

DRAFT MEETING MINUTES

**TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, OCTOBER 28, 2025
6:00 PM**

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, October 28th, 2025 at 6:00 PM in the Council Chambers at Apex Town Hall, located at 73 Hunter Street in Apex, North Carolina.

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

<https://www.youtube.com/watch?v=gwqBpH60WsY>

[ATTENDANCE]

Elected Body

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

Town Staff

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

[COMMENCEMENT]

Mayor Gilbert called the meeting to order and welcomed all who were in attendance and watching. He took a moment of silence. He invited Father Francis from Mary Magdalene Catholic Church. He then led all in attendance in the invocation. He said that there were 20 people signed up to speak and asked that they consolidate prior to the Public Forum if it was on the same topic to have an official spokesperson.

[CONSENT AGENDA]

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1 A motion was made by **Councilmember Zegerman**, seconded by **Councilmember**
2 **Gantt**, to approve the Consent Agenda as presented.
3

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

5 **CN1 Agreement - North Carolina Department of Transportation (NCDOT) - Relocation**
6 **of Town Water Line on Olive Chapel Road Related to Reconstruction (over Beaver**
7 **Creek) (CONT-2025-406)**

8 Council voted to approve an agreement between the North Carolina Department of
9 Transportation (NCDOT) and the Town of Apex related to the relocation of a 12" Ductile Iron
10 Pipe (DIP) Water-Line on Olive Chapel Road associated with the roadway reconstruction
11 project (over Beaver Creek), and authorize the Town Manager, or their designee, to execute
12 on behalf of the Town.

13 **CN2 Agreement Ratification - Forever Clean Portable Toilets - Provision of Two (2)**
14 **Portable Toilets and Four (4) Yard Front Load Dumpsters - 5413 Shearon Harris Road -**
15 **effective through June 30, 2026 (CONT-2025-407)**

16 Council voted to ratify an oral agreement between Forever Clean Toilets, Inc. and the Town of
17 Apex, to provide two (2) portable toilets and four (4) yard front load dumpsters at the Town of
18 Apex Police Department Firing Range located at 5413 Shearon Harris Road, New Hill, NC
19 27562, effective through June 30, 2026, and to authorize the Town Manager, or their
20 designee to execute on behalf of the Town.

21 **CN3 Annexation No. 809 - 7421 Roberts Road - 1.25 acres (RES-2025-059) AND (RES-**
22 **2025-060)**

23 Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received,
24 to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting
25 the Date of a Public Hearing for November 13, 2025, on the Question of Annexation - Apex
26 Town Council's intent to annex 1.25 acres, located at 7421 Roberts Road (PIN 0733-15-9049),
27 Annexation No. 809, into the Town Corporate limits

28 **CN4 Annexation No. 810 - 2928 Evans Road - 1.31 acres (RES-2025-061) AND (RES-**
29 **2025-062)**

30 Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received,
31 to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting
32 the Date of a Public Hearing for November 13, 2025, on the Question of Annexation - Apex
33 Town Council's intent to annex 1.31 acres, located at 2928 Evans Road (PIN 0721-71-5592),
34 Annexation No. 810, into the Town Corporate limits.

35 **CN5 Annexation No. 811 - 7800 Secluded Acres - 5.70 acres (RES-2025-063) AND**
36 **(RES-2025-064)**

37 Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received,
38 to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting
39 the Date of a Public Hearing for November 13, 2025, on the Question of Annexation - Apex
40 Town Council's intent to annex 5.70 acres, located at 7800 Secluded Acres (PIN 0723-72-
41 6204), Annexation No. 811, into the Town Corporate limits.

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1 **CN6 Budget Ordinance Amendment No. 5 - Economic Development Incentive -**
2 **Empire Distributors (ORD-2025-073)**

3 Council voted to approve Budget Ordinance Amendment No. 5 appropriating funds for an
4 existing economic development incentive agreement between the Town of Apex and Empire
5 Distributors.

6 **CN7 Council Meeting Minutes - Various**

7 Council voted to approve Meeting Minutes from the following meetings:

8 August 23, 2022 - Regular Town Council Meeting Minutes

9 September 13, 2022 - Regular Town Council Meeting Minutes

10 September 27, 2022 - Regular Town Council Meeting Minutes

11 October 25, 2022 - Regular Town Council Meeting Minutes

12 August 28, 2025 - Community Town Hall Meeting Minutes

13 September 3, 2025 - Special Town Council Meeting - Evaluations

14 September 4, 2025 - Special Town Council Meeting - Evaluations

15 September 23, 2025 - Regular Town Council Meeting Minutes

16 October 15, 2025 - Special Town Council Meeting - Evaluations

17 October 16, 2025 - Special Town Council Meeting - Evaluations

18 October 23, 2025 - Community Town Hall Meeting Minutes

19 **CN8 CSX Transportation Inc., - Authorize Project Initiation Form and Letter - Sidewalk**
20 **Extensions Across Railroad Tracks - Center Street and East Chatham Street**

21 Council voted to approve a New Project Initiation Form with CSX Transportation, Inc. and
22 Town of Apex, for sidewalk extensions across the railroad tracks at Center Street and East
23 Chatham Street, and to authorize the Town Manager, or their designee, to execute the New
24 Project Initiation Form and associated documents on behalf of the Town.

25 **CN9 Resolution - Road Closure on Portion of Walden Road - Set Public Hearing (RES-**
26 **2025-065)**

27 Council voted to approve a Resolution of Intent for the closure of a portion of Walden Road,
28 located at the intersection with Evans Road to its terminus 0.34 miles (1,795 feet) North of its
29 intersection with Evans Road, and set a Public Hearing for Tuesday, December 09, 2025,
30 following the required 30-day public notice period.

31

32 **[REGULAR MEETING AGENDA]**

33

34 A **motion** was made by **Councilmember Killingsworth**, seconded by **Mayor Pro-**
35 **Tempore Gray**, to set the Regular Meeting Agenda as presented.

36

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

38

39 **[UPDATES BY TOWN MANAGER]**

40

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1 **Town Manager Vosburg** gave the following updates:

2 **Utilities Update:** The next Council meeting will have robust information. New utility bill
3 redesign is in progress, expected in a few billing cycles. Over 50% of call log addressed; Ask
4 Apex now handles 85% of incoming calls. Average call response time is 1 minute, 9 seconds.

5
6 **Data Center Project Timeline:** Developer to resubmit rezoning on Nov 3rd and UDO
7 amendments around that time frame.

8 ○ Technical Review Committee (TRC) review and comment on their Nov. 20th meeting.
9 ○ Joint Planning Board & Town Council Work Session on Jan. 22nd
10 ○ Second Neighborhood Meeting tentative for February with a Public Hearing
11 Tentatively in March, and the schedule is subject to change.

12 **Saunders Lot Project:** Phase 2 opened this week and Phase 3 is under construction,
13 anticipated completion by Nov. 7 (weather-dependent).

14
15 **Mayor Gilbert** asked if additional handicapped parking spaces would be added.

16 **Town Manager Vosburg** said that Phase 3 is where the handicap spaces will be
17 because that's closest to the building.

18
19 **Events & Activities:** Ongoing fall events: scarecrows, spooky trails, classic concert series.
20 Veterans Day Ceremony on November 11th
21 Tree Lighting on December 5th
22 Christmas Parade on Dec. 6th
23 Early voting continues at John W. Brown Community Center on weekdays 11 a.m.-6 p.m., final
24 day Saturday, November 1st, 8 a.m.-3 p.m.

25 **Upcoming Town Council Meetings:**

26 Nov. 13 (Thursday) - Regular meeting (moved due to Veterans Day).
27 Nov. 18 - Public Safety Work Session.
28 Dec. 3 - Organizational Meeting.
29 Dec. 9 - Final Council Meeting of the year.

30
31 **[PRESENTATIONS]**

32
33 **PR1 Proclamation - American Indian Heritage Month - November 2025 (PRO-2025-043)**

34
35
36 **Mayor Gilbert**, along with the Town Council, read the Proclamation for American
37 Indian Heritage Month 2025. He invited Karen Lee, Rozanna Lindorfer, Sheila Morrison and JD
38 Freeman to receive the proclamation and take pictures.

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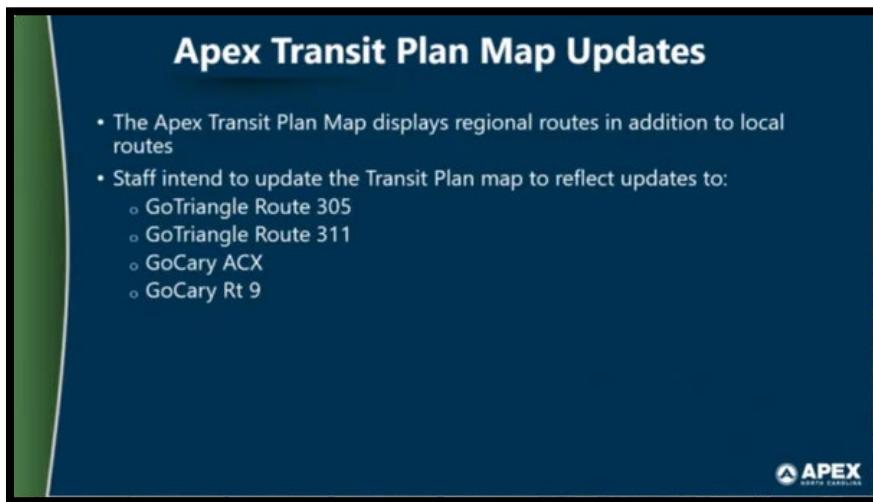
1 **Ms. Lee** thanked all on behalf of the Native Americans from the New Hill/Friendship
2 Community for celebrating and recognizing their heritage.

3 **Mr. Freeman** also thanked all for recognizing the American Indians that live in North
4 Carolina.

6 PR2 Transit Plan Map Amendments for Regional Routes - *Informational Only*

8 **Katie Schwing**, Senior Planner - Long Range Transit, Planning Department gave an
9 update to the Transit Plan Map related to regional routes. She gave the following
10 presentation:

11 [SLIDE 1]

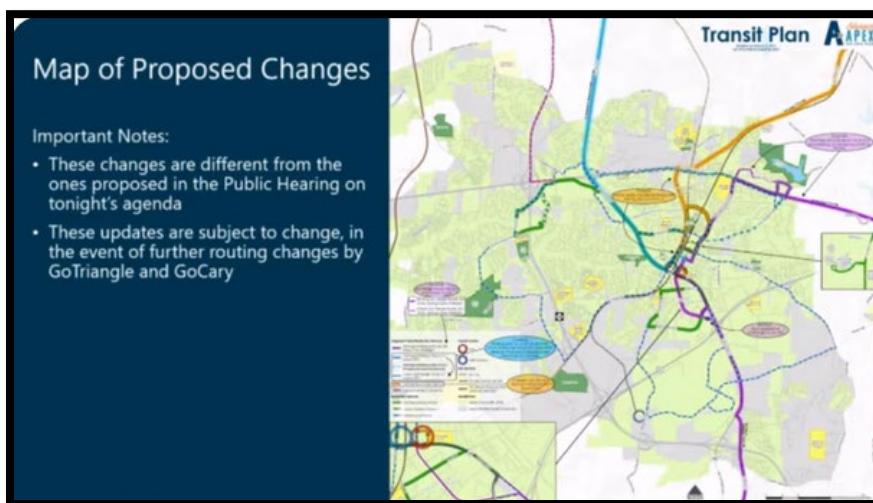


The slide has a dark blue header with the title "Apex Transit Plan Map Updates" in white. The main content area is white with a dark blue sidebar on the left. The sidebar contains a vertical green decorative bar. The content area lists updates to the Transit Plan map, including regional route changes for GoTriangle and GoCary.

• The Apex Transit Plan Map displays regional routes in addition to local routes
• Staff intend to update the Transit Plan map to reflect updates to:
◦ GoTriangle Route 305
◦ GoTriangle Route 311
◦ GoCary ACX
◦ GoCary Rt 9

APEX
NORTH CAROLINA

12 [SLIDE 2]



The slide has a dark blue header with the title "Map of Proposed Changes" in white. The main content area is white with a dark blue sidebar on the left. The sidebar contains "Important Notes" and a list of changes. The main area shows a map of the transit network with various routes and stops.

Map of Proposed Changes

Important Notes:

- These changes are different from the ones proposed in the Public Hearing on tonight's agenda
- These updates are subject to change, in the event of further routing changes by GoTriangle and GoCary

Transit Plan APEX

14

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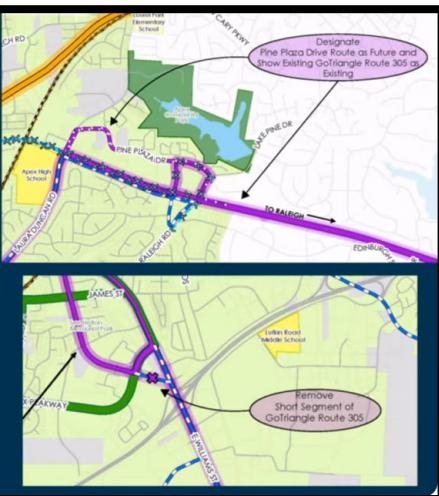
1 [SLIDE 3]

GoTriangle Route 305

Add a new map designation for "Future GoTriangle Route 305" and show new designation along Pine Plaza Drive and parts of Laura Duncan Rd and Lake Pine Dr north of US-64

Designate routing along US-64, Shepherds Vineyard, and Lake Pine as "Existing GoTriangle Route 305"

Remove short segment of Route 305 shown along S Hughes St between Apex Peakway and NC-55 where it no longer operates



2
3

[SLIDE 4]

GoTriangle Route 311

Combine "Existing GoTriangle Route 311" and "Future GoTriangle Route 311" into "Future GoTriangle Route 311", and remove "Existing GoTriangle Route 311 (Proposed to be Removed)" from legend and maps

Removal includes areas along US-64, Old Raleigh Rd, parts of Hughes St, Mason St, and Chatham St near downtown



4
5

[SLIDE 5]

GoCary Route ACX

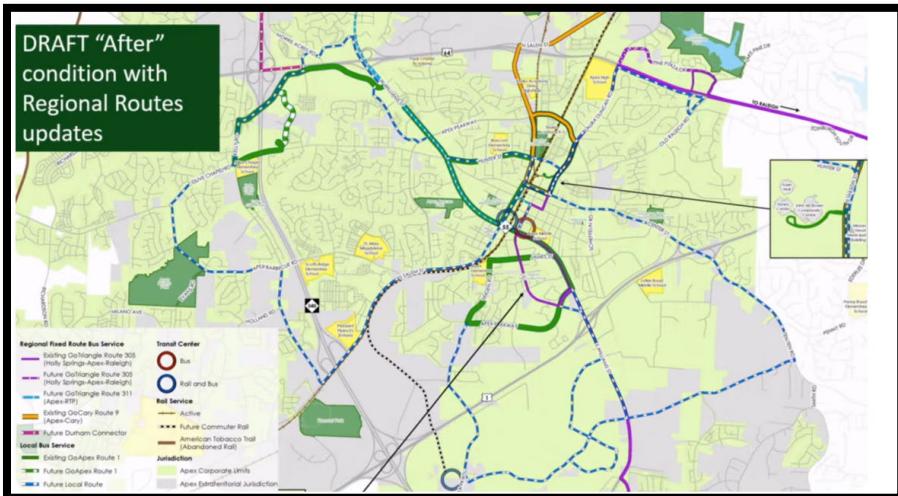
Remove "Existing GoCary ACX" from legend and map. Route will be discontinued as of November 1, 2025



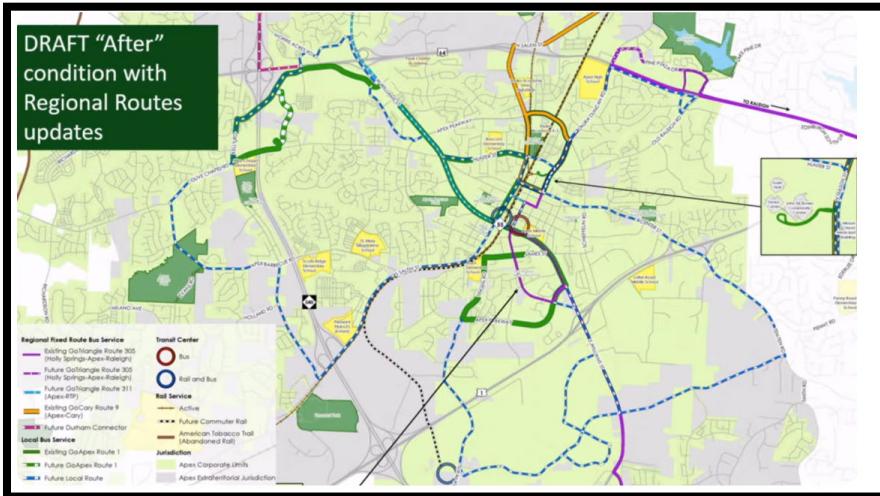
6

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1 **Councilmember Gantt** asked for the frequencies and times for the ACX route.
2 **Ms. Schwing** gave an updated schedule and time of the ACX route and noted it goes
3 to Downtown Cary.
4 [SLIDE 6]



[SLIDE 7]



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1 [SLIDE 7]



2
3 **Councilmember Zegerman** asked if the future route 311 by Shepherd's Vineyard
4 would go by the library.

5 **Ms. Schwing** said that route 311 would not go by the library, that it did several years
6 ago went to the Shepherd's Vineyard bus stop, but it is currently proposed to go to
7 downtown due to operational challenges.

8 **Councilmember Zegerman** asked if there would be a local route that would serve the
9 library.

10 **Ms. Schwing** said that the local routes would be presented in the Public Hearing.

11 **Councilmember Mahaffey** said GoCary 9 was very valuable for residents to be able
12 to be bussed from Downtown Apex and be in Cary in a half hour.

13 **Mayor Pro-Tempore Gray** said the ability to have daily transportation options was
14 huge.

15 16 [PUBLIC FORUM]

17 **Mayor Gilbert** opened Public Forum and reminded speakers of repetitive comments,
18 cheering and applauding because it is taking time away from their time. He called the first
19 speaker.

20 First speaker was **Patrick Campbell** of 3717 Jordan Shires Drive, New Hill:

21 "I'm here today to represent the PWCC, specifically with regards to the data centers. I
22 dropped off earlier our initial RevZero document that we are sending out. We will be
23 releasing that to the planning boards for Apex, for the county commissioners, as well as
24 emailing all of you. The request is very simple, very easy. We are requesting that the data
25 centers need to be zoned under their own ordinance, under their own zoning. It is not fair to
26 have light industrial obey ordinances meant for data centers. It's kind of like putting a

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1 lemonade stand and using what you would use for tap station rules on a lemonade stand. The
2 tap station is the data center; the lemonade is every other light industrial you have in the
3 Town of Apex. Nothing compares power-wise, noise-wise, consumables, water, etc. With that
4 said, given the time, what I'd like to do is I will come back to additional meetings to discuss
5 points in this, that way my fellow citizens can have their own speech. Thank you so much."

6

7

8 **Mayor Gilbert** thanked the speaker and called the next speaker.

9

10 Next speaker was **Terry McDonell-Ganley** of 2549 Woodland Grant Drive, New Hill:

11

12 "So, for months I have sat here listening carefully to many intelligent and passionate
13 residents share their concerns about the proposed data center. But one presentation in
14 particular stays with me. It's that of a Raleigh Fire Captain who explained how ill-equipped
15 Apex would be to handle a major emergency at such a facility. As a native New Yorker, I
16 remember exactly where I was on 9/11. I remember the smoke. I remember the devastation
17 and I remember the lives that were lost. So, hearing that fire captain speak brought all those
18 memories rushing back to me. The idea that our community could face even a fraction of that
19 kind of danger is completely unsettling. At a recent EPA meeting, one of the board members
20 referenced those same safety concerns. So clearly, I wasn't the only one who took them
21 seriously. That's why I was so disturbed when the developer's team chose to joke that they
22 weren't the apocalypse. Well, there is nothing humorous about potential catastrophes and as
23 Mr. Campbell just said, light industrial, as this proposal has been described, is not what we
24 saw when the Natelli's presented, it was absolutely anything but light. To me, light industrial
25 means responsible growth. It means projects that complement our community's values and
26 vision. We already have incredible developments approved by you, a world-renowned
27 children's hospital, an innovative higher education campus. Why not build on that
28 momentum? Imagine a medical supply warehouse, some medical offices to support the
29 doctors, a reasonably priced hotel, a Ronald McDonald House for families visiting those sick
30 children, restaurants and retail for the neighbors, the workers at these facilities, and the
31 students and I'm sure the students would like a Barnes & Noble and a Starbucks inside. That's
32 the kind of thoughtful development that benefits Apex. Data centers, yes, they're necessary,
33 but not here, not in New Hill. Not when the risk far outweighs the benefit. And when the
34 Mayor visited recently to our little development and had a ribbon cutting, he reminded us
35 that in his role, he represents the people, as does the Council in their elected official roles.
36 Therefore, I am asking you to represent my little two-year-old grandson who lives less than a
37 quarter of a mile from this land and his little friends and the safety of every child in those
38 communities. They must come first. Their future deserves your collective protection. Finally, I
39 want to thank the Town Council candidates who have taken the time to show up and listen,
40 because that's what leadership looks like. So, let's choose safety, responsible growth, and a
41 healthy future for the children. Let's not make hasty decisions with too many unknown

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1 variables and too many unanswered questions, because irresponsible growth will be at the
2 expense of the residents. Thank you."

3

4

5 **Mayor Gilbert** thanked the speaker and called the next speaker.

6

7 Next speaker was **Lee Howell** of 3514 Jordan Shires Drive, New Hill:

8

9 "I'm a mechanical engineer with over 20 years' experience in construction and
10 facilities project management. For the last six years, I provided management oversight of a
11 central utility plant. Our typical chiller loads were between 8,000 and 10,000 tons, with an
12 annual cooling tower evaporation rate of around 38 million gallons per year. This pales in
13 comparison to the proposed data center's water consumption. At the EAB, the developer
14 stated that this facility could consume up to one million gallons of water per day. This is the
15 equivalent to over 3,000 households' daily water use. Jordan and Falls Lake is a finite
16 resource with an increasing number of households relying on it for their water needs. Even
17 with the rains we received earlier this year, both lake shorelines are growing daily. The
18 developer mentioned that they plan to utilize reclaimed water to offset potable water usage.
19 The central plant that I managed added a reclaim system in 2019. With that came added risk
20 and growing pains. Reclaim requires additional filtration and chemicals like biocides and
21 bromamides for contaminants such as fecal coliform and to prevent algae formation in the
22 cooling towers. These chemicals are extremely hazardous and require specialized on-site
23 storage and containment to prevent a leak or spill from impacting the surrounding
24 environment. Increased monitoring and treatment to ensure cooling towers are not forming
25 Legionella was also required. Frequently, our demand for reclaim outpaced what the system
26 could provide, requiring a switch over to potable water for cooling tower makeup. A data
27 center this critical will have redundant reclaim and potable water feeds and will switch over to
28 potable as needed. Due to cross-contamination issues, potable and reclaim systems are
29 typically kept separate and very rarely operate concurrently. Chillers and cooling towers are
30 also known to produce extremely low frequencies, or ELFs, through various components like
31 fans, motors, and compressors. While audible noise pollution is typically the factor most are
32 concerned with, ELFs have the potential to be just as hazardous to health and are more
33 difficult to mitigate due to their wavelength and the location of equipment being on the roof,
34 think of that low hum you might hear, that's ELFs. ELF research has demonstrated that they
35 can disrupt sleep patterns, cause fatigue, stress, irritability, headaches, and increase the risk of
36 cardiovascular disease. This data center is being proposed on a plot of land that is less than a
37 mile from thousands of Apex households. It will be a large consumer of water and power,
38 require on-site storage of multiple hazardous materials like diesel for generators, batteries for
39 backup, and chemicals for water treatment. It will also generate noise pollution that has the
40 potential to be detrimental to the health of surrounding residents. This is not a facility that
41 should be located within such proximity to residential areas. I would ask that you consider the
42 impact this data center will have on the community you serve. Thank you for your time."

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1
2 **Mayor Gilbert** thanked the speaker and called the next speaker.
3

4 Next speaker was **Jason Worth** of 4304 Olive Branch Lane of New Hill:
5

6 "Actually, the data center's back corner of their property will back up to the actual end
7 of our road where my daughters get on the bus every day, and if you've kind of looked at that
8 area, the map, the topographical maps of where the data center is supposed to be located,
9 you have both water drains downhill. So, most of your water will end up draining down
10 through our road into Jordan Lake and if you look at the other back side of it, it actually will
11 drain off into Sharon Harris Lake. I'm sixth-generation North Carolina. My wife is fourth-
12 generation New Hill, and we're kind of concerned about it. I mean, we love North Carolina.
13 I've sat here and I've watched a bunch of these meetings, I've looked at your environmental
14 plans, looked at all your planning you've done, and I haven't really seen a lot of anything to
15 do with runoff. You've got a large center with a lot of impervious surface that's going to have a
16 ton of runoff. Where's that runoff going to go? Our homes down our road are all well water.
17 So, at what point in time does our well water come into consideration? And if something
18 happens to our aquifer, then who remediates it? The data center, the Town of Apex, the
19 county? And at what point, what do you do? We don't want town water. We don't want city
20 water, no offense. That's one of the reasons we moved to the country. We enjoy it out there.
21 We like it. We've enjoyed it and the other point of reference I'd like to make is with that road
22 being there, Old US 1 is going to take heavy traffic coming in and out during construction. So,
23 I'll have a 13-year-old daughter and an 11-year-old daughter standing 20 feet from the edge
24 of the road where school buses get passed anyway. So now, I mean, it's already a busy
25 highway so, what's going to be done about that? Is anybody even concerned about the
26 additional amount of traffic? And as we all know, Old US 1 is a train wreck at this point. You
27 can go down that road and good luck not hitting a pothole, good luck not tearing your front
28 end up. I own a landscaping company. We come out with trucks and trailers. We take about
29 \$6,000 worth a year in fixing our trucks and trailers, and most of it is shocks and frame repair
30 work from going up and down Old US 1. I just really don't see how it's beneficial. You're trying
31 to put a large industrial area between your two largest bodies of water, and all the water that's
32 going to go through that place has to drain to somewhere. Last thing I'm going to say is you
33 can ignore reality, but you can't really ignore the consequences of reality. At some point,
34 we're going to have to deal with the consequences of this place, whether it's now or later
35 down the road, and I'd really prefer not to be later down the road. Thank you."

36
37 **Mayor Gilbert** thanked the speaker and called the next speaker.
38

39 Next speaker was **Derek O'Neill** of 3329 Bordwell Lane, New Hill:
40

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1 "I'm a cloud engineer. I work and I live in New Hill, right next to where the data center
2 is going to be and I wanted to approach this from a slightly different perspective. There's a
3 big elephant in the room when it comes to data center construction. It's called AI. I'm sure
4 everyone's heard of it. The economics of AI, people will want you to believe are difficult to
5 understand. They're not. On one hand, you have machines that produce words, images,
6 videos and on the other hand, you have people and companies that pay for those words,
7 images, and videos. The reality of the situation is that the AI industry is right now spending on
8 operational costs and depreciation alone, conservatively, \$220 billion a year. On the other
9 hand, the total amount of money that's coming from people buying those words, images, and
10 videos is \$20 billion a year. The only reason these investments are going forward is because
11 people believe, or have been tricked into believing, that somehow AI revenues are going to
12 more than 10x over the course of the next five years, which is the expected lifespan of the
13 infrastructure they're building right now, the computers and the switching hardware and
14 whatnot. Meanwhile, I'm sure some of you have come across the very public AI studies that
15 have come out. You have MIT telling us that only 5% of AI rollouts meet their revenue targets
16 and we've seen very public failures in the form of Klarna, which attempted to fire its entire
17 customer service staff, replace with AI, and immediately had to claw that back. We've all seen
18 the TikToks from Taco Bell where people try and order from the AI order takers and they get a
19 thousand cups of water. Taco Bell had to pull that back and so what I'm trying to explain is
20 that the economics of this situation mathematically guarantee that the level of money being
21 spent on infrastructure development cannot continue and when it falls apart, which it will, we
22 are going to be left with an absolute glut of data center infrastructure that has been built in
23 townships just like this one across the country, and a dearth of people willing to spend the
24 money to occupy those data centers and I don't want Apex to be one of the places that has a
25 stranded asset that isn't doing the township any good in terms of revenue but is forming a
26 drain on resources and a danger to our environment. There are investments we can make
27 here that are safer for the environment, that are more acceptable to the people who live here,
28 and that are safer investment revenue-wise in the future. Thank you so much for the time."

29

30

31

32 **Mayor Gilbert** thanked the speaker and called the next speaker.

33

34 Next speaker was **Sultan Salahudeen** of 2836 Landon Bridge Drive of New Hill:

35

36 "Good evening, Mr. Mayor and the Council members. I'm going to take one quote
37 from our EAB meeting that happened two weeks ago and then try and dissect it into three
38 parts and then see if there is a story around it. The developer and the representative
39 mentioned they are going to use one million gallons a day of water. One-third will be
40 evaporated, two-thirds will be sent back to the facility sewer facility. So now let's take a
41 moment to understand where we get this water, so these one million gallons of reclaimed

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1 water they are talking about, the Town of Apex takes water from Jordan Lake, it goes to the
2 homes, and from there to the sewer plant, and from there we're planning to send it to the
3 data center. That's what the developer is proposing. Let's talk about that one-third of the
4 water that will be evaporated. What does that actually mean? So, if you go to slide number
5 six, on average, let's do the math, you send one million gallons of water, one-third is
6 evaporated. If you run that loop the way the developer mentioned for three days, you're
7 losing one million gallons of water. In a year, you will lose 120 million gallons of water
8 evaporated. That has a significant impact on the environment and other aspects. So, let's talk
9 about the legalities here. What do we do? Actually, the reclaimed water from the facility, the
10 town's obligation is to send it back to Cape Fear River, right? So, if we don't send that 122
11 million gallons of water, is that going to have an impact? Is there going to be a legal case
12 against the town from our downstream towns like Fayetteville, Wilmington? We have seen this
13 in the past. So, is that going to happen? That's something we'll have to keep in mind. Now
14 let's talk about the river. The river is helping the downstream towns, plus there are natural
15 habitats that live around the river. Let's say if the water is reduced, is that going to have an
16 impact on the natural or living beings that are around the river? That's a question we should
17 ask. We are at a time globally where there are organizations working to preserve water and
18 save rivers, and this project is exactly opposite to what globally people are marching around.
19 Let's talk about the last point. Two-thirds of the water will be returned to the facility. So now,
20 once the pure water is evaporated, it's going to have a lot of chemicals. I think our friend Lee
21 Hall, a neighbor, spoke about it, those chemicals. Does the data center facility have the
22 capacity to clean it before it goes to the reclamation center? We don't know. I did not see a
23 plan or a sewage treatment plan that was presented the other day. All right, so now let's take
24 a minute. Let's say if the reclamation water is not approved, are they going to tap into the
25 potable water? That's the question we should leave."

26
27 **Mayor Gilbert** thanked the speaker and called the next speaker.
28

29 Next speaker was **Devin Hedge** of 1003 Inglenook Place:
30

31 "Good evening, Mayor Gilbert, members of the Apex Town Council, and my fellow
32 citizens. I serve on an HOA board, but I'm speaking for myself this evening. I had to put that
33 disclaimer in there. But I'm also a founder, as of March of this year, and CEO of Calatory LLC.
34 It's an energy technology company designing environmentally sound systems specifically for
35 AI data centers. The theme is not this data center, not yet. Grid dependency. Two weeks ago, I
36 was at the North Carolina Renewables Energy Association conference, and it was very clear
37 that this was a theme across the board, and also, Duke Energy's latest 2025 plan had just
38 dropped, and I felt like I was at a funeral. Duke Energy's latest carbon plan extends the life of
39 three coal-fired plants through the 2030s and even 2040 to buy time for future generation
40 capacity. This means any new grid-dependent facility will be powered partly by coal for at
41 least a decade. They openly said the grid does not have clean capacity for an AI-class data

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1 center of this size. They've already said that they won't be ready for this data center until 2028.
2 If you line up the two timelines, that means they will be using these coal-fired plants, plus
3 have to pull in new investment for the transmission lines to even get electricity to this data
4 center. Somebody's got to pay for that. The developer has proposed multiple ownership and
5 operating structures, which you probably don't know or may know. A lot of people don't
6 know. There's a game to this business. What happens is the developer shows up, they build
7 the first stage. We saw in the EAB a lot of contradictory statements where they said closed
8 system and then use water reclamation, those are actually two different things. Why the
9 discrepancy? It's because this builder probably doesn't even know what will actually get built.
10 And we should be cognizant of that."

11
12 **Mayor Gilbert** thanked the speaker and called the next speaker.
13

14 Next speaker was **Ralph Ripper** of 3818 Jordan Shores Drive of New Hill:
15

16 "I'm the Raleigh Fire Captain. I just wanted to flesh out some of the things that I talked
17 about last time with regard to how to fight a data center fire in such a large building. There
18 are a lot of buildings in any town, in any municipality, that are so large it's impractical or
19 impossible to just show up with enough trucks and water to put them out. That's not how it
20 works. Surround and drown, try to keep it from spreading and limit it. That's the best that we
21 can do. I tried to do some calculations on fire flow requirements for a building close to what
22 they're proposing. It's something like sixty pumper trucks running at a thousand gallons a minute.
23 It's ridiculous. There's no way we can do that. I've been to a couple of fires, one in downtown
24 Raleigh. It was a five-story apartment building under construction, so the sprinklers weren't
25 active yet, no way we could put that out. So, we just let it burn, turned around, sprayed water
26 at the other buildings that it set on fire and that's our best option. The building, of course, will
27 have a sprinkler system, probably not water. It'll probably be gas chemicals that displace the
28 oxygen and that'll be the system set up to prevent a fire in a facility like this and that's good if
29 it works, but if you watch the news, you know it doesn't always work. So that's where the fire
30 department comes in. I did some looking at the sixteen-inch main that runs from the new
31 tower that's being built at Pleasant Park, that's five miles away. Currently, the closest hydrant
32 to this is right across the street at the water reclamation plant, and I think that's an eight-inch
33 main and the sixteen-inch main stops at the entrance to Jordan Pointe, that would have to be
34 extended, but it's still a dead-end main. If it comes down to this location, and that's where it's
35 going to stop, and we want a loop, we want a grid so that we've got water coming from
36 different directions, not just from one pipe. That one pipe, that's putting all your eggs in one
37 basket. That's an expensive proposition, and it's probably not going to happen for something
38 like this, we're going to end up with that main. So basically, what I'm saying is there's no way
39 to put this out once it gets to a certain size. We've got to deal with the environmental disaster
40 that that's going to cause. It's going to be thousands of gallons a minute from all these fire
41 trucks washing through a chemical minefield and then into the river. So that's just something

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1 we've got to think about and I'll probably be back with more facts also. Have a good night.
2 Thank you."

3

4 **Mayor Gilbert** thanked the speaker and called the next speaker.

5

6 Next speaker was **David Pfeiffer** of 8909 Wever Crossing Road:

7

8 "So, good evening, Mayor Gilbert, Town Council, staff, and neighbors. I'd like to
9 communicate my thoughts about the EAB meeting on October 16th concerning the New Hill
10 Digital Campus. I was very disappointed in the information gathered by the board, the level
11 of details provided by Mr. Natelli and his team, and the zoning conditions proposed by the
12 EAB. The design and build of a data center are driven by the collaboration between the
13 developer and the end user. At this point in our process, the end user is not defined. The final
14 design needs the end user input for specifications of multiple systems required to have a
15 performing data center. These systems comprise the actual computing resources, the servers,
16 the networking equipment, routers, switches, cabling, and the storage systems to store and
17 manage the data. Those three components need to have some level of tech component
18 upgrade and replacement. Those servers aren't going to last ten years. The routers aren't
19 going to last ten years. That's a lot of machinery, electronics that have to be recycled. Other
20 data center structures are the power infrastructure, that's the main power center, backup
21 generators, lithium-ion batteries, the fire suppression systems which were just spoken to, they
22 include a gas-based system to minimize water damage to the equipment. I don't know what
23 kind of environmental impact those gases have. Infrastructure for the environmental controls
24 to maintain optimal operation conditions includes the cooling system defining the waterline
25 loop of the Western Wake Regional Facility, the hot and cold air aisle containment within the
26 facility itself. All these systems can contribute to the environmental impact of the data center.
27 Without the details defined by the collaboration between the developer and the end user,
28 the EAB did not have enough information to provide detailed zoning conditions. The EAB did
29 propose a list of twenty specific zoning conditions, they covered landscaping and setbacks,
30 sound attenuation requirements and testing, exterior lighting, Tier 4 generators,
31 transportation improvements, design and build of the reclaimed water systems. Although
32 these zoning conditions are appropriate, they do not address all the environmental impacts
33 of the data center systems I just mentioned. With the limited information available, provided
34 by Mr. Natelli and team, the EAB could not provide an adequate assessment of the
35 environmental impact and needed zoning conditions to mitigate that impact. The EAB should
36 have deferred the vote on the zoning conditions until the end user and the developer
37 defined the data center specifications. Thank you."

38

39

40

41 **Mayor Gilbert** thanked the speaker and called the next speaker.

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1
2 Next speaker was **Dr. Michelle Hoffner O'Connor** of 2664 Jordan Point Blvd of New
3 Hill:

4
5 "So, I think it's a little refreshing to hear thirty minutes of truth as opposed to the ninety
6 minutes of lies the developer told two weeks ago. But I'm not going to talk about that, I'm
7 actually going to talk about the EAB itself. I have served on boards like the EAB, the bottom
8 tier that provides non-binding recommendations in a multi-step decision-making process. I,
9 alongside my fellow board members, were told in no uncertain terms by the committee that
10 sat above us that they were not obligated to consider our votes or opinions and they could
11 initiate measures without our input. The joke was on them in 2018 because the top tier
12 denied their recommendations without our input, but we managed to get what we were
13 seeking forward and approved with coalition building and cooperation. That took a lot of
14 effort, but we did manage to raise the money to increase mental health counselors available
15 at Psychological Services at UNC. Why am I sharing this? Because after the EAB meeting, I was
16 told Planning doesn't listen to us anyway, because the EAB chose to move forward with the
17 vote immediately after undermining their credibility by saying we don't have enough
18 information because I clearly have no relationship with Planning and not enough passion to
19 push for what they recommend to become reality. How can anyone in this room believe in the
20 process when they clearly don't? I commend the chair, and Katie Schaff, and several others
21 who asked good questions, but much of this board lacks the fortitude to go the distance on
22 behalf of the Town of Apex. Mayor Gilbert, I urge you to speak with this committee. I ask you
23 to evaluate their commitment and passion for their roles and if you don't believe they're up
24 for the job, please ask for their resignation. Please, because there are plenty of people willing
25 to serve in their place who will serve with passion. The correct decision that night was not yes
26 or no, but to table to ensure all information was available to at least try to maximize the
27 environmentally related recommendations within the town's purview for this application.
28 Instead, they punted, and that's a shame. I personally agree with Katie Schaff, there is no
29 number of recommendations that can feasibly bring the data center here without significant
30 harm to our community. I hope tonight serves as a reminder to all of you, especially the next
31 time you listen to the developer try to sell you on the pretty picture that will never align with
32 reality. Thank you."

33
34
35 **Mayor Gilbert** thanked the speaker and called the next speaker.

36
37 Next speaker was **John Barnshaw** of 2426 Castleburg Drive:

38
39 " I'm wearing blue because I'm here to talk about another issue. This evening, I wish to
40 speak on behalf of twenty-five members of the Charleston Village community in opposition to
41 a proposed bike path, on June 23rd, Parks, Recreation, and Cultural Resources staff posted

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1 signage requesting removal of jumps built in the open space in the Charleston Village
2 neighborhood along the North Beaver Creek Greenway. Youth residents presented a request
3 to allow them to develop plans and create an official bike track in the area during a public
4 comment period on August 12th, 2025. On October 21st last week, a town council work
5 session was held, and during this session, bike tracks were discussed and an additional
6 engagement session was requested to solicit additional input from the Charleston Village
7 Community. While we appreciate the value of safe recreation, this proposal raises serious
8 concerns about the long-term sustainability of the area, due process, and precedents which
9 the town might have to address later. Earlier today, I had the opportunity to speak with Town
10 Council Clerk Allen Coleman and Craig Setzer, Director of Parks, Recreation, and Cultural
11 Resources. Now I see why they always use PRCR, makes a lot of sense. Our conversations
12 were productive and we all agreed that there was an opportunity for all parties to improve
13 communication between the City of Apex and the Charleston Village Community. We also
14 shared a commitment to engage in not just some parties initially interested in the issue but
15 actively engage all members of the community and a larger share of Charleston Village
16 residents, which we believe will aid the Mayor and the Town Council. Second, I wish to
17 express public comment on behalf of the other residents of Charleston Village that many are
18 not in favor of the bike paths moving forward in these areas. Many residents are grateful for
19 the opportunity that we have to have asphalt already paved in these ecologically sensitive
20 areas, and we support the mayor's initiative to have these youth in our community engage in
21 the building of bike paths in a much larger area designated near the skate park in Apex. We
22 believe this area would allow for greater space and more inclusive opportunities for the
23 community, broader and beyond Charleston Village. I thank you very much for your time and
24 attention to this matter."

25

26

27 **Mayor Gilbert** thanked the speaker. He noted that there was five minutes left in the
28 allotted Public Forum time with 8 speaker still remaining, and asked Council their preference
29 on how to proceed.

30 Several speakers originally signed up yielded their time so others could speak.

31

32 Next speaker was **Dr. Rasheeda Monroe** of 334 Lovely Circle:

33

34 "I'm a Wake County pediatrician and affordable housing advocate and Board member
35 of the Raleigh Area Land Trust and a resident of the town of Apex, 334 Lovely Circle. Thank
36 you for the opportunity to speak with you all tonight. I work with children in Wake County who
37 come from low-resource communities and whose families struggle to afford safe and high-
38 quality housing. We call housing one of the social drivers of health, or SDOH. SDOH includes
39 where you live, learn, work, and play. It's the access that you have to high-quality housing,
40 high-quality jobs and education, green spaces, healthy foods, and fresh air. Children in low-
41 resource communities have poor access to these social drivers of health, and particularly to
42 affordable housing. I like to call affordable housing the cornerstone of the social drivers of

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1 health. Without it, social drivers are nearly impossible to achieve. If a family is overpaying on
2 their housing costs, they're less likely to have enough money for healthy foods, recreational
3 activities, free time, and important quality-of-life measures that others may enjoy. These
4 families are more likely to have parents who work multiple jobs to make ends meet, meaning
5 that children are sometimes left without appropriate supervision to be able to go outside to
6 run and play or stay after school to participate in school activities and sports. The trickle-down
7 effect of paying too much for housing impacts every aspect of life. Parents are overstressed,
8 and we know that stress really works like a toxic chemical in the body. It increases the
9 likelihood of chronic diseases like heart disease, diabetes, high blood pressure, and mental
10 health problems. These families are more likely to be living in older, low-quality, overcrowded
11 housing with exposure to toxic chemicals from industrial plants and indoor allergens like
12 mold, cockroaches, and mice. These factors increase the rates of allergies and asthma in
13 children living in low-quality housing. Children who live in low-quality housing are more likely
14 to have asthma, they're more likely to have severe asthma, they're more likely to be
15 hospitalized for asthma, and they're more likely to die from asthma. I'd like to take a couple of
16 minutes to tell you the story of a patient of mine. We'll call him Max. Max's story is common in
17 the clinic where I work with children and families from low financial resource areas. Max is
18 eight years old. He has asthma. His mother works in our health care system as a medical
19 assistant; she has a second job in the evenings to make ends meet. In order to work within
20 the health care system, she has to live close enough to our health care facility, but her rent is
21 very expensive. She overpays for her small apartment, which is older, and has complained
22 many times to the landlord about black mold on some walls and there are cockroaches and
23 despite many attempts, she is unable to remediate them. Max has asthma that is hard to
24 control and is further exacerbated by exposures inside and outside the home, as they live
25 near an industrial power plant expelling toxins into his environment. He has asthma flares
26 frequently throughout the year, for which he needs to see his pediatrician. He requires
27 additional medications, and a few times a year, he has been hospitalized for his severe
28 asthma. His flares cause missed days from school and work for his mother and a further loss
29 of income. Max often goes to school sleepy and unable to effectively learn as a result of
30 being up at night coughing, one of the most common symptoms of pediatric asthma. At
31 school, he chooses to sit and chat during recess instead of running and playing with the other
32 eight-year-old boys because exercise causes him to have shortness of breath and wheezing.
33 He has only a few friends due to his inability to participate in the most popular recess
34 activities for eight-year-old boys, which are tag and soccer. The stress from working two jobs
35 and having a child with chronic disease causes Max's mom to choose an unhealthy coping
36 mechanism of smoking cigarettes, but it is her stress reliever. She only smokes outside the
37 home because she knows it can trigger Max's asthma, yet the smell from her clothing still
38 makes him cough and wheeze. What if Max's mom had access to high-quality, affordable
39 housing, housing she could pay for with one job that allowed her to afford the more
40 expensive and more effective medicines that Max needed to treat his severe asthma? What if
41 she could live in safe, high-quality housing free of the allergens that caused Max's asthma to
42 flare? What if she didn't have to work two jobs and had more time to spend with Max, letting

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1 him play outside in fresh air and green spaces? How much healthier and richer could their
2 lives be? I believe it's a wonderful opportunity that we have as leaders and advocates in this
3 community to ensure our neighbors have access to high-quality, affordable housing that lets
4 their families thrive. There are highly effective models of partnerships between health care
5 systems, community land trusts, and developers that set aside a portion of developments for
6 those making less than the area median income and the benefits are universal as lower-wage
7 health care workers and essential workers have access to live close to their places of
8 employment at reasonable rates, and health care systems are able to recruit and retain
9 necessary workers to retain their systems and support their communities. I will continue to
10 support affordable housing initiatives and look forward to working with the Council to
11 support these initiatives that will help our communities thrive. Thank you."

12
13 **Mayor Gilbert** thanked the speaker and called the next speaker.

14
15 Next speaker was **Elizabeth Stitt** of 3113 Friendship Road:

16
17 "Mayor, council, good evening. So, there's been some interesting
18 conversations on social media in the last couple of days, and I wanted to bring up the Apex
19 Development Report. It is one of my all-time favorite publications that the town produces. So,
20 for the people who are watching and, in the audience, if you don't know about this report, it is
21 produced every month. It's on Apex's website, and it lists all the development that's
22 occurring. It tells our population. It gives a whole host of things that, if you want to
23 understand what's happening in this community month by month, this is a great report. So,
24 the reason why I brought it up was I saw some data on Facebook using population data from
25 2023, and I just wanted to share, make sure everybody had a copy of September's and I've
26 got handouts if anybody would like it, but our current population is estimated at 82,446. This
27 is the number produced by the town of Apex. It's slightly more than what was in the budget
28 document a couple months ago. And this report says that approximately 665 residents have
29 moved here in the last couple months. And then it goes on, if you go a little further back and
30 look at the residential projects, it says we have 4,944 units under construction. Apex typically
31 plans on 2.83 people per unit, and that's going to add 13,991 people to our community, and
32 if these are under construction, I'm guessing it's probably 12, 24 months, maybe 36 months
33 depending on the type of building. So, where there's conversation about, hey, our community
34 the growth is slowing down, it's only temporary because things slowed down during COVID.
35 You couldn't build. And so, with this number of units, we really need to have a good-faith
36 conversation, not cherry-pick numbers to say, hey, you know, it was slow for a couple years
37 because of COVID. We all understand that, but it's going to rebound, and so, when you add
38 those 13,000 people, we're going to have 96,437 in total people in Apex. So, I'm not quite
39 sure where we're putting 14,000, but I did want to call out real quickly that right across from
40 the data center is Gracewood that's being built and based on the number of units literally
41 across the street, that's going to house approximately 1,260 individuals. Those families and

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1 those children need to be made aware of what's potentially coming across the road so they
2 can make decisions if they don't want to live there. Thank you."

3
4 **Mayor Gilbert** thanked the speaker and called the next speaker.
5

6 Next speaker was **Dr. Tracy Taylor** of 2004 Baysdale Lane:
7

8 "Good evening, Mayor Gilbert, Town Council members and staff. My name is Dr. Tracy
9 Taylor, and I live at 2004 Baysdale Lane, and I am here tonight to attempt to reclaim my
10 reputation after my character and integrity were publicly impugned at the September 9th
11 Apex Town Council meeting. I was appointed to the Apex Board of Adjustment by Mayor
12 Olive in 2018 and reappointed by Mayor Gilbert, and I have faithfully served every day since. I
13 did the job selflessly and willingly, declining any offered compensation. My sole focus was to
14 serve the people of my community. Tonight, I find myself in the unenviable position of having
15 to defend myself against defamatory remarks made publicly by Mr. Gantt, while the rest of
16 the council, with the exception of Mayor Gilbert, sat collectively silent when Mr. Gantt
17 delivered his derogatory, inaccurate remarks. So, let's set the record straight. At the Town
18 Council meeting on September 9th, Mr. Gantt, you had the audacity to state or infer that after
19 reviewing July 2023 Board of Adjustment transcripts, you determined that I was biased
20 toward and supported the residents of Courtyards on Holt, that I encouraged them to be
21 disrespectful to town staff, and that in my November 2023 speech to Town Council, I publicly
22 reiterated my support for the residents who you said acted inappropriately toward town staff.
23 None of this is true. Show me those transcripts or my Town Council presentation where I
24 displayed this bias or where I encouraged citizens to be disrespectful to town employees. You
25 can't, because no such transcripts exist. Do not conflate my November 2023 speech to Town
26 Council with speeches from Courtyards on Holt residents. In my speech, I requested a future
27 UDO that would provide Board of Adjustment members a separate attorney to advise on
28 procedure and process during quasi-judicial hearings, because it appeared to me to be a
29 conflict to have the same attorney represent the town and the Board of Adjustment,
30 particularly when litigation is threatened. Mr. Gantt, if my actions in November 2023 were so
31 disqualifying, why did you and the rest of the Town Council vote to remove Vice Chair Brian
32 Johnson in January 2024 and keep me on the Board of Adjustment? Why was I unanimously
33 voted Board of Adjustment Vice Chair one month later if my actions were so egregious? Mr.
34 Gantt, you and your fellow Town Council members waited almost two years to register your
35 hard-no disapproval of my supposed actions. Your remarks and defamatory statements
36 impugning my integrity may be consequential. I have maintained a steadfast focus on
37 evidence and the truth. I maintained that ethos throughout my time on the Board of
38 Adjustment. I am profoundly insulted by the remarks directed at me. I will always seek the
39 truth and base my decisions on the truth and its supporting evidence. Thank you."

40
41 **Mayor Gilbert** thanked the speaker and called the next speaker.

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1
2 Next speaker was **Barbara Collins** of 901 Norwood Lane:
3

4 "I've been here many times before, and I think most of you know me, and I care deeply
5 about rezoning because once zoned, that is a commitment to the community that we know
6 what the zoning is, and so every time we rezone, you're taking the work that's happened in
7 the past and bringing it into the future, which is different than what we wanted. So that's my
8 view of rezoning. I am not going to talk about clarifying zoning. I'm not going to talk about
9 fire problems and safety. I'm not going to talk about water use. I'm not going to talk about
10 noise, runoff, or a stranded site. Here's what I'm going to say instead. How many of us went to
11 college where we had a typewriter? Okay. Never envisioning there would not be anything to
12 replace that in the future. I had an electric typewriter. That was an innovation, right? We are at
13 the typewriter stage of data centers. Best available technology has not yet come to fruition.
14 That's why I'm not going to talk about all those things because you already know them. All the
15 information you need to make a decision has already been delivered to you and to the rest of
16 us with the great work of our neighbors. Thank you. So, I do want to say this. Where has it
17 worked well? What is the example of a well-working data center of this size and scope? I don't
18 have that information. I hope you do. I wanted to say who cares about a lawsuit? It wouldn't
19 be me, because it's worth it to me to spend two million, three million, five million dollars,
20 whatever it takes to get out of this. It's going to cost us more than that to go forward. So, if
21 you want to think about the economy of it, I think it is in favor of no. And the final thing I want
22 to say is this, not now, maybe someday. But until best available technology takes care of
23 pollution, noise, lights, accidents, fire, we're not ready. No one is ready. That's what I came to
24 say here with my trusty assistant, who's learning this process and thank you very much for
25 coming with me, little Princess Charlotte. All right. Thank you very much."

26
27 **Mayor Gilbert** thanked the speaker and called the next speaker.
28

29 Next speaker was **Andrew Gluck** of Walden Creek:
30

31 "I don't know if you remember I was here two months ago. I asked you all to do
32 something about writing to the State, to the appropriate people, about getting sound barriers
33 put up in the area of 540. My question is, has it been done? If anybody can answer those
34 questions, and why hasn't anybody."

35 **Councilmember Gantt** asked if they follow up with NCDOT after the presentation.

36 **Town Manager Vosburg** said that they did reach out to DOT and asked them to
37 address that in their presentation before the board, and they did speak to that.

38 **Mayor Gilbert** said that they could go over it with Mr. Gluck after the meeting.

39 **Mr. Gluck** said thank you. And what did they, did they get any recording?

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1 **Councilmember Gantt** said the criteria is the time when your neighborhood was built
2 versus when the road was built

3 **Mr. Gluck** said okay, they have other times done them afterwards and they have put
4 sound barriers up. He said they were the first area to get the road, and for some reason they
5 did not see fit to put them in, they're very easy to add. He asked why they were not added
6 afterward.

7 **Mayor Gilbert** said someone from staff contact will contact him after the meeting,
8 probably tomorrow.

9 **Mr. Gluck** said he would leave his phone number with the Clerk.

10 11 **Mayor Gilbert** thanked the speaker and called the next speaker.

12 13 Next speaker was **Nick Bryant** 123 New Dover Road downtown business owner:

14 15 16 17 18 19 20 21 22 23 24 25 I won't take my three minutes either. Mayor, council, I wanted to go ahead and tell
you ahead of time the Saunders lot is looking great, and we're all very excited about it.
However, I don't want to put the cart in front of the horse to say. That being said, we were told
August. It's now approaching November, might as well be November, and I don't expect that
it's going to be done by August at this point. That being said, the Salem Streetscape is
starting in January, and whatever timeline you guys are going to tell us, whether it be nine
months, you know, that's the preliminary number that I've heard, I'd really like a better job
holding contractors to that or the town to that. This is our livelihood. Regardless of what
everyone thinks, we are not rolling in the money downtown. We are regular people trying to
make a living, and we have to make a budget too. So, with Salem Streetscape coming up,
please be aware of that. Thank you."

26 27 **Mayor Gilbert** requested a 10-minute recess at **7:24 p.m.**

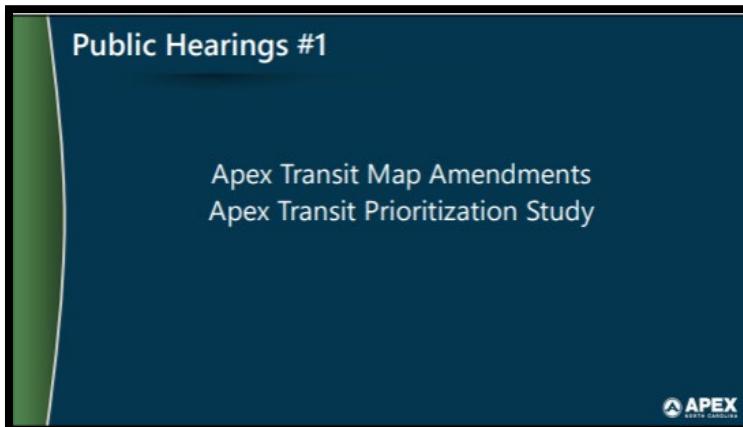
[PUBLIC HEARINGS]

PH1 Apex Transit Plan Map Amendments - Apex Transit Prioritization Study

35 36 **Katie Schwing**, Senior Planner - Long Range Transit, Planning Department gave the
following presentation:

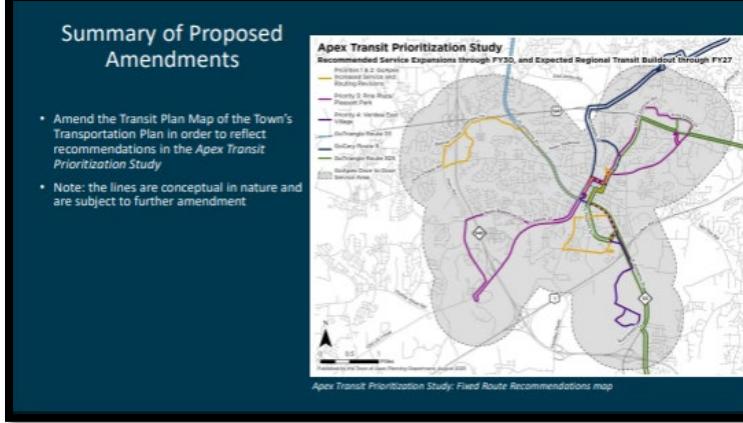
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1 [SLIDE 1]



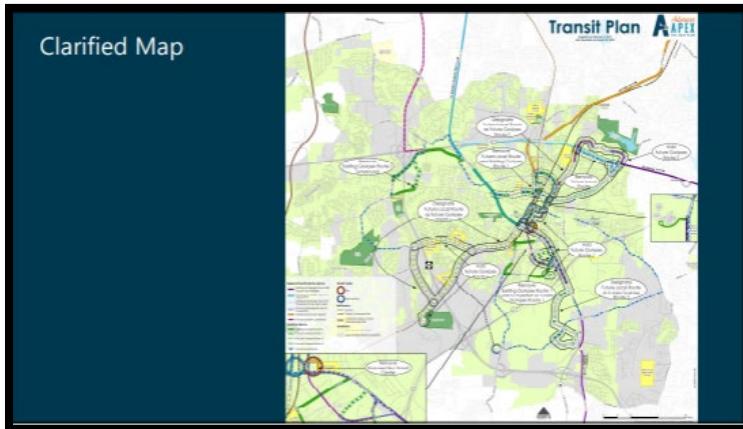
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[SLIDE 2]



4
5

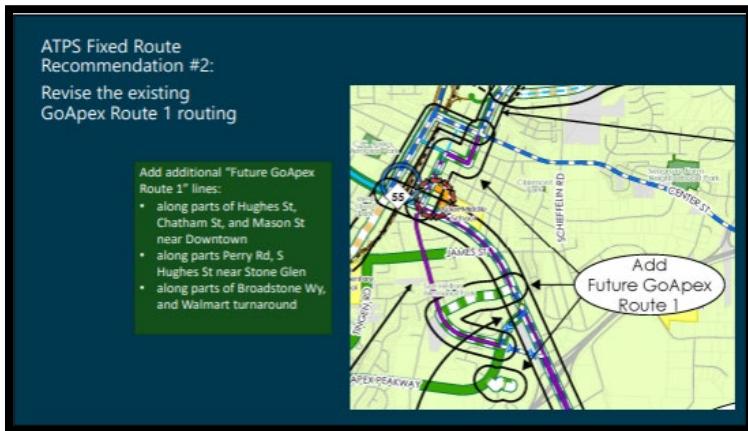
[SLIDE 3]



6

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1 [SLIDE 4]



Councilmember Zegerman asked if it would be moved to Hughes Street and still have a bus stop at Cambridge Village.

8 **Ms. Schwing** said that is the idea but it's still concept at this time and there isn't a final
9 location decided, but if this route is chosen there will need an additional couple of more
10 stops.

11 **Councilmember Zegerman** asked if there was any intention of moving to a bus stop
12 at Cambridge Village.

Ms. Schwing said correct, but it could be across the street.

14 **Councilmember Killingsworth** asked if that means that seniors have to walk across
15 the street.

16 **Ms. Schwing** said the way route works in this area is that it only goes in one direction,
17 so, if the route goes down Perry Road to Hughes instead of Parkway, it would be across the
18 street from Cambridge Village.

19 **Councilmember Gantt** said that there are trade-offs and Stone Glenn is a very
20 popular stop.

21 **Councilmember Killingsworth** said it is different from having able-bodied adults
22 crossing and then having seniors crossing the street and suggested to think through that

Ms. Schwing said that the Council can make specific recommendations.

Councilmember Gant said to clarify, there is data on the usage of each stop with the current route one.

Ms. Schwing said that is correct.

Ms. Schwing said that is correct.

27 **Councilme**

Councilmember Gant said that

28 **Ms. Schwing** said that that is also shared by GoTriangle, so they could ask for that

29 information as well.

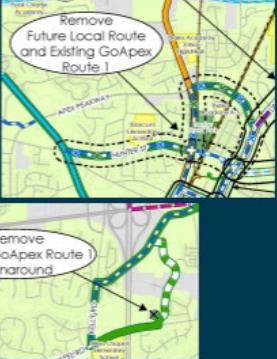
DRAFT | OCTOBER 28, 2025 REGULAR TOWN COUNCIL MEETING MINUTES

1 [SLIDE 5]

ATPS Fixed Route
Recommendation #2:
Revise the existing
GoApex Route 1 routing

Remove "Existing GoApex Route 1" and "Future Local Route" along parts of Laura Duncan Rd, Apex Peakwy, N Salem St, and Hunter St, north of Downtown

Clarified map highlights Remove "Existing GoApex Route 1" along Olive Chapel Professional Park turnaround



2 3 [SLIDE 6]

ATPS Fixed Route
Recommendation #3:
Implement a new fixed
route following the Pine
Plaza/Pleasant Park
routing concept

Add "Future GoApex Route 2" lines along parts of Laura Duncan Rd, Pine Plaza Dr, Old Raleigh Rd, Shepherds Vineyard Dr, and library turnaround northeast of Downtown

Remove "Future Local Route" from US-64 area



4 5 [SLIDE 7]

ATPS Fixed Route
Recommendation #3
Implement a new fixed
route following the Pine
Plaza/Pleasant Park
routing concept

Add "Future GoApex Route 2" lines along parts of 5 Salem St, Old US 1, Pleasant Plains Rd, Pleasant Park turnaround, Kelly Rd, Apex Barbecue Rd southwest of Downtown

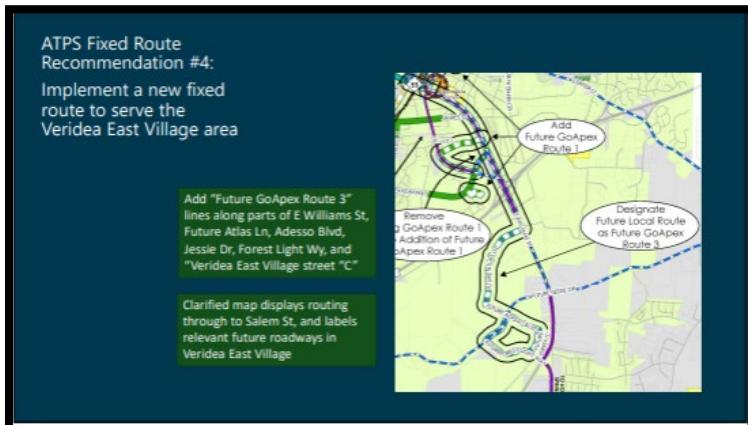
Clarified map displays routing through downtown



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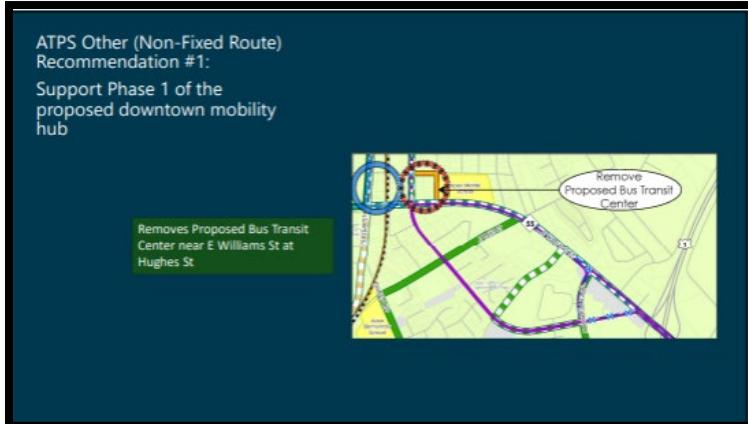
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1 [SLIDE 8]



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[SLIDE 9]



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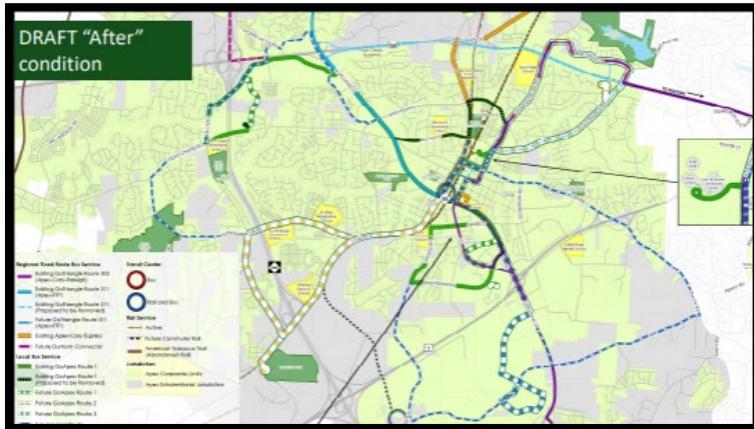
[SLIDE 10]



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1 [SLIDE 11]



2 **Councilmember Zegerman** asked Ms. Schwing to speak to the future local routes.

3 **Ms. Schwing** said those have existed since the approval of the Advance Apex Plan in
4 2019 that were shown as just conceptual in nature and have been there prior to GoApex
5 route one starting. She gave an overview of why they are still on the map and possibly still
6 being considered in the future for long-term transit plan.

7 **Councilmember Zegerman** said that it could be the route that might connect
8 GoApex 3 to the hospital and that there needs to be some public transit connection from the
9 loop area that stops at the east end of the Veridia development to where the hospital is
10 located.

11 **Ms. Schwing** said that there is not a short-term plan for that yet but will continue to go
12 through the comprehensive plan update.

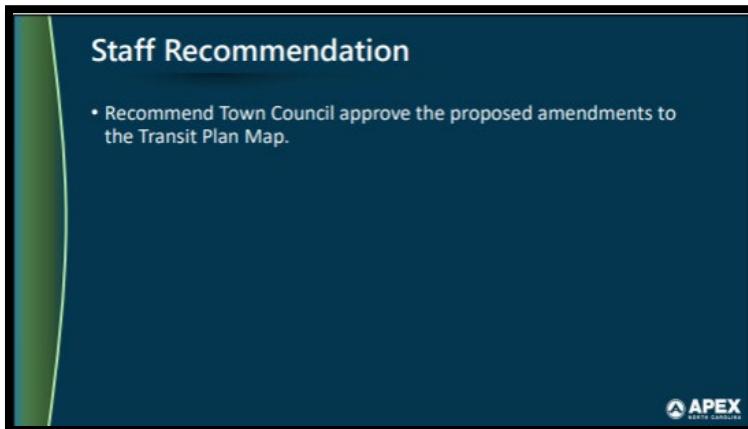
13 **Councilmember Gantt** said that Cary and a lot of transit areas have trended toward a
14 hub and spoke type model rather than large loop models because people want to get from
15 one place to another and not the longer routes and it reflects the trend that the long loops
16 may go away.

17 **Councilmember Zegerman** said that the hospital sites should stay in the forefront.

18 **Councilmember Gantt** said that it is his understanding that some enhanced transits
19 for the hospital area are a high staff priority.

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1 [SLIDE 12]



Staff Recommendation

- Recommend Town Council approve the proposed amendments to the Transit Plan Map.

APEX
APEX
NORTH CAROLINA

2 [SLIDE 13]



Questions/Comments?

APEX
APEX
NORTH CAROLINA

4
5 With no questions, **Mayor Gilbert** opened up Public Hearing and with no one signed
6 up to speak, he closed Public Hearing.

7
8 **Councilmember Zegerman** asked if the motion could be a split vote because he
9 wasn't in favor of the Cambridge Village adjustments, although the adjustments make sense,
10 he was not comfortable with it.

11 **Councilmember Killingsworth** said that it needs to be thought about more and
12 revisited. She was concerned about people crossing in the lanes of traffic and it would be
13 more difficult to cross to get to the bus stop.

14 **Councilmember Gant** asked if Stone Glen was also seniors only.

15 **Councilmember Killingsworth** said it was not. She said it would be very useful for
16 Stone Glen, but it wouldn't be worth the risk of having seniors need to cross the road to
17 access it.

18 **Councilmember Zegerman** said it may make sense once the utilization data is looked
19 at for that site, but he was not comfortable at this time approving the proposed change.

20
21

DRAFT I OCTOBER 28, 2025 REGULAR TOWN COUNCIL MEETING MINUTES

1 A **motion** was made by **Councilmember Gantt** and seconded by **Councilmember**
2 **Zegerman** to approve the Apex Transit Plan Map Amendments, excluding the amendment
3 regarding the route serving Cambridge Village and Stone Glen.

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

7 A **motion** was made by **Councilmember Gantt** to approve the Apex Transit Plan Map
8 Amendment regarding the route serving Cambridge Village and Stone Glen

10 **Councilmember Mahaffey** said that it was his thought that if this was approved, it
11 would be put on the plan as proposed to be removed, and it would give them the
12 opportunity to gather more usage data before actually implementing any of the changes
13 from the plan.

14 **Ms. Schwing** said that if it was approved it would show as proposed to be removed
15 and there would be additional public input and staff could do further research. She said that if
16 it isn't the direction the Council wants to go in they could just not include this and not pursue
17 the change, but the idea was to serve affordable housing, including potential future
18 additional affordable housing and it could help with getting certain funding sources for
19 affordable housing. She said there was not any intent for safety concerns, but if Council felt
20 those were not worth the trade-off that would be okay for staff.

21 **Councilmember Zegerman** said that he didn't want to kill this option and he knew
22 that there an affordable housing community along Hughes Street that should be served but
23 he would like a solution for the Cambridge Village residents if they used the bus service. He
24 said that if this is being approved for future conversation and resident input, he would be ok
25 with moving the motion.

26 **Councilmember Killingsworth** said that she would be ok with that as well but wants
27 more conversation and data points prior to implementing the route.

28 **Mayor Pro-Tempore Gray** gave clarification that this is to propose the route in order
29 to get more data points.

30 There was discussion on how route one ran in the proposal.

31 **Councilmember Zegerman** asked if they wanted a solution on the precise route at
32 this meeting or to just give staff guidance.

33 **Mayor Gilbert** said that let staff decide with guidance from the Council.

34 **Councilmember Gantt** said that there may be substantially more ridership with Stone
35 Glenn and the future affordable housing.

37 *Clerk's Note: Councilmember Gantt's previous motion is restated below for clarity, and
38 was seconded following the additional conversation.*

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1 A **motion** was made by **Councilmember Gantt** and seconded **by Councilmember**
2 **Zegerman** to approve the Apex Transit Plan Map Amendments regarding Cambridge Village
3 and Stone Glen

4

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

6 **PH2 Unified Development Ordinance (UDO) Amendments- October 2025**

7 **Bruce Venable**, Planner II, Planning Department gave high level information with the
8 following presentation:
9 **[SLIDE 1]**



10 **Councilmember Gantt** asked if there had been discussion to reduce the cost for
11 housing units for EV chargers ready vs. installing the chargers directly.

12 **Mr. Venable** said that it could be possibly, they are exploring all options for this now.

13 **Councilmember Gantt** said that in the future affordable housing residents will
14 have EVs due to them becoming cheaper than gasoline engines.
15

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1 [SLIDE 2]

Amendment #1
Requested by Transportation & Infrastructure Development Staff

1) Amendments to Secs. 7.4 *Dedication of ROW*; 7.4.2 *Dedication of ROW, No Deprivation of Land*; 7.5.1 *Required Improvements, Generally and Exemptions*; 7.5.4 *Required Improvements, Streets*; and 13.16 *Transportation, Developer Agreements* in order to update and clarify road frontage widening requirements and add certain exemptions for new development.

7.4 Dedication of ROW

When a street or highway corridor identified in *Advance Apex: The 2045 Transportation Plan* established and adopted pursuant to NCGS 136-66.2, is located on **or immediately adjacent to** land subject to subdivision, site plan, or other development plan, the landowner shall dedicate the right-of-way for the street or highway to the Town if:

...

7.4.2 No Deprivation of Land

The dedication of right-of-way does not result in the denial of a reasonable use **is not greater than 35%** of the original tract of land.



2
3

[SLIDE 3]

Amendment #1
Requested by Transportation & Infrastructure Development Staff

7.5.1 *Required Improvements, Generally and Exemptions*

A) *Generally*
The developer of any **site or subdivision** within the Town or the Town's extraterritorial jurisdiction shall be responsible for the proper installation of improvements as set forth in the following sections and as set forth in the *Town of Apex Standard Specifications and Standard Details*. No final plat for subdivision shall be approved until required improvements have been installed or their installation guaranteed as provided herein in those areas shown on the plat.

B) *Exemptions*
A site plan or subdivision plan that does not propose a subdivision of an existing parcel into more than four (4) lots, has an anticipated number of vehicular trips less than 150 per day, and a total of less than 10,000 square feet of proposed non-residential buildings is exempt from public road frontage improvements and new location public road construction that would otherwise be required based on the *Advance Apex: The 2045 Transportation Plan* and typical road sections specified in the *Town of Apex Standard Specifications and Construction Details*. This exemption does not exempt the installation of improvements required for the safe ingress and egress of vehicles and emergency services accessing the site, including, but not limited to, installation of a paved driveway apron, necessary driveway relocation, and other roadway markings and signage associated with the driveway location. Buildings shall not be permitted in areas that are planned for future roadway construction and expansion. Right-of-way dedication is recommended for planned public roadways where practical to promote future connectivity to adjacent properties and future improvement projects.



4
5

[SLIDE 4]

Amendment #1
Requested by Transportation & Infrastructure Development Staff

The following exemptions apply to construction of public road frontage improvements and new location public road construction that would otherwise be required based on *Advance Apex: The 2045 Transportation Plan* and typical road sections specified in the *Town of Apex Standard Specifications and Standard Details*.

1) Single-family or duplex construction on an existing parcel (no subdivision).

2) A site plan or subdivision plan that does not propose a subdivision of an existing parcel into more than four (4) lots.

3) A site plan or subdivision plan that has an anticipated number of vehicular trips less than 150 per day.

4) A site plan with a total of less than 10,000 square feet of proposed non-residential buildings.

5) A site plan or subdivision plan abuts a street with controlled access and cannot obtain a driveway access to the street.

6) A project submitted for site plan or subdivision plan approval is subject to street frontage improvements in accordance with the *Advance Apex: The 2045 Transportation Plan* in which the total cost of the street improvements will exceed 35% of the site work costs and the proposed use or expansion does not trigger a Traffic Impact Analysis. Cost estimates shall be provided by the property owner/developer, adhering to the *NCDOT Standard Specifications for Roads and Structures*, for both the required street improvements and proposed site work costs. Cost estimates are required to be submitted to the Transportation & Infrastructure Development Director who will approve or deny the values presented to justify the exemption.



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1 [SLIDE 5]

Amendment #1
Requested by Transportation & Infrastructure Development Staff

These exemptions do not exempt the installation of improvements required for the safe ingress and egress of vehicles and emergency services accessing the site, including, but not limited to, installation of a paved driveway apron, necessary driveway relocation, and other roadway markings and signage associated with the driveway location. Buildings shall not be permitted in areas that are planned for future roadway construction and expansion. Right-of-way dedication **and permanent slope easements are still required** for planned public roadways **and widenings** where practical to promote future connectivity to adjacent properties and future improvement projects.

C) **Fee-In-Lieu Due to State and Local Improvement Plans**
Where a project is adjacent to a street identified on the North Carolina Department of Transportation State Transportation Improvement Program or the Town's Capital Improvement Program and is scheduled to be under construction within three (3) years from the date of first site plan or first subdivision plan submittal, and remains scheduled within three years of construction plan approval, street improvements may not be required, based on approval of the Transportation & Infrastructure Development Director, provided that right-of-way and permanent slope easements are dedicated to accommodate the future project and a fee-in-lieu payment for the street improvements is made for the street improvements.

...

APEX
North Carolina

2
3

[SLIDE 6]

Amendment #1
Requested by Transportation & Infrastructure Development Staff

7.5.4 Streets

...

D) **Apex Peakway Construction Requirements**

...

4) **Order of Construction**
New construction or frontage widening along the Apex Peakway corridor in conjunction with development is required in the same manner as all other road improvements described in Secs. 7.5.9.C.1 and 7.5.9.C.2.

Because of expected low traffic counts early in the life of the facility, two travel lanes with curb and gutter and sidewalk are to be constructed initially with grading for the remaining roadway width when adequate public right-of-way is available. First priority of construction shall be the outer two travel lanes. In constructing only the outer two lanes, the inside curb shall be constructed as median curb.

APEX
North Carolina

4
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[SLIDE 7]

Amendment #1
Requested by Transportation & Infrastructure Development Staff

a) Development on Outside of Road Corridor
One-half of the right-of-way shall be dedicated and the outside two lanes and sidewalk shall be built as specified above.

b) Development on Inside of Road Corridor
When property develops on the inside of the corridor and the outer lanes have already been constructed, the remaining one-half (½) right-of-way shall be dedicated and an approved connection shall be made to the outer lanes. A fee-in-lieu shall be paid for construction of the inside lanes and multi-use path.

If the outer lanes have not been constructed and the developer has access to the property through an existing road, then the Town may consider accepting the dedication of one-half (½) of the right-of-way and a fee-in-lieu of construction. If the outer lanes have not been constructed but the only access to the property being developed is the Peakway, then the developer shall make the necessary arrangements to have the right-of-way dedicated and the outside lanes constructed and may be required to dedicate the right-of-way and pay a fee-in-lieu of construction of the inside lanes. In a situation where it may be possible to build the inside lanes and transition from the outside lanes to the inside lanes meeting 40 mph roadway design guidelines, then the Town may consider allowing the developer to dedicate the right-of-way and build the inside lanes instead of the outside lanes.

c) Development of Both Sides of the Road Corridor
If the owner develops property on both sides of the corridor, the full right-of-way shall be dedicated with construction of the outer two lanes, curb and gutter and sidewalk as specified above. The property owner shall also provide grading for the remaining half of the roadway.

APEX
North Carolina

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1 [SLIDE 8]

Amendment #1
Requested by Transportation & Infrastructure Development Staff

Article 13 Transportation
13.16 Developer Agreements
Where a development includes off-site improvements to a thoroughfare shown on the approved Thoroughfare and Collector Street Plan map, by mutual consent, the Town and the Developer may enter into an agreement regarding the terms of the participation of the developer in the construction and/or financing of such road. Frontage opposite the development may be considered an off-site improvement. Such agreement may provide for appropriate compensation to the developer for the developer's participation in the financing and/or construction of the road. The agreement shall be in accordance with NCGS 160D Article 10 and in a form approved by the Town and shall identify:

...

APEX
NORTH CAROLINA

2
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[SLIDE 9]

Amendment #2
Requested by Water Resources Staff

2) Amendments to Sec. 6.1.7 *Watershed Protection Overlay Districts, High-Density Development Option* in order to specify the maximum built-upon area allowed within the Jordan Lake Critical Area of the Town's water supply watershed.

6.1.7 High-Density Development Option
...

C) Within the Jordan Lake Critical Area (defined by NCDEQ as any land within a half-mile radius of the normal pool elevation of the lake).

1) Built-Upon Area
Per NCDEQ water supply watershed rules, within the Jordan Lake Critical Area, high density development is limited to 50% built-upon area.

APEX
NORTH CAROLINA

4
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[SLIDE 10]

Amendment #3
Requested by Water Resources Staff

3) Amendments to Sec. 6.1.11 *Watershed Protection Overlay Districts, Riparian Buffers* in order to clarify the exclusion of residential lots within any Riparian Buffer Zone and to fix a typographical error.

6.1.11 Riparian Buffers
No new clearing, grading, or development shall take place nor shall any new building permits be issued in violation of this section. No residential lots shall be located within any riparian buffer zone. No exemptions shall be permitted from this section except for any use, development, or activity that has been specifically exempted by any applicable state law from local regulations of the type established by this Ordinance, or as provided in Sec. 6.1.11J *Exemption When Existing Uses are Present and Ongoing*. The following activities impacting Zone 1 and/or 2 of a riparian buffer in the Jordan Lake Watershed or in the Neuse River Basin shall be administered by the NC Department of Environmental Quality (NC DEQ): (i) activities conducted under the authority of the State, the United States, multiple jurisdictions, or local units of government, (ii) forest harvesting or (iii) agricultural activities.

...

APEX
NORTH CAROLINA

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1 [SLIDE 11]

Amendment #3
Requested by Water Resources Staff

G) *Uses Permitted Within the Riparian Buffer*

2) *Within Zone 3 of a Riparian Buffer in the Neuse River Basin and All Other Remaining Areas of Both the Primary Watershed Protection District and the Secondary Watershed Protection District*

Within all areas, other than Zones 1 and 2-~~or of~~ the Neuse River Basin, the following land disturbing activities and uses shall be permitted within any required riparian buffer:

...

APEX
NORTH CAROLINA

2 [SLIDE 12]

Amendment #4
Requested by Planning Staff

4) *Amendments to Sec. 8.3.11 Off-Street Parking and Loading, Electric Vehicle Charging Spaces to broaden the exemption for multi-family or apartment units that are restricted to households with an annual income that is not greater than 80% Area Median Income (AMI) from the electric vehicle charging space requirements of the UDO.*

8.3.11 Off-Street Parking and Loading, Electric Vehicle Charging Spaces

8.3.11 Electric Vehicle Charging Spaces

Within ~~multi~~-family or apartment projects, any dwelling unit restricted to households with an annual income that is not greater than 80% of the Area Median Income for the respectively-sized household in the Raleigh, NC MSA, as determined by the United States Department of Housing and Urban Development, are exempt from all electric vehicle charging space requirements. Such restrictions shall be demonstrated through a recorded covenant, deed restriction, or other binding affordability agreement approved by the Town. The required number of EV charging spaces for the project shall be reduced in proportion to the number of exempt units.

...

APEX
NORTH CAROLINA

4 [SLIDE 13]

Amendment #5
Requested by Planning Staff

5) *Amendments to Sec. 4.3.5.G.3 Use Classifications, Commercial Uses, Retail Sales and Service, Building supplies, retail to clarify the scope of permitted retail products allowed by this use.*

4.3.5 Commercial Uses

...

G) *Retail Sales and Service*

3) *Building supplies, retail. An establishment primarily engaged in the retail sale of building supplies and home improvement products including, but not limited to, swimming pools ~~above ground pools~~, ~~pool forms~~, spas, greenhouses, and outdoor play sets. In the B2 District, this includes traditional hardware stores not exceeding 7,000 square feet in area, but not building supplies or hardware stores in excess of 7,000 square feet.*

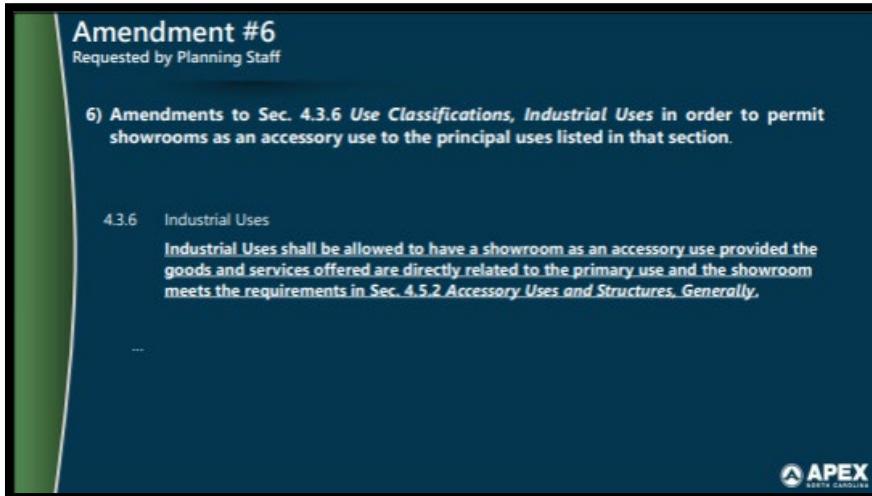
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APEX
NORTH CAROLINA

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1 [SLIDE 14]



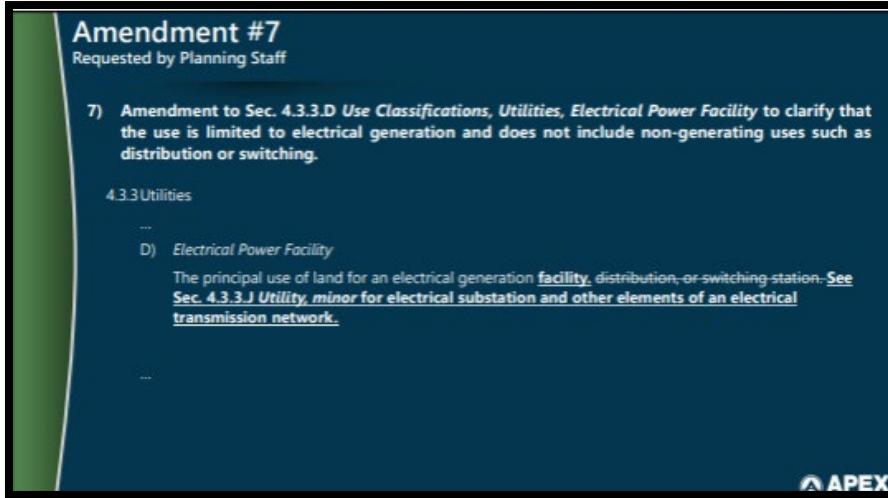
Amendment #6
Requested by Planning Staff

6) Amendments to Sec. 4.3.6 *Use Classifications, Industrial Uses* in order to permit showrooms as an accessory use to the principal uses listed in that section.

4.3.6 Industrial Uses
Industrial Uses shall be allowed to have a showroom as an accessory use provided the goods and services offered are directly related to the primary use and the showroom meets the requirements in Sec. 4.5.2 *Accessory Uses and Structures, Generally*.

...
APEX
NORTH CAROLINA

2 [SLIDE 15]



Amendment #7
Requested by Planning Staff

7) Amendment to Sec. 4.3.3.D *Use Classifications, Utilities, Electrical Power Facility* to clarify that the use is limited to electrical generation and does not include non-generating uses such as distribution or switching.

4.3.3 Utilities
...
D) *Electrical Power Facility*
The principal use of land for an electrical generation facility, distribution, or switching station. See Sec. 4.3.3.J *Utility, minor for electrical substation and other elements of an electrical transmission network*.
...
APEX

4
5 **Mr. Venable** asked if there were any questions.

6 **Councilmember Killingsworth** referenced Amendment #1 and asked specifically
7 about the fee in lieu and why it was three years and if this is funded or non-funded projects.

8 **Mr. Venable** said that Chris Johnson with the Transportation Infrastructure
9 Department would be able to give more information.

10 **Director Johnson** said that this is the number that is used in other jurisdictions across
11 Wake County and this is how three years were decided.

12 **Councilmember Killingsworth** asked that given the different variations in pricing that
13 have been for funding projects, would there be enough fees in lieu to pay for this project.

14 **Director Johnson** said that the fee in lieu would be paid at the time of the project but
15 there would be a review of any cost estimate they provide to include everything that would
16 be part of the project. He gave an overview of why the fee in lieu is added.

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1 **Councilmember Mahaffey** said that this had gone to the Planning Committee and
2 asked Director Johnson to highlight any changes that have been made since that meeting.
3 He specifically asked about the language about 35%, exemption #6.

4 **Director Johnson** said that the language wasn't changed and staff would prefer to
5 have a figure to provide a level of clarity and the 35% was from what other municipalities use.

6 **Councilmember Mahaffey** said that it is 35% and doesn't need a TIA, so it would only
7 be for small projects.

8 **Councilmember Gantt** said to be clear this is not necessarily for rezoning that this is
9 for site plans.

10 **Director Johnson** said that anything zoning would be handled by conditions.

11 **Councilmember Mahaffey** said the intention and the concern was that there wasn't
12 required offsite or adjacent streets being improved. He said 7-4 speaks of dedicating the
13 right-of-way and if it is dedicated it has to be improved unless exemptions apply.

14 **Director Johnson** said that some of that language was in the UDO and some of these
15 things are currently being asked by staff to do, this was added to be clearer.

16 **Councilmember Gantt** said that there were lessons learned and this language
17 codifies some of the criteria and better practices.

18 **Director Johnson** said some of the examples there were reasons beyond the UDO
19 and it was more related to environmental impacts.

20 **Councilmember Gantt** said but if they get right-of-way that is often the most
21 expensive and hardest part.

22 **Director Johnson** said they included easement as well because it is typically an
23 additional impact and that would be covered as well.

24 **Councilmember Mahaffey** asked how exemptions for environmental impacts are
25 given with the current conditions listed in 7.5.1.

26 **Director Johnson** said if they were unable to get a permit from the Corps of
27 Engineers or DEQ then staff would look at providing an exemption for fee-in-lieu.

28 **Councilmember Mahaffey** said that he did not see that language in the UDO.

29 **Director Johnson** said that they could add the language but would have to see if it is
30 already covered elsewhere.

31 **Councilmember Gantt** said that there must be some language currently in there that
32 addresses this given an example where frontage improvement did not occur which was an
33 environmental feature.

34 **Director Johnson** said that they could add a number 7 to cover environment.

35 **Councilmember Mahaffey** said that if Mr. Johnson felt that it was necessary to add
36 this, he could bring it back in the future.

38 **Mayor Gilbert** opened up Public Hearing and called the speaker.

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

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1 "Good evening, Town Council, Mayor. Dawn Cozzolino, 3632 Bosco Road, proudly on
2 well water in Wake County. The amendments on tonight's agenda—they were really quickly
3 went through. It went over my head, and remember, you can defer, okay? Any voting,
4 particularly what's concerning the 7.4 right-of-way dedication, required improvements, and
5 developer agreements, which could allow burdens on Wake County property owners outside
6 Apex corporate limits while bypassing adjacent developer parcels. Under North Carolina law,
7 any taking or forced dedication of private property must serve a genuine public use and
8 benefit, not simply accelerate private development or shift burdens unfairly to landowners
9 who have little voice in the process. When you look at the broader context, including the Peak
10 Plan 2055 Task Force, the intent of those amendments becomes more concerning. The task
11 force was appointed in September 2025, not elected, and its reach extends beyond Apex
12 corporate limits. Yet the New Hill Friendship area has only one representative out of twelve
13 appointed, despite being heavily affected. Our community has already gone on record for
14 many years through prior planning, Town Council meetings, open house planning events,
15 and written communications to oppose key transportation and development proposals
16 affecting our area. To remind you of our community's long-standing commitment, we
17 submitted the Friendship and New Hill Conservation Overlay District petition and proposal
18 that was sent to the Planning staff and to Town Council last year. It reflects our land use
19 priorities and clearly states our opposition to unrepresentative expansions. Part of tonight's
20 UDO amendments address issues already raised in last year's overlay district petition, yet they
21 are being advanced without formal acknowledgment or community input and with potential
22 impacts on property owners. This statement constitutes formal notice to the Town of Apex
23 that the New Hill unincorporated area of Wake County and the Friendship ETJ community
24 formally oppose the portions of the proposed UDO amendments that impact our area. The
25 basis for this opposition, established in last year's overlay district petition, expressly
26 encompasses the amendments under consideration tonight. For the record, under NCGS
27 160D-406, which guarantees public notice and an opportunity to be heard before local
28 government action, this statement serves as our formal notice of opposition. Thank you."
29

30 **Mayor Gilbert** thanked the speaker and closed Public Hearing. He brought the item
31 back for discussion and a possible motion.
32

33 A **motion** was made by **Councilmember Gant** and seconded by **Councilmember**
34 **Killingsworth** to approve the Unified Development Ordinance (UDO) Amendments-
35 October 2025 with the removal of the proposed amendment to 8.3.11.

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

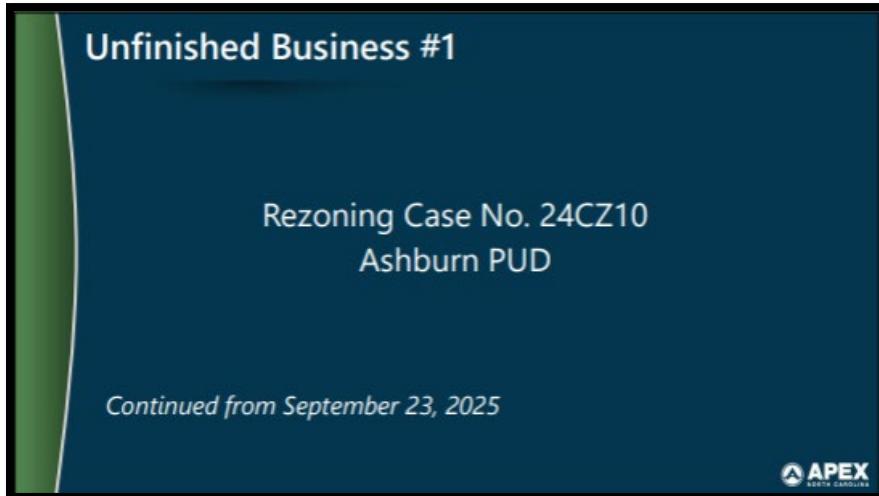
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38 **[UNFINISHED BUSINESS]**
39

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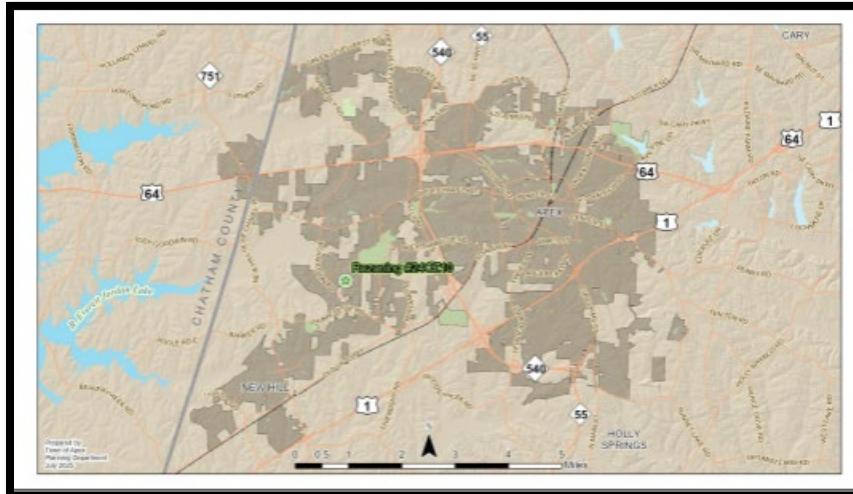
1 **UB1 Rezoning Case No. 24CZ10 - Ashburn PUD - Continued from September 23,**
2 **2025**

3 **Joshua Killian**, Planner II, Planning Department gave an update of the proposed
4 changes in the following presentation:

5 **[SLIDE 1]**



6
7 **[SLIDE 2]**



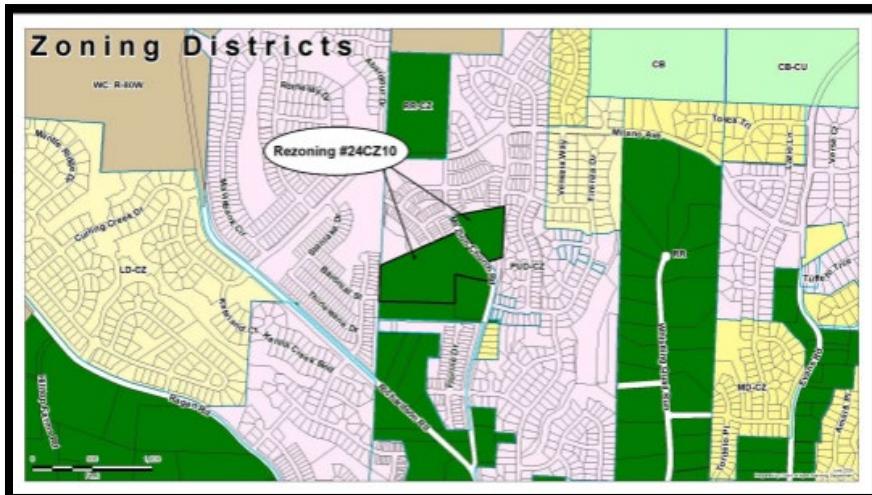
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1 [SLIDE 3]



2 [SLIDE 4]



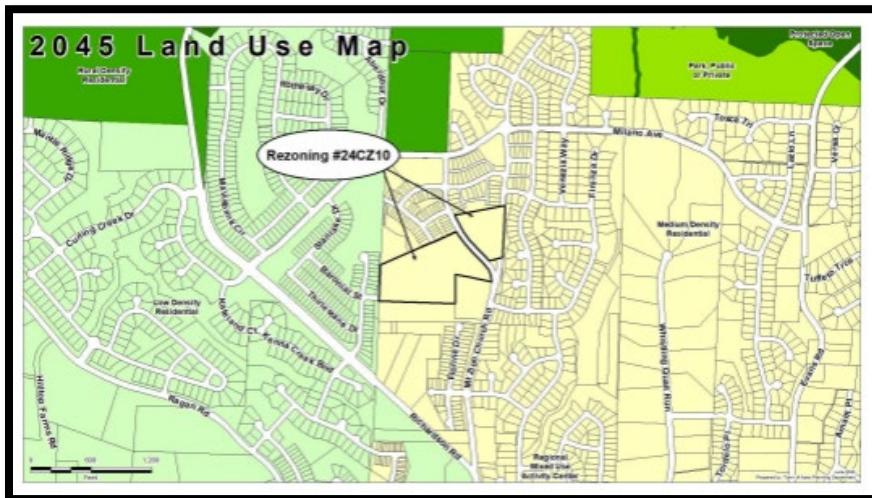
4 [SLIDE 5]



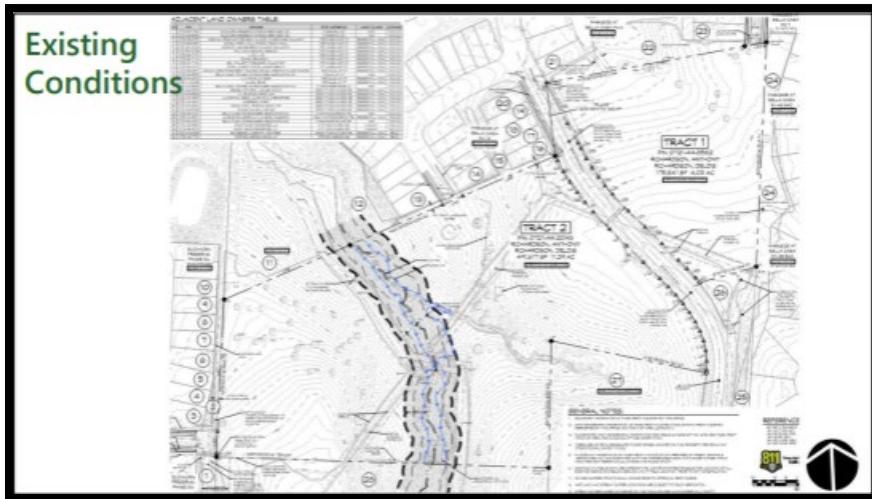
6

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1 [SLIDE 6]



2 [SLIDE 7]



4 [SLIDE 8]



6

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1 [SLIDE 9]



2
3 [SLIDE 10]



4
5 [SLIDE 11]



6

1 [SLIDE 12]

Affordable Housing Condition

Prior to recording the first Master Subdivision Final Plat, the developer shall make a donation to the Town of Apex Affordable Housing Fund in the amount equal to 10% of the total number of units at a rate of \$218,000.00 per unit. If the 10% of total units calculation results in a fraction between 0.50 and 0.99, the total units shall be rounded up to the nearest whole number. If the 10% of total units calculation results in a fraction between 0.01 and 0.49, the units shall be rounded down to the nearest whole number.

APEX
North Carolina

2 [SLIDE 13]



4
5 **Mr. Killian** asked if there were any questions or concerns:
6 **Town Manager Vosburg** asked for Assistant Town Manager, Demetria John, to speak
7 on the housing piece.
8 **Assistant Town Manager John** gave a handout that provided additional information
9 supporting Housing staff's recommendation. She said it gave a comparison overview
10 between on-site affordable housing units and accepting a fee in lieu of the Town's Affordable
11 Housing incentive zoning policy. She listed out some key details in the table.

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1 [SLIDE 1]

Prior to recording the first Master Subdivision Final Plat, the developer shall make a donation to the Town of Apex Affordable Housing Fund in the amount equal to 10% of the total number of units at a rate of \$218,000.00 per unit. If the 10% of total units calculation results in a fraction between 0.50 and 0.99, the total units shall be rounded up to the nearest whole number. If the 10% of total units calculation results in a fraction between 0.01 and 0.49, the units shall be rounded down to the nearest whole number.



2
3 **Assistant Town Manager John** asked if there were any questions.
4 **Councilmember Zegerman** asked for an explanation of the statement about eight
5 times more units available town wide, he said that it seemed like a lot of units and how that
6 works with a million and a half in funding.

7 **Assistant Town Manager John** said that if the town is partnering with nonprofit
8 partners there could possibly be uses for those funds with a downpayment assistance
9 program. She said that it could also be used for land acquisitions under the community land
10 trust and further use it for gap financing for developers and infrastructure on Hughes Street.

11 **Councilmember Killingsworth** said that it is her understanding that there is a 55 plus
12 affordable housing community that will be asking for gap financing and this would be able to
13 fill that gap.

14 **Assistant Town Manager John** said that this was particularly for this rezoning case.

15 **Mayor Pro-Tempore Gray** said that there is preference for units but appreciated the
16 ability to make an investment into the community land trust and be able to assist some that
17 are looking for a little assistance for applications including the 55 and over community. He
18 said he wanted to make sure that units were always more preferable to money.

19 **Assistant Town Manager John** said that this is looked at on a case-by-case basis and
20 the affordable housing program is still evolving and, in this case, it gives an opportunity to
21 expand affordable housing opportunities across the town.

22 **Mayor Pro Tempore Gray** said Director Newman had reminded him that this is still
23 consistent with the Affordable Housing Plan, and the money is appropriate in the correct
24 circumstances, as it is here.

25 **Mayor Gilbert** added that he was surprised that the money was not taken the first
26 time, that there had been discussions about the Community Land Trust and how effective that
27 model was, and the significant impact it would have. He said units are great but with this it
28 can be quicker in this case.

29 **Councilmember Killingsworth** said that the town has a lot of funding priorities and
30 she appreciated allowing the town to extend the funding priorities.

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1 **Assistant Town Manager John** said that it may not always be that way when it's
2 presented before Council.

3 **Mayor Pro-Tempore Gray** said that a component of why this is being presented for a
4 third time is the uncertainty as to whether or not the applicant fell under the old rule of 5% or
5 whether they fell under how things have since progressed with the 10% and hopefully that
6 others in similar situations will take the same line of analysis.

8 A **motion** was made by **Councilmember Killingsworth** and seconded by **Mayor Pro-**
9 **Tempore Gray** to approve Rezoning Case No. 24CZ10 - Ashburn PUD - rezone approximately
10 15.3 acres from Rural Residential (#07ETJ24) to Planned Unit Development (PUD-CZ) at 0 & 0
11 Mt. Zion Church Road.

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

13 **[CLOSED SESSION]**

15 A **motion** was made by **Mayor Pro-Tempore Gray** and seconded by
16 **Councilmember Gantt** to enter into Closed Session pursuant to NCGS §143-318.11(a)(6).

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

20 Council entered into Closes Session at 8:30 p.m.

22 **CS1 Mayor Pro-Tempore Edward Gray**

23 **NCGS §143-318.11(a)(6):**

24 *"To consider the qualifications, competence, performance, character, fitness, conditions of
25 appointment, or conditions of initial employment of an individual public officer or employee
26 or prospective public officer or employee; or to hear or investigate a complaint, charge, or
27 grievance by or against an individual public officer or employee."*

29 **CS2 Mayor Pro-Tempore Edward Gray**

30 **NCGS §143-318.11(a)(6):**

31 *"To consider the qualifications, competence, performance, character, fitness, conditions of
32 appointment, or conditions of initial employment of an individual public officer or employee
33 or prospective public officer or employee; or to hear or investigate a complaint, charge, or
34 grievance by or against an individual public officer or employee."*

36 **CS3 Mayor Pro-Tempore Edward Gray**

37 **NCGS §143-318.11(a)(6):**

38 *"To consider the qualifications, competence, performance, character, fitness, conditions of
39 appointment, or conditions of initial employment of an individual public officer or employee*

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or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee."

[ADJOURNMENT]

Council returned to Open Session at **10:05 p.m.**

Mayor Gilbert adjourned the meeting at **10:05 p.m.**

Jacques K. Gilbert

Mayor

Allen Coleman, CMC, NCCCC

Town Clerk to the Apex Town Council

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