

DRAFT MEETING MINUTES

**TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, JANUARY 13, 2026
6:00 PM**

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, January 13th, 2026 at 6:00 PM in the Council Chambers at Apex Town Hall, located at 73 Hunter Street in Apex, North Carolina.

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

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

[ATTENDANCE]

Elected Body

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

[COMMENCEMENT, 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 Councilmember Gray to lead in the Pledge of Allegiance. He then read a Diversity statement; he welcomed all to have a private moment in silence and led in a word of prayer.

[ANNOUNCEMENTS AND PETITIONS BY THE GOVERNING BODY]

1 **Mayor Gilbert** said that in February 2025, the Town Council adopted changes to the
2 Town Council agenda format effective January 1, 2026. This section will be used for the
3 members of the governing body to share updates on a variety of different topics or submit
4 petitions for future considerations with the entire board and the community. He said that
5 topics presented that require staff research or follow-up will be noted and brought back to a
6 future meeting for discussion. He began by going in seniority order by Council Member for
7 any member that wished to make any announcements or submit petitions.

8 **Mayor Pro-Tempore Mahaffey** said that he had office hours every second Thursday at
9 the Senior Center.

10 **Councilmember Gray** thanked all that were in attendance and welcomed all as the
11 new meeting sessions kick off and start the new year. He said his office hours are the third
12 Thursday of the month. He said that this section is to provide more context and to bring items
13 before the town and before their colleagues that they typically can't do.

14 **Councilmember Zegerman** said Happy New Year and it's great to see all in
15 attendance, and he is excited about the new meeting agenda format that allows more
16 flexibility.

17 **Councilmember Mu** thanked all for being in attendance. She announced her office
18 hours are starting in February every second Wednesday afternoon. She said that Lunar New
19 Year is February 17th and the celebration is February 12th from 5:30p-9:30p at Prestonwood
20 Club, and if there is any interest she can send the registration link and forms.

21 **Councilmember Reese** said Happy New Year and that he would be finalizing office
22 hours over the next coming months for Fridays. He said that he has given his first official
23 remarks as a member of this Council to Cub Scout Troop 226, and thanked them for doing
24 such a wonderful job contributing to the community.

25 **Mayor Gilbert** thanked the Council members that were involved with changing this
26 agenda format. He recognized the AKA's and Delta's that were in attendance. He said that he
27 would like to formally present recognition to former Council Members and others who made
28 significant contributions to Apex, he listed off the following names:

- 29
- 30 • **Audra Killingsworth**
- 31 • **Brett Gant**
- 32 • **Clarice Atwater**, who served 12 years with the Town of Apex and was the first Black
33 elected official for Apex and first Black female elected official in Apex. He suggested
34 for recognition in the spirit of MLK.
- 35 • **Mayor Keith Weatherly**, who served 23 years and led the town through the EQ
36 Chemical explosion in 2006.
- 37 • **Mike Jones**, with nearly 20 years of service.
- 38 • **Dr. Doug Meckes**, with 10 years of service.
- 39 • **Bill Jensen**, with approximately 20 years of service
- 40
- 41
- 42

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

2
3 **Mayor Gilbert** noted the changes to the Regular Meeting Agenda for revision of PR1
4 REVISED Proclamation - Human Trafficking Prevention Month, and noted the applicant
5 requested to continue PH3 - Annexation No. 807 and PH4 - Rezoning Case No. 25CZ11 -
6 8905 Castleberry Road to be continued until the February 24, 2026 meeting.

7
8 A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember**
9 **Gray**, to approve the Regular Meeting Agenda with the revision of the Human Trafficking
10 Prevention Month Proclamation, and the continuation of Annexation No. 807 and Rezoning
11 Case No. 25CZ11 - 8905 Castleberry Road to February 24, 2026.

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

14
15 **[CONSENT AGENDA]**

16
17 **Mayor Gilbert** noted a change to remove consent item CN12 Ordinance Amendment
18 - Chapter 20 - Traffic, Article V. - Traffic Control Devices - Traffic Schedule III: Parking Time
19 Limits - Redesign of Saunders Lot.

20
21 A **motion** was made by **Mayor Pro-Tempore Mahaffey**, seconded by
22 **Councilmember Gray**, to set the adopt the Consent Agenda with the removal of Consent
23 Item 12.

24
25 **VOTE: UNANIMOUS (5-0)**

26
27
28 **CN1 Advisory Board Attendance Reports 2025 - Quarter 4**

29 Council voted to receive and accept the resident advisory board attendance reports for
30 quarter four (4), which includes January through December, of calendar year 2025.

31 **CN2 Agreement - Greater Raleigh Area Christian Education, Inc. (Grace Christian) -**
32 **Utility Infrastructure Reimbursement - Construction 2,010 Linear Feet (LF) of 16-inch**
33 **Restrained Joint Ductile Iron Waterline Along Veridea Parkway (CONT-2026-001)**

34 Council voted to approve a Utility Infrastructure Reimbursement Agreement with Greater
35 Raleigh Area Christian Education Inc., pursuant to North Carolina General Statutes (NCGS)
36 §160A-320, to construct a 2,010 linear feet (LF) of 16-inch restrained joint ductile iron
37 waterline along the Veridea Parkway in lieu of the 12-inch waterline needed for the
38 development, and to authorize Town Manager to execute the agreement on behalf of the
39 Town.

40 **CN3 Agreement Amendment - Town of Cary and MV Transportation - Amendment No.**
41 **4 Related to GoApex Sunday Service (REF: CONT-2026-002)**

1 Council voted to approve Amendment No. 4 to the GoApex Bus Agreement with Town of
2 Cary and MV Transportation to expand GoApex Bus transportation service to include
3 Sundays, and authorize the Town Manager to execute the agreement on behalf of the Town.

4 **CN4 Annexation No. 812 - 2224 Olive Chapel Road - 2.13 acres (REF: RES-2026-001,**
5 **RES-2026-002, and OTHER-2026-001)**

6 Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received,
7 to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting
8 the Date of a Public Hearing for January 27, 2026, on the Question of Annexation - Apex
9 Town Council's intent to annex 2.13 acres, located at 2224 Olive Chapel Road (PIN 0722-70-
10 2657), Annexation No. 812, into the Town Corporate limits.

11 **CN5 Capital Project Ordinance Amendment No. 2026-5 - Salem Streetscape Project -**
12 **Ratification from December 16, 2025 (REF: ORD-2026-001)**

13 Council voted to ratify a previously approved Capital Project Ordinance No. 2026-5
14 appropriating funds for the Salem Streetscape project. The Apex Town Council voted on
15 December 16, 2025 to authorize the construction contract and capital project ordinance
16 amendment associated with the Salem Streetscape project

17 **CN6 Contract Amendment Ratification - Barnhill Contracting Company - 2025 Road**
18 **Rehabilitation Project and Budget Ordinance Amendment No. 9 (REF: CONT-2026-003**
19 **and ORD-2026-002)**

20 ratify an oral amendment to a construction contract between the Town of Apex and Barnhill
21 Constructing Company for the completion of the 2025 Road Rehabilitation Project; and to
22 adopt Budget Ordinance Amendment No. 9 to appropriate funds for the 2025 Road
23 Rehabilitation Project contract.

24 **CN7 Contract Amendment Ratification - Pavement Technology Inc. - Completion of**
25 **2025 Pavement Preservation Project (REF: CONT-2026-004)**

26 Council voted to ratify an oral amendment to construction contract between the Town of
27 Apex and Pavement Technology, Inc for completion of the 2025 Pavement Preservation
28 Project.

29 **CN8 Contract Amendment Ratification - Roadworks Construction Company, LLC -**
30 **Jones Street Improvements Project (REF: CONT-2026-005)**

31 Council voted to ratify an oral amendment to construction contract between the Town of
32 Apex and Roadworks Construction Company, LLC for completion of Jones Street
33 Improvements Project.

34 **CN9 Council Meeting Minutes - Various**

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

36 December 09, 2025 - Town Council Regular Meeting Minutes

37 December 16, 2025 - Town Council Work Session Meeting Minutes

38 **CN10 Fiscal Year 2026-2027 Annual Operating Budget - First Budget Public Hearing -**
39 **Scheduled for January 27, 2026**

40 Council voted to schedule a public hearing to receive resident input regarding the
41 formulation of the Fiscal Year 2026-2027 Annual Operating Budget for Tuesday, January 27,
42 2026 at 6:00 p.m.

1 **CN11 Ordinance Amendment - Chapter 2 - Administration, Article II - Governing Body -**
2 **Removal of Duplicated Sections in Rules of Procedures Adopted December 03,**
3 **2025 (REF: ORD-2026-003)**

4 Council voted to adopt an Ordinance amending Chapter 2 - Administration, Article II of the
5 Apex Town Code of Ordinances to clarify current practices and remove duplication with the
6 recently adopted Town Council Rules of Procedures.

7 ~~**CN12 REMOVED - Ordinance Amendment - Chapter 20 - Traffic, Article V - Traffic**~~
8 ~~**Control Devices - Traffic Schedule III: Parking Time Limits - Redesign of Saunders Lot -**~~

9 This item was removed from the Consent Agenda, per Council vote.

10 **CN13 Rezoning Case No. 25CZ18 - Veridea SD Plan Amendment's - Statement and**
11 **Ordinance (REF: ORD-2026-004)**

12 Council voted to approve the Statement of the Town Council and Ordinance for Rezoning
13 Application #25CZ18, Todd Rechler, RXR Realty, petitioner, for the properties located at 0, 0
14 (portion of), 0 (portion of) Old Holly Springs Apex Rd; 0, 0, 0, 0, 0, 0, 0, 0, 0, 0 (portion of),
15 2901, 2937, 2945, 3009, 3012, 3130, 3134, 3138, 3142, 3200, 3229 Veridea Pkwy; 0
16 Technology Dr (portion of); 6300 King David Ct; 0, 0, 0, 0 US 1 Hwy; 0, 0, 0, 0, 1712, 1716 E.
17 Williams St (PINs 0730852539, 0730865572, 0730977087, 0730977967, 0730996270,
18 0740052449, 0740070950, 0740078021, 0740081019, 0740082199, 0740082327,
19 0740167653, 0740180091, 0740180331, 0740191376, 0740240814 (portion of),
20 0740241030 (portion of), 0740241461 (portion of), 0740283126, 0740287376, 0740293940,
21 0740360895, 0740289979, 0740489140, 0740586619, 0740783479, 0740888498,
22 0740990489, 0740558687 (portion of), 0740992174, 0740992565, 0740992632,
23 0741207566, 0741614057, 0741203157, 0741117192, 0740389302).

24 **CN14 Veridea Environmental Enhancement Plan Amendments - Statement (REF:**
25 **OTHER-2026-002)**

26 Council voted to approve the Statement of the Apex Town Council pursuant to G.S. 160D-
27 605(a) addressing action on the amendments to the Veridea Environmental Enhancement
28 Plan approved on December 9, 2025.

29 **CN15 Tax Report - November 2025 (REF; OTHER-2025-003)**

30 Council voted to approve the Apex Tax Report dated December 1, 2025.

31 **CN16 Town Council Rules of Procedures Amendment - Limit Mayor Pro-Tempore**
32 **Term (REF: PLCY-2026-001)**

33 Council voted to amend Part VII. Role of Presiding Officer, Rule No. 16 of the Rules of
34 Procedure for the Apex Town Council to set a term limit to the Mayor Pro-Tempore role for the
35 Apex Town Council to one two-year term.

36
37

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

39

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

- 41 • **Introduction of New Electric Department Director** - Kathy Moyer was introduced as
42 the Town's new Electric Department Director. She brings 25.5 years of experience with

1 Electric Cities, including service as COO, and is an Apex resident and Peak Academy
2 graduate.

3 • **Chapel Road Project Update** - The project is progressing well, with remaining work
4 including storm drainage, guardrails, curb and gutter, sidewalks, paving, and
5 pavement markings. The current DOT projected opening date remains February 10th,
6 weather permitting, the contractors are working six days a week to meet the timeline.

7 • **Utility Backlog Update** - The utility service backlog is approximately 94-95%
8 complete, with an estimated 50-60 items remaining, many of which are recent
9 requests and it is anticipated that full resolution will be by the next meeting.

10 • **Ask Apex Center Performance:** - The Ask Apex Center is resolving approximately
11 90% of customer calls, with an average wait time of 44 seconds, and continues to
12 improve.

13 • **Electric Meter Replacement Program** - Approximately 20% of electric meters (about
14 6,100) have been replaced. The program has a 99.39% reading success rate and is
15 proceeding smoothly. Full replacement is anticipated by fall of this year, with
16 additional public information and videos forthcoming.

17 • **MLK Jr. Holiday Events and Closures:**

18 Town Hall will be closed on Monday, January 19th. MLK Jr. events include:

- 19 ○ Black Author Exhibit and Creative Contest Presentation at 6:30 p.m. at the Apex
20 Senior Center on Friday, January 16th.
- 21 ○ MLK Unity March and Breakfast Reception at 8:00 a.m. at First Apex First Baptist
22 Church Saturday, on January 17th. The march will begin at 9:00 a.m.
- 23 ○ MLK Worship Service (Sunday) at First Baptist Church at 11:00 a.m.
- 24 ○ National Day of Service activities on January 19th, including a collection effort
25 with NeighborUp, formerly Dorcas and Western Wake.

26 • **January 22nd Joint Work Session Clarification** - The January 22nd meeting is a Joint
27 Work Session for the Town Council and the Planning Board, not a public hearing and
28 not site-specific. It will focus on a staff presentation regarding data centers in general,
29 including technical research and regulatory considerations. No applicant
30 presentations will occur. The meeting will be held at 3:30 p.m., live-streamed,
31 recorded, with overflow accommodation available.

32
33 **Councilmember Gray** said that it was important to set the expectation that this isn't
34 specific to any current application or any current site and that this is to figure out what
35 Apex's policies are going to be moving forward in regard to data centers.

36 **Councilmember Reese** asked what the potential outcomes of the January 22nd Work
37 Session be.

38 **Town Manager Vosburg** said that the outcome that they are looking for is to digest
39 the information and see if there are any known gaps in the information for staff to perform
40 more research on. He said staff is looking for direction from Council and the Planning
41 Board and knowledge to adequately evaluate proposals as they come forward, and

1 education for things such as regulations that are coming forward, changes to UDO and
2 other issues.

3 **Mayor Gilbert** asked if the meeting would be live streamed and recorded.

4 **Town Manager Vosburg** said yes it would be live streamed and recorded, and the
5 meeting begins at 3:30 p.m.

6 **Town Clerk Coleman** said that the agenda would go out on Friday.

- 7
- 8 • **Parks and Recreation Awards** - The Parks and Recreation Department received the
9 2025 USA Southern Outstanding Parks and Recreation Award and the 2025 USA North
10 Carolina Outstanding Parks and Recreation Department Award, and staff were
11 recognized for this achievement. Laura Weygandt, Executive Director of Western
12 Wake Tennis Association and Brian Rosenthal, owner of RDU Tennis, both gave an
13 overview of the organization and spoke about the awards. Mr. Rosenthal recognized
14 Jason Simpson with Apex's Parks and Recreation Department and the group took
15 pictures.
- 16

17

18 **[TOWN CLERK'S REPORT]**

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20 **Allen Coleman**, Town Clerk, said the Town Clerk's Report is also a new section on the
21 agenda and in this section, Council will receive appointments, updates on Government
22 Relations Strategy work, meeting changes and any other announcements that may need to be
23 shared with Council.

24

25 **TC1 Appointments - Board of Adjustment (BOA)**

26

27 **Allen Coleman**, Town Clerk, gave an overview of the Board's seats moving around. He
28 said that William Hollanbeck will be moved from Alternate 1 to a regular board seat, Heidi
29 Sico was moved from Alternate 2, to Alternate 1, and Casey Angel moved from alternate 3 to
30 Alternate 2, and these changes create a vacancy in the Alternate 3 position.

31

32 A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded by
33 **Councilmember Zegerman** to approve William Hollenbeck as a Regular Board of
34 Adjustment Member Heidi Sico as Alternate 1, and Casey Angel as Alternate 2.

35

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

37

38

39 **TC2 Appointments - Environmental Advisory Board (EAB) - Chair and Vice-Chair**

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1 **Allen Coleman**, Town Clerk, said that this was this was to set the Chair and Vice Chair
2 for calendar year 2026 and was unanimously voted on during the EAB December meeting.
3 The recommendation of the EAB is Mark Schwegel as Chair and Njeri Moeller as Vice Chair.
4

5
6 A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded by
7 **Councilmember Gray** to confirm Mark Schwegel as EAB Chair, and Njeri Moeller as EAB Vice
8 Chair.
9

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

11
12 **TC3 Appointments - Planning Board - Vice-Chair only**

13
14 **Allen Coleman**, Town Clerk said the recommendation is for Jeff Hasting to serve as
15 Vice-Chair for calendar year 2026.
16

17 A **motion** was made by **Councilmember Zegerman** and seconded by **Mayor Pro-**
18 **Tempore Mahaffey** to confirm Jeff Hastings as Vice Chair of the Planning Board for Calendar
19 Year 2026.
20

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

22
23 **[PUBLIC FORUM]**

24
25 **Mayor Gilbert** opened the Public Forum and asked the first speaker to come up.
26

27 First to speak was **Melissa Ripper** of 3418 Jordan’s Drive in Jordan Point, New Hill:
28

29 “Good evening, Council. My name is Melissa Ripper, and I live at 3418 Jordans Drive in
30 Jordan Point, New Hill. You have heard my husband come up and speak a few times over the
31 last few months. These are my daughters, Abby and Zoe. We all have certain days in our lives
32 that stand out. For example, I can remember where I was in junior high when the space
33 shuttle crashed, or I can remember where I was with a one-month-old on 9/11. But that’s
34 national level, and I want to talk about town level. On October 5, 2006, I was in my home
35 sleeping, my five-year-old autistic daughter was in her bed. My husband was at work at the
36 Raleigh Fire Department. My next-door neighbor worked for the Town of Holly Springs and
37 called to let me know that a hazardous fire in Apex had happened and that I needed to turn
38 off my HVAC and make sure my windows were shut. At 10:00 p.m. earlier that night,
39 explosions had erupted near downtown Apex at the EQ Hazardous Waste Plant. In 2006, I
40 lived in Scotts Mill, one of the furthest neighborhoods Apex had at the time. Today, I live in
41 Jordan Point, currently one of the furthest neighborhoods in Apex that New Hill has. Over
42 30,000 residents were residing here in 2006, and over half the residents in Apex had to

1 evacuate. I looked it up, and FEMA noted that was the biggest evacuation they had ever done
2 at the time. I specifically remember a nursing home nearby that had to be completely
3 evacuated. We were the lucky ones the next day, we did not need to evacuate, being on the
4 outskirts. My kindergartener's school, Olive Chapel Elementary, was closed on 10/6 due to
5 the fumes. Though our neighborhood was spared, many of us took in friends and family that
6 couldn't go home yet. Everything was closed in town. We went to Crabtree Valley Mall, and
7 we walked around for hours. EQ was destroyed. Significant regulatory changes were made.
8 The town's people had lasting anxiety despite environmental testing, and zoning changes
9 were made. What is the point of the story I am sharing? The 2035 plan considered the
10 Goodwin property for light industrial development. This was before allowing many new
11 subdivisions within a mile radius of the proposed data center. Consider the catastrophe you
12 would have on your hands if a proposed data center was there. Not just the water testing, air
13 quality, and soil pollution it can cause, but to have that type of fire my husband has spoken to
14 you about a few times now, with lithium batteries. To support a data center while the backup
15 generators, add that with being next door to a nuclear reactor, you would have to mandate
16 evacuation for even more people than 2006. Apex now has at least 85,000 people in it. A fire
17 like this would potentially cause a shelter-in-place, a thermal runaway of an uncontrolled chain
18 reaction unlike anything you have seen in the movies. Explosions, intense heat, toxic gases,
19 radioactive releases. Thank you."

20
21

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

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25

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

26 "Good evening. At the sound meeting at New Hill Community Center on November
27 12th, I asked sound engineer Jeff what an acceptable dBC level was for the data center. He
28 proceeded to simply say that such a standard was uncommon in regulations and moved on to
29 another question. At the time, I already knew this answer to be false, as multiple counties in
30 Virginia have already updated their ordinances to include dBC measurements. Jeff is
31 supposed to be a subject matter expert in sound engineering, someone who can perform
32 sound studies and is also knowledgeable about best practices. As he failed to convey these, I
33 decided to look them up for myself. Here is what they say. The American Society of Heating,
34 Refrigerating, and Air Conditioning Engineers, otherwise known as ASHRAE, is widely
35 considered the global technical authority for data center design and the gold standard for
36 engineering standards, and states the following: A sound spectrum is spectrally balanced
37 when the difference between the C-weighted level and A-weighted level is between five and
38 ten dB. A difference exceeding fifteen is classified as a rumble condition, which indicates
39 excessive low-frequency noise that causes physical annoyance to residences. The
40 International Organization for Standardization, otherwise known as ISO, agrees with ASHRAE,
41 in which low-frequency noise is defined as a difference greater than fifteen decibels dB
42 between the C- and A-weighted levels, and that a three- to six-decibel penalty should be

1 added to the measured noise to account for the constant tones heard by the human ear, and
2 that noise at night is significantly more impactful on people. The guidance is clear. The dBC
3 should never be more than fifteen dB greater than the dBA, with a five- to ten-decibel range
4 preferred to establish a balanced, neutral sound, and we all know that Jeff knows the
5 standard, he is not an expert if he does not. The secrecy and semantics are to minimize the
6 effort and cost required to mitigate the noise. Achieving such a stringent standard is possible
7 but requires much greater in-depth physics and extensive changes to the proposed building
8 plan to achieve it. They assume that if they ignore the standard, as many developers and end
9 users do, we will never know better, and this begs the question, if they are misleading the
10 town concerning the noise, what else are they misleading us about or just straight up lying
11 about? The only vote our town should be willing to give a developer that will say whatever
12 they want to get whatever they want is a vote of no confidence. Such deception is a
13 contradiction to being a good neighbor or thoughtful planning or whatever else the Natellis
14 claim when they talk about their extensive building experience. So just to briefly conclude,
15 the Town of Apex should not consider any recommendations from the developer when you
16 all meet for the Work Session on January 22nd or at any other point, and you should move
17 forward with imposing restrictions that prioritize and protect your constituency, because there
18 are not three but four kinds of lies: lies, damned lies, statistics, and things Michael Natelli and
19 his team say, and none of these things are acceptable for our community.”
20
21

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

23
24 Next to speak was **Lorraine McAvoy** of 1801 New Ellum Church Road in New Hill:
25

26 “My name is Lorraine Makavoy, and I live at 1801 New Ellum Church Road in New Hill.
27 You may not recognize it as an Apex address because it is not. I am in Chatham, but I am still a
28 New Hill resident. In the coming weeks, the developer for the data center will stand in front of
29 you and show you a picture of four buildings nestled amongst the trees. What that image will
30 not show is what the site will actually contain. It will not show the 83-megawatt generators,
31 each with its own 1,000-gallon diesel tank located across the campus. It will not show the
32 extensive mechanical equipment on the rooftops consuming up to one million gallons of
33 water per day. It will not show the uninterruptible power sources and the thousands of
34 lithium-ion batteries required to keep the servers online during power outages. It will not
35 show the swath of trees cleared for the transmission towers needed to meet the facility’s
36 power demands and it will not show the thousands of gallons of chemicals for water
37 treatment that will be stored on site. This facility will contain approximately 80,000 gallons of
38 diesel fuel within its perimeter, the equivalent of eight standard gas stations. These
39 generators will routinely be batch tested monthly, discharging diesel exhaust into the air.
40 While the developer states these generators will meet the requirements for Tier 4 exhaust, the
41 most stringent tier possible, generators of this size will still emit exhaust particulate into the
42 atmosphere. Diesel exhaust is a recognized carcinogen by the International Agency for

1 Research on Cancer. Lung cancer is the primary risk, and diesel exhaust also worsens asthma
2 and other respiratory conditions. Thousands of households lie downwind of the site and will
3 be exposed during routine monthly testing and during power outages. Generators for critical
4 facilities are tested monthly. Most manufacturers recommend a minimum of 30 minutes of
5 operation for proper testing. Due to the quantity of generators, this facility will more than
6 likely utilize batch testing, where a certain number of generators are tested on a rotating
7 basis. Given four buildings, I would assume around 20 generators tested at a time, and all 80
8 tested each month. This data center should not be approved in the area it is proposed for. It is
9 too close to residential communities, will store large quantities of diesel fuel and other
10 chemicals, will emit ongoing exhaust, and will consume extraordinary amounts of water. I
11 urge you to look past the pretty renderings and truly visualize what this site will physically
12 contain and ask yourselves whether this aligns with Apex's identity as the peak of good living.
13 Thank you for your time and consideration."

14

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

16

17 Next to speak was **Bill Dam** of 2556 Grand Drive:

18

19 "Our area and big tech continue to experience explosive growth. So, we hope as you
20 evaluate the hyperscale data center application, you will consider the strengths, the
21 weaknesses, the opportunities, and the threats, known as a SWOT analysis. My environmental
22 science career includes working on nuclear sites, so I am not surprised that artificial
23 intelligence is being compared to the Manhattan Project made famous in the Oppenheimer
24 movie, showing the rush to build and use atomic weapons. I have a neighbor in Jordan
25 Manors who grew up downwind from above-ground nuclear testing. He told me that many of
26 his classmates contracted and died from leukemia attributable to atomic testing. There will
27 also be fallout from AI. So, do you want us all to be living in ground zero? Weapons and
28 machines don't love us, but we love getting to know our neighbors. Not only is the arms race
29 similar, but consider the ransomware cyberattack on the Town of Apex utility causing billing
30 problems, which must have gone through an existing data center. Have you heard about new
31 vulnerabilities like AI zero-click bots? Who loves deep fake videos, junk email, text, boom-
32 and-bust cycles, and Merriam-Webster's 2025 word of the year, "slop," defined as low-quality,
33 mass-produced digital content? Tragically, many people, including a 16-year-old boy from
34 Southern California, committed suicide with the help and encouragement of an AI chatbot.
35 OpenAI released data in late 2025 indicating that more than a million people a week discuss
36 suicide with ChatGPT. Proposed AI data centers with enormous appetites are proliferating
37 around the country, including here in Apex, which in my opinion as a non-lawyer violates the
38 National Environmental Policy Act. Building an AI data center here is not worth trading our
39 precious resources, including air, energy, money, soil, and water. We trust you as the Town
40 Council will abide by moral laws, including the principle of love thy neighbor, and I
41 appreciate, Mayor, your invocation prayer today. We look to the board to protect our families,
42 neighbors, and the health and safety of our community. We love our children and

1 grandchildren, and they should not have to breathe pollution from diesel generators or
2 burning fossil fuels, which increase the risk of asthma and cancer. Our pets and wildlife
3 should not be subjected to harmful environments, including noise 24/7. But the developer’s
4 consultant is only looking at noise that affects less-sensitive human hearing. We care for our
5 landscaping, but droughts and data centers could kill our vegetation and create heat islands
6 with local centers.”

7
8 **Mayor Gilbert** thanked the speaker and called up the next speaker.

9
10 Next to speak was **Rosemary Daws** of 5128 of Beckwick Drive in Fuquay Varina:

11
12 “My message is why you should vote no to the proposed data centers. The explosive
13 growth we have experienced has been promoted by local municipalities and demonstrates
14 very poor stewardship. This monstrous development has strained all of our resources, and
15 especially our patience. Fuquay-Varina is now requesting transfer of water, our most essential
16 finite resource, from the Cape Fear River, the same Cape Fear River that will be the recipient
17 of this data center’s effluent runoff, gifting us and downstream communities’ toxic forever
18 chemicals. The plan is for North Carolina to become the next data center alley like Northern
19 Virginia. Everyone will be downstream of a data center, and we will eventually run out of clean
20 water. You have been presented with evidence and concerns about the adverse effects of
21 these massive data centers. The only beneficiaries are multi-trillion-dollar end users,
22 developers, and morally corrupt politicians like our State Legislators who passed data center
23 operational energy costs onto residents. We do not need peer-reviewed literature to know
24 this would be disastrous. We have common sense and reports from victims residing near data
25 centers nationwide. We are learning from and trying to avoid their misery. We are frustrated
26 by the unacceptable and suspicious lack of transparency. Public officials signing potentially
27 unlawful non-disclosure agreements with developers, secret negotiations, no independent
28 cost-benefit analyses, environmental or health impact studies, and developers assisting with
29 amendments to the UDOs, the fox in the henhouse. Projects of this magnitude should be put
30 on ballots. You may wonder why a Fuquay resident cares about events in New Hill. Because
31 just this data center alone will impact all of Wake County and surrounding counties in ways
32 that have not been considered until it is too late. We are fighting this because we do not want
33 our children’s and grandchildren’s neighborhoods to become wastelands. Finally, and
34 importantly, a yes vote would violate the oath of office you swore or affirmed. You have been
35 entrusted to protect our rights and liberties under the North Carolina and US Constitutions.
36 Thank you for your attention. God bless.”

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

39
40 Next to speak was **Glenn Rinne** of 3537 Jordan Shire Drive:

1 “Large tech firms are spending huge amounts of money on the AI race. For example,
2 Meta, the owner of Facebook, plans to spend \$600 billion dollars. That is 40% of their market
3 capitalization on AI. Yet many of these tech CEOs have warned that there are risks associated
4 with such large investments. How can Meta gamble such a large portion of their total
5 valuation? Massive data centers require enormous capital investments that carry levels of risk
6 these firms cannot absorb. So Meta, Microsoft, and others have created special purpose
7 vehicles to finance the new data centers. The investment risk is thus offloaded to these SPVs.
8 These independent companies raise money by selling bonds to insurers, pension funds, and
9 investment advisors. This capital is then used to build the data center, often by another
10 company, and to buy servers through a leasing company. The data center operators, called
11 neo clouds, then rent those servers from the leasing company and sell computer time back to
12 the AI firms. In this way, the big tech firms have no new debt on their balance sheets, and they
13 only pay for the computer time they actually use. Likewise, a data center operator pays no
14 property taxes on the rented computers because they do not own them. The owners of the
15 servers can be in offshore tax havens. So, what does this mean for Apex? This web of
16 companies and LLCs, both foreign and domestic, is designed to shield assets from taxation
17 and liability. Ordinance and code violation penalties can be nearly impossible to assess.
18 Referring to property taxes, one advisor’s website advertises that creative application of asset
19 shielding can optimize property taxes. These legally questionable techniques have reduced -
20 optimized - property taxes at one data center by 83%. Finally, if the AI boom goes bust, there
21 are no deep pockets from which Apex can extract compensation for the costs of
22 decommissioning the data center. These LLCs only have enough money to pay their annual
23 filing fees, and most of them will be offshore. Thus, the risks of AI have been offloaded to the
24 community. If the owners of the data center and its servers are not local and do not have
25 deep pockets, then Apex needs to protect itself by requiring a bond or some other upfront
26 payment. I have provided the Town Clerk with a list of references, and I urge you to take a
27 look at some of these. They will shock you. Thank you very much for your time.”

28
29

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

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32
33

Next to speak was **Dawn Cozzolino** of 3632 Bosco Road:

34 “Good evening. I am here to speak for my neighbors of Wake County, not for the
35 developers, not for the staff, and not for decisions already settled before the meeting began,
36 because this is a public forum and it is supposed to matter. Eminent domain is one of the
37 most extreme powers governments hold and in North Carolina, it is strictly limited to
38 purposes like improving roads, utilities, and public services outlined in Chapter 40A. It is
39 meant only for true public use, not to enable private development for profit. One project
40 here, one project there. While they may appear disconnected, together they form a troubling
41 pattern. Sewer lines over well and septic properties, massive infrastructure funded by the
42 town for private developers, and projects like the New Hill data center. The result is

1 accumulative harm. More traffic, more accidents, constant construction noise, environmental
2 strain, I can go on and on and on, but the community is degraded for private profit. This is not
3 planning. This is government by proxy. Public power used for private gain without public
4 consent. Think carefully. Our community loses its private treasure to eminent domain and
5 ironically, even sadly, we foot the bill to acquire it. We foot the bill to build infrastructure and
6 maintain it. Then Apex hands it off to developers who profit and leave us with a mess. This is
7 no public benefit and the connection is clear. The Big Branch Pump Station, a force main, was
8 forced through rural well and septic properties not even under Apex jurisdiction, not to serve
9 the public, but to enable private development. That sewer drives upzoning for industrial
10 projects and ultimately the New Hill data center. The infrastructure exists on paper, but the
11 area cannot absorb the scale of development. Roads, water, and neighborhoods are being
12 stressed to the breaking point and it does get worse, regulators like NCDEQ and the
13 Environmental Management Commission, EMC, whose job it is to ensure water capacity exists
14 before permitting, have allowed approvals of the Big Branch even when water is constrained.
15 Jordan Lake only has 8.8% left unallocated, and the Army Corps of Engineers is strictly
16 limiting any water when there is a drought. So approving growth without water is not a
17 paperwork error. It is a systemic failure, and the damage cannot be undone after construction
18 starts. I would like to end with a note that the Constitution is very clear that all political power
19 is vested in the people, and the government exists for the good of the people. Thank you
20 very much.”

21

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

23

24 Next to speak was **Fran Hudson** of 5524 Rex Road:

25

26 ‘I want to start with the newly elected members. You were elected by about 10% of the
27 people. So, the voters that came out and actually voted were about 10% of the people of
28 Apex. You are supposed to represent everyone though. It is not just those 8,500. So even
29 though whatever you ran on and whatever you said, those people aligned with it, that does
30 not negate the fact that you have to represent all the people and you have to know what all
31 the people want. Ed, you said you were talking about policy. So, the UDO is actually law, it is
32 not policy. So, the developer should never have any input into law. That is town law, the
33 ordinance has to be written by the town. It is not written and proposed by developers and
34 then the town takes that in and incorporates that into their own law. I sent an email to all of
35 you, including the County Commissioners, the Governor, the Attorney General, all of the
36 people involved, just to let everyone know, to make sure that it was transparent, that when
37 they say a 300-megawatt data center, what does that actually mean? Because that was
38 confusing to me. Well, I started researching it, and a 300-megawatt data center multiplied by
39 8,760 hours a year is 2,628,000 megawatt-hours per year. Just for example, the Town of Cary
40 uses 2,327,894 megawatt-hours per year. So, you would be putting, if this was put through
41 and you all voted to approve this data center, it would be more than the entire Town of Cary
42 residents’ and businesses’ power usage for the year on 189 acres. If you do not expect a

1 major sound problem, I do not know how you could have all that power going through all
2 that equipment and us not hear it. So, you all really need to take into account the impact that
3 is going to have. A UDO should be written as the overarching, everything that could be in that
4 area. It needs to be very well thought out, and I would think you should take time to do that.
5 There should be no decision, no anything, until it is vetted out and you have a set plan for
6 what is appropriate in Apex and the surrounding area that this is going to impact. I also
7 mentioned that North Carolina buys three-quarters of the power that we consume. We do not
8 produce enough power. We actually buy most of it. There is a whole bunch more, but I will
9 wait until next time. Thank you.”

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

13
14 Next to speak was **Janine Atoji** of 113 Lake Meadow Drive:

15
16 “I would like to say stop the wide sidewalk on Tunstall Avenue and Center Street. I am
17 a resident of Lake Meadow Drive, and my backyard is on Tunstall, which abuts Center Street
18 and Ten Ten Road. Now there is a proposal to add a wide sidewalk to Tunstall and Center
19 Street, an expense that is not necessary and very expensive, also threatens more healthy
20 trees. We have several large trees in our backyard, as well as creating an untenable parking
21 situation for our neighbors, Christian Home Church in Apex, who are right across Center
22 Street from us. This is a point of Safe Routes to School, and they plan to put in a five-foot
23 sidewalk. The proposed plan would take 20 feet from my property, including the five-foot
24 sidewalk. This would probably kill most of our large trees as well, as it is designed on the
25 current design, I rely on this as a buffer between my property and the street to support
26 wildlife. It is a misconception that ADA sidewalks have to be five feet wide. In some sections, it
27 can be a minimum of three feet to accommodate the trees and the roots. This is known as a
28 meandering sidewalk design and right now, they just have a straight five-foot sidewalk that
29 cuts through everything. Also, we did a survey on two days to see how many students actually
30 use this route, and my husband as well as the reverend of the church saw two people in the
31 morning and two people in the evening. Students generally take Culvert Street to Ellington to
32 the school instead of Center to Ellington. In my humble opinion, this is a waste of money,
33 especially if it is not done with environmentally friendly resources and design. Thank you.”

34
35
36
37 **Mayor Gilbert** thanked the speaker and called up the next speaker.

38
39 Next to speak was **Hesham Osman** of 3181 Mantel Ridge:

40
41 “Good evening, Mr. Mayor, Mayor Pro Tem, council members, and town staff. I come
42 this evening to speak on two topics. The first topic is related to the approval of the Salem

1 Streetscaping project at the last Town Council Work Session in December, which came in two
2 million dollars higher than the original plans. And while I believe it is an important project and
3 provides a lot of benefits to the downtown community and to Apex overall, what other
4 projects will be delayed or scaled back to make up for that two-million-dollar cost overrun
5 projection? What other budget items will be cut or eliminated to offset that increase in this
6 year's budget? Moving into kicking off the budget process for next year in the next few weeks
7 and months, does this Council commit to a fiscally responsible budget without any tax
8 increases for next year? The goal should simply be no tax increases, not a comparison to
9 other towns and proclaiming we had the lowest tax increase compared to other towns
10 nearby. This Council talks a lot about affordable housing in this community, and a key part of
11 the cost of living in our community is taxes. I urge this Council to rein in spending to allow for
12 no tax increases next year. The second topic I would like to briefly talk about is our town's
13 governance structure. As our community has experienced tremendous growth over the years,
14 with our population reaching over 85,000 residents already and with all the new housing units
15 that have already been approved coming online in the next years, our population will
16 approach over 100,000 residents shortly, something we should be and can be proud of.
17 However, there are parts of our community that don't have equal voice and equal
18 representation on this Council. I urge this council to look at a district or ward setup like other
19 large towns have done in Wake County and in North Carolina. This setup would allow for all
20 parts of our different and vibrant community to be heard and to hear their specific concerns
21 addressed, whether that be the Salem Street community, downtown, Bella Casa, or the
22 incorporated areas of New Hill and Friendship. I think by having dedicated districts and
23 wards, and even council Members at large, that would allow for better overall representation
24 of our community and will continue to ensure that Apex is the peak of good living."
25
26

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

28
29 Next to speak was **Christine Campbell** of 3717 Jordan Shires Drive:

30
31 "I am here to talk to you a little bit about the data center. I was pleased, Mr. Manager,
32 tonight to hear that you are planning that work session and not giving time and credence to
33 the developer to come and solicit their agenda and their objectives. Those of us that have
34 been volunteering our time and our energies with the Protect Wake County Coalition have
35 worked very hard. We have sought the volunteer expertise and subject matter expertise from
36 several of our community members, including Michelle O'Connor, Glenn, Bill, my husband
37 Patrick, who is an electrical engineer, Ralph Ripper, and I could go on and on. There are many,
38 many people who have contributed to these efforts. What I am going to highlight tonight is
39 that we are prepared to share, both with the Town Council, the planning staff for the town,
40 and the Town Planning Board, a set of recommendations and a wish list that Patrick has talked
41 about at some previous meetings. We have settled on approximately 20 items to include
42 defining what a data center should be, making sure that definition is built based upon the

1 research that our planning staff has done. We have pulled and cited examples of what other
2 communities have done and included that in this document to try and highlight the idea that
3 we should build to best practices. If we want to be the peak of good living, then let us be a
4 part of defining the terms of what can come here and how and why. And when we take
5 control of that decision, we have a chance to keep our say and keep our community as great
6 as it can be. We are addressing not only what we think should be included, but also some
7 things to help protect the community around us, the green spaces around us, and other areas
8 of great concern which we have heard a lot about. I do not want to go too much further
9 because I know the agenda is very long tonight. Thank you.”

10
11 **Mayor Gilbert** thanked the speaker and called up the last speaker.

12
13 Next to speak was **Barbara Collins** of 901 Norwood Lane:

14
15 “I have lived here for 28 years in the same house. Look at that. We love it here. What is
16 not to love? I do not need three minutes. I do not need notes. All of you already know
17 everything you need to know to vote no on the data center. You have every bit of information.
18 If you don’t have some information, we will provide it to you. They will. Yes. Because I am not
19 having to look up every statistic, I have already been through this in upstate New York. Not a
20 data center, a corporation that polluted the groundwater without ever reporting it to the EPA.
21 Five years we spent on that project and we won in the end because everybody knows what
22 the right thing is to do. I know it and so do you. You are teaching your children to be
23 environmentalists. You are calling yourself environmentalists. I am calling myself an
24 environmentalist and that is how you should vote because you are individuals who have come
25 together, but I promise you this will follow you. I will be sure it follows you for the rest of your
26 career and someday somebody else is going to be standing up here and it is going to be a
27 new Council. And you know what they are going to say if it gets approved? They are going to
28 say, “It was a different council. They said yes, what can we do about it now?” It is happening
29 seven years after you all left. I have heard you all say it, another council is the one that voted
30 on this. Well, you are the council that is going to vote on this, and I do not expect you want to
31 ruin your reputation. You do not want your children to know that you taught them to be
32 environmentalists and then you voted against the environment. Please do not do that. That is
33 it. Thank you.”

34
35 **Mayor Gilbert** thanked all that came to speak and closed Public Forum.

36
37
38 **[PROCLAMATIONS/SPECIAL PRESENTATIONS]**

39
40 **PR1 REVISED Proclamation - Human Trafficking Prevention Month - January 2026**

1 **Mayor Gilbert**, along with the rest of the Town Council, read the Proclamation for
2 Human Trafficking Prevention Month 2026. He invited up Niki Miller, Director, Lynn Scott,
3 Development Specialist, Jennie Kowaleski, Board of Directors President and Michelle Stewart,
4 Board of Directors Member with Shield NC to accept the proclamation and take pictures.

5 **Ms. Kowaleski**, Board President of Shield North Carolina which is a nonprofit that
6 helps against human trafficking. She thanked the Mayor and Council member for allowing
7 her to speak. She gave an overview of myths about human trafficking and that 90% of victims
8 are exploited by someone that they know and trust and over 40% is a family member. She
9 said that North Carolina is currently ranked 9th in the US reported trafficking cases. She gave
10 their website at shieldnc.org and asked to consider following on social media.

11

12 **PR2 Proclamation - Martin Luther King Jr. Commemoration Weekend 2026**

13

14 **Mayor Gilbert**, along with the rest of the Town Council, read the Proclamation for
15 Martin Luther King Jr. Commemoration Weekend 2026. he then invited Tami Johnson, Kelvin
16 Thomas, Orvina Bain, Laric Copes and the Delta's and AKAs to accept the proclamation and
17 take pictures.

18

19 **Kelvin Thomas** spoke on behalf of Tayon Dancy, who is a strong supporter of the
20 community, and led the idea for Alpha Phi to recognize Dr. King, who was a member of Alpha
21 Phi Fraternity Incorporated. He said that they celebrate the work that He recognized Apex for
22 their contributions and the Mayor and Town Council for their support.

23

24 **[PUBLIC HEARINGS]**

25

26 **PH1 Annexation No. 798 - 2224 New Hill Olive Chapel Road - 4.80 acres**

27 **AND**

28 **PH2 Rezoning Case No. 25CZ13 - 2224 New Hill Olive Chapel Road (REF: ORD-2026-**
29 **002)**

30

31 **June Cowles**, Senior Planner, Planning Department gave the following presentation:

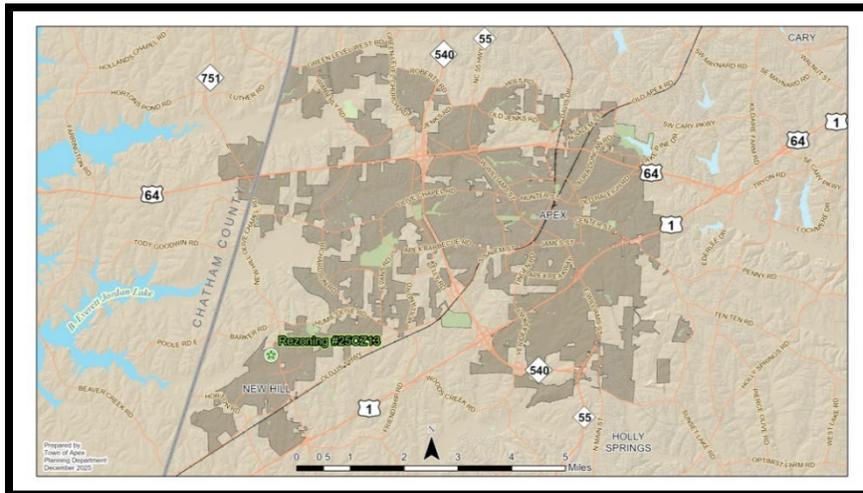
1 [SLIDE 1]

Public Hearings #1 & #2

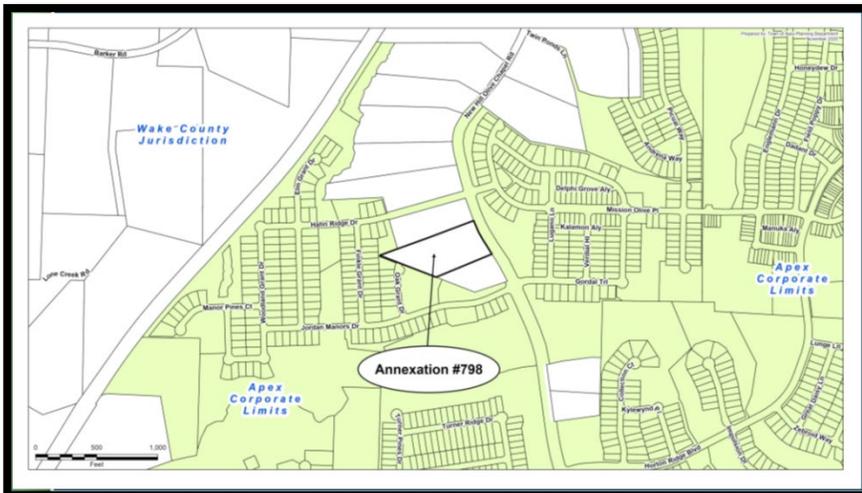
Annexation No. 798 &
Rezoning Case #25CZ13
2224 New Hill Olive Chapel Road



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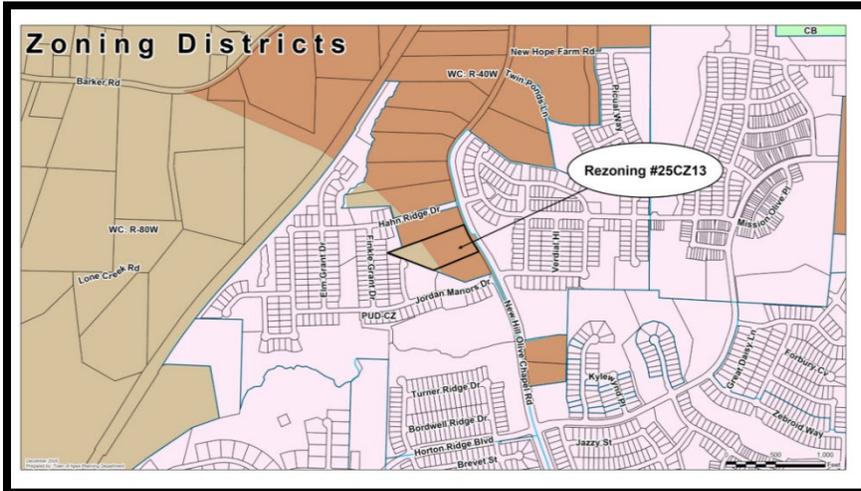


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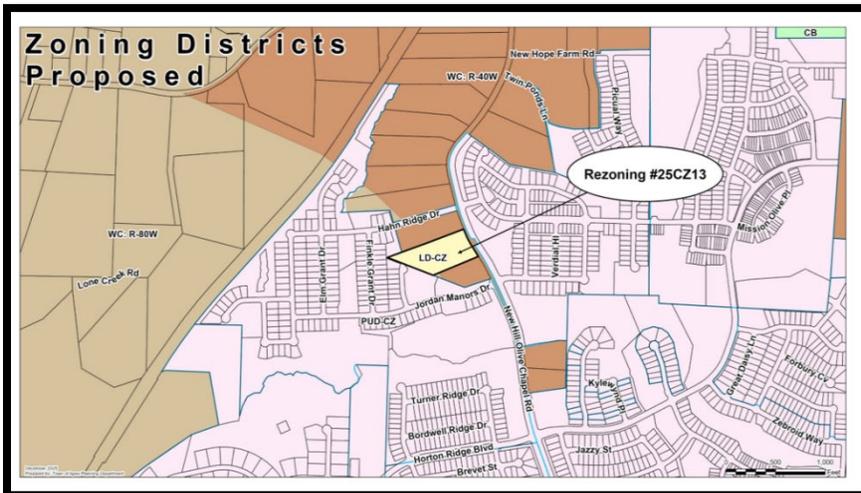
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3 [SLIDE 5]

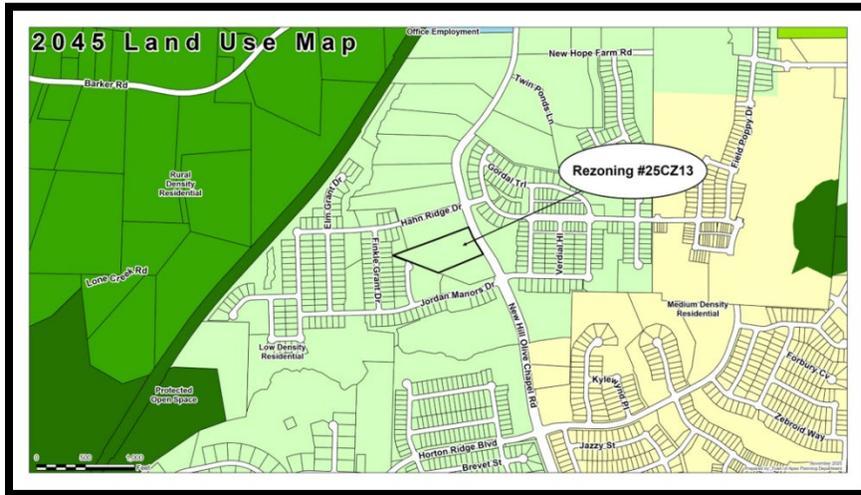


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5 [SLIDE 6]



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1 [SLIDE 7]



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3 [SLIDE 8]



4
5 **Ms. Crowles** opened for questions and discussion.
6 **Mayor Pro-Tempore Mahaffey** asked about the condition stating, "future
7 development shall include right-of-way dedication consistent with the Apex Transformation
8 Plan" because typically the dedication and the right-of-way is done at the time of the rezoning
9 and this says "future".

10 **Ms. Crowles** said that because the applicant is not proposing any development at this
11 time and that is normally when dedication is done.

12
13 **Mayor Gilbert** opened Public Hearing and with no speakers it was brought back to
14 Council for discussion and possible motion.

15
16 A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded by
17 **Councilmember Gray** to adopt an Ordinance on the Question of Annexation - Apex Town
18 Council's intent to annex 4.80 acres, located at 2224 New Hill Olive Chapel Road (PIN 0710-

1 77-2057), Annexation No. 798, into the Town Corporate limits; and to approve Rezoning Case
2 No. 25CZ13 - rezone approximately 4.8 acres from Wake County Residential-80W (R-80W) &
3 Wake County Residential-40W (R-40W) to Low Density Residential-Conditional Zoning (LD-
4 CZ) at 2224 New Hill Olive Chapel Road.

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VOTE: UNANIMOUS (5-0)

9 **PH3 Annexation No. 807 - 8905 Castleberry Road - 3.35 acres**

10 **AND**

11 **PH4 Rezoning Case No. 25CZ11 - 8905 Castleberry Road - Tracts 10 and 11**

12 *June Cowles, Senior Planner, Planning Department* - PH3 and PH 4to be continued until
13 February 24, 2026 meeting

14
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A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded by
Councilmember Zegerman to continue PH3 and PH4 to the February 24, 2026 Regular Town
Council Meeting.

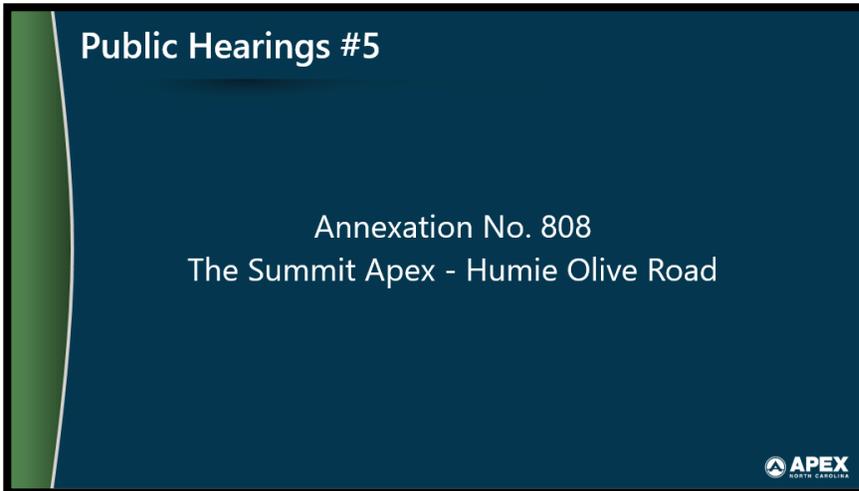
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VOTE: UNANIMOUS (5-0)

22 **PH5 Annexation No. 808 - The Summit Apex - Humie Olive Road - 0.50 acres**

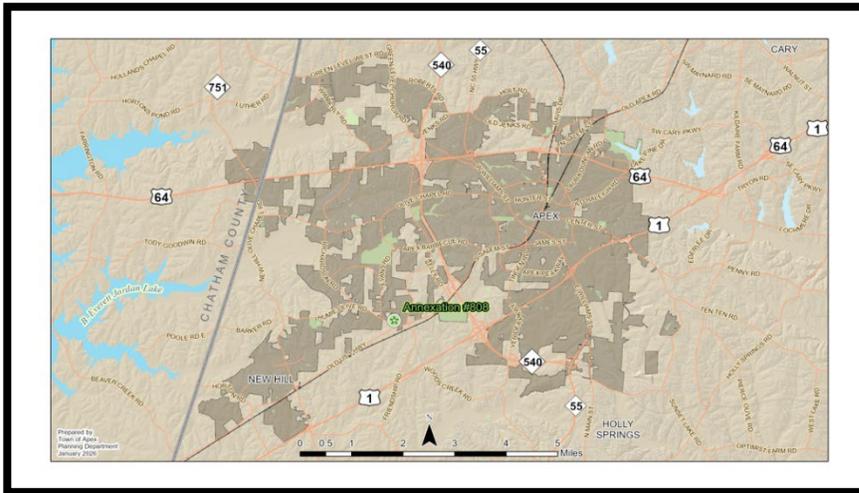
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Dianne Khin, Director, Planning Department gave the following presentation:
[SLIDE 1]



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1 [SLIDE 2]



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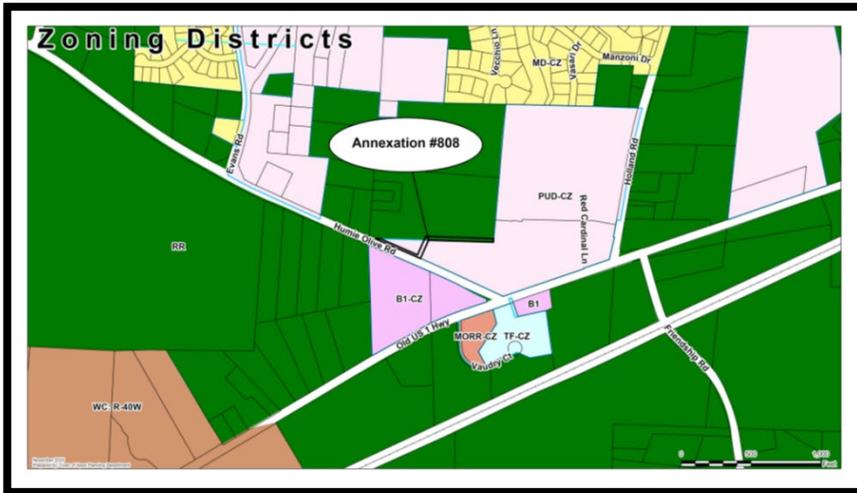


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5 [SLIDE 4]



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1 **[SLIDE 5]**



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Mayor Gilbert opened Public Hearing and closed Public Hearing with no one signed up to speak. He brought it back to Council for discussion and a possible motion.

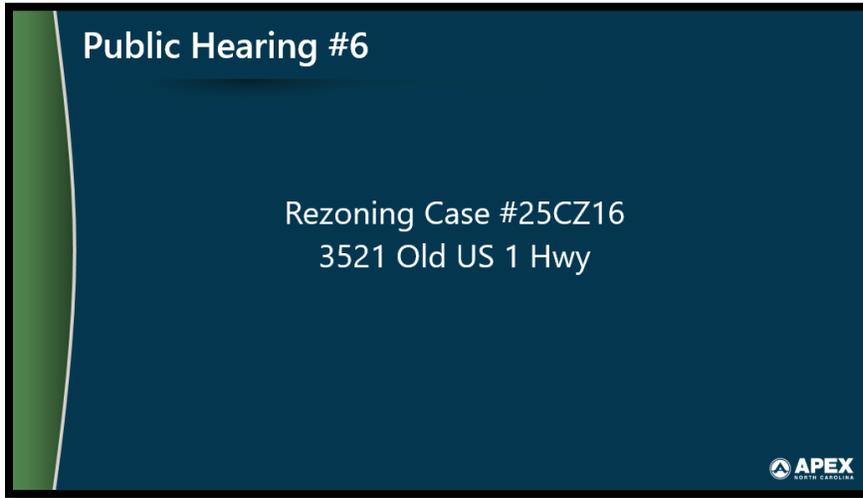
A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded by **Councilmember Mu** to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex 0.50 acres, located at 2236 Old US 1 Highway (aka The Summit) (PIN NO. 0720-99-4626), Annexation No. 808, into the Town Corporate Limits.

VOTE: UNANIMOUS (5-0)

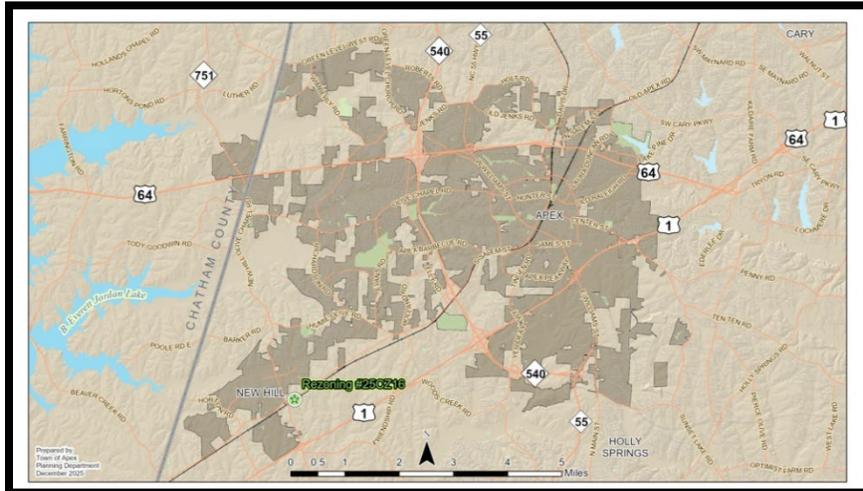
PH6 Rezoning Case No. 25CZ16 - 3521 Old US 1 Highway

Joshua Killian, Planner II, Planning Department gave the following presentation:

1 [SLIDE 1]



2 [SLIDE 2]
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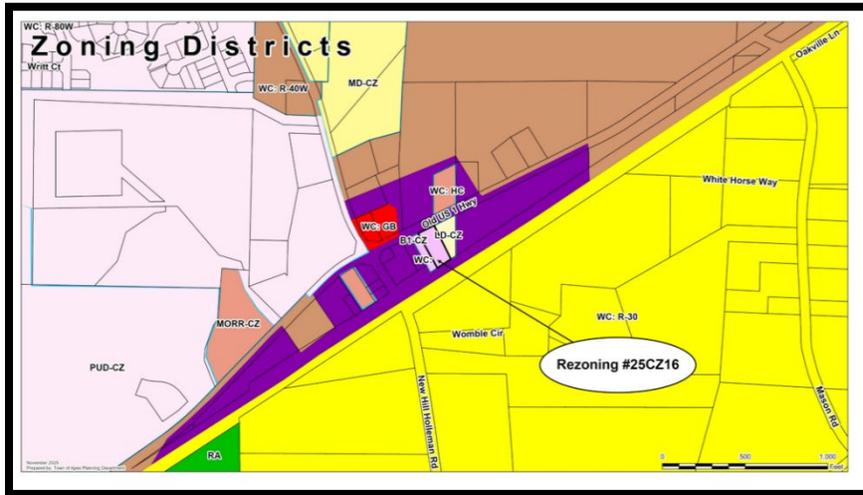


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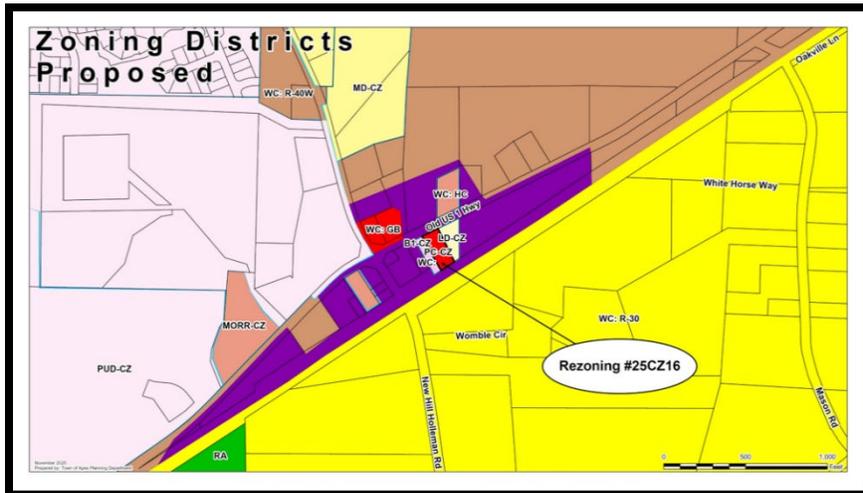


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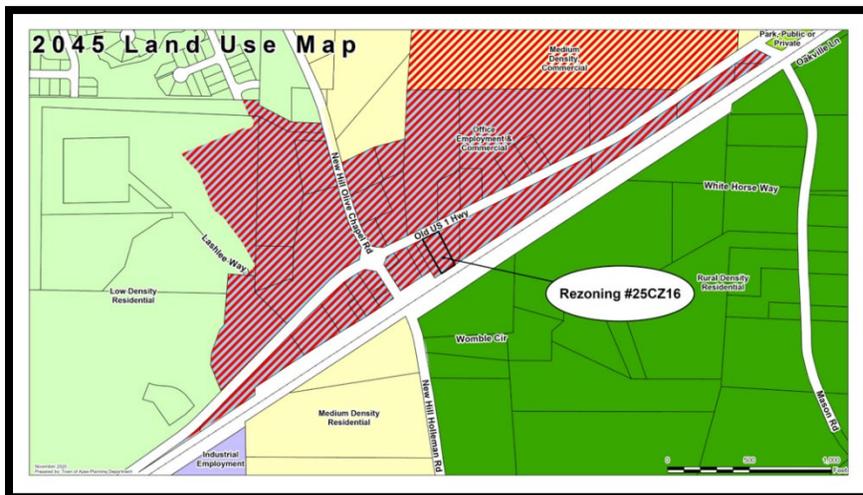
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5 [SLIDE 6]



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1 **[SLIDE 7]**



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Mr. Killian asked if there were any questions for himself or the applicant.

Mayor Gilbert opened up Public Hearing and with no one signed up to speak, he closed Public Hearing and brought the item back to Council for discussion and a possible motion.

A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded by **Councilmember Zegerman** to approve Rezoning No. 25CZ16 - rezone approximately 0.53 acres from Neighborhood Commercial-Conditional Zoning (B1-CZ #11CZ04) to Planned Commercial-Conditional Zoning (PC-CZ) at 3521 Old US 1 Hwy.

VOTE: UNANIMOUS (5-0)

PH7 Unified Development Ordinance (UDO) Amendments - January 2026 - *previously continued from November 13 and December 09, 2025*

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

1 [SLIDE 1]

Public Hearing #7

Unified Development Ordinance (UDO)
Amendments - January 2026
*Continued from
November 13 and December 9, 2025*

APEX
NORTH CAROLINA

2
3 [SLIDE 2]

Amendment #1
Requested by Transportation & Infrastructure Development Staff

1) Amendments to Secs. 7.2.1.I *Design Standards, Streets*; 7.2.4 *Design Standards*; 8.2.6.C *Landscaping, Buffering, and Screening, General Buffering Requirements*; and 13.4 *Transportation, Definitions* in order to permit the use of temporary turnarounds in connection with stub streets.

Background: Staff propose the following amendments to clarify that temporary turnarounds, may be permitted in connection with stub streets. The intent of this amendment is to 1) ensure that emergency and other Town-related vehicles can safely and efficiently maneuver throughout a subdivision and 2) provide guidance for their eventual removal as the stub streets are connected to future development on adjacent properties and the temporary turnaround is no longer required.

APEX
NORTH CAROLINA

4
5 [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 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 January 27, 2026.

2) ***Easement and Design.*** The temporary turnaround shall be placed in a temporary public access easement meeting the standards of Sec. 7.2.4.C *Temporary Public Access 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.

APEX
NORTH CAROLINA

6

1 [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 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.



2
3 [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*.



4
5 [SLIDE 6]

Amendment #1
Requested by Transportation & Infrastructure Development Staff

7.2.4 Design Standards
...

C) Temporary Public Access Easement.
Where a street is terminated temporarily at the edge of a development and creates a stub street, a temporary public access easement shall be provided. The temporary public access 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 easement shall follow one of the following methods:

- (1) If the adjacent land is owned by the subdivider, a temporary turnaround can be provided with a temporary public access 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 easement dedicated to the Town. Temporary turnarounds shall meet the standards found in Sec. 7.2.1.1 Temporary Turnaround.



6

1 [SLIDE 7]

Amendment #1
Requested by Transportation & Infrastructure Development Staff

8.2.6 Landscaping, Buffering, and Screening, Buffering
...
C) General Buffering Requirements
...
4) No Development Within the Required Buffer
The required buffer shall not contain any development, built-upon area, or site features that do not function to meet the standards of this Section or that require removal of existing vegetation, except for signs within platted sign easements, utilities within public utility easements, **public access easements**, and public art on private property within a platted public art on private property easement (see Secs. 8.1.2.C.9 and 8.2.2.C.2.a). When a public utility **and/or a public access** easement is located within a Fully-and Limited-Controlled Access Highway Buffer, Streetfront Buffer, or a Thoroughfare Buffer that is 20 feet or greater in width, a minimum 20-foot-wide planting area shall be provided as measured from the edge of the easement. For all other required buffers, a minimum 10-foot-wide planting area shall be provided as measured from the edge of the easement. The planting area shall be as wide as necessary in order to accommodate all required buffer plantings. Tree species with compact root systems shall be used adjacent to the easement.
...

APEX NORTH CAROLINA

2
3 [SLIDE 8]

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.
...

APEX NORTH CAROLINA

4
5 [SLIDE 9]

Amendment #1
Requested by Transportation & Infrastructure Development Staff

NOTES:

1. DEVELOPER CONNECTING TO THE EXISTING STREET NETWORK SHALL BE RESPONSIBLE FOR REMOVING TEMPORARY TURNAROUND AND RECONSTRUCTING THE STREET TO MEET TOWN OF APEX STANDARDS, INCLUDING REMOVAL OF CURB RAMPS AS REQUIRED.
2. STREET WIDTHS AND RIGHT-OF-WAY LOCATIONS ARE REQUIRED.
3. THE DIMENSIONS OF THE HAMMERHEAD TURNAROUND SHALL MEET THE DIMENSIONS SHOWN AND RIGHT OF WAY WIDTHS ARE PROHIBITED.
4. DRIVEWAY CONNECTIONS ARE PROHIBITED.
5. PARKING IS PROHIBITED WITHIN THE TURNAROUND. THE END OF THE STUB STREET SHALL BE SIGNED IN ACCORDANCE WITH BARRICADE FOR DEAD END ROADS STANDARD DETAIL.
6. PROPER DRAINAGE MUST BE PROVIDED TO ENSURE THERE IS NO STANDING WATER.
7. IF EASEMENT IS REQUIRED, THE EASEMENT SHALL BE IDENTIFIED AND CONNECTION IS MADE TO THE ASSOCIATED PUBLIC ACCESS EASEMENT REQUIRED IN THE UNIFIED DEVELOPMENT ORDINANCE.

FOR REFERENCE ONLY

TOWN OF APEX STANDARDS
EFFECTIVE MONTH/CO. YYYY

TEMPORARY TURNAROUND

STD. NO. 300.25
SHEET 1 OF 1

APEX NORTH CAROLINA

6

1 **Mr. Venable** asked if there were any questions for himself or staff from Transportation
2 and Infrastructure.

3 **Councilmember Zegerman** asked how the 150' for the temporary turnaround was
4 determined.

5 **Mr. Venable** said that it is determined by the state fire code and is the exact
6 requirement.

7 **Councilmember Zegerman** asked why a turnaround is required with the developer
8 extending to a future neighboring property without housing lots in that area and no utility
9 services or public services anticipated to access that part of the road.

10 **Mr. Venable** said there was discussion about this and the code doesn't offer any
11 distinguishment so it's about the length and there needs to be access for emergency services
12 to maneuver in and out of the area and that is the requirement.

13 **Mayor Pro-Tempore Mahaffey** said at the extended discussion last year with the
14 previous Council and Planning Committee relating to addressing removal and it has been
15 updated to include the fee in lieu proposal. He said that turnaround encroachment into
16 buffers that he had objected to is in this proposal. He said he was concerned about the
17 impact on the neighbors and that it being allowed to encroach on buffers across the board.
18 He asked if there had been any other discussions on this subject.

19 **Councilmember Gray** said that Amendment - 1: paragraphs 8 of 7, 2.1 provision is
20 key to make sure that Council alleviates questions from the residents about this being a stub
21 street when it is a cul-de-sac. He did not believe that this was conceding the ability to make
22 modifications in the future.

23 **Councilmember Zegerman** said that Mayor Pro-Tempore Mahaffey's question about
24 the buffer requirement was considered and asked if it was considered based on feedback
25 from the Planning Committee and if so, why was it left in.

26 **Mr. Venable** said the intent was not to provide full encroachment where there would
27 still be a plantable area and they proceeded with this trying to find the best path by still
28 having a plantable area, and also having the requirements that the area will eventually have to
29 go back to being a buffer space and would be replanted and reestablished and they were
30 trying to find a balance.

31 **Councilmember Zegerman** said that it looked like this would give up about half of
32 the buffer and asked if there were any opportunities for reconsideration.

33 **Mr. Venable** said this was what was being proposed currently but if Council wanted to
34 send it back to staff for further exploration that was an option, and Council can give that
35 direction.

36 **Mayor Pro-Tempore Mahaffey** said that he was in support of 99% of the proposal
37 and if there was a motion, he would like to strike Section 8.2.6. He asked would the UDO
38 amendment be considered complete if section 8.2.6 is struck, or does other wording need to
39 be changed.

40 **Councilmember Zegerman** said that the provision in item four would not be needed
41 if encroachment on the buffer is not allowed, section 7.2.1 Removal and Restoration section.

1 **Mr. Venable** said there may be need for restoration outside of the buffer. He said that
2 part of the intent was with the temporary cul-de-sac was the excess of right-of-way that exists
3 when you extend the street and part of this in number four is to remove this as well.

4 **Mayor Gilbert** asked if there were any other comments from Council members.

5 **Councilmember Reese** asked if Town Manager Vosburg would weigh in on this.

6 **Town Manager Vosburg** said that to make sure this is correct and nothing is missed it
7 could be brought back to the next Council meeting if timing allows with the meeting
8 schedule.

9 **Director Khin** said that it would not be ready for the next meeting, that the agendas
10 are due on Friday.

11 **Councilmember Gray** asked if this would impact any projects coming out.

12 **Director Khin** said not that staff is aware of.

13 **Town Manager Vosburg** said that Council wants a change in the proposal it can go
14 back to staff to tweak this and see what the impact would be and bring it back to Council.

15
16 A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded by
17 **Councilmember Zegerman** to establish the position of the Council that they did not want
18 encroachment into buffers of turnarounds.

19
20 **VOTE: (4-1), with Councilmember Gray dissenting**

21
22 A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded by
23 **Councilmember Gray** to continue this item to the February 10th, 2026 Regular Town Council
24 Meeting.

25
26 **VOTE: UNANIMOUS (5-0)**

27
28 **[CLOSED SESSION]**

29
30 A **motion** was made by **Councilmember Gray** and seconded by **Mayor Pro-Tempore**
31 **Mahaffey**, to enter into closed session pursuant to NCGS §143-318.11(a)(3), and NCGS
32 §143-318.11(a)(1).

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

35
36 Council entered closed session at **7:48 p.m.**

37
38 **CS1 Laurie Hohe, Town Attorney**

39 **NCGS §143-318.11(a)(3):**

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

1 **CS2 Laurie Hohe, Town Attorney**

2 **NCGS §143-318.11(a)(3):**

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

5

6 **CS3 Allen Coleman, Town Clerk**

7 **NCGS §143-318.11(a)(1):**

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

11

12 Council returned to open session at **8:49 p.m.**

13

14 **Mayor Gilbert** said that there was one item to present and turned it over to Mayor
15 Pro-Tempore Mahaffey.

16

17 A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded by
18 **Councilmember Zegerman** to approve a Resolution Authorizing Eminent Domain
19 Proceedings related to an electric utility project along Humie Olive Road for improvement of
20 the Apex electric utility system (**REF: RES-2026-003**).

21

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

23

24 **[ADJOURNMENT]**

25

26 **Mayor Gilbert** adjourned the meeting at **8:51 p.m.**

27

28

29

Jacques K. Gilbert
Mayor

30

31

32 Allen Coleman, CMC, NCCCC
33 Town Clerk to the Apex Town Council

34

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

36