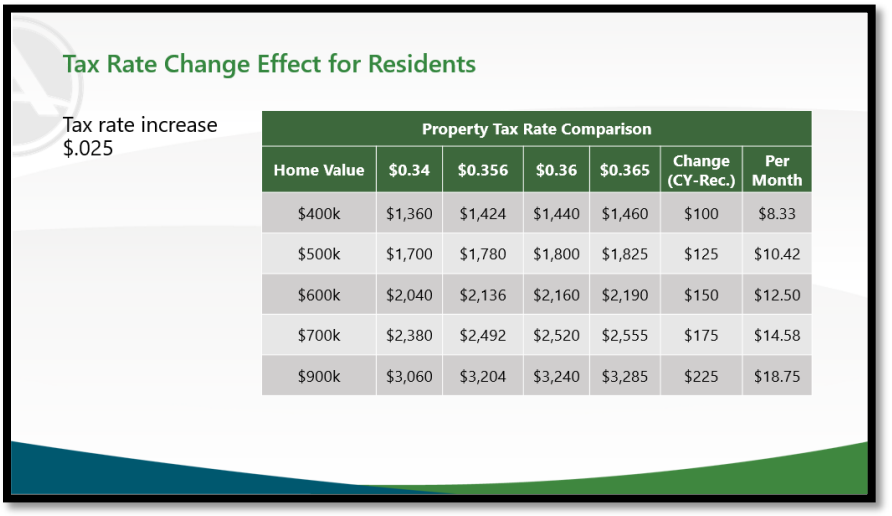
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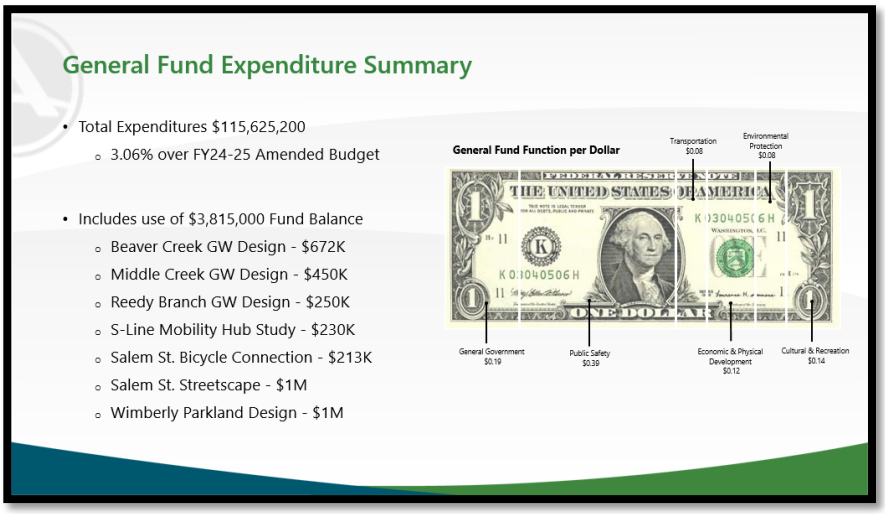
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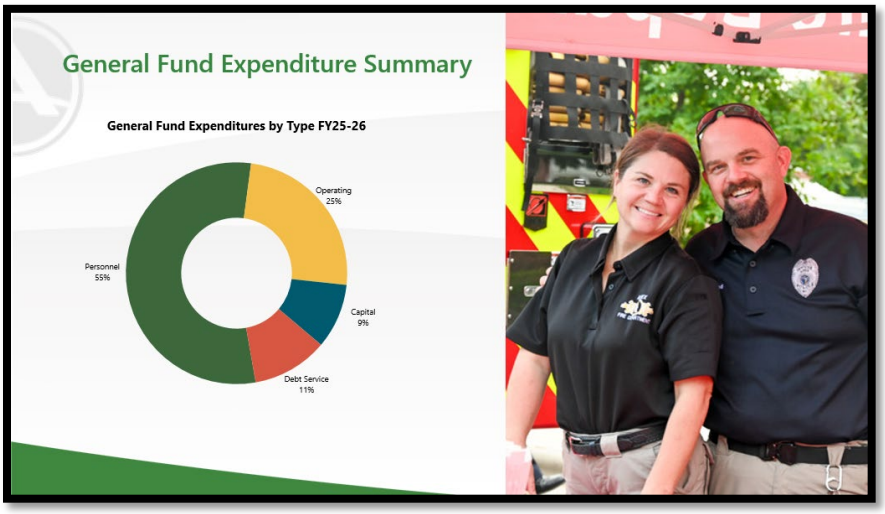
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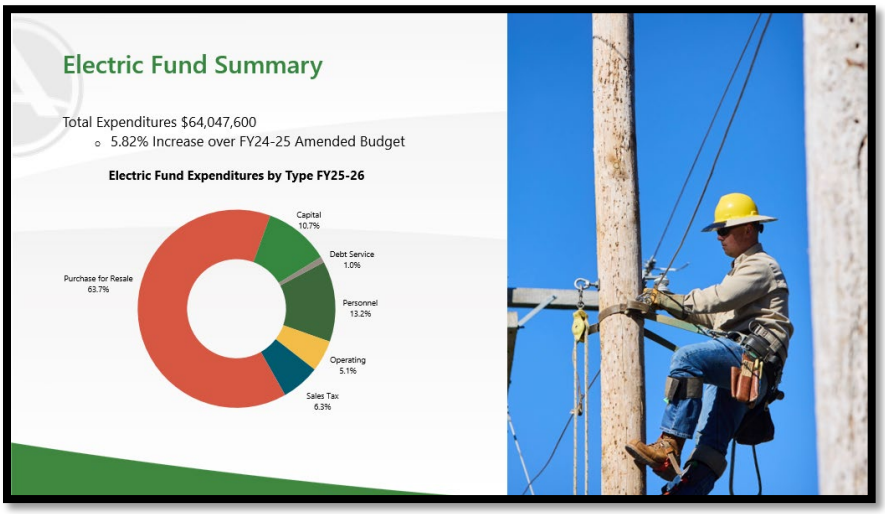
Councilmember Gantt asked about the S-line being unfunded.

Town Manager Vosburg said that Assistant Town Manager Stone would address that.

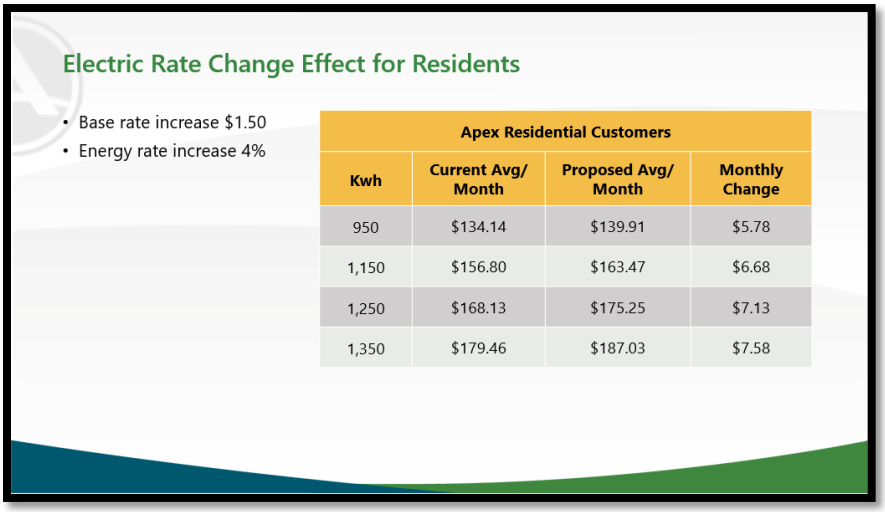
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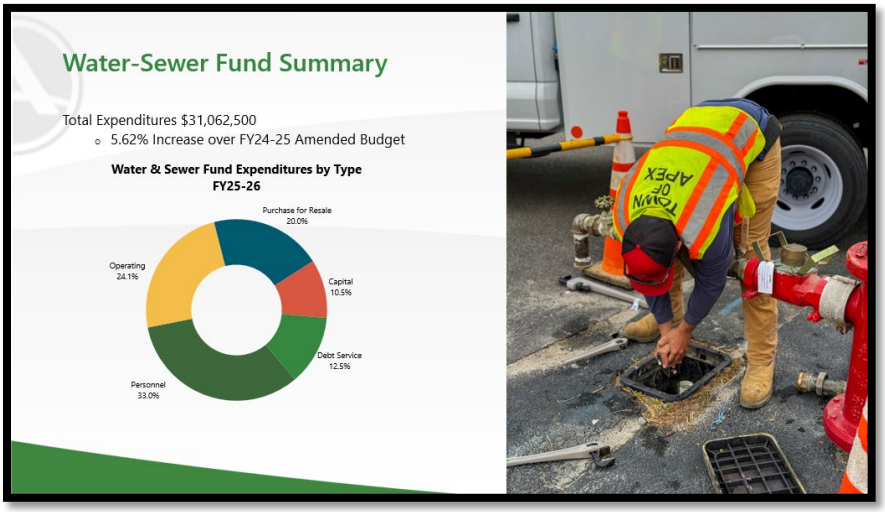
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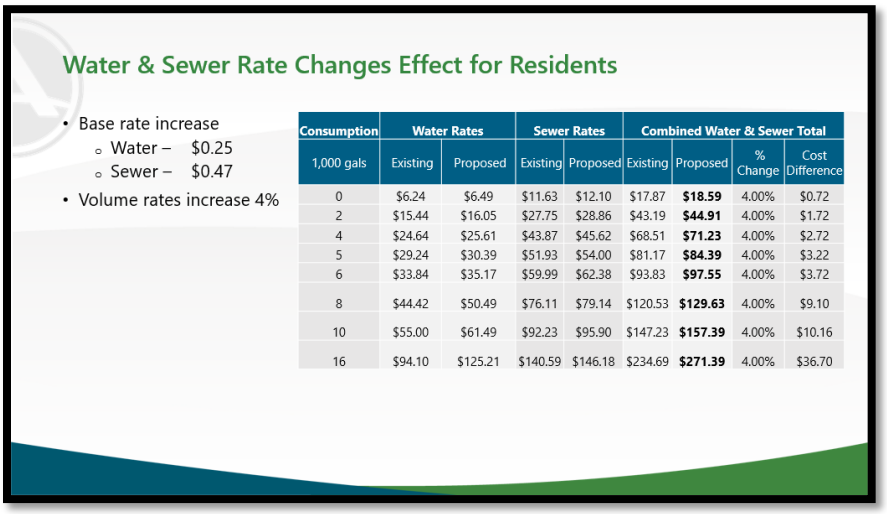
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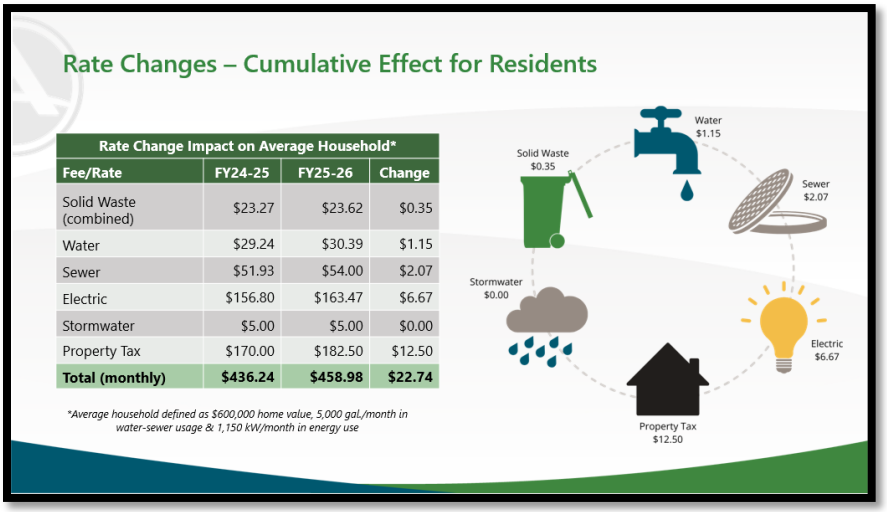


Water & Sewer Rate Changes Effect for Residents

- Base rate increase
  - Water – $0.25
  - Sewer – $0.47
- Volume rates increase 4%

Consumption	Water Rates		Sewer Rates		Combined Water & Sewer Total			
1,000 gals	Existing	Proposed	Existing	Proposed	Existing	Proposed	% Change	Cost Difference
0	$6.24	$6.49	$11.63	$12.10	$17.87	**$18.59**	4.00%	$0.72
2	$15.44	$16.05	$27.75	$28.86	$43.19	**$44.91**	4.00%	$1.72
4	$24.64	$25.61	$43.87	$45.62	$68.51	**$71.23**	4.00%	$2.72
5	$29.24	$30.39	$51.93	$54.00	$81.17	**$84.39**	4.00%	$3.22
6	$33.84	$35.17	$59.99	$62.38	$93.83	**$97.55**	4.00%	$3.72
8	$44.42	$50.49	$76.11	$79.14	$120.53	**$129.63**	4.00%	$9.10
10	$55.00	$61.49	$92.23	$95.90	$147.23	**$157.39**	4.00%	$10.16
16	$94.10	$125.21	$140.59	$146.18	$234.69	**$271.39**	4.00%	$36.70

[SLIDE 26]



Rate Changes – Cumulative Effect for Residents

Rate Change Impact on Average Household*			
Fee/Rate	**FY24-25**	**FY25-26**	**Change**
Solid Waste (combined)	$23.27	$23.62	$0.35
Water	$29.24	$30.39	$1.15
Sewer	$51.93	$54.00	$2.07
Electric	$156.80	$163.47	$6.67
Stormwater	$5.00	$5.00	$0.00
Property Tax	$170.00	$182.50	$12.50
Total (monthly)	**$436.24**	**$458.98**	**$22.74**

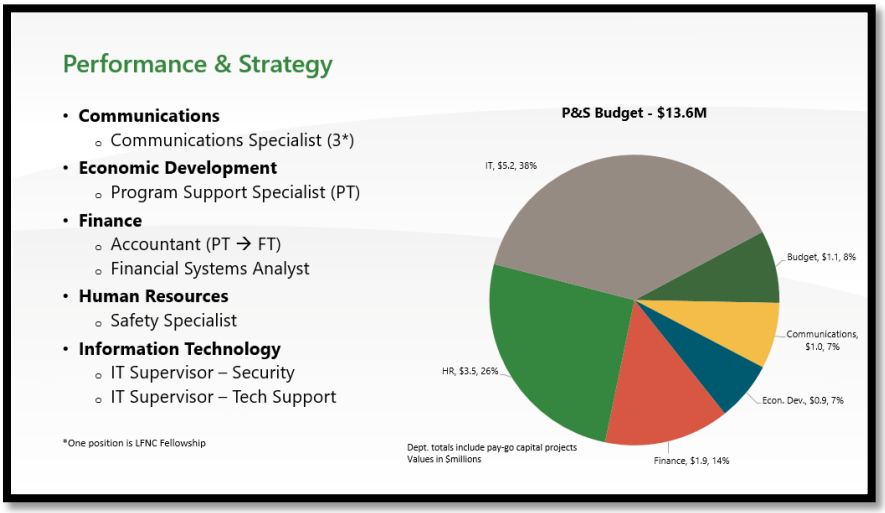
**Average household defined as $600,000 home value, 5,000 gal./month in water-sewer usage & 1,150 kW/month in energy use*

Town Manager Vosburg asked Shawn Purvis, Deputy Town Manager, to present the Performance & Strategy Portfolio.

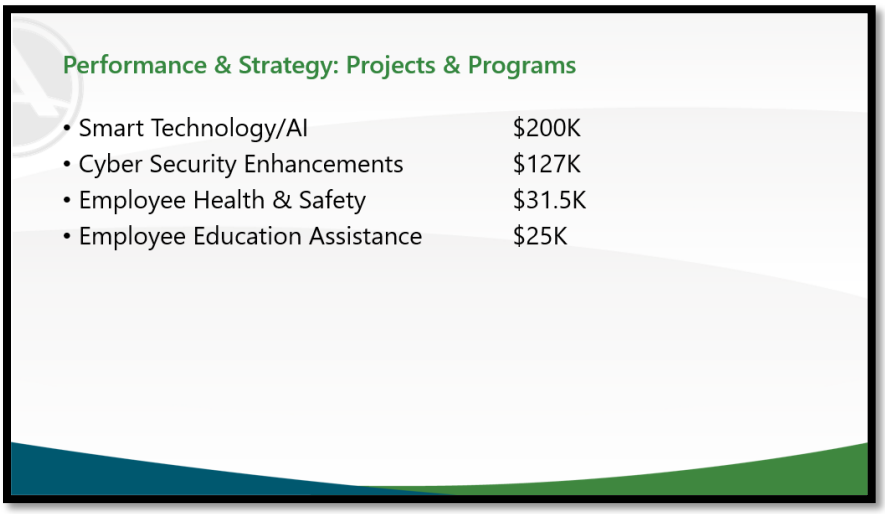
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[SLIDE 28]



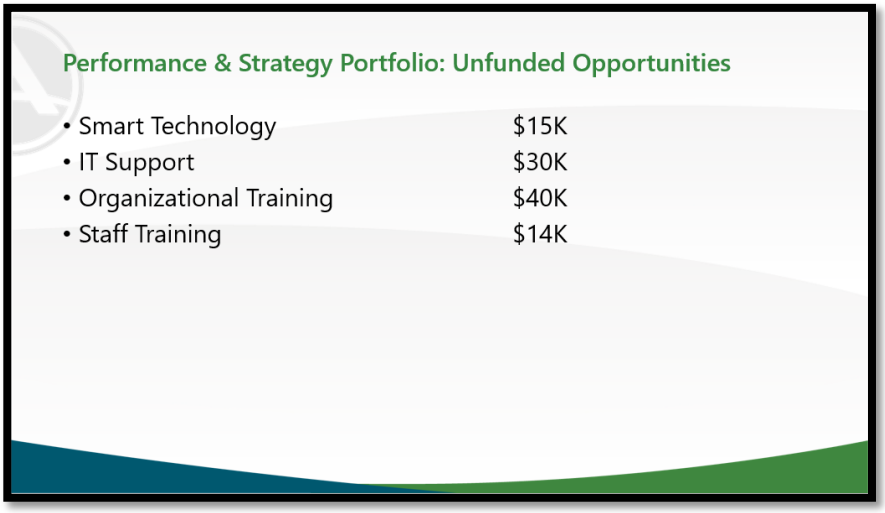
[SLIDE 29]



Councilmember Gantt asked if these were additional projects.

Deputy Town Manager Purvis said that these are additional.

[SLIDE 30]

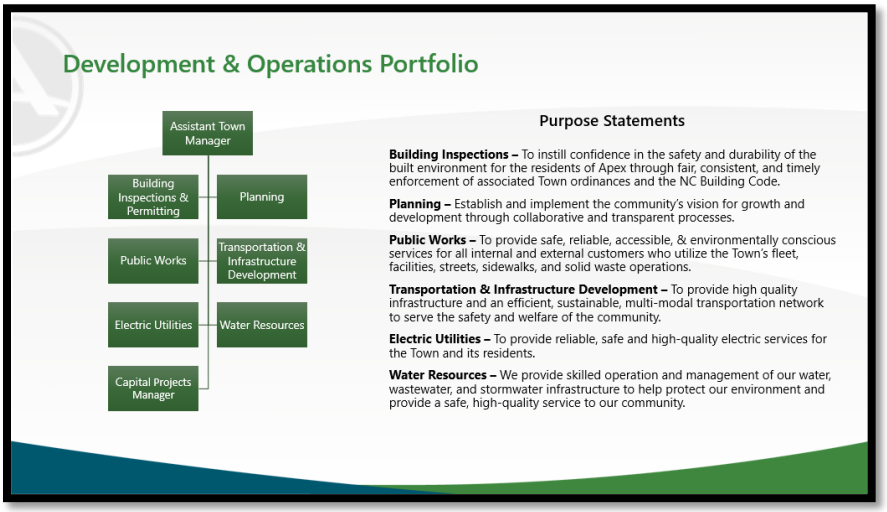


Councilmember Gantt asked if the training and initiatives were cut back after negotiations.

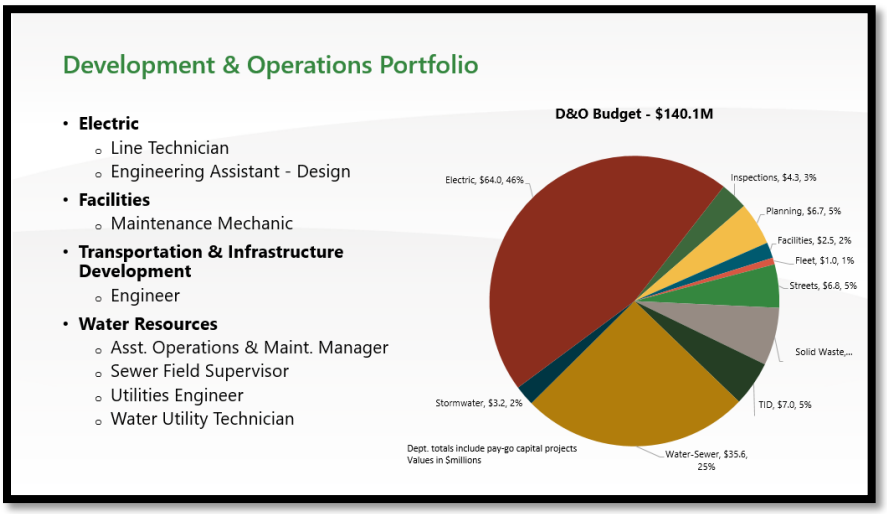
Deputy Town Manager Purvis said yes that they had worked with the departments.

Town Manager Vosburg then asked Marty Stone, Assistant Town Manager, to come to give the presentation for the Development & Operations Portfolio.

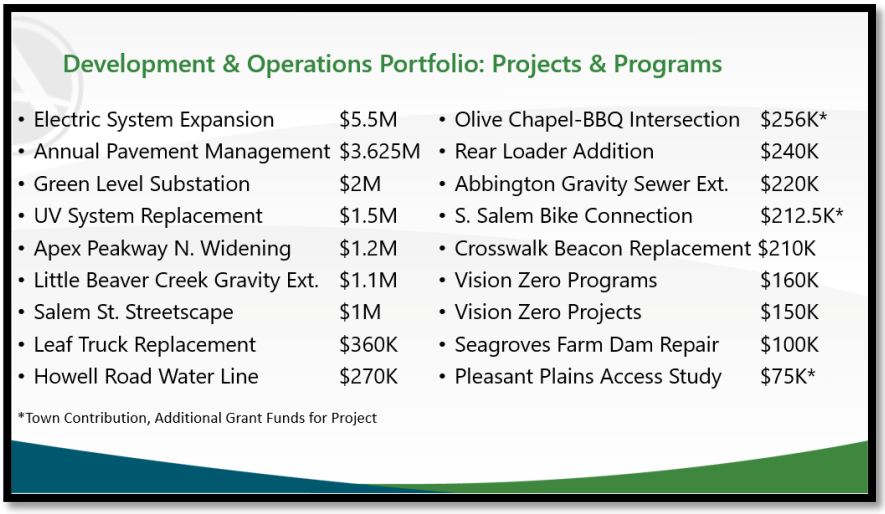
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[SLIDE 32]



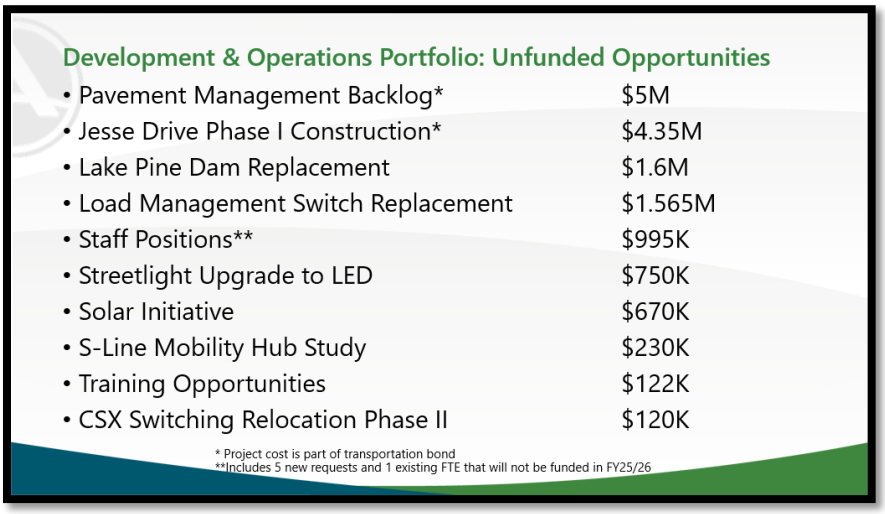
[SLIDE 33]



Councilmember Gantt asked about the projects that are partial for this year and are going to be in next year's budget.

Assistant Town Manager Stone said that these are the monies needed for this year for the current phase of the project. He said that they looked at projects that would not happen this year so that funding would not be included in this year's budget.

[SLIDE 34]



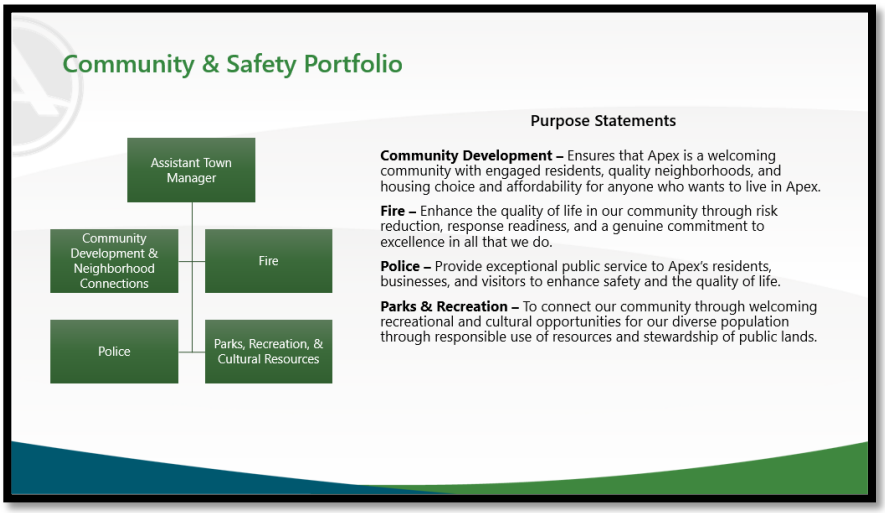
Councilmember Gantt asked about potential timeframes on the switching yard.

Assistant Town Manager Stone said that it was a CAMPO-led study, and he was not sure but could ask.

Councilmember Killingsworth asked if these types of studies would want to close crossings to increase speed.

Assistant Town Manager Stone said that would be a good assumption and that could come into play.

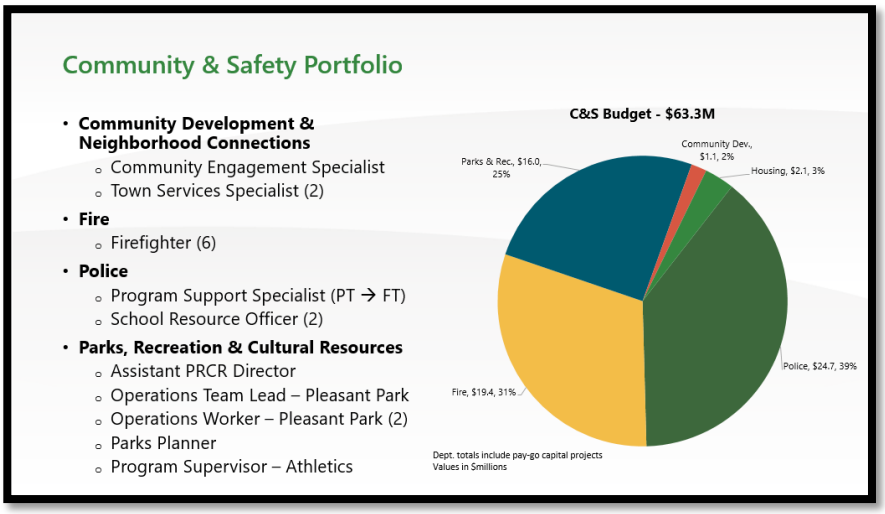
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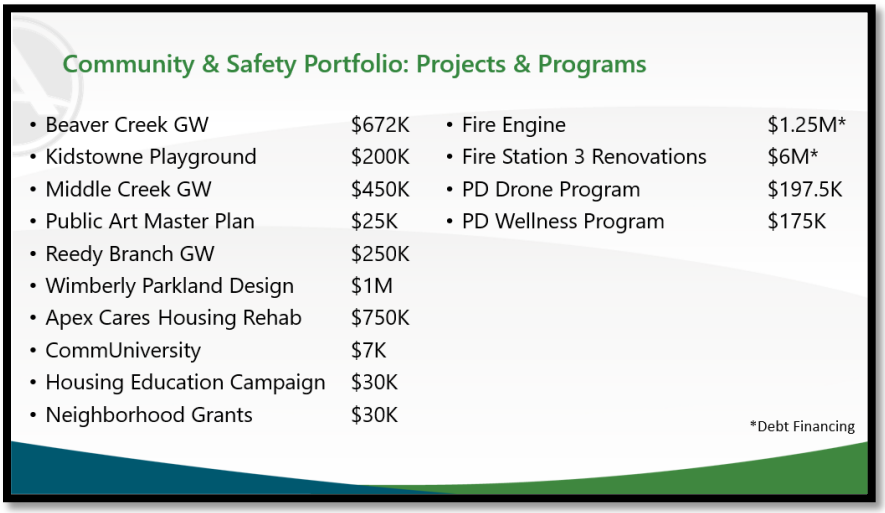
Town Manager Vosburg invited Demetria John, Assistant Town Manager, to give the presentation on the Community & Safety Portfolio.

Assistant Town Manager John introduced her team and gave the following presentation:

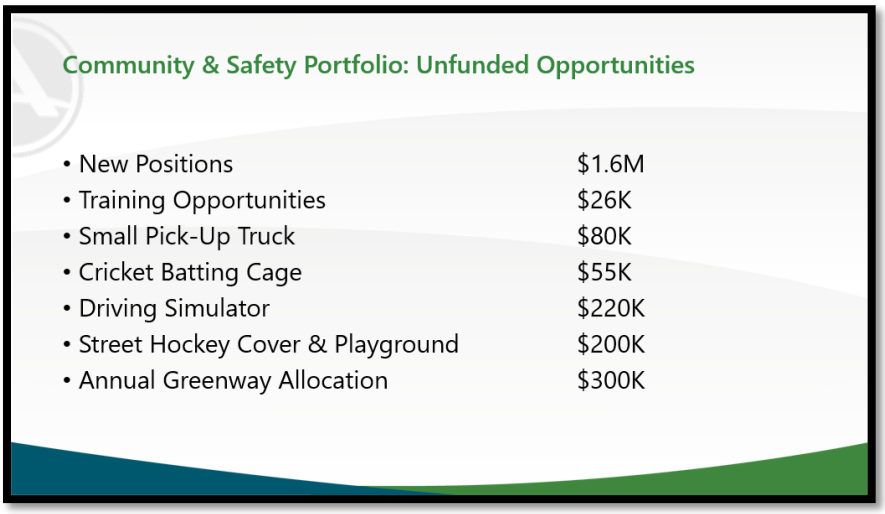
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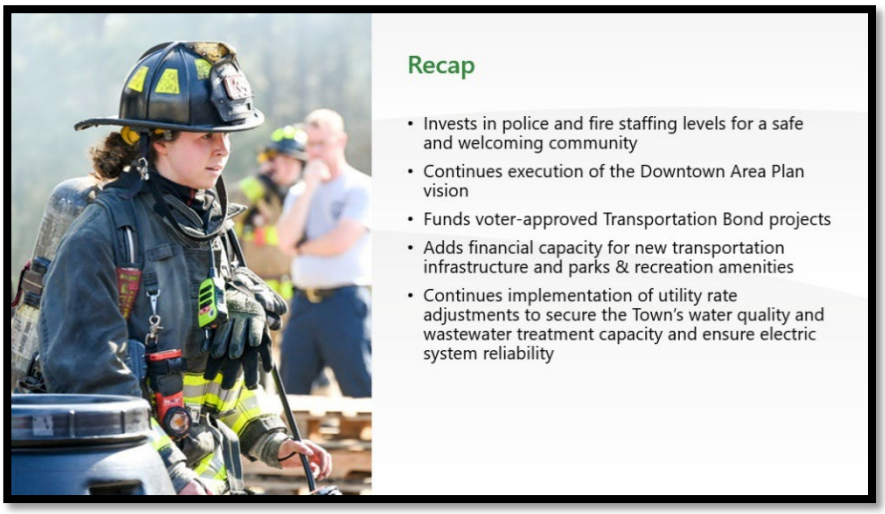
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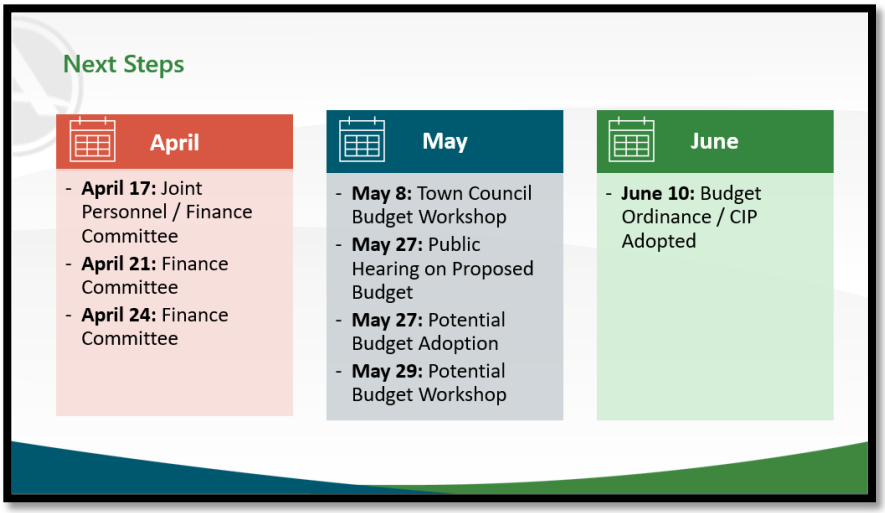
[SLIDE 38]



[SLIDE 39]



[SLIDE 40]



Mayor Gilbert said that he liked this process and the presentation. He asked if there were any questions from Councilmembers.

Councilmember Killingsworth said she was glad about the transparency and openness of discussion and that it gives the picture of what is happening behind the scenes that is typically not seen, and she appreciates the recommendations.

Mayor Pro Tempore Gray said that this gives more of a perspective and direction and the opportunity to give Council what the departments need. He thanked the Town Manager and other staff for putting this together.

Councilmember Gantt said that the unfunded items in the past had scenarios within half-cent increments of tax rate options and asked if they would be doing that this year.

Town Manager Vosburg said that it had not been planned yet but they would bring that information to them if they wanted.

Councilmember Mahaffey said that he was looking forward to seeing the budget book and he thanked the departments for the work on the budget. He said that a lot of

sacrifices are being made, and he would keep that in mind while this budget was being contemplated.

Mayor Gilbert declared the meeting in recess at **4:45 p.m**. and stated the meeting would continue in 15 minutes on the 3rd Floor in Training Rooms A and B.

[DEBT MODELING FOR WATER AND WASTEWATER TOWN UTILITY]

Mayor Gilbert reconvened the meeting at **5:00 p.m.**

Interim Finance Director Jessica Murphy-Rhem introduce **Will Kerr**, Raftelis Financial Consulting Inc. to give the following presentation

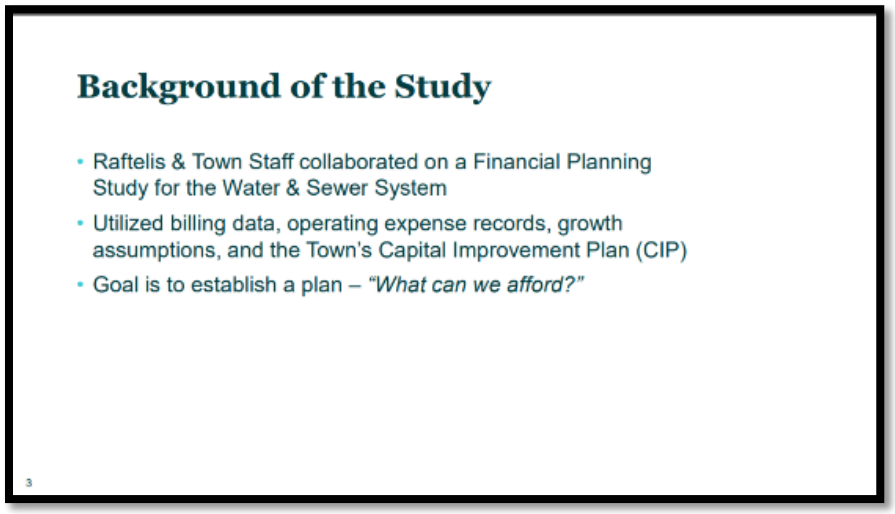
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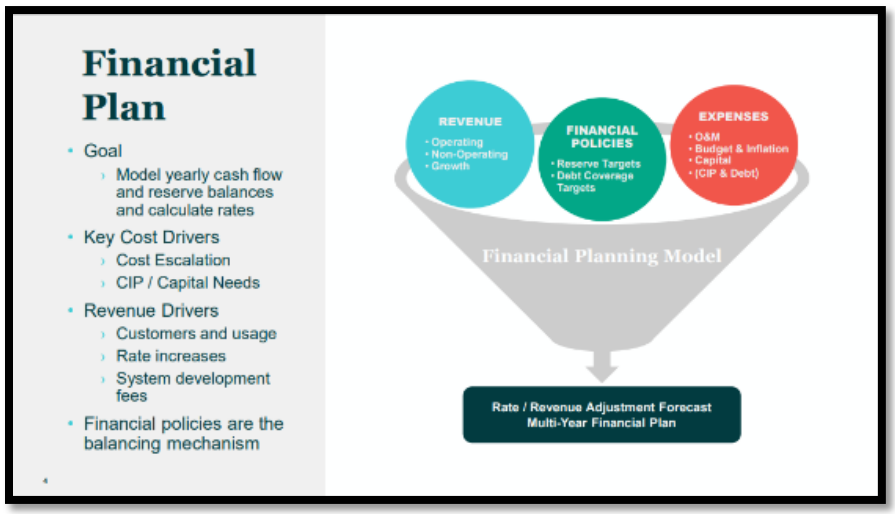
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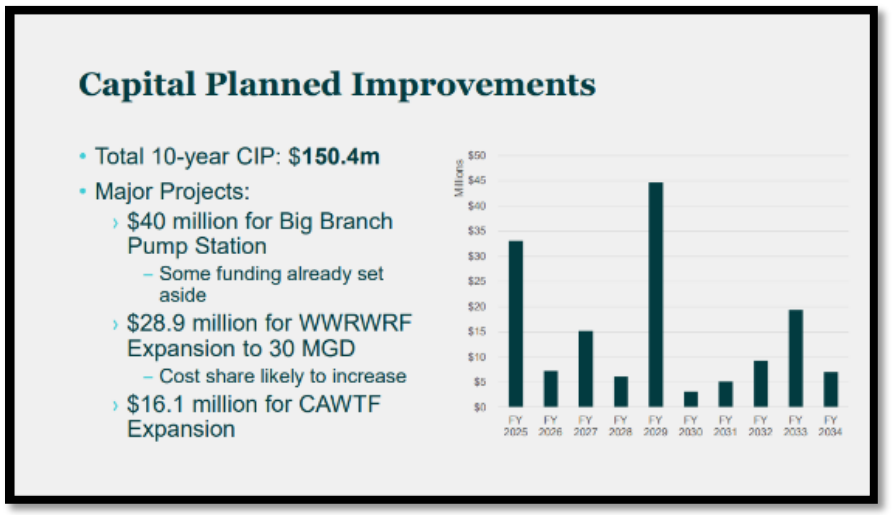
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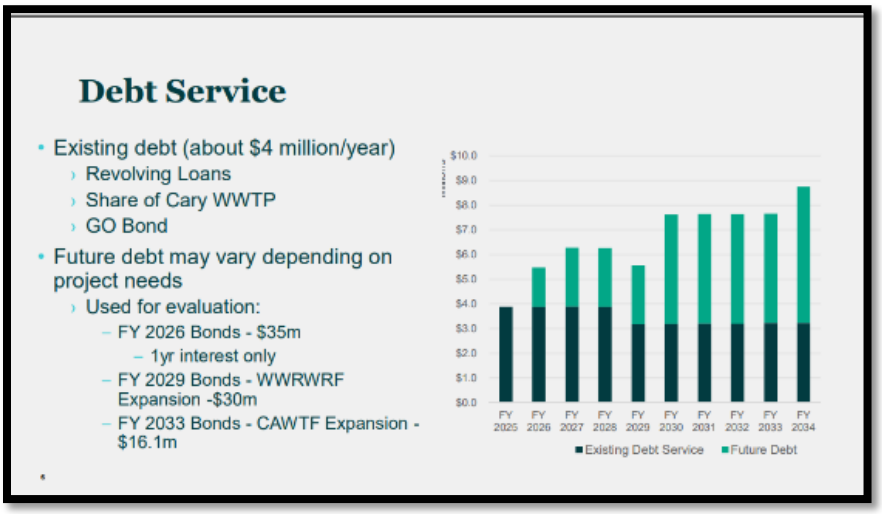
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[SLIDE 5]



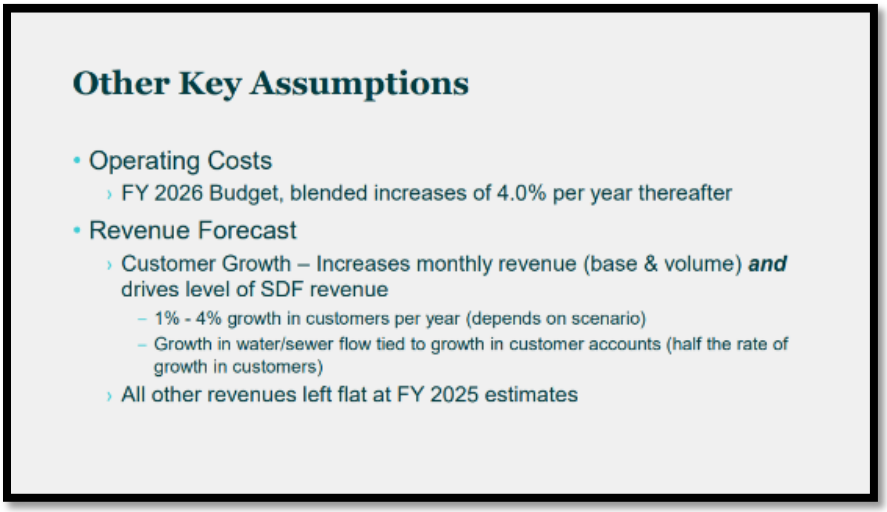
[SLIDE 6]



Councilmember Mahaffey asked what the deal bond was for water and sewer.

Deputy Town Manager Purvis said that they could look it up. It depends on if that was the best interest rate that they could get at that time. He said it pre-dated everyone on staff now.

[SLIDE 7]



Councilmember Mahaffey asked what flexibility there is instead of the STF rates.

Deputy Town Manager Purvis said there is a prescription for how they have to be derived from the utility side.

Town Attorney Hohe said the calculation had the requirements built into it.

Councilmember Mahaffey asked if there was any flexibility in that calculation.

Assistant Town Manager Stone said that there are combined methods, for example looking at future projects that adds capacity. He gave an overview of what additional capacity would look like, and estimating costs based on capacity added.

Councilmember Mahaffey said that the STF fund is occasionally revisited.

Assistant Town Manager Stone said that they have to be revisited every 5 years, but they can be revisited at any time.

Councilmember Gantt asked what factors affect the forecasts. He said that land use choices may affect the growth.

Mr. Kerr said land use planning doesn't affect it and it is simpler from top level.

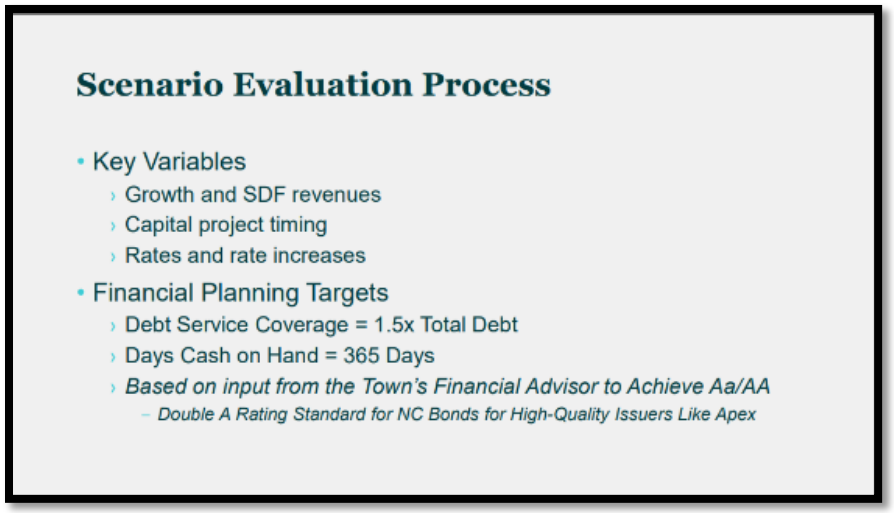
Councilmember Gantt asked if the factors are real and whether they would have more town homes for single family homes in the future.

Mr. Kerr said yes density and use would have an impact in that regard. He said there are a lot of factors because there are other revenues.

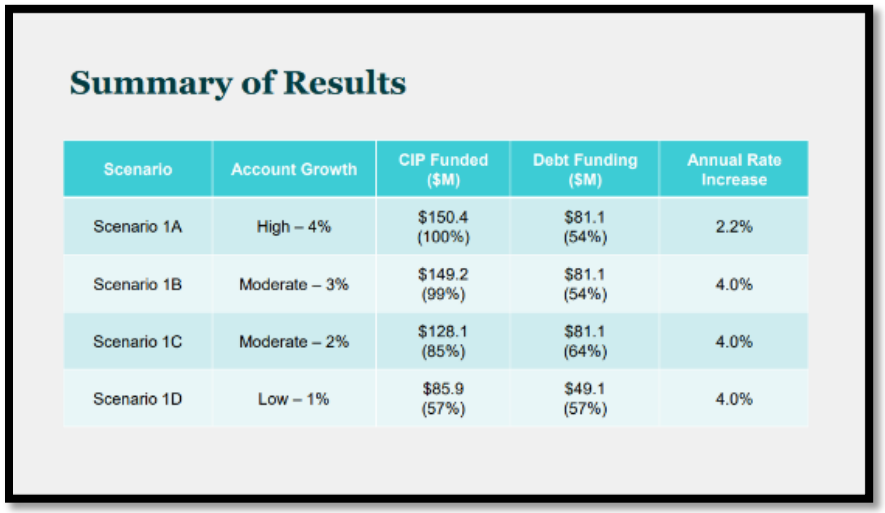
Councilmember Gantt asked if the different growth models could be one aspect.

Mr. Kerr said that it would consider large water users when working with infrastructure planning and larger operations like manufacturing plants are a different level for water demand.

[SLIDE 8]



[SLIDE 9]



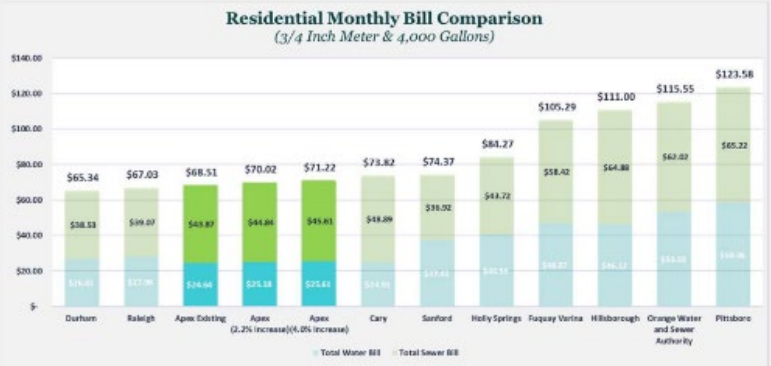
[SLIDE 10]

Summary of FY26 Residential Bill Impacts

User	Monthly Usage (Gallons)	Current Bill	FY2026 Proposed Bills		FY2026 Proposed Bill Increase	
			Scenario 1A (High Customer Growth)	Scenario 1B-D (Moderate-Low Customer Growth)	Scenario 1A (High Customer Growth)	Scenario 1B-D (Moderate-Low Customer Growth)
Small User						
Water Bill	2,500	17.74	18.13	18.44	0.39	0.70
Wastewater Bill		31.78	32.48	33.04	0.70	1.26
Combined Bill		$ 49.52	$ 50.61	$ 51.48	$ 1.09	$ 1.96
Average User						
Water Bill	4,000	24.64	25.18	25.61	0.54	0.97
Wastewater Bill		43.87	44.84	45.61	0.97	1.74
Combined Bill		$ 68.51	$ 70.02	$ 71.22	$ 1.51	$ 2.71
Large User						
Water Bill	6,000	33.84	34.58	35.17	0.74	1.33
Wastewater Bill		59.99	61.32	62.37	1.33	2.38
Combined bill		$ 93.83	$ 95.90	$ 97.54	$ 2.07	$ 3.71

[SLIDE 11]

Regional Utility Bill Comparison



[SLIDE 12]

RAFTELIS

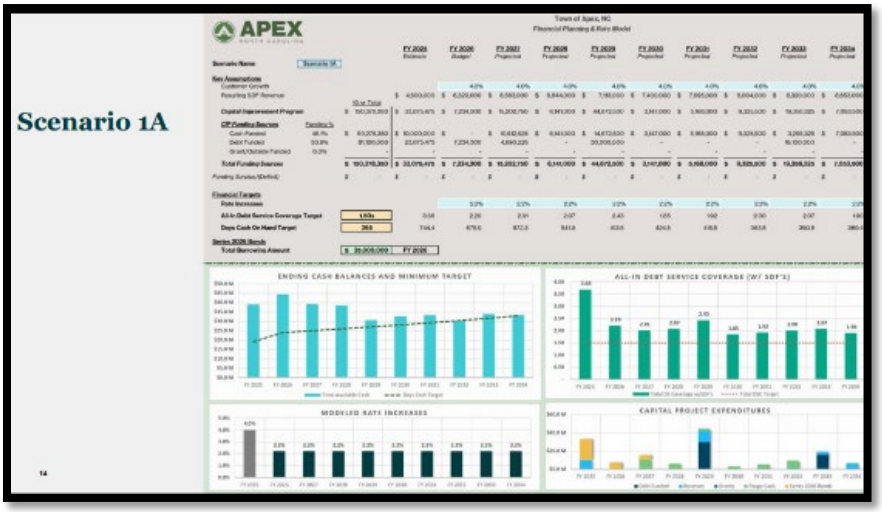
Thank you!

Contact:
Will Kerr / 704 247 3231 / wkerr@raftelis.com

[SLIDE 13]



[SLIDE 14]



Councilmember Gantt asked what the average growth over the past 10 years was.

Mr. Kerr said about 6%. He said this scenario is a bit more conservative than that.

[SLIDE 15]



[SLIDE 16]



[SLIDE 17]



Councilmember Gantt asked if slow growth meant that the projects would get deleted because they wouldn't be needed as soon.

Mr. Kerr said that is one of the limits that they are up against because they don't have a CIP that is dynamic and adjusts itself. He said that it is more of a thought exercise and trying to look at the long-term picture.

Councilmember Killingsworth said this was more of an objective understanding of how growth affects us and how stopping growth would affect us.

Interim Director Murphy-Rhem said that the policies helped shape the projections and the all-in debt coverage ratio in Scenario 1D were 1.5 times lower around FY27, so with this scenario the target would not be met in the metrics. She said this was a very conservative scenario.

Councilmember Gantt asked if the model from Planning would be going down over time in the growth rate.

Deputy Town Manager Purvis said that the real-life growth model is 80% residential. He said that the hope was that there was some non-residential growth. He said that in the scope of this and what has already been built or coming that they are comfortable with the 3% range, and that the peak should be in a couple of years based on what is coming.

Director Deaton said that there is variability with the price of projects and 10 years in the future prices will change and go up.

Former Director Morrison said that this is a planning document, and it's not set in stone and can be reviewed annually.

Councilmember Mahaffey said that he favored scenario 1A. He said that as costs are rising, and project costs are increasing, it may be good to do an STF evaluation every 5 years. He asked if the last study could be sent out again.

Mr. Kerr asked if there were any other questions.

Interim Director Murphy-Rhem said that scenario 1A is the lowest impact and they are looking for some guidance from Council.

Mayor Gilbert suggested 1A and called for a show of hands to see which councilmembers supported option 1A as presented by the consultant.

The following councilmembers said 1A: Mayor Pro-Tempore Edward Gray, Councilmember Audra Killingsworth, and Councilmember Terry Mahaffey.

Councilmember Gantt suggested 1B.

Mayor Gilbert said that it sounded like the majority was 1A.

Councilmember Gantt said that it is hard to know how new developments would play out.

[ADJOURNEMENT]

Mayor Gilbert adjourned the meeting at **5:48 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 May, 2025 (CN5).

APPROVED MEETING MINUTES

TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, APRIL 22, 2025
6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, April 22nd, 2025 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=AKSez2jbuF0

[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

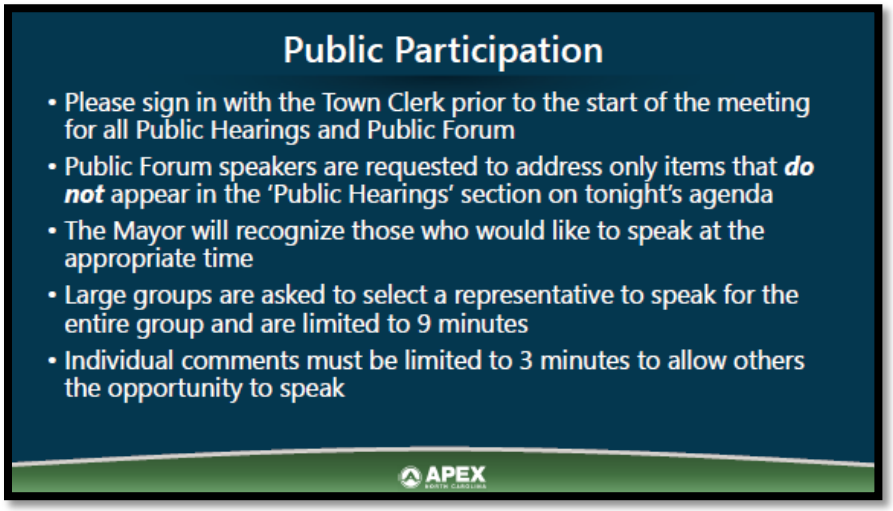
[COMMENCEMENT]

Mayor Gilbert called the meeting to order at **6:00 p.m.** and welcomed all those in attendance. He said that tonight they would be paying tribute to Samantha Faith Mele, an Apex High School student who was killed in a car accident. He invited those in attendance to join in a moment of silence in memory of Samantha. He asked the community to keep her family, friends, and school in their thoughts and prayers.

[SLIDE 1]



[SLIDE 2]



[CONSENT AGENDA]

Mayor Gilbert noted that there was an update to an attachment for Consent Item 8, Resolution Opposing House Bill 765.

Mayor Pro Tempore Gray requested that Consent Item 6 be pulled from the Consent Agenda to make updates to the proposed map for the social district and consult with Legal, and bring it back to Council at the May 13, 2025 Regular Meeting.

Town Manager Vosburg confirmed that should still allow staff time to meet the planned start date of June 07, 2025.

A **motion** was made by **Mayor Pro Tempore Gray,** seconded by **Councilmember Mahaffey,** to approve the Consent Agenda, with the removal of Consent Item 6 to return on May 13th, 2025, and the update to the attachment for Consent Item 8.

VOTE: UNANIMOUS (5-0)

CN1 Agreement - Magnet Forensics Software - Digital Evidence Examination - effective May 10, 2025 through May 09, 2026 (REF: CONT-2025-104)

Council voted to approve a license agreement with Magnet Forensics, effective May 10, 2025 through May 9, 2026, to examine digital evidence with mobile, cloud, and digital resources, and authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN2 Budget Ordinance Amendment No. 11 – Mills Property Acquisition (REF: ORD-2025-024)

Council voted to approve Budget Ordinance Amendment No. 11 appropriating funds for the Mills property acquisition in Downtown Apex.

CN3 Council Meeting Minutes – Various

Council voted to approve, as submitted or amended, Meeting Minutes from the following meetings:
March 18, 2025 – Town Council Work Session Minutes
March 25, 2025 - Regular Town Council Meeting Minutes

CN4 Memorandum of Understanding (MOU) between Town of Apex and Thales Academy – Emergency Evacuation Plan and Accommodations – effective through April 30, 2030 (REF: CONT-2025-105)

Council voted to approve a Memorandum of Understanding (MOU) between the Town of Apex and Thales Academy, effective May 01, 2025 through April 30, 2030, for the purpose of emergency evacuation and special accommodations.

CN5 Multi-Year Contract - LexisNexis - Legal Research Software - May 1, 2025 through April 30, 2028 (REF: CONT-2025-106)

Council voted to approve a multi-year Subscriber Amendment and Addendum with LexisNexis for legal research software, effective through April 30, 2028, and authorize the Apex Town Attorney to execute the same.

~~**CN6 Ordinance Amendment - Chapter 14 Offenses and Miscellaneous Provisions, Article I - Establishment of Social District Downtown Apex - Effective June 07, 2025**~~

~~*Joanna Helms, Director, Economic Development Department*~~

CN7 Ratify Amendment – Hazen and Sawyer, P.C. – Design Services Agreement Big Branch Force Main and Pump Station No. 2 (REF: CONT-2025-107)

Council voted to ratify an amendment to the existing Design Services Agreement between the Town of Apex and Hazen & Sawyer, P.C. for design of the Big Branch Pump Station and Force Main No. 2.

CN8 Resolution in Opposition of House Bill 765 - Local Govt. Development Regulations Omnibus (REF: RES-2025-018)

Council voted to adopt a Resolution in Opposition of House Bill 765, An Act to Reform Local Government Development Regulations in This State, and direct the Town Clerk to provide a certified copy of this resolution to all elected representatives representing the Town of Apex in the North Carolina General Assembly, and All Wake County Municipal Mayors, Town Councilmembers, and Town Clerks and request their support of this legislation.

CN9 Resolution Supporting Abandonment of a Portion of Chapel Ridge Road by North Carolina Department of Transportation (NCDOT) (REF: RES-2025-019)

Council voted to Approve a Resolution Supporting Abandonment of a Portion of Chapel Ridge Road (SR 1197, Wake County) by the North Carolina Department of Transportation (NCDOT).

CN10 Software License Agreement - Cellebrite Inc. - Digital Forensics Subscription - June 21, 2025 through June 20, 2026 (REF: CONT-2025-108)

Council voted to approve a license agreement with Cellebrite Inc, effective June 21, 2025 through June 20, 2026, to examine digital evidence with mobile, cloud, and digital resources, and authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN11 Tax Report - February 2025 (REF: OTHER-2025-035)

Council voted to approve the Apex Tax Report dated March 20, 2025.

CN12 Unified Development Ordinance Amendments (UDO) – March/April 2025 – Signs – Statement of the Town Council (REF: OTHER-2025-033)

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 8, 2025 related to signs.

CN13 Unified Development Ordinance Amendments (UDO) – March/April 2025 – Staff – Statement of the Town Council (REF: OTHER-2025-034)

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 8, 2025 proposed by staff.

[UPDATES BY TOWN MANAGER]

Town Manager Vosburg gave updates on the budget timelines, including the Finance Committee Meeting on April 24th, the Budget Work Session on May 8th, the Budget Public Hearing at the May 27th Regular Council Meeting, an if-needed Budget Work Session May 29th, and a planned Budget Adoption on June 10th. He said EarthFest was coming up this weekend, along with ThinkApex Day on Saturday. He said PeakFest will be held on May 3rd in Downtown. He added that Randall Haskins and Victorian Simmons with Communications received awards from the NC City and County Communicators Conference. He introduced Nora Skinner, the Town's new Environmental Programs Coordinator. Finally, he mentioned the Utility Billing update, and that they expect to have preliminary results available to review from the Third-Party Reviewer.

[PRESENTATIONS]

PR1 Proclamation – Apex Earth Day – Saturday, April 26, 2025 (REF: PRO-2025-013)

Mayor Gilbert and Town Council read the Earth Day Proclamation in unity. Mayor Gilbert invited Nora Skinner and Don Reaves, Sustainability Coordinator, to receive the Proclamation. He also invited John Garrison, Vice Chair of the Environmental Advisory Board as well.

PR2 Proclamation – Civilian Law Enforcement Professionals Week – Sunday, April 20 through Saturday, April 26, 2025 (REF: PRO-2025-014)

Mayor Gilbert and Town Council read the Civilian Law Enforcement Professionals Week Proclamation in unity. Mayor Gilbert invited Chief Johansen and Town of Apex Civilian Law Enforcement Professionals to receive the Proclamation.

PR3 Proclamation - National Tennis Month 2025 - May 2025 (REF: PRO-2025-015)

Mayor Gilbert and Town Council read the National Tennis Month Proclamation in unity. He invited Laura Weygandt, Executive Director of the Western Wake Tennis Association, and Barbara Sinapoli, WWTA Board Member, to receive the Proclamation.

Ms. Weygandt said tennis was arguably the healthiest sport to play, and she said they were fortunate to have great support from the Town Council and the Parks and Recreation Department.

PR4 Proclamation – Public Service Recognition Week – Sunday, May 4 through Saturday, May 10, 2025 (REF: PRO-2025-016)

Mayor Gilbert and Town Council read the Public Service Recognition Week Proclamation in unity. Mayor Gilbert invited Members of the Employee Extension Team up to receive the award.

Mariah Maheswaran, Co-Chair of the Employee Extension Team, said it was a new team designed to provide employee recognition, foster ideas across departments, and provide employee feedback to Town Council. She thanked the Town Council and Community for support of its employees.

Deputy Town Clerk Ashley Gentry also recognized Joshua Killian, the other Co-Chair of EXT, who could not be at the meeting.

PR5 Proclamation - Safe Drinking Water Week 2025 – Sunday, May 5 through Saturday, May 11, 2025 (REF: PRO-2025-017)

Mayor Gilbert and Town Council read the Safe Drinking Water Week Proclamation in unity. Mayor Gilbert then invited up members of the Water Resources Department to receive the Proclamation.

Water Resources Director Michael Deaton said his team works incredibly hard, and the work they do is vital to the quality of the water supply and health of the community. He thanked the Town Council and community.

PR6 Proclamation - Think Apex Day - Saturday April 26, 2025 (REF: PRO-2025-018)

Mayor Gilbert and Town Council read the Safe Drinking Water Week Proclamation in unity. He then invited Community Engagement Manager, Brianne Gill, and Department Director Marla Newman to receive the proclamation.

[REGULAR MEETING AGENDA]

A **motion** was made by **Councilmember Gantt,** seconded by **Mayor Pro Tempore Gray,** to approved the Regular Meeting Agenda as presented.

VOTE: UNANIMOUS (5-0)

[PUBLIC FORUM]

Mayor Gilbert opened Public Forum, and invited up the first speakers.

First to speak was **Jessica Nance** of 600 Bladestone Court, and **Marina Galaka** 2412 Pecan Ridge Way:

"I'm concerned about the lack of affordable housing options here in Apex. I believe that solving this problem requires that elected officials, town staff, and community members collaborate on creative approaches that are affordable to all lower to moderate income households. That is households with annual incomes of less than 30,000 dollars, and up to 80% of the area median income, which in 2024 was 98,000 per family of 4. You'll hear in a moment from my dear friend Marina about her family's abrupt departure from their home in Ukraine, devastated by war, to their life with my family in Apex for 2 and a half years. Her story includes a struggle to find their own home, one that they could afford, closer to their kid's schools, their jobs, and their support network. After you hear her story, we ask you to consider the following. As elected officials, you have the responsibility and the power to make change. I ask for your leadership in this effort in 4 key ways: The first, building socioeconomic equity into the 2025 Affordable Housing Plan by requiring and ensuring that those who need affordable housing are the primary residents providing input into the plan, so you can recognize that there may be loss of trust between lower-income residents and town officials, and take steps to rebuild that trust. Move community engagement sessions into the communities most effected. Give power to their voices, back up their input with direct allocation of funding. Consider affordable housing as a core value in all zoning, planning, and policy actions. Make all decisions with this in mind, will it help or will it hurt in moving the needle for affordable housing. Third, set aside additional funding to support affordable housing choices, funding that is directly and 100% dedicated to funding for units dedicated to households making less than 80% of Ami and below. And lastly, ensure more integrated affordable housing, not clustering small units in targeted neighborhoods and segregated apartment complexes. Thank you so much, and now I am pleased to introduce you to my dear friends, Marina."

Ms. Galaka continued: "I am from Ukraine, from the eastern part, from a beautiful city Kharkiv, which is situated only 20 miles from the Russian border. Life there was beautiful, people there know how to love, how to be good friends, and they just know how to live a good, happy life. My family never was planning to move to another country, we were just happy to be at home. But one morning 2 years ago in February my husband woke me up around 4 AM, telling me that Russia started the war, that there was explosions all over the city, and that I don't have time to process this, we need to leave. My son was sleeping in another room, he was 9 years old, his backpack was all ready for school with homework done. My daughter was 2, she was sleeping too, so we had to wake them up early, I didn't have time to pack all of our stuff, some toys, some clothes, and we left. We had a car so we just started driving West, the goal was to drive far from the Russian border. So we ended up in Czech Republic, and we stayed there with some friends for a month, when one of my friends contacted me, her name is Laura, she lives in Raleigh, I met her during my college year in Ukraine when I was doing orphanage ministry, she came with a mission trip, so I haven't seen her for 15 years, and she contacted me on Facebook, telling me to please take your family to come to my house and we will figure it out and help you. It was a hard decision to make, but she was the only one who offered, and this is what we did. And it's hard to believe, but we landed in Raleigh on April

22nd three years ago, so I met my friend's husband, who is a great teacher, and Laura used to work in Church. Their house is not big, but they opened the door, and me and my family started living there. We started to take care of all of our paperwork, work permits, and realized that it's not that easy, it took my husband 6 months to get his work permit, and only in October he started working. Of course, we couldn't live with my friend for a very long time, and we were very grateful for what she said, and we started looking for opportunities to rent something, and I'm not talking about a house, maybe about a condo or apartment, but very quickly understood that we can't afford it. My husband started working as an electrician assistant just to have money for groceries, and it truly helped us, but it was pretty desperate time, we couldn't see any future of how to stay here. So, then it happened that through some friend's Jessica's family heard about us, and they offered us to live with them, and we have lived with them for 2 years and 2 months. And last summer, we were ready to move from Jessica, and we started to rent our own place in Apex, without her help, I honestly don't see a good ending of our story because with all of the effort, with all the desire, unfortunately there are things in life that are too complicated, so what she has done was priceless, and I am forever thankful for that. This 2 years that we spent with this family were very special to us because emotionally we're having a very hard time, moving here and starting living here, and now we feel much better, and we're in such a good place surrounded by kindness and support of all the local people, and thank you so much for this opportunity I have to speak, and one more time I really want to thank Jessica for what she has done for me, and I want to thank you all for this wonderful community of Apex for all of your kindness and all your support, and my family feels it every day. And of course, there is no place like home, but if you can't live at home, you better live in the most wonderful place to live in America, the little Town of Apex. Thank you."

Next to speak was **Ceil Masella** of 2093 Tordelo Place:

"Good Evening Mayor and members of the Town Council, thank you for allowing me to speak to you tonight. I am president of the Madison at Evans Creek HOA. I have a lot to say with a small amount of time, so hold on. We're a small community of 39 homes, and 4 very large SCMs, I'll refer to them as ponds. Two of them are bioretention ponds, which are very expensive to maintain and repair. They have a filtration system installed, about 2 feet down, made specific stones and sand, and needs to be replaced every 20+ years. The price we were given 2 years ago was $70,000 per pond. Our resident paid dues of 1,000 dollars per year per home, we have no amenities. Our entire budget goes towards necessities like pond maintenance, landscaping, and bills. The builders started the ponds in 2015. In 2019, we started engaging with town Water Resources with regard to ponds which had not been approved yet. For a long time, they were extremely cooperative with answering all of our questions, because of the financial burden of 4 ponds for 39 homes, we wanted to be sure that each pond was in the best condition possible when it was turned over to us. We had an engineering inspection done on all of the ponds at our expense so we would know their condition. The inspection revealed that there were slopes that were too soft in each pond, but bioretention pond 2, which is the first picture on your packet, had especially weak slopes. This means they were not built correctly and would likely not hold up. Rebuilding them is very expensive, all of the ponds had slopes that were steeper than the approved designed plans designated, we gave our inspection report to Water Resources and the builder to make them aware. I'm not sure the difference it made,

because in late 2020 the town inspected and passed all of the ponds. We were there, the inspection was what I would consider negligent at best, and I shared that with them. Prior to the inspection, the builder's design engineer had to fill out forms called as-built supplements, in which he personally certified that all sloped were built according to Apex standards. We knew they were not. Fortunately, the approval process dictated that the builder needed us to sign off on slopes that were steeper than the plans showed, so we refused and the approval process was not finalized. The builder would have to correct the steepness of the slopes. Our concerns regarding soft slopes led us to the decision to do geotechnical testing of a few of the questionable slopes at our expense, and it was expensive, it's those big tubes they use to get samples from the slope to analyze. We tested 9 spots. Testing showed that the slopes did not have the right soil, or the right compaction, and were not built according to state and local standards. Proof positive that they were bad. We shared with the town and the builder, the town said that the builder engineer certified them, so they weren't really interested in our testing. Fast forward to today, 3 ponds have recently been completed and approved, they are much better than they were when we first encountered them. Bioretention pond 2 still needs to be rebuilt. Given that it was all built by the same construction company, we are suspect of the integrity of the rest of the pond. That was all background for our main complaint. If you go down to exhibit number 4, it cites the state law that was written when the project was submitted. The same law exists today. There must be a ten-foot maintenance buffer around the perimeter of each pond. As indicated in the law, which is cited on your packet, that perimeter maintenance buffer, mist be included in the original drawings. If you look at drawing, which is number 2, it's not there. The wetlands weren't shown as required either, but that would have opened up a whole bucket of worms. So, none of our ponds have the required buffer. I think you'll agree that the state law was not paid attention to. We not only don't have a 10-foot buffer in bio 2, but if you look at the 2 photos in exhibit 3, you will see that the steep east outside slope, and that's the one that's very soft, practically overlaps the wetlands. That's where the buffer is supposed to be. You can see we can't get through there. The builder is going to place fabric and rip rap on that slope to stabilize it, if that rip rap slides how can we possibly repair it? You're not allowed to disturb the wetlands. Given what we know about bioretention pond number 2, we are very concerned about what's going to be handed over to us. If there are required repairs in that pond and we need large or heavy equipment to make them, we do not have the required buffer to do the job. We were told by our landscapers and our pond engineer that repairs where they really need that buffer will be much more expensive, it is incomprehensible that we would left in such a state of affairs. It violates the ordinance in Apex, the State regulations, and due to the presence of the wetlands, the Jordan Watershed regulations, which requires a greater buffer than 10 feet. Look at exhibit number 2, that's a drawing of the pond. The pond should really be partially on lot 13 where there is a house. The Town of Apex should be protecting their tax-paying residents. When I call the State level agencies they just say that Apex have to follow State laws, and refer us back to the local agency. This HOA should not be penalized by being denied the protection of laws that provide a work buffer. The town allowed homes to be built where ponds should have been. Why should this association bear the burden of mistakes made by the town and the builder. We have to have an engineer certify that all ponds are in tip-top shape annually, through a highly critical inspection process/. How ironic that we are mandated to follow that requirement, when we weren't protected by the requirements of the state of North Carolina. I'm asking this Town Council to please help us and use your voice to advocate on our behalf. If you look at Exhibit 2, you will see that there is an area north of the pond,

that is designated as RCA. I would ask you to help us have that area reclassified, and have the pond reconfigured to allow us better access. If that's not feasible, then I ask you help to change the wording of the operations and maintenance agreement. The last page of your packet has the cover sheet of that agreement, which we must follow as new owners. The town handed out that agreement and the builder agreed to it. We had no input whatsoever. It designates us as 100% financially responsible for all violations and repairs in the ponds moving forward. That should not be the case where the repair is dependent on the absent buffer. Someone needs to share that burden of higher repair costs. This association honestly cannot afford to lay out expenses that are the fault of the town's inability to follow the rules of law, and on that diagram, do you see where the RCA is, to the right of the pond? If you notice, going directly above the pond, there is actually a high slope here, there is a bunch of trees. There is a note that says those are RCA trees that need to remain there. The builder actually has to remove those trees if we don't agree to that steep slope, so that leads me to believe that that RCA can be reclassified in some way, shape, or form.

Next to speak was **Beth Bland** of 3724 Friendship Road:

"I've spoken out at previous council Meeting concerning the information being shared out to the residents of Apex via the Town Council. You only share what you want the residents to know, and not everything that has taken place. By omitting information, you are manipulating the residents of Apex, who don't have time to fact check you, or to educate themselves. So, an example, today is Earth Day. And the Town is celebrating with Earth Fest, the town is promoting a tree planting celebration with members of Tree CAP. I would like to point out the history of Apex Tree CAP. It was a volunteer Board of residents who advocated for Apex trees and enabled Apex to claim and promote Apex's designation as a Tree City USA. For those of you who don't know, the Town Council voted on December 17th, 2024 to officially dissolve Apex Tree CAP. The volunteers were notified two days later. So, despite the Town Council dissolving Apex Tree CAP over 4 months ago, you have chosen to mislead the public by leaving the Tree CAP webpage up on the Town's website, and you are using the feel-good notion of a tree planting demonstration during Earth Fest, even though Apex Tree CAP no longer exists. So, it's an example of what you have chosen to omit. It seems rather pertinent to point this out on Earth Day. Thank you.

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

"Mayor and Town Council, good evening. As a part of Earth Fest, we must talk about what's happening to trees in Apex. For my neighbors who don't know Apex history, in 2018 Apex participated in a stormwater study, that highlighted Apex's need to increase its urban forest to better manage stormwater, to reduce heat islands which put pressure on the Apex electric grid, to improve air quality, and our overall quality of life. Some of this Council was in office in 2017, and the majority of this Council was in office in 2019, yet nothing has been done with these recommendations. For my neighbors who didn't read the 2023 Apex Tree Canopy Assessment, they may not know that Apex lost more trees than any other community in the last decade. The dismal results did not prompt this Council to create a plan for better protections, or for restoration, but rather takes steps such as disbanding Tree CAP from development. To be clear, Apex resource conservation areas

ordinances are much like Trail Mix, they're full of a bunch of things. Apex allows many things in the RCA area that are not compatible with trees, such as sewer, power lines, and sidewalks, leaving much less space for trees than the 35% that is touted, and frankly is used to mislead the public. Furthermore, instead of using tree protections, we see Apex Public Projects such as Pleasant Park, with very few trees, that provide little to no shade for those visiting the park. Or we see the town's plan to remove 18 acres of trees for the planned Big Branch Force Main, with no plans to replant any of these trees elsewhere in our affected community. Or we see the town celebrating the development of Veridea, which will lead to the majority of 1100 Acres to be clear cut. The Council's actions ignoring the Apex study data, disbanding Tree CAP, asserting that the RCA actually protects trees when it doesn't. These actions have the effect of misleading and taking advantage of our neighbors who don't have time to fact check or advocate for better protections. Our environment deserves better, and I know you can do more. Thank you."

Next to speak was **Dawn Cozzolino** of 3632 Bosco Road:

"Good evening Mayor and Town Council. I want to first thank Jessica from Apex's traffic safety for providing with the Traffic Impact Analysis and answering all of my questions. Me and my neighbors are very concerned that the Town of Apex is not hearing us on protecting the safety of the Friendship and New Hill Communities. As we continually experience traffic accidents or near missed. NCDOT and Apex are committed and actually pledged support for Vision Zero, it's a very critical objective. And this seems in contract with how Apex is highly developing high-density development all around us. So, I've promised you that I would do a traffic study, analysis of all the impacts in our area, and I have that tonight. So, let me talk about first the background on the assumptions. So, this is any of the approved or under construction projects in the area, this is old US 1, Highway 1, Veridea on one side, Depot 499 on the north side. Includes growth factors, includes the size of those housing, includes the commercial square footage., It also includes discussion on services levels. And I will say that most of them that I looked at had an F in at least one category, congestion, which would cause accidents of course, risky driving, that kind of thing. Basically, it says West of 540, there is going to 58,000 new cars every day on the road, and that's not talking about school caps or reassignment. You look East of this, there's 26,000 at Depot 499, the kicker is Veridea at 240,000. So, I don't know how the roads can possibly handle this, and we deserve some safety in our area, and I would like you to reach out, and I look forward to your response on this. Thank you."

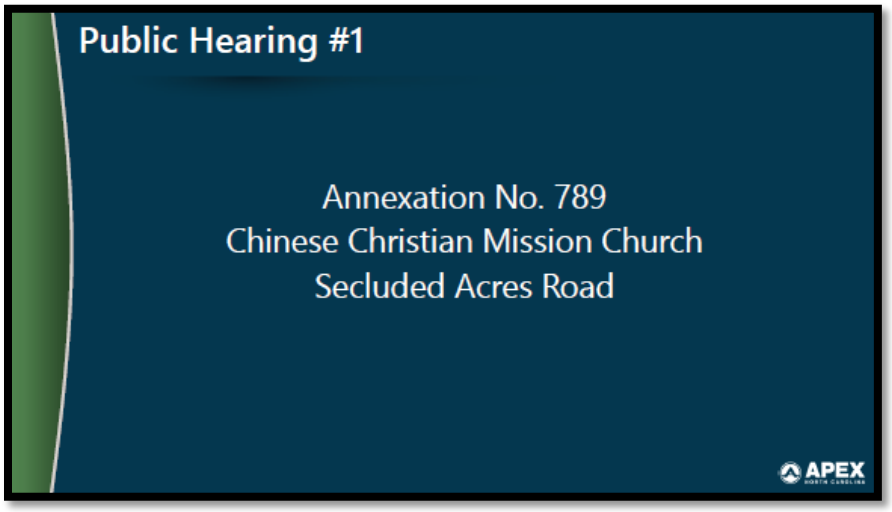
Mayor Gilbert thanked all those who came out to speak, and moved the meeting on to Public Hearings.

[PUBLIC HEARINGS]

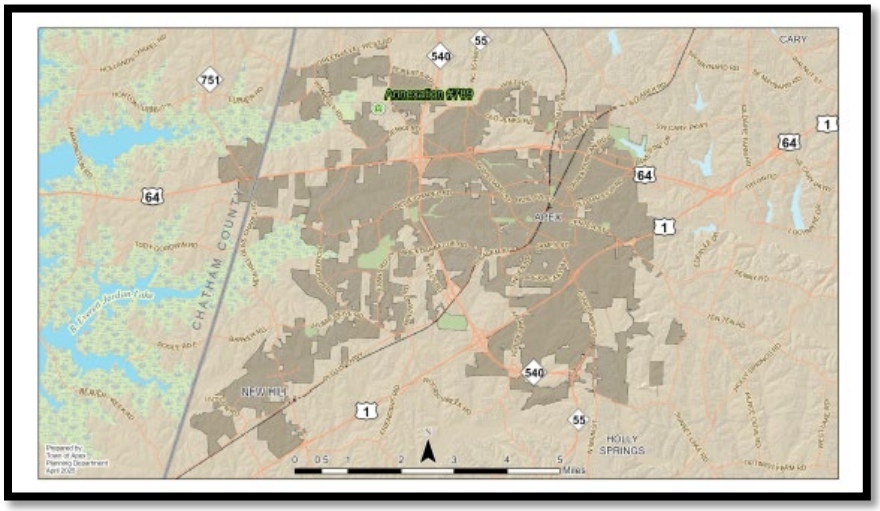
PH1 Annexation No. 789 - Chinese Christian Mission Church - Secluded Acres Road - 4.72 acres (REF: ORD-2025-026)

Dianne Khin, Planning Director, gave the following presentation:

[SLIDE 3]



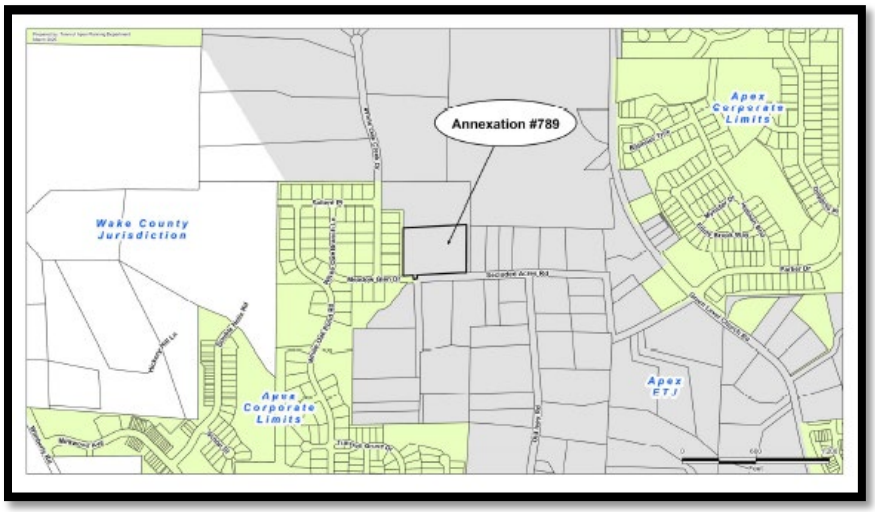
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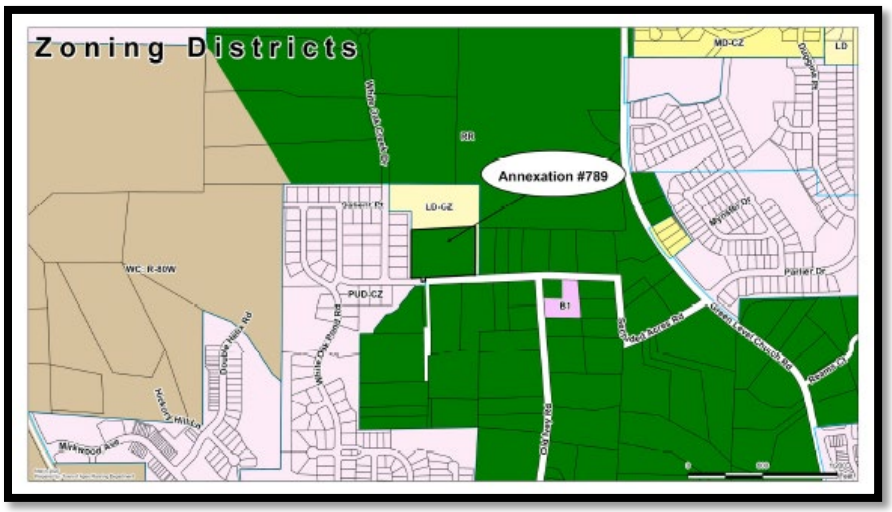
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[SLIDE 7]



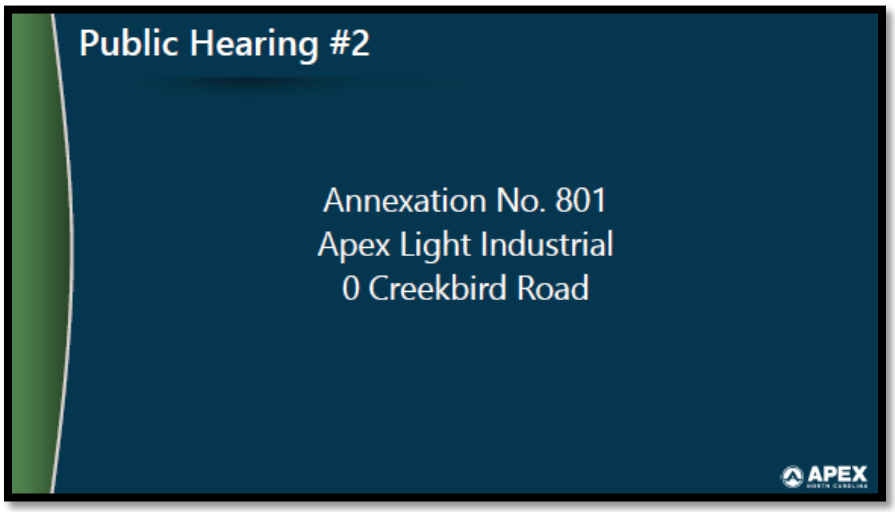
Mayor Gilbert opened Public Hearing for this item. With no one signed up, he closed Public Hearing and moved the item back to Council.

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 4.72 acres, commonly referred to as Chinese Christian Mission Church, located on Secluded Acres Road, Annexation No. 789, into the Town Corporate limits.

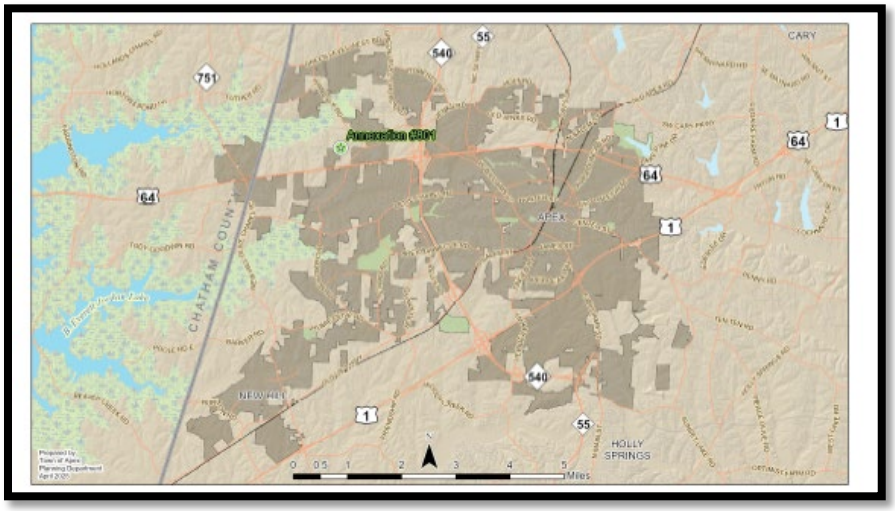
VOTE: UNANIMOUS (5-0)

PH2 Annexation No. 801 - Apex Light Industrial - 0 Creekbird Road - 3.19 acres (REF: ORD-2025-027)

Dianne Khin, Planning Director, gave the following presentation:
[SLIDE 8]



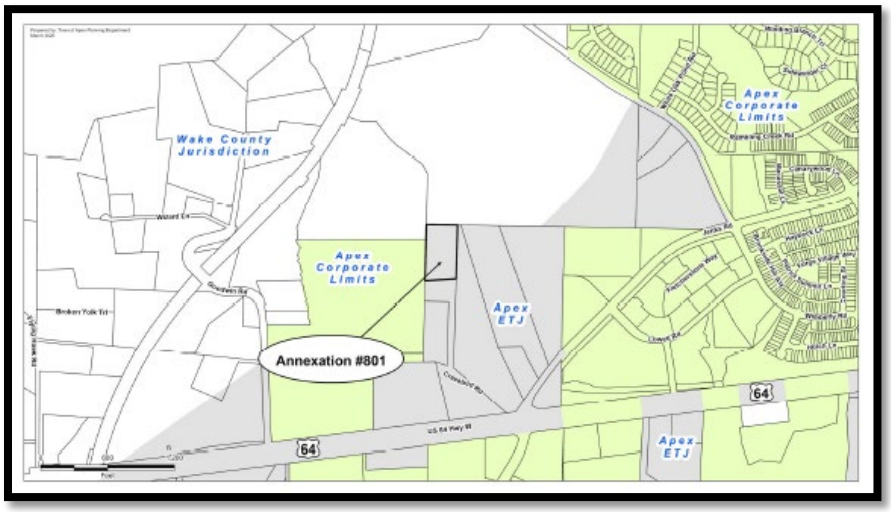
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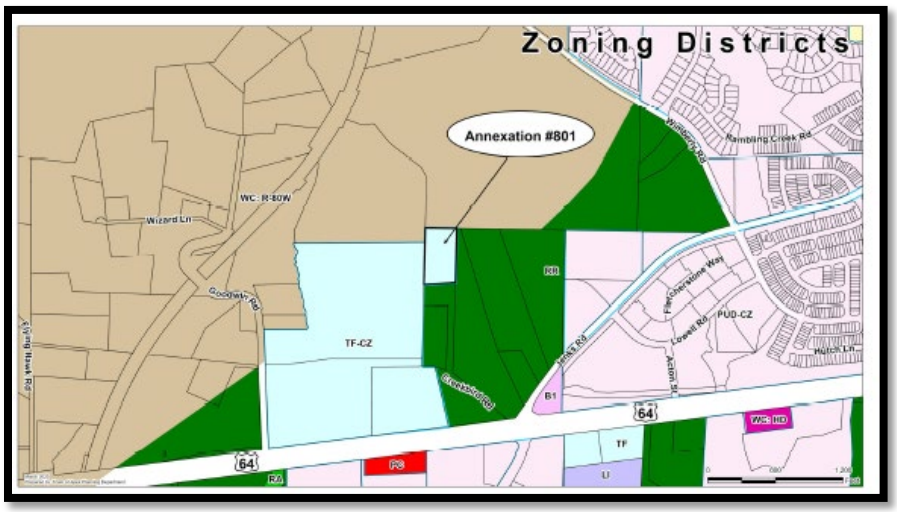
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[SLIDE 11]



[SLIDE 12]



Mayor Gilbert opened up Public Hearing for this item. With no one signed up, he closed Public Hearing and moved the item 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 3.19 acres, commonly referred to as Apex Light Industrial, located on Creekbird Road, Annexation No. 801, into the Town Corporate limits.

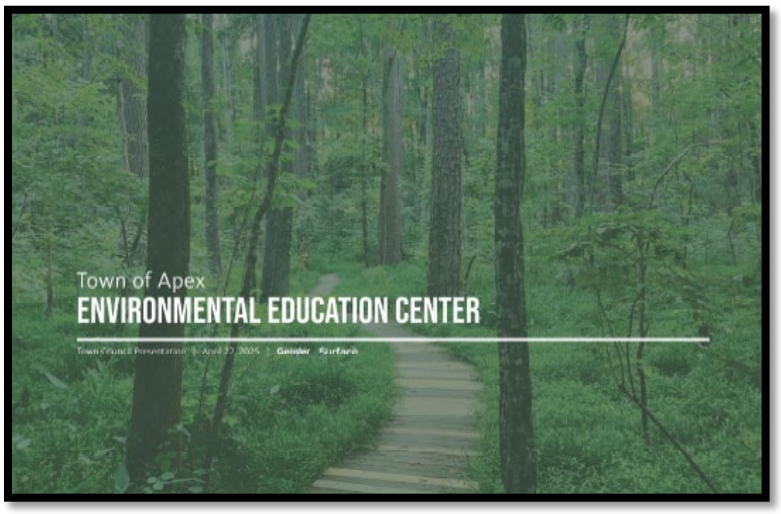
VOTE: UNANIMOUS (5-0)

NEW BUSINESS

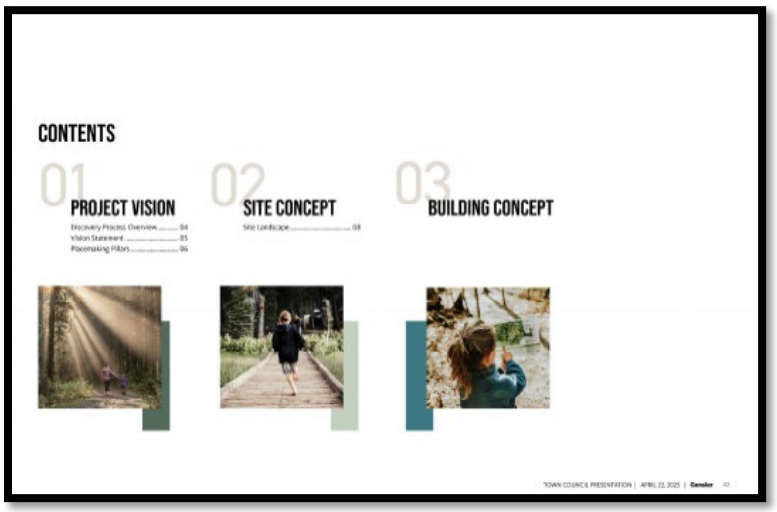
NB1 Town of Apex Environmental Education Center Update

Daniel Edwards, Capital Projects Management, introduced Lindsey Greitch and Lindsey Thompson, with Ginsler, to present the following presentation.

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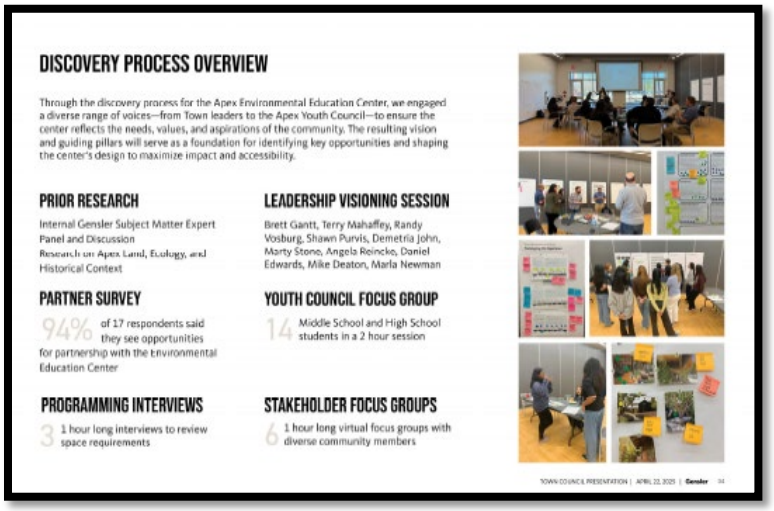
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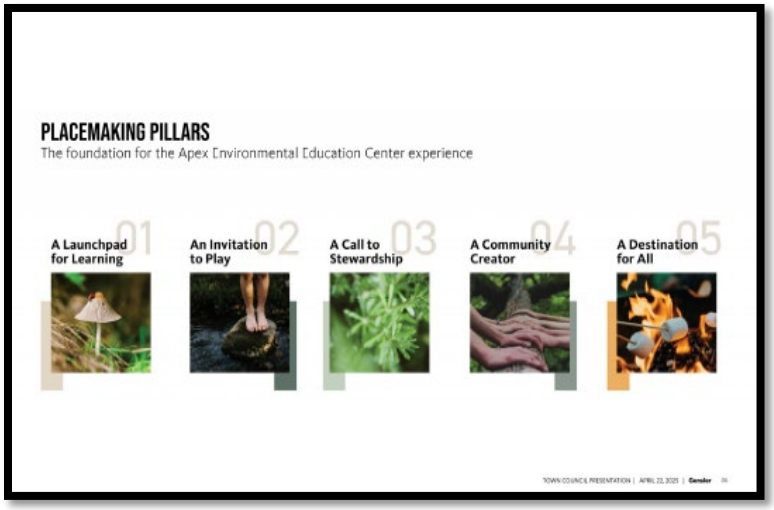
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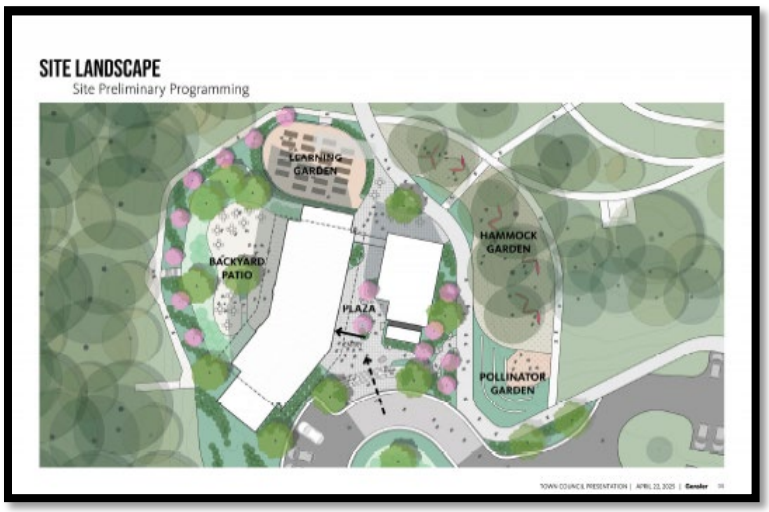
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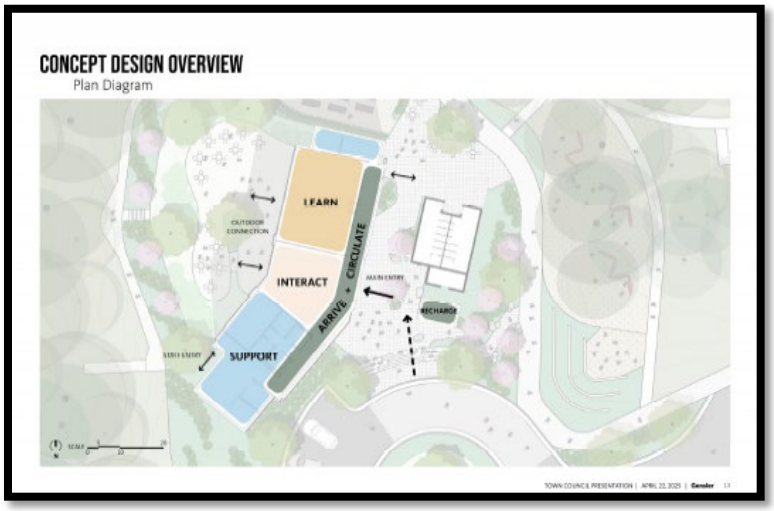
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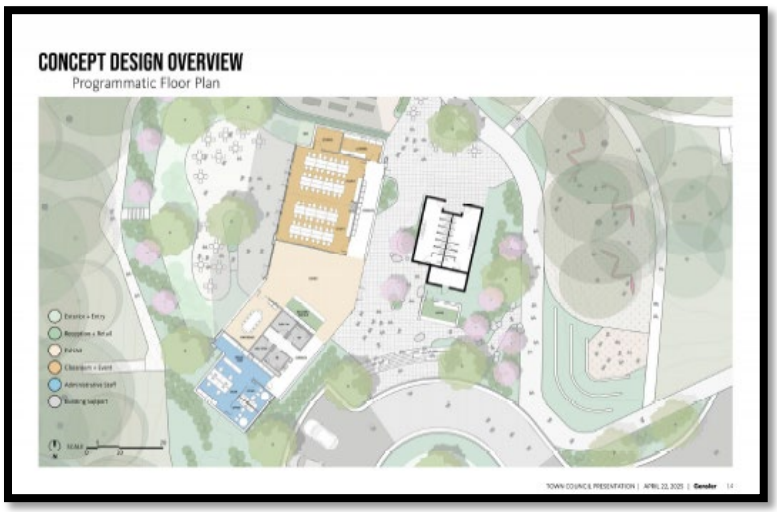
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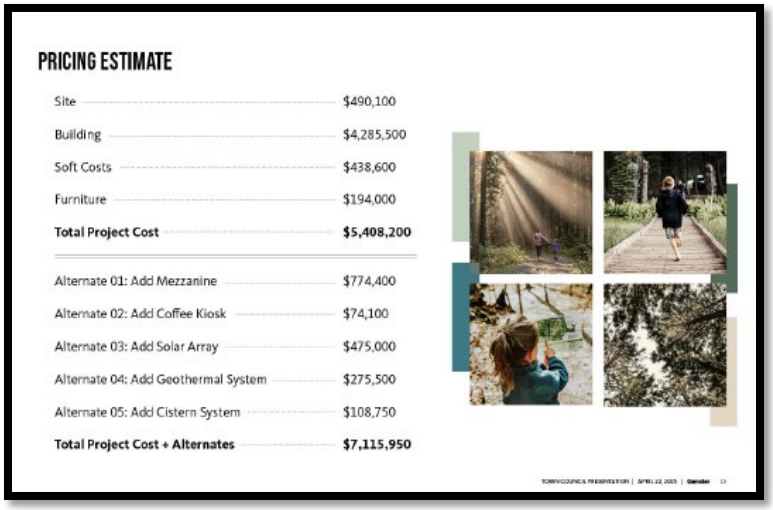
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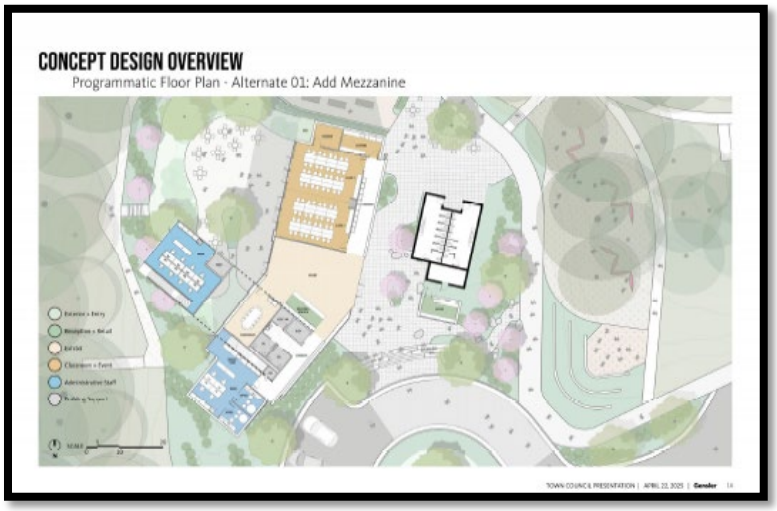
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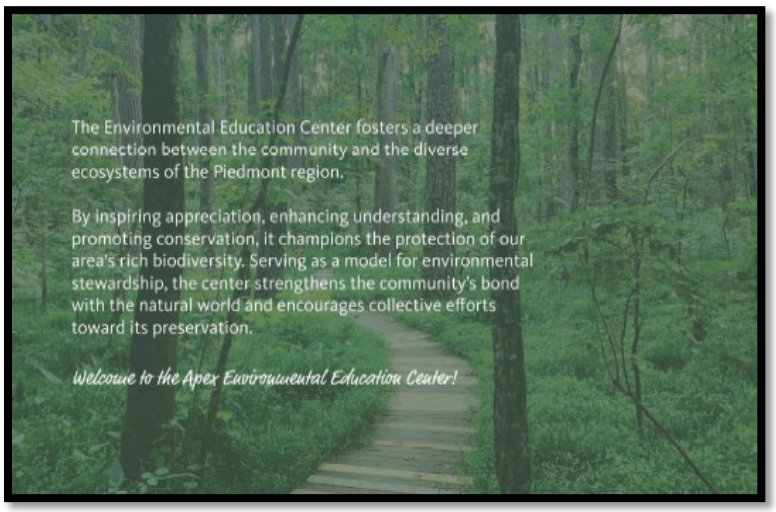
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[SLIDE 20]



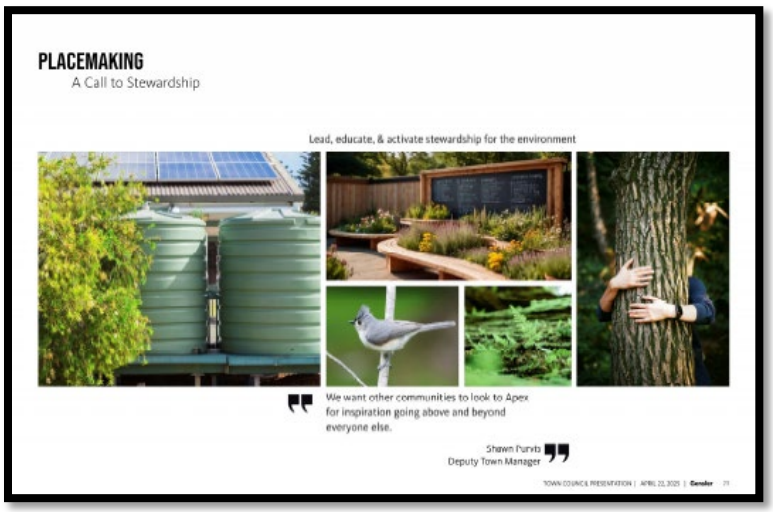
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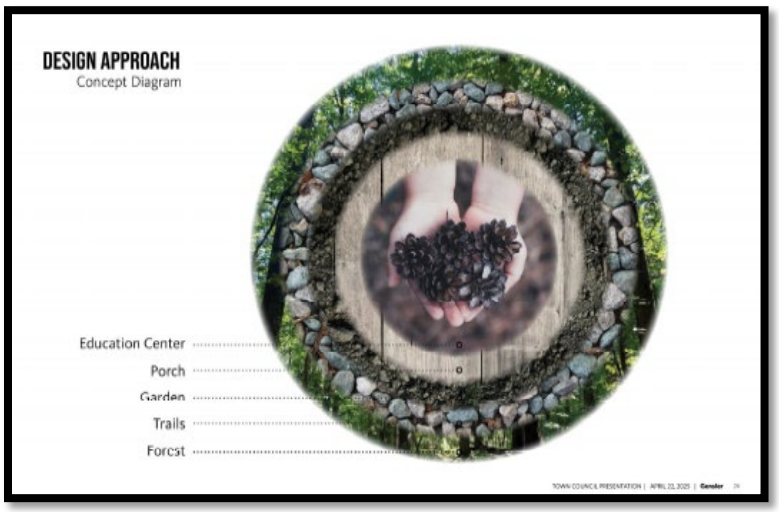
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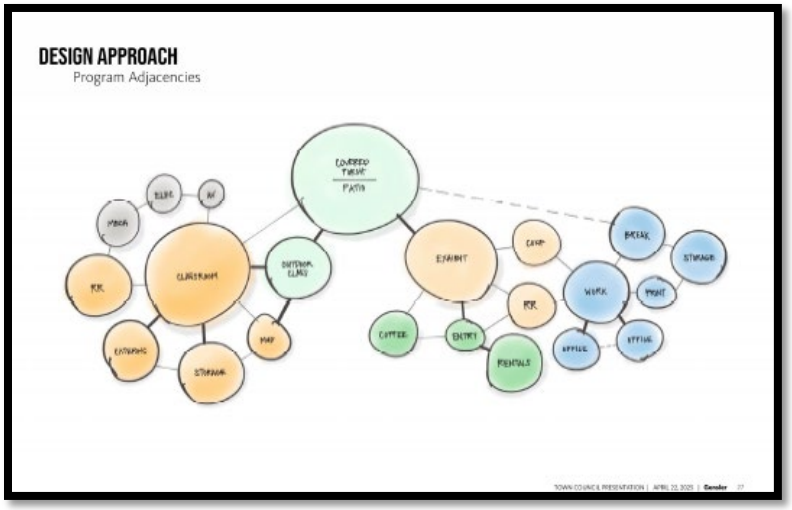
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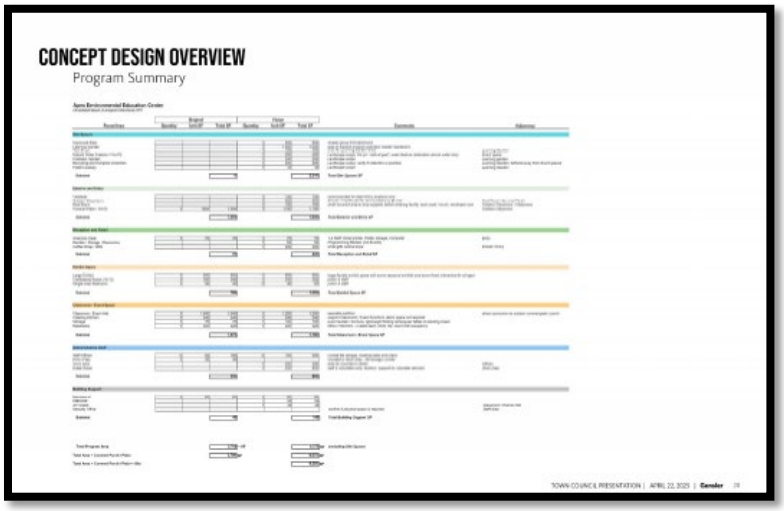
[SLIDE 26]



[SLIDE 27]



[SLIDE 28]



Mayor Gilbert asked about the seating in the classroom and event area.

Ms. Thompson said it held about 32 people with tables and chairs.

Councilmember Mahaffey said this was part of the original vision of the Nature Park, and said he was excited about the concepts. He asked about the programming.

Ms. Thompson said the plan is to focus on Piedmont ecology, through engaging things such as the learning garden. She said the idea is for residents to learn things they can take back to their own homes and the environments they live in.

Councilmember Zegerman asked if they planned to have this site host field trips, and if the town could support that kind of thing programming wise.

Director Setzer said one of the primary focuses was on students and schools for the project. He said they would need to look at whether they would want to focus on hosting camps there, or focusing more on field trips, as it may be a matter of space. He said they are also running out of camp space at the Community Center, but they could still host trips as well.

Councilmember Mahaffey said he was excited there would be an amenity schools could go to. He said there was also space for existing staff at the Apex Nature Park.

Councilmember Zegerman asked about the space created for staff.

Ms. Thompson said the initial plans have 4 work stations, 2 offices, and 8 places that can support working in the mezzanine. She said for the mezzanine cost, that would require sprinklers, stairs, and an elevator.

Councilmember Mahaffey asked about if they were to raise the ceiling for that would it be utilized or open space.

Ms. Greitch said they could look at opportunities to expand the mezzanine.

Councilmember Mahaffey said it may be good to extend that to look over the park. She said this coming in will help the surrounding aspects of the park as well.

Councilmember Gantt said it looks like the mezzanine may block some of the light on that part of the building.

Ms. Greitch said they don't believe it would block anything, and they raised the roof to allow some additional light from there as well.

Councilmember Zegerman asked if there was an option to build out at ground level. He said his main concern was having a two-story building and it being less attractive.

Ms. Thompson said there are some site challenges with topography, but they can study what may be possible by extending or looking at a basement level.

Councilmember Zegerman said he thinks the staff space would be best on the north, and he would like to see some additional options for how they can implement more staff space.

Ms. Greitch asked why he thought the staff space would be better on the north side.

Councilmember Zegerman said he thinks it would be better to have the staff space less visible from the entrance, since the other portion would be more open and welcoming with the façade and larger glass.

Councilmember Gantt asked about the flow of walking traffic. He confirmed most of the parking would be to the right of the facility.

Mayor Pro Tempore Gray said he was curious as to why alternatives 3, 4 and 5 were included there and not in the base price.

Ms. Thompson said they wanted to be transparent about the costs of the project, and that these were just estimates at this stage. She said they wanted to show the potential costs if they wanted to add on to what the team was proposing.

Mayor Pro Tempore Gray said he loves the concepts.

Councilmember Killingsworth said they are always going to need more office space and more programming space. She doesn't think the town should even consider only having one story here. She said they should use it to help bolster the programming space and office space. She said there may be an idea to add basement space as well, but she thinks they should get all the space they can here.

Councilmember Zegerman asked about the coffee kiosk, and asked about who would operate it.

Director Setzer said he would foresee contracting that space.

Ms. Greitch said it seemed like Council wanted to see additional options to help maximize space, and they could come back with additional plans and cost estimates.

Councilmember Gantt asked if some of the alternatives could be added in after the building was constructed.

Ms. Thompson said some of them, like geothermal, would be best to add in as a basis of design. Some things like the Solar Array can be designed in mind, but not fully installed.

Councilmember Zegerman said they should at least proceed with the possibility of having those things added.

Mr. Edwards said they would like to have a decision from Council on moving forward with design.

Councilmember Mahaffey encouraged Council to move forward with all of the addition options. He said it will just end up coming back up for additional costs down the road.

Councilmember Gantt said some of the things may not be worth it if they payback period is too long.

Assistant Town Manager Stone said it seemed like Council did not have a design they could fully approve right now. He said they will need to go back and look at the options, and advised to be sure not to overbuild for the parking that is out there. He said he would include the additions in the proposal, but they could be evaluated at the time of the project a year or more out based on the costs and available funds. He said he thinks they need to work with the design team more and come back to Council with more options. He said they want to be sure they have the design approved before fully proceeding.

Mayor Pro Tempore Gray said this was an update, and they didn't necessarily need a motion at this time.

Councilmember Gantt asked about the analysis of parking with differences in programming additions and staffing additions.

Assistant Town Manager Stone said they would look at both and bring information on that back as well.

Councilmember Mahaffey said they also may run the risk of needing to add parking to support what gets added here.

Councilmember Killingsworth said she thinks any buildings should be designed to help the space needs.

Councilmember Mahaffey said this is their last chance to support the Nature Park in this way, so they need to get it right.

Town Manager Vosburg said with the direction given, the costs for this will go up. He said they could potentially look at phasing the project if that was feasible. He asked Ginsler the timeframe of when they could produce a new proposal with the feedback from Council.

Ms. Greitch said she would estimate about 2-3 months.

Councilmember Mahaffey said he would like this to specifically address the space needs of Nature Park staff. He added he was also happy that this first estimate was under the cost allocated in the CIP.

Councilmember Zegerman said he wanted to note that there may be an option to look at the maintenance building on site to expand that and help address staff space needs.

Director Setzer said any additions there would need to come with additional parking. He said he would not recommend adding anything to that building, as there are restrictions in that area of the park.

Councilmember Mahaffey asked about storage needs.

Director Setzer said in the long-term plan, they are looking at no longer using that building, and building a facility across the street where they can add parking.

Councilmember Mahaffey asked about if there have been discussions with NCDOT to pave the portions of Apex Barbecue where people park.

Director Setzer said they haven't discussed with DOT, but they have had help from PD to enforce that there.

Councilmember Killingsworth asked about the restroom size.

Ms. Thompson said they are oversized single-occupancy for family use.

Mayor Gilbert thanked the team, and said they would see them back again when they had the next update.

A **motion** was made by **Mayor Pro Tempore Gray,** seconded by **Councilmember Killingsworth,** to enter into Closed Session pursuant to NCGS §143-318.11(a)(5) for three items as listed on the meeting agenda.

VOTE: UNANIMOUS (5-0)

[CLOSED SESSION]

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

CS1 Steve Adams, Real Estate and Utilities Acquisition Sp., Trans. and Infra. Dev. Dept.
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 Steve Adams, Real Estate and Utilities Acquisition Sp., Trans. and Infra. Dev. Dept.
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;

CS3 Steve Adams, Real Estate and Utilities Acquisition Sp., Trans. and Infra. Dev. Dept.
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 **8:30 p.m.**

[ADJOURNMENT]

Mayor Gilbert adjourned the meeting at **8:30 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 13th day of May, 2025 (CN5).

APPROVED MEETING MINUTES

TOWN OF APEX
TOWN COUNCIL BUDGET WORK SESSION
THURSDAY, MAY 08, 2025
2:00 PM

The Apex Town Council met for a Budget Work Session Meeting on Thursday, May 08, 2025 at 2:00 p.m. on the 3rd Floor of Town Hall in Training Rooms A and B, 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=HIHESSMtXAk

[ATTENDANCE]
Elected Body
Mayor Jacques K. Gilbert (presiding)
Mayor Pro Tempore Ed Gray
Councilmember Audra Killingsworth - *arrived late see note below*
Councilmember Terry Mahaffey
Councilmember Brett Gantt
Councilmember Arno Zegerman

Town Senior Executive 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

[CALL TO ORDER | PLEDGE OF ALLEGIANCE]

Mayor Gilbert called to order at 2:03 p.m., welcomed everyone, and led those attending in the Pledge of Allegiance. He said the purpose of today's meeting was to receive information on the Manager's Recommended Budget.

Manager Vosburg said that the Recommended Budget for Fiscal Year 2025-26 was presented on April 15 and since that time a variety of meetings had been held including two Finance Committee Meetings and one-on-one meetings to discuss specific budget questions with each member of the governing body. He said the purpose of today's work session was

to walk through several minor staff adjustments being proposed, discuss several tax rate scenarios as discussed by the Finance Committee, and consider any elected body amendments.

Councilmember Killingsworth arrived at 2:07 p.m.

CLERK NOTE: The audio on the livestream cut out during the first few minutes of the meeting recording.

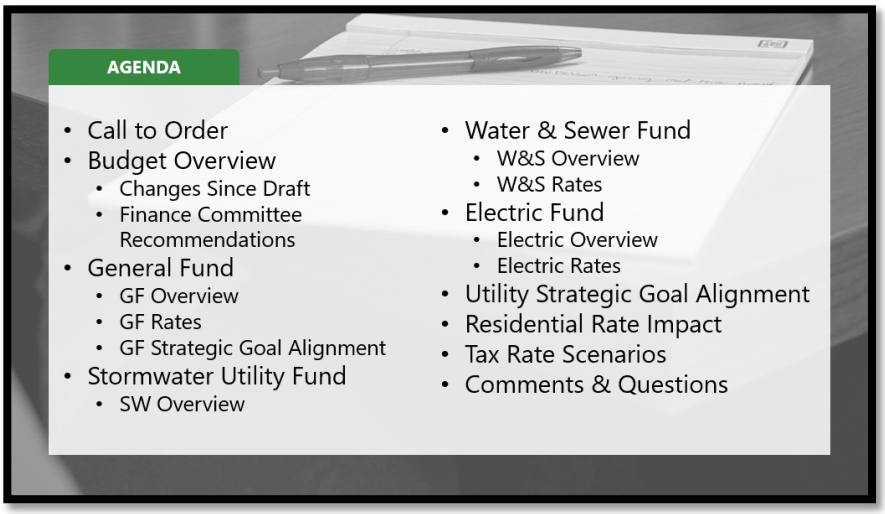
[FISCAL YEAR 2025-2026 MANGER'S RECOMMENDED BUDGET OVERVIEW]

Deputy Town Manager, Shawn Purvis, and **Interim Director of Performance Management, Jessica Hoffman,** gave the following presentation:

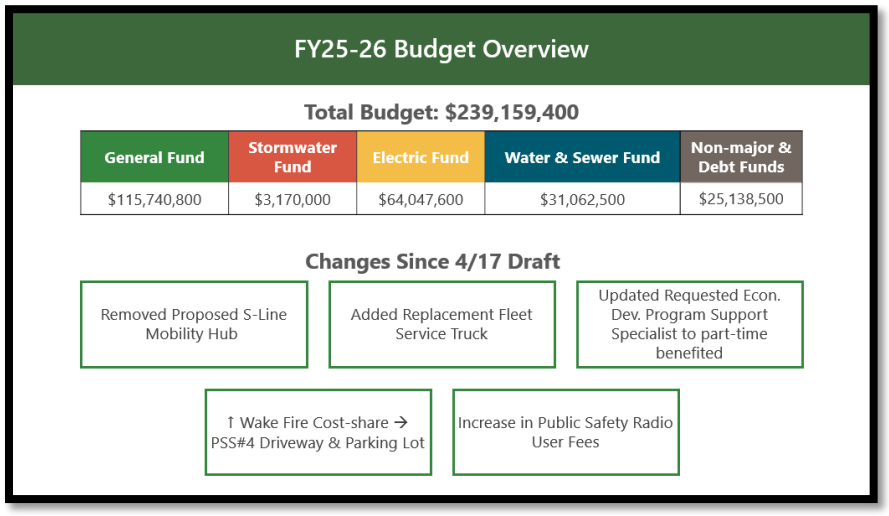
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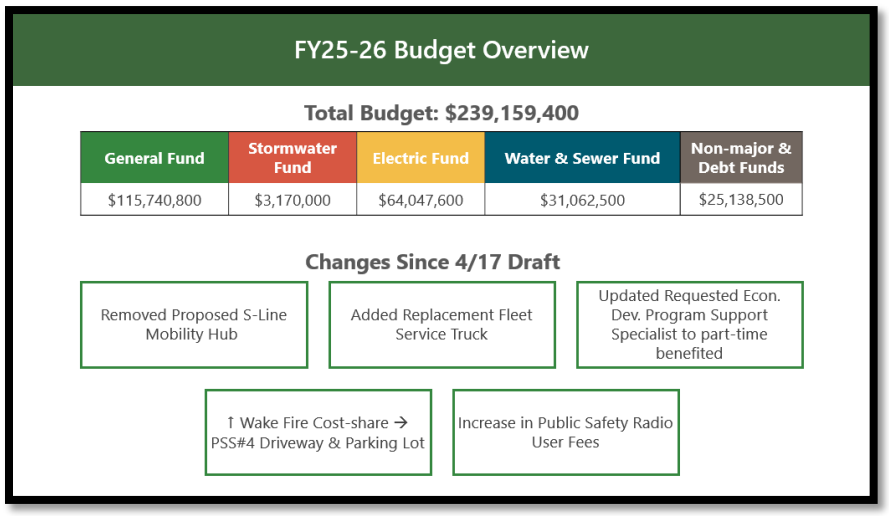
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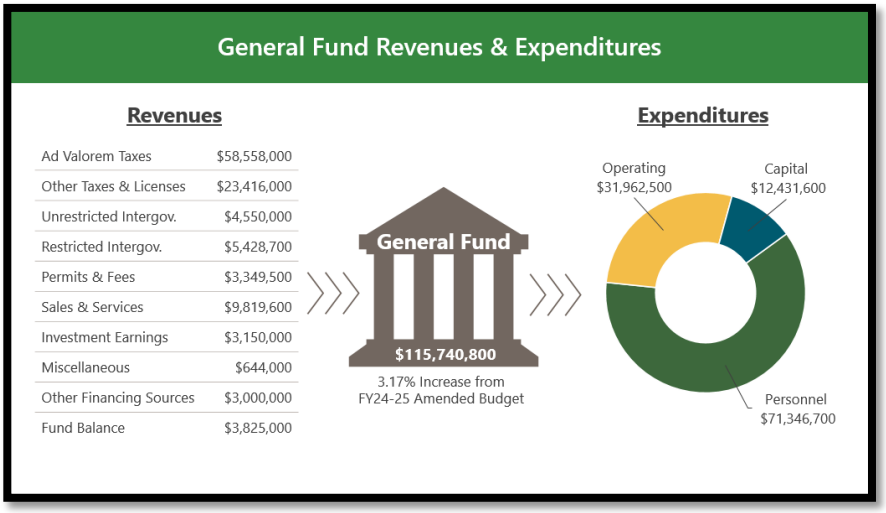
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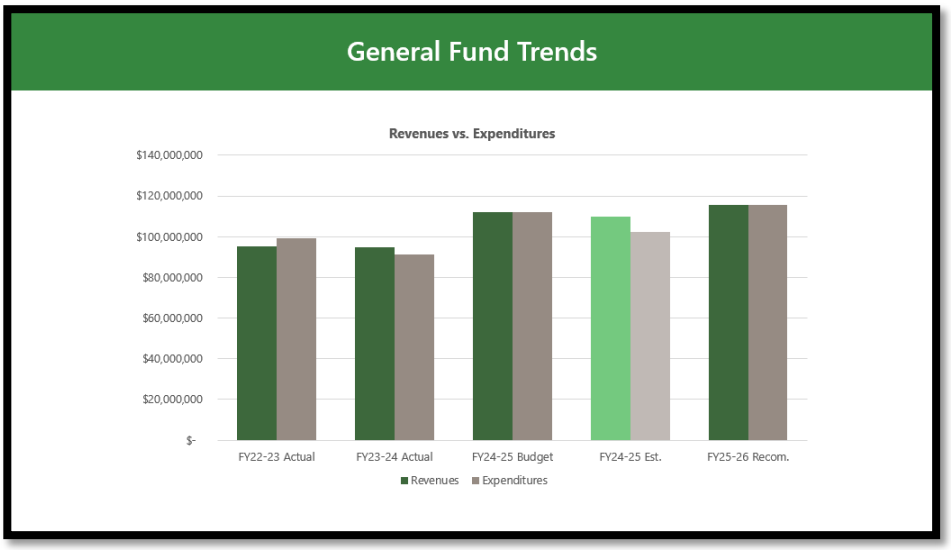
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[SLIDE 6]



Councilmember Mahaffey asked about the optimism of the sales tax revenue increase.

Deputy Town Manager Purvis said that staff was comfortable with a two percent (2%) increase, with the growth rate being higher than Cary's, along with other factors such as distribution difference. He said that in the past Apex has budgeted as high as eight percent (8%) but given the current trends that was too high. He said that Apex's population is growing faster than what is captured and these were some of the elements that make the difference.

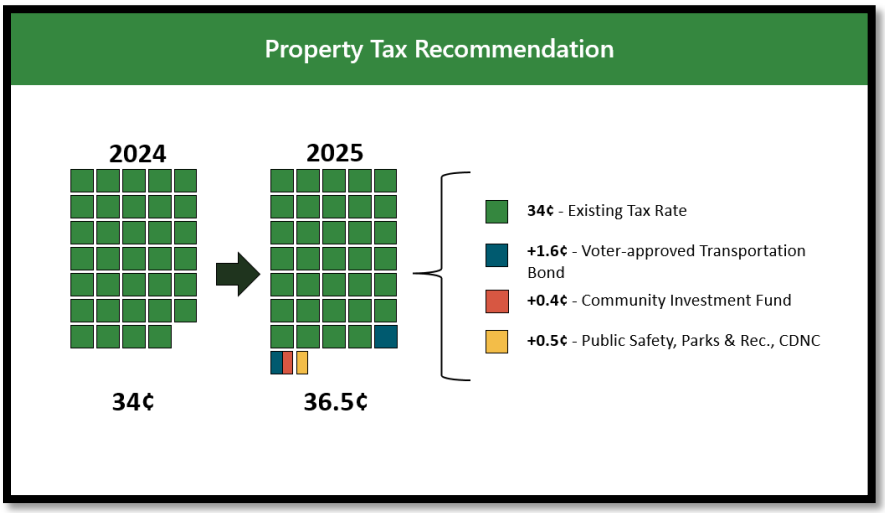
Councilmember Mahaffey asked if each percent represented a quarter of a million ($250,000) dollars or an equivalent of $500,000 for the total two percent (2%).

Deputy Manager Purvis said that was a rough estimate but yes that was the approximate number based on staff's formula.

Councilmember Gantt asked if tariffs would contribute to an increase in sales tax revenue. He said that the added tariff charges would increase the total expenditure and thus increasing the sales tax but that was a false indicate that Apex population was growing.

Deputy Town Manager Purvis said that was true but it was really a numbers game. He said that it really depends on the decrease of the transactions are.

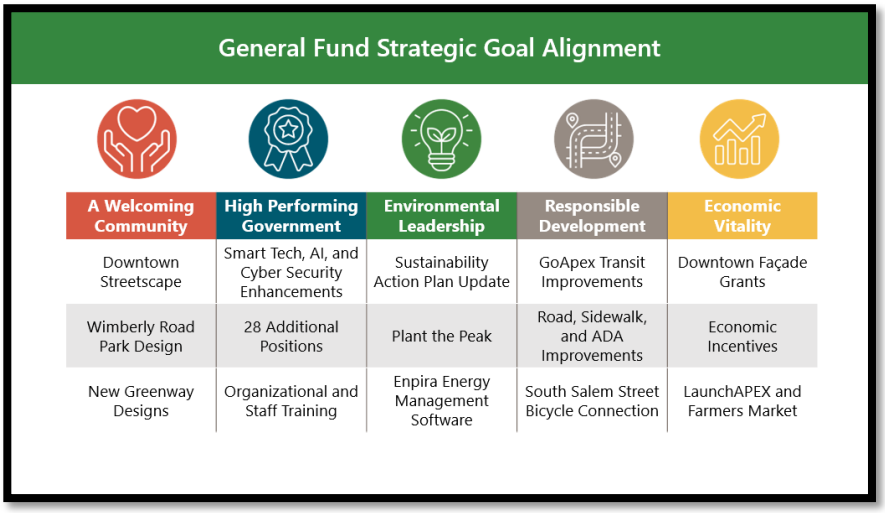
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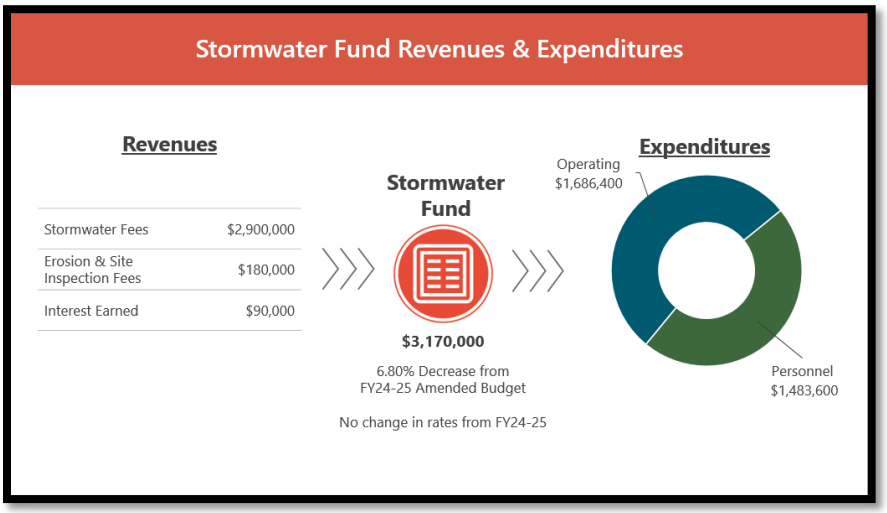
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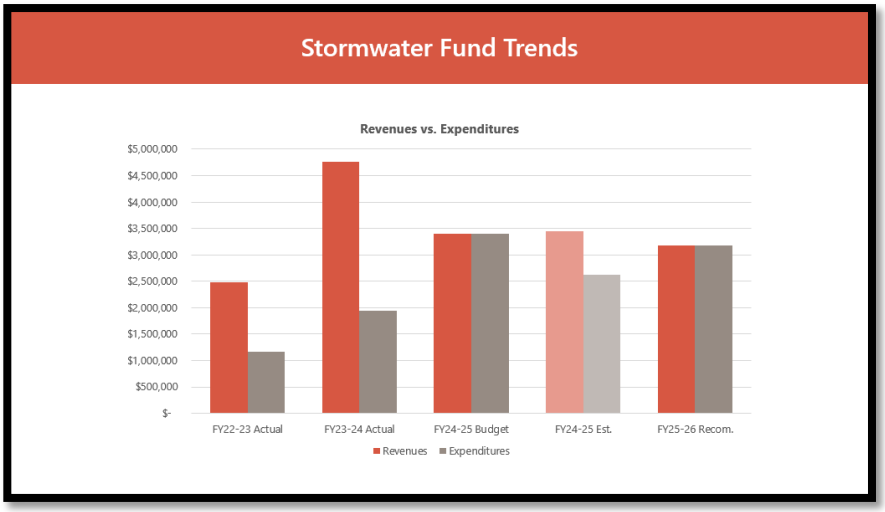
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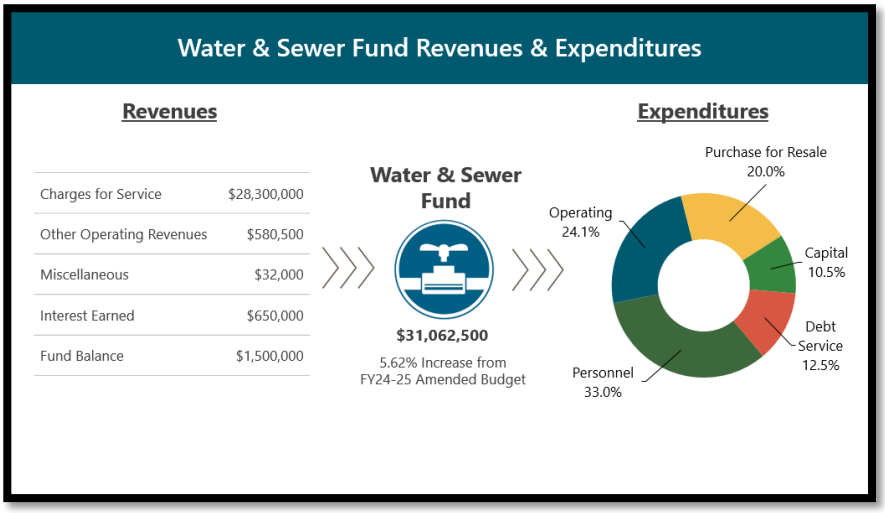
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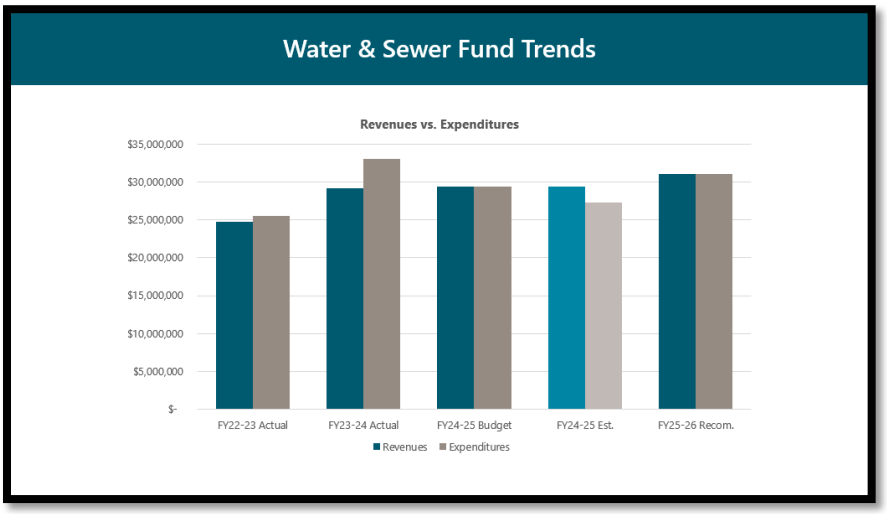
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[SLIDE 12]



[SLIDE 13]



[SLIDE 14]

Water & Sewer Rates

Water
- $0.25 (4%) base rate increase
- 4% volumetric rate increase

Sewer
- $0.47 (4%) base rate increase
- 4% volumetric rate increase

Consumption	Water Rates		Sewer Rates		Combined Water & Sewer Total			
1,000 gals	Existing	Proposed	Existing	Proposed	Existing	Proposed	% Change	Cost Difference
0	$6.24	$6.49	$11.63	$12.10	$17.87	$18.59	4.0%	$0.72
2	$15.44	$16.05	$27.75	$28.86	$43.19	$44.91	4.0%	$1.72
4	$24.64	$25.61	$43.87	$45.62	$68.51	$71.23	4.0%	$2.72
5	$29.24	$30.39	$51.93	$54.00	$81.17	$84.39	4.0%	$3.22
6	$33.84	$35.17	$59.99	$62.38	$93.83	$97.55	4.0%	$3.72
8	$44.42	$46.17	$76.11	$79.14	$120.53	$125.31	4.0%	$4.78
10	$55.00	$57.17	$92.23	$95.90	$147.23	$153.07	4.0%	$5.84
16	$94.10	$97.85	$140.59	$146.18	$234.69	$244.03	4.0%	$9.34

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Electric Fund Revenues & Expenditures

Revenues

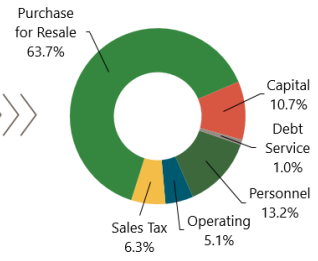
Charges for Service	$56,261,300
Other Operating Revenues	$6,966,300
Other Financing Sources	$495,000
Miscellaneous	$75,000
Investment Earnings	$250,00

Electric Fund

$64,047,600

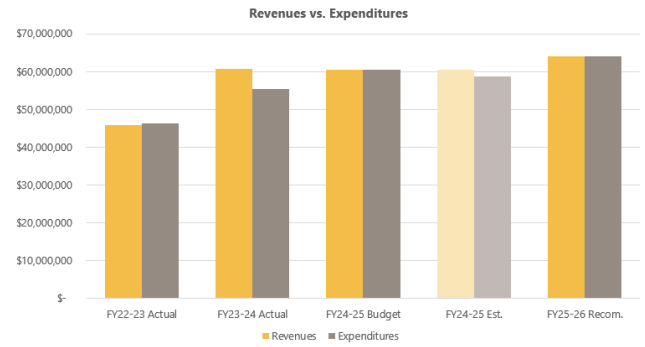
5.82% increase from FY24-25 Amended Budget

Expenditures



[SLIDE 16]

Electric Fund Trends



[SLIDE 17]

Electric Rate Impact

- Base rate increase $1.50
- Energy rate increase 4%

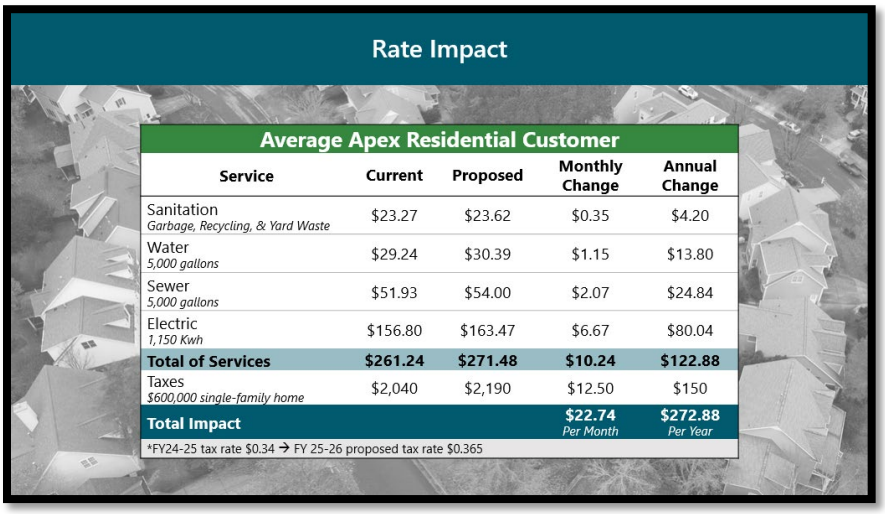
Apex Residential Customers			
Kwh	Current Avg/ Month	Proposed Avg/ Month	Monthly Change
950	$134.14	$139.91	$5.78
1,150	$156.80	$163.47	$6.68
1,250	$168.13	$175.25	$7.13
1,350	$179.46	$187.03	$7.58

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Utility Funds Strategic Goal Alignment

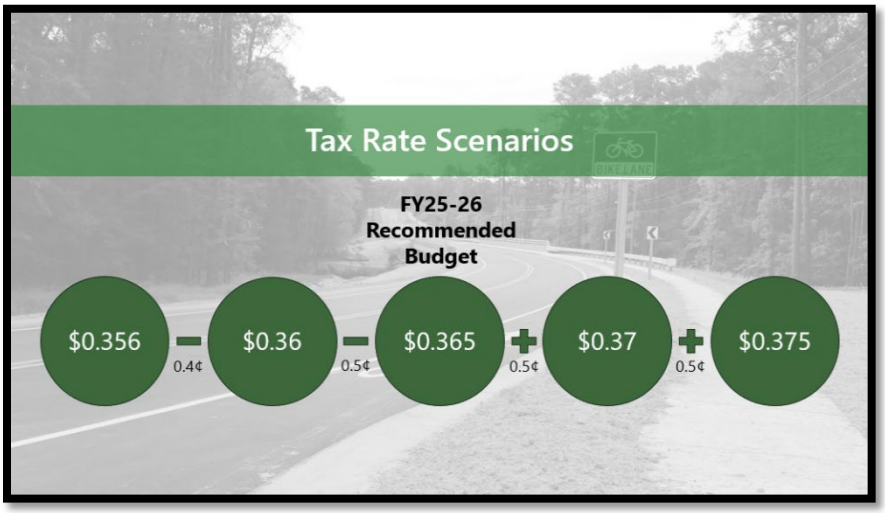
A Welcoming Community	High Performing Government	Environmental Leadership	Responsible Development	Economic Vitality
Educational Videos & Community Outreach	6 Additional Positions	UV System Replacement	Howell Road Water Line	Cary-Apex Water & Sewer Projects
Street Sweeping Contract	Water Distribution System Master Plan	Seagroves Farm Dam Repair	East Williams Substation	Electric System Expansion
Fire Hydrant Painting	Water-Sewer Rate Study	Water Quality Conservation Program	Green Level Substation	Gravity Sewer Extensions

[SLIDE 19]

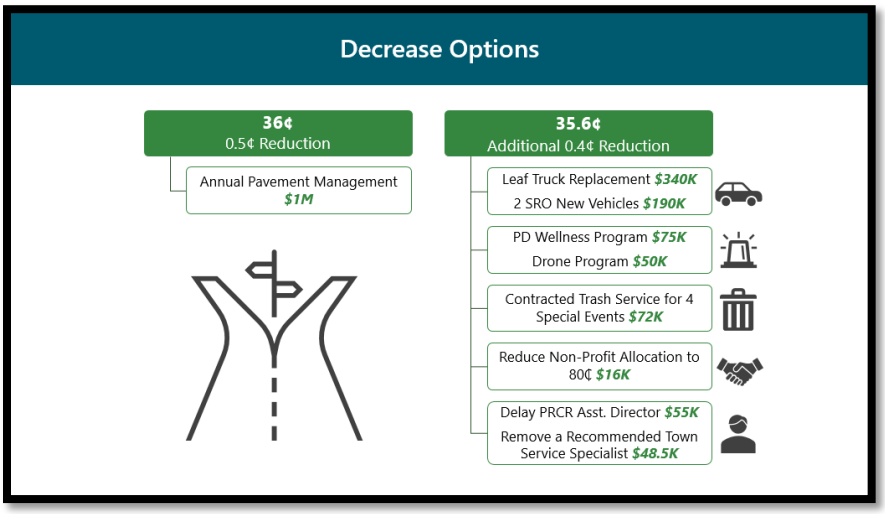


Town Manager Vosburg said that staff had prepared a few different tax rate scenarios based on the Council's Finance Committees Recommendations. He said the scenarios started with the tax rate in the middle of the screen with the proposed tax rate of $0.365 and that two options were shown on either side as half cents and whole penny decreases (left) and increases (right). He said staff had reviewed the four (4) tax rate options and offered suggestions for increases or decreases depending on the desire for how to proceed forward.

[SLIDE 20]



[SLIDE 21]



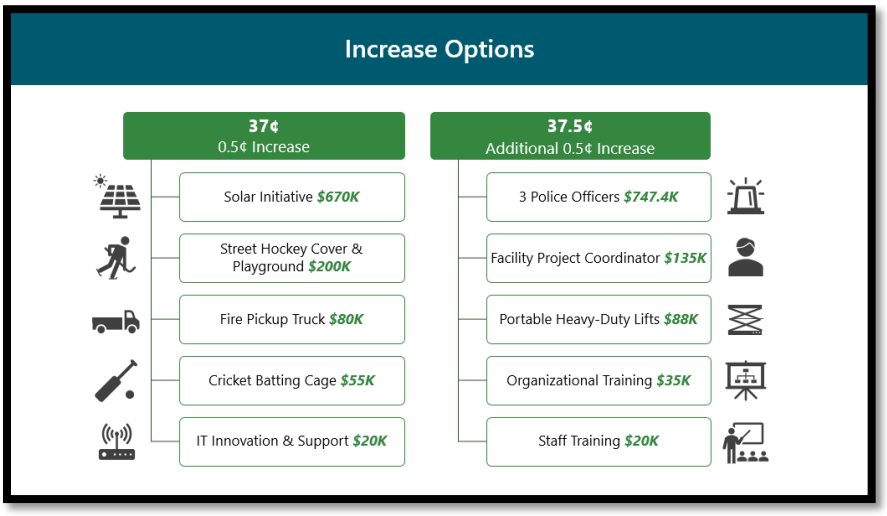
Mayor Pro Tempore Gray asked if staff was able to readily identify which roads and neighborhoods would be impacted if Council chose to proceed with reducing the amount allocated to the pavement management program.

Director of Transportation and Infrastructure Development, Chris Johnson, said that the one ($1) million-dollar reduction in the budget was taking off some of the resurfacing. He said that staff was still proposing a total of five ($5) million dollars total for the pavement management program and that a review was still in progress to address the highest priority areas.

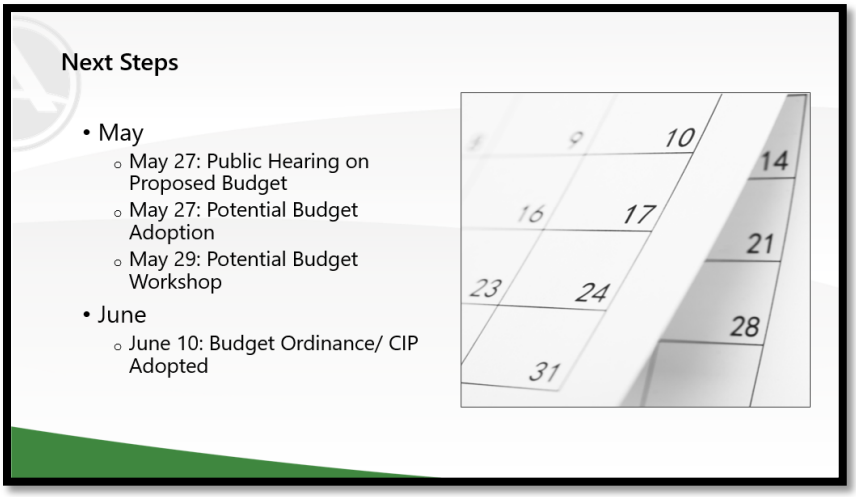
Mayor Pro Tempore Gray said that he was trying to get a sense of how trimming off the million dollars would impact the road maintenance efforts. He said driving around town there were several roads that had some severe issues and he wanted to confirm those would still be addressed and not just patched creating more work in the long term.

Director Johnson said that even with the reduction of this funding, his team would still be able to address all Orange and most Yellow areas on the pavement condition map, and continue with preservation on the green areas.

[SLIDE 22]



[SLIDE 23]



[SLIDE 24]



Town Manager Vosburg asked if there was any discussion on the general direction of the budget as the next item on the meeting agenda was to discuss proposed amendments by the elected body.

Mayor Gilbert said he would like to get to a motion and a vote on which direction to proceed for the Budget so that the conversation could be focused in that direction.

Councilmember Gantt said that he had reviewed the Manager's Proposed Operating Budget and Capital Investment Plan (CIP) and the additional budget memos from staff. He said that it appeared thoughtful discussions had ensued. He said the items proposed to be added were great but the items proposed to be reduced were in his opinion bad. He said it would be nice to see if there was any interest in keeping the budget as proposed by the Town Manager.

A **motion** was made by **Councilmember Gantt**, seconded by **Mayor Pro Tempore Gray** to accept the Manager's Recommended Budget as is with the proposed tax increase, but to allow for further discussion on what specific projects are included.

Mayor Pro Tempore Gray noted that he was seconding the motion to provide for a path way to move forward. He said additional discussion was warranted but setting the tax rate should be the starting point.

Councilmember Mahaffey said that accepting the proposed budget as is sends an inaccurate message. He said there is a voter approved bond that was included in addition to a staff recommended increase. He said it was important to note that this budget year was extremely challenging in comparison to previous budgets that have been proposed during his tenure. He said that, in his opinion, it was important both options be debated by the Council before determining a direction.

Councilmember Mahaffey said that based on the information he has received so far, through the Town Manager and his neighboring elected colleagues, surrounding municipalities are not raising their tax rate outside of voter approved bonds (debt service). He said it was also important to consider the ongoing utility billing issues and larger economic pressures that many residents in Apex were facing. He said that many staff departments had seen a decrease in their operating budgets and it was important for the Council to review the governing body's budget for similar reductions.

Councilmember Zegerman said that the proposed budget plan put forward took a lot of thought and work from leadership and staff. He said there were still items that needed additional discussion and thought. He said he had reviewed the entire budget proposal and appreciated the hard work but that additional direction needed to be provided to staff in order to move forward.

Councilmember Killingsworth clarified that the motion on the table was to accept the Manager's Recommended Budget as-is with none of the proposed increases or decreases just presented by staff.

Mayor Gilbert said a motion and a second had been offered and it was time for a vote.

VOTE: 1-4, with Mayor Pro Tempore Gray, Councilmember Mahaffey, Councilmember Zegerman, and Councilmember Killingsworth dissenting.

MOTION FAILED.

Councilmember Gantt said he was just trying to keep it simple and understood that additional discussion was desired by his colleagues.

A **motion** was made by **Mayor Pro Tempore Gray**, seconded by **Councilmember Zegerman,** to consider only the tax decrease options proposed.

VOTE: 3-2, with Councilmember Killingsworth and Councilmember Gantt dissenting.

MOTION PASSED.

Councilmember Zegerman said the options to be considered by council were only decrease tax rate options and that they could start with the options proposed by the Town Manager. He clarified that this did not mean that additional amendments or "trades" could be made through the process.

Mayor Gilbert asked Town Manager Vosburg what would be helpful for staff in terms of how the meeting proceeded with providing direction to staff.

Town Manager Vosburg said that the proposed reduction items were thought through will Town staff and without providing a starting point, this could yield more detailed discussion and push the Mayor and Council into the "weeds" of the budget.

Mayor Pro Tempore Gray asked if this was the best and final offer for reductions or if more items could be proposed or work from staff's perspective.

Town Manager Vosburg said that the proposed decrease options has been thoughtfully reviewed by departmental leadership and the Manager's Office team. He said that in his opinion, this was the best and final offer as there had already been tough and painful decisions made regarding the delay of certain things. He said to clarify the items proposed as reductions are not items that would just go away in future budgets. He said many of the items were needed today but on a priority scale, these were things that staff felt like they could do without for a budget year. He said another example would be the replacement of the leaf truck, as it was recommended to be replaced this year and could experience additional expenses for maintenance.

Mayor Pro Tempore Gray said that it was good for staff to give Council the details on the impacts of the proposed reductions.

Mayor Gilbert said that most of the cuts proposed by Council were for cuts.

Councilmember Zegerman said that some of the items proposed for reduction would create room for other things to go back into the budget. He said that if they shave

$100,000 off the governing body budget, then there may be items on the list that could be added back.

Councilmember Gantt asked if this would be targeting a final tax rate and then work back to that number.

Councilmember Killingsworth said that may be harder to do until they go through the Council change list.

Mayor Gilbert said the Town Clerk prepared the Governing Body's budget and it might be beneficial to hear the impact from him.

Town Clerk Coleman said that governing body budget is at the discretion of the elected body. He reminded the Mayor and Council that significant reductions had been proposed as part of the initial budget preparations from that which was "requested" vs that which was recommended. He said the example proposed of cutting $100,000.00 may be difficult as the overall Governing Body budget was small in comparison and may have significant impacts to items such as software licensing and even basic day-to-day operations. He said that the upcoming municipal election expense was the biggest increase in the year-over-year amounts.

Mayor Gilbert suggested the Council start with the proposed amendments as offered by various Council members and referenced the amendment list as distributed by the Town Clerk (*REF: OTHER-2025-045*).

Town Manager Vosburg said the first two items had already been addressed and were minor administrative errors as offered by Councilmember Zegerman.

Councilmember Zegerman asked if the digital expenditure and revenue charts and the updated financial policies were scheduled to be included in the upcoming draft budget document online. He said the financial policies had recently been amended

Interim Director Hoffman said they would be included.

Councilmember Zegerman said that the governing body budget could be cut in areas like meeting and event provisions, special programs, travel, training, and possibly printing. He said his justification was looking at the current fiscal year and noting those line items that saw a proposed increase.

Councilmember Mahaffey said that there were two approaches for this. He said there are some proposed amendments that are very specific and others that are general targeted dollar amounts for reductions.

Councilmember Killingsworth said that the more detailed description might be easier to fully understand and recommended the Council start with those detailed items first.

Councilmember Zegerman said that there may be reasonable places to cut, but he didn't want to be too prescriptive about items in the governing body budget. He said it might be wise to allow staff to identify the areas for reduction.

Councilmember Mahaffey said he thinks there could be cuts to meeting supplies and events budgets for the governing body, and it would be appropriate to do so given the current financial position of the Town. He said part of the discussion resolved around making reductions and this could be a place to start.

Mayor Pro Tempore Gray said that one item that stands out to look at is the amount for the facilitator for the team-building activity at the retreat, and suggested that the facilitator comes every other year. He said that it would cut $10,000.00. He said that meals could be cut, and computer placements could be put off another year, along with other things. He said these are small, but the symbolisms of these cuts are important. He said that he would like to give an $8,000 increase to the Police budget to give them the opportunity to purchase a gun safe for community members to store their firearms and ammunition for safety. He said that this is a small investment for a big payoff.

Mayor Gilbert said the concept and idea for offering a storage space has been explored and he liked the overarching goal. He said that in his experience as a law enforcement officer and in having discussions with other jurisdictions around the state, this proposal would subject the Town to potential liabilities. He said this concept needed to be vetted and explored more.

Mayor Pro Tempore Gray said that there are a lot of points to be discussed with this concept of the storage space for firearms.

Councilmember Gantt said he preferred to focus on just reductions first and that the additions could be discussed at the end once a total dollar amount had been determined for those reductions.

Mayor Pro Tempore Gray said that was fine for this item to be considered at the end with other additions.

Mayor Gilbert said the first on his list was Councilmember Mahaffey who had several reduction amendments proposed to the Governing Body's budget. He asked Councilmember Mahaffey to speak to his amendments.

Councilmember Mahaffey said that he's went through line items on the governing body budget, including Training and Travel, Meeting Events and Provisions, Community Outreach activities, and special programs. He said there are opportunities within each of those line items to trim down from a monetary perspective to still achieve the goals within them. He said his total reductions appear to be close to $100,000, but he also had a few increases which could be discussed in the next portion.

A **motion** was made by **Councilmember Killingsworth** to accept all of Councilmember Mahaffey's and Mayor Pro Tempore Gray's proposed reductions to the governing body budget.

Without receiving a second, the **MOTION FAILED**.

Town Clerk Coleman said that to clarify, the meeting and event provisions line item was not solely food and that this account also included meeting supplies such as pens, writing pads, frames for proclamations, equipment, etc. He said that it would be helpful to have an overall dollar amount as the reduction and possibly direct the Town Clerk to identify which items would be reduced to ensure minimal impact to the day-to-day operations.

Councilmember Zegerman proposed that the governing body budget be reduced by seventy five thousand dollars ($75,000) total, and for the Town Clerk to determine the specifics of what was cut.

Mayor Pro Tempore Gray said that he had concerns about the delayed hiring of the Government Relations position within the Town Clerk's Office as this was a priority item that had been discussed previously.

Councilmember Mahaffey said that was his item but that was under the Town Clerk Department not the Governing Body.

Councilmember Killingsworth said any item that directly related to the Town Clerk's Office would be discussed later and the focus was solely on the Governing Body's budget at this time.

A **motion** was made by **Councilmember Zegerman,** seconded by **Councilmember Mahaffey** to reduce the Governing Body's operating budget by seventy-five thousand dollars ($75,000) for fiscal year 2025-2026, and to direct the Town Clerk to determine the specifics of the reductions.

VOTE: (4-1), with Councilmember Gantt dissenting
MOTION PASSED.

Councilmember Gantt said that he saw a lot of these cuts as things that are done for the community, and he doesn't see the value in cutting that for what's overall a small savings.

Councilmember Zegerman said that this was something that may not be resolved at this time, but it is in the spirit of being more efficient as an organization. He asked staff to explore individual department costs that may lead to cost reductions, such as centralizing printing contracts instead of each department managing their own, streamlining documentation processes, reviewing telecommunications costs such as cell phone expenses and looking at the need for desk phones for every office since most meetings are now virtual. He said that a special projects team could be formed to help review this concept and that it could yield overall operational reductions or improve efficiencies. He said he also noticed that bank fees are something that appears to hit some of the larger departments.

Town Manager Vosburg said that in most cases it is an exception that staff have a desk phone because of the recent transition to Teams for voice and video calls. He said that he was aware of front desk reception areas typically have a physical phone. He said he would need to defer to Budget or Finance on the specifics related to bank fees.

Interim Director Hoffman said that for the upcoming year that the bank fees will be decreased by about twenty percent (20%). She said the current fiscal year experienced significant increases in bank fees since the Town's contract with their financial vendor (New World) had expired and the original discounted rate was no longer available to the Town. She said that caused a fifty percent (50%) increase in bank fees across all departments. She said that with the transition to Infor, the Town's new Enterprise Resource Program (ERP), town staff were anticipating a reduction in bank fees with the current proposed budget.

Councilmember Zegerman said that each line item didn't need to be looked at today but is there an opportunity for staff to research these. He said his request was for Town Staff to research efficiency opportunities and perhaps offer a report in the fall or during the next budget cycle.

Councilmember Gantt asked if departments had separate contracts for things like phone communications, copier printing, etc. or if the Town had a master contract and if costs were identified by department under the same contract.

Town Manager Vosburg said there were different nuances because most of the time charges are based on specific departmental usage.

Deputy Town Manager Purvis said the Information Technologies department, under Erika Sacco's leadership was charged annually with reviewing technology contracts and services to ensure duplicate efforts were reduced where possible. He said that when he started with the Town, the first project was to consolidate contracts and printing machines in an effort to identify redundancies and duplicative operational cost. He said that following this comprehensive review the number of printers and copies within a particular town facility was reduced by fifty percent (50%). He said a similar study was recently completed on Town phones and that the Budget team as well as others within his portfolio constantly reviewed ways to save each year.

Councilmember Zegerman said that some of the expenses may be perfectly justified, but he wanted to note that there were potential opportunities. He said another example was the Town's presence at Special Events, and the amount of giveaway items being given out. He said that this seems duplicative and potentially costly when you added in staff time.

Town Manager Vosburg said a new special projects team was being formed to review swag items and the current Town tents footprint, essentially what was needed and what could be consolidated. He said the new team would be called something similar to the Promotional Outreach Special Projects Team and they would be launched in the coming weeks.

Councilmember Mahaffey said some consolidation in special event efforts would make sense, since it was already a lot of time commitment for staff to be coming in for multiple events throughout the spring and summer.

Councilmember Zegerman said this next amendment was not an easy one to recommend but he felt as though it needed to be discussed. He said he appreciated staff's hard work and commitment to the Town, however, after a review of the private sector wage adjustments the Town seemed high. He recommended reducing the proposed total average staff salary increases from 5% to 4% to better align with private industry standards, reflecting the Town's tight budget but maintaining competitiveness with consideration of the total compensation package.

Councilmember Gantt asked how much money this would reduce the proposed budget by and if there was a dollar amount for impact.

Councilmember Zegerman said the proposed salary increases and personnel line items were spread across multiple departments and multiple funds so it would be had to identify a true dollar amount without staff research.

Town Manager Vosburg said that there were some nuances to that. He said that the market increases are distributed in July and any merit raise for employees were distributed in their first pay check in October. He said the total impact could be calculated if this proposal was of interest to the full governing body.

Mayor Gilbert asked what the average employee salary was for employees in the private sector based on the specific industry that Councilmember Zegerman had studied.

Councilmember Zegerman said this was a fair point and that the average salary wasn't included based on a particular industry, but rather just a general average increase based on the market generally. He said that he understood municipal employees were not the highest paid industry but that the overall compensation package was very good in comparison to the private sector. He said the Town of Apex offers a very competitive overall compensation package and he was weighing this in addition to salaries when comparing results.

Mayor Gilbert said that as the Chair of the Council's Personnel Committee, regular wage increases and comprehensive benefits packages are all ways for the elected body to illustrate to Town employees they were important and appreciated. He said wage and benefits are also imp important when the Town's Human Resources Department is looking to recruit and retain high performing talent to our Town. He said he hoped that that his colleagues agreed with him and continued the effort to take care of staff as a town. He said that their was already an issue with Town staff being able to afford to reside in the Town's corporate limits and reducing the wage increases with further increase the disparity.

Councilmember Zegerman said his recommendation was not to reduce any of the Town's current benefits or overall compensation package but rather reduce the potential top tier bracket for raises to be in alignment with the private sector.

Councilmember Killingsworth said that Apex has a great staff for a reason, and it isn't getting any cheaper to live in Apex. She recommended keeping the average budgeted total for salary increases the same and looking for other ways to make cuts.

Councilmember Mahaffey said he didn't feel like their was enough information to make an informed decision when it related to staff increases. He said that the North Carolina League of Municipalities annually conducted a wage and market survey for municipalities across the state to help determine project budgets. He said that based on what he saw in the survey results most municipalities were offering an average salary increase of five percent (5%) increase and Apex was in line with that survey. He said the Town of Cary has proposed three percent (3%) and Wake County has proposed one and a half percent (1.5%) in terms of staff wage increases and recommended the delay of this discussion until more municipalities had released their budgets and what they are proposing as it relates to staff benefits and increases.

Mayor Gilbert said Apex is not like other towns in Wake County.

Town Manager Vosburg said the impact of Councilmember Zegerman's proposed change would be about $500,000 to $600,000.

Councilmember Gantt asked that if that amount was per percentage.

Town Manager Vosburg said yes and across all funds.

Mayor Pro Tempore Gray said that it was a misguided statement to say it is five-percent (5%) increase for everybody. He said for a number of years the Town has been behind the market as it relates to employee compensation and that it was appropriate to pay a premium for excellent talent.

Councilmember Killingsworth said that during her time on the Council many items have been either defunded or underfunded and it has taken years to correct this behavior. She said it has felt like a catch up of sorts and always feeling like the Town was behind on many initiatives and projects and the Council had worked hard to move the needle on these efforts in the most recent years. She said that she has concerns about reductions with historically being behind for so long.

Councilmember Gantt said that there is still an income gap between residents and municipal employees.

Councilmember Killingsworth said that Apex is always playing catch-up on Affordable Housing, and she had recommended a quarter cent or a half cent increase to address some of the housing needs and ensure that the Affordable Housing funds were not depleted. She wanted to note that, even though they had voted to only consider tax decreases from the recommended budget.

Councilmember Gantt asked what a penny on the tax rate was equivalent to dollars.

Town Manager Vosburg said one penny represented approximately two million dollars.

Mayor Pro Tempore Gray said this item was discussed briefly a little bit earlier but this was a low item in terms of cost but with a high reward and reminded everyone that this would essentially offer authorization for the Police Department to start a firearms locker program. He said there may be some liability concerns, but the Council could explore those with the Town Attorney and determine how to manage that.

Councilmember Killingsworth said she recalls gunlocks being given out by the Police Department at one of the festivals in the past, and something like that might be an alternative to consider as part of this motion.

Councilmember Zegerman said that Wake County Schools has a program that gives out gun locks.

Town Attorney Laurie Hohe said the Wake County Sherriff's Office did as well.

Mayor Gilbert said that he supported the intent behind the idea of safety but there are practical considerations, and more discussion needs to be had on the logistical pieces that come the management of this program. He said Council need more research on the requirements and liabilities of something like this before determining if this program should be included in the upcoming budget.

Town Attorney Hohe agreed that more research would be needed in order to effectively and efficiently manage a program of this type.

Town Manager Vosburg said that they could add a placeholder amount into the budget for something like a gun safety program if Council so desired but he wanted to level set that the council was now moving to a place of increases which was different than where they had started.

Town Manager Vosburg said that Council had already directed the Town Clerk to make seventy-five thousand ($75,000) in budget reductions. He said this amount could be the total they work through with their increases. He said if the total amount of increases aligns with the reductions no additional items would need to be addressed.

Mayor Pro Tempore Gray asked about development fees and why they are not more in general. He said the Town had many development related applications

Town Manager Vosburg asked if anyone on the team wanted to speak to development related fees.

Planning Director Dianne Khin said that Apex did not want to be the highest, as it would be prohibitive for development. She said that annually staff reviewed fees as part of the budget process and that staff had proposed increases over the years as deemed appropriate.

Councilmember Zegerman asked what is high fee compared to other municipalities.

Director Khin said it depends on the municipality and the associated fee.

Councilmember Killingsworth asked what development process takes the most time and effort of staff.

Director Khin said Planned Unit Developments (PUD) applications take the most amount of review time out of any other development submittals.

Councilmember Killingsworth said that those fees should be increased.

Councilmember Gantt asked if there were any statutes related to how municipalities charge for fees.

Town Attorney Hohe said that there were some related statutes to fees. She said some have requirements related to proportionality and the rationale nexus not exceeding certain costs.

Councilmember Killingsworth asked how many PUD submittals were received on average and if an increase in the fee would have a significant impact.

Director Khin said that all PUD submittals were ultimately sent to the Town Council for approval and so far this year that was approximately fifteen (15) or so.

Councilmember Killingsworth said this was not a huge revenue driver based on the number of submittals.

Town Manager Vosburg said Town fees can be amended and adopted at any time and staff could review fees on rolling basis. He said that any amendments to the fee schedule would be present to the Council for adoption.

Councilmember Killingsworth said that she would like development fees to be reviewed more closely and for staff to consider increasing the fees that require a significant amount of staff time to review and process.

Town Manager Vosburg asked if everyone was ok with the fees as proposed but with future guidance of looking at the increases listed.

Councilmember Zegerman said yes, with the exception of the rates effecting residents such as rental rates, etc.

Councilmember Mahaffey said that he submitted a proposal to cut the tech hardware accessories budget by another $2,000.00.

Councilmember Killingsworth asked what real items would be cut.

Town Clerk Coleman said that it would include some meeting space software and technology improvements.

Councilmember Killingsworth said that it did not sound like a good idea to cut the budget for accessibility.

Councilmember Mahaffey suggested asking Town Clerk Coleman to find an $2,000.00 in the budget to get the budget for the Town Clerk budget to be less than flat.

Mayor Pro Tempore Gray said that this may not be a reasonable cut and may reduce service to the residents. He said two thousand ($2,000) seemed like a small number in the overall town's budget and he did not understand the full intent behind this one-line item decrease.

Councilmember Gantt said that he was inclined to agree as residents had become used to a certain level of service and he didn't want this decision to create a negative impact.

Town Clerk Coleman said that looking at year-over-year budget differential was essentially several hundred dollars and that significant decreases had been achieved through prior reduction processes.

Councilmember Zegerman said he appreciated the intent behind recommending reduction but it seemed a little harsh and unfair to single out the Clerk's Office when other Town departments saw a much larger increase year over year. He said it would make sense to review each department and offer a recommended reduction percentage across the board than to single out one department.

Councilmember Mahaffey said the Town Council has three direct employees and the Town Clerk was one of them. He said that was the main reason for selecting the Town Clerk's Office vs any other department that may report through the Town Manager. He said he previously recommended in the Finance Committee meeting that all three departments, including the Town Manager and Town Attorney also reduce their budgets to match the year-over-year actuals.

Mayor Gilbert said it sounds like this is not moving forward so the discussion could continue with the next item.

Councilmember Mahaffey made a recommendation to delay the hiring of the Government Relations Manager in the Town Clerk's Office for six months until January 1, 2026 for additional salary savings. He said that the Federal Lobbyist contract was proposed as a reduction from the budget so it made sense to delay this position as well.

Councilmember Zegerman asked if this position would offset the State Lobbyist cost.

Councilmember Mahaffey said he would defer to the Town Clerk but that the State Lobbyist was contracted and this position was a Town employee reporting to the Town Clerk.

Councilmember Gantt asked Town Clerk Coleman about this position.

Town Clerk Coleman said that this was not a new position and is already funded position which was included in the staffing plan. He said this position is intended to advance the legislative priorities of the Town and the Town Council and some of the specific work assignments would include working with internal Town departments to centralize legislative efforts, state and federal reporting, and manage the community investment grants award to

the Town at the state and federal level. He said the grant awards were subject to approval from the North Carolina General Assembly (State) and US Congress (Federal) and that, if awarded, those projects would offset a significant amount of funding for this position and even the lobbyist contracts. He said the Town had previously secured federal funding and this position would work with various Town departments, the Lobbyist, etc. to ensure Apex was well represented and positioned for success.

Councilmember Killingsworth said that having this position, especially with federal funding being reduced in various areas, is important to have at the State level and to increase our presence. She said the Council has directed a greater emphasis to government relations and she would like to see these efforts move forward.

Councilmember Gantt asked if the position would be assisting at the County level as well.

Town Clerk Coleman said yes, this position would work to secure any available state, federal, or county funding program available that the Town might qualify for. He said the position was currently being reclassified and the plan was to have this person on board in July when the new budget year starts.

Mayor Pro-Tempore Gray said the Government Relations Manager position was already funded and authorized.

Councilmember Killingsworth said that she thinks this position will pay for itself.

Councilmember Mahaffey said his primary reason for delaying the hiring of this position was because the legislative session was wrapping up. He said his proposal was to delay advertisement of the position until November or December for a hire date of January 1st. He said it would line up better with the next State Legislative Sessions.

Councilmember Zegerman asked Town Clerk Coleman what this position would be doing over the next six months while the state legislative session was wrapping up and what the delay would do to the original plan.

Town Clerk Coleman said that historically the session has not wrapped up in June or July in a while. He said the trend shows the session is likely to go through October or November. He said the Governor and the Senate chamber have released their budget but the House is not expected to release their budget until the middle to end of the month. He said their will be a lot of pre-meetings with staff and local elected leaders that would be considered pre-work and this pre-work was critical to understanding the Town's legislative priorities and officials.

Councilmember Zegerman asked what is different from what the lobbyist is doing verses this position. He said he understood their was a need but wanted to clearly understand the difference between the two positions.

Town Clerk Coleman said that the Government Relations Manager position would be on site in Apex and the Lobbyist would be onsite at the General Assembly. He said the primary role of the Government Relations Manager is to centralize the collection of data for various pieces of legislation and to provide a clear pathway for the lobbyist. He said his hope was this position would position Apex to be more proactive in their efforts and that he hoped

to have a blog or outreach of sorts to ensure residents were also updated on the legislative priorities of the Town.

Town Clerk Coleman said that many times over the years he has had to react quickly to tight timelines for specific community funding awards and this position will ensure all those data metrics and resources were maintained so that they could be leveraged when needed.

Councilmember Zegerman asked how the data was collected and provided today.

Town Clerk Coleman said data and resources were collected and provided by him.

Mayor Pro Tempore Gray said that he has some concerns about the delay of hiring this critical position. He said that if the position is filled in January for a session that starts in March, that is only a two-month window to get up to speed and figure out what they can contribute. He said the person in this position needs to have time to develop a strategy and that he was leaning towards not delaying the position to allow for a six-month lead time to development strategies, get to know the Apex landscape, build partnerships, etc.

Councilmember Zegerman asked what the net savings would be if the position was delayed.

Town Clerk Coleman said the position was currently being reclassified and that the numbers would vary based on the hired salary.

Interim Director Hoffman said that as it stands with the current classification half the position would equal approximately sixty-five thousand ($65,000) in savings if the position was delayed until January 1, 2026.

Councilmember Mahaffey said that other departments had delayed the hiring of positions and it was not uncommon to delay a position. He said that currently on the screen a position of Assistant Director position in the Parks and Recreation Department was being proposed as a delay.

A **motion** was made by **Councilmember Mahaffey,** seconded by **Councilmember Zegerman,** to delay the hiring of the Government Relations Manager in the Town Clerk's Office until January 1, 2026.

VOTE: (2-3), with Councilmember Gantt, Councilmember Killingsworth, and Mayor Pro Tempore Gray dissenting.

MOTION FAILED.

Councilmember Zegerman asked if the discussion should move to the increases.

Town Manager Vosburg said there were five proposed increases that needed to be discussed.

Councilmember Gantt said a motion needed to be made to set the tax rate verse since the previous motion seemed to conflict with any increases.

A **motion** was made by **Councilmember Mahaffey,** seconded by **Councilmember Zegerman,** to set the tax rate for fiscal year 2025-2026 at 0.0356 cents.

Councilmember Zegerman said that the proposed tax rate of 0.0356 cents was nine cents decrease from the Manager's Recommended Budget and would limit the overall tax increase to only the voter approved bond.

Councilmember Gantt said he did not support delaying the annual pavement maintenance because road issues only increased over time. He said he understood the Director's comments earlier but he was not supportive of this reduction.

Councilmember Zegerman said that the Director previously mentioned that his staff had a plan over the next several years to increase this area of productivity. He said it seemed that a plan was needed first before additional resources should be allocated.

Councilmember Gantt said he thinks it will just get more expensive to not address now, similar to capital projects.

Following discussion, **Mayor Gilbert** reminded members of Council that a motion and a second were already on the table and it was time for the vote.

VOTE: (3-2), with Councilmember Killingsworth and Councilmember Gantt dissenting.

MOTION PASSED.

Councilmember Killingsworth said the next increase item that needed to be addressed was the tax rate increase dedicated to Affordable Housing. She said she submitted as part of her requested amendments to increase the tax rate by either a quarter cent of half cent to specifically address affordable housing needs. She said the Affordable Housing Fund needs to be prepared to fund projects when the opportunity is presented and that if no future investments are made of significance the fund would be depleted quickly.

Councilmember Gantt asked if she had a preference on the tax rate increase.

Councilmember Killingsworth said she was open to either but hoped that her colleagues could support a half cent increase dedicated to affordable housing.

A **motion** made by **Councilmember Killingsworth**, to increase the tax rate by a half cent and dedicating it to the Affordable Housing Fund.

Without a second, the **MOTION FAILED.**

Councilmember Zegerman said over the past few years, Apex has made significant strides in Affordable Housing, and shares frustration in not being able to address those needs fully. He said economic times are difficult for everyone right now and the Town had spent a lot of time dedicated to balancing the budget and making reductions. He said it didn't seem appropriate to add an increase to the tax rate and he would prefer to absorb this increase within the existing budget.

Councilmember Killingsworth said she will not be on the Town Council next year to advocate for Affordable Housing efforts and hoped that another member of Council would take her place in this advocacy effort.

Mayor Pro Tempore Gray said there are lots of projects to spend money on and their needed to be a prioritization mechanism. He said that Affordable Housing was a priority for all members of the governing body but that a strategy needed to be explored given the budget constraints.

Town Manager Vosburg said staff is currently involved in identifying long-term investments as it relates to Affordable Housing and trying to identify opportunities to increase funds and tackle larger projects.

Community Development and Neighborhood Connections Director Marla Newman said that Apex Cares was increased and homeownership initiatives are in progress. She said that several other projects would be forthcoming that in the next several weeks on this effort.

Town Manager Vosburg said that housing funds would have been depleted had the funds not been allocated to supplement these purchases and it would have been a much different situation.

Councilmember Mahaffey said that Apex could become a Community Development Block Grant (CDBG) entitlement community so that Apex would receive Federal funds directly rather than through Wake County. He said that the Town of Cary and Wake County were considered entitlement communities and they received funds directly from CDBG verses flowing through the County.

Town Manager Vosburg said that there were some obstacles to this as he understood it and deferred the item to Assistant Town Manager Demetria John.

Assistant Town Manager John said that she believed the amount of funding from Wake County was less than what Apex may receive as a direct grantee. She said that the County asked if the Town would consider renewing but that a three-year commitment would be required and a significant amount of administrative responsibilities would need to be absorbed internally. She said that following a thorough review of both options from staff the recommendation was to not move forward with becoming an entitlement community right now. She said the Town has initiated CDBG funding agreement with Wake County for now and said this could be explored in the future.

Director Newman said there were a significant amount of costs associated with becoming an entitlement community, and her team felt it was best for now to go through Wake County.

Assistant Director John said there was also lots of uncertainty regarding these programs at the federal level.

Discussion ensured regarding various Federal Housing Funding Programs between councilmembers and Town staff.

Mayor Gilbert said this was very informative discussion.

Mayor Pro-Tempore Gray said the next item was related to the gun safety program that was discussed earlier.

Town Manager Vosburg asked if there was a commitment to a program idea and a dollar amount for the firearm concept.

Councilmember Killingsworth said that there could be a special project team lead by the Police Department to look into this further. She said she liked the concept but needed more information to fully understand how this program would work.

Town Manager Vosburg said that the Police Department would look at options but asked for clarity if Council is asking to look at gun safety programs or look at implementing a specific program. He said if Council wanted to staff to earmark a specific amount they could for this type of initiative and program they could.

Mayor Pro Tempore Gray said that it would be good to include it in the budget for planning purposes and if it's not feasible then the money goes back into the fund balance.

Councilmember Zegerman asked how the $8,000.00 was derived.

Mayor Pro Tempore Gray said he had informal conversations with several gun manufacturers that do this on a regular basis and he felt like this option was the cheapest as this was a starter program.

A **motion** was made by **Mayor Pro Tempore Gray,** seconded by **Councilmember Mahaffey,** to include $8,000 in the budget for a gun safety program, and to direct staff to look at different options for specific programs and the implementation of said programs.

VOTE: (4-1), with Councilmember Gantt dissenting.

MOTION PASSED.

Councilmember Mahaffey said the Wake County Board of Elections recently voted on their early voting schedule for the upcoming municipal election and he was hopeful the originally quoted numbers would be decreased. He said he requested the Town Clerk to investigate and the totals had actually increased. He said the purpose of this amendment was to clearly reflect the anticipated cost of the municipal election expenses. He said election expenses have increased over the years and that part of the significant increase was when the City of Raleigh went from odd-year elections to even years. He said the Town Council has ranked even year elections as one of their top priorities in the budget prioritization exercise.

Councilmember Gantt said that he had seen estimates in the past for elections and he expected the early voting and actual municipal day election expenses to be about half.

Town Clerk Coleman said that the initial estimate was $80,000 for early voting and $120,000 for the actual municipal election date. He said he previously requested a listing of all expenditure types that added up to these totals and that had been provided to the governing body.

Councilmember Gantt asked about the process for moving to even year elections.

Councilmember Mahaffey said that there were several different ways but ultimately the General Assembly of North Carolina would need to approve it. He said there are several municipalities across the state that have proposed to move to even year elections in this legislative session. He said the Town Clerk would need to work with the Town's lobbyist to

secure a piece of legislation in order to move this item forward but that was a general overview.

Councilmember Zegerman said the $15,000 in election expenses seemed to be a non-negotiable if the Town Council was committed to serving as an early voting site. He said this seemed to be more of a procedural amendment.

Town Clerk Coleman said he could explain the rationale behind the increase. He said that according to the Board of Elections Office, one of Wake County's smaller municipalities could no longer afford the cost of early voting and dropped out for this year. He said that increased the Town of Apex's cost share by approximately $17,000 but that an additional precinct was added which slightly reduced the impact of the increase. He said the proposed $15,000 total increase was an average and that the actual invoice would come in December or January.

A **motion** was made by **Councilmember Mahaffey,** seconded by **Mayor Pro Tempore Gray,** to increase the Governing Body's Election Expenditure line item by fifteen thousand dollars ($15,000) for a grand total of $215,000 in the fiscal year 2025-2026 Governing Body's budget.

VOTE: UNANIMOUS (5-0)
MOTION PASSED.

Councilmember Mahaffey said that he went through the budget and there were projects that are worthy of being funded. He said that one was investing in Smart City Technology. He said this amendment proposed increase the Information Technologies operating budget by $15,000.

Councilmember Zegerman said that this would support smart city automation, reduce labor-intensive tasks and increase efficiency. He asked if there was a potential in savings with automation.

Town Manager Vosburg said that he thought there was a potential for offsetting the budget, but a lot of this is cost avoidance. He added that if Council voted to include this and the next option, there would be around an $18,000 gap in the budget with the adjustments they've made. He said he was seeing head nodding so staff would figure out the offsetting items.

A **motion** was made **Councilmember Mahaffey**, seconded by **Mayor Pro Tempore Gray** to increase the operating budget for the Information Technology department by $15,000.00 to support Smart City Technology.

VOTE: (5-0) UNANIMOUS
MOTION PASSED.

Councilmember Mahaffey said the other project to consider was the Cricket Batting Cage project. He said that it was a low-cost capital project that would have a significant community impact.

A **motion** was made by **Councilmember Mahaffey,** seconded by **Mayor Pro Tempore Gray,** to include $55,000 in the budget to fund the Cricket Batting Cage.

Councilmember Zegerman said that he would like to advocate for the public safety drone program since this was approximately $50,000 dollars. He said both initiatives seemed worthy but between Public Safety and Parks and Recreation, he felt like public safety was a higher priority.

Mayor Pro Tempore Gray said both programs are valuable.

Town Manager Vosburg said that the Drone Program was still in the budget but the program was a reduced program implementation based on the tax rate decision. He said Town staff had prioritized their reductions and that he has met with the Mayor and other community members about the cricket battling cage. He said that based on the budget survey, the community strongly supported the Cricket Batting Cage project.

VOTE: (3-2), with Councilmember Killingsworth and Councilmember Zegerman dissenting.

MOTION PASSED.

Town Manager Vosburg said the discussion had been fruitful and the next steps in the budget process was to hold a public hearing on Tuesday, May 27, 2025. He said that absent any additional discussion or request the budget could be adopted on May 27, 2025, if that is the desire of the Town Council. He asked if there were any items that needed to be addressed before the budget work session concluded.

Councilmember Mahaffey asked if there would be communication from the Town Manager's Office to the public about the draft and the proposed changes.

Town Manager Vosburg said all amendments would be published online using the spreadsheet that was provided at the meeting by the Town Clerk unless there was another preference.

Councilmember Mahaffey said that a formalized memo would be preferred that gives members of the public a clear path on what the proposed changes were. He said meeting minutes could also be referenced but those might be a little bit longer before being readily available.

Town Manager Vosburg said that the team could put together a memo and publish to the website.

Interim Director Hoffman said that the revised Manager's Recommended Budget would be updated online on Friday, May 16. She said this would assist with referencing the correct totals and fund amounts that would be published in the public hearing notice. She

said the Communications department was working to include a billing insert to advertise this notice and the Town Clerk would advertise this notice in the Newspaper and other outlets.

Deputy Town Manager Purvis that staff would put together a memo that summarizes the proposed changes similar to the Manager's Message that is included in the budget document.

Mayor Gilbert said he appreciated all the Town staff that were present for the budget work session and all the hard work that taken place thus far.

Mayor Gilbert adjourned the meeting at **4:07 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 May 27, 2025 (CN1).

APPROVED MEETING MINUTES

TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, MAY 13, 2025
6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, May 13th, 2025 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=yF98vo0t_tE

[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.** He welcomed all who were in attendance and watching via the Town's Youtube Channel (livestream) and then took a moment of silence.

Mayor Gilbert recognized Information Technology Specialist Yunjun Jung's birthday, and then led those in attendance in the Pledge of Allegiance.

[CONSENT AGENDA]

Mayor Gilbert noted that on Consent Item 1, the applicant had requested a delay of the Public Hearing until June 24th, 2025

A **motion** was made by **Mayor Pro Tempore Gray,** seconded by **Councilmember Killingsworth,** to approve the Consent Agenda, with the delay of the Public Hearing for Consent Item 1 until June 24th, 2025.

VOTE: UNANIMOUS (5-0)

CN1 Annexation No. 790 - Lawrence Property PUD - Olive Chapel Road - 37.98 acres (REF: RES-2025-020, RES-2025-021, and OTHER-2025-037)

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 24, 2025, on the Question of Annexation - Apex Town Council's intent to annex 37.98 acres project entitled Lawrence Property PUD, and located on Olive Chapel Road, Annexation No. 790, into the Town Corporate limits.

CN2 Annexation No. 793 - New Hill Commons PUD - 40.72 acres (REF: RES-2025-022, RES-2025-023, and OTHER-2025-038)

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 27, 2025, on the Question of Annexation - Apex Town Council's intent to annex 40.72 acres project entitled New Hill Commons PUD, Annexation No. 793, into the Town Corporate limits.

CN3 Annexation No. 794 - Grace Christian School - 308 Thorn Hollow Drive - 63.50 acres (REF: RES-2025-024, RES-2025-025, and OTHER-2025-039)

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 27, 2025, on the Question of Annexation - Apex Town Council's intent to annex 63.50 acres project entitled Grace Christian School, located at 308 Thorn Hollow Drive, Annexation No. 794, into the Town Corporate limits.

CN4 Annexation No. 795 - Courtyards on Wimberly - Wimberly Road - 23.979 acres (REF: RES-2025-026, RES-2025-027, and OTHER-2025-040)

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 May 27, 2025, on the Question of Annexation - Apex Town Council's intent to annex 23.979 acres project entitled Courtyards on Wimberly, located on Wimberly Road, Annexation No. 795, into the Town Corporate limits.

CN5 Council Meeting Minutes – Various

Council voted to approve Meeting Minutes from the following meetings:

April 8, 2025 – Regular Town Council Meeting Minutes

April 15, 2025 - Town Council Work Session Minutes

April 22, 2025 - Regular Town Council Meeting Minutes

CN6 Encroachment Agreement - 2528 Gold Hill Court, New Hill NC (REF: CONT-2025-118)

Council voted to approve an Encroachment Agreement between the Town of Apex and property owners, Prakash Munirajulu and spouse, Nirmala Narasimha, for a concrete driveway that will encroach 112 square feet (SF) onto the Public Sanitary Sewer Easement and authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN7 Multi-Year Agreement - Wake County and Town of Apex - Municipal Fire Protection - July 1, 2025 through June 30, 2028 (REF: CONT-2025-119)

Council voted to approve a multi-year agreement between the Town of Apex and Wake County, effective July 1, 2025 through June 30, 2028, to provide Fire Protection Services in the unincorporated areas of the district (Hipex District) and authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN8 Ordinance Amendment - Chapter 14 Offenses and Miscellaneous Provisions, Article I - Establish Social District - Downtown Apex REF: ORD-2025-028 and PLCY-2025-006)

Council voted to adopt an ordinance establishing a Social District in Downtown Apex, effective June 07, 2025

CN9 Property Acquisition - 8421 Humie Olive Road - 1.81 acres (REF: CONT-2025-120)

Council voted to approve the acquisition of property located at 8421 Humie Olive Road in Apex, North Carolina, for a purchase price of $437,410.00, to authorize the Town Attorney and Town Manager to make minor modifications to the Offer to Purchase and Contract not affecting the cost or acreage, and authorize the Town Manager or their designee to execute the Offer to Purchase and Contract and execute any other associated legal documents related to this acquisition.

CN10 Tax Report – March 2025 (REF: OTHER-2025-041)

Council voted to approve the Apex Tax Report dated April 10, 2025.

[UPDATES BY TOWN MANAGER]

Town Manager Vosburg gave an update on the following items:

- **Police Week** – May 11th – 17th is designated Police wee and a formal proclamation will follow.
- **Memorial Day Closures** – Town Hall will be closed on May 26 in observance of Memorial Day and for more information on other Town services residents can visit the Town's website.
- **Peak Academy Attendance** – He welcomed the members of the Peak Academy attending the meeting.
- **Utility Billing Disruption** – the vendor for the utility bill printing and mailing stopped operations on Friday, and the vendor was acquired by another company. The Town is actively working with them and considering other vendors to help with the situation. Residents are encouraged to register on the eSuite portal to view bills online, this has not been affected. Residents that use paper bills can contact the Town for help accessing their billing information. There will be more updates to come as the utility billing vendor transitions move forward.

[REGULAR MEETING AGENDA]

Mayor Gilbert noted there was a request to add a Presentation 7 and to add an item for Closed Session.

A **motion** was made by **Councilmember Gantt**, seconded by **Councilmember Zegerman** to approve the Regular Meeting Agenda with the addition of Presentation 7 and an additional Closed Session item.

VOTE: UNANIMOUS (5-0)

[PRESENTATIONS]

PR1 Apex Public School Foundation - Quarterly Peak S.T.A.R. Awards - 3rd Quarter

Councilmember Mahaffey spoke about the award and partnering with the Apex Public School Foundation who help administer the award. He introduced Daine Talley from Apex Public School Foundation and asked her to speak about the foundation and to introduce the awardee.

Ms. Talley, Chair of the Teacher Grant Committee spoke on supporting the 19 local area schools and the grant programs. She said there were 14 grants totaling nearly $27,000 given out this year given from donations of local Apex Businesses and the community. She said that the second program was Staff Recognition where each week they give a shout out to teachers based on recommendations from the principals and once a quarter those nominated teachers are evaluated against the mission to increase student engagement to have inclusive programs and increase learning. She announced the winning teacher, Stephanie Chase, a third-grade teacher, and gave information about Ms. Chase.

Member Mahaffey invited Ms. Chase up to receive the proclamation and take pictures.

Ms. Chase said she loved her job and her team.

PR2 Prestigious Peak Service Recognition

Mayor Gilbert invited Tim Herman, Fire Chief, to talk about the presentation.

Chief Herman read about the event that took place for this proclamation. He said that on March 30th, 2025, Mr. Alex Spori suffered a cardiac arrest at Pleasant Park, and he spoke on all of the emergency measures that were taken to save this resident by civilians. He called Assistant Chief David Dague and Captain Howard Miles to assist in recognizing the group for their efforts in saving a life. He invited the Town employees who assisted to accept the award; Miguel Arguello, Zachary Brown, Rachel Clark, Michaels Parker and Alyssa Williams to accept the award and take pictures. He handed out a challenge coin to each.

Mayor Gilbert said that this is truly what Apex represents. He read the Prestigious Peak Service Recognition award. He asked the Councilmembers to assist with presenting the awards.

PR3 Proclamation - Asian American, Native Hawaiian, and Pacific Islander Month - May 2025 (REF: PRO-2025-020)

Mayor Gilbert, along with the rest of the Town Council, read the Proclamation Asian American, Native Hawaiian, and Pacific Islander Month - May 2025. He invited members of the Food Lounge NCRTP; Lili Liu, Director, Raina Zhou, VP of Fundraising and Joshua Li, Secretary, to accept the proclamation and take a picture.

Lili Liu spoke about the Food Lounge in CRTP and some background and history on the organization. She spoke about donations that the organization has made to school districts.

Joshua Li said that they were ecstatic to be here.

Raina Zhou said that they were very honored to be here. She said that the group adopted Apex Greenway and has done fabulous work in the Town of Apex and other work.

PR4 Proclamation - National Police Week and Peace Officer's Memorial Day 2025 - Sunday May 11 through Saturday May 17, 2025 (REF: PRO-2025-021)

Mayor Gilbert, along with the rest of the Town Council, read the Proclamation National Police Week and Peace Officer's Memorial Day 2025 - Sunday May 11 through Saturday May 17, 2025. He invited all members of the Apex Police Department in attendance to accept the proclamation and take pictures.

ADDED AT THE MEETING - Proclamation – 56th Municipal Clerk's Week

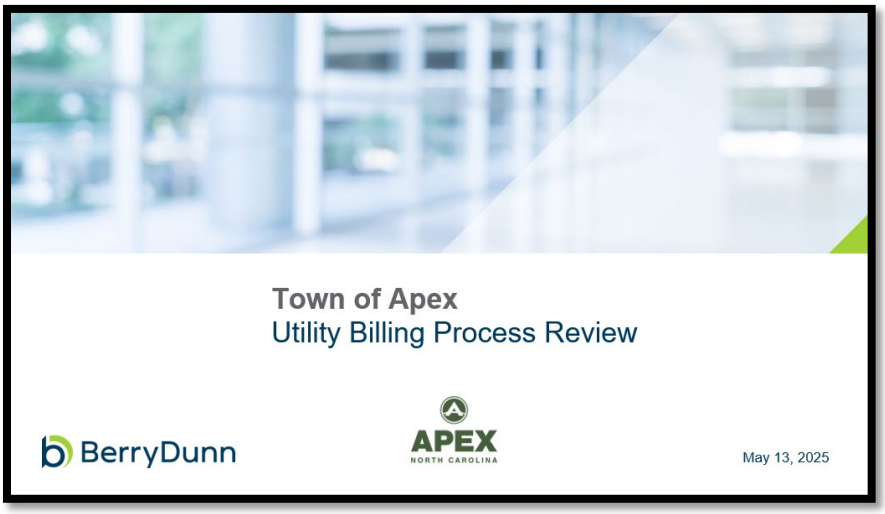
Mayor Gilbert, along with the rest of the Town Council, read the surprise Proclamation for the 56th Annual Professional Municipal Clerks Week and invited the Town Clerk Allen Coleman and Deputy Town Clerk Ashley Gentry to receive the proclamation and take pictures.

PR5 Utility Billing Third Party Review Update

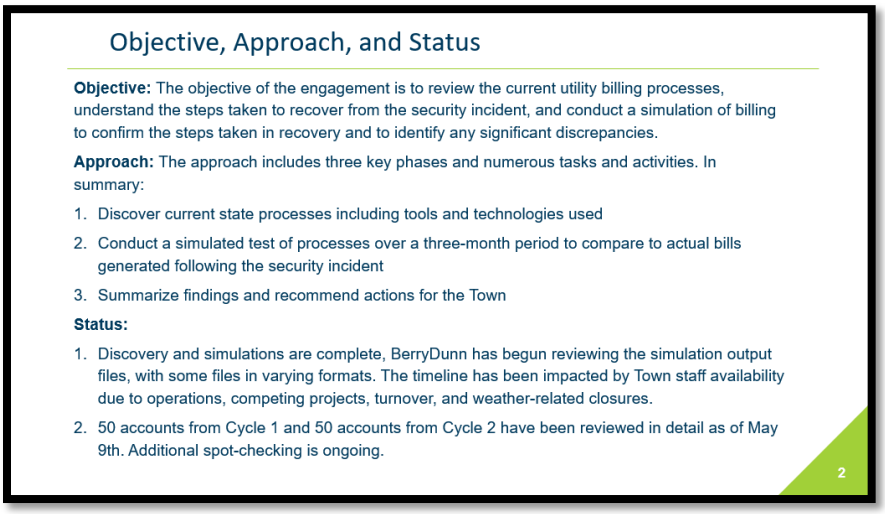
Town Manager Vosburg gave information on the process of the Utility Billing and invited Project Manager, Berry Dunn McNeil and Parker, LLC to give a presentation.

Mr. Hedstrom introduced Sheree Ladner and then gave the following presentation:

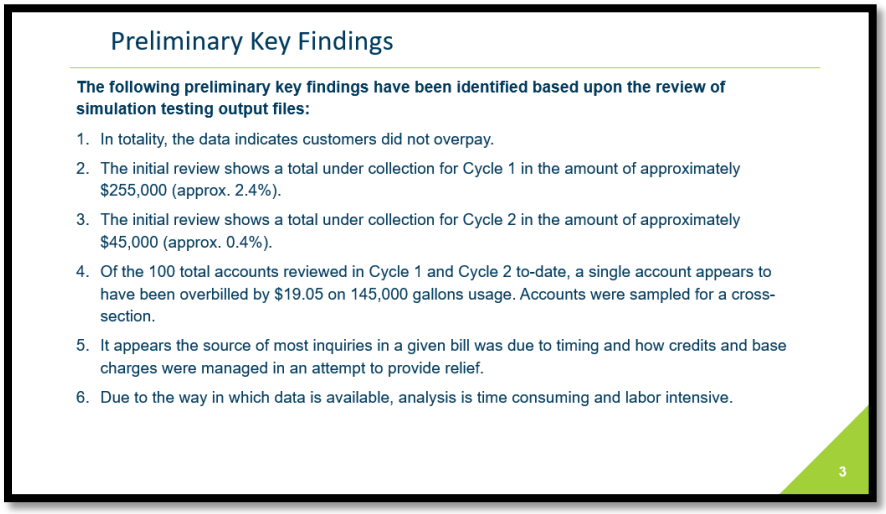
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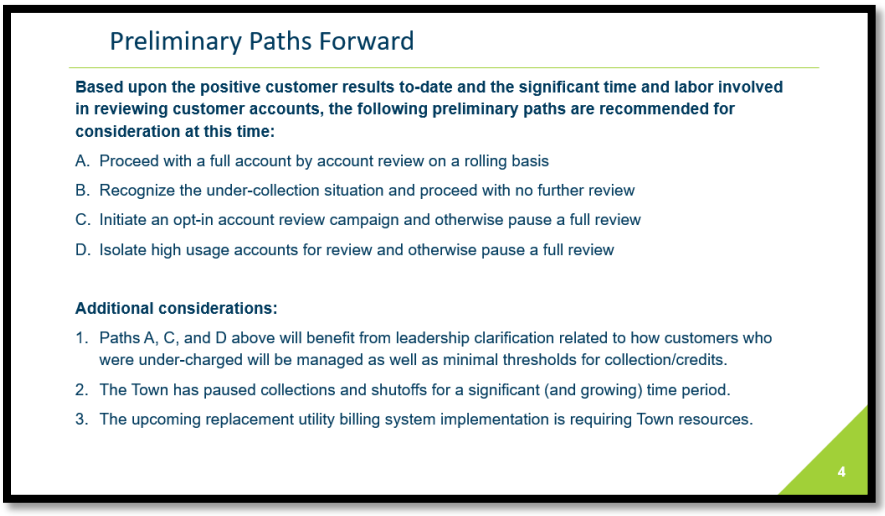
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Town Manager Vosburg said that just to clarify, the entire system has been analyzed but the in-depth account was done on 100 accounts.

Mr. Hedstrom said that it was correct. A complete analysis was done on the system as a whole, and the town had under collected. The detailed review was done on 100 accounts.

Councilmember Zegerman asked to clarify that the numbers mentioned is on the entire system not the subset of 100 accounts.

Mr. Hedstrom said that was correct.

Mayor Gilbert thanked Mr. Hedstrom for moving his schedule around to be able to come. He asked about the amount of time that this took, stating that it was scheduled for completion on February 28th.

Mr. Hedstrom said that there were several factors but the largest was competing priorities with Town Staff and their time, also leadership turnover, some weather delays and fieldwork were some of the contributing factors.

Mayor Gilbert said that he wanted the community to hear that due to some questions that have been raised. He asked what the time period of analyzing the data.

Ms. Ladner said for cycle 2 it was a 2-month period and cycle 3 was a 3-month period. She said that they also looked back at May and October and into last year's averages.

Mayor Gilbert said that there had been lots of questions about this. He gave examples of some of the questions and would like a deeper analysis to be done. He asked if the staff that was spoken to about any unusual bills.

Mr. Hedstrom said that to their knowledge they spoke to all of the staff and that they did point out those questions.

Mayor Gilbert asked if they were asked specifically about noticing unusual bills.

Ms. Ladner said yes that they were asked this question.

Mayor Pro Tempore Gray asked if a scenario where there is a discrepancy in a billed amount is a usual possibility on accounts with large consumption, even outside of the cyberattack scenario.

Mr. Hedstrom said no, because they should have been charged 19 dollars less based on their actual consumption.

Mayor Pro Tempore Gray asked if the $255,000 was what failed to be collected.

Mr. Hedstrom said in that particular cycle, yes.

Mayor Pro Tempore Gray asked if there were other analysis done, would there be additional cycles that were under collected.

Mr. Hedstrom said that there are four cycles, and one is just town accounts, one is stormwater, and the other under collected by 47,000 the others are the material ones.

Mayor Pro Tempore Gray said that with $300,000 is under collection, it was a question of whether they collected it or wrote it off. He said that assuming that there are residents that are not paying because they do not trust the billing system, he asked if that had been accounted for.

Mr. Hedstrom said that the data would not show that.

Mayor Pro Tempore Gray asked about individual accounts to be analyzed as requested.

Town Manager Vosburg said there had been internal analyzing and was separate from what Mr. Hedstrom's office had done. He gave information on how many customers had unpaid balances and that there would be 6,635 customers with a balance of $10 or more, and older than 120 days. He said that there are 790 customers with a balance of $1,000. He said there is a timeliness to getting back on track, and they can look at working on payment plans for people.

Mayor Pro Tempore Gray said communicating with those folks and explaining the analysis to try to offer a repayment plan.

Councilmember Killingsworth suggested asking for information from the Town Attorney.

Councilmember Zegerman said that he agreed about getting advice from the Town Attorney and considering a collection process for significant outstanding balances.

Town Manager Vosburg clarified unbilled and uncollected. He said unbilled was an issue from the Cybersecurity incident, and uncollected was what people had chosen not to pay since the pause.

Councilmember Mahaffey said that the question is if they have an obligation to send them the bill for the unbilled portion. He said that there is $300k of unbilled and some are in the millions.

Town Manager Vosburg said that as best practice there should be communication with those individuals and then go through the normal established process of a payment plan and then look at collections and cut-offs.

A **motion** was made by **Councilmember Killingsworth**, seconded by **Councilmember Mahaffey** to enter into Closed Session to consult with the Town Attorney.

VOTE: UNANIMOUS (5-0)

Council moved to closed session at **6:59 p.m.**

Council returned to open session **7:11 p.m**.

Councilmember Killingsworth said she recommended that the Council go for Option C and initiate an opt-in detailed review of accounts, with the understanding that this may make some accounts pay more after review, since most accounts were found to have been underbilled.

Mayor Gilbert asked if the information could be sent out to the community to receive feedback and then bring this item back to another meeting to make the decision.

Councilmember Zegerman asked what the Council's hope was to gain and then what is done with the feedback.

Mayor Gilbert said it was important to get feedback from the community on such an impactful event.

Councilmember Zegerman said that this was a voluntary option, so it wouldn't impact everyone.

Mayor Gilbert said that there could be missing information that hasn't been discussed in this meeting, and that it doesn't hurt to listen to the community.

Councilmember Gantt said that he supported the opt in recommendation.

Councilmember Zegerman said that Council has heard a lot from the community throughout this process, and there is an offer to opt-in and not forcing anything on the community. He said that the implication that the Council is not listening to the community is inaccurate.

Mayor Gilbert said he is basing this off of feedback he receives from the community.

Mayor Pro Tempore Gray asked BerryDunn what the timeline was for Council to decide on the options.

Mr. Hedstrom said that they do not have a preference. He said that they were hired with the plan of option A, but wanted to know if that was the direction Council wanted to continue pursuing following this update.

A **motion** was made by **Councilmember Killingsworth**, seconded by **Councilmember Gantt** recommending option C to initiate an opt-in account review campaign.

VOTE: UNANIMOUS (4-1), with Councilmember Mahaffey dissenting.

Councilmember Gantt asked if a decision was needed about the collection process.

Town Manager Vosburg said that the "opt-in" option will move forward and then unless Council directs for a pause then communication will begin for those who have balances about potential payment plans.

Mayor Gilbert recommended for the staff to give a weekly update to the community about what is happening with the utility billing.

Councilmember Mahaffey asked could it be disclosed how the "opt-in" option would Work, and that it may change the amount of money owed.

Councilmember Killingsworth said that was what she had suggested.

Councilmember Zegerman said that as soon as it is determined that someone owes, then it becomes a balance due, and collection would begin and this should be disclosed.

Town Manager Vosburg asked that Council give guidance on the timeframe for the community to opt-in.

Deputy Town Manager Purvis said there isn't an issue with who wants to opt-in it is a matter of signing up to generate a list, but the challenge is the time it takes to do the analysis depending on how many opt-in.

Town Manager Vosburg said that within a week they could have the communication out and the process set up with the forms loaded. He said then there would be a couple of weeks after that.

Councilmember Gantt said that it would be a spike of people opting in and then fade away.

Town Manager Vosburg said that then those finding out may opt in at the end of the process.

Mayor Pro Tempore Gray said that part of communication about the opt-in would be to let the community know that the Town has under collected and explain what that means. He said a week is a tight turn around and may not give the community enough time.

Mayor Gilbert said that it seemed like a lot of decisions to be made.

Town Manager Vosburg clarified that the week's timeframe was to get the forms set up and accessible and then there would be a timeframe for residents to opt-in and then revisit the timeframe to see how many are coming in.

Councilmember Mahaffey asked BerryDunn if there was any other information from the analysis that was available to look at.

Mr. Hedstrom said that there is a planned full summary report, this was a midpoint update.

Councilmember Mahaffey said that on the form said that there should be two levels of questions. He said that that it needs to be clear if there is another amount on the bill then that is the amount that will be used. He said there should be a thorough explanation of the under-billing and what this is derived from.

Councilmember Killingsworth suggested that the timeframe should be 30 to 60 days.

Councilmember Gantt asked if the collection would be tied to the timeframe.

Town Manager Vosburg said that it would be tied to the timeframe and a collection plan would begin at that time.

Councilmember Mahaffey said that he would like to review the verbiage that the Town would explain and the format doesn't raise further questions.

Mayor Pro Tempore Gray said that the final report should be digestible and the under collection should be shown why and how.

Councilmember Gantt said that there may be an interim report that explains this.

Mr. Hedstrom said that the two primary deliverables was intended to be a full simulation and then a report of the findings so that this will not happen again. He said that in this case there will not be a full simulation but will do the report to se where the root causes are and how to prevent this from happening again.

Mayor Gilbert thanked Mr. Hedstrom for being at the meeting and providing this information.

PR6 Wake Transit Plan Update, Draft Investment Strategy and Phase III Engagement

Katie Schwing, Senior Planner – Long Range Transit introduced Benjamin Howell, with CAMPO, AICP, Transit Program Manager, Wake County. He gave an update on the draft plan and the following presentation:

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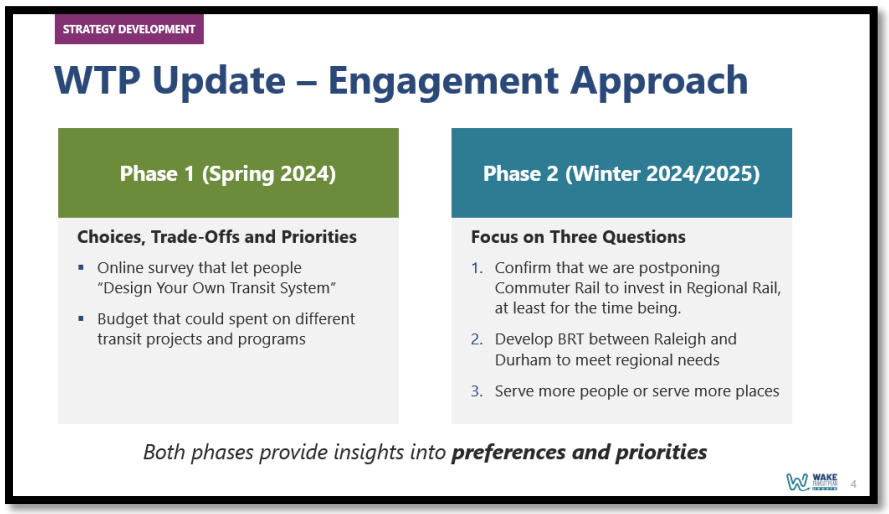
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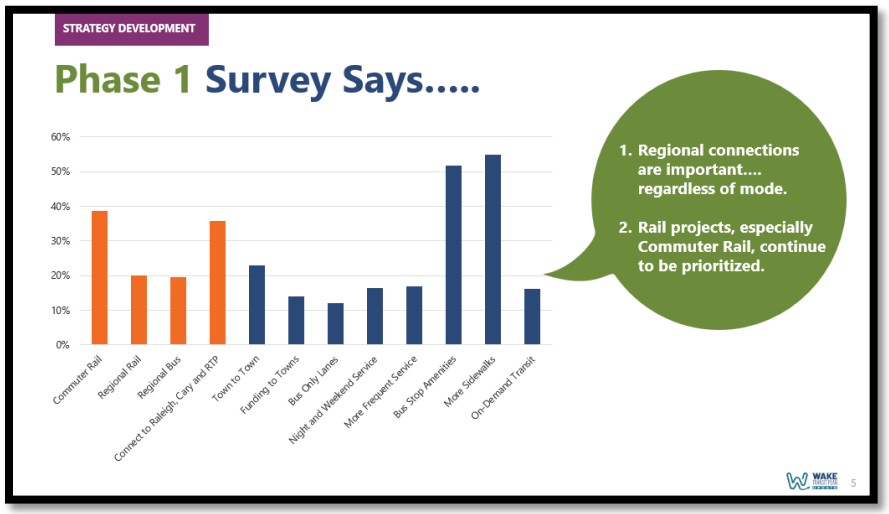
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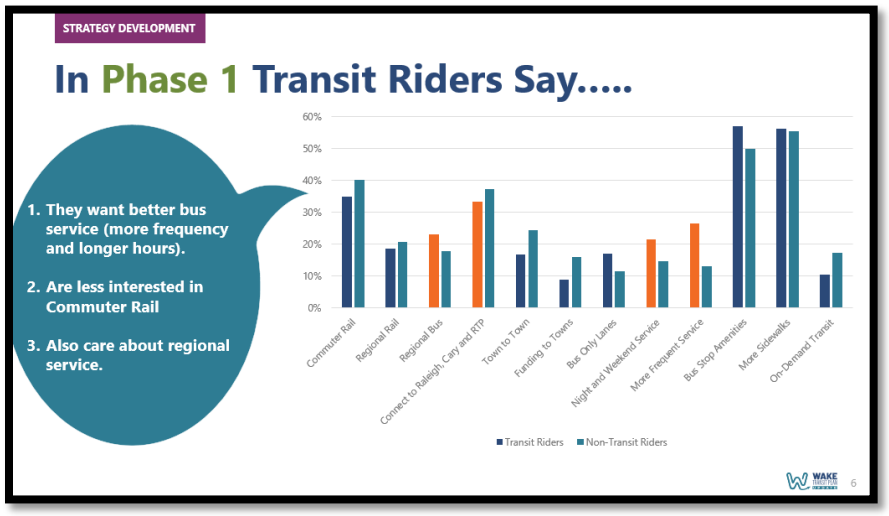
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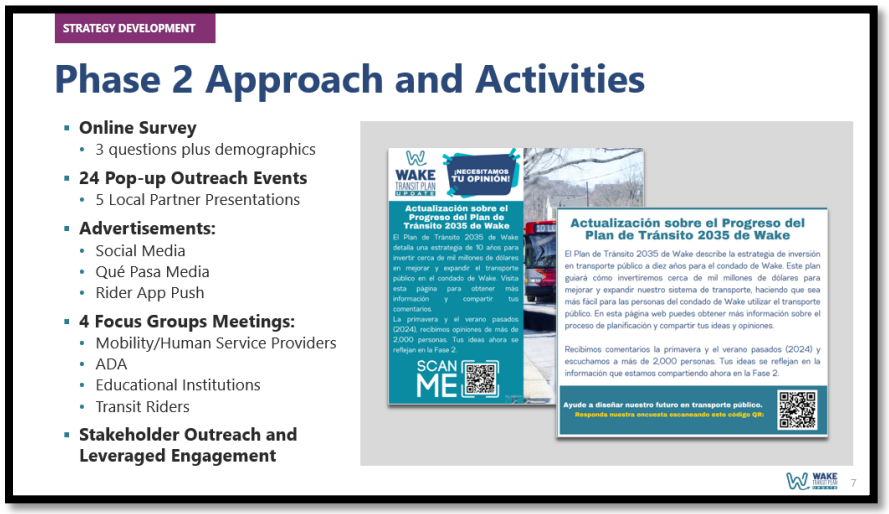
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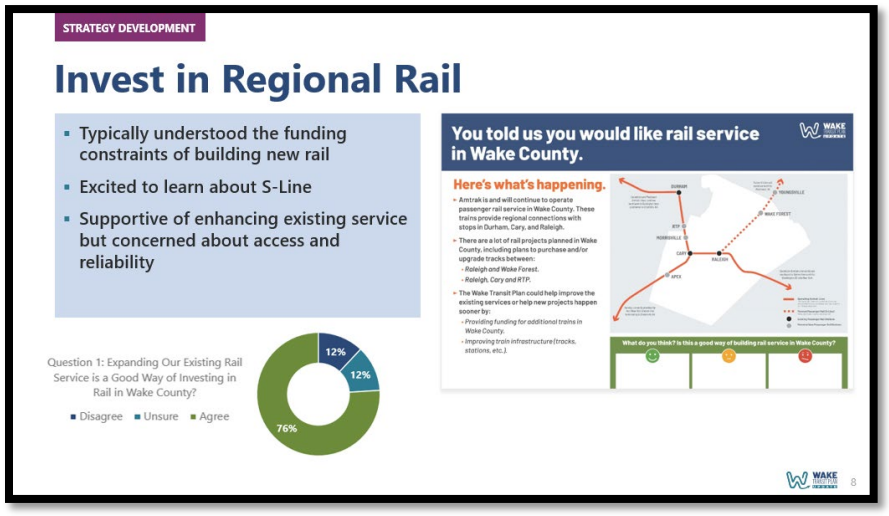
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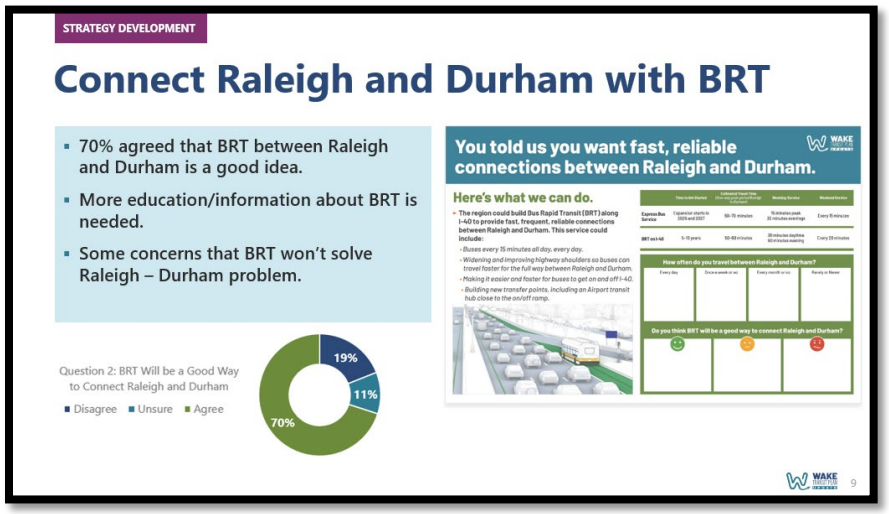
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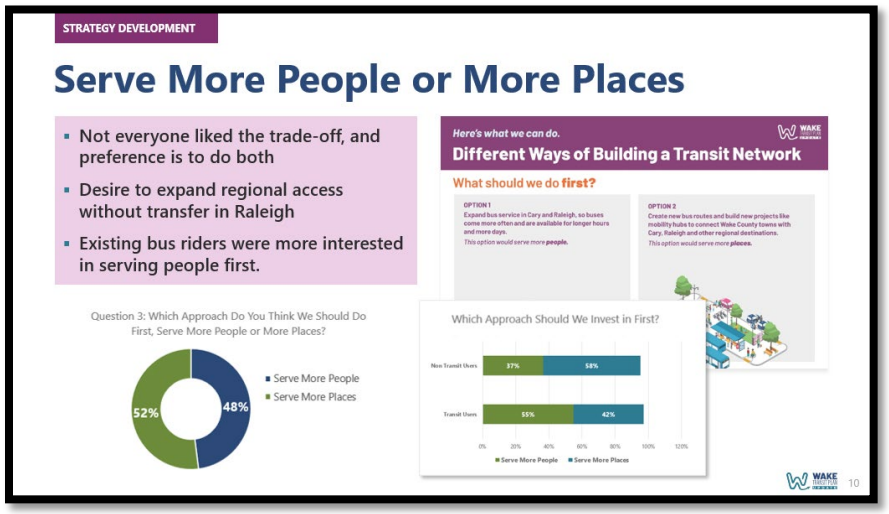
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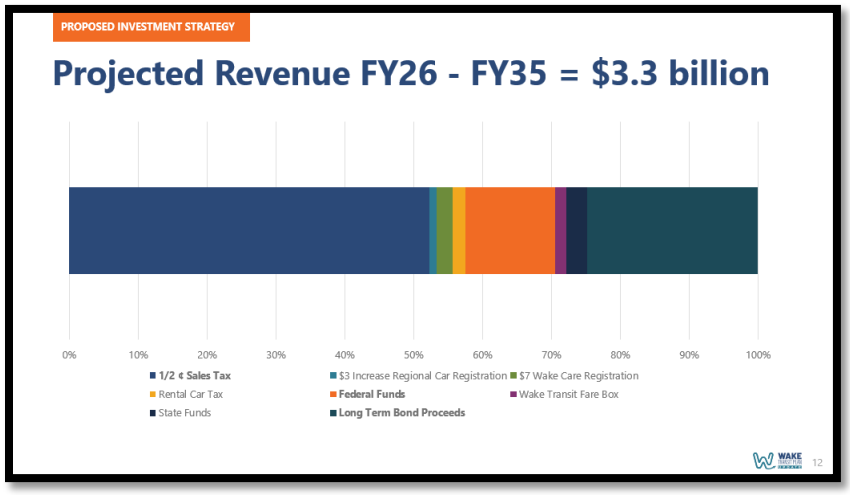
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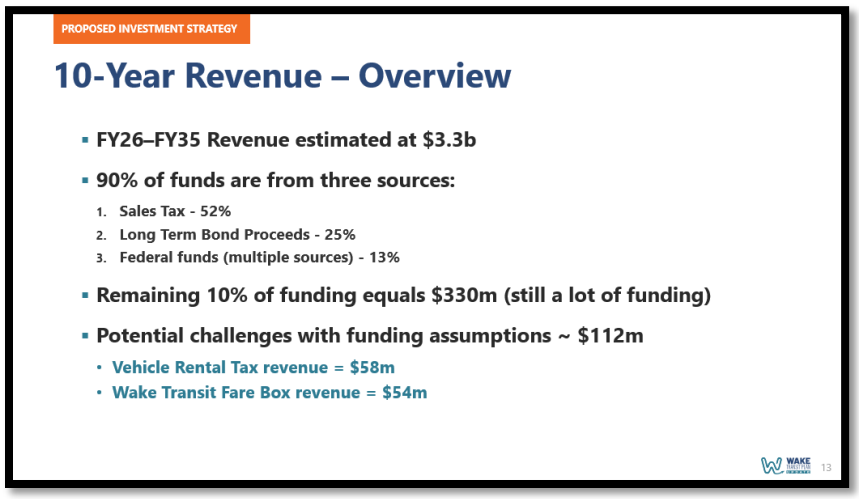
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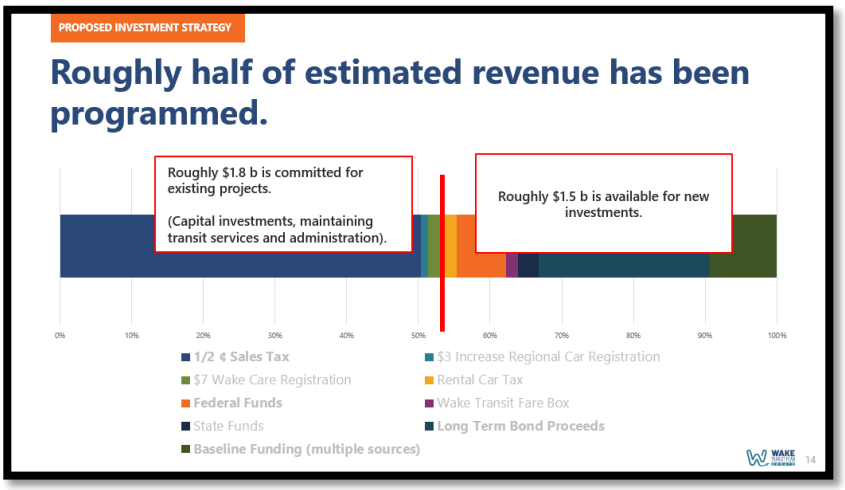
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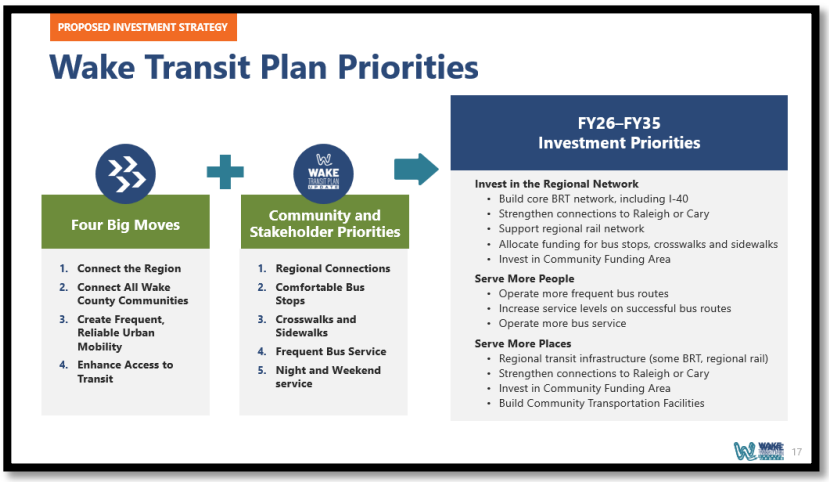
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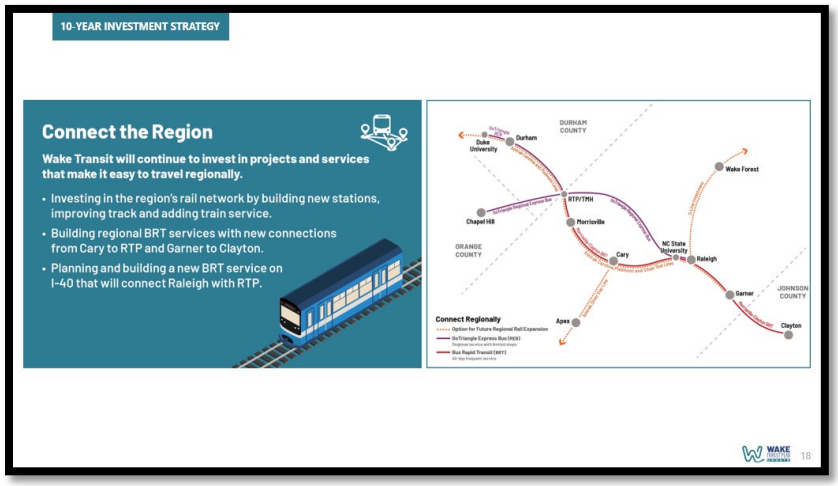
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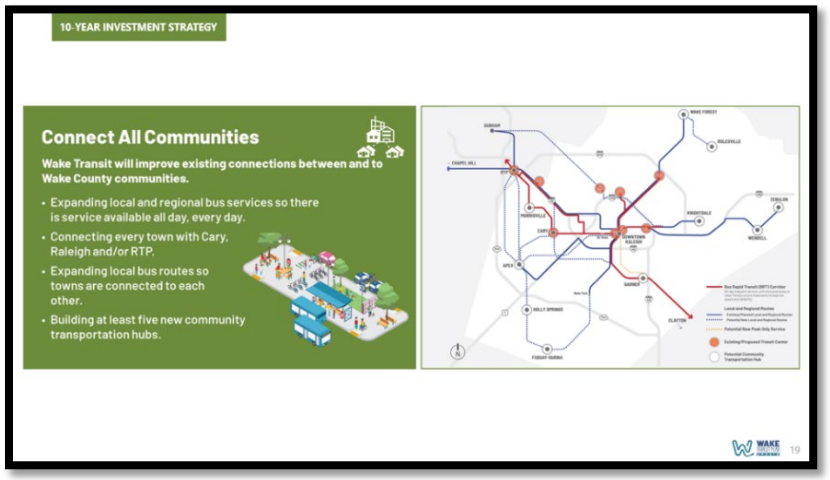
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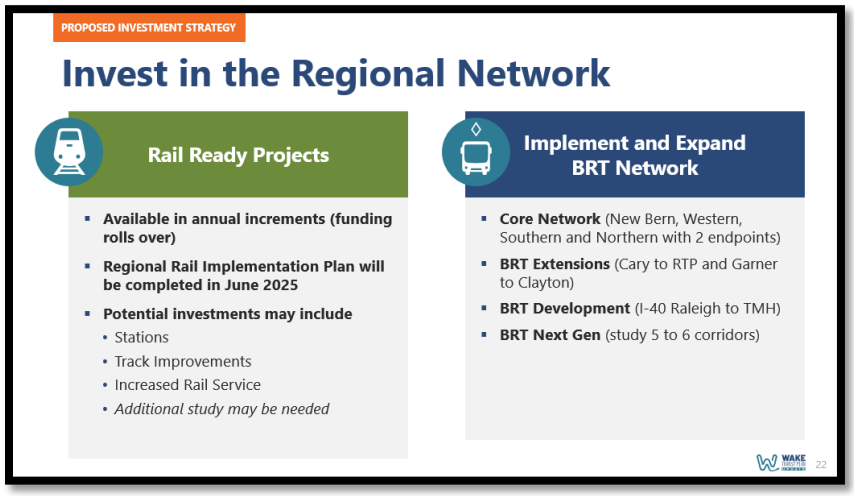
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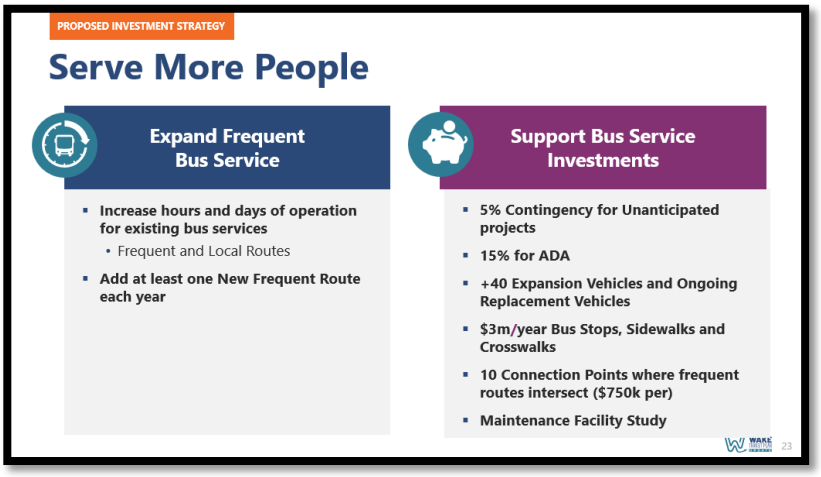
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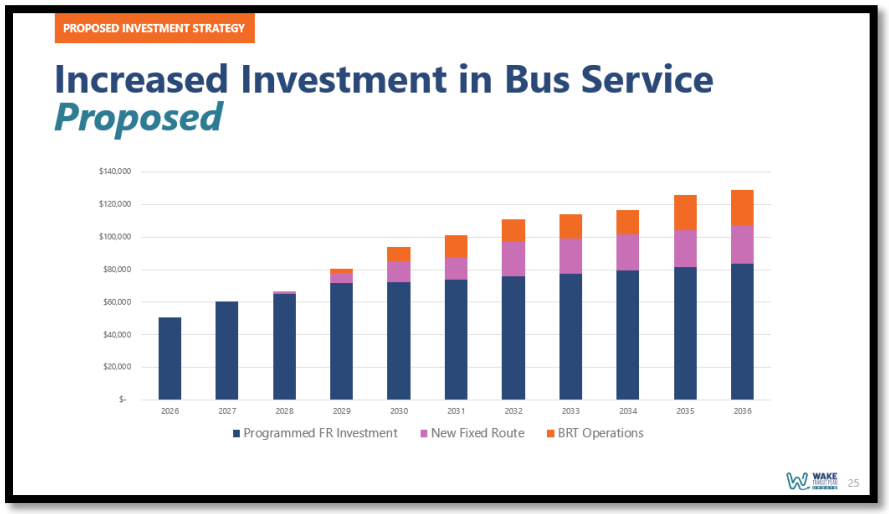
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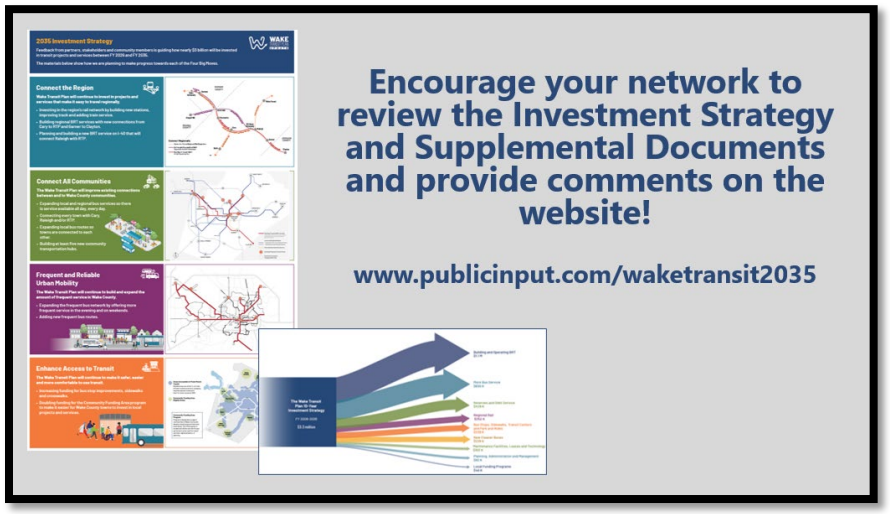
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Mr. Howell asked if there were any questions.

Mayor Gilbert thanked him for all of the public engagement that has been done.

Councilmember Gantt asked about the feedback time and for more information on the where there are some wiggle-room and which ones would feedback matter for.

Mr. Howell said that the input on the investment strategy is important, but this could change. He said the public comments do matter, and the investment strategy is important.

Councilmember Gantt said that the plan is Wake County focused and wanted to encourage looking at the entire region including the connections between Counties.

Mr. Howell said that CAMPO has a Metropolitan Transportation plan that covers all of Wake County, Durham Count and Orange County and it lays out the larger transit vision. He said the larger visions are out there, but they need more time to figure out investing strategy. He said they are continuing to work on this with their partners.

Councilmember Zegerman said that it has been decided that rail is too expensive to retrofit, and asked how to avoid that in the future and plan better for rail.

Mr. Howell said that they have to rely on the local partners and land development patterns. He said they put those where the demands exist, but the outlying suburban communities need to look at the land uses. He said they have to be able to prove the ridership would be there to warrant the expenses.

Councilmember Gantt said that the triangle mobility hub is being moved to a location that can be accessed by a future bus line.

Councilmember Killingsworth asked if there had been any consideration about talking with D.O.T. about potential commuter rail or regional rail.

Mr. Howell said that commuter rail had been envisioned to be in the corridor, but that there have been some difficulties with the rules and regulations that made it more expensive. He said that building a new rail corridor commuter light or any kind of fixed guideway corridor would be expensive.

Councilmember Killingsworth said that the large parcels of land that NC DOT already owns and the possibility of using what we already have.

Mr. Howell said that there were discussions many years ago and it was determined then not to be feasible, but that it could be looked at it again. He said this is why the focus is on bus transit.

Mayor Gilbert thanked Mr. Howell for the presentation.

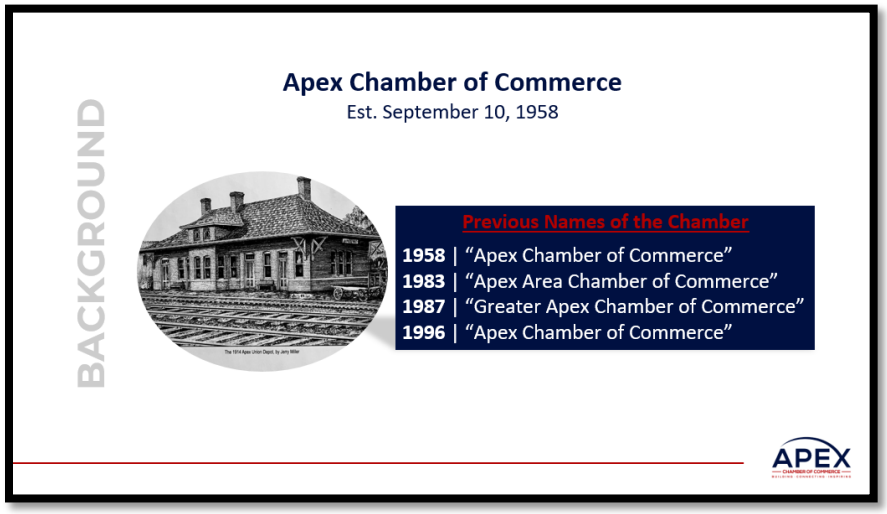
PR7 ADDED – Apex Chamber of Commerce Update

David Bohm, Executive Director, Apex Chamber of Commerce introduced himself and said that he was honored and humbled to be at this meeting. He then gave the following presentation:

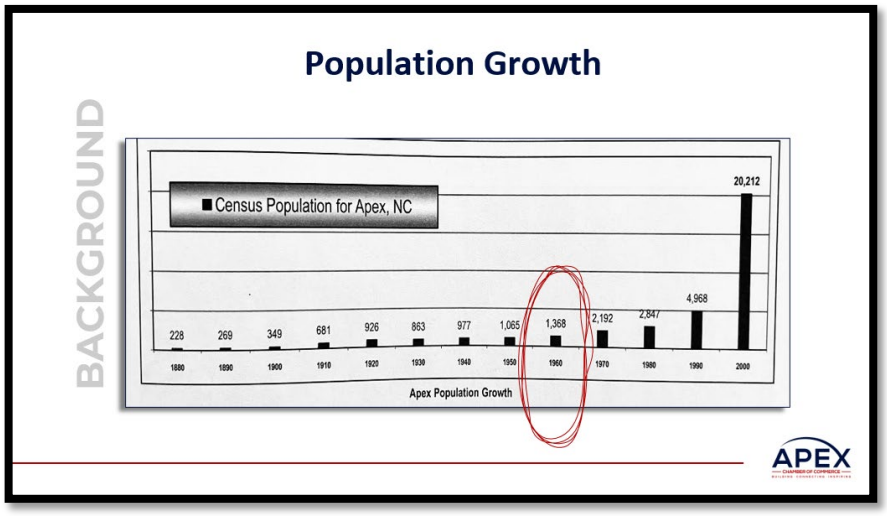
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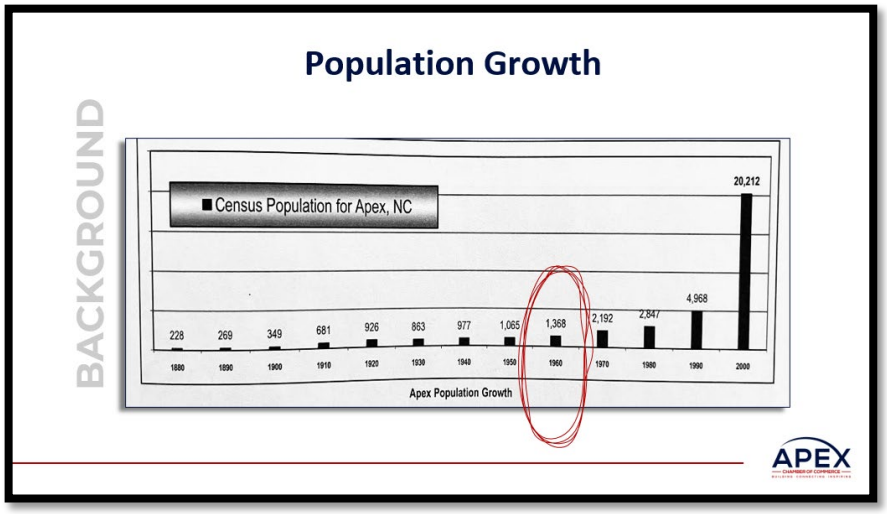
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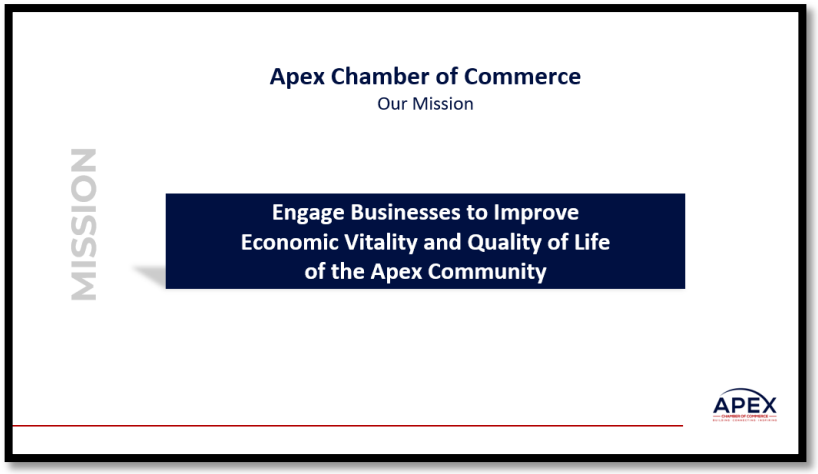
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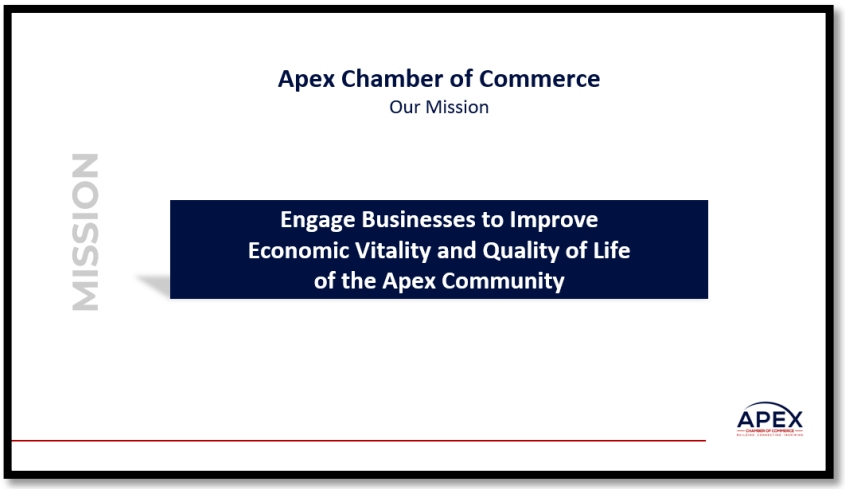
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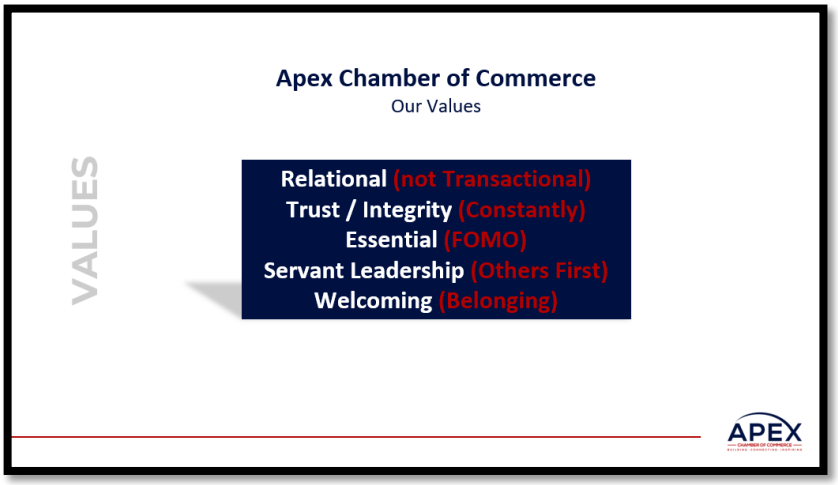
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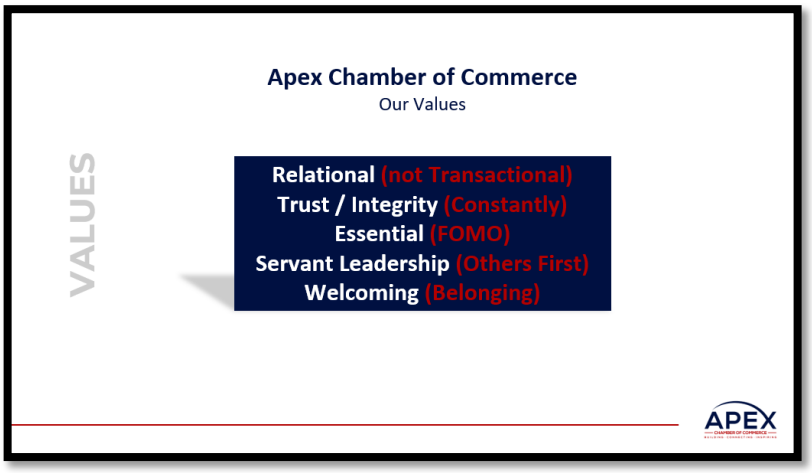
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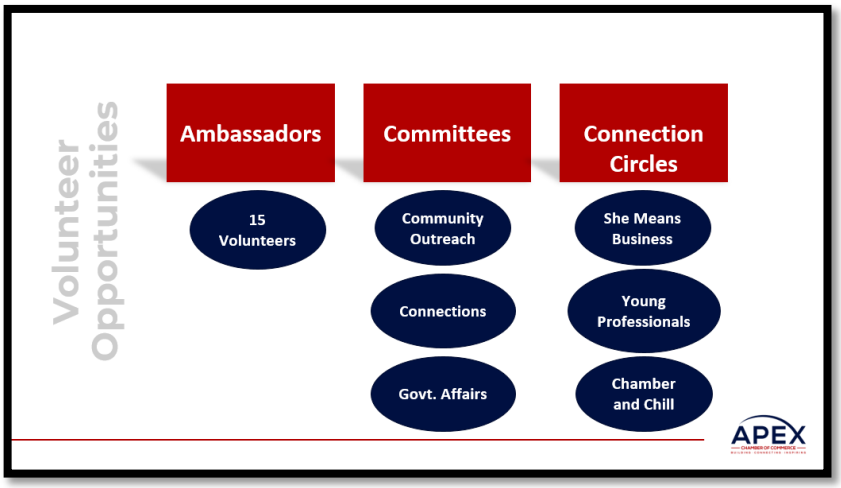
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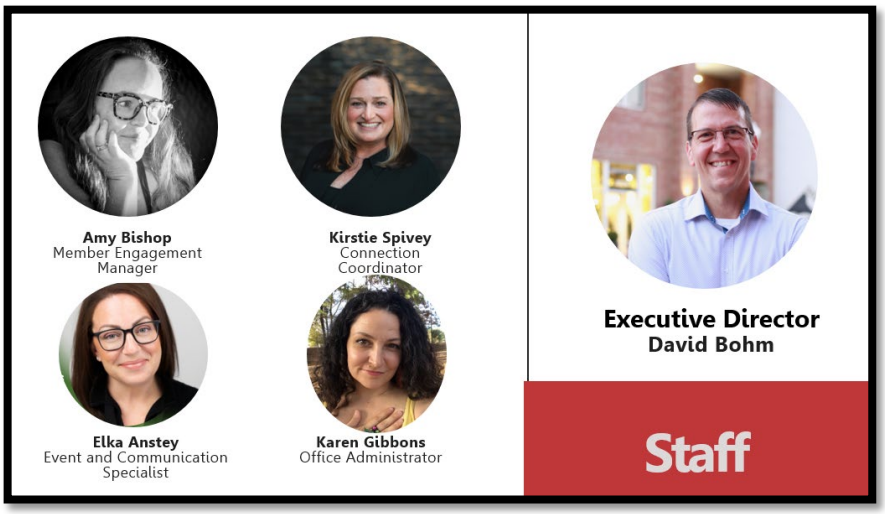
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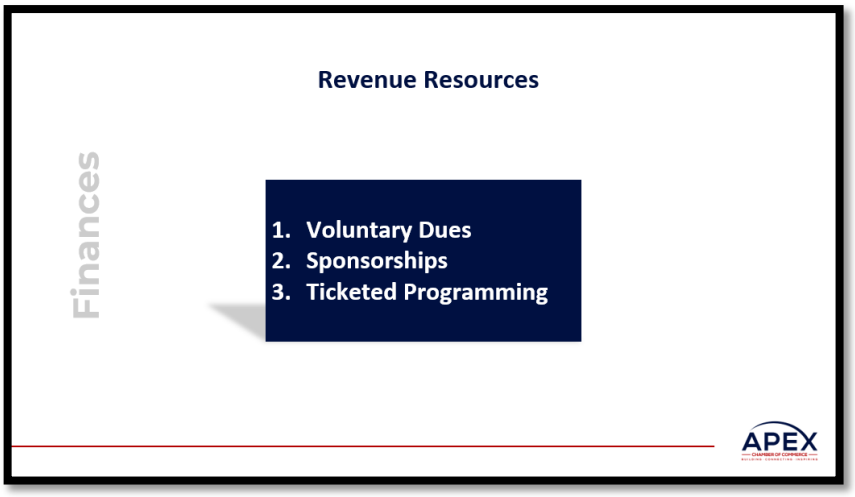
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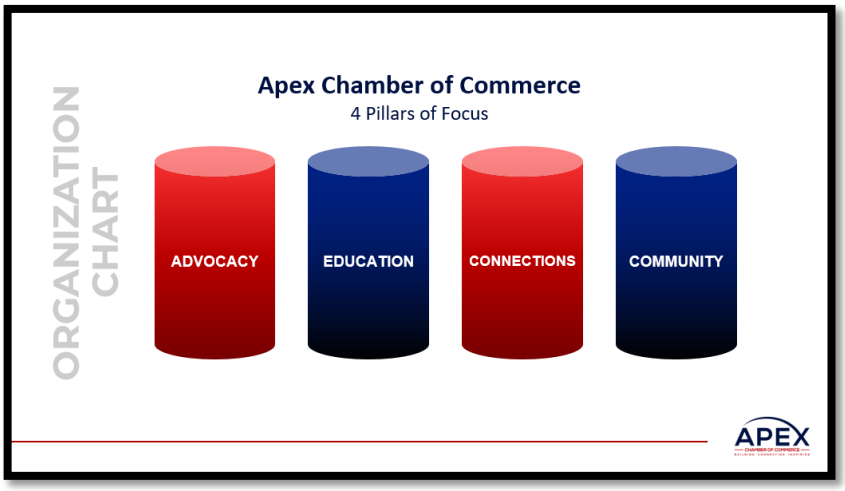
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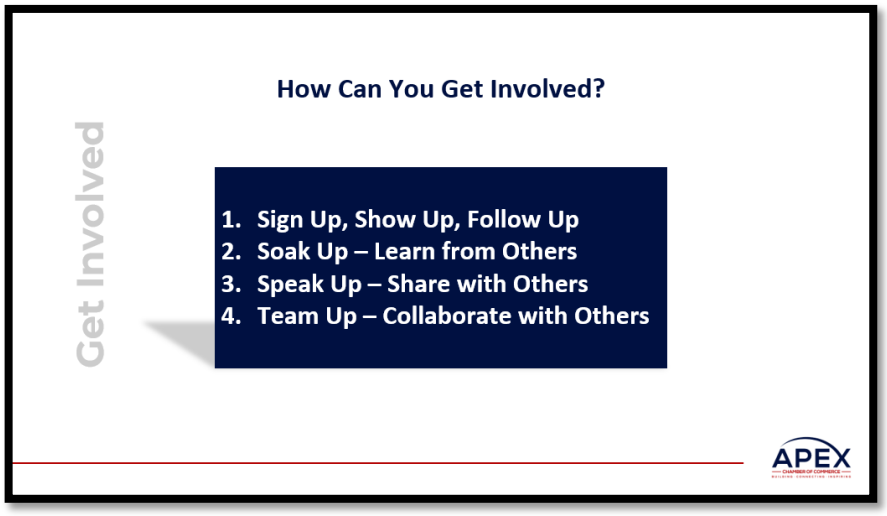
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[SLIDE 18]



[SLIDE 19]



Mr. **Bohm** said he would be happy to answer any questions.

Mayor Gilbert thanked Mr. Bohm and asked if there were any questions.

Councilmember Zegerman asked Mr. Bohm to describe the health of businesses in Apex and if there was any data on the overall direction for Apex businesses.

Mr. Bohm said that they were not equipped to track that sort of data. He said anecdotally that it ebbs and flows but overall, the health of the community and Wake County in general looks strong.

Councilmember Mahaffey thanked Mr. Bohm for all of the events that they put on for Apex.

Mr. Bohm thanked Councilmember Mahaffey for being the liaison for the Chamber.

[PUBLIC FORUM]

Mayor Gilbert moved to the Public Forum and invited the first speaker up.

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

"Mayor and Town Council, good evening. So, this is my fourth year following the Town's development of the budget, and each year I keep learning and I was watching the work session you had the other day and saw that while we went into this last fiscal year with a balanced budget, the Town's revenues had increased by 3.17%, which is roughly, if I did my math correctly, an extra $3.7 million. That would suggest that maybe the tax rates from last year might have been a little overshot, a little bit. So, it got me thinking, it's like, wow, if we had saved that $3.7 million, what could the community have done with that? Or if you held on to the $3.7 million, what could you do with that, plus if you saved money at the same time? So, I put a list together of a couple of things that I thought, well, maybe these would be areas where we could save money. So, the town hired a lobbyist to get more funding from the State, but in other communities, the town council actually works. So, I was thinking maybe we could save money on a lobbyist. Then I saw recently the town is looking for a search firm to help recruit a Finance Director. Perhaps our HR department in Apex could find the finance director. After all, if we're the 10th largest and "Peak of Good Living," we should be able to find candidates. Then I looked at the Saunders parking lot. I think there were a lot of opportunities, including private development money, that could have done that for the Town instead of the taxpayers' dollars. Then so far this year the town has filed 14 lawsuits per eCourts. Think about all the legal fees, maybe that was an opportunity to work with those property owners a little bit more instead of paying attorney fees. Then, on tonight's consent agenda, consent agenda number nine, where the town is buying 8421 Humie Olive Road, 1.81 acres adjacent to 24 acres that the Town already owns, just to expand a potential park. I give you all of these because I have a lot of people reaching out to me, really desperate about how Apex has become unaffordable and I listened to your entire workshop where you guys talked about maybe saving this fire truck and cutting this and cutting that, but none of

these things made it on the list. So, I just offer it up as some additional suggestions that maybe these things could be the things that help make Apex a little more affordable. Thank you."

Mayor Gilbert thanked Ms. Stitt and called the next speaker.

Next speaker was **Phil Welch** of 1471 Big Leaf Loop:

"Good evening, Mayor, Councilmembers, staff, and members of the public. My name is Phil Welch. I live at 1471 Big Leaf Loop in Apex. I'd like to recognize the people that are here with me. I have four people. I'm sure you've heard me say a number of times before that I'm concerned about the lack of affordable housing choices in Apex. That kind of goes along with what Elizabeth was just talking about. I believe solving this problem requires that elected officials, town staff, and community members work together to increase housing choices here. I'm kind of changing the focus from affordable housing to housing choices because I think that's more personal. That has more to do with people's choices. There's a critical need for more housing choices that are affordable to our lower income households, that means households with annual incomes less than $30,000, and also up to 80% of the area median income, which is somewhere between $80,000 and $100,000 for a family of four. I want to illustrate this critical need with a story of a senior that I met last month. It was a widow in her mid-80s who was referred to me by a friend. I'll call her Alice to protect her privacy. After her husband passed away in California last year, her son, who lives in this area, encouraged her to sell her home and belongings and move out and live with him and his family. So, she left her family and friends on the West Coast and moved in with her son's family. Last month, her son and daughter-in-law said that they were going to be moving to New Jersey, and they invited Alice to move along with them. However, Alice really resisted that because she had spent a lot of time in the last year setting up all of her doctors, also, she found friends at the Apex Senior Center. When I talked to her, she was trying to decide between staying here, moving to New Jersey, and moving back to California. She wanted to stay here but was struggling to find an apartment she could afford or even a room to rent without having to supplement her income by taking a part-time job, for a woman in her mid-80s. I gave Alice some information from a church friend who had looked last year for a roommate to share expenses in a rental house. My friend had used Nextdoor and found that that was the best way to find potential roommates, and I suggested to Alice that she might want to consider Nextdoor. As we parted, Alice said she was leaning toward moving back to California because she couldn't find housing here that she could afford. I think of California as being a pretty expensive place to have housing. The point of the story is that our senior neighbors here have very limited choices of homes they can afford. They're forced to choose between paying 50% or more of their income for housing or moving out of Apex to another county or to another State. I hope you agree that our beloved seniors need more housing choices and a little less stress. Next, I'll turn to some recent housing statistics which highlight the need for

additional funding to fill the gap in affordable housing choices for our lower income residents. A housing assessment conducted at the Council work session revealed some needs: about 13,100 new units to keep up with growth. This growth does not include at least 4,500 Apex residents who were paying 30% or more of their household income for housing in 2023. So, if only a third of the projected 13,100 new homes are for households making up to 80% of AMI, then Apex needs to provide approximately 440 affordable housing choices each year over the next 10 years. To do this, Apex must set annual objectives to meet these targets before the land available to achieve this disappears. We're calling on you, our Apex leaders, to set aside additional funding for affordable housing choices for the 2025 to 2026 budget. Please ensure that funding is dedicated to preserving our naturally occurring affordable homes and building more rental homes. Monthly housing expenses for these homes must be affordable to a range of households, including those making up to 30% of AMI, up to 50%, and up to 80%. For example, we need more revenue in the Affordable Housing Fund to initiate more mixed-income, mixed-use housing developments, such as the proposal for the Town's recent purchase of land on South Street. That's why we recommend not charging housing staff expenses to the Affordable Housing Fund. We also recommend raising the current penny tax for the Affordable Housing Fund back to the penny and a half that was instituted right after the unanimous approval of our 2021 Affordable Housing Plan. We realize that not all of the funding previously allocated to the Affordable Housing Fund has been used. However, with the objective of 440 new affordable housing choices each year, this fund will need to accumulate annually to have an adequate source of funds for new housing development and to support the expanded Apex Cares program, including more extensive outreach. Please consider increasing the funding for more housing choices for our lower income households and essential workers while we still can make a difference. We say that Apex is the Peak of Good Living. My question is, for whom? Hopefully it's not just for higher income households moving here from other States to work in our tech businesses. Should it also be for seniors and retirees like me who would like to age in place without putting undue stress on their budgets? Is it for our younger adults and couples who grew up here and would like to stay close to their family, friends, and all the great amenities that Apex has to offer? Is it for our essential workers, including Town employees and support workers for those tech businesses who provide excellent services and would love to live here with their families? Our housing vision, as stated, is to welcome people of diverse backgrounds and support opportunities for affordable, safe, sanitary, and quality housing that meets the needs of people of all incomes, all ages, and all abilities. My fear is that if we don't take bold steps now to add housing choices for our lower income neighbors and workers, we'll create what I would call an economic sundown town. This means Apex would welcome essential workers to serve us in various ways during the day, but at the end of the day, at sundown, we would expect them to leave town because we haven't provided the housing choices, they need for their families. In conclusion, as elected officials, you have the responsibility and the power to make change. I ask for your leadership in this effort in four important ways: No. 1 - Build socioeconomic equity into the 2025 update to our Affordable Housing Plan by ensuring that those who need more housing choices are the target audience providing input for the

update. No. 2 - Consider affordable housing choices as a core value in all zoning, planning, and policy actions. Make all decisions with this in mind, will it help or hurt in moving the needle on affordable housing choices? No. 3 - Set aside additional funding to support increased affordable housing choices, funding that is directly dedicated to increasing the number of units affordable to households making up to 80% of area median income. No. 4 - Ensure more mixed-income affordable housing, not clustering small units and affordable housing in targeted neighborhoods and segregated apartment complexes. Thank you for your consideration."

Mayor Gilbert thanked Mr. Welch and called the next speaker.

Next speaker was **Cate Vetter** of 3449 Jordan Shires Road:

"Good evening, everyone, I'm Cate Vetter, living at 3449 Jordan Shire Road in New Hill. I've got questions about the water billing and the assessment that you guys did, and with the meeting that you guys presented tonight, or not you guys, but Berry Dunn. You guys started out the meeting talking about how the company that prints the invoices is going out of business or is out of business. So now you're going to start that, and you're talking about how everyone's got to opt in. So, the folks that are receiving paper bills, I'm curious how they're going to receive that opt-in option if they're not going to be receiving the paper bills. Please consider that when you're posting this opt-in option that you decided on. Some of the other questions I had, relative to if folks are going to be opting in to go for the special assessment, how do they get answers to questions that they may have before they decide to opt in? And if there's going to be general Q&A, how does everyone get all their questions submitted to be answered prior to the opt-in window period being closed? So, I've got lots of questions. I can ask them here if you guys want to answer those. I don't know how that works, So, where the third party came up with their numbers, are we going to have visibility to that data so we can see what they saw, right? Is that going to be presented? Is the Town Council going to be very open about that information? I'm curious how and why the per-gallon rate changes so frequently. Like, just looking at my own numbers, it goes up and down. You'd think the per-gallon rate would be consistent, and it's not. Why did the per-gallon rate jump with the August 2024 billing? And that's in consideration that it was a double billing month. That excludes that consideration, it jumped, there's a spike up, and then it goes down, and it goes back up. I've got graphs of data that show this. Why are residents seeing different per-gallon rates? You'd think that they would all see the same rate. We're all in the same town, we're all paying the same bills, why are they different from resident to resident? I have some of my neighbors who share their data, and it is different. Is there a place where we can see what the actual per-gallon rate we were supposed to be billed was for that specific time, to evaluate and compare? That would be nice to know. Some residents, for several consecutive months, this is an abnormality, but they saw the exact same electric kilowatt hours billed.

That's incredibly odd, right? For somebody to have the exact same consumption month to month, it's just odd. Not impossible, but very odd. Why do some residents see different numbers of days on their water and electric readings? Right, typically it's the same number of days for water and electricity, but some months it changed. That's again an oddity that could be answered. Another odd is, why are there, or if there's any other considerations or variables about the billing, which need to be considered and presented? And finally, the last thing, if the problems were related to leaks, how could so many residents have leaks at the same time? And how could those leaks be resolved with no action by the residents?

Mayor Gilbert thanked Ms. Vetter and called the next speaker.

Next speaker was **Dawn Cozzolino** at 3632 Bosco Road:

"I'd like to start out just to encourage you to listen tonight and to engage on best practices. I think this is a really key area, and I'm a curious person. I looked into Town of Cary, so I'd like to share how they prioritize tree protections and environmental stewardship. Cary leads by example with fully accessible online legal notice packages that include comprehensive traffic entry studies. In contrast, Apex places the burden on its residents to do any leg work or discovery. Cary mandates publicly accessible tree surveys prepared by certified arborists for all new developments. By comparison, Apex's development process lacks clarity. Where are the tree surveys? Why is protecting our tree canopy, which is so vital to public health, climate resilience, and wildlife, still not a priority here? Cary's Land Development Ordinance provides strong tree protection rules, and its Community Appearance Manual clearly outlines what landscaping and buffers are expected. Mass grading is prohibited. Environmental standards mandate the preservation of open space, champion trees, and vegetated buffers. Let me share something about champion trees, because it's really quite impressive, and some of these trees are older than people in the room. So, this is an example of just a 4-inch diameter of a tree. This would be something like a dogwood or horticultural cherry. This is something like a hardwood—two stories. This is as wide as it has to be, the trunk. Pine tree, that's not big, right? They protect those trees. But in Apex, trees often stand no chance. Large-scale clear cutting is common. Developers pay fees instead of preserving tree canopy. Cary backs up its policies with regular audits, required replacement of protected trees, and strict fines for violations. Apex, on the other hand, approved the Western Big Branch force main sewer infrastructure for a private development through a forested area outside of town limits, in an aim to destroy valuable canopy, despite having a treeless corridor of open space on the other side of US 1. If Cary can protect its trees and enforce its rules, so can Apex. It's time for us to protect our trees."

Mayor Gilbert thanked Ms. Cozzolino.

Mayor Gilbert called for a ten (10) minute break and announced the meeting stood in recess.

Council recessed the meeting at **8:50 p.m.**

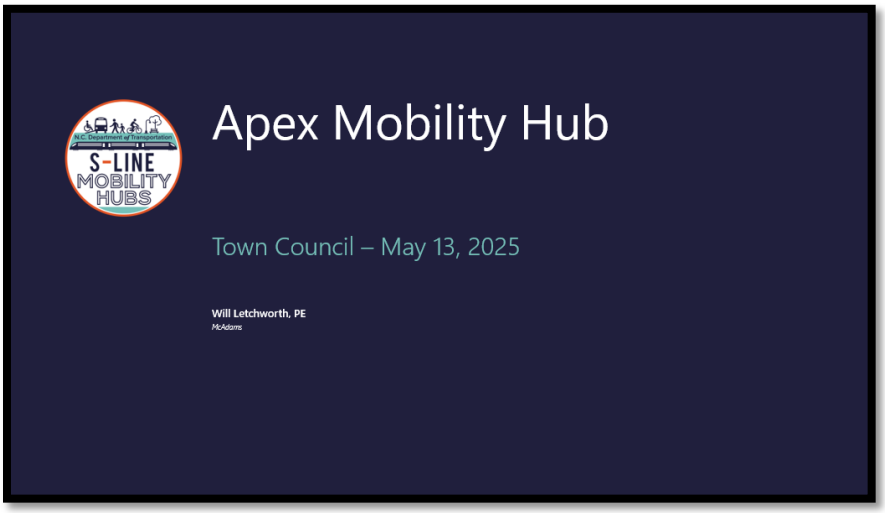
Council returned to session at **9:00 p.m.**

[NEW BUSINESS]

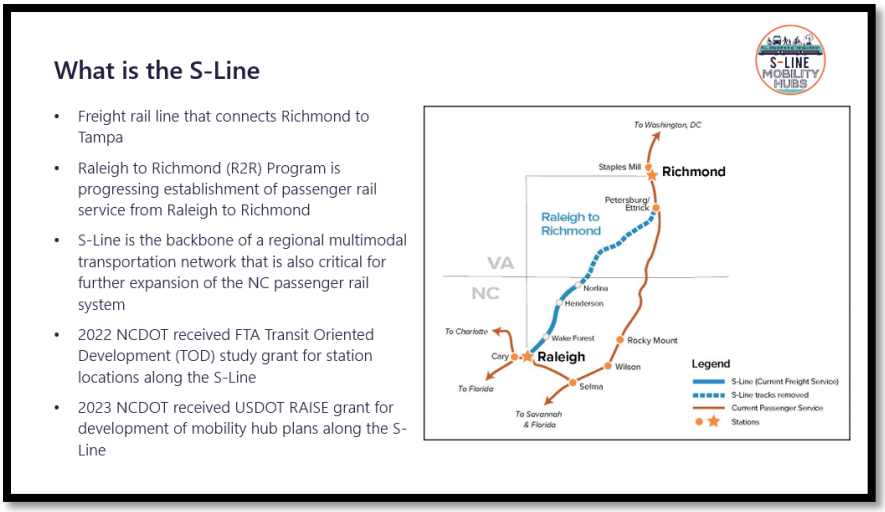
NB1 Apex S-Line Mobility Hub Plan Acceptance

Shannon Cox, Long Range Planning Manager, Planning Department along with **Will Letchworth**, Vice President of Transportation for McAdams gave the following presentation:

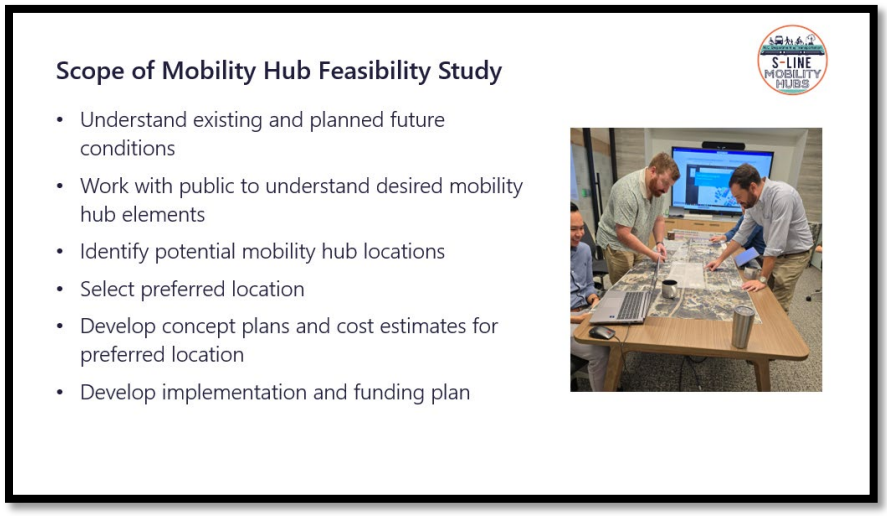
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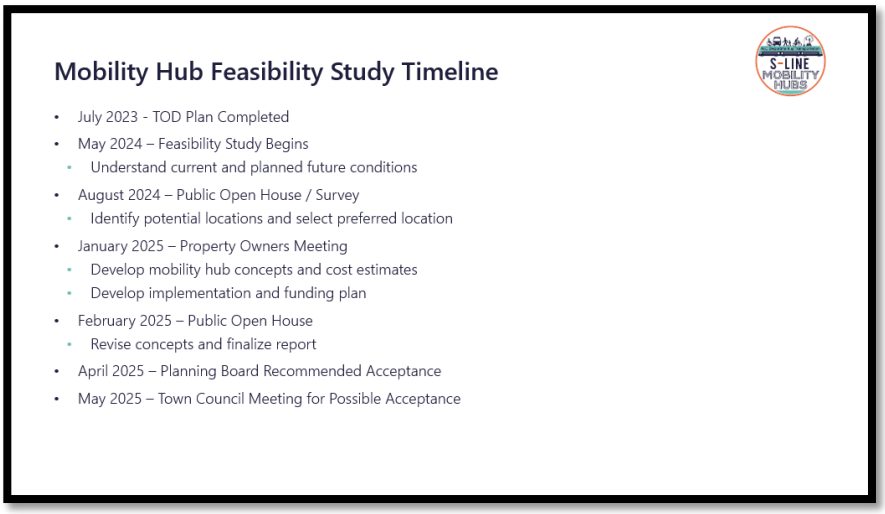
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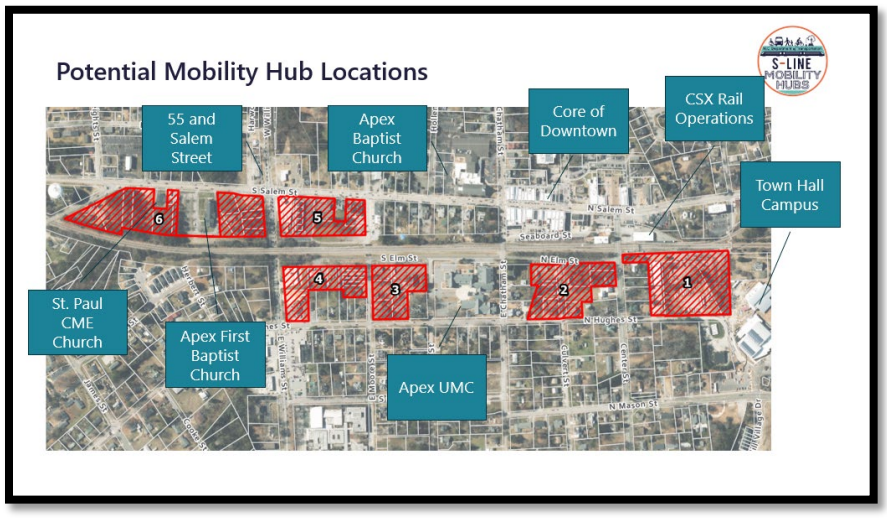
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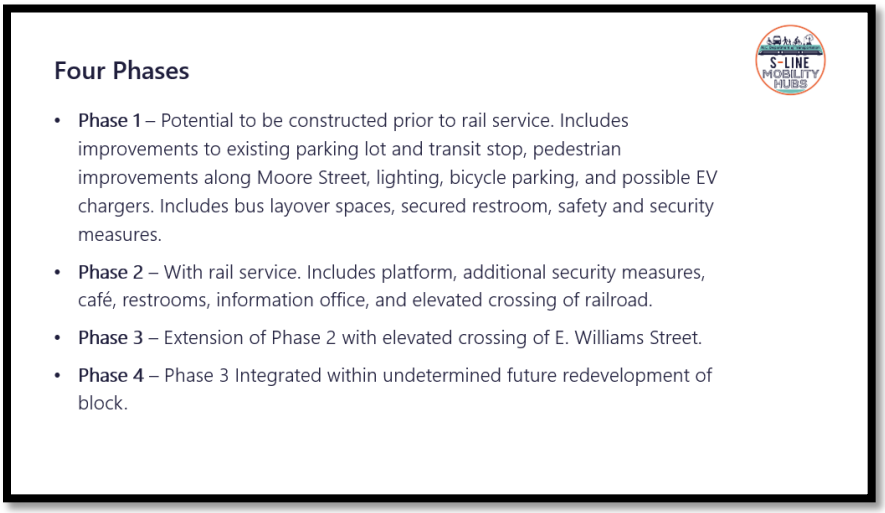
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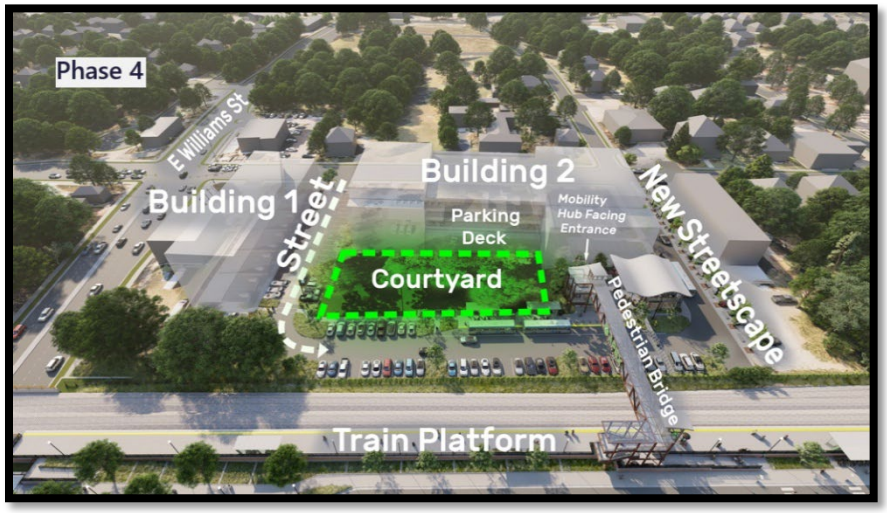
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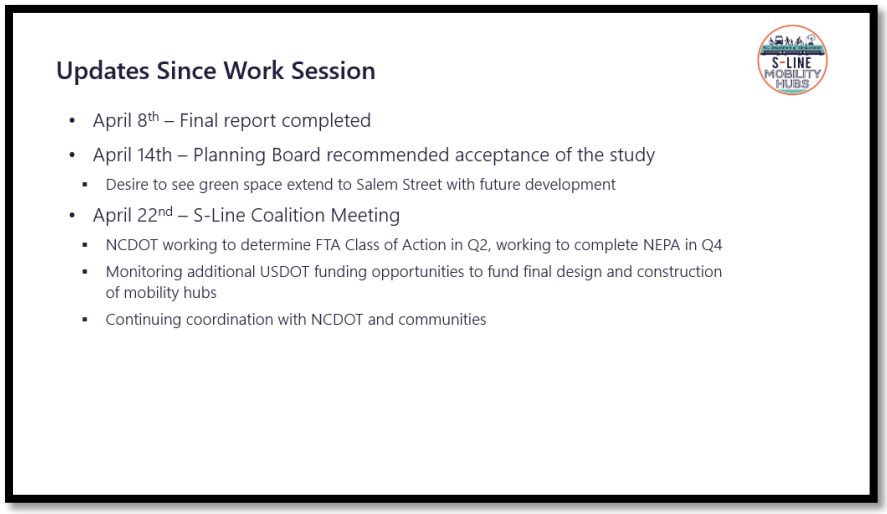
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[SLIDE 11]



[SLIDE 12]



[SLIDE 13]



Mr. Letchworth asked if there were any questions.

Mayor Gilbert thanked Mr. Letchworth and Ms. Cox.

Councilmember Gantt asked if Mr. Letchworth would go over the Raise Grant in Apex and the NEPA, and asked what the status of other mobility hubs with those grants were.

Mr. Letchworth said that the Raise Grant for Apex included the feasibility study that was just gone through, the conceptual designs association that provided some environmental information regarding environmental conditions, and that it will be included in the larger environmental document that the Department is performing for all of the mobility hubs.

A **motion** was made by **Councilmember Gantt**, seconded by **Councilmember Mahaffey** to accept the Apex S-line Mobility Hub plan.

VOTE: UNANIMOUS (5-0)

NB2 Resident Advisory Board Process Updates

Town Clerk Allen Coleman said the Ordinance Amendments associated with the Resident Advisory Board updates previously provided by Council at their December Work Session would be returning on the May 27, 2025 Town Council Meeting agenda for adoption. He said most items had been addressed in previous discussed and asked for clarity on two particulars as it related to the term limits and how council wanted to account for prior years of service. He said that a few members would be impacted by the new term limit rule but that a majority of members would not see an immediate impact.

Councilmember Zegerman said his position was to implement the term limits as stated in December effective immediately including prior years of service.

Councilmember Mahaffey said he felt if this changed when somebody was in their term, they should be able to finish the current term then not be eligible for reappointment after that term expired.

Councilmember Gantt asked what the options were when this was being discussed.

Town Clerk Coleman said that he and the Deputy Town Clerk had previously presented these recommendations to all boards over the last several months. He said that board members requested that the six-year term limit start fresh once it was implemented and not count current years of service.

Councilmember Gantt asked if there was somewhere in the middle.

Town Clerk Coleman said not one that was clean as each member had a set specific term and this new limit would impact each member differently.

Councilmember Mahaffey said that there are rough edges whenever policies are changed and it was important to think of the long term impact. He said he was supportive of initiating term limits for all boards for consistency.

Mayor Pro Tempore Gray suggested that the term limit should start this December but those who would currently be limited by term would get an extra term of eligibility. He said experience and expertise were important, and the Council could choose when they wanted to see the change. He said he was not supportive of term limits in general for any office advisory in nature or otherwise.

Councilmember Killingsworth said that she believes in term limits. She said that she was in favor of counting prior years of service and not allowing Board members to be eligible for reappointment after their current term if they have already served 6 years. She said there are other boards and other ways community members can still volunteer and share their expertise.

Mayor Gilbert asked if this came from the rules committee.

Town Clerk Coleman said that it came from the December Work Session.

Mayor Gilbert asked what the goal was for term limits.

Town Clerk Coleman said to rotate new ideas. He said that there had always been term limits established for every board other than Parks and Rec. He said the Council previously modified term limits several years ago but kept a single term to three-years. He

said that the Board of Adjustment terms could not be modified as they were set by state Statute.

Councilmember Mahaffey said that term limits were also inconsistent across the boards that did have them. He said the Clerk's recommendation for term limits for all boards is a good idea and he was supportive.

Councilmember Zegerman said that there were consistently more applications than there are vacancies and this creates more opportunity for rotation. He said he would like to see more targeted recruitment to include applicants with specific experiences and backgrounds to ensure the Town's advisory boards were operating in the most effective manner.

A **motion** was by **Councilmember Mahaffey**, seconded by **Councilmember Zegerman** to establish the definition of a single term to two (2) years for all advisory boards, excluding the Board of Adjustment , with a maximum of three (3) consecutive two (2) year terms effective July 1, 2025, and direct the Town Clerk to count prior years of service when calculating members who are eligible to continue serving.

VOTE: 3-2 with **Mayor Pro Tempore Gray and Councilmember Gantt dissenting.**

MOTION PASSED.

[CLOSED SESSION]

A **motion** was made by **Councilmember Killingsworth,** seconded by **Mayor Pro Tempore Gray** to enter into closed session pursuant to **NCGS §143-318.11(a)(4) and NCGS §143-318.11(a)(5)**:

VOTE: UNANIMOUS (5-0)

Council entered closed session at **9:19 p.m.**

CS1 Steve Adams, Real Estate and Utilities Acquisition Sp., Trans. and Infra. Dev. Dept.

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 Steve Adams, Real Estate and Utilities Acquisition Sp., Trans. and Infra. Dev. Dept.

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;

CS3 Joanna Helms, Director, Economic Development Department

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."

CS4 ADDED - Steve Adams, Real Estate and Utilities Sp., Trans. and Infra. Dev. Dept.

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;

[ADJOURNMENT]

Council returned to open session at **10:22 p.m.**

With no further business being presented by the Council, **Mayor Gilbert** adjourned the meeting at **10:23 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 June 10, 2025 (CN8).

APPROVED MEETING MINUTES

TOWN OF APEX
TOWN COUNCIL WORK SESSION
TUESDAY, MAY 20, 2025
3:30 P.M.

The Apex Town Council met for a work session on Tuesday, May 20, 2025 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=yCbMg_T-_vA

[ATTENDANCE]

Elected Body

Mayor Jacques K. Gilbert (presiding)
Mayor Pro-Tempore Ed Gray
Councilmember Brett Gantt
Councilmember Arno Zegerman
Councilmember Audra Killingsworth (*arrived late see note below*)
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

All other staff members will be identified appropriately below.

[COMMENCMENT]

Mayor Gilbert called the meeting to order at 3:33 p.m., welcomed everyone in attendance, and led the Pledge of Allegiance. He said it was his understanding from the Town Clerk that new, cordless-wireless microphones were included in the proposed fiscal year budget and he looked forward to having those installed. He said it is a priority for members of the public to be able to hear on the livestream but also for the sound to be heard clearly in the back of the meeting space on the 3rd Floor.

Town Clerk Coleman said that was correct and those should be installed in time for the August work session, following the Council's summer break.

Mayor Gilbert said the Town Manager will lead us through the work session items and that the agenda was full.

Town Manager Vosburg said that the main topics for today's work session were specifically related to public safety and that both the Fire Chief Tim Herman and Police Chief Ryan Johansen would be providing a presentation on various topics, projects, and initiatives.

[FIRE STATION LOCATION STUDY RESULTS AND RECOMMENDATIONS]

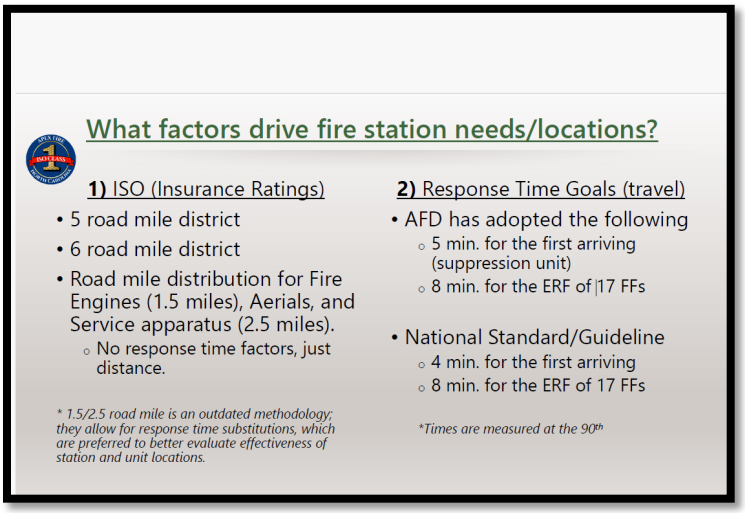
Fire Chief Tim Herman provided the following PowerPoint presentation.

CLERK NOTE: Throughout the presentation questions were asked by members of the elected body. Those questions and the staff's corresponding responses are denoted below each PowerPoint slide as applicable.

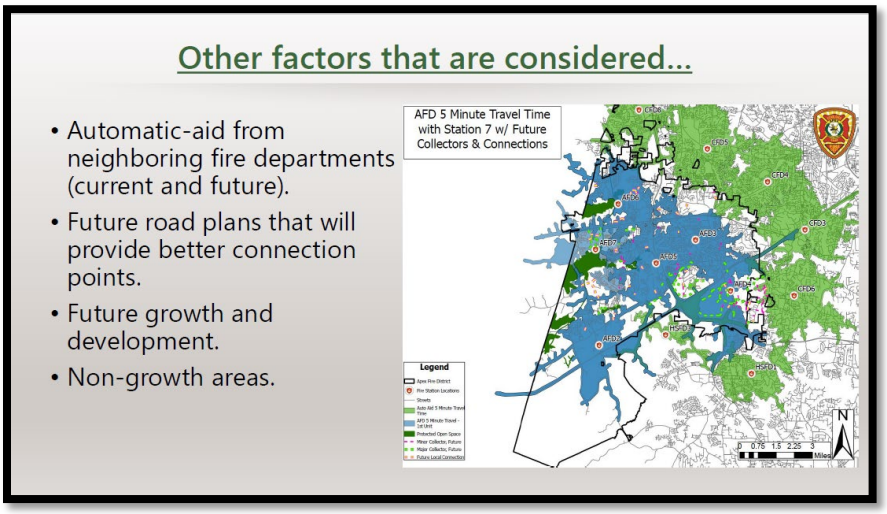
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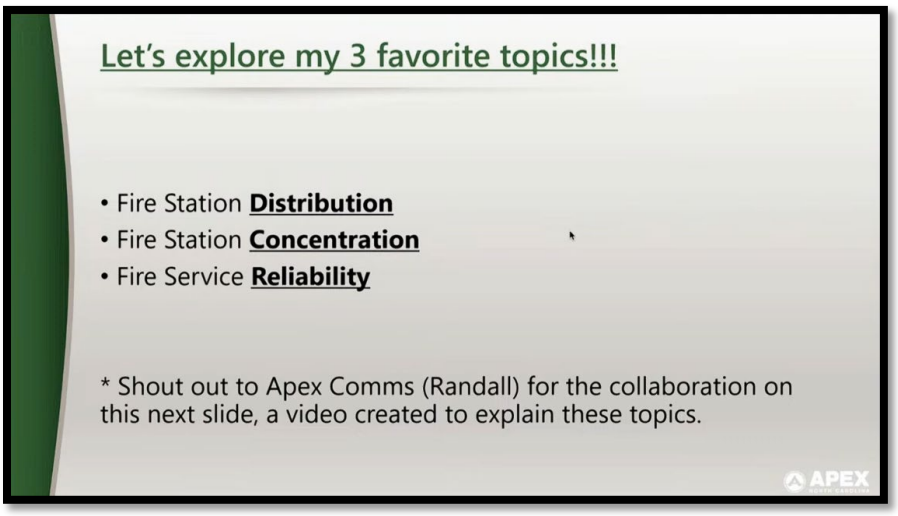
[SLIDE 3]



Councilmember Gantt asked if the gaps were reflected in the white areas between the blue and the green areas.

Chief Herman said that is correct and there were maps that would show more detail about what this means.

[SLIDE 4]

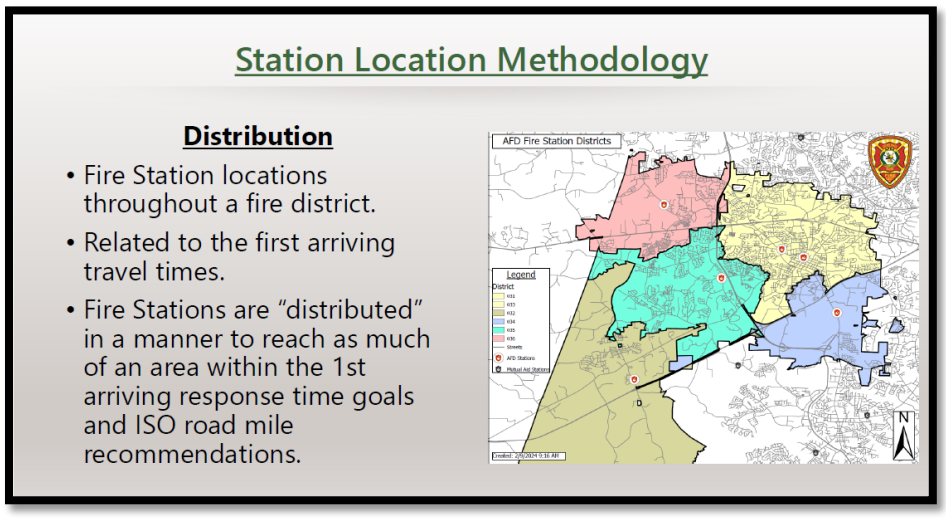


[SLIDE 5 (VIDEO)]

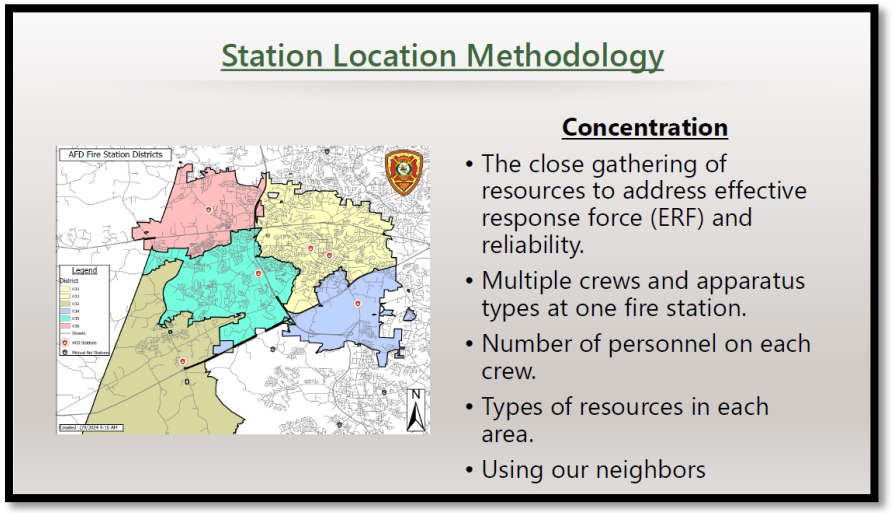
Chief Herman showed a video to show his vision for Apex Fire Department. During this slide, the Mayor, Town Councilmembers, Town Staff, and members of the public, both in-person and online, watched a video on how the Town's Fire Station locations are determined, how the number of fire engines are determined for a particular station, and much more. The focus topics covered were Fire Station Distribution, Fire Station Concentration, and Fire Service Reliability.

Councilmember Killingsworth arrived at the meeting at **3:43 p.m.**

[SLIDE 6]



[SLIDE 7]



[SLIDE 8]

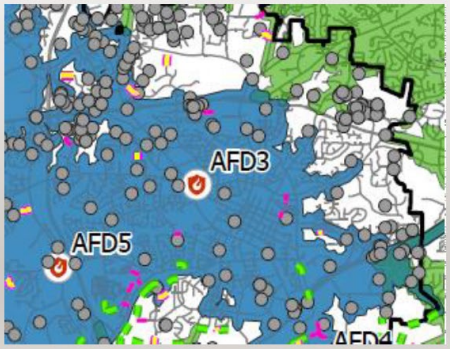
Effective Response Force (ERF) Example

Single family residential structure fire (moderate risk)	
Critical Task	Number of Personnel
Command/Safety/Accountability	3
Fire Attack/Investigation Crew	2
Rapid Intervention Crew (OSHA Requirement)	4
Search/Rescue Crew	2
Pump Operator	1
Backup/Support Crew	2
Water Supply	1
Ladder/Vent Crew	2
Total ERF	17
Achieved with 4 Engines, 1 Ladder, 1 Rescue, and 2 Battalion Chiefs (CAM Wide)	

APEX NORTH CAROLINA

[SLIDE 9]

Reliability & Utilization



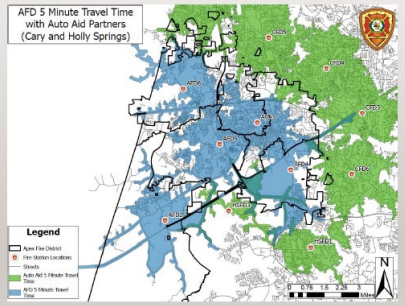
The formula to monitor

- Utilization increases
- Reliability decreases
- Response times increase

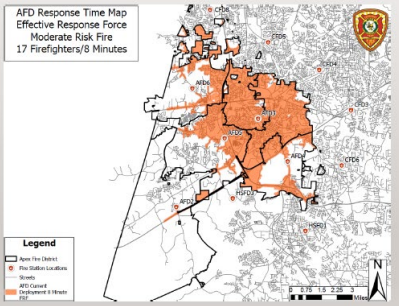
[SLIDE 10]

Current Travel Time Coverage

First Unit Coverage (5 minutes)



ERF of 17 Firefighters (8 minutes)



Councilmember Mahaffey asked what the colors meant

Chief Herman said if an area is not covered by blue, it would be a response time of over 5 minutes.

Councilmember Zegerman asked if deploying 17 firefighters is a national standard and if the equipment types that are deployed are also standard.

Chief Herman said that was correct.

Councilmember Mahaffey asked how mutual aid works in practice.

Chief Herman explained that within the Cary, Apex, Morrisville area each fire department dispatches units seamlessly within areas close to each other.

Councilmember Mahaffey said that he understood the dispatch but wanted to know about response if another incident arises after a significant response

Chief Herman said dispatch is County-wide, so if a significant portion of Apex's fire department was on a call for a large incident, Holly Springs personnel could move up into Apex to be ready to respond to additional incidents here if necessary. He said they could also move around units from other Apex stations to provide coverage.

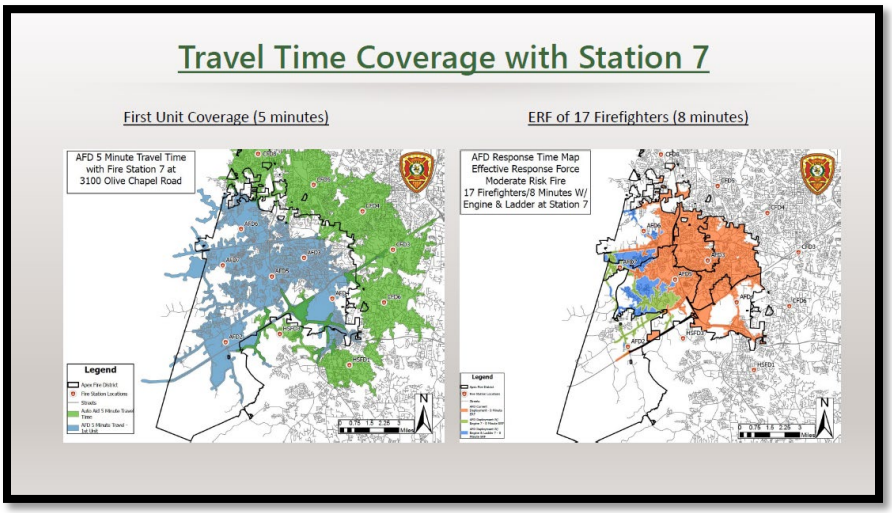
Councilmember Gantt asked why New Hill doesn't have any orange.

Chief Herman said that it's because there's just one engine at Station 2 and the next closest station is #5 with an engine and a ladder. He said those can arrive to the area within 8 minutes, but that would still be less than 17 people.

Councilmember Gantt said that there were multiple stations that work in these areas. He asked if any stations by themselves have 17.

Chief Herman said the most a station has is 8 personnel, and the minimum staffing is 7.

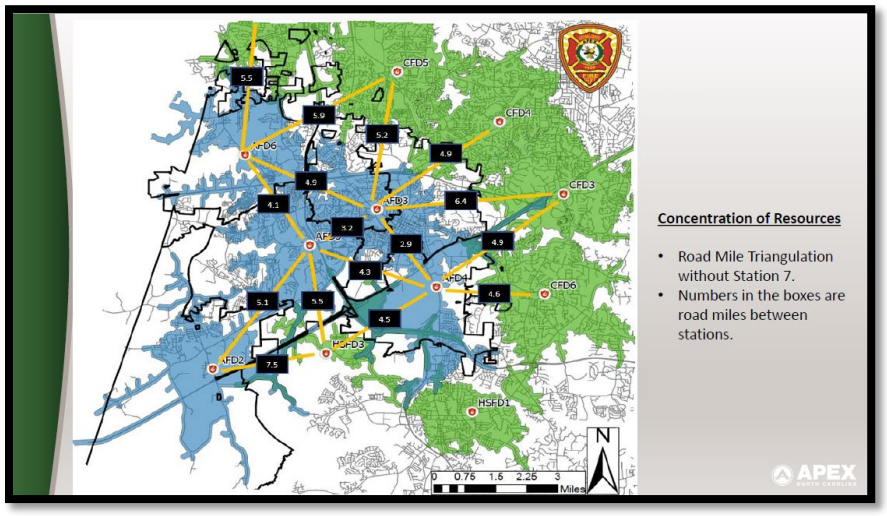
[SLIDE 11]



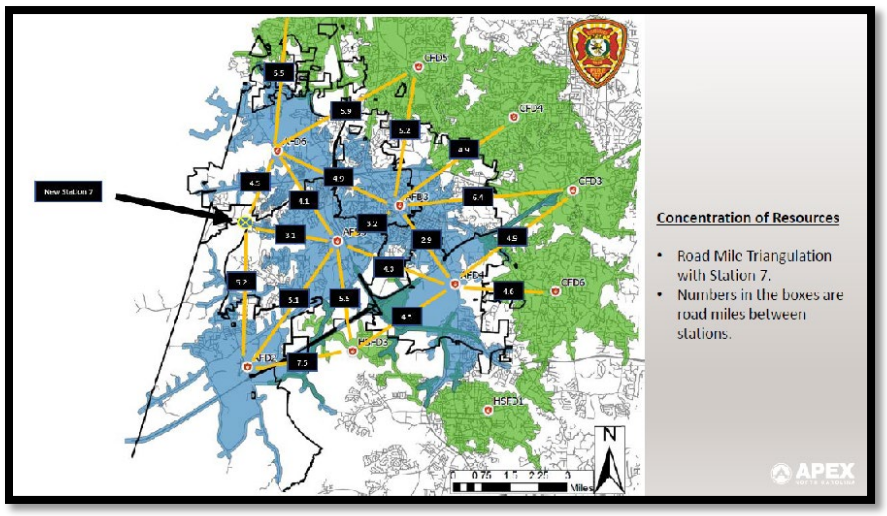
Councilmember Zegerman asked what the white area meant.

Chief Herman said that was an area that would never be developed, such as protected land, water, etc.

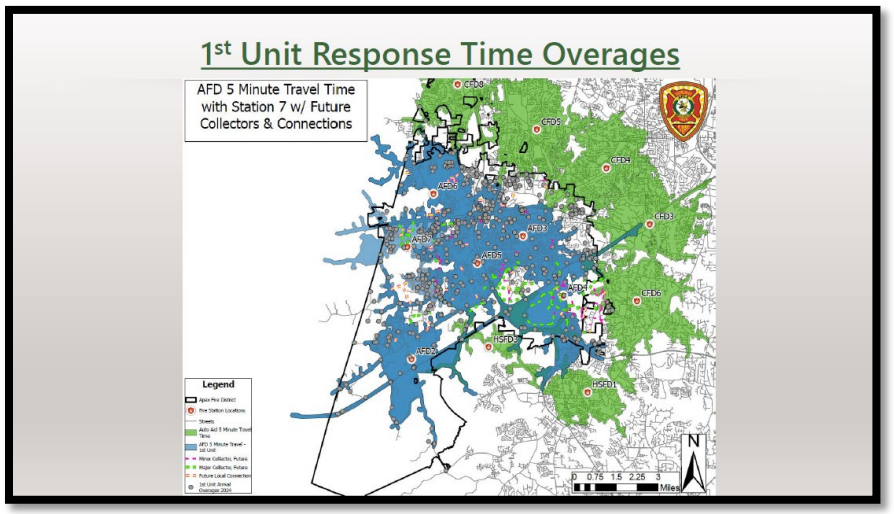
[SLIDE 12]



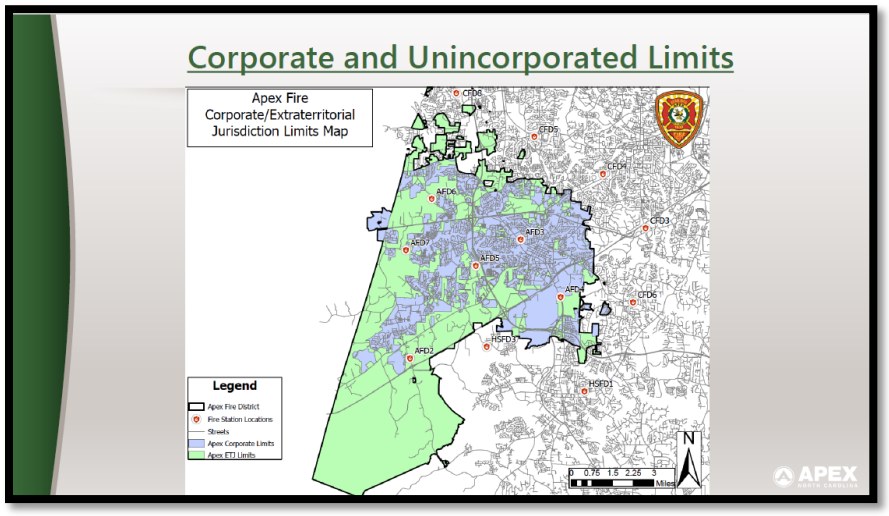
[SLIDE 13]



[SLIDE 14]



[SLIDE 15]



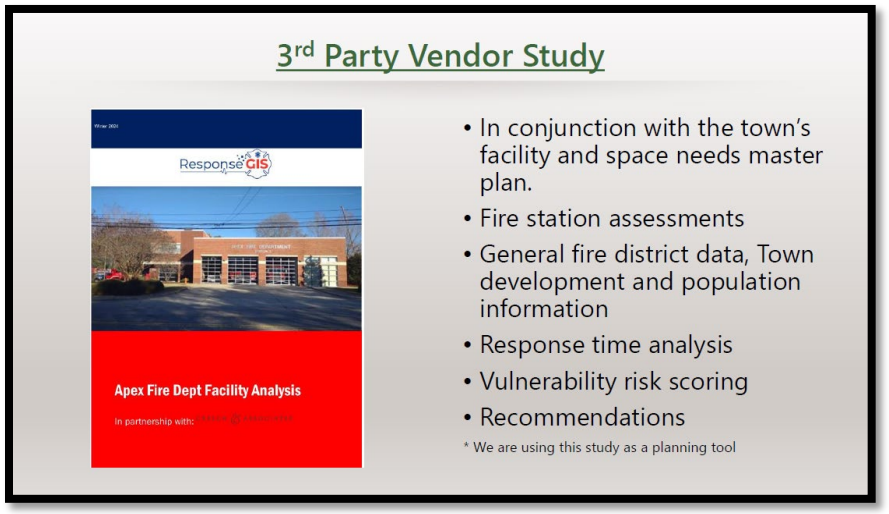
Mayor Pro Tempore Gray asked about the addition of stations in the surrounding communities.

Chief Herman said that Holly Springs had recently opened a new one and there were more planned in the next 5 years. He said that Apex's Fire area may be growing soon with County realignment, and it may increase Apex's cost share some.

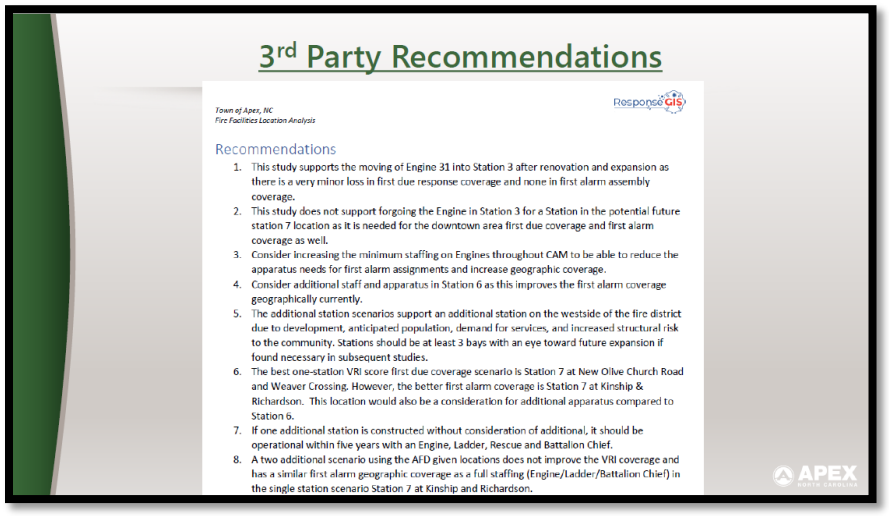
Councilmember Gantt asked if there were any County fire stations.

Chief Herman said no, and they contract with all surrounding municipalities, including the City of Raleigh and Cary.

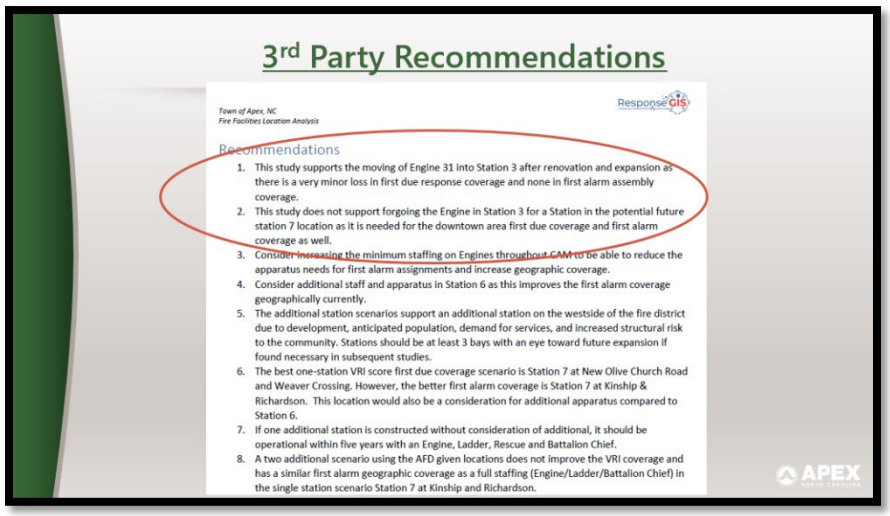
[SLIDE 16]



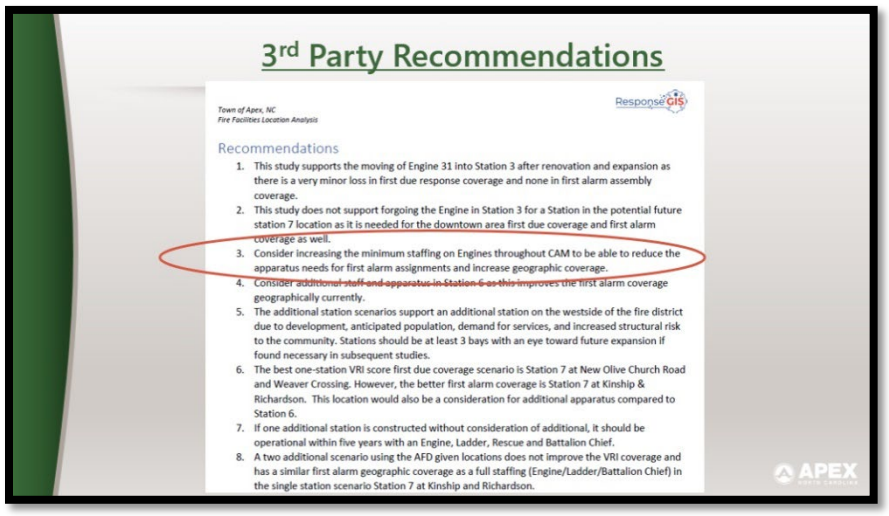
[SLIDE 17]



[SLIDE 18]



[SLIDE 19]



Councilmember Zegerman asked if adding more staff would change the 17-person target or the number of vehicles traveling.

Chief Herman said it would change the number of vehicles traveling.

Councilmember Mahaffey asked about what that meant for additions.

Chief Herman said for a goal of maintaining 4 staff per engine, it is standard to hire 5 for that engine. He said this would be an addition of 15 staff.

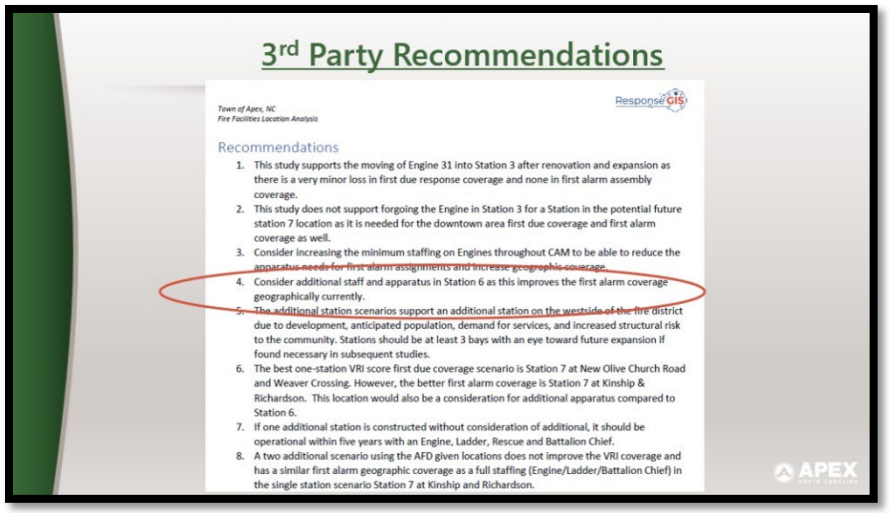
Councilmember Mahaffey asked if these numbers included the current year's request

Chief Herman said no, that would be in addition to this year's request.

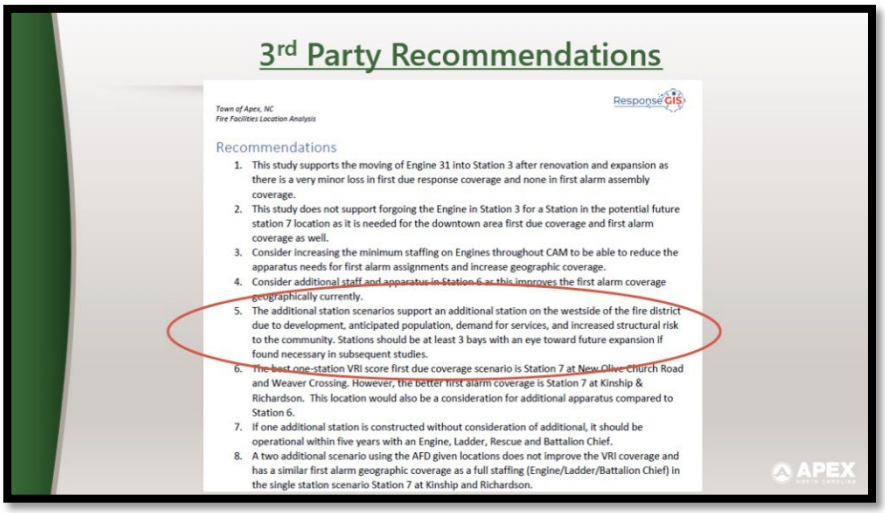
Town Manager Vosburg said that to that point, the six additional positions this year are to help maintain the current minimum standard.

Chief Herman said that more staffing allows time and flexibility for staff to utilize their time off, FMLA, or Workers' compensation.

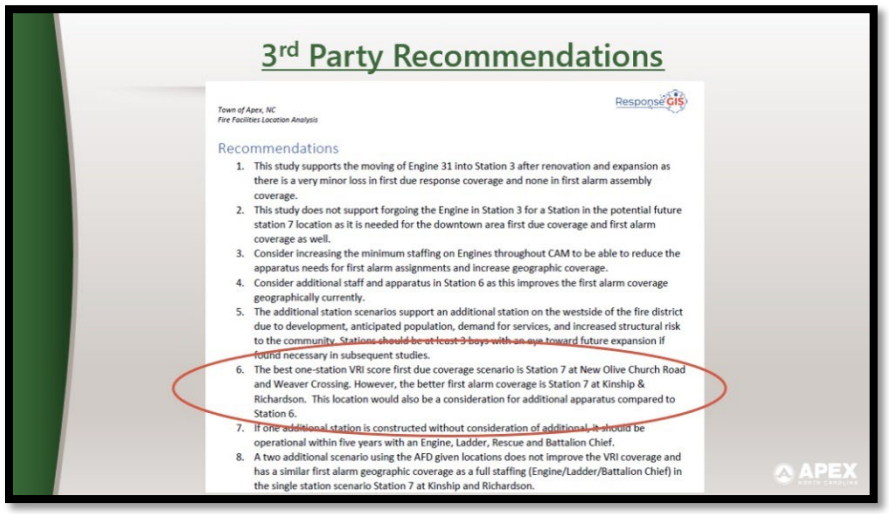
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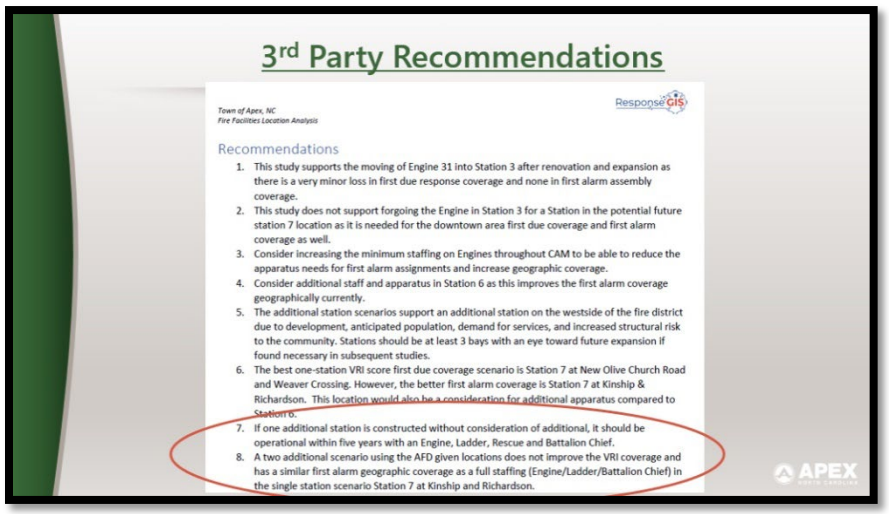
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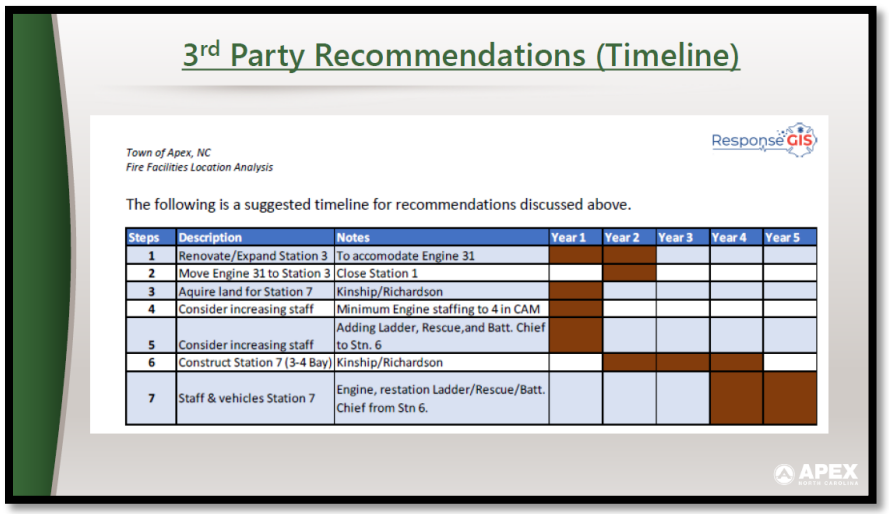
[SLIDE 22]



[SLIDE 23]



[SLIDE 24]



[SLIDE 25]

Recommendation	Status/Timeframe
1. Close Fire Station 1, relocating the Engine from station 1 to station 3 (station 3 does not currently have an engine, just a heavy rescue).	Currently in the works, station 1 slated to close after renovations to station 3.
2. Re-evaluate the response time gaps on the east side of Apex after Station 1 is closed. If the evaluation of response times on the east side of Apex continue to indicate the need for a fire station, add to CIP. This fire station would address distribution and be a single company fire station, (1 engine crew).	Evaluation period of 12-months and come back with any needed recommendations on the east side for a possible Station 8.
3. Build a 2-company fire station on the westside of Apex to address response time gaps (first arriving and ERF). Phase in the 2 companies over 2-3 years. *based on the possible need on the east side, the 2nd company may be shifted to the east side station first, then add the 2nd company here.	Based on current needs and future growth, we recommend this fire station open in 2030. This is already in the current CIP with dates below. • Land secured in FY26 • Design/Planning in FY28 • Start construction in FY29
4. Continue to monitor response time data as the town increases in population and road miles. Both will increase utilization and decrease reliability, resulting in the need of additional resources to maintain quality service delivery.	This is an on-going process.

Councilmember Killingsworth asked about if recommendation was that future station 7 would need to be expanded.

Chief Herman said that it was recommended that Station 7 would be a 3 to 4-bay fire station, which would hold 2 companies.

Councilmember Killingsworth asked if there was space for this recommendation.

Chief Herman said that there was space, and it would be built and be ready for two fire companies.

Town Manager Vosburg said it would be ready for expansion to 2 companies when needed.

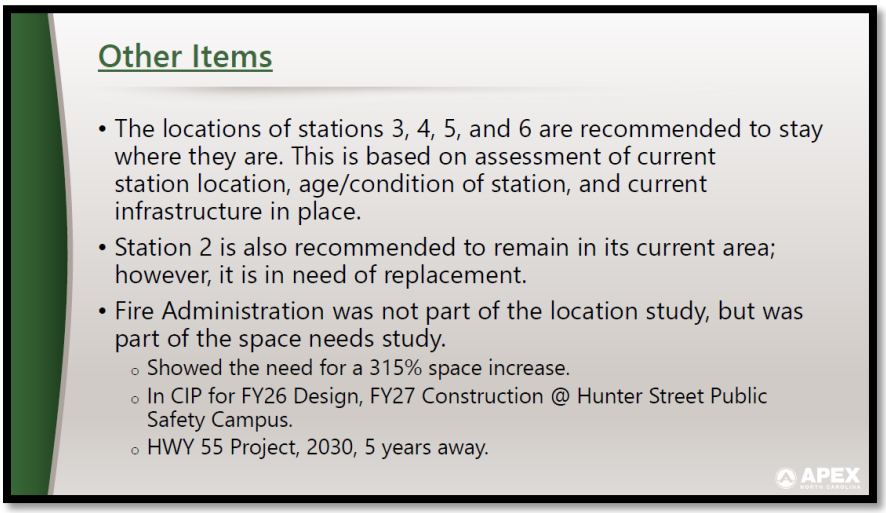
Councilmember Killingsworth asked did the land have the ability for expansion in the future if needed.

Town Manager Vosburg said that it would be appropriate for the maximum of what is being recommended.

Councilmember Zegerman asked what fire station Apex has as a two-company fire station currently.

Chief Herman said station #5 and #4.

[SLIDE 26]



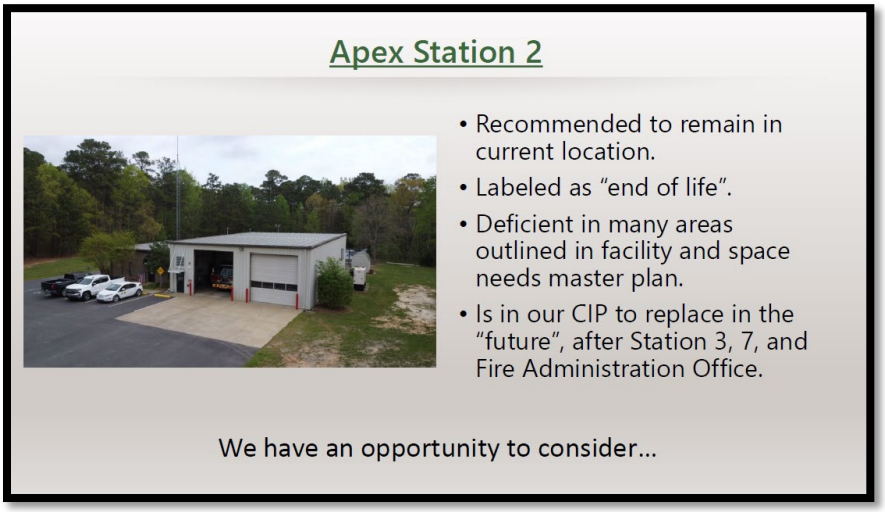
Councilmember Zegerman asked what was driving the 3x increase in space requirements.

Chief Herman said the space they have is already full with current positions without conference room and lobby space, and with the additional position needs it adds space needs as well.

Councilmember Gantt asked if there is a possible opportunity to build a station with Cary.

Chief Herman said that Cary was reaching the district line fairly well and he reiterated that all areas aren't going to be filled in completely, and this was a fairly large area. He said that if a new station was built that it would take care of most of the area.

[SLIDE 27]



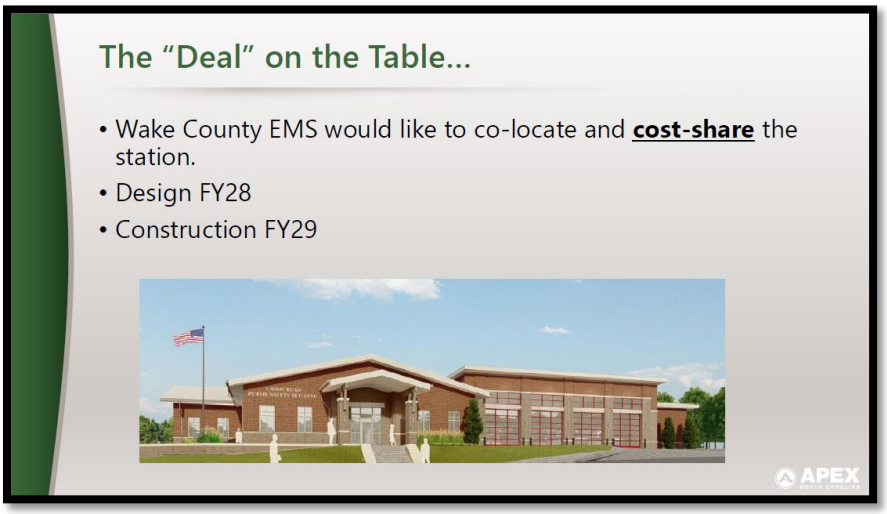
[SLIDE 28]



Councilmember Gantt asked what was north of this and where was the main road.

Chief Herman said in front to the north.

[SLIDE 29]



Councilmember Mahaffey asked if Wake County would lead the design and construction of the new building.

Chief Herman said that that would be asked at the meeting that was being held May 21st, but prior discussions had been that Apex would own the building and that would usually mean that Apex would lead in design and construction. He gave an example of Wake County's recent partnerships like this.

Councilmember Mahaffey asked for clarification on if the ask was to delay Fire Station 7, or to provide additional resources to build this with Wake County.

Chief Herman said that it would be up to what was wanted by Council, and this was the question.

Mayor Pro Tempore Gray said that the next meeting information would help make the decisions. He said that if Wake is heavily invested in this and it is an offer that goes away, that's something the Council would have to decide.

Councilmember Mahaffey asked about

Councilmember Zegerman asked about a scenario in which station 2 was redesigned to be a 2-company station.

Chief Herman said that scenario was not modeled here.

Councilmember Mahaffey said that Station 2 looks like a shed and asked what was inside.

Chief Herman said that it is turn out gear storage, workout rooms, and other things that are needed.

Councilmember Mahaffey asked if the ballpark amount of cost share for a new station with Wake County would be $10 million.

Chief Herman said that would probably be close, as the total cost of a new station today would be around $12 million.

Mayor Pro Tempore Gray said he would like to see more about the budget for this.

Chief Herman said at the meeting that he could get more of an estimate.

Councilmember Killingsworth said that Wake is going to build this regardless of if Apex is part of this.

Councilmember Mahaffey said that there were 2 stations at least that were going to be replaced in the next 10 years, and those could be more expensive that this opportunity for the town.

Councilmember Killingsworth asked Chief Herman to ask if they had programmed the money and if not, would they consider delaying this project a year or two.

Chief Herman said that they have already delayed this and wanted to start in FY 2026. He said they will know more soon.

Councilmember Zegerman asked if they could own the building with Apex doing a 35% cost share.

Chief Herman said they seemed to want Apex to own the building in this scenario, but they could discuss that.

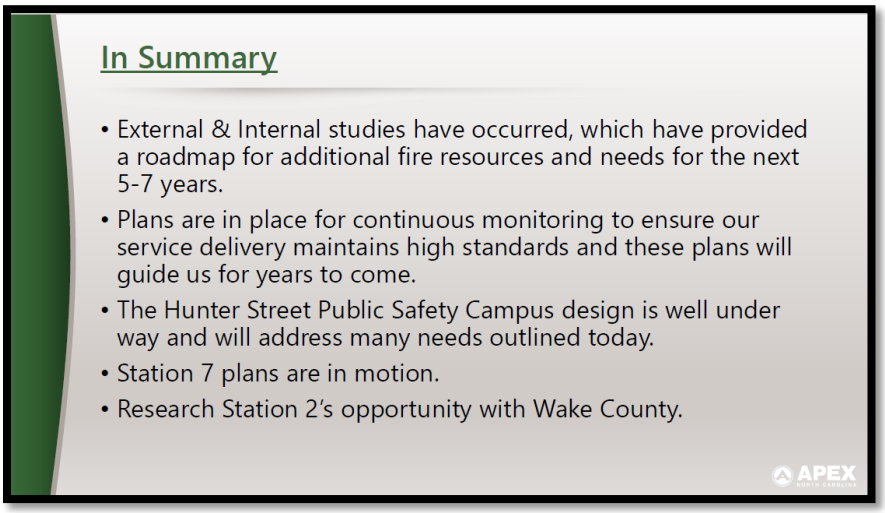
Councilmember Gantt asked if this would be better for the town to have this versus two separate stations in the long term.

Chief Herman said yes. He said this would help them "call share" and it would save taxpayer money

Councilmember Gantt asked if it is one building and parking.

Chief Herman said that they own this, and Apex leases and it would be an option to purchase this so that the complex could be built.

[SLIDE 30]



[SLIDE 31]



Mayor Gilbert asked if more fire stations were built where training is for everyone.

Chief Herman said that there is training in various locations. He said that there is the Wake County Fire Training Center, he said they also travel to Sanford Community College, Central Carolina Community College and Fayetteville Tech to name some.

Mayor Gilbert asked if there was training while firefighters were on their shift.

Chief Herman said that 95% of Apex fire training is on duty.

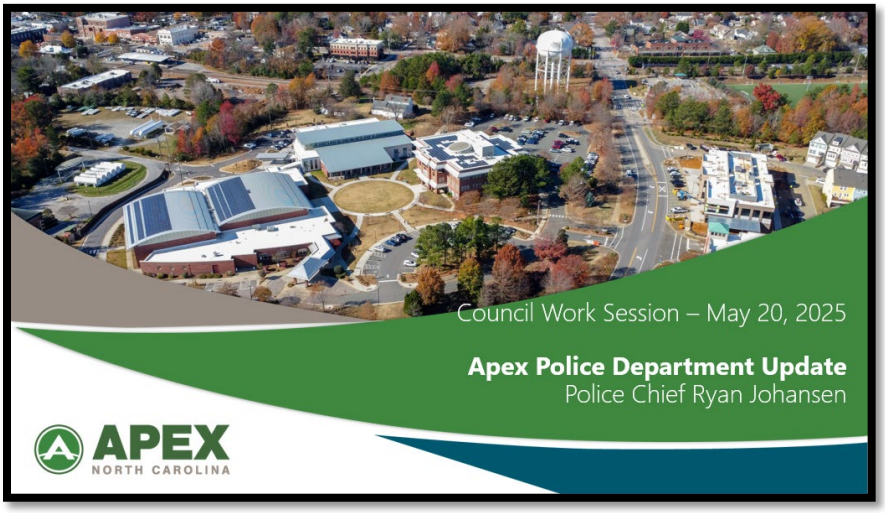
Town Manager Vosburg said that a big point is the ISO and that research shows that it is in the top 1%, and that it is huge and asked that this to be kept in mind while making decisions.

[BIANNUAL PUBLIC SAFETY UPDATE - POLICE]

Police Chief Ryan Johansen provided the following PowerPoint presentation.

CLERK NOTE: Throughout the presentation questions were asked by members of the elected body. Those questions and the staff's corresponding responses are denoted below each PowerPoint slide as applicable.

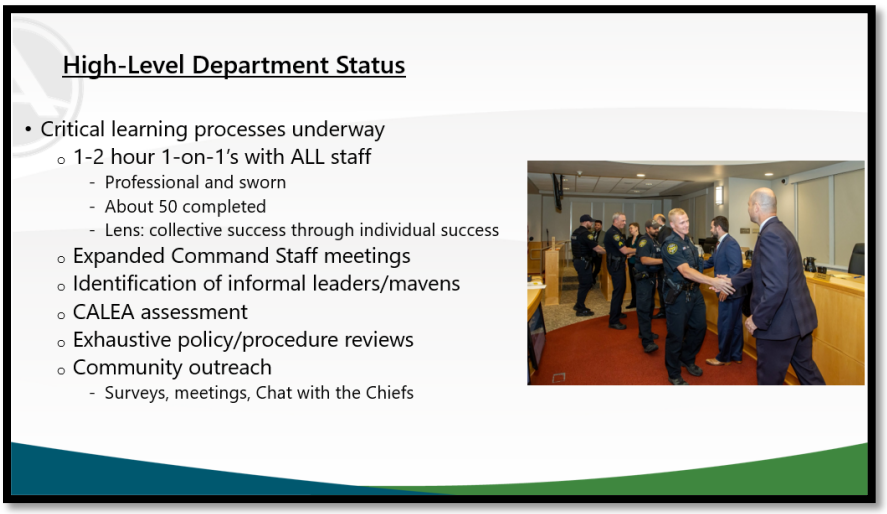
[SLIDE 1]



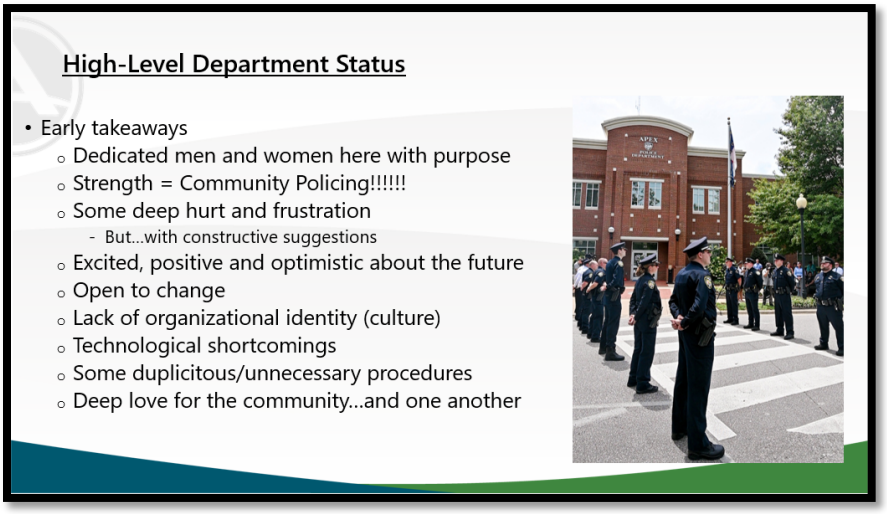
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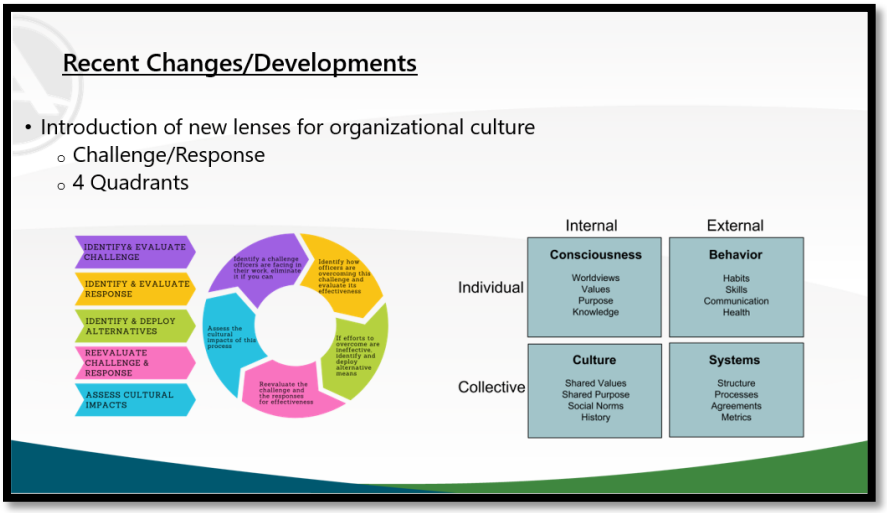
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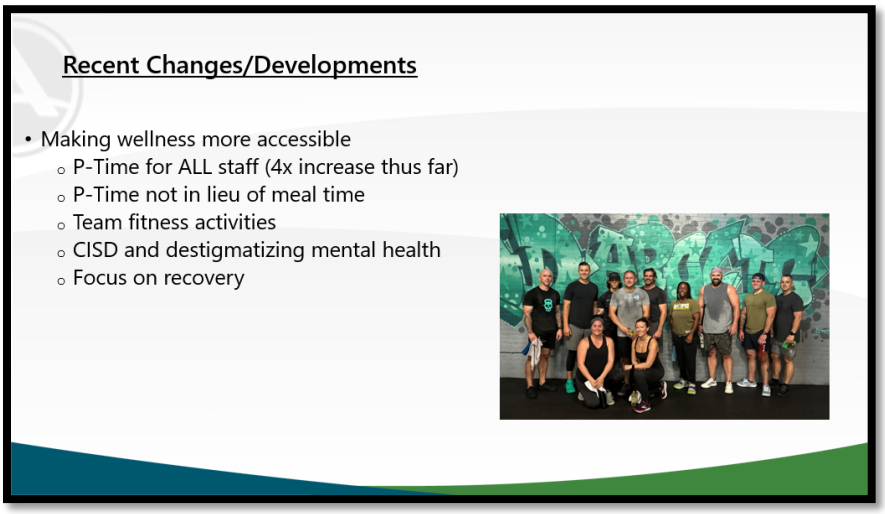
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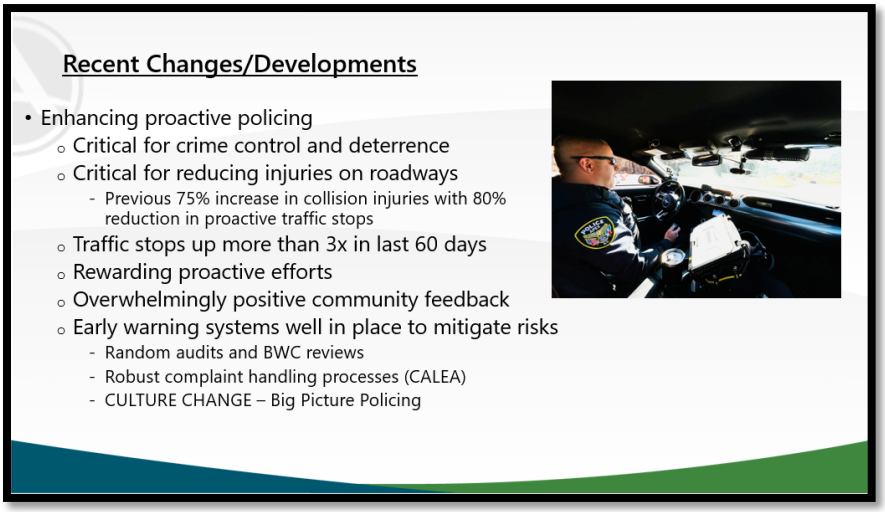
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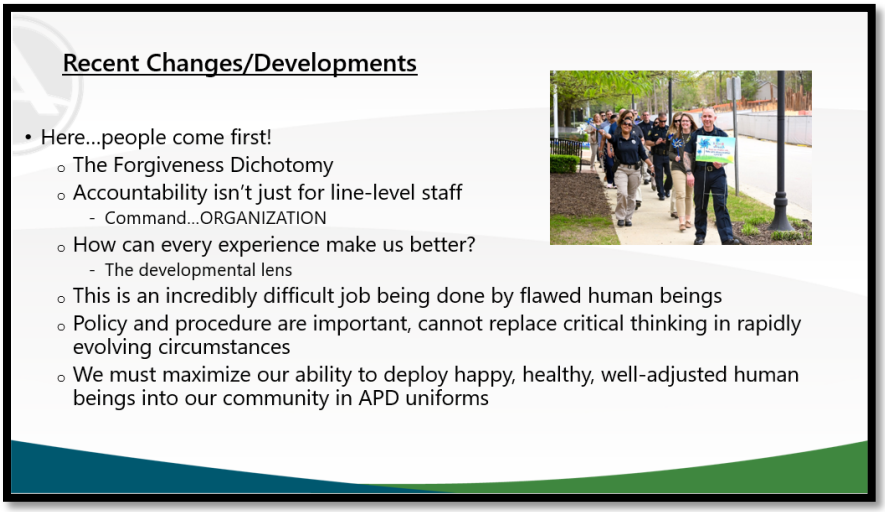
[SLIDE 6]



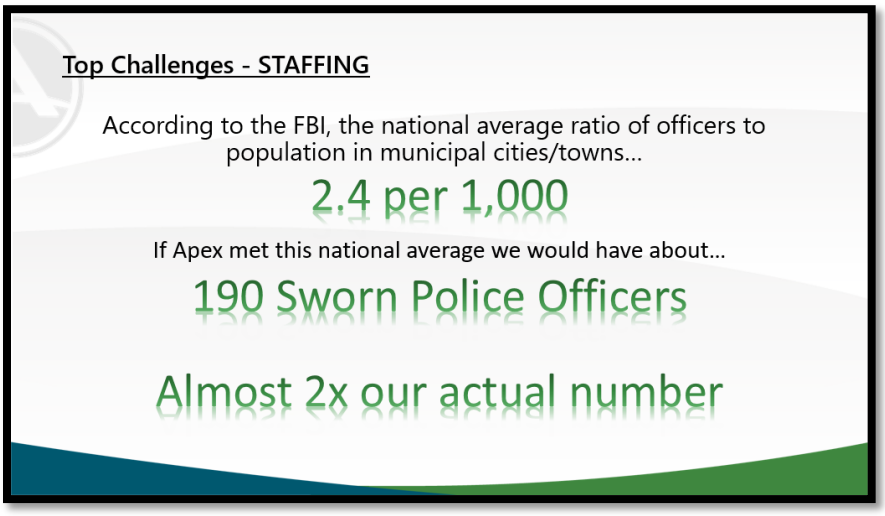
[SLIDE 7]



[SLIDE 8]



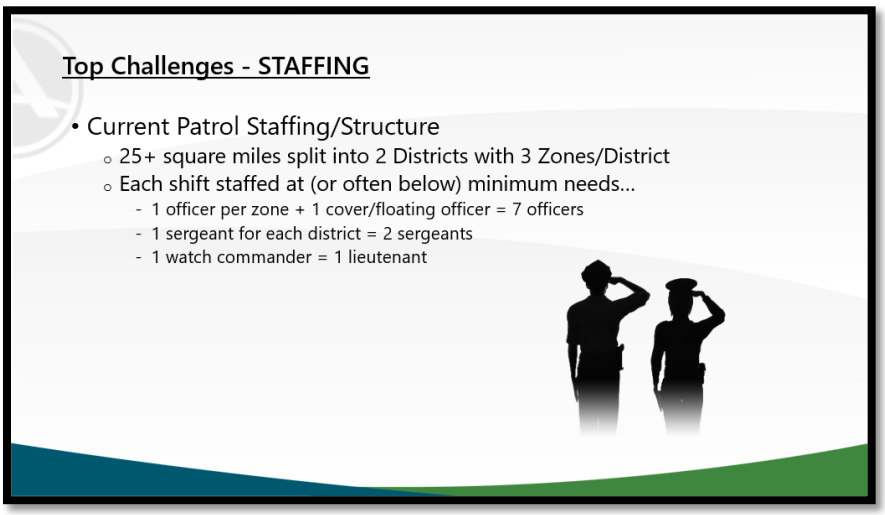
[SLIDE 9]



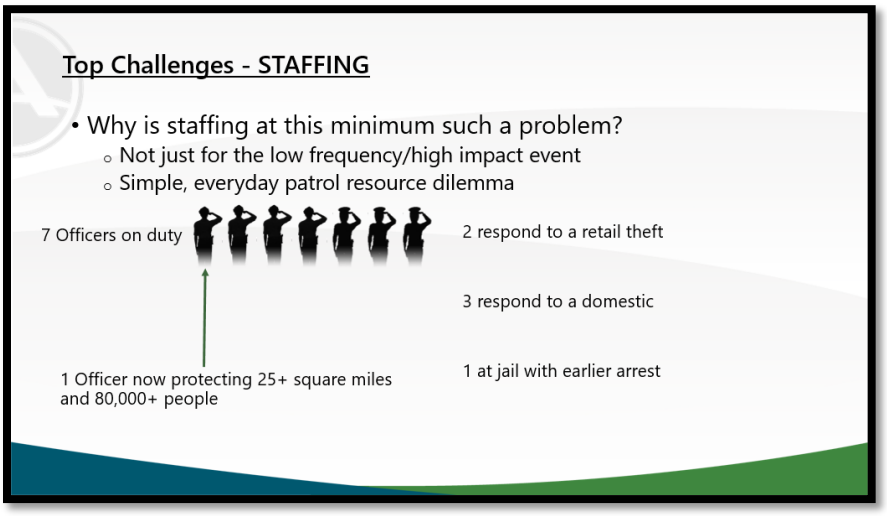
Councilmember Zegerman asked what the recommended ratio would be for a Town the size of Apex.

Chief Johansen said that the short answer is that there is not a recommended ratio. He said that there is no one that is going to recommend a standard for staffing a Police Department. He said that he is an advocate for a staffing model, and he would be working to bring that to Council.

[SLIDE 10]



[SLIDE 11]



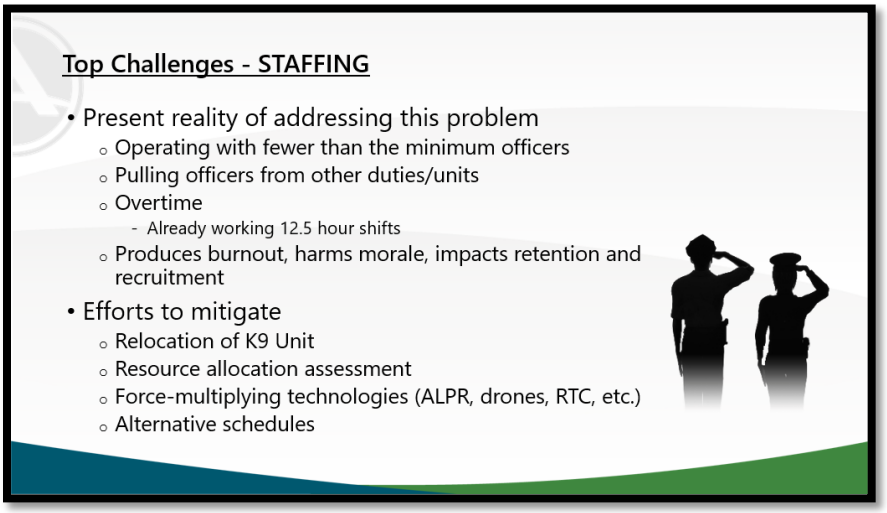
Councilmember Zegerman asked how many positions are currently open.

Chief Johansen said that technically zero because there are seven new officers currently in some stage of the backgrounding process to be hired, but they are not actually on duty as of now.

Councilmember Zegerman asked if that was from recruiting catching up since Chief Johansen started.

Chief Johansen said that when he came, he believes there were 14 vacancies.

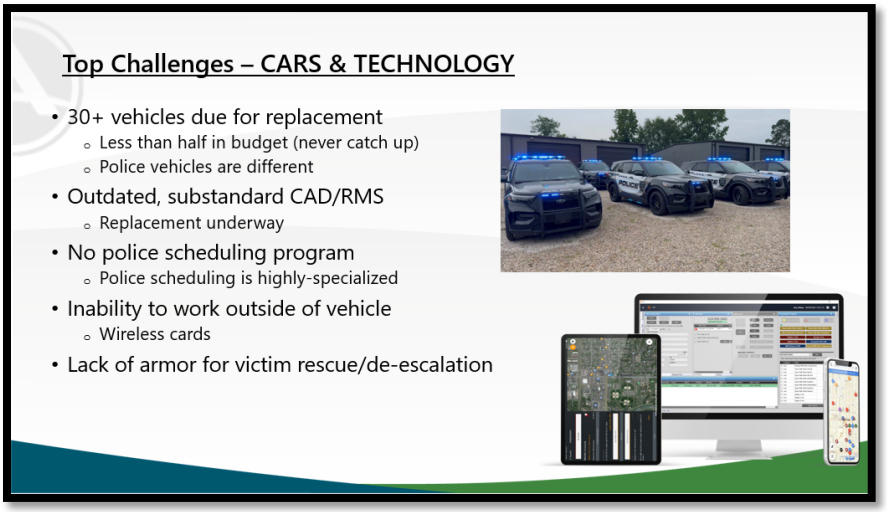
[SLIDE 12]



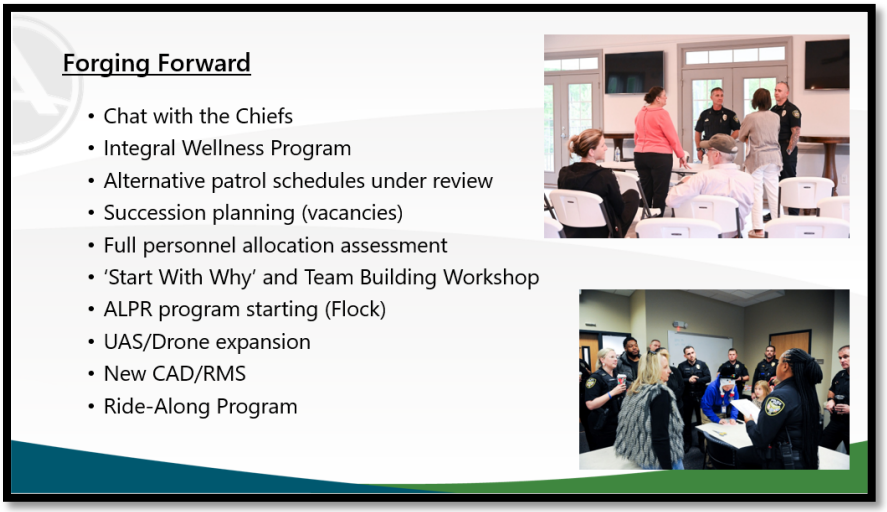
[SLIDE 13]



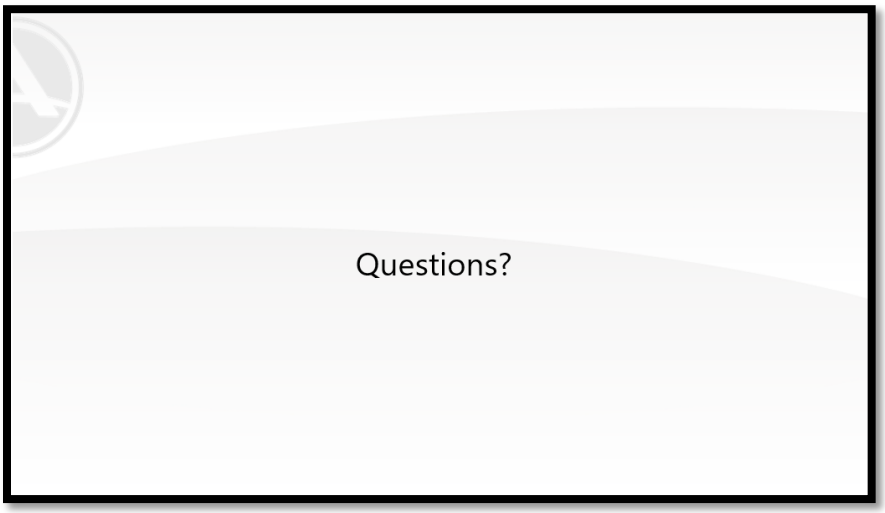
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[SLIDE 15]



[SLIDE 16]



Chief Johansen said that he appreciated everyone being so patient with him.
Mayor Gilbert thanked him and congratulated him on his 120 days.

Mayor Gilbert called for a recess at **5:13 p.m.** and announced the meeting was in recess.

Mayor Gilbert reconvened the meeting at **5:21 p.m.** and said that additional items were to be discussed in closed session.

[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)(4) and NCGS §143-318.11(a)(6).

VOTE: UNANIMOUS (5-0)

Council entered into closed session at **5:22 p.m.**

CS1 Mayor Jacques K. Gilbert
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."

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 **7:17 p.m.**

[ADJOURNMENT]

With no additional business being presented before the Council, **Mayor Gilbert** adjourned the meeting at **7:18 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 June, 2025 (CN8).

APPROVED MEETING MINUTES

TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, MAY 27, 2025
6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, May 27th, 2025 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=U2brgWD68Nk

[ATTENDANCE]

Elected Body
Mayor Jacques K. Gilbert (absent)
Mayor Pro Tempore Ed Gray (presiding)
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 Pro Tempore Gray called the meeting to order at **6:00 p.m.** He said that he would be presiding over the meeting with Mayor Gilbert being absent. He read a diversity statement, and led all in attendance in the Pledge of Allegiance. He then asked for a moment of silence in honor of Memorial Day.

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

VOTE: UNANIMOUS (5-0)

[CONSENT AGENDA]

CN1 Council Meeting Minutes - May 08, 2025 Budget Work Session

Council voted to approve Meeting Minutes from the following meetings:
May 08, 2025 – Town Council Budget Work Session Meeting Minutes

CN2 Multi-Year Contract - Cape Fear Water Solutions Inc. - Chemical Management and Maintenance Middle Creek Water Reclamation Facility and Various Pump Stations - July 1, 2025 through June 30, 2028 (CONT-2025-146)

Council voted to approve a multi-year standard services agreement between Cape Fear Water Solutions, Inc., and the Town of Apex, for chemical management and maintenance at Middle Creek Water Reclamation Facility and various other pump stations, effective July 1, 2025, through June 30, 2028, and to authorize the Town Manager, or their designee, to execute on behalf of the Town

CN3 Multi-Year Contract – Cornerstone OnDemand Renewal – Related to Internal Performance Management, Learning Management, and Choice Customer Success Service Software – July 1, 2025 through June 30, 2030 (REF: CONT-2025-147)

Council voted to approve a multi-year renewal agreement with Cornerstone OnDemand and the Town of Apex, for software programs to include Performance, Learning Management and Choice Customer Success Services, effective July 1, 2025 through June 30, 2030, and authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN4 Resolution in Support of Senate Bill 587 - Clarify Nonconforming Uses (REF: RES-2025-028)

Council voted to adopt a Resolution in Support of Senate Bill 587, An To Clarify Nonconformities in Land Developed, and direct the Town Clerk to provide a certified copy of this resolution to all elected representatives representing the Town of Apex in the North Carolina General Assembly, and All Wake County Municipal Mayors, Town Councilmembers, and Town Clerks and request their support of this legislation.

CN5 Resolution to Collect Taxes - Chatham County - Fiscal Year 2025-26 (REF: RES-2025-029)

Council voted to adopt a resolution authorizing Chatham County Tax Administrator to collect taxes on behalf of the Town of Apex.

CN6 Resolution to Collect Taxes - Wake County - Fiscal Year 2025-26 (REF: RES-2025-030)

Council voted to adopt a resolution authorizing Wake County Tax Administrator to collect taxes on behalf of the Town of Apex.

[UPDATES BY TOWN MANAGER]

Town Manager Vosburg gave an update on the following items:

- **Third-Party Recalculation Tool** - The form went live on Friday, May 23rd, and several customers have already signed up, email blasts and bill inserts are being prepared to inform more customers. The contract is in place with RevSpring for bill printing services. Sample bills have been sent for proofing, and a mailing date is expected soon.
- **Tunstall House Renovation** - Bidding for renovation is ongoing. There have been two bid packages with different components and there have been four bids at this time. The low bid for both interior and exterior work is around $1.5 million, while exterior-only work is approximately $900,000. Site work bids have been extended to June 5 to attract more bidders.
- **Water Meter Upgrade** – To date, there are 12,300 accounts that have had their meters replaced, with 15,000 more to go. Some billing delays have affected 500–600 customers per cycle and those affected have been notified. Full replacement is expected by December 2025.
- **Senior Center Award** - The center received the 2025 AIA Triangle Community Impact Through Design Award for its welcoming environment and accessibility.

Councilmember Mahaffey asked if water and electricity would be completed by December.

Town Manager Vosburg said that would be just water and the electricity should begin in the Fall.

[PRESENTATIONS]

PR1 Proclamation - Homeownership Month - June 2025 (REF: PRO-2025-022)

Mayor Pro Tempore Gray along with the rest of Town Council, read the Proclamation for Homeownership Month in unity. He then invited up the members of the Community Development Neighborhood Connections Department up to accept the proclamation and take a picture.

PR2 Proclamation - Juneteenth - Thursday, June 19, 2025

CLERK'S NOTE: This item was moved to the June 10th, 2025 Regular Town Council Meeting.

PR3 Proclamation - LGBTQIA+ Pride Month - June 2025

CLERK'S NOTE: This item was moved to the June 10th, 2025 Regular Town Council Meeting.

[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 **Councilmember Killingsworth** to approve the Regular Meeting Agenda, with the delay of PR2 and PR3 to June 10th, 2025, and the delay of PH5 and PH6 to June 24th, 2025.

VOTE: UNANIMOUS (5-0)

[PUBLIC FORUM]

Mayor Pro Tempore Gray moved to the Public Forum and invited the first speaker up.

First to speak was **Sarah Davis** at 1911 Stroll Circle, Fuquay Varina:

"I am a social worker with Wake County Schools, McKinney-Vento program. The McKinney-Vento act is a law that addresses the needs of children and youth experiencing homelessness and this is a federal law, so it applies to every state in the United States. I'm here to speak about how families in Apex and Wake County are being affected by the lack of affordable housing. In order for students to qualify for our program, they have to meet three different criteria and that is that they must be living somewhere temporarily, they must have lost housing, and that must be due to an economic or other hardship that qualifies them for us. The main purpose of the program is to provide school stability for the students who are in a housing transition. This is why the law allows students in our program to remain at the school they are currently attending when they lose housing, even if they move anywhere in Wake County that is not in the base school area because research shows that children who remain in their school of origin have better physical, emotional, academic, and social outcomes. They have already lost their housing, sometimes their possessions, friends, and family, and more so we don't want them to have to lose their school either. The family can always choose the base school if they want to, because the choice is always theirs. Research also shows that if a student is in housing transition and they don't obtain their GED or graduate, then they're 4.5 more times likely to be in transition with their housing or homeless when they graduate. Some of the services by law that we are entitled to give these students in our program if they are served for an entire academic year, even if they obtain permanent housing that school year, they still are in our program and receive services the entire school year. They automatically get free breakfast and lunch. Like I said, they get school choice to attend base school or school of origin. They get transportation to and from school, no matter where they live in Wake County. They receive immediate enrollment into school, and all the required paperwork is waived. Their siblings that are going to be four by August 31st get to

attend preschool with Wake County Schools and we also can help provide financial assistance for students that are seniors and graduating that school year. This is one of the most important parts of what I wanted to say. We have data, we've had data since the 2014–15 school year of the number of students in our program. In the 2014–15 school year, there were 2,736 students in our program that year. It's increased every year, and by last year, 2023–24, the number had more than doubled at 5,654 students that were in transition with their housing in the entire county. Our numbers for this school year, 2024–25, will be more than last year, we just don't have the final number yet until the year-round schools finish at the end of June. As of mid-May, there were 137 students in Apex that are in our program for this school year. The most common reason for loss of housing for students in Wake County Schools in our program is eviction, and that is mostly due to the lack of affordable housing. We've seen this increase with the evictions due to lack of affordable housing the past few years as housing prices have soared, and lastly, I just wanted to share a quick story about a student, a family that's been in our program for the last few years. The students in this family have been in our program for three years. They were doing just fine paying their rent each month, but when it came to renew their lease, the rent payment was going to be increased by $300. This was in 2022. They signed the new lease, and within a few months, they were so behind that they ended up being evicted. They ended up having to leave their home, some of their possessions there, and the neighborhood that they'd lived in for quite a few years. At first, they moved in with a family member and all of them shared one room in that home. There were four family members, and this is when they entered our program, when they lost their housing due to the hardship of eviction and they were staying somewhere temporarily until they could obtain permanent housing again. The home of the family member was no longer in the base area for their schools, but through our program, they were able to stay at their schools of origin with transportation. During that year, they moved four more times, living in between family members' homes, hotels, and sometimes in their car. The parent had remained working the entire time but has since struggled to obtain permanent housing due to the eviction on her record and the unaffordable rent prices, even in low-income housing areas. They have moved a few more times since then, but they have been able to remain at their schools of origin throughout this time due to the McKinney-Vento law. There have been mental health concerns during this time for students that they did not exhibit before they lost housing. The parent is still trying to find an affordable place to live and hoping to get a second job in order to not end up in the same situation due to high rent prices and knowing the potential for prices to rise with each year. This is just one of many stories I could tell similar to this. Families are living in cars and staying in overnight shelters more often now than ever because their family members that once supported them cannot anymore, because they've also lost housing themselves. For these reasons, and so many more, Apex and all of Wake County is in desperate need of more affordable housing. Thank you."

Mayor Pro Tempore Gray thanked the speaker and called the next speaker.

Next speaker was **Mary Miskimmon** at 3177 Ratama Run in New Hill:

"There's been a lot of discussion tonight already of affordable housing in Apex at recent meetings, and I'd also like to use my time tonight to further address that issue from my own personal experience. I serve as the chair of my HOA's grounds committee and have learned a lot about water runoff, SCMs, and RCAs, and the cost to homeowners to maintain those in addition to whatever neighborhood amenities there are. While under development, the open spaces, trees, and shrubs along with the stormwater retention ponds in our neighborhood were all maintained by the builder, and HOA fees were very reasonable. But once the buildout was completed, however, the neighborhood was left to pick up where the builder left off, and it has cost us tens of thousands of dollars and led to higher HOA fees. One stormwater pond, for example, continues to fail inspection, and the cost to repair it is a whopping $20,000. So, when a town allows mass grading, it certainly is cheaper upfront, I understand it, I've talked to builders, but because it creates runoff issues, we then need these stormwater retention ponds, which are very expensive to maintain. A new homeowner in a community likely has no idea about how much their fees are going to be impacted because of the ponds and how much that will add to the cost of living in Apex. Additionally, the landscape was not properly designed or installed across the neighborhood, and we've had to spend thousands of dollars removing dead trees and shrubs and replanting new ones where appropriate and with no irrigation system in place, we have to pay our landscape company to hand-water, which is incredibly expensive and inefficient. So, the way Apex develops its higher density neighborhoods isn't really practical either. Squishing people into townhomes and then leaving an open space two blocks away means parents can't properly monitor young children without leaving their home and going to the park area, and everyone still has to pay to maintain that open space. So, it would be far better for Apex to build smaller cottage-style homes with yards. Everyone maintains his or her property, and we have fewer SCMs, and this reduces the costs to live in these planned unit developments. Thank you very much."

Mayor Pro Tempore Gray thanked the speaker and called the next speaker.

Next speaker was **Elizabeth Stitt** of 3113 Friendship Road:

"Mayor Pro Tem and Council, good evening. Happy Memorial Day. I signed up for quite a few things tonight, partly because when I downloaded the 1,743-page agenda, I did not have enough time to read that, I thought, if I took one minute per page, that was going to come up to be 29 hours, so as we work through the meeting, I may give back some of the time I signed up for but one of the things we've had long-term conversations about is you want the community to be engaged and where I've tried to get people to come to meetings and when things get put out on social media "Hey, it's going to be a really long meeting," that does not encourage people to come. When you download 1,743 pages of things, that may take a little time to understand. That does not encourage people to come. So, to whatever extent you guys can, on future meetings, look at ways to try to help the community engage by

having less in a meeting and yes, I brought my coffee tonight. I'm here for the long haul. Got my sweater if I need it as a pillow. Thank you for your time. Bye."

Mayor Pro Tempore Gray thanked the speaker and called the next speaker.

Next speaker was **Dawn Cozzolino** of 3632 Bosco Road:

"Good evening, Town Council. My name is Dawn Cozzolino. I'm at 3632 Bosco Road. I'm here to raise some serious concerns about the rapid pace of rezoning and annexation proposals, especially in rural Wake County. You can see all the green sheets there, many of those are in our area. We're seeing plans to bring high-density residential development into areas that currently rely on two-lane rural roads with limited access and no shoulders. Old US 1 is a perfect example, a road that was never built for high-volume traffic but is now expected to absorb over 50,000 vehicle trips per day from the approved developments in front of me that the Town Council has approved. And then with New Hill Commons, which is on tonight's agenda, and West Village on tonight's agenda, that brings it up 12,000 more. So, we're at 60,000 daily vehicle trips on a rural corridor. This is not sustainable, and more importantly, it's not safe. We already see increased speeding, congestion, and risk at intersections and along narrow roadways, but we're not seeing the necessary public documentation to address any of this. Where are the traffic studies, and where do they accumulate all the impact of all these projects you've approved and are yet to approve or are proposed? Why is the public being left to dig through scattered records or guess at what's coming next? And let's not forget the burden this places on families. Many of those developments are being approved without completed school system documentation in these zoning packets. We don't know if local schools will be capped or if families will be forced to drive even further, adding hundreds of additional car trips to an already overwhelmed network of roads. That's not responsible planning. That's setting up our roads and our residents for failure, and yet Apex continues to approve this high-density growth. And the New Hill and Friendship communities, outside the town limits, are being asked to bear the burden. We're subsidizing this growth with our roads, our traffic, our water, and our safety. But we're getting nothing in return, no infrastructure upgrades, no school guarantees, and no voice in how these decisions are made. So, I ask the Council: Why aren't there comprehensive traffic and school capacity studies made available before approvals, before things go in front of your board or in front of your Town Council? Why are these developments moving forward without plans to protect road safety and drinking water? And why does the burden fall on our community? I just want to say, let's make smart, informed, and transparent decisions for our community. Thank you."

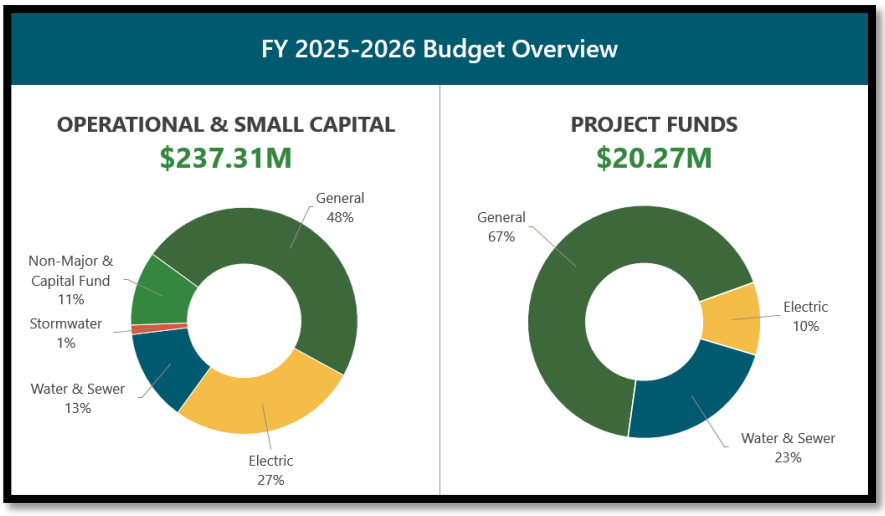
Mayor Pro Tempore Gray thanked everyone that came out to speak and closed the Public Forums. He then moved to Public Hearings.

[PUBLIC HEARINGS]

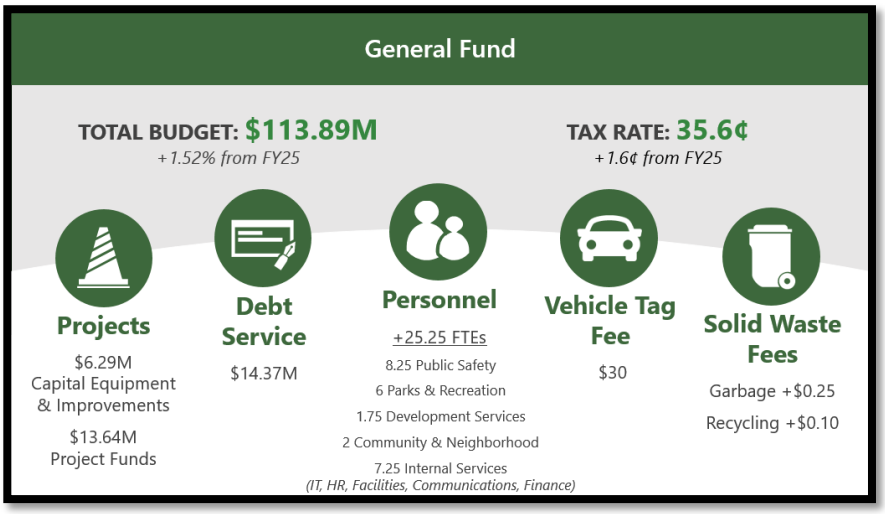
PH1 Annual Operating Budget and Capital Investment Plan (CIP) – Fiscal Year 2025-26 (REF: ORD-2025-029)

Jessica Hoffman, Interim Director, Budget and Performance Management Department gave the following presentation:

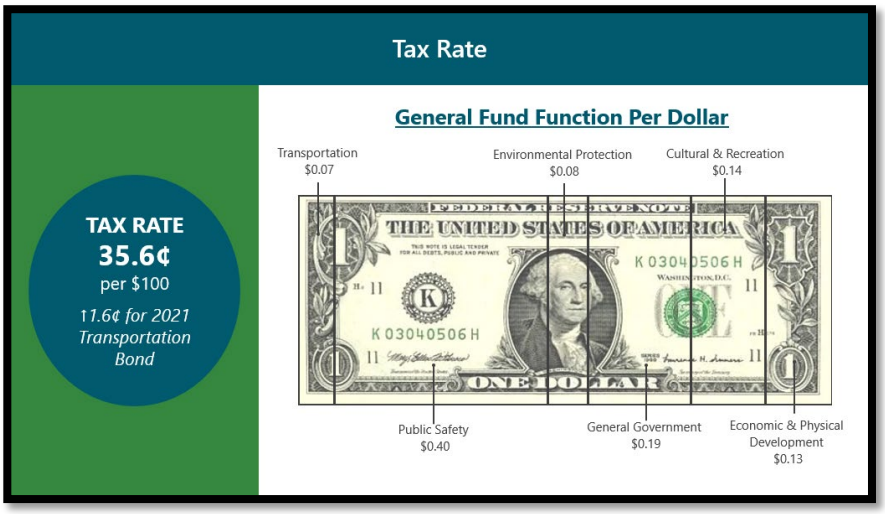
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[SLIDE 2]



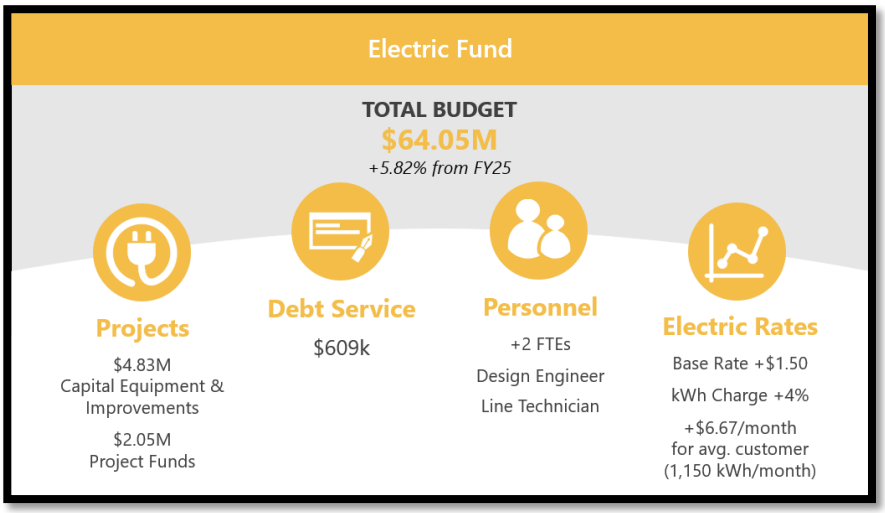
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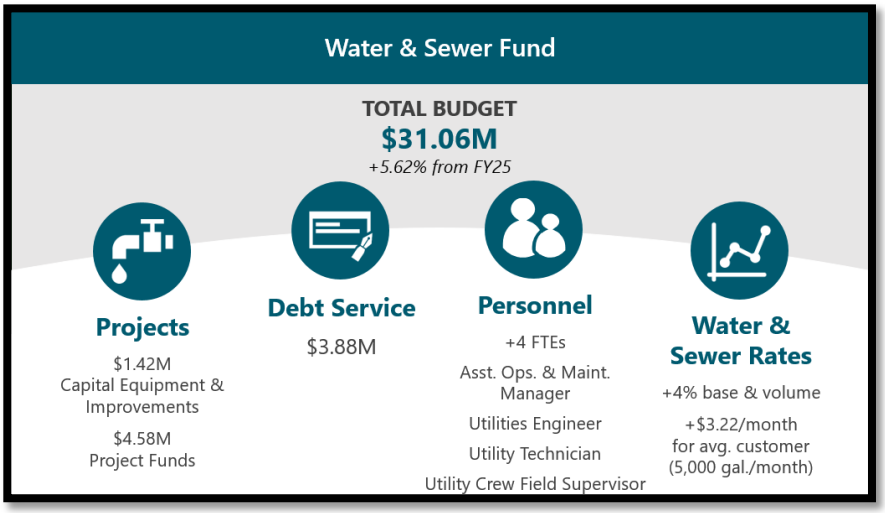
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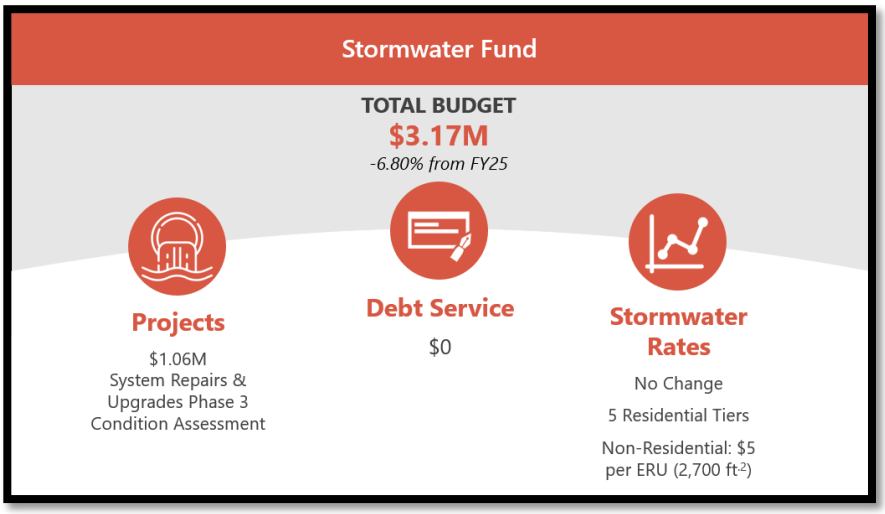
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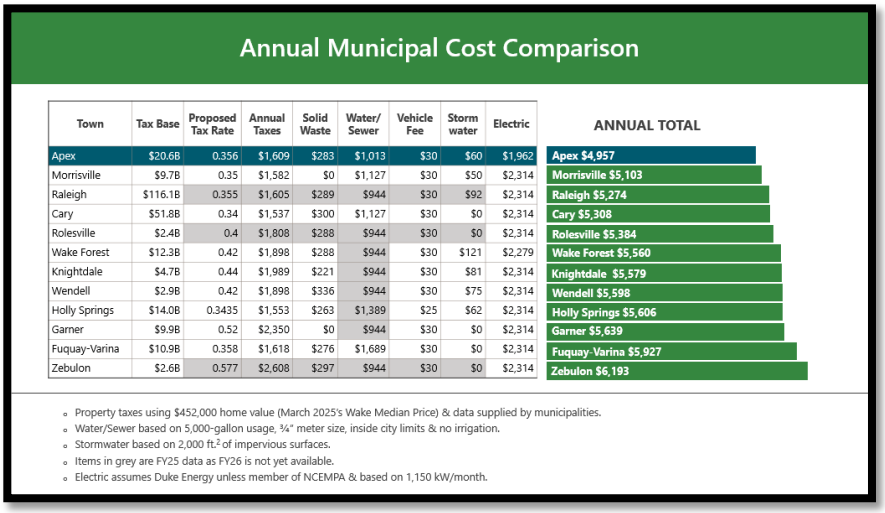
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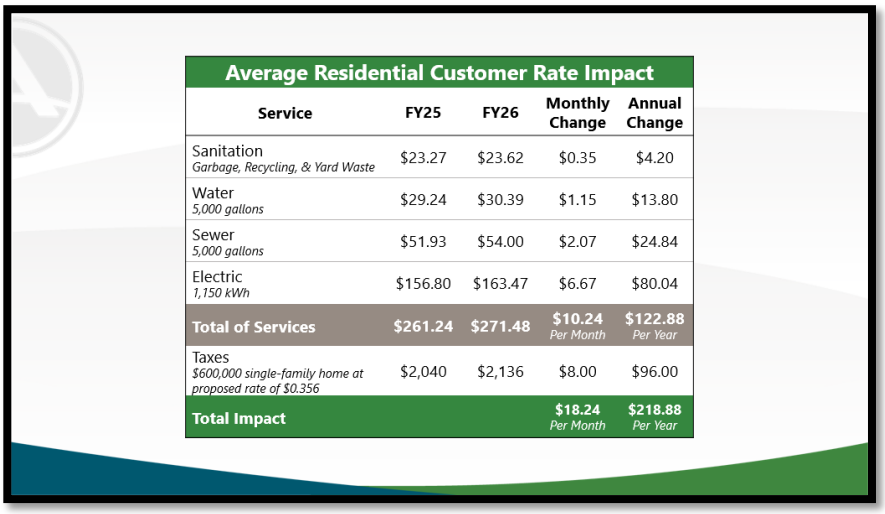
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[SLIDE 8]



[SLIDE 9]



Average Residential Customer Rate Impact

Service	FY25	FY26	Monthly Change	Annual Change
Sanitation *Garbage, Recycling, & Yard Waste*	$23.27	$23.62	$0.35	$4.20
Water *5,000 gallons*	$29.24	$30.39	$1.15	$13.80
Sewer *5,000 gallons*	$51.93	$54.00	$2.07	$24.84
Electric *1,150 kWh*	$156.80	$163.47	$6.67	$80.04
Total of Services	**$261.24**	**$271.48**	**$10.24** *Per Month*	**$122.88** *Per Year*
Taxes *$600,000 single-family home at proposed rate of $0.356*	$2,040	$2,136	$8.00	$96.00
Total Impact			**$18.24** *Per Month*	**$218.88** *Per Year*

Mayor Pro Tempore Gray asked if there were any questions and with there being no questions he opened Public Hearing. He called the first speaker.

First to speak was **Shane Reese** of 1708 Yateley Lane:

"Good evening, Mayor Pro Tem, Councilmembers, town managers, staff, and neighbors. First, I want to recognize the many hours of work and careful thought that have gone into this budget process. These discussions aren't easy but weighing tough decisions while working to find common ground is why Apex continues to be such a strong and engaged community. Let me be clear, this budget is not perfect. It's not the budget many of us hoped for, but it is the budget that's necessary right now. The proposal, as just described, is built on a flat tax rate, aside from the 1.6 cent increase approved by two out of every three voters as part of the 2021 transportation bond. That flat tax rate reflects the economic pressures impacting governments, families, and businesses alike. It still needs the State Senate to weigh in, but even the State House recently passed a budget that delays planned tax cuts until the state's fiscal outlook improves. Here in Apex, we're facing similar financial realities. A nearly 17% increase in insurance costs is just one example of rising expenses for our town, costs that aren't the result of town decisions but are driven by broader market forces. Yet despite these challenges, Apex still maintains, as pointed out a minute ago, the second lowest tax rate in the county, while preserving essential services. That balance is the credit to the efficiency and leadership of this Council and town staff. Since it's Homeownership Month, we should also clarify an important point for homeowners who have seen higher mortgage payments this year, because they may have misattributed a large part of those increases to local taxes, when it's rising home insurance rates that have been a major driver in causing their payments to go up. That's a distinction worth recognizing and separating from the discussion about local taxes in this year's budget. At the same time, we should acknowledge the concerns of those advocating for additional funding for housing

affordability initiatives. I share those concerns. The financial pressures we face today aren't just affecting lower-income residents, they're impacting middle-income families, seniors, essential workers, and young adults who want to return to the town they grew up in. While this budget prioritizes stability, I strongly believe future budgets must explore responsible ways to expand attainable housing options. Let's also address calls for deeper budget cuts, and I encourage folks to consider what this budget protects, our top-tier police and fire, public works, electric utilities, water resources, transportation infrastructure, development, among our other hardworking departments. These folks are the foundation of our town. They're a big reason we keep landing on these top ten lists. We may not notice them while they're working well, but we certainly would notice if they were compromised. At its core, this budget preserves what makes Apex exceptional while ensuring financial stability in uncertain times. It keeps our town steady today while positioning us for smart, thoughtful investments tomorrow. I appreciate the work that's gone into this process, and I urge Council to adopt the budget as proposed."

Mayor Pro Tempore Gray thanked the speaker and invited the next speaker.

Next speaker was **Phil Welch** of1471 Big Leaf Loop:

"Good evening, Mayor Pro Tem, Councilmembers, staff, and members of the public. My name is Phil Welch. I live at 1471 Big Leaf Loop in Apex. Apex is recognized as a high-opportunity community in terms of town services, schools, parks, downtown shopping, and so forth. Consider these points: our vision from the 2021 Affordable Housing Plan is, "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." As a high-opportunity community, it's understandable that Apex's tax rate might be slightly higher than surrounding towns. Our goal should be to continue to differentiate the town from its peer municipalities, rather than reduce the town's unique attraction to the lowest common denominator. Promoting more housing choices for our residents and workers is consistent both with our vision and our high-opportunity status. Town employees and other essential workers and their families deserve the opportunity to live and enjoy all that Apex has to offer. The recent series of talks at Town Council meetings has presented actual stories from Apex residents on their struggles to find and keep homes here that they can afford.
In addition, Apex's most recent housing needs assessment, conducted by Community Scale and presented by consultant Jeff Sauser at the March 18 Council Work Session, revealed some sobering statistics. One of the key findings was Apex needs about 13,100 new units to keep up with growth over the next decade and does not have much land left for housing. This demand most likely does not include at least 4,500 Apex residents who were paying 30% or more of their household incomes for housing in 2023. We are calling on you, our Apex leaders, to step up and set aside additional funding to support increased affordable housing choices in the 2025–2026 budget and ensure that funding is directly and 100% dedicated to preserving existing units and putting more units on the ground that are affordable for

households making 80% of the area median income and below. We need more funding in the Affordable Housing Fund to initiate mixed-income, mixed-house, mixed-use housing developments such as the town's recent purchase of property on South Hughes Street. If not done already, we recommend moving housing staff expenses from the Affordable Housing Fund to the town's general operating budget and raising the current penny tax for the Affordable Housing Fund back to the penny and a half that was instituted right after the approval of the 2021 Affordable Housing Plan. Thank you."

Mayor Pro Tempore Gray thanked the speaker and invited the next speaker.

Next speaker was **Elizabeth Stitt** of 3113 Friendship Road:

"Mayor Pro Tem, Council good evening. So, I wanted to point out that we have a mathematical problem with the slides in the budget. Back on May 8th, when you had the budget workshop, we had the property taxes on houses based on a value of $600,000 because that's the median house value in Apex. So, when these slides came up and all of a sudden, the taxes are calculated on $452,000, I was like, "Huh, that's interesting," because you really can't buy much of anything here in Apex for $452,000. So, if our median value is $570,000 in 2024 based on Wake County's assessments, then using the number of the $452,000 skews the actual numbers, so if you look at the property taxes on $452,000, that was only $1,600.09, but if you do the property taxes on the $600,000 that was used just May 8th, three weeks ago, it was $2,136.00. The difference is, it takes the total cost up to $5,484.00. So, it doesn't matter what our tax rate is, you still have Morrisville, Raleigh, Cary, and Rolesville as being more affordable than Apex. So, I do not think you can adopt this budget tonight, because you can't have one set of numbers on May 8th and then all of a sudden cherry-pick and use a lower number which doesn't apply to Apex in this hearing. I think in fairness to the public, you have to use the same number all the way through so that the median homeowner here understands the implication. So, I encourage you to vote no or to postpone the vote on the budget tonight. Thank you."

Mayor Pro Tempore Gray thanked the speaker and invited the next speaker.

Next speaker was **Dawn Cozzolino** of 3632 Bosco Road:

"Good evening, Mayor Pro Tem, Town Council. I look at things differently and have more questions than I see answers to on this particular budget that's being proposed. I look at the process differently and not as what is allowed to be spent in a continuing rolling budget, but as what is committed in the future or the actual spend. So, we need to talk a little bit about structural risks I see Apex is creating, starting with the $16.7 million in COVID relief funds. This was one-time money, never meant to sustain permanent programs. Yet we're seeing ongoing positions with full salaries and benefits and hundreds of contracts being funded from it. What happens next year or the year after, when they close the spending

program up? When the money's gone, the gap left behind will fall, of course, on the taxpayers, and the only levers left are raising property taxes and utility rates. And where exactly did the $16.7 million go? Well, I don't have the answer to that, I'm looking into it with public records, but I do have the answers to some of that spend. Also in the budget, there are 38 contracts signed for just under $1 million, so $38 million, and why are we outsourcing so much when we're also hiring full-time staff? That's another question. But what's more concerning, in addition to that, in the name of economic development in this budget, is the infrastructure engineering contracts that are outsourced, of course, and they seem to benefit developers more than residents. Developers like Veridea, and that's managed by RXR, they have $6 million in town-funded contracts. Why is Apex paying developers directly for work that benefits their private projects? That's a question I have. And here's the more troubling part, kind of embedded in that is that Apex hires firms like Hazen and Sawyer, who are designing major sewer projects like the Western Big Branch force main, which is doing eminent domain work when they're ignoring lower-impact alternatives. They're being hired and it's being funded through COVID funds, that's the American CARES Act Plan, when I say COVID funds. So, who's accountable for these decisions? And how is this not a conflict of interest when a developer funded by the town then chooses a firm designing routes that serve their interests? And while this spending happens, New Hill and Friendship communities are paying the price. Thank you."

Mayor Pro Tempore Gray closed Public Hearing and brought the item back to Council for discussion and a possible motion.

Councilmember Mahaffey said that he was proud of the work that staff and Council have done with the budget. He said that the budget has a flat tax rate with the associated tax with the bond that still manages to fund so many priorities for Apex while maintaining the lowest total burden on residents in the County.

Councilmember Zegerman said that he wanted to second the comments by Councilmember Mahaffey. He said that this has been by far the best process in his past years' experience, where the Town Manager proposed a budget from the beginning. He was glad it was able to balance Council and staff requests by keeping the tax rate flat with the exception of the 1.6 cents bond-related increase and supported the budget.

Mayor Pro Tempore Gray thanked the staff for putting the budget together. He said that Apex is providing more services with the only increase being based on a vote that the citizens put forth back in 2021. He said that there were really tough decisions made by staff, and their efforts have helped the town increase services without having to increase the budget to do so. He said it wasn't a perfect budget, but they are trying to do everything that they can. He said navigating through volatile and hard to predict economic forecasts has made it challenging, but Apex still continues to provide top-quality services for those who live and work here. He said that Council also worked hard with residents to help make decisions to come up with the budget in an economically feasible way. He thanked the staff and Departments for all the work that has been done to make this happen.

Councilmember Killingsworth said that it is not always understood the amount of work that it takes to make this budget work. She said that it would be nice to have more Affordable Housing and other services, but that you can't always get everything that you want. She supported the budget as it was proposed.

Councilmember Gantt gave a thank you to the staff and the work done on the budget. He said that there were more deferred maintenance and projects in the proposed budget, and it was understandable given the current economic conditions. He said that the investments in downtown Apex were the best return on investments for the Town and he supported the 2025-2026 proposed annual operating budget.

A **motion** was made by **Councilmember Killingsworth**, seconded by **Councilmember Zegerman** to adopt the Fiscal Year 2025-2026 Annual Operating Budget, including the monetary appropriations for economic development.

VOTE: UNANIMOUS (5-0)

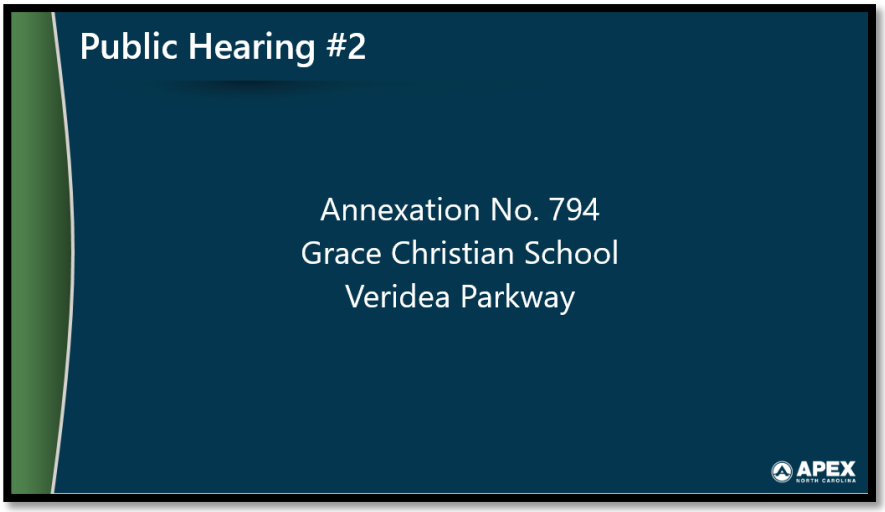
Mayor Pro Tempore Gray called for a 10-minute recess at **7:03 p.m.**

Mayor Pro Tempore Gray reconvened the meeting at **7:14 p.m**.

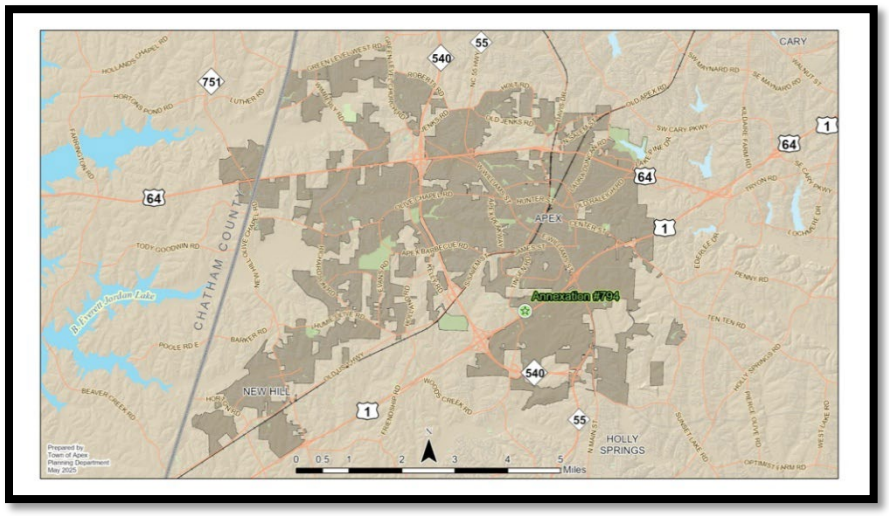
PH2 Annexation No. 794 – Grace Christian School – Veridea Parkway – 63.50 acres (REF: ORD-2025-030)

Dianne Khin, Director, Planning Department gave the following presentation for staff recommended approval:

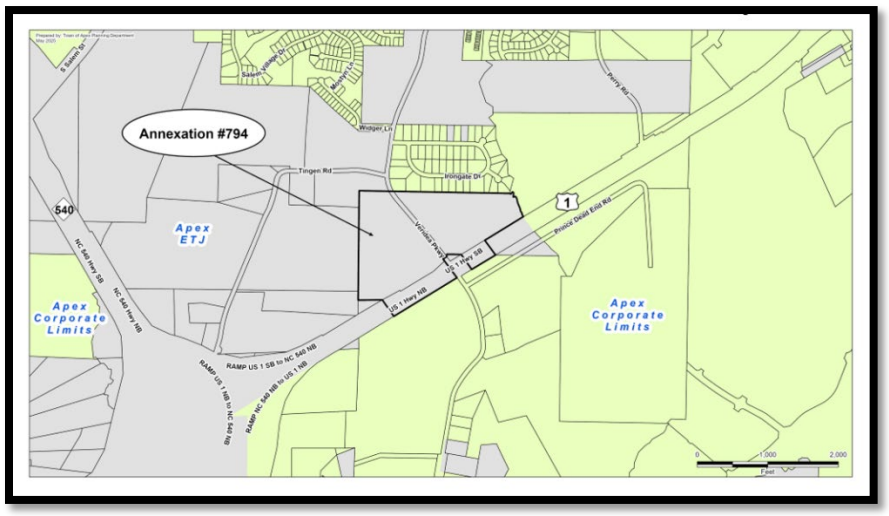
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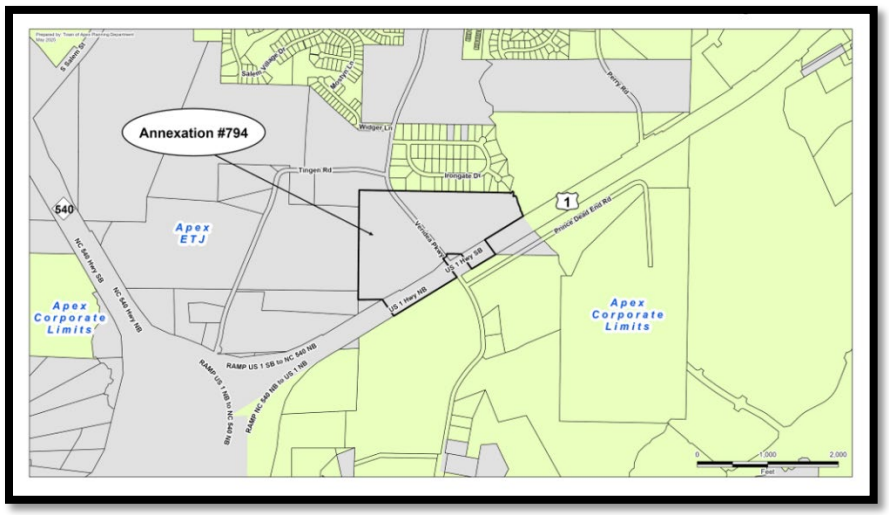
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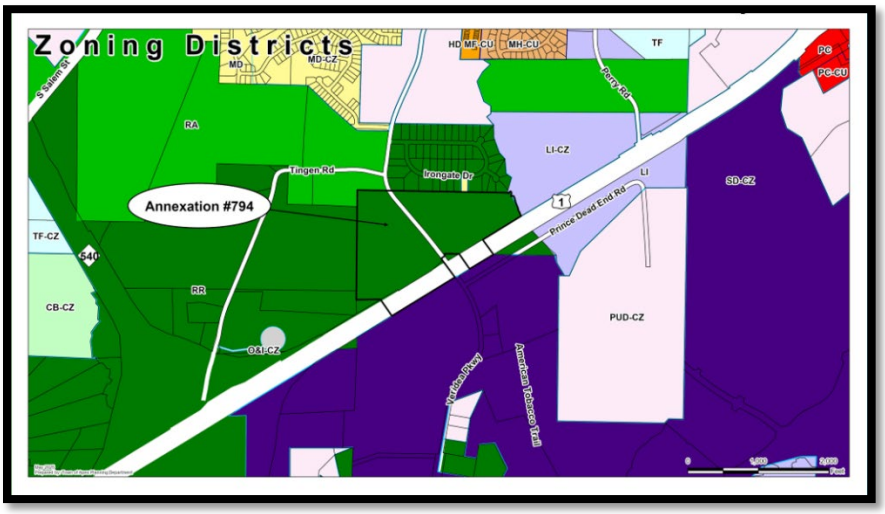
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[SLIDE 5]



Councilmember Zegerman asked where the sewer would go.

Director Khin said that there would be a pump station that is under review.

Councilmember Zegerman asked if the pump station would be on their property.

Director Khin said that it is part of the construction drawing package and would be going through review and be approved in September.

Councilmember Zegerman said that there was concern with there being an inter basin transfer crossing over the Middle Creek plant.

Director Khin said that she wasn't aware of an issue with the inter basin transfer and it is in review.

Jeff Roach with Peak Engineering and Design said that there is not a pump station on the east side of Tingen Road and that they were working with Grace Christian to run a gravity sewer service that will serve the east side of Tingen Corners and other areas and run south and connect to the gravity sewer.

Councilmember Mahaffey said that there would have been traffic improvements with the Seymour PUD project but with that being delayed he had concerns about the impact of public facilities on the project. He asked what the Town's ability was to require traffic improvements associated with this project.

Mr. Dalton said that there was a traffic impact analysis with NC DOT and the main concern was primary site access, so they have recommended a roundabout to eliminate the left turn conflicts. He also said that per State law it is the responsibility of NC DOT to fund off-site improvements on State roads and that they can't require off-site improvements.

Councilmember Mahaffey asked if the TIA that was done for Grace Christian presumed the improvements that were associated with Tingen Corners/Seymour PUD to the north.

Mr. Dalton said that they would have to go back and review to see what the assumptions were of the TIA but that it did assume the traffic from that as well.

Councilmember Mahaffey asked if the town could prove a light was warranted, would NC DOT be obligated to provide that.

Mr. Dalton said that it would be up to the State to determine if they wanted to fund the traffic signal if it is warranted. He said schools have a short peak and may not warrant a signal immediately, but could be in the future with other development.

Councilmember Zegerman asked if this was the only intersection on the Peakway that did not have a signal.

Mr. Dalton said that no there were other intersections that are not signaled on the Peakway. He asked if the question was pertaining to major intersections.

Councilmember Zegerman said that he was asking about major intersections where two thoroughfares connecting.

Mr. Dalton said that there is Amber Gate Station that isn't thoroughfare, but it is a fairly major intersection that hasn't quite met signal warrants yet. He said that it probably does not warrant a signal but that they could look at that again.

Councilmember Zegerman said that the Peakway Bridge would be coming online soon and that changes the dynamic of the intersection and Seymour PUD was going to improve that intersection prior to that time, he would like some clarification in a follow-up with staff.

Councilmember Mahaffey asked Mr. Russell if there was concern with NC DOT having to fund a signal and Apex can't require one and that a large nearby project wasn't going forward that would have an impact on the study.

Mr. Dalton said that traffic in Apex concerns him daily but with long-term projects when the Peakway opens there will be a large increase in traffic, especially if the school is online around the same time, there would be traffic signal warranted, so they could look at a CIP request in the Fall to consider this for next Fiscal Year.

Mayor Pro Tempore Gray asked if the applicant would like to speak, and with the applicant not wanting to speak he opened up the Public Hearing and he called the first speaker.

The first to speak was **Dawn Cozzolino** at 3632 Bosco Road:

"Good evening. Wow, you guys all work very fast. There was a neighborhood meeting on May 13, 2025, just one day after the Planning Board meeting on May 12th, and now here we are May 27th already considering an annexation application. That's just 14 days, including a holiday weekend. So, I have to ask, was all the due diligence really done? Because from the outside, this feels like it was rushed to the finish line, and not by coincidence, the rezoning item tied to this annexation is also on tonight's agenda, so that's the rezoning that we're going to be talking about soon, but I always like to talk about traffic, so I'm going to do that because I do have the traffic impact analysis. But first, you're going to look at the cover sheet, and we're going to talk about Veridea in a second, but Grace Christian is going to add 2,558 new daily trips, vehicle trips. But as usual with Apex, there's no transparency. The public has to dig through documents or make special requests just to find critical information but what's more alarming is this project's location is right next to Veridea development, which is privately

owned and managed by RXR Realty. No one from the town seemed eager to talk about what that means for cumulative traffic, but I looked into it, and I had help from Jessica. She provided me the signed and sealed DOT Phase One for Veridea that was done on June 8th, 2023. It showed 30,360 new vehicle trips a day, but that's not what really matters, that's what I have on your front sheet. What really matters is the full buildout, and this is according to the full traffic impact analysis review report from DOT in their congestion management section, signed and sealed on October 29th, 2021, that estimated 240,000 new daily vehicle trips at full buildout of Veridea. That's nearly a quarter million new vehicle trips tied to a single privately owned development, one that's being directly supported and enabled by town infrastructure decisions. Now here's the part that's being completely ignored too, not only those numbers, but the level of service on key roads in this area is projected to drop to F at full buildout. That means gridlock. It means failure. It means Apex is knowingly approving developments that result in the worst traffic conditions measurable by engineering standards. So, tonight's annexation and rezoning votes aren't isolated, they're part of a much bigger pattern of rapid approvals."

Mayor Pro Tempore Gray thanked the speaker and with no other speakers he closed Public Hearing. He brought the item back to Council for discussion and a possible motion.

Councilmember Gantt clarified that this was not Veridea or a rezoning and it is an annexation.

Councilmember Zegerman said that the zoning is there by right, so there no rezoning necessary for this project.

Councilmember Mahaffey said that the developer is already entitled to build the school because they have the correct zoning necessary for the project. He said this is a question of annexation whether we give them Town services or not, they are applying for town services.

A **motion** was made by **Councilmember Gantt** seconded **by Councilmember Zegerman** to approve Annexation No. 794 – Grace Christian School – Veridea Parkway – 63.50 acres.

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

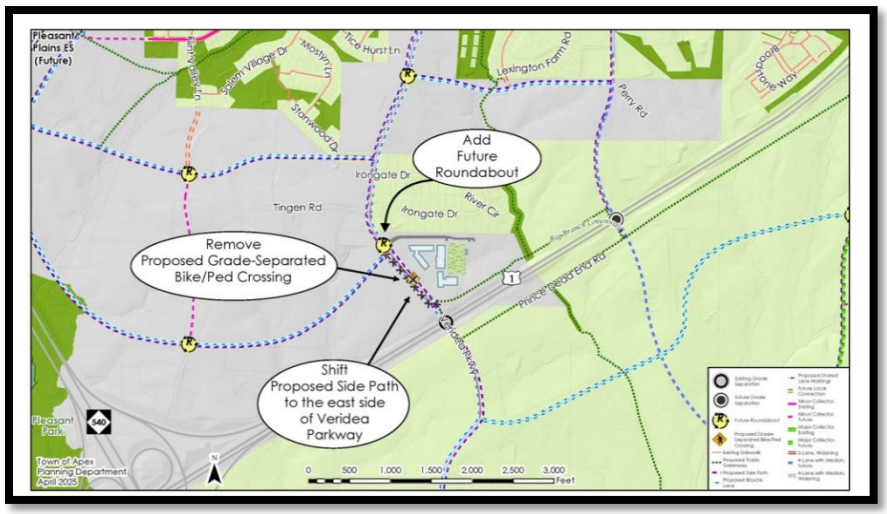
PH3 Apex Transportation Plan Amendment – Veridea Parkway – Grace Christian School

Jenna Shouse, Senior Long-Range Planner, Planning Department gave the following presentation:

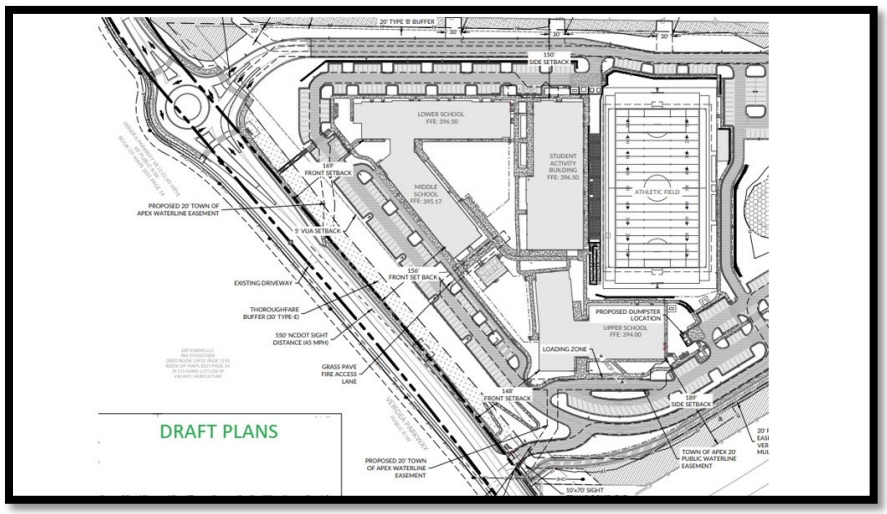
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[SLIDE 2]



[SLIDE 3]



Ms. Shouse asked if there were any questions.

Councilmember Mahaffey asked who would pay for the roundabout.

Ms. Shouse said that the school constructs and pays for the roundabout.

Councilmember Zegerman asked what the future plans were on the west side of Veridia Parkway. He said that he was concerned about removing the separated crossing. He said that he was looking at the possibility of future development by the school and the students may need to cross the road.

Ms. Shouse said that initially the grade separated bike pedestrian crossing was added with the idea that there would be parking on the west side and the UDO requires that off-site parking spaces would have required that grade separated connection in that case. She said now that has moved to the east side of the road, it no longer has that requirement.

Councilmember Zegerman asked if the school built other facilities across the road in the future, would the UDO require separated crossing.

Ms. Shouse said that the roundabout would replace the crossing.

Councilmember Zegerman asked what would require the separate crossing.

Ms. Shouse said that she did not have the full section with her, but the reference is the off-site parking spaces that required the grade separated crossing in this situation.

Councilmember Mahaffey asked what the impact would be on leaving the great separate crossing. He said this comes up because of the way that Friendship campus is laid out. He said that there are three schools, and it has been difficult to have a great separate crossing there because of utilities and space. He asked if they could at least preserve the right-of-way for future.

Ms. Shouse said they may not be able to require a separate crossing if they just built fields on that side.

Councilmember Mahaffey asked if as it stands today, if Council doesn't approve the removal of a great separate crossing and a site plan comes in that doesn't have it included, would staff still have to approve that plan or say, "No, this Transportation plan doesn't call for that".

Ms. Shouse asked for clarification of the question.

Councilmember Mahaffey said that with nothing being required today it would be required to in a future site plan.

Director Khin said that as of now, this is tied to parking and if they don't put parking on the west side there would be no requirement to provide a great separate crossing, and if it is on the Transportation plan, Planning would ask for it and then the developer would ask Apex to pay for it at the time they came in with the west side.

Councilmember Mahaffey said that he was more concerned about how this would work out in the future.

Director Khin asked Councilmember Mahaffey if he would like an extra right-of-way.

Councilmember Mahaffey said that he would like to avoid the situation with Friendship because it is difficult to build it because of how it was constructed originally.

Councilmember Gantt said that it may be possible for people to safely cross the road with a roundabout.

Councilmember Killingsworth said it may be safer with a two-lane road, but if it is a three or four lane road it may not be safe.

Councilmember Gantt asked if it was a three-lane road in the plans.

Councilmember Mahaffey said that the roundabout may not be used if it is not where people are walking to or close to.

Mayor Pro Tempore Gray asked if it was an option to reserve the right-of-way.

Councilmember Zegerman said that if the right-of-way isn't reserved now then there may be regrets.

Councilmember Mahaffey said that it was unclear on how much space that would be needed for a right-of-way.

Councilmember Zegerman said that it would have to be ADA compliant and it could require a ramp.

Councilmember Gantt said that the logical place would be at the southern end and not where the parking would be.

Councilmember Mahaffey agreed that it would be a logical place.

Mayor Pro Tempore Gray asked if there were any other questions or comments and with none, he opened up Public Hearing.

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

"Mayor Pro Tem and Council, good evening. So, I think the concern about this particular development is more than just Apex Friendship Schools. I think it sounds a lot like what we have in Sweetwater, where both sides of the road are going to be built out and there's going to be people going back and forth and we already know that the speed limit on that road had to be dropped down from 45 to 35 just to add safety. So, while I understand there may be some restrictions on what you can ask or not ask, I ask you does this meet Vision Zero? The state of North Carolina adopted Vision Zero. Apex adopted Vision Zero. I think the concerns you have raised tonight clearly would fall under Vision Zero. I would also question about Safe Routes to School, that particular program where you have to make sure there are safe routes to school. So, while there may be gaps in the UDO, perhaps some of these other programs are what you need in order to provide safety for these kids that are going to jaywalk and adults like myself. I may not walk the 200 feet in my heels to go to the crossing. And I don't know about you, but crossing near a traffic circle, to me, is worse than a four-way intersection, because if there's something in the middle of the traffic circle, you don't always see which cars are trying to dart in and come around. So, while I don't have any issues that there's a school here, this is not safe because you know the other side's going to get developed with something, even if it's not a ball field, if it ends up being homes or businesses, there's going to be people cutting across. So, to the extent that you guys can require safer access, I would encourage that. The one thing I do want to put at least on public record is Grace Christian is a private school. So, you're asking the Apex community to potentially be subsidizing improvements for a private school versus a public school, and I don't know if that is a good use of taxpayer dollars for us to have to subsidize it. I did hear

that it could have a CIP request, and that's where you're asking the taxpayer to subsidize something for a private school. Thank you."

Mayor Pro Tempore Gray thanked the speaker and invited the next speaker.

Next to speak is **Lawrence Kevin** of 1628 Salem Hills Drive:

"So many points that you guys talked about, I'm going to cover, but kudos, because you talked about this issue more than the Planning Board. Again, I'm kind of for leaving the grade-separated crossing at this stage. I attended the Tingen Crossing presentation last week, that was to address crossing the railroad tracks, which probably has 30 trains, maybe, per day and we're going to put a pedestrian crossway across that. We're talking about an area that's probably going to have 20,000 cars, 20,000 trips, maybe more across this roadway. So right there, I mean, just priority, and again, I think Elizabeth brought some points about Vision Zero and Safe Routes to School. Also, I think it's going to be a main way to get the greenway from Veridea, and we want to encourage people to take their bikes or whatever from the Veridea area into our downtown area. It's going to be very difficult. It's going to become gridlock. I've looked at the traffic study for Grace Christian. It's kind of broken out, focusing on Grace Christian, you know, the Tingen Corners was recently pulled back, so again, we're going to have some improvements that are not going to go through as far as the Tingen and Peakway intersection. I think there's probably a couple hundred thousand dollars in costs for that you've got to figure out where that's going to happen. I'm also concerned about Padstone, which is again a thoroughfare for the Salem Village community to cross. So again, there are some areas in this area that need some pedestrian safety. There's also the two-lane bridge over Highway 1, that's kind of fixed. It doesn't have any shoulders or merge areas, and that abuts the property, so that's another problem area that's going to require some, it's a design problem, it's a traffic problem. The traffic studies mentioned that even around Grace Christian, they're estimating it to be a D on average. I think an E is where you have to put in a traffic signal. So, if it's a D on average, I mean there's going to be some days where it's above average and it's going to be an E. So, there's going to be quite a bit of traffic that's going to be coming through and this is going to be our major thoroughfare to get to downtown, to get to, I mean, I take it to go the back way to Holly Springs and Fuquay, that's kind of my preferred way to go. So please look at this very carefully. Again, it's a big design problem. I know the traffic guys are probably short-staffed, or what they are, but it's a big problem. At one point, they did have plans for sports fields on the left-hand side and I'm assuming it's going to be built out. You know, the annexation is for 60 acres. I think there's 30 acres on either side, so you have to think of it as a whole. But please, I mean, the roundabout works, it's a solution, but I think you need to think about a tunnel at least to address the issue. Thank you."

Mayor Pro Tempore Gray thanked the speaker and invited the next speaker.

Next to speak is **Dawn Cozzolino** of 3632 Bosco Road:

"Good evening. I'm encouraged to hear about the Town Council talking about the concerns of traffic and how it's funded, I think that's really refreshing. I also want to agree with Elizabeth and Lawrence about their traffic safety points, and especially about how the project is a private development. That's kind of key with taxpayers and budget and so forth. But let's just focus on the school, okay, and this map here, so when you think of a school, it's not like a fixed site. It's not like people go in and it's closed up. There is activity always going on. And when those cars come to pick up students, they're out the door. You can't even get around them, I mean, you can't even go anywhere. So, it's really critical, especially around a school-type environment, that the traffic is laid out with strategic thought. So, when I looked at this in the packet, I wasn't sure how I could even assess it, really, because there's no before-and-after views in the maps. There's just one map. It doesn't talk about what the speed limits currently are, what the traffic volumes are, the type of traffic lanes that are already in place, what the DOT data is on volumes in this area, that was nowhere to be found and it felt like the presentation is really oversimplifying and lacking content and obscuring something that's a very complex problem and it sounds to me, when I just hear all the feedback and so forth, you really need to go back to the drawing board on this one. It doesn't seem ready for prime time and the reason I actually want to bring that to your attention, I only have a minute, is because I do study the traffic, I do look at the AADT monitoring stations. You wouldn't believe how much existing volume is there, it's crazy. I mean, the numbers are crazy on 55, 540, all that stuff without adding any developments. So, I took a look at all the stations, 2023 data, 2024. AADT is annual average daily traffic, so that's like your new trips if we were to talk about a rezoning, what that means is I looked at. I kind of did a circle and I took the whole side, Depot, 499, South Salem Street, Christian Chapel, and then Christian School, and then Veridea down here, so kind of this east section and I looked at the numbers. So, 2023: there were 289,101 daily trips. 2024, interesting, 318,847, a 10% increase. So, are we actually looking at the growth that these projects are creating? Thank you."

Mayor Pro Tempore Gray thanked the speaker and closed public comment and opened back up for Council discussion and a possible motion.

Councilmember Zegerman asked that the motion be split into three parts to vote on each of the proposed changes independently.

Town Clerk Coleman said the motion could be split into three parts if that was the desire of the Council.

A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember Killingsworth** to amend the Town's Transportation Plan to include a future roundabout on Veridea Parkway at the entrance to the proposed Grace Christian School, between Tingen Road and US 1.

VOTE: UNANIMOUS (5-0)

A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember Killingsworth** to amend the Town's Transportation Plan to include a shift in the proposed Side Path to the east side of Veridea Parkway, south of the future roundabout.

VOTE: UNANIMOUS (5-0)

A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember Killingsworth** to **DENY** the proposed removal of the grade-separated Bicycle and Pedestrian Crossing on Veridea Parkway.

Councilmember Mahaffey said this is about the future and that Council can't require it to be built even if Apex funds it. He said that he would like to have right-of-way reserved and designed around a potential crossing and he is open to moving the future location.

Councilmember Killingsworth said that every school has an inadequate transportation system, and they are trying to make it as safe as possible.

Councilmember Mahaffey said that there should be room for a crossing between the Greenway and side path.

Councilmember Gantt said that it would be millions of dollars for the town to build it.

Councilmember Mahaffey said that it would be cheaper than if it was needed it in the future.

Councilmember Gantt said that it would not score high enough for Traffic studies because it's not going to be enough children that are going to cross there and if this was done the area properties would require rezoning.

Councilmember Mahaffey said that during the CIP process, the Friendship grade-separated crossing is one of the highest priority projects and it has not been done due to lack of space and where to put it.

Councilmember Gantt said there was no roundabout in that area. He said roundabouts work.

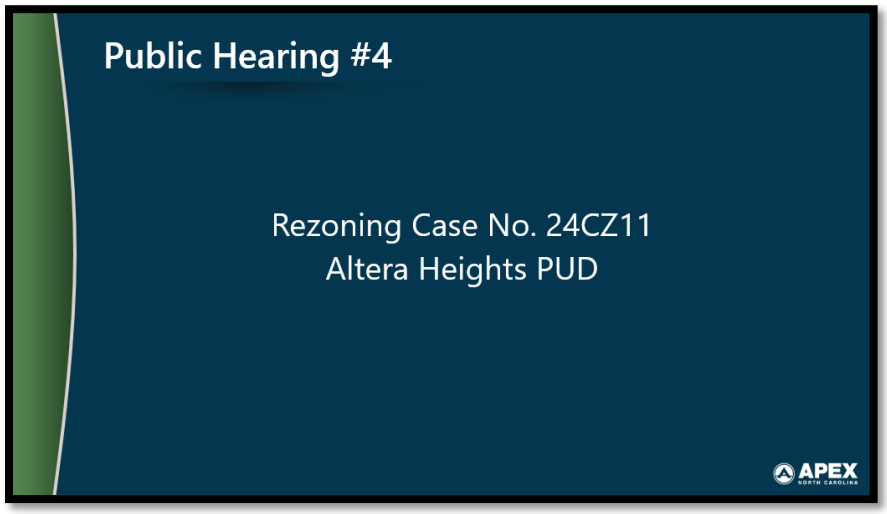
Councilmember Zegerman said that he favored a roundabout and it was a good addition to avoid the left-hand turn. He said that it would not be sufficient for this site in the future irrespective of what goes in on the west side of the Parkway. He said that the school may decide to sell the property on the west side, and it could become a residential development and there would still be kids from the neighborhood crossing to the school. He said that he supported leaving the option to have a future grade separated crossing and did not want to remove it from the Transportation plan.

VOTE: 4-1, with Councilmember Gantt dissenting.

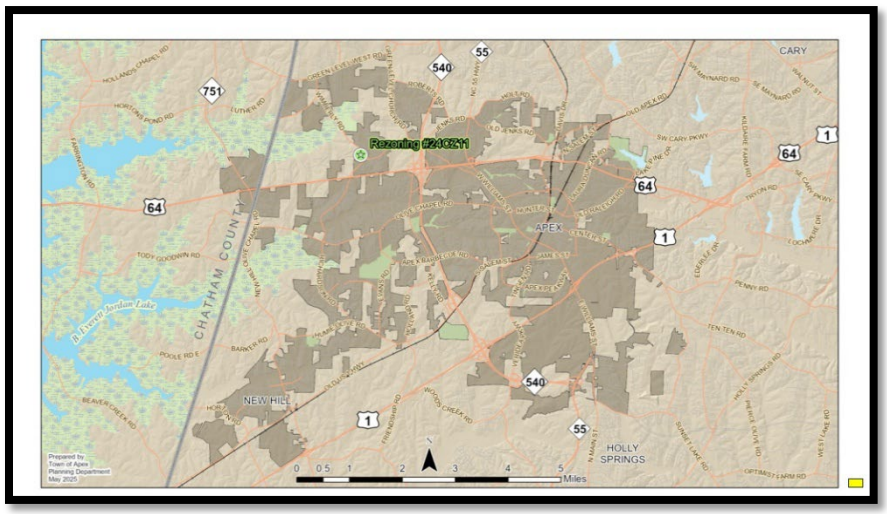
PH4 Rezoning Case No. 24CZ11 – Altera Heights PUD

Bruce Venable, Planner II, Planning Department presented the following:

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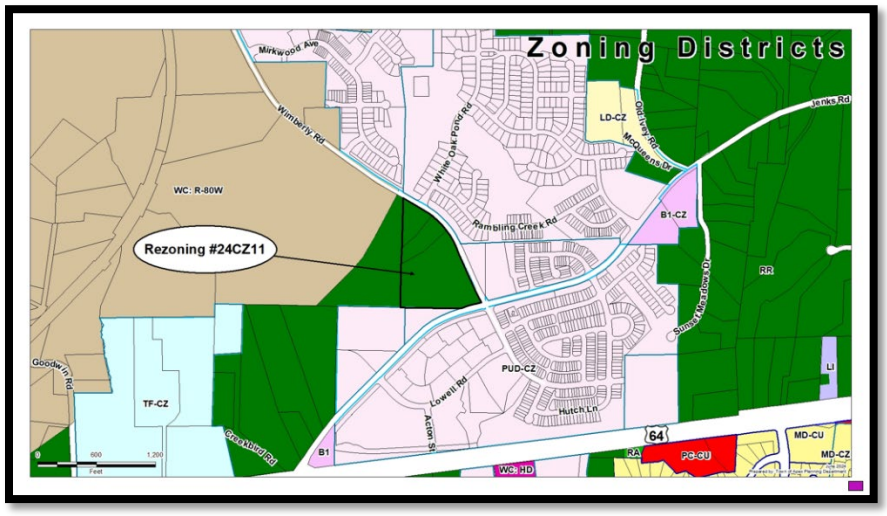
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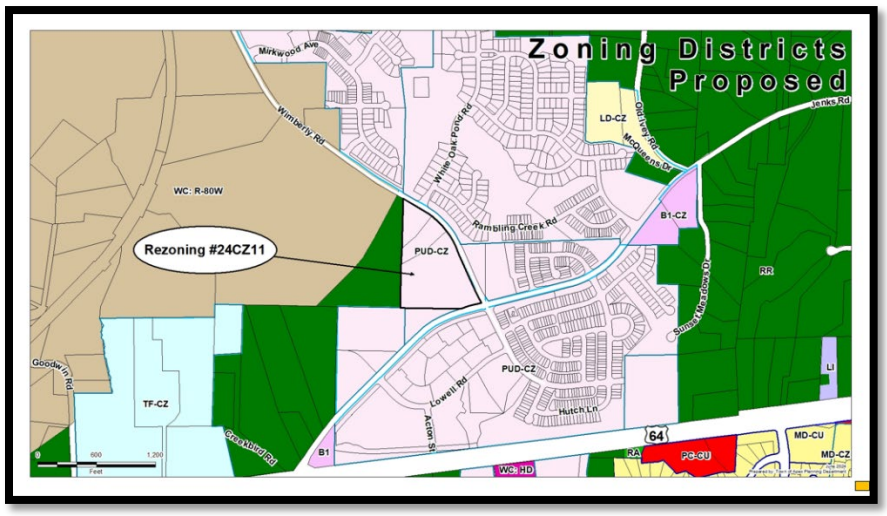
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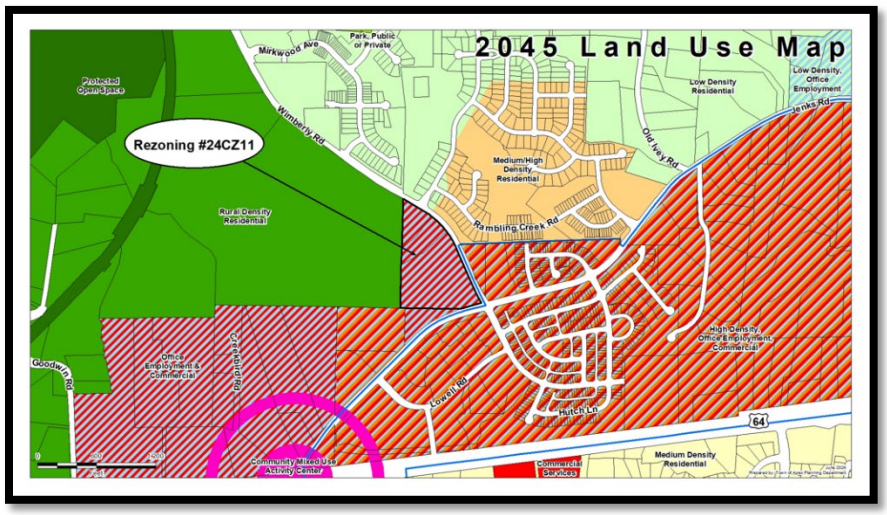
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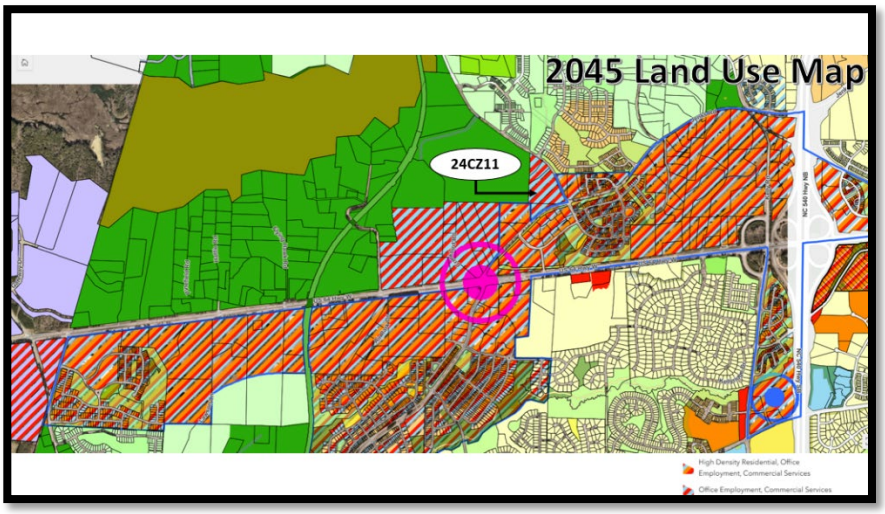
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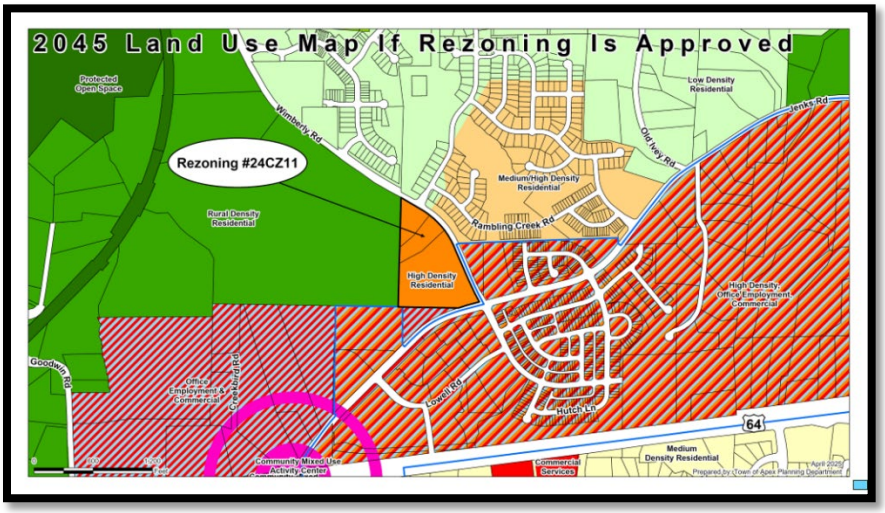
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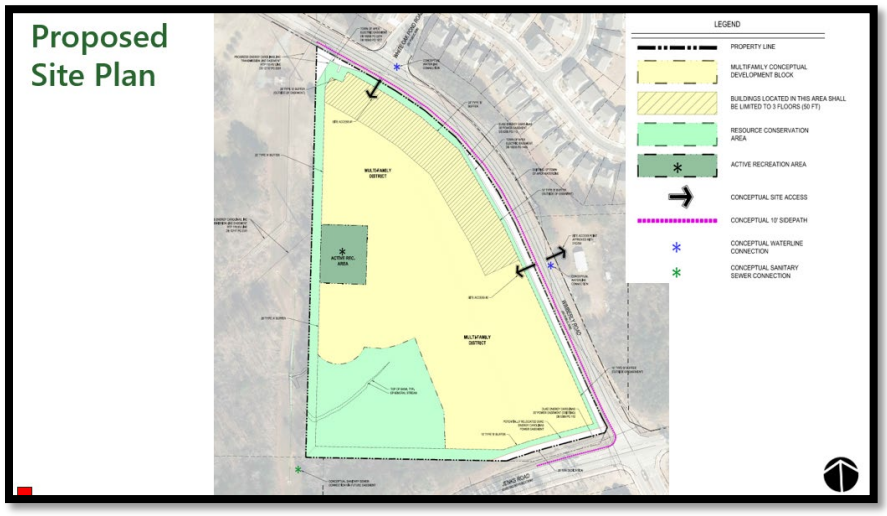
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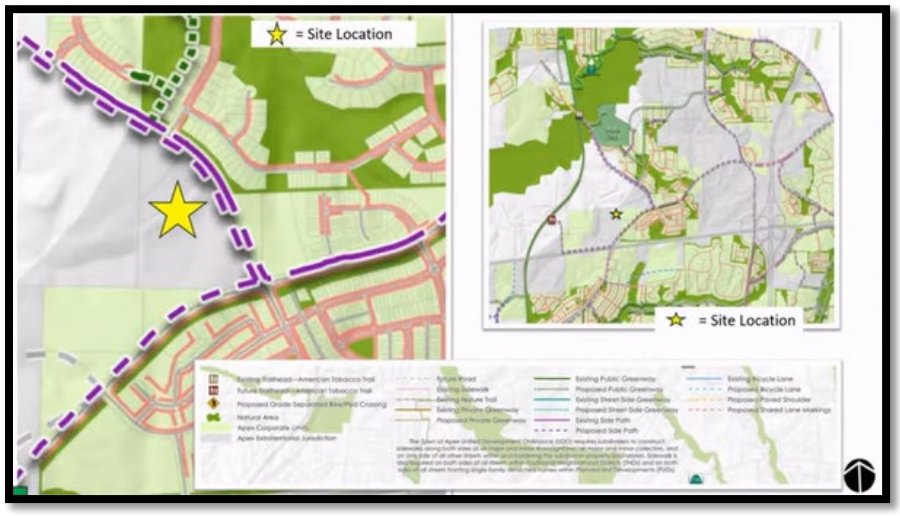
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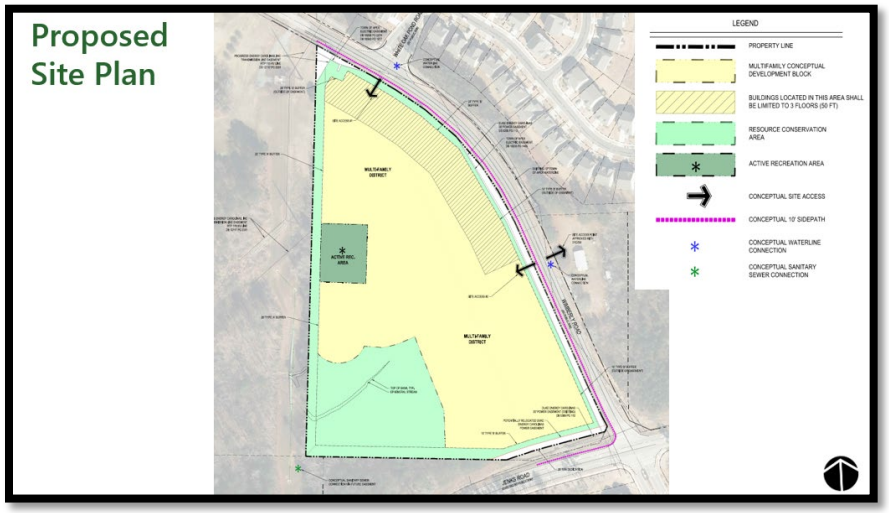
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Councilmember Gantt asked if there is something in the zoning that is related to the request for an additional side path.

Mr. Venable said yes.

[SLIDE 14]



[SLIDE 15]



Mr. Venable asked if there were any questions and said that the applicant would answer any questions as well. He said that the applicant had a presentation as well.

Councilmember Mahaffey said that in reference to Mr. Venable's statement about the prominence, he didn't know that the Council had the ability to regulate facades on residential properties.

Mr. Venable said that they are not allowed on single family residential including duplexes, triplexes and quadplexes, but they are for multi-family. He said through the PUD process they can work with the developer to seek higher quality development without requirements.

Councilmember Gantt asked if the offsite side path could be explained.

Mr. Venable said that there was continuing conversations with Planning and Transportation discussing that the applicant has doubled the 5% for the Affordable Housing.

Councilmember Gantt asked if there was a reference in the zoning in the staff report.

Mr. Venable checked the staff report and in #6 there was a reference and no payment was offered.

Councilmember Gantt said that he thought it meant that they would pay.

Mr. Dalton said that there had been problems on NC DOT roads where owners own to the center of the road and one of the issues that developers are running into that if they have to build turn lanes and have to shadow out then they may be on someone's property, so this section is a catch all and that they would be able to get out of that improvement with a fee if no other option was possible.

Mayor Pro Tempore Gray said that if there were no more questions the applicant could give her presentation.

Jamie Schwedler with Parker Poe at 301 Fayetteville Street on behalf of the Wood Partners introduced Caitlyn Shelby and they gave the following presentation:

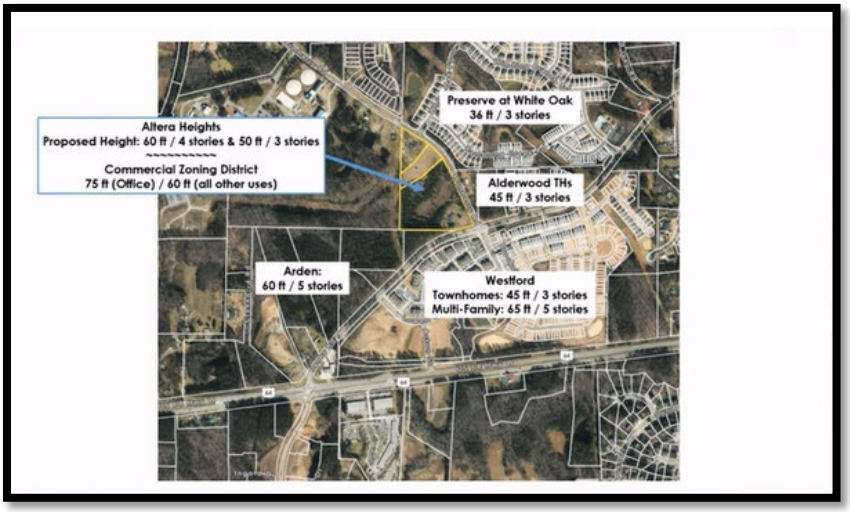
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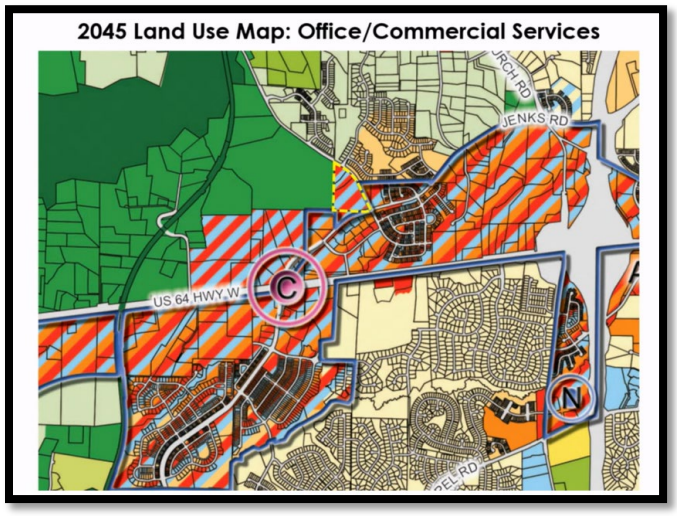
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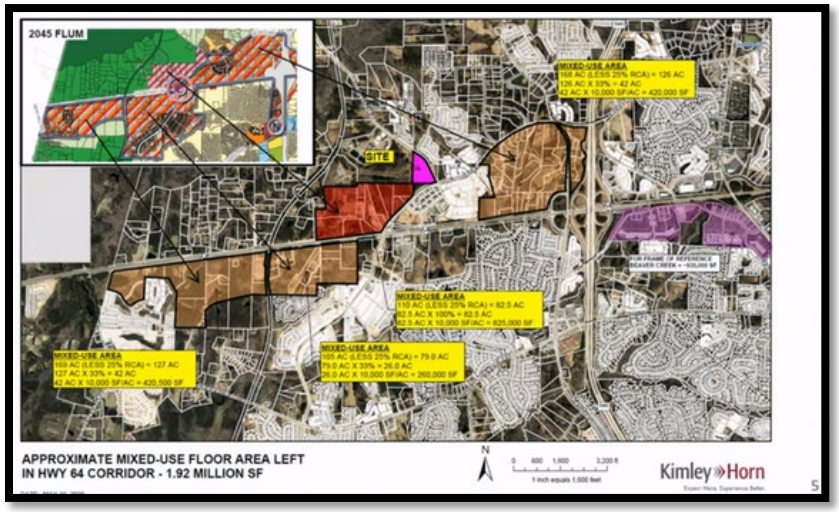
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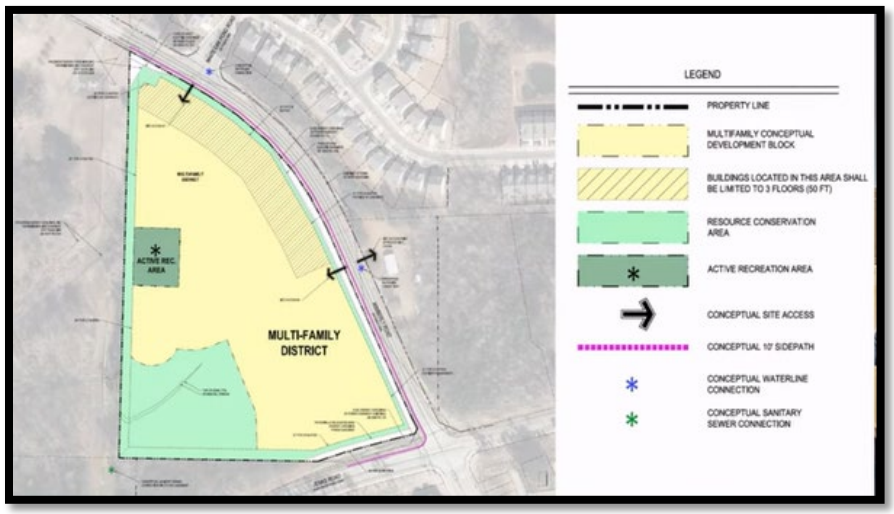
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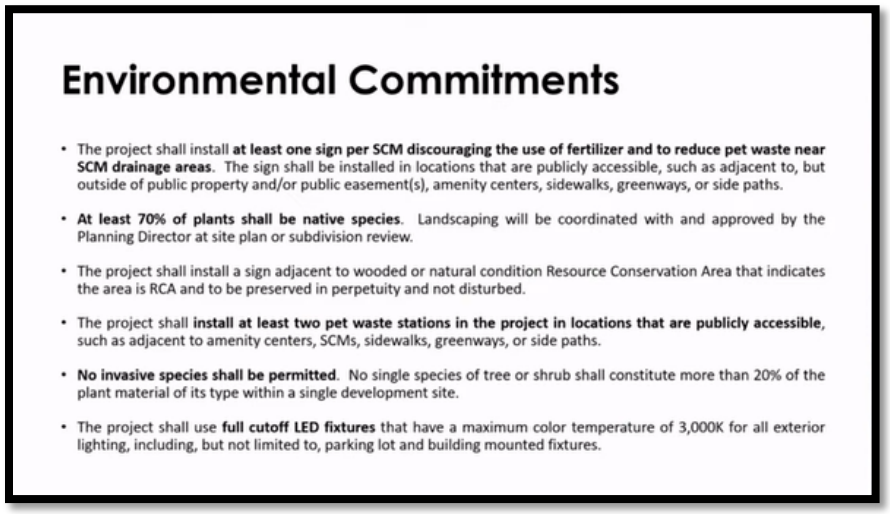
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[SLIDE 7]



[SLIDE 8]



Ms. Schwedler said thank you and opened up for questions.

Mayor Pro Tempore Gray asked if there were any questions.

Councilmember Zegerman asked what the definition of naturally occurring affordable housing in this situation.

Ms. Schwedler said that she would like Ms. Shelby to walk through the example in North Raleigh with the statistics on how this type of housing is being delivered. She said that naturally occurring affordable housing can occur in a variety of ways and be met with a variety of AMI in this particular situation by design and by saving in some ways that are unique to Wood Partners design.

Councilmember Zegerman said that the 12% deduction is meaningless because of the start of the 80% AMI.

Ms. Schwedler said that it is important for the Town to have restrictions on zoning cases to make sure that it is known the type of AMI that is being targeted and where the units are being delivered.

Councilmember Zegerman asked what would be gained from an 80% AMI.

Ms. Schwedler said that they would design it at an AMI that's conducive to what is right for this market. She said that in this particular case they were committing to the Town through legally binding commitments that will have restricted units in place at the 12%. She said that it is important to not restrict all of the units to obtain private financing which has restrictions that won't allow offering restrictions on the entire units, but it doesn't say exactly the percentage for the remainder of the case and that has to settle out for what works for Apex.

Councilmember Zegerman asked what the right percentage for Apex was.

Ms. Schwedler said that Ms. Shelby would address that in her presentation.

Councilmember Gantt asked if they had worked with the Town to possibly have an easement for possibly a right in and right out along the frontage on Jenks Road on the southern end.

Ms. Schwedler said that Ms. Shelby would speak on that.

Ms. Shelby said the understanding is that the Town has plans for that to become a utility use. She said that they are under contract with 3 underlying land sellers and that there are some complexities of contract timelines, etc.

Councilmember Gantt said that it is his understanding as well, but things can change. He asked if there had been discussions with the other landowners to pursue that further.

Ms. Shelby said that with the Town having plans, they did not get into the detailed conversations about the frontages that may allow the turn lane.

Councilmember Gantt asked if Ms. Shelby agreed that the right in right out even without the commercial would be desirable so that all of the traffic would not all be exiting on Wimberly.

Ms. Shelby said that she did not necessarily agree with that and that the Traffic Consultant was in attendance and could speak to curb cuts.

Councilmember Gantt followed up with Ms. Schwedler about across the street from the development across Wimberly, her point of view of having two sides of the intersection to be non-residential would not be enough synergy to have the non-residential work in this location.

Ms. Schwedler said that these smaller pockets of commercial seem to struggle when they don't have access and viability and compare this to Sweetwater.

Councilmember Gantt said that it seemed to be implied that regional level commercial is what can work, and neighborhood type commercial is not going to work in the future or now.

Ms. Schwedler said that neighborhoods can work in certain locations, but this is in close proximity to a larger center and presents more challenges.

Caitlyn Shelby, Managing Director with Wood Partners, introduced herself and gave the following presentation:

[SLIDE 1]



[SLIDE 2]



Ms. Shelby said that she would answer any questions and that she appreciated the Council's time and consideration.

Councilmember Zegerman asked what was naturally occurring attainable housing in Apex for this project.

Ms. Shelby said that this is defined as attainable housing between the range of 80% and 110% AMI and the range is for someone that was at 80% AMI and gets a promotion at work become 85% or 90%, they can age in place and continue to live comfortably. She also added that the benefit for the restriction is that it sets a precedent for future projects.

Councilmember Gantt asked if any of the other projects had been where the land use was previously non-residential.

Ms. Shelby said she believed that Alta Ivy project was a rezoning that was done in Cary.

Mayor Pro Tempore Gray asked if there were any other questions and opened Public Hearing. He called the first speaker.

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

"I'm speaking in favor of rezoning for Wood Partners' proposed Alterra Heights apartment community on Jenks Road and Wimbley Road. Their proposal for 12% of the apartments to be affordable to a mix of household incomes from 80% to 110% of area median income is definitely moving the needle on more housing choices in the right direction. I met virtually last Friday with Caitlyn and Jamie, who you just heard from, to hear about the plans for Alterra Heights. You've heard the description and also the planners' description, so I won't repeat that. When we spoke on Friday, Caitlyn emphasized that Wood Partners recognizes the need for more apartments which are affordable for lower-income families. Recent developments by Wood Partners, such as the Alta Town Center that we just heard about and Alta Wren in Morrisville, show their commitment to building new naturally occurring affordable homes for households earning about 80% of the area median income. At Caitlyn's suggestion last Saturday, this past weekend, I visited the Alta Wren development in Morrisville on the corner of Morrisville Carpenter Road and Davis Drive. The Assistant Community Manager there gave me an overview and tour of the community. It has 250 total units, including 20 workforce housing apartments at 80% of AMI with a compliance period of 15 years. The affordable one-bedroom, one-bath apartments are about 760 square feet and are distributed throughout the three and four-story buildings. Their occupancy limit is two persons plus a heartbeat. Finishes on the affordable apartments are the same as other units. These tenants have full access to community amenities. As I walked through the clubhouse and outside pool and grill area, it looked like an upscale hotel. Buildings and grounds looked to be high-quality construction and were well maintained. Yes, I realize that this proposed development may not be consistent with Apex's 2045 Land Use Map. However, I do not believe that the Land Use Map reflects the policies and recommendations in the 2021 Affordable Housing Plan or the gaps identified in recent housing needs assessments. We are requesting that Councilmembers consider affordable housing choices as a core value in all zoning, planning, and policy actions, and to make all decisions with this in mind. Please consider approving this rezoning because I believe this proposed development will advance Apex's affordable housing choices. Thank you."

Mayor Pro Tempore Gray thanked the speaker and called the next speaker.

Next to speak was **Dawn Cozzolino** of 3632 Bosco Road:

"So, I just want to express my appreciation. The quality and depth of this Alterra Heights rezoning application really stands out as a model of transparency. I think the due diligence there and the community responsibility for the affordable housing and the attainable housing, I was really impressed too, when you go online, it's a 317-page application. It's kind of part of that big package that we were all talking about earlier. So, there was a real serious effort to trace all the piece parts, to make it a complete story and a complete picture that would be considered for the Town of Apex. I just want to highlight, just

a quick brief moment, about, you're going to be hearing about another rezoning coming up, and that is a major commercial site, it's only 33 pages, so, I just want to draw your attention to the sharp contrast between the process of zoning applications and I think this one warrants consideration and even though it's a land change use for the property, it's kind of a very creative, strategic solution for something that everybody is concerned about in this town. So, thank you very much."

Mayor Pro Tempore Gray thanked the speaker. He closed Public Hearing and brought the item back to Council for further discussion and a possible motion.

Councilmember Zegerman said he agreed with the applicants on their approach to make more attainable housing. He said that it may include off-site expenses that are not included in the plan. He said that he sees use for commercial services in that area for people to shop in their neighborhoods. He said that that the affordability commitment and getting a clear answer to the what the Apex market really looks like in terms of rental property wasn't clear. He said that if this project was deviating from the Land Use map it should have a public benefit that is material such as higher affordable housing commitment at lower percentages of AMI. He asked for affordability commitments at 50-60% AMI of the market range and that commitment is insufficient and he was not supportive.

Councilmember Gantt said that if there was not a Land Use map that every piece of land would be developed for homes or apartments and that is why he valued the blue and red stripes on the map. He said that commercial property should be on the corner and possibly have residential behind and that's not what was presented. He said if this is denied at this time then possibly it would come back with a mix of housing and residential and commercial and the path for walkability.

Mayor Pro Tempore Gray said that this is a balance between keeping this commercial property or having the opportunity to have affordable housing. He said that although there is a Land Use map it is important to remember that the Land Use map was made and prepared prior to creating an affordable housing plan. He said that when given the opportunity of affordable housing, it should be seriously considered. He said that there is a value to asking if the town is getting something out of the percentages and appreciates his colleagues' questions. He said that 12% is valuable and people often prefer a five-minute drive to many things instead of a 10-minute walk to get one thing, and that is why there is a traffic concern. He said the bigger concern of affordable housing is hard to turn away.

Councilmember Zegerman said that someone could come back with a similar proposal with better affordable housing commitments. He said that the conditions as offered aren't enough to sacrifice the land.

Mayor Pro Tempore Gray said that no one has came in with 10% or 12% and he's not sure if anyone will.

Councilmember Killingsworth said that getting affordable housing has been slow and this may not be perfect, but it is another step toward filling a huge gap that will not be filled if something is not done to support the community. She said that they are coming up with unique ways to solve affordable issues. She said she supports this.

Councilmember Zegerman said that this is beyond what is typically proposed but the based on these conditions that are offered there should be something more aggressive targeting the community that needs it most for people living at the 60% AMI such as firefighters and teachers. He said they are running out of room to take small steps.

Councilmember Killingsworth said that without the small steps that have been taken Apex would not be where it is now.

Councilmember Gantt said that denial means an uncertain future. He said the commercial project across the road was denied for the first time because it had some commercial in the easement area that wasn't viable at the intersection, and it was brought back with commercial on this side.

Mayor Pro Tempore Gray said that what makes this application different is they have proposed 12% instead of 5%. He said that if this property is developed for commercial use would be better than having affordable units. He said that in most instances he agrees with commercial property.

Councilmember Mahaffey said that the Land Use map was approved around 2019 and may no longer be valid, but the conversations start with the Land Use map, and it is going to be updated in the near future. He said that there was a park being built less than half a mile from this project and he discussed the side path towards the park. He said that there should be more of these types of projects. He said that the product that is being built will be close to 100%. He said he did have some reservations about the side path and tree replacement and would like to encourage the applicant and staff to see if these could work these. He said that he would support this project.

A **motion** was made by **Councilmember Mahaffey** and seconded by **Councilmember Killingsworth** to approve Rezoning Case No. 24CZ11 – Altera Heights PUD.

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

PH5 Apex Transportation Plan Amendment – Lawson Lane – Rezoning Case No. 24CZ16 – Lawrence Property PUD (*Applicant Requested Continuance to June 24, 2025*)
June Cowles, Senior Planner, Planning Department
AND
PH6 Rezoning Case No. 24CZ16 – Lawrence Property PUD (*Applicant Requested Continuance to June 24, 2025*)
June Cowles, Senior Planner, Planning Department

A **motion** was made by **Councilmember Killingsworth** and seconded by **Councilmember Zegerman** to continue Public Hearings No. 5 and No. 6 to the June 24, 2025 Regular Town Council meeting.

VOTE: UNANIMOUS (5-0)

Mayor Pro Tempore Gray called for a 10-minute recess at **9:13 p.m.**

Mayor Pro Tempore Gray reconvened the meeting at **9:25 p.m**.

PH7 Annexation No. 793 – New Hill Commons PUD – 40.72 acres (REF: ORD-2025-031)

Bruce Venable, Planner II, Planning Department

AND

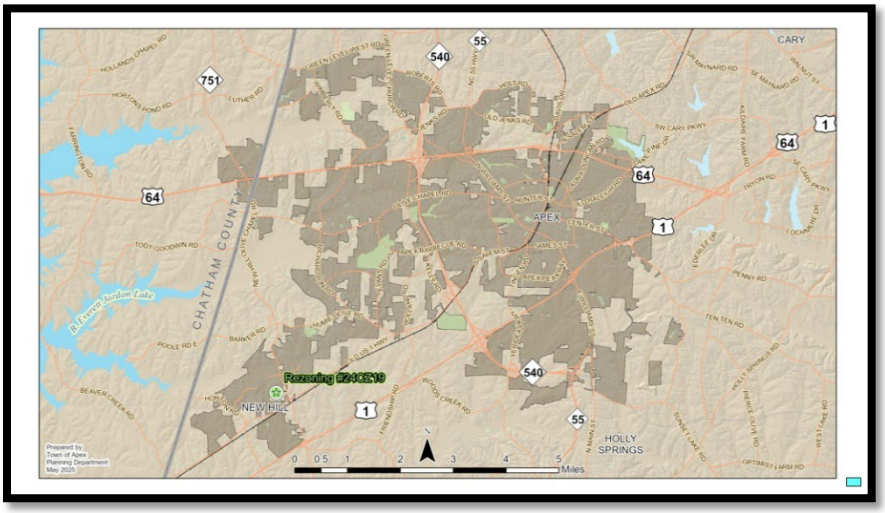
PH8 Rezoning Case No. 24CZ19 – New Hill Commons PUD (REF: ORD-2025-033)

Bruce Venable, Planner II, Planning Department

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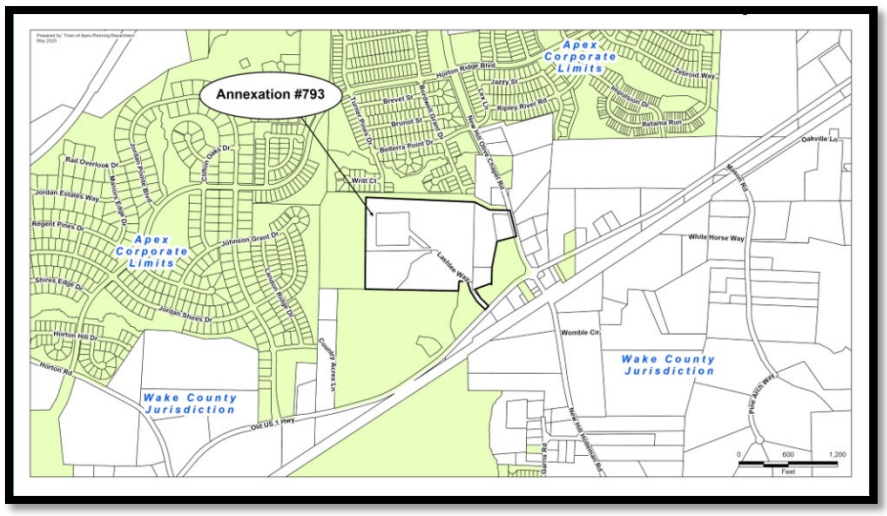
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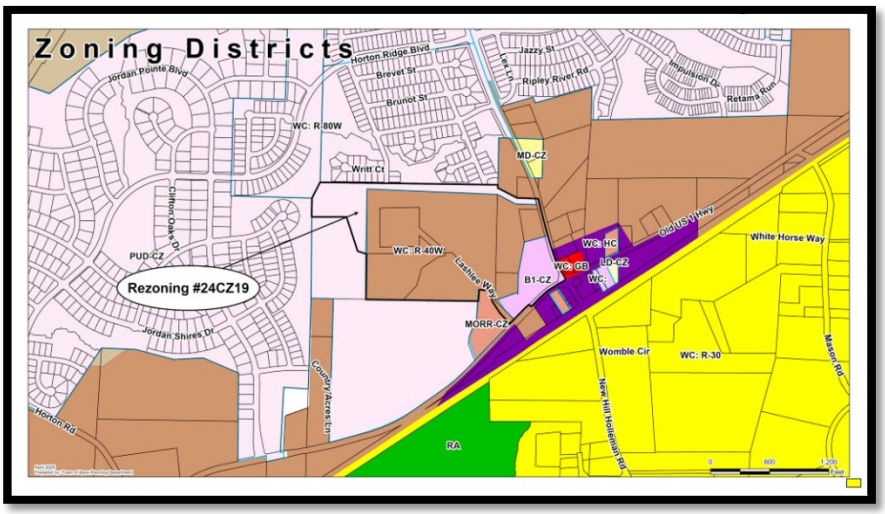
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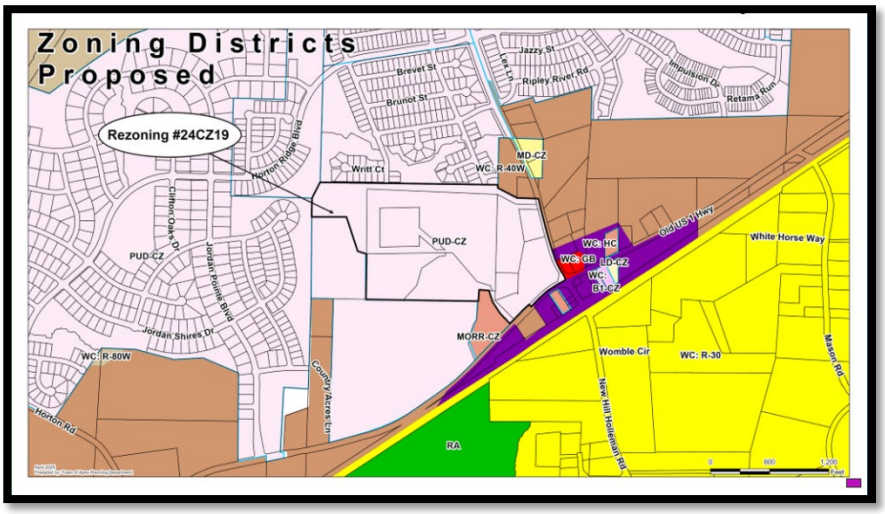
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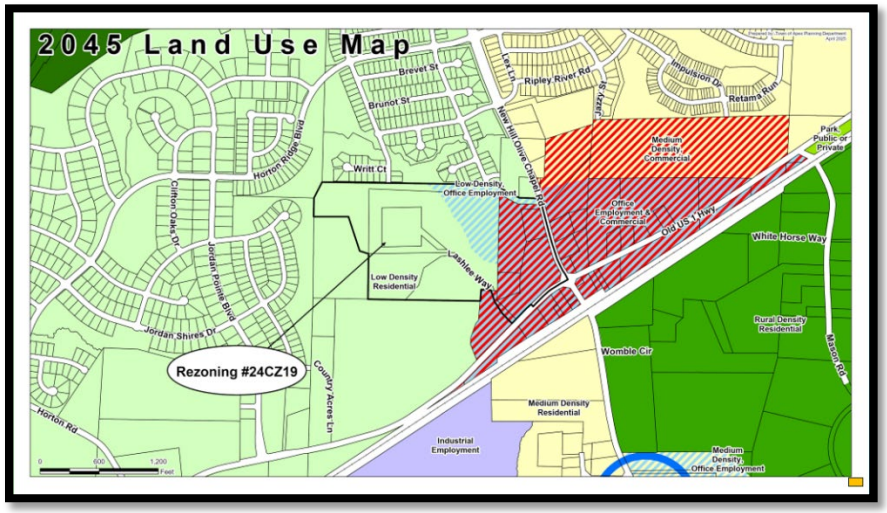
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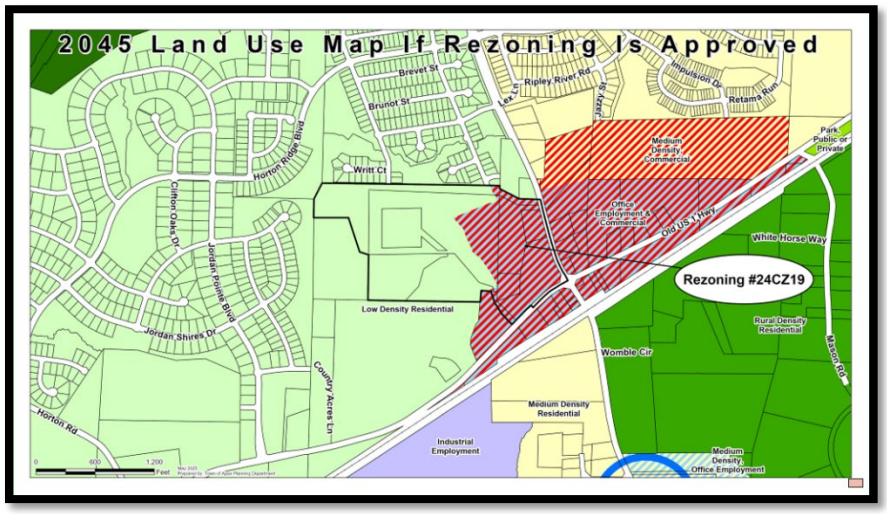
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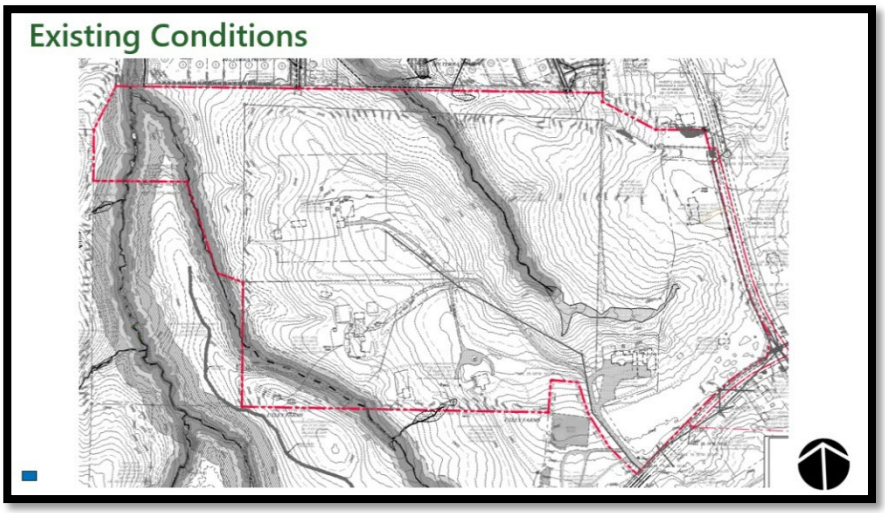
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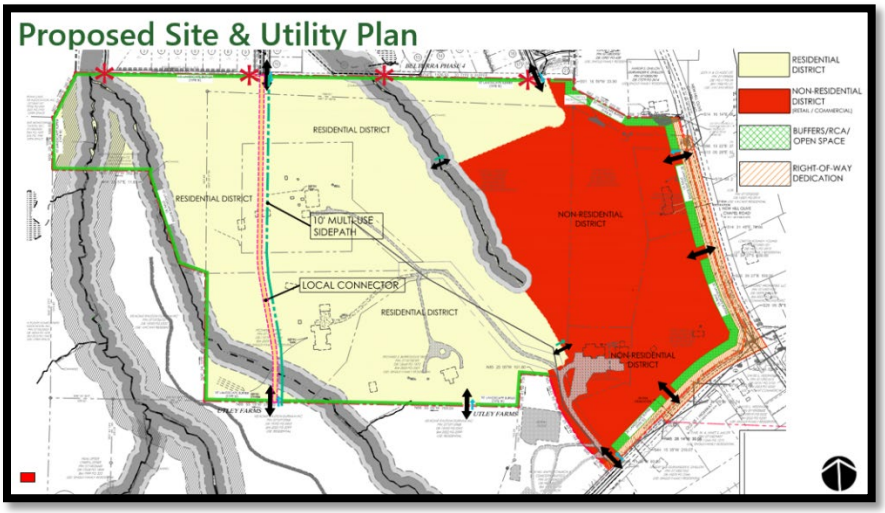
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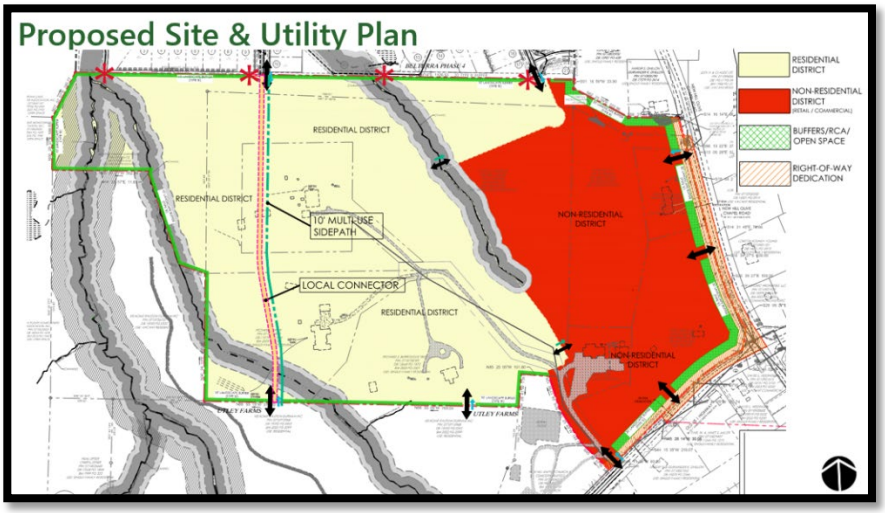
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Mr. Venable said that the applicant has a presentation.

Mayor Pro Tempore Gray asked if there were any questions and then invited the applicant to speak.

Mark Frederick with Parker Poe ,301 Fayetteville Road said that he was here on behalf of the applicant and introduced Alan Manus with Barnett Properties, Jeff Roach with Peak Engineering and Lyle Overcash with Kimley Horn. He then gave the following presentation:

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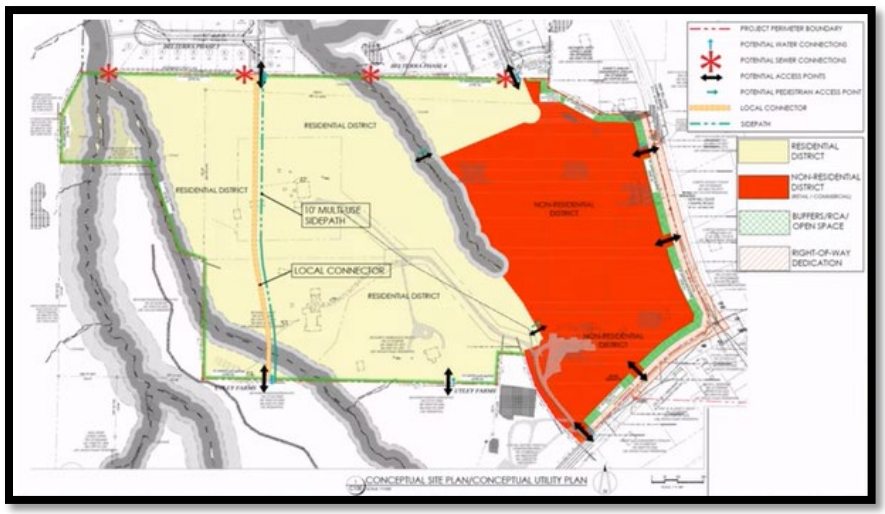
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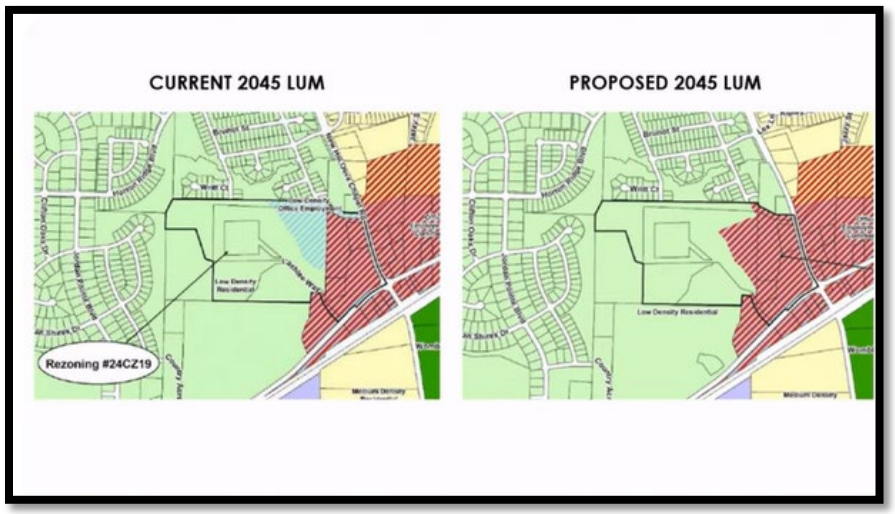
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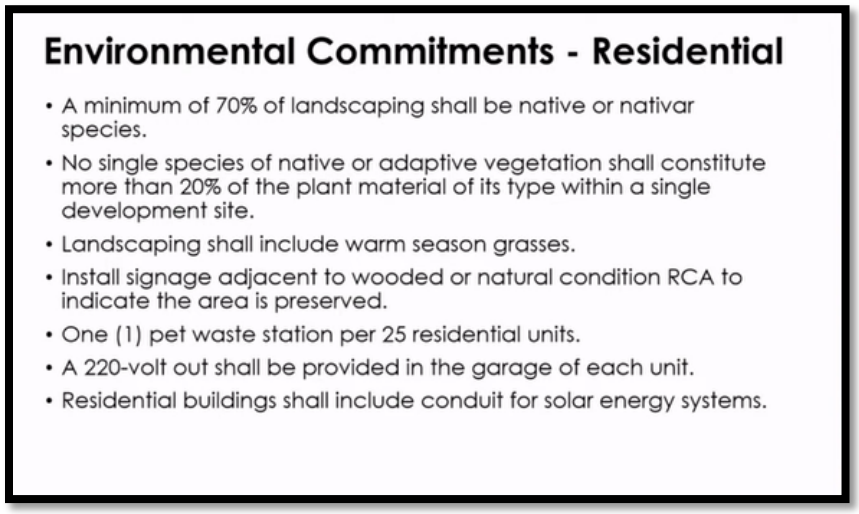
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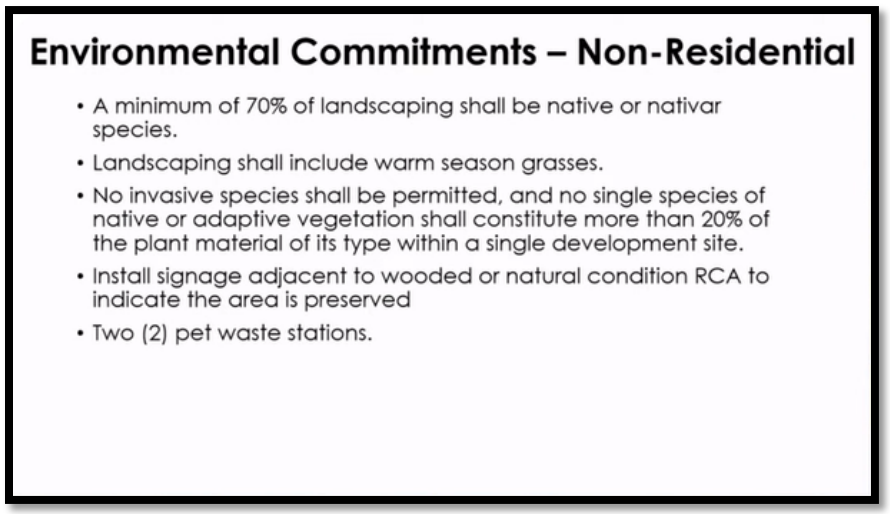
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Mr. Frederick asked if there were any questions.

Mayor Pro Tempore Gray asked if there were any questions.

Councilmember Killingsworth asked about what the anticipated stream crossing would look like.

Mr. Federick said it was a culvert.

Councilmember Zegerman asked about affordable housing commitments.

Mr. Frederick said it was 2 units at 135% AMI.

Councilmember Zegerman asked if the plan was to build 110 units.

Mr. Frederick said that they do not have the master plan but believed it was a maximum of 166 units.

Councilmember Zegerman asked why there were only 2 affordable units out of 166 units.

Mr. Frederick said the primary goal for the non-residential portion of the project is to provide things commercial uses in the area need, and the second goal is to provide low density residential development that's consistent and compatible with the quality development surrounding this site. He said that it is more difficult to achieve a higher level of affordability, and this property is intended to be for sale.

Councilmember Zegerman said that other developers would be able to bring the 5% commitment that is usually asked for. He said that 135% is not affordable housing for people with an income level of less than $160,000.00, and this does not do anything for teachers and firefighters. He asked them to reconsider the affordable housing commitment and bring it up to at least 5%.

Mayor Pro Tempore Gray asked what the process was behind not meeting the 5% goal.

Mr. Frederick said that it came down to density and typically it is easier to absorb the affordable units with higher density. He said they started off with high density, but the Land Use map recommends low density for this.

Mayor Pro Tempore Gray asked if they were aware that other developers have proposed 5% with the same level of density.

Mr. Frederick said he understood.

Mayor Pro Tempore Gray asked if there were any other questions.

Councilmember Zegerman said that the report that was sent to the school board listed 110 units, not 166 units.

Mayor Pro Tempore Gray opened up Public Hearings and called the first speaker for both items 7 & 8.

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

"Good evening. So, for the most part, I'm in favor of this development. I like the fact that the housing section is low density, whereas three units you know, they said the minimum yard is 0.14 and you can put a house on that, and your kids can actually play either in the front or the back, or you can plant a tree. So, I greatly appreciate that particular part. What I'm not a big fan of is the fee-in-lieu for the park, because if they don't have facilities on-site, that means that traffic is going to be driving to a park. It seems to me that either the town says, "Hey, we're not going to require a park because the kids can play in the yards," and give that money back to the developer, I think that money is better spent on putting signals. There are a couple traffic, if you look on page 846, and I don't have it up in front of me to signalize those two particular intersections that are at a level of service of F. So, if you're looking at quality of life, you want parents to have their kids to be able to play, you want to be able to get in and out of the neighborhood, so those are the two things that concern me. But more than that, I would like to have a discussion around where YMCA was not too far down the road, and then New Hill Plaza wasn't too far down the road, this Town Council was told, "Hey, here's what the plans are," and neither one of those developments are moving forward. And so, with this one being for sale, that's concerning because are we going to really end up getting what's being proposed? And for the fact that, I mean, I'm confident that the grocery store will go in. I think that's not a question, but what's going to happen to the residential? Is it going to be sold to somebody else? Are they going to come in and say, hey, we have this zoning, we're going to come back and rezone it, we're going to get something different? It's the whole topic of, not that there's the intention of bait and switch but we've seen this type of development come multiple times, where the public says, oh, we're going to get this, and then you come back later, and it is a different outcome. So, I'm concerned about that potential piece of it. Why did YMCA fall out and it hasn't moved forward with anything else? Why did New Hill Plaza fall out? It's not moving forward with anything else. So, you know, that's the concern is what are we actually going to get? I think we've been through this too many times to continue to go down the same path without getting some guarantees. Also, I don't think we have to have public art, that just raises the cost of things. We are looking for a nice community to be able to get in and get out. We don't have to have public art. I think you can make it nice with a nice entrance. Give the money back to the developer so it can go towards signals. And that's it, thank you."

Mayor Pro Tempore Gray thanked the speaker and called the next speaker.

Next to speak was **Dawn Cozzolino** of 3632 Bosco Road:

"So, we're going to go over three minutes, but okay. So, I have handouts on the traffic impact analysis. This particular site is adding 10,212 new vehicles in daily trips. So, the concerns I have is always about Old US 1. It's a two-lane little narrow road and I had gotten really good numbers from DOT no accidents in the last three months. So, I was really happy about that. But then when we add in cars, that all changes, and it doesn't matter anymore. So, down the road is Gracewood and Utley Farms. So, we're adding, I don't know, another 15,000, okay, so we'll say that. It looks okay on the map the frontage they're talking about for roads but they're ignoring the rest of US 1 but they are ignoring to the west people coming from the Sheridan plant going to the west, going to the signal light, that's not a concern? All that traffic Toll Brothers, all that, Jordan Point and they're not considering between 540 and the entrance to US 1, what is that signal? So, we're creating almost like how Friendship is, without the signal, but we have a traffic signal there now and it's really bad. You guys probably haven't traveled it, but you can't make a left turn, you get stuck on the first light and then, if you don't have a railroad going if you don't have a train going across there because you turn onto, you know, towards Highway 1, and there's train tracks there, and it's one lane each way and you could be backed up and then you maybe get past that hurdle, and then you've got a traffic signal for the first part of the bridge for Highway US 1. And then you have a traffic signal at the second part and boy, that's interesting because it goes into Holly Springs, and you've got all that innovation the Amgen and the Genentech is coming and all the stuff down there and as far as I understand, your Traffic Department does not work with Holly Springs to talk about what they're doing. So how do we know all that traffic's not going to shift up, we're treating this like it's an island. And I get some more time? Thank you. My point is, again, it's looking at everything very narrow. It's not looking at the big picture. It's not putting the pieces together and the volume numbers for the existing roadways, I mean, you've got numbers of 40,000 cars a day on US Highway 1. They're building all to the south, on Holly Springs. Is this sufficient? I don't think so. But you know what? I'm not an expert. It should be studied. It should be studied, and it should be studied beyond this little point. It should be studied through Holly Springs up. It should be studied from the Sheridan Plant. It should be studied from Pleasant Plains. Because, you know, as Elizabeth said, people are going to want to go to parks, and they've got to bring their kids to school and their school caps, so the kids have to drive all over the place, the parents, I should say. So, we're not thinking about this in terms we're just putting stuff somewhere. And the concern Elizabeth has, I share. Bait and switch whatever you want to call it trust. It sounds great when there's this nice development there, but is that really what's going to be built? And it's not audited, and it's not told to the public what's changing. And then it just shows up with the bulldozers, and everything's destroyed, and there's something else there and you didn't get the public feedback on, the *something else,* that's there. So, it is a big deal. And I just want to emphasize, just because you don't want to ask the question doesn't make it okay. Just because you don't want to know what the problems are in the area. Again, a lot of this community is New Hill Friendship is not part of the corporate limits of Apex. Okay? We didn't

ask for these developments. It's fine. They're there. It's part of progress, and we're not anti-development, but these roads can't handle the traffic. Nor do you know what they can handle. We haven't studied it. So, I would ask and urge you, we need to have conditions on traffic studies, but more than that, take it a step further. Talk to the Town of Holly Springs. Get a commitment and find out and study this area exactly what's going to be impacted because it's going to be absolute gridlock and it's going to be on both sides, because the Summit's going on, Sears PUD, all that, all that traffic Depot 499, everything is going to be a gridlock, and we all need cars around here. There's no way to get around it. So, I really hope you consider that and keep that in mind. It's all about safety. Thank you."

Mayor Pro Tempore Gray thanked the speaker and closed Public Hearing. He brought the items back to Council for discussion and possible motion.

Councilmember Killingsworth said that one of the most regrettable votes she had was not expanding New Olive Chapel Road when the Council had the opportunity, and the community did not want to expand the road.

Councilmember Gantt said that the daily trips are part of the equation and the other is the vehicle miles traveled.

Councilmember Zegerman said that there are local commercial hubs needed. He said that it is substantial relief in terms of daily trips to the grocery store and basic services. He said that the affordable housing commitment offered by the developer for only 2 units out of 166 at 135% AMI is meaningless, and he was very disappointed in that. He said that the overall site plan outweighs the affordable housing argument, but the affordable housing commitment is disappointing.

Councilmember Mahaffey asked if asking for fees in lieu rather than affordable units for large lot single-family homes may be better in these cases.

Mayor Pro Tempore Gray said that it may be better to figure out a fee in lieu strategy when it comes to lots in this type of area. He said the didn't support the offer that doesn't get the 5%. He said that this area if these services are added it would make a big contribution. He said what Holly Springs has added that these services may ultimately provide more resources in terms of minimizing the amount of driving and traffic. He said he is not a fan of this, but it may be better to look at a fee in lieu in the future.

Councilmember Killingsworth said that there may be other ways to obtain affordable housing like not including garages, smaller lots, etc. She asked developers to consider things like that in their calculations.

A **motion** was made by **Councilmember Mahaffey** and seconded by **Councilmember Gantt** to approve Annexation No. 793 – New Hill Commons PUD – 40.72 acres and to approve the Rezoning Case No. 24CZ19 – New Hill Commons PUD.

VOTE: 4-1, with Councilmember Killingsworth dissenting.

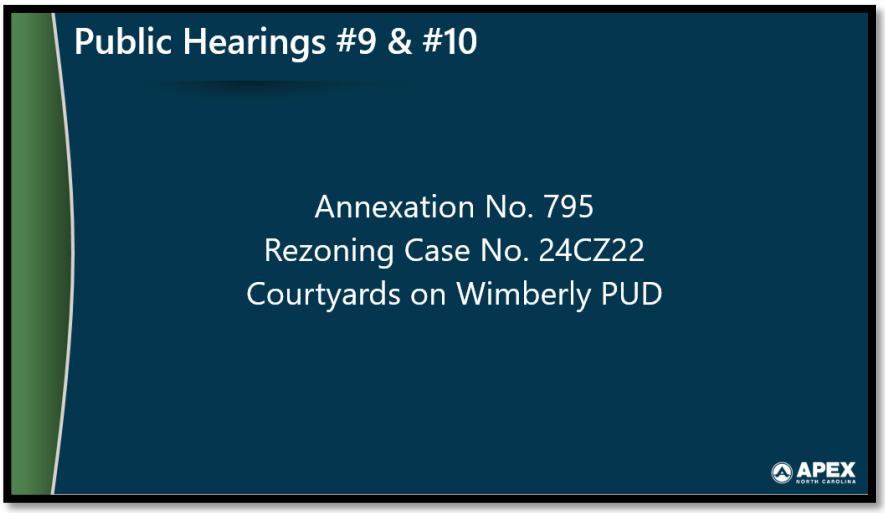
PH9 Annexation No. 795 – Courtyards on Wimberly – 709 and 717 Wimberly Road – 23.979 acres (REF: ORD-2025-032)

AND

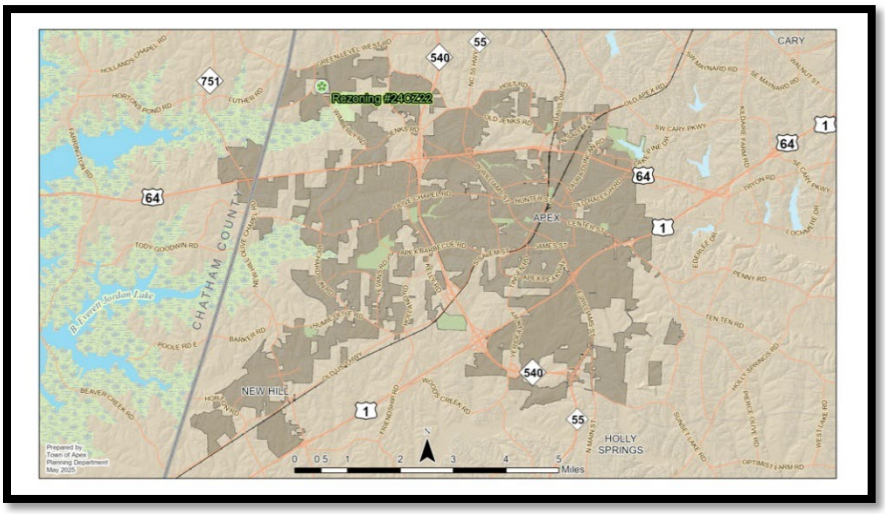
PH10 Rezoning Case No. 24CZ22 – Courtyards on Wimberly PUD (REF: ORD-2025-034)

June Cowles, Senior Planner, Planning Department gave the following presentation for PH9 & PH10:

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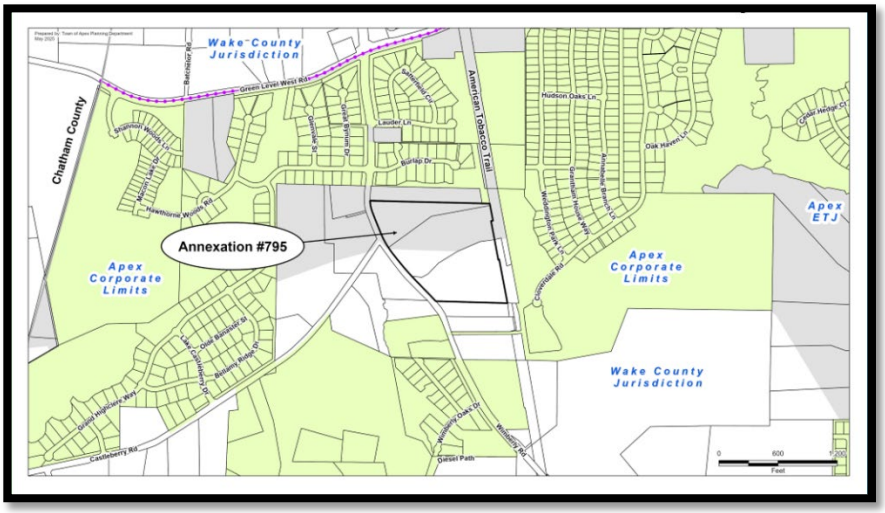
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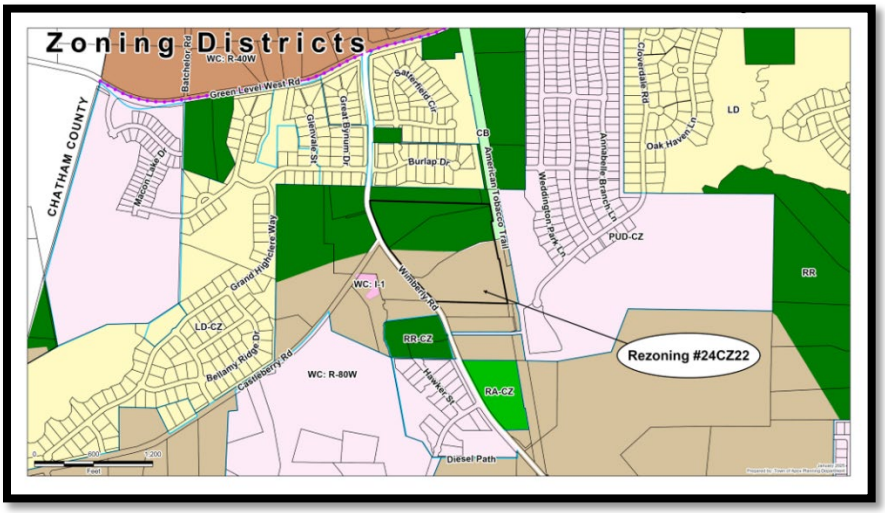
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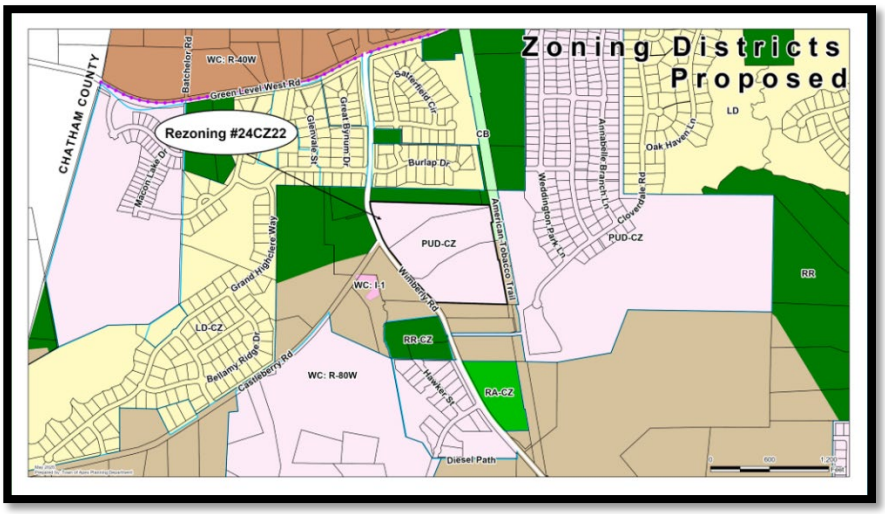
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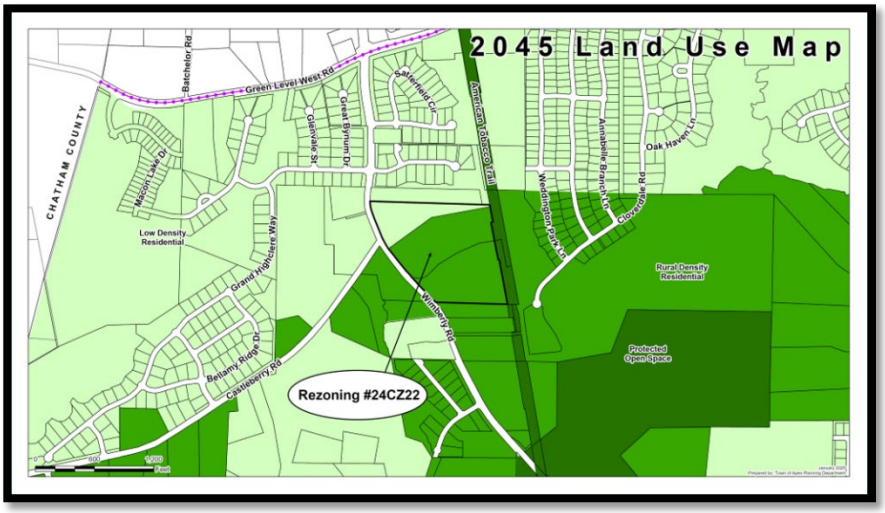
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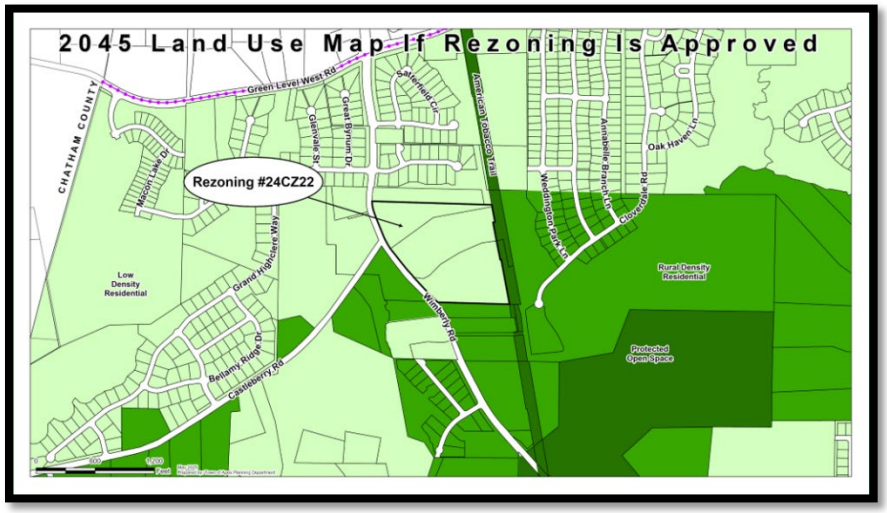
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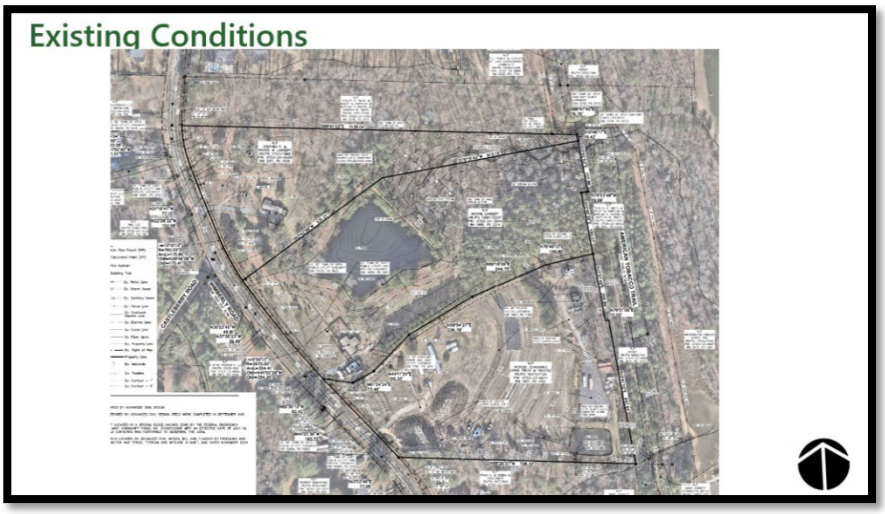
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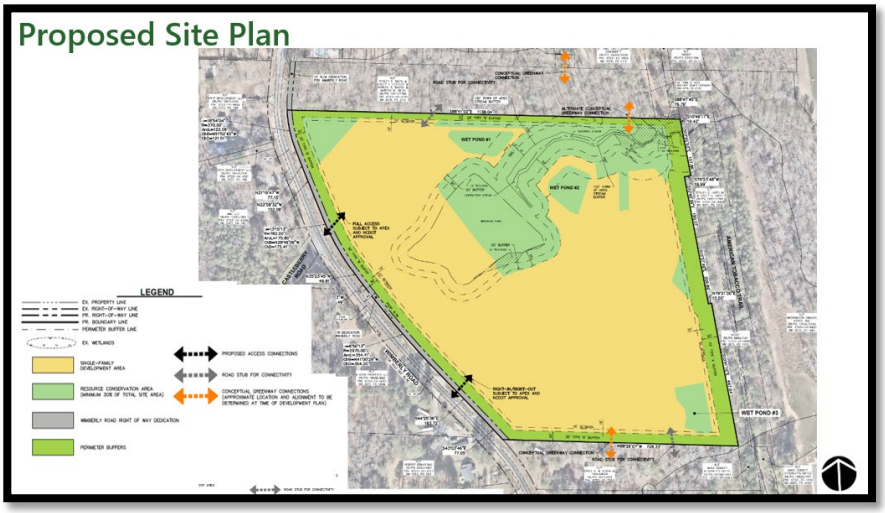
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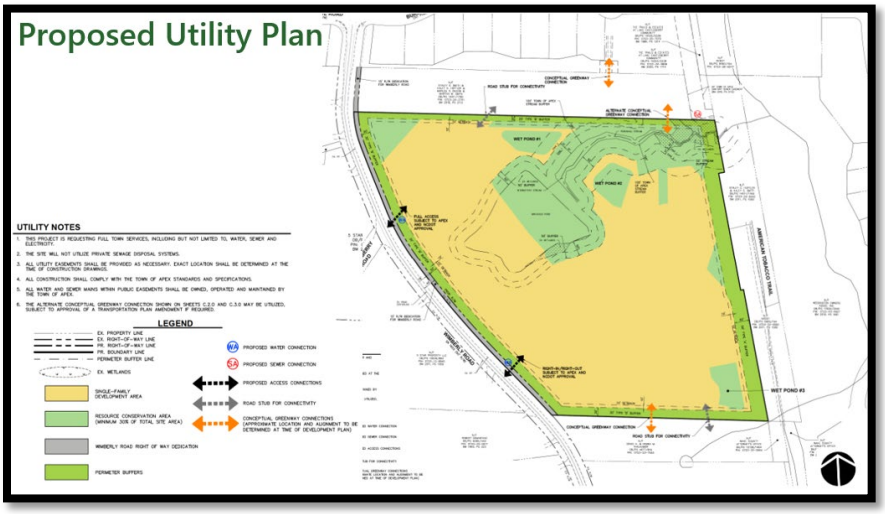
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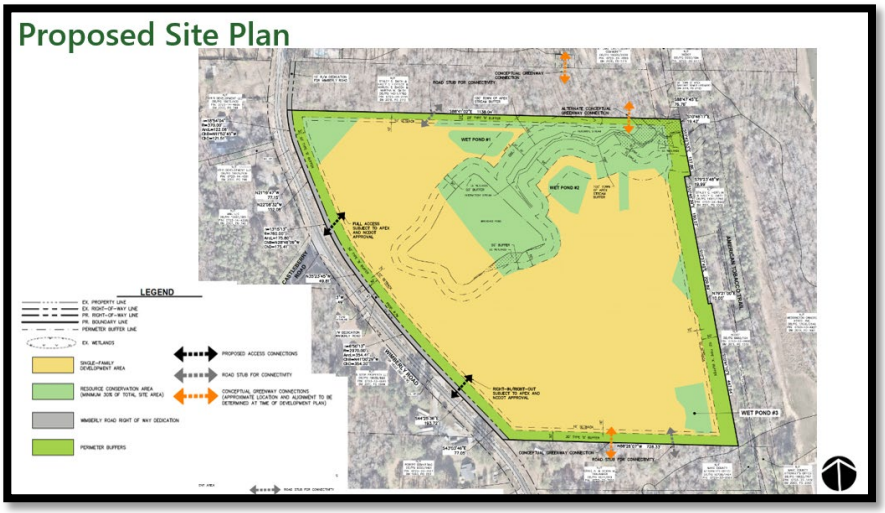
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[SLIDE 12]



[SLIDE 13]



[SLIDE 14]



Ms. Cowles asked if there were any questions.

Councilmember Zegerman asked about the 50' buffer along the tobacco trail that had been mentioned.

Ms. Cowles said that it was a 50' type A.

Councilmember Zegerman asked was the buffer around the Tobacco Trail required to be larger than 50'.

Ms. Cowles said that it is required to be 50'.

Councilmember Zegerman asked for confirmation that the Tobacco Trail from this property does not directly connect to the greenway.

Ms. Cowles said that is correct.

Councilmember Gantt said that the southern end of the development is more than a quarter of a mile from the Greenway connection. He asked if there was a discussion with Transportation to change the driveway and connection that is further south.

Director Khin said that it was being built to the connection that is already built on the north side.

Councilmember Gantt said that this was on the southern end.

Director Khin said that it can't be moved because NC DOT controls access because of the Rails to Trails.

Councilmember Gantt asked if it was ¼ mile.

Ms. Cowles said that the information that they received from Angela Reincke from Parks and Recreation, the corridor is still owned by NC DOT.

Councilmember Gantt said that he saw the driveway crossing that exists, but it doesn't connect to anything.

Director Khin said the measurement is .4 and in order to get a third connection it would have to be .5 miles.

Councilmember Gantt said that he would like to get rid of the one that exists at the southern end considering that is inaccessible.

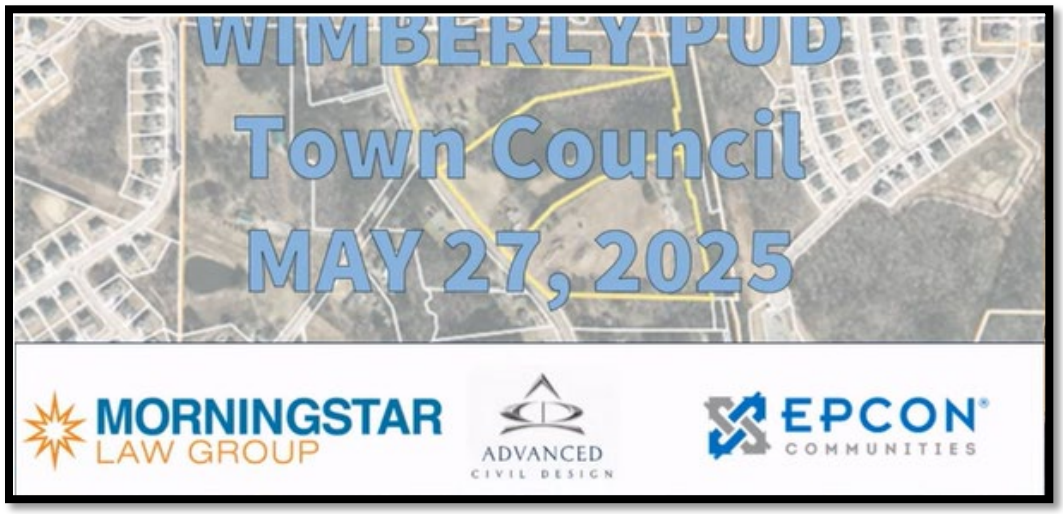
Director Khin said that there is a Greenway Connection in a nearby neighborhood that is more closely aligned with that connection, and it would make sense to have it in that area.

Ms. Bunce said that they try to evaluate the connections to the ATT where it was least impactful, but she was not sure if this was the factor in this case.

Mayor Pro Tempore Gray asked the applicant to come up.

Leticia Shapiro with Morning Stare Law Group here on behalf of the applicant Epcon Communities and she introduced Juan Montes from Epcon Communities here to answer questions. Ms. Shapiro gave the following presentation:

[SLIDE 1]



[SLIDE 2]



[SLIDE 3]



[SLIDE 4]



[SLIDE 5]



Ms. Shapiro thanked everyone for their time and consideration.

Mayor Pro Tempore Gray asked if there were any questions.

Councilmember Killingsworth asked if there was any consideration given for ADA, like lower counter heights.

Ms. Shapiro said that Mr. Montes would speak to those specific needs.

Mr. Montes said that all footprints and amenities are designed to be ADA compliant. He said that they meet with the buyers for any special needs.

Mayor Pro Tempore Gray asked for more information on the affordable housing aspect and the creative use.

Mr. Montes said that they worked with the Housing Department, and they tried to follow the example that Housing had supplied. He gave a breakdown of how they derived at this, which followed HUD data's average price for a home in this area, and took the difference between that and the lowest estimated price of a home in the development, then multiplied that by the number of units representing 5% of the development. He said in this case, it came out to $133,000.

Mayor Pro Tempore Gray thanked him and asked if there were any other questions. He opened up with Public Hearing and called the first speaker.

Ms. Cowles said she wanted to clarify one that the applicant offered the housing condition.

Mayor Pro Tempore Gray closed Public Hearing and brought it back to the Council for discussion and possible motion.

Councilmember Zegerman thanked the applicants for adding real solar commitments to the development.

Councilmember Mahaffey said that this application for rezoning was amazing.

Mayor Pro Tempore Gray thanked the hard work on the affordable housing.

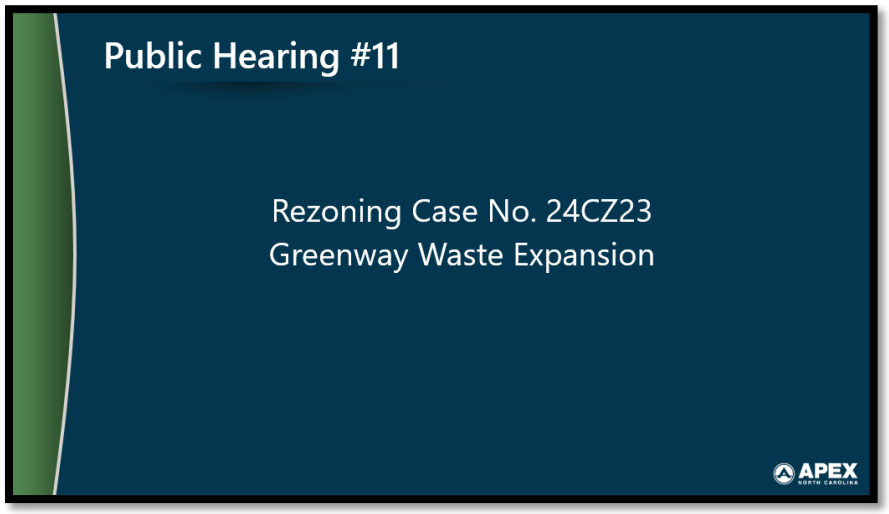
A **motion** was made by **Councilmember Killingsworth** and seconded by **Councilmember Gantt** to approve both Annexation No. 795 and Rezoning No. 24CZ22 with the additional condition: "The developer shall pay to the Town of Apex a total of One Hundred Thirty-Three Thousand Two Hundred Dollars, ($133,200.00), to be placed in the fund designated for the Town's Affordable Housing Program. The $133,200.00 shall be payable prior to approval of the first Plat."

VOTE: UNANIMOUS (5-0)

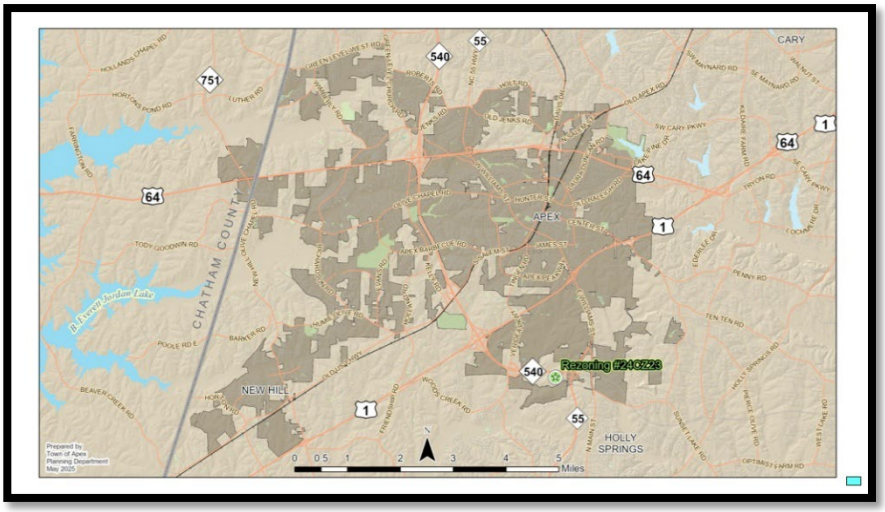
PH11 Rezoning Case No. 24CZ23 – Greenway Waste Expansion

Bruce Venable, Planner II, Planning Department gave the following presentation:

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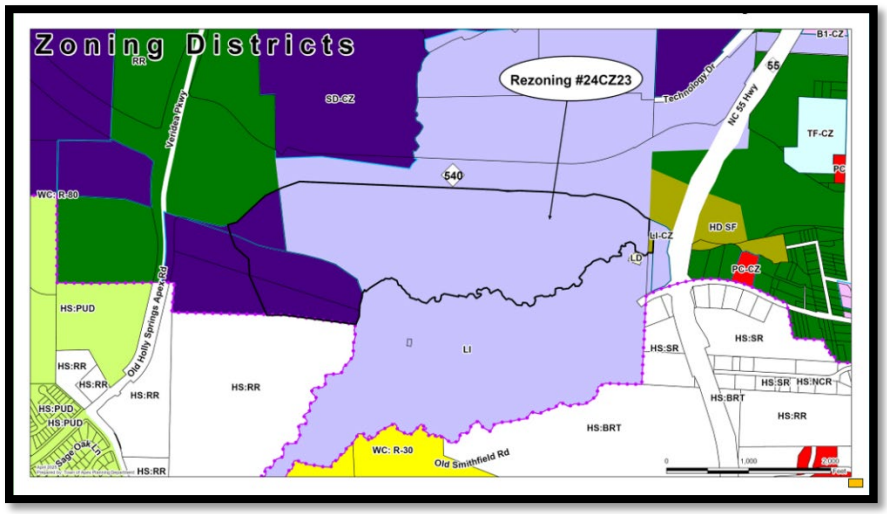
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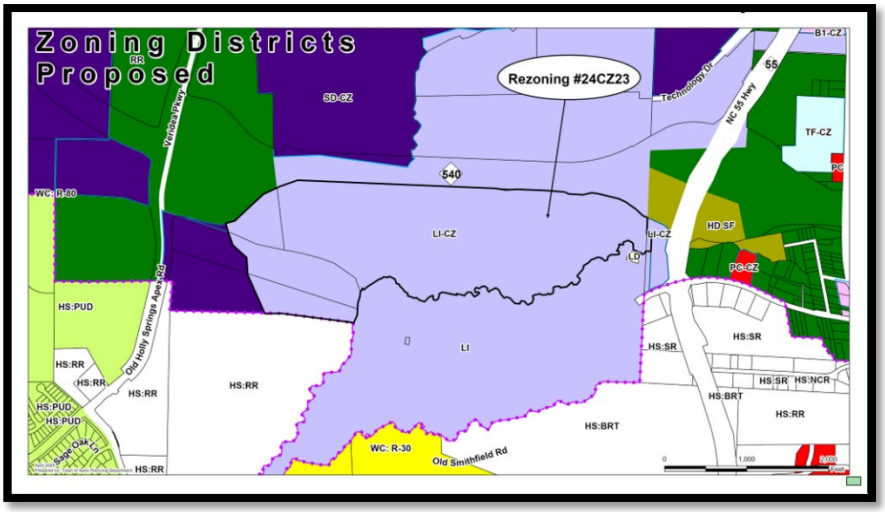
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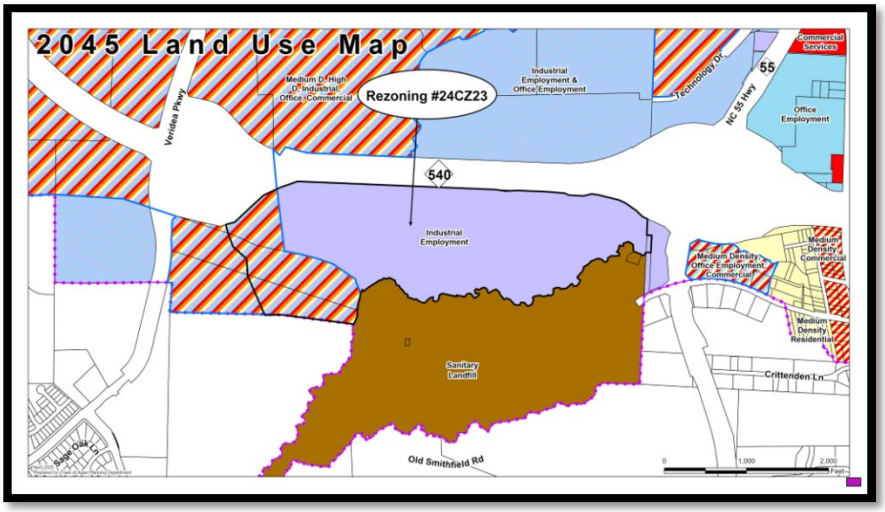
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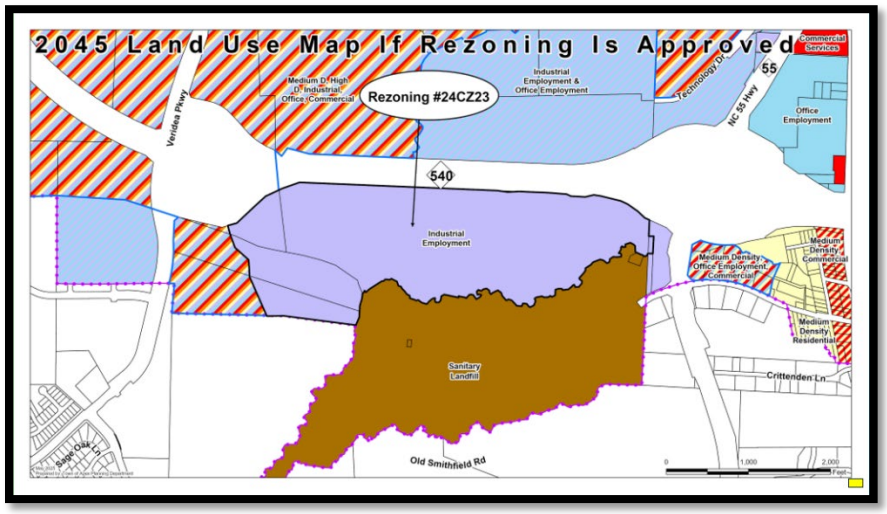
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[SLIDE 6]



[SLIDE 7]



[SLIDE 8]



Mr. Venable asked if there were any questions and said that the applicant was available for questions as well.

Mayor Pro Tempore Gray asked if the applicant wanted to speak.

Hunter Winstead with Morning Star Law Group representing Greenway Waste Solutions along with John Brown, Chief Operating Officer of Greenway gave the following presentation:

[SLIDE 1]



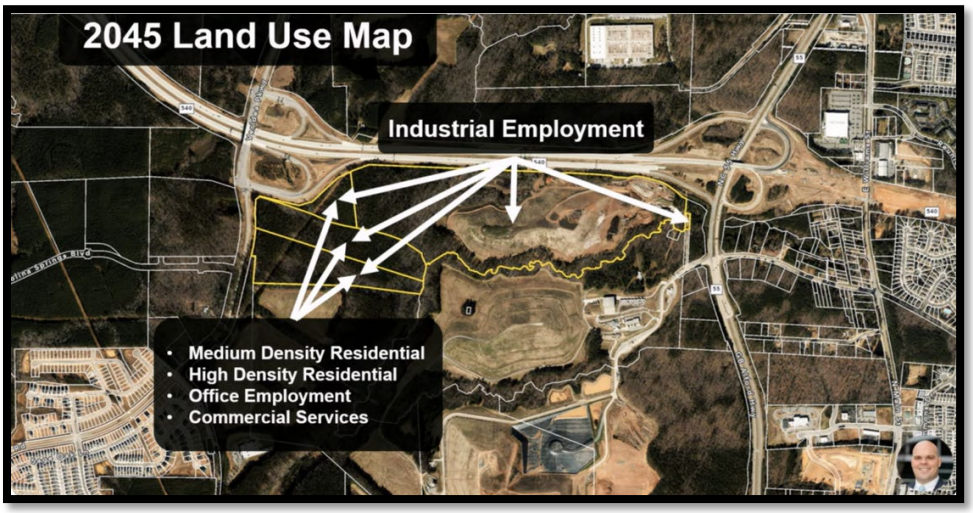
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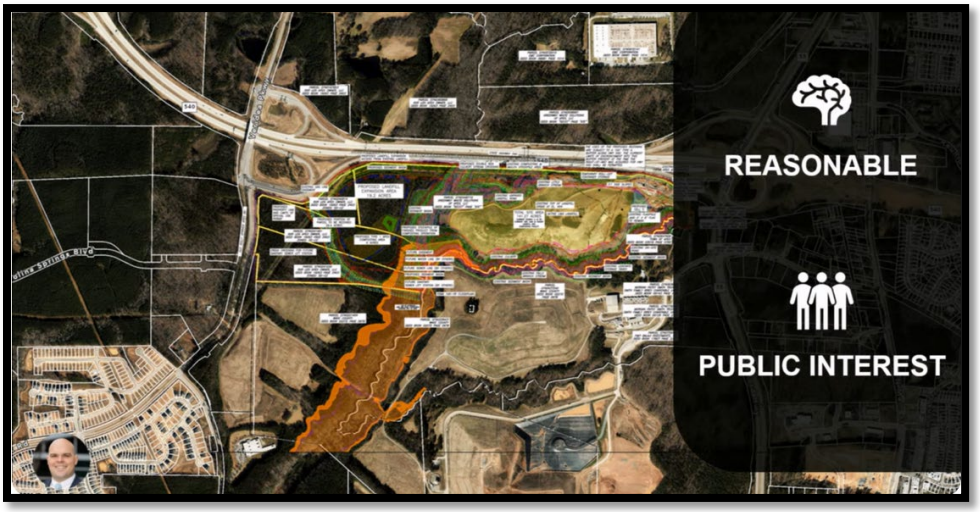
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[SLIDE 4]



[SLIDE 5]



Mr. Winstead asked if there were any questions.

Councilmember Zegerman asked what type of recycling this project is referring to.

Mr. Brown said that it is a continuation of composting of yard waste from their current operation. He said they would recycle construction materials, but a full recycling facility was not part of this request.

Mr. Winstead thanked them.

Mayor Pro Tempore Gray opened Public Hearing and then closed Public Hearing with no one signed up to speak. He then brought the item back to the Council for discussion and possible motion.

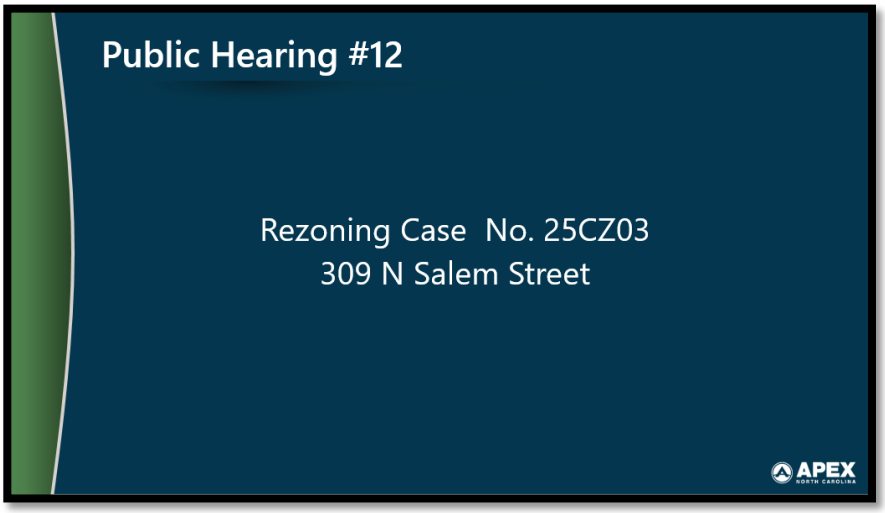
A **motion** was made by **Councilmember Killingsworth** and seconded by **Councilmember Zegerman** to approve Rezoning Case No. 24CZ23 – Greenway Waste Expansion.

VOTE: UNANIMOUS (5-0)

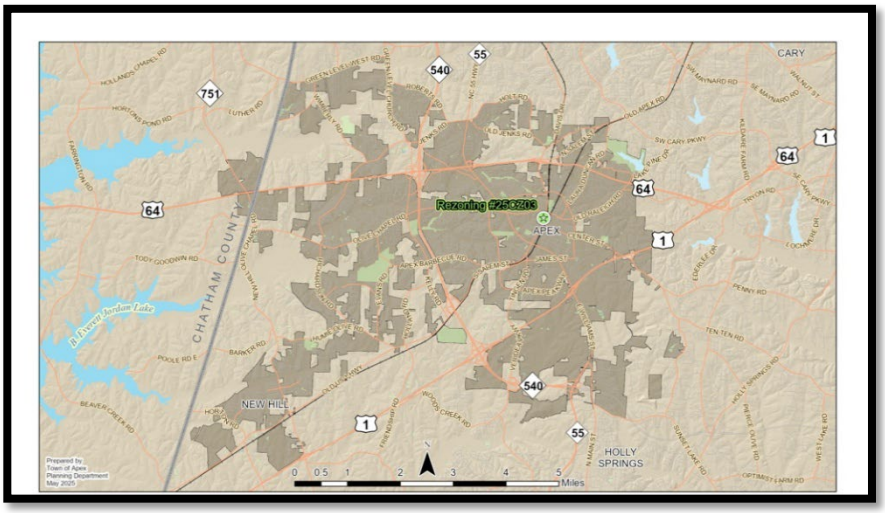
PH12 Rezoning Case No. 25CZ03 – 309 North Salem Street

Joshua Killian, Planner II, Planning Department gave the following presentation:

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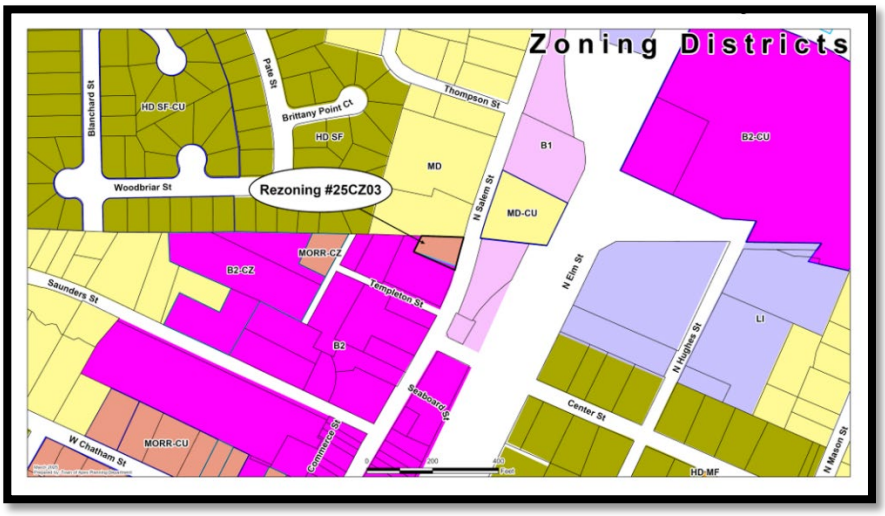
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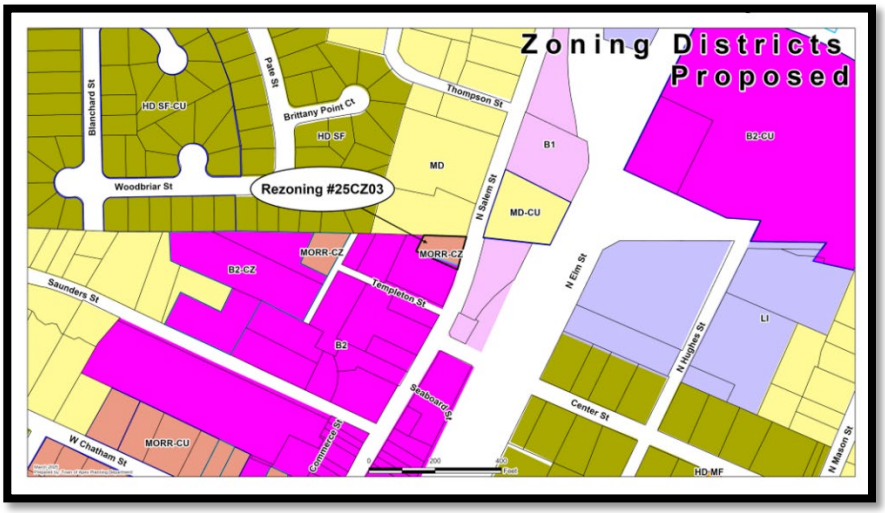
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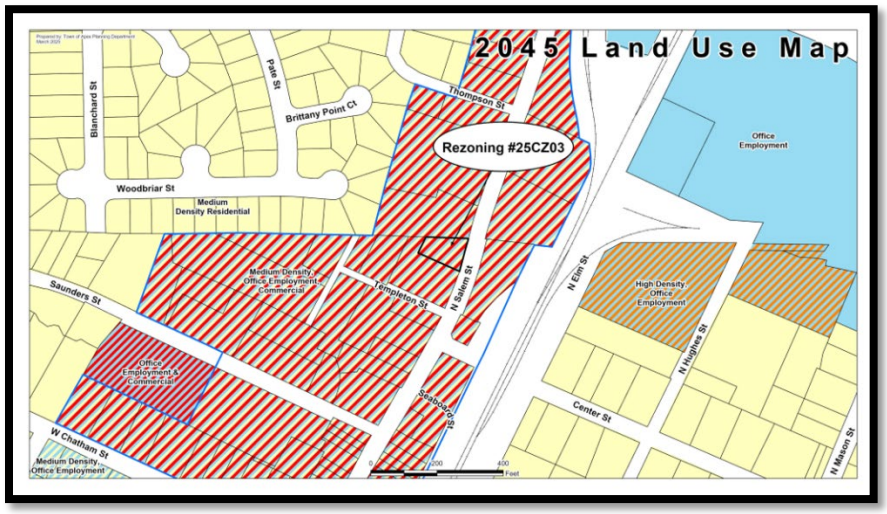
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[SLIDE 5]



[SLIDE 6]



[SLIDE 7]



[SLIDE 8]



Mr. Killian asked if there were any questions.

Councilmember Gantt asked could minor rezonings be designated to the Manager or Planning Staff.

Mr. Killian said it was Legislated by State Law to be a Council decision.

Mayor Pro Tempore Gray opened and closed Public Hearing with no one signed up to speak. He brought the item back to the Council for discussion and possible motion.

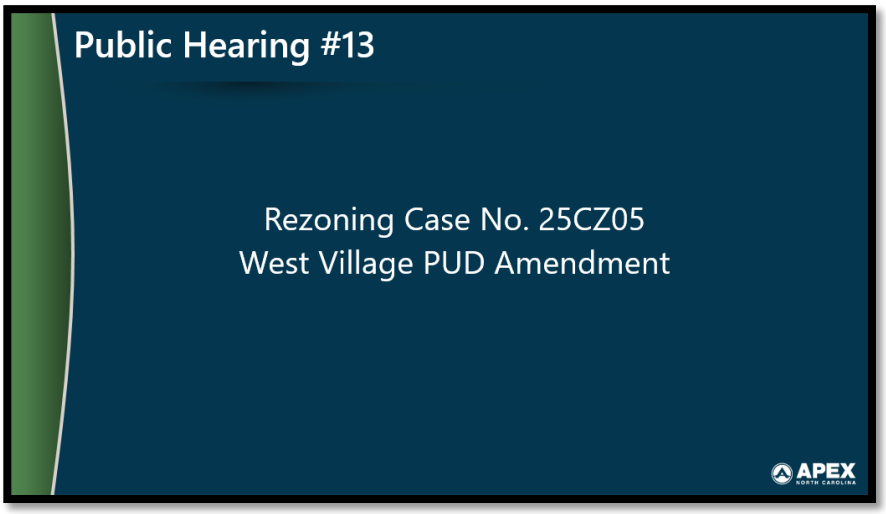
A **motion** was made by **Councilmember Mahaffey** and seconded by **Councilmember Gant** to approve Rezoning Case No. 25CZ03 – 309 North Salem Street.

VOTE: UNANIMOUS (5-0)

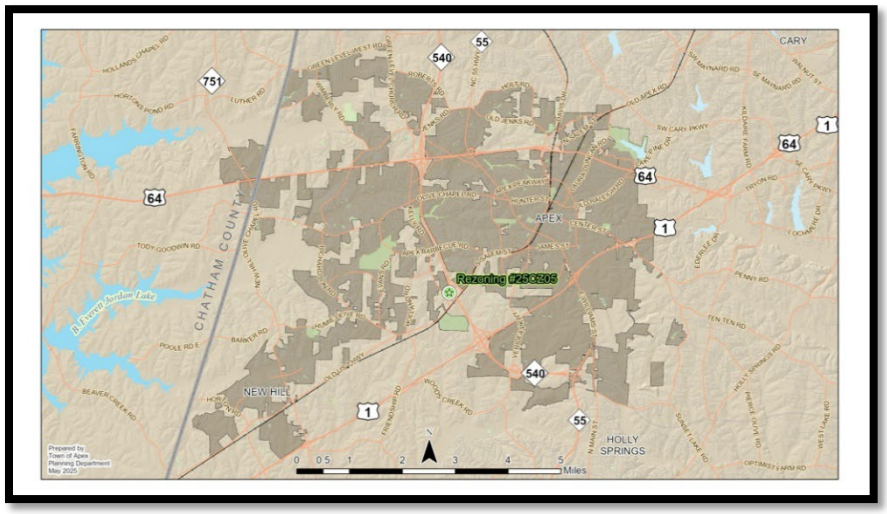
PH13 Rezoning Case No. 25CZ05 – West Village PUD Amendment

Lauren Staudenmaier, Planner III, Planning Department gave the following presentation:

[SLIDE 1]



[SLIDE 2]



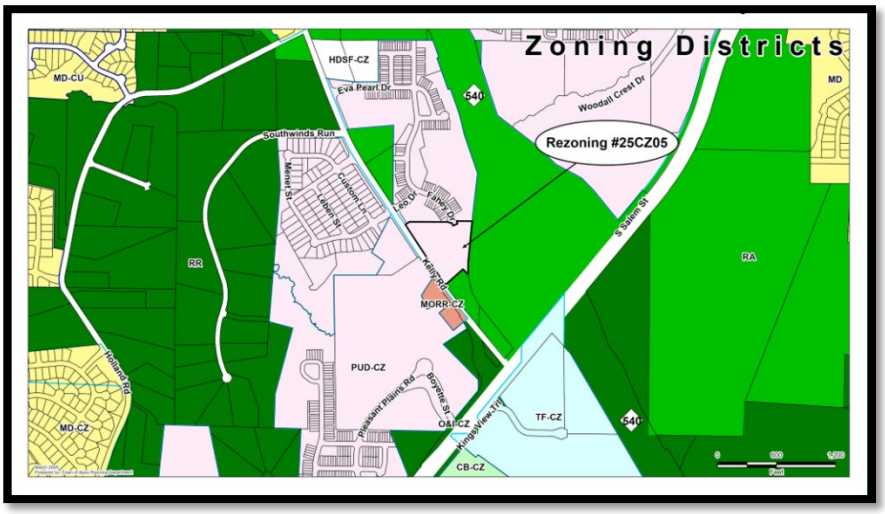
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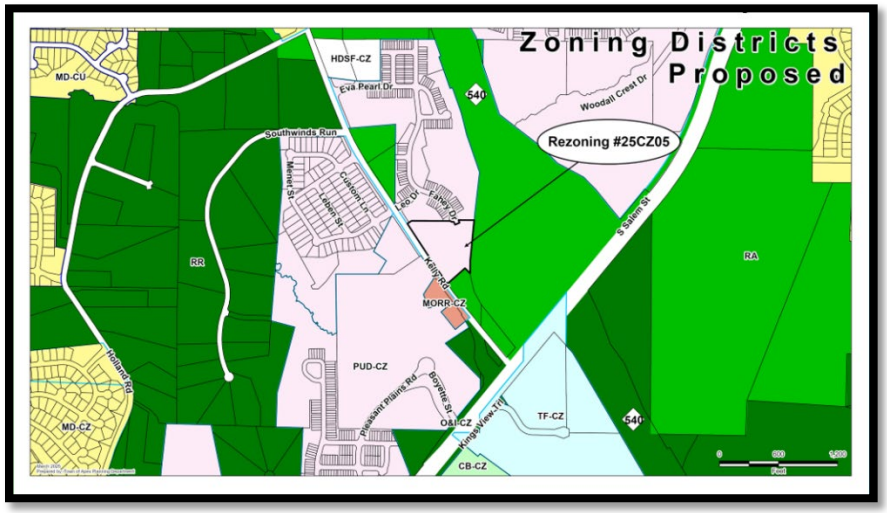
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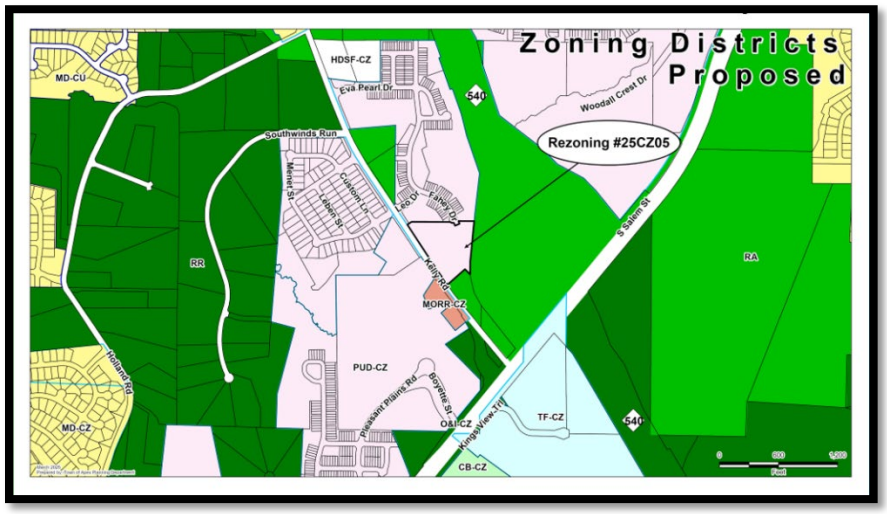
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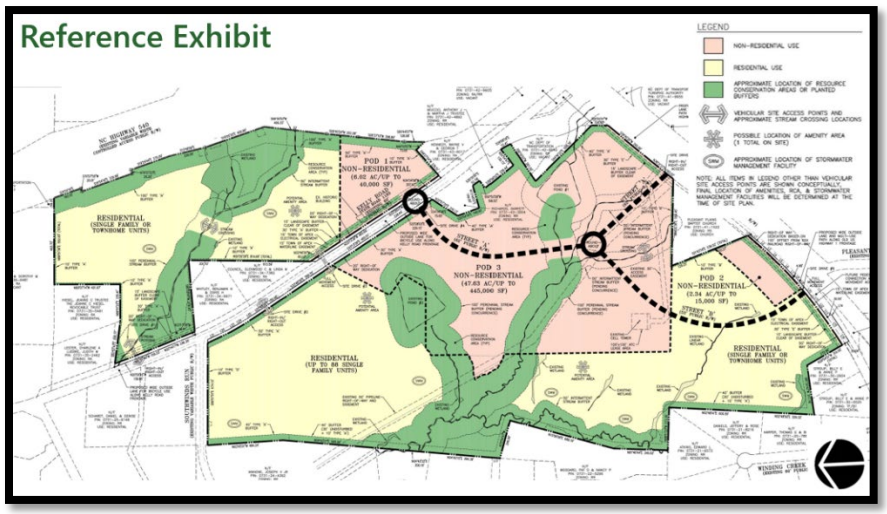
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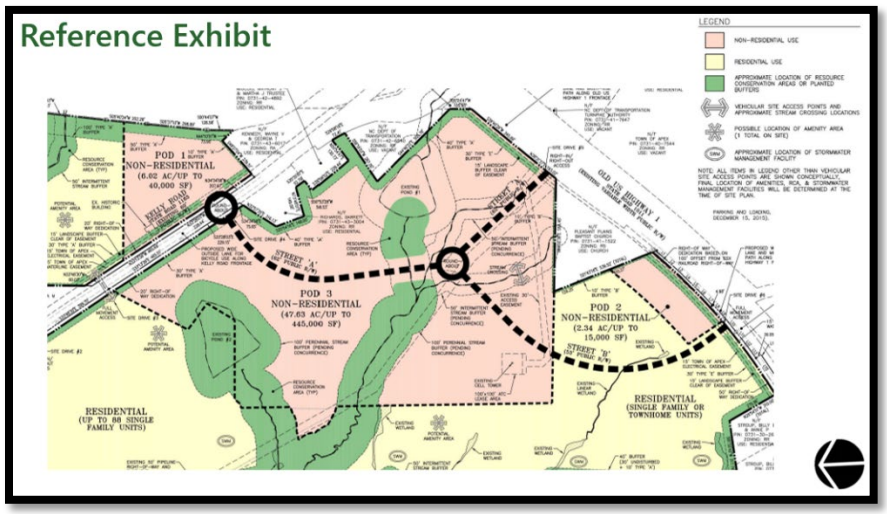
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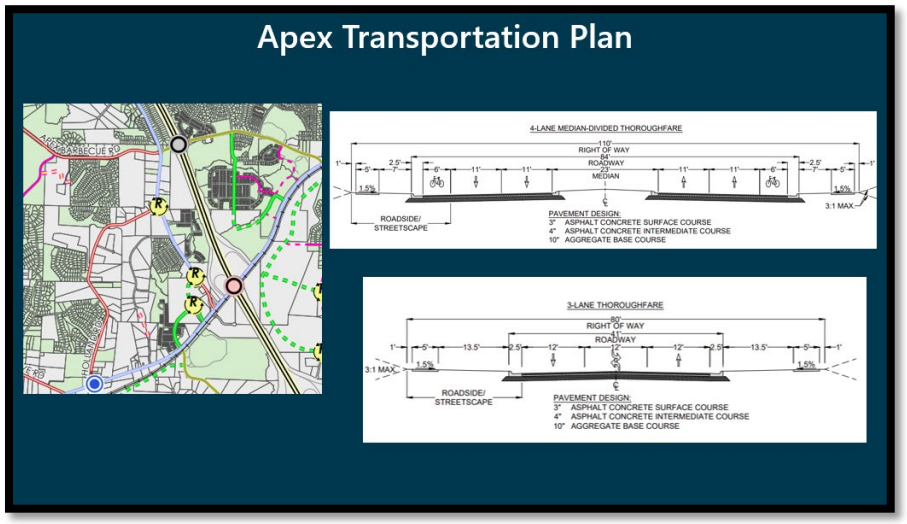
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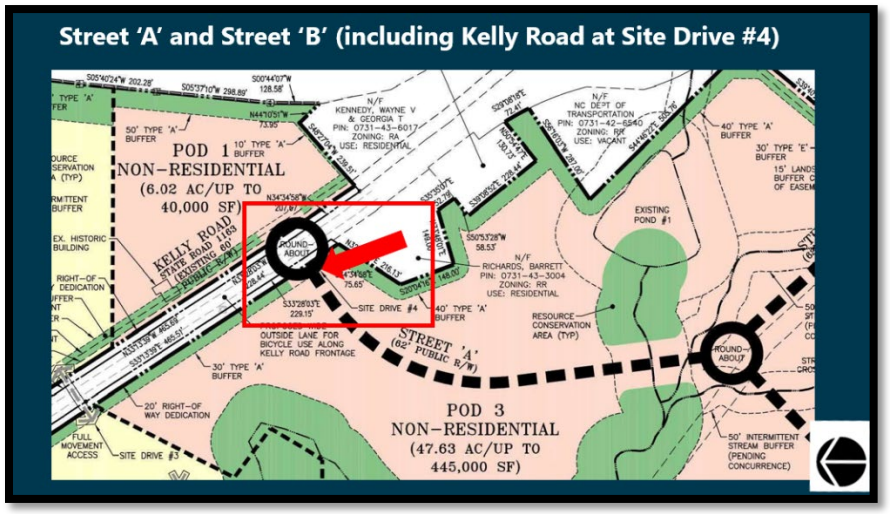
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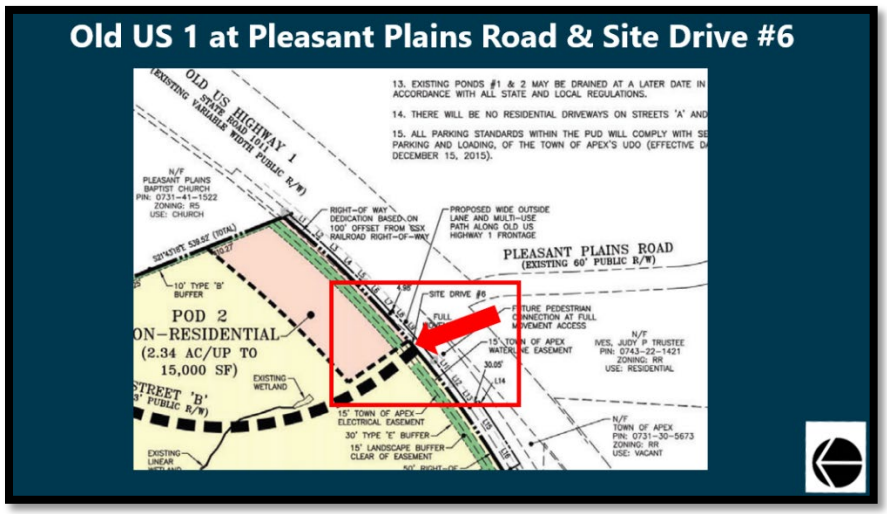
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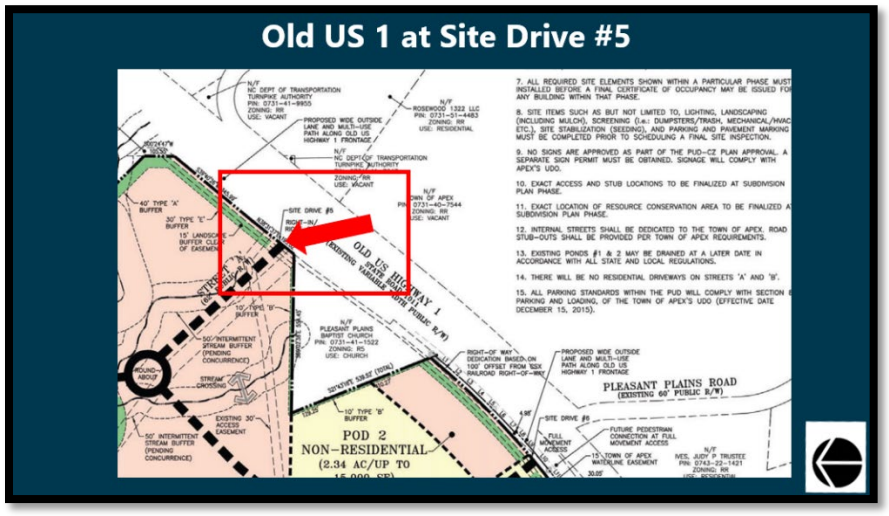
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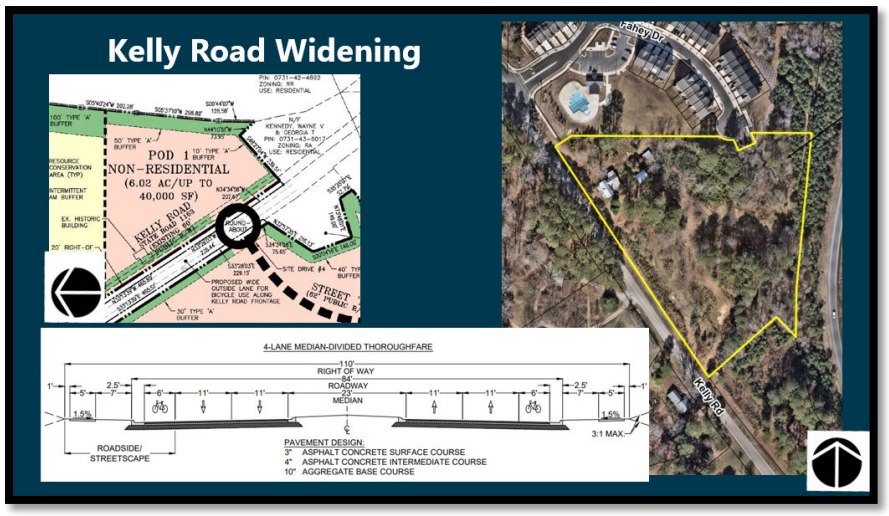
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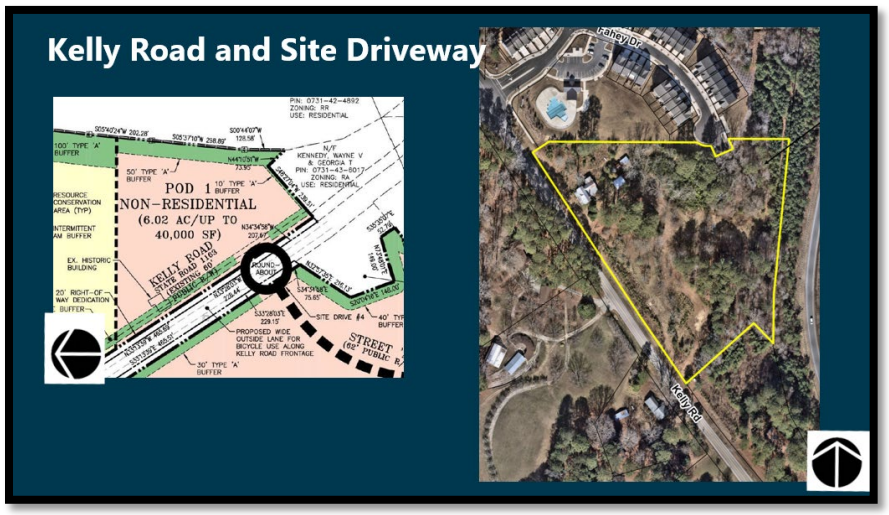
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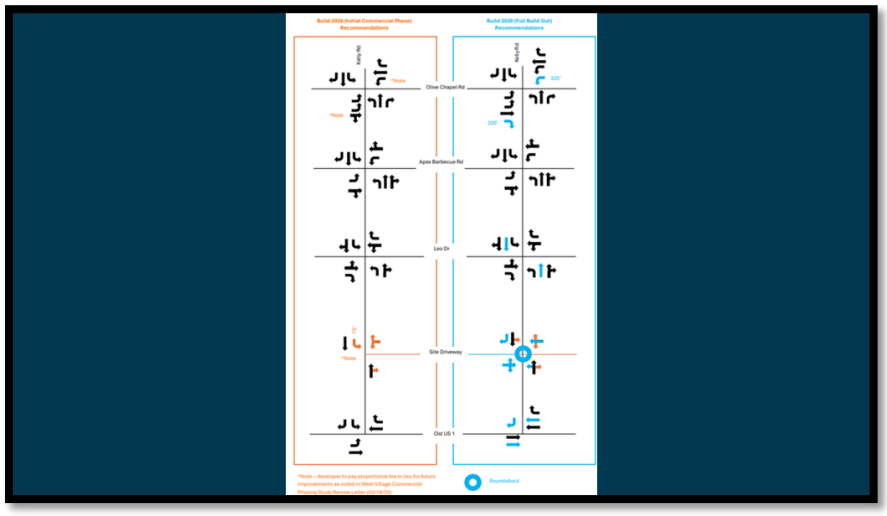
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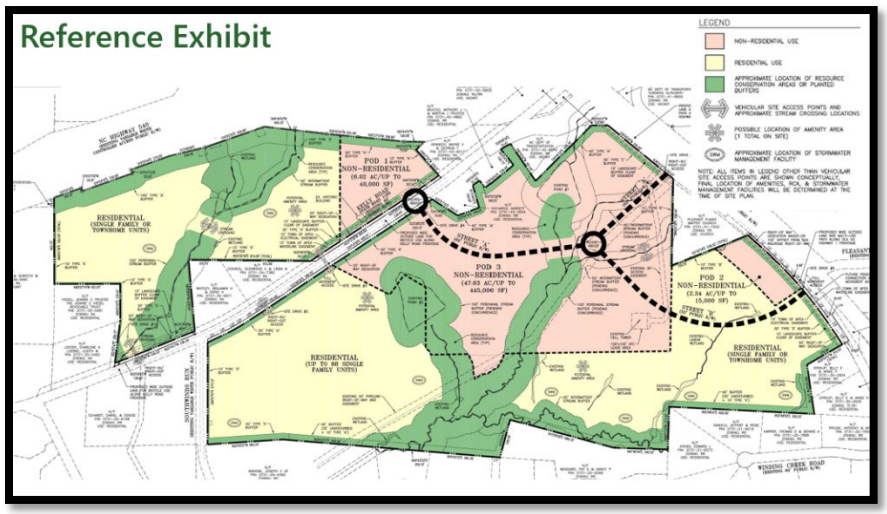
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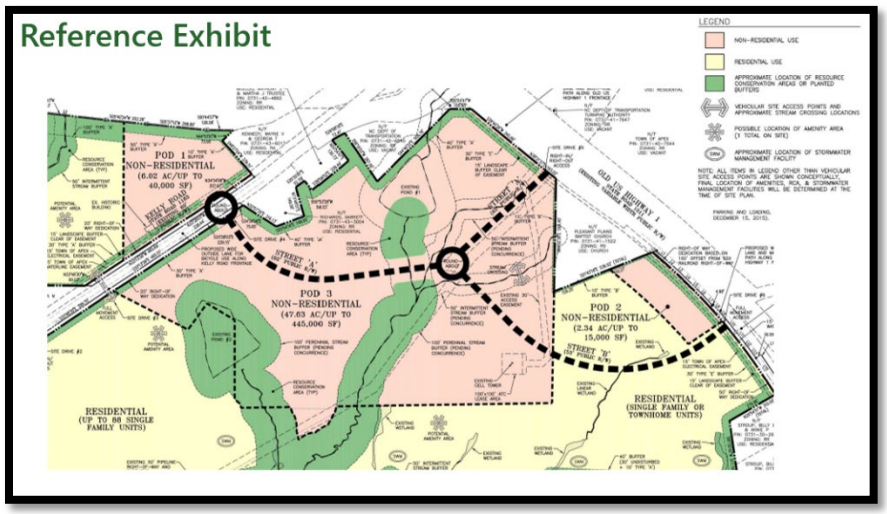
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Ms. Staudenmaier asked if there were any questions. She said that Russell Dalton and Jessica McClure answer questions as well.

Councilmember Gantt asked if Planning concerned to allow for the development presented delay even further the other pods from developing and getting the improvements associated.

Ms. Staudenmaier said Planning wasn't necessarily concerned because it will be pieced on based off what was allowable for pod one with the way the Transportation conditions were written.

Councilmember Gantt said the concern is that it may make the other pods less appealing and viable.

Ms. **Staudenmaier** said it is related to Transportation improvements and there was nothing related to uses.

Councilmember Gantt said that it is the better choice and may leave less choices.

Councilmember Mahaffey asked why would owners of pod 3 and the other one sell pod 1 to someone else.

Councilmember Gantt said possibly due to monetary considerations in the short term.

Councilmember Zegerman asked if the future developer would have to pay 8% of the roundabout cost at the time, or what 8% would be worth now.

Mr. Dalton said that they did not ask for an additional contingency because they did not know when the other pods would come in. He said the applicant can certainly offer more. He said this was a very expensive roundabout. He said that they can't speculate if approving this now would cause any issues with future pods coming in.

Councilmember Mahaffey asked if the right-of-way was already reserved for it.

Mr. Dalton said that it was not, and they will provide a 15% level design across their frontage additional roundabout.

Councilmember Zegerman asked who would cover the difference in cost.

Mr. Dalton said that the current zoning and proposed zoning does not change the fact that Pod 3 is responsible for the roundabout regardless of what money we have provided, the additional 8% will have to be absorbed by the developer.

Councilmember Zegerman said that he was just making sure that the Town will not owe the difference.

Mr. Dalton said that they will not owe that difference.

Councilmember Mahaffey asked what happens to the fee in lieu.

Mr. Dalton said that it may be a legal question.

Councilmember Mahaffey said Kelly Road and US1 is not good, and he is looking forward to someday when the street is complete.

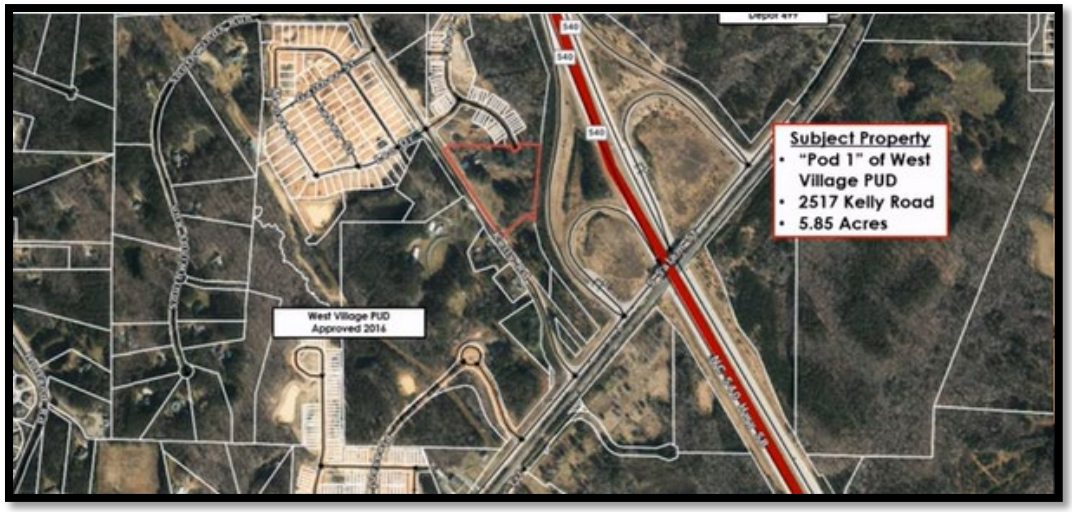
Mayor Pro Tempore Gray asked if the applicant wanted to speak.

Collier Marsh with Parker Poe at 301 Fayetteville Street on behalf of the applicant, gave the following presentation:

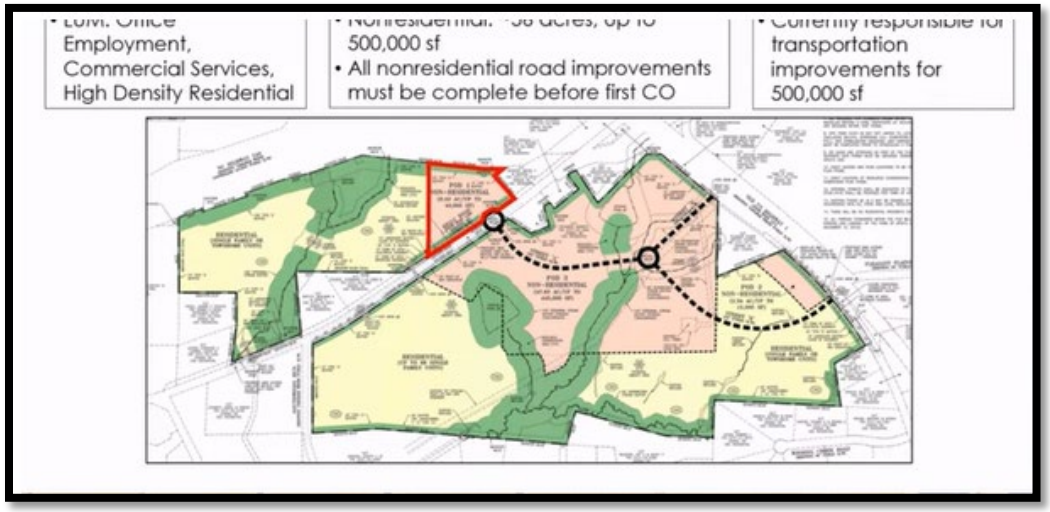
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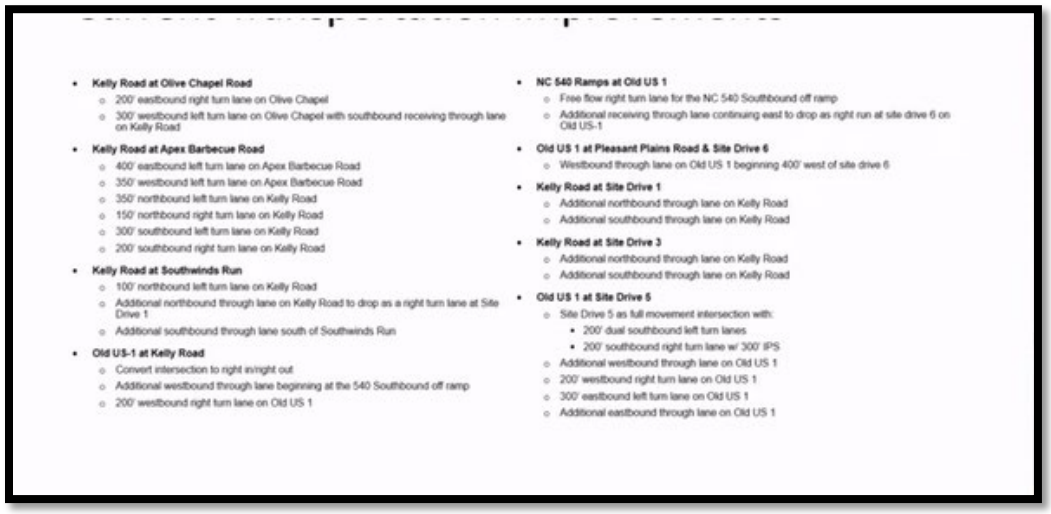
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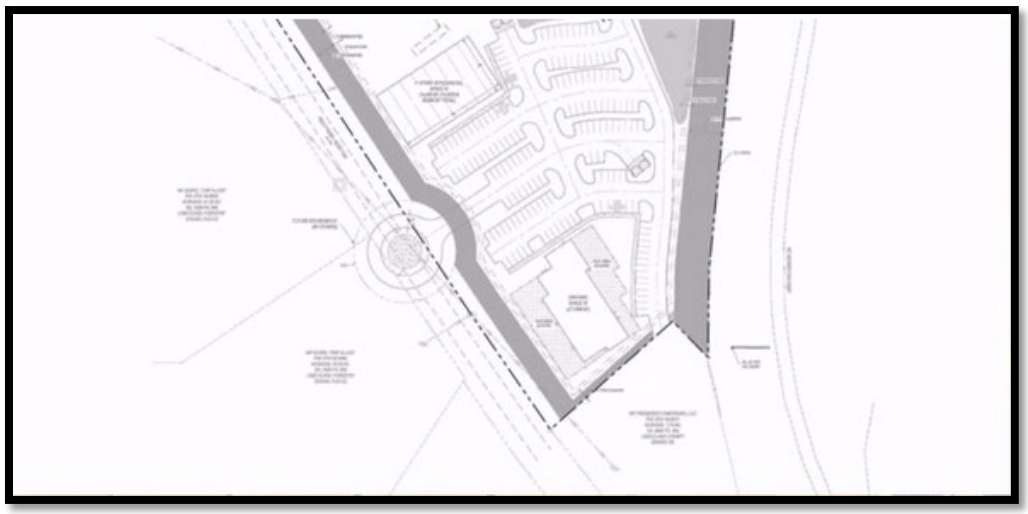
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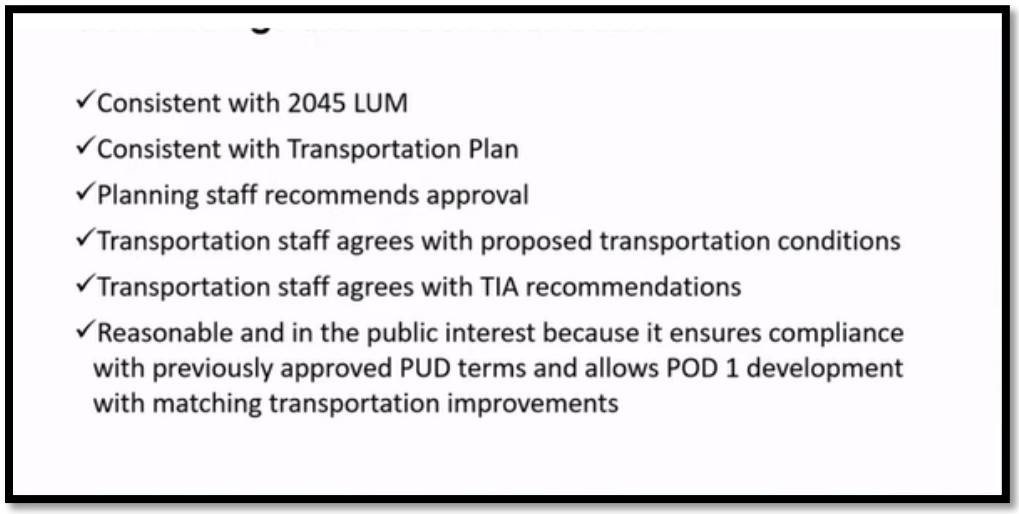
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Councilmember Mahaffey asked where the 8% number came from.

Mr. Marsh said it was proportionate to their share of the commercial and there is 40,000 out of 500,000 square feet and the trips from TIA are slightly below 8%.

Mayor Pro Tempore Gray opened Public Hearing and closed Public Hearing with no one signed up to speak.

Councilmember Gantt said that he was not in support because of this rezoning making it less viable and downgrading the zoning.

A **motion** was made by **Councilmember Zegerman** and seconded by **Councilmember Killingsworth** to approve Rezoning Case No. 25CZ05 – West Village PUD Amendment.

VOTE: (4-1), with Councilmember Gantt dissenting

Mayor Pro Tempore Gray asked if there was any other business.

[ADJOURNMENT]

With no further business being presented before the Council, **Mayor Pro Tempore Gray** adjourned the meeting at **11:26 p.m.**

Jacques K. Gilbert
Mayor | Town of Apex

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

Submitted for approval by Town Clerk Allen Coleman and approved on June 24, 2025 (CN14).

APPROVED SUMMARY MINUTES

TOWN OF APEX
COMMUNITY TOWN HALL
MONDAY, JUNE 02, 2025
5:30 PM

A **Community Town Hall**, which included members of the **Apex Town Council**, was held on **Monday, June 02, 2025** at **The Halle Cultural Arts Center** located at 237 North Salem Street in Apex, North Carolina. The event began at **5:30 p.m**.

This event was open to the public and everyone was able to attend this meeting in-person. An optional public sign-up link was offered for community members to pre-register for the event and interpretation services were offered. The meeting was not livestreamed or audio recorded.

CLERK NOTE: A Public Notice of Attendance was provided for this event as it was possible a quorum of the Apex Town Council may attend. This event encouraged all community members to come ask questions and have informal dialogue with members of the governing body with the Town of Apex. No official action was taken by the Council and the below should be considered a summary of the event.

[ATTENDANCE]

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

Town Staff
Town Clerk Allen Coleman

[COMMENCEMENT]

Mayor Pro-Tempore Gray opened the event at 5:40 p.m. and welcomed all in attendance. He said this was a new event that the Town was starting to increase visibility, engagement, and awareness with community members. He said this event was intended to be very informal and encouraged members to come to the podium at the end of the center isle and ask their questions, give comments, etc. He encouraged those in attendance to be respectful to other members in the audience and provided decorum guidance.

Councilmember Killingworth said she was excited to see so many people in the audience and that similar events had been held in the past but never were well attended.

She said she had been on the Town Council for eight years and looked forward to this opportunity to engage with community members.

Councilmember Mahaffey said this was something he had wanted to do for a while and really appreciated the Town Clerk and staff for putting this session together. He said is goal was to have these either on a monthly or quarterly basis and hoped that more people would find time to stop by and engage.

Councilmember Zegerman said he was the newbie on Council as he was appointed in January of 2023 and elected in November of 2023. He said many maps were stationed around the room and he hoped that community members would stop and take a look at the great work that is being done by the Town.

Mayor Pro-Tempore Gray said he also wanted to recognize other elected officials in the audience and ask them to stand to be recognized.

The following elected officials were present:

- State House Representative Julie von Haefen
- Wake County School Board Member Lindsey Mahaffey
- Holly Springs Town Councilmember Annie Drees

Mayor Pro-Tempore Gray said that it was also important to recognize the two interpreters in the room from Language Service Solutions, LLC, out of Durham, North Carolina. He said it was important that all members of the community had the opportunity to particular regardless of their background of native language. He said this service was also available to Town Council meetings if community members needed it and said anyone interested should see the Town Clerk.

CLERK NOTE: Approximately 30 community members were in attendance.

[DISCUSSION]

Mayor Pro-Tempore Gray opened the floor for questions, comments, concerns, etc. and that community members were encouraged to use the microphone on the podium to ensure everyone could hear them clearly.

Community members provided the following remarks, in no particular order, and they have been broken down into categories:

Positive Comments

- Love the Go Apex Bus and the current route schedule.
- Love the Senior Center and would love to see another similar facility maybe on the other side of Town. Members commented on how pleasant the Senior Center staff were and appreciated how diversity of programming options being offered.

- Stormwater field staff were extremely helpful in resolving a drainage issue.
- Pleasant Park is a great addition to the town but traffic patterns need to be reviewed as this area was congested at times.
- Appreciated the Community Town Hall vision as this opportunity would be super beneficial to community members and provide great learning opportunities.

Suggestion Comments

- More covered bus stops with benches were needed while people waited for the Go Apex bus or any other transit providers such as Go Triangle, Go Raleigh, etc.
- When constructing sidewalks, consider making them wider similar to those on Laura Duncan Road. Also consider adding bike stands along the sidewalk areas in popular places for people to stop.

Questions Asked

- Given the uncertainty at the federal level, how was the Town appropriately budgeting to ensure service levels and necessary product inventory?
- What is being done to positively promote the Social District coming to the Town of Apex and how was the Town planning to mitigate the potential risk that may be associated with this newly creative area?
- The Board of Adjustment recently approved a special use permit for a new church in the community. How was the Town planning to provide municipal sewer to this area.
- Can Tractor Trailers be prohibited from driving on the Apex Peakway and redirected to use only highway 55 or highway 64. The Peakway as a narrow in some areas and tractor trailers were not safe in those parts of Town.
- What is being done related to the House on Center Street that looks abandoned?
- Any updates on the Tunstall House and the proposed future use of this facility?
- Would the Town Council consider sponsoring or building a community garden which could be tied to the new Environmental Education Center?
- Please provide a project update on the Downtown Parking as often times there are only one or two people on site working. Will the project be completed on time.
- What assurance can you provide community members that the cyber criminals are no longer active in the Town's systems.

Councilmembers provided responses to each of the above questions and/or comments. In several cases Councilmembers asked the community member to see them after the session to exchange contact information.

Councilmember Mahaffey said that a few comments had been submitted online by email. He read two comments and provided a response to those and asked his colleagues to provide any additional comments if they wished to do so.

Mayor Pro-Tempore Gray said that this was extremely beneficial to him and other members of the Town Council. He said that unfortunately Mayor Gilbert and Councilmember Gantt could not attend.

Each Councilmember expressed their gratitude for everyone participating and coming to the Community Town Hall.

[ADJOURNMENT]

Mayor Pro Tempore Gray said that concluded the event and thanked all those in attendance. He said Councilmembers would be around towards the front of the room for a few minutes if anyone wanted to follow-up individually.

The event concluded at 7:08 p.m.

Jacques K. Gilbert
Mayor | Town of Apex

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

Submitted for approval by Town Clerk Allen Coleman and approved on June 24, 2025 (CN14).

APROVED MEETING MINUTES

TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, JUNE 10, 2025
6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, June 10th, 2025, 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=T96XbdtQ0dc&t=4s

[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 in attendance. He also thanked Mayor Pro Tempore Gray for standing in during his absence at the last Town Council meeting.

Mayor Gilbert invited Elder Ricky Omana from Divine Church in Apex to deliver the invocation. He then led all in the Pledge of Allegiance. He then recognized the Alpha Kappa

Alpha's, Girl Scout Troop 2141, and Ms. Lindsay Mahaffey with Wake County Schools that were in attendance.

[CONSENT AGENDA]

Councilmember Zegerman request that Consent Items 9 and 13 be continued to the June 24th, 2025 Regular Town Council Meeting.

A **motion** was made by **Councilmember Zegerman,** seconded by **Councilmember Gantt**, to approve the Consent Agenda with items 9 and 13 moved to June 24th Council meeting.

VOTE: UNANIMOUS (5-0)

CN1 Agreement – CSX Transportation Inc. and Town of Apex – Grade Crossing Maintenance Agreement – Hunter Street – BL-0047 Downtown Safe Routes to Schools Project (REF: CONT-2025-162)

Council voted to approve a Grade Crossing Maintenance Agreement between CSX Transportation, Inc. and Town of Apex, for the BL-0047 Downtown Safe Routes to School Project (sidewalk) located on the North Side of Hunter Street, and to authorize the Town Manager, or their designee, to execute the contract on behalf of the Town.

CN2 Agreement - Renewal of GoApex Agreement with Town of Cary and MV Transportation - July 1, 2025 through June 30, 2026 (REF: CONT-2025-163)

Council voted to approve an Amendment No. 3 of the GoApex Agreement between Town of Cary and MV Transportation, Inc. and the Town of Apex, effective for one (1) year beginning July 1, 2025 through June 30, 2026; to update the operating cost per hour from $110 to $115.50, and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN3 Annexation No. 799 – Saint Paul American Orthodox Church – Kelly Road/Holland Road – 4.0626 acres (REF: RES-2025-031, RES-2025-032, and OTHER-2025-054

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 24, 2025, on the Question of Annexation - Apex Town Council's intent to annex 4.0626 acres project entitled Saint Paul American Orthodox Church, located on Kelly Road and Holland Road, Annexation No. 799, into the Town Corporate limits.

CN4 Annexation No. 800 – Atkins Hudson Davidson Homes Assemblage – New Hill Olive Chapel Road – 16.80 acres (REF: RES-2025-033, RES-2025-034, and OTHER-2025-055)

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 24, 2025, on the Question of Annexation - Apex Town Council's intent to annex 16.80 acres project entitled Atkins, Hudson, and Davidson Assemblage, located on New Hill Olive Chapel Road, Annexation No. 800, into the Town Corporate limits.

CN5 Contract Multi-Year – ESRI ARC Geographic Information System (GIS) – Renewal – July 01, 2025 through June 30, 2028 – Mapping Information Internal and External (REF: CONT-2025-164)

Council voted to approve the Esri Municipal and County Government Enterprise Agreement (SGEA), effective July 1, 2025, through June 30, 2028, for enterprise-wide access to Esri software used to support Geographic Information System (GIS) operations across the town, and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN6 Contract Multi-Year – Greenscape Landscape Maintenance – Town Facilities and Grounds Landscaping – July 1, 2025 through June 30, 2028 (REF: CONT-2025-165)

Council voted to approve a multi-year contract between Greenscape Inc., and the Town of Apex, effective July 1, 2025 through June 30, 2028, to provide grounds maintenance services at various Town facilities and roadside rights-of-ways (ROW) and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN7 Contracts Multi-Year – Various (27 total) On-Call Master Service Agreements – Architectural, Construction Engineering and Inspection (CEI), Engineering, and Surveying Services – July 1, 2025 through June 30, 2028 (REF: CONT-2025-166 through CONT-2025-192)

Council voted to approve a total of twenty seven (27) multi-year Master Service Agreements (MSA) for Architectural, Engineering, and Surveying Services in substantial form, pending legal review, to provide On-Call Engineering, Surveying, and Construction Engineering and Inspection (CEI) Services, effective July 1, 2025 through June 30, 2028, authorize the Town Manager, or their designee, to execute on behalf of the Town and authorize the Town Attorney to make minor changes not impacting the scope of work or liability to the Town.

CN8 Council Meeting Minutes – Various

Council voted to approve Meeting Minutes from the following meetings:

May 13, 2025 – Regular Town Council Meeting Minutes

May 20, 2025 - Town Council Work Session Minutes

~~**CN9 Ordinance Amendments - Chapter 2 - Administration and Chapter 15 - Parks and Recreation - Various Sections - Resident Advisory Board Structure Changes (REF: ORD-2025-035)**~~

This item was continued to the June 24th, 2025 Regular Town Council Meeting, per Council vote.

CN10 Pay and Classification Plan - Fiscal Year 2025-26 (REF: PLCY-2025-007)

Council voted to approve the Fiscal Year 2025-26 Pay Grades and Salary Ranges for the Town's Pay and Classification Plan.

CN11 Position Authorization List - Fiscal Year 2025-26 (REF: PLCY-2025-008)

Council voted to approve the Fiscal Year 2026 Position Authorization List and the Fiscal Year 2026 Job Title and Market Range Inventory for the Town of Apex.

CN12 Property Acquisition and Budget Amendment No. 12 – 8401 Humie Olive Road (REF: CONT-2025-193 and ORD-2025-036)

Council voted to approve the acquisition of property located at 8401 Humie Olive Road in Apex, North Carolina, for a purchase price of $950,000.00, to authorize the Town Attorney and Town Manager to make minor modifications to the Offer to Purchase and Contract not affecting the cost or acreage, and authorize the Town Manager or their designee to execute the Offer to Purchase and Contract and execute any other associated legal documents related to this acquisition, and to approve Budget Amendment No. 12 which appropriates funds from the Recreation Reserve fund for land purchases.

~~**CN13 Resident Advisory Board Administrative Policy Adoption**~~

This item was continued to the June 24th, 2025 Regular Town Council Meeting, per Council vote.

CN14 Rezoning Case No. 24CZ11 – Altera Heights PUD – Statement and Ordinance (REF: ORD-2025-037)

Council voted to approve the Statement of the Town Council and Ordinance for Rezoning Application No. 24CZ11, Wood Partners, applicant, for the property located at 8108 Jenks Road; 1440 & 1508 Wimberly Road (PINs 0722673959, 0722682430, & 0722681610).

CN15 Rezoning Case No. 24CZ23 – Greenway Waste Expansion – Statement and Ordinance (REF: ORD-2025-038)

Council voted to approve the Statement of the Town Council and Ordinance for Rezoning Application No. 24CZ23, Greenway Waste Solutions of Apex, applicant, for the property located at 0 Veridea Pkwy (portion of);0 & 0 Old Holly Springs Rd (portion of); 5940 Old Smithfield Rd; and 0 Mosley Ave (PINs 0740240814 (portion of); 0740241030 (portion of); 0740241461 (portion of); 0740448719; and 0740648548).

CN16 Rezoning Case No. 25CZ03 – 309 North Salem Street – Statement and Ordinance (REF: ORD-2025-039)

Council voted to approve the Statement of the Town Council and Ordinance for Rezoning Application No. 25CZ03, Barry Simmons, applicant, for the property located at 309 N Salem Street (PIN 0742414844).

CN17 Rezoning Case No. 25CZ05 – West Village PUD Amendment – Statement and Ordinance (REF: ORD-2025-040)

Council voted to approve the Statement of the Town Council and Ordinance for Rezoning Application No. 25CZ05, Trilandco, LLC, applicant, for the property located at 2517 Kelly Road (PIN 0731434504).

CN18 Surplus Badge and Service Weapon - Retired Police Officer William Hotchkiss

Council voted to declare one (1) badge and (1) service weapon (Glock Model 17 9mm handgun, with S/N Serial Number XTA-803) as surplus property, set the price for such weapon to be $1.00 (One Dollar); and, award the stated badge and service weapon to Retired Apex Senior Police Officer Mr. William Hotchkiss who retired from the Apex Police Department effective April 30, 2025

CN19 Tax Report – April 2025 (REF: OTHER-2025-056)

Council voted to approve the Apex Tax Report dated May 14, 2025.

[UPDATES BY TOWN MANAGER]

Town Manager Vosburg gave updates on the following:

- **Utility Billing & Systems** – Paper Billing has resumed, and May bills have been mailed after a printing vendor switch and June billing is on schedule. There have been recalculation requests for 66 customers so far in the Utility Billing review. The new portal launch "My Account" replaces eSuite on July 7th and will offer improved features like text and email notifications and to prepare for this, there will a blackout period that will be from June 28-July 6th and during that time customers will not be able to make online payments, by phone or online banking, payments can be made in-person with cash, checks or money order. Information will be on the website: apexnc.org/portal.
- **Saunders Lot**: The construction is moving on time and within budget, and the drainage work is 50% complete. The project will be moving quickly, and the southern lot with 200 parking spaces is expected to be completed by the end of July.
- **The Local Spot Social District**: The Town's new Social District in downtown has officially launched, the stickers and signage are ready, the hours are 11 AM – 10 PM, and there is more information on the Town's website.

- **Juneteenth Holiday**: Town Offices will be closed on June 19th, 2025 in observance of Juneteenth.
- **Upcoming Festival**: Pride Fest on June 14th at Town Campus, and Juneteenth Festival on June 21st at Town Campus.

Mayor Gilbert thanked Town Manager Vosburg for the updates. He said that he had attended TST 77 in Cary at the Wake Med Soccer and they were sharing that the Town supported them in the endeavor by allowing Pleasant Park fields to be utilized and he thanked staff for doing this.

[REGULAR MEETING AGENDA]

A **motion** was made by **Mayor Pro Tempore Gray**, seconded by **Councilmember Mahaffey** to approve the Regular Meeting Agenda.

VOTE: UNANIMOUS (5-0)

[PRESENTATION]

PR1 Proclamation – Apex Pollinator Week – Monday, June 23 through Sunday, June 29, 2025 (REF: PRO-2025-026)

Mayor Gilbert invited the Council to read the Proclamation for Apex Pollinator Week.

Mayor Gilbert encouraged residents to learn more about the importance of pollinators and their role in making Apex healthy and beautiful. He invited Girl Scout Troop 2141 and Leaders Oona Newman, Meredith Nye and Kristen Milum and Apex Youth Council President Keerthana Karthikeyan and Environmental Committee Chair Anwita Jindham, as well as Alpha Delta Gamma Omega Chapter to receive the Proclamation and take pictures.

PR2 Proclamation - Apex Public Works Appreciation Week 2025 - Sunday, June 15 through Saturday, June 21, 2025 (REF: PRO-2025-027)

Mayor Gilbert invited the Council to read Proclamation for Apex Public Works Appreciation Week 2025.

Mayor Gilbert then invited up Director John Mullis and the Public Works Department to receive the Proclamation and take a picture.

PR3 Proclamation - Juneteenth - Thursday, June 19, 2025 (REF: PRO-2025-023)

Mayor Gilbert invited the Council to read Proclamation for Juneteenth 2025.

Mayor Gilbert then invited TJ Evans, Kalabria Gilbert, Croix Evans, Will Hymon, Donovan Bethea and Anthony Barnes, Jr. and retired Mayor Pro Tempore Nicole Dozier to receive the Proclamation and take pictures.

TJ Evans thanked the Council, Mayor Gilbert and Town Manager Vosburg and other staff members. He addressed two common misconceptions that relates to Juneteenth, the first being that it was not a DEI created holiday, he said that in actuality Juneteenth is America's second Independence Day and DEI did help in terms of creating awareness of what Juneteenth is and advocating for it to be a Federal and Local recognized holiday, and it has been celebrated since 1865. He said the second misconception is that Juneteenth is a holiday just for Black people, and his sentiment is that Black history is everyone's history and he encouraged all to come out to celebrate what a monumental time this is. He said the theme for the festival is "Emancipate". He said that people think of that as removal of physical barriers and sometimes it has a negative connotation. He said for him it means an opportunity to highlight some of the invisible barriers that still cause dividing with communities like health disparities, financial insecurities, or educational gaps. He said educational gaps mean the opportunities to educate each other on culture and backgrounds, and providing opportunities to come together and have empathy. He invited all to come to celebrate at the Juneteenth festival on June 21st from 12:00 p.m. to 7:00 p.m. He gave the website for more information on apexjuneteenth.com.

PR4 Proclamation - LGBTQIA+ Pride Month - June 2025 (REF: PRO-2025-024)

Mayor Gilbert invited the Council to read the Proclamation for Pride Month 2025

Mayor Gilbert invited Ellen Dershowitz, Deanna Conrad, Erin Schultz, Carrie Anne Krall and Laura Blaine to receive the Proclamation and take pictures.

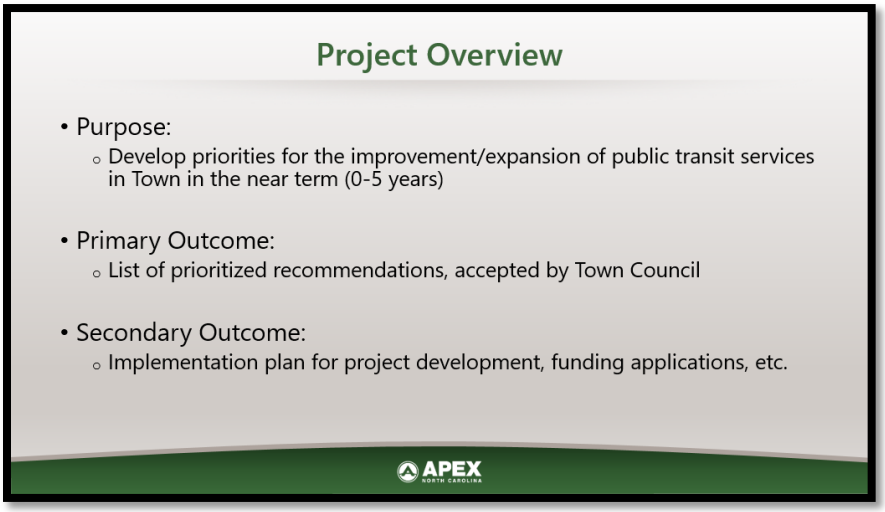
PR5 Apex Transit Prioritization Study Update

Katie Schwing, Senior Planner – Long Range Transit, Planning Department gave an update on the Apex Transit Prioritization Study that was an internal staff-led study and this was a preview for recommendation for possible expansion and improvement of transit services. She gave the following presentation:

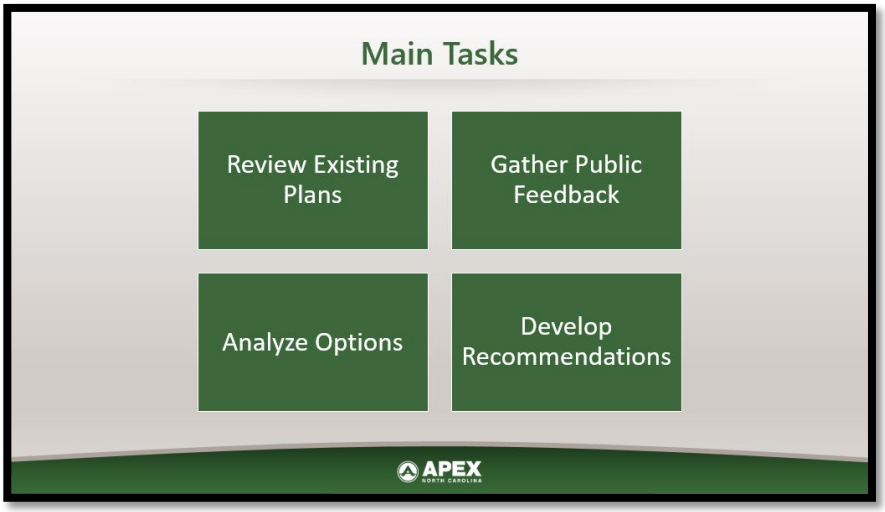
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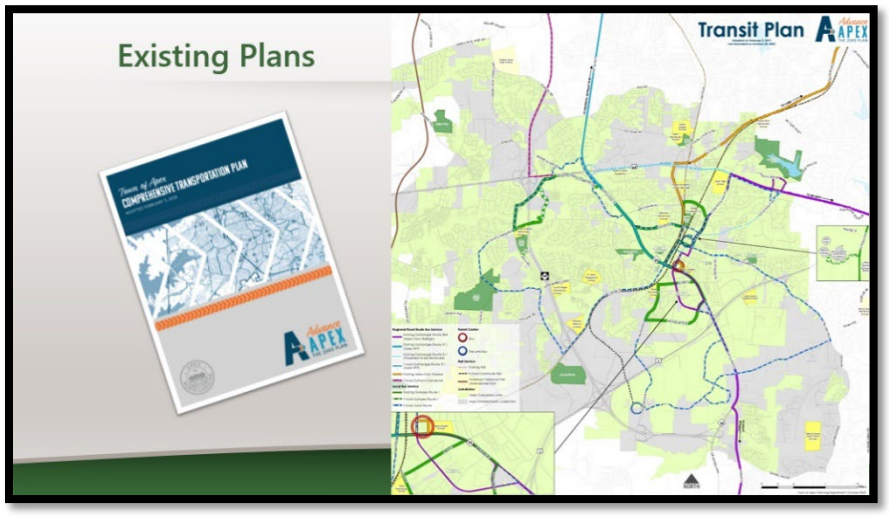
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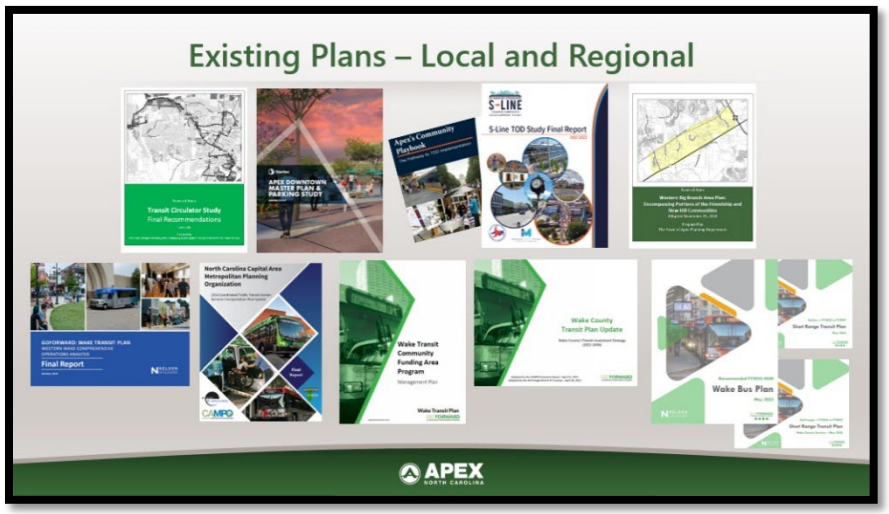
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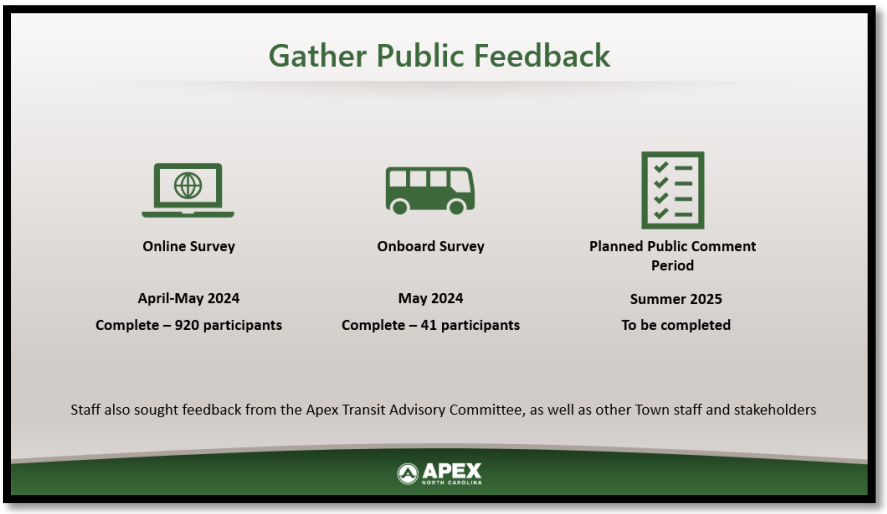
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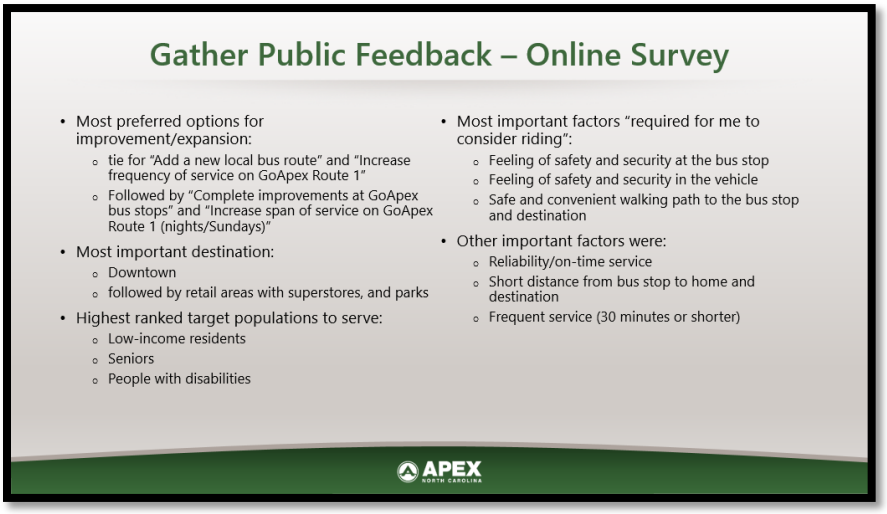
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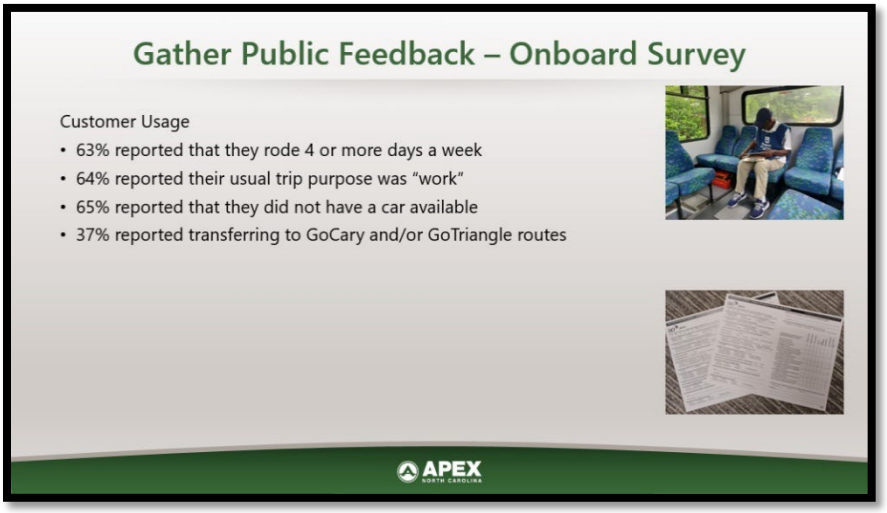
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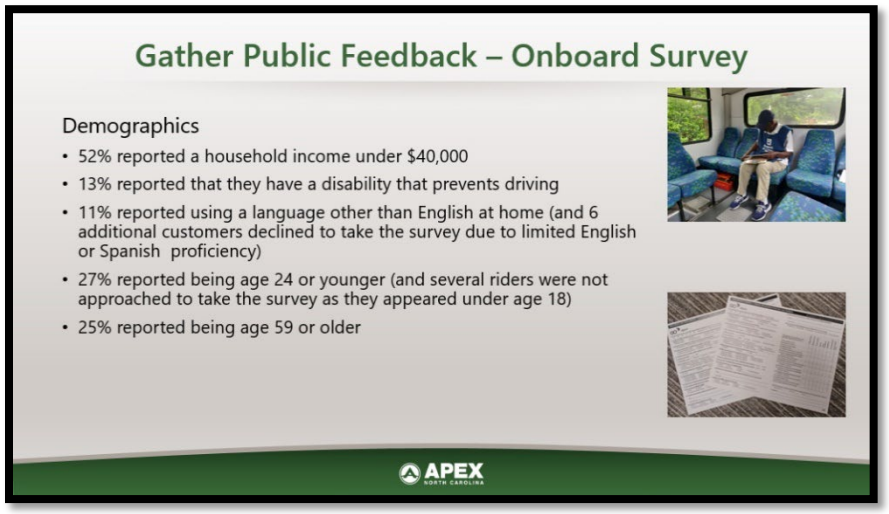
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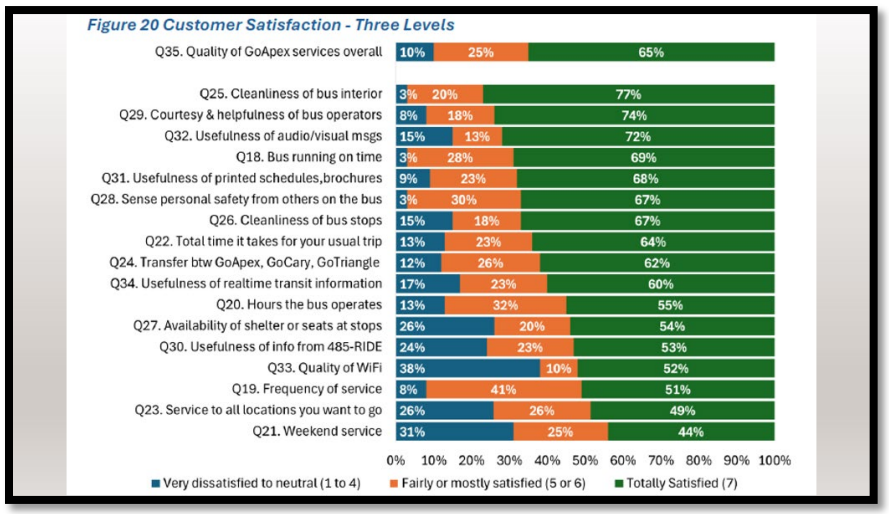
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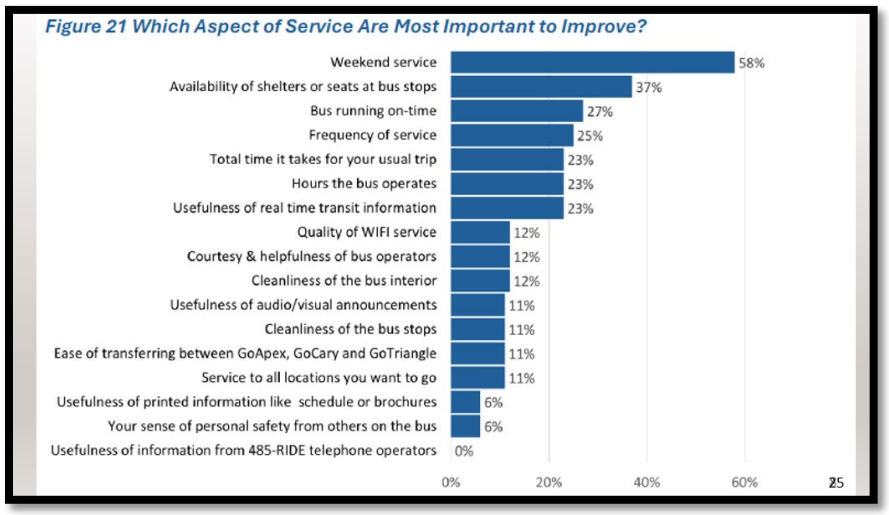
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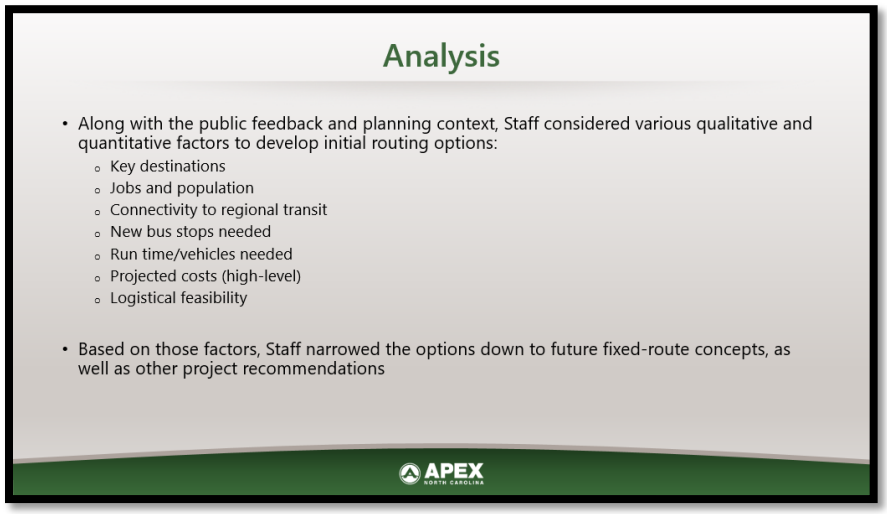
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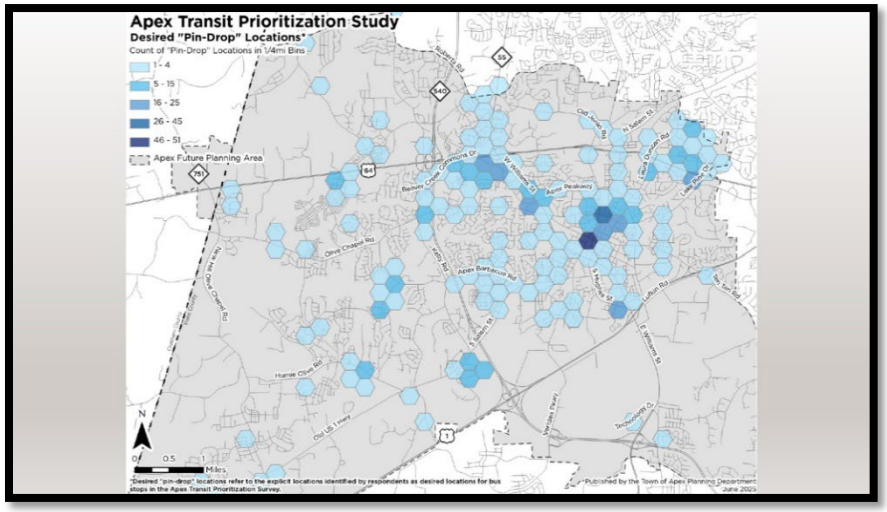
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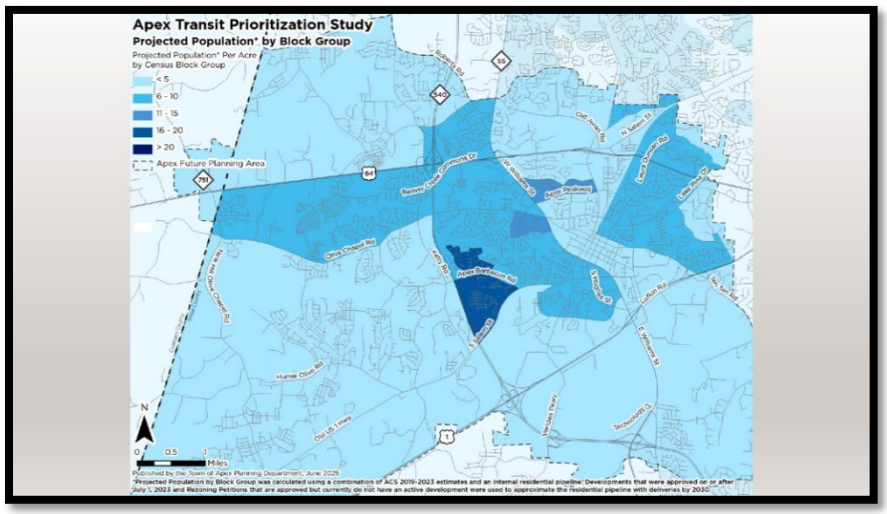
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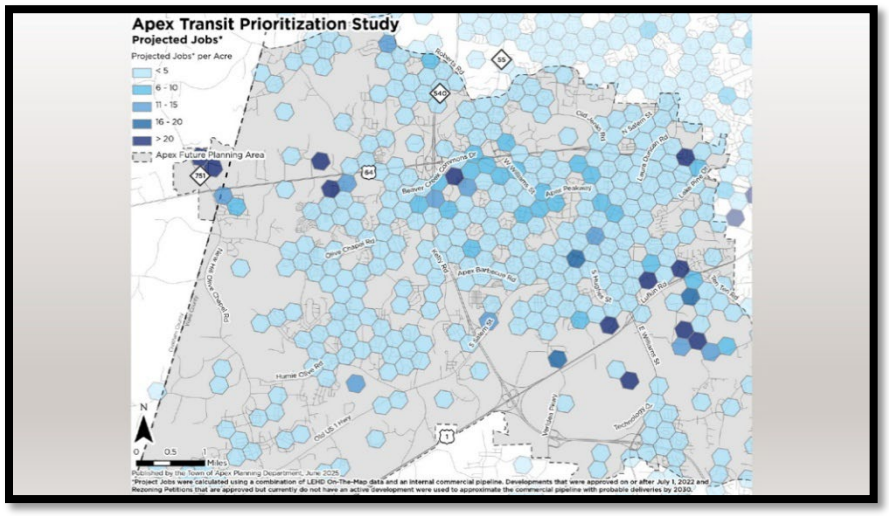
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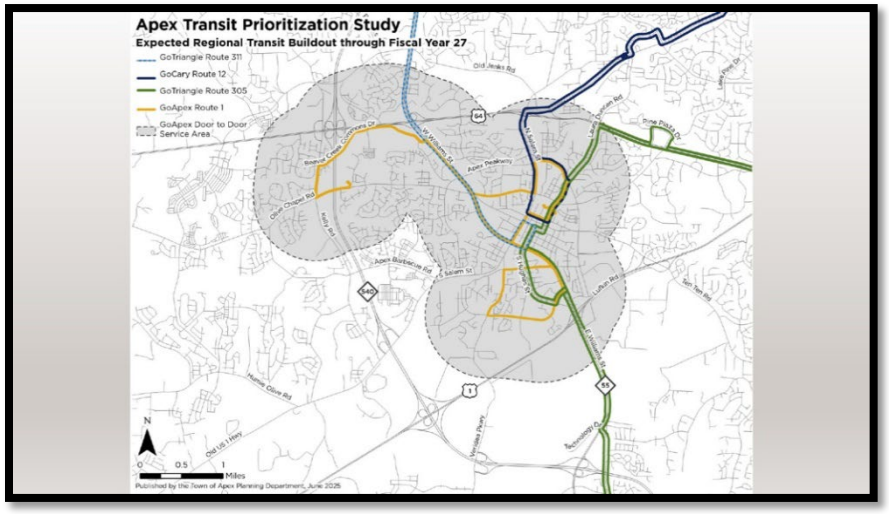
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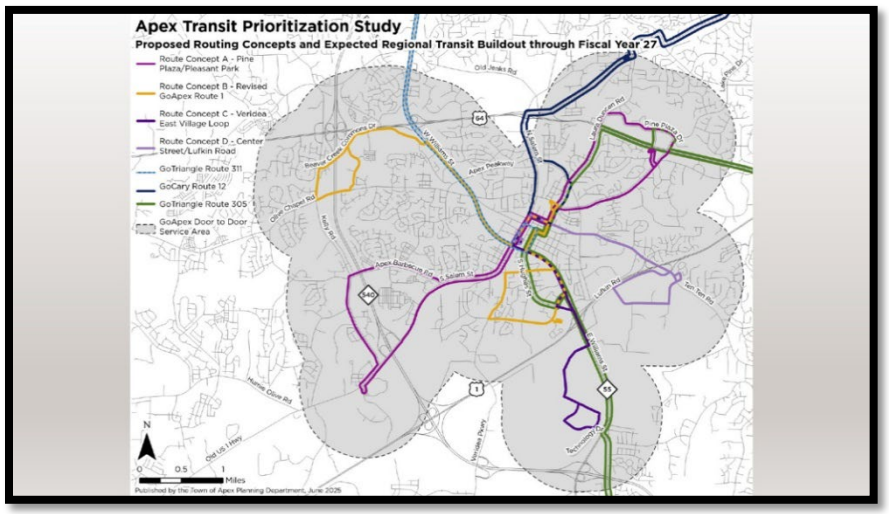
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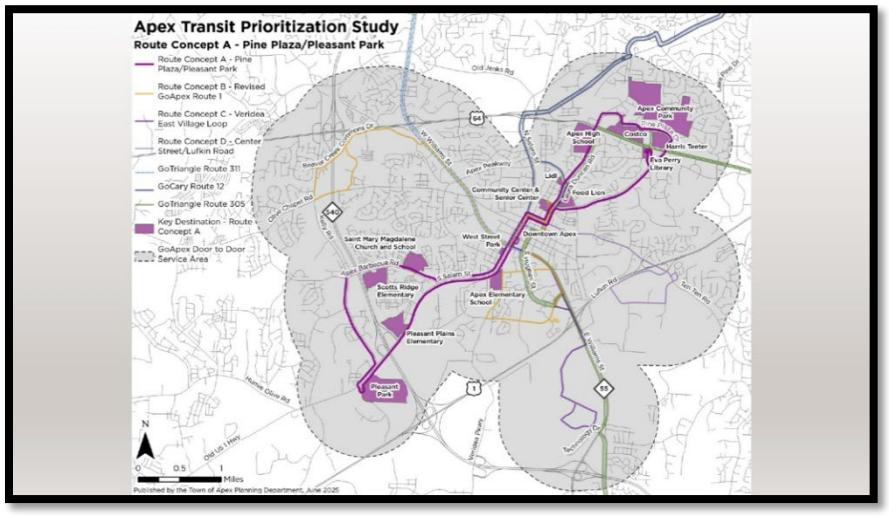
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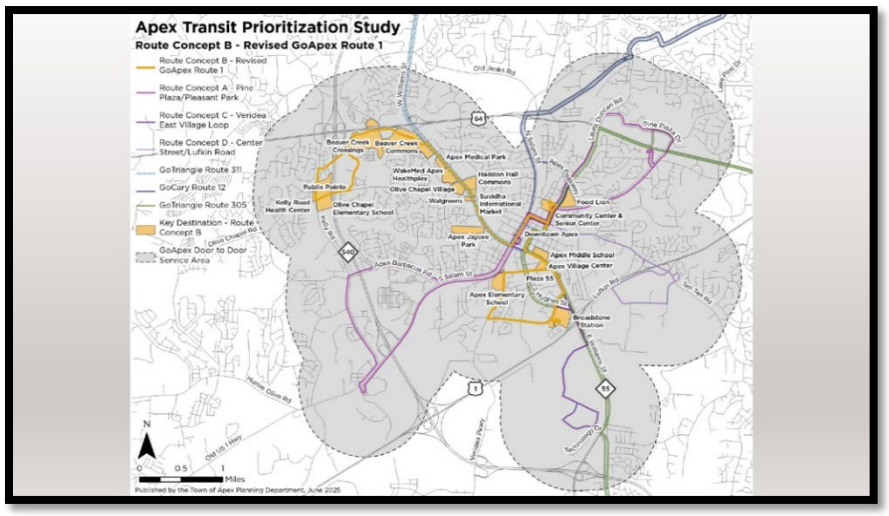
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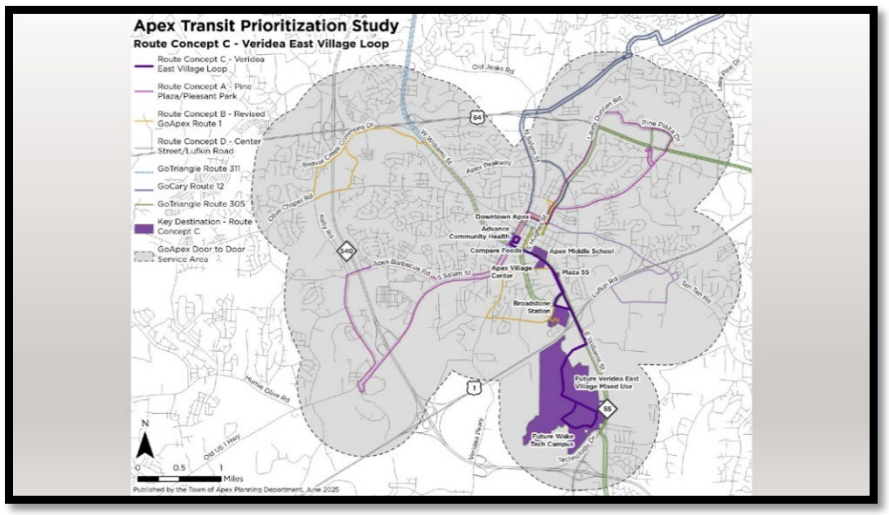
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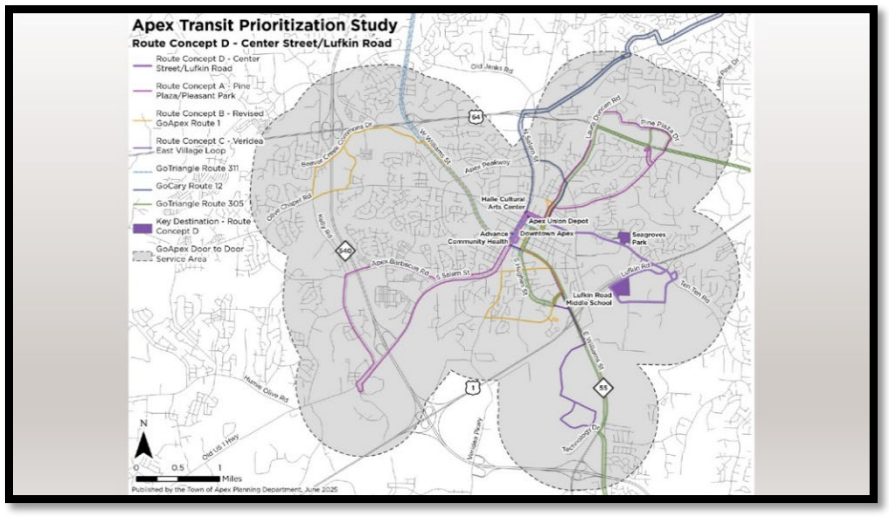
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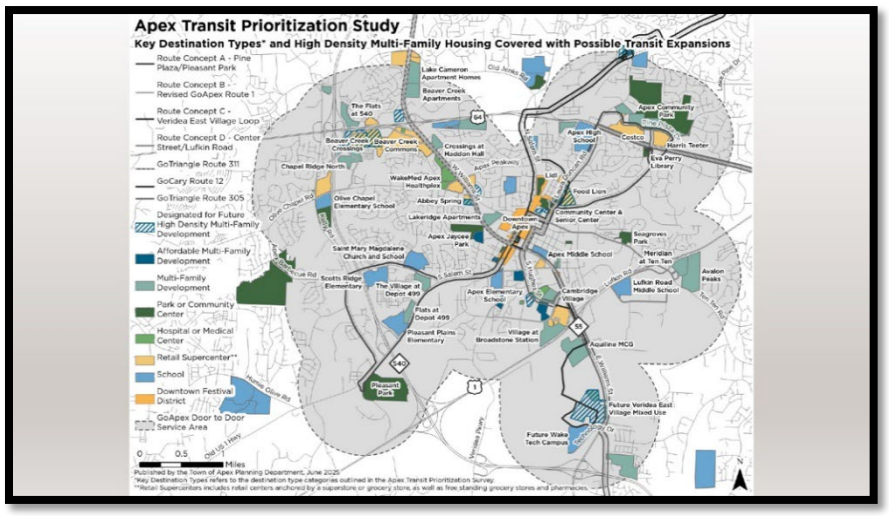
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[SLIDE 24]

Draft Staff Recommendations – Fixed Route Service Expansion

Order	Draft Recommendations – Fixed Route
1	Implement GoApex Route 1 expansion/improvements already recommended for funding in FY25 and FY26: • Sunday service • Increased frequency Monday-Saturday • Continuing bus stop improvements
2	Implement a 2nd fixed route (Pine Plaza/Pleasant Park), with the same frequency and span as GoApex Route 1
3	Revise existing GoApex Route 1 to provide better access to downtown, Walmart and Chapel Ridge Rd (each change could be implemented independently)
4	Implement a new fixed route to serve Veridea East Village area, timed with Western Wake Tech campus opening and mixed-use center development
5	Implement fixed route service along Center St to Lufkin Rd area

[SLIDE 25]

Draft Staff Recommendations – Other (Non-Fixed-Route Service, Capital Projects, and Planning)

Order	Recommendations – Other (Non-Fixed-Route Service, Capital Projects, and Planning)
1	Continue to support federally-required GoApex Door to Door complementary ADA service, and expand required service area as fixed-route service expands
2	Explore options to serve seniors and those with disabilities *outside* the federally-required GoApex Door to Door Service Area
3	Support Phase 1 of the proposed downtown Mobility Hub buildout – transit transfer area
4	Evaluate land use policies for transit-supportive development as part of Comprehensive Plan update
5	Investigate Transit Signal Prioritization in Town
6	Explore options to serve others *outside* the general fixed-route service area
7	Ongoing - Support improved pedestrian and bicycle connections to transit

[SLIDE 26]

Draft Implementation Plan

- Fixed Route Service Expansion requires a three-step process:
  1. (Year 1) Finalize routing, apply for grant funding, design bus stops
  2. (Year 2) Install Bus Stops
     - But may extend beyond one year, depending on property needs
  3. (Year 3) Start Operations
- Other Recommendations (Non-Fixed-Route Service, Capital Projects, and Planning) will also likely take multiple years to complete

Note: the Town's Comprehensive Plan is expected to be updated during this implementation timeframe. Any updates to the overall transit vision in Town could impact the out-years of this implementation plan.

APEX NORTH CAROLINA

[SLIDE 27]

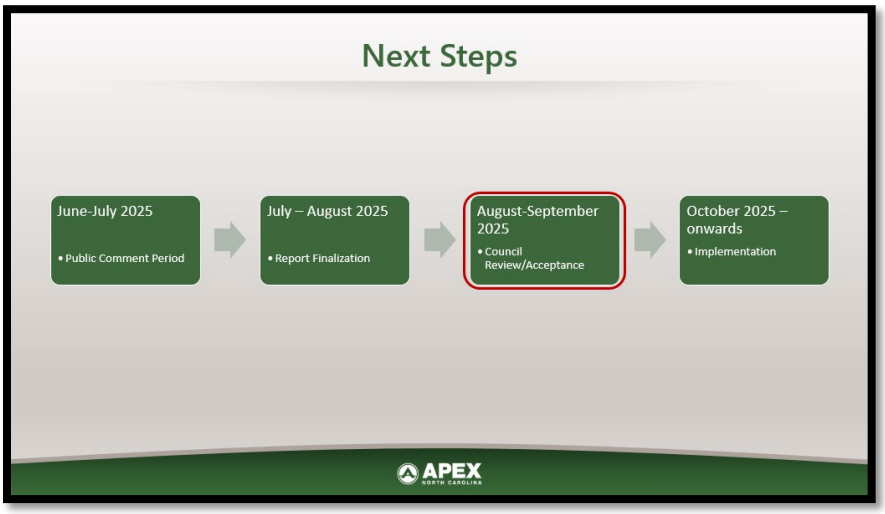
Tentative Implementation Timeline

Project Type	Service	FY26	FY27	FY28	FY29	FY30
Planning	Transit Plan Map	Present Updates				
Fixed-Route	2nd Route – Pine Plaza/Pleasant Park	Grants, Service planning, Bus stop design	Bus Stop Installation*	Start service		
Fixed-Route	GoApex Route 1 Revisions	Grants, Service planning, Bus stop design	Bus Stop Installation*, Update Routing	Update Routing	Update Routing (cont'd)	
Fixed-Route	Veridea East Village Loop		Grants, Service planning, Bus stop design	Bus Stop Installation*	Start service	
Fixed Route	Center/Lufkin Loop		Grants, Service planning, Bus stop design		Bus Stop Installation*	Start service
Planning	Explore options for seniors and those with disabilities	Internal research	Tentative: Conduct study	Tentative: Implementation		
Planning	Investigate Transit Signal Prioritization	Internal research	Tentative: Conduct study	Tentative: Implementation		

*Bus Stop Installation projects could take more than one year, depending on property needs

APEX NORTH CAROLINA

[SLIDE 28]



[SLIDE 29]



Ms. Schwing asked if there were any questions or comments.

Councilmember Mahaffey asked about the connectivity further west and connecting the Sweetwater area to downtown, and why they would take priority over other areas for connection.

Ms. Schwing said that looking at the expansion over the next five years and they prioritized based on where it looked like the highest ridership may be. She said also from a cost perspective that staying close to downtown was recommended. She said they are exploring options in areas that might not be ready to support a fixed route transit service, but those would not be ready for expansion at this time.

Councilmember Mahaffey asked if micro transit was explored or a way to reduce traffic.

Ms. Schwing said that there were pros and cons when deciding between fixed transit and micro transit services.

Mayor Pro Tempore Gray asked what was the best way for people to give feedback or ideas.

Ms. Schwing said that there will be updates to the online platforms, web pages, and emails, and there will be a survey for residents to write out comments and questions that they have

Mayor Pro Tempore Gray thanked Ms. Schwing for her openness and accessibility.

Councilmember Zegerman said that he appreciated the work the staff has put into this and the feedback. He asked about the priority list from southwest to northeast and the updates to the existing routes. He said that it may be easier to make updates to the existing route first because it is an established service.

Ms. Schwing said that there wasn't a large gap between the one and the two. She said that it was more of capital projects reasons to put the revised Go Apex one improvements below the second route. She said for example the Walmart stop needed more exploration about if a signal may be needed at Broadstone Station Way and the Peakway, and this takes a little more time.

Councilmember Zegerman said that it seemed easier to execute the existing route and faster for the citizens. He said that the follow-up would be appreciated.

Councilmember Gantt said that he had sent Ms. Schwing maps and the ones that has been chosen looked like the best. He said fixed routes vs. micro transit the scalability is one thing to think about as Apex grows. He said that fixed routes lead to possible land use changes and investments in sidewalks and bus stops. He said that he was in support of both for areas that can't be served. He said that the bridge over 64 in Sweetwater would be something to look at because then the bus would be able to go over that bridge instead of being on 64 where no one lives. He gave more information and ideas about route maps and expansion.

Councilmember Killingsworth said that she looked forward to seeing where all these routes are connected to. She gave information about other areas that this would help, such as Pleasant Park.

Ms. Schwing said that with the comp plan update if there are dates it will update the vision for the town.

Mayor Gilbert thanked Ms. Schwing for all of her work.

[PUBLIC FORUM]

Mayor Gilbert opened up Public Forum and invited the first speaker up.

First speaker was **Dawn Cozzolino** at 3632 Bosco Road:

"Good evening, Mayor and Councilmembers. At every meeting, this Council speaks of love, respect, and community but that spirit never seems to reach New Hill and Friendship. The growth from continued annexations in and around Apex isn't a mistake, it's a mission. Apex is intentionally pushing out the people and communities that stand in the way of its

aggressive expansion. Fields are vanishing, tree canopy is gone, and the heritage trees, bulldozed. This isn't growth, it's erasure. The communities like New Hill and Friendship, which are established and thriving, are in the crosshairs. We're not in your town limits, but we're living the consequences of your decisions. We don't have a vote. We don't have a voice. But every policy you pass impacts us directly. Let's be clear, what's being built here isn't for us, it's being built over us. Our roads, never meant for this scale of construction, are now damaged and dangerous. Heavy machinery moves in daily, and the risk to our safety grows with every truckload. Meanwhile, there's no plan, there's no funding, and no accountability for the infrastructure collapse you're accelerating. Other towns, like Cary, require a traffic study for any development that adds 100 new vehicle trips a day. Apex doesn't act until that number is ten times higher. That's not oversight. That's intentional neglect. Then there's your use of eminent domain, instead of securing easements on undeveloped land owned by the very developers you approve to drive this growth, you take from private homeowners when less harmful alternatives exist. The Veridia RXR sewer line is just one example, symbolic of a town government that's chosen control over collaboration and trees are razed for quick cash. Developers pay a fee instead of preserving the environment, treating nature like an obstacle, not an asset. Retention ponds replace forests. Schools are totally overwhelmed and capped. Traffic safety is compromised. Apex isn't planning for the future, it's paving over the past. Apex is systematically wiping out our rural communities. I'd like to ask that we be heard. Please sit down with us in our communities. Have a New Hill–Friendship town hall. Hear our concerns directly. Work with us, not around us. Thank you."

Mayor Gilbert said thank you and invited the next speaker.

Next speaker was **Lawrence Kevin** of 1628 Salem Village Drive, Apex:

"First comment, Mayor, you were sitting next to Chris Paul in a picture, and you looked better than Chris Paul. I'm going to talk a little bit about the CSX contracts. It was in a non-agenda item, and I've been following Apex–CSX contracts because of the Peakway and I think you guys all know, but I don't think the public knows how much power they wield and the amount of money it costs the town. An example is in the Southwest Peakway, we frontloaded payments of $700,000 for flagging operations. So, we basically paid them. And that's something that's billable and even in the contracts, if they submit an invoice, we have 30 days to pay, or they could stop the construction. In this recent one, it's just a walkway crossing, and the lawyer actually tried to add some simple language to it and basically the answer in there was no. I went to Ed's kickoff this weekend and heard he's a lawyer, an attorney, several times, and I'm asking you to be a little cognizant of these contracts, because I think it puts us at a big disadvantage. The other one I looked at is the VHB. I tried to get digital files for the South Peakway, and honestly just got pushed off over and over again. It was initially said, "Oh, you can't get it because the design's not done." Well, the design was done. Then it was, "Oh, what do you need the design files for?" I finally asked for the contract. I got it from the clerk. I looked at the language for the contract they absolutely have no reason to give me anything. I mean, it's in there. It's like, Oh, it's third-party use. I said, I'm not charging for anything, I want

better design for the town, I want to do studies. I want to turn it into digital doubles. I'm asking for work that's been completed and paid for. I don't think we're getting a discount for the work, but I want to be able to take advantage of it and do digital doubles. Everything's going digital. The end deliverables in the contract for the VHB, is as an example, was, "We're going to give you the design documents as a PDF file." I'm like, we're all going towards AI and data, and they're going to give us the most simplest form of the documents. I mean, even that's good for the contractor and the bidding and the bids. So just look at the contracts. I think we could do a better job. Look out for the town. I mean, CSX, honestly, I look at the pedestrian crossway, and they have carte blanche. I asked, "Are we looking at a simple gate system?" And Terry kind of responded in social media that no, they said, "No, we're not going to do it." So, who's driving the discussion? They have too much power. Thank you."

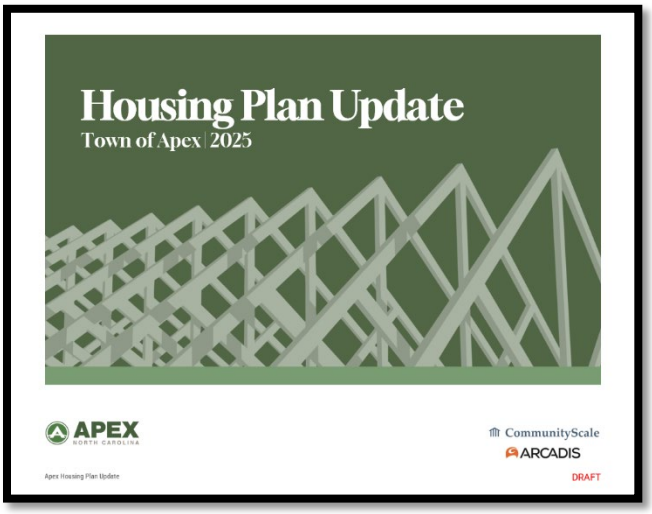
Mayor Gilbert thanked the speaker and closed the Public Forum.

[NEW BUSINESS]

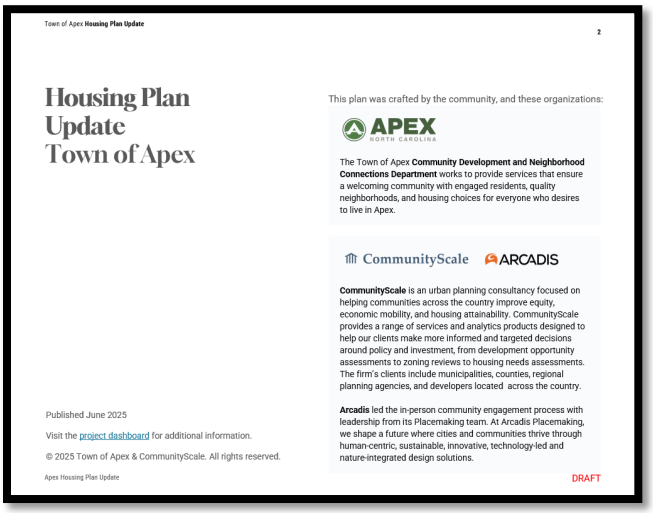
NB1 Apex Affordable Housing Plan – Recommended Updates

Marla Newman, Director, Community Development and Neighborhood Connections Department, gave an update on the Affordable housing Plan to set the context of where it is going and for possible recommendations to adopt the plan. She introduced **Jeff Souser** with Community Scale who has helped update the plan. Mr. Souser gave the following presentation:

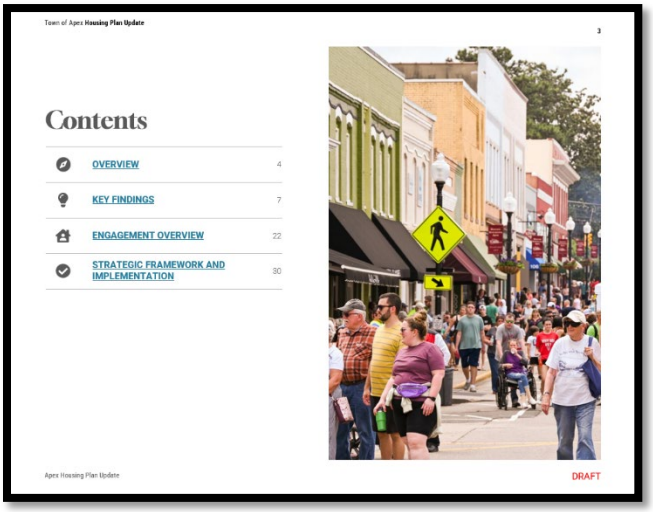
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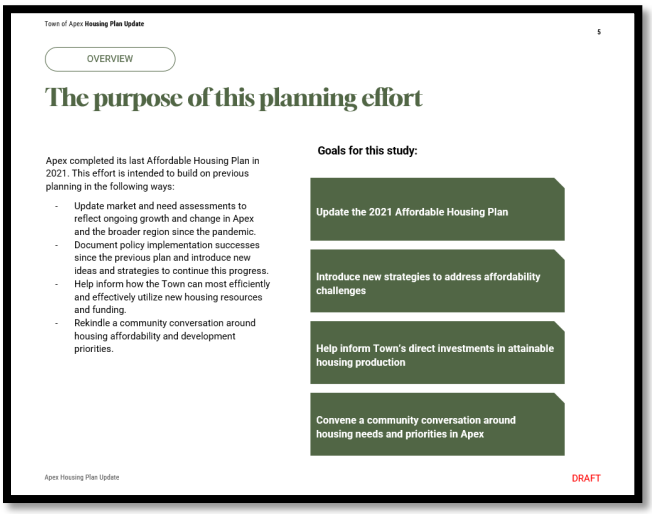
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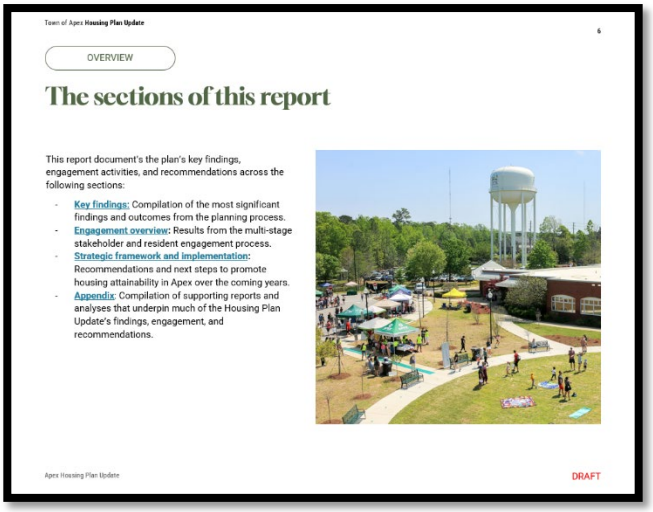
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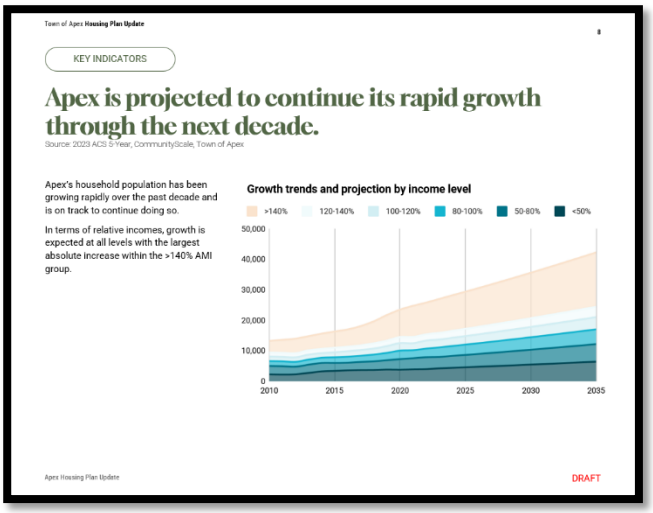
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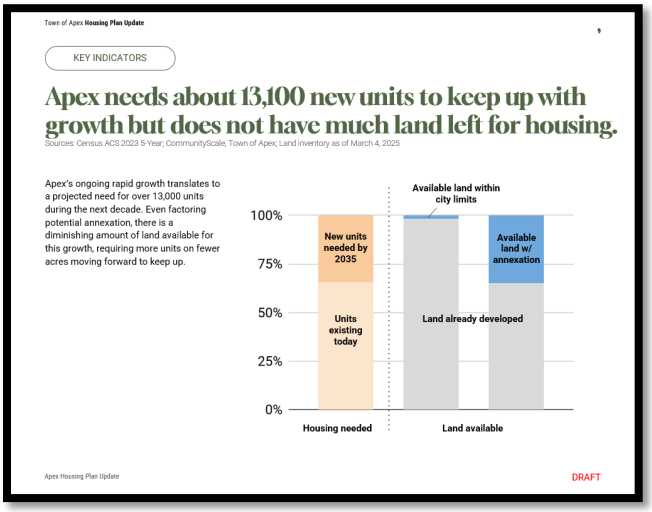
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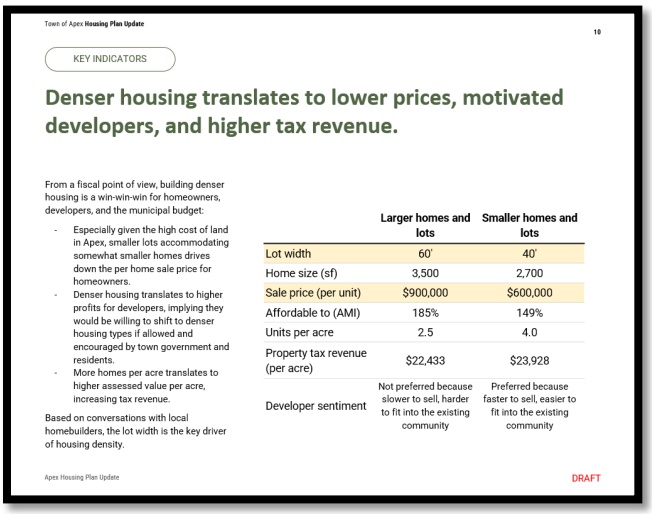
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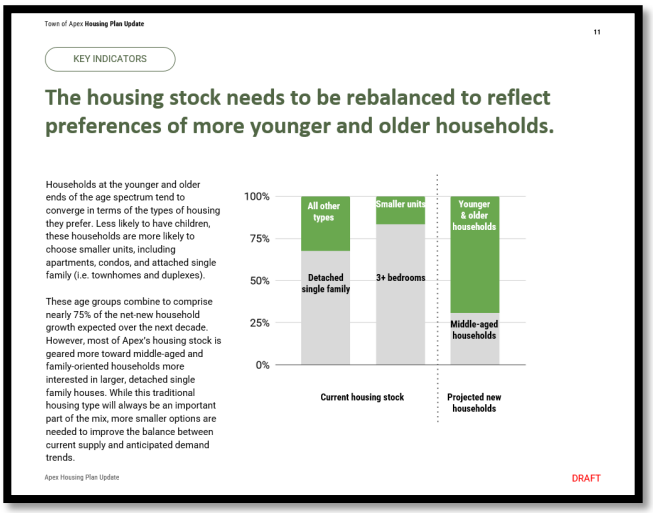
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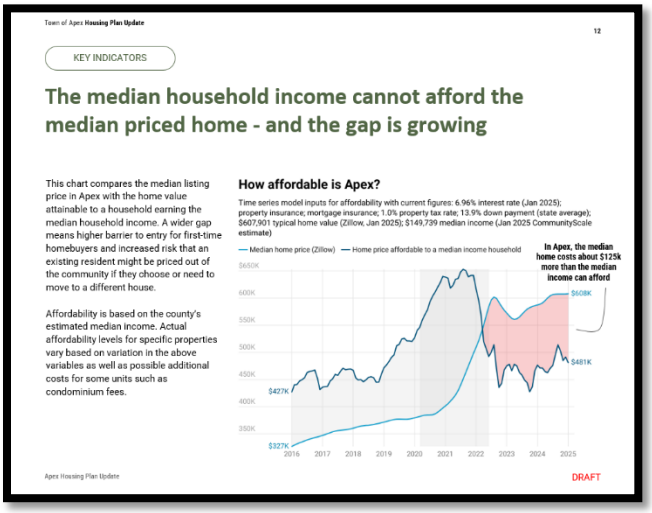
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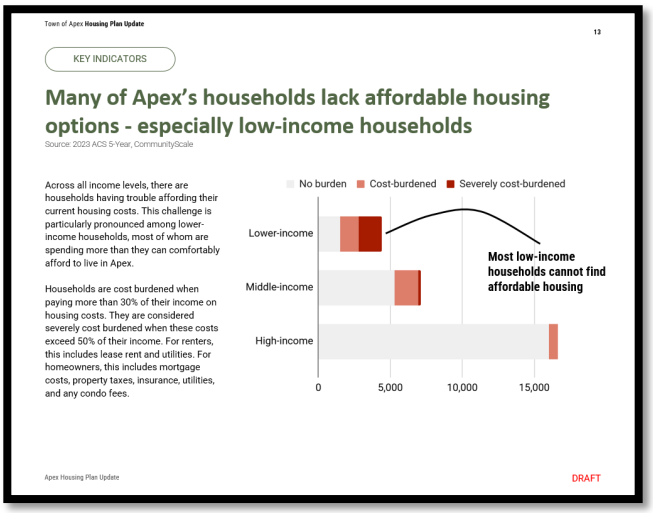
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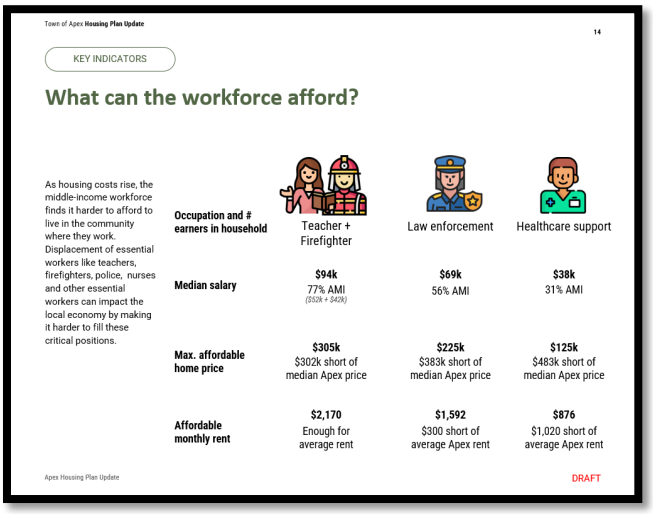
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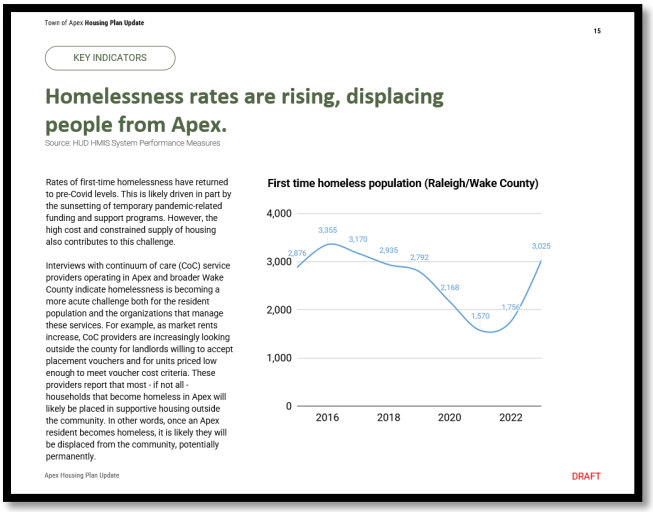
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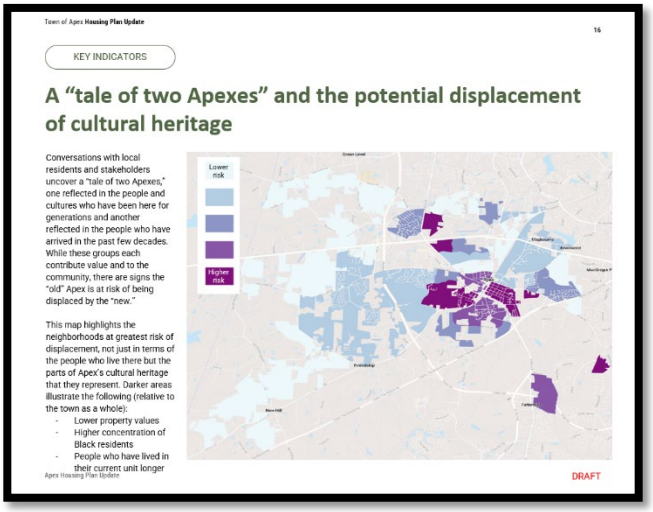
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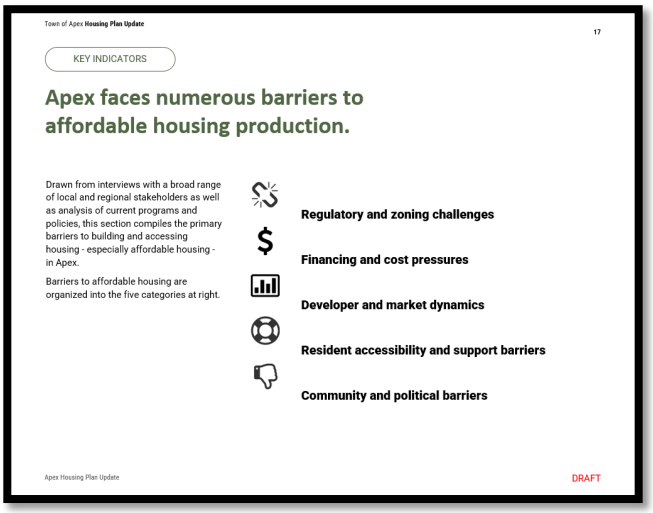
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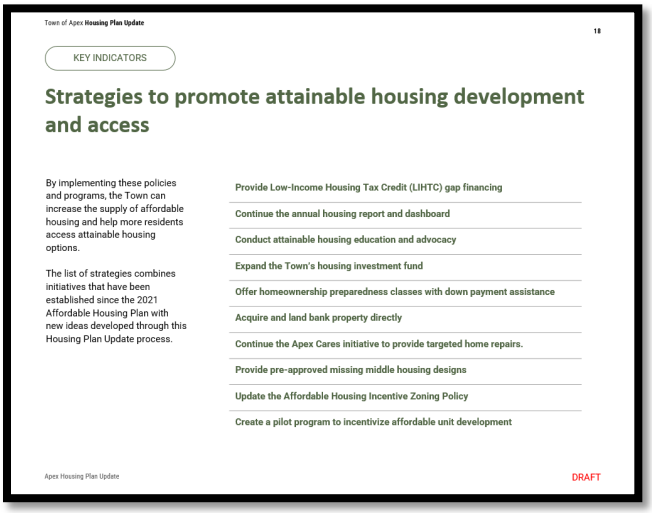
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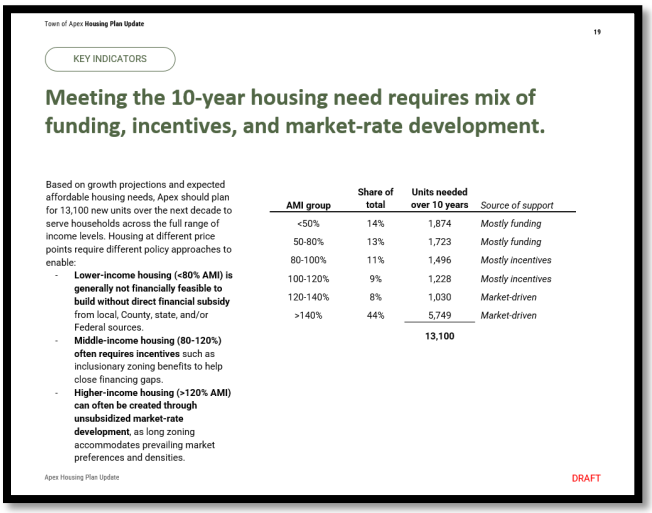
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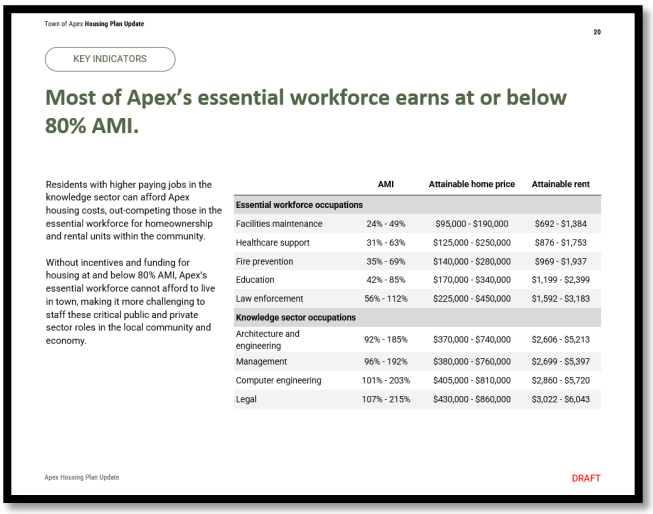
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Town of Apex **Housing Plan Update** 20

KEY INDICATORS

Most of Apex's essential workforce earns at or below 80% AMI.

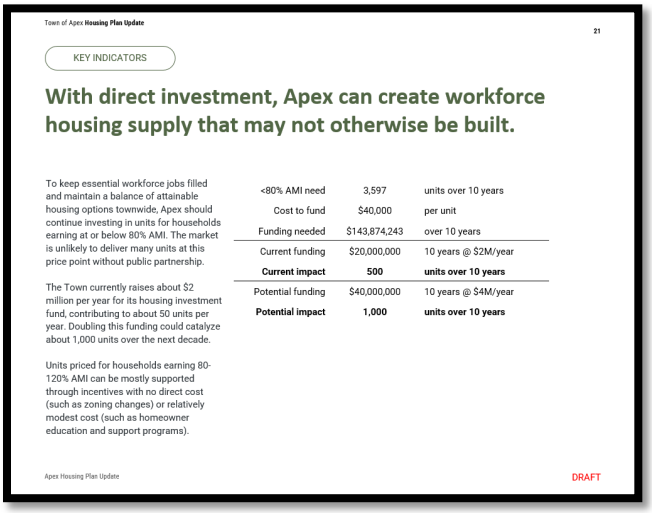
Residents with higher paying jobs in the knowledge sector can afford Apex housing costs, out-competing those in the essential workforce for homeownership and rental units within the community.

Without incentives and funding for housing at and below 80% AMI, Apex's essential workforce cannot afford to live in town, making it more challenging to staff these critical public and private sector roles in the local community and economy.

	AMI	Attainable home price	Attainable rent
Essential workforce occupations			
Facilities maintenance	24% - 49%	$95,000 - $190,000	$692 - $1,384
Healthcare support	31% - 63%	$125,000 - $250,000	$876 - $1,753
Fire prevention	35% - 69%	$140,000 - $280,000	$969 - $1,937
Education	42% - 85%	$170,000 - $340,000	$1,199 - $2,399
Law enforcement	56% - 112%	$225,000 - $450,000	$1,592 - $3,183
Knowledge sector occupations			
Architecture and engineering	92% - 185%	$370,000 - $740,000	$2,606 - $5,213
Management	96% - 192%	$380,000 - $760,000	$2,699 - $5,397
Computer engineering	101% - 203%	$405,000 - $810,000	$2,860 - $5,720
Legal	107% - 215%	$430,000 - $860,000	$3,022 - $6,043

Apex Housing Plan Update DRAFT

[SLIDE 21]



Town of Apex **Housing Plan Update** 21

KEY INDICATORS

With direct investment, Apex can create workforce housing supply that may not otherwise be built.

To keep essential workforce jobs filled and maintain a balance of attainable housing options townwide, Apex should continue investing in units for households earning at or below 80% AMI. The market is unlikely to deliver many units at this price point without public partnership.

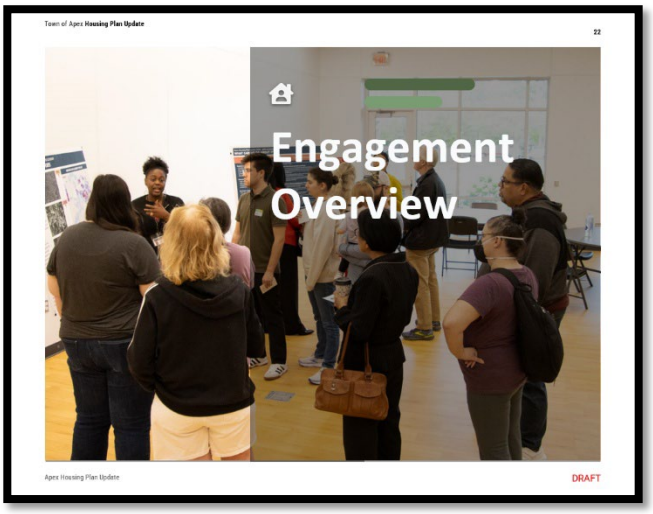
The Town currently raises about $2 million per year for its housing investment fund, contributing to about 50 units per year. Doubling this funding could catalyze about 1,000 units over the next decade.

Units priced for households earning 80-120% AMI can be mostly supported through incentives with no direct cost (such as zoning changes) or relatively modest cost (such as homeowner education and support programs).

<80% AMI need	3,597	units over 10 years
Cost to fund	$40,000	per unit
Funding needed	$143,874,243	over 10 years
Current funding	$20,000,000	10 years @ $2M/year
Current impact	**500**	**units over 10 years**
Potential funding	$40,000,000	10 years @ $4M/year
Potential impact	**1,000**	**units over 10 years**

Apex Housing Plan Update DRAFT

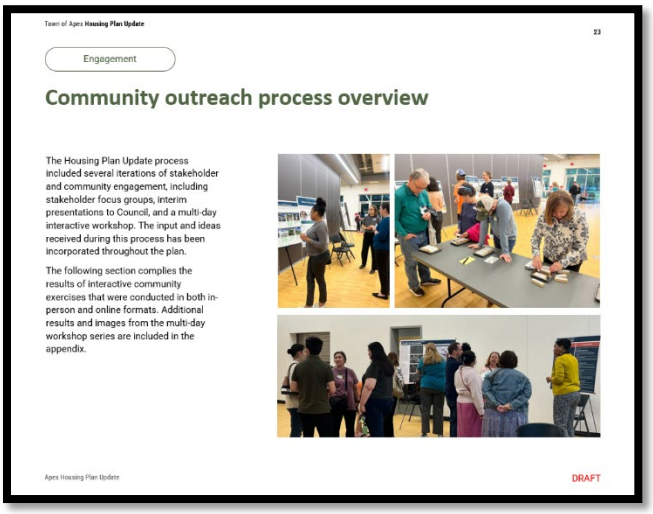
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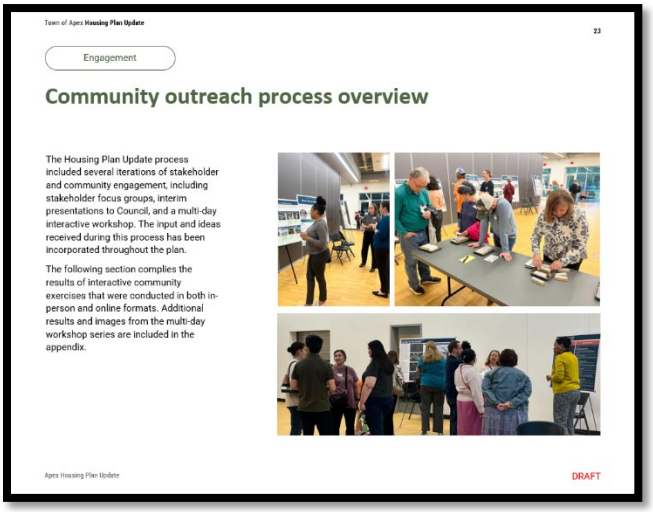
Town of Apex **Housing Plan Update** 22

Apex Housing Plan Update DRAFT

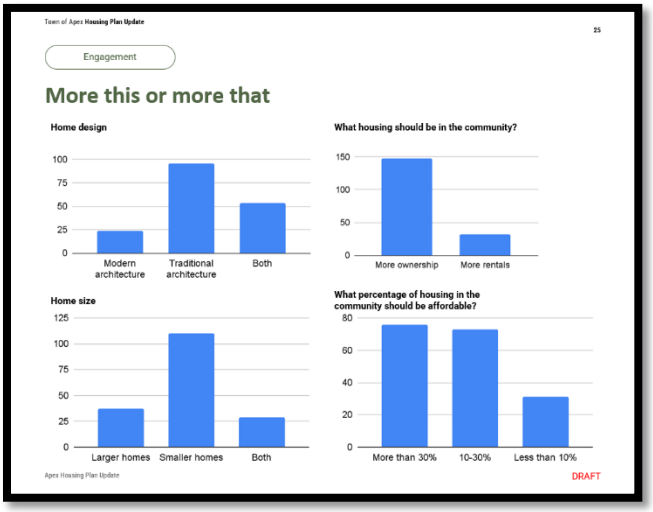
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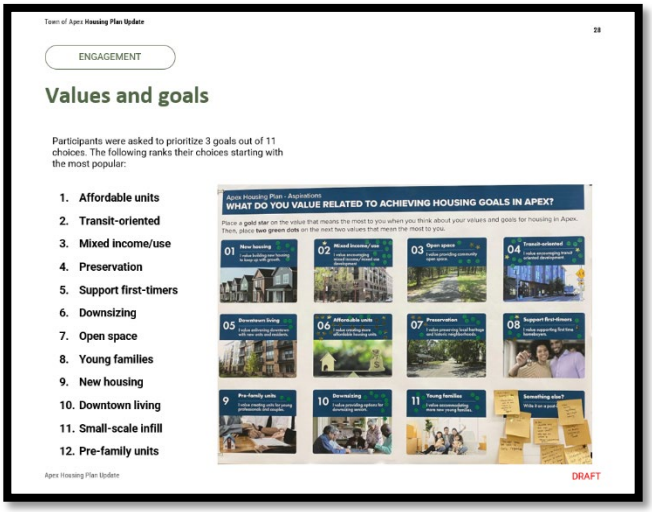
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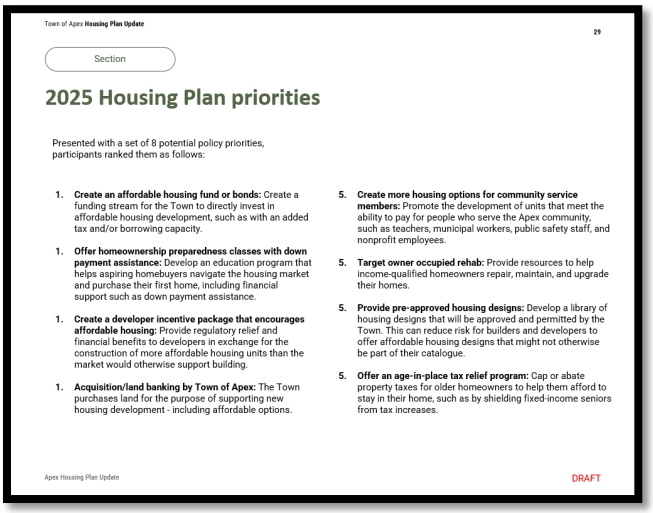
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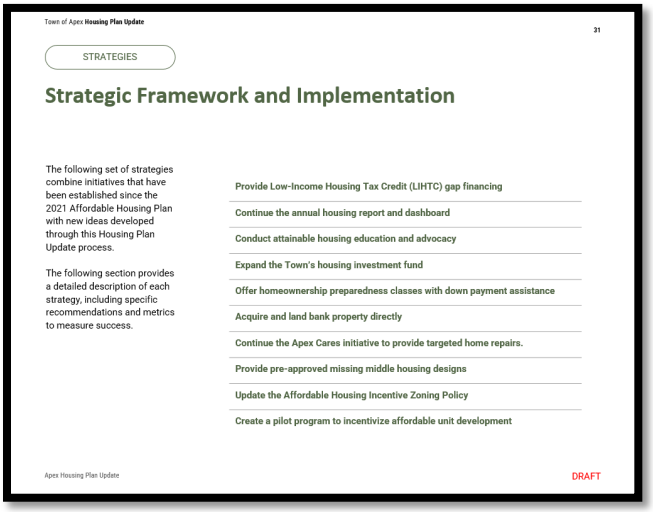
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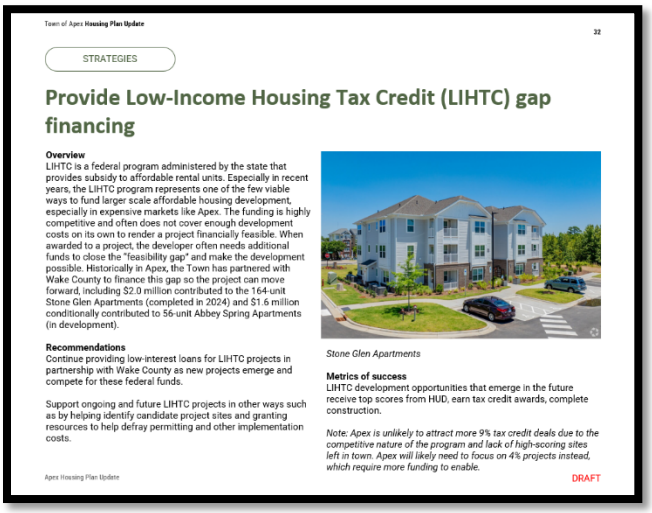
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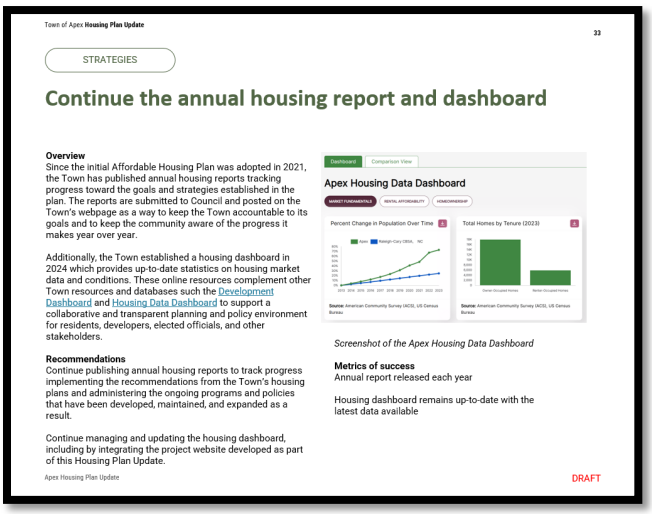
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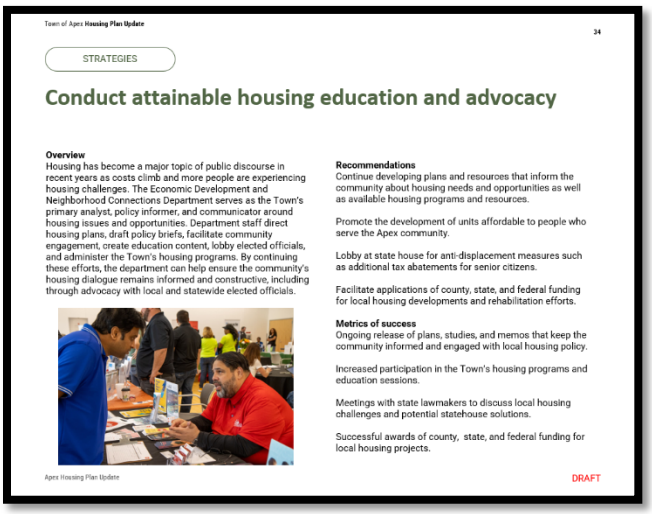
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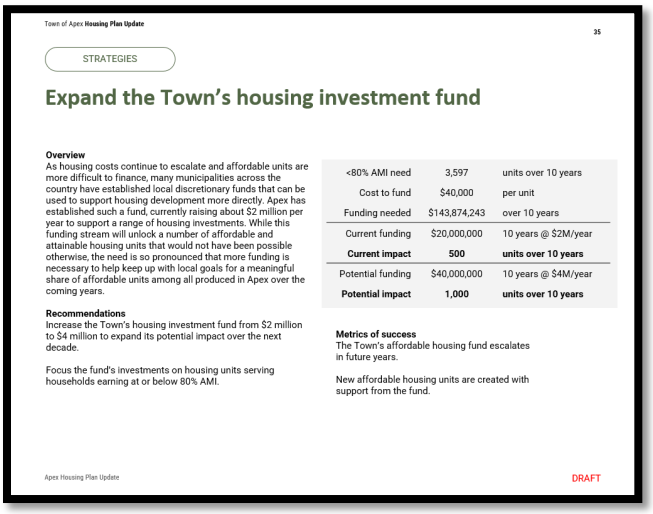
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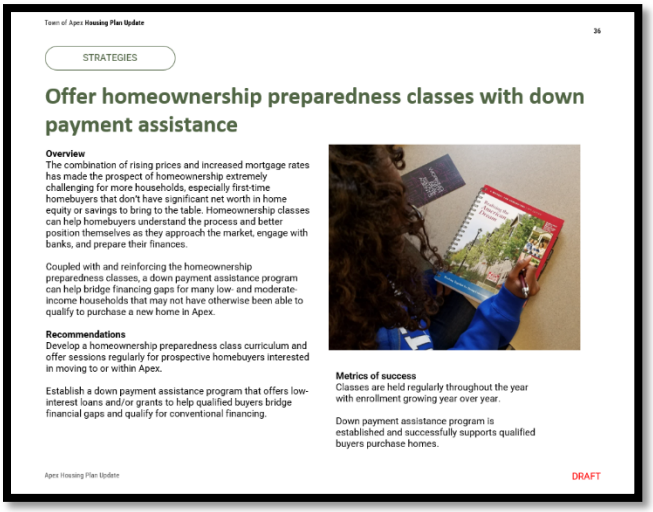
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[SLIDE 35]



[SLIDE 36]



Councilmember Gantt asked if it was legal for a municipality to offer down payment assistance even after a class in North Carolina.

Director Newman that it depends on how it is set up and they are coupled with programs with federal funds like from HUD. She said that the requirement is that they go through a home buyer education class to qualify. She said that there are developers and other organizations in Wake County who provide the home buyer counseling and can help people purchase a home. She said this was legal and done throughout this area and the Country.

Councilmember Gantt asked if the money would go through the organization and then they would provide the homeowner with the down payment assistance.

Director Newman said no, that usually it's done at the time of closing, and the Town writes a check to the bank that is doing the mortgage.

Councilmember Gantt asked what other municipalities are doing this.

Ms. Newman said that Raleigh, Durham, Chapel Hill and most of NCs municipalities that have home buyer programs, and there are about 15 lenders in this area that participate in these programs.

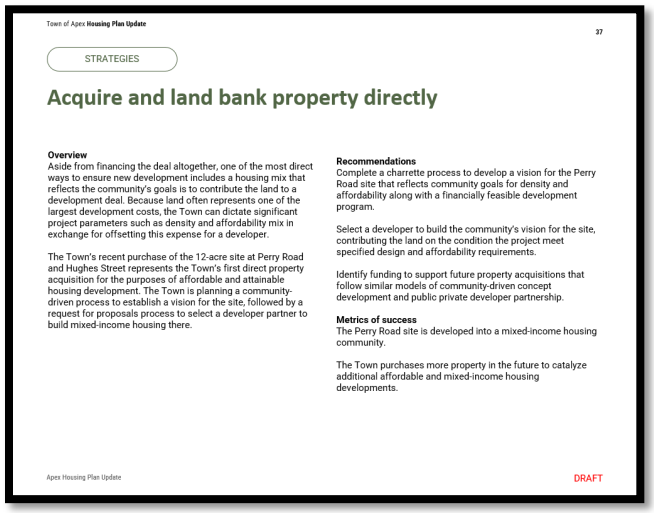
Councilmember Mahaffey asked if it is under HUD and that is a federal program, is why it is allowed.

Director Newman said that there are usually restricted covenants that come along with this funding so it's not per se a gift.

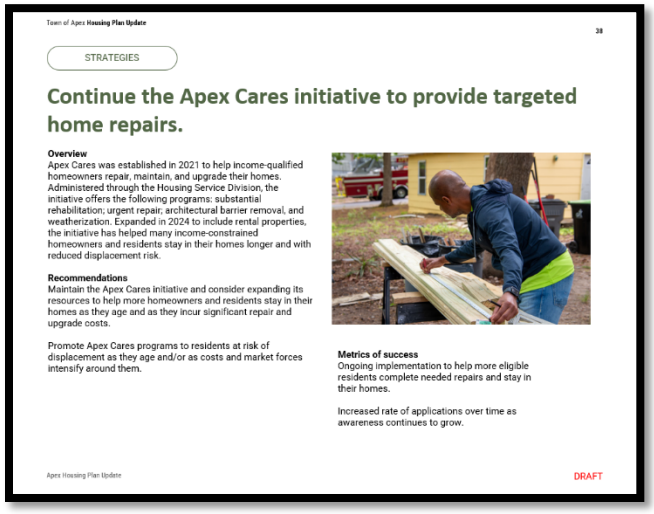
Councilmember Mahaffey asked if Apex not being a HUD entitlement community was a problem.

Director Newman said that was not a problem at all.

[SLIDE 37]



[SLIDE 38]



[SLIDE 39]



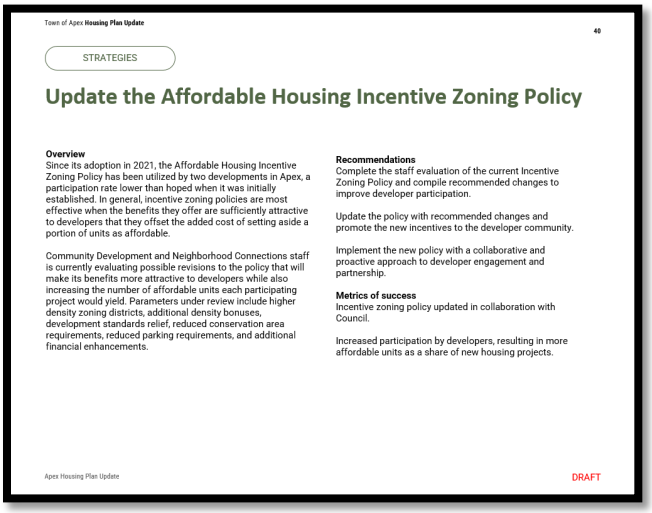
Councilmember Mahaffey said that a couple of years ago there was discussion of something similar for ADUs like having a template once Raleigh did it.

Councilmember Gantt asked if it had worked in Raleigh, he said that he had not heard much about it in the past two years and would be interested in if they are doing it and how it is doing.

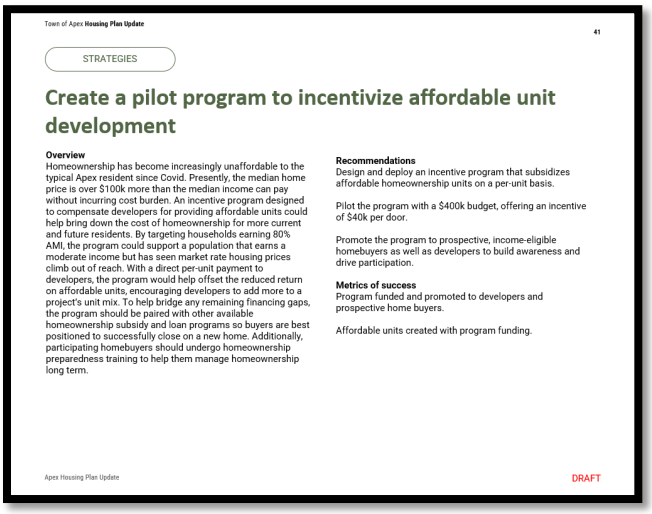
Councilmember Mahaffey said that he was interested in this kind of approach and even possibly a separate zoning process entirely for projects that meet certain criteria. He said that the building community is interested in this because a big part of their overhead and their time is the energy of getting entitlements.

Mr. Souser said that they would get to that. He said that it is important to keep the developer communities' part of the development and that it reflects the latest economic development as well.

[SLIDE 40]



[SLIDE 41]



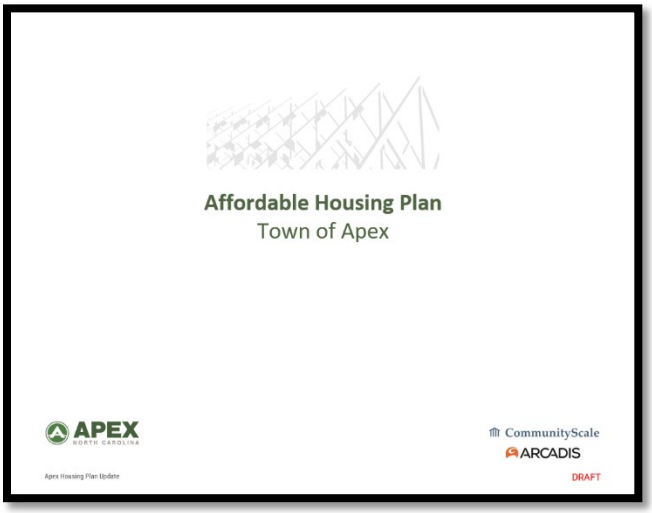
Councilmember Gantt said that he understood from some of the Planning meetings that this was not legal because the town could only incentivize the whole projects versus one or two units.

Director Newman said that from a legal perspective she didn't want to weigh in, but in other instances there was a certain number of units dedicated and wasn't project wide. She said they would have to meet income eligibility first and foremost so that the units will go to somebody who is income is eligible, and so there are a lot of nuances that go along with this.

Councilmember Gantt said that if they could do this it could have had the most impact throughout the time.

Director Newman said that is where they want to get to by investing some dollars in those projects like is being done for multi-family developments.

[SLIDE 42]



Mr. Souser said that the backup analysis is available, and it should have been sent to the Council.

Mayor Gilbert thanked Director Newman and Mr. Souser for work and the presentation. He asked if the online dashboard portion breaks down the AMI units and total units approved for community awareness.

Director Newman said currently, that in terms of development, the dashboard shows how many rezonings there are and how many of those have affordable units committed and the data dashboard gives market numbers to tell you where Apex is with regard to home ownership, rental, and demographics. She said that the dashboard that was created as part of the Housing plan is a blend of both. She said there are a couple of dashboards that serve different purposes.

Mr. Souser said that from a data standpoint it is important to track both progress towards the unit count and the data helping to track progress.

Councilmember Gantt asked if all of the efforts that Apex has made for affordable housing has any difference compared to other communities that haven't done as much.

Mr. Souser said that in different markets across the country that are building more housing see a slower rate of increase in prices, and that is one measure. He said keeping development going helps and making as many affordable units as possible along with that is a good strategy. He said that there needs to be more regional collaboration to compare notes, and that some are at different stages of their development.

Councilmember Zegerman said that some of the projects have not been completed and have not come to fruition yet.

Mr. Souser said that there hasn't been enough housing for a generation and it's going to take more than a few projects in a few years to start to see progress.

Councilmember Gantt said that the challenge is they get accused of overbuilding a lot, so it's a balance of priorities

Mayor Gilbert said that is why it is important to get information out so people can see it consistently.

Councilmember Zegerman asked about financials and what the $40,000.00 per unit is based on.

Mr. Souser said that when the current existing programs it was the average that should be benchmarked.

Director Newman said that there was a story on ABC11 that profiled a new program in Raleigh that is home ownership and they're making a contribution of $60,000 per unit, and so based on development cost a calculation is done to get the proper amount. She said using other down payment assistance from Wake County and NCHFA it then is affordable.

Councilmember Zegerman said that there are two ways to close the gap and asked how many of the recommendations that are presented are targeting making that contribution smaller.

Director Newman said that it would depend on the development and sometimes it may be a little deeper in terms of the income qualifications depending on how much subsidy is provided. She gave more information on how to obtain more subsidies, and it requires an analysis of each deal.

Councilmember Zegerman said that there had been a lot of work that has gone into

this, but Council has been asked to adopt a plan and some of the questions do not seem to be answered yet. He said that there needs to be an analysis to look at what the recommendations would truly be based on and if they are truly vetted. He said that he is a supporter of Affordable Housing, but this feels open-ended. He said that he had suggested to make this just a presentation and then look at the whole package including the affordable housing plan, the policy, and the proposed pilot program as a single package to vote on at a later time, as by separating the conversation some information may be lost.

Director Newman said the plan is the overarching ideas and strategies that would be recommended, and the next step is to come to Council with the specific policy initiatives. She said she understands wanting everything to go at once, but this sets a vision for the specific programs to fall under.

Councilmember Zegerman said that this makes sense, but he had an issue with a recommendation of the budget piece. He said that it could increase or change.

Councilmember Mahaffey said that it sounded like his vote should be against the plan, because this is committing in policy to go to $40 million.

Councilmember Zegerman said he is supportive of the work but there is not enough detail and would like to see more information.

Councilmember Mahaffey suggested there are needs he can do to offer alternatives or register disagreement with certain portions without voting against the plan as a whole. He said this is a high-level set of policy goals for the long term.

Councilmember Killingsworth said in order to support affordable housing it needs to be supported in some manner and to the level that is supportive of the community.

Mayor Pro Tempore Gray said that they are looking to Council to be able to provide policy guidance and direction, this is the big picture, and they will come back with additional detail.

Director Newman said yes, and the budget action would be another conversation, but if this is going to move forward this is an example of the kind of resources that will be needed. She said that they are not asking for Council to say yes to the funding resources because this could change. She said this is not a commitment that it will be a specific amount of money.

A **motion** was made by **Councilmember Killingsworth** and seconded by **Mayor Pro Tempore Gray** to approve the Recommended Updates to the Apex Affordable Housing Plan

VOTE: UNANIMOUS (5-0)

Councilmember Killingsworth said she very proud of staff and Council for the work that has been done on this plan over the past few years.

[CLOSED SESSION]

A **motion** was made by **Mayor Pro Tempore Gray**, seconded by **Councilmember Killingsworth** to enter into closed session at **8:06 p.m.**

VOTE: UNANIMOUS (5-0)

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 **8:30 p.m.**

Mayor Pro Tempore Gray and noted that Mayor Gilbert had recused himself from this matter, and asked if there were any motions.

A **motion** was made by **Councilmember Killingsworth** and seconded by **Councilmember Zegerman** to adopt a Resolution authorizing eminent domain proceedings related to a street and side path project along Jessie Drive (REF: RES-2025-035).

VOTE: UNANIMOUS (5-0)

[ADJOURNMENT]

Mayor Pro Tempore Gray adjourned the meeting at **8:31 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 23rd day of September, 2025 (CN5).

APPROVED MEETING MINUTES

TOWN OF APEX
TOWN COUNCIL WORK SESSION
TUESDAY, JUNE 17 2025
3:30 P.M.

The Apex Town Council met for a work session on Tuesday, June 17, 2025 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=mVqldLNmE50

[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

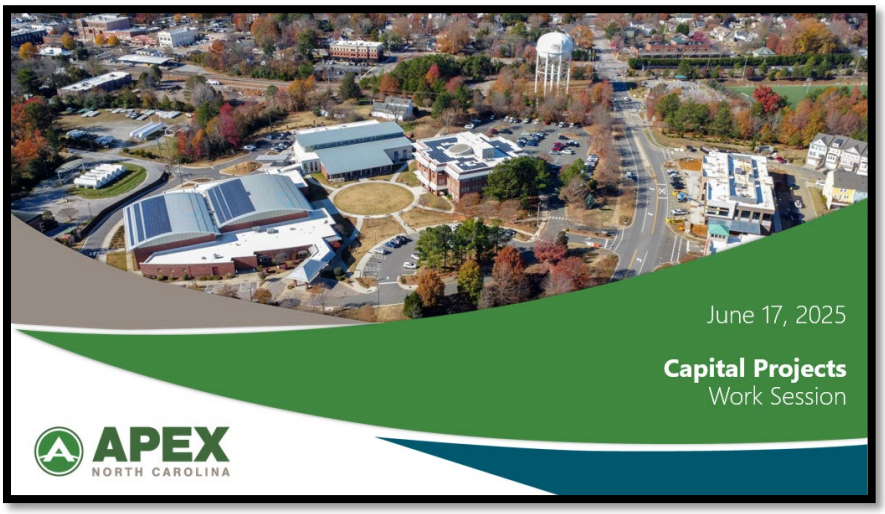
All other staff members will be identified appropriately below.

[COMMENCMENT]

Mayor Gilbert called the meeting to order at **3:30 p.m.**
Mayor Gilbert led all in attendance in the Pledge of Allegiance.

Town Manager Vosburg said that the Assistant Town Manager, Marty Stone, would be presenting the following Capital Projects and asking the Council for directions.

[SLIDE 1]



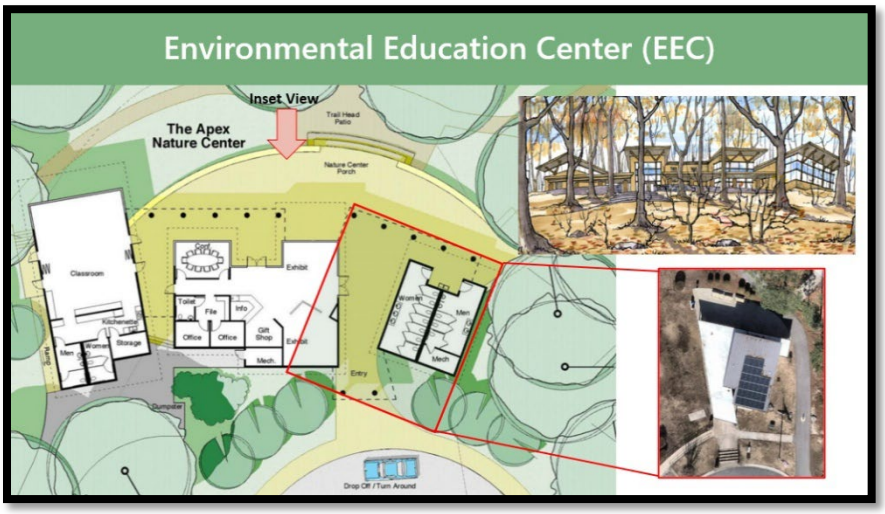
[SLIDE 2]



[ENVIRONMENTAL EDUCATION CENTER DESIGN OPTIONS]

Marty Stone, Assistant Town Manager gave the following presentation:

[SLIDE 1]



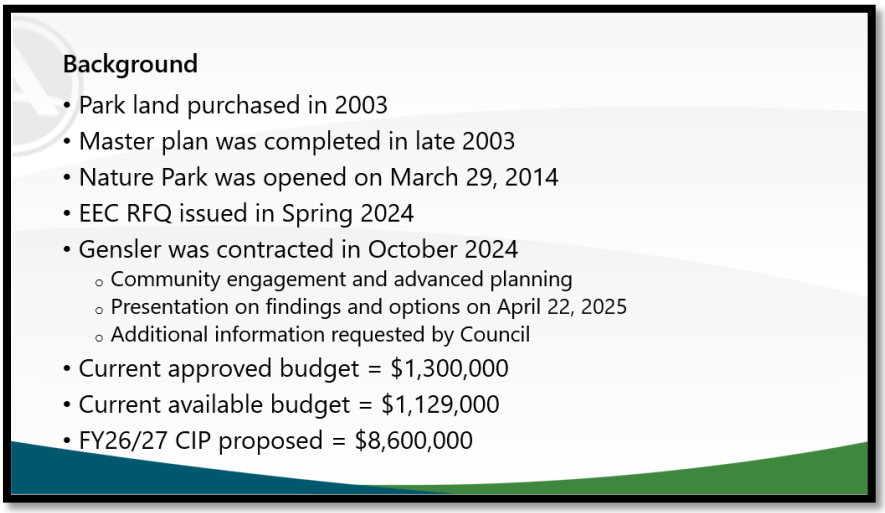
Councilmember Gantt asked why this building was the only one built in 2014.

Assistant Town Manager Stone said that it was believed to be the Council's decision because of the economics, and when the construction moved forward, the restroom facilities were built.

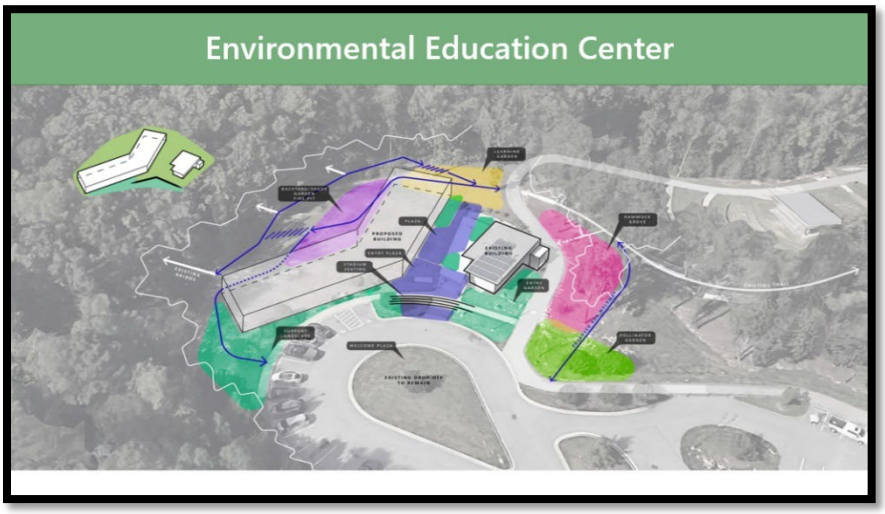
Councilmember Gantt asked why the type of building in the slide wasn't being built currently.

Assistant Town Manager Stone said that it was very similar but some of the look changed. He said this would be addressed further in the presentation.

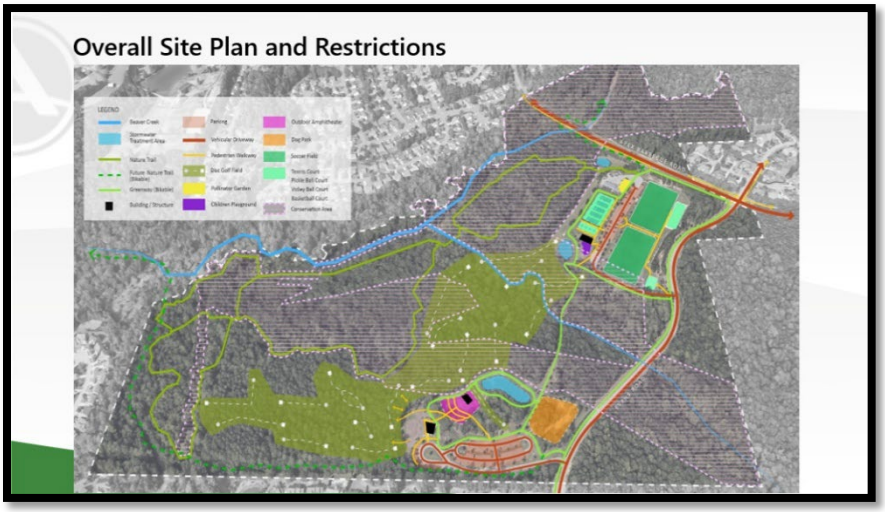
[SLIDE 2]



[SLIDE 3]



[SLIDE 4]



Councilmember Gantt asked if the land across from Evans is available.

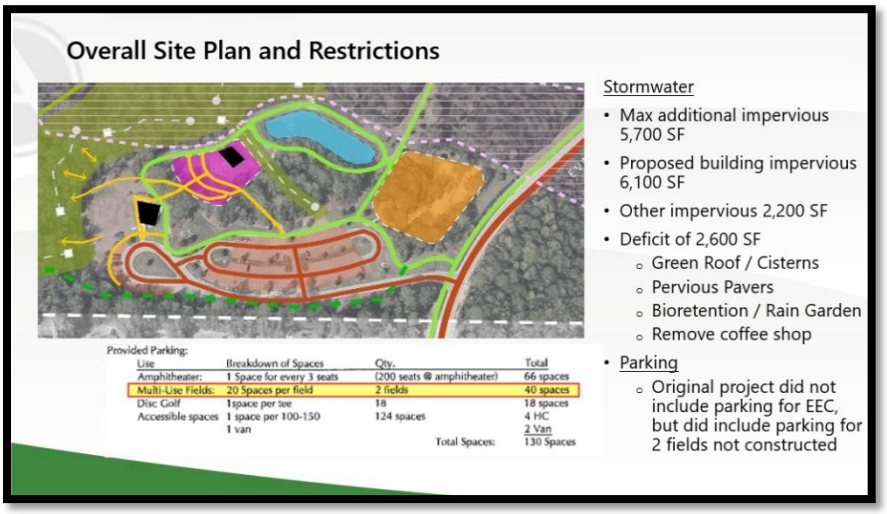
Assistant Town Manager Stone said that it could be used for something, and the park looked at possibly moving some of their maintenance facilities there.

Director Setzer said that the maintenance facility would be up to the northern side.

Councilmember Zegerman asked why it was important where the storm water pond was located.

Assistant Town Manager Stone explained that the stormwater pond is downhill and if a structure is built too far away it would be difficult to direct storm water back to the existing pond and they wouldn't want to have to build another one because of the trees that are on the site and wanting to conserve them.

[SLIDE 5]



[SLIDE 6]



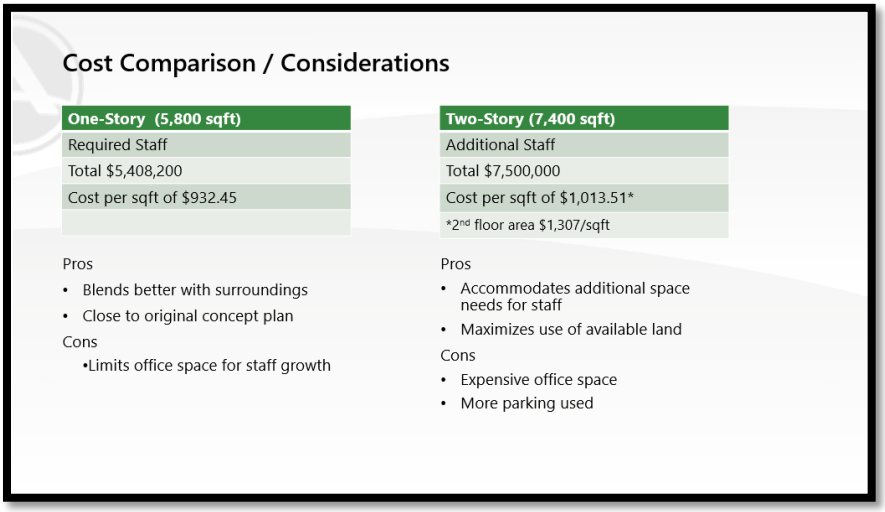
[SLIDE 7]



Councilmember Zegerman asked if there would only be two receptionists at a time, although there may be four in total.

Assistant Town Manager Stone said that is correct.

[SLIDE 8]



[SLIDE 9]



Assistant Town Manager Stone asked for directions from the Council.

Mayor Gilbert asked if there were any questions.

Councilmember Mahaffey said that the price for a 2-story to accommodate extra office space seems pricey.

Councilmember Zegerman said that he agreed, and this is not the best place to accommodate extra staff. He said that Fire Station 3 seems like a better option for that.

Assistant Town Manager Stone said that the 2-story becomes more of a focal point rather than the nature.

Councilmember Zegerman said that he liked the color scheme.

Assistant Town Manager Stone said that he did not like the roof and it would be changed from what is being presented.

Councilmember Mahaffey said that he was looking forward to the coffee shop.

Assistant Town Manager Stone said that they could look at adding it back if Council wanted.

Town Manager Vosburg said they could also look at a coffee cart type setup.

Mayor Pro-Tempore Gray said that this is a nature park and supported one story. He said that parking impacts would be something to consider, and this looked like it would accommodate it.

Councilmember Mahaffey said that looking at the future and possibly having to move staff parking across the street, moving the concession stand closer to the fields may be more successful.

Councilmember Killingsworth agreed not to add more office space considering cost and space limitation on the property. She said that she would be interested in looking at Olive Farm Park, but she supports moving forward with the Education Center here. She thanked Assistant Town Manager Stone for all of the work.

Assistant Town Manager Stone thanked the staff for getting all of the numbers together and the other data and staff working together to bring this together.

A **motion** was made by **Councilmember Gantt**, seconded by **Councilmember Zegerman** to approve the Environmental Education Center as a 1-story building at Apex Nature Park.

VOTE: UNANIMOUS (5-0)

[PLEASANT PARK FIELD DESIGN OPTIONS]

Marty Stone, Assistant Town Manager gave the following presentation:

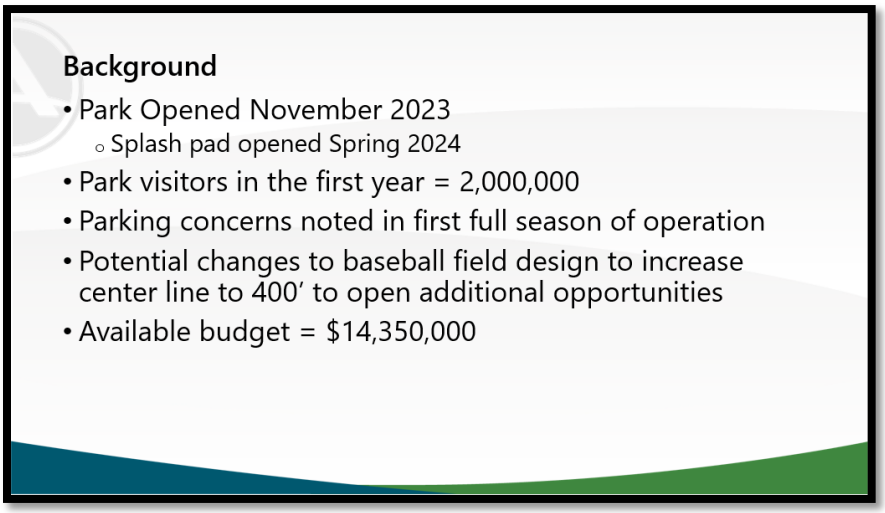
[SLIDE 1]



Councilmember Gantt asked if the section the side to the side of the baseball/softball fields would be open field.

Assistant Town Manager Stone said yes, it would be an open field but graded more than it is currently.

[SLIDE 2]



[SLIDE 3]



[SLIDE 4]

Parking Study

- Completed by TID in June 2025
- Existing parking capacity
- Data analyzed
  - Lacrosse tournament in November 2024
  - Sunday, May 1, 2025 (weekend afternoon)
  - Wednesday, June 4, 2025 (weekday afternoon)
  - Saturday, June 7, 2025 (weekend soccer tournament)
- Results
- Summary

[SLIDE 5]

Existing Parking Capacity



Parking Lot	Total Spaces / ADA Spaces
1	131 / 6
2	135 / 7
3	125 / 0
4	121 / 5
5	327 / 8
Total	**839 /26**

[SLIDE 6]

Parking Study Results

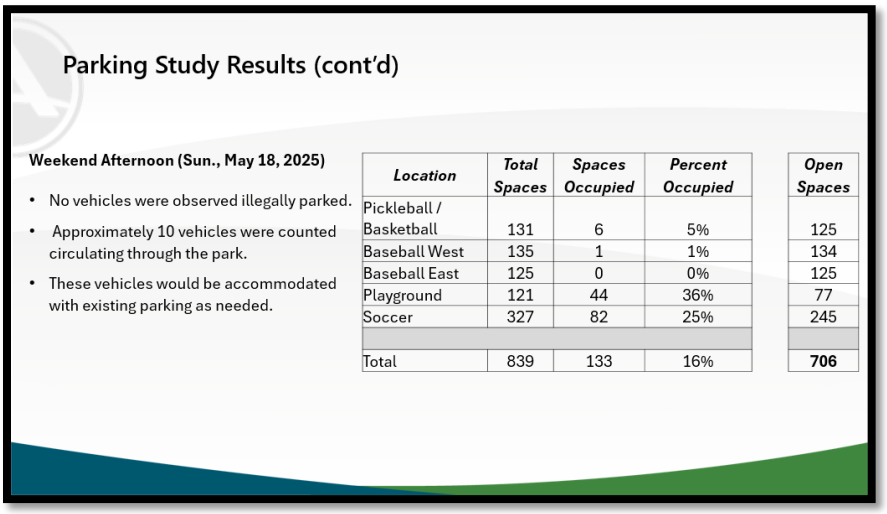
Weekend Tournament* (November 9, 2024)

- 92 vehicles were counted either circulating or parked in non-marked spots (along the back of curb on Recreation Drive, on landscaping islands, etc.)
- If all cars had been parked in marked a spaces, there would have been a **deficit of 20 spaces**

Location	*Total Spaces*	*Spaces Occupied*	*Percent Occupied*	*Open Spaces*
Pickleball / Basketball	131	71	54%	60
Baseball West	135	128	95%	7
Baseball East	125	124	99%	1
Playground	121	118	98%	3
Soccer	327	326	100%	1
Total	839	767	91%	**72**

*This was a lacrosse tournament, which typically involves teams coming to the park and staying for the day.

[SLIDE 7]



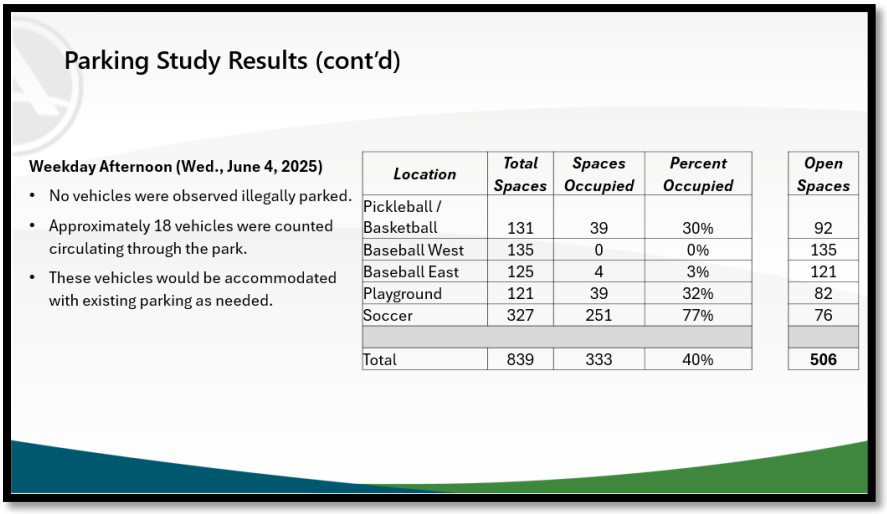
Parking Study Results (cont'd)

Weekend Afternoon (Sun., May 18, 2025)

- No vehicles were observed illegally parked.
- Approximately 10 vehicles were counted circulating through the park.
- These vehicles would be accommodated with existing parking as needed.

Location	*Total Spaces*	*Spaces Occupied*	*Percent Occupied*	*Open Spaces*
Pickleball / Basketball	131	6	5%	125
Baseball West	135	1	1%	134
Baseball East	125	0	0%	125
Playground	121	44	36%	77
Soccer	327	82	25%	245
Total	839	133	16%	**706**

[SLIDE 8]



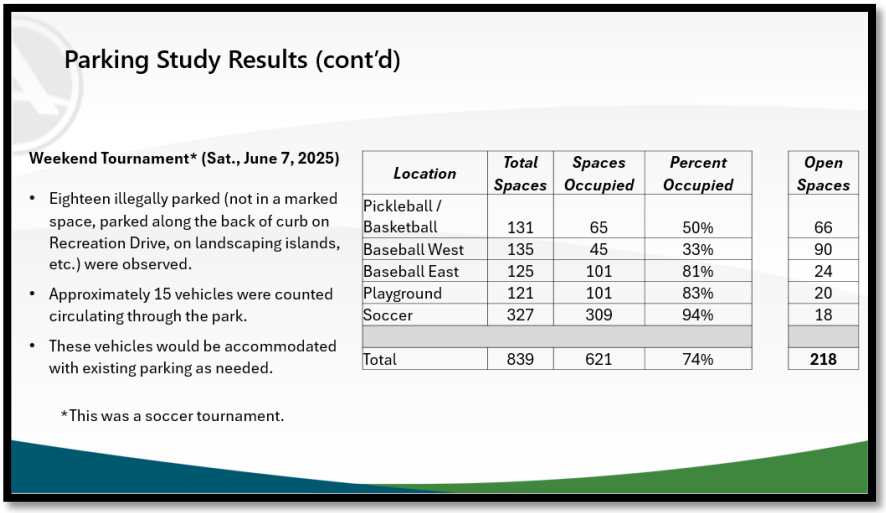
Parking Study Results (cont'd)

Weekday Afternoon (Wed., June 4, 2025)

- No vehicles were observed illegally parked.
- Approximately 18 vehicles were counted circulating through the park.
- These vehicles would be accommodated with existing parking as needed.

Location	*Total Spaces*	*Spaces Occupied*	*Percent Occupied*	*Open Spaces*
Pickleball / Basketball	131	39	30%	92
Baseball West	135	0	0%	135
Baseball East	125	4	3%	121
Playground	121	39	32%	82
Soccer	327	251	77%	76
Total	839	333	40%	**506**

[SLIDE 9]



Parking Study Results (cont'd)

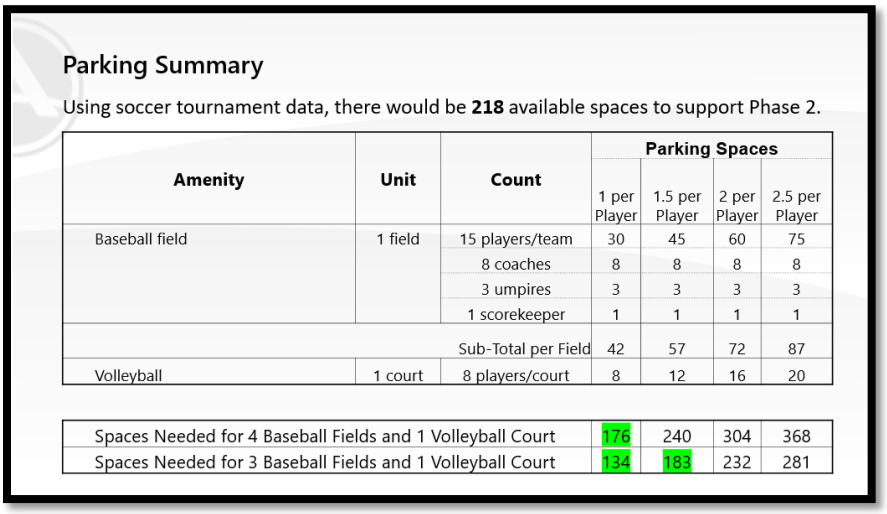
Weekend Tournament* (Sat., June 7, 2025)

- Eighteen illegally parked (not in a marked space, parked along the back of curb on Recreation Drive, on landscaping islands, etc.) were observed.
- Approximately 15 vehicles were counted circulating through the park.
- These vehicles would be accommodated with existing parking as needed.

*This was a soccer tournament.

Location	*Total Spaces*	*Spaces Occupied*	*Percent Occupied*	*Open Spaces*
Pickleball / Basketball	131	65	50%	66
Baseball West	135	45	33%	90
Baseball East	125	101	81%	24
Playground	121	101	83%	20
Soccer	327	309	94%	18
Total	839	621	74%	**218**

[SLIDE 10]



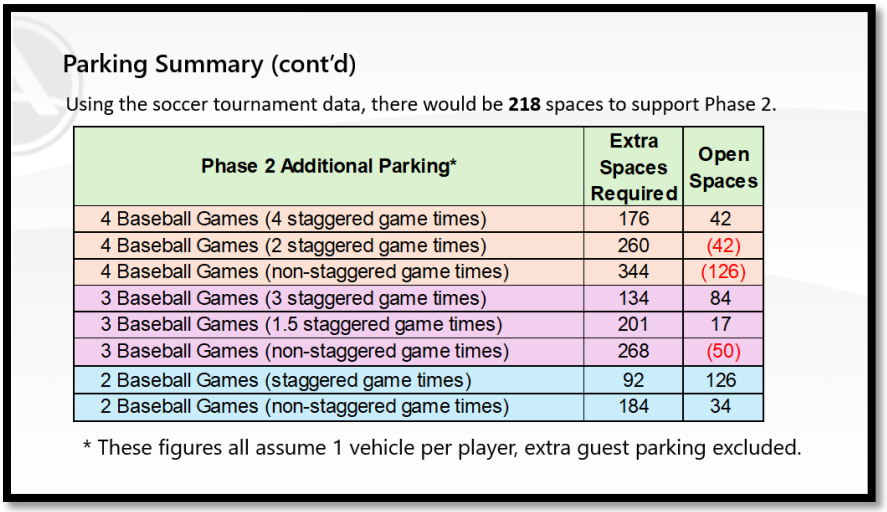
Parking Summary

Using soccer tournament data, there would be **218** available spaces to support Phase 2.

Amenity	Unit	Count	Parking Spaces			
			1 per Player	1.5 per Player	2 per Player	2.5 per Player
Baseball field	1 field	15 players/team	30	45	60	75
		8 coaches	8	8	8	8
		3 umpires	3	3	3	3
		1 scorekeeper	1	1	1	1
		Sub-Total per Field	42	57	72	87
Volleyball	1 court	8 players/court	8	12	16	20

Spaces Needed for 4 Baseball Fields and 1 Volleyball Court	176	240	304	368
Spaces Needed for 3 Baseball Fields and 1 Volleyball Court	134	183	232	281

[SLIDE 11]



Parking Summary (cont'd)

Using the soccer tournament data, there would be **218** spaces to support Phase 2.

Phase 2 Additional Parking*	Extra Spaces Required	Open Spaces
4 Baseball Games (4 staggered game times)	176	42
4 Baseball Games (2 staggered game times)	260	(42)
4 Baseball Games (non-staggered game times)	344	(126)
3 Baseball Games (3 staggered game times)	134	84
3 Baseball Games (1.5 staggered game times)	201	17
3 Baseball Games (non-staggered game times)	268	(50)
2 Baseball Games (staggered game times)	92	126
2 Baseball Games (non-staggered game times)	184	34

* These figures all assume 1 vehicle per player, extra guest parking excluded.

Councilmember Gantt asked what the frequency of tournaments were currently.

Assistant Town Manager Stone said that there are 6 to 9 tournaments total that are anticipated per year once the baseball fields are in place.

Councilmember Killingsworth said to add to that people that will be coming to the other fields or equipment.

Assistant Town Manager Stone said that the assumption for the study was that this was captured. He said that if families are going to the splashpad and the parking lot was that full then this would deter families from going.

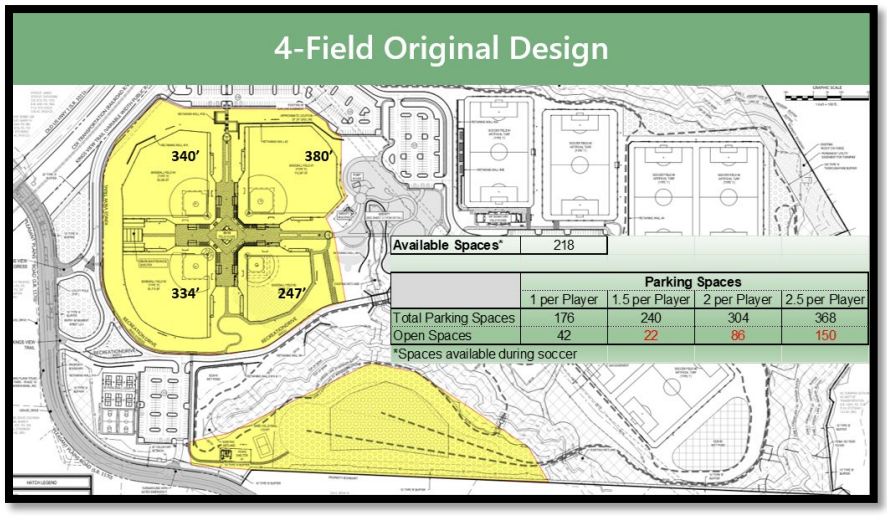
Councilmember Zegerman asked if the scenario was that every player would probably drive in their own car.

Assistant Town Manager Stone said yes, and moving in the future the one way to address this would be to have additional transit options to the field.

Town Manager Vosburg said that parking challenges also encourages people to carpool, because it's a known concern.

Councilmember Zegerman said that this happens for the downtown area too.

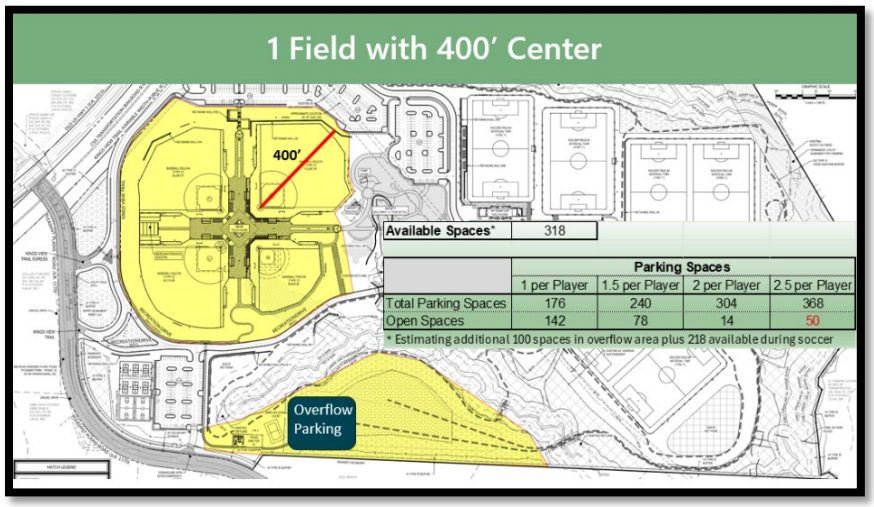
[SLIDE 12]



Councilmember Gantt asked what the lines were going up to the volleyball field.

Ms. Reincke said the shorter line is the finish line and around it is the flat part of the field, the longer line going towards the volleyball field for is lining up. The house shaped area is the flat area.

[SLIDE 13]



Councilmember Gantt asked if they created this 400' Center, would the shape of the exterior be strange.

Assistant Town Manager Stone said that it would be a bit, but right field would always be oddly shaped because they can't expand beyond where the current proposed line is.

Mayor Pro-Tempore Gray asked how much this would open Apex up for more play.

Director Setzer said that staff have been approached by some collegiate teams about Apex hosting games at this park and they all requested and prefer 400' center lines and 330' corners, and that's what is recommended by the NCAA. He said it isn't required for certain events, but it would open up more opportunities to teams and leagues with that preference.

Mayor Pro-Tempore Gray said that he was trying to get a sense of what they would be gaining from expanding 380' to 400'.

Councilmember Gantt said that it would make the shape worse, but more people may want to use it.

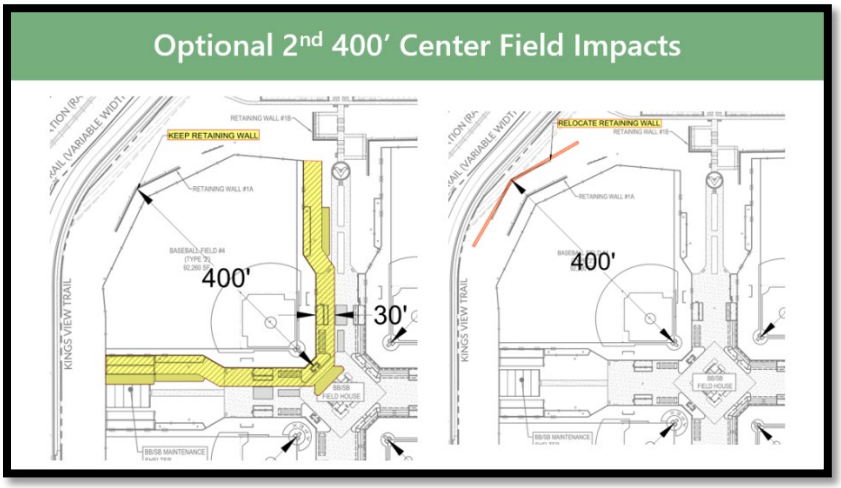
Director Setzer said that ball fields are often designed with very different lengths and shapes, and these differences give them different characters.

Ms. Reincke said that having varying fence lengths is part of the design for these fields.

Councilmember Gantt asked if adding overflow parking would mess up the field area.

Assistant Town Manager Stone said that if overflow parking is added there will be 100 added space. He said the downside is that the ordinance doesn't allow for this overflow parking, so the ordinance would have to be changed to accommodate the overflow parking, and also, the volleyball court would have to be moved as well as the shelter to build the road to get to the area.

[SLIDE 14]



Councilmember Mahaffey asked why the southwest field wouldn't work to create the 400' fence.

Assistant Town Manager Stone said that 400' from the plate there would extend to the road.

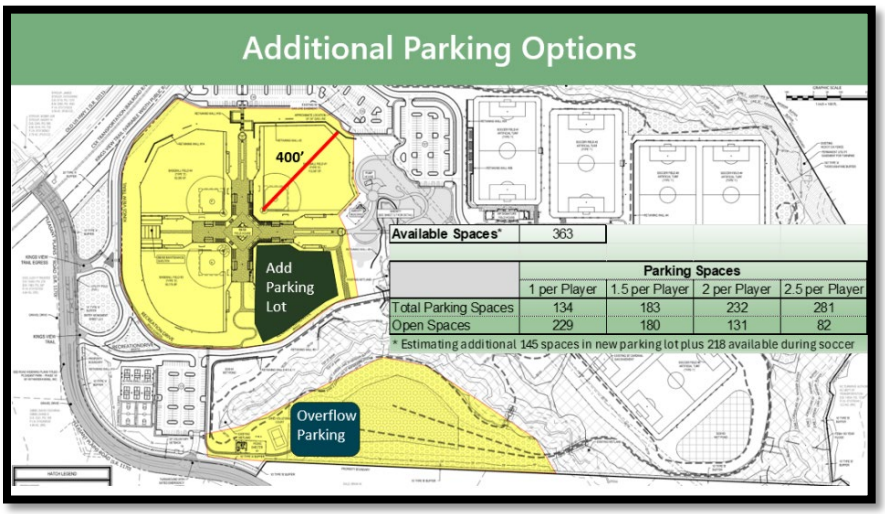
Councilmember Mahaffey said that relocating the road would also probably be a significant expense.

Assistant Town Manager Stone said that there wasn't any way to relocate the road because of tanks.

Councilmember Zegerman asked if any of the options had been priced out.

Assistant Town Manager Stone said no.

[SLIDE 15]



[SLIDE 16]



Assistant Town Manager Stone asked the Council for directions on which option.

Councilmember Zegerman suggested the option to build the original design and studio.

Assistant Town Manager Stone said that could be done.

Councilmember Zegerman asked about the cost and possibly moving the stormwater facility.

Assistant Town Manager Stone said that they may have to look at some things like that with the designer

Councilmember Zegerman said that he was trying to get a gauge on the cost.

Councilmember Mahaffey said that he was against removing one of the fields.

Councilmember Killingsworth said ignoring the parking issues wasn't a good idea and so adding overflow parking should be looked at. She said that the 400' center line was

also a good plan. She said she was in support of options 1 or 2.

Councilmember Gantt said that he is not in support of overflow parking and removing the volleyball court. He said he would be fine with option 1 or 2

Councilmember Mahaffey asked if the option of adding parking would be a good option if there was property acquisition needed.

Assistant Town Manager Stone said that it is within the current footprint but if the desire was to expand the footprint it could be looked at.

Councilmember Zegerman said that he wasn't in favor of purchasing property for a few times of the year overflow would be used.

Mayor Gilbert asked if the 6-9 times per year would be more than 6-9 days of use for the overflow parking.

Director Setzer said that it could be about 9 weekends out of the year. He said that another issue is that when the soccer clubs' practice, they bring in possibly 5 teams and this is not designed for this, so it has to be mitigated moving forward and restrict the usage to two teams on the field. He added that they will also have to bring in a parking facilitation contractor for tournaments, especially once the baseball/softball field is added.

Mayor Gilbert asked about overflow parking and if it floods with bad weather.

Assistant Town Manager Stone said that the multi-purpose fields and baseball fields are turf but if it is raining, soccer and lacrosse will play, but you would not be using overflow parking. He said that also the overflow parking lot will be expensive.

Councilmember Zegerman asked for a cost estimate for future reference for the overflow parking option.

Assistant Town Manager Stone said staff could ask the designer to design it to see how many spaces they would get and the cost, and the town could use it to bid on the project when it is moved forward.

Mayor Pro-Tempore Gray said that it was concerning that Apex would be building something knowing there would be a deficit in parking.

Assistant Town Manager Stone said this was based on soccer and tournaments and there could be normal use without issues, but it is the tournaments that would be the concern.

Mayor Pro-Tempore Gray asked Assistant Town Manager Stone to go through the worst-case parking scenario

Assistant Town Manager Stone said that the parking issue can be controlled, and they may have to close some of the other fields if there were tournaments.

Councilmember Zegerman said that is understandable.

Councilmember Gantt suggested charging for parking during tournaments and people would start carpooling.

Director Setzer said this is not a soccer complex, which don't typically have amenities such as pickle ball court or tennis courts, and it would be a challenge to charge to come into the facility to use those amenities then charge for parking just because a tournament was going on.

Mayor Gilbert said that once this is built, Parks & Rec will be getting a lot of calls for

tournament interest.

Director Setzer said yes. He said that there was $1.8 million from Wake County for this particular phase of the project. He said that he had asked Wake County about taking away a field and how that may impact the grant funding, but he has not received final word yet.

Councilmember Mahaffey asked if they moved forward with option 2 and do the design if it is decided to build it as a stage three would that be an option. He said he was concerned about parking and looking at other options and wanted reassurance that the programming can be controlled until there is a final solution. He said that his primary concern is the access to the park.

Councilmember Gantt said that they agree on that.

Councilmember Mahaffey said that moving forward with the design process the overall plan should be kept in mind to make sure that they are moving in the right direction. He said that there are two issues, parking is number two and getting a second access point is number one.

A **motion** was made by **Councilmember Gantt**, seconded by **Councilmember Killingsworth**, to approve the Pleasant Park Field Design Phase 2 – Option 2, to have 4 fields, modifying one to have a 400' Center.

VOTE: UNANIMOUS (5-0)

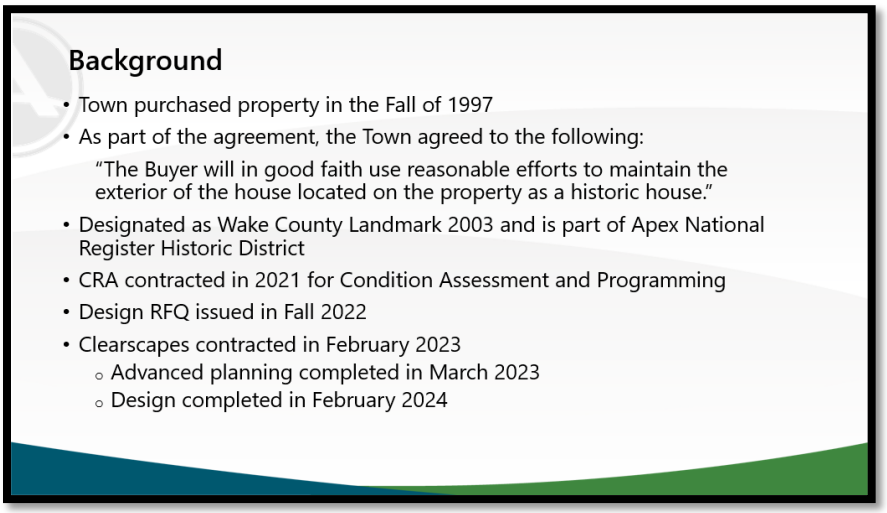
[TUNSTALL HOUSE PROJECT UPDATE]

Marty Stone, Assistant Town Manager gave the following presentation:

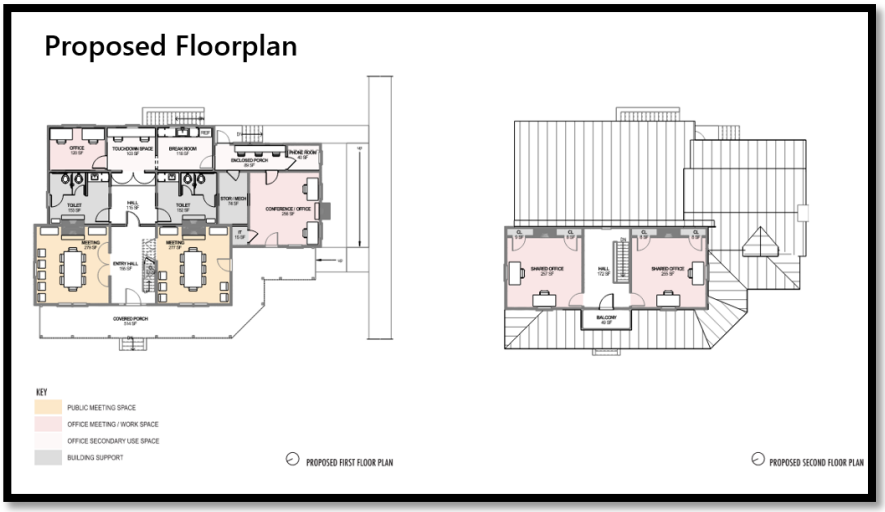
[SLIDE 1]



[SLIDE 2]



[SLIDE 3]



Councilmember Gantt asked what the current plan of the house.

Assistant Town Manager Stone said that he did not have it but it's very similar to this, and the walls are in the same place.

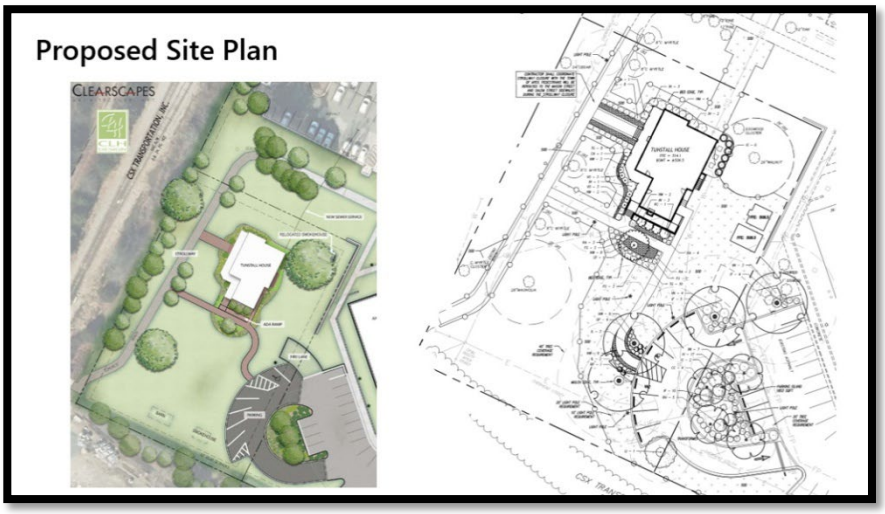
Councilmember Gantt asked if the plan was to move walls.

Assistant Town Manager Stone said that there would not be any walls moved. He said that the house was built in 4 phases, and it makes it difficult to change the load bearing walls.

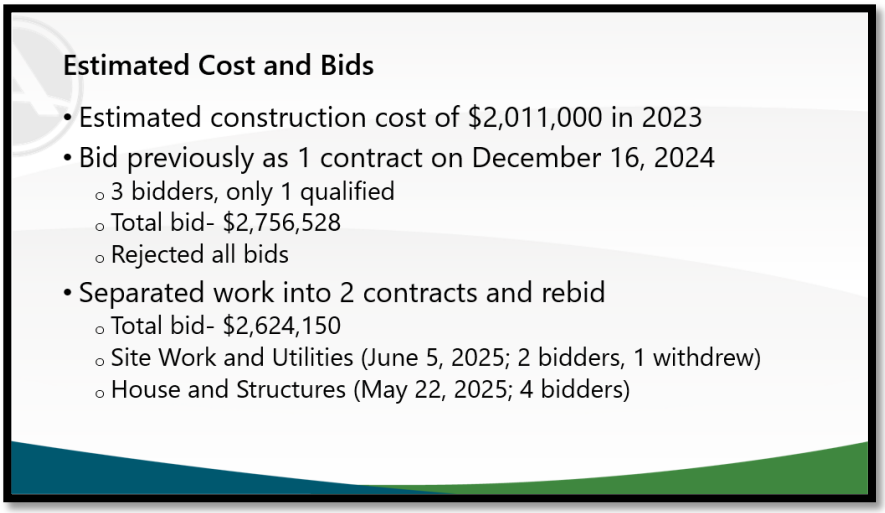
Councilmember Zegerman asked with this being a historic property, could the interior character be changed, or would it need to stay the same.

Assistant Town Manager Stone said that the interior can be changed but some of the features are nice and the preference would be to keep those features, for example the fireplace.

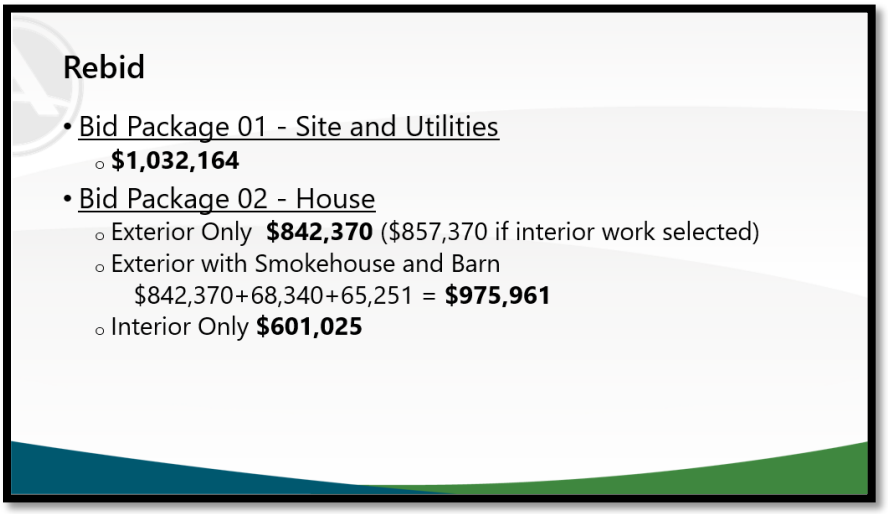
[SLIDE 4]



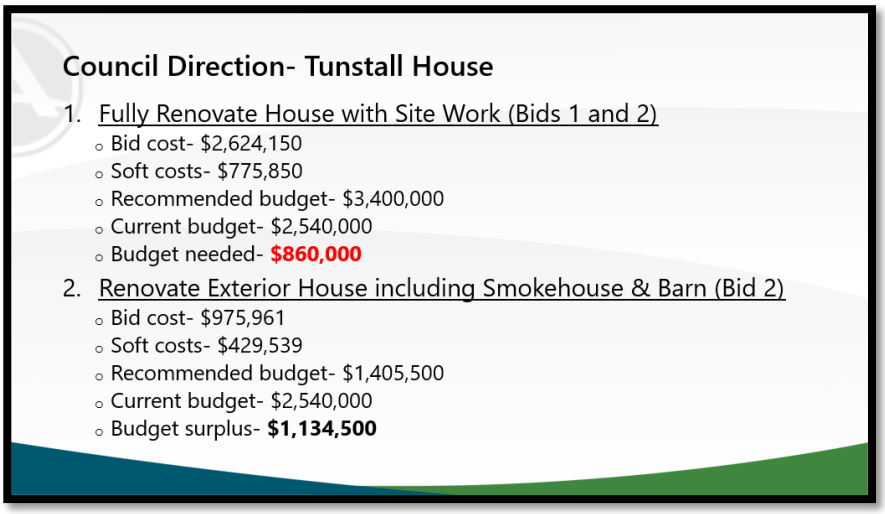
[SLIDE 5]



[SLIDE 6]



[SLIDE 7]



Councilmember Zegerman asked how much of the $775,000 is part of the early work, like design or initial setup.

Assistant Town Manager Stone said that there is $2,263,000.00 available. He said the goal is to get to the ultimate budget. He said that the bid cost and soft cost there would be a recommended budget of $3.4 million.

Councilmember Zegerman asked what had been spent and what is forecasted to complete the project.

Daniel Edwards, Senior Capital Projects Manager said that about $300,000 had been spent to date.

Councilmember Zegerman said that approximately $3.1 million would be needed.

Mr. Edwards said yes.

Assistant Town Manager Stone said that with this option and the recommended budget of $3.4 million and the current budget money that they have, there would need to be $860,000.00 to be able to move forward with the project. He said that the bid for the interior and exterior of the house expires in July, so if we are going to move forward, there will be an updated bid.

Councilmember Zegerman said that the $300,000 has already been spent and the budget amendment on the project would be $860,000, so the new spending would be closer to $560,000.

Councilmember Mahaffey asked if the contingencies would have to be covered.

Assistant Town Manager Stone said yes. He said that before the project is moved forward, they want to make sure that everything will be covered, building costs and final touches. He said that this is for the project budget not just a construction budget.

Mayor Pro-Tempore Gray asked if option# 1 included the site work zone.

Assistant Town Manager Stone said that option# 1 includes everything, parking lot, site utilities and the interior of the house with furniture, fire alarm, IT, etc. He said that option #2 would be made structurally sound, fix siding, make the porch safe and the roof and

ventilation which should prevent it from deteriorating. He said that if Council wanted to do option #2 that the inside could be done in the future.

Mayor Gilbert said it was clear that everyone wanted to move forward with this project. He asked about the public input and engagement.

Assistant Town Manager Stone said that the structure has been looked at, the exterior and then the interior and what it could be used for.

Mayor Gilbert said that it was talked about and considered looking at another site but didn't.

Director Khin said there was bidding as part of the downtown plan.

Mayor Pro-Tempore Gray said that the interior can still be decided and it's a great opportunity to have the public's input.

Assistant Town Manager Stone said the only walls moved around were to make things fit better but there were not any big structural changes.

Mr. Edwards said that there were some minor changes, like one of the bedrooms was changed into a bathroom.

Mayor Pro-Tempore Gray said that once it's built it will be a lot easier for the public to be involved with what it may be used for.

Councilmember Mahaffey said that the space and the renovation plans are flexible.

Councilmember Gantt said that the uses would be viable in the future.

Mr. Edwards said that there is an area that is at head height, and it has been flagged as a safety issue and will most likely be fixed.

Councilmember Killingsworth said that she agreed with Mayor Gilbert that there needs to be public discussion and input on the uses.

A **motion** was made by **Councilmember Mahaffey**, seconded by **Councilmember Killingsworth**, to approve the Tunstall House Project, Option 1, Fully Renovate with House with Site Work (Bids 1 and 2).

VOTE: UNANIMOUS (5-0)

[ADJOURNEMENT]

With no additional business being presented before the Council, **Mayor Gilbert** adjourned the meeting at **5:32 PM.**

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 26th of August, 2025 (NB1).

APPROVED MEETING MINUTES

TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, JUNE 24, 2025
6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, June 24, 2025 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=pR4ihjD6Prg

[ATTENDANCE]

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

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 are 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 recognized the new Town Clerk of Wake Forest, Evelyn Wright, who was shadowing Apex's Town Clerk Allen Coleman. He also recognized Jack Otepka with 621

Productions and congratulated him on 20 years in business. He then took a moment of silence and led those in attendance in the Pledge of Allegiance.

[CONSENT AGENDA]

Mayor Gilbert moved to the Consent Agenda. He noted that CN16 was modified with a corrected copy and requested that it be pulled from Consent Agenda and moved to New Business.

A **motion** was made by **Councilmember Gantt**, seconded by **Councilmember Zegerman**, to approve the Consent Agenda with Consent Item 16 moved to New Business.

VOTE: UNANIMOUS (5-0)

CN1 Agreement - Apex Chamber of Commerce - The Depot Lease Agreement - July 1, 2025 through June 30, 2028 (REF: CONT-2025-194)

Council voted to approve a revised and restated lease agreement between the Apex Chamber of Commerce and the Town of Apex; effective July 1, 2025 through June 30, 2038; and authorize the Mayor Jacques K. Gilbert, to execute on behalf of the Town.

CN2 Agreement Ratification - North Carolina Department of Transportation (NCDOT) - Supplemental Agreement No. 2 - Fred Smith Company - Beaver Creek Greenway (REF: CONT-2025-195)

Council voted to ratify an oral Change Order to the existing Greenway Construction Contract between the Town of Apex and FSC II, LLC, dba Fred Smith Company, Inc., for additional services for underground water service location as a part of the construction of the Beaver Creek Greenway.

CN3 Agreement - North Carolina Department of Transportation (NCDOT) - Traffic Review and Inspection Agreement - Tunstall Avenue and Center Street Sidewalk (REF: CONT-2025-196)

Council voted to approve a Traffic Review and Inspection Agreement between North Carolina of Department of Transportation (NCDOT), to review and inspect signal upgrades at E. Williams Street at James Street and Center Street at N. Mason Street to provide signalized crosswalks as part of the Tunstall Avenue and Center Street Sidewalk Project, and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN4 Annexation No. 769 - Thriftwood Drive and Derry Down Lane – Insufficient (REF: RES-2025-036 and OTHER-2025-058)

Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received and to accept the Statement of Insufficiency related to Annexation Petition No. 769 – Thriftwood and Derry Down Lane.

CN5 Capital Improvement Plan (CIP) Adoption - Fiscal Year 2025-2026/2029-2030 – Capital Project Ordinance Amendments 2025-13, 2025-14, 2025-15, 2025-16, and 2025-17 (REF: ORD-2025-041, ORD-2025-042, ORD-2025-043, ORD-2025-044, and ORD-2025-045, and PLCY-2025-011)

Council voted to adopt the Fiscal Year (FY) 2025-2026/2029-2030 Capital Improvement Plan and Capital Project Ordinance Amendment No. 2025-13, 2025-14, 2025-15, 2025-16, and 2025-17.

CN6 Capital Project Ordinance Amendment No. 2025-12 – GoApex and Tunstall House Funding Allocations (REF: ORD-2025-046)

Council voted to approve Capital Project Ordinance No. 2025-12 appropriating funds for the Tunstall House Project and Go Apex Improvements.

CN7 Contract Amendment - Fred Smith Company - Change Order No. 3 - Middle Creek Greenway - Additional Costs and Extend Completion Date to September 19, 2025 (REF: CONT-2025-197)

Council voted to approve Change Order No. 3 to extend the project completion date to September 19, 2025 and to cover additional project costs for the construction of Middle Creek Greenway, and to authorize the Town Manager or their designee to execute on behalf of the Town.

CN8 Contract Amendment Ratification - Salisbury and Moore Construction Inc. - Apex Community Park Street Rinks Construction (CONT-2025-198)

Council voted to ratify a Change Order to the existing Construction Contract between the Town of Apex and Salisbury & Moore Construction, Inc, for construction of the Apex Community Park Street Hockey Rinks.

CN9 Contract Award – Down East Preservation Construction and Design LLC – Tunstall House Preservation Project – Buildings (CONT-2025-199)

Council voted to award the Tunstall House Site and Utilities Construction Contract to C.T. Wilson Construction Co., Inc. and to authorize the Town Manager to execute the contract on behalf of the Town

CN10 Contract Award – C.T. Wilson Construction Company – Tunstall House Preservation Project – Site and Utilities (REF: CONT-2025-200)

Council voted to award the Tunstall House Building Construction contract to Down East Preservation Construction and Design, LLC and to authorize the Town Manager to execute the contract on behalf of the Town.

CN11 Contract Award - Nature Trails, LLC - Design-Build Contract for Hunter Street Bike Track (REF: CONT-2025-201)

Council voted to award a Design-Build contract with Nature Trails. LLC., and the Town of Apex, for Hunter Street Park Bike Track design build project totaling $299,855.00 and authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN12 Contract Multi-Year Renewal – Zencity Technologies US Inc. – July 1, 2025 through June 30, 2028 (REF: CONT-2025-202)

Council voted to approve a multi-year contract with Zencity Technologies US Inc. for a web-based platform to conduct community surveys and engage with residents, effective July 1, 2025 through June 30, 2028, and to authorize the Town Manager to execute on behalf of the Town.

CN13 CSX Transportation Inc.- Authorize Project Initiation Form - Rail Relocation Study (REF: CONT-2025-203)

Council voted to approve a New Project Initiation Form with CSX Transportation, Inc. for the Rail Switching Operations Relocation Study, and to authorize the Town Manager, or their designee, to execute the form on behalf of the Town.

CN14 Council Meeting Minutes – Various

Council voted to approve, as submitted or amended, Meeting Minutes from the following meetings:

May 27, 2025 – Regular Town Council Meeting Minutes

June 02, 2025 – Community Town Hall Meeting Minutes

CN15 Ordinance Amendments - Chapter 2 - Administration and Chapter 15 - Parks and Recreation - Various Sections - Resident Advisory Board Structure Changes (REF: ORD-2025-047)

Council voted to adopt an ordinance amending Chapter 2 - Administration and Chapter 15 - Parks and Recreation sections of the Apex Town Code of Ordinances to reflect various resident advisory board structure changes

~~**CN16 Resident Advisory Board Administrative Policy Adoption**~~
Council voted to move this item to New Business 3.

CN17 Resolution – Abandon Existing Sanitary Sewer Easement - 505 and 513 South Hughes Street (RES-2025-038)

Council voted to approve the Resolution to Abandon an Existing Sanitary Sewer Easement relating to the abandonment of a sewer easement across 505 and 513 South Hughes Street in Apex, North Carolina

CN18 Resolution - Establishment of Peak Plan 2055 Task Force (REF: RES-2025-039)

Council voted to adopt a resolution establishing a non-standing Peak Plan 2055 Task Force.

CN19 Resolution - Water Resources Development Grant Program - Beaver Creek Nature Park Stream and Floodplain Restoration (REF: RES-2025-040)

Council voted to approve a Resolution Entitled "Resolution Requesting Financial Assistance Through a Water Resources Development Grant Related to Beaver Creek Nature Park Stream and Floodplain Restoration".

CN20 Resolution of Support Installation of Public Art in Public Right-Of-Way - Salem Street Crosswalk Mural (REF: RES-2025-041)

Council voted to adopt a resolution titled "A Resolution of the Town Council of the Town of Apex, North Carolina, Supporting the Installation of Public Art in the Public Right-Of-Way at Salem Street Crosswalk"

CN21 Surplus Badge and Service Weapon - Former Apex Police Captain Justin Rosser

Council voted to declare one (1) badge and (1) service weapon (Glock Model 17 9mm handgun, with S/N Serial Number XTA-797) as surplus property, set the price for such weapon to be $1.00 (One Dollar); and, award the stated badge and service weapon to Former Apex Police Captain Justin Rosser who resigned from the Apex Police Department effective June 22, 2025.

[UPDATES BY TOWN MANAGER]

Town Manager Vosburg gave updates on the following:

- **E Suite to MyAccount Transition** - Migration is taking place from **June 28 to July 6** and there will be a blackout period with no online, phone, or online banking payments during this time. There will be In-person payments only at Town Hall via cash, check, or money order and account history will still be viewable in E Suite.
- **Holiday Closure** - Town Hall will be closed on **July 4th** for Independence Day.
- **Fourth of July Events** - **Fireworks Frenzy** will be on **July 3rd, 5–10 pm** at Hunter Street including a drone light show that is new this year, and the **Old-Fashioned Fourth of July** is also held on **July 4, 9 am – 1 pm** in Downtown Apex.
- **Recent Community Events** - **Pride Festival** and **Juneteenth** were both held at Town Hall campus and were very successful.
- **Next Town Council Meeting** is scheduled for **August 12** after a brief summer break.

Mayor Gilbert thanked Town Manager Vosburg and asked if there were any questions, with no questions he moved to setting the Regular Meeting Agenda.

[REGULAR MEETING AGENDA]

Mayor Gilbert set the Regular Agenda with changes of Public Hearings No 1, 5, and 6 are requested to be continued until August 12, 2025 Council meeting, Consent Item number

16 is requested to be moved to New Business as well as the addition of a Closed Session Item to Consult with the Town Attorney.

A **motion** was made by **Mayor Pro-Tempore Gray**, seconded by **Councilmember Zegerman** to approve the Regular Meeting Agenda with the changes of Public Hearings No. 1, 5, and 6 to be continued until the August 12, 2025 Council meeting, Consent Item number 16 to be moved to New Business, and the addition of a Closed Session to Consult with the Town Attorney.

VOTE: UNANIMOUS (5-0)

Mayor Gilbert moved to Presentations.

[PRESENTATIONS]

PR1 Apex Public School Foundation - Quarterly Peak S.T.A.R. Awards - 4th Quarter

Councilmember Terry Mahaffey presented the Quarterly Peak S.T.A.R. Award. He said this the Town of Apex and the Apex Public School Foundation recognize and honors one of Apex's Public School's Employee for the work done to educate Apex's students. He asked Jack Otepka with the Apex Public School Foundation to come up and speak on the award.

Jack Otepka with the Apex Public School Foundation said that they currently support 19 Wake County Public Schools and were awarded over $23,000.00 in grants this past year. He said that each Tuesday the Apex Public School Foundation celebrates exceptional education or educators. He introduced Ms. Cleo Morrisy and ESL teacher with Laurel Park Elementary as the quarterly Peak Star Award along with Laurel Park Elementary School Principal Charelle Lovett. He spoke about her dedication to helping every student feel at home, and her high energy, compassion, and inclusiveness in every space she enters. He congratulated Ms. Morrissey on being recognized for this Quarter's Peak Star Award.

Ms. Morrissey came up to receive the award and take pictures.

Ms. Lovett spoke about the Irreplaceable Report in the New Teacher Project, and it focusses on outstanding teachers in public schools. She said they are cultural carriers, consistent problem solvers and make others around them better.

PR2 Proclamations - Apex Parks and Recreation Month 2025 (REF: PRO-2025-030)

Mayor Gilbert, along with the rest of the Town Council, read the Proclamation - Apex Parks and Recreation Month 2025. He invited Director Craig Setzer and members of the Parks, Recreation, and Cultural Resources Department to accept the proclamation and take pictures. He also recognized members of the Public Art Committee for attending as well as the Advisory Board for Parks and Recreation. He invited Parks and Recreation Special Event Intern, Jacoby Kolanko to speak.

Mr. Kolanko gave information about the National Parks and Recreation monthly event, the Summer Slam Basketball Tournament on July 26th from 11:00 am to 3 pm with additional activities, free Acai samples, Food Trucks and Yard Games.

[PUBLIC FORUM]

Mayor Gilbert moved to the Public Forum and invited the first speaker up.

First to speak was **Shanae Artis** at 1118 Kissena Lane, Apex:

"I was invited here by Mr. Welch from the Housing Choice Advocates program, and they pretty much wanted me to come and just share a little bit about my homeownership journey thus far, so in 2014, I moved from New York to North Carolina, literally with only what could fit in my car, me and my 5-year-old daughter at the time, she's 16 now. We packed the car and drove down here to restart our life. We settled in Cary, North Carolina, and lived in a one-bedroom apartment with just an air mattress, a TV, and a TV stand for one whole year. While we were there, homeownership was never something I imagined for myself. My family grew up renting apartments and things like that, so it wasn't something that was the American Dream for me. It wasn't until I started going to a church here and I met a woman, an older woman but a young woman in spirit who specifically had a ministry for helping single mothers' own homes, that I even considered the idea of being a homeowner myself and so I started to get connected with different women, specifically women of color women who also had either been mothers or single mothers. I was able to see a lifestyle I did not see living in New York. This woman, she convinced me to start considering homeownership, and I took her up on the offer. She connected me with a lender and at that time, the lender let me know I needed to do some credit repair to be eligible. I was totally for it. I was working, so I had a small amount of income to do some of that work and so I started saving money and working on my credit. That took me about two years, so that lender, I don't know what happened to him, honestly. The second lender she told me about, I got connected to him, and he let me know, if you are not willing to move outside of Wake County, maybe to Rocky Mount or something like that, then I can't help you. His thought was that housing in Wake County is not affordable, but for me, being a solo parent with a child, going to Rocky Mount, I'm not from North Carolina I'm not doing that. It was already a culture shock coming all the way from New York here. So, to think that I would go to Rocky Mount on top of that was like, I'm not doing that, so we stayed where we were for a few more years. I got a better job, we got a bigger apartment, she got her own room, we modestly furnished it, and things improved. I got connected with a third lender a few years after that, and he let me know, I'll never forget, he called me, I was in Costco in Apex Pine Plaza, in my car. He called me to give me his evaluation of my situation, and he laughed at me, he said, "Ms. Artis, unfortunately, you don't make enough money. Either you need to get a better job, or you need to get a man" and I was like, excuse me? I didn't say anything. I took it for what it was worth, and I kept it pushing, but it kind of broke my spirit, because like I said, I never considered homeownership in the

first place, and then to be what I felt was a little bit close and to hear that, it was very frustrating. Long story short, I kind of let the dream go and went on about my life. At the time, I was working for a nonprofit assisting woman who were transitioning out of prison and so my role was to support them as they were preparing, and then once they got out, I would get them connected to our re-entry homes. I would literally go pick them up from prison in downtown Raleigh, take them to our transition home, support them while they were in the home, and then when they were ready to transition into their own, I would be the support for them to do that as well. While working with one of the women, she reached out to me and asked, "I want to apply for this program called Habitat for Humanity. Can you please do a landlord reference for me?" because technically, I was her landlord, being that she was in our re-entry program. I said, okay, fine. Perfect. I'll do that. I researched Habitat, because I had heard about it a little, like they build people homes and things like that, but I didn't know the gist of the program. I looked into it, did my research, signed the form, and let it go. A few months after that, I had other women coming to me going through the same program and I was like, this is amazing, these women coming out of prison are getting homes, like, what's going on? But the thought also came that that wasn't for me, because that wasn't my situation and me being someone who, yes, I may not have had the financial means at the time, I wasn't justice-involved, I wasn't in that dire need, so I didn't feel like it was for me, so I didn't go for it. Fast forward maybe a few weeks or a couple of months later, another woman I knew of, who was like a mentor to me, reached out and said, "Have you thought about applying for Habitat for Humanity?" And I said, "Actually, I have thought about that, but I don't think that's for me, I think that's for the women that I work with." She said, "I think you need to look into it, the application process is open." So, I said, "Okay, fine." In August or early September, I applied for the program, by the end of September, I got approved, by October 21, I was doing my hours. I was down here, off of Kissena Lane, helping to build the house and I remember saying to myself, I want to live here, having no idea that would actually be where I am today. I went through that program. It should have been an 18-month program, it took me six months, literally, to do my hours. I helped build my house and about three other houses on that block, which to me is just amazing but all of that to say, homeownership has given me and my daughter a sense of stability that, when we first got here, we did not have. We didn't know what to expect. I just knew I wanted better, and for me, being able to get into this space has not only been a blessing, but it's allowing me to create generational wealth for her and for the generations to come. My daughter is in a stable school environment. She goes to Apex High, she loves it, she hates it, but whatever, we know how it is being in high school, right? But she has a stable environment with kids she's going through the grades with, and she's learning and building relationships with people that hopefully she may go to college with, or she'll know years down the road. That's something I did not have, so being given an opportunity to create that for her has been such a blessing to me. Apex has welcomed us with open arms. Our community, we have about nine other Habitat homeowners, but we also have other homeowners who are not. They went the traditional way, but we all respect each other, we all look after each other. We have a community. We care for one another and I'm really appreciative of that and grateful. So, when Mr. Welch asked me if I would come and share my

story, I said, absolutely, because I really want to hopefully use my story to inspire you all and whoever makes those decisions to create opportunities like these for other people like myself, I understand there are stigmas that come with people, maybe with low income and things like that, but that's not always the case for everybody. Some people really just need an opportunity to do better for themselves and for their children, and when they get that, they're willing to give back and be the community member that they need to be to be productive. So, thank you all for welcoming me tonight. Thank you, Apex, for welcoming me into the community, and I hope we can create some more opportunities for others like me. Thank you."

Mayor Gilbert thanked the speaker and called the next speaker.

Next speaker was **Mary Miskimon** of 3177 Retama Run, New Hill:

"Thank you. Good evening, Mayor Gilbert and council members. Thank you for addressing concerns over Apex's lack of reasonably priced entry-level housing, which we just heard about. I understand there were several workshops around affordable housing back in April, and I attended those, but tonight we find it's already under new business with no public hearing, so think this is a really big issue, as we've heard about, and I would have liked to have had a Public Hearing on it tonight so that more folks we already heard some, you're going to hear from me, could have addressed it. Over the past several years, I've heard from many, many Apex residents, hundreds, actually, about concerns regarding regulations that make doing business in Apex more expensive and that make housing more expensive, especially for our older folks and they have some questions which I am sharing with you tonight. Medium home prices are down in Apex over the last year. Inventory is up, and we've noticed apartments and home sellers either lowering their prices and/or offering incentives. Can you please list on the town's website your specific data that show there is a need for thousands of new affordable housing units? Can you also clearly define what you mean by affordable housing? Is it always the same definition used by the Federal Housing Administration, especially since municipalities can set their own limits? Would you please clearly post on the town's website, for each taxpayer-funded property, apartments, etc., what formula and/or guidelines were used to determine the AMI and other qualifiers for particular properties, and then justify it by showing the anticipated need? How will the taxpayer-funded, government-subsidized housing impact all housing across Apex? Can you guarantee it will not increase demand, thereby pushing up home prices further across the board? How will you prevent builders from passing along the cost of either building affordable housing or paying fees in lieu, or land in lieu, thereby raising the cost of housing across Apex? How will increasing density and otherwise altering the town's development standards, while reducing parking requirements, impact on the overall appearance of Apex and specifically its small-town appeal that is actively used as marketing to draw more residents to our area? And finally,

how will adding more subsidized housing impact an already stressed infrastructure? Since I have a little bit of time, is there another town or city upon which this affordable housing plan is based, that you can show, where it made the area more affordable while also protecting the quality of life of all residents? Thank you very much."

Mayor Gilbert thanked the speaker and called the next speaker.

Next speaker was **Dawn Cozzolino** at 3632 Bosco Road:

"I brought a little something with me tonight. I don't know if you see the New Hill horse, he's got the billboard back there, he's got his New Hill shirt on. It's not just a prop, it's a message, a symbol, a reminder that we show up. We show up at the meetings, we file public records requests, we analyze data. We propose reasonable alternatives. For years, we've engaged with the Town of Apex Town Council the right way, through the official channels, with respect, with facts, and with commitment to the truth. But what we've gotten back is often disappointing delays, deflection, misinformation, and a process that feels designed to wear down people. While there's no shortage of polished presentations and talking points, too often this chamber becomes a theater, while the real decisions happen offstage, away from public view, and that brings me to the elephant in the room, and we're not talking about Disneyland, I know you have your shirts on tonight. It's the continued and expanding use of eminent domain and forced land acquisition by the Town of Apex, not for public schools or critical infrastructure, but for private developers. Let's talk about Beverly Rubin's farm, the town took her land through a quick-take process to run sewer infrastructure, sewer that directly serves private Parkside Developers, not the surrounding community, we all have well and septic. She didn't volunteer that land, it was taken, or look at RXR Veridia development, a private development, where the town again pursued eminent domain, bypassing less disruptive routes and impacting historic farmland in New Hill and Friendship. There were other options that we have discussed time and time again that were less disruptive under utilities, not doing tree canopy destruction, but they were not chosen. And why? Because this process increasingly favors development timelines over community protection and every time, we ask for transparency, every time we ask for answers, we are told: "It's just a utility, it's not funded, it's in the Comprehensive Plan, there's nothing we can do." Well, I'm here to tell you, we see it, and we're not going away. So yes, I brought the billboard, it's a stand, it's standing up for our residents and we're going to keep showing up and I hope that you will take this discussion tonight, what you're going to hear and take things seriously. Thank you."

Mayor Gilbert thanked the speaker and called the next speaker.

Next speaker was **Elizabeth Stitt** at 3113 Friendship Road:

"Mayor, Town Council, good evening, came with no notes tonight because there were like three different things rolling in my head, and I couldn't figure out what I wanted to talk about tonight, so, I'm going to do a short snippet of a couple topics. Pleasant Park, I did not necessarily pay attention to the agenda that today or July is the park month, but that is a heat island near my home, and I drove through it, and understandably, nobody was playing out there because there are no trees. Now, a short way down the road on Kelly Road, you have Kelly Park. Guess what? People were playing, because there were trees and so, you know, we talk about Apex being sustainable and good quality of life and how we're moving things forward, but Pleasant Park is not an example of that. We need more trees. I would love for you guys not to cut down my trees on my property that you're going to be cutting down at this point, but we need more trees, we do not need more heat islands. If you want affordable housing, it's not housing that you have to pay a lot of money to heat. If you would have trees, based on the 2018 study that the town did and then most recently the tree canopy study, if you want affordable housing, you shade your house so that it's more affordable. So, where Dawn made comments where we're told, hey, things can't be done a certain way, when you go and do these larger developments and you have to clear-cut, what about leaving enough space that that homeowner can actually plant a tree to maybe shade their house, so they have a sustainable way of cooling their house and not stressing the grid? So, you know, we talk about quality of life, we talk about, let's go to parks, we talk about sustainability but where are the results? Where are we moving the needle forward? This is my fourth year coming consistently to these meetings and raising issues and concerns that impact our community, and very little has changed and the question is, why? Because it doesn't have to be that way. So, you know, I followed the different public hearings, and most recently there was a special use permit for Peak City Church. I did get legal standing in that particular meeting because I'm directly impacted. We found out on April 8th that they are doing pretty much a 6-acre spray septic field, and the hearing was April 15th. The town knew about it months before and did not share it with us, and did not require them to share it with us. So, when we talk about a process that is stacked against people, it's these types of processes, we can raise the quality of life by actually working with each other. Thank you."

Mayor Gilbert thanked the speaker and called the next speaker.

Next speaker was **Elizabeth Brunner** of 306 Hinton Street:

"Twenty-minute Walk here, a little bit sweaty, and that's going to be relevant for my comments, I'm age 62, phasing into retirement after 24 years with Habitat for Humanity, primarily the international headquarters. Congratulations, yay for you, love the trees, like New Hill, appreciate the parks. I'm going to begin with a compliment. I am now a bus rider, and I relinquished my car six months ago. So, I walk everywhere, probably familiar if you go down Hunter Street and I take the bus. The bus in this heat is blissfully air-conditioned, bravo and thank you for the drivers for cranking that up. But it's a little bit uncomfortable waiting for that

bus and uncovered, you know, standing up at a stop. So, we should work on some of that. I am so excited that there is going to be a bus route that will include the parks, yay to the Parks Department and the library coming in 2028. So, for me, that's three long years of very sweaty walks, particularly to the library. For me, the Eva Perry Library, my favorite place in Apex, is a four-mile loop hauling a roller cart of books. I did that through the winter and the spring, and it's not too bad if you take the shortcut, the Greenbelt through Shepherd Vineyard. It's impossible now, the heat and misery, I can't do four miles there, or I can't do that walk anymore. So, I have a suggestion. I think we should use those two lovely new passenger buses from our friends at the Parks, Recreation, and Cultural Center. I actually, when I'm waiting for the 305 bus on Mason Street, I see them, I see them just sitting in the parking lot there unused, and I think, "Oh man, couldn't that bus take me every couple weeks to the library?" So that is my request. Similarly, when I hear about the wonderful park activities, I want to go to the Apex Nature Park, I want to go to the Pollinator Fest this week but that is impossible if you're walking from downtown Apex, because our current bus route doesn't serve the park, so, you've got three years. That's all you need to do, in which you can shuttle me and other bus-dependent people to the library. The checkout period for Eva Perry Library is three weeks, so we could just even do one loop there and back every three weeks, return my books while the weather is extreme. I would do some kind of celebratory dance if you'll do that. Thank you."

Mayor Gilbert thanked the speaker and called the next speaker.

Next speaker was **Alexis Kennedy** of 106 Buck Haven Court:

" Good evening, Council members. As Council Member Ed and Brett know, I wasn't supposed to be here. My outfit at this time was supposed to be a cowboy theme for my son's swim meet, but instead, I'm in mourning garb. Today is different from my other times here, there are no smart remarks or looking to educate my community. I am here with a broken and angry heart. For the last several months, I've had the honor to be part of a group caring for a little boy from Gaza who was here in Raleigh. His name is Islam, and he is all of nine. He's here because a bomb was dropped on his house, and he lost his leg and his body was covered in scars. But that didn't stop him. I was his partner in the 5K run, and his heart demanded that we did the whole run. Three weeks ago, we threw a party for Islam and his mother, for his and her recovery, as we closed up the party, I kissed Islam's mother's cheek, today I hugged and kissed her again, but this time she's a widow. Yesterday, Israel dropped a bomb on their home, killing her beloved husband, maiming two more of her children. Her youngest, four years old, had his leg amputated, and her daughter has damage to her face and lost her eye. I just left a funeral and came here, and I'm angry. I'm angry at my fellow American. Multiple times I've come here educating my community that we are killing people. When we go to work, those taxes leave our pockets, and instead of staying in our community, it's being taken to go kill women, children, and innocent fathers. I hugged my grieving friend while knowing

that the money and the weapon to kill her husband and maim her children came out of my pocket. I have more friends who I love and know who are in Gaza that are starving right now, and I want to know how much longer we as citizens and politicians are going to stay silent while we murder innocent people. There are a million children in Gaza. What do you think 2,000-pound bombs do to children? What do you think we're going to find under this rubble, I know everybody's seen the pictures. And if you don't know, if you're not sure, you have me, a community member, that can educate you and give you the videos and the personal testimonies. Thank you."

Mayor Gilbert thanked Ms. Kennedy and asked her if she would meet him tomorrow for him to share some information with her. He called up Mr. Hastings to speak.

Next to speak was **Jeff Hastings** of Friendship Road:

"Thank you, Mayor and Town Council. Real quick, I just want to give you an update about PeakFest. I wanted to thank the town for all they've done for us over the last 45 years with PeakFest, and I just want to give you a quick update. This week, over the next 10 days, we will be giving back to the community $30,000 to the nonprofits that have signed up for our grants. I just want to say thank you for everything the town has done for the last 40-plus years and look forward to the next 40-plus years in helping out. Just very simply, I want to say thank you very much because we couldn't do it without, we couldn't do it without your help. I think it's a great event. Next year there's going to be some alterations, I'll say, because of Salem Street, but we're going to be working closely with the festival staff, with the Salem Street project and how that works but we'll make forward that it's a great event for the next years to come. So, I just want to say thank you, and sorry I didn't get here before. So, thank you all."

[PUBLIC HEARINGS]

PH1 Annexation No. 799 – Saint Paul American Orthodox Church – Kelly Road/Holland Road – 4.0626 acres – ITEM TO BE CONTINUED

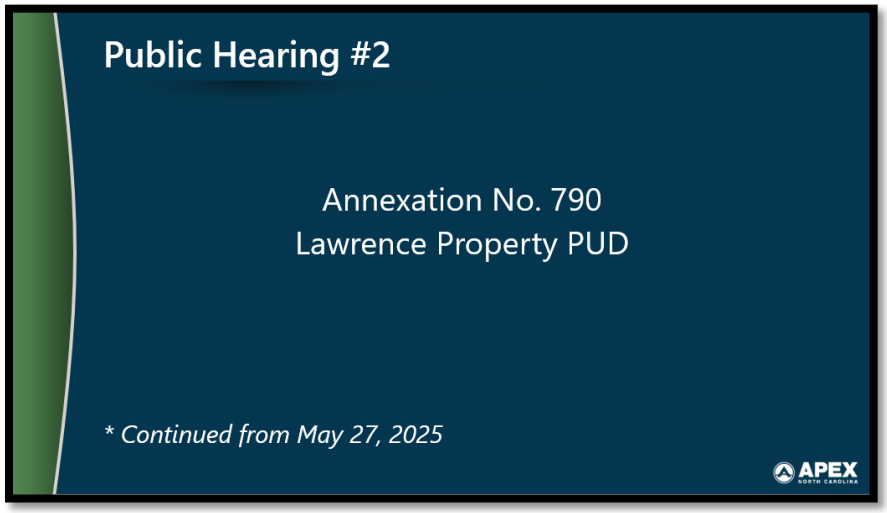
A **motion** was made by **Mayor Pro-Tempore Gray** and seconded by **Councilmember Zegerman** to move Annexation No. 799 – Saint Paul American Orthodox Church – Kelly Road/Holland Road – 4.0626 acres to August 12, 2025 Council meeting.

VOTE: UNANIMOUS (5-0)

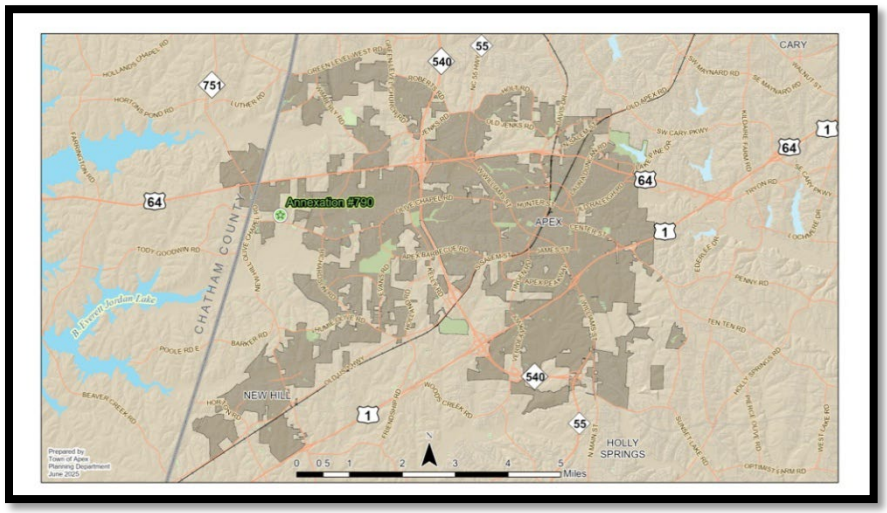
PH2 Annexation No. 790 - Lawrence Property PUD - Olive Chapel Road - 37.98 acres – Continued from May 27, 2025 (REF: ORD-2025-049)

June Cowles, Senior Planner, Planning Department gave the following presentation:

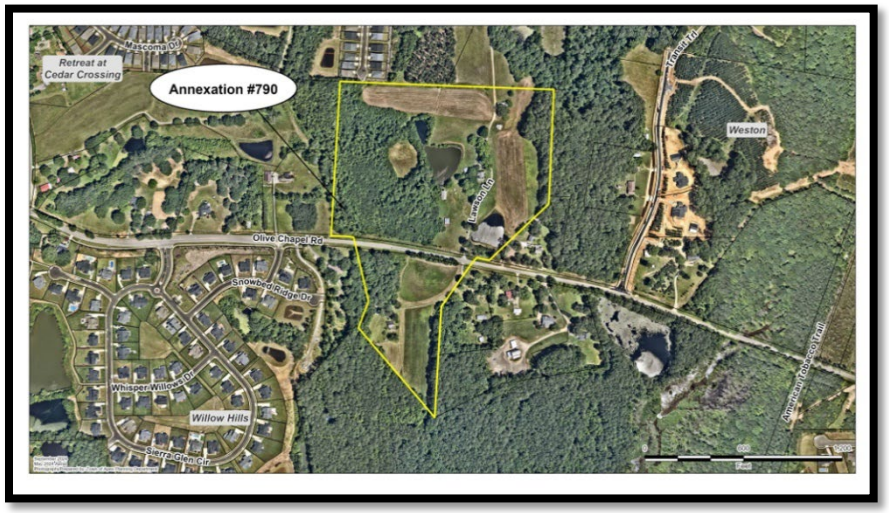
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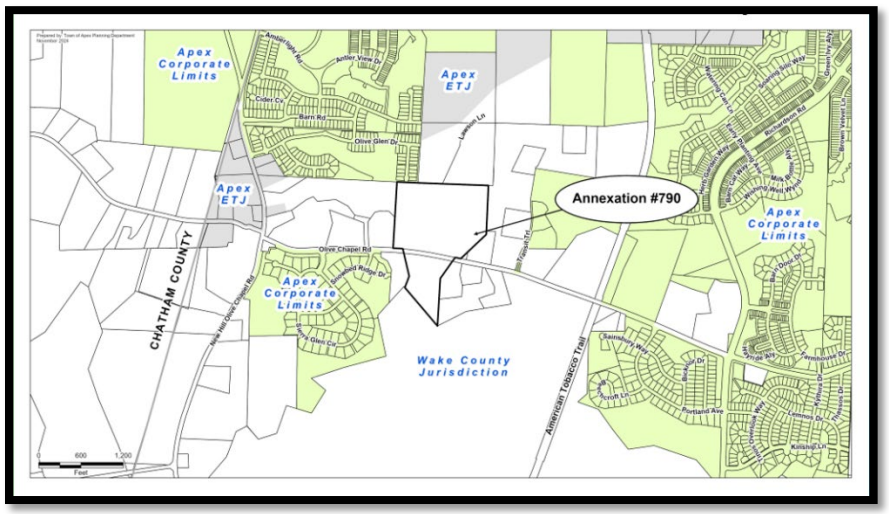
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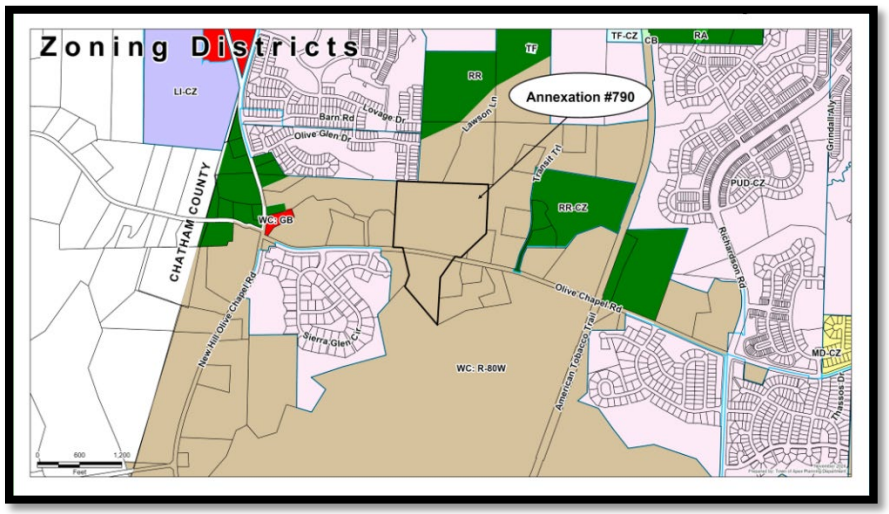
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[SLIDE 4]



[SLIDE 5]



Mayor Gilbert opened up Public Hearing and called up the first speaker.

First to speak was **Laticia Shapiro** with Morning Star:

"Good evening, Mayor, Town Council, we just wanted to let you know that we were here if you had any questions."

Mayor Gilbert called the next speaker.

Next to speak was **John Adcock** with Adcock Law Firm at 202 East Academy Street:

"Good evening. Members of the Town Council, John Adcock with the Adcock Law Firm at 202 East Academy Street in Fuquay-Varina. I represent the property owners that are subject to this, that own the property that this petition is part of. I'm just here to speak on their behalf. They're in favor of it, and to answer any questions if you have any. Thank you."

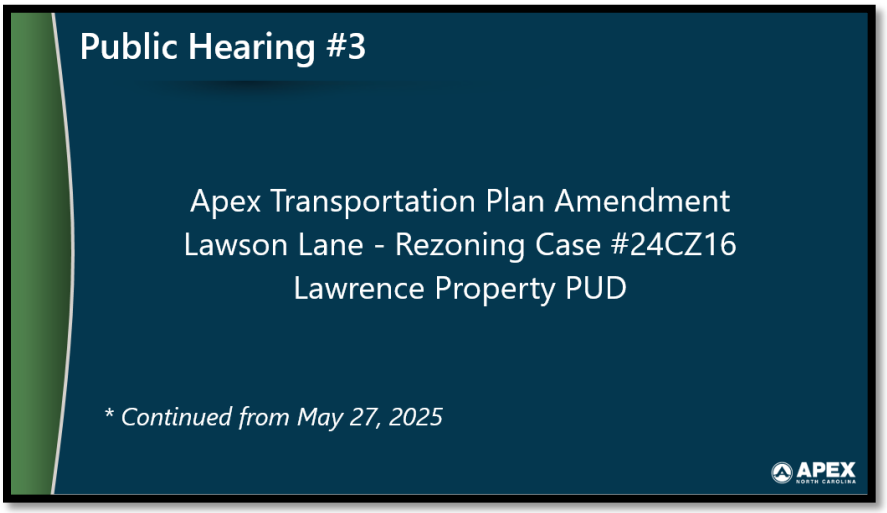
Mayor Gilbert closed the Public Hearing with no others signed up to speak.

AND

PH3 Apex Transportation Plan Amendment - 24CZ16 Lawrence PUD - Continued from May 27, 2025

Shannon Cox, Long Range Planning Manager, Planning Department gave the following presentation:

[SLIDE 1]



[SLIDE 2]



Mayor Gilbert asked if there were any questions for Ms. Cox.

Councilmember Zegerman asked if there are impacts to the wetland would there be mitigation or preservation that would need to be done to realign the road or any other consequences.

Ms. Cox said that she would like the applicant to respond to that.

Bob Zewalt with Kimley Horn said that there wouldn't be any impact on the wetlands. He said they had surveyed the wetlands and located the collector to not have any other impacts.

Mayor Gilbert asked if there were any other questions, with no other questions he opened up Public Hearing and called the first speaker.

First to speak was **Dawn Cozzolino** of 3632 Bosco Road:

"Good evening again. I'm here tonight to express serious concerns on any transportation planning, specifically this amendment for the thoroughfare. It seems very innocuous, but I know that it's really not that way. So, what I have tonight, and I haven't had a chance to really go through this, if you can hear me, just take a look at this. But basically, what I'm indicating here is our community on this particular map, and this is the subject of sewer and roadway taking. Okay, the whole area. So, when I see something like that, it looks like the same thing to me. I want to talk about traffic because that's always ignored. Traffic impacts, these are always ignored. My analysis on all the TIAs for our whole entire area yields over 330 new vehicle trips a day, a day, in our area. And I had to add stickies because you keep zoning and adding on new developments every week. Okay, so that one was just produced a couple weeks ago, and I want to share with you tonight, DOT AADT, annual average daily trips. This is our area. This is a map of our area. What does it show you? It's about 651,000 based on 2024 data, 651,000 daily trips. That's the baseline. This is what's happening. So, we're up to a million. We're up to a million. And you're going to do this. And you're going to keep going. So, I just want the public to know this is the end game, to take everything, make it a roadway,

and then you're going to have gridlock. Because you got service level F roads everywhere, even with mitigation. So, it's going to be a traffic light everywhere, and the roads can't handle it, and the DOT knows the roads can't handle it, and this is the DOT roads. So, I don't know how Apex has jurisdiction over something that the DOT is responsible for maintaining and maintaining Vision Zero safety. Thank you."

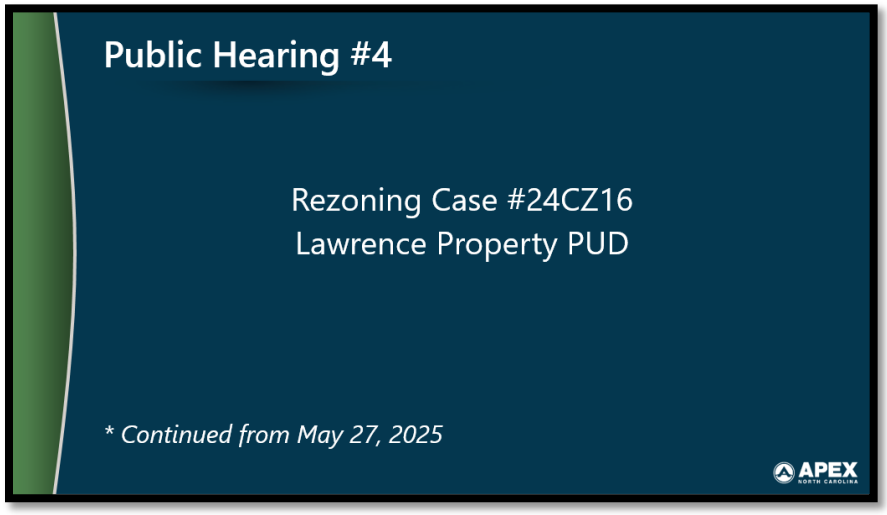
Mayor Gilbert thanked the speaker and closed Public Hearing.

AND

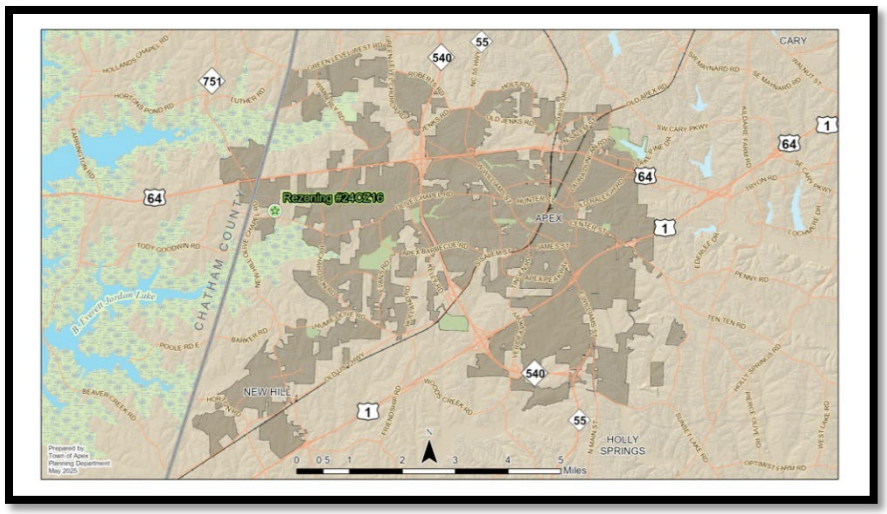
PH4 Rezoning Case No. 24CZ16 - Lawrence Property PUD – Continued from May 27, 2025 (REF: ORD-2025-050)

June Cowles, Senior Planner, Planning Department gave the following presentation:

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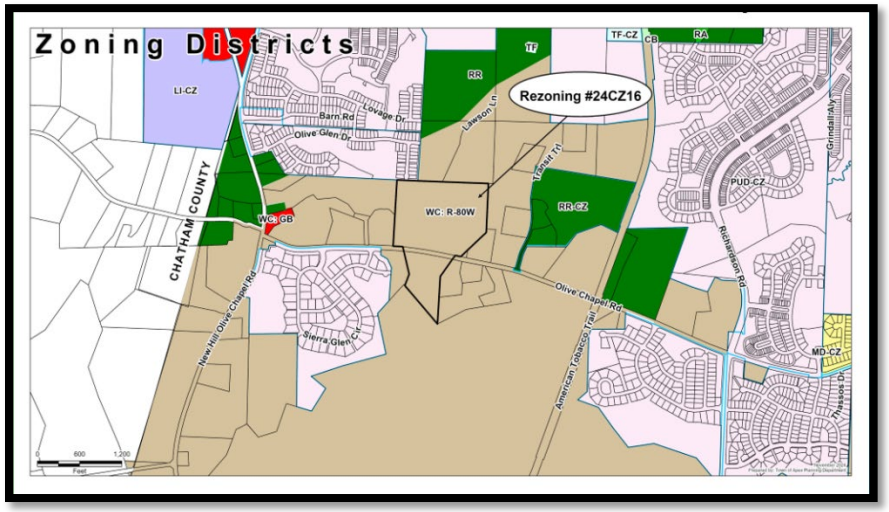
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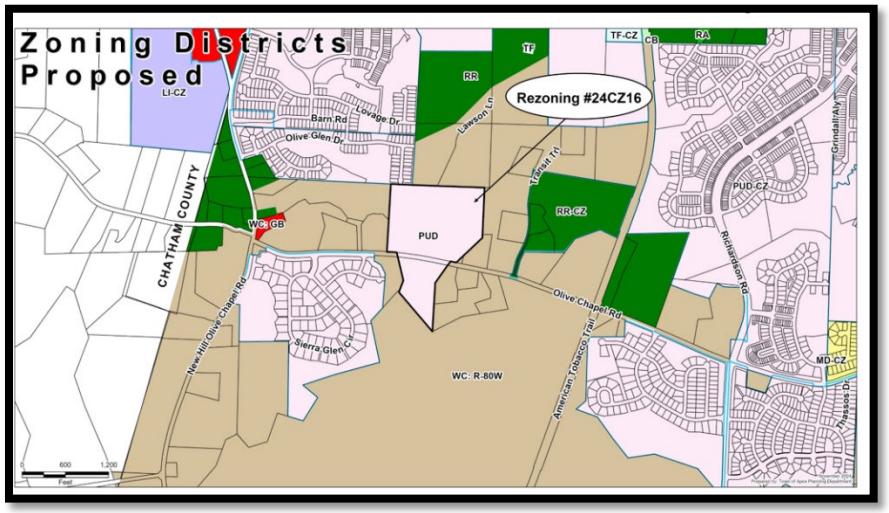
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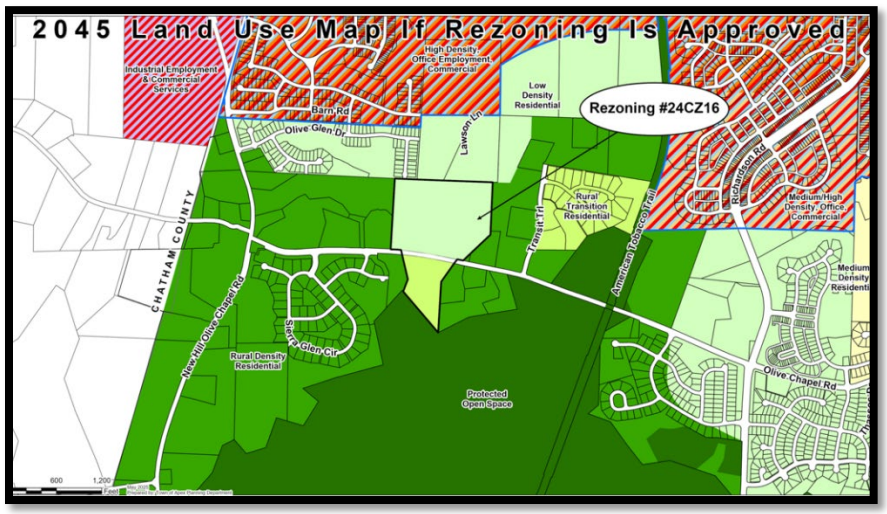
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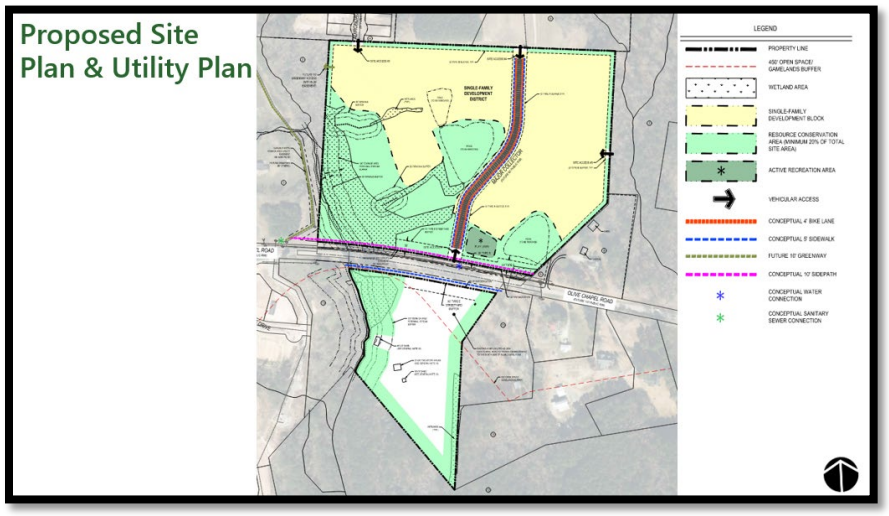
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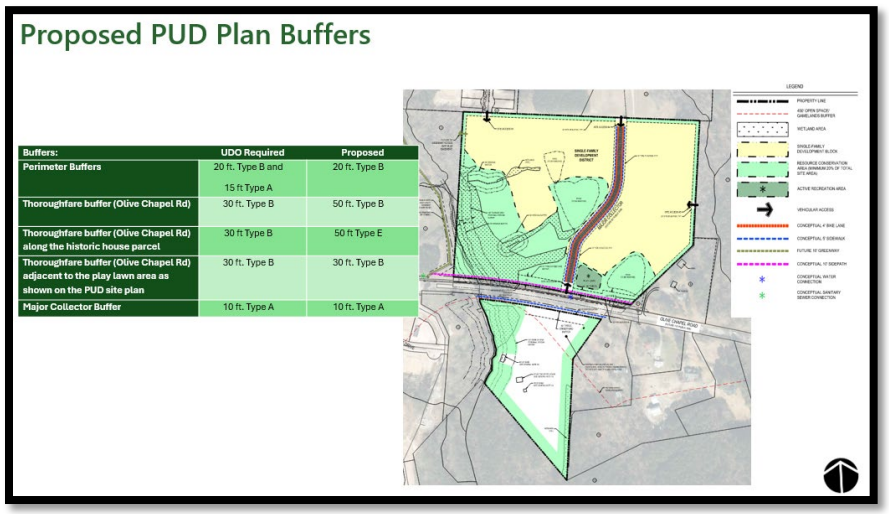
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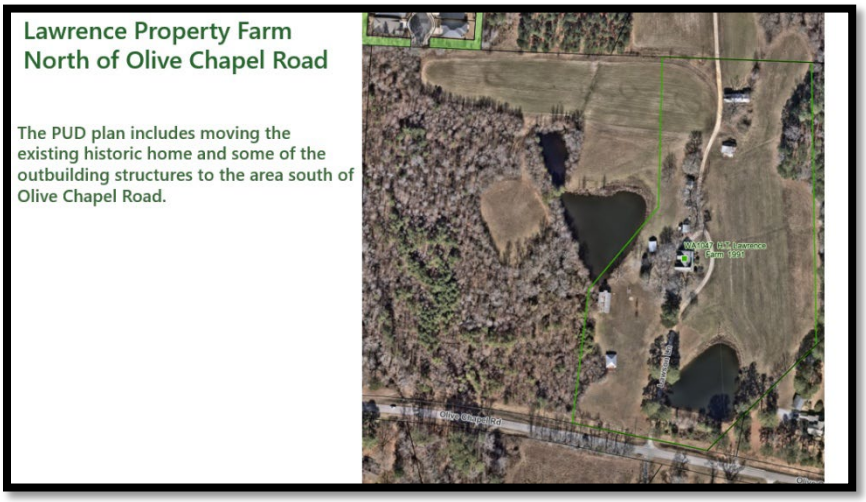
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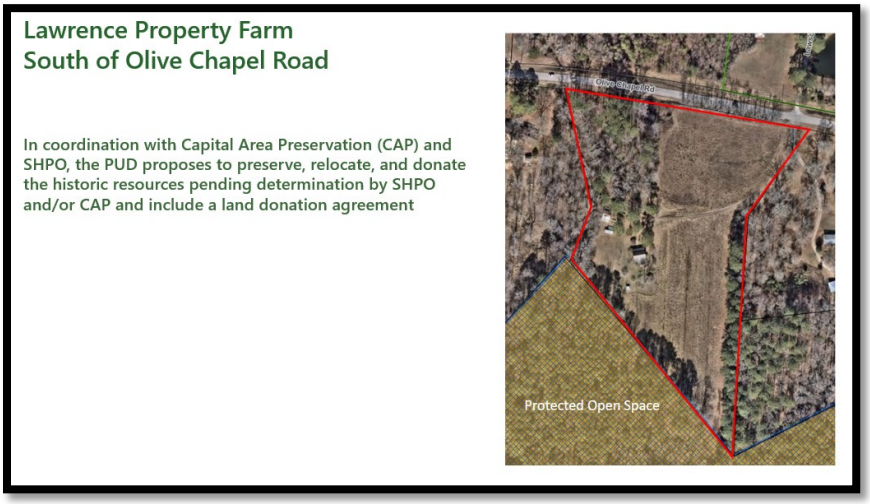
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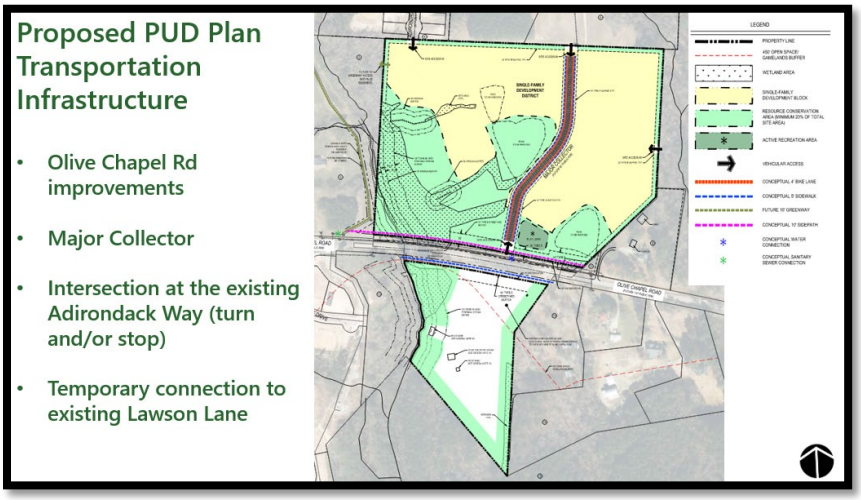
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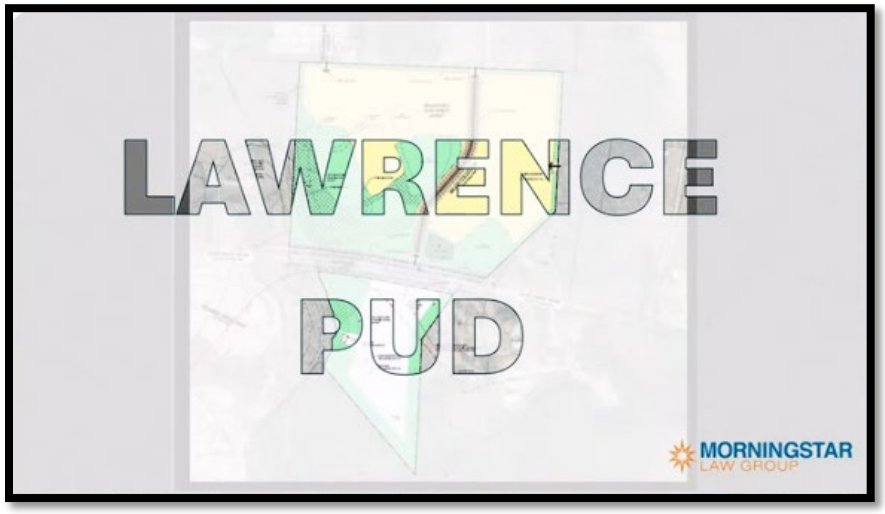


Ms. Cowles asked if there were any questions for her or the applicant.

Mayor Gilbert asked if there were any questions. He asked for the applicant to speak.

Leticia Shapiro of Morning Star Law Group, representing Baker Residential, spoke in support of a rezoning application and gave an overview of the rezoning. She gave the following presentation:

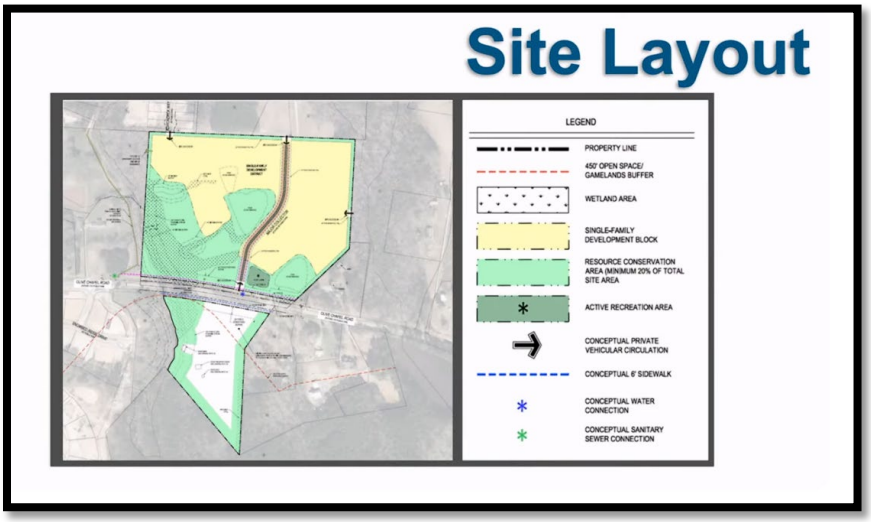
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[SLIDE 2]



[SLIDE 3]



[SLIDE 4]



Ms. Shapiro asked if there were any questions.

Councilmember Zegerman asked if there was any construction on the south side of Chapel Olive Road.

Ms. Shapiro confirmed that there was no construction on the south side of Chapel Olive Road.

Mayor Gilbert said that with no other questions he would open up Public Hearing and called the first speaker.

First to speak was **Frank Aegis** of 1357 Mascoma Drive:

"Good evening, my name is Frank Aegis, 1357 Mascoma Drive, that's in the Retreat at Cedar Crossing. I'm also on the Board of Directors of the HOA at Retreat at Cedar Crossing, and I'm speaking for several of our members. I appreciate the opportunity to speak with you. Over the past six months, I've been in discussions with the Lawrence Farm project developers

and with the Town of Apex staff regarding the plans for this new subdivision, so I've been the main point of contact with the developers. The proposed development of single-family homes fits well with the character of the area. However, the Retreat residents, especially those on the connecting street Adirondack Way, Adirondack Way is going to connect into Lawrence Farms, are extremely concerned about the potential negative impacts with respect to traffic. The major roads and intersections surrounding the developments, Olive Chapel, New Hill Olive Chapel, Route 64—are increasingly congested. With the 2024 opening of the TMSA High School, morning and afternoon traffic backups around the Retreat and Deer Creek are really excessive. The roads are almost impassable. Add to that the coming construction projects in the coming years, starting in the next two years, the DOT is going to be realigning Olive Chapel and New Hill. They're going to be widening New Hill to 64 to four lanes. They're going to be adding a roundabout at Amber Light and New Hill, all should help, but in six to ten years that those are in construction, traffic is going to be increasingly problematic in our area. We feel that the opening of Adirondack Way, which is currently a closed street, is going to provide an alternate path for travelers that are westbound on Olive Chapel and northbound on New Hill, they're likely to try and bypass New Hill Chapel and go through our subdivisions, go through the Lawrence Farms, go through the Retreat, and go through Deer Creek to get to the school and to get to 64, because there is a way you can use those roads and bypass the intersection of Route 64 and 751. How many will do that? We don't know, because we don't have any data. There has been no traffic study, and there's been no traffic study that's been required for this application and this rezoning. You need data to be able to make a decision, to look at the plans and see if the plans for the roads are adequate for what the projected use of those roads is and the only way you can do that is to have the data and to have a traffic study to see what kind of traffic we can expect. Now, when I brought this to the developer and to the Town Planning, I was told, "Well, your subdivisions are too small, there's not likely to be that much traffic because it's only 55 homes," and that just ignores the fact that most of the traffic is not going to originate within the subdivision. It's going to originate outside the subdivisions, people using these as cut throughs. So, we would really feel that having a traffic study must be done so that you can understand what the levels of traffic are going to be and that the design of the roads, as they're presented to you, are adequate to handle those traffic loads. We don't want to have to come back here two years from now, three years from now, four years from now and complain about the horrendous traffic conditions and then have to try and figure out how to mitigate those. We have an opportunity now to make the right decisions, and to do that, we need to understand what's coming and so we would urge that a traffic study be required as part of this rezoning process. Thank you."

Mayor Gilbert thanked the speaker and called the next speaker.

Next to speak was **Karen Foust** of 1318 Adirondack Way:

"Thank you for your time. I am actually the president and treasurer of the HOA for the Retreat at Cedar Crossing, but I also live on Adirondack Way. So, I'm going to be one of the

residents who's most impacted by the connection of the Retreat at Cedar Crossing to the new neighborhood. As Frank eloquently said, our residents are extremely concerned with the increase in traffic that will result with this connection to the new neighborhood and the Science and Math Academy. We've already seen a significant amount of increase in traffic, not necessarily on my street, but we anticipate that when the roads do connect, the residents of the new neighborhood as well as any residents coming off of Olive Chapel are going to start coming through our street. So, we just want to reinforce with you that a traffic study is needed, and if you're not willing to do that, consider traffic calming measures that will at least slow down the traffic or reduce the traffic that's coming through our street. Thank you for your time."

Mayor Gilbert thanked the speaker and called the next speaker.

Next to speak was **Lea Burnett** of 1335 Adirondack Way:

"Hello, thank you for your time. I also live at Retreat at Cedar Crossing, and I'm at 1335 Adirondack Way, which is next door to where the new development's going to be planned, so I'm at the end of the street. I don't know if y'all know this, but we are a small 55-and-up community. We only have 88 homes. It's quiet and peaceful and is perfect for our senior residents. The current traffic concerns that we have, we're at the end of our neighborhood, if we go out, we cannot turn left onto Olive Chapel. It's the same when we're coming back home, we cannot turn left into our entrance. So, this is extremely inconvenient for all of us that we cannot make a left-hand turn there. This forces us to drive into Deer Creek, which is the subdivision right next to us. Deer Creek is a large community with mostly young families. There's a multitude of small children, and they play outside, which they should, but they play in the street. They're in the street on their little bicycles or little Razor things, and they're playing ball and stuff, and balls come out into the street. There's a good deal of pedestrian traffic as well, so you can imagine, I know they've had some close calls in that neighborhood, and there are safety issues and concerns there. We don't want to go through their neighborhood, but we have no choice if we want to turn left out of our subdivision, so I know they don't want us going through their neighborhood, and I know they don't appreciate the extra traffic that we add to their neighborhood as well. In my mind, it would be better to separate, of course we can't separate from Deer Creek because that's already a done deal but to separate our community from the new proposed community, because they're going to have a main street going out of this new community, and they can go left or right, well, lucky them. There's also the TMSA high school and elementary that borders Deer Creek and of course connects to our neighborhood. There are 2,000 students in these schools combined, and they are, the vast majority, probably 99.9% of them are driven by parents."

Mayor Gilbert thanked the speaker and called the next speaker.

Next to speak was **Dawn Cozzolino** at 3632 Bosco Road:

"So, you've heard a lot about traffic. I just want to quickly mention, and I'm going to run out of time about the school. So, I think it was read out loud, and that was great, but it emphasizes a serious issue here in this area. People coming from out of the area don't realize the schools are capped, and you can't go to a school that's local to you. You have to get in the car and drive your kids somewhere. So, these traffic studies too even if we have them done and there's 602 new trips for the Lawrence, it's just a traffic letter, it's not a study, but you forget that's not added, okay? And all that good stuff. But anyway, it says here on the zoning application: anticipated to have insufficient capacity for future students, transportation to schools outside the current assignment area. So where do the kids go? I don't understand it. You have no plan for that. You're not going to do a traffic study, because we know you didn't do one on Peak Landing, which is on top of a hill on Old US 1 by our area. You didn't do it. 600 feet for the closest street because it was too low in houses. Of course, Cary will put the traffic study on their website for the public to see on 100 trips. You do 10 times as many. You wait till it's a thousand cars, and yeah, of course it's a dangerous situation because of all the traffic we've had. And this is outdated, folks. This is $1.2 to $2 million of estimated crashes, not damage, lifelong injuries. I mapped this all out. Why don't you have that information? Because Apex only counts Apex roads. Most of this is NC DOT road, okay, so we're just fabricating good facts. Another thing is, okay, I'm from New Jersey, the other lady was from New York. You come down here, it's beautiful. You are happier than heck to be down here. You love the weather. You're so happy. You see the zoning maps, rural, rural, it's green everywhere. What do you do? You do amendments, and you change it like the snap of a finger. What does that allow? You talk to the developers. You figure it out, how are you going to plot this whole area and take it down? Okay, that's all this is. This is just a game. It's a game and then it's a money game. That's all you're doing. So, I hate coming up here and talking about this because it upsets me so much. This area is so freaking beautiful, and it's a disgrace what you are doing in your official capacity to it. And I'm sorry to say, but I've done all the proper channels, and I'm going to go, I'm going to go further up the chain because this is ridiculous. We've been coming here for years, and you just look at us and ignore us and think we're stupid. There're no schools, there's no safe roads. Calming a traffic situation down is not mitigating the problem, there's too much housing and there's no economic jobs to support it. Thank you."

Mayor Gilbert thanked the last speaker and closed Public Hearing.

Council moved onto votes for PH2, PH3, and PH4, which were presented and heard together.

A **motion** was made by **Councilmember Zegerman** and seconded by **Councilmember Gantt** to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex 37.98 acres project entitled Lawrence Property PUD, located on Olive Chapel Road, Annexation No. 790, into the Town Corporate limits.

VOTE: UNANIMOUS (5-0)

A **motion** was made by **Councilmember Gantt** seconded by **Councilmember Killingsworth** to amend the Apex Transportation Plan to realign a future major collector street in the vicinity of Lawson Lane.

VOTE: UNANIMOUS (5-0)

Councilmember Mahaffey said this was well done and supported the rezoning case for Lawrence property and complimented the fact that it was preserving the property below it and the RCA on the property was 40%.

Councilmember Zegerman said that with the entire property south of Olive Chapel is preserved it gives a transition period that is envisioned when the Land Use Map was developed and with very low density housing and what is expected in the area.

Councilmember Gantt said that they stub these roads with the intent that the more connections the less pressure at the intersections with traffic. He said that with there not being a left turn off of Adirondack Road, that the neighborhood will be used for a way to get out but when the major collector is built to Highway 64, then Highway 751 will be the way to get to Highway 64 to connect to Olive Chapel Road. He said that with the additional connections that are being planned then residents in this neighborhood north and residents will be able to turn left on to Olive Chapel instead of going through the neighborhood to take a left onto New Hill Chapel Road. He said that traffic calming would be a way to slow traffic.

Councilmember Killingsworth said that her neighborhood was a perfect example of example of a neighborhood with a cut through to get to 64 to the Peakway and traffic calming is something to consider. She said that with all the conditions being offered it was a good rezoning.

Councilmember Mahaffey said that over time there has been concerns about traffic and the extension of Adirondack Way is the solution with the extra connections.

A **motion** was made by **Councilmember Zegerman,** seconded by **Councilmember Gantt** to approve Rezoning No. 24CZ16 – Lawrence Property PUD - Rezone approximately 41.02 acres from Wake County Residential-80W (R-80W) to Planned Unit Development-Conditional Zoning (PUD-CZ), at 3228 Olive Chapel Road.

VOTE: UNANIMOUS (5-0)

PH5 Annexation No. 800 – Atkins Hudson Davidson Homes Assemblage – New Hill Olive Chapel Road – 16.80 acres – ITEM TO BE CONTINUED

Dianne Khin, Director, Planning Department

PH6 Rezoning Case No. 25CZ06 New Hill Olive Chapel Assemblage – ITEM TO BE CONTINUED

Bruce Venable, Planner II, Planning Department

A **motion** was made by **Councilmember Killingsworth**, seconded by **Mayor Pro-Tempore Gray** to continue PH5 - Annexation No. 800 – Atkins Hudson Davidson Homes Assemblage – New Hill Olive and PH6 - Rezoning Case No. 25CZ06 New Hill Olive Chapel Assemblage until Council meeting August 12, 2025.

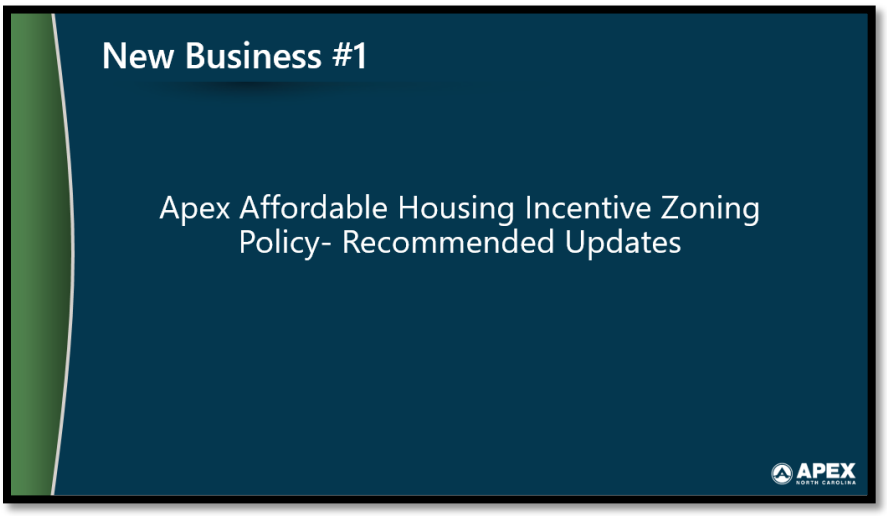
VOTE: UNANIMOUS (5-0)

[NEW BUSINESS]

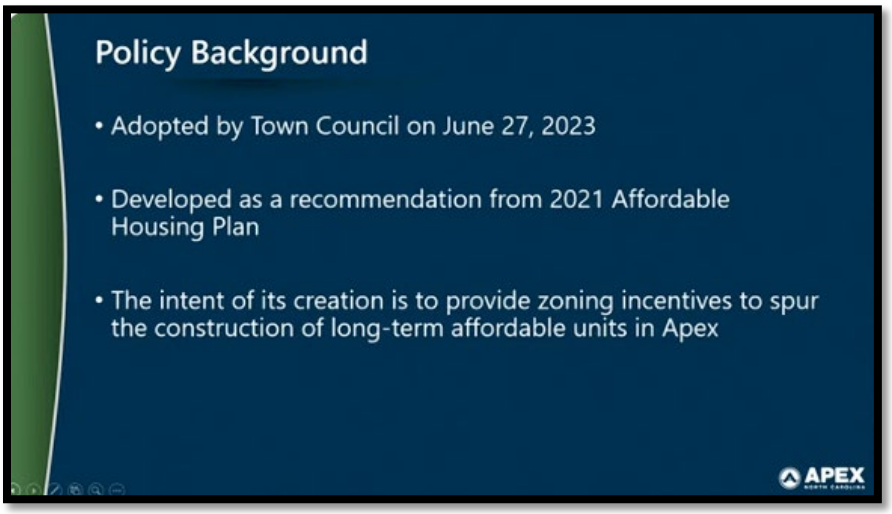
NB1 Apex Affordable Housing Incentive Zoning Policy – Recommended Updates (REF: PLCY-2025-013)

Marla Newman, Director, Community Development and Neighborhood Connections gave the following presentation:

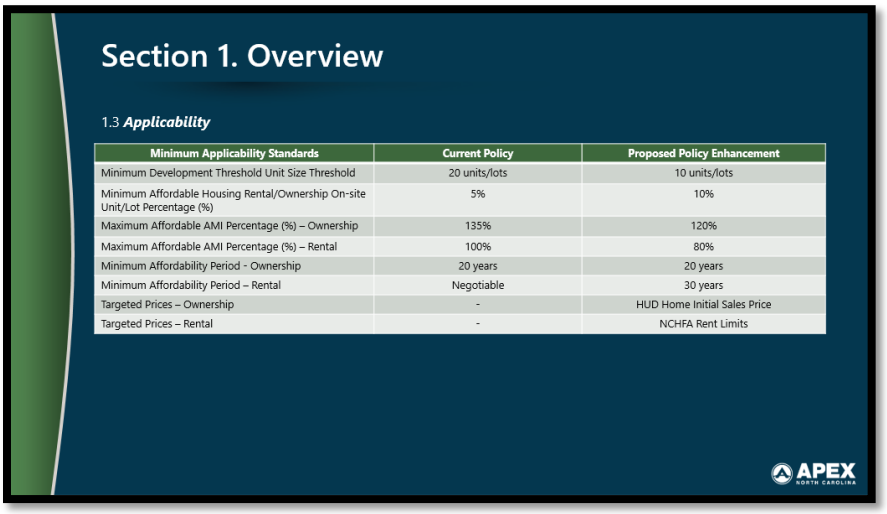
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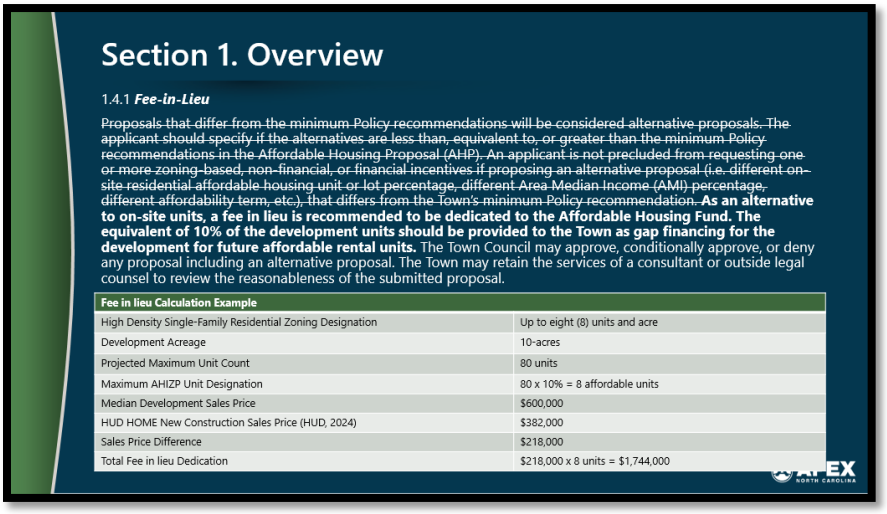
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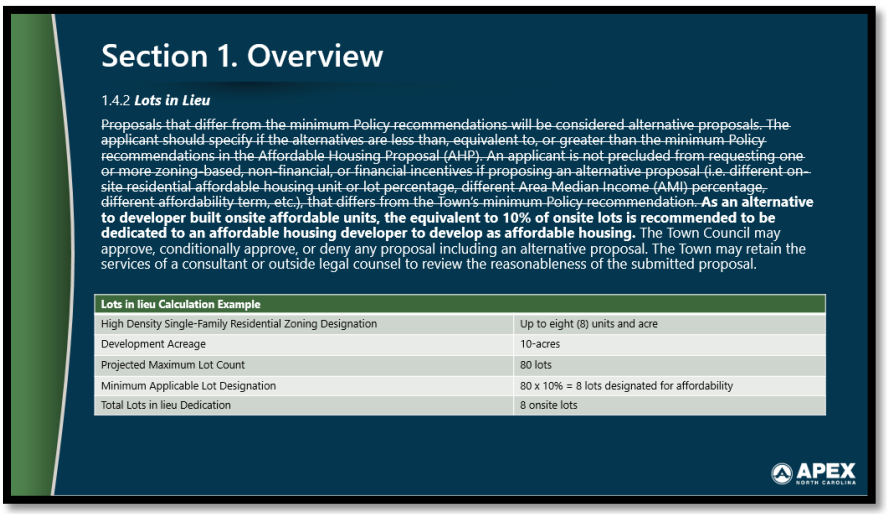
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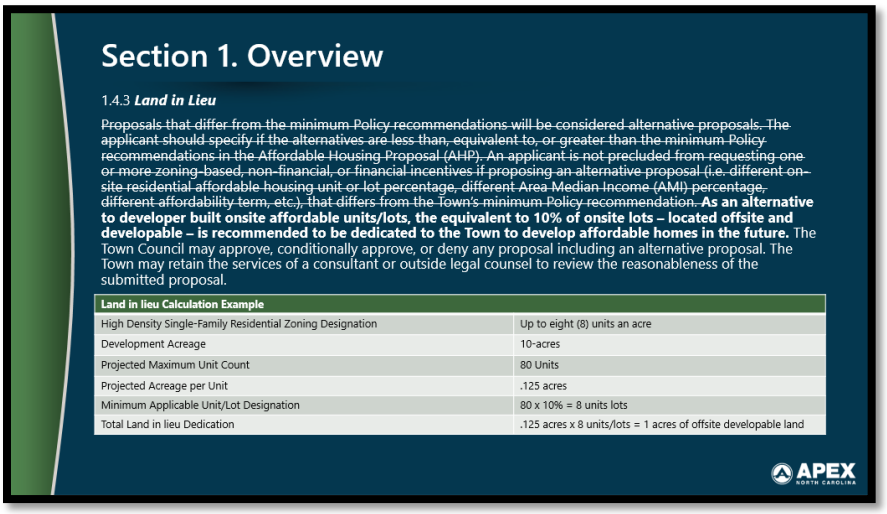
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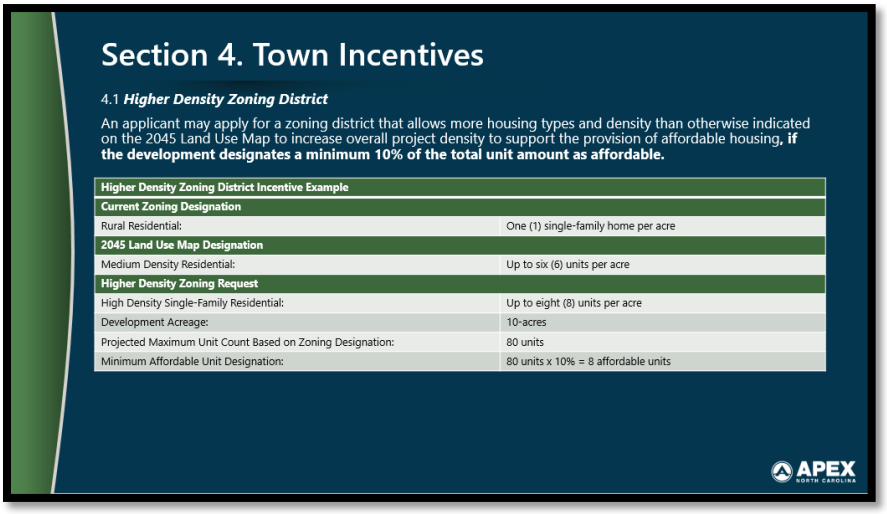
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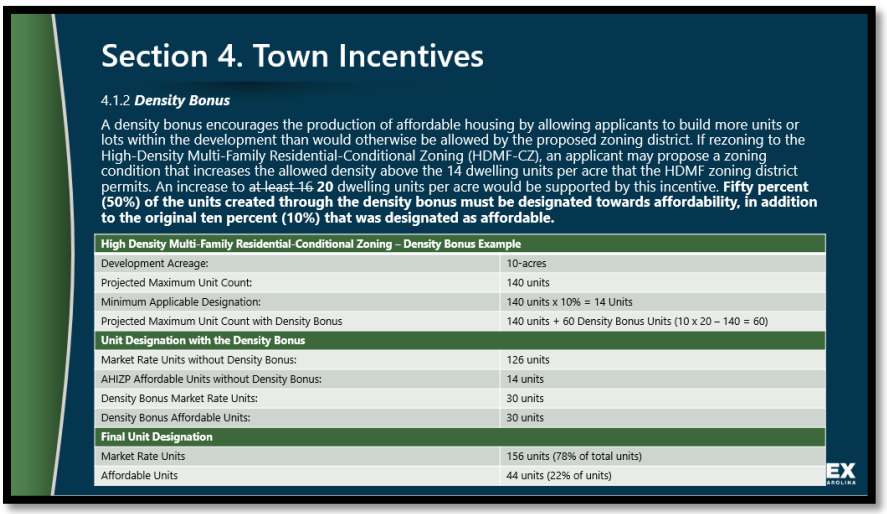
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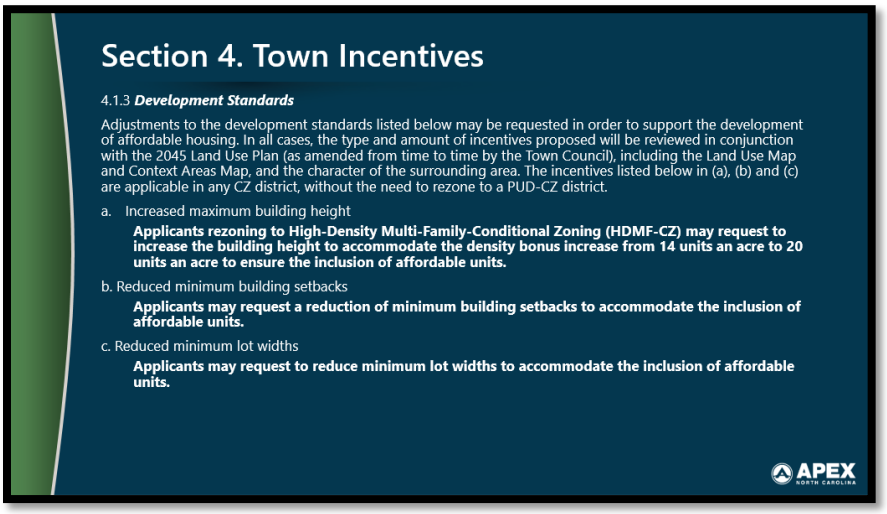
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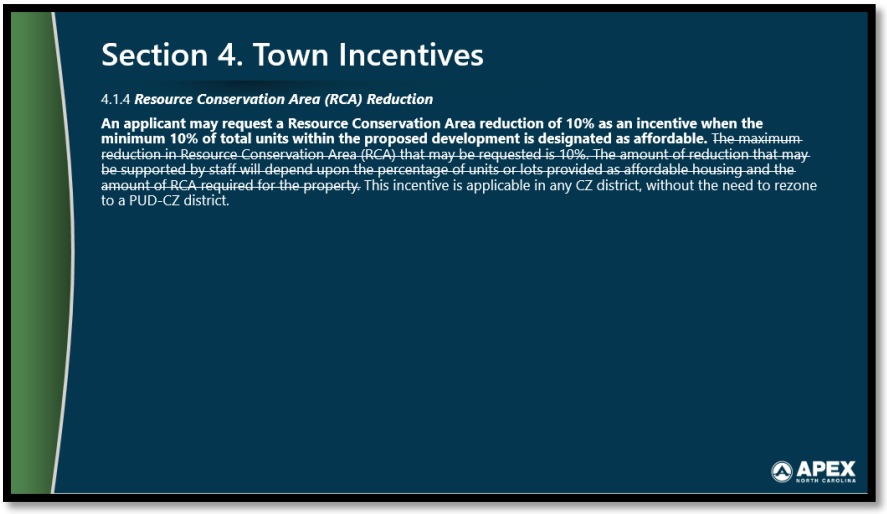
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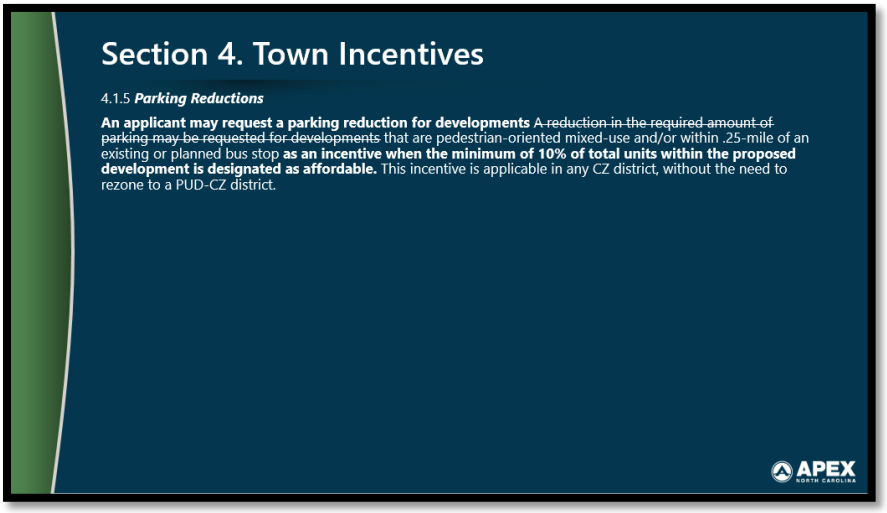
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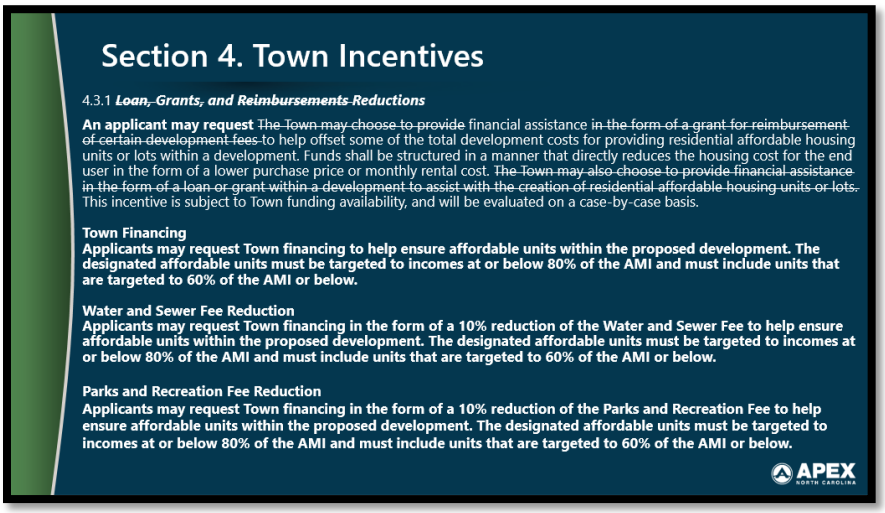
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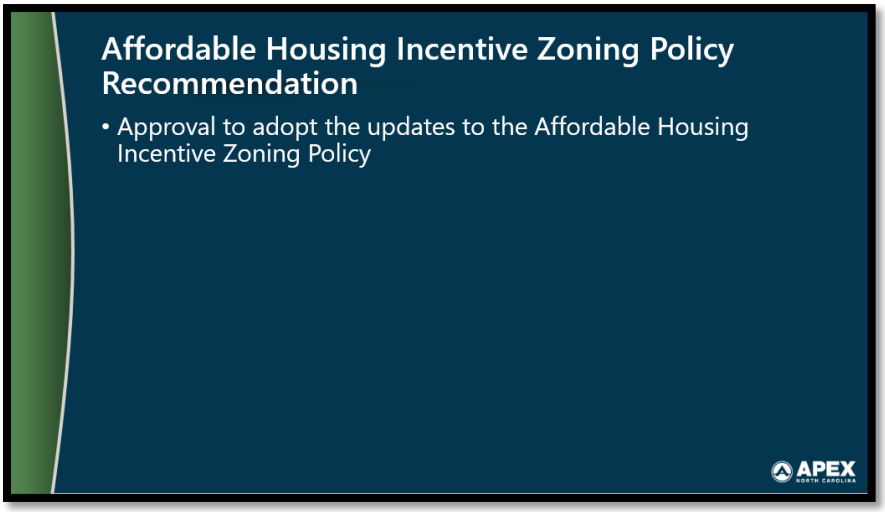
[SLIDE 11]



[SLIDE 12]



[SLIDE 13]



Director Newman said that they were requesting the Council to adopt these enhancements to the incentive zoning policy and would answer any questions.

Councilmember Zegerman referenced slide #4 about the summary of the changes and asked if the ownership percentages were in line with HUD standards and if so, where did this information come from.

Director Newman said that generally the HUD standards cap the threshold at 80% but workers in the community making the 120% threshold still struggle to afford living in the community and enable them to help more people.

Councilmember Zegerman asked why is the threshold 120 instead of 100.

Director Newman said that according to HUD standards moderate income is 80 to 120 and this covers people in the moderate-income range who are struggling to compete in the market.

Councilmember Zegerman said that two-income scenarios of workforce employees targeted there is still a struggle to get up to the 100% mark and 120% may still not reach

those people that is trying to be reached, and would like to be more aggressive to target the policies towards the people that need it.

Director Newman said that they are open to any adjustment if Council wants to make an adjustment.

Councilmember Zegerman said that if Council asked staff to explore 100% AMI, the change could be made at any time, and he would like to look at the pros and cons and if there is anything being missed.

Director Newman said a higher percentage enables them to help more people that are still struggling in the marketplace.

Councilmember Gantt said that the discussion was how little uptake there has been in the program. He asked if this participation would be decreased because of it being stricter.

Director Newman said that it possibly could be because there may need to be more subsidies, and it depends on what Council is willing to do for that. She said that Wake County invests significantly and NCHFA invests in affordable housing, but it would depend on what Apex would invest. She said that once it is clear on who is being served then amounts can be discussed. She said they are considering additional incentives to target more home ownership with a developer incentive with a combination of fee waivers and other incentives as a combination that enables the developer to possibly build units without costs associated with that tend to increase overall development.

Councilmember Gantt said that 120 would be more stringent and would require more subsidy to encourage purchases. He asked if the properties are selling at 80% AMI versus 100% wouldn't it be thousands of dollars that the developer will have to go lower to make this work.

Director Newman said that 80% is for rentals.

Councilmember Gantt said that is correct, but he feels reducing this is going to make it harder for developers to want to take the incentives for reducing the AMI on some of the units, as it may not make financial sense.

Director Newman said this is why the other incentives should make it more appealing.

Councilmember Killingsworth said that when the incentive zoning policy was discussed it was compared to other municipalities and Durham's wasn't being utilized, but Apex has already had 3 developers using it in the short time that Apex has offered it. She said that Apex is making strides in the right direction.

Councilmember Gantt said that it was a balance, some things make it easier, and some things make it harder.

Councilmember Zegerman said that it is a bigger benefit, making the tradeoff in terms of expenses to make it worth it.

Director Newman said when the policy was adopted the idea was to bring back results, and she recommended continuing to give it some more time with the proposed changes here.

Mayor Gilbert said that this was a good start and moving forward the town can see

how it is doing and tweak if needed.

Councilmember Zegerman asked what the conditions of lots and land in lieu are.

Director Newman said that lots in lieu are in within the same development and will be developable land, the land in lieu requirements is that it also be developable land.

Councilmember Gantt asked if the parcels were required to be identified.

Director Newman said yes, it has to be a designated parcel of land or parcels of land.

Mayor Pro-Tempore Gray said that when the nature of the overall market is being looked at it has changed since the original affordable housing plan was developed and land availability is becoming limited, and it's the right time to adjust incentives to better support the town's goals.

A **motion** was made by **Councilmember Killingsworth**, seconded by **Mayor Pro-Tempore Gray**, to approve the Apex Affordable Housing Incentive Zoning Policy Updates.

VOTE: UNANIMOUS (5-0)

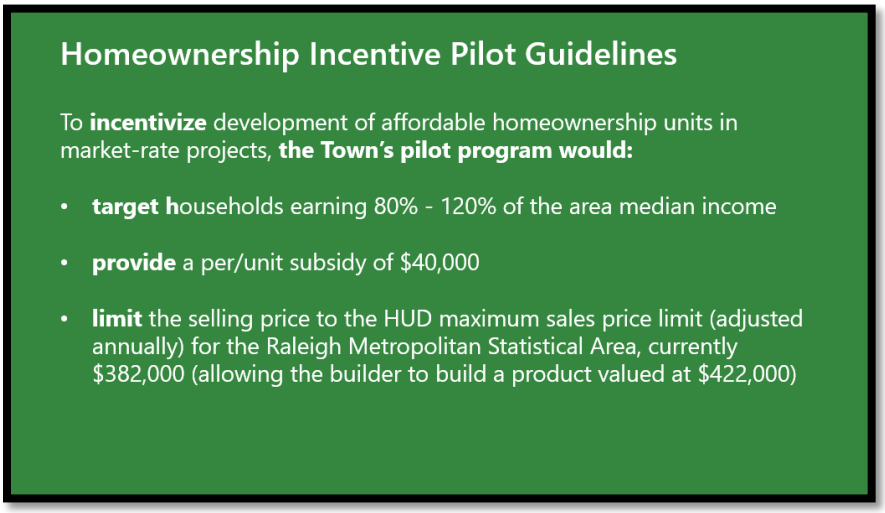
NB2 Apex Homeownership Incentive Pilot Program and Budget Ordinance Amendment No. 13 (REF: ORD-2025-051, and PLCY-2025-014)

Marla Newman, Director, Community Development and Neighborhood Connections gave the following presentation:

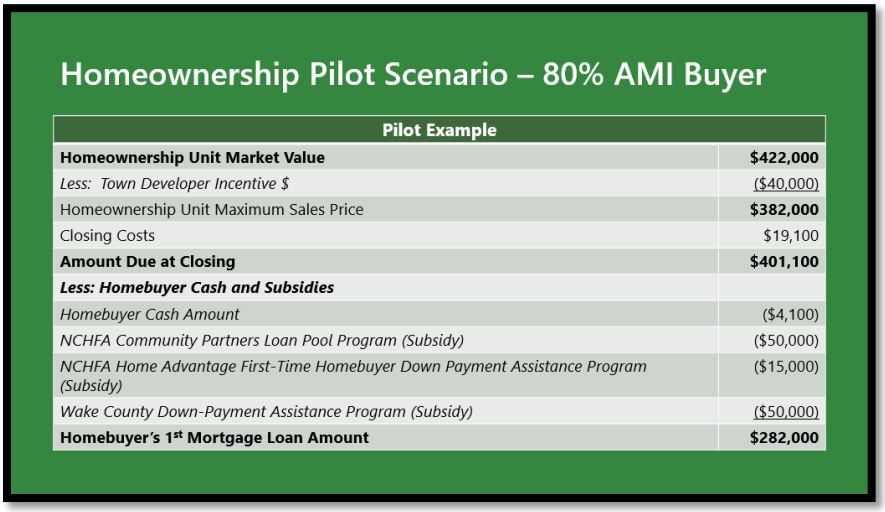
[SLIDE 1]



[SLIDE 2]



[SLIDE 3]



Councilmember Gantt asked if the subsidies from the County and the State are guaranteed if the qualifications are met.

Director Newman said yes, as long as the funding is still available.

Councilmember Gantt asked how long the funds usually last.

Director Newman said that was something that couldn't be predicted, but there was lots of demand for it.

[SLIDE 4]

Homeownership Pilot Scenario – 80% AMI Buyer

Homebuyer Underwriting Assumptions:

- Household Income: $97,840 (80% of the AMI)
- Household Size: 4
- Buyer Cash: $4,100
- Buyer meets industry-standard mortgage underwriting ratios

[SLIDE 5]

Homeownership Pilot Scenario – Over 80% of AMI (up to an annual income of $140,000)

Pilot Example	
Homeownership Unit Market Value (current sales price limit for the NC 1st Home Advantage Down Payment – Wake County)	**$490,000**
Less: Town Developer Incentive $	($40,000)
Homeownership Unit Maximum Sales Price	**$450,000**
Closing Costs	$22,500
Amount Due at Closing	**$472,500**
Less: Homebuyer Cash and Subsidies	
Homebuyer Cash Amount	(4,100)
NCHFA Home Advantage First-Time Homebuyer Down Payment Assistance Program (Subsidy)	($29,052)
Homebuyer's 1st Mortgage Loan Amount	**$439,348**

For both first-time and move-up home buyers, the NCHFA NC Home Advantage Mortgage™ provides qualified homebuyers whose annual income doesn't exceed $140,000 with mortgages and down payment assistance up to 3% of the loan amount. The Agency also offers a $15,000 down payment assistance option—the NC 1st Home Advantage Down Payment—just for first-time buyers and military veterans who meet additional eligibility criteria.

[SLIDE 6]

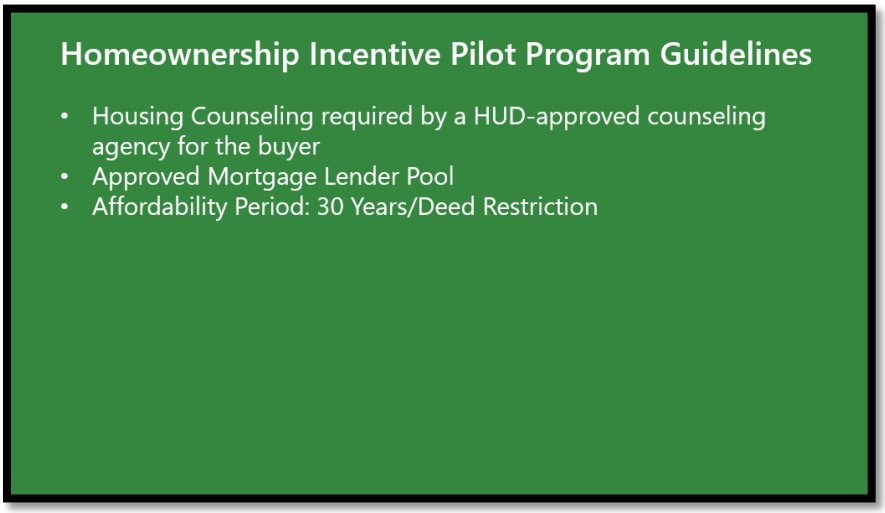
Homeownership Pilot Scenario – Over 80% AMI

Homebuyer Underwriting Assumptions:

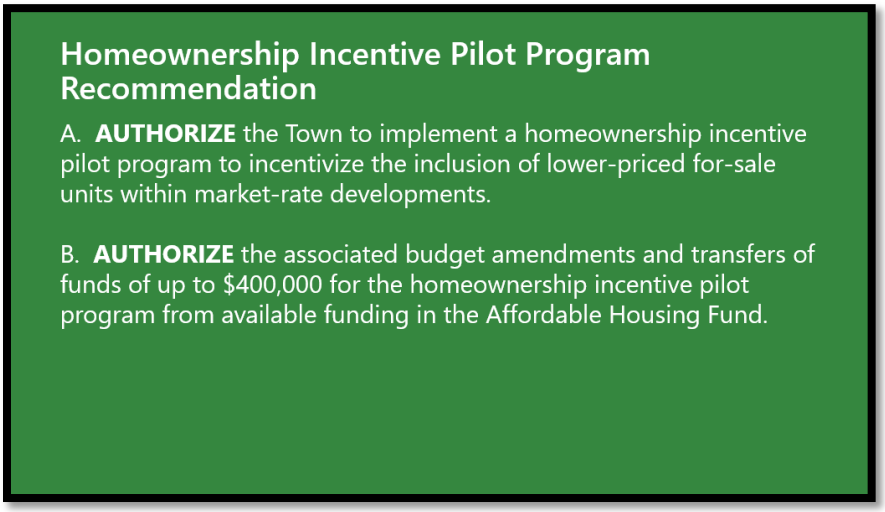
- Household Income: does not exceed $140,000
- Buyer Cash: $4,100
- Buyer meets industry-standard mortgage underwriting ratios

*Wake County AMI: $132,700 (effective 4/1/2025)

[SLIDE 7]



[SLIDE 8]



Director Newman said that she would answer any questions.

Councilmember Zegerman asked how they could align the application period with the other programs to ensure that funds are still available.

Director Newman said that NCHFA does not have a deadline. She said that the buyer would work with their lender to collaborate with the programs. She said that the Wake County funds go more quickly so possibly publicizing the program may help, but that for Apex this is on the developer's side, and they would have to work with the developer and possibly add some guidelines for the process.

Councilmember Zegerman asked what the selection process was.

Director Newman said this is why they are asking to pilot this program, but it seems that first come, first serve would be the way to disperse the funds.

Councilmember Gantt asked how the developer's process works.

Director Newman said they have a qualifying process and gave an explanation.

Councilmember Gantt asked if the developer and the home buyer must both sign documentation with Apex.

Director Newman said that they connect the developer through different non-profit organizations to work with the buyer.

Councilmember Gantt confirmed that the developer applies to the program and then staff connects the developer to the non-profit organization.

Director Newman confirmed that was the beginning of the process for the program and this happens during development.

Councilmember Killingsworth said that we weren't the first municipality to do this.

Director Newman said that is correct.

Councilmember Gantt asked why this would not be for just the 80% AMI people and below.

Director Newman said that there are a range of people who are considered "moderate income" that are in the market and are competing with those who have additional income and would be able to buy them easier.

Councilmember Gantt asked if the allowance was 80% and below and if it gets used up, then they would be getting Wake County money and they are the people in most need.

Director Newman said it would only be 80% because this housing is not feasible below 80% which those people would be eligible for Habitat and other resources.

Councilmember Gantt suggested keeping it at 80%.

Director Newman said that there were fewer resources for those from 80% to 120%.

Councilmember Mahaffey asked why this is being done on the developer side and not on the homeowner side as other programs are.

Director Newman said it is the ratios of what money comes in. She said that on the developer's side, it helps get the initial price lower and align with the HUD maximum sales price.

Mayor Gilbert asked how the developer community responded to this program.

Director Newman said that there had not been a lot of discussion but that these programs are in other areas and that staff wanted to discuss this with Council before working with the developers. She said that this is why it is a pilot program, and the funding would come from the Affordable Housing funds and not the general fund.

Councilmember Gantt suggested that after the first year and the 10 units have been allocated for staff to report back to Council on the range of the applicants and if they are all between the 80% to 120% that this program may need to be changed to target below 80% more.

Mayor Gilbert asked if there were any other questions or a motion.

A **motion** was made by **Councilmember Killingsworth**, seconded by **Councilmember Zegerman**, approve the Apex Homeownership Incentive Pilot Program and Budget Ordinance Amendment No. 13.

VOTE: UNANIMOUS (5-0)

Mayor Gilbert called for a ten-minute recess at **8:12 p.m.**

The meeting stood in recess.

Mayor Gilbert reconvened the meeting at **8:25 p.m.,** with all voting members in attendance and seated.

NB3 – Resident Advisory Board Administrative Policy – Moved from Consent Item 16 (REF: PLCY-2025-012)
Allen Coleman, Town Clerk

Mayor Gilbert said that NB3 - had been moved. He said that under Advisory Board Administrative Policy #4 where it speaks about member taxes and not having overdue financial liability to Apex, that people with financial hardships that want to serve the Town for the right reasons being excluded does not reflect that the Council is being inclusive, and to impose that on resident boards it is not a good look. He asked for this to be consistent. He said there may be more research and may need to be brought back to Council.

Councilmember Zegerman said that the intent with updating this policy is that they are in good standing with the town and it is a common requirement. He agreed that the language does not reflect this 100%. He proposed that for now they strike the overdue financial liabilities and keep the tax requirement, which is that Advisory or Board members be current on County and Town taxes and keep the piece about the litigation against the Town and revisit other financial liability language in the future.

Mayor Gilbert said that the other piece is trying to determine what is delinquent vs. overdue with the financial obligation part, and what happens if this is the case.

Councilmember Mahaffey said that in reading the policy and how it is written it is a difference in someone that isn't paying their taxes or their bills or someone who is paying it on an approved payment plan. He asked if as long as they are keeping their payment obligation they should be covered in the policy.

Councilmember Zegerman said that the language is not clear, and the language should be worked through with the Town to align the two policies for Council and Board/Advisory members.

Councilmember Mahaffey asked if there could be aligned policies because the Council criteria is set by State statute.

Councilmember Zegerman said that to some degree it can be.

Mayor Gilbert asked if there were any other municipalities that have this policy for their residents' boards.

Town Clerk Coleman said that the only other municipality he knew of was the City of Durham, and that was for the tax piece.

Councilmember Zegerman said that they will amend the existing language "other overdue financial liability" and keep the tax liabilities.

Town Clerk Coleman asked to restate the revised number four (4) under "Membership Eligibility – 18 years of age and above" in the policy as proposed and amended for clarification. He said the amended number four shall read:

"All members shall be current on their Town of Apex and Wake County taxes, ~~and shall not have any overdue financial liability to the Town~~. The Town Clerk has been authorized to verify tax status ~~and financial liability~~ for applicants to the Town's standing Advisory Boards. If appointed, all members shall remain non-delinquent on taxes. If the member's taxes become delinquent during their term of appointment, the member shall be allowed up to 30 days to bring the taxes current.

A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember Killingsworth**, to approve the Resident Advisory Board Administrative Policy, with the change of removing language regarding overdue financial liability other than property taxes.

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VOTE: UNANIMOUS (5-0)

NB4 Appointments - Culture and Arts Advisory Board (CAAB) – formerly referred to as the Public Art Committee (PAC).

Town Clerk Allen Coleman, gave a PowerPoint presentation which provided an overview of the process for appointments, the amended scope of work for each Board, and the new membership structure for each of the Town's Resident Advisory Boards. He said this was in response to the ongoing project which started in December of 2024 and that the Town Clerk's Office has been in active recruitment to fill several vacancies. He said the vacancies were due to a variety of reasons but most particularly the newly established term limits.

[SLIDE 1]



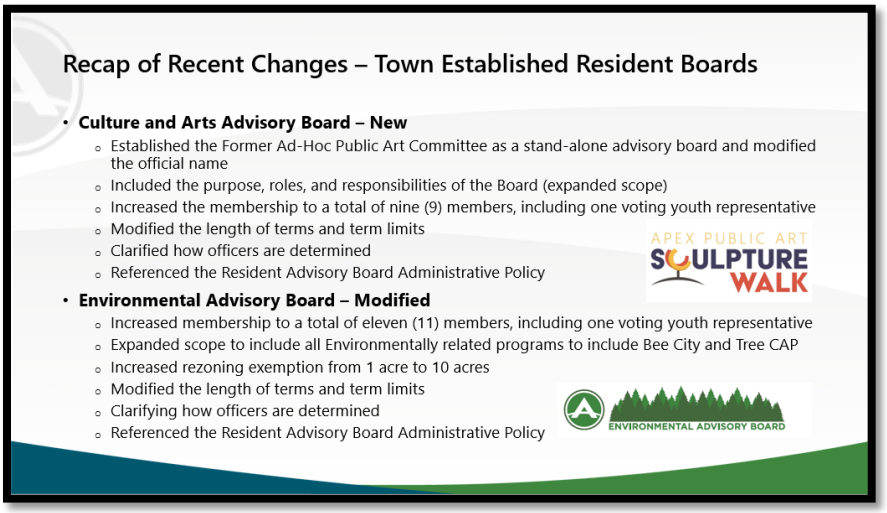
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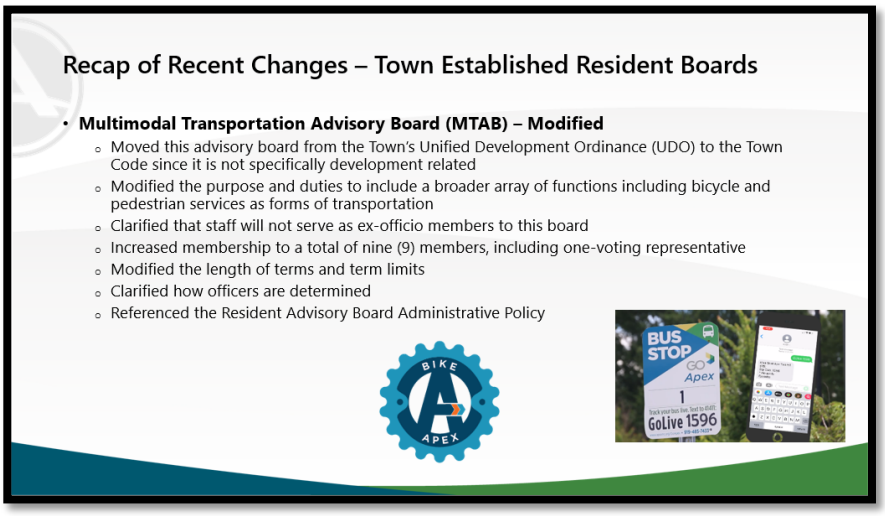
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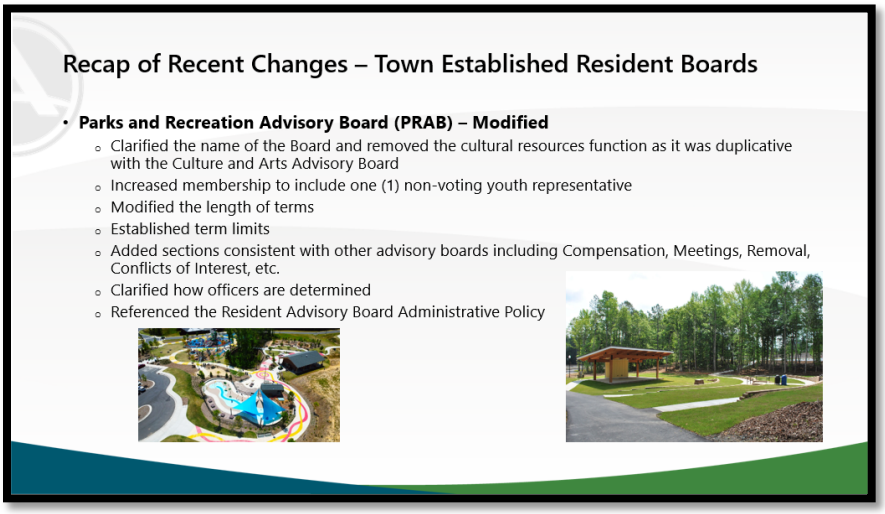
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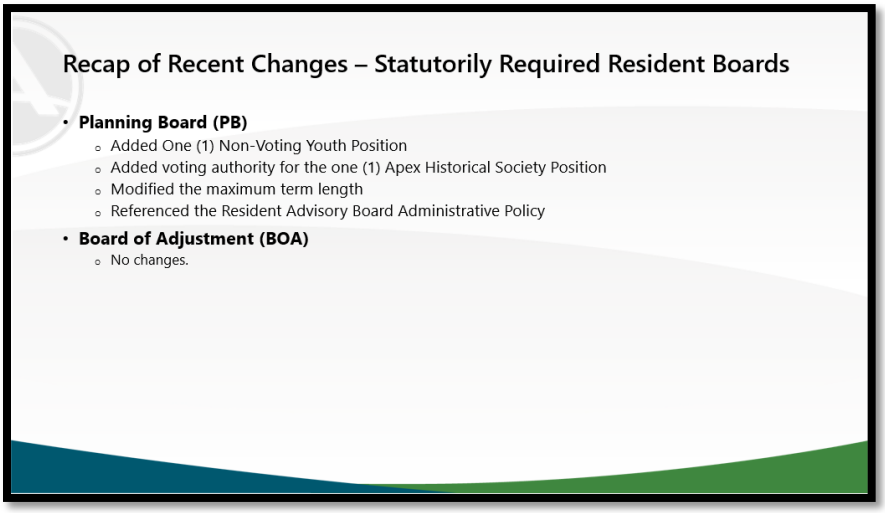
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[SLIDE 6]



[SLIDE 7]



[SLIDE 8]



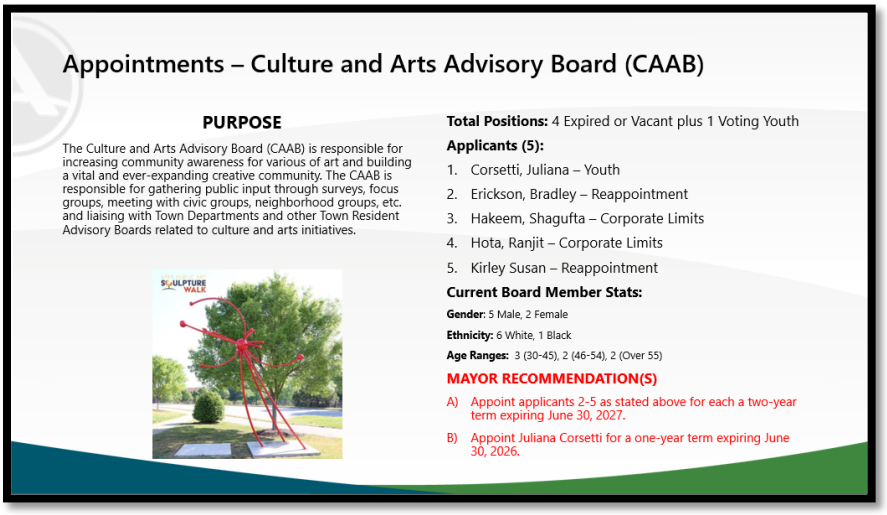
[SLIDE 9]



[SLIDE 10]



[SLIDE 11]



A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember Killingsworth**, to appoint the following individuals to serve on the Town's Culture and Arts Advisory Board (CAAB):

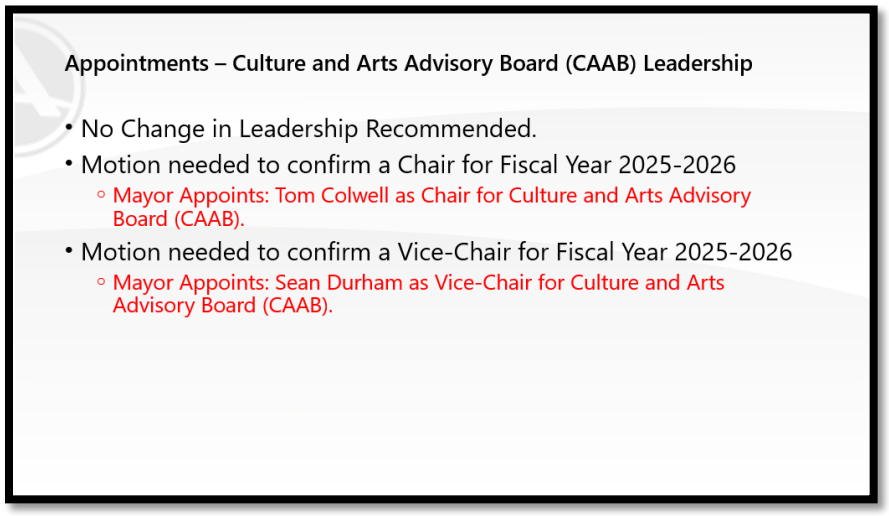
- Reappoint Bradley Erickson to a Regular Member position for a two-year term, expiring June 30, 2027;
- Reappoint Susan Kirley to a Regular Member position for a two-year term, expiring June 30, 2027;
- Appoint Shagufta Hakeem to a Regular Member position for a two-year term expiring June 30, 2027;
- Appoint Ranjit Hota to a Regular Member position for a two-year term expiring June 30, 2027;
- Appoint Juliana Corsetti as a Voting Youth Representative for a one-year term expiring June 30, 2026.

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VOTE: UNANIMOUS (5-0)

NB5 Appointments – Culture and Arts Advisory Board (CAAB) – Chair and Vice Chair

[SLIDE 1]



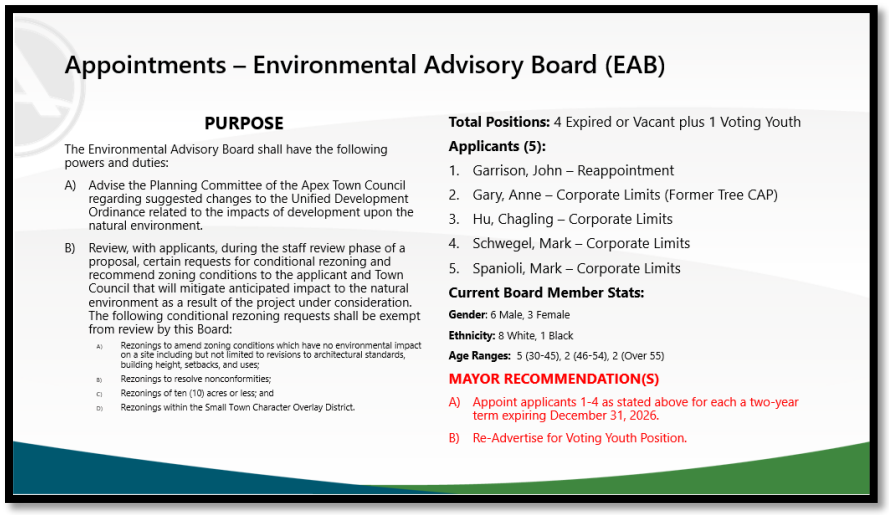
A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember Gantt**, to confirm Tom Colwell as Chair and Sean Durham as Vice-Chair of the Town's Culture and Arts Advisory Board (CAAB) for Fiscal Year 2025-2026, both expiring June 30, 2026.

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VOTE: UNANIMOUS (5-0)

NB6 Appointments - Environmental Advisory Board (EAB)

[SLIDE 1]



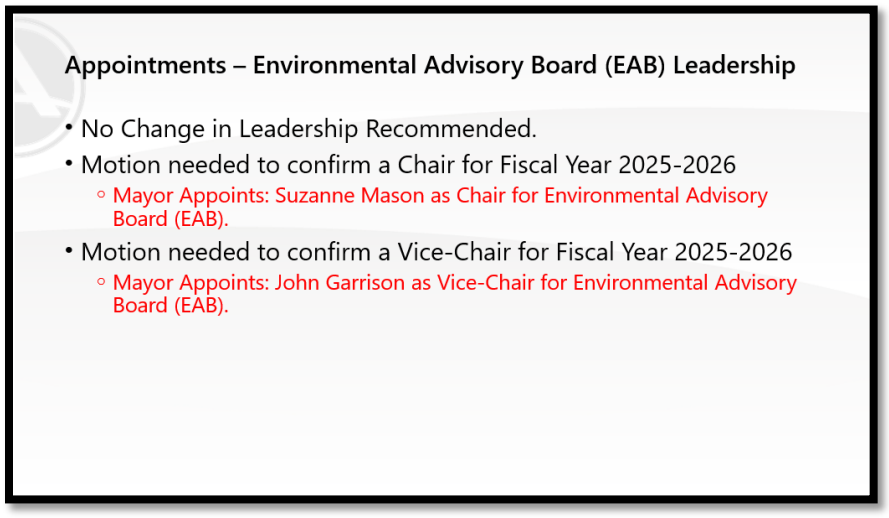
A **motion** was made by **Councilmember Zegerman**, seconded by **Mayor Pro-Tempore Gray**, to appoint the following individuals to serve on the Town's Environmental Advisory Board (EAB):

- Reappoint John Garrison to a Regular Member position for a two-year term, expiring December 31, 2026;
- Appoint Anne Gary to a Regular Member position for a two-year term, expiring December 31, 2026;
- Appoint Changling Hu to a Regular Member position for a two-year term, expiring December 31, 2026; and,
- Appoint Mark Schwegel to a Regular Member position for a two-year term, expiring December 31, 2026; and,
- Re-advertise for the Voting Youth Representative position

VOTE: UNANIMOUS (5-0)

NB7 Appointments - Environmental Advisory Board (EAB) – Chair and Vice-Chair

[SLIDE 1]

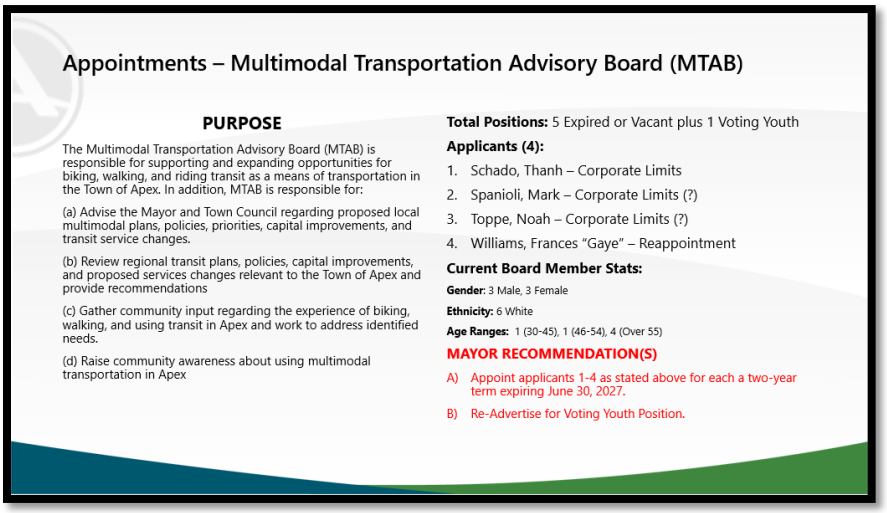


A **motion** was made by **Councilmember Killingsworth**, seconded by **Mayor Pro-Tempore Gray** to confirm Suzanne Mason as Chair and John Garrison as Vice-Chair of the Town's Environmental Advisory Board for Fiscal Year 2025-2026, both expiring June 30, 2026.

VOTE: UNANIMOUS (5-0)

NB8 Appointments - Multimodal Transportation Advisory Board (MTAB) – formerly referred to as the Transit Advisory Committee (TAC)

[SLIDE 1]



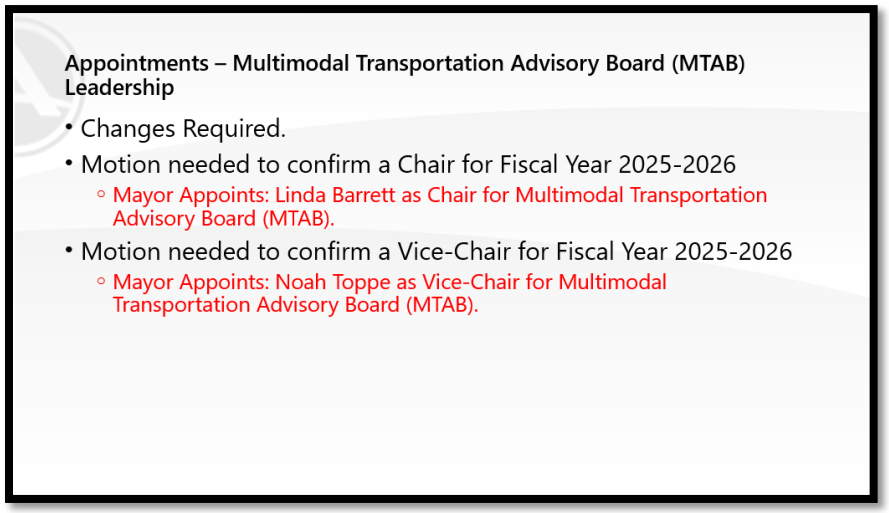
A **motion** was made by **Councilmember Mahaffey,** seconded by **Mayor Pro-Tempore Gray**, to appoint the following individuals to serve on the Town's Multimodal Transportation Advisory Board (MTAB):

- Reappoint Gaye Williams to a Regular Member position for a two-year term, expiring July 31, 2027;
- Appoint Thanh Schado to a Regular Member position for a two-year term, expiring July 31, 2027,
- Appoint Mark Spanioli to a Regular Member position for a two-year term, expiring July 31, 2027,
- Appoint Noah Toppe to a Regular Member position for a two-year term, expiring July 31, 2027, and
- Re-advertise for a Voting Youth Representative position

VOTE: UNANIMOUS (5-0)

NB9 Appointments - Multimodal Transportation Advisory Board (MTAB) – Chair and Vice-Chair

[SLIDE 1]

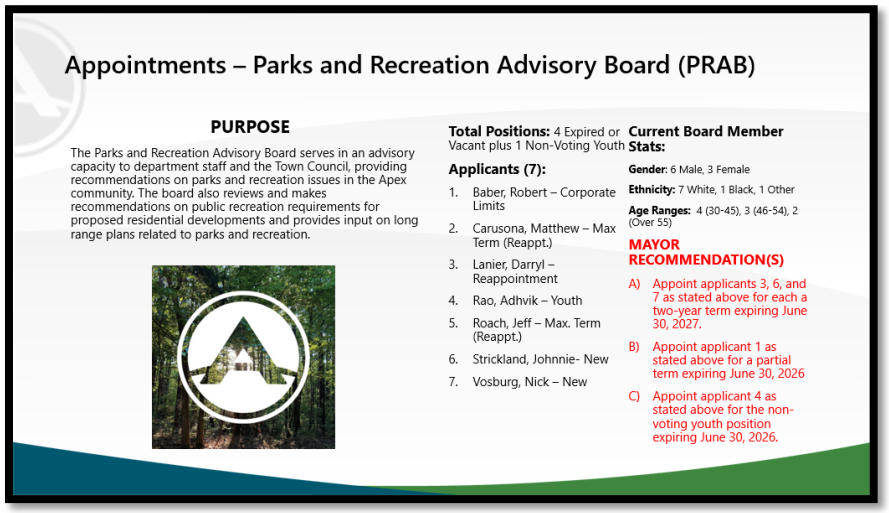


A **motion** was made by **Mayor Pro-Tempore Gray**, seconded by **Councilmember Gantt** to confirm Linda Barrett as Chair and Noah Thoppe as Vice-Chair for the Town's Multimodal Transportation Advisory Board for Fiscal Year 2025-2026, both expiring June 30, 2026.

VOTE: UNANIMOUS (5-0)

NB10 Appointments - Parks and Recreation Advisory Board (PRAB) – formerly referred to as a the Parks, Recreation, and Cultural Resources Advisory Commission (PRCRAC).

[SLIDE 1]



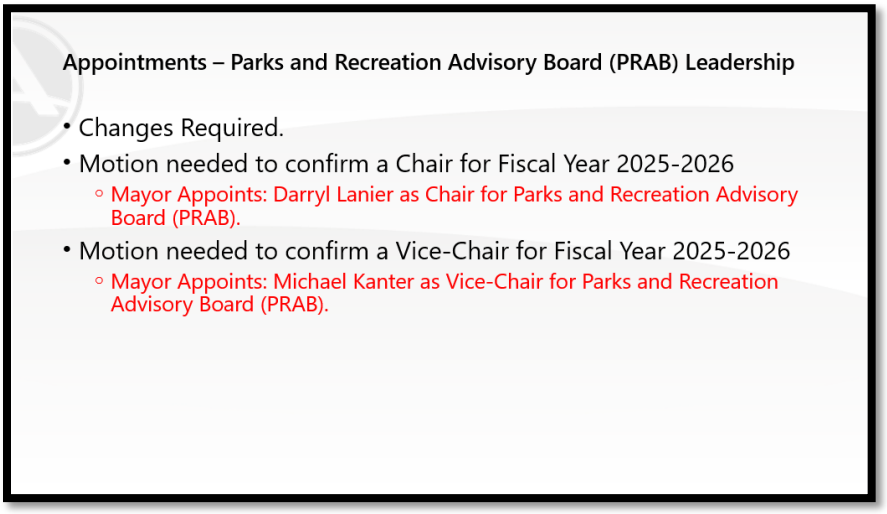
A motion was made by **Councilmember Killingsworth**, seconded by **Mayor Pro-Tempore Gray**, to appoint the following individuals to serve on the Town's Parks and Recreation Advisory Board (PRAB):

- Reappoint Darryl Lanier to a Regular Member position for a two-year term, expiring June 30, 2027,
- Appoint Robert Baber to a Regular Member position for a partial term expiring June 30, 2026 (position formerly held by Tom Colwell who transitioned to solely on the Culture and Arts Advisory Board (CAAB) effective July 1, 2025);
- Appoint Johnnie Strickland to a Regular Member position for a two-year term, expiring June 30, 2027,
- Appoint Nicholas Vosburg to a Regular Member position for a two-year term, expiring June 30, 2027, and
- Appoint Adhvik Rao as a Non-Voting Youth Representative for a one-year term, expiring June 30, 2026.

VOTE: UNANIMOUS (5-0)

NB11 Appointments - Parks and Recreation Advisory Board (PRAB) – Chair and Vice-Chair

[SLIDE 1]

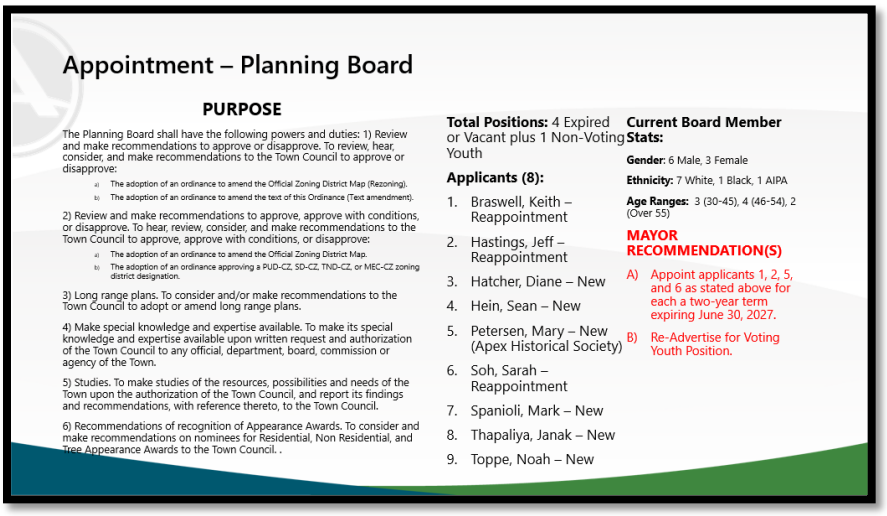


A **motion** was made by **Mayor Pro-Tempore Gray**, seconded by **Councilmember Gantt** to confirm Darryl Lanier as Chair and Michael Kanter as Vice-Chair for the Town's Parks and Recreation Advisory Board for Fiscal Year 2025-2026, both expiring June 30, 2026.

VOTE: UNANIMOUS (5-0)

NB12 Appointments - Planning Board

[SLIDE 1]



A **motion** was made by **Councilmember Zegerman**, seconded by **Mayor Pro-Tempore Gray**, to appoint the following individuals to serve on the Town's Planning Board (PB):

- Reappoint Keith Braswell to a Regular Member position for a two-year term, expiring, June 30, 2027,
- Reappoint Jeff Hastings to the Wake County Representative position for a two-year term, expiring, June 30, 2027,
- Reappoint Sarah Soh to a Regular Member position for a two-year term, expiring June 30, 2027,
- Appoint Mary Petersen to the Voting Apex Historical Society Representative position for a two-year term, expiring June 30, 2027; and
- Re-advertise for the Voting Youth Representative position for the Planning Board.

VOTE: UNANIMOUS (5-0)

NB13 Appointments - Planning Board – Chair and Vice-Chair

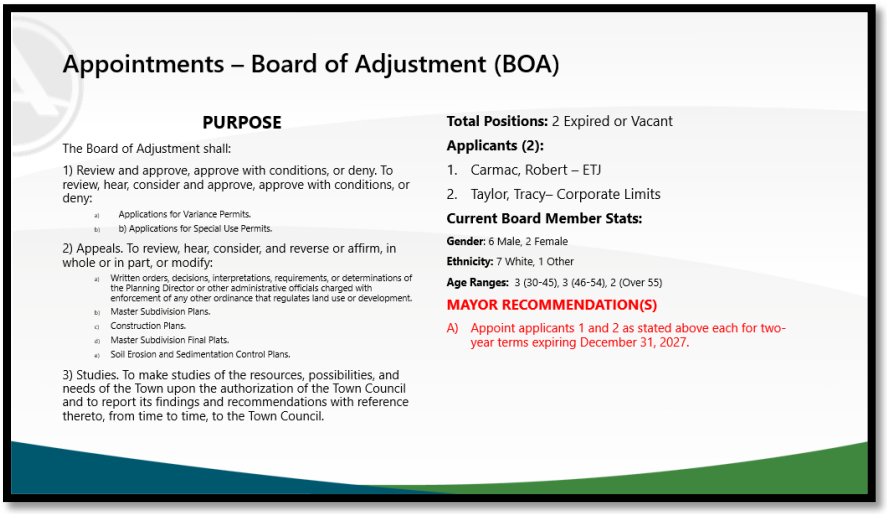
[SLIDE 1]



A **motion** was made by **Mayor Pro-Tempore Gray**, seconded by **Councilmember Killingsworth** to confirm Tina Sherman as Chair and Tim Royal as Vice-Chair for the Town's Planning Board for Calendar Year 2025, both expiring December 31, 2025.

NB14 Appointments - Board of Adjustment (BOA)

[SLIDE 1]



Town Clerk Coleman said that no additional applications had been received for the Board of Adjustment (BOA), however, a new recruitment period could be initiated. He said the Mayor's recommendation was to reappoint the two current members and it was before the Town Council for direction and guidance.

Councilmember Gantt made a motion to strike-through current Board of Adjustment Board member's name Dr. Tracy Taylor.

Mayor Gilbert said he was not accepting any amendments at this time and asked if there was a motion to approve.

Councilmember Gantt restated his position of striking through current Board of Adjustment Board members' name Dr. Tracy Taylor.

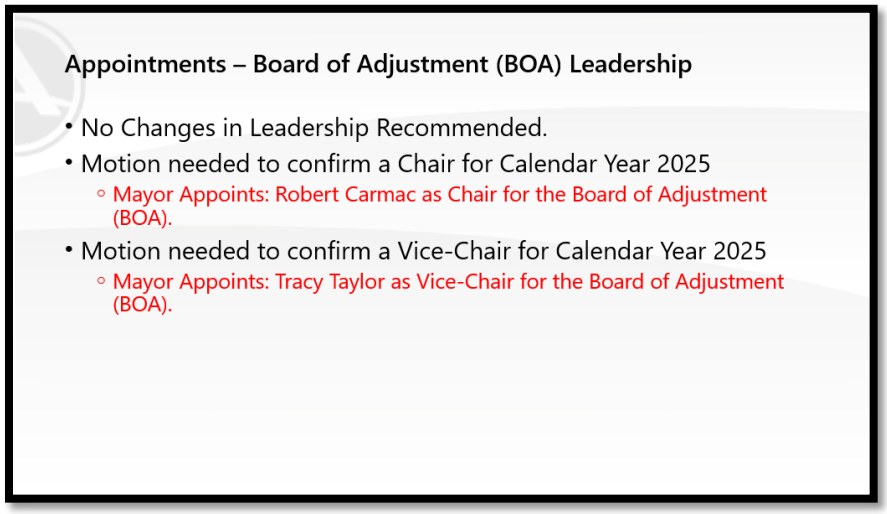
Mayor Gilbert said ~~he was only accepting motions to approve~~[1].

Councilmember Gantt made a motion to deny the recommendation.

Mayor Gilbert announced that a motion to approve was not made and therefore the item would return to the him for further consideration. He announced the item was closed.

NB15 Appointments - Board of Adjustment (BOA) – Chair and Vice-Chair

[SLIDE 1]



Town Clerk Coleman asked Mayor and Town Council whether they would like this item to return for further consideration as both members served in leadership roles for the Town's Board of Adjustment (BOA).

Mayor Gilbert said yes.

[CLOSED SESSION]

A **motion** was made by **Councilmember Gantt** and seconded by **Mayor Pro-Tempore Ed Gray,** 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)(4).**

VOTE: UNANIMOUS (5-0)

[1] The motion made by Councilmember Gantt died for lack of a second. The Apex Town Council affirms that any non-dilatory motion made by any member of council needs to be recognized by the Chair. If the Chair elects to not recognize a motion by any member of council, the Chair must state that the motion made is not germane and this ruling shall be subject to appeal by the governing body.

Council entered into closed session at 8:45 p.m.

CS1 Joanna Helms, Director, Economic Development Department

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."

CS2 ADDED - Laurie Hohe, Town Attorney

RE: Samuels 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 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."

CS4 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 **10:13 p.m.**

With no further business being presented by the Town Council, **Mayor Gilbert** adjourned the meeting at **10:13 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 26th August, 2025 (NB1).

APPROVED MEETING MINUTES

TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, AUGUST 12, 2025
6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, August 12th, 2025 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=ZOPnIQPZLc4

[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. He asked everyone in attendance to take 30 seconds and think about the good things in their lives. He then led in a recitation of the Pledge of Allegiance.

[CONSENT AGENDA]

Councilmember Gantt requested that Consent Item No. 10 be continued to the August 26th Council meeting.

A **motion** was made by **Councilmember Zegerman**, seconded **Mayor Pro-Tempore Gray**, to approve the consent agenda with the continuation of Consent item #10, Council Meeting Minutes – Various, to the August 26th Regular Town Council meeting.

VOTE: UNANIMOUS (5-0)

CN1 Advisory Board Attendance Reports 2025 - Quarter 2

Council voted to receive and accept the resident advisory board attendance reports for quarter two (2), which includes January through June, of calendar year 2025.

CN2 Agreement - North Carolina Department of Transportation (NCDOT) - Review and Oversight Agreement - BO-2422 South Salem Street Bicycle Lanes (REF: CONT-2025-297)

Council voted to approve a Review and Oversight Agreement with North Carolina Department of Transportation (NCDOT) for BO-2422 South Salem Street Bicycle Lanes, and to authorize the Town Manager, or their designee, to execute the agreement on behalf of the Town.

CN3 Agreement and Resolution - Apex Lions Club, Inc. - Jaycee Park - Boy Scout Hut Lease Agreement - August 12, 2025 through May 1, 2035 (REF: CONT-2025-298 and RES-2025-042)

Council voted to adopt a Resolution of the Apex Town Council authorizing the lease of a portion of Town property to Apex Lions Club.

AND

Council voted to approve a Lease Agreement between the Apex Lions Club, Inc and Town of Apex, effective until May 1, 2035, for $1.00 per year to maintain and use for the local boy scout troop, and authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN4 Agreement - Renewal and Amendment of ADA Paratransit Service Agreement with Wake County Government - Fiscal Year 2025-2026 (REF: CONT-2025-299)

Council voted to approve a Renewal and Amendment No. 3 of Americans with Disabilities Act (ADA) Paratransit Services Agreement, between Wake County and the Town of Apex, effective July 1, 2025 through June 30, 2026, for GoApex Route 1 Bus also known as GoApex Door to Door, and authorizing the Town Manager to execute, or their designee, on behalf of the Town.

CN5 Agreement Ratification - KONE, Inc. - Elevator Maintenance, Repair, and Emergency Communication Services - Mason Street Building - July 1, 2025 through June 30, 2026 (REF: CONT-2025-300)

Council voted to ratify a (1) one-year service agreement between the KONE, Inc and the Town of Apex, to provide elevator maintenance, repair, and emergency communication

services for Mason Street Municipal Building, effective July 1, 2025 through June 30, 2026, and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN6 Annexation No. 803 - 1211 Old Raleigh Road - 6.40 acres (REF: RES-2025-043, RES-2025-044, and OTHER-2025-063)

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 26, 2025, on the Question of Annexation - Apex Town Council's intent to annex 6.40 acres, located at 1211 Old Raleigh Road, Annexation No. 803, into the Town Corporate limits.

CN7 Annexation No. 804 - Townes on 1011 - Old US 1 Highway - 26.218 acres (REF: RES-2025-045, RES-2025-046, and OTHER-2025-064)

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 26, 2025, on the Question of Annexation - Apex Town Council's intent to annex 26.218 acres, project commonly known as "Townes on 1011", located on Old US 1 Highway, Annexation No. 804, into the Town Corporate limits.

CN8 Budget Ordinance Amendment No. 1 and Capital Project Ordinance Amendment 2026-1 – Cemetery Columbarium Project (REF: ORD-2025-052 and ORD-2025-053)

Council voted to approve Budget Ordinance Amendment No. 1 and Capital Project Ordinance No. 2026-1 and appropriating funds for the Cemetery Columbarium project.

CN9 Contract Award - 8M Solar LLC - Installation of Solar PV on Three Buildings at the Electric Utilities Department (REF: CONT-2025-301)

Council voted to award a construction contract with 8M Solar, LLC for the installation of Solar PV on three (3) buildings at the Electric Utilities Department and authorize the Town Manager, or their designee, to execute on behalf of the Town.

~~**CN10 Council Meeting Minutes - Various**~~

Council voted to move this item to the August 26th, 2025 Regular Town Council Meeting.

CN11 *Fee-In-Lieu of Land Dedication - Madison Downs Residential Master Subdivision Plan (MSP) - $4,244.42 SFD/unit*

Council voted to approve a payment of Fee-In-Lieu (FIL) of dedication for the Madison Downs Residential MSP at the 2025 rate of $4,244.42 SFD/unit.

CN12 Fee-In-Lieu of Land Dedication - Veridea East Village - Block A - Multi-Family Residential - $2,516.93 MF/unit

Council voted to approve a payment of Fee-In-Lieu (FIL) of dedication for the Veridea East Village Multi-Family Block A Site Plan as approved 04/24/2025 by the Technical Review Committee at the 2025 rate of $2,516.93.

CN13 Fee Waiver Request - Capital Area Preservation - Utley Farms Historic Home Restoration and Preservation

Council voted to waive building inspections and permitting fees associated with the Utley Farms Historic Home Restoration and Preservation project located at 3720 Old Use 1 Highway, New Hill, North Carolina, for a maximum not to exceed one-thousand dollars ($1,000), and only while the home is under ownership of Capital Area Preservation Inc.

CN14 Ordinance Amendment - Chapter 12 Municipal Utilities and Services, Article II Electricity, Sub Section 12-19 Regulation of Load Management (REF: ORD-2025-054)

Council voted to adopt an ordinance amending Chapter 12, Municipal Utilities and Services, Article II Electricity, Sub Section 12-19 Regulation of Load Management of the Apex Town Code of Ordinances.

CN15 Ordinance Amendment 20-165(d)&(e) - No Overnight Parking on Various Streets, Pinnacle Park (REF: ORD-2025-055)

Council voted to approve an Ordinance amending Section 20-165 with the addition of subsection (d) prohibiting parking on both sides of (1) Burma Drive, (2) Classic Road, (3) Goodworth Drive, (4) Pinnacle Center Drive, (5) Production Drive, and (6) Reliance Avenue, west and south of Ten Ten Road, between the hours of 10:00 p.m. and 6:00 a.m. for the purpose of prohibiting overnight parking, and relabel existing subsection (d) as subsection (e).

CN16 Resolution to Abandon Portion of Existing Public Utility Easement – Baucom Elementary (REF: RES-2025-047)

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.

CN17 Resolution to Abandon Portion of Existing Public Utility Easement – Prestwick (REF: RES-2025-048)

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.

CN18 Resolution - Recommending the Appointment and Removal of Review Officers for the Town of Apex (REF: RES-2025-049)

Council voted to approve a "Resolution Recommending the Appointment and Removal of Review Officers for the Town of Apex" pursuant to N.C.G.S § 47-30.2.

CN19 Revisions to Standards Specifications and Standard Details (REF: OTHER-2025-065 and OTHER-2025-066)

Council voted to approve revisions to the Town Standard Specifications and Standard Details.

CN20 Surplus Badge and Service Weapon - Former Apex Police Officer Jason Stone

Council voted to declare one (1) badge and (1) service weapon (Glock Model 17 9mm handgun, with S/N Serial Number XTA-824) as surplus property, set the price for such weapon to be $1.00 (One Dollar); and, award the stated badge and service weapon to Former Apex Police Officer Jason Stone who retired from the Apex Police Department effective August 1, 2025.

CN21 Surplus Vehicles - 2002 *Spartan* Gladiator Fire Engine, 2013 Freightliner Bucket/Chipper Truck, and 2014 Freightliner M206 Leaf Vac 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: 2002 Spartan Gladiator FF Custom Cab Fire Engine, VIN No. 4S7AT33972C042429

Vehicle: 2013 Freightliner M206 Bucket/Chipper Truck, VIN No. 1FVDCYDT6DHFG9649

Vehicle: 2014 Freightliner M206 Leaf Vac Truck, VIN No. 1FVACY0EHFW2024

CN22 Tax Report – May 2025 (REF: OTHER-2025-067)

Council voted to approve the Apex Tax Report dated June 05, 2025.

[UPDATES BY TOWN MANAGER]

TM1 Unified Development Ordinance (UDO) Discussion Related to Artificial Turf

Randy Vosburg, Town Manager

Town Manager Vosburg gave an update on an item on the agenda pertaining to the Unified Development Ordinance related to artificial turf. He said that staff is looking for directions from Council in pursuing an amendment to the UDO that would allow for artificial turf. He said that the issue at hand is that a local business came forward that used artificial turf in their parking area in the medians, and it was in conflict in the current UDO. He said that some items to look at would be draining issues and aesthetics issues.

Mayor Gilbert asked if the Council would hear from the business.

Town Manager Vosburg said that he was not sure if they were in attendance.

Mayor Gilbert said that he would like to hear from them.

Councilmember Zegerman said that Council considering changing laws because of somebody knowingly violating set laws would set a terrible precedent. He said that he did not support the UDO amendment.

Mayor Gilbert said that that Council should do their due diligence and get all sides of the story.

Councilmember Zegerman said that he would be glad to hear their side of the story, but did not support changing the UDO amendment prior to those conversations.

Mayor Gilbert said that he would like for each Council member to consider a discussion with the business before moving to a UDO decision.

Councilmember Zegerman said that he welcomed the conversation, but the Manager is looking for directions now and his position at this current meeting was not to consider UDO amendments.

Mayor Gilbert asked Councilmember Zegerman if he would consider the UDO amendment in the future after the conversations were had.

Councilmember Zegerman said potentially, yes.

Councilmember Killingsworth said that she did not support changing the UDO for installing artificial turf and would want to know why the business thought it was appropriate to go ahead and violate the town's UDO before this was considered.

Mayor Gilbert encouraged a conversation with the other side.

Councilmember Killingsworth said that there was an Ordinance in place that was violated, and they should be paying fines for the violation.

Mayor Gilbert asked what the pleasure of the Council was.

Councilmember Zegerman said that he wasn't sure if they should consider a motion, but if a motion is asked for, then the motion is not to move forward with a change to the UDO.

Councilmember Killingsworth said she would second the motion if he made it.

Mayor Pro-Tempore Gray asked to clarify whether there was only an interest in reviewing and discussing the item at this time.

Town Manager Vosburg said that before any work was done to potentially draft changes he wanted to make sure that there was an appetite for the change. He said that right now the property was in violation and had been issued a civil penalty for proceeding without proper plans, and the penalty is pending. He said the town has not sought remediation to remove the turf or issued daily fines pending discussion and outcome form Council's direction. He said that if direction is given not to go forward with a change to the UDO, then the process will begin to see how to bring that property into compliance.

Mayor Pro-Tempore Gray asked Town Manager Vosburg to give an overview of the UDO amendment process. He said that if was a long and arduous process then this would need to be balanced out before they move forward.

Town Manager Vosburg said that he would defer this question to staff, but it would take a few months.

Director Khin said there would only need to be a public hearing at a Council meeting, but it would go to the Planning Board for recommendation. She said that the property owner could be the applicant for this and there is an application and schedule that is followed.

Mayor Pro-Tempore Gray said that it would be helpful to know if there were multiple businesses asking for this change and that may be a basis to initiate the UDO amendment, but if it's one business then they can take advantage of the application process.

Town Manager Vosburg said that he was only aware of this one and asked staff if there were any others.

Director Khin said that she was not aware of any others.

Councilmember Zegerman said that in the past there have been residents and businesses that were not in compliance, and they were made to remove items or not allowed to open their businesses. He said to consider this amendment to a single business after they have already knowingly violated the UDO was poor practice. He said they are welcome to start the UDO amendment application process but as it stands today, they are in violation and he believed the town should enforce the violation, whether in fines and or removal of the turf.

Mayor Gilbert asked if what he is hearing is that there is no appetite to move forward tonight, but that the applicant can go through the process.

Mayor Pro-Tempore Gray said he would prefer that the applicant to go through the process so that there are no exceptions being made for anyone.

Councilmember Gantt said he didn't believe it was good policy to have artificial turf in these cases in general because of the heat issues.

A **motion** was made by **Councilmember Zegerman** and seconded by **Councilmember Killingsworth** to not move forward on a possible UDO Amendment relating to artificial turf at this time.

VOTE: UNANIMOUS (5-0)

Town Manager Vosburg asked Ryan Johansen, Chief of Police, to come up to make an announcement.

Chief Johansen said that he was honored to be able to announce that the Apex Police Department had once again received advanced accreditation through the CALEA Advanced Law Enforcement Accreditation Program. He said that few agencies will go through CALEA. He recognized Kelly Walsh for the work she did for the accreditation and thanked work of the men and women of the Police Department for going above board to make this happen.

Mayor Pro Tempore Gray said this was a very big deal, and the Apex Police Department was the best.

Town Manager Vosburg gave updates on these major projects:

- **Saunders Parking Lot** – Phase 1 the large area near the Police Department will open next Monday, August 18th with 175 parking spaces. The next phase will begin construction targeting mid-September completion with 150 gravel parking spaces. He said EV chargers are not installed at this time but will be soon.
- **Salem Streetscape Project** – He noted that the Town will be ramping up the public portion and getting information out. The acquisition phase is taking place currently.
- **Peakway Bridge Extension** – Construction is underway with the retaining walls starting to go up. Work on drainage and utilities have been in progress with about 70% complete on the storm drainage piece. Paved entry roads are also visible now. The project is currently on schedule and on budget.
- **Elevated Water Tank** – The tank is starting to rise above the fence line, and three of the 24 vertical sections are raised. It is a 1.5-million-gallon elevated water tank and is set to be complete in September 2026.
- **Tunstall House Renovation** – Set to mobilize with the contractor for the site work on September 2nd with CT Wilson and work is set to start at the beginning

October. Down East Preservation is the contractor that will begin the work on the actual house itself, and that notice of receipt has been issued.

- **Solar Panels on Town Facilities** – Approval was done at this current Council meeting through the Consent items with the contractor 8M Solar who was the low bidder. This project will soon be underway.
- **Closure of Olive Chapel Road (Due to Storm Damage)** – A storm on August 6th brought a significant amount of rain in some localized areas that received around 9" of rain, which was equivalent of a 200-year storm event. Olive Chapel Road is a DOT roadway, and Apex has been working with their district Engineer, and they are currently working on some solutions. The culvert was planned to be replaced in 2027, but this will move up that timeline. Coordination is ongoing with Duke Energy, Apex Water and DOT for utility relocation. The property will require some property acquisitions and DOT representatives will be reaching out to those residents about some of the right-of-way acquisitions that will be needed for this project. The area is barricaded off on the sidewalk that is not safe. Residents are encouraged to stay out of the area. DOT is aware that this is a main thoroughfare.

Councilmember Mahaffey said that he wanted the residents to know that Apex will do all that they can to accelerate the DOT project and work with DOT to get this fixed as soon as possible.

Mayor Pro-Tempore Gray asked how quick DOT reached out to Apex about this flooding event.

Town Manager Vosburg said it was the day of the event that they reached out and there were multiple discussions that day. He said that he can't emphasize the tremendous partnership that Apex has with DOT and it shows on this project.

Town Manager Vosburg continued with additional updates:

- **Parking App Pilot** – This is a parking pilot with an app that can be gotten in Apple Play IOS store or in the Android Google Play. It is an interactive parking app that shows you different parking options that are available downtown. It uses AI to monitor parking spaces and notify how many space are available. There are boards that have been put up around town. IT staff developed the app and the boards and did a great job.
- **Diwali Display** – There is a new display in the lobby featuring silks related to Diwali. A QR code is available to scan for more information on the display.
- **Storm Monitoring** – A potential storm is being tracked, current forecasts show it may move away. The town is monitoring the situation closely.

[REGULAR MEETING AGENDA]

Mayor Gilbert said it was time for the setting of the Regular Meeting Agenda and asked if there were any recommended meeting changes at this time.

A **motion** was made by **Councilmember Gantt**, seconded by Mayor Pro **Mayor Pro-Tempore Gray** to approve the Regular Meeting Agenda as presented.

VOTE: UNANIMOUS (5-0)

[PRESENTATIONS]

PR1 Apex Ambassador Birthday Recognition - J.C. Knowles

Mayor Jacques K. Gilbert honored J.C. Knowles as the Apex Ambassador. He said that on June 28th, 1928, Mr. J.C. Knowles was born in the town of Wallace in Duplin County, North Carolina and is well known for being the Apex Ambassador and has a mini park in downtown Apex named in his honor. He said that the Apex Town Council and himself send Mr. Knowles heartfelt birthday wishes on his 97th birthday and that the Council and himself are so grateful for his contributions to the community. He gave Mr. Knowles a letter of recognition and flowers for his birthday.

Mr. Knowles said he wanted to thank the Mayor from the bottom of his heart. He said that he had been associated with Apex for 75 of his 97 years and he's shooting for 100 and will continue to be the ambassador to the town as long as he lives. He thanked all of the citizens of Apex for allowing him to be their ambassador.

PR2 Parks, Recreation, and Cultural Resources Comprehensive Fee Assessment and Recommendations

Mayor Gilbert introduced Mr. David Wood for the presentation of the Parks, Recreation, and Cultural Resources Comprehensive Fee.

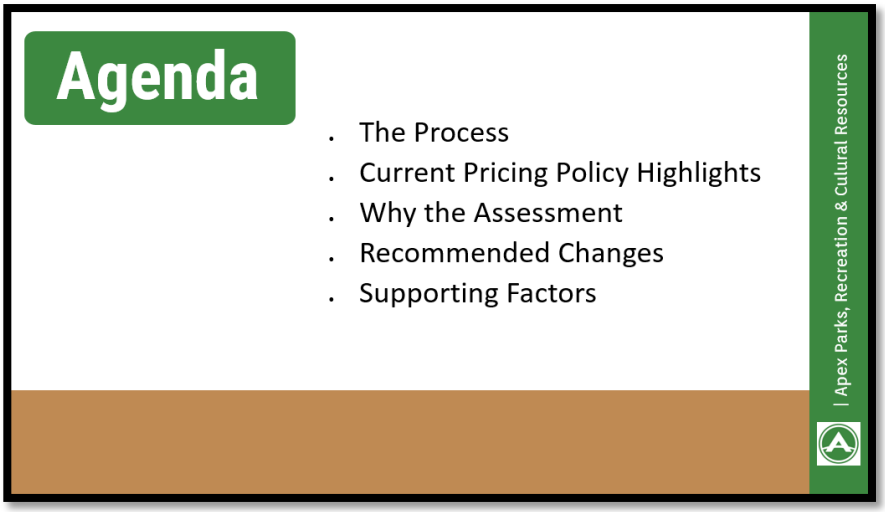
David Wood, Assistant Director, Parks, Recreation, and Cultural Resources Department introduced Pros Consultant that have been working with the Parks and Recreation Department that will be doing a presentation on working toward updating pricing policies. He introduced the President of Pros Consulting, Leon Younger and Associate Principal, Phil Parnin. He invited them up and thanked them for their time.

Mr. Younger said it was a pleasure to be at the meeting. He gave an overview of the information that would be shared and began the following presentation:

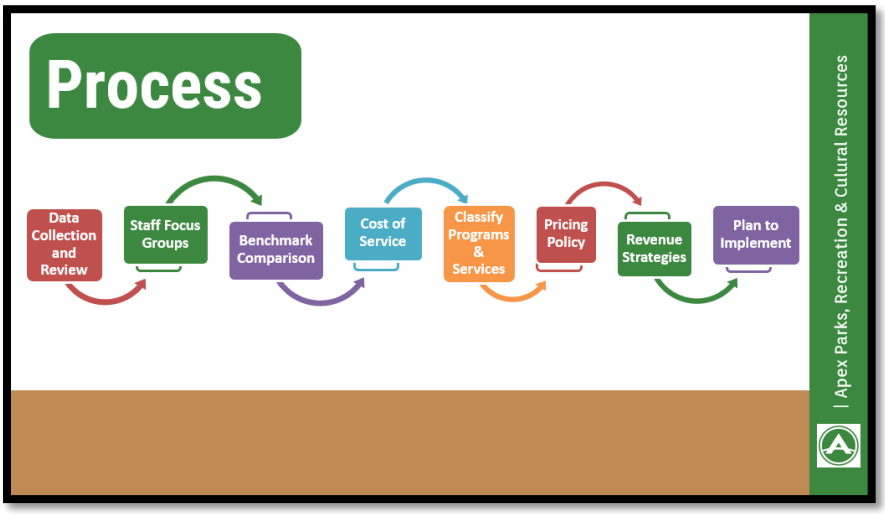
[SLIDE 1]



[SLIDE 2]



[SLIDE 3]



[SLIDE 4]

Why Assess Pricing Policy

- Hasn't been comprehensively reviewed and updated since 2010.
- Best practice is to review annually etc.
- 2023 Master Plan Recommended annual review

Important Note:

The Pricing Policy does not override the provisions outlined in the Community Special Events Policy, which shall take precedence in cases where the two policies differ.

| Apex Parks, Recreation & Cultural Resources

[SLIDE 5]

Existing Pricing Policy

Program fees are charged to recover costs of providing services. These fees cover direct costs such as instructor/entertainment contracts, part-time staff, supplies, equipment, referees, uniforms. A 10% administrative fee is added to cover overhead and an additional 10% maintenance fee for athletic programs.

Non-Resident Fees:

- $15 for Halle and JMBCC programs
- $10 for Senior and Specialized Recreation
- $25 for Athletic Programs

| Apex Parks, Recreation & Cultural Resources

[SLIDE 6]

Benchmarking Non-Resident Fees

Apex

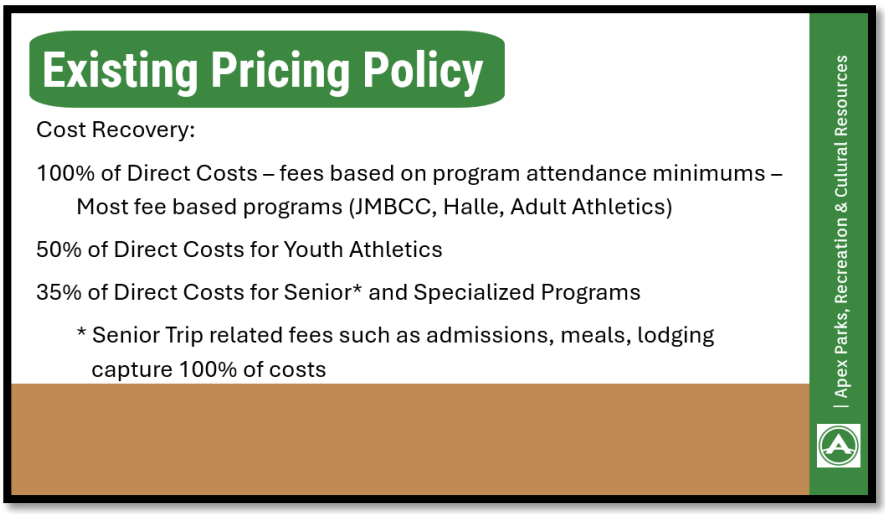
Non-resident fees are typically higher than resident fees; specific amounts vary by program.

Parks & Recreation Non-Resident Fees Comparison

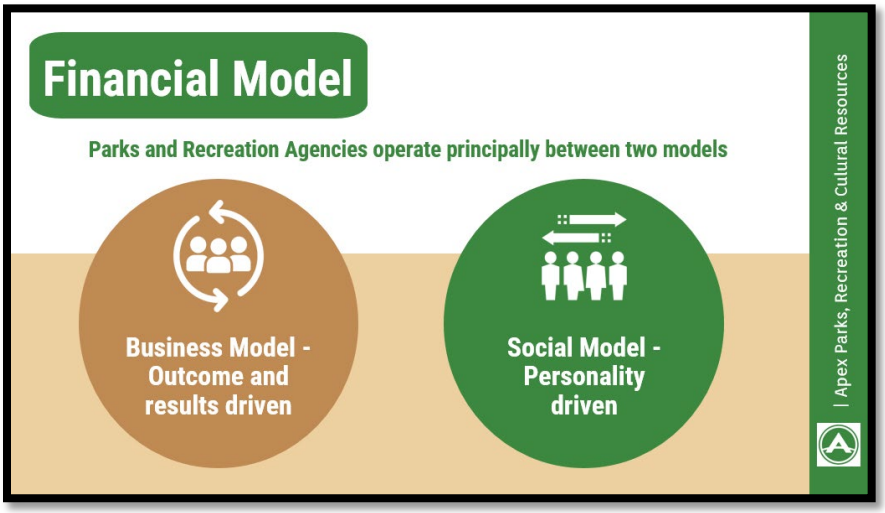
Municipality	Non-Resident Fee Structure
Cary	Non-resident fees are typically higher than resident fees; specific amounts vary by program.
Holly Springs	Non-resident fees are generally higher than resident fees; specific amounts vary by program.
Fuquay-Varina	Non-resident fees are higher than resident fees; specific amounts vary by program.
Morrisville	Non-resident fees are 30% higher than resident fees.
Garner	Non-resident fees are 40% higher than resident fees.
Wake Forest	Non-resident fees are higher than resident fees; specific amounts vary by program.
Wendell	Non-resident fees are higher than resident fees; specific amounts vary by program.
Rolesville	Non-resident fees are higher than resident fees; specific amounts vary by program.

| Apex Parks, Recreation & Cultural Resources

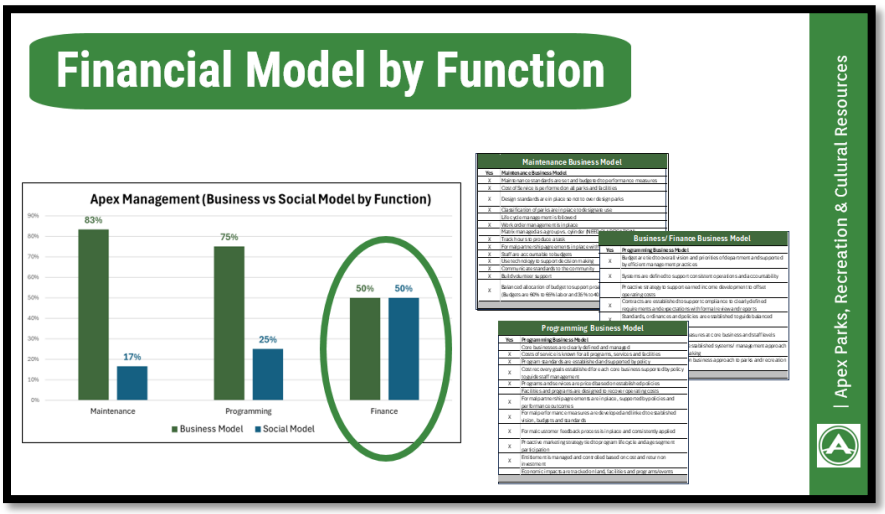
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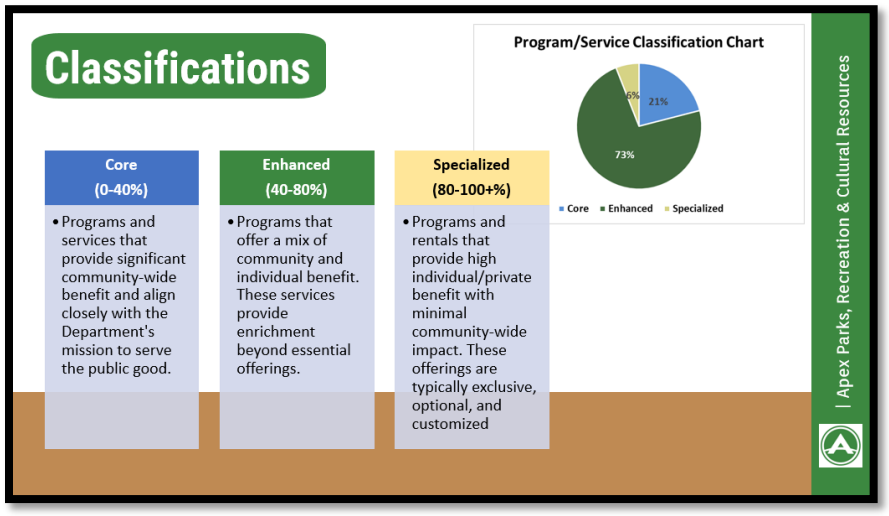
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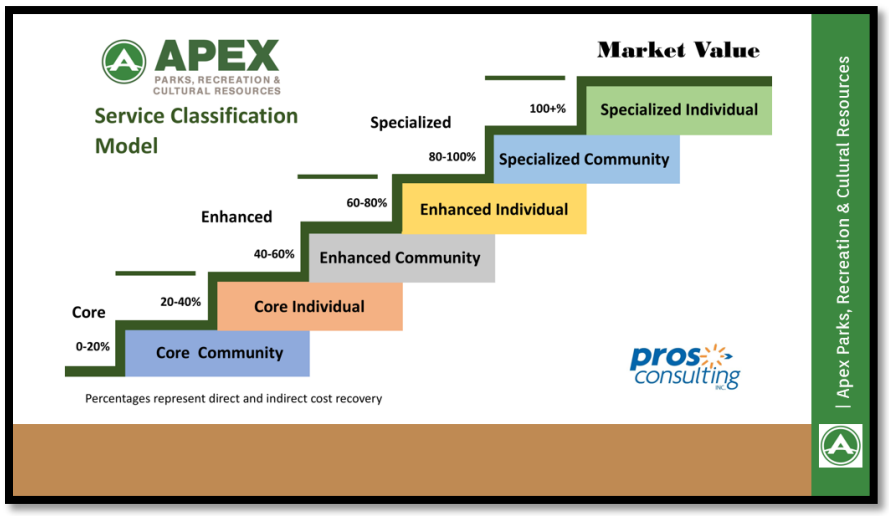
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[SLIDE 10]



[SLIDE 11]



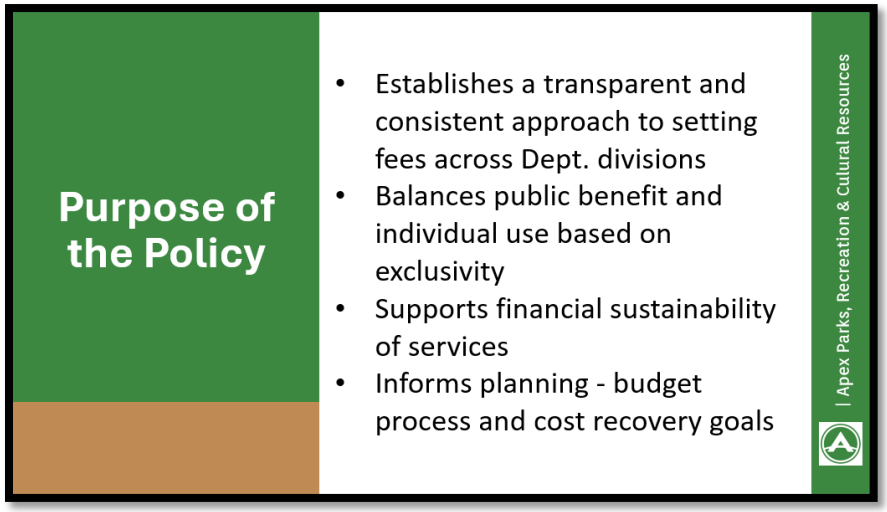
Councilmember Gantt asked if the numbers on slide 11 matter and if it is the optimal percentages.

Mr. Parnin said the numbers do matter and the numbers look like this because the more it's core to your mission and larger the community benefit, the higher the level of subsidy for those programs and when you are providing something more enhanced, more individualized and specialized that not everyone would benefit from but the individuals do, it's more towards the fair market value rate, for cost recovery of 80 to 100% plus.

[SLIDE 12]



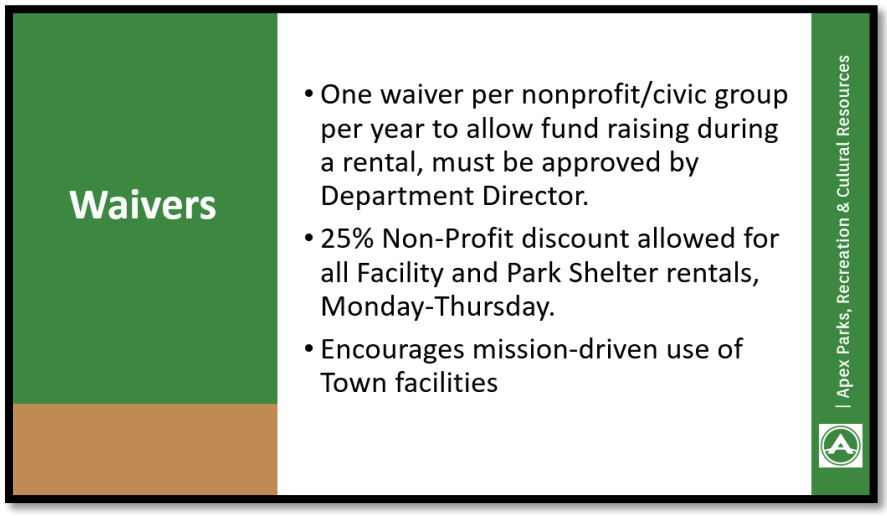
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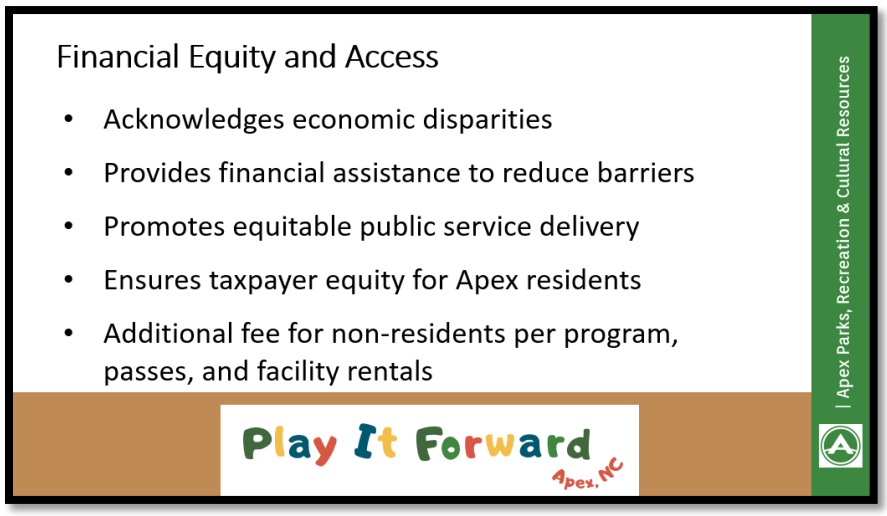
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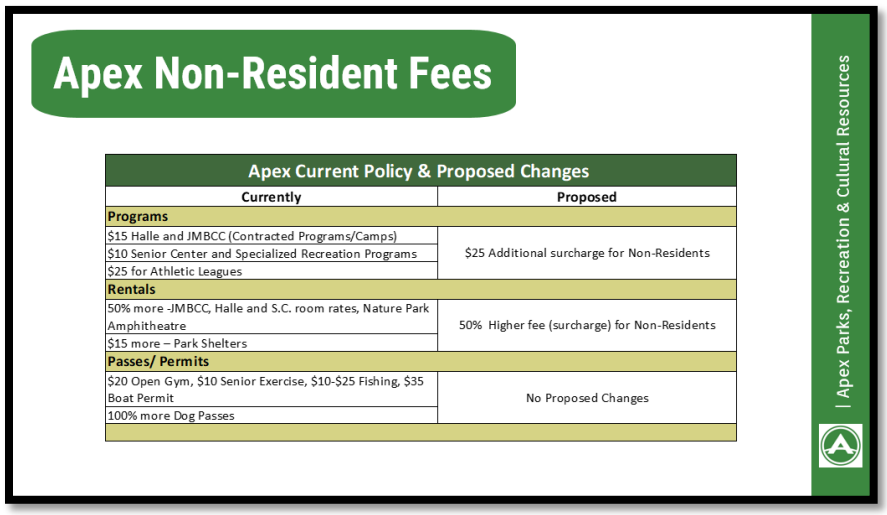
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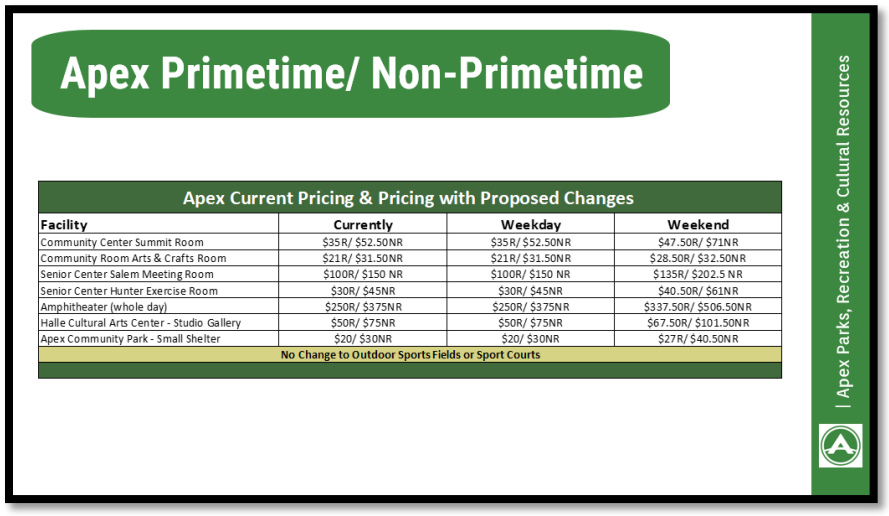
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[SLIDE 17]



[SLIDE 18]

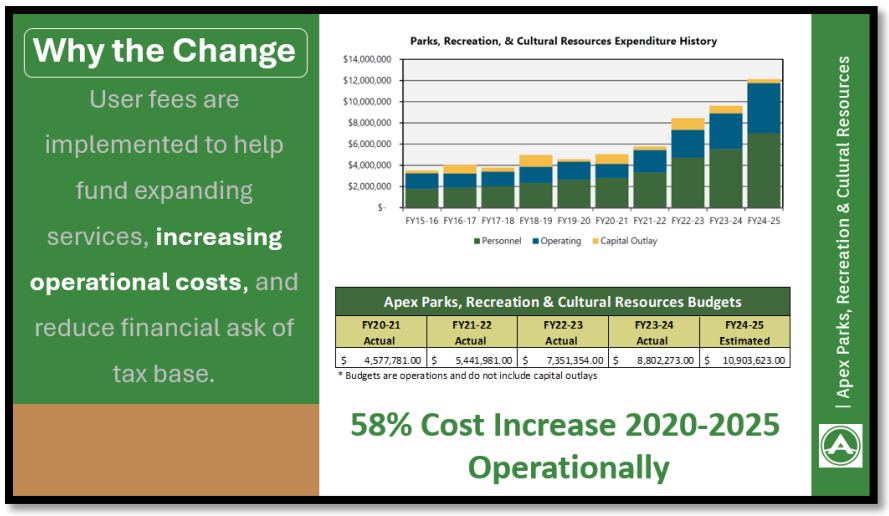


Apex Primetime/ Non-Primetime

Apex Current Pricing & Pricing with Proposed Changes			
Facility	**Currently**	**Weekday**	**Weekend**
Community Center Summit Room	$35R/ $52.50NR	$35R/ $52.50NR	$47.50R/ $71NR
Community Room Arts & Crafts Room	$21R/ $31.50NR	$21R/ $31.50NR	$28.50R/ $32.50NR
Senior Center Salem Meeting Room	$100R/ $150 NR	$100R/ $150 NR	$135R/ $202.5 NR
Senior Center Hunter Exercise Room	$30R/ $45NR	$30R/ $45NR	$40.50R/ $61NR
Amphitheater (whole day)	$250R/ $375NR	$250R/ $375NR	$337.50R/ $506.50NR
Halle Cultural Arts Center - Studio Gallery	$50R/ $75NR	$50R/ $75NR	$67.50R/ $101.50NR
Apex Community Park - Small Shelter	$20/ $30NR	$20/ $30NR	$27R/ $40.50NR
No Change to Outdoor Sports Fields or Sport Courts			

| Apex Parks, Recreation & Cultural Resources

[SLIDE 19]



Why the Change

User fees are implemented to help fund expanding services, **increasing operational costs,** and reduce financial ask of tax base.

Parks, Recreation, & Cultural Resources Expenditure History

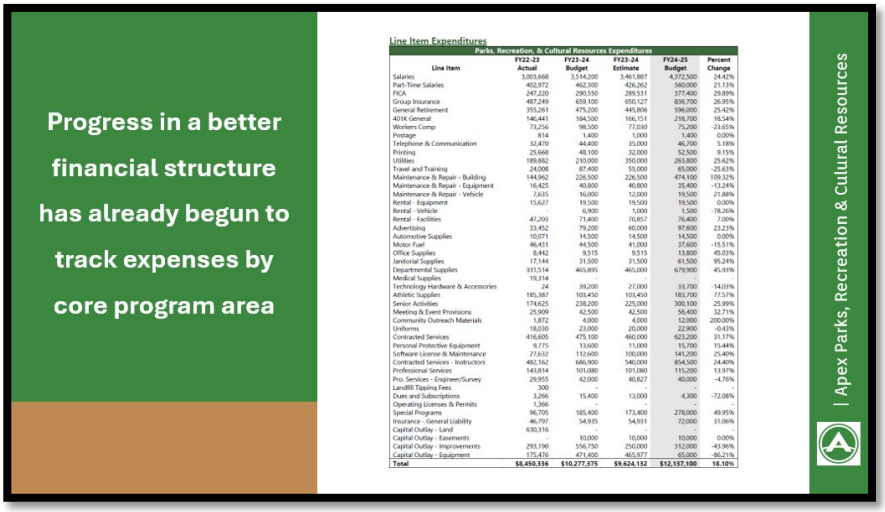
Apex Parks, Recreation & Cultural Resources Budgets				
FY20-21 Actual	**FY21-22 Actual**	**FY22-23 Actual**	**FY23-24 Actual**	**FY24-25 Estimated**
$ 4,577,781.00	$ 5,441,981.00	$ 7,351,354.00	$ 8,802,273.00	$ 10,903,623.00

* Budgets are operations and do not include capital outlays

58% Cost Increase 2020-2025 Operationally

| Apex Parks, Recreation & Cultural Resources

[SLIDE 20]



Progress in a better financial structure has already begun to track expenses by core program area

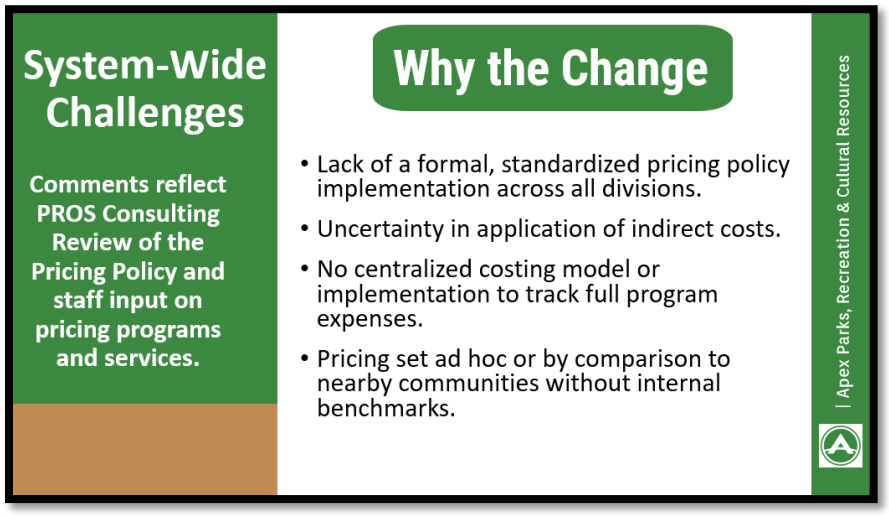
Line Item Expenditures

Parks, Recreation, & Cultural Resources Expenditures

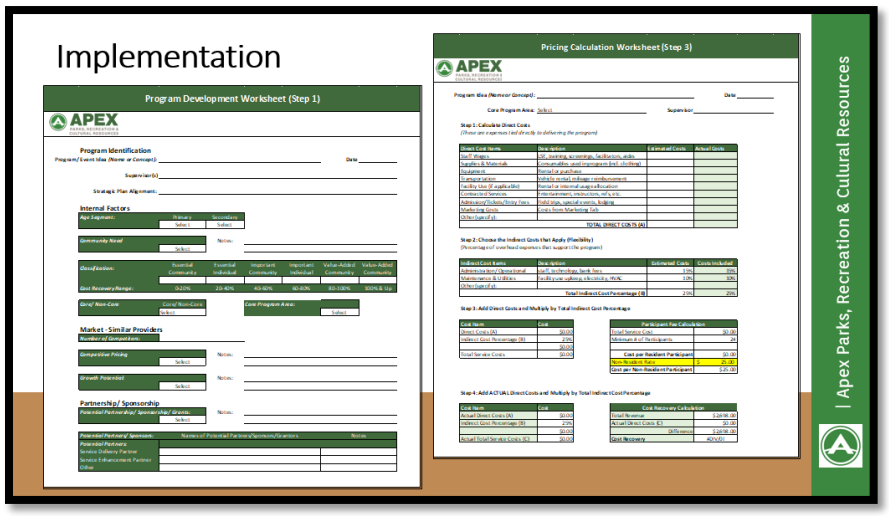
Line Item	FY22-23 Actual	FY23-24 Budget	FY23-24 Estimate	FY24-25 Budget	Percent Change
Salaries	3,003,668	3,534,200	3,461,887	4,372,500	24.42%
Part-Time Salaries	402,972	462,300	426,262	560,000	21.13%
FICA	247,220	290,550	289,531	377,400	29.89%
Group Insurance	487,249	659,100	650,127	836,700	26.95%
General Retirement	355,261	475,200	445,806	596,000	25.42%
401K General	146,441	194,500	166,153	218,700	18.54%
Workers Comp	73,256	98,500	77,030	75,200	-23.65%
Postage	814	1,400	1,000	1,400	0.00%
Telephone & Communication	32,470	44,400	35,000	46,700	5.18%
Printing	25,668	48,100	32,000	52,500	9.15%
Utilities	189,882	270,000	350,000	263,800	25.62%
Travel and Training	24,008	87,400	55,000	65,000	-25.63%
Maintenance & Repair - Building	144,962	226,500	226,500	474,100	109.32%
Maintenance & Repair - Equipment	16,425	40,800	40,800	35,400	-13.24%
Maintenance & Repair - Vehicle	7,635	16,000	12,000	19,500	21.88%
Rental - Equipment	15,627	19,500	19,500	19,500	0.00%
Rental - Vehicle	-	6,900	1,000	1,500	-78.26%
Rental - Facilities	47,203	71,400	70,857	76,400	7.00%
Advertising	33,452	79,200	60,000	97,600	23.23%
Automotive Supplies	10,071	14,500	14,500	14,500	0.00%
Motor Fuel	46,431	44,500	41,000	37,600	-15.51%
Office Supplies	8,442	9,515	9,515	13,800	45.03%
Janitorial Supplies	17,144	31,500	31,500	61,500	95.24%
Departmental Supplies	331,514	465,895	465,000	679,900	45.91%
Medical Supplies	19,314	-	-	-	
Technology Hardware & Accessories	24	39,200	27,000	33,700	-14.03%
Athletic Supplies	185,387	103,450	103,450	183,700	77.57%
Senior Activities	174,625	238,200	225,000	300,100	25.99%
Meeting & Event Provisions	25,909	42,500	42,500	56,400	32.71%
Community Outreach Materials	1,872	4,000	4,000	12,000	200.00%
Uniforms	18,030	23,000	20,000	22,900	-0.41%
Contracted Services	416,605	475,100	460,000	622,200	31.17%
Personal Protective Equipment	9,775	13,600	11,000	15,700	15.44%
Software License & Maintenance	27,632	112,600	100,000	141,200	25.40%
Contracted Services - Instructors	482,162	686,900	540,000	854,500	24.40%
Professional Services	143,814	101,080	101,080	115,200	13.97%
Pro. Services - Engineer/Survey	29,955	42,000	40,827	40,000	-4.76%
Landfill Tipping Fees	300	-	-	-	
Dues and Subscriptions	3,266	15,400	13,000	4,300	-72.08%
Operating Licenses & Permits	1,366	-	-	-	
Special Programs	96,705	185,400	173,400	278,000	49.95%
Insurance - General Liability	46,797	54,935	54,931	72,000	31.06%
Capital Outlay - Land	630,316	-	-	-	
Capital Outlay - Easements	-	10,000	10,000	10,000	0.00%
Capital Outlay - Improvements	293,190	556,750	250,000	312,000	-43.96%
Capital Outlay - Equipment	175,476	471,400	465,977	65,000	-86.21%
Total	$8,450,336	$10,277,375	$9,624,132	$12,137,100	18.10%

| Apex Parks, Recreation & Cultural Resources

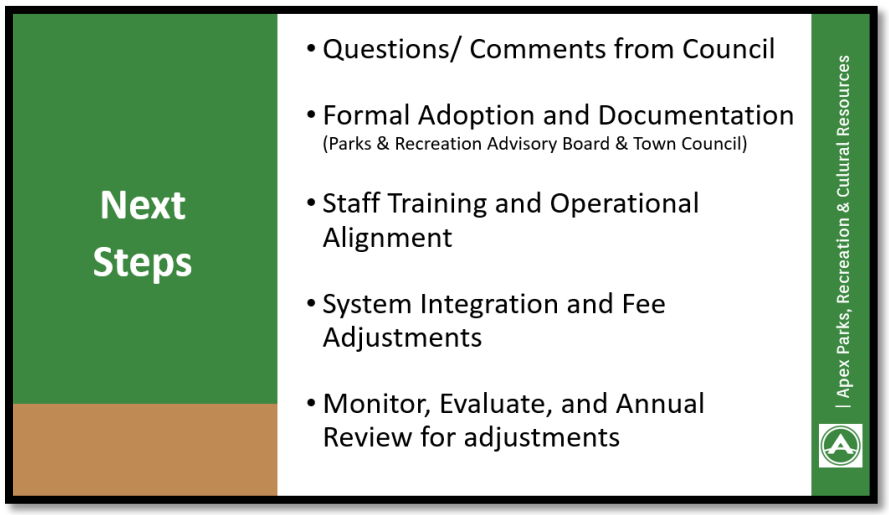
[SLIDE 21]



[SLIDE 22]



[SLIDE 23]



[SLIDE 24]



Mr. Younger asked if there were any questions.

Councilmember Mahaffey asked if Council would adopt the pricing and then staff will use the model to set fees.

Mr. Younger said that was correct.

Councilmember Mahaffey asked how this would impact on the budget. He said that he was concerned with the new model is possibly having a large impact on fees and big price swings.

Mr. Younger said that the impact is not a large increase. He said that the staff has put in a lot of input, and they all are sensitive to the issues associated with pricing. He said there were more adjustments in tracking both direct and indirect cost and in how to approach non-residents fees.

Councilmember Zegerman asked how current fees compared to the six tiers with the cost recovery addressed in the presentation.

Mr. Younger said that most of these are for the major facilities and adult athletics. He said that current policy covers 100% of direct cost for adult athletics, 50% on direct costs for youth athletics, 35% direct cost for senior and specialized program and senior trips related fees such as admission and lodging capture 100% of the cost.

[PUBLIC FORUM]

Mayor Gilbert opened the Public Forum and invited the first speaker up.

First to speak was the **Biking Community of Apex and Charleston Village** represented by **Joshua Rockwick**:

"Good evening, Mayor, Council. Imagine 30 kids outside having the best time, learning how to ride, how to jump, how to challenge themselves. Kids of all different ages, skill levels, just having fun, helping each other, and staying off screens with no bullying, no

pressure, just a place where everyone felt welcome and included, that's what the jumps gave us.

Mason

Hi, I'm Mason and we are here to represent the biking community of Apex and Charleston Village. We're here to talk about the bike jumps we built in our neighborhood and why they meant so much to us and a lot of other kids. We're going to talk about the bike area we created, how we lost it, and our plan to get it back.

Matthew Ashley

Hi, I'm Matthew Ashley. The space we created was more than just a place to ride bikes. It was a community. It taught us how to ride features, teamwork, and gave us a safe place with no bullying. It was a source of independence for us because it was accessible right in the neighborhood.

Brewer Pillis

Hi, I am Brewer Pillis. The problem is that our greenways don't connect to Apex south of US 64, so we cannot safely ride our bikes to Salem schools or even downtown Apex. Without a local space, we have no safe outlet for this activity. Our riding has sometimes caused problems and some of the neighbors have called the police, but we have also had positive interactions with them. For example, Officer Bell took a selfie with us while we were all wearing helmets and posted it on the Apex Police Department Facebook page.

Ethan

Hi, my name is Ethan. We know there are neighbors who have concerns about erosion, aesthetics, and accessibility. On June 30th, the Town of Apex put up signs saying our bike features would be removed because of the few neighbors' concerns. We felt terrible about losing them, but we decided to take them down ourselves so that the town staff wouldn't have to. We're really grateful that Mayor Gilbert came to Charleston Village and listened to us. He encouraged us to come to this meeting tonight and we are thankful for that. This is an issue that keeps happening to us and we've recently lost access to Crabtree trails.

Aiden

Hi everyone, my name is Aiden and I'm here to talk about something exciting that can make Apex even better. We want to build some awesome new trails and features here in Apex. Trails that people can bike, walk, or run on. Features like small ramps, turns, and fun sections that are safe and fun for all ages. But to do this, we just need one thing: permission from the Town of Apex. We're working with TORC, which stands for Triangle Off-Road Cyclists, they are a group of people who love outdoors, especially riding bikes on trails through the woods. They don't just ride, they build and take care of trails too. We're not asking for money, we're not asking for help with the tools or materials. They already have great trails in other towns and they want to do the same here. These trails won't just help bikers, they'll help the whole community. They'll give kids and families a place to play outside, they'll help people stay active and healthy and they'll help protect nature by keeping people on safe, planned paths. So today we're just asking for your permission and let TORC help and let us build something amazing that everyone can enjoy. Thank you.

Isaac Ashley

Hello, my name is Isaac Ashley and TORC can help us with the following. They will work with landowners to make a memorandum of understanding that will outline expectations. This can be renewed every year. They will provide a certificate of insurance through their parent organization, SORBA. They will assign a local volunteer to be a trail coordinator who will organize workdays and act as a liaison. They will help with signage, informing riders of the rules and trail difficulty, as you can see from our example, they are also willing to repurpose features from Crabtree trails.

Landon

Hello, Mayor, members of the council. My name is Landon. Tonight, we told you about the bike area that we built. Overall, this area has been so much more than a place to ride. It's been a place to grow over the past year and a half. It has given me and my friends countless memories, strengthened our friendships, and taught us the meaning of working together towards a common goal. It has encouraged us to spend our time outdoors, be active, and to channel our energy into something positive and constructive. What's special about this place is that it doesn't just benefit us. It has the power to benefit and inspire others. Unfortunately, we did not get permission first, which led to us losing this privilege. Luckily, we have a solution. With just a little support and guidance, we can make sure it remains a safe, respectful, and welcoming space for everyone now and years to come. Imagine future kids discovering this spot, building their own friendships, learning teamwork, and finding the same joy and sense of belonging that we have. Thank you for taking the time to hear us out. Your support could help not just preserve a set of jumps, but a place where our community's youth can grow, connect, and thrive.

Joshua Rockwick

Apex is blessed to have young, creative athletes like these guys. They're responsible. If you ask Officer Bell, when she showed up, the kids didn't run away. They actually waited and talked with her. They all had their helmets on, as you see in the picture in the handout that they gave you. When Apex came forward and said, "Hey, you can't be here," they took their time and their energy to take the jumps down, so our community didn't have to pay for that. They're hardworking. A lot of the materials that they got for their jumps came out of the woods, cut down trees, dead trees that they cut up. They also cleaned out the culverts. The dirt in the culverts they pulled out to make their jumps, so they actually are doing a service for the community as well as they did it. They're innovative and they take initiative. The parents of these children and all the riders in our community are supporting them because of that initiative they take. Almost immediately when that sign went up, Aiden, I believe, sent Mayor Gilbert an email within minutes to say, "Hey, can we meet about this? What can we do about this?" And since these kids are so amazing, we want to give them that support for their mountain bike trails. Now, the space that we're talking about is actually in the greenway easement. Technically, if I read it properly, it's labeled an open space, which means you can run, walk, bike, and hike on there according to regulations. So, what they're asking is to take some of that open space and build a feature site like they had with the oversight of TORC, which is a professional organization that builds jumps throughout the area. They actually have

a similar setup in Briar Chapel where there's mountain bike trails right next to the greenway, so it keeps the mountain bikes off the greenway. Runners have a place they can run instead of on the pavement, and it gives mountain bikers an area to go. So, we're looking at taking that model and starting in our neighborhood. We've got parental support, we've got a group to oversee it and then we just need volunteers, which can be from our community or anywhere else. There's lots of mountain bikers that do this and love to get out there. So, really, we're just looking for permission to support these kids. Thank you for your time."

Mayor Gilbert thanked the speakers and invited the next speaker:

Next speaker was **Hasim Osman** of 3181 Mantel Ridge:

"Mr. Mayor, members of council, good evening. As a parent, I'm speaking to you to express my strong support for finding a solution for the parking situation at Apex Friendship High School. Since the school was opened, parking for students has been a challenge. Later on, today, there is a proposed amendment discussion to the UDO. I support this proposal that would allow student parking as a residential accessory under specific conditions. Accessible parking for high school students is critical for student safety, timeliness, and reducing daily stress for both students and parents. Many students, my son included, are involved in activities before school. He's a swimmer. He has to get up before school to go swim in Raleigh. He's a swimmer for the high school team. Practices are in the morning, and he just can't get back home in time to catch the bus to get to school. He also takes classes at Wake Tech, and that also requires him to leave campus, and that requires transportation. Last year he was able to drive because he had parking, and with the enforcement of the current situation with parking, that will become a challenge for him and our family. We need common sense solutions for the parking situation at the school with appropriate oversight to avoid overcrowding and prevent dangerous driving situations for both students and neighbors. I believe the proposed amendment to the UDO is practical, and a community-driven solution to an ongoing challenge. This reflects the collaboration between residents, organizations, and town leaders, which will allow and benefit all stakeholders. I respectfully ask that you engage the community in a discussion on solving the parking situation at Apex Friendship High School. I also hope that Town Council and staff will work in collaboration with other state and county leaders to come up with a long-term solution for the parking situation at the high school. Our community continues to grow. We have a great community, lots of people. However, parking is not just an issue at Apex Friendship. It's also an issue at Apex High School, and it will become an issue, I'm sure, at the new high school as well. So, please, I urge you to look at all solutions that are possible to help students and their families. Thank you very much."

Mayor Gilbert asked the speaker to state his address for the record and thanked him. He then invited the next speaker.

Next speaker was **Keven Campbell** of Raleigh Area Land Trust:

"Thank you, Mr. Mayor, Mayor Pro-Tempore, members of council. It will be no news to anyone here in this room that the affordability of housing in the town of Apex, throughout Wake County, really throughout this region, is very stressed at this point. So tonight, I was blessed to have a few minutes with you to do a couple things to explain to you who the Raleigh Area Land Trust is, what the Community Land Trust model is, to raise familiarity with that, and to share a really exciting opportunity that we have right here in Apex. Raleigh Area Land Trust is the first and now only community land trust that's operating in Wake County. We were organized in 2018 and have since then this sounds awfully tiny, sold two homes in Southeast Raleigh, but things are about to really blossom in the model in this market. The model is designed to meet two objectives that necessarily don't work so easily together. So, it's a tough model to make work, but the model is to provide permanent affordability not just for the first homebuyer but for subsequent homebuyers through a 99-year renewable land lease. I'll talk about that, and then also allow for the building of equity in a shared equity model for the family. So, trying to balance keeping a specific property affordable in a community and allowing the family to build wealth over time through these shared equity agreements. Raleigh Area Land Trust, this is a new model for Wake County, but it is not a new model in the United States. It started in the late 1960s. There are now over 300 community land trust organizations throughout the U.S. and have built over 15,000 houses throughout the years. In our area, really two prominent land trusts, the Community Home Trust in Orange County and the Durham Community Land Trustees in Durham, are really leaders in the network and have been in existence for 30 years or so. So, we're following their example and bringing it to Wake County. The average tenure in a community land trust home, based on this sample of 15,000 homes, is seven years, which is also the same number in a typical market rate home purchase. And interestingly, the data shows that for those homebuyers that choose to sell their community land trust property, 60% of them are able to move into market rate homeownership. So, that's showing that equity is generated in the community land trust model, and that they're able to use that as really a steppingstone into market rate homeownership, and I think the important point there is, if they choose to do so, no one is asking them to sell their community land trust home but it provides that opportunity. I mentioned our Raleigh Area Land Trust was formed in 2018. In 2023, we sold our first two homes in Southeast Raleigh. And really throughout these years, we've been working with the City of Raleigh and with Wake County on a project called Cottages of Idlewild. It's near downtown Raleigh. We just started construction a couple of weeks ago on 18 new cottage court units that will be available, 14 for purchase, 4 for rental, to families earning 60% or less of the area median income in that project, we're excited for that. I just want to thank you all. You all have, I think, put across the message to developers that you're concerned about affordability in Apex, and that has resulted in a developer making 12 units,12 brand new townhome units, available to the Raleigh Area Land Trust to sell to buyers in the community between now and the end of the year, we hope. So, I want to thank you for paving the way for that. It's just a win-win in so many ways. It's hard to find affordable units, we're talking about

market-rate units at about $450,000. We'll be making them available for about $315,000 and that's solely due to the generosity of the developer as the zoning conditions that they offered in their project. The communities are called Prestwick and Huxley. They're the same units. They are three-bedroom, two-and-a-half-bath, three-level with garage townhomes, 2,100 square feet. I know you all know how difficult it is to find that kind of product in this community at that price. We offered a community information session, and thank you Mayor, Mayor Pro Tem, for attending that to spread the word. So, I'm asking your personal help in spreading that word. We're also excited to be offering that same kind of information session for town and town staff on Thursday this week. These really provide opportunity for workers in the community. I know that that's a concern of yours as well, the town staff that love this community, work in this community, and are looking for opportunities to live in the community, we hope to be able to provide that. We have two units in the Prestwick community. Those sale prices, based on the zoning condition, will be available to families earning between 80 and 100% of the area median income based on family size. And in the Huxley community, based on the zoning condition, 10 units to families earning up to 80% of the area median income. I think that's all I have, I didn't need the whole nine minutes, but thank you for your time, and thank you for the opportunity, I think it will be a really strong example, not just for your leadership in this community, but across the County as well. So, we thank you for that."

Mayor Gilbert thanked the speaker for his strong example and leadership in the community and across the County. He then invited the next speaker.

Next speaker was **Elizabeth Stitt** of 3113 Friendship Road:

"Mayor and Town Council good evening. On June 17th, the town council had a work session where the council contemplated five expansion options for the Pleasant Park. This is a $14 million expansion of the park. When the staff started discussing the five options, they shared that in the first year, the park had 2 million visitors. We all know that far exceeds the full buildout of what was projected for the park. We also know that far exceeds the 2018 traffic study. So, it was really disheartening listening to the work session talking about, you know, we could do this field or that field and maybe we could attract some college tournaments talking about everything that can be brought into the park, and through the conversation, I was like, where's the community? Where are the neighbors that are impacted by this? For the people down the street where we can't get in and out on Old US 1 because the traffic is backed up, you're looking at a $14 million expansion and the brief comment about the traffic felt very dismissive. You know, $14 million, you need to take a couple of those million dollars and deal with the traffic issues. It is not fair to those in the community that want to go to the park but can't get in and out of the park. They can't use the park. It's not fair to bring in college tournaments when we have needs for our high schoolers and our middle schoolers to be using fields. It just felt like the priorities were misplaced and it hurts because I have to go through this, and you know that I'm very involved with my community.

We have come to you multiple times and said, please do something to address the traffic. I understand getting a second exit is not going to happen anytime soon, but you could have some traffic police there on the days, even just normal Saturdays where we have large numbers of visitors, come and help with the traffic. I mean, there are some simple common-sense ways of addressing the traffic but just to go plan a $14 million expansion without meeting the current needs feels like the priorities are backwards. So, I ask that you take the time to actually come out and talk to the neighbors. Have a meeting there at the park. Maybe come sit on the side of the road with us in a safe place and just watch the traffic go in and out and in and out and in and out so that you can experience firsthand what we do. This is not just $14 million on a piece of paper. This is where we live, and this is where our neighbors are supposed to come and play. Thank you."

Mayor Gilbert thanked Ms. Stitt and invited the next speaker.

Next speaker was **Dawn Cozzolino** of 3632 Bosco Road:

"Good evening, Mayor, Town Council. The collapse of Olive Chapel Road highlights how our growth and infrastructure are out of balance. Development is advancing rapidly, bringing traffic, environmental, and stormwater challenges our systems can't handle. Projects like Chapel Ridge, New Hill Commons, the Summit, Depot 499, and the Veridia mega site, move forward despite the 2017 town maps showing flood risks, traffic studies showing roads near or over capacity, and loss of tree canopy that helped actually manage the runoff. I'm confused by the town's characterization of the event as a 200-year event. The FEMA 100-year floodplain runs right where the road failed, and the stormwater from the Chapel Ridge site appears to have overwhelmed it. Can someone help me understand the discrepancy between the maps and the leadership statement? This pattern repeats, natural buffers removed, water directed into stressed creeks, and downstream neighborhoods flooded or eroded. These same development pressures also lead to traffic studies, as Elizabeth mentioned, showing more roads near capacity with safety and quality of life risks rising. In fact, the numbers on Olive Chapel are 10,000, but on Kelly Road are almost 20,000. So, you've got to talk about a bigger, broader area when you speak about your traffic. I want to recognize the men and women of North Carolina DOT, and I just brought this safety vest to kind of show, or just the image of it, that the work they do is very dangerous. They're out there alongside heavy volume of traffic and extreme heat, all sorts of weather conditions. While the public saw a performative video with hard hats and sound bites, the real demanding work will be done by these crews. The official narrative says stormwater and environmental measures met minimum requirements, but that narrative has been used to justify eminent domain road widenings on North Carolina DOT roads with little public discussion. This approach shifts responsibility away from the decision makers and into the public. The balance is missing now. Until it returns, these failures will continue. Thank you."

Mayor Gilbert thanked Ms. Cozzolino and invited the next speaker:

Next speaker was **Lorraine Mian** of 2524 Walden Woods Drive:

"My name is Lorraine Mian. I live at 2524 Walden Woods Drive. And I'm here tonight to say thank you and thank you for your support of the Patriot Day ceremony on September 11th. And I read that there will be some participation from Council as well and I'm thanking you because I'm a survivor of the World Trade Center attacks. I heard the planes crash into the buildings. I saw people jump out of the North Tower that day, and I witnessed the buildings collapse in front of my eyes. My husband was a federal agent, a criminal investigator for the Department of Interior. He was detailed to the rescue and recovery effort down at Ground Zero, but he later died from his exposure from breathing in the toxins from the dust cloud that was in the grass, in the dirt, in the pile. Today, people are still getting sick and dying from that exposure and some of those people live right here in the Triangle. So, I urge you, as our town leadership, to make 9/11 a day of remembrance for our community going forward so that we never forget those horrible events and that we never forget the sacrifice made by our first responders to rescue people, ordinary people like you and me. Thank you."

Mayor Gilbert thanked the speaker and invited the next speaker.

Next speaker was **Andrew Gluck** of 2425 Walden Woods Drive:

"I'm here to address a different issue. Something that the council really doesn't have any authority over, but as a group, I was hoping you would write to the state. We have 540 going through the town. The only area of 540 in Apex that does not have any sound barriers is around the Beaver Creek area and all that. It's a toll road. They totally started in this area, but this area was totally avoided for any sound barriers. And where I live and other areas in that area, it's very noticeable. So, we're just hoping the town will get together, the council will get together and write to the state I think it's the state's responsibility to put those sound barriers up. They're collecting tolls every day on that, and it should have been done in the first place, but this area of the whole 540 was ignored. No other area on 540 was ignored from the sound barrier. So, I'm just requesting you as a group to do that to the appropriate people of the state. And I'm sure someone here would know who to write to because I know you're very intertwined with that. So, we'd appreciate it if you just would do that for the people of Walden Creek and also the surrounding areas. Thank you."

Mayor Gilbert thanked the speaker and invited the next speaker.

Next speaker was **Alexis Kennedy** of 106 Buck Haven Court:

"Since my last City Council meeting, I'm heartbroken to report that more children, women, and men have died in Gaza. Starved, bombed, shot, crushed to death by food trucks in their desperation for aid. Just a couple days ago, a 14-year-old boy was crushed to death by a falling aid package. UNICEF has reported that in the past month, the classrooms' worth of children have died roughly as much as every hour. I've watched in horror as people justify starving disabled Palestinian children, claiming that their medical conditions make it acceptable. These children need special diets just like many of us know someone with dietary needs, GI issues, allergies, nutrient deficiencies. Yet, if they're Palestinian, their starvation is dismissed. Our government and media have excused withholding food from these children, effectively justifying the starvation of disabled children. Meanwhile, since 2023, we have sent Israel 22 billion dollars of our tax dollars, funding a country accused of war crimes and apartheid, while it provides free health care and free educations for its citizens and housing for illegal settlers in the West Bank. Meanwhile, in Apex, our elementary schools had to make tough decisions and cut out teachers, and now the ratio is 35 students per classroom. So, we're starving children abroad and starving our own children of education. Imagine what the two billion dollars could have done for us. It could have expedited the rebuilding of communities hit by Hurricane Helene, proper aid for the Texas families after the horrible flash floods, fund our schools, or hell, just return our tax money. Instead, it's used to bomb and starve children. With only four aid stations for 2 million people in Gaza, this starvation is intentional, and we're funding it. I love my children with all my heart, and my love isn't unique. Parents across the world feel the same way and I could never justify starving my child or allowing someone to starve them. So why do we consent to starving other children? We are all responsible because it's our money and our government enabling the actions. If you feel powerless, that's not an excuse. Governments don't change out of the kindness of their hearts. They change when communities demand it. We must hold our leaders accountable and act to stop the injustice."

Mayor Gilbert thanked Ms. Kennedy and closed the Public Forum period.

Mayor Gilbert announced the meeting would stand in recess for 5 minutes. The meeting stood in recess beginning at **7:29 p.m.**

Mayor Gilbert reconvened the meeting at **7:37 p.m.**

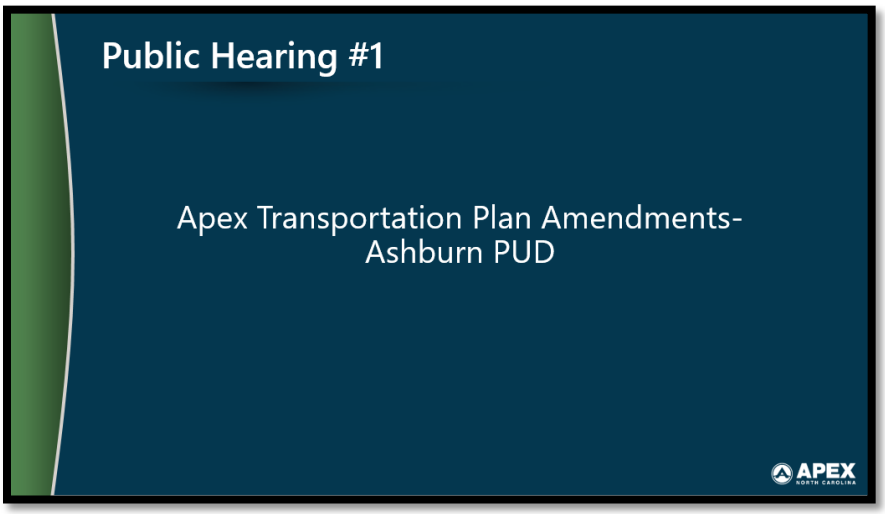
[PUBLIC HEARINGS]

PH1 Apex Transportation Plan Amendments – Ashburn PUD

Shannon Cox, Long Range Planning Manager, Planning Department said that the first Public Hearing is specific to proposed transportation plan amendments which is associated with the second Public Hearing for the rezoning request. She said staff is suggesting that

Council hear both public hearings and then vote at the end of the second public hearing. She gave the following presentation.

[SLIDE 1]



[SLIDE 2]



Ms. Cox opened up for any questions.

Councilmember Gantt asked Ms. Cox to describe how Hammocks Beach affected how Bella Casa was developed several years ago and the issues with driveways not facing the road or other types of issues.

Ms. Cox said minor collector streets can have direct driveway access, major collector streets do not have direct residential driveway access. She said that the properties in this plan are accessed by the alley with sidewalks to their front doors that access Hammock's Beach Trail in this location. She said that there was nothing in the standard specifications that would prohibit driveway access.

Councilmember Gantt said he had that thought they were designed this way because of them being prohibited. He said that in the earlier packet it did not show the roundabout

and asked if the roundabouts were staff suggestions to the developer who is now proposing the roundabout.

Ms. Cox said she was not aware of what was in the earlier packet for rezoning, but the roundabout is included in the next couple of slides. She said there was a lot of conversations with the developer throughout the rezoning request with staff to reach a positive recommendation for the roadway network that they are proposing.

Mayor Gilbert opened up Public Hearing.

First to speak was **Charles Walker** of 275 North Pea Ridge Road in Pittsboro, NC:

"I am the land planner for the developer here. Russell and I have wrestled on the ground several times over what the position of this road ought to be. It is part of our PUD case. The probable need to move this was discovered as we were designing our case because, as you all know, Hammocks Beach Trail went directly north and south and melded into Mount Zion, but Mount Zion was going to be turned into it. Unfortunately, what happened when Casa Bella was designed and built, they did set aside the right-of-way for Hammocks Beach Trail, but they did not set aside a construction easement to do it. So, once we figured out to try and go down Hammocks Beach in what I think is going to be its former layout, we had to go to Casa Bella and ask them to disturb part of their RCA. We didn't want to do that. So, we did our best negotiations with the neighbors, with staff, and what we come up with was pulling Hammocks Beach Trail away from that line as quickly as possible to run it into Mount Zion, then create the roundabout to also help with the slowing down of some of the traffic in that area. So, I just wanted you to know this part was done, that the relocation of this is part of our zoning case, but not necessarily our zoning case generated it. So, I just wanted to make sure that was clear. I think we've come up with a solution, but I just want to make clear what the situation was. Okay. Thank you very much. Unless anyone has any questions."

Mayor Gilbert thanked the speaker and called the next speaker.

Next speaker was **Elizabeth Stitt** of 3113 Friendship Road:

"I know, Allan and I talked about Linda going before me. I'm going to need to also speak in the next one. I didn't sign up. The map that I need to refer to, to explain why I'm against this is not showing. But much of these transportation amendments are unnecessary. It will save the developer money. It will help keep the community intact. There are other options that I would like to talk with the Council about. So, if you could add me when we get the next map up. Thank you."

Mayor Gilbert called the next speaker.

Next speaker was **Linda Caffera** of 1858 HBT at Bella Casa:

"Mayor Gilbert and Council, I am here concerning the Ashburn transportation application. I am a resident of Bella Casa. My name is Linda Caffera. I tried to call Mr. Mahaffey last week. He promised he would call me back. He never did. So, I have, well you're probably busy, right? And so, I would like to just continue with my statement. Hello Brett. How are you? Brett lives in a beautiful house surrounded 360 by trees and woods. Beautiful. Over here, this development will be butt up against our area. There is a school bus stop not 30 yards away, where this opening is going to be and there's a procession of people with their kids that walk to the pool and the mail depot across Hammocks Beach a few feet where that opening is going to be. The elevation of that land is higher and if you go to the bottom of Hammocks Beach Trail, you look up on a hill. We've had drainage problems since Hurricane Helene, back up from Friendship. Scattered openings for the school all the way to where that traffic circle is going to be, where the road kind of crosses. I was shocked one morning, 8:30, backed up bumper to bumper and you're not even done approving all the development on Olive Chapel. That's another thing. And that sinkhole, that sinkhole happened because they took nature's best drainage system away, the trees. And that development that they're working on over there in that area has been going on for three years now. So, I'm just going to say that. The houses I was told by Josh and he looks at one-dimensional. I know he looks at a lot of complicated things, but he looks at one-dimensional things. I'm talking multi-dimensional here and I'm talking about children on the streets, on scooters, with their parents, constant procession, and they go up River, across Hammocks Beach. I'm worried that opening that street, traffic circle or no traffic circle, is going to cause speeding traffic all the way down to the other traffic circle that we have on Milano, and then past it, where you want to put that new bridge and connect another community. It's going to be a speedway to get through and shortcut everything. The proposed height was told in April and May, Josh did not know the height of the house. The builder, Charles Walker, told me it would be no more than two stories. It went from 36, now to 42. And Josh is now telling me something about King's Cross which was 50, but we cut it down to 42. With the trees gone and no drainage, we're going to be in trouble. And let's see, what else did I want to say? I wanted to make sure I said hello to you, Mr. Mahaffey."

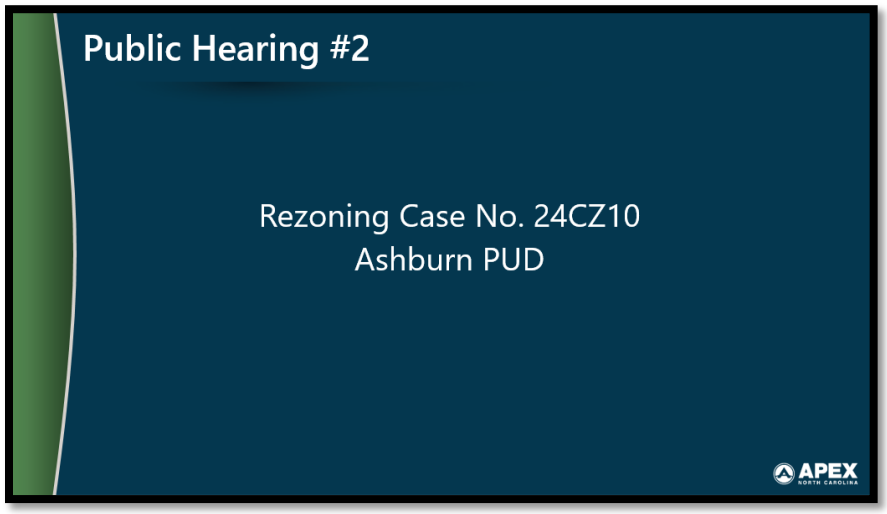
Mayor Gilbert closed the Public Hearing and with no further speakers moved to the next item.

AND

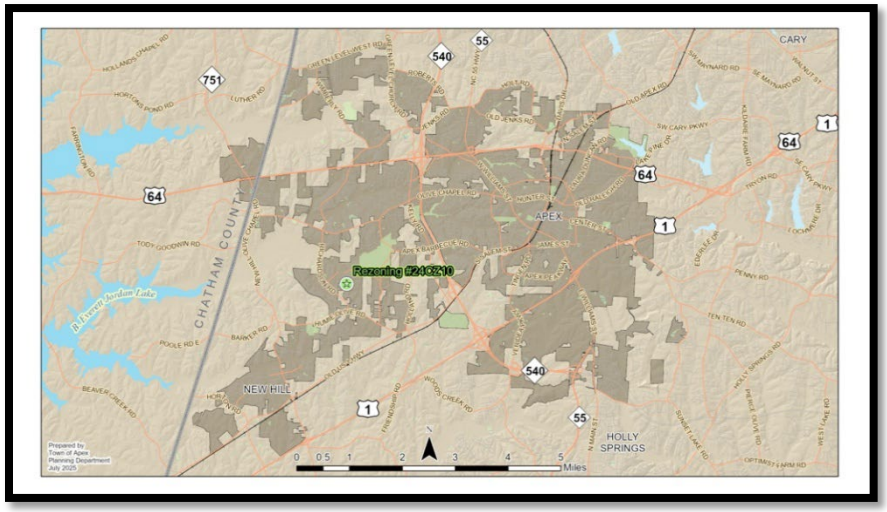
PH2 Rezoning Case No. 24CZ10 – Ashburn PUD

Joshua Killian, Planner II, Planning Department presented the following presentation:

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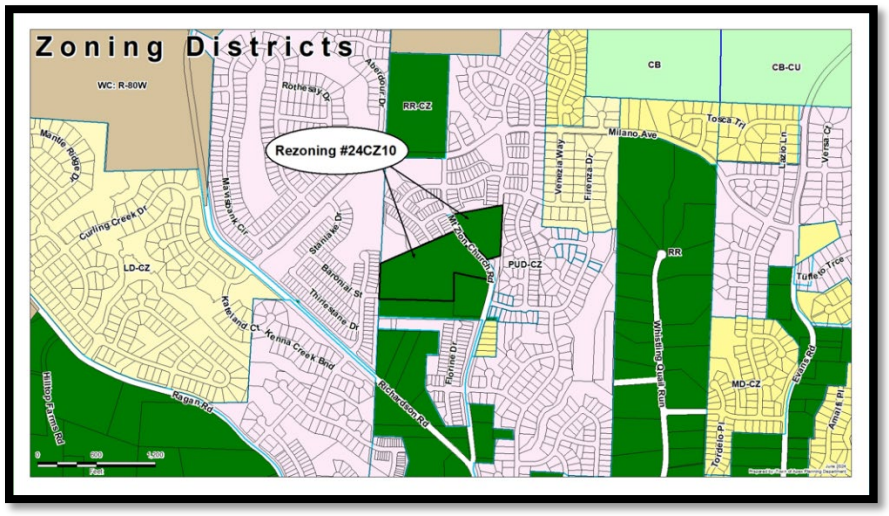
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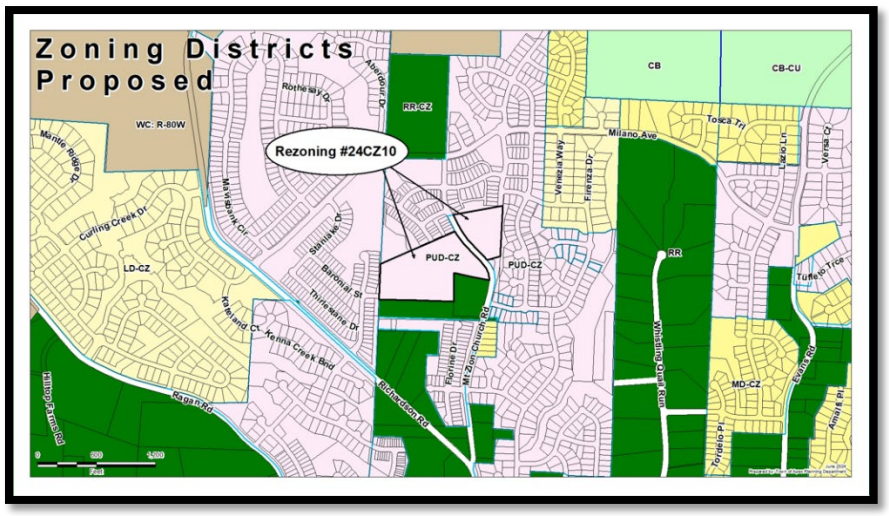
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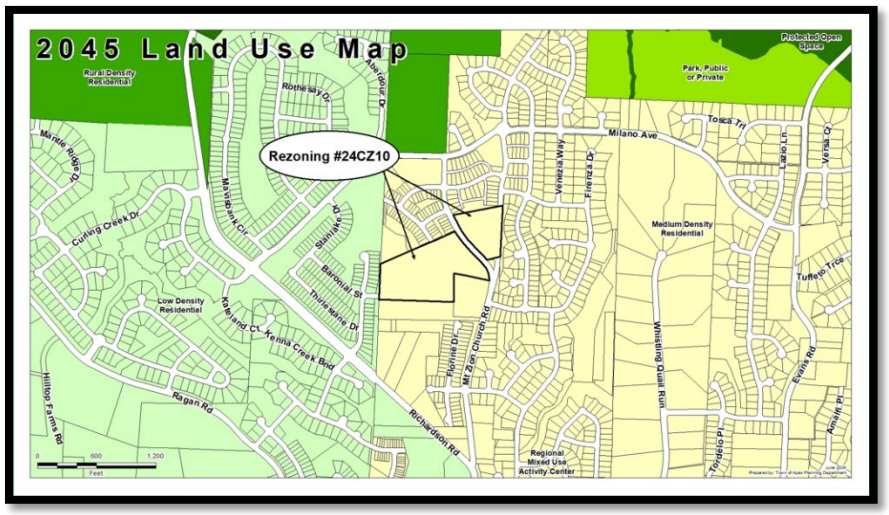
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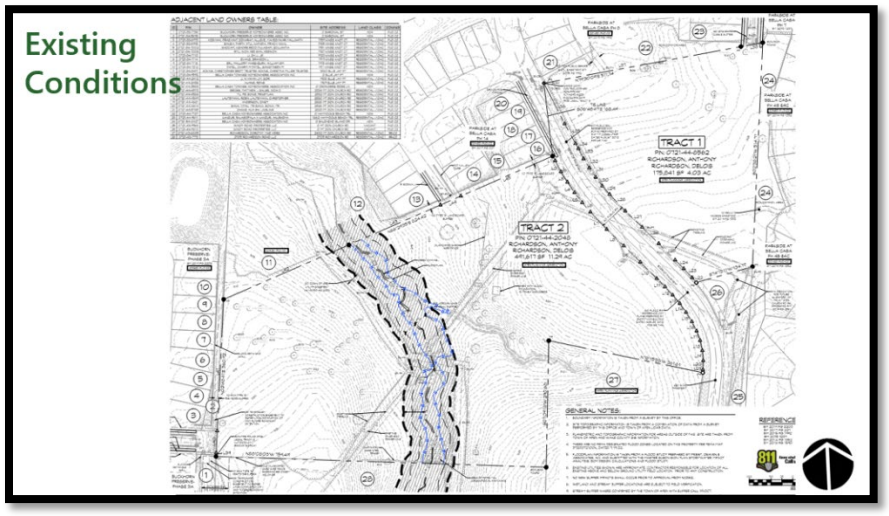
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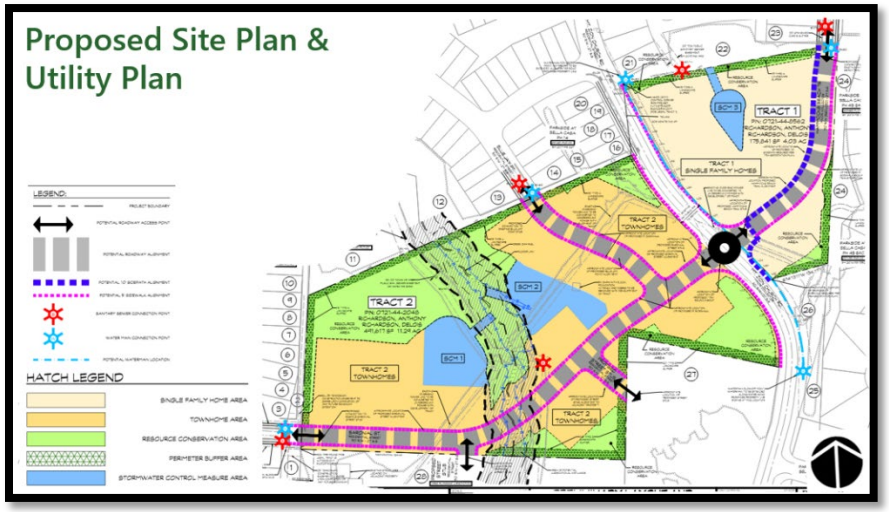
[SLIDE 6]



[SLIDE 7]



[SLIDE 8]



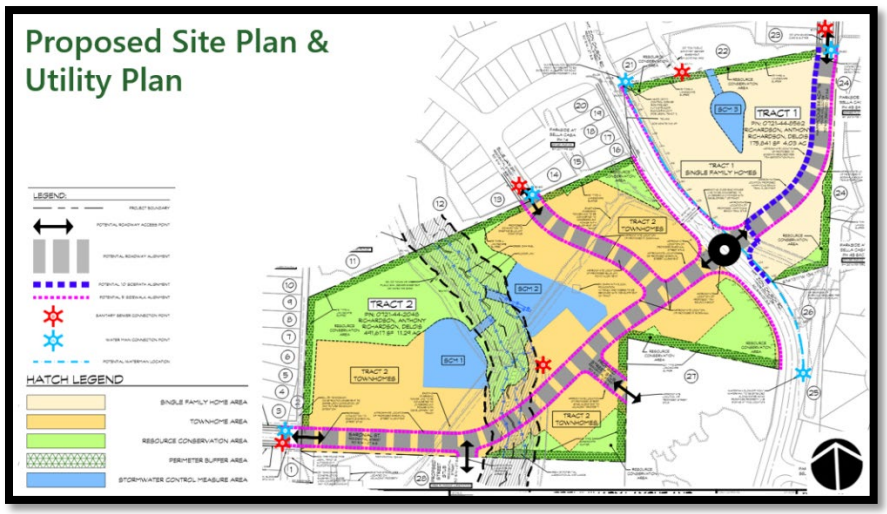
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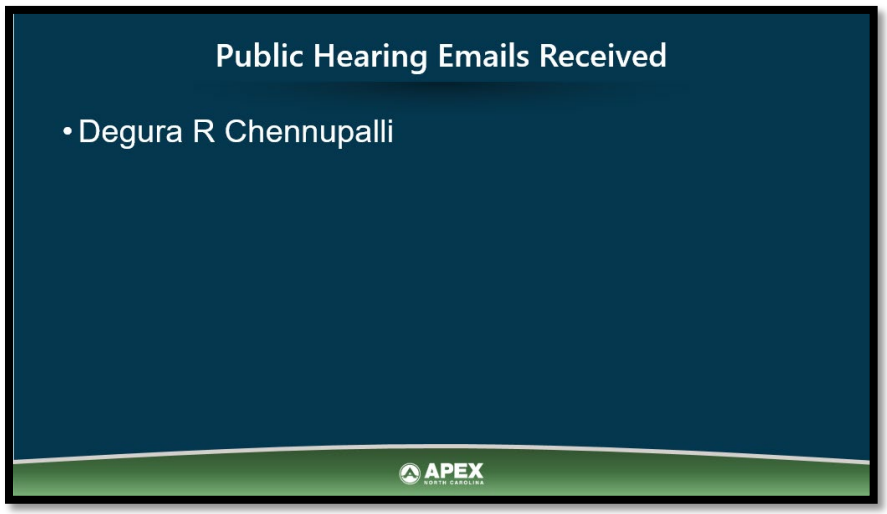
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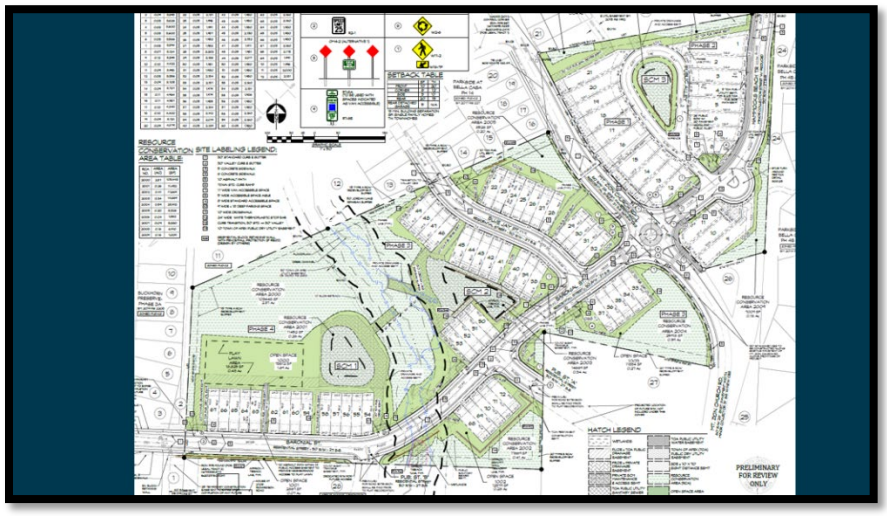
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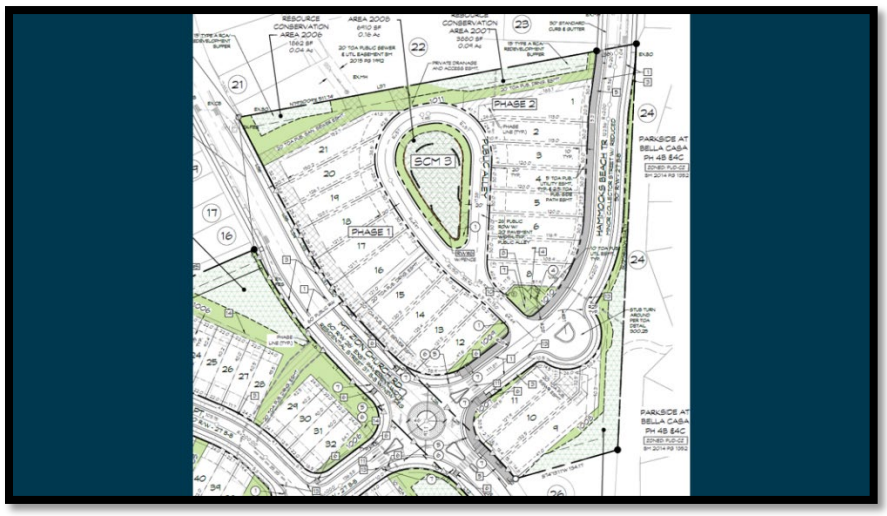
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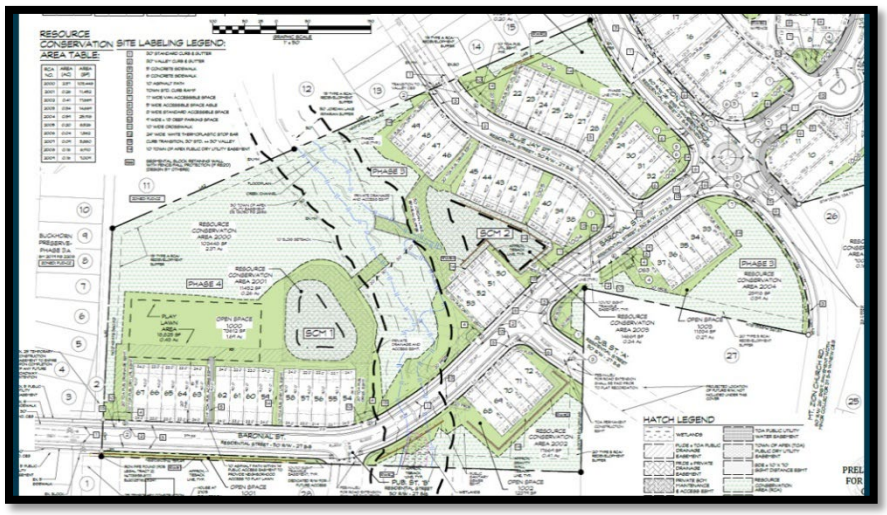
[SLIDE 13]



[SLIDE 14]



[SLIDE 15]



Mr. Killian opened up for questions.

Mayor Gilbert asked if there were any questions from Council. He opened Public Hearing. He asked if the applicant wished to speak.

First to speak was **Charles Walker** of 275 North Ridge Road in Pittsburgh, NC:

"We spent a lot of time going through this process. What I would like the Council to make note of is that on the north side and the west side we have aligned similar housing styles. The housing styles in Casa Bella that are on narrow and deep lots that are alley-fed are next to lots that we propose to be alley, narrow, and alley-fed in a similar fashion. On the west side of the project, we are surrounded on two sides by townhome projects. We're doing similar units, so, we're putting townhomes next to townhomes, single family next to single family. As we've talked about before, it was tough to get a lot of this stuff put together and answered when you started throwing in the transportation, but we have the support of the Transportation staff and the Planning staff and the rest of the staff. We do meet the RCA regulations. We do have open lawn play in the area. We are connecting three unfinished streets to Mount Zion Road, which I hope you would recognize as an improvement to get some of the traffic moving in that area. The total unit count on our project is 72 units, 21 single-family, and 51 towns. If you have any particular questions, I have Reynold Stevenson, our traffic engineer, here. Tommy Craraven, our civil engineer, is here. Or if there's a land planning issue, I'd be glad to try and answer from anybody that had a question."

Mayor Pro-Tempore Gray said to give him some thoughts on why you didn't want to meet the town's affordable housing goals.

"Early on when we asked about that, one of the incentives was if you try to do the affordable housing, that there would be an expedited review of the process going through the system. When we asked that particular question, is it you pick up two days, do you pick up six months, what is it? It was undefined. The staff didn't have a way to describe it to us. So, we couldn't see that necessarily as a benefit for that particular reason. And then the second reason why we didn't is when we started going and applying the construction cost numbers to retaining walls on Boronio, crossing the creek, widening Mount Zion on both sides, a traffic circle, a wider, it just whittled it down to where it was up to us to try to bring forth all the needs to be solved by the site plan as best we could and not be able to address that with this relatively small project. I mean, for example, the town's parks and open space fees in lieu of approach a quarter of a million dollars on this small project. So, there was a lot of money being pulled out of this to satisfy the regulations in this area and try to bring forth all these roads to be connected."

Mayor Gilbert thanked the speaker and called the next speaker.

Next speaker was **James Neman** of Apex Friendship Elementary School:

"Hi. Mayor and Town Council. I'm James Neman. I'm a fifth grader at Apex Friendship Elementary School. My home backs up to the woods where Ashburn is proposed to be built. My family takes care of a cat colony that lives in those woods. One is named Biggie. Biggie likes to eat a lot and is a tuxedo cat with the white mustache. There are also Spots, Skinny, Mr. Orange, Pants, Socks, and two little kittens. We have named them based on their attributes. We have spayed and neutered them and they have been happy in their woods for the past year and a half. Other animals, including deer, a raccoon with three legs, bunnies, possums, squirrels, and birds have made these woods their home as well. Because this is the only woods in the far radius, animals have come to this specific area of woods because it is their only choice. We have the opportunity to let the animals happily live where they already feel at home. My question is, who needs the homes more? Apex has built many homes for humans, but what about the animals? If we get rid of these woods, what home do they have? I'd like you to truly consider all living things that could be impacted by this development. Thank you for your time."

Mayor Gilbert thanked James and called the next speaker.

Next speaker was **Brandon Poythress** of 2705 Richardson Road:

"Good evening, Mr. Mayor, I'm Brandon Poythress, 2705 Richardson Road, Apex, lifelong resident of Apex. A couple years ago, I was before the Town Council and got my property annexed in where I am right now. Well, I'm the neighbor exactly to the south, if you look straight on this map, the entire south side pretty much except for where you see the first cut-in, I built my home there, actually lived there one year now, and it's the only home on that 3-acre tract. I've been working with Mr. Walker through the process, came to the last Planning Board meeting as well. All I'm trying to do in my perspective is preserve the natural woods that I have. I have the privilege, I think, like I heard you I have woods 360 degrees around my house. I live in the middle of it on purpose. Not that I'm opposed necessarily to this development, but obviously, because I believe Mr. Killian, as he had indicated in our previous meeting of the Planning, and it's obvious, Barronial Street exists, so it's very hard to realign it. Well, that puts an interesting perspective on my property because the developer is going to need to extend the existing retaining wall and that's right up against the property line or will be some distance based on grading. So, we've worked together, and I've asked him to understand my perspective is to try to have as much of the trees that are on my property stay there and to not have the view to the open road right behind my house. He's agreed, and I don't know at which point in the forum it is not aware, he's talked about subdivision construction drawings, but I want to make it known that what we've agreed to is that there will be, as possible, nothing guaranteed, there will be some plantings along there. I know that early on I had an issue trying to get my own utilities connected to Barronial because of a thing called a type B buffer it took me almost a year to get through said type B buffer under it,

actually. But in this case, it doesn't look like there's enough room for a buffer, but obviously I have a keen interest to have some sort of screening away from the neighborhood. That's all I'm really talking about there. I understand Apex has no choice but to have the stub-out road. It's not ideal for me, but I realize that I'm not getting any younger, so somebody may want to take my property one day and subdivide it, and you want to have the transportation there. I've discussed with the developer as well the possibility, my children play with all the children over in Buckhorn. Currently, I have a mulch path that goes down at the end of Barronial Street and that's how the kids from Buckhorn come up and play on our basketball court and my kids go down there, but I don't know that logistically it'll be very feasible. I've talked to the developer, hey, could we put a staircase in the retaining wall? He describes the retain as four to five feet to allow the kids to still transit between. There's some concern of whether that would encroach on my property, which I would allow it to, or whether it would be something they would be interested in, but to come in the future. If not, the kids will go to the stub road. Looks like my time is up. If anybody had a question, otherwise I'm good."

Mayor Gilbert thanked the speaker and invited the next speaker.

Next speaker was **Linda Caffera** of 1858 HBT at Bella Casa:

"It was suggested by someone that there is, on the teardrop on the 4 acre, it looks like an ice cream cone. There is a road around there where they don't have to open up Hammocks Beach Trail, you know, so that we have we don't have that danger of people in the future racing through to get to the bridge on the other side. What about cul-de-sacking in, around the road and just going right out? Why can't they do that? Also, I feel we need more green buffer and just less houses, that's all I'm asking for. Like maybe five, six. That would also engender less traffic and we can't control the other traffic that will be coming from other areas through there. So, and I just wanted, Mr. Gray, I'm concerned about something. You asked after I gave my little talk about affordable housing, but what about the safety of the children that I addressed and the bus stop and the procession that goes to the pool and the mail kiosk? What about that? You can't put money on that safety. You can't put money on that. Okay. I was just a little taken aback because I thought he just brushed that off. Thank you, sir."

Mayor Gilbert thanked the speaker and invited the next speaker.

Next speaker was **Elizabeth Stitt** of 3113 Friendship Road:

"Elizabeth Stitt, 3113 Friendship Road. So, in the 800-page agenda packet that I read every page of, you'll see this particular diagram that was included as a part of this proposal. And if you look around the teardrop, as Linda referenced, there is a road. It occurred to me, let's save the developer some money. There is no need to extend Hammock Drive, these properties can be served by that little road around the teardrop. If you give back the money on the road, maybe they would have money for affordable housing. It would also be less

roadway for the town to maintain at some point. It would also be less impervious surface, which meets more of our environmental goals. So just because Hammock's Beach was shown that it was drawn and if you look at the neighborhood meeting packet, it's on page 450 where a question was asked, why do you have to have this road, Hammock Beach, extended? It stated, because the developer stated that the town said so. Well, you guys are the town. Let's get rid of that far road so then you preserve a little more buffer, you save the builder money, get your affordable housing, and this way you don't have all the traffic going through past Linda's house. So, there are other alternatives. So, I ask you, just consider that. You know, we have kids in this neighborhood that are going to be high schoolers that are not going to be able to go to Apex Friendship because there's no capacity. They're going to be driving. These stormwater ponds are very expensive, you've had other HOAs come. So, let's make a little compromise here. Thank you."

Mayor Gilbert thanked the speakers and closed the Public Forum and brought the items back to council for discussion and to lead to a possible motion.

Mayor Pro-Tempore Gray said that concerns about affordable housing get you to the next step in the conversation, and he did not see the effort in this proposal in getting to the next conversations beyond that in the project. He does not support the proposal.

Councilmember Killingsworth said that she agreed and did not support the proposal. She said that she did not see enough positives in the proposal. She said they had the ability to be very picky on this infill project and make sure it benefits the community.

Councilmember Zegerman said that transportation enhancements and transportation plans are in place for a reason. He said that the objective is to provide interconnectivity throughout the town and there are frequent concerns from residents about traffic increases. He said that the realignment of the road is better than going straight through because this slows traffic and the 35% RCA conservation is good, but it is disappointing that no serious attempt was made to provide affordable housing in this plan, and he could not support this proposal.

Councilmember Mahaffey said that there was another concern about the school capacity and data shows that there will be a significant gap in the future for the elementary and middle schools.

Councilmember Gantt said that he had sent a picture of the first version of the realigned road to Planning and the Transportation staff, which was a better realigned road. He said that with Richardson Road flooding, this would be an alternative, and this road is needed to connect to Sweetwater. He said that he likes to weigh things like affordable housing with other improvements such as transportation, and he sees a lot of transportation improvements in this project.

Mayor Gilbert asked for Mr. Walker to come up. He asked him if he would like to have some time to consult with staff on this information from the Council.

Mr. Walker asked for more clarification on what affordable housing means to Council.

Councilmember Killingsworth said that it was well defined in the affordable housing plan. She said that staff would help with this.

Mayor Gilbert asked if the Housing staff were in on these conversations.

Assistant Town Manager John said she was not sure if the developer has met with Director Newman and her team.

Mr. Walker asked Council if they would hold the hearing open so that this affordable housing issue could be discussed.

Mr. Killian said that because the public hearing has been open this item could be kept open for 30 days for Planning.

Ms. Bunce said that if it can't be continued more than 60 days.

Town Clerk Coleman said that the hearing had been closed, and this item could be continued to a certain date. He said that it could be continued to September 23rd Council meeting.

Ms. Cox said that staff would recommend voting on the Transportation Plan amendments with or without the rezoning case at this current meeting if Council would like to.

Mayor Gilbert asked what the pleasure of the Council was.

Councilmember Killingsworth said she would prefer vote on them together.

A **motion** was made by **Councilmember Killingsworth** and seconded by **Councilmember Zegerman** to continue Items PH1 Apex Transportation Plan Amendments – Ashburn PUD **AND** PH 2 Rezoning Case No. 24CZ10 – Ashburn PUD until the September 23rd Regular Town Council meeting.

VOTE: UNANIMOUS (5-0)

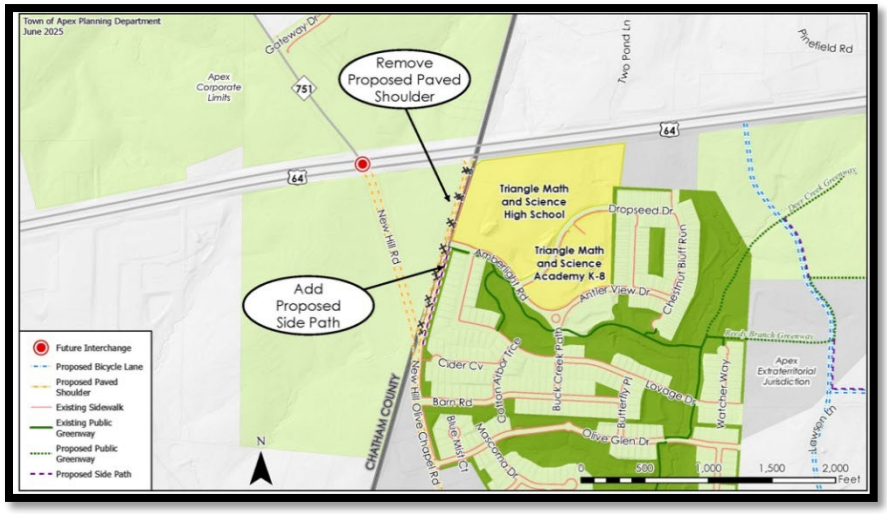
PH3 Apex Transportation Plan Amendments – New Hill Olive Chapel Road

Jenna Shouse, Senior Planner, Planning Department presented for Public Hearing Apex Transportation Plan amendments along New Hill Olive Chapel Road.

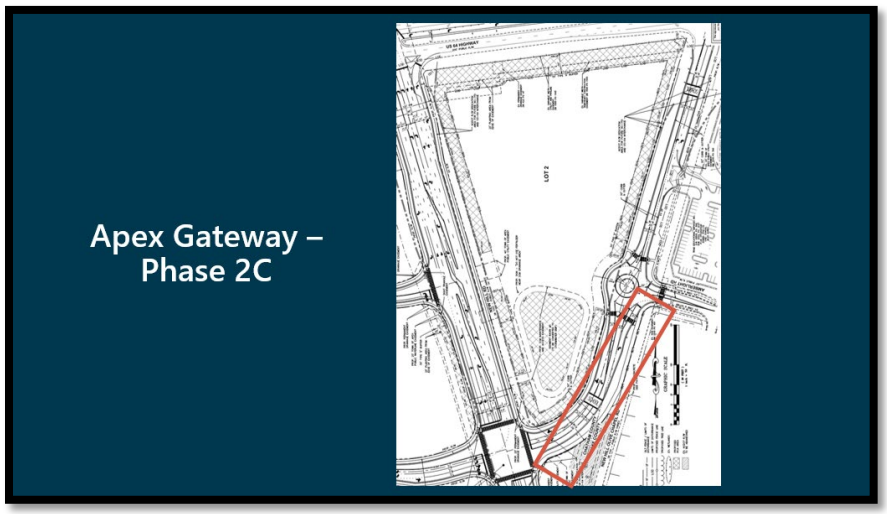
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[SLIDE 2]



[SLIDE 3]



Ms. Shouse said that Planning staff, Parks and Recreation staff, Cultural Resources staff and the Planning Board have recommended approval of these amendments. She asked if there were any questions.

Councilmember Zegerman asked with this being a part of the Apex Gateway Plan would it be installed by a developer.

Ms. Shouse said that it was correct, and it would be installed on the side path rather than the paved shoulder.

Councilmember Zegerman said that side because of the shoulder side being on their side of the property, and they would have to develop that side. He wanted to clarify that the developer is still responsible for the development and installation of the side path.

Ms. Shouse said that is correct.

Mayor Gilbert opened Public Hearing and called the first speaker.

First speaker was **Dawn Cozzolino** of 3632 Bosco Road:

"I just have one comment. On any of these proposed amendments, zoning changes, transportation, I respectfully request Councilman Terry Mahaffey, who serves also as well on the Campo MPO Technical Advisory Committee, recuse himself from voting on any zoning or transportation amendments before this council. His role in the Technical Advisory Committee advises on regional transportation planning, presents a potential conflict of interest. For the sake of transparency and to uphold public trust, it is essential that decisions impacting our community are made without any appearance of conflicting responsibilities. Thank you."

Councilmember Mahaffey said to the speaker that he was appreciative of the comment but he was not on that committee.

Loud shouting from the audience ensued.

Mayor Gilbert called for order in the Council Chambers.

Mayor Gilbert closed the Public Hearing and brought the item back to Council for discussion and possible motion.

A **motion** was made by **Councilmember Killingsworth** and seconded by **Councilmember Gantt** to amend the Apex Transportation Plan to modify planned bicycle facilities along New Hill Olive Chapel Road in the vicinity of US 64.

VOTE: UNANIMOUS (5-0)

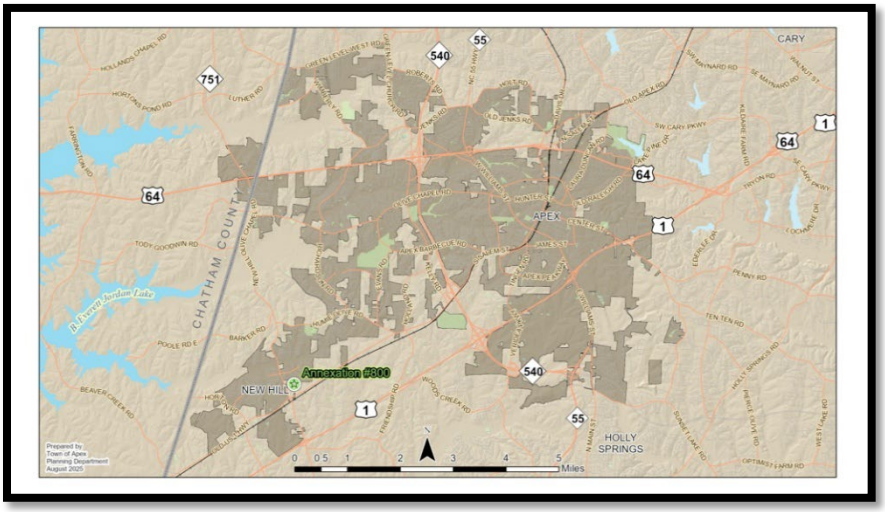
PH4 Annexation No. 800 – Atkins, Hudson, Davidson Homes Assemblage – New Hill Olive Chapel Road – 16.80 acres (REF: ORD-2025-056)

Bruce Venable, Planner II, Planning Department said that this annexation was associated with the rezoning following this presentation in the next Public Hearing and asked for Council to wait to make a motion after the presentation on the rezoning. He gave the following presentation:

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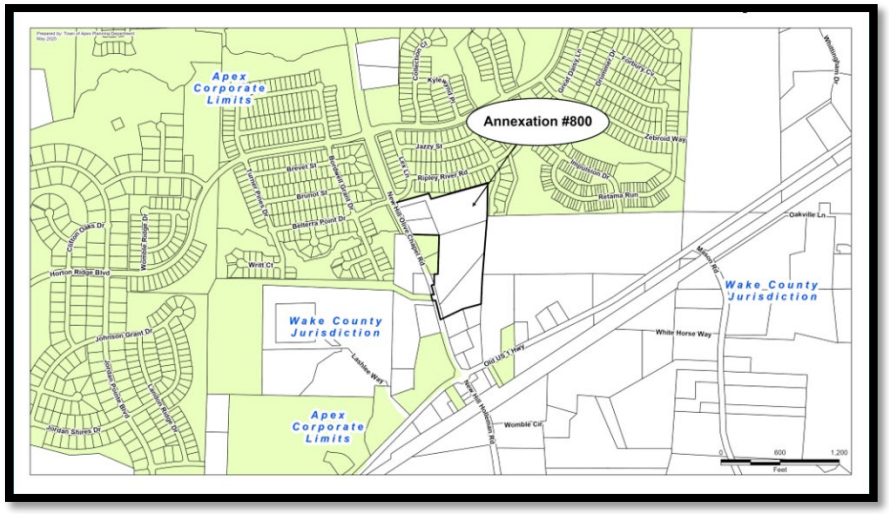
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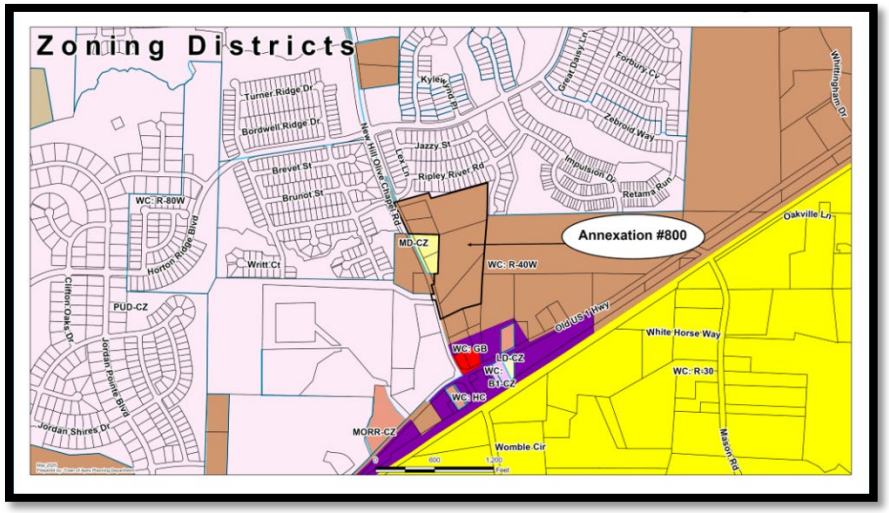
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AND

PH5 Rezoning Case No. 25CZ06 – New Hill Olive Chapel Road Assemblage (REF: ORD-2025-057)

Bruce Venable, Planner II, Planning Department gave the following presentation:

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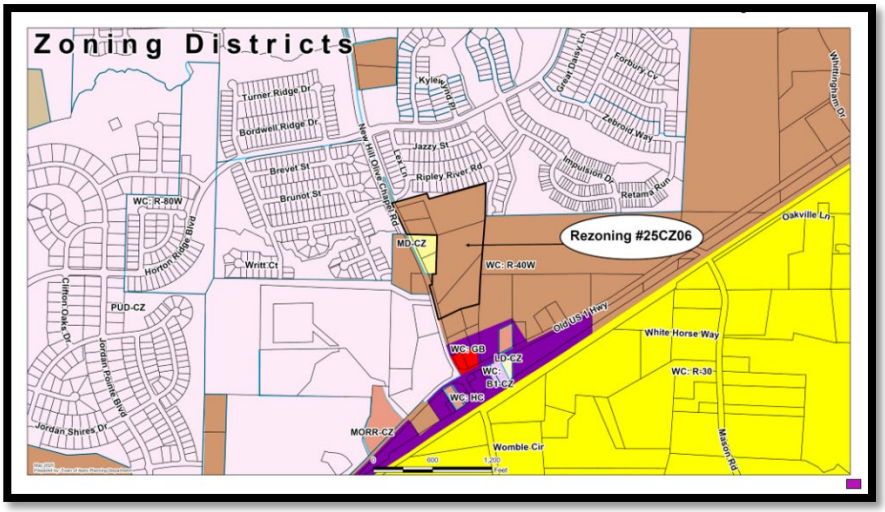
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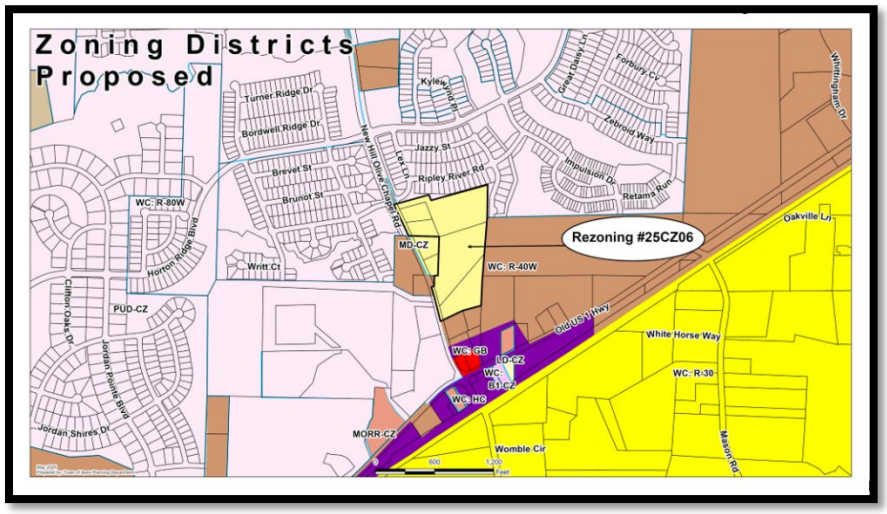
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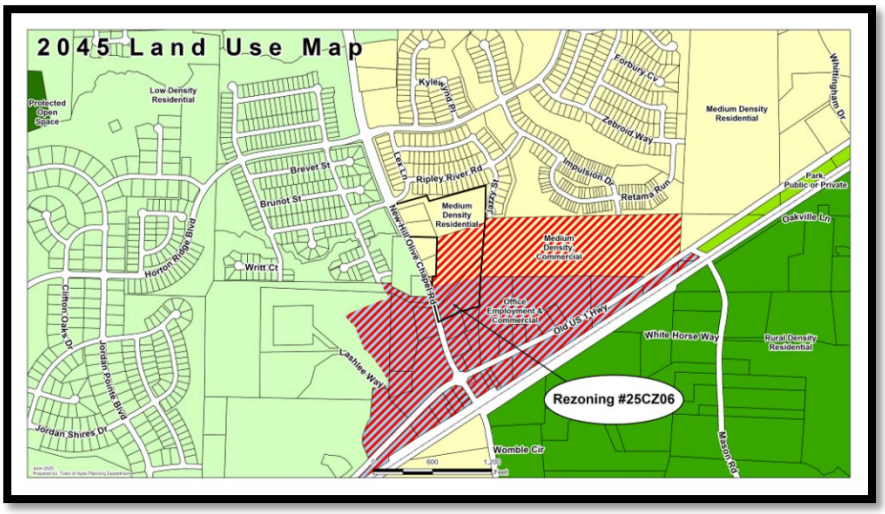
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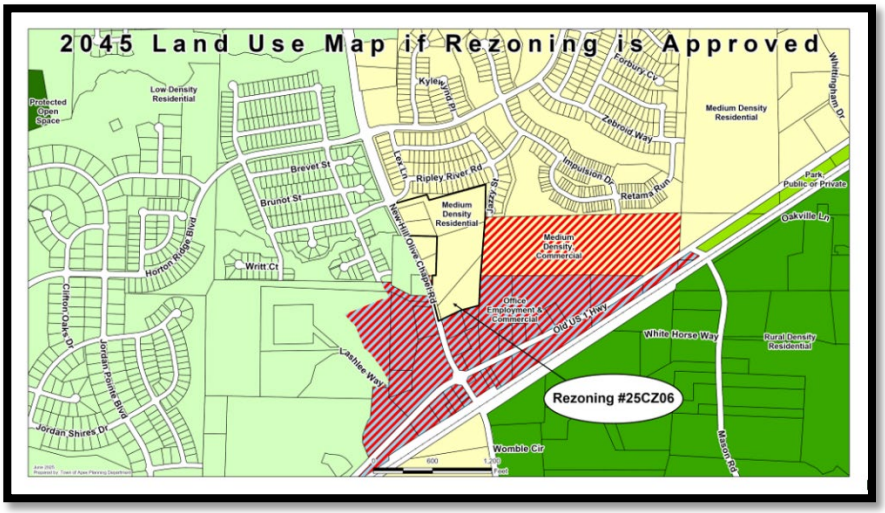
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[SLIDE 6]



[SLIDE 7]



Councilmember Gantt asked about the history of the development of the Office Employment Commercial Services as part of New Hill Development.

Mr. Venable said that the discussion with the applicant was that developing a mixed-density residential project would be difficult unless they could acquire additional property. He gave overview of the challenges. He said that after reviewing that staff felt this scenario was more ideal given the parcels still have single family developments that would be close to any kind of access or entry point and would create issues with traffic.

Councilmember Gantt asked if the New Hill Commons rezoning that occurred during this process changed the equation for this recommendation of housing in the southern area.

Mr. Venable said that the commercial element was considered and will probably be developed into more commercial office employment in the future. He said that there is already medium-density residential district nearby along with newly built homes making this proposal more appropriate and consistent with the surrounding development.

[SLIDE 8]



Councilmember Gantt asked about condition #8 and if there was a concern for Planning if the property owners would not sell to the developer for them to obtain the easements.

Mr. Venable said that it was a concern but by NC Law they cannot require off-site improvements and there wouldn't be much that could be done to enforce this.

Mr. Venable said that the Planning Staff is recommending approval of this rezoning with the proposed conditions provided by the applicant. He said that the applicant and staff are here for any questions.

Jason Barron with Morning Star Law Group gave the following presentation giving information on items associated with the big picture related to this case and addressed some of the question Councilmember Gantt had raised:

[SLIDE 1]



Mr. Barron asked if there were any questions.

Councilmember Zegerman asked Mr. Barron to comment on the refusal to accept the environmental conditions from the Environmental Advisory Boards and what they were offering instead.

Mr. Barron said looking at the staff report for the EAB recommendations, there were several of those items that were agreed on, but there are a few commitments typically seen in developments of this type that and he went through the items and what they are committed to do for these.

Councilmember Zegerman said that some of the items like using native plants are inexpensive and were declined.

Mr. Barron said that there were items his client reviewed that they were not able to make a commitment to.

Councilmember Killingsworth said that it had been years since there had been a rezoning without solar conduit and it is an inexpensive item. She said it was a concern about breaking the precedent. She said that more flexibility on some of these items was needed.

Mr. Barron said that he would talk to his client about these matters.

Councilmember Gantt asked if there had been any discussion about if the town has to build the sidewalks if the easements are unable to be obtained. He said that in the past there have been financial discussions about the expected cost of the sidewalk if the town builds it.

Mr. Barron said that in terms of what the overall cost is the client is not too concerned and will be to provide the linear feet. He said that he would be glad to get these answers from his client.

Mayor Gilbert opened the public hearing and then closed the public hearing with no one signed up to speak.

Mayor Gilbert announced a five-minute recess at **8:48 p.m.**

Mayor Gilbert reconvened the meeting at **8:55 pm**.

Mayor Gilbert asked Mr. Barron if he would like to speak before discussion began with Council.

Mr. Barron said that he would like to offer the following amendment conditions:

- **Condition 17** – In the event that the developer is unable to acquire the necessary easements and right-of-way to construct the off-site side path through good faith negotiations with the property owners, the developer shall provide an engineer's estimate for the total cost of the side path plus property acquisition to be reviewed and approved by Apex and pay a fee in lieu in that amount.
- **EAB Recommendations page 5 of the staff report** – The project shall increase biodiversity with perimeter buffers, common own space and other landscape areas by providing a variety of native and adaptive species for the canopy, understory

and shrub levels. A minimum of 75% of the species selected shall be native or a native to North Carolina AND adding to the second item in this section that no single species of native or adaptive vegetation shall constitute more than 20% of the plant material of its type within a single development AND adding to the fourth item in this section that no invasive species shall be permitted, no single species of tree or shrub shall constitute more than 20% of the plant material of its type within a single development site AND the adding to the fifth item in this section that HOA covenants shall not prohibit clover, non-turf, or native grass lawns AND last item is the eighth is all home shall be preconfigured with conduit for a solar energy system.

Mayor Gilbert thanked him and asked if there were any other questions.

Councilmember Zegerman said thank you for adding the conditions.
Councilmember Mahaffey said that adding 220V on the garage was important.
Councilmember Gantt said that he appreciates the changes, especially the sidewalks.
Councilmember Killingsworth said she appreciated the effort put in the changes.
Mayor Pro-Tempore Gray said he appreciated the changes but was curious about the 220 outlets in the garage.
Mr. Barron said that his client was fine with adding the 220-volt condition as well.

Mayor Gilbert asked if there was a motion.

Councilmember Zegerman said he appreciated all of the environmental conditions that were just added but was concerned about affordable housing with 135% AMI. He had a second concern about swapping commercial designated land for residential, more so in this area. He said that he was not in support of this.

A **motion** was made by **Councilmember Killingsworth** and seconded by **Mayor Pro-Tempore Gray** to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex 16.80 acres project entitled Atkins, Hudson, and Davidson Assemblage, located on New Hill Olive Chapel Road, Annexation No. 800, into the Town Corporate limits
AND
Approved Rezoning Case No. 25CZ06 – New Hill Olive Chapel Road Assemblage, with the additional conditions *(see OTHER-2025-068)* - rezone approximately 16.51 acres from Wake County Residential-40 Watershed (R-40W) to Medium Density Residential-Conditional Zoning (MD-CZ) at 2525, 2529, 2537, 2625, & 2701 New Hill Olive Chapel Rd.

VOTE: 4-1, with Councilmember Zegerman dissenting

Mayor Gilbert asked Town Manager Vosburg if he wanted to take a moment to recognize someone.

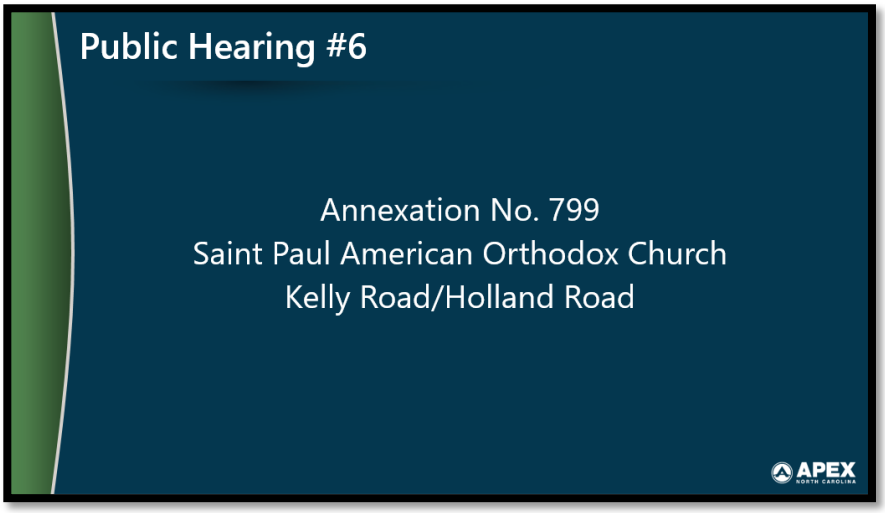
Town Manager Vosburg recognized the Town Manager's Office Summer Intern, Thomas Peele who would be returning to Virginia Tech to start back to school. Manager Vosburg said Thomas did a great job and worked on some special projects and wished him luck on going back to Virginia Tech.

The audience applauded Mr. Peele for his contributions to the Town.

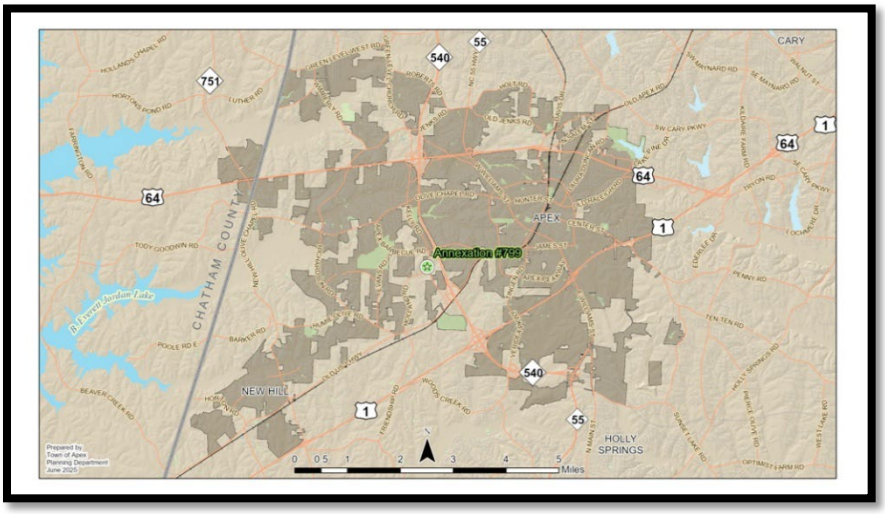
PH6 Annexation No. 799 – Saint Paul American Orthodox Church – Kelly Road/Holland Road – 4.0626 acres (ORD-2025-058)

Dianne Khin, Director, Planning Department gave a presentation on the annexation for the St. Paul American Orthodox Church on Kelly and Holland Road.

[SLIDE 1]



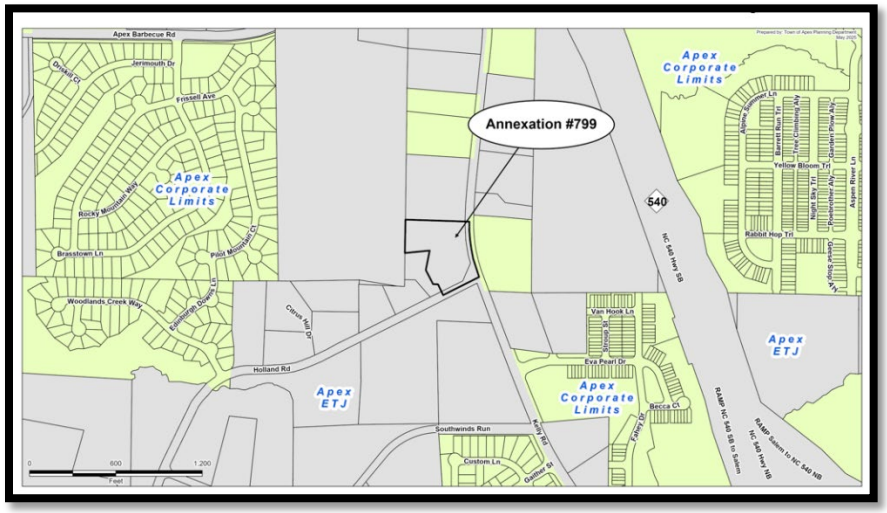
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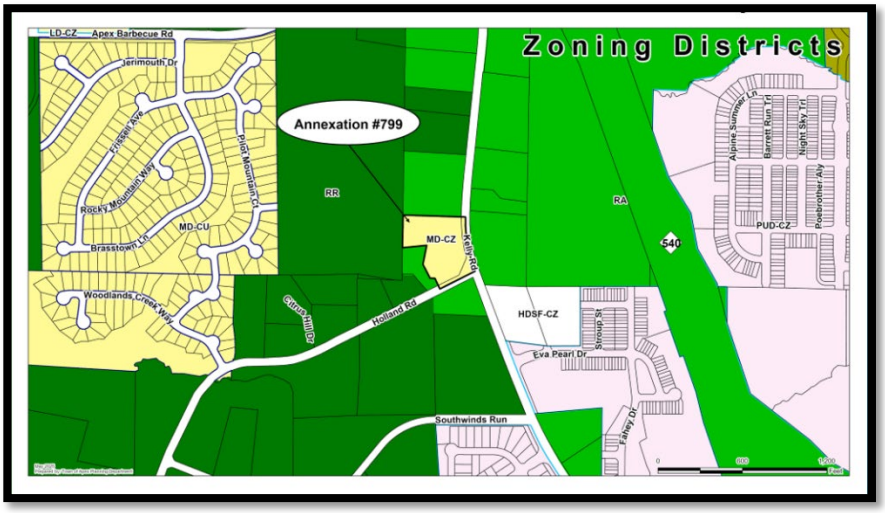
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Mayor Gilbert opened Public Hearing and closed Public Hearing with no one signed up to speak. He then brought it back to Council for discussion and a possible motion.

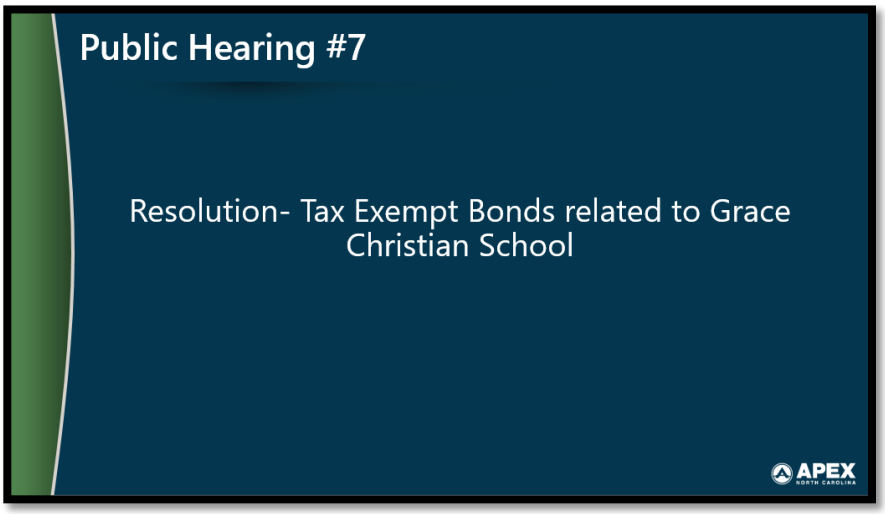
A **motion** was made by **Mayor Pro-Tempore Gray,** seconded by **Councilmember Zegerman** to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex 4.0626 acres project entitled Saint Paul American Orthodox Church, located on Kelly Road and Holland Road, Annexation No. 799, into the Town Corporate limits.

VOTE: UNANIMOUS (5-0)

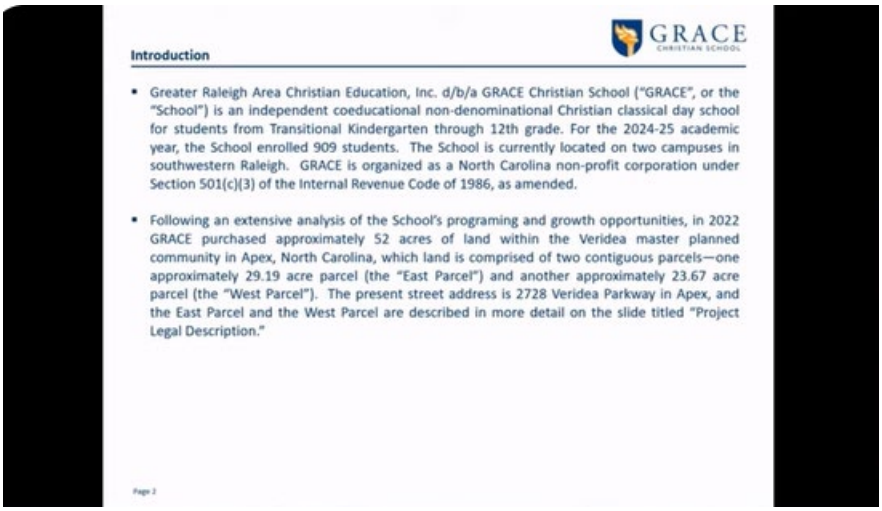
PH7 Resolution – Tax Exempt Bonds related to Grace Christian School (REF: RES-2025-050)

Brandon Lewis, Attorney with Parker Poe, thanked Clerk Coleman and Attorney Hohe for their guidance through this process. He said that he was not seeking Council approval for the project but for the approval of the issuance of bonds to finance the Grace Christian Academy. He gave the following presentation:

[SLIDE 1]



[SLIDE 2]



Councilmember Gantt asked if there was any information on why the Tax Equity and Fiscal Responibility Act of 1982 law was passed.

Mr. Lewis said legislative history explains that the project involves tax-exempt financing this school is a 501(c)(3) organization and although it is not subsidized in the traditional since, this allows for lower interest rates compared to private loans and is a public benefit. He said that the process should be open to the Town Council and the public for discussion for residents to ask questions or express concerns.

Mayor Gilbert opened up for Public Comment and called the first speaker.

First speaker was **Dawn Cozzolino** of 3632 Bosco Road:

"Good evening. I'm here tonight to address the request to approve a bond issuance for Grace Christian School. I didn't hear how much it was for, I had to read through the agenda. It's for potentially exceeding 135 million. While the proposed resolution clarifies that these bonds do not constitute a debt to the town, I want to share some important concerns. Government accounting and bond issuance are complex areas requiring careful oversight. When a transaction of this magnitude is on the table, it raises a critical question, how can the town effectively audit and oversee such a large financial commitment? The absence of clear traceability and accountability combined with the bond's size creates a risk to public trust even if the town is legally protected. The concern is heightened by the current leadership gap in Apex's finance department. At this time, Apex does not have a permanent finance director. It is troubling that we are considering such a significant financial action without the guidance and expertise of the town's top financial professional. Additionally, the timeline for public review is concerning. The official public notice for this hearing was published on August 3rd in the News and Observer, which is a subscription-based publication, only for a hearing occurring today on August 12th, so, nine days is an insufficient window for residents and

stakeholders to thoroughly examine and understand such a complex financial proposal. This limited notice undermines the purpose of a transparent public hearing. Before moving forward with this motion, I urge you to consider the message it sends about fiscal responsibility. Approving major financial actions without stable leadership and adequate public review risks undermining the integrity of Apex's financial governance. Therefore, I respectfully request the Town Council table this motion until a permanent finance director is in place and has had an opportunity to review the specifics of this project. Our community's trust and the town's financial health deserve nothing less than a deliberate and well-informed process. Thank you."

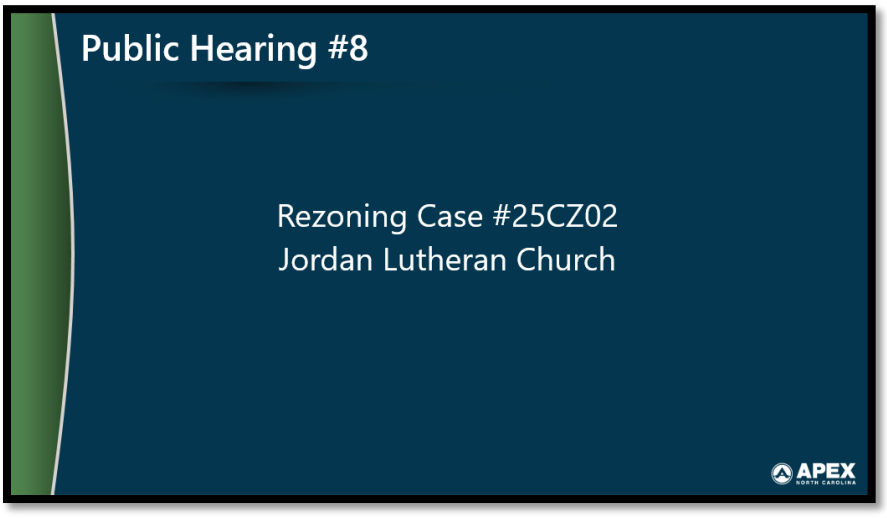
Mayor Gilbert thanked the speaker. He closed Public Hearing with no one else signed up to speak and brought the item back to Council for discussion and a possible motion.

A **motion** was made by **Mayor Pro-Tempore Gray,** seconded by **Councilmember Gantt** to approve a Resolution approving in principle, solely for purposes of meeting the requirements of the Internal Revenue Code and for the Bonds to be Issued by the Public Finance Authority to Grace Christian School, the issuance of Educational Facilities Revenue Bonds (the "Bonds") by the Authority which in no way obligates the Town for repayment of said bonds or creates any liability to the Town.

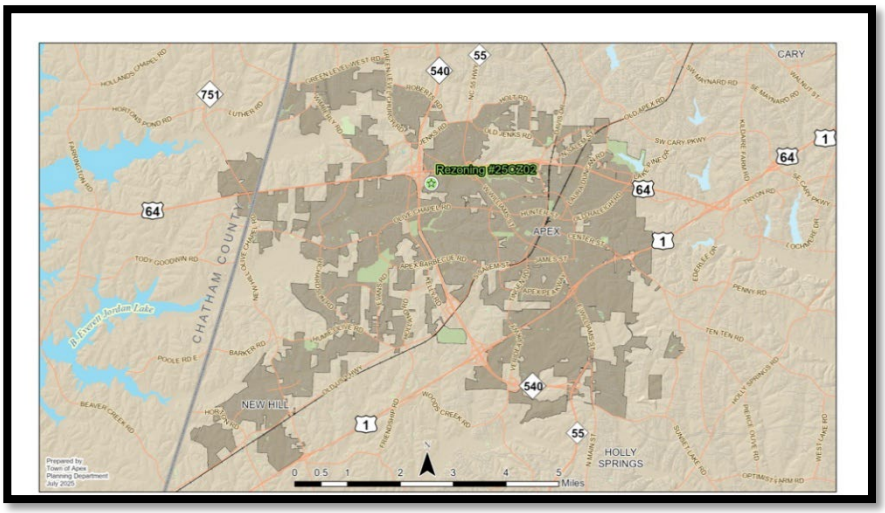
VOTE: UNANIMOUS (5-0)

PH8 Rezoning Case No. 25CZ02 – Jordan Lutheran Church

Joshua Killian, Planner II, Planning Department gave the following presentation:
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[SLIDE 2]



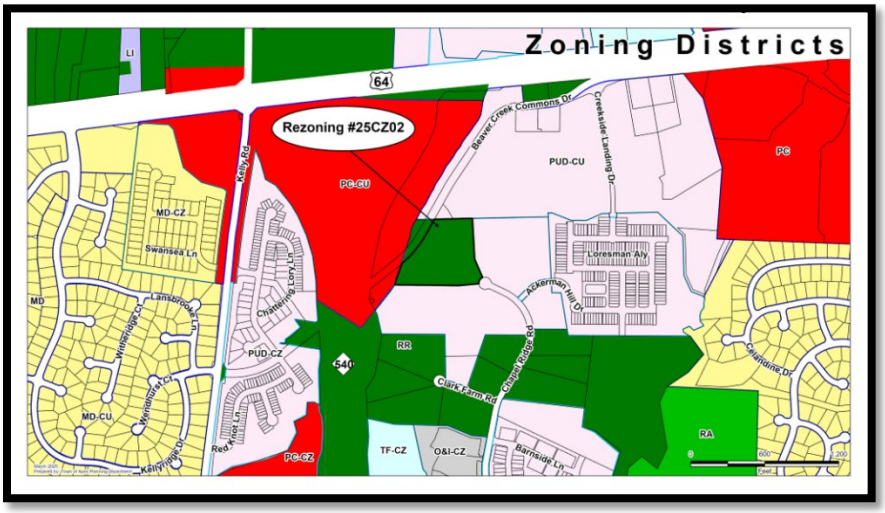
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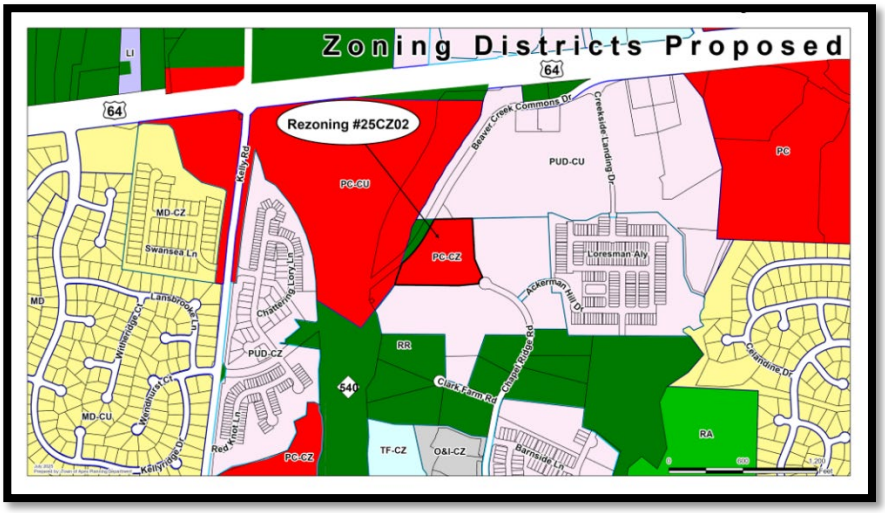
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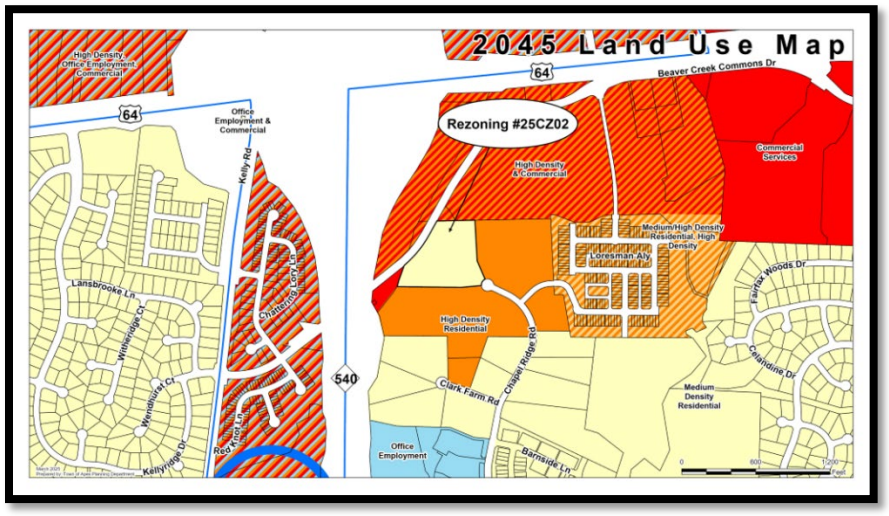
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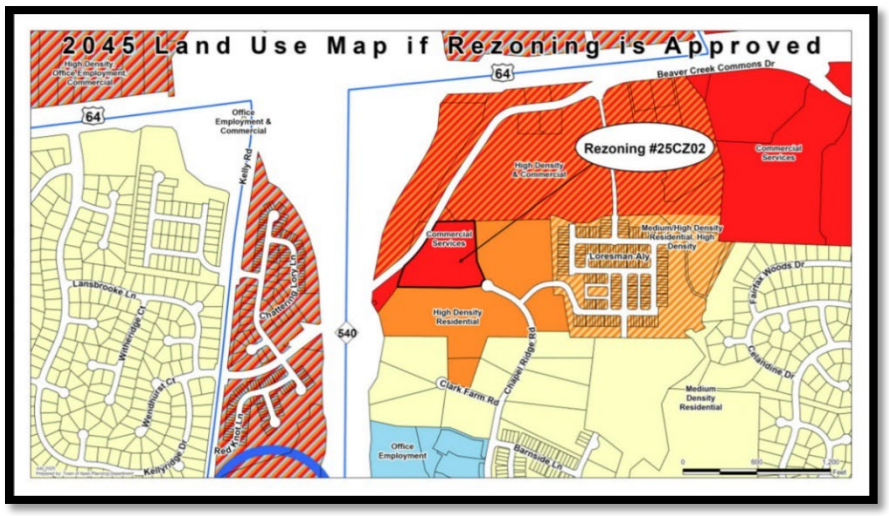
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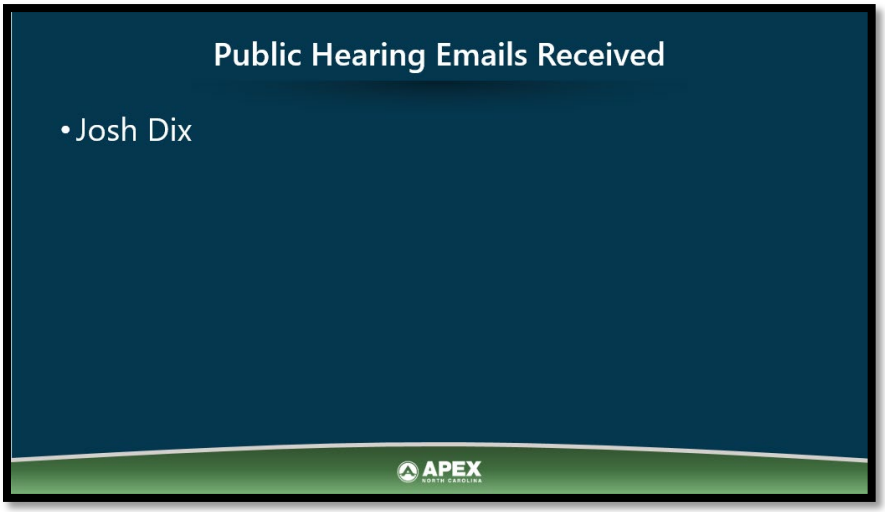
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[SLIDE 10]



[SLIDE 11]



Mr. Killian asked if there were any questions.

Mayor Gilbert asked if there were any questions and then invited the applicant to come up and speak.

Pastor Mike Merker of Jordan Lutheran Church gave the following presentation:

[SLIDE 1]

Rezoning #25CZ02
Jordan Lutheran Church
1201 Chapel Ridge Road, Apex, NC 27502

JORDAN LUTHERAN CHURCH

[SLIDE 2]

JORDAN LUTHERAN CHURCH

- Congregation began in 2009 renting space each week in the Beaver Creek Commons area
- Purchase property at 1201 Chapel Ridge in 2019
- Jordan paused former construction development to seek improved infrastructure design and placement for adjoining owners and Town of Apex connectivity

[SLIDE 3]

JORDAN LUTHERAN CHURCH





Multi-State Disaster Response Training

[SLIDE 4]



[SLIDE 5]



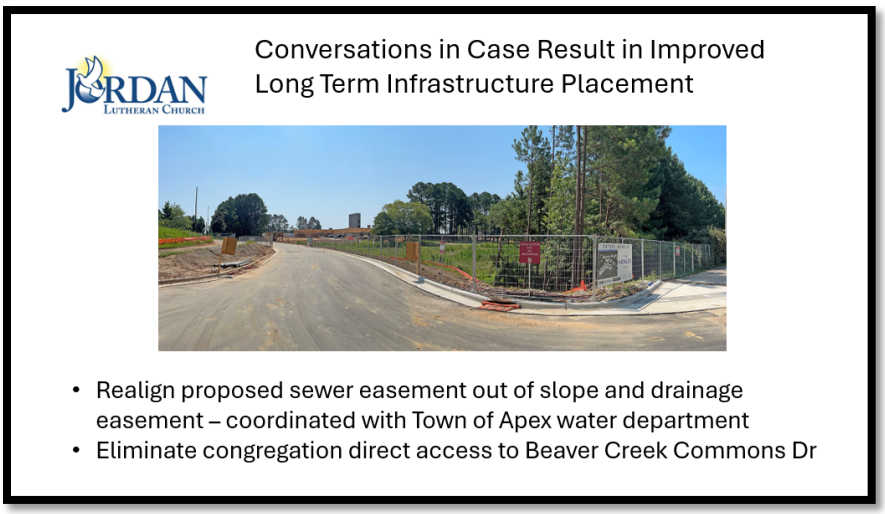
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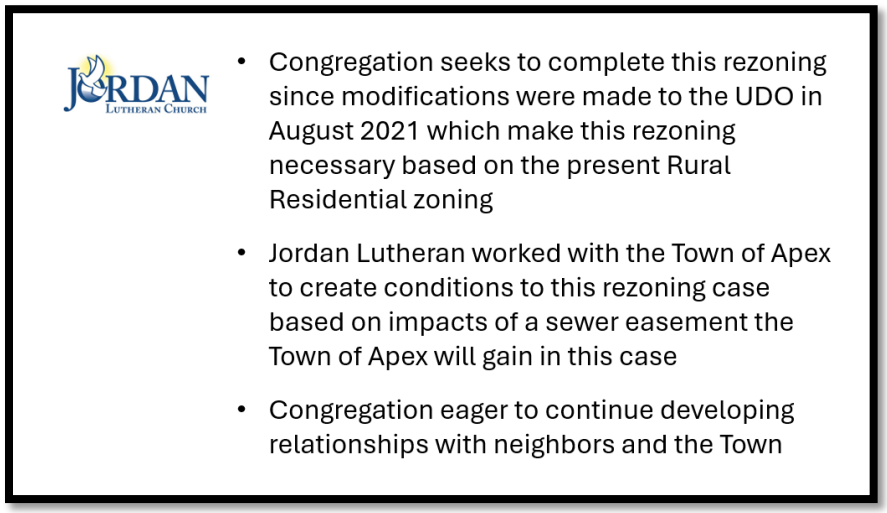
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[SLIDE 9]



[SLIDE 10]



Pastor Merker asked if there were any questions for him or their engineer.

Mayor Gilbert thanked Pastor Merker and asked if there were any questions.

Mayor Pro-Tempore Gray thanked Pastor Merker for working with staff and the flexibility.

Mayor Gilbert opened Public Hearing and invited the first speaker.

First speaker was **Dawn Cozzolino** of 3632 Bosco Road:

"I think it's a great project. I hope it is a church. I hope the trees are maintained. I think that it's wonderful to adapt this project and its significance into the community. I just really hope it, because I heard the zoning was, it could be different zoning, it could be up zoned. So, I just hope it's not a case like the Apex YMCA where there was good sentiment around the project and it became something else. So, I really hope that's the intention here and that will be the future here. Thank you."

Mayor Gilbert thanked the speaker. He closed Public Hearing with no one else signed up to speak. He brought the item back to Council for discussion and a possible motion.

A **motion** was made by **Councilmember Zegerman,** seconded by **Councilmember Killingsworth** to approve Rezoning Case No. 25CZ02 – Jordan Lutheran Church - rezone approximately 6.22 acres from Rural Residential (RR) to Planned Commercial-Conditional Zoning (PC-CZ) at 1201 Chapel Ridge Road.

VOTE: UNANIMOUS (5-0)

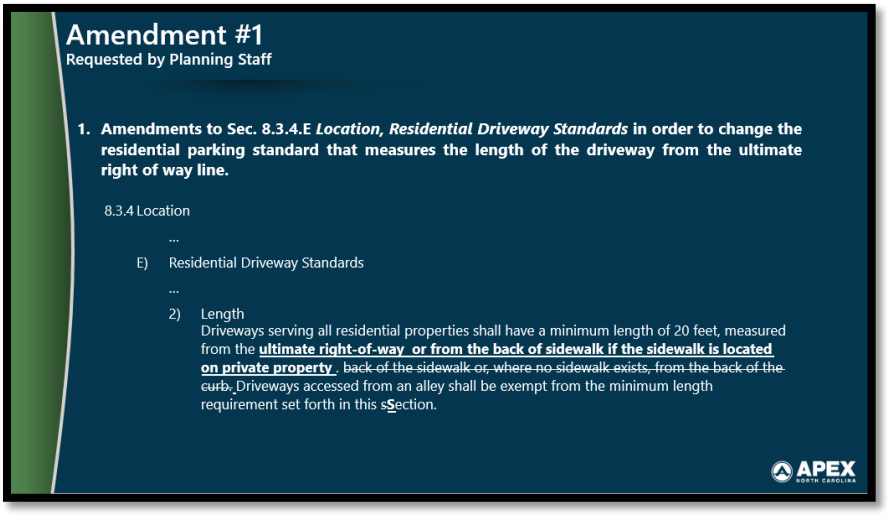
PH9 Unified Development Ordinance (UDO) Amendments – August 2025 (REF: ORD-2025-059)

Bruce Venable, Planner II, Planning Department gave the following presentation:

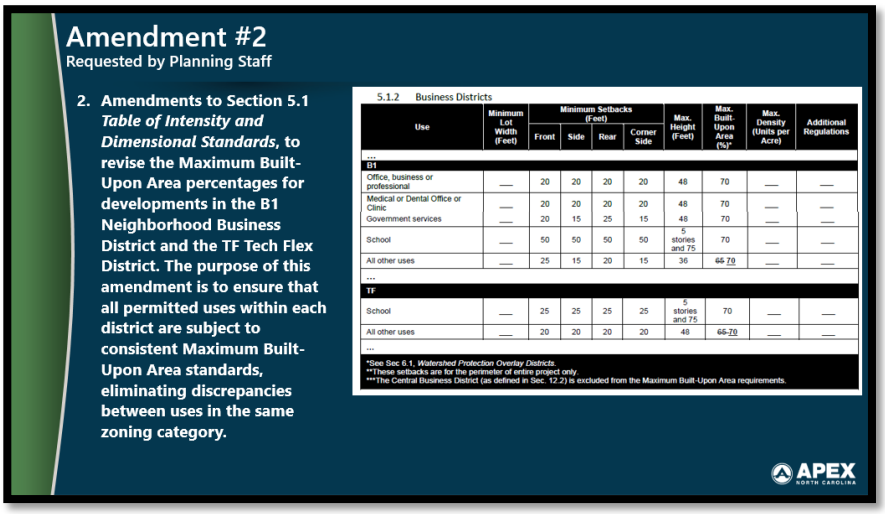
[SLIDE 1]



[SLIDE 2]



[SLIDE 3]



Mayor Gilbert asked if there were any questions. He opened Public Hearing and closed it with no one signed up to speak. He brought the item back to Council for discussion and possible motion.

A **motion** was made by **Councilmember Gantt,** seconded by **Councilmember Zegerman** to approve various amendments to the Unified Development Ordinance (UDO) for August 2025.

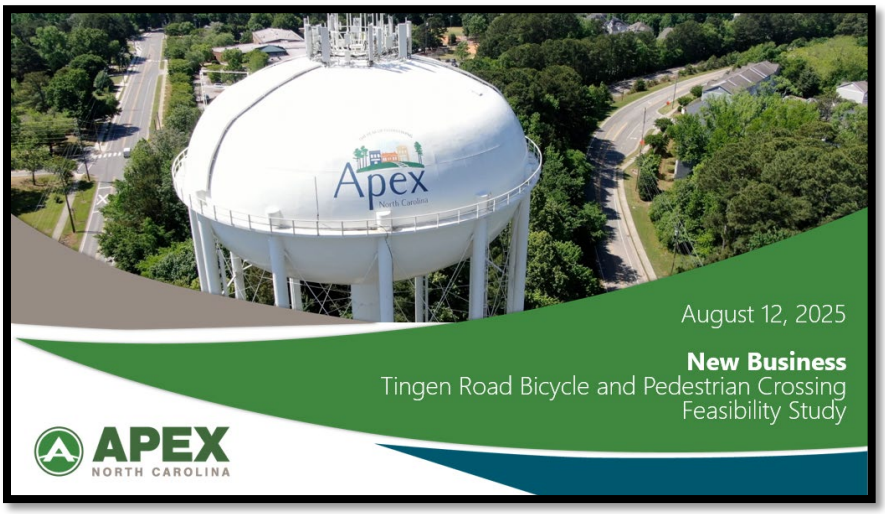
VOTE: UNANIMOUS (5-0)

[NEW BUSINESS]

NB1 Bicycle and Pedestrian Crossing – Tingen Road – Tunnel Alternative Discussion

Russell Dalton, Traffic Engineering Manager, and **Jenna Shouse**, Senior Planner, gave the following presentation on the Tingen Road Bicycle and Pedestrian Crossing Feasibility Study updates. She asked that questions be held until after the presentation. She said that they were seeking recommendations on the preferred alternative and tunnel as well.

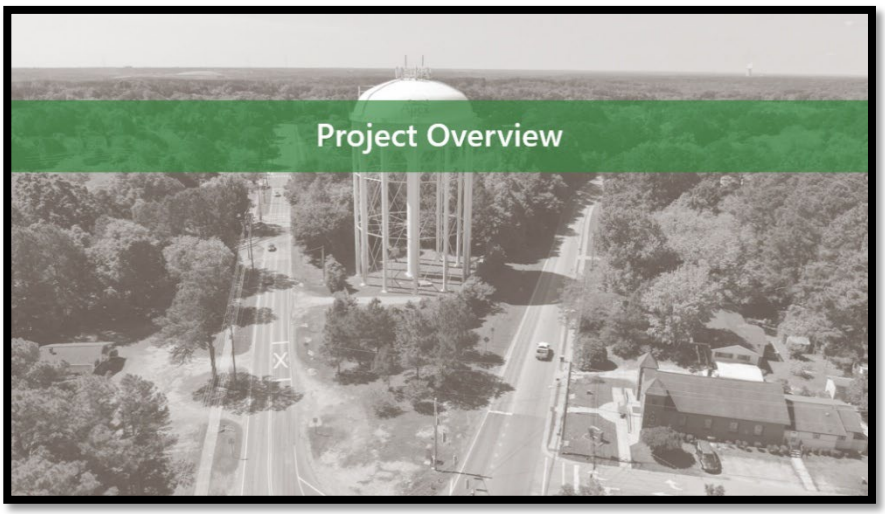
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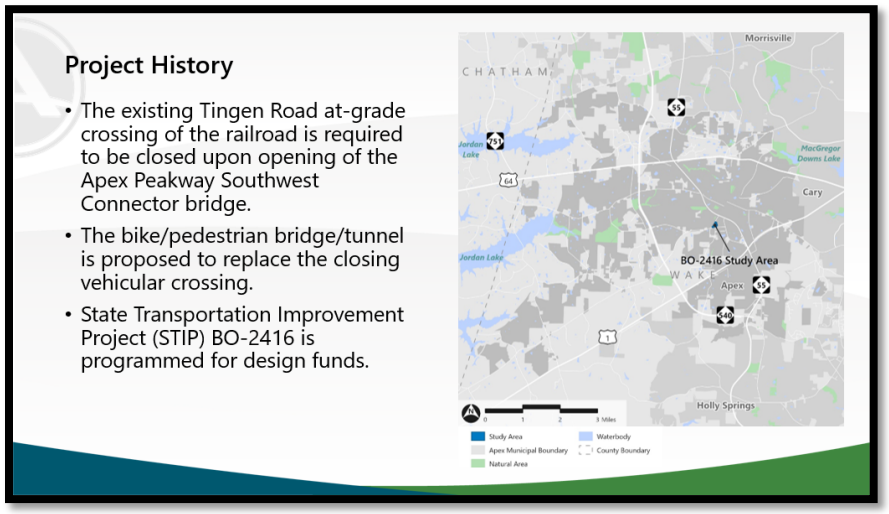
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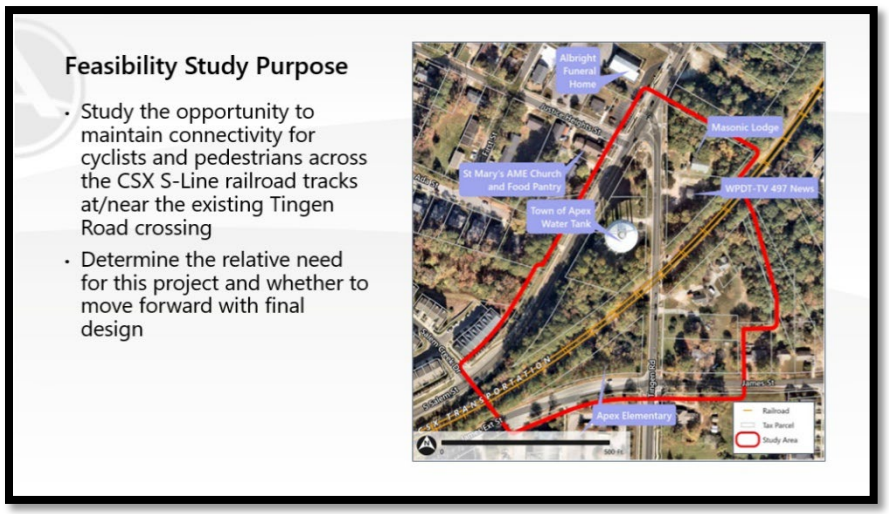
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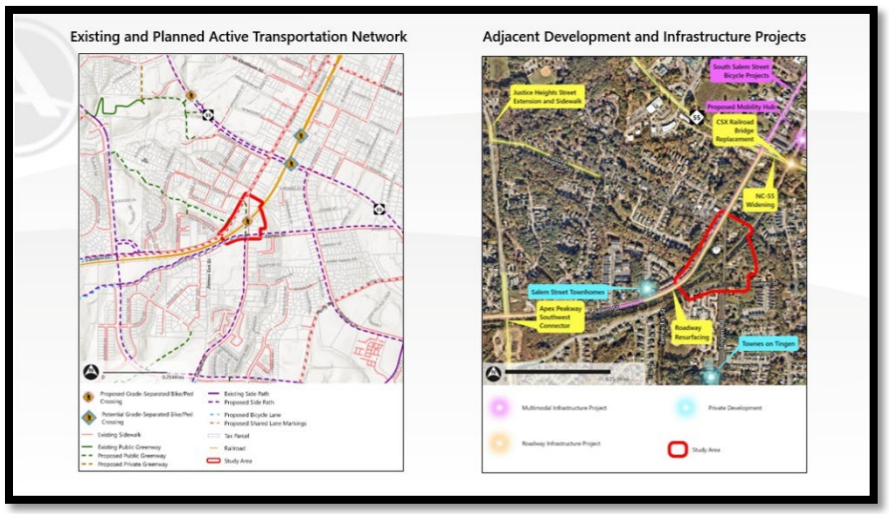
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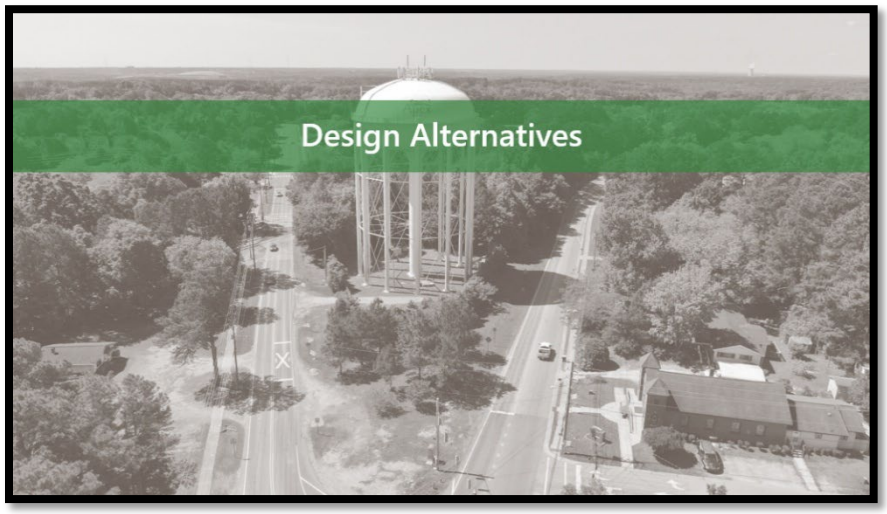
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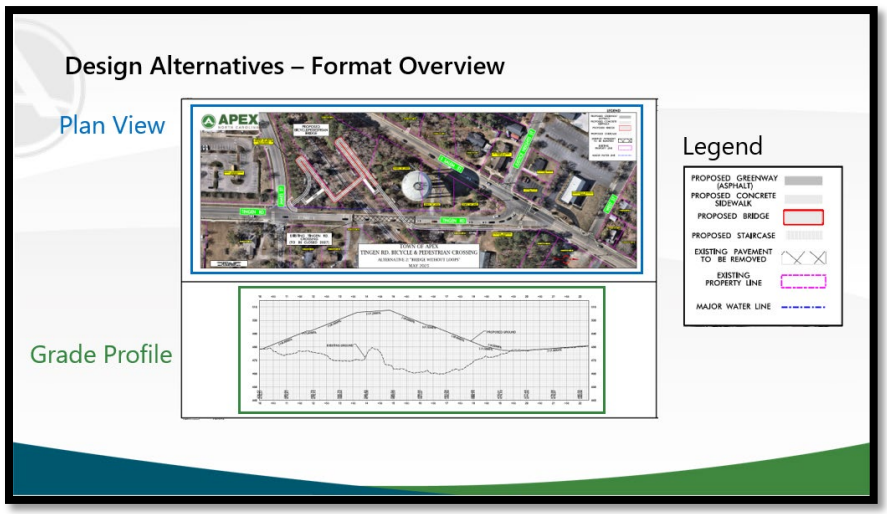
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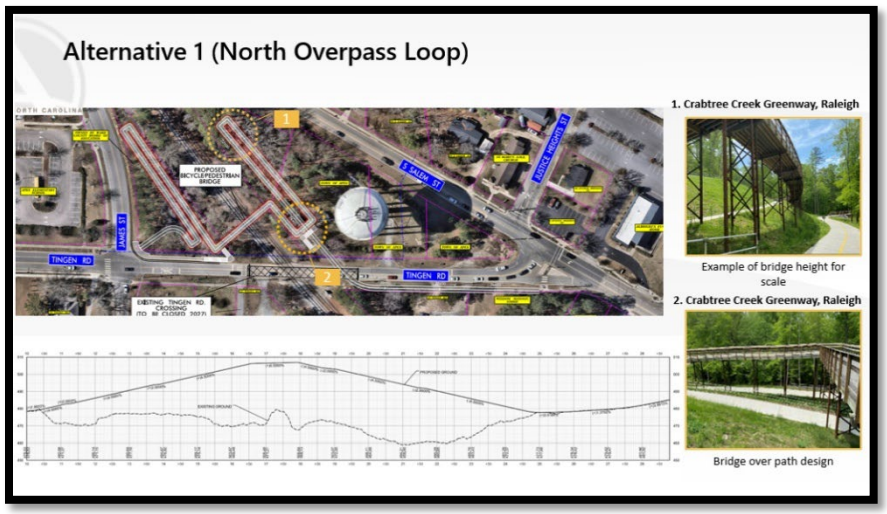
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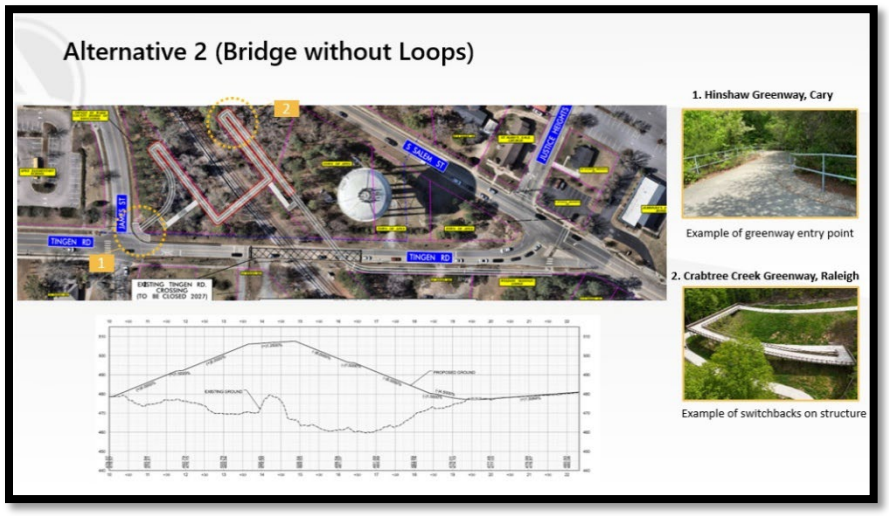
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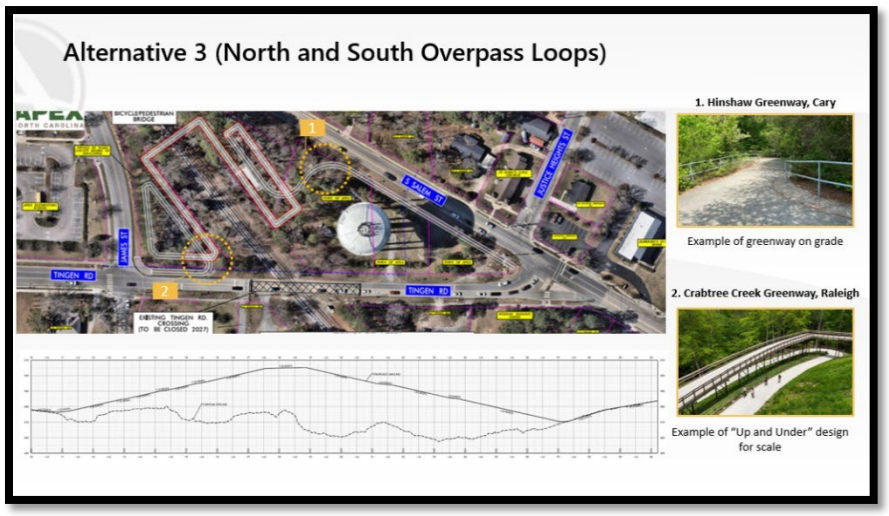
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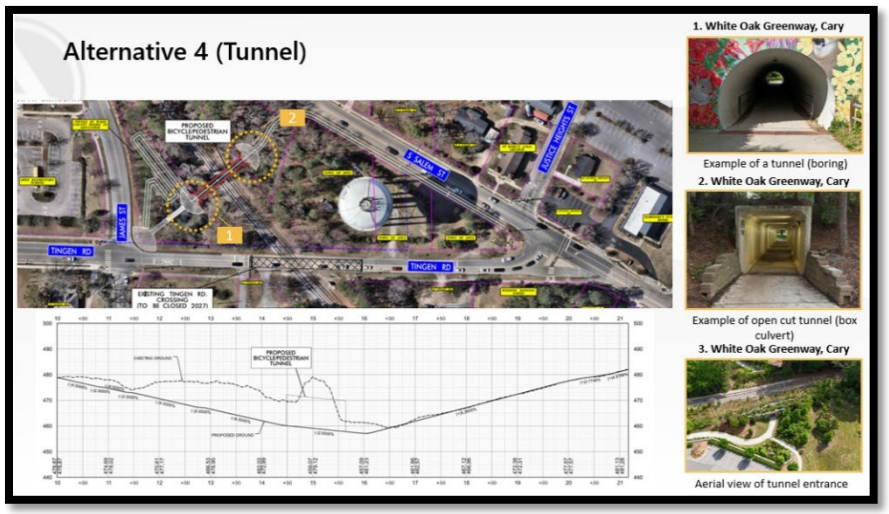
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[SLIDE 12]



[SLIDE 13]

Comparison of Design Alternatives

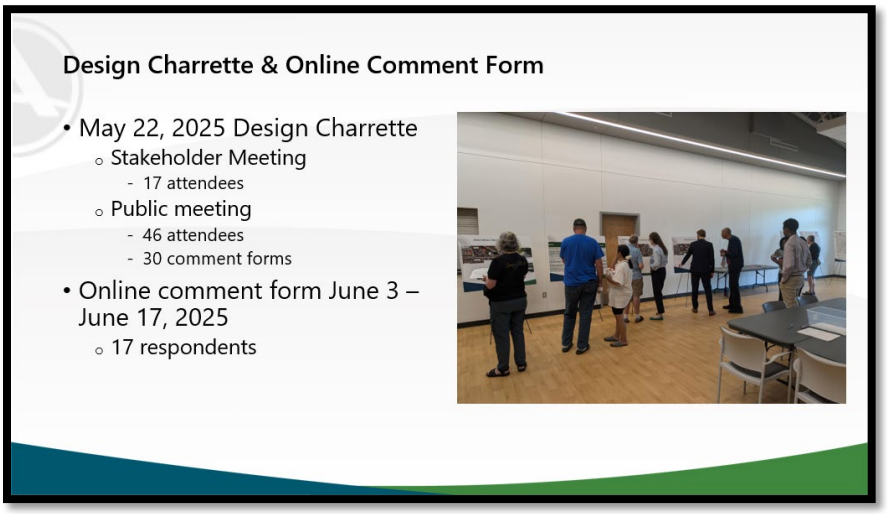
Criteria	Alt. 1: North Overpass Loop	Alt. 2: Bridge Without Loops	Alt. 3: North and South Overpass Loops	Alt. 4: Tunnel
Structure Type	Bridge	Bridge	Bridge	Tunnel
Structure Length	1285'	660'	930'	105'
Length from James St. to S Salem St. (Bicycle and ADA)	1880'	1355'	2020'	1115'
Length from James St. to S Salem St. (Walk w/ Staircase)	850'	880'	1520'	780'
Maximum Grade	5% (Moderate)	8% (Steep)	5% (Moderate)	5% (Moderate)
Cost	Highest	Middle	Middle	Lowest
Northern Approach	Along Tingen Rd.	Along Tingen Rd.	Along S Salem St.	Along S Salem St.
Landings Required	0	1	0	0
Switchbacks	4	2	2	2
Tree Clearing Required	1.9 Acres	1.3 Acres	1.9 Acres	1.6 Acres

Ms. Shouse gave this portion of the presentation.

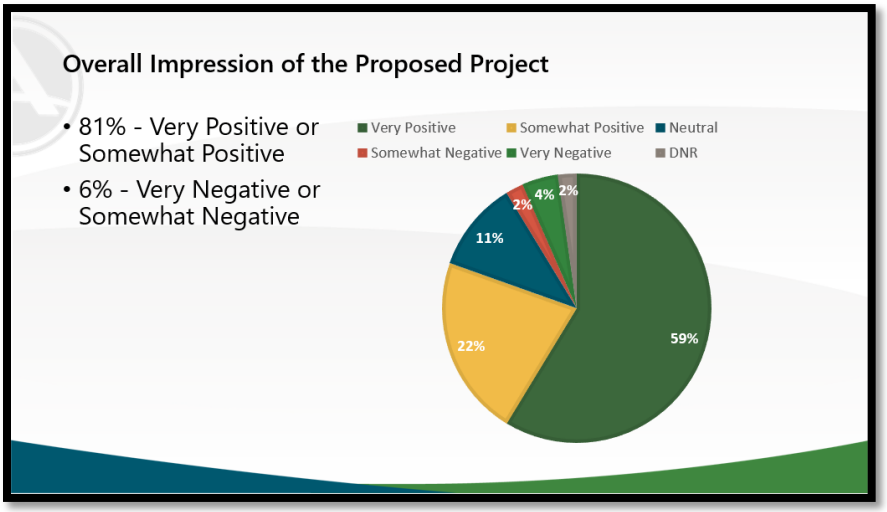
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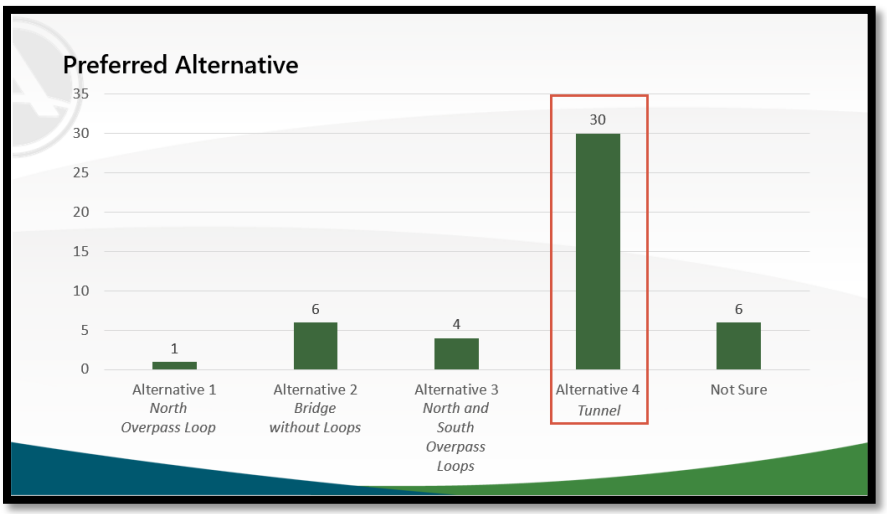
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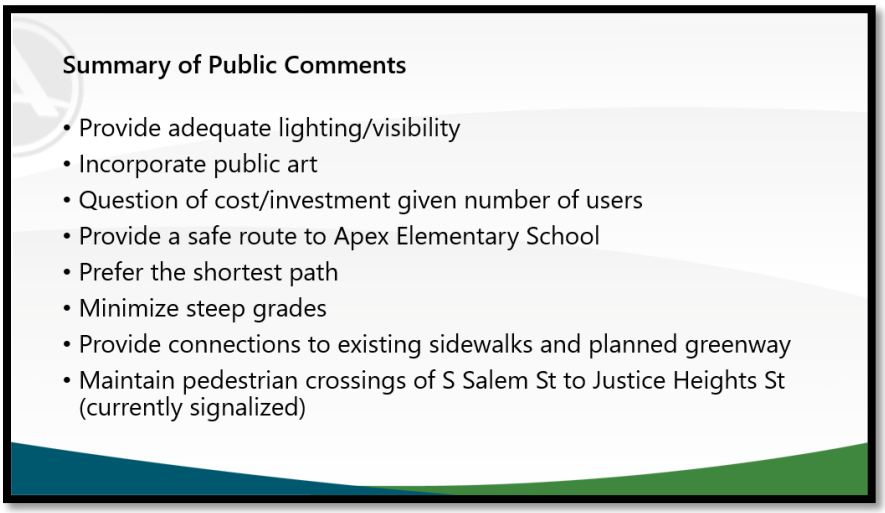
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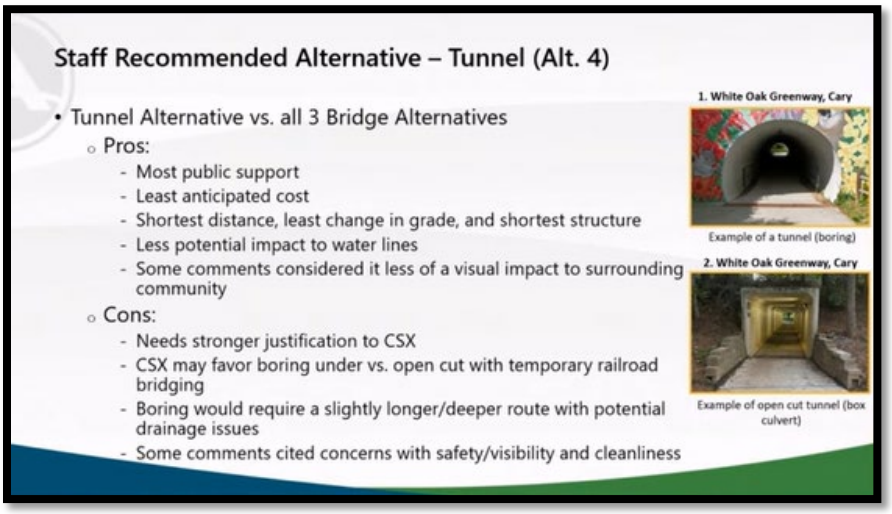


Mr. Dalton gave this part of the presentation.

[SLIDE 19]



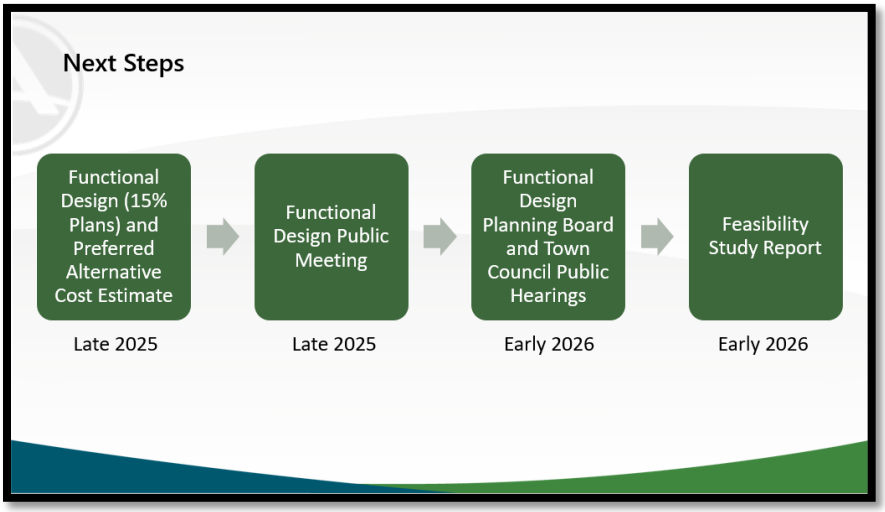
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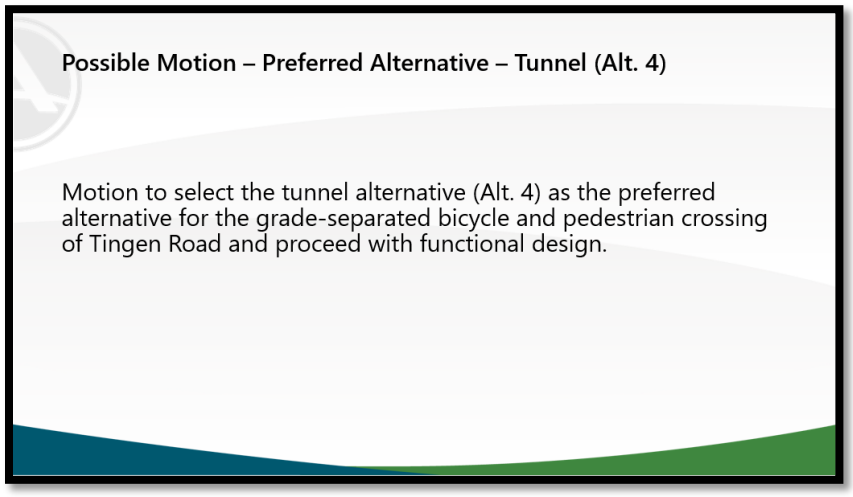
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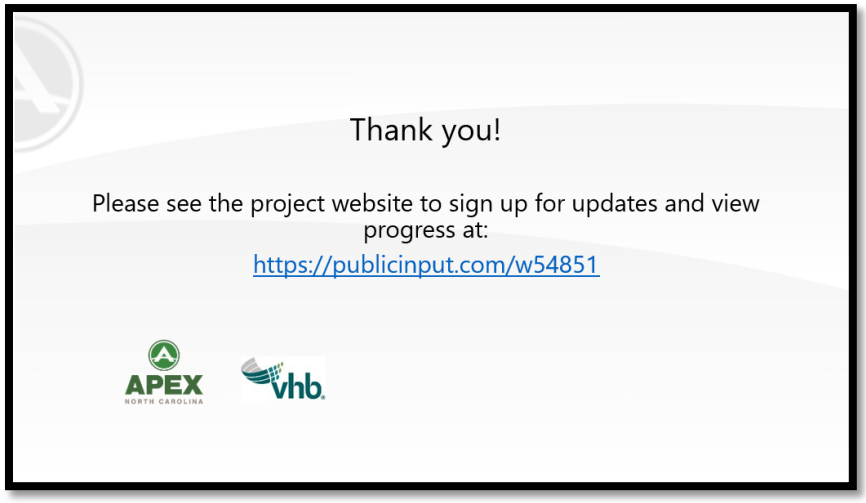
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[SLIDE 23]



[SLIDE 24]



Mr. Dalton opened up for questions.

Councilmember Killingsworth asked if there were possible drainage issues.

Mr. Dalton said that there were no anticipated drainage issues, and it would not need pumps. He said that there could be possible drainage issues with massive storms but for typical heavy summer storms there should not be any issues with drainage with this type of design, and will work with a consultant on any design requirements.

Councilmember Mahaffey asked if there were any cost estimates at this point.

Mr. Dalton said that would be the next step before bringing this back to Council.

Councilmember Zegerman asked if the next step means it is the 15% design or is the design complete in 2026.

Mr. Dalton said that by the time of the public meeting later in the year, there will be a feasibility cost estimate to share with the public. He said that he would have two alternatives to compare the two costs.

Councilmember Gantt said that said that he has ranked this last every year on the CIP projects survey, mostly being concerned on the cost versus usage and especially because the mobility hub plans have a pedestrian bridge that would be connected across 55 along the train tracks to this area. He asked if there was data on the number of possible users.

Mr. Dalton said that there were no hard numbers or projected for this.

Councilmember Gantt said that this would be helpful to proceed.

Mayor Gilbert said that this is a smart alternative access and is needed.

Councilmember Gantt said that the alternative is along the train tracks and crossing 55 and to the mobility hub which provides some connections to downtown. He said that it wouldn't be directly across the street to the neighborhood, but it seems that most people are trying to get to downtown versus to the neighborhood.

Councilmember Mahaffey asked Mr. Dalton why there wasn't a pedestrian count included in the studies.

Mr. Dalton said that this could be done, but it's not typical to do cost benefit analysis on a pedestrian connection of this type, but there could be existing data.

Councilmember Gantt said that it may not be as accurate given this is not currently a proper sidewalk, but it could be done.

Councilmember Killingsworth said that it would also be a benefit if CSX didn't ask for the crossing to be closed.

Mr. Dalton said that they did ask about the crossing.

Mayor Pro-Tempore Gray asked about the justification provided to the CSX and it seems odd that the town has to provide more justification for this option.

Mr. Dalton said that it is the difference between building a completely separate structure versus supporting their tracks.

Councilmember Killingsworth asked about the timing of this project with discussions ongoing about potentially helping CSX relocate out of town, and would the crossing still need to be closed at that point in time if that was the case.

Councilmember Gantt said that whether switching station's gone or not they would likely want this crossing closed, and believed that the NC passenger rail would say the same because trains are going through there more frequently. He asked if staff consider a tunnel under Salem as well to connect to the future greenway near Salem Village.

Mr. Dalton said that it was reviewed with a consultant, and the concern was it would be a long tunnel and that it may not be comfortable.

Councilmember Gantt said they would be crossing Salem and would be safer.

Mr. Dalton said that two tunnels would be an option with daylight in between the tunnels. He said that consultant said it would be because you can outfall the drainage so it would make it much longer and beyond Salem Street.

Councilmember Gantt asked if the second tunnel could be built with this design.

Mr. Dalton said that there were a couple of ways to do this. He said the project could be expanded to investigate two grade separations, or it could be studied at the time when the greenway is prioritized. He said that there was also the potential to amend the

transportation plan to run 10-foot path instead of five-foot sidewalk from the greenway connection up to Justice Heights Street that will get the connectivity and improve the route.

Councilmember Gantt said that he would vote no because of the aspect of proceeding with functional design. He asked if the tunnel could be voted on separately.

Councilmember Zegerman asked how there would be a cost estimate to validate or weigh the concern without the functional design. He said that a pedestrian count and furthering the study could be an ask. He said that it needs high level design up to the 15% mark to some cost estimates so that it can be put on the CIP and prioritized along with the other requests.

Mr. Dalton said that they are asking to proceed with functional design, which is only 15% plans, and they will come back early next year after the next touch point before getting authorization for preliminary and final design, so they will not go into the full design plans yet. He said that they would offer to schedule a pedestrian count at the railroad tracks in the next month and bring that data to the public and to the Council meeting.

Councilmember Gantt said he would like to see that.

Mayor Pro-Tempore Gray said that there were too many variables to get an accurate number of walking pedestrians at the location.

Councilmember Gantt said they know people cross it by car because they don't feel safe walking, but they don't know the numbers for that either.

Councilmember Killingsworth said she imagined a lot of people would cross because there was a school there too.

Councilmember Gantt said Justice Heights wasn't zoned to that school, so people may go there for the facilities.

Councilmember Gantt asked if there was a cost estimate on the 15% design.

Mr. Dalton said that they already scoped and funded for the feasibility study for the 15% and there is additional budget toward preliminary and final design, but there may need to supplement that budget depending on the scope and fee that's determined at that stage.

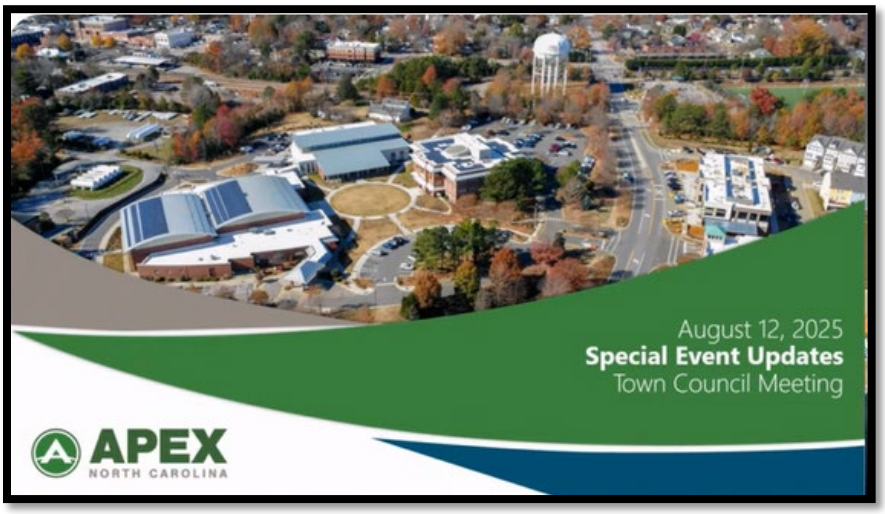
A **motion** was made by **Councilmember Killingsworth**, seconded by **Mayor Pro-Tempore Gray**, to approve Alternative 4 for the grade-separated bicycle and pedestrian crossing of Tingen Road and proceed with functional design.

VOTE: 4-1, with Councilmember Gantt dissenting

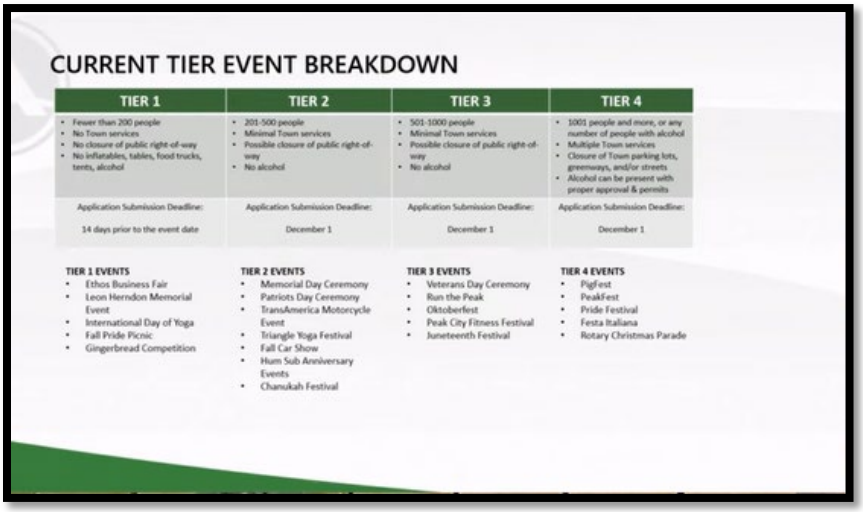
NB2 Special Events Policy Update - Community Event Tier Structure

Lisa Raschke, Special Events Manager, Parks, Recreation, and Cult. Res. Department gave the history of this policy. She gave the following presentation:

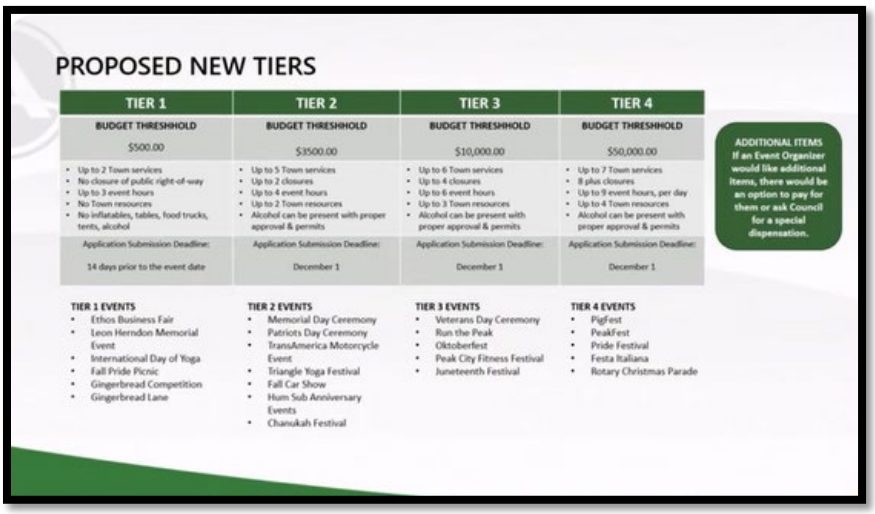
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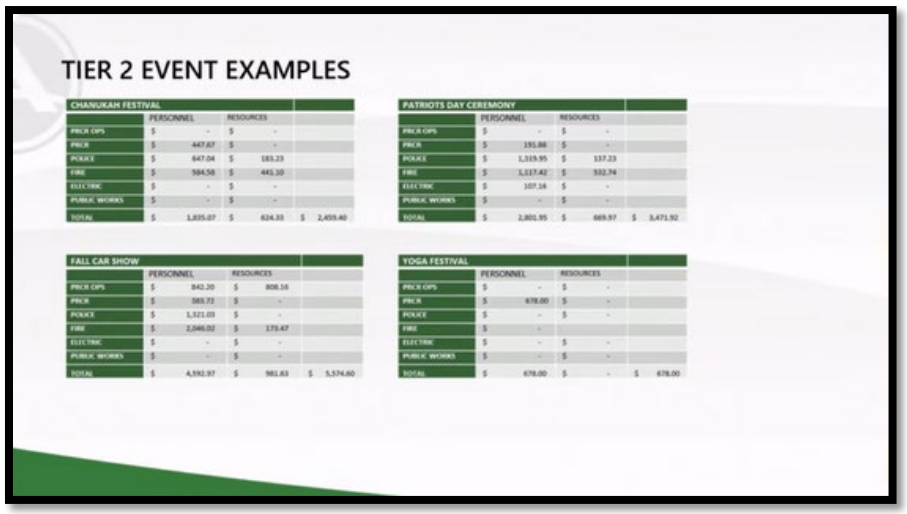
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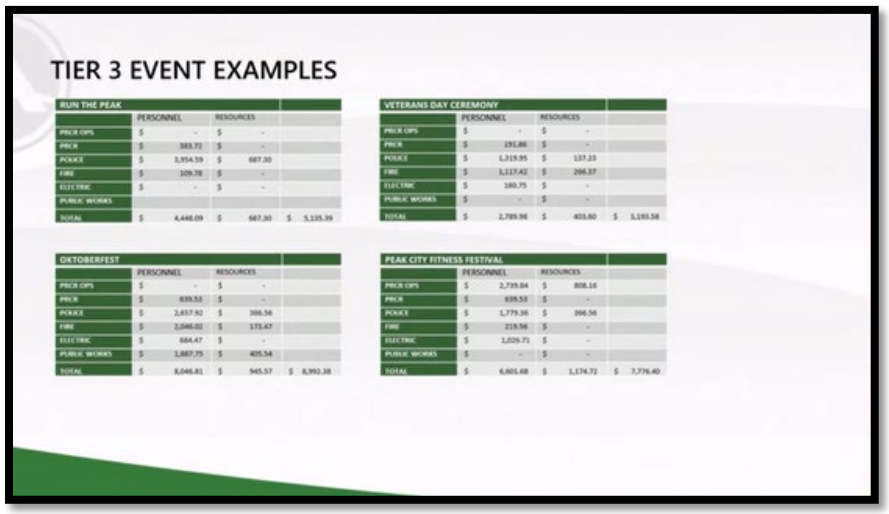
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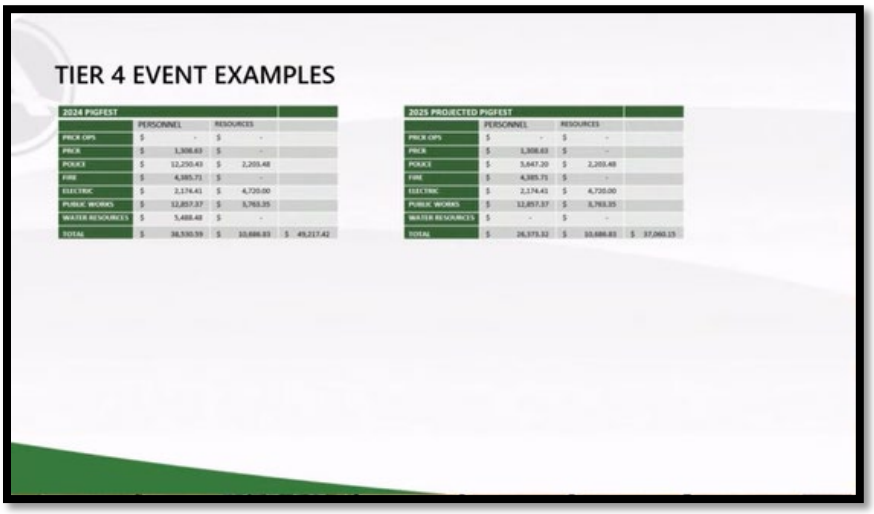
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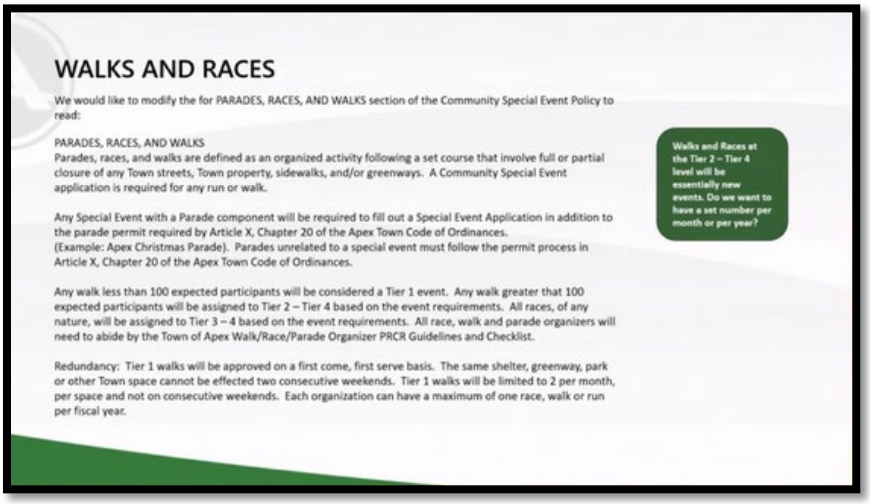
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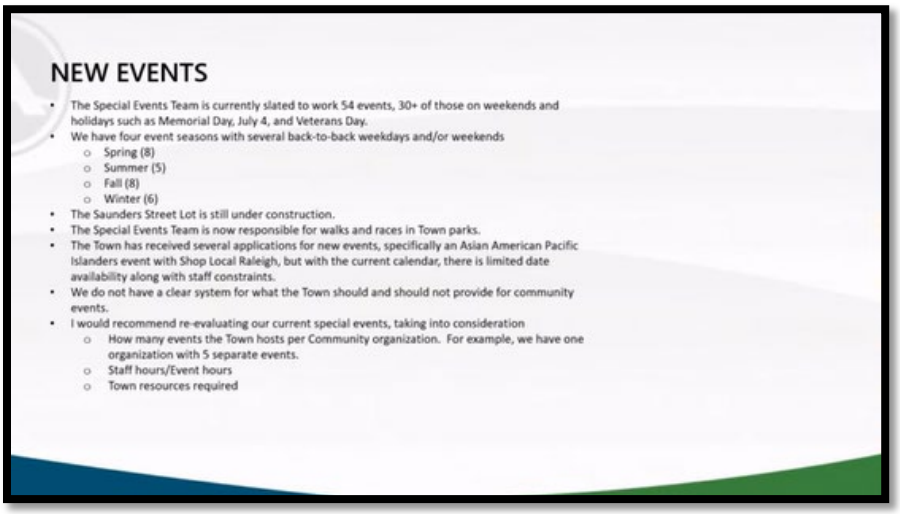
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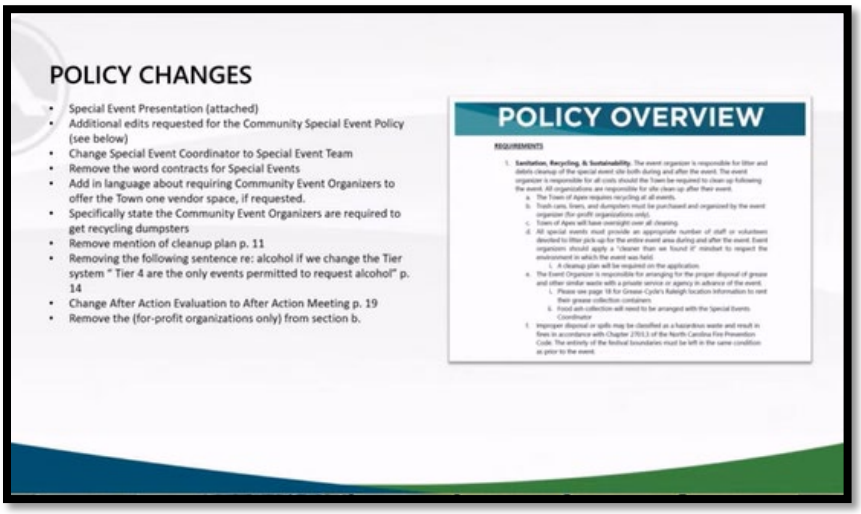
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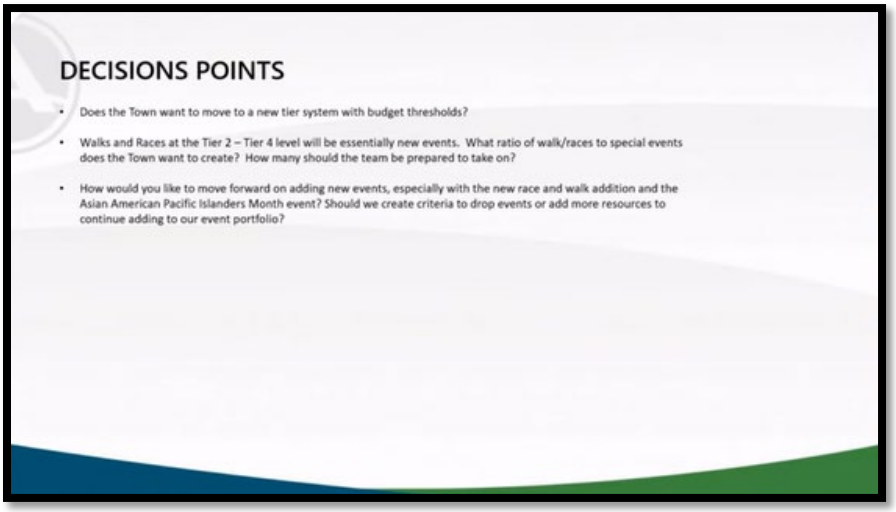
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[SLIDE 10]



[SLIDE 11]



Councilmember Killingsworth asked if each of these could be looked at independently.

Councilmember Gantt asked if there was an option where it was delegated as much as possible to staff, as the Council has a hard time saying no to events.

Town Manager Vosburg said that this is what staff is looking at because events have evolved over time and there are some inconsistencies. He said that staff would like some parameters in place that Council will agree on and then staff can administer them, and there could still be the opportunity to come to Council for input if an agreement can't be reached with staff. He said that in October there will be a Work Session item with some new ideas around new events. He said staff would like some direction on this item, but the conversation in October may drive Council in a different direction for #3

Councilmember Mahaffey asked if an event wants to exceed the in-kind limit could they fund raise and provide those.

Ms. **Raschke** said yes, they could pay for services themselves.

Councilmember Mahaffey asked if they could hire the Town.

Ms. Raschke said that they could, but staff were trying to avoid that because it is a complicated process, so they are trying to keep add-ons to the organizers.

Councilmember Killingsworth said that she appreciated all of the hard work that went into this, and it was more objective in the measures and very helpful for people that want to do events and for staff to make decisions.

Councilmember Killingsworth said she was in support of the new tier system proposal, and Council signaled concurrence. She asked about the tiers for walks and races, and said she was wondering about the extra work it may put on staff in each case.

Ms. Raschke said that if it could be done in Apex Community Park it would be manageable, but if it is an event that is throughout the town it is harder.

Councilmember Killingsworth said that it should be staff's decision about what is appropriate.

Councilmember Zegerman said it should also be in the purview of staff of what can be accommodated in terms of net new events and the venue they are held.

Mayor Pro-Tempore Gray asked if anyone had requested doing a large event like a half marathon or more.

Ms. Raschke said that it has been asked. She said that staff would like to say yes to some of the smaller ones but don't want to close greenways.

Councilmember Killingsworth said that once Pleasant Park pathway opens, there may be more capacity to have more events. She said that whatever the capacity is, staff should be the one to determine what events can and cannot be done. She said that the policy changes that have been presented are good.

Councilmember Zegerman said that the spider boxes are missing from the list.

Ms. Raschke said that they don't currently have a fee for those. She said that the misters aren't on the list either for the same reason of deciding on the fees.

Mayor Pro-Tempore Gray asked about the set number of spider boxes.

Ms. Raschke said that there were three and one homemade one. She thanked the Council for opening up town hall parking lot and putting more power there, which has saved money for events.

Councilmember Gantt asked for confirmation that long-term planning is being done to invest in equipment that could be rented in the future.

Ms. Raschke said yes, that is being considered and smart planning is being done.

A **motion** was made by **Councilmember Killingsworth**, seconded by **Mayor Pro-Tempore Gray** to authorize a new tier structure related to Community Events and approve an amendment to the Special Events Policy.

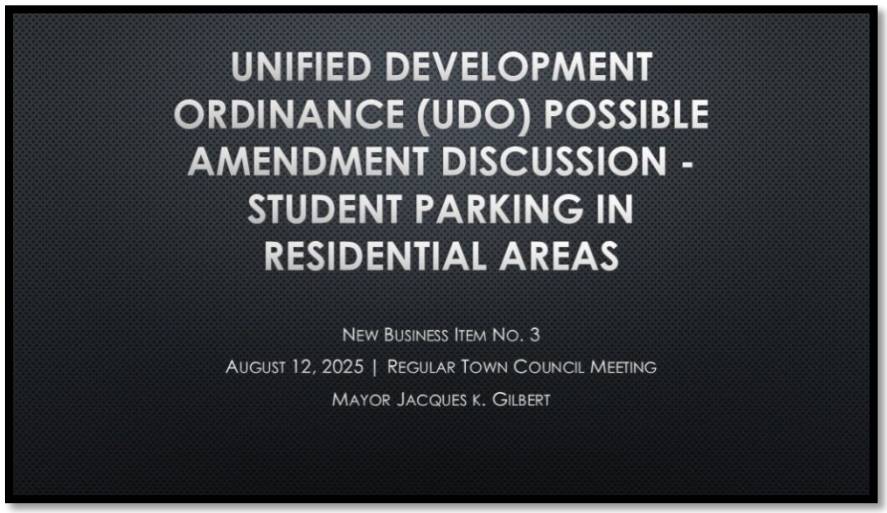
VOTE: UNANIMOUS (5-0)

NB3 Unified Development Ordinance (UDO) Possible Amendment Discussion - Student Parking in Residential Areas

Mayor Jacques K. Gilbert gave an overview of the history behind the development of this UDO amendment. He said that what he was asking was to honor the past of Apex Friendship and erase the negative past of people who tried to do what was right for the students at Apex Friendship High School. He introduced Annie Scott. He said she is Ms. Annie to students and parents. He said that Ms. Annie is trying to do the right thing for the community. He thanked Ms. Annie for trying to provide a solution for parking.

Mayor Gilbert gave the following presentation:

[SLIDE 1]



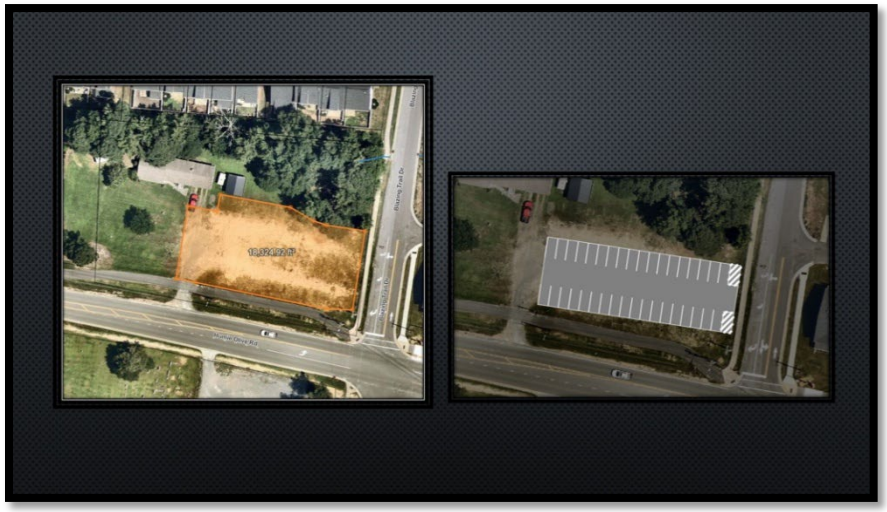
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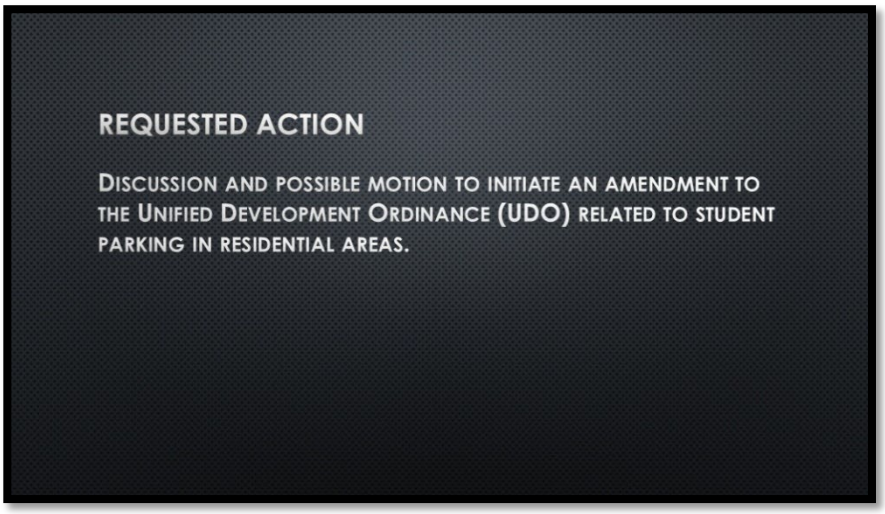
Mayor Gilbert invited a parent, Allen Stadium to come and speak on how this impacts his family.

Mr. Allen Stadium of 2005 Brandon Way:

"Good evening, Mr. Mayor, council members, neighbors, I'm here tonight to talk about something that's not just about parking. It's about safety, community, and the kind of town we want Apex to be. Across from Apex Friendship High School sits a piece of land owned by Miss Annie, a woman who has lived here for decades, watched this town grow, opened her heart and her property to help our kids. She's not trying to make a fortune. She's not creating a nuisance. She's simply saying, "If I can help keep students safe, I want to help." Right now, we have teenagers, our kids, arriving at school early in the morning, circling for spaces, and when they can't find one, parking far away in neighborhoods or along busy roads. They're walking long stretches, some without sidewalks, sometimes in the dark, sometimes in the rain,

carrying heavy book bags. Everyone knows that's an accident waiting to happen. And yet, directly across the street is a safe, open, visible place they could park, but your ordinances say no. Now, I fully understand that the lack of parking at Apex Friendship is the result of poor planning on Wake County Public Schools' part. They built a school for thousands of students without giving them enough spaces to get there safely. But here's the truth, the dirty little secret that no one says out loud. We know they're not going to fix it. It's up to us right here in this room to protect our kids and our neighborhoods. I've heard people say that driving to school is a privilege, not a right, and under normal circumstances, maybe it is, but it only becomes a true privilege when Wake County Public Schools provides enough bus drivers to handle the added capacity of students who will be forced to rely on a different mode of transportation. When transportation is unreliable or unavailable, driving stops becoming a privilege, it becomes a necessity. That's something we need to address. Allowing students to park on Miss Annie's land protects their safety, it eases neighborhood tensions, and it shows what Apex stands for. Neighbors helping neighbors, looking out for our kids. And let's be honest, these are high school students. In just a few years, they'll be voting, starting careers, maybe even buying homes right here in Apex. What message do we want to send them now? That rules can't change even when common sense says it should or that their town listens, adapts, and cares enough to do the right thing? Miss Annie's property is part of the solution. She's willing, the need is obvious, and the fix is in your hands. I'm asking you on behalf of parents, on behalf of students, and on behalf of one generous woman who just wants to make a difference. Please make an exception, create a permit, do whatever it takes to allow parking there this school year. Now, I know a couple of you are absolute no's on this council, and that's your position to hold, but I also know there's possibly three of you who deep down are willing to vote yes, but will possibly vote no just to object on principle. Don't let this be one of those moments you miss only to reclarify your positions later in Facebook chat groups. This is your chance to lead from the front, not just to posture. Let me be clear, I'm asking the council to approve the needed adjustments to allow parking at Miss Annie's property. If we act today, we not only solve a long-standing problem, we set a precedent for doing what's right for the people. Let's keep our kids safe. Let's ease the strain on our neighborhoods and let's show that in Apex, compassion still counts. Thank you."

[SLIDE 5]



Mayor Gilbert brought the item back to Council for discussion and a possible motion. He read a text from Brian Pittman, the Principal of Apex Friendship High School and said that he understands the need and the hardship. Mayor Gilbert asked that the decision be made by taking him out of this and taking care of the kids.

Councilmember Zegerman acknowledged the parking issues around Apex Friendship High School. He said that clearly there is a need for parking. He said that this does not take away the fact that the solution that is being addressed is not in line with the current ordinance. He said putting a blanket ordinance change in place for one specific property was the incorrect way to go and other alternatives are plenty but have not yet been explored. He gave several other alternatives to this issue, such as a fairer parking allocation method. He said that Wake County Schools should contribute to the solution. He said that safety is also an issue with students having to cross Humie Olive Road from this location. He said that there is also the longevity of the solution that is needed. He said that lastly, there are other means within the current laws, rules, and procedures that should be followed to request a different use for this property. He said that staff have communicated with Miss. Annie that rezoning may be an option. He also said that there is a variance request with the Board of Adjustment weighing in may be an option. He said that he would like to explore other options and maybe Miss. Annie's parking solution is part of a temporary solution.

Mayor Gilbert thanked Councilmember Zegerman. He said that he didn't think that he listened to what he had said.

Councilmember Zegerman said that he had listened. He said that Council was being asked to make a UDO change based on information and conversations that have been had but not shared with the Council.

Mayor Gilbert said that he was sharing them at this meeting.

Councilmember Zegerman said that was too late.

Mayor Gilbert asked Councilmember Zegerman if he had any conversation with Miss. Annie.

Councilmember Zegerman said that he had not had any conversation with Miss. Annie.

Mayor Gilbert said okay.

Councilmember Killingsworth said that this does not make Councilmember Zegerman's comments invalid.

Mayor Gilbert said that he was not saying Councilmember Zegerman's comments were invalid.

Councilmember Mahaffey said that Mayor Gilbert banged the gavel at Councilmember Zegerman.

Mayor Gilbert said that he was responsible for running the meeting and said Councilmember Killingsworth now has the floor.

Councilmember Killingsworth said that when items come up with this amount of detail and they don't go through the proper channels, it is concerning. She said she heard everything that Mayor Gilbert said and also has high school students and understands the implications of this issue. She said that she had gotten emails about the safety of the kids walking across the street and almost being hit, kids being hit on this piece of property. She said this is a safety issue. She said that there have been other options given and have not been taken. She said that she could not support this item knowing that it has skipped the process.

Mayor Gilbert asked for Councilmember Killingsworth to clarify the "skipping the process" because the motion is to initiate an amendment to the UDO.

Councilmember Killingsworth said this appeared to be a detailed ordinance that has been presented for approval.

Mayor Gilbert said that the item before Council was for consideration and the action taken tonight would initiate the process to then start through the appropriate processes. He asked Director Khin if this was correct.

Director Khin said that the Town's UDO allows an applicant, the Town Council or the Planning Director, to initiate an UDO amendment. She said that she believes that Mayor Gilbert is asking the Town Council to do the initiation.

Councilmember Killingsworth said that if Council is going to initiate any process that it needs to go through the proper channels of going to the Planning Board, having Public Hearing, all before it is considered.

Mayor Gilbert said this was the process he wanted, too, but wanted to get the consensus from the Town Council.

Councilmember Mahaffey said that the process presented was the wrong process. He said this is a UDO change, which would apply to all properties and they don't know the potential issues or full impact of making such a decision. He said the rezoning process applies to a single property which allows staff to work with the property, the applicant, the owner to work on solving the issues that have been heard about. He said that he wasn't sure why rezoning hasn't been applied for.

Mayor Gilbert said that Miss. Annie may not have the resources or the will to do that.

Councilmember Gantt said that he was not supporting this. He said that he thought it was bad policy to park in residential areas. He said that he thought this was resolved in 2018/19 and was upset when he found out that it was happening again.

Mayor Gilbert said that laws change.

Councilmember Gantt said he is a hard no. He said it was bad policy to park in residential areas and can cause a nuisance with surrounding homes.

Mayor Pro-Tempore Gray said that he would like to ask Miss. Annie if she would like to speak.

Miss. Annie came up and spoke. She went through the history of this parking arrangement. She said she began letting students park in her yard in 2015, but nobody complained until 2016. She said that she approached the town about it in 2016. She said that parents called and asked if their kids can park in her yard because they have nowhere to park at school, and she allowed them to park. She said that she has let the kids park in her yard since 2015 and never had one accident. She said the wrecks are happening at the school where the kids are coming out of the parking lot. She said that she helps them exit when the kids are leaving school and park when arriving in the morning. She said that she does not understand what the issue is. She said that when they park on the side of the road, they get ticketed. She said there had not been wrecks at her property and if someone has complained that there are wrecks, then she would like proof. She said that if Council had a student at the high school, they would be calling asking for parking.

Mayor Pro-Tempore Gray said that he appreciated her comments. He asked Miss. Annie how much she charges for parking.

Miss Annie said if the student begins at the beginning of the year, it is $300.00, and if the student comes after the school has started, she pro-rates it.

Mayor Pro-Tempore Gray asked how many students parked there.

Miss Annie said that it is about 46 normally, but this year with the ones that were getting tickets for parking on the side of the road it was about 52, but she said she is letting those kids park for free.

Mayor Pro-Tempore Gray asked how many students she was charging regularly.

Miss Annie said 20 or 25.

Mayor Pro-Tempore Gray asked how many parking spaces were available without being too tight.

Miss Annie said 52. She said that it's not tax-free money because she pays taxes.

Mr. Stadium said that he knew two of the Councilmembers would be hard no, but he had hoped this would touch a nerve with the other three. He said that this is an opportunity that is being missed. He asked if the Council members that are against this are against the parking idea or upset that it was a different process than one they controlled.

Councilmember Mahaffey said that was a great question, and the process that was being described would require improvements to the property that would address the complaints that have been received. He said that the rezoning process would be the proper way, and the problem with this proposal is that it applies to the entire town.

Mayor Gilbert said that this was ETJ (Extraterritorial Jurisdiction) and the proposed option 2 talks about what Miss Annie would need to do as far as percentage of the parking lot.

Councilmember Mahaffey said that he found that to be insufficient. He said it mentions gravel, but there needs to be more than just gravel.

Mayor Gilbert said that if a student leaves the parking lot from Apex Friendship and gets in an accident, it isn't the school's responsibility. He said the same should apply in this case.

Mr. Stadium said in that case it would be like asking the kids to stop walking to school from Bella Casa. He said that Council all that moved to this area was because of the charm and asked for it not to be changed. He said that in 2018 the UDO should never have been changed, and that is what they are trying to correct now, plus the safety aspect. He asked Council to reconsider, and that a temporary reprieve be given to Miss Annie while she goes through the process. He said that he would be happy to help her with the upgrades that are needed.

Councilmember Zegerman said that there is a way to do this that is established. He said the recommendation of staff and Council that a rezoning request is filed and the process is followed. He said that he wasn't hearing that there should not be any cars parked on Miss. Annie's lot, but it is the method that it is being presented at this meeting that is being objected to. He said he was sure of a timeframe and deferred back to staff to make a recommendation.

Mr. Stadium said that school starts in a couple of weeks and asked if the kids could still park there.

Councilmember Zegerman said no.

Mayor Gilbert said that he would bring the same UDO Amendment back to the next Council meeting to additional discussion and possible motion. He asked Town Clerk Coleman to make a note to put this item back on the next agenda for the August 26, 2025, Regular Town Council Meeting.

A **motion** was made by **Councilmember Gantt,** seconded by **Councilmember Zegerman** to enter into Closed Session pursuant to NCGS §143-318.11(a)(5), NCGS §143-318.11(a)(3), and NCGS §143-318.11(a)(1) at **11:04 p.m.**

VOTE: UNANIMOUS (5-0)

Council entered into Closed Session at **11:04 p.m.**

[CLOSED SESSION]

Council entered closed session pursuant to:

CS1 Steve Adams, Real Estate and Utilities Acquisition Sp., Trans. and Infra. Dev. Dept.

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. Abbington Community Association, Inc.

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 **11:48 p.m.**

Mayor Gilbert adjourned the meeting at **11:48 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 9th day of September, 2025 (CN6).

APPROVED MEETING MINUTES

TOWN OF APEX
TOWN COUNCIL WORK SESSION
TUESDAY, AUGUST 19, 2025
3:30 P.M.

The Apex Town Council met for a work session on Tuesday, August 19, 2025 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=KZRuTD2eW_w

[ATTENDANCE]

Elected Body

Mayor Jacques K. Gilbert (presiding)
Mayor Pro-Tempore Ed Gray
Councilmember Brett Gantt
Councilmember Arno Zegerman
Councilmember Audra Killingsworth (*arrived late; see note below*)
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
Community Connection Center Manager Darla Bryant
Communications Director Stacie Galloway
Community Development and Neighborhood Connections Director Marla Newman
Community Engagement Specialist Jimmy Torres
Information Technology Director Erika Sacco
Information Technology Project Manager Troy Salahuddin
Interim Budget and Performance Management Director Jessica Hoffman
Interim Electric Utilities Director Ken Weatherman
Interim Finance Director Jessica Murphy-Rhem
Organizational Excellence Director Linda Graham Jones

All other staff members will be identified appropriately below.

[COMMENCMENT]

Mayor Gilbert called the meeting to order at **3:44 p.m.**, welcomed everyone in attendance, and led the Pledge of Allegiance. He said the meeting had a delayed start as a quorum was needed.

Mayor Gilbert said the Town Manager will lead us through the work session items with only items slated for discussion on the Utility Billing program.

Town Manager Vosburg said that he was going to defer to Deputy Town Manager Shawn Purvis and Interim Finance Director Jessica Murphy-Rhem for the main nuts and bolts of the presentation.

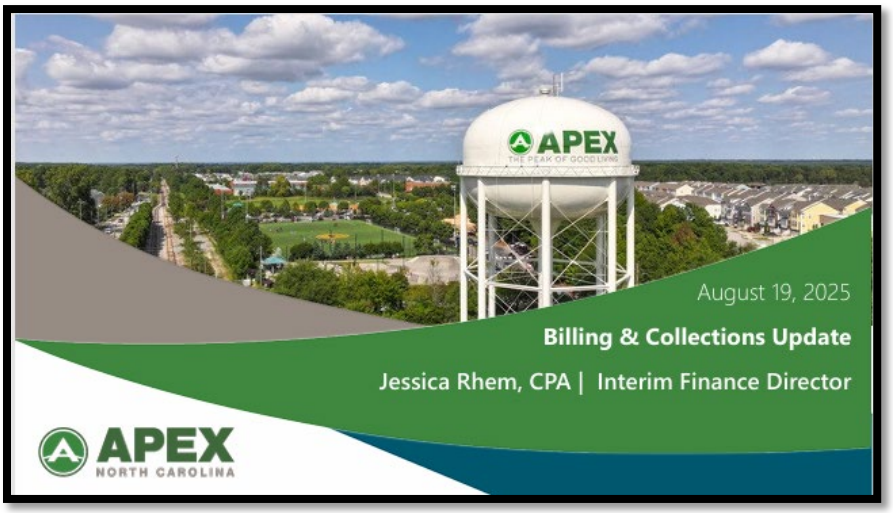
Deputy Town Manager Shawn Purvis said the purpose of today's presentation was to provide the Mayor and Town Council with a high-level overview of the Utility Billing and Collections Division within the Finance Department. He said that Interim Director Jessica Murphy-Rhem had worked closely with the third-party review firm and would have information related to the overall

[UTILITY BILLING PROGRAM UPDATE]

Interim Finance Director Jessica Murphy-Rhem provided the following PowerPoint (PPT) presentation.

CLERK NOTE: Throughout the presentation questions were asked by members of the elected body. Those questions and staff's corresponding responses are denoted below each PowerPoint slide as applicable.

[SLIDE 1]



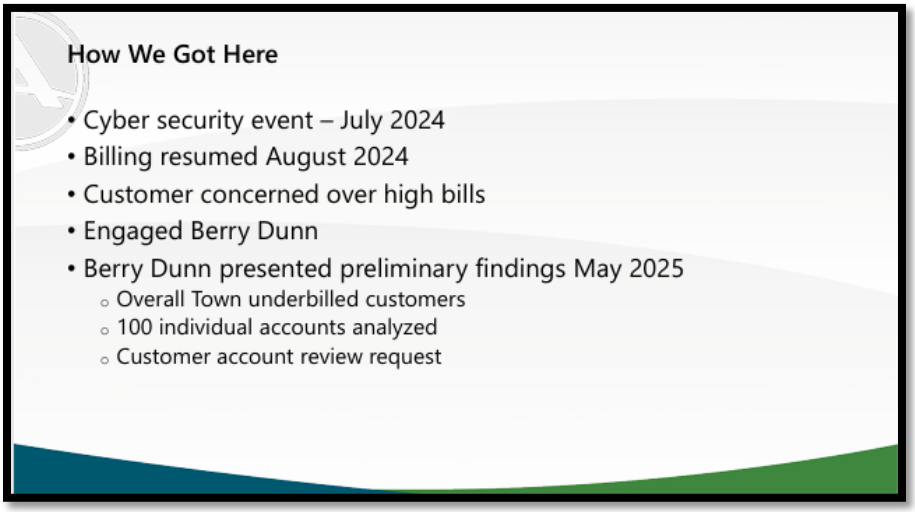
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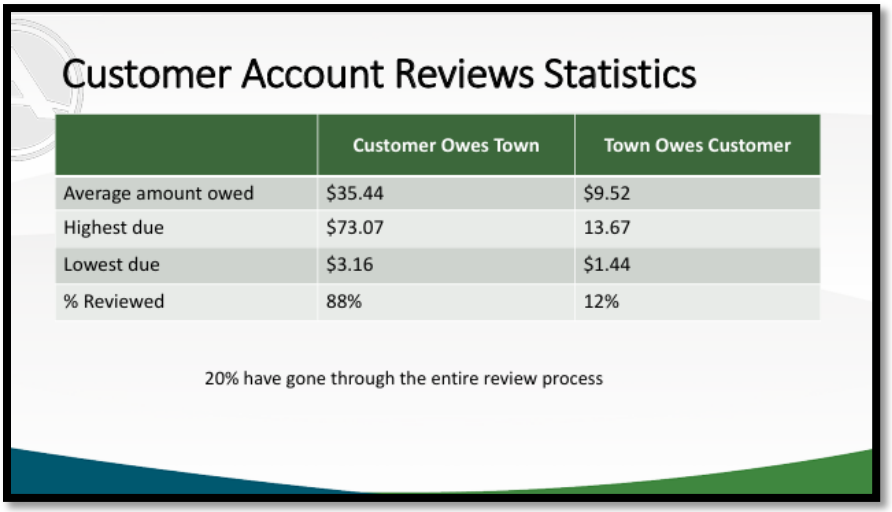
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[SLIDE 5]

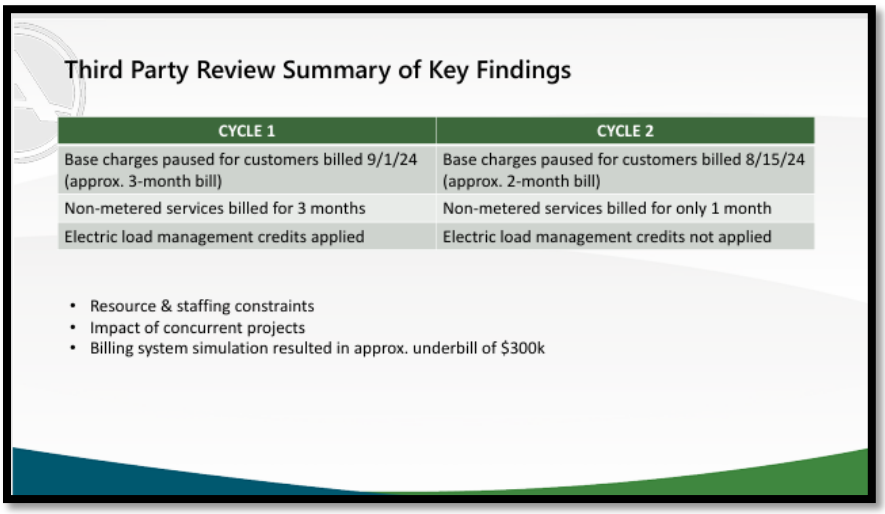


[SLIDE 6]

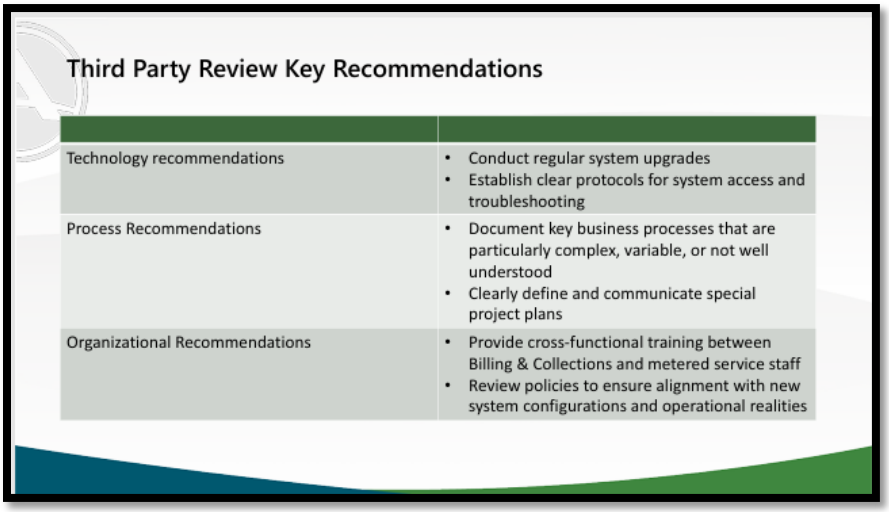


Councilmember Killingsworth arrived at **3:54 p.m.**

[SLIDE 7]



[SLIDE 8]



Councilmember Gantt asked for a high-level overview of what kind of policies were referred to in the last bullet.

Interim Director Murphy-Rhem said all the policies that relate to billing and collections, for example how long a payment plan will be offered. She said that any parameters around the billing and collection process, this is the time to look at everything since this will be a new system. She said that the way that meter reading and billing were done did not align, but the end results will always be the same. She said that this is an opportunity to look at what may need to be changed.

Councilmember Gantt said that he knew what was in the budget as far as rates, but this was a level down, and more operational.

Deputy Town Manager Purvis said that there was more flexibility in the new system with each billing cycle. He said that they are trying to fix other policy items such as the payment plan possibly being a year and other things on the process side.

Councilmember Gantt asked if there is a need for staggered cycles moving forward.

Deputy Town Manager Purvis said that there is a good chance that there may be a need for more than two cycles.

Councilmember Gantt asked if this was because of the workload.

Deputy Town Manager Purvis said it was because of the workload on the number of accounts and the details that is required. He said that each billing cycle has 13,000 to 15,000 accounts up from 10,000 in the past years with the same amount of staffing. He said that the new system has more flexibility and checks and balances, but it is still time-consuming. He said that staff is learning the new process, and some staff have had a 75% increase in their workload in review and counseling, and this creates a delay in getting the bill prepared and sent out which causes a snowball effect. He said once the statement piece is in place in the future there will probably be multiple cycles.

Interim Director Murphy-Rhem said that the plan was to review having multiple cycles but right now the focus is staff understanding the new system. She said that once staff is back to normal operations then the cycles will be looked at, but they don't want to disrupt the cycles right now.

Deputy Town Manager Purvis asked how many cycles Cary had.

Interim Director Murphy-Rhem said that Cary bills weekly. She said there is a different cycle every week and there is a different person that handles each individual cycle.

Mayor Gilbert thanked Interim Director Murphy-Rhem. He asked if there was a timeline for a full report from Berry Dunn.

Deputy Town Manager Purvis said that a report was coming soon, and it is close to being ready.

Mayor Gilbert asked if this report would be made available to the community.

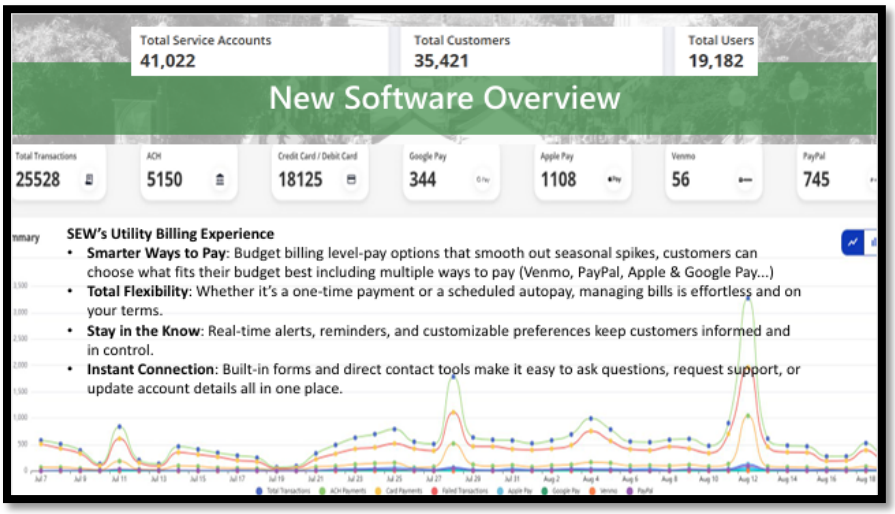
Deputy Town Manager Purvis said the plan was to make it available to the community.

Mayor Gilbert asked about the contract with Barry Dunn.

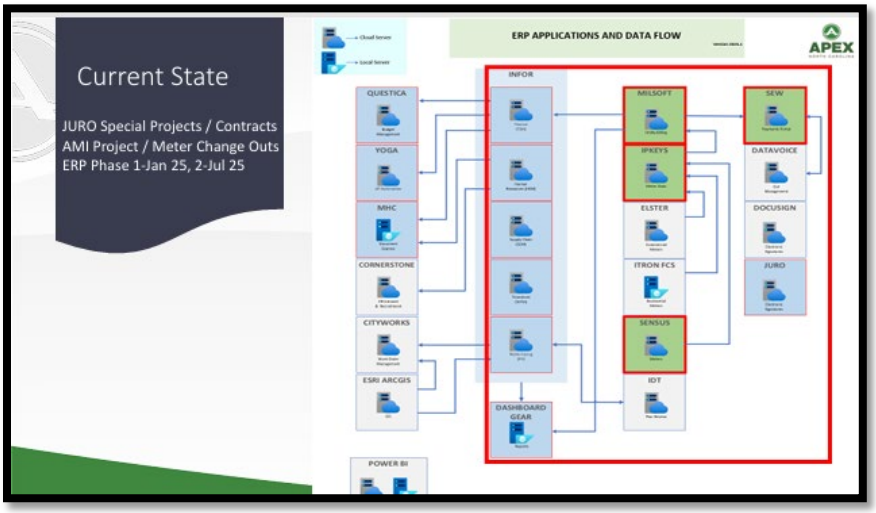
Deputy Town Manager Purvis said that the contract with Barry Dunn included review and the report. He said that this was close to being complete.

Director Sacco continued the presentation.

[SLIDE 9]



[SLIDE 10]



Director Sacco asked if there were any questions.

Councilmember Zegerman asked how many legacy systems were being replaced.

Director Sacco said that New World, which was the base legacy system and had various modules, was being replaced. She said that they still have New World for now for planning and permitting but it would be phased out by 2026.

Mayor Pro-Tempore Gray said that he would like to know the best way to communicate this process. He said that there were so many pieces to this process. He said staff had done an amazing job of what piece of what residents see but the effect of the cyber-attack is the part that residents do not see what happened behind the scenes, so how could this be explained to the community.

Director Sacco said that there are a lot of departments that are involved in this process and not everyone would be interested in that background. She said there are a lot of tech people in Apex that may want to know more of the background. She said that she would

be glad to break this down if the Council wanted to put this information out. She said that Apex needed to upgrade their system to keep up with the trends.

Mayor Pro-Tempore Gray said that is a very important point and answers the background question of why Apex needed to add this additional layer.

Councilmember Zegerman said there were two different topics. He said it started with the cyber events and the impact that they had on billing, but the new system implementation is not because of the cyber incident. He said these are two different projects and that message is not clear.

Councilmember Killingsworth said that there had been discussions in 2017-2018 about implementing a new system.

Councilmember Zegerman said that this system was accelerated and there is still confusion about the new system issues being related to the cyber incident, and these need to be two separate conversations for the residents. He said it should be more clearly articulated about billing cycles to the residents.

Director Sacco said that that was correct and these are a different set of issues, and they are complicated. She said the cyber event is over, and this system implementation has nothing to do with it.

Councilmember Zegerman appreciated that, and said that this was being talked about during this Work Session, but the message could be clearer to the public.

Director Sacco agreed.

Town Manager Vosburg said that it made sense to commit to a new system and not invest in the old system, but this does not make this any less difficult for the customers. He asked if the Communications Director Stacie Galloway wanted to provide any information.

Communications Director Stacie Galloway said the general message has been very difficult the past year to communicate. She said that the staff has done a great job communicating with individual customers with specific questions and those conversations having resolution. She said this takes a lot of time out of the workday. She said communicating this broadly is difficult because with there being two cycles so what is applied to half the town does not apply to the other half of the town, but what is being done now will improve this communication issue.

Town Manager Vosburg said that the staff that were working on this project were also keeping the town running. He said this is a town that is moving and has a lot of projects, and this puts extra stress on the staff in all areas. He said this is not to minimize what the residents have been through, but the staff have been through a lot with these projects. He said that the fact that staff is still moving ahead on all fronts is amazing.

Mayor Pro-Tempore Gray said that having these conversations gives an opportunity for leadership to be able to help with communication as well. He said that when there is a new system being implemented and it is not as simple as a bill showing up, there are pieces behind it and helping residents understand helps.

Mayor Gilbert said that he probably gets the most phone calls of any other Council member, and he has never heard anyone say anything negative about any town staff. He said

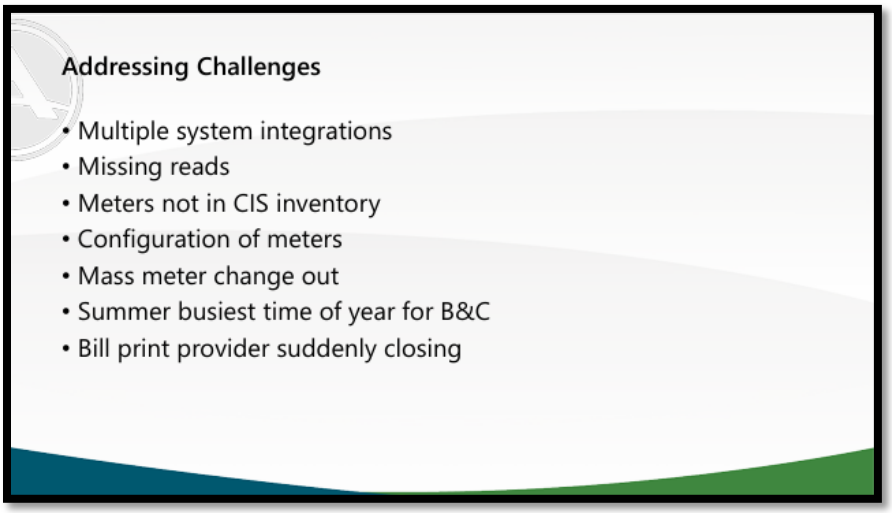
that the calls are mostly about the bills that they have received and explaining the system doesn't help in those situations.

Director Galloway said that there are extreme instances where there is a reoccurring error that those conversations may be helpful.

Mayor Gilbert recommended consistent communication, like weekly updates regardless of if there are not any updates and said that this creates trust.

Interim Director Murphy-Rhem said that these challenges would be talked about in the next slides.

[SLIDE 11]



Councilmember Gantt asked interim Director Murphy-Rhem for more explanation of each of these items in the slide above.

Interim Director Murphy-Rhem gave explanations of each of the items. She said sometimes there were meters that weren't communication, and they have addressed that with upgrades but sometimes still have to do it manually. She said they have also been converting the meters into the new system, which was required for them to work properly.

Councilmember Gantt asked if when they had to send trucks out to read the meters, would it affect the billing timeline.

Interim Director Murphy-Rhem said yes, they did sometimes had to send the truck out. She said the other issue was IPKeys not being able to pick up certain meter reads.

Assistant Town Manger Stone said that it was a software issue that didn't allow it to be picked up, so they had to send trucks out to read the meters. He said that during the one of the first cycles that there variances in the reads which was a large number of the meters were not coming over into IP Keys, and it was showing the same reading from the month before. He said they were finding out these multiple issues and working on them as they came up, and they have fixed it now. He said that they have 3 different meter systems now; the census system, which is the meter system upgrade, the Itron system which is the old system that is water and residential electric, and then the commercial system which is a mesh network. All these systems pull in the raw data and then staff use that data.

Councilmember Gantt asked if the customer was involved with one of these issues, how does it show on their bill.

Interim Director Murphy-Rhem said it may cause a longer billing period because they may have to send a truck to read the meter which would cause this.

Councilmember Gantt asked how much longer their billing cycle could be.

Interim Director Murphy-Rhem said that the 3-month cycles were associated with the cyber incident, and was no longer occurring. She said that situations like this would be days longer. She said residents should check the number of days included in their billing cycle if the number seems high.

Mayor Gilbert asked if there were checks and balances before the bills were sent out.

Interim Director Murphy-Rhem said there are many reviews before the bills go out, staff and the system check them. She said there are still human errors with the amount of bills going out.

Councilmember Gantt asked how were high bills that would be caused by a water leak being identified vs. a longer billing cycle.

Assistant Town Manager Stone recommended that residents take the amount of the bill and divide it into the number of days and do the same for water consumption.

Councilmember Zegerman asked if some of the information and statistics could be added to the portal.

Director Sacco said that this information was coming along with tips. She said they were trying to make sure all of this works first. She said that some of the information is best to get on the physical bill right now.

Councilmember Zegerman said that the billing cycle would have to be stabilized. He asked during this new system deployment of the system how is this information articulated to the residents.

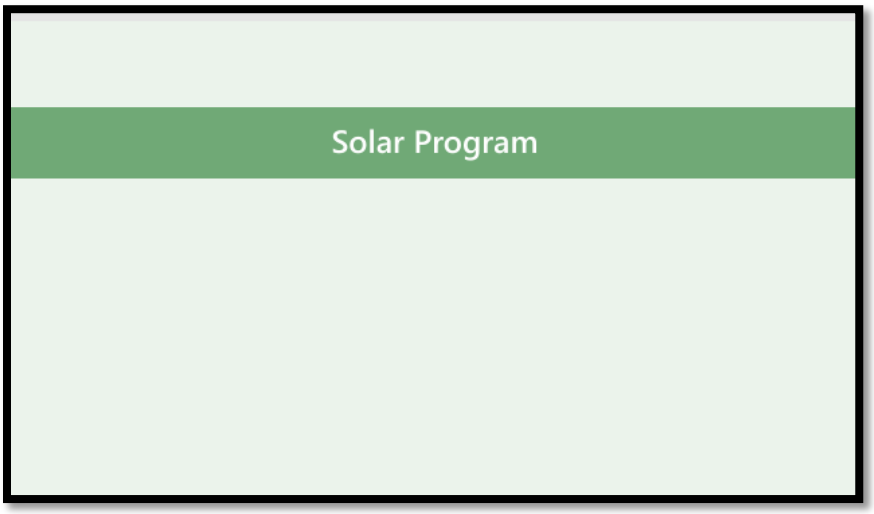
Director Galloway said that a summary of the information is included in that cycle and now there is a printed in every bill. She said that the website has been updated.

Councilmember Zegerman said that there is a massive technological change for the town and it's not surprising that there are issues and there should be transparency for the residents, and it can create a trust issue.

Mayor Pro-Tempore Gray asked what B&C was.

Interim Director Murphy-Rhem said Billing and Collections.

[SLIDE 12]



[SLIDE 13]



Councilmember Zegerman said the program was being changed in the way that it has been administered for funding. He asked if some solar customers would see a change in their billing and the town should be very transparent about this. He asked if there was a place for buyback or power to be used for excess power generated by solar to lower the loads during certain times of the day.

Councilmember Gantt asked if the billing was taken care of at this time, but the metering was still a problem.

Councilmember Killingsworth said she would recommend not doing any changes until staff can understand the system.

Councilmember Gantt asked if the meters were in for the electricity.

Assistant Town Manager Stone that the mass exchange has not begun yet but will start in September. He said they are still testing and there are about 12,300 electric meters out now and are being tested. He gave an overview of how the meters would work. He said currently how the meter charges are set up is that the rate for delivered and received are the

same, but Council can change this. He said for peak demand for solar in the summer is 3:30pm to 5pm and it's impossible to know whether or not solar is going to be able to contribute at that time, so for solar management for peak load management, it is typically going to be done with a battery system or with a natural gas-powered generator.

Councilmember Zegerman said that he wasn't suggesting replacing this program right now, but to start working towards a policy once all of the information has been gathered.

Councilmember Gantt asked if all of the billing and meters be in place by next July, so that a policy discussion could happen in the spring for FY 26 budget.

Assistant Town Manager Stone said that the meter system upgrade would probably be complete next July. He said that there is a study being done now to look at rates for electric and there will be data for Council to see in the spring.

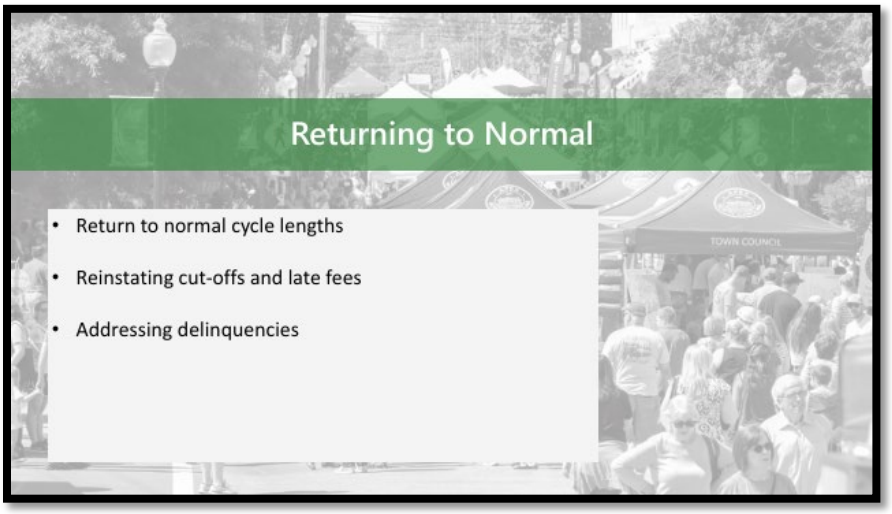
Mayor Pro-Tempore Gray asked if that would be July 2026 or 2027.

Assistant Town Manager Stone said July of 2026.

Interim Director Murphy-Rhem said that letters were sent out to solar residents.

Councilmember Zegerman asked for this information to be placed on the website for those that may be considering solar.

[SLIDE 14]



Mayor Gilbert said that adding information about extending unpaid balances into the conversations is problematic, when the town isn't fully stabilized with billing.

Town Manager Vosburg said that the amount of delinquencies and the amount owed to the town adds up significantly. He said they are trying to think about timing of when to address this to start to recover before getting into the budget rate discussion, otherwise they will have to come in and say that we are short a couple of million dollars across the board. He said those funds have to remain solvent moving forward.

Councilmember Zegerman said that letting the residents know the intent of bringing back late fees and delinquencies are coming but these systems need to be in place and working.

Town Manager Vosburg said that they are trying to space it out and are thinking about February.

Interim Director Murphy-Rhem said that they wanted to be transparent with residents and want to have these discussions so that in February they are not hit by a disconnection or in November have late fees, so they want to at least get this communication started so that they know that things are going back to normal.

Mayor Gilbert said that he understands. He asked if this topic is scheduled for another Town Council Work Session where it could be revisited.

Town Manager Vosburg said that there was not at this time, but one could be added.

Interim Director Murphy-Rhem said that this meeting is to start the conversation. She said late fees are still months away and by November the system should be stabilized.

Town Manager Vosburg said the goal at this time is to get the payment plan dialogue out to the public to let them know how this will work and to spread out the payments.

Councilmember Killingsworth said she wanted to make sure the system is stabilized and to build back that trust before moving forward.

Mayor Pro-Tempore Gray said that a month might be a short time and there are rate errors still being defined. He asked if a month is enough time to come back with this.

Town Manager Vosburg said that they can set a month and then adjust the time if needed.

Councilmember Gantt asked if there were internal numbers that could be shared showing the progression of the issues in the last few months.

Deputy Town Manager Shawn said not exactly. He said there is information on incoming calls but it's not reliable for identifying true errors since calls can turn out not to be actual issues.

Councilmember Zegerman said they should go back to the punch list of things that are fixed to be able to track the progress. He suggested a hybrid approach by starting to reach out to those customers with overdue balances and start working with them on a payment plan and helping them understand how they got to this place with the cyber incident. He said that this could be voluntary while still getting things in order around the new billing system. He also requested that Council get monthly updates.

Councilmember Gantt said that seeing that the number of open tickets is dropping over time would be a vote of confidence that this is getting closer to being back to regular order with the systems. He said that he would like to see data for the information.

Town Clerk Coleman said this would be a standing item going forward on the Council meeting agenda for the first regular Town Council meeting each month until further notice.

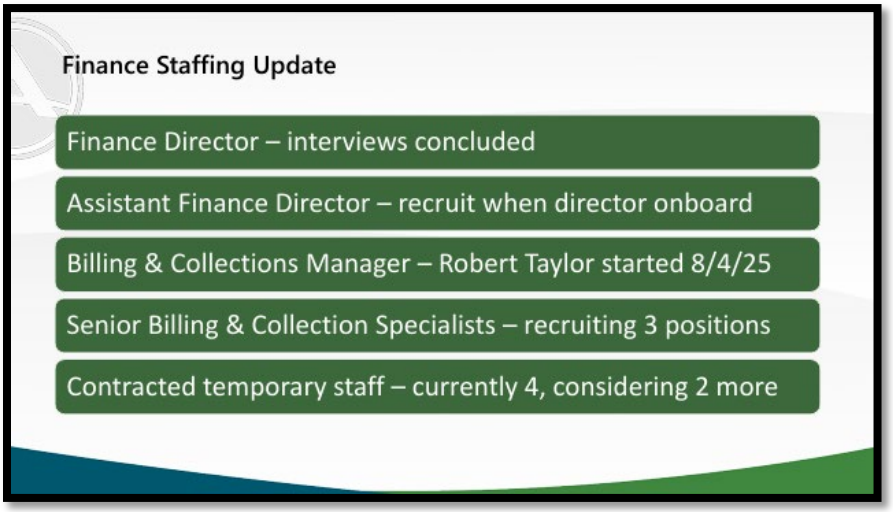
Interim Director Murphy-Rhem asked if there were any questions and turned it to Deput Town Manager Shawn Purvis.

Deputy Town Manager Purvis gave the presentation about the Finance Staffing Update.

[SLIDE 15]



[SLIDE 16]



Mayor Gilbert thanked the staff. He said the community needs to understand this and this will help quite a bit.

Councilmember Zegerman asked if the contract allowed hiring contractors permanently if the applicant is suitable for the position.

Deputy Town Manager Purvis said that it did and if it is the right person they could be hired to a permanent position.

[SLIDE 17]



Deputy Town Manager Purvis concluded the presentation.

Mayor Gilbert asked how bills that are reported as incorrect being tracked to collect data.

Deputy Town Manager Purvis reiterated that with calls it was hard to track calls. He said that typically if they come in, they do everything they can for the issue to be addressed at that time, but these have not always been tracked. He said that the issues that come through AskApex channel are tracked.

Deputy Town Manager Purvis said that staff would look back at records to analyze meter-related issues and get it into a presentable format.

Councilmember Zegerman suggested showing progress over time and that they are being resolved. He said that not all issues are equal, some are complex and time-consuming while others are quick fixes.

Councilmember Gantt asked if there was average bill duration over time tracked.

Deputy Town Manager Purvis said that they have that tracker set up and have had that for about 6 months. He said that they had gotten billing stabilized around December 2024 and January 2025 and when the transition to the new system came there was a blackout week for it and then there were more challenges.

Councilmember Gantt said that a chart that the public could see showing the cyber event impact, followed by a decrease in issued, and then the issues with the implantation of the new system could be helpful for understanding.

[ADJOURNEMENT]

With no additional business being presented before the Council, **Mayor Gilbert** adjourned the meeting at **5:22 p.m.**

Jacques K. Gilbert
Apex, Mayor

Allen Coleman, CMC
Town Clerk to the Apex Town Council

Submitted for approval by Apex Town Clerk Allen Coleman

Minutes approved on 9th of September, 2025 (CN6).

APPROVED MEETING MINUTES

TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, AUGUST 26, 2025
6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, August 26th, 2025 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=d-gHnNv1rug

[ATTENDANCE]

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

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. He introduced Councilmember Gantt's mother, Ms. Sherice Gantt, and invited her up. He then led in a recitation the Pledge of Allegiance. He then moved into the special ceremony of the Annual Raksha Bandhan Ceremony with Hindu Swayamsevak Sangh, Apex, NC Chapter and invited them up to speak.

Kreshik Verte wished everyone a Happy Raksha Bandhan. She said this was a non-profit social, educational and cultural organization that aims to assist Hindus living outside of India. She gave an overview of what Raksha Bandhan stands for and how it supports the

community in Apex. She presented Rakhis to the Mayor and Council as a show of thanks and best wishes, and to affirm their support to the Apex community.

[CONSENT AGENDA]

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

VOTE: UNANIMOUS (4-0), with Mayor Pro-Tempore Gray absent

CN1 Agreement - I.Q. Data Systems dba Backgrounds Online - Background Checks for Youth Athletic Coaches, Volunteers, and Program Instructors – May 6, 2025 through May 5, 2027 (REF: CONT-2025-321)
Council voted to approve a user agreement between the Town of Apex and I.Q. Data Systems dba Backgrounds Online to process background checks for youth athletic coaches, volunteers, and program instructors for the Town's Parks, Recreation, and Cultural Resources Department, effective May 6, 2025 through May 5, 2027, and authorize the Town Manager, or their designee, to execute the agreement on behalf of the Town.

CN2 Agreement Amendment Ratification - The Wooten Company - Pleasant Park Elevated Tank Tasks (REF: CONT-2025-322)
Council voted to Ratify an Oral Amendment to the existing Task Order for Design Services between the Town of Apex and The Wooten Company, for task work related to the Pleasant Park 1.5 MG Elevated Water Tank.

CN3 Budget Ordinance Amendment No. 2 - Play-It Forward Donations (REF: ORD-2025-060)
Council voted to approve Budget Ordinance Amendment No. 2 allocating funds for the Play-It-Forward program in Fiscal Year 2025-2026.

CN4 Contract - Pyro Shows East Coast, Inc. - July Third Fireworks Display Calendar Year 2026 (REF: CONT-2025-323)
Council voted to approve a standard services agreement between the Town of Apex and Pyro Shows East Coast, Inc. to perform the Fireworks Display on July 3, 2026, and authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN5 Fiscal Year 2025-2026 Fee Schedule Amendment - Mattress/Box Spring Disposal and Exempt Site Plans for Neighborhood Beautification Grant Improvement Program (REF: PLCY-2025-016)
Council voted to approve an amendment to the Town's Fee Schedule for Fiscal Year 2025-2026 to include a change to the Mattress/Box Spring Disposal Fee Rate from $10 to $15 and add an Exempt Site Plan Fee for the Town of Apex Neighborhood Beautification Grant Improvements at no charge, effective August 26, 2025.

CN6 Rezoning Case No. 25CZ02 – Jordan Lutheran Church – Statement and Ordinance (REF: ORD-2025-061)

Council voted to approve the Statement of the Town Council and Ordinance for Rezoning Application No. 25CZ02, Rev. Michael S. Merker, applicant, for the property located at 1201 Chapel Ridge Road (PIN 0732258464).

CN7 Unified Development Ordinance (UDO) Amendments – July and August 2025 – Statement (REF: OTHER-2025-071)

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 12, 2025 proposed by staff.

CN8 Tax Report – June 2025 (REF: OTHER-2025-070)

Council voted to approve the Apex Tax Report dated July 17, 2025.

[UPDATES BY TOWN MANAGER]

Town Manager Vosburg introduced the new Human Resources Director, Karmen McGee.

Town Manager Vosburg then gave updates on the following:

- **TransAmerican Motorcycle Event:** This event is hosted by the Chamber of Commerce and will take place September 4, 3:00-6:00 p.m. Apex will serve as Stage 1 in 16 in this cross-country antique motorcycle race from North Carolina to Oregon.
- **Peak City Fitness Festival:** This will be on September 6, 9:00 a.m.-4:45 p.m. at Town Hall Campus. This festival will feature live music, food trucks, and health/wellness vendors.
- **Local Spot Passport Program:** The last day to participate is September 2nd. This program is part of the town's new Social District initiative.
- **Community Town Hall Meeting:** August 28, 6:00-7:00 p.m. at the Apex Senior Center. The Mayor and Council will be present.
- **Labor Day Closure** – Town Hall Facilities will be closed on September 1st. Trash & Recycling will be delayed by one day; Friday pickup will go to Saturday pickup. Yard Waste Collection will be Tuesday through Friday, and anyone that is uncollected will be picked up the following week.
- **Tunstall House Project:** Site work begins September 2nd. The house construction will begin in mid-October.
- **Olive Chapel Road Project (NCDOT):** Met with DOT and they are progressing. There are issues with right-of-way issues and utility relocations. Final construction timeline will be shared by NCDOT.

- **Customer Portal Enrollment:** Over 20,000 customers signed up for the portal, up from 18,000 last week. Portal enrollment defaults to paperless billing, so residents have to manually select to receive paper bills.
- **Billing Cycle Improvements and Staff:** The focus remains on reducing cycle times. Finance Director has been chosen and will be announcing who soon. Billing & Collections Manager was hired and in place and recruiting for several positions in finance and hope to be fully staffed soon.
- **Late Fees & Service Cutoff:** Currently not being implemented and will bring this back to Council for more discussion.
- **Customer Call Wait Times:** Current average wait time is 7-10 minutes. If calls weren't being abandoned (call abandonment rates are higher than expected) wait time may be 15 to 18 minutes. They are working on a system where you reach a live person first who gives you an estimate of the wait time rather than a hold, if staffing is able to be worked out.
- **Saunders Street Parking Lot:** Opened on Friday, August 22nd ahead of schedule. Downtown Phase 2 construction tentatively scheduled for the beginning of next year.

[REGULAR MEETING AGENDA]

Mayor Gilbert asked Council for a motion to set the Regular Meeting Agenda.

A **motion** was made by **Councilmember Gantt** to strike New Business Item No. 3.

Councilmember Zegerman said he understood the intent of the motion; however, he noted that while Council previously discussed the item, no formal vote was taken. He suggested the item should be brought back for a formal vote.

Councilmember Killingsworth said she agreed.

The **motion** from **Councilmember Gantt** to strike New Business No. 3 failed due to a lack of second.

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

VOTE: UNANIMOUS (4-0), with Mayor Pro Tempore Gray absent

[PRESENTATIONS]

PR1 North Carolina Turnpike Authority - Complete 540 Presentation

Mayor Jacques K. Gilbert introduced Alan Shapiro, P.E., Director of Highway Operations, North Carolina Turnpike Authority and thanked him for being at the meeting.

Mr. Shapiro gave an update on the completion and turnpike authority updates.

[SLIDE 1]



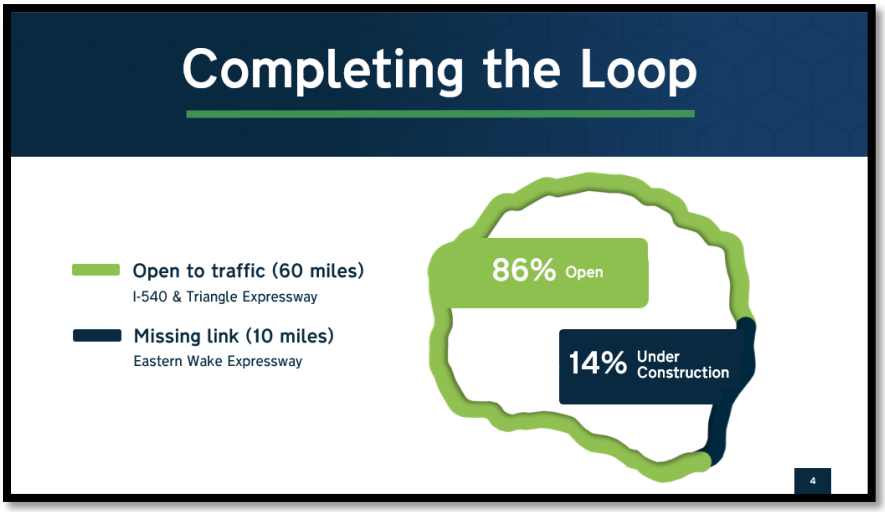
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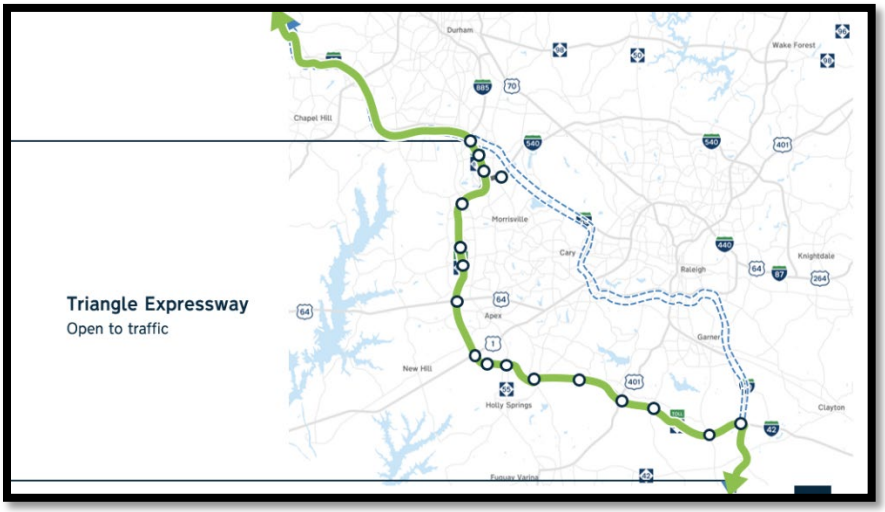
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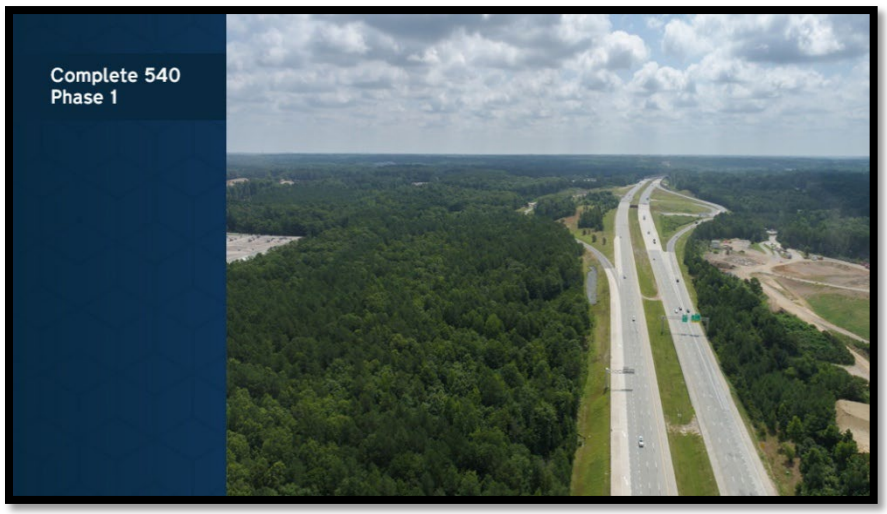
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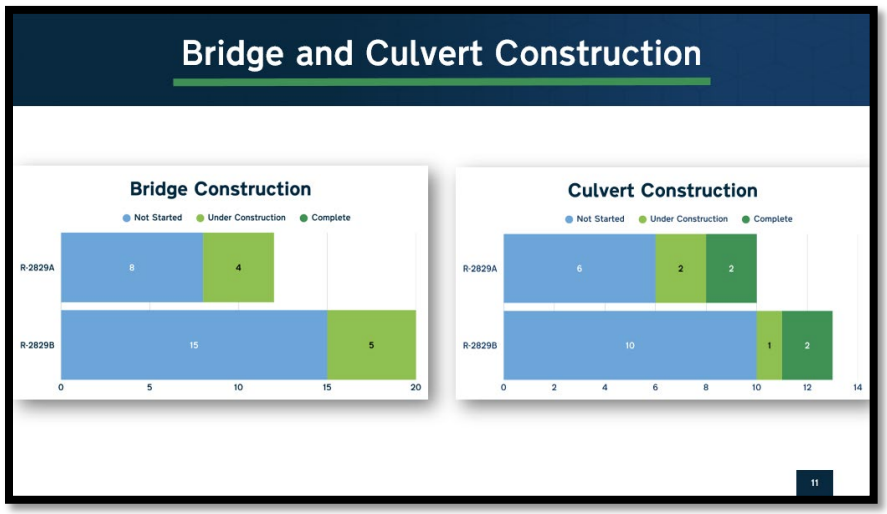
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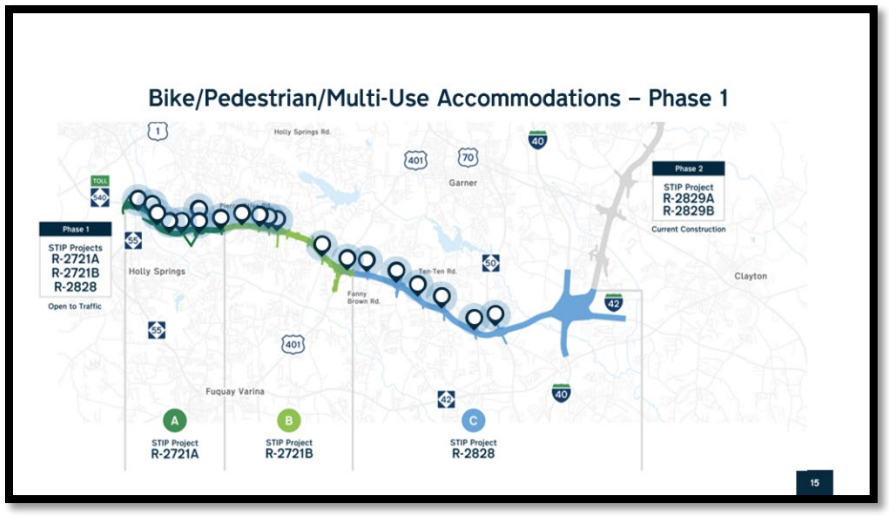
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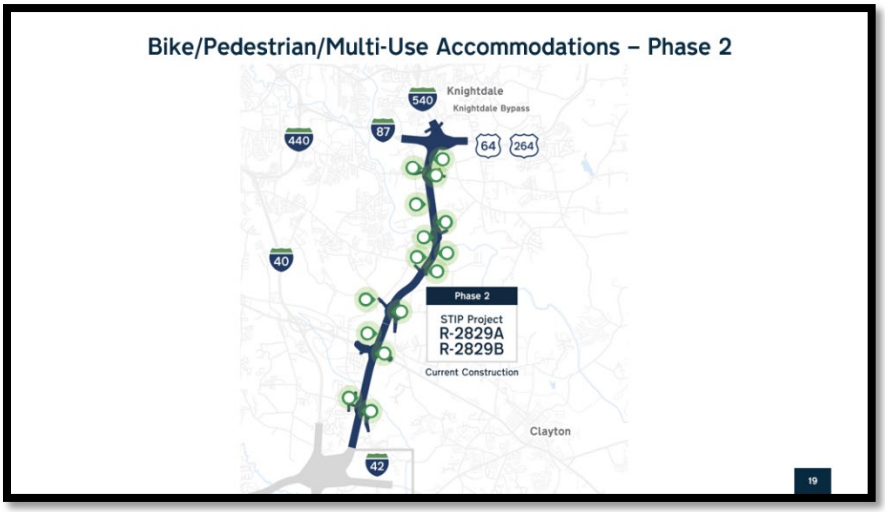
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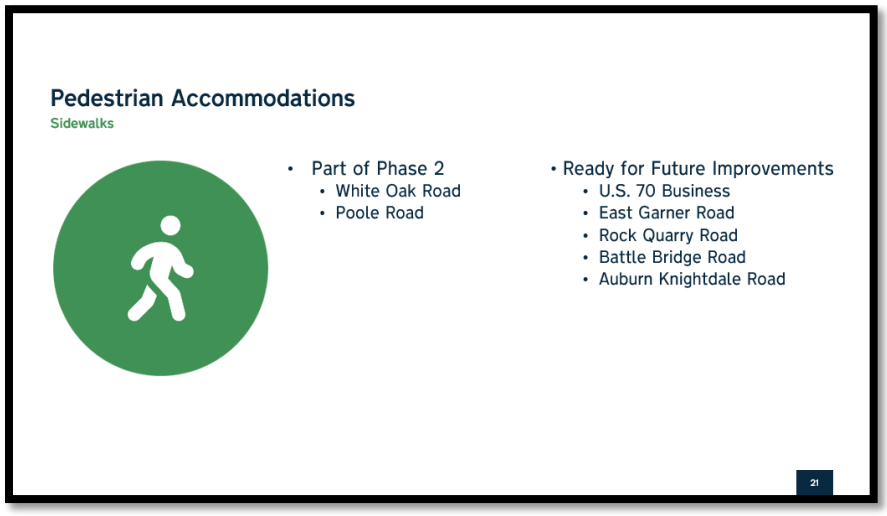
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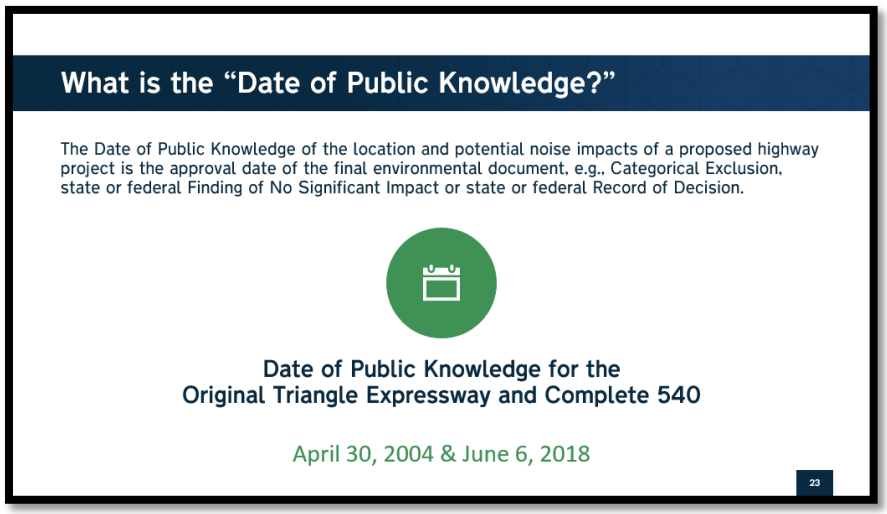
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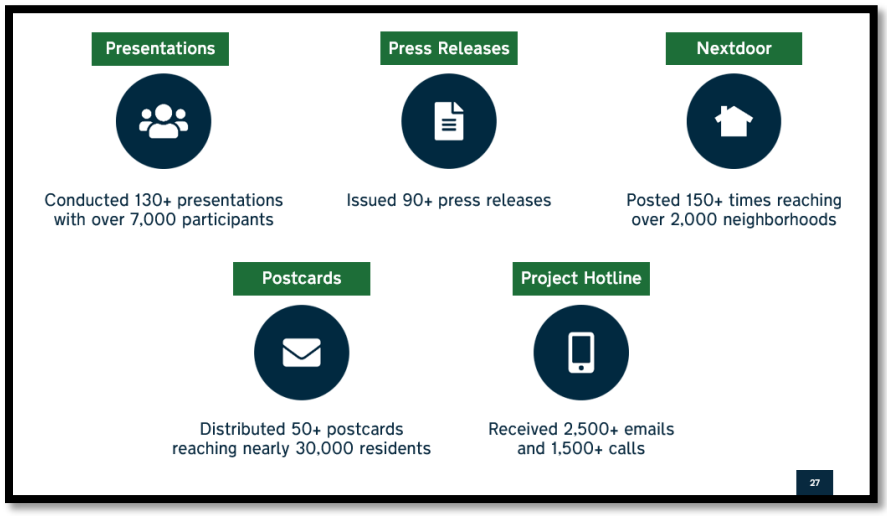
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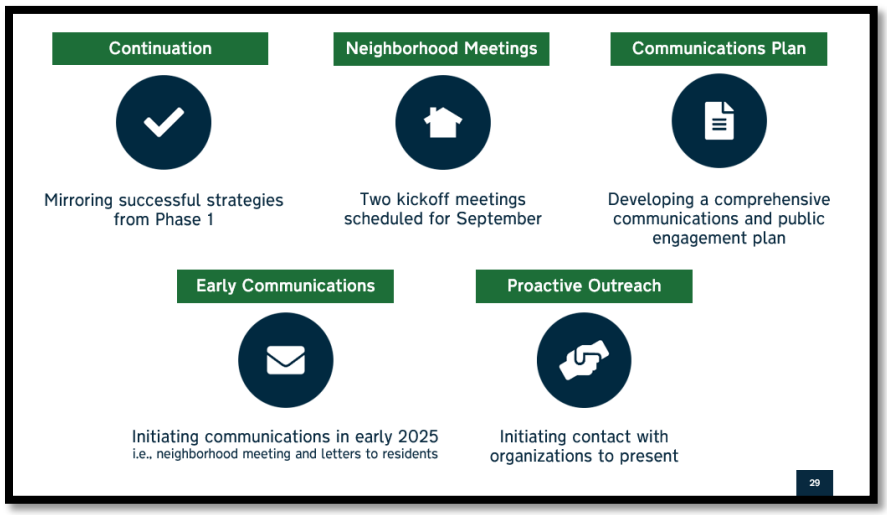
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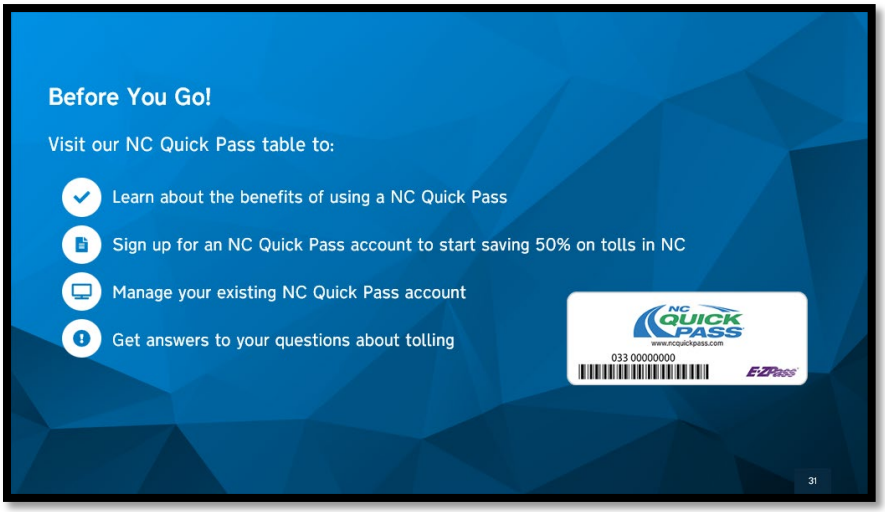
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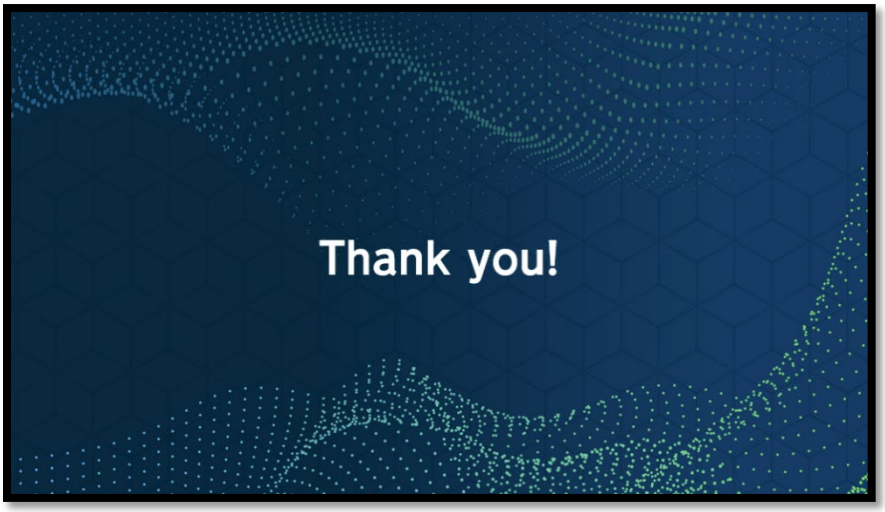
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[SLIDE 34]



Mr. Shapiro opened for questions.

Councilmember Zegerman asked how other municipalities have dealt with building requests that come in after the date of public knowledge and what is the protocol for Apex working with DOT to integrate such mitigation into zoning requirements, considering the DOT's right-of-way will be part of the development area.

Mr. Shapiro said once the construction project starts and there is noise walls contemplated with the project, it's up to the municipalities along with the developer when approving development plans to include a type of noise mitigation. He said that they were trying to make sure that residents know that DOT is not building a noise wall once construction begins.

Councilmember Mahaffey said that it's too late for a noise wall for this project and asked if it was possible for private developers or municipalities to provide money for betterments to increase the size of the noise wall that NCDOT is building or fund the studies if someone is not eligible, or put it in as a condition.

Mr. Shapiro said no, there is not anything at this time and that this is governed by the FHWA policy, US DOT policy and the Department of Traffic and Air Policy. He said that there are future opportunities that an existing highway could be restudied again, because anytime there is added capacity to a highway, it initiates a new noise study.

Councilmember Gantt asked if this determination was in a published schedule based on NCDOT projects and if Bike Lanes initiated any level of additional safety.

Mr. Shapiro said that the road probably would not function any better or any worse. He said the established procedures were in an effort to make roadways as safe as possible with as less noise disturbance as possible. He said that if the procedures did not exist that all major highways would feel like tunnels because no one wants the interstate noise near their property.

Councilmember Mahaffey asked why Apex pays tolls and others in the loop don't.

Mr. Shapiro said that it goes back to the fiscal constraints in the State Transportation Improvement Plan (STIP). The northern session of 540 scored well enough that it could be funded with State and Federal dollars and did not require tolls to accelerate or bridge any funding gaps. He said that the original section of the Triangle Expressway which opened in 2012 had it gone the route of the traditional STIP, at best it would have been open this calendar year, so for 13 years, those customers would not have had that option to ride on the existing Triangle Expressway. He said by having tolling to bridge that funding gap, they were able to complete the outer loop and give alternative routes. He said he also believed the most recently constructed section south of Apex would not have scored well enough to be funded by the traditional STIP at all.

Councilmember Mahaffey asked if there was a policy about working at night on these construction projects.

Mr. Shapiro said that there are hard dates to stay within the loan terms for these projects' deadline. He said that working around weather conditions is a way to regain the construction schedule. He said that no one likes that the work is done at night at times but unfortunately it is a means to an end to get the project completed on a timeline so that loan repayments can start.

Councilmember Gantt asked if Mr. Shapiro was involved with the Capitol Boulevard US-1 project for additional toll lanes.

Mr. Shapiro was familiar with it. He said it is not currently a toll project.

Councilmember Gantt said that it seemed from the news that the Capitol Boulevard US-1 project was planned to be a toll project and then the state representatives stopped this project. He asked how much influence the local state representatives have with toll roads.

Mr. Shapiro said that at the turnpike, they don't advocate for toll projects, they educate, and the presentations were made to the local CAMPO Executive Board, and they passed the resolution. He said that there needs to be further legislative action for that project to move forward as a toll project.

Councilmember Mahaffey asked about the old white box for EZPass.

Mr. Shapiro said the new sticker has the same capabilities as that for reciprocity with toll roads on the east coast.

Mayor Gilbert thanked Mr. Shapiro and moved to Public Forum.

[PUBLIC FORUM]

Mayor Gilbert opened the Public Forum and invited the first speaker up.

First to speak was **Doug Stewart** of 3525 Estates Edge Drive, New Hill NC **(REF: OTHER-2025-074)**:

"So, based on this petition that I'm holding that I'd love the opportunity to share with you. More than 1,500 citizens and growing, just from less than a week, we agree. We agree that the true measure of a community is not what we allow to be built, but rather what we're willing to sacrifice and this evening, we're really here as a community to ask you to consider how the proposed data center will impact not just New Hill, but also Apex, Cary, Holly Springs, Wake County, North Carolina. Very soon we'll have to answer a question and make a decision as a community. And first, I guess before we talk about the decision, let's first maybe discuss the question and the question ultimately becomes, will the peak of good living continue to be a peak? That's a big concern for us as it pertains to this data center and to be clear, not because we oppose data centers. There's nothing that we're necessarily saying that we want to keep those out of North Carolina or even our geography in general. It's unnecessary human cost that's really the location of the data center more than the data center itself. This really is eventually, I guess will be a vote, but even more than that, the vote ultimately is a vow and the vow is, are we going to focus on the health of our community over the financial gain, short or long term, that we get as a city? As I was thinking about this, I saw this, this is a birdhouse my grandfather built for me in the early 90s. My grandfather was a woodworker. I'm a native from this area. Just like this birdhouse here, our community is handcrafted. It's imperfect, but it's also built to last, just like our town is. Each of you, as Council, have been a part of handcrafting our future and ultimately, you're the composers of the Apex orchestra. For that, that's something that we're incredibly grateful for and we're grateful to have people to advocate for our citizens. On that note, I guess let's talk for a moment about the health of our community. We've got some clear warnings from research done by the National Institutes of Health, the Environmental Protection Agency, that the particulate matter, air emissions, thermal output from these data centers all raise respiratory, neurological, and cardiovascular risks and the data is really clear that the pollution near these facilities can raise by double digits, of which we don't have that to risk. You may think that it's way out in New Hill, but the reality is there are 1,400 residents within two miles of that site. My wife and I walk almost every day in our neighborhood, and we walk further than it would take us to walk to that site, notwithstanding the risk for ecological challenges and other challenges that we may face in this particular site. The financial costs will undoubtedly cascade into Chatham County, across to Apex, into Cary, Holly Springs, and the rest of Wake County, North Carolina as a whole, not just from a health risk, but a financial risk. Ultimately, from our perspective, we don't believe that's harmony. We believe that's an unnecessary note that

fractures the melody of our town. Just a note about light and noise. For more than 1,400 residents, light will bleed into our neighborhoods, noise will disrupt our sleep and chase away current residents and keep away future families, which is something that none of us want. We all want growth, and we are proponents of that growth. From an economic and infrastructure standpoint, it's clearly a burden. Granted that this data center will bring hundreds of jobs during construction, and then maybe skeleton crews of 30 to 50 people. This center will guzzle our electricity. It'll strain our grid. It'll give us risk for outages, and ultimately, it'll push costs downstream to citizens of New Hill, Cary, Apex, Holly Springs, and, of course, other areas. So, this will impact every single household in some way that Duke Power serves, if we decide to make this choice. And this proposition is a bill but not a legislative bill, It's more of like an invoice kind of bill. Higher taxes, higher utility rates, risk of infrastructure strain, it's not an economic melody. We might call it a bill ballot, which is not something that we want to have, of course. So, consider who carries the greatest impact when Duke Energy makes the call. A question we all have to ask ourselves is, are we willing to trade our community and the control we have over our community for corporate demand? Really, folks, that's not sovereignty. It's surrender, and that's not what our community is built on. So, we believe this is a legacy kind of moment. It reminds me of not very long ago, I was in my kitchen, my kids saw some fireflies out in our backyard. They're out playing with these fireflies, and out of reflex, I decided to go out. As I'm walking out, just reflexively, I turned the back porch lights on and when I turned the back porch lights on, the firefly lights dimmed and so did their smiles and our fear as a community is that is the equivalent of what happens if we allow things like data centers to go in the wrong place. So, in closing tonight, we the citizens of the town that you serve, we have questions, which is: Will Apex trade its serenity for servers? Is Apex willing to trade our children's breath for bandwidth? Are we willing to trade Apex's peace for pollution, especially right next door to our citizens? We can only hope to continue to be the peak of good living if each of our elected officials stay committed to being the peak of good decisions. We believe you will be. So, let's honor the recipe that made Apex what it is, let's keep our flavor uniquely ours. Because if we stray too far from this recipe, we don't just risk a generic taste, of course, we risk a recipe that no one wants a second helping of. Let's find an alternative site for this data center that doesn't include unnecessary human costs, because the true measure of our community is not what we allow to be built, but rather what we refuse to sacrifice. Thank you."

Mayor Gilbert thanked the speaker and then invited the next speaker.

Next speaker was **Courtney Leranski** of 4011 New Yarmouth Way:

"Hello, my name is Courtney Lammansky, and I'm here as a resident of the Shepherd's Vineyard subdivision and secretary of the Shepherd's Vineyard HOA. As encouraged by Mayor Gilbert, I'm here to meet our flooding concerns head on. Shepherd's Vineyard Greenway is a one mile stretch that gives residents safe, scenic, accessible passage to the Eva Perry Library, the pool at Shepherd's Vineyard, Apex High School, grocery stores, daycares,

pet clinics, downtown Apex, including this town hall. Even as a private greenway, we serve the greater community through events like Run the Peak. The greenway sits in a floodplain. When I met with Councilman Mahaffey, he mentioned that developments like ours would never be built like this again. This does not absolve the fact that homes in the subdivisions, their utilities, and Greenway need collaboration from the town to further mitigate damage that has occurred. This is not a new issue. Shepherd's Vineyard has documentation over the course of decades asking for partnership. You can call me the ghost of flooding in stormwaters past. It is not for lack of trying to maintain on our own. We have incurred the financial burden to repair the banks, retaining walls, and bridges as water levels rise and having community plant days that the town has disrupted. The conflict between Shepherd's Vineyard Greenway and the town stormwater easement needs to end.

That being said, I ask the Council to take the following steps toward resolution:

- Take further investigation into the infrastructure at risk on the Shepherd's Vineyard Greenway that belongs to the town easement, like cracked pipes and electrical lines that flow under the plain.
- Activate and advocate for programs similar to Raleigh and their Rainwater Rewards program to manage the flow.
- Hold the business owners and developers accountable around Shepherd's Vineyard for the increased flow to our greenway, ensuring that they maintain their stormwater systems as well.
- Make a big deal not just about local but state and federal land grants with education and assistance on how to apply.

And finally, as you make stormwater and flood decisions, please consider communities like Shepherd's Vineyard. For example, agenda item NB2 with regards to requiring native plants can drastically improve the water flow for Shepherd's Vineyard and surrounding neighborhoods. Please don't let us drown. We cannot do it without you."

Mayor Gilbert thanked the speaker and then invited the next speaker.

Next speaker was **Elizabeth Stitt** of 3113 Friendship Road:

"Mayor and Town Council. Good evening. I do not have red on tonight. I met with the group last night, wore my only red shirt. So, here I am in black and white. When you took office, you took an oath to uphold the Constitution of North Carolina. That oath is not symbolic, it is binding. Once our courts have ruled, if you violate the law, not only do you expose the town to liability, but to yourselves, because your qualified immunity does not protect you against willful violations of the law. On Friday, August 22nd, 2025, our state supreme court published a major ruling against Apex in the Town of Apex versus Rubin. In a unanimous ruling written by Democrat Justice Riggs, a justice that many of you highly respect and have very publicly supported, found that Apex violated North Carolina constitution and law and ruled with prejudice to prevent Apex from bringing the same claims against Ms. Rubin in the future.

The ruling also puts Apex on notice that:

1. Apex's interpretation and use of eminent domain powers to take property from a private party for the benefit of another private party is an unconstitutional taking.
2. If Apex has unlawfully entered a private property, it is a government trespass that landowners may sue Apex for.
3. Apex cannot right past wrongs with the use of inverse condemnation.
4. If a taking is illegal, even after construction is complete, Apex is still liable.
5. Apex should not rely upon its own opinion of its authority, as that is a matter for the courts.
6. The court affirmed that their prior action doctrine prevents Apex from pursuing multiple lawsuits at one time against a property owner for the same purpose.

As such, the town's second lawsuit against Ms. Rubin should have been barred. This ruling has immediate effect. To help you uphold your oath and to comply with this ruling, I will be sending you a detailed email of the above points, along with a copy of the Supreme Court's ruling for your records. It is now your obligation to instruct the town to abide by this ruling and to instruct the town to dismiss all eminent domain cases where the town's taking is for the benefit of a private party, including all of the town's Big Branch force main eminent domain lawsuits, which are primarily for the benefit of private party Veridea. These takings are unconstitutional in the same way that the courts found Apex's taking of Rubin's land unconstitutional. I'd like to thank each of you in advance for upholding your oath, upholding North Carolina's constitution and the law, and proactively ensuring that the town immediately stops violating my neighbors' and my constitutional right to our property immediately. Thank you."

Mayor Gilbert thanked the speaker and then invited the next speaker.

Next speaker was **Phil Welch** of 1471 Big Leaf Loop:

"I've stood here many times before pointing out the need for more housing choices here in Apex. Tonight, I bring a possible solution to the ongoing need for more housing choices, especially for our essential workers. This is what my spiritual mentors would call a God-sized dream. It will require elected officials, town staff, and community members to work together. But first, some background. I'll admit I was skeptical when the town commissioned an update to the 2021 affordable housing plan barely four years after adopting the original plan, but then a statistic from the consultants updated housing needs assessment caught my eye. Ninety-three percent of Apex's workers commute to jobs outside the town. That's not too surprising for what many call a commuter suburb. Then I realized that this meant that only 7% of our workers here also lived in Apex. A few years ago, I heard that 12% of our workers here also lived here. So, it appears now that even less of the workers who serve us in Apex are able to be our neighbors. This seems like a problem, especially if it is our lower-income essential workers who are unable to live in town. Is Apex turning into an economic sundown town? Our

essential workers, including town employees such as early responders and teachers, plus retail clerks, food service workers, landscapers, house cleaners, and many more, are welcome to work here, but at the end of the day, they have to leave town. They have to live someplace else. In the four and a half years since Apex's first affordable housing plan was adopted, the town has made incremental progress in providing more affordable housing choices. However, it has not been enough to keep up with the growing number of service workers needed here. The recent update to Apex's affordable housing plan projected a need for over 13,000 new homes over the next ten years, including about 3,600 of which would be affordable to households earning a range of incomes up to 80% of area median income. As a point of reference, HUD's 2025 income limits for the Raleigh area estimate that for a family of four, 80% of the area median income is about $104,000. This future demand for housing does not include affordable home choices for thousands of Apex residents who now pay 30 to 50% or more of their total annual income for housing. This exceeds HUD's guideline of no more than 30%. The projected demand also doesn't account for the 20,000 plus workers here who already commute from outside of Apex. Simple math would estimate that the town would need to provide, will need to provide and produce at least 360 new homes each year to house just the additional lower-income households. This tells me that we could use a few large residential developments to meet these numbers. This brings me to the recent announcement of the selection of Apex's Veridea master development for the location of the new NC Children's Medical Complex. NC Children's will be built on about 230 acres by a partnership between Duke Health and UNC Health. The 1,100-acre Veridea site in Apex is being developed by RXR, a major real estate investment firm. Over the next several years, NC Children's will require tens of thousands of construction workers to build the medical complex, and it will ultimately employ about 8,000 workers. Of these, I would estimate that over half, well over half, will be modestly paid service workers, which begs two questions: Where will all of these essential workers be able to live? And is it possible to provide affordable home choices for these workers in the adjacent residential developments in Veridea, where about 8,000 homes will be built? The good news is that the Duke Health System and the UNC Health System are both not-for-profit institutions. Under a recent 2010 federal law, not-for-profit hospitals are required to conduct a community health needs assessment every three years and to adopt a plan to address identified community needs such as housing. I believe these two health systems might welcome the opportunity to work with the town and Veridea's residential developers. They could supplement the financial support available from public sources. This could boost the construction of for sale or rental homes affordable to lower-income households, including homes for essential workers needed at the NC Children's Medical Complex. Apex has a golden opportunity, and I'm looking at you, Mr. Mayor, to demonstrate how bringing together public and not-for-profit funding can expand Apex's housing choices. Specifically, I believe that it may be possible to bring together public and not-for-profit funding to fill financing gaps for affordable homes. Public funding is already available at various levels of government from state-administered federal tax credits to the town's housing rehabilitation program and the upcoming first-time home buyer program. Funding from nonprofit organizations, including not-for-profit medical

institutions, may take a bit of negotiation. On the plus side, this additional funding could greatly expand the production of housing choices for our neighbors and the essential workers who serve us here every day. I firmly believe that we have the vision and the will in the Peak of Good Living to make this happen. Thank you."

Mayor Gilbert thanked the speaker and then invited the next speaker.

Next speaker was **Mary Miskimon** of 3177 Retama Run:

"Thank you, Mr. Mayor and Councilmembers and Manager Vosburg. And thank you for the update tonight on the utility billing issue. That is why I'm here to speak. I watched the Town Council's August 19th work session, and noted the following. There were a fair amount of comments regarding inadequate staffing before and then throughout the entire utility billing issue, which occurred about, over 13 months ago. Also, the subsequent billing vendor change and the meter change-out, including one comment that staff was stressed by the growth alone in Apex, before the cyberattack and utility billing issues. So, I guess my question is: Why is there any staffing issue shortages, especially when the town's budget has grown about 60% over the past five years? And why is the town pushing projects through when they are already stressed when it comes to staffing? Now, regarding the cyber-attack itself, I'd like to know what is being done to address the issues found by Berry Dunn and their recommendations, specifically to conduct regular system upgrades and establish clear protocols for system access and troubleshooting. Was the town not already doing this? I encourage Apex utility customers to watch the entire August 19th work session, it's available on YouTube. So, messaging and staff seem to be an ongoing issue for the town. I appreciate that the Council indicated finally a willingness to be more transparent in addressing the various and ongoing issues in the utility billing department. I'd like to share just a small sampling of comments from customers: **From Deborah:** "Is anyone still having problems with the Town of Apex utility billing? I set up a new account, paid my bill online last month under the "My Account", and when I went to log in for this new bill, I can't", and this is, I'm reading this directly, "I can't be found as registering. Got the highest bill ever for August, and I can't compare it to last month because you have to have something to compare it to. But the gal on the other end saw it, the phone wait was over 30 minutes, and when she transferred me to IT support, it disconnected. I am so over this." **From Teresa:** "How does this even make sense? Please explain it." And she posted her bill. She compared the usage to the time frame. "For 47 days, we used 26,844 of electricity, but for 18 days, we used 28,054." and **Lee replied:** "My bill for 18 days was $334. I've never had a bill over $300." **From Sandy:** "Three trips going into the office and talking to a person, not online, about my balance. The town has had my money, verified by the bank, and I showed proof to the utility staff since August 1. As of August 21, they still cannot tell me where my money was with the town." Of course, we know there are many, many more. Thank you for your time tonight."

Mayor Gilbert thanked the speaker and then invited the next speaker.

Next speaker was **Dawn Cozzolino** of 3632 Bosco Road:

"Good evening, Mayor Gilbert, Councilmembers. Apex is growing quickly, and every decision about roads, development, and new neighborhoods shapes the town we live in. Because these choices affect all of us, it's important that the process is clear, consistent, and rooted in practices that build public trust. Regional transportation planning plays a key role in shaping that growth. Committees such as the Capital Area Metropolitan Planning Organization's Technical Advisory Committee, known as CAMPO TAC, help guide funding decisions and set priorities that ripple across communities. These are long-term choices, often decided years in advance, which means the safeguards around them matter just as much as the projects themselves. In North Carolina, the State Ethics Commission requires all voting members of transportation advisory committees and their alternates to file statements of economic interest and real estate disclosure forms. These aren't routine paperwork. They are checks and balances designed so that the public can see when overlapping roles or property interests might exist. And when necessary, the system also requires recusals, not as a penalty, but as a safeguard that protects both the officials serving and the residents impacted. Why are these steps important? Because transportation decisions can affect the property values and community access in very real ways. If a project is delayed, rerouted, or reprioritized, one property might be spared disruption while another becomes more isolated or loses value. Committee members may know about these shifts long before the public does. This is exactly why disclosure and recusal requirements exist to keep decisions focused on the public good and to prevent even the appearance of private benefit. In reviewing available filings going back several years, I noticed the records themselves are clear, but public statements about them have not always been consistent. To help clarify, I shared documentation with the town leadership and also submitted a public records request. That request remains unanswered after more than 90 days. A timely response would strengthen confidence that the safeguards North Carolina put in place are not just theoretical, but active and working. Ethics rules and transparency measures were established to keep government accountable, and they work best when consistently observed. They protect the integrity of the process, the officials who serve, and the residents who rely on these decisions being made fairly. Thank you."

Mayor Gilbert thanked the speaker and then invited the last speaker.

Next speaker was **Hesman Osman** of 3181 Mantle Ridge:

"Good evening, Mr. Mayor, Councilmembers, town staff, thank you very much for the opportunity to speak. While I appreciate the optimism from Town Manager Vosburg today about the utility billing situation, I don't share that optimism. I listened to the work session that council had last week, and it's clear that there is a disconnect somewhere. I would like to repeat a quote from Jeff Bezos, the founder and former CEO of Amazon. He said, "When the

data and the anecdotes don't match, believe the anecdotes." There is something there that are affecting too many residents with their utility bills. I understand it's a complex process. We started with a cyberattack, which wasn't planned, totally understand. Complex systems, 18 of them. I saw the flowcharts. I get it. Changing to new vendors, totally understand, but there's still something fundamentally broken with our system. The public has been very patient with the town, but at some point, we need better transparency, better answers, and more information. And the most disheartening part of the work session last week is when staff recommended to enforce late fees and disconnections in November. I get it, we're still in August, and they wanted to start a communication saying, "Starting in November, we want to start late fees again and disconnections." But with the public lack of confidence in the current system, I appreciate the mayor and other Councilmembers stepping up and saying, "No, we shouldn't do that yet." but again, it shows a disconnect between the data and the community sentiment. There's a problem here with the utility billing. A lot of our community members cannot afford their bills because of the discrepancies. A lot of us are very fortunate that we can, and I understand sometimes it's billing days, sometimes it's rates, sometimes it's summer, it's hot, I understand all of that. But when I take my example and look at my two bills: one was 45 days, which is higher than the 30, so I accepted that it should be higher. It was in the middle of the summer, it was hot, totally fine. We had a July rate change. I accept that it's a little bit higher than normal. The next bill is 18 days. So, the exact logic should hold, that it should be lower, it's 18 days. It's also relatively the same temperature. I should see a savings, my 18-day bill is almost exactly the same as my 45-day bill. A family of four cannot use the same amount of water in 18 days as 45. So again, these are the anecdotes that you have to listen to. You have to believe. The staff is great. I went down to Town Hall to the staff today. They want to work the best, but it's an overwhelming situation, "crisis" you used in that talk last week and something needs to be addressed, because it's affecting many, many community members, and it's losing faith in the town, and we need to find a solution. Thank you very much."

Mayor Gilbert thanked all that spoke and came out to the meeting. He closed the Public Forum. He requested a recess at **7:18 PM.**

Council returned to open session at **7:30 PM.**

[PUBLIC HEARINGS]

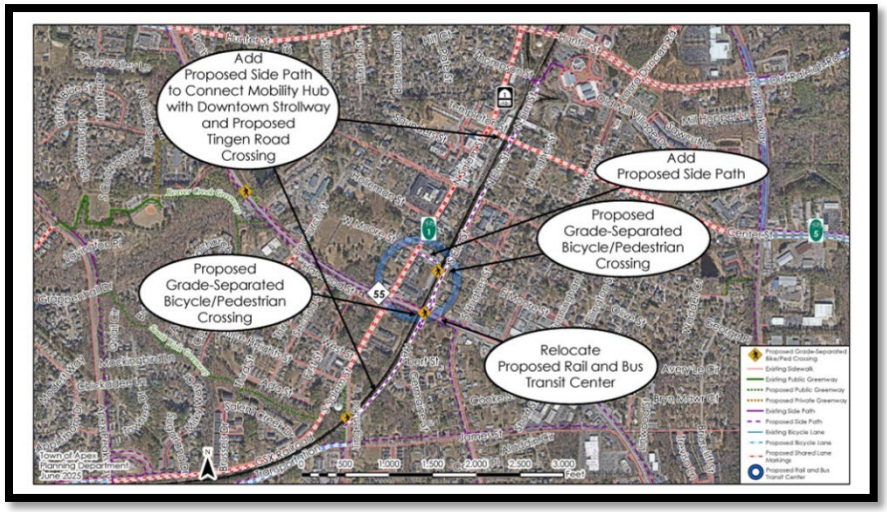
PH1 Apex Transportation Plan Amendments - Mobility Hub

Shannon Cox, Long Range Planning Manager, Planning Department said that this was a proposed amendment to the Apex Transportation Plan that reflected the recommendations from the Mobility Hub plan prepared by the NC Department of Transportation in partnership with the town and was accepted by Town Council at the May 13th, 2025 meeting. She gave the following presentation:

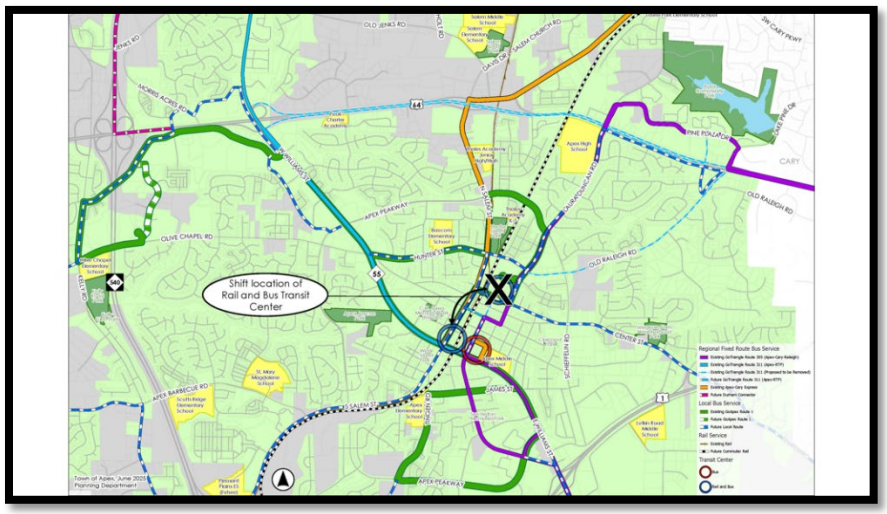
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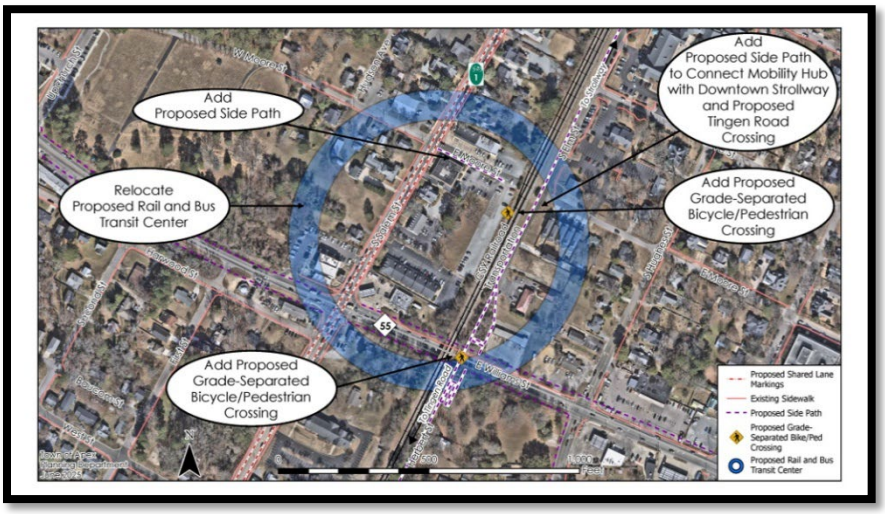
[SLIDE 2]



[SLIDE 3]



[SLIDE 4]



Ms. Cox opened up for questions.

Mayor Gilbert opened up Public Hearing with no one to speak Mayor Gilbert closed Public Hearing. He brought the item back to Council for a possible motion.

Councilmember Gantt said that he supported these changes. He said that the side path between Tingen Road connecting to the downtown stroll way and grade separated crossing above 55 will take a substantial amount of the demand the Tingen Road bridge crossing to get downtown, and supports prioritizing this construction before the Tingen Road tunnel crossing. He said this will do more for the community than the tunnel will.

A **motion** was made by **Councilmember Killingsworth** and seconded by **Councilmember Zegerman** to approve Apex Transportation Plan Amendments - Mobility Hub.

VOTE: UNANIMOUS (4-0), with Mayor Pro Tempore Gray absent

PH2 Annexation No. 803 - 1211 Old Raleigh Road - 6.40 acres
AND
PH3 Rezoning Case No. 25CZ07 – 1211 Old Raleigh Road

A **motion** was made by **Councilmember Mahaffey**, seconded by **Councilmember Gantt** to continue PH2-Annexation No. 803 - 1211 Old Raleigh Road - 6.40 acres and PH3-Rezoning Case No. 25CZ07 – 1211 Old Raleigh Road moved to the September 23rd Regular Town Council Meeting.

VOTE: UNANIMOUS (4-0), with Mayor Pro-Tempore Gray absent

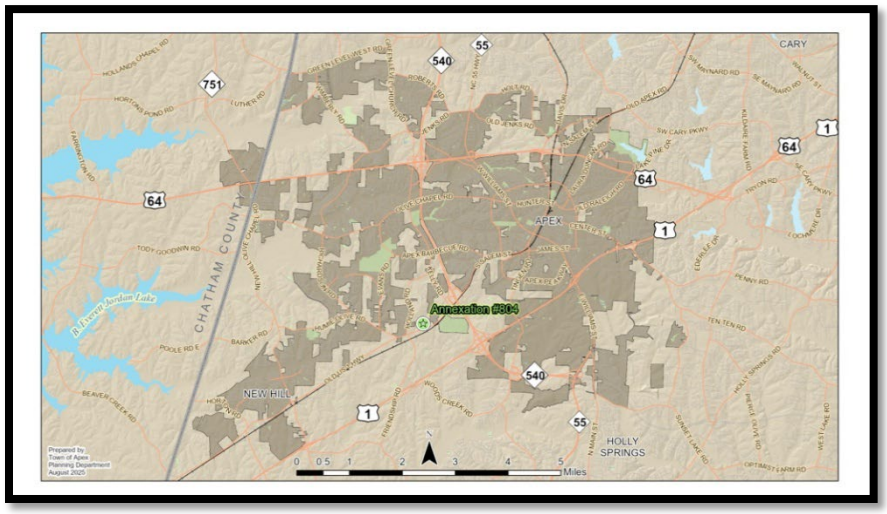
PH4 Annexation No. 804 - Townes on 1011 - Old US 1 Highway - 26.218 acres (REF: ORD-2025-063)

Dianne Khin, Director, Planning Department gave the following presentation:

[SLIDE 1]



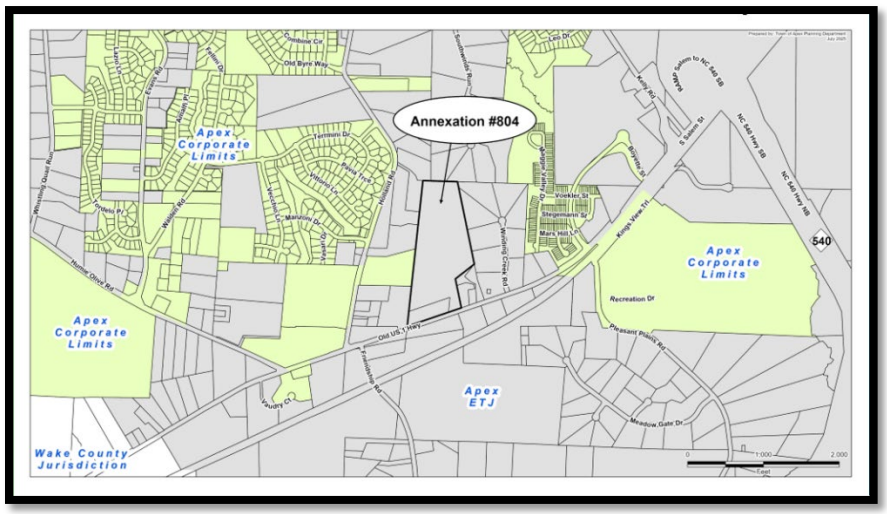
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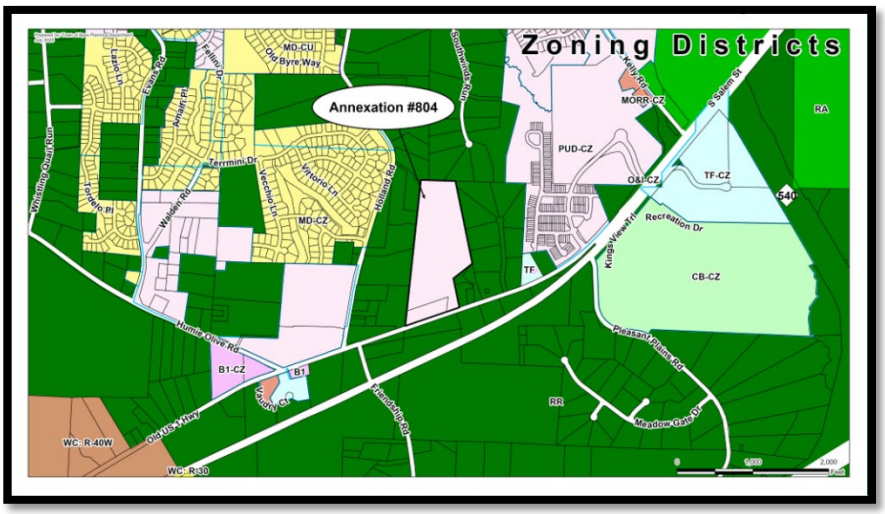
[SLIDE 3]



[SLIDE 4]



[SLIDE 5]



Director Khin said staff recommended approval.

Mayor Gilbert opened up for Public Hearing and called the first speaker.

First speaker was **Dawn Cozzolino** of 3632 Bosco Road:

"I know this is an annexation, but I just want to talk about our community more. Apex is growing rapidly, annexing land, approving high-density developments, and steadily reshaping the town. Over the last five years, there have been 26 amendments to the 2045 land use map, six of them in 2025 alone, along with numerous annexations and rezonings. Each amendment is not just a yes or no vote. They affect traffic, schools, infrastructure costs, and the character of our community. Residents are often told projects meet the land use map. What isn't emphasized is that this is the 2045 plan. To most people, that sounds like impacts will be felt decades from now. In reality, they are immediate. Leaving out the context makes growth appear routine when, in fact, it is moving much faster than the plan anticipated. Apex encourages higher-density development through incentives tied to affordable housing rather than labeling rezonings themselves as affordable. Developers may receive benefits like increased density or zoning flexibility if they include units that meet federal definitions of affordable housing based on the area median income, or AMI. AMI is calculated using the median household income for a metropolitan area, with thresholds set as percentages of that median to determine who qualifies for those affordable units. Most of these projects, however, are market-rate units, and many are located outside qualified census tracts, or QCTs. By federal definition, QCTs are areas where incentives are intended to reach lower-income families. When projects occur outside those areas, it raises a question for residents, "Are those units truly helping working families who need relief"? Are they giving developers a kind of license to build anywhere with little oversight? Clear explanation about AMI levels, unit mix, and how incentives are applied is essential so the public can understand who benefits. It's important to remember that regulations and safeguards do exist, through zoning codes, housing policies, and federal guidelines to ensure that incentives are used responsibly and that projects serve a public purpose. These systems are in place to protect the residents, guide growth, and provide accountability and enforcement rests with the state, local, or federal agencies. Residents naturally worry when agendas run hundreds of pages, projects are approved quickly, and community concerns are noted but rarely addressed in detail. My request is simple, be transparent when invoking the 2045 plan, and clearly explain how affordable housing units, AMI levels, and QCT designations are being applied. Thank you."

Mayor Gilbert thanked the speaker and closed Public Hearing. He brought the item back to Council for discussion and a possible motion.

A **motion** was made by **Councilmember Killingsworth** and seconded by **Councilmember Gantt** to adopt an Ordinance on the Question of Annexation - Apex Town

Council's intent to annex 26.218 acres, project commonly known as "Townes on 1011", located on Old US 1 Highway, Annexation No. 804, into the Town Corporate limits.

VOTE: UNANIMOUS (4-0), with Mayor Pro-Tempore Gray absent

PH5 Unified Development Ordinance (UDO) Amendments - August 2025 (REF: ORD-2025-064)

Bruce Venable, Planner II, Planning Department said that this is to add some clarifying language to different parts of the UDO to help align with case law. He gave the following presentation:

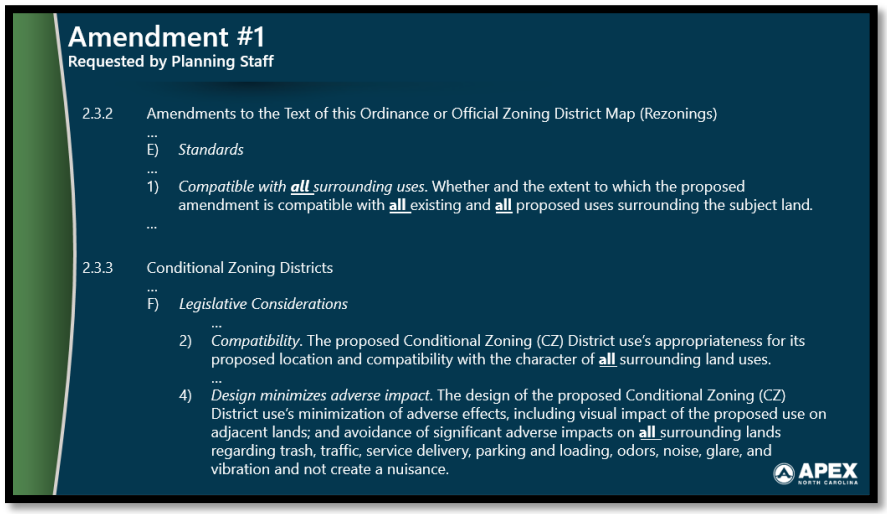
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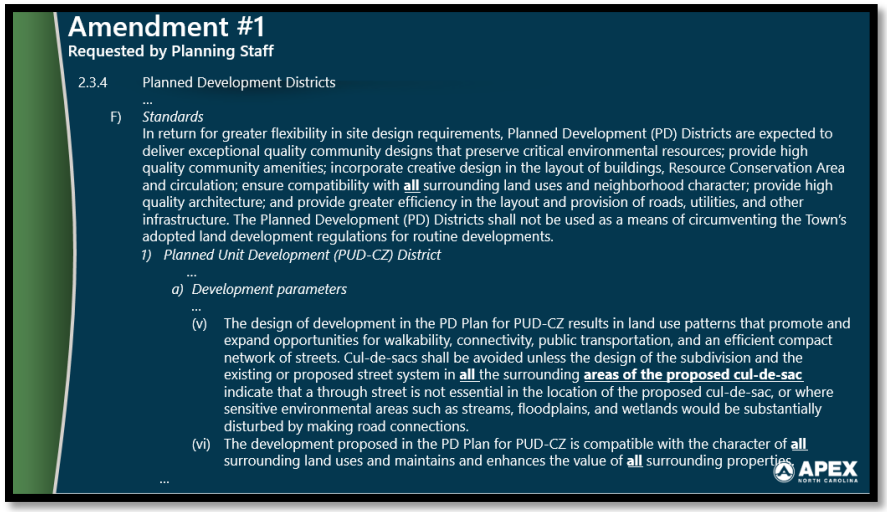
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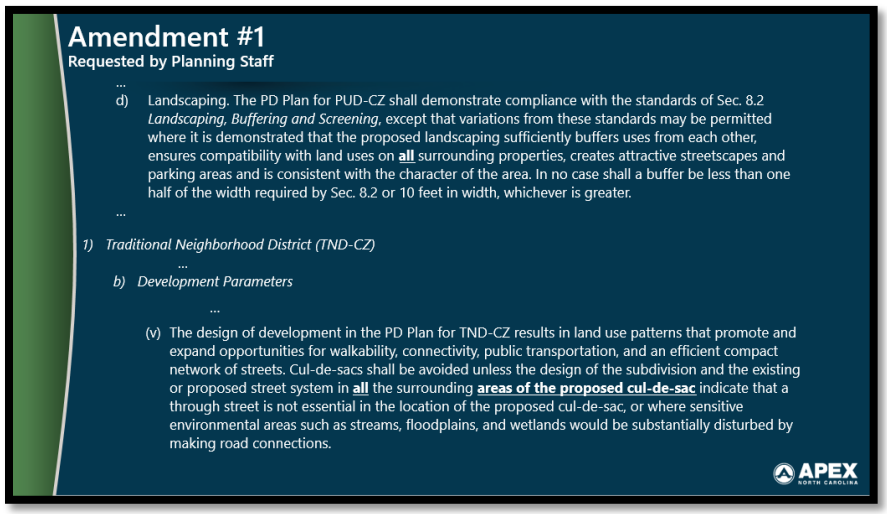
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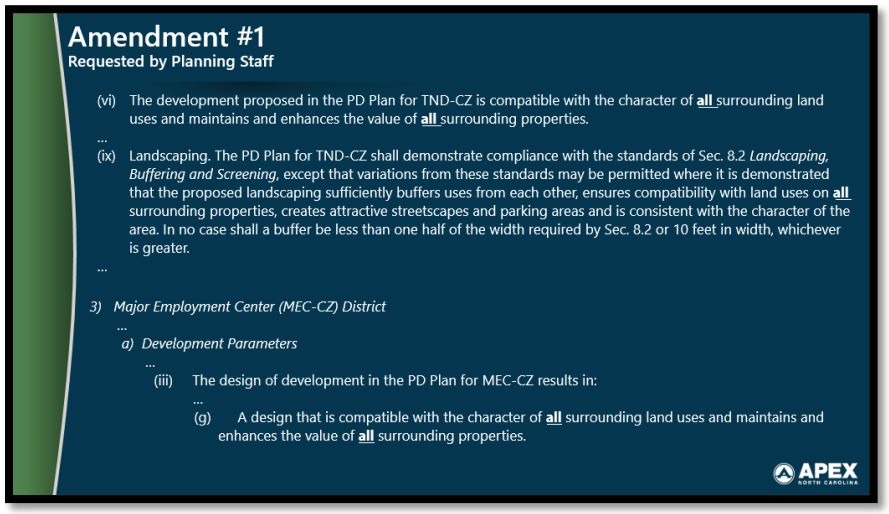
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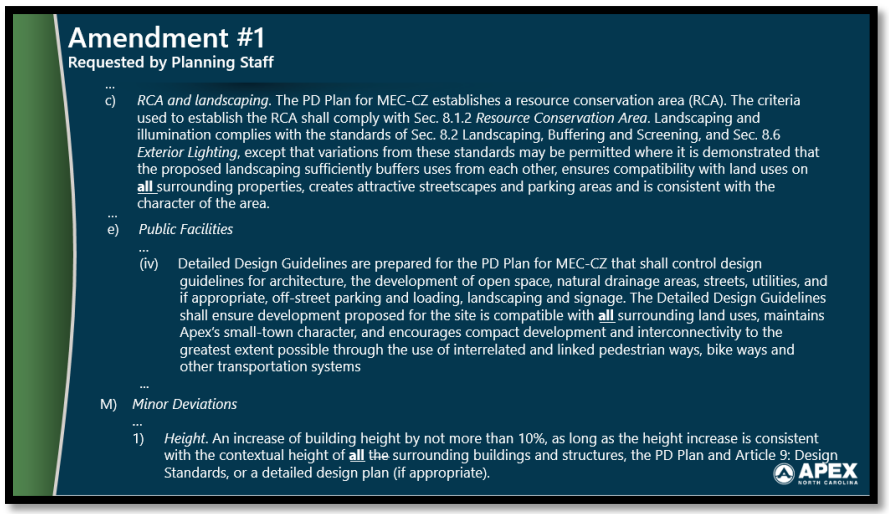
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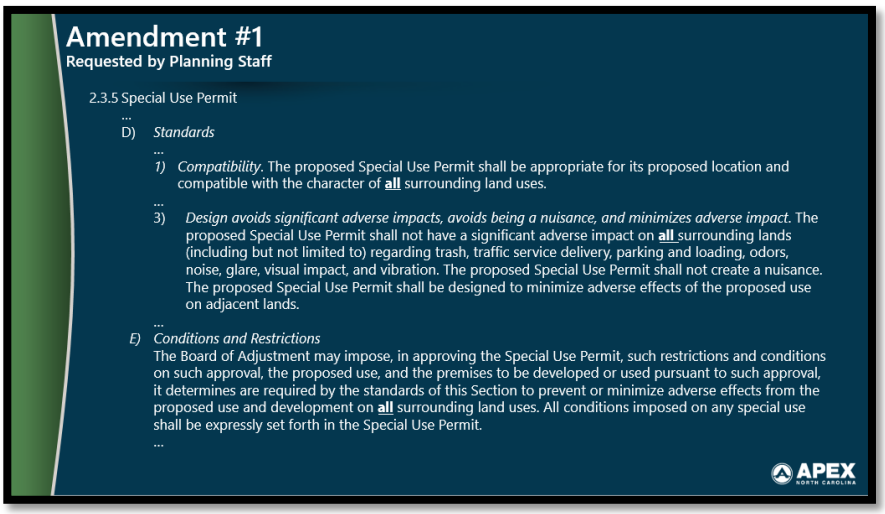
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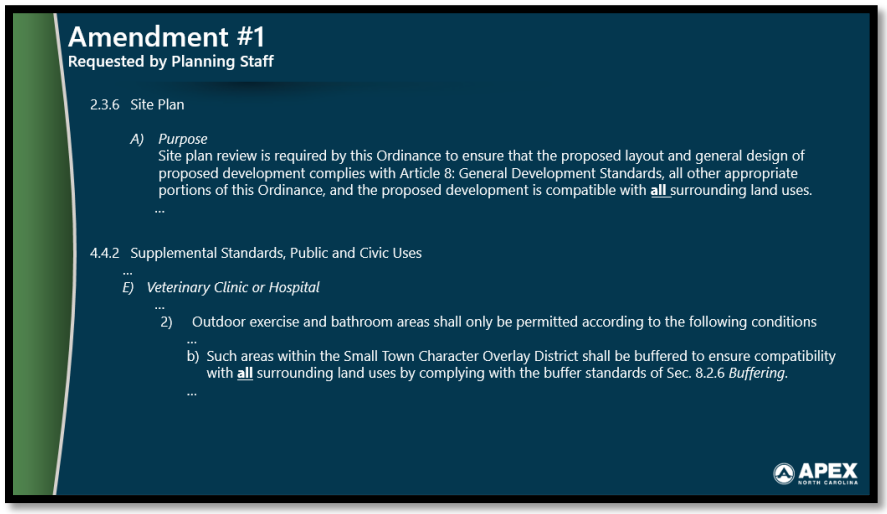
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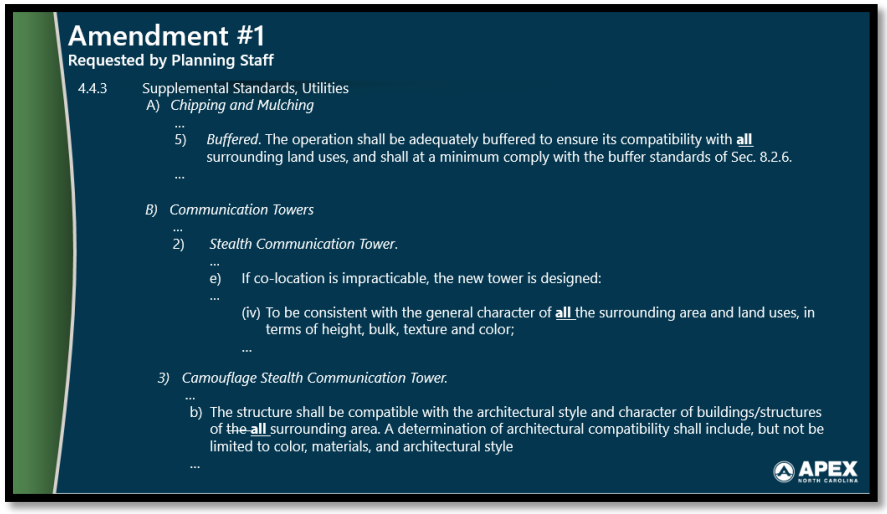
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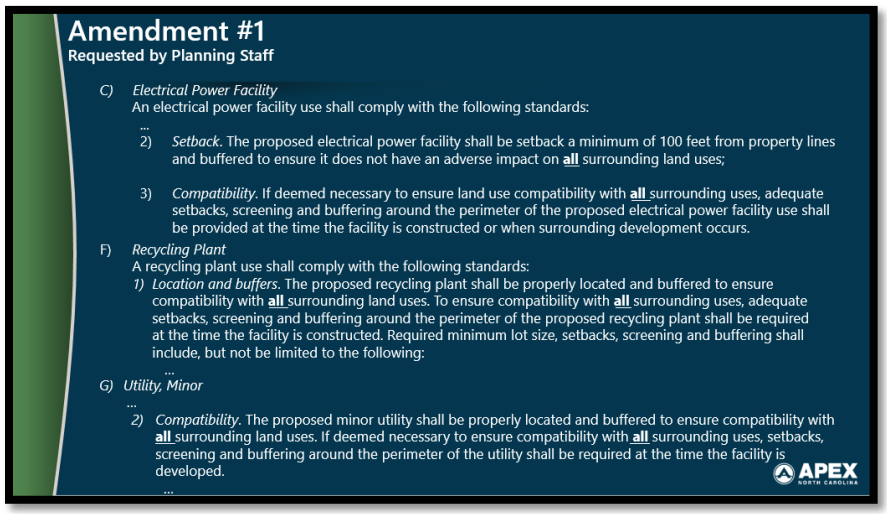
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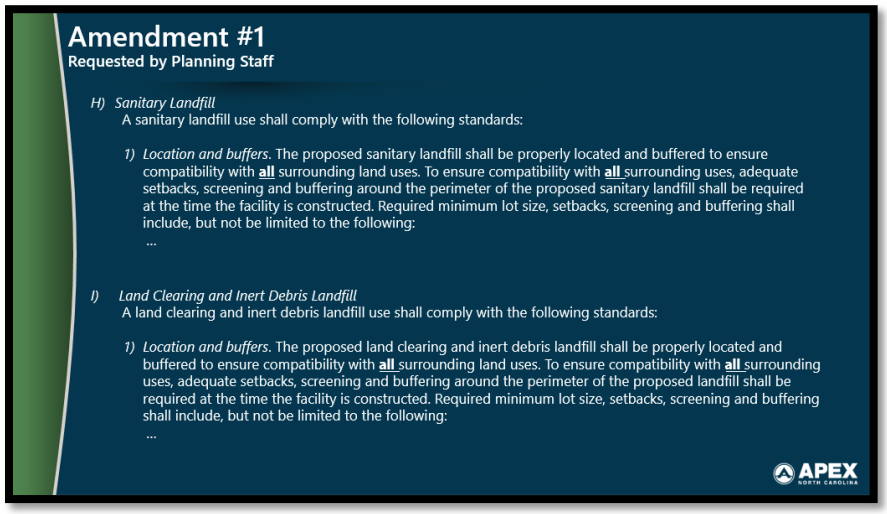
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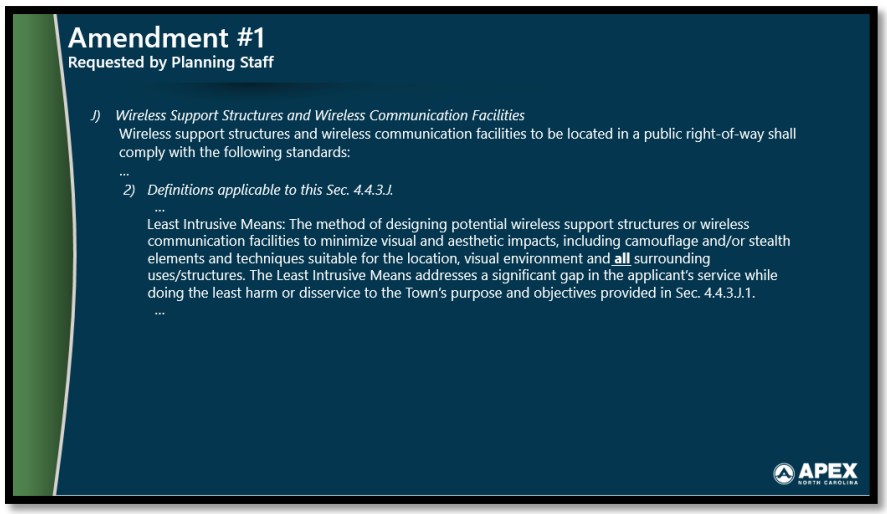
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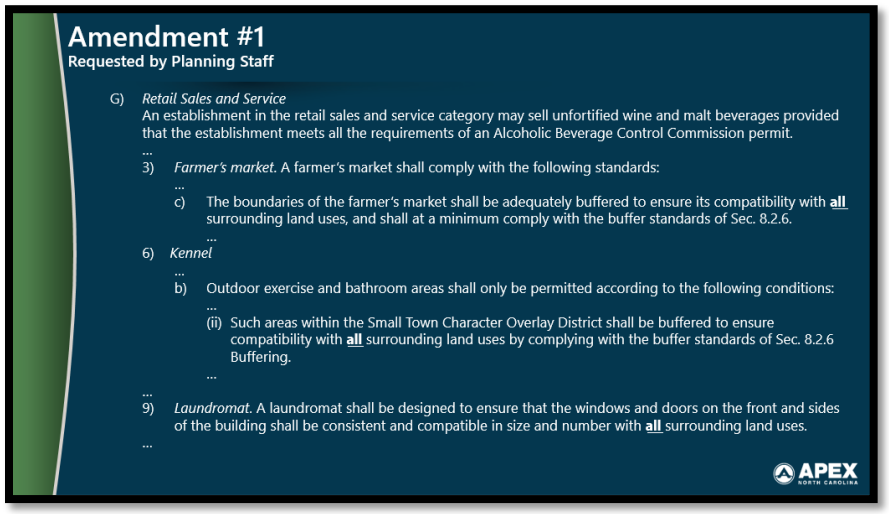
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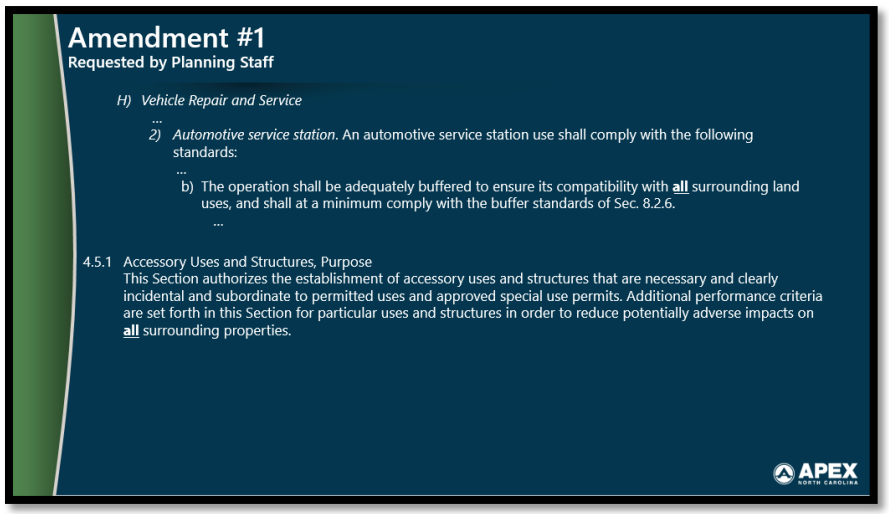
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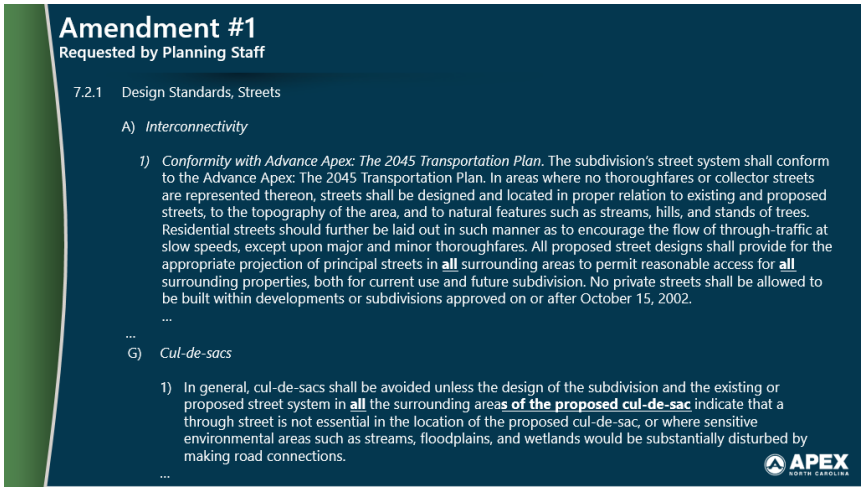
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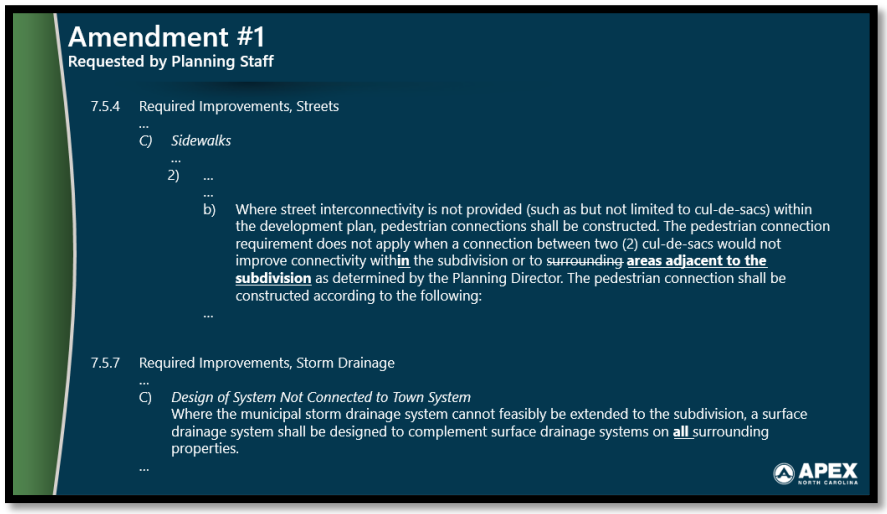
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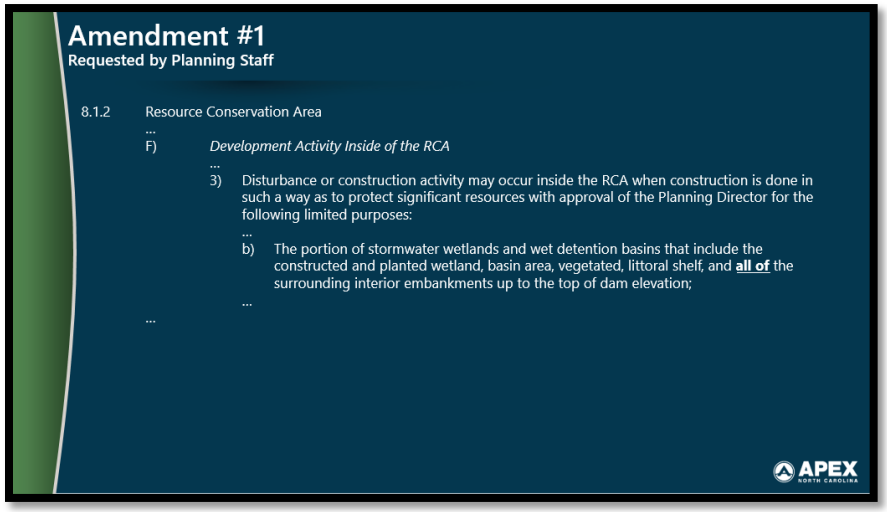
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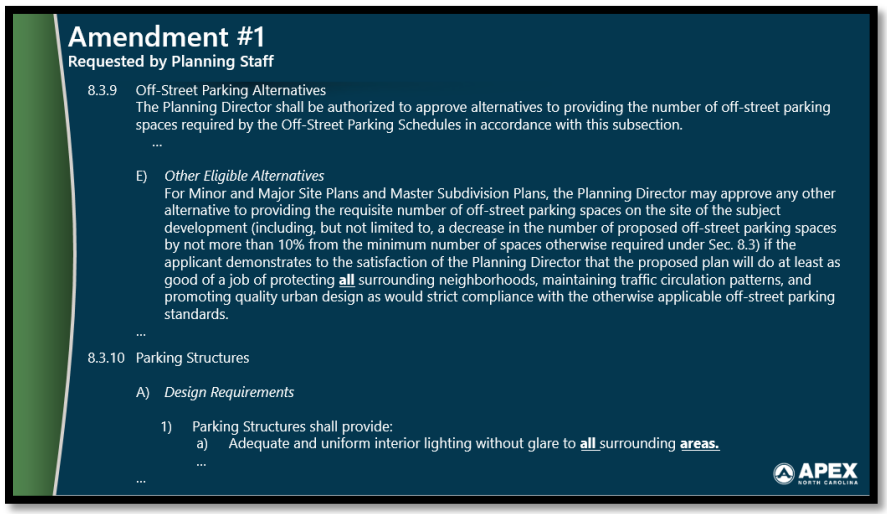
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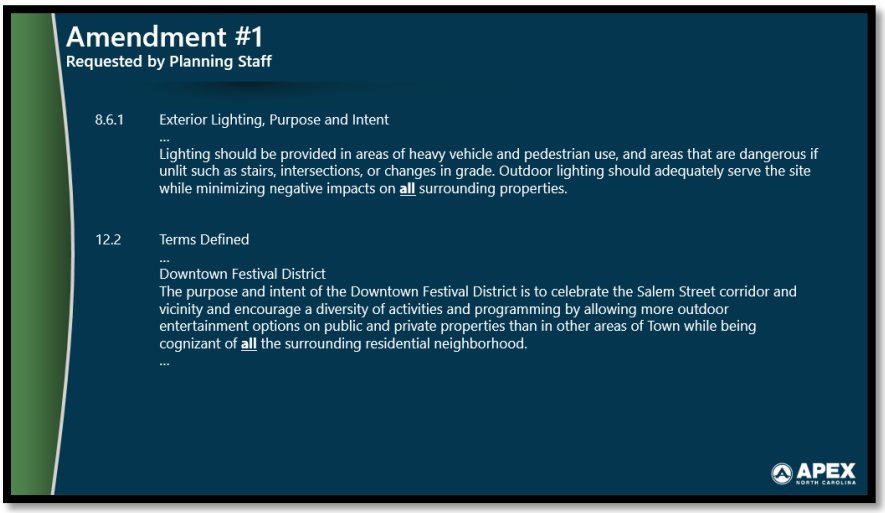
[SLIDE 19]



[SLIDE 20]



[SLIDE 21]



Mayor Gilbert opened up Public Hearing and with no one signed up to speak he closed Public Hearing. He asked if there was a motion.

A **motion** was made by **Councilmember Zegerman** and seconded by **Councilmember Killingsworth** to approve Unified Development Ordinance (UDO) Amendments of August 2025.

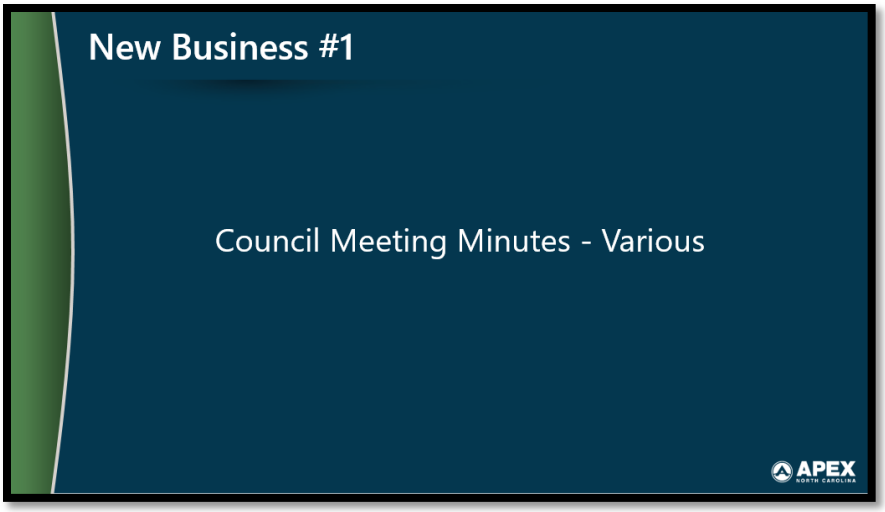
VOTE: UNANIMOUS (4-0) with Mayor Pro-Tempore Gray absent

Mayor Gilbert moved to New Business.

[NEW BUSINESS]

NB1 Council Meeting Minutes – Various *(Deferred from August 12, 2025)*
Allen Coleman, Town Clerk

[SLIDE 1]



Councilmember Gantt said that he pulled minutes from the minute approvals of the last Council meeting to bring everybody's attention to a section of the minutes from the June 24th Town Council meeting. He said that this was a section where Council was making approvals for the Citizen Advisory Committees in the Board of Adjustment section, and he would give an overview of the minutes. He said that there were two recommendations from the mayor, and he made a motion to strike through one of the recommendations and the mayor responded by saying that he was not accepting any amendments at this time and asked if there was a motion to approve. He said that he restated his position to strike through the current Board of Adjustment name and the Mayor said that he was only accepting motions to approve. Councilmember Gantt said he then made a motion to deny the recommendation, at which the Mayor announced that the motion to approve was not made, therefore, the item would return him for further consideration and the item was closed. He said that he believed that his motion was germane and that the Mayor inappropriately acted to stop that motion form proceeding. He said that he had some questions and possibly the Council could discuss them. He asked the Mayor when he said that he wasn't accepting amendments at this time, if the only choice as a governing body was to either say yes or nothing to both recommended nominees. He additionally asked or are the nominees always supposed to be linked together without separating them for separate votes.

Mayor Gilbert said that he appreciated Councilmember Gantt's questions and asked hadn't this discussion already been had in his office after that meeting.

Councilmember Gantt said yes.

Mayor Gilbert said that he wasn't sure why this was being brought back up because there was a resolution and that it had been talked through, there had been an agreement moving forward and he said he acknowledged Councilmember Gantt's concern. He said that this would move forward and at the next meeting when those appointments are on the agenda, it will be carried out at that time.

Councilmember Gantt said that there was a meeting that the public and his colleagues didn't hear it.

Mayor Gilbert said that maybe he could explain it to his colleagues.

Councilmember Gantt asked the Mayor if the only choice for the nominee from his understanding is either yes or no action taken.

Mayor Gilbert said that his response is that at the September 9th meeting we will proceed accordingly.

Councilmember Gantt asked the Mayor if the expectation was for the two nominees in this case to be linked together, as his intent was to vote on them separately.

Mayor Gilbert said that Councilmember Gantt could present the motion as he wanted to and that it would be dealt with at that time.

Councilmember Gantt said OK.

Mayor Gilbert said that he planned to submit the same two names every single time, and he's not changing it.

Councilmember Gantt said that that he had expressed that to him previously, but that it makes him question the procedures, if there is this kind of stalemate that can be created by inaction on nominees.

Mayor Gilbert said that he believed that was a rules committee meeting with attorney guidance from the Town Attorney and other counsel.

Councilmember Gantt said that in the spirit of Robert's rules they wouldn't have these stalemates, and that Robert's rules are intended to help the governing bodies conduct business in an orderly fashion, and a situation where there's a governing body that maybe is not in agreement with something but can never deny it seems like a bad policy, and maybe against Robert's rules as far as he understands them.

Mayor Gilbert thanked Councilmember Gantt for his comment.

Councilmember Gantt said for what it's worth he believed that there were nominations on September 9th, and these discussions can be adjudicated then.

Mayor Gilbert said that he believed that it was a better meeting to discuss this.

Councilmember Gantt said he implored Mayor Gilbert to accept motions and let them have a vote, and not veto and blockade the motions.

Mayor Gilbert said as discussed in his office, he heard his concerns and they will be dealt with in the future at that time.

Councilmember Gantt said okay.

Councilmember Mahaffey said to Mayor Gilbert that he would like to point out that this is actually an issue that's specifically addressed in Robert's rules, the concern about a chair not recognizing a motion made by a member.

Mayor Gilbert said that was his interpretation, and he had read it with an attorney as well.

Councilmember Mahaffey said he would read it and read Chapter 62-4 of Robert's Rules of Order. He said that he and Mayor had a conversation where he tried to he tried to describe this process without Robert's Rules in front of him as he understood it, and asked Mayor Gilbert if he had read this section would he abide by the rules of Robert's Rules. He said he was obligated as the chair to recognize motions that are made by the members, or rule them out of order, or put it to a vote for the Council.

Mayor Gilbert said that he was hearing everything that was being said, but his concern was that there was not a conversation with him prior to this meeting and there could have been a conversation and broken all of this down. He said that if there is going to be a conversation about rules, he could bring up a lot of rules that haven't been followed and that they did not want to go down that road. He said that they need to let this be addressed at the September 9th meeting. He asked if there were any other comments.

A **motion** was made by **Councilmember Gantt,** seconded by **Councilmember Killingsworth,** to approve the Meeting Minutes for the following meetings as presented:

July 11, 2022 Special Town Council Meeting
October 25, 2022 Regular Town Council Meeting
June 17, 2025 Work Session
June 24, 2025 Regular Town Council Meeting

Councilmember Mahaffey said that as part of the discussion in these situations, one thing that other bodies do is there would be a motion to strike the words of a member that they disagree with and note why, so striking the wording could be considered. He said Council could add a footnote to the minutes saying that motions should be accepted.

Mayor Gilbert said that he wasn't understanding.

Councilmember Mahaffey said that the minutes could be modified. He said that there is a motion that can be taken when discussing minutes to strike words.

Mayor Gilbert said they could do what they wanted. He said that they would move forward to September 9th, and this would not be rehashed. He said that is his last comment about this and said we have a motion and a second to accept the meeting minutes and asked if they were ready for a vote.

Councilmember Killingsworth suggested leaving the minutes as stated because that is what happened and that needs to be on record.

Councilmember Mahaffey said to clarify, when there is a move to strike, it's literally a strike. He said that the words are still there in the minutes, and they can still be read and then there is a footnote for why it was stricken. He said Congress does this.

Mayor Gilbert called for those in favor.

Councilmember Mahaffey said they were still debating the motion. He asked if Councilmember Zegerman had any thoughts.

Councilmember Zegerman said that in general this is a small board which allows them to use the relaxed version of Robert's rules. He said that they represent a town that has grown significantly over the years, and it requires them to grow with the town in terms of the maturity of proceedings. He said that he agrees with the Mayor that there are probably a lot of rules that could be called out that they have been lax with, but he liked the idea of starting to tighten things up a little bit because it reflects the size of the population and the type of government that is needed. He said with that in mind he supports the suggestion made by Councilmember Mahaffey to amend the minutes, but still make clear what happened in the document it as it happened. He said he wanted to make sure it is clear and transparent that

this was not handled entirely appropriately, Council is aware of it, and that there are plans and commitment to do a better job next time. He said to state that is appropriate in this case.

Mayor Gilbert said that he appreciated the comments but cautioned that if they are calling out everything, they can call out everything.

Town Clerk Coleman asked if there was any specific wording for the minutes, because there sounds like there's a possibility that there might be support for this striking method. He asked if there was anything specific the body wanted in the footnote. He said that based on the comments, the initial draft of the meeting minutes are captured accurately.

Councilmember Mahaffey proposed a footnote that says "the motion died for lack of a second and the Council affirms that all properly made, non-dilatory motions made by members need to be recognized by the Chair.

Councilmember Zegerman asked if there would be an amendment to the existing motion.

Councilmember Mahaffey said yes, to approve the minutes and amend the minutes as it was just said.

Mayor Gilbert asked for Councilmember Mahaffey to repeat the motion.

Councilmember Mahaffey said that the Clerk suggested we add a footnote and the footnote would read, "The motion died for lack of a second," which he said was true, and the Council affirms that any non-dilatory motion made by a Councilmember must be recognized by the chair, or the chair must state the reason that it's not germane, which would be subject to appeal of the body.

Councilmember Killingsworth said that is technically what Robert's rule says.

Councilmember Mahaffey said that is his interpretation of what he read.

Councilmember Killingsworth said that she would accept the amendment to the motion.

Councilmember Gantt said that he would accept it as well.

Mayor Gilbert said that he was focused on moving forward, and he would have some other things to bring up at the meeting.

CLERK's NOTE: *The Councilmember who made the previous motion agreed to amend the motion, and it is re-stated, as amended, below:*

A **motion** was made by **Councilmember Gantt,** seconded by **Councilmember Killingsworth,** to approve the Meeting Minutes for the following meeting, with the addition of the following footnote on the June 24, 2025 Meeting Minutes: "*Councilmember Gantt's motion died for a lack of a second. The Apex Town Council affirms that any non-dilatory motion made by any member of council needs to be recognized by the Chair. If the Chair elects to not recognize a motion by any member of council, the Chair must state that the motion made is not germane and this ruling shall be subject to appeal by the governing body*."

July 11, 2022 Special Town Council Meeting

October 25, 2022 Regular Town Council Meeting

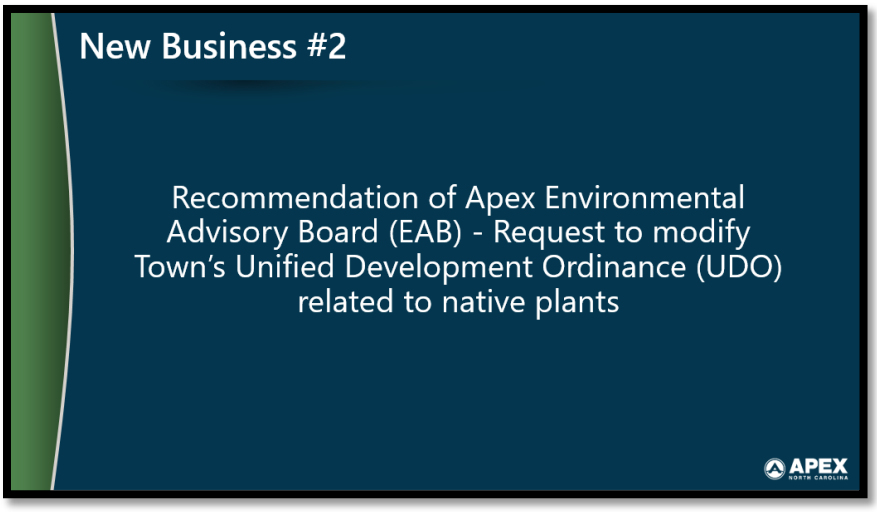
June 17, 2025 Work Session
June 24, 2025 Regular Town Council Meeting

VOTE: UNANIMOUS (4-0), with Mayor Pro-Tempore Gray absent

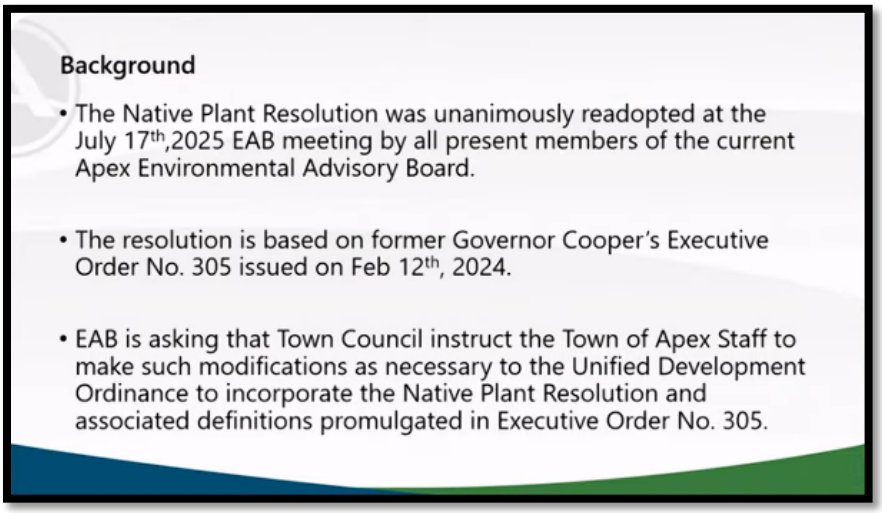
NB2 Recommendation of Apex Environmental Advisory Board (EAB) - Request to Modify Town's Unified Development Ordinance (UDO) Related to Native Plants

Susanne Mason, Chair, Town of Apex Environmental Advisory Board (EAB) introduced herself and Nora Skinner, Environmental Programs Coordinator, Planning Department. She said that the resolution was unanimously adopted by the current Environmental Advisory Board at the July 2025 meeting. She gave an overview of the background of the following presentation:

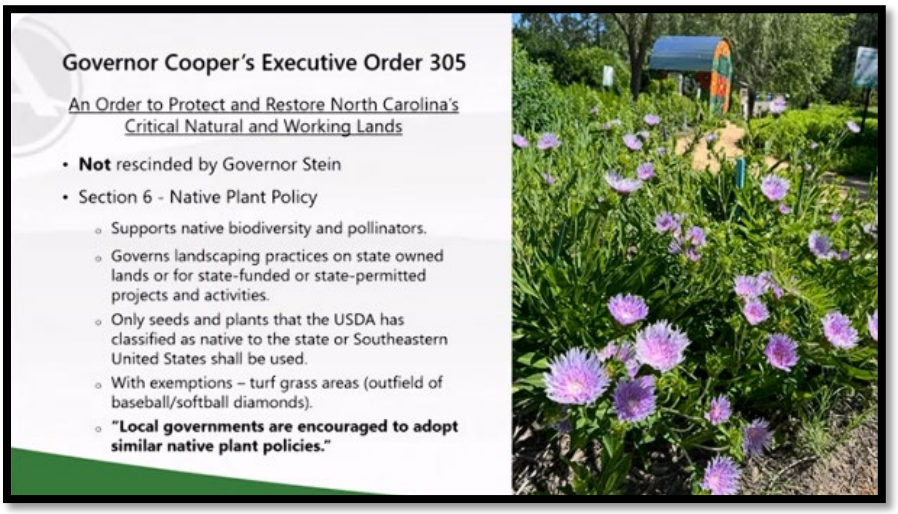
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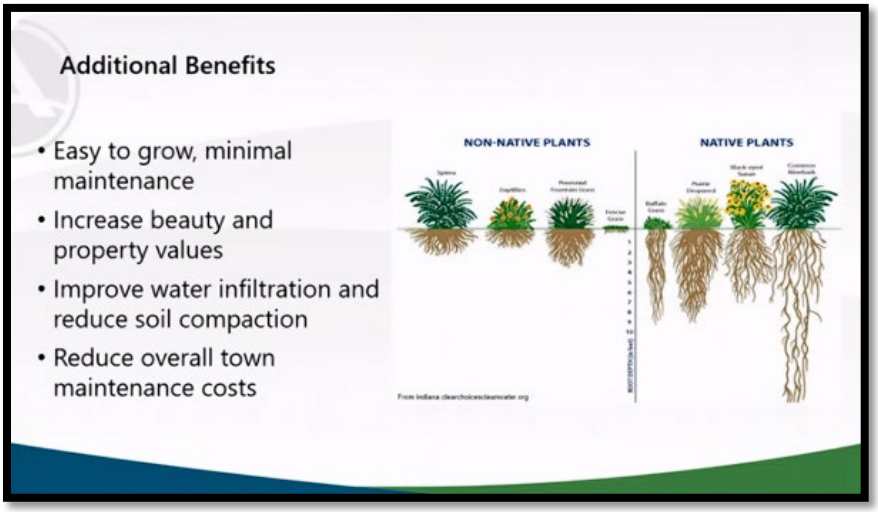
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[SLIDE 4]



[SLIDE 5]



[SLIDE 6]



Mayor Gilbert asked if there were any questions and thanked staff for their work.

Councilmember Gantt asked if there needed to be a motion.

Town Clerk Coleman said the request was to receive as information and discuss the request to direct staff to make modifications to the town's UDO.

Councilmember Mahaffey moved to direct staff. He thanked advisory board for bringing forward policy changes and for their expertise.

Councilmember Zegerman thanked the EAB for bringing a policy forward and said it's not frequent that Council gets policy recommendations from advisory boards and he strongly encourages the boards to continue to do this.

A **motion** was made by **Councilmember Mahaffey**, seconded by **Councilmember Zegerman** to direct staff to develop modifications to the Town's Unified Development Ordinance (UDO) Related to Native Plants.

VOTE: UNANIMOUS (4-0), with Mayor Pro-Tempore Gray absent

NB3 Unified Development Ordinance (UDO) Possible Amendment Discussion - Student Parking in Residential Areas

Mayor Gilbert said that this was back from the August 12th meeting, and he highlighted some points about it. He thanked the Planning Department for finding the solution after Council was not supporting of what he recommended. He said that he is all about solutions and this was about listening to parents and students who were facing hardships. He said that there was a solution found, and he is thankful to those involved in making it happen. He said the biggest concern that Council had was traffic safety and the students leaving that property and crossing the street. He said that the traffic signal and crossing have worked great. He said that Miss Annie is providing an opportunity and a

solution for the community which helps us, and that is the reason for keeping this on the agenda is to keep the conversation moving because the work is not done, there is still a deficit of parking spaces. He said that he would like to work with the Wake County Public School System, and he would like the support of Council. He said that he does not know what this process looks like, but he is committed to it and he is asking Council to do the same. He said with that, he didn't need this, and Council could go ahead and vote it down.

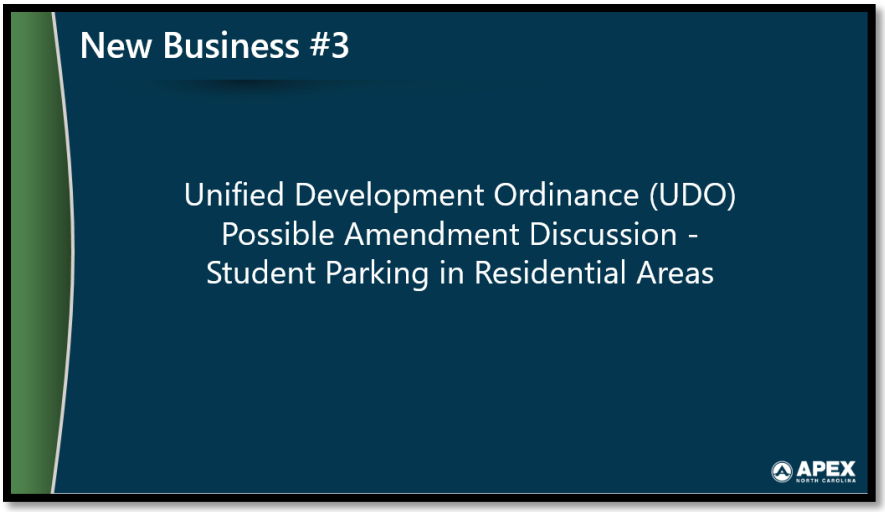
Councilmember Zegerman said that he appreciated the Mayor's comments. He said they never voted on this last time, and it was appropriate to keep this on the agenda and vote on this. He said that no one debated the need for parking and there was a solution put on the table, and Council clearly indicated it was the wrong method to solve the problem. He said a UDO amendment affects multiple properties and there is a much more finetuned process in place through the rezoning process in place to achieve this and get the same desired outcome. He said the property owner was advised of that process, chose not to follow it, which left Council with a potential UDO amendment that was less than desirable. He said the objection was not so much that there was no need for parking, it was really the method that was proposed for the deficit that was highlighted. He said that the signal crossing helps with the safety concern, and he appreciates the willingness and desire to get things done quickly. He said the way the Mayor went about solving this problem, without Council and without using the powers of 650 staff, was not transparent. He said that it is not working with Council as a unified government or utilizing staff in the way that they are here for. He said that he was disappointed, not in the outcome, but in the method chosen to achieve that outcome. He said that there were options suggested in the last meeting and they were not taken.

Councilmember Gantt said that his stated concerns in the last meeting were about the nuisance to the surrounding homeowners, less than the safety. He said he has advocated, as the Multimodal Liaison, to try to enhance transit in that area with either micro transit or fixed routes that could serve the school and other places in the western part of Apex as a possible way to alleviate some of the parking concerns. He said it may be a better, safer solution as well than people having to cross the street and he hopes staff and Council can make that work. He said the transit plan will be coming up soon and hopes it will include some of this information.

Councilmember Zegerman said that staff is also working on supplemental solutions to address parking concerns and working with Wake County Public School System.

Mayor Gilbert said there are approximately 120 students being helped by this parking lot because they are using carpools. He asked if there was a motion.

[SLIDE 1]



A **motion** was made by **Councilmember Zegerman** and seconded by **Councilmember Killingsworth** to deny the Possible Unified Development Ordinance (UDO) Amendments Related to Student Parking in Residential Areas.

VOTE: UNANIMOUS (4-0), with Mayor Pro-Tempore Gray absent

[ADJOURNMENT]

With no additional business being presented before the Council, **Mayor Gilbert** adjourned the meeting at **8:16 p.m.**

Jacques K. Gilbert
Apex, Mayor

Allen Coleman, CMC
Town Clerk to the Apex Town Council

Submitted for approval by Apex Town Clerk Allen Coleman

Minutes approved on 23rd of September, 2025 (CN5).

APPROVED SUMMARY MINUTES

TOWN OF APEX
COMMUNITY TOWN HALL
THURSDAY, AUGUST 28, 2025
6:00 PM

A **Community Town Hall**, which included members of the **Apex Town Council**, was held on **Thursday, August 28, 2025** at the **Apex Senior Center** located at 53 Hunter Street in Apex, North Carolina. The event began at **6:00 p.m**.

This event was open to the public and everyone was able to attend this meeting in-person. An optional public sign-up link was offered for community members to pre-register for the event and interpretation services were offered. The meeting was not livestreamed or audio recorded.

CLERK NOTE: A Public Notice of Attendance was provided for this event as it was possible a quorum of the Apex Town Council may attend. This event encouraged all community members to come ask questions and have informal dialogue with members of the governing body with the Town of Apex. No official action was taken by the Council and the below should be considered a summary of the event.

[ATTENDANCE]

Elected Body
Mayor Pro Tempore Edward Gray (facilitating)
Councilmember Audra Killingsworth
Councilmember Arno Zegerman
Councilmember Brett Gantt
Councilmember Terry Mahaffey

ABSENT: Mayor Jacques K. Gilbert

Town Staff
Town Clerk Allen Coleman

[COMMENCEMENT]

Mayor Pro-Tempore Edward Gray opened the event at 6:06 p.m. and welcomed all in attendance. He said this event was intended to be very informal and encouraged members to come to the podium at the end of the center isle and ask their questions, give comments, etc. He encouraged those in attendance to be respectful to other members in the audience and provided decorum guidance.

CLERK NOTE: Approximately fifty (50) community members were in attendance. Two (2) Spanish interpreters were present as well.

Councilmembers each introduced themselves and provided a brief overview of their length of time on the Apex Town Council and the projects they were most proud of that had been accomplished or had significant progress.

[DISCUSSION]

Mayor Pro-Tempore Gray opened the floor for questions, comments, concerns, etc. and that community members were encouraged to use the microphone on the podium to ensure everyone could hear them clearly.

Community members provided the following remarks, in no particular order, which have been summarized by area of focus or topics mentioned:

- Data Center Proposal – several speakers
- Transit Planning and Increased Route Service
- Progress of new library in Apex
- Elected Body internal communications and relationships
- Affordable Housing Priorities
- Charleston Village neighborhood concerns related to bicyclist
- New Children's Hospital plans
- Development Review Timeline

[ADJOURNMENT]

Each Councilmember expressed their gratitude for everyone participating and coming to the Community Town Hall.

Mayor Pro-Tempore Edward Gray said that concluded the event and thanked all those in attendance. He said Councilmembers would be around towards the front of the room for a few minutes if anyone wanted to follow-up individually.

The event concluded at 7:16 p.m.

Jacques K. Gilbert
Mayor | Town of Apex

Allen Coleman, CMC, NCCCC
Town Clerk to the Apex Town Council
Submitted for approval by Town Clerk Allen Coleman and approved on October 28, 2025 (CN7).

APPROVED MEETING MINUTES

TOWN OF APEX
SPECIAL TOWN COUNCIL MEETING
WEDNESDAY, SEPTEMBER 3, 2025
5:30 P.M.

The Apex Town Council met for a Special Town Council Meeting on Wednesday, September 3, 2025 at 5:30 p.m. The meeting was held on the 2nd Floor in the Executive Conference Room at the Apex Town Hall located at 73 Hunter Street in Apex, North Carolina.

The meeting was open to the public.

[ATTENDANCE]

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

Town Staff
Town Attorney Laurie Hohe
Town Clerk Allen Coleman

External
Dr. Heather Lee, Developmental Associates
Martha Paige, Developmental Associates

[COMMENCEMENT]

Mayor Jacques K. Gilbert called the meeting to order at **5:30 p.m.** and stated that this was a special meeting for the purposes of entering into closed session pursuant to North Carolina General Statutes 143-318.11(a)(6).

[CLOSED SESSION]

A **motion** was made by **Mayor Pro-Tempore Edward Gray**, seconded by **Councilmember Terry Mahaffey** to enter into closed session pursuant to North Carolina General Statutes 143-318.11(a)(6).

VOTE: UNANIMOUS (5-0).

Council entered closed session at **5:30 p.m.**

****

Council returned to open session at **8:23 p.m.**

[ADJOURNMENT]

With no additional business being presented by the governing body, **Mayor Gilbert** adjourned the meeting at **8:23 p.m.**

Jacques K. Gilbert
Apex Mayor

Allen Coleman
Apex Town Clerk

Submitted for consideration and approved on October 28, 2025 (CN7).

APPROVED MEETING MINUTES

TOWN OF APEX
SPECIAL TOWN COUNCIL MEETING
THURSDAY, SEPTEMBER 4, 2025
5:30 P.M.

The Apex Town Council met for a Special Town Council Meeting on Thursday, September 4, 2025 at 5:30 p.m. The meeting was held on the 3rd Floor in the Training Rooms A and B at the Apex Town Hall located at 73 Hunter Street in Apex, North Carolina.

The meeting was open to the public.

[ATTENDANCE]

Elected Body
Mayor Pro-Tempore Edward Gray (presiding officer)
Councilmember Audra Killingsworth
Councilmember Arno Zegerman
Councilmember Terry Mahaffey

ABSENT: Mayor Jacques K. Gilbert and Councilmember Brett Gantt

Town Staff
Town Manager Randy Vosburg

External
Dr. Heather Lee, Developmental Associates
Martha Paige, Developmental Associates

[COMMENCEMENT]

Mayor Jacques K. Gilbert called the meeting to order at **5:33 p.m.** and stated that this was a special meeting for the purposes of entering into closed session pursuant to North Carolina General Statutes 143-318.11(a)(6).

[CLOSED SESSION]

A **motion** was made by **Councilmember Arno Zegerman**, seconded by **Councilmember Audra Killingsworth** to enter into closed session pursuant to North Carolina General Statutes 143-318.11(a)(6).

VOTE: UNANIMOUS (4-0), with Councilmember Brett Gantt absent.

Council entered closed session at **5:33 p.m.**

****

Council returned to open session at **7:59 p.m.**

[ADJOURNMENT]

With no additional business being presented by the governing body, **Mayor Pro-Tempore Edward Gray** adjourned the meeting at **8:00 p.m.**

Jacques K. Gilbert
Apex Mayor

Allen Coleman
Apex Town Clerk

Submitted for consideration and approved on October 28, 2025 (CN7).

APPROVED MEETING MINUTES

TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, SEPTEMBER 09, 2025
6:00 P.M.

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, September 9th, 2025 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=VushxEq7Z58

[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. He then invited all to participate in the invocation with a moment of silence and peace. He then led all in attendance to the Pledge of Allegiance.

Mayor Gilbert recognized special guests attending the meeting. He introduced the Apex Fire Department, Apex Police Department, Wake Technical Community College, Dr. Scott Ross and Vice President Development and Strategic Partnerships of Wake Technical Community College, Mr. Matt Smith. He thanked them for being at the meeting.

[CONSENT AGENDA]

A **motion** was made by **Mayor Pro-Tempore Gray**, seconded by **Council Member Gantt**, to approve the Consent Agenda.

VOTE: UNANIMOUS (5-0)

CN1 Agreement - American Road Conservation, LLC - Street Sweeping Services - through June 30, 2026 (CONT-2025-334)
Council approved a Standard Services Agreement between the Town of Apex and American Road Conservation, LLC, for street sweeping and related services, effective July 1, 2025 through June 30, 2026, and authorize the Town Manager to execute the agreement on behalf of the Town.

CN2 Agreement - North Carolina Department of Transportation (NCDOT) - For Entry Agreement to Replace Stormwater Culvert Across Olive Chapel Road (CONT-2025-335)
Council approved an Agreement for Entry with North Carolina Department of Transportation to enter parcel owned by Town between Pearson Farms and Ashley Downs subdivisions for the purpose of replacing a stormwater culvert across Olive Chapel Road.

CN3 Agreement Amendment Ratification - Hobbs Architects, P.A. - Additional Construction Required at Mason Street Municipal Building (CONT-2025-336)
Council ratified an oral amendment to the existing Design Services Agreement between the Town of Apex and Hobbs Architects, P.A. for additional Construction Administration and inspections required for the Mason Street Municipal Building construction project.

CN4 Annexation No. 806 - Jessie Drive Industrial - 51.822 acres (w-Rezoning Case No. 25CZ09) (RES-2025-052) AND (RES-2025-053)
Council adopted a Resolution Directing the Town Clerk to Investigate Petition Received, Accepted the Certificate of Sufficiency by the Town Clerk, and Adopted a Resolution Setting the Date of a Public Hearing for September 23, 2025, on the Question of Annexation - Apex Town Council's intent to annex 51.822 acres, project commonly referred to as Jessie Drive Industrial, located at 0 East Williams Street (PIN 0751-20-1670), Annexation No. 806, into the Town Corporate limits.

CN5 Budget Ordinance Amendment No. 3 - Cemetery Niche Plates, Data Mining and Services, Eva Perry Library Repairs, and General Debt Service Correction (ORD-2025-065)
Council approved a Budget Ordinance Amendment No. 3 appropriating funds for Eva Perry Library roof repairs, data mining and legal review services, cemetery niches, and the correction of the General Debt Service allocation.

CN6 Council Meeting Minutes – Various
Council approved Meeting Minutes from the following meetings:
August 12, 2025 – Regular Town Council Meeting Minutes
August 19, 2025 – Town Council Work Session Meeting Minutes

CN7 Encroachment Agreement – 1167 Rothwood Way, Lot 16 (CONT-2025-337)
Council approved an Encroachment Agreement between the Town of Apex and property owners: Gretchen Sutton Hassell, Margaret Michelle Pena, and Eric Ranier Pena, located at 1167 Rothwood Way, Apex, NC 27502, to install a fence and gate that will encroach 80 linear feet (LF) onto the public utility easement, and authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN8 Memorandum of Understanding (MOU) between the Town of Apex, Town of Cary, and Town of Holly Springs – Engineering Studies to Evaluate the Feasibility of Supporting Additional Wastewater Capacity Needs for Apex and Holly Springs at the Western Wake Regional Water Reclamation Facility (WWRWRF) (CONT-2025-338)
Council approved a Memorandum of Understanding (MOU) between the Towns of Apex, Cary, and Holly Springs, to Perform Two (2) Engineering Studies to Evaluate the Feasibility of Supporting Additional Wastewater Capacity Needs for Apex and Holly Springs at the Western Wake Regional Water Reclamation Facility (WWRWRF).

CN9 Parks, Recreation, and Cultural Resources Program and Rental Pricing Policy Adoption – Effective July 1, 2026 (PLCY-2025-017)
Council approved the Parks, Recreation and Cultural Resources Program and Rental Pricing Policy, effective July 1, 2026.

CN10 Tax Report – July 2025
Council approved the Apex Tax Report dated August 15, 2025.

CN11 Unified Development Ordinance (UDO) Amendments – August 2025 – Statement
Council approved 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 26, 2025 proposed by staff.

[UPDATES BY TOWN MANAGER]
Town Manager Vosburg gave the following updates:

- **Olive Chapel Road:** Press release about DOT Construction Update - Utility Relocation Underway with Apex water lines and Duke Energy power lines are being relocated.
- **Right-of-way Acquisitions:** DOT is finalizing right-of-way acquisition and rights of entry as well as completing construction. Construction Timeline for let package is October 2025 and anticipated reopening to traffic is late January 2026, this is earlier than originally thought, but still dependent property owner cooperation and the utility locate with Duke Power. Public safety message reiterating on DOT's behalf that this is not a safe area due to instability.
- **Patriot Day Ceremony:** Sept. 11 at 9:30 a.m., Apex Service Memorial.
- **Festa Italiana:** Sept. 20, 11 a.m. –7 p.m. at Town Hall Campus and Hunter Street.

TM1 Utility Billing Monthly Update - September 2025

Town Manager Vosburg gave the following updates on Utility Billing:

- **Billing Cycle Issue Resolved:** A video released on Friday, September 5th about the cycle lengths that were printed on bills. Incorrect service dates were printed on past bills, the amounts that were charged were correct, but the displayed service dates caused confusion. This has been corrected on paper bills. Working with the vendor to fix inaccurate billing days displaying in the online portal.
- **Water Meter Replacements:** Meter replacements for customers with recently replaced water meters, the bill's usage column reflects only the new meters data. The bill is accurate on the total usage.
- **Metrics** shared referencing 30-day billing cycle average of the last 6 months.
- **Portal & Customer Service Improvements:** SEW Portal is the support company with the My Account Portal and can report customer calls. Customer calls have decreased by 15.4% from July to August. The portal now has 22,000+ users, most new user calls were about account setup. Call wait times dropped by 34% (from 7.5 mins to 5 mins).
- **Barry Dunn Utility Billing Audit:** Final report received and sent to council. Will be posted online within a week with staff response/action plan.
- **Staffing Updates:** New Finance Director starts Monday. Utility Billing Manager already in place and handling customer issues and finance items. Temporary staff hired and offers were extended for 4 open positions.
- **Billing recalculation reviews:** Approximately 180 people signed up to have their bills recalculated. So far, 91% were underbilled, average amount owed: $39.14 and Customers owed money averaged a refund of $7.37. Reconciliation is about 50% done and once it's completed letters will be issued to customers. This is where we are with the third-party review from Barry Dunn.

- **Solar Billing issues:** Acknowledged as complex and town is working case-by-case. There has been feedback on the billing design and there are changes that can be made that have been submitted to the vendor. Long term there are bill design customizing that is wanted to be done. Minor fixes submitted for immediate implementation. Bigger changes are planned for improved transparency and user-friendliness.

[REGULAR MEETING AGENDA]

Mayor Gilbert set the Regular Agenda with a recommendation of NB3 – NB6 to be deferred until the September 23rd Council meeting to allow additional review.

A **motion** was made by **Councilmember Zegerman**, seconded by Mayor Pro **Mayor Pro-Tempore Gray** to approve the Regular Meeting Agenda with a recommendation to defer

NB3 Appointments – Culture and Arts Advisory Board (CAAB), NB4 Appointments – Environmental Advisory Board (EAB), NB5 Appointments – Multimodal Transportation Advisory Board (MTAB) and NB6 Appointments – Planning Board (PB) until September 23rd Council Meeting.

VOTE: UNANIMOUS (5-0)

[PRESENTATIONS]

PR1 Girl Scout Troop 619 - Silver Award Recognition

Mayor Gilbert introduced and invited Ms. Kimberly Presley with Girl Scout Troop 619 to come up.

Ms. Presley asked her troop member with her to come up, introduce themselves and give the following presentation:

[SLIDE 1]



[SLIDE 2]



[SLIDE 3]



[SLIDE 4]



[SLIDE 5]



[SLIDE 6]



[SLIDE 7]



[SLIDE 8]



Mayor Gilbert thanked the troop for the presentation and all the hard work. He then asked Council to join him in presenting Troop 619 with the Peak Service Award and a picture. The honorees are Oliver Pressley, Evelyn Coffos, Kamryn Walls and Caroline Olender.

PR2 Proclamation - Hispanic Heritage Month 2025 - Monday, September 15, 2025 through Wednesday, October 15, 2025 (PRO-2025-031)

Mayor Gilbert asked the Council to join him in reading the proclamation. He then invited Juan Ortega, Fiesta Cristiana, Sara Hasen, Fiesta Cristiana, Atelier Angolo, Fiesta Cristiana, Peter Marin, Local Artist working with Apex for Hispanic Heritage Month, and Steven Lobos, Apex Baptist Church, Spanish Paster and Jimmy Torres, Community Engagement to receive the proclamation and pictures.

Mr. Peter Morin thanked the Mayor, Council members and dedicated town staff for giving this opportunity to speak on the continued support for the Latin Festival. He said this event is a celebration of families, neighbors and friends for a day of joy, unity and cultural activities and the chance to experience Latin America in Apex through music, food and traditions. He invited everyone to join them this year's Latin Apex Festival. He thanked the Mayor, Council and staff for their dedication in supporting events that make the community stronger.

PR3 Proclamation - Italian American Heritage Month 2025 - October 2025 (PRO-2025-032)

Mayor Gilbert asked the Council to join him in reading the proclamation. He then invited members of Fiesta Italiana, Anthony Koytek, Spouse of the Late Toni Koytek, Fran and Bob Gianuzzi, Enzo Martini, Barbara White to receive the proclamation and pictures.

Fran Gianuzzi thanked all for allowing the Italian Festival to be held in Apex. She said everyone asked why Apex was asked and once the festival was had they said go nowhere else but Apex, it brought 15,000 people to Apex. She thanked all for the support.

PR4 Proclamation - Patriot Day 2025 - Thursday, September 11, 2025 (PRO-2025-033)

Mayor Gilbert asked the Council to join him in reading the proclamation. He then invited Lee Harris, Apex Legion Commander and members of the Apex Police and Fire Departments to receive the proclamation and pictures. He invited Lee Harris, Apex Legion Commander and members of the Apex Police and Fire to receive the proclamation and pictures.

PR5 Resolution and Agreement - Adopt-A-Unit Program - Partnership between Town of Apex and 101st Airborne Division Unit of the Army (CONT-2025-339) AND (RES-2025-055)

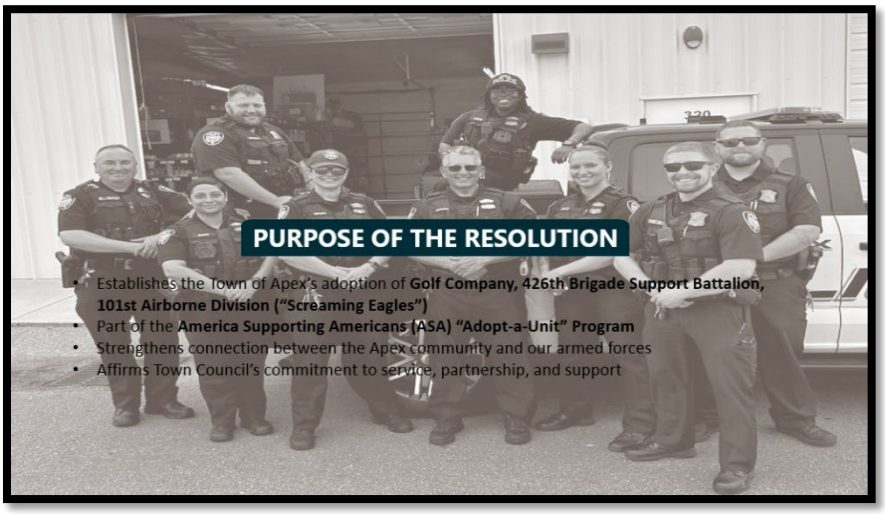
Mayor Gilbert invited Ryan Johansen, Chief of Police, Apex Police Department, to give the presentation.

Chief Johansen thanked the Mayor and Council. He said that this is to bring a potential resolution agreement to join the adopt a unit program. He gave the following presentation:

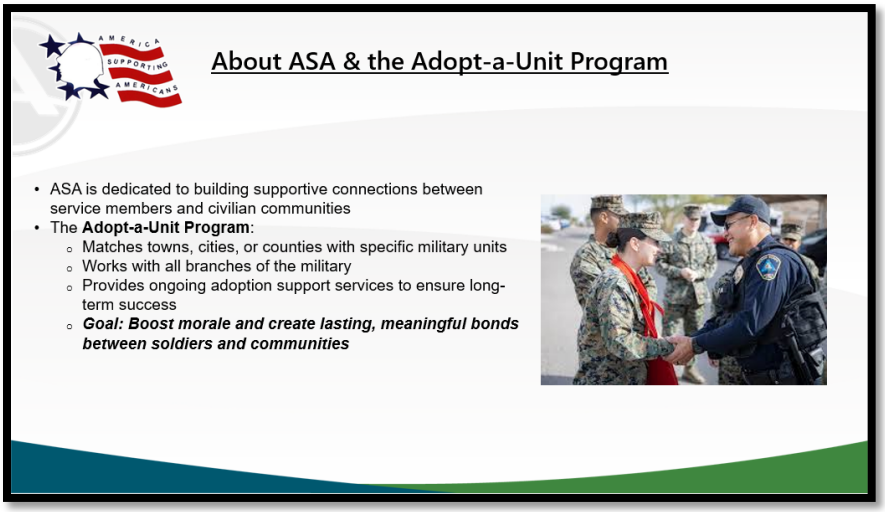
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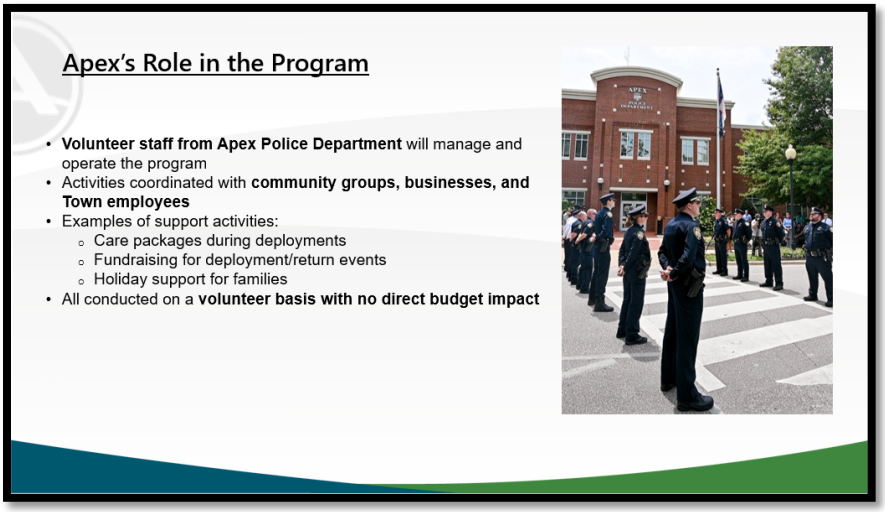
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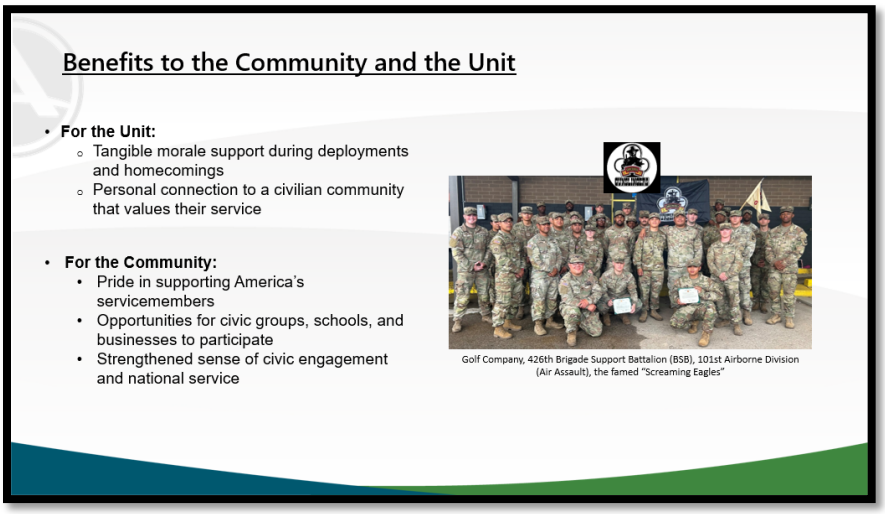
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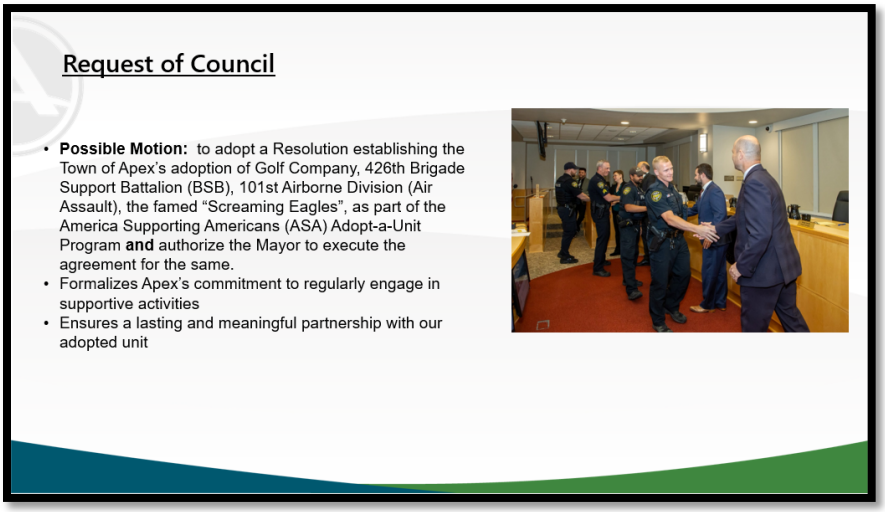
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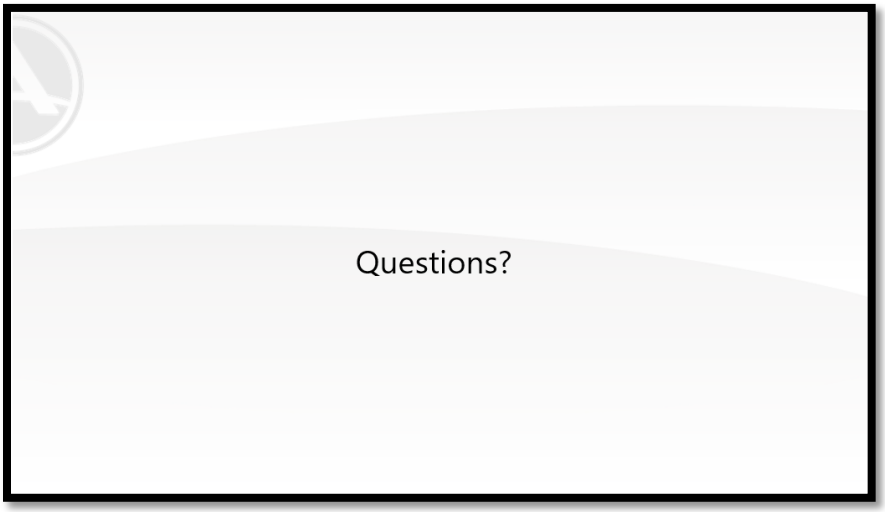
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[SLIDE 6]



[SLIDE 7]



Mayor Gilbert asked if there were any questions or comments.

Councilmember Mahaffey said that he was elated to see this on the agenda and supported this. He said that his family had just come back from visiting Normandy with his family.

Councilmember Zegerman said that as a teenager he read a lot about Normandy Invasion and bravery of the units. He said he was in support.

Mayor Pro-Tempore Gray was in support as well.

A **motion** was made by **Mayor Pro-Tempore Gray**, seconded by **Councilmember Mahaffey** to adopt the Resolution and Agreement - Adopt-A-Unit Program - Partnership between Town of Apex and 101st Airborne Division Unit of the Army.

VOTE: UNANIMOUS (5-0)

PR6 Wake Technical Community College - Apex Site Update

Mayor Gilbert introduced Matt Smith, Vice-President of Development and Strategic Partnerships, Wake Technical Community College (WTCC).

Mr. Smith thanked the Mayor and Council and said he was grateful to be here representing the 75,000 Wake Tech Students and the largest college university in the State. He said that Wake Tech would be coming to Apex. He introduced Dr. Scott Rolls to present details on the new Wake Tech.

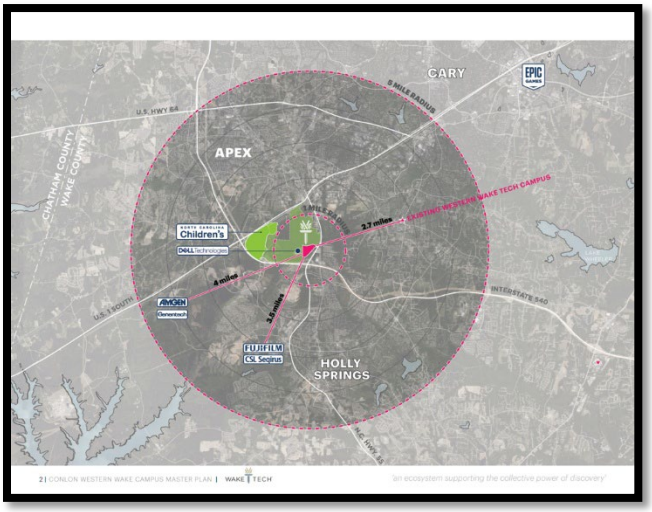
Dr. Rolls said that Wake Tech takes great pride in being Apex's Community college. He gave the history of how this site came to the Veridia area. He gave the goals and timeline of the project. He said that the goal for completion is summer of 2029 but more likely January 2030. He said that the focus on biopharma and advanced manufacturing and technical education will support the companies that are in the Apex area and companies that are likely to grow particularly in the life science area. He said that it would have small business and entrepreneurship programs would be the hub at the new site. He introduced Chuck Scott, Vice President of Facilities.

Mr. Scott gave the following master plan presentation:

[SLIDE 1]



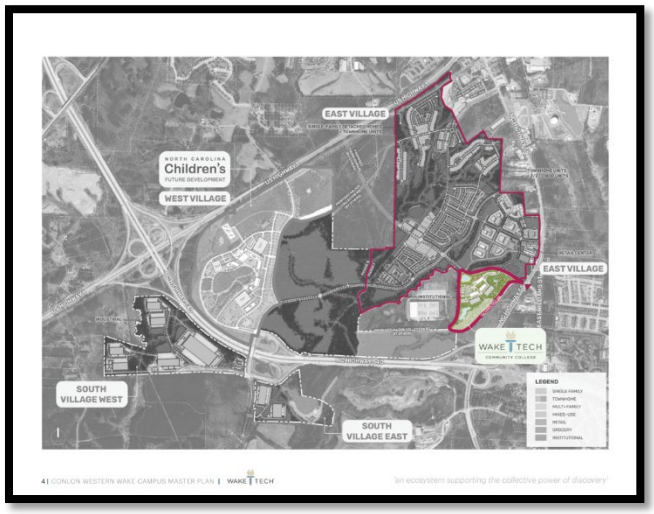
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[SLIDE 4]



[SLIDE 5]



[SLIDE 6]



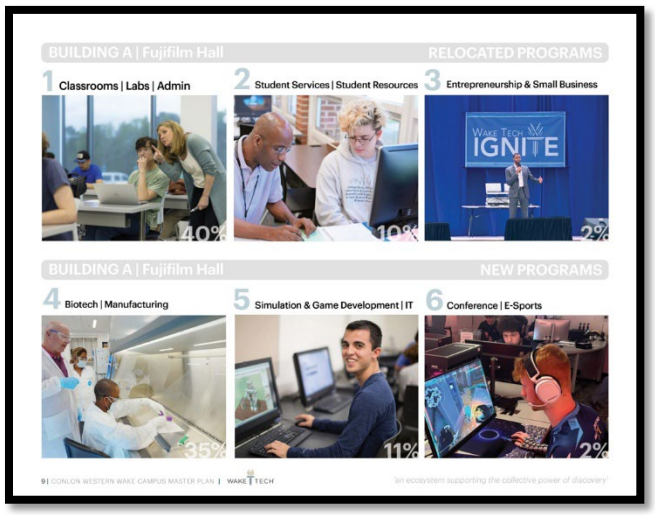
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[SLIDE 9]



[SLIDE 10]



[SLIDE 11]



[SLIDE 12]



[SLIDE 13]



[SLIDE 14]



[SLIDE 15]



[SLIDE 16]



Mr. Scott opened for questions.

Mayor Gilbert asked if there were any questions for Mr. Scott. He thanked them for the presentation.

[PUBLIC FORUM]

Mayor Gilbert opened the Public For and invited the first speaker up.

First to speak was **Mary Miskimon** of 3177 Retama Run, New Hill:

"Apex's rapid growth has strained roads, schools, and impacted our daily lives. Yet, the development approval process has continued a status quo and is largely controlled by the Town Council and staff, not residents or developers. The current system allows the Council, the staff, and developers to shape projects without early public input, often leaving citizens out of critical decisions until it's nearly too late to make changes. Instead of blaming developers, the Town Council should make the process transparent and equitable for everyone. In fact, for up to two years before a formal application is made, developers meet with Apex Planners, the town's economic team, and Council members to determine whether a project is feasible. Once satisfied, only then does a developer hold a neighborhood meeting for neighbors within just 500 feet of the proposed development, which excludes many interested parties. After the neighborhood meeting occurs, a formal application is made, and the documents are added to the town's interactive development map for all to see. By now, it's almost too late for the public to effectively impact a proposed development. Is it any wonder residents and developers alike are frustrated by this system? Instead of blaming developers and leaving residents' concerns unmet, why hasn't this Town Council made the process more equitable and transparent? Thank you."

Mayor Gilbert thanked the speaker and called the next speaker.

Next speaker was **Dawn Cozzolino** of 3632 Bosco Road:

"Good evening, Mayor, Town Council, and fellow neighbors. Let me tell you a story. Another sad tale of a farm gone forever. This 110-acre property on Tingen Road sold for $450,000 in 2010, then for just 81,000 in 2014, and now only seven days ago the broker listed it at the stunning price of nearly 35 million. We all know the land will be sold and developed, and my purpose is not to talk about the growth that we see. But what caught my attention besides the eye-popping 35-million-dollar price, and should catch yours, is how confident this broker is that a zoning change will be approved and I directly quote from the listing, Dorify MLS ID10119250: "Apex likely to support a zoning amendment for the office and industrial zoning to a higher density residential zoning." So this is a profound statement to make which changes the 2045 land use map as it stands today and I'm curious why this is stated with such certainty in the ad. Do they expect the Town Council approval just like that and even without any community engagement, just like another transaction? Meanwhile, in reality, traffic is rising, schools are at capacity, tree canopy is disappearing, and developers are having to discount newly constructed high-density housing by as much as 10%. And this seems out of step with what we've watched this year as the Town Council has accelerated approvals for up zonings and that's rural land going to higher density. Just a month ago, we were reminded of Reubin's substantial win against the town of Apex, showing that taking private property unlawfully can be challenged, a case that mirrors the Big Branch pump station and force main lawsuit. Again, a project that is to serve the private development of Veridia. The point tonight is simple: the community is here to be heard, to shine a light on the process, and to hold decision makers accountable. Many of us are watching, documenting, and asking the hard questions, and sometimes it takes the law to ensure accountability. We will continue to raise concerns, demand transparency at every step, and remind the town that public trust is not optional. It's essential. Thank you."

Mayor Gilbert thanked the speaker and called the next speaker.

Next speaker was **Elizabeth Stitt** of 3113 Friendship Road:

"Mayor and Town Council, good evening. I want to bring attention to consent agenda item number eight that you just approved with no discussion tonight. This item is a memorandum of understanding between the town of Apex, the town of Cary, and the town of Holly Springs for engineering studies to evaluate the feasibility of supporting additional wastewater capacity needs for Apex and Holly Springs at the Western Wake Regional Water Reclamation Facility, which is more commonly known as the New Hill Wastewater Facility. This facility has already a huge impact on New Hill neighborhoods that have tirelessly dealt with sewer odor since at least 2022 from the daily treatment of 7.44 million gallons of sewage per day. The study that you just authorized tonight with no conversation is to look at the feasibility

of increasing that facility to 30 million gallons of sewage per day, four times as much as the current flow. If you can't manage the odors today, how do you propose to manage the odors of four times the amount of sewage? The documents included in tonight's agenda packet also state: "Cary, Apex, and Holly Springs have begun discussions to consider wastewater capacity options for Holly Springs." So, we're taking on Holly Springs as well. It references Apex's long-range water resources plan completed in 2023 and a May 2024 North Carolina Department of Environmental Quality study. It is clear that an expansion has been in the works at least since 2023. When was Apex going to be transparent with the New Hill community that this was in the works? Plans like these, quietly worked on and formed years before the impacted community is ever notified, is a violation of public trust. I ask that you right this wrong by scheduling a community meeting to show the respect that the New Hill community deserves, to provide transparency regarding the potential expansion and to understand community concerns before you get too far along and another lawsuit comes up. Thank you."

Mayor Gilbert thanked the speaker and called the next speaker.

Next speaker was **Fran Hudson** of 5524 Rex Road, New Hill:

"I just gave your Clerk notices for each of you, including the Town Manager and the Assistant Town Managers. So, this notice, basically I wanted to highlight the history of the law and what the town, that was obviously founded in 1873, the laws that y'all are under at the time of founding were Battle's Revisal, which was actually the precursor for General Statute 160D. That laid out one of the big points of it, which was number 18. I don't cover all that detail in here because there's a lot of stuff that y'all need to really dig into, and 3 minutes is not enough time for me to go through it all. But the number 18 on Battle's Revisal in Chapter 111, which is for the towns, was for nuisance laws. So, it gave the town the authority to write laws that would abate nuisances for the people. And in 1923, the North Carolina Zoning Enabling Act, it actually came from the Department of Commerce because they put out a kind of a model act for a standard state zoning enabling act that actually gave the ability to use zoning to protect the rights of the people. It was for the health, safety, morals, and general welfare of the people and that was done by regulating commerce because it came from the Department of Commerce. They can only regulate the commerce. So that is really what you're tasked with: to regulate, make regular the commerce so that it protects the rights of the people and the people actually get to determine what our general welfare is. That's not something y'all can come up with and decide, okay, it's the general welfare of the people to put this development here, that's not right, that's why you have the responsibility of providing this public hearing so that we can actually say, "Okay, we don't want this." That's our right to say it violates our liberties, it impacts our property rights, and it's not something that the government has the authority to do. Most people don't know that, because I think we've been taught backwards. The school system does not cover the way that our Constitution lays out the law, and then all of the statutes actually fall under that, so they have to honor the rights of

the people. Let's see. Sorry, losing my place, because I'm going all over the place. One court case that's really interesting that I think you all should go and read was from 1926. It was three years after this zoning statute act was put in place, and it concerned one property owner who wanted to sell his property to a, sorry, to a developer kind of thing, and to get the most money but the people stood up against it and they said no. So, the Supreme Court of the United States actually said, "No, you cannot violate the rights of the people." So just look into that but make sure you read that notice and if you'll put it in the public record so other people can find it and read it, that would be amazing. Thank you."

Mayor Gilbert thanked the speaker and called the next speaker.

Next speaker was **Johnathan Pierce**:

" Thank you, Mayor Gilbert and Town Council members. My name is Jonathan Pierce, and my business partners and I are proud restaurateurs and property owners here in Apex. In 2018, we opened the doors to our first venue in downtown Apex, Scratch Kitchen and Taproom. Since then, we have made investments in projects like TapStation, turning the entrance to our town into a vibrant, inviting community hub. In 2023, we took over a small office space and turned it into Neat and Sweet, a cocktail, dessert, and charcuterie concept that has welcomed more than 50,000 people since opening. Today, we are proud to say we employ 177 people across our Apex locations. My business partners and I would like to thank you in advance for your time in considering our application for a façade grant to improve both the Tobacco Mule Exchange building and Scratch Kitchen and Taproom. As you may know, we recently purchased the Tobacco Mule Exchange building in downtown Apex from out-of-state investors back in March. Since then, we have been working on plans to improve the exterior of the building from the Templeton Street view and the new parking lot perspective. This project will add value to the Apex community and its stakeholders by creating a unique downtown gathering place, increasing seating capacity at Scratch, and beautifying the building from what has become the main entrance with the new town parking lot. The completion of this project will allow us to serve an additional 1,500 people or more per week. The economic impact of this is not just positive for our own businesses, bringing another 1,500 people into downtown means more foot traffic on our streets, more people shopping in our stores, more entrepreneurs making Apex their home, and the addition of a dozen or so new jobs in our community. The proposed project includes several elements. First, it includes a permanent fire pit gathering area along the exterior of Neat and Sweet. This will create an inviting environment as folks approach the building from the parking lot, while also adding seating on colder days. Secondly, we need to address the grass area under the mature crepe myrtle trees on the left side as you enter the property. Despite our best efforts, this area has not been able to grow grass in some time, making it a muddy or dusty mess most of the time. People do like to use this space, but it is currently not very inviting. We would like to create a long-term solution for this problem by investing in a premium turf

solution and keeping the crepe myrtle trees. This would allow us to add games like cornhole or use it for rocking chairs, open to the general public. Lastly, the main project includes a permanent pergola structure that is unlike anything in Apex at this time. The pergola will have a retractable roof system, making it perfect for those surprise rain showers we get often. It will also have windows on all sides that open to allow a breeze when the weather is nice or be closed to protect guests from the weather when needed. With floor-to-ceiling glass panels, this space will be open, airy, and inviting. The pergola structure will add immeasurable value to the Tobacco Mule Exchange building, our businesses, and the Town of Apex alike. We're requesting your support in approving the façade grant application to financially partner with us to bring this project to fruition. With that, I thank the town council for your support of our staff, our businesses, and our future investments in this town. Thank you."

Mayor Gilbert thanked the speaker and called the next speaker.

Next speaker was **Dr. Michelle Hoffner Okconor** of 2664 Jordan Point Blvd, New Hill:

"Good evening. Before I begin, I would like to reference our petition submitted to the town clerk, which as of today totals over 2,100 signatures. Earlier today, the Georgia Department of Community Affairs held an open forum to allow the public to give input on regulations concerning data centers. This follows actions taken by the state earlier this year, which includes a moratorium on builds with planned high energy use and the creation of the "technological facility" classification under the development of regional impact rules. These are meaningful steps in the right direction to ensure protection from the inevitable harms data centers pose to communities. But unfortunately, the creation of these regulations is at least seven years overdue in some parts of the state of Georgia. When Beverly and Jeff Morris bought their home in Newton County in 2016, they planned for it to be forever. A data center for Meta became their new neighbor in 2018. The megawatt usage for this data center is not known to the public. However, The New York Times reports that it uses over 500,000 gallons of water for cooling per day. Meanwhile, the Morris' taps have run dry. They have replaced all their appliances as many as three times since 2019. Their drinking water is unsafe, and they cannot afford the $25,000 needed to replace their damaged well. The other 120,000 people of Newton County are experiencing similar issues and if the county cannot find a way to increase capacity soon, they will be forced to start rationing water within the next five years. How did all of this happen? Because the local and state governments did not ask the developer the extent of resources required to support the data center, and the developer was not required to disclose this information. And while I don't want to jump on Georgia's efforts to make things right for their constituents, this is clearly too little, too late for people like the Morris'. Their home, wallet, and livelihood are irreparably altered. Like Georgia, North Carolina does not have any existing unified regulations for data centers with respect to utility usage, pollution, etc. The number and size of active data centers we can identify is lower compared with other areas of the country with less than 100 overall, and the largest operating at a capacity of 104 megawatts in Cherokee County. Unfortunately, North Carolina has been

declared "the new Virginia," with developers coming forward with new project proposals by the day. Here in New Hill, the proposed data campus is now planned to operate at a capacity of 300 megawatts not the 240 we originally learned about a few weeks ago. For reference, this usage is two and a half times more than what the entire Town of Apex uses at 120 megawatts. Based on the information that is publicly available, this data center, if built based on the specifications known today, will become one of the largest in the state, second only to the proposed 400-megawatt data center near Charlotte, if that is permitted to build. Meanwhile, it is unclear if Duke Energy can keep up with demand and support all these new data centers without adding strain to the grid. As you may already be aware, the Utilities Commission will meet next month to assess just how much capacity exists to support data centers along with the rest of the state. And despite the fact that power is a known concern, these developers are undeterred because they know local and state government are behind in understanding the impact data centers have on communities and have not developed regulations to keep them in check. They wouldn't be good at their jobs if they didn't know how to make these builds sellable. To echo my neighbor Doug Stewart, who spoke here two weeks ago, we are not against data centers as a concept. Computing power is needed, and AI is rapidly increasing demands. However, the well-being of those living in our New Hill communities, the constituents of the Town of Apex, as well as those residing in Wake County and the State of North Carolina, must come first, protections are needed if we are to maintain, and perhaps even augment, the Peak of Good Living, that Apex proudly declares. We need to take the lessons learned in Georgia, California, Virginia, and Texas to heart and get ahead of this before any developer breaks ground here in Apex. Here are some key questions and thoughts to consider: Do data centers, especially of this size, fit the definition of TechFlex or Light Industrial? Based on the definitions provided by the Town of Apex, only Light Industrial accounts for undesirable effects on residential or commercial lands. However, the use of the word "might" in this definition should be subject to scrutiny. We already know, without additional conditions, that undesirable effects will occur in our communities. Does this data center appropriately fit the goals of the 2045 plan? While there is no denying that this land is not marked for new housing, one must ask if it is appropriate to put such a large data center within two miles of eleven distinct housing communities. As the town refers to the 2045 plan as a "living document" and is now moving forward with development of a 2055 plan, Apex should exercise its right to allow for flexibility that favors the well-being of its constituents. Does this data center appropriately align with environmental policies and priorities for the Town of Apex? What if Duke Energy can only guarantee a steady stream of power by turning the coal plants that were recently shut down back on? Is the air pollution that will inevitably be caused by diesel generators going to exceed what is safe for our families? If Cary cannot supply enough wastewater to keep up with cooling demands, where will the additional water come from? What happens when the eventual buyer who utilizes the facility is done with these servers, and these buildings stand abandoned and useless, with parts degrading and settling into the environment over time? Answering these and countless other questions are key to determining if we can allow a data center here at all, and if so, under what conditions. Our group is committed to researching the impact of data centers on communities and

sharing all this information we can with the town council, the planning board, other town boards, and more importantly, the citizens of Apex and beyond. We are committed long-term. We know data centers are coming. If this project isn't approved, there will certainly be another ask from another developer, and we believe development of standard regulations and conditions are needed to preserve everyone's Peak of Good Living. We want to work with you, not against you. We are all on the same side and care deeply for this community. At this time, the Town of Apex needs to be willing to set the terms by asking the developer tough questions, pushing back when the answers are vague, and requesting transparency and consistency for all information the developer must provide. We ask that the town prioritize publication of meeting dates, times, locations, and agendas associated with this application, ahead of required timelines, to ensure the public has ample opportunity to take part in these conversations. Finally, please invite members of our group to contribute to development of conditions associated with rezoning, development, and/or update of relevant ordinances that will regulate data centers, and to long-term planning efforts for Apex, such as development of the 2055 plan. I'm not originally from North Carolina, if you couldn't tell by the speed at which I talk. After spending six years in Carrboro and Durham, my husband and I chose to move to Apex four years ago. Like the Morris', we view our home as our forever home, a place to raise our family. Like so many other people here, I care that New Hill, Apex, and Wake County continue to be feasible to remain my home. The needs of Big Data and AI industries cannot supersede the needs of our community. We ask that you leave no stone unturned as you and other members of the Town of Apex review this application from Natelli Investors, and ask: what, if anything, aligns with the "Peak of Good Living"? Thank you for your time."

Mayor Gilbert thanked the speaker and called the next speaker.

Next speaker was **Hesham Osman** of 3181 Mantel Ridge Drive:

"Mr. Mayor. Hesham Osman, 3181 Mantel Ridge Drive. Council members, town staff, good evening. I'm here again to talk about the utility billing update. I welcome the update from Manager Vossberg. I also watched the video they released on Friday. After I spoke last time, a lot of neighbors, friends, residents reached out to me and indicated they have similar problems, and so I think there's a very large silent majority here in Apex that is fed up with the utility billing issue. And the positive comments today from Manager Vossberg really indicates that we still haven't tackled this problem. There's a little bit of gaslighting happening. On the last bills in the video, he mentioned that it's only the service dates that are wrong. That is the core data on a bill. If your time of service isn't even correct on the bill, how can we as residents trust that anything else on the bill is accurate? Last time we spoke, you indicated that we would not have late fees, that that was a decision by council, no late fees and no disruptions. And my text message reminder today said, "Your bill is due in two days. To avoid late fees and potential service disruptions, pay on time." So that's again in my text message and my email. That seems to be a different message than what Council decided in their work session three weeks ago. So again, continued distrust and lack of confidence by the public in

what's occurring with the utility situation is very concerning, and I understand everybody's working hard. Everybody's trying their best, but it seems that we want to just move on and pretend this problem doesn't exist. And it may very well be that all the bills dollar-wise are correct. But as a resident and as a consumer of this utility, I have no choice but to accept the bill as it is. I can't switch vendors. If this was any other, if this was my cell phone provider, I would have switched providers. If this was any other utility that I had an option to switch, I would and I think right now it may just be a lack of confidence, it may just be lack of communication, but there needs to be a reckoning with the community of how to get past this problem. It's been over a year, and simply saying everything is fine, just move on, is no longer acceptable. So, I really request the Council, town staff, and other stakeholders to come up with a workable solution for the community, communicate it clearly, and execute on it. Thank you."

Mayor Gilbert thanked the speaker and called the next speaker.

Next speaker was **James Jesserer** of 1366 Elk Run Drive:

"Good evening, Mayor, Council members, town officials. In case any of you, including me, are starting to have flashbacks of PTSD, I apologize for that. But I'm not here tonight to talk about the Courtyards on Holt, nor 1305 Holt Road, Force Connections, or anything like that. I am, however, here to follow up on the previous speaker and talk about changes to the to our solar credits. We've received, those of us who have solar panels, received this following communication from the town in which it states that going forward, it's not a date, it's just a phrase, "going forward", you will no longer solar panel consumers or customers will no longer be allowed to use solar credits to offset any of their non-electrical usage. Well, in 2022, after interviewing a half a dozen companies, all of whom who told me about the very generous Town of Apex solar incentive, which was that you could offset any of the town utilities or services and then combine that with a 30% credit that was provided by tax credit by the federal government, we went ahead and installed solar panels. Well, we all know what's happened in Washington, thanks to the Trump administration, we no longer, after the end of this year, will have a 30% tax credit on installation of new solar panels. Now, what we've learned also this month is that effective at some point going forward, we will no longer have the ability to offset any non-electrical services provided by the town. I think that flies in the face of, I think, the green commitment that I know many of you, if not all of you, on this panel share. We all want to encourage the implementation of solar power, and yet we're doing something that is completely counterproductive to that, and we don't make decisions in the Town of Apex in a vacuum, you have to consider what's happened in Washington regarding solar power. So, what I'm asking is, I'm asking for the Town Council to reconsider this decision. I believe that we should continue to incentivize, especially in the light of the decision made in Washington, I believe it's our responsibility to incentivize residents of Apex to adopt solar power. I will also say that in terms of the portal, my bill is either clairvoyant, because it says that it's 9/2 to 9/28, and I'm not sure how it can construct that, or it's 16 days long. It says both

in the portal as of this afternoon. So, the problem, as this gentleman said, is not fixed and so, it's two issues. The portal needs adjustment, but I think we really need to, if we are committed to sustainability and green, we need to review this decision. Thank you very much."

Mayor Gilbert with no one else signed up for Public Forum, closed Public Forum and moved to New Business.

[PUBLIC HEARINGS]

No Public Hearings scheduled.

[NEW BUSINESS]

NB1 Apex Community Land Trust Establishment

Marla Newman, Director, Community Development and Neighborhood Connections Department presented a proposal to create a Community Land Trust. She said that she would be joined in this presentation by Attorney Steve Carr with Ellinger and Carr and Chris Welch, with the Town Attorney's office.

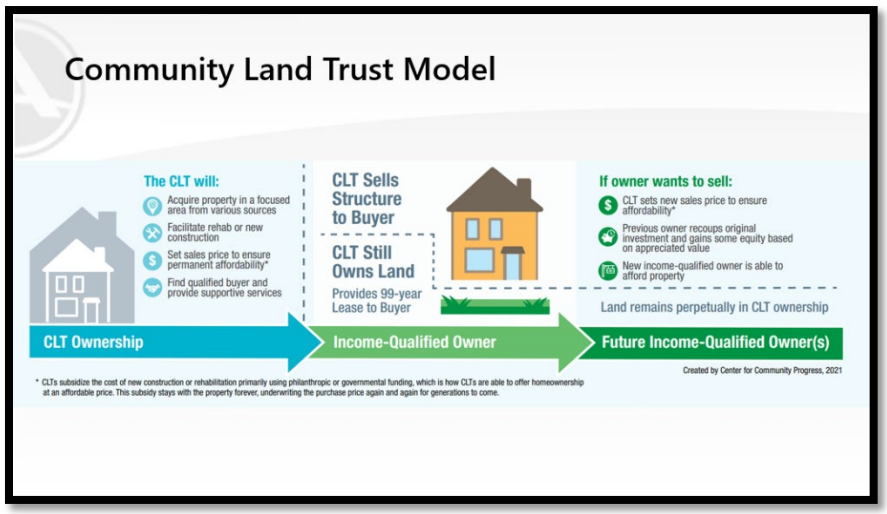
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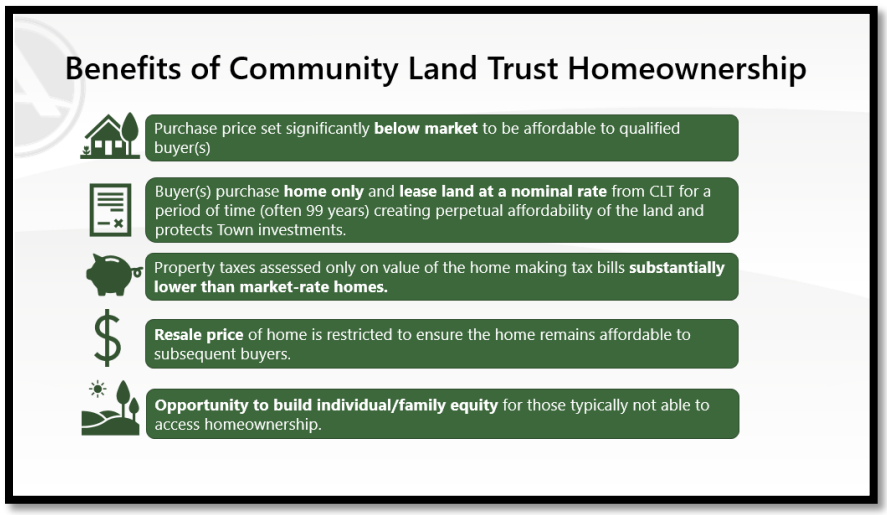
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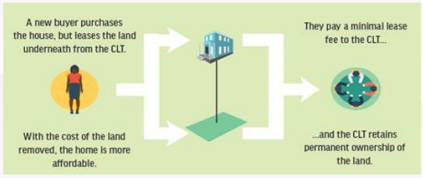
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Community Land Trust (CLT) Example

CLTs use long term land leases (99+ years) to lower costs for renters and homeowners.



Homeownership Example

	CLT Ownership	Regular Ownership
Initial Sale Price	$459,000	$459,000
Assessed Value of Land	-$100,000	$100,000
Total Purchase Price	$359,000	$459,000

[SLIDE 6]

CLT Examples in North Carolina



[SLIDE 7]

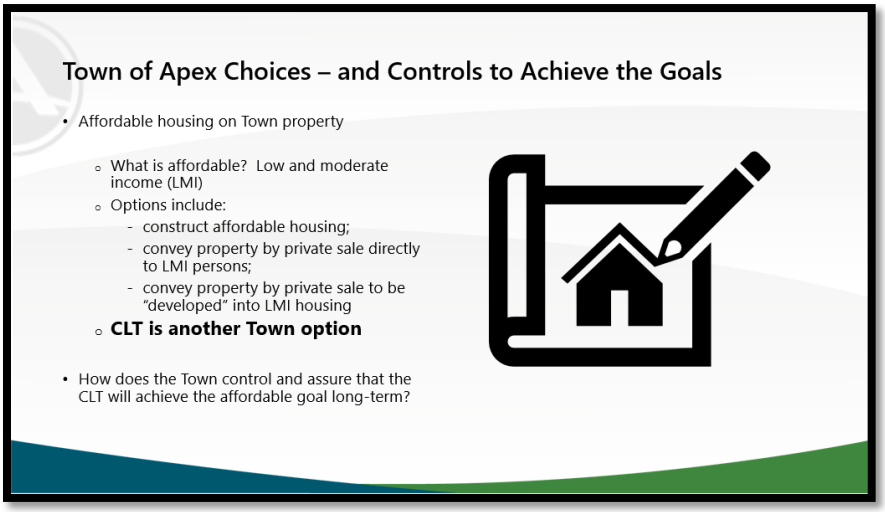
Examples (continued)

- Community Home Trust (Chapel Hill) and Durham Community Land Trust are the oldest and largest of the NC CLTs. Each of these two has more than 300 units each.
- Most boards include a mix of residents and community members
- For Durham (DCLT), 1/3 of the Board is public representatives, 1/3 is community representatives, and 1/3 is resident representatives
  - Not every CLT has a balanced board

[SLIDE 8]



[SLIDE 9]



Mr. Carr thanked the Council and town and introduced his partner, Susan Ellinger, and gave the history of their firm and the types of work they have done in Affordable Housing and Community Development. He then gave this piece of the presentation.

Councilmember Gantt asked what pros and cons were for using the CLT model.

Mr. Carr said that flexibility with the land itself would be established as a nonprofit and would be exempt from the property tax.

Councilmember Gantt asked if the case would be if the land was sold to DHIC or a company for a dollar ($1), it would be tax exempt because they would be nonprofit.

Mr. Carr said that they could claim a nonprofit exemption as well.

Councilmember Gantt said that it would be the same on that matter.

Ms. Newsome said that the concern is making sure that for the long term, once Apex relinquishes the land, Apex has no more control over what happens in the future, so the land could be sold to a land trust that might go defunct and then the control of the land is gone. She said if a trust is created then Apex has the power to appoint the board, determine who

you want to contract with to manage the property, making sure it is sold, developed or rented in the manner Apex sees fit, so it keeps the ownership controlled by the town.

Mr. Carr said another protection would be a possibility of a reverter, so if there was a default and the objectives that is laid out in terms of how this should be affordable over the long term, there is the possibility then the town could take that property back over.

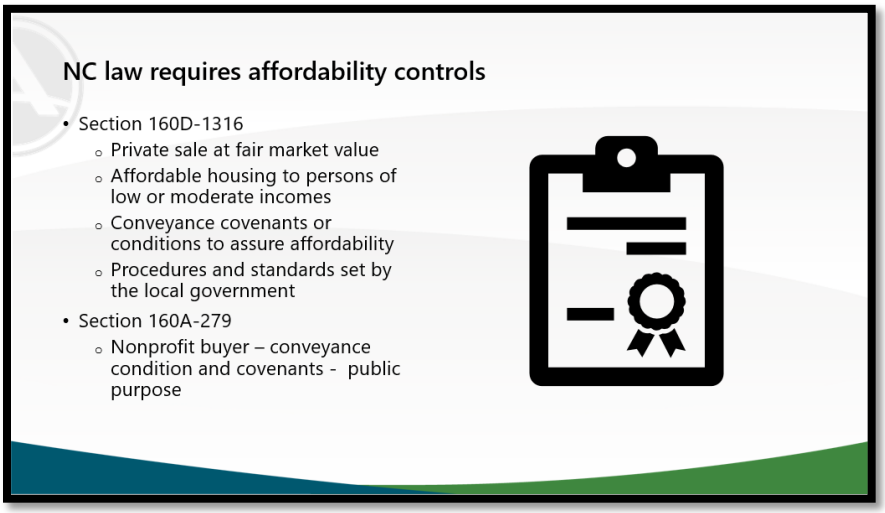
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Councilmember Gantt asked if a future Council did not prioritize affordable housing could they undo the Land Trust and take the property back sell it or whatever they would want to do with it.

Mr. Carr said that it would have to be drawn up in the contract for the sale of the property to establish the transfer of the property which is another element of your control as well. He explained that it is a nonprofit corporation set up and then it will be turned over at some point to a Board of Directors.

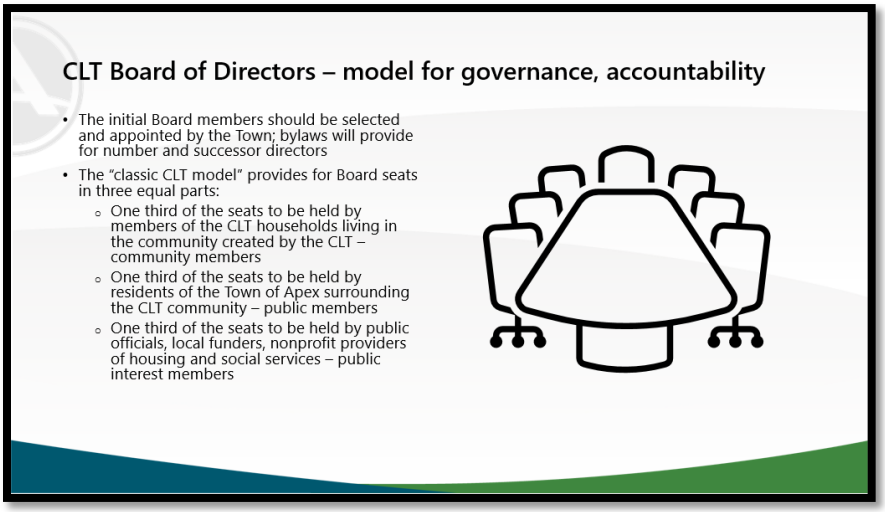
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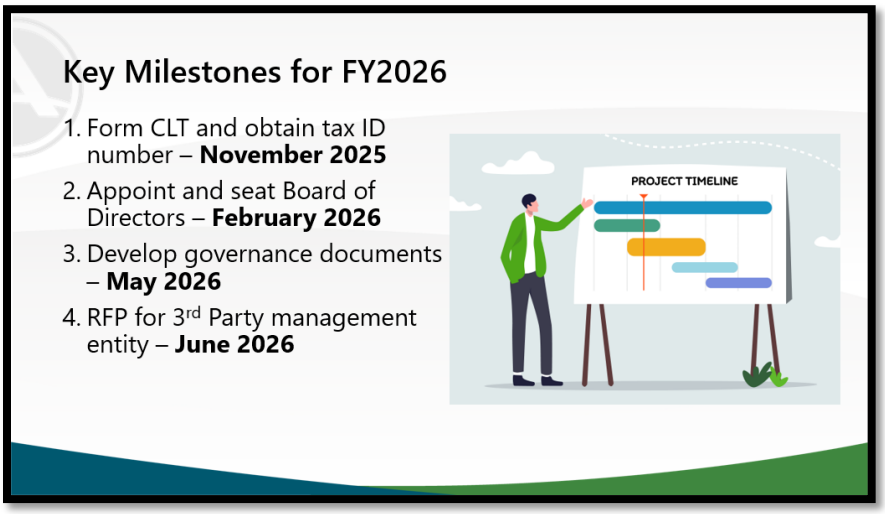


[SLIDE 13]



Mr. Carr turned the rest of the presentation back to Ms. Newsome.

[SLIDE 14]



Ms. Newsome opened up for questions.

Councilmember Mahaffey asked if there would need to be inventory to amortize the cost for the overhead that is over six figures, such as the RFP and getting a third-party management. He asked where they saw the critical mass where this becomes efficient.

Ms. Newsome said that part of it would be how the property is negotiated and gave an example of the 13 acres being used as the first part of the inventory, that was a minimum of 170 units. She said this would be mixed income development. She continued with an overview of the process of balancing the numbers. She said this was a long term because of building home stock.

Councilmember Gantt asked if the CLT's do fundraisers.

Ms. Newsome said she was sure they did fundraise and by working with an existing organization, Apex would be part of their support but they as nonprofits themselves, they have to raise funds for their own operations in addition to looking at their revenues that are generated.

Mayor Pro-Tempore Gray asked if the recommendation was that if this is adopted moving existing property into the CLT or is the strategy for Apex to create the Board and let the CLT identify what property is available and having them make the purchase of the property.

Ms. Newsome recommended that any land that is being looked at for development for housing that it be a part of the trust so that at the outset we are making that statement that we are looking for long-term affordability in a mixed income community and any property that Apex currently owns or may acquire in the future, the proposal would be that it be considered adding it to the trust.

Councilmember Zegerman said that there has been discussion as part of the affordable housing plan, developers instead of building houses and then offering them affordable housing prices to donate lots to us for future development. He asked if this would be able to do lend and lieu type of a donation and add these properties to the trust over time.

Ms. Newsome said that they would be able to add these to the trust.

Councilmember Zegerman asked if there could be a partnership with other parties interested in doing long-term land leases to increase inventory.

Ms. Newsome said that she had not seen a model like that and referred to Mr. Carr.

Mr. Carr said that it may be possible with this being a nonprofit corporation that will have certain set of bylaws or rules that govern how they operate. He said this was a 501c3 and they may have the opportunity to donate.

Councilmember Zegerman asked how would restricting the sales price or the re-sale price work and setting the price level.

Ms. Newsome said that it would be part of the governance documents. She gave an example of how this could work and best practice. She said there would be research to see what would make the most sense for the market.

Mayor Gilbert asked for an explanation of how the 99 years rule and transfer to the family member works.

Ms. Newsome said that depending on how the deed is set up the family member could convey it to their heirs upon their death. She said the heir would have to be income eligible and they would have to qualify as any other subsequent buyer. She said the 99 years is part of the long-term affordability and gave an example. She said that most of the models goes with the 99 years because it cements that this is long-term affordability and makes lenders more comfortable to know that this is inventory, will stay affordable and will participate long-term.

Councilmember Mahaffey asked if the trust would have opportunities for grants or would the land be funded by town funds each year.

Ms. Newsome said that grants could be applied for with this being nonprofit.

Councilmember Mahaffey said that it seemed odd that this is a 501c3 but controlled by government.

Ms. Newsome said that it would not be controlled 100% by government that there would be appointed representatives in the public's interest appointed by the town, community stakeholders and there would be residents of Apex and collectively they would make decisions. She said that the town would have influence through the board that would be appointed originally by the town.

Councilmember Killingsworth said that this was an amazing idea and addresses a need. She said with the 99-year lease, this plan is as close as you can get to perpetuity.

Councilmember Zegerman said it may be easier to ask for commitments from developers and may be able to get larger lots to be put in the trust to safeguard the longevity beyond 10, 20, 30 years which is what is typical.

Councilmember Mahaffey asked if there were other municipalities getting these commitments for donations to land trust in Wake County or North Carolina.

Ms. Newman said that Raleigh area land trust received land from the City of Raleigh.

Councilmember Mahaffey said he was more interested in private developers giving land.

Councilmember Gantt asked if this was how the Presley Huxley property was donated.

Ms. Newsome said that Presley and Huxley's developer partnered with the Raleigh Area Land Trust to meet the affordable conditions that were asked for by Apex. She said that they partnered with the nonprofit.

Mayor Gilbert asked if there was a motion from Councilmember Killingsworth.

Councilmember Killingsworth said this was exciting that this is moving forward and said that she would not be working with this next year unfortunately.

A **motion** was made by **Councilmember Killingsworth** and seconded by **Councilmember Zegerman** to approve Apex Community Land Trust Establishment.

VOTE: UNANIMOUS (5-0)

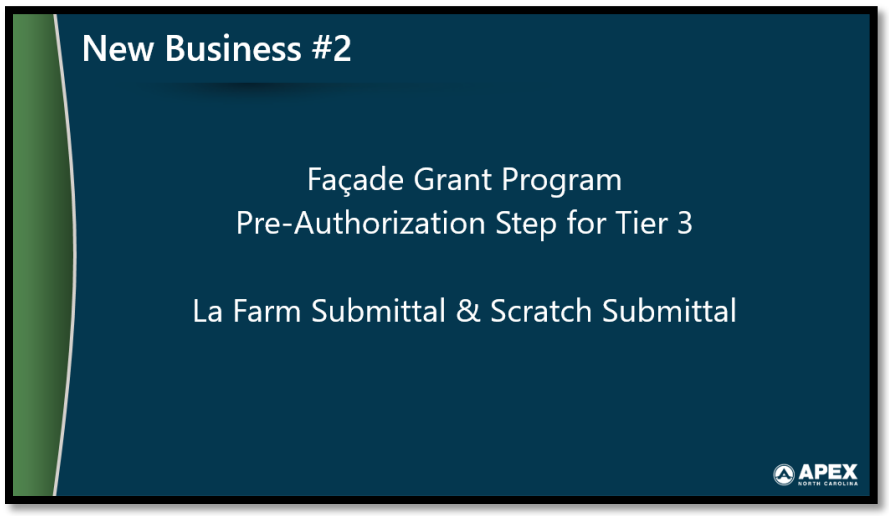
Mayor Gilbert announced a ten-minute recess at **8:10 p.m.** The meeting stood in recess.

Mayor Gilbert reconvened the meeting at **8:22 p.m.**

NB2 Façade Grant Program – Pre-Authorization Step for Tier 3, La Farm Submittal, and Scratch Submittal

Dianne Khin, Director, Planning Department said the purpose of the Apex's Façade Grant program, tier 3 grants was to provide incentive funds in the form of a matching grant to property owners to increase rehabilitation activity and encourage appropriate attractive improvements to downtown buildings and properties increasing their longevity and raising property values. She gave the following presentation.

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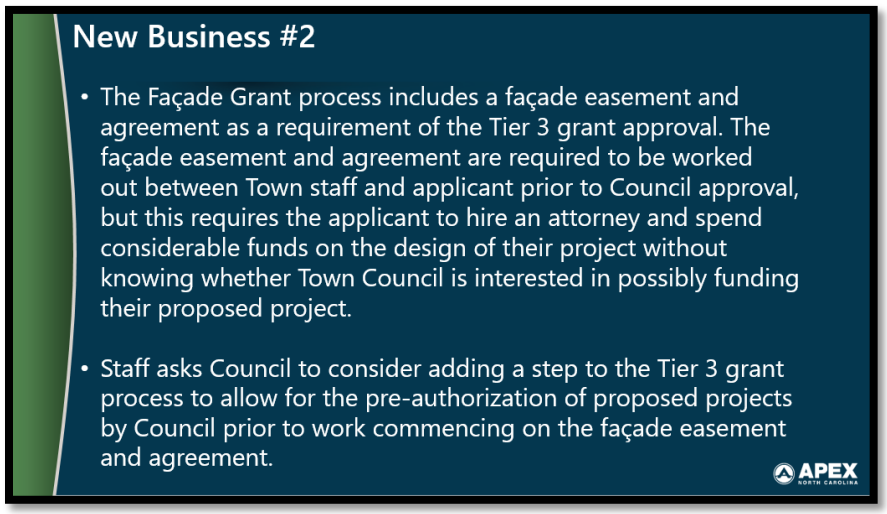
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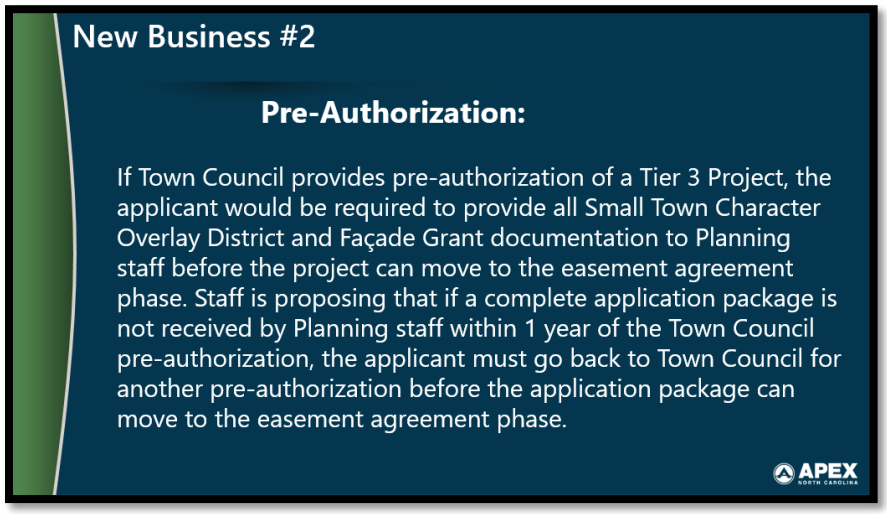
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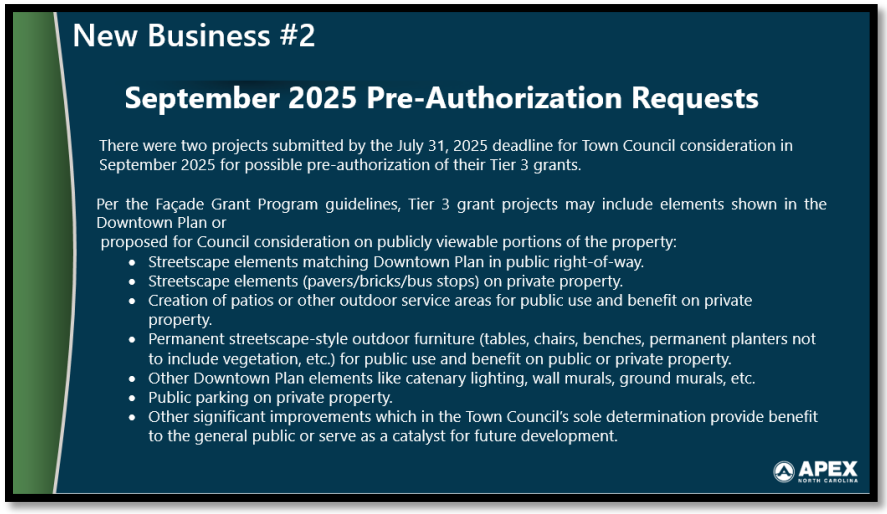
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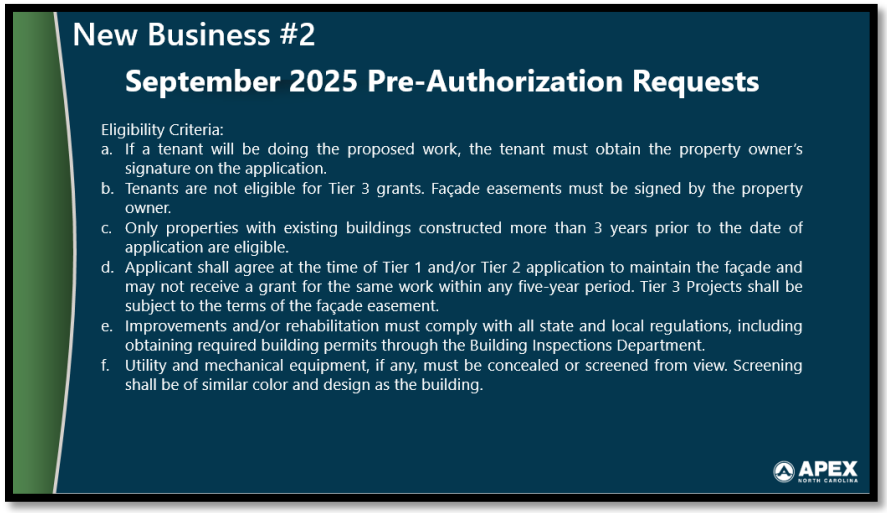
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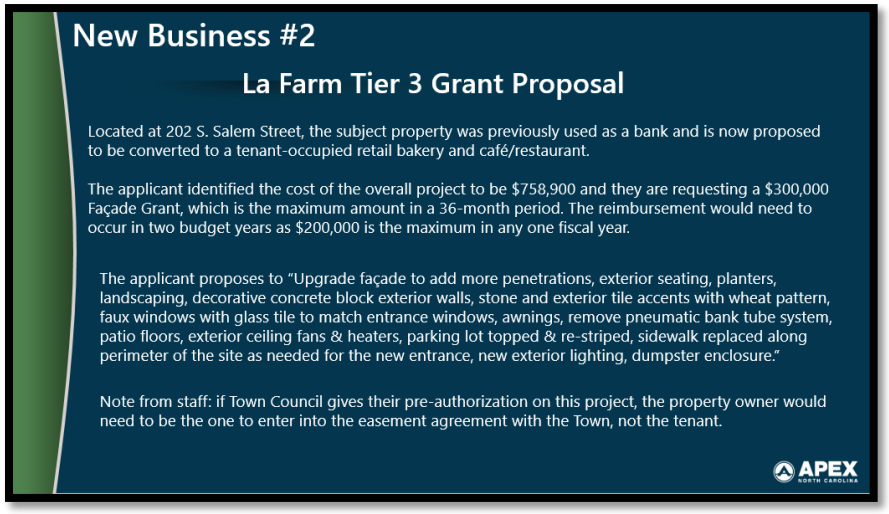
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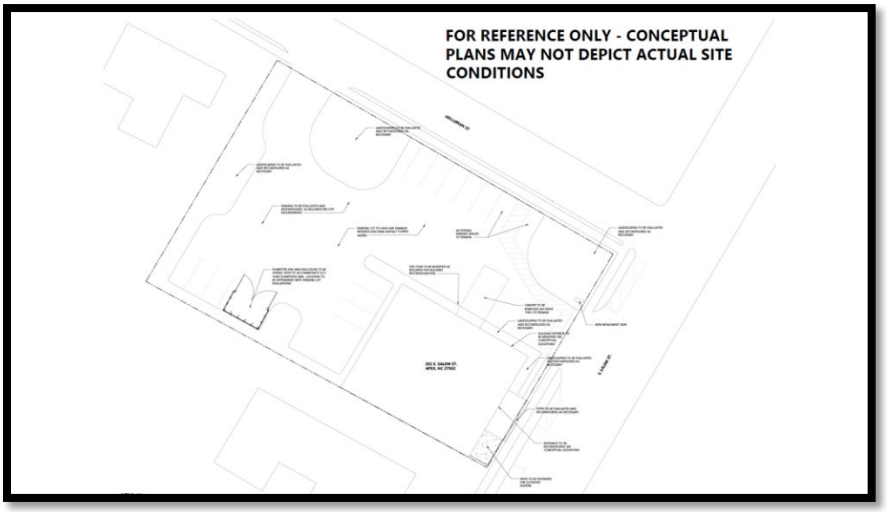
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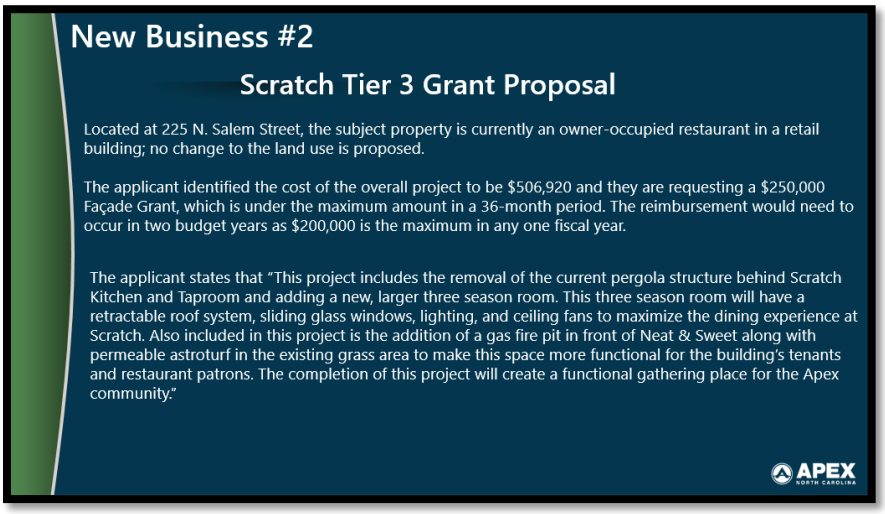
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[SLIDE 13]



[SLIDE 14]



[SLIDE 15]



[SLIDE 16]



[SLIDE 17]



Ms. Khin opened for questions.

Mayor Pro-Tempore Gray asked if in the pre-authorization process, would the requirements for La Farm and Scratch's proposal, regarding the standards of the UDO still need to be met.

Ms. Kihn said that there is not a complete application at this time. She said that staff have worked with Scratch extensively with the details and they will have to meet the UDO and all of the requirements.

Councilmember Gantt asked once the pre-approval process happens, would this come back to Council.

Ms. Kihn said it would come back to Council because it is an easement agreement.

Councilmember Mahaffey asked what the annual budget was for this.

Town Manager Vosburg said this went to multiple committees and was talked about in the budget committee, planning committee and with Council and it was contemplated an application a year with an estimate of $200,000 but there was not a budget line item due to not knowing the timing of the awards. He said that it was understood that this would be pulled from reserves once there was an application and because it is a reimbursement once because of not know the fiscal year that the allocation would be made. He said that there has been planned $200,000.00 per year.

Councilmember Killingsworth said that it was recommended that the seating is made available for public use and not only for Scratch and the same for La Farm.

Ms. Kihn said understood.

Councilmember Gantt said that there is a private benefit and a public benefit and the seating will be for the customer. He said that both of these projects would increase the activity in the area in a good way and it wasn't said that they have to create a park for everybody in the program.

Councilmember Killingsworth said that in the Façade grant requirements the main purpose is that the public has use of it in some way.

Mr. Jonathan Pierce said that only half of the project is being shown, and the other half is half of the Tobacco Mule Exchange building which will have a fire pit and open to the public. He said they want to increase the accessibility to the town and make it more of a gathering place.

Mayor Gilbert thanked the speaker and asked if there was a possible motion.

A **motion** was made by **Mayor Pro-Tempore Gray** and seconded by **Councilmember Zegerman** to approve the Façade Grant Program – Pre-Authorization Step for Tier 3 grant process.

VOTE: UNANIMOUS (5-0)

Councilmember Zegerman said that the intention of the Tier 3 Façade Grant program was to help expand and revitalize the downtown, specifically between Chatham Street and Highway 55 and the La Farm renovation aligns with that vision. He said that this project is contributing extend the downtown towards the Justice Hights increasing foot traffic and attracting more business.

Mayor Pro-Tempore Gray was in agreement with Councilmember Zegerman's statement. He supports this project and encourages others to take advantage of the program.

Councilmember Mahaffey asked if the intention was that every Façade project downtown is going to be funded 50% by this project. He said that these two projects are well qualified and exciting projects but is looking at long term and thinking about what might happen with the program with the cost of pre-authorizing this.

Councilmember Gantt said in the Planning Committee there was a built-in vote on the tier three and now a pre-authorization and there would have to be at least two votes that will have to be affirmative to proceed with the future ones. He said there may be unfairness that come up and that's a consequence of trying to make these investments.

A **motion** was made by **Mayor Pro-Tempore Gray** and seconded **Councilmember Gantt** by to approve Pre-Authorization for tier three grant proposal for La Farm Submittal.

VOTE: UNANIMOUS (5-0)

Councilmember Zegerman said that he will give a pre-approval but cautioned that pre-approval doesn't automatically imply final approval because it ultimately comes down to the final plans, cost and UDO requirement are met.

Councilmember Gantt asked if Councilmember Zegerman was suggesting a change in the map of the eligible parcels.

Mayor Pro-Tempore Gray said it was important to remember that if things are getting out of hand the Council has the authority to address issues at that time.

Councilmember Killingsworth said that she respectfully requests something other than astroturf and can be discussed later during the process.

Mayor Gilbert said that if there is anything that is needed to move this forward, they will help if possible.

Councilmember Gantt said that if there was a report from the Planning staff that summarizes the projects after projects are final with stats of visitors or property value increases it may be helpful for future Council to make these decisions.

A **motion** was made by **Mayor Pro-Tempore Gray** and seconded by **Councilmember Gantt** to approve the Façade Grant Program – Pre-Authorization Step for Scratch Submittal.

VOTE: UNANIMOUS (5-0)

NOTE: NB3-NB6 was recommended to be deferred until the September 23rd meeting.

~~**NB3 Appointments – Culture and Arts Advisory Board (CAAB)**~~
~~*Allen Coleman, Town Clerk*~~
~~**NB4 Appointments – Environmental Advisory Board (EAB)**~~
~~*Allen Coleman, Town Clerk*~~
~~**NB5 Appointments – Multimodal Transportation Advisory Board (MTAB)**~~
~~*Allen Coleman, Town Clerk*~~
~~**NB6 Appointments – Planning Board (PB)**~~
~~*Allen Coleman, Town Clerk*~~

NB7 Appointments – Planning Board (PB) – Chair and Vice-Chair

Clerk Coleman, said there was a change in leadership with Tina Sherman resigning from the Planning Board on August 11th and the motion is to appoint Tim Royal as the Chair of the Planning Board and to confirm Keith Braswell as Vice-Chair for the remainder of 2025.

[SLIDE 1]



Mayor Pro-Tempore Gray thanked Ms. Sherman for her services to the Planning Board.

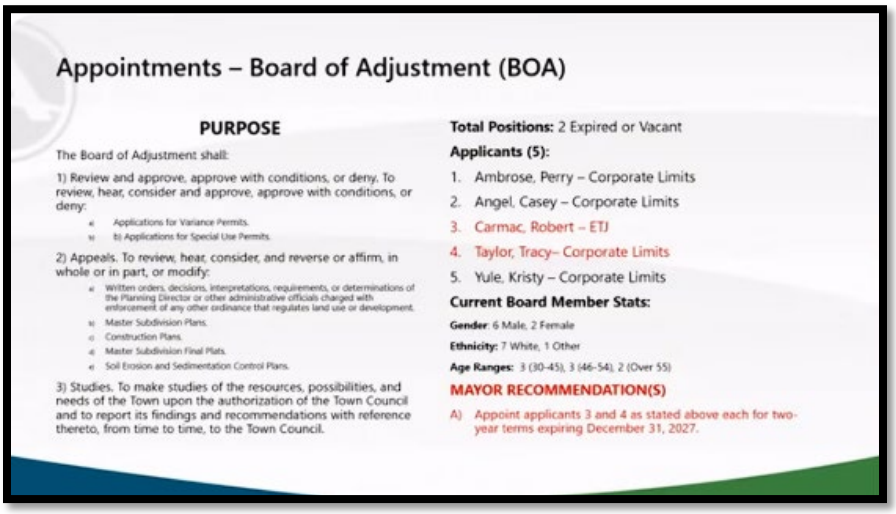
A **motion** was made by **Councilmember Zegerman** and seconded by **Councilmember Gantt** to appoint Tim Royal as Planning Board Chair and to confirm Keith Braswell as Vice-Chair for the remainder of 2025.

VOTE: UNANIMOUS (5-0).

NB8 Appointments – Board of Adjustment (BOA)

Clerk Coleman said that there are two positions on the Board of Adjustments that have expired. There was an additional recruitment period and with that that there were 5 applicants. He said the Mayor was recommending appointment of applicant three and four, Robert Carmarmac for the ETJ and Tracy Taylor for the Corporate Limits for the two terms both that will expire December 31, 2027.

[SLIDE 1]



Mayor Gilbert said that Dr. Taylor has served on the Board of Adjustment and has done very well with no issues reported and also the same as Robert Carmac. He said that he is nominating Tracy Taylor and Robert Carmac to the Board of Adjustment consistent with the established process and procedures, as one slate and as the complete recommendation. He said that if the slate was not approved, he will have no other names to recommend at this meeting.

Councilmember Gantt made a motion to separate these two nominations.

Councilmember Killingsworth seconded the motion.

Mayor Gilbert said to wait and that he had to rule on that motion. He said the names were being presented as one slate and that there's was no standing motion on the slate. He said that Robert's rules do not allow Councilmembers to separate the motion at this time. He said that the nomination is for the slate of Tracy Taylor and Robert Carmac and if that was not the motion, he would withdraw his nomination as he had no other names to present tonight.

Councilmember Mahaffey called for a point of order and said that there is a provision in the Town's Charter Section 2-35, Division of Question, and proceeded to read the Charter reference: "If a question under discussion contains several distinct propositions, the same shall be divided at the request of any member and a vote taken separately; but a motion to strike and insert shall be indivisible." He said that in fact the Town's Charter had a specific rule related to this type of division.

Mayor Gilbert said that at this time he was not going to allow that and asked for Robert's Rules manual.

Attorney Hohe said that because the town has an independent rule, Robert's rules would not overrule the existing rule.

Mayor Gilbert said that he did not have a recommendation at this time and withdrew his recommendation. He said that he had no names to present at this time.

Mayor Pro-Tempore Gray said that there was a motion and a second on the floor.

Mayor Gilbert said that he had not ruled on the motion.

Mayor Pro-Tempore Gray said that he understood but that there had been a motion and a second. He asked if the motion still needed to be voted on procedurally since it had received a second.

Mayor Gilbert said that he had two names for recommendation and that he was presenting them as one slate. He said that he previously stated if a motion was not to approve that slate then he would withdraw those names and his recommendation. He said since there was not a motion to approve he would withdraw those two names and have no recommendations for tonight and that he was done.

Mayor Pro-Tempore Gray said that he understood that the names were withdrawn but there is a motion and a second made and it needs to be voted on.

Mayor Gilbert said that there were no names to strike because had withdrawn his recommendation.

Councilmember Killingsworth called for a point of order and requested that the Town Council decide whether this motion is in order.

Mayor Gilbert asked what Council had against Dr. Tracy Taylor for being on the Board of Adjustment.

Councilmember Gantt said that he did not want to speak about this matter publicly because it was about a resident and that he had mentioned this to the Mayor previously. He said that there was a Board of Adjustment (BOA) case on Holt Road. He said that after reading the transcript it was evident that residents were inappropriately hostile and questioned the integrity of the town staff. He said that he did not like that because the town staff work hard and that many town staff get their integrity questioned all the time by residents and it's inappropriate. He said in the transcript that Dr. Taylor supported them as far as he could tell and there was a public forum speech that she gave reiterating her support of those residents. He continued by saying that any Board Member who supports residents that are inappropriate to our town staff, for him it was a hard no. He said that he made a recommendation to the Mayor to not nominate her in the next round of appointments. He said it was highly inappropriate for Dr. Taylor to support residents who had mistreated staff.

Mayor Gilbert said that he remembered Councilmember Gantt sharing this with him and that he had asked for specifics and haven't received any about Dr. Taylor's conduct or behavior while serving on the Board of Adjustment. He said that Dr. Taylor continued to serve on the Board of Adjustment, and that it had been seven or eight months since her term technically expired. He asked if she was not fit to serve, why she would still be able to participate on the BOA.

Councilmember Gantt said that Dr. Taylor had overstayed her term because that was allowable until her replacement was named.

Councilmember Zegerman said that Dr. Taylor had overstayed her term and that the new bylaws and policy was to not allow this moving forward.

Mayor Gilbert said that he doesn't have any recommendations at this point.

Councilmember Zegerman responded to the question as to why Dr. Taylor is still serving on the Board of Adjustment and said that it is because the current bylaws do not automatically remove a board member when the term expires. He said this has been changed

by the new rules put in place and starting at the time of the swearing in of Council in December.

Mayor Gilbert said he appreciated that information and that he already was aware of those rules.

Councilmember Zegerman said that he would appreciate the Mayor not asking rhetorical questions if he already knew the answer to them.

Mayor Gilbert said that he could do this going forward and restated his position that he did not have any names for recommendation at this time.

Councilmember Killingsworth said that there were still several motions on the table that had not been acknowledged, and that this action directly violated Robert's rules of order.

Mayor Gilbert asked where the policy was related to this matter.

Councilmember Killingsworth said that each elected board member had agreed to follow Robert's rules and have been doing so since they were elected to office and chose to serve on this Council. She said that for some reason, this is a rule that the Mayor was choosing not to follow.

Mayor Gilbert said that he did not have any names to recommend tonight.

A **motion** was made by **Councilmember Gantt** and seconded **Councilmember Killingsworth** that Robert's rules be suspended for this case and referenced 50-C.

VOTE: UNANIMOUS (5-0).

Mayor Pro-Tempore Gray announced the motion carried unanimously.

Councilmember Killingsworth made a motion to appoint Robert Carmac to the ETJ position on the Board of Adjustment.

Mayor Gilbert called a recess at **8:53 p.m.** to speak with an attorney and to go over a memorandum of law. He said the meeting was in recess until **9:30 p.m.**

Councilmember Mahaffey said that a recess could not be declared. He said the chair could ask for unanimous consent to declare a recess but that the Chair solely could not declare a recess.

Mayor Gilbert continued to announce the meeting was in recess.

Councilmember Mahaffey called for a ruling from the parliamentarian.

Mayor Gilbert said there is no parliamentarian and that the meeting was in recess.

Councilmember Zegerman said that the meeting was not in recess.

Attorney Hohe asked if the Council will like direction on how to proceed.

Council verbal consensus was yes.

Councilmember Gantt said he recommended the continuance with Councilmember Killingsworth's motion.

Mayor Gilbert said he was requesting a memorandum of law to come back and pick this item up on a later date. He said there are unprecedented things going on and he declared recess.

Councilmember Killingsworth said there is a motion.

Mayor Gilbert declared recess.

Councilmember Killingsworth said she is going to repeat her motion, which is to re-appoint Robert Carmac of the ETJ to the Board of Adjustment and to move up Alternate 1 to the open position on the Board of Adjustment.

Mayor Gilbert said he's not accepting the motion and said the meeting was in recess.

Councilmember Gantt said he would second that motion.

Mayor Gilbert said as the Mayor of the Town Council and the Chair of the Board, he has declared recess.

Councilmember Killingsworth said that their was a motion and second on the floor.

Mayor Pro-Tempore Gray said he would like to having a ruling with regard to which direction the Council should take when there has been a suspension of Roberts Rules.

Mayor Gilbert said the Town has never suspended Roberts Rules and this would set a dangerous precedent and this has not been done on any other board appointments. He said he did not understand why this was being pushed at this point in time.

Councilmember Zegerman asked who was chair of the meeting right now.

Attorney Hohe said that an individual Council member or Mayor cannot declare recess on their own, it requires a motion and a second and a vote. She said that however, the Mayor has been adjourning meeting or declaring a recess without objection of the body and it seems here there is an objection of the body to recess. She said that without a motion and a second to go into recess, it cannot be unilaterally declared by any one member.

Attorney Hohe said that right now there has been a suspension of the rules with respect to the matter of the Board of Adjustment appointments, there is a motion to, if heard correctly, to nominate or appoint Robert Carmac and to move the first alternate up to the other position.

Councilmember Gantt said that was correct.

Attorney Hohe said that she would need to defer to the Clerk on whether there had been a second on the standing motion or not.

Clerk Coleman said that there was a second and that Councilmember Gantt seconded Councilmember Killingsworth's motion.

Mayor Pro-Tempore Gray asked if there is a motion and a second motion, who calls for the vote.

Attorney Hohe said if the mayor is unwilling to call for the vote, then any of the remaining members could technically call for the vote. She said that normally this type of role would be the Mayor Pro-Tempore's responsibility but that technically any member of the body could call for the vote.

Mayor Gilbert asked Attorney Hohe for that in writing.

Councilmember Killingsworth called for the vote.

All members voted in the affirmative to accept the motion.

Councilmember Killingsworth announced the previous motion to appoint Robert Carmac and to move up Alternate 1 (Michael Sayers) to the Regular seat, had passed unanimously.

CLERK NOTE: The motion is restated below for convenience in reference.

A **motion** was made by **Councilmember Killingsworth**, seconded by **Councilmember Gantt** to re-appoint Robert Carmac of the ETJ to the Board of Adjustment (BOA) and to move up Alternate 1 to the open position on the Board of Adjustment (BOA).

VOTE: UNANIMOUS (5-0)

NB9 Appointments – Board of Adjustment (BOA) – Chair and Vice-Chair

Councilmember Killingsworth made a recommendation to send this back to the Board of Adjustment for them to self-select a chair and vice chair with the new members.

Councilmember Gantt asked if Robert Carmac could chair the meeting or is he the current chair.

Councilmember Killingsworth said Mr. Carmac was the current chair and she withdrew her recommendation. She then made a motion to appoint Robert Carmac as Chair and to send back the decision for Vice Chair to the Board for their recommendations.

A **motion** was made by **Councilmember Killingsworth**, and seconded by **Councilmember Gantt** to appoint Robert Carmac as Chair and to send back the decision for Vice-Chair to the Board of Adjustment for their recommendation.

VOTE: UNANIMOUS (5-0).

[CLOSED SESSION]

A **motion** was made by **Councilmember Gantt,** seconded by **Councilmember Zegerman** to move to closed session at **8:58 p.m**.

VOTE: UNANIMOUS (5-0)

Council entered into closed session at **8:58 p.m.**

Mayor Gilbert exited the meeting at **8:58 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".

Mayor Pro-Tempore Gray called the meeting back in open session at **9:15 p.m.**

A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember Killingsworth** proceeding with eminent domain proceedings related to street and sidewalk project along North Salem Street for the improvement of the Downtown Streetscape.

VOTE: UNANIMOUS (5-0)

[ADJOURNMENT]

Mayor Pro-Tempore Gray adjourned the meeting at **9:15 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 14, 2025 (CN11).

APPROVED MEETING MINUTES

TOWN OF APEX
TOWN COUNCIL WORK SESSION
TUESDAY, SEPTEMBER 16, 2025
3:30 P.M.

The Apex Town Council met for a work session on Tuesday, September 16, 2025 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=hr5nsXyQC9o

[ATTENDANCE]

Elected Body
Mayor Pro-Tempore Ed Gray (presiding)
Councilmember Brett Gantt
Councilmember Audra Killingsworth (arrived late – noted below)
Councilmember Terry Mahaffey
Absent: Mayor Jacques K. Gilbert and Councilmember Arno Zegerman

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 Pro-Tempore Gray called the meeting to order at 3:30 p.m., welcomed everyone, and led everyone in the pledge of allegiance. He then asked Town Manager Vosburg to give updates.

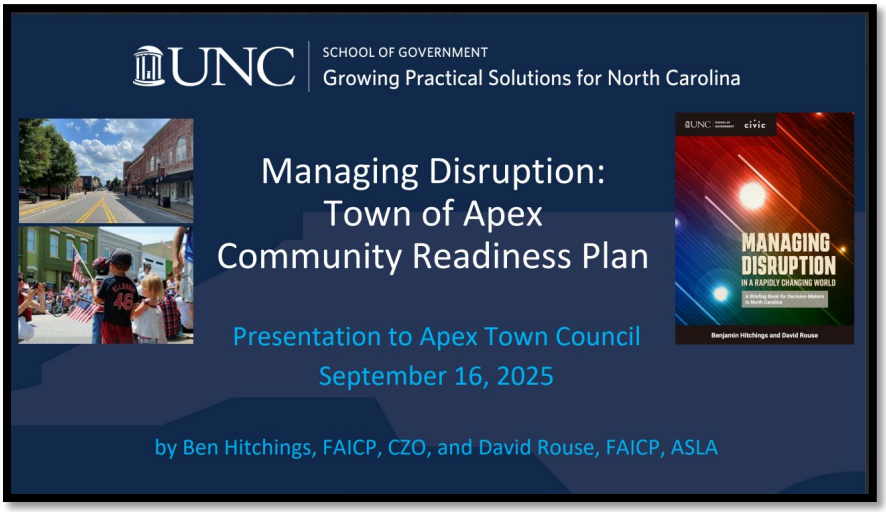
Town Manager Vosburg asked Shannon Cox, Long-Range Planning Manager, to introduce the Community Readiness Plan.

[COMMUNITY READINESS PLAN ISSUE SCAN]

Ms. Cox said this was the town's first community readiness plan with the School of Government. She introduced Ben Hitchings and David Rouse of the School of Government that would facilitate an in-depth description of the Community Readiness Plan. She asked Mr. Hitchings to begin.

Mr. Hitchings said that he was a fellow at the School of Government and Principal of Green Heron Planning Consulting in Durham. He introduced David Rouse, a Fellow of the School of Government and Principal of David Rouse Consulting and former Research Director for The American Planning Association and Michael Welker, the Director of Research and Policy Partnership Programs. He gave the following presentation:

[SLIDE 1]



[SLIDE 2]



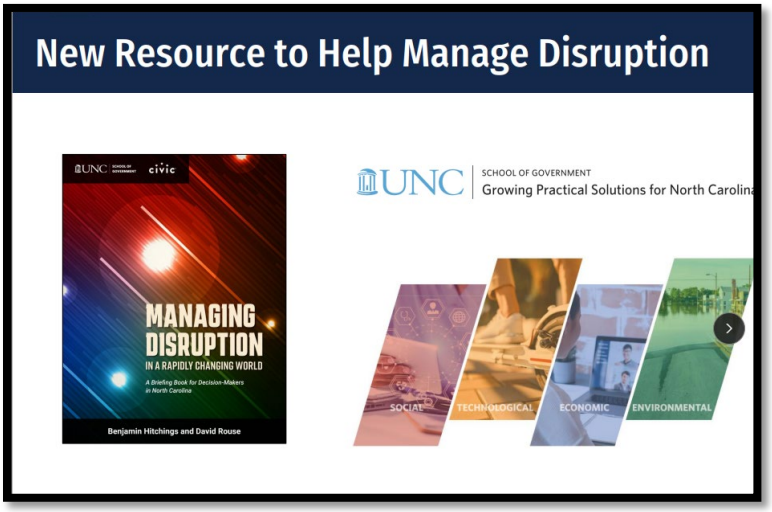
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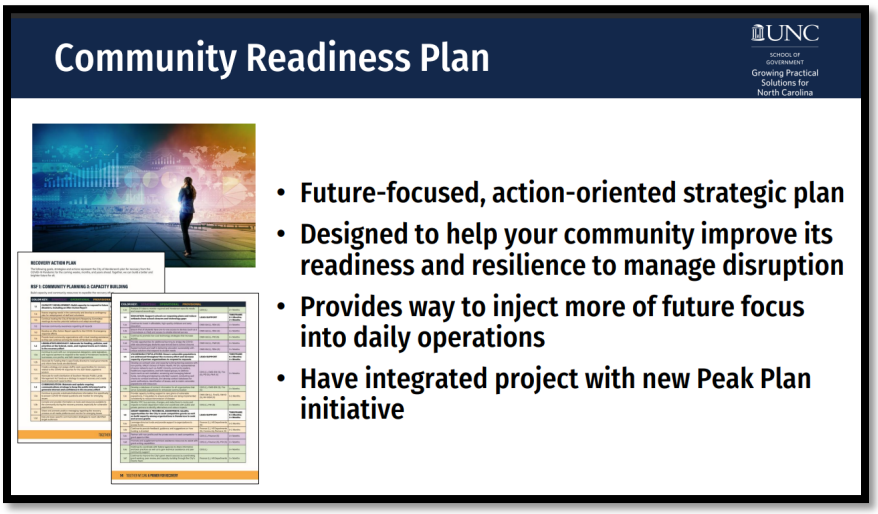
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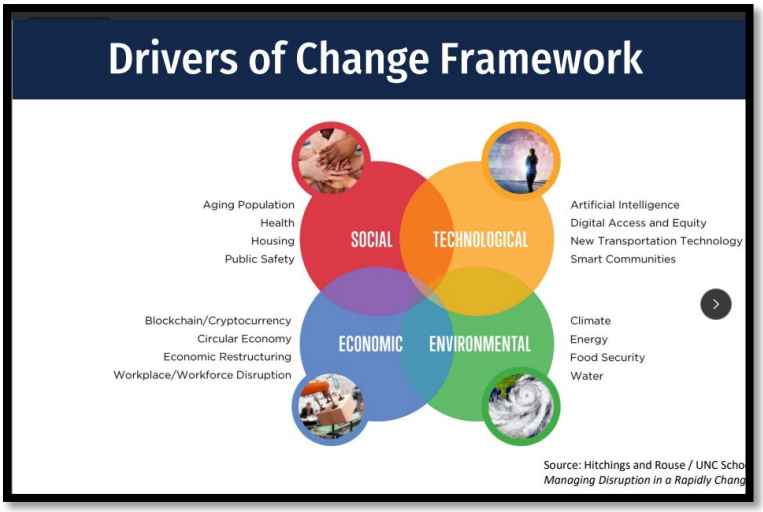
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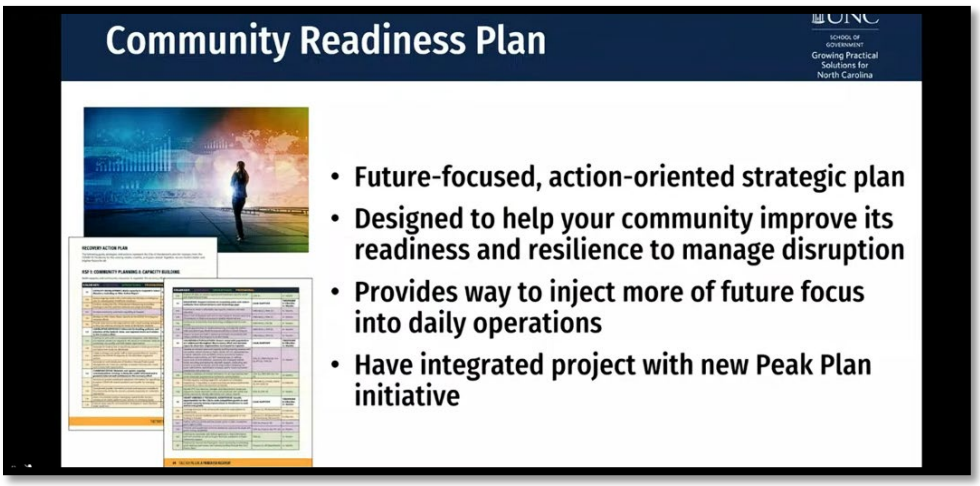
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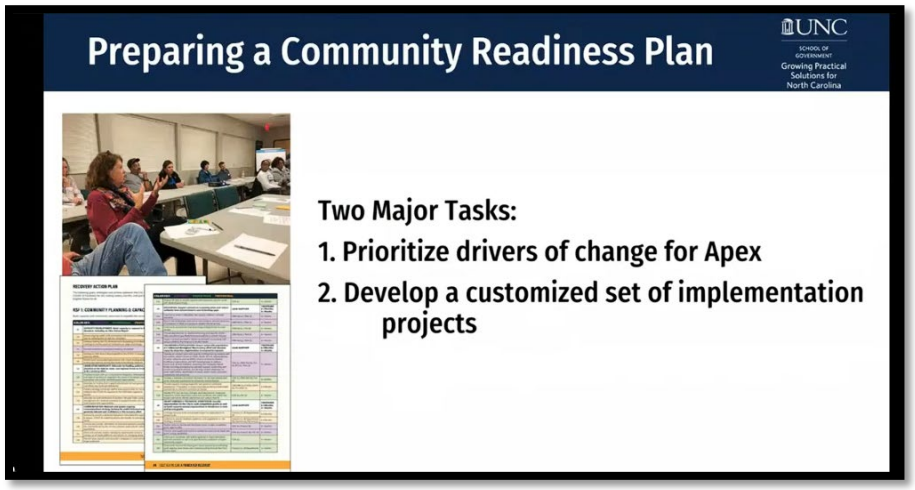
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[SLIDE 8]



[SLIDE 9]



[SLIDE 10]



[SLIDE 11]



[SLIDE 12]



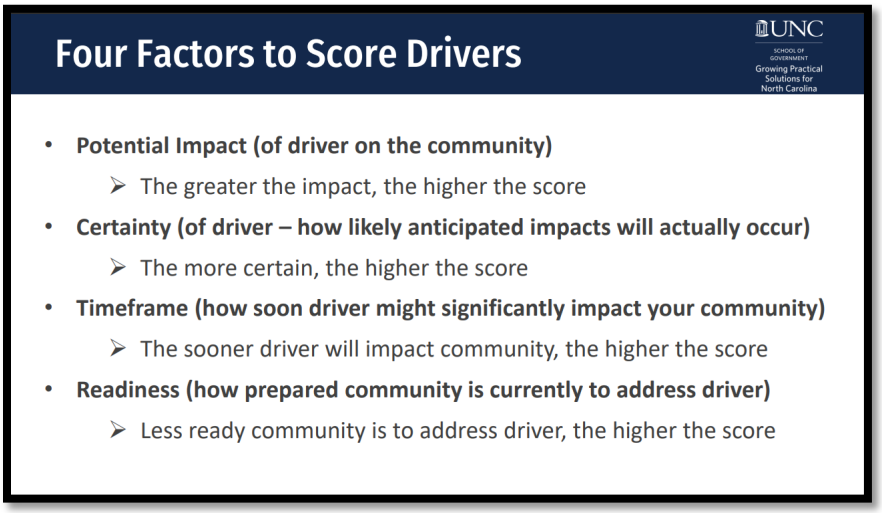
Issue Scan | Scoresheet | Briefing Book

Councilmember Killingsworth arrived at **3:47 p.m.**

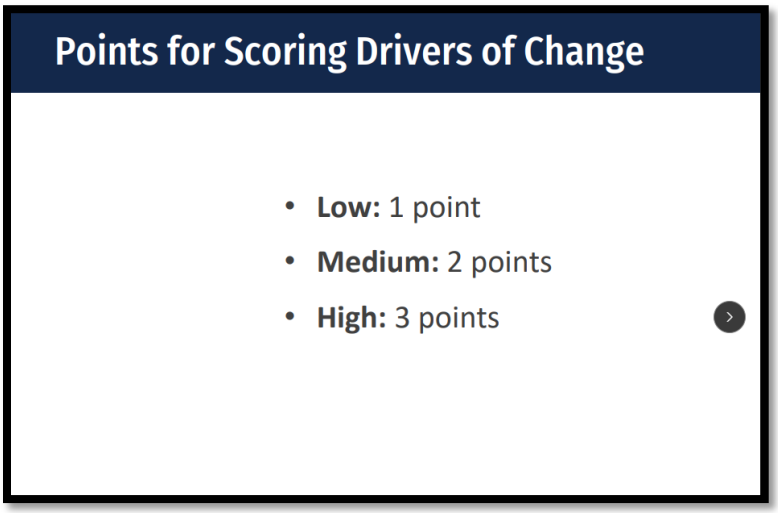
Councilmember Gantt asked how Apex pays for the large cost of the risk that is being mitigated.

Mr. Hitchings said that some analysis is beyond the scope of the project and with the help of the Town Manager and staff can begin scoping out the different projects. He said that occasionally there are third party sources such as ARPA funds or grants from the Golden Leaf Foundation or a private foundation. He said these details will come into play with looking at different implementations of projects and these will be looking at later on in the project.

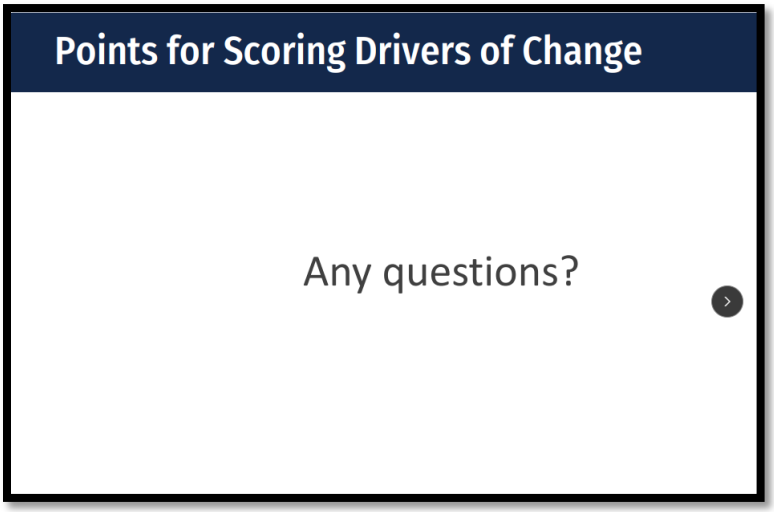
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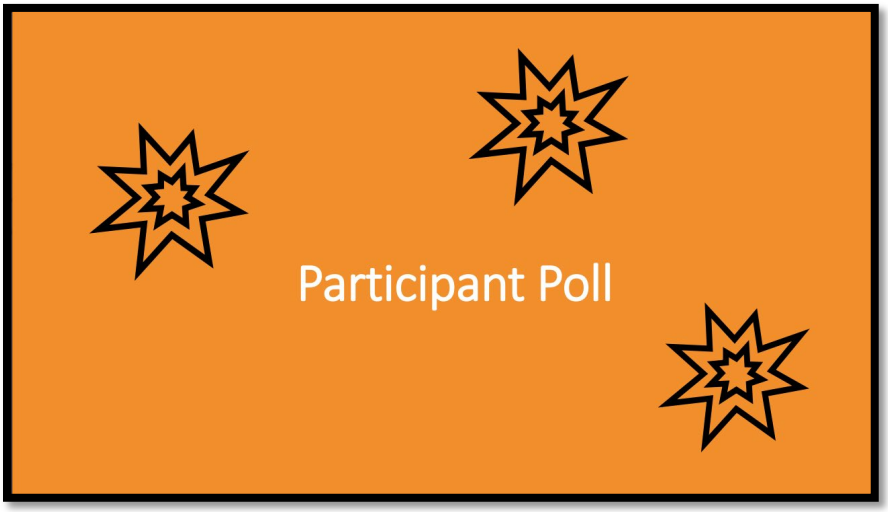
[SLIDE 14]



[SLIDE 15]



[SLIDE 16]



[SLIDE 17]



Mr. Rouse gave this part of the presentation.

Councilmember Mahaffey asked for clarification in the scoring metrics and asked for clarification as it related to the potential impact being a 1 verses a 2.

Mr. Rouse said the Town of Apex had a lot to offer aging residents in terms of facilities and programming, which was not common in other jurisdictions.

Councilmember Killingsworth said that they were attempting to address aging with 55 plus communities and this is part of the planning.

[SLIDE 18]



[SLIDE 19]



Mr. Rouse encouraged discussions and thoughts.

Councilmember Killingsworth said she would rate each of these a three with the lack of people of going into health care and the wait to see providers with restricting of health care. She said that there were not enough mental health providers to support the needs.

Councilmember Gantt said that if this was in Greenville he would agree, but not in Apex. He said that Apex is comparable to health-related resources relative to others in the state.

Councilmember Killingsworth said that she disagreed.

Mr. Rouse said that there may be some adjustments made to potential impact and time frame.

Councilmember Killingsworth said that Apex is a young community and there are no OBGYN practicing in Apex.

Mayor Pro-Tempore Gray asked if this included resources 15 to 30 minutes outside of Apex.

Mr. Rouse said that it is a combination of the responsibilities to the community and the readiness and access to the residents.

Councilmember Gantt said that other areas are less healthy and Apex needs to be better than those areas.

Mayor Pro-Tempore Gray said that that was his thought process too.

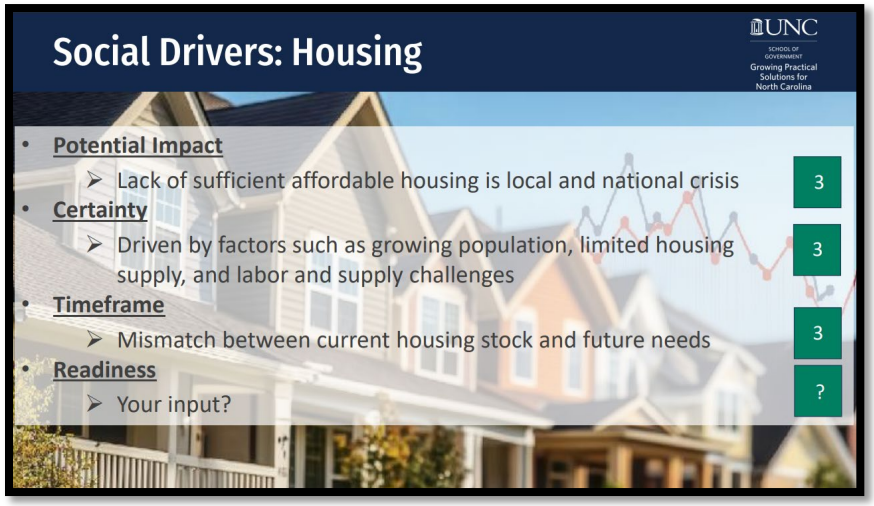
Councilmember Mahaffey said that he felt like there was good healthcare in Wake County.

Mr. Rouse said that the potential impact could be changed. There were continued discussions.

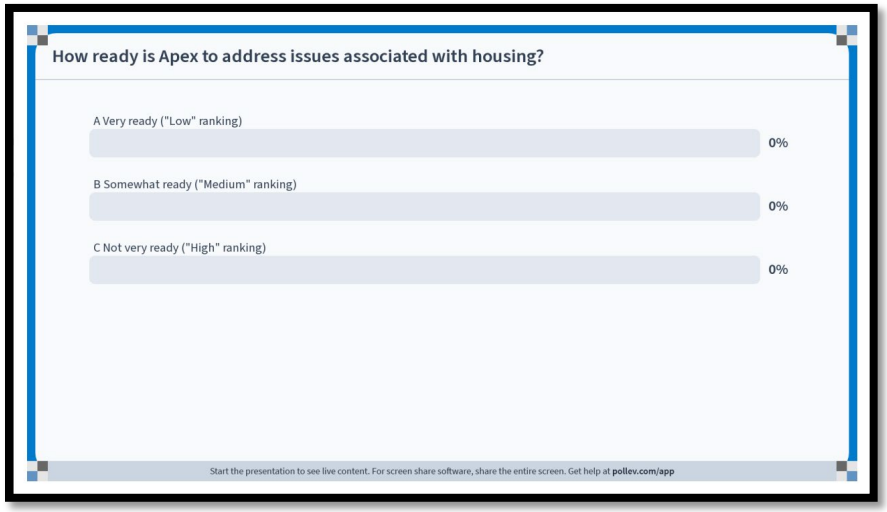
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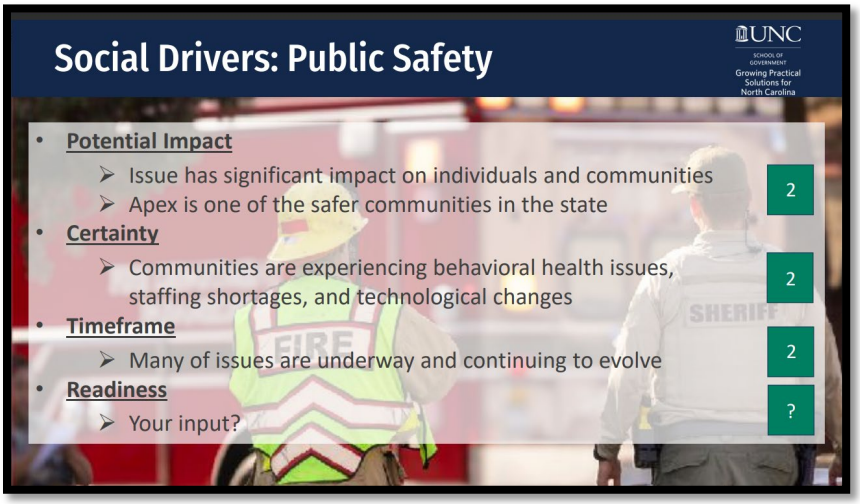
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[SLIDE 22]



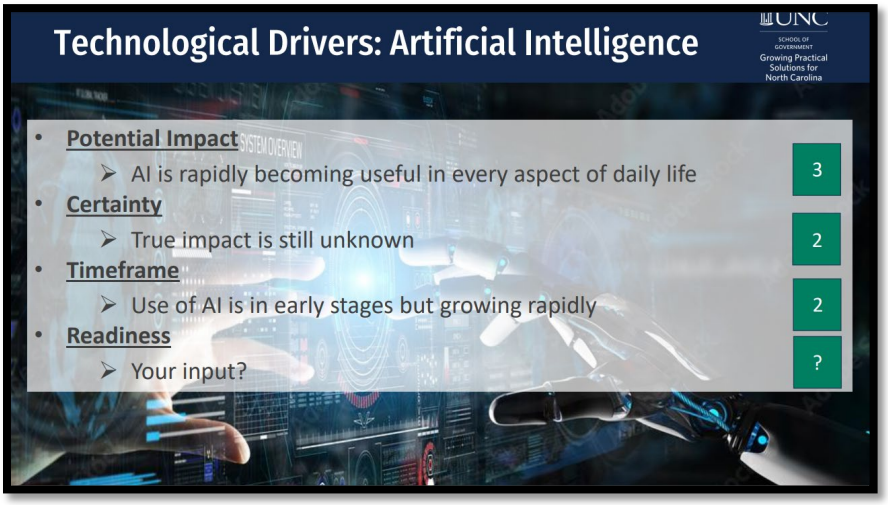
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[SLIDE 24]



[SLIDE 25]



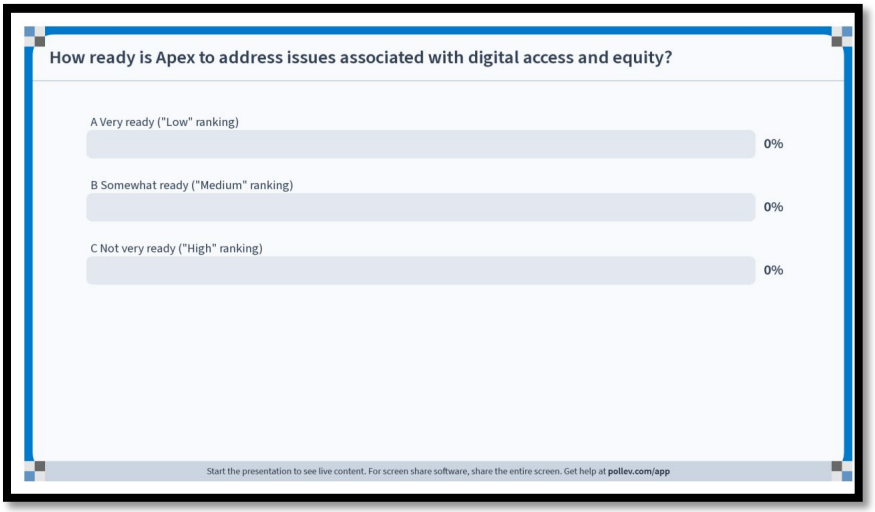
[SLIDE 26]



[SLIDE 27]



[SLIDE 28]



[SLIDE 29]



Councilmember Gantt said that he thought the traffic would get worse as Apex moves forward with growth.

Councilmember Mahaffey said that the remote work helps with traffic.

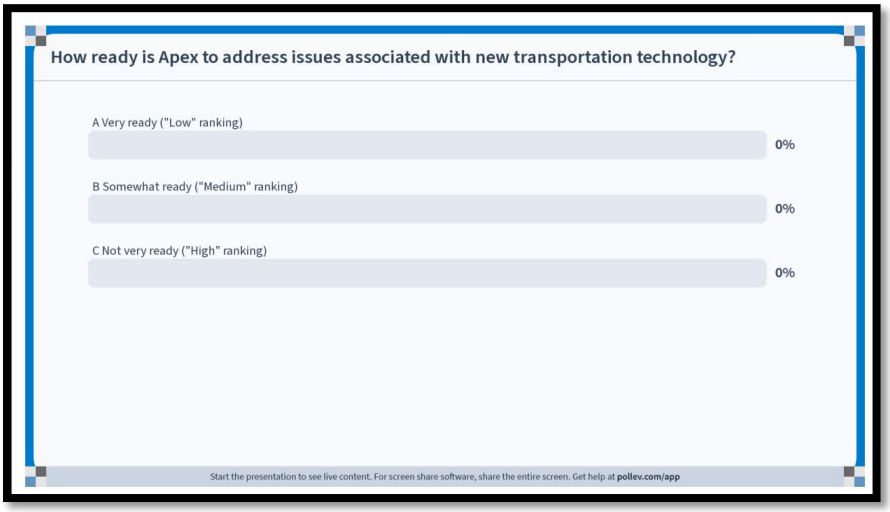
Councilmember Gantt said that it does help.

Mr. Hitchings said that traffic could be a priority.

Councilmember Gantt said that in general he doesn't see the region doing what they should be in terms of transit and that this should be moved to a 3 in the Technological Drivers: New Transportation Technology slide.

Mr. Rouse said that in terms of transportation technology the next two topics may come into play.

[SLIDE 30]



Mr. Rouse asked if there was 50% on each score did, they wanted to do 2 or 3. He said that could be a 2.5 and the consensus was ok with that.

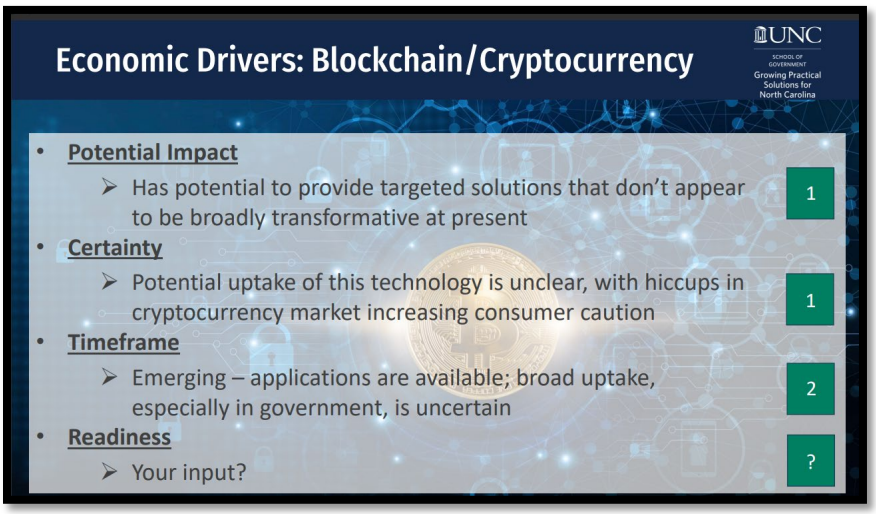
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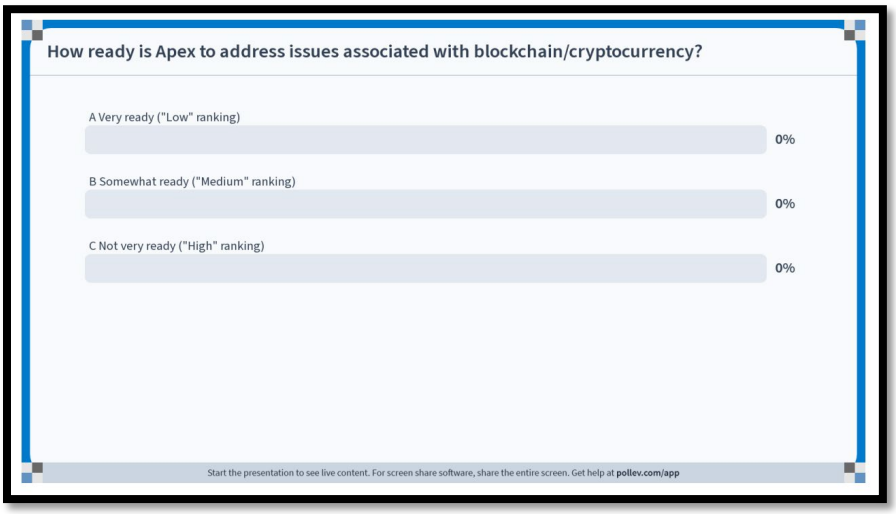
[SLIDE 32]



[SLIDE 33]



[SLIDE 34]



Mr. Rouse asked what the thought of the readiness of the blockchain/cryptocurrency.

Councilmember Gantt said that Apex has a very science and engineering technical base and it would be fine.

Mayor Pro-Tempore Gray asked what the real risk is from a crisis management standpoint.

Councilmember Killingsworth said that as long as we don't invest in it as a town.

[SLIDE 35]



[SLIDE 36]



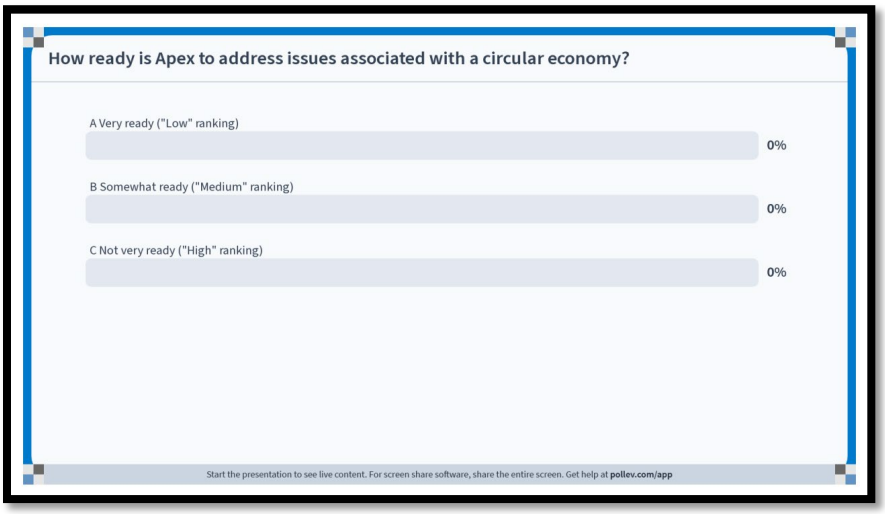
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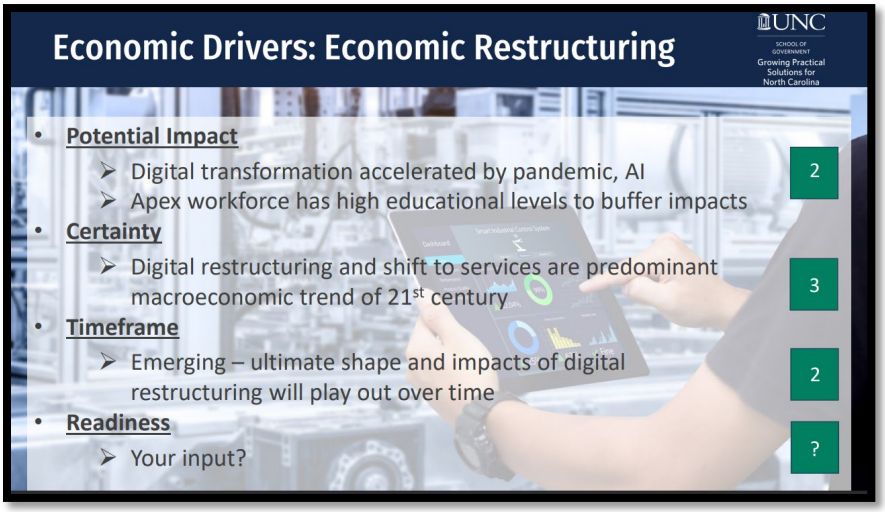
Councilmember Gantt said there should be a three because the landfills are going to fill up and the recycling is not working.

Councilmember Killingsworth said that it is coming and Wake County is running out of space.

[SLIDE 38]



[SLIDE 39]



Mayor Pro-Tempore Gray said Potential Impact should be 3.

Mr. Rouse said statewide they had Potential Impact as a 3.

Councilmember Gantt said that he was thinking about 3 as well, but in some ways, Apex will be helped by these changes and not hurt.

Mayor Pro-Tempore Gray said that he wasn't looking in terms of impact as necessarily negative but more at it in terms of things that are going to drive some sort of change whether positive or negative. He said that Apex is in a strong position because of location but if things go bad that same advantage may not be enough.

Councilmember Killingsworth said or the fact that highly educated people lost grants.

Mr. Rouse said that they tend to think about these drivers as changes. He said that they are threats but they can also be opportunities to really do something significant for Apex.

[SLIDE 40]

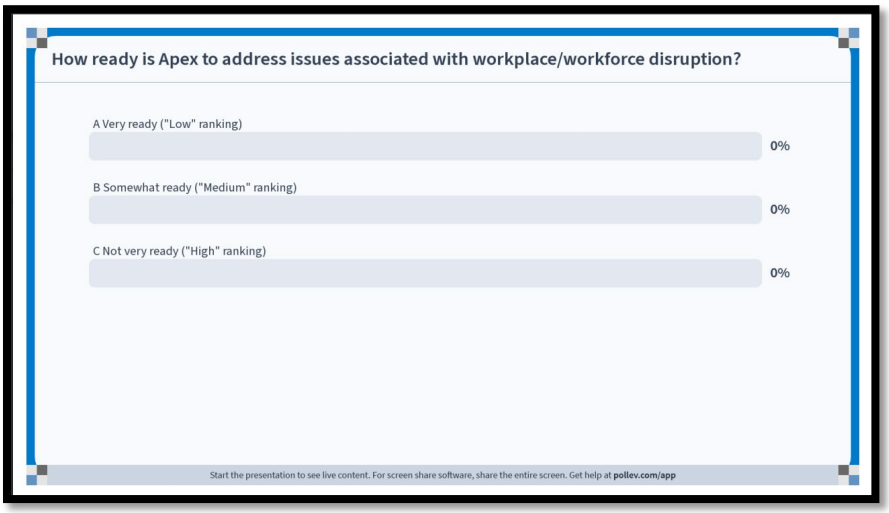


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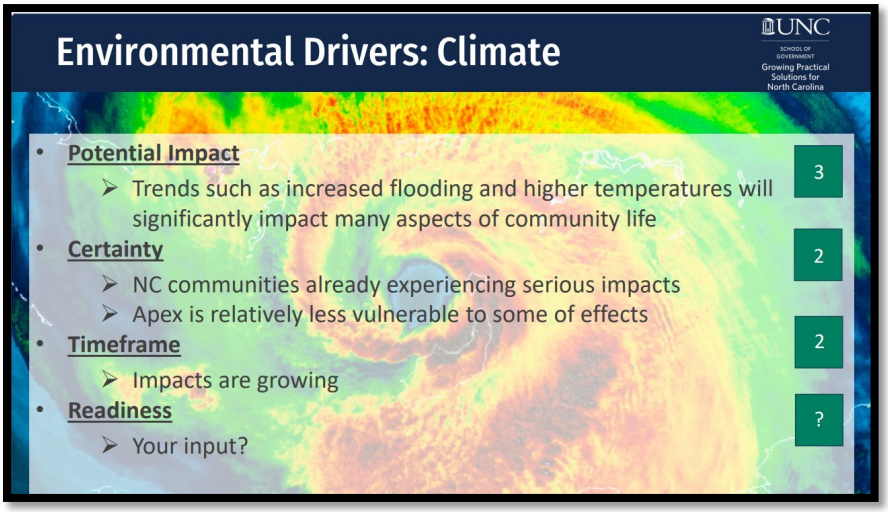


Mayor Pro-Tempore Gray said that this cold be a key driver of change and could work in our favor because of our workforce, but if there was loss of essential grants or federal funding or a major disruption in healthcare it could cause issues.

[SLIDE 42]



[SLIDE 43]



Councilmember Gantt said that they are not building in flood planes and everyone has AC for the heat.

Councilmember Killingsworth said that she had Certainty as a 3 but Timeframe as a 2.

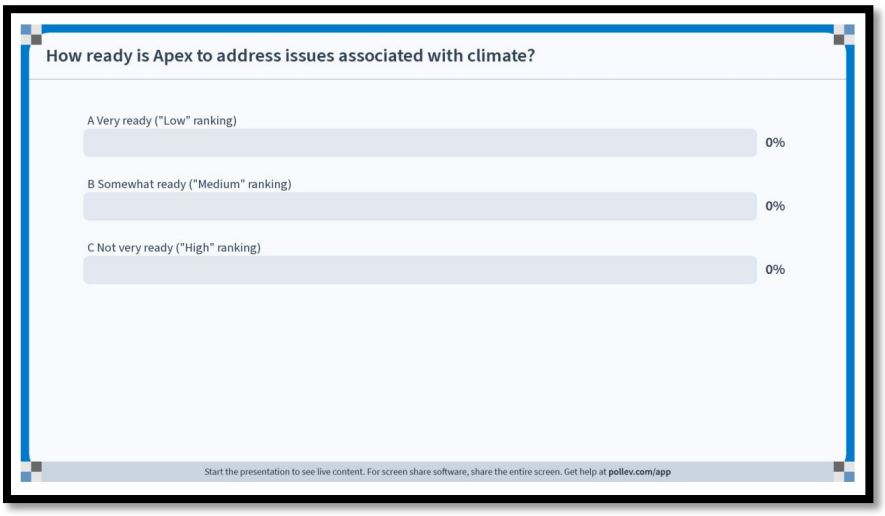
Ms. Kihn said that heat is the number one killer in North Carolina and Norah Skinner is working with a new initiative with the Governor's heat cohort that they are joining.

Councilmember Mahaffey spoke about building houses to make them more comfortable.

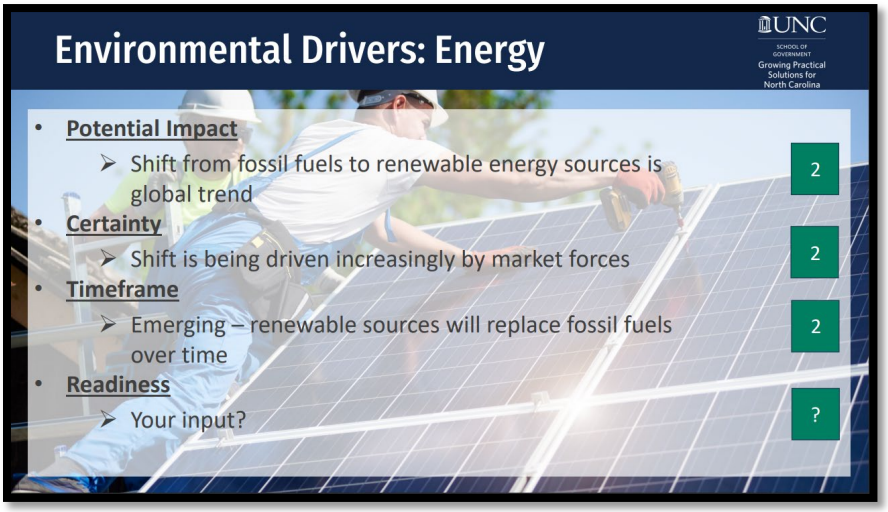
Councilmember Gantt said that there was a map showing Asheville having AC in 85% of the homes.

Councilmember Killingsworth suggests increasing the Certainty to 3.

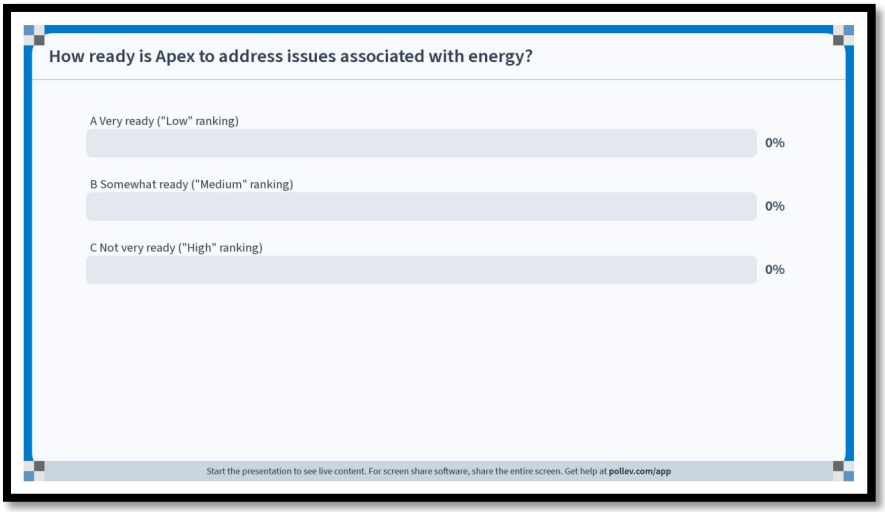
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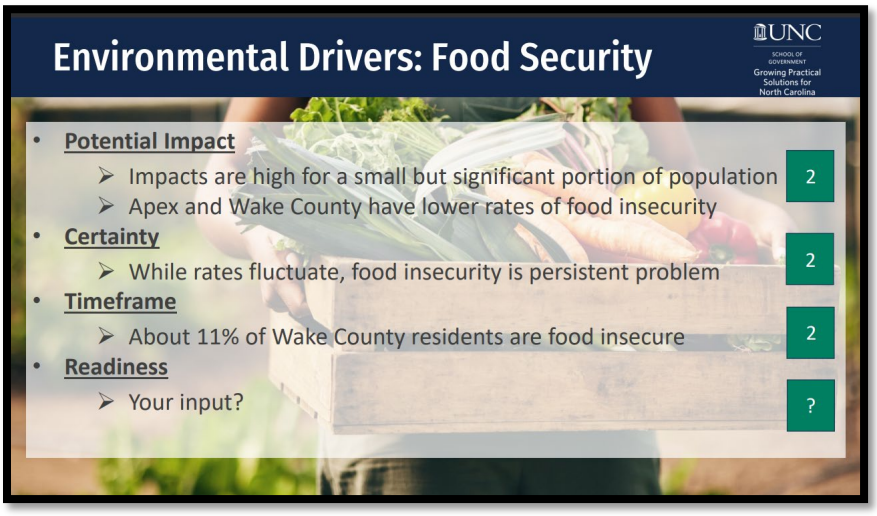
[SLIDE 45]



[SLIDE 46]



[SLIDE 47]



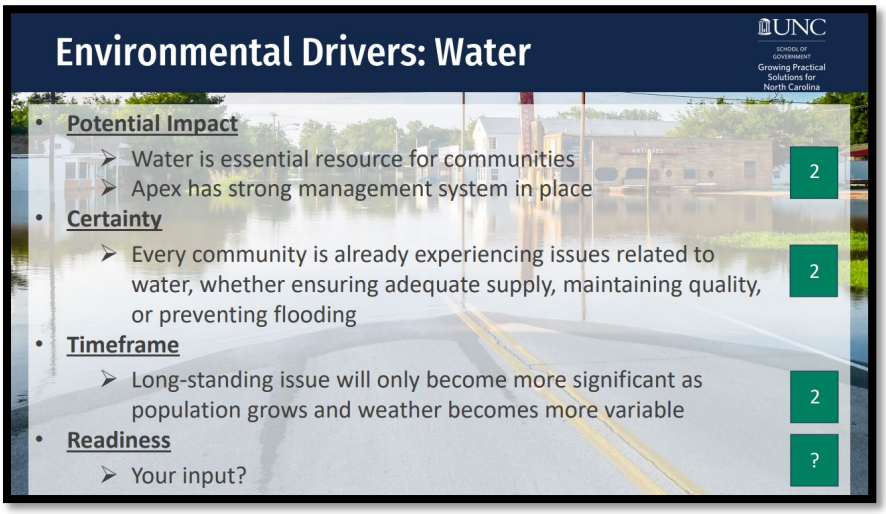
Councilmember Killingsworth said that the concern was the unknown like tariffs and the farmers subsidies going away. She said that Apex or Wake County has generally a better position but it doesn't make us invulnerable.

Mayor Pro-Tempore Gray said that he was interested in seeing the public data on this. He said that if they are in a privileged position where you may not fully notice or experience the risks.

[SLIDE 48]



[SLIDE 49]



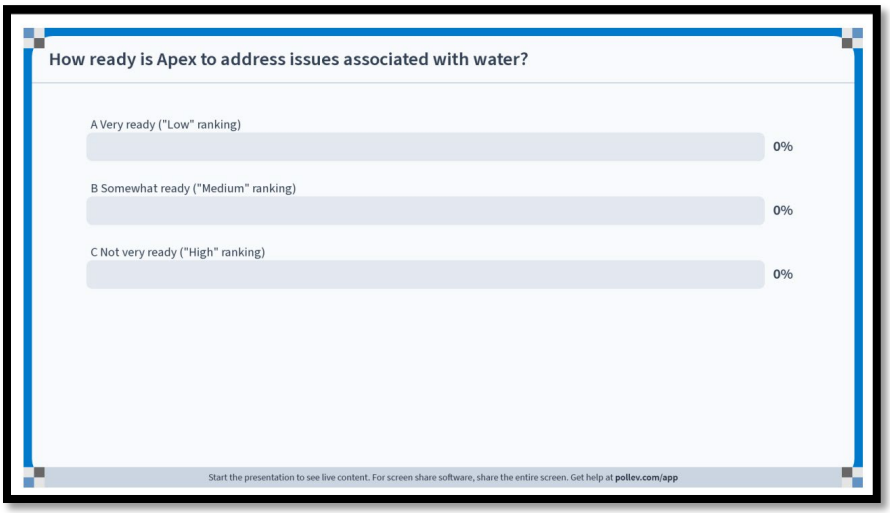
Councilmember Gantt said that he was thinking about a big draught.

Mayor Pro-Tempore Gray said he was thinking the same, either no water or too much water could be a risk.

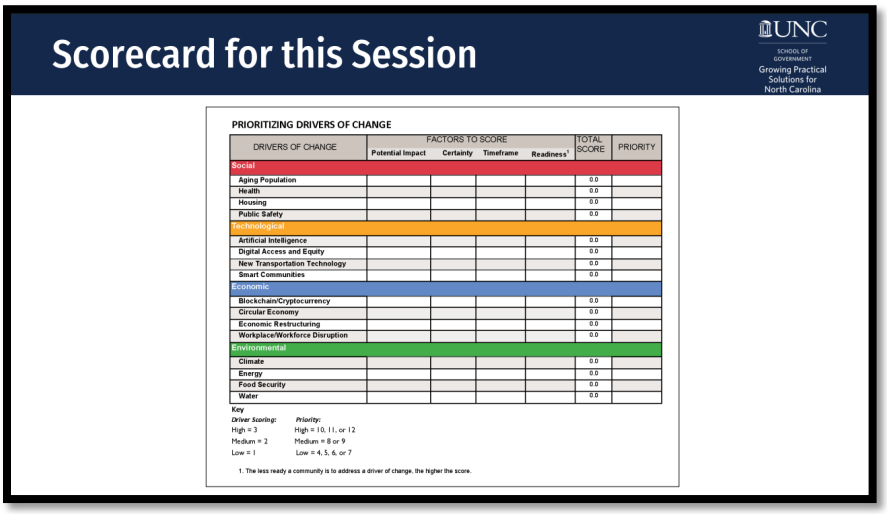
Mr. Rouse asked if everyone was comfortable with a 3 for Potential Impact.

Councilmember Killingsworth said that the water source is a concern.

[SLIDE 50]



[SLIDE 51]

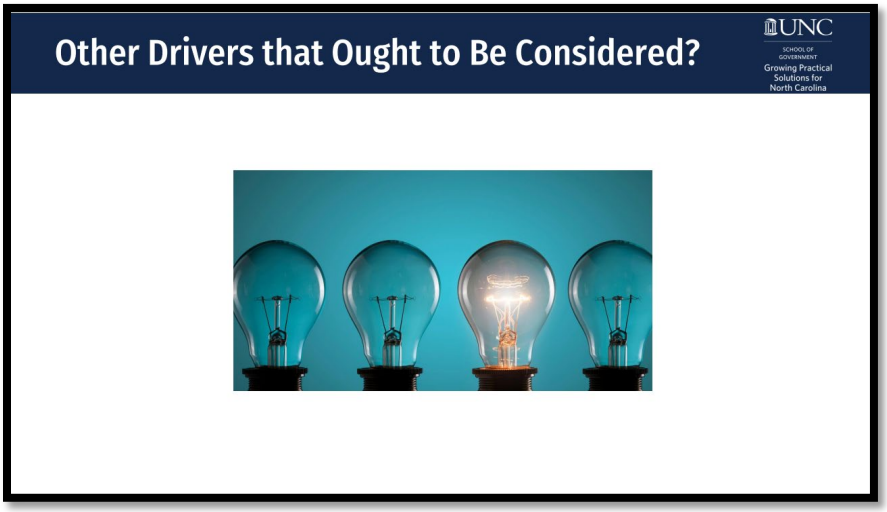


Councilmember Gantt asked Mr. Rouse if they were doing this with other communities.

Mr. Rouse said that Apex is the first pilot.

Mr. Hitchings gave the results of the study.

[SLIDE 52]

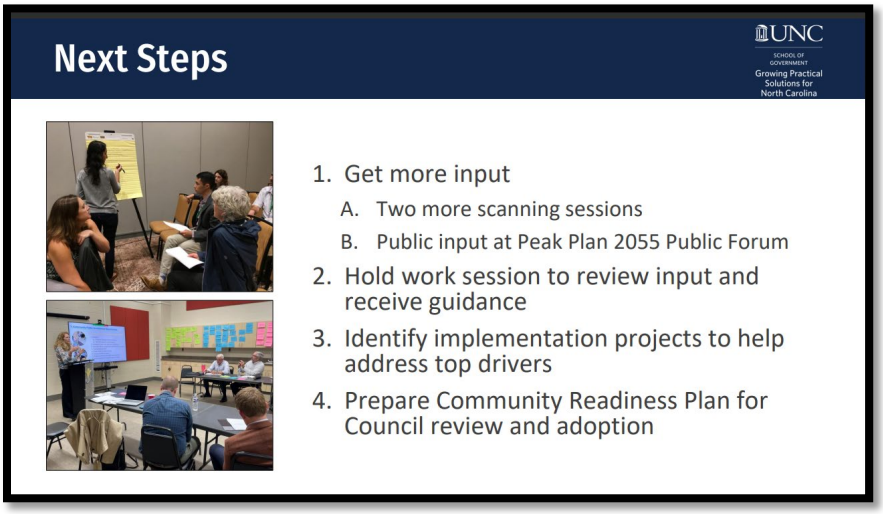


Mayor Pro-Tempore Gray said that what other government actions like the federal government, state government and county can impact towns. He asked how this fit into the categories and would they be considered social drivers or economic drivers.

Mr. Hutchings said that would come when actions are being prioritized and thinking about the implications about what is happening.

Mayor Pro-Tempore Gray said that it's much more moving away from the urgent question in terms of certain but much closer to higher on the impact lower on certainty lower for these kinds of issues in terms of readiness. He said like a hurricane is a sudden shock and government says they are not giving funding or requiring changes to DEI to something else is a change driver.

[SLIDE 53]



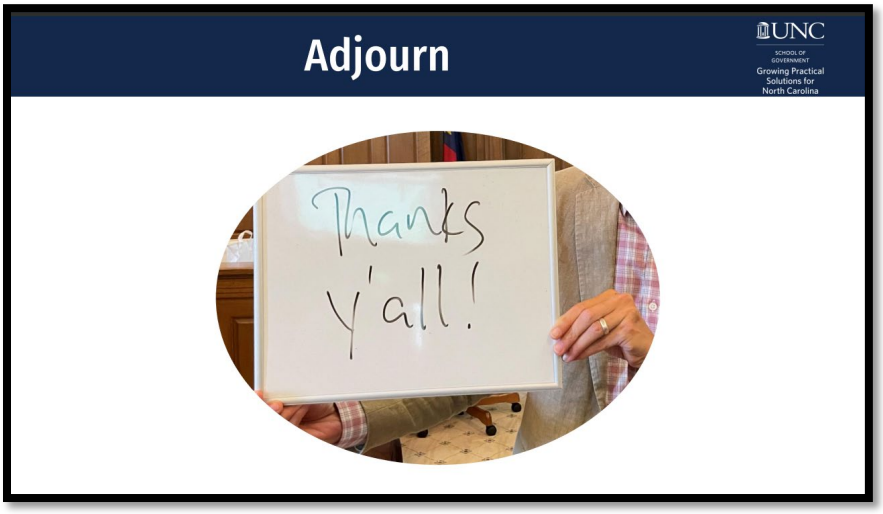
Councilmember Gantt asked how the budget planning be incorporated into these plans.

Mr. Hutchings said that he would take the first crack if Shannon and Diane and other staff want to please do. He continued to over the next steps.

Councilmember Gantt asked if the Peak Plan 55 an update to the Advanced Apex plan or more comprehensive and different.

Ms. Cox said the Peak Plan 55 is a replacement for Advanced Apex and more comprehensive and the advanced Apex focused mainly on transportation and included a limited land use map update, and this is a full comprehensive plan.

[SLIDE 54]



Mr. Hutchings thanked everyone and turned the meeting over to Mayor Pro-Tempore Gray.

Mayor Pro-Tempore Gray thanked Mr. Hitchings and Mr. Rouse and staff for the work that went into this.

CLERK NOTE: Scoresheet responses from Elected Body and their Top 5 Rankings on Drivers of Change.

Town of Apex | Elected Body Rankings

DRIVERS OF CHANGE PRIORITIZATION SCORESHEET (Preliminary Draft, 9/5/25)

DRIVERS OF CHANGE	FACTORS TO SCORE				TOTAL SCORE	PRIORITY
	Potential Impact	Certainty	Timeframe	Readiness[1]		
Social						
Aging Population	2	3	2	2.00	9.00	
Health	3	3	2	1.75	9.75	3
Housing	3	3	3	2.25	11.25	1
Public Safety	2	2	2	1.25	7.25	
Technological						
Artificial Intelligence	3	2	2	2.50	9.50	5
Digital Access and Equity	2	3	2	1.00	8.00	
New Transportation Technology	3	2	2	2.50	9.50	6
Smart Communities	2	2	2	2.00	8.00	
Economic						
Blockchain/Cryptocurrency	1	1	2	1.25	5.25	
Circular Economy	2	3	2	2.25	9.25	
Economic Restructuring	3	3	2	1.75	9.75	4
Workplace/Workforce Disruption	3	2	2	1.75	8.75	
Environmental						
Climate	3	3	2	2.50	10.50	2
Energy	2	2	2	1.75	7.75	
Food Security	2	2	2	2.00	8.00	
Water	3	2	2	1.75	8.75	

Key

Driver Scoring:	*Priority:*
High = 3	High = 10, 11, or 12
Medium = 2	Medium = 8 or 9
Low = 1	Low = 4, 5, 6, or 7

1. The less ready a community is to address a driver of change, the higher the score.

Responses from Town Council Work Session on September 16, 2025

[ADJOURNEMENT]

Mayor Pro-Tempore Gray adjourned the meeting at **4:55 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 day of October, 2025 (CN11).

APPROVED MEETING MINUTES

TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, SEPTEMBER 23, 2025
6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, September 23rd, 2025 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=Y9f6NfHTR1g

[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. He then led all in attendance to the Pledge of Allegiance. He then invited Chris Bingham from the Church of Jesus Christ of Latter-Day Saints to deliver the invocation.

Mr. Bingham led in prayer.

Mayor Gilbert thanked Mr. Bingham and moved to the Consent Agenda.

[CONSENT AGENDA]

Mayor Gilbert noted a staff request for removal of consent item CN7- Delegating Authority to Negotiate, Award, Approve, and Execute Contracts and Other Instruments. He asked Town Manager Vosburg for clarification of the transparency for the financial piece and where the money would come from for consent item 4 - Budget Ordinance Amendment No. 4 - Position Authorization Increase and Communication Services.

Town Manager Vosburg said that the FTE would be a Project Manager for projects for the Big Branch Basin and the primary funding source would be from the Water and Sewer funds and in the future, funds may be diversified.

Mayor Gilbert asked if there was a motion.

A **motion** was made by **Mayor Pro-Tempore Gray**, seconded by **Councilmember Zegerman**, to approve the Consent Agenda with the removal of consent item CN7- Delegating Authority to Negotiate, Award, Approve, and Execute Contracts and Other Instruments.

VOTE: UNANIMOUS (5-0)

CN1 Agreement Extension - All City Management, INC - Crossing Guard Services - Fiscal Year 2025-2026 (REF: CONT-2025-352)
Council voted to approve an agreement extension between the Town of Apex and All City Management Services, Inc. to provide crossing guard services through the 2025-2026 School Year, effective September 23, 2025 through June 30, 2026, and authorize the Town Manager or their designee to execute on behalf of the Town.

CN2 Agreement - TargetSolutions Learning, LLC dba Vector Solutions - Software Services for Guardian Tracking - effective until June 30, 2026 (REF: CONT-2025-353)
Council voted to approve an agreement with TargetSolutions Learning, LLC. d/ba Vector Solutions to provide software services for Guardian Tracking related to employee personnel training documentation and performance management, effective until June 30, 2026, and authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN3 Agreements (2) - Wake Transit Funding Agreements - Go Apex Funding FY26 - General Operating Agreement for Bus Operations - Community Funding Area Program Wake Transit FY26 and General Capital Funding Agreement Funding Area Program for Bus Infrastructure Wake Transit Fiscal Year 2026 (REF: CONT-2025-354 and CONT-2025-355)
Council voted to approve a General Operating Agreement between Research Triangle Regional Public Transportation Authority (GoTriangle) and Capital Area Metropolitan Planning Organization (CAMPO) and the Town of Apex, effective until December 31, 2026, for Bus Operations – Community Funding Area Program Wake Transit FY 2026, 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 (GoTriangle) and Capital Area Metropolitan Planning Organization (CAMPO) and the Town of Apex, effective until December 31, 2028, for Bus Infrastructure – Community Funding Area Program Wake Transit FY 2026 and to authorize the Town Manager, or their designee, to sign on behalf of the Town.

CN4 Budget Ordinance Amendment No. 4 - Position Authorization Increase and Communication Services (REF: ORD-2025-066)

Council voted to approve Budget Ordinance Amendment No. 4 to include funds for a new position in the Town Manager's Office to facilitate major Town projects and additional funding for contracted communication services

CN5 Council Meeting Minutes – Various

Council voted to approve Meeting Minutes from the following meetings:
June 10, 2025 – Regular Town Council Meeting Minutes
August 26, 2025 – Regular Town Council Meeting Minutes

CN6 Personnel Policy Amendment - Administration of Peak Paid Time Off (PPTO) (REF: PLCY-2025-018)

Council voted to adopt an amendment to the Town's Personnel Policies related to the Administration of the Town's Peak Paid Time Off (PPTO) benefit effective October 1, 2025.

~~**CN7 REMOVED Resolution - Delegating Authority to Negotiate, Award, Approve, and Execute Contracts and Other Instruments**~~

This item was removed from the Consent Agenda, per Council vote.

[UPDATES BY TOWN MANAGER]

Town Manager Vosburg gave updates on the following:

Community Events & Festivals Update

- **Festa Italiana:** Successful event at Town Hall campus; well-attended.
- **Upcoming Events:**
  - **Explore S'mores**: Oct 5 at Apex Nature Park Amphitheater, 6–7:30 p.m.
  - **Latino Arts Festival**: Oct 7, 3–9 p.m.
  - **Apex Night Out with Touch a Truck**: Oct 7, Town Hall Campus, 4:30–7 p.m.
  - **Indigenous Peoples Day**: Oct 13 at Apex Nature Park, 6–7:30 PM.
  - **Love Local Showcase**: Oct 5, 11 AM–4 p.m., non-downtown businesses promoting local offerings.
  - **Apex Oktoberfest**: Oct 11 at Town Hall Campus, 12–7 p.m.

Olive Chapel Road Project Update – Per the District Engineer, all rights of entry have been obtained. Project is on track for re-opening completion by end of January.

Utility Billing Update – Charts and graphs were given to Council for information. An average of 80% of calls are being resolved at the AskApex level and the other 20% go

into a call log, and staff look at these. The call log total is 438 and Town Manager Vosburg gave a breakdown of what these are.

Councilmember Killingsworth asked for an estimate of how much time it took for the example of the individual that Town Manager Vosburg gave.

Town Manager Vosburg, said there were at least 8 staff members working in that situation, and Deputy Town Manager Purvis said that there were many hours invested.

Town Manager Vosburg said it varies and some can be completed over the phone. He gave a high overview of what a variance report was and how the data is gathered and used. There is a trend being established for the bill amounts.

Councilmember Gantt asked if they were able to tell how seasonal difference were affecting variance.

Deputy Town Manager Purvis said there wasn't enough data points to fully determine, but seasonal impacts did have something to do with it.

Mayor Pro-Tempore Gray asked for a variance report showing the percentage deviation to get a sense of if these variances are trends.

Town Manager Vosburg said this can be provided.

Councilmember Mahaffey asked if the variance report was from a program or a vendor.

Deputy Town Manager Purvis said they work with Millsoft, the vendor, to run the program and the Town is able to set the parameters to compare variances.

Councilmember Mahaffey suggested that instead of comparing household's utility usage only to its own data because this can be skewed by variance in weather temperatures, that there may be a comparison to the neighbors during the same period.

Town Manager Vosburg said that this would be a higher-level analysis and that they are not yet but could be done during development.

Mayor Gilbert asked if the customers that are not satisfied with the corrections, being tracked.

Deputy Town Manager Purvis said notes from every check and test they do is documented in the system.

Town Manager Vosburg gave information on customer support calls with SEW, and noted there was a very low misread number with the meter changeover.

Town Manager Vosburg gave the following recognition and awards:

Budget Department received the Distinguished Budget Presentation Award, the highest form of recognition in governmental budgeting. He invited staff for introductions and pictures. He introduced the new Budget Director, Jessica Hoffman. Ms. Hoffman introduced some of the Budget Department's staff.

Parks, Recreation & Cultural Resources received the 2025 Outstanding Parks & Recreation Department Award by UTSA NC and this honor recognizes Parks and

Recreation's incredible contributions to tennis in North Carolina. The award ceremony will be presented at a ceremony in Greensboro, September 27th.

Water Resources Department received the Spring 2025 Flood Resiliency Grant of $1.4 million with no match required for the Beaver Creek Nature Park Stream and Flood Plane Restoration.

TM1 Special Presentation of Recent Awards received by the Apex Electric Utilities Department and Proclamation - Public Power Week - Sunday, October 5 through Saturday, October 11, 2025 (REF: PRO-2025-038) and:

Town Manager Vosburg presented multiple awards and proclamation to the Apex Electric Department.

Public Power Award of Excellence (Electric Cities) – This is for four areas of the ElectriCities Strategic Plan: future focused, strengthening Public Power, providing Superior Power and Supporting People.

He also presented the **American Public Power Association Certificate of Excellence and Reliability** and the **Municipal Electric Safety Award** for no lost workday cases

Ken Weatherman said he was very proud of the team and their work, and thanked everyone for their support.

Mayor Gilbert invited Town Council, read the Proclamation for Public Power Week together. Staff were invited for pictures.

Mayor Gilbert moved to Presentations.

[PRESENTATIONS]

PR1 Proclamation - Apex Prisoner of War and Missing-In-Action (POW/MIA) Day of Honor - Friday, September 26, 2025 (REF: PRO-2025-034)

Mayor Gilbert along with the Town Council, read Proclamation for Apex Prisoner of War and Missing-In-Action (POW/MIA) Day of Honor 2025. He invited Lee Harris, Mike Sayers, Phil Prinzi, Barry Bloch, Dennis Schmidt, Jim Speidel, and Sandra Edens to accept the proclamation and take pictures.

Lee Harris thanked the Mayor, Council Members and Apex for the patriotism and support. He spoke on the reminder to all to spare no effort to secure the release of any

American prisoners and to look for repatriation of any of the remains of our lost fellow soldiers.

PR2 Proclamation - Fire Prevention Week - Sunday, October 5 through Saturday, October 11, 2025 (REF: PRO-2025-035)

Mayor Gilbert introduced "Sparky" and invited him into the meeting. Mayor Gilbert along with the Town Council, read the Proclamation for Fire Prevention Week 2025. He invited up "Sparky" the mascot, Community Risk Reduction Coordinator, Courtney Butler, Fire Chief, Tim Herman and members of the Apex Fire Department to receive the proclamation and take pictures.

Ms. Butler said that this Fire Prevention Week was about lithium batteries and how to stay safe. She spoke on lithium-ION battery safety and presented a video.

PR3 Proclamation - Hindu Heritage Month 2025 - October 2025 (REF: PRO-2025-036)

Mayor Gilbert along with the Town Council, read the Proclamation for Hindu Heritage Month 2025. He then invited Prashant Agarwal and other members of Hindu Swayamsevak Sangh to receive the proclamation and take pictures.

Mr. Agarwal thanked Apex for the proclamation. He said that there is a commitment to partnering with Apex and to leave a positive impact through cultural exchange and community engagement by working together to make a better Apex.

PR4 Proclamation - Indigenous Peoples Day 2025 - Monday, October 13, 2025 (REF: PRO-2025-037)

Mayor Gilbert along with the Town Council, read the Proclamation for Indigenous Peoples Day 2025. He invited Jesalyn Keziah, JD Freeman and members of the Triangle Native American Society to receive the proclamation and take pictures.

Ms. Keziah thanked everyone and invited all to come to Indigenous People's Day and thanked Apex for being an amazing partner hosting Indigenous People's Day for many years.

Mr. Freeman, a member of the Lumbee Tribe, thanked Apex for supporting the Indigenous People's Day event and invited people to come out for singers, dancers and food.

Mayor Gilbert moved to the Regular Meeting agenda.

[REGULAR MEETING AGENDA]

Mayor Gilbert asked if there were any recommended changes and asked if there was a motion to approve to set the Regular Agenda.

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

VOTE: UNANIMOUS (5-0)

[PUBLIC FORUM]

Mayor Gilbert opened up Public Forum and called the first speaker.

First to speak was **Ralph Ripper** at 3418 Jordan Shires Drive:

"I appreciate the opportunity to talk to you guys today about the Data Center proposal in New Hill. I'd also like to take time to thank you for setting up the all-day workshop on January 22nd with the Planning Department and the Council to discuss planning for data centers and I'd like to thank you also for identifying that a sound expert needs to be hired to improve the town's noise ordinance. You guys are listening to us, and we appreciate it, and we'll pass that on. I'm a fire captain in Raleigh. I have over 30 years of experience, and I'd like to share my concerns with building a data center the size of the one proposed by the Natelli Group in what's currently a primary residential area. I'd like to talk about the nature of the development within two miles of the residential areas, within that circle of two miles, it is almost all residential currently. The size of the project will stretch resources including water, power, and emergency response services. There is potential for environmental, sound, and noise pollution, and there's potential for an environmental disaster. It's low rate, but it's high risk. The residents in this area fought and lost some years ago when the water reclamation facility was built. So, we know what we're up against, and we know that we may not be able to keep this from happening. So, we are asking for the size and the scope of this project to be considered, and for the use of the equipment that will lead to pollution and possible environmental disaster to be considered. If Apex becomes a household name in America due to a disaster, that will be the end of the Peak of Good Living. So, inside of the two-mile circle of ground zero where the data center is proposed includes the water reclamation plant and just catches the corner of the Sharon Harris nuclear plant facility, other than those two things, it is 100% residential currently. Clearly, land use to this point has been residential. The development map Apex puts out shows a potential population in excess of 5,000 residents in this circle, with more coming every day. This area is really just beginning to develop, and the town needs to plan carefully to maintain the quality-of-life Apex is known for. The hazards that need to be considered with a facility so close to so much residential growth: Power usage, 300 megawatts. This is three times larger than the largest currently in North Carolina, which is in Marble in Cherokee County, which is near where I grew up, so I'm familiar with that area. And it is very sparsely populated. Water usage, these facilities use millions of gallons of water

per day. There are centers in Georgia and Indiana that have caused residential wells to dry up. So, the residents need assurances that this will not happen here. Air pollution, pollution from diesel generators being tested on a regular basis, not just in emergencies and outages. They will be tested weekly and monthly, per the manufacturers. The risk of pollution from a fire, including toxic smoke and toxic runoff. Light pollution from buildings that are 70 feet tall and well-lit for security. Sound pollution, again, I'd like to thank you guys for committing to look at the town's ordinance. That may not affect this development, but it will in the future and then emergency response, which is my job. These are large buildings, potentially surrounded by large generators, 100 3,000-kilowatt generators. What will access look like? There needs to be space to get equipment into place to fight a potential fire. Fire trucks need space to maneuver and set up efficiently. They're much bigger than a car. A 100-foot ladder truck is 40-plus feet long and it requires time and space to position for best access. Getting close for maximum reach for those 100-foot ladders means risking losing your truck as the fire gets bigger. Sixty-to-seventy-foot buildings will max out the reach of the current ladder trucks. A 100-foot ladder truck doesn't necessarily mean it'll reach 100 feet. With the offset and the positioning, that will be reduced. So, with this kind of facility, there may not be any safe way to set up interior operations, fight it from the inside because of what's in the buildings. So, it will likely be fought by the systems that are put in by the builder, sprinklers or whatever system they have, and that will be supplemented by surround-and-drown by the fire department. The runoff from multiple streams of water at 1,000 gallons a minute per stream, potentially mixed with hazardous materials, could be a large issue, four ladders at the corners of the building, 1,000 gallons each, that's 4,000 gallons a minute. That's a river. It'll cut its own ditch, and it'll go where it wants to, and it'll be toxic, potentially. Access issues due to high-level security, access to the property and then to the building. That'll take time. The first engine will likely be setting up command, maybe doing some recon and requesting resources. They won't be pulling lines and fighting fire right away. There's not going to be time. This gives the fire time to grow. Lithium batteries, proposed to use lithium batteries for UPS, uninterrupted power supply, so that the power won't momentarily go off while the generators are kicking on. That would require thousands of batteries the size of the battery used in a Tesla, an electric vehicle. Lithium batteries require a different strategy to extinguish. Water is not effective once thermal runaway occurs, which basically means the chemical reaction is making its own heat. The Raleigh Fire Department, where I work, has purchased fireproof blankets to extinguish electric vehicle fires. You can't put a blanket on a building, so this will be a surround-and-drown. A lithium battery storage facility in Spain burned for three days. Residents were unable to leave their houses due to toxic smoke. They were sheltered in place and we all remember EQ Environmental here. We are asking that lithium batteries not be used. Diesel generators, hundreds of gallons of diesel fuel in tanks for 100 generators. Another risk: environmental disaster. They're huge, they're loud, they use lots of fuel, and they create lots of pollution. So, we're asking that a cleaner source of backup power be considered. Emergency response, this is two miles from the nearest fire station, Apex Fire Station 2. Google says that's four minutes. In a fire truck, it's probably a little longer than that. Again, this engine will likely not be directly engaged in fighting fire right away. They're going to be trying to get the resources they need.

I'm not going into something like this without backup. That's not going to happen. So, it's not going to happen here either. Ten minutes to the next closest station, which is Apex 5. They've got an engine, no ladder. So, enough resources to get any kind of an attack plan started are likely 15-plus minutes away. So, when you consider the response time, dispatch time, turnout time, etc., this will allow any fire that is not controlled by the building systems to reach a point where it's not going to be controlled. Then we'll have to consider evacuation or shelter-in-place orders. We'll have toxic runoff and toxic smoke. Again, the master stream surround-and-drown, which leads to its own set of issues. Is the hydrant system capable of feeding that? Does the town need more equipment closer to the area to respond in a more timely manner with an appropriate level of staffing? The answer is yes. Another station with a ladder and an engine. Enough personnel for three shifts, plus two trucks at a million dollars apiece currently and the lead time for new apparatus right now is years, not months. It'll take time to buy land, build a station. How long will it take to hire an additional 15 to 30 personnel to staff that station with one or two companies? And what is that cost going to be? So, this is what we're going to do, we need to start doing it now. I'll leave you some questions related to the data center: Is the scale and scope of this development right for this location? Is it appropriate for what is right now a primary residential area? Is the town ready to spend the money to manage this type of facility? Is it even manageable by a town the size of Apex with the resources we have? And are we willing to trade our quality of life for tax dollars? Thank you for listening. We would like the Town of Apex to continue to be the Peak of Good Living."

Mayor Gilbert thanked the speaker and called the next speaker.

Next to speak was **Glenn Rinne** at 3537 Jordan Shires Drive:

"Mayor and Council Members, I'd like to thank you for the opportunity to voice a concern about the data center. My name is Glenn Renie. I live at 3537 Jordan Shire Drive just down the street, and I have a master's degree in electrical engineering from NC State, Go Pack. I'd like to share with you some recent developments that may bear on your decisions. First, a little bit of history. In 1994, Netscape released the first graphical internet browser. I don't know if you remember, but when we went from text files to graphic files, the data traffic on the internet went through the roof. So, everybody thought it was going to go like that forever, and people started investing like crazy. Vast amounts of money went into networks and hardware and all kinds of things. But nothing goes up forever. In March 2000, the bottom fell out. I know I had a startup here in the Triangle, and things got very, very tough. Today, with the release of ChatGPT, we have the AI boom, demand for compute power is going up like crazy, and now we're building data centers like there's no tomorrow. About a year and a half ago, a company spun out of Google. It's called Grok and they've developed a new chip that does for data what Henry Ford did for automobiles. And this thing is designed for data flow. So, it can do AI computations ten times as fast as current AI chips, and nine months ago, a Chinese company, DeepSeek, released their large language model and because they couldn't get access to the really high-performance chips, they had to figure out ways to get it

done on slow chips. They came up with a new way of teaching these models, and it runs in 10% of the time that the old models did. So now we've got faster chips and more efficient software, so we need fewer data centers, not more. There's an interesting report that came out from the IEEFA, and I'll give you the reference to it, the risk of AI-driven overbuilt infrastructure is real. Two things I want to point out, two of the largest independent power producers in the United States are warning their investors that we're overbuilding data centers. These hyperscaler companies they all think they're going to win all the business. So now we're building two or three times as many data centers as the market can support. The second thing is, in February, the CEO of Microsoft himself said there's an overbuild of AI data centers, and he is switching from building data centers to leasing data centers because he doesn't want to get stuck with underutilized hardware. Do a quick search of "data center overbuild" and you would not believe the number of references to data centers that are being cancelled or companies who are afraid of overbuilt and my question is, what happens if this data center gets built, but we never get the computers in there? We never create the jobs, we never get the tax base, we never get the revenue. What are we gonna do?"

Mayor Gilbert thanked the speaker and called the next speaker.

Next to speak was **Dawn Cozzolino** at 3632 Bosco Road:

"Good evening, Mayor and Council. On September 10th, a husband, a father, a man who spoke openly about family and values was taken by an assassin's bullet, Charlie Kirk. His voice may have been silenced, but his message of faith, family, and freedom of speech continues. What is telling is that this government has not acknowledged his death or even paused for a moment of silence. That speaks volumes. We live in the freest nation on earth, yet here and around Apex, freedom feels far away. Our communities are being dismantled by reckless overdevelopment that residents never ask for. Instead, Apex chases the next shiny project, while basic needs like the year-long unresolved utility billing problems, those fixes are still remaining broken. This is not just about residents speaking for three minutes while the council nods politely. This is not real change. We have discovered the law, and justice will prevail. You've ignored 18 of my open public records requests. These are simple things like the American Rescue Plan reimbursement to the US Treasury for $400,000, or why council meeting minutes from July through December of 2022 are missing from the Apex website. Your silence tells me what is true in your heart, that you do not want the public to see what is behind the curtain. I may not know the reason, but I do know there were red flags in your accounting. At least 38 supplier contracts sit at $999,999.00, just $1 under the threshold, which would require higher scrutiny and approval. The federal government takes that seriously, and so does the state. This is not about politics, it is about families, safety, nature, and preserving the place we all call home. It's about the government doing the job it is meant to do, serving its people with integrity and humility. My rights do not come from Apex Council or from Wake County. They are guaranteed by the Constitution and given to me by my Creator. Among them is the right to speak freely and to petition my government for answers.

Yet, when Apex refuses to respond to records requests, you're silencing me and silencing the truth. The public has the right to know. May we honor the memory of Charlie Kirk as we continue the work. Thank you."

Mayor Gilbert thanked the speaker and called the next speaker.

Next to speak was **Fran Hudson** at 5524 Rex Road:

"It's interesting, as I thought about what I was going to say tonight, I was thinking through, okay, the law and how everything fits together. And listening to the last 35 minutes of the 9th meeting was very disturbing to me because it showed me that the Town Council doesn't, I guess it appeared to me that there was no knowledge of the law. There was dissent, there was conflict in what was supposed to be done and Robert's Rules are not the law. They're actually procedures that the attorney pointed out you follow if there is no rule, and Mahaffey did say that the Charter had the rule in there that they could split up the proposal that you had made and then you tried to overturn the actual town charter by saying that you're not going to allow that. That's very concerning to me because I've studied the Constitution for years now and when you read the Constitution, if you haven't read the North Carolina Constitution, you need to go read it now, you need to understand it like the back of your hand, because Sections One, Two, and Three of Article One are to protect the people. They're also so, number one is the rights are protected, and that includes our property. The people also have all political power, covered in Article One, Section Two and then number three is we have the right to question the integrity of the government. So, you had a problem with the people questioning the integrity of the staff, that is our right as the people to do. So, it seems to me that Tracy Taylor was actually doing her job and honoring her oath of office by standing with the people and saying, "Hey, I support you." I don't know how it could be any more clear. You also need to know the limits of your power. The Constitution protects the rights of the people. It sets up the legislature so they can create towns by the Charters, so that's done through the legislature. The legislature is limited power, and they can only give power that is limited. So, they cannot give you any more power than they have themselves. The people have all the power. So, when we tell you we don't want something, if we tell you we're against some decision that y'all are up, you know, have up in front of you to make and we say we don't want it, you have to honor that. That is our right as people and it's your duty per your oath to the Constitution that each one of you had to take. I mean, I'm just baffled by watching Town Council meetings and seeing the things that are approved and seeing the people come up here and say, "Hey, that bothers me. I don't like this. I don't want this." and it goes forward anyway. Or not answering public records requests. That's a violation of rights, too. There's just so many things that you really need to focus on the law and know the true law, and know what you swore an oath to, and know what you're supposed to do so that the people don't have to keep trying to tell you. Thank you."

Mayor Gilbert thanked the speaker and called the next speaker.

Next to speak was **James Jesserer** at 1366 Elk River Drive:

"I attended and witnessed the last Apex Town Council meeting. In addition, I read the Facebook posting by Town Council members in their vain attempt to rewrite and control the narrative regarding the disgraceful behavior at the September 9th meeting. I will not waste my allotted time on Mr. Gantt's slurs regarding me or other members of the Courtyards on Holt. All I will say is that Mayor Gilbert and Mr. Zegerman had the courage to meet with us. You, Mr. Gantt, used this platform to disparage us, safe from voter retribution, and came up a little short on courage as you exposed your true talent in smirking, walking away, and intrigue. Intrigue is the thing I wish to concentrate on. I believe that the September 9th meeting was a carefully choreographed attempt on the part of several members of the Town Council to embarrass, humiliate, and minimize Mayor Gilbert. A little cabal of Town Council members used a very eager Mr. Gantt, who despite acknowledging a private meeting with the mayor on the topic of BOA nominations, felt compelled to lead a public insurrection against the mayor, aided and abetted by Mr. Zegerman, Miss Killingsworth, and the usually mute town attorney, Miss Hohe. The architect of this pathetic attempt at government obstructionism and control finally revealed himself when Mr. Mahaffey just happened to find this obscure town statute at his fingertips to support Mr. Gantt's motion. It was your Godfather Bronzini moment, Mr. Mahaffey, and you should have been a little less slick in your revealing contribution. Between his service in the Apex Police Department and his six years as mayor, Jacques Gilbert has honorably and nobly served the residents of Apex for 35 years. Let that sink in. Mayor Gilbert deserved better than your feeble little conspiracy on September 9th. Mayor Gilbert is Apex's Julius Caesar, and the rest of you are sniveling little cases full of ambition, each armed with a dull dagger, because Mayor Gilbert is still standing proud, embraced by an equally proud supporters. TC members, you abused your power on September 9th and the Town of Apex suffered as a result. Thank you, Mayor Gilbert. Stand strong."

Mayor Gilbert thanked the speaker and called the next speaker.

Next to speak was **Alexis Kennedy** at 106 Buckhaven Court:

"Good evening, Council Members. Last month, a kitchen fire forced my family to evacuate our home. Thanks to our call center efficiency and Apex firefighters' swift response, we were safe. Lesson learned, self-cleaning mode is to be avoided. I'm grateful for my family's safety, but my heart is heavy. Every day I see violence in Gaza funded by our tax dollars, $223 million was sent last week. In Gaza, there are no firefighters, though. Only men pulling children from bombed, burning homes with their bare hands. All the while, our government hides the truth about Gaza and the West Bank. A recent report came out estimating that 28% of Gaza's population, 680,000 people, have been killed since October 2023. An Israeli General came forth calling it a lie, admitting to 200,000 casualties, 10% of Gaza's population, saying, I quote, "This is, this isn't a gentle war. We took the gloves off." Israeli army data shows

83% of those killed are civilians. My family's safety shows our community strength, but true community knows no borders. Let's uncover the truth, push for immediate policies prioritizing human lives, and stand for justice starting right here in this community. Thank you."

Mayor Gilbert thanked the speaker and called the final speaker.

Next to speak was **Mike Rusher** at 914 Britley Way:

"I've had the privilege of serving the Haddon Hall HOA board for 10 years now, last three as president. With 846 homes and nearly 2,500 residents, I'm here tonight to request the town's assistance in addressing a recurring safety issue during the annual Christmas parade in downtown Apex. Haddon Hall takes great pride in supporting the town's events, and our community is intentional about embracing Apex traditions. Personally, I've worked with town staff on numerous occasions over the years, including with inspections, community development, and environmental programs when I served on the first Environmental Advisory Board. I share this because I know firsthand how effective collaboration between residents and town staff can be, and I believe we can solve this issue together in the next six weeks if Haddon Hall can receive the support of the mayor, the town council, and the staff. I do plan to present this to the Apex Police Department as well. The very qualities that make Apex a great place to live also create an expectation for proactive planning. Unfortunately, during the Christmas parade, which we all love, nearly a mile of roadway inside of Haddon Hall is unnavigable before and after the parade. The main artery of Haddon Hall, which is Britley Way, is about a mile long and connects both Salem Street and Apex Peakway, you got maps in your packet. At the Britley Way entry points to both Salem Street and Apex Peakway, cars unfortunately park on both sides of the road in order to make it downtown, and they walk there, and for several hundred yards it reduces the passage to a single narrow lane of roadway. This situation's grown worse each year, reaching a breaking point in 2024. Thankfully, nothing bad happened in the neighborhood. The result, as you can imagine, is gridlock, blocked access for residents, and severe safety hazards in the whole neighborhood. There's one entry point that comes off of Williams Street at the Haddon Hall exit. So, to address this, we respectfully recommend three specific actions: 1) Relocate the Salem Street closure just 100 feet north on Salem Street, north of Britley Way, 2) Deploy cones and type two folding barricades, the sandwich board type, along Britley Way to prevent parking on both sides of the street and 3) Use type three standing barricades at the designated closure points at Salem and Apex Peakway. I've included maps and photos in the attached documents to show exactly where these measures can be placed. And in addition, I'd like to highlight again, just moving the North Salem Street closure 100 feet north of Britley Way will solve about half of these traffic problems in our neighborhood. So, thank you for your time, got two seconds, and your consideration of the safety improvements will help keep our neighborhood safe and traffic orderly during one of the most wonderful times of the year in Apex. Thank you."

Mayor Gilbert concluded the Public Forum and moved to Public Hearings.

[PUBLIC HEARINGS]

PH1 Annexation No. 803 - 1211 Old Raleigh Road - 6.40 acres – *Continued from August 26, 2025*

AND

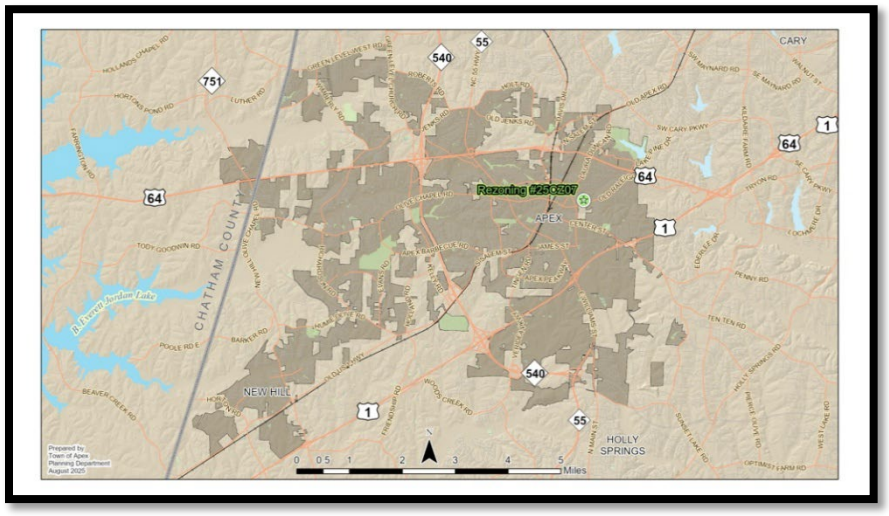
PH2 Rezoning Case No. 25CZ07 1211 Old Raleigh Road – *Continued from August 26, 2025*

Lauren Staudenmaier, Planner III, Planning Department said that this property is located in the general area on Old Raleigh Road within the ETJ and in addition to rezoning, the applicant is seeking to annex for Town services. She gave the following presentation for PH1 and PH2:

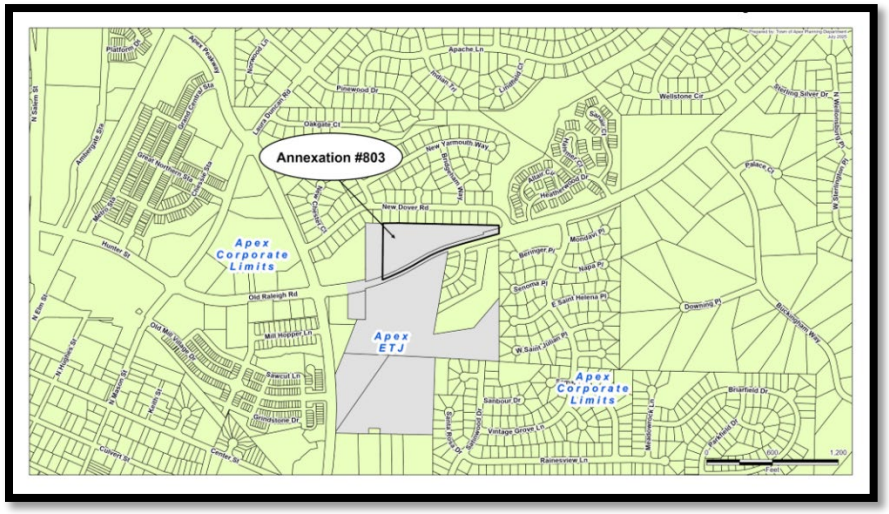
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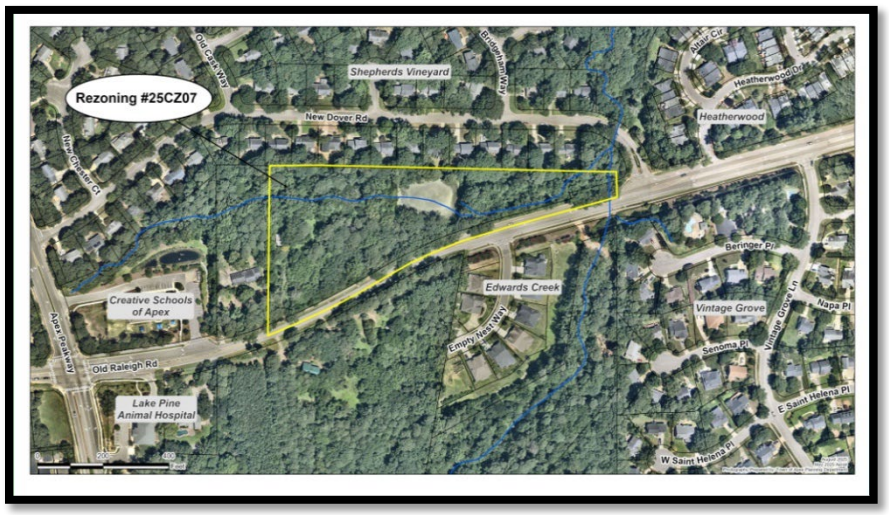
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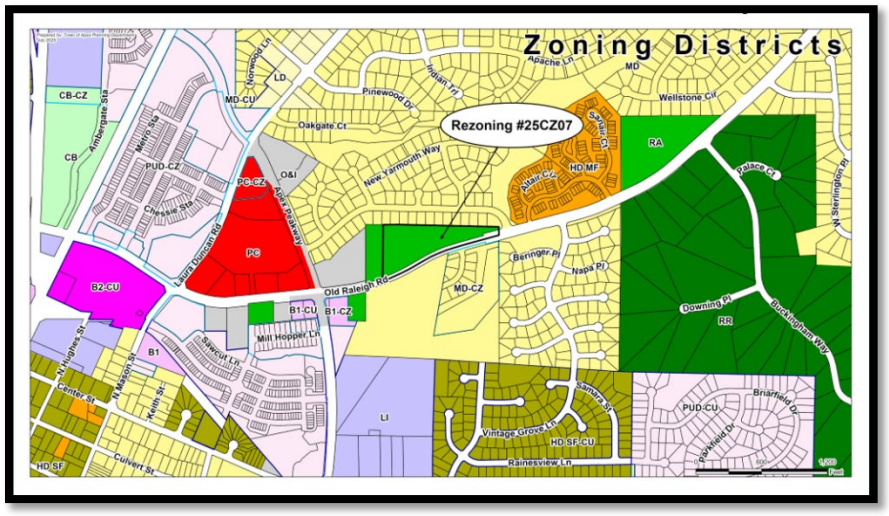
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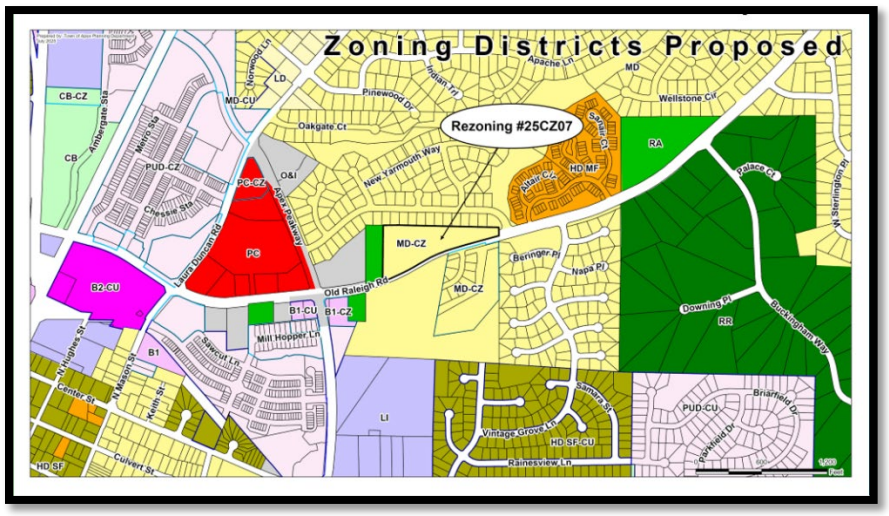
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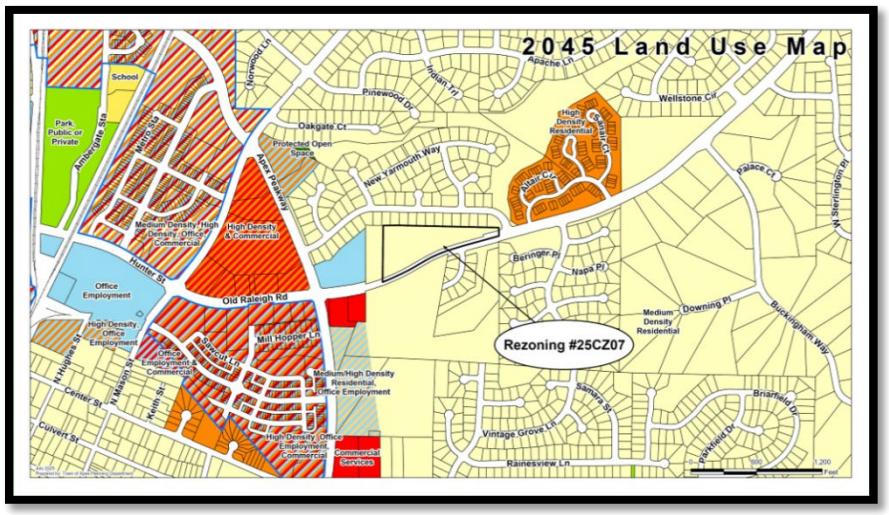
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[SLIDE 6]



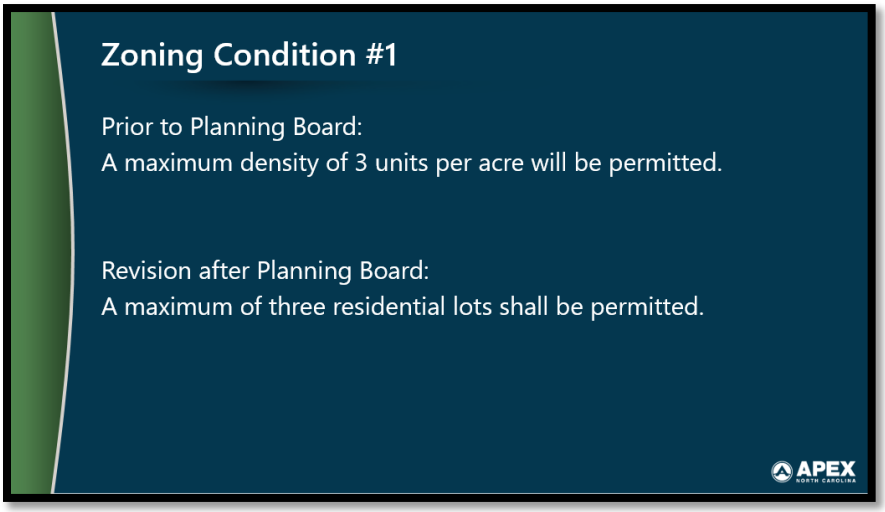
[SLIDE 7]



[SLIDE 8]



[SLIDE 9]



Ms. Staudenmaier said she would answer questions.

Councilmember Gantt asked if this rezoning would have included the parcel to the west, would it have more frontage improvements. He said that he was weighing the public good with what Apex is getting with the development, specifically the number of driveways.

Ms. Staudenmaier said the parcel wasn't included due to environmental constraints of the existing Riparian buffer. She said that given where the property is located staff was comfortable with the zoning condition about no development to the east or north of the Riparian buffer that only gave so much of the area that can be developed for lots, but this could be added per the Apex transportation plan.

Councilmember Gantt asked if it would be possible to connect the daycare, if they had included the next parcel, to use the entrance of the daycare and a stub street out to reduce the number of driveways on Old Raleigh Road, could there been an agreement.

Mr. Dalton said that this project has a requirement for a shared driveway. He said if they picked up that additional lot to the west, they would ask for additional frontage widening

to connect of to the daycare, however, there may not be a way to connect physically to the daycare to use their access because there's not a cross-access easement and that is private property.

Councilmember Gantt asked if there was any history of creating a cross-access easement that wasn't anticipated at the time of building.

Mr. Dalton said that typically it would be public street stubs with residential or a cross-access easement if it is commercial and with this situation where it was a commercial lot with residential to the east and it also predates some of the regulations in the UDO concerning cross access.

Councilmember Killingsworth asked if there was a concern with a dam with limited units and this has 3 units so what are the thoughts about upkeep of the dam.

Ms. Staudenmaier asked for stormwater staff to address this question.

Hannah Behr with Storm Water Engineering, said that Apex would not be maintaining this it would be HOA maintenance.

Councilmember Killingsworth said that was the concern, that there were only 3 houses versus a HOA with more homes. She is concerned that this area is high risk of flooding.

Ms. Behr said that in terms of what is required, if they were to grade and clear the trees, they would be required to prove that flooding should not increase but in fact either stay the same or decrease.

Ms. Staudenmaier said that because it is the Neuse basin, the stream buffer determination any buffer impacts will have to go through NCDEQ instead of the town. She said if the dam condition evaluation has to have site plan approval and they drain the pond the location of the riparian buffers could change the pond bank. She said the aerial shows trees on the pond dam, so it may need some rehab or breaching of a dam that does not require a buffer authorization from NCDEQ if they meet all of the requirements and stormwater would come into play to review and work with NCDEQ. She said that there are multiple layers of review. She said that staff would also look at during subdivision plan for a more intensive procedural of what is needed.

Councilmember Mahaffey asked in what conditions would the dam stay or be removed.

Ms. Behr said the stream is buffered and so it is likely that the pond is buffered, but this would have to go through NCDEQ.

Councilmember Zegerman asked if the pond was removed would it be a different requirement from the town with stormwater controls.

Ms. Behr said not necessarily. She said that if the buffered pond was drained then the requirement would be to wait 6 months to see where and if the pond reforms and if the pond reforms, then the buffers would automatically be reapplied so then the stormwater control measure factor doesn't come in until it is determined how much land is disturbed.

Councilmember Zegerman asked if the pond is removed would stormwater control measures be larger to accommodate for what the pond was used for.

Ms. Behr said no, that if the pond were drained and it didn't reform, then the stream bank ideally would still stay and the stream itself would handle the moving water and it shouldn't have an effect either way.

Mayor Pro-Tempore Gray asked about the determination of continued maintenance if the HOA decided that they weren't going to maintain it and are there provisions for this.

Mayor Gilbert asked the applicant to address this question.

Zach Shipman, a Civil Engineer, representing the applicant came up to address the questions. He said that intention is to leave the pond, with significant neighbor property feedback saying that they wanted the pond to stay. He said as part of the structural analysis there will be a Geotechnical Engineer to inspect for seepage for structural defects in the pond and if anything, is found it would be rendered so that the pond can stay in place. He said HOA is tasked with maintaining the dam, but the idea would be to fix it to a point where it's good for many years. He said from a stormwater perspective, there would be another stormwater SCM that would treat that pre and post runoff to ensure that our post development runoff is less than the pre-development, less than the prior development. He addressed the previous question with regards to driveways, they had talked to the property owner to the west and invited him to join the petition, and he had no interest in doing that and so that idea was abandoned for cross access or stubs to the western property line.

Mayor Gilbert opened up Public Hearing and called the first speaker.

First to speak was **Dawn Cozzolino** at 3632 Bosco Road:

"I'm going to get into something I wanted to talk about. I just wanted to say that the applicant and this council are not prepared to discuss this application tonight because everything's in theory. You don't have any engineering studies. You don't know about the pond. You don't know how much the ongoing costs for this HOA are going to be. This is a major issue in this area. It is not just building it and getting it right on day one. It is very expensive to maintain these retaining ponds, and many speakers have talked about this in the community. So, I don't think the whole financial due diligence or environmental concerns have been even gracefully touched. So, on to that, I'm going to talk about the zoning application. What is confusing, and I think a lot of people are confused. I'm confused. On paper, it looks like three lots. Well, it sounds like three houses or something. It is so confusing. How many freaking houses are going to be on this property? And you've got a UDO, Unified Development Ordinance, allowing accessory apartments, so those are detached structures. So that means there's really not just three units or whatever it is, because we don't know. It's not in the application. We do not know what is going to be built on this property. So that is just no transparency whatsoever. And then on top of that, the neighborhood meetings, right? They're asking basic questions here. How big are the houses going to be? And the answer is we don't know. Maybe 3,000 to 4,500 square feet. Well, that's not good enough for people anymore. Yet, the Wake County Public Schools impact, they list the project sizes are 2,000 to 5,000 square feet. And that's just the single structure, right? Not the accessory apartment.

Who knows? That has a kitchen and a bath and uses sewage and all that stuff. So, how big is that? Oh, and the prices are $750,000.00 to $1.5 million. Is that the market rate now? And this is why we can't do affordable housing? Or, you know, because we want to make a profit here. It's a wide range, doesn't give clarity and it's a 100-page-long application, guys. Doesn't address anything the neighbors asked about, density, affordability, impacts to the schools, traffic, neighborhood character. It's just completely vague and this may seem so small, but it's a precedent you're setting here and you continue to do this. You continue to approve vague, inconsistent, incomplete applications and you erode the trust time and time again of this community and the surrounding communities of New Hill and Friendship that are going to be there. Now, we're not going to be part of Apex and be called or wiped away. So, I just think you should be held to a higher standard, and I think the residents should get the answers they deserve. Thank you."

Mayor Gilbert thanked the speaker and called the next speaker.

Next speaker was **Nick Bryant** at 1023 Newover Road:

"As I spoke last time, as it appears on paper for the project, I do look forward to not developing anything east, including the pond, and of course keeping the buffer. Therefore, if we can keep the number of homes, lots down for that. Thank you."

Mayor Gilbert closed Public Hearing with no one else to speak and brought this item back to the Council for further discussion and a possible motion.

Mayor Pro-Tempore Gray asked for the school impact letter to be read.

Ms. Staudenmaier read the school impact letter from the staff report, saying there was sufficient capacity for the anticipated addition of students.

Councilmember Mahaffey said it was positive that the application was updated to specify there would be three units.

Councilmember Zegerman said that the secondary storm water control measure will help downstream in Shepherd's Vineyard is positive and considering the alternative that it is probably the best option for this area.

Mayor Pro-Tempore Gray said that one concern was that there would be an inspection of the pond and the dam would not hold up but with the idea that there's a commitment to make it sufficient so that there doesn't have to be rebuilt or fall apart is a positive. He said also the idea of not having many units is better for the rest of the community in the area. He said that he also appreciated the applicants taking advantage of complying with a lot of the town's requirements, and some environmental conditions even though they didn't have to go before the EAB.

A **motion** was made by **Councilmember Zegerman**, seconded by **Mayor Pro-Tempore Gray** to approve an Ordinance on the Question of Annexation - Apex Town

Council's intent to annex 6.40 acres, located at 1211 Old Raleigh Road - Annexation No. 803, into the Town Corporate limits.
AND
Approve Rezoning No. 25CZ07 – 1211 Old Raleigh Road - rezone approximately 6.40 acres from Residential Agricultural (RA) to Medium Density Residential-Conditional Zoning (MD-CZ) at 1211 Old Raleigh Road.

VOTE: (3-2), *with Councilmember Killingsworth and Councilmember Gantt dissenting.*

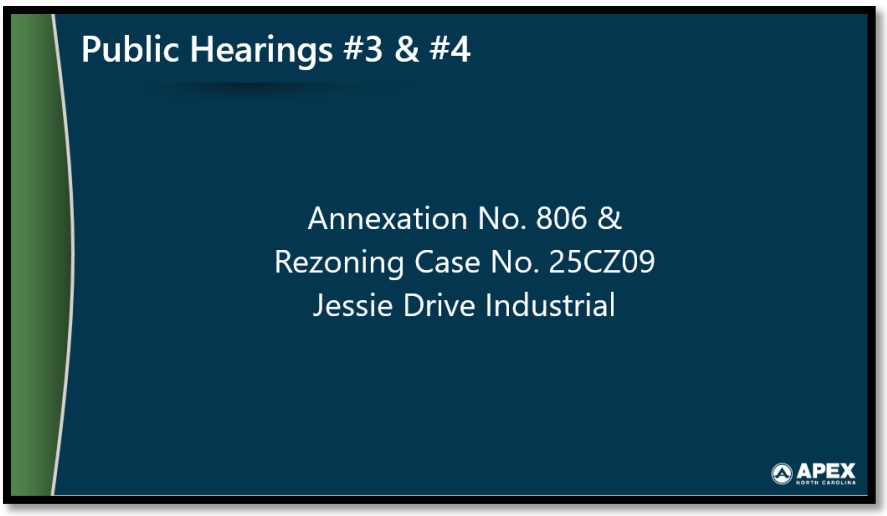
PH3 Annexation No. 806 – Jessie Drive Industrial – 51.822 acres

AND

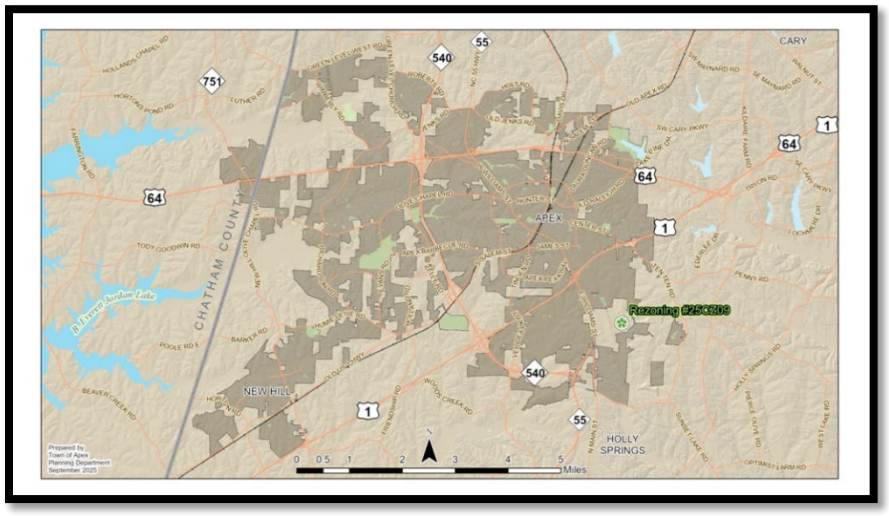
PH4 Rezoning Case No. 25CZ09 - Jessie Drive Industrial

Joshua Killian, Planner II gave the following presentation for PH3 & PH4:

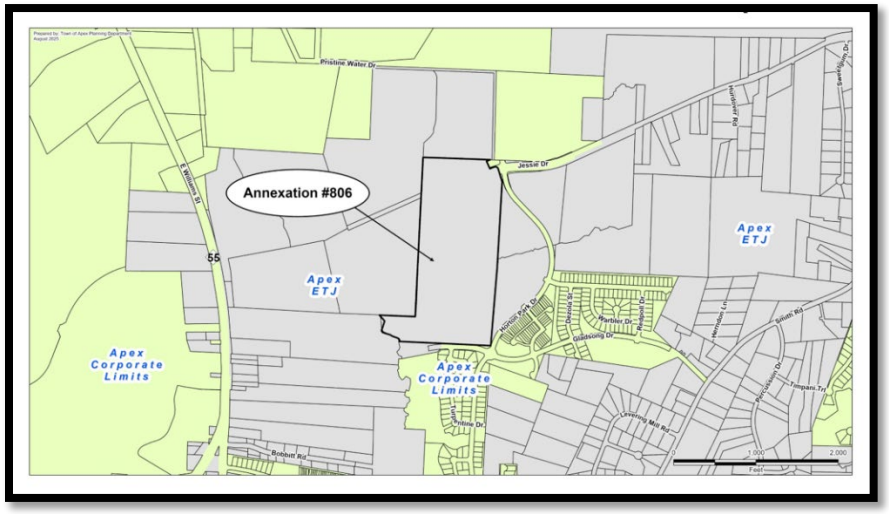
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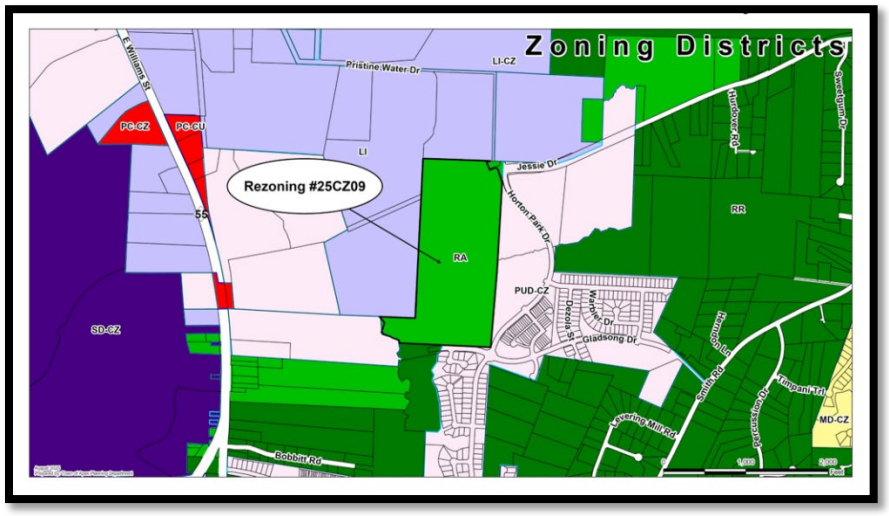
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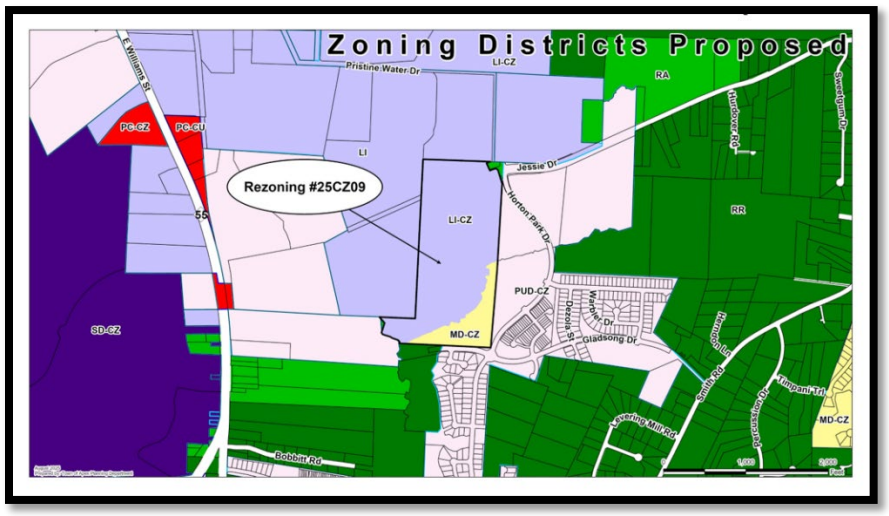
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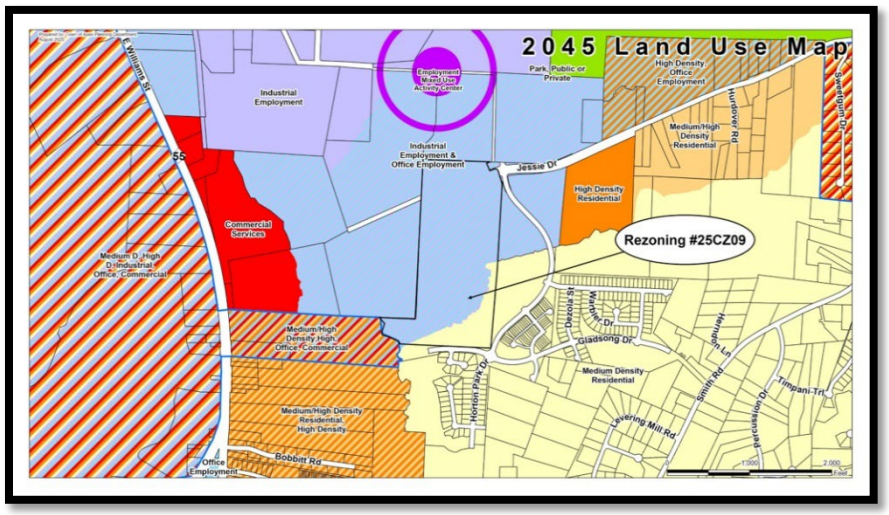
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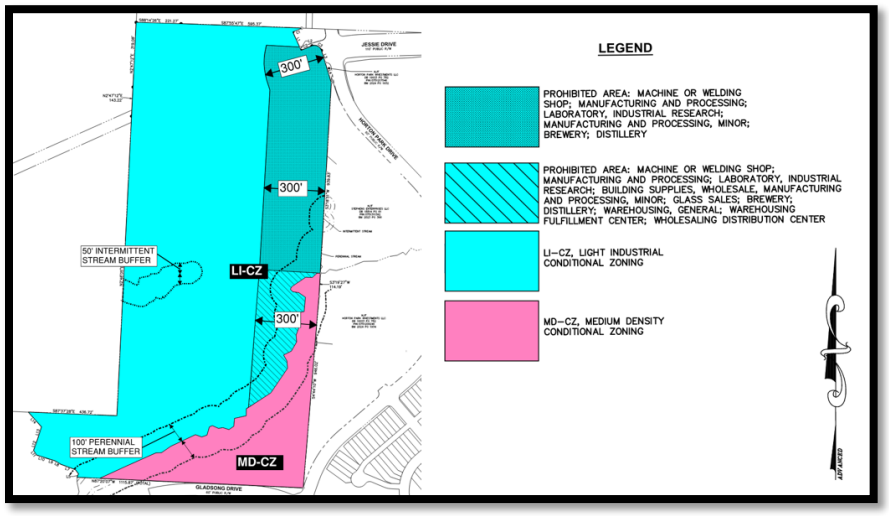
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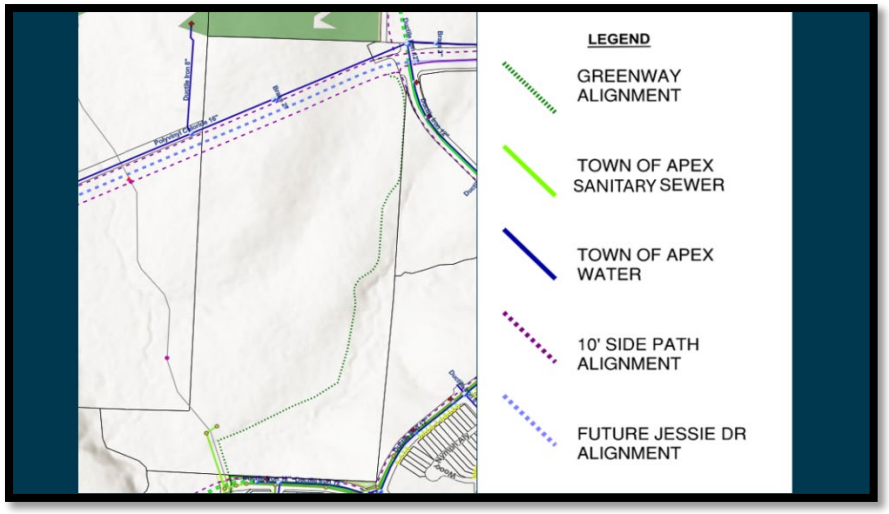
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[SLIDE 8]



[SLIDE 9]



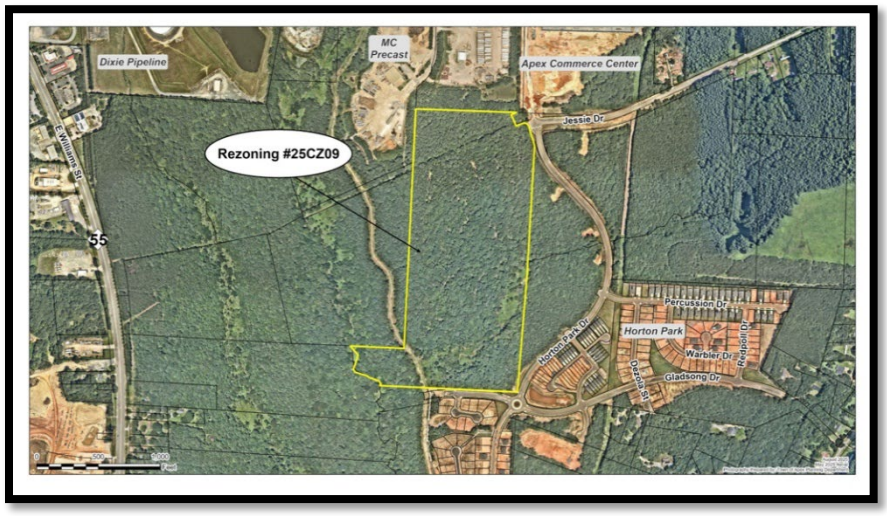
Councilmember Gantt asked why the greenway was not going all the way to Horton Park and was it considered during the planning process.

Mr. Killian said that he could not speak to why it was not offered, but that it was his understanding that industrial developments do not have to construct greenways so their offer to construct and dedicate throughout the entire light industrial area is above what was required and was middle ground to not make impacts to make the connection but are willing to construct and dedicate easement throughout that they intend to develop. He said that in the future the greenway connection can be made to finish that connection.

Councilmember Gantt said that this is a large development for that greenway not to be completed.

Mr. Killian said that he would let the applicant know the concern.

[SLIDE 10]



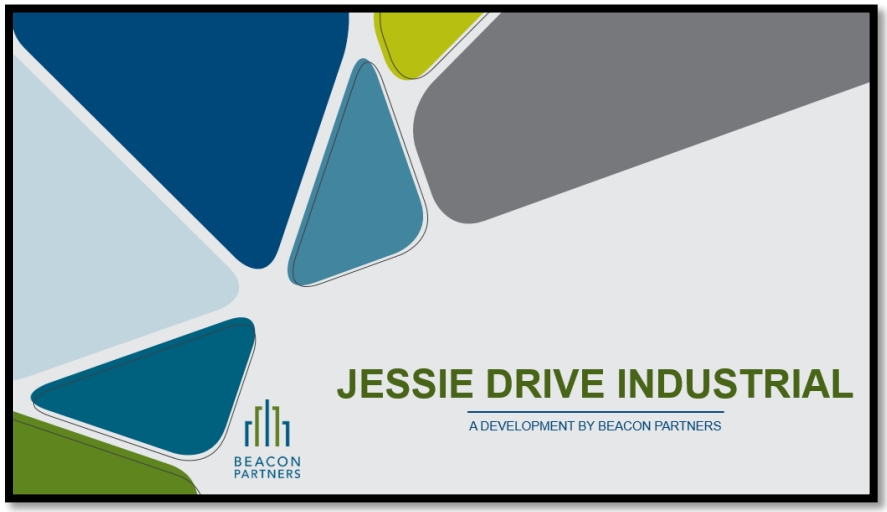
Mr. Killian asked if there were any questions.

Councilmember Gantt asked about the medium density residential and the buildable land in that area for possible affordable housing and why it was chosen to have all RCA.

Mr. Killian said that he could let the applicant respond to that question.

Gray Harrall, Project Manager with Beacon Partners, introduced himself and thanked staff and Council for helping with this project. He gave the following presentation:

[SLIDE 1]



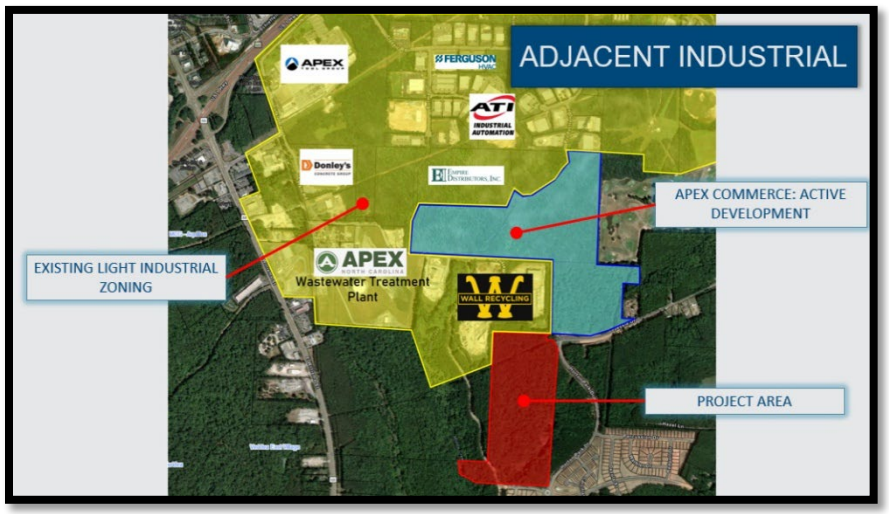
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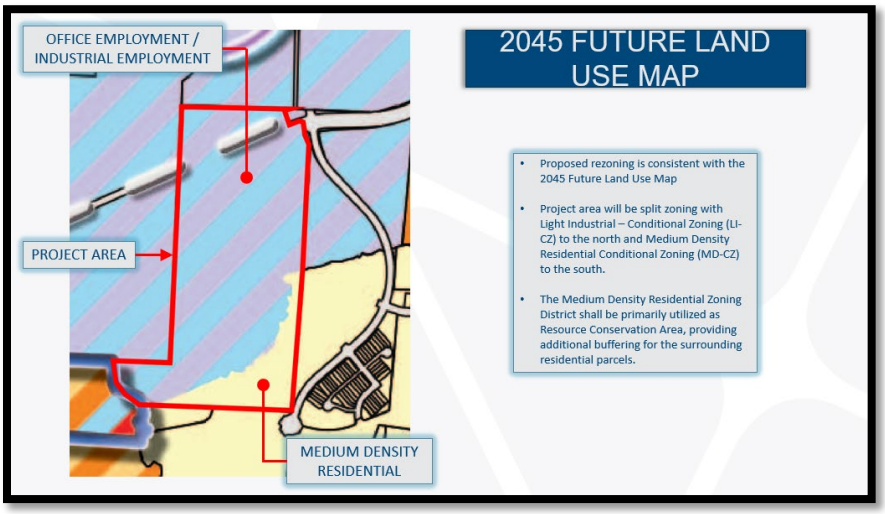
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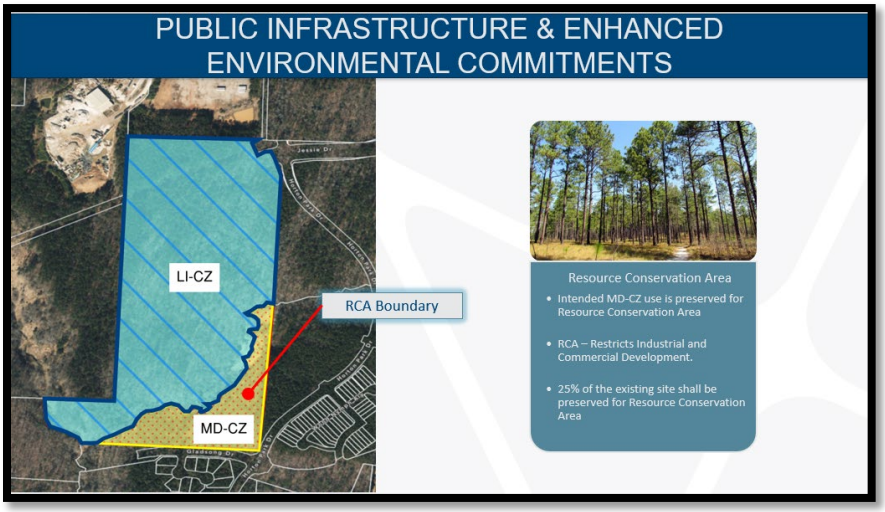
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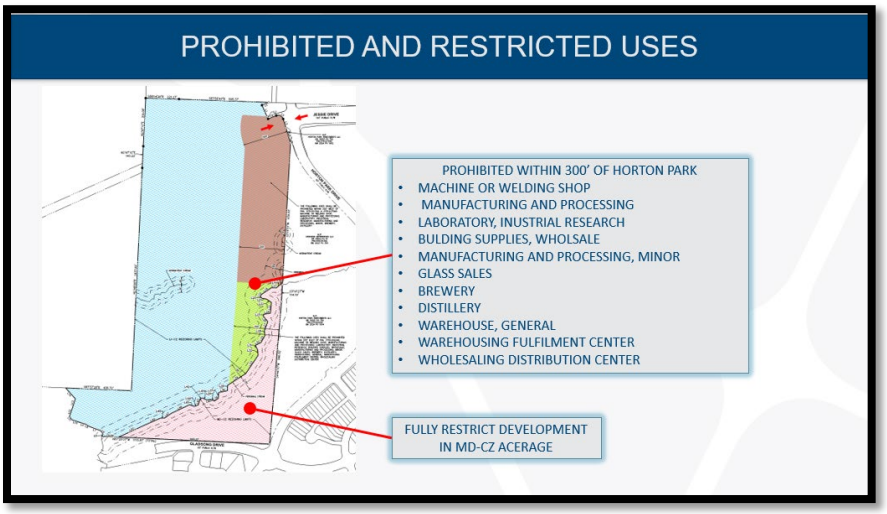


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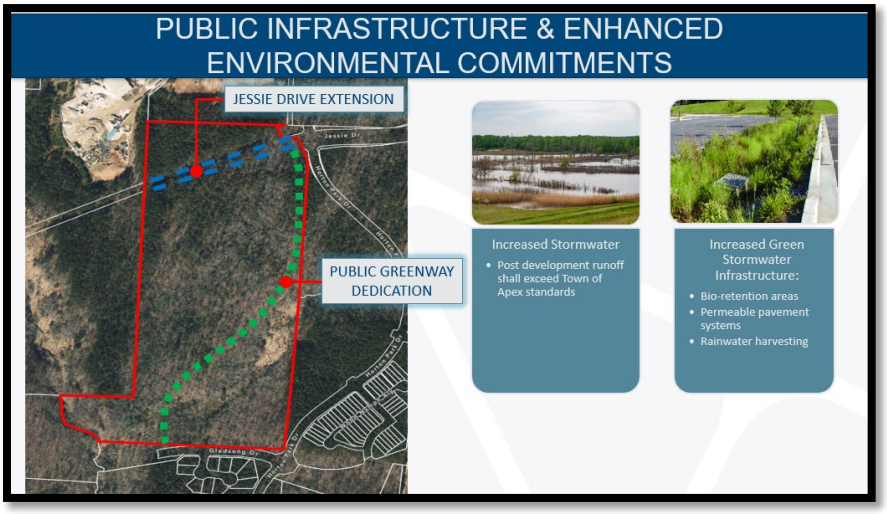


Mr. Harrall said to address Councilmember Gantt's question, as seen from the aerials the height of the site is heavily wooded and they wanted to be mindful of the neighbors to Horton Park on the east to commit to an elevated resource conservation commitment, so there was an increase of 25% exceeding the UDO's 10% requirement fully allocating it to the south district only allowing two uses in that medium density which was the greenway as well as the utility minor application.

[SLIDE 7]



[SLIDE 8]



[SLIDE 9]



Mr. Harrall opened for questions.

Councilmember Gantt asked why the applicant chose to designate a large portion of the site as RCA instead of using that land for development, particularly given the presence of wetlands and proximity to Horton Park.

Mr. Harrall said that the RCA designation was chosen to provide additional buffer space for Horton Park and preserving tree canopy. He said that if going to access the lots to the south, it would have required tapping into Gladsong and the lots would be larger estate lots and it was felt that it was a better use as a resource conservation area.

Councilmember Gantt asked if it would have been enough if the intermittent stream buffers were counted and possibly other wetlands.

Mr. Harrall said that without including the designated RCA, they would not have been able to meet the 25% RCA target and would have only been able to commit to the 10% UDO minimum.

Councilmember Zegerman asked if they would commit to the remaining 150' if the if the application is submitted and is approved.

Mr. Harrall said they will design it as part of the first phase and submit it to the state but can't guarantee that the state will approve that.

Councilmember Zegerman said that it wasn't covered in the current application.

Mr. Harrall said that they had only committed to building 150'.

Councilmember Zegerman asked if the application was successful would they be willing to commit to completing the remaining 150' to connect the greenway to the south side.

Mr. Killian said it would take some work to craft a zoning condition to make sure it's enforceable and to make sure all the steps are followed. He said staff wasn't able to approve the plan because something was out of order. He said that it is an appropriate request but would ask that staff have time to work with the applicant to craft a condition if that is the will of the Council.

Councilmember Zegerman asked how much time staff would need.

Mr. Harrall said that if they could phase it in they could commit to this.

Director Khin asked could this be resolved tonight. She asked if they could have some time to work on it.

A project representative said that they will commit to a good faith effort similar to what was done on Apex Gateway with conservation and tree replacement and if they can get this permitted, they are going to build it.

Mayor Gilbert opened Public Hearing and called up the first speaker.

First to speak was **Bill Jensen** at 1005 S. Wellonsburg Place:

"I'm on the Environmental Advisory Board and this program came through and what my problem is a bit I don't know what items the developers, what items that we recommend that the developers deny doing and I tried to listen tonight and as you well know my heart

throb is solar energy and I didn't hear anything. I heard about the trees but I didn't hear what the developer doesn't want to do and I think that's critical and we don't seem to get feedback about that either. So, we're running kind of in the dark. We make our recommendations, go home happy, and don't hear about it again. So, what I'm asking is that staff present the ones that are negative, the ones that the developer doesn't want to do. Now, on this one, I know we requested 2 kilowatts per thousand square feet of solar, and in a regular house, you typically get 6 kilowatts per thousand square feet. So, we ask for a very minimum for the developer to add that and the reason I look at solar as being important is because these guys, I know they're doing really good work environmentally, but they're still going to go in and they're going to tear down a whole bunch of trees, and that's a carbon dioxide sink that is going to go away. So, the idea is to make the buildings as efficient as possible so that the environmental impact is not there and I would hope tonight that the council might ask the developer if they are going to commit to 2 kilowatts per thousand square feet of heated area. Thank you."

Mayor Gilbert thanked the speaker and called the next speaker:

Next to speak was **Dawn Cozzolino** at 3632 Bosco Road:

"So, I just want to travel back in time because I want to give an example because I heard the word affordable housing. So, Ashburn rezoning, this was done previously. It was approved and what was highlighted is that it was interesting here because they actually put in their master plan a donation, they did a fee-in-lieu for affordable housing and you guys accepted that. You didn't want the physical affordable housing, so you accepted that and it actually was interesting. It was 5% of the total units of $218,000.00 per unit. It works out to roughly four units. It was rounded up and total was almost $900,000.00. So, what's really interesting is I hear affordability, but I think its marketplace affordability really, but I hear that word and you're happy to take a fund money towards it. So, I just want to mention that because I didn't really, these applications really don't go into the breadth of detail that they need to, but I wanted to point that out. Okay, so let's talk about Jesse Drive Industrial. What troubles me here is that this area is already identified as a hundred-year floodplain and a 500-year floodplain and while some will on social media designate that as rare, let's be practical. If you have a 30-year mortgage, whether it's commercial, whether it's residential, property on a 100-year floodplain has roughly a 26% chance of flooding at least once and that risk is still non-negotiable in a 500-year floodplain. This applies not only to homes but also to any commercial development. So, you've got risk here of the cost of flooding ultimately will fall on the businesses, the lenders, and the taxpayers. So why are we inviting industry and medium density residential development into a floodplain? Can I talk about briefly Olive Chapel Road? Okay. That collapsed in sinkhole because it happens up north actually in New Jersey, they had a sinkhole. They thought it was something else and they found out it was the construction. So that's a very expensive cost to collapse the road and the delays and all the safety issues, of course, that it entails. So, what that means is basically the public's held paying

for the cleanup, the infrastructure repairs, and the emergency response of our great EMT first responders having to deal with this instead of actual other emergencies. So, let's talk about the easements and fairness. Where easements or partial takings were only for 40 or so of the Wake County properties that were affected on Jesse Drive for the extension project. Are there any additional takings planned for Wake County people and their property? Is this 51 plus acre industrial property being bypassed from any right-of-way, any eminent domain? I thought I saw something in there, but you never know because it's not like the final laminated copy and what about Horton Park? Did it receive the same generous treatment? This is not a new pattern. Back on July 15th, 2020, I'll take it back in time. The town held a public meeting on Jesse Drive extension phase one. The survey questions were predetermined to favor the town's desired design, asking if the design was very good, not good, needs some work. Residents raised serious concerns, traffic, medians, flooding, school impacts, emergency access, and property takings. Yet options like scaling back to two lanes or reconsidering median placement were dismissed as not consistent with long-term goals. I think the traffic transportation map was brought out or one of those land use maps. The outcome was already written; community engagement was performative and not genuine. Now, this rezoning app continues that pattern, and it's interesting because it claims that the industrial portion, they didn't talk about it, is 44.39 acres. The full application includes as well that medium density for 7.42 acres. The planner and developer failed to submit a Wake County Public Schools form for the residential portion, leaving the public without a clear picture. If you go to page 316, it even shows a blank form captioned "no residential uses." That may technically apply to the industrial portion, right? But it misleads the public because the full proposal clearly includes both the industrial and the residential development and this lack of transparency is striking, and we've seen this with the widening, we've seen this with many, many other projects, and again, I'm going on record to show this clear pattern of limited transparency, incomplete submissions, prioritizing development over community. Clearly, we really do deserve honesty, accountability, and a complete application, not talking about it amongst yourselves on the spot but actually reviewing it ahead of time and going through it and finding the holes and fixing it before you get to this forum. Thank you."

Mayor Gilbert thanked the speaker and closed Public Hearing. He asked what the recommendation was.

Mr. Killian said that staff recommended postponing the vote until after unfinished business number two.

Mayor Gilbert said this would be looked at where the staff was when they return from a recess.

Mayor Gilbert declared the meeting in recess at **8:30 p.m**.

Mayor Gilbert reconvened the meeting at **8:40 p.m**. He called Mr. Killian back up.

Mr. Killian said the developer had agreed to the following wording for zoning condition number one: "Developer shall apply for all necessary state permits to allow for the construction of the public greenway across the subject property to connect to the existing public greenway near Gladsong Drive. If the state permits are approved, the development shall construct and dedicate the greenway through the entirety of the subject property. If the state permits are not approved, the development shall construct and dedicate the greenway through the light industrial conditional zoning acreage and terminate the greenway within 150 linear feet of the medium density conditional zoning boundary, and the development shall dedicate a greenway easement through the medium density conditional zoning acreage.

Councilmember Gantt asked about the amount of time it may take to build this and how long the permits may take, possibly years.

Mr. Killian said typically that this would happen with site plans and they would have to demonstrate that they've gone through each step to get their official final certificate of occupancy. He said this is typical when the Town waits for all of the installations to have been complete for the Town to be able to accept them.

Councilmember Gantt asked if this would only go to the state because of the water way it is.

Mr. Harrall said yes it was only state.

Mayor Gilbert brought the item back for discussion and possible motion.

Councilmember Mahaffey said the preferred situation is that the EAB would vote for approval of a project or not based on the accepted or denied conditions as a whole that they offered and that's not how it works today. He said that he did wish that the EAB would get the feedback. He asked the applicant about the solar condition that wasn't included in the application, and that he would like to see the commitment that was recommended by the EAB. He said that the situation is still in a situation where development regulations are considered down-zoning and any downzoning has to get the signature of every property owner that is potentially impacted. He said that when approving commercial developments and light industrial developments, the current frameworks in his view gives adjacent property owners veto power over future changes. He said the solution other than fixing the law, is to have much tighter commercial applications which don't have the long list of usage and are considered more potential UDO amendments.

Mr. Killian said that in the use conditions on page 5, 6, and 7 in the written staff report, staff did attempt to create some of the limiting structures in conjunction with the applicant to help ensure that while we may not be able to specifically downzone across town that this specific development would have to meet certain parameters that are not applied townwide.

Councilmember Mahaffey thanked Mr. Killian. He pointed out that there's still 55 uses.

Mr. Harrall said that there is solar across the portfolio and the issue is that this is a speculative development project and for a few of the tenants that it is a threshold issue for them as they evaluate their buildouts. It gets into issues such as the implications on roof

warranties and roof maintenance, so this will be explored with the tenants. He said that at several businesses, for example the Apex Gateway project, the residents have threshold issues with solar, in terms of implications on R&M and with fire safety.

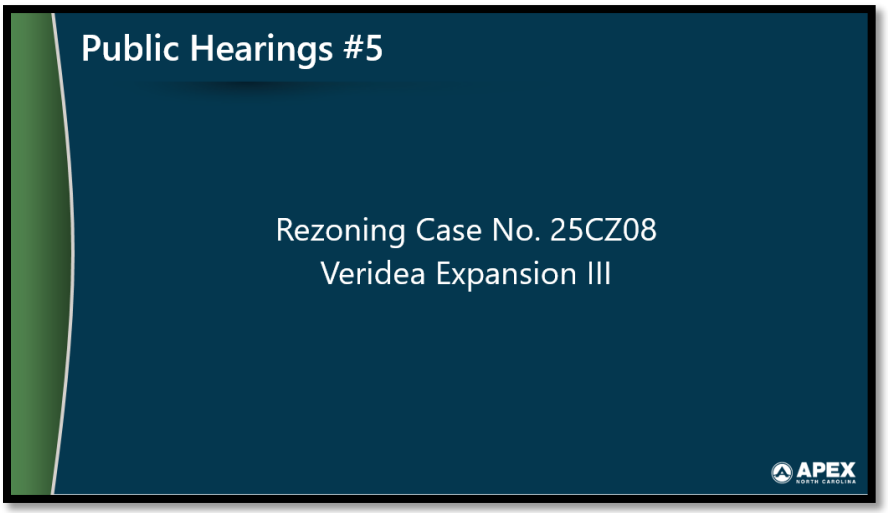
Councilmember Mahaffey said that there were a lot of things that he does like about the project.

A **motion** was made by **Councilmember Killingsworth** and seconded by **Councilmember Zegerman** to approve adopt Question of Annexation - Apex Town Council's intent to annex 51.822 acres, project commonly referred to as Jessie Drive Industrial, located at 0 East Williams Street (PIN 0751-20-1670), Annexation No. 806, into the Town Corporate limits.
AND
Approve Rezoning Case No. 25CZ09 - Jessie Drive Industrial - rezone approximately 51.82 acres from Residential Agricultural (RA) to Light Industrial-Conditional Zoning (LI-CZ) and Medium Density Residential-Conditional Zoning (MD-CZ) at 0 E Williams St. with the amended zoning conditions.

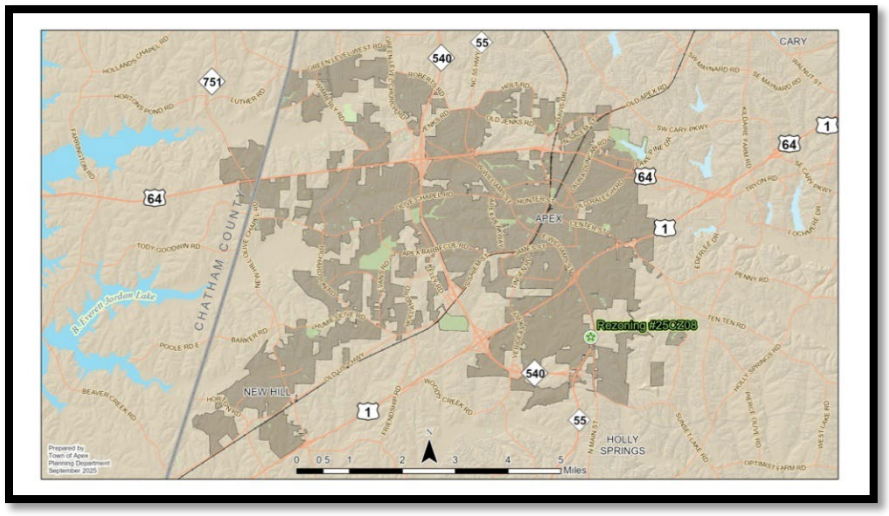
VOTE: (4-1) with Councilmember Mahaffey dissenting

PH5 Rezoning Case No. 25CZ08 Veridea Expansion III

Amanda Bunce, Assistant Director, Planning Department gave the following presentation:
[SLIDE 1]



[SLIDE 2]



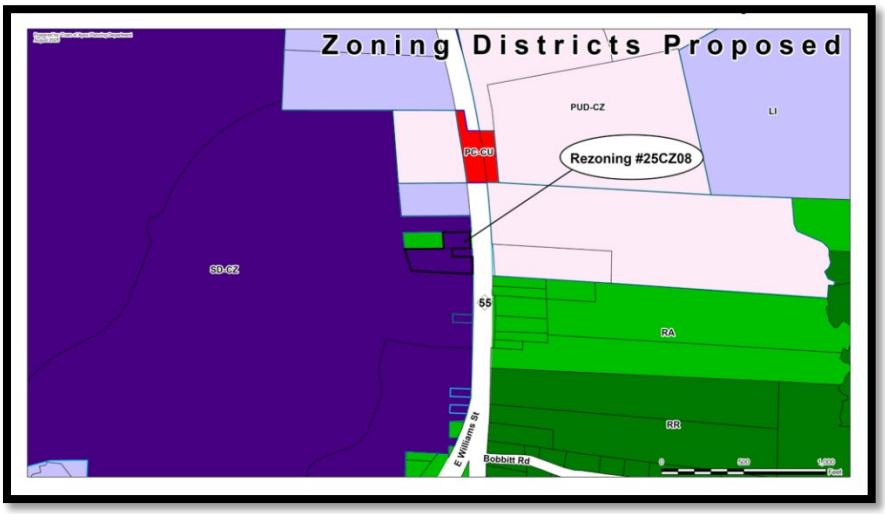
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[SLIDE 4]



[SLIDE 5]



[SLIDE 6]



[SLIDE 7]



Ms. Bunce asked if there were any questions.

Councilmember Killingsworth asked if the property behind this would be able to continue to access their property that's not a part of the SD.

Ms. Bunce said that yes, there will be a stub provided.

Mayor Gilbert opened Public Hearing and with no one signed up to speak, closed Public Hearing.

A **motion** was made by **Councilmember Gantt,** seconded by **Councilmember Killingsworth** to approve Rezoning Case No. 25CZ08 Veridea Expansion III - rezone approximately 1.52 acres from Residential Agricultural (RA) to Sustainable Development-Conditional Zoning (SD-CZ) for Veridea at 1712 & 1716 E. Williams Street.

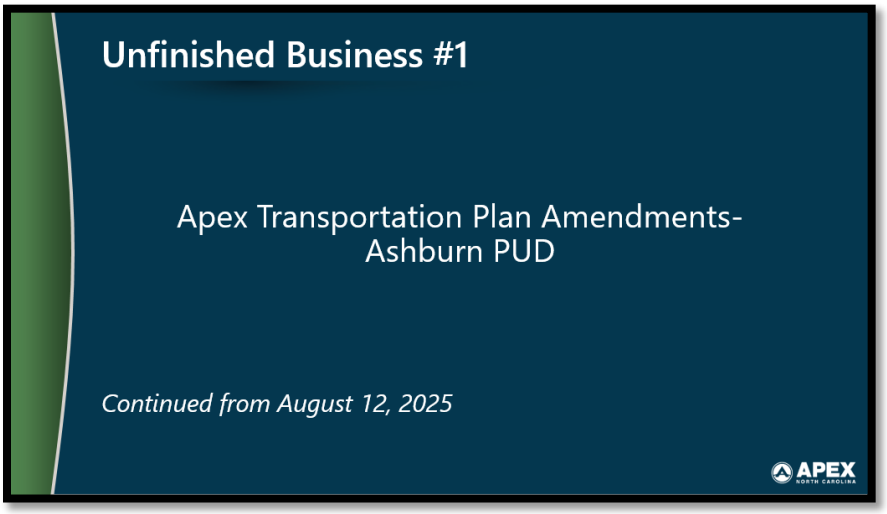
VOTE: UNANIMOUS (5-0)

[UNFINISHED BUSINESS]

UB1 Apex Transportation Plan Amendments - Ashburn PUD – *Continued from August 12, 2025*

Shannon Cox, Long-Range Planning Manager, Planning Department gave the following presentation:

[SLIDE 1]



[SLIDE 2]

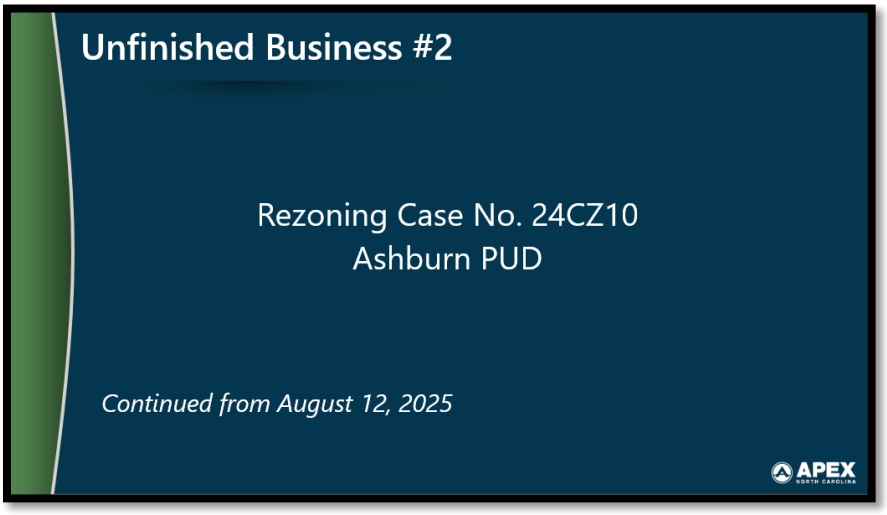


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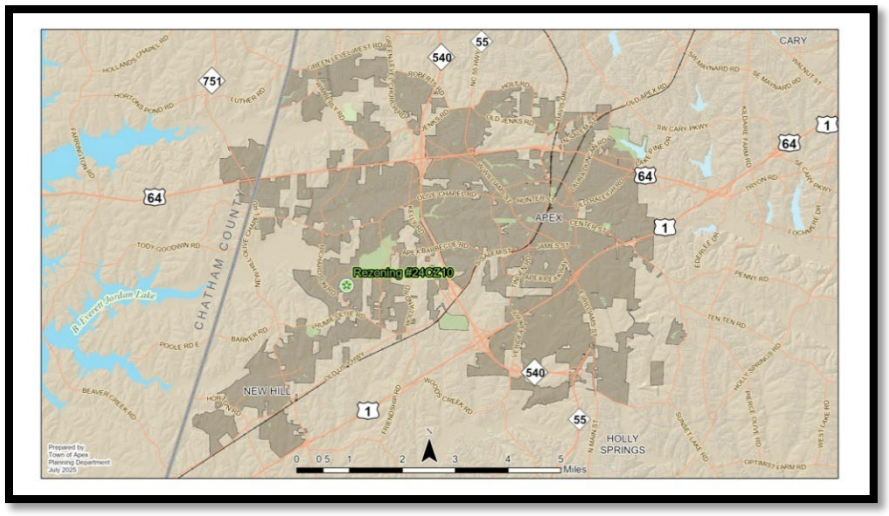
UB2 Rezoning Case No. 24CZ10 Ashburn PUD – *Continued from August 12, 2025*

Joshua Killian, Planner II, Planning Department presented the Affordable Housing condition in slide 12:

[SLIDE 1]



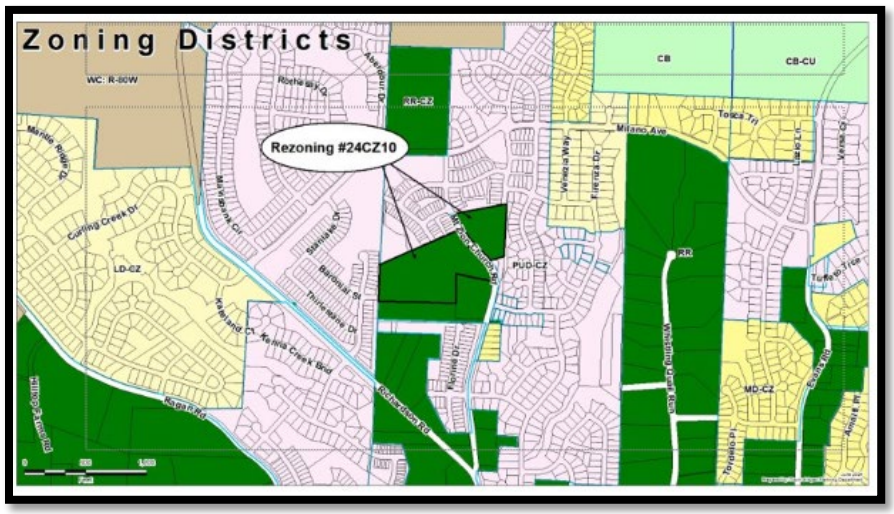
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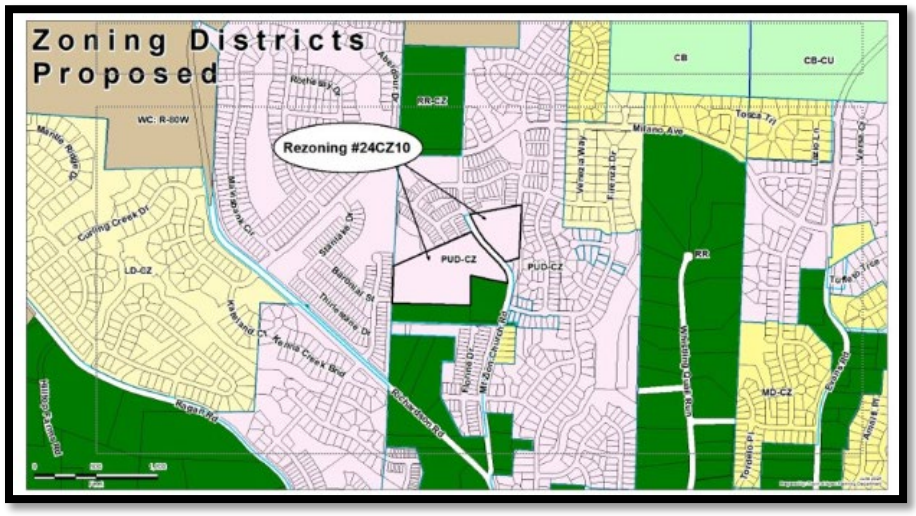
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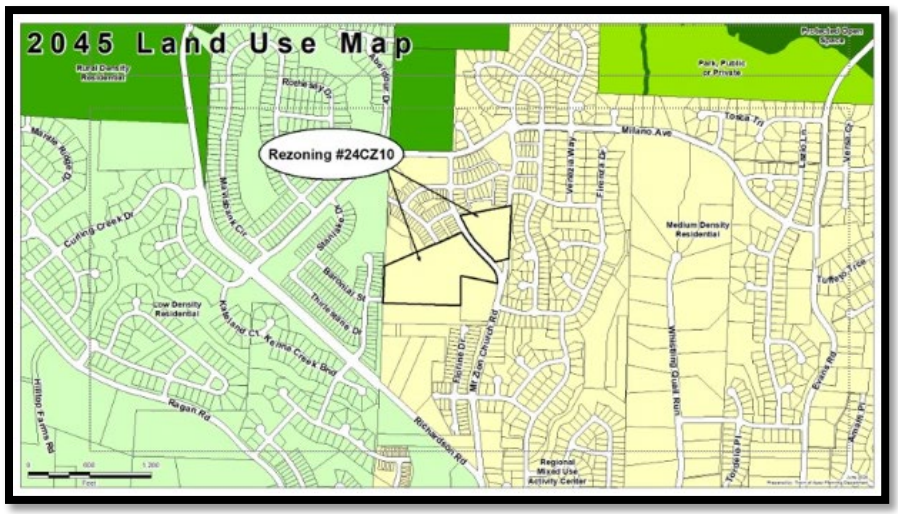
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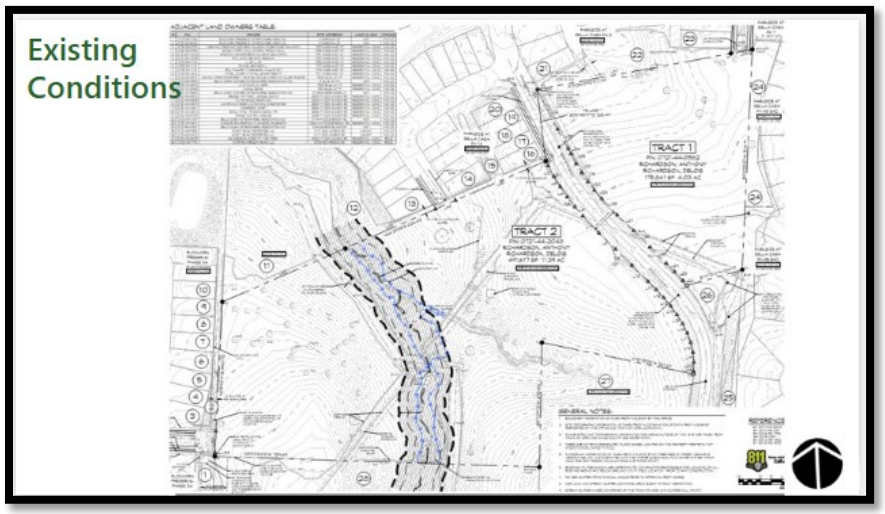
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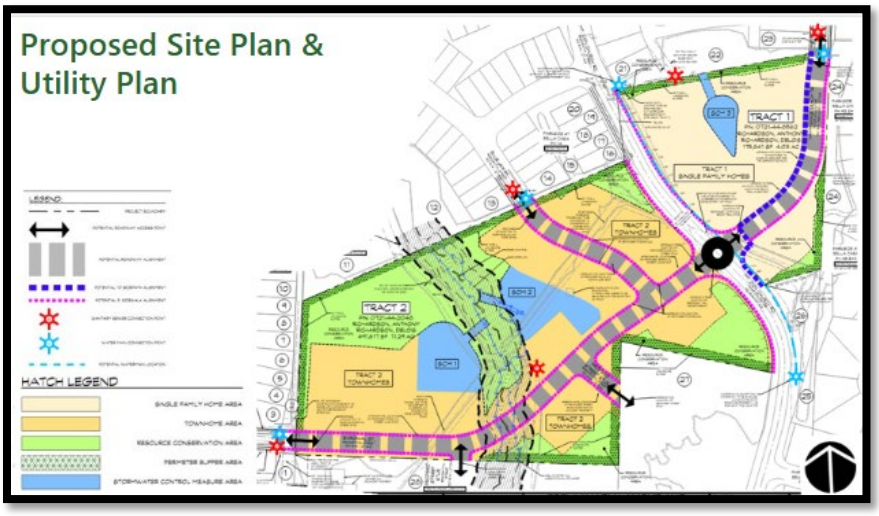
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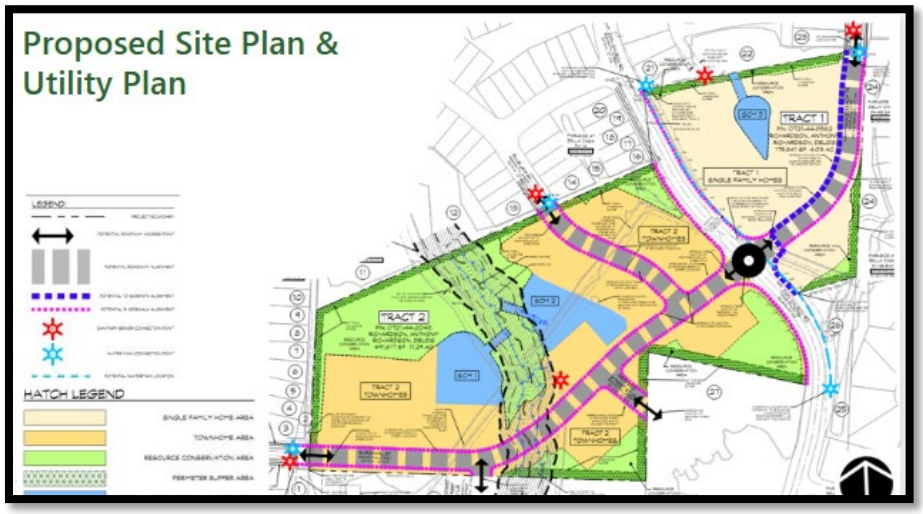
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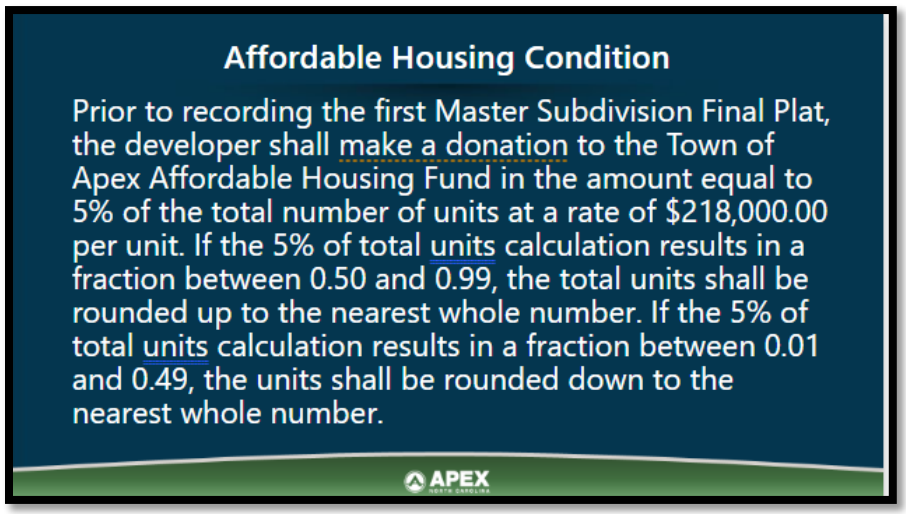
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[SLIDE 12]



[SLIDE 13]



Mayor Gilbert asked if there were any questions.

Councilmember Zegerman asked if the applicant wanted to keep 5% of the total units because that was in effect when the application was first submitted.

Marla Newman, Community Development & Neighborhood Connections Director, said that Councilmember Zegerman was correct. She said that staff had spoken with the applicant to explain that 10% would require seven housing units as opposed to four which was covered under the previous policy and there was a discussion of a fee-in-lieu and this fee would be calculated as 10%. She said that she explained to the applicant that she would defer to Council to determine which policy would apply.

Mayor Pro-Tempore Gray asked if the applicant was aware of the $1.5 million amount.

Ms. Newman said that was correct.

Councilmember Killingsworth asked if there was a discussion related to the possible incentives.

Ms. Newman said that was correct and shared the incentive zoning policy with the applicant and an approved pilot program that would allow an investment of up to $40,000.00 a door for a maximum of 10 units. She said that Council had approved the pilot program for $400,000.00. She said that she did not hear anything about being interested in accessing any of the other incentives.

Mr. Killian said that the applicant was in attendance if the Council would like to hear from them.

Mayor Gilbert said that they would.

Mr. Tommy Craven with Priest Craven and Associates said that it was clear that when the rezoning and PUD request was filed, the 5% policy was in place and it was felt that was the appropriate recommendation for this project and the fee-in-lieu approach can get those homes constructed quicker through the town with the town's connections with non-profits. He said that they were pleased with the staff recommendations for approval and he hoped that the Council would accept the Affordable Housing Condition and approve this development at this time.

Mayor Gilbert brought the item back for discussion and possible motion.

A **motion** was made by **Councilmember Gantt** to approve the Transportation Plan Amendments and Rezoning No. 24CZ10 for the Ashburn PUD.

Without a second, **Councilmember Gantt's** motion failed.

Councilmember Zegerman recommended separating items UB1 and UB2 for a motion and a vote.

A **motion** was made by **Councilmember Zegerman,** seconded by **Councilmember Killingsworth** to approve the Apex Transportation Plan Amendments for Ashburn PUD.

VOTE: UNANIMOUS (5-0)

A **motion** was made by **Councilmember Gantt** to approved Rezoning No. 24CZ10 – Ashburn PUD, with the updated conditions.

Mayor Pro-Tempore Gray said that fee-in-lieu is best utilized when there is an option for affordable housing that doesn't equate to affordable housing. He said his preference would be to build affordable housing units rather than accepting a fee-in-lieu which aligns with the town's affordable housing plan in this scenario.

Councilmember Gantt asked if Mayor Pro-Tempore Gray was referring to the Town Home section.

Mayor Pro-Tempore Gray said yes.

Councilmember Killingsworth said that there should be houses for people to have access to. She said there are times that there are certain times when the fee-in-lieu was useful but this was not one of them.

Mr. Craven asked if the conditions could be modified to go to the 10% threshold but retain the fee-in-lieu option. He said that there is a great deal of affordable housing that can take place quicker under a fee-in-lieu scenario, here particularly at the 10% threshold than could be provided. He said the developer is prepared to commit and revise this condition accordingly. He said that if this was approved tonight, it will be contingent on revising the condition that's currently in the PUD to call for a 10% threshold.

Councilmember Killingsworth said that 5% would go to 10%, and asked what else would change.

Mayor Gilbert asked to hear from Ms. Newman.

Ms. Newman said they would prefer the units but would accept the 10% fee in lieu. She said that they would always prefer the units, however there is a decision to make.

Councilmember Zegerman said that he appreciates the increased conditions that are being offered but the timeline would be long for the town to build the units with the fee-in-lieu fund. He said that the point of what is trying to be achieved is being missed.

Mayor Gilbert asked if the possibility of considering this was because the application was submitted prior to the policy change.

Ms. Newman said no, that the current policy in effect, which is 10% that was put in place in June and prior to the change in the policy the previous policy was made known, and there was a decision not to offer anything under the previous policy. She said that when this came to Council in August it was said for the applicant to come back and talk with staff to make an affordable housing offer, and now there is a new policy and it was given the new parameters based on the size of the development it would be either 7 units and then the conversation shifted to the fee-in-lieu, and that is where the staff offered as an alternative.

Mayor Gilbert thanked Ms. Newman for the clarification. He asked if Mr. Craven had anything else to present.

Mr. Craven said that they did submit at the time when the policy was 5% and typically in UDO regulation that the submission date is what applies and you are locked into the UDO

requirements at that point. He said that if the policies changed it would affect the proposal and he believes that they were subject to the 5% option and that's what brought the commitment, and now the offer is to go to 10%. He said that if this is insufficient then he would ask that this is held for another month to consider the alternatives.

Councilmember Killingsworth said she would be willing to make the motion to move this out another month. She suggested to consider talking with the town's affordable housing staff because the town can offer things that can potentially help offset this cost and may bring down the price point for building these units.

Mr. Craven said that they would do this.

Ms. Newman said that this is not a part of the UDO and it doesn't apply for this policy.

Mayor Pro-Tempore Gray said he understands the applicant's perspective. He said that from his perspective the location is much more driven towards units rather than the fee-in-lieu.

Clerk's Note: The earlier motion by Councilmember Gantt to approve Rezoning No. 24CZ10 with the updated conditions did not receive a second, and therefore failed.

A **motion** was made by **Councilmember Killingsworth** and seconded by **Councilmember Zegerman** to defer Rezoning Case No. 24CZ10 Ashburn PUD to the October 28th Council meeting.

VOTE: UNANIMOUS (5-0)

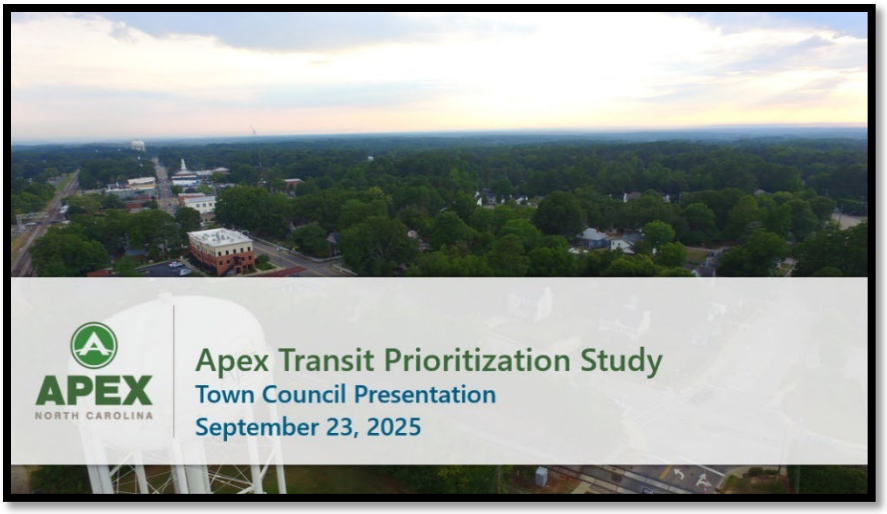
Mayor Gilbert moved to New Business.

[NEW BUSINESS]

NB1 Apex Transit Prioritization Study Acceptance

Katie Schwing, Senior Planner – Long Range Transit, Planning Department gave the following presentation focusing on the final list of recommendations:

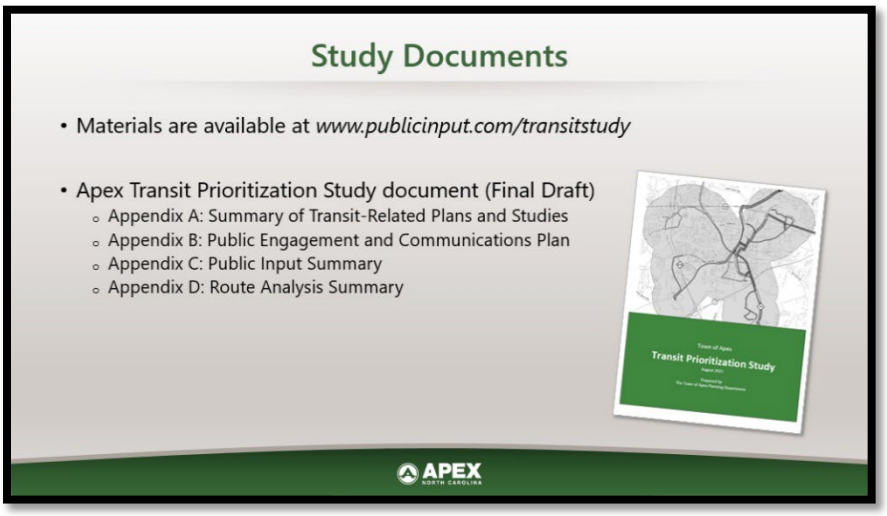
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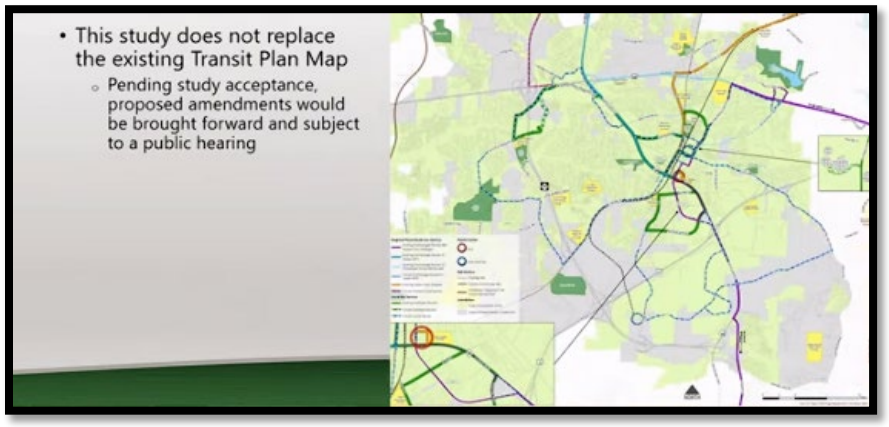
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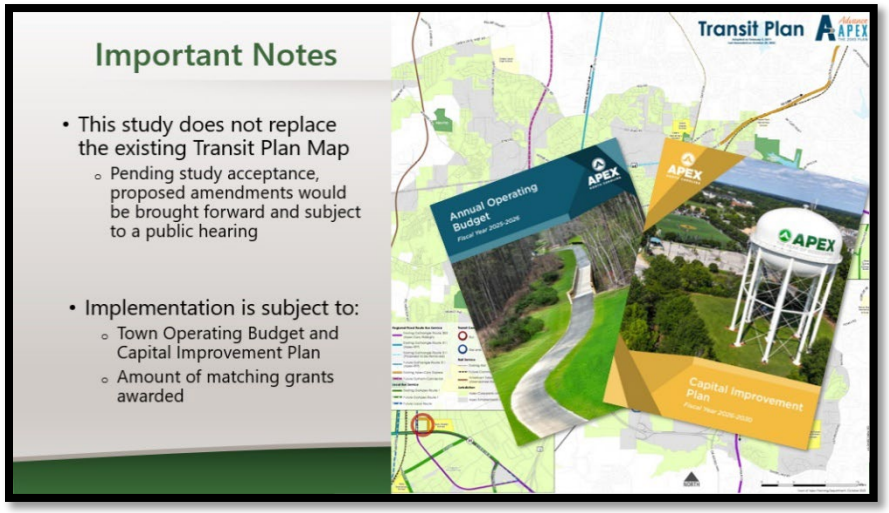
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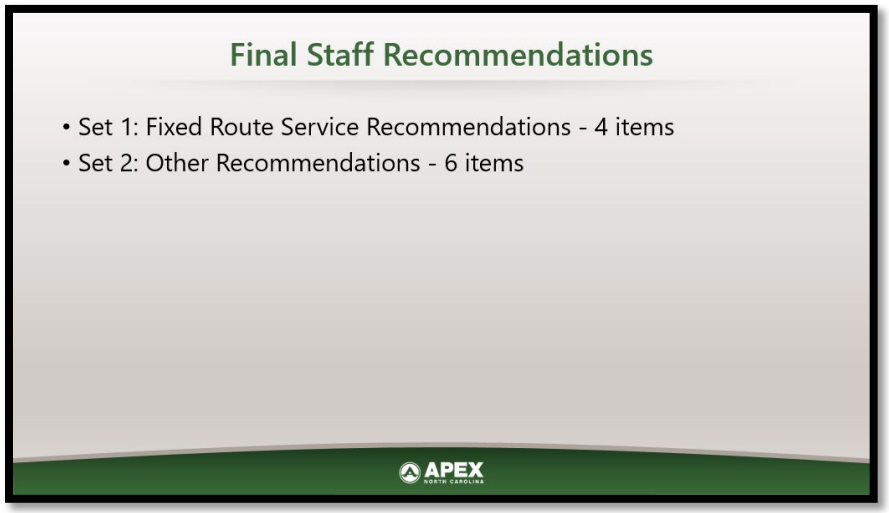
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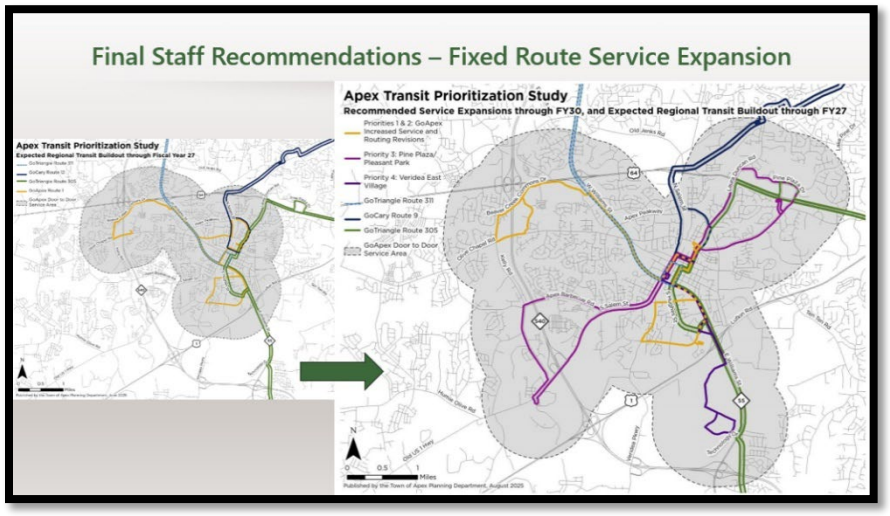
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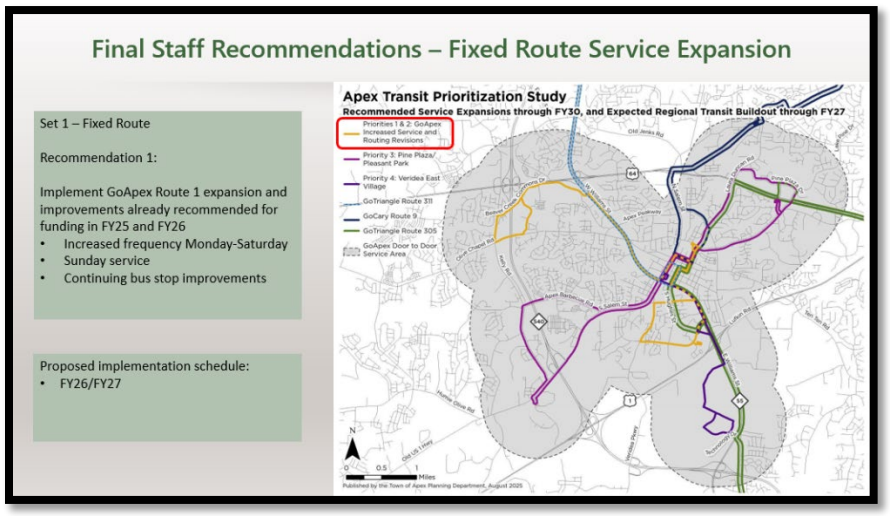
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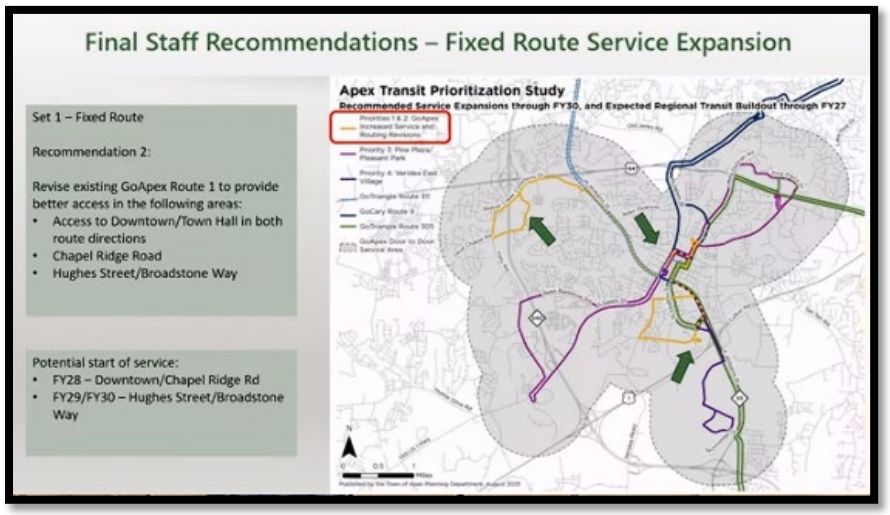
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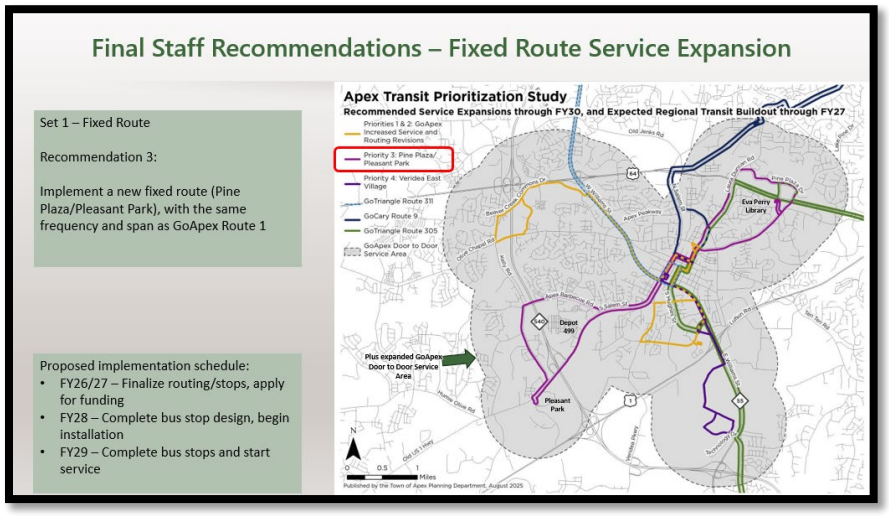
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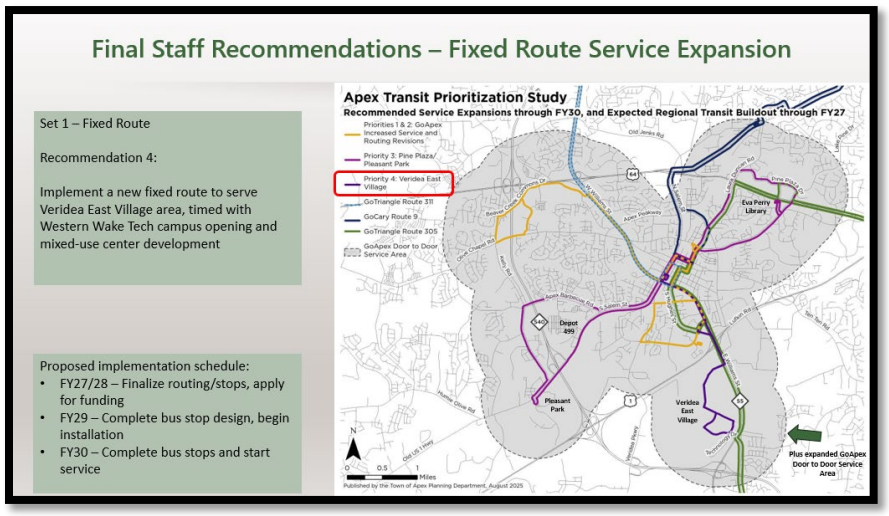
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[SLIDE 10]



[SLIDE 11]



Councilmember Gantt asked if the gray area that cuts through some neighborhoods is set by law?

Ms. Schwing said that it is Federal register and this is a clarification of the law. She said that service can expand beyond the three quarters of a mile boundary, but the Town would have to be aware of certain funding sources to identify which trips are counted as the required versus non-required but it could be done.

Councilmember Killingsworth asked if the expectation as this goes out to Wake Tech that it would include NC Children's Hospital.

Ms. Schwing said that the NC Children's Hospital project wasn't known until after the draft recommendations were developed. She said that also the proposed buildout date for the hospital is beyond the five years or so that was had for this study, but that they will continue to look at this area for potential transit service in the future as a large employer but it is not included in these recommendations.

Councilmember Gantt said that Wake Transit Plan has a fixed route run by Go Triangle that goes from the NC Children Hospital area up to the RTP hub, and he had commented that it would be nice if that shifted to start at the hospital and then to the RDU to get people from the hospital to the airport for the out-of-town families.

Councilmember Killingsworth said that also the people that work there is something to think about.

Councilmember Zegerman said that if there was at least one stop in Apex where it connected to a local route could be a possibility.

Councilmember Gantt said that the route he suggested could go from the hospital area to the mobility hub and through Davis Drive and to RDU.

Ms. Schwing clarified that the route that Councilmember Gantt was referring to was the Countywide Transit Plan.

Councilmember Gantt asked for clarification that for the route to reach the hospital it was too long of a time to get the 30-minute route.

Ms. Schwing said that was correct.

Councilmember Killingsworth said that 55 is already busy so there are more routes that can be combined the less traffic.

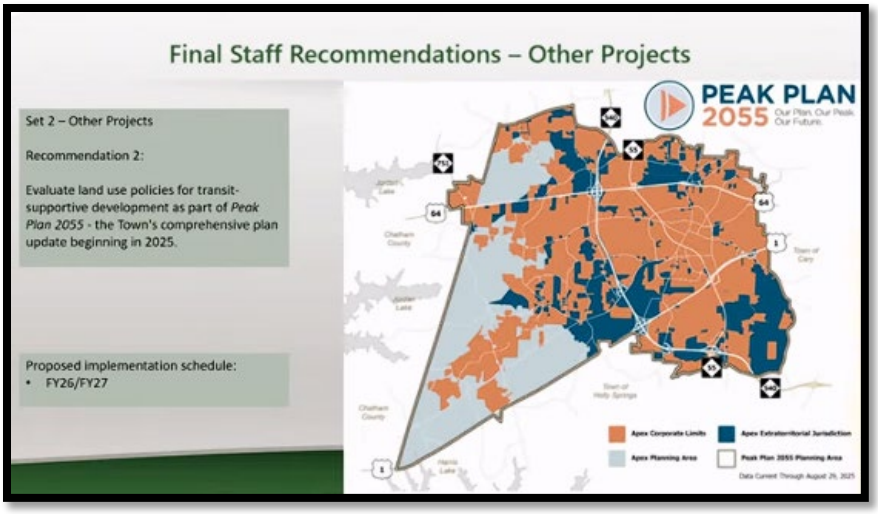
Councilmember Zegerman said that it may be a better option to go down Veridia Parkway instead of 55 on a bus.

Ms. Schwing said that on the Transit Plan map there is a potential future local route going down Veridia Parkway to Jessie Drive but it is not complete at this time.

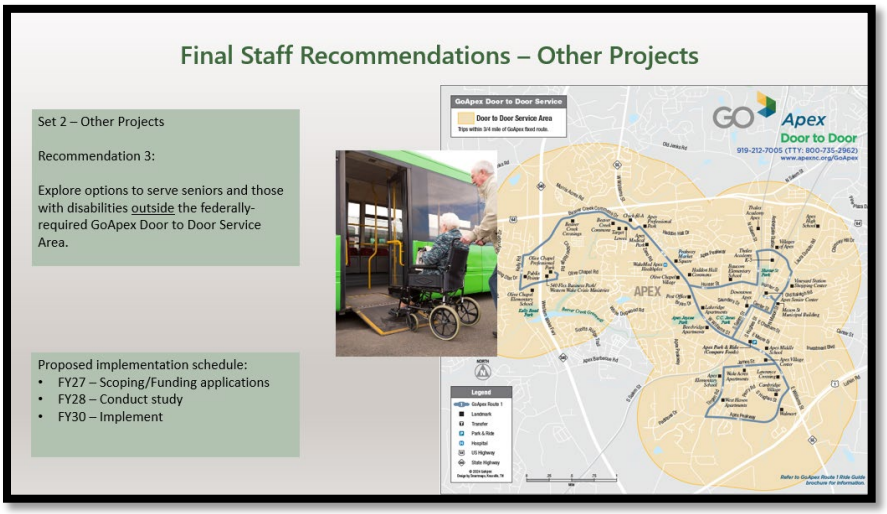
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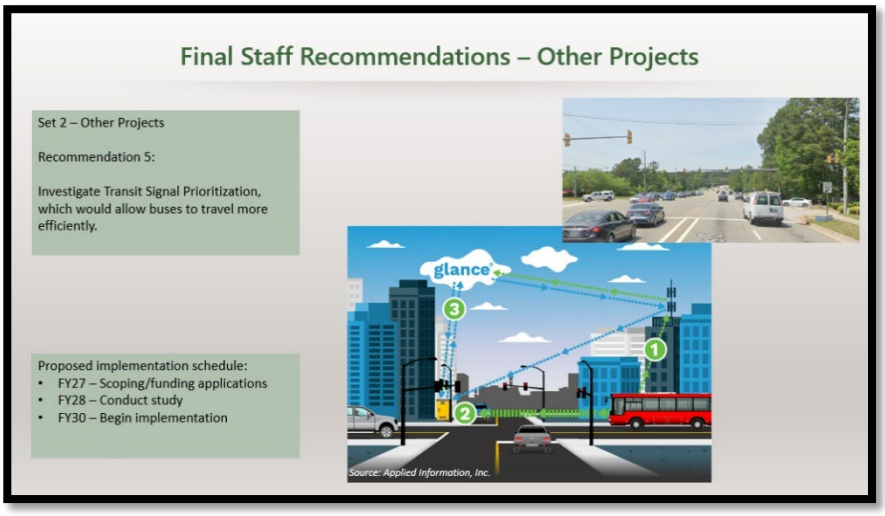
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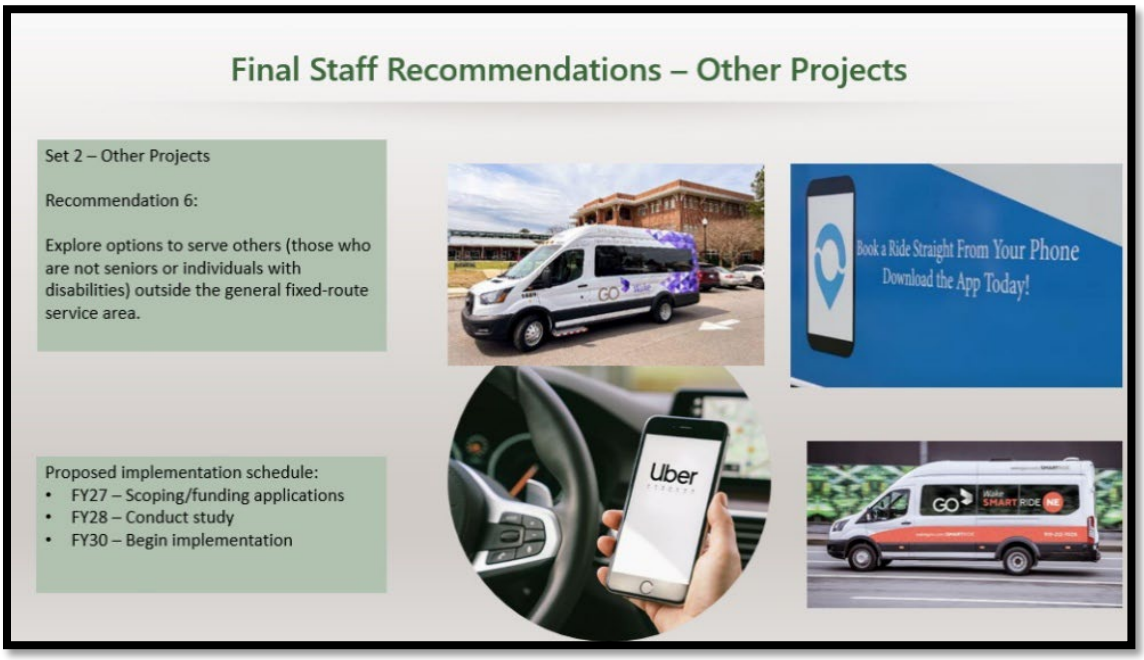
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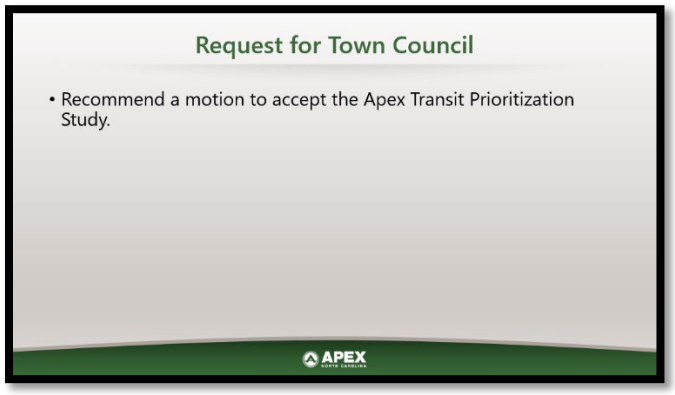
Councilmember Killingsworth said that with the buses communicating with traffic signals it would be a good thing.

Ms. Schwing said that it wasn't necessarily going to speed the buses up but it puts a bus on a more even playing field and would make it easier to keep the bus on its route.

[SLIDE 17]



[SLIDE 18]



[SLIDE 19]



Ms. Schwing asked if there were any questions.

Councilmember Zegerman said that he liked the plan but his concern was that the timing of some of these initiatives seems a little slow but he understands there's a budget and capital investment component. He said that he would ask to continue to look for ways to accelerate and submit as part of the budget cycle for funds.

A **motion** was made by **Councilmember Gantt** and seconded by **Councilmember Killingsworth** to accept Apex Transit Prioritization Study with the amendment to Figure 10 Context Maps.

VOTE: UNANIMOUS (5-0)

[ADJOURNMENT]

Mayor Gilbert adjourned the meeting at **9:37 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 28, 2025 (CN7).

APPROVED MEETING MINUTES

TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, OCTOBER 14, 2025
6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, October 14th, 2025 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=8KlKrLZhHwE&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. He then led all in attendance in a recitation of the Pledge of Allegiance. He then invited Eddie Mullins, Pastor of Summit Church and member

of the Public Safety Chaplain team to lead in the invocation. He then recognized Lisa Montoya, with the Parks and Recreation Advisory Board, who was in attendance.

[CONSENT AGENDA]

Mayor Gilbert asked for clarification on Consent Item 14.

Town Manager Vosburg asked Marla Newman, Community Development and Neighborhood Connections Director, to come up to give clarification.

Director Newman said that there had been discussions with Fiesta Cristiana about the possibility of a collaboration. She said that the item on the agenda is the initial part of how to potentially co-develop the parcel to create an opportunity for a facility to be built that could provide potential office space for the organization, if Fiesta Christiana would be able to work in agreement with Dorcas Minaistries which would be the lead developer of that facility, and there had also been discussions with Dorcas Minaistries about this.

Mayor Gilbert asked if the Legion or Veterans Services would be included in this arrangement.

Director Newman said they have discussed with Wake County locating some Veterans Services and other Social Support services through these organizations at this facility.

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

VOTE: UNANIMOUS (5-0)

CN1 Advisory Board Attendance Reports 2025 - Quarter 3

Council voted to receive and accept the resident advisory board attendance reports for quarter three (3), which includes January through September, of calendar year 2025.

CN2 Agreement – Data Voice International – Maintenance Agreement for Continued Outage Management Software Support for Water and Electric Systems – through June 30, 2026 (REF: CONT-2025-356)

Council voted to approve and ratify an agreement between Data Voice International and the Town of Apex for continued outage software management support for water and electric systems, through June 30, 2026, and authorize the Town Manager or their designee to execute the agreement on behalf of the Town.

CN3 Agreement - North Carolina Department of Transportation (NCDOT) - Traffic Review and Inspection Agreement - West Williams Street Signals (REF: CONT-2025-357)

Council voted to approve a Traffic Review and Inspection Agreement between the North Carolina Department of Transportation (NCDOT), to review and inspect signal modifications on West Williams Street, and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN4 Agreement - Wake County Government - Emergency Management Mutual Aid Agreement - Effective October 14, 2025 (REF: CONT-2025-358)

Council voted to approve an Emergency Management Mutual Aid Agreement between Wake County Government and the Town of Apex to ensure prompt and efficient response during disasters or emergencies and provide terms and conditions for participating in coordinated sharing of resources, effective October 14, 2025, and authorize the Town Manager, or their designee, and the Town Attorney to execute on behalf of the Town.

CN5 Agreement Multi-Year - Spectrum Enterprise Agreement - Increased Town Network Services - Effective October 14, 2025 through October 13, 2028 (REF: CONT-2025-359)

Council voted to approve a Multi-Year Spectrum Service Agreement between the Town of Apex and Charter Communications Operating, LLC aka "Spectrum", effective October 14, 2025 through October 13, 2028, for covering town network service needs, and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN6 Agreement Multi-Year - Wake County Government - Establishing Terms and Conditions for Data Sharing between Wake County and Town of Apex for Exchange of Emergency Medical Services - October 1, 2025 through September 30, 2028 (REF: CONT-2025-360)

Council voted to approve a multi-year agreement between Wake County Government and the Town of Apex which establishes terms and conditions for data sharing between Wake County and the Town of Apex, focusing on the exchange of health information for emergency medical services, effective October 1, 2025 through September 30, 2028, and authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN7 Agreement Ratification - Central Square Technologies LLC - Cloud Based CAD-to-CAD Software Solution - Service Extension through June 11, 2026 (REF: CONT-2025-361)

Council voted to ratify an oral agreement with CentralSquare Technologies, LLC and the Town of Apex, to provide cloud-based CAD-to-CAD software solutions, and for the continuation of services through June 11, 2026, and authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN8 Agreement Ratification - Checkmate Government Relations LLC - State Lobbying Services - Fiscal Year 2026 (REF: CONT-2025-362)

Council voted to ratify an oral agreement with CentralSquare Technologies, LLC and the Town of Apex, to provide cloud-based CAD-to-CAD software solutions, and for the continuation of services through June 11, 2026, and authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN9 Agreement Ratification - WakeMed - Mobile Wellness Vehicle - Effective July 1, 2025 through June 30, 2026 (REF: CONT-2025-363)

Council voted to ratify an oral agreement with WakeMed and the Town of Apex, effective July 1, 2025 through June 30, 2026, to provide onsite mobile clinical services, and authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN10 Capital Projects Ordinance Amendment No. 2026-2 – Salem Streetscape Project (REF: ORD-2025-069)

Council voted to approve a Capital Project Ordinance No. 2026-2 appropriating funds for the Salem Streetscape project.

CN11 Council Meeting Minutes – Various

Council voted to approve Meeting Minutes from the following meetings:
July 19, 2022 – Special Town Council Meeting Minutes
September 09, 2025 – Regular Town Council Meeting Minutes
September 16, 2025 – Town Council Work Session Meeting Minutes

CN12 Encroachment Agreement – Depot 499 Owners Association – Install Grass Pavers in Town Right-of-Way (REF: CONT-2025-364)

Council voted to approve an Encroachment Agreement between the Town of Apex and property owner: Depot 499 Owners Association, Inc. regarding the Wake County Subdivision known as Depot 499, to encroach at locations of Aspen River Lane and Poe Farm Avenue, for the purpose of installing Grass Pavers, and authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN13 Fee-In-Lieu of Land Dedication - The Groves at West Village - $2,858.65 SF/unit

Council voted to approve a payment of Fee-In-Lieu (FIL) of dedication for The Groves at West Village Residential MSP at the 2025 rate of $2,858.65 Single Family Attached unit.

CN14 Memorandum of Understanding MOU between County of Wake, Christian Community in Action dba Dorcas Ministries, and Town of Apex - S. Hughes Street Development (REF: CONT-2025-365)

Council voted to approve a Memorandum of Understanding (MOU) between the County of Wake, North Carolina, Christian Community in Action, Inc. d/b/a Dorcas

Ministries, and the Town of Apex, to collaborate together to plan for the development and use of the South Hughes Street property in a manner that advances the purposes and goals of the parties to serve the residents of Apex, and authorize the Town Manager or their designee to execute on behalf of the Town.

CN15 Resolution - Authorizing the Adoption of the Revised Wake County Emergency Operations Plan (REF: RES-2025-057)

Council voted to adopt a resolution authorizing the adoption of the Revised Wake County Emergency Operations Plan, which supersedes RES-2015-009 adopted on February 3, 2015.

CN16 Resolution - Delegating Authority to Negotiate, Award, Approve, and Execute Contracts and Other Instruments (REF: RES-2025-058)

Council voted to approve Resolution Delegating authority to Negotiate, Award, Approve, and Execute Contracts and Other Instruments.

CN17 Rezoning Case No. 25CZ07 – 1211 Old Raleigh Road - Statement and Ordinance (REF: ORD-2025-070)

Council voted to approve the Statement of the Town Council and Ordinance for Rezoning Application No. 25CZ07, Dan Morse, ODG 87, LLC., applicant, for the property located at 1211 Old Raleigh Road (PIN 0742822598).

CN18 Rezoning Case No. 25CZ08 – Veridea Expansion 3 - Statement and Ordinance (REF: ORD-2025-071)

Council voted to approve the Statement of the Town Council and Ordinance for Rezoning Application No. 25CZ08, Todd Rechler, RXR Realty, petitioner, for the properties located at 1712 & 1716 E Williams Street (PINs 0740992632 & 0740990489).

CN19 Rezoning Case No. 25CZ09 – Jessie Drive Industrial - Statement and Ordinance (REF: ORD-2025-072)

Council voted to approve the Statement of the Town Council and Ordinance for Rezoning Application No. 25CZ09, Gray Harrell, applicant, for the property located at 0 E Williams Street (PIN 0751201670).

CN20 Surplus Badge and Service Weapon - Former Apex Police Sergeant Deborah Hansen

Council voted to declare one (1) badge and (1) service weapon (Glock Model 17 9mm handgun, with S/N Serial Number XTA-771) as surplus property, set the price for such weapon to be $1.00 (One Dollar); and, award the stated badge and service weapon to Former Apex Police Sergeant Deborah Hansen who retired from the Apex Police Department effective October 1, 2025.

CN21 Tax Report - August 2025 (REF: OTHER-2025-083)

Council voted to approve the Apex Tax Report dated September 25, 2025.

[REGULAR MEETING AGENDA]

A **motion** was made by **Councilmember Killingsworth,** seconded by **Mayor Pro-Tempore Gray,** to set the Regular meeting agenda as presented.

VOTE: UNANIMOUS (5-0)

[UPDATES BY TOWN MANAGER]

Town Manager Vosburg gave the following updates:

WalletHub Ranking*:* Apex named in the top 1% of small cities in the U.S., #1 in North Carolina and #3 nationally among towns of 25,000–100,000 residents. Recognition is attributed to 45 quality-of-life metrics.
Economic Development & Tourism: Apex to be featured in Our State Magazine's "Tar Heel Towns" section, marking its first statewide tourism marketing effort by Apex's Economic Development to promote the town and increase tourism. The article will be coming out again in the Our State magazine in May and June 2026.
Olive Chapel Road project remains on schedule for January 2026 opening. He commended DOT for strong partnership and continued commitment.
Community Events (October Highlights)

- **Tour of Frights:** Oct. 11–31, community Halloween displays with two routes, orange & purple maps available.
- **Peak Plan 2055 Public Forums:**
  - Oct. 22 at Hope Community Church, 4:30–6:30 pm.
  - Oct. 23 at Town Hall, 4:30–6:30 pm.
- **Scarecrow Row:** Oct. 23–31, Apex Community Park.
- **Goblin's Groove Family Dance:** Oct. 25, 5–7 pm, Halle Cultural Arts Center.
- **Spooky Trails:** Oct. 29, 5–7 PM, Apex Nature Park, donations to benefit Wake County Animal Shelter and if you donate you will receive a raffle prize ticket.
- **Early Voting:** Oct. 25–Nov. 1 at John M. Brown Community Center. Sat: 8 am–3 pm, Sun: 1 pm–6 pm, Mon–Fri: 11 am–6 pm, Nov 1: 8 am –3 pm.
- **Public Budget Survey** open until Dec. 1 at apexnc.org/153/budget.

- **Utilities Update -** Statistics and information will be in the FAQs and on Apex's website.

- **Missed Reads:** <1% (≈0.75%).
- **Customer Calls:** SEW service calls dropped from 2,000 in July and decreased to 806 in Sept.
- **Cycle Lengths:** 29–31 days, now stabilized.
- **Variance Report:** There will be variances each time a report is ran at this time there is a 93% of variances in last cycle favored customers and there is improvement.
- **Ask Apex Performance:**
    - 89% of calls were resolved without escalation.
    - Wait times significantly decreased, down to 1–2 minutes.
    - Excellent performance noted during Customer Service Week.

Customer Service Log – calls that are not answered in Ask Apex go to this log.

- 46% of backlog resolved; 497 customers with issues that are being worked through. With over 30,000 customers there are 1% to 2% with unresolved issues.
- Additional staff training underway, especially on budget billing and solar customer issues. Continuous improvements observed daily.

Third-Party Audit with Barry Dunn: There are 98% of 180 customer reviews completed with approximately 120 letters sent out. There are less than 15 cases remaining under special review. In 89% of cases reviewed the customer owed Apex, and in 11% of cases Apex owed the customer. The average amount due to Apex was $36.09 and average amount owed to customers was $12.05.

Mayor Gilbert asked if information was available for the numbers on reconciling with customers and their bills.

Town Manager Vosburg said that there are no concrete numbers on how many are satisfied with the resolution but that information should be available in the next few weeks.

Mayor Gilbert thanked Town Manager Vosburg for the update and moved to Presentations.

[PRESENTATIONS]

PR1 Proclamation - Apex Lion's Club Recognition (REF: PRO-2025-039)

Mayor Gilbert, along with the Town Council, read the Proclamation Honoring the Apex Lion's Club. He invited the Apex Lion's Club members up to receive the proclamation and take pictures.

A Lion's Club member thanked the town and invited all to visit and become a member. He said that they were the longest serving community civic organization in Apex.

PR2 Proclamation - Cyber Security Awareness Month - October 2025 (REF: PRO-2025-040)

Mayor Gilbert, along with the Town Council, read the Proclamation recognizing Cyber Security Awareness Month. He then invited Erika Sacco, IT Director Erika Sacco and Conrad Sain, IT Manager, to receive the proclamation and take pictures.

Mr. Sain said to change your passwords, don't click on links, and talk to your family about not buying gift cards.

PR3 Proclamation - Domestic Violence Awareness Month - October 2025 (REF: PRO-2025-041)

Mayor Gilbert, along with the Town Council, read the Proclamation for Domestic Violence Awareness Month. He invited Danica Coleman, Victim Advocate II and Detective Crystal Byrd to receive the proclamation and take pictures.

PR4 Proclamation - Down Syndrome Awareness Month 2025 - October 2025 (REF: PRO-2025-042)

Mayor Gilbert, along with the Town Council, read the Proclamation for Down Syndrome Awareness Month 2025. He invited Dylan Kinlaw, Nick Salcedo and families to receive the proclamation and take pictures.

[PUBLIC FORUM] (Note: to view Public Forum and Public Hearing Sign in Sheets, see **OTHER-2025-085)**

Mayor Gilbert opened Public Forum and called the first speaker.

First speaker was **Tom Colhoun** of 903 Ambergate Station:

"Based on my understanding of the statistics that were just read, I must be the 1% that's having problems with my utility bill. Ever since July, I have had a past due amount that has been carried on since then all the way to the new October bill which I just received. And the exact same amount continues to go down the line every month.
Now, it may not be a crisis to you, but my concern is every month Experian and all the rest of the credit places drop my credit score because I have a continual unpaid bill and it affects me. So, it may not be a big deal to y'all, but it's a big deal to me, and I've even got the cancelled check from my bank that has the Town of Apex deposited it back in July, and here it is. So why in the world do I continually get charged every month, including this month, for a past due bill that affects me, and y'all have gotten the money? And I'll be glad to give this to whoever wants to take a look at it, but it's the check from the bank, and it's endorsed by the Town. Yeah, that's all I've got to say."

Mayor Gilbert thanked the speaker and called the next speaker.

Next to speak was **Michelle O'Connor** of 3413 Jordan Shires Drive:

"So, good evening. Last Monday at the Wake County Commissioners meeting, a couple from Wake Forest spoke during the public forum about a problem that no one else was willing to solve. Despite an unprecedented level of growth and development in their area, their road remains a dirt road, and the amount of dirt kicked up by all the cars and trucks is keeping them indoors. They literally cannot breathe when they go outside. Their remarks were shocking to the commissioners, so much so that Susan Evans felt compelled to speak up despite having reminded everyone an hour earlier that the commissioners do not respond to public comment during the meeting, and she assured them that there would be follow-up action. To be clear, I don't expect council to break that tradition tonight, though I do commend you for doing so just now. But the experiences of the couple of Wake Forest left me with concerns for Apex regarding the potential and amount of air pollution we will experience if the data center is allowed to be built

as it is currently proposed. The developer proposes diesel generators as backup power for the data center, and these will need to be tested regularly. Though large-scale data centers are still relatively new, we know that diesel generators, regardless of what they are attached to, produce significant quantities of air pollutants, including nitrogen oxide, sulfur oxide, carbon monoxide, and particulate matter. Air pollutants are silent killers. In 2021, air pollution was responsible for 8.1 million deaths, where at least half of those were attributed to outdoor exposure to fine particulate matter, which is defined based on the size of less than 2.5 microns in diameter. These particulates are a unique threat as they not only are capable of penetrating lung and olfactory tissues but are small enough to cross the blood-brain barrier. There is no exposure level that is considered safe, just levels considered acceptable, which is currently nine micrograms per meter cubed. This was recently decreased due to recommendations from the WHO and EPA in an effort to reduce the potential for health problems and increase overall quality of life. And while it would be wrong of me to ignore that North Carolina has made significant efforts in increasing air quality for its citizens, the chronic intermittent release of pollutants, especially fine particulate matter from the data center diesel generators, will threaten that achievement and our health along with it. The scientific literature concerning fine particulate matter and effects on health is significant. First, let's address the things we innately think of. Exposures to these particulates increase frequency and severity of asthma attacks, increase the likelihood of development of respiratory illnesses like pneumonia, negatively affect chronic conditions like COPD, and can lead to the development of lung cancer. However, exposure and impact don't stop at our lungs. Exposure to fine particulate matter is associated with increased risk for development of cardiovascular disease, diabetes, obesity, breast, ovarian, and colorectal cancers, as well as neurodegenerative diseases such as Alzheimer's disease. In elementary school age children, exposure to fine particulate matter is associated with changes in brain architecture, which has further impact on cognition and emotion. When pregnant women are exposed, there are multiple risks to the fetus, which include altered or underdeveloped respiratory, nervous, and metabolic systems, preterm birth, and even fetal death. In a nod to our eventual children's hospital CEO, Dr. Leslie Burks, a world-class pediatric allergist with an extensive research background in peanut allergy, I would also like to note that early life exposure to fine particulate matter is also associated with both the prevalence and persistence of peanut allergy in children. Now, as a scientist with a background in genetics and immunology, I am the first to admit that association and correlation are not causation, and that the length of time and amount of

exposure to fine particulate matter are likely to vary across studies. But as I stated earlier, there are no safe exposure levels, just acceptable levels that the data center will likely exceed during testing. Furthermore, the exposure will be repeated. These tests are not one and done, they happen at a given frequency, and the more we are exposed over time, the greater the likelihood that these risks become realities. There simply isn't enough time to review all the scientific studies and data with everyone tonight, but I do want to share some general biological mechanisms associated with fine particulate matter that we do know, as well as some interesting findings. First, fine particulate matter can generate excessive reactive oxygen species and free radicals within cells, which is responsible for damage to the cardiovascular system, respiratory system, and can induce carcinogenesis. Oxidative stress also promotes inflammatory signaling that can become systemic, which can also drive development and exacerbation of asthma, COPD, and diabetes. Fine particulate matter can interact with our DNA and alter expression of our genes. When these particles bind to DNA, this can break the two strands and lead to abnormal rearrangements of the DNA, which is a hallmark of cancer development, particularly lung cancer. The particulates can also interfere with factors responsible for turning our genes on and off, and these changes, which we call epigenetic changes, are implicated in pretty much every disease you can think of and happen to be a central component of my doctoral work. Finally, a single short exposure to fine particulate matter does affect the body and takes longer to resolve than it did to initially react. In mouse models, exposure to fine particulate matter for several days resulted in activation of inflammatory pathways and genes in the brain, resulting in behavioral changes such as increased food consumption. Despite the short exposure, it took 12 weeks for the behaviors and the inflammatory gene expression to return to normal. Based on literature searches in PubMed, there are over 10,000 publications concerning fine particulate matter and its impact on some element of our health. I won't claim to have even made a dent in reviewing everything, but I do feel comfortable saying that the takeaway message is that there is nothing good for our bodies that comes from any increase in exposure. And keep in mind, my remarks only account for one of the many pollutants we will be exposed to with diesel generators and do not account for pollutants via other sources such as the cooling towers and the materials associated with the building of the data center. Responsible growth means looking at the bigger picture and objectively asking how the benefits offset the risks. We understand that the tax revenue in Apex is disproportionately generated via its residents compared with everything else. However, the revenue that could be gained here is likely to result in a new burden

for taxpayers, increased health care costs, and perhaps even the loss of opportunity to enjoy things our tax dollars currently go toward, like development of the greenways or downtown, because they will need to shelter indoors when the air quality gets too poor. If the data center is to be built at all, Apex citizens deserve better than tier 3 diesel generators. The town should request that the developer utilize natural gas or even hydrogenated vegetable oil, which is surprisingly more of an industry standard than any of us realized. The town should also limit the amount of time any emergency generator is allowed to operate, mandate strict testing to ensure any emissions remain below state DEQ limits and should request modeling studies to determine the extent of potential emissions prior to any votes or approvals. I have heard multiple times that the decision, or really decisions, concerning the data center are not just about what is good for New Hill but what is good for all of Apex, and I couldn't agree more, because we know that this air pollution won't just be a cloud over our communities in New Hill. It will affect the entire town and beyond. This includes those who enjoy riding their bikes or taking a walk on our many greenways and our children who want to and really do need to run outside during recess, and it will even eventually affect the patients and their families coming near and far to our world-class children's hospital. I have said it before and I will repeat it now, the quality of our lives must be prioritized above all else, because how else do we achieve the peak of good living? And with that, I'd also like to point out that tonight we recognized Down Syndrome Awareness Month. How are we recognizing innate chromosomal disorders, but we're willing to generate new ones via exposure to fine particulate matter? I leave you with that food for thought. Thank you."

Mayor Gilbert thanked the speaker and called the next speaker.

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

"Good evening. So, I have been spending my spare time going back through the voting records for the last couple of years. I plan to go the previous eight, but I'm only in four. And the thing that really stood out to me is how many of these decisions were made in silos, and what I mean by that is when you go back and you look at each of these zoning packages, it's not in context with what's around it. So, when we talk about the data center tonight, you're just talking about the data center. You're not talking about what's happening in Holly Springs one mile away, we're not talking about what's happening in Chatham County one mile away. We make decisions in Apex based on a silo. We need to sit down and have collaborative discussions with

our neighbors and say, "Okay, you know, Holly Springs has this pollution, Chatham has this pollution, Apex has this pollution. What is the cumulative effect?" We need to be having regional discussions that we're not having, whether it's pollution, water, sewer, roadways, we're all growing into each other's space, but yet that collaboration is not occurring. When was the last time, was there a regional public meeting? There's never been one for us as a community. Never. No one has ever said, "Okay, Mayor of Apex and Holly Springs and Cary," and we all sit down and have discussions. We're growing at a pace that we're going to have a train wreck. It is obvious looking at the voting record and all the conversation about how little land is left to develop, and we've got to squeeze as much as we can get in there. That's not okay. We don't have enough water. We don't have enough roads. We don't have enough sewer and we're not having discussions about what's Veridia bringing. A lot of that is speculative. We don't know yet. There's going to be development that they're going to bring in. Holly Springs has some. We don't have enough resources. So, we all need to sit down and have this conversation as a community, not in these one-off, one-off, and one-off rezonings, because we hear all the time the staff come up and say this is in the public interest, and I ask the question, how do you measure the public interest? Is it revenue? Is it how many cars? And I was told there is no actual formula. They look at the project and they say, "Hey, it fits our UDO, so it's in the public interest and we're going to go vote for it." That's no longer okay. We need to become more sophisticated about what we're doing. So, I ask you to think about setting up some type of regional meeting so that we can really talk about regional issues. Thank you."

Mayor Gilbert thanked the speaker and called the next speaker.

Next to speak was **Dawn Cozzolino** of 3632 Bosco Road:

"Good evening. I submitted a public records request because there is no public information about the Peak Plan 2055 task force. North Carolina law ensures transparency, the Public Records Law 132.1 gives residents the right to inspect government records, and the Open Meetings Law 143-318.9 requires meetings to be open and accurately documented. These laws let citizens see how decisions are made and how the money is spent. Peak Plan 2055 will guide a long-term Apex future and planning process. A task force was appointed to advise the council, but no public notices, agendas, meetings, or contracts are available. On June 24th, 2025, the task force appeared in the consent agenda as CN18, a mechanism normally reserved for routine items such as meeting minutes, not

major policy decisions or high-cost contracts. Yet, the task force creation and consultant contract were never openly discussed, and no town clerk minutes exist. Apex entered into a contract with Nealon Planning on April 30th, 2025, for nearly half a million dollars, two months before the June consent agenda even mentioned it. The public never saw or discussed the contract. So, how did Apex approve a contract the public isn't allowed to review? The second task force meeting was a kickoff on September 22nd, 2025, appointed 12 seats, including Councilman Terry Mahaffey, a developer, a land-use attorney, and board appointees, but only one ETJ planning representative. Were legal notices provided? The public, including affected property owners, was excluded from these early decisions of the task force selection, plan scope, and the April contract. Terry Mahaffey's role creates a potential conflict of interest. He is serving as a member, even as an alternate, on the Capital Area Metropolitan Planning Organization Technical Advisory Committee, which advises on transportation and federal funding related to Peak Plan 2055. Holding both roles creates a position of divided loyalty inconsistent with the impartiality expected of a task force member. This is a documented fact available at ethicsei.nc.gov/tools. You can look it up by last name. Our state constitution reminds us of why transparency matters: Article 1, Section 2, Sovereignty of the People; Article 1, Section 19, Equal Protection and Due Process. Thank you."

Mayor Gilbert thanked the speaker and called the next speaker.

Next to speak was **Fran Hudson** of 5524 Rex Road:

"All right, I'm bringing my civics project from fifth grade. So basically, I wanted to outline where the authority comes from for the town. So basically, Almighty God, our constitution, our North Carolina constitution, does say, you know, the people are giving basically credit to Almighty God that gave us the powers to create. So, the people then created the Declaration of Independence and then the North Carolina Constitution. The Declaration of Independence established that division from any ruler, so we are not under a ruler. So, the structure of government that we have is a representative government. So, our North Carolina Constitution, we set aside our rights in Article 1, Section, all the 38, I think, as sections within Article 1 to protect those rights of the people and to remind everyone in government what those rights are. Article 7 covers local governments and how they're to be created, and Article 8 is for corporations, which local government is also a public corporation. A smaller group of people in 1783 decided to put together the Town Charter of Apex. So, these, from the people, you're getting the authority to be able to serve the people. It

created those Officer positions and allowed you to serve the town, and then the people that run for office are asking to serve in a government position, and they take an oath, which I've mentioned before, to serve the people. The people entrusted the town to manage the public business and allowed for the creation of the ordinances, the policies, procedures and all of those have to be pursuant to the constitutions, both North Carolina and the United States Constitution. An example of that town law is the Unified Development Ordinance. So commercial entities, developers, come and they apply, they're asking permission to be able to do the things they want to do. The development services committees and boards, they're all tasked with scrutinizing these applications to determine if they abide by all the laws of the state and respect the rights of the people. Then the people of all the states came together in 1787, and we formed our republic. We are a representative republic with a democratic form of government. The Article 6, Section 3 of the United States Constitution pulls everything together, and it says this, the supreme law of the land to which all government, state and federal, is subject. It doesn't say the people are subject to it, it is the government that is subject to these laws, all of them. So, God gave us the rights, the powers to create. We said we want this for us. We want this protection. That's what it all means. That's how it all fits together."

Mayor Gilbert thanked all of the speakers, closed Public Forum and moved to New Business.

[NEW BUSINESS]

NB1 Appointments – Board of Adjustment (BOA)

Allen Coleman, Town Clerk said that there were three recommended actions. The first is to move William Hollenbeck from alternate two to alternate one, the second recommendation is to move Heidi Marie Cico from alternate three to alternate two, and then there was one vacancy for the alternate three position and Casey Angel is being recommended for appointment to that seat.

A **motion** was made by **Councilmember Gantt** and seconded by **Councilmember Killingsworth** to make the following appointments to the Board of Adjustment: move William Hollenbeck from alternate two to alternate one, move Heidi Marie Cico from alternate three to alternate two, and to appoint Casey Angel as alternate three.

VOTE: UNANIMOUS (5-0)

NB2 Appointments – Board of Adjustment (BOA) – Vice-Chair

Allen Coleman, Town Clerk, said the Vice-Chair role was vacant and at the meeting in September the board recommended unanimously William Hart to fill that position, the Mayor also supports that recommendation.

A **motion** was made by **Mayor Pro-Tempore Gray** and seconded by **Councilmember Killingsworth** to approve the appointment of William Hart as Vice-Chair of the Board of Adjustment.

VOTE: UNANIMOUS (5-0)

NB3 Appointments – Culture and Arts Advisory Board (CAAB)

Allen Coleman, Town Clerk, said there is a possible motion to appoint two corporate limit residents to the Culture and Arts Advisory Board, the recommended candidates are Perry Ambrose and Aaron Barnes.

A **motion** was made by **Councilmember Zegerman** and seconded by **Councilmember Gantt** to appoint Perry Ambrose and Aaron Barnes to the Culture and Arts Advisory Board.

VOTE: UNANIMOUS (5-0)

NB4 Appointments – Environmental Advisory Board (EAB)

Allen Coleman, Town Clerk said there was a vacancy in the voting youth position and one vacancy for a regular member over 18 years of age. He said the Mayor has recommended for the youth position Dhvani Joshi and for the regular seat Sandra Villasenor.

A **motion** was made by **Mayor Pro-Tempore Gray** and seconded by **Councilmember Zegerman** to appoint Dhvani Joshi to the Environmental Advisory

Board as the voting youth representative, and to appoint Sandra Villasenor to the Environmental Advisory Board as a regular member.

VOTE: UNANIMOUS (5-0)

NB5 Appointments – Multimodal Transportation Advisory Board (MTAB)

Allen Coleman, Town Clerk said there were two actions requested: The first being to appoint two corporate limit residents over the age of 18 to the Multimodal Transportation Advisory Board, with the recommendations being Jennifer Ahler and Elizabeth Brunner.

A **motion** was made by **Councilmember Zegerman** and seconded by **Mayor Pro-Tempore Gray** to appoint Jennifer Ahler and Elizabeth Brunner to the Multimodal Transportation Advisory Board.

VOTE: UNANIMOUS (5-0)

Town Clerk Coleman said Samiksha Kadari was the Mayor's recommendation for the youth position.

A **motion** was made by **Mayor Pro-Tempore Gray** and seconded by **Councilmember Gantt** to appoint Samiksha Kadari as the voting youth representative to the Multimodal Transportation Advisory Board.

VOTE: UNANIMOUS (5-0)

NB6 Appointments – Planning Board (PB)

Allen Coleman, Town Clerk said two actions were requested: One was a possible motion to appoint corporate limit residents over the age 18 to the Planning Board to fill a partial term expiring in December 2025. This position was vacated by prior board member Tina Sherman. The other was to appoint one non-voting youth position who shall reside in the corporate limits as well. The recommendation for corporate limits over 18 position is Kristy Yule and for the youth position, Renita Stanley.

A **motion** was made by **Councilmember Killingsworth** and seconded by **Councilmember Zegerman** to appoint Kristy Yule to the Planning Board as a regular member, and to appoint Renita Stanley to the Planning Board as the non-voting youth representative.

VOTE: UNANIMOUS (5-0)

NB7 Public Art Purchase and Relocation Recommendation – "Prismatic Cyclone" Sculpture

Taylor Wray, Cultural Arts Center Manager, gave the following presentation regarding the recommendation of the purchase of the "Prismatic Cyclone" Sculpture:

[SLIDE 1]



[SLIDE 2]



[SLIDE 3]



Councilmember Gantt asked if there was a maintenance agreement due to the increased chances of breakage overtime since these sculptures move.

Ms. Wray said that each piece has a maintenance plan.

Councilmember Gantt asked if there was an expiration date for the maintenance plans.

Ms. Wray said not at this time, they stay in touch with the artists and they make each piece back to its normal stature if something comes up.

A **motion** was made by **Councilmember Zegerman** and seconded by **Councilmember Killingsworth** to approve Purchase of the Prismatic Cyclone Sculpture at the appraised value of $14,000, and to Relocate the Sculpture to the recommended location at Pleasant Park.

VOTE: UNANIMOUS (5-0)

[CLOSED SESSION]

A **motion** was made by **Mayor Pro-Tempore Gray** and seconded by **Councilmember Gantt** to enter into closed session for the item listed below.

VOTE: UNANIMOUS (5-0)

Council entered into closed session at **7:09 p.m.**

CS1 Laurie Hohe, Town Attorney

RE: Dawn Cozzolino v. Town of Apex, Town Clerk, Town Manager, and 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".

[ADJOURNMENT]

Council returned to open session at **7:27 p.m.**

With no additional business presented to the elected body, **Mayor Gilbert** adjourned the meeting at **7:27 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 November 13, 2025 (CN7).

APPROVED MEETING MINUTES

TOWN OF APEX
SPECIAL TOWN COUNCIL MEETING
WEDNESDAY, OCTOBER 15, 2025
5:30 P.M.

The Apex Town Council met for a Special Town Council Meeting on Wednesday, October 15, 2025 at 5:30 p.m. The meeting was held on the 3rd Floor of Apex Town Hall located at 73 Hunter Street in Apex, North Carolina.

The meeting was open to the public.

[ATTENDANCE]

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

External
Dr. Heather Lee, Developmental Associates
Martha Paige, Developmental Associates

[COMMENCEMENT]

Mayor Jacques K. Gilbert called the meeting to order at **5:34 p.m.** and stated that this was a special meeting for the purposes of entering into closed session pursuant to North Carolina General Statutes 143-318.11(a)(6).

[CLOSED SESSION]

A **motion** was made by **Councilmember Audra Killingsworth**, seconded by **Councilmember Terry Mahaffey** to enter into closed session pursuant to North Carolina General Statutes 143-318.11(a)(6).

VOTE: UNANIMOUS (5-0).

Council entered closed session at **5:34 p.m.**

****

Council returned to open session at **7:54 p.m.**

[ADJOURNMENT]

With no additional business being presented by the governing body, **Mayor Gilbert** adjourned the meeting at **7:55 p.m.**

Jacques K. Gilbert
Apex Mayor

Allen Coleman
Apex Town Clerk

Submitted for consideration and approved on October 28, 2025 (CN7).

APPROVED MEETING MINUTES

TOWN OF APEX
SPECIAL TOWN COUNCIL MEETING
THURSDAY, OCTOBER 16, 2025
5:30 P.M.

The Apex Town Council met for a Special Town Council Meeting on Thursday, October 16, 2025 at 5:30 p.m. The meeting was held on the 3rd Floor of Apex Town Hall located at 73 Hunter Street in Apex, North Carolina.

The meeting was open to the public.

[ATTENDANCE]

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

ABSENT: Councilmember Brett Gantt

Town Staff
Town Manager Randy Vosburg
Town Attorney Laurie Hohe
Town Clerk Allen Coleman

External
Dr. Heather Lee, Developmental Associates
Martha Paige, Developmental Associates

[COMMENCEMENT]

Mayor Jacques K. Gilbert called the meeting to order at **5:31 p.m.** and stated that this was a special meeting for the purposes of entering into closed session pursuant to North Carolina General Statutes 143-318.11(a)(6).

[CLOSED SESSION]

A **motion** was made by **Councilmember Terry Mahaffey**, seconded by **Councilmember Arno Zegerman** to enter into closed session pursuant to North Carolina General Statutes 143-318.11(a)(6).

VOTE: UNANIMOUS (4-0).

Council entered closed session at **5:31 p.m.**

****

Council returned to open session at **8:11 p.m.**

[ADJOURNMENT]

With no additional business being presented by the governing body, **Mayor Gilbert** adjourned the meeting at **8:11 p.m.**

Jacques K. Gilbert
Apex Mayor

Allen Coleman
Apex Town Clerk

Submitted for consideration and approved on October 28, 2025 (CN7).

APPROVED MEETING MINUTES

TOWN OF APEX
TOWN COUNCIL WORK SESSION
TUESDAY, OCTOBER 21, 2025
3:30 P.M.

The Apex Town Council met for a work session on Tuesday, October 21, 2025 at 3:30 p.m. at the Apex Town Hall located at 73 Hunter Street in Apex North Carolina. The meeting was held on the 3rd Floor in Training Rooms A and B.

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=lTkxiod65Hs

[ATTENDANCE]

Elected Body
Mayor Jacques K. Gilbert (*presiding officer*)
Mayor Pro-Tempore Ed Gray
Councilmember Brett Gantt
Councilmember Audra Killingsworth (*arrived late – noted below*)
Councilmember Terry Mahaffey
Councilmember Arno Zegerman

Town Staff
Deputy Town Manager Shawn Purvis
Assistant Town Manager Demetria John
Assistant Town Manager Marty Stone
Town Attorney Laurie Hohe
Town Clerk Allen Coleman
ABSENT: Town Manager Randy Vosburg

All other staff members will be identified appropriately below.

[CALL TO ORDER I PLEDGE OF ATTENDANCE]

Mayor Gilbert called the meeting to order at 3:30 p.m., welcomed everyone. He noted that Councilmember Killingsworth would be arriving late. He led everyone in the pledge of allegiance.

Assistant Town Manager John said that this Work Session is brought to Council by Parks, Recreation, and Cultural Resource's team, Craig Seltzer, Director, and Angela Reincke, Assistant Director.

[PROJECT UPDATES]

Assistant Director Reincke said that this was an update on current recreation and cultural resources from projects for feedback from Council to ensure projects align with strategic goals and that they were implemented effectively and efficiently. She gave the following presentation:

[SLIDE 1]



[SLIDE 2]



Councilmember Zegerman asked what the four small items were on the right-hand side of the plan.

Assistant Director Reincke said that they represent nature play areas and lighting controls for safety and visibility in darker areas of the park as well as a creek area, and these will be reviewed by the Water Resources team to see if they meet requirement **Councilmember Mahaffey** asked where the pump station would go.

Assistant Director Reincke said it would be close to the restroom structure.

Councilmember Mahaffey asked how far off the sewer it was.

Councilmember Gantt asked if it was part of a bigger project in this neighborhood.

Assistant Director Reincke said yes, and it was a longer corridor and this was at the top end of it.

Assistant Water Resources Director Jonathan Jacobs said Water Resources had a funded project, The West Street Sewer Project, that affects several homes in the neighborhood to the west of this parcel. He said that the Real Estate team attempted to be successful in further action to select those or receive those easements but the team has been on hold and that they have done some cost analysis to determine what was cost effective. He said that there was discussion about adding a small pump station but there had been easement issues and potentially it could help property owners move away from septic systems and could mutually benefit both parties.

Councilmember Gantt asked what the issue with the easements was.

Assistant Town Manager Stone said the property owners and the Town weren't agreeing on the value.

Mayor Pro Tempore Gray asked how the pump station may impact the project timing.

Assistant Director Jacobs said he didn't think it would add any time to the project.

Assistant Director Reincke said they are working on changing park designs based on that possibility now.

Assistant Town Manager Stone said it may be overall cheaper to service the park as well.

Mayor Gilbert asked what the overall timeline would be.

Assistant Director Reincke said that bidding would begin in about 12 months.

[SLIDE 3]



Councilmember Gantt noticed on the map that this project wasn't part of the neighborhood and asked why and what the history was.

Councilmember Killingsworth arrived at ***3:54 p.m.***

Assistant Director Reincke said that she wasn't sure, she started in 2015 and there was discussion about possibly not having the easement through there, but it actually does go through the neighborhood. She said with the placement of the sewer in some of the areas to connect that there were a few pinch points and they would be on top of the sewer, but they wouldn't know exactly until a survey was completed.

Councilmember Gantt asked for the first project if there was a policy that allows cost-sharing with a homeowners' association.

Assistant Director Reincke said that she had not done that but this extends to the existing section and that would go to the back of commercial property, so in a sense it does provide potentially a connection and there is a study being conducted to see what area would be served.

Councilmember Gantt said that there may be a policy that should be developed for these types of situations for future development.

Councilmember Mahaffey said that the HOA should be able to contribute.

Councilmember Gantt said that this project is one neighborhood and normally the connections are for multiple neighborhoods and include sidewalks.

Assistant Director Reincke said that it is important to find an alignment if the HOA willing to find the space needed and get their support and obtain grants.

Mayor Pro-Tempore Gray said that although this serves one neighborhood, it still supports broader connectivity goals, linking downtown to the western area, and it could discourage participation from neighborhoods with fewer resources that can't even give 5% or 10%.

Councilmember Gantt said this may score low because of cost.

[SLIDE 4]



Councilmember Zegerman asked Assistant Director Reincke to walk back through the timeline again.

Assistant Director Reincke said the site plan upgrades begins Fall 2025, design development scheduled for summer 2026, and construction when funding is available, with the earliest being 2027.

Councilmember Zegerman asked why there was a delay between CDs and construction.

Assistant Director Reincke said that the one-year gap between CDs and construction is because of the time needed for final design updates, permitting, bidding, and securing funding prior to work beginning.

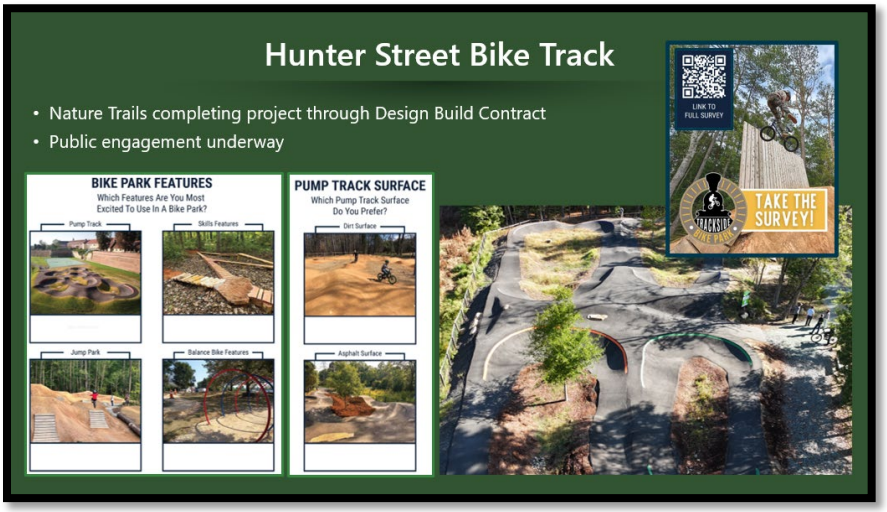
[SLIDE 5]



[PROJECT DIRECTION REQUESTS]

(Angela Reincke continued with the presentation)

[SLIDE 6]



Councilmember Gantt asked if Wake County currently or historically provided funding for the Cary-Apex connection.

Assistant Director Reincke said that currently Wake County does not but Cary added Apex to their updated master plan for long range planning. She said that this is part of the Regional Plan which is usually where Apex would be able to receive state funding.

[SLIDE 7]



[SLIDE 8]



Mayor Pro Tempore Gray asked if Assistant Director Reincke could share more about the discussions with Carrboro Town Council.

Assistant Director Reincke said that dirt tracks require maintenance if heavily used, which can be addressed with partners or staff. She said that other thing discussed was that a dirt track for younger users does not have as much grip so asphalt tracks are preferred. She said that over the years, the use had fallen off at the Town of Carrboro. The Town of Carrboro found that with asphalt that there was less maintenance and usage was higher.

Councilmember Zegerman asked what a cost estimate was to pave the track.

Assistant Director Reincke said it would depend on how much was paved. She said that they aren't sure if they would pave a full track because if it is two types of facilities together, an estimate is $30,000 to $40,000. If all of the track is paved, it may

be double that. Also, impervious surface stormwater costs would have to be considered.

Councilmember Mahaffey said that the extra cost to pave may offset maintenance costs over the years. He asked what the feedback was for the community for dirt or paved tracks.

Assistant Director Reincke said there were 20 responses and they continue to get responses from the survey along with focus groups, so they may learn more about if they feel strongly about one or the other.

Director Setzer said the survey data is on page 4 at the top right.

Assistant Director Reincke said they are trying to weigh one way or the other.

Mayor Gilbert asked if there could be more discussion.

Mayor Pro-Tempore Gray said that in his discussions at the Touch a Truck event there was a like for dirt tracks but they didn't understand the maintenance piece. He said that other discussions were those with dirt tracks said they would pave if they did it again.

Assistant Director Reincke said that there was also training that is being worked on.

Councilmember Mahaffey said it may be good to have multiple different surface types.

Councilmember Zegerman said that partial phases may be the option to go with multiple different surfaces, which would cut down on maintenance.

Councilmember Killingsworth said dirt only is not the way to go, so paving as much as possible and then alternating other surfaces and based on discussions.

Mayor Gilbert said when the cost information comes back, then there is the option of having community engagement like what was done with the Skate Park.

Assistant Director Reincke said that controlling cost was the goal while balancing it with making the park interesting and attractive for users.

Councilmember Zegerman asked about the lighting throughout the park.

Assistant Director Reincke said there had been requests and they have considered how the trail can be safely lit so that it may be used possibly 24 hours.

Director Setzer said that before the bike park had been considered opening 24 hours, there were concerns received about darkness.

Councilmember Killingsworth cautioned that there were townhomes near the park, so be mindful of directional lighting and possibly put timers on lights.

Councilmember Gantt asked if there was shrubbery or a fence in the plans.

Assistant Director Reincke said there was a 50' foot buffer of an undisturbed area and a 10' buffer on the north side along the storage and a street front buffer. She said the goal was to work the design around the existing trees.

Director Setzer said that sports venue lighting in general terms is a high quality of lighting compared to what is at the skate plaza and there have been concerns over time but the question is if they want to invest in LED sports venue lighting like at the ball fields, which can be directed better. He said LED lighting would be beneficial.

Councilmember Gantt asked if pedestals would be the lights at the front by the road.

Assistant Director Reincke said that pedestals are electric outlet boxes used at festivals.

Councilmember Mahaffey asked if they were proposing for the pedestals/lighting to be part of the Hunter Street Bike project or a separate CIP project.

Assistant Director Reincke said the lighting should be provided, but it may be an additional cost to enhance the lighting with sports venue lighting.

Mayor Gilbert said that he has received complaints all the way back to 2021 that residents don't use the trail at night because they're concerned with safety so now may be a good opportunity to go ahead and get the lighting updated.

Councilmember Zegerman said that he would like to see the cost estimate for this. He said he doesn't want the project cost to get too high or cause undue delay.

Councilmember Mahaffey asked if there were any anticipated issues with lighting with the houses in the area.

Assistant Director Reincke said that the lighting plan would help with that information, but there should not be issues if the lights are within the buffer and directional.

Director Setzer said the lights would be able to be seen from homes, but not spilling into it.

Councilmember Mahaffey asked if there were complaints about the baseball lighting at night.

Director Setzer said that he hasn't heard any complaints.

Assistant Director Reincke said that they were cut off, and sometimes stayed on until 10 or 11 if there were late games.

Councilmember Mahaffey asked if the skatepark lights were kept on.

Director Setzer said that it was part of the draw for people because they use the skatepark at night and after regular park hours, and he suggested having the bike park open at night also.

Mayor Gilbert asked if there was a way to secure the park.

Director Setzer said that the only way to secure it would be to fence it in and that would keep people from using it.

Councilmember Gantt suggested reaching out to the HOA of the area neighborhood during the beginning of the process.

Assistant Director Reincke said that there were comments during the rezoning of this property specifically about lighting and they told them that the lighting would meet the standards of the town.

Councilmember Killingsworth said whether or not the project is phased it should be included in the plan to get it ready.

Mayor Gilbert agreed.

[SLIDE 9]



Councilmember Gantt asked about the town's rules for kids playing in Beaver Creek.

Assistant Director Reincke said walking in the woods was not against the rules unless it disturbed riparian buffer or creek areas. She explained about the history and process of the goals to keep the area undisturbed and safe.

[SLIDE 10]



Hunter, a local mountain biker spoke about the value of the track and recreational opportunities for all ages.

[SLIDE 11]



Councilmember Gantt asked if there had ever been land given or sold back to the HOA that was town-owned

Assistant Director Reincke said that she had never been involved with that.

Councilmember Gantt said because this is an easement, the land is still HOA.

Town Attorney Hohe said that in the past there were utility easements that weren't needed and it would be considered surplus, and there were formal steps to go through.

Councilmember Gantt asked if then the decision would be on the HOA instead of the town.

Assistant Director Reincke said that this is just one way that it is being looked at to mitigate the issue. She said the HOA offered a Memorandum of Understanding, and they would maintain responsibility. She explained that a change of ownership/easement would require a more formal process.

Councilmember Mahaffey said he doesn't want to give it away.

Town Attorney Hohe said that it would be a larger process and be essentially a sale, because public land cannot be given away.

Councilmember Gantt said that no one would purchase property that couldn't be built on. He asked if the town would maintain the greenway easement and the town would still own the greenway in that scenario.

Town Attorney Hohe said if land is sold easements can be reserved.

Councilmember Gantt asked if the green area was too small to do anything on.

Assistant Director Reincke said that under one provision they could do more with no practical alternative.

Councilmember Gantt said that on one side of the greenway there could be a loop in the thickest part of the green area.

Mayor Gilbert asked if there were similar projects in other area towns.

Assistant Director Reincke said that they could check but she did not know of any in neighboring communities.

Mayor Pro-Tempore Gray said that currently there hasn't been actual design so there are still some pieces missing.

Assistant Director Reincke said also until there are surveys the dimensions are based on old maps and surveys.

Director Setzer said this is a lot of preliminary work and this is just to get a feel for what, if anything, needs to be done moving forward.

Councilmember Killingsworth said that she has received a lot of pushback from the community on this project.

Assistant Town Manager John said that the more details about the project that is known, then the neighborhood can be brought together to talk through all of the issues and concerns, because there are a lot of people opposing this project but not everyone has been back together since October 2nd.

Councilmember Mahaffey asked what happened for all of the emails to be sent opposing.

Director Setzer explained that there was a notice or invite sent to the HOA Board of Directors and the email didn't get delivered to the individual directors, IT could see it went out but could not see if it was opened or not.

Councilmember Killingsworth said that it sounds like there should be community engagement before moving forward.

Councilmember Mahaffey said that he had concerns specifically for two stakeholders being greenway users and the property owners behind the greenway that purchased home with the expectation of having a greenway behind them, and a bike trail could change this.

Mayor Pro-Tempore Gray said that there are concerns about budgeting this as a priority due to other projects on the CIP that have been waiting, and because there are a lot of questions that have to be answered. He said that with the costs being unknown it is early to make decisions, but that it is a worthwhile project that needs more information. He said there is another concern with the community regarding traffic and parking.

Councilmember Gantt said that town funds shouldn't be spent on this, but if the land could be a surplus and given to the HOA to support while the greenway was being used that would be a better idea.

Councilmember Mahaffey said doing that would create a precedent about surplus of town land that people want to build on.

Councilmember Gantt said that in most new neighborhoods it isn't done this way, and he wouldn't want to affect the greenways.

Mayor Pro-Tempore Gray said he was not in support of giving up easements and the value is good for land.

Councilmember Gantt said he would want to retain the easement. He said they didn't support this being a destination attraction but this should just be the neighborhood using this. He said that he would like to connect this land with the HOA's land and keep the easement for the greenway and they can decide if they want to build this park or not and the greenway would remain and this would be put in the contract. He said the land would sell to the HOA for $1 and they can do what they want with the land.

Mayor Gilbert asked Council if they were interested in pursuing this project.

Councilmember Zegerman said that it may be a CIP project and should go on the CIP list. He said he appreciated the passion the kids had for this and them coming out to speak to Council about it.

Councilmember Gantt asked if it would be worth it for staff to continue spending time or money researching this.

Councilmember Killingsworth said she would recommend to not move forward at this time, and that the community should be more engaged as a whole. She said that putting money into this project when there is another bike park coming up may not be the best use of resources.

Mayor Gilbert said that it is worth bringing everyone back together and then deciding.

Mayor Pro-Tempore Gray recommended putting it on the CIP, and then there would be opportunities to find more information to make decisions based on.

Councilmember Gantt asked can it go on the CIP project list without using funding or a lot of town resources.

Assistant Director Reincke said that as a full town project staff would continue to get cost estimates for design costs as planned and doing the area survey. She said it would be more time without having a direction to go in.

Assistant Town Manager John said if Council gives instruction to further explore, there would need to be some kind of community engagement to hear from

both sides and to bring everyone together to have some kind of consensus of what this may look like.

Councilmember Killingsworth said that at this time she would only be supportive of community engagement and not put any funding into this until that is done.

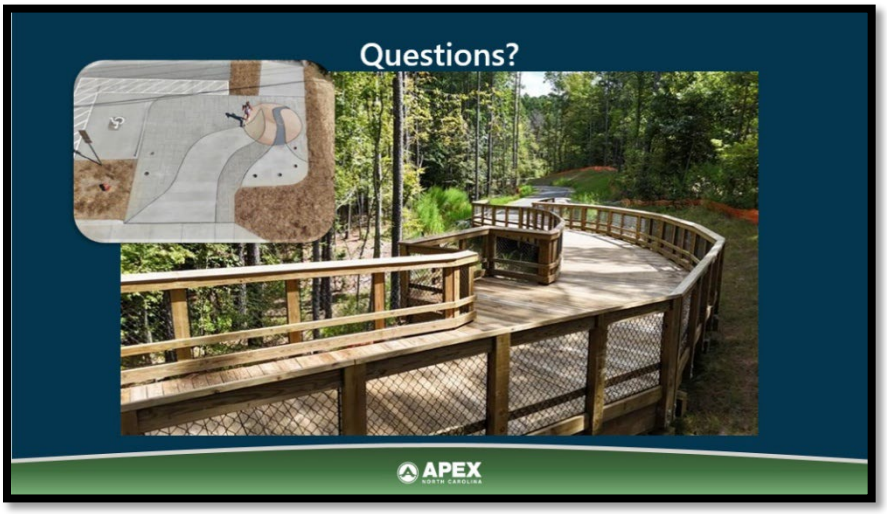
Mayor Gilbert said that he agreed with Councilmember Killingsworth about more research, but went back to 2013 and compared the amount of people in the community that were in opposition of the skate park then compared to today. He said more research would be beneficial.

Councilmember Zegerman asked what would happen once there is research, would there be a decision at that point to decide if it is a CIP project or include it as a CIP project and further prioritize later.

Following discussion, the verbal consensus of the elected body was for staff to explore this further through community engagement and do preliminary research, emphasizing the importance of the entire neighborhood's involvement. Verbal consensus was also provided by the elected body to bring this item back for a future decision where costs, impacts, and public input would be considered.

VOTE: *All members acknowledged support of this approach. A formal vote was not taken.*

[SLIDE 12]



[ADJOURNEMENT]

With no additional business being presented to the elected body, **Mayor Gilbert** adjourned the meeting at **5:19 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 of November, 2025 (CN7).

APPROVED SUMMARY MINUTES

TOWN OF APEX
COMMUNITY TOWN HALL
THURSDAY, OCTOBER 23, 2025
6:00 PM

A **Community Town Hall**, which included members of the **Apex Town Council**, was held on **Thursday, October 23, 2025** at the **Electric Utilities Operations Center** located at 2850 Milano Avenue in Apex, North Carolina. The event began at **6:00 p.m**.

This event was open to the public and everyone was able to attend this meeting in-person. An optional public sign-up link was offered for community members to pre-register for the event and interpretation services were offered. The meeting was not livestreamed or audio recorded.

CLERK NOTE: A Public Notice of Attendance was provided for this event as it was possible a quorum of the Apex Town Council may attend. This event encouraged all community members to come ask questions and have informal dialogue with members of the governing body with the Town of Apex. No official action was taken by the Council and the below should be considered a summary of the event.

[ATTENDANCE]

Elected Body
Councilmember Audra Killingsworth
Councilmember Arno Zegerman
Councilmember Brett Gantt
Councilmember Terry Mahaffey

ABSENT: Mayor Jacques K. Gilbert and Mayor Pro Tempore Ed Gray

Town Staff
Town Clerk Allen Coleman

[COMMENCEMENT]

Councilmember Mahaffey opened the event at **6:02 p.m**. and welcomed all in attendance. He said this event was intended to be very informal and encouraged members to speak respectfully. He said that this was a quarterly series of meetings where members of the public could attend to ask any questions and said this was an opportunity for two-way dialogue. He said these Community Town Halls were being

sprinkled around town to encourage more resident participation and make it more convenient verses driving into Town.

CLERK NOTE: Approximately five (5) community members were in attendance. Wake County Commissioner Cheryl Stallings and a Spanish interpreter were both present as well.

[DISCUSSION]

Residents expressed concerns with the Data Center rezoning proposal and presented concerns about how the Environmental Advisory Board meeting went the previous week. Comments presented were related to noise, water pollution, developer responses to their questions, etc.

Councilmembers responded to resident comments, questions, and concerns. No one wishing to speak was turned away.

Each Councilmember expressed their gratitude for everyone participating and coming to the Community Town Hall.

[ADJOURNMENT]

Councilmember Killingsworth said that concluded the event and thanked all in attendance.

The event concluded at 7:09 p.m.

Jacques K. Gilbert
Mayor | Town of Apex

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

Submitted for approval by Town Clerk Allen Coleman and approved on October 28, 2025 (CN7).