

DRAFT MEETING MINUTES

**TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, AUGUST 26, 2025
6:00 PM**

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, August 26th, 2025 at 6:00 PM in the Council Chambers at Apex Town Hall, located at 73 Hunter Street in Apex, North Carolina.

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

<https://www.youtube.com/watch?v=d-gHnNv1rug>

[ATTENDANCE]

Elected Body

Mayor Jacques K. Gilbert (presiding)
Councilmember Audra Killingsworth
Councilmember Terry Mahaffey
Councilmember Brett Gantt
Councilmember Arno Zegerman

Absent: Mayor Pro Tempore Ed Gray

Town Staff

Town Manager Randy Vosburg
Deputy Town Manager Shawn Purvis
Assistant Town Manager Marty Stone
Assistant Town Manager Demetria John
Town Attorney Laurie Hohe
Town Clerk Allen Coleman

All other staff members will be identified appropriately below

[COMMENCEMENT]

Mayor Gilbert called the meeting to order. He introduced Councilmember Gantt's mother, Ms. Sherice Gantt, and invited her up. He then led in a recitation the Pledge of Allegiance. He then moved into the special ceremony of the Annual Raksha Bandhan Ceremony with Hindu Swayamsevak Sangh, Apex, NC Chapter and invited them up to speak.

Kreshik Verte wished everyone a Happy Raksha Bandhan. She said this was a non-profit social, educational and cultural organization that aims to assist Hindus living outside of India. She gave an overview of what Raksha Bandhan stands for and how it supports the

community in Apex. She presented Rakhis to the Mayor and Council as a show of thanks and best wishes, and to affirm their support to the Apex community.

[CONSENT AGENDA]

A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember Gantt**, to approve the consent agenda as presented.

VOTE: UNANIMOUS (4-0), with Mayor Pro-Tempore Gray absent

CN1 Agreement - I.Q. Data Systems dba Backgrounds Online - Background Checks for Youth Athletic Coaches, Volunteers, and Program Instructors - May 6, 2025 through May 5, 2027 (REF: CONT-2025-321)

Council voted to approve a user agreement between the Town of Apex and I.Q. Data Systems dba Backgrounds Online to process background checks for youth athletic coaches, volunteers, and program instructors for the Town's Parks, Recreation, and Cultural Resources Department, effective May 6, 2025 through May 5, 2027, and authorize the Town Manager, or their designee, to execute the agreement on behalf of the Town.

CN2 Agreement Amendment Ratification - The Wooten Company - Pleasant Park Elevated Tank Tasks (REF: CONT-2025-322)

Council voted to Ratify an Oral Amendment to the existing Task Order for Design Services between the Town of Apex and The Wooten Company, for task work related to the Pleasant Park 1.5 MG Elevated Water Tank.

CN3 Budget Ordinance Amendment No. 2 - Play-It Forward Donations (REF: ORD-2025-060)

Council voted to approve Budget Ordinance Amendment No. 2 allocating funds for the Play-It-Forward program in Fiscal Year 2025-2026.

CN4 Contract - Pyro Shows East Coast, Inc. - July Third Fireworks Display Calendar Year 2026 (REF: CONT-2025-323)

Council voted to approve a standard services agreement between the Town of Apex and Pyro Shows East Coast, Inc. to perform the Fireworks Display on July 3, 2026, and authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN5 Fiscal Year 2025-2026 Fee Schedule Amendment - Mattress/Box Spring Disposal and Exempt Site Plans for Neighborhood Beautification Grant Improvement Program (REF: PLCY-2025-016)

Council voted to approve an amendment to the Town's Fee Schedule for Fiscal Year 2025-2026 to include a change to the Mattress/Box Spring Disposal Fee Rate from \$10 to \$15 and add an Exempt Site Plan Fee for the Town of Apex Neighborhood Beautification Grant Improvements at no charge, effective August 26, 2025.

CN6 Rezoning Case No. 25CZ02 - Jordan Lutheran Church - Statement and Ordinance (REF: ORD-2025-061)

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Council voted to approve the Statement of the Town Council and Ordinance for Rezoning Application No. 25CZ02, Rev. Michael S. Merker, applicant, for the property located at 1201 Chapel Ridge Road (PIN 0732258464).

CN7 Unified Development Ordinance (UDO) Amendments - July and August 2025 - Statement (REF: OTHER-2025-071)

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 12, 2025 proposed by staff.

CN8 Tax Report - June 2025 (REF: OTHER-2025-070)

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

[UPDATES BY TOWN MANAGER]

Town Manager Vosburg introduced the new Human Resources Director, Karmen McGee.

Town Manager Vosburg then gave updates on the following:

- **TransAmerican Motorcycle Event:** This event is hosted by the Chamber of Commerce and will take place September 4, 3:00-6:00 p.m. Apex will serve as Stage 1 in 16 in this cross-country antique motorcycle race from North Carolina to Oregon.
- **Peak City Fitness Festival:** This will be on September 6, 9:00 a.m.-4:45 p.m. at Town Hall Campus. This festival will feature live music, food trucks, and health/wellness vendors.
- **Local Spot Passport Program:** The last day to participate is September 2nd. This program is part of the town's new Social District initiative.
- **Community Town Hall Meeting:** August 28, 6:00-7:00 p.m. at the Apex Senior Center. The Mayor and Council will be present.
- **Labor Day Closure** - Town Hall Facilities will be closed on September 1st. Trash & Recycling will be delayed by one day; Friday pickup will go to Saturday pickup. Yard Waste Collection will be Tuesday through Friday, and anyone that is uncollected will be picked up the following week.
- **Tunstall House Project:** Site work begins September 2nd. The house construction will begin in mid-October.
- **Olive Chapel Road Project (NCDOT):** Met with DOT and they are progressing. There are issues with right-of-way issues and utility relocations. Final construction timeline will be shared by NCDOT.

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- **Customer Portal Enrollment:** Over 20,000 customers signed up for the portal, up from 18,000 last week. Portal enrollment defaults to paperless billing, so residents have to manually select to receive paper bills.
- **Billing Cycle Improvements and Staff:** The focus remains on reducing cycle times. Finance Director has been chosen and will be announcing who soon. Billing & Collections Manager was hired and in place and recruiting for several positions in finance and hope to be fully staffed soon.
- **Late Fees & Service Cutoff:** Currently not being implemented and will bring this back to Council for more discussion.
- **Customer Call Wait Times:** Current average wait time is 7-10 minutes. If calls weren't being abandoned (call abandonment rates are higher than expected) wait time may be 15 to 18 minutes. They are working on a system where you reach a live person first who gives you an estimate of the wait time rather than a hold, if staffing is able to be worked out.
- **Saunders Street Parking Lot:** Opened on Friday, August 22nd ahead of schedule. Downtown Phase 2 construction tentatively scheduled for the beginning of next year.

[REGULAR MEETING AGENDA]

Mayor Gilbert asked Council for a motion to set the Regular Meeting Agenda.

A **motion** was made by **Councilmember Gantt** to strike New Business Item No. 3.

Councilmember Zegerman said he understood the intent of the motion; however, he noted that while Council previously discussed the item, no formal vote was taken. He suggested the item should be brought back for a formal vote.

Councilmember Killingsworth said she agreed.

The **motion** from **Councilmember Gantt** to strike New Business No. 3 failed due to a lack of second.

A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember Gantt** to approve the Regular Meeting Agenda as presented.

VOTE: UNANIMOUS (4-0), with Mayor Pro Tempore Gray absent

[PRESENTATIONS]

PR1 North Carolina Turnpike Authority - Complete 540 Presentation

Mayor Jacques K. Gilbert introduced Alan Shapiro, P.E., Director of Highway Operations, North Carolina Turnpike Authority and thanked him for being at the meeting.

Mr. Shapiro gave an update on the completion and turnpike authority updates.

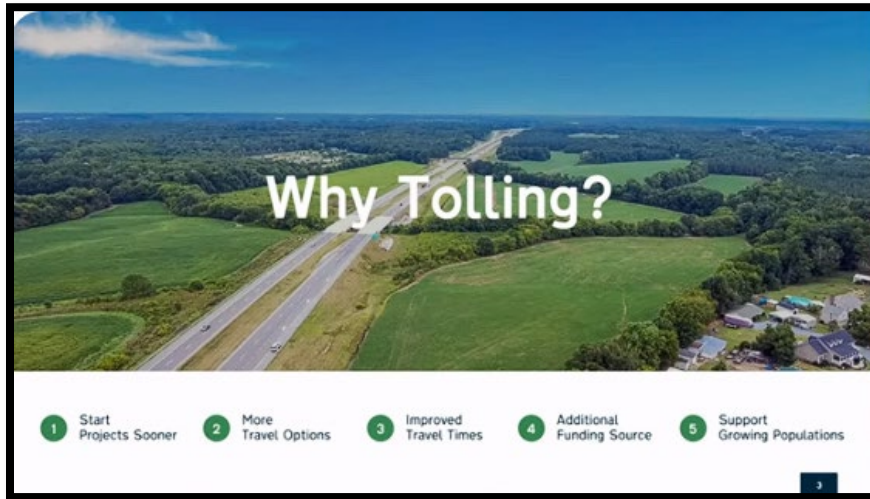
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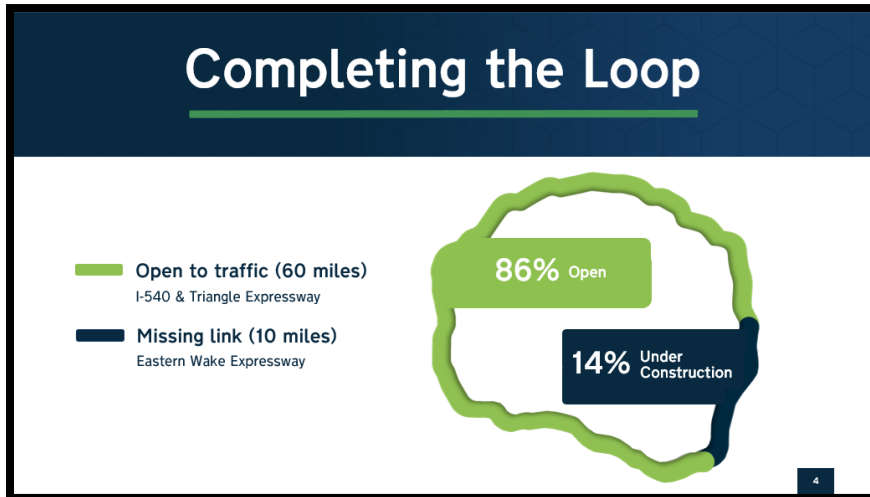
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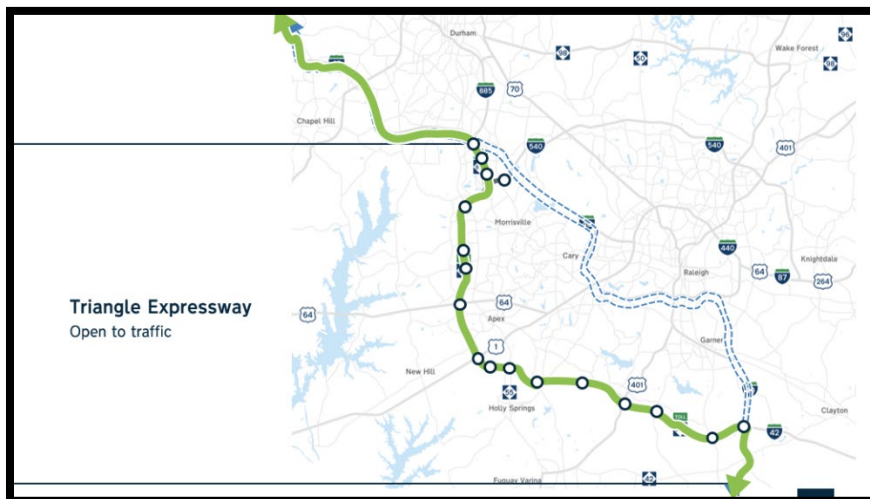
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3 **[SLIDE 7]**



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5 **[SLIDE 8]**



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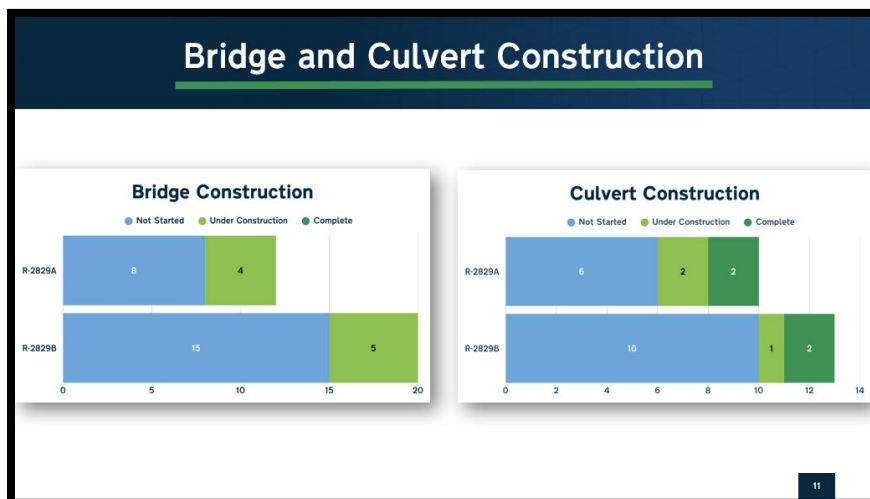
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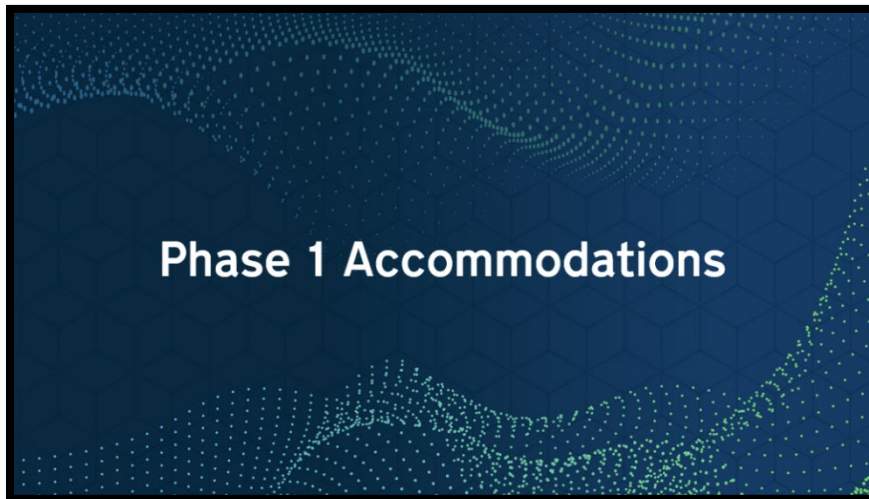
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3 **[SLIDE 13]**

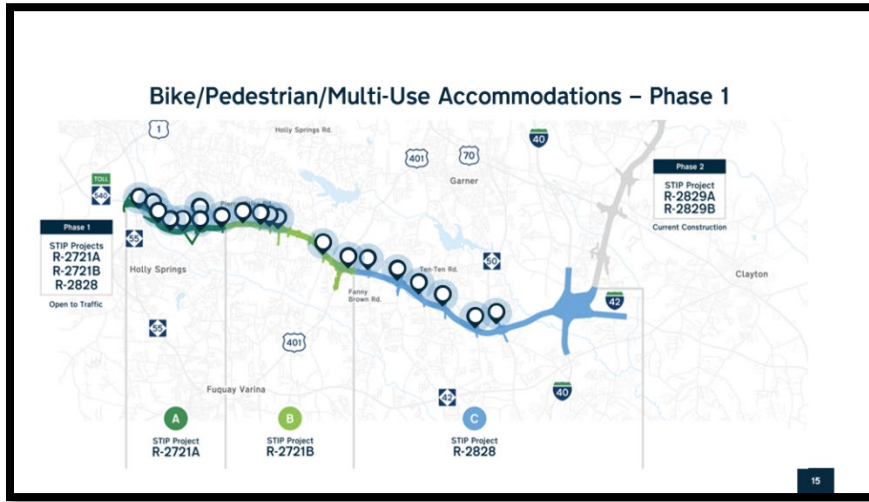


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5 **[SLIDE 14]**



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1 **[SLIDE 15]**



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3 **[SLIDE 16]**

Bike/Multi-Use Accommodations



- Shared Bike Lanes
 - East Williams Street
 - Sunset Lake Road
 - Both crossings
 - Bells Lake Road
 - West Lake Road
 - Lake Wheeler Road
 - N.C. 50 (Benson Road)
- Separate Bike Lanes
 - Holly Springs Road
 - Pierce Olive Road

- Multi-Use Paths
 - Old Stage Road Greenway
 - Old McCullers Multi-Use Path
 - Middle Creek Greenway
 - WoodCreek Pedestrian and Bicycle Path
 - Camp Branch Greenway
 - Optimist Farm Greenway

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5 **[SLIDE 17]**

Pedestrian Accommodations

Sidewalks



- Part of Phase 1
 - East Williams Street
 - Sunset Lake Road
 - 2 crossings
 - Holly Springs Road
 - Bells Lake Road
 - Old Stage Road
 - N.C. 50 (Benson Road)

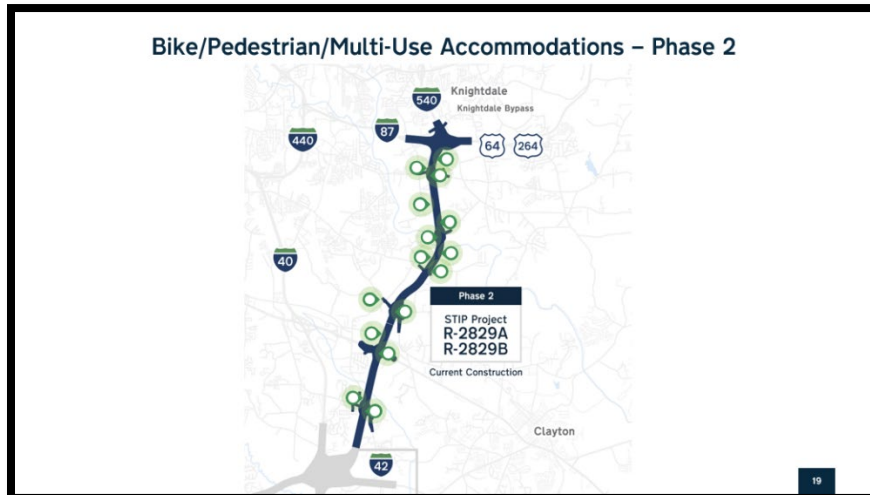
- Ready for Future Improvements
 - East Williams Street
 - Pierce Olive Road
 - West Lake Road
 - Bells Lake Road
 - Lake Wheeler Road
 - Fanny Brown Road
 - Holland Church Road
 - Sauls Road

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1 **[SLIDE 18]**



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3 **[SLIDE 19]**



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5 **[SLIDE 20]**

Bike/Multi-Use Accommodations



- Shared Bike Lanes
 - White Oak Road
 - Rock Quarry Road
 - Old Baucom Road
- Separate Bike Lanes
 - White Oak Road
- Multi-Use Paths
 - White Oak Creek Greenway
 - Rock Quarry Road
 - Neuse River Greenway
 - Poole Road
- Ready for Future Improvements
 - U.S. 70 Business
 - East Garner Road
 - Battle Bridge Road
 - Neuse River Trail
 - Auburn Knightdale Road

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1 **[SLIDE 21]**

Pedestrian Accommodations

Sidewalks



- Part of Phase 2
 - White Oak Road
 - Poole Road
- Ready for Future Improvements
 - U.S. 70 Business
 - East Garner Road
 - Rock Quarry Road
 - Battle Bridge Road
 - Auburn Knightdale Road

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3 **[SLIDE 22]**



Noise Walls

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5 **[SLIDE 23]**

What is the “Date of Public Knowledge?”

The Date of Public Knowledge of the location and potential noise impacts of a proposed highway project is the approval date of the final environmental document, e.g., Categorical Exclusion, state or federal Finding of No Significant Impact or state or federal Record of Decision.

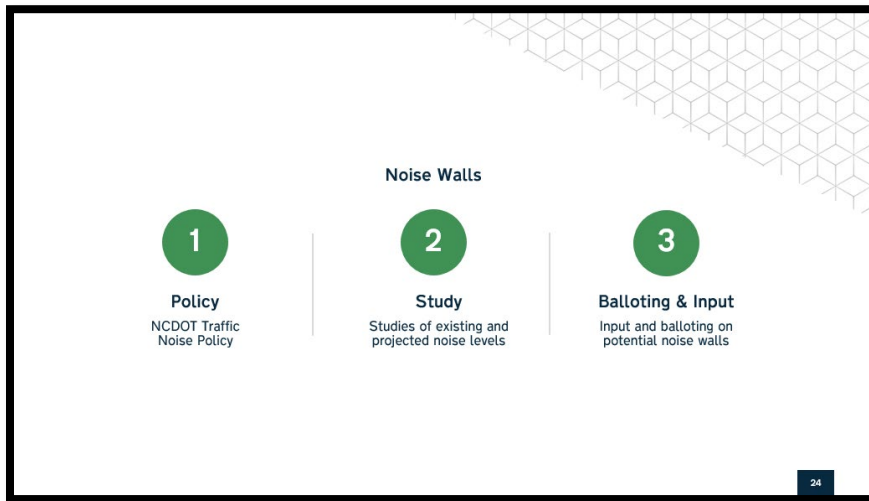


Date of Public Knowledge for the Original Triangle Expressway and Complete 540

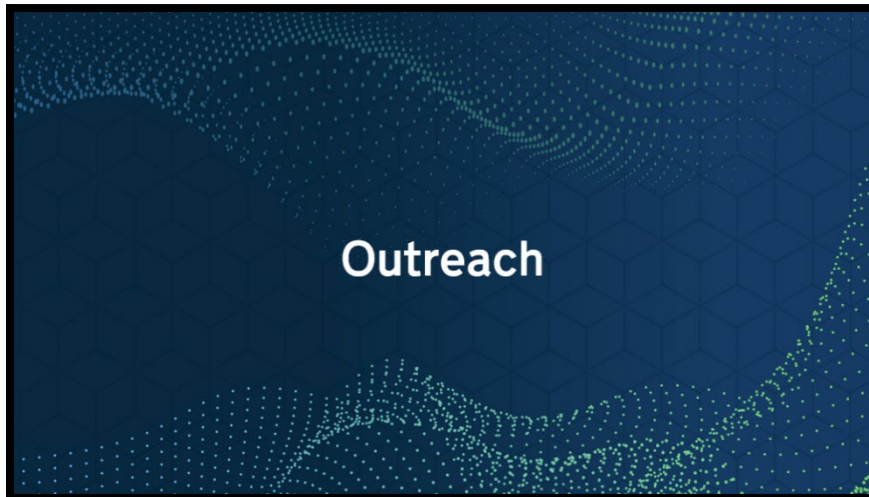
April 30, 2004 & June 6, 2018

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1 [SLIDE 24]



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3 [SLIDE 25]

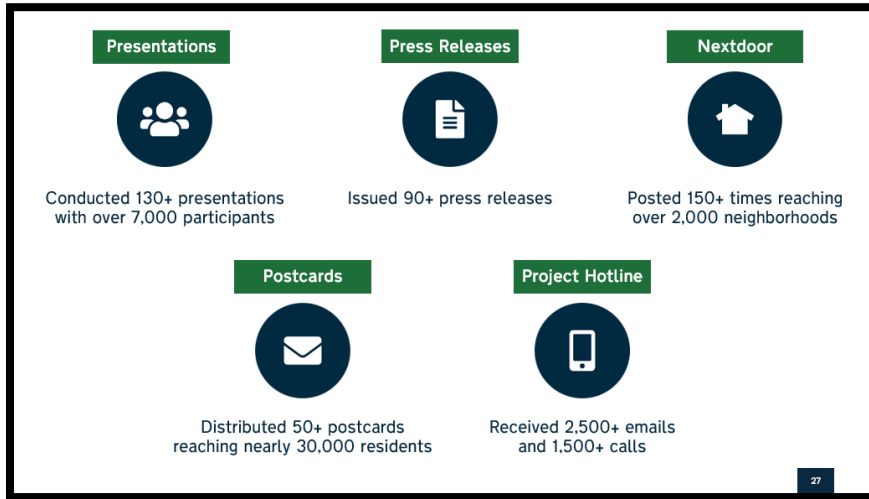


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5 [SLIDE 26]

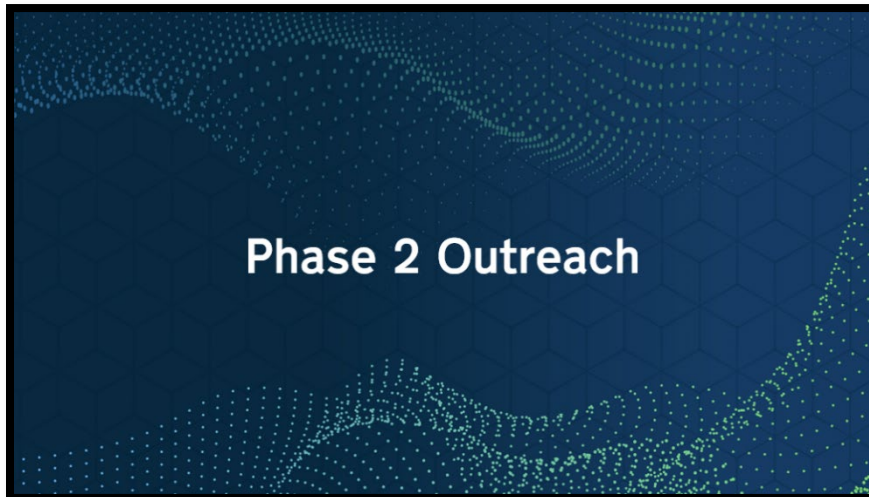


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1 **[SLIDE 27]**



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3 **[SLIDE 28]**



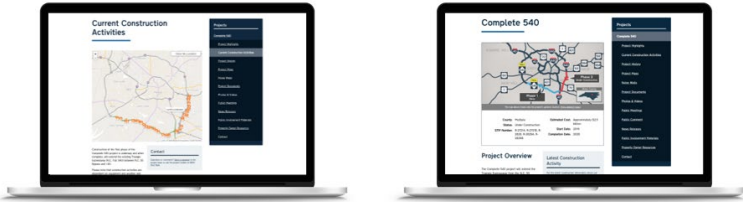
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5 **[SLIDE 29]**



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1 **[SLIDE 30]**

Resources at ncdot.gov/complete540



Interactive Map for Construction Activities

Complete 540 Webpage

If you have any questions, please contact us at complete540@ncdot.gov or 1-800-554-7849

Para servicios de interpretación, llame al 1-800-481-6494.

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3 **[SLIDE 31]**

Before You Go!

Visit our NC Quick Pass table to:

- ✓ Learn about the benefits of using a NC Quick Pass
- 📄 Sign up for an NC Quick Pass account to start saving 50% on tolls in NC
- 💻 Manage your existing NC Quick Pass account
- ❗ Get answers to your questions about tolling



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5 **[SLIDE 32]**

Contact Us

🖥️ ncdot.gov/complete540 📞 1-800-554-7849

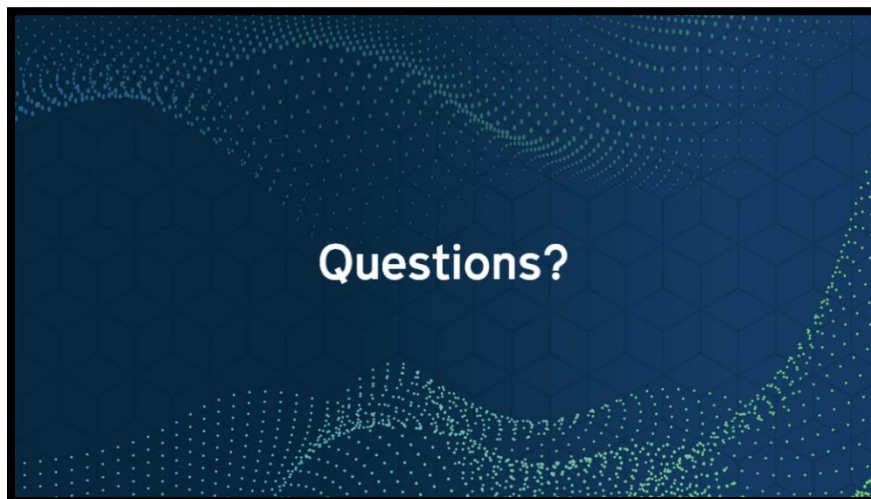
✉️ complete540@ncdot.gov 📞 Para servicios de interpretación, llame al 1-800-481-6494.

📱 @NCTurnpike 📱 @NC_QuickPass

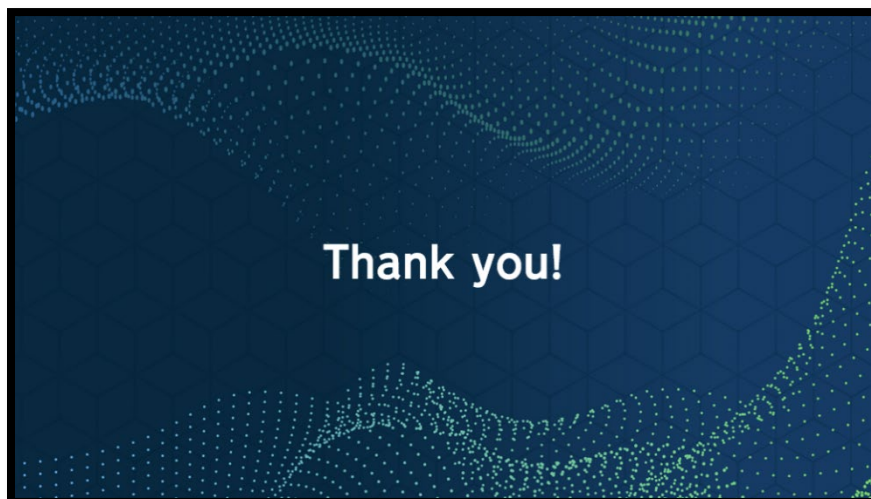
Providing drivers more choices for their commute

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1 [SLIDE 33]



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3 [SLIDE 34]



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5 **Mr. Shapiro** opened for questions.

6 **Councilmember Zegerman** asked how other municipalities have dealt with building
7 requests that come in after the date of public knowledge and what is the protocol for Apex
8 working with DOT to integrate such mitigation into zoning requirements, considering the
9 DOT's right-of-way will be part of the development area.

10 **Mr. Shapiro** said once the construction project starts and there is noise walls
11 contemplated with the project, it's up to the municipalities along with the developer when
12 approving development plans to include a type of noise mitigation. He said that they were
13 trying to make sure that residents know that DOT is not building a noise wall once
14 construction begins.

15 **Councilmember Mahaffey** said that it's too late for a noise wall for this project and
16 asked if it was possible for private developers or municipalities to provide money for
17 betterments to increase the size of the noise wall that NCDOT is building or fund the studies
18 if someone is not eligible, or put it in as a condition.

1 **Mr. Shapiro** said no, there is not anything at this time and that this is governed by the
2 FHWA policy, US DOT policy and the Department of Traffic and Air Policy. He said that there
3 are future opportunities that an existing highway could be restudied again, because anytime
4 there is added capacity to a highway, it initiates a new noise study.

5 **Councilmember Gantt** asked if this determination was in a published schedule based
6 on NCDOT projects and if Bike Lanes initiated any level of additional safety.

7 **Mr. Shapiro** said that the road probably would not function any better or any worse.
8 He said the established procedures were in an effort to make roadways as safe as possible
9 with as less noise disturbance as possible. He said that if the procedures did not exist that all
10 major highways would feel like tunnels because no one wants the interstate noise near their
11 property.

12 **Councilmember Mahaffey** asked why Apex pays tolls and others in the loop don't.

13 **Mr. Shapiro** said that it goes back to the fiscal constraints in the State Transportation
14 Improvement Plan (STIP). The northern section of 540 scored well enough that it could be
15 funded with State and Federal dollars and did not require tolls to accelerate or bridge any
16 funding gaps. He said that the original section of the Triangle Expressway which opened in
17 2012 had it gone the route of the traditional STIP, at best it would have been open this
18 calendar year, so for 13 years, those customers would not have had that option to ride on the
19 existing Triangle Expressway. He said by having tolling to bridge that funding gap, they were
20 able to complete the outer loop and give alternative routes. He said he also believed the
21 most recently constructed section south of Apex would not have scored well enough to be
22 funded by the traditional STIP at all.

23 **Councilmember Mahaffey** asked if there was a policy about working at night on
24 these construction projects.

25 **Mr. Shapiro** said that there are hard dates to stay within the loan terms for these
26 projects' deadline. He said that working around weather conditions is a way to regain the
27 construction schedule. He said that no one likes that the work is done at night at times but
28 unfortunately it is a means to an end to get the project completed on a timeline so that loan
29 repayments can start.

30 **Councilmember Gantt** asked if Mr. Shapiro was involved with the Capitol Boulevard
31 US-1 project for additional toll lanes.

32 **Mr. Shapiro** was familiar with it. He said it is not currently a toll project.

33 **Councilmember Gantt** said that it seemed from the news that the Capitol Boulevard
34 US-1 project was planned to be a toll project and then the state representatives stopped this
35 project. He asked how much influence the local state representatives have with toll roads.

36 **Mr. Shapiro** said that at the turnpike, they don't advocate for toll projects, they
37 educate, and the presentations were made to the local CAMPO Executive Board, and they
38 passed the resolution. He said that there needs to be further legislative action for that project
39 to move forward as a toll project.

40 **Councilmember Mahaffey** asked about the old white box for EZPass.

41 **Mr. Shapiro** said the new sticker has the same capabilities as that for reciprocity with
42 toll roads on the east coast.

1 **Mayor Gilbert** thanked Mr. Shapiro and moved to Public Forum.

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3 **[PUBLIC FORUM]**

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

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7 First to speak was **Doug Stewart** of 3525 Estates Edge Drive, New Hill NC (**REF:**
8 **OTHER-2025-074**):

9
10 “So, based on this petition that I'm holding that I'd love the opportunity to share with
11 you. More than 1,500 citizens and growing, just from less than a week, we agree. We agree
12 that the true measure of a community is not what we allow to be built, but rather what we're
13 willing to sacrifice and this evening, we're really here as a community to ask you to consider
14 how the proposed data center will impact not just New Hill, but also Apex, Cary, Holly
15 Springs, Wake County, North Carolina. Very soon we'll have to answer a question and make a
16 decision as a community. And first, I guess before we talk about the decision, let's first maybe
17 discuss the question and the question ultimately becomes, will the peak of good living
18 continue to be a peak? That's a big concern for us as it pertains to this data center and to be
19 clear, not because we oppose data centers. There's nothing that we're necessarily saying that
20 we want to keep those out of North Carolina or even our geography in general. It's
21 unnecessary human cost that's really the location of the data center more than the data center
22 itself. This really is eventually, I guess will be a vote, but even more than that, the vote
23 ultimately is a vow and the vow is, are we going to focus on the health of our community over
24 the financial gain, short or long term, that we get as a city? As I was thinking about this, I saw
25 this, this is a birdhouse my grandfather built for me in the early 90s. My grandfather was a
26 woodworker. I'm a native from this area. Just like this birdhouse here, our community is
27 handcrafted. It's imperfect, but it's also built to last, just like our town is. Each of you, as
28 Council, have been a part of handcrafting our future and ultimately, you're the composers of
29 the Apex orchestra. For that, that's something that we're incredibly grateful for and we're
30 grateful to have people to advocate for our citizens. On that note, I guess let's talk for a
31 moment about the health of our community. We've got some clear warnings from research
32 done by the National Institutes of Health, the Environmental Protection Agency, that the
33 particulate matter, air emissions, thermal output from these data centers all raise respiratory,
34 neurological, and cardiovascular risks and the data is really clear that the pollution near these
35 facilities can raise by double digits, of which we don't have that to risk. You may think that it's
36 way out in New Hill, but the reality is there are 1,400 residents within two miles of that site. My
37 wife and I walk almost every day in our neighborhood, and we walk further than it would take
38 us to walk to that site, notwithstanding the risk for ecological challenges and other challenges
39 that we may face in this particular site. The financial costs will undoubtedly cascade into
40 Chatham County, across to Apex, into Cary, Holly Springs, and the rest of Wake County, North
41 Carolina as a whole, not just from a health risk, but a financial risk. Ultimately, from our
42 perspective, we don't believe that's harmony. We believe that's an unnecessary note that

1 fractures the melody of our town. Just a note about light and noise. For more than 1,400
2 residents, light will bleed into our neighborhoods, noise will disrupt our sleep and chase
3 away current residents and keep away future families, which is something that none of us
4 want. We all want growth, and we are proponents of that growth. From an economic and
5 infrastructure standpoint, it's clearly a burden. Granted that this data center will bring
6 hundreds of jobs during construction, and then maybe skeleton crews of 30 to 50 people.
7 This center will guzzle our electricity. It'll strain our grid. It'll give us risk for outages, and
8 ultimately, it'll push costs downstream to citizens of New Hill, Cary, Apex, Holly Springs, and,
9 of course, other areas. So, this will impact every single household in some way that Duke
10 Power serves, if we decide to make this choice. And this proposition is a bill but not a
11 legislative bill, It's more of like an invoice kind of bill. Higher taxes, higher utility rates, risk of
12 infrastructure strain, it's not an economic melody. We might call it a bill ballot, which is not
13 something that we want to have, of course. So, consider who carries the greatest impact when
14 Duke Energy makes the call. A question we all have to ask ourselves is, are we willing to trade
15 our community and the control we have over our community for corporate demand? Really,
16 folks, that's not sovereignty. It's surrender, and that's not what our community is built on. So,
17 we believe this is a legacy kind of moment. It reminds me of not very long ago, I was in my
18 kitchen, my kids saw some fireflies out in our backyard. They're out playing with these fireflies,
19 and out of reflex, I decided to go out. As I'm walking out, just reflexively, I turned the back
20 porch lights on and when I turned the back porch lights on, the firefly lights dimmed and so
21 did their smiles and our fear as a community is that is the equivalent of what happens if we
22 allow things like data centers to go in the wrong place. So, in closing tonight, we the citizens
23 of the town that you serve, we have questions, which is: Will Apex trade its serenity for
24 servers? Is Apex willing to trade our children's breath for bandwidth? Are we willing to trade
25 Apex's peace for pollution, especially right next door to our citizens? We can only hope to
26 continue to be the peak of good living if each of our elected officials stay committed to being
27 the peak of good decisions. We believe you will be. So, let's honor the recipe that made Apex
28 what it is, let's keep our flavor uniquely ours. Because if we stray too far from this recipe, we
29 don't just risk a generic taste, of course, we risk a recipe that no one wants a second helping
30 of. Let's find an alternative site for this data center that doesn't include unnecessary human
31 costs, because the true measure of our community is not what we allow to be built, but rather
32 what we refuse to sacrifice. Thank you."

33
34 **Mayor Gilbert** thanked the speaker and then invited the next speaker.

35
36 Next speaker was **Courtney Leranski** of 4011 New Yarmouth Way:

37
38 "Hello, my name is Courtney Lammansky, and I'm here as a resident of the Shepherd's
39 Vineyard subdivision and secretary of the Shepherd's Vineyard HOA. As encouraged by
40 Mayor Gilbert, I'm here to meet our flooding concerns head on. Shepherd's Vineyard
41 Greenway is a one mile stretch that gives residents safe, scenic, accessible passage to the Eva
42 Perry Library, the pool at Shepherd's Vineyard, Apex High School, grocery stores, daycares,

pet clinics, downtown Apex, including this town hall. Even as a private greenway, we serve the greater community through events like Run the Peak. The greenway sits in a floodplain. When I met with Councilman Mahaffey, he mentioned that developments like ours would never be built like this again. This does not absolve the fact that homes in the subdivisions, their utilities, and Greenway need collaboration from the town to further mitigate damage that has occurred. This is not a new issue. Shepherd's Vineyard has documentation over the course of decades asking for partnership. You can call me the ghost of flooding in stormwaters past. It is not for lack of trying to maintain on our own. We have incurred the financial burden to repair the banks, retaining walls, and bridges as water levels rise and having community plant days that the town has disrupted. The conflict between Shepherd's Vineyard Greenway and the town stormwater easement needs to end.

That being said, I ask the Council to take the following steps toward resolution:

- Take further investigation into the infrastructure at risk on the Shepherd's Vineyard Greenway that belongs to the town easement, like cracked pipes and electrical lines that flow under the plain.
- Activate and advocate for programs similar to Raleigh and their Rainwater Rewards program to manage the flow.
- Hold the business owners and developers accountable around Shepherd's Vineyard for the increased flow to our greenway, ensuring that they maintain their stormwater systems as well.
- Make a big deal not just about local but state and federal land grants with education and assistance on how to apply.

And finally, as you make stormwater and flood decisions, please consider communities like Shepherd's Vineyard. For example, agenda item NB2 with regards to requiring native plants can drastically improve the water flow for Shepherd's Vineyard and surrounding neighborhoods. Please don't let us drown. We cannot do it without you."

Mayor Gilbert thanked the speaker and then invited the next speaker.

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

"Mayor and Town Council. Good evening. I do not have red on tonight. I met with the group last night, wore my only red shirt. So, here I am in black and white. When you took office, you took an oath to uphold the Constitution of North Carolina. That oath is not symbolic, it is binding. Once our courts have ruled, if you violate the law, not only do you expose the town to liability, but to yourselves, because your qualified immunity does not protect you against willful violations of the law. On Friday, August 22nd, 2025, our state supreme court published a major ruling against Apex in the Town of Apex versus Rubin. In a unanimous ruling written by Democrat Justice Riggs, a justice that many of you highly respect and have very publicly supported, found that Apex violated North Carolina constitution and law and ruled with prejudice to prevent Apex from bringing the same claims against Ms. Rubin in the future.

1 The ruling also puts Apex on notice that:

- 2 1. Apex's interpretation and use of eminent domain powers to take property from a
- 3 private party for the benefit of another private party is an unconstitutional taking.
- 4 2. If Apex has unlawfully entered a private property, it is a government trespass that
- 5 landowners may sue Apex for.
- 6 3. Apex cannot right past wrongs with the use of inverse condemnation.
- 7 4. If a taking is illegal, even after construction is complete, Apex is still liable.
- 8 5. Apex should not rely upon its own opinion of its authority, as that is a matter for the
- 9 courts.
- 10 6. The court affirmed that their prior action doctrine prevents Apex from pursuing
- 11 multiple lawsuits at one time against a property owner for the same purpose.
- 12

13 As such, the town's second lawsuit against Ms. Rubin should have been barred. This ruling
14 has immediate effect. To help you uphold your oath and to comply with this ruling, I will be
15 sending you a detailed email of the above points, along with a copy of the Supreme Court's
16 ruling for your records. It is now your obligation to instruct the town to abide by this ruling
17 and to instruct the town to dismiss all eminent domain cases where the town's taking is for the
18 benefit of a private party, including all of the town's Big Branch force main eminent domain
19 lawsuits, which are primarily for the benefit of private party Veridea. These takings are
20 unconstitutional in the same way that the courts found Apex's taking of Rubin's land
21 unconstitutional. I'd like to thank each of you in advance for upholding your oath, upholding
22 North Carolina's constitution and the law, and proactively ensuring that the town immediately
23 stops violating my neighbors' and my constitutional right to our property immediately. Thank
24 you."
25

26 **Mayor Gilbert** thanked the speaker and then invited the next speaker.

27
28 Next speaker was **Phil Welch** of 1471 Big Leaf Loop:
29

30 "I've stood here many times before pointing out the need for more housing choices here in
31 Apex. Tonight, I bring a possible solution to the ongoing need for more housing choices,
32 especially for our essential workers. This is what my spiritual mentors would call a God-sized
33 dream. It will require elected officials, town staff, and community members to work together.
34 But first, some background. I'll admit I was skeptical when the town commissioned an update
35 to the 2021 affordable housing plan barely four years after adopting the original plan, but
36 then a statistic from the consultants updated housing needs assessment caught my eye.
37 Ninety-three percent of Apex's workers commute to jobs outside the town. That's not too
38 surprising for what many call a commuter suburb. Then I realized that this meant that only 7%
39 of our workers here also lived in Apex. A few years ago, I heard that 12% of our workers here
40 also lived here. So, it appears now that even less of the workers who serve us in Apex are able
41 to be our neighbors. This seems like a problem, especially if it is our lower-income essential
42 workers who are unable to live in town. Is Apex turning into an economic sundown town? Our

1 essential workers, including town employees such as early responders and teachers, plus
2 retail clerks, food service workers, landscapers, house cleaners, and many more, are welcome
3 to work here, but at the end of the day, they have to leave town. They have to live someplace
4 else. In the four and a half years since Apex's first affordable housing plan was adopted, the
5 town has made incremental progress in providing more affordable housing choices.
6 However, it has not been enough to keep up with the growing number of service workers
7 needed here. The recent update to Apex's affordable housing plan projected a need for over
8 13,000 new homes over the next ten years, including about 3,600 of which would be
9 affordable to households earning a range of incomes up to 80% of area median income. As a
10 point of reference, HUD's 2025 income limits for the Raleigh area estimate that for a family of
11 four, 80% of the area median income is about \$104,000. This future demand for housing does
12 not include affordable home choices for thousands of Apex residents who now pay 30 to 50%
13 or more of their total annual income for housing. This exceeds HUD's guideline of no more
14 than 30%. The projected demand also doesn't account for the 20,000 plus workers here who
15 already commute from outside of Apex. Simple math would estimate that the town would
16 need to provide, will need to provide and produce at least 360 new homes each year to
17 house just the additional lower-income households. This tells me that we could use a few
18 large residential developments to meet these numbers. This brings me to the recent
19 announcement of the selection of Apex's Veridea master development for the location of the
20 new NC Children's Medical Complex. NC Children's will be built on about 230 acres by a
21 partnership between Duke Health and UNC Health. The 1,100-acre Veridea site in Apex is
22 being developed by RXR, a major real estate investment firm. Over the next several years, NC
23 Children's will require tens of thousands of construction workers to build the medical
24 complex, and it will ultimately employ about 8,000 workers. Of these, I would estimate that
25 over half, well over half, will be modestly paid service workers, which begs two questions:
26 Where will all of these essential workers be able to live? And is it possible to provide
27 affordable home choices for these workers in the adjacent residential developments in
28 Veridea, where about 8,000 homes will be built? The good news is that the Duke Health
29 System and the UNC Health System are both not-for-profit institutions. Under a recent 2010
30 federal law, not-for-profit hospitals are required to conduct a community health needs
31 assessment every three years and to adopt a plan to address identified community needs
32 such as housing. I believe these two health systems might welcome the opportunity to work
33 with the town and Veridea's residential developers. They could supplement the financial
34 support available from public sources. This could boost the construction of for sale or rental
35 homes affordable to lower-income households, including homes for essential workers
36 needed at the NC Children's Medical Complex. Apex has a golden opportunity, and I'm
37 looking at you, Mr. Mayor, to demonstrate how bringing together public and not-for-profit
38 funding can expand Apex's housing choices. Specifically, I believe that it may be possible to
39 bring together public and not-for-profit funding to fill financing gaps for affordable homes.
40 Public funding is already available at various levels of government from state-administered
41 federal tax credits to the town's housing rehabilitation program and the upcoming first-time
42 home buyer program. Funding from nonprofit organizations, including not-for-profit medical

1 institutions, may take a bit of negotiation. On the plus side, this additional funding could
2 greatly expand the production of housing choices for our neighbors and the essential
3 workers who serve us here every day. I firmly believe that we have the vision and the will in
4 the Peak of Good Living to make this happen. Thank you.”

5
6 **Mayor Gilbert** thanked the speaker and then invited the next speaker.

7
8 Next speaker was **Mary Miskimon** of 3177 Retama Run:

9
10 “Thank you, Mr. Mayor and Councilmembers and Manager Vosburg. And thank you for
11 the update tonight on the utility billing issue. That is why I'm here to speak. I watched the
12 Town Council's August 19th work session, and noted the following. There were a fair amount
13 of comments regarding inadequate staffing before and then throughout the entire utility
14 billing issue, which occurred about, over 13 months ago. Also, the subsequent billing vendor
15 change and the meter change-out, including one comment that staff was stressed by the
16 growth alone in Apex, before the cyberattack and utility billing issues. So, I guess my question
17 is: Why is there any staffing issue shortages, especially when the town's budget has grown
18 about 60% over the past five years? And why is the town pushing projects through when they
19 are already stressed when it comes to staffing? Now, regarding the cyber-attack itself, I'd like
20 to know what is being done to address the issues found by Berry Dunn and their
21 recommendations, specifically to conduct regular system upgrades and establish clear
22 protocols for system access and troubleshooting. Was the town not already doing this? I
23 encourage Apex utility customers to watch the entire August 19th work session, it's available
24 on YouTube. So, messaging and staff seem to be an ongoing issue for the town. I appreciate
25 that the Council indicated finally a willingness to be more transparent in addressing the
26 various and ongoing issues in the utility billing department. I'd like to share just a small
27 sampling of comments from customers: **From Deborah:** "Is anyone still having problems with
28 the Town of Apex utility billing? I set up a new account, paid my bill online last month under
29 the "My Account", and when I went to log in for this new bill, I can't", and this is, I'm reading
30 this directly, "I can't be found as registering. Got the highest bill ever for August, and I can't
31 compare it to last month because you have to have something to compare it to. But the gal
32 on the other end saw it, the phone wait was over 30 minutes, and when she transferred me to
33 IT support, it disconnected. I am so over this." **From Teresa:** "How does this even make
34 sense? Please explain it." And she posted her bill. She compared the usage to the time frame.
35 "For 47 days, we used 26,844 of electricity, but for 18 days, we used 28,054." and **Lee**
36 **replied:** "My bill for 18 days was \$334. I've never had a bill over \$300." **From Sandy:** "Three
37 trips going into the office and talking to a person, not online, about my balance. The town has
38 had my money, verified by the bank, and I showed proof to the utility staff since August 1. As
39 of August 21, they still cannot tell me where my money was with the town." Of course, we
40 know there are many, many more. Thank you for your time tonight.”

41
42 **Mayor Gilbert** thanked the speaker and then invited the next speaker.

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

"Good evening, Mayor Gilbert, Councilmembers. Apex is growing quickly, and every decision about roads, development, and new neighborhoods shapes the town we live in. Because these choices affect all of us, it's important that the process is clear, consistent, and rooted in practices that build public trust. Regional transportation planning plays a key role in shaping that growth. Committees such as the Capital Area Metropolitan Planning Organization's Technical Advisory Committee, known as CAMPO TAC, help guide funding decisions and set priorities that ripple across communities. These are long-term choices, often decided years in advance, which means the safeguards around them matter just as much as the projects themselves. In North Carolina, the State Ethics Commission requires all voting members of transportation advisory committees and their alternates to file statements of economic interest and real estate disclosure forms. These aren't routine paperwork. They are checks and balances designed so that the public can see when overlapping roles or property interests might exist. And when necessary, the system also requires recusals, not as a penalty, but as a safeguard that protects both the officials serving and the residents impacted. Why are these steps important? Because transportation decisions can affect the property values and community access in very real ways. If a project is delayed, rerouted, or reprioritized, one property might be spared disruption while another becomes more isolated or loses value. Committee members may know about these shifts long before the public does. This is exactly why disclosure and recusal requirements exist to keep decisions focused on the public good and to prevent even the appearance of private benefit. In reviewing available filings going back several years, I noticed the records themselves are clear, but public statements about them have not always been consistent. To help clarify, I shared documentation with the town leadership and also submitted a public records request. That request remains unanswered after more than 90 days. A timely response would strengthen confidence that the safeguards North Carolina put in place are not just theoretical, but active and working. Ethics rules and transparency measures were established to keep government accountable, and they work best when consistently observed. They protect the integrity of the process, the officials who serve, and the residents who rely on these decisions being made fairly. Thank you."

Mayor Gilbert thanked the speaker and then invited the last speaker.

Next speaker was **Hesman Osman** of 3181 Mantle Ridge:

"Good evening, Mr. Mayor, Councilmembers, town staff, thank you very much for the opportunity to speak. While I appreciate the optimism from Town Manager Vosburg today about the utility billing situation, I don't share that optimism. I listened to the work session that council had last week, and it's clear that there is a disconnect somewhere. I would like to repeat a quote from Jeff Bezos, the founder and former CEO of Amazon. He said, "When the

1 data and the anecdotes don't match, believe the anecdotes." There is something there that
2 are affecting too many residents with their utility bills. I understand it's a complex process. We
3 started with a cyberattack, which wasn't planned, totally understand. Complex systems, 18 of
4 them. I saw the flowcharts. I get it. Changing to new vendors, totally understand, but there's
5 still something fundamentally broken with our system. The public has been very patient with
6 the town, but at some point, we need better transparency, better answers, and more
7 information. And the most disheartening part of the work session last week is when staff
8 recommended to enforce late fees and disconnections in November. I get it, we're still in
9 August, and they wanted to start a communication saying, "Starting in November, we want to
10 start late fees again and disconnections." But with the public lack of confidence in the current
11 system, I appreciate the mayor and other Councilmembers stepping up and saying, "No, we
12 shouldn't do that yet." but again, it shows a disconnect between the data and the community
13 sentiment. There's a problem here with the utility billing. A lot of our community members
14 cannot afford their bills because of the discrepancies. A lot of us are very fortunate that we
15 can, and I understand sometimes it's billing days, sometimes it's rates, sometimes it's
16 summer, it's hot, I understand all of that. But when I take my example and look at my two bills:
17 one was 45 days, which is higher than the 30, so I accepted that it should be higher. It was in
18 the middle of the summer, it was hot, totally fine. We had a July rate change. I accept that it's
19 a little bit higher than normal. The next bill is 18 days. So, the exact logic should hold, that it
20 should be lower, it's 18 days. It's also relatively the same temperature. I should see a savings,
21 my 18-day bill is almost exactly the same as my 45-day bill. A family of four cannot use the
22 same amount of water in 18 days as 45. So again, these are the anecdotes that you have to
23 listen to. You have to believe. The staff is great. I went down to Town Hall to the staff today.
24 They want to work the best, but it's an overwhelming situation, "crisis" you used in that talk
25 last week and something needs to be addressed, because it's affecting many, many
26 community members, and it's losing faith in the town, and we need to find a solution. Thank
27 you very much."

28
29 **Mayor Gilbert** thanked all that spoke and came out to the meeting. He closed the
30 Public Forum. He requested a recess at **7:18 PM.**

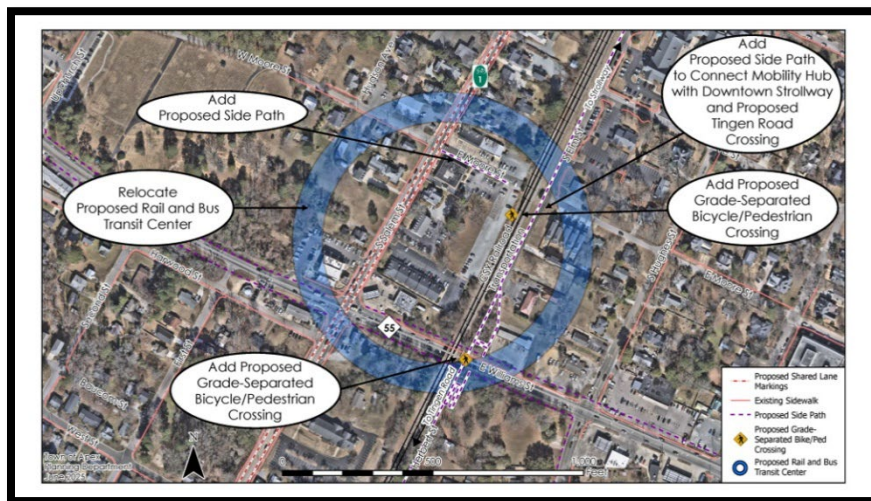
31
32 Council returned to open session at **7:30 PM.**

33
34
35 **[PUBLIC HEARINGS]**

36
37 **PH1 Apex Transportation Plan Amendments - Mobility Hub**

38 **Shannon Cox**, Long Range Planning Manager, Planning Department said that this was
39 a proposed amendment to the Apex Transportation Plan that reflected the recommendations
40 from the Mobility Hub plan prepared by the NC Department of Transportation in partnership
41 with the town and was accepted by Town Council at the May 13th, 2025 meeting. She gave the
42 following presentation:

[SLIDE 4]



Ms. Cox opened up for questions.

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

Councilmember Gantt said that he supported these changes. He said that the side path between Tingen Road connecting to the downtown stroll way and grade separated crossing above 55 will take a substantial amount of the demand the Tingen Road bridge crossing to get downtown, and supports prioritizing this construction before the Tingen Road tunnel crossing. He said this will do more for the community than the tunnel will.

A **motion** was made by **Councilmember Killingsworth** and seconded by **Councilmember Zegerman** to approve Apex Transportation Plan Amendments - Mobility Hub.

VOTE: UNANIMOUS (4-0), with Mayor Pro Tempore Gray absent

PH2 Annexation No. 803 - 1211 Old Raleigh Road - 6.40 acres

AND

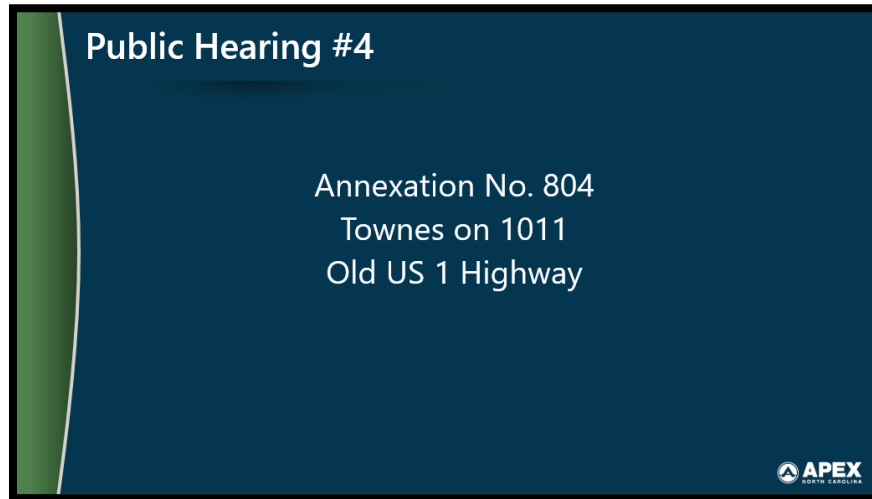
PH3 Rezoning Case No. 25CZ07 - 1211 Old Raleigh Road

A **motion** was made by **Councilmember Mahaffey**, seconded by **Councilmember Gantt** to continue PH2-Annexation No. 803 - 1211 Old Raleigh Road - 6.40 acres and PH3- Rezoning Case No. 25CZ07 - 1211 Old Raleigh Road moved to the September 23rd Regular Town Council Meeting.

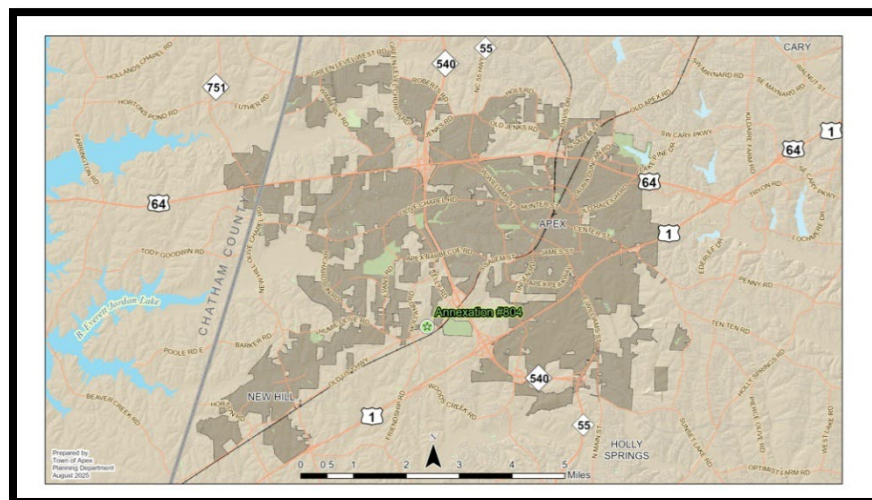
VOTE: UNANIMOUS (4-0), with Mayor Pro-Tempore Gray absent

PH4 Annexation No. 804 - Townes on 1011 - Old US 1 Highway - 26.218 acres (REF: ORD-2025-063)

Dianne Khin, Director, Planning Department gave the following presentation:
[SLIDE 1]



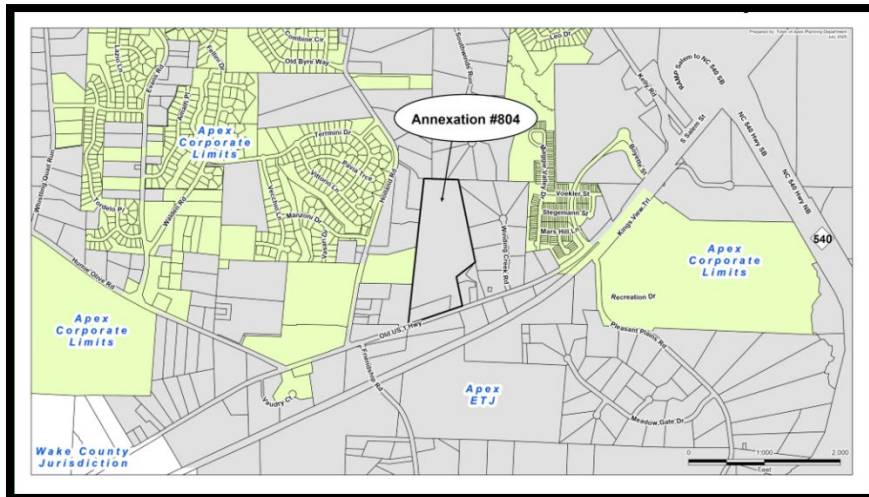
[SLIDE 2]



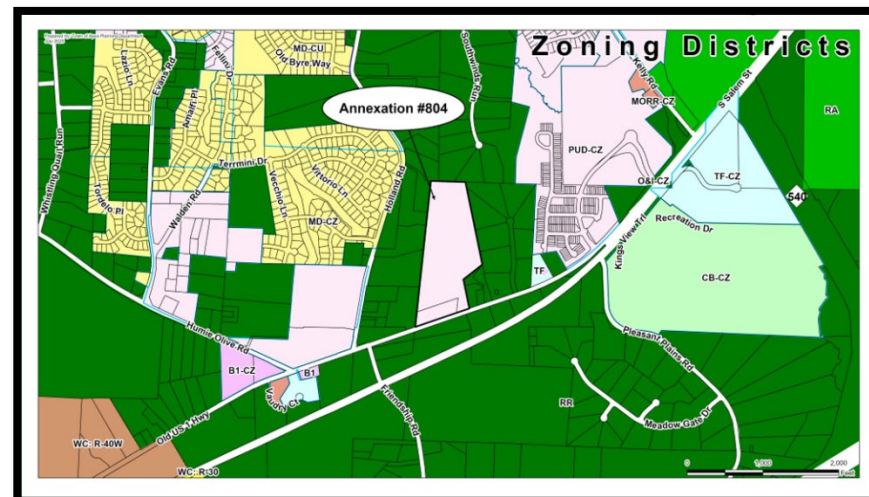
1 [SLIDE 3]



2
3 [SLIDE 4]



4
5 [SLIDE 5]



6

1 **Director Khin** said staff recommended approval.

2
3 **Mayor Gilbert** opened up for Public Hearing and called the first speaker.

4
5 First speaker was **Dawn Cozzolino** of 3632 Bosco Road:

6
7 "I know this is an annexation, but I just want to talk about our community more. Apex is
8 growing rapidly, annexing land, approving high-density developments, and steadily
9 reshaping the town. Over the last five years, there have been 26 amendments to the 2045
10 land use map, six of them in 2025 alone, along with numerous annexations and rezonings.
11 Each amendment is not just a yes or no vote. They affect traffic, schools, infrastructure costs,
12 and the character of our community. Residents are often told projects meet the land use map.
13 What isn't emphasized is that this is the 2045 plan. To most people, that sounds like impacts
14 will be felt decades from now. In reality, they are immediate. Leaving out the context makes
15 growth appear routine when, in fact, it is moving much faster than the plan anticipated. Apex
16 encourages higher-density development through incentives tied to affordable housing rather
17 than labeling rezonings themselves as affordable. Developers may receive benefits like
18 increased density or zoning flexibility if they include units that meet federal definitions of
19 affordable housing based on the area median income, or AMI. AMI is calculated using the
20 median household income for a metropolitan area, with thresholds set as percentages of that
21 median to determine who qualifies for those affordable units. Most of these projects,
22 however, are market-rate units, and many are located outside qualified census tracts, or QCTs.
23 By federal definition, QCTs are areas where incentives are intended to reach lower-income
24 families. When projects occur outside those areas, it raises a question for residents, "Are
25 those units truly helping working families who need relief"? Are they giving developers a kind
26 of license to build anywhere with little oversight? Clear explanation about AMI levels, unit mix,
27 and how incentives are applied is essential so the public can understand who benefits. It's
28 important to remember that regulations and safeguards do exist, through zoning codes,
29 housing policies, and federal guidelines to ensure that incentives are used responsibly and
30 that projects serve a public purpose. These systems are in place to protect the residents,
31 guide growth, and provide accountability and enforcement rests with the state, local, or
32 federal agencies. Residents naturally worry when agendas run hundreds of pages, projects
33 are approved quickly, and community concerns are noted but rarely addressed in detail.
34 My request is simple, be transparent when invoking the 2045 plan, and clearly explain how
35 affordable housing units, AMI levels, and QCT designations are being applied. Thank you."

36
37 **Mayor Gilbert** thanked the speaker and closed Public Hearing. He brought the item
38 back to Council for discussion and a possible motion.

39
40 A **motion** was made by **Councilmember Killingsworth** and seconded by
41 **Councilmember Gantt** to adopt an Ordinance on the Question of Annexation - Apex Town

Council's intent to annex 26.218 acres, project commonly known as "Townes on 1011", located on Old US 1 Highway, Annexation No. 804, into the Town Corporate limits.

VOTE: UNANIMOUS (4-0), with Mayor Pro-Tempore Gray absent

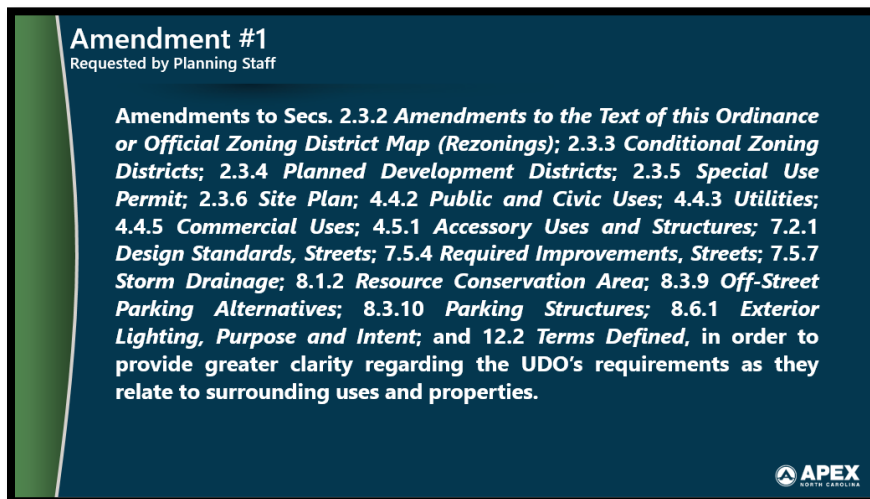
PH5 Unified Development Ordinance (UDO) Amendments - August 2025 (REF: ORD-2025-064)

Bruce Venable, Planner II, Planning Department said that this is to add some clarifying language to different parts of the UDO to help align with case law. He gave the following presentation:

[SLIDE 1]



[SLIDE 2]



1 **[SLIDE 3]**

Amendment #1

Requested by Planning Staff

2.3.2

Amendments to the Text of this Ordinance or Official Zoning District Map (Rezoning)

...

E) *Standards*

...

1) *Compatible with **all** surrounding uses.* Whether and the extent to which the proposed amendment is compatible with **all** existing and **all** proposed uses surrounding the subject land.

...

2.3.3

Conditional Zoning Districts

...

F) *Legislative Considerations*

...

2) *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of **all** surrounding land uses.

...

4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on **all** surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.



2
3 **[SLIDE 4]**

Amendment #1

Requested by Planning Staff

2.3.4

Planned Development Districts

...

F) *Standards*

In return for greater flexibility in site design requirements, Planned Development (PD) Districts are expected to deliver exceptional quality community designs that preserve critical environmental resources; provide high quality community amenities; incorporate creative design in the layout of buildings, Resource Conservation Area and circulation; ensure compatibility with **all** surrounding land uses and neighborhood character; provide high quality architecture; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure. The Planned Development (PD) Districts shall not be used as a means of circumventing the Town's adopted land development regulations for routine developments.

1) *Planned Unit Development (PUD-CZ) District*

...

a) *Development parameters*

...

(v) The design of development in the PD Plan for PUD-CZ results in land use patterns that promote and expand opportunities for walkability, connectivity, public transportation, and an efficient compact network of streets. Cul-de-sacs shall be avoided unless the design of the subdivision and the existing or proposed street system in **all** the surrounding **areas of the proposed cul-de-sac** indicate that a through street is not essential in the location of the proposed cul-de-sac, or where sensitive environmental areas such as streams, floodplains, and wetlands would be substantially disturbed by making road connections.

(vi) The development proposed in the PD Plan for PUD-CZ is compatible with the character of **all** surrounding land uses and maintains and enhances the value of **all** surrounding properties.

...



4
5 **[SLIDE 5]**

Amendment #1

Requested by Planning Staff

...

d) *Landscaping.* The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.2 *Landscaping, Buffering and Screening*, except that variations from these standards may be permitted where it is demonstrated that the proposed landscaping sufficiently buffers uses from each other, ensures compatibility with land uses on **all** surrounding properties, creates attractive streetscapes and parking areas and is consistent with the character of the area. In no case shall a buffer be less than one half of the width required by Sec. 8.2 or 10 feet in width, whichever is greater.

...

1) *Traditional Neighborhood District (TND-CZ)*

...

b) *Development Parameters*

...

(v) The design of development in the PD Plan for TND-CZ results in land use patterns that promote and expand opportunities for walkability, connectivity, public transportation, and an efficient compact network of streets. Cul-de-sacs shall be avoided unless the design of the subdivision and the existing or proposed street system in **all** the surrounding **areas of the proposed cul-de-sac** indicate that a through street is not essential in the location of the proposed cul-de-sac, or where sensitive environmental areas such as streams, floodplains, and wetlands would be substantially disturbed by making road connections.



6

1 **[SLIDE 6]**

Amendment #1
Requested by Planning Staff

(vi) The development proposed in the PD Plan for TND-CZ is compatible with the character of **all** surrounding land uses and maintains and enhances the value of **all** surrounding properties.

...

(ix) Landscaping. The PD Plan for TND-CZ shall demonstrate compliance with the standards of Sec. 8.2 *Landscaping, Buffering and Screening*, except that variations from these standards may be permitted where it is demonstrated that the proposed landscaping sufficiently buffers uses from each other, ensures compatibility with land uses on **all** surrounding properties, creates attractive streetscapes and parking areas and is consistent with the character of the area. In no case shall a buffer be less than one half of the width required by Sec. 8.2 or 10 feet in width, whichever is greater.

...

3) *Major Employment Center (MEC-CZ) District*

...

a) *Development Parameters*

...

(iii) The design of development in the PD Plan for MEC-CZ results in:

...

(g) A design that is compatible with the character of **all** surrounding land uses and maintains and enhances the value of **all** surrounding properties.



2
3 **[SLIDE 7]**

Amendment #1
Requested by Planning Staff

...

c) *RCA and landscaping.* The PD Plan for MEC-CZ establishes a resource conservation area (RCA). The criteria used to establish the RCA shall comply with Sec. 8.1.2 *Resource Conservation Area*. Landscaping and illumination complies with the standards of Sec. 8.2 *Landscaping, Buffering and Screening*, and Sec. 8.6 *Exterior Lighting*, except that variations from these standards may be permitted where it is demonstrated that the proposed landscaping sufficiently buffers uses from each other, ensures compatibility with land uses on **all** surrounding properties, creates attractive streetscapes and parking areas and is consistent with the character of the area.

...

e) *Public Facilities*

(iv) Detailed Design Guidelines are prepared for the PD Plan for MEC-CZ that shall control design guidelines for architecture, the development of open space, natural drainage areas, streets, utilities, and if appropriate, off-street parking and loading, landscaping and signage. The Detailed Design Guidelines shall ensure development proposed for the site is compatible with **all** surrounding land uses, maintains Apex's small-town character, and encourages compact development and interconnectivity to the greatest extent possible through the use of interrelated and linked pedestrian ways, bike ways and other transportation systems

...

M) *Minor Deviations*

...

1) *Height.* An increase of building height by not more than 10%, as long as the height increase is consistent with the contextual height of **all** the surrounding buildings and structures, the PD Plan and Article 9: Design Standards, or a detailed design plan (if appropriate).



4
5 **[SLIDE 8]**

Amendment #1
Requested by Planning Staff

2.3.5 Special Use Permit

...

D) *Standards*

...

1) *Compatibility.* The proposed Special Use Permit shall be appropriate for its proposed location and compatible with the character of **all** surrounding land uses.

...

3) *Design avoids significant adverse impacts, avoids being a nuisance, and minimizes adverse impact.* The proposed Special Use Permit shall not have a significant adverse impact on **all** surrounding lands (including but not limited to) regarding trash, traffic service delivery, parking and loading, odors, noise, glare, visual impact, and vibration. The proposed Special Use Permit shall not create a nuisance. The proposed Special Use Permit shall be designed to minimize adverse effects of the proposed use on adjacent lands.

...

E) *Conditions and Restrictions*

The Board of Adjustment may impose, in approving the Special Use Permit, such restrictions and conditions on such approval, the proposed use, and the premises to be developed or used pursuant to such approval, it determines are required by the standards of this Section to prevent or minimize adverse effects from the proposed use and development on **all** surrounding land uses. All conditions imposed on any special use shall be expressly set forth in the Special Use Permit.

...



6

1 **[SLIDE 9]**

Amendment #1
Requested by Planning Staff

2.3.6 Site Plan

A) *Purpose*
Site plan review is required by this Ordinance to ensure that the proposed layout and general design of proposed development complies with Article 8: General Development Standards, all other appropriate portions of this Ordinance, and the proposed development is compatible with all surrounding land uses.

...

4.4.2 Supplemental Standards, Public and Civic Uses

...

E) *Veterinary Clinic or Hospital*

...

2) Outdoor exercise and bathroom areas shall only be permitted according to the following conditions

...

b) Such areas within the Small Town Character Overlay District shall be buffered to ensure compatibility with all surrounding land uses by complying with the buffer standards of Sec. 8.2.6 *Buffering*.

...



2
3 **[SLIDE 10]**

Amendment #1
Requested by Planning Staff

4.4.3 Supplemental Standards, Utilities

A) *Chipping and Mulching*

...

5) *Buffered*. The operation shall be adequately buffered to ensure its compatibility with all surrounding land uses, and shall at a minimum comply with the buffer standards of Sec. 8.2.6.

...

B) *Communication Towers*

...

2) *Stealth Communication Tower*.

...

e) If co-location is impracticable, the new tower is designed:

...

(iv) To be consistent with the general character of all the surrounding area and land uses, in terms of height, bulk, texture and color;

...

3) *Camouflage Stealth Communication Tower*.

...

b) The structure shall be compatible with the architectural style and character of buildings/structures of the all surrounding area. A determination of architectural compatibility shall include, but not be limited to color, materials, and architectural style

...



4
5 **[SLIDE 11]**

Amendment #1
Requested by Planning Staff

C) *Electrical Power Facility*
An electrical power facility use shall comply with the following standards:

...

2) *Setback*. The proposed electrical power facility shall be setback a minimum of 100 feet from property lines and buffered to ensure it does not have an adverse impact on all surrounding land uses;

3) *Compatibility*. If deemed necessary to ensure land use compatibility with all surrounding uses, adequate setbacks, screening and buffering around the perimeter of the proposed electrical power facility use shall be provided at the time the facility is constructed or when surrounding development occurs.

F) *Recycling Plant*
A recycling plant use shall comply with the following standards:

1) *Location and buffers*. The proposed recycling plant shall be properly located and buffered to ensure compatibility with all surrounding land uses. To ensure compatibility with all surrounding uses, adequate setbacks, screening and buffering around the perimeter of the proposed recycling plant shall be required at the time the facility is constructed. Required minimum lot size, setbacks, screening and buffering shall include, but not be limited to the following:

...

G) *Utility, Minor*

...

2) *Compatibility*. The proposed minor utility shall be properly located and buffered to ensure compatibility with all surrounding land uses. If deemed necessary to ensure compatibility with all surrounding uses, setbacks, screening and buffering around the perimeter of the utility shall be required at the time the facility is developed.

...



1 **[SLIDE 12]**

Amendment #1
Requested by Planning Staff

H) *Sanitary Landfill*
A sanitary landfill use shall comply with the following standards:

1) *Location and buffers.* The proposed sanitary landfill shall be properly located and buffered to ensure compatibility with **all** surrounding land uses. To ensure compatibility with **all** surrounding uses, adequate setbacks, screening and buffering around the perimeter of the proposed sanitary landfill shall be required at the time the facility is constructed. Required minimum lot size, setbacks, screening and buffering shall include, but not be limited to the following:

...

I) *Land Clearing and Inert Debris Landfill*
A land clearing and inert debris landfill use shall comply with the following standards:

1) *Location and buffers.* The proposed land clearing and inert debris landfill shall be properly located and buffered to ensure compatibility with **all** surrounding land uses. To ensure compatibility with **all** surrounding uses, adequate setbacks, screening and buffering around the perimeter of the proposed landfill shall be required at the time the facility is constructed. Required minimum lot size, setbacks, screening and buffering shall include, but not be limited to the following:

...



2
3 **[SLIDE 13]**

Amendment #1
Requested by Planning Staff

J) *Wireless Support Structures and Wireless Communication Facilities*
Wireless support structures and wireless communication facilities to be located in a public right-of-way shall comply with the following standards:

...

2) *Definitions applicable to this Sec. 4.4.3.J.*
...

Least Intrusive Means: The method of designing potential wireless support structures or wireless communication facilities to minimize visual and aesthetic impacts, including camouflage and/or stealth elements and techniques suitable for the location, visual environment and **all** surrounding uses/structures. The Least Intrusive Means addresses a significant gap in the applicant's service while doing the least harm or disservice to the Town's purpose and objectives provided in Sec. 4.4.3.J.1.

...



4
5 **[SLIDE 14]**

Amendment #1
Requested by Planning Staff

4.4.5 Supplemental Standards, Commercial Uses
...

F) *Public Accommodation*

1) *Bed and breakfast.* A bed and breakfast use shall comply with the following standards:

...

g) One parking space shall be provided for each guest room. Parking shall not be permitted in the front yard. On-street parking shall be permitted on residential side streets. There shall be 20 feet of street frontage for every on-street parking space. On-site parking shall be screened with a landscaped buffer to reduce undue noise, odor or glare on **all** surrounding lands. Additional off-street parking for bed and breakfasts within a PUD-CZ Planned Unit Development District, a TND-CZ Traditional Neighborhood District, the SD-CZ Sustainable Development Conditional Zoning District, or a MORR Mixed-Office-Residential-Retail District shall be provided at the rate indicated for general restaurant uses if restaurant services are provided to non-guests.

h) The bed and breakfast shall be adequately buffered to ensure its compatibility with **all** surrounding land uses, and shall at a minimum comply with the buffer standards of Sec. 8.2.6; and

...



6

1 **[SLIDE 15]**

Amendment #1

Requested by Planning Staff

- G) *Retail Sales and Service*
An establishment in the retail sales and service category may sell unfortified wine and malt beverages provided that the establishment meets all the requirements of an Alcoholic Beverage Control Commission permit.
- 3) *Farmer's market.* A farmer's market shall comply with the following standards:
 - c) The boundaries of the farmer's market shall be adequately buffered to ensure its compatibility with **all** surrounding land uses, and shall at a minimum comply with the buffer standards of Sec. 8.2.6.
- 6) *Kennel*
 - b) Outdoor exercise and bathroom areas shall only be permitted according to the following conditions:
 - (ii) Such areas within the Small Town Character Overlay District shall be buffered to ensure compatibility with **all** surrounding land uses by complying with the buffer standards of Sec. 8.2.6 Buffering.
- 9) *Laundromat.* A laundromat shall be designed to ensure that the windows and doors on the front and sides of the building shall be consistent and compatible in size and number with **all** surrounding land uses.



2
3 **[SLIDE 16]**

Amendment #1

Requested by Planning Staff

- H) *Vehicle Repair and Service*
 - 2) *Automotive service station.* An automotive service station use shall comply with the following standards:
 - b) The operation shall be adequately buffered to ensure its compatibility with **all** surrounding land uses, and shall at a minimum comply with the buffer standards of Sec. 8.2.6.
- 4.5.1 *Accessory Uses and Structures, Purpose*
This Section authorizes the establishment of accessory uses and structures that are necessary and clearly incidental and subordinate to permitted uses and approved special use permits. Additional performance criteria are set forth in this Section for particular uses and structures in order to reduce potentially adverse impacts on **all** surrounding properties.



4
5 **[SLIDE 17]**

Amendment #1

Requested by Planning Staff

7.2.1 Design Standards, Streets

- A) *Interconnectivity*
 - 1) *Conformity with Advance Apex: The 2045 Transportation Plan.* The subdivision's street system shall conform to the Advance Apex: The 2045 Transportation Plan. In areas where no thoroughfares or collector streets are represented thereon, streets shall be designed and located in proper relation to existing and proposed streets, to the topography of the area, and to natural features such as streams, hills, and stands of trees. Residential streets should further be laid out in such manner as to encourage the flow of through-traffic at slow speeds, except upon major and minor thoroughfares. All proposed street designs shall provide for the appropriate projection of principal streets in **all** surrounding areas to permit reasonable access for **all** surrounding properties, both for current use and future subdivision. No private streets shall be allowed to be built within developments or subdivisions approved on or after October 15, 2002.
- G) *Cul-de-sacs*
 - 1) In general, cul-de-sacs shall be avoided unless the design of the subdivision and the existing or proposed street system in **all** the surrounding areas of the proposed cul-de-sac indicate that a through street is not essential in the location of the proposed cul-de-sac, or where sensitive environmental areas such as streams, floodplains, and wetlands would be substantially disturbed by making road connections.



1 **[SLIDE 18]**

Amendment #1
Requested by Planning Staff

7.5.4 Required Improvements, Streets

...
C) *Sidewalks*
...
2) ...
b) Where street interconnectivity is not provided (such as but not limited to cul-de-sacs) within the development plan, pedestrian connections shall be constructed. The pedestrian connection requirement does not apply when a connection between two (2) cul-de-sacs would not improve connectivity within the subdivision or to surrounding areas adjacent to the subdivision as determined by the Planning Director. The pedestrian connection shall be constructed according to the following:
...

7.5.7 Required Improvements, Storm Drainage

...
C) *Design of System Not Connected to Town System*
Where the municipal storm drainage system cannot feasibly be extended to the subdivision, a surface drainage system shall be designed to complement surface drainage systems on all surrounding properties.
...



2
3 **[SLIDE 19]**

Amendment #1
Requested by Planning Staff

8.1.2 Resource Conservation Area

...
F) *Development Activity Inside of the RCA*
...
3) Disturbance or construction activity may occur inside the RCA when construction is done in such a way as to protect significant resources with approval of the Planning Director for the following limited purposes:
...
b) The portion of stormwater wetlands and wet detention basins that include the constructed and planted wetland, basin area, vegetated, littoral shelf, and all of the surrounding interior embankments up to the top of dam elevation;
...
...



4
5 **[SLIDE 20]**

Amendment #1
Requested by Planning Staff

8.3.9 Off-Street Parking Alternatives
The Planning Director shall be authorized to approve alternatives to providing the number of off-street parking spaces required by the Off-Street Parking Schedules in accordance with this subsection.
...

E) *Other Eligible Alternatives*
For Minor and Major Site Plans and Master Subdivision Plans, the Planning Director may approve any other alternative to providing the requisite number of off-street parking spaces on the site of the subject development (including, but not limited to, a decrease in the number of proposed off-street parking spaces by not more than 10% from the minimum number of spaces otherwise required under Sec. 8.3) if the applicant demonstrates to the satisfaction of the Planning Director that the proposed plan will do at least as good of a job of protecting all surrounding neighborhoods, maintaining traffic circulation patterns, and promoting quality urban design as would strict compliance with the otherwise applicable off-street parking standards.
...

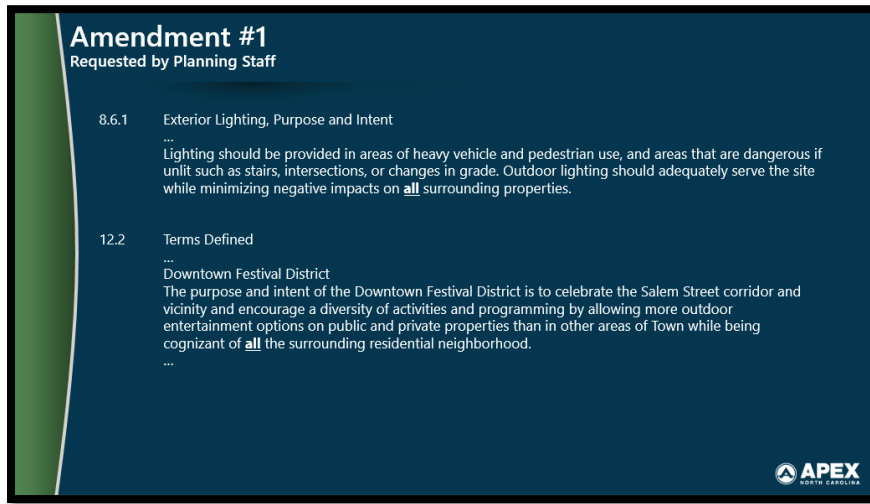
8.3.10 Parking Structures

A) *Design Requirements*

1) Parking Structures shall provide:
a) Adequate and uniform interior lighting without glare to all surrounding areas.
...
...



[SLIDE 21]



Mayor Gilbert opened up Public Hearing and with no one signed up to speak he closed Public Hearing. He asked if there was a motion.

A **motion** was made by **Councilmember Zegerman** and seconded by **Councilmember Killingsworth** to approve Unified Development Ordinance (UDO) Amendments of August 2025.

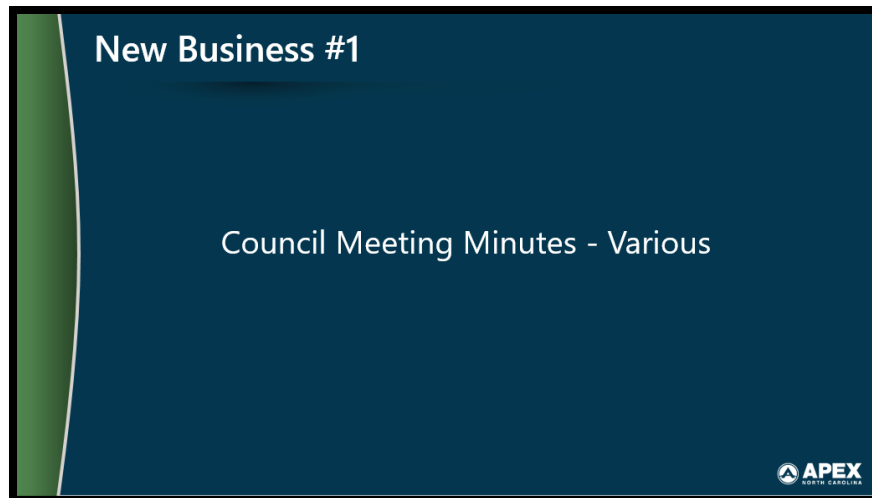
VOTE: UNANIMOUS (4-0) with Mayor Pro-Tempore Gray absent

Mayor Gilbert moved to New Business.

[NEW BUSINESS]

NB1 Council Meeting Minutes - Various (*Deferred from August 12, 2025*)
Allen Coleman, Town Clerk

[SLIDE 1]



1
2 **Councilmember Gantt** said that he pulled minutes from the minute approvals of the
3 last Council meeting to bring everybody's attention to a section of the minutes from the June
4 24th Town Council meeting. He said that this was a section where Council was making
5 approvals for the Citizen Advisory Committees in the Board of Adjustment section, and he
6 would give an overview of the minutes. He said that there were two recommendations from
7 the mayor, and he made a motion to strike through one of the recommendations and the
8 mayor responded by saying that he was not accepting any amendments at this time and
9 asked if there was a motion to approve. He said that he restated his position to strike through
10 the current Board of Adjustment name and the Mayor said that he was only accepting
11 motions to approve. Councilmember Gantt said he then made a motion to deny the
12 recommendation, at which the Mayor announced that the motion to approve was not made,
13 therefore, the item would return him for further consideration and the item was closed. He
14 said that he believed that his motion was germane and that the Mayor inappropriately acted
15 to stop that motion from proceeding. He said that he had some questions and possibly the
16 Council could discuss them. He asked the Mayor when he said that he wasn't accepting
17 amendments at this time, if the only choice as a governing body was to either say yes or
18 nothing to both recommended nominees. He additionally asked or are the nominees always
19 supposed to be linked together without separating them for separate votes.

20 **Mayor Gilbert** said that he appreciated Councilmember Gantt's questions and asked
21 hadn't this discussion already been had in his office after that meeting.

22 **Councilmember Gantt** said yes.

23 **Mayor Gilbert** said that he wasn't sure why this was being brought back up because
24 there was a resolution and that it had been talked through, there had been an agreement
25 moving forward and he said he acknowledged Councilmember Gantt's concern. He said that
26 this would move forward and at the next meeting when those appointments are on the
27 agenda, it will be carried out at that time.

28 **Councilmember Gantt** said that there was a meeting that the public and his
29 colleagues didn't hear it.

30 **Mayor Gilbert** said that maybe he could explain it to his colleagues.

1 **Councilmember Gantt** asked the Mayor if the only choice for the nominee from his
2 understanding is either yes or no action taken.

3 **Mayor Gilbert** said that his response is that at the September 9th meeting we will
4 proceed accordingly.

5 **Councilmember Gantt** asked the Mayor if the expectation was for the two nominees
6 in this case to be linked together, as his intent was to vote on them separately.

7 **Mayor Gilbert** said that Councilmember Gantt could present the motion as he
8 wanted to and that it would be dealt with at that time.

9 **Councilmember Gantt** said OK.

10 **Mayor Gilbert** said that he planned to submit the same two names every single time,
11 and he's not changing it.

12 **Councilmember Gantt** said that that he had expressed that to him previously, but that
13 it makes him question the procedures, if there is this kind of stalemate that can be created by
14 inaction on nominees.

15 **Mayor Gilbert** said that he believed that was a rules committee meeting with attorney
16 guidance from the Town Attorney and other counsel.

17 **Councilmember Gantt** said that in the spirit of Robert's rules they wouldn't have
18 these stalemates, and that Robert's rules are intended to help the governing bodies conduct
19 business in an orderly fashion, and a situation where there's a governing body that maybe is
20 not in agreement with something but can never deny it seems like a bad policy, and maybe
21 against Robert's rules as far as he understands them.

22 **Mayor Gilbert** thanked Councilmember Gantt for his comment.

23 **Councilmember Gantt** said for what it's worth he believed that there were
24 nominations on September 9th, and these discussions can be adjudicated then.

25 **Mayor Gilbert** said that he believed that it was a better meeting to discuss this.

26 **Councilmember Gantt** said he implored Mayor Gilbert to accept motions and let
27 them have a vote, and not veto and blockade the motions.

28 **Mayor Gilbert** said as discussed in his office, he heard his concerns and they will be
29 dealt with in the future at that time.

30 **Councilmember Gantt** said okay.

31 **Councilmember Mahaffey** said to Mayor Gilbert that he would like to point out that
32 this is actually an issue that's specifically addressed in Robert's rules, the concern about a
33 chair not recognizing a motion made by a member.

34 **Mayor Gilbert** said that was his interpretation, and he had read it with an attorney as
35 well.

36 **Councilmember Mahaffey** said he would read it and read Chapter 62-4 of Robert's
37 Rules of Order. He said that he and Mayor had a conversation where he tried to he tried to
38 describe this process without Robert's Rules in front of him as he understood it, and asked
39 Mayor Gilbert if he had read this section would he abide by the rules of Robert's Rules. He
40 said he was obligated as the chair to recognize motions that are made by the members, or
41 rule them out of order, or put it to a vote for the Council.

1 **Mayor Gilbert** said that he was hearing everything that was being said, but his
2 concern was that there was not a conversation with him prior to this meeting and there could
3 have been a conversation and broken all of this down. He said that if there is going to be a
4 conversation about rules, he could bring up a lot of rules that haven't been followed and that
5 they did not want to go down that road. He said that they need to let this be addressed at the
6 September 9th meeting. He asked if there were any other comments.

7
8 A **motion** was made by **Councilmember Gantt**, seconded by **Councilmember**
9 **Killingsworth**, to approve the Meeting Minutes for the following meetings as presented:

10 July 11, 2022 Special Town Council Meeting
11 October 25, 2022 Regular Town Council Meeting
12 June 17, 2025 Work Session
13 June 24, 2025 Regular Town Council Meeting
14

15 **Councilmember Mahaffey** said that as part of the discussion in these situations, one
16 thing that other bodies do is there would be a motion to strike the words of a member that
17 they disagree with and note why, so striking the wording could be considered. He said
18 Council could add a footnote to the minutes saying that motions should be accepted.

19 **Mayor Gilbert** said that he wasn't understanding.

20 **Councilmember Mahaffey** said that the minutes could be modified. He said that
21 there is a motion that can be taken when discussing minutes to strike words.

22 **Mayor Gilbert** said they could do what they wanted. He said that they would move
23 forward to September 9th and this would not be rehashed. He said that is his last comment
24 about this and said we have a motion and a second to accept the meeting minutes and asked
25 if they were ready for a vote.

26 **Councilmember Killingsworth** suggested leaving the minutes as stated because that
27 is what happened and that needs to be on record.

28 **Councilmember Mahaffey** said to clarify, when there is a move to strike, it's literally a
29 strike. He said that the words are still there in the minutes, and they can still be read and then
30 there is a footnote for why it was stricken. He said Congress does this.

31 **Mayor Gilbert** called for those in favor.

32 **Councilmember Mahaffey** said they were still debating the motion. He asked if
33 Councilmember Zegerman had any thoughts.

34 **Councilmember Zegerman** said that in general this is a small board which allows
35 them to use the relaxed version of Robert's rules. He said that they represent a town that has
36 grown significantly over the years, and it requires them to grow with the town in terms of the
37 maturity of proceedings. He said that he agrees with the Mayor that there are probably a lot
38 of rules that could be called out that they have been lax with, but he liked the idea of starting
39 to tighten things up a little bit because it reflects the size of the population and the type of
40 government that is needed. He said with that in mind he supports the suggestion made by
41 Councilmember Mahaffey to amend the minutes, but still make clear what happened in the
42 document it as it happened. He said he wanted to make sure it is clear and transparent that

1 this was not handled entirely appropriately, Council is aware of it, and that there are plans and
2 commitment to do a better job next time. He said to state that is appropriate in this case.

3 **Mayor Gilbert** said that he appreciated the comments but cautioned that if they are
4 calling out everything, they can call out everything.

5 **Town Clerk Coleman** asked if there was any specific wording for the minutes,
6 because there sounds like there's a possibility that there might be support for this striking
7 method. He asked if there was anything specific the body wanted in the footnote. He said
8 that based on the comments, the initial draft of the meeting minutes are captured accurately.

9 **Councilmember Mahaffey** proposed a footnote that says "the motion died for lack of
10 a second and the Council affirms that all properly made, non-dilatory motions made by
11 members need to be recognized by the Chair.

12 **Councilmember Zegerman** asked if there would be an amendment to the existing
13 motion.

14 **Councilmember Mahaffey** said yes, to approve the minutes and amend the minutes
15 as it was just said.

16 **Mayor Gilbert** asked for Councilmember Mahaffey to repeat the motion.

17 **Councilmember Mahaffey** said that the Clerk suggested we add a footnote and the
18 footnote would read, "The motion died for lack of a second," which he said was true, and the
19 Council affirms that any non-dilatory motion made by a Councilmember must be recognized
20 by the chair, or the chair must state the reason that it's not germane, which would be subject
21 to appeal of the body.

22 **Councilmember Killingsworth** said that is technically what Robert's rule says.

23 **Councilmember Mahaffey** said that is his interpretation of what he read.

24 **Councilmember Killingsworth** said that she would accept the amendment to the
25 motion.

26 **Councilmember Gantt** said that he would accept it as well.

27 **Mayor Gilbert** said that he was focused on moving forward, and he would have some
28 other things to bring up at the meeting.

29
30 **CLERK'S NOTE:** *The Councilmember who made the previous motion agreed to amend*
31 *the motion, and it is re-stated, as amended, below:*

32
33 A **motion** was made by **Councilmember Gantt**, seconded by **Councilmember**
34 **Killingsworth**, to approve the Meeting Minutes for the following meeting, with the addition
35 of the following footnote on the June 24, 2025 Meeting Minutes: "*Councilmember Gantt's*
36 *motion died for a lack of a second. The Apex Town Council affirms that any non-dilatory*
37 *motion made by any member of council needs to be recognized by the Chair. If the Chair*
38 *elects to not recognize a motion by any member of council, the Chair must state that the*
39 *motion made is not germane and this ruling shall be subject to appeal by the governing*
40 *body.*"

41 July 11, 2022 Special Town Council Meeting

42 October 25, 2022 Regular Town Council Meeting

June 17, 2025 Work Session

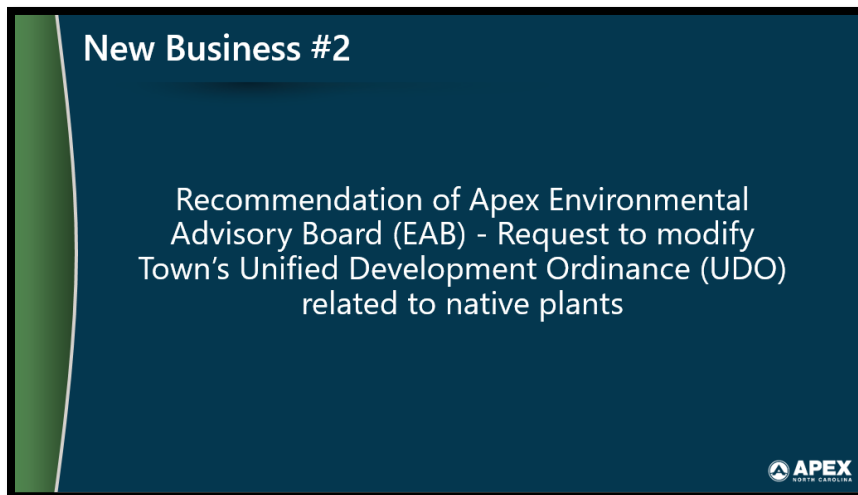
June 24, 2025 Regular Town Council Meeting

VOTE: UNANIMOUS (4-0), with Mayor Pro-Tempore Gray absent

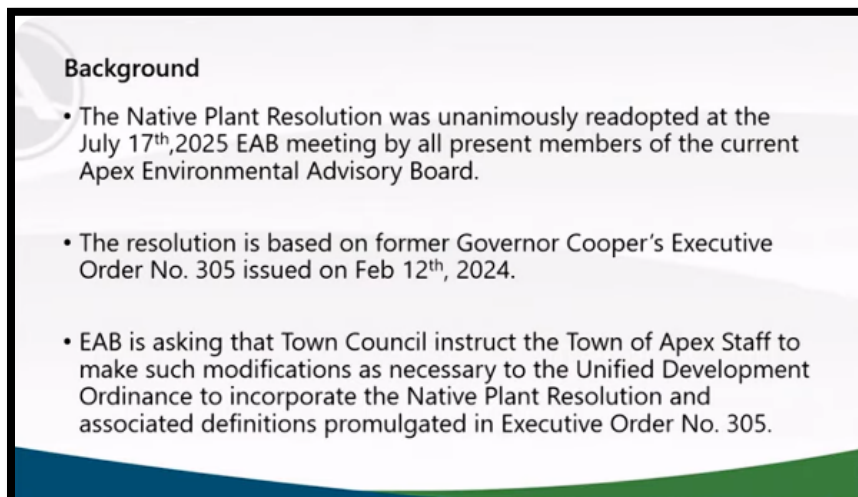
NB2 Recommendation of Apex Environmental Advisory Board (EAB) - Request to Modify Town's Unified Development Ordinance (UDO) Related to Native Plants

Susanne Mason, Chair, Town of Apex Environmental Advisory Board (EAB) introduced herself and Nora Skinner, Environmental Programs Coordinator, Planning Department. She said that the resolution was unanimously adopted by the current Environmental Advisory Board at the July 2025 meeting. She gave an overview of the background of the following presentation:

[SLIDE 1]



[SLIDE 2]



1 [SLIDE 3]

Governor Cooper's Executive Order 305

An Order to Protect and Restore North Carolina's Critical Natural and Working Lands

- **Not** rescinded by Governor Stein
- Section 6 - Native Plant Policy
 - Supports native biodiversity and pollinators.
 - Governs landscaping practices on state owned lands or for state-funded or state-permitted projects and activities.
 - Only seeds and plants that the USDA has classified as native to the state or Southeastern United States shall be used.
 - With exemptions – turf grass areas (outfield of baseball/softball diamonds).
 - **"Local governments are encouraged to adopt similar native plant policies."**



2
3 [SLIDE 4]

Benefits to the Town

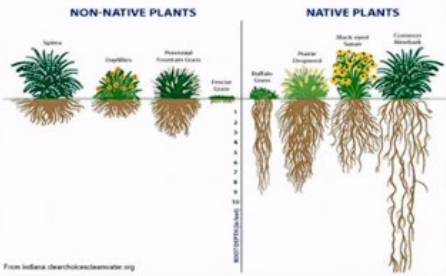
- Leader in supporting pollinators and biodiversity
 - Supportive of Bee City and Tree City designation goals and Mayor's Monarch Pledge requirements
- Leader in stewardship of Town owned or managed properties
 - Parks, Town campus, cemetery, public works campus, fire stations, police station
 - Rights-of-way, streetscaping on Salem
- Lead by example
 - Demonstrate what is possible to individuals, commercial establishments, developers, other municipalities



4
5 [SLIDE 5]

Additional Benefits

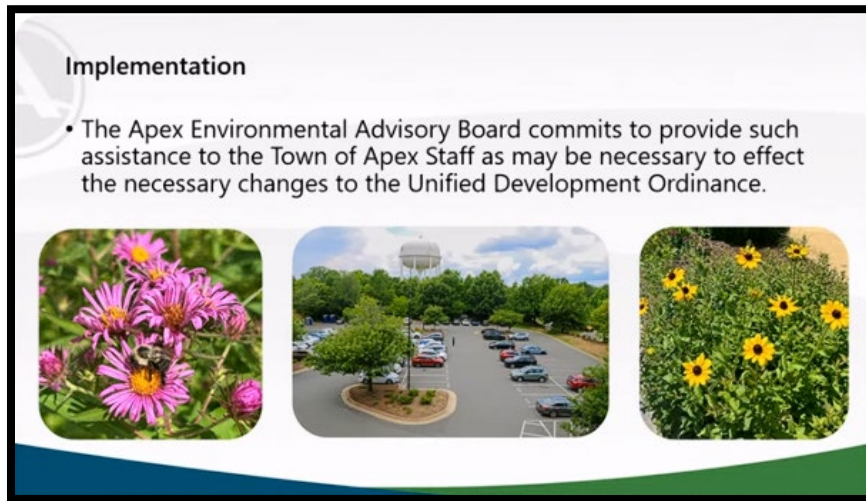
- Easy to grow, minimal maintenance
- Increase beauty and property values
- Improve water infiltration and reduce soil compaction
- Reduce overall town maintenance costs



From Indiana (www.indianahighways.com) org

6

[SLIDE 6]



Mayor Gilbert asked if there were any questions and thanked staff for their work.

Councilmember Gantt asked if there needed to be a motion.

Town Clerk Coleman said the request was to receive as information and discuss the request to direct staff to make modifications to the town's UDO.

Councilmember Mahaffey moved to direct staff. He thanked advisory board for bringing forward policy changes and for their expertise.

Councilmember Zegerman thanked the EAB for bringing a policy forward and said it's not frequent that Council gets policy recommendations from advisory boards and he strongly encourages the boards to continue to do this.

A **motion** was made by **Councilmember Mahaffey**, seconded by **Councilmember Zegerman** to direct staff to develop modifications to the Town's Unified Development Ordinance (UDO) Related to Native Plants.

VOTE: UNANIMOUS (4-0), with Mayor Pro-Tempore Gray absent

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

Mayor Gilbert said that this was back from the August 12th meeting, and he highlighted some points about it. He thanked the Planning Department for finding the solution after Council was not supporting of what he recommended. He said that he is all about solutions and this was about listening to parents and students who were facing hardships. He said that there was a solution found, and he is thankful to those involved in making it happen. He said the biggest concern that Council had was traffic safety and the students leaving that property and crossing the street. He said that the traffic signal and crossing have worked great. He said that Miss Annie is providing an opportunity and a

1 solution for the community which helps us, and that is the reason for keeping this on the
2 agenda is to keep the conversation moving because the work is not done, there is still a
3 deficit of parking spaces. He said that he would like to work with the Wake County Public
4 School System, and he would like the support of Council. He said that he does not know what
5 this process looks like, but he is committed to it and he is asking Council to do the same. He
6 said with that, he didn't need this, and Council could go ahead and vote it down.

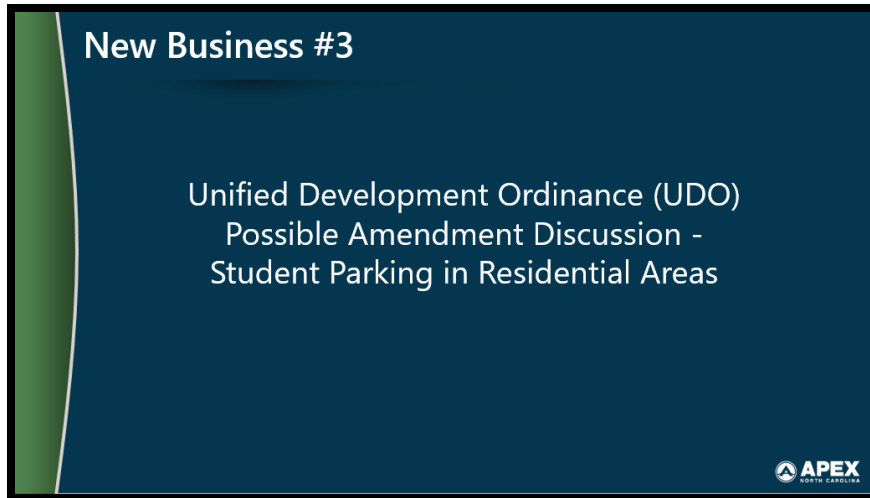
7 **Councilmember Zegerman** said that he appreciated the Mayor's comments. He said
8 they never voted on this last time, and it was appropriate to keep this on the agenda and vote
9 on this. He said that no one debated the need for parking and there was a solution put on the
10 table, and Council clearly indicated it was the wrong method to solve the problem. He said a
11 UDO amendment affects multiple properties and there is a much more finetuned process in
12 place through the rezoning process in place to achieve this and get the same desired
13 outcome. He said the property owner was advised of that process, chose not to follow it,
14 which left Council with a potential UDO amendment that was less than desirable. He said the
15 objection was not so much that there was no need for parking, it was really the method that
16 was proposed for the deficit that was highlighted. He said that the signal crossing helps with
17 the safety concern, and he appreciates the willingness and desire to get things done quickly.
18 He said the way the Mayor went about solving this problem, without Council and without
19 using the powers of 650 staff, was not transparent. He said that it is not working with Council
20 as a unified government or utilizing staff in the way that they are here for. He said that he was
21 disappointed, not in the outcome, but in the method chosen to achieve that outcome. He
22 said that there were options suggested in the last meeting and they were not taken.

23 **Councilmember Gantt** said that his stated concerns in the last meeting were about
24 the nuisance to the surrounding homeowners, less than the safety. He said he has advocated,
25 as the Multimodal Liaison, to try to enhance transit in that area with either micro transit or
26 fixed routes that could serve the school and other places in the western part of Apex as a
27 possible way to alleviate some of the parking concerns. He said it may be a better, safer
28 solution as well than people having to cross the street and he hopes staff and Council can
29 make that work. He said the transit plan will be coming up soon and hopes it will include
30 some of this information.

31 **Councilmember Zegerman** said that staff is also working on supplemental solutions
32 to address parking concerns and working with Wake County Public School System.

33 **Mayor Gilbert** said there are approximately 120 students being helped by this
34 parking lot because they are using carpools. He asked if there was a motion.

35 **[SLIDE 1]**



1
2 A **motion** was made by **Councilmember Zegerman** and seconded by
3 **Councilmember Killingsworth** to deny the Possible Unified Development Ordinance (UDO)
4 Amendments Related to Student Parking in Residential Areas.

5
6 **VOTE: UNANIMOUS (4-0), with Mayor Pro-Tempore Gray absent**

7
8 **[ADJOURNMENT]**

9
10 With no additional business being presented before the Council, **Mayor Gilbert**
11 adjourned the meeting at **8:16 p.m.**

12
13
14 Jacques K. Gilbert
15 Apex, Mayor

16
17 Allen Coleman, CMC
18 Town Clerk to the Apex Town Council

19
20 Submitted for approval by Apex Town Clerk Allen Coleman

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22 Minutes approved on _____ of _____, 2025.
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