

DRAFT MEETING MINUTES

**TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, APRIL 8, 2025
6:00 PM**

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, April 8th, 2025 at 6:00 PM in the Council Chambers at Apex Town Hall, located at 73 Hunter Street in Apex, North Carolina.

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

<https://www.youtube.com/watch?v=AKSez2jbuF0>

[ATTENDANCE]

Elected Body

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

Town Staff

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

All other staff members will be identified appropriately below

[COMMENCEMENT]

Mayor Gilbert called the meeting to order at **6:00 p.m.** and welcomed all who were in attendance and watching.

Mayor Gilbert said that there was ministries and faith organization attending and invited Pastor John McDonald of World Seasons Ministries to deliver the invocation and for a moment of peace. He then led those in attendance with the Pledge of Allegiance.

[CONSENT AGENDA]

A **motion** was made by **Councilmember Killingsworth**, seconded by **Councilmember Mahaffey**, approve the Consent Agenda as presented.

VOTE: UNANIMOUS (5-0)

CN1 Advisory Board Attendance Report 2025 - Quarter 1

Council voted to accept the resident advisory board attendance reports for quarter one, which includes January, February, and March, of calendar year 2025.

CN2 Agreement - Utilities Infrastructure Reimbursement Agreement - Chatham County and Town of Apex - Apex Gateway Partnership Project (CONT-2025-099)

Council voted to approve a Utilities Infrastructure Reimbursement Agreement between Chatham County and the Town of Apex for a one-time reimbursement of \$300,000 of public infrastructure costs (paid to the Town of Apex), and authorize the Town Manager or their designee, to execute on behalf of the Town.

CN3 Annexation No. 789 - Chinese Christian School - Secluded Acres Road - 4.72 acres (REF: RES-2025-014, RES-2025-015, and OTHER-2025-030)

Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for April 22, 2025, on the Question of Annexation - Apex Town Council's intent to annex 4.72 acres project entitled Chinese Christian Mission Church, and located on Secluded Acres Road, Annexation No. 789, into the Town Corporate limits.

CN4 Annexation No. 801 - Apex Light Industrial - 0 Creekbird Road - 3.19 acres (REF: RES-2025-016, RES-2025-017, and OTHER-2025-031)

Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for April 22, 2025, on the Question of Annexation - Apex Town Council's intent to annex 3.19 acres project entitled Apex Light Industrial, and located on Creekbird Road, Annexation No. 801, into the Town Corporate limits.

CN5 Council Meeting Minutes - Various

Council voted to approve Meeting Minutes from the following meetings:

February 12, 2025 - Town Council Retreat Day One

February 13, 2025 - Town Council Retreat Day Two

March 11, 2025 - Regular Town Council Meeting Minutes

CN6 Encroachment Agreement - 1461 Hasse Avenue (REF: CONT-2025-100)

Council voted to approve an Encroachment Agreement between the Town of Apex and property owner, Pulte Home Company, LLC, to install a driveway that will encroach 84 square

feet (SF) onto the Public Drainage Easement, and authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN7 Encroachment Agreement - Huxley Open Space - 0 Hasse Avenue (REF: CONT-2025-101)

Council voted to approve an Encroachment Agreement between the Town of Apex and property owner, Pulte Home Company, LLC, to install a sidewalk that will encroach 9 square feet (SF) onto the Public Drainage Easement and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN8 Fiscal Policy Guideline Amendments - Budget Targets, Debt Targets, Fund Balance, Cash and Investments, and Utility Fund Targets (REF: PLCY-2025-004)

Council voted to approve the amendments to the Fiscal Policy Guidelines for the Town of Apex.

CN9 Human Resources (HR) Policy Updates - Town Personnel Policies - Define Immediate Family and Clarify Secondary Employment with the Town (REF: PLCY-2025-005)

Council voted to amend the Personnel Policies for the Town of Apex effective April 08, 2025.

CN10 Property Acquisition - 0 Pristine Water Drive - 0.9468 acres (REF: CONT-2025-102)

Council voted to approve the acquisition of property located at 0 Pristine Water Drive (Recombination Plat Pin No 0741-93-8441 and 0741-93-2178) in Apex, North Carolina, for a purchase price of \$15,000.00, to authorize the Town Attorney or Town Manager make minor modifications to the Offer to Purchase and Contract not affecting the cost or acreage, and authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN11 Property Acquisition - 0 Tingen Road - 5.5926 acres (REF: CONT-2025-103)

Council voted to approve the acquisition of property located at, 0 Tingen Road (PIN No. 0731-70-6441) in Apex, North Carolina, for a purchase price of \$135,000.00, to authorize the Town Attorney and Town Manager to make minor modifications to the Offer to Purchase and Contract not affecting the cost or acreage, and authorize the Town Manager, or their designee, to execute on behalf of the Town.

[UPDATES BY TOWN MANAGER]

Town Manager Vosburg gave updates on the following:

- **Housing Plan Update** - Resident Roundtables, April 13th 2:00 p.m. - 3:00 p.m. and 5:30p-7:00 p.m. at Apex United Methodist Church
- **Pig Fest** - April 11th and 12th at Apex Town Hall (new location due to Saunders lot construction)
- **Budget Work Session** - Next week at 3:30 p.m. in the Council Chambers
- **Good Friday** - April 18th Town Hall is closed
- **Bid openings - Solar Bid Opening** - Thursday, April 10th; Tunstall House, bids due May 8th

- 1 - **Telecommunicators Week** - April 13th - 19th (Proclamation to follow)
- 2 - **Advisory Board Recruitment** - Information on Town website, search for Advisory
- 3 Boards and the Town Clerk's office can assist with applications or any questions.
- 4 - **Utility Bill Review Update** - Simulation is complete for cycle 1, and data is currently
- 5 being compared. A simulation is planned for next week for cycle 2 and a data
- 6 comparison is planned for the following week and then we will brief the Council and
- 7 Public Communication will go out. A finalized report is expected in about 3 weeks. He
- 8 said from there, they would brief Council individual, then brief the public on the
- 9 findings.

10
11 **Mayor Gilbert** thanked Town Manager Vosburg and asked if there were any questions,
12 and with no questions he moved to Presentations.

13
14 **[PRESENTATIONS]**

15
16 **PR1 ADDED - Special Recognition - Cub Scout Pack 312**

17
18 **Mayor Gilbert** asked Councilmember Mahaffey to speak about the Cub Scouts'
19 special recognition.

20
21 **Councilmember Mahaffey** said that there was a special award for the Cub Scout Pack
22 312. He said that the Pack had won the NC Cardinal District Pinewood Derby held on March
23 1st. He invited them up to accept the award and take pictures.

24
25 **PR2 Proclamation - Child Abuse Prevention Month 2025 - April 2025 (REF: PRO-**
26 **2025-010)**

27
28 **Mayor Gilbert** and the rest of Council read the Child Abuse Prevention Month
29 Proclamation in unity.

30
31 **Mayor Gilbert** invited Danica Coleman, Town of Apex Police Department Victim
32 Advocate, Karen Morant, Wake County Western Health and Human Services Director to
33 receive the proclamation.

34
35 **PR3 Proclamation - National Public Safety Telecommunications Week 2025 - April 13**
36 **through April 19, 2025 (REF: PRO-2025-011)**

37
38 **Mayor Gilbert** and the rest of the Town Council, read the Proclamation for National
39 Public Safety Telecommunications Week 2025. He then invited up James, Nehaus,
40 Emergency Communications Center Manager, Shawn Williams, Kylie Rhodes, Jerrica Cole,
41 Kim Wylie, Harley Ciccarelli, Janera Cumbo, and Priestly Law to receive the proclamation and
42 take pictures.

PR4 Proclamation - Nepal Day 2025 - Saturday, April 19, 2025 (REF: PRO-2025-012)

Mayor Gilbert and the rest of the Town Council, read the Proclamation for Nepal Day 2025 He then invited Niveeta Sharma, Bikash Shakya, Bikram Gautam, Dadin Pandey and Ishwor Dhakall to come up and accept the proclamation and take pictures.

Niveeta Sharma with NCNC spoke about the honor of representing the Nepali community in North Carolina. She spoke about the significance of April, and they are celebrating the new year of 2082 on the Nepali calendar. She invited everyone to the Nepal parade and celebration on April 19th.

PR5 Think Apex Awards - 2025

Mayor Gilbert invited Brianne Gill to give the presentation.

Brianne Gill, Community Engagement Manager, Comm. Dev. And Neighborhood. Conn. Department thanked all for the Think Apex Award. She gave the following presentation and awards for the contributions being made to the Apex Community.

[SLIDE 1]



1 [SLIDE 2]



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3 [SLIDE 3]



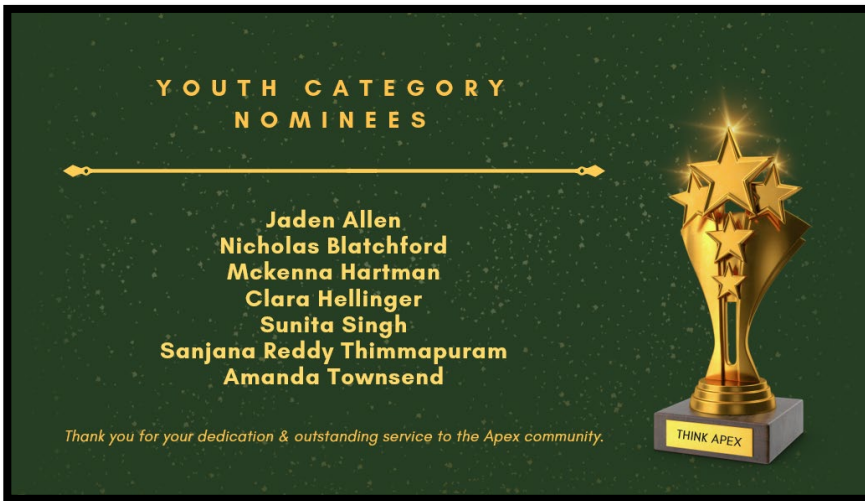
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5 [SLIDE 10]

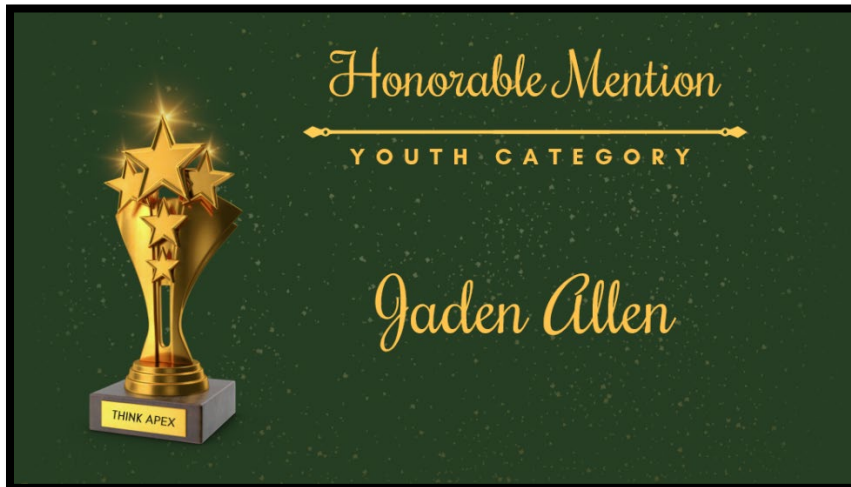


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1 [SLIDE 11]



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3 [SLIDE 12]



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5 [SLIDE 13]



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[SLIDE 14]



Ms. Gill thanked the Town of Apex and all for coming and congratulated all of the nominees and winners. She said that she would like to encourage all to continue to embrace and foster a local mindset by being intentional about supporting and investing in the unique qualities of Apex. She invited all of the winners up for pictures. I

Mayor Gilbert congratulated all of the winners and thanked Ms. Gill for putting all of this together. He then moved to the Regular Agenda.

[REGULAR MEETING AGENDA]

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

VOTE: UNANIMOUS (5-0)

Mayor Gilbert then moved the meeting to Public Forum.

[PUBLIC FORUM]

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

First to speak was **Dawn Cozzolino** of 3623 Bosco Road:

"Good Evening Mayor Gilbert and Town Council. Tonight, I want to make sure that the community is aware of the Wake County Public Schools. They're going to be having public budget hearing meetings; these are all happening tonight in Cary and over the next week. So just some background, Superintendent Robert Taylor has proposed over a \$60 million budget increase over last year's budget, and this is, due to, or as he stated, was due to, over

1 the four new schools that are being built or in construction in progress, new school
2 enrollment, and employee benefits. So, this would be an opportunity for folks, for everyone
3 to be heard and provide their input, on behalf of our community and our students. He didn't
4 sugarcoat it either. And he said that hard cuts will need to be made. So, understand, you
5 know, these budgets don't have much fixed, they're all fixed costs. There's really no
6 discretion. So, the hard cuts are going to come in terms of people losing jobs and other
7 resources that won't be provided. So, as I mentioned, Cary's hosting this meeting tonight, but
8 there are three other meetings I hope you can join and take part in, the next meeting, and
9 they all take place between 6:15 and 8:15 at night, April 11th at Fuquay-Varina Middle, April
10 16th at Abbotts Creek Elementary and that's in Raleigh, and April 23rd at Southeast Raleigh
11 YMCA, and that's in Raleigh again. So, no Apex in here. So, you know, maybe next time.
12 Back to how this fits with the Town Council. So, when you continue approving all growth,
13 okay, the developers and all growth, you do in fact increase the town revenues, and that's an
14 important thing to grow the town. However, the burden also increases in other areas, and I
15 want to bring that to your attention. So those areas are traffic, congestion, and of course yes,
16 the schools are impacted, because we have school caps and we have school reassignments.
17 And that's really too much disruption, for kids in their development years to go through and
18 to the families and communities that love them. So please reconsider when you're approving
19 developments that you're not exploding beyond the means of our roads and our schools.
20 Thank you."

21
22 **Mayor Gilbert** thanked the speaker and called the next speaker.

23
24 The next to speak was **Reverend Kara Matthews** of 3509 Pony Soldier Drive:

25 "Would the other housing advocates who are joining me tonight please raise their
26 hands? Okay. I'm concerned about the lack of affordable housing choices in Apex. I believe
27 that solving the problem requires that elected officials, town staff, and community members
28 collaborate on creative approaches to increase housing choices that are affordable for all
29 low- to moderate-income households. That is, households with annual incomes of less than
30 \$30,000 and up to 80% of the area median income, which in 2024 was about \$78,000 for a
31 family of two and \$98,000 for a family of four. One of the gifts of serving as a pastor is being
32 invited into the sacred goggles of people's hearts. We are never guaranteed entrance into
33 people's stories. And so, when God allows us sacred space whereby someone trusts us
34 enough to tell their story, we know that we are on hallowed ground. I have the profound
35 privilege of working with survivors of human trafficking and domestic violence. I am in awe of
36 their strength, candor, and resilience. And with each day, they place one foot in front of the
37 other and find fortitude where others might not. They deal with complex trauma, and one of
38 the ongoing issues for them is to place that trauma in the background and not allow it to
39 creep into their daily interactions and lives. It's not easy, as you might well imagine. I'm here
40 tonight to share some of their stories and their plight to obtain affordable housing. Survivor A
41 moved into a beautiful home with her daughter and had access to one of our amazing

1 schools in Apex. Unfortunately, she became infirm with COVID during the time when many of
2 us did, and as a result, she was not able to work for a couple of weeks, which meant that she
3 was not receiving compensation from her employer. When she finally returned to work, she
4 was so delinquent in her bills that she just couldn't see a way out. She had even
5 contemplated returning to her trafficker regardless of the risk that it posed to her. Sadly, this
6 family was evicted. The survivor is now living 40 minutes away from her child's school and
7 makes the commute each morning and each afternoon so that her child can remain in the
8 school. Survivor B was living unhoused for about six months. The survivor began working with
9 an organization to embark upon moving into one of the apartment complexes we have in
10 Apex. Unfortunately, the survivor had an immensely difficult day. Survivors can experience
11 pop-up trauma anytime and anyplace. It can be an ordinary experience that erects a
12 traumatic event, and it leaves them completely disassociating and unable to cope with the
13 present reality. This caused a cessation of everything. The survivor missed work, and without
14 a couple of days of income, the apartment moved further away from becoming a true reality.
15 And the survivor said, "The rent is just too high, so I think I'll just stay where I am." She's now
16 subject to being trafficked again, because of course, living unhoused makes her incredibly
17 vulnerable. My final story for tonight is Survivor C, who is another single mom with two
18 children. They were in an apartment in Apex, and it was perfect for the family. But each year,
19 the landlord would increase the rent, and it finally got to the point where they just couldn't
20 stay there anymore. They relocated to another place, but she said it reminded her of the
21 place where she was trafficked. So recently, she and her children relocated yet again, and the
22 community is 45 minutes away. But she said it doesn't trigger her trauma, and the rent is
23 affordable. In each of these cases, they wanted to be in Apex because of the quality of life,
24 but the affordability was not plausible for them. I do hope that we as a community can work
25 together to create affordable housing, because our community does represent some truly
26 extraordinary opportunities for individuals who would otherwise be unseen. Thank you."

27 **Mayor Gilbert** thanked the speaker and called the next speaker.
28

29 The next to speaker was **Mark Stohlman** at 225 Flat Rail Trail of Cary:

30 "Good evening, Mayor Gilbert and Town Councilmembers. It's an honor to be here,
31 I'm Mark Stohlman. I live at 225 Flat Rail Trail in the beautiful suburb of Apex called Cary. So,
32 Morrisville kicked me out a few years ago, been living downtown Cary for the last four and a
33 half years now. But before I say that I would like to thank you all. Those proclamations you, I
34 love the way you did it, they were heartfelt, they meant a lot, particularly the Nepal Day. It's a
35 good group of people and, I was always honored to help with that also. So, thank you very
36 much. And lastly, not lastly, but thank you also for the cricket pitch that you put up in Jaycee
37 Park. I try to get Mayor Gilbert out there to play a couple times. We'll get you out there, we'll
38 get you hitting those boundaries before you know it. But, anyway, thanks again for your
39 service. I'm actually here tonight to talk about a little lighter subject. I'm a little humbled

1 following the school budget discussions and affordable housing. And this is maybe a little bit
2 of a lighter subject, but I think it's pretty important for the town and its future, and that's the
3 social district that you're contemplating. Cary's had a social district for the last year and a half.
4 My neighborhood literally goes up to the boundary of it. I am at the social district line in the
5 Town of Cary and I just wanted to set your expectations on what you may or may not expect
6 or what will happen when this social district goes into effect. There are probably 50 to 60
7 social districts in North Carolina right now. It's very popular. I don't blame you guys for
8 looking at it. It's a lot of fun to have. It's a great selling point for the town. There's music
9 involved and have those things.. The reality is, living next door to the social district, just
10 expect a couple things. As good as your Apex citizens are, a lot of them will ignore the
11 boundaries, they'll ignore the times, they'll bring their own drinks into your social district. So, I
12 kind of want to say, expect all those things. It's very difficult for your police department to
13 police everyone walking outside the boundaries, to police every cup, to police every hour of
14 the day. It's 12 hours should be enough, but believe it or not, people want to drink at 9:00 in
15 the morning and at midnight, that sort of thing. So, you may have a temptation, as frustrating
16 as it is, you'll hear from your citizens, you'll hear about all these things I just mentioned, you
17 may have the temptation just to say, you know, the heck with the boundaries, the whole town
18 is social district now. You know, drinking for all, everything's... I advise you think against that,
19 don't let that be your first inclination, you know, work with your citizens, work with your
20 police. Try to get that enforcement, I think early enforcement would, would have made a
21 difference in Cary, get that message across early, you don't have to fine people. You don't
22 have to be mean about it. Just tell them, you know, you're two blocks from the social district,
23 maybe step back into it, that sort of thing. Anyway, good luck with your deliberations on that,
24 it is a lot of fun to have a social district outside your door, but with it comes a lot of
25 responsibilities and some few crazy people. So, be careful what you vote for in a couple
26 weeks and hope you have very good luck with it. Thank you."

27 **Mayor Gilbert** thanked Mr. Stohlman and his service in Morrisville and called the next
28 speaker.
29

30 The next to the speaker was **Ed Gray** of 1004 West Sterlington Place:

31 Good evening, everyone, colleagues, Mayor. I'm taking this unusual step of being on
32 this side of the dais to make a couple of points, because I think there's three important things
33 that we need to remind ourselves occasionally. The first thing is that this opportunity to
34 communicate is something that is really important, and I know that this is something that I
35 know all of us up there truly believe in, but we want to encourage more of this engagement.
36 We want to encourage more folks to come to these meetings, to engage and have these
37 conversations. It's part of our First Amendment right, it's part of our freedom of speech, and
38 it's something that we feel very strongly about as a community. But most importantly, we,
39 when we're sitting up there, strongly believe in your ability to exercise that right of free

1 speech, so I know it can be frustrating for some who come to talk and we may not respond or
2 we may not answer or we may not make comment, but that's in pure deference just to those
3 who are speaking here, engaging in that freedom of speech, and making sure that we're not
4 trampling on that freedom of speech regardless of what that speech is and many times that
5 speech can be critical of us. Which brings me to my second point. I know that, you know,
6 there's been a lot of conversations about, the cyber incident that we had, and I will be the first
7 to tell you that, you know, I remember around July 4th when we got that call that it was
8 happening, and I remember the leadership that was, initiated by the Mayor on this issue, the
9 leadership initiated by all of you to help handle this issue and to be clear, these are
10 international incidents involving foreign actors that are at the purpose of trying to disrupt
11 how we operate, and it's important to understand that, and you guys took that seriously, and I
12 think it's important for someone to say thank you for that. Because I know that it's very difficult
13 to remember that we're not just talking about the impact on our utility billing, and we know
14 that that has had a severe impact on many folks but it's also important to remember that our
15 public safety was not impacted. Our public responders were able to respond to scenes even
16 though their computers were the focus of the attack. Our Fire Department was able to make
17 responses and respond to accidents and people. Why? Because this town took it seriously
18 enough to address. So, I want to say thank you for those efforts and particularly I want to
19 thank Mayor Gilbert for his leadership on that, because these are the basic things that make
20 towns happen. And the fact that we didn't lose lives when there was a targeted attack on us, I
21 think it is a testament as to how we were able to address it. We didn't do it perfectly, I'll be
22 the first person to tell you that we could have done some things better, that's right, but I will
23 say that I think it's encouraging to know that regardless of how we handled the billing, no one
24 has had their power turned off. Not one person. There are a lot of people who owe us
25 money, but not one person has had their power turned off. And that brings me to my last
26 point. It's important that although we have the right to come up here and say what we want, I
27 do think it's really critical that those of us who are in this position keep in mind that maybe
28 playing politics with these severe and serious issues isn't appropriate. So, I want to say thank
29 you to all of you for the hard work that you do. And I want to say thank you to all of you who
30 are here for being here, because it's your voice that we want to hear. Thank you, Mayor.
31 Thank you, Council."

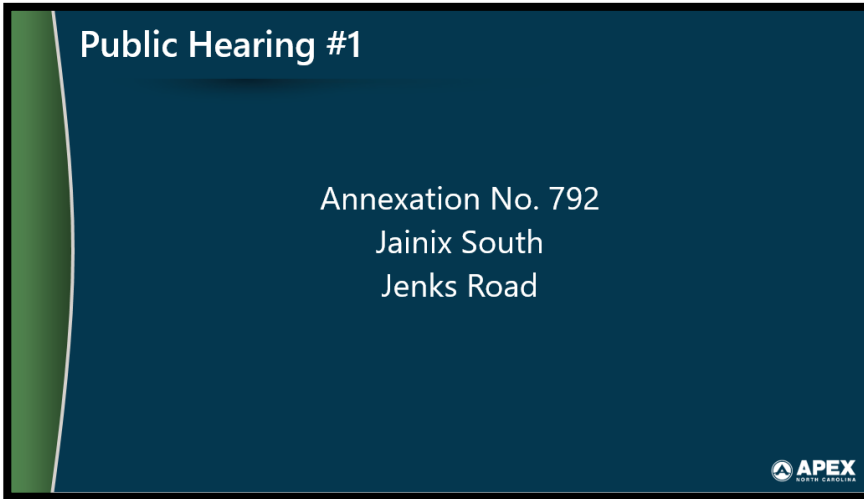
32 **Mayor Gilbert** thanked the speaker and moved to Public Hearings.

[PUBLIC HEARINGS]

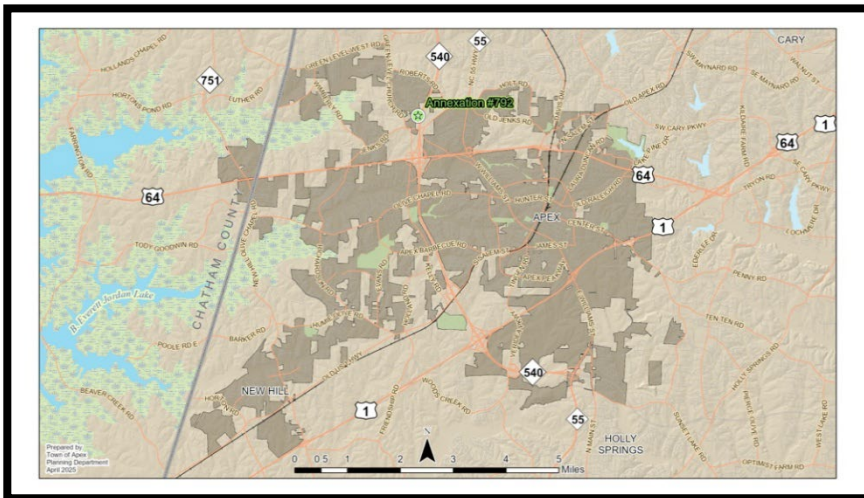
PH1 Annexation No. 792 - Jainix South - Jenks Road - 7.243 acres (REF: ORD-2025-021)

Dianne Khin, Director, Planning Department gave the following presentation:

[SLIDE 1]



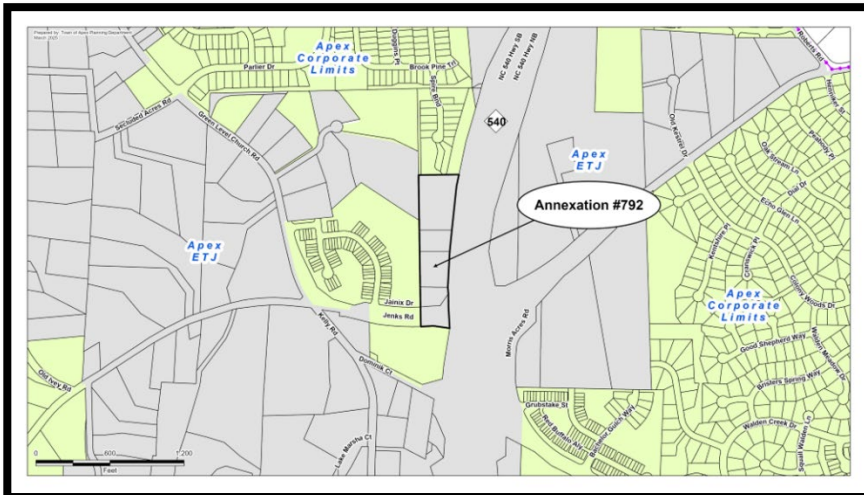
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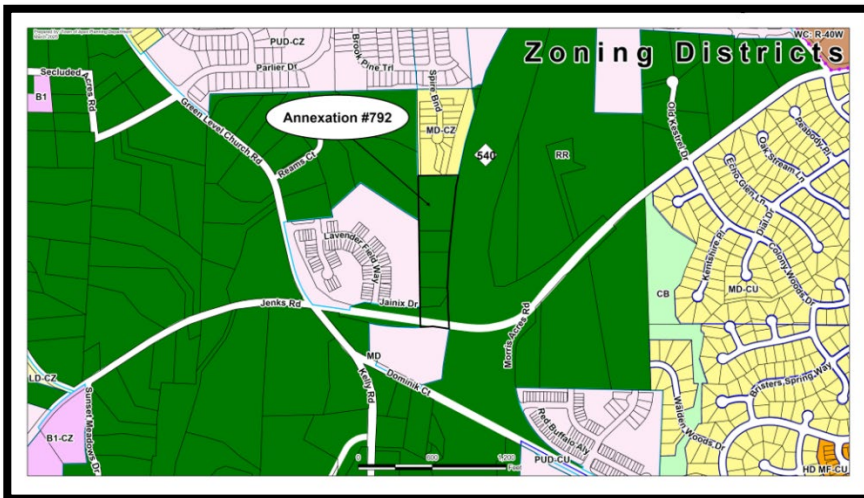
1 [SLIDE 3]



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3 [SLIDE 4]



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5 [SLIDE 5]



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

A **motion** was made by **Councilmember Killingsworth** and seconded by **Mayor Pro Tempore Gray**, to adopt an Ordinance on the Question of Satellite Annexation - Apex Town Council's intent to annex 7.243 acres, commonly referred to as Jainix South, located on Jenks Road, Satellite Annexation No. 792, into the Town Corporate limits.

VOTE: UNANIMOUS (5-0)

PH2 Unified Development Ordinance (UDO) Amendments - Signs - March/April 2025 (REF: ORD-2025-022)

Bruce Venable, Planner II, Planning Department said that this was an applicant driven amendment request and would address signs in the ordinance. He gave the following presentation:

[SLIDE 1]



1 **[SLIDE 2]**

Amendment #1

Requested by East West Partners

Amendments to Sec. 8.7 Signs in order to add projecting signs as a permitted permanent sign type in all zoning districts and to set standards for such signage.

Background: The applicant, East West Partners, is requesting amendments to the Unified Development Ordinance (UDO) to permit projecting signs as a permanent sign type for all uses in all zoning districts. This sign type is currently only permitted within the Small Town Character Overlay District. The applicant collaborated with Planning Staff on the proposed standards. These standards will provide an additional signage option for residential, commercial, industrial, and office/institutional uses.

2
3 **[SLIDE 3]**

Amendment #1

Requested by East West Partners

Planning Board:

- At its March 10, 2025, meeting, the Town of Apex Planning Board unanimously voted to recommend approval

Updates since the Planning Board meeting on 03/10/2025:

- During the Planning Board review of the amendment, a member asked a question regarding the number of signs in Sec. 8.7.1.A.20.d. The wording presented in that report was:
Projecting signs shall be limited to one (1) per tenant with frontage on a street; or if on a corner lot, one (1) projecting sign per tenant per facade with street frontage.
- To address the concern, staff has amended the text as shown in the proposed text below. Staff reviewed this change with the applicant and they are in agreement.
The number of projecting signs shall be limited to one (1) per ground-floor public entrance with frontage on a street; or if on a corner lot, one (1) projecting sign per ground-floor public entrance per facade with street frontage.

4
5 **[SLIDE 4]**

Amendment #1

Requested by East West Partners

8.7 Signs

...

8.7.1 Permitted Signs: Location, Size, and Number

Table 8.7.1

P = allowed with permit X = not allowed V = allowed without permit

Sign Type	Conditions	Residential Uses	Commercial Uses	Industrial Uses	Office & Institutional Uses	Illumination ¹
Permanent Sign Types						
20 Projecting	8.7.1.A.20	P	P	P	P	Yes
Sign Design and Color						

¹Subject to Sec. 8.7.4.C Uniform Color Scheme, 8.6 Exterior Lighting, and 8.7.6.B Sign Illumination.

1 [SLIDE 5]


Amendment #1
Requested by East West Partners

A) Permanent Sign Types

...

20) Projecting Signs
A sign affixed to a building or wall in such a manner that its leading edge extends more than 12 inches beyond the surface of said building or wall and meets the conditions below:

- a) Projecting signs shall maintain a minimum vertical clearance of nine (9) feet and shall not project higher than the building height, roof line, or parapet wall.
- b) Projecting signs may only be used as an alternative to a wall sign. In no instance shall a single tenant have a projecting sign, and a wall sign located on the same building façade.




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3 [SLIDE 6]

Amendment #1
Requested by East West Partners

c) The maximum sign area permitted for such sign shall be determined by the mounting height of the top of the sign as listed in Table 8.7.1.A.20 below.

Projecting Sign Location	Maximum Sign Area
Ground Floor	12 square feet
Between ground floor and secondary story	18 square feet
Between second story and third story	32 square feet
Third story and above	48 square feet

d) The number of projecting signs shall be limited to one (1) per ground-floor public entrance with frontage on a street; or if on a corner lot, one (1) projecting sign per ground-floor public entrance per facade with street frontage.



4
5 [SLIDE 7]

Amendment #1
Requested by East West Partners

- e) The outside edge of the projecting sign shall not project more than five (5) feet beyond the façade of the building.
- f) Also subject to Sec. 8.7.4 Sign Design and Color, 8.7.5 Master Sign Plan Requirement, Sec. 8.7.3 Sign Area Measurement, and 8.7.6.B Sign Illumination.
- g) Projecting signs in compliance with the above regulations may project into the air rights of a public right-of-way if approval for such encroachment is obtained from the governmental authority having jurisdiction over improvements in the public right-of-way prior to the approval of the sign permit.


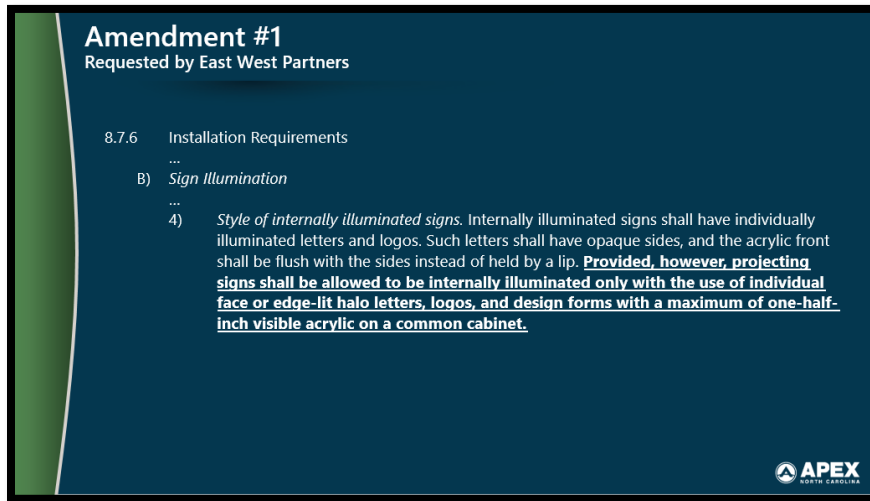
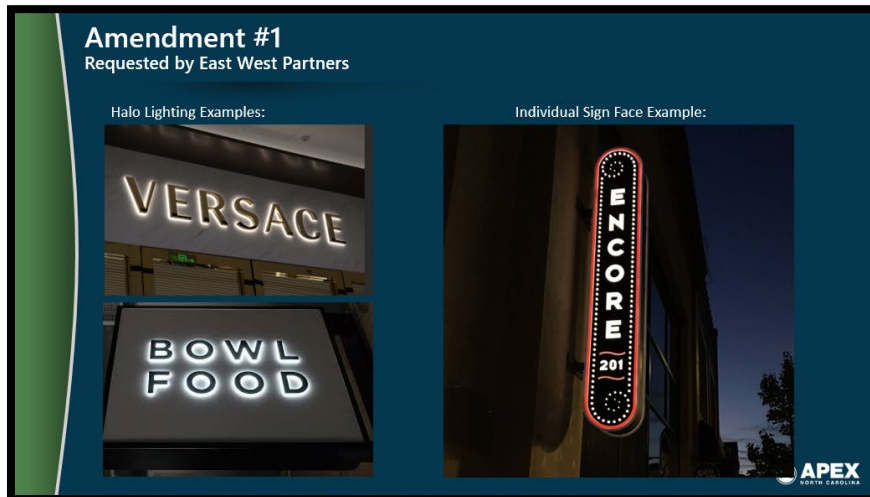


Figure 8.7.1.A.20 Examples of projecting sign types.

1 **[SLIDE 8]**



2
3 **[SLIDE 9]**



4
5 **Mayor Pro Tempore Gray** asked if the applicant agreed with the number of signs that
6 there could be on the same floor.

7 **Mr. Venable** said yes that the applicant was in full agreement.

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

10
11 A **motion** was made by **Councilmember Zegerman** and seconded by **Mayor Pro**
12 **Tempore Gray**, to approve the Unified Development Ordinance (UDO) Amendment related
13 to signs - March/April 2025.

14
15 **VOTE: UNANIMOUS (5-0)**

16
17 **PH3 Unified Development Ordinance (UDO) Amendments - Various - March/April**
18 **2025 (REF: ORD-2025-023)**

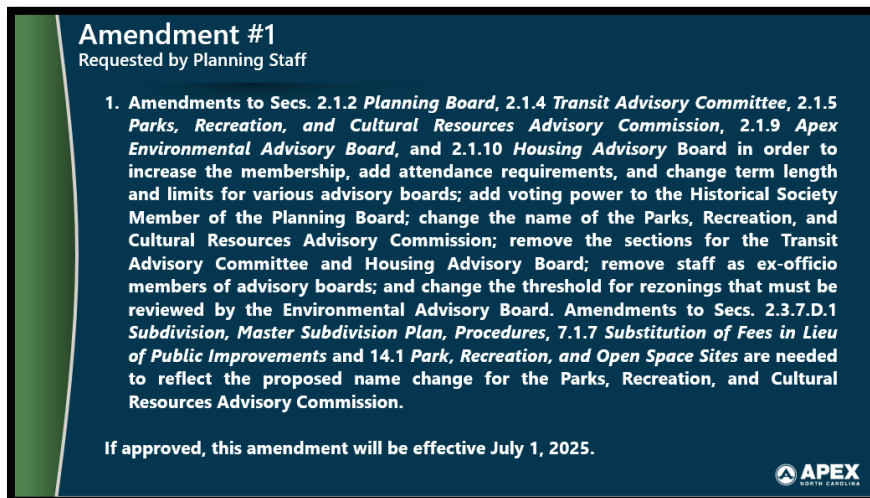
Amanda Bunce, Current Planning Manager, Planning Department presented the first two amendments.

Bruce Venable, Planner II, Planning Department presented the last amendment.

[SLIDE 1]



[SLIDE 2]




1 **[SLIDE 3]**

Amendment #1
Requested by Planning Staff

2.1.2 Planning Board
...
B) *Membership*


- 1) *Number.* The Planning Board shall consist of ~~nine (9)~~ **10** voting members and one (1) non-voting member ~~youth representative as defined in the Resident Advisory Board Administrative Policy.~~
- 2) *Composition of the Members*
 - a) Composition between Town and ETJ. The composition of membership between the Town and ETJ shall be as follows:
... - (ii) ETJ membership shall be based on the proportionality of population between the Town and the ETJ. This shall be determined by estimating the total population in the ETJ as a percentage of the population in the Town's corporate limits and the ETJ and multiplying this percentage by ~~nine (9)~~ **10** (the total required voting membership), rounding up to the next whole number. Members appointed from the ETJ shall be residents of the ETJ and citizens of Wake County.
...



2
3 **[SLIDE 4]**

Amendment #1
Requested by Planning Staff


- c) One (1) ~~non-voting~~ member of the Planning Board shall be a member of the Apex Historical Society and may reside either within or outside the Town's corporate limits. However, the Town Council is not authorizing the Planning Board to operate as a historic preservation commission pursuant to NCGS 160D-303.
- d) All members of the Planning Board, except the non-voting ~~member from the Apex Historical Society~~ **youth representative**, shall have voting power on all matters of business.
...
- 4) *Appointment.* Members shall be appointed as follows:
...- d) The non-voting ~~member~~ **youth representative** of the Planning Board shall be recommended by the Mayor and appointed by the Town Council.



4
5 **[SLIDE 5]**

Amendment #1
Requested by Planning Staff

- 5) Terms. Members shall be appointed for terms of two (2) years, **except for the youth representative who shall be appointed for a term of one (1) year.** No member of the Planning Board may serve more than five (5) ~~three (3)~~ consecutive two (2) year terms **with the exception of the youth representative who may serve no more than two (2) consecutive terms.**
- 6) Removal. Any member of the Planning Board shall be removed for cause (~~neglect of duty, malfeasance, misconduct, or failure to faithfully attend meetings~~) by the Town Council upon written charge **as defined in the Resident Advisory Board Administrative Policy.**
...




6

1 **[SLIDE 6]**

Amendment #1
Requested by Planning Staff

C) Officers

- 1) *Chair and vice-chair.* The chair and vice-chair of the Planning Board shall be appointed by the ~~m~~Mayor from the **voting** members of the Board and confirmed by the Town Council. The term of the chair and vice-chair shall be one **(1)** year. A past chair or vice-chair may be re-appointed, even though no chair or vice-chair shall serve for more than four **(4)** consecutive terms. Vacancies within a term shall be filled by the same method as the original appointment. The chair shall decide all points of order on procedure, and shall take such action as shall be necessary to preserve the order and integrity of all proceedings before the Planning Board. In the absence of the chair, the vice-chair shall act as chair and shall have all powers of the chair. In the absence of both the chair and vice-chair, an acting chair shall be selected for that meeting by a simple majority of those members present. The acting chair shall have the authority and responsibilities of the chair for that meeting.
- 2) *Secretary.* The Planning Director **or designee** shall serve as Secretary of the Planning Board and shall keep minutes of all proceedings. These minutes shall be a summary of all proceedings before the Planning Board, which shall include the vote of all members upon every consideration, and be attested to by the Secretary. The minutes shall be approved by a majority of the Planning Board members voting. In addition, the Secretary shall maintain all records of the Planning Board meetings, hearings, proceedings, and correspondence, as public records in the offices of the Planning Department.



2
3 **[SLIDE 7]**


Amendment #1
Requested by Planning Staff

D) Quorum
No meeting of the Planning Board shall be called to order, nor may any business be transacted by the Planning Board, without a quorum consisting of the majority of the Planning Board's membership excluding vacant seats and the non-voting member **youth representative**.

...

H) Meetings
Meetings of the Planning Board shall be held monthly to consider matters properly before the Board. Additional meetings may be called by the ~~C~~chair or in writing by ~~five~~ **six (6)** members of the Board. All meetings and public hearings shall be held in the Town in a place accessible and open to the public.

...




4
5 **[SLIDE 8]**

Amendment #1
Requested by Planning Staff

2.1.4 Transit Advisory Committee **Reserved**

A) ~~Powers and Duties~~
The Transit Advisory Committee shall have the following powers and duties under the provisions of this Ordinance:

- 1) ~~Review transit plans and services.~~ Review proposed local transit plans, policies, capital improvements, and service changes, and provide recommendations regarding revisions and/or approval. Review regional transit plans, policies, capital improvements, and proposed services changes relevant to the Town of Apex and provide recommendations regarding revisions and/or approval.
- 2) ~~Recommendations to Mayor and Town Council.~~ Recommend to the Mayor and Town Council local transit plans, policies, capital improvements, and service changes.
- 3) ~~Provide information to the Mayor and Town Council.~~ Provide information to the Mayor and Town Council regarding transit customer experience and stakeholder opinions and needs.




6

1 **[SLIDE 9]**

Amendment #1
Requested by Planning Staff

B) —Membership

- 1) *Number.* The Transit Advisory Committee shall consist of nine (9) members. Up to three (3) members may be ex-officio, non-voting members consisting of Town staff. No member of the Town Council shall serve on the Transit Advisory Committee.
- 2) *Appointment.* Members shall be recommended by the Mayor and appointed by the Town Council.
- 3) *Initial establishment.* At the initial establishment of the Transit Advisory Committee, three (3) members shall be appointed for a term of three (3) years, three (3) members shall be appointed for a term of two (2) years, and all remaining members shall be appointed for a term of one (1) year. Thereafter, new appointments for terms of three (3) years shall be made. No member of the Transit Advisory Committee may serve more than three (3) consecutive three (3) year terms with the exception of ex-officio members.
- 4) *Removal.* Any member of the Transit Advisory Committee shall be removed for (neglect of duty, malfeasance, misconduct, or failure to faithfully attend meetings) by the Town Council upon written charge and after a public hearing.
- 5) *Filling of vacancy.* Vacancies shall be filled by the same method as the original appointment. Vacancies occurring for reasons other than expiration of terms shall be filled for the period of the unexpired term by the same method as the original appointment.
- 6) *Voting.* All regular members shall vote on any issue unless they have been disqualified pursuant to Sec. 2.1.4.E Conflict of Interest.
- 6) *Voting.* All regular members shall vote on any issue unless they have been disqualified pursuant to Sec. 2.1.4.E Conflict of Interest.




2
3 **[SLIDE 10]**

Amendment #1
Requested by Planning Staff

C) —Officers

- 1) *Chair and vice-chair.* The chair and vice-chair of the Transit Advisory Committee shall be appointed by the mayor from the members of the Committee and confirmed by the Town Council. The term of the chair and vice-chair shall be for one (1) year. A past chair or vice-chair may be re-appointed, even though no chair or vice-chair shall serve for more than four (4) consecutive terms. Vacancies within a term shall be filled by the same method as the original appointment. The chair shall decide all points of order on procedure, and shall take such action as shall be necessary to preserve the order and integrity of proceedings before the Transit Advisory Committee. In absence of the chair, the vice-chair shall act as chair and shall have all powers of the chair. In the absence of both the chair and vice-chair, an acting chair shall be selected for that meeting by a majority of those members present. The acting chair shall have the authority and responsibilities of the chair for that meeting.
- 2) *Secretary.* The Planning Director or designee shall serve as the Secretary of the Transit Advisory Committee and shall keep minutes of all proceedings. These minutes shall be a summary of all proceedings before the Transit Advisory Committee, which shall include the vote of all members upon every consideration, and be attested to by the Secretary. The minutes shall be approved by a majority of the Transit Advisory Committee members voting. In addition, the Secretary shall maintain all records of the Transit Advisory Committee meetings, hearings, proceedings, and correspondence as public records in the offices of the Planning Department.



4
5 **[SLIDE 11]**

Amendment #1
Requested by Planning Staff

D) —Quorum

No meeting of the Transit Advisory Committee shall be called to order, nor may any business be transacted by the Transit Advisory Committee, without a quorum consisting of the majority of the Transit Advisory Committee's membership, excluding vacant seats, being present.

E) —Conflict of Interest

Per 160D-109(b), Transit Advisory Committee members shall not vote on any advisory decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. Any member who has an interest in a matter under consideration by the Transit Advisory Committee shall declare such interest prior to the vote of the Committee and abstain from voting on the question. The member declaring the interest is not exempted from participation in the discussions of the Committee on the matter prior to its vote.

F) —Staff

The Planning Department shall be the professional staff to the Transit Advisory Committee.

G) —Rules of Procedure


The Transit Advisory Committee shall, by a majority vote of the entire membership, adopt rules and regulations governing its procedure as it may consider necessary or advisable.

H) —Meetings

Meetings of the Transit Advisory Committee shall be held quarterly to consider matters properly before the Committee. Additional meetings may be called by the Chair or in writing by a majority of the Committee.

I) —Compensation

The members of the Transit Advisory Committee shall serve with compensation as authorized by Town Council in the annual budget.



1 **[SLIDE 12]**


Amendment #1
Requested by Planning Staff

2.1.5 Parks, ~~and Recreation, and Cultural Resources Advisory Commission~~ **Board**

A) Powers and Duties
The Parks, ~~and Recreation, and Cultural Resources Advisory Commission~~ **Board** shall have the following powers and duties under the provisions of this Ordinance:
...

B) Rules Governing ~~Commission~~ **Board**
The professional staff of the ~~Commission~~ **Board** shall be the Parks, Recreation, and Cultural Resources Department. The rules governing the other responsibilities and procedures of the Parks, ~~and Recreation, and Cultural Resources Advisory Commission~~ **Board** are established in Sec. 15-4, Code of Ordinances, Town of Apex, North Carolina.

C) Compensation
The members of the Parks, ~~and Recreation, and Cultural Resources Advisory Commission~~ **Board** shall serve with compensation as authorized by Town Council in the annual budget.



2
3 **[SLIDE 13]**

Amendment #1
Requested by Planning Staff

2.1.9 Apex Environmental Advisory Board

A) Powers and Duties
The Environmental Advisory Board shall have the following powers and duties under the provisions of this Ordinance:
...

2) Review, with applicants, during the staff review phase of a proposal, certain requests for conditional rezoning and recommend zoning conditions to the applicant and Town Council that will mitigate anticipated impact to the natural environment as a result of the project under consideration. The following conditional rezoning requests shall be exempt from review by this Board:


a) Rezoning to amend zoning conditions which have no environmental impact on a site including but not limited to revisions to architectural standards, building height, setbacks, and uses;

b) Rezoning to resolve nonconformities;

c) Rezoning of one (1) acre **10 acres** or less; and

d) Rezoning within the Small Town Character Overlay District.

...



4
5 **[SLIDE 14]**

Amendment #1
Requested by Planning Staff


2.1.10 ~~Housing Advisory Board~~

A) ~~Powers and Duties~~
The ~~Housing Advisory Board~~ shall have the following powers and duties under the provisions of this Ordinance:

1) ~~Recommendations to Mayor and Town Council. Recommend to the Mayor and Town Council, policies and funding recommendations related to affordable housing.~~

2) ~~Housing Advocacy to Mayor, Town Council, and Planning Board. Advise the Mayor, Town Council, and Planning Board on housing advocacy efforts related to affordable housing.~~

3) ~~Housing Annual Report. Assist in the creation of the housing annual report.~~




1 **[SLIDE 15]**

Amendment #1
Requested by Planning Staff

B) **Membership**

- 1) **Number.** The Housing Advisory Board shall consist of nine (9) members. The Housing Advisory Board shall include one (1) Planning Board member and one (1) Town Council member. The Planning Board member and Town Council member shall be non-voting members.
- 2) **Appointment.** Members shall be recommended by the Mayor and appointed by the Town Council.
- 3) **Initial establishment.** At the initial establishment of the Housing Advisory Board, four (4) members shall be appointed for a term of three (3) years, three (3) members shall be appointed for a term of two (2) years, one Planning Board non-voting member shall be appointed for a term of one (1) year and one Town Council non-voting member shall be appointed for a term of one (1) year. Thereafter, new appointments for terms of three (3) years shall be made with the exception of the Planning Board non-voting member and Town Council non-voting member which shall remain on a term of one (1) year. No member of the Housing Advisory Board shall serve more than nine (9) consecutive years after being appointed with the exception of the Planning Board non-voting member and Town Council non-voting member which shall serve no more than three (3) consecutive years after being appointed.
- 4) **Removal.** Any member of the Housing Advisory Board shall be removed for cause (neglect of duty, malfeasance, misconduct, or failure to faithfully attend meetings) by the Town Council upon written charge and after a public hearing.
- 5) **Filling of vacancy.** Vacancies shall be filled by the same method as the original appointment. Vacancies occurring for reasons other than expiration of terms shall be filled for the period of the unexpired term by the same method as the original appointment.
- 6) **Voting.** All regular members shall vote on any issue unless they have been disqualified pursuant to Sec. 2.1.10.E Conflict of Interest.



2
3 **[SLIDE 16]**


Amendment #1
Requested by Planning Staff

C) **Officers**

- 1) **Chair and vice-chair.** The chair and vice-chair of the Housing Advisory Board shall be appointed by the Mayor from the members of the Board and confirmed by the Town Council. The term of the chair and vice-chair shall be for one (1) year. A past chair or vice-chair may be re-appointed, even though no chair or vice-chair shall serve for more than three (3) consecutive terms. Vacancies within a term shall be filled by the same method as the original appointment. The chair shall decide all points of order on procedure, and shall take such action as shall be necessary to preserve the order and integrity of all proceedings before the Housing Advisory Board. In absence of the chair, the vice-chair shall act as chair and shall have all powers of the chair. In the absence of both the chair and vice-chair, an acting chair shall be selected for that meeting by a majority of those members present. The acting chair shall have the authority and responsibilities of the chair for that meeting.
- 2) **Secretary.** The Housing Program Manager or designee shall serve as the Secretary of the Housing Advisory Board and shall keep minutes of all proceedings. These minutes shall be a summary of all proceedings before the Housing Advisory Board, which shall include the vote of all members upon every consideration, and be attested to by the Secretary. The minutes shall be approved by a majority of the Housing Advisory Board members voting. In addition, the Secretary shall maintain all records of the Housing Advisory Board meetings, hearings, proceedings, and correspondence as public records in the offices of the Planning Department.

D) **Quorum**

No meeting of the Housing Advisory Board shall be called to order, nor may any business be transacted by the Housing Advisory Board, without a quorum consisting of the majority of the Housing Advisory Board's membership, excluding vacant seats, being present.



4
5 **[SLIDE 17]**

Amendment #1
Requested by Planning Staff

E) **Conflict of Interest**

Any member who has an interest in a matter under consideration by the Housing Advisory Board shall declare such interest prior to the vote of the Board and abstain from voting on the question. The member declaring the interest is not exempted from participation in the discussions of the Board on the matter prior to its vote.

F) **Staff**

The Planning Department shall be the professional staff to the Housing Advisory Board.

G) **Rules of Procedure**


The Housing Advisory Board shall, by a majority vote of the voting membership, adopt rules and regulations governing its procedure as it may consider necessary or advisable.

H) **Meetings**

Regular meetings of the Housing Advisory Board shall be held quarterly to consider matters properly before the Board. Special Board meetings may also be called on an as needed basis. The chair, vice-chair, or any two (2) members of the Board may at any time call a special Board meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. A special Board meeting may also be called or scheduled by vote of the Board in open session during another duly called meeting.

I) **Compensation**

The members of the Housing Advisory Board shall serve with compensation as authorized by Town Council in the annual budget.




1 **[SLIDE 18]**

Amendment #1
Requested by Planning Staff

2.3.7 Subdivision
...
D) Master Subdivision Plan
1) *Procedures*
...
b) Additionally, the Parks, Recreation, and Cultural Resources Director shall also provide a copy of any Master Subdivision Plan for residential development to the Parks, ~~and Recreation, and Cultural Resources Advisory Commission~~ **Parks and Recreation Advisory Board** which shall review the application and provide comments to the TRC about whether the proposed Master Subdivision Plan complies with the standards of Sec. 2.3.7.D.2 Standards.


7.1.7 Substitution of Fees in Lieu of Public Improvements
...
B) In the case of required parks, recreation, and open space facilities, the ~~Parks, Recreation, and Cultural Resources (PRCR) Advisory Committee~~ **Parks and Recreation Advisory Board** shall recommend whether dedication of land is feasible in a given plat and consistent with the Town's development plan, or rather, if fees in lieu should be paid, or if some dedication/fee combination is appropriate. See Article 14: Parks, Recreation, Greenways, and Open Space.



2
3 **[SLIDE 19]**

Amendment #1
Requested by Planning Staff

14.1 PARK, RECREATION, AND OPEN SPACE SITES
14.1.1 Dedication Generally; Fee in Lieu of Dedication Generally; Construction of Public Recreation Facilities with Fee-in-Lieu Monies Generally
...
B) As an alternative to the dedication of a portion of such land by the developer, and where it is recommended by the Parks, ~~and Recreation, and Cultural Resources (PRCR) Advisory Commission~~ **Board** and determined by the Town Council that a dedication of land is not feasible in a given development or incompatible with the Town's plan, the developer may be allowed to:
...
14.1.4 Standards for Town Council's Choice Between Land Dedication, Payment of Fee-in-Lieu, Construction of Public Recreation Facilities with Fee-in-Lieu Monies, or Combination Thereof
A) Whether the Town Council accepts the land dedication, elects to require payment of fee-in-lieu or construction of public recreation facilities with fee-in-lieu monies, or some combination thereof, shall be determined by consideration of the following:
...
2) The recommendations of the ~~PRCR Advisory Commission~~ **Parks and Recreation Advisory Board**;
...
...




4
5 **[SLIDE 20]**

Amendment #1
Requested by Planning Staff

14.1.5 Procedure for Determination of Choice Between Land Dedication, Payment of Fee-in-Lieu, Construction of Public Recreation Facilities with Fee-in-Lieu Monies, or Combination Thereof; Performance Guarantees

The procedure for determining whether the subdivider is to dedicate land, pay a fee-in-lieu, construct public recreation facilities with fee-in-lieu monies, or some combination thereof, shall be as follows:

A) Action of Town
After a proposal by the developer as indicated in Sec. 14.1.5.B below, the ~~PRCR Advisory Commission~~ **Parks and Recreation Advisory Board** shall recommend, and the Town Council shall determine as a part of PD Plan approval or prior to TRC approval of a Master Subdivision Plan or Minor or Major Site Plan, whether to require a dedication of land, payment of a fee-in-lieu, construction of public recreation facilities with fee-in-lieu monies, or some combination thereof, pursuant to the standards in Sec. 14.1.4 *Standards for Town Council's Choice Between Land Dedication, Payment of Fee-in-Lieu, Construction of Public Recreation Facilities with Fee-in-Lieu Monies, or Combination Thereof*.



1 **[SLIDE 21]**

Amendment #1
Requested by Planning Staff


The procedure shall be as follows:

- 1) Planned Development (PD) Plans. At the time of the PD plan review, staff shall review and provide comments and a recommendation to the ~~PRCR Advisory Commission~~ **Parks and Recreation Advisory Board**. The ~~PRCR Advisory Commission~~ **Parks and Recreation Advisory Board** recommendation shall be provided to the Town Council at the time of public hearing for the PD Plan. The per-unit acreage and/or fee-in-lieu will be set as of the Town Council approval date for the PD Plan.
- 2) Master Subdivision and Minor and Major Site Plans. Unless set at the time of PD Plan approval, at the time of Master Subdivision Plan or Minor or Major Site Plan review, staff shall review and provide comments and a recommendation to the ~~PRCR Advisory Commission~~ **Parks and Recreation Advisory Board**. The ~~PRCR Advisory Commission~~ **Parks and Recreation Advisory Board** recommendation shall be provided to the Town Council prior to approval of such plans. The per-unit acreage and/or fee-in-lieu will be set as of the approval date of the Master Subdivision Plan or Minor or Major Site Plan.

14.1.8 Use of Land by Town; Sale of Land by Town; Use of Funds Received in Lieu of Dedication

...

B) *Sale of Land*
The Town shall have the right to sell any land dedicated to the Town for neighborhood park and recreation purposes on finding by the ~~PRCR Advisory Commission~~ **Parks and Recreation Advisory Board** that a particular piece of property is not feasible or compatible with the Parks, Recreation, Greenways and Open Space Master Plan.




2
3 **[SLIDE 22]**

Amendment #2
Requested by Planning Staff

2. Amendments to Secs. 2.2.7 *Neighborhood Notice* and 2.2.11 *Public Notification* in order to increase the minimum distance for all neighborhood and public hearing notices from 300 feet to 500 feet. If approved, this amendment will be effective July 1, 2025.

2.2.7 Neighborhood Notice

A) Notification Letter
The petitioner of a Minor Site Plan for uses that do not require a neighborhood meeting as outlined in Sec. 2.2.7.B Neighborhood Meetings, and which are located within ~~300~~ **500** feet of a residential land use and have not had a rezoning approval in the previous two (2) years, shall be required to send a letter to all property owners and tenants abutting and located within ~~300~~ **500** feet of the land subject to the application, to any neighborhood association that represents citizens within that notification area, and to the Town of Apex Planning Department at least 14 days prior to the submittal of the Minor Site Plan. The letter shall include the developer's and authorized agent's contact information and an explanation of the proposed project, and shall follow the guidelines in the Neighborhood Notification Letter Packet, including the procedure for requesting the notification address list from Town GIS staff.



4
5 **[SLIDE 23]**


Amendment #2
Requested by Planning Staff

B) Neighborhood Meetings

...

3) Notification
The applicant shall provide notification of the neighborhood meeting a minimum of 14 calendar days in advance of the meeting by mail, to all property owners and tenants abutting and located within ~~300~~ **500** feet of the land subject to the application, to any neighborhood association that represents citizens within that notification area, and to the Town of Apex Planning Department. The applicant shall request this notification list from Town GIS staff per the guidelines in the Neighborhood Meeting Packet. When less than an entire parcel of land is subject to the proposed zoning map amendment, the ~~300-500~~-foot notification area shall be measured from the property line of that entire parcel.

...



1 **[SLIDE 24]**

Amendment #2

Requested by Planning Staff

2.2.11 Public Notification

...

B) Written (Mailed) Notice

When the provisions of this Ordinance require that written or mailed notice be provided, the Planning Director shall be responsible for preparing the written notice and mailing the written notice. Notice shall be mailed to all property owners subject to the application, all property owners and tenants abutting and located within 300 ~~500~~ feet of the land subject to application, and any neighborhood association that represents citizens within the notification area unless otherwise specified in this Ordinance. However, as an alternate form of notification, NCGS 160D-602(b) may be used when a zoning map amendment proposes to change the zoning designation of more than 50 properties, owned by at least 50 different property owners, and the Town elects to use the expanded published notice provided for in that subsection.

2
3 **[SLIDE 25]**

Amendment #2

Requested by Planning Staff

Written notice shall be provided at the last addresses listed for such property owners on the county tax abstracts and all tenant and neighborhood association addresses on record with the Planning Department. Town GIS staff shall provide the applicant with a list of all property owners of land subject to the application, all property owners and tenants abutting and located within 300 ~~500~~ feet of the land subject to application, and any neighborhood association that represents citizens within the notification area. Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The applicant shall be responsible for providing the Planning Director with first class stamped envelopes (postage metering is not acceptable) addressed to all property owners subject to the application, all property owners and tenants abutting and located within 300 ~~500~~ feet of the land subject to application, and to any neighborhood association that represents citizens within the notification area.

The Planning Director shall be responsible for preparing an affidavit affirming that the mailed notice met the requirements of Sec. 2.2.11.A *Content*. The affidavit shall be conclusive that notice has been given pursuant to the terms of the subsection. When less than an entire parcel of land is subject to the proposed zoning map amendment, the entire parcel shall be used to determine abutting owners and the 300 ~~500~~-foot notification area. Properties are "abutting" even if separated by a street, railroad, or other transportation corridor.

...

4
5 **[SLIDE 26]**

Municipality	Notification Distance	Recipients
Garner	800 feet	Property owners and tenants (E911 addresses) for all meetings
Cary	800 feet (above ordinance requirement of 100 feet)	Property owners only (from county tax records); tenants not included but may be considered for future improvements
Wake Forest	500 feet	Property owners only; neighborhood meeting info may be posted on Nextdoor within ½ mile
Raleigh	500 feet (standard); 1,000 feet (for second neighborhood meeting, if triggered)	Property owners and tenants
Holly Springs	500 feet	Public hearing: Property owners only; Neighborhood meetings: Property owners, HOAs, and tenants when owner's address differs from property address
Morrisville	500 feet	Property owners only
Rolesville	500 feet (previously 200 feet)	Property owners only
Fuquay-Varina	200 feet	Property owners only (for annexations, rezonings, and special use permits)
Knightdale	200 feet	Property owners only (for all hearing types)
Wake County	Abutting properties only (per NCGS § 160D-602)	Property owners only

1 [SLIDE 27]



2
3 **Mr. Venable** continued with the rest of the presentation.

4 [SLIDE 28]

Amendment #3
Requested by Planning Staff

3. Amendments to Sec. 2.3.6 Site Plan to allow for linear utility, infrastructure, and public works projects submitted by the Town to go directly to construction plans after a pre-application meeting.

2.3.6 Site Plan
...
C) Exemptions
...
2) The following development or activities shall be exempted from the requirements of this Section:
...
d) Utilities, **infrastructure**, and public works projects. Utilities, **infrastructure**, and public works projects, including, but not limited to, road improvements, **sidewalk improvements**, utility improvements, above ground utility boxes, bus shelters, and co-location of communication equipment. A linear utility, infrastructure, or public works project submitted by or on behalf of the Town of Apex or a bus stop project submitted by or on behalf of the Town of Apex or other public transit agency, shall not be required to receive administrative approval prior to submitting Site Construction Plans. However, a pre-application meeting, in accordance with Sec. 2.2.6 Pre-Application Meeting, shall be held prior to the submittal of Site Construction Plans.

APEX
NORTH CAROLINA

5

1 **[SLIDE 29]**



2 **Mr. Venable** asked if there were any questions.

3
4
5 **Mayor Gilbert** opened up the Public Hearing and closed it with no one signed up to
6 speak. He brought this back to the Council for discussion and a possible motion.

7
8 A **motion** was made by **Councilmember Gantt** and seconded by **Councilmember**
9 **Zegerman**, to approve Unified Development Ordinance (UDO) Amendments - Various -
10 March/April 2025.

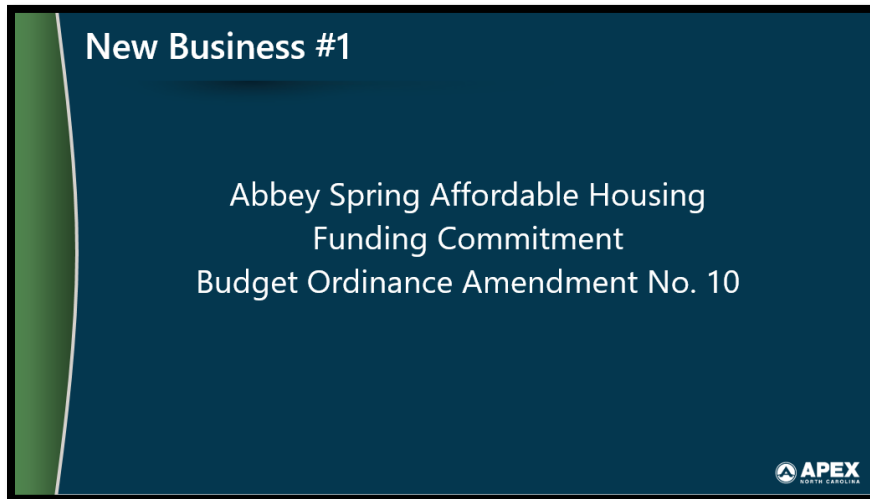
11
12 **VOTE: UNANIMOUS (5-0)**

13
14 **[NEW BUSINESS]**

15
16 **NB1 Abbey Spring Affordable Housing Funding Commitment - Budget Ordinance**
17 **Amendment No. 10 (REF: ORD-2025-020)**

18
19 **Lamont Taylor**, Housing Services Manager, Community Dev. and Neighborhood.
20 Conn. Dept. gave the following presentation:

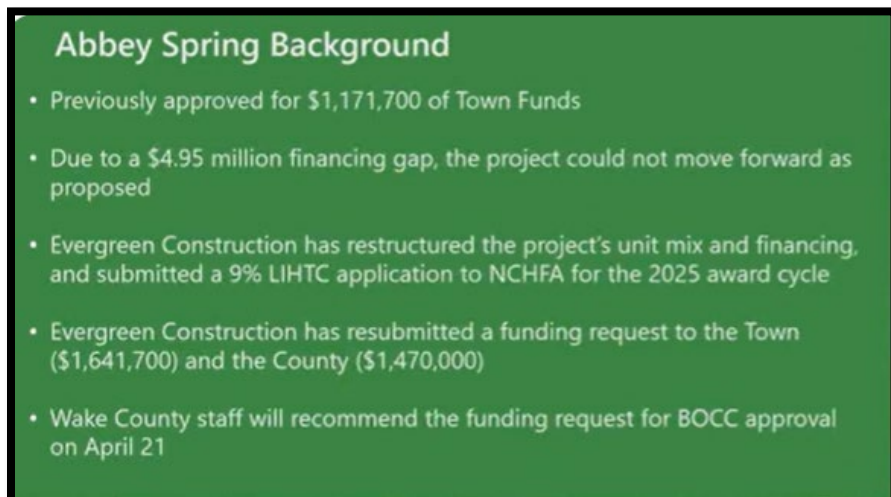
1 [SLIDE 1]



2
3 [SLIDE 2]



4
5 [SLIDE 3]



6

1 [SLIDE 4]

Abbey Spring Unit Mix			
The proposed development includes the following unit mix in compliance with the Low-Income Tax Credit Program's established rent limits and affordability levels.			
Unit Type	Income Target	Unit Count	Monthly Rent
1BR	30% AMI	7	\$654
2BR	30% AMI	7	\$797
1BR	50% AMI	7	\$1,079
2BR	50% AMI	7	\$1,297
1BR	60% AMI	14	\$1,279
2BR	60% AMI	14	\$1,547

2
3 [SLIDE 5]

Town Funding Considerations	
Funding for the grant and the loan would come from the Affordable Housing Fund (AHF).	
<ul style="list-style-type: none"> Town of Apex Parks and Recreation Fee Reimbursement: Grant in the amount of \$171,700 as an investment in the project. Town of Apex Loan Terms: Construction-to-permanent loan of \$1,470,000 at 2% interest with a 30-year term, with varying annual payments based on projected available cash flow. The units will remain affordable for a minimum of the 30-year loan term. 	

4
5 [SLIDE 6]

Abbey Spring Recommendation

- Authorize the commitment of \$1,641,700 to the project
- Authorize the associated budget amendments and transfers of funds of up to \$1,641,700 for the project from available funding in the Affordable Housing Fund

Proposed Development	Total Units	Total Town Funding Request	Unit AMI % Level			Rent Ranges
			30%	50%	60%	
Abbey Spring	56 Senior	\$1,641,700	14	14	28	\$654 - \$1,547

6

1 **Mayor Gilbert** asked if there were any questions.

2 **Councilmember Gantt** asked for clarification of the differences in the request to the
3 County and Town and how the numbers were arrived at.

4 **Mr. Taylor** said that the original request included a grant for Parks and Rec fee
5 reimbursement and was included in the 2nd request as well. He said if you add those together
6 that you would get to that \$1 million.

7 **Councilmember Gantt** said that this was the 2nd time there was a request and asked
8 if it happened a third time would there be a reason to fully say yes or no rather than
9 continuing with brining it back and changing things.

10 **Mr. Taylor** said that this project was challenged financially due to infrastructure and
11 site improvements that weren't anticipated originally, and it created a \$4.95 million gap, and
12 it necessitated the need to reduce the units down from 84 to 56. He said this is a very
13 reasonable per-unit request.

14 **Councilmember Gantt** asked if there was more knowledge of infrastructure needed
15 at this time.

16 **Mr. Taylor** said that was correct.

17 **Councilmember Mahaffey** clarified that this is a new request and not on top of the
18 previous request.

19 **Mr. Taylor** said that is correct.

20 **Councilmember Mahaffey** asked who does the loans.

21 **Mr. Taylor** said that it is done in-house, and they work with their finance team to
22 ensure compliance.

23 **Councilmember Zegerman** said that he is in full support with this project with the 30
24 to 60% of AMI range. He said this is an inventory that is lacking in Apex.

25 **Councilmember Mahaffey** said that seeing projects like this being over 50 units that
26 makes a measurable difference.

27 **Councilmember Killingsworth** said that having discussions about affordability was
28 difficult in 2017 and they have come a long way since that time. She said that finding
29 affordable housing is very individual and depends on individual income. She said it is
30 wonderful to have different ranges of incomes, but all ranges should be able to find housing
31 that is affordable.

32
33 A **motion** was made by **Mayor Pro Tempore Gray** and seconded by **Councilmember**
34 **Zegerman**, to approve the Abbey Spring Affordable Housing Funding Commitment, and
35 associated Budget Ordinance Amendment No. 10.

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

38 **[CLOSED SESSION]**
39

1 A **motion** was made by **Mayor Pro Tempore Gray**, and seconded by
2 **Councilmember Gantt**, to enter into closed session pursuant to NCGS §143-318.11(a)(5)
3 and NCGS §143-318.11(a)(3) for the two items listed.

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

6 Council entered into closed session at **7:34 p.m.**
7

8 **CS1 Steve Adams, Real Estate and Utilities Acquisition Sp., Trans. and Infra. Dev.**
9 **Dept.**

10 **NCGS §143-318.11(a)(5):**

11 "To establish, or to instruct the public body's staff or negotiating agents concerning the
12 position to be taken by or on behalf of the public body in negotiating (i) the price and
13 other material terms of a contract or proposed contract for the acquisition of real
14 property by purchase, option, exchange, or lease;
15

16 **CS2 Laurie Hohe, Town Attorney**
17 **RE: Town of Apex v. Mills**

18 **NCGS §143-318.11(a)(3):**

19 "To consult with an attorney employed or retained by the public body in order to preserve
20 the attorney client privilege between the attorney and the public body."
21

22 **Council** returned to open session at **7:54 p.m.**
23

24 **Mayor Gilbert** asked if there was any other business.

25 **Councilmember Mahaffey** said that he would like to make a motion.
26

27 A **motion** was made by **Councilmember Mahaffey**, seconded by **Councilmember**
28 **Killingsworth** to appoint Councilmember Terry Mahaffey as a voting member on behalf of
29 Apex for the League of Municipalities Election.
30

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

33 **[ADJOURNMENT]**

34 **Mayor Gilbert** adjourned the meeting at y: **7:55 PM.**

35 Jacques K. Gilbert
36 Mayor

37 Allen Coleman, CMC, NCCCC
38 Town Clerk to the Apex Town Council
39

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