DRAFT MEETING MINUTES

1 2 3 4 5	TOWN OF APEX REGULAR TOWN COUNCIL MEETING TUESDAY, AUGUST 12, 2025 6:00 PM
6 7 8 9	The Apex Town Council met for a Regular Town Council Meeting on Tuesday, August 12th, 2025 at 6:00 PM in the Council Chambers at Apex Town Hall, located at 73 Hunter Street in Apex, North Carolina.
10 11 12 13 14	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=ZOPnIQPZLc4
15 16 17 18 19	[ATTENDANCE] Elected Body Mayor Jacques K. Gilbert (presiding) Mayor Pro Tempore Ed Gray Councilmember Audra Killingsworth
20 21 22 23	Councilmember Terry Mahaffey Councilmember Brett Gantt Councilmember Arno Zegerman
24 25 26 27 28 29 30 31 32	Town Staff Town Manager Randy Vosburg Deputy Town Manager Shawn Purvis Assistant Town Manager Marty Stone Assistant Town Manager Demetria John Town Attorney Laurie Hohe Town Clerk Allen Coleman All other staff members will be identified appropriately below
33 34 35 36 37 38 39	[COMMENCEMENT] Mayor Gilbert called the meeting to order. He asked everyone in attendance to take 30 seconds and think about the good things in their lives. He then led in a recitation of the Pledge of Allegiance.
40 41	[CONSENT AGENDA]

1	Councilmember Gantt requested that Consent Item No. 10 be continued to the	
2	August 26 th Council meeting.	
3		
4	A motion was made by Councilmember Zegerman, seconded Mayor Pro-Tempore	
5	Gray , to approve the consent agenda with the continuation of Consent item #10, Council	
6	Meeting Minutes - Various, to the August 26 th Regular Town Council meeting.	
7		
8	VOTE: UNANIMOUS (5-0)	
9		
10	CN1 Advisory Board Attendance Reports 2025 - Quarter 2	
11	Council voted to receive and accept the resident advisory board attendance reports for	
12	quarter two (2), which includes January through June, of calendar year 2025.	
13	CN2 Agreement - North Carolina Department of Transportation (NCDOT) - Review	
14	and Oversight Agreement - BO-2422 South Salem Street Bicycle Lanes (REF:	
15	CONT-2025-297)	
16	Council voted to approve a Review and Oversight Agreement with North Carolina	
17	Department of Transportation (NCDOT) for BO-2422 South Salem Street Bicycle Lanes, and	
18	to authorize the Town Manager, or their designee, to execute the agreement on behalf of the	
19	Town.	
20	CN3 Agreement and Resolution - Apex Lions Club, Inc Jaycee Park - Boy Scout Hut	
21	Lease Agreement - August 12, 2025 through May 1, 2035 (REF: CONT-2025-298	
22	and RES-2025-042)	
23	Council voted to adopt a Resolution of the Apex Town Council authorizing the lease of a	
24	portion of Town property to Apex Lions Club.	
25	AND	
26	Council voted to approve a Lease Agreement between the Apex Lions Club, Inc and Town of	
27	Apex, effective until May 1, 2035, for \$1.00 per year to maintain and use for the local boy	
28	scout troop, and authorize the Town Manager, or their designee, to execute on behalf of the	
29	Town.	
30	CN4 Agreement - Renewal and Amendment of ADA Paratransit Service Agreement	
31	with Wake County Government - Fiscal Year 2025-2026 (REF: CONT-2025-299)	
32	Council voted to approve a Renewal and Amendment No. 3 of Americans with Disabilities	
33	Act (ADA) Paratransit Services Agreement, between Wake County and the Town of Apex,	
34	effective July 1, 2025 through June 30, 2026, for GoApex Route 1 Bus also known as GoApex	
35	Door to Door, and authorizing the Town Manager to execute, or their designee, on behalf of	
36	the Town.	
37	CN5 Agreement Ratification - KONE, Inc Elevator Maintenance, Repair, and	
38	Emergency Communication Services - Mason Street Building - July 1, 2025	
39	through June 30, 2026 (REF: CONT-2025-300)	
40	Council voted to ratify a (1) one-year service agreement between the KONE, Inc and the	
41	Town of Apex, to provide elevator maintenance, repair, and emergency communication	

1	services for Mason Street Municipal Building, effective July 1, 2025 through June 30, 2026,
2	and to authorize the Town Manager, or their designee, to execute on behalf of the Town.
3	CN6 Annexation No. 803 - 1211 Old Raleigh Road - 6.40 acres (REF: RES-2025-043,
4	RES-2025-044, and OTHER-2025-063)
5	Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition
6	Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a
7	Resolution Setting the Date of a Public Hearing for August 26, 2025, on the Question of
8	Annexation - Apex Town Council's intent to annex 6.40 acres, located at 1211 Old Raleigh
9	Road, Annexation No. 803, into the Town Corporate limits.
10	CN7 Annexation No. 804 - Townes on 1011 - Old US 1 Highway - 26.218 acres (REF:
11	RES-2025-045, RES-2025-046, and OTHER-2025-064)
12	Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition
13	Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a
14	Resolution Setting the Date of a Public Hearing for August 26, 2025, on the Question of
15	Annexation - Apex Town Council's intent to annex 26.218 acres, project commonly known as
16	"Townes on 1011", located on Old US 1 Highway, Annexation No. 804, into the Town
17	Corporate limits.
18	CN8 Budget Ordinance Amendment No. 1 and Capital Project Ordinance Amendment
19	2026-1 - Cemetery Columbarium Project (REF: ORD-2025-052 and ORD-2025-
20	053)
21	Council voted to approve Budget Ordinance Amendment No. 1 and Capital Project
22	Ordinance No. 2026-1 and appropriating funds for the Cemetery Columbarium project.
23	CN9 Contract Award - 8M Solar LLC - Installation of Solar PV on Three Buildings at the
24	Electric Utilities Department (REF: CONT-2025-301)
25	Council voted to award a construction contract with 8M Solar, LLC for the installation of Solar
26	PV on three (3) buildings at the Electric Utilities Department and authorize the Town
27	Manager, or their designee, to execute on behalf of the Town.
28	CN10 Council Meeting Minutes - Various
29	Council voted to move this item to the August 26th, 2025 Regular Town Council
30	Meeting.
31	CN11 Fee-In-Lieu of Land Dedication - Madison Downs Residential Master Subdivision
32	Plan (MSP) - \$4,244.42 SFD/unit
33	Council voted to approve a payment of Fee-In-Lieu (FIL) of dedication for the Madison Downs
34	Residential MSP at the 2025 rate of \$4,244.42 SFD/unit.
35	CN12 Fee-In-Lieu of Land Dedication - Veridea East Village - Block A - Multi-Family
36	Residential - \$2,516.93 MF/unit
37	Council voted to approve a payment of Fee-In-Lieu (FIL) of dedication for the Veridea East
38	Village Multi-Family Block A Site Plan as approved 04/24/2025 by the Technical Review
39 40	Committee at the 2025 rate of \$2,516.93.
40	CN13 Fee Waiver Request - Capital Area Preservation - Utley Farms Historic Home
41	Restoration and Preservation

1	Council voted to waive building inspections and permitting fees associated with the Utley
2	Farms Historic Home Restoration and Preservation project located at 3720 Old Use 1
3	Highway, New Hill, North Carolina, for a maximum not to exceed one-thousand dollars
4	(\$1,000), and only while the home is under ownership of Capital Area Preservation Inc.
5	CN14 Ordinance Amendment - Chapter 12 Municipal Utilities and Services, Article II
6	Electricity, Sub Section 12-19 Regulation of Load Management (REF: ORD-2025-
7	054)
8	Council voted to adopt an ordinance amending Chapter 12, Municipal Utilities and Services,
9	Article II Electricity, Sub Section 12-19 Regulation of Load Management of the Apex Town
10	Code of Ordinances.
11	CN15 Ordinance Amendment 20-165(d)&(e) - No Overnight Parking on Various
12	Streets, Pinnacle Park (REF: ORD-2025-055)
13	Council voted to approve an Ordinance amending Section 20-165 with the addition of
14	subsection (d) prohibiting parking on both sides of (1) Burma Drive, (2) Classic Road, (3)
15	Goodworth Drive, (4) Pinnacle Center Drive, (5) Production Drive, and (6) Reliance Avenue,
16	west and south of Ten Ten Road, between the hours of 10:00 p.m. and 6:00 a.m. for the
17	purpose of prohibiting overnight parking, and relabel existing subsection (d) as subsection
18	(e).
19	CN16 Resolution to Abandon Portion of Existing Public Utility Easement - Baucom
20	Elementary (REF: RES-2025-047)
21	Council voted to approve a resolution titled "Resolution to Abandon Portion of Existing
22	Public Utility Easement" which will abandon areas shown on the attached exhibit.
23	CN17 Resolution to Abandon Portion of Existing Public Utility Easement - Prestwick
24	(REF: RES-2025-048)
25	Council voted to approve a resolution titled "Resolution to Abandon Portion of Existing
26	Public Utility Easement" which will abandon areas shown on the attached exhibit.
27	CN18 Resolution - Recommending the Appointment and Removal of Review Officers
28	for the Town of Apex (REF: RES-2025-049)
29	Council voted to approve a "Resolution Recommending the Appointment and Removal of
30	Review Officers for the Town of Apex" pursuant to N.C.G.S § 47-30.2.
31	CN19 Revisions to Standards Specifications and Standard Details (REF: OTHER-2025-
32	065 and OTHER-2025-066)
33	Council voted to approve revisions to the Town Standard Specifications and Standard
34	Details.
35	CN20 Surplus Badge and Service Weapon - Former Apex Police Officer Jason Stone
36	Council voted to declare one (1) badge and (1) service weapon (Glock Model 17 9mm
37	handgun, with S/N Serial Number XTA-824) as surplus property, set the price for such
38	weapon to be \$1.00 (One Dollar); and, award the stated badge and service weapon to
39	Former Apex Police Officer Jason Stone who retired from the Apex Police Department
40	effective August 1, 2025.
41	CN21 Surplus Vehicles - 2002 Spartan Gladiator Fire Engine, 2013 Freightliner
42	Bucket/Chipper Truck, and 2014 Freightliner M206 Leaf Vac Truck

Council voted to declare the following vehicle as surplus, authorize the sale of said vehicle,

1

36 37

38 39

40

2 3	and authorize the Purchasing and Contracts Manager and the Town Manager, or their designee, to sign documents necessary to complete the sale:
4	Vehicle: 2002 Spartan Gladiator FF Custom Cab Fire Engine, VIN No.
5	4S7AT33972C042429
6	Vehicle: 2013 Freightliner M206 Bucket/Chipper Truck, VIN No.
7	1FVDCYDT6DHFG9649
8 9	Vehicle: 2014 Freightliner M206 Leaf Vac Truck, VIN No. 1FVACY0EHFW2024
10	CN22 Tax Report - May 2025 (REF: OTHER-2025-067)
11 12	Council voted to approve the Apex Tax Report dated June 05, 2025.
13	[UPDATES BY TOWN MANAGER]
14	TM1 Unified Development Ordinance (UDO) Discussion Related to Artificial Turf
15	Randy Vosburg, Town Manager
16	
17	Town Manager Vosburg gave an update on an item on the agenda pertaining to the
18	Unified Development Ordinance related to artificial turf. He said that staff is looking for
19	directions from Council in pursuing an amendment to the UDO that would allow for artificial
20	turf. He said that the issue at hand is that a local business came forward that used artificial turf
21	in their parking area in the medians, and it was in conflict in the current UDO. He said that
22	some items to look at would be draining issues and aesthetics issues.
23	Mayor Gilbert asked if the Council would hear from the business.
24	Town Manager Vosburg said that he was not sure if they were in attendance.
25	Mayor Gilbert said that he would like to hear from them.
26	Councilmember Zegerman said that Council considering changing laws because of
27	somebody knowingly violating set laws would set a terrible precedent. He said that he did
28	not support the UDO amendment.
29	Mayor Gilbert said that that Council should do their due diligence and get all sides of
30	the story.
31	Councilmember Zegerman said that he would be glad to hear their side of the story,
32	but did not support changing the UDO amendment prior to those conversations.
33	Mayor Gilbert said that he would like for each Council member to consider a
34	discussion with the business before moving to a UDO decision.
35	Councilmember Zegerman said that he welcomed the conversation, but the

Mayor Gilbert asked Councilmember Zegerman if he would consider the UDO amendment in the future after the conversations were had.

Manager is looking for directions now and his position at this current meeting was not to

Councilmember Zegerman said potentially, yes.

consider UDO amendments.

Councilmember Killingsworth said that she did not support changing the UDO for installing artificial turf and would want to know why the business thought it was appropriate to go ahead and violate the town's UDO before this was considered.

Mayor Gilbert encouraged a conversation with the other side.

 Councilmember Killingsworth said that there was an Ordinance in place that was violated, and they should be paying fines for the violation.

Mayor Gilbert asked what the pleasure of the Council was.

Councilmember Zegerman said that he wasn't sure if they should consider a motion, but if a motion is asked for, then the motion is not to move forward with a change to the UDO.

Councilmember Killingsworth said she would second the motion if he made it. **Mayor Pro-Tempore Gray** asked to clarify whether there was only an interest in reviewing and discussing the item at this time.

Town Manager Vosburg said that before any work was done to potentially draft changes he wanted to make sure that there was an appetite for the change. He said that right now the property was in violation and had been issued a civil penalty for proceeding without proper plans, and the penalty is pending. He said the town has not sought remediation to remove the turf or issued daily fines pending discussion and outcome form Council's direction. He said that if direction is given not to go forward with a change to the UDO, then the process will begin to see how to bring that property into compliance.

Mayor Pro-Tempore Gray asked Town Manager Vosburg to give an overview of the UDO amendment process. He said that if was a long and arduous process then this would need to be balanced out before they move forward.

Town Manager Vosburg said that he would defer this question to staff, but it would take a few months.

Director Khin said there would only need to be a public hearing at a Council meeting, but it would go to the Planning Board for recommendation. She said that the property owner could be the applicant for this and there is an application and schedule that is followed.

Mayor Pro-Tempore Gray said that it would be helpful to know if there were multiple businesses asking for this change and that may be a basis to initiate the UDO amendment, but if it's one business then they can take advantage of the application process.

Town Manager Vosburg said that he was only aware of this one and asked staff if there were any others.

Director Khin said that she was not aware of any others.

Councilmember Zegerman said that in the past there have been residents and businesses that were not in compliance, and they were made to remove items or not allowed to open their businesses. He said to consider this amendment to a single business after they have already knowingly violated the UDO was poor practice. He said they are welcome to start the UDO amendment application process but as it stands today, they are in violation and he believed the town should enforce the violation, whether in fines and or removal of the turf.

Mayor Gilbert asked if what he is hearing is that there is no appetite to move forward tonight, but that the applicant can go through the process.

Mayor Pro-Tempore Gray said he would prefer that the applicant to go through the process so that there are no exceptions being made for anyone.

Councilmember Gantt said he didn't believe it was good policy to have artificial turf in these cases in general because of the heat issues.

A motion was made by Councilmember Zegerman and seconded by Councilmember Killingsworth to not move forward on a possible UDO Amendment relating to artificial turf at this time.

VOTE: UNANIMOUS (5-0)

Town Manager Vosburg asked Ryan Johansen, Chief of Police, to come up to make an announcement.

Chief Johansen said that he was honored to be able to announce that the Apex Police Department had once again received advanced accreditation through the CALEA Advanced Law Enforcement Accreditation Program. He said that few agencies will go through CALEA. He recognized Kelly Walsh for the work she did for the accreditation and thanked work of the men and women of the Police Department for going above board to make this happen.

Mayor Pro Tempore Gray said this was a very big deal, and the Apex Police Department was the best.

Town Manager Vosburg gave updates on these major projects:

 - **Saunders Parking Lot** - Phase 1 the large area near the Police Department will open next Monday, August 18th with 175 parking spaces. The next phase will begin construction targeting mid-September completion with 150 gravel parking spaces. He said EV chargers are not installed at this time but will be soon.

- **Salem Streetscape Project** - He noted that the Town will be ramping up the public portion and getting information out. The acquisition phase is taking place currently.

Peakway Bridge Extension - Construction is underway with the retaining walls starting to go up. Work on drainage and utilities have been in progress with about 70% complete on the storm drainage piece. Paved entry roads are also visible now. The project is currently on schedule and on budget.

- **Elevated Water Tank** - The tank is starting to rise above the fence line, and three of the 24 vertical sections are raised. It is a 1.5-million-gallon elevated water tank and is set to be complete in September 2026.

- **Tunstall House Renovation** - Set to mobilize with the contractor for the site work on September 2^{nd} with CT Wilson and work is set to start at the beginning

actual house itself, and that notice of receipt has been issued. **Solar Panels on Town Facilities** - Approval was done at this current Council meeting through the Consent items with the contractor 8M Solar who was the low bidder. This project will soon be underway.

October. Down East Preservation is the contractor that will begin the work on the

Closure of Olive Chapel Road (Due to Storm Damage) - A storm on August 6th brought a significant amount of rain in some localized areas that received around 9" of rain, which was equivalent of a 200-year storm event. Olive Chapel Road is a DOT roadway, and Apex has been working with their district Engineer, and they are currently working on some solutions. The culvert was planned to be replaced in 2027, but this will move up that timeline. Coordination is ongoing with Duke Energy, Apex Water and DOT for utility relocation. The property will require some property acquisitions and DOT representatives will be reaching out to those residents about some of the right-of-way acquisitions that will be needed for this project. The area is barricaded off on the sidewalk that is not safe. Residents are encouraged to stay out of the area. DOT is aware that this is a main thoroughfare.

Councilmember Mahaffey said that he wanted the residents to know that Apex will do all that they can to accelerate the DOT project and work with DOT to get this fixed as soon as possible.

Mayor Pro-Tempore Gray asked how quick DOT reached out to Apex about this flooding event.

Town Manager Vosburg said it was the day of the event that they reached out and there were multiple discussions that day. He said that he can't emphasize the tremendous partnership that Apex has with DOT and it shows on this project.

Town Manager Vosburg continued with additional updates:

- **Parking App Pilot** This is a parking pilot with an app that can be gotten in Apple Play IOS store or in the Android Google Play. It is an interactive parking app that shows you different parking options that are available downtown. It uses AI to monitor parking spaces and notify how many space are available. There are boards that have been put up around town. IT staff developed the app and the boards and did a great job.
- **Diwali Display** There is a new display in the lobby featuring silks related to Diwali. A QR code is available to scan for more information on the display.
- **Storm Monitoring** A potential storm is being tracked, current forecasts show it may move away. The town is monitoring the situation closely.

[REGULAR MEETING AGENDA]

Mayor Gilbert said it was time for the setting of the Regular Meeting Agenda and asked if there were any recommended meeting changes at this time.

A motion was made by Councilmember Gantt, seconded by Mayor Pro Mayor ProTempore Gray to approve the Regular Meeting Agenda as presented.

VOTE: UNANIMOUS (5-0)

[PRESENTATIONS]

PR1 Apex Ambassador Birthday Recognition - J.C. Knowles

Mayor Jacques K. Gilbert honored J.C. Knowles as the Apex Ambassador. He said that on June 28th, 1928, Mr. J.C. Knowles was born in the town of Wallace in Duplin County, North Carolina and is well known for being the Apex Ambassador and has a mini park in downtown Apex named in his honor. He said that the Apex Town Council and himself send Mr. Knowles heartfelt birthday wishes on his 97th birthday and that the Council and himself are so grateful for his contributions to the community. He gave Mr. Knowles a letter of recognition and flowers for his birthday.

Mr. Knowles said he wanted to thank the Mayor from the bottom of his heart. He said that he had been associated with Apex for 75 of his 97 years and he's shooting for 100 and will continue to be the ambassador to the town as long as he lives. He thanked all of the citizens of Apex for allowing him to be their ambassador.

PR2 Parks, Recreation, and Cultural Resources Comprehensive Fee Assessment and Recommendations

Mayor Gilbert introduced Mr. David Wood for the presentation of the Parks, Recreation, and Cultural Resources Comprehensive Fee.

David Wood, Assistant Director, Parks, Recreation, and Cultural Resources
Department introduced Pros Consultant that have been working with the Parks and
Recreation Department that will be doing a presentation on working toward updating pricing
policies. He introduced the President of Pros Consulting, Leon Younger and Associate
Principal, Phil Parnin. He invited them up and thanked them for their time.

Mr. Younger said it was a pleasure to be at the meeting. He gave an overview of the information that would be shared and began the following presentation:

1 [SLIDE 1]

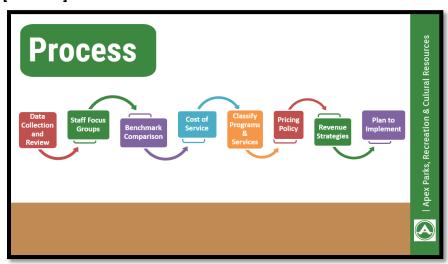


2 [SLIDE 2]



5 **[SLIDE 3]**

4



1 [SLIDE 4]

Why Assess Pricing Policy

- Hasn't been comprehensively reviewed and updated since 2010.
- · Best practice is to review annually etc.
- 2023 Master Plan Recommended annual review

Important Note:

The Pricing Policy does not override the provisions outlined in the Community Special Events Policy, which shall take precedence in cases where the two policies differ.

(🔊 | Apex Parks, Recreation & Culural Resources

[SLIDE 5]

2

Existing Pricing Policy

Program fees are charged to recover costs of providing services. These fees cover direct costs such as instructor/entertainment contracts, part-time staff, supplies, equipment, referees, uniforms. A 10% administrative fee is added to cover overhead and an additional 10% maintenance fee for athletic programs.

Non-Resident Fees:

- \$15 for Halle and JMBCC program
- \$10 for Senior and Specialized Recreation
- \$25 for Athletic Programs

| Apex Parks, Recreation & Culural Resources

[SLIDE 6]

5

Benchmarking Non-Resident Fees

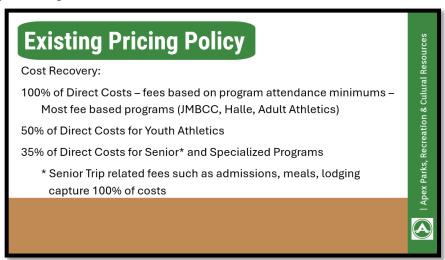
Apex

Non-resident fees are typically higher than resident fees; specific amounts vary by program.

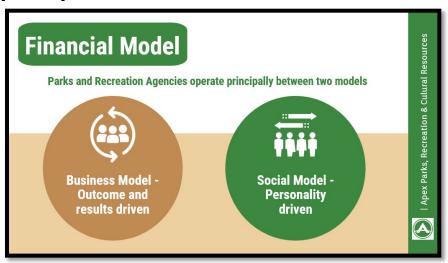
Parks & Recreation Non-Resident Fees Comparison				
Municipality	Non-Resident Fee Structure			
Carv	Non-resident fees are typically higher than resident fees;			
21 Y	specific amounts vary by program.			
Holly Springs	Non-resident fees are generally higher than resident fees;			
Holly Springs	specific amounts vary by program.			
Fuguay-Varina	Non-resident fees are higher than resident fees; specific			
ruquay-varina	amounts vary by program.			
Morrisville	Non-resident fees are 30% higher than resident fees.			
Garner	Non-resident fees are 40% higher than resident fees.			
Wake Forest	Non-resident fees are higher than resident fees; specific			
wake Forest	amounts vary by program.			
Wendell	Non-resident fees are higher than resident fees; specific			
wenden	amounts vary by program.			
Rolesville	Non-resident fees are higher than resident fees; specific			
olesville	amounts vary by program.			

| | Apex Parks, Recreation & Culural Resources

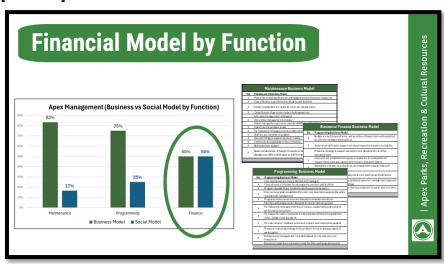
[SLIDE 7]



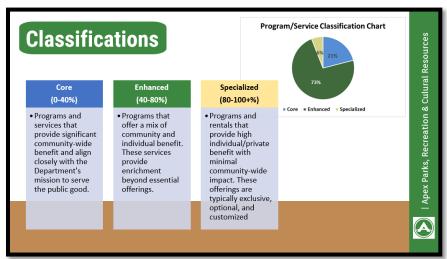
[SLIDE 8]



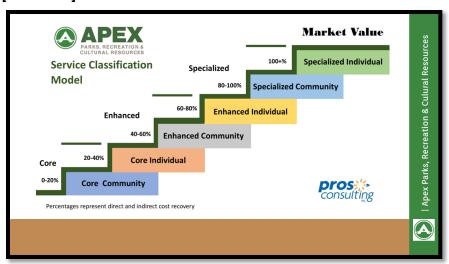
[SLIDE 9]



1 [SLIDE 10]



[SLIDE 11]



Councilmember Gantt asked if the numbers on slide 11 matter and if it is the optimal percentages.

Mr. Parnin said the numbers do matter and the numbers look like this because the more it's core to your mission and larger the community benefit, the higher the level of subsidy for those programs and when you are providing something more enhanced, more individualized and specialized that not everyone would benefit from but the individuals do, it's more towards the fair market value rate, for cost recovery of 80 to 100% plus.

2

4 5 6

1 **[SLIDE 12]**



2 [SLIDE 13]

Purpose of the Policy

- Establishes a transparent and consistent approach to setting fees across Dept. divisions
- Balances public benefit and individual use based on exclusivity
- Supports financial sustainability of services
- Informs planning budget process and cost recovery goals

| | Apex Parks, Recreation & Culural Resources

4 5 **[SLIDE 14]**

Policy
Oversight

• Reviewed annually with Town budget process

• Adjustments made based on economic shifts and community needs

Policies

1 **[SLIDE 15]**

Waivers

- One waiver per nonprofit/civic group per year to allow fund raising during a rental, must be approved by Department Director.
- 25% Non-Profit discount allowed for all Facility and Park Shelter rentals, Monday-Thursday.
- Encourages mission-driven use of Town facilities

| | Apex Parks, Recreation & Culural Resources

| Apex Parks, Recreation & Culural Resources

2

[SLIDE 16]

Financial Equity and Access

- Acknowledges economic disparities
- Provides financial assistance to reduce barriers
- Promotes equitable public service delivery
- Ensures taxpayer equity for Apex residents
- Additional fee for non-residents per program, passes, and facility rentals

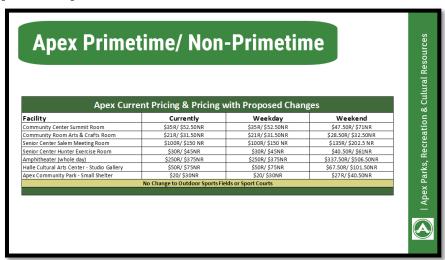


4 5

[SLIDE 17]

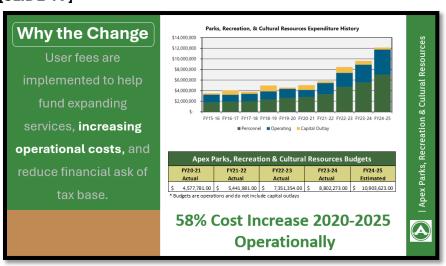
Apex Non-Resident Fees | Apex Parks, Recreation & Culural Resources **Apex Current Policy & Proposed Changes** Currently Proposed Programs \$15 Halle and JMBCC (Contracted Programs/Camps) \$25 Additional surcharge for Non-Residents \$10 Senior Center and Specialized Recreation Programs \$25 for Athletic Leagues 50% more -JMBCC, Halle and S.C. room rates, Nature Park Amphitheatre 50% Higher fee (surcharge) for Non-Residents \$15 more – Park Shelters \$20 Open Gym, \$10 Senior Exercise, \$10-\$25 Fishing, \$35 Boat Permit No Proposed Changes 100% more Dog Passes

1 [SLIDE 18]

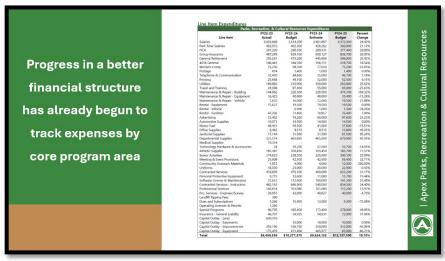


[SLIDE 19]

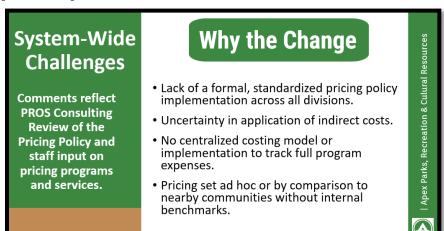
2



[SLIDE 20]

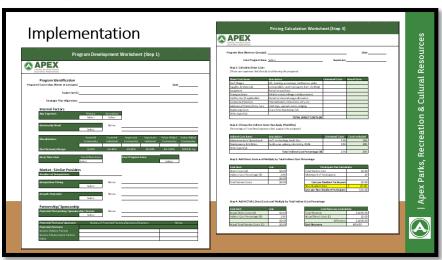


1 [SLIDE 21]

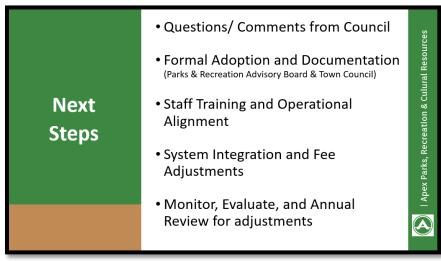


[SLIDE 22]

2



[SLIDE 23]



[SLIDE 24]



Mr. Younger asked if there were any questions.

Councilmember Mahaffey asked if Council would adopt the pricing and then staff will use the model to set fees.

Mr. Younger said that was correct.

Councilmember Mahaffey asked how this would impact on the budget. He said that he was concerned with the new model is possibly having a large impact on fees and big price swings.

Mr. Younger said that the impact is not a large increase. He said that the staff has put in a lot of input, and they all are sensitive to the issues associated with pricing. He said there were more adjustments in tracking both direct and indirect cost and in how to approach non-residents fees.

Councilmember Zegerman asked how current fees compared to the six tiers with the cost recovery addressed in the presentation.

Mr. Younger said that most of these are for the major facilities and adult athletics. He said that current policy covers 100% of direct cost for adult athletics, 50% on direct costs for youth athletics, 35% direct cost for senior and specialized program and senior trips related fees such as admission and lodging capture 100% of the cost.

[PUBLIC FORUM]

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

First to speak was the **Biking Community of Apex and Charleston Village** represented by **Joshua Rockwick**:

"Good evening, Mayor, Council. Imagine 30 kids outside having the best time, learning how to ride, how to jump, how to challenge themselves. Kids of all different ages, skill levels, just having fun, helping each other, and staying off screens with no bullying, no

- 1 pressure, just a place where everyone felt welcome and included, that's what the jumps gave
- 2 us
- 3 Mason
- 4 Hi, I'm Mason and we are here to represent the biking community of Apex and Charleston
- 5 Village. We're here to talk about the bike jumps we built in our neighborhood and why they
- 6 meant so much to us and a lot of other kids. We're going to talk about the bike area we
- 7 created, how we lost it, and our plan to get it back.
- 8 Matthew Ashley
- 9 Hi, I'm Matthew Ashley. The space we created was more than just a place to ride bikes. It was
- a community. It taught us how to ride features, teamwork, and gave us a safe place with no
- bullying. It was a source of independence for us because it was accessible right in the
- 12 neighborhood.
- 13 **Brewer Pillis**
- 14 Hi, I am Brewer Pillis. The problem is that our greenways don't connect to Apex south of US
- 15 64, so we cannot safely ride our bikes to Salem schools or even downtown Apex. Without a
- 16 local space, we have no safe outlet for this activity. Our riding has sometimes caused
- 17 problems and some of the neighbors have called the police, but we have also had positive
- 18 interactions with them. For example, Officer Bell took a selfie with us while we were all
- wearing helmets and posted it on the Apex Police Department Facebook page.
- 20 Ethar
- 21 Hi, my name is Ethan. We know there are neighbors who have concerns about erosion,
- aesthetics, and accessibility. On June 30th, the Town of Apex put up signs saying our bike
- features would be removed because of the few neighbors' concerns. We felt terrible about
- losing them, but we decided to take them down ourselves so that the town staff wouldn't
- have to. We're really grateful that Mayor Gilbert came to Charleston Village and listened to us.
- He encouraged us to come to this meeting tonight and we are thankful for that. This is an
- issue that keeps happening to us and we've recently lost access to Crabtree trails.
- 28 Aiden
- 29 Hi everyone, my name is Aiden and I'm here to talk about something exciting that can make
- 30 Apex even better. We want to build some awesome new trails and features here in Apex.
- Trails that people can bike, walk, or run on. Features like small ramps, turns, and fun sections
- that are safe and fun for all ages. But to do this, we just need one thing: permission from the
- Town of Apex. We're working with TORC, which stands for Triangle Off-Road Cyclists, they are
- 34 a group of people who love outdoors, especially riding bikes on trails through the woods.
- They don't just ride, they build and take care of trails too. We're not asking for money, we're
- 36 not asking for help with the tools or materials. They already have great trails in other towns
- and they want to do the same here. These trails won't just help bikers, they'll help the whole
- 38 community. They'll give kids and families a place to play outside, they'll help people stay
- 39 active and healthy and they'll help protect nature by keeping people on safe, planned paths.
- 40 So today we're just asking for your permission and let TORC help and let us build something
- 41 amazing that everyone can enjoy. Thank you.

Isaac Ashley

1

- 2 Hello, my name is Isaac Ashley and TORC can help us with the following. They will work with
- 3 landowners to make a memorandum of understanding that will outline expectations. This can
- 4 be renewed every year. They will provide a certificate of insurance through their parent
- 5 organization, SORBA. They will assign a local volunteer to be a trail coordinator who will
- 6 organize workdays and act as a liaison. They will help with signage, informing riders of the
- 7 rules and trail difficulty, as you can see from our example, they are also willing to repurpose
- 8 features from Crabtree trails.

9 Landon

- Hello, Mayor, members of the council. My name is Landon. Tonight, we told you about the
- bike area that we built. Overall, this area has been so much more than a place to ride. It's
- been a place to grow over the past year and a half. It has given me and my friends countless
- memories, strengthened our friendships, and taught us the meaning of working together
- 14 towards a common goal. It has encouraged us to spend our time outdoors, be active, and to
- 15 channel our energy into something positive and constructive. What's special about this place
- 16 is that it doesn't just benefit us. It has the power to benefit and inspire others. Unfortunately,
- we did not get permission first, which led to us losing this privilege. Luckily, we have a
- solution. With just a little support and guidance, we can make sure it remains a safe,
- 19 respectful, and welcoming space for everyone now and years to come. Imagine future kids
- discovering this spot, building their own friendships, learning teamwork, and finding the
- same joy and sense of belonging that we have. Thank you for taking the time to hear us out.
- 22 Your support could help not just preserve a set of jumps, but a place where our community's
- 23 youth can grow, connect, and thrive.

Joshua Rockwick

- 25 Apex is blessed to have young, creative athletes like these guys. They're responsible. If you
- 26 ask Officer Bell, when she showed up, the kids didn't run away. They actually waited and
- talked with her. They all had their helmets on, as you see in the picture in the handout that
- 28 they gave you. When Apex came forward and said, "Hey, you can't be here," they took their
- 29 time and their energy to take the jumps down, so our community didn't have to pay for that.
- They're hardworking. A lot of the materials that they got for their jumps came out of the
- 31 woods, cut down trees, dead trees that they cut up. They also cleaned out the culverts. The
- dirt in the culverts they pulled out to make their jumps, so they actually are doing a service for
- 33 the community as well as they did it. They're innovative and they take initiative. The parents of
- 34 these children and all the riders in our community are supporting them because of that
- initiative they take. Almost immediately when that sign went up, Aiden, I believe, sent Mayor
- 36 Gilbert an email within minutes to say, "Hey, can we meet about this? What can we do about
- 37 this?" And since these kids are so amazing, we want to give them that support for their
- 38 mountain bike trails. Now, the space that we're talking about is actually in the greenway
- 39 easement. Technically, if I read it properly, it's labeled an open space, which means you can
- run, walk, bike, and hike on there according to regulations. So, what they're asking is to take
- some of that open space and build a feature site like they had with the oversight of TORC,
- 42 which is a professional organization that builds jumps throughout the area. They actually have

a similar setup in Briar Chapel where there's mountain bike trails right next to the greenway, so it keeps the mountain bikes off the greenway. Runners have a place they can run instead of on the pavement, and it gives mountain bikers an area to go. So, we're looking at taking that model and starting in our neighborhood. We've got parental support, we've got a group to oversee it and then we just need volunteers, which can be from our community or anywhere else. There's lots of mountain bikers that do this and love to get out there. So, really, we're just looking for permission to support these kids. Thank you for your time."

8 9

1

2

3

4

5

6

7

Mayor Gilbert thanked the speakers and invited the next speaker:

10 11

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

12 13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

"Mr. Mayor, members of council, good evening. As a parent, I'm speaking to you to express my strong support for finding a solution for the parking situation at Apex Friendship High School. Since the school was opened, parking for students has been a challenge. Later on, today, there is a proposed amendment discussion to the UDO. I support this proposal that would allow student parking as a residential accessory under specific conditions. Accessible parking for high school students is critical for student safety, timeliness, and reducing daily stress for both students and parents. Many students, my son included, are involved in activities before school. He's a swimmer. He has to get up before school to go swim in Raleigh. He's a swimmer for the high school team. Practices are in the morning, and he just can't get back home in time to catch the bus to get to school. He also takes classes at Wake Tech, and that also requires him to leave campus, and that requires transportation. Last year he was able to drive because he had parking, and with the enforcement of the current situation with parking, that will become a challenge for him and our family. We need common sense solutions for the parking situation at the school with appropriate oversight to avoid overcrowding and prevent dangerous driving situations for both students and neighbors. I believe the proposed amendment to the UDO is practical, and a community-driven solution to an ongoing challenge. This reflects the collaboration between residents, organizations, and town leaders, which will allow and benefit all stakeholders. I respectfully ask that you engage the community in a discussion on solving the parking situation at Apex Friendship High School. I also hope that Town Council and staff will work in collaboration with other state and county leaders to come up with a long-term solution for the parking situation at the high school. Our community continues to grow. We have a great community, lots of people. However, parking is not just an issue at Apex Friendship. It's also an issue at Apex High School, and it will become an issue, I'm sure, at the new high school as well. So, please, I urge you to look at all solutions that are possible to help students and their families. Thank you very much."

38 39 40

Mayor Gilbert asked the speaker to state his address for the record and thanked him. He then invited the next speaker.

Next speaker was **Keven Campbell** of Raleigh Area Land Trust:

1 2 3

4

5

6

7

8 9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

"Thank you, Mr. Mayor, Mayor Pro-Tempore, members of council. It will be no news to anyone here in this room that the affordability of housing in the town of Apex, throughout Wake County, really throughout this region, is very stressed at this point. So tonight, I was blessed to have a few minutes with you to do a couple things to explain to you who the Raleigh Area Land Trust is, what the Community Land Trust model is, to raise familiarity with that, and to share a really exciting opportunity that we have right here in Apex. Raleigh Area Land Trust is the first and now only community land trust that's operating in Wake County. We were organized in 2018 and have since then this sounds awfully tiny, sold two homes in Southeast Raleigh, but things are about to really blossom in the model in this market. The model is designed to meet two objectives that necessarily don't work so easily together. So, it's a tough model to make work, but the model is to provide permanent affordability not just for the first homebuyer but for subsequent homebuyers through a 99-year renewable land lease. I'll talk about that, and then also allow for the building of equity in a shared equity model for the family. So, trying to balance keeping a specific property affordable in a community and allowing the family to build wealth over time through these shared equity agreements. Raleigh Area Land Trust, this is a new model for Wake County, but it is not a new model in the United States. It started in the late 1960s. There are now over 300 community land trust organizations throughout the U.S. and have built over 15,000 houses throughout the years. In our area, really two prominent land trusts, the Community Home Trust in Orange County and the Durham Community Land Trustees in Durham, are really leaders in the network and have been in existence for 30 years or so. So, we're following their example and bringing it to Wake County. The average tenure in a community land trust home, based on this sample of 15,000 homes, is seven years, which is also the same number in a typical market rate home purchase. And interestingly, the data shows that for those homebuyers that choose to sell their community land trust property, 60% of them are able to move into market rate homeownership. So, that's showing that equity is generated in the community land trust model, and that they're able to use that as really a steppingstone into market rate homeownership, and I think the important point there is, if they choose to do so, no one is asking them to sell their community land trust home but it provides that opportunity. I mentioned our Raleigh Area Land Trust was formed in 2018. In 2023, we sold our first two homes in Southeast Raleigh. And really throughout these years, we've been working with the City of Raleigh and with Wake County on a project called Cottages of Idlewild. It's near downtown Raleigh. We just started construction a couple of weeks ago on 18 new cottage court units that will be available, 14 for purchase, 4 for rental, to families earning 60% or less of the area median income in that project, we're excited for that. I just want to thank you all. You all have, I think, put across the message to developers that you're concerned about affordability in Apex, and that has resulted in a developer making 12 units, 12 brand new townhome units, available to the Raleigh Area Land Trust to sell to buyers in the community between now and the end of the year, we hope. So, I want to thank you for paving the way for that. It's just a win-win in so many ways. It's hard to find affordable units, we're talking about

market-rate units at about \$450,000. We'll be making them available for about \$315,000 and that's solely due to the generosity of the developer as the zoning conditions that they offered in their project. The communities are called Prestwick and Huxley. They're the same units. They are three-bedroom, two-and-a-half-bath, three-level with garage townhomes, 2,100 square feet. I know you all know how difficult it is to find that kind of product in this community at that price. We offered a community information session, and thank you Mayor, Mayor Pro Tem, for attending that to spread the word. So, I'm asking your personal help in spreading that word. We're also excited to be offering that same kind of information session for town and town staff on Thursday this week. These really provide opportunity for workers in the community. I know that that's a concern of yours as well, the town staff that love this community, work in this community, and are looking for opportunities to live in the community, we hope to be able to provide that. We have two units in the Prestwick community. Those sale prices, based on the zoning condition, will be available to families earning between 80 and 100% of the area median income based on family size. And in the Huxley community, based on the zoning condition, 10 units to families earning up to 80% of the area median income. I think that's all I have, I didn't need the whole nine minutes, but thank you for your time, and thank you for the opportunity, I think it will be a really strong example, not just for your leadership in this community, but across the County as well. So, we thank you for that."

19 20 21

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

Mayor Gilbert thanked the speaker for his strong example and leadership in the community and across the County. He then invited the next speaker.

2324

22

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

25 26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

"Mayor and Town Council good evening. On June 17th, the town council had a work session where the council contemplated five expansion options for the Pleasant Park. This is a \$14 million expansion of the park. When the staff started discussing the five options, they shared that in the first year, the park had 2 million visitors. We all know that far exceeds the full buildout of what was projected for the park. We also know that far exceeds the 2018 traffic study. So, it was really disheartening listening to the work session talking about, you know, we could do this field or that field and maybe we could attract some college tournaments talking about everything that can be brought into the park, and through the conversation, I was like, where's the community? Where are the neighbors that are impacted by this? For the people down the street where we can't get in and out on Old US 1 because the traffic is backed up, you're looking at a \$14 million expansion and the brief comment about the traffic felt very dismissive. You know, \$14 million, you need to take a couple of those million dollars and deal with the traffic issues. It is not fair to those in the community that want to go to the park but can't get in and out of the park. They can't use the park. It's not fair to bring in college tournaments when we have needs for our high schoolers and our middle schoolers to be using fields. It just felt like the priorities were misplaced and it hurts because I have to go through this, and you know that I'm very involved with my community.

We have come to you multiple times and said, please do something to address the traffic. I understand getting a second exit is not going to happen anytime soon, but you could have some traffic police there on the days, even just normal Saturdays where we have large numbers of visitors, come and help with the traffic. I mean, there are some simple commonsense ways of addressing the traffic but just to go plan a \$14 million expansion without meeting the current needs feels like the priorities are backwards. So, I ask that you take the time to actually come out and talk to the neighbors. Have a meeting there at the park. Maybe come sit on the side of the road with us in a safe place and just watch the traffic go in and out and in and out and in and out so that you can experience firsthand what we do. This is not just \$14 million on a piece of paper. This is where we live, and this is where our neighbors are supposed to come and play. Thank you."

111213

1

2

3

4

5

6

7

8

9

10

Mayor Gilbert thanked Ms. Stitt and invited the next speaker.

14

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

15 16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

"Good evening, Mayor, Town Council. The collapse of Olive Chapel Road highlights how our growth and infrastructure are out of balance. Development is advancing rapidly, bringing traffic, environmental, and stormwater challenges our systems can't handle. Projects like Chapel Ridge, New Hill Commons, the Summit, Depot 499, and the Veridia mega site, move forward despite the 2017 town maps showing flood risks, traffic studies showing roads near or over capacity, and loss of tree canopy that helped actually manage the runoff. I'm confused by the town's characterization of the event as a 200-year event. The FEMA 100-year floodplain runs right where the road failed, and the stormwater from the Chapel Ridge site appears to have overwhelmed it. Can someone help me understand the discrepancy between the maps and the leadership statement? This pattern repeats, natural buffers removed, water directed into stressed creeks, and downstream neighborhoods flooded or eroded. These same development pressures also lead to traffic studies, as Elizabeth mentioned, showing more roads near capacity with safety and quality of life risks rising. In fact, the numbers on Olive Chapel are 10,000, but on Kelly Road are almost 20,000. So, you've got to talk about a bigger, broader area when you speak about your traffic. I want to recognize the men and women of North Carolina DOT, and I just brought this safety vest to kind of show, or just the image of it, that the work they do is very dangerous. They're out there alongside heavy volume of traffic and extreme heat, all sorts of weather conditions. While the public saw a performative video with hard hats and sound bites, the real demanding work will be done by these crews. The official narrative says stormwater and environmental measures met minimum requirements, but that narrative has been used to justify eminent domain road widenings on North Carolina DOT roads with little public discussion. This approach shifts responsibility away from the decision makers and into the public. The balance is missing now. Until it returns, these failures will continue. Thank you."

40 41 42

Mayor Gilbert thanked Ms. Cozzolino and invited the next speaker:

Next speaker was **Lorraine Mian** of 2524 Walden Woods Drive:

"My name is Lorraine Mian. I live at 2524 Walden Woods Drive. And I'm here tonight to say thank you and thank you for your support of the Patriot Day ceremony on September 11th. And I read that there will be some participation from Council as well and I'm thanking you because I'm a survivor of the World Trade Center attacks. I heard the planes crash into the buildings. I saw people jump out of the North Tower that day, and I witnessed the buildings collapse in front of my eyes. My husband was a federal agent, a criminal investigator for the Department of Interior. He was detailed to the rescue and recovery effort down at Ground Zero, but he later died from his exposure from breathing in the toxins from the dust cloud that was in the grass, in the dirt, in the pile. Today, people are still getting sick and dying from that exposure and some of those people live right here in the Triangle. So, I urge you, as our town leadership, to make 9/11 a day of remembrance for our community going forward so that we never forget those horrible events and that we never forget the sacrifice made by our first responders to rescue people, ordinary people like you and me. Thank you."

Mayor Gilbert thanked the speaker and invited the next speaker.

Next speaker was **Andrew Gluck** of 2425 Walden Woods Drive:

"I'm here to address a different issue. Something that the council really doesn't have any authority over, but as a group, I was hoping you would write to the state. We have 540 going through the town. The only area of 540 in Apex that does not have any sound barriers is around the Beaver Creek area and all that. It's a toll road. They totally started in this area, but this area was totally avoided for any sound barriers. And where I live and other areas in that area, it's very noticeable. So, we're just hoping the town will get together, the council will get together and write to the state I think it's the state's responsibility to put those sound barriers up. They're collecting tolls every day on that, and it should have been done in the first place, but this area of the whole 540 was ignored. No other area on 540 was ignored from the sound barrier. So, I'm just requesting you as a group to do that to the appropriate people of the state. And I'm sure someone here would know who to write to because I know you're very intertwined with that. So, we'd appreciate it if you just would do that for the people of Walden Creek and also the surrounding areas. Thank you."

Mayor Gilbert thanked the speaker and invited the next speaker.

Next speaker was **Alexis Kennedy** of 106 Buck Haven Court:

"Since my last City Council meeting, I'm heartbroken to report that more children, women, and men have died in Gaza. Starved, bombed, shot, crushed to death by food trucks in their desperation for aid. Just a couple days ago, a 14-year-old boy was crushed to death by a falling aid package. UNICEF has reported that in the past month, the classrooms' worth of children have died roughly as much as every hour. I've watched in horror as people justify starving disabled Palestinian children, claiming that their medical conditions make it acceptable. These children need special diets just like many of us know someone with dietary needs, GI issues, allergies, nutrient deficiencies. Yet, if they're Palestinian, their starvation is dismissed. Our government and media have excused withholding food from these children, effectively justifying the starvation of disabled children. Meanwhile, since 2023, we have sent Israel 22 billion dollars of our tax dollars, funding a country accused of war crimes and apartheid, while it provides free health care and free educations for its citizens and housing for illegal settlers in the West Bank. Meanwhile, in Apex, our elementary schools had to make tough decisions and cut out teachers, and now the ratio is 35 students per classroom. So, we're starving children abroad and starving our own children of education. Imagine what the two billion dollars could have done for us. It could have expedited the rebuilding of communities hit by Hurricane Helene, proper aid for the Texas families after the horrible flash floods, fund our schools, or hell, just return our tax money. Instead, it's used to bomb and starve children. With only four aid stations for 2 million people in Gaza, this starvation is intentional, and we're funding it. I love my children with all my heart, and my love isn't unique. Parents across the world feel the same way and I could never justify starving my child or allowing someone to starve them. So why do we consent to starving other children? We are all responsible because it's our money and our government enabling the actions. If you feel powerless, that's not an excuse. Governments don't change out of the kindness of their hearts. They change when communities demand it. We must hold our leaders accountable and act to stop the injustice."

272829

1

2

3

4

5

6

7

8

9

10

11 12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

Mayor Gilbert thanked Ms. Kennedy and closed the Public Forum period.

30 31

Mayor Gilbert announced the meeting would stand in recess for 5 minutes. The meeting stood in recess beginning at **7:29 p.m.**

32 33

Mayor Gilbert reconvened the meeting at 7:37 p.m.

34

[PUBLIC HEARINGS]

36 37

35

PH1 Apex Transportation Plan Amendments - Ashburn PUD

38 39

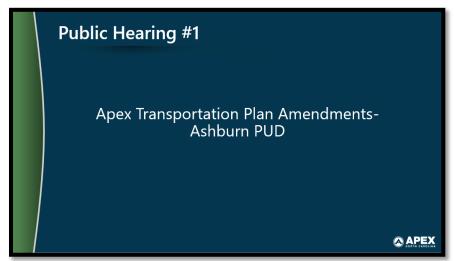
40

41

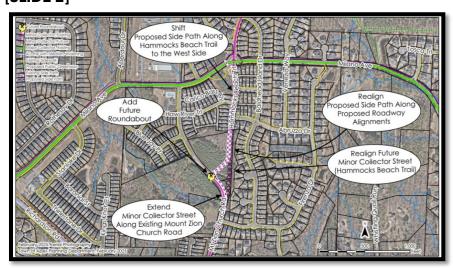
Shannon Cox, Long Range Planning Manager, Planning Department said that the first Public Hearing is specific to proposed transportation plan amendments which is associated with the second Public Hearing for the rezoning request. She said staff is suggesting that

- 1 Council hear both public hearings and then vote at the end of the second public hearing. She
- 2 gave the following presentation.

[SLIDE 1]



[SLIDE 2]



Ms. Cox opened up for any questions.

Councilmember Gantt asked Ms. Cox to describe how Hammocks Beach affected how Bella Casa was developed several years ago and the issues with driveways not facing the road or other types of issues.

Ms. Cox said minor collector streets can have direct driveway access, major collector streets do not have direct residential driveway access. She said that the properties in this plan are accessed by the alley with sidewalks to their front doors that access Hammock's Beach Trail in this location. She said that there was nothing in the standard specifications that would prohibit driveway access.

Councilmember Gantt said he had that thought they were designed this way because of them being prohibited. He said that in the earlier packet it did not show the roundabout

and asked if the roundabouts were staff suggestions to the developer who is now proposing the roundabout.

Ms. Cox said she was not aware of what was in the earlier packet for rezoning, but the roundabout is included in the next couple of slides. She said there was a lot of conversations with the developer throughout the rezoning request with staff to reach a positive recommendation for the roadway network that they are proposing.

6 7 8

1

2

3

4

5

Mayor Gilbert opened up Public Hearing.

9 10

First to speak was **Charles Walker** of 275 North Pea Ridge Road in Pittsboro, NC:

11 12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

"I am the land planner for the developer here. Russell and I have wrestled on the ground several times over what the position of this road ought to be. It is part of our PUD case. The probable need to move this was discovered as we were designing our case because, as you all know, Hammocks Beach Trail went directly north and south and melded into Mount Zion, but Mount Zion was going to be turned into it. Unfortunately, what happened when Casa Bella was designed and built, they did set aside the right-of-way for Hammocks Beach Trail, but they did not set aside a construction easement to do it. So, once we figured out to try and go down Hammocks Beach in what I think is going to be its former layout, we had to go to Casa Bella and ask them to disturb part of their RCA. We didn't want to do that. So, we did our best negotiations with the neighbors, with staff, and what we come up with was pulling Hammocks Beach Trail away from that line as quickly as possible to run it into Mount Zion, then create the roundabout to also help with the slowing down of some of the traffic in that area. So, I just wanted you to know this part was done, that the relocation of this is part of our zoning case, but not necessarily our zoning case generated it. So, I just wanted to make sure that was clear. I think we've come up with a solution, but I just want to make clear what the situation was. Okay. Thank you very much. Unless anyone has any questions."

28 29 30

Mayor Gilbert thanked the speaker and called the next speaker.

31 32

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

"I know, Allan and I talked about Linda going before me. I'm going to need to also speak in the next one. I didn't sign up. The map that I need to refer to, to explain why I'm against this is not showing. But much of these transportation amendments are unnecessary. It will save the developer money. It will help keep the community intact. There are other options that I would like to talk with the Council about. So, if you could add me when we get the next map up. Thank you."

39 40

38

Mayor Gilbert called the next speaker.

41 42

Next speaker was **Linda Caffera** of 1858 HBT at Bella Casa:

"Mayor Gilbert and Council, I am here concerning the Ashburn transportation

bumper to bumper and you're not even done approving all the development on Olive

Chapel. That's another thing. And that sinkhole, that sinkhole happened because they took

new bridge and connect another community. It's going to be a speedway to get through and

stories. It went from 36, now to 42. And Josh is now telling me something about King's Cross

which was 50, but we cut it down to 42. With the trees gone and no drainage, we're going to

be in trouble. And let's see, what else did I want to say? I wanted to make sure I said hello to

shortcut everything. The proposed height was told in April and May, Josh did not know the

height of the house. The builder, Charles Walker, told me it would be no more than two

1

application. I am a resident of Bella Casa. My name is Linda Caffera. I tried to call Mr. Mahaffey last week. He promised he would call me back. He never did. So, I have, well you're probably busy, right? And so, I would like to just continue with my statement. Hello Brett. How are you? Brett lives in a beautiful house surrounded 360 by trees and woods. Beautiful. Over here, this development will be butt up against our area. There is a school bus stop not 30 yards away, 8 where this opening is going to be and there's a procession of people with their kids that walk 9 to the pool and the mail depot across Hammocks Beach a few feet where that opening is 10 going to be. The elevation of that land is higher and if you go to the bottom of Hammocks 11 Beach Trail, you look up on a hill. We've had drainage problems since Hurricane Helene, back 12 up from Friendship. Scattered openings for the school all the way to where that traffic circle is 13 going to be, where the road kind of crosses. I was shocked one morning, 8:30, backed up

16 nature's best drainage system away, the trees. And that development that they're working on 17 over there in that area has been going on for three years now. So, I'm just going to say that. 18 The houses I was told by Josh and he looks at one-dimensional. I know he looks at a lot of 19 complicated things, but he looks at one-dimensional things. I'm talking multi-dimensional 20 here and I'm talking about children on the streets, on scooters, with their parents, constant 21 procession, and they go up River, across Hammocks Beach. I'm worried that opening that 22 street, traffic circle or no traffic circle, is going to cause speeding traffic all the way down to 23 the other traffic circle that we have on Milano, and then past it, where you want to put that

14

15

28 29 30

24

25

26

27

32 33

31

34

you, Mr. Mahaffey."

next item.

AND

35 36

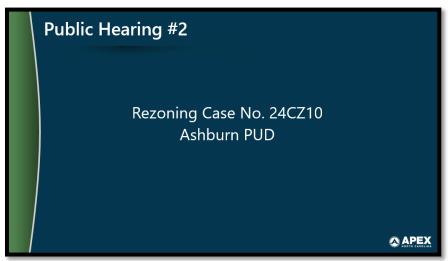
Rezoning Case No. 24CZ10 - Ashburn PUD PH2

37

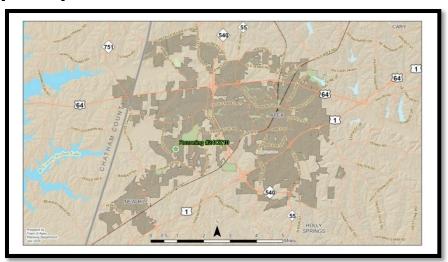
Joshua Killian, Planner II, Planning Department presented the following presentation:

Mayor Gilbert closed the Public Hearing and with no further speakers moved to the

1 **[SLIDE 1**]



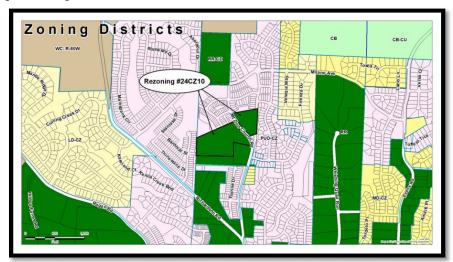
2 3 [SLIDE 2]



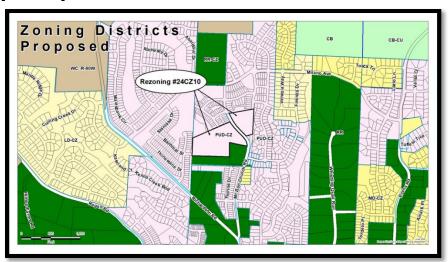
4 5 **[SLIDE 3]**



1 **[SLIDE 4]**



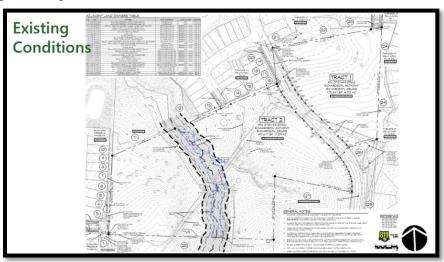
2 3 [SLIDE 5]



4 [SLIDE 6]



1 **[SLIDE 7**]



[SLIDE 8]

2



4 [SLIDE 9]



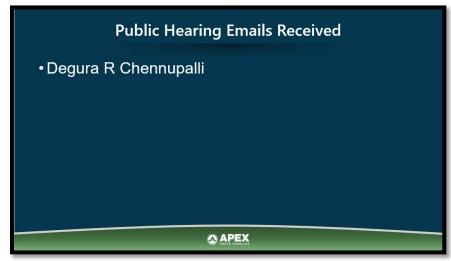
1 **[SLIDE 10]**



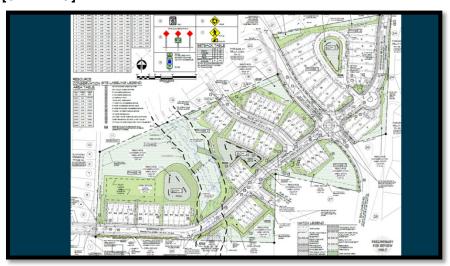
2 3 **[SLIDE 11]**



4 5 **[SLIDE 12]**



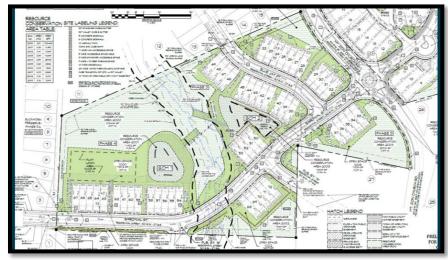
1 **[SLIDE 13]**



2 3 **[SLIDE 14]**



4 5 **[SLIDE 15]**



Mr. Killian opened up for questions.

Mayor Gilbert asked if there were any questions from Council. He opened Public Hearing. He asked if the applicant wished to speak.

First to speak was **Charles Walker** of 275 North Ridge Road in Pittsburgh, NC:

"We spent a lot of time going through this process. What I would like the Council to make note of is that on the north side and the west side we have aligned similar housing styles. The housing styles in Casa Bella that are on narrow and deep lots that are alley-fed are next to lots that we propose to be alley, narrow, and alley-fed in a similar fashion. On the west side of the project, we are surrounded on two sides by townhome projects. We're doing similar units, so, we're putting townhomes next to townhomes, single family next to single family. As we've talked about before, it was tough to get a lot of this stuff put together and answered when you started throwing in the transportation, but we have the support of the Transportation staff and the Planning staff and the rest of the staff. We do meet the RCA regulations. We do have open lawn play in the area. We are connecting three unfinished streets to Mount Zion Road, which I hope you would recognize as an improvement to get some of the traffic moving in that area. The total unit count on our project is 72 units, 21 single-family, and 51 towns. If you have any particular questions, I have Reynold Stevenson, our traffic engineer, here. Tommy Craraven, our civil engineer, is here. Or if there's a land planning issue, I'd be glad to try and answer from anybody that had a question."

Mayor Pro-Tempore Gray said to give him some thoughts on why you didn't want to meet the town's affordable housing goals.

"Early on when we asked about that, one of the incentives was if you try to do the affordable housing, that there would be an expedited review of the process going through the system. When we asked that particular question, is it you pick up two days, do you pick up six months, what is it? It was undefined. The staff didn't have a way to describe it to us. So, we couldn't see that necessarily as a benefit for that particular reason. And then the second reason why we didn't is when we started going and applying the construction cost numbers to retaining walls on Boronio, crossing the creek, widening Mount Zion on both sides, a traffic circle, a wider, it just whittled it down to where it was up to us to try to bring forth all the needs to be solved by the site plan as best we could and not be able to address that with this relatively small project. I mean, for example, the town's parks and open space fees in lieu of approach a quarter of a million dollars on this small project. So, there was a lot of money being pulled out of this to satisfy the regulations in this area and try to bring forth all these roads to be connected."

Mayor Gilbert thanked the speaker and called the next speaker.

Next speaker was **James Neman** of Apex Friendship Elementary School:

"Hi. Mayor and Town Council. I'm James Neman. I'm a fifth grader at Apex Friendship Elementary School. My home backs up to the woods where Ashburn is proposed to be built. My family takes care of a cat colony that lives in those woods. One is named Biggie. Biggie likes to eat a lot and is a tuxedo cat with the white mustache. There are also Spots, Skinny, Mr. Orange, Pants, Socks, and two little kittens. We have named them based on their attributes. We have spayed and neutered them and they have been happy in their woods for the past year and a half. Other animals, including deer, a raccoon with three legs, bunnies, possums, squirrels, and birds have made these woods their home as well. Because this is the only woods in the far radius, animals have come to this specific area of woods because it is their only choice. We have the opportunity to let the animals happily live where they already feel at home. My question is, who needs the homes more? Apex has built many homes for humans, but what about the animals? If we get rid of these woods, what home do they have? I'd like you to truly consider all living things that could be impacted by this development. Thank you for your time."

Mayor Gilbert thanked James and called the next speaker.

Next speaker was **Brandon Poythress** of 2705 Richardson Road:

"Good evening, Mr. Mayor, I'm Brandon Poythress, 2705 Richardson Road, Apex, lifelong resident of Apex. A couple years ago, I was before the Town Council and got my property annexed in where I am right now. Well, I'm the neighbor exactly to the south, if you look straight on this map, the entire south side pretty much except for where you see the first cut-in, I built my home there, actually lived there one year now, and it's the only home on that 3-acre tract. I've been working with Mr. Walker through the process, came to the last Planning Board meeting as well. All I'm trying to do in my perspective is preserve the natural woods that I have. I have the privilege, I think, like I heard you I have woods 360 degrees around my house. I live in the middle of it on purpose. Not that I'm opposed necessarily to this development, but obviously, because I believe Mr. Killian, as he had indicated in our previous meeting of the Planning, and it's obvious, Barronial Street exists, so it's very hard to realign it. Well, that puts an interesting perspective on my property because the developer is going to need to extend the existing retaining wall and that's right up against the property line or will be some distance based on grading. So, we've worked together, and I've asked him to understand my perspective is to try to have as much of the trees that are on my property stay there and to not have the view to the open road right behind my house. He's agreed, and I don't know at which point in the forum it is not aware, he's talked about subdivision construction drawings, but I want to make it known that what we've agreed to is that there will be, as possible, nothing guaranteed, there will be some plantings along there. I know that early on I had an issue trying to get my own utilities connected to Barronial because of a thing called a type B buffer it took me almost a year to get through said type B buffer under it,

actually. But in this case, it doesn't look like there's enough room for a buffer, but obviously I have a keen interest to have some sort of screening away from the neighborhood. That's all I'm really talking about there. I understand Apex has no choice but to have the stub-out road. It's not ideal for me, but I realize that I'm not getting any younger, so somebody may want to take my property one day and subdivide it, and you want to have the transportation there. I've discussed with the developer as well the possibility, my children play with all the children over in Buckhorn. Currently, I have a mulch path that goes down at the end of Barronial Street and that's how the kids from Buckhorn come up and play on our basketball court and my kids go down there, but I don't know that logistically it'll be very feasible. I've talked to the developer, hey, could we put a staircase in the retaining wall? He describes the retain as four to five feet to allow the kids to still transit between. There's some concern of whether that would encroach on my property, which I would allow it to, or whether it would be something they would be interested in, but to come in the future. If not, the kids will go to the stub road. Looks like my time is up. If anybody had a question, otherwise I'm good."

Mayor Gilbert thanked the speaker and invited the next speaker.

Next speaker was **Linda Caffera** of 1858 HBT at Bella Casa:

"It was suggested by someone that there is, on the teardrop on the 4 acre, it looks like an ice cream cone. There is a road around there where they don't have to open up Hammocks Beach Trail, you know, so that we have we don't have that danger of people in the future racing through to get to the bridge on the other side. What about cul-de-sacking in, around the road and just going right out? Why can't they do that? Also, I feel we need more green buffer and just less houses, that's all I'm asking for. Like maybe five, six. That would also engender less traffic and we can't control the other traffic that will be coming from other areas through there. So, and I just wanted, Mr. Gray, I'm concerned about something. You asked after I gave my little talk about affordable housing, but what about the safety of the children that I addressed and the bus stop and the procession that goes to the pool and the mail kiosk? What about that? You can't put money on that safety. You can't put money on that. Okay, I was just a little taken aback because I thought he just brushed that off. Thank you, sir."

Mayor Gilbert thanked the speaker and invited the next speaker.

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

"Elizabeth Stitt, 3113 Friendship Road. So, in the 800-page agenda packet that I read every page of, you'll see this particular diagram that was included as a part of this proposal. And if you look around the teardrop, as Linda referenced, there is a road. It occurred to me, let's save the developer some money. There is no need to extend Hammock Drive, these properties can be served by that little road around the teardrop. If you give back the money on the road, maybe they would have money for affordable housing. It would also be less

roadway for the town to maintain at some point. It would also be less impervious surface, which meets more of our environmental goals. So just because Hammock's Beach was shown that it was drawn and if you look at the neighborhood meeting packet, it's on page 450 where a question was asked, why do you have to have this road, Hammock Beach, extended? It stated, because the developer stated that the town said so. Well, you guys are the town. Let's get rid of that far road so then you preserve a little more buffer, you save the builder money, get your affordable housing, and this way you don't have all the traffic going through past Linda's house. So, there are other alternatives. So, I ask you, just consider that. You know, we have kids in this neighborhood that are going to be high schoolers that are not going to be able to go to Apex Friendship because there's no capacity. They're going to be driving. These stormwater ponds are very expensive, you've had other HOAs come. So, let's make a little compromise here. Thank you."

Mayor Gilbert thanked the speakers and closed the Public Forum and brought the items back to council for discussion and to lead to a possible motion.

Mayor Pro-Tempore Gray said that concerns about affordable housing get you to the next step in the conversation, and he did not see the effort in this proposal in getting to the next conversations beyond that in the project. He does not support the proposal.

Councilmember Killingsworth said that she agreed and did not support the proposal. She said that she did not see enough positives in the proposal. She said they had the ability to be very picky on this infill project and make sure it benefits the community.

Councilmember Zegerman said that transportation enhancements and transportation plans are in place for a reason. He said that the objective is to provide interconnectivity throughout the town and there are frequent concerns from residents about traffic increases. He said that the realignment of the road is better than going straight through because this slows traffic and the 35% RCA conservation is good, but it is disappointing that no serious attempt was made to provide affordable housing in this plan, and he could not support this proposal.

Councilmember Mahaffey said that there was another concern about the school capacity and data shows that there will be a significant gap in the future for the elementary and middle schools.

Councilmember Gantt said that he had sent a picture of the first version of the realigned road to Planning and the Transportation staff, which was a better realigned road. He said that with Richardson Road flooding, this would be an alternative, and this road is needed to connect to Sweetwater. He said that he likes to weigh things like affordable housing with other improvements such as transportation, and he sees a lot of transportation improvements in this project.

Mayor Gilbert asked for Mr. Walker to come up. He asked him if he would like to have some time to consult with staff on this information from the Council.

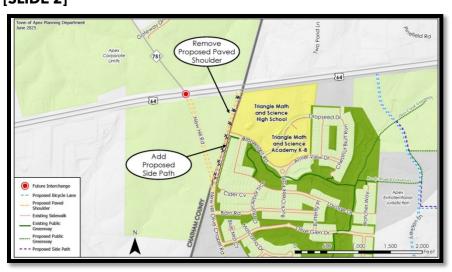
Mr. Walker asked for more clarification on what affordable housing means to Council.

1	Councilmember Killingsworth said that it was well defined in the affordable housing					
2	plan. She said that staff would help with this.					
3	Mayor Gilbert asked if the Housing staff were in on these conversations.					
4	Assistant Town Manager John said she was not sure if the developer has met with					
5	Director Newman and her team.					
6	Mr. Walker asked Council if they would hold the hearing open so that this affordable					
7	housing issue could be discussed.					
8	Mr. Killian said that because the public hearing has been open this item could be					
9	kept open for 30 days for Planning.					
10	Ms. Bunce said that if it can't be continued more than 60 days.					
11	Town Clerk Coleman said that the hearing had been closed, and this item could be					
12	continued to a certain date. He said that it could be continued to September 23 rd Council					
13	meeting.					
14	Ms. Cox said that staff would recommend voting on the Transportation Plan					
15	amendments with or without the rezoning case at this current meeting if Council would like					
16	to.					
17	Mayor Gilbert asked what the pleasure of the Council was.					
18	Councilmember Killingsworth said she would prefer vote on them together.					
19						
20						
21	A motion was made by Councilmember Killingsworth and seconded by					
22	Councilmember Zegerman to continue Items PH1 Apex Transportation Plan Amendments -					
23	Ashburn PUD AND PH 2 Rezoning Case No. 24CZ10 - Ashburn PUD until the September 23 rd					
24	Regular Town Council meeting.					
25						
26	VOTE: UNANIMOUS (5-0)					
27 28	PH3 Apex Transportation Plan Amendments - New Hill Olive Chapel Road					
-0 29	Jenna Shouse, Senior Planner, Planning Department presented for Public Hearing					
30	Apex Transportation Plan amendments along New Hill Olive Chapel Road.					

1 **[SLIDE 1**]



2 3 [SLIDE 2]



4 5 **[SLIDE 3]**



1 2	2 and the Planning Board have recommended approval of these amendments. She asked if					
3	there were any questions.					
4	Councilmember Zegerman asked with this being a part of the Apex Gateway Plan					
5	would it be installed by a developer.					
6	Ms. Shouse said that it was correct, and it would be installed on the side path rather					
7	than the paved shoulder.					
8	Councilmember Zegerman said that side because of the shoulder side being on					
9	their side of the property, and they would have to develop that side. He wanted to clarify that					
10	the developer is still responsible for the development and installation of the side path.					
11	Ms. Shouse said that is correct.					
12						
13	Mayor Gilbert opened Public Hearing and called the first speaker.					
14						
15	First speaker was Dawn Cozzolino of 3632 Bosco Road:					
16						
17	"I just have one comment. On any of these proposed amendments, zoning changes,					
18	transportation, I respectfully request Councilman Terry Mahaffey, who serves also as well on					
19	the Campo MPO Technical Advisory Committee, recuse himself from voting on any zoning or					
20	transportation amendments before this council. His role in the Technical Advisory Committee					
21	advises on regional transportation planning, presents a potential conflict of interest. For the					
22	sake of transparency and to uphold public trust, it is essential that decisions impacting our					
23	community are made without any appearance of conflicting responsibilities. Thank you."					
24						
25	Councilmember Mahaffey said to the speaker that he was appreciative of the					
26	comment but he was not on that committee.					
27	Loud shouting from the audience ensued.					
28	Mayor Gilbert called for order in the Council Chambers.					
29						
30	Mayor Gilbert closed the Public Hearing and brought the item back to Council for					
31	discussion and possible motion.					
32						
33	A motion was made by Councilmember Killingsworth and seconded by					
34	Councilmember Gantt to amend the Apex Transportation Plan to modify planned bicycle					
35	facilities along New Hill Olive Chapel Road in the vicinity of US 64.					
36						
37	VOTE: UNANIMOUS (5-0)					
20						
38	BUA Annessation No. 000 Addres Hedese Builders Builders According to the					
39	PH4 Annexation No. 800 - Atkins, Hudson, Davidson Homes Assemblage - New Hill					
40 41	Olive Chapel Road - 16.80 acres (REF: ORD-2025-056)					
4 1						

Bruce Venable, Planner II, Planning Department said that this annexation was associated with the rezoning following this presentation in the next Public Hearing and asked for Council to wait to make a motion after the presentation on the rezoning. He gave the following presentation:

[SLIDE 1]

1

2

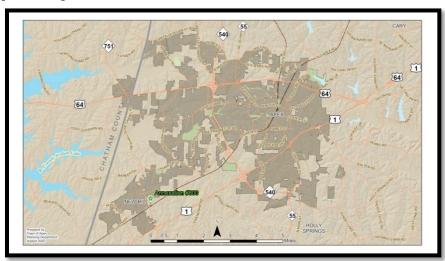
3

4

5



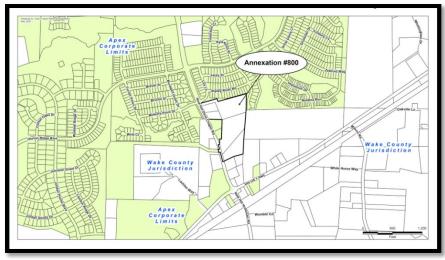
6 7 **[SLIDE 2]**



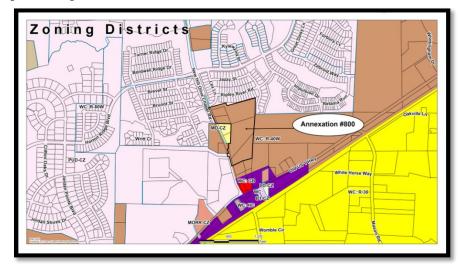
1 **[SLIDE 3**]



2 3 [SLIDE 4]



4 5 **[SLIDE 5]**



AND

PH5 Rezoning Case No. 25CZ06 - New Hill Olive Chapel Road Assemblage (REF: ORD-2025-057)

4 5 6

7

1

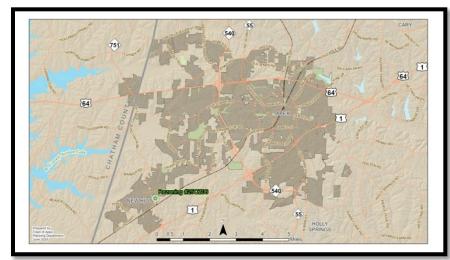
3

Bruce Venable, Planner II, Planning Department gave the following presentation: **[SLIDE 1]**



8 9

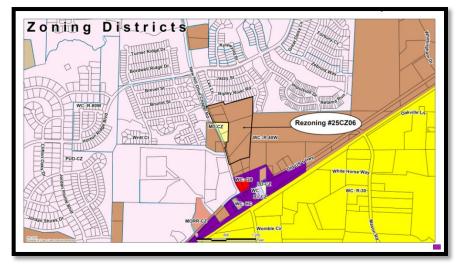
[SLIDE 2]



1 **[SLIDE 3]**

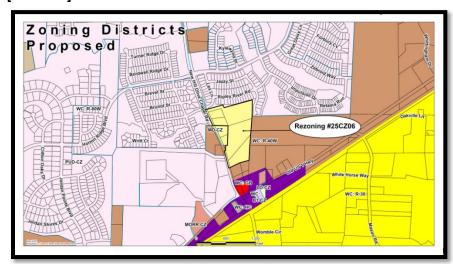


2 3 [SLIDE 4]

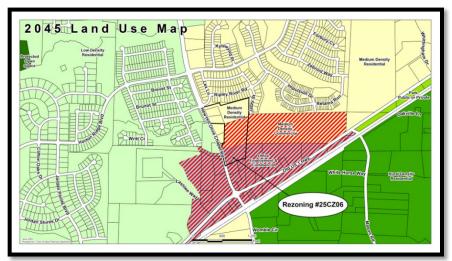


5 **[SLIDE 5]**

4

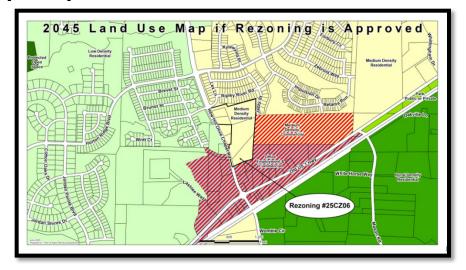


[SLIDE 6] 1



[SLIDE 7]

2 3



Councilmember Gantt asked about the history of the development of the Office Employment Commercial Services as part of New Hill Development.

Mr. Venable said that the discussion with the applicant was that developing a mixeddensity residential project would be difficult unless they could acquire additional property. He gave overview of the challenges. He said that after reviewing that staff felt this scenario was more ideal given the parcels still have single family developments that would be close to any kind of access or entry point and would create issues with traffic.

Councilmember Gantt asked if the New Hill Commons rezoning that occurred during this process changed the equation for this recommendation of housing in the southern area.

Mr. Venable said that the commercial element was considered and will probably be developed into more commercial office employment in the future. He said that there is already medium-density residential district nearby along with newly built homes making this proposal more appropriate and consistent with the surrounding development.

13

4 5

11 12

[SLIDE 8]



Councilmember Gantt asked about condition #8 and if there was a concern for Planning if the property owners would not sell to the developer for them to obtain the easements.

Mr. Venable said that it was a concern but by NC Law they cannot require off-site

Mr. Venable said that the Planning Staff is recommending approval of this rezoning with the proposed conditions provided by the applicant. He said that the applicant and staff are here for any questions.

improvements and there wouldn't be much that could be done to enforce this.

Jason Barron with Morning Star Law Group gave the following presentation giving information on items associated with the big picture related to this case and addressed some of the question Councilmember Gantt had raised:

[SLIDE 1]



Mr. Barron asked if there were any questions.

Councilmember Zegerman asked Mr. Barron to comment on the refusal to accept the environmental conditions from the Environmental Advisory Boards and what they were offering instead.

Mr. Barron said looking at the staff report for the EAB recommendations, there were several of those items that were agreed on, but there are a few commitments typically seen in

to do for these.

Councilmember Zegerman said that some of the items like using native plants are inexpensive and were declined.

developments of this type that and he went through the items and what they are committed

Mr. Barron said that there were items his client reviewed that they were not able to make a commitment to.

Councilmember Killingsworth said that it had been years since there had been a rezoning without solar conduit and it is an inexpensive item. She said it was a concern about breaking the precedent. She said that more flexibility on some of these items was needed.

Mr. Barron said that he would talk to his client about these matters.

Councilmember Gantt asked if there had been any discussion about if the town has to build the sidewalks if the easements are unable to be obtained. He said that in the past there have been financial discussions about the expected cost of the sidewalk if the town builds it.

Mr. Barron said that in terms of what the overall cost is the client is not too concerned and will be to provide the linear feet. He said that he would be glad to get these answers from his client.

Mayor Gilbert opened the public hearing and then closed the public hearing with no one signed up to speak.

Mayor Gilbert announced a five-minute recess at 8:48 p.m.

Mayor Gilbert reconvened the meeting at 8:55 pm.

Mayor Gilbert asked Mr. Barron if he would like to speak before discussion began with Council.

Mr. Barron said that he would like to offer the following amendment conditions:

- Condition 17 In the event that the developer is unable to acquire the necessary easements and right-of-way to construct the off-site side path through good faith negotiations with the property owners, the developer shall provide an engineer's estimate for the total cost of the side path plus property acquisition to be reviewed and approved by Apex and pay a fee in lieu in that amount.
- **EAB Recommendations page 5 of the staff report** The project shall increase biodiversity with perimeter buffers, common own space and other landscape areas by providing a variety of native and adaptive species for the canopy, understory

and shrub levels. A minimum of 75% of the species selected shall be native or a native to North Carolina AND adding to the second item in this section that no single species of native or adaptive vegetation shall constitute more than 20% of the plant material of its type within a single development AND adding to the fourth item in this section that no invasive species shall be permitted, no single species of tree or shrub shall constitute more than 20% of the plant material of its type within a single development site AND the adding to the fifth item in this section that HOA covenants shall not prohibit clover, non-turf, or native grass lawns AND last item is the eighth is all home shall be preconfigured with conduit for a solar energy system.

Mayor Gilbert thanked him and asked if there were any other questions.

Councilmember Zegerman said thank you for adding the conditions.

Councilmember Mahaffey said that adding 220V on the garage was important.

Councilmember Gantt said that he appreciates the changes, especially the sidewalks.

Councilmember Killingsworth said she appreciated the effort put in the changes.

Mayor Pro-Tempore Gray said he appreciated the changes but was curious about the 220 outlets in the garage.

Mr. Barron said that his client was fine with adding the 220-volt condition as well.

Mayor Gilbert asked if there was a motion.

Councilmember Zegerman said he appreciated all of the environmental conditions that were just added but was concerned about affordable housing with 135% AMI. He had a second concern about swapping commercial designated land for residential, more so in this area. He said that he was not in support of this.

A motion was made by Councilmember Killingsworth and seconded by Mayor Pro-Tempore Gray to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex 16.80 acres project entitled Atkins, Hudson, and Davidson Assemblage, located on New Hill Olive Chapel Road, Annexation No. 800, into the Town Corporate limits

Approved Rezoning Case No. 25CZ06 - New Hill Olive Chapel Road Assemblage, with the additional conditions (see OTHER-2025-068) - rezone approximately 16.51 acres from Wake County Residential-40 Watershed (R-40W) to Medium Density Residential-Conditional Zoning (MD-CZ) at 2525, 2529, 2537, 2625, & 2701 New Hill Olive Chapel Rd.

VOTE: 4-1, with Councilmember Zegerman dissenting

Mayor Gilbert asked Town Manager Vosburg if he wanted to take a moment to recognize someone.

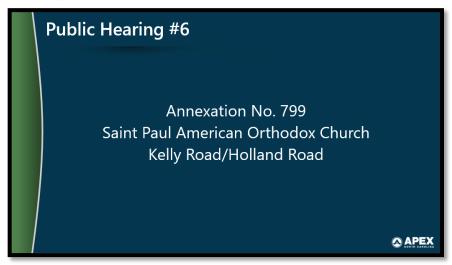
Town Manager Vosburg recognized the Town Manager's Office Summer Intern, Thomas Peele who would be returning to Virginia Tech to start back to school. Manager Vosburg said Thomas did a great job and worked on some special projects and wished him luck on going back to Virginia Tech.

The audience applauded Mr. Peele for his contributions to the Town.

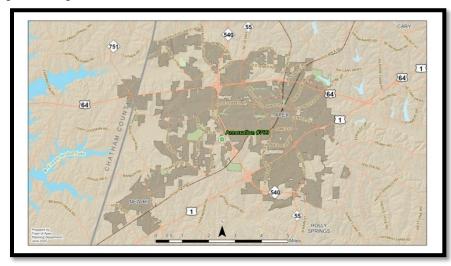
PH6 Annexation No. 799 - Saint Paul American Orthodox Church - Kelly Road/Holland Road - 4.0626 acres (ORD-2025-058)

Dianne Khin, Director, Planning Department gave a presentation on the annexation for the St. Paul American Orthodox Church on Kelly and Holland Road.

[SLIDE 1]



[SLIDE 2]

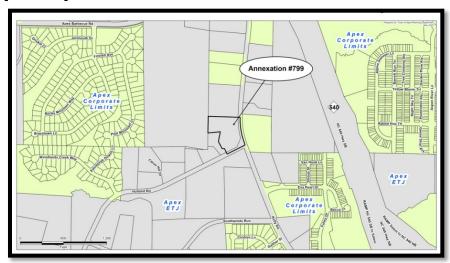


1 **[SLIDE 3**]



3 **[SLIDE 4]**

2



4 5 **[SLIDE 5]**



6

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

A motion was made by Mayor Pro-Tempore Gray, seconded by Councilmember Zegerman to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex 4.0626 acres project entitled Saint Paul American Orthodox Church, located on Kelly Road and Holland Road, Annexation No. 799, into the Town Corporate limits.

VOTE: UNANIMOUS (5-0)

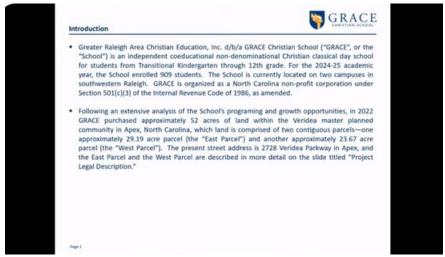
PH7 Resolution - Tax Exempt Bonds related to Grace Christian School (REF: RES-2025-050)

Brandon Lewis, Attorney with Parker Poe, thanked Clerk Coleman and Attorney Hohe for their guidance through this process. He said that he was not seeking Council approval for the project but for the approval of the issuance of bonds to finance the Grace Christian Academy. He gave the following presentation:

[SLIDE 1]



[SLIDE 2]



Councilmember Gantt asked if there was any information on why the Tax Equity and Fiscal Responibility Act of 1982 law was passed.

Mr. Lewis said legislative history explains that the project involves tax-exempt financing this school is a 501(c)(3) organization and although it is not subsidized in the traditional since, this allows for lower interest rates compared to private loans and is a public benefit. He said that the process should be open to the Town Council and the public for discussion for residents to ask questions or express concerns.

Mayor Gilbert opened up for Public Comment and called the first speaker.

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

"Good evening. I'm here tonight to address the request to approve a bond issuance for Grace Christian School. I didn't hear how much it was for, I had to read through the agenda. It's for potentially exceeding 135 million. While the proposed resolution clarifies that these bonds do not constitute a debt to the town, I want to share some important concerns. Government accounting and bond issuance are complex areas requiring careful oversight. When a transaction of this magnitude is on the table, it raises a critical question, how can the town effectively audit and oversee such a large financial commitment? The absence of clear traceability and accountability combined with the bond's size creates a risk to public trust even if the town is legally protected. The concern is heightened by the current leadership gap in Apex's finance department. At this time, Apex does not have a permanent finance director. It is troubling that we are considering such a significant financial action without the guidance and expertise of the town's top financial professional. Additionally, the timeline for public review is concerning. The official public notice for this hearing was published on August 3rd in the News and Observer, which is a subscription-based publication, only for a hearing occurring today on August 12th, so, nine days is an insufficient window for residents and

stakeholders to thoroughly examine and understand such a complex financial proposal. This limited notice undermines the purpose of a transparent public hearing. Before moving forward with this motion, I urge you to consider the message it sends about fiscal responsibility. Approving major financial actions without stable leadership and adequate public review risks undermining the integrity of Apex's financial governance. Therefore, I respectfully request the Town Council table this motion until a permanent finance director is in place and has had an opportunity to review the specifics of this project. Our community's trust and the town's financial health deserve nothing less than a deliberate and well-informed process. Thank you."

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

A motion was made by Mayor Pro-Tempore Gray, seconded by Councilmember Gantt to approve a Resolution approving in principle, solely for purposes of meeting the requirements of the Internal Revenue Code and for the Bonds to be Issued by the Public Finance Authority to Grace Christian School, the issuance of Educational Facilities Revenue Bonds (the "Bonds") by the Authority which in no way obligates the Town for repayment of said bonds or creates any liability to the Town.

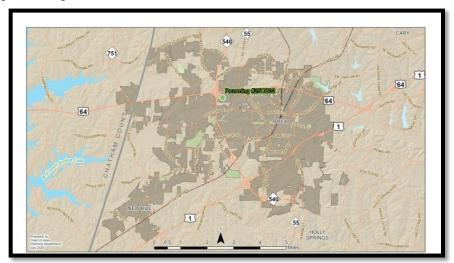
VOTE: UNANIMOUS (5-0)

PH8 Rezoning Case No. 25CZ02 - Jordan Lutheran Church

Joshua Killian, Planner II, Planning Department gave the following presentation: [SLIDE 1]



[SLIDE 2]



[SLIDE 3]



Page **55** of **88**

1 **[SLIDE 4]**

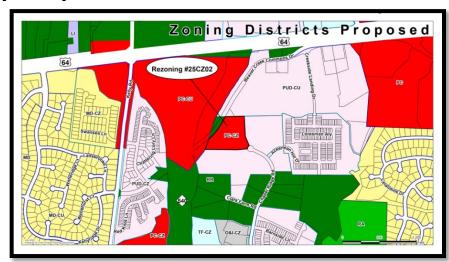


3 **[SLIDE 5]**

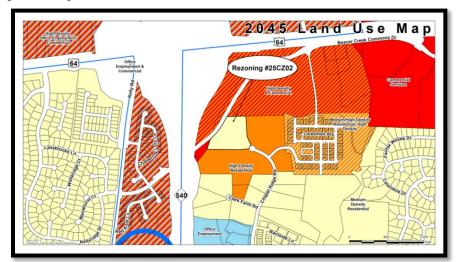
2



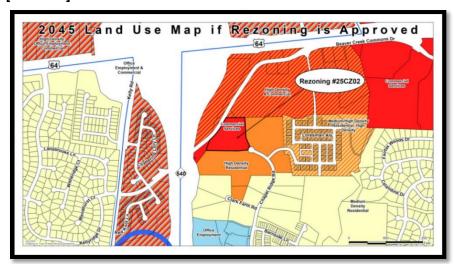
4 5 **[SLIDE 6]**



1 **[SLIDE 7**]



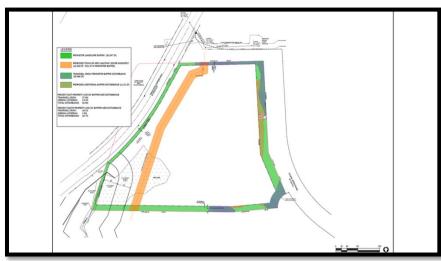
2 3 [SLIDE 8]



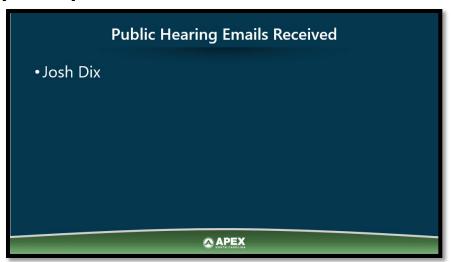
4 [SLIDE 9]



[SLIDE 10]



[SLIDE 11]



Mr. Killian asked if there were any questions.

Mayor Gilbert asked if there were any questions and then invited the applicant to come up and speak.

Pastor Mike Merker of Jordan Lutheran Church gave the following presentation:

[SLIDE 1]

1

Rezoning #25CZ02 Jordan Lutheran Church 1201 Chapel Ridge Road, Apex, NC 27502



2 [SLIDE 2]



- Congregation began in 2009 renting space each week in the Beaver Creek Commons area
- Purchase property at 1201 Chapel Ridge in 2019
- Jordan paused former construction development to seek improved infrastructure design and placement for adjoining owners and Town of Apex connectivity

5 **[SLIDE 3]**

4





Multi-State Disaster Response Training

1 **[SLIDE 4]**



2 3 [SLIDE 5]



4 5 **[SLIDE 6]**



1 **[SLIDE 7]**



Chapel Ridge Road - north extension

- Jordan aids apartment developer with roadway – temporary construction easement
- Slope will be replanted as RCA per Town UDO



2

[SLIDE 8]



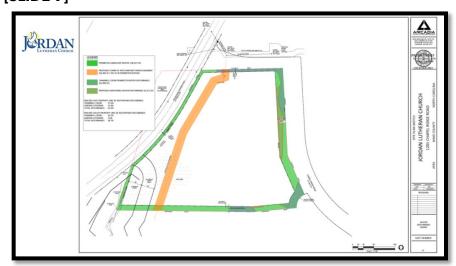
Conversations in Case Result in Improved Long Term Infrastructure Placement



- Realign proposed sewer easement out of slope and drainage easement – coordinated with Town of Apex water department
- Eliminate congregation direct access to Beaver Creek Commons Dr

4 5

[SLIDE 9]



1 **[SLIDE 10]**



- Congregation seeks to complete this rezoning since modifications were made to the UDO in August 2021 which make this rezoning necessary based on the present Rural Residential zoning
- Jordan Lutheran worked with the Town of Apex to create conditions to this rezoning case based on impacts of a sewer easement the Town of Apex will gain in this case
- Congregation eager to continue developing relationships with neighbors and the Town

Pastor Merker asked if there were any questions for him or their engineer.
Mayor Gilbert thanked Pastor Merker and asked if there were any questions.
Mayor Pro-Tempore Gray thanked Pastor Merker for working with staff and the flexibility.

Mayor Gilbert opened Public Hearing and invited the first speaker.

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

"I think it's a great project. I hope it is a church. I hope the trees are maintained. I think that it's wonderful to adapt this project and its significance into the community. I just really hope it, because I heard the zoning was, it could be different zoning, it could be up zoned. So, I just hope it's not a case like the Apex YMCA where there was good sentiment around the project and it became something else. So, I really hope that's the intention here and that will be the future here. Thank you."

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

A motion was made by Councilmember Zegerman, seconded by Councilmember Killingsworth to approve Rezoning Case No. 25CZ02 - Jordan Lutheran Church - rezone approximately 6.22 acres from Rural Residential (RR) to Planned Commercial-Conditional Zoning (PC-CZ) at 1201 Chapel Ridge Road.

VOTE: UNANIMOUS (5-0)

24 25

2

4

5

6

7 8

9 10

11 12

13

14

15

16

17

18 19

20

21

22

23

26

PH9 Unified Development Ordinance (UDO) Amendments - August 2025 (REF: ORD-2025-059)

Bruce Venable, Planner II, Planning Department gave the following presentation:

4 [SLIDE 1]

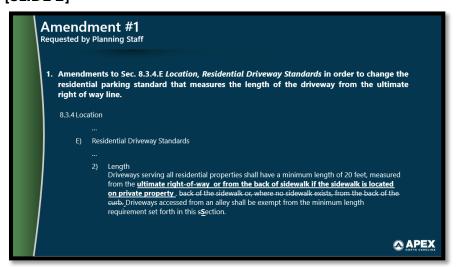
1

2

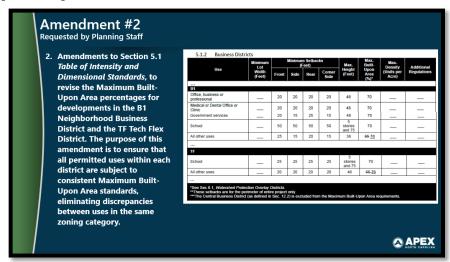
3



6 [SLIDE 2]



[SLIDE 3]



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

 A motion was made by **Councilmember Gantt**, seconded by **Councilmember Zegerman** to approve various amendments to the Unified Development Ordinance (UDO) for August 2025.

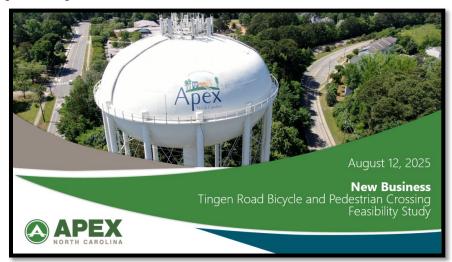
VOTE: UNANIMOUS (5-0)

[NEW BUSINESS]

NB1 Bicycle and Pedestrian Crossing - Tingen Road - Tunnel Alternative Discussion

Russell Dalton, Traffic Engineering Manager, and **Jenna Shouse**, Senior Planner, gave the following presentation on the Tingen Road Bicycle and Pedestrian Crossing Feasibility Study updates. She asked that questions be held until after the presentation. She said that they were seeking recommendations on the preferred alternative and tunnel as well.

1 **[SLIDE 1**]



2 3 [SLIDE 2]

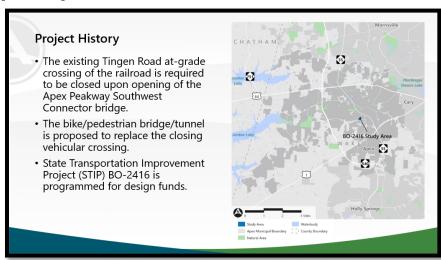


[SLIDE 3]



6

1 **[SLIDE 4]**

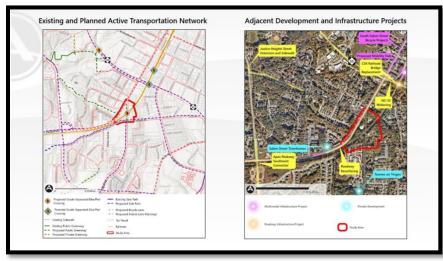


2 [SLIDE 5]

Feasibility Study Purpose Study the opportunity to maintain connectivity for cyclists and pedestrians across the CSX S-Line railroad tracks at/near the existing Tingen Road crossing Determine the relative need for this project and whether to move forward with final design

[SLIDE 6]

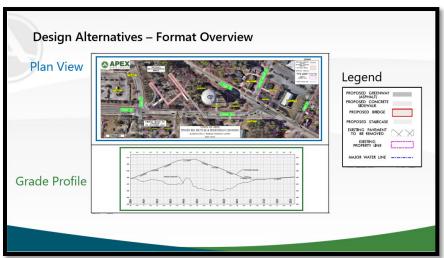
5



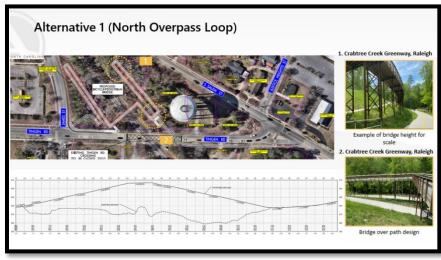
1 **[SLIDE 7]**



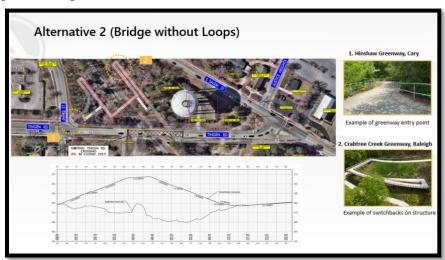
2 3 [SLIDE 8]



4 [SLIDE 9]

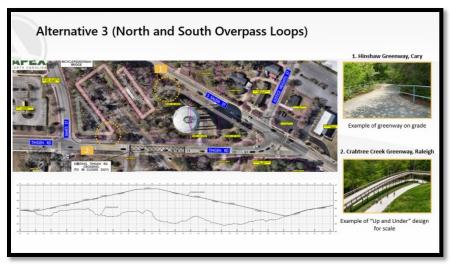


1 **[SLIDE 10]**

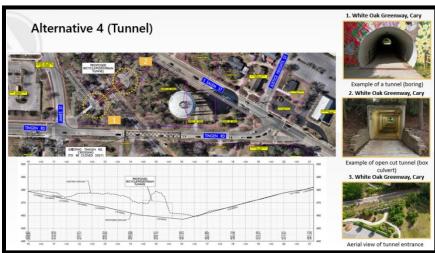


[SLIDE 11]

2



[SLIDE 12]



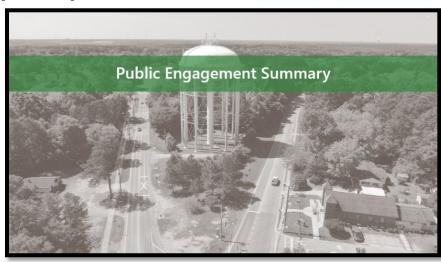
6

1 **[SLIDE 13]**

Comparison of Design Alternatives							
Criteria	Alt. 1: North Overpass Loop	Alt. 2: Bridge Without Loops	Alt. 3: North and South Overpass Loops	Alt. 4: Tunnel			
Structure Type	Bridge	Bridge	Bridge	Tunnel			
Structure Length	1285'	660'	930'	105'			
Length from James St. to S Salem St. (Bicycle and ADA)	1880′	1355′	2020'	1115'			
Length from James St. to S Salem St. (Walk w/ Staircase)	850'	880'	1520'	780′			
Maximum Grade	5% (Moderate)	8% (Steep)	5% (Moderate)	5% (Moderate)			
Cost	Highest	Middle	Middle	Lowest			
Northern Approach	Along Tingen Rd.	Along Tingen Rd.	Along S Salem St.	Along S Salem St.			
Landings Required	0	1	0	0			
Switchbacks	4	2	2	2			
Tree Clearing Required	1.9 Acres	1.3 Acres	1.9 Acres	1.6 Acres			

Ms. Shouse gave this portion of the presentation.

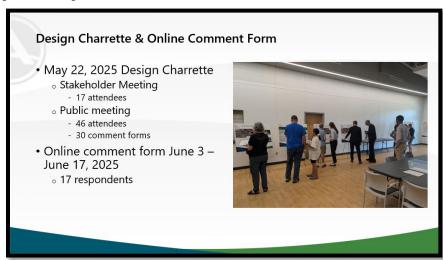
[SLIDE 14]



5

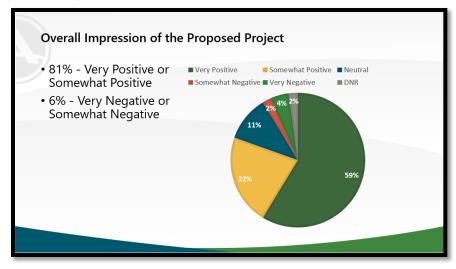
2

1 **[SLIDE 15]**

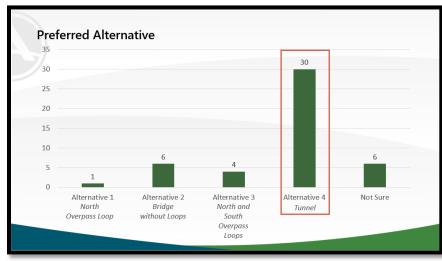


[SLIDE 16]

2



[SLIDE 17]



1 **[SLIDE 18]**

Summary of Public Comments

- Provide adequate lighting/visibility
- Incorporate public art
- Question of cost/investment given number of users
- Provide a safe route to Apex Elementary School
- Prefer the shortest path
- Minimize steep grades
- Provide connections to existing sidewalks and planned greenway
- Maintain pedestrian crossings of S Salem St to Justice Heights St (currently signalized)

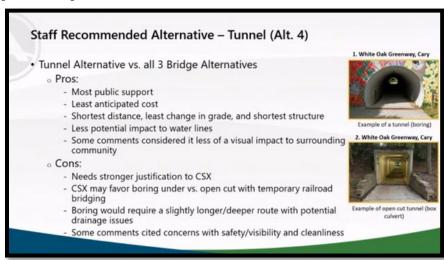
Mr. Dalton gave this part of the presentation.

[SLIDE 19]



2 3 4

1 **[SLIDE 20]**

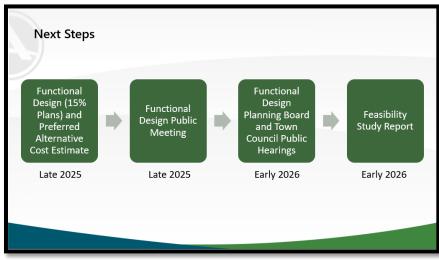


[SLIDE 21]

2

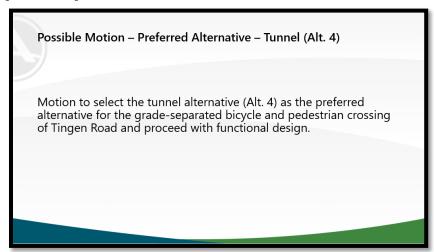


[SLIDE 22]

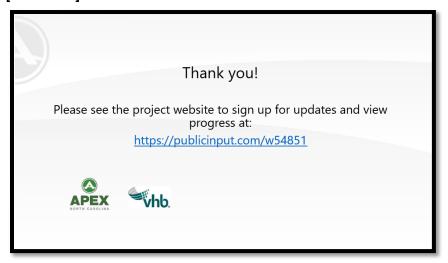


6

[SLIDE 23]



[SLIDE 24]



Mr. Dalton opened up for questions.

Councilmember Killingsworth asked if there were possible drainage issues.

Mr. Dalton said that there were no anticipated drainage issues, and it would not need pumps. He said that there could be possible drainage issues with massive storms but for typical heavy summer storms there should not be any issues with drainage with this type of design, and will work with a consultant on any design requirements.

Councilmember Mahaffey asked if there were any cost estimates at this point.

Mr. Dalton said that would be the next step before bringing this back to Council.

Councilmember Zegerman asked if the next step means it is the 15% design or is the design complete in 2026.

Mr. Dalton said that by the time of the public meeting later in the year, there will be a feasibility cost estimate to share with the public. He said that he would have two alternatives to compare the two costs.

Councilmember Gantt said that said that he has ranked this last every year on the CIP projects survey, mostly being concerned on the cost versus usage and especially because the mobility hub plans have a pedestrian bridge that would be connected across 55 along the train tracks to this area. He asked if there was data on the number of possible users.

Mr. Dalton said that there were no hard numbers or projected for this.

Councilmember Gantt said that this would be helpful to proceed.

Mayor Gilbert said that this is a smart alternative access and is needed.

Councilmember Gantt said that the alternative is along the train tracks and crossing 55 and to the mobility hub which provides some connections to downtown. He said that it wouldn't be directly across the street to the neighborhood, but it seems that most people are trying to get to downtown versus to the neighborhood.

Councilmember Mahaffey asked Mr. Dalton why there wasn't a pedestrian count included in the studies.

Mr. Dalton said that this could be done, but it's not typical to do cost benefit analysis on a pedestrian connection of this type, but there could be existing data.

Councilmember Gantt said that it may not be as accurate given this is not currently a proper sidewalk, but it could be done.

Councilmember Killingsworth said that it would also be a benefit if CSX didn't ask for the crossing to be closed.

Mr. Dalton said that they did ask about the crossing.

Mayor Pro-Tempore Gray asked about the justification provided to the CSX and it seems odd that the town has to provide more justification for this option.

Mr. Dalton said that it is the difference between building a completely separate structure versus supporting their tracks.

Councilmember Killingsworth asked about the timing of this project with discussions ongoing about potentially helping CSX relocate out of town, and would the crossing still need to be closed at that point in time if that was the case.

Councilmember Gantt said that whether switching station's gone or not they would likely want this crossing closed, and believed that the NC passenger rail would say the same because trains are going through there more frequently. He asked if staff consider a tunnel under Salem as well to connect to the future greenway near Salem Village.

Mr. Dalton said that it was reviewed with a consultant, and the concern was it would be a long tunnel and that it may not be comfortable.

Councilmember Gantt said they would be crossing Salem and would be safer.

Mr. Dalton said that two tunnels would be an option with daylight in between the tunnels. He said that consultant said it would be because you can outfall the drainage so it would make it much longer and beyond Salem Street.

Councilmember Gantt asked if the second tunnel could be built with this design.

Mr. Dalton said that there were a couple of ways to do this. He said the project could be expanded to investigate two grade separations, or it could be studied at the time when the greenway is prioritized. He said that there was also the potential to amend the

transportation plan to run 10-foot path instead of five-foot sidewalk from the greenway connection up to Justice Heights Street that will get the connectivity and improve the route.

Councilmember Gantt said that he would vote no because of the aspect of proceeding with functional design. He asked if the tunnel could be voted on separately.

Councilmember Zegerman asked how there would be a cost estimate to validate or weigh the concern without the functional design. He said that a pedestrian count and furthering the study could be an ask. He said that it needs high level design up to the 15% mark to some cost estimates so that it can be put on the CIP and prioritized along with the other requests.

Mr. Dalton said that they are asking to proceed with functional design, which is only 15% plans, and they will come back early next year after the next touch point before getting authorization for preliminary and final design, so they will not go into the full design plans yet. He said that they would offer to schedule a pedestrian count at the railroad tracks in the next month and bring that data to the public and to the Council meeting.

Councilmember Gantt said he would like to see that.

Mayor Pro-Tempore Gray said that there were too many variables to get an accurate number of walking pedestrians at the location.

Councilmember Gantt said they know people cross it by car because they don't feel safe walking, but they don't know the numbers for that either.

Councilmember Killingsworth said she imagined a lot of people would cross because there was a school there too.

Councilmember Gantt said Justice Heights wasn't zoned to that school, so people may go there for the facilities.

Councilmember Gantt asked if there was a cost estimate on the 15% design.

Mr. Dalton said that they already scoped and funded for the feasibility study for the 15% and there is additional budget toward preliminary and final design, but there may need to supplement that budget depending on the scope and fee that's determined at that stage.

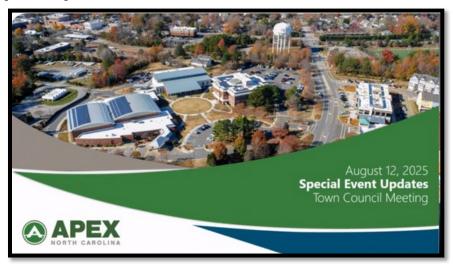
A motion was made by **Councilmember Killingsworth**, seconded by **Mayor Pro-Tempore Gray**, to approve Alternative 4 for the grade-separated bicycle and pedestrian crossing of Tingen Road and proceed with functional design.

VOTE: 4-1, with Councilmember Gantt dissenting

NB2 Special Events Policy Update - Community Event Tier Structure

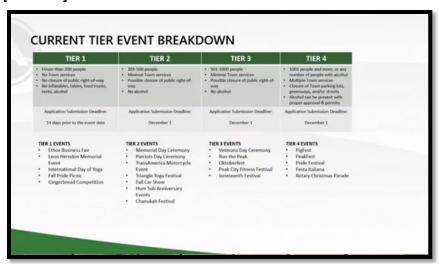
Lisa Raschke, Special Events Manager, Parks, Recreation, and Cult. Res. Department gave the history of this policy. She gave the following presentation:

1 **[SLIDE 1**]



[SLIDE 2]

2



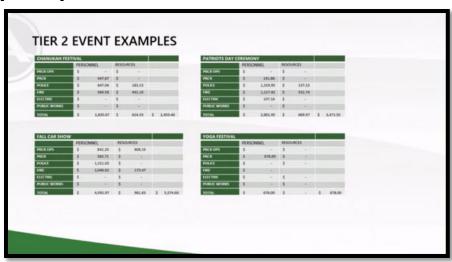
[SLIDE 3]

TIER 1	TIER 2	TIER 3	TIER 4	
BUDGET THRESHHOLD \$500.00	BUDGET THRESHHOLD \$3500.00	BUDGET THRESHHOLD \$10,000.00		ADDITIONAL ITEMS If an Event Organize would like additions items, there would be an option to pay for them or ask Council for a special dispensation.
Up to 2 Town services No closure of public right-of-way Up to 3 event hours No Town resources No inflatables, tables, food trucks, tents, slochol	Up to 5 Town services Up to 2 closures Up to 4 event hours Up to 2 Town resources Alcohol can be present with proper approved & permits	Up to 6 Town services Up to 4 closures Up to 6 event hours Up to 3 Town resources Alcohol can be present with proper approval & permits	Up to 7 Town services Bybis closures Up to 9 event hours, per day	
Application Submission Deadline: 14 days prior to the event date	Application Submission Deadline: December 1	Application Submission Deadline: December 1	Application Submission Deadline: December 1	unpermanun.
THER I EVENTS • Ethos Business Fair • Leon Herndon Memorial Event • International Day of Yoga • Fall Pride Picnic • Gingerbread Competition • Gingerbread Lane	TIER 2 EVENTS Memorial Day Ceremony Patriots Day Ceremony Transfamerica Motocrycle Event Triangle Yoga Festival Fall Car Show Hum Sub Annihernany Events Chanokals Festival	TIER 3 EVENTS Veterans Day Ceremony Run the Peak Oktoberfest Peak City Fitness Festival Juneteenth Festival	TIER 4 EVENTS Pigfest Peakfest Prise Festival Festa Italiana Rotary Christmas Parade	

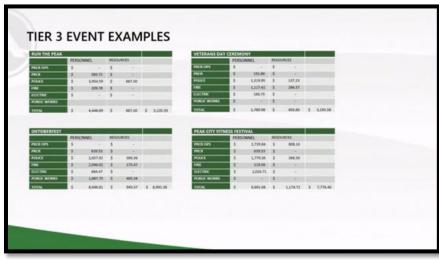
[SLIDE 4]



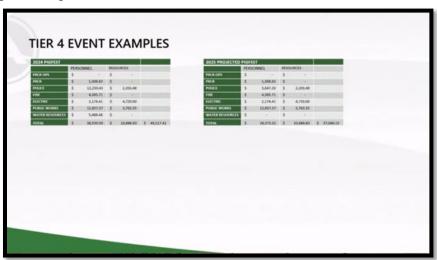
[SLIDE 5]



[SLIDE 6]



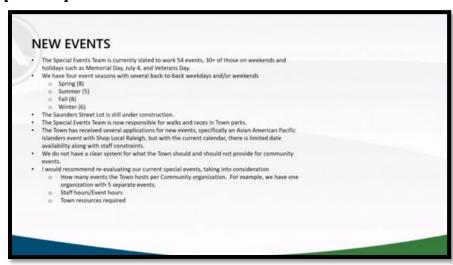
[SLIDE 7]



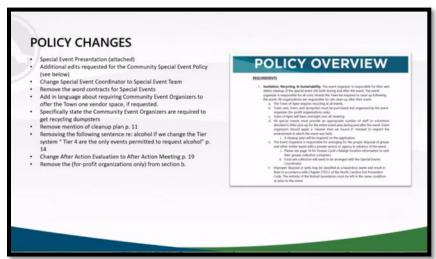
[SLIDE 8]



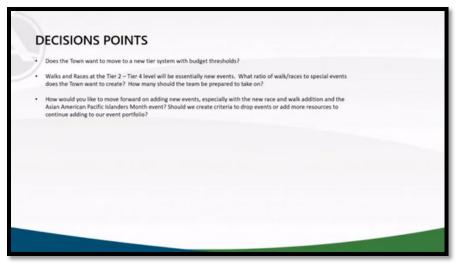
[SLIDE 9]



1 [SLIDE 10]



[SLIDE 11]



Councilmember Killingsworth asked if each of these could be looked at independently.

Councilmember Gantt asked if there was an option where it was delegated as much as possible to staff, as the Council has a hard time saying no to events.

Town Manager Vosburg said that this is what staff is looking at because events have evolved over time and there are some inconsistencies. He said that staff would like some parameters in place that Council will agree on and then staff can administer them, and there could still be the opportunity to come to Council for input if an agreement can't be reached with staff. He said that in October there will be a Work Session item with some new ideas around new events. He said staff would like some direction on this item, but the conversation in October may drive Council in a different direction for #3

Councilmember Mahaffey asked if an event wants to exceed the in-kind limit could they fund raise and provide those.

Ms. Raschke said yes, they could pay for services themselves.

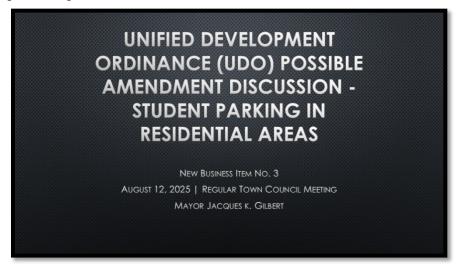
1	Councilmember Mahaffey asked if they could hire the Town.
2	Ms. Raschke said that they could, but staff were trying to avoid that because it is a
3	complicated process, so they are trying to keep add-ons to the organizers.
4	Councilmember Killingsworth said that she appreciated all of the hard work that
5	went into this, and it was more objective in the measures and very helpful for people that
6	want to do events and for staff to make decisions.
7	Councilmember Killingsworth said she was in support of the new tier system
8	proposal, and Council signaled concurrence. She asked about the tiers for walks and races,
9	and said she was wondering about the extra work it may put on staff in each case.
10	Ms. Raschke said that if it could be done in Apex Community Park it would be
11	manageable, but if it is an event that is throughout the town it is harder.
12	Councilmember Killingsworth said that it should be staff's decision about what is
13	appropriate.
14	Councilmember Zegerman said it should also be in the purview of staff of what can
15	be accommodated in terms of net new events and the venue they are held.
16	Mayor Pro-Tempore Gray asked if anyone had requested doing a large event like a
17	half marathon or more.
18	Ms. Raschke said that it has been asked. She said that staff would like to say yes to
19	some of the smaller ones but don't want to close greenways.
20	Councilmember Killingsworth said that once Pleasant Park pathway opens, there
21	may be more capacity to have more events. She said that whatever the capacity is, staff
22	should be the one to determine what events can and cannot be done. She said that the policy
23	changes that have been presented are good.
24	Councilmember Zegerman said that the spider boxes are missing from the list.
25	Ms. Raschke said that they don't currently have a fee for those. She said that the
26	misters aren't on the list either for the same reason of deciding on the fees.
27	Mayor Pro-Tempore Gray asked about the set number of spider boxes.
28	Ms. Raschke said that there were three and one homemade one. She thanked the
29	Council for opening up town hall parking lot and putting more power there, which has saved
30	money for events.
31	Councilmember Gantt asked for confirmation that long-term planning is being done
32	to invest in equipment that could be rented in the future.
33	Ms. Raschke said yes, that is being considered and smart planning is being done.
34	
35	A motion was made by Councilmember Killingsworth, seconded by Mayor Pro-
36	Tempore Gray to authorize a new tier structure related to Community Events and approve ar
37	amendment to the Special Events Policy.
38	
39	VOTE: UNANIMOUS (5-0)

NB3 Unified Development Ordinance (UDO) Possible Amendment Discussion - Student Parking in Residential Areas

Mayor Jacques K. Gilbert gave an overview of the history behind the development of this UDO amendment. He said that what he was asking was to honor the past of Apex Friendship and erase the negative past of people who tried to do what was right for the students at Apex Friendship High School. He introduced Annie Scott. He said she is Ms. Annie to students and parents. He said that Ms. Annie is trying to do the right thing for the community. He thanked Ms. Annie for trying to provide a solution for parking.

Mayor Gilbert gave the following presentation:

[SLIDE 1]



[SLIDE 2]



[SLIDE 3]



[SLIDE 4]



Mayor Gilbert invited a parent, Allen Stadium to come and speak on how this impacts his family.

Mr. Allen Stadium of 2005 Brandon Way:

"Good evening, Mr. Mayor, council members, neighbors, I'm here tonight to talk about something that's not just about parking. It's about safety, community, and the kind of town we want Apex to be. Across from Apex Friendship High School sits a piece of land owned by Miss Annie, a woman who has lived here for decades, watched this town grow, opened her heart and her property to help our kids. She's not trying to make a fortune. She's not creating a nuisance. She's simply saying, "If I can help keep students safe, I want to help." Right now, we have teenagers, our kids, arriving at school early in the morning, circling for spaces, and when they can't find one, parking far away in neighborhoods or along busy roads. They're walking long stretches, some without sidewalks, sometimes in the dark, sometimes in the rain,

1 2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

23

24

25

26

27

28

29

30

carrying heavy book bags. Everyone knows that's an accident waiting to happen. And yet, directly across the street is a safe, open, visible place they could park, but your ordinances say no. Now, I fully understand that the lack of parking at Apex Friendship is the result of poor planning on Wake County Public Schools' part. They built a school for thousands of students without giving them enough spaces to get there safely. But here's the truth, the dirty little secret that no one says out loud. We know they're not going to fix it. It's up to us right here in this room to protect our kids and our neighborhoods. I've heard people say that driving to school is a privilege, not a right, and under normal circumstances, maybe it is, but it only becomes a true privilege when Wake County Public Schools provides enough bus drivers to handle the added capacity of students who will be forced to rely on a different mode of transportation. When transportation is unreliable or unavailable, driving stops becoming a privilege, it becomes a necessity. That's something we need to address. Allowing students to park on Miss Annie's land protects their safety, it eases neighborhood tensions, and it shows what Apex stands for. Neighbors helping neighbors, looking out for our kids. And let's be honest, these are high school students. In just a few years, they'll be voting, starting careers, maybe even buying homes right here in Apex. What message do we want to send them now? That rules can't change even when common sense says it should or that their town listens, adapts, and cares enough to do the right thing? Miss Annie's property is part of the solution. She's willing, the need is obvious, and the fix is in your hands. I'm asking you on behalf of parents, on behalf of students, and on behalf of one generous woman who just wants to make a difference. Please make an exception, create a permit, do whatever it takes to allow 22 parking there this school year. Now, I know a couple of you are absolute no's on this council, and that's your position to hold, but I also know there's possibly three of you who deep down are willing to vote yes, but will possibly vote no just to object on principle. Don't let this be one of those moments you miss only to reclarify your positions later in Facebook chat groups. This is your chance to lead from the front, not just to posture. Let me be clear, I'm asking the council to approve the needed adjustments to allow parking at Miss Annie's property. If we act today, we not only solve a long-standing problem, we set a precedent for doing what's right for the people. Let's keep our kids safe. Let's ease the strain on our neighborhoods and let's show that in Apex, compassion still counts. Thank you."

1 [SLIDE 5]

REQUESTED ACTION DISCUSSION AND POSSIBLE MOTION TO INITIATE AN AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO) RELATED TO STUDENT PARKING IN RESIDENTIAL AREAS.

Mayor Gilbert brought the item back to Council for discussion and a possible motion. He read a text from Brian Pittman, the Principal of Apex Friendship High School and said that he understands the need and the hardship. Mayor Gilbert asked that the decision be made by taking him out of this and taking care of the kids.

Councilmember Zegerman acknowledged the parking issues around Apex Friendship High School. He said that clearly there is a need for parking. He said that this does not take away the fact that the solution that is being addressed is not in line with the current ordinance. He said putting a blanket ordinance change in place for one specific property was the incorrect way to go and other alternatives are plenty but have not yet been explored. He gave several other alternatives to this issue, such as a fairer parking allocation method. He said that Wake County Schools should contribute to the solution. He said that safety is also an issue with students having to cross Humie Olive Road from this location. He said that there is also the longevity of the solution that is needed. He said that lastly, there are other means within the current laws, rules, and procedures that should be followed to request a different use for this property. He said that staff have communicated with Miss. Annie that rezoning may be an option. He also said that there is a variance request with the Board of Adjustment weighing in may be an option. He said that he would like to explore other options and maybe Miss. Annie's parking solution is part of a temporary solution.

Mayor Gilbert thanked Councilmember Zegerman. He said that he didn't think that he listened to what he had said.

Councilmember Zegerman said that he had listened. He said that Council was being asked to make a UDO change based on information and conversations that have been had but not shared with the Council.

Mayor Gilbert said that he was sharing them at this meeting.

 Councilmember Zegerman said that was too late. **Mayor Gilbert** asked Councilmember Zegerman if he had any conversation with Miss.

29 Annie.

Councilmember Zegerman said that he had not had any conversation with Miss. Annie.

Mayor Gilbert said okay.

Councilmember Killingsworth said that this does not make Councilmember Zegerman's comments invalid.

Mayor Gilbert said that he was not saying Councilmember Zegerman's comments were invalid.

Councilmember Mahaffey said that Mayor Gilbert banged the gavel at Councilmember Zegerman.

Mayor Gilbert said that he was responsible for running the meeting and said Councilmember Killingsworth now has the floor.

Councilmember Killingsworth said that when items come up with this amount of detail and they don't go through the proper channels, it is concerning. She said she heard everything that Mayor Gilbert said and also has high school students and understands the implications of this issue. She said that she had gotten emails about the safety of the kids walking across the street and almost being hit, kids being hit on this piece of property. She said this is a safety issue. She said that there have been other options given and have not been taken. She said that she could not support this item knowing that it has skipped the process.

Mayor Gilbert asked for Councilmember Killingsworth to clarify the "skipping the process" because the motion is to initiate an amendment to the UDO.

Councilmember Killingsworth said this appeared to be a detailed ordinance that has been presented for approval.

Mayor Gilbert said that the item before Council was for consideration and the action taken tonight would initiate the process to then start through the appropriate processes. He asked Director Khin if this was correct.

Director Khin said that the Town's UDO allows an applicant, the Town Council or the Planning Director, to initiate an UDO amendment. She said that she believes that Mayor Gilbert is asking the Town Council to do the initiation.

Councilmember Killingsworth said that if Council is going to initiate any process that it needs to go through the proper channels of going to the Planning Board, having Public Hearing, all before it is considered.

Mayor Gilbert said this was the process he wanted, too, but wanted to get the consensus from the Town Council.

Councilmember Mahaffey said that the process presented was the wrong process. He said this is a UDO change, which would apply to all properties and they don't know the potential issues or full impact of making such a decision. He said the rezoning process applies to a single property which allows staff to work with the property, the applicant, the owner to work on solving the issues that have been heard about. He said that he wasn't sure why rezoning hasn't been applied for.

Mayor Gilbert said that Miss. Annie may not have the resources or the will to do that.

Councilmember Gantt said that he was not supporting this. He said that he thought it was bad policy to park in residential areas. He said that he thought this was resolved in 2018/19 and was upset when he found out that it was happening again.

Mayor Gilbert said that laws change.

Councilmember Gantt said he is a hard no. He said it was bad policy to park in residential areas and can cause a nuisance with surrounding homes.

Mayor Pro-Tempore Gray said that he would like to ask Miss. Annie if she would like to speak.

Miss. Annie came up and spoke. She went through the history of this parking arrangement. She said she began letting students park in her yard in 2015, but nobody complained until 2016. She said that she approached the town about it in 2016. She said that parents called and asked if their kids can park in her yard because they have nowhere to park at school, and she allowed them to park. She said that she has let the kids park in her yard since 2015 and never had one accident. She said the wrecks are happening at the school where the kids are coming out of the parking lot. She said that she helps them exit when the kids are leaving school and park when arriving in the morning. She said that she does not understand what the issue is. She said that when they park on the side of the road, they get ticketed. She said there had not been wrecks at her property and if someone has complained that there are wrecks, then she would like proof. She said that if Council had a student at the high school, they would be calling asking for parking.

Mayor Pro-Tempore Gray said that he appreciated her comments. He asked Miss. Annie how much she charges for parking.

Miss Annie said if the student begins at the beginning of the year, it is \$300.00, and if the student comes after the school has started, she pro-rates it.

Mayor Pro-Tempore Gray asked how many students parked there.

Miss Annie said that it is about 46 normally, but this year with the ones that were getting tickets for parking on the side of the road it was about 52, but she said she is letting those kids park for free.

Mayor Pro-Tempore Gray asked how many students she was charging regularly. **Miss Annie** said 20 or 25.

Mayor Pro-Tempore Gray asked how many parking spaces were available without being too tight.

Miss Annie said 52. She said that it's not tax-free money because she pays taxes.

Mr. Stadium said that he knew two of the Councilmembers would be hard no, but he had hoped this would touch a nerve with the other three. He said that this is an opportunity that is being missed. He asked if the Council members that are against this are against the parking idea or upset that it was a different process than one they controlled.

Councilmember Mahaffey said that was a great question, and the process that was being described would require improvements to the property that would address the complaints that have been received. He said that the rezoning process would be the proper way, and the problem with this proposal is that it applies to the entire town.

Mayor Gilbert said that this was ETJ (Extraterritorial Jurisdiction) and the proposed option 2 talks about what Miss Annie would need to do as far as percentage of the parking lot.

Councilmember Mahaffey said that he found that to be insufficient. He said it mentions gravel, but there needs to be more than just gravel.

Mayor Gilbert said that if a student leaves the parking lot from Apex Friendship and gets in an accident, it isn't the school's responsibility. He said the same should apply in this case.

Mr. Stadium said in that case it would be like asking the kids to stop walking to school from Bella Casa. He said that Council all that moved to this area was because of the charm and asked for it not to be changed. He said that in 2018 the UDO should never have been changed, and that is what they are trying to correct now, plus the safety aspect. He asked Council to reconsider, and that a temporary reprieve be given to Miss Annie while she goes through the process. He said that he would be happy to help her with the upgrades that are needed.

Councilmember Zegerman said that there is a way to do this that is established. He said the recommendation of staff and Council that a rezoning request is filed and the process is followed. He said that he wasn't hearing that there should not be any cars parked on Miss. Annie's lot, but it is the method that it is being presented at this meeting that is being objected to. He said he was sure of a timeframe and deferred back to staff to make a recommendation.

Mr. Stadium said that school starts in a couple of weeks and asked if the kids could still park there.

Councilmember Zegerman said no.

Mayor Gilbert said that he would bring the same UDO Amendment back to the next Council meeting to additional discussion and possible motion. He asked Town Clerk Coleman to make a note to put this item back on the next agenda for the August 26, 2025, Regular Town Council Meeting.

A motion was made by Councilmember Gantt, seconded by Councilmember

Zegerman to enter into Closed Session pursuant to NCGS §143-318.11(a)(5), NCGS §143-318.11(a)(3), and NCGS §143-318.11(a)(1) at 11:04 p.m.

VOTE: UNANIMOUS (5-0)

Council entered into Closed Session at 11:04 p.m.

[CLOSED SESSION]

Council entered closed session pursuant to:

1	CS1 Steve Adams, Real Estate and Utilities Acquisition Sp., Trans. and Infra. Dev.	
2	Dept.	
3	NCGS §143-318.11(a)(5):	
4	"To establish, or to instruct the public body's staff or negotiating agents concerning the	
5	position to be taken by or on behalf of the public body in negotiating (i) the price an	ıd
6	other material terms of a contract or proposed contract for the acquisition of real	
7	property by purchase, option, exchange, or lease;	
8		
9	CS2 Laurie Hohe, Town Attorney	
10	RE: Town of Apex v. Abbington Community Association, Inc.	
11	NCGS §143-318.11(a)(3):	
12	"To consult with an attorney employed or retained by the public body in order to preserve th	ıе
13	attorney client privilege between the attorney and the public body."	
14		
15	CS3 Allen Coleman, Town Clerk	
16	NCGS §143-318.11(a)(1):	
17	"To prevent the disclosure of information that is privileged or confidential pursuant to the la	W
18	of this State or of the United States, or not considered a public record within the meaning o	of
19	Chapter 132 of the General Statutes."	
20		
21	[ADJOURNMENT]	
22		
23	Council returned to Open Session at 11:48 p.m.	
24		
25	Mayor Gilbert adjourned the meeting at 11:48 p.m.	
26		
27	Jacques K. Gilb	ert
28	May	/or
29		
30	Allen Coleman, CMC, NCCCC	
31	Town Clerk to the Apex Town Council	
32	Submitted for approval by Town Clerk Allen Coleman and approved on	_•
33		
34		
35		