

1 **DRAFT MINUTES**
2 **TOWN OF APEX**
3 **REGULAR TOWN COUNCIL MEETING**
4 **TUESDAY, AUGUST 22, 2023**
5 **6:00 PM**
6

7 The Apex Town Council met for a Regular Town Council Meeting on Tuesday, August 22, 2023 at
8 6:00 PM in the Council Chambers at Apex Town Hall, located at 73 Hunter Street in Apex, North
9 Carolina.

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11 This meeting was open to the public. Members of the public were able to attend this meeting in-
12 person or watch online via the livestream on the Town's YouTube Channel. The recording of this
13 meeting can be viewed here: <https://www.youtube.com/watch?v=pQUnr8fy0Mk>
14

15 **[ATTENDANCE]**
16

17 Elected Body

- 18 Mayor Jacques K. Gilbert (presiding)
- 19 Mayor Pro Tempore Audra Killingsworth
- 20 Councilmember Brett Gantt
- 21 Councilmember Ed Gray
- 22 Councilmember Terry Mahaffey
- 23 Councilmember Arno Zegerman

24
25 Town Staff

- 26 Interim Town Manager Shawn Purvis
 - 27 Assistant Town Manager Demetria John
 - 28 Assistant Town Manager Marty Stone
 - 29 Town Attorney Laurie Hohe
 - 30 Town Clerk Allen Coleman
 - 31 Deputy Town Clerk Ashley Gentry
 - 32 Finance Director Antwan Morrison
 - 33 Planning Director Dianne Khin
 - 34 Transportation and Infrastructure Director Chris Johnson
 - 35 All other staff members will be identified appropriately below
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[SLIDE 1]



Apex Town Council Meeting

August 22, 2023

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[COMMENCEMENT]

Mayor Gilbert called the meeting to order. He acknowledged Officer Mellenberg in attendance and thanked him for ensuring everyone’s safety.

Mayor Pro Tempore Killingsworth read a statement regarding the importance of diversity, and encouraged people to observe a private moment of silence in their own tradition.

Mayor Gilbert welcomed Minister William F. Ball III, co-founder of Unity in the Community. He spoke about the issues of student and senior homelessness and poverty in Wake County. He said the organization also works to improve relations between the Police Departments in the area and their communities. He said the organization will be hosting a community event this Saturday which will provide school supplies, vaccines, health screenings, mental health support, and a mock traffic stop. He thanked the Town of Apex and David Bohm, the Executive Director of the Apex Chamber of Commerce, for their support.

Minister Ball provided the invocation for the evening.

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

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21

[CONSENT AGENDA]

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

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VOTE: UNANIMOUS (5-0)

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CN1 2023 Revised Council Meeting Calendar (REF: OTHER-2023-080)

Council voted to amend the 2023 Town Council Meeting Calendar.

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CN2 Agreement - Installment Purchasing Agreement (IPA) and Resolution - Equipment and Vehicles (REF: CONT-2023-250 and RES-2023-051)

Council voted to approve an Installment Purchase Agreement (IPA) between Pinnacle Bank and the Town of Apex, with an interest rate of 3.90% for a four (4) year term, and adopt a Resolution

33

1 approving an installment financing and security agreement to finance motor vehicles and providing
2 for certain other related matters.

3 **CN3 Annexation No. 761 - Calyx Senior Living of Apex (Kobra LLC) - 7.259 acres (REF: RES-
4 2023-052, RES-2023-053, and OTHER-2023-081)**

5 Council voted adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to
6 accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of
7 a Public Hearing for September 12, 2023, on the Question of Annexation - Apex Town Council's
8 intent to annex 7.259 acres, Calyx Senior Living of Apex (Kobra LLC), Satellite Annexation No. 761
9 into the Town Corporate limits.

10 **CN4 Annexation No. 762 - The Summit (FKA Holland Road Mixed Use) - 29.4692 acres (REF:
11 RES-2023-054, RES-2023-055, and OTHER-2023-082)**

12 Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to
13 accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of
14 a Public Hearing for September 12, 2023, on the Question of Annexation - Apex Town Council's
15 intent to annex 29.4692 acres, The Summit (formerly known as (FKA) Holland Road Mixed Use,
16 Annexation No. 762 into the Town Corporate limits.

17 **CN5 Budget Ordinance Amendment No. 6 - Purchase Order Carryovers Fiscal Year 2023
18 (REF: ORD-2023-086)**

19 Council voted to adopt Budget Ordinance Amendment No. 6 for the purchase order carryovers from
20 Fiscal Year 2023.

21 **CN6 Budget Ordinance Amendment No. 7 - Moore Street Parking (REF: ORD-2023-087)**

22 Council voted to adopt Budget Ordinance Amendment No. 7 appropriating funds to construct a
23 gravel parking lot and pedestrian improvements on Moore Street.

24 **CN7 Budget Ordinance Amendment No. 8 - Deer Creek Reimbursement (REF: ORD-2023-
25 088)**

26 Council voted to adopt Budget Ordinance Amendment No. 8 that appropriates funds to pay
27 amounts due under the second amendment to the Utility Infrastructure Reimbursement Agreement
28 with Meritage Homes of Carolinas, Inc. and authorizes a transfer of funds from the Water Sewer HB
29 463 Capital Fund to fund the payment.

30 **CN8 Capital Project Ordinance Amendment No. 2024-4 - Saunders Street and Hinton Street
31 Sidewalk Project (REF: ORD-2023-085)**

32 Council voted to adopt Capital Project Ordinance Amendment No. 2024-4 for up to \$1,075,200 in
33 federal funds reimbursement toward a total estimate cost of \$1,344.00 for utility relocation and
34 construction of South Saunders Street and Hinton Street Sidewalk, requiring a minimum 20% local
35 cost match of \$268,800.

36 **CN9 Capital Project Ordinance Amendment No. 2024-5 - Southwest Peakway Project (REF:
37 ORD-2023-089)**

38 Council voted to adopt Capital Project Ordinance Amendment No. 2024-5 appropriating \$10M in
39 supplemental grant funds for Apex Peakway construction at South Salem Street and CSX railroad
40 tracks.

41 **CN10 Council Meeting Minutes - August 8, 2023**

42 Council voted to approve, as submitted or amended, Meeting Minutes from the following meeting:
43 August 8, 2023 - Regular Town Council Meeting Minutes
44

1 **CN11 Ordinance Amendment - Chapter 20 Traffic - Section 164(42) - Wirks Worth Circle, No**
2 **Parking (REF: ORD-2023-090)**

3 Council voted to adopt an Ordinance amending Chapter 20 Traffic - Section 164 subsection (42)
4 prohibiting parking around the perimeter of the median island at the terminus of Wirks Worth Circle,
5 except within designated parking spaces.

6 **CN12 Resolution - Walden Road Abandonment (REF: RES-2023-056)**

7 Council voted approve a Resolution Supporting Abandonment of a Portion of Walden Road (SR
8 1148, Wake County) by the North Carolina Department of Transportation.

9 **CN13 Rezoning Case No. 23CZ10 - Salem Church Road Parcels - Statement and Ordinance**
10 **(REF: ORD-2023-091)**

11 Council voted to approve Statement of the Town Council and Ordinance for Rezoning Application
12 No. 23CZ10, Salem Church Road Parcels, Carl Helton, Sundance of NC, LLC, petitioner, for the
13 properties located at 1529, 1531, 1535 Salem Church Road (PINs 0743818238, 0743819289,
14 0743911218).

15 **CN14 Rezoning Case No. 23CZ12 - Sweetwater PUD Amendment - Statement & Ordinance**
16 **(REF: ORD-2023-092)**

17 Council voted to approve Statement of the Town Council and Ordinance for Rezoning Application
18 No. 23CZ12, Sweetwater PUD Amendment, David Schmidt, ExperienceOne Homes, LLC, petitioner,
19 for the properties located at, 0 Core Banks St and 0 Little Gem Ln (PINs 0722441499 and
20 0722441386).

21 **CN15 Speed Limit Concurrence - North Carolina Department of Transportation (NCDOT) -**
22 **James Street West of S. Hughes Street, 25mph (OTHER-2023-083)**

23 Council voted to approve a North Carolina Department of Transportation (NCDOT) Certification of
24 Municipal Declaration to Enact Speed Limits and Request for Concurrence for a 25-mph speed limit
25 on SR 1157 (James St) between 0.14 mile west of SR 1153 (Tingen Rd) and SR 1158 (S Hughes St)
26 within Apex municipal limits.

27 **CN16 Tobacco Road Place - Fee-In-Lieu (FIL)**

28 Council voted to recommend a Fee-In-Lieu (FIL) of dedication for Tobacco Road Place.

29
30 **[REGULAR MEETING AGENDA]**

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

34
35 **VOTE: UNANIMOUS (5-0)**

36
37 **[PUBLIC FORUM] (NOTE: To view Public Forum and Public Hearing sign in sheets, please see**
38 **OTHER-2023-084)**

39
40 First to speak was **Kurt Kuechler** of 2721 Silver Stirrup Lane:

41
42 "I just wanted to start off by thanking the Town Council and the Mayor again for allowing me to
43 speak and say what's on their mind, issues they feel are important. But also, I'd like to thank everyone
44 that attended the workshop a couple weeks ago at the high school. It was much appreciated that

1 you showed up and listened to some folks. Hopefully you had a great time, hopefully you learned
2 something, but I'm not done with you yet, there's another one coming up on the 30th, a little over a
3 week from now, come again. There may be new people there, there may be the same people you
4 talked to before and you want to flesh out discussions you may have had at the time, but please if
5 you've come once, come again. Now, those of you that didn't come the first time. I was talking to
6 Jacques the other day and I gave him a pass, and I'm quick to give out free passes. I'm not so quick
7 to give out a second. So please, if you didn't show up, please come again. I know y'all have a very
8 tough job. You're always sitting up here every meeting, every week, every month, trying to solve
9 everybody's problems, trying to make everybody happy, right. I'm most concerned tonight about
10 development. As issues of development come up, Jeff's here, happens almost every meeting, you're
11 faced with decision to be made about development. My viewpoint is you have two playbooks. One
12 is the Land Use Map, the other is the UDO. Those are your guiding principles. The workshop is
13 what's helped guide potential revisions to the current land use map. But the UDO is something, it's a
14 big thick document, there's lots of sections in there, there's lots of detail, how wide a road should be,
15 how tall a sign can be, all sorts of detail. But throughout the UDO, there's sections where it states
16 purpose, why this portion of the UDO exists. Hopefully Allen, you guys got all the papers, I'll give you
17 a second to read that, but you'll notice I underlined the word "incompatible". I think we all know the
18 definition of incompatible, that's easy. It's when you put it into use, when you're starting to evaluate
19 two items, whether something is compatible or incompatible. There's two ways to do that in my
20 opinion. One is your own personal bias. You just have a raw feeling. The other is to show up in the
21 community and talk to people and hear what their issues are. Thank you."

22
23 **Mayor Gilbert** thanked Mr. Kuechler for his comments.

24
25 Next to speak was **Lucas Downen** of 512 Wanderview Lane:

26
27 "First and foremost, I want to thank the leadership for what you guys have done. For those who don't
28 know me, I'm Lucas Downen, I'm one of the MIP Ambassadors for the Mayor's Internship Program.
29 On August 8th, Russia did a phenomenal job talking about it. But why I joined is because I feel like
30 this is a great opportunity for me to work with the Mayor and everyone else. But I'm going to be a
31 Senior at Middle Creek High School, if you guys don't know who I am. But first I want to thank
32 everyone for being here, this is important to me for all you guys to be here, especially everyone who
33 wants to listen to what's going on in the town. I wanted to thank Allen Coleman for letting us come
34 back since August 8th. Thank you everyone for being here, and I'm looking forward to working with
35 you guys soon. I know you guys have seen us at Juneteenth before, but I'm looking forward to
36 working you guys this Saturday or whenever, and I want to thank everybody for being here, and let's
37 have a good time this weekend, have a good Town Council Meeting, thank you."

38
39 Next to speak was **Mark Mohabir** of 108 Fanwood Court.

40
41 "Good evening, honorable Councilmembers and our distinguished Mayor Gilbert. My name is Mark
42 Mohabir, 1080 Fanwood Court. I was at the last regular Town Council session on August 8th, I was
43 here before you with my neighbor Michael Kolsar to ask this body for your help to rectify a kudzu
44 infestation problem that is stifling tall trees behind our houses, and threatening to weaken them and

1 make them susceptible to storms and high winds, which can cause them to fall on our houses. In fact,
2 one of these trees actually did fall, a few short feet from another house, a few days before we
3 appeared before you. This evening though, I'm here to applaud the rapid response from you, Mayor
4 Gilbert, and your Council, to send a team down to view the situation, and the next day they returned
5 with machinery to cut the kudzu around the roots of the trees, thus preserving them, and causing the
6 kudzu vines that had already arrived at the top of the canopy, to begin to die. Your actions, as small
7 and relatively insignificant this may be to some of the other big things that you do, it has instilled
8 confidence in a new transplant like my wife and me, to Apex. And it shows that the process works,
9 when an issue is presented before this Council by the citizenry, I have more confidence now that it
10 will be assessed immediately and resolved quickly. Having seen this, I thought it was important to
11 share my experience, and to thank you all in person. Thank you."

12
13 **Mayor Gilbert** asked Town Clerk Coleman which staff members were responsible for the
14 response.

15 **Town Clerk Coleman** said Dianne Khin and Shawn Purvis, among others.

16 **Interim Town Manager Purvis** said Joe Assistant Town Manager Stone worked with Joe
17 Curtin, Phillip Barnes, and Eddie Vaughan and the town handled the issue on their property, and Mr.
18 Curtin worked with the HOA to address the issue on their property.

19 **Mayor Gilbert** led a round of applause for those that assisted.

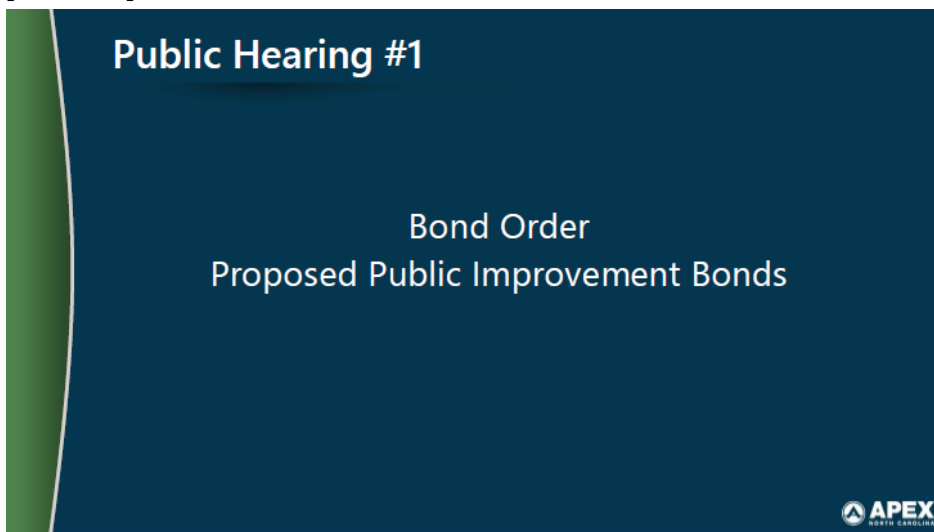
20
21 With no more signups, **Mayor Gilbert** closed Public Forum.

22
23 **[PUBLIC HEARING]**

24 **PH1 Bond Order - Proposed Public Improvement Bonds (REF: ORDER-2023-003)**

25 **Director Morrison** gave information regarding the purpose of holding a public hearing for
26 this item.

27 **[SLIDE 2]**



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30 **Councilmember Gray** wanted to clarify that this was presented and discussed at the last
31 meeting as New Business, so that's why there was not a full presentation tonight.

32 **Director Morrison** said that was correct.

1 **Mayor Gilbert** opened Public Hearing for this item. With no one signed up, he closed Public
2 Hearing.

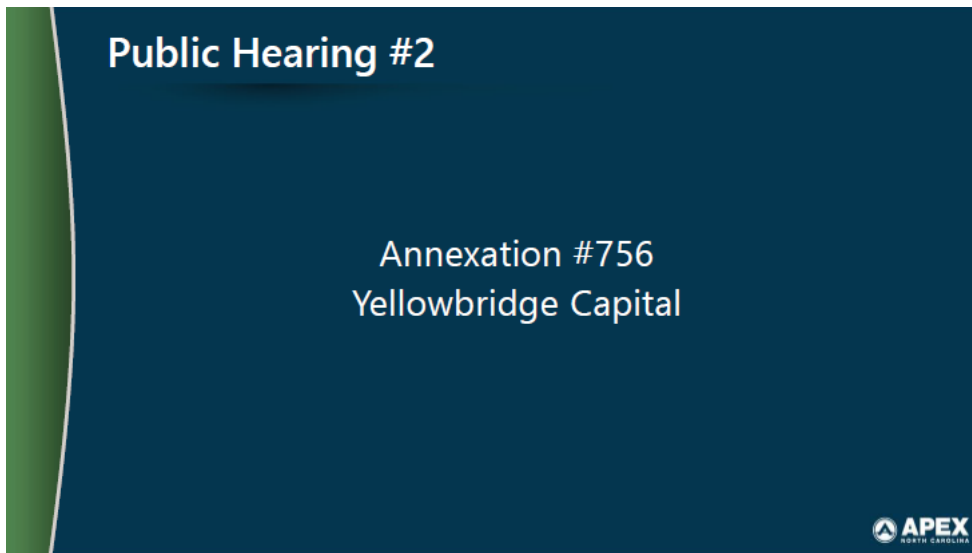
3
4 A **motion** was made by **Mayor Pro Tempore Killingsworth**, seconded by **Councilmember**
5 **Zegerman**, to adopt the Bond Order for Proposed Public Improvement Bonds.

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7 **VOTE: UNANIMOUS (5-0)**

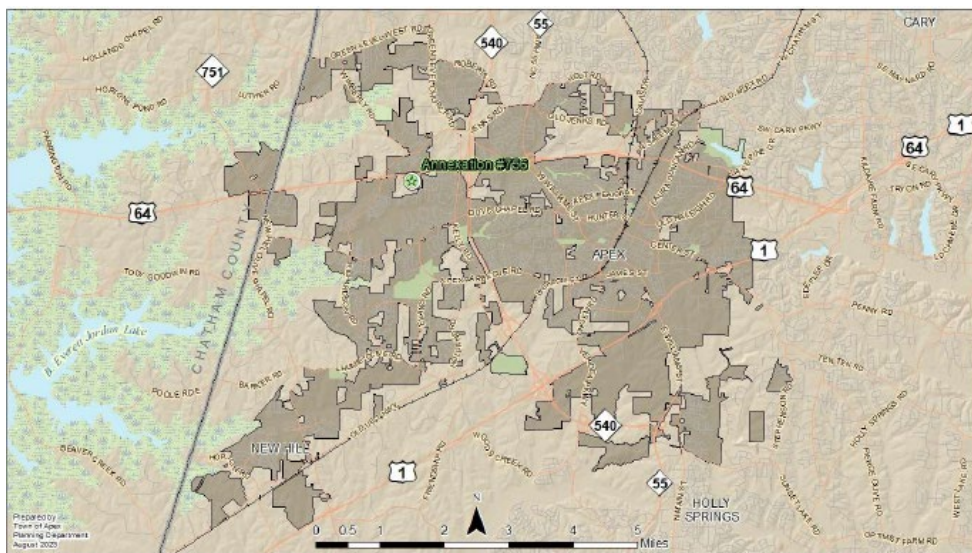
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9 **PH2 Annexation No. 756 - Yellowbridge Capital - 52.375 acres (REF: ORD-2023-093)**

10 **Director Khin** gave the following presentation regarding Annexation No. 756 - Yellowbridge
11 Capital.

12 **[SLIDE 3]**



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14 **[SLIDE 4]**

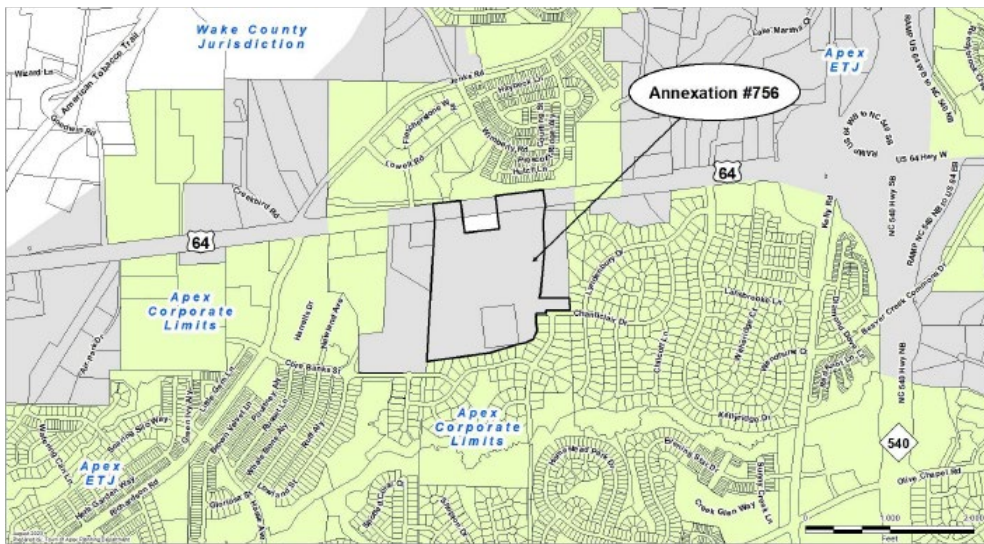


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17 **[SLIDE 5]**



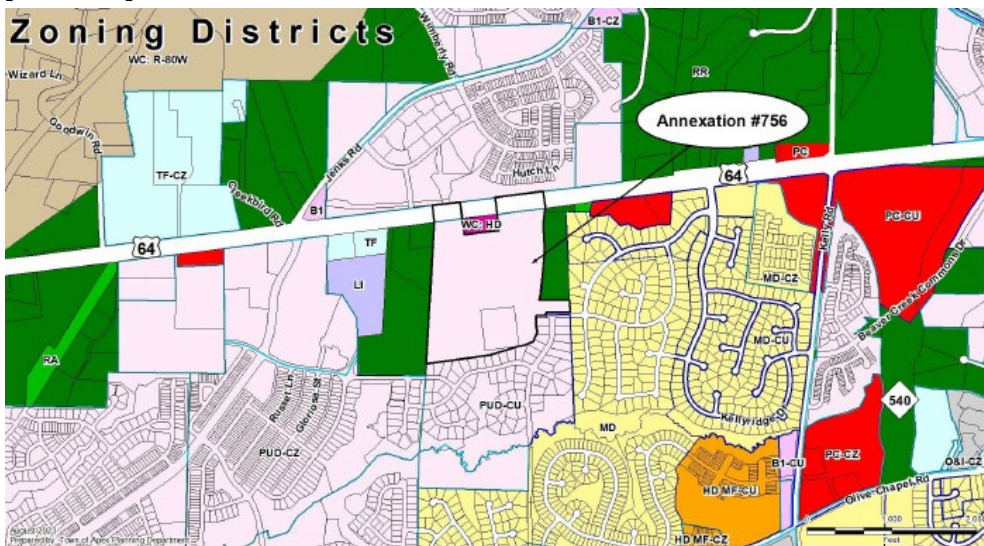
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[SLIDE 6]



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Councilmember Mahaffey asked if the issue with the portion of the road had been resolved.

1 **Ms. Khin** she was not sure, but that it would be between the two property owners. She said
2 they would not sign a final plat until it was resolved, since the structure could not be built until then.

3 **Councilmember Mahaffey** wanted to ensure that wouldn't be a huge issue, since that one
4 area had been annexed with the other development.

5 **Ms. Khin** said that was correct.

6
7 **Mayor Gilbert** opened up Public Hearing for this item. With no one signed up, he closed
8 Public Hearing.

9
10 A **motion** was made by **Councilmember Gantt**, seconded by **Councilmember Gray**, to
11 approve Annexation No. 756 - Yellowbridge Capital.

12 **VOTE: UNANIMOUS (5-0)**

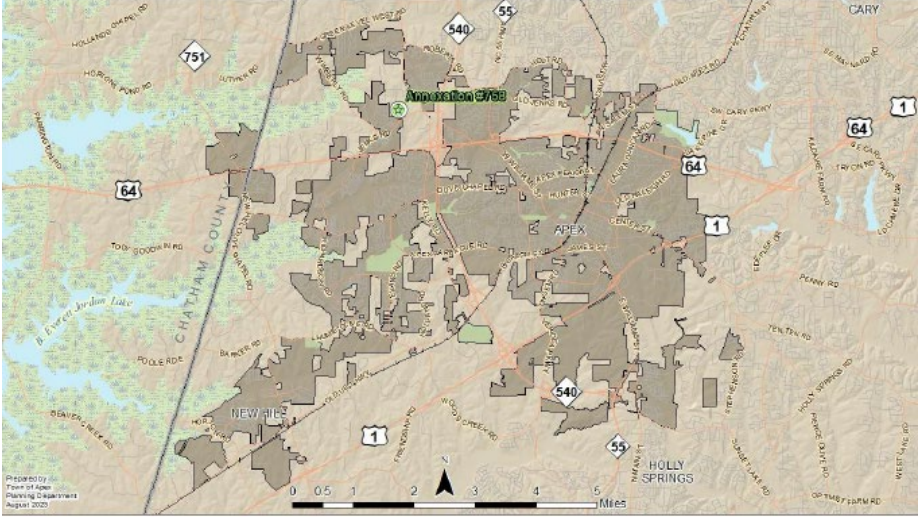
13
14 **PH3 Annexation No. 758 - Estates at White Oak - 9.186 acres (REF: ORD-2023-094)**

15 **Director Khin** gave the following presentation regarding Annexation No. 758 - Estates at
16 White Oak.

17 **[SLIDE 8]**



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19 **[SLIDE 9]**



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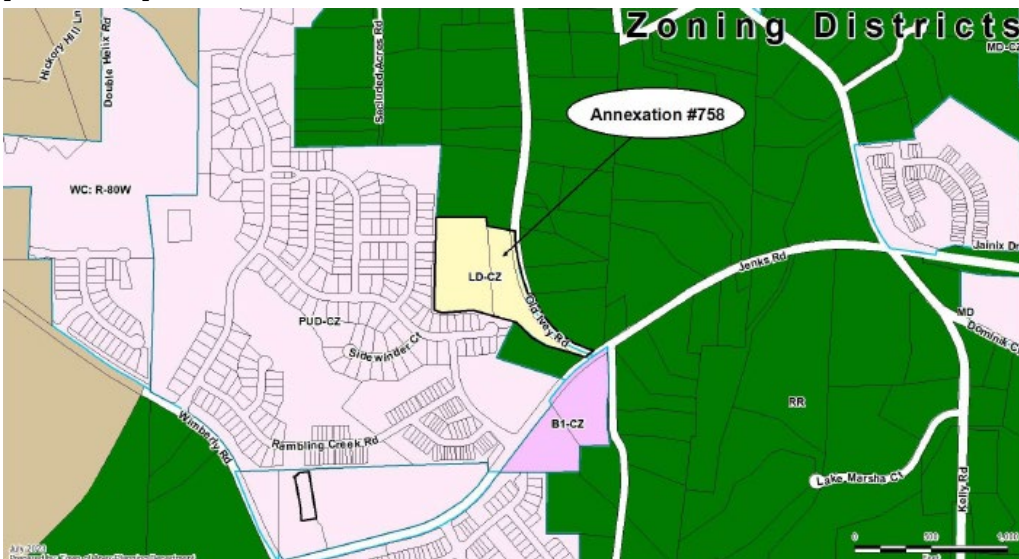
1 [SLIDE 10]



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5 [SLIDE 12]



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Mayor Gilbert opened up Public Hearing for this item. With no one signed up, he closed Public Hearing.

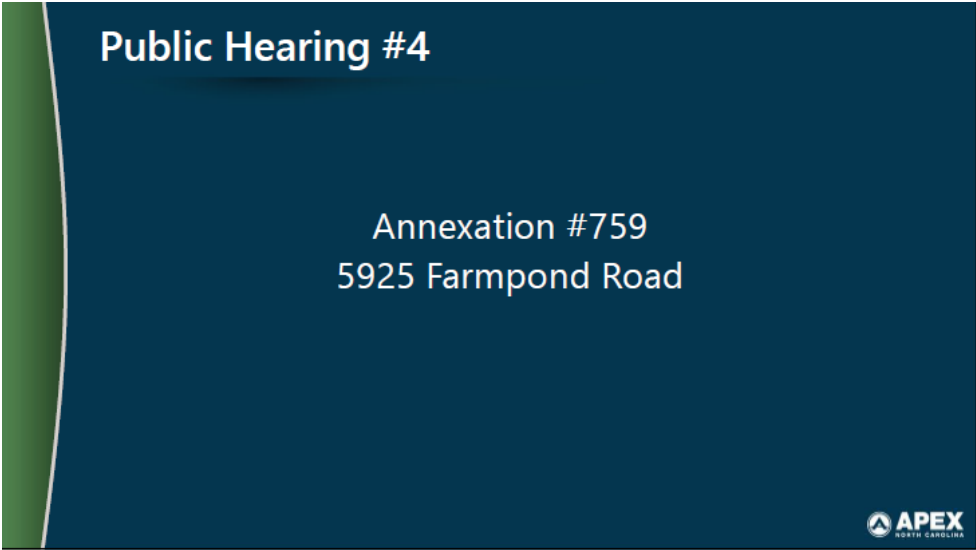
A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember Mahaffey**, to approve Annexation No. 758 - Estates at White Oak.

VOTE: UNANIMOUS (5-0)

PH4 Annexation No. 759 - 5925 Farmpond Road - 2.747 acres (REF: ORD-2023-095)

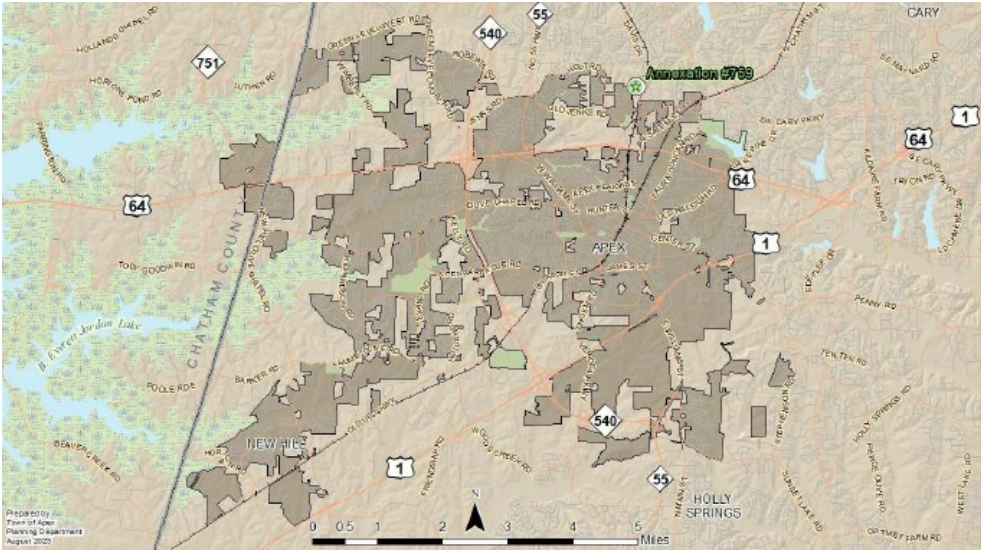
Director Khin gave the following presentation regarding Annexation No. 759 - 5925 Farmpond Road.

[SLIDE 13]



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[SLIDE 14]

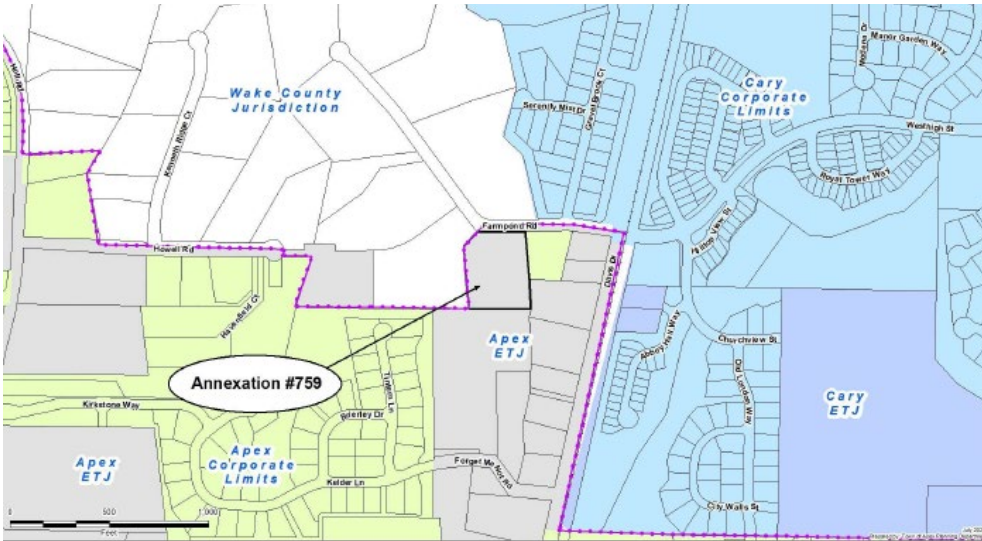


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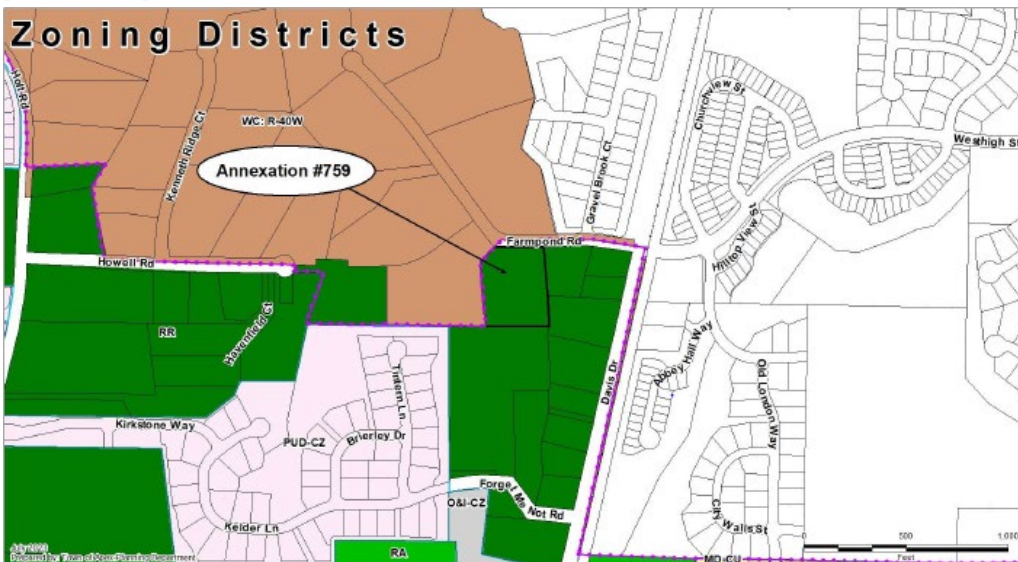
1 [SLIDE 15]



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3 [SLIDE 16]



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6 [SLIDE 17]



1 **Mayor Gilbert** opened up Public Hearing for this item. With no one signed up, he closed
2 Public Hearing.

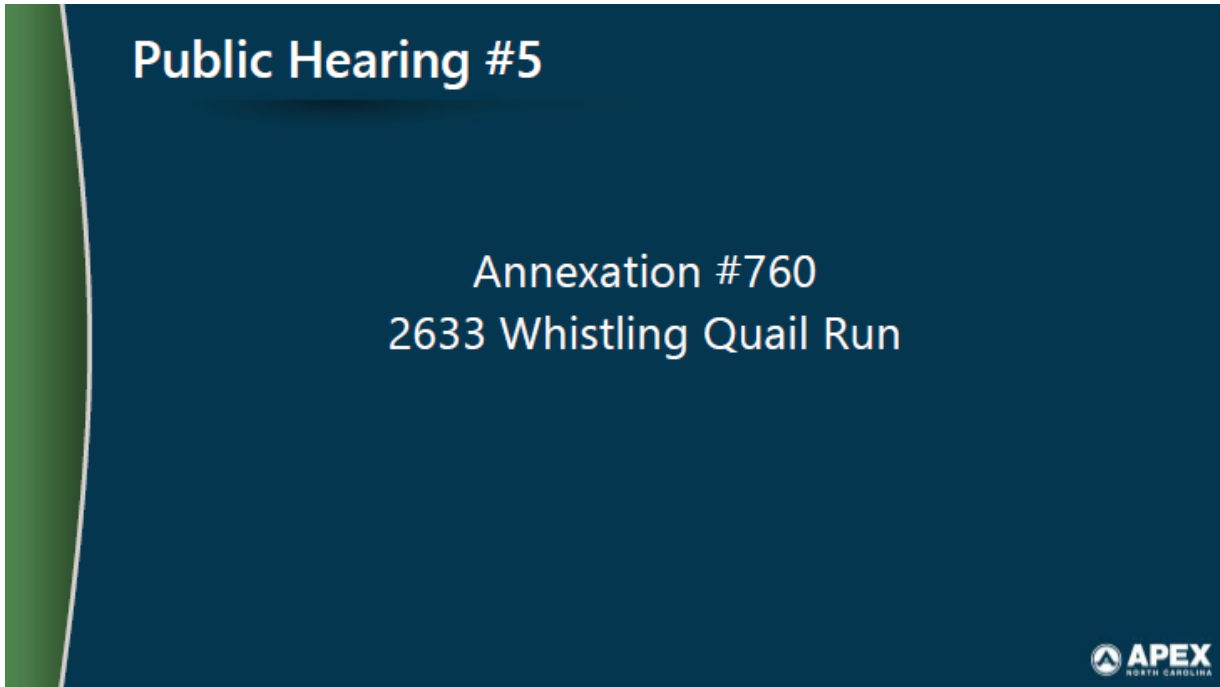
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4 A **motion** was made by **Councilmember Gray**, seconded by **Councilmember Zegerman**, to
5 approve Annexation No. 759 - 5925 Farmpond Road.

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7 **VOTE: UNANIMOUS (5-0)**

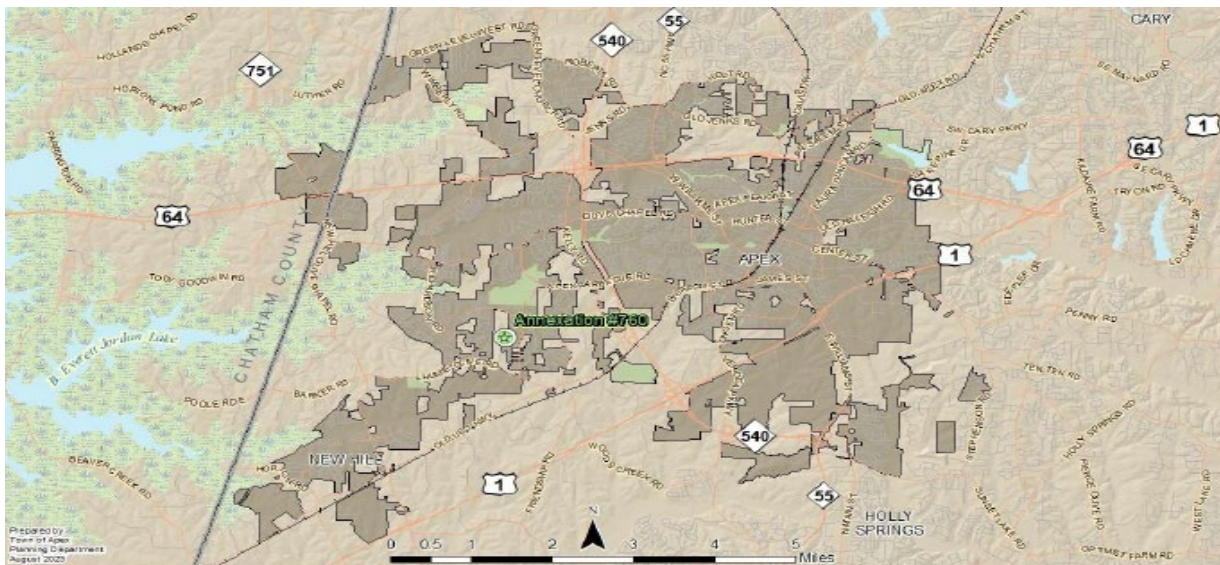
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9 **PH5 Annexation No. 760 - 2633 Whistling Quail Run - 3.806 acres (REF: ORD-2023-096)**

10 **Director Khin** gave the following presentation regarding Annexation No. 760 - 2633
11 Whistling Quail Run.

12 **[SLIDE 18]**



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14 **[SLIDE 19]**



1 [SLIDE 20]



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3 [SLIDE 21]



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5 [SLIDE 22]



6
August 2023
Prepared by: Town of Apex Planning Department

1 **Councilmember Gantt** said these residents are always nervous about approaching
2 development, and was wondering if this annexation would further that or if this would be more an
3 administrative thing.

4 **Director Khin** said this would not trigger a road connection. She said this property could
5 potentially do an exempt subdivision plan, but planning has no knowledge of that being planned.

6 **Councilmember Gantt** if there was a road easement on the bottom of this.

7 **Director Khin** said it was a paver road, she said it was not accepted by NCDOT, so it was
8 never built, it is just on a map.

9 **Councilmember Gantt** asked if there was a stub on the other side.

10 **Director Khin** said yes.

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12 **Mayor Gilbert** opened up Public Hearing for this item. With no one signed up, he closed
13 Public Hearing.

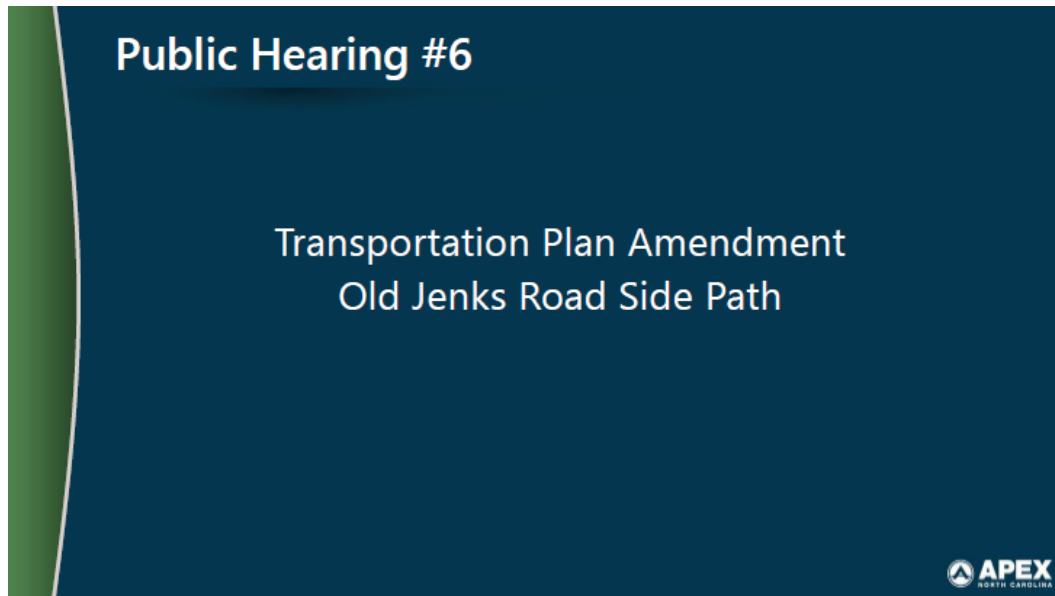
14
15 A **motion** was made by **Councilmember Mahaffey**, seconded by **Councilmember Gantt**, to
16 approve Annexation No. 760 - 2633 Whistling Quail Run.

17
18 **VOTE: UNANIMOUS (5-0)**

19
20 **PH6 Transportation Plan Amendment - Old Jenks Road Side Path**

21 **Jenna Shouse**, Senior Long-Range Planner, gave the following presentation regarding the
22 Transportation Plan Amendment for Old Jenks Road Side Path.

23 **[SLIDE 23]**



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1 [SLIDE 24]



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3 **Councilmember Zegerman** asked if this was part of the Capital Improvement Plan yet.

4

5 **Ms. Shouse** said no, right now it was just adding to the Bicycle and Pedestrian Plan Map.

6

7 **Councilmember Gantt** said it could be part of one of the school projects, but it would not fall within the price threshold to be its own project. He asked if this was included in the rankings.

8

9 **Ms. Shouse** said yes, and it would be changed to have a side path included rather than a sidewalk.

10

11 **Councilmember Mahaffey** asked if staff has heard from the principals of the schools about the need for this bigger connection.

12

13 **Ms. Shouse** said she has met with both principals, and most people who walk or bike to school take the route to the side of the school, but this would give additional route on the front. She said she has not heard a recent request from the principal.

14

15 **Mayor Gilbert** opened up Public Hearing for this item. With no one signed up, he closed Public Hearing.

16

17 A **motion** was made by **Mayor Pro Tempore Killingsworth**, seconded by **Councilmember Gantt**, to approve the Transportation Plan Amendments for the Old Jenks Road Side Path.

18

19 **VOTE: UNANIMOUS (5-0)**

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21 **PH7 Transportation Plan Amendment - Transit Trail Side Path**

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23 **Ms. Shouse** gave the following presentation regarding the Transportation Plan Amendment for the Transit Trail Side Path.

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1 [SLIDE 25]



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3 [SLIDE 26]



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5 **Mayor Gilbert** opened up Public Hearing for this item. With no one signed up, he closed
6 Public Hearing.

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8 **Councilmember Zegerman** said he does have some heartburn over this, as he expressed at
9 the June 27th meeting. He said he doesn't like giving one developer a pass, and moving the trail to
10 the other side of the road to make it someone else's problem. He said he does not like the
11 placement of this side path with the sidewalk. He said for the sake of consistency with his previous
12 position, he would be voting against this amendment.

13
14 A **motion** was made by **Councilmember Mahaffey**, seconded by **Mayor Pro Tempore**
15 **Killingsworth**, to approve the Transportation Plan Amendment for the Transit Trail Side Path.

16
17 **VOTE: 4-1, Councilmember Zegerman dissenting**


18
19 **PH8 Transportation Plan Amendment - Utley Farms Local Connector and Side Path**

20 **Ms. Shouse** gave the following presentation regarding the Transportation Plan Amendment
21 for Utley Farms Local Connector and Side Path.

1 [SLIDE 27]

Public Hearing #8

Transportation Plan Amendments Utley Farms Local Connector and Side Path



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3 [SLIDE 28]

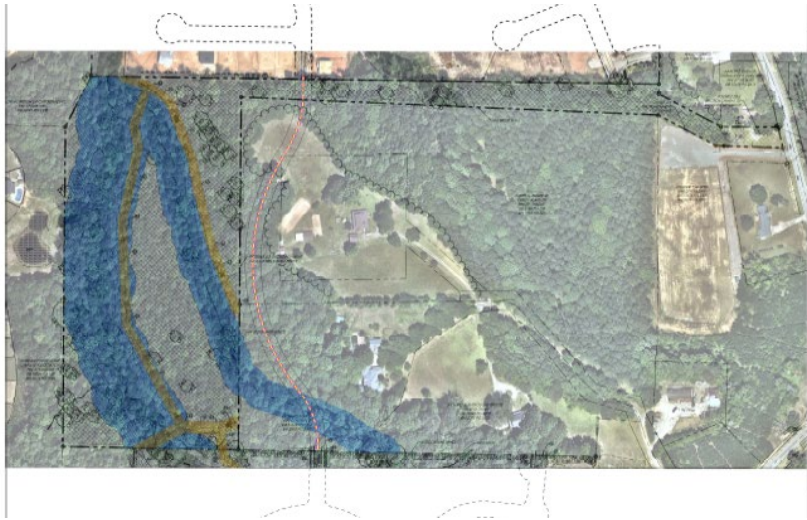


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1 [SLIDE 29]



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Councilmember Zegerman asked how set staff was on this particular route, and could an alternate route be considered, considering planned future development and resident concerns.

Ms. Shouse said when the property is developed, the alignment likely wouldn't be this exact configuration as the developer would have to connect the stubs. She said avoiding existing structures in the proposed path gets to the point that the structures are unlikely to be there if it redevelops in the future.

Councilmember Zegerman wanted to clarify that the town wants a road and side path between the two stubs, but the exact path would depend on the development that comes in.

Ms. Shouse said that was correct.

Councilmember Mahaffey said it was typical for transportation plan amendments to come with redevelopments.

Councilmember Zegerman said he just wanted to make sure they weren't being oblivious to the concerns of the residents.

Councilmember Mahaffey said this route could only be built in the residents in question allowed the path to be built on their property. If they didn't want to do it, it couldn't happen. He said sometimes property owners get scared and think something is coming soon, but this plan is more about the long-range.

Mayor Gilbert opened up Public Hearing for this item. With no one signed up, he closed Public Hearing.

A **motion** was made by **Councilmember Gray**, seconded by **Councilmember Mahaffey**, to approve the Transportation Plan Amendments for the Utley Farms Local Connector and Side Path.

VOTE: UNANIMOUS (5-0)

1 **[NEW BUSINESS]**

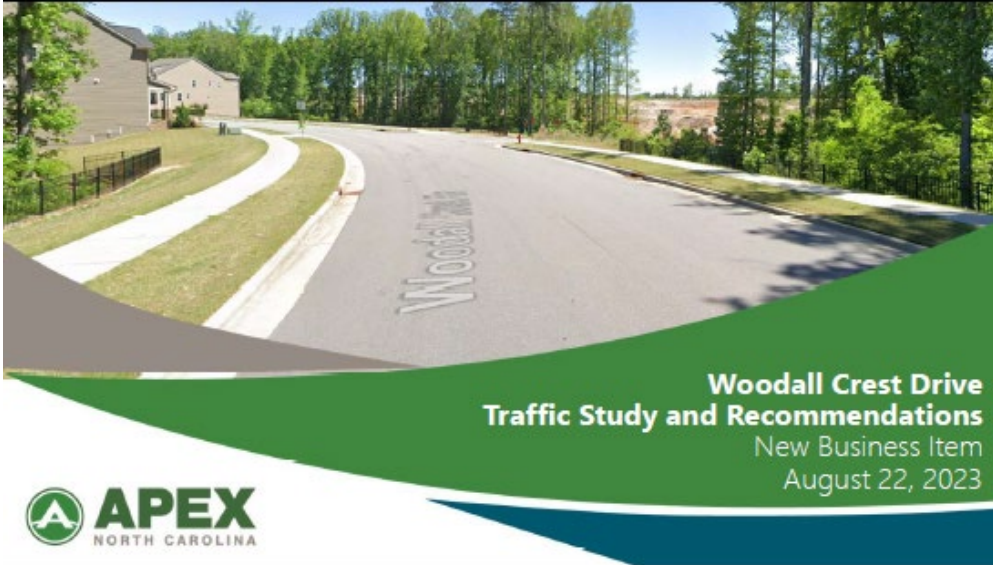
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4 **NB1 Traffic Safety - Woodall Crest Drive**

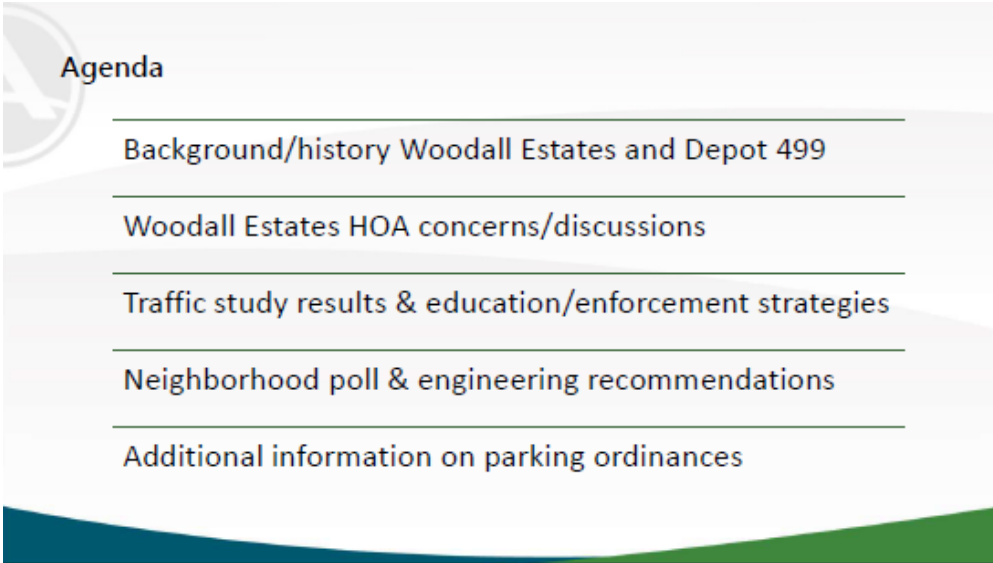
5 **Chris Johnson**, Director of Transportation and Infrastructure Development, and **Russell**
6 **Dalton**, Traffic Engineering Manager, gave the following presentation regarding traffic safety on
7 Woodall Crest Drive.

8 **[SLIDE 33]**



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10 **[SLIDE 34]**



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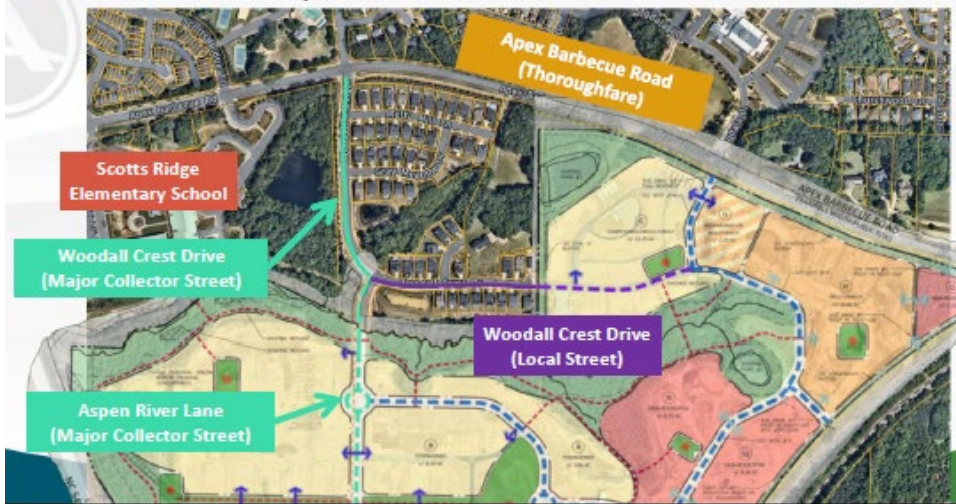
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1 **[SLIDE 35]**

Woodall Estates & Depot 499



2
3 **[SLIDE 36]**

Woodall Crest Drive (2020-2021)

- Depot 499 proposed to extend Aspen River Lane south and Woodall Crest Drive east to fulfill connectivity requirements
- Woodall Estate residents expressed concerns about future increased traffic impacts on ped/bike activity and intersection operations
- Resident requested to reconsider the 35 mph speed limit for short Woodall Crest Drive Major Collector Street segment
 - Following review, staff reduced to 25 mph for all of Woodall Crest Drive

4
5 **[SLIDE 37]**

Woodall Crest Drive (2023)

- Woodall Estates HOA requested changes along Woodall Crest Drive (Major Collector Street) following accident at Metta Mill Lane. Items discussed included:
 - Striped bike lanes
 - Parking restrictions
 - More marked crosswalks
 - Lower speed limits
 - Traffic calming
- Staff reviewed existing/future conditions and resident requests
- Staff conducted speed study of Woodall Crest Drive (pre-connection to Depot 499)

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1 [SLIDE 38]

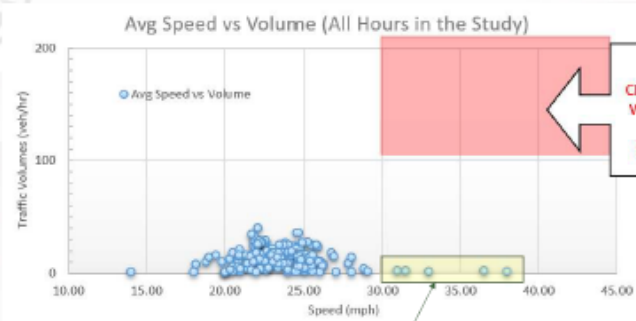
Woodall Crest Drive Speed Study (6/7-6/16/23)

- Average of 269 vehicles/day
- Average speed 23.5 mph
- 85th-percentile speed 29 mph
- 11.4% of vehicles > 30 mph
 - (5.1% of these are trucks)
- Follow-up study recommended within a year of streets being opened to Depot 499



2 [SLIDE 39]

Woodall Crest Drive Speed Study (6/7-6/16/23)



Note: Major Collector Street not eligible for traffic calming devices

Education and enforcement measures recommended for small sample of higher speeds

4 [SLIDE 40]

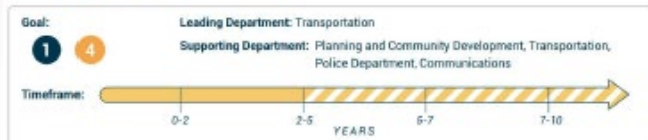


Vision Zero Education Strategies

Create a social media campaign with appropriate traffic messages that targets the following 5 most relevant concerns identified through public input: (1) Speeding and Traffic Calming, (2) Pedestrian and Bicycle Safety, (3) Distracted Driver / Behavior Programs, (4) Safe Routes to School, (5) Young Driver / Passenger Safety.



Create a safety education team that will engage in traffic safety outreach and education to community groups (schools, churches, HOAs, and Town staff), and will be supported by the social media campaign and safe traffic messaging.



1 [SLIDE 41]



Vision Zero Enforcement Strategies

Target enforcement on the high injury network, and target the most dangerous driving behavior.

Goal: 3

Leading Department: Police Department
Supporting Department: Transportation

Timeframe: 0-2 2-5 5-7 7-10 YEARS

2
3 [SLIDE 42]

Woodall Crest Drive Bike Lanes




**Major Collector Street Lane
With/Without Bike Lane Symbols**

**Woodall Estates
HOA Poll**


- 25 of 51 households responding
- 17 in favor of bike lanes (68%)
- 8 not in favor (32%)

4
5 [SLIDE 43]



Engineering Recommendations

- Designate bike lanes along Woodall Crest Drive between Apex Barbecue Road and Aspen River Lane with planned Major Collector Street lane markings
- ★ Add stop bars & crosswalks at existing stopped approaches to Woodall Crest Drive and Aspen River Lane
- ★ Add high-visibility signed & marked crosswalk across Woodall Crest Drive
- ★ Enhance Shared Use Path crosswalk to high visibility at existing stopped approach to Apex Barbecue Rd



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1 [SLIDE 44]

Parking Ordinances

- The Apex Code of Ordinances prohibits various parking behaviors, such as parking closer than 30 feet from intersection or leaving less than 10 feet from the side of the parked vehicle the marked street centerline
- However, the ordinances do not specifically prohibit parking in bike lanes, so an ordinance amendment may be needed in certain instances to enforce parking that happens to occur within a bike lane

2
3 **Councilmember Gantt** asked if there was also no state law saying parking in bike lanes was
4 illegal.

5 **Mr. Dalton** said that was correct.

6 **Councilmember Mahaffey** asked if no parking signs would need to be put up at all the bike
7 lanes if they decided to do that.

8 **Mr. Dalton** said lots of town-wide no parking ordinances do not use no parking signs. He
9 said no parking signs are typically for special areas where parking is prohibited.

10 **Councilmember Gray** asked if there was any data on people parking in bike lanes.

11 **Mr. Dalton** said Apex does not have many miles of bike lanes, and he is not aware of a
12 current issue. He said it may be something to look at in the future, and can be done on a case by
13 case basis. He said some communities prohibit parking in bike lanes during peak hours, and allow it
14 in off peak.

15 **Councilmember Zegerman** said it may be good to prohibit it now, so that they don't build a
16 habit that they have to later break. He asked if there was a larger lesson learned that they can use for
17 future developments and avoid tragic incidents like this.

18 **Mr. Dalton** said staff is looking at opportunities to work with developers to put in bike lanes
19 on major collectors that are coming in.

20 **Councilmember Gantt** asked if neighborhoods are asking for bike lanes to be put in rather
21 parking on the street.

22 **Mr. Dalton** said there is plenty of room for bike lanes on a Major Collectors, but smaller
23 roads would be much more difficult to do, seeing as they may not have enough space to do so and
24 remain compliant with fire code.

25 **Councilmember Mahaffey** said he wondered if there was a concern that adding bike lanes
26 instead of parking would make the road feel faster, and contribute to increasing speeds.

27 **Mr. Dalton** said major collectors are pretty wide, and there isn't consistent on street parking.
28 He said on a street like this, he would not expect bike lanes to impact actual traffic speeds in that
29 way.

30 **Councilmember Zegerman** asked if the study would be run again when the development
31 finishes nearby in the future.

1 **Mr. Dalton** said yes, but he would expect the volume to increase, but not speeds. He said
2 this was lowered to 25 mph because it was a shorter route than most major collector streets. He said
3 they would not recommend traffic calming because of it being a major collector, but they would
4 work with police to see if measures were necessary.

5 **Councilmember Mahaffey** asked what the stop sign configuration would be at the interst

6 **Mr. Dalton** said Aspen River Lane would stop, and he said they talked about having high
7 visibility sign at that intersection. He said they would be looking at if an all-way stop was warranted in
8 the future, but that is not currently expected.

9 **Mayor Gilbert** asked if cyclists were required to travel in the designated bike lanes.

10 **Mr. Dalton** said no, and that was why communities had different perspectives on bike lanes
11 and parking.

12 **Councilmember Zegerman** said cyclists typically don't ride more than 2 side by side, and
13 busier streets they typically go one wide.

14 **Councilmember Mahaffey** thanked staff for all the work they have put into these
15 recommendations.

16 **Mr. Dalton** said staff was planning to move forward with all of these recommendations, and
17 Council could share any other recommendations they may have with them as well.

18 **Mayor Pro Tempore Killingsworth** said they do need to look at prohibiting parking in bike
19 lanes and be consistent across town.

20 **Councilmember Gray** said he agreed, and that he appreciated staff for seeing this as a
21 psychological issue. He said seeing a bike lane heightens awareness for drivers. He said it's a very
22 creative solution to deal with a lot of these problems. He said he agrees they should see how they
23 can apply this across town.

24 **Councilmember Zegerman** asked if electric scooters were allowed in bike lanes.

25 **Mr. Dalton** said they are not prohibited from using the bike lane, but he said in some cases
26 the lines are getting a bit blurred with new technology in transportation. He said this goes back to
27 reviewing ordinances.

28 **Councilmember Zegerman** asked about the definition of vehicles for these modes of
29 transportation.

30 **Mr. Dalton** said bikes are still a vehicle in crosswalks, and are at all times. He said it was
31 about educating people.

32 **Councilmember Zegerman** asked if a scooter was considered a vehicle.

33 **Mr. Dalton** that requires more research to look into that.

34 **Councilmember Mahaffey** said there was an article talking about how municipalities are
35 struggling with these definitions and modes of transportation and how to keep people safe through
36 ordinances.

37 **Councilmember Gray** said maybe they should look at age restriction. He said this wouldn't
38 be simple because of all the various types of technology. He said the question is how old is too
39 young for someone to be to be operating what would be classified as a vehicle, depending on the
40 scenario.

41 **Councilmember Zegerman** said they need to recognize traffic patterns are changing.

42 **Interim Town Manager Purvis** said Assistant Town Manager John and Town Attorney Hohe
43 are already looking at this issue.

1 **Councilmember Gantt** said at the next planning committee meeting he would like to talk
2 about parking in the bike lane and what other municipalities are doing.

3
4 **[UPDATES BY INTERIM TOWN MANAGER]**

5
6 **Interim Town Manager Purvis** said federal funding for the sewer projects in the old Cash
7 Corporate Center area development was approved. He said the IT team has been awarded a
8 \$100,000 grant to improve cybersecurity. He said the "Plant the Peak" program application opens
9 September 1st, and will be full quickly. He said this has been a successful program to help the town
10 expand its tree canopy, and the town is looking at expanding this plan and things like it. He said on
11 Saturday, September 9th, Fire Station 1 will be having an open house as part of the 150th celebration.
12 He said there will tours, demonstrations, and photo galleries.

13
14 **[CLOSED SESSION]**

15
16 A **motion** was made by **Councilmember Zegerman**, seconded by **Mayor Pro Tempore**
17 **Killingsworth**, to enter into Closed Session pursuant to NCGS §143-318.11(a)(3) and NCGS §143-
18 318.11(a)(6).

19
20 **VOTE: UNANIMOUS (5-0)**

21
22 Council entered into Closed Session at **7:07 p.m.**

23
24 Council will enter into closed session pursuant to:

25
26 **CS1 Laurie Hohe, Town Attorney, Legal Department**

27 **NCGS §143-318.11(a)(3):**

28 *"To consult with an attorney employed or retained by the public body in order*
29 *to preserve the attorney-client privilege between the attorney and the public body."*
30

31 **CS2 Jacques K. Gilbert, Mayor**

32 **NCGS §143-318.11(a)(6):**

33 *"To consider the qualifications, competence, performance, character, fitness, conditions of*
34 *appointment, or conditions of initial employment of an individual public officer or employee or*
35 *prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by*
36 *or against an individual public officer or employee."*
37

38 **CS3 Jacques K. Gilbert, Mayor**

39 **NCGS §143-318.11(a)(6):**

40 *"To consider the qualifications, competence, performance, character, fitness, conditions of*
41 *appointment, or conditions of initial employment of an individual public officer or employee or*
42 *prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by*
43 *or against an individual public officer or employee."*
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Council returned to open session at **8:42 p.m.**

[ADJOURNEMENT]

Mayor Gilbert adjourned the meeting at **8:43 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 _____.