

1 **DRAFT MINUTES**
2 **TOWN OF APEX**
3 **REGULAR TOWN COUNCIL MEETING**
4 **TUESDAY, APRIL 9, 2024**
5 **6:00 PM**

6
7 The Apex Town Council met for a Regular Town Council Meeting on Tuesday, April 9, 2024 at 6:00
8 PM in the Council Chambers at Apex Town 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 meeting in-
11 person or watch online via the livestream on the Town’s YouTube Channel. The recording of this
12 meeting can be viewed here: <https://www.youtube.com/watch?v=JkbAOddxMzw&t=14936s>
13

14
15 **[ATTENDANCE]**

16
17 Elected Body

- 18 Mayor Jacques K. Gilbert (presiding)
- 19 Mayor Pro Tempore Ed Gray
- 20 Councilmember Audra Killingsworth
- 21 Councilmember Arno Zegerman
- 22 Councilmember Brett Gantt (*arrived late*)
- 23 Absent: Councilmember Terry Mahaffey

24
25 Town Staff

- 26 Interim Town Manager Shawn Purvis
 - 27 Assistant Town Manager Demetria John
 - 28 Assistant Town Manager Marty Stone
 - 29 Town Attorney Laurie Hohe
 - 30 Town Clerk Allen Coleman
 - 31 Deputy Town Clerk Ashley Gentry
 - 32 Planning Director Dianne Khin
 - 33 Department of Transportation and Infrastructure Director Chris Johnson
 - 34 All other staff members will be identified appropriately below
- 35
36
37
38
39
40
41
42
43
44

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20


[SLIDE 1]



[SLIDE 2]

Public Participation

- Please sign in with the Town Clerk prior to the start of the meeting for all Public Hearings and Public Forum
- Public Forum speakers are requested to address only items that **do not** appear in the 'Public Hearings' section on tonight's agenda
- The Mayor will recognize those who would like to speak at the appropriate time
- Large groups are asked to select a representative to speak for the entire group and are limited to 9 minutes
- Individual comments must be limited to 3 minutes to allow others the opportunity to speak



[COMMENCEMENT]

Mayor Gilbert called the meeting to order, and said he wanted to take time to reflect on the tragic death of Felicia Barbee-Battle, who was a beloved community member. He honored the family to show support. He said domestic violence needs to be eradicated in the community, and thanked the Apex Police Department for their efforts in this. He asked for a moment of silence, and then asked Pastor Kevin O'Brien, of Apex Baptist Church and who is the Chaplain of the Apex Police Department, if he would come and deliver a prayer. He also noted that the water tower on Hunter Street will be illuminated purple this evening in memory of Ms. Barbie-Battle. He then led those in attendance in the reciting of the Pledge of Allegiance.

1 **[CONSENT AGENDA]**

2
3 **Councilmember Zegerman** made a request for Consent Items 2 and 3 be moved to new
4 business.

5 A **motion** was made by **Mayor Pro Tempore Gray** seconded by **Councilmember**
6 **Killingsworth**, to approve the Consent Agenda, with the continuation of Consent Items 2 and 3 to
7 new business.

8
9 **VOTE: UNANIMOUS (3-0), with Councilmember Gantt and Councilmember Mahaffey**
10 **absent**

11
12 **CN1 Annexation No. 777 - 2014 Lufkin Road - 2.208 acres (REF: RES-2024-020, RES-2024-**
13 **021, and OTHER-2024-049)**

14 Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to
15 accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of
16 a Public Hearing for April 23, 2024, on the Question of Annexation - Apex Town Council's intent to
17 annex 2.208 acres, located at 2014 Lufkin Road, Annexation No. 777 into the Town Corporate limits.

18 ~~**CN2 Appointments - Housing Advisory Board (HAB)**~~

19 This item was removed form the Consent Agenda, per Council vote.

20 ~~**CN3 Appointments - Housing Advisory Board (HAB) - Chair/Vice-Chair**~~

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

22 **CN4 Budget Ordinance Amendment No. 14 - Stormwater Fund Equity (REF: ORD-2024-024)**

23 Council voted to adopt Budget Ordinance Amendment No. 14 to transfer stormwater fund equity
24 from the Water and Sewer Fund to newly established Stormwater Fund.

25 **CN5 Contract - Central Pines Regional Council of Governments - Grant Administration - April**
26 **1, 2024 through June 30, 2025 (REF: CONT-2024-087)**

27 Council voted to approve a Standard Services Agreement between the Town of Apex and Central
28 Pines Regional Council of Governments, effective April 1, 2024 through June 30, 2025 for Grant
29 Assistance, and to authorize the Interim Town Manager, or their designee, to execute on behalf of
30 the Town.

31 **CN6 Contract - HR&A Advisors, Inc - Housing Data Dashboard - April 9, 2024 through April**
32 **8, 2027 (REF: CONT-2024-088)**

33 Council voted to approve a three-year contract with HR&A Advisors, Inc, effective April 9, 2024
34 through April 8, 2027 to implement, host and maintain a data dashboard, and to authorize the
35 Interim Town Manager, or their designee, to execute the contract on behalf of the Town.

36 **CN7 Contract Amendment No. 6 - Kimley-Horn and Associates Inc. - Beaver Creek Greenway**
37 **Supplement No. 6 (REF: CONT-2024-089)**

38 Council voted to approve Contract Amendment No. 6 between the Town of Apex and Kimley-Horn
39 and Associates, Inc, for the Beaver Creek Greenway Extension, and to authorize the Interim Town
40 Manager, or their designee, to execute on behalf of the Town.

41 **CN8 Council Meeting Minutes - Various Meetings**

42 Council voted to approve, as submitted or amended, Meeting Minutes from the following meetings:
43 February 15, 2024 - Town Council Retreat Minutes

- 1 February 16, 2024 - Town Council Retreat Minutes
- 2 February 27, 2024 - Regular Town Council Meeting Minutes
- 3 March 12, 2024 - Regular Town Council Meeting Minutes
- 4 March 19, 2024 - Town Council Work Session Minutes

5 **CN9 Fee-in-Lieu (FIL) of Land Dedication - Ashland Subdivision**

6 Council voted to approve a payment of Fee-in-Lieu (FIL) of dedication for Ashland Subdivision.

7 **CN10 Interlocal Agreement - Town of Apex and the Capital Area Metropolitan Planning**
8 **Organization (CAMPO) - Rail Relocation Study (REF: CONT-2024-090)**

9 Council voted to approve an Interlocal Agreement between the Town of Apex and Capital Area
10 Metropolitan Planning Organization (CAMPO), effective until June 30, 2025, for the Apex Rail
11 Switching Operations Relocation Study, and to authorize by the Interim Town Manager, or their
12 designee, to execute on behalf of the Town.

13 **CN11 Revisions to Town Standard Specifications & Standard Details (REF: OTHER-2024-051**
14 **and OTHER-2024-052)**

15 Council voted to approve revisions to the Town Standard Specifications and Standard Details.

16 **CN12 Tax Report - February 2024 (REF: OTHER-2024-050)**

17 Council voted to approve Apex Tax Reports dated March 7, 2024.

18

19 **[PRESENTATIONS]**

20

21 **PR1 Presentation - 2023 Pavement Management Report**

22 **Adam Stephenson**, Transportation Engineering Manager, brought results to their most
23 recent pavement conditions survey and analysis that is conducted every three years. He stated that
24 Consultant Mott MacDonald completed the survey selected from a group of nine firms that provided
25 statements of qualifications. He introduced Tracy Pilson, who presented results.

26

27 **[SLIDE-1]**



28

29

30

31

32

1
2

[SLIDE-2]

AGENDA

- Pavement Condition Data Collection
- 2023 Network Condition
- Pavement Treatment Toolbox
- Pavement Preservation
- Pavement System Analysis Results
- Conclusions/Recommendations

APEX NORTH CAROLINA **M** MOTT MACDONALD

3
4

[SLIDE-3]

Pavement Condition Data Collection

PAVEMENT MANAGEMENT INTELLIGENCE

NSV-2

TRB

5
6

[SLIDE-4]

2023 Pavement Management Project

- The Town of Apex maintains a pavement network consisting of approximately 240 centerline miles of asphalt streets.
- Mott MacDonald completed a pavement management study which included a Pavement Condition Survey (PCS) of all Town-maintained streets and a pavement management system (PMS) analysis.
- Pavement Data was collected in the Summer of 2023.
- Mott MacDonald completed a full pavement management analysis to provide the Town with optimized 10-year work plans.

APEX NORTH CAROLINA **M** MOTT MACDONALD

7
8

1
2

[SLIDE-5]

Pavement Condition Data Collection

1



Studies the performance of in-service pavements.

2

The primary goal is to collect data believed to be most important in characterizing factors that affect pavement performance.

3

Pavement Condition Data is used to model pavement performance and make treatment recommendations to maximize network condition over the long term.



3
4

[SLIDE-6]

Visual (Windshield) Pavement Data Collection

Used by Town on the previous two data collection cycles. (ITRE, LTPP)

Manual data collection tends to have inconsistencies between different raters.








5
6

[SLIDE-7]

Automated Data Collection Vans – ARRB System

Laser Crack Measurement Systems (LCMS) and High-definition cameras

7
8

1
2

[SLIDE-8]

Crack density approach

- Crack Density= Total length of cracks/unit area (ft/sy)
- Magnitude can indicate:
 - Patterned cracking
 - Non-patterned cracking
- Crack Density Zones:
 - Load-related cracking
 - Non-load related cracking
- Informs decision-making:
 - Patterned cracking → patching/rehab
 - Non-patterned cracking → crack sealing

APEX NORTH CAROLINA
MOTT MACDONALD

3
4

[SLIDE-9]

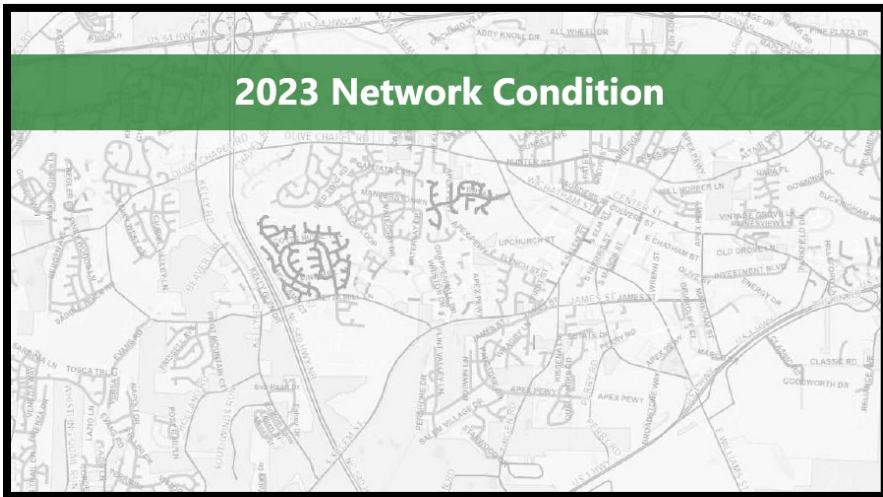
Benefits of using crack density

- Independent of data collection vendor's experience/specific technology
- Allows agencies flexibility in aggregating data to condition scores
- Highly repeatable
- Less reliant on subjective definitions of distress types and severities

APEX NORTH CAROLINA
MOTT MACDONALD

5
6

[SLIDE-10]



7
8



1
2

[SLIDE-11]

2023 Network Condition

Network Summary

Description	Value
Length of Network (Center Line Miles)	240.4
Lane Miles	487.8
Area of Network (Square Yards)	3.3M
Weighted Average Network PCI	84.8
Previous Weighted Average Network PCI (2020)	79.3
Total Asset Value of Pavement Network	\$222.1M *
Remaining Asset Value (Current Condition, PCI=84.8)	\$188.4M **
Percent of Network in Good Condition (PCI ≥ 80)	75.1%
Percent of Network in Poor (PCI < 60)	12.6%

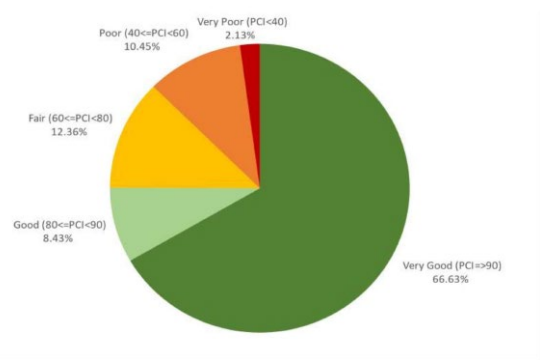



* Total area of the network x industry average replacement cost
 ** Value of network in its current condition (PCI = 84.8)



3
4

[SLIDE-12]

2023 Network Condition



Condition	Percentage
Very Good (PCI ≥ 90)	66.63%
Fair (60 ≤ PCI < 80)	12.36%
Poor (40 ≤ PCI < 60)	10.45%
Very Poor (PCI < 40)	2.13%
Good (80 ≤ PCI < 90)	8.43%

5
6

[SLIDE-13]



2023 Network Condition

Backlog of Current Treatment Needs

Treatment	Lane Miles	Total Area (yd ³)	Cost
Do Nothing	193.03	1,287,133	\$0.00
Crack Seal	0.41	2,707	\$2,302
Patching	80.96	545,735	\$1,373,445
Rejuvenator	43.36	296,846	\$296,850
Preservation*	101.73	712,326	\$2,493,169
Rehab (Minor)	63.37	454,809	\$10,069,482
Rehab (Major)	4.96	38,776	\$1,046,955
Total	487.82	3,338,333	\$15,282,203

Treatment Name	Unit Cost
Crack Seal	\$0.85 / LF
Rejuvenator	\$1.00 / SY
Microsurfacing	\$3.50 / SY
Rehab (Minor)	\$22.14 / SY
Rehab (Major)	\$27.00 / SY
Reconstruction/FDR	\$66.53 / SY

* Microsurfacing or ultra-thin lift asphalt treatment

7
8

1
2

[SLIDE-14]



3
4

[SLIDE-15]

Pavement Treatment Toolbox

Crack Sealing (most cost-effective treatment to preserve pavements)

Issues addressed:

- Cracking is inevitable and left untreated will cause pavement failure like potholes and subbase failure.
- Used to treat all types of cracks greater than 1/8".

Benefits:

- Slows crack deterioration
- Protects pavement from moisture damage
- Extends pavement life up to 3 - 5 years
- Lowest cost preservation (maintenance) treatment
- Highest benefit for money spent



APEX NORTH CAROLINA **M** **M**
MOTT MACDONALD

5
6

[SLIDE-16]

Pavement Treatment Toolbox


Asphalt Rejuvenation

Issues addressed:

- Oxidation (graying of pavement)
- Loss of asphalt elasticity
- Raveling (loss of binder)

Benefits:

- Improves flexibility of the asphalt surface
- Restores lost oxidized components of the asphalt binder
- Slows rate of aging and oxidation.



APEX NORTH CAROLINA **M** **M**
MOTT MACDONALD

7
8

1
2

[SLIDE-17]

Pavement Treatment Toolbox

Preservation – Microsurfacing/Slurry Seals

Issues addressed:

- Surface Defects
 - Oxidation
 - Raveling
- Cracking
- Minor Rutting

Benefits:

- Provides skid resistance
- Prevents moisture intrusion
- Protects against oxidation and raveling
- Most economical choice when leveling is required.
- Quick construction times and minimal disruption to the traveling public.





3
4

[SLIDE-18]

Pavement Treatment Toolbox




Pavement Rehab (Minor or Major)

Issues addressed:

- Pavement rehabilitation completely removes and replaces a portion of the asphalt pavement surface.
- The depth of rehabilitation (minor vs. major) depends on the severity of pavement damage.

Benefits:

- Pavement rehabilitation is necessary because it can help extend the life of a pavement.
- Prevents further deterioration and expensive repairs such as Full-Depth Reclamation (FDR) at a later date.

5
6

[SLIDE-19]

Pavement Treatment Toolbox

Full-Depth Reclamation (FDR)

FDR is an in-place recycling method for reconstruction of existing flexible pavements using the existing pavement section material as the base for the new roadway-wearing surface.

Benefits:

The advantages are considerable compared to remove and replace reconstruction, but FDR is still expensive!

The use of less expensive treatments to preserve the network are recommended!

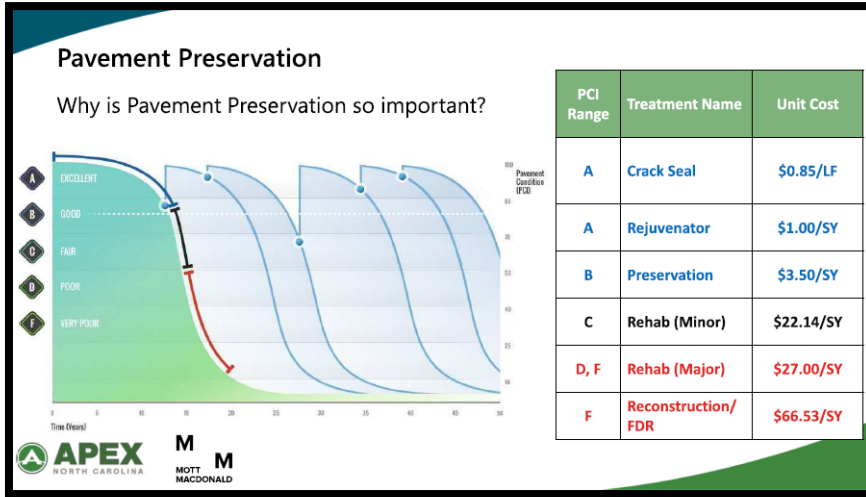





7
8

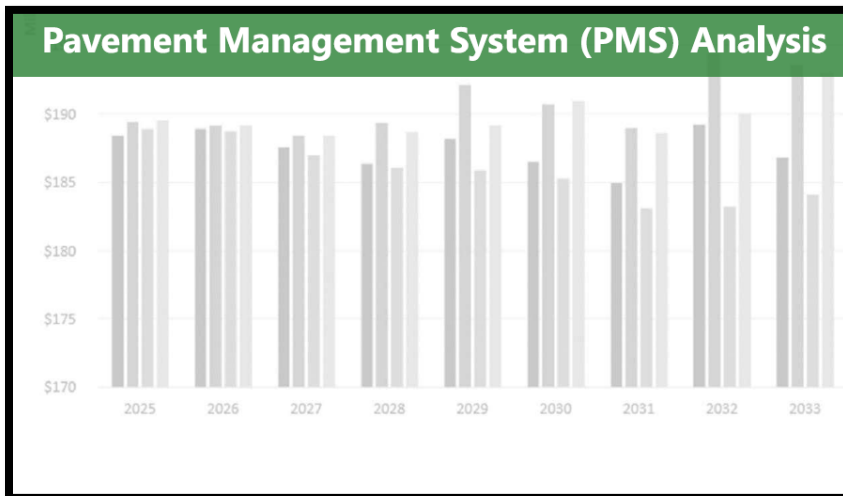
1
2

[SLIDE-20]



3
4

[SLIDE-21]



5
6

[SLIDE-22]

Pavement Management System Analysis

AgileAssets Pavement Analyst Software

Multiple Budget Scenarios

- Utilized current budgets and requested budgets to determine benefits of increased funding

Inflation calculation was utilized in current analysis

- Inflation concerns have been significant in the past few years since pandemic
- An inflation rate of 2.5% was utilized in the analysis

Neighborhood Grouping Analysis

- Groups projects by neighborhood
- Reduces mobilization costs and reduces disruption to residents

APEX NORTH CAROLINA **M** MOTT MACDONALD

7
8

1
2



[SLIDE-23]

Pavement Management System Analysis

Two Funding Levels Analyzed

Current Budgets		Requested Budgets (asphalt)		*CIP requests	
FY 23-24	\$2,200,000	FY 24-25	\$2,800,000	FY 24-25	\$3,500,000
FY 24-25	\$2,300,000	FY 25-26	\$2,900,000	FY 25-26	\$3,625,000
FY 25-26	\$2,400,000	FY 26-27	\$3,000,000	FY 26-27	\$3,750,000
FY 26-27	\$2,500,000	FY 27-28	\$3,100,000	FY 27-28	\$3,875,000
FY 27-28	\$2,600,000	FY 28-29	\$3,200,000	FY 28-29	\$4,000,000
Future	\$2,700,000	Future	\$3,300,000	Future	\$4,125,000

* Includes curb ramp retrofits for Public Right-of-Way Accessibility Guidelines (PROWAG) compliance

3
4



[SLIDE-24]

Pavement Management System Analysis

Scenarios included in PMS Analysis

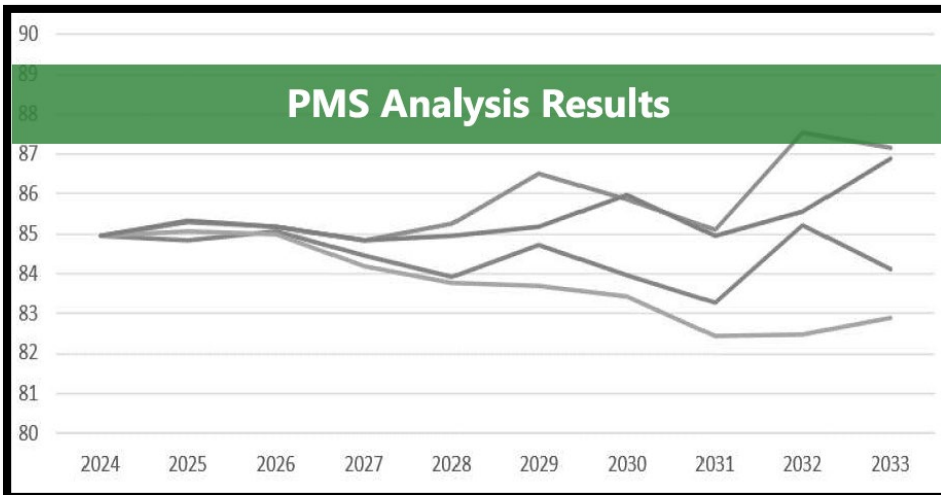
Scenario	Scenario Length	Scenario Type
Current Budgets – No Limit On Preservation	10 years	*NGA - Optimized
Requested Budgets – No Limit On Preservation	10 years	*NGA - Optimized
Current Budgets – 40% Limit On Preservation	10 years	*NGA - Optimized
Requested Budgets – 40% Limit On Preservation	10 years	*NGA - Optimized

* Neighborhood Grouping Analysis, 2.5% inflation rate used

5
6

[SLIDE-25]



7
8


1
2

[SLIDE-26]

PMS Analysis Results

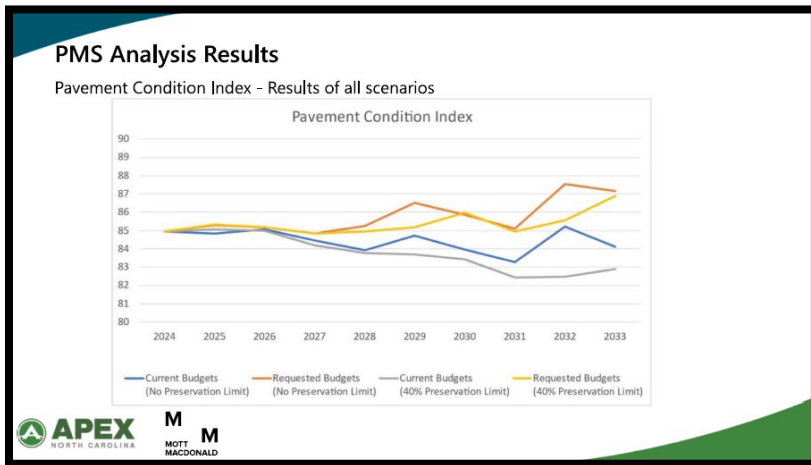
Pavement Condition Index - Results of all scenarios

Year	Current Budgets (No Preservation Limit)	Requested Budgets (No Preservation Limit)	Current Budgets (40% Preservation Limit)	Requested Budgets (40% Preservation Limit)
2024	84.95	84.95	84.95	84.95
2025	84.83	85.28	85.06	85.33
2026	85.05	85.18	84.99	85.18
2027	84.46	84.83	84.20	84.83
2028	83.93	85.25	83.78	84.95
2029	84.74	86.51	83.70	85.17
2030	83.98	85.86	83.42	85.98
2031	83.27	85.10	82.43	84.94
2032	85.20	87.54	82.49	85.57
2033	84.12	87.16	82.89	86.89



3
4

[SLIDE-27]




5
6

[SLIDE-28]

PMS Analysis Results

Remaining Asset Value - Results of all scenarios

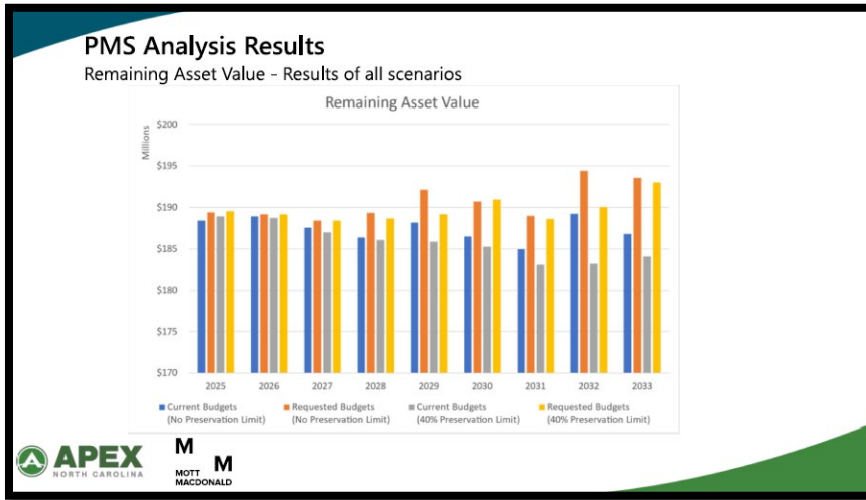
Year	Current Budgets (No Preservation Limit)	Requested Budgets (No Preservation Limit)	Current Budgets (40% Preservation Limit)	Requested Budgets (40% Preservation Limit)
2024	\$ 188,401,929	\$ 189,400,043	\$ 188,919,864	\$ 189,510,870
2025	\$ 188,900,763	\$ 189,192,158	\$ 188,760,841	\$ 189,174,168
2026	\$ 187,579,273	\$ 188,403,705	\$ 187,017,140	\$ 188,416,365
2027	\$ 186,405,922	\$ 189,332,969	\$ 186,078,770	\$ 188,663,784
2028	\$ 188,196,042	\$ 192,130,309	\$ 185,896,871	\$ 189,167,727
2029	\$ 186,514,307	\$ 190,685,997	\$ 185,277,436	\$ 190,959,402
2030	\$ 184,948,951	\$ 189,007,149	\$ 183,072,656	\$ 188,640,685
2031	\$ 189,224,584	\$ 194,421,707	\$ 183,206,360	\$ 190,057,234
2032	\$ 186,833,019	\$ 193,578,618	\$ 184,108,527	\$ 192,977,618
2033	\$ 188,401,929	\$ 189,400,043	\$ 188,919,864	\$ 189,510,870



7
8
9
10
11

1
2

[SLIDE-29]



3
4

[SLIDE-30]



5
6

[SLIDE-31]

- ### Conclusions and Recommendations
- The Town's network continues to grow quickly (up 15% since 2020)
 - The Town has spent considerable funds on the resurfacing program which has paid off in increased condition.
 - The network is currently in quite good condition with a weighted average network PCI of 84.8 (5.5-point increase since the last survey).
 - This 5.5% increase in PCI represents an increase of approximately \$12.2M in the value of the network.
- Logos: APEX NORTH CAROLINA, MOTT MACDONALD

7
8
9


1
2

[SLIDE-32]

Conclusions and Recommendations

The Town will benefit greatly by increasing the use of preservation treatments.

- Preservation treatments extend the life of asphalt pavements in good condition. Good roads cost less to maintain since less expensive treatments can be applied.
- Rejuvenators help maintain the surface of new asphalt:
 - Delaying oxidation and raveling
 - Slow environmental cracking
- Preservation treatments provide positive long-term impacts by slowing deterioration which may not be fully seen until after the 10-year analysis period.




3
4

[SLIDE-33]

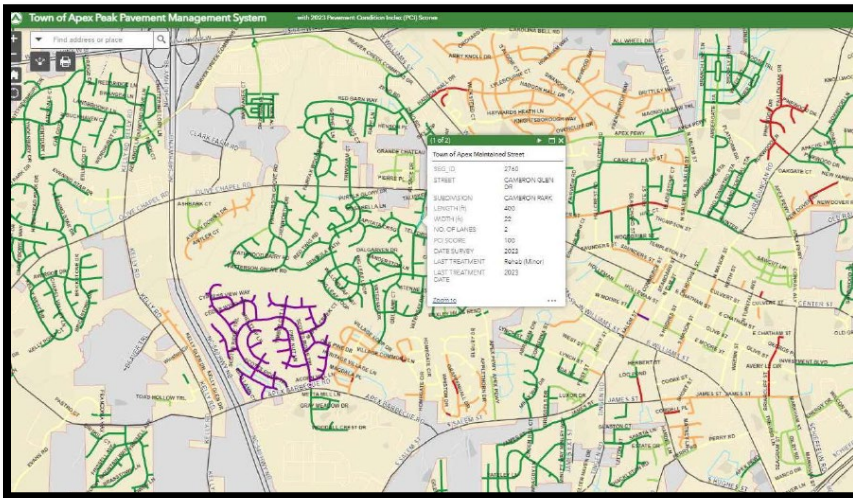
Conclusions and Recommendations

- If the Town increases annual pavement budgets as recommended, Town should continue to see an increase in overall PCI scores and value of the street network over the next 10 years.
- Additional funding will help preserve and maintain the previous investments made through the 2021 Streets and Sidewalks Bond.



5
6

[SLIDE-34]



7
8

1
2

[SLIDE-35]

Subdivision	PCI
Brookfield	38.4
Waterford Green	40.3
Perry Farms 1&2, Perry Village, Winslowe	42.8
Kelly Glen	43.9
Haddon Hall	47.8
Woodridge	51.7
Shepherds Vineyard Phase 6&7	53.8
Ashley Downs Phase 2&3	55.3
Green at Scotts Mill	55.4
Miramonte	56.7
Whitehall Village & Manor	59.8

3
4

[SLIDE-36]



5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

Tracy Pilson, thanked the Council for letting them come speak about their recent project with the town to do a pavement management analysis for the town. She said the town of Apex maintains 240 centerline miles of road, which is large network for the population. Mott MacDonald did a pavement management study which included pavement condition survey of all of the towns-maintained streets and then the pavement management system analysis and the payment management data was collected last summer in 2023. The purpose of collecting data for pavements is to characterize the in-service pavements to determine the current condition and then model the expected performance of those pavements over time. The town transitioned from a manual to an automated data collection. The purpose of this is to try to eliminate human subjectivity from manual data collection to automated data collection. She presented a picture of one of ARB systems data collection vs ARB system, which was the company that did the data collection. On this slide, she explained how the system collects pictures of the cracking data with cameras used for the study. She explained what the crack density approach is that was used for this study and the benefits of using the crack density approach. Ms. Pilson explained treatment options and maintenance treatments and why payment preservation was so important. She spoke about the analysis that was conducted

1 and the budgetary implementations and the PMS Analysis results. Ms. Toler explained how the Town
2 could pay with bond money for the treatments.

3 **Mr. Stephenson** gave information to the online tool and that the takeaway was to continue
4 the funding.

5 **Mayor Pro Tempore Gray** made a comment on the hard work and managing the growth,
6 and thanked Mr. Stephenson for his work.

7 **Councilmember Zegerman** asked about the difference in the current budget and future
8 budget. He asked if there would be a digression in maintenance if the levels are maintained rather
9 than increased.

10 **Mr. Stephenson** said that was why they would request the amount needed annually to
11 maintain the streets properly.

12
13
14 **PR2 Proclamation - Child Abuse Prevention Month - April 2024 (REF: PRO-2024-006)**

15
16 **Mayor Gilbert** said that Joshalin Williams, Karen Morant, Sandy Wyndham, Allison
17 Thompson and Kelly McNeil Williams would be receiving the Proclamation. Council read the Child
18 Abuse Prevention Proclamation in unity. Mayor Gilbert invited each recipient up to receive the
19 Proclamation and take a picture.

20 **Karen Morant**, Regional Director of Wake County Health and Human Services, said it was an
21 honor and privilege to be here. She said this is an opportunity for every year in April to raise
22 awareness for how it is important to all work together collectively. Ms. Morant thanked the Mayor,
23 Council and Staff for their continued partnership.

24
25 **Councilmember Gantt** arrived at 6:15 p.m.

26
27 **PR3 Proclamation - National Telecommunicator Week - April 14 through April 20, 2024**
28 **(REF: PRO-2024-007)**

29
30 **Mayor Gilbert** said this Proclamation would be read by Mayor Pro Tim Gray and other
31 Council members individually. Mayor Gilbert thanked them for their service. Mayor Gilbert invited
32 Chief Armstrong and other staff members to receive the Proclamation and take a picture.

33 **Chief Armstrong** thanked the Mayor and Council for the recognition. He said these first
34 responders are the unseen heroes, and the department cannot work without them. He said he is
35 proud of this team, and they are part of what makes the Apex Police Department the best in North
36 Carolina.

37
38 **PR4 Proclamation - Nepal Day 2024 - Saturday, April 20, 2024 (REF: PRO-2024-008)**

39
40 **Mayor Gilbert** said that the Proclamation would be read by Council members. Mayor Gilbert
41 invited Bikash Shakya, the President of the Nepal Center of North Carolina, up to receive the
42 Proclamation.

43 **Mr. Shakya** thanked the town for recognizing Nepal Day. He said it was an honor for Nepali
44 community, which consists of nearly 10,000 people in the Research Triangle area, to have a

1 partnership with and support from the Town of Apex. Mr. Shakya invited the members of the Nepali
2 Community in attendance to join in a picture with the Mayor and Council.

3
4 **PR5 Proclamation - World Autism Acceptance Month - April 2024 (REF: PRO-2024-009)**

5
6 **Mayor Gilbert** said that Cheryl Byrne would receive the Proclamation. The Council read
7 sections of the Proclamation individually. Mayor Gilbert invited Ms. Burns and any families that are
8 affected by autism to come up to receive the Proclamation. Ms. Burns then took a picture with Mayor
9 Gilbert and Council.

10 **Ms. Byrne** thanked the Mayor, Council and Staff on behalf of families in Apex and the
11 surrounding communities.

12
13 **PR6 Presentation - Think Apex Awards - 2024**

14
15 **Mayor Gilbert** introduced Barbara Belicic, Small Business Specialist, Economic Development
16 Department. Ms. Belicic welcomed everyone to the Think Apex Awards presentation. Ms. Belicic
17 gave history and information about the Think Apex Awards. She recognized each of the nominees
18 for each category. Ms. Belicic then recognized the top thinker for each category and asked that each
19 come up to receive their award and a picture with the Council. Ms. Belicic thanked all nominees and
20 winners on behalf of the Town of Apex. Ms. Belicic invited all the winners to come up for a group
21 photo.

22 **Mayor Gilbert** announced a 10-minute recess at 7:07 PM

23
24 **Council** returned at 7:17 PM

25
26 **[REGULAR MEETING AGENDA]**

27
28 A **motion** was made by **Mayor Pro Tempore Gray**, seconded by **Councilmember**
29 **Zegerman**, to approve the Regular Meeting Agenda as presented.

30
31 **VOTE: UNANIMOUS (4-0) - Councilmember Mahaffey absent**

32
33
34 **[PUBLIC FORUM] (NOTE: To view Public Forum and Public Hearing Sign in Sheets, see OTHER-**
35 **2024-055)**

36
37 First to speak was **Beth Bland** of 3724 Friendship Road:

38
39 "I just wanted to tell you I felt that the town planning staff did well in their presentation of the Apex
40 Western Big Branch area plan, the 2045 area plan. It was also nice to see a lot of you there and a lot
41 of the staff were there to answer questions and to go over everything. I do have to say that
42 unfortunately none of the three options that were presented works for anything in our
43 neighborhood. So, we are Kill Castle Farm, which is four residential properties and a barn property

1 that has a 15-stall horse barn. We all support that barn, and our covenants don't even allow for our
2 property to be divided, and our covenants do not expire. I know I've told a number of you that
3 already, but I just wanted to make sure that I said it here also. Two of the scenarios show a connector
4 road from Bosco Road going through our neighborhood to connect to Friendship Road, and they
5 also show our properties being designated as light industrial or commercial use. The third option
6 shows us as rural transition density, one house per acre which doesn't work when our covenants
7 don't allow for our properties to be divided. So we as Kill Castle Farm neighborhood have sent our
8 survey back, as a collective group rejecting the scenarios and asking to remain rural. I also wanted
9 to point out that Kill Castle Farm is not within the Town of Apex limits and we are not in your ETJ, so
10 we are Wake County. As an almost 40-year resident, my hope is that some of the Apex that many of
11 us moved here for which is rural, which you know is land, being able to be out in what I consider to
12 be you know, the country, but close to a town, can remain and will survive. So, I'm interested in how
13 the surveys and what will be put out, so I'll look forward to that. Thank you".

14

15 **Mayor Gilbert** thanked Ms. Bland.

16

17 Next to speak was **Cynthia Minkov**, owner of 221 North Salem Street:

18

19 "We greatly appreciate the recent efforts of the Planning staff board and the Town Council to create
20 additional parking in downtown and to mitigate the impact of the construction process and we are
21 grateful that our voices have been heard with regards to that mitigation. In new business today on
22 your agenda, you'll be asked to consider the mitigation plan for the Saunders Street lot construction.
23 Assuming that the recommendations to the Council are as we discussed in the meeting on March
24 18th, the downtown business owners ask that you listen to the staff, who has listened to the people,
25 and approve their recommendations for mitigations including the delayed start of the Saunders
26 Street lot construction for after the holiday season of 2024. At the Town Council meeting on
27 February 27th where the zoning was approved, I heard several of the Council members say, 'I just
28 want to get this done', well guess what, it's not about you, it is about the business owners who urged
29 the creation of the downtown plan in the first place, and the constituents who will benefit from it.
30 Neither of them will benefit from less parking during the holiday season and we've already talked
31 about why. You can spin the parking availability numbers any way you want to make it look like
32 parking won't be an issue, but it will be. Some of you said, 'Well we can't guarantee that it won't
33 impact the holiday season in 2025, we might as well just start in June anyway', no you can't
34 guarantee it, but at least it's more likely. Plus, you in this case, will be the customer of the contractor.
35 You should be in the power seat. The comments I heard at Town Council meeting suggested that
36 the contractors were in charge. With good planning, a good contractor and a mutual understanding
37 of expectations, this project can be completed between January and August of 2025. Thank you for
38 your time."

39

40

41 Next to speak was **Dawn Cozzalino** of 3632 Bosco Road:

42

43 "Good evening. It was very refreshing to see the Town Council and the staff at Western Big Branch
44 open house, really do appreciate that, thought they were well run, it was a positive vibe with the

1 engagement, one-on-one, and it was very important that we had the community engagement.
2 However, I just want to point out that we again had input from other members that are not part of
3 our community involved in the process, so that would be my hope in the future, that we could can
4 just limit really the input to the specific area of the study or the group or the progress in the planning
5 directives so that it is not open to others that do not live in the area that are not impacted in the
6 community. As Beth had mentioned, our community has rejected all the options that were put forth.
7 Some of them it's just really hard to understand, it's very frustrating to see a road through 30
8 properties when there's no roads of that mass there today. It's a rural community, it's a historic farm
9 community. It seems that the 3 options are more following a city footprint, so this is very common for
10 Apex, to kind of use that same look and fell, but we are a rural community and there needs to be a
11 good transition between us and the bordering communities. We respect the environment, we
12 respect our trees, we are a critical watershed. We have a lot of complementary businesses to the
13 area; dog training, horse stables, training, wedding events, koi-fish, could list a dozen of those
14 businesses contributing to the economy of North Carolina as well as employing many different folks
15 involved in the agricultural industry: farriers, vets, feed, you know, you name it. So, we are
16 supporting it two ways, we are giving and we are also supporting those that are supporting us, and
17 we love our community. Our intentions by responding to the survey were to show you that we want
18 things to remain rural, we want to be a rural community, that's our identity, and that's what makes us
19 very, very unique. Thank you very much."

20

21 **Mayor Gilbert** thanked Ms. Cozzalino

22

23 Next to speak was **Lama Wafa:**

24

25 "I'm a Palestinian American and a proud member of the party for Socialism and Liberation, PSL. I
26 come before you with a heavy heart. We are in the sixth month of Israel's genocidal war on Gaza.
27 Palestine may seem far away, it may seem unrelated to our lives in North Carolina, but as we sit in
28 relative safety her in Apex, a genocide is being financed in Gaza with billions of our tax dollars. As
29 community members, we have to keep raising our voices and say not in our names and not with our
30 tax dollars. Israel is acting in complete defiance of the international court of justice which has
31 ordered that Israel take immediate and effective measures to enable the provision of urgently
32 needed basic services and humanitarian aid. Israel is enacting collective punishment on the entire
33 population of Gaza, one of the hallmarks of genocide. Israel has mercilessly bombed hospitals killing
34 sick and injured people, cancer patients, the elderly and newborn babies, along with their mothers.
35 Israel has massacred lines of people who were waiting for food rations, so their families didn't have
36 to eat bold grass at least one meal. Israel also killed humanitarian workers in a measure for flagrance
37 that the Biden Administration has started to change its own tone with Israel. This is just a glimpse
38 into the suffering inflicted upon the Palestinian people since the start of this war, tens of thousands
39 of Palestinians have been murdered and more than 77 thousand have been injured. Israel has shown
40 no signs that it is going to stop. How much more of this do we need to witness until we say enough?
41 In the words of Dr. Martin Luther King, Jr., there comes a time when silence becomes betrayal. As
42 Israel commits genocide every moment and complicity is another drop of blood in our hands. It is
43 sinful for us to sit around and do nothing as Israel continues to commit atrocities. It is our duty as
44 citizens of a country of plenty, where we have a right to freedom of speech, and we have so many

1 resources to use our platforms and whatever power we have to call for a ceasefire to stop funding
2 Israel's atrocities and demand an end to the colonial occupation of Palestine. This conflict did not
3 begin on October 7th, this war is a result of the 1948 Nakba where 75 years ago, Israel expelled
4 750,000 Palestinians from their homes and villages and killed tens of thousands of Palestinians. This
5 war is the result of 75 years of opposition, 75 years of a hellish apartheid system and of almost two
6 decades of siege, isolating Gazans from the world and depriving it of necessities like food, water and
7 medicines and defines of international law and of presidents set at Nuremberg after World War II.
8 Israel is attempting to erase Palestine by committing genocide in full view of the world. Under these
9 circumstances calling for a ceasefire is the bare minimum. A ceasefire is only a humanitarian
10 measure to end Israeli's mass killing in Gaza. Members of the Apex Town Council, I ask you to follow
11 the leads of millions around the world, including many thousands in our country and state who
12 continue to stand in solidarity with the Palestinian people. I ask for you to show that we care about
13 human rights and won't stand for genocide. Our Town Council should say loud and clear, ceasefire
14 now!"

15
16 Next to speak was **Alexis Kennedy** of 106 Buck Haven Court.

17
18 "Good evening, Council members, tonight I would like to talk to you about the things that I have
19 learned about in the last 185 days. While I'm a scientist by profession, I have the heart of a historian.
20 As a child I would read deeply into history, always wondering why, why would people not step in for
21 what is right. I read into the 20th century genocides, Rwanda, Native Americans, my own people, the
22 Mayans in Guatemala, genocide in Bengal India during World War II caused by the British and then
23 of course the genocide that all of us learned about, the Holocaust, and I thought, why did these go
24 on for so long? Why did people allow 6 million, 7 million, 8 million, 9 million people to die and I
25 think it's because people didn't want to cause ripples, they want to put their heads down, do a good
26 job and keep their families safe. Our society has designed a self-survival. When you stand up to the
27 government, you also have to stand up to family members and it causes ripples. This causes fights
28 internally, myself included. People don't want to break the status quo, it's easier to stay in your lane
29 or ignore it because at least it's not happening to you. Or the hardest one, which is to acknowledge
30 you actually have a heavy hand in these atrocities, indirectly or directly. We have to dig deep and
31 think about how our lifestyle is built on the backs of oppression and slaughtering of people, and
32 that's a really hard thing to think about. How do you make those right and I think I've learned in these
33 last 185 days that there is a way to make it right, that's by, when you see another group being
34 oppressed the way many of the people in this room's own family members were oppressed, if they
35 were Irish, if they were Jewish, if they were Muslim, if they were African-American, if they're Latin
36 American, we all have history of oppression and the only way to right the wrongs of the world, past
37 and present, is to protect the people that are being oppressed now, that are being murdered in
38 their own homes day in and day out with erasure of their culture. I am the daughter of two genocides
39 and the product of a political coup. As a child, I would dream about how I could have saved my
40 family or rescued the ones lost in mass murder, but that's all I can do, is dream, but here now I can
41 be part of a movement that saves the lives of Palestine and other countries like the Congo and
42 Sudan. Every person has their peace in this complex puzzle called the world and here in Apex are
43 starts with supporting a permanent ceasefire in Palestine. Putting humanity first, rehumanize the lives
44 that have been dehumanized, people are not numbers, children especially are not numbers, and as

1 14,000 children's lives are gone, we can't get them back, but we can protect the children that are
2 alive and stop Israel's slaughter, every minute counts. Thank you."

3
4 **Mayor Gilbert** thanked Ms. Kennedy.

5
6 Next to speak was **Phil Welch** of 1471 Big Leaf Loop:

7
8 "First, I thank you for responding to my request a year ago to support Apex's first home repair fair.
9 Some of you helped spread the word in our neighborhoods, many of you showed up in person at
10 the fair, your support definitely made the difference. This year the Community Development and
11 Neighborhood Connections Department is organizing Apex's first full scale housing fair. Its purpose
12 is to provide existing and aspiring community members with the opportunity to learn about all
13 things related to housing such as, preparing for home ownership, available resources for first time
14 home buyers, affordable rental housing options, home rehabilitation programs, housing policy, fair
15 housing, homelessness prevention, and more. Participating providers will include Rebuilding
16 Together of the Triangle, resources for seniors, North Carolina Housing Finance Agency, Wake
17 County's Housing Affordability and Community Revitalization Department, the Town of Apex,
18 Habitat Wake and many more, about 30 in all. There will be new activities this year as part of Think
19 Apex Day, which is the same day, volunteers can participate in a supervised project doing minor
20 home repairs in the Apex Community under the direction of our partner Rebuilding Together of the
21 Triangle. Also, workshops will be presented on preparing for home ownership by the Truist Bank
22 and Fair Housing and tenants' rights presented by the North Carolina Human Relations Commission.
23 The housing fair will be held on Saturday, April 27th from 9:00 a.m. to 1:00 p.m. in our beautiful
24 Senior Center. Once again, I ask for your help in publicizing this community wide event and please
25 consider stopping by that morning to learn more various housing assistance programs available to
26 our residents. Together we can help ensure that the peak of good living begins with the opportunity
27 for all of our residents and essential workers to have their choice of a variety of safe, good quality
28 homes that cost less than a third of their household incomes. Thank you."

29
30 **Mayor Gilbert** thanked Mr. Welch.

31
32 Next to speak was **Daniel Kahana**.

33
34 "I'm coming here from Durham because of the lies that have been said. As you can see in the graph
35 over here this the genocide that happened in Rwanda, the number go down, over here this is the
36 genocide that happened right now for the Muslim in China, the number go down. This is the Jews,
37 they never come back to the number pre-World War II. You say that those numbers over here when
38 you see the Arabs in Judea and Samaria, Gaza strip and in Israel, because we have 2 million Israeli
39 Arabs, increase their numbers by 5 times, it is not a genocide guys, this is a lie, this is just a pressure
40 that they go and into City Council in order to pressure Israel to stop the war against Hamas, because
41 Hamas started war on October 7, that he put his end to it, so they grow five times more. Even if you
42 believe the number of Hamas run Administrative of Health, which is 32,000, they didn't was right
43 about the numbers, which extremely fabricate the number, the ratio of terrorist vs. civilians is one to
44 1.5. This is the lowest ratio in warfare in modern. We are talking in open area, 1 to 1.5, this is the

1 lowest record, better than Afghanistan, better than Iraq. So, one thing you would not hear from
2 those people, the word peace. Those people represent the approach of the Palestinian groups of
3 terror which they had opportunity after opportunity to create peace in the Middle East, all of those
4 ones they said no to all of those instead, they go ahead and put a price tag on my head and on my
5 Jewish family. Every people that they kill, they pay by the like the months that Israel gave them or
6 years of penalty in the prison. They pay attribute for the death of my people and it's time to say this,
7 Jews, as our name suggested, come from Judea. It's in the old in the Quran in the new testimony, in
8 the old Bible. We come from Israel. Judea, those people that come over here and says that we are
9 not native, this is far from the truth. These are the citizens of Gaza, I put over here a QR code for you
10 guys to see that yourself, they are demanding that Hamas will leave them. Video after video, you can
11 see them beg about Hamas to leave them. Why? Cause they steal their humanitarian aid, he give it
12 to the terrorist first, then he sell it in the black market to make more money on the poor people. The
13 leaders of Hamas sit in Qatar with \$11 billion, you want to tell me that with \$11 billion, you cannot
14 create Society? No, they can, there is a better future for the Middle East and it's not with Hamas.
15 Thank you very much."

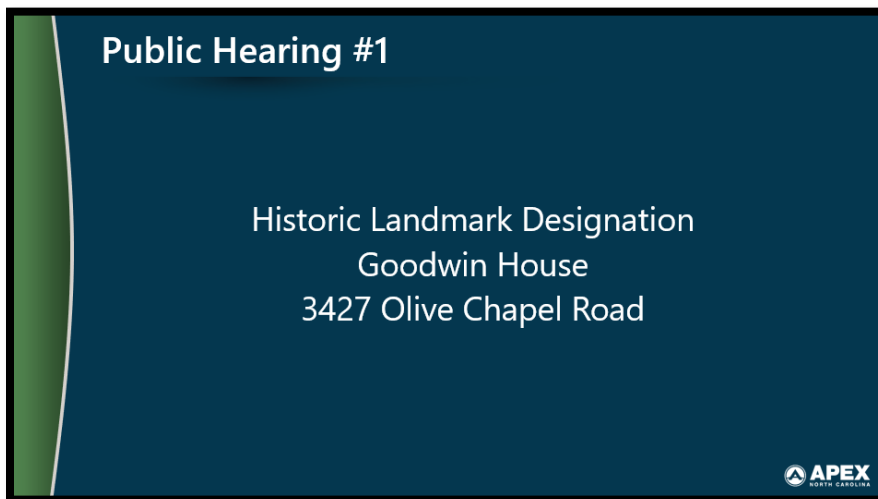
16
17 **Mayor Gilbert** thanked all that came out to speak.

18
19
20 **[PUBLIC HEARINGS]**

21
22
23 **PH1 3427 Olive Chapel Road - Historic Landmark Designation - Goodwin House**

24 **Liz Lofton**, Senior Planner gave the following information regarding 3427 Olive Chapel Road
25 - Historic Landmark Designation - Goodwin House.

26
27 **[SLIDE-1]**

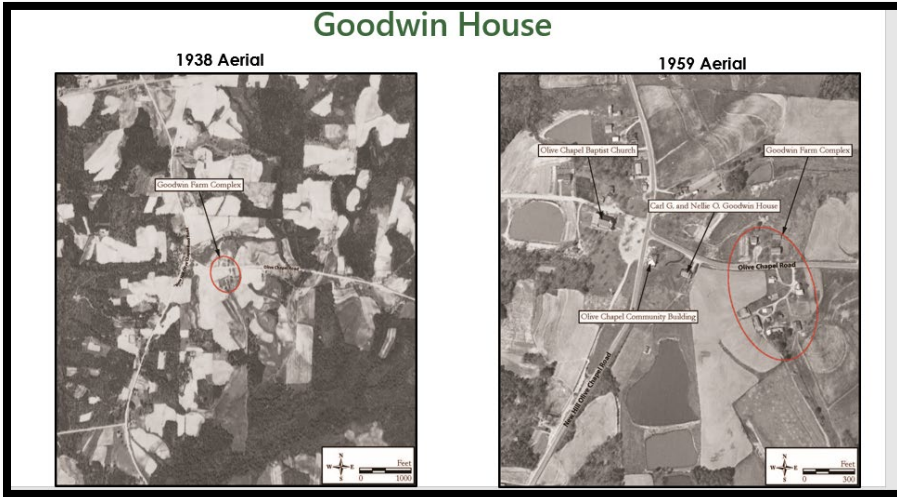


28
29
30
31
32

1 [SLIDE-2]



2
3 [SLIDE-3]



4
5 [SLIDE-4]



6
7
8

1 **[SLIDE-5]**



2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

Jeremy Brad, Preservation Specialist, Calvary Preservation gave more information and history.

Jeff Hastings, Wake County Historic Preservation Commission, Vice Chair presented the official recommendation to the Council.

Mayor Pro Tempore Gray said it was important to preserve history, as it gave a reminder of how far we've come and a milestone for where we are going. He thanked everyone for bringing this property to their attention.

Mayor Gilbert then opened up the public hearing. With no sign ups, he closed public hearing and moved discussion back to Council.

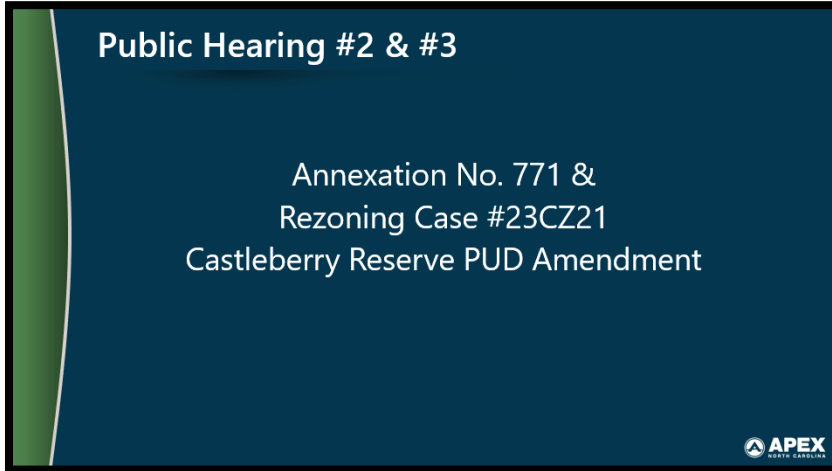
A **motion** was made by **Councilmember Killingsworth**, seconded by **Councilmember Gantt**, to approve the Historic Landmark Designation for 3427 Olive Chapel Road - Goodwin House.

VOTE: UNANIMOUS (4-0), with Councilmember Terry Mahaffey absent

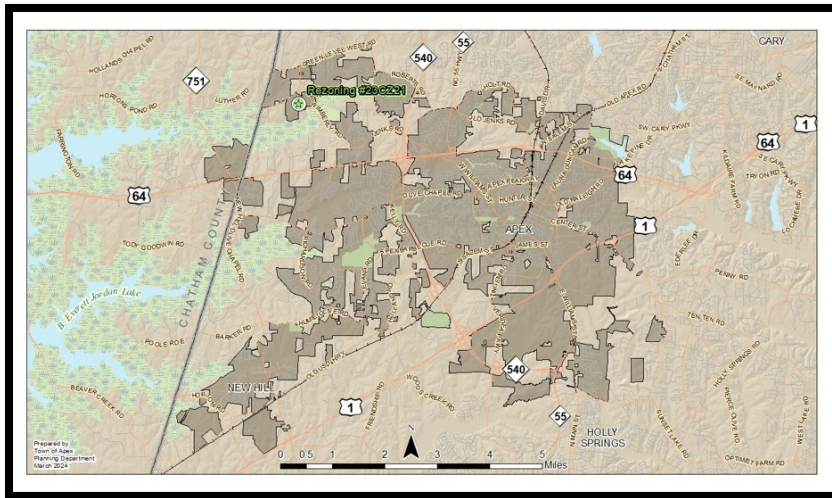
PH2 Annexation No. 771 - Castleberry Reserve - 13.52 acres

June Cowells gave the following information regarding Annexation No. 771 - Castleberry Reservation - 13.52 acres.

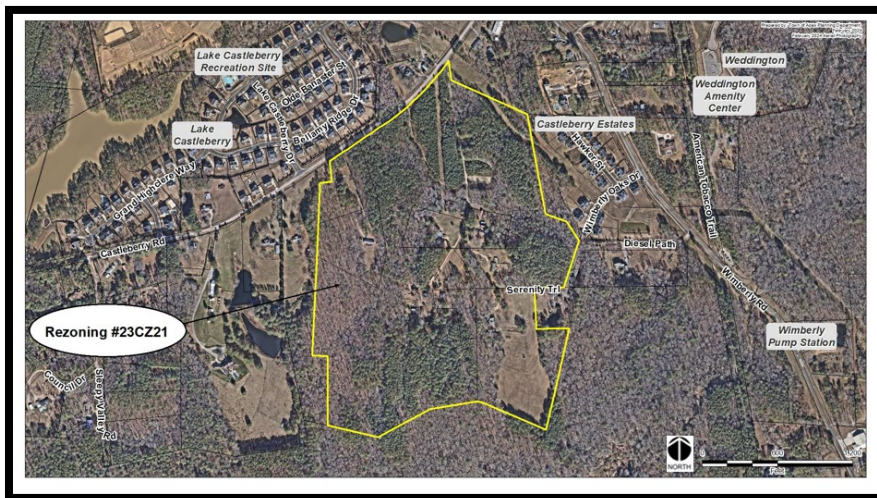
1 [SLIDE-1]



2
3 [SLIDE-2]



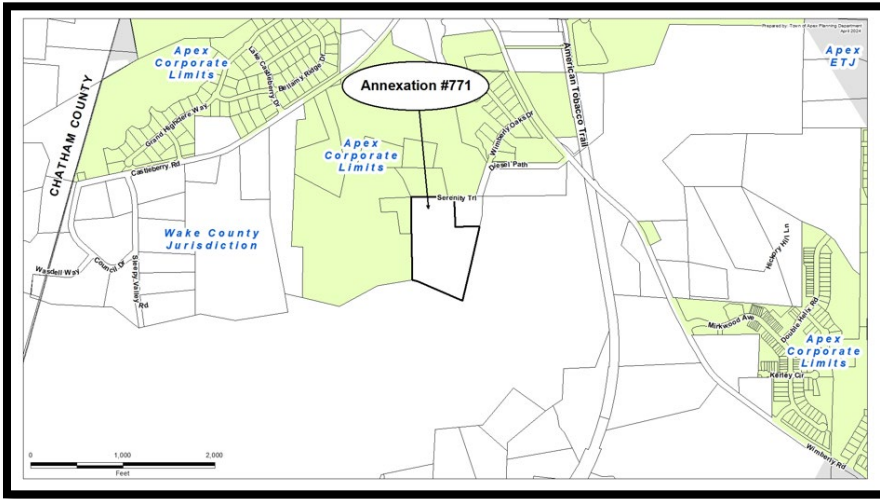
4
5
6 [SLIDE-3]



7
8

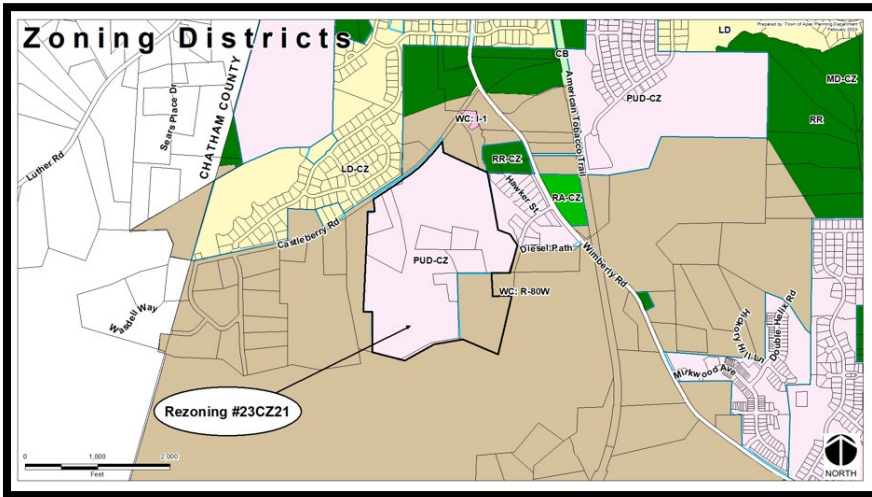
1
2

[SLIDE-4]



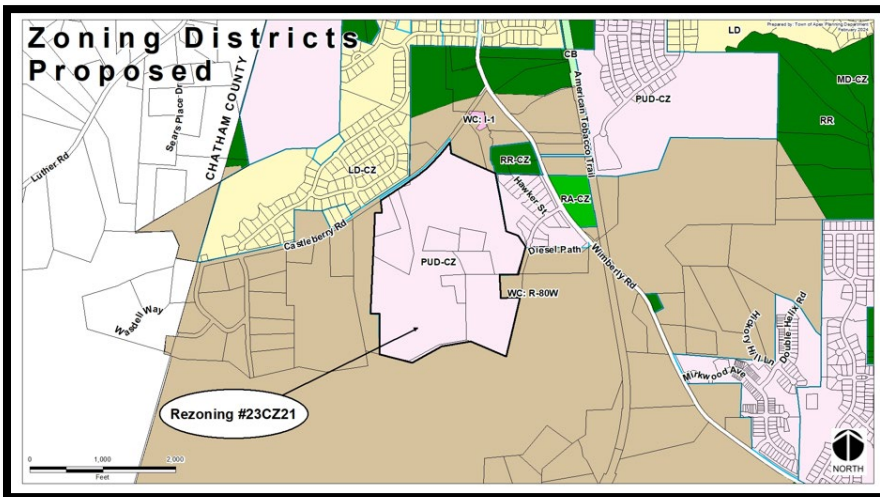
3
4

[SLIDE-5]



5
6
7

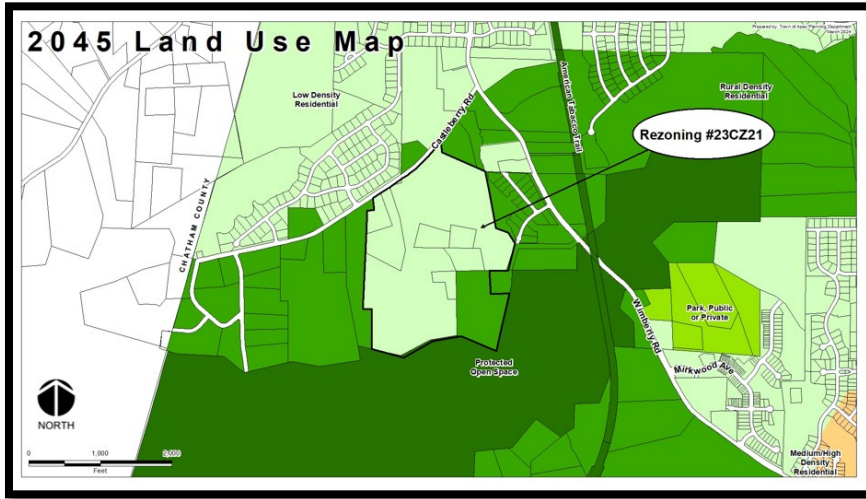
[SLIDE-6]



8

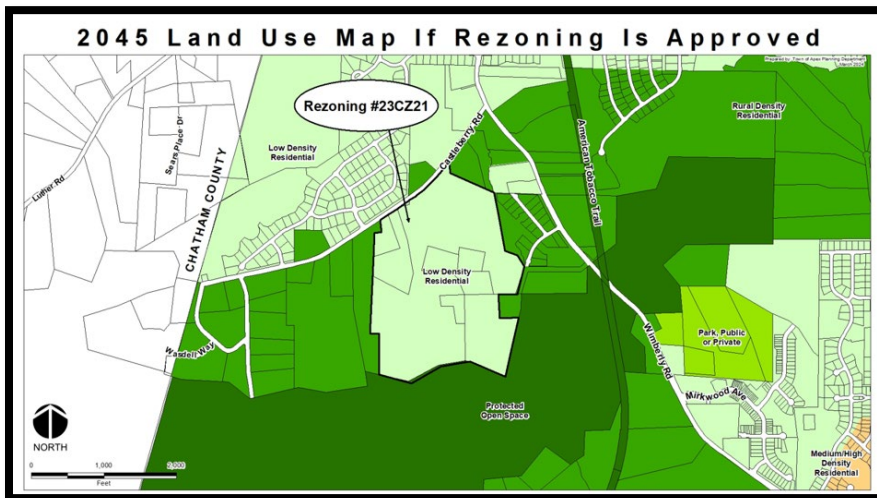
1
2

[SLIDE-7]



3
4

[SLIDE-8]



5
6
7

[SLIDE-9]

**Castleberry Reserve PUD Plan
Approved Sept 12, 2023**

- Maximum density 1.65 units/acre. (148 units)
- 450-foot buffer adjacent to Protected Open Space property
- Preserved 25% existing tree canopy
- Northern District minimum lot size 8,000 sq ft
- Southern District minimum lot size 10,000 sq ft
- Solar commitment to 20 homes

450 ft Buffer

North

8

1
2

[SLIDE-10]

Castleberry Reserve PUD Plan Approved Sept 12, 2023

Upgrade the existing American Tobacco Trail and Wimberly Road Crossing:

- High visibility crosswalk markings and signs.
- Install a push button rectangular rapid-flashing crosswalk beacon system



3
4

[SLIDE-11]

Castleberry Reserve PUD Plan Approved Sept 12, 2023

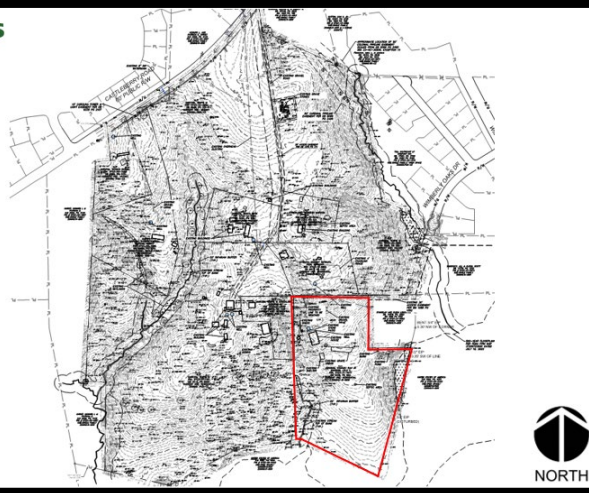
- Castleberry Road 2-lane roadway. Install grassed swale and a 5-foot sidewalk south of the grassed swale.
- Construct a 5-foot wide offsite sidewalk along the adjacent property to the existing Lake Castleberry Drive. If the developer cannot attain necessary offsite ROW and/or easements, a fee in lieu for the cost of the sidewalk.



5
6

[SLIDE-12]

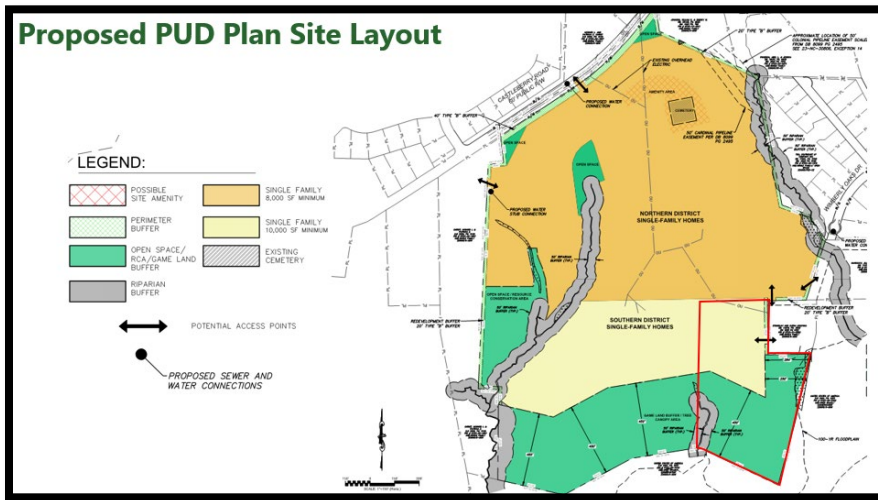
Existing Conditions



7
8

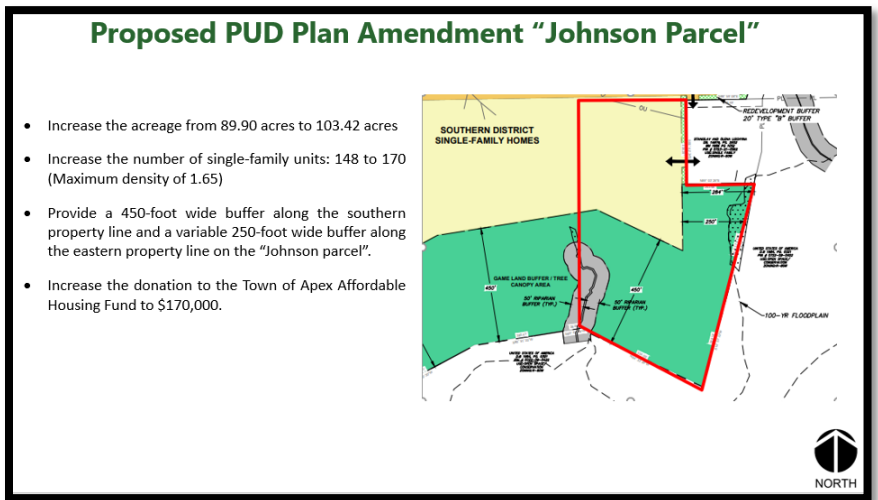
1
2

[SLIDE-13]



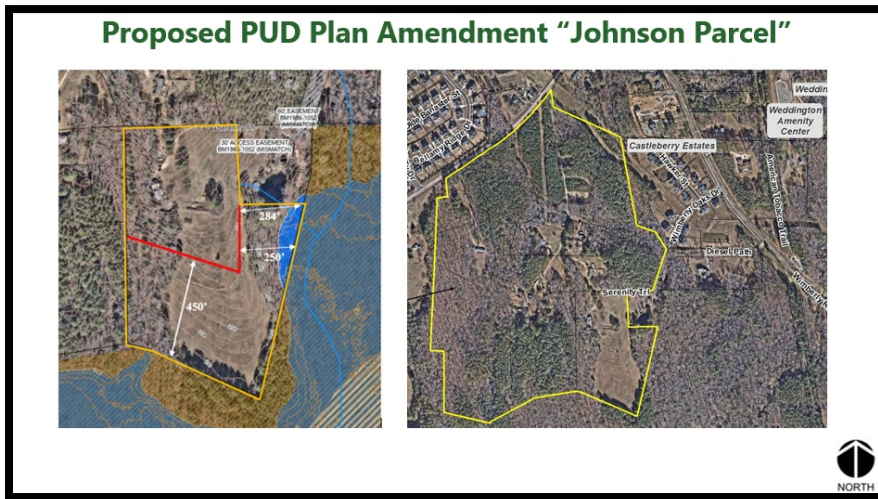
3
4

[SLIDE-14]



5
6
7

[SLIDE-15]



8

1
2

[SLIDE-16]



3
4

[SLIDE-17]

**Recommendation for Approval of Castleberry Reserve
PUD Plan Amendment Rezone**

While not consistent with the current Rural Density Residential classification on the 2045 Land Use Map, staff is able to support the rezoning for the following reasons:

- The “Johnson Parcel” includes the 450-foot wide buffer along the southern property line adjacent to the protected Open Space which is consistent with the approved Castleberry Reserve PUD Plan.
- The “Johnson Parcel” includes a variable 250-foot wide buffer along the eastern property line adjacent to the protected Open Space.
- All approved PUD Plan uses and development standards would apply to the “Johnson Parcel”.

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

Matthew Carpenter of Parker Poe, on behalf of the applicant, gave the following presentation.

Mayor Gilbert then opened up the public hearing. With no sign ups, he closed public hearing and moved discussion back to Council.

Mayor Pro Tempore Gray said he had an opportunity to watch the Planning Board meeting, and there were questions. He said that all those questions were vetted out and a lot of questions were answered during that component. He said he appreciated the staff highlighting a number of those items. He said it is a great example of how the Planning Board was very skeptical the first time it came around, and they made the adjustments as necessary. He said that there were some conversations with Council, and he felt like a lot of what those concerns were being reflected again within this application, so he felt good about being able to recommend this and thought that the vetting done by the Planning Board helped Council come to a better conclusion.

Councilmember Zegerman said that he disagreed. He said he didn't like this development the first time it came around, and he still doesn't like it. He said it's not that he didn't appreciate all the concessions that the developer had made but based on the requests and plan feedback back in

1 September. He said he appreciated the 450-foot buffer and the extended buffers along the sides of
2 the property, he said he wished they were not building it right here. He said that it validated what he
3 had warned about which was if we rezone the first property, all the other dominoes are going to fall,
4 and this is the scenario playing out. He said, again, he appreciated a lot of the work that both staff
5 and the applicant have put into this, but he still could not support this because this is not in line with
6 the land use designation for this area. He said he believed that they should not have supported the
7 first land rezoning, but they did. He said he was going to stand with his previous vote and would not
8 support this.

9 **Councilmember Killingsworth** said that she would make a comment about affordable
10 housing. She said going from building affordable housing to going to just contributions are a step
11 backwards from where this needs to go. She said increasing from 148 to 170 total units, increasing
12 from 2 to 3 affordable units would be what she would like to see for her to support this.

13 **Mr. Carpenter** said that he thought they would feel comfortable moving from two to three
14 affordable units if that would help.

15 A **motion** was made by **Councilmember Gantt**, seconded by **Mayor Pro Tempore Gray**, to
16 approve Annexation No. 771 - Castleberry Reserve.

17
18 **VOTE: 3-1, with Councilmember Zegerman dissenting, and Councilmember Terry**
19 **Mahaffey absent**

20
21 **AND**

22 **PH3 Rezoning Case No. 23CZ21 Castleberry Reserve PUD Amendment**

23 **June Cowells** gave the following information regarding Rezoning Case No.
24 23CZ21 Castleberry Reserve PUD Amendment.

25 **Matthew Carpenter** with Parker Poe gave a presentation regarding Rezoning Case No.
26 23CZ21 Castleberry Reserve PUD Amendment.

27 **Mayor Gilbert** asked if there were any questions for Mr. Carpenter.

28 **Mayor Gilbert** then opened up the public hearing. With no sign ups, he closed the public
29 hearing and moved discussion back to Council.

30
31 A **motion** was made by **Councilmember Gantt**, seconded by **Mayor Pro Tempore Gray**, to
32 approve Annexation No. 771 - Castleberry Reserve, and Rezoning No. 23CZ21 - Castleberry Reserve
33 PUD Amendment, with the added condition of increasing the number of affordable housing units
34 from 2 to 3.

35
36 **VOTE: 3-1, with Councilmember Zegerman dissenting, and Councilmember Mahaffey**
37 **absent**

38
39 **PH4 Annexation No. 778 - Parc at Bradley Farm - 6.69 acres**

40 **Director Khin** gave the following information regarding Annexation No. 778 - Parc at Bradley
41 Farm - 6.69 acres.

42
43 **[SLIDE-1]**

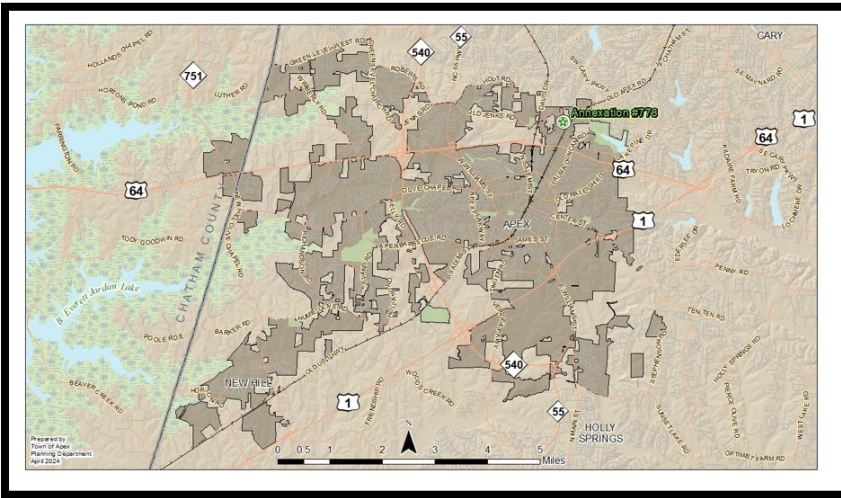
Public Hearing #4

Annexation No. 778 Parc at Bradley Farm



1
2

[SLIDE-2]



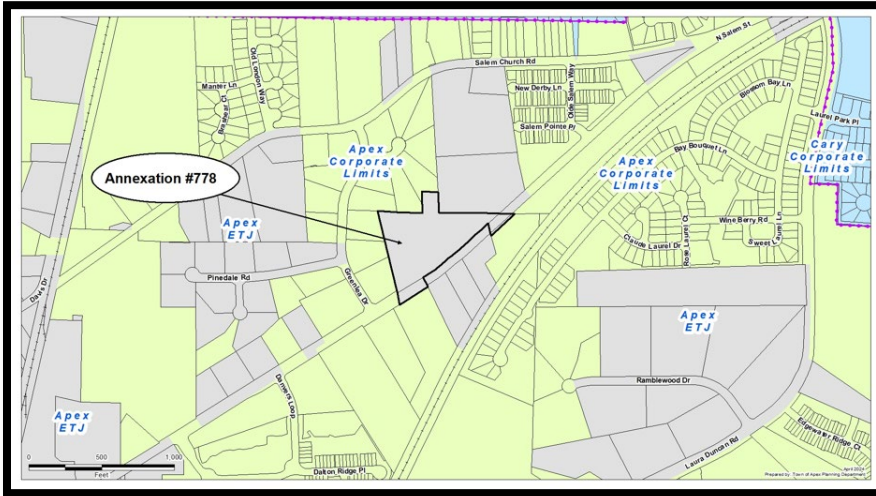
3
4
5

[SLIDE-3]

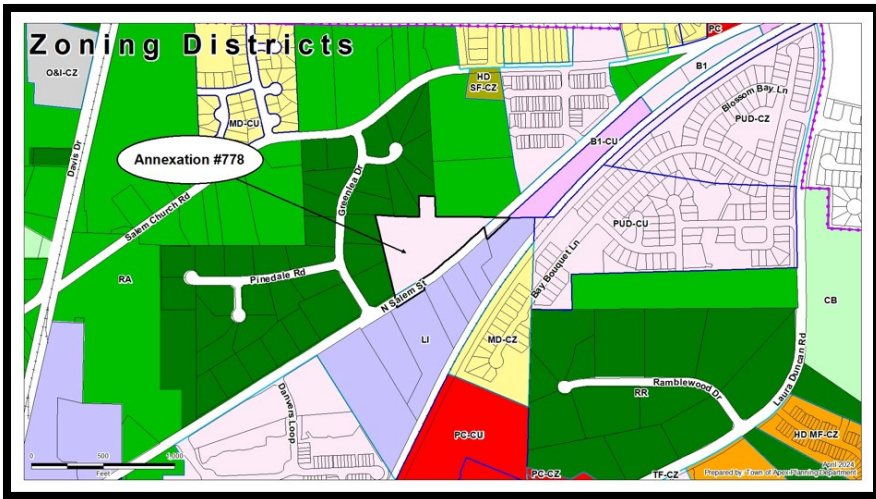


6
7
8

1 [SLIDE-4]



2
3 [SLIDE-5]



4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

Mayor Gilbert then opened up the public hearing. With no sign ups, he closed the public hearing and moved discussion back to Council.

A **motion** was made by **Councilmember Killingsworth**, seconded by **Councilmember Zegerman**, to approve Annexation No. 778 - Parc at Bradley Farm - 6.69 Acres.

VOTE: UNANIMOUS (4-0), with Councilmember Terry Mahaffey absent


PH5 Rezoning Case No. 22CZ27 Center City Townhomes

Lauren Staudenmaier, Planner II gave the following information regarding the Rezoning Case No. 22CZ27 Center City Townhomes.

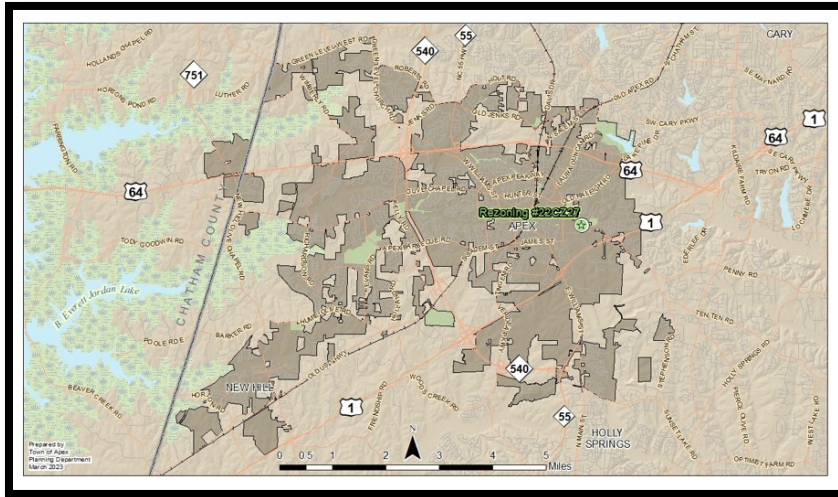
1 [SLIDE-1]

Public Hearing #5

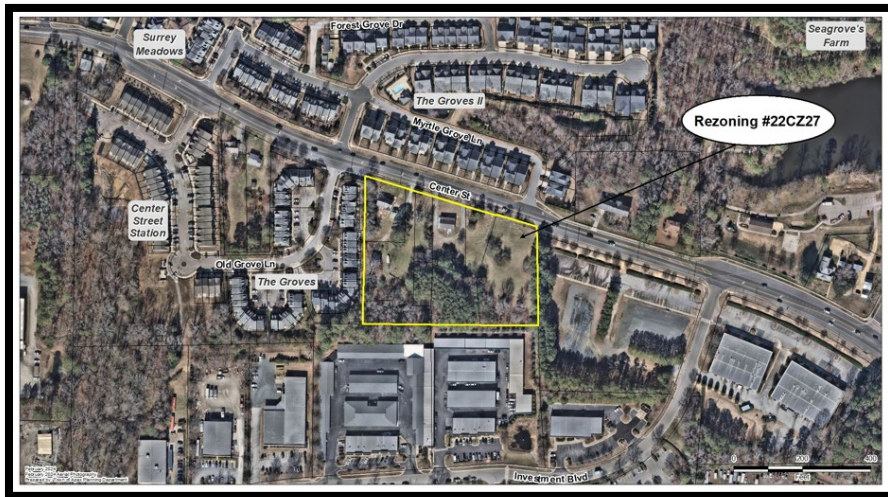
Rezoning Case #22CZ27
Center City Townhomes



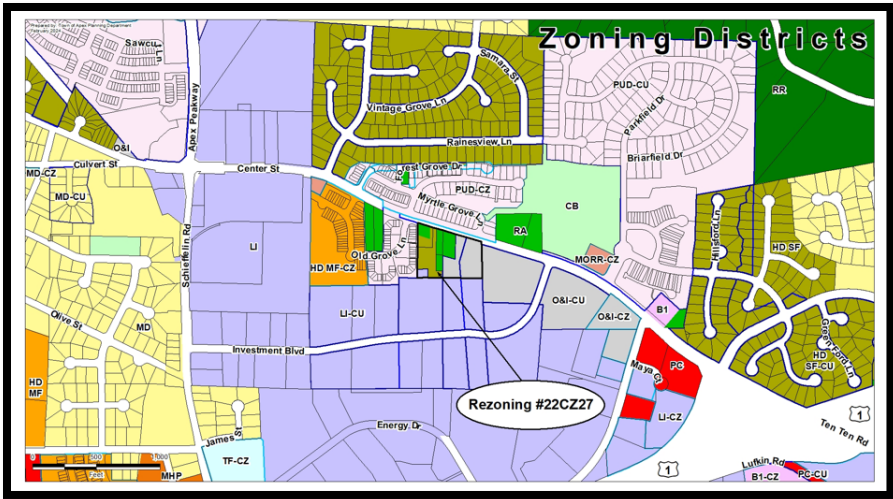
2
3 [SLIDE-2]



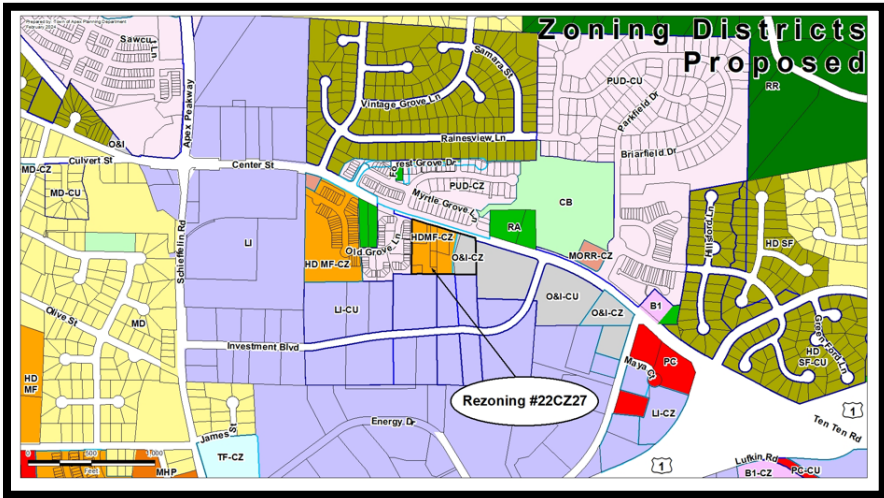
4
5
6 [SLIDE-3]



7
8 [SLIDE-4]



1
2 [SLIDE-5]

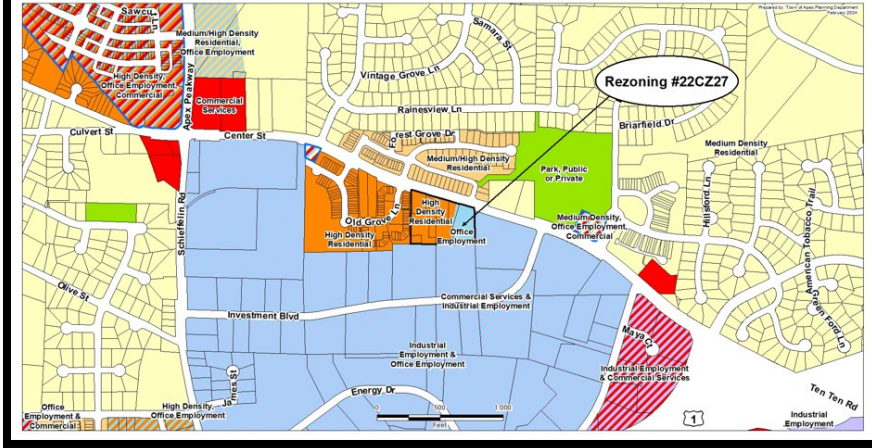


3
4
5
6 [SLIDE-6]



7
8 [SLIDE-7]

2045 Land Use Map If Rezoning Is Approved



1
2

[SLIDE-8]

Proposed Uses

Uses in the HDMF-CZ District

- | | |
|------------------|---------------------------------|
| 1. Townhouse | 4. Recreation facility, private |
| 2. Park, passive | 5. Park, active |
| 3. Greenway | 6. Utility, minor |

Uses in the O&I-CZ District

- | | |
|-------------------------------------|----------------------------------|
| 1. Park, passive | 10. Real estate sales |
| 2. Greenway | 11. Pharmacy % |
| 3. Park, active | 12. Studio for art |
| 4. Barber and beauty shop | 13. Tailor shop |
| 5. Utility, minor | 14. Pet services |
| 6. Office, business or professional | 15. Health/fitness center or spa |
| 7. Publishing office | 16. Financial institution |
| 8. Personal Service % | 17. Floral shop |
| 9. Printing and copying service | |

17
18
19

[SLIDE-9]

Proposed Conditions

- **Maximum of 30 dwelling units proposed**
- **Provision of at least one (1) affordable housing townhouse ownership unit**
 - initial sales price based on the 100% Area Median Income (AMI), adjusted for family size
 - minimum affordability period of 10 years
- **The landscape buffer along the N/F Calvary Chapel Cary, Inc. property may be reduced to 20' to provide public street access to Center Street for alignment with Myrtle Grove Lane.**

20

1 [SLIDE-10]

Proposed Conditions

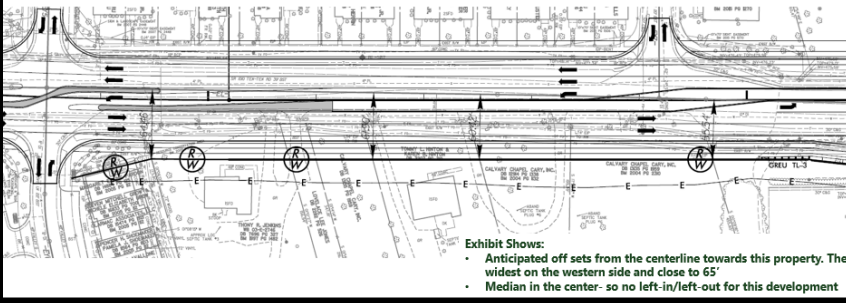
- Construction and dedication of a public residential street from the intersection of Myrtle Grove Lane at Center Street to the residential parcel(s) is required for the first residential subdivision plat.
 - No additional access points to Center Street shall be permitted.
 - The length of a public street cul-de-sac may be permitted to exceed the requirements of the UDO in order to facilitate the limited access onto Center Street from the subject property.

- Subject to approval by NCDOT and the Town, a 5' concrete sidewalk shall be constructed across the property's Center Street frontage in compliance with Town sidewalk standards.

- A stub street shall be provided on the eastern boundary of the subject property adjacent to Calvary Chapel.

2
3 [SLIDE-11]

- Development shall include right-of-way dedication of 55 ft from the centerline of Center St and thoroughfare frontage widening consistent with the Town's adopted Transportation Plan (and Apex's UDO, including applicable fee-in-lieu provisions) and typical section for a 4-lane, median divided thoroughfare.
- At the time of construction drawing approval, the applicant shall be required to dedicate additional right-of-way for Center Street consistent with the latest available plans for the DOT Widening Project, subject to the following: the buffer along Center Street required for development of the property shall be reduced on a one-for-one basis for each foot of additional right-of-way needed for the DOT Widening Project, but in no case shall be less than 15' in width.

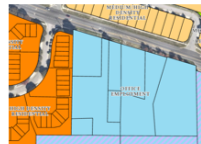


4
5
6
7 [SLIDE-12]

Peak Plan 2030 that was adopted on August 6, 2013 showed the future land use classification as High Density Residential on the west and Office Employment on the east.



Advanced Apex: The 2045 Land Use Update was approved on February 5, 2019. With the approval, all properties were designated as Office Employment.



When the parcels were purchased by Michael Funari and/or Equity Trust Company FBO Michael Funari, the future land use designations were a mix of plans. (Purchase dates were 2018 & 2019)



1 [SLIDE-13]

Transportation Concerns

- Staff recommended the applicant dedicate right-of-way and easements consistent with the latest-available design of State Transportation Improvement Program (STIP) project U-5825, Improvements to Ten Ten Road. The applicant has addressed this recommendation with a proposal to reduce the buffer along Center Street.
- Applicant proposes that the cul de sac length may exceed that allowed by the UDO.
 - Additional access points to Center Street are not recommended by staff based on the available street frontage and are excluded from consideration by the proposed zoning conditions.
 - Access may be restricted to right-in/right-out when Center Street is widened and a median is constructed by NCDOT in STIP project U-5825.

2
3 [SLIDE-14]

Recommendation for Denial of Rezoning #22CZ27 Center City Townhomes

- The HDMF-CZ district is not consistent with the 2045 Land Use Map.
- The change from Office Employment to High Density Residential affects the economic development potential of the area as it would reduce the amount of land available for Tech Flex and/or Office & Institutional near the Investment Boulevard office and industrial park.
- The residential properties would be adjacent to properties zoned Light Industrial and if the Light Industrial properties redeveloped in the future to a higher Light Industrial Land Use Class there could be potential issues and hazards.
- Reduced buffers when NCDOT widens Center Street.
- No connectivity to the residential development to the west.
- Future access will be right-in/right-out due to the future median location and cross access through the Calvary Church's parking lot to reach Investment Boulevard would be advantageous.

4
5
6
7 [SLIDE-15]



1
2 **Councilmember Gantt** asked Ms. Staudenmaier why there wasn't a stub road made to the
3 development from the development to the West originally.

4 **Ms. Staudenmaier** said she was not aware but would find out.

5 **Director Khin** suggested that it may be because it was not a land locked parcel.

6 **Councilmember Gantt** asked if that was normally the policy.

7 **Director Khin** said that they may not have had a Transportation Planner or Transportation
8 Engineer at the time this was signed.

9 **Ms. Staudenmaier** said that because of the history and not having the future land use maps
10 and so many changes. She said that it may not have been thought about at the time.

11 **Councilmember Killingsworth** asked how the existing Townhomes would be affected if this
12 was designated high density.

13 **Ms. Staudenmaier** said that looking at it from a transition purpose from more of a tech flex to
14 a townhouse, if anything does get redeveloped or developed in the future, it will prohibit any
15 possible changes that we didn't do for the other townhouses.

16 **Councilmember Killingsworth** said she understands, but there are already properties there
17 now where there is concern.

18 **Councilmember Gantt** said it would be more people with the concern.

19 **Jason Barron** of Morning Star Law Group, on behalf of the property owners provided
20 information. He said the proposal for mix use is a combination of town homes and office and
21 institution spaces. He said the portion of the site that they are seeking to zone for residential is
22 inconsistent with the towns comprehensive plan. He said a large portion is already zoned for
23 residential. He said only 2.5 acres he is wanting to zone. He said its not a significant change but
24 wanted to talk about it since it's not consistent with the plan but also is a case where it fits with their
25 plan.

26 **Mayor Pro Tempore Gray** asked what was the vision from the non-residential aspect.

27 **Mr. Barron** said that there were a variety of things. He said in the immediate term, they were
28 working with the owner to relocate the house to the eastern portion of the site or to build something
29 new and the current owner that is operating a non-residential use of the current house would be
30 occupying the building that would be constructed or relocated on that site.

31 **Mayor Pro Tempore Gray** asked why in this proposal, for 30 units, there is only 1 at a 100%
32 AMI.

33 **Mr. Barron** said it is not a large project. He said if they could get 30 units approved, they
34 would be willing to add a second affordable unit.

35 **Councilmember Killingsworth** asked if that could be made a condition.

36 **Mr. Baron** said yes.

37 **Councilmember Zegerman** asked what the price point was? He said that these were being
38 classified as affordable.

39 **Mr. Barron** said he was not sure he didn't have a builder at this time. He said without having a
40 garage the units would be a two-story unit and would be smaller, but at this time he did not know
41 the exact price point. He said that he would be fine with adding a condition that the 30th unit would
42 be the second affordable unit.

43 **Councilmember Killingsworth** asked if he would be using the same 100% AMI.

44 **Mr. Barron** said yes.

1 **Councilmember Zegerman** asked what was the length of the cul-de-sac.
2 **Mr. Barron** said that he thought they were code compliant but asked Jeff Roach to come up
3 and give more information.
4 **Jeff Roach**, Peak Engineering and Design, gave information from the presentation. He said
5 the cul-de-sac was about 520 feet. He said it was a small site, but that they put this in as a condition
6 in case there were any issues with staff.
7 **Councilmember Zegerman** asked if they were anticipating any non-vehicular connection
8 from the cul-de-sac to the sidewalk along Center Street.
9 **Mr. Roach** said yes, the cul-de-sac will come up and hit up against the buffer and there will
10 be lots on the left and right and then a sidewalk connection that is shown on the sketch plane going
11 right up against the buffer right up to Center Street.
12 **Mayor Gilbert** then opened up the public hearing. With no sign ups, he closed the public
13 hearing and moved discussion back to Council.
14 **Councilmember Zegerman** said he was conflicted. He said that with there would be only
15 one point of ingress and egress for street access. He said that he felt like that would be setting up a
16 problem down the road for coming in and out of the development. He said it is a relatively small site,
17 but knowing the current 2045 land use plan that this is classified as light industrial and where we are
18 with our tax base and the regression of the balance between commercial property and tax base and
19 currently seeing a regression in the balance between commercial property tax and residential
20 property tax, and it going the wrong way, he said he would like to see more commercial property
21 tax. He said the little bit of industrial space that we are sacrificing to residential development was not
22 helping. He said that moving toward a bedroom community wasn't helping to solve the problem. He
23 said that he sees that what was proposed is probably the best that can be done on this site given
24 that the site towards the east being available. He said that in a high-density area you expect this
25 along a transit route would good, but with this the inconsistency with the land use map and the
26 future transportation consideration gives him some pause.
27 **Councilmember Killingsworth** said she said that if this was a big parcel that she would have
28 pause, but this is not a huge parcel. She said that it is her understanding that this is not light
29 industrial but office employment for this particular parcel. She said as long as there is the 30th house
30 triggering the addition affordable housing, this area has connections to Center Street, is walkable
31 distance to downtown, that it's desirable for residents for this area. She said that it is a decent choice
32 for this area. She said that there were already townhomes in this area, so she didn't see an issue with
33 adding more townhomes.
34 **Councilmember Gray** said he was inclined to agree with Councilmember Killingsworth and it
35 would be a different analysis if the Groves wasn't there already. He said if the entire area were set
36 aside for non-residential purposes, it may make more sense, but this is going to address some of the
37 affordable housing aspect and it's walkable. He said that he would love for a business there, but he
38 didn't know of a business that would fit on the 5 acres. He said he was inclined to vote in approval.
39 **Councilman Gantt** said he was agreed with staff. He said he thinks the developments there
40 were a mistake, and this would be doubling down on it. He said he wished this area would be for
41 employment uses. He was also concerned about the traffic concerns, particularly with the entrance
42 and exit, in the future.
43

1 A **motion** was made by **Mayor Pro Tempore Gray**, seconded by **Councilmember**
2 **Killingsworth**, to approve Rezoning No. 22CZ27 - Center City Townhomes, with the added
3 condition that a 2nd affordable housing unit shall be added if there are at least 30 residential units
4 constructed total.

5
6 **VOTE: 2-2, with Councilmember Gantt and Councilmember Zegerman dissenting, and**
7 **with Councilmember Mahaffey absent.**

8
9 **Mayor Gilbert** noted that as the Chair of the Economic Development Committee, he wanted
10 to support bringing businesses to Apex, and help shift the balance of the tax burden more towards
11 businesses. He said he was with staff on this one, but understands the points raised by
12 Councilmembers that were in support of this development.

13
14 Pursuant to the Town of Apex Town Charter, **Mayor Gilbert** voted in the negative in order to
15 break the tie. Motion failed.

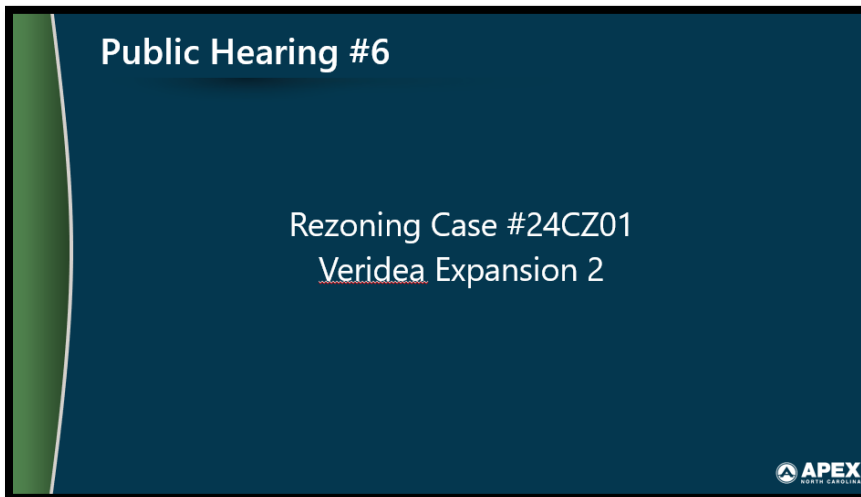
16
17 **Mayor Gilbert** declared a 5-minute recess at 8:48 PM

18
19 Council returned at 8:53 PM

20
21
22 **PH6 Rezoning Case No. 24CZ01 Veridea Expansion 2**

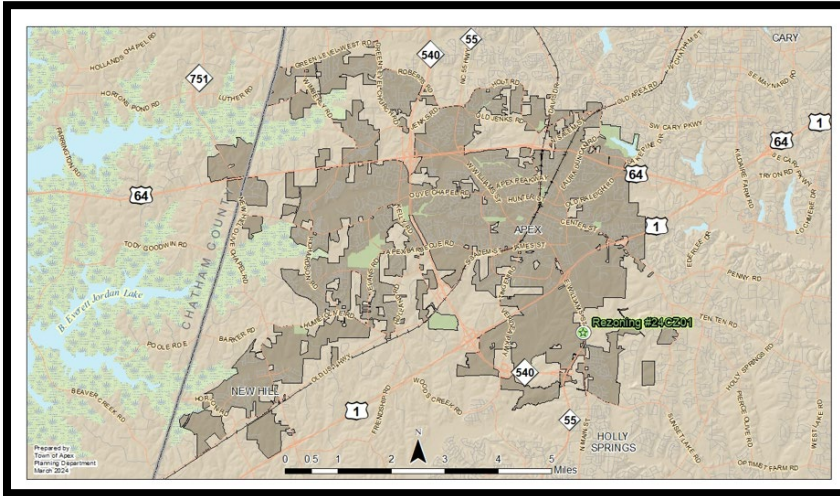
23 **Amanda Bunce**, Planning Manager gave the following presentation regarding Rezoning
24 Case No. 24CZ01 Veridea Expansion 2

25
26
27
28
29 **[SLIDE-1]**



30
31
32

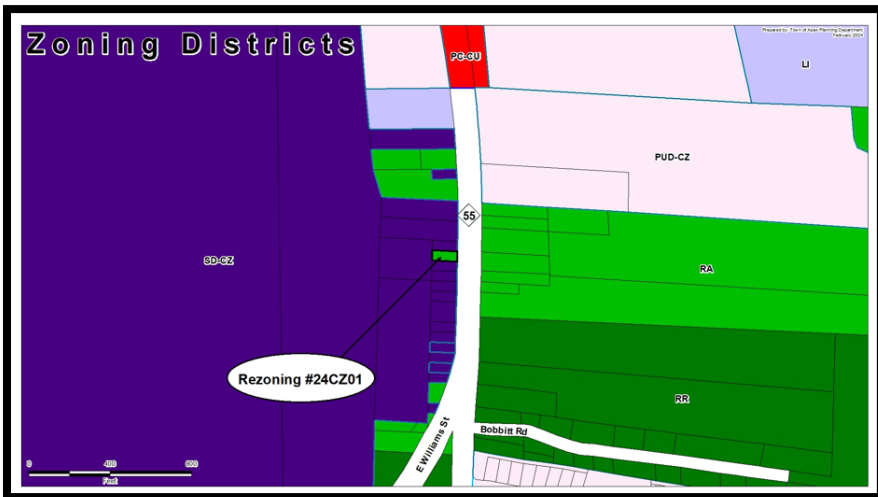
1 [SLIDE-2]



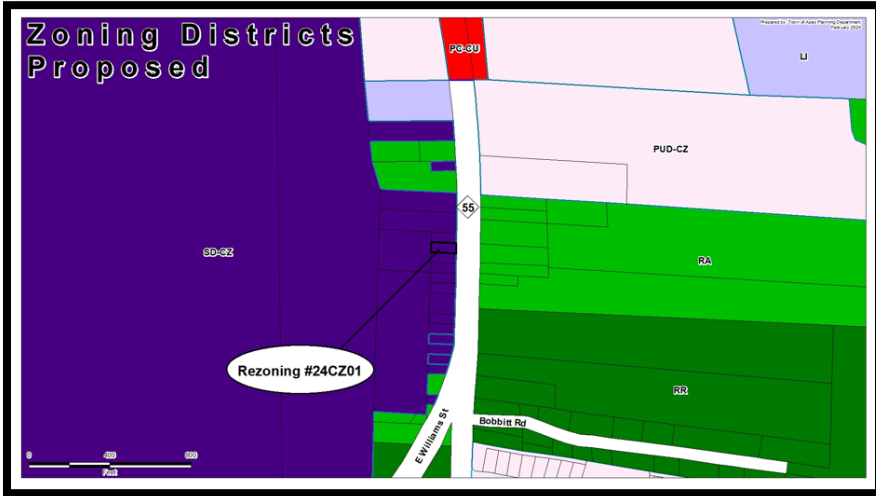
2
3 [SLIDE-3]



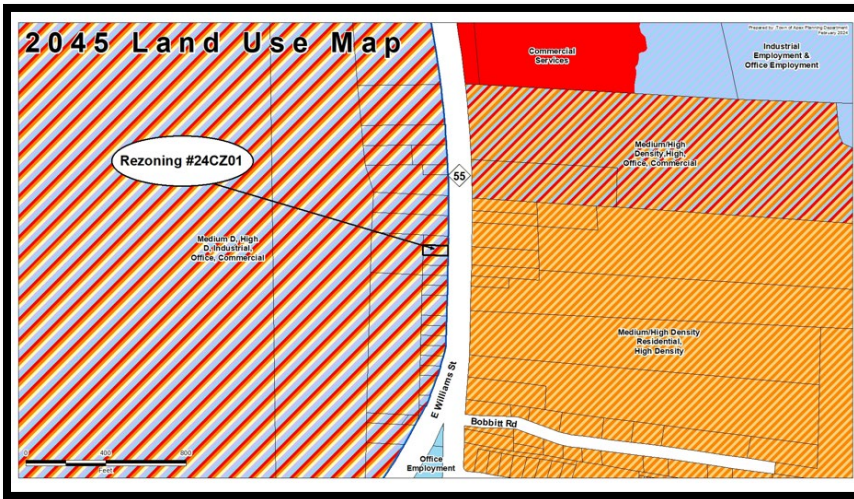
4
5
6
7 [SLIDE-4]



1 [SLIDE-5]



2
3 [SLIDE-6]



4
5
6
7 [SLIDE-7]



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Mayor Pro Tempore Gray said he wanted clarification that it was .17 acres.

Ms. Bunce answered yes.

Mayor Gilbert then opened up the public hearing.

Mr. Barron said this is the smallest zoning case he had ever worked on and would be happy to answer any questions Council may have. He said this is a minor piece of a much larger puzzle that Council is familiar with. He said as staff noted, they are not seeking to increase the residential alignment associated with the overall allotment associated with the development as part of the zoning. He said he could answer said he could answer any questions from Council.

Mayor Gilbert closed the public hearing and moved discussion back to Council.

A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember Killingsworth**, to approve Rezoning No. 24CZ01 - Veridea Expansion 2.

VOTE: UNANIMOUS (4-0), with Councilmember Terry Mahaffey absent

[NEW BUSINESS]

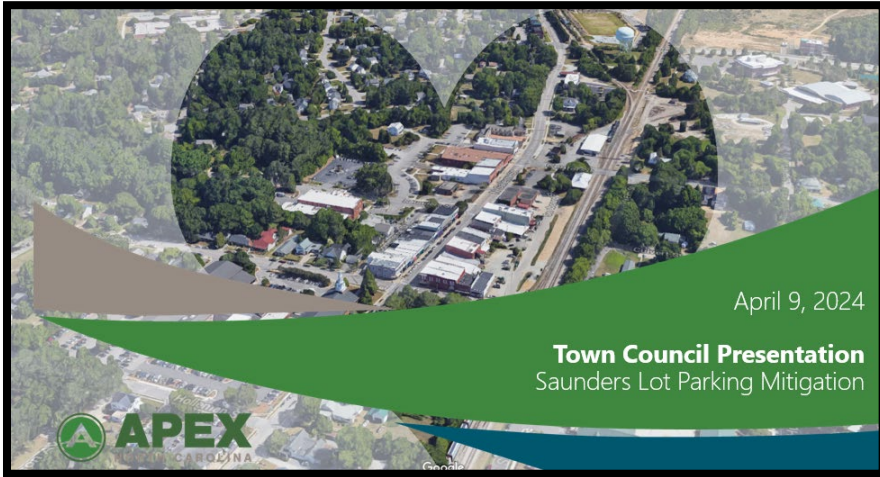
NB1 Downtown Design Project - Saunders Street Lot - Parking Mitigation Strategy

Shannon Cox, Long Range Planning Manager gave the following presentation regarding the Downtown Design Project - Saunders Street Lot - Parking Mitigation Strategy.

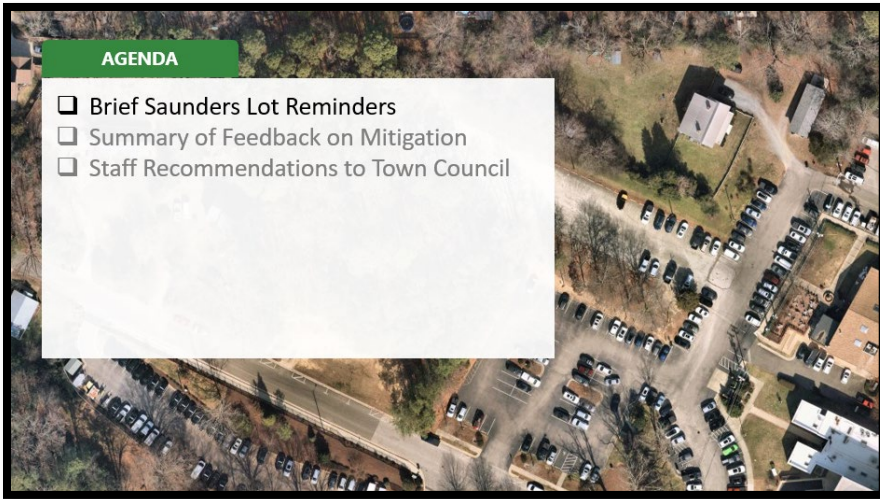
[SLIDE-1]



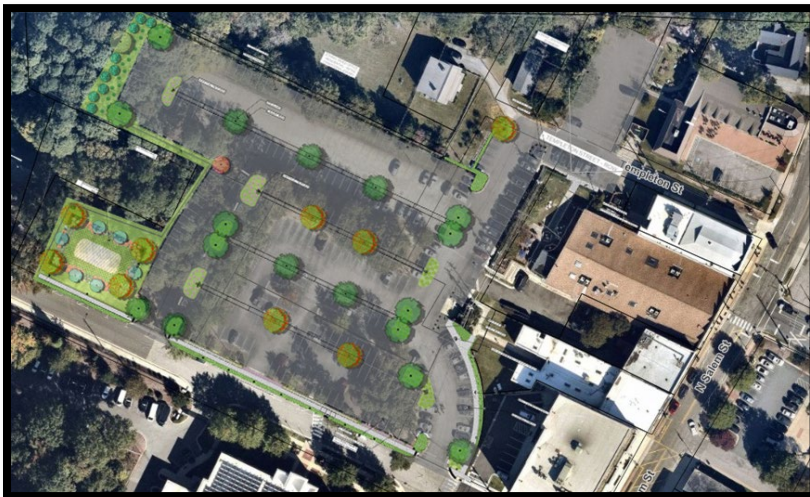
1 [SLIDE-2]



2
3 [SLIDE-3]



4
5
6
7 [SLIDE-4]



8

1 [SLIDE-5]

Saunders Lot Project Timeline

2019 →

- December - Adoption of Downtown Master Plan & Parking Study; Top 10 Projects

2020

- November - Start of *Downtown Design Projects* Final Design Process (Projects 1, 2 & 4)

2021 →

- January - Focus Group Meetings
- March - Public Survey
- May - Public Workshop
- June - Town Council Work Session
- August - Town Council Special Meeting

4 Add a net gain of 200 parking spaces within a 5-minute walk, and 100 within a 3-minute walk

DOWNTOWN DESIGN PROJECTS

The Town of Apex is working to make the vision of the Downtown Plan a reality! The Downtown Design Projects will result in construction plans for 3 of the top 10 Projects in the Downtown Plan.

ENERGIZE THE ALLEYS



TRANSFORM SALEM STREET



INCREASE PARKING



Learn more and sign up to receive updates!
www.publicinput.com/downtowndesign
Russell H. Dalton, PE | Traffic Engineering Manager
 Russell.Dalton@apexnc.org | 919.489.3338

2
3 [SLIDE-6]

Saunders Lot Project Timeline

2022

- October - Parking Mitigation Survey
- December - Final Design/Right of Way Meetings & Open House

2023

- November - 1st Neighborhood Rezoning Meeting for Saunders Lot


2024

- January - 2nd Neighborhood Rezoning Meeting for Saunders Lot
- February - Planning Board Rezoning Hearing for Saunders Lot
- February - Parking Mitigation Information Exchange and Survey**
- February - Town Council Rezoning Hearing for Saunders Lot
- March - Parking Mitigation Information Update**
- Now - Town Council consideration of Parking Mitigation**

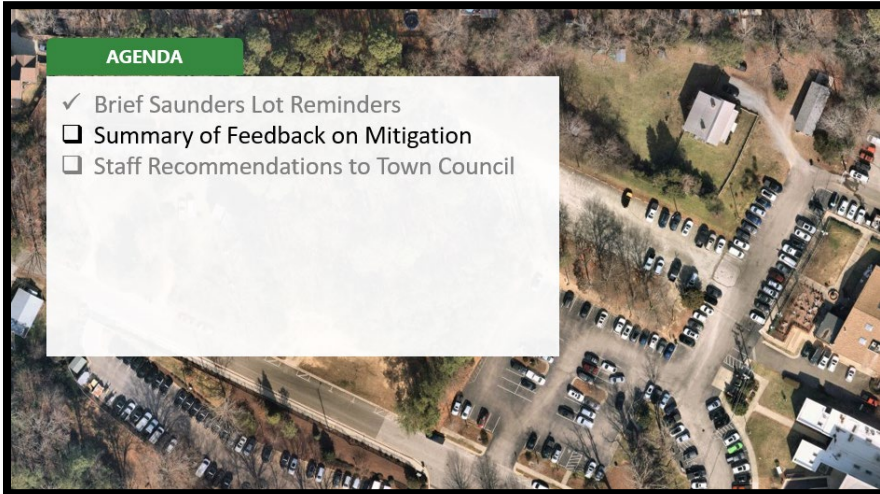
4
5
6
7 [SLIDE-7]

Saunders Lot Phased Construction

- Anticipate 60% of existing parking will be maintained during most of construction
- Includes areas shown in pink (64 spaces) + about 80 spaces (orange) that will shift during construction
- Temporary loss of 96 spaces



1 [SLIDE-8]



2
3

[SLIDE-9]

Who we heard from through recent engagement:

<p>Information Exchange</p> <ul style="list-style-type: none">• 36 attendees<ul style="list-style-type: none">◦ 21 downtown business representatives (58%)◦ 7 downtown event representatives (19%)◦ 5 broader Apex business representatives (14%)◦ 1 resident (3%)◦ 2 other representatives (6%)	<p>Business Owner Survey</p> <ul style="list-style-type: none">• 55 respondents<ul style="list-style-type: none">◦ 19 shopping (35%)◦ 16 services (29%)◦ 10 food and beverage (18%)◦ 7 unspecified (13%)◦ 3 beauty and wellness (5%)
--	--

4
5

[SLIDE-10]

Mitigation – Definite Strategies:

- Phased Saunders Lot construction
 - Anticipate 60% of existing parking will be maintained during most of construction, temporary loss of 96 spaces
- New parking supply
 - Most recent addition of 73 spaces on E. Moore Street
- Construction contract provisions
 - Encourage completion in 8 months or less – can't guarantee
 - Temporary parking for construction workers
- Enhanced communications and marketing strategy

6
7
8

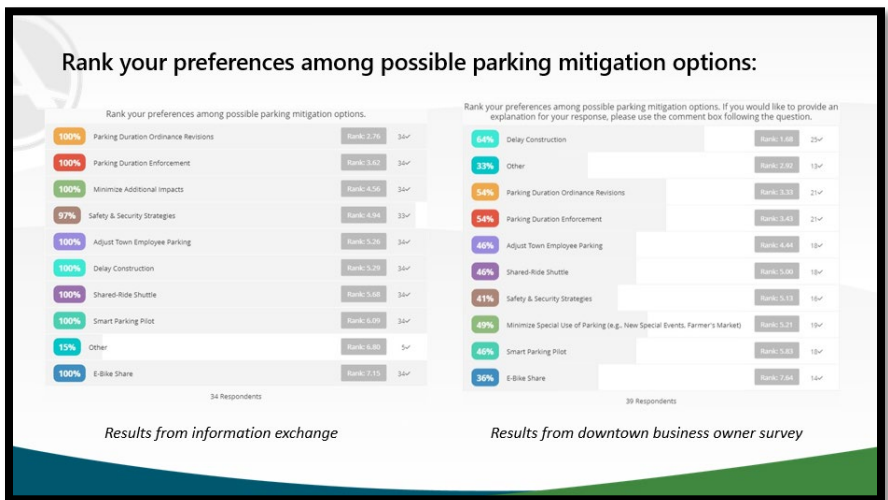
1 [SLIDE-11]

Mitigation – Possible Strategies (as presented in February):

- Parking duration ordinance revisions
 - Encourage turnover in high-demand locations
- Parking duration enforcement
- Safety and security strategies
 - Downtown host, lighting
- Minimize additional parking impacts
 - Limit special uses
- E-bike share
 - 30 bikes, 1-year, ~\$100,000
- Public shared-ride shuttle
 - Geo-fenced area, ~\$260,000
- Smart parking pilot
 - Web-based platform, uses cameras, ~\$95,000 start-up
- Delay construction
 - Target January 2025 start
- Adjust Town employee parking

2
3 **Councilmember Gantt** asked what the earliest start date would be.
4 **Mr. Purvis** said it would likely be at the end of August or beginning of September.

5 [SLIDE-12]

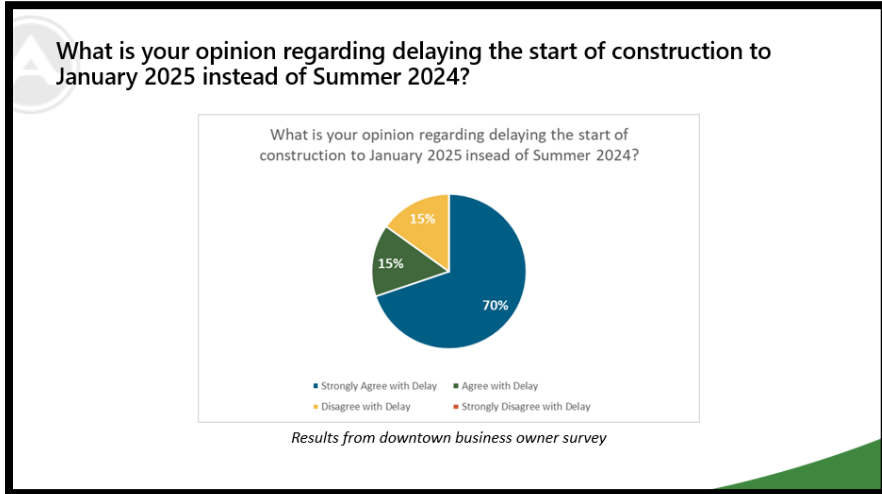


6
7 [SLIDE-13]

General Summary of Additional Comments
(In no particular order)

- Conduct a robust marketing campaign
- Install lighting
- Implement permitted parking for businesses
- Add employee parking in Seaboard Lot
- Prioritize a parking deck
- Install parking meters
- Limit parking restrictions to duration of construction
- Against e-bikes
- Doubt that a shuttle would be used
- Support for delaying construction

1 [SLIDE-14]



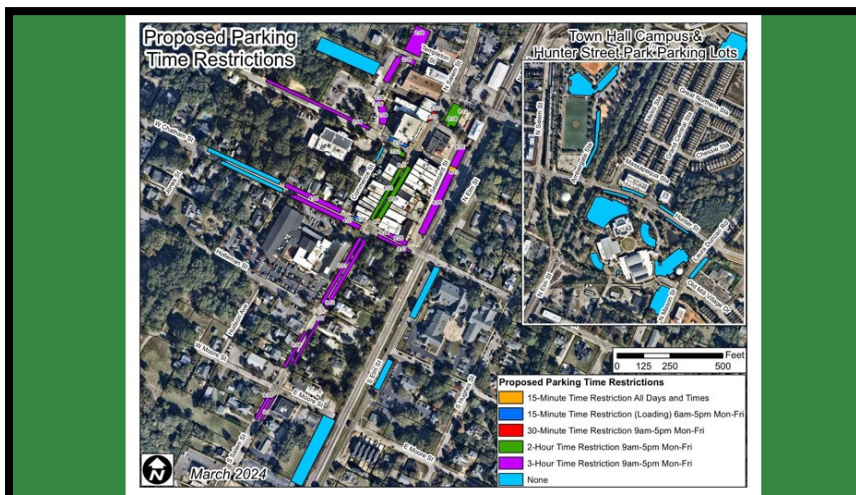
2
3

[SLIDE-15]

- ### General Summary of Additional Comments
- For Delay
 - Importance of 4th quarter sales
 - Importance of Summer and Fall sales
 - Highest number of visitors is around the holidays – construction at that time will make employee parking more difficult
 - Realize construction may not be finished by 4th quarter 2025, but starting in January 2025 is the best chance, and allows for planning
 - Against Delay
 - Concern that costs will go up
 - Time to get it over with
 - Likely to take more than 8 months and impact Q4 2025 anyway
 - It will be easier to walk further to parking in Summer months
 - Preschool is not open in the Summer, and that takes substantial parking

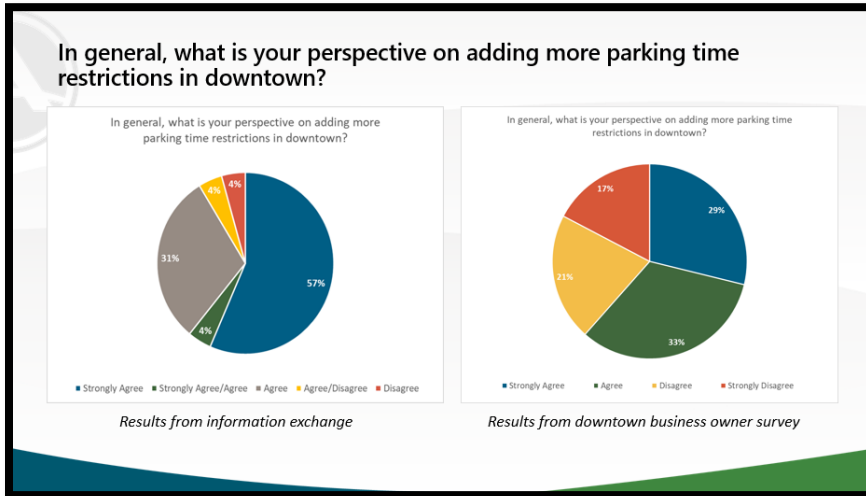
4
5
6
7

[SLIDE-16]



8

1 [SLIDE-17]



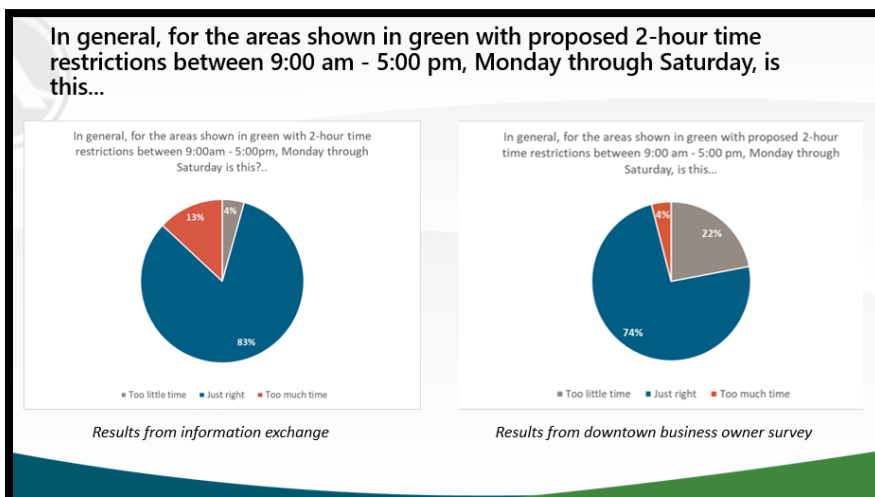
2
3

[SLIDE-18]

- ### General Summary of Additional Comments
- For Restrictions
 - Business owners and employees currently use highest-demand spots all day
 - Support but...a reasonably-close location for employees to park (Town and business) is needed
 - Only during construction
 - Against Restrictions
 - Revisit after new parking is provided
 - Concerned about employee parking
 - Concerned it will turn visitors away
 - Concerned visitors won't stay as long
 - Concerned about impacts to private parking (note – restrictions are only proposed for public spaces)

4
5
6
7

[SLIDE-19]



8

1 [SLIDE-20]

General Summary of Additional Comments

- Too little time
 - 3-4 hours is more appropriate for all of the activities downtown
 - Consistency with 3-hour parking will be easier to understand and implement
 - 3 hours will allow people not to feel rushed
- Too much time
 - Too little for Saturdays
 - Just right for Monday through Friday

2
3

[SLIDE-21]

In general, for the areas shown in purple with proposed 3-hour time restrictions between 9:00 am - 5:00 pm, Monday through Saturday, is this...

In general, for the areas shown in purple with 3-hour time restrictions between 9:00am - 5:00pm, Monday through Saturday, is this...?

Response	Percentage
Too little time	18%
Just right	77%
Too much time	5%

Results from information exchange

In general, for the areas shown in purple with proposed 3-hour time restrictions between 9:00 am - 5:00 pm, Monday through Saturday, is this...

Response	Percentage
Too little time	38%
Just right	52%
Too much time	10%

Results from downtown business owner survey

4
5
6
7

[SLIDE-22]

General Summary of Additional Comments

- Too little time
 - 4 hours are needed for shift employees
 - Employee parking needs to be addressed
 - Supportive if there was permitted employee parking
- Just right, except...
 - Remove post construction
 - Designate some employee parking in the Seaboard Lot
 - Change Seaboard Lot to 4 hours

8

1 **[SLIDE-23]**

Are there areas shown without parking time restrictions that should have them?

- The 80 remaining spaces in Saunders Lot (gravel lot)
- West Chatham Street
- Commerce Street
- All downtown parking should have some restrictions
- Add 4-hour restrictions to all unrestricted areas
- Designate a few 15-30 minute spots in the Depot Lot, Saunders Lot, and Seaboard Lot
- Make sure lots with no restrictions won't be used for vehicle storage

2
3

[SLIDE-24]

Are there areas shown with parking time restrictions that should not have them?

- Seaboard Lot – for employees
- Saunders Street
- E Chatham Street
- Side streets
- Private lots (note, no restrictions are proposed for private lots)
- Accessible parking

4
5
6
7

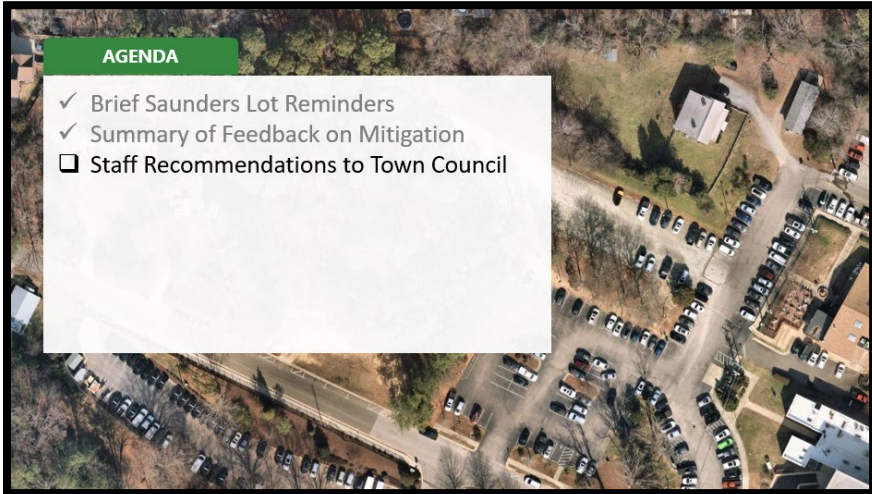
[SLIDE-25]

General Summary of Other (different) Comments

- Town employees must be prohibited from parking in the Saunders Lot during construction
- Request employee parking map
- Construct the lot at night
- Add Uber/Lyft spots
- Concern about Farmers Market parking
- Concern about lack of shared parking agreements
- Add rental bikes/concern about e-bikes
- Comments about existing Saunders Lot (to be addressed with design)

8

1 [SLIDE-26]



2
3

[SLIDE-27]

Staff Recommendations on Potential Strategies

Move Forward	Not at this Time	Investigate Further
<ul style="list-style-type: none"> • Delay construction • Parking duration revisions • Parking enforcement • Safety and security strategies (including lighting) • Town employee parking • Minimize additional impact • Smart parking pilot 	<ul style="list-style-type: none"> • Public shuttle • E-bike share program <i>* New from Survey *</i> • Parking on Elm Street • Parking at Baucom • Remote construction-worker parking • Parking meters • Nighttime construction 	<ul style="list-style-type: none"> • Employee transportation between lots

4
5
6
7

[SLIDE-28]

Updates and Notes on Recommended Strategies

- Delay construction
 - If construction is delayed, the Town cannot guarantee Q4 of 2025 will not be impacted. Provisions will be added to the contract to incentivize early completion and penalize late completion.
- Safety and security strategies
 - Police Department to conduct a "Crime Prevention through Environmental Design" (CPTED) analysis from Moore Street to Town Hall as a starting point.
 - Anticipate it will include lighting recommendations.
- Town employee parking
 - Town employees who regularly work at The Depot, Police Station, and Halle will not be parking in the Seaboard Lot, Saunders Lot, or Depot Lot during construction (with the exception of loading/unloading).

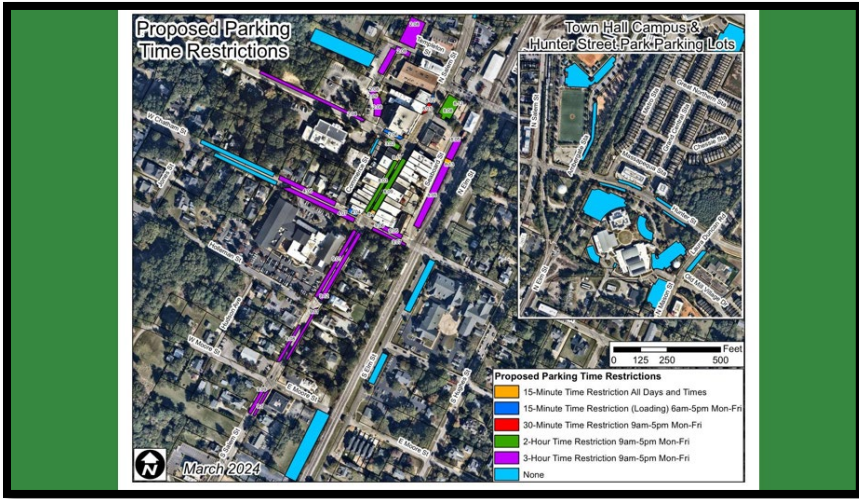
8

1 [SLIDE-29]

Updates and Notes on Recommended Strategies

- Parking duration modifications
 - Recommended:
 - Add 3-hour limit to West Chatham Street
 - Add short-term drop-off spots to Depot Lot (1), Saunders Lot (1), Seaboard Lot (2)
 - Change restrictions to 9:00 AM – 5:00 PM, Monday through Friday only (not Saturday)
 - Not Recommended:
 - Add restrictions to gravel/phased section of Saunders Lot
 - Add all-day, employee parking to Seaboard Street
 - Next Step:
 - Public hearing for ordinance revisions

2
3 [SLIDE-30]



4
5
6
7 [SLIDE-31]

Next Steps

- Requested motion to approve staff-recommended parking mitigation plan to include:
 - Delay construction
 - Parking duration revisions
 - Parking enforcement
 - Safety and security strategies (including lighting)
 - Town employee parking
 - Minimize additional impact
 - Smart parking pilot
- Staff will continue to work on mitigation strategies
- Future updates will be provided

1 [SLIDE-32]



2

3

4

5

Mayor Gilbert thanked Ms. Cox recognized what a long process this was and thanked her for all of her work.

7

Mayor Gilbert said that it was pointed out in the last meeting that there would be education on parking enforcement.

9

Ms. Cox said that was what Chief Armstrong indicated would be education on parking enforcement, so that people would be aware that this would be happening.

11

Councilmember Gantt asked in the bigger picture of all of the projects in the Downtown plan, would the delay in the construction cause the streetscape of Salem Street be delayed?

13

Ms. Cox said it may not, because of the acquisition and easements that would need to take place.

15

Councilmember Gantt said he considers that project as the transformational project in this series of three. He said parking is an issue that residents and businesses care about, but that's not the transformational issue. The transformational project is the streetscapes. He asked how all of these fits together and in the future.

19

Director Johnson said the acquisition for the streetscape is being handled separately, so the construction of the Saunders lot does not necessarily impact the acquisition, so they would continue working on that acquisition throughout this fall and next year. He said they will continue to move forward and see how that lines up at the end of construction verses where we are with Commerce Street and Salem Street, and that he could get more information back to Council, but he said he did not think it would be a large impact.

25

Councilmember Gantt said he was hoping that these projects would be able to align while still preserving Q4 sales.

27

Director Johnson said they would continue to move all of the different phases together as fast as they can where they align, and he said depending on how fast that acquisition phase will be.

29

Councilmember Gantt asked if Salem Street requires acquisition and not just Commerce Street.

30

1 **Director Johnson** said yes, all of the projects require acquisitions. He said a lot of times they
2 are the same owners, especially with Commerce Street and Salem Street, which are the first two, and
3 then Seaboard Street the town will probably work with them a little bit later.

4 **Mayor Pro Tempore Gray** asked if the town starts with this project in 2025, is there a plan or
5 consideration to regard of reducing that construction timeline. He asked was there strategies to take
6 away more parking to fix it faster.

7 **Director Johnson** said the plan will mostly remain the same other than the start date, they
8 are shifting the time that the project will be advertised. He said although they will be planning with
9 the January start time, they will be starting the advertising process later this summer. He said that
10 they can't guarantee things, not just construction, he gave the bidding as an example of when they
11 could run into time issues, and other examples of reasons that there may be issues. He said some of
12 these things they won't know until they get into get into the contract state once they get started that
13 they could run into unforeseen sight conditions. He said they were hopeful, but it is going to be a
14 challenge.

15 **Councilmember Zegerman** said for those reasons he did not want to delay the advertising.
16 He said he would rather delay the mobilization of the contractor than delay the advertising process
17 because of the unforeseen and we know that in recent times that we have had trouble with attracting
18 enough bids and have to readvertise projects multiple times. He said if it was going to push us to the
19 end of the year or into next year, so I don't want to artificially hold back and introduce more delay.

20 **Director Johnson** said it can be a double edge sword, sometimes if you try to award and
21 then have that long delay, that's introducing more risk to the contractor because now they have to
22 consider the possibility of pricing and inflation, which could cause the bid could cause those bid
23 prices to go up. He said the contractor has to take that into account and include it in their bid. He
24 said so it hard to ever have a crystal ball, so that's why we try to move the contracts forward pretty
25 quickly. He said that there is a risk in either scenario.

26 **Councilmember Zegerman** said that a lot of the mitigation hinges on enforcement, and
27 asked how would we do that, and what the enforcement look like.

28 **Ms. Cox** said for most of these strategies, they had limited information to share with Council
29 at this point, and were asking for direction of support from Council so that they could continue to
30 allocate staff time towards flushing these out. She said in terms of parking enforcement, the Police
31 Department is actively working on identifying potential approaches for that, it would include
32 additional capacity in one way or another, and it could be hired capacity. She said that also they are
33 looking at how the Smart Parking pilot could inform parking enforcement, and if there are aspects of
34 that technology that could be used. She said there is more to come for that, and all other strategies
35 and we would continue to work on that, once direction is given on how to proceed.

36 **Councilmember Zegerman** said that it was his understanding that Apex has an agreement
37 with the Baptist Church to use their lot, but that the lot is not highlighted as a parking option on the
38 slide and asked if it was because we are limited on hours. He asked why this wasn't being
39 considered on our mitigation strategy, because that is a sizeable lot.

40 **Ms. Cox** said the town doesn't currently have a formal agreement with the Baptist Church to
41 advertise that as public parking. She said they've always welcomed people to park there, and they've
42 have been very open to that and I think they even have some private signs up about that, but we
43 don't have a formal agreement that allows us to sign and point people to that direction. She said that
44 this is something that have been conversations about, but there is no formal agreement at this time.

1 **Councilmember Zegerman** said that as a potential mitigation strategy for the duration of
2 construction, is that something we could consider, where we temporarily lease part of that lot or
3 have more of a formal agreement.

4 **Ms. Cox** said that it is something that they have actively been working on and will continue to
5 work on with the Church.

6 **Mayor Gilbert** said he would also like to add that could become complicated, as the Church
7 has lots of events.

8 **Councilmember Zegerman** said that maybe they could use it during the week, and that he
9 was just looking at more parking options. He said it seems that they have ruled out more bus service,
10 but asked about more park and ride options where we designate more lots having small shuttles,
11 faring employees and construction employees to the site.

12 **Ms. Cox** said that the public shuttle that was proposed that was included in the 2022
13 engagement did not show much interest in the 2022 survey as well as the most recent survey.

14 **Councilmember Zegerman** said that they didn't ask the population, and this was asked to
15 the Downtown business owners.

16 **Ms. Cox** said that 2022 was targeted to both business owners and a public open house and
17 the meeting that we recently had, the open information exchange, was opened to the public but
18 mostly downtown businesses. She said there was other options, the geofence area, also a node-
19 based pickup/drop off, which could be structure that however is preferred. She said they could
20 extend an agreement with the Town of Cary that could be from a designated lot to downtown. She
21 said the feedback that they have gotten, for using it for this purpose, has not been positive enough
22 for them to include in this staff recommendation, but if that is something Council wants staff to do
23 then they will investigate further.

24 **Councilmember Zegerman** said that he would like to move some of the parking for
25 employees and construction to offsite.

26 **Ms. Cox** said staff did not recommend having construction contract provisions that require
27 them to park remotely, and do not think it is in the overall best interests to include that, but will take
28 the feedback and consider it.

29 **Mayor Gibert** asked if there were any other questions. He said that at the last Council
30 meeting where there was a rezoning, before the survey was completed, there was a desire to move
31 forward. He said that he would like to say as the mayor, that the town needs to listen to the business
32 owners and support the staff recommendation. He said that he did not think the business owners
33 were against the plan, but the timing and the amount of product that they had ordered for their Q4
34 had a lot to do with it, and they wanted to be as prepared as possible, so I hope the support is to
35 delay it and support the business owners and support the staff's recommendations.

36 **Mayor Pro Tempore Gray** said that he has confidence that staff has enough flexibility to
37 award the contract and address any limiting factors that may come up. He said direction from him
38 was to start the award with the recommendations that Council has and if there is any possibility of
39 reducing that original build timeline that had been forecasted as a 6-8-month project. He said he did
40 not see a reason why he should fight the recommendation of staff.

41 **Councilmember Zegerman** asked how much of the overall timeline is because we are doing
42 parking mitigation.

43 **Director Johnson** said it was a hard question to answer and that there was already parking.
44 He said as a 6-month project it may save an extra month to do it all at one time.

1 **Councilmember Gantt** made a comment about the survey. He said he was irritated with how
2 the Town employees were treated about how they were treated differently verses the business'
3 employees parking, and they should be treated the same way.

4 **Mayor Pro Tempore Gray** said that was a solid point. He said it was important to consider
5 the downtown business owners because they have an impact and they are physically there, but we
6 also have to be very cognizant that we are using the tax dollars of everybody in Apex, so giving them
7 an opportunity to have a say is important and that they had an opportunity to have a part in the
8 survey. He said that he felt that this is reflective of what is a community sentiment.

9 **Councilmember Killingsworth** said that if it went out community wide, that they may be
10 seeing different things.

11 **Councilmember Gantt** said he was hearing 'when are you going to get it done' they want it
12 done as soon as possible, he said the festivals would like for it to be done as soon as possible too,
13

14 A **motion** was made by **Mayor Pro Tempore Gray**, seconded by **Councilmember Gant**, to
15 approve a mitigation plan for the temporary loss of parking in the Saunders Lot during construction.
16

17 **VOTE: UNANIMOUS (4-0) with Councilmember Terry Mahaffey absent**

18
19
20 **NB2 Pulling of Consent Items 2 and 3**

21 **Councilman Zegerman** said that he had asked to pull consent items 2 and 3 which is specific
22 to the appointment of the Housing Advisory Board's members and the Appointment of the Chair
23 and Vice Chair of the Board. He said he didn't have much concern with Consent item 3. He said he
24 wanted to discuss the staffing of the Housing Advisory Board, he said housing affordability is one of
25 the most concerns in Apex. He said his expectations of the housing advisory board is that they
26 advise Council on policy to address every tier of the market. He said if they are missing the bottom
27 tiers in the conversations, he believes the advisors of the Boards should reflect the priorities
28 stronger. He said he would like to see more of a representation from people representing
29 organizations, non-profits that have vast experience in that area and to come up with policy for
30 Council to follow. He said that this is not the ability to those on the Board, or their skill. He said
31 everyone on the Board brings something to the table and lots of the applicants have very strong
32 qualifications, his preference would be to use this opportunity while there are 3 positions that
33 stronger consideration is given to those individuals that represent non-profit and housing
34 affordability question a little more. He said he wanted to make a motion to defer to reconsider
35 bringing back candidates and ask the Mayor to reconsider his nominations and bring back
36 candidates, and if the Mayor doesn't want to do this then the next Motion would be to start striking
37 names.

38 **Mayor Gilbert** said that he and Council Zegerman have had conversations about this in the
39 past and it was nothing personal, it is just a philosophical difference. He said that at this time is to get
40 cooperation of the development community. He said that it would be a waste of time because he
41 would bring back the same name.

42 **Councilmember Zegerman** said he appreciated the Mayor's point and he understands
43 keeping the building committee on the Boards. He said he doesn't think they have the same
44 motivations that we do as we look out to the future of our town.

1 **Mayor Gilbert** said that the point may be missing. He feels that they need to keep them at
2 the table.

3 **Councilmember Zegerman** said he doesn't disagree. He said that last year put out an
4 Affordable Housing policy that we have yet to see a single developer pick up and the intent of the
5 policy was to move in a much bigger scale and we are not seeing the uptick in that. He said so how
6 do we write policy if the ones that do not want to use it are the ones making the recommendations.

7 **Mayor Gilbert** said this is a work in progress. He said he wanted to support staff and had not
8 heard any resistance from them.

9 **Councilmember Killingsworth** said as a member of the Housing Advisory Board she had
10 had many different discussions. She said that there were two people mainly from the development
11 community on the Board and that one has been super helpful and the other person didn't show up
12 for a lot of the meetings, so she did not find that him being on the Board to be very helpful and that
13 is why she did not recommend him being on the Board.

14 **Mayor Gilbert** asked if we are giving constructive feedback to the Board members on
15 expectations of the individuals on the Committees and Boards. He directly asked was Mr. Rogers
16 was given feedback about the expectations of serving on the Board.

17 **Councilmember Zegerman** said that was a fair question. He said that when you except a
18 position on a Board or a Committee, that the expectation is that you should attend the meetings. He
19 said his desire was to have people that have a stronger focus on housing affordability. He said that
20 having a representation of on the Advisory Boards that reflect our priorities.

21 **Councilmember Killingsworth** said that they need to think outside of the box because the
22 things that we are trying to solve have not been solved.

23 **Mayor Gilbert** said he agreed, which is why he asked Elana Money Garmin to serve on the
24 Board. He said that she completed a project, 30 tiny homes in Chatham County for Veterans, she
25 thinks outside of the box.

26 **Councilmember Killingsworth** said that there were two mobile home parks that we had to
27 come up with other solutions for and Habitat has had solutions.

28 **Councilmember Zegerman** said that he would propose to meet the Mayor half way and
29 strike Mr. Jacob Rogers from the nominations and instead nominate Daniel Sargent who represents
30 Rebuilding the Triangle Together as a potential replacement for that position. He said that would
31 lead us to re-appointing Mr. Paul Kane, appointing Elana Money and appointing Daniel Sargent.

32
33 **Mayor Gilbert** asked for a 10-minute recess at 9:53 p.m.

34
35 Council returned at 10:07 p.m.

36
37 **Councilmember Zegerman** said that there was a question about conflict of interest with Mr.
38 Sargent in his opinion that the nature of his business is very different, he said there was no conflict of
39 interest with Mr. Sargent. He said he wanted to make a **motion** to strike Jacob Rogers from the
40 nominations and nominate Daniel Sargent, Paul Kane, and Elaina Money.

41 **Mayor Gilbert** said that as per policy, he would have to be the one to make the nomination.

42 **Councilmember Zegerman** made a motion to strike Jacob Rogers from the nominations.

43 **Mayor Gilbert** said that when they came back, he would bring Mr. Jacob Rogers back.

1 **Councilmember Gantt** said that if we could require things from developers, like affordable
2 housing it would be a different discussion. He said that developers need to be in the room in these
3 discussions because if there is a tilted weight toward advocates there may be a policy form that may
4 be more active. He said crafting incentives and voluntary things needs the input of that Community.
5 He said he is not going to vote for this action item.

6
7 A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember**
8 **Killingsworth**, to strike Jacob Rogers from the nominations.

9
10 **VOTE: 2-2, Mayor Pro-Tempore Gray and Councilmember Gantt dissenting, with**
11 **Councilmember Mahaffey absent**

12
13 **Mayor Gilbert** said his vote is no.

14 **Interim Town Manager Purvis** said nobody has been appointed yet, so a motion needs to
15 be made.

16
17 A **motion** was made by **Mayor Pro-tempore Gray** and second by **Councilmember Gantt** to
18 approve New Business Item No. 2 and previously Consent Item No. 2 and 3, as previously proposed.

19
20 **VOTE: 2-2, Councilmember Killingsworth and Councilmember Zegerman dissenting,**
21 **with Councilmember Mahaffey absent**

22
23 Pursuant to the Town of Apex Charter, **Mayor Gilbert** voted in the affirmative in order to
24 break the tie.

25
26 **Motion Passed, 3-2, with Councilmember Mahaffey absent**

27
28
29 **[UPDATES BY INTERIM TOWN MANAGER]**

30 **Interim Town Manager Purvis** said last week they got checked off on the County
31 Inspection for the Splash pad. He said also Gateway has started construction. He said the third thing
32 was that everything went well at the Holy Celebration this past Saturday. He said there were 5
33 straight weeks of events, he said festival season is here. He said he wanted to thank the Recreation,
34 Public Works and Public Safety staff for all of the work during these festivals.

35 **Councilmember Killingsworth** thanked Mr. Purvis and all the work he has done while filling
36 in as Interim Town Manager on top of doing his job at the same time.

37 **Mayor Gilbert** thanked Mr. Purvis for the update and thanked Lieutenant Overton for
38 providing safety and order.

39 **[CLOSED SESSION]**
40

1 A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember Gantt**,
2 to enter into Closed Session pursuant to NCGS § 143-318.11(a)(5).

3
4 **VOTE: UNANIMOUS (4-0), with Councilmember Terry Mahaffey absent**

5
6 Council entered into Closed Session at 10:14 p.m.

7
8 **CS1 Steve Adams, Real Estate and Utilities Acquisition Specialist**

9
10 **NCGS § 143-318.11(a)(5)**

11 "To establish, or to instruct the public body's staff or negotiating agents concerning the position to
12 be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a
13 contract or proposed contract for the acquisition of real property by purchase, option, exchange, or
14 lease."

15
16
17 Council returned to open session at **10:38 p.m.**

18 **[ADJOURNMENT]**

19 **Mayor Gilbert** adjourned the meeting **10:39 p.m.**

20
21 Jacques K. Gilbert
22 Mayor

23 Allen Coleman, CMC, NCCCC
24 Town Clerk to the Apex Town Council

25 Submitted for approval by Town Clerk Allen Coleman and approved on_____.