

**TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, DECEMBER 9, 2025
6:00 PM**

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, December 9th, 2025 at 6:00 PM in the Council Chambers at Apex Town Hall, located at 73 Hunter Street in Apex, North Carolina.

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

<https://www.youtube.com/watch?v=I-fwL4gGSsM>

[ATTENDANCE]

Elected Body

Mayor Jacques K. Gilbert (presiding)
Mayor Pro Tempore Terry Mahaffey
Councilmember Sue Mu
Councilmember Ed Gray
Councilmember Shane Reese
Absent: 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]

Call to Order | Invocation | Pledge of Allegiance

Mayor Gilbert called the meeting to order at 6:00 p.m. and thanked those who were in person as well as watching on live stream, and moved to the invocation and a moment of silence. He then led in the Pledge of Allegiance. He introduced the new Council Members and gave them an opportunity to speak.

Councilmember Reese said he was ready to get to work.

Councilmember Mu said that she was ready to serve.

[CONSENT AGENDA]

Mayor Gilbert made a note that CN22 has been added - amending the 2026 Apex Town Council Meeting Schedule. He added that there were members of the community here with questions about CN2 and asked staff to provide some clarity before Consent is approved.

Russell Dalton, Traffic Engineer Manager with Transportation, gave an overview of the agreement with NCDOT and questions about the design of this project. He said this project is still in the design phase and anyone that has a concern about design could contact Transportation and they would meet with them as a group to discuss the project.

A **motion** was made by **Mayor Pro-Tempore Mahaffey**, seconded by **Councilmember Gray**, to approve the Consent Agenda with the addition of CN22.

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

CN1 Agreement - Bolton and Menk Inc. - Professional Services related to Hughes Street Mixed Use Site Planning and Design (REF: CONT-2025-413)

Council voted to approve a Professional Services Agreement between Bolton & Menk, Inc. and Town of Apex, for the Hughes Street Site Planning and Design Services in the amount of \$307,700, and authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN2 Agreement - North Carolina Department of Transportation (NCDOT) - Required Federal Funds Reimbursement for Right-of-Way (ROW) Acquisition for Construction of New Sidewalk Along Tunstall Avenue and Center Street and Capital Project Ordinance Amendment No. 2026-3 (REF: CONT-2025-414 and ORD-2025-083)

Council voted to approve an Agreement with NCDOT to be eligible for up to \$429,200 in federal funds reimbursement toward a total estimated cost of \$536,500 in right of way acquisition for project BL-0173, Tunstall Avenue and Center Street Sidewalk, requiring a minimum 20% local cost match of \$107,300, and to authorize the Town Manager, or their designee, to execute on behalf of the Town, and adopt Capital Project Ordinance Amendment 2026-3.

CN3 Agreement - North Carolina Department of Transportation (NCDOT) - Review and Oversight Agreement Project No. BL-0173 - Tunstall Avenue and Center Street Sidewalk (REF: CONT-2025-415)

Council voted to approve a Review and Oversight Agreement with the North Carolina Department of Transportation (NCDOT) for BL-0173, Tunstall Ave and Center St Sidewalks, and to authorize the Town Manager, or their designee, to execute the agreement on behalf of the Town.

CN4 Agreement - Town of Holly Springs - Reimbursement for Old US 1 Highway at Holland & Friendship Road Intersection Improvements - Total Sum of \$150,253 (REF: CONT-2025-416)

Council voted to approve a Transportation Infrastructure Reimbursement Agreement between the Town of Holly Springs and the Town of Apex, for reimbursement of a portion of the Old US 1 and Friendship Road Traffic Signal Project, and to authorize the Town Manager, or their designee, to execute the agreement on behalf of the Town.

CN5 Agreement Multi-Year - Master Services Agreement - RoadSafe Traffic Systems Inc. - On-Call Traffic Control Services - December 9, 2025 through June 30, 2028 (REF: CONT-2025-417)

Council voted to approve a Master Services Agreement (MSA) between RoadSafe Traffic Systems, Inc., and the Town of Apex, effective December 9, 2025 through June 30, 2028, and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN6 Agreement Multi-Year - Master Services Agreement - Southern Grounds Control Inc. - On-Call Stormwater Utilities Repair, Replacement, or Installation - December 9, 2025 through September 30, 2027 (REF: CONT-2025-418)

Council voted to approve a Master Services Agreement between Southern Grounds Control, Inc., and the Town of Apex, effective December 9, 2025 through September 30, 2027, to perform general stormwater services and emergency on-call services for stormwater utilities including pipes, drains, facilities and associated equipment repair, replacement, or installation and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN7 Agreement Renewal and Amendment - Wake County Government - ADA Paratransit Service - Fiscal Year 2025-2026 (Revised) (REF: CONT-2025-419)

Council voted to approve ADA Paratransit Agreement Amendment and Renewal No. 3 between Wake County and Town of Apex, to renew the agreement and to update the maximum operating cost to \$132.60 per hour, and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN8 Annexation No. 798 - 2224 New Hill Olive Chapel Road - 4.80 acres (Associated Rezoning No. 25CZ13) (REF: RES-2025-073, RES-2025-074, and OTHER-2025-103)

Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for January 13, 2025, on the Question of Annexation - Apex Town Council's intent to annex 4.80 acres, located at 2224 New Hill Olive Chapel Road (PIN 0710-77-2057), Annexation No. 798, into the Town Corporate limits.

CN9 Annexation No. 807 - 8905 Castleberry Road - 3.35 acres (Associated Rezoning No. 25CZ11) (REF: RES-2025-075, RES-2025-076, and OTHER-2025-104)

Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for January 13, 2025, on the Question of Annexation - Apex Town Council's intent to annex 3.35 acres, located at 8905 Castleberry

Road (PIN 0713-71-9698 and PIN 0713-71-9580), Annexation No. 807, into the Town Corporate limits.

CN10 Annexation No. 808 - The Summit Apex - 2236 Old US 1 Highway - 0.50 acres (REF: RES-2025-077, RES-2025-078, and OTHER-2025-105)

Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for January 13, 2025, on the Question of Annexation - Apex Town Council's intent to annex 0.50 acres, located at 2236 Old US 1 Highway (aka The Summit Apex) (PIN 0720-99-4626), Annexation No. 808, into the Town Corporate limits.

CN11 Appointment - Board of Adjustment - Chair and Vice Chair

Council voted to confirm the following leadership position on the Apex Board of Adjustment (BOA) for calendar year 2026:

Robert Carmac, Chair of the Apex Board of Adjustment (BOA)

William Hart, Vice-Chair of the Apex Board of Adjustment (BOA)

CN12 Appointment - Planning Board - Chair

Council voted to confirm the following leadership position on the Apex Planning Board for calendar year 2026:

Keith Braswell, Chair of the Apex Planning Board

CN13 Budget Ordinance Amendment No. 8 - Reporting of Non-Exchange and Fiduciary Transactions Consistent w-GASB 84 Rules (REF: ORD-2025-084)

Council voted to approve Budget Ordinance Amendment No. 8 appropriating funds for transactions that are currently accounted for as liabilities to instead be budgeted as revenues and expenditures, consistent with Governmental Accounting Standards Board (GASB) Rule 84 standards.

CN14 Capital Project Ordinance Amendment No. 2026-4 - Reedy Branch Greenway Great Trail State Grant Award - \$200,000 (REF: ORD-2025-085)

Council voted to approve Great Trails State Program Grant Agreement between North Carolina Department of Natural and Cultural Resources and the Town of Apex, effective November 1, 2025 through October 31, 2026, for \$200,000 Grant Funding for the new trail development and extension of existing trails, and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

AND

Council voted to adopt Capital Project Ordinance Amendment No. 2026-4 to accept and allocate \$200,000 in grant funds for the Design and Engineering for Reedy Branch Greenway (Kelly Road to Goliath Lane) GTSP2025-0003.

CN15 Contract Multi-Year - Waste Industries, LLC dba GFL Environmental - Solid Waste and Recyclable Materials Collection, Transportation, Disposal, and Processing - June 30, 2036 (REF: CONT-2025-421)

Council voted to approve a Multi-Year Solid Waste and Recyclable Materials Collection, Transportation and Disposal/Processing Agreement between Waste Industries, LLC and Town of Apex, effective through June 30, 2036, for the collection of residential curbside solid

waste and recyclable materials, and to authorize the Town Manager, or their designee, to execute on behalf of the Town, and authorize the Town Manager, upon consultation with the Town Attorney, to execute amendments to the contract that do not increase the cost to the Town.

CN16 Council Meeting Minutes - Various

Council voted to approve Meeting Minutes from the following meetings:

October 10, 2025 - Town Council Strategic Planning Session Meeting Minutes

October 28, 2025 - Town Council Regular Meeting Minutes

November 13, 2025 - Town Council Regular Meeting Minutes

November 18, 2025 - Town Council Work Session Meeting Minutes Cancellation Statement

CN17 Deed for Highway Right-of-Way (ROW) - Conveyance to North Carolina

Department of Transportation (NCDOT) - related to Olive Chapel Road Repairs (REF: DEED-2025-001)

Council voted to conveyance of property without consideration to North Carolina Department of Transportation (NCDOT) pursuant to NCGS § 160A-274 and to authorize the Town Manager to execute the Deed for Highway Right of Way and any other associated documents to complete the transaction.

CN18 Personnel Policy Amendment - Administration of Peak Lifestyle Allowance Payments (REF: PLCY-2025-020)

Council voted to adopt an amendment to the Personnel Policies for the Town of Apex, effective December 09, 2025, related to the administration of the Peak Lifestyle allowance payments for Town employees.

CN19 Rezoning Case No. 24CZ20 Hopson Gateway PUD & Town of Apex LI-CZ - Statement and Ordinance (REF: ORD-2025-086)

Council voted to approve Statement of the Town Council and Ordinance for Rezoning Case No. 24CZ20 Hopson Gateway PUD portion, ACRE Manager, LLC, petitioner, for the property located at 0 Tingen Road (portion of) & 1341 Perry Road (portion of) (PINs 0741331566 portion of, 0741326706 portion of) and Town of Apex LI-CZ portion, Matt Wetherell, Town of Apex, petitioner, for the property located at 0 Tingen Road (portion of), 1341 Perry Road (portion of), 0 Perry Road (PINs. 0741331566 portion of, 0741326706 portion of, 074142922).

CN20 Rezoning Case No. 25CZ15 Veridea Expansion IV - Statement and Ordinance (REF: ORD-2025-087)

Council voted to approve the Statement of the Town Council and Ordinance for Rezoning Application No. 25CZ15, Todd Rechler, RXR Realty, petitioner, for the properties located at 0, 0, 0, 3142, 3138, 3130, 0, & 3134 Veridea Pkwy; 0 Technology Dr (portion of); and 6300 King David Ct (PINs 0740167653, 0740078021, 0740558687 (portion of), 0741117192, 0730977967, 0740081019, 0740082199, 0740082327, 0740070950, & 0740283126).

CN21 Tax Report - October 2025 (REF: OTHER-2025-106)

Council voted to approve the Apex Tax Report dated November 17, 2025.

CN22 Town Council Meeting Schedule Amendment - Calendar Year 2026 (REF: OTHER-2025-108)

Council voted to amend the Apex Town Council Regular Meeting Schedule for Calendar 2026.

[REGULAR MEETING AGENDA]

Mayor Gilbert noted there were changes to the Regular Meeting Agenda. He said first was switching PH4 with PH5 and that the Rezoning will be heard with the Transportation Plan Amendments, and the Environmental Enhancement Plan is proposed to be separate from the rezoning. The next item to change was the deferral of PH7 to the January 13, 2026 Council meeting and the final change was to remove NB1 and defer consideration to the December 16, 2025 Work Session meeting.

A **motion** was made by **Mayor Pro-Tempore Mahaffey**, seconded by **Councilmember Gray**, to approve the Regular Meeting Agenda, with the switching of items PH4 and PH5, the deferral of PH7 to the January 13, 2026 Regular Town Council Meeting, and the deferral of NB1 to the December 16, 2025 Work Session.

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

[UPDATES BY TOWN MANAGER]

Town Manager Vosburg gave the following updates:

Cigna-UNC Network Update - UNC went out of network with Cigna effective December 1st, impacting employees and families. UNC and Cigna are in active negotiations, with meetings continuing through the evening and hope for resolution tonight, and a counterproposal submitted by UNC yesterday (December 8, 2025) is under review. Employees have experienced appointment cancellations; leadership is hopeful disruption will be resolved imminently.

Staffing - Kathy Moyer has been hired as Electric Director, joining Apex from ElectriCities where she served as COO. She is an Apex resident and Peak Academy graduate and will begin in January.

Events & Programs

- Holiday Tour of Lights: December 6th – 31st, 6–9 p.m.; maps available online.
- Snowman Stroll: December 5th – 14th in downtown Apex with a passport available from Economic Development to get stamps from participating businesses.
- "Astrix the Little Star" play/musical: December 12th – 14th at the Halle Cultural Arts Center.

DRAFT | DECEMBER 09, 2025 REGULAR TOWN COUNCIL MEETING MINUTES

- Hanukkah Festival: December 14th, 3-6 p.m. at the Apex Senior Center, concluding with menorah lighting.
- Movie in the Park: December 19th at Pleasant Park (sold out).
- Apex Friendship High School Band Holiday Showcase: December 20th, 3-4 p.m. at Halle Cultural Arts Center.

Meetings - Work Session is Tuesday, December 16 at 3:30 p.m. Topics will include Peak Plan 2055, Community Readiness Plan, Capital Investment Plan, and Salem Streetscaping.

Community Events Recap - Rotary Parade and Tree Lighting were successful despite cold weather and some band cancellations.

Town Closures

December 24th - 26th for Christmas.

January 1 for New Year's Day.

Employee Recognition - Annual employee awards ceremony recognizes nearly 70 employees, recognizing employees with 5 years of service up to 25 years, including eight with 25 years of service.

Award recipients included:

- Closer Award: Emily Woody (Electric)
- Community All-Star: Ellison Lambert (PRCR)
- Team Captain: Melissa Stuart (Public Works)
- All-Star Team: Julia Blonshine, Kendall Hart, Jenny Jessen
- Special Administration Peak Award: IT Department
- Rookie of the Year: Marlene Alvarez (Ask Apex/CDNC)
- Coach of the Year: Samantha Ewens (Inspections & Permitting)
- Audra Killingsworth MVP Award: Jessica Sloan (Water Resources)
- Finance & Billing won the Spirit Week "Deck Your Desk" competition.

Utilities Update - Water meter exchange program was completed and electric meter replacement underway: 4,000 completed, with 28,000 remaining the completion expected by next fall. Electric meter read success rate is 99%.

Ask Apex & Billing Performance - Ask Apex handles 90% of calls; average wait time is 1 minute 31 seconds and the Utility billing call volume continues to decline. Billing cycle lengths have normalized at 10 periods for cycle one with an average of 30 days for both cycles.

Variance & Backlog Reporting - Cycle 1 variances reduced from 5,469 (October) to 945 (November) to 865 (December) and Cycle 2 variances reduced from 5,919 (September) to 2,567 (October) 1,125 (November) with December data pending. There are 75% of backlog cases resolved with 250 remaining, primarily related to bill reviews and solar. Full resolution is expected to extend slightly into January and the electric meter upgrades will help streamline solar billing in the future.

[PUBLIC FORUM]

First to speak was **Patrick Campbell** of 3717 Jordan Shires Drive:

"My name is Patrick Campbell, and I reside at 3717 Jordan Drive. For the last three months, my fellow town residents have been speaking with you about our increasing concerns over the currently proposed 300-megawatt data center. This data center is being developed by a developer whose largest completed data center to date is 30 megawatts, a developer who has made it completely clear that their only involvement is to have the project rezoned, close on the property, and immediately put the property up for auction to the highest bidder, at which time they currently have four people bidding. It is clear to everyone that the developer's only concern is making as quick a buck as possible while minimizing any physical work or responsibility, that they have no idea how many buildings will be installed, where they will be located, what the building dimensions will be, how the buildings will be cooled, what kind of waste the buildings will give off, or even how many people will be employed. All developer talks contain the same word, conceptual, whenever describing anything detailed. For a reported \$1.3 billion project, the lack of detail is deafening and screams of, "We don't want to tell you what will actually be installed because you won't vote for us." What we can infer from all the discussions the developer has had in open forum, whether at the public meetings they have hosted or the Environmental Advisory Board, is that they continue to hold up their previously built 30-megawatt data center as the example people should expect and not worry so much about what they are doing here, expecting that our town residents not think for themselves. One of the hard parts of writing this speech is trying to describe the difference between a 30-megawatt data center and a 300-megawatt data center. Thanks to the Apex Fire Department last night, responding to an issue in my neighborhood last night, I think I figured out a good analogy. A 30-megawatt data center is typical to a sedan, a Ford Fusion, as a 300-megawatt data center is to a fire engine. A Ford Fusion will get you where you need to go, does not typically disrupt your neighbors in their houses when driving past at night, and has decent gas mileage. A fire engine, which is ten times the weight of a Ford Fusion, is two to three times the length, can easily be heard in your house as it drives past on a street, even with no lights or sirens, has horrible fuel economy, and has the potential devastation in the event of an accident that is far greater than that of a Ford Fusion. By the way, congratulations must be presented to the developer for trying to sneak a 300-megawatt power plant into the town of Apex under the guise of light industrial

1 zoning, as that will be the on-site power generation capability of the proposed data center,
2 with approximately 120 standby generators and the permanent on-site storage of over
3 500,000 gallons of diesel. For comparison, that is more than five Costco gas stations' worth of
4 fuel on one site. Speaking of the developer's plan to provide power to the proposed data
5 center, the developer has decided to bypass the Town of Apex Electric Utility to work out a
6 MOU directly with Duke Energy. Having been part of these kinds of deals in the past, I have
7 the experience and knowledge to explain why they are bypassing the Town of Apex.
8 It is not due to the Town of Apex Electric Utility's inexperience with substations, seeing as they
9 run six substations and are starting their seventh within the next 18 months. It is because
10 transmission line operators provide pricing incentives for very large loads, with incentives
11 variable depending on the size of the load. You are probably asking yourself, what does that
12 mean by loads and incentives? A load is how much power KW, your house, building, or group
13 of buildings uses per hour, thus you get kilowatt per hour. The typical incentive a utility can
14 use is agreeing to lock in a set kilowatt-hour rate for an extended period of time. Typical
15 extended periods of time are from one to ten years for loads between 50 and 200 megawatts.
16 For a load of 300 megawatts, the extended period will likely be between ten and twenty
17 years, locked in at roughly four cents per kilowatt hour. Just to make sure that we understand
18 each other, the residential rate for Apex is eleven cents per kilowatt hour. Why am I bringing
19 up Duke Energy providing electric power over Apex Electric Utility? What is the issue? The
20 issue is that electric and natural gas billing rates typically rise between 15 and 25 percent year
21 over year in areas near data centers, if you just Google electric power rate increased by data
22 centers for the news articles and hard data. But while our power bills go up year over year,
23 data centers that are signed with transmission organizations are heavily protected by ironclad
24 MOUs. To clarify what that means: if you are paying \$250 a month for electricity today, you
25 can expect to be paying roughly \$700 a month within seven years. That accounts for the two
26 years it takes to build the data center and the fact that there are currently 40 data centers in
27 the works around the county. Why seven years' time? It takes approximately 2 years to build
28 and commission data centers, once the property is zoned and permits are issued, most
29 people in Apex will not immediately be affected. That will change one year after it goes live,
30 when power bills begin rising at an alarming rate. These are just a few reasons why we, the
31 residents of Apex, demand data-center-specific zoning in the Town UDO, with strict building
32 ordinances for any data center estimated at 30 megawatts or greater. Some of these stricter
33 ordinances include the requirement of any properties that request to be annexed into the
34 Town of Apex for access to town utilities must use utilities provided by the Town of Apex, with
35 the only exception of natural gas, which the town does not offer. The data center developers
36 are only interested in having the property annexed for two reasons: water and sewage. If the
37 Town of Apex Electric Utility is the utility provider for the data center, then the data center
38 doesn't get their twenty-year MOU pricing fixed pricing at four cents per kilowatt hour. The
39 data center gets hit with yearly rate increases as Duke Energy Transmission will increase
40 power rates on a year-over-year rate on basis, by the way, thank you for hiring the person
41 from ElectriCities, as she is well aware of these situations. For everyone except those lucky few
42 working under private NDAs, their neighbors and local officials never learn of the sweetheart

1 deals in place, which is exactly what is occurring right now with Duke Energy Transmission.
2 The data center does not get power while the rest of the town is in brown or blackout
3 conditions due to not being enough capacity on the grid to support the town load.
4 With regards to the noise ordinance, the noise requirement of no greater than 55 dBA dbc at
5 the property line during the daytime and 45 dba dbc at the property line during the
6 overnight period. This includes when all on-site generators are active. Any engineer that says
7 they cannot meet the goal is saying due to trying to keep the cost down and willing to
8 gamble that the town will not push the issue. It's called engineering controls. Anyone that's
9 taken OSHA or any engineering classes is well aware of this. This requirement needs to be
10 kept as the exterior noise will not be entering their buildings. It would affect their servers. If
11 they can insulate the building to keep outside noise from intruding and disturbing their
12 servers, then they can insulate the generators to keep the noise from escaping to the
13 property line of almost 200 acres. Finally, as a Fortune 100 company will almost certainly be
14 the ultimate owner of this site, we strongly request that daily penalties for noise ordinance
15 violations specific to data centers zoning be set at a minimum of \$1 million per day, as any
16 less would just be factored into the cost of just doing the business and ignored by companies
17 that use the word trillion to describe their worth. To make this as clear as possible, no matter
18 how often the developer swears they will be here for the full design, build running of this
19 facility, they have stated point blank on numerous occasions that they are selling this property
20 as soon as the property is rezoned. Please trust them the same way you would trust a car
21 salesman who says he will be there if problems occur but reminds you that all sales are final
22 and to contact the 1-800 number for warranty issues. Thank you for your time, and I hope
23 everyone has happy holidays."

24
25 **Mayor Gilbert** thanked the speaker and called up the next speaker.
26

27 Next to speak was **Morgan Campbell** of 3717 Jordan Shires Drive:
28

29 "Hi, my name is Morgan, and I am here to talk about data centers. I know some of you
30 all want to put in a data center near my home, and a lot of us disagree on that, but there's a
31 tiny problem with putting in data centers. That's a 300-megawatt center. It takes up so much
32 energy. As you might have heard, two people had found their forever home, but their home
33 was near a data center, and their water and air got polluted, and they had to move. And I
34 don't think that's what anyone wants to happen to Apex. So, join us, instead of putting in a
35 data center, try to think of something else you can put in that won't mess around with anyone
36 else's home or neighborhood."

37
38 **Mayor Gilbert** thanked the speaker and called up the next speaker.
39

40 Next to speak was **Dr. Michelle Hoffner O'Connor** of 2664 Jordan Pointe Blvd:
41

1 "It has been a long fall for some folks in this room. Many have learned things they
2 never imagined they would, and others are understandably very fearful of their future for their
3 homes and families. Here's a few reasons as to why. The data center intends to utilize diesel
4 generators as a backup power source. The regular exercising of these generators exposes
5 citizens to harmful pollutants, including nitrogen and sulfur oxides and fine particulate matter,
6 affecting everything from asthma attack frequency and severity to cancer development. I
7 reference my speech from October 14th for the record for further details concerning this.
8 Also, the developer is expecting these generators will be exempt from sound ordinances.
9 Whether via water or air, we will experience increased PFAS exposure, which will further
10 contaminate our environment and affect our health. I reference my spoken and written
11 remarks from November 13th for the record for further information. The developer has not
12 discussed refrigerants at all, even though most data centers utilize these and they do release
13 PFAS gases. On the other hand, while they claim that the water will be polished before it
14 enters the cooling towers, PFAS removal is not considered to be standard in that process,
15 which means a more concentrated pollutant will be sent back to the water reclamation facility
16 and emptied into the basin, or it will be released via the blowdown. To further elaborate on
17 the issue of polishing, the developer does not acknowledge that potent biocides will need to
18 be used to limit bacterial growth in the cooling towers. Incidentally, biocides are for
19 mitigation, not prevention. We should absolutely expect biofilms to form given the ideal
20 moisture content and temperature, and that aerosolized bacteria such as Legionella will travel
21 up to 12 kilometers and will kill 5 to 15 percent of those who develop Legionnaires' disease.
22 The 60-awaited decibel request will be disruptive to our sleep, cause neurological and
23 psychiatric problems, and even exacerbate conditions like hypertension. A lower awaited
24 decibel mandated by the town will not fully address the problem, as DBC is the most accurate
25 to address lower frequency sounds. On November 12th, their sound engineer could not
26 answer my question concerning an acceptable DBC level for the human ear. As an expert, you
27 would think he could answer a basic question related to hearing, but like the rest of their
28 team, expertise is in short supply. This project is a zebra in a metaphorical field of horses that
29 are actually light industrial businesses. The resource use alone is damning, but the flagrant
30 disregard of the developer for things that will cause harm to the community should be the
31 nail in the coffin. They are offering next to nothing in terms of best practices because they
32 don't want to restrict the end user, and that should tell you that the end user won't care about
33 this town either. Amazon is responsible for rapidly increasing environmental nitrate levels that
34 have resulted in health problems for people in Oregon, and Meta has contaminated people's
35 wells in Georgia, just to quickly name a few examples. We cannot and should not allow these
36 harms to threaten people's livelihoods here in Apex. So, with that, I hope you all have a happy
37 holiday, and you consider this during your quiet time off."

38
39 **Mayor Gilbert** thanked the speaker and called up the next speaker.

40
41 Next to speak was **Glenn Rinne** of 3537 Jordan Shires Drive:

1
2 "The title of my talk is *Gaming the System*. Let me start by saying I do not believe that
3 New Hill is an acceptable site for the data center. However, we may not be successful in
4 preventing a data center in Apex. So, we must ensure that our codes and ordinances are
5 sufficient in preventing undesirable impacts on our community. Remember, they have more
6 lawyers than we do. In the small town of Box town in Memphis, Tennessee, a huge data
7 center was built, permitted for 15 generators. xAI installed 35. The installation of the
8 additional 20 generators used a weakness in the UDO that allowed temporary generator use
9 for 364 days. No permits were required, so the generators lack the required pollution
10 controls. Another common loophole is called the emergency waveform. It allows the use of
11 generators which exceed federal and local noise and environmental limits. Poor definitions of
12 emergency have allowed 24/7 generation because Memphis Power Company needs time to
13 increase generating capacity. By the way, during hot days here when the electricity demand
14 is high, Duke Energy asks the wastewater reclamation facility to switch over to their
15 generators because there's not enough power available for the grid. Will the data centers
16 have to use their generators when the grid is heavily loaded? In just 17 hours, these
17 generators can emit enough particulate matter to reach the EPA limit over all of Apex to a
18 height of 100 meters. Natelli Investments held a community meeting and assured us that they
19 are designing the data center to be well within the codes and ordinances. For example, if the
20 noise limits are 60 dB at the property line, they will design for 50 dB. But then, answering
21 another question, they stated they won't be building the data center, the user will. Is there
22 any legal requirement for the user to honor Natelli's promises? In both meetings, Natelli
23 argued that doubling the number of generators doesn't double the amount of sound. It only
24 increases it by 3 dB. The decibel is a logarithmic scale used by engineers, where the increase
25 of 3 dB means twice as much sound. They're using technical terms to try to deceive us. Natelli
26 promised to pay the town of Apex the cost of hiring sound engineers. We need to hire the
27 best engineers to ensure that the noise studies and designs are technically valid. These
28 promises are easy to make if you aren't the one that has to honor them. We must codify these
29 promises into ordinances. I reserve the rest of my time for the next meeting. Thank you."

30
31 **Mayor Gilbert** thanked the speaker and called up the next speaker.
32

33 Next to speak was **Dawn Cozzolino** of 3632 Bosco Road:
34

35 "Good evening, Mayor, Council Members. North Carolina's former Attorney General,
36 now Governor Josh Stein, said it best: North Carolinians shouldn't be charged junk fees for
37 basic rights or services. Transparency is a core obligation of government, not a revenue
38 source. I'm here regarding the proposed public records fee that's in the consent agenda
39 tonight. North Carolina law is clear. Local governments cannot charge for digital records
40 unless a request requires something truly extraordinary. Routine emails, PDFs, and
41 spreadsheets do not meet the threshold, and charging for them violates Chapter 132. Under
42 North Carolina General Statute 132-6.2B, a fee is allowed only when a request requires

1 extensive clerical work, supervisory involvement, or IT resources, meaning beyond normal
2 government duties, not simply large or inconvenient requests. UNC School of Government
3 guidance confirms free access is the rule. The government bears the burden to prove a
4 request is unusually intensive. Digital records have no copying cost, and any fee must reflect
5 actual cost, not staff value, a budget offset, or a deterrent. The town is treating this narrow
6 exception as the rule. Their claimed eight-day median and sixty-four percent ten-day
7 completion rate does not match my own experience, as I have come before the Council
8 before. This is a process and compliance problem, not a fee problem, and charging residents
9 for internal delays solves nothing. To the newly elected officials that we have before us
10 tonight, your oath is to uphold the U.S. and North Carolina constitutions, requiring protecting
11 the public's right to records, and any fee that restricts access violates both the law and that
12 oath that you took. Chapter 132 provides real consequences: court orders, attorney fee
13 awards, and civil penalties. Transparency must come before politics or revenue, and Apex
14 should be the model of compliance, not a test case. I urge you to reject this fee and this
15 narrow legal exception, and that public records again belong to the public, not the town.
16 Thank you."

17
18 **Mayor Gilbert** thanked the speaker and called up the next speaker.
19

20
21 Next to speak was **Pastor Green** with 700 Center Street of Christian Home Christian
22 Church:

23 "Thank you, Mr. Mayor, for allowing me to address this council. I will not need nine
24 minutes. I normally preach close to an hour, but I'll be less than three minutes because my
25 wife is here as well. I am Reverend Dr. George Green. Seven hundred Center Street is our
26 location. It is the Christian Home Christian Church, and we have occupied this grid square
27 since 1864, 1865. As a matter of fact, we have been in existence nine years longer than, or
28 before, the inception of Apex itself. And I will start by saying that I have reached out today by
29 telephone call to every Council person sitting in my presence, and I don't know what the wait
30 time on that is but I did ask that the CN2 be withheld from the consent agenda. This safe
31 route sidewalk project, if implemented in the design that we have received the rendering, will
32 be detrimental and will present a huge safety issue. We will lose our parking and will be
33 literally into the street. My second point is that I don't feel that we have been communicated
34 with properly, last night was my first even hearing of this, and I learned this from a neighbor
35 across the street. I have not received any official notification from this Council or Apex at all.
36 You are the guys that deemed us a historical site, and we're just asking for some respect. I'm
37 glad to hear it's still in design because we'd like to have some input about this. So, this is a
38 tremendous project. We've done some studies and things of that nature after finding out
39 about it, and I'll just let Mr. Stam talk about that but thank you so much for your time, and I
40 want to honor your time."

1 **Mayor Gilbert** thanked Pastor Green.

2 Next speaker was **Paul Stam** of 714 Hunter Street:

3 "Ladies and gentlemen, members of the council, Mr. Mayor, I'm Paul Stam. I live at 714
4 Hunter Street, just two blocks that way. I've been living here in Apex for 49 years. I know this
5 area pretty well, the area in question. I heard about the dispute about a week ago, maybe
6 eight days ago, and heard about the meeting tonight earlier today. The problems are many.
7 First of all, I contacted the Engineer, who put me in touch with the Planner. The planner did
8 not indicate that there would be a meeting coming up but did give me some reasons why this
9 project is on the agenda. One, school walking safety. I'm in favor of that. Many years ago,
10 when I was town attorney, I helped do the sidewalks on Hunter Street to get to Baucom, and I
11 helped Mayor Pro Tem Atwater to get sidewalks elsewhere, for example, Apex Elementary. I'm
12 all in favor of that. But guess what? Kids don't walk where the church is. Mr. Atoji lives right
13 there, and he helped count last Monday the number of kids walking there to school in the
14 morning and the afternoon. Zero in the morning, one in the afternoon. This is not a school
15 safety issue. Second, I was told by the Planner, or maybe it was the Engineer, but one of them,
16 that they were assuming a 50-foot-wide current right-of-way and I have not had the
17 opportunity to do the title search necessary to determine if that's true but my current belief
18 and working assumption is that that is not a 50-foot right-of-way because it is not actually
19 dedicated to the town rather, it's just been used for many decades, back in the 1950s
20 probably, when Sam Blackwell, you may have heard of Sam Blackwell, took his bulldozer
21 there and made it. When that's the way that a street is obtained and there's nothing recorded,
22 the Department of Transportation only has access to title to the limits of highway
23 maintenance, which is usually the back of the ditch, here is no ditch here and in my opinion,
24 sitting today, but subject to being corrected, is that the width on this side of the church is 11
25 feet, not 25 feet. So, the cost to the town will be much, much greater than what the
26 documents I saw on the record tonight indicate. It will be much greater, and there'll be a
27 safety problem because the parking spaces that are right there will immediately back into the
28 street, as if you were downtown, and it's not a really good thing. The third thing I did was
29 wander around these streets several times. I'm very familiar with it, my kids went to Apex
30 Middle School, a lot of my friends live in this area in between. This is not the way to go to get
31 to school. It doesn't go directly to the school like another street would. Instead, you have to
32 make another quarter-of-a-mile jog to get to where school lets out. It's not a good location for
33 this. When do the people get a chance to talk about the location? Of course, there'll be
34 discussions about design. There'll be resolutions required to acquire property by eminent
35 domain from people who've lived there, in the case of the Atojis, 30 years, and the church
36 that's been there since 1865. There'll be eminent domain required. This should be rethought,
37 and we would ask you to defer the agenda item for at least a month so we can get to the
38 bottom of the reasons. One of the reasons was residents' requests. It wouldn't surprise me if
39 there were a lot of residents' requests up near 55, but I'm sure there weren't a lot of residents'
40 requests down toward Center Street, because the Planner can tell us where the request came

DRAFT | DECEMBER 09, 2025 REGULAR TOWN COUNCIL MEETING MINUTES

1 from. And with that, I'll conclude and appreciate you letting us be heard this evening. Thank
2 you very much."

3
4 **Mayor Gilbert** thanked the speaker. He said that there was noted a written statement.

5 **Town Clerk Coleman** said that the written statement would be included in the official
6 record and that the written statement was from Star Lyon.

7 *Clerk's Note: This Statement was emailed to the Town Council and requested to be*
8 *included in the official record.*
9

10 *****

11 *To the Apex Town Clerk and Town Council,*
12 *I respectfully request that this statement be entered into the public record and provided to all*
13 *Council members before your vote.*

14 *December 9 Forum Statement - Wrongful Termination and Retaliation*

15 *Star Lyon 15 Otelia Ct*

16 *Lillington, NC 27546*

17 *To the Apex Town Council,*

18 *I am submitting this statement for the public forum record and request that it be delivered to*
19 *all Council members before your vote.*

20 *On July 23, 2025, I was terminated by the Town of Apex two months after my EEOC Right to*
21 *Sue expired on May 21, 2025. This termination followed my protected activity of filing a*
22 *charge of discrimination and retaliation.*

23 *The Town verbally claimed that I had exhibited misconduct for years; however, I received no*
24 *verbal or written warnings, no poor evaluations, and no progressive discipline as required by*
25 *Article IX of the Personnel Policy. Instead, I was handed a paper at termination citing Article IX*
26 *violations for the first time, without prior notice or documentation. This contradiction exposes*
27 *a fabricated justification.*

28 *I was subjected to detrimental personal conduct by Olga Gomez. To ensure fairness, I*
29 *requested a neutral third-party mediator and the presence of the new HR Director, but my*
30 *request was denied. Ms. Gomez remained employed and was only formally disciplined weeks*
31 *later before resigning. Under Article IX, such conduct requires immediate discipline. Instead, I*
32 *was terminated while she was protected. This unequal enforcement of policy demonstrates*
33 *retaliation and violates the Town's own standards.*

34 *I filed an EEOC charge, a protected activity under federal law. HR, the Assistant Town*
35 *Attorney, and the Town Manager all knew of my filing. My termination came two months after*
36 *my Right to Sue expired. Even if the EEOC did not find cause in my initial filing, the law on*
37 *retaliation is clear: employers cannot punish employees for engaging in protected activity. The*
38 *EEOC's closure does not absolve the Town.*

39 *The Town also ignored my grievance filings and Final Demand for Resolution, violating Article*
40 *X of the Personnel Policy, which requires a fair resolution process. The Council remained silent*
41 *despite documented outreach, and three closed sessions were held under NCGS §*
42 *143-318.11(a)(6), which permits discussion of grievances and personnel matters.*

43 *This statement is submitted to you before your vote. The Town cannot hide behind at-will*
44 *employment or fabricated misconduct claims. Authority does not equal immunity. Retaliation*
45 *is unlawful, policy violations are undeniable, and unequal treatment is documented.*

Resolution is not optional; it is your duty to uphold justice, enforce your own policies, and restore public trust.

Respectfully, Star Lyon

Email: starlyon626@gmail.com Phone: 910-808-8059

Mayor Gilbert closed Public Forum and thanked all who came out to speak.

[PUBLIC HEARINGS]

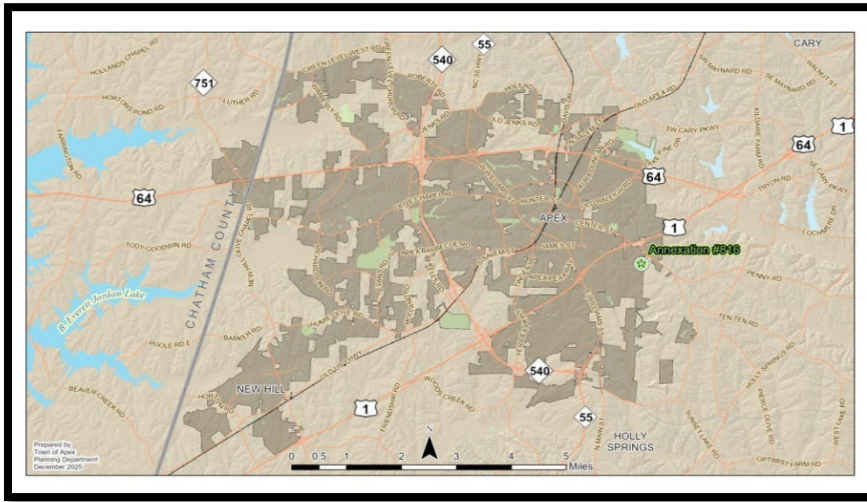
PH1 Annexation No. 816 - 1000 Classic Road - 2.59 acres

Dianne Khin, Director, Planning Department gave the following presentation on Annexation No. 816 - 1000 Classic Road - 2.59 acres in the far easter portion of Apex's jurisdiction.

[SLIDE 1]



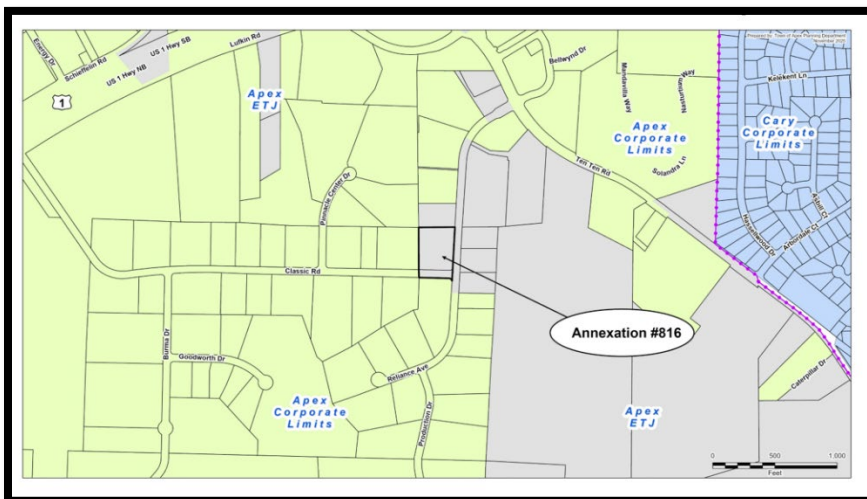
1 [SLIDE 2]



2
3 [SLIDE 3]

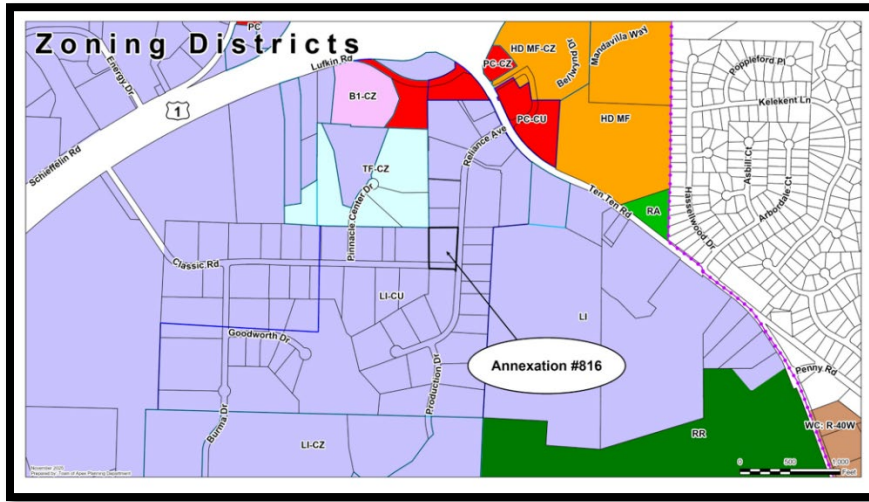


4
5 [SLIDE 4]



6

[SLIDE 5]



Director Khin said staff recommended approval of the annexation and opened for questions.

Mayor Gilbert asked if there were any questions, hearing none he opened Public Hearing, with no one signed up to speak he closed Public Hearing. He asked if there was a motion.

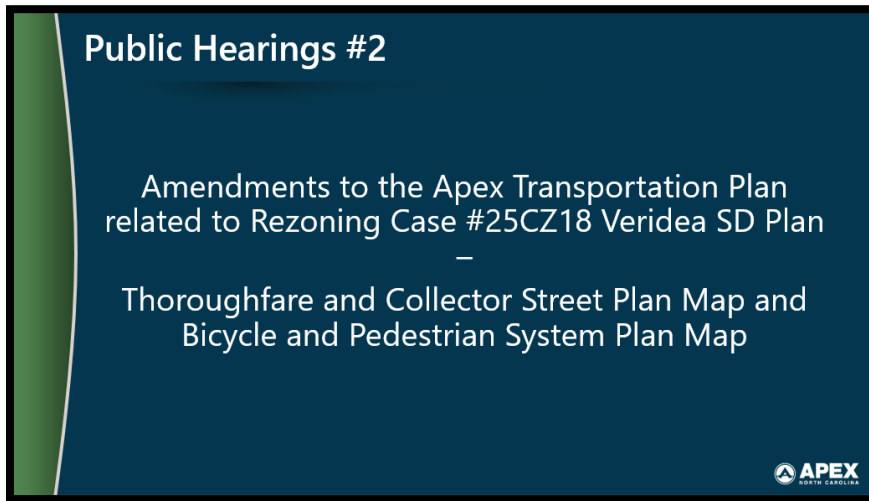
A **motion** was made by **Councilmember Gray**, seconded by **Councilmember Reese** to approve Annexation No. 816 1000 Classic Road.

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

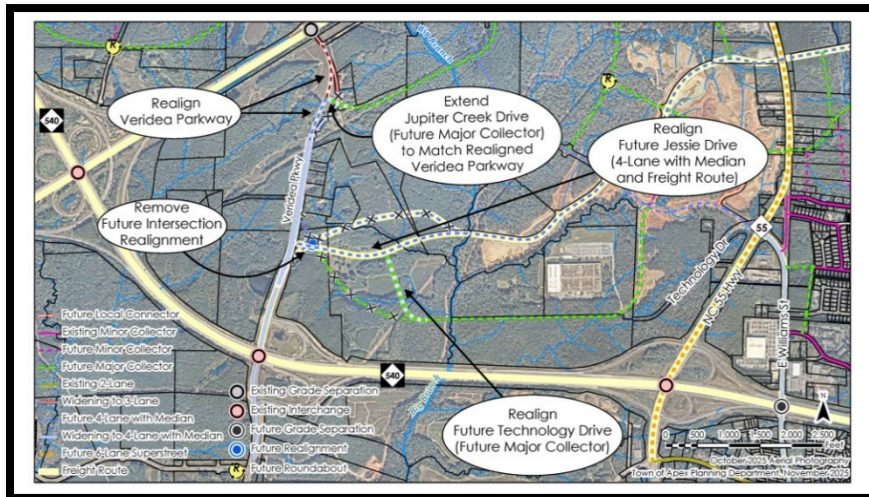
PH2 Apex Transportation Plan Amendments - Veridea - Thoroughfare and Collector Street Plan Map and Bicycle and Pedestrian System Plan Map

Shannon Cox, Long-Range Planning Manager, Planning Department said this is the first of three related Public Hearings and asked to wait until the third item to vote when all of the information will be given. She gave the following presentation:

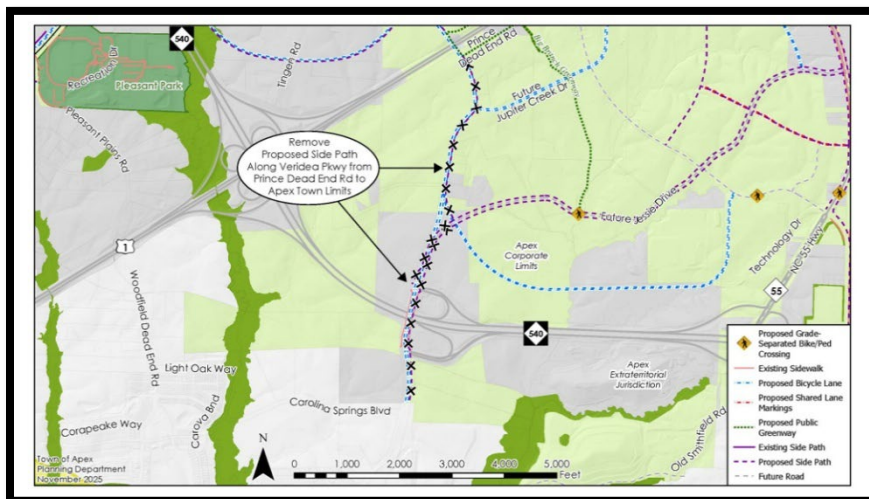
1 [SLIDE 1]



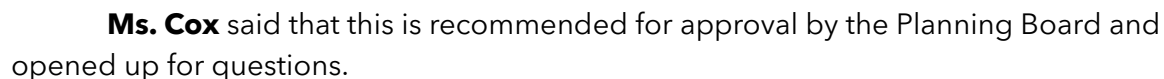
2
3 [SLIDE 2]



4
5 [SLIDE 3]



6



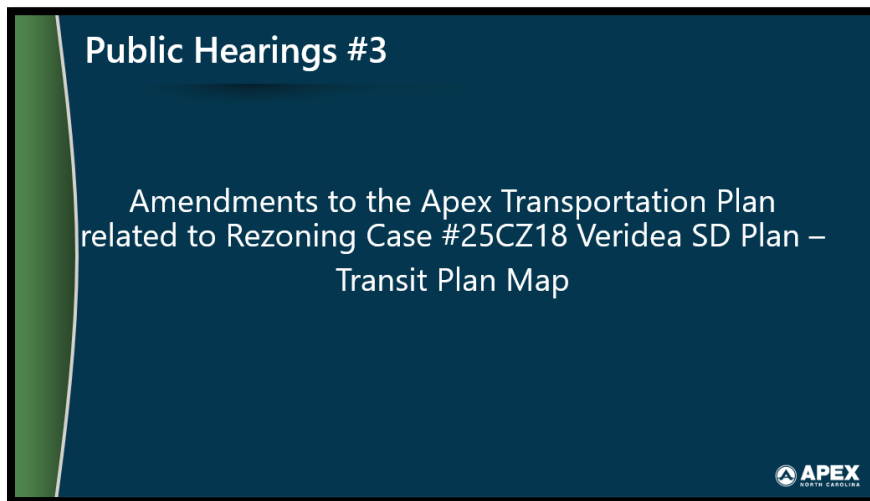
Ms. Cox said that there have been changes in “best practice” and federal highways has put out recommendations for certain facility types based on travel speeds and volume, so for a roadway like Veridia Parkway the recommendation is that the bicycle facilities are vertically separated from traffic.

Ms. Cox said that it would apply more to thoroughfares and less to collectors and residential streets.

Mayor Gilbert opened up for Public Hearing and with no one signed up to speak, he closed Public Hearing and moved to the next item.

Shannon Cox, Long-Range Planning Manager, Planning Department gave the following presentation:

1 [SLIDE 1]



2
3 [SLIDE 2]



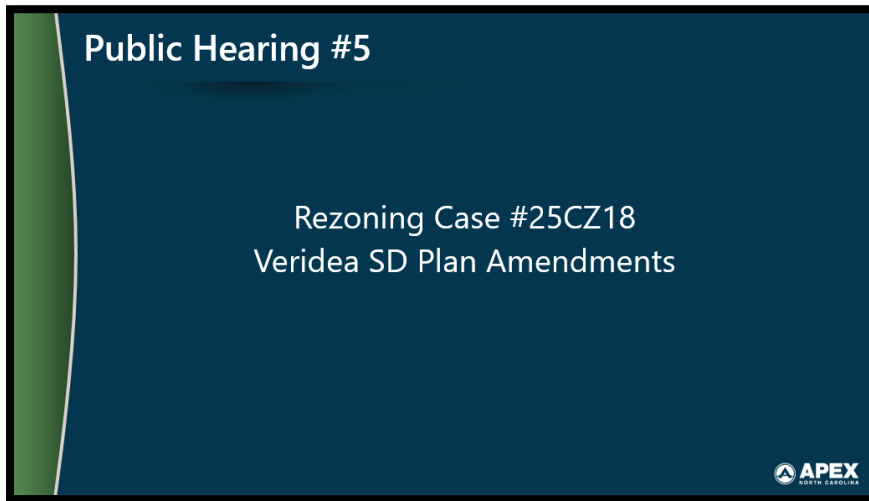
4
5 **Ms. Cox** said that this is recommended for approval by the Planning Board and
6 opened for questions.

7
8 **Mayor Gilbert** opened Public Hearing and with no one signed up for comment, he
9 closed Public Hearing and moved to the next item.

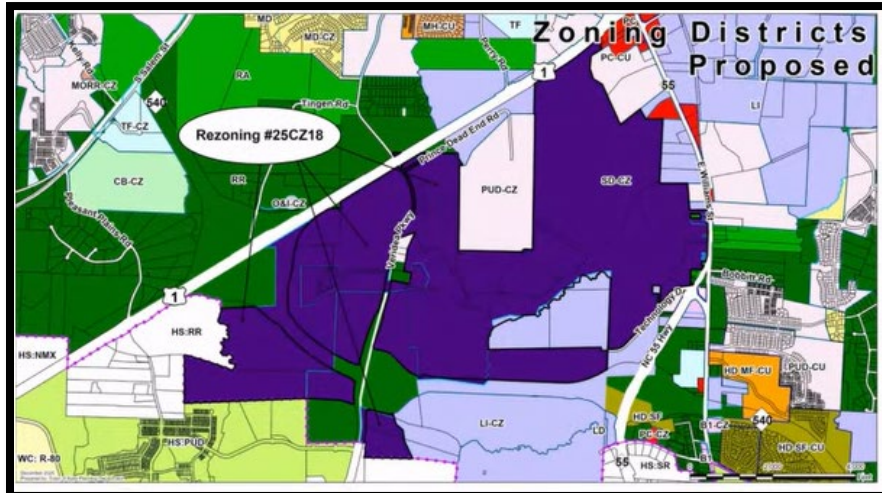
10
11 **PH4 Rezoning Case No. 25CZ18 - Veridea SD Plan Amendments**

12
13
14 **Amanda Bunce**, Assistant Director, Planning Department gave the following
15 presentation:

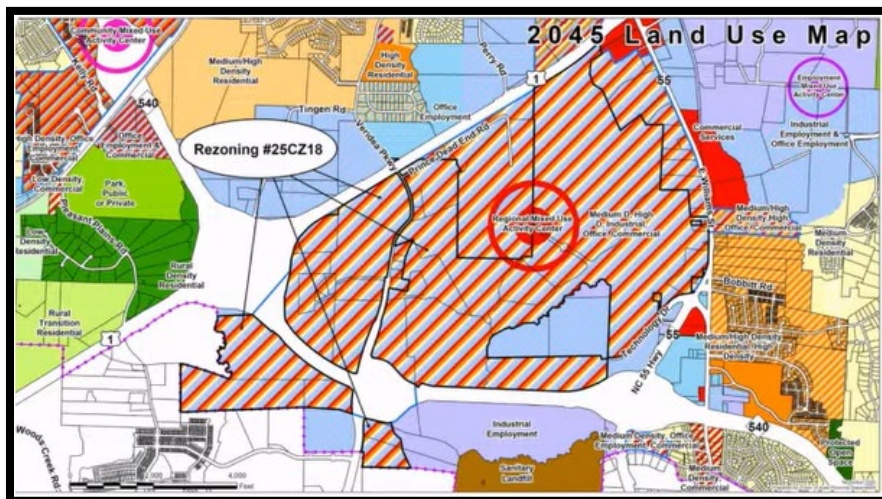
1 [SLIDE 1]



2
3 [SLIDE 2]



4
5 [SLIDE 3]



6


1 [SLIDE 4]

Summary of Proposed Amendments

Part 1: NCC Hospital Campus

Modifications, exemptions, and additions requested for the hospital campus relate to standards for the following:


1. Modification that Responsible Party does not have to provide a written statement indicating approval of any site plan or subdivision plan submitted on the NCC hospital campus;
2. Exemption from the energy efficiency goal;
3. Exemptions or modifications to design standards including limitations on A-Grid (pedestrian-oriented) and B-Grid Zones (vehicle-oriented), treatment of street frontages, glazing, lot width, block perimeter, build-to/maximum setbacks, rear loading, building disposition, and location of parking and entrances; and
4. Addition of four (4) bus stops with certain amenities located west of Veridea Parkway and within ¼-mile of a healthcare building.



2
3 [SLIDE 5]

Environmental Enhancement Plan (EEP) History

- Adopted in February 2023 as a requirement of the SD Plan to provide for additional sustainability standards
- The EEP includes sections related to the following:
 1. Building Standards (Energy, Water Efficiency, Indoor Air Quality, and Material Management)
 2. Environmental and Natural Resource Protection (Resource Conservation Area)
 3. Stormwater & Surface Water Management (Stormwater Management, Water Conservation, and Surface Water Enhancement)
 4. Land Management (Sedimentation & Erosion Control Standards, Waste Minimization, Perimeter Buffers, Landscaping)
 5. Air Quality Protections




4
5 [SLIDE 6]

Summary of Proposed Amendments

Part 1: NCC Hospital Campus

Modifications, exemptions, and additions requested for the hospital campus relate to standards for the following:

1. Modification that Responsible Party does not have to provide a written statement indicating approval of any site plan or subdivision plan submitted on the NCC hospital campus;
2. Exemption from the energy efficiency goal;
3. Exemptions or modifications to design standards including limitations on A-Grid (pedestrian-oriented) and B-Grid Zones (vehicle-oriented), treatment of street frontages, glazing, lot width, block perimeter, build-to/maximum setbacks, rear loading, building disposition, and location of parking and entrances; and
4. Addition of four (4) bus stops with certain amenities located west of Veridea Parkway and within ¼-mile of a healthcare building.



6


1 [SLIDE 7]

Summary of Proposed Amendments

Part 2: Veridea

Modifications, exemptions, and additions requested for the remainder of Veridea relate to the following:

- Elimination of references to rail and the land reservation for future rail land dedication;
- Modification to the standard related to Perry Rd at US 1 to change the requirement from an interchange to an overpass consistent with the Apex Transportation Plan;
- Exemption of any hospital and hospital related use from the maximum authorized development in Section 4.2.2.b (Staff Note: the hospital use and its accessory uses are classified as Civic in the SD Plan and would not be interpreted as being Office/Industrial or Retail. This exemption codifies that interpretation.);



2
3 [SLIDE 8]

Summary of Proposed Amendments


Part 2: Veridea

- Exemption from the development thresholds in Section 4.2.4 upon commencement of development work on the NCC hospital campus.

RESIDENTIAL CONTROL		
DU BP's	Minimum Required	
	Retail SF C/O's	OBI SF C/O's
1 - 1,000	0	0
1,001 - 3,000	75,000	245,000
3,001 - 4,000	350,000	900,000
4,001 - 6,000	875,000	1,200,000
6,001 - 8,000	1,400,000	3,000,000
8,001 - 8,000	1,750,000	4,800,000

RETAIL CONTROL		
Retail SF C/O's	Minimum Required	
	DU BP's	OBI SF C/O's
0 - 1,200,000	0	0
1,200,001 - 1,750,000	1	0
1,750,001 - 2,100,000	400	0
2,100,001 - 2,800,000	1,200	0
2,800,001 - 2,875,000	3,200	245,000
2,875,001 - 3,500,000	4,000	245,000

OBI CONTROL		
OBI SF C/O's	Minimum Required	
	DU BP's	Retail SF C/O's
0 - 1,200,000	0	0
1,200,001 - 3,000,000	1	0
3,000,001 - 6,000,000	400	0
6,000,001 - 8,400,000	1,200	0
8,400,001 - 10,200,000	3,200	75,000
10,200,001 - 12,000,000	4,000	75,000




4
5 [SLIDE 9]

Summary of Proposed Amendments

Part 2: Veridea

- Addition of a requirement to construct a Bus Transit Center; and
- Modification to the specific recreation requirements in Section 3.4.2.2.

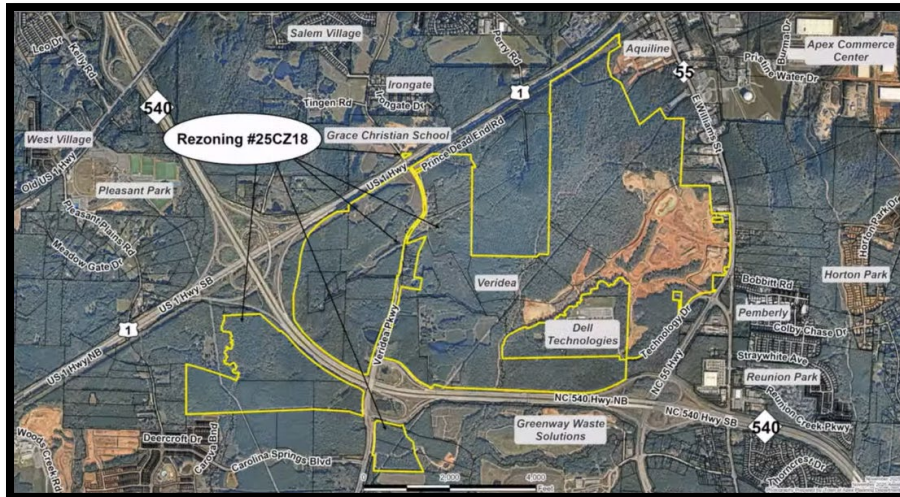


6

1 [SLIDE 10]



2
3 [SLIDE 11]



4
5 [SLIDE 12]



6
7 **Assistant Director Bunce** opened for questions.

1 **Councilmember Gray** said that in previous actions when it was created in the initial
2 request for the Parks and Recreation requirements for park and recreation facilities it may take
3 years to fulfil, but it looks like there will be a facility relatively quickly.

4 **Assistant Director Bunce** said that in the current plan that it was the dedication of
5 land area to accomplish to account for specific requirements but now there are 230 acres
6 dedicated for the hospital campus that reduces the land area available for recreation
7 commitments and potentially it may take less time.

8 **Councilmember Reese** said that there is a need for 100,000 square feet of indoor
9 recreational space by 2030 or so and this project provides a quarter of this.

10 **Assistant Director Bunce** said also that Veridia is within the target search area in the
11 Parks Master Plan for an indoor facility as well. She said that this meets that need as well.

12
13 **Mayor Gilbert** opened up Public Hearing and called Mr. Baron to speak.

14
15 **Jason Barron** with Morning Star Law Group spoke on behalf of the owners, RXR Realty
16 and North Carolina Children's. He said that Joe Graziose with RXR and Simon George with
17 North Carolina Children's is also in attendance and they will also speak. He thanked the staff
18 for their exemplary service on this project. He spoke on the partnership with RXR, North
19 Carolina Children's hospital and the history of how this project began and has evolved.

20 **Joe Graziose**, Vice President of RXR spoke about the beginning of the project to
21 where the project is currently. He thanked the staff for their commitment to the project and
22 recognized Apex's staff for their knowledge and dedication to this project. He went through
23 the benefits for Apex that would be provided by RXR and this project.

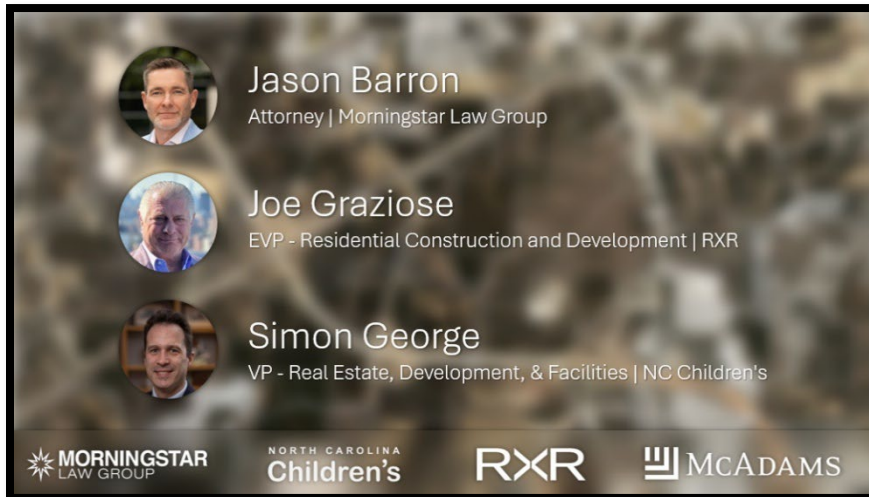
24 **Simon Goerge**, Vice President of Real Estate Development and Facilities for NC
25 Children's gave updates on the project timeline for the process and thanked the staff and
26 Administration for being so phenomenal. He said that NC Children's and RXR teams were
27 available for any questions.

28
29 **Mr. Barron** gave updates on changes and the reasons for the changes in the following
30 presentation:

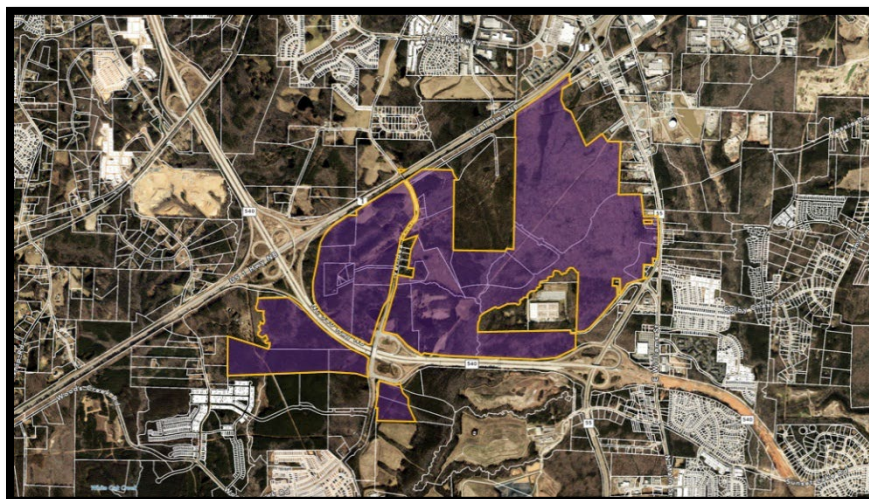
1 [SLIDE 1]



2
3 [SLIDE 2]

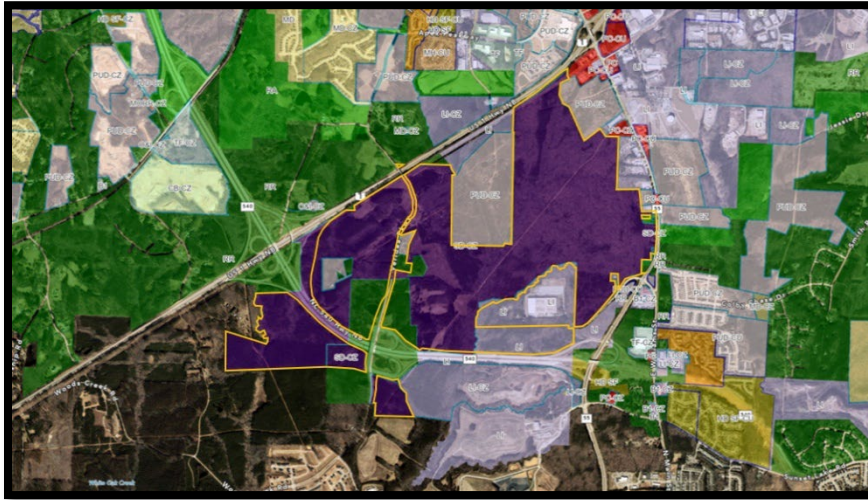


4
5 [SLIDE 3]

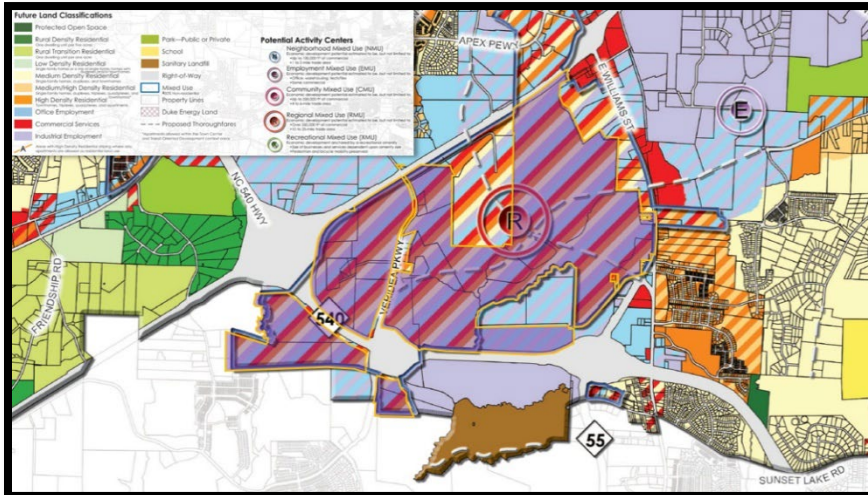


6

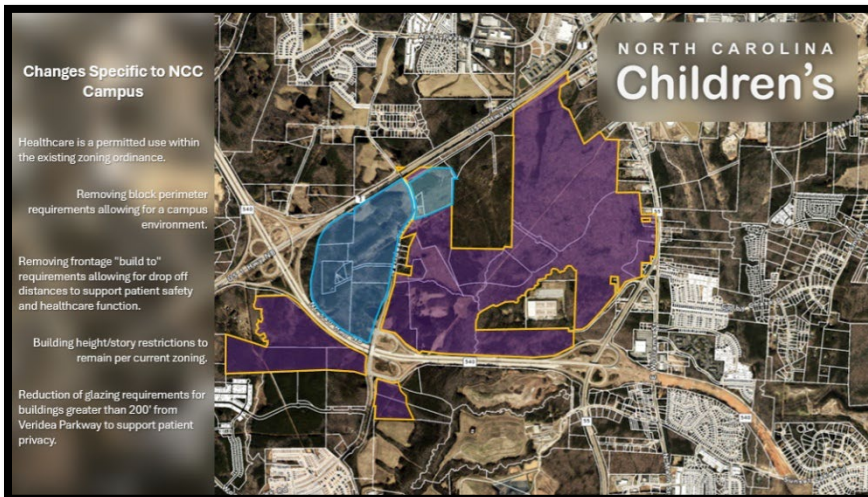
1 [SLIDE 4]



2
3 [SLIDE 5]



4
5 [SLIDE 6]



6

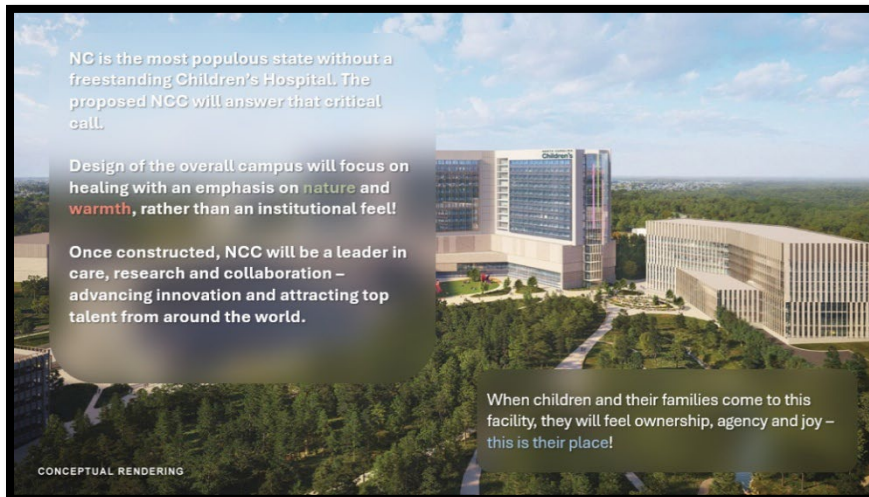
1 [SLIDE 7]



2
3 [SLIDE 8]



4
5 [SLIDE 9]



6

1 **[SLIDE 10]**



2
3 **Mr. Barron** opened for questions and asked for approval of this project.

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

5 **Councilmember Mu** thanked the team and all parties involved to make the Children's
6 Hospital possible and also the adjustments that were made to adapt to the changes and add
7 the bus transportation center and replace the park with the recreation center.

8 **Mayor Pro-Tempore Mahaffey** said that this is quite a rezoning amendment. He said
9 that this is a large set of changes to provide some flexibility for the NC Children's Hospital,
10 and also updating the transit, bus stops, transit centers, greenways and recreation
11 requirements. He said that the recently completed Master Plan for Parks and Recreation
12 called out the need for indoor space vs. outdoor space and this is a good trade. He said that
13 this seems to be in the interest of the town, provides uses, facilities that are needed and
14 meets the goal of having a development with green, has Parks and Rec facilities, is supported
15 by transit and Apex, Council and the staff are supportive of the Children's hospital and the
16 flexibility with this project.

17 **Councilmember Gray** said this is a great example of the flexibility for the adjustments
18 that are needed and the appreciation of the foresight of thinking about transportation and
19 the changes since the inception of the project. He commended staff and the Development
20 team assisting and coming forward with good ideas and being solutions oriented. He asked
21 the Town Manager if Apex has the appropriate number of staff to be able to meet the need
22 for future changes and the flexibility for what will be coming with this project, he said this
23 question didn't have to be addressed today, because of the timing of when this was given to
24 Council, but to be thinking about manpower requirements for this project and others
25 developments going on. He said this should be something considered during this year's
26 budgeting process.

27 **Councilmember Reese** thanked Mr. Barron for saying that Apex was a family-first
28 town and that this project really fits that, he also thanked Mr. Graziose. He said the theme of
29 the Hospital having emphasis on nature and warmth was great, and that seems to speak to
30 the entire project across Veridia, and that he supports this project.

Mayor Gilbert opened Public Hearing, with no one to speak, he closed Public Hearing and brought the item back for a motion.

A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded by **Councilmember Gray** to amend the Thoroughfare and Collector Street Plan Map and the Bicycle and Pedestrian System Plan Map of the Apex Transportation Plan for consistency with the proposed rezoning 25CZ18 Veridea SD-CZ amendment

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

A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded by **Councilmember Reese** to amend the Transit Plan Map of the Apex Transportation Plan related to 25CZ18 Veridea Sustainable Development (SD)-Conditional Zoning (CZ) amendment.

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

A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded by **Councilmember Mu** to approve Rezoning Application No. 25CZ15 Veridea SD Plan Amendments - rezone approximately $\pm 1,097.15$ acres from Sustainable Development-Conditional Zoning (SD-CZ #09CZ07, #23CZ01, #24CZ01, #25CZ08), Rural Residential (RR), Light Industrial (LI), & Planned Unit Development-Conditional Zoning (PUD-CZ #07CZ01) to Sustainable Development-Conditional Zoning (SD-CZ) for Veridea, located at 0, 0 (portion of), 0 (portion of), & 3220 Old Holly Springs Apex Rd; 0, 0, 0, 0, 0, 0, 0, 0, 0, 0 (portion of), 3142, 3138, 3130, 3134, 3200, 3012, 2945, 3009, 2901, 2937 Veridea Pkwy; 0 Technology Dr (portion of); 6300 King David Ct; 0, 0, 0, 0 US 1 Hwy; 0, 0, 0, 0, 1712, 1716 E. Williams St

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

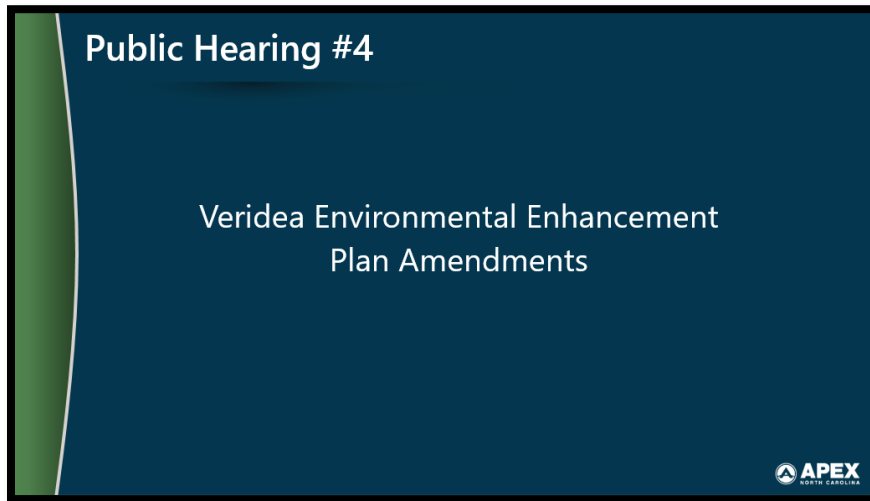
Mayor Gilbert requested a 10-minute recess at **7:43 PM**

Council returned to open session at **7:52 PM**

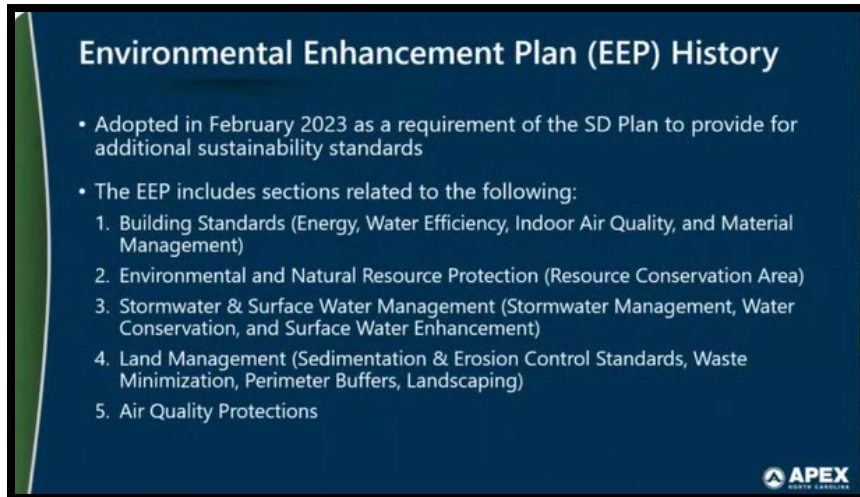
PH5 Environmental Enhancement Plan Amendments - Veridea Development

Amanda Bunce, Assistant Director, Planning Department gave the following presentation:

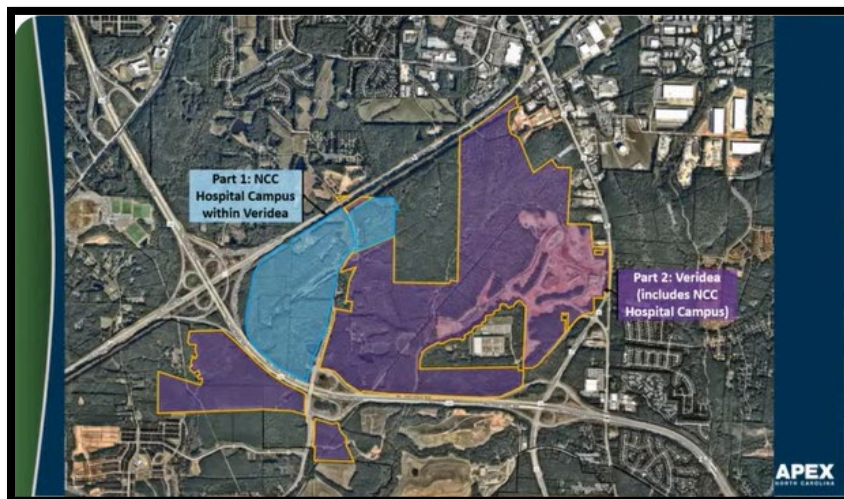
1 [SLIDE 1]



2
3 [SLIDE 2]



4
5 [SLIDE 3]



6

1 [SLIDE 4]

Summary of Proposed Amendments

Part 1: NCC Hospital Campus

Exemptions requested for the hospital campus:

- **Exemption from I.A.1.a., b. & e.**
 - a. ...all non-residential and mixed-use buildings in Veridea shall provide plan analysis demonstrating improvement of energy performance by 20% compared to baseline building performance ratings per ASHRAE/ IESNA Standard 90.1-2010 Appendix G. (Note: 2010 ASHREA is being referenced here, consistent with current LEED Rating System benchmark standard).
 - b. At build-out of Veridea, a minimum of 50% of non-residential buildings within Veridea shall be certified under one of these 3rd Party Certification Program options:
 - i. LEED Rating System
 - ii. Green Globes
 - iii. Fitwel
 - iv. Similar alternative standard as determined by the Responsible Party
 - e. Documentation of standards in a. and b. above

APEX
NORTH CAROLINA

2
3 [SLIDE 5]

Summary of Proposed Amendments

Part 1: NCC Hospital Campus

Exemptions requested for the hospital campus:

- **Exemption from I.B.1. & 2.**
 - 1. Bathroom Fixtures
 - a. 100% of showerheads, lavatory faucets and toilets/urinals shall be WaterSense rated fixtures.
 - 2. Water Using Appliances
 - a. Dishwashers and clothes washers installed by builder must be Energy Star qualified.

APEX
NORTH CAROLINA

4
5 [SLIDE 6]

Summary of Proposed Amendments

Part 2: Veridea

Modifications to Electric Vehicle (EV) standards for all of Veridea:

- **Modification to V. h.**
 - h. Parking for electric vehicles and bicycles will be provided as required by the Town of Apex-UDO. Parking requirements:
 - i. Bicycle parking shall be provided as required by the Town of Apex UDO.
 - ii. For all uses on the NC Children's health care campus, EV charging spaces shall be provided for 0.3% of the required parking spaces and EV-Ready spaces shall be provided for 1.5% of the required parking spaces.
 - iii. Multi-family development and hotels shall be required to provide 10% of the required parking as EV charging spaces and 35% of the required parking as EV-Ready spaces.

APEX
NORTH CAROLINA

6

[SLIDE 7]


Summary of Proposed Amendments

Part 2: Veridea

Modifications to Electric Vehicle (EV) standards for all of Veridea:

Modification to V. h. (continued)

- iv. Higher Education uses shall provide 1% of the required parking as EV Charging spaces and 1.5% of the required parking as EV-Ready spaces.
- v. Elementary, junior, and high schools (public or private) are required to meet UDO requirements for EV parking.
- vi. All other uses shall be required to provide the UDO required amount of electric vehicle charging spaces and 10% of the required parking as EV-Ready spaces.
- vii. For all uses with the Veridea SD-CZ zoning, in-lieu of EV-Ready spaces as defined in Article 12 of the Unified Development Ordinance, EV-Capable spaces shall be allowed. EV-Capable shall mean the installation of "raceway" (the enclosed conduit that forms the physical pathway for electrical wiring to protect it from damage) from the parking space to the nearest electrical distribution room for structured parking or the nearest manhole or hand hole for surface parking. Wire, circuitry, receptacles, chargers, electrical panels, distribution equipment, and/or any other supporting equipment are not required.



[SLIDE 8]

Comparison table of the Current (UDO) and Proposed EEP EV parking amendments:				
Use	Min Number of Required EV-Ready Spaces	Min Number of Required EV Charging Spaces	Min Number of Required EV-Ready Spaces	Min Number of Required EV Charging Spaces
	UDO Required		Proposed Modification for EEP	
Multi-family or apartment	30% of required spaces	15% of required spaces	35% of required spaces	10% of required spaces
Government Service	15% of required spaces	3% of required spaces	10% of required spaces	3% of required spaces
Commercial Uses	15% of required spaces	3% of required spaces, provided min requirement is at least 100 spaces.	10% of required spaces	3% of required spaces, provided min requirement is at least 100 spaces.
Office, business or professional	15% of required spaces	3% of required spaces	10% of required spaces	3% of required spaces
Office: Coworking Space	15% of required spaces	3% of required spaces	10% of required spaces	3% of required spaces
Office: Call Center	15% of required spaces	3% of required spaces	10% of required spaces	3% of required spaces
Hotel or motel	30% of required spaces	10% of required spaces	35% of required spaces	10% of required spaces
Industrial Uses	15% of required spaces	3% of required spaces	10% of required spaces	3% of required spaces
Park, active or passive	15% of required spaces	2% of required spaces	10% of required spaces	2% of required spaces
Parking Structure*	15% of provided spaces	3% of provided spaces	10% of provided spaces	3% of provided spaces
Parking Structure (School, public or private: Elem, Junior, or Senior)	-	2 spaces	-	2 spaces
School, public or private: Elementary or Junior	-	3% of required spaces provided in an off-street surface lot	-	3% of required spaces provided in an off-street surface lot
School, public or private: Senior	-	1% of required spaces provided in an off-street surface lot	-	1% of required spaces provided in an off-street surface lot
*All uses on NC Children's health care campus	N/A	N/A	1.5% of required spaces	0.3% of required spaces
*Higher Education uses	N/A	N/A	1.5% of required spaces	1% of required spaces

Assistant Director Bunce said that staff recommended approval of the proposed amendments along with the Planning Board and opened for questions.

Mayor Gilbert asked if there were any questions.

Mr. Barron with Morningstar Law Group said that Assistant Director Bunce did a great job of summarizing the nature of the changes related to the Children's Hospital Campus and continued development of Veridea.

Mayor Gilbert opened Public Hearing and with no one signed up to speak closed Public Hearing for comment and brought it back to Council for discussion or a motion.

Councilmember Gray said that he appreciated the flexibility on EV capability and the future of EVs.

1 A **motion** was made by **Councilmember Gray** and seconded by **Mayor Pro-**
2 **Tempore Mahaffey** to amendments to the Sustainability Standards for Veridea known as an
3 Environmental Enhancement Plan and Ordinance.

4
5 **VOTE: UNANIMOUS (4-0)** with Councilmember Zegerman absent
6

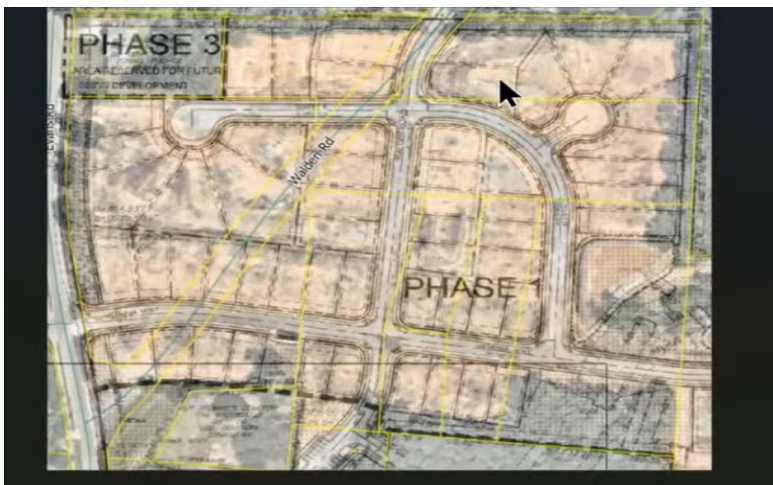
7
8 **PH6 Road Closure Order - Portion of Walden Road - Developer Requested**
9

10 **Allen Coleman**, Town Clerk said this item is to close a portion of Walden Road and on
11 August 22nd Council adopted a resolution supporting North Carolina Transportation's
12 abandonment of the described 1,795' portion of Walden Road located within the Friendship
13 Village. He gave the following presentation:

14 **[SLIDE 1]**



15
16 **[SLIDE 2]**



17
18 **Town Clerk Coleman** said that this is a formal request to close this portion of Walden
19 Road.

DRAFT | DECEMBER 09, 2025 REGULAR TOWN COUNCIL MEETING MINUTES

1 **Mayor Gilbert** asked if there were any questions and opened Public Hearing, with no
2 one signed up to speak, he closed Public Hearing. He brought the item back to Council for
3 discussion and possible motion.

4
5 A **motion** was made by **Mayor Pro Tempore Mahaffey** and seconded by
6 **Councilmember Gray** to approve a closing of a right-of-way (ROW) order on a portion of
7 Walden Road located at the intersection with Evans Road to its terminus 0.34 miles (1,795
8 feet) North of its intersection with Evans Road

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

10
11 ~~**PH7—Unified Development Ordinance (UDO) Amendments – November 2025**~~

12
13 **Mayor Gilbert** said that staff recommended to defer PH7 - Unified Development
14 Ordinance (UDO) Amendments - November 2025 until January 13, 2026.

15
16 A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded by
17 **Councilmember Gray** to defer PH7 - Unified Development Ordinance (UDO) Amendments -
18 November 2025 until January 13, 2026.

19
20 **VOTE: UNANIMOUS (4-0)** with Councilmember Zegerman absent

21
22
23 **[NEW BUSINESS]**

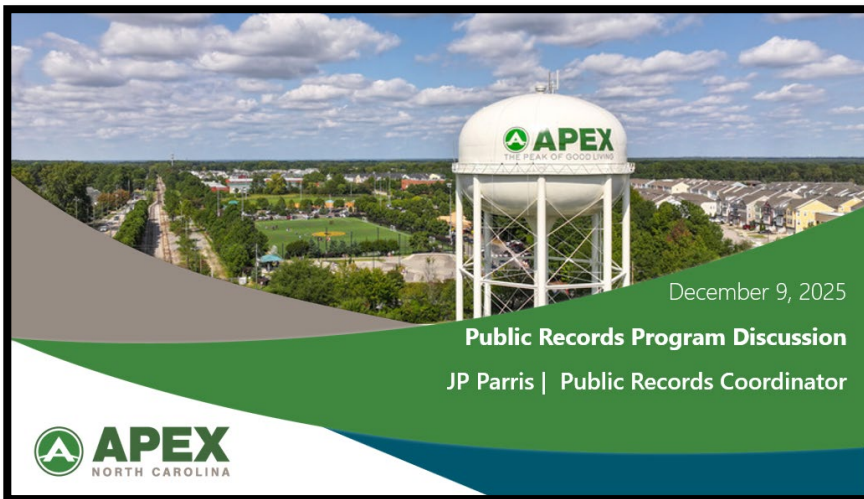
24
25 ~~**NB1 Construction Contract Award – Salem Streetscape Project – PLACE HOLDER**~~

26 This item was deferred to the December 16th, 2025 Town Council Work Session, per Council
27 vote.

28
29 **NB2 Public Records Program Overview and Recommendations - Deferred from**
30 *November 18, 2025 Town Council Work Session*

31 **JP Parris**, Public Records Coordinator, Town Clerk's Office gave the following
32 presentation:

1 **[SLIDE 1]**



2
3 **[SLIDE 2]**



4
5 **Councilmember Gray** asked to confirm that it was not being asked for Council to
6 adopt a policy or vote on a policy with regard to fees tonight.
7 **Mr. Parris** said that was correct, and clarified that this was informational purposes and
8 for Council to provide direction as the potential policy is pursued.

1 [SLIDE 3]

State Law – Public Records

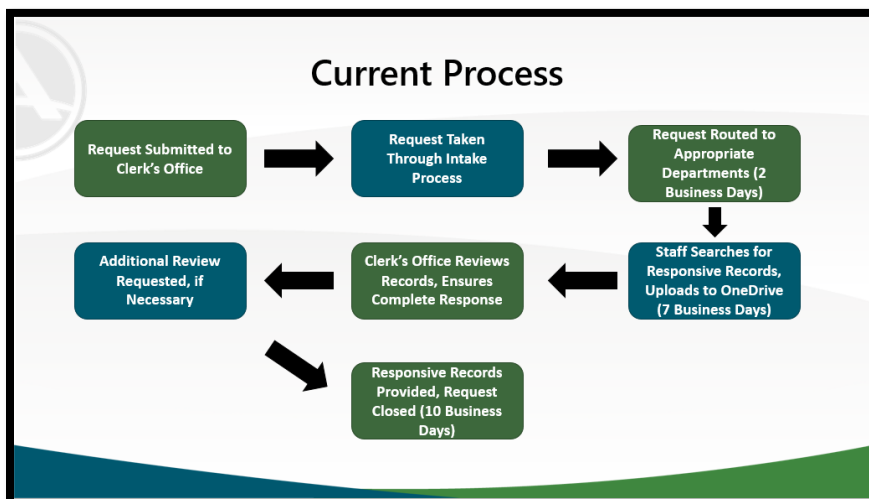
- NCGS 132; Requests 132-6
- Defined: “In connection with the transaction of public business”
- Exceptions: Attorney-client privilege, employee files, trade secrets, professional seals, customer billing information
- Response Required “As Promptly as Possible”

2
3 [SLIDE 4]

Public Records Program Over Time

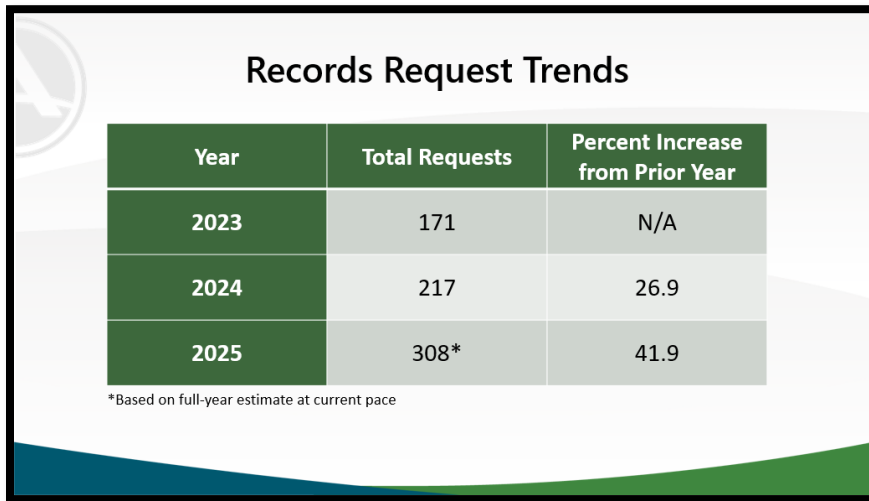
- First Half 2023 – Deputy Town Clerk takes over PRRs; request tracking established, created first Standard Operating Procedure
- Second Half 2023 – Legislative Assistant takes over process; process continued to develop; bi-weekly reports and meetings, additional data reporting
- July 2025 – Public Records Coordinator position filled

4
5 [SLIDE 5]



6

[SLIDE 6]



Councilmember Gray asked if number of requestors were tracked.

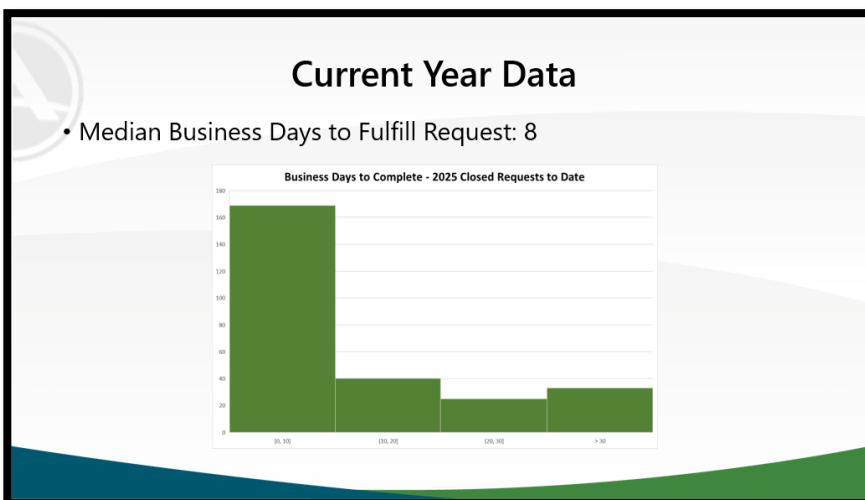
Mr. Parris said he didn't have that data with him. He asked for clarification if that was individual requestors each year.

Councilmember Gray said yes, he was wondering if some people were submitted numerous requests.

Mr. Parris said that there are multiple people that have submitted multiple requests throughout the year, but as a rough estimate there are around 250 unique people that have submitted a request in the current year. He said that he could get that data to him.

Councilmember Gray said that he was just curious if that was something currently being tracked.


[SLIDE 7]



1 [SLIDE 8]

Public Records Process Development

- UNC SOG Public Records Working Group – June 2025
 - Public Records Policy Discussed/Recommended
- Local Government Policy Research – August/September 2025
- Findings Memo and Recommendations – October/November 2025
- Presentation to Town Council and Discussion – December 2025



2
3 [SLIDE 9]

Summary of Research

- 44 Local Governments Researched
- 10 Policies Analyzed From Larger and Smaller Governments
- Key Findings:
 - Policies a Growing Consideration for Many Governments
 - Policies Define Instructions, Expectations, and Information
 - Many Include Defined Fees, Including some “Special Service Charges”

4
5 [SLIDE 10]

Process Comparisons and Improvement

Local Government	Town of Apex	Town of Cary	Mecklenburg County	City of Greensboro	City of Fayetteville
Population	82,446	191,000	1,206,000	307,381	209,496
Goal to Intake*	2 business days	2 business days	5 business days	2 business days	3 business days
Goal to Close	10 business days	2 business days, or provide an estimated timeframe	5 business days, or provide an estimated timeframe	5 business days, or provide estimated timeframe by then	Provide estimate on case-by-case basis

Local Government	Town of Huntersville	Town of Mooresville	City of Wilmington	Lincoln County
Population	67,087	52,884	125,284	97,611
Goal to Intake*	Not Specified	Not Specified	24 Hours	2 Business Days
Goal to Close	"As Promptly as Possible based on the scope and specificity of the request"	Response time estimated based on the size and scope of the request, and workload of responsive department(s)	Not Specified	10 Business Days, or provide an estimated timeframe by then

*Intake refers to receiving a request, providing the requestor with acknowledgment/tracking information, and routing request to appropriate staff.
NOTE: Wording in quotations taken directly from local government's policy/webpage

- Goals for Intake and Response in Line
- Add More Structured Internal and External Communication

6

1 [SLIDE 11]

Public Records Request Fees

- Statute allows fees for "actual cost" of reproducing record
 - Typically things like paper copies or flash drives
 - Already addressed in fee schedule
- Special Service Fee: "Extensive use of supervisory or clerical assistance"
 - Allows recouping of staff cost on large requests
 - Cannot include review for non-public information (ex. Redactions)
 - Not currently in place; seeking feedback

2
3 [SLIDE 12]

Special Service Fees Comparisons

Local Government	City of Greensboro	City of Fayetteville	City of Asheville	Town of Huntersville
Population	307,381	209,496	94,992	67,087
Definition of Extensive Request for Special Service Fee	More than 4 Hours	More than 4 Hours	More than 4 Hours	More than 4 Hours
Special Service Fee Rate	Hourly Rate of Lowest-Paid Employee Working on Request	Pay plus Benefits of a Full-Time Office Assistant II	\$18.00/hour	\$18.00/hour
Deposit Required	Yes, if time exceeds initial estimate	No	Yes, prior to the duplication of records in physical copy	Yes, 50% if estimated charge exceeds \$50
Local Government	Town of Mooresville	Davidson County	Town of Holly Springs*	Union County*
Population	52,884	177,809	48,674	263,366
Definition of Extensive Request for Special Service Charge	More than 4 Hours	More than 1 Hour	"Requests that require extensive use of technology resources, clerical and/or supervisory assistance", Determined on a case-by-case basis	More than 4 hours
Special Service Charge Fee	Hourly Rate of Administrative Assistant, or of TI Professional if IT support is used	\$28.00/hr	"Charged according to the fee schedule in place at the time of the request."	\$40/hr
Deposit Required	Yes, 50% if estimated charge exceeds \$25	Yes, but does not specify when deposit is required or amount	No	No

*Information taken from Local Government webpage, not Public Records Policy

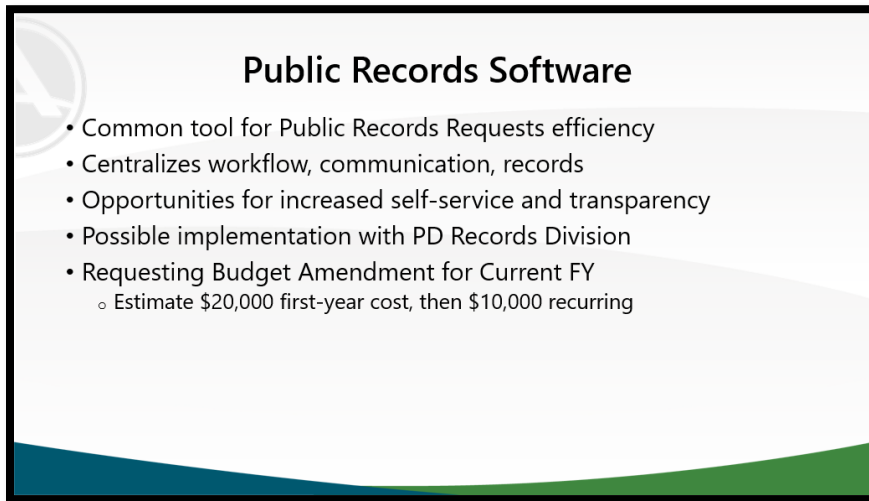
4
5 [SLIDE 13]

Special Service Fees Continued

- Special Service Fees Most Commonly Begin Around 4+ Hours
- Typical Charges Around \$20-30/Hour
- Several Governments Report the Fee to be Rarely Used
- Requestors Often Specify or Narrow Request
- Recommended to be Specific and Defined by SOG

6

1 **[SLIDE 14]**

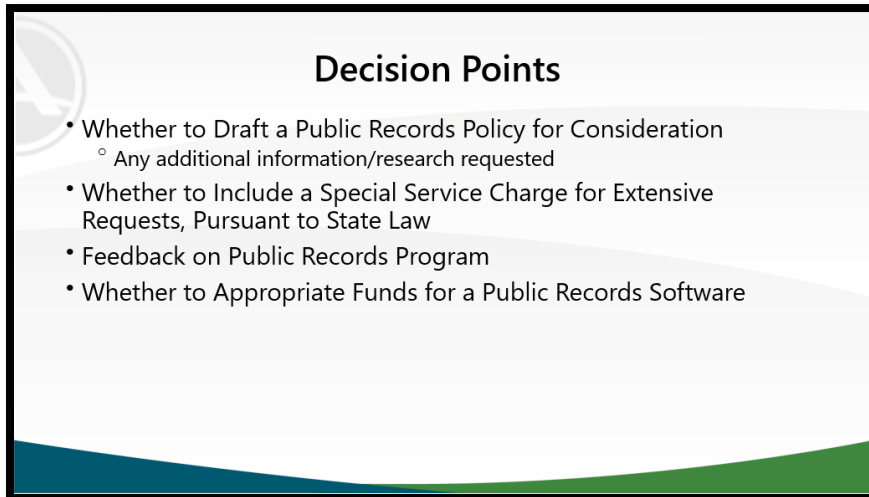


Public Records Software

- Common tool for Public Records Requests efficiency
- Centralizes workflow, communication, records
- Opportunities for increased self-service and transparency
- Possible implementation with PD Records Division
- Requesting Budget Amendment for Current FY
 - Estimate \$20,000 first-year cost, then \$10,000 recurring

The slide features a light gray background with a subtle wave pattern. A dark blue and green decorative bar is at the bottom. A circular logo is visible in the top left corner.

2
3 **[SLIDE 15]**



Decision Points

- Whether to Draft a Public Records Policy for Consideration
 - Any additional information/research requested
- Whether to Include a Special Service Charge for Extensive Requests, Pursuant to State Law
- Feedback on Public Records Program
- Whether to Appropriate Funds for a Public Records Software

The slide features a light gray background with a subtle wave pattern. A dark blue and green decorative bar is at the bottom. A circular logo is visible in the top left corner.

4
5 **[SLIDE 16]**



Thank You!

Question/Comments?

The slide is a solid green rectangle with a black border.

6

1 **Mr. Parris** opened for questions.

2 **Mayor Gilbert** thanked Mr. Parris for the presentation. He asked how a records
3 request that may include a Special Service Fee by someone with a hardship would be
4 handled.

5 **Mr. Parris** said that the goal would never be to prevent requestors from accessing
6 records and that if somebody has a hardship and is unable to pay the applicable fee, that is
7 something that the Clerk's office would want to be sensitive to if this moves forward. He said
8 that this would be something that the Clerk's office would look at in developing the policy if
9 the direction of the Council is to move forward with a Special Service Fee. He said that they
10 would also see how other local governments handle this situation and if there is any language
11 to address this.

12 **Town Clerk Coleman** said that as Mr. Parris had mentioned, in most cases the
13 jurisdictions that do have a fee, the requestor will modify their request so that it is under that
14 threshold.

15 **Councilmember Mu** asked if an example could be provided of an extensive request.

16 **Mr. Parris** said that in the research it was important that the request be quantifiable as
17 a definition for extensive rather than it be interpretive so that staff isn't making those
18 determinations subjectively. He said if this moves forward, and staff sees that a request may
19 reach the threshold set, then they would track their time working on those specific requests,
20 similar to how an attorney would do billable hours for specific hours being calculated.

21 **Mayor Pro-Tempore Mahaffey** said that keeping in mind that some people may not
22 know that their requests are extensive when they make them would be important, and it was
23 important for awareness of the scope of the requests.

24 **Councilmember Gray** said that there is a need for the policy and the development of
25 the policy would help lead to the question of whether a special service charge is something
26 that needs to be followed up on. He asked that the policy to be developed and to defer the
27 question on service charges until there is more of a baseline because the questions of the
28 fees may be alleviated once there is a policy in place, and it would be easier to identify what
29 is going on and to quantify the amount of time for an extraordinary or complicated request.
30 He said that he would like to look at how software would interact with APD and if there is
31 possibly a software solution already with APD that may be available. He said that it is a digital
32 age and there should be a digital protocol to help track, train, identify and close out these
33 items.

34 **Mr. Parris** said that the information of the exact municipalities out of the 44 that have
35 records request software and the software that they use could be given to the Council, and
36 that specifically Councilmember Gray had requested this information for consideration. He
37 said the Clerk's office could explore to see if the Police Department was interested in jointly
38 pursuing a software to centralize this.

39 **Clerk Coleman** said that there were discussions with Chief Johanson and Susan Metz,
40 Police Records Manager and they were both open to exploring this. Ms. Metz had referenced
41 that at one point in the town's history several years back there were questions raised about
42 software that would be appropriate and at that time there were still different systems and

DRAFT | DECEMBER 09, 2025 REGULAR TOWN COUNCIL MEETING MINUTES

1 protocols and that they weren't open to exploring this option, and so this would be a possible
2 efficiency type measure now.

3 **Councilmember Gray** said that these are good data points for Council so that when a
4 policy comes back for review these little details may be tweaked. He said that this is reflective
5 of a lot of work and addressing these questions that have been posed by this Council and the
6 Clerk's office is coming up with solutions. He thanked Mr. Parris, Town Clerk Coleman and
7 Deputy Town Clerk Gentry on the team effort.

8 **Town Clerk Coleman** said that Mr. Parris did most of this work.

9 **Mayor Gilbert** asked if Council agreed to pursue a Public Records Policy.

10 **Councilmember Reese** asked if there were any policies in the research Mr. Parris did,
11 regarding what one might call "super users", and for example, journalists.

12 **Mr. Parris** said that he didn't find anything that spoke to that specifically, but there
13 were cases where a local government would have language regarding combining requests
14 by the same requestor within a specific timeframe for the purposes of a Special Service Fee,
15 but the Attorney's Office would have to be consulted regarding what could potentially be
16 done in that regard.

17 **Councilmember Reese** said that in terms of manhours and project management and
18 one user perhaps increase the intensity of the workload.

19 **Town Clerk Coleman** said that there is not a way to stop "super users" or "super
20 requestors" that make a significant number of requests because then it becomes treating
21 requesters differently.

22 **Mr. Parris** said that it comes down to the language of "as promptly as possible" and
23 creating a separate queue for a specific requestor would not be as promptly as possible.

24 **Mayor Gilbert** asked if bodycam requests with the Police Department were a part of
25 Public Records requests.

26 **Town Attorney Hohe** said that is different.

27 **Mayor Gilbert** asked if Council agreed to pursue a Public Records Policy and table the
28 Special Service Fee.

29 **Councilmember Gray** said that he would want to get a policy and then figure out if
30 any fee components after that, if they were necessary.

31 **Mayor Pro-Tempore Mahaffey** asked if the policy would depend on if there was a
32 special service fee or not.

33 **Mr. Parris** said a policy could be created without a service fee and the policy would
34 also speak on the current fee schedule and the process of the Public Records request so that
35 the requestor would know the timeframe and other information for the request, and it would
36 give the process Council backing to give it more authority, and that could help the process be
37 more efficient across the organization.

38 **Mayor Pro-Tempore Mahaffey** asked if deferring exploring Special Service fees,
39 would the policy still define the extensive request or would that be part of a potential Special
40 Service fee portion of the policy.

41 **Mr. Parris** said that it may be possible to define extensive requests and it possibly
42 could be added in the policy for informational purposes.

DRAFT | DECEMBER 09, 2025 REGULAR TOWN COUNCIL MEETING MINUTES

Councilmember Mu asked if it was possible to have a Public Record library for a general search for the public.

Mr. Parris said that his position of Public Records Coordinator is new and only filled in July, and this is one of the things that is going to be explored to get more records digitized and made public facing.

Mayor Gilbert clarified that direction of the Council is for Special Service fees to be paused and more information on Public Records Software cost and the possible inclusion of APD in that.

Mr. Parris asked for clarification on putting a policy in place and incorporating the Public Records Software.

Councilmember Gray said that these can work simultaneously with creating the policy and bringing that back to Council along with more specific information for cost options and working with other departments.

Mr. Parris said that they would work on the policy and bring back further information.

[CLOSED SESSION] - *None Scheduled*

[ADJOURNMENT]

Mayor Gilbert adjourned the meeting at **8:46 p.m.**

Jacques K. Gilbert
Mayor

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

Submitted for approval by Town Clerk Allen Coleman and approved on _____.