

**DRAFT MINUTES**

**TOWN OF APEX  
REGULAR TOWN COUNCIL MEETING  
TUESDAY, MAY 28, 2024  
6:00 PM**

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, May 28, 2024 at 6:00 PM in the Council Chambers at Apex Town Hall, located at 73 Hunter Street in Apex, North Carolina.

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

<https://www.youtube.com/watch?v=elbQNG6B4Ts>

**[ATTENDANCE]**

Elected Body

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

Town Staff

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

**[COMMENCEMENT]**

**Mayor Gilbert** called the meeting to order and led those in attendance in a Moment of Silence. He then led in a recitation the Pledge of Allegiance.

**[CONSENT AGENDA]**

**DRAFT MINUTES**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43

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

**VOTE: UNANIMOUS (4-0), with Councilmember Zegerman absent**

**CN1 Construction Contract Award - Salisbury and Moore Construction Inc. - Apex Community Park Street Hockey Rinks (2) and Capital Project Ordinance Amendment No. 2024-20 (REF: CONT-2024-136 AND ORD-2024-042)**

Council approved an award a construction contract to Salisbury and Moore Construction Inc. for the construction of two (2) Street Hockey Rinks at Apex Community Park, authorize the Town Manager, or their designee to execute, and approve the corresponding Capital Project Ordinance Amendment 2024-20.

**CN2 Contract Amendment No. 2 - Worrie Free Cleaning Services LLC - Expansion of Services Public Safety Station Six and Mason Street Municipal Building - Term July 1, 2022 through June 30, 2025 (REF: CONT-2024-137)**

Council voted to approve a second amendment to the multi-year standard services agreement between Worrie Free Cleaning Service, LLC, and the Town of Apex, to include the following additional Town Facilitates and associated cost: Public Safety Station No. 6 and Mason Street Municipal Building, effective upon execution through June 30, 2025, and authorize the Town Manager, or their designee, to execute on behalf of the Town.

**CN3 Council Meeting Minutes - Various**

Council voted to approve Minutes from the following meetings:  
May 2, 2024 - Town Council Budget Work Session Minutes  
May 21, 2024 - Town Council Work Session Minutes  
May 23, 2024 - Town Council Budget Work Session Minutes

**CN4 Surplus Vehicle - 2003 GMC C7500 Bucket Truck**

Council voted to declare the following vehicle as surplus, authorize the sale of said vehicle, and authorize the Purchasing and Contracts Manager and the Town Manager, or their designee, to sign documents necessary to complete the sale:  
Vehicle - 2003 GMC C7500 Bucket Truck - VIN No. 1GDP7E1C13F518521

**[PRESENTATIONS]**

**PR1 Proclamation - LGBTQIA+ Pride Month - June 2024 (REF: PRO-2024-018)**

**Mayor Gilbert** and the rest of Council read the LGBTQIA+ Pride Month Proclamation in unity.

**Mayor Gilbert** invited members of the Apex Pride Committee Erin Schultz, Deana Conard, Carrie Anne Krall, Ellen Dershowitz, Chris Moore, and Nicole Angling to accept the Proclamation and take a picture.

**DRAFT MINUTES**

1  
2 **PR2 Proclamation - Juneteenth - Wednesday, June 19, 2024 (REF: CONT-2024-019)**

3  
4 **Mayor Gilbert** and the Council read the Juneteenth Proclamation in unity.

5  
6 **Mayor Gilbert** invited T.J. Evans, Anthony Barnes, Jr., Kalabria Gilbert and Croix  
7 Evans to accept the Proclamation and take a picture.

8  
9 **Mr. Evans** said he could not miss out on an opportunity to promote Juneteenth. He  
10 spoke about how important Juneteenth was to him and what it means. He said it was about  
11 coming together and about celebrating a monumental time in history, and realizing where  
12 society has come from, where it is now, and what's left to come. He spoke about the  
13 celebration at the Juneteenth event on June 15<sup>th</sup> from 11:00 a.m. to 5:00 p.m. in the Depot  
14 parking lot. He thanked his team and Mayor Gilbert.

15  
16  
17 **[REGULAR MEETING AGENDA]**

18  
19 A **motion** was made by **Councilmember Mahaffey**, seconded by **Councilmember**  
20 **Gantt**, to approve the Regular Meeting Agenda, as presented.

21  
22 **VOTE: UNANIMOUS (4-0), with Councilmember Zegerman absent**

23  
24  
25 **[PUBLIC FORUM] (NOTE: To view Public Forum and Public Hearing Sign In Sheets, see**  
26 **OTHER-2024-068)**

27  
28 **Mayor Gilbert** opened up Public Forums and invited the first speaker up.

29  
30 First to speak was **Dawn Cozzalino** of 3632 Bosco Road:

31  
32 "Good evening, Town Council and Mayor. The last time we talked, you first heard about the  
33 Friendship New Hill Community Land Use map and the neighborhood conservation overlay  
34 district. A tremendous amount of time, effort, and money was put forward by our community,  
35 especially Elizabeth Stitt who is in the audience today to develop this proposal. Also, Jenna  
36 and Sharon from the Planning staff invested time with us to prepare for the presentation to  
37 you. I wanted to note that a couple of the Council Members made cynical comments about it  
38 that really took away the spirit of the proposal and we greatly desire to work closely with you.  
39 I don't want to see it being a barrier. Our community works proudly in our daily lives, full-time  
40 on farms, businesses, family and at our work. Apex's future land use map proposed  
41 designation have pushed an additional burden to us. We are the only ones to march forward  
42 with environmentally and people-centric solutions we bring to the Apex Town Council and  
43 Mayor, and other government staff. This creativity is what we bring to the community and  
44 those in Wake County in order to thrive, please don't stifle this. We look forward to the

## DRAFT MINUTES

1 discussions that we're going to be having in the open forum to discuss this further. I have  
2 another minute left, but I want to thank you in advance for that. Top of mind is also the traffic  
3 congestion. This is a terrible problem, it's caused by obvious overdevelopment in our area, all  
4 the high-density planning around the area, and in fact there's public forum on the new  
5 Holeman Road, adding more annexation, zoning, etc. You see it now with the accidents, the  
6 road rage driving incidents, it's compounded further with going live on these large-scale city  
7 developments like Depot 499 and the Veridea. Keep in mind that we don't add the low, high,  
8 or medium density, it's from your approvals and it's unfortunate that the Wake County Sheriff  
9 and the Highway Patrol have to monitor our areas. So, I just want to make the statement and  
10 perhaps there's other solutions we'll be bringing to you, but please keep in mind the traffic.  
11 Really appreciate it, thank you."

12

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

14

15 "Mayor, Town Council, good evening. As Dawn was talking about the neighborhood  
16 conservation overlay district, we did work with the land use zoning attorney to give us the  
17 guidelines of what we can work within, so that we're not asking for something that's outside  
18 of the boundaries. So Apex already has some of this with the small town character overlay  
19 district, it's just our district is a little bit different, so we have proposed this to Wake County as  
20 well because we see ourselves as one community, we are not Apex ETJ, we are not Wake  
21 County, we are one community. So, Wake County is working on their land use map and  
22 they're holding a public outreach on June 12<sup>th</sup> at the new Hill Holloman Community Center  
23 and since it's not a town sanctioned event, I hope all of you can come out without getting into  
24 trouble by the number of you are in a room and there was a question about how this was  
25 being organized by our community. There is a representative from each road so I believe  
26 some of you know Tony Sanatoro, he's off at Pleasant Plains Road, I represent Friendship  
27 Road, ETJ portion, Kurt Kuechler, who has been to a number of these meeting, he represents  
28 Creeks Spin and Hazelhurst, Beth Bland represents Friendship Road, Wake County section,  
29 Don Cozzalino is Bosco Road and Patty McGyver, who's here tonight for the first time, right  
30 there, she represents Mason Road. So, you know we've organized as a steering committee  
31 and to be clear, we're not anti-development, that's not what this is about, this is putting  
32 parameters in so that we have low conflict in the development process. There's certain things  
33 about our area that we want to be able to preserve. So, of the 247 properties in our area, and  
34 we excluded some because some that are already too far down the path of development,  
35 we're not here to try to go back and do anything retroactive, we realize that's too much of an  
36 ask. But of the 247, we had 61% of those property owners review and sign on to our petition  
37 that they were for the things that were in that overlay district. We do have some folks who  
38 said no, primarily because they want no development and we know that's not realistic, we  
39 know that there's going to be some development, so where you have questions, we would  
40 love to have the opportunity to sit down and go in depth as to how we went through this  
41 process and help you understand it's not anti-development, this is the road map for our  
42 future, you know, relationship together and we want you to be a part of that. Thank you."

## DRAFT MINUTES

1  
2 Next to speak was **Alexis Kennedy** of 106 Buckhaven Court:

3  
4 "Good evening, Council Members, I come to you today to respond to the slanderous, hateful,  
5 xenophobic comments addressed to me and my community. Two weeks ago on my birthday,  
6 May 14<sup>th</sup>, a large group of Zionists came into these halls and in there total of almost 24  
7 minutes, we were subjected to being called rats, jihadists, implying we were not Americans,  
8 claimed that we supported that we supported the death of the LGBTQ community, and even  
9 made a salacious comment that we wanted to kill all Jews and take over the world and  
10 impose Sharia Law. I would like to say that it was terrifying to be in a room of racists that  
11 racially profiled me and my group, for instance, the fact that my hair is brown, my eyes are  
12 brown and my skin is olive, that they assumed I was Muslim, when in actuality, which Council  
13 is aware, I'm half Guatemalan and half European, was raised Catholic with a sprinkle of  
14 Baptist and as an adult I have no affiliation to a religion. My belief is that you be kind and you  
15 treat people with respect, and you leave the world a better place than you found it. I believe  
16 in body autonomy, religious freedom, and most importantly the separation of church and  
17 state. And when I condemn a government, I don't condemn the religion, as I view them as  
18 two separate entities and there is a reason why our founding fathers demanded it, which is  
19 why it's in our first amendment, because we know people abuse religion for power and I  
20 understand that Israel abuses its power by using past trauma done to the Jewish Community  
21 by Europeans and oppressing the Palestinians. I'm wise enough to blame an individual or  
22 government, not the religion, I know there's a difference between Jews and Zionists because  
23 there are plenty of Zionists that are Christians, Atheist and even Muslims. To address the  
24 LGBTQ: Right now, A Palestinian is more likely to die from being bombed by Israel than  
25 being killed for being gay, so let's stop the bombing of people so people can grow and learn  
26 not to be homophobic, and let's not mince words, gay marriage and inter-religion marriages  
27 are not allowed in Israel, you need to leave the country to get married. This is coming from  
28 the most democratic country in the Middle East. They even brought up September 11<sup>th</sup> which  
29 20 years ago, half the population in Gaza wasn't even born and had nothing to do with it, but  
30 as my mama always says, don't throw stones if you live in a glass house, because most of us  
31 know about the USS Liberty where Israel killed American troops that were flying our flag,  
32 killing 34 American soldiers, which to me is a million times worse than a video of some  
33 dancing Palestinians 20 years ago, or in a more recent timeline where Israel killed seven  
34 world kitchen volunteers, one of whom was American. For the grotesque story about the  
35 pregnant woman, that was debunked. Unfortunately, on October 7th, the youngest victim  
36 was a 10-month-old baby, and she had a name, and her name is Mila Cohen. A child's death  
37 is tragic and it's dishonorable to her memory to put forth a lie that removes the remembrance  
38 of her, and also the 38 other children that perished on that day. And the last thing that I need  
39 to address was someone said that Palestine never existed, and that God promised them the  
40 land 4,000 years ago, I have submitted to the Council that is an excerpt of the Paris Peace  
41 Conference from 1919 to 1920 and there they were discussing how to rule Palestine after the  
42 dismantlement of the Ottoman Empire that ruled the land for 600 years. I don't know where

## DRAFT MINUTES

1 anywhere else a 4,000-year-old land ownership stands in this day and age. Palestine did exist,  
2 I can go through with the history and facts, but if you want to bring up something that isn't  
3 real that would be Netanyahu's name which was changed from Benzion Mileikowsky because  
4 he was Polish, and he is Polish, but he changed his name to sound like he was from the  
5 region. And now that we got that out of the way, I want to discuss the main reason why I'm  
6 here, why I have been coming since January, which is to have our City Council sign and  
7 support a ceasefire, a permanent one and go through our portfolio and show that we are not  
8 investing or working with any companies that work with Israel. For the last 3 days, I have been  
9 filled with motherly and human rage, I have witnessed true atrocities live streamed for the  
10 whole world to see. I can't go into it because I am still processing the trauma, but it was an UN  
11 encampment filled with men, women and children in tents and I am sick of the government  
12 telling me it's not our problem when those bombs have our names on it, and it is our money  
13 that is supporting it. I first tried to tackle it with my Senators, they said it wasn't their problem,  
14 I tried to tackle it with Congressman Nickle, and he shut the door on me, physically and  
15 verbally, and even called the police on a group of mothers with children and Veterans  
16 because we were threatening. And it is not a surprise because if you go on his Instagram  
17 account and he follows, 94 people in this big state for District 13 and one of them is AIPAC,  
18 so it tells you where his alliance lies and it's not with us. I am told it's not a local issue, so there  
19 is no accountability, and my belief is it starts at the bottom because from the bottom we can  
20 grow and we can get stronger and go higher. Right now our Congress is hiding in their  
21 offices jumping into elevators that Americans can't get into. But here I stand, and I'll start  
22 small because I am a believer that all children are our children, so if that child lives 500 miles  
23 away from me, it is still my child. I am still responsible for their well-being and livelihood, that  
24 they have food in their bellies, that they have a safe place to sleep. Convincing me that  
25 burning children alive is necessary to protect another country if you are not moved by a child  
26 being burned alive, or a child witnessing their own father being burned alive, may your  
27 reflection haunt you. Thank you."

28

29 Next to speak was **Lydia Wiggins** of 1501 Laura Duncan Road:

30

31 "Good evening. I am Lydia a current student and FFA member at Apex High School. I'm here  
32 proudly representing our 2024 Agricultural Issues Team. So, we are tasked with finding  
33 agriculturally related issues in our community and bringing it to the attention of others. As a  
34 resident in the Town of Apex, there is no better place than here to present a prevalent issue.  
35 Today, I will talk about the urbanization of agriculturally productive land. North Carolina has a  
36 smaller amount of people living in urban areas than the national average, but has increased  
37 urbanization over the past two decades. In 2010 two out of every three North Carolina  
38 residents was living area urban area up from 60 % in the year 2000. Expanding  
39 neighborhoods taking over farmland brings up big problems, more people moving to certain  
40 areas means needing more houses, so they are often built where crops are growing. This  
41 spreading out, often called urban sprawl, causes a variety of issues. Losing farmland makes it  
42 harder to grow food locally which can raise food prices and make communities more reliant

**DRAFT MINUTES**

1 on imported food. I know what you're thinking, food prices are already through the roof, and  
2 now I'm telling you the prices might continue to rise. According to the American Farmland  
3 Trust, North Carolina, loses about 55 acres of farmland every day. What are the risks.  
4 Converting farmland into housing developments can lead to habitat loss, soil erosion, water  
5 pollution and decrease biodiversity. Urban Development typically increases water demand  
6 for industrial and commercial purposes as well as residential, this can lead to competition for  
7 water resources. According to the North Carolina National Heritage program, about 20% of  
8 North Carolina is farmland. Agriculture is the second largest land use category overing 6.9  
9 million acres of the state's land and open water area. Three quarters of a million jobs are in  
10 agriculture and in 2021 these jobs contributed to 92.7 billion dollars in economic impact. As  
11 an example, cows need fields to roam and graze, if there's not enough land for this then we  
12 won't have enough cows, no cows means no cheeseburgers, and that's a world I don't want  
13 to live in. Farmland serves as green spaces that provide environmental and recreational  
14 benefits to communities. The land plays an important role in carbon farming and  
15 agroforestry. When land is converted, this can release stored carbon and contribute to  
16 greenhouse gas emissions through increased urbanization and transportation. The loss of  
17 cultural and historical significance reflecting the heritage of farm communities will be  
18 destroyed when land is repurposed. While the conversion of land poses risks and challenges,  
19 there can be benefits as well. Housing developments often stimulate economic activity by  
20 creating jobs in construction, real estate, retail and service industries. New residents can also  
21 boost local business. The development of which property values benefiting homeowners and  
22 increasing their equity. By the year 2040, North Carolina's population expected to reach  
23 about 13 million people in the state with a growing population, neighborhood sizes will  
24 increase, agricultural land will begin to shrink, leaving North Carolina unable to grow and  
25 produce enough food for such a large population. In the most recent state population  
26 assessment North Carolina was projected to increase by 1.3%. Thank you for your time and I  
27 hope you learned something from my presentation."  
28

29 **Mayor Gilbert** thanked Ms. Wiggins for her comments and thanked everyone who  
30 spoke in public forum again. He then closed the Public Forum and moved the meeting onto  
31 Public Hearings.

32  
33 **[PUBLIC HEARING]**

34  
35 **PH1 Annexation No. 767 - Apex Commerce Center Lot E - 5125 Jessie Drive -**  
36 **27.5221 acres (REF: ORD-2024-043)**

37  
38 **Dianne Khin**, Planning Director, gave the following presentation regarding  
39 Annexation No. 767 - Apex Commerce Center Lot E - 5125 Jessie Drive - 27.5221 acres

40  
41 **[SLIDE 1]**

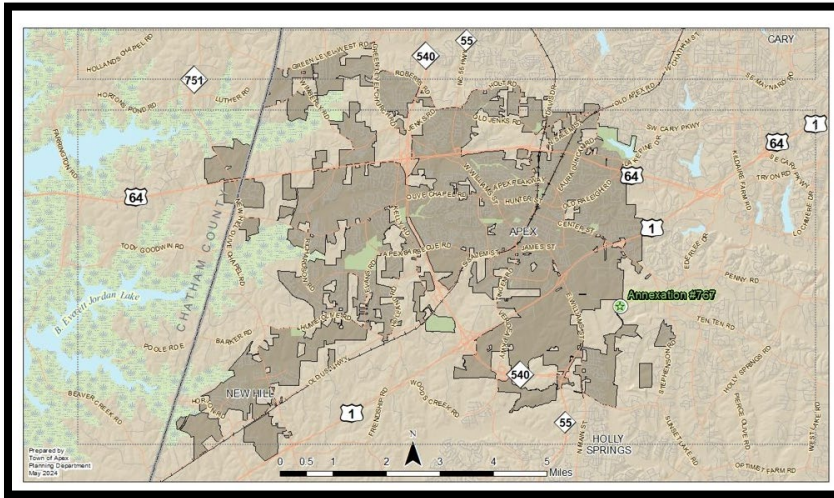
# Public Hearing #1

Annexation No. 767  
Apex Commerce Center Lot E  
5125 Jessie Drive



1  
2

[SLIDE 2]



3  
4

[SLIDE 3]

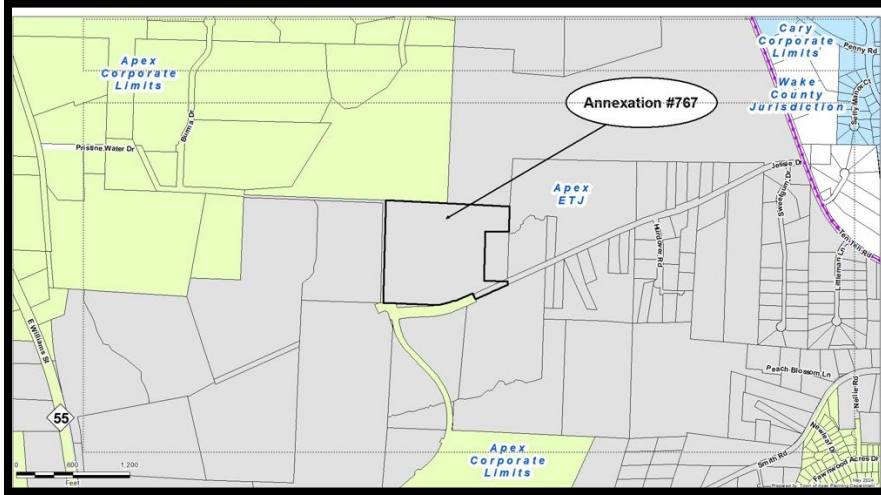


5  
6  
7

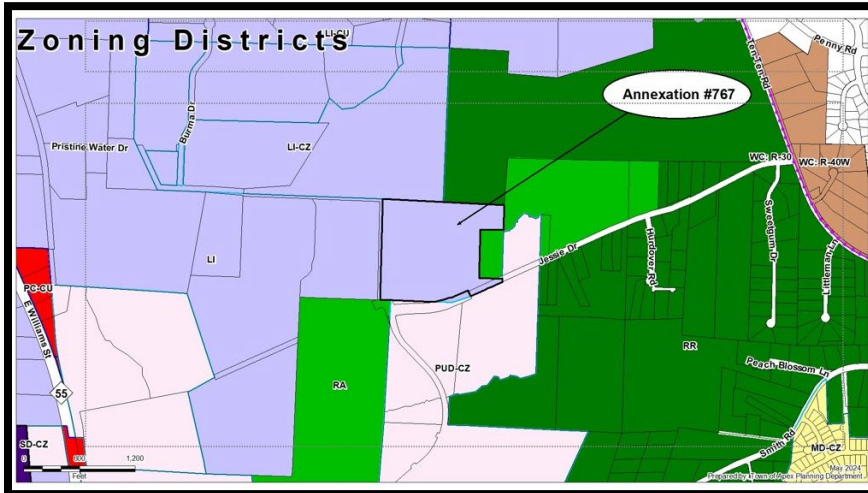


**DRAFT MINUTES**

1 **[SLIDE 4]**



2  
3 **[SLIDE 5]**



4  
5 **Ms. Khin** said staff recommended approval and offered to answer any questions.

6  
7 **Mayor Gilbert** opened public comment.

8  
9  
10 A **motion** was made by **Mayor Pro Tempore Gray**, seconded by **Councilmember**  
11 **Killingsworth** to adopt Annexation No. 767.

12 **VOTE: UNANIMOUS (4-0), with Councilmember Zegerman absent**

13  
14  
15 **PH2 Annexation No. 779 - Apex YMCA - New Hill Holleman Road - 25.68 acres (REF:**  
16 **ORD-2024-044)**


17  
18 **Shelly Mayo**, Planner II, Planning Department, gave the following presentation  
19 regarding Annexation No. 779 - Apex YMCA - New Hill Holleman Road - 25.68 acres, **AND**  
20 Rezoning No. 24CZ03 - New Hill Holleman Road.

1  
2  
3

[SLIDE 1]

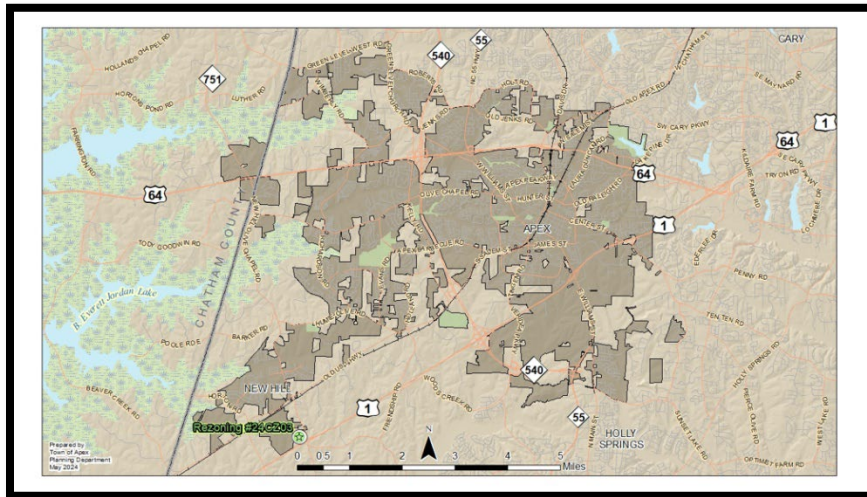
Public Hearings #2 & #3

Annexation No. 779 &  
Rezoning Case #24CZ03  
New Hill Holleman Road



4  
5

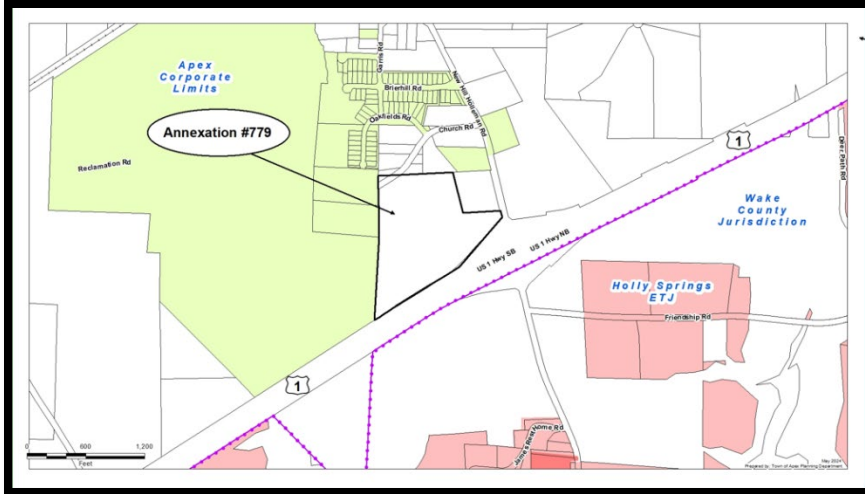
[SLIDE 2]



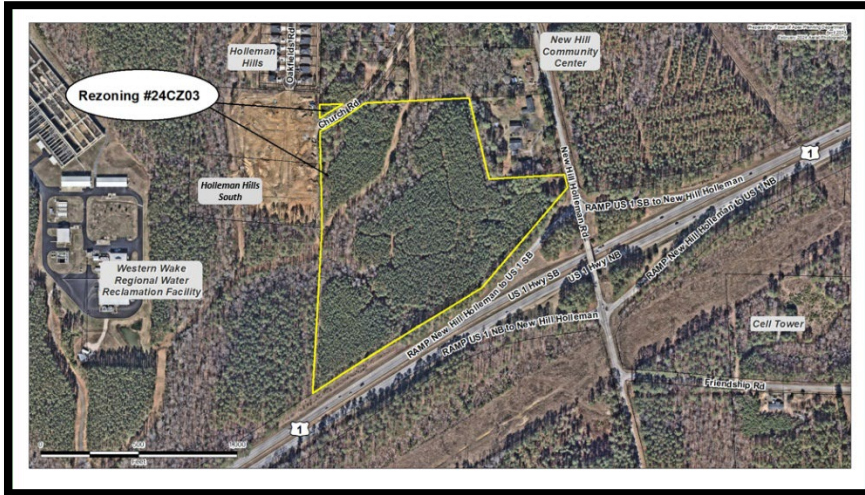
6  
7  
8  
9  
10  
11  
12  
13  
14

[SLIDE 3]

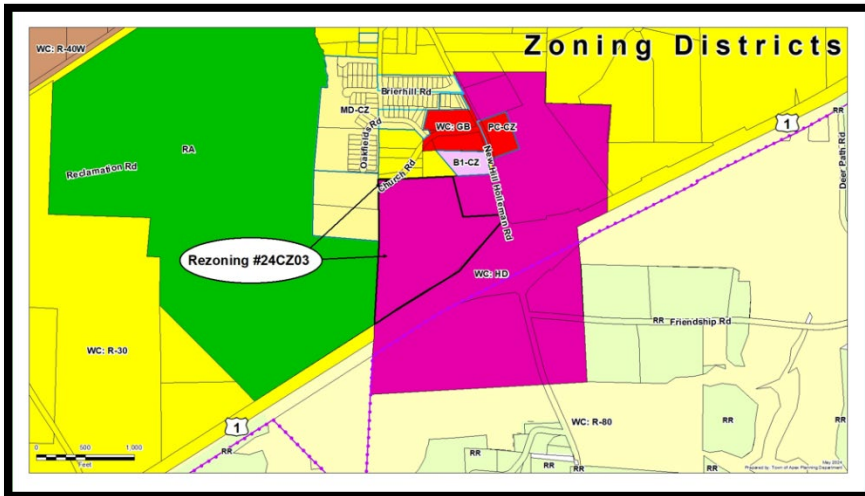
DRAFT MINUTES



1  
2 [SLIDE 4]

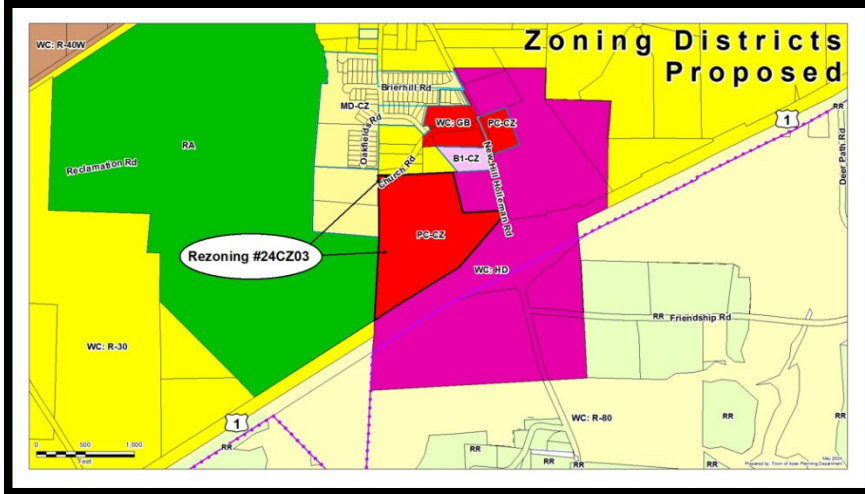


3  
4 [SLIDE 5]

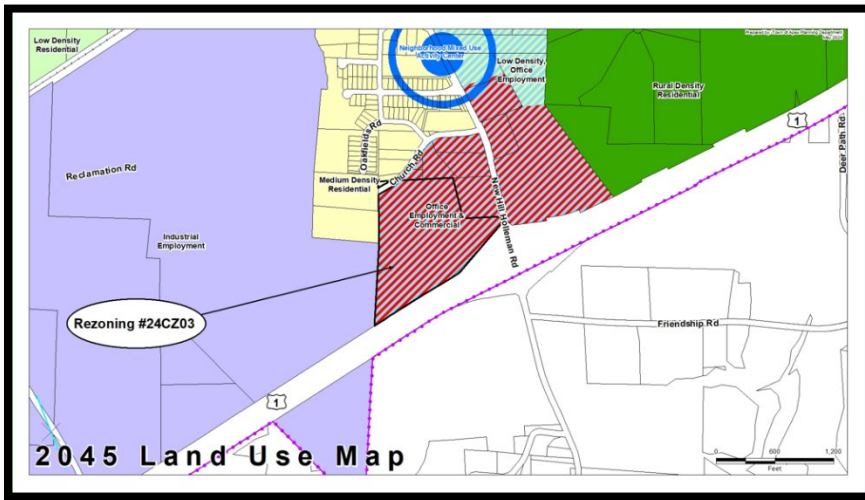


5  
6  
7 [SLIDE 6]

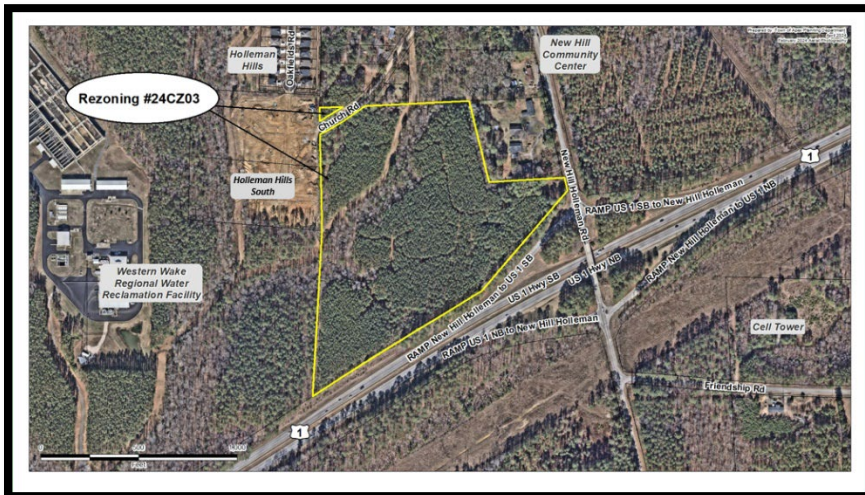
DRAFT MINUTES



1  
2 [SLIDE 7]



3  
4 [SLIDE 8]




5  
6  
7

1 [SLIDE 9]

**New Hill Holleman Road:**

- Developer shall dedicate right of way 55 feet from the existing centerline and widen New Hill Holleman Road for the length of the property's New Hill Holleman Road frontage consistent with the Town's adopted Transportation Plan and typical section for a four-lane, median-divided thoroughfare, but without construction of a median (the "New Hill Holleman Road Improvements"). Alternatively, Developer may pay a fee in lieu **based on an engineer's estimate** for the New Hill Holleman Road Improvements, subject to review and approval by the Director of Transportation and Infrastructure Development.




2  
3 [SLIDE 10]

**Church Road Off-Site:**

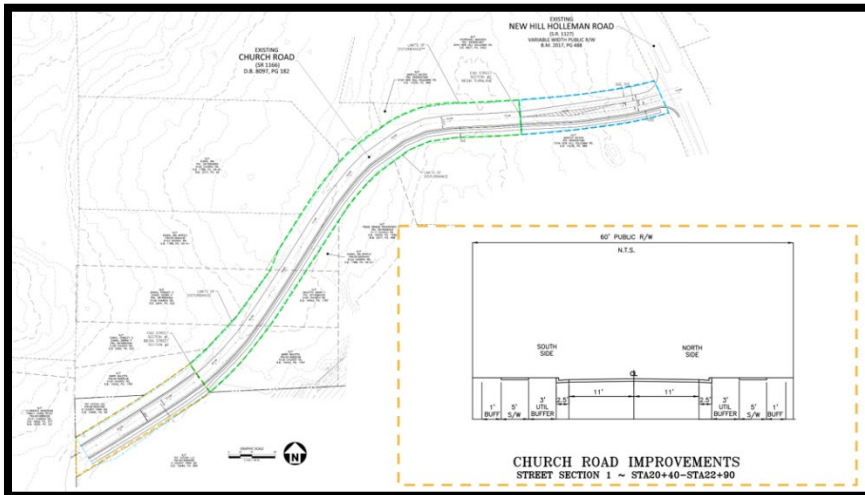
The developer shall improve Church Road from the eastern edge of the property's Church Road frontage to the intersection of New Hill Holleman Road and Church Road to a minimum 20-foot wide roadway with curb and gutter on the south side and a 5-foot wide sidewalk (the "Sidewalk"), marked centerline, and edge lines, and an eastbound left turn lane with 75 feet of storage at the intersection with New Hill Holleman Road as shown in the attached Exhibit A (the "Cross Section").

If the Sidewalk requires easements and/or rights of way over/from properties on Church Road that the developer does not own or control (the "Easements"), developer shall make good faith efforts to acquire the Easements through private negotiation.

If developer is unable to acquire one or more Easements necessary to construct the Sidewalk, developer shall pay a fee in lieu for the portion of the Sidewalk that cannot be completed due to the Easement(s) that cannot be acquired, based on an engineer's estimate and third-party appraisal for the cost of easement acquisition to be submitted to the Town for review and approval. The Director of Transportation and Infrastructure Development may administratively approve modifications to dimensions and design elements of the Cross Section.

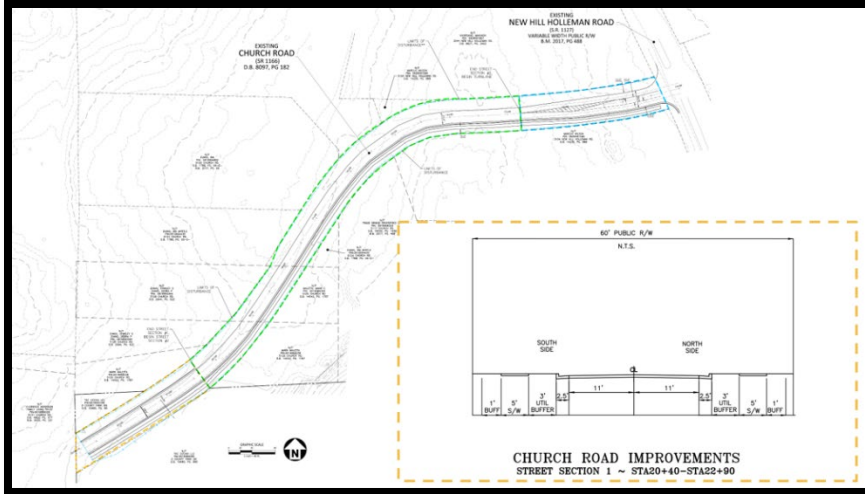


4  
5 [SLIDE 11]

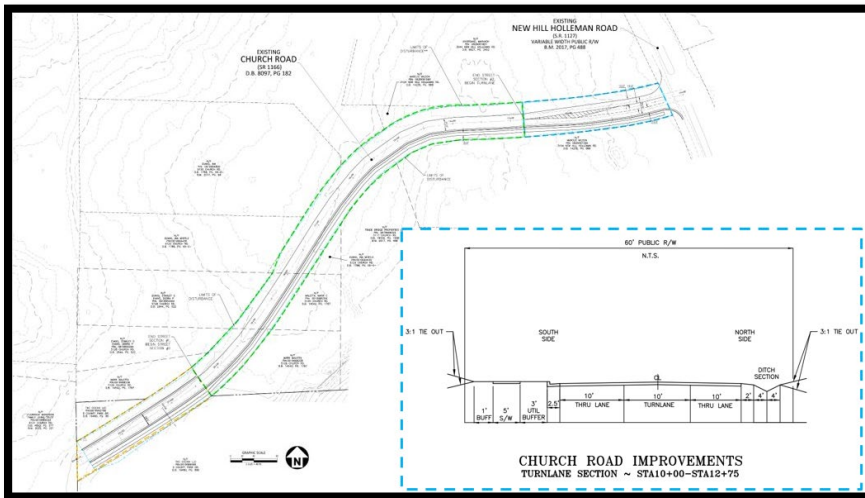


6  
7 [SLIDE 12]

DRAFT MINUTES



1  
2 [SLIDE 13]



3  
4 [SLIDE 14]



5  
6 Ms. Mayo asked if the staff had any questions.

**DRAFT MINUTES**

1 **Councilmember Gantt** asked if any of the Western Wake facilities would possibly be  
2 used in the future and if so, would there be a connection road or utility connection.

3 **Ms. Mayo** said she was not aware of any plans to use any of that property.

4 **Councilmember Gantt** asked if a future site plan would require any stubbing because  
5 it is not connected to any road.

6 **Ms. Mayo** said that the UDO would require a connection of some kind to provide  
7 connectivity between parcels. She also said it was zoned LI (Light Industrial) so if it was going  
8 to be developed for industrial uses it would have to be rezoned.

9 **Ms. Khin** said that Western Wake Regional Water Reclamation facility has an  
10 approved site plan for that entire parcel with road access. She said that the UDO would not  
11 require access to the southern portion Councilmember Gantt is referring to.

12 **Councilmember Gantt** asked if there would be any requirements for sidewalks to  
13 connect to the corner of New Hill Holleman.

14 **Ms. Mayo** said there were conversations about that with staff. She said they are not  
15 sure they are ready to require that at this stage.

16 **Councilmember Gantt** asked if the limited width possible precludes sidewalks.

17 **Ms. Mayo** said that she would have to ask Russell Dalton to answer that.

18 **Mayor Gilbert** said that they would also hear from the applicant regarding the  
19 Rezoning.

20

21 **AND**

22 **PH3 Rezoning Case No. 24CZ03 - New Hill Holleman Road**

23

24 **Matthew Carpenter** with Parker Poe gave the following presentation.

25

26 **[SLIDE 1]**



27

28

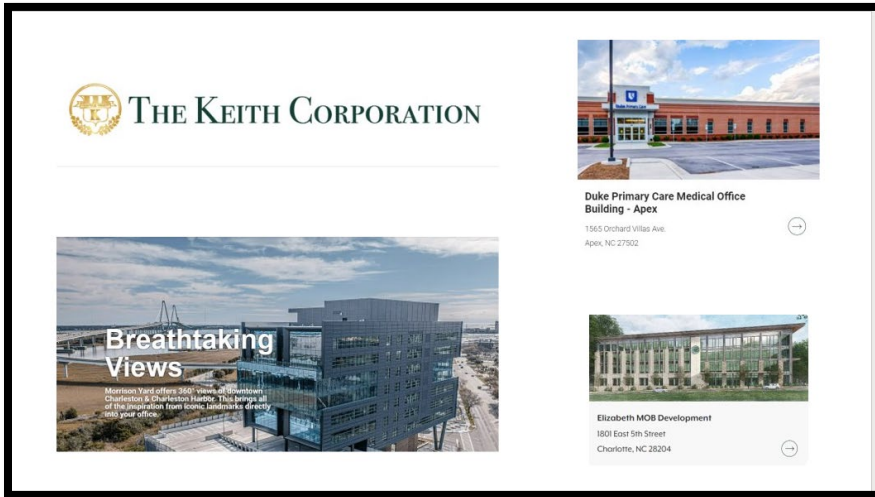
29

30

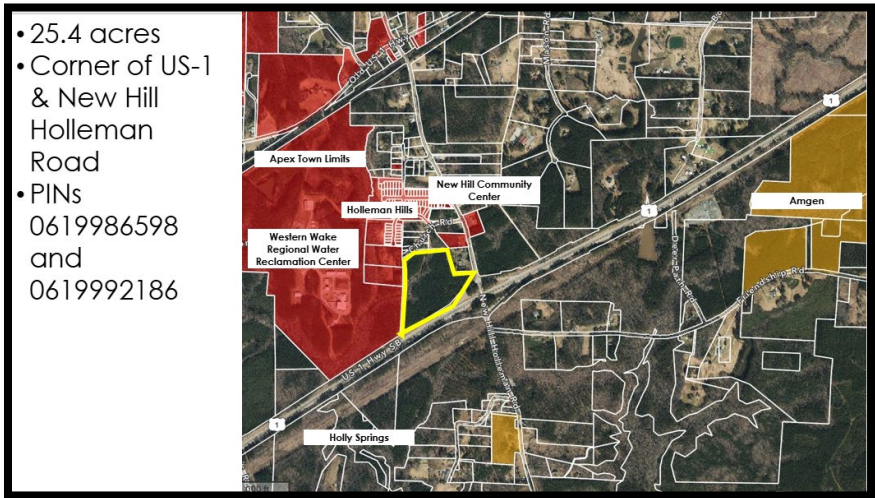
31

32

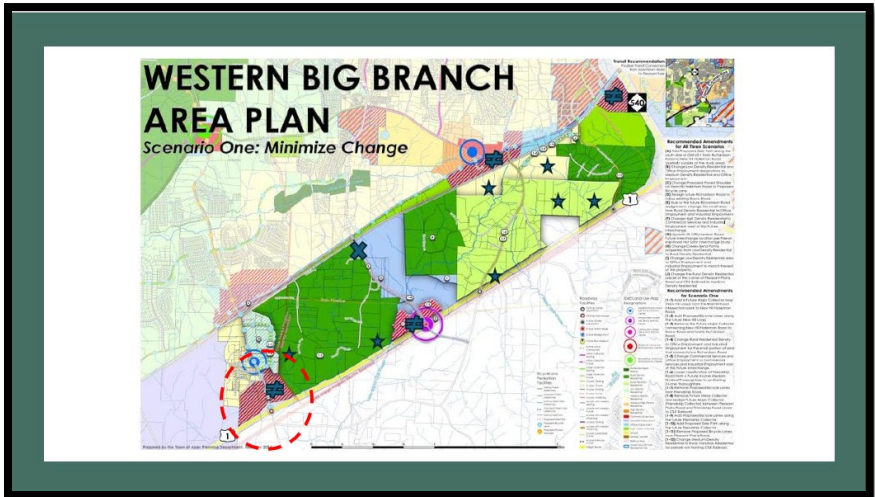
1 [SLIDE 2]



2  
3 [SLIDE 3]



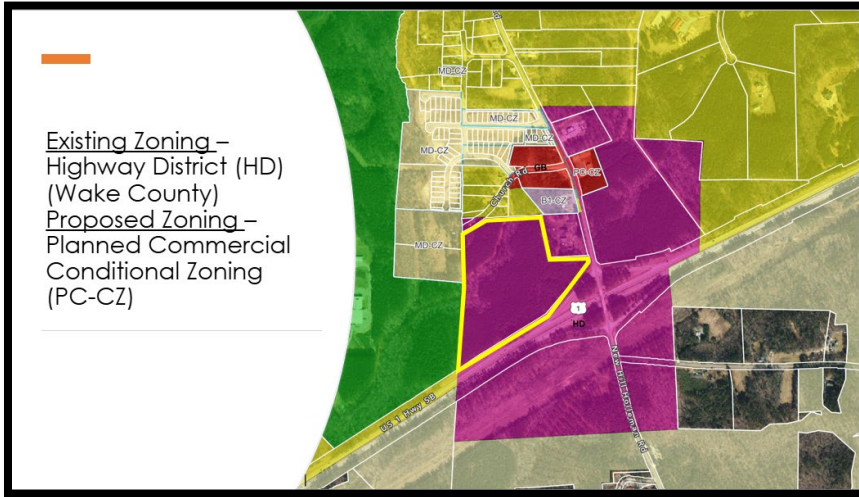
4  
5 [SLIDE 4]



6  
7



1 [SLIDE 5]



2  
3 [SLIDE 6]

### Proposed Conditions

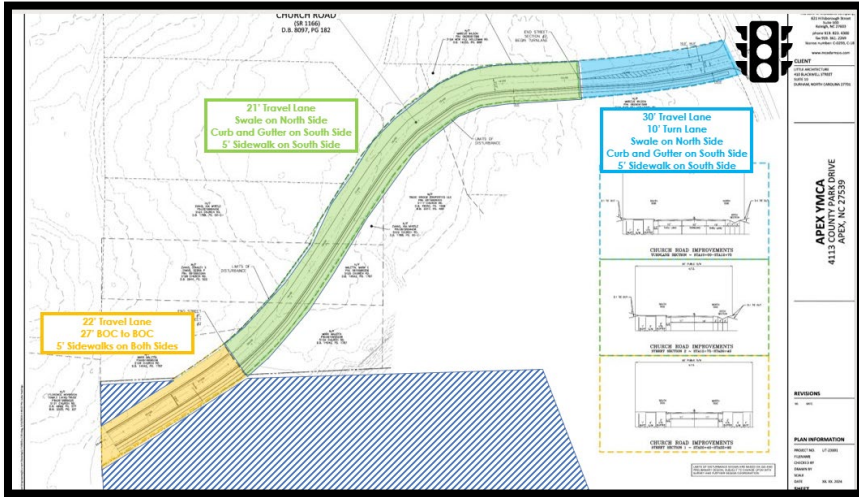
1. List of permitted uses consistent with LUM designation. Drive through restaurants, gas stations, bars/nightclubs prohibited.
2. Architectural conditions that require high quality building materials.
3. One sign per SCM to prohibit fertilizer in public areas.
4. No clearing or land disturbance in riparian buffers.
5. Correlated color temperature of lamps in exterior lighting shall not exceed 3,000 Kelvins, other than for athletic field lighting.
6. Project shall plant warm season grasses.
7. Project shall treat stormwater to 25-year storm event standard.
8. Transportation infrastructure improvements

4  
5 [SLIDE 7]

### Church Road Improvements – Changes Since Planning Board

- c. Church Road Off-Site. The developer shall improve Church Road from the eastern edge of the property's Church Road frontage to the intersection of New Hill Holleman Road and Church Road to a minimum 20-foot wide roadway with curb and gutter on the south side and a 5-foot wide sidewalk on the south side (the "Sidewalk"), marked centerline, and edge lines, and an eastbound left turn lane with 75 feet of storage at the intersection with New Hill Holleman Road (the "Offsite Church Road Improvements") as shown in the attached Exhibit A (the "Cross Section"). If the Sidewalk Offsite Church Road Improvements requires easements and/or rights of way over/from properties on Church Road that the developer does not own or control (the "Easements" and each an "Easement"), developer shall make good faith efforts to acquire the Easements for market value through private negotiation. If developer is unable to acquire one or more Easements necessary to construct the Sidewalk, developer shall for market value, and the Town is unable or unwilling to initiate condemnation proceedings to acquire the Easements, developer may either (a) pay a fee in lieu for the portion of the Offsite Church Road Improvements the Sidewalk that cannot be completed due to the Easement(s) that cannot be acquired, based on an engineer's estimate and third-party appraisal for the cost of easement acquisition to be submitted to the Town for review and approval. The Director of Transportation and Infrastructure Development may administratively approve modifications to dimensions and design elements of the Cross Section, or (b) redesign the Offsite Church Road Improvements to not require the Easement(s) that cannot be acquired.

1 [SLIDE 8]



2  
3 [SLIDE 9]

## Rezoning is in the Public Interest

- Allows YMCA to move to next stage of development process
- Consistent w/ the office/commercial services LUM designation
- Consistent with the draft Big Branch Small Area Plan and stakeholder feedback
  - Office/commercial services designation
  - Removes currently permitted residential uses
- Will add non-residential development to help balance the Town's tax base
- Important transportation infrastructure improvements



4  
5  
6 **Mr. Carpenter** said that he would address Councilmember Gantt's two questions. He  
7 said the cross connectivity to the Water Reclamation facility, that on he plans there was a  
8 storm water pond in that location and that could be reconfigured if needed. He said to  
9 address the sidewalk connectivity question as part of the site plan will have a sidewalk that  
10 connects to the new sidewalk on Church Road and that sidewalk will extend internally to the  
11 site's entrance. He said they would look at the site plan, when they have further engineering  
12 details, and how far east they can extend to New Hill Holloman Road.

13 **Councilmember Gantt** said it looks like to him there would be about 60-70 feet to  
14 work with if the development went 20 feet in.

15 **Ms. Khin** said that it is all RCA in the corner on the site plan. She said that there is  
16 about 500 feet of environmentally protected area.

17 **Councilmember Gantt** said they could theoretically choose to change that in the  
18 future.

19 **Ms. Khin** said yes.

**DRAFT MINUTES**

1           **Mayor Gilbert** asked if there were any other questions.  
2

3           With no further questions from the Council, **Mayor Gilbert** opened Public Hearing for  
4 Comment on this item.  
5

6           First to speak was **Elizabeth Stitt** of 3113 Friendship Road:  
7

8           “So, I am not here for or against the YMCA, I want to be very clear on that. What I want to  
9 point out is the lack of representation, the process. So, at the planning board meeting there is  
10 a Wake County representative and that is the only representative that these neighbors in this  
11 part of our community have, is that one person. They don’t get to vote for any of you, they  
12 don’t get to vote for that Wake County rep, that rep gets appointed, well that Wake County  
13 rep recused himself because he’s affiliated with the project and you know this is supposed to  
14 be America, this is supposed to be the peak of good living to end up in a situation where you  
15 have a community with no voice, no voice at all, no alternate representative to step in when  
16 he backs out that similarly could be the same case with the ETJ if the ETJ rep steps out, then  
17 there is no representation and so the objections that I’ve heard from the majority of my  
18 community is where’s our voice. So, I understand that Mr. Akers is leaving and there is going  
19 to be a new rep appointed and so we would like for the community to have a say in it, we also  
20 would like for you guys to consider to have a backup in case that next representative is not  
21 available for whatever reason because that’s the only voice that we have. Thank you.”  
22

23           The next speaker was **Elizabeth Moore** of 3804 Mason Road:  
24

25           “Good evening, this is my first time here, but I’m a longtime resident and I used to be more  
26 involved in the community’s activities but as Elizabeth just said so nicely, we are Wake County  
27 and my address is 3804 Mason Road and then I also have the adjacent lot which is on Pine  
28 Archway, 4036 Pine Archway, and sorry, I’ve had tongue surgery a couple years ago and then  
29 recently as well. I just wanted to stand up, I don’t have a prepared bunch of things to say, I  
30 want to just say that I feel really blessed to be here. I love Apex, I love where I live. I’ve lived  
31 there since 2001 and I also lived in California and New York State, and I was born in  
32 Pennsylvania, my father served in the military, and I was like a Army brat, moved around and  
33 lived a lot of different places, and I really value being here. Mainly I want to back what  
34 Elizabeth said about the voice part, I also wish my husband could be here because we built  
35 our farm together and we searched all over the country for an area like this, we have a trail  
36 easement that goes around our 100 acre subdivision, also our neighbors are really special  
37 people and they support me, in fact when my husband passed away two and a half years ago.  
38 So, I have been trying to run my business, Victory Hill Farm, on my own and I think I’m doing  
39 fairly well, but basically, we have a really very original kind of place, there’s really no place  
40 else like it. Things that kind of concern me, I still have relatives in different parts of the country  
41 and so things that are on my mind are when I first moved here for probably the first 10 to 12  
42 years, I felt like Apex, their rate of development, was really very moderate, pretty well thought

## DRAFT MINUTES

1 out, recently I've seen some changes in that and it does worry me, I'm not anti-development, I  
2 am very excited that maybe a YMCA could be coming and some other things potentially, but  
3 I do really want to encourage you guys to be really careful what you wish for and I know it's  
4 really hard because you want to get the tax base and get income and increase services and  
5 connectivity and you know, and Brett you mentioned sidewalks, and just then we had a lovely  
6 young lady taking about agricultural use earlier. I just put my two properties into the  
7 Agricultural District to preserve them, at this point. All of my neighbors I think are like-  
8 minded, I've spoken to all of them, if they all agreed that oh we should change, you know that  
9 would be one thing, but they're all just terrific people and I guess that the last thing I really  
10 wanted to make sure I talked about was being really careful that we don't put so much  
11 cement in that people with like longer vehicles can't turn around and agricultural use vehicles  
12 can't get in and out, you know I get these giant horse shipping vans in and hay suppliers and  
13 things like that and I planned pretty carefully and I just want to encourage you guys all to  
14 really think about that and the traffic is a big concern as well because we've been very  
15 fortunate really, so just be really careful and thank you all for your time."

16

17 **Mayor Gilbert** thanked Ms. Moore for her comment and then closed public comment  
18 and opened for discussion.

19

20 **Mayor Gilbert** thanked the staff and applicant for coming together for a solution.

21

22 **Mayor Pro Tempore Gray** said that he appreciated the work on coming up with the  
23 traffic solution. He said that this area is harder to look at for rezoning and that there is some  
24 value to a YMCA, and it is appropriate and the changes that were made to Church Road were  
25 important.

26 **Councilmember Gantt** asked Mayor Pro Tempore Gray if there were any uses that he  
27 didn't like.

28 **Mayor Pro Tempore Gray** said he didn't want to pre-judge an application, but said  
29 that there were more dense uses for that property that would add more traffic congestion or  
30 prohibit larger vehicles from being able to move around.

31 **Councilmember Killingsworth** said that there had been businesses in the past that  
32 had caused issues so that the town has to be careful. She said that the list of current uses for  
33 this property is all reasonable for this area.

34 **Councilmember Mahaffey** said that this was a success story, and the work has been  
35 done before it came before Council. He said he supported the YMCA. He said he was okay  
36 with the list of uses and he would be supporting the project.

37 **Councilmember Gantt** said that if the desire is slower growth that it is down from 5  
38 years ago by several percent. He said he hopes that when the site plan is presented the road  
39 and easements are included.

40

**DRAFT MINUTES**

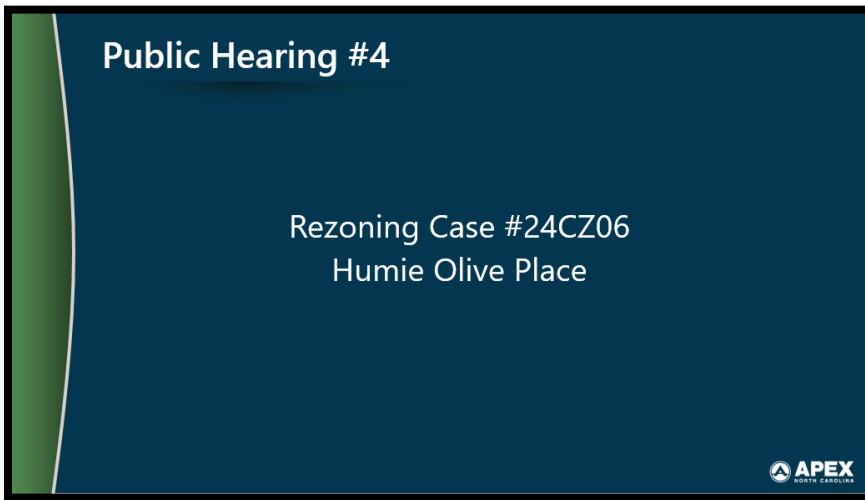
1 A **motion** was made by **Councilmember Gantt**, seconded by **Councilmember**  
2 **Mahaffey** to adopt Annexation No. 779 - Apex YMCA - New Hill Holleman Road - 25.68 acres  
3 **AND** Rezoning Case No. 24CZ03 - New Hill Holleman Road.

4  
5 **VOTE: UNANIMOUS (4-0), with Councilmember Zegerman absent**

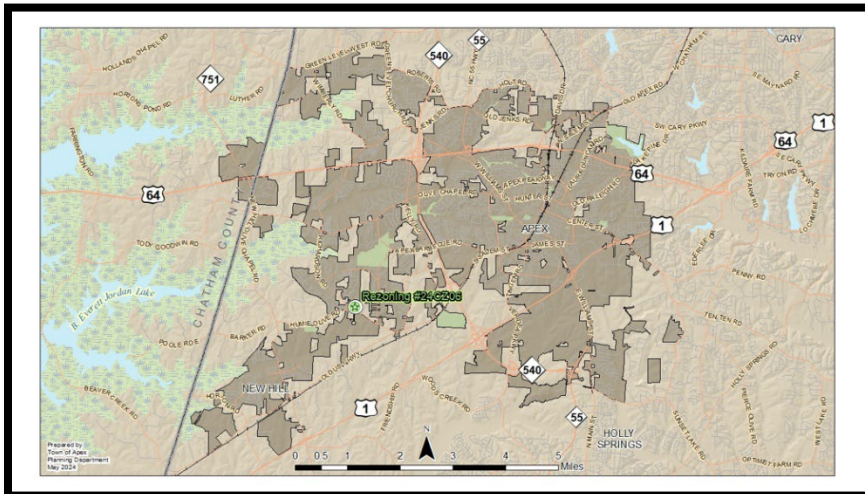
6  
7 **PH4 Rezoning Case No. 24CZ06 - Humie Olive Place**

8  
9 **Amanda Bunce**, Current Planning Manager, Planning Department presented the  
10 following presentation.

11  
12 **[SLIDE 1]**



13  
14 **[SLIDE 2]**

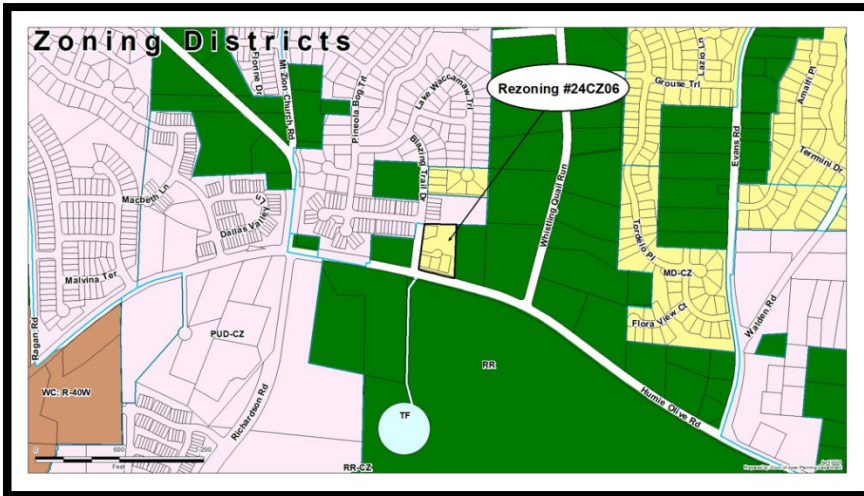


DRAFT MINUTES

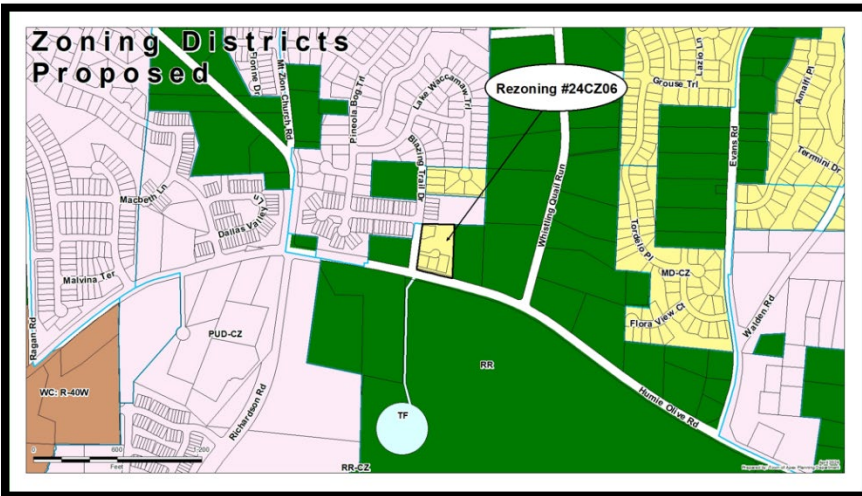
1 [SLIDE 3]



2  
3 [SLIDE 4]



4  
5 [SLIDE 5]



6



**DRAFT MINUTES**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45

**Mayor Gilbert** asked for the applicant to speak.

**Peter Cossen** of Jones and Cossen Engineering of 221 North Salem Street, Apex spoke on the rezoning.

**Councilmember Gantt** asked about the status of the HOA approval of the east side of Blazing Trail near the roundabout.

**Mr. Cossen** said that the HOA would not allow them access to construct the sidewalk. He said they did not want any encroachment on their property. He said that they would be glad to construct that, and it would also be an easement that would have to be granted.

**Councilmember Gantt** said if the sidewalk was put in, that it would take one crossing on Blazing Trail to get to the school.

**Mr. Cossen** said he would reach back out to the neighbors.

**Councilmember Gantt** asked Mr. Cossen to let the Council know if there was a change in the crossing and thanked Mr. Cossen for comments.

**Mayor Gilbert** opened public comment.

With no sign ups, **Mayor Gilbert** then closed public comment and opened for discussion.

A **motion** was made by **Councilmember Killingsworth**, seconded by **Mayor Pro Tempore Gray** to Rezoning Case No. 24CZ06 - Humie Olive Place

**VOTE: UNANIMOUS (4-0), with Councilmember Zegerman absent**

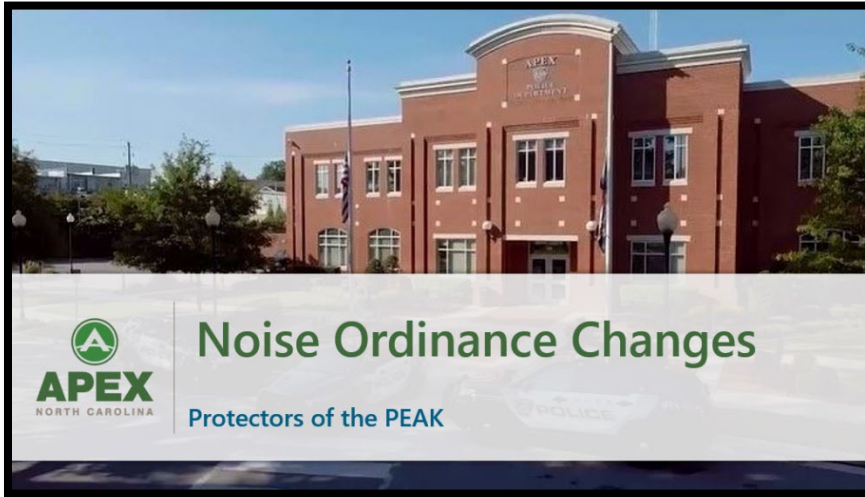
**[NEW BUSINESS]**

**NB1 Ordinance Amendment - Chapter 14 Article II - Noise (REF: ORD-2024-045)**

**Jason Armstrong**, Chief, Apex Police Department (APD), presented the following presentation regarding potential changes to the Town Ordinances related to noise.



1 [NOISE ORDINANCE - SLIDE 1]





2  
3 [NOISE ORDINANCE - SLIDE 2]

Article II. - Noise

Noteworthy Changes:



- Added new definitions
- Removed measurement techniques
- Added unreasonably loud stipulation
- Added permit requirement for sound amplification
- Amended construction noise



4  
5 [NOISE ORDINANCE - SLIDE 3]

Added Definitions:

- **Noise Sensitive Area** includes but is not limited to hospitals, rest homes, family care homes, group care facilities, schools, day care facilities, churches, libraries, or other similar institutions.
- **Plainly Audible** means any sound or vibration caused by sound that can be detected by a reasonable person of ordinary sensitivities using their unaided hearing faculties.
- **Reasonable Person** means a person of ordinary sensitivities who is within the area of the audibility or perceptibility of the noise or vibration that transmits sounds which disrupt the reasonable conduct of basic human activities, such as conversation, sleep, work, or other such activities.





6  
7

1 [NOISE ORDINANCE - SLIDE 4]

**Unreasonably Loud Factors:**



- **In determining whether a noise or sound is unreasonably loud for purposes of this section, factors that may be considered include, but are not limited to:**
- **(1) its volume;**
- **(2) the volume of background noise, if any, in the area where it is produced;**
- **(3) its proximity to residences or other developments where people sleep;**
- **(4) its proximity to Noise Sensitive Areas;**
- **(5) the zoning and character of the area where it is produced;**
- **(6) the time of day or night that it is produced;**
- **(7) its duration; and**
- **(8) whether it is recurrent, intermittent, or constant.**



2  
3 [NOISE ORDINANCE - SLIDE 5]

**Construction Noise**



The creation of loud and excessive noise from construction activities in a residential or business district Monday through Friday between the hours of 7:00 p.m. and 7:00 a.m., or on Saturdays and holidays observed by the state between the hours of 7:00 p.m. and 9:00 a.m., or at any time on Sundays and the following holidays: New Year's Day, Thanksgiving Day, or Christmas Day, except by **approval** permit from the building inspector when, in the building inspector's opinion, such work will not create objectionable **unreasonable** noise. The building inspector may **approve** permit emergency work in the preservation of public health or safety at any time.



4  
5 [NOISE ORDINANCE - SLIDE 6]

**Sound Amplification Permit 14-34**



- a. **It shall be unlawful to operate or allow the operation of any sound amplification equipment in the public right-of-way, including streets and sidewalks, on public vehicular areas, or on other public property in excess of the limits prescribed by section 14-33(18) without having actual on-site possession of a permit issued by the Apex Police Department.**
- b. **Sound amplification equipment operated pursuant to this subsection may not be located more than ten feet off the ground. In addition to the person operating or allowing the operation of sound amplification equipment in violation of this subsection, the person to whom the permit was issued must be present at the location and during the times permitted and shall be liable for any and all violations.**



1 [NOISE ORDINANCE - SLIDE 7]

Noise in Public Places 14-33(18)



The unreasonably loud and raucous use or operation on public places, town rights-of-way, or on public vehicular areas of any sound amplifier, bullhorn, loudspeaker, public address system, or other similar device, when operated in such a manner as to be plainly audible during nighttime hours at a distance of fifty (50) feet from any reasonable person, and during daytime hours, at a distance of three hundred (300) feet from any reasonable person, other than the player(s) or operator(s) of the device, and those who are voluntarily listening to the sound, and unreasonably disturbs a reasonable person. This prohibition shall not apply to the operation of horns, sirens, or other emergency warning devices actually being used in emergency circumstances, or the operation of sound amplification equipment in accordance with a permit issued pursuant to section 14-34.



2  
3 [NOISE ORDINANCE - SLIDE 8]




Sound Amplification Permit 14-34

C. An application for a permit pursuant to this section shall: (i) be submitted to the Apex Police Department at least one full business day but no more than seven calendar days before the permit time requested; and (ii) specify the proposed location of the sound amplification equipment and the date and time that the sound amplification will begin and end. Permits shall be issued on a first come, first served basis. A permit shall not be issued for sound amplification during nighttime hours or a location that is within: (a) 100 feet of another location for which a sound amplification permit has been issued for the same time, (b) 100 feet of a town-approved special event, (c) 100 feet of the area permitted for a parade, group demonstration, or picket line pursuant to article X of chapter 20 unless issued to the holder of the parade, group demonstration, or picket line permit, or (d) 150 feet of a Noise Sensitive Area, as defined in section 14-29, while it is in use.



4  
5 [NOISE ORDINANCE - SLIDE 9]

Questions



**DRAFT MINUTES**

1  
2 **Mayor Gilbert** said he wanted to clarify that this noise ordinance would not prohibit a  
3 construction company that was doing work inside.

4 **Chief Armstrong** said that it would not. He said the complaints that they had received  
5 were complaints that were outdoor construction or construction on properties without walls  
6 and roofs yet.

7 **Councilmember Killingsworth** asked about handling construction vehicles that  
8 created noise by showing up 15 or 20 minutes early, be handled.

9 **Chief Armstrong** said that would not be in violation of this ordinance. He said that is  
10 similar to a school bus backing up.

11 **Mayor Pro Tempore Gray** joked that this does not cover noise from cicadas.  
12

13 A **motion** was made by **Councilmember Killingsworth**, seconded by  
14 **Councilmember Mahaffey**, to approve Ordinance Amendment - Chapter 14 Article II -  
15 Noise.  
16

17 **VOTE: UNANIMOUS (4-0), with Councilmember Zegerman absent**  
18

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

21 **Town Manager Randy Vosburg** thanked the Parks and Recreation Staff for the work  
22 they did with the splash pad opening this past weekend and said that was a great event. He  
23 said the town would be sending letters out to the residents related to the EPA because of  
24 issues with lead pipes. The EPA has asked local governments to come up with an inventory of  
25 water systems and that there are some homes that are part of the water system that were built  
26 prior to 1988 that have unknown statuses as it pertains to their pipes. He said that there  
27 would be 3 methods to work with the homeowners to collect the information about their  
28 pipes to accommodate how residents would like it to be done.

29 **Councilmember Gantt** asked for clarity that that there was no lead in the Town's  
30 pipes.

31 **Town Manager Vosburg** said that is correct. He said this was related to residential  
32 pipes

33 **Mayor Pro Tempore Ed Gray** asked if these letters would be going out to just homes  
34 that were built prior to 1988.

35 **Town Manager Vosburg** said that the letters were going out to only the homes built  
36 prior to 1988 that have been identified.

37 **Town Manager Vosburg** said that there would be an official ribbon cutting for the  
38 Mason Street Municipal Building on Friday at 3:00 p.m. and invited all Council Members.

39 **Mayor Pro Tempore Gray** thanked staff for helping the town get through the first half  
40 of festival season for all their hard work.

41 **Mayor Gilbert** thanked Corporal Shuart for providing security at the meeting.

