

DRAFT MINUTES

TOWN OF APEX REGULAR TOWN COUNCIL MEETING TUESDAY, AUGUST 27, 2024 6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, August 27, 2024 at 6:00 p.m. 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=TFc4BzzZnKU&t=2s>

[ATTENDANCE]

Elected Body

Mayor Pro Tempore Ed Gray (presiding)

Councilmember Audra Killingsworth

Councilmember Arno Zegerman

Councilmember Terry Mahaffey

Councilmember Brett Gantt

Absent: Mayor Jacques K. Gilbert

Town Staff

Assistant Town Manager Marty Stone

Assistant Town Manager Demetria John

Town Attorney Laurie Hohe

Town Clerk Allen Coleman

Planning Director Dianne Khin

Current Planning Manager Amanda Bunce

Absent: Town Manager Randy Vosburg

All other staff members will be identified appropriately below

[COMMENCEMENT]

Mayor Pro Tempore Gray called the meeting to order and welcomed all who were in attendance and watching. He acknowledges the Apex police for the protection provided for the meeting.

Mayor Pro Tempore Gray then led those in attendance in the Pledge of Allegiance. He then took a moment of silence for the invocation. He then recognized invited members of the Apex chapter of Hindu Swayamsevak Sangh to lead a Raksa Bandhan ceremony, which is a traditional Hindu ceremony promoting unity and peace. Councilmembers were presented with Rakhis (bracelets) to signify these well-wishes.

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

VOTE: UNANIMOUS (5-0)

[CONSENT AGENDA]

CN1 Contract Multi-Year - Carolina Civilworks, Inc. - Master Services Agreement (MSA) - Wastewater, Pump Station, and Water Distribution Repairs, Replacements, and New Installations as Needed - September 1, 2024 through August 31, 2027 (REF: CONT-2024-237)

Council voted to approve a Master Services Agreement (MSA) between Carolina Civil works, Inc., and the Town of Apex, effective September 1, 2024, through August 31, 2027, to perform wastewater, pump station, water distribution repairs, replacements, and new installation as needed, and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN2 Contract Multi-Year - Carolina Management Team LLC - Master Services Agreement (MSA) - Wastewater Appurtenances Lining, Sealing, and Grouting Services as Needed - September 1, 2024 through August 31, 2027 (REF: CONT-2024-238)

Council voted to approve a Master Services Agreement (MSA) between Carolina Management Team, LLC., and the Town of Apex, effective September 1, 2024, through August 31, 2027, to perform wastewater appurtenances lining, sealing and grouting service, and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN3 Contract Multi-Year - Data Voice International - WorkPal App - September 1, 2024 through August 31, 2027 (REF: CONT-2024-239)

Council voted to approve a multi-year contract with Data Voice International and the Town of Apex for a software application program (WorkPal) to assist with power outages, effective September 1, 2024 through August 31, 2027 and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN4 Council Meeting Minutes - July 09, 2024 - Special Meeting

Council voted to approve, as submitted or amended, Meeting Minutes from the following meetings:

July 09, 2024 - Special Town Council Meeting Minutes

CN5 Unified Development Ordinance (UDO) Amendments - July and August 2024 - Statement (REF: OTHER-2024-091)

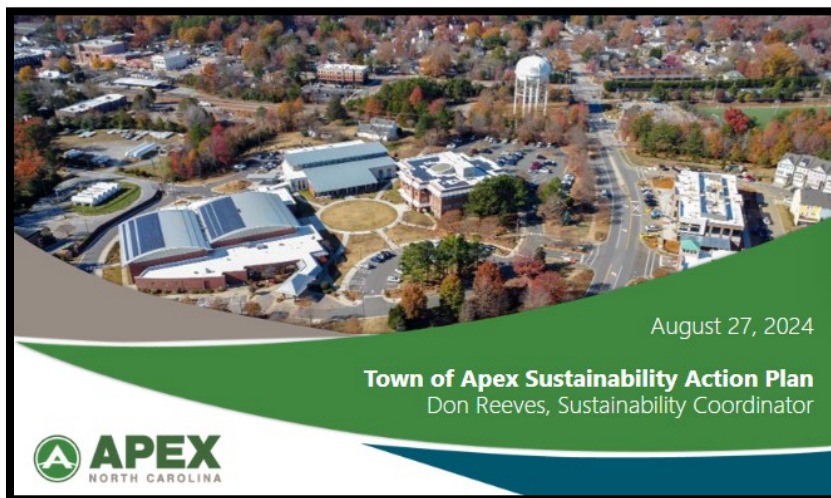
Council voted to approve the Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the Unified Development Ordinance (UDO) Amendments of August 13, 2024.

[PRESENTATIONS]

PR1 Apex Sustainability Action Plan (REF: PLCY-2024-010)

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

[SLIDE 1]



1 [SLIDE 2]

The Apex Sustainability Action Plan outlines a five-year roadmap to transform the Town into a sustainable, resilient community by optimizing resource management, reducing environmental impact, and enhancing public services

To learn more about the Apex Sustainability Action Plan, visit the sustainability website at www.apexnc.org/sustainability

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3 [SLIDE 3]

Timeline of Sustainable Initiatives

- 2019 – Apex Town Council adopted the 100% Clean Energy Resolution
- 2020 – Sustainability Program and Coordinator position created
- 2021 – Restructure of Sustainability Program to focus on Internal Performance Metrics
- 2022 – Further commitments made to Sustainability & Environmental Leadership in Game Plan Apex
- 2024 – Sustainability Action Plan developed and presented to Council

To learn more about the Apex Sustainability Action Plan, visit the sustainability website at www.apexnc.org/sustainability

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5 [SLIDE 4]

Other Notable Actions

Procurement of EVs and other electric equipment	Installation and Expansion of EV Charging Infrastructure	Installation of Solar Photovoltaic (PV) Panels
Initial Energy Efficiency Upgrades	Basic Waste Reduction Audits	Energy and Solar Assessments
Master Plan for Parks, Recreation, Cultural Resources, Greenways, & Open Space	Public Transit Options with GoApex	Jordan Lake Conservation Efforts

To learn more about the Apex Sustainability Action Plan, visit the sustainability website at www.apexnc.org/sustainability

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1 [SLIDE 5]



TOWN OF APEX SUSTAINABILITY ACTION PLAN KEY INITIATIVES

The Town of Apex committed to sustainability and environmental leadership in its FY 2022-2023 Strategic Plan (Game Plan Apex), focusing on reducing greenhouse gas emissions, energy efficiency, renewable energy, and limiting its environmental impact. The Sustainability Action Plan outlines specific actions and strategies for departments to achieve these goals and position the Town as a community leader in sustainability.



ENERGY EFFICIENCY IN FACILITIES

Apex facilities require substantial resources and energy to operate daily and to meet the resident's service expectations.

The Town will:

- Work towards offsetting carbon emissions through the **Facility Solar Initiative and Energy Efficient Inventory Replacement**.
- Energy consumption & efficiency audits to inform a **Strategic Energy Plan**.
- Continued replacement of street and outdoor lighting with **LED Lights**.
- Establishing **Energy Efficient Standards** in new facility design.



CLEAN & SUSTAINABLE MOBILITY TRANSITION

Apex operates a fleet of vehicles and equipment that enable each department to perform their needed job functions effectively.

The Town will:

- Work towards transitioning the fleet to **EVs and Alternative Fuel Vehicles**.
- Provide **Charging Stations** for fleet and public use to promote EV adoption & usage.
- Use **Telematics Fleet Technology** to regulate Fleet Size and identify areas to **Reduce Idling Emissions**.
- Continue to expand **Public Transit Options** through **RAVAPex**.



ENVIRONMENTAL IMPACT & WASTE MANAGEMENT

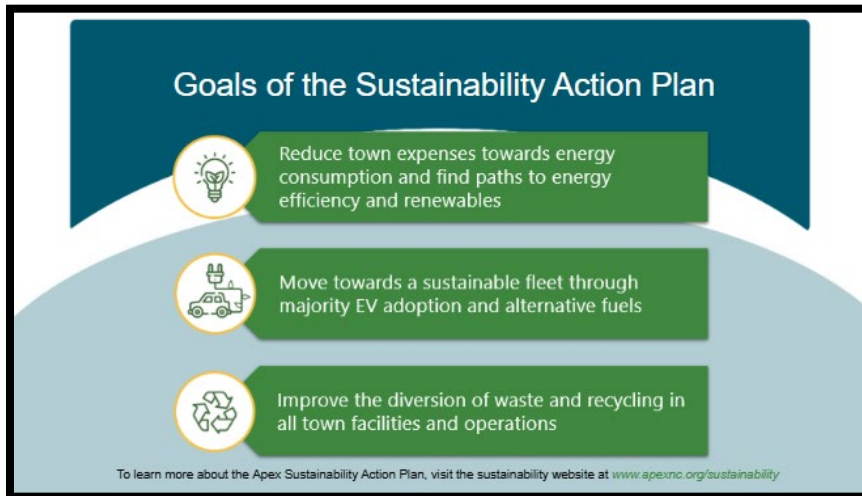
Apex continuously works to decrease its environmental impact through waste diversion and sustainable procurement.

The Town will:


- Work to educate all participants on proper **Recycling Standards & Signage**.
- Track **Waste Diversion** in order to determine opportunities to improve upon it.
- Developing a **Sustainable Procurement Policy** that focuses on purchasing reusable or recyclable materials and supplies.
- Explore **Composting** as an additional waste diversion option.

To learn more about the Apex Sustainability Action Plan, visit the sustainability website at www.apexnc.org/sustainability


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3 [SLIDE 6]




Goals of the Sustainability Action Plan



Reduce town expenses towards energy consumption and find paths to energy efficiency and renewables



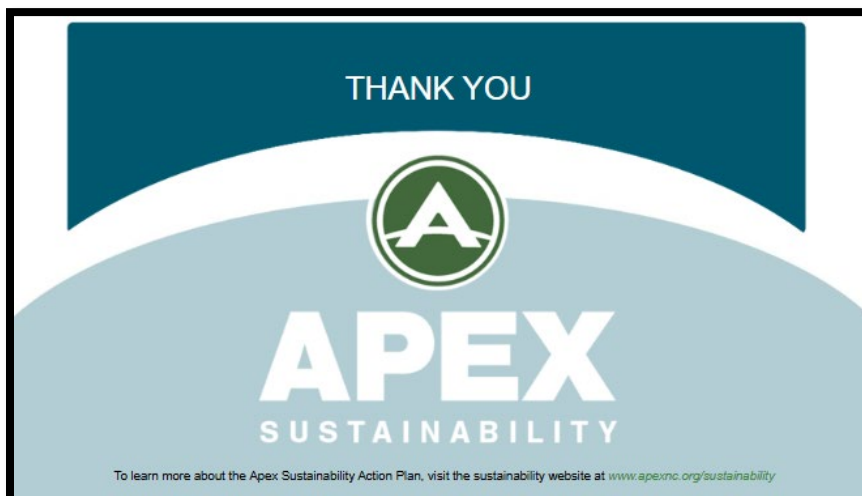
Move towards a sustainable fleet through majority EV adoption and alternative fuels




Improve the diversion of waste and recycling in all town facilities and operations

To learn more about the Apex Sustainability Action Plan, visit the sustainability website at www.apexnc.org/sustainability

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5 [SLIDE 7]



THANK YOU



APEX
SUSTAINABILITY

To learn more about the Apex Sustainability Action Plan, visit the sustainability website at www.apexnc.org/sustainability

1 **Mr. Reeves** thanked the Council.

2 **Mayor Pro Tempore Gray** asked if there were any questions.

3 **Councilmember Killingsworth** said the document was highly detailed, and
4 suggested anyone interested to take a look at it.

5 **Councilmember Mahaffey** what the timeframe for is finding the EV's for other
6 departments and the transition.

7 **Mr. Reeves** said they are doing research to see what vehicles would actually work and
8 identifying the funding. He said it would probably be 8 to 10 years.

9 **Councilmember Zegerman** asked if the greenhouse gas inventory was going to be
10 reported in this fiscal year or if it would be based on calendar year.

11 **Mr. Reeves** said probably for the calendar year but that the timeframe is flexible. He
12 said that they are using Impura, a company that tracks how much energy and water that is
13 being consumed and what the impact of the greenhouse gas emissions.

14 **Councilmember Zegerman** asked what the scope was. He said that assessment will
15 help guide future investments.

16 **Mr. Reeves** said he could get that information.

17 **Councilmember Mahaffey** asked what would be used to promote sustainable
18 practices into the community. He asked about contracting companies with more sustainable
19 practices.

20 **Mr. Reeves** said that they wanted to be as internally focused as possible because they
21 wanted to lead by example. He said that it was planned that in two to three years there would
22 be a robust community facing plan.

23 **Mayor Pro Tempore Gray** asked if there were any other questions and thanked Mr.
24 Reeves and staff for all of the work that they had put into this project.

25
26 A **motion** was made by **Councilmember Mahaffey** and seconded by
27 **Councilmember Gantt**, to adopt the Apex Sustainability Action Plan.

28
29 **VOTE: UNANIMOUS (5-0), with Mayor Gilbert absent**
30

31
32 **[REGULAR MEETING AGENDA]**

33
34 **Mayor Pro Tempore Gray** set the Regular Agenda and asked if there were any
35 recommendation meeting changes at this time.

36
37 A **motion** was made by **Councilmember Mahaffey**, seconded by Mayor Pro
38 **Councilmember Zegerman** to approve the Regular Meeting Agenda.

39
40 **VOTE: UNANIMOUS (5-0)**
41

1 **[PUBLIC FORUM] (NOTE: To view Public Forum and Public Hearing Sign In Sheets, see**
2 **OTHER-2024-092)**

3 **Mayor Pro Tempore Gray** opened up the Public Forum and invited the first speaker
4 up.

5 First to speak was **Reverend Mike Merker** of 1201 Chapel Ridge Road:

6 "Esteemed Council members, I come to you this evening from Jordan Lutheran
7 Church, we are at 1201 Chapel Ridge Road. The property that we have, we are continuing our
8 development journey but we're here just to thank you. We're here to say thank you to your
9 Planning Department for just guiding us, teaching us, helping us to know what's going on and
10 sometimes, along the way, you learned things. So, one of the things that we discovered as
11 you were looking to annexation to some adjoining properties, we said what else could we do,
12 what could we do with our property. So, we offered that property up to five different States
13 came in to do a disaster response training event earlier this year, so they came in to take
14 down trees to learn to train, we ran it through the town and got approval for those and then
15 we said, well, we still have the property, what else could we do. So, we said we'll go to the fire
16 department and say would you guys like to just have access to this building and they said yes
17 and immediately said we think over 100 hours of training could take place here, so I just want
18 to give a special thanks to Lee Spencer, Jeff Womack, Training Coordinators with the
19 department, Chief Tim Herman and countless others who made that possible. It was just
20 wonderful to work with the Town and realize sometimes when plans change, better things
21 happen. If the Mayor was here, I'd thank him, so I'm thanking him in abstention, he's always
22 told me he said if we can get nonprofits and businesses and citizens to work together, great
23 things happen. You guys are a part of that, so I just wanted to share that good story. I spoke to
24 some of the fire department staff as they were there, they were so happy, you have a humble
25 staff, you have a great staff, they were out there on site and also just it's different to do
26 something 40 feet in the air on a ladder than it is on the ground, where we train, so thank you
27 for letting us put holes in your building, we were glad to do so, so it was a whole lot of fun to
28 do that. So right now, as the congregation's looking forward, we've got some zoning things
29 that we look forward to just continuing that cooperative spirit with all of you on the Council,
30 so I just wanted to say thank you, to you and letting us be a part of what it is to be here in
31 Apex. So have a wonderful evening."

32 **Mayor Pro Tempore Gray** thanked Mr. Merker and invited the next speaker.

33 The next speaker was **Elizabeth Stitt** of 3113 Friendship Road:

34 "Good evening. I'm going to do something unusual. I've been asked by numerous people to
35 please repeat my phone number. I've had numerous people try to get a hold of me from
36 watching the YouTube videos, and I'm very happy that we have an audience. For those folks
37 that want to text me or call or phone, however you want to do it, my phone number is 919-
38 649-3768. As you know, my neighbors and I have been coming a while. I figured out two

1 years and three months at this point. If you had asked me in the beginning of this journey if I
2 was going to be here this many meetings, I would have told you that you are crazy. I'm not a
3 public speaker. I don't like to come to meetings, and I don't do anything on camera. You can
4 go see all my social media, and there's no videos. Only thing that exists of me is that, and I
5 don't like that. So, it's been a long journey, and when we first started, I was just really confused
6 how the town operated. Then I thought, okay, now I'm starting to understand we have huge
7 disconnects. I still think we have some major disconnects, especially around the force main.
8 We would love to have the opportunity to talk with you, we offered that up many times, and
9 it's really puzzling when I share with people the story of the journey, and they're like, well, how
10 many times do they meet with you and I'm like, well, you know, there are some people who've
11 not met with us at all, and that's really hard to get your head wrapped around but that is the
12 reality is just some people just don't want to have the discussion with us, very important
13 project, very large dollar project for the town, and we have our own consultants, we have our
14 own attorneys, we have a different point of view, you may not agree with it, but we don't get
15 the time to actually share it with you. You get little three-minute monologues, which, you
16 know, I have yet to figure out how to perfect something in three minutes. So, we'd love to still
17 have the conversation with you. So, the offer is put out there once again. We have been able
18 to build some bridges. Obviously, we're working with the Planning Department around
19 zoning in our particular area, and we greatly appreciate that opportunity in the meetings. I
20 know on your September 17th Work Session, the zoning out in our area is going to be
21 discussed. It is still very early from my perspective. We just got an email today asking us for
22 input, haven't had a chance to review it, and it's going to be really tough, partly because with
23 the force main, the town is going to be having a public hearing in front of the Ag board.
24 Some of our properties are part of the voluntary Ag district program, my property, the Stone
25 property, the Hastings property and the town's going to go in front of the Ag board to do a
26 public hearing to talk about the force main. This will be the first time that there will be a public
27 meeting about the force main where we property owners get more than three minutes, we
28 actually get to have a part in that conversation. When you originally had this presented to you
29 from Town staff back in July of 2022, it was in a Work Session, we weren't allowed to
30 participate, our views were not heard. So very much looking forward to that on September
31 10th, and then of course we'll be back in front of you guys, not participating but watching and
32 listening at the Work Session, because again, the Work Session does not allow the public to
33 participate. So, I put this out there to you that we come to you over and over and over, we
34 have concerns, we want to be heard, we want to be a part of this community, but this
35 distance, this lack of communication, makes us feel like we're not a part of the community and
36 I realize culturally the Friendship area, we act a little differently, hey, that's okay, but make
37 room for us. It is almost as if all of these new people moved into town and what used to be
38 something we could count on, getting to the stop sign without having a 20-minute wait or
39 getting to the grocery store, just no longer exists. So, we want to get ahead of some of those
40 things in our area, our area doesn't have to become like the rest of Apex. We should be
41 allowed to be Friendship. We should be allowed to be a community. You recognize all the
42 other communities that make up the diversity and all the vibrancy of Apex, but somehow,

1 we're just continually squashed because the constant message is, "We want your land, we
2 want your land, we want your land. We want you to move, and if you don't move, please die
3 so that your children can sell your property." I've literally had people say that to me. So, you
4 know, we aren't anti-development. I've had numerous conversations with developers. We're
5 just looking for a way to make it a better outcome. When we look at development in this
6 town, obviously there are things to be learned. We want to take those learnings and have a
7 better outcome. So, I hope that you use my phone number. Obviously, the town has my email
8 address, and yes, the rest of the community is welcome to call me because we are organizing
9 further and greater outside of our area as more people have heard the battle that we're
10 fighting, they want to help. They don't like their tax dollars being weaponized to take my
11 property, but that's what's happening. The developers don't like to be on the hook for
12 reimbursing the Town for projects that maybe could be less expensive if approached
13 differently, but we have yet to have that opportunity in front of you guys. So, thank you for
14 listening to me. I hope that you give me a call, and I hope you have a great evening. Thanks."

15 **Mayor Pro Tempore Gray** thanked Ms. Stitt and called the next speaker.

16 Next to speak was **Dawn Cozzolino** at 3632 Bosco Road:

17 "Good evening, Town Council. I sent you a report today, I just got it, actually, in the
18 traffic study for our area, which is pretty interesting. I'll get to that in a moment, but I just
19 wanted to say something that safety is a big concern. These are about wrecks and crashes
20 and accidents and people getting hurt and lifelong injuries and things like that and cost to
21 people and I think we owe it to the safety of our citizens of North Carolina, not just our
22 community but people that pass through our community, all the folks, to look at this issue and
23 this issue is about vehicle crashes on secondary roads. Now, why do I say secondary roads?
24 They're called SR. Why does that matter? Well, it's so important because the zoning is based
25 on Apex's data. Apex doesn't have jurisdiction over these secondary roads. Very, very
26 important. That's NCDOT, the Department of Transportation's responsibility. But if you go
27 back to even, I'll just drop back to the storm, we had that tropical storm Debbie, and people
28 were like, oh my, you know, traffic lights out here, whatever. Well, they didn't know what to do,
29 right, because they don't know that nobody is managing that road. So, okay, the accident
30 data I sent you, frankly, it scares me a lot. I know that not including the information in big
31 decisions like zoning it's really a problem because you're ignoring a lot of the data points. So
32 in the six and a half years of data, there were 79 accidents. There were, in total property
33 damage, \$773,920.00, and we're not even talking about the lifelong injuries people get,
34 neck, back, broken parts all of that. That's a lot of money. And we're already at about 48,000
35 halfway through the year, it's about 100,000 a year. And a lot of developments that are in this
36 corridor are yet to be fully in function. The other thing is that the conditions were daytime
37 during the week, so we're talking about commuting folks, right, trying to get to their job, just
38 doing their thing, and it was on dry roads. So, no snow, no ice, no rain. So that's a
39 preponderance of the data that is showing that, and then 60%, the majority, are your right
40 turns, your left turns, and your rear-end and your angle accidents. So, what does that mean?

Because the speed is 55 on Old US 1. Thank you very much. I hope you read the study. Thank you.

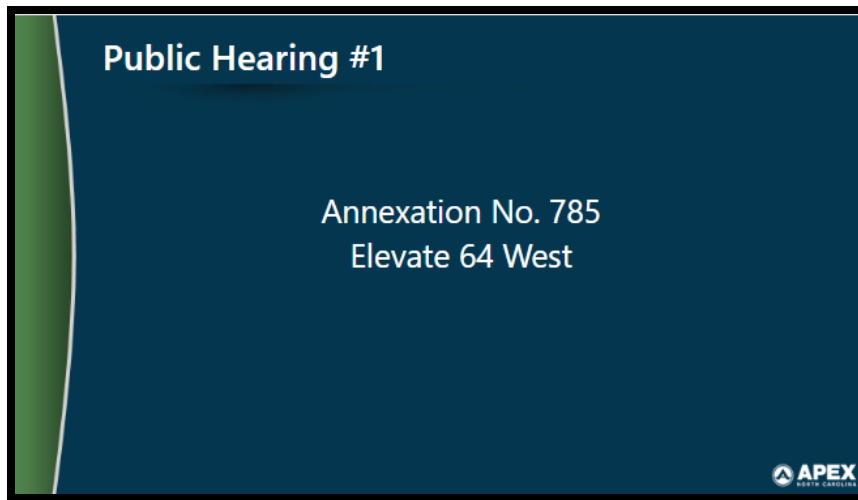
Mayor Pro Tempore Gray thanked everyone that came out to speak. He closed the Public Forum and moved to Public Hearings.

[PUBLIC HEARINGS]

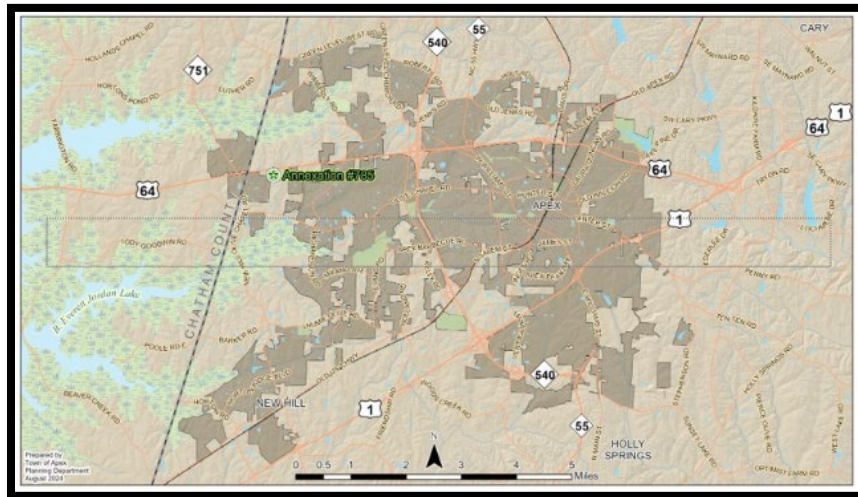
PH1 Annexation No. 785 - Elevate 64 West - 35.15 acres (REF: ORD-2024-069)

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

[SLIDE 1]



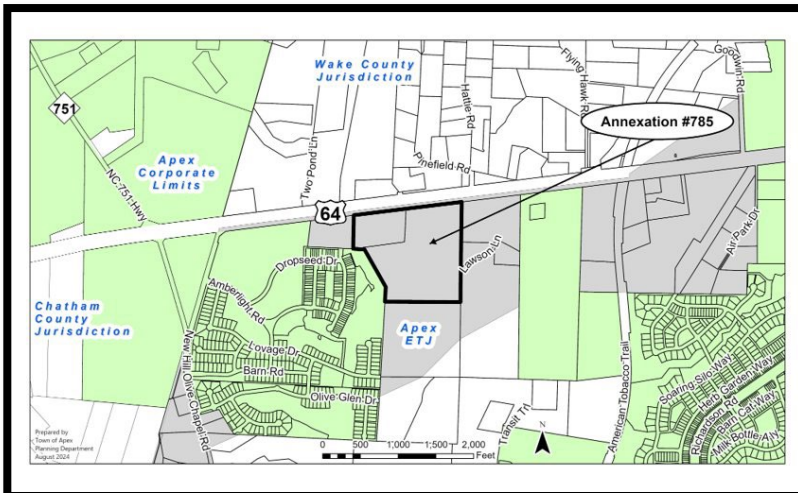
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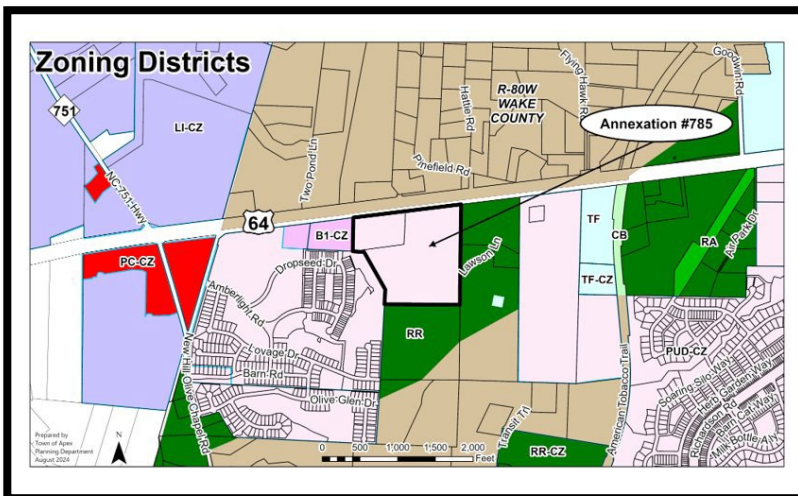
1 [SLIDE 3]



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3 [SLIDE 4]



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5 [SLIDE 5]



6

Mayor Pro Tempore Gray asked if there were any questions. He opened it up for Public Hearing and closed it.

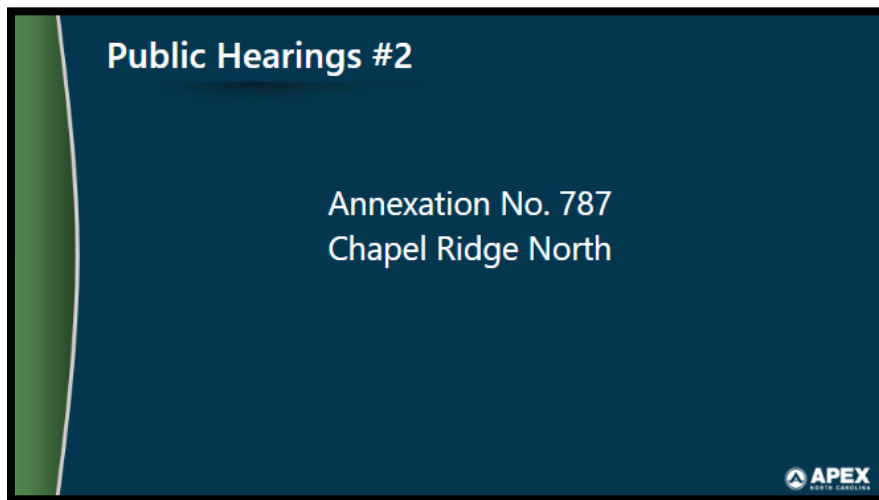
A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember Gantt**, to adopt an Ordinance on the Question of Annexation – Apex Town Council’s intent to annex 35.15 acres, known as Elevate 64 West, Annexation No. 785 into the Town Corporate Limits.

VOTE: UNANIMOUS (5-0)

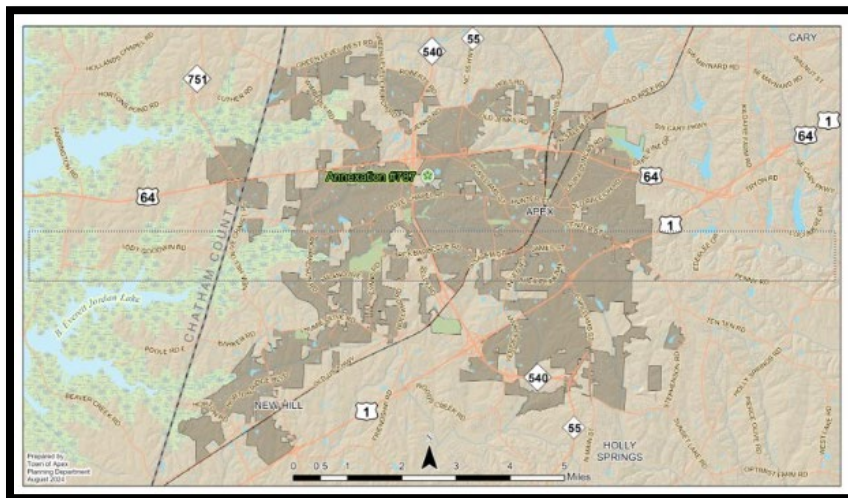
PH2 Annexation No. 787 - Chapel Ridge North - 21.56 acres (REF: ORD-2024-070)

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

[SLIDE 1]



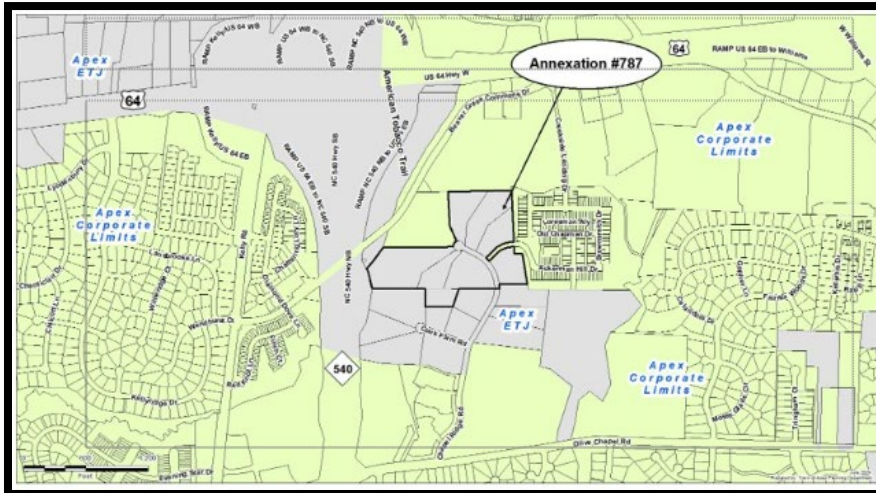
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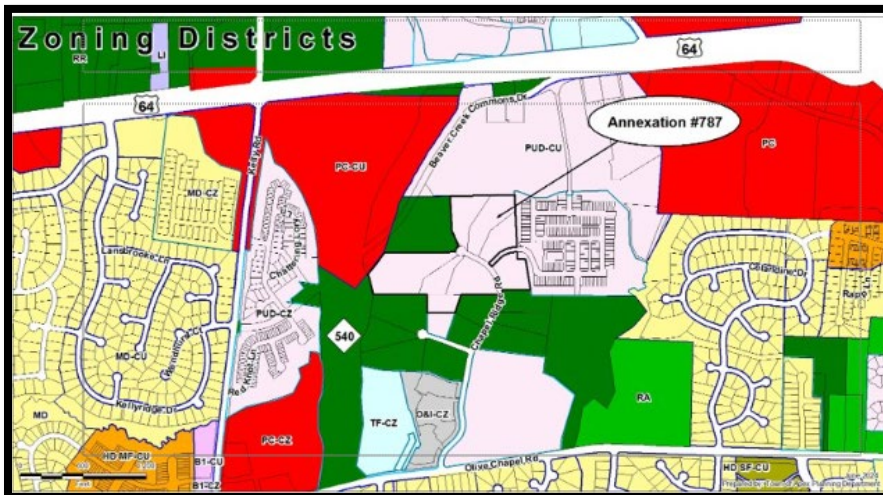
1 [SLIDE 3]



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3 [SLIDE 4]



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5 [SLIDE 5]



6

Mayor Pro Tempore Gray asked if there were any questions. He opened it up for Public Hearing and closed it with nobody signed up.

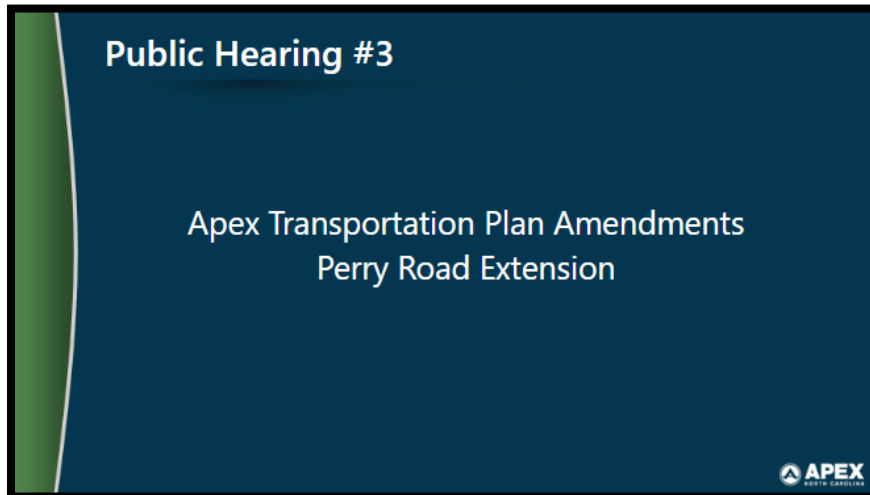
A **motion** was made by **Councilmember Killingsworth**, seconded by **Councilmember Zegerman** to adopt an Ordinance on the Question of Annexation – Apex Town Council’s intent to annex 21.56 acres, known as Chapel Ridge North, Annexation No. 787 into the Town Corporate Limits.

VOTE: UNANIMOUS (5-0)

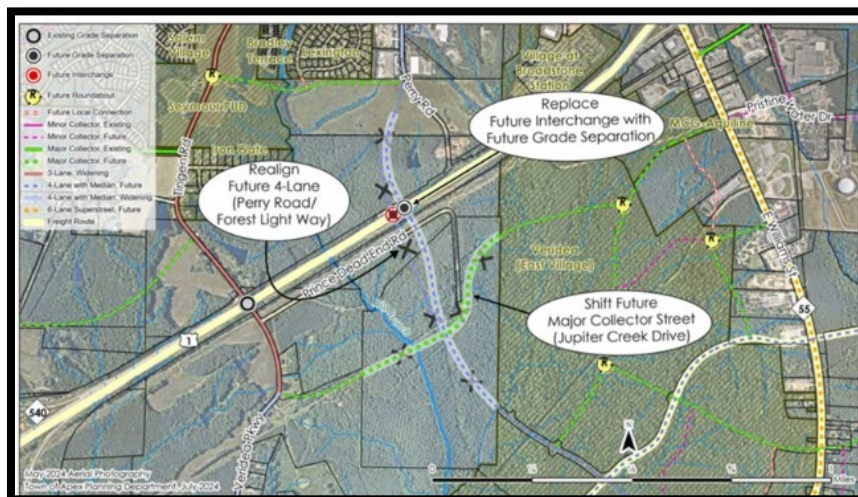
PH3 Apex Transportation Plan Amendments - Perry Road Extension

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

[SLIDE 1]



[SLIDE 2]



[SLIDE 3]

Perry Rd/US 1 - Interchange vs. Grade Separation			
Traffic Volumes & Capacity – 2050 Projections			
Roadway	Measurement	Interchange	Grade Separation (Bridge)
Tingen Road south of Apex Peakway	Vehicles per day	14,980	14,630
	Volume/Capacity	< 1	< 1
NC 55 south of US 1	Vehicles per day	70,640	76,320
	Volume/Capacity	> 1	> 1

Councilmember Gantt asked why with the grade separation at Perry Road that along Tingen Road there would be fewer vehicles.

Ms. Cox said that she expected that some cars would want to avoid the congestion, but she was not definitely sure.

Councilmember Gantt asked if this would be at the intersection of the Peakway.

Ms. Cox said it would be the segment south of the Peakway and north of US 1.

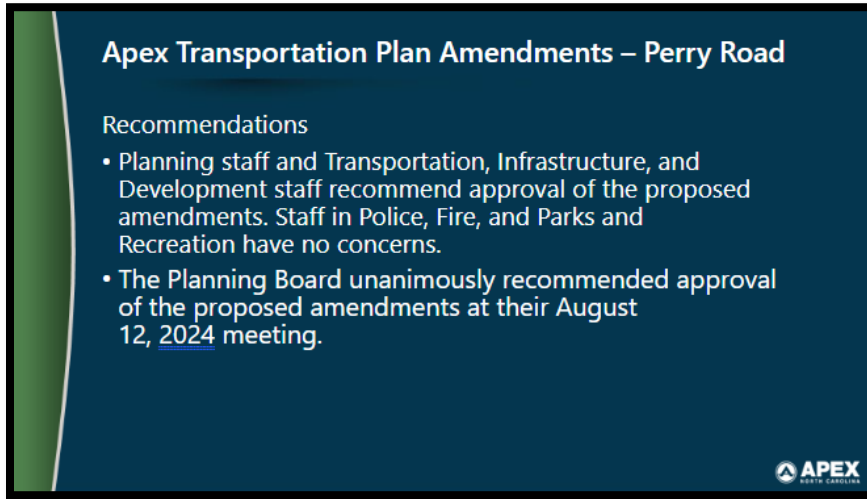
Councilmember Gantt had some concerns about Perry with no intersection.

Ms. Cox said this was compared with the interchange at Perry Road and then no connection at Perry Road.

[SLIDE 4]

Perry Rd/US 1 - Interchange vs. Grade Separation	
Additional Considerations	
• Expensive interchange (\$50M-\$70M) due to proximity to NC 55/US 1 interchange.	
• Interchange is too large for private development.	
• Ineligible for largest "bucket" of funding through NCDOT's process of SPOT projects.	
• Interchange is unlikely to be funded. Grade separation is more likely to be funded.	
• Planning for an interchange at Perry Rd/US 1 constrains design options for a new interchange at NC 55/US 1.	

1 **[SLIDE 5]**



2

3 **Councilmember Killingsworth** asked if this would use division funding.

4 **Ms. Cox** said there was no division funding at this time but will submit it again to
5 Campo division.

6 **Councilmember Mahaffey** asked if there were other ways to get it built other than
7 the Campo division.

8 **Ms. Cox** said that they could pursue LAPP funding, Town funding or other sources to
9 contribute.

10 **Councilmember Killingsworth** asked what the requirement for this was to be a
11 NCDOT funded crossing.

12 **Ms. Cox** said there were 3 levels of funding when it comes to the State Transportation
13 Improvement program and this project does not qualify. She said that so far it has been
14 treated as a division needs project and the funding bucket is not big enough.

15 **Councilmember Mahaffey** asked where staff prioritizes the Perry Road Bridge
16 project. He asked if there was vision of what should be done to cross US 1 and what order
17 they may be done in.

18 **Ms. Cox** said there is a project prioritization in the document. She said that there is a
19 near, mid-term and long-term recommendation for the projects.

20 **Councilmember Mahaffey** asked how this project was prioritized compared to the
21 New Hill Holleman Road widening project.

22 **Ms. Cox** said that Perry Road would be a long-term project. She said staff has been
23 looking at the best options for each location.

24 **Councilmember Zegerman** asked why this would be done now.

25 **Ms. Cox** said there are three reasons to consider doing it now. She said the first
26 reason is to try to keep the map transparent and updated. She said the 2nd reason would try to
27 continue to have it prioritized for the funding that is available. She said the last reason is
28 because NCDOT is working on the express designs for the US 1-55 interchange and Perry
29 Road does impact the express designs for the US 1-55 location.

1 **Councilmember Zegerman** asked if there was a design that included pedestrian and
2 bicycle facilities.

3 **Ms. Cox** said that what was on the plan now was sidewalks on both sides of the Perry
4 Road extension, it is a four-lane thoroughfare, and there is a greenway on the plan that would
5 cross US 1 and extend into Veridea and provide that bicycle pedestrian connection parallel.

6 **Councilmember Zegerman** asked if there were anticipated traffic volumes on the
7 Perry Road connection. He said that would extend the longevity of the Tingen Road Bridge.

8 **Ms. Cox** said she did not have it in the staff report with her, but there was model data
9 for Perry Road. She said that the higher the cost of the project, the harder they are to get
10 programmed.

11 **Councilmember Zegerman** said he appreciated the clarification and information.

12 **Mayor Pro Tempore Gray** said that the cost will go up over time, so if funding
13 becomes available, would the town be ready to move forward would this provide the option
14 to move forward.

15 **Ms. Cox** said it would help to move it forward through prioritization.

16 **Councilmember Mahaffey** said that there would need to be more connection given
17 the future growth. He said that this does make sense to do, and he said a future Council
18 would likely have to build this anyway given the transit options currently.

19
20 **Mayor Pro Tempore Gray** asked if there were any questions. He opened it up for
21 Public Hearing and closed it with no signups.

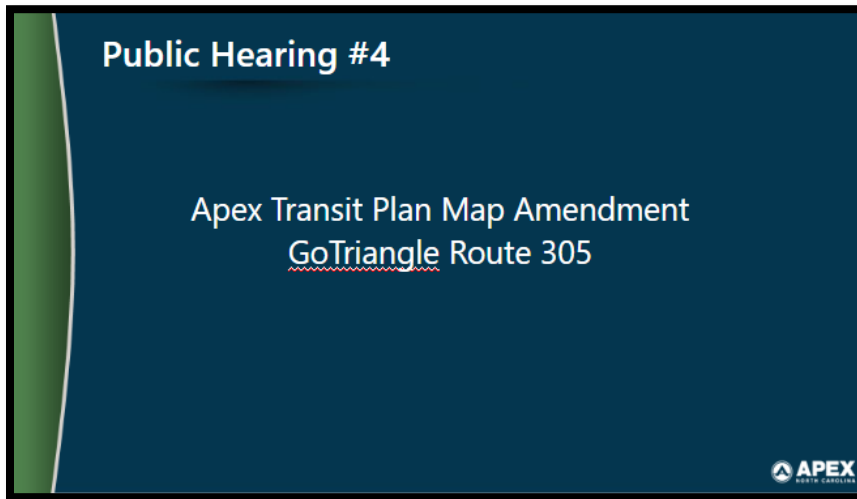
22
23 A **motion** was made by **Councilmember Killingsworth**, seconded by
24 **Councilmember Mahaffey**, to amend the Thoroughfare and Collector Street Plan map in the
25 vicinity of future Perry Road extension and US 1 Highway.

26
27 **VOTE: UNANIMOUS (5-0)**
28

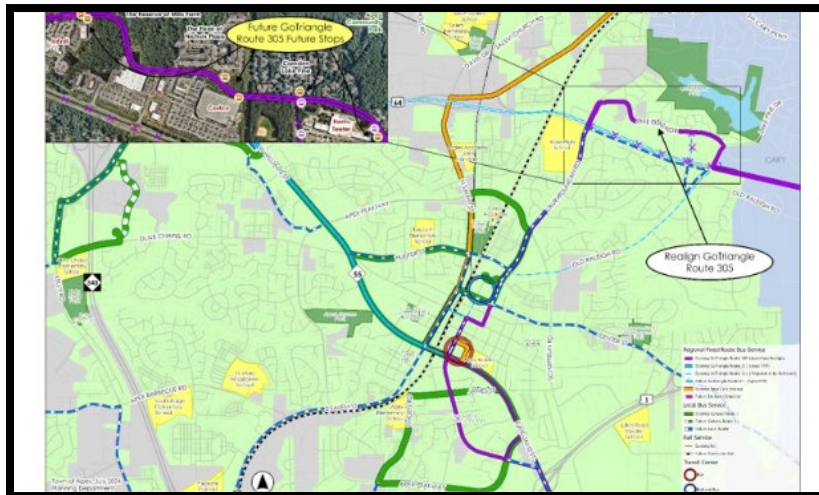
29 **PH4 Apex Transit Plan Map Amendment - GoTriangle Route 305**

30 **Katie Schwing**, Senior Planner - Long Range Transit, Planning Department gave the
31 following presentation.

1 [SLIDE 1]



2
3 [SLIDE 2]



4
5 [SLIDE 3]



6

Councilmember Gantt asked could the roundabout at Laura Duncan in Pine Plaza could be separated from the 64 overpass and talked about in the CIP in the future. He said if it could be separated the possibility of doing it sooner.

Councilmember Killingsworth agreed.

Councilmember Mahaffey said he liked that idea as well.

Mayor Pro Tempore Ed Gray asked if there were any questions. He opened it up for Public Hearing and closed it.

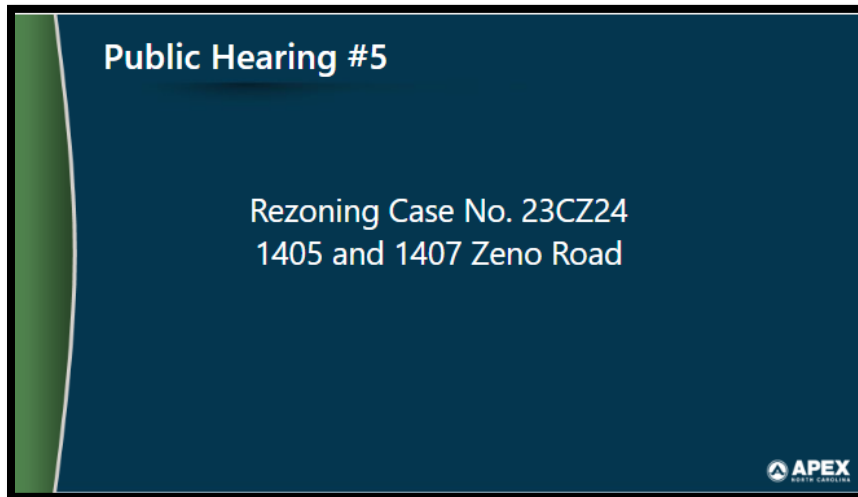
A **motion** was made by **Councilmember Gantt**, seconded by **Councilmember Mahaffey** to amend the Transit Plan Map of the Town's Transportation Plan to update GoTriangle Route 305 routing to travel from Laura Duncan Rd, to Pine Plaza Drive, to Lake Pine Drive, northbound, and Lake Pine Drive, to Pine Plaza Drive, to Laura Duncan Rd southbound.

VOTE: UNANIMOUS (5-0)

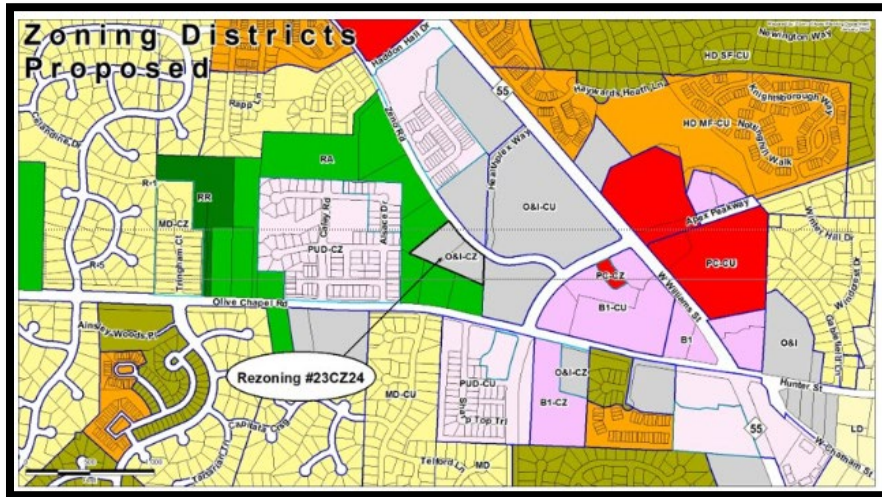
PH5 Rezoning Case No. 23CZ24 - 1405 and 1407 Zeno Rd

Joshua Killian, Planner I, Planning Department gave the following presentation.

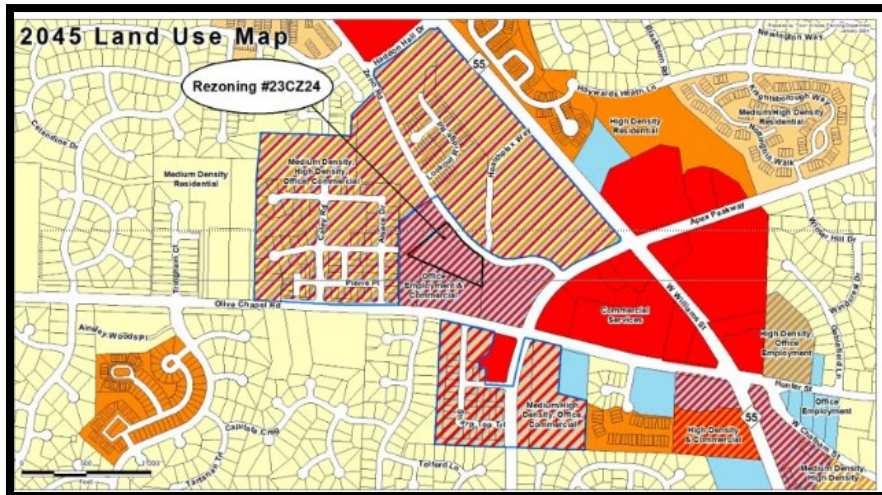
[SLIDE 1]



1 [SLIDE 5]



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3 [SLIDE 6]



4
5 [SLIDE 7]



6

1 **[SLIDE 8]**



2

3 **Councilmember Gantt** asked about the future road not being aligned at the Health
4 Center and the Health Plex Way.

5 **Mr. Killian** said he would like Russell with Transportation to answer this question. He
6 said this was a conditional use rezoning that had been done years prior.

7 **Councilmember Gantt** asked where the entrance to the project would be.

8 **Mr. Killian** showed on the map where the right in and right out would be.

9 **Mr. Dalton** addressed Councilmember Gantt's question about alignment. He said that
10 with the development of Life Point it was recommended that there be access between
11 halfway Health Plex Way and the other access to the hospital. He said that they did not want it
12 to be lined up with the driveway to the hospital because of the four-leg intersection being
13 close to the Peakway. He said that they have recommended the three-lane road section with
14 the center turn lane and provided ample offset between the driveways so there wouldn't be
15 any left turn conflict and have tried to make the best of the situation.

16 **Mayor Pro Tempore Gray** asked if the 3-lane road had 2 lanes and a turning lane.

17 **Mr. Dalton** said yes. He said they are spaced out as far as reasonably possible to keep
18 it farther away from Health Plex Way. He said he would expect that development of the
19 property to the west would provide more access, but it can be hard to get commercial
20 properties to work together on a shared access.

21 **Councilmember Gantt** asked if the plan was to align the roundabout at the northeast
22 corner of the neighborhood.

23 **Mr. Dalton** said that hopefully the two properties would come together to provide
24 one shared access.

25 **Councilmember Zegerman** asked if the driveway would hug the border of the
26 property.

27 **Mr. Dalton** said there is a 20-foot buffer, but they could offer a stub to that property or
28 a cross-access easement that would provide the ability for them to connect in the future. He

said it was not part of the condition right now. He said there would be an offset buffer from the adjacent property.

Mayor Pro Tempore Gray said there were required buffers so there would not be a road.

Jennifer Ashton with Longleaf Law Partners spoke on behalf of the applicant. She gave the following presentation on 1405 and 1407 Zeno Road.

[SLIDE 1]

1405 and 1407 Zeno Road

Town Council
August 27, 2024
(Rezoning #23CZ24)

[SLIDE 2]

Overview

- Property is 3.08 acres
- Current Uses: Single Family Residential
- Frontage along Zeno Road
- Current Zoning: RA – Residential Agricultural
- Future Land Use: Office Employment & Commercial Services
- Proposed Zoning: O&I-CZ – Office and Institutional with Conditions

1 [SLIDE 3]

Overview

- Proposed Uses:
 - Medical or Dental Office or Clinic
 - Medical or Dental Laboratory
 - Office, Business or Professional
 - Pharmacy
 - Personal service
 - Real estate sales
 - Health/fitness center or spa
 - Barber and beauty shop
 - Tailor shop
 - Restaurant, general

2
3 [SLIDE 4]

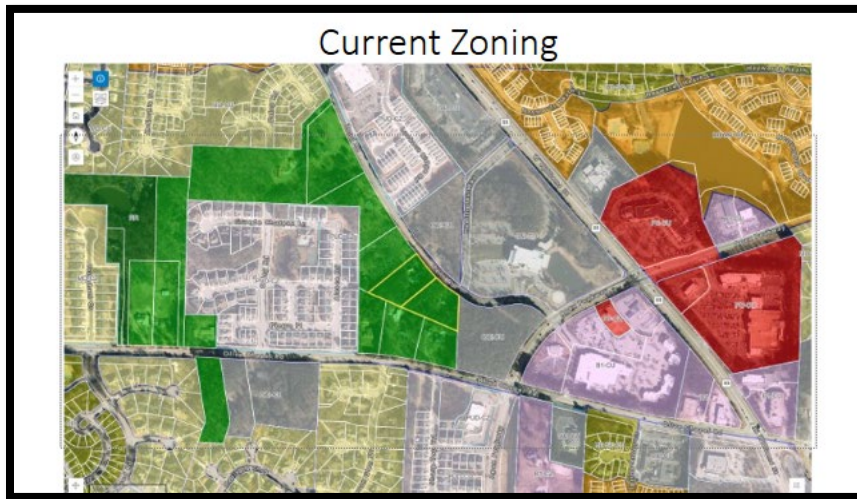


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5 [SLIDE 5]

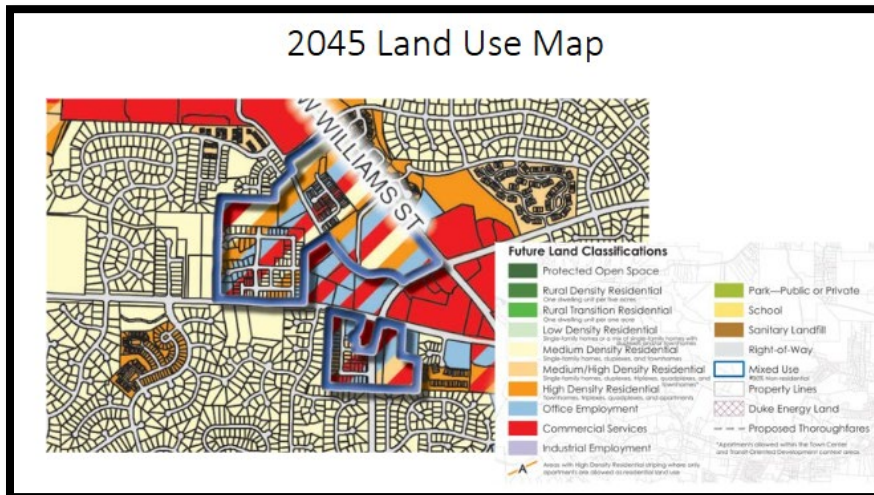


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1 [SLIDE 6]



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3 [SLIDE 7]



4
5 [SLIDE 8]



APEX
THE 2045 PLAN

FUTURE LAND USE

Office Employment

- Office Employment is intended to provide land that allows for a wide range of businesses that provide professional, managerial, or administrative services in the study area.
- Depending on the location in question and the mixture of uses, the character and intensity of Office Employment varies from neighborhood business services to large-scale regional employment centers.

Commercial Services

- Commercial Services is intended to delineate land where commercial uses are appropriate to serve the residents of Apex and the greater region.

6

1 **[SLIDE 9]**

Proposed Zoning Conditions

ARCHITECTURAL

- The project shall comply with the following architectural conditions:
 - a. The predominant exterior building materials shall be high quality materials, including:
 - i. Brick masonry;
 - ii. Decorative concrete block (either integrally colored or textured);
 - iii. Stone accents;
 - iv. Aluminum storefronts with anodized or pre-finished colors;
 - v. EIFS cornices, and parapet trim; and/or
 - vi. Precast concrete
 - b. EIFS or synthetic stucco shall not be used in the first forty (40) inches above grade.
 - c. The building exterior shall have more than one material color.
 - d. The building shall have more than one parapet height.
 - e. The main entrance to the building shall be emphasized.
 - f. Only full cut-off lighting fixtures and fixtures with external house-side shields shall be allowed where non-residential properties are adjacent to residential properties.

2
3 **[SLIDE 10]**

Proposed Zoning Conditions

STORMWATER AND WATER CONSERVATION – WATER QUALITY

- Post development peak runoff shall not exceed pre-development peak runoff for the 24-hour, 1-year, 10-year, and 25-year storm events in accordance with the Unified Development Ordinance.
- The project shall install a minimum of 1 Low Impact Development Techniques as defined and approved by the NC Department of Environmental Quality. The specific type of LID technique shall be reviewed and approved by the Water Resources Department at site or subdivision plan review.

CLEAN ENERGY

- The project shall provide no less than 2 electric vehicle charging stations.
- Each building constructed with heated floor area shall be pre-configured with conduit for solar PV systems.

4
5 **[SLIDE 11]**

Proposed Zoning Conditions

PLANTING AND LANDSCAPING

- The project shall increase biodiversity within perimeter buffers, common owned open space, and other landscape areas by providing a variety of native and adaptive species for the canopy, understory and shrub levels. A minimum of 50% of the species selected shall be native or a native of North Carolina.
- No invasive species shall be permitted. No single species of tree or shrub shall constitute more than 20% of the plant material of its type within a single development site.
- To reduce irrigation requirements, the project shall select and plant only warm season grasses.
- The project shall install signage adjacent to wooded or natural condition Resource Conservation Area. The signage shall indicate that the area is RCA and is to be preserved in perpetuity and not disturbed.

6

1 **[SLIDE 12]**

Proposed Zoning Conditions

LIGHTING EFFICIENCY

- The exterior lighting for all commercial buildings and parking lots will consist entirely of LED fixtures.
- On the lighting plan, the average footcandle measurement for parking, building lighting and driveways shall be at least 0.5 footcandles lower than the UDO requires.

CROSS-ACCESS AND RIGHT-OF-WAY IMPROVEMENTS

- The project shall provide for a vehicular access easement to the south for future access to Olive Chapel Road, subject to Apex engineering staff review and approval at the time of site plan submittal.
- Site development of the rezoned land shall construct frontage widening along Zeno Road based on a 3-lane 41' back-to-back curb and gutter roadway with shared access to Zeno Road located approximately 350 feet west of Healthplex Way and stub to the western property boundary aligned with a future extension of Grande Maison Drive, subject to Apex engineering staff review and approval at the time of site plan submittal.

2
3 **[SLIDE 13]**

QUESTIONS?

- Planning Staff recommends approval of the rezoning with the conditions offered by the applicant.
- The Planning Board gave a unanimous recommendation of approval at their meeting on August 12, 2024.

4
5 **Councilmember Zegerman** asked if the discussion regarding the owner of the
6 neighboring property who had asked for a privacy fence during the Planning Board had been
7 settled.

8 **Ms. Ashton** said that a fence had not been offered before this current meeting. She
9 explained that staff had proposed that the road could be spaced out enough so that there
10 would be room for a fence and not interfere with the right of way. She said that if Council
11 wanted to take the proposal from staff and to provide a fence for the neighbor that would do
12 that. She said that it would be a private drive, because of the reduction of the road width. She
13 said when 1409 Zeno Road was developed in the future, the plan would be for that fence to
14 go away.

15 **Mr. Dalton** said that it would be a private drive but there would be a public access
16 easement, which is typical on commercial sites.

1 **Councilmember Gantt** said that the issue with a driveway is that the property owner
2 has to do maintenance. He said that the Town should be able to get emergency vehicles in
3 and so the Town has to do the maintenance anyway.

4 **Mr. Dalton** said that is not typical with commercial sites. He said Apex has other public
5 access or it may be private driveways that provide connectivity that people use for public
6 access. He said that the concern is when it's a residential type of development like
7 townhomes. He said this would be a smaller section, around a 20 foot driveway, and much
8 easier to maintain.

9 **Councilmember Gantt** asked if there were multiple businesses, would it create
10 problems who actually takes responsibility for the maintenance.

11 **Mr. Dalton** said that they would stub a short gap to the west to this private driveway.
12 He said that he could see why there would be concern about the long-term maintenance, but
13 having this is typical of commercial developments.

14 **Councilmember Zegerman** asked if it impacted future development with the
15 extension to Grand Maison Drive to provide the proper connection.

16 **Mr. Dalton** said the road would be to the minimum fire code standards, and he was
17 not overly concerned about this situation in this development, as it was typical. He said this is
18 what has been done in the past for commercial development to provide that type of cross
19 access.

20 **Councilmember Mahaffey** said that he would like this to be public road given that it
21 is going to a hospital and would be an alternative route if there were an accident at Olive
22 Chapel and Apex Peakway.

23 **Mr. Killian** said that a hospital use would not be allowed on this property, and
24 emergency vehicles would be able to access the roads that led to the hospital across Zeno
25 Road.

26 **Mr. Dalton** said that if the concern is the standard of the road, then the applicant
27 could offer to build it to the residential street. He said it would be privately maintained on a
28 public access easement. He said the Town would have full control over the long-term
29 maintenance and it would have to be a dedicated public right of way.

30 **Councilmember Zegerman** said that to clarify, in the design it will be a 27-foot public
31 road on the property, and if the change is made it would be a 20-foot private driveway.

32 **Ms. Ashton** said the change would allow for the fence to be installed, and it would not
33 be a major road width change. She said for maintenance purposes this property would not
34 have been lot of small businesses, she said this is intended to be a single owner or a condo
35 building in the future, so there wouldn't be a lot of different owners having to work together.

36 **Councilmember Gantt** said that based on the zoning it could be several small
37 businesses.

38 **Ms. Ashton** said that the property was likely too small for there to be lots of small
39 buildings.

40 **Bob Zumwalt** with BGE said that the property was small, and they did not have any
41 issue maintaining the 27-foot back-to-back street section. He said they could keep the street
42 section the same. He said keeping the street private with a public access easement would

1 give them the ability to do things like doing a sidewalk on one side instead of both sides, and
2 have more room for planting. He said that they would maintain it.

3
4 **Mayor Pro Tempore Gray** asked if there were any questions. He then opened it up for
5 Public Hearing and called the first speaker.

6
7 First speaker was **Russell Miles** of 1409 Zeno Road:

8
9 "I live at 1409 Zeno Road adjacent to the proposed project, lived here for 38 years. I
10 would like a natural buffer left in place between me and the project. The present plan is to put
11 the road into the project with no buffer, the road would be right next to my property line.
12 They say it will make easier access to connect to Grande Maison, the road that dead ends
13 behind my property. They still have to make a sharp turn to connect to the center line of
14 Grande Maison is approximately 60 ft from the project's property line. No straight connection
15 is possible. Moving the road over to allow for a natural buffer to be left in place not only gives
16 me some privacy but also adds beauty to the landscape. On the other side of this project, the
17 hospital left a buffer zone in place, I would like the same consideration. Also concerned with
18 the rain runoff. Thank you very much for your time.

19
20 **Mayor Pro Tempore Gray** thanked Mr. Miles and closed Public Hearing for comments.
21 He turned the discussion back to Council.

22
23 **Councilmember Zegerman** asked for clarification about the buffer.

24 Mr. Killian said yes. He said with the current zoning condition as written, there would
25 not be space to properly put the required buffer on the property line from this project to
26 1409 Zeno Road. He said that with the discussion that we've just had about shifting the
27 access by 20 ft, then we would be able to provide the UDO-required 20-foot type B buffer
28 between the class one use of the residential building that's there on 1409 Zeno Road and the
29 class four building of medical/dental office, which would be the highest intensity that's
30 allowed for this site. He said that the current zoning condition number 13 would not allow for
31 planting for a natural buffer. He said with what was talked about today with shifting would
32 provide the buffer, which is required by the UDO, but it would allow the shifting of that shared
33 access to benefit both the site not being right of way and the neighboring property owner.

34 **Councilmember Zegerman** said the way the requirement is written that the
35 developer is given a pass on the UDO requirement.

36 **Ms. Bunce** said that the way it's worded now that it does say approximately 350 ft.
37 Either the buffer is going to be provided on one side of the drive or road or another. She said
38 It would not eliminate the requirement to have the buffer, so there will be a buffer. She said
39 that the goal would be to put the buffer on the property owner's side to provide the best
40 screening of the property as possible. She said that the wording may need to be amended to
41 accommodate the provision of a 20-foot type A buffer, type B buffer.

1 **Ms. Ashton** said that she wanted to add clarification there, the buffer is going to be
2 required. The question right now is what side of the road was it going to go on. What they
3 were hearing from staff where they wanted Grand Mason Drive Extension to go, it would
4 prohibit the buffer from being planted along that property line with 1409. What is being
5 discussed tonight, right before this meeting and with you all, is allowing the right of way now
6 to move down away from 1409 and give room to plant the buffer next to the 1409 property. In
7 exchange for that, it would be changing it from a 50-foot right of way to a 27-foot private
8 drive with a public access easement over the top of it.

9 **Councilmember Zegerman** asked why the road would need to be narrowed if there
10 would be a buffer on the north side versus the south side of the road, since there is the same
11 amount of space.

12 **Ms. Ashton** said that if the 50-foot right of way cross-section was publicly dedicated to
13 the Town there would be more requirements. She said that doing it as a 27-foot private
14 access can be used for the buffer next to the property line and have more flexibility.

15 **Councilmember Zegerman** asked in the current design where the 20-foot type B
16 buffer be.

17 **Ms. Ashton** said that buffer would most likely be on the opposite side of the road
18 from 1409.

19 **Councilmember Zegerman** asked why the road needs to be smaller if the same
20 amount of space is dedicated to the road and buffer.

21 **Ms. Ashton** said it was omitting one of the sidewalks.

22 **Mr. Zumwalt** said that when you build a building adjacent to a road, so that it doesn't
23 feel like the building would be right on the road, they allow 15' between the road and the
24 building. He said that this gives some flexibility to not have to do that on both sides, and that
25 the change would save about 8-10 feet.

26 **Councilmember Mahaffey** confirmed that the discussion was regarding a 50-foot
27 road versus a 27-foot private drive, and that the 20-foot drive was the fire code minimum Mr.
28 Dalton was referring to earlier.

29 **Mr. Killian** said that condition number 13 does not require the current shared access
30 to be right of way, although the applicant is currently using that language and maybe they are
31 using this as an offer, but that this is not written in the condition. He said they could dedicate
32 the right of way and could name it Grand Maison Drive, but as written it is a shared access.

33 **Councilmember Mahaffey** asked if the condition is currently a private drive.

34 **Ms. Ashton** said it looks like there was some confusion on the intent of the language
35 that was added, and said it was already dedicated for private access drive by the language.
36 She asked the Council what width they would want this to be. She said the 27-foot drive
37 would allow the buffer to go along the 1409 Zeno property line.

38 **Councilmember Zegerman** asked if the amended condition would be a private
39 driveway of 27 foot with sidewalk on one side that allowed the 20-foot butter to be planted
40 on the north side of the road

41 **Mr. Killian** said yes that would be the amendment and he read the current condition.

1 **Director Khin** said it was written so as not to block access future development to the
2 adjacent property. She said it should be 330 feet and 27 feet back-to-back private with a
3 public access. She said it would also need a cross-access easement allowed through the
4 buffer for Mr. Miles' property to potentially develop in the future. She said that they could
5 work with this condition now.

6 **Ms. Ashton** said they were agreeable to that.

7 **Director Khin** said they could adjust that language with them now.
8

9 **Mayor Pro Tempore Gray** said the meeting would stand in recess for ten (10) minutes
10 at 7:50 p.m.
11

12 **Mayor Pro Tempore Gray** reconvened the meeting at 7:53 p.m.
13

14 **Mayor Pro Tempore Gray** said that the applicant had revised the conditions and
15 asked Ms. Bunce to go over the amendment.
16

17 **Ms. Bunce** said that wording of Condition 13 is reworded as follows:
18

19 "Site development of the rezoned land shall construct frontage widening along Zeno Road
20 based on a three lane 41-foot back-to-back curb and gutter roadway. Access to Zeno Road
21 shall be a 27-foot back-to-back private access driveway within a public easement. The public
22 access easement shall be wide enough to encompass the access road and sidewalk. Access
23 to Zeno Road shall be located approximately 330 feet west of Health Plex Way and stubbed
24 to the western property boundary aligned with a future extension of Grand Maison Drive
25 subject to Apex engineering staff review and approval at the time of site plan submittal."
26

27 A New Condition 14 - "A cross-access easement to 1409 Zeno Road shall be allowed through
28 the buffer with the location subject to Apex Engineering staff review and approval at the time
29 of site plan submittal of the subject property."
30

31 **Ms. Bunce** said what that means is that the easement location would be designated
32 but the buffer would be in place until 1409 was ready to develop in the future.

33 **Councilmember Gantt** asked if Ms. Bunce would explain that the condition would
34 impact the sidewalks and if the road was or wasn't private.

35 **Ms. Bunce** said it would be a sidewalk on one side, since that is what Grand Maison
36 had.

37 **Councilmember Gantt** asked if someone is coming from the hospital would have to
38 cross the driveway, go down the driveway and cross the driveway again.

39 **Director Khin** said that if they went into the building, they would follow the sidewalk
40 from the front of the building to Zeno Road.

41 **Councilmember Gantt** asked if in the future, all of the parcels were together, how
42 would the road be different.

1 **Mr. Killian** said that both properties would be needed.

2 **Councilmember Zegerman** said that it means that the 20-foot buffer is going to be
3 on the north side of the street between 1409 property and this property.

4 **Ms. Ashton** said that was correct.

5
6 **Mayor Pro Tempore Gray** asked if there was a motion.

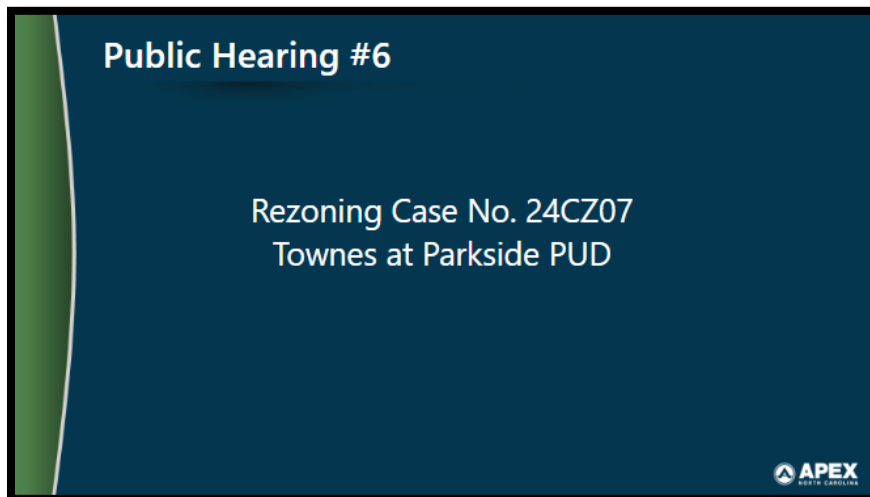
7
8 A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember**
9 **Killingsworth** to approve Rezoning Application #23CZ24 1405 & 1407 Zeno Road - Rezone
10 approximately 3.08 acres from Residential Agricultural (RA) to Office and Institutional-
11 Conditional Zoning (O&I-CZ), with revised Conditions 13 and 14.

12
13 **VOTE: UNANIMOUS (5-0)**
14

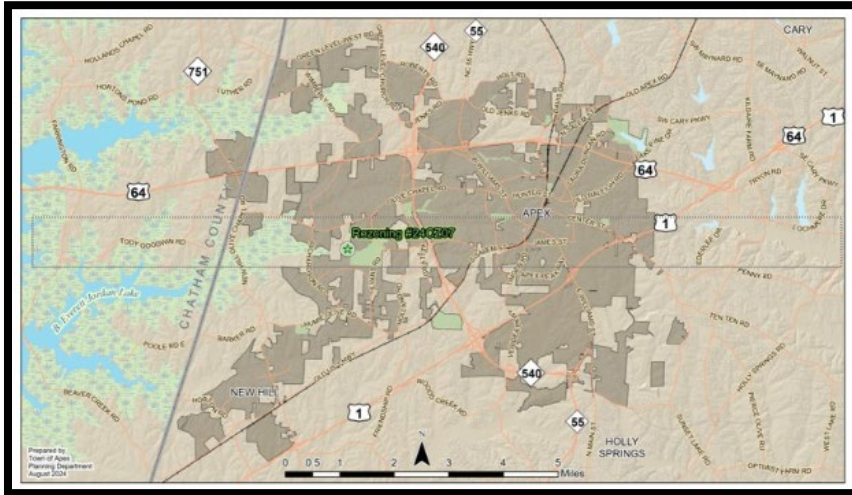
15 **PH6 Rezoning Case No. 24CZ07 - Townes at Parkside PUD**

16 **Liz Loftin**, Senior Planner, Planning Department gave the following presentation.

17 **[SLIDE 1]**



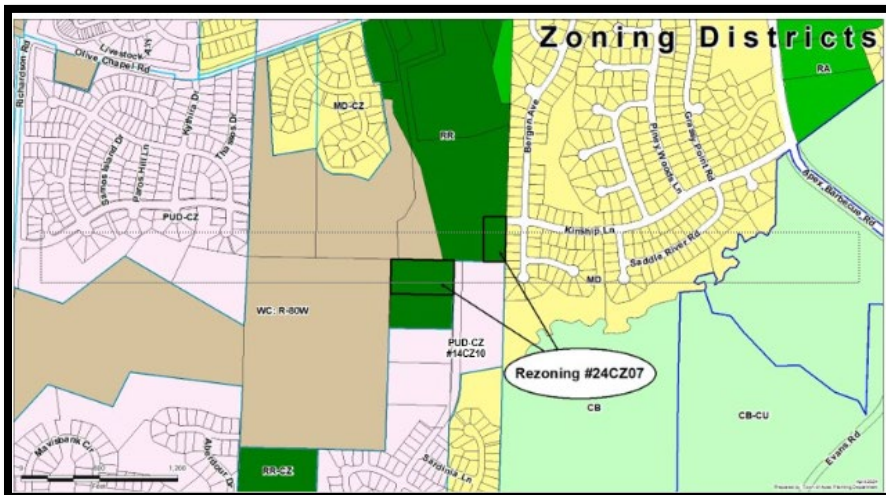
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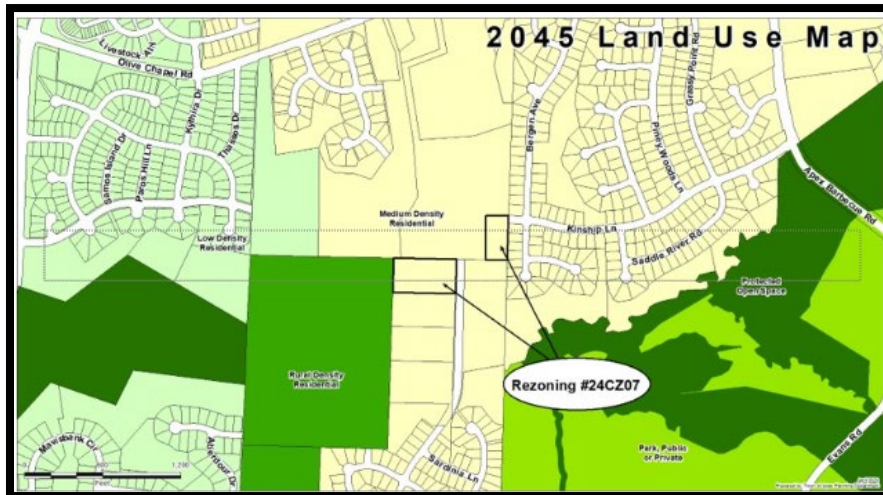


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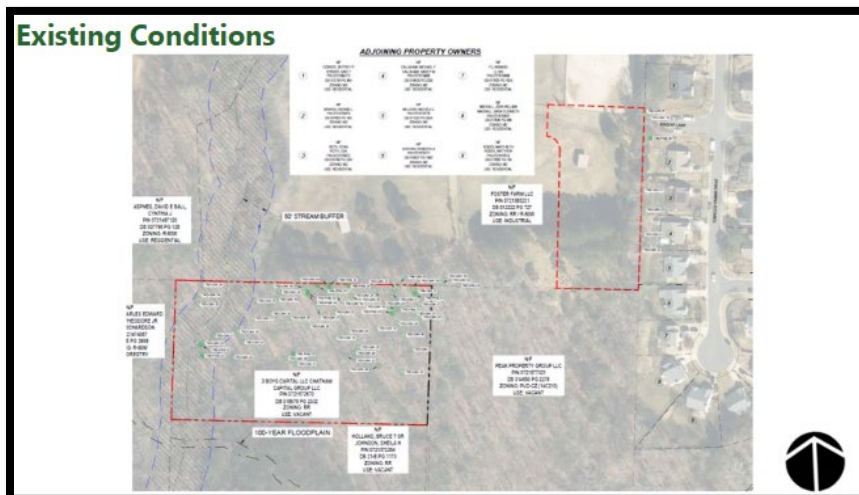
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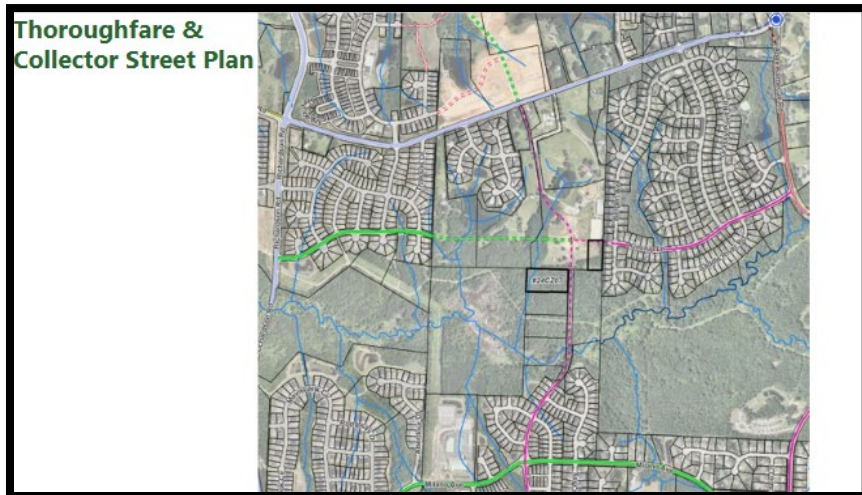


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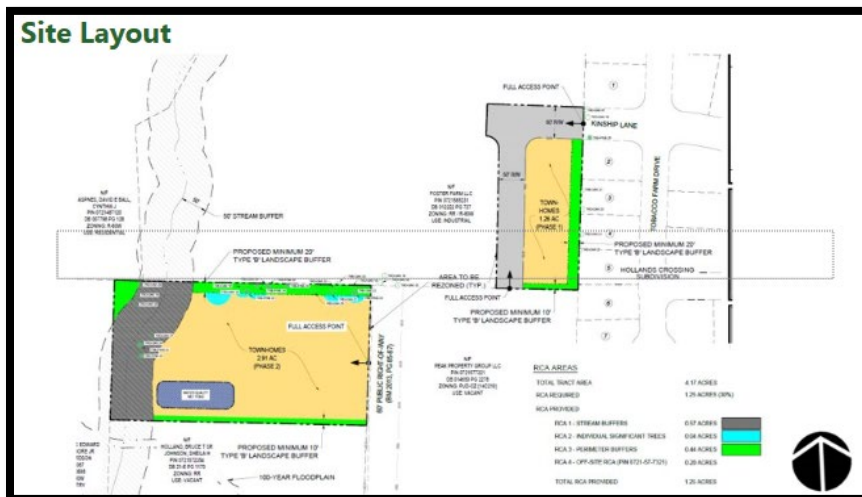
1 [SLIDE 8]



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3 [SLIDE 9]

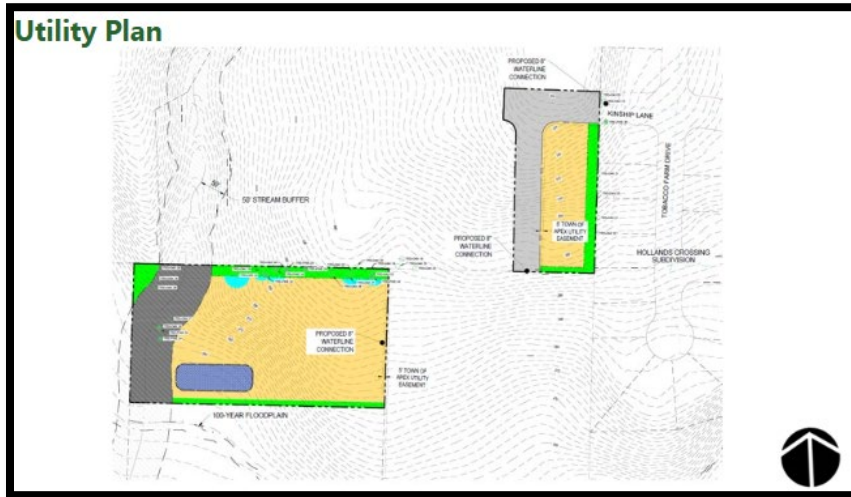


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5 [SLIDE 10]



6

1 [SLIDE 11]



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3 [SLIDE 12]

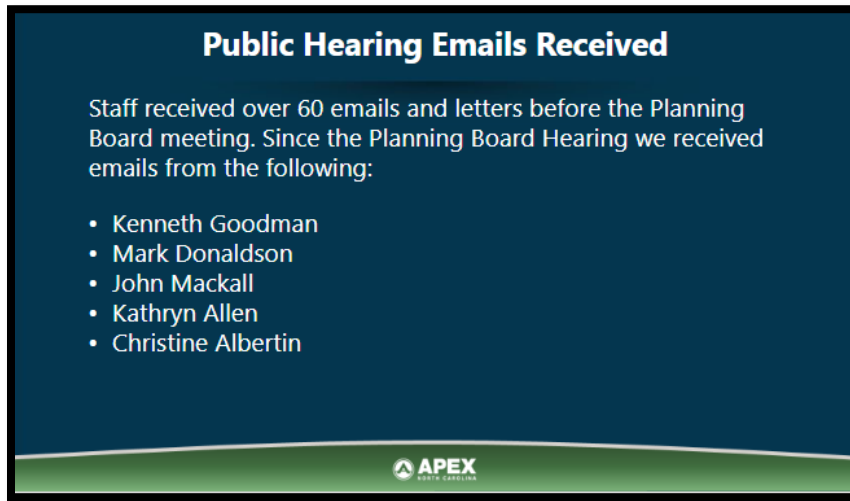


4
5 [SLIDE 13]



6

[SLIDE 14]



Ms. Loftin said an applicant is here and will give a presentation about the Beaver Creek Bridge. She said she would answer any questions.

Councilmember Gantt asked about the dotted line was added to the map.

Ms. Loftin said she was not sure when, she said minor collectors are typically 60 foot right of ways. She said she would think the line has been like that on the map for a long time. She said the North-South connector would improve response times.

Councilmember Gantt said that any plan in the future would have that road going through that approximate area.

Ms. Loftin said yes, if the properties were to develop, they would have to construct that section.

Councilmember Gantt asked if that was the only piece left. He asked if the Greenway goes underneath the bridge.

Ms. Loftin said that on the Parks and Recreation map it is shown in the vicinity and they would look at opportunities for connection.

Councilmember Gantt asked if the proposed road alignment is generally where it would go if other developments came in along this line, regardless of this specific development.

Ms. Loftin said that is correct.

Councilmember Gantt asked if the neighborhood street in the north end was intended to be a pedestrian path.

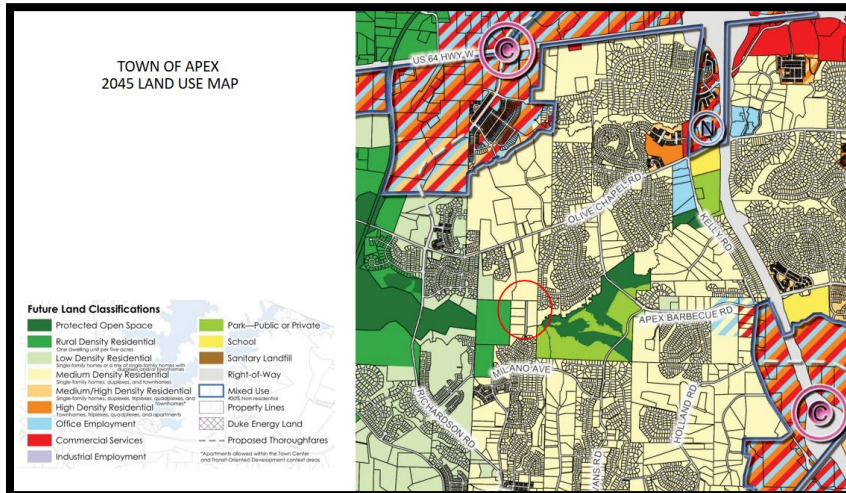
Ms. Loftin said that was intended to be access for Stormwater Control Measures.

Mitch Craig, with CE group at 301 Glennwood Avenue, representing the owner-developer of the project, gave the following presentation.

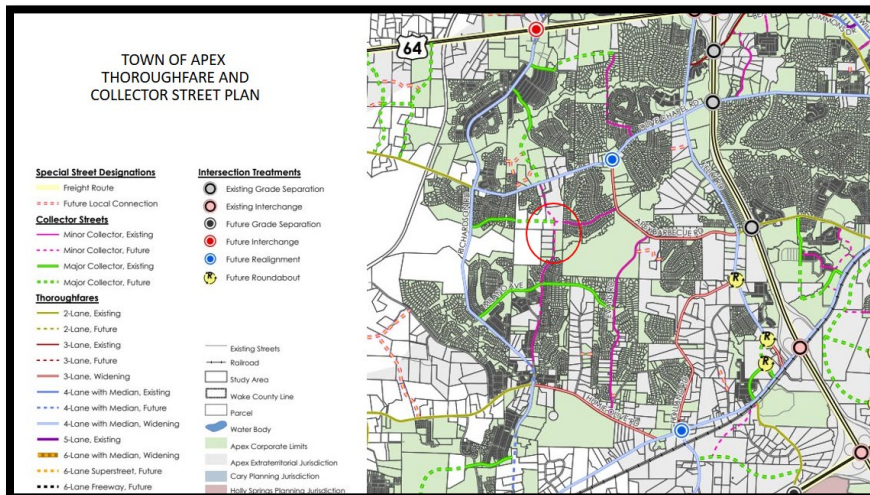
1 **[SLIDE 1]**



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3 **[SLIDE 2]**

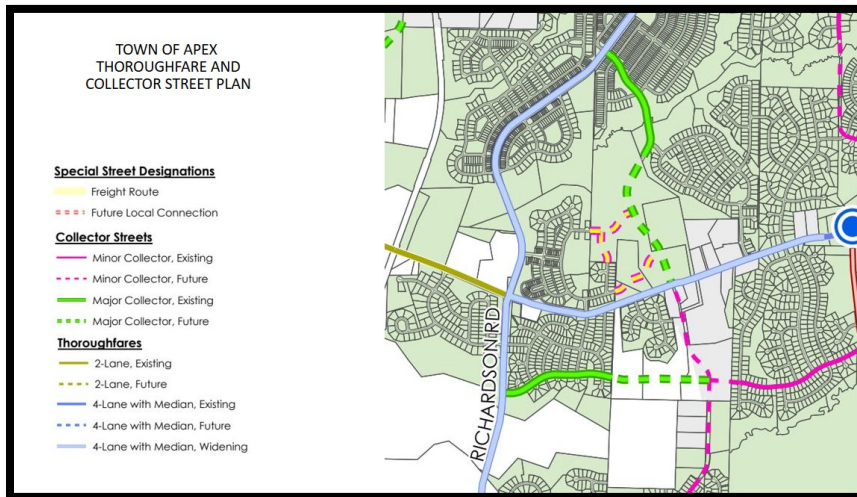


4
5 **[SLIDE 3]**



6

1 [SLIDE 4]



2
3 [SLIDE 5]

THE TOWNES AT PARKSIDE

HAMMOCKS BEACH TRAIL EXTENSION

- CORED-SLAB BRIDGE
- APPROXIMATELY 225' LONG
- APPROXIMATELY 48' WIDE
- REQUIRES A CLOMR (6-12 MONTHS)
- REQUIRES A LOMR
- CONSTRUCTION COST (BRIDGE): \$1,850,000
- CONSTRUCTION COST (ROAD): \$800,000
- ENGINEERING FEES: \$200,000

4
5 [SLIDE 6]

**THE TOWNES
AT PARKSIDE**

Olive Chapel Road and Piney Woods Lane

**Table 1. A.M. / P.M. Unsignalized Peak Hour Levels of Service
Olive Chapel Road and Piney Woods Lane**

	Existing 2024	No Build 2026	Build 2026
Overall	NA	NA	NA
Eastbound Left (Olive Chapel Road)	A / A ²	A / A ²	A / A ²
Westbound Left (Olive Chapel Road)	A / A ²	A / A ²	A / A ²
Northbound (Piney Woods Lane)	B / C ¹	B / C ¹	C / C ¹
Southbound (Winecott Drive)	C / E ¹	D / F ¹	D / F ¹

1. Level of service for stop-controlled minor street approaches.
2. Level of service for left turn movements on free-flowing approaches.

TIA recommendations:

- The TIA recommends no improvements to this intersection.

Apex staff recommendations:

Apex staff concurs with the recommendations in the TIA. The development is projected to add no more than 25 vehicles entering and exiting the site to/from the northbound stop-controlled Piney Woods Lane approach in the peak hours. The northbound approach is projected to operate at LOS C or better in the Build scenario with 95th percentile queues of one vehicle (25 feet). Although the TIA recognizes that the southbound approach is projected to operate at LOS F in the PM peak hour in the future scenarios, the development is not adding traffic to the southbound approach.

1 **[SLIDE 7]**

Apex Barbecue Road and Kinship Lane			
Table 2. A.M. / P.M. Unsignalized Peak Hour Levels of Service Apex Barbecue Road and Kinship Lane			
	Existing 2024	No Build 2026	Build 2026
Overall	NA	NA	NA
Eastbound (Kinship Lane)	B / B ¹	B / B ¹	B / B ¹
Northbound Left (Apex Barbecue Road)	A / A ²	A / A ²	A / A ²
Southbound (Apex Barbecue Road)	Free	Free	Free

1. Level of service for stop-controlled minor street approaches.
2. Level of service for left turn movements on free-flowing approaches.

TIA recommendations:

- The TIA recommends no improvements to this intersection.

Apex staff recommendations:

Apex staff concurs with the recommendations in the TIA. The development is projected to add no more than 15 vehicles entering and exiting the site to/from the eastbound stop-controlled Kinship Lane approach during the peak hours. The eastbound approach is projected to operate at LOS B in the Build scenario with minimal delays. Based on the traffic volumes, neither a right turn lane nor a left turn lane is warranted or recommended on Apex Barbecue Road per NCDOT guidance.

2
3 **Mr. Craig** said he would answer any questions. He said the applicant was at the
4 meeting as well.

5 **Councilmember Gantt** asked if there was room for a Greenway path under the
6 bridge.

7 **Mr. Craig** said it probably would not go under the bridge because of the sewer
8 easement.

9 **Councilmember Zegerman** asked if they could reduce the height of the homes
10 bordering the Holland's Crossing neighborhood.

11 **Mr. Craig** said that the reason for the 4-foot reduction is because with the three-story,
12 36 foot is definitely a minimum.

13 **Councilmember Zegerman** asked why two-story elevation homes were being shown
14 on the plans if they were not being built.

15 **Mr. Craig** said to keep the options open.

16 **Councilmember Zegerman** asked if there was an option to build two-story units
17 along that property boundary. He said there was concern from some of the neighbors with
18 the height and elevation difference.

19 **Mr. Craig** said that they would keep them at 36 feet if they were moved to 2 story.

20 **Councilmember Zegerman** asked if there was more room with potentially different
21 elevation, since 36 feet along Holland's Crossing wasn't a large difference from the 40 feet
22 homes in the other places on the property.

23 **Mr. Craig** said he would have to defer to the applicant, but he said he didn't think so.

24 **Councilmember Gantt** asked about the construction traffic direction and which way it
25 will be coming in.

26 **Mr. Craig** said that it would be an impact on both neighborhoods and would like to
27 be fair. He said his desire would be the construction traffic going through Hammond's Beach
28 Trail rather than Holland's Crossing to try to proportion the traffic.

1 **Councilmember Mahaffey** said that micromanaging the construction traffic is the
2 least of the problems. He asked for a response from the neighbor that asked to have the
3 parcels adjacent to Tobacco Trail to be limited to 2-stories.

4 **Mr. Craig** said 2-stories could be 36 feet as well.

5 **Mr. Tyler**, the applicant, said that they went through the requests but did not respond
6 to the residents. He said that they decided to do 3-story townhomes, since that is what buyers
7 wanted.

8 **Councilmember Mahaffey** said that there was a buffer increase requested.

9 **Mr. Tyler** said that if they increase the buffer, they would not physically be able to put
10 the units on that property.

11 **Councilmember Mahaffey** said there was a request to a type A.

12 **Mr. Tyler** said they would be open to that but because of the topography grade they
13 may have to go in and clear more trees and they did not want to commit to it now.

14 **Councilmember Mahaffey** asked about the privacy fence.

15 **Mr. Tyler** said it would be the same. He said that until they were able to cut down the
16 grade during construction they do not know if a privacy fence would be able to be used.

17 **Mayor Pro Tempore Gray** asked why there was no affordable housing.

18 **Mr. Tyler** said that initially it was going to be done with just access point at Kinship,
19 and at that stage there would have been significant affordable housing. He said after talking
20 with staff that the bridge was non-negotiable, so they had to take out the affordable housing.

21 **Mayor Pro Tempore Gray** confirmed the cost of the bridge prohibited the affordable
22 housing from their perspective.

23 **Councilmember Zegerman** asked how many homes were planned for the small
24 parcel bordering Hollands Crossing.

25 **Mr. Tyler** said that it would not be known until construction begins but that the max
26 would be 10 based on the acreage.

27 **Councilmember Gantt** asked if they had considered extending the sidewalk that's on
28 Kinship Road.

29 **Mr. Tyler** said there was a condition to extend the sidewalk.

30 **Councilmember Zegerman** asked if it was in the existing packet.

31 **Mr. Tyler** said it was not in the existing packet.

32 **Councilmember Zegerman** asked if there could be a conversation about an
33 amendment.

34 **Mr. Craig** said that the condition that they would like to add:
35 "Prior to issuance of the first residential certificate of occupancy, developer shall install
36 sidewalk, a minimum of 5 ft in width, along the Kinship Lane Frontage of real ID 0232492
37 provided sufficient right-of-way exists for such installation. This condition shall not require
38 developer to obtain additional easements from third parties."

39 **Councilmember Gantt** asked if that's on the Northern side of the Kinship Road stub.

40 **Mr. Craig** said yes.

41 **Councilmember Zegerman** asked if the applicant was making the right-of-way
42 dedication.

1 Mr. Tyler said no, that it was Holland's Crossing.

2 **Ms. Bunce** said that staff can't hold up something based on a Certificate of
3 Occupancy being issued, so the beginning of that condition needs to be reworded prior to
4 the Master Subdivision Plat verses Certificate of Occupancy.

5 **Mr. Tyler** said that was fine.

6
7 **Mayor Pro Tempore Gray** said that they would move to Public Hearing, and he invited
8 the first speaker to come up.

9
10 First speaker was **Judith Mellor** on 119 Saddle River Road:

11
12 "Thank you for letting me express, I was the one didn't sign it, but I wrote The Pack
13 thing. I'm Judith Mellor, 119 Saddle River Road which is at the bottom of the Hollands
14 Crossing development and last week after the planning board meeting I got in touch in the
15 middle of the night with the fact that there's a lot of sink holes that's not been discussed really
16 that I've seen and anything that I've and I've listened to mostly everything that's been going
17 on and to me that's a serious factor that needs to be really considered deeply because the
18 contour of the land has been so changed with all the developments that have been going on
19 the north side of Olive Chapel and Richardson Road gets flooded more deeply than ever
20 before and I took a ride through kinship all that at the other end near Richardson is getting
21 flooded too and I think many of us have noticed that our properties have been more flooded
22 as more homes have gone in all around that area, going towards the end of Olive Chapel
23 Road at the big church. So, I'm just saying I really think that the way the contour of the land
24 has been changed so much in the last 5 years that they shouldn't even be allowing anything
25 to be developed there because there's so much more flooding going on and Evans Park is
26 right at the other side right there by Beaver Creek runs right through all of that, we have flood
27 things running all the time and the Greenway, I wouldn't want to be on the Greenway in a
28 torrential rain, the water that comes down through my backyard in a regular rain is horrifying.
29 Most of us have had to have a lot of money sunk into you know drainage ditches put in and
30 all this piping put in and it's getting worse and worse and to me that is one of the biggest
31 problems. We need to keep our drainage, there's so much building being done now that
32 nobody seems to be thinking about what it's doing to the contour of the land in the drainage
33 of all of our properties. And so, they're going to put in ultimately 71 development pieces up
34 there? That's going to definitely bring in a lot more flooding it already has on what's been
35 done and the Kinship on the other side is getting a lot of flooding too. So, something needs
36 to be a study, or something needs to be really seriously instituted to look into that before
37 anything is built. I think, because we need to live in harmony with nature and that's been
38 given up, I think, and it's not making the place any peak of good living anymore I don't think,
39 it's gone now. Thank you."

40
41 **Mayor Pro Tempore Gray** said thank you and called the next speaker.
42

1 Next speaker was **Mary Beth Roden** of 206 Tobacco Farm Drive:

2
3 "I sent the email on behalf of our neighbors to Mitch Craig who sent it to the applicant.
4 So, listening to what I've heard just a few minutes ago they have not agreed to any of the
5 concessions. With all due respect, you don't have buyers for your town homes yet, so to say
6 that you know the two-story verse three story um that's just disheartening honestly because
7 we are residents of Apex and I'm not anti-development, we know Kinships going to go
8 through, I had even changed my perspective on these town homes. In my personal opinion
9 the property that was rezoned 10 years ago was a mistake just because of the community that
10 it was adjacent to which is Holland's Crossing that's been there for over 30 years. That's an
11 established Community with primarily single-story ranch homes, so building three-story
12 townhomes adjacent to this as you could see the buffer is just a massive intrusion on privacy
13 and the quality of life. So, we did try to meet halfway and ask for some concessions but now
14 I'm asking that you just vote no on this I know that the property is going to be developed but
15 this just is not neighborly this is not being a good neighbor to come in and just completely
16 disregard all the requests that we've made. We're trying here, we really are, we're trying to, we
17 love this town. I don't think any of us any of us anticipated 10 years ago where we would be
18 now and the amount of people that are here now, but we love this town. I live here, I work
19 here, I worship here and just, I'm a little disheartened honestly by the conduct of the applicant
20 and the disregard to the concessions that we put so I would just ask you that you please
21 consider those of us in Holland's Crossing, please consider our interests as well as the
22 neighbors that we're eventually going to have on that property, you know we're going to have
23 new neighbors and we want the best for everyone involved, so thank you for your time, thank
24 you for your support and we are hoping for the best outcome. "

25
26 **Mayor Pro Tempore Gray** said with no one else to speak he would close Public
27 Hearing and move it back to Council for further discussion and possible motion.

28
29 **Councilmember Zegerman** said he had visited the sites to get a better
30 understanding of the concerns raised. He said there was a big elevation change between the
31 existing neighborhoods. He asked the applicants to commit to having some transitional
32 housing to blend the denser neighborhood to the less dense adjacent neighborhood. He
33 asked for the 8 to 10 townhomes along the border of Holland's Crossing to be limited to two
34 stories.

35 **Mr. Tyler** said that he could not commit to that zoning condition.

36 **Mayor Pro Tempore Gray** said that one of the things is affordable housing. He said
37 that he is concerned that the affordable housing in this project. He said that increasing the
38 housing inventory would be good. He said that when he looks at this project that some of the
39 factors that concerns are transportation and other factors. He said the question for today is
40 this what the Town wants and if this was going to meet the goals with regard to this matter.

41 **Councilmember Mahaffey** said no to the project. He said that he thought the height
42 restriction requests were reasonable given the topography.

1 **Councilmember Zegerman** said he agreed, and there were some good things
2 proposed. He said that the request is reasonable and he was not in favor.

3 **Councilmember Killingsworth** said that given the cost to build a bridge that it would
4 have to be townhomes and not single-family homes. She said the costs could not be
5 recovered otherwise, and it brings in necessary transportation improvements.

6 **Councilmember Zegerman** said that it was a reasonable request, and 8-10 2 story
7 units in the whole development would not sink its financial viability.

8 **Councilmember Gantt** said he thought the crossing would be built by the Town if this
9 didn't come in. He said he is about connectivity and this road is essential for the Town and its
10 connections will mean people from all areas would be using it. He said the height cap was the
11 more important to consider.

12 **Councilmember Zegerman** said there would be windows on the third floor that
13 would be looking down on the houses.

14 **Councilmember Gantt** they would not build ranch style homes.

15 **Councilmember Zegerman** said that's not what we are looking for.

16 **Councilmember Gantt** said the neighborhood had been there for a long time.

17
18 **Mayor Pro Tempore Gray** asked if there was a motion.

19
20 A **motion** was made by **Councilmember Mahaffey**, seconded by **Councilmember**
21 **Zegerman**, to deny Rezoning Case No. 24CZ07 - Townes at Parkside PUD.

22
23 **VOTE: (2-3), with Councilmember Killingsworth and Councilmember Gantt**
24 **dissenting, and Mayor Pro Tempore Gray dissenting.**

25
26 **MOTION FAILED.**

27
28 A **motion** was made by **Councilmember Gantt**, seconded by **Councilmember**
29 **Killingsworth** to approve Rezoning Case No. 24CZ07 - Townes at Parkside PUD - to rezone
30 approximately 4.17 acres from Rural Residential (RR) to Planned Unit Development-
31 Conditional Zoning (PUD-CZ) at 0 Olive Chapel Road and a portion of 2437 Olive Chapel
32 Road.

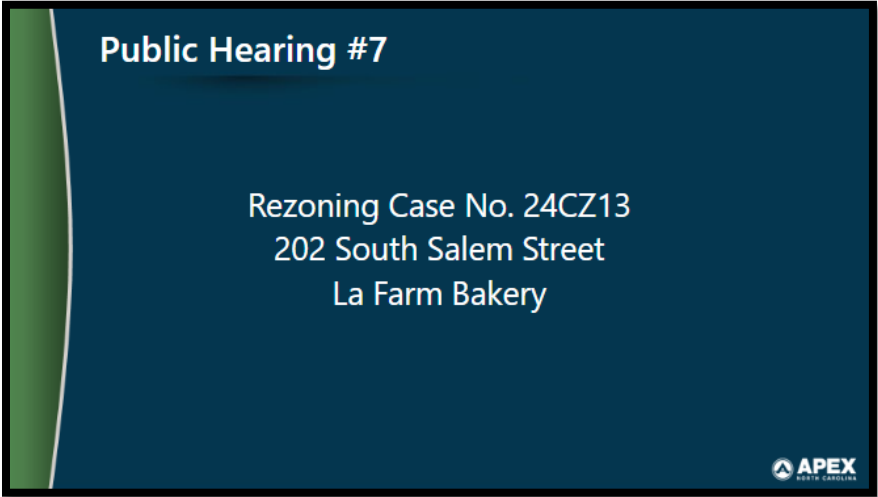
33
34 **VOTE: (3-2), with Councilmember Mahaffey and Councilmember Zegerman**
35 **dissenting**

36
37 **PH7 Rezoning Case No. 24CZ13 - 202 South Salem Street - La Farm Bakery**

38
39 **Liz Loftin**, Senior Planner, Planning Department gave the following presentation.
40
41
42

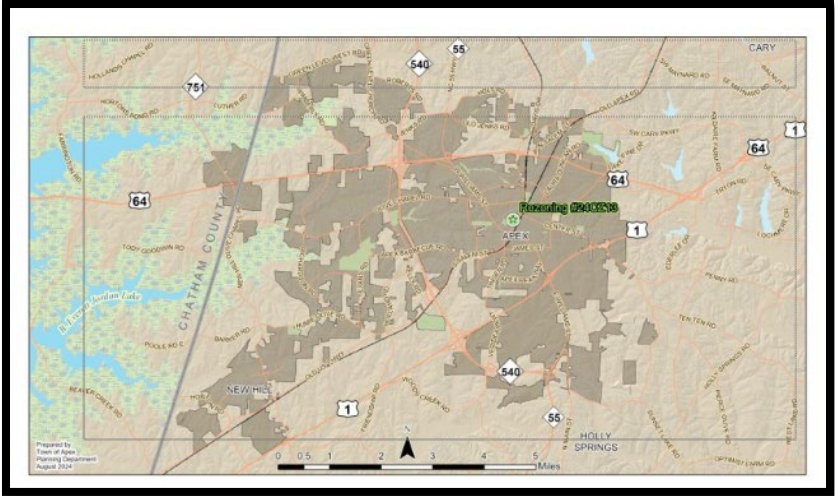
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[SLIDE 1]



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[SLIDE 2]

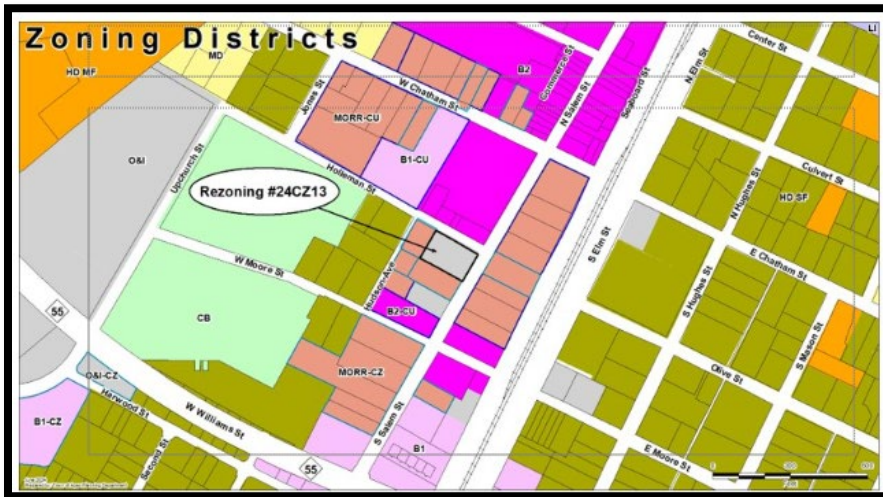


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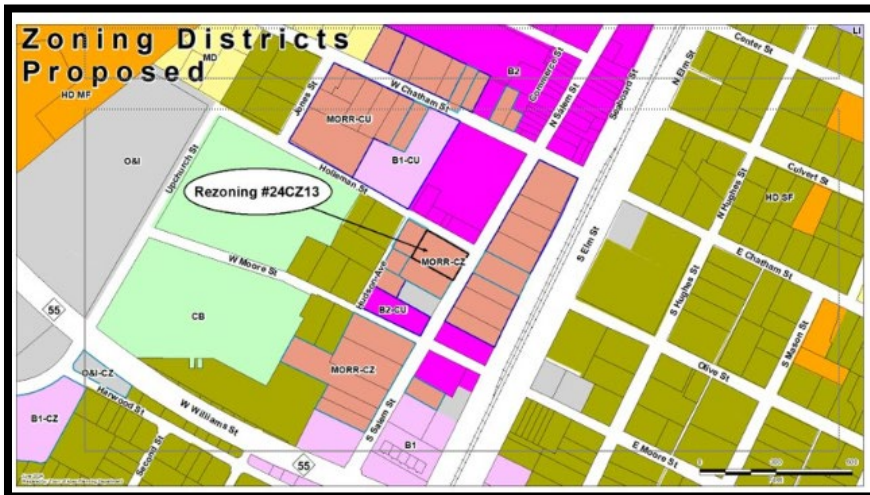
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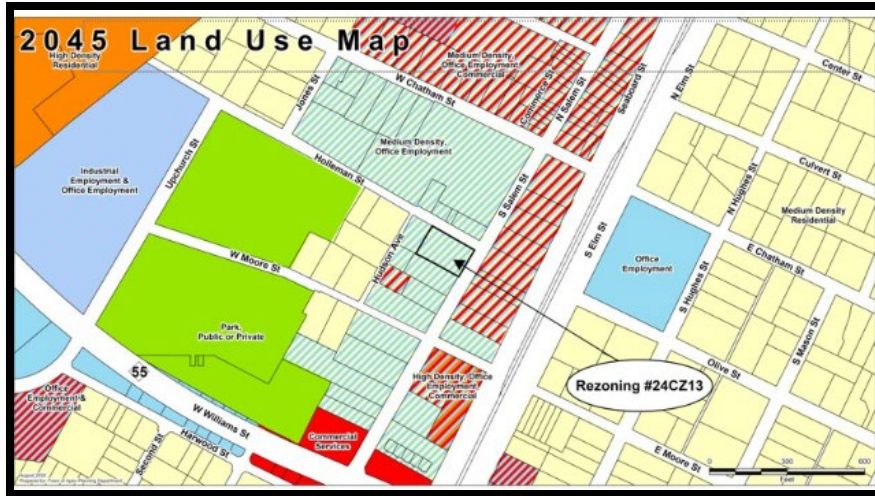
[SLIDE 4]



[SLIDE 5]



[SLIDE 6]



[SLIDE 7]



Ms. Loftin said that she would answer any questions.

Omar Gay, CEO of La Farm Bakery and applicant spoke.

"I'm really excited to be here to be able to talk to you about the project that we've been envisioning here. The goal is for us to expand into Apex which is an area that have long requested for La Farm to be here and as we were looking at where to go this was really a great situation for us because we feel that we will be an addition to the downtown area, and we will build a building that will fit what already exist. We look we look forward to working with the city and the neighborhood and have had really tremendous discussions with folks in the neighborhood and I've always looked for the win-win situations and have been actually made some changes to our initial request subsequent to those discussion. So, we feel that we can have a great win for the city in terms of extending the downtown in terms of adding to already everything that is existing there and opening up a building that has been closed that is not the best looking, so we think that we can really add to the goal that the City has for downtown. So, we look forward to doing this and you know appreciate all of the support

1 we've gotten and the work that has already happened between La Farm, the City, and the
2 neighborhoods. I will tell you that on our first meeting there was a lot of people attending
3 that meeting that had concerns but as we talked with them and answered their question and
4 they saw that we were willing to be good neighbors and find that situation on the second
5 meeting there was almost nobody in there because they felt really comfortable what we are
6 going to do here so, we look forward to being in the neighborhood and really being a
7 productive member of the community. Thank you."

8
9 **Mayor Pro Tempore Gray** asked if there were any questions.

10
11 **Mayor Pro Tempore Gray** asked if the building had been vacant for 4 years.
12 **Staff** said yes.

13
14 **Mayor Pro Tempore Gray** opened it up for Public Hearing and with no one signed up
15 to speak he closed Public Hearing. He then opened up for discussion and a possible motion.

16
17 **Councilmember Mahaffey** said that this would be a great addition to downtown.

18 **Councilmember Killingsworth** said that this does open the corridor more and is for
19 the project.

20 **Councilmember Zegerman** said this is an exciting stepping stone. He said that it
21 opens the downtown streetscape further towards Highway 55 and across Highway 55 into the
22 Justice Heights neighborhood.

23 **Councilmember Gantt** said that discussions should continue to get people walking
24 and enjoying downtown and not just driving to the area.

25 **Mayor Pro Tempore Gray** said that vacant spots do not give a good perception and
26 impacts walkability. He said that it was consistent with the UDO and the Historic Overlay
27 District, and is in support.

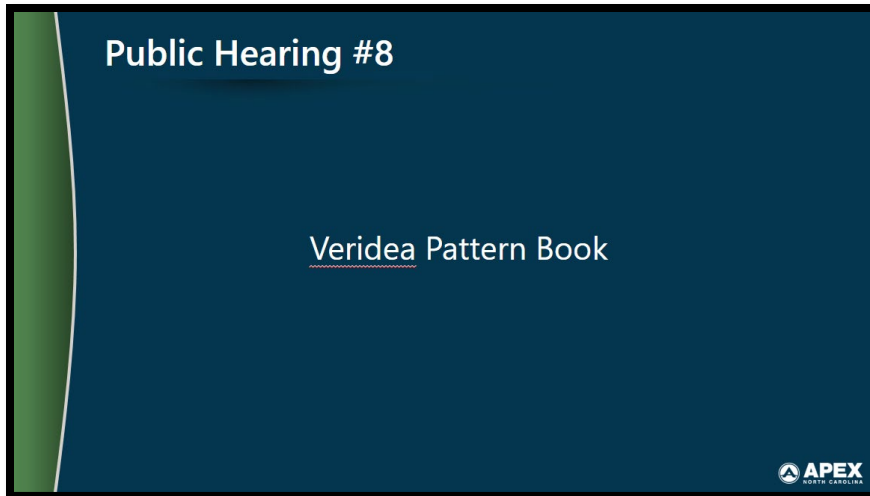
28
29 A **motion** was made by **Councilmember Mahaffey**, seconded by **Councilmember**
30 **Gantt**, to approve Rezoning Case No. 24CZ13 - 202 South Salem Street - La Farm Bakery -
31 rezone approximately 0.53 acres from Office & Institutional (O&I) to Mixed Office-Retail-
32 Residential-Conditional Zoning (MORR-CZ) at 202 S Salem Street.

33
34 **VOTE: UNANIMOUS (5-0)**

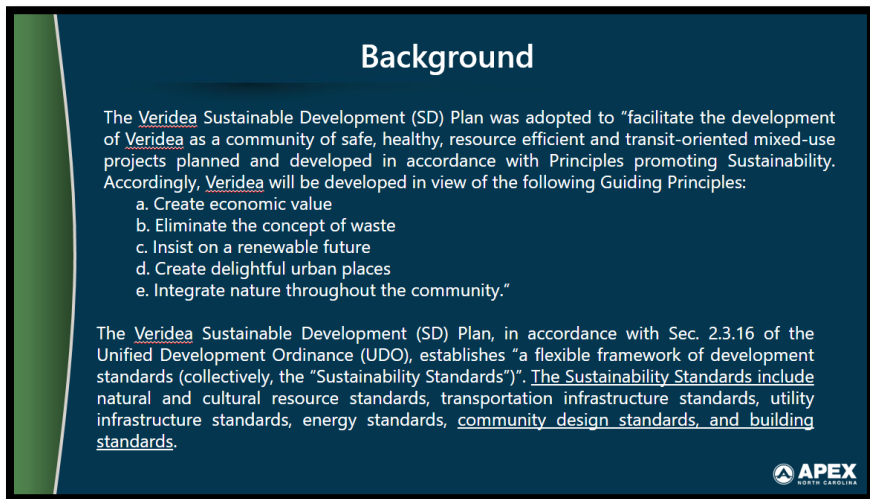
35
36 **PH8 Veridea Pattern Book (REF: ORD-2024-068)**

37
38 **Amanda Bunce**, Current Planning Manager, Planning Department gave the following
39 presentation.

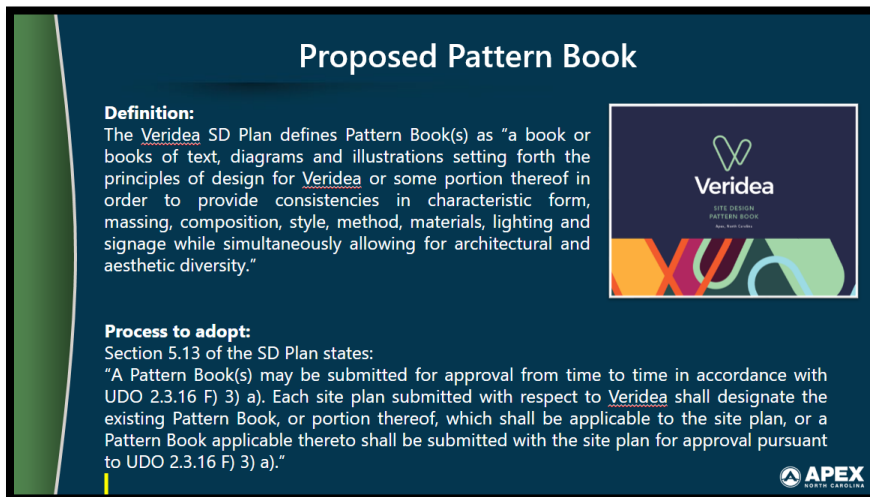
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41 **[SLIDE 1]**



1
2 [SLIDE 2]



3
4 [SLIDE 3]



5
6 [SLIDE 4]

Purpose

The SD plan allows for the Responsible Person to set **additional or modified standards for architecture, building configuration, signage, and exterior lighting from those required by the UDO**. It's important to note that the SD Plan and Environmental Enhancement Plan (EEP) already include many additional or modified standards for other aspects of the development.

Sec. 1.1 of the proposed Pattern Book states the purpose of the document as follows:

"The purpose of this Pattern Book is to ensure that the quality and character of development within the boundaries of Veridea is designed to a high caliber and centered around a cohesive and sustainably-focused design theme. The elements outlined within this document will provide a **framework of the design intent, theme, and style of this mixed-use community**. This will be used to assist property owners, developers, home builders, architects, engineers, landscape architects, planners, and other consultants in their decision-making as this project is designed and developed over time."



[SLIDE 5]

Section 3: Streetscapes

This Section describes the **design intent for hardscape and landscape treatment of major roadway streetscapes within the public right-of-way only**. Guidance for internal streetscapes follows the guidelines set forth in Sections 5-8. Streetscape character of major roadways may be applied to internal streetscapes as is fitting with adjacent development program and uses.

All streetscape designs, layouts, dimensioning, and landscape standards shall comply with the streetscape requirements set forth in the SD Plan and the Town of Apex UDO. **Where enhanced hardscape and landscape is located in the public right-of-way, a developer's agreement regarding maintenance shall be defined between the Town of Apex and the developer/Responsible Person.**



[SLIDE 6]

3.1: STREETSCAPE CHARACTER

The Urban Streetscape

- Applies to major collector roads at urban and mixed-use developments
- Manicured and formal landscape arrangements with defined rhythms, colors, and textures
 - Use of focal flowering plantings as a defining plant species
 - Urban-tolerant species
 - Contained landscape within defined planter zones with outlining and/or fencing
 - Wayfinding legibility from a pedestrian and vehicular perspective
 - Singular street tree species with one species spanning no more than 30 trees



Formal planting arrangements with defined turf edge - turf may be reinforced

Enhanced landscape zone with high quality hardscapes and landscapes where feasible

Singular tree species



21



[SLIDE 7]

Section 4: Open Spaces, Parks, and Trails

This section includes **suggestions for various types of parks and design guidelines** including, but not limited to, the following:

- providing a **high percentage of native plant species** with a variety of color, texture, and visual interest passive parks
- providing **guidance for pedestrian amenities, public art, and educational signage** in active open spaces and along trails

Each park and open space shall comply with the design standards and requirements listed in the SD Plan and the Environmental Enhancement Plan. Park facilities that are owned and operated by the Town of Apex may follow Town standards but are encouraged to comply with the Pattern Book and Veridea branding.



[SLIDE 8]

4.3: ACTIVE OPEN SPACES

Residential Parks

- Minimum requirements:
- One waste receptacle
 - One seating opportunity

Residential communities shall have a network of parks and open spaces that provide a variety of amenities to residents. Parks and open spaces should embrace a variety of passive and active components, with each community providing at least one common open space for active programming. Community centers, pools, playgrounds, play fields, dog parks, and community gardens are examples of active community amenities that offer opportunities to gather, play, and engage. All parks and open spaces shall be connected by a pedestrian and multi-modal transit network, such as sidewalks and trails, to allow access to open space areas without needing a vehicle. Furnishings, such as benches and waste receptacles, are required in each residential park.



Open-air swing sets provide opportunities for flexible play.



Natural elements, such as boulders and logs, are sustainable elements found on-site that can be reused for play and increased landscape aesthetics.



[SLIDE 9]

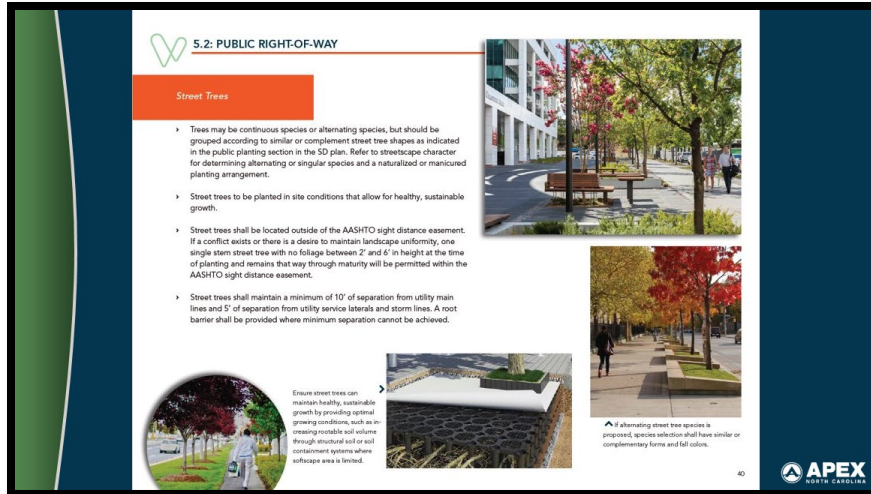
Section 5: Landscape Standards

This section describes **planting design guidelines for landscapes within the public right-of-way and private spaces to establish a cohesive and organic landscape approach** and does not overrule landscape standards otherwise required by the SD Plan, the Environmental Enhancement Plan, the UDO, or any other Town of Apex standard.

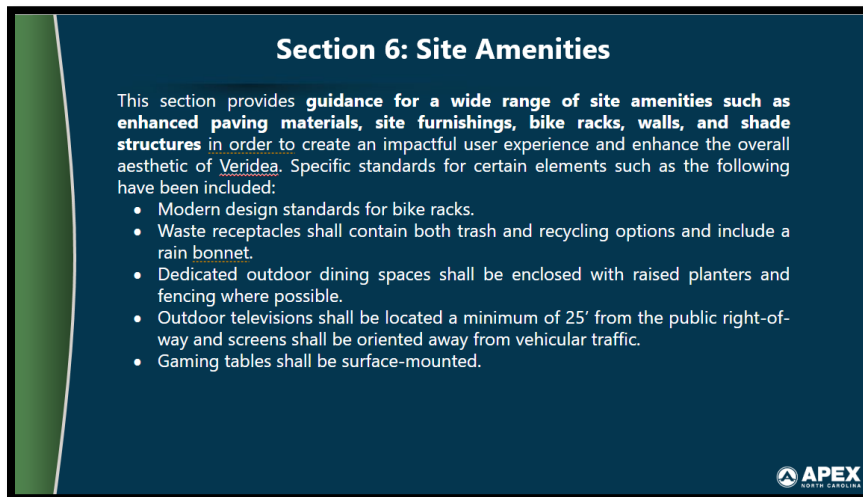
Guidance is included for elements including street trees, landscape strip planting (between the road and sidewalk), landscape medians, private frontages, parking lots, and naturalized areas, and are intended to complement and provide a framework for the design approach of landscaped areas. Landscape areas within the public right-of-way that are enhanced above Town Standards may be included as part of a maintenance agreement between the Town and the developer/Responsible Person.



[SLIDE 10]



[SLIDE 11]



[SLIDE 12]



[SLIDE 13]

Section 7: Signage

This section identifies **modifications to some sign standards in Sec. 8.7 of the UDO in order to allow for flexibility in sign area and size needed** given the unique style of development allowed by the SD Plan, create a new sign type called Principal Ground (Dimensional) that incorporates public art, and provide standards for the use of digital signage. This sections also includes a Master Sign Plan to guide the location of ground monument signage.

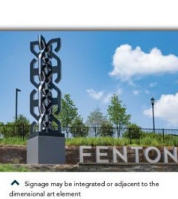


[SLIDE 14]

7.2: MASTER SIGNAGE PLAN

Principal Ground (Dimensional)

- › A sign type specific to Veridea and is not a standard Town of Apex sign typology.
- › Defined as a sign supported permanently upon the ground by a continuous base or two or more support features, not attached to any building, that includes a three-dimensional or artistic element.
- › Intended to be visible and experienced by both vehicles and pedestrians as an artistic approach to placemaking and signage.
- › Signage may be integrated into the three-dimensional element or adjacent to, but no further than 10 feet from, the three-dimensional element.



Signage may be integrated or adjacent to the dimensional art element

Lighting may be incorporated. See Section 08.



Use of structure and material selection to mimic natural landscapes and forms



[SLIDE 15]

Section 8: Lighting

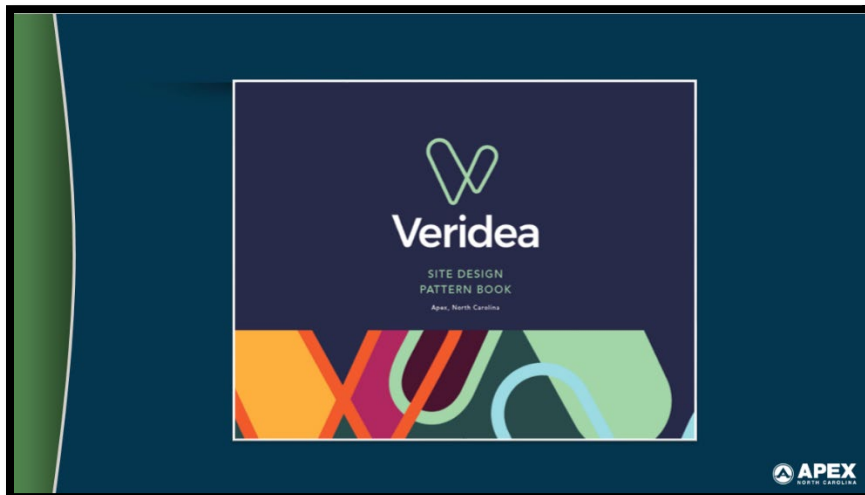
This section does not overrule lighting standards otherwise required by the Town of Apex UDO, the SD Plan, or the Environmental Enhancement Plan. The key elements listed within this Section are intended to complement and provide framework for the design approach of site lighting. Lighting that is an alternative from the Town standard located within the public right of way may be included as part of a maintenance agreement between the Town and the developer/Responsible Person. Included are lighting standards for streetscapes, sites and areas, pathways, and landscaping.



1 **[SLIDE 16]**



2
3 **[SLIDE 17]**



5 **Ms. Bunce** said that she would answer any questions.

6 **Councilmember Gantt** asked what draft this was.

7 **Ms. Bunce** said that this was draft 5. She said there was back and forth on the signage
8 section and that it was a very collaborative process between staff and the developer.

9 **Councilmember Zegerman** asked if there was material difference in the thoroughfare
10 design in Section 3 compared to the normal town standards. He asked if there was a
11 difference in dedication right-of-way.

12 **Ms. Bunce** said that there was a lot of variety in Veridea. She said that they have
13 worked with the developer on thoroughfares cross sections to accommodate sidewalks,
14 bicycle lanes, medians, street trees, and utilities.

15 **Councilmember Zegerman** asked for a copy of the cross sections. He said that he
16 would like to see physical separation of the bicycle lanes from the right-of-way. He said that
17 he would like to use them as an example for future projects.

1 **Ms. Bunce** said that she could provide them. She wasn't sure if the bicycle lanes were
2 what he was looking for.

3 **Councilmember Zegerman** said that it would be useful for future project roadway
4 designs.

5 **Councilmember Gantt** said that there is debate about having separated side paths
6 versus smaller side paths and sidewalks with separated bike lanes. He said that the side path
7 is better because there are more people walking than biking at this time.

8 **Councilmember Zegerman** said that there could be further discussion on this topic at
9 a later time.

10
11 **Mayor Pro Tempore Gray** opened for Public Hearing and closed Public Hearing with
12 no one signed up to speak. He brought this back to Council for further discussion and a
13 possible motion.

14
15 A **motion** was made by **Councilmember Killingsworth**, seconded by
16 **Councilmember Zegerman**, to adopt Sustainability Standards for Veridea known as the
17 Veridea Pattern Book.

18
19 **VOTE: UNANIMOUS (5-0)**
20
21

22 **[UPDATES BY ASSISTANT TOWN MANAGER]**
23

24 **Assistant Town Manager Stone** said there was an update on the traffic situation at
25 the Triangle Math and Science Academy. He said that the Town staff and TMSA
26 administration. He said that TMSA stays committed to working with the Town and the staff has
27 already implemented some improvements. They are working with Kimley Horn, a Traffic
28 Engineering Firm for long-term solutions. He also gave an update on utility billing. He said
29 that customers have to create their e-suite profile to log into the online portal and can now
30 see copies of their previous bills. He said that they are communicating with the customers
31 that they are receiving bills that reflects two months which is why the bills are higher. He said
32 that there was some discrepancy with the rate that had been applied to some bills relating to
33 irrigation meter and that is being corrected. He said that if anyone believes their bill is not
34 correct, they should contact customer service at 919-362-8676 or go to the website: www.apexnc.org/payment. He said some of the calls were being dropped due to volume of calls
35 and technical glitches. He said that all Town facilities and offices will be closed on Monday
36 September 2nd for Labor Day. He said that all Public Safety would still be working and to keep
37 them in your thoughts as they are out keeping everyone safe and protecting us.
38
39

40 **Mayor Pro Tempore Gray** thanked Mr. Stone.
41
42

[CLOSED SESSION]

A motion was made to by **Councilmember Zegerman**, seconded by **Councilmember Killingsworth** enter into Closed Session Pursuant to NCGS § 143-318.11(a)(3) and NCGS § 143-318.11(a)(6).

VOTE: UNANIMOUS (5-0), with Mayor Gilbert absent.

Council entered into Closed Session at 9:19 p.m.

CS1 Laurie Hohe, Town Attorney

NCGS § 143-318.11(a)(3)

"To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body."

CS2 Mayor Jacques K. Gilbert

NCGS §143-318.11(a)(6):

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

Council returned to Open Session at 11:10 p.m.

[ADJOURNMENT]

Mayor Pro Tempore Gray adjourned the meeting at 11:11 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 _____.