

DRAFT MEETING MINUTES

1 **TOWN OF APEX**
2 **REGULAR TOWN COUNCIL MEETING**
3 **TUESDAY, MARCH 10, 2026**
4 **6:00 PM**
5

6 The Apex Town Council met for a Regular Town Council Meeting on
7 Tuesday, March 10th, 2026 at 6:00 p.m. in the Council Chambers at Apex Town
8 Hall, located at 73 Hunter Street in Apex, North Carolina.

9
10 This meeting was open to the public. Members of the public were able to attend this
11 meeting in-person or watch online via the livestream on the Town's YouTube Channel.

12 The recording of this meeting can be viewed here:

13 Part 1: <https://www.youtube.com/watch?v=nlc5GJqO5xg>

14 Part 2: <https://www.youtube.com/watch?v=ChqXIX4tdog>
15

16 **[ATTENDANCE]**

17 Elected Body

18 Mayor Jacques K. Gilbert (presiding)

19 Mayor Pro Tempore Terry Mahaffey

20 Councilmember Ed Gray

21 Councilmember Arno Zegerman

22 Councilmember Sue Mu

23 Councilmember Shane Reese
24

25 Town Staff

26 Town Manager Randy Vosburg

27 Town Attorney Laurie Hohe

28 Town Clerk Allen Coleman

29 Deputy Town Manager Shawn Purvis

30 Assistant Town Manager Marty Stone

31 Assistant Town Manager Demetria John
32

33 All other staff members will be identified appropriately below
34

35 **[COMMENCEMENT, INVOCATION, AND PLEDGE OF ALLEGIANCE]** 36

37 **Mayor Gilbert** called the meeting to order at 6:00 p.m. and thanked those
38 who were in person as well as live stream and welcomed Scouting of America Troop

1 201. He then read a diversity statement and took a moment of peace for the town, the
2 state and the nation. He then invited the Scouting America Troop 201 to lead in the
3 Pledge of Allegiance.

4
5 **[ANNOUNCEMENTS AND PETITIONS BY THE GOVERNING BODY]**

6
7 **Mayor Gilbert** asked for announcements from Council.

- 8
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- 10 • **Mayor Pro-Tempore Mahaffey** - No comments.
 - 11 • **Councilmember Gray** - Thanked the Apex Chamber of Commerce and Parks
12 & Recreation staff for hosting the Run the Peak event and recognized the recent
13 loss of seven military service members, asking the community to remember
14 them and their families.
 - 15 • **Councilmember Zegerman** - Announced the upcoming Multimodal
16 Transportation Advisory Board meeting, scheduled March 4th at 4:45 p.m., and
17 invited the public to attend.
 - 18 • **Councilmember Mu** - Recognized Women’s Appreciation Month and
19 International Women’s Day, expressing appreciation for women in the
20 community.
 - 21 • **Councilmember Reese** - Highlighted the success of the Run the Peak event,
22 noting sold-out corporate sponsorships and participation of more than 730
23 runners, and encouraged community members to attend even if not running.
 - 24 • **Mayor Gilbert (Justice Heights update)** - Thanked the Town of Apex and
25 community partners for support through the Neighborhood Beautification
26 Grant Program, which helped volunteers restore a neglected pond in the
27 Justice Heights neighborhood. Participating partners included Habitat for
28 Humanity of Wake County, Plan Forward Landscape and Design, The
29 Lighthouse Project, The Peak Church, and F3 volunteers.

30 **[ADOPTION OF THE MEETING AGENDA]**

31
32 **Mayor Gilbert** asked if there were any recommended changes to the meeting
33 agenda.

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

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

1 **[CONSENT AGENDA]**

2
3 A **motion** was made by **Mayor Pro-Tempore Mahaffey**, seconded by
4 **Councilmember Zegerman**, to approve the Consent Agenda, as presented.

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

7
8 **CN1 Agreement - Interlocal Agreement between the Town of Apex and Capital**
9 **Area Metropolitan Planning Organization (CAMPO) - Study of Five (5) Potential**
10 **Multimodal Access Points at Pleasant Park (CONT-2026-028)**

11 Council approved an Interlocal Agreement for Apex Pleasant Park Access Study
12 between the Town of Apex and the Capital Area Metropolitan Planning Organization
13 (CAMPO), to evaluate the multimodal connectivity to Pleasant Park including the
14 study of five (5) potential access points, and authorized the Town Manager, or their
15 designee, to execute on behalf of the Town.

16
17 **CN2 Agreement - Wake County Public School System (WCPSS) - Right of Entry -**
18 **Little Beaver Creek Gravity Sewer Extension Project - Installation of 2,000 Linear**
19 **Feet of New Gravity Sewer (CONT-2026-029)**

20 Council approved a Right of Entry agreement between The Wake County Board of
21 Education and Town of Apex, to access Apex Friendship Campus property in
22 connection with the Little Beaver Creek Gravity Sewer Extension project, and
23 authorized the Town Manager, or their designee, to execute on behalf of the Town.

24
25 **CN3 Agreement - Seth A. Felder LLC - DJ and Sound Services for Fireworks**
26 **Frenzy - July 03, 2026 - USA 250th Anniversary (CONT-2026-030)**

27 Council approved a Standard Services Agreement between Seth A Felder, LLC and
28 Town of Apex, for DJ and sound services for the Fireworks Frenzy event on July 3,
29 2026, and authorized the Town Manager, or their designee, to execute on behalf of
30 the Town.

31
32 **CN4 Agreement Ratification - Black and Veatch International Company -**
33 **Design Services of the Western Transmission Main Phase II Project - Part 2 of**
34 **Kelly Road Waterline Project (CONT-2026-031)**

35 Council voted to ratify an oral amendment to the existing Design Services Agreement
36 between the Town of Apex and Black and Veatch International Company, for design
37 of the Western Transmission Main Phase II Project, commonly known as "Part of the
38 Kelly Road Waterline Project".

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CN5 Agreement Ratification - Highfill Infrastructure Engineering, P.C. - Beaver Creek Commons Sewer and Water Improvements Project (CONT-2026-032)

Council voted to ratify an oral amendment to the existing Design Services Agreement between the Town of Apex and Highfill Infrastructure Engineering, P.C. for design of the Beaver Creek Commons Sewer and Water Improvements Project.

CN6 Agreement Ratification - Norfield Development Partners, LLC - Continuation of Locator Logix Software for Electric and Water Lines (CONT-2026-033)

Council voted to ratify an oral agreement between Norfield Development Partners, LLC and Town of Apex, to provide the locator logix software for utility locating, effective through September 30, 2026, and authorized the Town Manager, or their designee to execute on behalf of the Town.

CN7 Agreement Ratification - Warrior Physical Therapy and Performance - Injury Prevention Workshops (CONT-2026-034)

Council voted to ratify an oral agreement between the Town of Apex and Warrior Physical Therapy and Performance, for six (6) physical therapy and injury prevention workshops provided to fire personnel as well as two (2) instructional videos created for the Department's exercise video library.

CN8 Annexation No. 805 - Welch Homestead - Associated Rezoning 25CZ10 (OTHER-2026-034) (RES-2026-019) (RES-2026-020)

Council adopted a Resolution Directing the Town Clerk to Investigate Petition Received, accepted the Certificate of Sufficiency by the Town Clerk, and adopted a Resolution Setting the Date of a Public Hearing for March 24, 2026, on the Question of Annexation - Apex Town Council's intent to annex 83.53 acres, located at 3204 Old US 1 Highway (PIN 0720-15-8891), 3216 Old US 1 Highway (PIN 0720-14-4298), and 3312 Old US 1 Highway (PIN 0720-04-6146), and Associated Right-of-Way (ROW), Annexation No. 805, into the Town Corporate limits.

CN9 Annexation No. 825 - 631 Wimberly Road (OTHER-2026-035) (RES-2026-021) (RES-2026-022)

Council adopted a Resolution Directing the Town Clerk to Investigate Petition Received, accepted the Certificate of Sufficiency by the Town Clerk, and adopted a Resolution Setting the Date of a Public Hearing for March 24, 2026, on the Question

1 of Annexation - Apex Town Council's intent to annex 0.257 acres, located at 631
2 Wimberly Road, Annexation No. 825, into the Town Corporate limits.

3

4 **CN10 Council Meeting Minutes - Various**

5 Council approved meeting minutes as presented for the following meetings:
6 February 10, 2026 - Regular Town Council Meeting Minutes
7 February 17, 2026 - Regular Town Council Work Session Meeting Minutes -
8 Cancellation

9

10 **CN11 Ordinance Amendment - Traffic Schedules I and II - Stop and Yield
11 Signage Updates (ORD-2026-027)**

12 Council approved amendments to Chapter 20 - Traffic, Article V. - Traffic Control
13 Devices of the Town of Apex Code of Ordinances to update Traffic Schedule I and
14 Traffic Schedule II in accordance with the provisions of Sections 20-60.1, 20-68, and
15 20-70.

16

17 **CN12 Revisions to Town Standard Details - Section 300, Neighborhood Traffic
18 Mini-Circle, Temporary Turnaround, and Single-lane Roundabout (OTHER-2026-
19 036)**

20 Council approved revisions to the Town Standard Details related to Section 300 which
21 addressed: Neighborhood Traffic Mini-Circle, Temporary Turnaround, and Single-lane
22 Roundabout.

23

24 **CN13 Rezoning Case No. 25CZ12 - Apex Baptist Church - Statement of
25 Denial (OTHER-2026-037)**

26 Council approved the Statement of the Town Council for Rezoning Application No.
27 25CZ12, Apex Baptist Church, applicant, for the property located at 111 Jones Street
28 (PIN 0742302925). **CLERK NOTE:** Rezoning Case No. 25CZ12 was heard during the
29 February 24, 2026, Regular Town Council Meeting and the project was unanimously
30 rejected by the Town Council.

31

32 **CN14 Tax Report - January 2026 (OTHER-2026-038)**

33 Council approved the Apex Tax Report dated February 12, 2026.

34

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1 **CN15 Town Council Rules of Procedures Amendment - Ordinance Introduction**
2 **and Adoption (PLCY-2026-004)**

3 Council adopted an amendment to the Apex Town Council’s Rules of Procedures to
4 clarify the interpretation and applicable of Rules 28 and 29 as they relate to the
5 adoption of ordinance introduction and adoption.
6

7 **CN16 Unified Development Ordinance (UDO) Amendments -February/March**
8 **2026 - Statement (ORD-2026-039)**

9 Council approved the Statement of the Apex Town Council pursuant to G.S. 160D-
10 605(a) addressing action on the Unified Development Ordinance (UDO)
11 Amendments of February 24, 2026, proposed by staff.
12

13 *****

14
15 **[TOWN MANAGER’S REPORT]**

16
17 **Town Manager Vosburg** provided the following updates:
18

- 19 • **Electric Meter Upgrade Program:** Over 11,000 electric meters have been
20 replaced, and the project remains on track for completion in fall 2026.
- 21 • **Salem Streetscaping Project:** Construction is progressing with storm drainage
22 installation completed and work underway on underground conduit, streetlight
23 foundations, and underground soil cells to support new street trees. The public
24 was encouraged to continue supporting downtown businesses during
25 construction.
- 26 • **Peakway Southwest Connector:** Bridge construction is in progress, with the
27 next phase including pouring the bridge deck and installing traffic signal pole
28 foundations.
- 29 • **Think Apex Awards:** Nominations remain open through March 13, and
30 residents are encouraged to submit nominations through the town website.
- 31 • **Upcoming Community Events:** Several events were highlighted:
 - 32 ○ **Holi at Salem Middle School** - March 14th, 11:00 a.m.-3:00 p.m.
33 Community celebration with activities and information available on the
34 town website.
 - 35 ○ **Classical Concert Series** - America: Celebrating 250 Years - March 15th,
36 3:00-4:30 p.m. at The Halle Cultural Arts Center.
 - 37 ○ **Time for Tea** - Women’s History Month Event - March 19th, 5:30-7:30
38 p.m. at the Apex Senior Center (registration required).

- 1 o **Shamrock Showdown** - New annual celebration featuring basketball,
2 St. Patrick’s Day festivities, and community activities in partnership with
3 local restaurants and businesses. More details on the town’s website.

[TOWN CLERK’S REPORT]

6
7 **Clerk Coleman** said there were three (3) items related to Resident Advisory
8 Board Appointments for the Town Council’s consideration. He said if there was
9 consensus on the recommended slate of candidates, the appointments could be
10 approved in one motion. He said if their was not consensus in the recommended
11 slate of candidates, he would recommend the motions be separated for individual
12 motions. He said each item would begin by stating those eligible and recommended
13 for reappointment and then move to new recommended appointees. He said he was
14 appreciative for the nominations submitted by the Mayor and Town Councilmembers
15 prior to the meeting. A copy of the nomination record can be viewed in the Town
16 Clerk’s Office (**OTHER-2026-044**).

TC1 Appointments - Board of Adjustment (BOA)

19
20 **Clerk Coleman** said the Board of Adjustment (BOA) had three individuals who
21 were seeking reappointment and the Mayor had recommended the following
22 individuals: Mr. Umesh Pai, Mr. William Hollenbeck and Mr. Michael Sayers to the
23 Apex Board of Adjustment for a three-year term effective March 1, 2026 through
24 December 31, 2029.

25
26 A **motion** was made by **Councilmember Zegerman**, and seconded by **Mayor**
27 **Pro-Tempore Mahaffey**, to reappoint Mr. Umesh Pai, Mr. William Hollenbeck and Mr.
28 Michael Sayers to the Apex Board of Adjustment for a three-year term effective March
29 1, 2026 through December 31, 2029.

VOTE: UNANIMOUS (5-0)

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31
32
33 **Clerk Coleman** said Mr. Aaron Barnes had requested a transfer from the
34 Culture and Arts Advisory Board to the open position on the Board of Adjustment
35 (BOA). He said the Mayor supported this request.

36
37 A **motion** was made by **Mayor Pro-Tempore Mahaffey**, and seconded by
38 **Councilmember Zegerman**, to transfer Aaron Barnes from the Culture Arts Advisory

1 Board (CAAB) to the Board of Adjustment (BOA)for a new three-year term beginning
2 April 1st, 2026 through March 31st 2029.

3

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

5

6 **Clerk Coleman** said that Mr. Hart had submitted his resignation from the Board
7 of Adjustment (BOA) effective May 19, 2026. He said this resignation would create an
8 additional vacancy and the Town Council could chose to select a replacement for Mr.
9 Hart which would be effective June 1, 2026.

10

11 A **motion** was made by **Councilmember Zegerman**, and seconded by
12 **Councilmember Gray**, to appoint William Gerherd to the Apex Board of Adjustment
13 (BOA) for the unexpired term beginning June 1st, 2026 through December 31st, 2026.

14

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

16

17

18 **TC2 Appointments - Environmental Advisory Board (EAB)**

19

20 **Clerk Coleman** said that eight (8) applications were received for the open
21 positions on the Environmental Advisory Board (EAB) with the Town of Apex. He said
22 one of the applicants was seeking reappointment while the other individuals would
23 be considered new appointees to the EAB. He said similar to the item above, he
24 would begin by stating the individuals requesting reappointment and recommended
25 by the Mayor.

26

27 A **motion** was made by **Mayor Pro-Tempore Mahaffey**, and seconded by
28 **Councilmember Gray**, to reappoint Mr. William "Bill" Jensen to the Apex
29 Environmental Advisory Board (EAB) for a two-year term effective February 1st, 2026
30 through January 31st, 2028.

31

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

33

34 **Clerk Coleman** said Sean Crowell was not seeking reappointment and his
35 position was fully completed. He said the elected body previously submitted their
36 nominations and Melissa Ripper had received a majority of the votes.

37

1 A **motion** was made by **Councilmember Zegerman**, and seconded by
2 **Councilmember Reese**, to appoint Melissa Ripper to the Apex Environmental
3 Advisory Board (EAB) for a 2-year term effective March 1st, 2026 through February
4 28th, 2028.

5
6 **VOTE: UNANIMOUS (5-0)**
7

8 **Clerk Coleman** said Mr. Patrick Adams had submitted his resignation from the
9 Apex Environmental Advisory Board (EAB) and his partial term needed to be filled by
10 a qualified candidate. He said the elected body previously submitted their
11 nominations and Daniel Valle and Rmesh Nallavolu both received equal number of
12 nominations (2-2).
13

14 A **motion** was made by **Mayor Pro-Tempore Mahaffey**, and seconded by
15 **Councilmember Mu**, to appoint Mr. Daniel Valle to the Apex Environmental Advisory
16 Board (EAB) for a partial term effective March 1st, 2026 through December 31st, 2026
17

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

20 **TC3 Appointments - Planning Board**

21
22 **Clerk Coleman** said twelve (12) applications were received for multiple
23 positions on the Apex Planning Board. He said four (4) of the applicants were
24 individuals who were seeking reappointment while the other individuals would be
25 considered new appointees to the Planning Board, if selected. He said similar to the
26 item above, he would begin by stating the individuals requesting reappointment and
27 recommended by the Mayor.
28

29 A **motion** was made by **Councilmember Zegerman**, and seconded by
30 **Councilmember Gray**, to reappoint Alyssa Byrd, Daniel Khodaparast, Steven Rhodes
31 and Kristy Yule to the Apex Planning Board, each for a two-year term effective January
32 1st, 2026 through December 31st, 2027.
33

34 **VOTE: UNANIMOUS (5-0)**
35

36 **Clerk Coleman** said the Extraterritorial (ETJ) position on the Apex Planning
37 Board had expired and the Town had been struggling to find eligible and qualified
38 candidates to serve in this position. He said the previous ETJ member of the

1 Planning Board was Mr. Tim Royal who was no longer eligible for appointment since
2 he had reached the maximum amount of terms he could serve. He said that Mr.
3 Royal’s term concluded on December 31, 2025 and that he was holding over until his
4 replacement was named to ensure compliance of an ETJ representative.

5
6 **Clerk Coleman** said Mark Spanioli meets the eligibility criteria and is currently
7 on the Multimodal Transportation Advisory Board (MTAB). He said Mr. Spanioli
8 contacted him about his interest in being transferred to the Planning Board if the
9 Mayor and Town Council was supportive.

10
11 A **motion** was made by **Councilmember Zegerman**, and seconded by
12 **Councilmember Gray**, to transfer Mr. Mark Spanioli to the Planning Board for a two-
13 year term effective April 1st, 2026 through March 31st, 2028.

14
15 **Councilmember Gray** thanked Mr. Royal for his hard work and service in his
16 role on the Planning Board.

17
18 **VOTE: UNANIMOUS (5-0)**

19
20 **Clerk Coleman** said the remaining position on the Planning Board was from a
21 position that was completed December 31, 2026, previously held by Preston Mitchell.
22 He said Mr. Mitchell was not seeking reappointment and the their was a split in the
23 number of nominations received between Ms. Tianduo Zhang and Mr. Kyone
24 Nebolisa.

25
26 **Councilmember Mu** made a **motion** to temporarily hold off on filing the
27 vacant position on the Planning Board to allow for additional discussion at the Town
28 Council Work Session on April 21, 2026. She said the elected body needed to
29 discuss how to make the procedures for Resident Advisory Board nominations clearer
30 for future consideration.

31
32 **Councilmember Reese** seconded the motion.

33
34 **Mayor Gilbert** said the conversation was appreciated and he believed their
35 could be a menu of options presented for consideration at the April Work Session, as
36 presented by Councilmember Mu. He asked for Councilmembers to consider their
37 vision for the Mayor’s role in the Town’s Advisory Board appointment processes
38 moving forward and how this part of the process added value.

1 **Councilmember Mu** said the discussion thus far was appreciated and the
2 opportunity to discuss the appointment process at the April Work Session was an
3 effort to avoid any conflicts as it relates to appointments and to ensure each member
4 had a clear understanding of the procedures.

5
6 **Mayor Gilbert** said he looked forward to the April Work Session the
7 opportunity to collaborate with his colleagues on the Town Council on how to
8 continue to improve the appointment process for the resident advisory boards.

9
10 CLERK NOTE: The motion is restated below.

11
12 A **motion** was made by **Councilmember Mu**, and seconded by
13 **Councilmember Reese** , to temporarily hold off on filing the vacant position on the
14 Planning Board to allow for additional discussion at the Town Council Work Session
15 on April 21, 2026.

16
17 **VOTE: UNANIMOUS (5-0)**

18
19 **[PUBLIC FORUM]**

20
21 **Mayor Gilbert** opened the Public Forum and asked the first speaker to come
22 up.

23
24 First to speak was **Dr. Michelle Hoffner O’Connor** of 2664 Jordan Pointe
25 Boulevard:

26
27 “Good evening, everyone. I think we are all very happy and relieved that we get to
28 move forward with newer discussions regarding data centers. We no longer have to
29 worry about the burden of the application. We get to talk about the other things we
30 need to. I had invented this idea, it was going to stay together before the Nutellis had
31 withdrawn, but like any good innovator, I reworked it for tonight because it is
32 important that we recapitulate certain things as we move forward. If you have seen
33 the movie *The Big Short*, you can pretend that I am Ryan Gosling for the next eight
34 minutes and twenty-six seconds, if not I will briefly explain, there is a scene where
35 Ryan Gosling’s character stands in front of Steve Carell and his group and explains
36 what collateralized debt obligation or CDO is and how these are rated from AAA to C.
37 This tower was supposed to represent that, unfortunately it has already fallen apart
38 much like many data centers but that’s not the point, anyways. You know, we could

1 look at data centers the way we looked at mortgage-backed securities. They have
2 different ratings based on how they're developed, the technologies they use, etc.
3 There are people behind me clutching their pearls at the idea that there might be a
4 AAA-rated data center out there. But let's go through what should be the tower. The
5 bottom would represent our Cs, our very bad data centers. These are things that Elon
6 Musk has built, Boxtown, Tennessee, Mississippi, the ones where the methane
7 generators are going full blast in addition to all the other issues with the technology
8 that he's established. People are having horrible health issues; their sound is above
9 70 dBA for the Mississippi one. Everyone's living in misery. We don't need to discuss
10 those much further. When it comes to our top tier, is there a AAA? What do we
11 envision that to be? Noiseless, waterless, the ability to free cool because it allows the
12 data centers to free cool in that environment. It's very cold there. Those data centers
13 use water maybe six days of the year. Not only do they not put strain on the grids in
14 those countries, they actually add to the grid. They bring their own power and it's
15 clean and it's green.

16 When we think about something like Data Center Alley, it's actually very varied. There
17 are some that would be in the A tier, some that would definitely be in the C tier, but
18 most are in the middle with the Bs. These are the classic data centers that we see all
19 the time. It's standard. The problem with standard, of course, is that what it really
20 means is that it's subprime. It has those noisy generators. It doesn't follow the noise
21 ordinances. In Virginia, they had the ability to just come in for years and years and
22 now that that's ending, but unfortunately, it's created an unsustainable condition for
23 that area of the state and that's happening in different areas around the country. I
24 want to go back to the application that came here. By a show of hands, does anyone
25 from our town council or a mayor believe it was an A-rated data center? How about a
26 B-rated data center? I see I'm not going to get a response. Cs, anyone? If we were to
27 rate the Nutelli application, it would have been a double B. What does a double B
28 represent in terms of the housing market? It represented something that made
29 people a lot of money but also resulted in a lot of people losing their homes. People
30 had received subprime loans, they couldn't pay their mortgages, they lost their
31 homes again. People were betting on this. They were making millions upon millions, if
32 not billions of dollars, off of this. When we think about what this represents in Apex,
33 what this represents around the country, it represents old technology that's cheap
34 and prioritizes the end user and the profits the developer is going to make, not the
35 people who are going to be living near it. And that's a problem. So, essentially what
36 I'm trying to say is in this town we say we have the Peak of Good Living. So why are we
37 accepting what is essentially garbage or why were we considering it? I understand
38 that we have to go through the process, we have to consider it, but at the same time

1 we all need to realize that what was being put forth to us, what the developer was
2 standing up here trying to convince us of, was a lie. It was laziness. It was his ability to
3 make quick, easy money. It was the ability for the end user, whoever it might have
4 been, to build a cheaper data center than what it would cost to do something that
5 could sustain free cooling and not use water and bring in its own power and be the
6 Scandinavian model. It was something that would have caused harm to our homes. It
7 would have been very costly to our homes between maintenance of our plants, the
8 effects of the lower air quality on our health. Our bills were going to go up in
9 astronomical ways that go beyond the increase in power that we're facing from Duke
10 Energy. So, I think this is very important for this council, for our planning department,
11 for everyone to think about moving forward because as we talk about the ethics, the
12 values, the feasibility, etc., we need to not only consider how you build a data center.
13 We need to consider whether we can build the best one for the area that doesn't
14 bring harm to our community and if the answer is no, it means it can't come here.
15 With that, I'm not going to spend the rest of this time talking. I do want to encourage
16 everyone in this room and remind everyone that our downtown is hurting. We have
17 gotten a very big win and I recommend everyone go to their favorite watering hole
18 afterwards downtown to get a drink and raise a glass to the fact that the Nutellis are
19 no longer here. Thank you all.”

20

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

22

23 Next speaker was **Karen Delventhal** of 507 Homestead Park Drive:

24

25 “Good evening, Mr. Mayor and Town Council. Tonight, I would like to discuss
26 the yard waste disposal thing. It's a thing. I understand the budget, which suddenly
27 you are concerned about, and the lifespan of equipment and manpower and all the
28 rest of it. But did you consider your gray area? I'm talking about us experienced folks
29 who are much older than you youngsters. I'm 74, proud of it, disabled with an attitude
30 in case you can't tell. I already have a hard time getting the trash and recycling cans to
31 the curb. My cans are heavier than the waste inside. I must maneuver these cans to
32 the curb myself and then get them back inside my garage every week myself unless
33 the town doesn't pick it up. If it is wet, snow, or ice, the cans still must go. The HOA
34 requires that the cans are either inside the garage or behind my house. In case you
35 haven't noticed, I also travel with this thing commonly called a rollator. I travel with
36 this thin, that's six wheels back and forth twice each week. Now you want to add two
37 more wheels with branches and sticks and leaves that are going to get heavy. You also
38 say this won't include leaves, but I'm not sure what that means, and you didn't say if

1 that includes pine needles and pinecones and nuts, which are byproducts of trees.
2 Are they considered like leaves in this mystery? Plus, if I must put those in the can, I
3 will need about 10, which would be 20 wheels and probably EMS. Yes, I have that
4 much year-round if I have to put in the leaves and this would be weekly regular wind.
5 We get a big, good blow or bi-weekly pickup that's going to overflow and blow
6 everywhere. Before you fix your lips to say that the town has a service that will take
7 care of that, I checked, and no, you don't. I also don't remember any official public
8 notice on this. So, what are you smart folks going to do about this? I'm not the only
9 experienced person in Apex."

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

12
13 Next speaker was **Dawn Cozzolino** of 3632 Bosco Road:

14
15 "Good evening. Before coming to Apex, Town Manager Randy Vosberg served
16 as county administrator in Stafford County, Virginia, one of the fastest growing
17 counties in the country. During the time there, he advanced a government budget
18 exceeding \$1 billion, which actually raised people's property taxes by about 7.8%.
19 But Stafford County also invested in transparency. Residents can view financial data
20 through the OpenGov platform and the County maintained a searchable public
21 records portal so citizens could easily access government documents. Mr. Vosberg
22 clearly had the experience and tools to bring that same kind of transparency to Apex.
23 Instead, we're seeing the opposite. Public records requests are delayed for months,
24 sometimes years, despite the requirements in NCGS-132. I'll come back to that in a
25 minute, but I wanted to talk about fiscal responsibility. You probably didn't hear this.
26 Just 10 days ago, WRAL reported Apex is facing a \$10 million gap in utility funds tied
27 to the billing system problems. I think that was in 2024. Where will the \$10 million
28 come from? And we could tack on the \$5 million monopoly money. When will Apex's
29 CEO, the Town Manager, tell the public exactly what happened and how this gap
30 occurred? It goes to the heart of the matter. The Town Manager, Mayor, Council
31 Members, and Town Clerk all take an oath of office, that oath of office is not just
32 paperwork. It is a promise to faithfully serve the public and uphold the law. In the
33 movie *The Matrix*, Morpheus offers a choice. You take the blue pill, the story ends and
34 you believe whatever you want to believe. You take the red pill, you stay in
35 Wonderland and I show you how deep the rabbit hole goes. The taxpayers of Apex
36 fund this government. The surrounding communities of New Hill and Friendship live
37 with the consequences of its decisions. We deserve transparency. We deserve
38 accountability. And the people of Apex deserve the red pill. Thank you."

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Mayor Gilbert thanked the speaker and invited the next speaker.

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

“Mayor, Town Council, good evening. We have a very diverse community of over 75,000 people, but yet we do not have a consistent way to share information out. Back in the day, we had the Apex Herald. Some of you who are newer may not realize we actually had a town newspaper. So, if you wanted to know what was happening in Apex, you would just go pick up the Apex Herald and if you didn't have the dollar to buy the Apex Herald, you could just go up to the library and sit there and read a copy. Everybody had the ability to have access to what was happening in Apex. Fast forward to today, there is no Apex Herald. Instead, there's an explosion of social media posts across multiple platforms, Facebook, Reddit, X, etc. Then even if you do use social media, the platform's algorithms may limit what you actually see. For those who don't use social media, they can go to the Apex website. But we all know what is discussed on social media does not make its way onto the Apex website. What is happening is we have a community that doesn't have equal access to information or equal access to participate. We are leaving people behind. So, I'm here to ask you tonight to close that gap, so there are some short, simple ways as starters. By no means is this a full list of things that can be done, but each of you has a profile page. Take the time to update your profile page and list all of the platforms that you are on and the handle or whatever name so if somebody navigates to your profile page and says, "Oh, I see Shane Reese and I want to know what he has to say," and you list his different handles, then someone can click and see what Shane has to say. But if it's not listed someplace, you're doing the luck of the draw. You get on Facebook, you Google, you require the barrier to be difficult, and not everybody is going to get the same result. Then I would like for the town to add a tab to the town's website and as you make posts, I would love for there just to be a chronological link so that if you make a post on January 1st, I can go click it and it takes me to the post because people need to have access to the information. We do not need to put barriers up in our community. If this is the Peak of Good Living, let's please engage everybody. Thank you.”

Mayor Gilbert thanked the speaker and invited the next speaker.

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

1 "Good evening, Mayor, Council Members, town staff, and members of the
2 public. My name is Phil Welch. I live at 1471 Big Leaf Loop in Apex. I'd like to follow
3 up on Rick Beach's plea to you last month. He pleaded for the town's help so that the
4 dream of serving and living in Apex would not stop with his generation. First, I'd like
5 to take a step back to understand the lack of affordable housing choices, especially
6 for our low- and moderate-income neighbors. Next, I'll estimate the number of
7 affordable homes needed to provide those choices. And finally, I'll propose specific
8 programs and funding and suggest ways to attain that funding. At the most basic
9 level, the issue of what I call the lack of affordable housing choices comes down to a
10 mismatch between the number of homes which are available for rent or for sale and
11 the number of those homes which are at price points that households at various
12 incomes can afford, especially for our low- and moderate-income neighbors and
13 especially for essential workers. So, what is Apex's estimated need for affordable
14 housing choices over the next 10 years? In 2022, an estimated 18,000, or about 87%
15 of the workers in Apex were commuting from outside town into town, most likely
16 because they couldn't afford to live here. In 2023, an estimated 2,400, or 41% of
17 renter households, and 21,000, or 12% of owner-occupied households were paying
18 more than 30% of their total household income for housing expenses. That is simply
19 not attainable or sustainable. In addition, as pointed out in last year's update to the
20 2021 Affordable Housing Plan, Apex will need to provide affordable housing choices
21 for an estimated 3,600 additional low to moderate income households looking for
22 homes over the next 10 years. Last year's Affordable Housing Plan update estimated
23 that just to help fill the gap in additional homes, we would require about \$14 million
24 of town funding for each of the next 10 years. As you may know, Apex's current penny
25 tax for the affordable housing fund raises about \$2 million annually. The plan update,
26 which the council unanimously approved last June, observed that doubling the penny
27 tax could catalyze about 1,000 units over the next decade. That would leave the town
28 short of at least 2,600 homes for households earning up to 80% of the area median
29 income. Another way to approach this is to look at increasing funding for existing and
30 proposed affordable housing choice programs. For example: Number one, doubling
31 the funding for home repair programs to \$1.25 million in fiscal year 2027. This will
32 help our lower income neighbors, especially our esteemed seniors, to stay in Apex
33 and age in place. Number two, committing at least \$1 million annually to purchase
34 and develop town-owned land such as the South Hughes Street development.
35 Number three, providing at least \$1 million annually for gap funding for tax credit
36 developments. Number four, budgeting at least \$500,000 annually for gap funding to
37 preserve and rehabilitate existing tax credit program funded housing, and finally,
38 number five, offering at least \$1 million annually in financial incentives for developers

1 to provide affordable housing choices across a wider range of household incomes. I
2 imagine there may be other programs and funding that the town staff might propose
3 for this list. It's clear that significantly more funding is needed in order to fulfill Apex's
4 vision of welcoming people of diverse backgrounds, including all incomes, ages, and
5 abilities. Affordable housing developers and town staff already know about funding
6 from other sources, including the county, the state, and the federal governments. I
7 believe the town is also exploring additional sources and mechanisms for funding
8 including a housing bond and employer-assisted housing programs. Funding from
9 community-minded corporations, philanthropies, and foundations also deserves
10 investigation. I hope this exchange is the beginning of a productive conversation with
11 you as elected officials, town staff, other local leaders, and housing choice advocates
12 with a goal of realizing the dream of continuing to serve and live in the Peak of Good
13 Living. Thank you.”

14
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16 **Mayor Gilbert** thanked the speaker and invited the next speaker.

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Next speaker was **Elizabeth Brunner** of 306 Hinton Street:

20 “Hello, I'm Elizabeth Bruner, 306 Hinton Street in Apex. I'm proud to be a bus
21 rider. I am deliriously happy that we have a bus in town and I'm really grateful for the
22 town's investment in expanded service, Sunday coming, we're going to have twice an
23 hour frequency. Lots of good things. Unfortunately, I'm here with a gripe. November
24 1st should have been a celebration as the new GoCary Route 9 launched between
25 downtown Apex and downtown Cary. I was very excited to be one of the very first
26 riders that morning. But unfortunately, on that same date, GoApex and GoCary rolled
27 out a new Ford E-series bus that has a steep boarding slope. It's just this climb up
28 which is making life hard for some riders. That bus design is fundamentally flawed. In
29 contrast, the GoTriangle bus that passes through Apex on Route 305 has an entirely
30 flat, risk-free entrance that anyone can easily step aboard. Our most vulnerable riders
31 are being hurt by that upward bus climb on GoApex and the even more precarious
32 downward slip-and-fall slope. Young able-bodied riders, probably all of you, would
33 not even notice that there's a mountain to climb, but for seniors, people with walking
34 canes, riders who are frail from cancer, anyone with back pain, arthritis, bursitis,
35 prosthetics, tremors, unsteady gait, we struggle getting onto the bus. Boarding the
36 bus should not be scary for 20% of our riders. These are the people who could
37 previously ride independently despite some physical constraints, but the steep slope
38 of the bus is disabling. The bus itself disables us. It makes minor impairments really

1 difficult. A serious risk is falling face down into the cement as we disembark, break our
2 hips, end up in a nursing home, ride out our retirement savings, and die prematurely
3 and you can see that level of fear as the oldest riders clutch the awkwardly positioned
4 handrails and carefully climb upward. Older riders and anyone with physical
5 limitations deserve safety and accessibility. Because of the slope danger, bus drivers
6 have become more willing to extend the ramp, which elongates the slope, but there
7 are no ramp handrails, and the ramp's metal edge acts as a trampling hazard. That
8 feels like a bad workaround. I'm concerned that Go Apex will add a second steep-
9 slope bus vehicle when frequency improves next month. Please, I'm urging the town,
10 insist upon a safe, flat boarding entrance for every single bus operating within Apex.
11 Thank you."

12
13

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

15

16 Next speaker was **Lawrence Kevin** of 1628 Salem Village:

17

18 "Good evening, Lawrence Kevin, 1628 Salem Village Drive. I'm going to talk
19 about data, not data centers. I spoke at the Planning Board meeting about the Tingen
20 Crossing yesterday, so you can watch that on YouTube, but I'll cover some of the
21 points I made there.

22 The one, is it's potentially a \$10 million project and it's just for a pedestrian tunnel
23 underneath the railroad tracks so, again, it could be a very big cost. One of the things
24 that wasn't presented was any current data of the use of that—pedestrians or bicycles
25 that would cross the tracks. Personally, I'm from Salem Village, I don't even go that
26 direction I actually go up James Street and south if I'm heading this direction to the
27 campus. I did mention that at the public forums. I didn't see it collected or presented
28 as any data point that I brought up.

29 Again, the other big driver for the pedestrian tunnel is CSX. CSX is closing Tingen
30 tunnels. It seems like it's an ironclad agreement that it has to go, they're going to
31 close it off, they're going to put fences up and that's what's driving the big data point
32 to put a tunnel through there. Part of the data for that is there was an S-line planned
33 or at least in a feasibility study. My understanding is that's not going to happen, that
34 would increase train traffic and that's not going to happen. So maybe we need to
35 revisit the use of a tunnel. I think there is going to be one that's needed across 55,
36 which is more use into downtown and the mobility center. I would like to see the
37 money or the direction of the planning go towards that as a prioritization. Again, right
38 now it could be \$10 million, it could be \$5 million if there's some funding for it, but

1 \$10 million or \$5 million goes a long way to our Vision Zero program for safety that
2 can go towards crosswalks or lights or traffic signals, I just see the money being better
3 spent towards that. The other thing I want to talk about is preferring the data.
4 Obviously, the streetscape went from \$2 million to \$4 million and I kind of had to put
5 on my hat and say why did that happen. I've asked in the past for what I call 3D model
6 data for the Peakway, I've repeatedly asked over a four-year time period to the point I
7 looked at contracts and VHB had no reason to provide that. It wasn't provided to the
8 town. I think going forward the town needs to ask for that data. That's helpful in the
9 bidding process and the construction. What we get as an end deliverable from VHB
10 and these contract companies that are making a million dollars off the project is a 2D
11 sketch and a bill of materials. We're way beyond that. The data could be used for a
12 variety of different things as far as planning. If you look up BIM model data, that's
13 what I'm sure they're using software to do it, but we're not getting the end result.”
14

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

16
17 Next speaker was **Danielle Martin** of 1013 Smoke Wood Drive:

18
19 “It was a great relief to learn late last week that Nutelli Industries rescinded
20 their data center proposal, and I'm grateful to my fellow Apex residents who have
21 already spoken at length about the ecological health and safety impacts of the data
22 center. With the proposed one-year moratorium being decided this evening and
23 having already prepared the research, I would like to voice my encouragement of the
24 moratorium by discussing the fiscal value of those data centers, jobs and taxes. The
25 immediate promise is always the construction jobs, but these are short-term, often
26 lasting only 12 to 36 months and utilizing specialized labor that is often brought in
27 from outside of the town instead of sourced locally. This is currently happening in
28 Abilene, Texas, which has an influx of 6,000 workers in a town of just over 100,000,
29 resulting in a housing and rental crisis, driving prices up dramatically and pricing out
30 local residents. The majority of these 6,000 workers are expected to leave once the
31 construction is complete, but the damage to local residents is already done. For long-
32 term jobs, we can look to Washington County, Oregon. Of the county's 11 data
33 centers, the jobs per data center range from 4 at the lowest to 58 at the highest. If the
34 promise of jobs isn't real, what about taxes? To build and operate an AI data center
35 you need three fundamental components: the physical building known as the
36 powered shell, the computer hardware, and a tenant who will use the compute. Two
37 of the three components I just listed receive tax exemptions as part of North
38 Carolina's incentives for qualifying data centers. Property taxes may be another

1 source of income, but there's no transparency about whether or not the project would
2 be incentivized by property tax breaks. That leaves us with only taxable revenue as the
3 only hope for any fiscal benefit. The most common business model for these data
4 centers is for neo cloud companies to commit to 15-year contracts with data center
5 shell developers like Nutelli Industries and sign a four- to five-year contract with AI
6 compute companies like OpenAI. It sounds great in theory except none of these
7 companies are profitable. In fact, all of them are billions of dollars in debt and
8 accruing even more. The entire industry is built on top of Nvidia GPUs, often funded
9 by Nvidia through effectively vendor financing. Neo cloud groups such as CoreWeave
10 have acquired tens of thousands of Nvidia GPUs which are then used as collateral for
11 even more loans, an asset that depreciates over the course of six years. The rapid
12 growth has raised concerns about the potential for more risky lending, circular
13 financing, and Nvidia's chokehold on the AI market. In the past week this has been
14 exceedingly apparent with the private capital scaling back on the loans they have
15 been offering given that they have not seen the return on their investments. Last June,
16 David Kahn, partner at venture firm Sequoia Capital, said there was a \$500 billion gap
17 between the revenue expectations implied by the technology company's AI
18 infrastructure buildout and the actual revenue growth in the AI ecosystem. You don't
19 need to be an economist to realize the math does not add up. So, I encourage the
20 moratorium. Thank you.”

21
22 **Mayor Gilbert** thanked all that spoke and closed Public Forum.
23
24

25 **[PROCLAMATIONS/SPECIAL PRESENTATIONS]**
26

27 **PR1 Proclamation - Ask Apex Day - March 11, 2026 (PRO-2026-011)**
28

29 **Mayor Gilbert**, along with the rest of the Town Council, joined in the reading
30 of the Proclamation recognizing “Ask Apex Day - March 11, 2026” in the Town of
31 Apex. He said that all residents were encouraged to recognize and appreciate the
32 dedicated professionals of the Ask Apex Team, and reach out to them with any
33 concerns by calling 919-249-3311.

34 **Mayor Gilbert** invited up Marla Newman, Director of Community
35 Development and Neighborhood Connections, Darla Bryant, Ask Apex Manger,
36 Tomeeka West, Town Services Specialist I and Alejandra Paynter, Town Services
37 Specialist to receive the proclamation and take pictures.
38

1 **PR2 Proclamation - Regional Creek Week 2026 - Sunday, March 15 through**
2 **Saturday, March 21, 2026 (PRO-2026-012)**

3
4 **Mayor Gilbert**, along with the rest of the Town Council, joined in the reading
5 of a Proclamation recognizing “Regional Creek Week 2026 - Sunday, March 15
6 through Saturday, March 21, 2026” in the Town of Apex.

7 **Mayor Gilbert** invited Nora Skinner, Environmental Programs Coordinator,
8 Ellison Lambert, Volunteer Coordinator, Racheal Gamble, Stormwater Specialist,
9 Jessica Bolin, Stormwater Engineering Manager, and Jimmy McClure Stormwater
10 Compliance Specialist II to receive the proclamation and take pictures.

11 **Ms. Skinner** said that this was the first year that Apex has been formally
12 involved in Creek Week and was excited to receive this proclamation.

13
14 **PR3 Proclamation - Women’s History Month - March 2026 (PRO-2026-013)**

15
16 **Mayor Gilbert**, along with the rest of the Town Council, read the Proclamation
17 - Women’s History Month - March 2026. He invited the women staff of Apex, Kun
18 Yang, Lei Jiang, Lili Liu, Deirdre Day, Anju Giri, Sushma K.C., Surushi Dave, Ivania
19 Morano, Dr. Manor, Rosa Rangel, Samantha Moreno and Zo Yun to receive the
20 proclamation and take pictures.

21
22 **Ms. Lei Jiang** said she moved to Apex 3 years ago and this was the second
23 time attending a Council meeting for a proclamation. She said that she is proud to live
24 in Apex, it is a diverse and supportive city. She said as a Community Health Worker,
25 mom of two girls it is a privilege to support families and believes when women and
26 family is supported, the whole community thrives.

27
28 **Mayor Gilbert** announced a seven minute (7) recess at **7:07 p.m.**

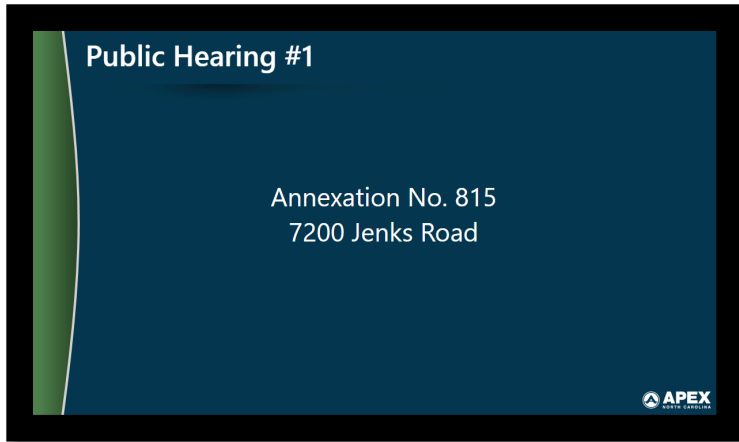
29
30 **Mayor Gilbert** reconvened the meeting at **7:21 p.m.**

31
32 **[PUBLIC HEARINGS]**

33
34 **PH1 Annexation No. 815 - 7200 Jenks Road - 4.23 acres (ORD-2026-028)**

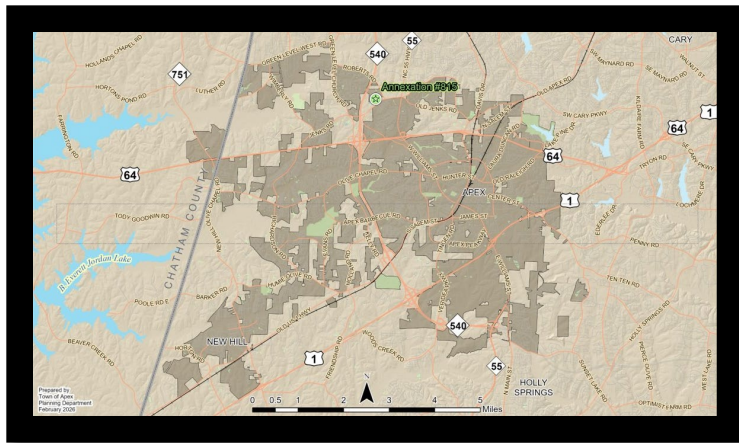
35
36 **Planning Director Dianne Khin** presented Annexation No. 815, also known as
37 7200 Jenks Road. She said the applicant was seeking annexation into the Town’s
38 corporate limits and the total parcel was 4.23 acres.

1 **[SLIDE NO. 1]**



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4 **[SLIDE NO. 2]**



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7 **[SLIDE NO. 3]**



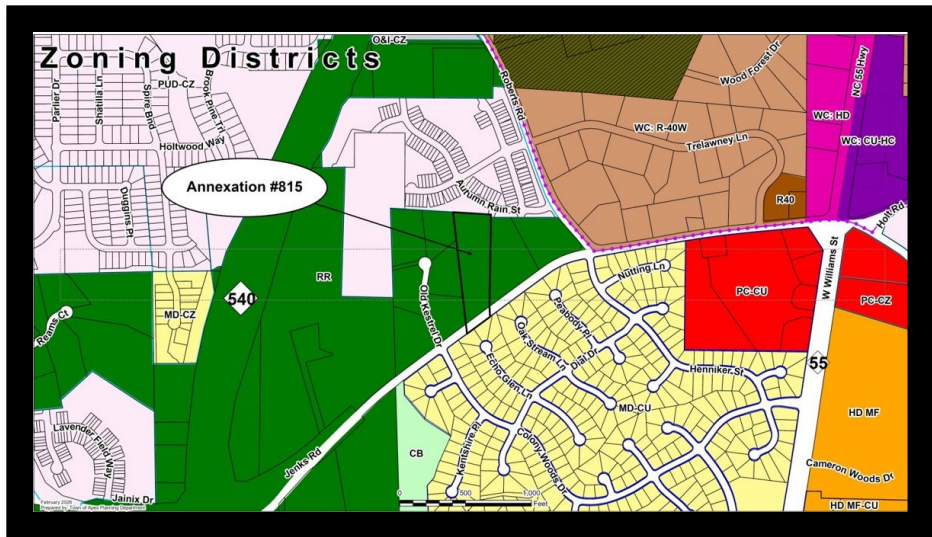
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1 **[SLIDE NO. 4]**



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[SLIDE NO. 5]



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Mayor Gilbert opened public hearing for the above-mentioned item (PH1).

With no one signed up to speak, **Mayor Gilbert** closed the public hearing and asked the Council if there was a motion to approve as presented.

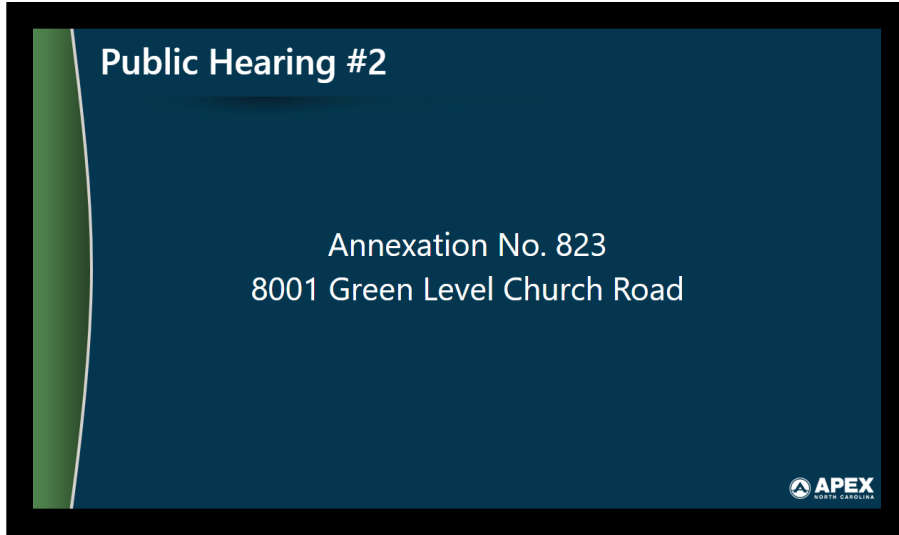
A **motion** was made by **Mayor Pro-Tempore Mahaffey**, seconded by **Councilmember Gray**, to adopt an ordinance annexing 7200 Jenks Road (PIN 0733-41-1651) into the Town's Corporate Limits.

VOTE: UNANIMOUS (5-0)

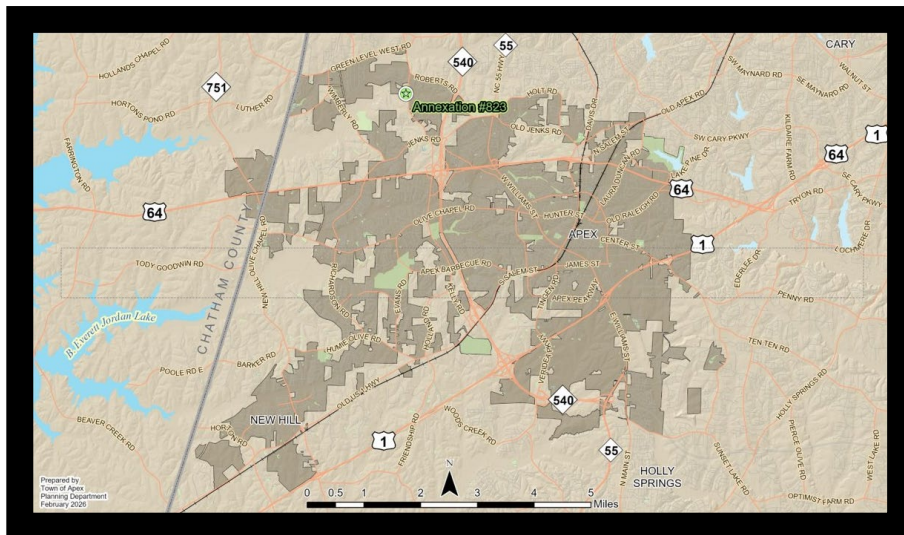
1 **PH2 Annexation No. 823 - 8001 Green Level Church Road - 2.16 acres (ORD-**
2 **2026-029)**

3
4 **Planning Director Dianne Khin** presented Annexation No. 823, also known as
5 8001 Green Level Church Road. She said the applicant was seeking annexation into
6 the Town's corporate limits and the total parcel was 2.16 acres.

7
8 **[SLIDE NO. 1]**



9
10
11 **[SLIDE NO. 2]**



1 **Mayor Gilbert** opened public hearing for the above-mentioned item (PH2).

2 With no one signed up to speak, **Mayor Gilbert** closed the public hearing and
3 asked the Council if there was a motion to approve as presented.

4 A **motion** was made by **Councilmember Zegerman**, seconded by
5 **Councilmember Gray**, to adopt an ordinance annexing 8001 Green Level Church
6 Road into the Town’s Corporate Limits.

7

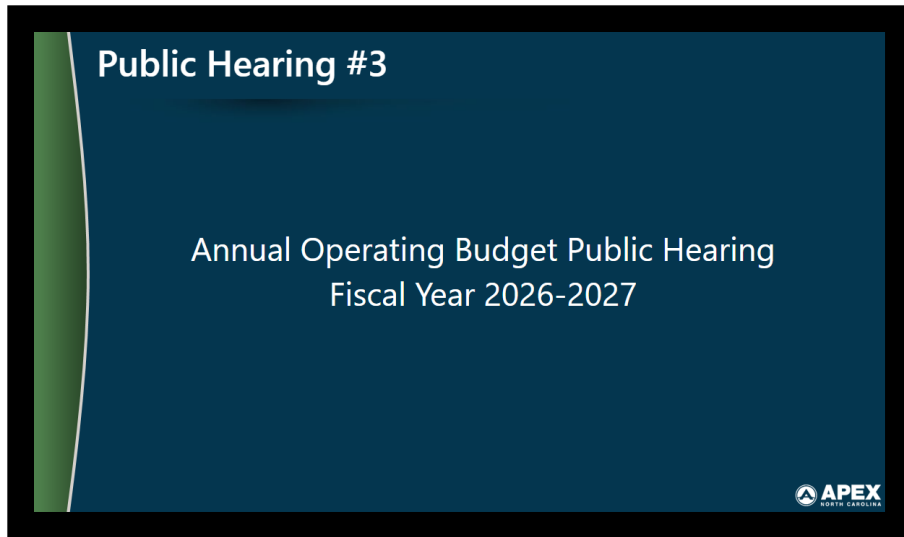
8 **PH3 Annual Operating Budget Public Hearing Fiscal Year 2026-2027**

9

10 **Councilmember Gray** announced this item was requested by him during the
11 February 24, 2026, Town Council Meeting. He said every month between March and
12 when the Town’s Annual Operating Budget will be adopted, he petition his
13 colleagues to have additional budget public hearings. He said this would allow more
14 opportunities for residents to comment on the Town’s budget.

15

16 **[SLIDE NO. 1]**



17

18

19 **Mayor Gilbert** opened public hearing for the above-mentioned item (PH3).
20 The following individual(s) provided comments:

21 (1) Elizabeth Ray Stitt of 3113 Friendship Road.

22 With no one else signed up to speak, **Mayor Gilbert** closed the public hearing.
23 No official action was taken. The purpose of this item was to receive comments on
24 the Town’s Annual Operating Budget.

1 **PH4 Fee Schedule Amendment - Residential and Residential Time-of-Use (TOU)**
2 **- Service Schedule related to Detached Garages (PLCY-2026-005)**

3
4 **Electric Utilities Department Director Kathy Moyer** requested modification
5 to the residential and residential time-of-use rate schedule to allow detached garages
6 on the same residential property that are separately metered to be billed under the
7 residential rate instead of the current small general service rate.

8 **Councilmember Zegerman** asked why there would be separate meters for a
9 detached garage.

10 **Director Moyer** said that the ordinance sets the separate meters for separate
11 buildings on the same property and this is historically how it’s been. She said that it
12 wouldn’t be for a non-residential use but for detached garages and to comply with
13 the ordinance there is a separate meter for what is considered domestic spaces and
14 staff is asking for these to move to the residential rate.

15
16 **Mayor Gilbert** opened the Public Hearing and with no one signed up to speak
17 he closed the Public Hearing.

18
19 A **motion** was made by **Councilmember Gray** and seconded by
20 **Councilmember Zegerman** to approve the Fee Schedule Amendment - Residential
21 and Residential Time-of-Use (TOU) - Service Schedule related to Detached Garages.

22
23 **VOTE: UNANIMOUS (5-0)**

24
25 **[REGULAR MEETING AGENDA]**

26
27 **RA1 Consideration of a One (1) Year Moratorium on Data Center Construction**
28 **within the Town of Apex**

29
30 **Mayor Pro-Tempore Mahaffey** gave an overview of how and why the request
31 for a moratorium is being asked for at this time. He said that Chatham County recently
32 enacted a one-year moratorium in their jurisdiction a couple of weeks ago and Apex
33 had received several requests to do the same. He said the moratorium concept was
34 favored but at the time there was an active application and there was concerned
35 about putting a moratorium in with the possible perception of interfering with the
36 current applicant. He said now that the application for the data center has been
37 withdrawn, he is asking for Council to consider putting forward a one-year
38 moratorium to provide clarity to staff. He said from there Town staff could develop

1 applicable amendments to the Town’s Unified Development Ordinance (UDO) to
2 ensure appropriate regulations for data centers. He asked Attorney Hohe to give
3 information on what is involved in issuing a one-year moratorium.

4 **Attorney Hohe** said that state law allows local governments to enact a
5 moratorium for certain types of developments. She said any such restriction would
6 require public notice and a public hearing prior to considering a moratorium and as
7 such, the vote to enact such a moratorium would not take place at tonight’s meeting.
8 She said the vote today, if the Council was so inclined, would essentially be to give
9 some direction to staff on what Council would like to see in terms of a moratorium.
10 She said depending on the term of the moratorium there would be different
11 requirements the Town would be required to meet. She said once the Data Center
12 moratorium was set, Town staff would then have time to work through any UDO
13 amendments that may be deemed appropriate for Council to consider.

14 **Councilmember Zegerman** asked if a one-year moratorium is the maximum
15 term that could be set for such a use type.

16 **Attorney Hohe** stated that she did not recommend extending beyond one
17 year at this time, but noted that an extension could be considered if necessary. She
18 explained that, given the evolving nature of the field, one year may not be sufficient to
19 fully determine what regulations should be implemented to ensure public protection
20 should this use be proposed.

21 **Mayor Pro-Tempore Mahaffey** said it was his understanding that a
22 moratorium had to be tied to a specific purpose and asked the Attorney if that was
23 accurate.

24 **Attorney Hohe** said that was correct.

25 **Councilmember Gray** said the course of one year would allow staff time to
26 research the matter without a project in the queue and allow for additional items to be
27 considered as part of the Town’s budget process. He said that the Town’s various
28 boards and advisory groups would also need time and potential budget allocation to
29 provide advice on this matter. He said the Town’s UDO language would need to be
30 reviewed by Planning staff, legal, and others across the organization and this timeline
31 would prevent any of this being rushed.

32 **Councilmember Zegerman** stated that, through the application review
33 process, it became evident that the UDO does not currently address this type of use.
34 He noted that staff has conducted extensive research, and that this period would
35 allow time to formally incorporate appropriate regulations into the UDO. He
36 expressed support for a moratorium.

37 **Mayor Pro-Tempore Mahaffey** stated that the moratorium is not only about
38 providing additional time, but also about creating space for staff to work without the

1 demands of an active application. He noted that balancing a live application can be a
2 distraction and may not lead to the best outcome and that a moratorium would allow
3 staff to focus solely on developing the best approach for Apex, considering the issue
4 in the abstract rather than in response to a specific proposal.

5 **Councilmember Mu** said this was a great idea to pursue a moratorium for data
6 centers. She said that the 90 data centers currently in North Carolina were small, 20,
7 30 or 60 megawatt and the 300-megawatt data center that was previously presented
8 to Apex was rare. She said this type of large scale data center has proven to have
9 negative impacts on the environment and residents in other communities. She said a
10 one-year moratorium to update regulations would make Apex better prepared for the
11 future and would be supporting the one-year moratorium of her colleague.

12 **Councilmember Reese** asked the Town Attorney whether the moratorium
13 should include specific provisions related to data centers, such as cryptocurrency
14 mining and similar uses being addressed by other municipalities. He also inquired
15 whether these parameters should be discussed during this meeting.

16 **Attorney Hohe** recommended the Town Council provide direction to staff on
17 what they would like considered during staff’s research. She said this could be
18 discussed throughout the process.

19 **Clerk Coleman** asked to clarify when this item would return to the Town
20 Council for official action supporting a moratorium on data centers.

21 **Attorney Hohe** said that the earliest would be the first meeting in April.

22 **Clerk Coleman** clarified that would be the April 14, 2026, meeting.

23
24 A **motion** was made by **Mayor Pro-Tempore Mahaffey**, and seconded by
25 **Councilmember Gray**, to direct staff to provide appropriate notice of the Town
26 Council’s intent to adopt a one-year moratorium on Data Center proposals, to outline
27 any legal requirements associated with issuing such a notice, and to present the
28 appropriate documentation at the April 14, 2026 Regular Town Council meeting for
29 official Town Council action.

30
31 **VOTE: UNANIMOUS (5-0)**

32
33 **RA2 Consideration of a Non-Standing Committee to Research Impacts and**
34 **Provide Policy and Transparency Recommendations**

35
36 **Mayor Gilbert** said that numerous concerns were raised during the Data
37 Center application process and emphasized the importance of robust community
38 engagement, particularly from those directly impacted. He commended Bruce

1 Venable and Town staff for their extensive research and presentation, noting the
2 thousands of hours invested. He said he learned more than he ever thought he
3 would about data centers.

4 **Mayor Gilbert** said his desire was to bring all stakeholders together for open
5 dialogue through a non-standing committee. He acknowledged the scope and
6 purpose of the existing Town’s Environmental Advisory Board (EAB) and noted that
7 additional considerations should also be addressed as decisions are made,
8 emphasizing the importance of transparency throughout the process. He said that he
9 was recommending a non-standing committee so that residents with a host of
10 experience, education, and background could be brought to the table to make the
11 process collaborative.

12 **Mayor Gilbert** then invited Dr. Michelle Hoffner O’Conner to respond to his
13 comments regarding the importance of community involvement and representation.

14 **Dr. Michelle Hoffner O’Conner** said that in her fist time speaking about this to
15 Council, she had said that “We want to partner with you” she acknowledged that
16 there may have been some conflict at the time with an active application and
17 developer but she still believes that sentiment is very much felt by everyone that’s
18 been a part of this movement. She said there were conditions written and submitted
19 for the record and found it disheartening not to see the two-way communication from
20 that. She gave experiences in other situations she had that affected others and there
21 was not any input to make any decisions and said that when there is no input there is
22 no trust. She said a committee can give the voice back that may feel loss. She said she
23 respects public service immensely and the work that goes into being a public servant,
24 and for this committee to add people who are invested in this and a few pro data
25 center people would be a way to being something reasonable and safe. She said that
26 people are looking for those conversations in that two-way street and the most
27 realistic approach to make it happen.

28 **Mayor Gilbert** said he was extremely appreciated of Town staff and all that was
29 done thus far in compiling this research. He said his intent through this committee
30 was to build upon that work and not to start back at square one. He gave the history
31 of the committee for Affordable Housing from back in 2020 or 2021 and how far this
32 has moved forward. He would love the support of his colleagues in support to move
33 in this direction.

34 **Councilmember Zegerman** acknowledged the importance of community
35 engagement but expressed hesitation about forming a new committee, noting that
36 existing advisory boards have recently gone through a nomination process to appoint
37 qualified members. He stated that Council had been discussing ways to more actively
38 involve these resident boards in policymaking and advising Council, and suggested

1 that creating a new committee could be perceived as a lack of confidence in those
2 recent appointments. He proposed that the existing advisory boards, particularly the
3 Environmental Advisory Board with support from the Planning Board, could take the
4 lead on this issue. He noted that these boards could self-organize, form
5 subcommittees if needed, and recommend additional members as appropriate. He
6 emphasized that leveraging existing structures could allow for a more efficient
7 process and stated his preference to work through the current advisory boards rather
8 than establishing a new committee.

9 **Mayor Pro-Tempore Mahaffey** stated that the processes for UDO
10 amendments and rezonings are statutorily defined, and noted that public awareness
11 may have been limited because this particular case did not advance far enough in the
12 process to reach formal public input or even the Town Council’s consideration. He
13 also commended staff for their work and efforts. He said speaking in relation to the
14 Environmental Advisory Board (EAB), he expressed concern that the Board’s role and
15 scope were widely misunderstood, which caused frustration among its members. He
16 noted that media coverage inaccurately suggested the EAB was voting on
17 recommendations related to a data center, when in fact it was not an approval action,
18 and that this misrepresentation created confusion. He further stated that he has been
19 working to empower the EAB by introducing public hearings and exploring
20 opportunities for the Board to take a more active role in matters such as rezonings,
21 including voting on the merits of proposals. He emphasized that the EAB would
22 welcome the opportunity to contribute to the development of policy related to data
23 centers, consistent with its intended role and charter.

24 **Mayor Gilbert** said that the Environmental Advisory Board includes highly
25 qualified and passionate members. He emphasized the importance of transparency in
26 the process and noted that having a dedicated group focused on data centers could
27 be beneficial. He stated that such a group would support the work of the
28 Environmental Advisory Board and Planning Board, while also providing an additional
29 opportunity for community members to be involved. He said that it was his
30 understanding that no additional members, aside from those already appointed,
31 could be involved - except by attending the meetings from the audience perspective.

32 **Councilmember Reese** expressed appreciation for staff, the public, and
33 community engagement throughout the data center review process, including the
34 involvement of New Hill residents, noting that the level of teamwork and
35 collaboration was commendable. He stated that he appreciated the intent behind
36 proposing a new committee to help guide data center-related discussions, but
37 cautioned that such efforts can sometimes lead to unintended consequences. He
38 noted that while there are highly knowledgeable individuals within the community,

1 some may be unable to participate on a formal committee due to other obligations,
2 even though they are directly impacted. He further noted that municipalities across
3 North Carolina have addressed this issue with varying levels of success, and
4 emphasized the importance of optimizing the process without unnecessarily
5 duplicating efforts, given the broader, global nature of the issue.

6 **Councilmember Reese** said he wanted to also pointed out that only a short
7 amount of time had passed since the withdrawal of the data center application and
8 that the Town is in the early stages of considering a moratorium. He suggested
9 allowing time to observe how the process unfolds in the near term to gain additional
10 insight, while reiterating his appreciation for the intent behind the proposal.

11 **Councilmember Gray** stated that he supports the idea, noting that it provides
12 an additional avenue for public input. He observed that the withdrawal of the
13 application early in the process was influenced by public feedback. He noted that
14 some issues had been referred to the Environmental Advisory Board (EAB) during the
15 previous application process and expressed support for establishing a citizen-based
16 committee under the EAB. He said this structure could allow the EAB to create,
17 manage, and utilize the committee to gather input from residents, which would then
18 inform Council’s decisions.

19 **Councilmember Gray** expressed his approval of a resident committee
20 operating under the EAB.

21 **Councilmember Mu** asked if it was proposed to have a sub-committee under
22 the EAB.

23 **Councilmember Zegerman** said to clarify his position, the preference would
24 be to refer this to the EAB and let the EAB determine how this would be handled, as a
25 full committee or a subcommittee that would focus on this topic.

26 **Mayor Gilbert** stated that while he agreed with Councilmember Gray’s points,
27 he noted that staff has highlighted economic impacts, which are outside the scope of
28 the Environmental Advisory Board (EAB). He emphasized the importance of
29 transparency and ensuring that the resident voice is heard throughout the process.
30 He added that, in conversation with the Town Attorney, questions were raised about
31 whether the subcommittee should include individuals who support the data center,
32 and he affirmed that it should, noting that all stakeholders need to be represented at
33 the table.

34 **Councilmember Mu** said that Council meetings are public and she
35 appreciated the red shirt folks.

36 **Dr. O’Conner** said that she was disappointed with the EAB in October when
37 they pushed on the developer with renewables that they then backed off. She said
38 she isn’t saying that the EAB is unqualified and they deserve an opportunity to be a

1 part of this but as they have demonstrated in this room, this is engineering, this is
2 health science, this is so many other things aside from water and attributing factors to
3 the environment and she implores this group to ask themselves is every aspect is
4 covered and if this answer is no, then the expertise needs to be incorporated
5 somewhere.

6 **Mayor Gilbert** asked how the third-party reviewer was involved in the process.

7 **Town Manager Vosburg** said that as staff researched and recognized that
8 there were questions that staff didn't have the expertise on, they reached out to the
9 third party and engaged them, he wasn't sure how far that research was yet and it was
10 in response to a lot of questions that came out of the Work Session.

11 **Director Khin** said that there is a contract but they were waiting to hear if there
12 would be another Work Session and staff were in limbo waiting to hear back on what
13 was going to happen and they will be available to engage with them.

14 **Mayor Pro-Tempore Mahaffey** said that the rezoning and UDO amendment
15 process are open and community involved, more meetings can be added and is
16 defined by state statute. He said that when the staff consults with the community, they
17 have design meetings and we should let them do their jobs. He said that all of the
18 aspects of this is unknown and may be a little premature in assigning or creating a
19 new advisory board.

20 **Mayor Gilbert** stated that the idea of a subcommittee grew out of the
21 recommendation to implement a moratorium, which was part of the process as the
22 Town began a deeper review of how data centers could impact Apex and the UDO.
23 He commended staff for their exceptional work to date, but noted that this approach
24 is new and has not been attempted before. He suggested that involving residents
25 through an organized group, working alongside staff, community members, and
26 other stakeholders, could help ensure the Town does its best work for Apex.

27 **Councilmember Zegerman** stated that referring this matter to a standing
28 committee does not mean that residents would be excluded. He noted that residents
29 could still participate through information sessions, community events such as
30 PeakFest, and similar opportunities. He added that if the Environmental Advisory
31 Board's scope is too limited, the matter could be assigned to the Planning Board,
32 which could cross-function and address the issue. He emphasized that there are
33 already established Resident Advisory Boards with the appropriate charters, and
34 questioned why they should not be given the opportunity to handle this.

35 **Mayor Gilbert** said that there are people coming to Council meetings
36 speaking on engagement, transparency and it is agreed that staff knows what they are
37 doing but this is to support them in their work, the EAB has other things to focus on
38 and this group would be super focused on this item alone, it's more efficient.

1 **Councilmember Reese** said that it's too limiting and this is an opportunity to
2 stand up a committee at this juncture optimizing what knowledge we already have.
3 He said that transparency was very different when there was an applicant at the table
4 and Public Forums are for residents to come speak but there is not a two-way
5 conversation, this is for residents to bring things before Council. He said this is a Data
6 Center Committee.

7 **Mayor Gilbert** asked Councilmember Reese what his thoughts were on
8 Councilmember Gray's idea of having a subcommittee under the EAB.

9 **Councilmember Reese** asked Councilmember Gray to speak more about what
10 his idea was.

11 **Councilmember Gray** said as Councilmember Zegerman was talking it was a
12 thought. He said that a freestanding citizen resident committee is not going to be
13 efficient and EAB could have a standup resident committee under them would be the
14 solution. He said there are a lot of things that aren't in place, size, composition, how to
15 get there and who should be on it would be up to EAB.

16 **Councilmember Reese** said that it seems they can be nimbler through some
17 of the current processes.

18 **Mayor Gilbert** said that the intent isn't to comprise the quality of what this
19 resident advisory subcommittee could do by rushing and taking the time to set up
20 this subcommittee and let them be a part of the process. He said that he didn't think it
21 would hurt anything.

22 **Councilmember Reese** said that it's not that it would hurt anything but it may
23 not optimize and may drag the ability to move as swiftly as we need. He said perhaps
24 there are opportunities and asked Mayor Pro-Tempore Mahaffey if there would be a
25 way for EAB to bring in star witnesses and vet what they have to say. He said that
26 there were several Work Sessions that this was discussed at length and would expect
27 that this would be the process again.

28 **Mayor Gilbert** said a Work Session is still not community participation.

29 **Councilmember Reese** said that he was talking about the EAB offering star
30 witnesses to ensure that we have folks in the two-way communication.

31 **Mayor Pro-Tempore Mahaffey** stated that establishing a separate committee
32 could imply that staff would not conduct public engagement, which is not the case.
33 He noted that staff regularly incorporates advisory groups, design charrettes, and
34 community outreach into projects as part of their standard process. He expressed
35 concern that creating a new committee may undermine staff's ability to manage these
36 efforts, and emphasized that Council should allow staff to carry out their
37 responsibilities.

38

1 He added that there are currently no active data center applications, and in his
2 opinion, it is unlikely there will be another. He explained that the main difference
3 between a formal committee, as suggested by Mayor Gilbert, and a staff-led process,
4 as he recommends, is the level of formality. A committee requires staff organization,
5 support, and coordination of meetings, whereas a staff-led process provides greater
6 flexibility.

7 **Mayor Pro-Tempore Mahaffey** also noted that forming a committee could
8 involve Council in appointments, introducing unnecessary political considerations. He
9 stated that staff is capable of effectively gathering public input, has consistently been
10 responsive, and Council should allow them to proceed with a staff-led approach.

11 **Mayor Gilbert** said that staff can definitely do it but this is different, this is data
12 center and as far as being involved as a politician and he is totally okay with people
13 knowing that was part of the process because there are no current applications and
14 this is what we are elected to do, the residents elected us and we advocate for them.
15 He said that he was asking for Council’s support.

16 **Councilmember Zegerman** said his preference would be to stand up or refer
17 this to the EAB and let them work with staff on this and if this doesn’t work, then find
18 another way but the existing structures are in place and in terms in how this can hurt if
19 you are an appointed board member today and a new board gets stood up, that feels
20 demoralizing and giving the existing board a chance would feel better.

21 **Mayor Gilbert** asked Councilmember Zegerman if he was aligned with
22 Councilmember Gray on setting up a subcommittee under EAB.

23 **Councilmember Zegerman** said that he would let EAB decide how the moved
24 forward with this either the EAB handling this or if they wanted to set up a
25 subcommittee.

26 **Mayor Gilbert** asked who would research the economic side of this.

27 **Councilmember Zegerman** said that they can pull in those stakeholders from
28 staff or from the residents and that there are areas beyond the environmental aspect
29 but in large the concerns from the residents are environmental impact which is
30 predominantly within the EAB’s wheelhouse.

31 **Mayor Gilbert** asked legal if there was anything prohibiting a Council member
32 or member of elected body from forming their own group in the community to get
33 information and work together.

34 **Attorney Hohe** said that it would not be a town committee or funded or
35 supported by the town unless it is authorized by the town.

36 **Councilmember Mu** said that there are other concerns from a different
37 perspective. She said that there is no clear rule or procedure about a resident
38 standing committee or subcommittees and that most public input received so far on

1 the data center issues has come from resident opposed to the project and others that
2 may have not voiced their perspectives due to it being fewer in number, may support
3 the data center and how would another subcommittee be handled if there were data
4 center was supported and there needs to be clear procedures.

5 **Mayor Gilbert** said his vision was to have people on that subcommittee that
6 may be pro support of the data center so everyone would work together.

7 **Councilmember Mu** said that would be ideal but those few may not have the
8 courage to speak up and so clearer standard procedures are needed for this
9 complicated topic and all voices should be heard.

10
11 A **motion** was made by **Councilmember Zegerman**, and seconded by
12 **Councilmember Gray** to refer the topic of data center research to the Environmental
13 Advisory Board (EAB), directing the Board to determine how to handle public input to
14 inform UDO amendments, work with staff on the process, and ultimately provide
15 policy recommendations to Council.

16 **Councilmember Gray** made an amendment to the motion that EAB would
17 report their findings back to the board within 60 days.

18 **Councilmember Zegerman** said he was supportive of adding that language in
19 the motion.

20 **Mayor Gilbert** called for the vote.

21
22 **VOTE: UNANIMOUS (5-0)**

23
24 **[INFORMATIONAL ITEMS]**
25 No informational items.

26
27 **[CLOSED SESSION]**

28
29 A **motion** was made by **Councilmember Zegerman** and seconded by **Mayor**
30 **Pro-Councilmember Gray**, to move to closed session pursuant to the items listed
31 below.

32 Council entered into closed session at **8:30 p.m.**

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

35
36 **CS1 Laurie Hohe, Town Attorney**
37 **NCGS §143-318.11(a)(3):**

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

3

4 **CS2 Allen Coleman, Town Clerk**

5 **NCGS §143-318.11(a)(1):**

6 *"To prevent the disclosure of information that is privileged or confidential pursuant to*
7 *the law of this State or of the United States or not considered a public record within the*
8 *meaning of Chapter 132 of the General Statutes."*

9

10 Council returned from closed session at **9:01 p.m.**

11

12 **[ADJOURNMENT]**

13

14 With no further business before the Town Council, **Mayor Gilbert** adjourned
15 the meeting at **9:02 p.m.**

16

17

18

19

20

21 Allen Coleman, CMC

22 Town Clerk to the Apex Town Council

23

24 Submitted for approval by Town Clerk Allen Coleman and approved on

25 _____.

26

Jacques K. Gilbert
Mayor