

DRAFT MINUTES

**TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, OCTOBER 22, 2024
6:00 PM**

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, October 22nd, 2024 at 6:00 PM in the Council Chambers at Apex Town Hall, located at 73 Hunter Street in Apex, North Carolina.

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

<https://www.youtube.com/watch?v=erX0WD1Er6c&t=1s>

[ATTENDANCE]

Elected Body

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

Town Staff

Town Manager Randy Vosburg
Deputy Town Manager Shawn Purvis
Assistant Town Manager Marty Stone
Assistant Town Manager Demetria John
Town Attorney Laurie Hohe
Town Clerk Allen Coleman
All other staff members will be identified appropriately below

[COMMENCEMENT]

Mayor Gilbert called the meeting to order and welcomed all who were in attendance and watching on YouTube and then took a moment of silence.

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

[CONSENT AGENDA]

1 **Mayor Gilbert** asked to move CN12 - Special Events Policy - Town Organized
2 Events consent to New Business in order to get clarity on the policy from staff.

3
4 A **motion** was made by **Councilmember Gannt**, seconded by **Councilmember**
5 **Killingsworth**, to approve the Consent Agenda with CN12 moved to New Business.

6
7 **VOTE: UNANIMOUS (5-0)**
8

9 **CN1 Appointments - Transit Advisory Committee (TAC) - Chair and Vice-Chair**

10 Council voted to confirm the following leadership positions on the Transit Advisory
11 Committee (TAC) for fiscal year 2024-2025:

12 Andrew Werking, Chair of the Transit Advisory Committee (TAC)

13 Nick Bryant, Vice-Chair of the Transit Advisory Committee (TAC)

14 **CN2 Budget Ordinance Amendment No. 4 - Downtown Parking Mitigation Strategies**
15 **(REF: ORD-2024-081)**

16 Council voted to adopt Budget Ordinance Amendment No. 4 to fund downtown parking
17 mitigation strategies.

18 **CN3 Construction Contract Award - FSC II, LLC dba Fred Smith Company - Saunders**
19 **Street Parking Lot (REF: CONT-2024-315)**

20 Council voted to award a Construction Agreement between FSC II, LLC (dba Fred Smith
21 Company) and the Town of Apex for construction of the Saunders Parking Lot project and
22 authorize the Town Manager, or their designee, to execute on behalf of the Town.

23 **CN4 Developer Agreement No. 1 - RXR Len Apex Owner LLC (RXR) - Veridea Gravity**
24 **Sewer (REF: CONT-2024-316)**

25 Council voted to approve a Development Agreement between the Town of Apex and RXR
26 Len Apex Owner LLC (RXR) related to construction of oversized gravity sewer outfall and to
27 authorize the Town Manager to execute the same.

28 **CN5 Developer Agreement No. 2 - RXR Len Apex Owner LLC (RXR) - Veridea Upsizing**
29 **Sewer (REF: CONT-2024-317)**

30 Council voted to Development Agreement between the Town of Apex and RXR Len Apex
31 Owner LLC (RXR) related to construction of oversized gravity sewer outfall and to authorize
32 the Town Manager to execute the same.

33 **CN6 Developer Agreement No. 3 - Utility Infrastructure Reimbursement Agreement -**
34 **RXR Len Apex Owner LLC - Big Branch 1 Regional Pump Station (REF: CONT-2024-318)**

35 Council voted to approve a Utility Infrastructure Reimbursement Agreement with RXR Len
36 Apex Owner LLC (RXR) related to oversized construction of the Big Branch 1 Regional Pump
37 Station, associated sewer force main, and waterline, and to authorize the Town Manager to
38 execute the same.

39 **CN7 Developer Agreement No. 4 - RXR Len Apex Owner LLC (RXR) - Technology Drive**
40 **Waterlines (REF: CONT-2024-319)**

Council voted to approve a Development Agreement between the Town of Apex and RXR Len Apex Owner LLC (RXR) related to construction of water line and to authorize the Town Manager to execute the same.

CN8 Developer Agreement No. 5 - RXR Len Apex Owner LLC (RXR) - Extra Water Lines (REF: CONT-2024-320)

Council voted to approve a Development Agreement between the Town of Apex and RXR Len Apex Owner LLC (RXR) related to construction of water line in excess of that need by the developer and to authorize the Town Manager to execute the same.

CN9 Fee-In-Lieu - Veridea East Village - Master Subdivision Plan (MSP)

Council voted to approve a payment of Fee-In-Lieu (FIL) of dedication for the Veridea East Village Residential Master Subdivision Plan (MSP) as recommended by the Technical Review Committee (TRC) on 03/23/2023 at the 2023 rate of \$2,381.87 MF/unit; \$2705.23 SFA/unit; and \$4016.66 SFD/unit.

CN10 Fee-In-Lieu - Veridea Mixed Use Major Site Plan (MSP)

Council voted to approve a payment of Fee-In-Lieu (FIL) of dedication for the Veridea Mixed Use Major Site Plan (MSP) as recommended by the Technical Review Committee on 06/27/2024 at the 2024 rate of \$2,470.00 MF/unit.

CN11 Resolution - Bond Reimbursement Electric Projects and Water and Sewer Projects 2025 (REF: RES-2024-052 and RES-2024-053)

Council voted to adopt the following resolutions authorizing the later issuance of public funding to pay for prior expenditures:

Reimbursement Resolution for Water and Sewer Projects

Reimbursement Resolution for Electric Projects

~~CN12 Special Events Policy - Town Organized Events~~

This item was removed from the Consent Agenda, per Council vote.

CN13 Surplus Vehicle - 2004 Emergency One 75' Ladder Truck

Council voted to declare the following vehicle as surplus, authorize the sale of said vehicle, and authorize the Purchasing and Contracts Manager and the Town Manager, or their designee, to sign documents necessary to complete the sale:

Vehicle: 2004 Emergency One 75' Ladder Truck, VIN No. 4ENRAAA8X41007598

CN14 Tax Report - August 2024 (REF: OTHER-2024-111)

Council voted to approve the Apex Tax Report dated September 4, 2024.

[PRESENTATIONS]

PR1 American Indian Heritage Month 2024 - November 2024 (REF: PRO-2024-033)

Mayor Gilbert, along with the rest of the Town Council, read the Proclamation for American Indian Heritage Month 2024. He invited Rozanna Lindorfer to accept the proclamation and take a picture.

1 **Rozanna Lindorfer** thanked the Council and Mayor for recognizing the American
2 Indian. She said this was the first that she was aware of, to recognize her people and their
3 land. She said she speaks on behalf of her ancestors and the future of her people, and they
4 are silent no more.

5
6 **[REGULAR MEETING AGENDA]**
7

8 **Mayor Gilbert** set the Regular Agenda and asked if there were any recommendation
9 meeting changes at this time.

10
11 A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember**
12 **Gantt** to approve the Regular Meeting Agenda with the addition of New Business 1 - Special
13 Events Policy - Town Organized Events.

14
15 **VOTE: UNANIMOUS (5-0)**
16

17 **[PUBLIC FORUM]**
18

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

20
21 First to speak was **T.J. Evans** at 1001 Diamond Dove Lane:
22

23 "Good evening, Mayor and Council. As a leader of the Juneteenth Committee, I now
24 have sent two emails to the Council since our event became town-sponsored in 2022, raising
25 concerns about the event planning process and the upcoming special event policy. So far,
26 I've received responses from the Mayor, who has been instrumental in the event's success
27 each year, and from Audra. As a committee, we'd hoped for a collective response showing
28 empathy for our concerns, curiosity to learn more, commitment to accountability, and
29 gratitude for our partnership. The lack of response and accountability has compounded our
30 negative experience, pushing us to become a community-led event, as it seems the town
31 prioritizes control over holding staff accountable while ensuring transparency,
32 communication, and community engagement. For the past 3 years, we've dedicated six
33 months annually to planning Juneteenth, working with Apex's underserved Black community
34 to amplify their voices and celebrate their rich history in this town. After building this festival
35 from the ground up, we intentionally partnered with the town so the community could see
36 that the town's endorsement was part of an effort to highlight and honor their history. Despite
37 all the hard work that ultimately benefits the town, the Council and town leadership have
38 ignored some of the issues we've raised while making the feedback process disheartening.
39 As a committee, we feel that we've been treated more like community servants than true
40 partners. We've provided essential feedback on the special event policy that lacked
41 meaningful community input. Unfortunately, our feedback, embedded in much of this
42 upcoming policy, has been altered in a way that gives the town full control while excluding us

1 from the process. Town staff and leadership have said that the community-led event format
2 benefits us more due to the control it gives us, but we were simply asking for a collaborative
3 partnership, not all the power. My frustration goes beyond the Juneteenth planning process,
4 there's a broader issue of inadequate accountability, communication, and community
5 engagement across all town matters. The internal culture of the town is concerning, and
6 unfortunately, our community is bearing the consequences. Many town staff don't live in
7 Apex, leading to disconnection from the impact of their decisions. This is why, as elected
8 officials, it's crucial that you prioritize community engagement in your governance.
9 Community engagement should always be a top priority for Town Council and staff, yet we've
10 repeatedly seen that it's not. Whether it's with our committee's feedback on special events,
11 the Chatham Out at Salem Always Stop, the impact of the Pleasant Park build on neighbors,
12 the eminent domain acquisitions of the Mills and Lund properties, or the recent cyber security
13 attack recovery plan, just to name a few. As a Council, community engagement goes beyond
14 setting up a booth at cultural events. It should be your mission to ensure the town's decisions
15 truly reflect the voices of this community. Council, when voting on matters or working with
16 town staff on policies, the focus should be on engaging those directly impacted to find
17 solutions rather than dismissing valid concerns. A common rebuttal is often, local government
18 moves slow, which can come across as an excuse when we see things move quickly when it's
19 at the benefit of an agenda. The community wants clear communication with tangible results.
20 True leadership involves leading with transparency, actively engaging with residents,
21 integrating their feedback into policies, and holding staff accountable. I also urge the
22 implementation of a comprehensive community engagement plan that extends beyond
23 surveys, social media, and cultural research groups. I want to be clear that this is not a
24 personal attack on any of you. My heart truly is to provide feedback that can be beneficial in
25 the efforts to foster true community engagement within our community. A system without
26 accountability will revoke its ability to grow. As someone who deeply loves this town, I hope
27 to see the Council shift their focus to these concerns. The Apex community deserves better.
28 Thank you."

29
30 **Mayor Gilbert** called the next speaker.

31
32 Next speaker was **Joselynn Jaques** of 202 Tobacco Farm Drive:

33
34 "Tobacco Farm Drive has come up a bunch lately because of Parkside Townhouses.
35 Everybody within this very large blue range received this in their mail on Friday. I'm a
36 community feelings person, so I'm the person who went up and down the block and talked to
37 everybody, and the three responses I got were, 'we give up, because this has been going on a
38 while', or 'it's going to go in anyway', and 'they're just going to be looking in our houses and it
39 just doesn't matter' and my most concerning one was, 'I bought this house and no one told
40 me there was going to be a development behind it'. That's not okay. We're starting again, is
41 my understanding, so we have another neighborhood meeting with the developer, and then
42 we have another planning meeting, and then we'll be back here, but that's going to be a

1 while. I don't want you to forget that the vote last time was three to two. My husband has
2 more to say because he is the engineer, so he has the non-feeling part."

3
4 Next to speak is **Rob Jacques** at 202 Tobacco Farm Drive:

5
6 "I'd like to thank Councilmember Zegerman and Mahaffey for coming to visit us. We
7 are talking about a place that is, you know, you hear the term "not in my backyard." This is
8 literally in my backyard. The development will be closer than those doors will be. When
9 they're built, they're going to be three-story townhouses directly behind my house, which
10 means people will be looking into my backyard and potentially into our bedrooms. Not
11 something we're interested in. Our main concerns really are, it's my understanding the
12 developer has not made any commitments to prevent flooding of our houses. The rain we just
13 had in North Carolina should be of a concern to anybody. We do get a regular river through
14 our backyard when the rains hit. Everything in the horse farm flows directly through our
15 backyard and out to Beaver Creek down the hill. We're hoping that the developer would
16 make some commitment to meet flooding concerns. It's also my understanding that on
17 August 27th, when my wife attended a council meeting here, it was a three-hour meeting
18 during which several developments were discussed, all of which involved some concessions
19 by the developers, with the exception of one, and that was ours. All of the others were voted
20 on unanimously and approved, whereas my wife mentioned the vote went three to two for
21 this one in particular because the developer refused to make any concessions, including
22 privacy fences or any other concessions. I'm not anti-development, I worked in the oil and gas
23 industry for 25 years, including the oil sands of Northern Alberta, so development is not a
24 thing that bothers me. But I am a little bit concerned about flooding. I'm a little bit concerned
25 about privacy, and we're also concerned about traffic. My understanding is the traffic study
26 was done in June, not during the time when it's dark. We have a lot of kids that my wife and I
27 see regularly on our way home from the gym waiting for school buses, and I don't believe the
28 traffic study took that into account at all. Thank you very much for your time."

29
30 **Mayor Gilbert** called the next speaker.

31
32 Next speaker was **Dawn Cozzolino** of 3632 Bosco Road:

33
34 "Good evening. Last time I promised I would do more than just the old US-1, so
35 this is the New Hill and Friendship Community, I talk about this often and many times because
36 we're a rural community, and I had provided information on all the accidents that occurred
37 before. Now I've mapped just one road up, and thank goodness there are no fatalities in the
38 last 5 years. However, there's a very distressful amount of crashes, 83 over the past 5 years,
39 159 vehicles involved, and 551 estimated property damages. You know, that's a low number.
40 It's not lifelong, it's not injuries. And what's most concerning is it's only two and a half miles,
41 so you know, you combine that with Old US-1, and you're talking about five miles of roads, so
42 we're up to \$1.2 million in low-balled estimated property damages, 143 accidents, 263

1 vehicles involved. Okay, we can do a lot better, okay, we can, and what I've been asking for is
2 a traffic study, right? I've been coming up here and asking, and I appreciate the comments as
3 well. This is very important in decision-making for your development approvals, the new ones,
4 the existing, the ones in process. We're talking about in our area, Oliver just got approved last
5 time, and that was not even a full vote and then we were talking about Peak Landing, so I've
6 been asking and asking for this traffic data so I finally decided to go on DOT's website. Guess
7 what? They have stations all over North Carolina that pinpoint this data and monitor it by their
8 station location. We actually happen to have one on Old US-1. We also happen to have it all
9 around on New Holleman Road, Olive Chapel, Chapel Ridge, Kelly Road. You can go on and
10 on and on, NC 55 has a volume of 54,000, this is annual average daily traffic. Okay, so this is
11 2023 data. Just I remember a number being 3,000 as being kind of like a touchpoint trigger.
12 So, Bosco Road's monitor is 4,500. Olive Chapel's monitor's 3,200. Then you've got inflow
13 roads, Richardson is 5,700, this is annual average daily traffic. You've got Olive Chapel
14 coming off is 6,400, 8,300 on Kelly Road, 19,000, and we've got Chapel Ridge, which I know
15 anybody driving on Chapel Ridge has seen the sea of cars, 9,900 and that's just one side, the
16 other side of Olive Chapel and then Apex Barbecue is 4,900. I mean, you know, the ramps
17 between exit 89 and 93 are 39,500. The ramps on US-1 between 540 and 95 and 55, NC 55,
18 are 40,000. This is real data, there are real monitoring stations. This is on two portals on the
19 NCDOT site. We could do better, we want to do Vision Zero, but you've got to look at the
20 data. You have to use the data; you can't ignore it because it tells the story you don't want to
21 see, and you're creating accidents. So, every time I look at the Town Council portal and I see
22 your smiling faces on there and I see another accident, I'm going to think of you. Thank you."

23
24 **Mayor Gilbert** thanked Ms. Cozzalino and called the next speaker.

25
26 Next speaker was **Alexis Kennedy** at 106 Buckhaven:

27
28 "Good evening, City Council Members. Today I want to talk to you about two little
29 boys and some rocks. Both these little boys live in the same region, they are both 12 years old
30 and both have loving parents, now as we know, children are mischievous and test boundaries,
31 so each little boy, with no parent watching, decides to throw some rocks, each boy is caught
32 by authorities in the act. The first little boy has his parents called. His parents come to collect
33 him. They're given a ticket and must report to juvenile court, where their parents are present,
34 and the child is never taken out of the parents' custody. The little boy and his parents are
35 given a fine, and that's the end of it. Now let's go to the other little boy, who has also been
36 caught. But this little boy is arrested, zip-tied, blindfolded, and thrown into a vehicle. He is
37 taken out of the region, in another country, without his parents and interrogated without a
38 parent present. He is told to sign a form in a language he doesn't speak, and then the little
39 boy is taken to court. But it's just not any court; this is military court, where his parents are still
40 not present, and his crime is punishable for up to 20 years in military prison. The only
41 difference between these little boys is that the first boy is an Israeli settler living in the West
42 Bank, and the other is a Palestinian boy living in the West Bank, where there is a 99%

1 conviction rate for non-Israeli residents and a 1.9% conviction rate for Israeli settlers. In the
2 West Bank there is an apartheid for people living in the same region, one of whom is living
3 illegally, which is the Israeli, and the other is living on his own land in the region of the West
4 Bank. Yet the one living legally on their own land is subjected to dangerous apartheid laws.
5 It's estimated that 500 to 700 children aged between 12 and 17 are held by Israeli detentions
6 each year according to Save the Children. Human rights have reported that the new
7 regulations implemented last October imposed even stricter limits on family and
8 humanitarian visits. Lawyers initially prohibited from visiting prisons and now face restrictions
9 preventing them from visiting children regularly. The International Committee of the Red
10 Cross has said that its humanitarian visits to Palestinians were suspended. Israel will not
11 release numbers of the detainees in the military, and it's the only country in the world that
12 automatically and systematically prosecutes children in military courts. Thank you."

13
14 **Mayor Gilbert** thanked Ms. Kennedy and called the next speaker.

15
16 Next speaker was **Elizabeth Stitt** at 3113 Friendship Road:

17
18 "Good evening. So, we start every meeting with a pledge of allegiance, and the very
19 last phrase is "with liberty and justice for all." Tonight, you also honored American Indians and
20 what they brought to our culture and our community, and our land. But somehow, all of those
21 words go out the window as soon as we get past that part of the meeting because what
22 you're doing to my property is not giving me liberty. I don't have the liberty to use it. You're
23 going to change it dramatically, and it is not just. If we have American Indians as a part of our
24 culture and you truly want to honor them, those of us who have not developed our property
25 and don't want to develop our property and want to continue to keep our trees as it is, we're
26 honoring that spirit. There is another route for the force main, it is on the other side of the
27 highway. We actually had a yes to move it to the other side, but somehow when we got
28 excluded from the conversations, that yes turned into yes with all of these extra conditions. I
29 have tried to reach out to folks to say, "Hey, let's have a conversation. Let's really understand
30 what's at risk." So, I sit back and I listen to the Pledge of Allegiance, and I'm like, do you as
31 elected officials believe in it? And then you see the presentation of American Indians. Are
32 they just words? When do those words become action? I've been coming here for two and a
33 half years looking for action. I've lived here since 1991, and I have never seen our community
34 hurt as much as it hurts now. You hear about all the developments and the loss of privacy, the
35 loss of trees, you know wanting some common sense. People give up, people move out, and
36 guess what, it doesn't matter if you move out because you've got a long list of people who
37 want to move in. We're not important, I understand that. But I want to know does the Pledge
38 of Allegiance mean anything? Is this American Indian month? Does it mean anything? Does it
39 mean anything when people come up and talk? Because I've sat here for two and a half years
40 waiting, waiting to see and I have seen a few things. I've seen the Oaky tree saved. I've seen
41 Sweet Water get their extra door to their dog park and lower their speed limit. I'm greatly

appreciative that we're moving forward on the stoplight, but does it have to be this hard? I think that's what you hear, it's frustration. People have conversations. Thank you."

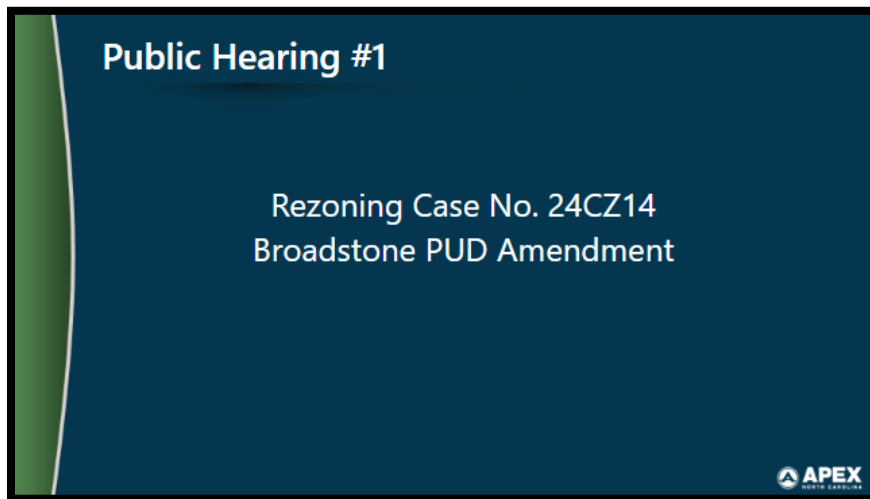
Mayor Gilbert thanks everyone that came out to speak. He closed the Public Forum and moved to Public Hearings.

[PUBLIC HEARINGS]

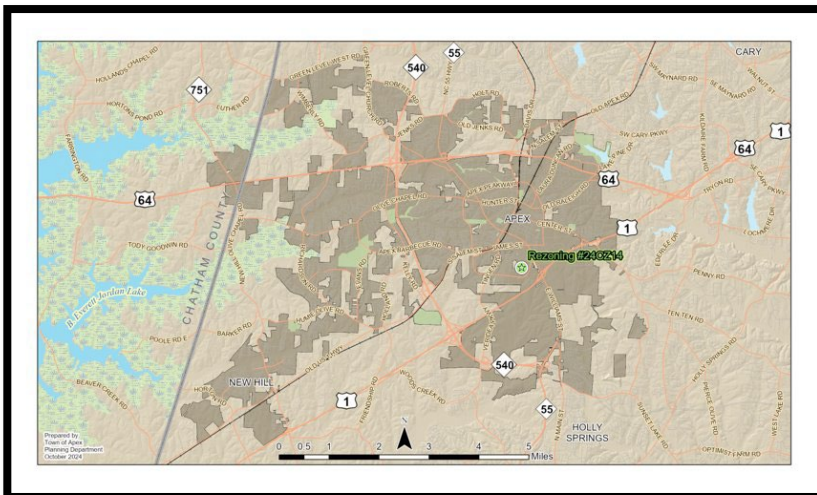
PH1 Rezoning Case No. 24CZ14 - Broadstone PUD Amendment (REF: OTHER-2024-112)

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

[SLIDE 1]



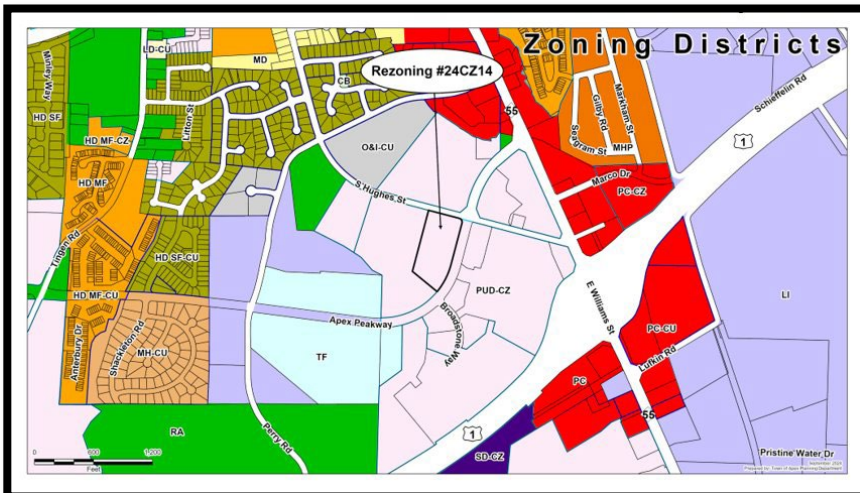
[SLIDE 2]



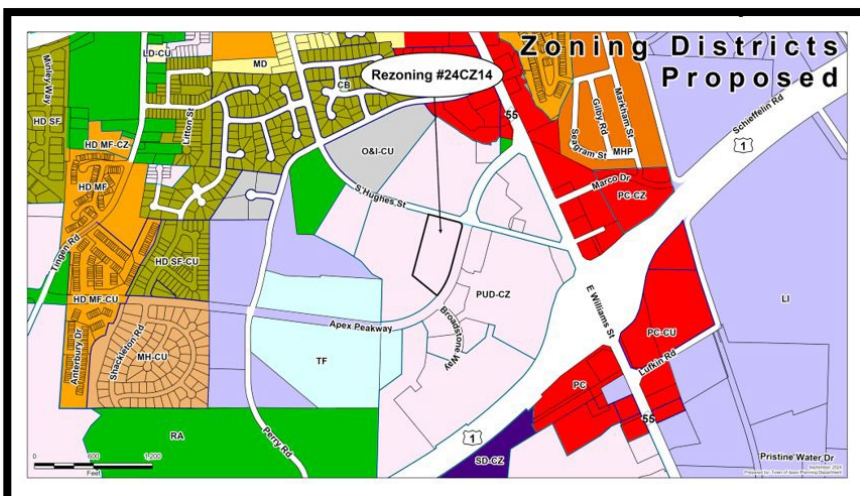
1 [SLIDE 3]



2
3 [SLIDE 4]



4
5 [SLIDE 5]





-
- APEX**
NORTH CAROLINA

1 [SLIDE 9]

Proposed PUD Changes

Non-residential uses to be removed:


4.3.2 Public/Civic Uses

- Day care facility

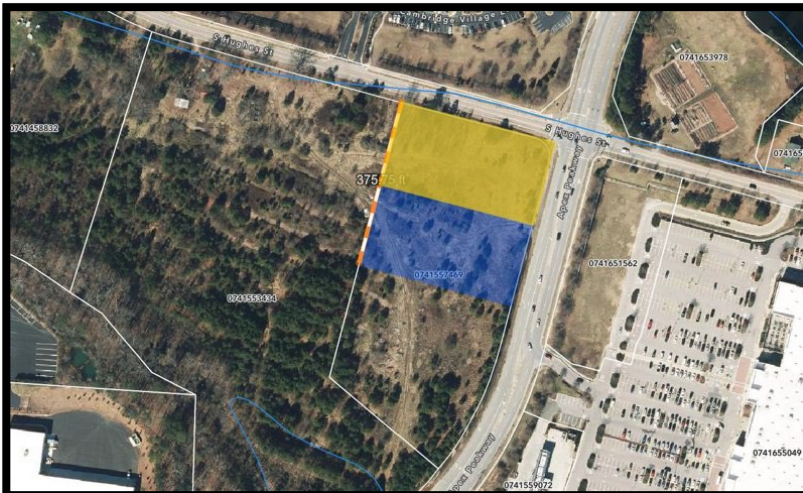
4.3.5 Commercial Uses

- Office and Research
 - Publishing office
 - Research facility
- Retail Sales and Service
 - Convenience store with gas sales
 - Dry cleaners and laundry service
 - Farmer's market
 - Kennel, indoor
 - Theater

- Vehicle Repair and Service
 - Automotive parts
 - Automotive service station
 - Car wash or auto detailing



2
3 [SLIDE 10]




4
5 [SLIDE 11]

Proposed PUD Changes

Added Transportation Zoning Conditions:

1. Driveway Access: Vehicular access to PIN 0741557469 shall be exclusively from Emerald Pines Avenue (accessing Apex Peakway) and Amethyst Crest Way (to Sapphire Hill Street, accessing South Hughes Street).
2. South Hughes Street Improvements: Developer shall widen South Hughes Street for the length of the road frontage of PIN 0741557469 to a minimum 41-foot curb and gutter section with a 10-foot Side Path that ties to existing curb at the western boundary of the property.



6

1 **[SLIDE 12]**

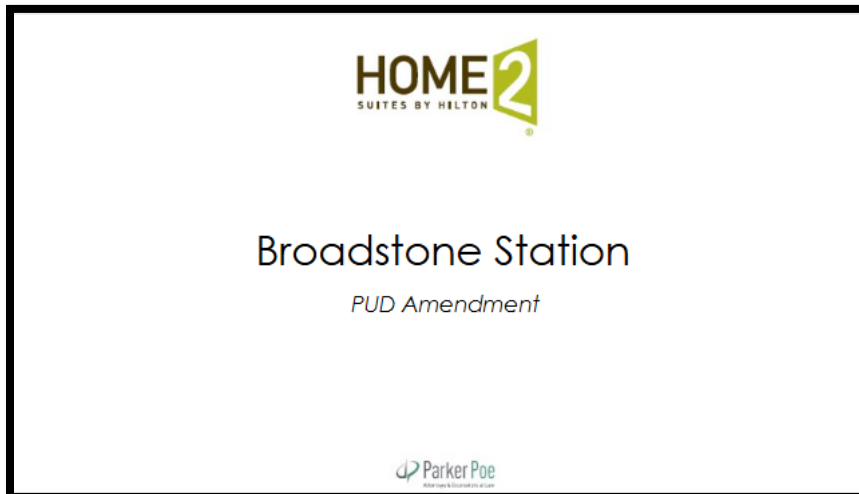


2
3 **Mr. Killian** asked if there were any questions. He said that Matthew Carpenter is also
4 present for the applicant.

5 **Mayor Gilbert** asked if there were any questions.

6 **Matthew Carpenter** with Parker Poe, 301 Fayetteville Street spoke on behalf of the
7 developer and property owner. He said that present was Pratique Patel with Angel
8 Management, the Developer, Jeff Roach, Civil Engineer with Peak Engineering and Morgan
9 Rosamund, Transportation Engineer with Kimley Horn. He gave the following presentation:

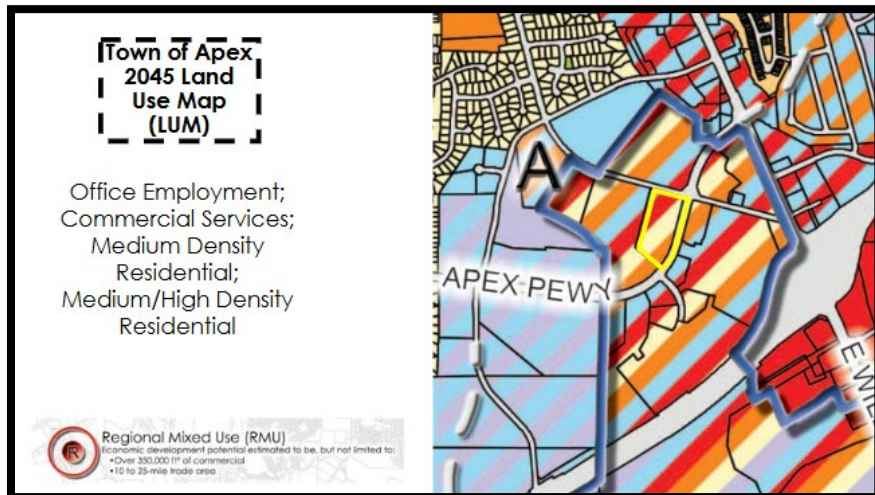
10 **[SLIDE 1]**



1 [SLIDE 5]



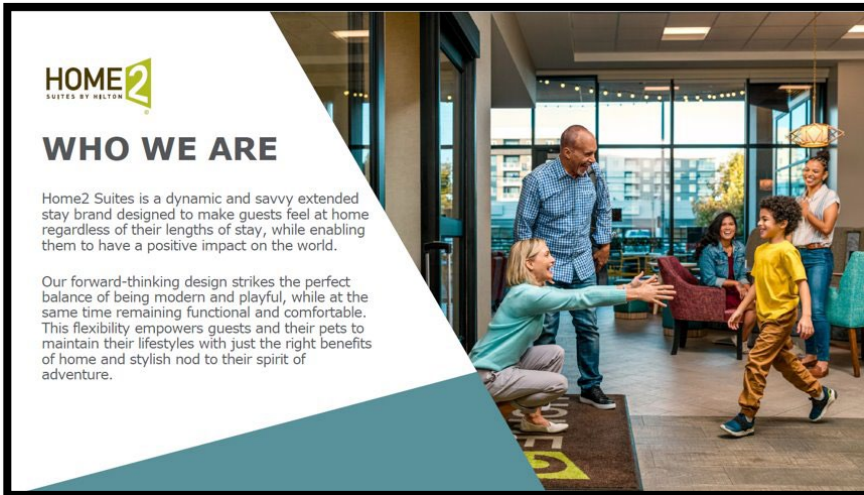
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3 [SLIDE 6]



4
5 **Councilmember Gantt** asked if Mr. Matthews would read the language on the site
6 plan.

7 **Mr. Carpenter** read the language, "A minimum of 10,000 square feet of land shall be
8 reserved for food and beverage service, office and research, and retail sales and service uses,
9 and identified on the first site plan application for the property". He said that those use
10 categories are essentially all the use categories under commercial, other than hotel.

1 [SLIDE 7]



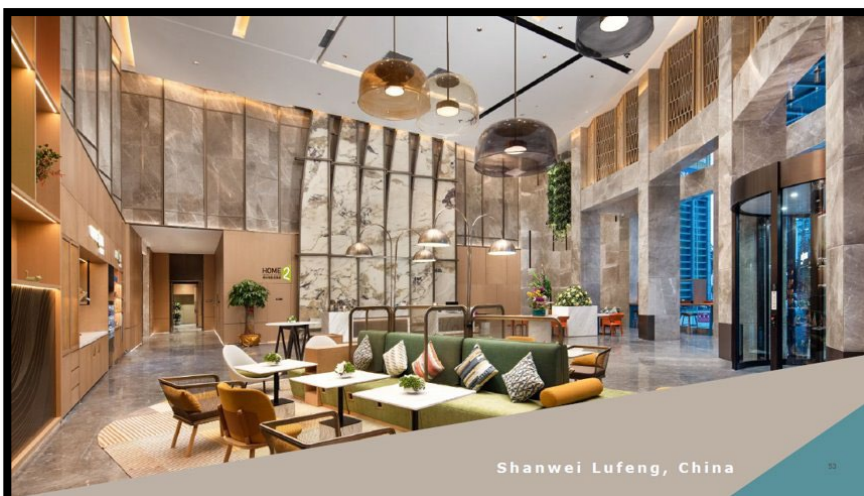
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3 [SLIDE 8]



4

5 [SLIDE 9]



6

1 **Mr. Carpenter** asked for approval.

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

3 **Councilmember Zegerman** asked why they were removing the term "Residential"
4 and make this Non-Residential and not allow a future apartment building or mixed-use
5 apartment building.

6 **Mr. Carpenter** said that there were no residential permitted on this property now, only
7 retail. He said that it was going from retail to a broader array of commercial uses. He said that
8 based on the land use map there was no support for residential use. He said that staff wanted
9 to keep it commercial, it is one of the last commercial pieces.

10 **Councilmember Zegerman** asked for the staff's opinion.

11 **Ms. Bunce** said that staff wanted to ensure that there would be retail or non-
12 residential opportunities on this corner to serve the residents in the area and provide jobs for
13 people that live in the area.

14 **Councilmember Zegerman** asked why the bottom floor couldn't be retail with
15 residential on top. He said this gives flexibility to look at potential extension of
16 neighborhoods.

17 **Director Khin** said that this was not in their request and they would have to begin the
18 process over with a neighborhood meeting if it was added. She said that looking at the
19 overall project that there had been people in the past that wanted to put residential on this
20 property and that non-residential was preferred because there is already two apartment
21 complexes within the Broadstone PUD.

22 **Councilmember Gantt** said that he said that if this would have been apartments that
23 he would have voted for a conversion from office commercial to residential. He said this
24 property is probably least desirable for residential, and most desirable for residential.

25 **Councilmember Zegerman** said that five or six years ago when this was rezoned
26 these options for multi-use may not have been thought about. He asked if residential wanted
27 to be reintroduced into this development. He said it allows more flexibility.

28 **Mr. Killian** said that there was one remaining tract of land that could be residential as
29 part of Broadstone PUD.

30 **Councilmember Gantt** said that mixed use has been encouraged in other
31 developments.

32 **Councilmember Zegerman** asked why limit use on this project.

33 **Councilmember Gantt** said that it was not proposed, and it is not the most urban feel
34 at this property.

35 **Mayor Pro Tempore Ed Gray** said that possibly the intent then, by not placing
36 residential, that this was an area the town wanted to encourage non-residential. He said that
37 the assumption was that there would be many houses there. He said the DHIC project had
38 many variables that led to allowing residential here, like the affordability. He said it seems the
39 intent of development in this area overall was to limit it to commercial uses.

40 **Mr. Carpenter** said that at the DHIC hearing, that this was the only land in Apex that
41 met the criteria for LIHTC tax credits, and this made it very unique. He said that staff and other

1 comments suggest that where there is commercial area on the land use map in Town, they are
2 wanting it to stay commercial.

3 **Councilmember Gantt** said that he had asked about bus stops as a part of this
4 project. He said it needs a crossing for safety reasons.

5 **Mr. Carpenter** said that they had discussed a potential bus stop at Emerald Pines and
6 Apex Peakway, and reached out to Transit Planning staff. The response from the Transit
7 Planning staff said that it would be difficult because of the mid-block crossing, the curb in the
8 Peakway, and that there are bus stops on South Street near the intersection. He said the
9 preference would be to funnel pedestrians at the intersection if they could not get a
10 pedestrian crossing at Emerald Pines. He said that there would need to be more discussions
11 with NCDOT and Transit staff again and they would be glad to do that. He said that they could
12 not add it as a condition because they have not done the due diligence on it.

13 **Councilmember Gantt** said that the hope that if it is not a part of the zoning that it
14 would be a signalized crossing in the future.

15
16 **Mayor Gilbert** opened up the Public Forum and invited the first speaker up.

17
18 First to speak was **Phil Welch** of 1471 Big Leaf Loop:

19
20 "Good evening Mr. Mayor, Council members. My name is Phil Welch, I live at 1471 Big
21 Leaf Loop in Apex. A thought occurred to me as I was looking over the staff report this
22 morning. I noticed that this parcel, and by the way, there was no coordination with any council
23 members on this, this is just my own thinking, I noticed that the parcel and the surrounding
24 area were rezoned in March of 2007 and designated as residential at that time. More recently,
25 the parcel was reserved for retail development, while the adjacent parent parcel, and I think
26 that was the Stone Glen, now developed as family affordable apartments called Stone Glenn.
27 As an aside, I visited Stone Glen, and I was really impressed with the quality of the
28 construction and the amenities that are there, I toured a two-bedroom, two-bath apartment
29 there, they're really nice, and there's still some available, so if you know people that are
30 looking, direct them over there. The question that occurred to me was whether a mixed-use
31 zoning for the parcel we're talking about tonight was ever considered. I know a hotel is being
32 proposed for the site, so I'm not sure how much of the parcel would be available for other
33 retail uses. My thought was whether the other retail establishments might include upper
34 floors of apartments or condos. Again, this was not at all coordinated, this is just, you know,
35 what I was considering. In my vision, those residences could be a mix of market-rate homes
36 and affordable homes, that would be consistent with the 2045 land use map. It would also be
37 reflective of the market-rate homes across the Peakway in Broadstone Village and the
38 affordable homes in the adjacent Stone Glen. Maybe this possibility has already been
39 considered and found inappropriate for very good reasons, if so, I'd like to understand those
40 reasons. My point is that I think the town of Apex needs to be a bit more creative and
41 aggressive in filling our gap in affordable homes, especially for our essential workers,

1 especially if we're to have a chance of realizing our collective vision to meet the needs of
2 people of all incomes, ages, and abilities. Thank you.”

3
4 **Mayor Gilbert** thanked Mr. Welch. He closed the Public Forum and brought this back
5 for discussion.

6
7 **Councilmember Killingsworth** said that she remembered in discussion when this
8 property was rezoned that it was said that anything with the possibility of residential that it
9 would be done as residential. She said that there are limited areas for commercial use. She
10 said that she likes mixed use but wasn't sure that this is the right area. She said she was in
11 favor of this.

12 **Councilmember Zegerman** said that Apex needs hotel capacity, and this makes
13 sense for retail and commercial orientation. He said he would like the owner for future
14 considerations to consider mixed-use in the future.

15 **Councilmember Mahaffey** said that historically commercial uses have been
16 protected. He said that they need to be creative. He said this would help shift the tax burden
17 away from residents more. He said he likes this rezoning because it provides other
18 employment opportunities. He said that updating the land use map to have high density
19 apartments could possibly be made and this would not need to be rezoned. He said this
20 project would enrich the neighborhood, provide employment opportunities and help grow
21 the commercial tax base, and he is in favor of the project.

22 **Councilmember Zegerman** said that there could be an update on the map of the
23 land use, and it would have the zoning included. He said that he did not support changing
24 the land use map for updating one property.

25
26 **Mayor Gilbert** asked if there was a motion.

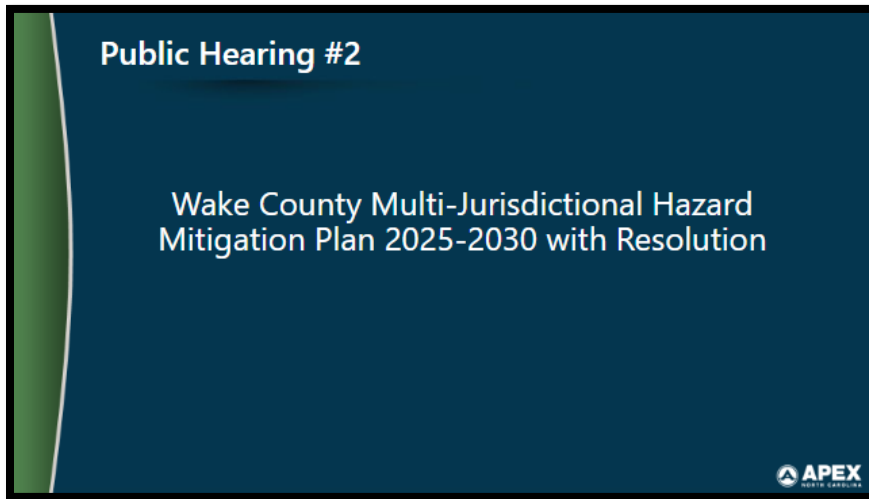
27
28 A **motion** was made by **Councilmember Mahaffey**, seconded by **Councilmember**
29 **Killingsworth** to approve Rezoning Case No. 24CZ14 - Broadstone PUD Amendment -
30 rezone approximately 5.84 acres from Planned Unit Development-Conditional Zoning (PUD-
31 CZ No. 19CZ03) to Planned Unit Development-Conditional Zoning (PUD-CZ) , with the
32 additional condition of “a minimum of 10,000 square feet of land shall be reserved for food
33 and beverage service, office and research, and retail sales and service uses, and identified on
34 the first site plan application for the property.”

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

37
38
39 **PH2 Wake County Multi-Jurisdictional Hazard Mitigation Plan 2025-2030 w-**
40 **Resolution**

41
42 **Shelly Mayo**, Planner II, Planning Department gave the following presentation:

1 [SLIDE 1]



2
3 [SLIDE 2]



4
5 [SLIDE 3]

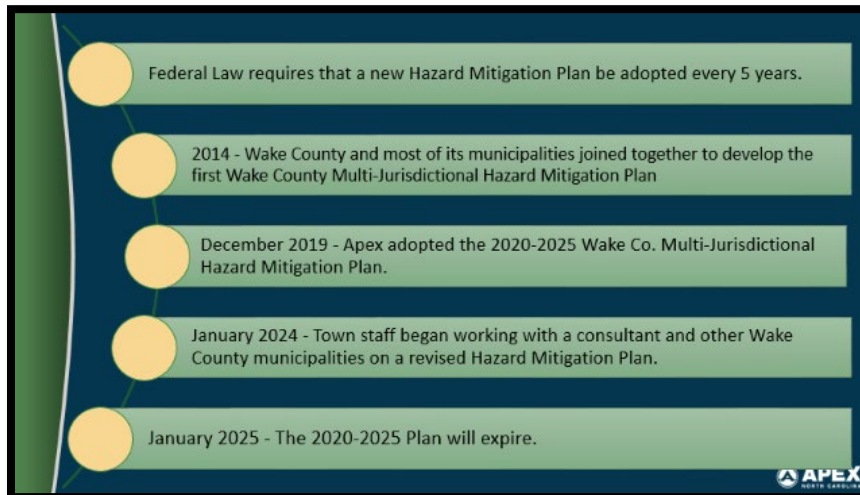


6

1 **[SLIDE 4]**



2
3 **[SLIDE 5]**



4
5 **[SLIDE 6]**

Department	Committee Designee(s)
Budget & Performance Management	Amanda Grogan, Director & Jessica Hoffman, Budget Analyst
Building Inspections & Permitting	Jeff Nance, Code Enforcement Officer I
Communications	Stacie Galloway, Director
Community Development & Neighborhood Connections	Rebekah Shamberger, Housing Specialist
Diversity, Equity & Inclusion	Linda Graham Jones, Director & Celeste Sherer, Coordinator
Economic Development	Joanna Helms, Director
Electric Utilities	Eric Neumann, Director & Rodney Smith, Technical Services Manager
Fire Department	David Dillon, Deputy Fire Marshall Taylor Sanchez, Emergency Management Coordinator
Human Resources	Amber Bobbitt, Safety & Risk Manager
IT	Michael Smith, Analyst
Office of the Town Clerk	JP Parris, Legislative Assistant
Parks, Recreation, & Cultural Resources	Brian Barnes, Parks Operations Manager
Planning	Dianne Khin, Director & Shelly Mayo, Planner II Amanda Bunce, Current Planning Manager & Will Brown, GIS Analyst
Police Department	Matt Hunter, Senior Police Captain & Justin Rosser, Police Captain
Public Works	Heather Cashwell, PW Operations Manager
Transportation & Infrastructure Development	Adam Stephenson, Transportation Engineering Manager
Water Resources	Jonathan Jacobs, Assistant Director Jessica Bolin, Stormwater Engineering Manager

6

1 [SLIDE 7]

Completed Action Items:	
Department:	Action Item:
Fire	Construct Public Safety Station #6 (Wimberly Road)
	Create a situational awareness dashboard in the Emergency Operations Center.
Planning	Update the UDO and DDM to incorporate proper species selection and practices for planting and maintenance into the landscape ordinance.
	Update the UDO to add separation standards between daycares and hazardous uses
	Update the UDO to add separation standards for the use "gas and fuel, wholesale"
Water Resources	Implement the Stormwater Utility Fee & program.

2
3 [SLIDE 8]

New Action Items:	
Department:	Action Item:
Electric Utilities	Upgrade the East Williams St. Substation - Add two 40 MVA Power Transformers
	Construct new feeder lines in strategic locations to tie electric substations together & move power around town during emergencies.
Fire	Renovate Fire Station 3 (Hunter Street)
	Construct Public Safety Station #8
Information Technology	Camera Project in downtown & Town Campus (joint w/ Fire & Police)
Parks	Big Branch Greenway
	Reedy Branch Greenway (Abbingdon-Kelly Road West to Goliath Lane)
	Middle Creek Greenway (Gladstone North to Center Street)
Police	Police Department Addition & Renovation – add office space

4
5 [SLIDE 9]

New Action Items:	
Department:	Action Item:
Transportation & Infrastructure Dev.	GPS Emergency Vehicle Preemption - allow emergency vehicles to interrupt normal traffic signal timing during an emergency.
	Justice Heights St. Extension
	Apex Peakway North Widening (Center St to Old Raleigh Rd)- widen from a 2- to 4-lane road to handle congestion.
	Pristine Water Drive Connector (Pristine Water Dr. to Lufkin Rd)
Water Resources	Sanitary Sewer Condition Assessment
	Stormwater System Condition Assessment
	New 1.5-million-gallon Water Tower (Pleasant Park)


6

1 [SLIDE 10]

Capability Assessment:

This year, one of the biggest changes to the Action Plan was moving any “ongoing” items to the capability assessment. In May 2023, FEMA issued new guidance in the updated “Local Mitigation Planning Handbook” which states:


“Keep in mind how capabilities and mitigation actions differ. Once implemented, mitigation actions can become a capability. Participants should create mitigation actions that build on and improve their capabilities. These actions should increase an existing capability or add a new one. Existing, routine capabilities the participants already have are not mitigation actions. This includes ongoing maintenance programs that are already started and on schedule.



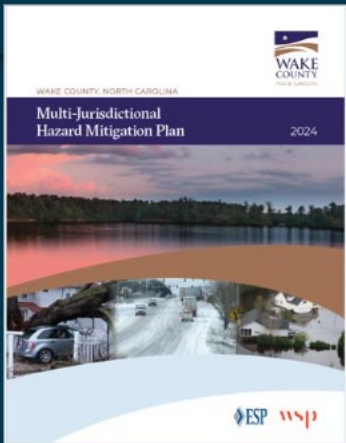

2
3 [SLIDE 11]

Capability Assessment:

Capability:	Lead Dept:
Keep Town website updated with information about Shearon Harris Siren Testing.	Communications
Tree trimming along all electric lines in the event of tornado or hurricane.	Electric (Powerline Forester)
Continue to use “Neighbors Helping Neighbors” program to help low-income Apex Utility customers pay their utility bills.	Finance Dept. & Non-profit partners
Use social media to inform residents about local hazards.	Planning Dept. & Communication Dept.
Salt & brine local roads before a severe winter storm & plow after snow and ice fall.	Public Works (Streets Division)
During development review, ensure new development complies with floodplain development restrictions listed in UDO Section 6.2 Flood Damage Prevention Overlay District.	Water Resources (Stormwater)
Incorporate GIS data and risk analysis into the development review process.	Fire Dept. & Planning Dept.



4
5 [SLIDE 12]

6

1 **Ms. Mayo** asked if there were any questions. She said that the Planning Board did
2 hear this at their last meeting and recommended approval.

3 **Councilmember Killingsworth** asked about the land slide being a part of this in the
4 future.

5 **Ms. Mayo** said there was a landside that was a very localized item, due to unique
6 circumstances. She said that she did not think this would be added in the future. She said that
7 there is not that much land in town that meets this criterion. She said that it is possible after
8 the data is presented that it could be added, but it would be surprising.

9 **Councilmember Killingsworth** said that landslides incur lots of cleanup afterwards.

10 **Ms. Mayo** said it would be surprising for it to be added, as there are not many places
11 in Wake County that are both steep and poorly vegetated.

12 **Councilmember Gantt** asked what role this planning effort has for informing the
13 residents about prevent trees from damaging their property during a storm.

14 **Ms. Mayo** said that the plan is on Wake County's website, and it will be on Apex's
15 website. She said that there is also information on FEMA's website that they can link to Apex's
16 website. She said that they also work with residents when they are getting permits. She said
17 that they could also use social media.

18 **Councilmember Gantt** asked if the information included in this plan is good
19 information for residents or is it more about the power lines.

20 **Ms. Mayo** said it was primarily about the power lines and making sure that there is not
21 a situation that a branch falls on a power line during a regular storm. She said that the
22 question about impacts to towns is a good question. She said that older existing trees close
23 to houses have more risk in heavy rain and high winds. She said that trees on new
24 developments are not allowed within a certain distance from buildings.

25 **Councilmember Gantt** said that there is value for the town related to infrastructure to
26 talking to residents about what to look for.

27 **Councilmember Mahaffey** asked if the storm in Western North Carolina changed the
28 thinking among staff and others when putting together this plan, or was it too late for that.

29 **Ms. Mayo** said this had been worked on before the storm in Western North Carolina.
30 She said that there are yearly updates but that there could be updates through the year as
31 new initiatives are needed.

32 **Councilmember Mahaffey** said that with the Western NC storms that the response
33 was Statewide and immediate. He said that in the future the town would be able to send
34 disaster relief Statewide.

35 **Ms. Mayo** said that electric linemen are sent to most disasters throughout the East
36 Coast. She said that she has been told that there are firefighters and police officers who
37 volunteer as well. She said that the State takes care of the Statewide response, and they work
38 with them closely.

39 **Councilmember Mahaffey** asked if there was a state document as well.

40 **Ms. Mayo** said yes there is a state document as well as a local municipality document,
41 and Wake County also has one.

1 **Councilmember Zegerman** said that actions that have been listed are recognized by
2 the Capital Plan and reflects a community. He said that infrastructure being built is built for
3 resiliency. He asked about how greenway construction helps in hazard mitigation.

4 **Ms. Mayo** said that the greenway is a great way to provide an alternate mode of
5 transport especially when there are lots of people on the roads. She said that the greenways
6 are built at an 8' wide standard so emergency vehicles can drive on them.

7 **Mayor Gilbert** asked if security enhancements for electric utilities and power stations
8 are part of this mitigation plan.

9 **Ms. Mayo** said she was not certain about that. She said she believed there was some
10 action taken, but she did not know the specifics of it.

11 **Mayor Gilbert** asked for staff to keep it in focus.

12
13 **Mayor Gilbert** opened up the Public Forum and invited the first speaker up.

14
15 First to speak was **Dawn Cozzolino** of 3632 Bosco Road:

16
17 "Good evening again. I wanted to comment too. I heard about the man-made
18 disasters as well as the natural ones, but what I didn't hear a lot of is transportation and
19 accidents, and what I mean is also evacuation, so we live near a nuclear plant, and we have, as
20 I was showing you, these monitoring stations throughout our area and we're in Western
21 Wake, right? So, it's more rural, but these numbers are very high. If we were to evacuate, I
22 know it's going to be elaborated on, but it takes five hours to get out. Okay, that's with like old
23 data probably. So, I want to share a story that I witnessed, and this was a couple weeks ago in
24 my area. I don't know if you're familiar with the Dixie pipeline, it's 1,100 miles long. A tractor-
25 trailer got lost, thought it was a good idea, couldn't turn around to back up, and decided to
26 go on a property owner's lawn, it happened that they had the gate down, and they were
27 mowing, they had contractors mow the pipeline. The tractor-trailer almost drove over the
28 pipeline. Now, if that had happened, I talked to the, I have an emergency number now for my
29 community so we can reach out if there's any questions, but that just happened during the
30 day. Even the property owner wasn't home to understand what happened, so I got that
31 communication out, but I got that number, and it's on my cell phone actually and the reason I
32 bring it up is because these wacky things happen, these wonky things happen all the time. If
33 that had happened, he told me, "You're going to see a plume of black smoke." So, what's
34 going to happen? You can imagine somebody sees that, they're going to hit the road, and
35 then we're going to run into all this on 140,000, 40, you know, 55,000, 19,000. We're going to
36 be stuck in a car and not able to escape. So, I want you to take my feedback not only about
37 this particular hazard plan and mitigation, but you know, just practical everyday things that
38 happen. I really hope that you look at the subdivision roads report on minimum standards. It
39 does ask for a traffic impact study on dangerous roads and safe roads, and I will send that to
40 you. Thank you."

41
42 **Mayor Gilbert** called the next speaker.

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

"So, I don't know how much time you guys took and go through all the pages, but you know I'm a data geek, and I went through every single page twice. I gave these comments to Sharon Harris Nuclear Plant as well as Wake County. But if you look at the evacuation plan for Sharon Harris Nuclear Plant, I think that is our largest risk of a catastrophe. I mean, I think we deal with hurricanes and other natural causes, but if you look at it, the one thing that jumped out to me immediately was the schools are actually evacuated to different centers than what the homes are. And I don't know about you, but if my kid is in a school evacuating to a different place than where I'm supposed to go, I'm going to go get my kid. So, you know, if you look at it, I know that people are like, "Oh, it's based on capacity," but the parents are going to follow the kids, or the parents are going to rush to the school and if you look at the Apex Friendship schools, you have people rushing to an area that you can't get in and out of. So, one of the suggestions I made to Wake County and to Sharon Harris as they re-evaluate things this coming year is there a way to have some type of alignment between the homes of those students and those schools? The other thing that jumped out to me is, in the case where we have roads that get blocked off for one reason or another, what is our helicopter capability? Because you may have to fly people in to be able to take people out. I don't think we have any of that capability locally. Then the other thing that I asked was actually for a new timed study on the evacuation route. The five hours that Dawn estimated is what the old study was, that to evacuate our part of Apex would take five hours. Can you imagine sitting in a car for five hours with nuclear fallout around you? You're not going to want to get in the car; you're going to want to shelter in place. So then that comes back to the iodine pills that Sharon Harris is supposed to give out. I have heard of some of the local daycares, they don't have the pills because Sharon Harris has run out of the pills. So, some of these things that we know that we're going to need, that I think Apex could take leadership in because we are close to the plant, I would encourage you guys to do so. Thank you.

Mayor Gilbert closed the Public Forum and brought this back for discussion or motion.

A **motion** was made by **Councilmember Killingsworth**, seconded by **Councilmember Zegerman** to approve Wake County Multi-Jurisdictional Hazard Mitigation Plan for 2025-2030 and associated Resolution.

VOTE: UNANIMOUS (5-0)

Mayor Gilbert moved to New Business.

[NEW BUSINESS]

NB1 Special Events Policy - Town Organized Events (REF: PLCY-2024-012)

Mayor Gilbert referenced page 9 and asked if the Cultural Advisor Groups were for Town events or Community events or both.

Town Manager Vosburg said that these policies were for town events.

Mayor Gilbert said that he would like to align this with what is done for the other Boards and Committees for consistency, which is a recommendation from the Mayor and approved by Council.

Councilmember Zegerman said he views Boards and Committees as advisories to Council, and the current appointment process makes sense in that context. He said that these committees are planning committees for events and do not warrant the same type of approval. He said that the community would be able to participate. He said staff should be trusted to choose who serves on this committee and that it is not up to Council to decide. He said he was not in favor of setting up committees as if they were policy advisory committees to Council.

Mayor Gilbert said that he does trust the staff. He asked Town Manager Vosburg to share his information.

Town Manager Vosburg said that staff would make the selections but if it became a political process then he would not want staff to be caught up in that situation. He said that there may need to be a formalized process, and that is what was being presented at the Work Session. He said it could become problematic if there are issues around who staff does and doesn't select for these committees.

Councilmember Gantt said he has been unhappy with the current committee selection process at times. He said that in some cases he had shared his concerns with the Mayor regarding his recommendation privately before the meeting in hopes it would avoid embarrassing individuals in public, and that it did not change things. He said that he is not in favor of expanding that process to this.

Councilmember Mahaffey said that the process of putting on an event is an operational thing, and he does not want to be involved.

Mayor Pro Tempore Gray said that committees that are geared towards providing policy and guidance to Council. He said that there is a distinction between policy and operations. He said that the Charter allows the mayor to make the selection for the Committees and Boards and the Council approves or disapproves. He said that he does not see this as a policy decision. He said the town is also running out of spots that an event can be hosted throughout the year, and that Council is involved because it is a staffing and resource issue for those. He said Council believes these events are important, but they don't want to move into the operational side of these events. He said it would be more appropriate to provide general guidance, and allow staff to work with the details.

Councilmember Killingsworth said that the more that Council gets involved the more political it may look. She said that she did not think Council should be involved with selection of Event committee members.

Mayor Gilbert asked what "rolling basis" means in the document.

1 **Town Manager Vosburg** said that it should mean that you would have people rolling
2 off in subsequent years. He asked the staff to clarify.

3 **Parks, Recreation, and Cultural Resources Director Craig Setzer** said that “rolling
4 basis” means that there would not be a tenure for serving and if you wanted to add people
5 you could.

6 **Mayor Gilbert** said that he was not trying to control this process. He said that he is a
7 very engaged Community member and hears from many people, and that he is being their
8 voice.

9 **Mayor Pro Tempore Gray** said that it is important to make sure that no one thinks that
10 the Mayor is trying to hide something or move something forward. He said that is not the case
11 at all. He said that it’s trying to be clarified. He said that these committees do matter. He said
12 that he wanted to make it clear that this is still his position, that the Mayor has a role with
13 policy focused boards.

14
15 A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember**
16 **Gantt** to approve the Special Events Policy for Town Organized Events.

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

19
20 **[UPDATES BY TOWN MANAGER]**

21
22 **Town Manager Vosburg** gave an update on Western North Carolina and that there
23 are some employees still deployed. He said that there were numerous residents showing
24 appreciation, some had put notes on town vehicles. He said that there were some items
25 coming up for the holidays, such as the Tour of Frights that is October 12th-31st every night
26 from 6:00 p.m.-9:00 p.m. He said there were about 30 houses that are participating in that
27 event. He said Scarecrow Row was from October 24th – 31st at Apex Community Park, open
28 until 10 p.m., and the last one he spoke about is the Goblins Group Family dance on Saturday
29 26th from 5:00 p.m.-7:00 p.m. at the Halle Cultural Arts Center. He gave an update on Vision
30 Zero certification. He said that there were only two other jurisdictions in NC showing that they
31 have this designation, which are Durham and Charlotte. He said Vision Zero is a strategy to
32 eliminate all traffic fatalities and severe injuries while increasing safe, healthy, equitable
33 mobility for all. He said it is a commitment to eliminating traffic fatalities and severe injuries.
34 He thanked Council and staff for supporting this and making this happen.

35
36 **Mayor Pro Tempore Gray** asked could there be special recognition for the family of
37 the crews that are in the mountains helping whose mother or father or family member that are
38 absent from their day-to-day lives.

39
40 **[CLOSED SESSION]**

41
42 Council will enter into closed session pursuant to: NCGS § 143-318.11(a)(3)

1
2 A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember**
3 **Killingsworth**, to enter into Closed Session pursuant to NCGS § 143-318.11(a)(3).
4

5 **VOTE: UNANIMOUS (5-0)**
6

7 Council entered into Closed Session at **7:59 p.m.**
8

9 **CS1 Mayor Jacques K. Gilbert**
10 **NCGS § 143-318.11(a)(3)**

11 *"To consult with an attorney employed or retained by the public body in order to preserve the*
12 *attorney-client privilege between the attorney and the public body."*
13

14 **[ADJOURNMENT]**
15

16 Council returned to Open Session at **8:46 p.m.**
17

18 **Mayor Gilbert** adjourned the meeting at **8:47 p.m.**
19

20 Jacques K. Gilbert
21 Mayor
22

23 Allen Coleman, CMC, NCCCC
24 Town Clerk to the Apex Town Council
25

26 Submitted for approval by Town Clerk Allen Coleman and approved on _____.
27
28
29