DRAFT MEETING MINUTES

TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, FEBRUARY 10, 2026
6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, February 10th, 2026 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=b4j26a-yx3Q

[ATTENDANCE]
Elected Body
Mayor Jacques K. Gilbert (presiding)
Mayor Pro Tempore Terry Mahaffey
Councilmember Ed Gray
Councilmember Arno Zegerman
Councilmember Sue Mu
Councilmember Shane Reese

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

[COMMENCEMENT, INVOCATION, AND 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 live stream. He then read a Diversity statement, asking Councilmember Reese to lead in the Pledge of Allegiance. He introduced Reverend Dr. Henry D. Wells Jr., Pastor of Greater Christian Chapel Church and asked him to lead the invocation.

[ANNOUNCEMENTS AND PETITIONS BY THE GOVERNING BODY]

Mayor Gilbert asked for any announcements and petitions by the governing body.

- **Mayor Pro-Tempore Mahaffey** – none
- **Councilmember Gray** – none
- **Councilmember Zegerman** – Gave an update on the Multimodal Transportation Advisory Board that he recently attended, and how he was looking for Board Member's guidance on their ideas from the community.
- **Councilmember Mu** – Announced the Proclamation of the Lunar New Year for the first time in Apex, and said there were gifts of good luck and fortune available for everyone, a tradition of Lunar New Year
- **Councilmember Reese** – Announced that Apex High girls' varsity basketball team plays tonight at 6:30 p.m. at Apex High School and Apex Friendship plays at 6:30 p.m. at Green Level. He proudly noted that Apex High girls' varsity basketball is 7-4 in the conference and has one of the highest GPAs on campus.

[ADOPTION OF THE MEETING AGENDA]

Mayor Gilbert noted a change in the Regular Meeting Agenda by Mayor Pro-Tempore Mahaffey.

Mayor Pro-Tempore Mahaffey proposed moving Presentations ahead of the Public Forum for this meeting given the volume of presentations.

A **motion** was made by **Mayor Pro-Tempore Mahaffey** seconded by **Councilmember Zegerman** to move Presentations ahead of the Public Forum for this meeting.

VOTE: UNANIMOUS (5-0)

[CONSENT AGENDA]

Mayor Gilbert asked if there were any recommended changes to the Consent Agenda and with there being none he asked if there was a motion.

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

VOTE: UNANIMOUS (5-0)

CN1 Agreement – North Carolina Department of Transportation (NCDOT) - Review and Oversight Agreement for Apex Peakway North Widening Project – Center Street to Old Raleigh Road (REF: CONT-2026-006)

Council voted to approve a Review and Oversight Agreement with the North Carolina Department of Transportation (NCDOT) for the Apex Peakway widening from Center Street to

Old Raleigh Road, and to authorize the Town Manager, or their designee, to execute the agreement on behalf of the Town.

CN2 Agreement – Full Spectrum, LLC – Standard Services Agreement – 250 LED Drone Public Performance on July 3, 2026 (REF: CONT-2026-007)

Council voted to approve an Standard Services Agreement (SSA) between Full Spectrum, LLC and the Town of Apex to operate a drone aerial light show, consisting of 250 LED drones, in the Town of Apex for a public performance on July 3rd, 2026, and authorize the Town Manager, or their designee, to execute the agreement on behalf of the Town.

CN3 Agreement - Utility Relocation Agreement between Town of Apex and Duke Energy - Relocation of Electric Facilities along Jessie Drive related to Jessie Drive Phase 1 Improvements (REF: CONT-2026-008)

Council voted to approve a Utility Relocation Agreement with Duke Energy Progress, LLC for relocation of electric facilities along Jessie Drive related to Jessie Drive Phase 1 Improvements, and to authorize the Town Manager, or their designee, to execute the agreement on behalf of the Town.

CN4 Agreement Ratification - Master Services Agreement between Town of Apex and Ferguson Enterprises, LLC dba Ferguson Waterworks - Completion of Water Meter System Upgrade Project and Capital Project Ordinance Amendment 2026-1 (REF: CONT-2026-009 and ORD-2026-023)

Council voted to ratify an oral amendment to a Master Services Contract between the Town of Apex and Ferguson Enterprises, LLC dba Ferguson Waterworks for completion of Meter System Upgrade Project and adopt the associated Capital Project Ordinance (CPO) No. 2026-11.

CN5 Construction Contract Award - Blythe Construction - 2026 Road Rehabilitation Project (REF: CONT-2026-010)

Council voted to award a construction contract with Blythe Construction, Inc., for the 2026 Road Rehabilitation Project, including the base bid, bid alternate 1, and bid alternate 2 in the amount of $6,584,210.60 and authorize the Town Manager, or their designee, to execute the contract on behalf of the Town.

AND

Council voted to authorize a ten percent (10%) contingency be added to the project budget related to the 2026 Road Rehabilitation.

CN6 Council Meeting Minutes – Various

Council voted to approve Meeting Minutes from the following meetings:

January 13, 2026 – Regular Town Council Meeting Minutes

January 22, 2026 – Joint Town Council and Planning Board Work Session Meeting Minutes

January 27, 2026 – Electronic Town Council Meeting Minutes

CN7 Position(s) Increase Authorization - Two (2) General Fund and Two (2) Stormwater Fund - Planning, Parks, Recreation, and Cultural Resources, and Water Resources Departments

Council voted to authorize the creation of two (2) additional full-time-benefited (FTE) positions in the General Fund for the Planning and Parks, Recreation, and Cultural Resources

Department, and two (2) additional full-time benefited (FTE) positions in the Stormwater Fund for the Water Resources Department, effective February 10, 2026

CN8 Resolution to Abandon Portion of Existing Waterline Easement – 1405 Vision Drive (RES-2026-012)

Council voted to approve a resolution titled "Resolution to Abandon Portion of Existing Waterline Easement" which will abandon portions of a public waterline easement interest located at 1405 Vision Drive, Apex, NC, shown more specifically in areas on the attached exhibit A and containing 4,711 square feet or approximately 0.108 acres.

CN9 Resolution Correction – Road Closure Portion of Walden Road – *Previously Approved on December 09, 2025 (ORDER-2025-001)* (**REF: ORDER-2026-001)**

Council voted to adopt a correction order entitled "A Correction to Order Closing a Portion of Walden Road" which modifies the area to be closed from the previous action taken on December 09, 2025 (ORDER-2025-001).

CN10 Tax Report – December 2025 (REF: OTHER-2026-021)

Council voted to approve the Apex Tax Report dated January 15, 2026.

[TOWN MANAGER'S REPORT]

Town Manager Vosburg provided the following updates:

- **Black History Month Events:** All events with more detail listed on the Town's website
  - Black History Month Trivia Night, (Feb. 12th, 6–8 p.m., Apex Senior Center), Free Admission but registration is required.
  - Spades Tournament (Feb. 21st, 11 a.m.–2 p.m., Apex Senior Center) in partnership with the National Spades Players Association.
  - United Strings of Color performance (Feb. 28, 7–8:30 p.m., The Halle Cultural Arts Center) partnering with Black Music.
- **Apex Restaurant Week:** Feb. 23rd–March 1st with record number of participating restaurants.
- **Downtown Streetscape Project:** Construction underway; northbound Salem Street closed from Saunders Street to Chatham Street; project timeline January–October with hopes to stay on schedule and noted that there had been weather impacts noted.
- **Olive Chapel Road Improvements:** Road scheduled to reopen Thursday afternoon (February 12th, 2026) following roadway and drainage improvements by NCDOT.
- **Electric Meter Replacement Program:** Nearly 9,000 meters replaced; project continues through Fall, with weather-related delays earlier in the year.
- **Peakway Southwest Connector:** Paving completed from James Street to Yateley Lane; retaining walls on the south side of the future bridge are complete and retaining walls on the Shangri-la Loop Roadside are in progress, waterlines complete from the bridge to Sugarland Drive, bridge girders installed and bridge decking in progress. Contract completion October 2027, trending toward possible 2026 completion and currently in budget.

- **Think Apex Awards:** Nominations open through March 13th nominations can be made on the Town website.
- **Ask Apex (311) & Utility Update:** 94% of calls are resolved with an average wait time of 1 minute, 9 seconds and utility billing backlog reduced to 39 accounts (97% resolved), approaching normal operations.

[TOWN CLERK'S REPORT]

Allen Coleman, Town Clerk, gave the following report:

- **Advisory Board Vacancies:** Open positions on the Planning Board, Environmental Advisory Board, and Board of Adjustment, residents encouraged to apply.
- **Council Retreat:** Upcoming retreat scheduled. Ahead of the Primary Voting/Primary elections it is anticipated that the General Assembly will be back in session, legislative updates anticipated following primary elections. Tracking General Assembly session activity, including budget matters and newly formed House and Senate property tax reform committees; lobbyist to provide updates during the third day of the retreat.

[PROCLAMATIONS/SPECIAL PRESENTATIONS]

PR1 Apex Based Schools – Teacher of the Year Recognitions (REF: RES-2026-013)

Mayor Pro-Tempore presented the Apex Based Schools – Teacher of the Year Recognitions. He thanked the teachers for all their amazing work and service and in unity with Council.

A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded by **Councilmember Gray** to adopt a Resolution to Honoring Apex-Based Teachers of the Year.

VOTE: UNANIMOUS (5-0)

Mayor Pro-Tempore Mahaffey invited Wake County School Board members, Lynn Edmonds and Jennifer Job to come for a group photo.

Deputy Town Clerk Gentry called the following teachers up to receive their award and for a group photo.

- **Amy Crump** – Apex High School
- **Hillary Kitchen** – Apex Friendship High School
- **Chad Miller** – Felton Grove High School
- **Teresa Dwiggins** – Middle Creek High School
- **Paige Hudo** – Apex Middle School
- **Matine Mani** – Apex Friendship Middle School

- **Jennifer Lamino** – Lufkin Road Middle School
- **Sarah Roberts** – Salem Middle School
- **Melissa Barnhart** – West Lake Middle School
- **Kelly Grainer** – Apex Elementary School
- **Erin Dunbar** – Apex Friendship Elementary School
- **Marissa McKinney** – Baucom Elementary School
- **Natalie Sayag** – Laurel Park Elementary School
- **Lisa Woodard** – Middle Creek Elementary School
- **Jennifer Taylor** – Oak View Elementary School
- **Tuyetnga Levesque** – Olive Chapel Elementary School
- **Kenny Bloomer** – Pleasant Plains Elementary School
- **Michelle Gregory** – Salem Elementary School
- **Stephanie Chase** – Scotts Ridge Elementary School
- **Tamara Dunston** – West Lake Elementary School
- **Terry Lynch** – White Oak Elementary School

Mayor Pro-Tempore Mahaffey invited Dr. Jennifer Job for some remarks.

Dr. Jennifer Job, Member of the Wake County Board of Education, recognized Ms. Edmonds, Wake County Board of Education and Mr. Tyler Swanson, representative of Apex High School. She acknowledged how much the teachers care about students and praised the teachers for doing more with less resources. She thanked all the teachers and congratulated them on being Apex's Teacher of the Year for their schools.

PR2 Apex Public School Foundation – Quarterly Peak S.T.A.R. Award

Terry Mahaffey, Mayor Pro-Tempore, gave an overview of the S.T.A.R. Award's meaning. He invited up Aspen Ambrose with the Apex Public School Foundation to announce the winner of the Quarterly Peak S.T.A.R. Award.

Ms. Ambrose gave an overview of what the Apex Public School Foundation represents and supports. She introduced Kendra Goggins, Assistant Principal at West Lake Elementary School as the Quarter's Pak Star Award recipient.

Ms. Goggins thanked everyone for this honor. She said that she is a teacher first and that identity continues to guide her work as an Administrator.

PR3 Proclamation – Black History Month – February 2026 (REF: PRO-2026-009)

Mayor Jacques K. Gilbert read information about the Kente stole that he was wearing around his neck. He then, along with the rest of Town Council, read the Proclamation for Black History Month 2026. He invited T.J. Evans, Founder of the Apex Juneteenth Festival to have the honor of calling the names of those being honored.

Mr. Evans called the following to come up to receive a Proclamation and pictures:

- Larry Harris
- Pat Smith
- Betty Gilbert
- Dot Thomas
- Dr. Stanley McClamb
- Cindy Colvin
- Sheila Morrison
- Karen Lee
- Cherrelle Levette
- Colin West
- Ms. Samuel
- Jeanette Hill
- Matt Scialdone
- Ayesha Kazi
- Ed and Florida Dudley
- Jarvis and Selena Woodburn
- Pastor Sequola Dawson (St. Mary AME)
- Deborah Harris Judd

Mr. Evans said that each person being recognized is a part of Apex's Black History. He said that Black History is American History and it gives us an opportunity to reflect, swap shoes, gain understanding and celebrate. He presented artwork of a collection of over 35 landmarks that represented Black communities in Apex and presented it to Mayor Gilbert. He said there is a series on Instagram on Apex Juneteenth to learn more about Apex's Black History Month.

PR4 Proclamation - Lunar New Year 2026 - Year of the Fire Horse - February 17, 2026 (REF: PRO-2026-010)

Mayor Gilbert asked for Council Member Sue Mu, to begin reading the Lunar New Year 2026 – Year of the Fire Horse and she along with the rest of the Council Members read the proclamation.

Councilmember Mu called up Lilly Chen, Miao Li and Kanwal Nayar, Sheila Eli, Principal from the Chinese School and Quang from the Margin of Victory Empowerment to receive the proclamation and take pictures.

Lilly Chen, Founder of United Chinese American Waves spoke on a report from the Department of Health and Human Services and the statistic that 1 in 5 Asian high school students in North Carolina attempt suicide. She said that there was a youth mental conference

in September called Roots and Resilience and gave an overview of how this is working on mental health and how this day of recognition helps students feel proud of their culture. She thanked the Mayor, Council and Town Clerk Coleman for remembering and making them feel they belong.

Miao Li, Former Principal of Triangle Chinese Language School from 2023 to 2024 invited anyone that wanted to learn Chinese to come visit. She thanked Councilmember Mu for making this milestone happen.

Kanwal Nayar, AANHPI Unity Collective Chair thanked the Mayor, Council and specifically Councilmember Mu for the invitation to celebrate the Lunar Year Celebration. She gave an overview of the AANHPI Unity Collective and its participation in encouraging voting in the Asian community and raising awareness on issues that affect their communities.

Another individual thanked the Town of Apex for recognizing and embracing cultural diversity. She gave an overview of celebrating the Year of the Fire Horse's meaning. She said is accepting this special honor on behalf of Move NC Foundation and representing tens of thousands of Asian descents living in North Carolina that celebrate Lunar New Year. She said there would be a Lunar New Year gala on Thursday, February 12, 2026.

PR5 Special Recognition - Former Chair and Transit Advisory Committee Member Stuart Turner Wagner – Peacefully Passed Away Friday, November 21, 2025 (REF: RES-2026-014)

Mayor Gilbert recognized Stuart Turner Wagner as the Former Chair and Transit Advisory Committee who passed away and invited the Council Members to read the recognition. He invited Linda Wagner, the wife of Mr. Wagner, Shannon Cox, Planning and Linda Barrett, Current Advisory Board Chair, for the acceptance of the resolution and pictures.

A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded by **Councilmember Zegerman** to approve the Resolution of Remembrance Honoring the Life and Service of Stuart Wagner.

VOTE: UNANIMOUS (5-0)

PR6 Apex Farmers Market – Location and Operations Presentation

Ali Page, President, Apex President Farmers Market and Local Food Alliance

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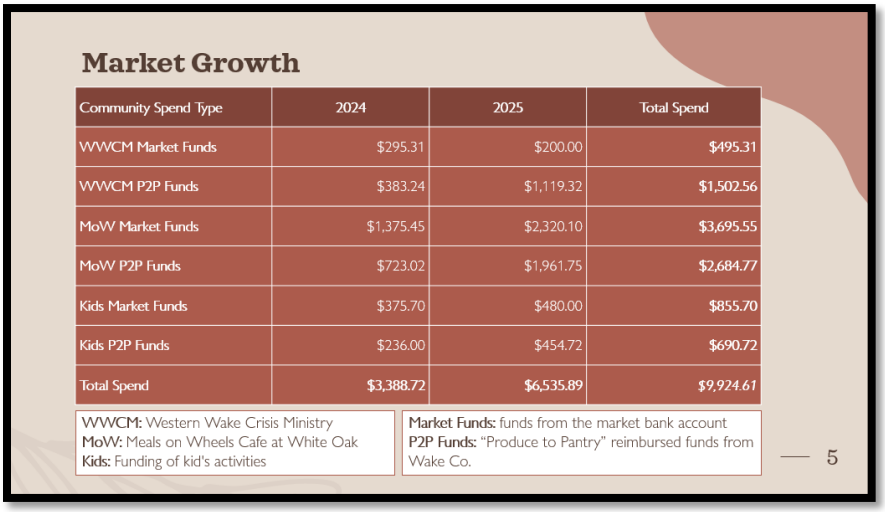
[SLIDE 2]

[SLIDE 3]

[SLIDE 4]

[SLIDE 5]



Market Growth

Community Spend Type	2024	2025	Total Spend
WWCM Market Funds	$295.31	$200.00	**$495.31**
WWCM P2P Funds	$383.24	$1,119.32	**$1,502.56**
MoW Market Funds	$1,375.45	$2,320.10	**$3,695.55**
MoW P2P Funds	$723.02	$1,961.75	**$2,684.77**
Kids Market Funds	$375.70	$480.00	**$855.70**
Kids P2P Funds	$236.00	$454.72	**$690.72**
Total Spend	**$3,388.72**	**$6,535.89**	***$9,924.61***

WWCM: Western Wake Crisis Ministry
MoW: Meals on Wheels Cafe at White Oak
Kids: Funding of kid's activities

Market Funds: funds from the market bank account
P2P Funds: "Produce to Pantry" reimbursed funds from Wake Co.

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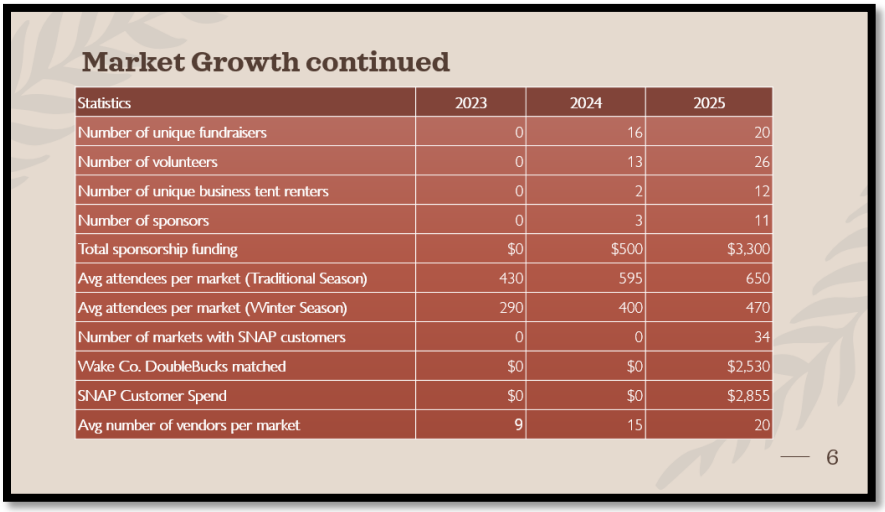
[SLIDE 6]



Market Growth continued

Statistics	2023	2024	2025
Number of unique fundraisers	0	16	20
Number of volunteers	0	13	26
Number of unique business tent renters	0	2	12
Number of sponsors	0	3	11
Total sponsorship funding	$0	$500	$3,300
Avg attendees per market (Traditional Season)	430	595	650
Avg attendees per market (Winter Season)	290	400	470
Number of markets with SNAP customers	0	0	34
Wake Co. DoubleBucks matched	$0	$0	$2,530
SNAP Customer Spend	$0	$0	$2,855
Avg number of vendors per market	9	15	20

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[SLIDE 7]

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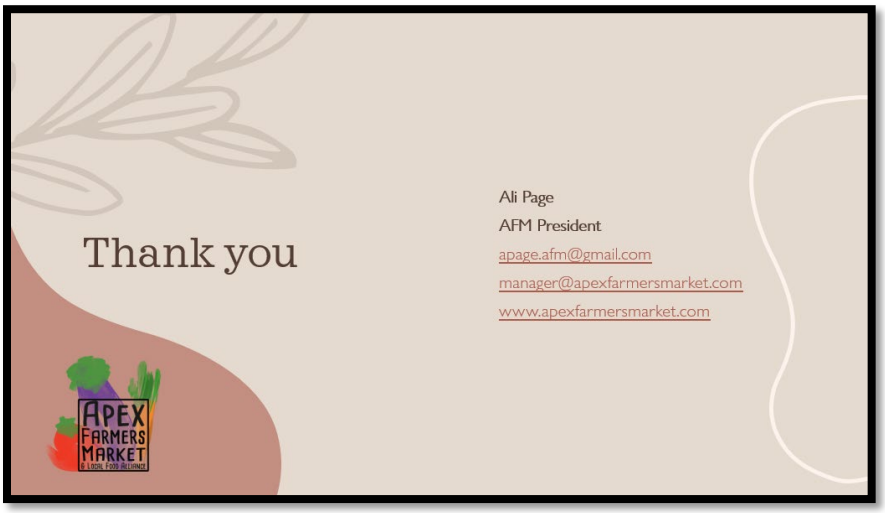
[SLIDE 10]



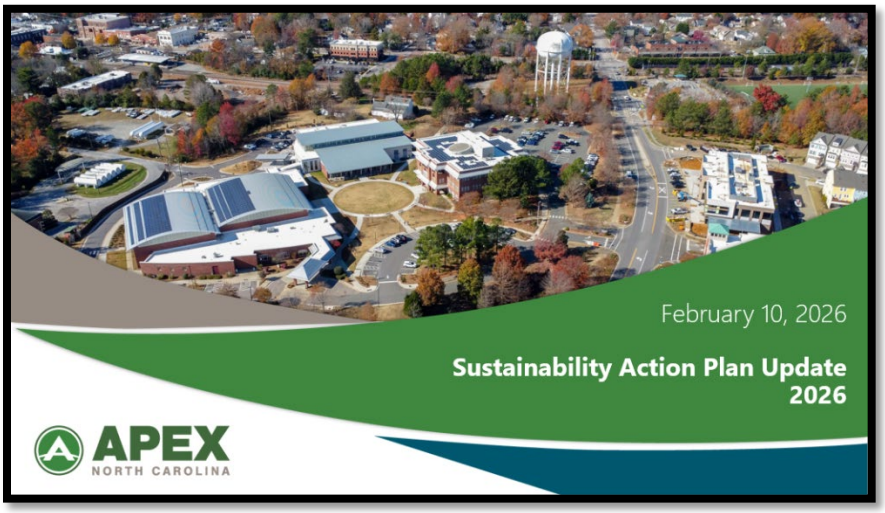
Mayor Gilbert thanked Ms. Page for all her work. He said he was glad they were back in Downtown.

Councilmember Reese thanked her for being a part of the community.

PR7 Sustainability Action Plan (SAP) Annual Update – Fiscal Year 2026

Don Reeves, Sustainability Coordinator, Budget and Performance Management Dept. gave the following presentation:

[SLIDE 1]



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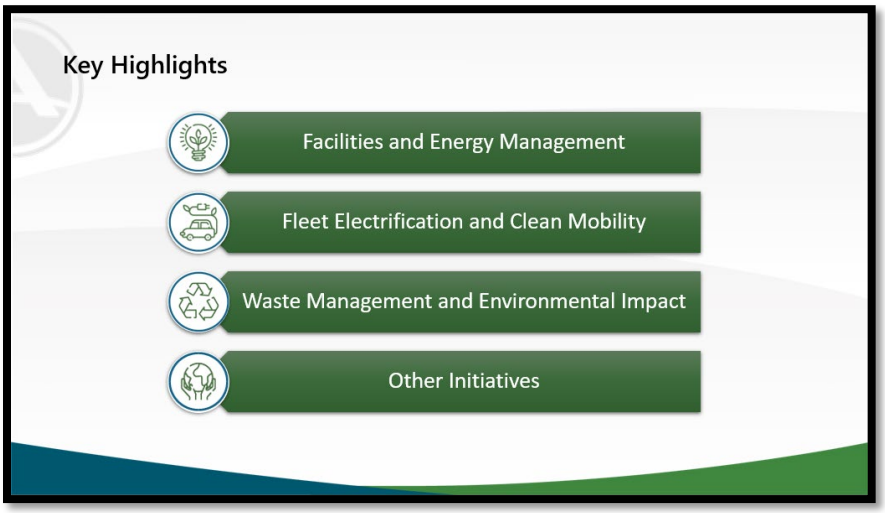

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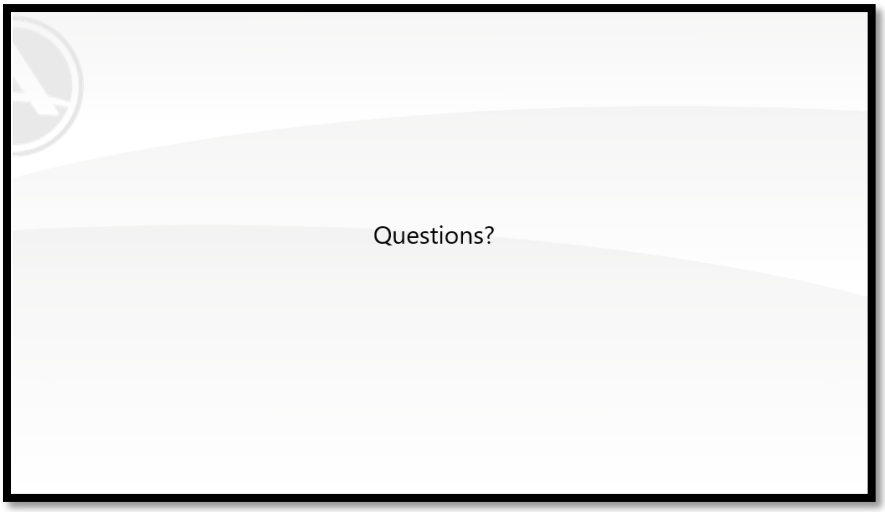

Mr. Reeves asked if there were any questions.

Councilmember Zegerman asked what the baseline year was for the greenhouse gas inventory.

Mr. Reeves said there is data back to 2018 but for most cases greenhouse gas inventory is better done within 5-year increments so it will be 2020 or 2021, and the is sufficient data from the billing system to implement this.

Councilmember Zegerman asked for pictures of before and after showing the impact and results of previous years' investments by previous Councils.

Mayor Pro-Tempore Mahaffey thanked Mr. Reeves for all his work and said that this was an element that had been missing for tracking the progress. He said that February 5, 2019 Apex passed the resolution to endorse the goals of achieving 100% clean energy by 2050 and 80% by 2035, and asked is Apex in terms of meeting these goals that were set in 2019.

Mr. Reeves said that the goal is for the dashboards to eventually answer this question but current data shows that Apex is on track with this goal. He said that data shows that the town remains mostly dependent on electricity from utilities and a small portion of energy is coming from on-site solar generation. He said the first greenhouse gas inventory focuses on town facilities and doesn't account for the broader community-wide solar impact and coordination with staff, facilities and electric utilities is needed to address gaps in solar generation data to improve accuracy in reporting the data.

Mayor Pro-Tempore Mahaffey clarified that the resolution was just the Town of Apex, the buildings and facilities, and not the full community.

Councilmember Reese asked if each project was available to the public to see the components or installation to be purchased.

Mr. Reeves said the current sustainability dashboard is on the Environmental and Leadership website and it is updated bi-weekly or monthly and there were also Council presentations. He said within the dashboard there are 160 tracked initiatives across the projects.

Councilmember Reese asked if there was an assessment specifically around urban heated islands and how the town addresses these.

Mr. Reeves said it wasn't outlined in the iteration of the 2024 sustainability action plan, heat islands and urban heat is something that he and other staff have formed a heat cohort. He said the goal of the heat cohort is to produce a Heat Action Readiness Plan to make sure that there is a course of action in place in events of extreme heat.

Mayor Gilbert thanked Mr. Reeves and moved to Public Forum.

[PUBLIC FORUM]

Mayor Gilbert opened the Public Forum and called the first speaker.

First to speak was **Dr. Michelle Hoffner O'Connor** of 2664 Jordan Boulevard:

" I have been a researcher reading primary literature and collecting and interpreting data for over 20 years across multiple disciplines. My work, including primary author publication and doctoral dissertation, has passed the litmus test referred to as peer review. Throughout this process, I have found myself troubled by the misrepresentation of facts, both from Natelli and his team and now by our town. I don't necessarily believe misrepresentations of information from our town are malicious, but it does beg the question, who are the real subject matter experts being consulted? Who is performing review to verify what is said? The lies that come from Natelli are constructed to make a lion sound like a lamb. The data center will only use water during the summer. Incorrect. A hybrid cooling system is dependent on temperature, humidity, and types of chips used. They work great in the Nordics and even in dry, warm climates like Arizona, but fail to deliver in warm, humid climates like ours. Each building will require at least 12 three-megawatt generators. Misleading, at 300

megawatts, a minimum of 25 are needed for each building to total over 100. These generators will only be used during testing and power outages. How can a developer even guarantee such a thing when they will be long gone and when the data center goes live, and the fact that Duke Energy can barely support the existing grid during cold weather? Meanwhile, the supporting documents for the Working Session were intended to be well-rounded and educational but are missing much information and context to the point where incorrect statements are inevitable. The potential for anything geothermal is close to zero. The ground is famous for its impermeability, which means there is virtually no ability for water to flow, making this option arbitrary. It is unreasonable to compare a strict, federally regulated cooling tower like Shearon Harris's to that of a data center. At over 500 feet tall, the Shearon Harris cooling tower pushes all its water vapor into the upper atmosphere, which is why there is little to no impact on the local climate and why you do not hear about Legionella outbreaks. However, release of water vapor at a cooling tower height of only 70 feet affects the lower atmosphere we breathe. Water vapor can alter the local climate, and Legionella will distribute locally in higher concentrations. Finally, the lack of inclusion of fine particulate matter, a tier one carcinogen, during any generator discussion seems capricious. I gave a nine-minute speech on this in October, and it is easily the greatest threat of all the pollutants to our health. So, where do we go from here? How do we ensure that objective truth will win out? Will the town commit to hiring independent subject matter experts to review and help round out the existing research presented on January 22nd? It is not my intention to offend anyone's work. I acknowledge there are many aspects that must be researched to assist in the decision-making process. However, the last thing I want to see is this town to make decisions based on incomplete or inaccurate information. I expect the Natellis to twist the truth for their own personal gain, but I expect this town to uphold the peak of good living by ensuring that they are exceeding the peak of good research. People's quality of life is literally dependent on it. Thank you."

Mayor Gilbert thanked the speaker and invited the next speaker.

Next speaker was **Sarav Arunacaacam** of 2924 Jordan Point Boulevard:

"I'm a chemical engineer and professor of environmental sciences and engineering at UNC Chapel Hill. I'm also a director of the Center for Environmental Modeling for Policy Development at the UNC Institute for the Environment. You should be getting a set of handouts that I put together to help with this presentation today. I have studied emissions and air pollution for the past three decades and worked with multiple State agencies, industry, and the US EPA on various air quality issues. I've given expert testimony to the North Carolina Department of Justice, US Department of Justice, and most recently to the US Senate on US methane-related air pollution health. I'm here to talk about the proposed 300-megawatt data center at New Hill, which among other impacts will have on-site generators with excess emissions of multiple pollutants that will lead to dirty air, contaminated water, and unhealthy citizens. Generating power for a 300-megawatt data center on site is akin to

having a polluting power plant in the town with its motto "Peak of Good Living." The State of North Carolina has been in attainment of the health-based standards for all criteria air pollutants for over a decade except in 2023 when there were exceptional events due to the smoke from the Canadian wildfires. When a region achieves all air pollutant standards, the citizens are healthy, millions of dollars are saved due to avoided health costs, the economy grows, and the skies are blue. However, when a region is designated nonattainment and if the region or state does not have a plan for emissions reductions to clean the air, various enforcement measures kick in. Besides increased health costs to the general public, the nonattainment region suffers on various fronts. Despite some considerations of the EPA reported by the New York Times last month not to look at savings in health costs of pollution controls by a recent proposal, the fact remains that when you avoid pollution, you save on health costs. With the proposed 300-megawatt data center in New Hill, we are at risk of having excess emissions that will likely reverse over a decade of clean air that the citizens of North Carolina have enjoyed. It is then likely for Wake County and its neighbors to show up in the dirty county list that the American Lung Association compiles each year. These excess emissions are projected from both the proposed data center due to on-site generation of backup power as well as from Duke Energy when Duke has to ramp up production to meet year-round energy demand on the grid, including possibly extending the life of fossil fuel-based power plants. Just last week, when we had an invasion of Arctic air into the region, we saw that Duke made an appeal to the citizens of North Carolina to reduce energy usage to help with increased energy demand. So many hyperscale data centers in other states were required to operate backup emergency diesel generators. I will switch to a narrative on a tale of two data centers. In the first data center, the one proposed for New Hill, the on-site backup generators are expected to run for multiple hours over a period of a year for testing and then for backup power for the data center should there be a power outage or emergency from Duke. Using a regulatory dispersion model developed by the US EPA, I have taken the liberty to model the air quality impacts of excess emissions of oxides of nitrogen, or NOx, assuming that they will use diesel fuel. While the generators can be fueled by any of diesel, natural gas, or renewables, we have heard from the developer about the potential use of tier 4 generators. While a tier four generator is better than tier three, the potential still exists for these generators to use fossil fuel, and I will use that scenario here. There are two alternatives to having this backup power generation: a single large facility on site with a tall stack or 100 small sources with likely identical capacity. I have provided a series of maps to help you walk through this modeling. Figure one on the first page shows the prevailing direction of winds as reported at the Raleigh-Durham International Airport, which is representative for this region. That's a set of wind rose plots, as you will see for three of the four seasons of the year, the winds are blowing from the southwesterly direction, however during the fall season, they are from the northeast. I will show air quality impacts of NOx emissions, one of the many pollutants emitted during diesel combustion, as footprints using contour plots. Figure two in your handout shows incremental rings that are uniformly placed one by one kilometer spacing from the proposed facility on Shearon Harris Road. These rings intersect New Hill and Olive Chapel at 2 kilometers, 540 at 8 kilometers, and NC 55 at 11 kilometers from the

facility, note that I am discussing units in SI units, which is the norm mandated by the American Meteorological Society for atmospheric science calculations to promote consistency and standardization for comparison in the global context. I have also shown the locations of vulnerable and sensitive populations, our children, the future leaders of this country, by identifying locations of multiple schools and playgrounds in Apex. Figure two in the right panel also shows the alternate location of these 100 generators laid out in a 10 by 10 array on the proposed property for this modeling study. Figure three shows the annual average on the left and the single hourly maximum NOx concentration on the right at each receptor at these radial distances. The annual average values are almost 1 microgram per cubic meter, that's a unit in which you measure these pollutants at this location where we are right now, the Apex Town Hall, while the maximum single-hour concentration exceeds 200 micrograms per cubic meter just outside the 1-kilometer ring from the facility. We also see values of over 50 micrograms per cubic meter near the Apex Town Hall over 11 kilometers away from the facility. Now let's look at an alternate scenario where the proposed facility will have 100 smaller capacity 3-megawatt generators as proposed by the developer. Since these are much smaller in size, it's reasonable to assume that their emission release height is lower than a single tall facility and hence the atmospheric dispersion will be relatively localized, that is with higher impacts in the near field. In figure four, the annual average impacts are more than 100 micrograms per cubic meter just over a kilometer from the facility, and a larger plume of 10 to 50 micrograms per cubic meter is seen in roughly a 10-kilometer radius around the facility, correspondingly, the maximum single-hour concentration values are in the several hundred micrograms per cubic meter range spread more like a pancake all around the facility over a 15 to 20 kilometer radius, with the maximum impact being over 2,500 micrograms per cubic meter within the first couple of kilometers from the facility. Comparing these predictions with the national ambient air quality standards in the US EPA for nitrogen dioxide, or NO2, a primary component of NOx, at 188 micrograms per cubic meter over an hour or 100 micrograms per cubic meter for an annual average indicates air quality levels from this facility would be exceeded by more than double a kilometer away while the maximum impact is 250 times the current NO2 standard designed to protect public health of the citizens. While the model impacts the present from oxides of nitrogen, these gases go on to form fine particulate matter, which you heard the previous speaker mention, particles of size less than 2.5 micrometers, through various physical and chemical processes. A micrometer is one millionth of a meter. The 2.5-micron size is roughly about a twentieth of the width of a human hair. Exposure to air pollution from fine particles is the single largest global environmental health risk, with about 8 million people dying prematurely each year. In the US alone, that number is about 100,000 per year, while previous speakers have talked about the various adverse health impacts of exposure to fine particles, I'll skip that for now. I just want to summarize to say that short-term exposure triggers acute symptoms while long-term exposure increases chronic disease risk and premature mortality. Recent studies in the epidemiological literature have also shown impacts on pregnant women, which includes premature birth, autism, and cognitive decline leading to increased risk for neurodegenerative diseases like Alzheimer's. In the town at the peak of good living, you may

have vulnerable populations, children and older adults, being affected the most, with healthy adults also showing new adverse symptoms due to exposure to this pollution from the first data center we are talking about. Due to cognitive decline, it's possible that the test scores of students of southwestern Wake County and likely Chatham County are negatively affected. To conclude, while there are several concerns related to the proposed data center, excess emissions that affect the quality of air we breathe, excess demand on water that will strain local resources, excess noise that will affect sleep, and excess cost to consumers due to high electricity bills, the question I implore you to ask yourselves is: are there really any benefits in any form to the Town of Apex and the residents that exceed the cumulative costs due to the proposed data center? Thank you for the opportunity to provide this testimonial and for your time today. I look forward to being back on a future date to talk about the second data center to provide a contrast to the first one presented today. Thank you."

Mayor Gilbert thanked the speaker and invited the next speaker.

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

"Mayor, Town Council, good evening. Welcome to the new Council members. It's the first time I've been in front of you. As you know, I've been gone for a few weeks, but I am back and ready to start again, starting a new year. This is beginning my fifth year of regularly coming and standing in front of you. When I took a couple weeks out to take care of other things, I was trying to follow the town, it was incredibly hard to follow the town and it occurred to me that the town's website has not been updated in at least four years. It has the same pages and the same features, but it has not grown in any transparency whatsoever. When I was trying to find information, I went to the search box. You cannot put in "data center work session" and get any of the material unless you know exactly what to go look for. You have to go into the Work Session, find the Work Session, and go through it. You have to go through all of these steps. So, we as a town have not become any more transparent in the last four years, and transparency is one of the town's goals. I ask that you consider making it one of your resolutions this year to figure out how to bring more to our website so that it is easier. The Town of Cary, as you recently know, has spun up a page on their website showing all of their public records requests. It shows who put the request in, what the request is, and what it was fulfilled with. I know there has been conversation about there being a lot of public records requests in Apex. Maybe following what Cary did is a way to reduce some of those. If I want to go look at the P-cards, if that P-card data has already been pulled, I would have the ability to do that, but as it is today, that does not exist. If you look also at the City of Raleigh, they post all of their neighborhood meetings for every single development, so it does not matter if you are 300 feet away. You have the ability to go look at the areas of town that matter to you. You may have interest in different parts of the town even if you don't live 300 feet away. They also post their transportation studies so that people can become more educated about what the development is going to do to their neighboring intersections. This is a passion of mine because you know that I came in front of you to fix Friendship Road. I was

originally told that we would never get a stoplight at Friendship Road and so, I stood at the end of my driveway, got 400 signatures, took it to a bunch of different groups, Apex, NC DOT, and others, and they did a traffic study and guess what, where you only had to meet one out of eight warrants, we met three out of eight warrants because the people who are making decisions about us do not live there. So, if you start putting these things out on your website and bringing more transparency, I think you will have a lot less work on your staff and a better educated community. Thank you."

Mayor Gilbert thanked the speaker and called the next speaker:

Next speaker was **Rick Beech** of 1610 Royal Red Trail:

"I love living at the peak of good living. I was fortunate to move here when families with modest incomes, including many public servants, could afford to live here. I passionately speak tonight with the hope that Apex could again be a place where public servants, which we celebrated tonight, can live and serve here. I plead for the town's help so that the dream of serving and living in Apex does not stop with me and my generation. I am a lifelong public servant. I helped to start Habitat for Humanity of Wake County 40 years ago as a seminary intern. Wake County enthusiastically supported the dream of quality affordable housing for everyone, with Habitat Wake quickly becoming a top national producer in the Habitat network as it remains today. I was fortunate also to personally enter the housing market when there was a lot more assistance for first-time home buyers of modest means. With the help of the North Carolina Housing Finance Agency, I was able to get significant assistance in purchasing a quality, affordable home. Once Habitat Wake was flourishing, I was asked by Habitat for Humanity International to help start other Habitat organizations across the country and to help them engage the faith community in their work. When our children came along, my wife and my family moved back to Wake County where my wife grew up. We settled into Apex. I served two churches here and eventually returned to Habitat Wake. My wife helped to open Olive Chapel Elementary School where she served until she retired. This is where the dream of serving and living in Apex ends. My daughter, following her mother's footsteps, became an elementary school teacher. She attained a teaching position in Apex but could not afford a one-bedroom apartment on her first-year teacher salary. She lived at home until we could put a plan together. Even though I spent most of my career with Habitat seeking to create a world where everyone could have a quality affordable home, my own daughter was shut out. How could that be? For beginners, the federal and state funding which enabled my wife and I to become homeowners 40 years ago now barely exists. Amidst our area's rapid growth, the cost of housing then became out of reach for my daughter and others like her. Our family did some soul searching and decided to intervene because we were able to get into Apex early enough, our house had significant equity. We took out a second mortgage and made a very significant down payment on a one-bedroom condo for her. She now has quality affordable housing and is thriving and building wealth like those with quality affordable housing often do. While my wife and I were able to intervene, that is not the case

for others. My father was a white veteran and came home to a VA loan to help him buy a home where I was born. Black veterans did not come home to such programs, helping to create the racial wealth gap that still haunts this country where the median net wealth of a white family is 171,000 and the median net wealth of a Black family is 17,000. So, what are we to do to make Apex again the Peak of Good Living for public servants as well as everyone else? Succinctly, we have to be bold. It is not hyperbole. We are in a crisis. Perhaps the housing crisis is not affecting your family yet. However, it will likely do so without serious intervention. Who is going to teach our children, put out the fires, and serve as medical assistants if we do not intervene? Let me briefly share what Habitat Wake is doing, then I will close with some suggestions for the town. Habitat Wake has evolved to meet the crisis, we have become developers who are building neighborhoods with many housing types, including town homes and condos. We are using land leases like at Friendship Station on Tingen Road in Apex. We are selling the structure to families while holding on to the land to allow long-term affordability for the home buyers. We are repurposing underutilized faith property to build affordable housing. We just announced our first yes in God's Backyard project, creating 28 affordable units. We are raising millions of dollars from major donors to create a revolving loan fund to purchase underutilized faith and other properties. We are committing to paying back those funds to create a perpetual fund for site acquisition and development. These innovations have the potential to increase our production as much as 60%. We have already built 1,000 homes. We are desperately trying to do our part. We plead for the town to do its part. Here are three suggestions. One, just as I accessed 40 years ago in Wake County, let's recreate and expand subsidies to help households with modest incomes to be able to live here. Our County has a shortage of 28,000 affordable housing units for households earning $50,000 or less. These 28,000 families, many in Apex, desperately need our help. The town of Apex already has a housing investment fund. The town's consultant has suggested increasing it from $2 million to $14 million to subsidize affordable housing. There is no time like the present. Two, do everything you can to preserve existing affordable housing. Habitat Wake mobilized the faith community here to speak to you earlier about preserving Apex's manufactured home communities. While we know this is complicated, we must find a solution to keep these residents, most of whom are in the service sector, in our community. Three, Habitat Wake has increased its home preservation program from serving 40 families in 2024 to nearly 100 families in 2025. We urge the town to equally grow its investment into its home preservation program. My beautiful daughters attended Olive Chapel Elementary, Apex Middle, and Apex High schools. These great schools and our wonderful faith community helped to produce a very loving pastor and a very loving teacher. As Habitat Wake has done, I ask the town to do everything it can to enable these and other public servants to be able to call Apex home. Let's not let the dream of serving and living in the Peak of Good Living die with my generation. Thank you."

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

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

"Good evening all once again. Here we go again, placing major financial and property decisions on the consent agenda. This is tonight's consent agenda. Regarding consent agenda number one, North Carolina DOT, Apex Peakway North widening of Center Road and Raleigh Road, look at the fine print, it says it is routine to have things in the Consent Agenda. The town continues to function as a proxy government where a handful of insiders make multi-million-dollar decisions while the public is sidelined. CAMPO, Capital Area Metropolitan Planning Organization, did not prioritize this project for right-of-way reimbursement. Regional Planners judged it less urgent than competing projects, yet Apex is moving forward anyway, assuming 100% of engineering and right-of-way costs up front and if federal construction reimbursement does not materialize, which is entirely possible, taxpayers would end up funding the entire project, not just upfront costs, potentially all of it, but there is more. The agreement lists $10,000 as the reimbursement threshold. $10,000 for a multi-lane widening with sidewalks, bike lanes, and property acquisition, that's not a serious threshold. It reads as a placeholder that masks the true exposure while residents remain on the hook for potentially millions. To widen this corridor, additional right-of-way is required, meaning private property acquisitions, potentially through eminent domain. Eminent domain is one of the most serious powers government holds. It requires a clear public necessity, not a preference, not a design upgrade, and not speculative growth projections and yet this moves forward under consent with no standalone discussion, no parcel impact maps, no full financial transparency, and no public debate. Taxpayer money is at risk, private property is at stake and this deserves scrutiny. I am going to be submitting a public record request. This should be routine and straightforward, and I should receive it within a few days. I will report back publicly on the timeline and on the delays if I do not receive transparency, because this is about accountability and this is a very serious situation. I will continue to come up here to let the public know what is going on. Thank you."

Mayor Gilbert said thank you and called the next speaker.

Next speaker was **Glenn Rinne** of 3537 Jordan Shires Drive:

"Mayor Gilbert, council members, my name is Glenn Renie, 3537 Jordan Shiress Drive, and I have a slightly different opinion. I know you have been under a lot of critique this evening. I watched with interest the Town Council Joint Planning Board meeting on the 22nd and the second part of that. I was very impressed with the scope and scale of the town's response to the risks of the data center. You heard my concerns and reacted appropriately. I would especially like to call out Bruce Venable for his excellent presentation. I must say I am proud to live in Apex, the peak of good government. Similar risks are posed by the recent North Carolina Utilities Commission's approval of the Longleaf solar power plant in New Hill opposite the Harris plant on New Hill Holleman Road. I do not know if you have heard about it, but one part of this project is the construction of a battery electric storage system to store the electrical energy from the solar panels. The first phase, New Hill One, will be a 140-

megawatt battery system. New Hill Two will expand this to a total of 980 megawatt hours. This is three times the size of the battery storage system proposed for the data center. I know the meaning of terms like megawatts and megawatt hours may be a bit vague and esoteric to many. In fact, Duke misused them on their own website. Let me try to put these numbers into context. A megawatt hour is a measure of the amount of energy stored or consumed, but what does 980 megawatt hours mean to us? To help put that in perspective, this is the same energy as is contained in 30,000 gallons of gasoline or the same energy as 843 tons of TNT. No wonder firefighters do not like battery systems. When large amounts of energy are stored in a relatively small area, there is always concern about the sudden uncontrolled release of that energy, but of course large-scale battery facilities do not explode as fast as TNT, but they can explode in a series of smaller explosions and fires. In January last year, a 300-megawatt building at the Moss Landing site in California caught fire. 1,200 residents were evacuated, and they are still extracting damaged batteries from that site because damaged batteries can initiate new fires and explosions. The year before that in San Diego, the Gateway Energy Facility burned for five days, both required evacuations. The closer such facilities are to residential and commercial areas, the more extensive the required protection must be, this should encourage citing high-impact facilities in low-risk locations. Strong ordinances are essential. Thank you."

Mayor Gilbert thanked **Mr. Rinne** and invited the next speaker.

Next speaker was **Carl Helton** of 505 East Chatham Street:

"On September 30, 2023, Carl Helton, 505 East Chatham Street, I spoke with Jimmy King of Peakway Development about purchasing a 5.27-acre portion of the 13-acre tract on South Hughes Street. He said he felt that cutting off a portion may hurt the sale of the remaining 13 acres. Mr. King and I met with Steve Adams, Dianne Khin, and another staff member to discuss what our options might be on that property. It was left that they were going to discuss this with the staff and the board, and the next thing we heard was the town had purchased the entire tract and that the Legion was not considered. I understand that houses are now planned for that site. I was later told that for the town to be involved, our venture would have to be for the good of the whole community. There are over 2,500 veterans living within a 10-mile radius of that location. We would like to have a seat at the table to see what we can do together about putting a Veterans Memorial Center on that location. We can raise a good portion of the money to build the building, with the town furnishing the land and the infrastructure. This could be used for Veterans and the entire community for various events. Event space is much needed in our town. We see it available in surrounding communities, but many times our residents have to go outside of Apex to obtain a venue for the events. This would also be an outlet to sustain the building itself and would be a win for both the Veterans and the citizens. Let's keep the involvement and the revenue in Apex. At this time, I would like to invite Steve Gillespie."

Next speaker was **Steve Gillespie** of 507 Homegate Circle:

"Good evening. Steve Gillespie, 507 Homegate Circle, pleasure to speak with you tonight. I am here in addition with Apex American Legion Post 124 on behalf of Veterans, Wounded Warriors, and military families who have given often quietly so that communities like ours can thrive. This is the longest I have ever lived in one place in my 60 years, now at 10 years in 2025. Every Veteran understands the guiding principle: service before self. It is learned early, reinforced daily, and carried for a lifetime. Veterans do not ask what something costs initially, they ask whether it is worth doing, whether it advances the vision and mission, and whether it takes care of people. Mayor Gilbert, your leadership, shaped by service in law enforcement and as Mayor, reflects unity, stewardship, and long-term vision for Apex. Those are the same values veterans relied upon when entrusted with missions far larger than themselves, we appreciate your service. Mayor Pro-Tem Mahaffey, your focus on responsible growth, clear communication, and thoughtful planning mirrors how veterans are trained to prepare not just for today's task but for what comes next. Council Member Gray, veterans know firsthand that public safety and preparedness are daily responsibilities, not abstract concepts, your Air Force service and continued community leadership embody that commitment. Councilmember Zegerman, veterans understand accountability and fiscal discipline. We lived by it when lives, equipment, and trust were on the line. You can trust that this vision will be executed with that same discipline. Councilmember Reese, many veterans continue serving by mentoring youth, coaching teams, and modeling character built on discipline and teamwork, me give back. Councilmember Mu, Happy Lunar New Year. Veterans come from every background, and they believe deeply in communities where dignity, inclusion, and opportunity are extended for all. For this Veterans and Wounded Warrior Center, it is not simply about the land. It is about creating a place for healing, transition, mentorship, and continued service. A place where wounded warriors are supported and veterans remain engaged, volunteering, leading, and giving back to Apex. This is not charity. It is an investment in people who have already proven their commitment through service. I served for 30 years in the United States submarine service and continue serving Apex through the American Legion, youth mentorship at all the high schools, nonprofit leadership through 100 Men, and civic leadership through Apex Rotary, alongside the rest of the veterans sitting here today who are cornerstones of this community, and our former Apex ambassador JC Knowles. Across every branch of the military, we are taught that no one succeeds alone, tonight, we ask Apex to stand with those who stood with this nation. Your decision will echo far beyond this project. It will say to every veteran and military family, Apex remembers, Apex values, Apex leads. Thank you for your time. I will turn the remarks over to our past National Vice Commander, Patricia Harris."

Next speaker was **Patricia Harris** at 6840 Lakersville Lane, Raleigh:

"To the mayor and members of the council, I am Past National Vice Commander Patricia Harris, 6840 Lakersville Lane, Raleigh, North Carolina. I came to Apex in 2008 with a

very specific purpose: to help revitalize the American Legion Post 124. At that time, I believed deeply in the value of a community-based post, one not just rooted in tradition but in service, connection, and care for veterans. I am proud to say that those instincts were right. Apex is home to a significant number of veterans and military families, those who live here, work here, spend money here, and raise families here, and quietly carry the weight of service long after the uniform comes off. Veterans from Apex and the surrounding communities need a dedicated, visible place where they can gather, find support, and know that they are not alone."

Carl Helton continued:

"Before what we have been proposing to a lot of businesses and a lot of people that's got power by calling this a Veterans Memorial Center rather than a post building for American Legion Post 124. We can get State money and we can get Federal money. The first question I get asked when we talk to people is where's it going to go, and until we get some commitment, either you tell us we have a chance to put it on Hughes Street, which is the best location, it's got six entrances in different directions that you can go, we've talked to staff about two or three other locations, Jaycee Park across from the intersection of 64 and Salem Street and this seems to come back to this. We have talked to staff about the design of the building, we've got some input from them and we've introduced this into the proposal. I'd like to ask all the veterans who are here tonight to stand, this is Post 124, these are the people who have already made the commitment. They signed a blank check when they joined the military, up to and including your life and I think it is time the Town of Apex, we will help. We need your help. We need a place to put a building for the veterans. It needs to be a building that can sustain itself, where we can have Oktoberfest, we can have banquets, we have to go to Chatham County to have the Chamber of Commerce banquet. We should have a place like that here in Apex. We need your help. I know I used to sit on that board and I know that this is not the proper time, but I would like someone to make a motion that we put a committee together, and we would like to have someone on that board and Ed Gray, I think you ought to be the one to head it up. So, all in favor say aye and let's get this going. Thank you very much. I appreciate it."

Mayor Gilbert thanked the speakers and invited the next speaker.

Next speaker was **Tim Wong** of 704 Straywhite Avenue:

"I have lived in Apex for the past 10 years, and by trade I am a software engineer for over 25 years, so I probably speak to Mr. Mahaffey, but hopefully if I do a good job, this will make sense to everybody. Based on my experience, I speak with you tonight to give you a different perspective on why I don't believe the New Hill data center makes sense. I will not reiterate the negative impacts my neighbors have already stated, I am not smart enough to do that. Instead, I am here to argue against something I am very familiar with in software

development, and that is bad process. In my industry, we use a methodology called agile and before we start any work, before we write any single line of code, we have a rule called definition of ready. It means we do not pull work into what we call a sprint until the requirements are clear, the risks are mapped, and the dependencies are known. If a project or work has too many question marks, we leave it in what we call a backlog. It is a place where we revisit it, refine it, and make sure we understand it. Essentially, the analogy is that it rests on your shoulders to decide whether or not to commit this town to this massive project. Ever since I heard of the data center proposal, I have seen nothing but blockers and unknowns and we are being asked to rezone based on estimates, not guarantees. We have incomplete data on long-term noise impact. We have to-be-determined answers on water usage during a drought. We have vague promises about power consumption in a grid that is already strained. In software, when we rush a project that isn't ready, we call that technical debt. It is a shortcut you take today, and you pay interest on it, usually forever. If you ship bad code, you can hit control Z or undo and release a fix the next week, you can't do that with a data center. Once you pour the concrete and once we rezone that land, you cannot hit undo, if the noise is worse than the brochure said, that is our technical debt. If the power grid is not up to snuff, that is our technical debt and if the AI bubble bursts, we pay that interest for decades. In my world, when a project has this many red flags, we do not say yes and hope for the best, I have seen that happen. We stop. Usually when we do not stop, that is when a project goes really bad. We don't gamble our future on estimates, and we do not rezone based on a plan that is not ready and New Hill is not a simulation. Once that concrete is poured, we could have some major problems potentially. Thank you."

Mayor Gilbert thanked the speakers and invited the next speaker.

Next speaker was **Dave Pfeiffer** of 8909 Weaver Crossing Road:

"I'm Dave Pffeifer, I'm at 8909 Weaver Crossing Road in Apex, it is an extraterritorial jurisdiction, so I pay Duke directly. I do not go through Apex Utilities. My subject was the ability of Duke Energy and their customer limitations due to the cold. It has been touched on a few times today, so I am going to go down to my last paragraph for time. My concern is that if Duke Energy, if they can't support the current grid and the current customer base due to weather, how are they going to support it with a 300-megawatt data center? It is as simple as that in my mind. There needs to be a highly detailed plan completed to assure that Duke Energy and Apex utility customers are not affected by the requirements of the data center and I did send a note out to the board earlier. I hope you all read it. Councilman Reese did reply. Nobody else did, so I am assuming that you read the note. There were three different communications from Duke Energy to customers asking us to do all kinds of things to lower our electric use, that is just going to get worse with a 300-megawatt data center. I will leave it there. Thank you."

Mayor Gilbert thanked the speakers and invited the next speaker.

Next speaker was **Lib Hutchby** of Chapel Hill:

"This is a gift, and I greatly appreciate this time. My name is Lib Hutchby, and I am so old that I remember when you did not need bottled water. I am so old that I remember when we could drink water from the mountain stream. I came tonight from Chapel Hill to say to you that my biggest concern for all of us now is water. A data center will require millions of gallons of fresh water, which we do not have anymore. Then when it is used for cooling, the water is not good anymore, we couldn't drink it, we cannot treat it to drink it. So, right now, we already know that Shearon Harris requires 2,000 to 3,000 gallons of water a minute to cool it, so we have lights. I beg you to pay attention to where your water is coming from and try to protect it at all costs. Thank you."

Mayor Gilbert thanked the speakers and invited the next speaker.

Next speaker is **Barbara Collins** of 901 Norwood Lane:

"I only need a minute and 26. I want to speak to Tom Natelli directly through this. I worked at Duke for 20 years. I put major strategic plans together, I was the interim associate dean at the Nicholas School of the Environment while they were searching for a new Dean. I helped start the Nicholas Institute for Environmental Policy Solutions, which is now on its 20th year because at Duke University we value the environment. We value our faith. We value our morals and now you have Tom Natelli. Hello, Tom. You already know me. You are the former Chair of the Board of the School of Engineering at Duke University. Someone who was Chair of the Board of the Engineering School at Duke University should not be doing this. Not him, not his children and here is what I hope will happen next. If this goes through, nobody will ever take a donation from Tom Natelli again because that is dirty money in my opinion. I think we all know it is dirty money, so ahead and try to give it to Duke, and I will be standing right behind you the entire way. What are you going to give to progress? This is not progress. This data center is not progress, it is ethically, morally, environmentally wrong. I am not going to be a part of that, and I hope neither are you. We will follow this from the vote to the next vote, to the next vote, to every single person's personal commitment to the environment, not some title that someone has, not your roles on the Town Council, because you have a responsibility to us. Period. Not to Tom Natelli, not to the money, not to the taxes, to environmentally safe and clean environments. Do you know why there is no data on health effects for children? Because no one studies it. They don't live there 24 hours a day, seven days a week. Our children do, but their employees do not. They come, they work, and off they go, our children are in the environment that you choose. Don't let our children, don't let us, be trapped by money. That is what this is. This is a trap for money. We are going to say no because it is the right thing to do."

Mayor Gilbert thanked everyone for speaking and taking the time. He then called a 10-minute recess to return at **8:50 p.m.**

[PUBLIC HEARING]

PH1 Annexation No. 802 – 7625 Roberts Road, 0 Roberts Road, and 8112 Green Level Church Road – 5.23 acres (REF: ORD-2026-017)

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

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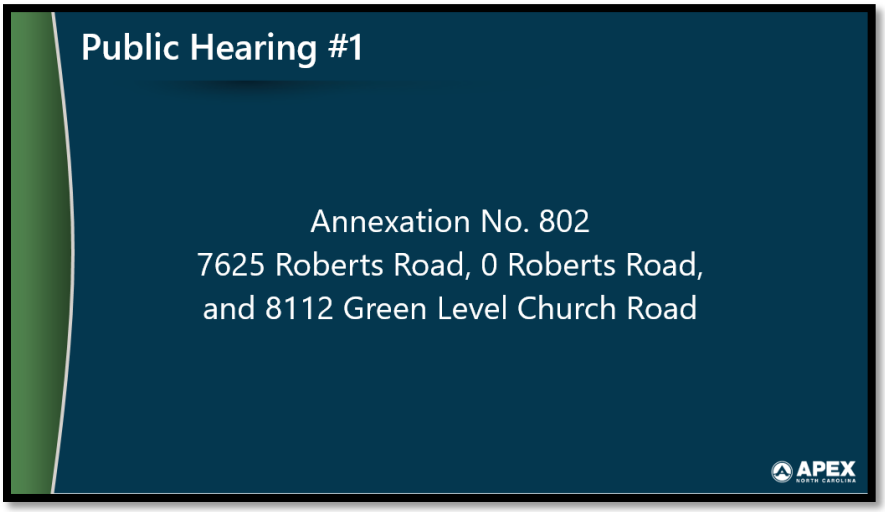

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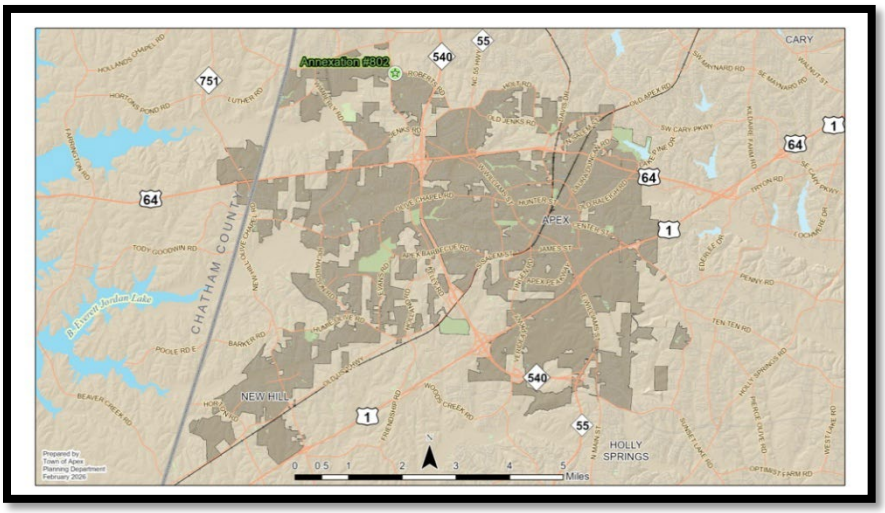

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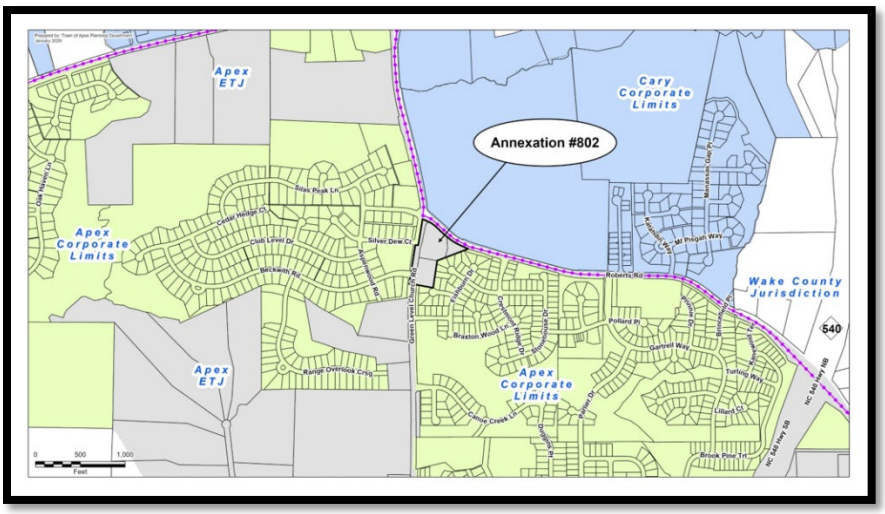

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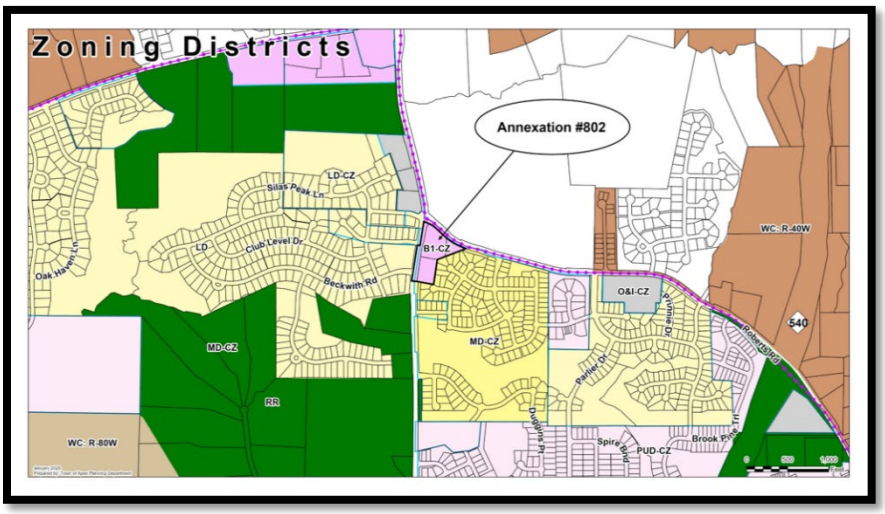

Mayor Pro-Tempore Mahaffey asked if this was still planned to be a gas station.

Director Khin said it was never planned to be that. She said it would be a retail building

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

A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded by **Councilmember Zegerman** to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex 5.23 acres, located at 7625 Roberts Road (PIN 0723-95-2564), 0 Roberts Road (PIN 0723-95-5524), and 8112 Green Level Church Road (PIN 0723-95-2216), Annexation No. 802, into the Town Corporate limits.

VOTE: UNANIMOUS (5-0)

PH2 Annexation No. 812 – 2224 Olive Chapel Road – 2.13 acres (REF: ORD-2026-018)

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

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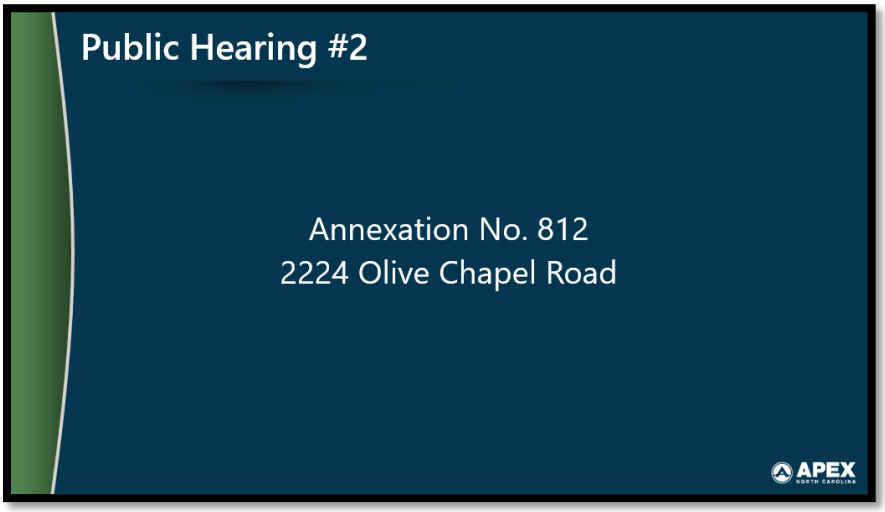

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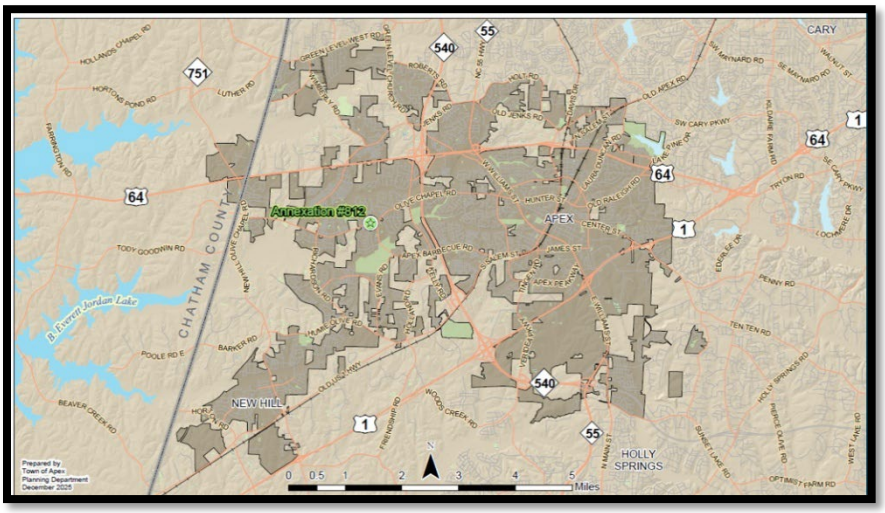

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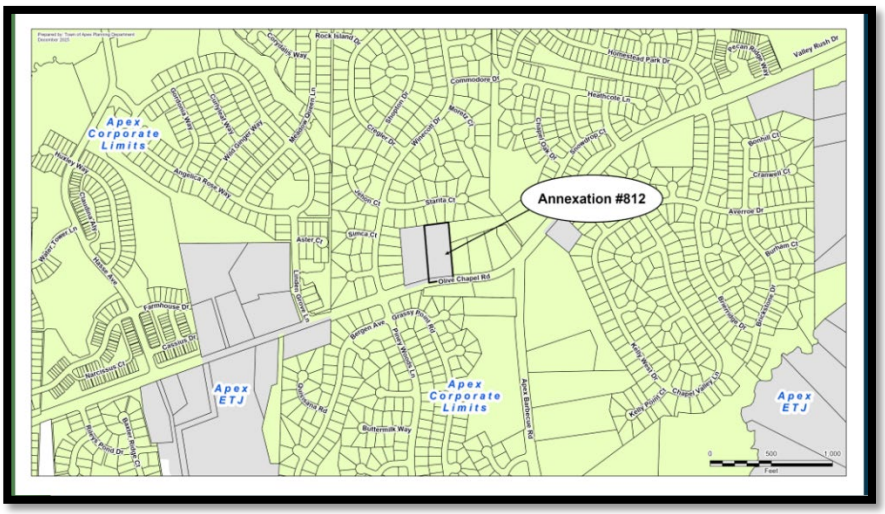

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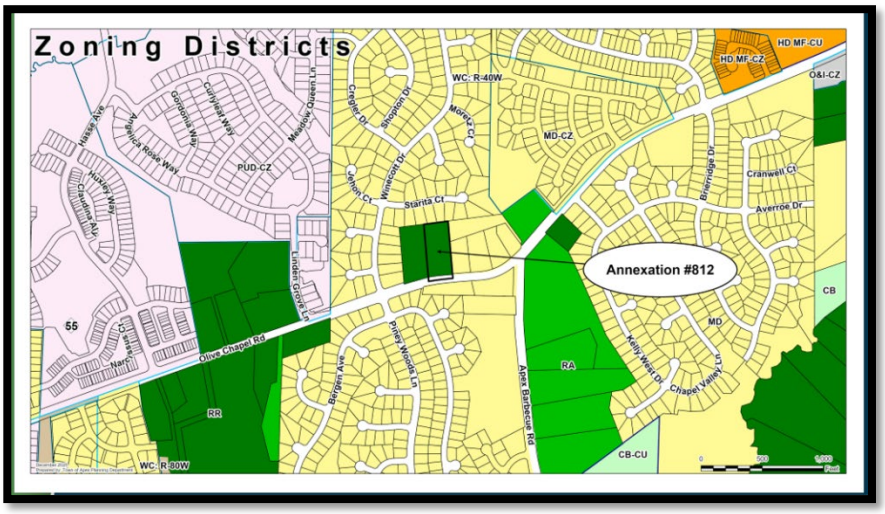

Mayor Gilbert opened Public Hearing and with no speaker closed Public Hearing and brought the item back to Council for discussion and possible motion.

A **motion** was made by **Councilmember Gray** and seconded by **Councilmember Reese** to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex 2.13 acres, located at 2224 Olive Chapel Road (PIN 0722-70-2657), Annexation No. 812, into the Town Corporate limits.

VOTE: UNANIMOUS (5-0)

PH3 Annexation No. 817 – Peak City Church – 2401 and 2325 Old US 1 Highway – 23.87 acres (REF: ORD-2026-019)

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

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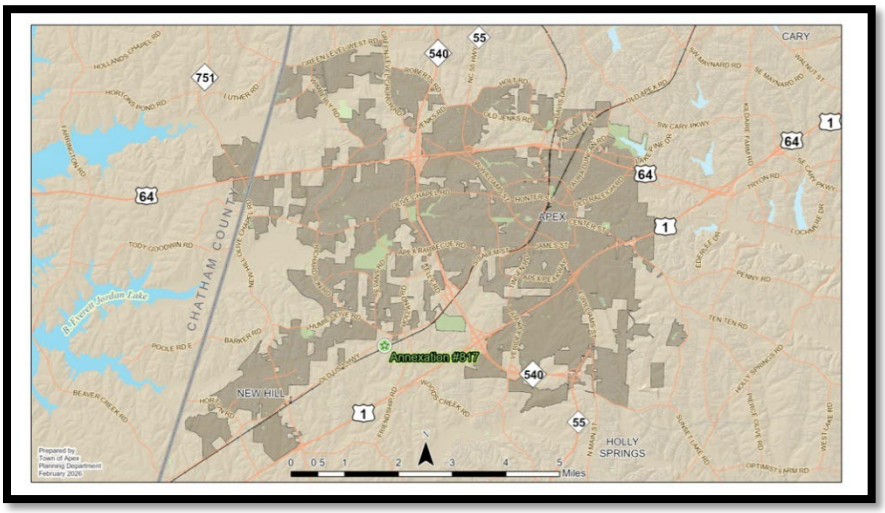

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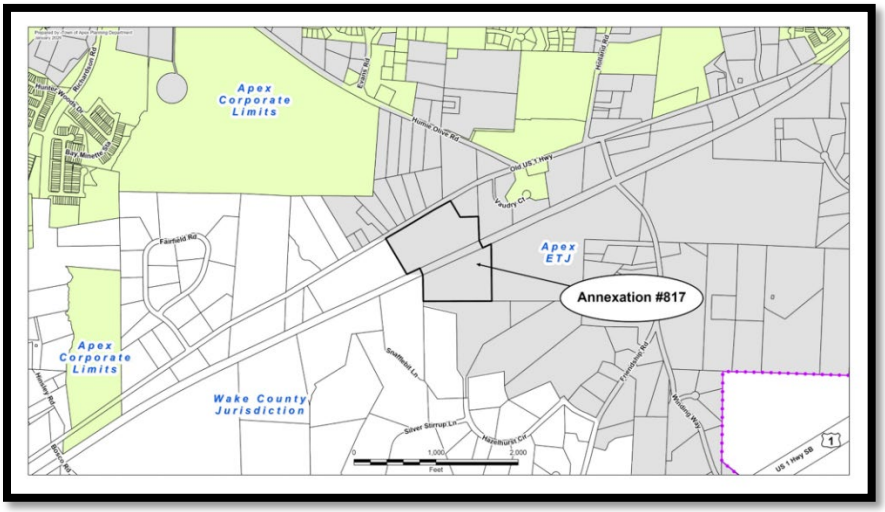

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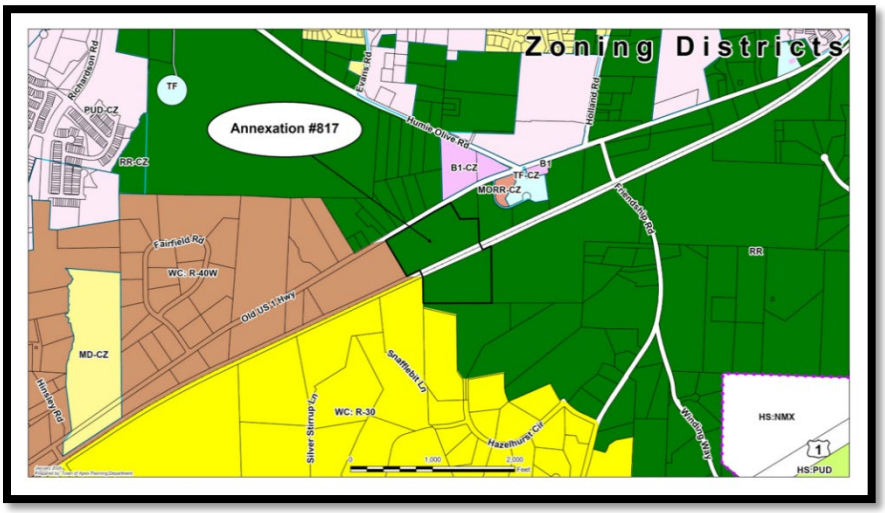

Mayor Gilbert opened Public Hearing and invited up the first speaker.

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

" Mayor and Town Council, I know that my comments tonight won't change your vote, but I do want it to be on public record. So, this particular church approval went through the special use permit process, and that process was not transparent and what happened was when we had the neighborhood meeting, the question was asked what type of septic system is going to be there because they said they were not going to attach to town services. In the email from the attorney it says it's going to be the size of a normal household. Well, fast forward, you start getting the notices that the special use hearing is going to happen. We asked for information and we were told, "Hey, it's going to come out in the staff report, which is typically the Tuesday or Wednesday before the special use hearing happens." Lo and behold, in that packet, we find out it is not a traditional septic system. Now, the town cannot stop the church from using it, but I want you to know that they're having to seek a permit with DEQ. It is going to be a 6-acre spray system and the problem is not that it's illegal and not that you're not going to vote it in, it's just our environmental laws have not caught up to what's happening with PFAS. So, if this 22-acre property had been put into 22 homes with about four people in each house, you would have had 88 people. But instead, you're going to have a church built here with 850 people and this whole back portion is going to have five-foot-tall spray systems spraying treated effluent. It does not treat any of the PFAS, any of the heavy leads or any of the heavy metals and we all know what brownfields are and eventually DEQ will catch up. When I talked to him, the director apologized to me. He said, "Yes, you're going to have to monitor your wells. This septic system is going to have to be tested multiple times during the year. I just want you to know that we don't have the laws in place for some of the things that are happening," and I would highly encourage you to have conversations to encourage the church to connect it to the Apex sewer. The library is going to come right across from them. You have Vicious Fishes right up the hill and what we've heard is it's the

cost. It's the cost. It's the cost. So, my well, my neighbor's well, and I have cows, and this is a voluntary agricultural property that we're trying to save as a part of Wake County, and we have this toxic stuff that's going to contaminate our soil. So, I ask you to highly encourage them to connect to the sewer system instead of the septic field. Thank you."

Mayor Gilbert thanked the speaker. He closed Public Hearing and brought the I item back to Council for discussion and possible motion.

Councilmember Reese said that there was concern about the proposed spray field system that is associated with this project and asked if staff could address what this would look like. He said Eastern North Carolina is contaminated because of things like this.

Town Manager Vosburg said this would be through DEQ and other permits and that staff could get someone that could come and speak to this. He said if there were specific questions they could be forwarded to DEQ.

Councilmember Reese said this is something that negatively impacts public health on a regular basis and would like confirmation that this may not be a large concern.

Councilmember Gray asked staff if the approval of this item would give the option for water and sewer at this property.

Director Khin said that this annexation would give them access to all town services which would include water and sewer options, but it is understood that they are not seeking sewer.

Councilmember Reese said that this will affect 100s of people weekly using this facility, and that is a significant addition of contamination for the local air quality.

Councilmember Zegerman said that this is an annexation request and not a rezoning request so this is not when new conditions can be imposed. He said that the church can be worked with to connect with town services and express their concerns, but this vote is not to set special conditions.

Councilmember Reese said he has concerns because this seems to be pointing in the direction of use of spray fields in perpetuity.

Mayor Pro-Tempore Mahaffey said that they may not need annexation to use the spray fields because it is unrelated.

Councilmember Reese asked if the church was able to move forward with building the church without annexation.

Councilmember Zegerman said that under the Special Use Permit they would be able to move forward even if they were not annexed.

Will Norton with Jones & Cnossen Engineering, the site engineer for the project, said that connecting to the future library is not feasible due to the elevation differences making gravity sewer connection impractical at this time and this is why they are proposing to use a septic system. He said the annexation is necessary to access the town's water service, as the water line is located directly in front of the site. He said that the goal is to connect to gravity sewer when it becomes available in the appropriate drainage basin.

Councilmember Reese said that he was hearing goals, plans, and potentials.

Mayor Pro-Tempore Mahaffey said that septic systems are not regulated by the town but understands the concern. He said that there was concern about leveraging the town's annexation authority to provide water services to affect the decision of an application based on a service that the town explicitly don't regulate.

Councilmember Reese asked Mayor Gilbert if this question could be posed to the Town Attorney.

A **motion** was made by **Councilmember Reese** and seconded by **Councilmember Gray** to enter into Closed Session to consult with the Town Attorney at 9:06 p.m.

VOTE: UNANIMOUS (5-0)

Council returned to open session at **9:15 p.m.**

A **motion** was made by **Councilmember Zegerman** and seconded by **Mayor Pro-Tempore Mahaffey** to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex 23.87 acres, Peak City Church located at 2401 Old US 1 Highway (PIN 0720-88-6397) and 2325 Old US 1 Highway (PIN 0720-87-9899), Annexation No. 817, into the Town Corporate limits.

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

PH4 Annexation No. 818 – Jainix LLC – 7809 Secluded Acres – 3.502 acres (REF: ORD-2026-020)

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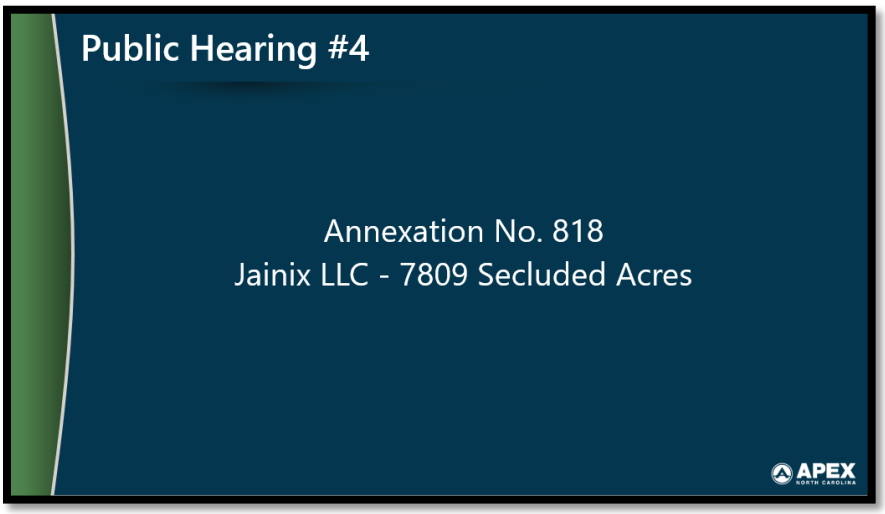

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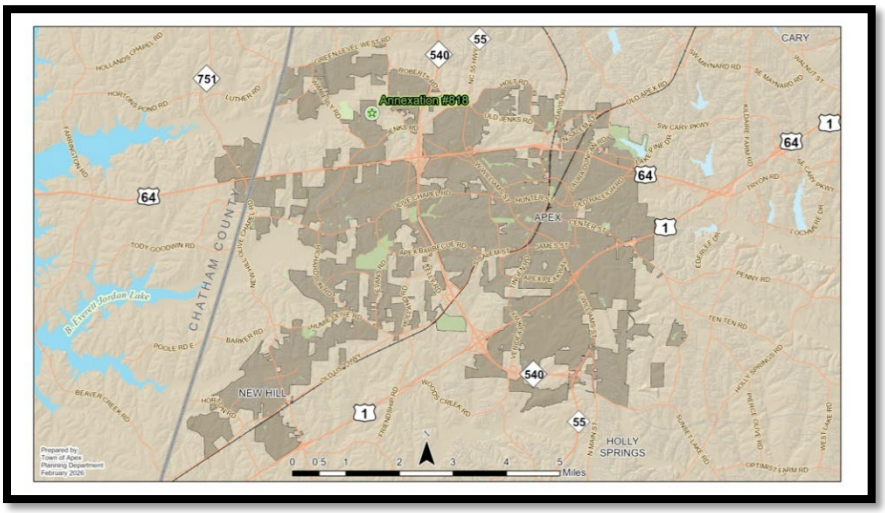

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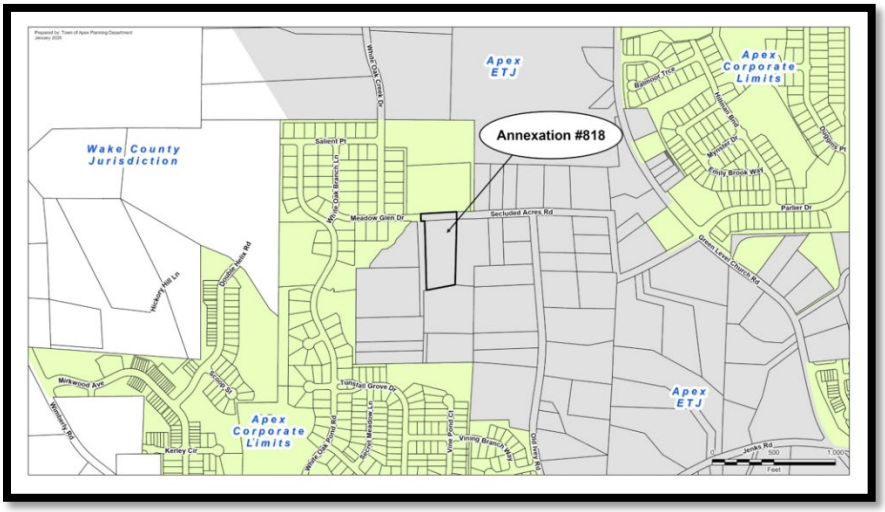

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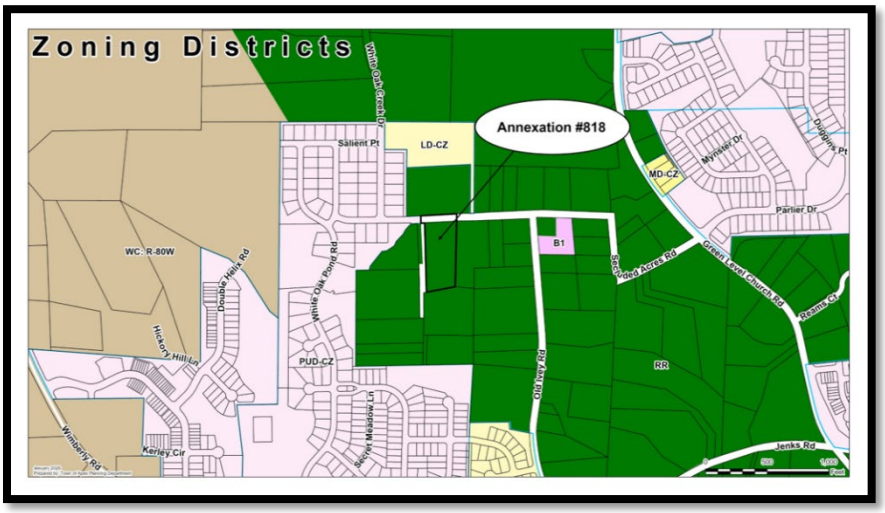

Mayor Gilbert opened up Public Hearing and with no one signed up to speak, closed Public Hearing and brought it back to Council for discussion and a possible motion.

A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded by **Councilmember Gray** to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex 3.502 acres, located at 7809 Secluded Acres (PIN 0723-71-6349), Annexation No. 818, into the Town Corporate limits.

VOTE: UNANIMOUS (5-0)

PH5 Annexation No. 820 – 2301 Apex Peakway – 3.803 acres (REF: ORD-2026-021)

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

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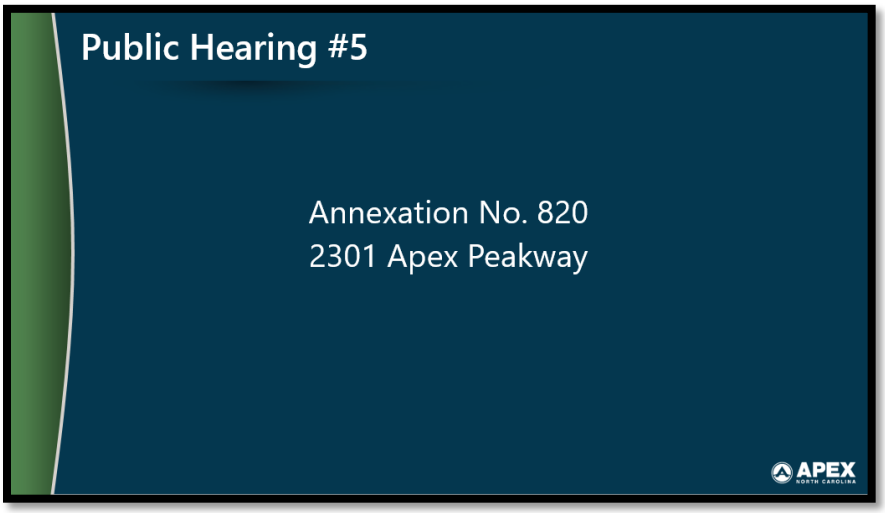

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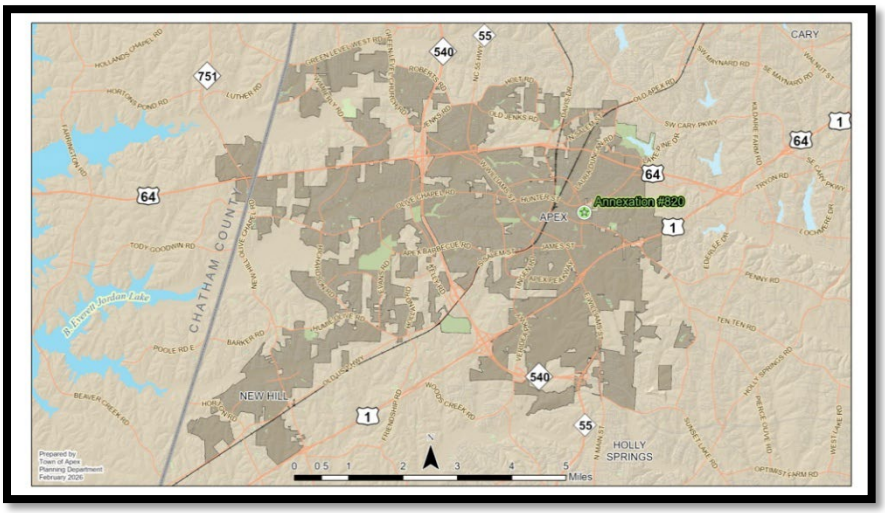

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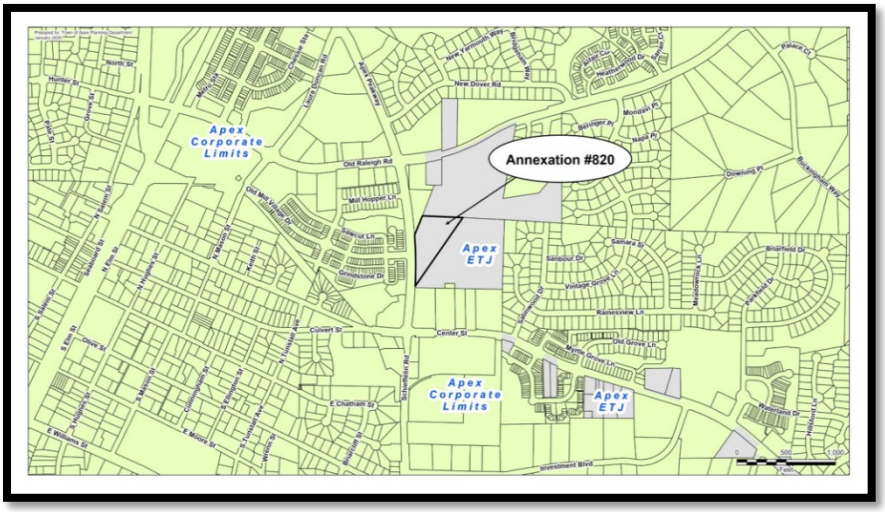

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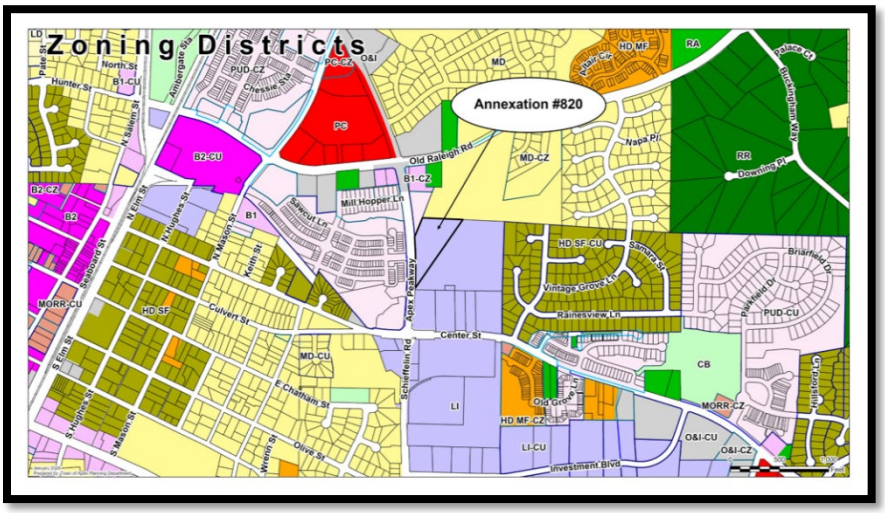


Mayor Gilbert opened up Public Hearing and with no one signed up to speak, closed Public Hearing and brought it back to Council for discussion and a possible motion.

A **motion** was made by **Councilmember Zegerman** and seconded by **Mayor Pro-Tempore Mahaffey** to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex 3.803 acres, located at 2301 Apex Peakway (PIN 0742-71-8313), Annexation No. 820, into the Town Corporate limits.

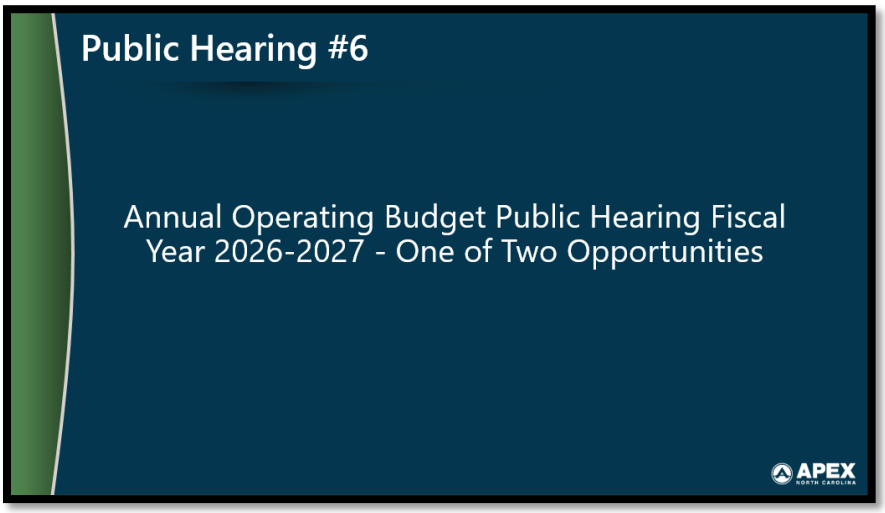
VOTE: UNANIMOUS (5-0)

PH6 Annual Operating Budget Public Hearing Fiscal Year 2026-2027 - One of Two Opportunities

Shawn Purvis, Deputy Town Manager, said that the Budget Priority Survey was out and Council has received results and comments as a piece of the engagement for the budget process and he noted that there was a budget email that is open year-round for receiving comments from residents about budget. He said there were multiple Council Work Session, workshops and another public hearing as the end of the budget approaches. He gave the following dates for budget process:

- **Late April** – Council committee meetings
- **May 7** – First council budget workshop
- **May 28** – Public hearing on the proposed budget
- **June 2** – Next council workshop
- **June 9** – Budget adoption (if approved)

[SLIDE 1]



Mayor Gilbert opened up public hearing and called the first speaker.

First speaker was **Karen Delventhal** of 507 Homestead Park Drive:

"Good evening, Mr. Mayor and Town Council. Tonight, I would like to discuss the town budget. Since I was 18, I have worked two, three, and sometimes four jobs along with mandatory overtime to pay my bills. Now I am retired. This is my budget for 2026 and the draft for the 2027 budget. My budget is written in both ink and pencil. Items in ink are finite. There is no changing these items because the items in ink are my income. Congress has set my income for this year. It may not change until 2027. This year, even with the increases authorized by Congress and signed by the President, I lost money again. My taxes changed. My home insurance is rising along with car insurance, car inspections, property taxes, utilities, groceries, and so on. For my budget, the pencil has an eraser, and it will be deployed, and cuts will have to be made in spending. Like many of the retirees in my neighborhood, we have already cut to the bone. We have already stopped doing things that we like and want to do. No trips, no new fun adventures, no shopping trips, and at times sitting in the dark to save on electricity. Beans and rice are normal. The shoes will have to last longer. The clothes will have to be mended. Haircuts will have to be stretched. Now you have decided on tearing up downtown to make it look pretty. I understand that before any part of the street or the sidewalk was even started, you were already $2 million over budget, and you approved your work to cover this new expense without giving the public the right to speak. Convenient. And you have not even gotten to all the cost overruns that will come, and they will come. Mr. Mayor and Town Council, what are you going to cut from the town budget? Because I do not have any more money. Period. And if you are going to float a bond on this, I will work hard to get as many no votes as I can muster. So, get out the axe, sharpen it so you can split a hair, and start cutting. I have suggestions, but you are all adults. Figure it out. Thank you."

Mayor Gilbert thanked the speaker and invited the next speaker.

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

"Mayor and Town Council. I'm going to continue on my transparency ask for tonight. Please fund a new website. Please make documents available to us. Please make a search box that can actually produce results. Please. I very, very, very much like Allen and JP. They take care of me, but they shouldn't have to. I don't need them to take care of me. I'm an adult. I should be able to access basic documents that are available on other websites. Thank you."

Mayor Gilbert thanked the speaker and invited the next speaker.

Next speaker was **Hisham Osman** of 3181 Mantel Ridge:

"Good evening, Mr. Mayor, Mayor Pro Tem, Council Members, and town staff. Mr. Mayor and Town Council, each of you have chosen to lead our community, and with leadership comes great responsibility. Not only to the 80,000 residents that we have currently in Apex, but the projected 120,000 more that will come and future generations. As we start the annual budget process, we need to be mindful of the financial needs of our community. The stated goal of many of you on council is affordable housing. We had an eloquent speaker earlier talk about affordable housing. A big portion of housing costs is our property taxes. Somewhere between 15 and 20% of housing costs relate directly to our property taxes. The actual tax bill for the average homeowner in Apex over the last five years has increased by over 50% from 2021 to 2026. A large portion of that is the increase of the property values and the reevaluations of those properties by Wake County. However, we've also seen increases in the tax rate itself. This is pricing many residents of our community out of the town, those on fixed incomes, those who are just starting out their careers, and everyone in between. These high rates also impact our rental rates for our community as owners pass on property tax increases to renters as well. This is making it harder and harder for all members of our community, whether you're on a fixed income, early in your career, or late in your career, as the cost of living consistently goes up, and property taxes is a big part of that. If we plan to keep our community affordable for all, we need to rein in spending. Some of that spending has already been agreed to with prior bond issues, and the tax rates will go up because of that. However, there's a significant amount of discretionary spending in the Apex town budget every year, and I implore each of you to make the necessary and difficult decisions to come up with a taxed neutral rate. Not a "we're lower than Cary" or "we're lower than Holly Springs," but in reality, keep this town affordable for its residents. Keep this town affordable for the young graduates of our great high schools and colleges who want to live here but cannot afford it. We talk about affordable housing. We talk about other things about what makes this community great, but we need your leadership to make the difficult decisions and weigh competing priorities. One of them needs to be keeping housing affordable by reducing spending, by keeping our property tax rates, actual property taxes paid flat. Not just the revenue neutral rate, but rein in spending. Thank you."

Mayor Gilbert closed the Public Hearing and noted that there will be another opportunity to speak again regarding the budget on May 20th.

PH7 Electric Time of Use (TOU) Rate Schedule Amendments - Small, Medium, and Large General Service Rate Riders (REF: OTHER-2026-018, OTHER-2026-019, and OTHER-2026-020)

Jon Griffin, Director, Finance Department gave an overview of the Time of Use Program, which is a billing policy where one rate is paid for usage during peak hours and another rate during off-peak hours. He gave the following presentation:

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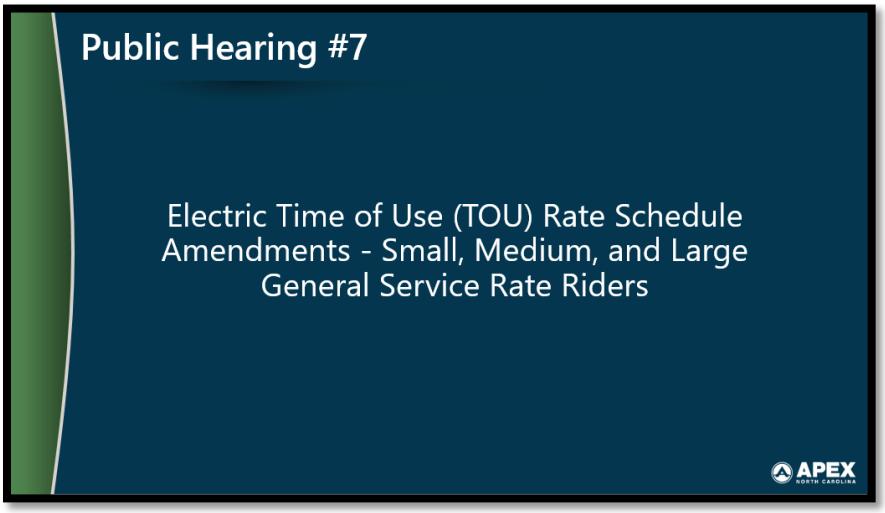

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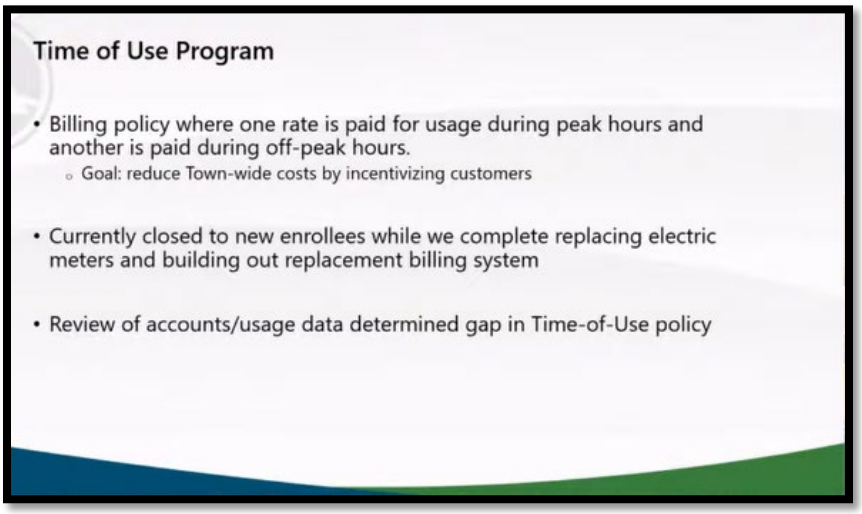

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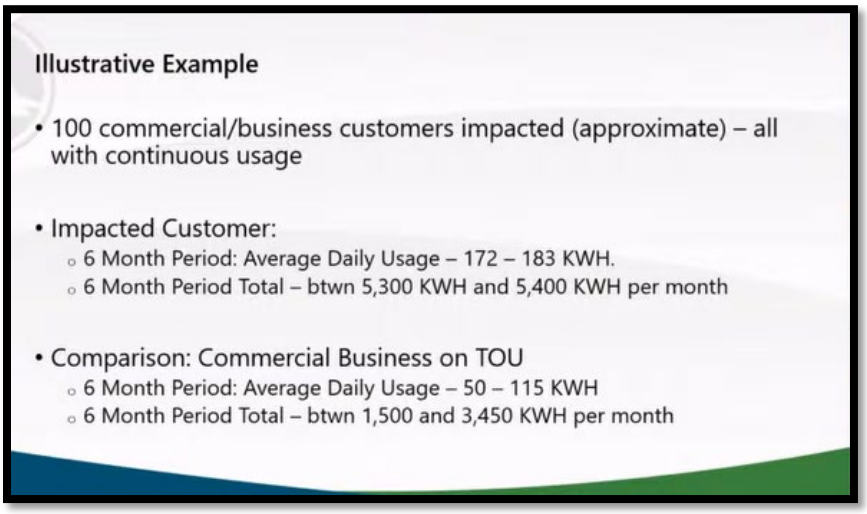

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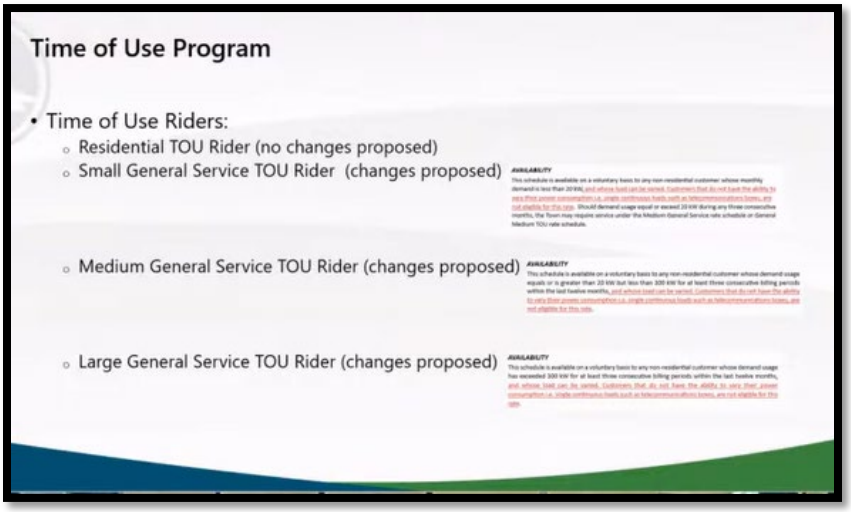

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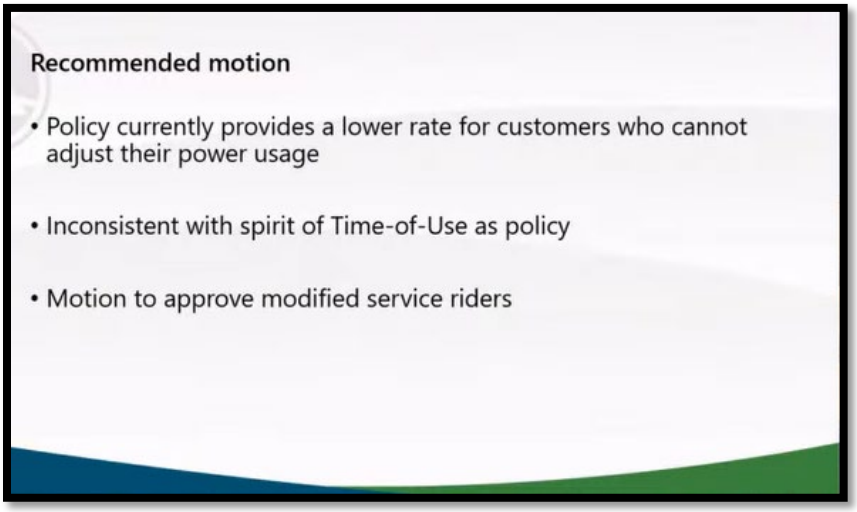


Director Griffin said staff recommendation was to approve modified service riders.

Councilmember Zegerman said knowing these customers energy use, why were they allowed to sign up for time of use rates.

Director Griffin said that is an interesting historical question that he didn't know but could check into this and get the information back. He said it seems though it was open freely and could be signed up freely without any analysis or consideration.

Mayor Pro-Tempore Mahaffey said that it was thought that it was set up as an incentive and the policy would be implicit, so if that wasn't working as intended then maybe the rates needed to be looked at again.

Director Griffin said that currently these businesses are using the same amount of power per day, so if the peak hours are 9-12 they are paying the regular full freight rate that is basically passing through Duke Energy and then they are getting a cheaper rate during the day but still using the same power. He said the way that it is working out is that they are getting an implicit subsidy during non-peak hours.

Councilmember Zegerman asked what the peak hours are because this implies that there are fewer peak hours than non-peak hours.

Director Griffin said that for certain months of the year it is 9a-12p and other months it is 3p-6p, and added and it rotates seasonally. He said that there is a calendar for the schedule.

Councilmember Mu said that the schedule was provided in the packet and she went through them and asked what staff's suggestion was for on peak hours and off-peak hours.

Director Griffin said that businesses would pay the same rate day in and day out since their use is continuous.

Councilmember Mu asked staff if there was any additional information on what was the difference and how much was the difference.

Town Manager Vosburg invited Electric Utilities Director Kathy Moyer and Assistant Town Manager Marty Stone to talk about the Time of Use concept for this to be more understandable.

Director Moyer said the Time of Use rate was to incentivize residents to vary their loads and not use large appliances during those peak times, but there are customers on this program that can't vary their loads and conserve energy during these times so they need to put them into the regular rates. She said these accounts have been identified.

Mayor Pro-Tempore Mahaffey asked if there were any other power providers that staff is aware of with similar language and what the threshold counts as varying usage.

Director Moyer said an AMI will help with this to know what is constant and this is an industry practice.

Assistant Town Manager Stone said that these businesses are gaining the benefit of reduced rates in the off-peak times, when their usage does not ever vary. He said it is essentially gaming the system as it is set up.

Town Manager Vosburg said that this is the hundred business/accounts that voluntarily signed up for this program and agreed to vary their load for the rate break, and

the data is not showing that they are varying the loads, so now this is being correcting because they are not holding up their end of the bargain for the cheaper rate.

Mayor Pro-Tempore Mahaffey asked how much money this would be.

Assistant Town Manage Stone said it is about $200 per account. He said that the gap was noticed and this is closing the gap and setting the program up for what it should be. He said as they get into AMI and get the meter system upgrade complete then the true peak times and true peak rates, then the rates and times will be reset.

Councilmember Mu asked for new home buyers if there are devices to control the peak hours.

Assistant Town Manager Stone said that there is a load management program where a box is on the side of the home when constructed and homeowners can opt into that program to control their HVAC units alternately by turning it off for 15 minutes an hour during peak times and they receive a credit on their utility bill, and this is voluntary at this time.

Councilmember Gray said that looking back in past conversation to see if Council had concluded that we were building this in the form of a business incentive and it appears that this wasn't anticipated and it's to correct it.

Assistant Town Manager Stone said that as the town moves through the meter system upgrade there have been things that need to be improved upon and this is one of those things.

Councilmember Zegerman asked if it was expected to find more of these accounts as the meter deployment gets complete.

Assistant Town Manager Stone said it wasn't anticipated to find others; there are 90 to 100 accounts identified over the last six months and they don't think there will be any others. He said they want to change it now so more don't sign up to take the unintended advantage.

Mayor Pro-Tempore Mahaffey asked if these identified accounts would be able to stay on the program or would have to switch.

Assistant Town Manager said that they would be switched and they are all commercial accounts. He said it get back about 200 dollars per year from the 100 accounts that would be switched.

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

A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded by **Councilmember Gray** to approve the Electric Time of Use (TOU) Rate Schedule Amendments - Small, Medium, and Large General Service Rate Riders.

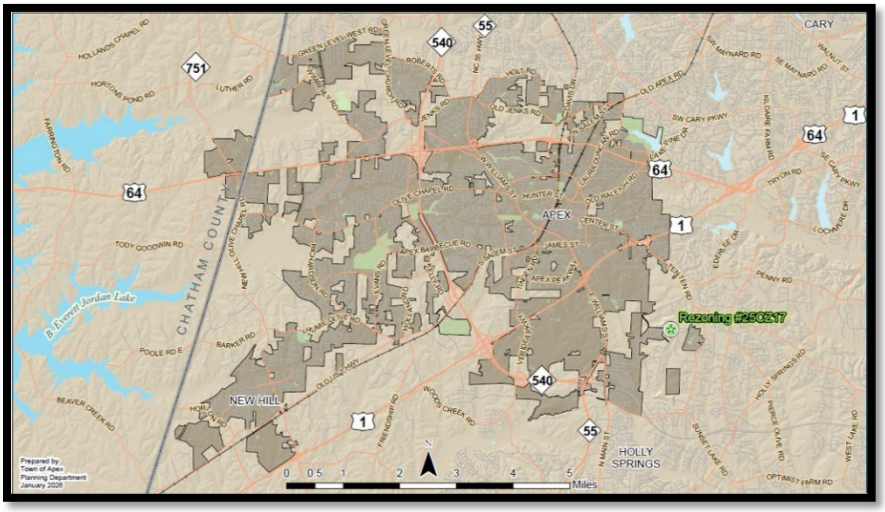
VOTE: UNANIMOUS (5-0)

PH8 Rezoning Case No. 25CZ17 – 0 Smith Road

Joshua Killian, Planner II, Planning Department presented the rezoning case and gave the following presentation:

[SLIDE 1]

[SLIDE 2]



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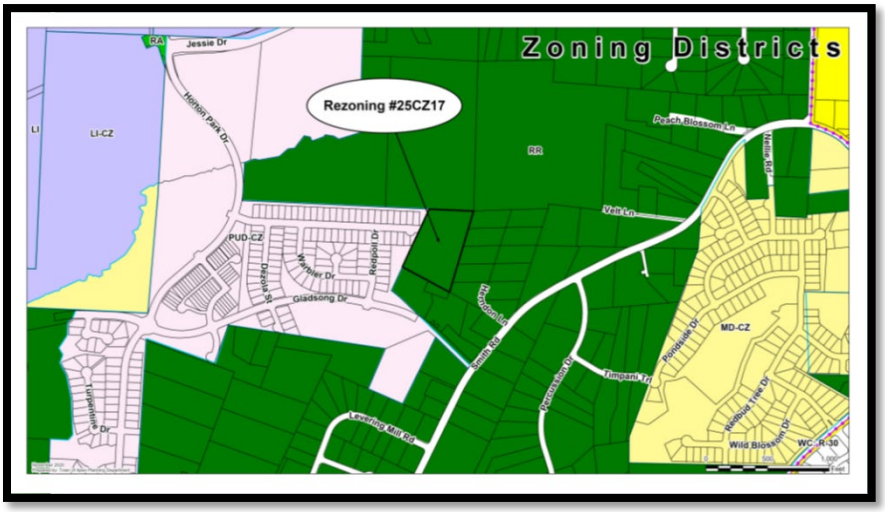

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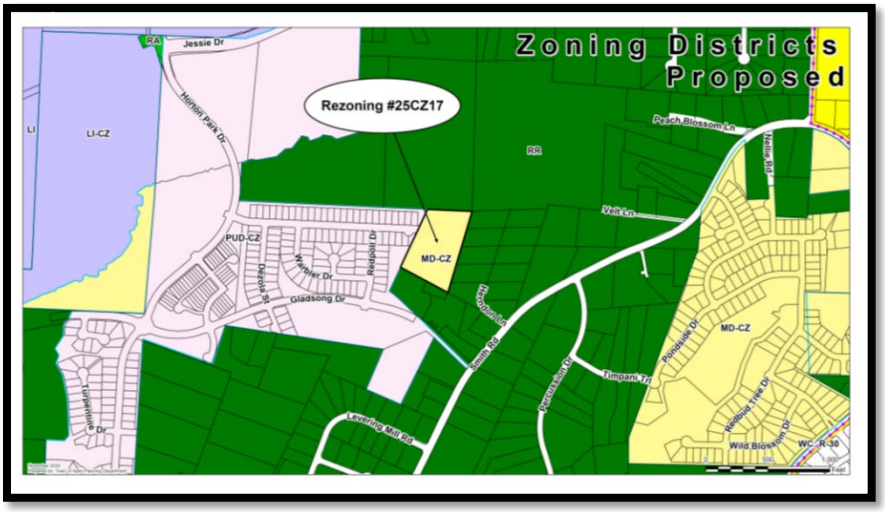

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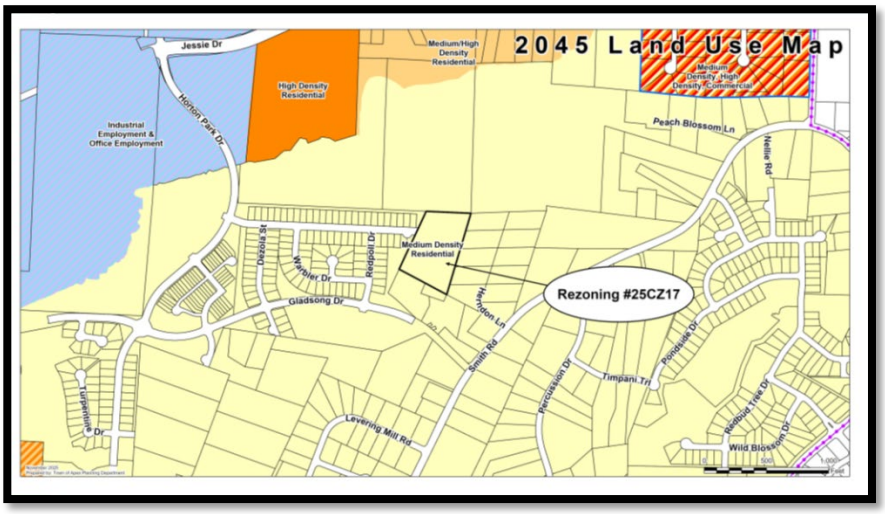

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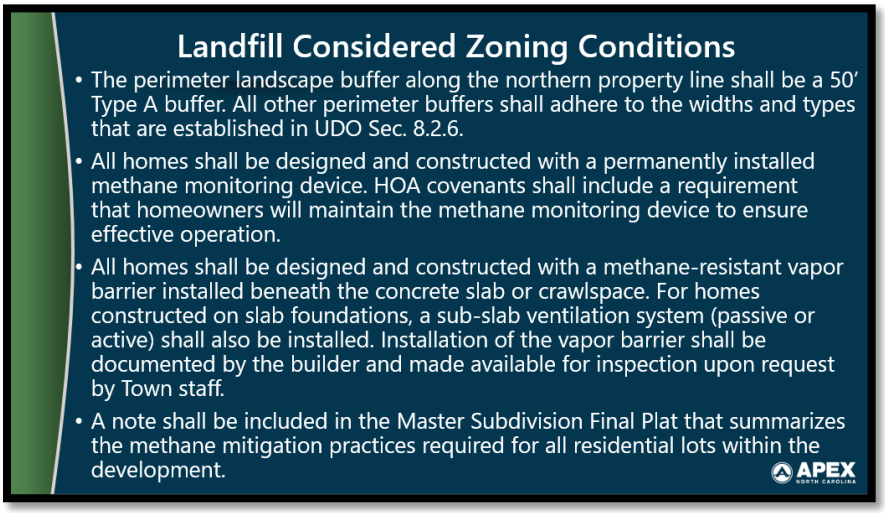

[SLIDE 8]

Mayor Gilbert thanked Mr. Killian for the presentation and asked if there were any questions.

Councilmember Gray asked if the development to the west had to work with the DEQ inquiries.

Mr. Killian said they did not because during that rezoning process staff were unaware and by the time that staff did become aware that the buffers had been codified into the Planned Unit Development, so they used the UDO provision to reduce the required buffer from 50' to 25'. He said that the applicant in this case has provided a condition to specifically state a 50-foot buffer.

Councilmember Mu asked how many houses there would be on this property.

Mr. Killian said there would be 17 units.

Patrick Kieran with Jones & Cnossen Engineering of 221 North Salem Street representing the applicant VIM LLC for the rezoning. He said that his clients were first time developers and have done a nice job, been open and amenable to most everything the town has suggested, and this has been set up to be a responsibly designed and well-rounded neighborhood.

Mayor Gilbert asked if there were any questions for the applicant, he then opened Public Hearing and invited the first speaker.

First speaker was **Dwight Wright** of 8140 Smith Road:

"Good afternoon, Mayor, Town Council members, newly elected. My name is Dwight Wright, 8140 Smith Road, Apex, and I'm currently still the owner of the piece of property, the contractor piece of property for rezoning. As I move from the Planning Board to the Town Council, I just want to voice my approval and opinion of the density that the applicant is requesting, and also the affordable housing units that are put into place. I'm not sure what Horton Park had at that time, but it does make it much more favorable for my community. I've also been able to work with the applicant in terms of the ingress and egress around a family cemetery that can provide a lot of havoc if not handled properly. But I must also indicate that the feasibility is probably really based on the applicant's ability to complete the contract in a timely manner. I'm not sure there are any questions for me. If not, thank you for your time."

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

Councilmember Gray said that when there is an applicant that is going in the direction that Council prefers those things should be recognized, affordable housing, satisfying the EAB when there wasn't a requirement and stepping forward to satisfy those conditions, even the cemetery was addressed. He said this is one of the areas where there is a responsible developer and helps move a number of things forward, and he can certainly support.

Councilmember Zegerman said that he supported Councilmember Gray's comments but the 120% of AMI is still around $150,000 income, and it's not reaching a lot of the essential workers or healthcare workers and town staff trying to be reached with affordable housing policy, but making the commitment is appreciated. He said all in all he is in support of the development.

Councilmember Reese said that he is glad to see that the school capacity will be able to handle this development.

Mayor Pro-Tempore Mahaffey added his appreciation to the applicant for working with the town and agreeing to the conditions. He said that the vapor barrier is unfortunate, but it is appreciated that they are working with the DEQ.

Councilmember Mu said that the affordable housing initiative with 17 single family houses is good along with the developer providing community and protecting the environment.

A **motion** was made by **Councilmember Zegerman** and seconded by **Councilmember Gray** to approve Rezoning No. 25CZ17 0 Smith Mr. Dalton - rezone approximately 5.33 acres from Rural Residential (RR) to Medium Density-Conditional Zoning (MD-CZ) at 0 Smith Mr. Dalton, with the conditions as offered by the applicant.

VOTE: UNANIMOUS (5-0)

PH9 Unified Development Ordinance (UDO) Amendments – January 2026

Bruce Venable, Planner III, Planning Department requested a continuation of this item to February 24th, 2026.

[SLIDE 1]

A motion was made by **Mayor Pro-Tempore Mahaffey** and seconded by **Councilmember Gray** to continue PH9 Unified Development Ordinance (UDO) Amendments – January 2026 to February 24th, 2026.

VOTE: UNANIMOUS (5-0)

PH10 Unified Development Ordinance (UDO) Amendments – February 2026 (REF: ORD-2026-022)

Bruce Venable, Planner III, Planning Department said this item was continued from the January 27th meeting due to inclement weather. He gave the following presentation:

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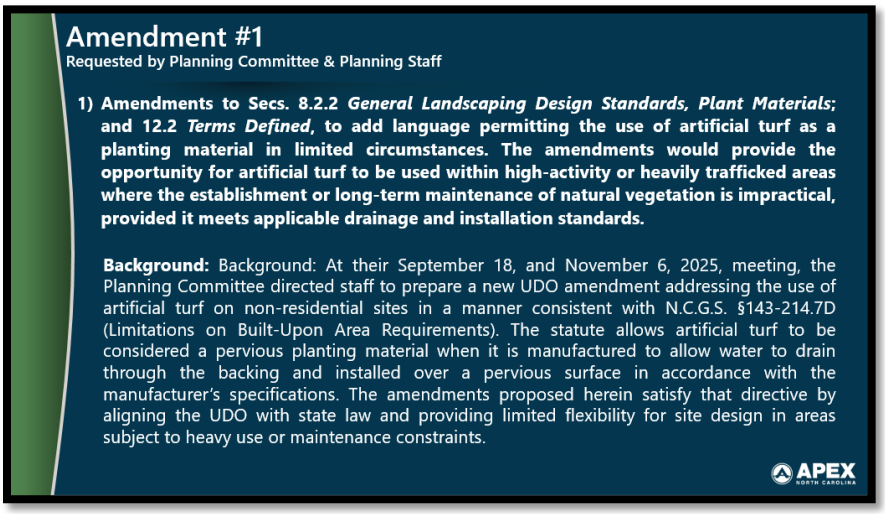
[SLIDE 2]



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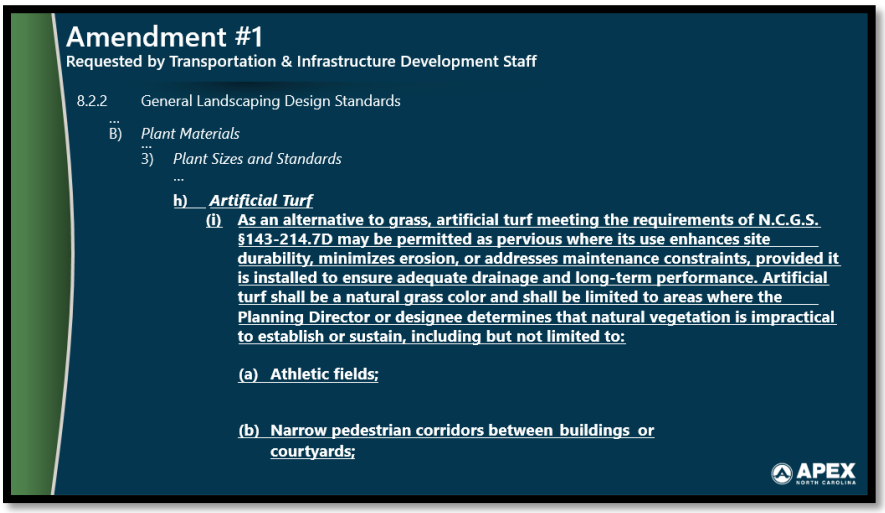

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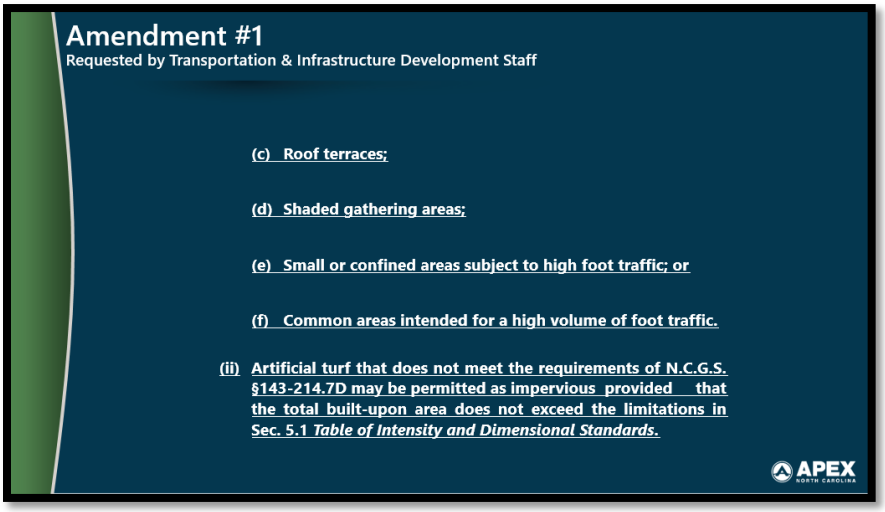

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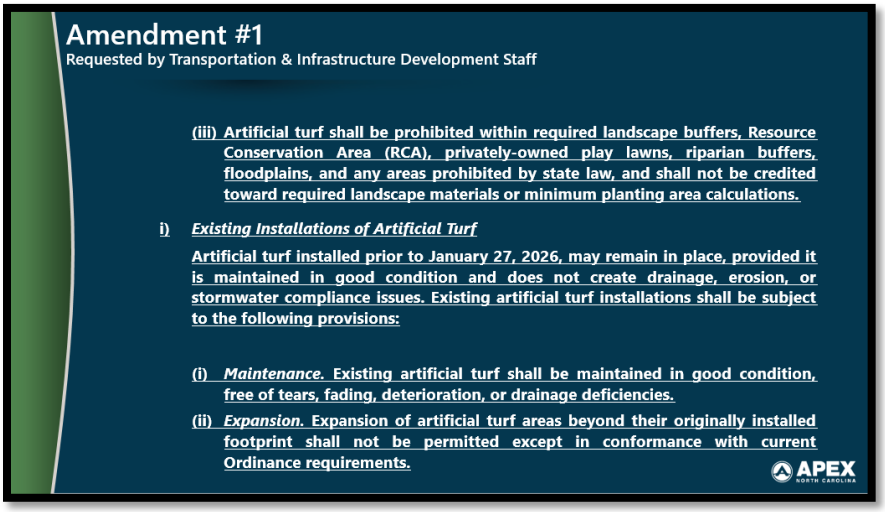

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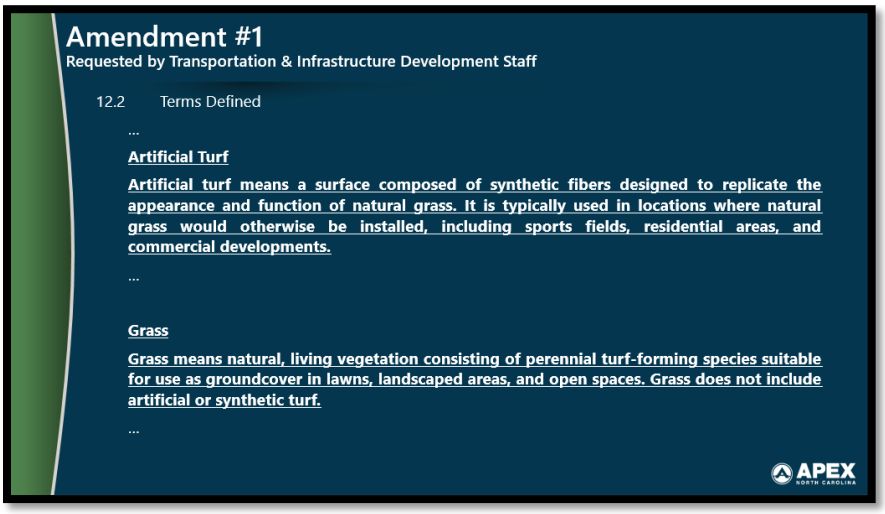


Councilmember Zegerman said the authority here lies with the Planning Director or designee, he asked if there were any kind of specific criteria that will lead to a decision whether something is impractical or not. He said impractical seems subjective and if something more concrete could be included in the amendment rather than leaving it open-ended.

Mr. Venable said there are areas in the UDO where the Planning Director is allowed to alter or approve alternatives but typically, they come with criteria as Councilmember Zegerman had mentioned. He said that staff could explore at the wish of the Council by adding a criteria that the landscape architect has to provide something along with the plan providing more additional information, possibly staff could use information from part of the requirements of the other landscape section as well.

Councilmember Zegerman said that he didn't want to hold up the amendment, that he was in favor of it and don't want to delay the amendment, but there could be a subsequent amendment to this provision if staff could do some research about what criteria may be used to determine what would be impractical or not.

Mr. Venable said that staff would do more research for a provision.

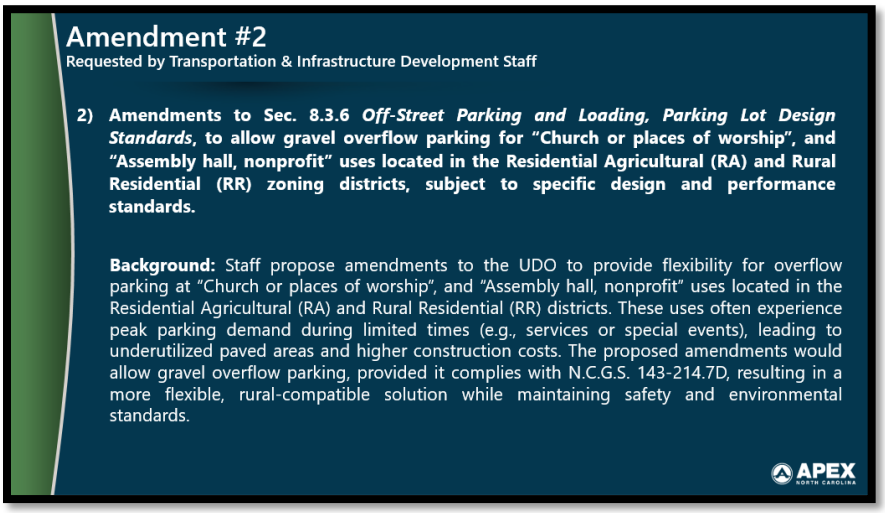
Councilmember Reese said that 8.2.2 B.3.H.I, referring to "Included but not Limited to" and how that seemed subjective as well, but there are several suggestions and wanted to make sure that this was being aimed for.

Director Khin said that it was recommended by legal.

Councilmember Reese said that was what he was asking and it's ok to move on.

Mayor Pro-Tempore Mahaffey said the idea is that it's hard to enumerate all possible locations ahead of time and gives discretion to the Planning Director.

[SLIDE 7]



[SLIDE 8]

[SLIDE 9]

[SLIDE 10]

Amendment #3
Requested by Planning Staff

3) **Amendments to Sec. 8.3.9.C *Off-Street Alternatives, Shared Parking*, Table 8.3-8: *Shared Parking Demand by Land Use and Time of Day*, to amend the required number of weekend daytime parking spaces for the "Medical/Dental Office" and "Bank" land use categories to better reflect observed demand patterns and ensure consistency with current parking utilization standards**

Background: Staff propose to amend this section of the UDO to update the shared parking requirements of Table 8.3-8: Shared Parking Demand by Land Use and Time of Day, which currently requires 100% of the required parking spaces for the "Medical/dental office" and "Bank" uses. The new standards of 10% for "Medical/dental offices" and 5% for "Banks" more accurately reflect realistic weekend demand.

APEX NORTH CAROLINA

[SLIDE 11]

Amendment #3
Requested by Planning Staff

8.3.9 Off-Street Parking Alternative

...

C) *Shared Parking*

Table 8.3-8: Shared Parking Demand by Land Use and Time of Day

Land Use	Weekday		Weekend		Nighttime
	Daytime (6am-5pm)	Evening (5pm-12am)	Daytime (6am-5pm)	Evening (5pm-12am)	(12am-6am)
Residential	60%	100%	80%	100%	100%
Office/warehouse/ industrial	100%	10%	10%	5%	5%
Retail	60%	90%	100%	70%	5%
Restaurant	70%	100%	100%	70%	10%
Hotel/motel	75%	100%	75%	100%	100%
Entertainment	40%	100%	80%	100%	10%
Church or place of worship	10%	10%	100% during regularly scheduled worship/ service times, including 1 hour before and after such times; otherwise 10%	10%	5%
Bank	100%	5%	~~100%~~ **5%**	5%	5%
Health/fitness centers and spas	70%	100%	80%	60%	5%
Medical/dental office	100%	50%	~~100%~~ **10%**	5%	5%

APEX NORTH CAROLINA

[SLIDE 12]

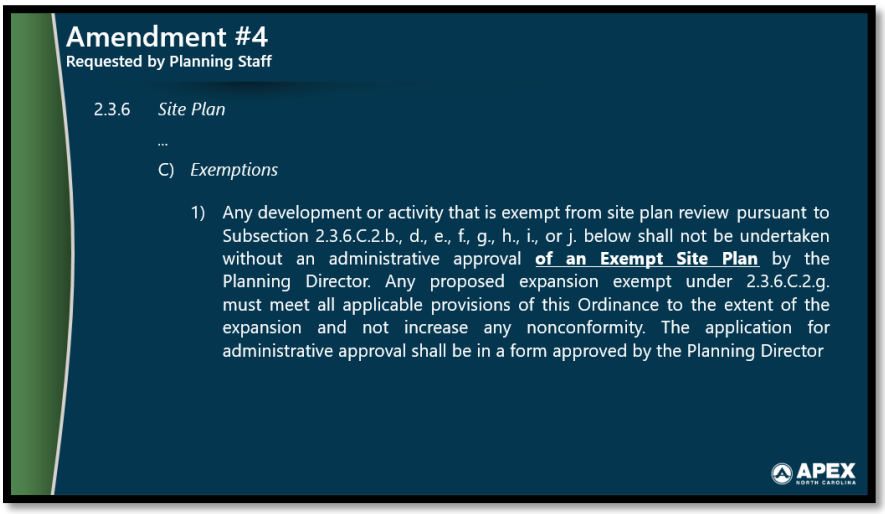
Amendment #4
Requested by Planning Staff

4) **Amendments to Sec. 2.3.6.C.1 *Site Plan, Exemptions*, to clarify that all developments qualifying as "exempt" under this section shall obtain administrative approval of an Exempt Site Plan from the Planning Director prior to the commencement of any construction activity, unless otherwise expressly exempted by the provisions of this UDO**

Background: Staff propose to amend Sec. 2.3.6.C.1 of the Unified Development Ordinance (UDO) to ensure consistent application of site plan requirements. Under current language, exempt developments are not required to submit a standard site plan; however, ambiguity exists regarding whether administrative approval is necessary before construction begins. This amendment explicitly requires that exempt developments secure administrative approval of an Exempt Site Plan from the Planning Director prior to construction, unless otherwise expressly exempted by the provisions of the UDO. The change eliminates uncertainty surrounding the term "administrative approval," promotes uniform interpretation, and strengthens compliance with the Town's development review process.

APEX NORTH CAROLINA

[SLIDE 13]



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

A **motion** was made by **Councilmember Zegerman** seconded by **Mayor Pro-Tempore Mahaffey** to approve the Unified Development Ordinance (UDO) Amendments of February 2026.

VOTE: UNANIMOUS (5-0)

[INFORMATIONAL ITEMS]

IN1 Town Council Meeting Follow-up Action List

Allen Coleman, Town Clerk, noted that the Annual Council Retreat began tomorrow at 8:00 a.m. at Town Hall and that the retreat would continue for three-full days and be livestreamed.

Councilmember Mu asked if there could be an explanation for the decision on PH3 for transparency.

Mayor Gilbert said that is a good point.

Mayor Pro-Tempore Mahaffey said it is Council's job to explain to constituents why decisions are made.

Town Attorney Hohe said that matters discussed in closed sessions are confidential.

Councilmember Mu said it may be good for more explanation to come, not anything that was confidential.

[ADJOURNMENT]

With no additional business being presented before the Council, **Mayor Gilbert** adjourned the meeting at **10:26 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 _____.