

DRAFT MEETING MINUTES

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**TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, FEBRUARY 24, 2026
6:00 PM**

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The Apex Town Council met for a Regular Town Council Meeting on Tuesday, February 24th, 2026 at 6:00 p.m. in the Council Chambers at Apex Town Hall, located at 73 Hunter Street in Apex, North Carolina.

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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:

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https://www.youtube.com/watch?v=LLBa_qjLU_I

[ATTENDANCE]

Elected Body

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

Town Staff

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

[COMMENCEMENT, INVOCATION, AND PLEDGE OF ALLEGIANCE]

Mayor Gilbert called the meeting to order at 6:00 p.m. and thanked those who were in person as well as live stream. He asked Carl Helton, retired Veteran, to lead in the Pledge of Allegiance. He then read a Diversity statement and welcomed all to have a private moment in silence and asked to be joined in a word of prayer.

[ANNOUNCEMENTS AND PETITIONS BY THE GOVERNING BODY]

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Mayor Gilbert asked for any announcements from Council.

- **Mayor Pro-Tempore Mahaffey:** Provided an update on the Environmental Advisory Board’s efforts to become more active in the decision-making process, including holding a second hearing with applicants and exploring options for the board to vote on proposal merits pending legal review.
- **Councilmember Gray:** Announced plans to request monthly Public Hearings on the town budget through June to increase opportunities for public input during the budget process. This will begin on the March agenda.
- **Councilmember Zegerman:** No announcements.
- **Councilmember Mu:** Thanked residents for attending and expressed appreciation for community support while the Council works to make responsible decisions for the town.
- **Councilmember Reese:** Promoted the upcoming Chamber of Commerce event, Run the Peak event on March 7, including a 10K starting at 8 a.m., 5K starting at 8:10 a.m., and the Kids Superhero Fun Run starting at 9:00 a.m., and encouraged community participation. Registration can be found at website: ltsyourrun.com.

[ADOPTION OF THE MEETING AGENDA]

Mayor Gilbert asked if there were any recommended changes to the meeting agenda.

A **motion** was made by **Mayor Pro-Tempore Mahaffey**, seconded by **Councilmember Zegerman**, to set the Regular Meeting Agenda as presented.

VOTE: UNANIMOUS (5-0)

Mayor Gilbert asked if there were any recommended changes for the Consent Agenda.

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

VOTE: UNANIMOUS (5-0)

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[CONSENT AGENDA]

CN1 Agreement Ratification - Seegars Fence Company, Inc. - Apex Water Reclamation Facility Gate Repairs (REF: CONT-2026-027)

Council voted to Ratify an Oral Agreement between the Town of Apex and Seegars Fence Company Inc. of Cary for Time-Sensitive Gate Operation Repairs at the Apex Water Reclamation Facility.

CN2 Annexation No. 815 - 7200 Jenks Road - 4.53 acres (REF: RES-2026-015, RES-2026-016, and OTHER-2026-028)

Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for March 10, 2026, on the Question of Annexation - Apex Town Council's intent to annex 4.53 acres, located at 7200 Jenks Road (PIN 0733-41-1651), Annexation No. 815, into the Town Corporate limits.

CN3 Annexation No. 823 - 8001 Green Level Church Road - 2.16 acres (REF: RES-2026-017, RES-2026-018, and OTHER-2026-029)

Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for March 10, 2026, on the Question of Annexation - Apex Town Council's intent to annex 2.16 acres, located at 8001 Green Level Church Road (PIN 0723-84-9111), Annexation No. 823, into the Town Corporate limits.

CN4 Council Meeting Minutes - January 29, 2026

Council voted to approve Minutes from the following meeting:
January 29, 2026 - Regular Town Council Work Session Meeting Minutes

CN5 Fee Schedule Amendment - Residential and Residential Time-Of-Use (TOU) Service Schedule for Electricity - Schedule Public Hearing for Tuesday, March 10, 2026

Council voted to schedule a public hearing on March 10, 2026 at 6:00 p.m. on possible fee schedule amendments to the Town's residential and residential time-of-use service scheduled for electricity.

CN6 Rezoning Case No. 25CZ17 - 0 Smith Road - Statement and Ordinance (REF: ORD-2026-024)

Council voted to approve the Statement of the Town Council and Ordinance for Rezoning Application No. 25CZ17, Vimb LLC, applicant, for the property located at 0 Smith Road (PIN 0751-40-9074).

CN7 Surplus Badge and Service Weapon - Former Apex Detective J.T. Allen - Retired February 1, 2026

Council voted to declare one (1) badge and (1) service weapon (Glock Model 19 9mm handgun, with S/N Serial Number BHSV992) as surplus property, set the price for such weapon to be \$1.00 (One Dollar); and, award the stated badge and service weapon to

1 Former Apex Police Detective J.T. Allen who retired from the Apex Police Department
2 effective February 1, 2026.

3 **CN8 Surplus Badge and Service Weapon - Senior Officer Matthew Mellenberger -**
4 **Retirement Effective March 1, 2026**

5 Council voted to declare one (1) badge and (1) service weapon (Glock Model 47 9mm
6 handgun, with S/N Serial Number CCVX725) as surplus property, set the price for such
7 weapon to be \$1.00 (One Dollar); and, award the stated badge and service weapon to
8 Retiring Apex Senior Police Officer Matthew Mellenberger who will be retiring from the Apex
9 Police Department effective March 1, 2026.

10 **CN9 Surplus Badge and Service Weapon - Sergeant Matthew Kutcher - Retirement**
11 **Effective April 1, 2026**

12 Council voted to declare one (1) badge and (1) service weapon (Glock Model 47 9mm
13 handgun, with S/N Serial Number CBXU224) as surplus property, set the price for such
14 weapon to be \$1.00 (One Dollar); and, award the stated badge and service weapon to
15 Retiring Apex Sergeant Matthew Kutcher who will be retiring from the Apex Police
16 Department effective April 1, 2026.

17 **CN10 Surplus Badge and Service Weapon - Captain Joseph Best - Retirement Effective**
18 **April 1, 2026**

19 Council voted to declare one (1) badge and (1) service weapon (Glock Model 47 9mm
20 handgun, with S/N Serial Number CBXS741) as surplus property, set the price for such
21 weapon to be \$1.00 (One Dollar); and, award the stated badge and service weapon to
22 Retiring Apex Police Captain Joseph "Joey" Best who will be retiring from the Apex Police
23 Department effective April 1, 2026.

24 **CN11 Unified Development Ordinance (UDO) Amendments - February 2026 -**
25 **Statement (REF: OTHER-2026-025)**

26 Council voted to approve the Statement of the Apex Town Council pursuant to G.S. 160D-
27 605(a) addressing action on the Unified Development Ordinance (UDO) Amendments of
28 February 10, 2026, proposed by staff.

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31 **[TOWN MANAGER'S REPORT]**

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33 **Town Manager Vosburg** provided the following updates:

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- 35 • **Electric Meter Replacement Program:** Reported that more than 10,000 electric
36 meters have been replaced as part of the town's meter change-out program, which
37 remains on schedule for completion by fall.
- 38 • **Major Project Updates:** The **Salem Streetscape Project** is underway with
39 underground utility work in progress. The **Apex Peakway Connector** remains under
40 budget and is slightly ahead of schedule.

- 1 • **Apex Fire Department:** Assisted Morrisville following a major apartment fire that
2 displaced residents, highlighting the effectiveness of the CAM mutual aid program.
3 The Manager of Morrisville thanked Apex for their assistance.
- 4 • **Community Special Events:**
 - 5 ○ **United Strings of Color Partnership in Black Music** - February 28th, 7:00-
6 8:30 p.m., at the Halle Cultural Arts Center (noted as sold out).
 - 7 ○ **Apex Restaurant Week** - February 23 through March 1st, featuring
8 participating local restaurants with special menu items,
- 9 • **Think Apex Awards Update:** Nominations for the Think Apex Awards remain open
10 through March 13th and can be submitted through the town’s website.
- 11 • **Ask Apex Update:** Staff reported that the Ask Apex customer service line continues
12 to perform well, resolving 93% of calls with an average response time of 39 seconds.
- 13 • **Apex was ranked #10 nationwide** on the U.S. News & World Report list of most
14 desirable places to live. Cary was in the top 50.

15 **Town Manager Vosburg** asked for clarification on the Public Hearing discussion.
16 **Councilmember Gray** said the intention was to give the public the opportunity to talk.

17 **[TOWN CLERK’S REPORT]**

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19 **Town Clerk Coleman** gave an update of the advisory board vacancies that would
20 come back to the Council on March 10th (including ETJ representatives for Planning Board).
21 Openings for those within corporate limits are available on the Environmental Advisory
22 Board, Planning Board, and Board of Adjustment. He also noted that The House Committee
23 on Property Tax Reform met on February 18th, with an anticipated budget at the end of March
24 or early April after primary. There were presentations received about what’s going on at the
25 Federal level. Talking points will be passed out and posted on the website to educate the
26 community about the potential State Property Tax Reform Legislation.

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28 **[PUBLIC FORUM] (NOTE: To view Public Forum/Public Hearing sign-in sheets, see OTHER-**
29 **2026-033)**

30 **Mayor Gilbert** opened the Public Forum and asked the first speaker to come up.

31 First to speak was **Dawn Cozzolino** of 3632 Bosco Road:

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33 “Welcome to your life. There's no turning back and help me make the most of
34 freedom and of pleasure. Nothing ever lasts forever. As the song goes, I can't stand this
35 indecision, married with a lack of vision. This line captures how residents feel when major
36 decisions in our town are made without transparency, notice, and meaningful input. I quote
37 these lines because they capture how decisions in this town can feel when residents and the
38 surrounding community are told what will happen, not asked what should happen. With the

1 city of Apex, people repeatedly learn about major projects after approvals are complete,
2 alignments are chosen, or impacts are described as unavoidable. In most cases, the city has
3 its own preferences and selects the options that work for them. We the people rarely see
4 other possibilities or understand why one path was chosen. Transparency matters. Our
5 government exists to protect our freedoms and our liberty, not to act in ways that take from
6 us or spend our money without accountability. There's a room where the light won't find you.
7 We have a constitutional right to know where our government is going, and that right is
8 being ignored. This matters when you look just at the agenda and review all the consent
9 agenda items. You'll see major actions move forward with little notice. Special Town Council
10 meetings, Retreats, Work Sessions, and advance projects occur without a public forum, even
11 when they impact property owners. Some agenda materials are not provided to the public,
12 limiting we the people, the ability of the public to participate fully. Public records are delayed
13 for months or years, leaving we the people blind to decisions affecting money, resources,
14 and rights. Taken together, the public sees a pattern, government making choices with public
15 money and resources while the people have no meaningful chance to participate. Our
16 Constitutional rights, freedom, liberty, and protection from government overreach, are being
17 ignored. Government exists to protect "we", the people and not keep us in the dark. Say that
18 you'll never, never, never, never, never, never need it. We are told we don't need the full
19 picture, but we the people do. We the people see it. The people hold government
20 accountable. Everybody wants to rule the world, but government is not supposed to rule. It is
21 supposed to serve and protect we the people. Thank you."
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23 **Mayor Gilbert** thanked the speaker and called up the next speaker.

24 Next to speak was **Elizabeth Stitt** of 3113 Friendship Road:
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26 "Good evening. I do not understand the town's social media policy in regard to
27 elected officials' postings. And the reason why I questioned it was recently there were some
28 postings and the town came out and said it was subject to public records retention. So, I said,
29 "Okay, fine. I'll submit a public records request and say, can you please provide me the
30 policy?" Well, the social media policy I received was for the town itself, but it wasn't for
31 elected officials. And then I was given links to two documents, one was 130 pages and one
32 was 111 pages, which were the State policies as to the rules of which Apex must follow, and
33 the further statement made to me was nobody could explain it to me because that is outside
34 of the scope of the public records request. So, I'm here on behalf of a number of my
35 neighbors that we would really just like to have some clear guidance. When you post, are you
36 acting on behalf of the town and if so, are those records that are going to get retained? Or
37 when you post, is it not on behalf of the town? We just would like it to be labeled, have some
38 clarity. It should not be this difficult for us to understand what your role is and when you're
39 acting in the capacity that you are. So, I ask that you please put together an actual policy that
40 can be shared out. I know you guys talked about it on day three of your retreat. I listened to

1 that and still it was not any more clear to me. So, please, if you could put a simple statement
2 together, I can't imagine that it would take you that long. Thank you."

3 **Mayor Gilbert** thanked the speaker and called up the next speaker.

4 Next to speak was **Yury Rojas** of 100 N. Salem Street:

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6 "Mayor, Council, how are you? My name is Yury Rojas, 100 North Salem Street.
7 I'm here to just pretty much let you guys know that the Baptist Church has done so much for
8 our community throughout all these years. They're great partners of ours in downtown. Most
9 important, they pay for every single business down there, not once, all the time and we need
10 prayer at the moment, guys, downtown Apex big time. And you guys know that. Thank you for
11 the video you put out for us. Also, I think we need to do something about that zoning. I think
12 we need some parking. I'm here 20 years, literally this week, signed my lease 20 years ago. I
13 got a wonderful certificate on my wall the Mayor gave me, Revitalize downtown Apex. We've
14 never revitalized the parking. We're dying. It's hurting and if we want to move down to 50 on
15 the best towns, it's not going to be good. So, for taxpayers, it's a no-brainer, guys. Rezone.
16 Let's put a parking deck. It's not costing the taxpayer any money. Makes no sense. So, thank
17 you."

18 **Mayor Gilbert** thanked the speaker and called up the next speaker.

19 Next to speak was **Dr. Michelle O'Conner** of 2664 Jordan Point Boulevard:

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21 "At 20 weeks pregnant, a woman prepared for an ice storm with her husband and
22 children. They were concerned about losing power and record cold weather. They have a
23 generator that can last a couple of days but have been warned that outages may exceed this
24 length of time. So, they buy an indoor rated propane-based space heater, but they feel
25 nervous about this option. It has an oxygen sensor, so if the oxygen in the room decreases
26 below a certain value, it is supposed to automatically shut off. They buy battery operated
27 carbon monoxide detectors for their home. They have a friend who works for the fire
28 department to consult on how best to set it up, but they still feel nervous, especially given
29 that she's pregnant. So, her OB/GYN is consulted and the plan is discussed. Is this safe? In no
30 uncertain terms, the OB says no. Under no circumstances would it be safe for any of you,
31 especially that baby, because that baby's hemoglobin has a higher affinity to bind carbon
32 monoxide released from that heater. He could become hypoxic before she ever develops
33 any symptoms of carbon monoxide poisoning and if she did, well, there's an ice storm
34 outside, so it would be impossible to get medical attention. The baby, in the meantime, could
35 die. She's shocked. She would never intentionally do anything to bring harm to this baby and
36 his development and yet, had she not consulted her doctor, an expert, she could have made
37 an irreparable mistake that would harm him. It goes to show we all have blind spots and we
38 don't know what we don't know. Being curious and learning sometimes makes all the

1 difference in ensuring these mistakes don't happen to begin with. Because if we don't learn
2 in time, the consequences are at minimum serious and oftentimes grave. If Apex allows the
3 data center to be built, especially so close to people's homes, they will likely experience
4 irreparable harms and before you think, there goes Michelle with another speech, another
5 one-off scenario, who even knows if this really happened. Let me assure you all it did,
6 because I've left out a detail. The baby that she's carrying is not hers. It's mine and my
7 husband's and we are very excited to become parents and this was the scariest part of the
8 pregnancy that we've experienced thus far. And we're happy to know that he's unharmed
9 and growing well and big and we want nothing more than him to thrive after he's born.
10 But I've demonstrated in this room and so have many others that the data center will cause
11 harms and will prevent him from thriving along with everyone else's children and will
12 probably harm me and everyone else as well. So obviously that means it shouldn't come here
13 at all. Thank you."

14 **Mayor Gilbert** thanked the speaker and called up the next speaker.

15 Next to speak was **Sarav Arunachalam** of 2924 Jordan Boulevard:

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17 "Good evening. I gave a little bit more of my professional background last time I was
18 here on February 10th, and I'm very glad to be back again today. On that day, I gave part one
19 of my narrative on a tale of two data centers. In the first data center, the one proposed for
20 New Hill, I identified how generating backup power for a 300-megawatt data center on-site is
21 akin to having a polluting power plant in the town with its model peak of good living. The on-
22 site backup generators are expected to run for multiple hours over the period of the year for
23 testing and then for backup power for the data center should there be a power outage or
24 emergency from Duke. These backup generators, likely to be powered by a fossil fuel such as
25 diesel or natural gas, will emit multiple harmful gases as well as soot that will lead to
26 formation of fine particulate matter, or PM2.5, at downwind distances as I showed last time.
27 Although these generators are only used during emergencies, they can have outsized health
28 impacts, emitting more nitrogen oxides than natural gas plants. Emissions of nitrogen oxides
29 from diesel-fired emergency engines are 200 to 600 times greater per unit of electricity
30 produced than new or controlled existing central power plants fired on natural gas, per the
31 South Coast Air Quality Management District, which is the home of Los Angeles, the smog
32 city on the planet, despite historic improvements in air quality during the past several
33 decades. If you like to have a visual of how fine particles are formed, I think what you can
34 simply do is take an orange peel and when you peel an orange, you have hundreds and
35 thousands of aerosols that are formed. These are small liquid droplets, and these contain
36 particles suspended in the air. They're invisible to the human eye, and that's how you create
37 aerosols, which are solid or liquid droplets suspended in the air. Now why are such small
38 particles important? Given their size, these fine particulate matter of PM2.5, because of the
39 size two and a half microns, cause serious health issues by entering deep into the lungs and
40 bloodstream, leading to respiratory problems, aggravated asthma, bronchitis, reduced lung

1 function, cardiovascular issues, heart attacks, stroke, irregular heartbeat, heart failure,
2 ultimately leading to premature death and sometimes lung cancer with children, older adults,
3 and those with existing heart or lung conditions are most vulnerable. To make this point
4 clearer, I relate to a study I performed in 2000 for ozone air pollution in North Carolina's four
5 emerging major urban areas, including the Triangle region, which were in violation of the
6 EPA's national ambient air quality standard. This was 25 years ago. Ground-level ozone is a
7 result of a chemical reaction between pollutants such as nitrogen oxides and volatile organic
8 compounds emitted by vehicles, power plants, refineries, and other industrial sources in the
9 presence of sunlight. Working with the state Department of Environmental Quality, or DEQ,
10 and a team of investigators, I identified that Duke Energy's coal-burning power plant
11 emissions were the key contributors to ozone. In advance of EPA's regulatory actions, the
12 state legislature passed the Clean Smoke Stacks Act of 2002, historic legislation that
13 mandated Duke to significantly reduce emissions of nitrogen oxide and sulfur oxides from
14 their units across the state. Through air quality modeling, I projected that North Carolina
15 would have clean air in 2012, and this was published in 2006. As projected, ground-level
16 ozone dropped significantly in the next decade, and the citizens of North Carolina have since
17 enjoyed clean air. A period study subsequently documented the statewide improvements in
18 respiratory, cardiovascular, and overall health in North Carolina due to enforcement of the
19 Clean Smoke Stacks Act. Death rates from respiratory illnesses like asthma, emphysema, and
20 pneumonia drastically declined, saving citizens substantial health costs. Now I would like to
21 turn your attention to the second data center. This data center is not powered by diesel
22 generators. It does not run large computer servers. It does not put the equivalent of four
23 super Walmarts near a residential area. It does not have a humming sound. It does not deal
24 with bits and bytes. However, it's expected to have perhaps 100,000 or more rectangular
25 blocks that one can hold in their hands. These blocks are made of paper and they have
26 valuable information of all kinds. Silence is a virtue at this data center. When the children and
27 citizens of Apex are exposed to these blocks, their overall knowledge increases, and they
28 have cognitive progress rather than decline as has been documented and exposed to air
29 pollution from the first kind of data center. I'm referring to the approved and planned new
30 data center in Wake County, or the Wake County Library, coming up near the intersection of
31 Humie Olive and Old US One. If you want to see how it looks when you hold it in your hand,
32 these are the data blocks of this other data center coming up in Wake County. As one of my
33 favorite authors, Dr. Seuss, would say, "The more that you read, the more things you will
34 know. The more you learn, the more places you will go." We fully support such a data center.
35 When you have this kind of data center coming up in a town like this, you're expected to have
36 the overall standard of the Wake County school systems is expected to go up, offering a
37 brighter future for children, rather than sending children affected by the first kind of data
38 center to the new planned Children's Hospital in Apex. Imagine a scenario where one end of
39 town is the source of health problems directly feeding to a newly built healthcare facility on
40 the other side of town. I'm sure you would like to see more bright minds come out of a
41 community like the young man the town's Mayor Gilbert interviewed last night during a live
42 Facebook session. Such growth of young and bright minds can happen only when we foster

1 the growth of the second kind of data center, not the first, in a residential town appealing for
2 suburban living, and calls itself the Peak of Good Living and continues to be ranked as one of
3 the top small towns in the country, as we heard earlier from the US News & World Report
4 ranking. I also want to bring attention to two items of interest to the Town Council. The first is
5 an interim report released last week from the North Carolina Governor's Energy Policy Task
6 Force. This task force was created to develop recommendations for managing increasing
7 electricity demand while maintaining adequate, reliable, affordable, and clean electricity for
8 North Carolina. They highlight that in Duke Energy's integrated load plan, the energy load in
9 North Carolina will increase between 16 to 60% over the next 15 years, while we only grew
10 7% in the last two decades. Just think about the projected growth of demand coming in the
11 next 15 years. They made nine preliminary recommendations in this report is expected to
12 have refined and detailed recommendations in a year from now. The second report is as part
13 of a \$175 million initiative to modernize coal plants. The current administration, through the
14 Department of Energy, plans to award \$35 million to Duke Energy Carolinas to upgrade two
15 coal-fired units at the Blue Creek Steam Station in Stokes County. This facility was one of
16 several units I carefully studied in 2002 to address our State's air quality issues, which led to
17 historic reductions under North Carolina's Clean Smokestacks Act and improved public
18 health. It remains to be seen how this coal plant modernization by Duke will also protect the
19 public health of its citizens. It remains to be seen how this coal plant modernization by Duke
20 to serve the State's energy needs will also protect the public health of its citizens. Looking to
21 our neighboring state of Virginia, a total of 174 air quality permits for data center backup
22 generators have been issued as of December 1, 2024, with more than half in Loudon County,
23 also called "Data Center Alley." From a preliminary analysis performed for these data centers,
24 even assuming actual emissions are only 10% of the permitted level, the Virginia data centers
25 could cause approximately 15 to 20 premature deaths each year and over 14,000 asthma
26 cases, among other health implications, resulting in a total annual public health burden of
27 \$200 to \$300 million and that's a number I want you all to think about. To conclude, while
28 there are several concerns related to the proposed data center, excess emissions that affect
29 air quality, excess demand on water resources, excess noise that will affect sleep, and excess
30 cost to consumers due to high electricity bills, the question I implore you to ask yourselves is,
31 which of the two types of data centers would the Town Council prefer to have and promote
32 for the welfare of its citizens? I look forward to being back at a future time to discuss the two
33 reports that I mentioned. Thank you for the opportunity to provide this testimonial and for
34 your time and attention today."
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36 **Mayor Gilbert** thanked the speaker and called up the next speaker.

37 Next to speak was **Bill Dam** of 2556 Finkle Grant Drive:
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39 "Hi, Mr. Mayor. Bill Dam. I live at 2556 Grant Drive in New Hill. I want to thank the town
40 council members and staff for all your hard work on data center issues. Seven weeks ago I

1 spoke in opposition to the proposed hyperscale data center, the so-called digital campus
2 located just two miles away from my home. Since then, there have been countless discussions
3 on social media and informal meetings, but there is no central place for the public to access
4 the information. So, I'm wondering why there can't be a website. I think I posted it on one of
5 the social media chats and didn't see a response. I'm not sure how much two-way
6 conversation that is, but a website would be obvious for everybody to be able to check.
7 Maybe even some of that social media posting and comments could be collected there,
8 along with the public records, all the information that we're asking for, so we can have one
9 place. Now, you might ask, isn't that on the interactive Apex zoning map? The most recent
10 update for that was September 25, 2025, from the Environmental Advisory Board suggesting
11 voluntary zoning conditions. That's the most recent information on that site, without any
12 public comment. I was really happy to hear the Mayor Pro-Tem mention that the EAB wants to
13 have more interactions with the town council and what we'd like to see is a go-back to the
14 data center discussions with the EAB and any other Boards that can be involved. On the
15 financial side, where's the data? We keep asking for a cost-benefit analysis showing tax
16 revenues. How long will those revenues last? What's the real cost to the town? We want to
17 see numbers, not just promises. I'm going to stop reading there. I'm kind of curious. Did
18 anybody here have asthma? I grew up with asthma outside Washington, D.C. and if you
19 haven't experienced asthma, you can't breathe. You literally are sucking air. You're wheezing.
20 Your lungs get filled and you can't breathe, and sometimes you need adrenaline shots,
21 sometimes I literally felt like I was going to die. The good side of it is that I became an
22 environmental scientist because I wanted to live. I wanted to breathe. I've moved around the
23 country and the world, living in different places, trying to find clean air and a healthy
24 environment and it's perplexing that we moved from (the timer went off) I'll continue over
25 there. Thank you."

26 **Mayor Gilbert** thanked the speaker and called up the next speaker.

27 Next to speak was **Barbara Collins** of 901 Norwood Lane:

28
29 "Thank you, Apex. I think by now many people know me. People are talking without
30 listening. They're in a world where silence is given, not chosen. So, I'm going to stand here
31 silently so that you can feel the pressure of being silenced. Because people can't be silenced
32 because the words of the prophet are written on the subway walls in tenement holes. It
33 whispers the sound of silence. We will not be silenced. That's all."

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37 **Mayor Gilbert** thanked the speaker and called up the next speaker.

38 Next to speak was **Goerge Hogan** of 2140 Victoria Lane:

1
2 "I voted for every person on this council because I expect disciplined, proportionate
3 governments, especially when it comes to expanding authority. In June 2023, you guys,
4 maybe not all of you, but you approved, what is described as a limited trial of 10 Flock ALPR
5 cameras in part because of car break-ins. I want to walk you through that decision trace or I
6 want to be walked through that decision trace. Who initiated the program? Did APD
7 approach a vendor with a documented need or was a vendor approaching the town with a
8 capability? What written problem statement was produced? What baseline crime data was
9 established? And what alternative analysis was actually conducted? If this was a trial, then
10 where is the written evaluation of that trial? What measurable data justified extending this
11 authority now through January 31st of 2027? Apex's violent crime and crime in general
12 remains dramatically lower than the State and national averages. Property crime is
13 significantly below the North Carolina average. There has been no publicly documented
14 structural surge that would justify a permanent tracking infrastructure that we have in place
15 now. Ten cameras, many home break-ins, many break-ins cited in the neighborhoods and
16 commercial lots that happened a few years ago. We all remember it. It was at Home Depot. It
17 was at Lifetime Fitness. Well, guess what? They do not have town-deployed Flock cameras,
18 nor do they have private Flock cameras, but Apex decided to deploy them. Decided to
19 deploy ten of them. So, the deployment does not align with this problem statement. Apex
20 right now, we're spending \$40,000 a year to be spied on, on this system. It is a recurring
21 investment in surveillance authority. APD has stated that the data is retained for 30 days.
22 That's what they say. However, Flock recently updated their terms of service to expand the
23 vendor rights over system outputs and product improvement use. Whether Apex is governed
24 strictly by this 30-day policy or this is just what APD said, or are they governed by broader
25 vendor terms, that depends entirely on the MSA that was signed. I requested the agreement
26 on February 16th. It has not been produced, but you guys have been communicating with
27 me. Without it, however, neither residents nor this Council can independently verify the
28 retention. Apex is not alone in reconsidering this. Today, Denver canceled their Flock
29 contract. Santa Cruz severed ties. Flagstaff, Sedona, Hillsborough, North Carolina canceled
30 their contract. All I want to know is the decision trace, who initiated it, what the baseline was,
31 and the evaluation."

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

33 Next to speak was **Doug Rouse** of 370 Walker Street:

34
35 "Thank you to the Council and those in attendance. My name is Doug and I reside at
36 370 South Walker Street in Cary, right by, you know, don't hate me for being from Cary. I'd
37 like to speak to the New Hill data center. I live in Cary right now, but unlike a whole lot of
38 people in this area, I can say I am from Apex, North Carolina, with my family having moved
39 here in 1999 and to put that in perspective, back then folks from Cary would make fun of the
40 kids from Apex for being from the sticks and it was kind of true. There was no Beaver Creek,

1 there was no community center, there was no skate park, there was no nothing. I often feel
2 like Apex and I grew up together as folks from all stripes of life found a home here and then
3 subsequently got an ego about it when it was named the best small town in America in 2015.
4 Having lived here for so long, there's actually one date in particular I'd like to speak to, which
5 is October 5th of 2006. A hazardous waste plant in Apex run by Environmental Quality
6 Industrial Services had a major chemical fire. Improper storage of hazardous materials
7 resulted in chemical plumes that rained down on residents, myself and my family included.
8 These were the days before social media, and I was a child and already in bed when my
9 parents just happened to be watching the Weather Channel and the alert about what was
10 happening went across the bottom of the screen, and so we could have just as easily missed
11 that alert at the time. The alert was telling us to shelter in place, followed by an alert the
12 following morning that told us to evacuate, and we made a beeline for my grandparents'
13 home in Chapel Hill where we ended up spending the next couple of days. I was unaffected
14 at the time, like I said I was already asleep when the shelter in place alert went out, and all I
15 remember personally from the time is spending a couple days with my grandparents in
16 Chapel Hill but my childlike nonchalant attitude about it all is a completely separate thing
17 from the danger I and other Apex residents were in, which isn't even to speak of the dozens
18 of residents who were medically harmed by the effects and the 17,000 residents who were
19 evacuated from Apex. As we consider opening a potentially hazardous facility here in Apex,
20 I'm sure many residents like myself are considering the cost, I think that you've heard far more
21 expert insight of that tonight. This is just more of a personal anecdote to say, let's not be
22 cavalier about this. Going from the local to the global, in January of this year, the United
23 Nations University Institute for Water, Environment, and Health decided that for much of the
24 world, classifications such as water stress and water crisis were no longer sufficient and
25 accordingly, they added a new category, water bankruptcy. In the midst of this, do we really
26 want to enable the types of facilities that will consume at least a million gallons of water per
27 day? Thank you."

28 **Mayor Gilbert** thanked the last speaker, those who came out to speak and he closed
29 Public Forum.

30 **[PROCLAMATIONS/SPECIAL PRESENTATIONS]**

31
32
33

34 **PR1 Special Recognition of Mike Jones**

35

36 **Mayor Gilbert** said that recently he had given his State of the Town address. He
37 emphasized community, unity and the importance of focusing on Apex as our home and
38 three ways to bring community together such as music, art and sports and recognized the
39 local sports achievement of the USA Hockey team winning the gold medal, and the Tarheels
40 winning over Duke. He recognized Mike Jones with the Charlotte Hornets and his

1 contributions to Apex. He presented a video and read a mayoral letter of recognition that was
2 presented on behalf of the Town of Apex. He invited Mr. Jones up to accept the recognition
3 and take a picture.

4
5 **Mr. Jones** thanked everyone for the honor.

6
7 **[PUBLIC HEARINGS]**

8
9 **PH1 Annexation No. 807 - 8905 Castleberry Road - 3.35 acres (Associated Rezoning)**
10 *- Continued from January 13, 2026*

11
12 **Mayor Gilbert** noted that the Annexation No. 807 - 8905 Castleberry Road - 3.35
13 acres (Associated Rezoning) had been withdrawn.

14
15 **PH2 Rezoning Case No. 25CZ11 - 8905 Castleberry Road - Tracts 10 and**
16 **11 - Continued from January 13, 2026**

17
18 **Mayor Gilbert** noted that the Rezoning Case No. 25CZ11 - 8905 Castleberry Road -
19 Tracts 10 and 11 had been withdrawn.

20
21
22 **PH3 Rezoning Case No. 25CZ12 - Apex Baptist Church**

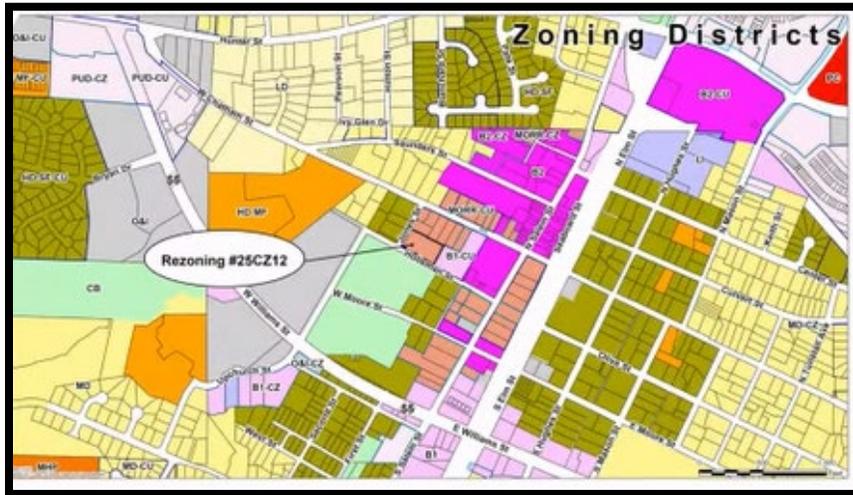
23
24 **Amanda Bunce**, Assistant Director, Planning Department gave the following
25 presentation:

26 **[SLIDE 1]**



27

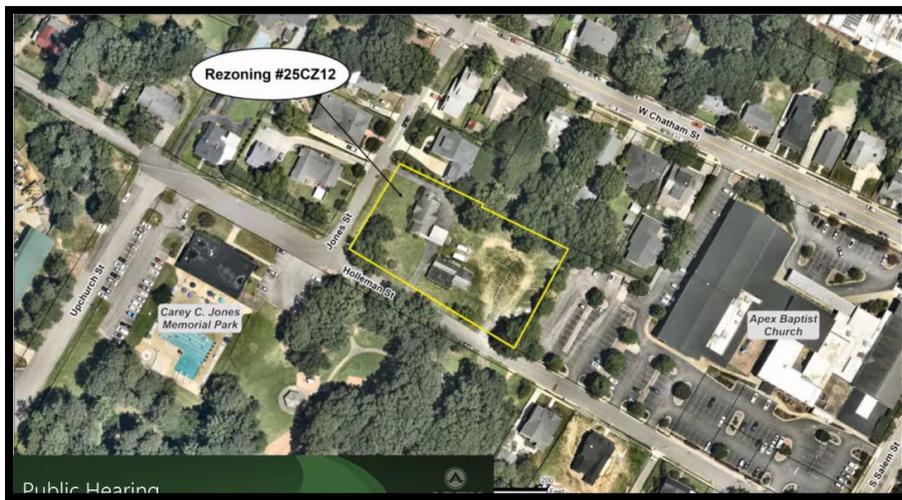
1 [SLIDE 2]



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3 [SLIDE 3]



4
5 [SLIDE 4]



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1 [SLIDE 5]



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3 [SLIDE 6]



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5 [SLIDE 7]



6

1 [SLIDE 8]



2
3 **Councilmember Gray** asked what the concerns were about setting a precedent if the
4 presented adjustments were made.

5 **Ms. Bunce** said the primary concern was that the UDO currently prohibits the
6 relocation of the structures within the National Register of Historic District, especially for
7 those that are contributing structures. She explained that historic district designation is based
8 on the collective historic fabric of all structures, and the UDO prohibits relocation of
9 structures within the National Register Historic District; outside the district, relocation may be
10 allowed with a preservation easement and rehabilitation agreement, and Apex has a unique
11 48-month demolition restriction enabled by special State Legislation, preventing
12 development plan submissions after demolition of a contributing historic structure.

13 **Councilmember Mu** asked if this project would allow entrance and exit on Jones
14 Street.

15 **Ms. Bunce** said that entrance would be allowed on Jones Street.

16 **Councilmember Mu** said that would cause safety concerns.

17
18 **Matthew Carpenter** with Parker Poe, 301 Fayetteville Street on behalf of the
19 applicant and property owner, Apex Baptist Church, along with Lead Pastor Zeb Cook and
20 Olivia Baumann, presented. He invited up Pastor Cook to speak.

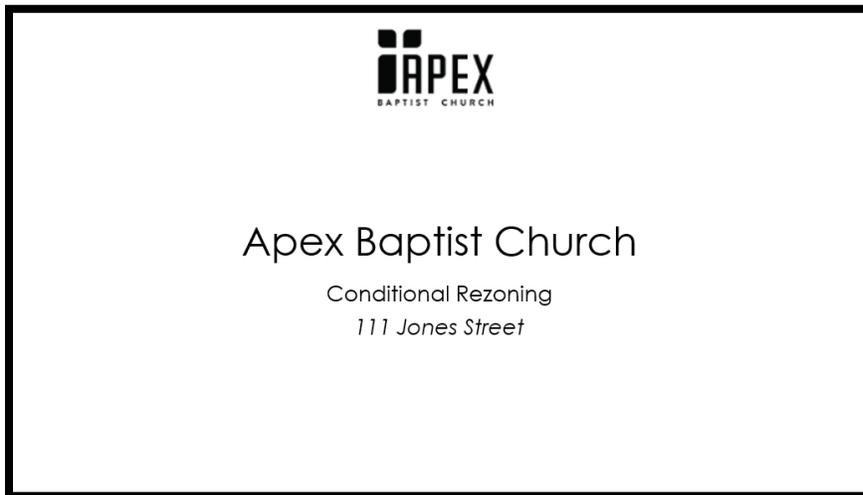
21
22 **Pastor Cook** thanked the Council for the responsibility that they carry for Apex and
23 for 152 years Apex Baptist Church has been alongside of the town. He said that the Lord had
24 blessed Apex Baptist Church for 152 years, that most churches have an expiration date
25 looking back in history. He said that is no credit to anything special that man has done and
26 they attribute that to God and are grateful for that. He said that Apex has grown
27 tremendously and believed that the church already supports Apex's daily rhythms and gave
28 many examples of the church welcoming and supporting the community. He said that in
29 many ways it's believed that the church already functions as a shared community
30 infrastructure. He said that it is important to recognize that the capacity is limited and as the

1 Town of Apex continues to grow, they want to make room for people. He said that the
2 mission of the church is to walk with the community and love their neighbors. He said
3 respectfully he asked the Town Council to approve this rezoning so a place that has served
4 this community can continue to do so safely and responsibly for generations to come. He said
5 that no matter the decision, the church trusts in God and will always support Apex. He said
6 they want to be able to better support the community.

7
8 **Olivia Baumann**, Director of Communications for Apex Baptist said beyond being a
9 staff member she is a church member and her and her children walk or ride a shuttle to
10 church to free up parking for their church family. She gave the deep roots and history of Apex
11 Baptist Church and that it is continuing to serve not just the members but also the community
12 along with the partnerships with other organization helping with many community needs. She
13 thanked the Council and was grateful for this opportunity.

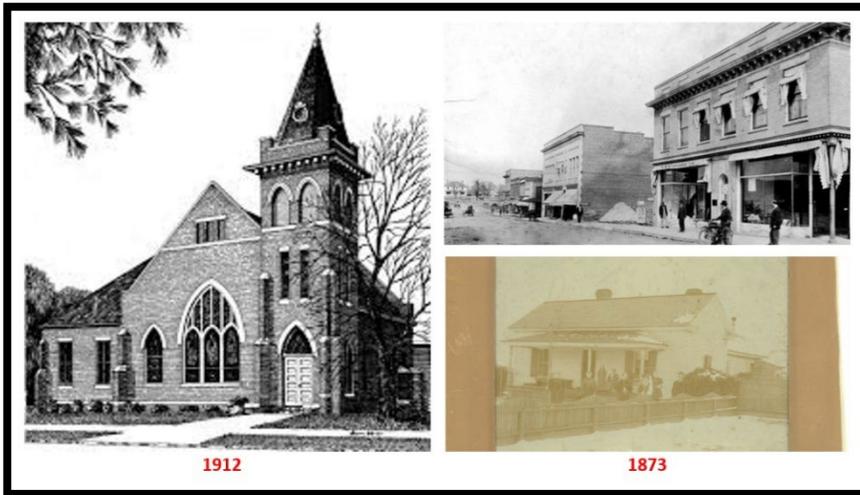
14
15 **Mr. Carpenter** gave the following presentation:

16 **[SLIDE 1]**



17

1 [SLIDE 2]



2
3 [SLIDE 3]

Sunday morning attendance has doubled since 2018

- Current average Sunday attendance (total over three services): 1,935
- Average attendance per service: 645
- Highest attendance regular Sunday service (other than Christmas/Easter: 2,118 (January 2026)
- Easter 2025 attendance: 3,566
- Christmas Eve 2025 attendance: 3,109
- Average Jan/Feb 2026 offsite shuttle riders per Sunday
 - Buses: 253
 - Golf Carts: 55
 - Total: 308
- Existing surface parking: 203 spaces

4
5 [SLIDE 4]

JONES STREET, East Side
James and Martha Bailey House
111 Jones Street, 1950, Contributing

One-and-a-half story, Minimal Traditional house; four bays wide; side-gabled-roof with a front, cross-gabled bay; cross-gable center bay, containing one-and-a-half bays, dominates facade; large, plate glass picture window with 4/4 side lights in center bay; center bay flanked by paired 6/6 sash window on north end of facade and 8/8 sash window on south end of facade; single and paired 6/6 windows on side and rear elevations; brick construction; vinyl siding in gable ends; brick foundation; rectangular gable vents; side-gable wing extends at south end of main block; side-gable porch supported by squared wooden posts extends at north end of main block; brick chimney at north gable end wall between the side porch and the main structure; front door is in central bay, flanking picture window, and is four-panel wood door with two glass panes; broken pediment over door; second brick chimney at south gable end between the south gabled-wing and the main structure; flat-roof metal carport, added c.1988, at rear of house.

This house was built in 1950 by James Albert Bailey. He and his wife Martha owned the house until they sold it to the Apex Baptist Church in 2006. Typical of the Minimal Tradition style, the house contains subtle elements of the Tudor style, with its brick exterior accentuated with dark-hued trim.

1 **[SLIDE 5]**

Date: September 2, 2025
To: Apex Planning Board & Town Council Members
From: Neighbors and property owners in vicinity of 111 Jones St
Re: Rezoning Request No. 25C212

Option 1 (preferred):

- Build an expanded 2-story (or 3-story) parking deck on existing single-level Church parking acreage, allowing the Old Bailey House and acre lot to remain zoned as residential.

Option 2:

- Demolish the existing concrete structure facing Holleman St, remove the detached metal carport behind the Old Bailey House, and parcel off the minimum lot size, minus the carport or rear driveway, to allow the Old Bailey House to remain in its current location and the reduced size lot to remain residential;
- Rezone the remaining acreage to allow for use in building the planned 2-story parking deck, extending onto existing single-level paved parking.

2
3 **[SLIDE 6]**

Bailey House to be Preserved Onsite
Changes Since 2/9 Planning Board Shown in Blue

~~b. Before the approval of a Site Plan for a new building or structure on the Property, the Bailey House shall be evaluated by one or more licensed professionals (the "Relocation Consultant") for relocation of the building on the Property. If the Relocation Consultant determines relocation of the Bailey House is infeasible due to structural or other concerns, then this Condition 1.b. shall be deemed satisfied. If the Relocation Consultant determines relocation is feasible, the Bailey House shall not be demolished but may be relocated on the Property (the "Relocation").~~

~~i. The final location of the Bailey House on the Property shall be determined by the Property owner in its sole discretion. The Relocation process shall be overseen and directed by the Property owner and shall comply with all applicable setback standards in UDO Section 5.1 in its sole discretion and no approvals, rehabilitation easements, or preservation easements from or easements to Capital Area Preservation, the State Historic Preservation Office, or any other historic preservation group shall be required for the Relocation. Provided, however, the property shall be compliant with applicable UDO Small Town Character Overlay standards. The Property shall not be subject to the prohibition on relocation to the historic structure regulations in UDO Section 2.3.8 and in UDO Section 2.3.6, including but not limited to, the prohibitions on relocation and subsequent development applications.~~

~~b-ii. The property shall be compliant with applicable UDO Small Town Character Overlay standards.~~

4
5 **[SLIDE 7]**

Traffic Attendant Required
Changes Since 2/9 Planning Board Shown in Blue

~~8-9. If a parking deck is constructed on the property, there shall be a traffic attendant at each parking deck entrance to direct traffic thirty minutes before the start and thirty minutes after the conclusion of Sunday church services. The traffic attendant may be a police officer, church employee, or church volunteer.~~

6

1 **[SLIDE 8]**



Architectural Conditions

- Parking structure shall include a brick wall or other fully opaque screening with a minimum height of 3.5 feet on the top-level facing Jones Street and Holleman Street. The Planning Director or their designee may approve alternative building materials or architectural treatment.
- The maximum blank wall area of any parking structure façade shall be 20 feet.
- The ground floor façade treatment of any parking structure façade (building materials, windows, and architectural detailing) shall be continued on upper stories.
- Plantings shall be located between the façade of the parking structure and Jones Street and Holleman Street.

2
3 **[SLIDE 9]**



4
5 **[SLIDE 10]**

Concern	Change to Rezoning Request
Integrity of historic district and preservation of Bailey House	Condition 1.b. Bailey house shall be relocated on site.
Feasibility contingency and relocation consultant framework could be loophole to allow church to demolish Bailey House	Condition 1.b. Feasibility contingency and relocation consultant framework removed entirely.
Bailey House could be demolished without 48-month Site Plan waiting period	Condition 1.b. Revised to state "Bailey House shall not be demolished..." Now, stricter than UDO historic regulations.
Architectural compatibility with historic district	<p>Condition 2. Parking structure shall include a brick wall with a minimum height of 3.5 feet above the deck floor on the top level of the parking structure facing Jones Street and Holleman Street.</p> <p>"Other fully opaque screening" removed at staff request.</p> <p>Condition 4. 20' blank wall maximum; ground floor façade to extend to upper stories; plantings between the parking structure and street.</p> <p>Condition 8. Parking deck signage limited to Holleman Street</p>

6

1 [SLIDE 11]

Concern	Change to Rezoning Request
Traffic	<p>Condition 7. Only one (1) level of parking shall have access to and/or from Jones Street.</p> <p>Condition 9. Traffic attendant at each parking deck entrance thirty minutes before and thirty minutes after Sunday church services.</p>
Light Pollution	<p>Condition 5. Exterior lighting shall have maximum color temperature of 3000K and be extinguished by 12:00 AM. Exterior security lighting may remain lit after midnight. Light poles shall be placed on perimeter of parking structure and have house side shields.</p>

2
3 [SLIDE 12]



Rezoning is in the Public Interest

- Consistent with LUM
- Prevents demolition of Bailey House
 - House to be preserved on-site in Apex National Register Historic District
 - Feasibility contingency removed and language added that Bailey House shall not be demolished
- Maintains residential character of Jones street
 - Bailey House to front Jones Street w/ parking deck in rear
- Alleviates parking pressure downtown
 - Consistent w/ Downtown Master Plan
- Conditions to address neighborhood impact
 - Architectural, lighting, access, buffers
 - Conditions revised to require parking structure wall to be brick
 - New condition to require parking attendant for Sunday services

4
5 [SLIDE 13]

- **Current Zoning**
 - Mixed Office Residential Retail Conditional Use (MORR-CU)(2005)
 - Permitted Uses:
 - Single family; duplex; accessory apartments; professional and business office
- **Proposed Zoning**
 - Office and Institutional Conditional (OI-CZ)
 - Permitted Uses:
 - Church or place of worship; Utility, minor; Greenway; Park, active; Park, passive; Youth or day camps; Medical or dental office or clinic; Office, business or professional; Parking garage, public; Floral shop; Studio for art; Pet services



6

1 [SLIDE 14]

**Town of Apex 2045
Land Use Map (LUM)**

- Medium Density Residential/Office Employment
- Proposed Zoning: Office and Institutional Conditional (O&I-CZ)

2
3 [SLIDE 15]

**APEX DOWNTOWN
MASTER PLAN &
PARKING STUDY**

ADOPTED 12.17.19

Manage Parking Efficiently & Effectively

Lack of parking should not discourage people from coming to or investing in downtown Apex. Yet providing parking, on its own, does not address any of the guiding principles for this plan. Effective and efficient strategies to address parking needs are critical so that those projects that do put people first, celebrate Salem Street, and embrace authentic Apex can move forward. Parking strategies will involve a "new" parking supply in combination with placemaking, enforcement, programs, and alternate mobility options to yield an efficient and effective system.

CIVIC/VOLUNTEER GROUPS

CHURCHES, MOSQUE, AND SCHOOLS

- Baptist and Methodist Church provide additional parking spaces
- School children early release results in large influx of kids. May present opportunity for tailored retail, dining, and public space

Matrix of economic development partners working together toward a successful retail strategy

Parking signs at Apex Baptist Church

4
5 [SLIDE 16]

6

1 **Mr. Carpenter** asked if there were any questions and respectfully requested approval.

2 **Councilmember Reese** asked if this was for 140 parking spaces.

3 **Mr. Carpenter** said the original request was 193 parking spaces and with the Bailey
4 House condition added, it is 147 parking spaces, so the reduction is 46 parking spaces.

5 **Councilmember Gray** asked if the Bailey house is moved, would the plan be to still
6 have a tabletop parking structure.

7 **Mr. Carpenter** said yes, it would be behind Bailey house. He showed a visual using
8 slide #3 and the concrete structure would be removed.

9

10 **Mayor Gilbert** opened the Public Hearing for this item and called up the first speaker.

11

12 First to speak was **Bill Stewart** of 1203 Blackburn Road:

13

14 "Mayor Gilbert, Mayor Pro Tem Mahaffey, Council Members, Mr. Clerk, thank you for
15 allowing us to share our thoughts and feelings this evening. I've been a resident of Apex for
16 25 years along with my wife, who I think is coming right behind me next. We raised three kids
17 here, all going to Apex public schools. Two of my boys played soccer with the legendary
18 Coach Tide for the soccer team at Apex High School. We've been members of Apex Baptist
19 Church for right at 30 years. About two hours ago, I left a mediation. I'm a trial lawyer by
20 trade, but I also am a superior court mediator. The one thing I tell the parties when I walk in
21 the room is you need to compromise. That is so important. You've got to put yourself in the
22 other person's shoes. You need to learn what they're asking for and why and then you've got
23 to practice what I call a little give and take. That's kind of what I've heard a little bit tonight is
24 the give and take by the church. When both sides are willing to do that, just like this
25 afternoon, sometimes you get the case resolved. It's not a perfect system, but it does work. I
26 believe the proposed parking deck would not only help with the town's current parking
27 situation but also give the town a runway for future issues. I heard earlier that Apex was the
28 10th best place to live. Guess what, folks, people are coming. They're coming. The
29 immediate impact it could even have on parking is also I think is important to remember. We
30 have Pigfest, Peak City Pigfest, the Fourth of July parade, and Christmas parades. There is a
31 lot of parking needed. I go to a lot of these events. I have to park back in the grass lot where
32 this tabletop parking deck hopefully will be one day. It is needed for our community. If you're
33 like my family, when we go downtown to eat, if there's not a parking place, we'll drive once,
34 maybe twice. If it's not there, we're going to Cary, I'm sorry to admit it or Pittsboro or maybe
35 even Raleigh and that is lost business revenue and lost vibrancy for Apex. Similarly, when
36 people come to our lots on Sunday mornings, guests, first-time guests, visitors they just keep
37 on going. There's no parking and they're really not interested in driving three blocks away,
38 getting their family, their kids, or their 88-year-old mom who lives with me into a shuttle bus
39 or a golf cart to get back on Salem Street, and then drive in the inclement weather. Council
40 Member Mu, you said something earlier about safety. When you have over 300 members
41 coming from that lot into the church, that is a safety concern. We're willing to compromise. I
42 hope you are. Thank you."

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Mayor Gilbert thanked the speaker and invited the next speaker.

Next speaker was **Rhonda Stewart** of 1203 Blackburn Road:

“Good evening, Mayor and Mayor Pro Tem, and all the council members. I appreciate you giving us this time, but change almost always feels uncomfortable, especially when it affects the community that we live in and the roads that we drive on every day. I wanted to say thank you for your thoughtful improvements you have made to Jones Street at this time. The wider streets, the sidewalks, and all that allows easier navigation and has made it safer to enjoy, and it actually has enhanced the overall appearance of Jones Street. As an Apex resident and member of Apex Baptist, as Bill said, over 30 years, Jones Street has been a familiar place for our family. My children have attended Apex Baptist Preschool, Baucom Elementary, Apex Middle, and Apex High Schools. I have been a part of hosting over more than eight years Apex High School events and Apex Baptist events at the CC Jones building. I have three family members buried at the Apex Cemetery and have played with my children and continue to play with them and my grands at the park. The improvements that you have made to all of those areas have created a more inviting atmosphere for us to go visit our loved ones at the cemetery. We really appreciate that. The residents of Jones Street have also taken great pride in keeping their houses and the surroundings beautiful. There have been many changes in our community over the years that initially I didn't embrace, such as opening my street, Blackburn Road, to 64. But once they were made, it has been a joy getting to know the children and the parents walking up my sidewalk going to school, and a joy getting to know the wonderful seniors from the Orchards. The changes serve to grow a stronger, safer, and more connected community. Tonight, I encourage you to do the same to invest in the opportunity to add additional parking on Jones Street where residents and visitors can feel this same way, to conveniently park, attend worship, and support the local restaurants and shops of downtown Apex. Thank you for your leadership and for the vision for our community and its residents. Thank you so much.”

Mayor Gilbert thanked the speaker and invited the next speaker.

Next speaker was **Roger Squires** of 207 Holleman Street:

“Thanks for your time and appreciate you listening to me today. Definitely feel nervous, a little bit anxious. Not my forum, public speaking. I'm also in the minority, and I just haven't been here as long as the church. So, I don't have any of that background to share with you all today. But some of the things that were discussed today are honestly kind of disappointing. I'm right across the street from the parking lot that exists today and I'm not a fan of a parking garage being right across the street from me. There are all kinds of safety,

1 traffic, noise, lighting, all kinds of concerns and things, but the disappointment is when the
2 lead Pastor comes and the Communication Director comes and talks to you, but they haven't
3 talked to me. Nobody has talked to me. They're just putting together a plan to build this
4 huge, massive structure across the street and down the road, which is very concerning to me.
5 I just don't know how to deal with that. The other thing is the talk about how it's needed for
6 businesses and such. I walked here today from near the church, from my house. The parking
7 lot was not full capacity. It's never full capacity except for on Sunday. I think there was one
8 Wednesday right after the ice storms closed services on Sunday, that following Wednesday
9 was packed. So, good job. But the businesses don't need it. It's not being used currently.
10 When I think about being voted top 10 in the nation as a place to live, that's today. That's
11 without the parking garage. Is a parking garage small town character? Is that how we got
12 onto the National Register of Historic Places for this downtown district? I don't think a parking
13 garage fits. That's not what drew me to the area and when I moved here, I did not think that
14 the parking garage was even in the realm of possibility. I would have given it serious thought.
15 It doesn't fit in that transitional area like the Planning Board talked about between the
16 downtown and the residential surroundings. I want to support the church. I want them to be
17 successful, but the church parking lot in a structure like that right across the street is very
18 concerning to me. The other thing, talking about a tabletop structure and a deck kind of even
19 with Jones Street and the other sunken level on Holleman Street. I'm not a civil engineer, but I
20 can tell you my experience. I can stand at the driveway where they propose the entrance on
21 Holleman Street. I can look up to the corner of Jones Street. My kids would not go sledding
22 on it. It's not happening. It's not steep enough. There's not enough elevation change. My
23 Garmin says that it's an 8-foot drop from the corner of Jones down to that driveway. I don't
24 know if that's going to provide enough of a sunken basin to provide this less intrusive second
25 deck that they're proposing for the parking deck. It's going to be a parking deck. It's going to
26 be pretty large and it's going to be around residents and right downtown. I think the Planning
27 Board called it the heart of downtown, which I believe it is, and I just don't think it fits. It's just
28 not part of the historic feel, the small-town character that we call Apex and that got us voted
29 number 10 in the nation. That's all I have."

30 **Mayor Gilbert** thanked the speaker and invited the next speaker.

31

32 Next speaker was **Tony Holmes** of 200 Franconie Way:

33 "Hello neighbor, how you doing? Man, what a great and exciting time it is to be at
34 Apex. We've literally got thousands of people from all the nations coming here to this area,
35 and as you all know, growth comes with tons of challenges. This board on a regular basis is
36 charged with solving all those different challenges, and for sure the solutions you come up
37 with not everybody agrees with. We never get 100% consensus and it's a very difficult job. But
38 I know there is one thing we can all agree upon, and that downtown needs more parking. I've
39 been a part of the community for over 30 years. My wife's a unicorn. She's beautiful, yes, but
40 her family's been in this community for over 100 years. Her mom and her grandmother all

1 actually wore the same number jersey for Apex Women High School basketball, it's pretty
2 cool. So, we've got a really deep history here. As you guys know, growth causes change. It's
3 been a pleasure for me to serve in leadership at Apex Baptist over the years and our goal is to
4 reach people with the gospel of Christ. We preach Jesus where we're at, but we also want to
5 serve our community. We also want to be a good neighbor to Roger. In my time, I can tell you
6 there's been many conversations. Do we stay here on this corner? Obviously, you guys know
7 we've got some real estate issues. We can't really grow a whole lot. But time and time again
8 over 100 plus years, our leaders have decided to stay there and the reason why is we love this
9 community and we're dedicated to that corner and we're dedicated to being a great
10 neighbor and continuing to grow Apex like it is. The parking deck is another way that we want
11 to be a great neighbor. We've always shared our spaces with the town, we've never asked for
12 anything in return. We have a basic need on Sunday mornings, more parking. This town has a
13 great need Monday through Saturday, and that's more parking. As our town continues to
14 grow, so will the challenges and so will the parking with it. It's one of the greatest places to
15 live in America, we know that and we've heard that again tonight from our Town Manager.
16 Just as you guys have approved changes in our downtown streets that we're seeing today,
17 there's going to be more aspects of downtown that are going to have to change as time goes
18 on. That's just the circumstances with growth, so our hope is that you guys would approve this
19 parking deck. We're willing to work with you whatever we can to compromise to make this
20 thing happen so everybody's happy. It's going to help us pursue our mission and also help
21 the residents of the town. And don't forget, it's not going to cost this town a dime. We're
22 going to pay for it all. Thank you."

23 **Mayor Gilbert** thanked the speaker and invited the next speaker.

24

25 Next speaker was **Ann Richard** of 219 W. Chatham Street:

26

27 "So, I've been involved since the beginning. We very much appreciate the church
28 holding these information meetings. I think for many of us it's been kind of a learning
29 experience to understand what are the rights of the church, how much leverage they have on
30 this process, thinking early on that it was necessary to think of compromises because we
31 thought we didn't have a chance in heck to try to oppose this. A couple of points. The church
32 has mentioned, several people have mentioned, the availability of extra parking for the town
33 as service to the town, yet they are unwilling to enter in an agreement with the town to
34 formalize that. So, the church at any point could limit the availability of that parking. We also
35 believe that there is sufficient parking available during this very limited time when the church
36 is up to capacity with the available town parking on Sundays. We don't believe that sufficient
37 attention has been given to adding additional services on Sundays, utilizing the online service
38 capability. There are things that the church could do to accommodate a larger congregation,
39 which is what they wish to do. This idea of moving the Bailey house towards Jones Street, one
40 of my personal interests is trying to preserve the house for the family, and I will say something

1 about that in a moment but moving that house forward towards Jones Street is not going to
2 be supported as a historic easement by the Capital Area Preservation. So, you are losing, the
3 town is in danger of losing yet another contributing historic acre to your historic district, and I
4 know this is becoming more and more of a problem. The church has already expanded over
5 the last 15 years to eliminate two to three additional historic properties. My husband and I
6 own a property on Chatham Street that is a historic property, so that is not going to contribute
7 to your Historic Easement regardless of whether it's in the UDO or not. Finally, I want to make
8 a case for the family of Martha Bailey. The church lobbied this family, who were members of
9 the community and the church, for forever, lobbied them for years to sell that property. The
10 daughters have talked to me at length about their wishes of their parents, and they were
11 given verbal assurances that the house would remain and would be used to house
12 missionaries or for some mission-oriented purpose of the church and the church, I believe,
13 has always thought of this acre as an expansion point. Finally, I simply want to say this is 4
14 acres now that the church occupies in your town center in the historic district, and I think it's
15 enough. We're approaching a megachurch within Apex."

16 **Mayor Gilbert** thanked the speaker and invited the next speaker.

17

18 Next speaker was **McGee Jaski** of 203 Holleman Street:

19 "Mayor Gilbert, Council Members, thank you very much for letting us speak tonight.
20 We are directly across the street from the current parking lot of Apex Baptist Church. For the
21 past two and a half years, we've been renovating and restoring our home. This parking deck
22 not only is an eyesore, but it does not stay in accordance with the small-town character inlay.
23 It also poses a great safety concern. Neither Holleman nor Jones Street were built to handle
24 the type of traffic that 140 extra parking spaces would add to the area. While renovating our
25 home, we ran into several CAP issues. While some of them delayed our build significantly or
26 cost quite a bit more than we had planned on spending, we complied because we believed
27 in maintaining the integrity of this historic district. Many of our neighbors have arduously
28 maintained their homes to similar standards in order to uphold the same integrity. We would
29 hope that the church would be held to the same standards as the homeowners in this little
30 district of ours. I know several of you ran on the platform of responsible growth and
31 maintaining small town character. This parking deck does not align with your platform. Some
32 have mentioned that with the parking issues in downtown Apex, this is a good option for the
33 church to foot the bill for the town and provide additional parking for patrons of downtown.
34 However, at whose expense are we talking about downtown Apex or our small historic
35 district? It is at our expense. It's at the expense of the homeowners that live around this. Our
36 neighborhood will be disrupted with traffic infringing the church, the church taking over this
37 little pocket of our downtown. It is also my understanding that Apex Baptist has already taken
38 down historical homes. I want to know when does it stop? At what point do we say no more? I
39 implore you to vote for the people, the people that you represent, the people that have voted
40 you into office to help us in maintaining our daily lives and not that of a church's want for one

1 day a week. Much like my husband did with the Planning Board, I invite each and every one of
2 you to my front porch. You may come and sit there any day of the week not only the days that
3 the parking lot is empty, to see how it is not being used by downtown businesses, but also on
4 the busy days to see that both directions of Holleman Street are so packed that I can't leave
5 Hudson Street to exit my house. In addition to seeing how empty it is and how busy it is in
6 both ways, there is plenty of parking around here to accommodate for an hour or two on a
7 Sunday. They can shuttle from the great new Saunders Street parking lot that you all have
8 created. Thank you so much."

9 **Mayor Gilbert** thanked the speaker and invited the next speaker.

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Next speaker was **Billy Pomorico** of 223 West Chatham Street:

13 "I'm opposed to this rezoning request, but I do want to say that we are proponents of
14 the church. We want to see it grow. We want to see it prosper. During the Brock the Block
15 party, I've eaten my weight in chicken wings. We have two daughters, one of which goes to
16 the Baptist preschool. So, we are absolutely in favor of this church's continued growth and
17 prosperity. We want to see it succeed. With that said, I do just want to throw my weight
18 behind the concerns around the traffic that we're going to experience on Jones Street
19 specifically. There will clearly, if we're being honest, be a marked increase in the amount of
20 traffic that comes out of that parking deck onto Jones Street, which is already a problem for
21 us on Sundays. My wife will articulate that better than I can, but right now on our section of
22 West Chatham Street, there was a traffic study done by Apex that will not allow any new
23 driveways onto West Chatham because the traffic is already so bad. So now we're talking
24 about additional traffic onto a tiny side street, which the Councilwoman was astute to
25 question how much traffic was going to be added, because now that's all coming onto Jones
26 Street and dumping out onto West Chatham Street so major traffic concerns. I also just want
27 to add to the concerns about the UDO and the small-town character overlay district that we
28 live in. We did an addition on our house. Apex wanted to know down to the paint color what
29 we were going to do and so I feel like this parking deck, no matter how much landscaping, no
30 matter what the facade looks like, is absolutely going to run contrary to the spirit of the small-
31 town character overlay, and that's not acceptable. The UDO is this thick. There are rules upon
32 rules upon rules. We're doing our part to preserve the character of downtown. This is going
33 to run absolutely contrary to that. So, I would ask that you oppose this rezoning request.
34 Thank you."

35 **Mayor Gilbert** thanked the speaker and invited the next speaker.

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Next speaker was **Andi Pomarico** at 223 West Chatham Street:

1 “Hey everyone, sorry for the emotion. This is getting more and more personal as this
2 goes on. I'm going to try to keep that in check. As my husband said, he gave me too much
3 credit. I don't think I'm going to articulate very well. We have two small children. Some of you
4 know my children, you see them walking around town. They enjoy our small town and the
5 community that we have. We love it. I don't mind that we don't go for a walk around the block
6 on Sundays because of the traffic. I'm okay with giving up that sacrifice. I am okay not going
7 to the park on Sunday mornings because of the traffic and how I could enter the park
8 entrance on Holleman because there is no sidewalk and I come with a stroller and I will not
9 go down that road by myself with that stroller and those two small children. I'm okay giving
10 up those things. What I'm not okay giving up is my sidewalk that the town has built on Jones
11 to create a safe place for pedestrians and my children to play. And that is where we do play
12 on Sunday mornings because we don't go to the park and we don't walk around the block.
13 That is where we go on our scooters and our bikes and we're out there with chalk. A parking
14 attendant there on Sunday mornings for one hour or two hours at opening and closing of
15 church times is not going to be there every day that now this parking deck has is going to
16 have an exit onto our residential side street. We are on a small street. There are three houses.
17 The street is three houses long. It is not made for traffic. There is no center line. It was not
18 made for this type of traffic that now we are going to be flooding into this street. As my
19 husband said, my daughter goes to preschool at the church. We are supporters of the
20 church. We've had a wonderful experience. If there were not alternatives to this, I might feel
21 differently, but I do feel that there are reasonable alternatives here for the church to explore
22 for their expansion. There are needs for them to expand. I don't think a parking deck is the
23 only one and I would appreciate some other considerations here for them to explore. Thank
24 you for your time.”

25

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

27

28 Next speaker was **Donna Hibbert** of 110 Jones Street:

29 “This is going to be my 20th year living on Jones Street directly across from the Bailey
30 House. So, I can sit on my front porch and look at that house. My house has been there for
31 almost as long as the church building, 21 or 28 for sure. It's on the Sanborn fire map.
32 I do appreciate the compromises the church has made, especially in regards to that historic
33 house, but I still feel called to oppose the rezoning of that property. We've talked about the
34 parking deck, the master plan, and parking study that concluded that the planning for current
35 and future needs is really an essential role of government, not the church responsibility. I
36 believe that downtown businesses were solicited since February 9th to bring their support in
37 favor of the deck. But at the Planning meeting on the 9th, Mr. Carpenter also said the church
38 would not be entering into a written contract with the town to provide access to the deck, so
39 they could close it at any time. So, besides personal reasons of spoiled view and my
40 decreasing property values, which is a pretty big withdrawal, my concern remains the traffic,
41 as Andrea has said. Short road, 70 cars from there, Mr. Carpenter said it's not going to bring

1 more traffic to those roads. 140 spaces right there is going to bring traffic to those roads.
2 That's all there is to it. As Andrea said, we have elderly residents, young children visiting, and
3 grandchildren visiting, and children living there. Lots of foot traffic from people coming from
4 down Chatham Street to go to the playground, Jones Swim Club in the summer. I'd like to
5 conclude that Apex expanded the Historic District since I moved here in 2006. Being a part of
6 the small-town character overlay and historic district should provide protection from building
7 of a parking deck on a residential street. I ask that you please examine and honor the reasons
8 that the town expanded that Historic District at that time and keep the zoning as it currently
9 stands. Thank you."

10 **Mayor Gilbert** thanked the speaker and invited the next speaker.

11
12 Next speaker was **Laura Grimes** of 210 S. Salem Street (**NOTE:** To view Ms. Grimes'
13 handout, see **OTHER-2026-032**):

14 "I want to give you some data whenever he has a chance to pass these out. I want to
15 give you some data to make you think about this second line on your screen there, it says
16 average attendance per service. There are three in the morning, 9:00, 10:15, and 11:30 are
17 when the services start, and 645 people per service. I counted them, over 900 parking spaces
18 within one block of the Apex Baptist Church. I believe 900 spaces can take care of that many
19 people per service and I would like to talk to you about one area in particular. The Baptist
20 church uses the East Moore extension. You have provided the answer to this problem already.
21 The church has been in mediation of having more parking for several years, but this year is
22 when you provided the answer. The first picture here is of your South Saunders Street parking
23 lot. It's advanced into the lot. There are 392 spaces on this lot. What we're looking at here is
24 on the far left of that lot and there's a little outtake that has about 50 spaces in it, that's to your
25 left. There are 10 rows of spaces on that lot, each of them having about 30 spaces for cars. So
26 that's about 300. And you've got about 50 here. Then you have about 18 that you can park as
27 you drive into the parking lot and then you've got handicap parking on the far right. So total,
28 392 spaces. I'd like to show you pictures of it. The first one is again that far left, you back up a
29 few rows and go over just a little bit and you can see that most of the spaces are empty. These
30 photographs were taken on Sunday morning at 11:30 when we're getting ready for the final
31 church service, very few spaces there. Move over a little bit more and again you've got a few
32 cars parked here, but not many and then finally you see cars along the back of Salem Street
33 and right at the front of Saunders so, anyway, I want you to know that there's plenty of
34 parking. This was taken right at Christmas."

35 **Mayor Gilbert** thanked the speaker and invited the next speaker.

36
37 Next speaker was **Michael Kanters** of 309 W. Chatham Street:

38
39 "Thank you, Mayor. Thank you, council members, for giving us this opportunity. My

1 name is Michael Kanters. I live at 309 West Chatham Street with my wife, Colleen. We moved
2 there for a reason, because of the downtown character, because of the historic district. We've
3 lived in the area for some time, but it was always our plan to move downtown, and it was
4 because of what the downtown character offers. The historic district UDO was created for a
5 reason and what the Baptist Church, while I support what they're doing, we walk past the
6 church all the time. They're good neighbors. But what's being proposed is a change to that
7 UDO and as Planning council has outlined, it is going to implicate the fabric of the intent of
8 that historic district. You've had recommendations from Planning staff to deny this change.
9 You've had a vote from the Planning council to deny it. You've heard from neighbors that it's
10 going to negatively impact our environment that we bought in downtown. You've heard that
11 there is ample parking already. Saunders Street lot is open, there is plenty of opportunity for
12 people to park in very close proximity to it. I've also heard and I respect the notion that
13 people who are not able-bodied have difficulty getting to church and want to be able to park
14 close. Maybe there's a promotion the church could do to encourage those who are able-
15 bodied to park further away and take the shuttle to leave those spaces available for those
16 individuals. The parking demand and impact on downtown Apex that was mentioned has not
17 been validated. I drive by every day, most times two or three times a day, the digital signs
18 that have been put up around Apex that show the availability of parking. I don't think I've ever
19 seen a time when all of those spaces have been full. So, we have plenty of parking in
20 downtown Apex. That's it. Thank you for your time."

21

22 **Mayor Gilbert** thanked the speaker and invited the next speaker.

23

24 Next to speak **Jana Estes** of 2113 Peabody Place:

25 "I have lived in Apex for 46 years except for one year when I lived in China. I'm raising
26 five kids here. There are places here that I've loved since I was a little girl and I haven't owned
27 any of them: fields, creeks, trees, and this one spot where you can see all the way to Jordan
28 Lake. Like many here, I have said goodbye to all of these places in order to accommodate the
29 new population. I have said goodbye to land that has been in my family for 150 years, acres
30 of pasture, horse barns, homesteads that were built in the 1800s where my great-
31 grandmother was born. All of it taken under eminent domain to build 540. I admit that Apex
32 needed 540, but that doesn't negate the heartbreaking loss I have every time I drive over the
33 Apex Barbecue Road that goes over where my family's land used to be and is no longer
34 there. But I have to admit that there are not many of my favorite places left here in Apex. But
35 there is one, and that's Apex Baptist Church. I grew up attending that church and ever since I
36 got my driver's license, I have been asked to park far away from the campus to leave spaces
37 open. I remember renovations and building campaigns in order to accommodate the ever-
38 growing constant need for space. Multiple services were added. I was asked to come to later
39 services, unpopular times. I even remember being asked along with hundreds of other
40 members to go to Apex Friendship High School for four years to allow room at the downtown
41 campus. Accommodating growth is not a new issue that our church has struggled with. It's a

1 decades-long issue. All these solutions we have tried for years. The proposed parking
2 structure does help us to protect a heritage that this church has been built on since 1873. Its
3 location is a historical spot, but it also is a historical service that has served this town for 152
4 years. For years, every week, thousands of residents have come to that location and you're
5 welcome to come too. As you enter, someone will probably say, "Hey, let me help you find a
6 seat. I'm sure we can find room for you." And I think that's probably why I love it. Thank you."

7 **Mayor Gilbert** closed Public Hearing and brought it back for discussion and a
8 possible motion.

9
10 **Councilmember Reese** asked what the Planning staff's recommendation with the new
11 addendum.

12 **Ms. Bunce** said that Planning staff's recommendation has not changed.

13 **Mayor Pro-Tempore Mahaffey** asked for the President of Capital Area Preservation,
14 Gary Roth to speak.

15 **Mr. Roth** said that Apex has valued the Historic District and layered onto that the
16 small-town character overlay, which was done for a reason, because it is a very important part
17 of the essence of Apex. He said that the proposed plan does not constitute true historical
18 preservation because the site's National Register designation was because of the entirety of
19 the site, and when you tear down the one house and move the other house to another
20 location on the lot where it was never intended to be, and add the visible parking garage, the
21 entire historic setting is changed from what is listed on the National Register of Historic
22 Places. He said typically when someone in the Historic District wants to change something
23 they ask what they can do, but in this case the structure would be an exception from what all
24 other people are required to do, which is a real equity issue but these solutions offered aren't
25 preservation. He said that the reason that the overlay was created was to protect this
26 neighborhood. He said that the easement wouldn't be accepted in this situation which is why
27 it wasn't asked for.

28 **Councilmember Gray** asked Mr. Gary how much he was involved in this entire
29 process.

30 **Mr. Gary** said there was a meeting very early on and in that meeting they came up
31 with a potential solution and he thought the church and CAP and the town all agreed to that
32 plan, and the Planning Director Summarized the results and sent it out and there wasn't really
33 any other communication beyond that.

34 **Mayor Gilbert** asked if there was any other discussion from Council.

35 **Councilmember Zegerman** acknowledged the role and importance of Apex Baptist
36 Church in the community and the appreciation for the church changing the conditions in
37 response to the neighborhood feedback. He said the building proposed wasn't in the right
38 place in the town with this being a part of Apex's heritage and has been protected for many
39 years, and this will alter the face of the town if it is allowed to move forward and he
40 respectively disagrees with this request.

1 **Mayor Pro-Tempore Mahaffey** said that he concurred and the central issue is if the
2 UDO allows parking in this way at this location, and it plainly does not. He said if this moves
3 forward then we effectively don't have a small-town character overlay district anymore and
4 the justification of varying from it needs be stronger than just not wanting to do it. He said
5 that Apex puts a lot of faith in the expertise of CAP and working with historic homes in this
6 town and one thing that was asked for this project was to get CAP approval, and that didn't
7 occur. He said that he cared about this district and protecting the core nature of downtown.

8 **Councilmember Reese** said that he was grateful to have Apex Baptist Church
9 downtown and is appreciative of the informal agreement of cooperation. He said with the
10 Apex Downtown Master Plan and parking study there was a lot of spirited debate and
11 appreciated their opinions even with different views, and the Saunders Lot is now at 392
12 spaces. He encouraged the church to explore different ways to accomplish the parking goals.
13 He said that he would not be supporting the rezoning.

14 **Councilmember Mu** said that the church is growing and the good intention for them
15 to build a parking deck and thanked the church for opening up for people's needs. She said
16 this is tough but Historic Preservation is important to Apex and if this exception is made it is
17 unfair to in this area. She said there was also concern about the houses that are close to that
18 area and how they would be impacted. She couldn't support this rezoning and hopes there
19 could be a better solution that can address the residents' concerns and to expand the
20 parking solution.

21 **Councilmember Gray** said the church has been a well and faithful steward to this
22 community for over a century and this is something you can't take away and is incredibly
23 important, and he can appreciate the position of the neighbors. He appreciated that there
24 was compromise from the applicant in this process. He said that this area has been a priority
25 for the town to look at the historic preservation and maintaining that small town character feel
26 within this specific geographic area. He said this is a preservation and a protection factor, it
27 preserves our history. He said the way it is currently proposed and the way it currently looks it
28 doesn't fit in the overall character that is trying to be maintained, and it's important to
29 remember that this isn't a no to the church and or a no permanently, it's a no to how it's
30 proposed and encouraged both sides to come together to solve this. He said the nature of
31 this vote is not a reflection of Apex's feelings of value that the church has added. He said he
32 would vote in opposition of the rezoning petition.

33 **Councilmember Mu** said that it was hoped that this could be worked out.

34 **Mayor Gilbert** said that as we look out to the future, Apex will need more parking and
35 doesn't want to compromise the quality of life for the neighbors and possibly work this out.
36 He asked if Mr. Carpenter had any other recommendations.

37 **Mr. Carpenter** said that the thought of the church feels like there is not much more
38 room for compromise, and if the house is left in place where it is, there's really no parking
39 deck that can work.

40
41 A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded
42 **Councilmember Zegerman** to deny Rezoning Case No. 25CZ12 - Apex Baptist Church.

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VOTE: UNANIMOUS (5-0)

Mayor Gilbert announced a 10-minute break at 8:34 p.m.

Council returned at **8:45 PM**.

PH4 Unified Development Ordinance (UDO) Amendments - February 2026 - Continued from February 10, 2026, and November 13, 2025, December 9, 2025, January 13, 2026 (**REF: ORD-2026-026**)

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

[SLIDE 1]



13
14

[SLIDE 2]



15

1 [SLIDE 3]

Amendment #1
Requested by Transportation & Infrastructure Development Staff

7.2.1 Design Standards, Streets

1) **Temporary Turnaround**
A temporary turnaround shall be provided at the terminus of any stub street exceeding 150 feet in length. Temporary turnarounds shall be constructed within a temporary public access and construction easement or within the public right-of-way and shall comply with all applicable standards, including the Town of Apex *Standard Specifications and Standard Details*.

1) **Applicability.** The provisions of this subsection shall apply only to temporary turnarounds approved after March 10, 2026.

2) **Easement and Design.** The temporary turnaround shall be placed in a temporary public access and construction easement meeting the standards of Sec. 7.2.4.C *Temporary Public Access and Construction Easement* or within a dedicated public right-of-way until such time as the roadway is extended.

3) **Fee-In-Lieu (FIL).** A fee-in-lieu pursuant to Sec. 7.5.4.F *Stub Street Fee-In-Lieu* shall be required for the future conversion and removal of the temporary turnaround prior to Master Subdivision Final Plat or Site Plan Final Plat approval.



2
3 [SLIDE 4]

Amendment #1
Requested by Transportation & Infrastructure Development Staff

4) **Removal and Restoration.** The developer of the adjacent property making a street connection to the existing stub street shall be responsible for the removal of the temporary turnaround, restoration of the affected area, ~~landscaping to meet the buffer type that would have been required adjacent to the roadway extension that would have been required had the temporary turnaround not been located there,~~ and construction of any additional improvements required by the UDO for street extensions, including typical roadway cross-sections, sidewalks, and utilities.

5) **Use Limitations.** Temporary turnarounds shall not be used for parking and/or driveways.

6) **Signage.** When a temporary turnaround is provided, a clearly visible street sign per the Town of Apex's *Standard Specifications and Standard Details* shall be erected at the end of the stub street stating that the street is planned to be connected to a future street.



4
5 [SLIDE 5]

Amendment #1
Requested by Transportation & Infrastructure Development Staff

7) **Size and Dimensions.** The temporary turnaround shall comply with the size and dimensional requirements set forth in the Town of Apex's *Standard Specifications and Standard Details*.

8) **Platting.** Any plat containing a stub street shall include the following note: "The street system shown on this plat includes one or more stub streets that are intended to connect to adjacent property when such property is developed. These connections are required to promote the efficient flow and distribution of traffic and to provide additional points of access for emergency vehicles."

9) **Materials.** The temporary turnaround shall be built to the Town of Apex's standards per Town of Apex *Standard Specifications and Standard Details*.

10) **Buffer and Landscaping Restrictions.** Temporary turnarounds and any associated temporary public access and construction easements, grading, or pavement shall be located outside of all required buffers established by this Ordinance.



6

1 [SLIDE 6]

Amendment #1
Requested by Transportation & Infrastructure Development Staff

7.2.4 Design Standards

...

C) Temporary Public Access and Construction Easement.
A temporary public access and construction easement shall be required for any portion of a temporary turnaround located outside of public right-of-way. The temporary public access and construction easement and any improvements within such easement shall not encroach into required buffers unless expressly permitted elsewhere in this Ordinance. The temporary public access and construction easement shall be of sufficient size to allow for necessary construction and future conversion of the roadway to a through street. Any slope easements, construction easements, and/or right-of-way dedication needed to construct the future roadway connection shall be dedicated. The temporary public access and construction easement shall follow one of the following methods:

(1) If the adjacent land is owned by the subdivider, a temporary turnaround can be provided within a temporary public access and construction easement on such adjacent land. Temporary turnarounds shall meet the standards found in Sec. 7.2.1.1 Temporary Turnaround; or

(2) The subdivider may provide the required turnaround on one of the last lots or common area nearest to the adjacent land and fronting on the temporary stub street through use of a temporary public access and construction easement dedicated to the Town. Temporary turnarounds shall meet the standards found in Sec. 7.2.1.1 Temporary Turnaround.



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3 [SLIDE 7]

Amendment #1
Requested by Transportation & Infrastructure Development Staff

13.4 Transportation, Definitions

...

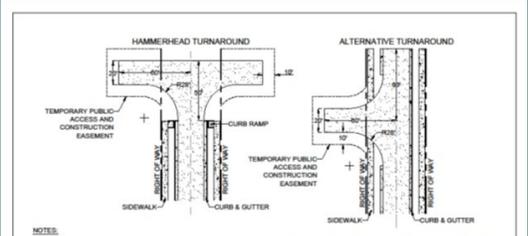
Temporary Turnaround
A turnaround area, constructed in accordance with the Town of Apex Standard Specifications and Standard Details, located within a temporary public access easement or public right-of-way at the terminus of a street that is planned for future extension.

...



4
5 [SLIDE 8]

Amendment #1
Requested by Transportation & Infrastructure Development Staff



NOTES:

1. DEVELOPER CONNECTING TO THE EXISTING STREET NETWORK SHALL BE RESPONSIBLE FOR REMOVING TEMPORARY TURNAROUNDS AND RECONSTRUCTING THE STREET TO MEET TOWN OF APEX STANDARDS, INCLUDING REMOVAL OF CURB RAMPS AND EXTENSION OF SIDEWALKS.
2. STREET WIDTHS AND RIGHT-OF-WAY WIDTHS MAY VARY ACCORDING TO LOCATIONS AND TYPES OF STREETS REQUIRED.
3. THE DIMENSIONS OF THE HAMMERHEAD TURNAROUND SHALL MEET THE DIMENSIONS SHOWN REGARDLESS OF STREET AND RIGHT OF WAY WIDTHS.
4. DRIVEWAY CONNECTIONS FROM TURNAROUNDS ARE PROHIBITED.
5. PAVING IS PROHIBITED WITHIN THE TURNAROUND. THE END OF THE STUB STREET SHALL BE SIGNED IN ACCORDANCE WITH "BARRELS FOR DEAD END ROAD" STANDARD DETAIL.
6. PROPER DRAINAGE MUST BE PROVIDED TO ENSURE THERE IS POSITIVE DRAINAGE AT TURNAROUND.
7. A TEMPORARY PUBLIC TURNAROUND EASEMENT IS REQUIRED AS DEPICTED IN DRAWING DETAIL.
8. THE TEMPORARY PUBLIC TURNAROUND EASEMENT SHALL BE TERMINATED WHEN A FUTURE ROAD CONNECTION IS MADE AND THE TURNAROUND IS REMOVED.
9. TEMPORARY TURNAROUNDS SHALL NOT ENCROACH PERIMETER LANDSCAPE BUFFERS.

For Reference Only

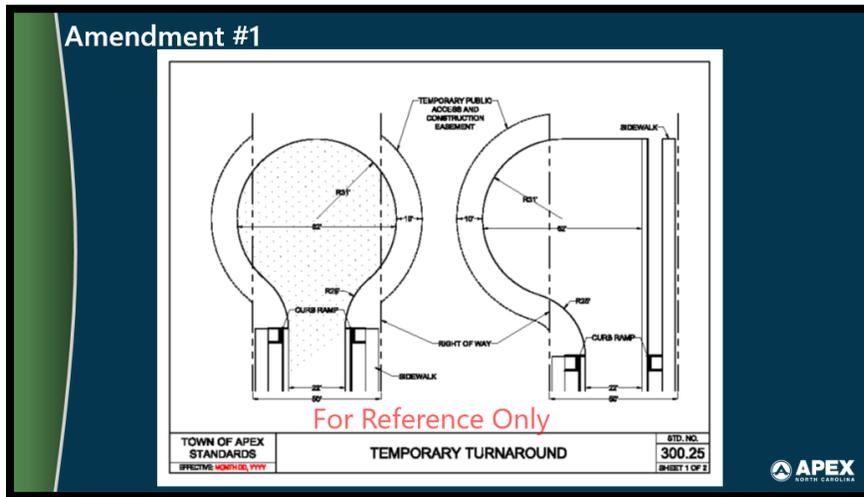
TOWN OF APEX STANDARDS 2/24/2026 4:29:20 PM

TEMPORARY TURNAROUND

STD. NO. 300.25 SHEET 2 OF 2



1 [SLIDE 9]



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Mr. Venable asked if there were any questions.

Mayor Gilbert asked if there were any questions.

Councilmember Zegerman said that it was appreciated that staff took the feedback and made these changes.

Mayor Gilbert opened Public Hearing and invited up the speaker.

Jeff Roach with Peak Engineering & Design pointed out that current detail allows the construction of the temporary turnarounds up into the buffer because they will be cleared when the next development next door develops. He said that it is appreciated that staff looped them in on this detail because there are a lot of these in town especially with all the new developments coming that staff and Council sees all the time.

Mayor Gilbert closed Public Hearing.

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

VOTE: UNANIMOUS (5-0)

[REGULAR MEETING AGENDA]

RA1 Town Council Committees Review and Discussion

Mayor Gilbert asked for clarity on this item.

1 **Mayor Pro-Tempore Mahaffey** said that this item regards a motion for potential
2 restructure of the committees that have been presented over the past month that was moved
3 from last meeting to this meeting. He said there was a desire for more discussion at a Work
4 Session so Town Clerk Coleman has given a potential set of motions. He said that with the
5 pace of the current budget season and was concerned that the Committees have not been
6 providing their usual oversight of the budget process. He proposed to defer this for a motion
7 to appoint an ad hoc Budget Committee - option B, to provide oversight with the same
8 members who served on last year's budget committee which was himself and
9 Councilmember Gray intended on extending the Charter of the Committee to cover this year
10 until the resolution changes.

11 **Mayor Gilbert** thanked Councilmember Mu for the recommendation for a Work
12 Session and is excited to move forward.
13

14 A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded by
15 **Councilmember Reese** to appoint an Ad Hoc Finance Committee to provide input and
16 oversight over the annual operating budget for the next fiscal year 2026-27 with an end date
17 of June 30th 2026, or until the Council Committee Structure is resolved.

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

19 A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded by
20 **Councilmember Mu** to appoint former Finance Committee members Mayor Pro-Tempore
21 Mahaffey and Councilmember Gray to the Ad-Hoc Finance Committee effective immediately
22 until the Council Committee Structure is resolved.

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

24 A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded by
25 **Councilmember Zegerman** to delay the Town Council Committee structure discussion until
26 the Town Council Work Session on April 21st.

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

28 **[CLOSED SESSION]**

29 A **motion** was made by **Councilmember Gray** and seconded by **Councilmember**
30 **Zegerman**, to enter into closed session pursuant to the items listed below.

31 Council entered into closed session at **8:53 p.m.**

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

33 Pursuant to:

1 **CS1 Jacques K. Gilbert, Mayor, and Terry Mahaffey, Mayor Pro-Tempore**

2 **NCGS §143-318.11(a)(6):**

3 *“To consider the qualifications, competence, performance, character, fitness, conditions of*
4 *appointment, or conditions of initial employment of an individual public officer or employee*
5 *or prospective public officer or employee; or to hear or investigate a complaint, charge, or*
6 *grievance by or against an individual public officer or employee.”*

7
8
9 **[ADJOURNMENT]**

10
11 Council returned to open session at **9:14 p.m.**

12 With no further business being before the Town Council, **Mayor Gilbert** adjourned
13 the meeting at **9:15 p.m.**

14 Jacques K. Gilbert
15 Mayor

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

19
20 Submitted for approval by Town Clerk Allen Coleman and approved on _____.