

DRAFT MEETING MINUTES

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**TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
THURSDAY, MAY 28, 2026
6:00 PM**

10 The Apex Town Council met for a Regular Town Council Meeting on Tuesday,
11 May 28th, 2026 at 6:00 p.m. in the Council Chambers at Apex Town Hall, located at 73 Hunter
12 Street in Apex, North Carolina.

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

16 <https://www.youtube.com/watch?v=VOoGZQiU1ds>

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[ATTENDANCE]

24 Elected Body

25 Mayor Jacques K. Gilbert (presiding)

26 Mayor Pro Tempore Terry Mahaffey

27 Councilmember Arno Zegerman

28 Councilmember Sue Mu

29 Councilmember Shane Reese

30 **Absent:** Councilmember Ed Gray

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Town Staff

33 Town Manager Randy Vosburg

34 Deputy Town Manager Shawn Purvis

35 Assistant Town Manager Marty Stone

36 Assistant Town Manager Demetria John

37 Town Attorney Laurie Hohe

38 Town Clerk Allen Coleman

39 All other staff members will be identified appropriately below

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[COMMENCEMENT, INVOCATION, AND PLEDGE OF ALLEGIANCE]

43 **Mayor Gilbert** called the meeting to order at 6:00 p.m. and instead of a prayer he
44 reflected on his experience to visit the mosque in Apex given what happened in San Diego,
45 California a few weeks ago, where he delivered a message that Apex stands with all faiths. He
46 then led all in the Pledge of Allegiance. He recognized attendees and community leaders
47 present at the meeting, including former Apex Mayor Keith Weatherly, Olivia McCall of the
48 Wake County Board of Elections and Gary Cohen, Secretary of the Wake County Board of
49 Elections and thanked them for their service and attendance.

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[ADOPTION OF THE MEETING AGENDA]

Mayor Gilbert requested to pull CS2 from the agenda and asked for Council to consider a motion for RA1 - Ordinance Amendment Chapter 12 Municipal Utilities and Services Article 5 - Yard Waste Collection Overall Yard Waste Program updates be pulled from the agenda due to staff continuing to work with stakeholders for possibly better direction with this program.

Town Manager Randy Vosburg said staff were working with the current vendor to look at other solutions for at least short-term.

Mayor Pro-Tempore Mahaffey said there were two ordinances on the agenda, one relating to yard waste and the other relates to penalties and fees and recommended to move forward with the latter one.

Mayor Gilbert was fine with that if it was good with staff.

Town Manager Vosburg said it was preferred for the ordinance relating to penalties and fees effective July 1, 2026 not to be removed from the agenda and remove the yard waste ordinance effective January 1, 2027 to give staff more time to work on that one.

Mayor Pro-Tempore Mahaffey requested to do the Proclamations before the Public Forum given the amount of people signed up to speak.

Mayor Gilbert said that would be wise considering the number of people signed up to speak.

Town Clerk Coleman noted the current agenda order had it set that way.

A **motion** was made by **Mayor Pro-Tempore Mahaffey**, seconded by **Councilmember Zegerman**, to approve the Regular Meeting Agenda, with the removal of Closed Session 2, and the removal of the Ordinance Amendment relating to Yard Waste taking effect January 1, 2027 within RA1.

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

[CONSENT AGENDA]

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

VOTE: UNANIMOUS (4-0) with Councilmember Gray absent

CN1 Agreement Amendment and Resolution - ACRE Manager LLC and Town of Apex - Land Exchange on Perry Road - Amending Terms and Compensation Owed to Town (RES-2026-046) (CONT-2026-064)

Council voted to adopt a resolution approving an amendment to land exchange agreement between the Town of Apex and ACRE Manager LLC extending the term of the agreement and

1 increasing additional compensation, and to authorize the Town Manager, or their designee,
2 to execute the agreement amendment on behalf of the Town of Apex.

3 **CN2 Construction Contract Award - J.D. Beam, Inc. - Town Hall Renovations 1st Floor**
4 **and AV Room in Council Chamber - \$957,400 (CONT-2026-065)**

5 Council voted to award a construction contract to J.D. Beam, Inc. for the Town Hall
6 Renovations associated with the relocation of the Human Resources Department, relocation
7 of the Audio Visual (AV) room in the Council Chamber, and infrastructure to support the
8 location of the main lobby desk, in the amount of \$957,400.00 for base bid and both
9 alternates, and to authorize the Town Manager, or their designee, to execute the contract on
10 behalf of the Town.

11 AND

12 Council voted to authorize a 10% contingency be added to project budget for the Town Hall
13 Renovations.

14 **CN3 Construction Contract Award - White Oak Construction Corp of NC - N Hughes St**
15 **and S Mason St Sidewalk Projects - \$898,925 (CONT-2026-066)**

16 Council voted to award a construction contract with White Oak Construction Corp. of NC, for
17 the North Hughes Street and South Mason Street Sidewalk projects, in the amount of
18 \$898,925.00, authorize the Town Manager, or their designee, to execute the contract on
19 behalf of the Town, and authorize a 10% contingency be added to the project budget.

20 **CN4 Council Meeting Minutes - April 28, 2026**

21 Council voted to approve Meeting Minutes from the following meeting:

22 April 28, 2026 - Regular Town Council Meeting Minutes

23 **CN5 Rezoning Case No. 23CZ14 - Salem Street Townhomes PUD Text Correction**

24 Council voted to amend the Planned Unit Development (PUD) text associated with ORD-
25 2024-008, approved on February 13, 2024, for Rezoning Case No. 23CZ14 - Salem Street
26 Townhomes PUD, to correct and reconcile the discrepancy between the rear setback
27 requirements identified in the PUD text and the approved site layout sheet.

28 **CN6 Rezoning Case No. 25CZ19 Camp Branch Lane - Statement and Ordinance (ORD-**
29 **2026-050)**

30 Council voted to approve the Statement of the Town Council and Ordinance for Rezoning
31 Application #25CZ19, Chris Bowley, Lennar Carolinas, LLC, applicant, for the property located
32 at 0 & 7104 Camp Branch Lane (PINs 0731142050 & 0731140691).

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34 **[ANNOUNCEMENTS AND PETITIONS BY THE GOVERNING BODY]**

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36 **Mayor Gilbert** asked for announcements from Council.

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- 38 • **Mayor Pro-Tempore Mahaffey** - Reported on the Town's budget process, noting a
39 budget town hall was held on Tuesday, May 27, with approximately 20 attendees. He
40 reminded residents that the **budget public hearing is scheduled for June 9**, when
41 the Council will first consider budget adoption.

- 1 • **Councilmember Zegerman** - Provided an update from the Multimodal Transportation
2 Advisory Board (MTAB) and that upcoming meetings will include opportunities for
3 public participation, with meetings scheduled for the 2nd Wednesday of July,
4 September, and November. He encouraged residents to attend and provide input on
5 transportation, transit, walkability, and bike ability issues.
- 6 • **Councilmember Mu** - Thanked residents for emails, messages, and participation in
7 budget discussions, including the recent town hall and thanked staff and Town
8 Manager Randy Vosburg for addressing concerns regarding grass clippings.
9 Announced the first Behavioral Health Workshop hosted by the Peak Resilience and
10 Well-Being Task Force and the Town of Apex on Friday, May 29, from 6:00-8:00 p.m. at
11 the Apex Senior Center, focused on youth and families and featuring more than 30
12 service providers and health professionals.
- 13 • **Councilmember Reese** - Thanked the Chamber of Commerce and recognized
14 teachers during a recent teacher appreciation event. Announced Wake Tech Launch
15 Expo 2026 on Thursday, June 4, from 1:00-4:00 p.m. at the Southern Wake Campus,
16 featuring local businesses, demonstrations, networking opportunities, and
17 entrepreneurship resources.
- 18 • **Mayor Gilbert** - Announced that the Apex High School women's lacrosse team would
19 compete in the State Championship on May 29 in Hickory and noted that Town staff
20 would escort the team out of town and plans were being made to welcome the team
21 home following the championship game.

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

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Town Manager Vosburg provided the following updates:

- 28 • **Pride Stories** - Announced an event on June 4th from 6:00-8:00 p.m. at Hunter Street
29 Park, featuring crafts, a guided story walk, and family activities.
- 30 • **Brown Bags to Building Bridges Speaker Series** - Announced the next session on
31 June 4th at 12:00 p.m. at the Halle Cultural Arts Center.
- 32 • **Sweet Dreams Concert** - Announced the concert as part of the Rhythm and Reels
33 series on June 6th at the Nature Park Amphitheater.
- 34 • **Ask Me Anything with the Town Manager** - Announced the next community
35 engagement event on June 13th from 1:00-3:00 p.m. at Mama Bird's Ice Cream in
36 Sweetwater.
- 37 • **FY 2026 Budget Process** - Reported that four public hearings have been held and
38 that a fifth public hearing is scheduled for June 9th prior to budget adoption
39 consideration.
- 40 • **Electric Meter Replacement Program** - Reported that approximately 18,500 electric
41 meters have been replaced, with approximately 13,000 remaining.

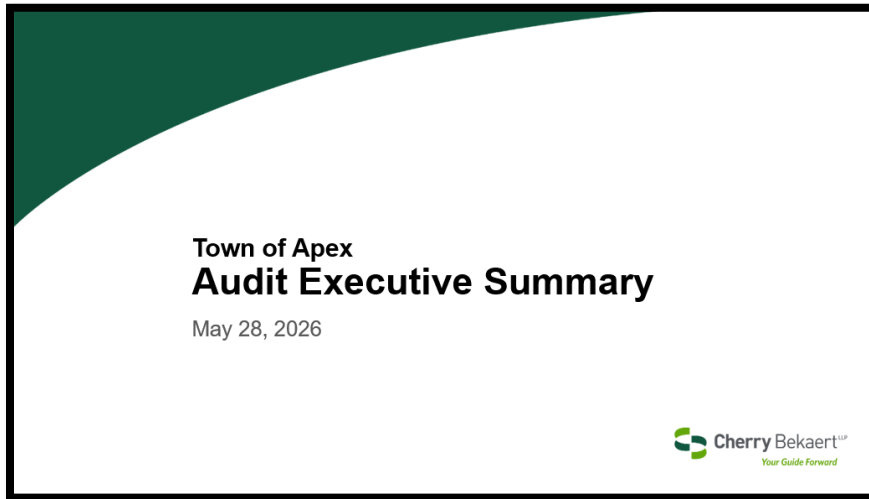
- 1 • **Ask Apex Customer Service Update** - Reported that more than 90% of calls are
2 being resolved, with an average wait time of 50 seconds.

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4 **Town Manager Vosburg** moved to the Auditor’s report inviting Jon Griffin, Finance
5 Director, to give the report.
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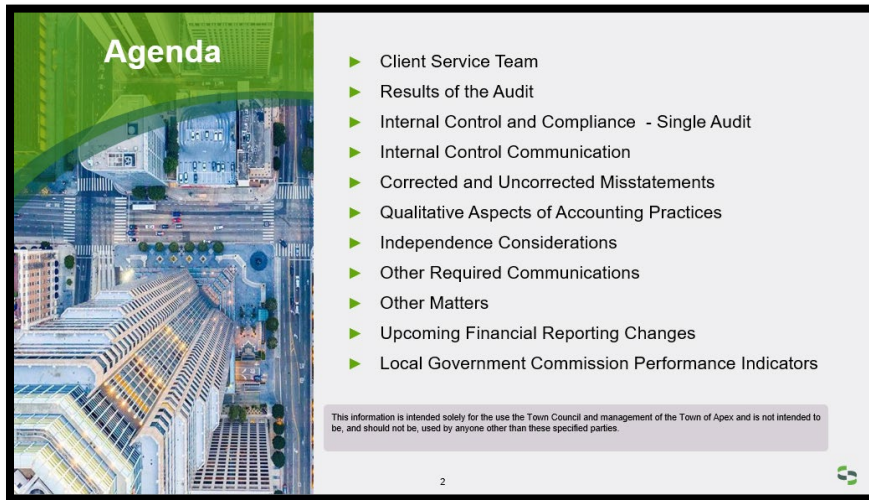
9 **TM1 Financial Audit Presentation - Fiscal Year Ending June 30, 2025**

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11 **Finance Director, Jon Griffin** introduced **Lee Ann Waters with Cherry Bakaert** and
12 Michael Strainy, Manager of Audit. Ms. Waters provided the following presentation:

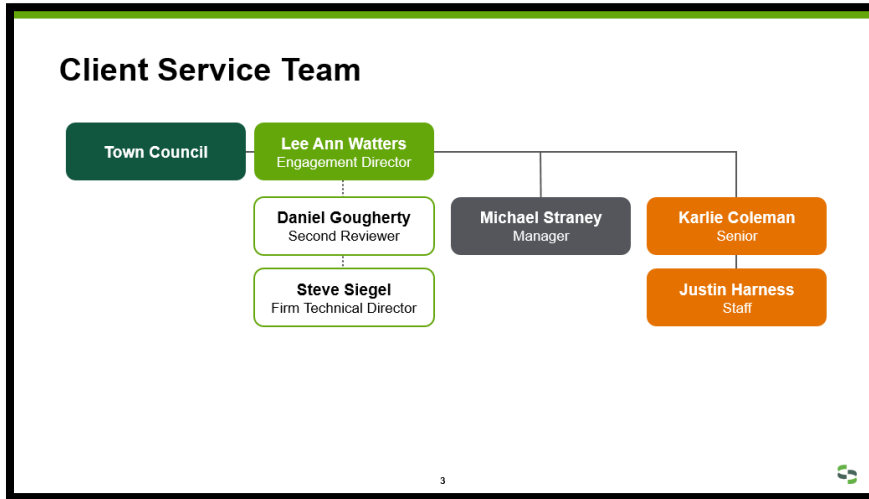
13 **[SLIDE NO. 1]**



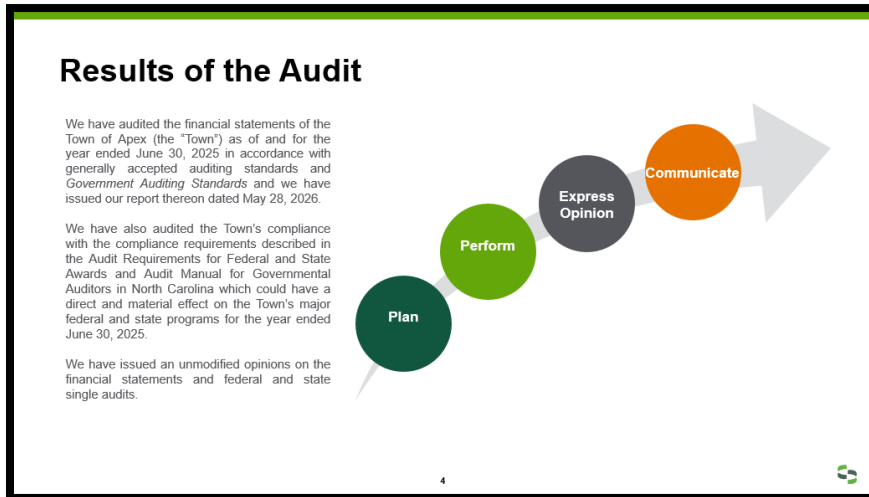
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15 **[SLIDE NO. 2]**



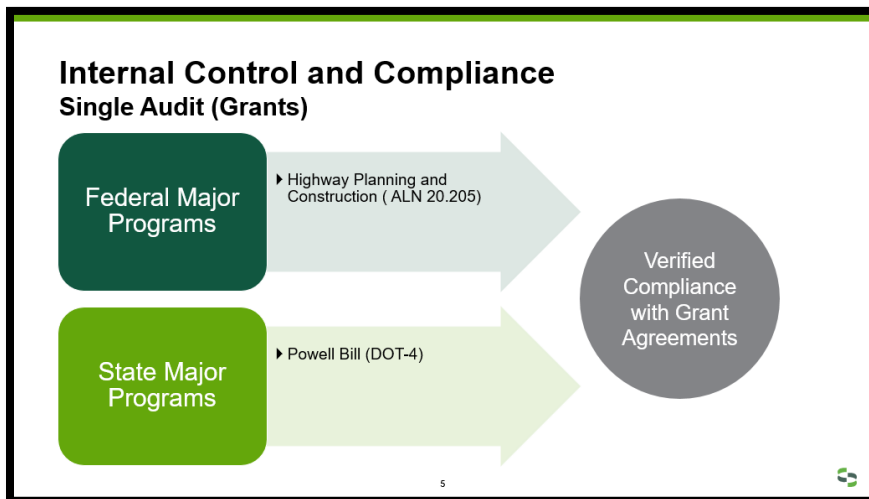
1 [SLIDE NO. 3]



2 [SLIDE NO. 4]



4 [SLIDE NO. 5]




1 **[SLIDE NO. 6]**

Internal Control Communication

In planning and performing our audit, we considered internal control over financial reporting ("internal control") as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements and compliance with the Uniform Grant Guidance and NC State Single Audit Implementation Act, but not for the purpose of expressing an opinion on the effectiveness of the Town's internal control. Accordingly, we do not express an opinion on the effectiveness of the Town's internal control.

Our consideration of internal control was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and, therefore, material weaknesses or significant deficiencies may exist that were not identified. In addition, because of inherent limitations in internal control, including the possibility of management override of controls, misstatements due to error or fraud may occur and not be detected by such controls.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis.

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3 **[SLIDE NO. 7]**

Internal Control Communication

<p>Material Weakness</p> <p>▶ A material weakness is a deficiency, or a combination of deficiencies in internal control, such that there is a reasonable possibility that a material misstatement of the Town's financial statements will not be prevented, or detected and corrected, on a timely basis.</p>	<p>Significant Deficiency</p> <p>▶ A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.</p>
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We noted no deficiencies that we believe to be material weaknesses.


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5 **[SLIDE NO. 8]**

Internal Control Communication

Other Comments

- ▶ **Noncompliance with NCGS 160A-64.1** – During fiscal year 2025, the Town did not comply with NCGS 160A-64.1, requiring the finance officer of the Town to garnish compensation paid under NCGS 160A-64 to any mayor or council member to collect unpaid monies due to the city for city services.
- ▶ **The Town did not always comply with its policies on procurement card (p-card) usage** - During the course of our engagement it came to our attention that the Town's procurement card usage and review policies were not always followed. The Town's management has subsequently taken action to ensure that all required reviews are performed and that cards are only utilized by authorized users.
- ▶ **Noncompliance with audit submission deadline** - The fiscal year 2025 audit report was submitted after the December 31, 2025 due date.

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1 **[SLIDE NO. 9]**

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management.

Corrected Misstatements

▶ None noted.

Uncorrected Misstatements

▶ None noted.

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3 **[SLIDE NO. 10]**

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the Town are described in Note 1 to the financial statements.

During the year under audit, the Town implemented GASB 101 – *Compensated Absences*. The prior year balance, as previously reported was restated a total of \$321,191 related to the implementation of the new standard. Additionally, during a review of capital assets, it was determined that the book value of fixed assets in the Electric Utility Fund had been omitted from the prior year financial statement. The prior year balance of the business-type activities and the Electric Utility Fund, as previously reported, were restated \$108,379. Our opinion was not modified with respect to these restatements. We noted no inappropriate accounting policies or practices.

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5 **[SLIDE NO. 11]**

Qualitative Aspects of Accounting Practices

As part of our audit, we evaluated the Town's identification of, accounting for, and disclosure of the Town's relationships and transactions with related parties as required by professional standards.

We noted none of the following:

- Related parties or related party relationships or transactions that were previously undisclosed to us;
- Significant related party transactions that have not been approved in accordance with the Town's policies or procedures or for which exceptions to the Town's policies or procedures were granted, except as previously discussed;
- Significant related party transactions that appeared to lack a business purpose;
- Noncompliance with applicable laws or regulations prohibiting or restricting specific types of related party transactions; and
- Difficulties in identifying the party that ultimately controls the Town.

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1 **[SLIDE NO. 12]**

Qualitative Aspects of Accounting Practices

We noted no transactions entered into by the Town during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

For purposes of this presentation, professional standards define significant unusual transactions as transactions that are outside the normal course of business for the Town or that otherwise appear to be unusual due to their timing, size, or nature. We noted no significant unusual transactions during our audit.

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3 **[SLIDE NO. 13]**

Qualitative Aspects of Accounting Practices

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimates affecting the financial statements were:

- Allowance for doubtful accounts.
- Depreciation expense.
- Other Postemployment Benefits (OPEB) liability and related deferred inflows and outflows of resources.

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5 **[SLIDE NO. 14]**

Qualitative Aspects of Accounting Practices

- Local Government Employees' Retirement System (LERS) pension liability and related deferred inflows and outflows of resources.
- Law Enforcement Officers' Special Separation Allowance (LEOSSA) liability and related deferred inflows and outflows of resources.

Management's estimates of the identified above estimates are based on the analysis of historical collection trends, current customer relations, credit sales levels, depreciable lives, and actuarial valuations. We evaluated the key factors and assumptions used to develop these estimates in determining that it is reasonable in relation to the financial statements taken as a whole.

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1 **[SLIDE NO. 15]**

Qualitative Aspects of Accounting Practices

The financial statement disclosures are neutral, consistent, and clear.

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3 **[SLIDE NO. 16]**

Independence Considerations

<p>Nonattest Services</p> <ul style="list-style-type: none">▶ We will complete the appropriate sections of and sign the data collection form.▶ We assisted with the implementation of GASB No. 101 – <i>Compensated Absences</i>.▶ For all nonattest services we perform, you are responsible for designating a competent employee to oversee the services, make any management decisions, perform any management functions related to the services, evaluate the adequacy of the services, and accept overall responsibility for the results of the services.	<p>Independence Conclusion</p> <ul style="list-style-type: none">▶ We are not aware of any other circumstances or relationships that create threats to auditor independence.▶ We are independent of the Town and have met our other ethical responsibilities in accordance with the relevant ethical requirements relating to our audits.
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5 **[SLIDE NO. 17]**

Other Required Communications

Difficulties Encountered	We encountered no significant difficulties in dealing with management in performing and completing our audit.
Disagreements with Management	Includes disagreements on a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.
Auditor Consultations	We noted no matters that are difficult or contentious for which the auditor consulted outside the engagement team.
Management Representations	We have requested certain representations from management that are included in the management representation letter expected to be dated May 28, 2026.

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1 **[SLIDE NO. 18]**

Other Required Communications

Management Consultations	In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. To our knowledge, there were no such consultations with other accountants.
Other Findings or Issues	We generally discuss a variety of matters, including the application of accounting principles and auditing standards with management each year. These discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.
Fraud and Illegal Acts	As of the date of this presentation, no fraud, illegal acts, or violations of laws and regulations noted.
Going Concern	No events or conditions noted that indicate substantial doubt about the Town's ability to continue as a going concern.

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3 **[SLIDE NO. 19]**

Other Matters

Required Supplementary Information <p>We applied certain limited procedures to the required supplementary information ("RSI") that supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI. We were engaged to report on the other supplementary information which accompanies the financial statements, but which is not RSI.</p>	Supplementary Information <p>With respect to the supplementary information accompanying the financial statements, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with U.S. generally accepted accounting principles, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.</p>	Other Information <p>The Town's audited financial statements include an introductory and statistical section. We do not have an obligation to perform any procedures to corroborate the other information contained in the annual report. However, we read the other information and considered whether such information, or the manner of its presentation, was materially inconsistent with that appearing in the financial statements. Nothing came to our attention that caused us to believe that such information, or its manner of presentation, was materially inconsistent with that appearing in the financial statements.</p>
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5 **[SLIDE NO. 20]**

Upcoming Financial Reporting Changes

These standards will be effective for the Town in the upcoming years and may have a significant impact on the Town's financial reporting.

We would be happy to discuss with management the potential impacts on the Town's financial statements and how we may be able to assist in the implementation efforts.

- ▶ GASB 103 – *Financial Reporting Model Improvements*
- ▶ GASB 104 – *Disclosure of Certain Capital Assets*
- ▶ GASB 105 – *Subsequent Events*

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1 **[SLIDE NO. 21]**

Local Government Commission (LGC)
Performance Indicators

- ▶ Written Response from the Board is due within 60 days of this presentation.
- ▶ One Indicator was noted:
 - Audit was submitted after the December 31, 2025 due date.

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3 **[SLIDE NO. 22]**

Questions

Contacts

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Your Guide Forward

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5 **Councilmember Zegerman** asked if the adjustment in the electrical fund was related
6 to the GASB 101 implementation or was that a different matter.

7 **Ms. Waters** said it was both, there was a GASB 101 and a correction of an error and
8 asked Michael Strainsby to provide more information.

9 **Mr. Strainsby** said the adjustment in the electrical fund was in addition to the GASB
10 101 restatement. He said it was noted by the Finance team that had identified some assets
11 that were unrecorded but had earned book value which they proactively adjusted.

12 **Mayor Gilbert** thanked them for all of their work.

13 **Ms. Waters** outlined the next steps in the audit finalization process.

14
15 **Director Griffin** presented the following portion of the presentation:
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1 [SLIDE NO. 23]

Financial Performance Highlights
June 30, 2025

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3 [SLIDE NO. 24]

Net Position – Full Accrual Presentation of the Town

	Governmental Activities	Business-Type Activities	Total
	2025	2025	2025
Current and other assets	\$ 160,010,447	\$ 122,309,041	\$ 282,319,488
Capital assets	828,084,789	396,901,180	1,224,985,969
Total assets	988,095,236	519,210,221	1,507,305,457
Deferred outflows of resources	21,059,558	4,245,310	25,304,868
Assets + Deferred Outflows	1,009,154,794	523,455,531	1,532,610,325
Current Liabilities	25,047,504	20,365,750	45,413,254
Long Term Liabilities	149,187,702	55,818,231	205,005,933
Total liabilities	174,235,206	76,183,981	250,419,187
Deferred inflows of resources	13,854,468	3,085,754	16,940,222
Liabilities + Deferred Inflows	188,089,674	79,269,735	267,359,409
Net Position:			
Net investment in capital assets	730,922,431	354,163,310	1,085,085,741
Restricted	40,107,929	29,184,328	69,292,257
Unrestricted	50,034,760	60,838,158	110,872,918
Total net position	\$ 821,065,120	\$ 444,185,796	\$ 1,265,250,916

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5 [SLIDE NO. 25]

Change in Net Position

Net change in net position for the past five fiscal years are as follows:

	Reporting Year				
	2025	2024	2023	2022	2021
Governmental Activities	76,218,128	73,862,366	46,087,741	48,469,114	53,970,342
Electric Enterprise	4,474,980	9,514,523	860,195	2,277,840	3,835,659
Water & Sewer Enterprise	53,496,194	20,531,098	15,318,498	13,400,249	9,738,662
Stormwater Enterprise	923,247	890,850	-	-	-
Total change, June 30	\$ 135,112,549	\$ 104,798,837	\$ 62,266,434	\$ 64,147,203	\$ 67,544,663

1 **[SLIDE NO. 26]**

Governmental Funds

Governmental funds are categorized by major (greater than 10% of the Town's financial resources) or as non-major.

Major Funds

- ▶ General Fund
 - Grants and Special Revenue
 - Affordable Housing
- ▶ Governmental Debt Service Fund (CIF)
- ▶ Transportation Capital Projects Fund
- ▶ American Rescue Act Project Fund*

Non-Major Funds

- General Capital Projects Fund
- Parks Capital Projects Fund*
- Recreation Capital Rserve
- Transportation Capital Reserve
- Perry Library
- Cemetery Fund

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3 **[SLIDE NO. 27]**

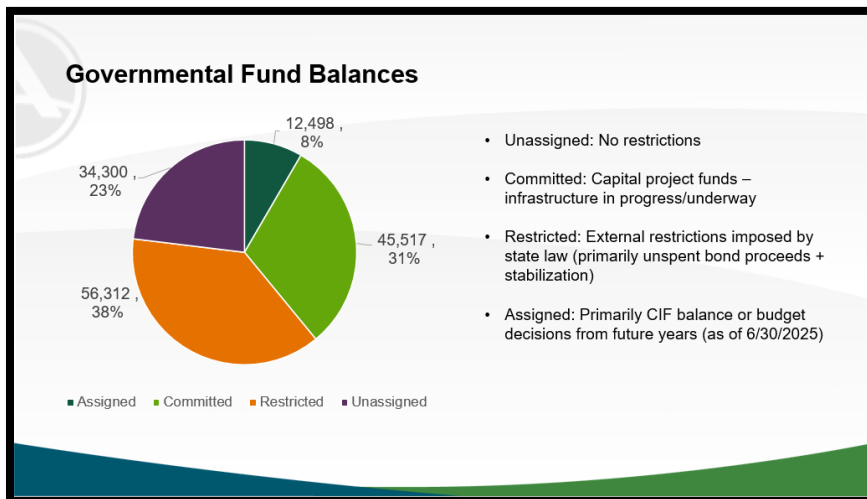
Fund Balances

Net change in fund balance (net position) for the past five fiscal years are as follows:

	2025	2024	2023	2022	2021
General Fund	\$9,078,001	\$4,121,350	(\$6,402,214)	\$10,630,653	\$6,364,091
Debt Service Fund (CIF)	\$295,426	\$4,617,663	\$3,600,000	n/a	n/a
Transportation Project Fund	(\$3,034,996)	(498,351)	Non-major	Non-major	Non-major
ARPA Project	(\$595,501)	\$1,613,059	\$82,095	Non-major	n/a
Nonmajor Funds	(\$1,950,293)	\$(3,386,589)	\$409,542	\$11,350,034	\$8,883,579

Total Governmental Fund Balances: \$148.7 million

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5 **[SLIDE NO. 28]**



1 **[SLIDE NO. 29]**

Property Taxes

- ▶ Assessed Valuation = \$19.67 billion – June 30, 2025
 - Compared to – \$12.49 billion - June 30, 2024
- ▶ Current year Ad Valorem Tax collections totaled - \$66.89 million –
- ▶ 99.77% of levy collected
- ▶ Approx \$500k paid to Wake County for collection services

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3 **[SLIDE NO. 30]**

Enterprise Funds

Enterprise Utilities	Reporting Year Income/Loss				
	2025	2024	2023	2022	2021
Water & Sewer	430,103	(3,812,139)	331,808	2,932,175	3,566,147
Electric	738,558	5,362,976	(498,351)	126,057	2,906,873
Stormwater	952,867	2,815,985	-	-	-
Operating Income/(Loss)	\$ 2,121,528	\$ 4,366,822	\$ (166,543)	\$ 3,058,232	\$ 6,473,020

- ▶ Operating funds only – excluding capital project funds
- ▶ Context: FY '26 all utility funds: 99m = operating margin of 2%

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5 **[SLIDE NO. 31]**

Long Term Debt (and Equivalents)

	2024	Increases	Decreases	2025
Governmental Activities				
Bonds and Notes	\$ 101,591,284	\$ 1,890,000	\$ (7,982,239)	\$ 95,499,045
Compensated Absences	3,918,944	571,820		4,490,764
LGERS	27,173,371	875,685		28,049,056
LEO Special Separation	4,751,417	163,794		4,915,211
OPEB Health Plan	27,180,087		(2,804,476)	24,375,611
IT Subscriptions	617,633	2,012,362	(606,071)	2,023,924
Business-Type Activities				
Bonds and Notes	46,384,932		(3,647,062)	42,737,870
Compensated Absences	818,979	70,361		889,340
LGERS	8,390,822	258,738		8,649,560
OPEB Health Plan	8,242,617		(827,298)	7,415,319
IT Subscriptions	333,084	251,290	(133,360)	451,014
Total Long Term	\$ 229,403,170	\$ 6,094,050	\$ (16,000,506)	\$ 219,496,714

1 [SLIDE NO. 32]

Town/State Policy Evaluations

FUND BALANCE

Policy – unassigned fund balance 25% of General Fund adopted budgeted expenditures for subsequent year

Ending Fund Balance	\$ 59,184,867
State Stabilization	(21,165,521)
FY 2026 Budget Appropriation	(3,985,000)
Unassigned Fund Balance	34,300,956
25% Operating Target Policy	(28,473,650)
Available for Appropriation	\$ 5,560,696

DEBT COMPLIANCE

- Percentage of debt to valuation – **.74%**
 - Town Policy – 2.5% (\$312,153,949)
 - State Statute – 8% (\$1,565,562,683)
 - Legal Debt Margin – \$1,420,993,638
 - FY '25 Ending Debt: **\$95,499,045**
- Debt Service Ratio – **7.5%**
 - Town Policy – 12%

2
3 [SLIDE NO. 33]

Debt Issuance Update for FY 2027

Subsequent Fiscal Year – as of Audit Report Date

- ▶ **1 Installment Financing in FY 2025**
- ▶ **Pending Installment Financing Contracts**
 - \$4~ million – Rolling Stock (Vehicle and Equipment) – Vehicles for FY 2025 and FY 2026
 - Bidding expected in July, with an award in August 2026
 - Reimbursement of Partial cost of Hughes Street property acquisition through a short term installment plan
- ▶ **Limited Obligation Bonds and Revenue Bonds**
 - Planning a limited obligation bond in the fall to cover the existing/remaining portions of Town Hall renovations, Tunstall House, Salem Streetscape projects
 - Revenue bonds planned for the electric system in the fall as well

4
5 [SLIDE NO. 34]

Other Issues of Note

- **GASB 101:**
 - Pre-GASB 101: The Town accrued liabilities for vacation leave, compensatory time and professional leave
 - 6/30/2025 – the Town accrues liabilities for vacation leave, compensatory time and sick leave.
 - Restatement of \$321,191 to implement, driven by a reduction in vacation liability and the addition of a liability for sick leave.

<u>FY 2025 Liabilities</u>	
Vacation Leave	\$ 4,328,044
Sick Leave	\$ 926,118
Compensatory Time	\$ 125,942
	\$ 5,380,104

	<u>Billed Receivables</u>	<u>Allowance</u>	<u>Total</u>
General Fund	\$ 2,333,686	\$ 198,773	\$ 2,134,913
Electric Fund	6,962,435	2,188,862	4,773,573
Water and Sewer Fund	3,011,401	1,017,976	1,993,425
Stormwater Fund	250,080	54,903	195,177
	\$ 12,557,602	\$ 3,460,515	\$ 9,097,088

- **Utility/service billing allowances**

1 **[SLIDE NO. 35]**

Key Takeaways

Strong Property Tax Collection Rate = High accuracy of property tax forecasts and cash availability

Stable/growing fund balances in operating funds

No compliance issues identified with the Town's use of federal/state funds

2
3 **[SLIDE NO. 36]**

Financial Performance Indicators

- Fiscal Control Act audited financial statement deadlines 12/31 or 6 months after the fiscal year end
 - The Town did not achieve this goal.
 - The FY 2027 budget request for the Finance Department included \$17,835 of reductions in various line items (travel and training, professional services, software subscriptions, supplies) to set aside funds for improving reporting
 - Town will be able to provide the LGC/DST with a specific action plan upon adoption of the FY 2027 budget.

4
5 **[SLIDE NO. 37]**

Other Items

- Certificate for Achievement of Excellence in Financial Reporting from the GFOA
 - Awarded for fiscal year ended June 30, 2024
 - Submitted application for fiscal year ended June 30, 2025
- Special thanks to Finance Department, as well as members of town staff
- Questions/Discussion

6

DRAFT | MAY 28, 2026 REGULAR TOWN COUNCIL MEETING MINUTES

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

2 **Mayor Pro-Tempore Mahaffey** asked how the debt issuances would affect the Town's
3 debt service rate and bring the Town to its 12% policy limit given the current ratio of 7.5%.

4 **Director Griffin** said that it would be closer to 9%, unless there is another bond
5 referendum to get to the 12.5%.

6 **Mayor Gilbert** thanked staff and the team for their work.

7

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

9

10 **TC1 Appointment - Environmental Advisory Board (EAB) - Chair - Remainder of**
11 *Calendar Year 2026*

12

13 **Town Clerk Allen Coleman** said that the Environmental Advisory Board, Chair, Mark
14 Schwelgel resigned due to relocation outside of the town limits and the EAB has
15 recommended Daniel Valle as Chair for calendar year 2026 to expire December 31, 2026.

16 **Mayor Pro-Tempore Mahaffey** supported the appointment and said Mr. Valle had
17 enthusiasm and interest in the EAB's work.

18

19 A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded by
20 **Councilmember Zegerman** to approve Daniel Valle as Chair for the Environmental Advisory
21 Board with the term expiring December 31, 2026.

22

23 **VOTE: UNANIMOUS (4-0), with Councilmember Gray absent**

24

25 **[PROCLAMATIONS/SPECIAL PRESENTATIONS]**

26

27 **PR1 Proclamation - Standing Together in Pride - LGBTQIA+ Pride Month 2026 (PRO-**
28 **2026-031)**

29

30 **Mayor Gilbert**, along with the rest of the Town Council, joined in the reading of the
31 Proclamation recognizing Standing Together in Pride - LGBTQIA+ Pride Month 2026. He
32 invited members of the PFlag Apex: Laura, Beth, Jayme and Ashley to receive the
33 proclamation and take pictures.

34 A member thanked Apex for proclaiming Pride Month for Apex and the support for
35 the LGBTQIA+ community. She gave an overview of the local chapter of PFlag and said their
36 website had more information

37

38 **PR2 Wake County Board of Elections - Even Year Municipal Elections and Potential**
39 **Resolution Expressing Interest (RES-2026-047)**

40

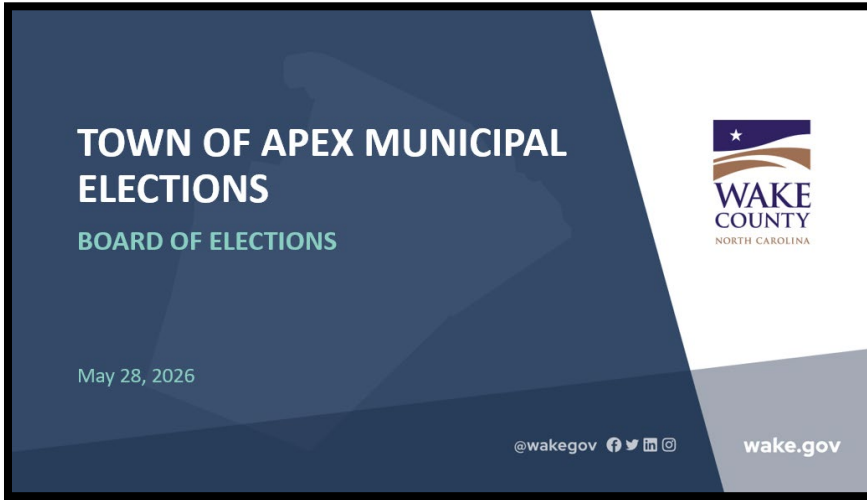
41 **Town Clerk Allen Coleman** stated that transitioning the Town's municipal elections to
42 even-years is something that has been included among the Town's legislative priorities over

1 the past two years. He explained that Ms. McCall and members of the Wake County Board of
2 Elections were invited to present information to Council regarding the potential advantages
3 and disadvantages of moving municipal elections from odd-numbered years to even-
4 numbered years and to answer any questions. He noted that the proposed resolution
5 included in the agenda packet would not formally adopt any changes but would instead
6 express the Town's interest in exploring such a change. He then invited Ms. McCall to provide
7 the presentation.

8

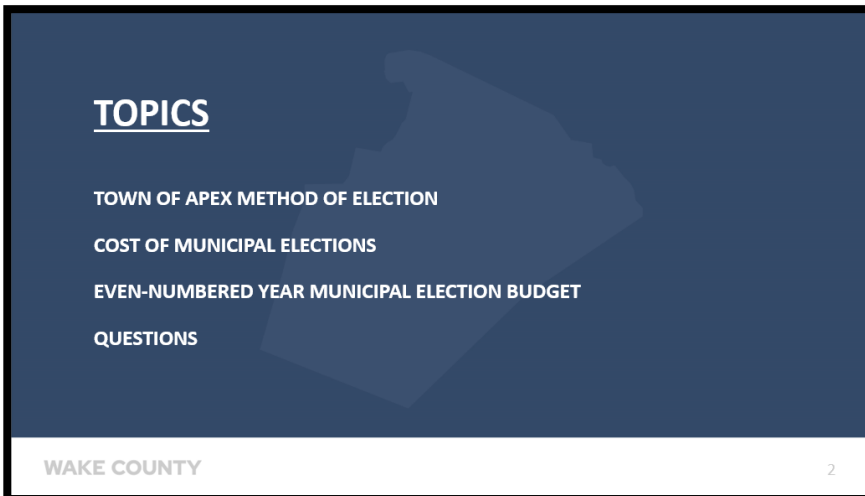
9 **Olivia McCall**, Director, Wake County Board of Elections gave the following
10 presentation:

11 **[SLIDE NO. 1]**



12

13 **[SLIDE NO. 2]**



14

1 [SLIDE NO. 3]

TOWN OF APEX METHOD OF ELECTION

Nonpartisan Plurality Method: All candidates for a position are listed on the ballot, without party affiliation. The top vote-getters are elected, regardless of whether or not they received a majority of votes cast. If the contest is for more than one seat, the person or persons receiving the next-highest vote totals are also elected. For example, if 5 candidates are running for 2 seats, the candidates that finish first and second are elected. The general election is held in November and there is no primary.

Mayor

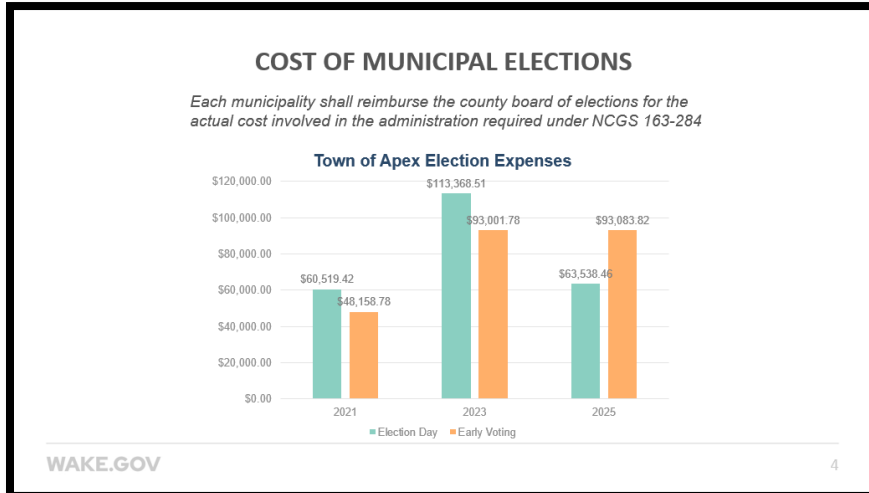
- 1 Seat
- Term Length: 4 Years

Town Council

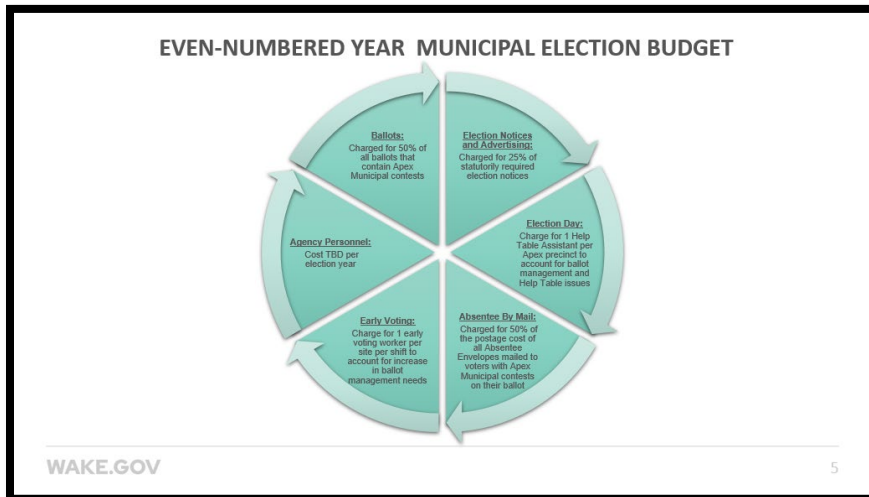
- 5 At-Large Seats
- Term Length: 4 Years (staggered)

WAKE.GOV
3

2
3 [SLIDE NO. 4]



4
5 [SLIDE NO. 5]



1 [SLIDE NO. 6]



2

3 **Councilmember Reese** asked whether other municipalities had received the same
4 presentation regarding the potential transition from odd-year to even-year municipal
5 elections.

6

7 **Ms. McCall** stated that no other presentations had been given to municipalities at that
8 time. She noted that the issue is being discussed across the state and that a little more than
9 70 municipalities currently conduct their elections in even-numbered years. She further
10 explained that transitioning from odd-year to even-year municipal elections requires an act of
11 the General Assembly.

12

13 **Councilmember Reese** said when Raleigh made this change there were financial
14 benefits and asked if there were any issues that came up with Raleigh that could impact Apex,
15 although Raleigh is much bigger.

16

17 **Ms. McCall** said that data showed turnout increased in even year election versus odd
18 year.

19

20 **Mayor Pro-Tempore Mahaffey** said the motivating factor to discuss this at this time is
21 that it being budget season this does come down to money based on data. He said that in
22 2023 Apex paid around \$200k for the election and that would go to \$0 if Apex moved to an
23 even year election, and in 2025 changes in Cary brought it down to 150k. He said it seemed
24 like it may cost 80k in the current even-year scenario.

25

26 **Ms. McCall** said that a hypothetical budget could be built. She said that based on
27 Raleigh's move, it was about a 61% cost decrease.

28

29 **Mayor Pro-Tempore Mahaffey** said it was understood that for each town that moves
30 to even it becomes more expensive for the towns that stay in the odd years.

31

32 **Ms. McCall** said that was true due to the shared advertising across more towns.

33

34 **Councilmember Zegerman** asked if there were best practices that would be
35 recommended by the Board of Elections if Apex moved to an even-year election on
36 alignment and implementation for existing future terms.

37

38 **Ms. McCall** suggested to look at Session Law 2021-56 Senate Bill 722, which is where
39 Raleigh started their process.

40

1 **Jerry Cohen**, Secretary of Wake County Board of Elections said in 2010 there were 4
2 municipalities in the state that had even numbered year elections and currently there are 75,
3 and in this current year there are 12 cities that are pending in legislature.

4 **Mayor Pro-Tempore Mahaffey** asked Mr. Cohen to speak about the methods used by
5 those towns that transitioned.

6 **Mr. Cohen** explained the two methods that have been used, a one-time extension of
7 existing terms by one year whether it is staggered or not, and the other way is to have a one-
8 time election for a three-year term instead of four and this doesn't involve an extension but
9 the town would pay for elections in back-to-back years.

10 **Councilmember Reese** asked if this occurred was there an education campaign that
11 would come along with this, and would it be additional package price that would be an
12 additional charge.

13 **Ms. McCall** said that even since Raleigh has changed there are still calls asking why
14 there is no ballot in odd years. She said they have 13 outreach events scheduled up until
15 November and will add this information to the outreach events, press releases and social
16 media and would like help from the town to get the information out.

17 **Mayor Gilbert** asked if there was a way to get local candidates above the partisan
18 candidates.

19 **Ms. McCall** said it's based on the law for ballot ordering.

20 **Mayor Pro-Tempore Mahaffey** gave reasons that this may be beneficial, mostly to the
21 public about why this may be considered. He said there would be a significant budget impact
22 saving close to 6 figures, the increased voting turnout, and something that wasn't mentioned
23 is the use of the facilities because if the election was aligned with the federal elections, it
24 would be every other year for the use of the facilities verses every year. He asked his
25 colleagues to support the resolution.

26 **Mayor Gilbert** asked if the resolution is adopted where would the process go from
27 here.

28 **Town Clerk Allen Coleman** said that once the resolution is adopted it would direct
29 him to share the resolution with all other Clerks in Wake County to ask them to share with
30 their elected officials and initiates a survey to submit their feedback on if they would be
31 interested in exploring going to even year elections, and that report would come back to
32 Council prior to anything being filed at the legislature.

33 **Councilmember Mu** said to be clear, this is not a decision, it is to explore the
34 possibility of moving to even years.

35 **Town Clerk Allen Coleman** said that that was correct and noted in the agenda cover
36 sheet that this does not change the election process at this time, that it expresses an interest
37 in going to even year election.

38 **Councilmember Zegerman** asked if Apex moved to even year election, what was the
39 deadline or timeline for filing with the General Assembly for their consideration.

40 **Town Clerk Allen Coleman** said that it could technically still be done for 2026, but
41 said more notice and public engagement would be encouraged and once the survey of the

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1 other municipalities is completed, there will be information shared on the options to consider
2 for Council to provide direction.

3 **Councilmember Reese** asked if there needed to be any language specifically around
4 the fact that this is not a change for this year.

5 **Mayor Pro-Tempore Mahaffey** said that it's understood that it's late to get the bill
6 filed, passed and signed because the 2026 election filing for a nonpartisan race is in a couple
7 of weeks, so this would be for next year at the earliest.

8
9 A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded by
10 **Councilmember Mu** to approve a Resolution Expressing Interest in Exploring the Alignment
11 of Municipal Elections with Even-Year State and Federal Elections and Encouraging Other
12 Wake County Municipalities to Consider the Same.

13
14 **VOTE: UNANIMOUS (4-0)**, with *Councilmember Gray absent*

15
16 **Mayor Gilbert** announced a five (5) minute recess at **7:20** p.m.

17
18 **Mayor Gilbert** reconvened the meeting at **7:27** p.m.

19
20 **[PUBLIC FORUM]**

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

23
24 First to speak was **Dr. Paul Andrews** of 417 S. Tunstall Avenue:

25
26 "I live at 417 South Tunstall Avenue. It's right on the corner of 55. It's right across the
27 street from the Yamato Steakhouse, those skinny houses, the shotgun homes. So, the reason
28 I'd like to first of all thank Council members and Mayor Gilbert for giving me some time to
29 speak tonight. I really want to address the southernmost chunk of the William Street/NC 55
30 Vision Zero project with the sidewalks. We live right down there. We're about the
31 southernmost third of the southernmost chunk of the purple sidewalk. If you turn to your
32 maps and look down at the southernmost chunk, those four little shotgun houses, that's
33 where we live. That is a really unique part of Apex that will be drastically affected by this
34 sidewalk project. Currently, it's slated on our side of the street, and we already have barely
35 any room to park our cars and the project is proposed to take about a 15-foot chunk out of
36 our already tiny driveways, we're already trying to squeeze our cars in, we can't let our
37 children out in the front because of how close it is to those streets. The photos there are kind
38 of a perspective of where the sidewalk is going to be. On the back, there's that line straight
39 through it says 15-foot mark, so that's what we're looking at. We're going to be parking on
40 the sidewalk if the project continues. One thing that we are aware of is the town's ordinance
41 against parking on the sidewalks, and we want to make sure that we're protected in case that
42 happens. Another thing I want to bring up is even the necessity of the project at all in our little

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1 chunk of Apex. There's already a good sidewalk on James Street, Wrenn Street, and Moore
2 Street that allows foot traffic. If you take it up basically our little sister street further away from
3 the middle school, so a way to save the town a lot of money is just to eliminate that part
4 because you already have foot traffic sidewalk connecting down to 55, and there's already a
5 crosswalk and a stoplight there. Our part is pretty dang dangerous. As the project is
6 proposed, it's not a solid line there on 55. It's a series of little islands with walkways across the
7 Circle K's entrance and across the Apex Inspection Center entrance and if you remember the
8 coin and currency earlier this year, it had a flatbed tow truck speed through there and
9 demolish it and so we're really worried about that corner. We don't want a lot of foot traffic
10 around there. It's going to impact us, and we propose that you put a pause on the project, at
11 least on this southern chunk."

12

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

14

15 Next speaker was **Madhu Kondath** of 413 S. Tunstall Avenue:

16

17 "Thank you, Mr. Mayor and council members. I happen to be a neighbor of Mr.
18 Andrews who just spoke before me. I happen to own an investment property, a short-term
19 rental, very successful, we cater to a lot of workers and visitors to Apex. I'm really concerned,
20 again, about losing the parking space, which, as you would understand, was the key to my
21 business and my investment for the Airbnb. I would definitely request you to reconsider all
22 the points Mr. Andrews just spoke to before me and that's what I'm here for. Thank you."

23

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

25

26 Next speaker was **Ann Stephens** of 311 W. Chatham Street:

27

28 "Good evening. I'm here tonight to support the Apex Police Department's use of license plate
29 readers. I am both a citizen of Apex and a 30-year veteran of the Apex Police Department and
30 throughout my career, I have seen firsthand the value these systems provide law enforcement
31 and public safety. These cameras simply capture images of license plates on vehicles
32 traveling on public streets and in public view. In many ways, they are far less intrusive than the
33 thousands of cameras already in use at businesses, homes, and private properties throughout
34 our community, the difference is that the Apex Police Department operates under strict
35 policies, accountability, and oversight. Private individuals and companies often collect and
36 store information with far fewer safeguards. License plate readers are an important public
37 safety tool. They alert officers when stolen vehicles or known wanted offenders enter our
38 community, allowing law enforcement officers to intervene before additional crimes can
39 occur. They also assist in locating vehicles connected to kidnappings, violent crimes, missing
40 person cases, and many other serious investigations. Across the country, these systems have
41 prevented and solved countless crimes. Even in the short time they have been in use in Apex,
42 they have already contributed to making our community safer. Despite the fear-mongering

1 and dramatic claims that have been made, there is no single person in our community that
2 has been harmed by the use of these cameras. I trust the Apex Police Department, and I have
3 complete confidence that the department has the appropriate policies and procedures in
4 place to ensure this technology is used properly and responsibly. I also know how hard the
5 men and women of this department work every day to protect our town because I did it for
6 30 years. I respectfully ask the council to continue supporting the use of license plate readers
7 and allow our department to use this lawful, effective tool to help keep Apex safe. Thank you.”
8

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

10
11 Next speaker was **Tiffany Birkner** of 2015 Henniker Street:

12
13 “Good evening, Mayor Gilbert and council members. I appreciate you giving me a
14 chance to speak. I'm here to speak about the proposed tax increase. First of all, it should not
15 come on the backs of homeowners and existing residents. The growth, allowing all these
16 massive apartment complexes and everything, should not result in those expenses being
17 incurred by existing residents. We already have to put up with the extra traffic and everything
18 else. We certainly should not be having to foot the cost of the growth as existing people here.
19 First, we've had to incur so many tax increases recently. First, the 100% increase in property
20 taxes due to the revaluation by the County Commissioners, it was basically a backdoor tax.
21 Rather than increasing the rate, they revalued the houses when they were at the absolute
22 peak of the real estate market, which was not realistic. There's no way that my house would
23 sell for that at this point, that's caused a tremendous financial hardship for myself and many
24 of my neighbors, many who are retired and who have been homeowners and taxpayers here
25 for 30-plus years like myself, we just can't handle any more taxes. It would be wrong for long-
26 term residents to be driven out because we're part of what made Apex the Peak of Good
27 Living, and that's exactly what's going to happen. I've talked to tons of people, and it's going
28 to drive a lot of us out of the town. This would be an unnecessary tax increase. There are
29 plenty of non-essential areas in the budget that can be cut. I know for me, I operate my
30 household on an extremely tight budget, a shoestring budget, in this current economy, I
31 know it was commented that it would be the cost of a couple cups of coffee out. I don't have
32 the privilege of being able to go and order coffee out. I have to drink my coffee at home, and
33 I've had to do a lot of strict budgeting so I'm asking the council to please do the same and be
34 good stewards of the taxpayer residents' money. Thank you.”
35
36

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

38
39 Next speaker was **Clark Sessions** of 1105 Red Sunset Drive:

40
41 “I wanted to thank Mac, Gio, Lea, and Soju for bringing awareness of the Flock
42 cameras here in Apex. So, I'm going to start out by saying just because we can doesn't mean

1 we should. Our town deserves daylight and debate on the subject of the terms of service that
2 meet our community's needs and not the click-to-accept terms that serve the company's
3 business goals and interests. I've worked in software security for 12 years. I've worked in
4 commercial enterprise for over 25 years. We do not accept the default terms for any software.
5 It all needs to be reviewed very carefully, not to meet their terms or the broader interests of
6 the company, but it needs to meet the Town of Apex's needs. There should be a clear
7 purpose for the collection, not just because, oh, it might come in handy. We should have very
8 clear retention periods that we all agree on that meet our needs, and the destruction of the
9 data should be verified, just because it's marked for deletion doesn't mean that it's actually
10 been cleared. It needs to be verified so, there needs to be good third-party audits for any of
11 the data access, both who's requesting it and how it's being used. There should not be wide-
12 open defaults where we're going to share our data by default with everybody. What's in it for
13 us at that point? So, I support law enforcement's need to keep us safe. I do not support being
14 wooed by the default settings of slick software salesmen who say, "Hey, look at what we can
15 do." We should not be rolling over and saying, "Let's run an experiment here." I'm in favor of
16 stopping and then building up from scratch for what Apex needs. Basically, daylight and
17 debate, not defaults and negotiations in darkness. Thank you."

18

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

20

21 Next speaker was **George Hogan** of 2140 Victoria Lane:

22

23 "Council members, thank you. I want to start with something personal. My kids love
24 Officer Jay, the SRO at their school, the guy who high-fives them in the hallway. That trust is
25 real, and I'm not here to take it away, but the institution behind Officer Jay is operating a
26 surveillance system that this council voted for and the citizens in this room did not. We have a
27 responsibility to look at what's actually happening. Policing in this country did not begin as
28 crime fighting. The first organized patrols in the South existed to capture enslaved people. In
29 northern cities, police forces were created to break strikes and protect industrial property.
30 Every major expansion of police power in American history has been justified the exact same
31 way: fear or perhaps using a word tonight, fearmongering. The tools changed, but it's always
32 been about control. This is the exact thing that happened here with the adoption of Flock and
33 ALPR technology. Apex started with a pilot a couple of years ago, and then recently the Chief
34 asked for \$150,000 to expand it. Fifty cameras is what he wants. It was only four months ago
35 in these chambers that the chief told the Council on data sharing, quote, "No federal entities.
36 Hard stop." The public records say otherwise. In March, Apex's Flock system was sharing data
37 with 994 agencies, 808 out of state and two federal. How are we supposed to trust anything
38 that they say? And if you think this stops at cameras, it doesn't. This month, the FBI published
39 a \$36 million RFP for real-time access to license plates across all 50 states. Flock is one of the
40 only vendors that can fulfill it. Apex is not a partner in this system, Apex is the node. APD,
41 whether they want to admit it or not, is a cog in a machine that has been built and is being
42 built by Palantir, Flock, and wannabe authoritarians in Washington that don't know where

1 Apex is on a map and they don't care. This is about control, and we are limping along talking
2 simply about solving crimes. Now the arguments you're going to hear are, "Your phone tracks
3 you." Yes, it does. But there's a legal framework around that, terms I accepted, and courts
4 protecting that. You might hear, "If I have nothing to hide, then what do I have to fear?"
5 Ninety-nine-point seven percent of plates scanned belong to people on no watch list. "It
6 helps cops solve crimes." Independent research has found absolutely no significant effect
7 and here's something that Council needs to understand. Every single talking point that you
8 hear in favor of these cameras from police departments defending the technology, including
9 here in Apex, originates from Flock's own sales and marketing material. These are not
10 independent conclusions they are vendor scripts. You might think that you're protecting us
11 with these cameras, but you're not. The preferences of the police department do not
12 outweigh the concerns of the citizens. This is about safety, and safety is about policy."
13

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

16 Next speaker was **Joe Gregorio** of 509 Parkfield Drive:
17

18 "Thank you, Mayor and Council members. Wanted to talk a little bit about the yard
19 waste program updates. To be honest, I was kind of surprised at the direction of the changes
20 that were being proposed. So, I did a little bit of my homework and I went and looked back at
21 the slides you had at the annual retreat and just thought, "Okay, I'll look at those and that'll
22 explain it to me. I'll hopefully come to the same conclusion." It may not be surprising, but I did
23 not come to the same conclusion, I had kind of the opposite conclusions to a lot of things that
24 were in there. There were things in there that just didn't make a lot of sense to me. Slides
25 about vacuum trucks and the problems with them, and yet in the end it was, okay, let's keep
26 the vacuum trucks but also add these other trucks, which didn't make a whole lot of sense if I
27 understood it correctly. With the disposal cost, I presumed I would look in there and see
28 rising costs for disposal year after year, and this is something we're trying to fix and it looks
29 like a chart of essentially random numbers. The numbers in 2025 were lower than 2024, but I
30 think they were higher than 2023. I didn't see that up-and-to-the-right trend that I expected to
31 see with the rise in costs. I do appreciate the long-term thinking that goes into this and that
32 we have to think about this because it does seem like in the long run this will be a problem,
33 but I think making changes now is a little too soon. The other thing was there was a whole
34 slide in there about regional cooperation. Through membership with the Central Pines
35 Council of Governments, we have requested this issue be presented to managers and
36 mayors to see about doing something locally and regionally to try to solve this problem and
37 yet that just seems to be one slide and there was no further mention of it, and that does not
38 seem to have been pursued at all as an option here. These things were confusing to me. I
39 hope that, as a perspective from someone looking at the same set of slides that you all spent
40 some time putting together and reviewing but coming to very different conclusions, the
41 council will rethink the direction they've gone in and consider some more alternatives. Thank
42 you."

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

2

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

4

5 “Good evening, Mayor, Council members, staff, and public. My name is Phil Welch. I
6 live at 1471 Big Leaf Loop in Apex. We're continuing the talks for the Town Council on the
7 impacts of the lack of stable homes caused by insufficient housing choices. Tonight, we'll hear
8 from one of our essential workers who struggled with rising rents in his market-rate
9 apartment. I've learned a lot from these talks. My key learning is that the lack of affordable
10 housing choices for our low- to moderate-income neighbors and essential workers leads to a
11 whole spectrum of individual and collective issues, including disrupting the education of our
12 children, increasing worker absenteeism and turnover, lowering productivity, causing or
13 exacerbating physical health issues such as asthma, making it very difficult for vulnerable
14 populations to find affordable housing, including single individuals and parents, especially
15 those coming from domestic violence and human trafficking, as well as lower-income seniors,
16 essential workers, veterans, and special-needs individuals, forcing many households to make
17 difficult trade-offs among basic needs such as food, transportation, and health care, and
18 leading to a scary increase in family homelessness. Here are some sobering statistics from the
19 North Carolina Housing Coalition. On average, 75% of households experiencing the trauma
20 of homelessness in North Carolina in 2025 were doing so for the first time. North Carolina
21 faces a five-year housing inventory gap of over 760,000 homes, including rental and for-sale
22 units. The average North Carolinian cannot afford a one-bedroom apartment. Here in Apex,
23 we've made some progress in filling the housing inventory gap over the past several years:
24 164 affordable apartments by DHIC in Stone Glen; nine new single-family detached homes
25 by Habitat on Cassena Lane; 12 new affordable townhomes offered by PY Homes through the
26 Raleigh Area Land Trust; and scores of owner-occupied homes repaired by Preserving Home
27 under the Apex Cares program. But it's still not nearly enough. The penny tax for the
28 affordable housing fund puts Apex ahead of many other nearby municipalities, but a penny is
29 still not enough. We need to promote different housing types, ADUs, modular homes, tiny
30 homes, and so forth. We need fresh resources from local corporations and businesses,
31 hospitals, educational institutions, philanthropists, faith communities, real estate
32 professionals, developers, and construction companies. I look forward to working with all of
33 you to solve this critical issue and provide more affordable housing choices. Thank you.”

34

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

36

37 Next speaker was **Stephen Davis** of 601 Upchurch Street:

38

39 “Hi, my name is Steven Davis. I live at 601 Upchurch Street. I just wanted to relate how
40 low-income housing has been a positive impact on my life. I've lived in the Town of Apex all
41 my life, my mother's family goes back 150 years, and I was looking at not being able to afford
42 to live in this town anymore because of the high rent prices, but because of low-income

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1 housing, I'm able to live in the town I grew up in. I really appreciate you all doing that, and I
2 hope it continues to go forward. Thank you.”

3
4 **Mayor Gilbert** thanked the speaker and invited the next speaker.

5
6 Next speaker was **Pastor Kara Matthews** of 3509 Pony Soldier Road:

7
8 “Good evening, Mayor Gilbert, council members, and residents of Apex. My name is
9 Kara Matthews. I live at 3509 Pony Soldier Drive in Apex. I work as a pastoral advocate for
10 survivors of human trafficking and domestic abuse. I had the privilege to speak with you last
11 year, and I'm honored to be here this evening. I was hoping that the plight and trajectory of
12 affordable housing would have been remarkably different, but my clients still sadly it is not for
13 them. Many of the survivors I work with still struggle to procure affordable housing, which
14 forces them to relocate to areas such as Sanford, Fuquay-Varina, and Carthage. As an
15 advocate this year, I have learned that many of my clients are still struggling to find work and
16 struggling to make ends meet. The rising cost of fuel, groceries, and the cost of living has
17 been incredibly difficult for many of them, who are single moms. There is also the rise in
18 homelessness all around us and when individuals get to a breaking point and simply cannot
19 afford their way, they get evicted and end up unhoused. One of the advocates at a safe home
20 informed me that they have had people from Apex show up at their doorstep. She said, "It's
21 interesting because what we're seeing is that when someone is facing the dangers of being
22 unhoused, they will do a lot of things." She said, "Even adopt a story of domestic violence and
23 human trafficking that may not be their story." But she said, "When you have a three-year-old
24 in your arms, a mom will do a lot of things to keep that child safe at night." This creates a
25 problem for the real victims of human trafficking and domestic violence because there are no
26 longer empty beds for them and it all leads back to the plight of affordable housing and the
27 need for landlords to work with residents when they're struggling. When a victim of human
28 trafficking or domestic violence struggles with pop-up trauma, they can easily get behind in
29 their rent and they just need some grace or when they're forced to pay such extravagant costs
30 for security deposits plus the first and last month's rent, frankly, it's exorbitant and it's just not
31 plausible for them. It isn't because they're not trying. Many of them have not had access to
32 education due to family dynamics, and in many cases, they were being trafficked while they
33 were in school. This is why it's so important for all of us to work together. As a collaborative
34 team, it's important for us all to create safe affordability for these individuals. They are doing
35 their best each and every day as they show up for their families. They're attempting to be
36 better than they were yesterday and even better versions of themselves tomorrow. Thank you
37 for listening and thank you for caring for this amazing population of people.”

38
39
40 **Mayor Gilbert** thanked the speaker and invited the next speaker.

41
42 Next speaker was **Fran Hudson** of 5524 Rex Road:

1
2 "Hello, Council. Fran Hudson, 5524 Rex Road. I wanted to thank Allen for fulfilling my
3 public records request that I spoke about in April. When I spoke about it on April 14th, it was
4 three days later when I received an email with some of the, I guess, most of the data that I had
5 asked for. What concerned me was in the email itself, it reads, I'm quoting Allen's email:
6 "Please find attached all records currently available that are responsive to your request. Due
7 to the town's 2024 cyber incident, certain records from the requested time frame are
8 incomplete or unavailable. These limitations are not the result of withholding, but rather the
9 condition of the town's records following that event." This concerned me because on March
10 30th, Randy put out a video and WRAL reported on it saying that the town announced
11 Monday it has secured the stolen information with the help of the FBI. I was wondering, okay,
12 which one's right? Because Allen's telling me there's missing information. Randy's putting out
13 on WRAL that they've gotten the information back. So, I'm just really confused. Does the town
14 actually have the data or is it still missing? Those are valid questions that I think everybody
15 should be asking, especially when town data is missing. It was missing. It went missing for two
16 years and nobody talked about it. On May 14th, I submitted a subsequent request asking for
17 additional information based on some conversations I'd had with some other people and
18 they wanted to know, okay, how many requests haven't been fulfilled? Like there wasn't any
19 relevant data to provide. I haven't gotten that information. I know it's only been since May
20 15th when Alan replied to me, but I just wanted to let y'all know about that because the last
21 time I spoke here about the public records request being overdue, it was fulfilled. Okay, so
22 pattern recognition is what I really want to talk about because I'm noticing, you know, here
23 people are speaking about the things that they're noticing. So, this pattern of abuses or if you
24 don't, it's just oversight, I guess from different areas of the town, people are becoming more
25 interested. They're submitting more public records requests, they're wanting to know this
26 information and they're addressing it in these meetings. The scrutiny will continue to increase
27 when things just don't align. So, we're recognizing those patterns. Okay, they said this and
28 they didn't say this, but they said something completely different. There's a cognitive
29 dissonance there that if the town is not being transparent, the people are going to figure it
30 out and it's going to be obvious to everyone. So, I wanted to warn you, I wanted to make sure
31 that the town actually addresses those things before it just gets really bad. Thank you."

32
33 **Mayor Gilbert** thanked the speaker and invited the next speaker.

34
35 Next speaker was **Dawn Cozzolino** of 3632 Bosco Road:

36
37 "So, before I get started, there was kind of a big change-up on the agenda. You initially
38 had the finance audit report as received as information, but it was not. You actually had a
39 presentation tonight that you approved it. They approved it at 5:45 tonight. But in the original
40 agenda packet, there was this item in the consent agenda. So, I'm confused about the
41 procedural clarity on the public records for that because it's in one place, it's not in another,
42 and it doesn't happen to be in tonight's consent agenda. Speaking of which, that was my

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1 prepared remarks tonight. So, within a lickety-split of under a minute, \$4.1 million in public
2 commitments was made: the land exchange, \$1.5 million for the Town Hall renovation. By the
3 way, there's nothing wrong with the building, right? It's just improvements and amenities. And
4 \$900,000 in sidewalks and roadways. Again, here we heard how they are not helpful in most
5 cases. So, this isn't about individual items on their merit, it's about structure. Multi-million-
6 dollar decisions bundled in a consent agenda. Remember, a consent agenda is routine items.
7 It's like approving meeting minutes or something like that. It is not major capital. This is an
8 outlay of taxpayer and people's dollars. So, we're seeing this compressed government. We're
9 seeing it quick. We're seeing it in a consent agenda where you can't talk about it, you can't
10 hear about it. I'll just talk about physics for a minute, system is under continuous force.
11 Pressure does not disappear. It redistributes. It accumulates until it meets resistance. That's
12 kind of what Fran was talking about. And that resistance is oversight. Pretty clear. Public
13 questions, audits, whistleblowers, statutory accountability. That late audit, by the way, that was
14 approved 15 minutes before this meeting tonight. That's a very important thing under statute
15 NCGS 159-34. They're the foundation of lawful financial accountability, the basis for your
16 budget, your financial condition, public trust, and how you borrow, all of these things are very
17 important. So, I want to end with this: I love different TV shows, and one of my favorites is *The*
18 *X-Files* from the '90s and if you remember the phrase: "The truth is out there." Thank you."

19

20

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

22

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

24

25 "Mayor and Town Council, good evening. There was a post on social media that
26 suggested with this budget that public safety might be at risk and I cannot tell you how many
27 times I started to write something in response and I stopped. I started and stopped and
28 started and stopped. So, let me go back to when I was five years old. Every day from
29 kindergarten, I rode in the back seat of a trooper's squad car. I love police officers. And if you
30 want to know what starts the foundation of any quality of life, that is public safety, where I can
31 walk down the street, where I know if I need help, I have someone to call and so, the notion
32 that, of all the things in our budget that could be at risk, that public safety would even be tied
33 to that it was just repulsive and gross to me. There's a lot of things that we can save money on.
34 So, for instance, scale back the downtown improvements, get rid of some of the public arts,
35 don't run the splash pad at Pleasant Park, stop buying solar panels for the buildings, turn the
36 lights down at Pleasant Park at night sooner and maybe my favorite, stop using money to go
37 condemn people's properties. So, we need public safety to be number one. We never want
38 that ever to be in the media, that we might be short-staffed, because you know what? That
39 just attracts problems. That is people who come and say, "Hey, this community is short-staffed
40 and we're going to take advantage of that." That's not acceptable. Everything else can go, but
41 we have to have public safety. Thank you."

42

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

2
3 Next speaker was **Hesham Osman** of 3181 Mantle Ridge Road:

4
5 "Good evening, Mr. Mayor, council members, and town staff. Thank you for letting me
6 speak tonight. This is probably the third or fourth time I'm coming to talk about the budget. I
7 attended the budget town hall yesterday, and we had some really good conversations. But
8 there was one comment, Mayor Pro-Tempore Mahaffey, you made, I think on social media,
9 that we're late in the process and we need specific cuts from the public if you want to make
10 cuts. I was taken aback by that statement a little bit because the town only released this
11 preliminary budget back in April, so it's only been a couple of weeks. You had a work session
12 two weeks ago, maybe, to revise the budget. So, I understand that the town may have been
13 talking about it for months, but the public only had an opportunity, I would say, probably in
14 the last six to eight weeks. I know there have been a number of open hearings, that's all great.
15 But to say now, "Hey, we're late in the process. You have to give us specific line items to
16 reduce if you want to be able to affect the budget." Happy to do that. I actually sent
17 everybody an email this afternoon with some specific cuts. Now again, not being an expert in
18 town operations, admittedly, I don't know all the impacts of those specific cuts, but you asked
19 for some cuts, and you have some cuts there. The other thing, and Dawn mentioned it earlier,
20 I think the optics of today's consent agenda is very, very poor. Here we are talking about a tax
21 raise. You've heard multiple times from the public that we want a zero-tax increase. We're
22 talking about trying to save a couple hundred thousand on the election process, and we
23 approved through the consent agenda, with no discussion, spending taxpayer money. I
24 understand there's a difference between capital and operational. But guess what? That all
25 comes from the taxpayer. Whether it's capital funding, operational funding, whatever it is, it
26 comes from the taxpayer and to sit there and approve a renovation for this first floor in this
27 building for a million dollars, which I'm sure we need, but the optics of it, when we're arguing
28 about trying to save on next year's budget, I think it's just very, very poor timing and I think
29 this Council needs to look at that. We're talking about trying to save money and we're, with a
30 consent agenda vote, which I know there's a lot of prep work in the background, but the
31 public doesn't get all that information, and it just seems out of touch. I'm not saying you are,
32 but that's the impression. When we're talking about trying to save money to reduce our tax
33 increase, and in the same breath we approve investing in our community. That's great. We
34 should invest. But I think the optics of this are pretty poor. Thank you very much."

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

37
38 Next speaker was **Keith Wood** of 1809 Circeo Court:

39 "Hello, I'm Keith Wood. I live at 1809 Cercio Court in Apex and I'm here to talk about
40 the yard waste ordinance. I reviewed the retreat presentation, filed a public records request,
41 and sent each of you a detailed proposal today and I have two requests that I want to talk
42 about tonight. First, I'd like for you to consider keeping the grass collection through the

1 containerization time frame. The carts that you're planning to deploy are designed for soft
2 compostable material. Every city using these carts puts grass in them. Calgary, Evanston,
3 Raleigh, Holly Springs. If grass goes in the cart in 2028, eliminating it now creates a two-year
4 gap for something that you'll collect again and that's two transitions when you could have
5 had one. The disposal argument is no longer valid, and your department's been working with
6 Liberty Waste Solutions since March on a closer alternative to the Harnett County site and I
7 think that is where it was. Staff already extended collection through December. You should
8 formalize that through the containerization time frame. Second, before you commit to in-
9 house containerization, you should get the outsourcing proposal that you've been waiting on.
10 The Assistant Town Manager wrote to GFL on April 17th, calling their outsourcing quote a
11 significant decision point. As of April 29th, the staff was still waiting on it. GFL provides bi-
12 weekly cart collection in Morrisville today for a \$1.55 per household per month using town-
13 provided carts. Even at double or triple that rate, you're looking at \$3 to \$5 per household
14 versus building an entire in-house fleet yourself. The town can still buy the carts in three sizes,
15 so townhome residents aren't forced to store another 95-gallon bin: 35, 65, or 95 gallons,
16 residents' choice but the trucks, the drivers, and the disposal become GFL's problem. The
17 entire disposal-capacity issue driving the grass elimination becomes their problem to solve
18 and not yours. The \$1.5 million in automatic side-loading trucks goes away and there's no
19 collection staffing. A multi-year contract locks in the rates so you're not back here raising the
20 fees again the way the in-house plan projects to \$11.69 and then \$12.03 per month, both
21 options that I've sent you keep the grass collection, both keep the chipping and the leaf
22 vacuum, both include two free large pickups per year and both cost less than what's on the
23 table. I'm asking you not to approve a fee increase or any capital expenditures for the ASL
24 trucks until you have the GFL proposal in hand. You initiated that conversation. Let it come
25 back before you commit residents to a more expensive path. Thank you."

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

28
29 Next speaker was **Kimberly Wood** of 1809 Circeo Court:

30
31 "Hi, Town Council. I'm Kimberly Wood, also at 1809 Cercio Court. I'm the better half. I
32 view elections like selecting a babysitter. I need someone to watch over the town, answer
33 questions, and make responsible decisions while the residents go about their lives. Instead,
34 you, the babysitters, ignored the instructions, didn't answer the emails Keith Wood sent, and
35 now the parents have to come home early and do the jobs themselves. Honestly, this is super
36 boring. I'm normally sitting at Provincial on Thursdays having my glass of wine, but I'm here
37 with my husband, and he had to fly home from a business meeting because you and your
38 fiefdom couldn't respond to an email. The call is coming from inside the house. My husband
39 and I voted for every one of you sitting up there tonight. We supported you because we
40 believed you would value transparency, responsiveness, and thoughtful governance, that is
41 what makes this situation especially frustrating. This is not partisan outrage from political
42 opponents. This is disappointment from the very residents who trusted you to do a job. Quite

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1 honestly, I shouldn't have to spend months, well, I didn't, he did, researching operational
2 models, analyzing capital plans, comparing municipal benchmarks, and drafting alternatives,
3 but here we are. Part of serving on Town Council is reading constituent emails and
4 responding to them. I don't need a fluffy "we got your email" Town Council announcement. I
5 need you to read and respond to them and if long emails are truly a problem, we live in an
6 age of AI, paste it into your large language model and let it summarize, it does it for you.
7 What's been most frustrating is the silence surrounding you. Our family dinner conversations
8 have been consumed by grass and not the kind we wish was legal. This process highlights
9 exactly why transparency matters. Once alternatives were actually evaluated, that he just
10 outlined and gave to you in a PDF document today, it became clear there are viable options
11 that maintain service levels without forcing residents to accept a one-size-fits-all container
12 that doesn't really reflect Apex neighborhoods and municipalities. This is a group project, but
13 we ended up doing the work ourselves, that should concern everyone and I am ticked that
14 you made him hijack my dinner conversations to talk about this because you couldn't
15 respond to an email. He asked for a response. That's all it took. Just email him. Thank you."

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

18
19 Next speaker was **Robert Montoya** of 1005 Formal Place:

20
21 "So, tonight I'm speaking to you. First of all, I appreciate the work you've done on
22 trying to reduce the property tax so far, but I'm talking tonight about some of the concerns,
23 not like a misinformed individual who posted on Facebook earlier, or a few people that are
24 posting against it on Facebook. I'm talking about individuals that I volunteer with that are on
25 fixed income, low income, that I deliver meals to, that this is going to impact significantly and
26 what I've heard is we've done some reductions. We're about as low as we can get and I
27 disagree with that. The gentleman earlier said, and Tuesday night you mentioned at the town
28 hall as well, that you hadn't laid anybody off, which is great, commendable, and I don't want
29 to see that at all, but you also mentioned in the post he spoke about specific line items. So, I
30 worked for a company that was going to experience a pretty good deficit on the fiscal year
31 so, rather than being able to pass on the cost to the clients of that company, which the Town
32 Council is kind of doing by increasing the property tax, the ownership actually gave the
33 employees a chance to vote on whether or not we eliminate four positions or we don't get
34 the pay raises that we typically expect each year. Everybody voted to keep everybody on staff
35 and not give pay raises. In the budget, when you want to speak about specific line items,
36 there's an increase for 2% for market adjustment, 3% for merit increases as well, that total
37 about \$3.6 million. And that doesn't take into account the minimum wage that was increased.
38 So, all town staff, from what I see, already receive a 5% contribution to their 401(k) whether or
39 not they participate and contribute themselves. That's pretty great, and I hope that stays. But
40 times are tough right now and if it means that we delay maybe one year and it could happen
41 again if it's not managed properly delay pay increases, then we do it and I feel really bad that
42 that hasn't been something you've taken upon yourself to make that recommendation, but

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1 you've laid that burden at the feet of the residents to be able to make that recommendation
2 and that shouldn't be the case. So, you want line items, and where there's money, there's
3 almost \$4 million sitting right there. Not money that's a cut; it's money that hasn't been spent.
4 So don't spend it. Thank you.”

5
6 **Mayor Gilbert** thanked the speaker and invited the next speaker.

7
8 Next speaker was **Hans Kinsgrab** of 148 Brierfield Drive:
9

10 “All right. I'm a trash guy, too. Fun times. Thanks for your time tonight. I appreciate it.
11 Hans Kinsgrab, 148 Brierfield Drive. I've been an Apex resident for 18 years. Long time. I like
12 my town. But I'm genuinely troubled by the direction the town is heading on yard waste
13 collection. So here are my concerns. I hope you take them seriously. You may have already.
14 I'm not following everything as far as this goes. But first, the environmental cost doesn't add
15 up to me so, we're talking about manufacturing like 10,000 plastic bins, giving them to all
16 these people, and saying, "Here you go." That generates a significant carbon footprint. And
17 for what? We already have a vacuum collection system that works. Second, we're going to
18 make residents haul these bins out to the curb, adding friction to the process. I don't have to
19 do that now. I just set it on the curb and the truck comes along and picks it up. What do you
20 think is going to happen? A lot of guys are just going to throw it in the trash, or worse, it's
21 going to end up somewhere else. Third, container pickup means stop-and-go truck routes at
22 every single property, potentially burning considerably more fuel. They're sitting there, trucks
23 running. Boom. We got to load that up, throw it in the bin. So again, a step backward on
24 emissions. Finally, quality of life question, we're trading a seamless, modern vacuum system
25 for large plastic bins that residents have to store, drag out, fill, and manage, is that progress?
26 Is that going forward? I thought I was in the Peak of Good Living. I feel like we're taking a step
27 back, not going forward. So again, I've never felt the need to be in politics before, but when
28 we're talking about raising taxes and taking away services, that's not good for the ballot box. I
29 know my neighbors are not happy when they hear this. So, thank you for your time.”

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

32
33 Next speaker was **Sawyer Carnecchia** of 3528 Author Pierce Road and **Caren Ziller** of
34 303 Interior Court:
35

36 “Good evening, everyone. My name is Sawyer Carnea. I live at 3528 Arthur Pierce.
37 My name is Caren Ziller. I live at 303 Interior Court.

38
39 (Sawyer Carnecchia spoke)

40 We're going to start off by handing out some flyers here. You might recognize us from our last
41 meeting. You're probably going to become acquainted with us. We have both been working
42 on a lot of projects in the time that we've seen you, and you can tell from our involvement that

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1 we're very passionate about downtown Apex, especially since we are both employed by
2 businesses that work in downtown and we've been directly impacted by the construction
3 project and all of that so we have come to share not only some ideas, but also some feedback
4 and comments. Starting off with this art project that we have spearheaded and we are trying
5 to help drive engagement amongst the community and provide more reasons for people to
6 come downtown. The idea behind this is that we are memorializing someone known as Kevin
7 the Peacock, who was the unofficial mascot of Apex a few years ago, by immortalizing him in a
8 piece of art that can be something that brings the community together. Would you like to
9 share some?

10

11 (Caren Ziller spoke)

12 Sure. We feel like this is a good way to build a legacy, something to commemorate Kevin the
13 Peacock, but also something that we could all collaborate on together. It could be a voluntary
14 collection of names representing the feathers, so you'll see on the back side of the flyer that
15 we have actual pictures of Kevin the Peacock so people can become acquainted with him,
16 especially those who never got to know him and then we also have some paintings for
17 inspiration and we're also open to collaborating with the high schools in the area and it will
18 be Apex Friendship, Green Level, and Apex High School. We'll have two students from each
19 of those school's work on this project. Kathy Martin, owner of Red Canvas, has graciously
20 done the core of the painting. The next thing.

21

22 (Sawyer Carnecchia spoke)

23 The reason that we want to bring this to your attention is not because we want praise for this
24 art project, but because we kindly want you to do what we are doing. We are trying to build
25 engagement downtown, we're trying to bring more people together, we're trying to create an
26 interest in both arts and commerce and that's your job. We love doing what we're doing and
27 we're very passionate, and we're happy to partner with you, but this council is responsible for
28 our people and for our livelihoods. Here is an example of something that can be done, and
29 this is a beautiful example. I did want to address some of the issues that we had spoken about
30 last time, specifically the accessibility on the side of the sidewalk where construction is
31 currently occurring. Last time I addressed that there is a level of inaccessibility that exists,
32 especially for people who have disabilities, and nothing has been done about this. The
33 language on the website is still the same. Nothing has been done on the actual side of the
34 street to make it more accessible. I would like to bring that to your attention again and ask
35 that maybe something can be done about this. We still have customers who come in every
36 single day or don't come in every single day and complain about the lack of mobility they
37 have on this gravelly, dusty sidewalk.

38

39 (Caren Ziller spoke)

40 Furthermore, it's been brought to our attention that some of these businesses are having their
41 floors damaged by the debris that's being tracked in. There's really only so much they can do
42 about that at this point. We are tirelessly cleaning, a lot of businesses are doing the same

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1 thing, but we do not feel that the businesses should be responsible for any repairs resulting
2 from that. The next thing is the budget concerns. I know people have been hearing different
3 things. Originally, this plan for this project was around \$2.5 million, maybe \$3 million. In
4 October of last year it looks like it was at \$3 million. Currently, and this is coming from the
5 Capital Improvement Plan Fiscal Year 2026 to 2030, it's at \$6.2 million, roughly. I feel like not
6 only the value of the entire project should be reflected in the end result, but also in the
7 process and quality of the work. I feel like that really hasn't been done, at least in the very
8 beginning. I know issues have been addressed, but personally I feel that if we didn't have an
9 airtight plan from the beginning at a \$6.2 million project, that's why a lot of people are
10 concerned that maybe this shouldn't be happening in the first place, at least at this current
11 point in time. Maybe we should have waited until we had everything smoothed out so that we
12 could execute the plan and it actually be worth \$6.2 million, because reality is, we wouldn't
13 be standing here if we hadn't run into those issues. If everything had just been flowing in a
14 \$6.2 million project, there would be no need for us to be up here.

15

16 (Sawyer Carnecchia spoke)

17 Bouncing off of that, there hasn't been a lot of clarity around when Phase One of the process
18 will actually be completed. As it stands, the website still does not have an actual projected
19 date for that, and that's information that we have been asking for and have been asking for.
20 It would be really awesome if you guys could figure out what that looks like, whether it means
21 talking with contractors or putting a little pressure on them, the people deserve to know what
22 is happening and to have updates and clarity around that.

23

24 (Caren Ziller spoke)

25 Yes. Because originally we were told the end of March, so you can understand why we're still
26 here pushing for a current, updated Phase One deadline. Also, as these businesses are
27 transitioning and preparing for the holidays, it's essential for them to know when this side of
28 the street is going to be done and when the other side of the street is going to be underway,
29 because the reality is the other side of the street is already being affected.

30

31 (Sawyer Carnecchia spoke)

32 Speaking of which, I understand that right now we are in deep discussions about the
33 Christmas parade and other events that are typically held in downtown Apex. We would like
34 to speak on behalf of everybody downtown when I say that the businesses here need for
35 those events to happen downtown. We live and thrive off of the commerce that is brought to
36 the city during the holiday season. Without that, every single business will suffer significantly.
37 Not just as a business owner, but also on an individual level. I work in food service, and I make
38 most of my money for the year between the months of October and December. If you take
39 away all of the events and try to host them in other locations that are not driving business
40 downtown, I will lose most of my livelihood and that is just the real fact of it. In addition to
41 that, besides the Christmas parade, there are other events that have typically been held
42 downtown. We would like to ask you not only to keep them downtown but also to add more

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1 events downtown to help drive business during this difficult time. You can also do that
2 through promotional content, the Mayor has been really helpful in encouraging people to
3 come downtown, posting on social media, and doing some of those things in a way that's
4 really getting outreach out there. But I think we can do better. I think we can do more.

5
6 (Caren Ziller spoke)

7 Going back to this project as a whole, we're by no means trying to take away from the project
8 itself. We're very excited for the end result. We hope that it will bring a lot of good business.
9 We're excited for Kevin the Peacock to be roaming around downtown as a painting and so I
10 feel personally, I feel that what we do for the Apex community extends far beyond what we do
11 in the restaurant industry so that's a big mission for us. We're passionate about what we do,
12 how we connect with people, and how we can advocate for and support the community.

13
14 (Sawyer Carnecchia spoke)

15 In closing, I just want to say that obviously you are all on this council because you have a
16 passion and a desire to help this community. I would like to remind you that that community
17 starts with you and that community does includes all of us. Thank you for listening to our
18 perspectives, and I hope that this helps bring about some positive change. Thank you.”

19
20 **Mayor Gilbert** thanked the speaker and invited the next speaker.

21
22 Next speaker was **James Tulier** of 813 Teulon Way:

23
24 “I am here to speak against the use of Flock in Apex. They have shown us time and
25 time again that they really can't be trusted with this level of public surveillance, from simple
26 configuration and security issues that allow unauthorized people unauthorized access to their
27 cameras with no security hurdles, to enabling federal immigration agents to bypass laws in
28 certain states and conducting investigations using those cameras when this is explicitly
29 outlawed, to even surprisingly pushing their customers to enable new features that allow
30 more surveillance on their systems and trying to go behind Council's backs. We have seen
31 many reports of these cameras being misused across the country and improperly managed.
32 So, I hope you can see why I would be concerned when I saw them popping up around Apex.
33 Sorry. From looking back at multiple of the working sessions, I do believe that the chief of
34 police is trying to set the system up in good faith, but I just simply do not think that's possible.
35 Flock has quietly walked back many of their initial promises and restrictions, and they seem to
36 be walking further and further away from this simple tool to help police and closer to a
37 surveillance and data collection network. In one of the working sessions, the chief has
38 proposed multiple policies that are there to protect the people of Apex from misuse of these
39 cameras. Things like hot lists being available only for supervisors and search requirements
40 requiring case and incident numbers. This is all well and good, but it really only applies to the
41 people in Apex for anyone outside of Apex that has access to our cameras, there's nothing
42 more than a sharing agreement that I believe the chief himself has admitted has no teeth. It's

1 just a simple ask for them to promise not to misuse our data. This is for over a thousand
2 different agencies, 875 of which are outside of the state and now, to add to that, the FBI is
3 now trying to get access to all Flock cameras. There's also a wider issue when talking about
4 the data that these cameras generate. Flock says that Apex owns this data and they won't sell
5 it except this isn't entirely true. This data lives on Flock servers. It's managed by Flock. We
6 don't have any direct access to it, to my knowledge, which means that we can't manage it, if
7 Flock decides to do something they don't want to do or that they want to do, we can't really
8 stop that. I just hope that you all can look back on this and vote to stop the use of Flock in our
9 city. Thank you for your time.”

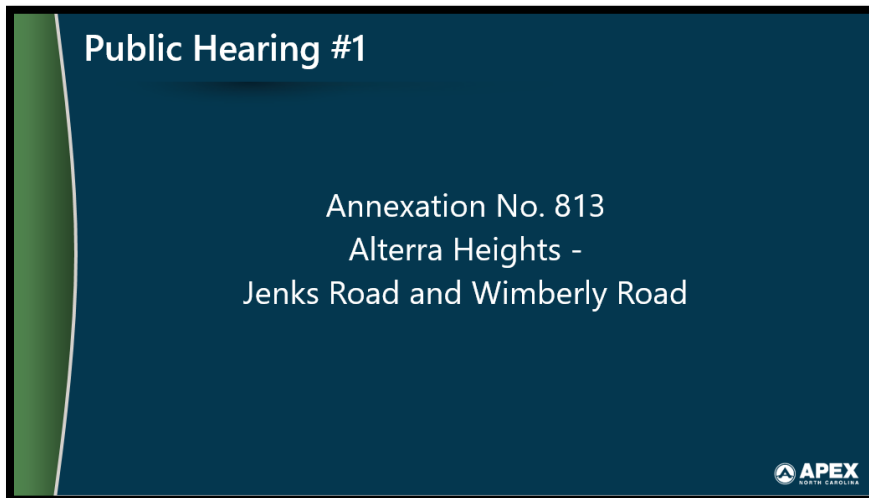
10
11 **Mayor Gilbert** closed Public Forum and thanked all for speaking. He moved to Public
12 Hearings.

13
14 **[PUBLIC HEARINGS]**

15
16 **PH1 Annexation No. 813 - Alterra Heights - Jenks Road and Wimberly Road - 15.16**
17 **acres (ORD-2026-051)**

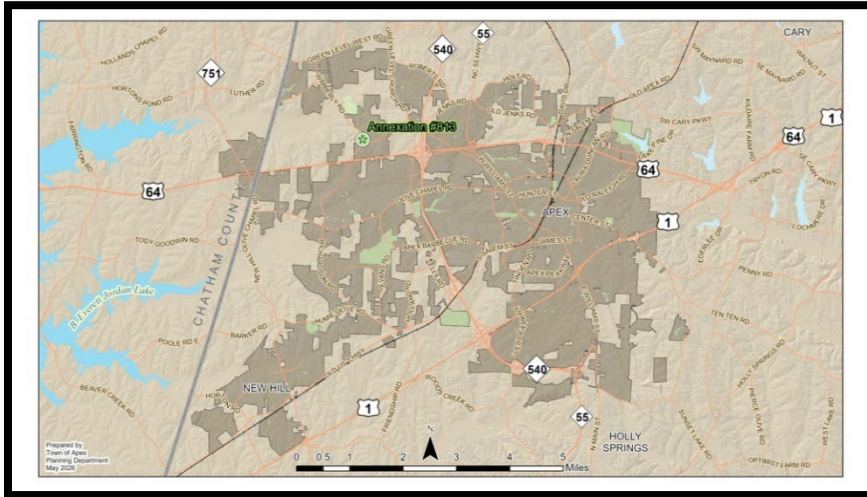
18 **Planning Director Dianne Khin** stated that the request pertained to Alterra Heights, a
19 proposed apartment complex located in the northwestern portion of Town, and provided the
20 following presentation:

21 **[SLIDE NO. 1]**



22

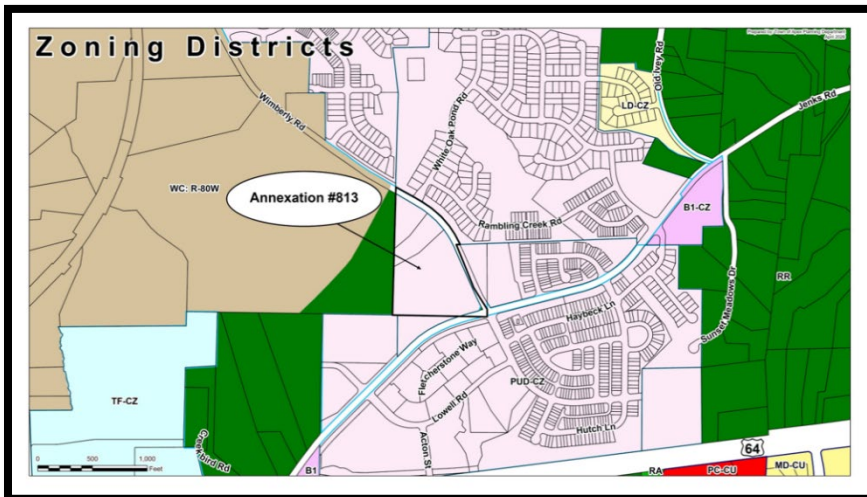
1 [SLIDE NO. 2]



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3 [SLIDE NO. 3]

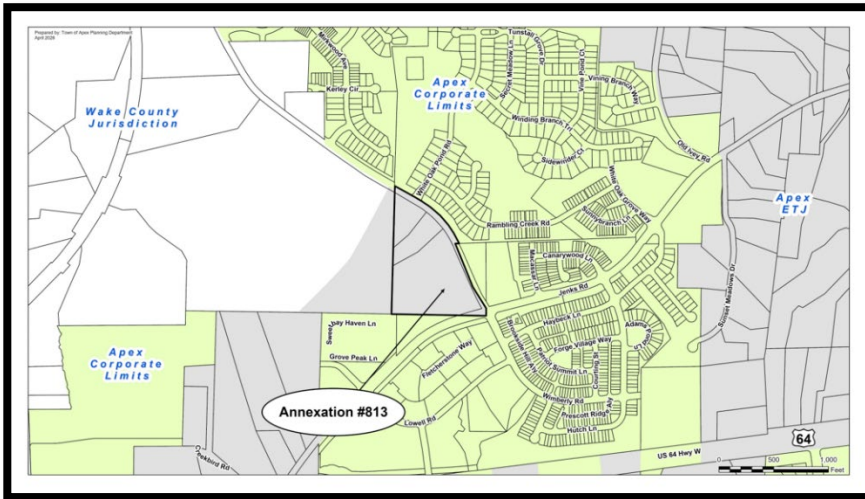


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5 [SLIDE NO. 4]



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1 **[SLIDE NO. 5]**



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22

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

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

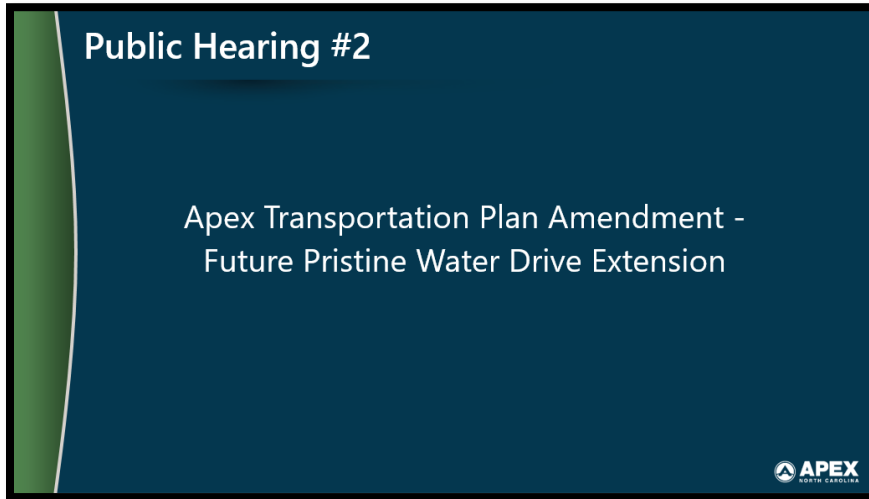
A **motion** was made by **Mayor Pro-Tempore Mahaffey**, seconded by **Councilmember Zegerman**, to adopt an ordinance on the Question of Annexation - Apex Town Council's intent to annex 15.16 +/- acres, located at 1440 Wimberly Road (PIN No. 0722-68-1610) 2.08 acres, 1508 Wimberly Road (PIN No. 0722-68-2430) 2.24 acres, 8108 Jenks Road (PIN No. 0722-67-3959) 10.31 acres, and Wimberly Road Eastern Right-of-Way 0.52 acres, Annexation No. 813, into the Town Corporate limits.

VOTE: UNANIMOUS (4-0), with *Councilmember Gray absent*

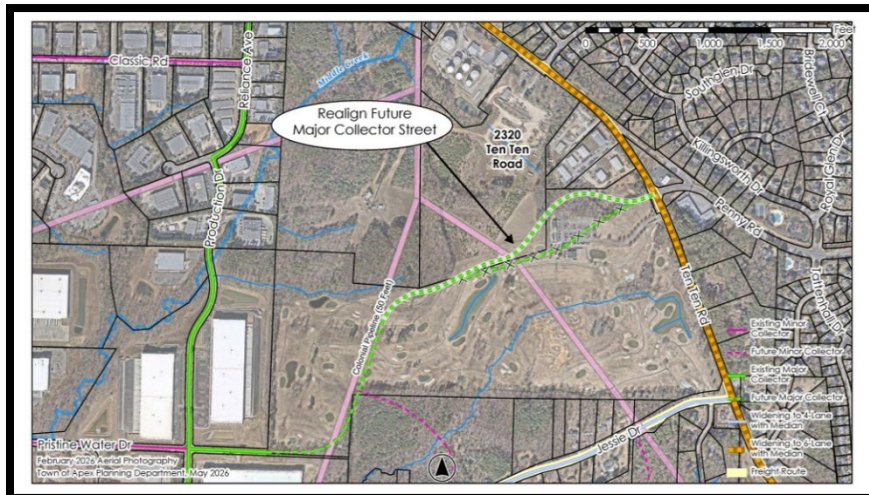
PH2 Apex Transportation Plan Amendment - Future Pristine Water Drive Extension

Long Range Planning Manager, Planning Department, Shannon Cox, presented the following presentation.

1 [SLIDE NO. 1]



2
3 [SLIDE NO. 2]



4
5
6 **Councilmember Zegerman** asked why the Penny Road intersection that is mentioned
7 in the presentation to be moved further north not reflected in this update.

8 **Ms. Cox** said that it was uncertain whether this would be moved and was part of the
9 initial design during the Ten-Ten Road widening project was in progress and this project has
10 been stalled, and it is uncertain if NC DOT would still want to realign Penny Road or it would
11 stay in this location.

12 **Mayor Pro-Tempore Mahaffey** asked what the status of 2320 currently is and if this
13 would need to be re-zoned.

14 **Ms. Cox** said they would not need to re-zone because they have their entitlements.

15 **Mayor Pro-Tempore Mahaffey** asked what their entitlements are.

16 **Ms. Cox** referred to the developer in attendance to provide additional information
17 regarding the property's approved entitlements.

1 **Clay Coyle** with Foundry Commercial representing the developer said the current
2 zoning is light industrial and that is what would be developed, two warehouse buildings.

3 **Mayor Pro-Tempore Mahaffey** asked if a second point of access required for the
4 developers use and if they were volunteering to build a major collector street through
5 Knights Play.

6 **Mr. Coyle** said it isn't required but that's what they would like to do.

7 **Mayor Pro-Tempore Mahaffey** said that's great and asked if it was close to Knights
8 Play's parking lot.

9 **Mr. Coyle** said it would run north of their parking lot and they would actually expand
10 the parking lot for Knights Play. He said they are working together with them.

11

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

13

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

16

17 A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded by
18 **Councilmember Zegerman** to amend the Apex Transportation Plan to revise the alignment
19 of the future major collector street between Pristine Water Drive and Ten-Ten Road.

20

21 **VOTE: UNANIMOUS (4-0)**, with *Councilmember Gray absent*

22

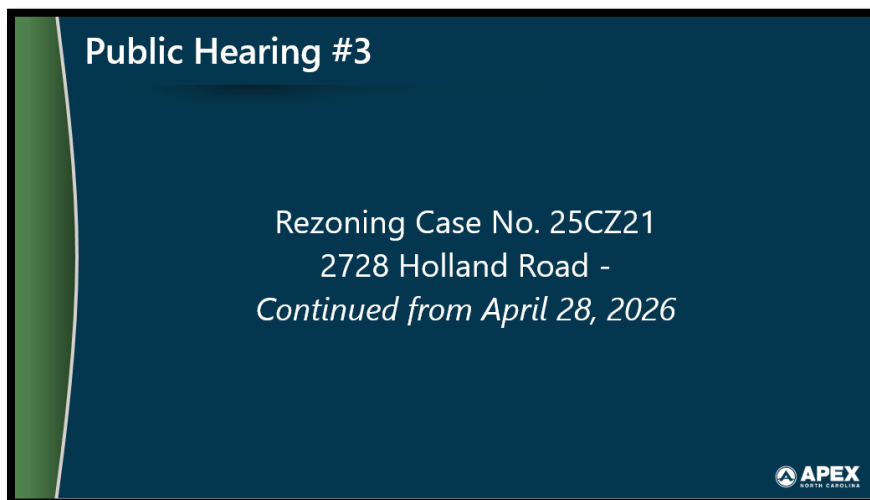
23 **PH3 Rezoning Case No. 25CZ21 - 2728 Holland Road - Continued from April 28, 2026**

24

25 **Senior Planner, Planning Department, Elise Bielen**, presented the following
26 presentation:

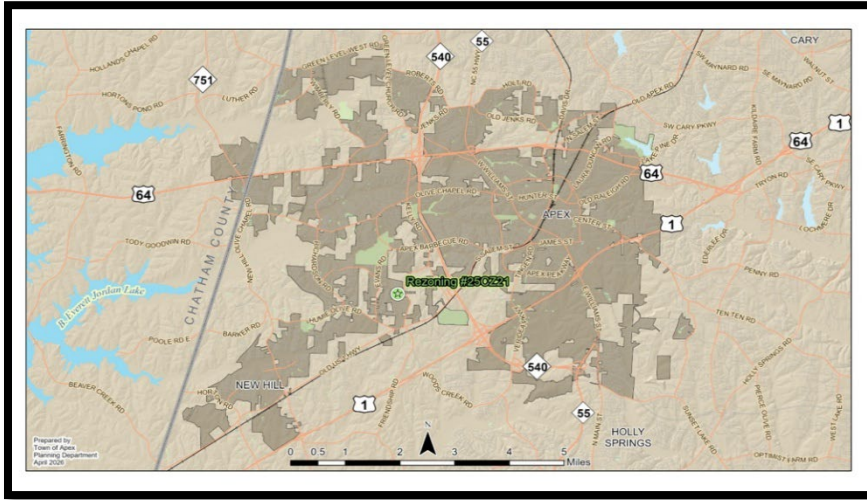
27

[SLIDE NO. 1]



28

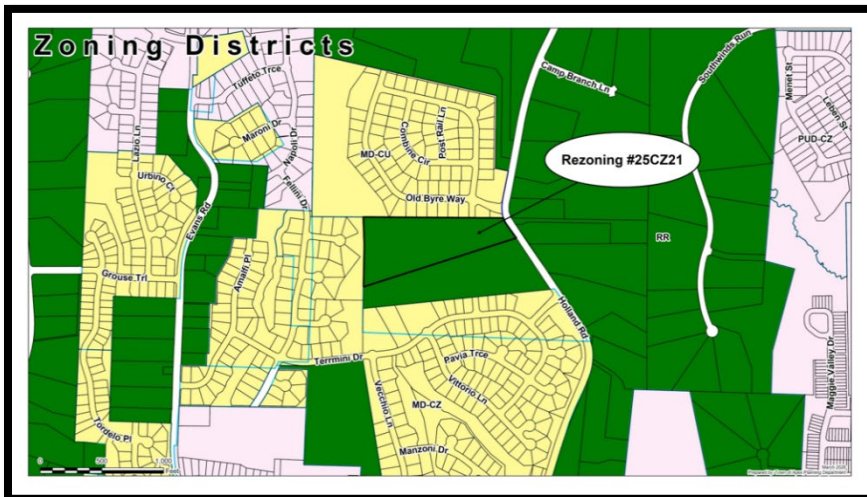
1 [SLIDE NO. 2]



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3 [SLIDE NO. 3]

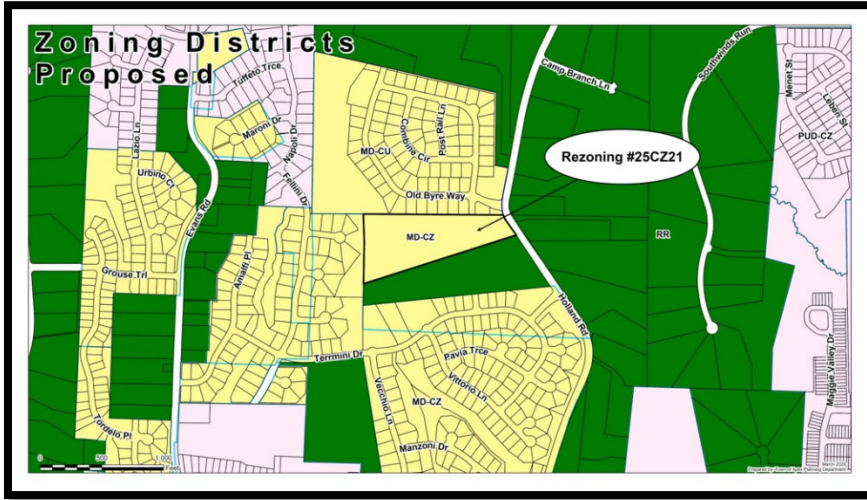


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5 [SLIDE NO. 4]

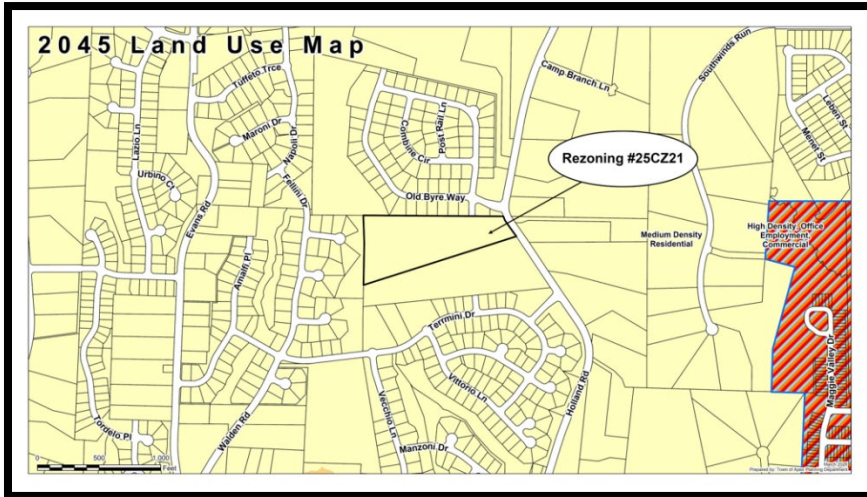


6

1 [SLIDE NO. 5]



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3 [SLIDE NO. 6]



4
5 [SLIDE NO. 7]



6

1 **[SLIDE NO. 8]**

Summary of Selected Proposed Conditions

1. Number of lots limited to 13
2. Minimum 65' lot width for all residences not on a cul-de-sac
3. 35% RCA (+5% if mass-graded)
17. Two new street stubs to parcel to the south (Hartley Property)
20. Secondary access point not required at time of build-out, due to inability to add an access to Holland Road
22. Off-site sidewalk connection to avoid sidewalk gap along Holland Road

APEX
SOUTH CAROLINA

2
3 **[SLIDE NO. 9]**



4
5
6 **Councilmember Zegerman** asked staff to repeat the affordable housing
7 commitment.

8 **Ms. Bielen** said as currently offered it was a monetary donation of \$50,000 made to
9 the Town of Apex Affordable Housing Fund and payment shall be made prior to recording
10 the first plat.

11 **Councilmember Zegerman** said that according to the policy the recommended
12 payment would be substantially higher.

13 **Ms. Bielen** said that is correct, it would be \$218,000.

14
15 **Mayor Gilbert** invited up the applicant to speak.

16
17 **Nil Ghosh** with the Morning Star Law Group with Patrick Kiernan with Jones &
18 Cnossen Engineering on behalf of the applicant for the rezoning request. He noted that the

1 property owner and developer, Corey Schmidt, was an Apex resident in the Holland Farm
2 Community and has worked with neighboring residents throughout this process. He said the
3 applicant conducted neighborhood outreach and obtained support from more than 20
4 nearby residents and received a unanimous recommendation for approval from the Planning
5 Board. He said that the applicant agreed to additional commitments, which included;
6 construction of one solar-powered home as requested by the Environmental Advisory Board,
7 increasing the affordable housing contribution to the full amount recommended by staff
8 (\$218,000) and amending a rezoning condition #22 as requested by staff and the project
9 includes commitments related to off-site sidewalk, affordable housing, future pedestrian
10 connectivity, green building techniques, and neighborhood character. He said that the
11 applicant requested relief from the Town's street connectivity standard, explaining that the
12 site's frontage along Holland Road is not long enough to meet the 500' spacing requirement
13 and to support future connectivity, the development would include two road stubs to the
14 south to facilitate future extension of Pretorio Place. He said that if the rezoning is not
15 approved, the property owner is comfortable with developing the property by right which
16 would not include the additional benefits offered through the rezoning proposal and that this
17 is what is being asked from Council's opinion on and the decision of which one of these two
18 options is the best for the town.

19
20 **Mayor Gilbert** asked if there were any questions for the applicant. He opened up
21 Public Hearing and invited the first speaker.

22
23 First speaker was **Dave Hepburn** of 1976 Old Byre Way:

24
25 "Mayor Gilbert, good to see you again, sir. Always a pleasure. I just want to give some
26 quick background, I'll be brief. I've lived there for 18 years since the neighborhood was first
27 built. I've been in Apex for 27 years and raised four kids. I'm not against development; in fact,
28 I'm for development. I develop commercial property down in Lee County in Sanford. So, I'm
29 for development, but I have one ask here. I don't mind, I'm sure Cory will build a good house
30 but as long as I've lived there, I've walked out on that road with my wife and my kids, and I've
31 seen, in the old days, it was just the neighborhood to the north. What's the neighborhood to
32 the north, Mike? I forget. What I'm saying is the traffic has had a significant increase. I heard
33 the town Planning representative say twice that Holland Road is a major thoroughfare. So, my
34 ask is real simple. I was excited when I saw zoning condition number 18, the three-lane
35 thoroughfare and I asked Cory, and I've been asking Cory since January, and he keeps
36 pointing me to the town or NCDOT. I said, "Look, we've got to make this safe at the entrance
37 for the almost 100 homes that are going to be there." That curve is dangerous. It's going to
38 become increasingly dangerous when we have three more developments up and down
39 Holland Road that will add over 320 houses and town homes. When we start talking about the
40 amount of traffic, that is a dangerous curve coming into the neighborhood. So, my only ask
41 for the town is let's run that three-lane thoroughfare through the entrance about another 150
42 feet. Cory said he's only going to go to where Mr. Hartley's land stops, but that's short of the

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1 entrance into the neighborhood. So, we're still going to have a problem. It's going to be
2 dangerous turning in there. That's my ask. Let's just be thoughtful about that for the safety of
3 all drivers coming in and out of there for the years to come because we've got a whole lot of
4 development on Holland Road, and it's a major thoroughfare. I know Cory will build a good
5 house. Let's just do it the right way. Let's make sure that entrance is safe for all of us. That's it.”
6

7 With no other speakers signed to speak **Mayor Gilbert** closed the Public Hearing and
8 brought the item back to Council for discussion and possible motion.
9

10 **Councilmember Zegerman** said that a lot of thought and last-minute commitments
11 added have been added and was appreciated, but the option given by the applicant that if
12 this isn't accepted there will be something built and the town won't get anything wasn't
13 appreciated. He said that the concern is there is a current UDO requirement which requires
14 connectivity and limits single street connectivity to 50 units and the existing neighborhood
15 was built prior to the UDO requirement, so the community of 80 plus homes are on a single
16 street stop and this would add 13 more. He said there have been developers in the past who
17 were able to accommodate the UDO requirements, but this doesn't seem feasible here in this
18 current configuration, but these rules are in place for a reason, and they need to be enforced
19 and didn't see this being a feasible development without the property to the south being
20 included. He said for these reasons he could not support this proposal as it stands.

21 **Mayor Pro-Tempore Mahaffey** said that the UDO rule for 50 homes with one point of
22 access requiring two above that is a hard rule, and this is a no.

23 **Councilmember Mu** said that the affordable housing amount should be \$218,000.00
24 and the traffic is still a problem.

25 **Mr. Ghosh** said the \$218,00.00 was increased in the proposal and the traffic issues
26 have been addressed by doing what the town had asked for and more than what the UDO
27 requires with respect to off-site connectivity with sidewalks and crosswalks, and it has been
28 discussed with NCDOT. He said that from the neighbors' concern with the traffic they cannot
29 make that type of commitment not knowing with the right-of-way is and this has been
30 reviewed by the Town's Transportation Department and NCDOT and this is outside of their
31 scope of what was discussed by the reviewing authorities.

32 **Councilmember Reese** asked how many homes would be built by right by the owner.

33 **Mr. Ghosh** said that it would be three to six homes that may be built by right.

34 **Councilmember Reese** said that this would be an exciting project if it could be made
35 consistent with the UDO which will be adhered to unless there is legal reason to change the
36 uniformity. He said that the scenario comparison wasn't appreciated, nevertheless it sounds
37 like that's the direction of the project and will not support this rezoning.
38

39 A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded by
40 **Councilmember Reese** to deny Rezoning Case No. 25CZ21 - 2728 Holland Road.
41

42 **VOTE: UNANIMOUS (4-0)**, with *Councilmember Gray absent*

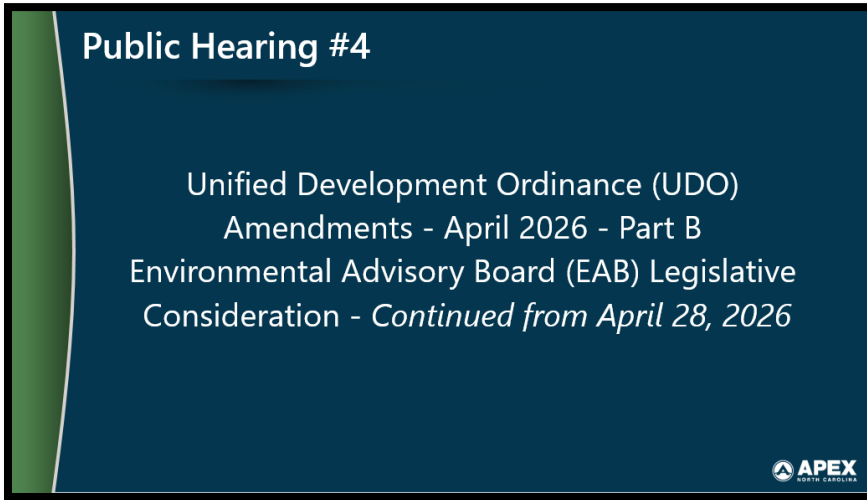
1 **Mayor Gilbert** announced a ten (10) minute recess at **9:00 p.m.**

2
3 **Mayor Gilbert** reconvened the meeting at **9:12 p.m.**

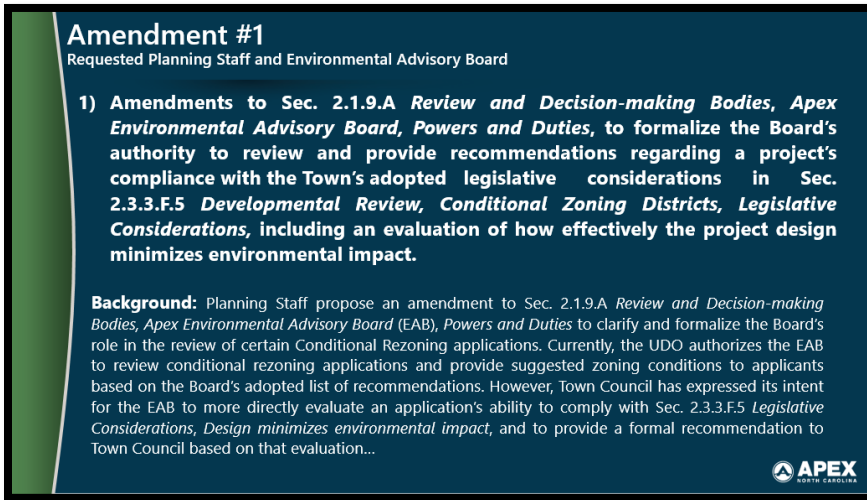
4
5 **PH4 Unified Development Ordinance (UDO) Amendments - April 2026 - Part B -**
6 **Environmental Advisory Board (EAB) Legislative Consideration (ORD-2026-052)**
7 *- Continued from April 28, 2026*

8
9 **Planner III, Planning Department, Bruce Venable**, gave the following presentation:

10 **[SLIDE NO. 1]**



11
12 **[SLIDE NO. 2]**



1 **[SLIDE NO. 3]**


Amendment #1
Requested Planning Staff and Environmental Advisory Board

Background cont.:

Sec. 2.3.3.F.5 reads as follows:

5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

In practice, while the EAB is often engaged early in the review process, the absence of a defined review framework has resulted in limited transparency and continuity between the Board's recommendations and the final rezoning application. Specifically, the EAB frequently provides recommended zoning conditions but does not receive follow-up regarding which recommendations are ultimately incorporated, nor does it currently provide a formal recommendation on the merits of the rezoning request.




2
3 **[SLIDE NO. 4]**

Amendment #1
Requested by Planning Staff and Environmental Advisory Board

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 Board shall provide a recommendation to Town Council regarding approval or denial based on the application's ability to comply with Sec. 2.3.3.F.5 Legislative Considerations, Design minimizes environmental impact.**
...



4
5 **[SLIDE NO. 5]**


Amendment #1
Requested by Planning Staff and Environmental Advisory Board

PLANNING STAFF RECOMMENDATION:
Planning staff recommend approval of the proposed amendment.

PLANNING BOARD RECOMMENDATION:
At their April 13, 2026 meeting, the Planning Board unanimously recommended denial of the proposed amendment due to additional time added to the rezoning process, ambiguity in whether all of the EAB's recommended conditions must be added, and concern that a future Town Council liaison could have out-sized influence on the EAB recommendation. The Board requested that the Planning Board minutes from the April 13, 2026, Planning Board Public Forum and New Business discussion be included with the staff report to the Town Council.

At their May 11, 2026 meeting, the Planning Board reconsidered the amendments upon direction from Town Council and recommended denial of the proposed amendment by a vote of 8-1.

The Planning Board reiterated concerns that the amendment would result in unnecessary added time and complexity to the current process. The Board also recommended that a form similar to the Planning Board Report to Town Council be developed for the EAB, which would allow for the inclusion of dissenting opinions when such views are expressed in a vote. This report would help guide the Planning Board in their review of the legislative conditions of the UDO.



6

1 **Mayor Pro-Tempore Mahaffey** said the purpose of this amendment is to try to
2 empower some of our citizens advisory boards. He said the perception of the EAB was that
3 they were voting directly on the merits of rezoning and they weren't, currently they vote on
4 the merits of recommending conditions and then applicants bring those conditions to
5 Council. He said this proposed change should align with the EAB's initial intent for what
6 Council wanted 9 years or so ago for the EAB to provide a recommendation specifically on
7 the legislative condition around the environmental impacts, and it is still just a
8 recommendation and not legally binding. He gave the history of the Planning Board's voting
9 this down with a variety of concerns, like the impact on the development and the timing for
10 the developer, and in April he requested for this to be referred back to the Planning Board so
11 he could explain what was trying to be accomplished, but they voted it down again. He gave
12 some concerns the Planning Board had such as making the process more complex. He said
13 the idea was that environmental concerns could be settled before things even get to Council,
14 as EAB could approve or deny as a recommendation based on the environmental conditions.
15 He said that items can still be denied or approved by the Council if it was felt the conditions
16 were sufficient or insufficient. He said that no one should be under the impression that this is
17 a recommendation that the EAB would consider the merits of the entire project, it is
18 specifically set for the EAB to look at the environmental components.

19 **Councilmember Zegerman** asked for clarity if there would be subsequent EAB
20 meetings required for negative recommendations. He said that it wasn't clear about the
21 concern of the lengthening of the process.

22 **Mayor Pro-Tempore Mahaffey** said staff would require a second meeting for them to
23 come back and commit or not to commit to the changes in the conditions unless they can
24 complete that at the first meeting. He said part of the frustration for the EAB was that their
25 conditions would be made, but they never had any idea which ones made it to the final
26 project approved by Council. He said that he didn't anticipate another meeting being
27 required, and said he thought they could notify EAB that all conditions were agreed to, or
28 something similar. He asked if staff wanted to weigh in.

29 **Assistant Planning Director Amanda Bunce** explained that if the Environmental
30 Advisory Board is expected to make a formal recommendation that a rezoning proposal
31 satisfies the Town's environmental legislative considerations, the recommendation must be
32 made through a public vote at an EAB meeting rather than through email communication.
33 She said applicants may not be prepared at their initial EAB meeting to fully evaluate
34 proposed environmental conditions or make commitments. She said that in those cases,
35 applicants may need additional time to review requests, assess impacts, and determine what
36 commitments they can offer before returning to the EAB and as a result, many rezoning
37 applications could require a second appearance before the EAB to receive a formal
38 recommendation, which would add at least a month onto the process.

39 **Mayor Pro-Tempore Mahaffey** said he had misunderstood, and was thinking about it
40 more as a notification of what they agreed to.

41 **Assistant Director Bunce** said that it could be more involved depending upon the
42 complexities of the site and process.

1 **Councilmember Zegerman** said that this happens today at the Council meetings but
2 it is happening at the wrong stage in the process. He liked the proposal and how it
3 encourages the development community to take the advisory boards seriously, and
4 encourages the developers to start thinking about these conditions early in the process
5 instead of waiting all the way to the end of the process. He said he is in favor of this and thinks
6 they should consider extending this to other boards as well if it was applicable, and he
7 doesn't feel this encroachment on the Planning Board's role.

8 **Mayor Gilbert** asked staff if there was any feedback from the development
9 community and how it impacted them.

10 **Mr. Venable** said there has been some feedback and there is some concern about
11 this lengthening of the approval process.

12 **Councilmember Mu** said that it is appropriate the good intention from the EAB. She
13 said that when Council is talking items there is a packet that is provided for them and they see
14 the conditions the EAB has recommended and questions are asked, then Council makes the
15 decision. She said that if Council is making the final decision and already knows which
16 conditions are being met or not what is the necessity of the second meeting.

17 **Mayor Pro-Tempore Mahaffey** said there doesn't need to be a second meeting, that
18 was just one possibility, they could agree on the conditions at the first meeting but it's about
19 getting the advice of the Environmental Advisory Board. He said this is to move these
20 conversations earlier in the process. He said that until something like this is done then the
21 advisory board process isn't being treated with enough gravity. He said that he would like this
22 process to be more consistent and treated seriously and for the EAB to feel empowered to
23 render an opinion on the cases they consider that Council will take seriously.

24 **Councilmember Mu** asked what the reasons were for the Planning Board to deny this
25 and what their concerns are.

26 **Mayor Pro-Tempore Mahaffey** said this should be asked to the Planning Board, but
27 he heard the issues about the impact and length of the process, and some comments where
28 now developers will have to go to another board to get permission, which is the stated
29 purpose of this.

30 **Councilmember Reese** said there was support in empowering the advisory boards.
31 He said he stands in strong opposition to the Planning Board's vote because every time a
32 rezoning is approved that is terminal land use, and the property lives as that from there on. He
33 said he thinks the answer should be no until it's a yes. He said empowering the EAB is
34 ensuring better decision making because none of the projects should come through with
35 expediency without being vetted, and he is in support of this amendment.

36 **Mr. Venable** asked if one meeting would suffice if it was later in the process and a
37 little bit before the Planning Board meeting, and the EAB could vote at one meeting.

38 **Councilmember Zegerman** said that was entirely up to the developer to prepare a
39 set of environmental recommendations that would be accepted by the EAB then one
40 meeting would suffice. If they make recommendations that the EAB will not accept then they
41 should expect another meeting.

1 **Mayor Pro-Tempore Mahaffey** said that these meetings have been moved around to
2 try to accommodate. He said he doesn't have a strong preference on when the EAB meeting
3 occurs.

4 **Assistant Director Bunce** said that the current UDO requires that they come in at any
5 point during the staff review phase so it could be immediately after they submit the
6 application or closer to the Planning Board meeting. She said previously it was before the
7 applications was submitted when there really wasn't enough information about the rezoning
8 or any staff comments. She said developers do like to get comments from staff before they go
9 to the EAB so they can have more structure and response.

10 **Mayor Pro-Tempore Mahaffey** said that there should be able to get this down to one
11 meeting by working with staff.

12 **Mayor Gilbert** asked staff if this process would complicate the process even more.

13 **Assistant Director Bunce** said that the change can be accommodated by updating
14 calendars and schedules if this is the desire of Council.

15
16 **Mayor Gilbert** opened Public Hearing and called the first speaker.

17
18 First speaker was **Jeff Roach** with Peak Engineering and Design:

19
20 "Jeff Roach, Peak Engineering and Design, for those of you that don't know me.
21 I have a list of items here and Terry, I find it very unfortunate that you feel that the
22 development community is, I'm here from the design community, I'm not a builder fighting
23 against you guys with these UDO amendments and asking questions like this.
24 I'm here from the design community. I'm not a developer. I am not a builder. I see the UDO
25 amendments; I follow the rules when they're in place. That's what I do as a designer.
26 With that said, it's unfortunate that you guys think the development community is fighting
27 against you guys with these UDO amendments and asking questions like this. We're here
28 from a design standpoint to work with you guys to find out what you want. What our concerns
29 are from a design community is a couple things, and I had to make myself some notes
30 because I tend to ramble, with 2:19 to go. Planning Board heard this twice, they heard it the
31 first time and voted unanimously against it. Terry came the second time they heard it, Terry
32 picked up one additional vote that night because of concerns and I stood up at both
33 meetings and expressed my concerns. My concerns are not timing concerns, I don't care. I sit
34 at council two nights a month for 18 years, I've been coming here and watching you guys and
35 your predecessors have the same discussions and the same meetings. So, I've seen it
36 happen. I have the time to go to meetings, both my kids are out of college, so I can handle
37 this now. My concerns are more on the legislative side. EAB there are 10 items on the
38 legislative side based on rezoning's. You're asking EAB to vote on a zoning based on one of
39 those 10, Section 2.3.F.5 asks whether there are environmental conditions. They cannot make
40 a decision on a zoning based on one of the 10 considerations when their sole focus is
41 environmental, land use, master plans, impacts on surrounding properties, affordable
42 housing, off-site roadway improvements, sidewalk and greenway connections, parks and

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1 recreation requests, and architectural standards are just some of the other commitments
2 wrapped into the other nine considerations. If this becomes a recommendation from the EAB,
3 then we will start making full on proposals to the EAB, telling them everything that's
4 happening and telling them why we cannot do certain EAB requests, solar is a typical
5 example that is not always committed to because there are so many other requests. The
6 second issue is the 41 conditions; there are 41 conditions that EAB can throw at us. Typically,
7 depending on the size of the project, we may get 20 from the EAB. We don't know what Terry
8 is going to ask for, and I apologize, Councilmember Mahaffey and Councilmember Reese, I
9 don't know what you're going to ask for at zoning either. We can't commit to those conditions
10 the day after making a zoning submittal, or even at our pre-application meeting where that
11 checklist is supposed to be included. The third issue is a Council Member liaison. If there is a
12 vote coming out of the EAB recommending approval, there should not be a Council Member
13 liaison attached to that board, just like the Planning Board. Fourth, other boards, Parks and
14 Recreation, does not make recommendations on zoning. They only make recommendations
15 on fee-in-lieu versus land dedication. I spent 16 years volunteering my time. I never once
16 accepted money from them. I don't feel that a volunteer position should be paid. There's a
17 volunteer for a reason. I never accepted the money, and I don't think anybody else on that
18 board ever did either, so with staff's pleasure, I have one or two more points if that's okay.
19 Timing. Like I said, I don't care if I'm here at a second EAB meeting. I hope not, but I'd rather
20 push it back. I met with two of the EAB members after the last Planning Board meeting, Terry,
21 you were here talking to them as well, their concern was not being kept in the loop after the
22 EAB meeting. Matthew Carpenter and I have discussed sending letters back to the EAB. After
23 we start making additional commitments things we can't do at the EAB meeting because it's
24 early—we'll send letters back to the EAB board and say, "Here's what we're doing." We really
25 don't want to go back, but we will if we absolutely have to, we'd rather provide them a letter
26 saying, "Here's the update. Of the 12 items you asked for, we were able to accommodate
27 eight. Here are the ones we weren't able to do." We will also, at the EAB meeting, take their
28 list and tell them exactly why we can or cannot commit to every one of those 41 conditions if
29 that will make them happy. It's not a recommendation for approval; it's a recommendation on
30 conditions that board is asking for. The last issue is conflicts. What are you going to do if the
31 EAB recommends approval and the Planning Board recommends denial? You now have two
32 boards recommending different outcomes on the same zoning case, and you have to weigh
33 those decisions. It puts you into a conflict. I'm here just to educate, I will follow whatever rules
34 you adopt. I don't want to come to a second EAB meeting, I hope the EAB process continues
35 like the Parks and Recreation Board, where they recommend conditions to us and then we
36 have time to vet those conditions with the folks sitting up here to figure out how to move
37 forward. So, those are my thoughts on it. I'm happy to answer any questions from a design
38 perspective. Developers can answer from the other side but that's just how we tend to
39 approach EAB and some of our concerns from a design standpoint. Okay, that's
40 representative. I appreciate you guys' input and the time."

41
42

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

2
3 Next Speaker was **Hisham Osman** of 3181 Mantal Ridge Drive:

4
5 “When I saw this on the agenda twice, I'm very torn about it. On one hand,
6 Councilmember Mahaffey, I understand the role of the EAB and the desire to empower our
7 advisory boards and that makes a lot of sense. On the other hand, Councilmember
8 Zegerman, I'm going to reword your quote a little bit. You have a Planning Board that twice
9 recommended against it and shouldn't you listen to your Planning Board? That's the
10 counterargument to saying we need to listen to the Environmental Advisory Board, twice the
11 Planning Board looked at it and both times said they don't think it's a good idea. So, this is
12 where I'm a little torn. We have a board of experts recommending not to do it. We have
13 another board of experts saying we should do it. The fact that the Environmental Advisory
14 Board doesn't think they have an impact is concerning. They do make recommendations, they
15 provide concessions. I've sat in this room many times where developers have agreed to
16 conditions that the Environmental Advisory Board recommended. So, is this more of a
17 process follow-through issue, or do they really feel not empowered to make their case? I think
18 this came to a head a little bit on the data center topic, I think that was an emotional topic.
19 The EAB put out recommendations, and the vote was perceived by the community as
20 approval of the data center and that wasn't factually what it was, it was an approval of the
21 environmental recommendations for what the data center would need to do from an
22 environmental perspective. I think there's an education aspect to this for the community
23 about what the role of the EAB actually is versus what it was intended versus people think it is.
24 I know you've probably already made up your mind, but I don't envy your position, it's a
25 difficult position. I can also understand how the Planning Board may feel threatened that
26 some of their authority is being stripped away by giving the EAB a formal recommendation of
27 approval or denial on a project, I understand that conflict. At the end of the day, I think your
28 process works. You get recommendations on the environmental side, and we don't move
29 forward projects that don't meet our environmental standards don't move forward.
30 Sometimes, like Councilmember Mu said, the question is, what problem are we really trying
31 to solve? Maybe the simplest solution is to look at this again and ask whether it really solves
32 the problem that we're trying to solve because I don't remember any development that didn't
33 have significant environmental conditions attached to it. Thank you.”

34
35 With no one else signed up to speak **Mayor Gilbert** closed Public Hearing and
36 brought the item back for discussion and a possible motion.

37
38 **Mayor Pro-Tempore Mahaffey** said the Councilmember liaison was brought up and
39 how that may be problematic, which he hadn't heard of before. He said if that is an issue it
40 can be addressed with legal to address I, but he had never considered it to be a possible
41 issue. He said to make it clear again, no one on the Planning Board or the EAB should be
42 under the impression that they're rendering a decision on the merits of the entire project. He

1 said the plain language of the amendment is the EAB is rendering a decision on the one
2 criterion which is in the purview of the Environmental Advisory Board.

3 **Councilmember Mu** said that the EAB and Planning Board should work together to
4 find common ground to resolve concerns regarding their respective roles in the rezoning
5 review process. She said they are both important and have different perspectives in making
6 decisions for rezoning.

7 **Councilmember Zegerman** said the scopes of the EAB and Planning Board are
8 different and getting a letter of recommendation from the EAB there shouldn't be an adverse
9 impact or creating any conflict in the process. He said that having other boards to render
10 letters of opinion on certain proposals was favored and supported this amendment.

11 **Mayor Gilbert** said the feedback was appreciated and appreciated Mr. Roach being
12 at this meeting representing the design community, but wasn't sure why no one was in
13 attendance from the development community, it would have been nice to have them to give
14 feedback because it really impacts them, but there is a decision to be made.

15 **Councilmember Reese** said the problem trying to be solved is that there is a need to
16 extract these conditions and it is understandable that the Planning Board perhaps doesn't
17 want to dilute its influence, but the problem that is trying to be solved is the reluctant nature
18 of some developers coming and having to constantly do this back and forth and this process
19 streamlines a lot of that.

20
21 A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded by
22 **Councilmember Zegerman** to approve amendments to the Unified Development Ordinance
23 (UDO) related to the duties of the Environmental Advisory Board (EAB).

24
25 **VOTE: (3-1)**, with *Councilmember Mu dissenting and Councilmember Gray absent*

26
27 **PH5 Unified Development Ordinance (UDO) Amendments - May 2026 (ORD-2026-**
28 **053)**

29
30 **Planner III, Planning Department Bruce Venable**, presented the following
31 presentation:

1 [SLIDE NO. 1]

Public Hearing #5

Unified Development Ordinance (UDO)
Amendments - May 2026

APEX
NORTH CAROLINA

2
3 [SLIDE NO. 2]

Amendment #1
Requested Planning Staff

1) Amendments to various sections of the UDO in order to establish the Transitional Business (B3) and Heavy Industrial (HI) zoning districts. These changes introduce new zoning classifications, update district-specific standards, and integrate the new districts into the existing regulatory framework of the UDO.

The amendment modifies provisions related to zoning districts, permitted uses, dimensional standards, development approvals, and design standards to ensure the B3 and HI districts are consistently applied and enforceable. In particular, updates to the Use Table, district purpose statements, and intensity and dimensional standards incorporate these new districts into the Town's overall zoning structure.

Sections affected by these amendments include:

- 2.3.4.F
- 2.3.6.2.1
- 3.2.2
- 3.2.3
- 3.2.6 & 7
- 3.3
- 4.1.2
- 4.2.2
- 4.3.1.A
- 4.3.5.G
- 4.3.6
- 4.4.3.B
- 4.4.3.J
- 4.4.5.C
- 4.4.5.D
- 4.4.5.F
- 4.5.6
- 5.1
- 5.2.2
- 6.3.1
- 9.2.2.E
- 9.2.4.A
- 9.3.3
- 9.3.5.A

APEX
NORTH CAROLINA

4
5 [SLIDE NO. 3]

Amendment #1
Requested Planning Staff

In addition, several sections have been amended to update internal references, terminology, and cross references to reflect the inclusion of the B3 and HI districts. These edits are administrative in nature and intended to maintain clarity, accuracy, and consistency across the UDO.

Sections where only references and section labeling have been updated as part of this amendment include:

- 2.3.4.F
- 2.3.6.2.1
- 3.2.7
- 3.3.3
- 4.4.3.B
- 4.4.3.J
- 5.1.4
- 5.2.2
- 6.3.1

APEX
NORTH CAROLINA

6

1 **[SLIDE NO. 4]**

Amendment #1

2.3.4 Development Approvals, Planned Development Districts

F) Standards

1) *Planned Unit Development (PUD-CZ) District*


a) *Development parameters*

...

(iii) The dimensional standards in Sec. 5.1.34 *Table of Intensity and Dimensional Standards, Planned Development Districts* may be varied in the PD Plan for PUD-CZ. The PUD-CZ shall demonstrate compliance with all other dimensional standards of the UDO, North Carolina Building Code, and North Carolina Fire Code.

...

...



2
3 **[SLIDE NO. 5]**

Amendment #1

2.3.4 Development Approvals, Planned Development Districts

F) Standards


2) *Traditional Neighborhood District (TND-CZ)*

b) *Development parameters*

...

(iii) The dimensional standards in Sec. 5.1.34 *Table of Intensity and Dimensional Standards, Planned Development Districts* may be varied in the PD Plan for TND-CZ. The TND-CZ shall demonstrate compliance with all other dimensional standards of the UDO, North Carolina Building Code, and North Carolina Fire Code.

...



4
5 **[SLIDE NO. 6]**

Amendment #1


2.3.6 Development Approvals, Site Plan

...

2) The following development or activities shall be exempted from the requirements of this Section:

...

i) *Small Town Character Overlay District.* Small Town Character Overlay District as referenced in 3.3.5 except that demolition (as defined in Sec. 12.2) shall be governed by Sec. 2.2.8 and new construction, additions, renovations, or redevelopment shall be governed by Sec. 5.1.56 *Table of Intensity and Dimensional Standards* and Sec. 6.3 *Small Town Character Overlay District*.



6

1 [SLIDE NO. 7]

Amendment #1

3.2.2 Business Districts

- A) *O&I Office and Institutional District;*
- B) *B1 Neighborhood Business District;*
- C) *B2 Downtown Business District;*
- D) B3 Transitional Business District;**
- ~~E) PC Planned Commercial District; and~~
- ~~F) TF Tech/Flex District; and~~
- ~~F) LI Light Industrial District~~

3.2.3 Industrial Districts

- A) LI Light Industrial District; and
- B) HI Heavy Industrial District.



2
3 [SLIDE NO. 8]

Amendment #1

3.2.6 Conditional Zoning Business Districts

...

- D) B3-CZ Transitional Business Conditional Zoning District;**
- ~~E) PC-CZ Planned Commercial Conditional Zoning District; and~~
- ~~F) TF-CZ Tech/Flex Conditional Zoning District; and~~
- ~~F) LI-CZ Light Industrial Conditional Zoning District~~

3.2.7 Conditional Zoning Industrial Districts

- A) LI-CZ Light Industrial Conditional Zoning District; and
- B) HI-CZ Heavy Industrial Conditional Zoning District

...

3.2.78 Conditional Zoning Planned Development Districts

...

3.2.89 Conditional Zoning Other Districts

...

3.2.910 Overlay Districts



4
5 [SLIDE NO. 9]

Amendment #1

3.3 District Purposes


3.3.2 Business Districts

The purpose and intent of the business districts is to provide lands that allow for a wide range of businesses, services and goods to the residents of Apex and the Triangle region in ways that are consistent with the Town's small-town character, encourage interconnectivity between business uses and residential areas, encourage the development and protection of pedestrian ways between business and residential districts, and ensure businesses are served by adequate public facilities.

...

D) B3 Transitional Business District

The purpose of the B3 Transitional Business District is to provide service-oriented commercial uses in areas that act as a transition along auto-oriented commercial corridors near adjacent residential neighborhoods.



6

1 **[SLIDE NO. 10]**

Amendment #1

3.3 District Purposes

E) ~~PC~~ PC Planned Commercial District

The purpose and intent of the PC Planned Commercial District is to encourage the development of a moderate and high intensity mix of convenience and city-wide serving convenience and regional retail and related uses within a planned environment at the intersections of the Town's arterials and major collector roads.

F) ~~TF~~ TF Tech/Flex

The purpose and intent of the TF Tech/Flex District is to provide locations for a wide range of employment opportunities for office, institutional, research and development and light industrial uses. The district also provides for "flex space" where different combinations of uses on a site may occur over time as the market changes and adjusts to new or different conditions.

F) ~~LI~~ LI Light Industrial District

~~The purpose and intent of the LI Light Industrial District is to provide sufficient lands in appropriate locations for certain types of businesses, light manufacturing, or processing uses that might cause undesirable effects upon residential or commercial lands.~~

2
3 **[SLIDE NO. 11]**

Amendment #1

3.3.3 Industrial Districts

A) LI Light Industrial District

The purpose and intent of the LI Light Industrial District is to provide sufficient lands in appropriate locations for certain types of businesses, light manufacturing, or processing uses that might cause undesirable effects upon residential or commercial lands.

B) HI Heavy Industrial District

The purpose and intent of the HI Heavy Industrial District is to provide sufficient lands in appropriate locations for high-intensity industrial, manufacturing, processing, or similar uses that may generate noise, traffic, or other impacts not suitable for residential or commercial areas. This district is intended to accommodate uses that require larger sites, specialized infrastructure, or separation from incompatible uses, while promoting orderly development and protecting public health, safety, and welfare.

4
5 **[SLIDE NO. 12]**

Amendment #1

3.3.3 Industrial Districts

3.3.34 Planned Development Districts

3.3.45 Other Districts

3.3.56 Overlay Districts

1 [SLIDE NO. 13]

Amendment #1

Use Type	Definition Section	Zoning Districts																			Standards							
		Residential									Business						Industrial					Planned Development		Other				
		R A	R R	R L	R D	M D	M S	H D	M H	M F	M O	R R	O R	B 1	B 2	B 3	P C	T F	L I	H I		M E	C	T N	P U	C B	S D	S T
Residential Uses																												
Accessory apartment	4.3.1.A	P	P	P	P	P								P	P	P	P											
Congregate living facility	4.3.1.C																											
Duplex	4.3.1.D																											
Family care home	4.3.1.E	P	P	P	P	P	P	P	P	P																		
Farm residence	4.3.1.F	P	P																									
Manufactured home	4.3.1.H																											
Mobile home	4.3.1.I																											
Multi-family or apartment	4.3.1.K																											
Nursing or convalescent facility	4.3.1.L																											
Security or caretaker quarters	4.3.1.M	P	P																									
Single-family	4.3.1.N	P	P	P	P	P	P	P	P	P																		
Townhouse	4.3.1.O																											
Townhouse, detached	4.3.1.P																											
Triplex or quadplex	4.3.1.Q																											
Public and Civic Uses																												
Airplane landing strip	4.3.2.A	S	S																									
Airport	4.3.2.B	S	S																									

2
3 [SLIDE NO. 14]

Amendment #1

Use Type	Definition Section	Zoning Districts																			Standards						
		Residential									Business						Industrial					Planned Development		Other			
		R A	R R	R L	R D	M D	M S	H D	M H	M F	M O	R R	O R	B 1	B 2	B 3	P C	T F	L I	H I		M E	C	T N	P U	C B	S D
Ambulatory Health-care Facility with Emergency Dept.	4.3.2.C																										
Assembly hall, nonprofits	4.3.2.D	S	S																								
Assembly hall, for-profit	4.3.2.E	S	S																								
Cemetery	4.3.2.F	P	P																								
Church or place of worship	4.3.2.G	S	S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S
Day care facility	4.3.2.H																										
Drop-in or short-term day care	4.3.2.P																										
Government service	4.3.2.I	P	P																								
Helipad or helipad	4.3.2.J																										
Hospital	4.3.2.K																										
School, public or private	4.3.2.L	P	P	P	P	P	P	P	P	P																	
Transportation facility	4.3.2.M																										
Veterinary clinic or hospital	4.3.2.N																										
Vocational school	4.3.2.O																										
Warehouses																											
Chipping and mulching	4.3.3.A																										
Communication tower, commercial	4.3.3.B																										

4
5 [SLIDE NO. 15]

Amendment #1

Use Type	Definition Section	Zoning Districts																			Standards						
		Residential									Business						Industrial					Planned Development		Other			
		R A	R R	R L	R D	M D	M S	H D	M H	M F	M O	R R	O R	B 1	B 2	B 3	P C	T F	L I	H I		M E	C	T N	P U	C B	S D
Communication tower, constructed stealth	4.3.3.C.1	S	S																								
Communication tower, camouflage stealth	4.3.3.C.2	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Communication tower, public safety	4.3.3.P	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Electrical power facility	4.3.3.D	S	S																								
Inclinerator	4.3.3.E																										
Recycling center	4.3.3.F																										
Recycling collection station	4.3.3.G																										
Recycling plant	4.3.3.H																										
Sanitary landfill	4.3.3.I																										
Utility, minor	4.3.3.J	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Water reservoir	4.3.3.K	P	P	P																							
Water or wastewater plant	4.3.3.L	P	P	P																							
Land Clearing and Inert Debris Landfill	4.3.3.M																										
Wireless support structure	4.3.3.N	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Wireless communication facility	4.3.3.O	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

6

1 [SLIDE NO. 19]

Amendment #1

Use Type	Definition Section	Zoning Districts																	Standards																						
		Residential							Business					Industrial			Planned Development			Other																					
		R	R	L	D	M	D	S	H	M	H	P	O	R	I	B	B	B		T	L	H	I	M	E	C	T	N	D	P	U	D	C	B	S	D	S	T	C	Section(s)	
Farmer's market	4.3.5.0.7																																								4.4.5.0.3; 6.3
Financial institution	4.3.5.0.8																																								4.4.5.0.4; 6.3
Flea Market	4.3.5.0.9																																								6.3
Flood shop	4.3.5.0.10																																								6.3
Funeral home	4.3.5.0.11																																								6.3
Gas and fuel, retail	4.3.5.0.12																																								4.4.5.0.5
Glass sales	4.3.5.0.13																																								4.4.5.0.5
Greenhouse or nursery, retail	4.3.5.0.14																																								6.3
Grocery, general	4.3.5.0.15																																								6.3
Grocery, specialty	4.3.5.0.16																																								6.3
Health/fitness center or spa	4.3.5.0.17																																								6.3
Kernel	4.3.5.0.18																																								4.4.5.0.6; 6.3
Laundromat	4.3.5.0.21																																								4.4.5.0.9; 6.3
Monument sales, retail	4.3.5.0.22																																								6.3
Newsstand or gift shop	4.3.5.0.23																																								4.4.5.0.10; 6.3
Personal service	4.3.5.0.24																																								4.4.5.0.11; 6.3
Pharmacy	4.3.5.0.25																																								4.4.5.0.12; 6.3
Printing and copying service	4.3.5.0.26																																								6.3
Real estate sales	4.3.5.0.27																																								6.3
Repair services, limited	4.3.5.0.28																																								6.3
Retail sales, bulky goods	4.3.5.0.29																																								6.3

2
3 [SLIDE NO. 20]

Amendment #1

Use Type	Definition Section	Zoning Districts																	Standards																							
		Residential							Business					Industrial			Planned Development			Other																						
		R	R	L	D	M	D	S	H	M	H	P	O	R	I	B	B	B		T	L	H	I	M	E	C	T	N	D	P	U	D	C	B	S	D	S	T	C	Section(s)		
Retail sales, general	4.3.5.0.30																																								4.4.5.0.13; 6.3	
Self-service storage	4.3.5.0.31																																									4.4.5.0.14
Studio for art	4.3.5.0.32																																								6.3	
Taylor shop	4.3.5.0.33																																								6.3	
Theater	4.3.5.0.34																																								4.4.5.0.15; 6.3	
Upholstery shop	4.3.5.0.35																																								4.4.5.0.16	
Pat services	4.3.5.0.36																																								4.4.5.0.17; 6.3	
Pawn shop	4.3.5.0.37																																								4.4.5.0.18	
Vehicle repair and service																																										
Automotive	4.3.5.H.1																																								4.4.5.H.7	
Accessory sales and installation	4.3.5.H.2																																								4.4.5.H.1	
Automotive paint or body shop	4.3.5.H.1																																								6.3	
Automotive parts	4.3.5.H.2																																								4.4.5.H.2	
Automotive service station	4.3.5.H.3																																								4.4.5.H.3	
Car wash or auto detailing	4.3.5.H.4																																								4.4.5.H.4	
Repair and maintenance, general	4.3.5.H.5																																								4.4.5.H.5	
Towing service	4.3.5.H.6																																								4.4.5.H.6	
Towing service storage	4.3.5.H.7																																								4.4.5.H.7	
Truck terminal	4.3.5.H.8																																								4.4.5.H.8	
Vehicle inspection center	4.3.5.H.9																																								4.4.5.H.9	

4
5 [SLIDE NO. 21]

Amendment #1


Use Type	Definition Section	Zoning Districts																	Standards																								
		Residential							Business					Industrial			Planned Development			Other																							
		R	R	L	D	M	D	S	H	M	H	P	O	R	I	B	B	B		T	L	H	I	M	E	C	T	N	D	P	U	D	C	B	S	D	S	T	C	Section(s)			
Vehicle sales and rental, heavy	4.3.5.H.1.0																																										4.4.5.H.6; 6.3
Vehicle sales and rental, light	4.3.5.H.1.1																																									6.3	
Industrial Uses																																											
Building supplies, wholesale	4.3.6.A.1																																									4.4.6.A.1	
Contractor's office and storage yard	4.3.6.A.2																																									4.4.6.A.2	
Gas and fuel, wholesale	4.3.6.A.3																																									4.4.6.A.3	
Greenhouse or nursery, wholesale	4.3.6.A.4																																									4.4.6.A.4	
Laboratory, industrial research	4.3.6.A.5																																								4.4.6.A.5		
Machine or welding shop	4.3.6.A.6																																								4.4.6.A.6		
Railroad facility	4.3.6.A.7																																								4.4.6.A.7		
Warehousing, general	4.3.6.A.8																																								4.4.6.A.8		
Warehousing fulfillment center	4.3.6.A.11																																								4.4.6.A.11		
Woodworking or cabinetmaking	4.3.6.A.9																																								4.4.6.A.9		
Wholesaling distribution center	4.3.6.A.10																																								4.4.6.A.10		

6

1 [SLIDE NO. 22]

Amendment #1

Use Type	Definition Section	Zoning Districts																			Standards		
		Residential						Business						Industrial			Planned Development					Other	
		R A	R R	L D	M D	H D	M H	M O	O R	B 1	B 2	B 3	P C	T F	L I	H I	M E	T N	P U	C B		S D	
Asphalt or concrete plant	4.3.6.8.1														S								4.4.6.8.1
Brewery	4.3.6.8.7														P	P							4.4.6.8.2
Distillery	4.3.6.8.9														P	P							4.4.6.8.4
Dry cleaning and dyeing plant	4.3.6.8.2														S							**	
Forestry	4.3.6.8.3	P	P																			**	
Laundry plant	4.3.6.8.4														S	P						**	
Manufacturing and processing	4.3.6.8.5														S	P		P				**	
Manufacturing and processing, minor	4.3.6.8.11														P	P						**	
Microbrewery	4.3.6.8.8									P	P	P	P	P	P	P	P	P	P	P	P	**	4.4.6.8.3, 6.3
Microdistillery	4.3.6.8.10									P	P	P	P	P	P	P	P	P	P	P	P	**	4.4.6.8.5, 6.3
Wood or lumber processing	4.3.6.8.6														S							**	
Agricultural Uses																							
Active Farm	4.3.7.A	P	P																		P	**	



2
3 [SLIDE NO. 23]

Amendment #1


4.3 Use Classification

4.3.1 Residential Uses

A) *Accessory Apartment*

A secondary dwelling unit either (1) inside of or added to an existing single-family dwelling, (2) in an accessory structure on the same lot as the principal single-family dwelling, (3) on any floor except for the ground floor of a commercial use in the B1 Neighborhood Business District, B2 Downtown Business District, **B3 Transitional Business District**, MEC-CZ Major Employment Center District, TND-CZ Traditional Neighborhood District, PUD-CZ Planned Unit Development District, or (4) on any floor of a commercial use in the MORR Mixed Office-Residential-Retail District or SD-CZ Sustainable Development Conditional Zoning District. An accessory apartment is a complete, independent living facility equipped with a kitchen and with provisions for sanitation and sleeping. An accessory structure may include a loft.

...



4
5 [SLIDE NO. 24]

Amendment #1

4.3.5 Commercial Uses


...

G) *Retail Sales and Service*

...

3) *Building supplies, retail.* An establishment primarily engaged in the retail sale of building supplies and home improvement products including, but not limited to, above ground pools, pool forms, spas, greenhouses, and outdoor play sets. In the **B2 and B3** Districts, this includes traditional hardware stores not exceeding 7,000 square feet in area, but not building supplies or hardware stores in excess of 7,000 square feet.

...



1 [SLIDE NO. 25]

Amendment #1

4.4.3 Supplemental Standards, Utilities

...

B) *Communication Tower*


...

2) *Stealth communication tower.* A stealth communication tower shall be placed on a building or other permitted structure or as a stand-alone tower. Prior to approval of a stealth communication tower, it shall be demonstrated that:

...

g) The tower and its related development conforms to the minimum dimensional standards of the zoning district in which it is located (See Secs. 5.1.1–5.1.45), except that:

...



2
3 [SLIDE NO. 26]

Amendment #1

4.4.3 Supplemental Standards, Utilities

4) *Commercial communication tower.* Prior to approval of a commercial communication tower, it shall be demonstrated that:

...


g) The tower and its related development conforms to the minimum dimensional standards of the zoning district in which it is located (See Secs. 5.1.1–5.1.45), except that:

...

5) *Public Safety communication tower.* Prior to approval of a Public Safety communication tower, it shall be demonstrated that:

...

d) The tower and its related development conforms to the minimum dimensional standards of the zoning district in which it is located (See Secs. 5.1.1–5.1.45), except that:



4
5 [SLIDE NO. 27]

Amendment #1

J) *Wireless Support Structures and Wireless Communication Facilities*

...

2) *Definitions applicable to this Sec. 4.4.3.J.*

...

Commercial zone: Commercial zone shall refer to rights-of-way adjacent to the following zones: B1, B2, **B3**, CB, LI, **HI**, MEC, O&I, PC, SD, TF.


4.4.5 Commercial Uses

C) *Food and Beverage Service*

1) Restaurant, general

...

b) Cafeterias are allowed within a permitted use in the LI Light Industrial District **and HI Heavy Industrial Districts** if the cafeteria is provided solely for employee use, it does not provide any outside signage or advertising, and it consists of less than 20% of the gross floor area of the building.




1 [SLIDE NO. 28]

Amendment #1

D) *Office and Research*
...
2) *Office, business or professional.* Contractor's office without storage yard use shall comply with the following standards:
...
d) Having more than eight (8) standard-sized contractor's vehicles, or outside storage of any materials, equipment, trailers, oversized vehicles, or construction equipment on-site shall make the use "Contractor's office and storage yard", which is only permitted in the Light Industrial (LI), **Heavy Industrial (HI)**, and Tech Flex (TF) zoning districts.

3) *Medical or dental laboratory*
"Medical or dental laboratory" shall be allowed as an accessory use to "Medical or dental office or clinic" in all zoning districts. In the B2 **and B3** zoning districts "Medical and dental laboratory" shall be allowed as the primary use provided:
...




2
3 [SLIDE NO. 29]

Amendment #1

F) *Public Accommodation*
...
2) Hotel or motel. A hotel or motel use shall comply with the following standards:


a) In the B1 **and**, B2, **and B3** districts the following standards shall apply:
...



4
5 [SLIDE NO. 30]

Amendment #1

4.5.6 *Accessory Apartment*
Accessory apartment means a secondary dwelling unit either (1) in or added to an existing single-family dwelling, (2) in an accessory structure on the same lot as the principal single-family dwelling, or (3) on all but the ground floor of a commercial use in the B1 Neighborhood Business District, B2 Downtown Business District, **B3 Transitional Business District**, MEC-CZ Major Employment Center District, TND-CZ Traditional Neighborhood District, PUD-CZ Planned Unit Development District, MORR Mixed Office-Residential-Retail District, or SD-CZ Sustainable Development District. An accessory apartment is a complete, independent living facility equipped with a kitchen and with provisions for sanitation and sleeping. An accessory apartment use shall comply with the following standards:
...
E) *Compatible Character*
The accessory apartment shall be compatible in character and subordinate in size to the principal dwelling unit or the commercial uses in which they are located in the B1 Neighborhood Business District, B2 Downtown Business District, **B3 Transitional Business District**, MEC-CZ Major Employment Center District, PUD-CZ Planned Unit Development District, SD-CZ Sustainable Development District, Small Town Character Overlay District, MORR Mixed Office-Residential-Retail District, and TND-CZ Traditional Neighborhood District.



1 [SLIDE NO. 31]

Amendment #1

4.5.6 Accessory Apartment

G) *Ownership*
 The accessory apartment in the residential districts shall remain accessory to and under the same ownership as the principal single family dwelling unit. The accessory units in the B1 Neighborhood Business District, B2 Downtown Business District, **B3 Transitional Business District**, MEC-CZ Major Employment District, PUD-CZ Planned Unit Development District, SD-CZ Sustainable Development District, MORR Mixed Office-Residential-Retail District, and TND-CZ Traditional Neighborhood District may be under separate ownership



2
3 [SLIDE NO. 32]


Amendment #1

5.1 Table of Intensity and Dimensional Standards

5.1.2 Business Districts

Use	Minimum Lot Width (Feet)	Minimum Setbacks (Feet)				Max. Height (Feet)	Max. Built-Up Area (%)*	Max. Density (Units per Acre)	Additional Regulations
		Front	Side	Rear	Corner Side				
B3									
All other uses	---	25	15	20	15	36	70	---	---
II									
Regional Recreation Complex	---	20	20	20	20	60	70	---	---
All other uses	---	20	20	20	20	48	70	---	---

*See Sec 6.1, Watershed Protection Overlay Districts.
 **These setbacks are for the perimeter of entire project only.
 ***The Central Business District (as defined in Sec. 12.2) is excluded from the Maximum Built-Up Area requirements.



4
5 [SLIDE NO. 33]


Amendment #1

5.1 Table of Intensity and Dimensional Standards

5.1.3 Industrial Districts

Use	Minimum Lot Width (Feet)	Minimum Setbacks (Feet)				Max. Height (Feet)	Max. Built-Up Area (%)*	Max. Density (Units per Acre)	Additional Regulations
		Front	Side	Rear	Corner Side				
U									
Regional Recreation Complex	---	20	20	20	20	60	70	---	---
All other uses	---	20	20	20	20	48	70	---	---
HI									
All other uses	---	50	50	50	50	70	70	---	---

*See Sec 6.1, Watershed Protection Overlay Districts.
 **These setbacks are for the perimeter of entire project only.
 ***The Central Business District (as defined in Sec. 12.2) is excluded from the Maximum Built-Up Area requirements.



1 [SLIDE NO. 34]

Amendment #1

5.1 Table of Intensity and Dimensional Standards

5.1.34 Planned Development Districts
...

5.1.45 Other Development Districts
...


5.1.56 Small Town Character Overlay District

5.2 General Measurement Requirements
...

5.2.2 Setbacks

A) Measurement
...

3) No buffer required. Where there is no buffer required pursuant to Sec. 6.1.11 Riparian Buffer or 8.2.6 Buffering, the setback shall be the setback required for the use in Secs. 5.1.1- 5.1.45, whichever is appropriate.



2
3 [SLIDE NO. 35]


Amendment #1

8.2.6 Buffering

Table 1: Type and Width of Buffer Required

Ring # Buffer Proposed Land Use Class	PERIMETER BUFFER										STREETFRONT ^{1,4} (Major and Minor Collectors)			THOROUGHFARE ^{1,4}		
	Adjacent Property Developed:					Adjacent Property Vacant:					Zoning Districts			Undisturbed	Disturbed	
	1	2	3	4	5	6 ² All Res.	TND-CZ, PLD-CZ, SD-CZ	MEC- CZ, OBI, PC	B1, B2, B3	U, TF, H	1,2,3	4	5,6			
1	10	20	20	20	30	40	10	10	10	30	60	10	20	30	30	50
2	10	15	15	20	30	40	10	10	20	40	60	10	20	30	30	50
3	10	15	15	15	20	30	10	10	20	20	30	10	20	30	30	50
4	10	15	15	15	15	20	10	10	10	10	10	10	10	10	10	30
5	10	15	15	15	15	15	10	10	10	10	10	10	10	10	10	30
6 ³	10	15	15	15	15	15	10	10	10	10	10	10	10	10	10	30

For streetfront buffers only, non-residential uses in the Residential Agricultural (RA) zoning district shall have a 20' Type D buffer. Within residential developments, no streetfront buffer is required on minor collectors or residential streets.
¹ For Land Use Classes 1, 2, 3, 4, and 5 a 20' Type A buffer is required along the use "railroad tracks", which is classified as Class 6. No buffer is required along the use "railroad tracks" for Land Use Class 6. However, it is recommended that the developer consider the comfort of future occupants and security of the development in determining if additional buffering and/or screening should be implemented.
² Pedestrian-oriented streetscape buffers shall be allowed in lieu of standard landscaped thoroughfare buffers when such buffers are located inside the Apex Pealkway. Pedestrian-oriented streetscape buffer shall contain both hardscape elements (such as but not limited to sidewalks, decorative lighting, street furniture, and fountains) and street tree plantings which do not have to meet typical minimum island widths or sizes.
³ Where alley-loaded homes face a thoroughfare, a Type E buffer shall be required; where alley-loaded homes face a major collector, a Type D buffer shall be required.
⁴ This buffer shall only be required when the proposed or adjacent land use is a single-family detached dwelling on a lot 12,000 square feet or greater.
⁵ Disturbed portion of 50' Thoroughfare buffer shall be planted to a Type A buffer standard; undisturbed portion of 50' Thoroughfare buffer shall be supplemented to a Type B buffer standard.



4
5 [SLIDE NO. 36]

Amendment #1

9.2.2 Building Design
...


E) Massing

1) A single, large, dominant building mass shall be avoided. Where large structures are required, mass should be broken up through the use of setbacks, projecting and recessed elements, and similar design techniques. This shall not apply to buildings over 125,000 square feet located within a North Carolina Certified Site and in the Light Industrial (LI) and Heavy Industrial (HI) zoning districts.

9.2.4 Harmony of Design

A) Purpose

The purpose of this Section is to preserve the design character of existing development, to protect the visual pattern of the community, and to promote harmony in the visual relationships and transitions between new and older buildings. New buildings should respect the scale, form, and proportion of existing development. This can be done by repeating building lines and surface treatments and by requiring some uniformity of detail, scale, proportion, texture, materials, color, and building form. Buildings over 125,000 square feet located within a North Carolina Certified Site and in the Light Industrial (LI) zoning district and Heavy Industrial (HI) zoning districts shall meet this standard to the maximum extent reasonable and practicable.



1 **[SLIDE NO. 37]**

Amendment #1

9.3.3 Facades


A) *Recesses and Projections*

...

2) Buildings over 125,000 square feet located within a North Carolina Certified Site and in the Light Industrial (LI) **and Heavy Industrial (HI)** zoning districts shall incorporate recesses and projections including windows and awnings at public entrances. At least 10% of the façade along a public street shall contain windows or other glazing. In the case of a corner lot, this standard shall only apply to the façade(s) that contains a public entrance or the façade closest to the public entrance.

B) *Repeating Design Patterns*

Facades greater than 100 feet in length, measured horizontally, shall incorporate a repeating pattern of change in color, texture, and material modules. All elements should repeat at intervals of no more than 30 feet, either horizontally or vertically. For buildings over 125,000 square feet located within a North Carolina Certified Site and in the Light Industrial (LI) **and Heavy Industrial (HI)** zoning districts, all elements should repeat at regular intervals proportional to the length of the façade and designed to break up the mass of the building.



2
3 **[SLIDE NO. 38]**

Amendment #1

9.3.3 Facades


G) *Exterior Wall Cladding*

All exterior walls visible from a parking lot or public right-of-way in any zoning district except Light Industrial (LI) **and Heavy Industrial (HI)** shall be clad with the same material required for the front of the building. Buildings in the LI **and HI** districts are required to provide the same material as the front of the building for at least 25% of the area of the side façades and 100% of the area of side façades directly facing a public right-of-way. All walls not visible from a parking lot or public right-of-way, or the remaining 75% of the side façades in the LI **and HI** districts, may be constructed of alternate material(s), but shall be of a color that is complimentary to the primary material, is incorporated into the overall color scheme of the building, and is approved by the Planning Director. See also Sec. 9.3.5.A *Predominant Exterior Building Materials*.

9.3.5 Colors and Materials

A) *Predominant Exterior Building Materials*

Predominant exterior building materials shall be high quality materials, including brick, wood, stacked stone, other native stone, and tinted/textured concrete masonry units. In the LI **and HI** districts, concrete masonry units shall be tinted/textured or painted.




4
5 **[SLIDE NO. 39]**

Amendment #1
Requested by Planning Staff

PLANNING STAFF RECOMMENDATION:
Planning staff recommend approval of the proposed amendment.

PLANNING BOARD RECOMMENDATION:
At their May 11, 2026, Planning Board meeting, the Board recommended approval of the amendments establishing the B3 and HI zoning districts by a vote of 8-1.


The dissenting opinion has been included in your agenda packet.



1 [SLIDE NO. 40]

Amendment #1

Questions?



2
3 [SLIDE NO. 41]

Amendment #2

Requested by Mayor Pro Tempore Mahaffey:

2) Amendments to Secs. 4.2.2 Use Table; 4.3.2 Use Classifications, Public and Civic Uses; 4.4.2 Supplemental Standards, Public and Civic Uses; 8.2.6.B.4 Landscape, Buffering, Screening, Land Use Classes to add the use “Detention center, jail, prison, or correctional facility” as well as the use classification, supplemental standards, and other related development standards for such use.



4
5 [SLIDE NO. 42]


Amendment #2

Use Type	Definition Section	Zoning Districts																Standards		
		Residential						Business				Industrial		Planned Development		Other				
		R	R	L	M	H	M	O	B	B	P	T	L	H	I	M	T		P	C
Public and Civic Uses																				
Detention center, jail, prison, or correctional facility																				4.3.2.Q

4.3.2 Use Classifications, Public and Civic Uses

...

Q) **Detention center, jail, prison, or correctional facility**
 Any facility, building, or portion thereof used for the detention, confinement, custody, or supervision of individuals under the authority of a governmental entity, court, or law enforcement agency, or their authorized agents. This includes, but is not limited to, prisons, jails, detention centers, holding facilities, and any similar use where individuals are involuntarily housed or restricted in movement.



6

1 **[SLIDE NO. 43]**


Amendment #2

4.4.2 Supplemental Standards, Public and Civic Uses
...
H) Detention center, jail, prison, or correctional facility

- 1) The site shall be a minimum of 10 acres.
- 2) The facility shall be located a minimum of 1,620 feet from, any public or private school, day care, place of worship, or any property zoned or used for residential purposes.
- 3) A 60-foot Type A Buffer shall be required around the perimeter of the site, including along public streets.

8.2.6.B Landscape, Buffering, and Screening, Buffering

- 4) Land Use Classes
...
f) Class 6
...
Detention center, jail, prison, or correctional facility
...




2
3 **[SLIDE NO. 44]**

Amendment #2
Requested by Mayor Pro Tempore Mahaffey

PLANNING STAFF RECOMMENDATION:
Planning staff recommend approval of the proposed amendment.


PLANNING BOARD RECOMMENDATION:
At their May 11, 2026, Planning Board meeting, the Board unanimously recommended approval with the condition that the minimum separation distance from certain sensitive uses be increased from 1,320 feet to 1,620 feet.



4
5 **[SLIDE NO. 45]**

Amendment #2

Questions?



6

1 **Councilmember Mu** asked Mayor Pro-Tempore Mahaffey if detention jail was
2 included as a heavy industrial use.

3 **Mayor Pro-Tempore Mahaffey** said it was included.

4 **Councilmember Zegerman** said if someone one was going to propose a detention
5 center; it would need to be in a heavy industrial zoning district.

6 **Mayor Pro-Tempore Mahaffey** said there are no heavy industrial zoning districts in
7 Apex and the problem is there is no classification for detention center, so if there was an
8 application for a detention center it is a little ambiguous as to what happens, so a future
9 developer could find a light industrial building and argue that it's light industrial use and use
10 some warehouse without having to bring it to Council or a Planning Director saying it
11 needed to be rezoned, so this creates a process to come before Council.

12 **Councilmember Mu** said that this didn't seem to benefit Apex.

13 **Mayor Pro-Tempore Mahaffey** said there is a lot of light industrial space and there
14 isn't a heavy industrial definition and arguments could be made that certain uses that are
15 undefined that could fit in the light industrial space under different uses and this defines the
16 process. He said this is trying to avoid future issues of ambiguousness.

17 **Councilmember Zegerman** asked if additional uses could be defined. He said maybe
18 not tonight, but to put another couple like battery manufacturing or data centers. He said it
19 may help to include more on the definitions to avoid more conflicts.

20 **Mr. Venable** said that was something that more uses can be explored that belong in
21 heavy industrial as we move forward on the moratorium for data centers and
22 recommendations are received from the EAB that's working on this.

23 **Councilmember Zegerman** asked how holding cells in the Police Station be
24 classified.

25 **Mr. Venable** said that could be used as an accessory use because it is probably less
26 than 20% of the actual principal use of the structure itself and currently it is a use that exists
27 and this is not creating any legal non-conforming issues at the moment because we're
28 creating an entirely new district and any police station is not going to be in the heavy
29 industrial district at this time.


30

1 [SLIDE NO. 46]

Amendment #3

Requested by Planning Staff:

3) Amendment to Secs. 4.1.2 *Outdoor Storage and Sales*; 4.2.2 *Use Table*; 4.3.5 *Use Classifications, Commercial Uses*; 4.4.5 *Supplemental Standards, Commercial Uses*; 8.2.6.B *Buffering, Landscape Buffers between Uses*; and 8.3-1 *Off-street Parking Schedule "A"* in order to add "Food truck courts" as a principal use within the Town's jurisdiction and provide the associated use and development standards.



2
3 [SLIDE NO. 47]

Amendment #3


4.1.2 Outside Storage and Sales
...
B) Unless specifically permitted for a particular use and on a site-specific development plan, no outdoor storage, display, or sales/rentals are permitted in any district.

No mobile food vendor vehicle shall be parked where visible from the public right-of-way except as shown on an approved Site Plan for a food truck court.

...

4.2.2 Use Table

Use Type	Definition Section	Zoning Districts																Standards						
		Residential						Business						Industrial		Planned Development			Other					
		R A	R R	L D	M D	H D	M H	M O	O R	B 1	B 2	B 3	P C	T F	L I	H I	M E		T N	P U	C B	S D	S T	C
Food and Beverage Service																								
Food truck court												P	P										P*	4.4.5.C.4




4
5 [SLIDE NO. 48]

Amendment #3

4.3.5 Use Classifications, Commercial Uses

C) *Food and Beverage Service*
...
4) Food Truck Court. An establishment where three (3) or more mobile food vendors, as defined in Section 13-60 of the Apex Town Code, can operate simultaneously for the preparation and sale of food and beverages in a ready-to-consume state, and where the design or principal method of operation consists of all of the following:

- A mobile vendor in the form of a food truck, cart, or trailer, with a walk-up counter offering quick service where orders are not taken at the customer's table, but at a window or counter of a licensed food truck, cart or trailer, and where the food is generally served in disposable wrapping or containers.
- The food truck court shall include a permanent structure on the site containing the use "Restaurant, general", "Bar, nightclub, wine bar, or taproom", "Microbrewery", or "Microdistillery".
- This use may include the on-premises sale, service, and consumption of alcoholic beverages as an accessory and secondary use.



1 [SLIDE NO. 49]


Amendment #3

4.4.5 Supplemental Standards, Commercial Uses

C) *Food and Beverage Service*

4) *Food Truck Court*

a) A food truck court may be permitted as an accessory use to the uses "Commissary", "Restaurant, general", "Bar, nightclub, wine bar, or taproom", "Microbrewery", or "Microdistillery. The use shall have on-site management to ensure the safe and orderly operation of the food truck court during hours of operation.



2
3 [SLIDE NO. 50]

Amendment #3


b) Food truck courts shall comply with the following:

(i) Mobile food vendors operating in association with a food truck court use shall comply with Chapter 13, Article IV: *Transient and Mobile Food Vendors* of the Town of Apex Code of Ordinances and all other applicable standards and regulations of the permit issuing county's environmental health and safety department.

(ii) Mobile food vendors shall be permitted to have one (1) sandwich board sign that may be displayed adjacent to their designated location on-site.

(iii) Mobile food vendors shall be located only in areas designated for vending on the approved site plan.

(iv) Mobile food vendor locations shall be clearly defined and separated from all patron parking with fencing, decorative bollards, or planters in order to separate the food truck court from parking. Fencing shall not exceed four (4) feet in height.




4
5 [SLIDE NO. 51]

Amendment #3

(v) Mobile food vendors shall maintain at least 10 feet of clearance around the entire perimeter of the vehicle, trailer, or cart.

(vi) A food truck court shall be required to provide indoor and/or outdoor seating. All designated seating and dining areas shall be shown on the approved Site Plan. Temporary enclosures, including but not limited to, plastic sheathing, vinyl tarps, and tents, shall be prohibited.

(vii) Individual mobile food vendors shall not provide additional outdoor seating for dining (e.g., tables, tents, chairs, booths, bar stools, benches, etc.). All seating and dining areas shall comply with the approved Site Plan for the food truck court.




6

1 [SLIDE NO. 52]

Amendment #3


- (viii) A food truck court shall be required to provide permanent restrooms on-site.
- (ix) A permanent power source shall be provided to each mobile vendor; individual generators shall not be allowed. A temporary power pole made of wood or similar materials shall not be permitted.
- (x) Mobile food vendors shall not operate on-site outside of the established operating hours of the food truck court.
- (xi) The site shall utilize two (2) shared dumpsters, one for trash and one for cardboard recycling, that shall be located within a masonry dumpster enclosure per the standards found in Sec. 8.2.8.B.1.



2
3 [SLIDE NO. 53]

Amendment #3


- (xii) Outside of the Downtown Festival District, outdoor operations of such use shall comply with the following:
 - (a) Shall not be located within 100 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not including the HDMF or MORR districts; and
 - (b) Outdoor live or recorded acoustic or amplified entertainment shall not be permitted on properties directly adjacent to any conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in Sec. 4.6 Temporary Uses and Structures.



4
5 [SLIDE NO. 54]

Amendment #3

- (xv) Within the Downtown Festival District, outdoor operations of such use shall comply with the following:
 - (a) Shall not be located within 45 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not including the HDMF or MORR districts; and
 - (b) Outdoor live or recorded acoustic or amplified entertainment shall not be permitted on properties directly adjacent to any conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in Sec. 4.6 Temporary Uses and Structures.
- (xvi) Mobile food vendors shall be required to store, transport, and dispose of grease and wastewater to the commissary identified on the mobile food vendor permit issued by the applicable county department.



6

1 **[SLIDE NO. 55]**

Amendment #3

8.2.6 Landscape, Buffering, and Screening, Buffering
 ...
 B) *Landscape Buffers between Uses*
 ...
 4) *Land Use Classes*
 ...
 e) *Class 5:*
 ...
Food truck court
 ...




2
3 **[SLIDE NO. 56]**

Amendment #3

Table 8.3-1: Off-Street Parking Schedule "A"

Use	Minimum Number of Motor Vehicle Spaces Required	Minimum Number of Bicycle Spaces Required
Commercial Uses		
...		
Commissary	Schedule C	2 spaces
Food truck court	2 per designated mobile food vendor stall; and 1 per 50 square feet of indoor dining space devoted to public use	2 spaces or 1 space per 50 motor vehicle parking spaces, whichever is greater
...		
Restaurant, general	1 per 50 square feet of floor space devoted to public use	2 spaces or 1 space per 50 motor vehicle parking spaces, whichever is greater
...		




4
5 **[SLIDE NO. 57]**

Amendment #3

PLANNING STAFF RECOMMENDATION:
 Planning staff recommend approval of the proposed amendment.

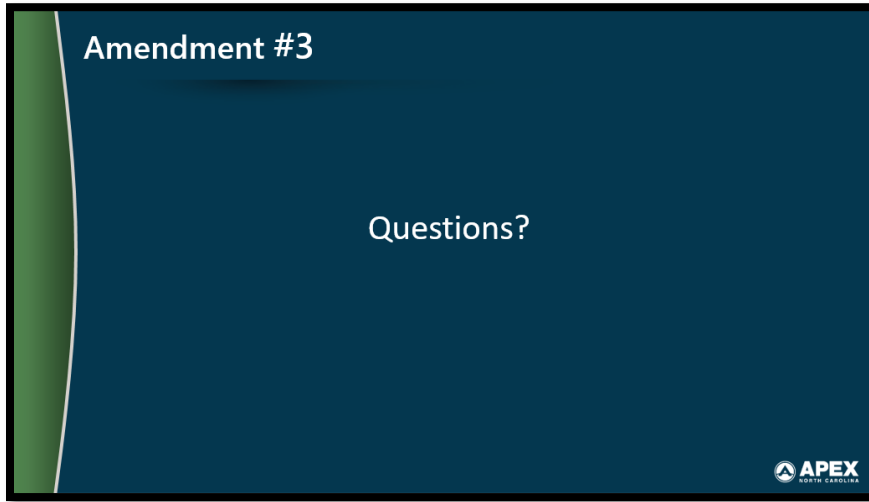
PLANNING BOARD RECOMMENDATION:
 At their May 11, 2026, Planning Board meeting, the Board recommended approval of the amendments to establish the "Food truck court" use by a vote of: 7-2.

The dissenting opinions have been included in your agenda packet.



6

1 [SLIDE NO. 58]



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Councilmember Reese said this is the creation of a food truck court.

Mr. Venable said that is correct.

Councilmember Reese asked how this impacts the three food trucks regularly parked at the Latino grocery store, Compare Foods at the corner of Williams Street and Hughes Street.

Mr. Venable said that this would prohibit them from having three or more without having an approved food truck court.

Councilmember Reese said they have been there a while.

Mr. Venable said they are supposed to leave the site at least once every 24 hours to return to the commissary for cleaning and preparation, and the issue has come up in Apex is that on some of these sites, these food trucks are parking at for days on end and so they're setting up almost a permanent kind of food truck court impromptu on the site itself where they are taking up parking and maybe creating some type of additional hazards, so this is bringing in a high quality development that would meet the need for a food truck to have a safe place to go where people want to go and be able to enjoy their services.

Councilmember Reese said that it was his understanding that those food trucks have the approval of the property owner.

Mr. Venable said that he couldn't be sure.

Councilmember Reese said that they do have permission and asked what the impetus for this amendment is.

Mr. Venable said having impromptu food trucks can cause issues for the current brick and mortar facilities, and they could be causing parking issues or connecting power in an unsafe way or they may be running generators on site, and this is to regulate and minimize these unintended impacts.

Councilmember Reese asked aren't those issues already regulated.

Director Khin said that Planning has been asked to allow food truck courts and there was interest in putting one out at Beaver Creek Crossings on the property that's not developed yet and a new property owner that's next to Compare Foods.

1 **Councilmember Reese** said he had concerns about the food trucks currently
2 operating at Compare Foods.

3 **Director Khin** said the current food trucks are not land uses, they are transient
4 vendors and that is permitted through the police department, so this is to regulate the land
5 use version of food trucks so that it is a permanent use.

6 **Councilmember Mu** asked if the food truck is going around selling food or ice cream
7 does it have to follow this.

8 **Mr. Venable** said not for mobile vendors, but in cases where trucks are parked on a
9 site, it would be required if there were more than two at a location.

10 **Councilmember Zegerman** asked how it was decided on 3 as the cutoff point instead
11 of more food trucks.

12 **Director Khin** said that in her opinion a transient vendor should be moving every so
13 often and going back to the commissary. She said way back in the day there used to be
14 limitations on how long they could be at any given location and it got more lenient in the
15 terms of issuing the transient vendor permits. She said they could have said more than one
16 and it is believed that there are many locations with two, and they didn't want to make all of
17 the locations not conform. She said there are relatively few locations with 3 or more. She said
18 if the Council would like four then it can be changed. She said that it's Council's ordinance so
19 if there is not an interest in having courts, that is fine too, it is just being proposed because it
20 has been asked.

21
22 **Mayor Gilbert** opened public hearing for the above-mentioned item (PH5).

23
24 With no one signed up to speak, **Mayor Gilbert** closed the public hearing and asked
25 the Council if there was a motion to approve as presented.

26
27 **Mayor Pro-Tempore Mahaffey** said what is happening is staff is creating a framework
28 to legalize these types of food courts and requirements that would be applied are not too
29 onerous, though onsite restrooms may be the biggest issue but the existing food truck court
30 would have to comply with the standards. He said it also provides a set of standards if
31 someone wants to create an official food truck court that now they have a set of standards
32 and this is a good thing.

33 **Councilmember Zegerman** asked what would make it permanent location for a food
34 truck.

35 **Director Khin** said that the lot and structure would be permanent with individual stalls
36 for the food trucks that could move, and they would have to have permanent restrooms
37 based on building code requirements.

38 **Mr. Venable** said that this is trying to maintain the street, local community and
39 character by having a high-quality development with a structure that people are attracted to
40 and want to visit regardless of if it's full of food trucks or just one food truck.

41 **Councilmember Zegerman** said that the principal of the idea is fine and creating this
42 framework for future food court but nervous about creating a nonconformity for certain plots

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1 where this has been done consistently over a number of years already. He said that if this
2 could be four or five trucks before it has to be a food trucks court he would be more
3 comfortable.

4 **Mayor Gilbert** asked which town department would be regulating food courts.

5 **Mr. Venable** said that currently it is the police department.

6 **Director Khin** said that transient vendors would be the Police Department and land
7 use would be the Planning Department, and this would be land use which will go through the
8 site plan process.

9 **Mayor Gilbert** asked who would be monitoring the trucks that may be out of
10 compliance with the food court.

11 **Director Khin** said it is supposed to be the Health Department with Wake County.

12 **Councilmember Reese** said that likes the idea of instituting food trucks and
13 understood how food trucks can threaten Brick and mortar. He said that it has to be
14 recognized how this can have economic impacts on already marginalized working class
15 people. He said there are concerns with the current gas and diesel prices being so high and
16 with this amendment now they have to move around, he does not like this idea.

17 **Mayor Gilbert** said he supports what Councilmember Reese says and he supports
18 what Planning is trying to do, but this is unintended consequences on a community that he
19 has a lot of connections with, and this is sending the wrong message the way this is written.

20 **Councilmember Reese** said that if there isn't a way to grandfather in the current food
21 trucks and not be sensitive to this it is a bad move for the community.

22 **Mr. Venable** asked if Council had any suggestions on how to improve this UDO
23 amendment.

24 **Councilmember Reese** said go back to the drawing board and see how this can be
25 instituted without preventing what's helping our community right now.

26 **Director Khin** suggested withdrawing the proposed UDO amendment.

27 **Councilmember Zegerman** asked instead of withdrawing this could it be continued
28 and revisited after.

29 **Director Khin** said there wouldn't be a date certain due to the time it will take to look
30 at this.

31 **Councilmember Reese** said it was important to protect the vendors already doing
32 this type of business give the economic conditions.

33 **Town Manager Vosburg** said that staff have said they can set the number to be
34 higher than 3 for what would define a food truck court.

35 **Councilmember Reese** said yes it was thought about in real time and thank goodness
36 it was. He asked if there was a motion to withdraw this UDO Amendment (PH 5).

37
38 A **motion** was made by **Councilmember Zegerman** and seconded by **Mayor Pro-**
39 **Tempore Mahaffey** to approve Amendment No. 1 of the Unified Development Ordinance
40 (UDO) Amendments - May 2026.

41
42 **VOTE: UNANIMOUS (4-0)** with *Councilmember Gray absent*

1 A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded by
2 **Councilmember Zegerman** to approve Amendment No. 2 of the Unified Development
3 Ordinance (UDO) Amendments – May 2026.

4
5 **VOTE: UNANIMOUS (4-0)** with *Councilmember Gray absent*

6
7 A **motion** was made by **Councilmember Reese** and second by **Councilmember Mu**
8 to withdraw Amendment No. 3

9 **Director Khin** noted that staff is withdrawing Amendment No. 3 and no further action
10 was needed by the Town Council.

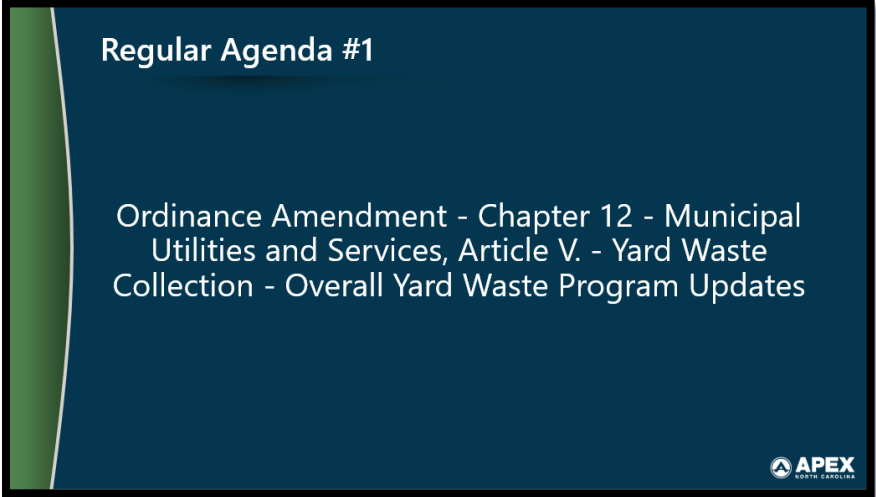
11 The motion previously made and properly seconded was not voted on and thus failed.

12
13 **[REGULAR MEETING AGENDA]**

14
15 **RA1 Ordinance Amendment - Chapter 12 - Municipal Utilities and Services, Article V. -**
16 **Yard Waste Collection - Overall Yard Waste Program Updates (ORD-2026-054)**

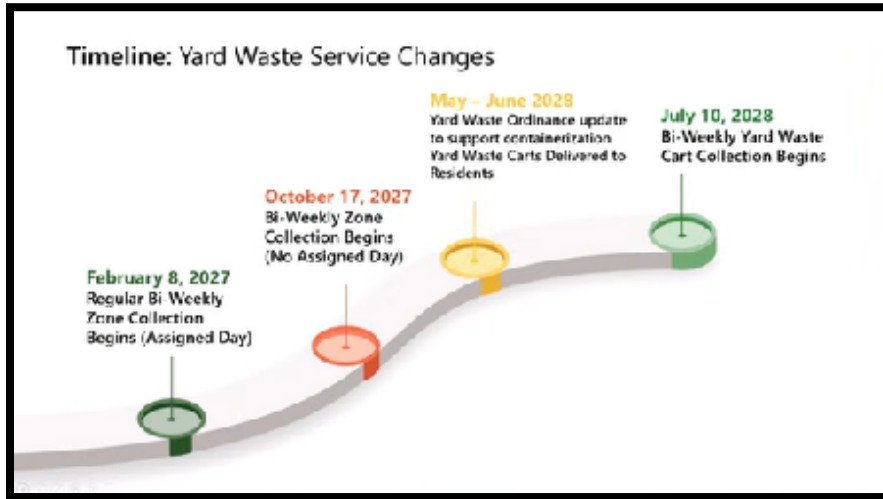
17
18 **Director, Public Works Department, John Mullis** gave a brief update on Council’s
19 direction from the previous Work Session as well as the proposed timeline and proposed key
20 ordinance revisions in the following presentation:

21 **[SLIDE NO. 1]**



22

1 **[SLIDE NO. 2]**



2
3 **[SLIDE NO. 3]**

Proposed Ordinance Changes: Definitions

Current	Proposed (7/1/26)	Proposed (1/1/27)	AFTER Containerization (Spring 2028)
Along curb / edge of pavement	< 3' behind or along concrete curb / edge of pavement	< 3' behind or along concrete curb / edge of pavement	Collection point for carts
Small limbs = < 8' long and < 8" diameter	Small limbs = < 6' long and < 6" diameter	Small limbs = < 6' long and < 6" diameter	All yard waste collected in carts. Excess available for fee based on-demand collection.
Yard waste includes grass clippings	Yard waste includes grass clippings	Yard waste excludes grass clippings	Yard waste excludes grass clippings

4
5 **[SLIDE NO. 4]**

Proposed Ordinance Changes: Pre-Collection Practices

Current	Proposed (7/1/26)	AFTER Containerization (Spring 2028)
No yard waste within 10' of storm drain	No yard waste within 10' upstream of storm drain No yard waste from separate property No yard waste in parking / ramp / sidewalk Yard waste is placed in direction of travel	Placement restrictions only apply for leaf piles (seasonal collection) and excess yard waste (scheduled collection).
Unlimited yard waste	< 2 cubic yards of yard waste collected (> 2 cubic yards available for pickup with fee)	One cart included as part of monthly yard waste fee

6

1 **[SLIDE NO. 5]**

Proposed Ordinance Changes: Schedule and Prohibited Items

Current	Proposed (7/1/26)	Proposed (1/1/27)
Once per week collection	Collection schedule set by Council.	
No land clearing debris (LCD)	No LCD, dirt, root, soil, sod, mulch, concrete, rocks, debris, pallets, trash, plastic, pet waste, lumber, or mailbox posts	Grass no longer collected
No scheduled on-demand collection	Fee based scheduled on-demand collection	

2
3 **[SLIDE NO. 6]**

Proposed Ordinance Changes: Enforcement

Current	Proposed (7/1/26)	AFTER Containerization (Spring 2028)
Refusing collection	Refusing collection and education are still the primary method of compliance. However, new provisions are added so that the Town has additional tools, specifically to abate nuisance yard waste at owner's cost, plus a fee.	Enforcement is simplified since volume is naturally limited by cart size.

4
5 **[SLIDE NO. 7]**



6
7 **Mayor Pro-Tempore Mahaffey** asked if staff had spoken with GFL and Morrisville and
8 what the situation with them was.

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1 **Director Mullis** said that GFL collects items in rear loaders and their entire operation
2 in bags for Morrisville but they will not do that for Apex due to the size of Apex. He said they
3 have reached out and they will do yard waste for Apex for 95-gallon carts only and nothing
4 on the ground, no brush or leaves, and there are still discussions ongoing with them. He said
5 these are options but not full options which is the challenge, and they also they don't have a
6 place to take it currently, they are currently taking Morrisville's to the City of Raleigh and
7 Raleigh just went up from \$45.00 per ton to \$55.00 per ton. He said currently Apex is paying
8 Harnett County about \$40.00 per ton.

9 **Mayor Pro-Tempore Mahaffey** asked if the issue with Raleigh was the also the
10 capacity.

11 **Director Mullis** said that capacity was the issue. He said they are trying to get a
12 guarantee and GFL does not have a guarantee with Raleigh, because they would not issue
13 one, which is the biggest problem.

14 **Mayor Gilbert** asked if there were continuing discussions.

15 **Director Mullis** said yes and they are already looking for options. He said they are
16 actively promoting grass cycling and feel it is the best method because it takes grass out of
17 the equation but there is a behavioral change to get over, but leaving the grass in place is the
18 most beneficial and it eliminates these problems long term. He said it's not politically popular
19 and the Communications Department has or will be posting a video about grass cycling that
20 should help inform the residents, and they want to promote that in any case. He said that
21 another thing that Council needed to be aware of is the increased maintenance issues with
22 leaf vacuum trucks due to their use for grass collection which they are not designed to handle
23 this. He said recent repairs were \$3,500.00 for a clutch plate replacement because grass
24 accumulates behind the impeller housing, placing additional strain on clutches and bearings
25 and accelerating wear on the equipment. He said doing bi-weekly would help and the
26 request for a leaf-vac last year was deferred, and the truck it was meant to replace is
27 completely out of commission now. He asked for Council's financial support for the 10-year
28 plan that was presented and the financial impacts of the current equipment with the way
29 grass is being collected.

30 **Councilmember Reese** thanked Director Mullis for the presentation. He said there
31 was another NC State study that talked about fescues and mold or rot that happens when
32 laying grass down.

33 **Director Mullis** said that this may be something that Brandon Roberson, who has a
34 degree in turf grass and worked closely with NC State's Dr. Miller.

35 **Brandon Roberson, Solid Waste Supervisor** said one of the discussions with Dr.
36 Miller was what do you do if it's wet, and one of them is to move the mower up a notch or two
37 to give it more space to decompose, then bring it back to normal once it dries. He said he
38 wasn't familiar with the specific study but fungi growth is a common problem for all types of
39 grass when it is wet. He said mowing when it is dry eliminates that concern.

40 **Mayor Gilbert** said there was a comment earlier in the meeting that Raleigh tried this
41 and then went back.

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1 **Director Mullis** said that was not correct. He said there had been information from the
2 Assistant Director of Waste Management in Raleigh and they are moving forward, and they
3 are eliminating vacuum trucks. He said they are not moving away from containers.

4 **Mayor Pro-Tempore Mahaffey** said they tried bi-weekly and went back to weekly.

5 **Director Mullis** said that when the leaves start falling Raleigh wants them to go into
6 the carts. He said they also have holdover from using compostable bags, but they have their
7 own processing center that can handle it.

8 **Councilmember Reese** asked staff to explain what the restart is that begins Fall of
9 2026 in Raleigh.

10 **Director Mullis** said the restart is Raleigh's Transportation Department did the leaf
11 vacs and their Solid Waste Department does trash and recycling, and their Council purchased
12 more equipment and added staff and the restart is that they are bringing the carts fully and
13 eliminating the leaf vacs.

14 **Councilmember Mu** asked if the vacuum trucks were for leaves and not grass.

15 **Director Mullis** said that is correct.

16 **Councilmember Mu** said that Raleigh is getting rid of their vacuum trucks and are
17 going to carts. She asked as far as cost, which is cheaper.

18 **Director Mullis** said that the carts are cheaper because they can use the side loader
19 but Raleigh's dilemma is they've got the holdover from the bags and the former Director's
20 end goal was to get all containers, but it's a transition period and the overall goal is
21 automation, but as long as they have the bags they will continue with rear and side loaders in
22 their fleet. He said that a challenge is if the residents do not get their yard waste out and they
23 wait until the end of the season, then there is all the volume which Apex faces as well. He said
24 if people would get the leaves in the carts as soon as they fall then it would help with the
25 volume.

26 **Councilmember Mu** asked if there was a rough dollar amount for using the carts
27 versus the vacuum trucks.

28 **Director Mullis** said that he didn't but the situation they are in right now is not
29 working financially or operationally.

30 **Mr. Roberson** said that the leaf vacs could still be used for the leaf collection.

31 **Director Mullis** said that yes, the leaf vacs are perfect for leaf collection when the
32 leaves are down without other yard waste. He said the vacuum tracks don't pack in the
33 material like a side or rear loader, so they fill up very quickly.

34 **Mayor Pro-Tempore Mahaffey** said there are two separate issues tonight but they
35 don't have to be solved tonight, one is what do we put the items in and then where do we
36 take the items.

37 **Councilmember Zegerman** said that the two amendments are about strengthening
38 the enforcements and setting some clarifications on yard waste collection, and the second
39 one is specific around the elimination of grass pickup that staff is in conversations with a
40 potential provider and is being proposed to be taken off consideration for more time.

41 **Director Mullis** said the ordinance needed to be adopted for the bi-weekly schedule,
42 limbs, contractor waste, and the enforcement.

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1 **Mayor Gilbert** asked if staff felt this is not a premature decision.

2 **Director Mullis** said that he absolutely did not feel that this was premature, especially
3 considering the equipment. He explained the thoughts that grass would be ending, and the
4 volume wouldn't be there next grass season, and the equipment would get them through
5 August. He said going bi-weekly will help extend the vehicle life a little.

6 **Councilmember Reese** said the feedback in the Historic District was concerned about
7 the trees is complicated by the fact that there is parking downtown and near the middle
8 school. He said there was also concern about elderly residents and those who are on a fixed
9 income. He said they also don't want to see trees having to get pared back in the downtown
10 area.

11 **Director Mullis** said that there are areas that will have more debris from the maturity
12 of the trees and trying to be equitable, there are some residents that will be paying the fee
13 that don't have this need, so there is a balance. He said there is data of pile sizes at each
14 location that will be in your packet. He said that he did not see repeat offenders of large piles
15 at any one address.

16 **Councilmember Reese** said that people have reached out and said they are guilty of
17 this.

18 **Director Mullis** said most were under 2 cubic yards and there are no charges for that
19 amount.

20 **Councilmember Reese** said these people had more than 2 cubic yards.

21 **Director Mullis** said that it shouldn't be a problem because it wasn't seen in the study
22 and, and the pile size would still have to be prepared for pickup in the proper way with the
23 ordinance changes.

24 **Mayor Gilbert** said that we are getting close to the conclusion time listed on the
25 Council's meeting agenda and asked if there was a motion to continue through the remaining
26 portions of the meeting.

27
28 A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded by
29 **Councilmember Zegerman** to extend the time to adjourn to 11:30 p.m.

30
31 **VOTE: UNANIMOUS (4-0)**, with *Councilmember Gray absent*

32 **Councilmember Reese** said the photos that residents send, that's all of the evidence
33 needed and it's a concern.

34 **Assistant Town Attorney Chris Welch** said there was a clause added that allowed
35 individuals with properties that had parking along their whole frontage to still put their piles
36 out there in those scenarios.

37 **Mayor Pro-Tempore Mahaffey** said that 2 cubic yards per week at 36 weeks would be
38 72 cubic yards, and would fill up half of this room.

39 **Mr. Roberson** said that 2 cubic yards is a standard pickup truck bed full.

40 **Councilmember Reese** read from a citizen about the yard waste filling up two parking
41 spots every other week.

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1 **Director Mullis** said if they have that much volume every week or two that would
2 surprise him.

3 **Councilmember Reese** said that it's not every week, but he wouldn't belabor the
4 point. He thanked staff for the presentation.

5 **Mayor Gilbert** asked if there could be a decision on the two items.
6

7 A **motion** was made by **Councilmember Zegerman** and seconded by **Mayor Pro-**
8 **Tempore Mahaffey** to approve an Ordinance Amending Section 12 of the Apex Town Code
9 of Ordinances - Effective July 1, 2026
10

11 **VOTE: (3-1)**, with *Councilmember Reese dissenting, and Councilmember Gray absent*
12

13 **Town Attorney Hohe** said that Amendment No. 2 wasn't a Public Hearing and could
14 be brought back at a later date when staff have their information.

15 **Mayor Gilbert** said the work has been appreciated, but there have been emails from
16 the community members with tremendous concern, and hopefully the negotiations do work
17 out to a healthy solution for everyone.

18 **Mr. Roberson** said he believes the video going out educating about grass cycling will
19 be beneficial. He said it is helpful for resident's environments on their properties and home
20 upkeep cost.

21 **Mayor Gilbert** said he understands, he wants to make sure they are responding to the
22 concerns.

23 **Director Mullis** thanked Council for all of their support for this first step and the goal
24 is to take care of the residents in the most efficient way possible and in the least expensive.
25

26 **[INFORMATIONAL ITEMS]**

27 No items were presented.
28

29 **[CLOSED SESSION]**
30

31 A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded by
32 **Councilmember Mu**, to enter into closed session pursuant to NCGS §143-318.11(a)(3).
33

34 Council entered into closed session at **11:04 p.m.**
35

36 **VOTE: UNANIMOUS (4-0)** with *Councilmember Gray absent*
37

38 **CS1 Laurie Hohe, Town Attorney**

39 **NCGS §143-318.11(a)(3):**

40 *"To consult with an attorney employed or retained by the public body in order to preserve the*
41 *attorney client privilege between the attorney and the public body".*
42

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1 ~~CS2—Allen Coleman, Town Clerk—~~

2 ~~NCGS §143-318.11(a)(1):~~

3 ~~“To prevent the disclosure of information that is privileged or confidential pursuant to the law~~
4 ~~of this State or of the United States, or not considered a public record within the meaning of~~
5 ~~Chapter 132 of the General Statutes.”~~

6 Item removed per Council vote setting the Regular Meeting Agenda.

7
8 Council returned to Open Session at **11:19 p.m.**

9
10 A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded by
11 **Councilmember Mu**, to adopt Resolution Authorizing Domain Proceedings related to a traffic
12 signal project along old US1 Highway for the improvement of the Apex Street System. (**RES-**
13 **2026-048**)

14
15 **VOTE: UNANIMOUS (4-0)**, with Councilmember Gray absent

16
17 **[ADJOURNMENT]**

18
19 A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded by
20 **Councilmember Mu** to adjourn the meeting.

21
22 **VOTE: UNANIMOUS (4-0)**, with Councilmember Gray absent

23
24 With no further business before the Town Council, **Mayor Gilbert** adjourned the
25 meeting at **11:20 p.m.**

26
27 Jacques K. Gilbert
28 Mayor

29
30 Allen Coleman, CMC, NCCCC
31 Town Clerk to the Apex Town Council

32
33 Submitted for approval by Town Clerk Allen Coleman and approved on _____.