AGENDA | REGULAR TOWN COUNCIL MEETING

Tuesday, May 12, 2026 at 6:00 PM
Council Chambers - Apex Town Hall, 73 Hunter Street
The meeting will adjourn when all business is concluded or 10:00 PM, whichever comes first

Governing Body and Town Senior Executive Leadership

Mayor: Jacques K. Gilbert | Mayor Pro Tempore: Terry Mahaffey
Council Members: Edward Gray, Arno Zegerman, Shane Reese, Sue Mu
Town Manager: Randal E. Vosburg
Deputy Town Manager: Shawn Purvis
Assistant Town Managers: Demetria John and Marty Stone
Town Clerk: Allen L. Coleman | Town Attorney: Laurie L. Hohe

English	Spanish	Chinese (Simplified)
ANNOUNCEMENTS Members of the public can access and view the meeting on the Town's YouTube Channel https://www.youtube.com/c/TownofApexGov or attend in-person. The meeting date, start time, and location details are included at the top of this agenda document.	**ANUNCIOS** Las personas interesadas pueden acceder y ver la reunión a través del canal de YouTube de la Ciudad en https://www.youtube.com/c/TownofApexGov o asistir en persona. En la parte superior de este documento de agenda se indican la fecha, la hora de inicio y la ubicación de la reunión.	**公告** 公众可通过镇政府的YouTube频道 https://www.youtube.com/c/TownofApexGov 在线旁听会议，或选择现场参与。会议日期、开始时间及地点详情见本议程文件顶部。
Accommodation Statement: Anyone needing special accommodations to attend this meeting and/or if this information is needed in an alternative format, please contact the Town Clerk's Office. The Town Clerk is located at 73 Hunter Street in Apex Town Hall on the 2nd Floor, (email) allen.coleman@apexnc.org or (phone) 919-249-1260.	**Aviso sobre adaptaciones:** Si necesita adaptaciones especiales para asistir a esta reunión o requiere esta información en un formato alternativo, comuníquese con la Oficina del Secretario Municipal, ubicada en el segundo piso del Ayuntamiento de Apex, en 73 Hunter Street, por correo electrónico a través de allen.coleman@apexnc.org o llamando al 919-249-1260.	**便利服务声明：** 如需特殊便利服务以参加本次会议，或需要将本信息提供为其他格式，请联系镇书记官办公室。 办公地址：Apex镇政务厅二楼（Hunter街73号） 邮箱：allen.coleman@apexnc.org 电话：919-249-1260

COMMENCEMENT, INVOCATION, AND PLEDGE OF ALLEGIANCE

The Town of Apex values and celebrates diversity and inclusion. We see diversity as a strength that binds our community together – inviting members from different faith communities to deliver the invocation at the beginning of our Council meetings, supports this unity. Recognizing that not everyone practices the same traditions, we welcome you to have a private moment of silence.
Please stand as you are able for the Pledge of Allegiance

ANNOUNCEMENTS AND PETITIONS BY THE GOVERNING BODY

Members of the governing body may use this time to share updates on a variety of different topics or submit petitions for future consideration with the entire board and the community.

ADOPTION OF THE MEETING AGENDA

The Mayor will call for additional Agenda items from Council or Staff and set the Regular Meeting Agenda prior to Council actions. Items to be pulled or added should be submitted to the Town Clerk in advance of the meeting.

CONSENT AGENDA

All Consent Agenda items are considered routine, to be enacted by one motion with the adoption of the Consent Agenda, and without discussion. If a Council Member requests discussion of an item, the item may be removed from the Consent Agenda and considered separately. The Mayor will present the Consent Agenda to be set prior to taking action on the following items:

CN1 Agreement - North Carolina Department of Transportation (NCDOT) – Reimbursement Agreement – Operational Improvements at Intersection of Olive Chapel Road and Apex Barbecue Road (Project HL-0173)

Russell Dalton, Traffic Engineering Manager, Transportation and Infra. Dev. Department

CN2 Annexation No. 813 – Altera Heights – Jenks Road and Wimberly Road – 15.16 acres

Allen Coleman, Town Clerk

CN3 Contract Award – Roadworks Construction Company – Justice Heights Street Extension Project - $1,536,725 and Capital Project Ordinance Amendment No. 2026-12

Adam Stephenson, Transportation Engineering Manager, Transportation and Infra. Dev. Dept.

CN4 Council Meeting Minutes – Various

Allen Coleman, Town Clerk

CN5 Tax Report – March 2026

Allen Coleman, Town Clerk

CN6 Town Council Rules of Procedure Amendment – Council Committees, Role of Council Committee Chair

Allen Coleman, Town Clerk

CN7 Unified Development Ordinance Amendments – April 28, 2026 – Part A – Statement

Bruce Venable, Planner III, Planning Department

TOWN COUNCIL COMMITTEE REPORTS

TOWN MANAGER'S REPORT

TM1 Fiscal Year Ending June 30, 2025 – Financial Audit Progress Update

Jon Griffin, Director, Finance Department

TOWN CLERK'S REPORT

PUBLIC ART MOMENT QUARTERLY – *None Scheduled*

The quarterly public art moment spotlights local creativity, reflects community voices, and supports informed decisions that strengthen a vibrant and growing cultural landscape. The purpose of this item is to bring awareness and appreciation of local artist.

PROCLAMATIONS / SPECIAL PRESENTATIONS

PR1 Proclamation – Mental Health Awareness Month – May 2026

Mayor Jacques K. Gilbert

PR2 Proclamation – National Police Week 2026 and Peace Officers Memorial Day – Monday, May 11 through Sunday, May 17, 2026, and Friday, May 15, 2026

Mayor Jacques K. Gilbert

PR3 Proclamation – Public Works Week 2026 – May 17 through May 23, 2026

Mayor Jacques K. Gilbert

PUBLIC FORUM

Public Forum allows the public an opportunity to address the Mayor and Town Council. The speaker is requested not to address items that appear as Public Hearings. The Mayor will recognize those who would like to speak at the appropriate time.
Large groups are asked to select a representative to speak for the entire group.
Comments must be limited to 3 minutes to allow others the opportunity to speak.
Members of the public are encouraged to view the Public Forum and Public Hearing Participation Guidelines.

PUBLIC HEARINGS

PH1 Annexation No. 829 – 3501 US Highway 64 West – 14.75 acres

Dianne Khin, Director Planning Department

PH2 Annual Operating Budget Public Hearing Fiscal Year 2026-2027

Councilmember Ed Gray (sponsor)

REGULAR MEETING AGENDA

RA1 Rezoning Case No. 25CZ19 – Camp Branch Lane – *Public Hearing Closed on March 24, 2026 and Item Continued*

Joshua Killian, Planner II, Planning Department

RA2 Ordinance Amendments – Yard Waste Program

John Mullis, Director, Public Works Department

INFORMATIONAL ITEMS

Information items focus on educating and bringing awareness to matters or topics that do not require immediate decision or action. Information items are for informational purposes only and may not be discussed as part of the business meeting.

CLOSED SESSION

Council will enter into closed session pursuant to:

CS1 Allen Coleman, Town Clerk

NCGS §143-318.11(a)(1):

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

ADJOURNMENT

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 12, 2026

Item Details

Presenter(s): Russell H. Dalton, P.E., Traffic Engineering Manager

Department(s): Transportation and Infrastructure Development

Requested Motion

Motion to approve an Agreement between the North Carolina Department of Transportation (NCDOT) and the Town of Apex for the Town to reimburse up to 35% of the total estimated preliminary engineering and right-of-way acquisition costs for Project HL-0173, Operational Improvements at the Intersection of Olive Chapel Road and Apex Barbecue Road, in an amount not to exceed $447,860 based on estimated project costs of $1,279,600, and to reimburse 100% of actual preliminary engineering and right-of-way acquisition costs exceeding the estimated project amount, and to authorize the Town Manager, or their designee, to execute the agreement on behalf of the Town.

Approval Recommended?

Yes

Item Details

This Agreement is required for NCDOT to proceed with preliminary engineering and right-of-way acquisition for a project to add a westbound left turn lane, signalize the intersection, realign the curve, compete a sidewalk gap, and add pedestrian accommodations at the intersection of Olive Chapel Road and Apex Barbecue Road.

Under the Agreement, Apex is responsible for reimbursing 35% of up to $1,279,600 in total estimated preliminary engineering and right-of-way acquisition project costs to be incurred by NCDOT, an amount of up to $447,860, and if the actual total costs exceed the estimated total costs then Apex would be required to reimburse 100% of those additional costs. The Agreement does not limit the total required reimbursement in the event actual costs exceed estimated costs nor does it require preauthorization by the Town for NCDOT to exceed the total estimated cost of $1,279,600. This Agreement does not include relocation of utilities or construction of the project. The total estimated cost for all phases of the project provided by NCDOT in October 2024 was approximately $3,710,900.

Additionally, per the Agreement: *"To the extent allowed by North Carolina law, the Municipality shall indemnify and hold harmless the FHWA (if applicable), the Department and the State of NC from liability for damages arising solely from the negligence or wrongdoing of the Municipality."*

The attached preliminary layout plan view provided by NCDOT was used in a project funding application to CAMPO in October 2024 and is subject to change through the final design process which will include public engagement opportunities.

Attachments

- CN1-A1: Agreement ID # 1000027389/1000027410 - Reimbursement Agreement NCDOT – Operational Improvements at Intersection of Olive Chapel Road and Apex Barbecue Road (Project HL-0173)
- CN1-A2: Preliminary Layout Project Plan View - CN1-A1: Agreement ID # 1000027389/1000027410 - Reimbursement Agreement NCDOT – Operational Improvements at Intersection of Olive Chapel Road and Apex Barbecue Road (Project HL-0173)

AGREEMENT OVERVIEW

NORTH CAROLINA
WAKE COUNTY

DATE: 4/28/2026

PARTIES TO THE AGREEMENT:

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

AND

TOWN OF APEX

PROJECT NUMBERS:

TIP #: HL-0173

WBS ELEMENTS: PE 51978.1.1
ROW 51978.2.1

The purpose of this Agreement is to identify the participation in project costs, project delivery and/or maintenance, by the other party to this Agreement, as further defined in this Agreement.

SCOPE OF PROJECT ("Project"): This Project consists of preliminary engineering and right of way phase for operational improvements at the intersection of Olive Chapel Road and Apex Barbecue Road to add westbound turn lane, complete sidewalk gap, and add pedestrian accommodations at the intersection.

ESTIMATED COST OF THE PROJECT: $ 1,279,600
ESTIMATED COSTS TO OTHER PARTY: $ 447,860 (35%)
ESTIMATED COSTS TO DEPARTMENT: $ 831,740 (65%)

RESPONSIBILITY FOR COSTS THAT EXCEED FUNDING:
The Town of Apex is responsible for all costs that exceed total estimated cost.

BREAK DOWN OF PHASES:

ESTIMATED COST OF THE PE PHASE: $772,100
ESTIMATED COST TO OTHER PARTY (PE): $270,235

ESTIMATED COST OF ROW PHASE: $507,500
ESTIMATED COSTS TO OTHER PARTY (ROW): $177,625

PAYMENT TERMS: The Department will invoice the Town of Apex upon completion of each phase of the Project.

EFFECTIVE DATES OF AGREEMENT:
START: Upon Full Execution of this Agreement
END: When work is complete and all terms are met.

This **Agreement** is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the **Department** and the Town of Apex, hereinafter referred to as the **Municipality**; and collectively referred to as the **Parties**.

The **Parties** to this Agreement, listed above, intend that this Agreement, together with all attachments, schedules, exhibits, and other documents that both are referenced in this Agreement and refer to this Agreement, represents the entire understanding between the **Parties** with respect to its subject matter and supersedes any previous communication or agreements that may exist.

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I. WHEREAS STATEMENTS

WHEREAS, this Agreement is made under the authority granted to the **Department** by the North Carolina General Assembly under General Statutes of North Carolina (NCGS), particularly Chapter 136-66.1 and 136-66.3; and,

WHEREAS, the **Department** and the **Municipality** have agreed that the jurisdictional limits of the **Parties**, as of the date of entering the agreement for the above-mentioned project, are to be used in determining the duties, responsibilities, rights, and legal obligations of the **Parties** hereto for the purposes of this Agreement; and,

WHEREAS, the **Parties** will enter into a separate agreement to identify responsibilities and cost participation for future phases of the Project.

NOW, THEREFORE, this Agreement states the promises and undertakings of each party as herein provided, and the **Parties** do hereby covenant and agree, each with the other, as follows:

II. RESPONSIBILITIES

A. DEPARTMENT

The **Department** shall be responsible for all phases of project delivery to include planning, design and right of way acquisition as shown in the **PROJECT DELIVERY REQUIREMENTS** Provision.

B. MUNICIPALITY

The **Municipality** shall be responsible for payment as shown in the **COSTS AND FUNDING** Provision.

III. PROJECT DELIVERY REQUIREMENTS

A. PLANNING, DESIGN, AND CONSTRUCTION

i. The **Department** will be responsible for preparing the environmental and/or planning document and obtaining any environmental permits.

ii. The **Department** will be responsible for preparing the plans and specifications and letting the Project to construction.

iii. The **Department** shall construct the Project in accordance with the plans and specifications for the Project. The **Department** shall administer the construction contract for said Project. All work shall be done in accordance with Departmental standards, specifications, policies, and procedures.

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B. RIGHT OF WAY ACQUISITION

The **Department** will be responsible for acquiring any needed right of way required for the Project in accordance with the policies and procedures set forth in the North Carolina Right of Way Manual.

IV. COSTS AND FUNDING

A. PROJECT COSTS AND FUNDING

The **Municipality** has agreed to participate in Project costs as follows:

i. The estimated cost of the Project is $1,279,600. Both **Parties** understand that this is an estimated cost and is subject to change.

ii. The **Municipality** shall participate in 35% of Project Costs. The **Department** will participate in 65% of Project Costs. The **Municipality** is responsible for all costs that exceed the estimated costs.

iii. The **Department** may consult with the **Municipality** on changes to cost estimates prior to construction, or changes to costs during construction. Consultation between the **Department** and the **Municipality** is offered as a courtesy to apprise the **Municipality** of potential cost increases and to allow appropriate budgeting. Failure of the **Department** to notify the **Municipality** of cost increases does not affect the payment terms of the agreement.

B. PAYMENT BY THE MUNICIPALITY

i. Upon completion of each phase of the Project, the **Department** will calculate actual costs and bill the **Municipality** per **Project Costs** Provision. The **Municipality** shall reimburse the **Department** within sixty (60) days of invoicing by the **Department**. The **Department** will charge a late payment penalty and interest on any unpaid balance due in accordance with G. S. 147-86.23.

ii. At any time prior to final billing by the **Department**, the **Municipality** may prepay any portion of the estimated cost by sending payment in accordance with the attached "Remittance Guidance". The **Department** will provide a final billing based on the fixed cost, less any previous payments that have been made.

iii. In the event the **Municipality** fails for any reason to pay the **Department** in accordance with the provisions for payment hereinabove provided, North Carolina General Statute 136-41.3 authorizes the **Department** to withhold so much of the **Municipality's** share of funds allocated to said **Municipality** by North Carolina General Statute, Section 136-41.1, until such time as the **Department** has received payment in full.

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V. STANDARD PROVISIONS

A. AGREEMENT MODIFICATIONS

Any modification to scope, funding, responsibilities, or time frame will be agreed upon by all **Parties** by means of a written Supplemental Agreement.

B. ASSIGNMENT OF RESPONSIBILITIES

The **Department** must approve any assignment or transfer of the responsibilities of the **Municipality** set forth in this Agreement to other parties or entities.

C. AGREEMENT FOR IDENTIFIED PARTIES ONLY

This Agreement is solely for the benefit of the identified **Parties** to the Agreement and is not intended to give any rights, claims, or benefits to third parties or to the public at large.

D. OTHER AGREEMENTS

The **Municipality** is solely responsible for all agreements, contracts, and work orders entered into or issued by the **Municipality** to meet the terms of this Agreement. The **Department** is not responsible for any expenses or obligations incurred for the terms of this Agreement except those specifically eligible for the funds and obligations as approved by the **Department** under the terms of this Agreement.

E. TITLE VI

The other party to this Agreement shall comply with Title VI of the Civil Rights Act of 1964 (Title 49 CFR, Subtitle A, Part 21) and related nondiscrimination authorities. Title VI and related authorities prohibit discrimination on the basis of race, color, national origin, disability, gender, and age in all programs or activities of any recipient of Federal assistance.

F. AUTHORIZATION TO EXECUTE

The **Parties** hereby acknowledge that the individual executing this Agreement has read this Agreement, conferred with legal counsel, fully understands its contents, and is authorized to execute this Agreement and to bind the respective **Parties** to the terms contained herein.

G. DEBARMENT POLICY

It is the policy of the **Department** not to enter into any agreement with parties that have been debarred by any government agency (Federal or State). By execution of this agreement, the **Municipality** certifies that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Agency or Department and that it will

not enter into agreements with any entity that is debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction.

H. INDEMNIFICATION

To the extent allowed by North Carolina law, the **Municipality** shall indemnify and hold harmless the FHWA (if applicable), the **Department** and the State of NC from liability for damages arising solely from the negligence or wrongdoing of the **Municipality**.

I. AVAILABILITY OF FUNDS

All terms and conditions of this Agreement are dependent upon, and, subject to the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

J. COUNTERPARTS AND ELECTRONIC SIGNATURES

i. This Agreement, and other documents to be delivered pursuant to this Agreement, may be executed in one or more counterparts, each of which will be deemed to be an original copy and all of which, when taken together, will be deemed to constitute one and the same agreement or document and will be effective when counterparts have been signed by each of the **Parties**. An image of a manual signature on this Agreement, or other documents to be delivered pursuant to this Agreement, will constitute an original signature for all purposes. The delivery of copies of this Agreement or other documents to be delivered pursuant to this Agreement, including executed signature pages where required, by electronic transmission will constitute effective delivery of this Agreement or such other document for all purposes.

ii. The **Parties** hereto further acknowledge and agree that this Agreement may be signed and/or transmitted by email or a PDF document or using electronic signature technology (e.g. DocuSign, Adobe Sign, or other electronic signature technology), and that such signed record shall be valid and as effective to bind the **Party(ies)** so signing as a paper copy bearing a handwritten signature. By selecting "I Agree", "I Accept", or other similar item, button, or icon via use of a keypad, mouse, or other device, as part of the electronic signature technology, the **Parties** consent to be legally bound by the terms and conditions of Agreement and that such act constitutes a signature as if actually signed in writing. The **Parties** also agree that no certification authority or other third-party verification is necessary to validate its electronic signature and that the lack of such certification or third-party verification will not in any way affect the enforceability of its electronic signature. The **Parties** acknowledge and agree that delivery of a copy of this Agreement or any other document contemplated hereby through the electronic signature technology, will have the same effect as physical delivery of the paper document bearing an original written signature.

K. GIFT BAN

By Executive Order 24, issued by Governor Perdue, and NCGS 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e. Administration, Adult Corrections, Commerce, Environmental Quality, Health and Human Services, Information Technology, Military and Veterans Affairs, Natural and Cultural Resources, Public Safety, Revenue, Transportation, and the Office of the Governor).

DRAFT

SIGNATURE PAGE

IN WITNESS WHEREOF, this Agreement has been executed the day and year heretofore set out, on the part of the **Department** and the **Municipality** by authority duly given.

(DOCUSIGN ONLY)

TOWN OF APEX

Authorized Signer: _____

Print Name: _____

Title: _____

Date Signed: _____

If applicable, this Agreement has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act:

Fed Tax ID No: _____

Remittance Address:

_____

_____

Finance Signer: _____

Print Name: _____

Title: _____

Date Signed: _____

DEPARTMENT OF TRANSPORTATION

By: _____

Print Name: _____

Title: _____

Date: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (DATE)

DRAFT

SIGNATURE PAGE

IN WITNESS WHEREOF, this Agreement has been executed the day and year heretofore set out, on the part of the **Department** and the **Municipality** by authority duly given.

(INK SIGNATURES)

TOWN OF APEX

Attest:

By: _____

Title: _____

Authorized Signer: _____

Print Name: _____

Title: _____

Date Signed: _____

If applicable, this Agreement has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act:

Fed Tax ID No: _____

Remittance Address:

_____

_____

Finance Signer: _____

Print Name: _____

Title: _____

Date Signed: _____

(DOCUSIGN)

DEPARTMENT OF TRANSPORTATION

By: _____

Print Name: _____

Title: _____

Date: _____

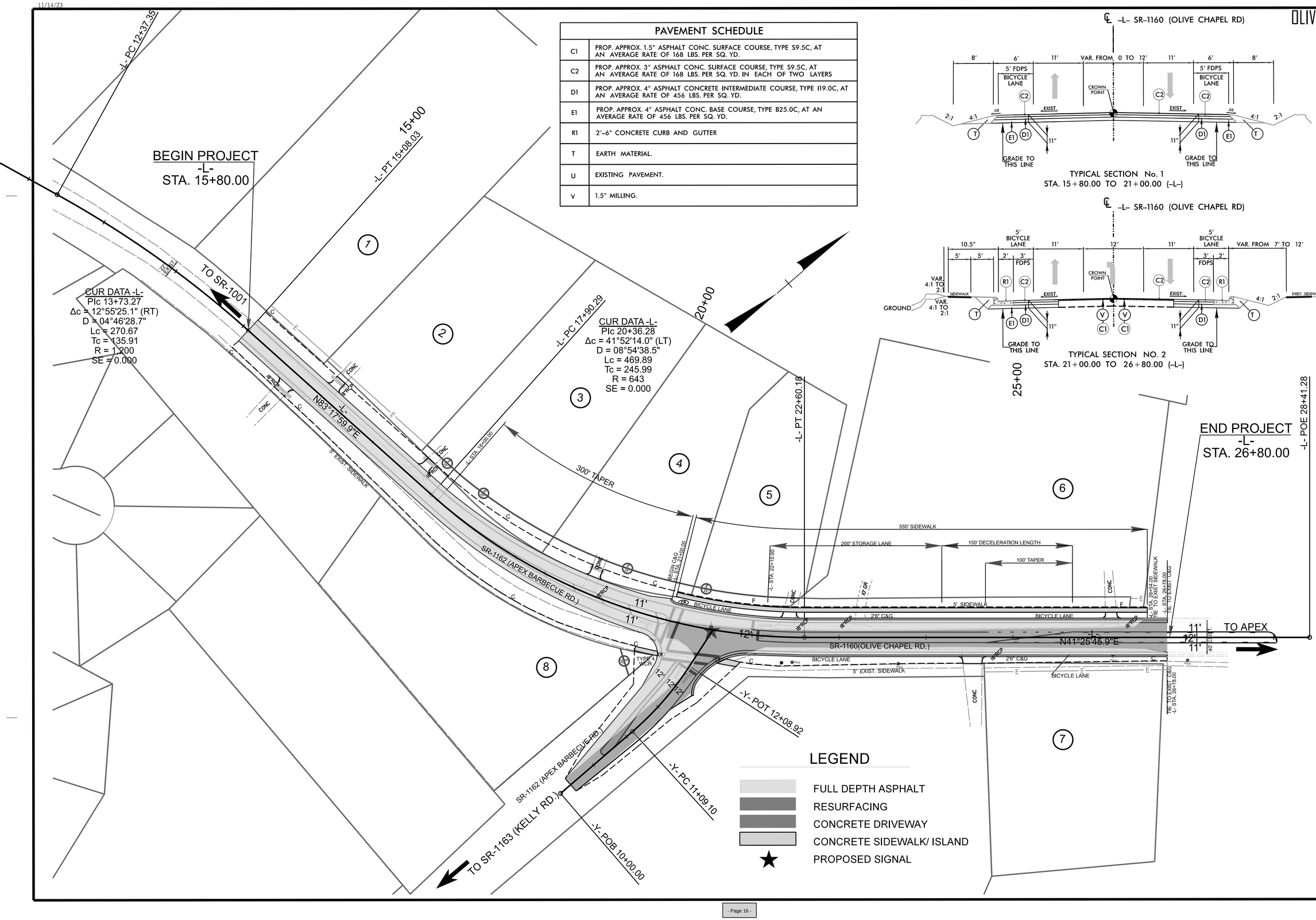
APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (DATE)

DRAFT

OLIVE CHAPEL @ APEX BBQ

CONCEPT DESIGN
FOR FUNDING ESTIMATE PURPOSES ONLY

PAVEMENT SCHEDULE	
C1	PROP. APPROX. 1.5" ASPHALT CONC. SURFACE COURSE, TYPE S9.5C, AT AN AVERAGE RATE OF 168 LBS. PER SQ. YD.
C2	PROP. APPROX. 3" ASPHALT CONC. SURFACE COURSE, TYPE S9.5C, AT AN AVERAGE RATE OF 168 LBS. PER SQ. YD. IN EACH OF TWO LAYERS
D1	PROP. APPROX. 4" ASPHALT CONCRETE INTERMEDIATE COURSE, TYPE I19.0C, AT AN AVERAGE RATE OF 456 LBS. PER SQ. YD.
E1	PROP. APPROX. 4" ASPHALT CONC. BASE COURSE, TYPE B25.0C, AT AN AVERAGE RATE OF 456 LBS. PER SQ. YD.
R1	2'-6" CONCRETE CURB AND GUTTER
T	EARTH MATERIAL.
U	EXISTING PAVEMENT.
V	1.5" MILLING.



TYPICAL SECTION No. 1
STA. 15+80.00 TO 21+00.00 (–L–)

TYPICAL SECTION NO. 2
STA. 21+00.00 TO 26+80.00 (–L–)

LEGEND

- FULL DEPTH ASPHALT
- RESURFACING
- CONCRETE DRIVEWAY
- CONCRETE SIDEWALK/ ISLAND
- ★ PROPOSED SIGNAL

DIVISION 05
WAKE COUNTY

PREPARED BY:
LC & TRM

25' 0' 25' 50'
(ENGLISH)

SCALE: 1":50'

DATE: 10/28/2024

DIVISION OF HIGHWAYS · STATE OF NORTH CAROLINA · DEPARTMENT OF TRANSPORTATION · DIVISION DESIGN UNIT

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 12, 2026

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Motion to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for Thursday, May 28, 2026, 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.

Approval Recommended?

Yes

Item Details

The Town Clerk certifies to the investigation of said annexation.

Adoption of the Resolution authorizes the Town Clerk to advertise said public hearing by electronic means and on the Town of Apex's website.

This annexation is associated with the Altera Heights PUD rezoning case that was heard on May 27, 2025 and the associated ordinance was adopted on June 09, 2025 which rezoned the parcels from Rural Residential (RR) to Planned Unit Development Conditional Zoning (PUD-CZ). The approved statement and ordinance are included as Attachment (A6) for reference.

Attachments

- CN2-A1: Resolution Directing the Town Clerk to Investigate Petition
  - Certificate of Sufficiency by the Town Clerk
  - Resolution Setting Date of Public Hearing
- CN2-A2: Legal Description – Annexation No. 813 – Altera Heights – Wimberly and Jenks Road – 15.16 acres
- CN2-A3: Aerial Map – Annexation No. 813 – Altera Heights – Wimberly and Jenks Road – 15.16 acres
- CN2-A4: Plat Map – Annexation No. 813 – Altera Heights – Wimberly and Jenks Road – 15.16 acres

- CN2-A5: Annexation Petition – Annexation No. 813 – Altera Heights – Wimberly and Jenks Road – 15.16 acres
- CN2-A6: ORD-2025-037 - Statement and Ordinance – Altera Heights PUD – Approved on June 09, 2025

RESOLUTION DIRECTING THE TOWN CLERK
TO INVESTIGATE PETITION RECEIVED UNDER G.S.§ 160A-31

Annexation Petition No. 813 – Altera Heights – Total 15.16 acres
1440 Wimberly Road – 2.08 acres
1508 Wimberly Road – 2.24 acres
8108 Jenks Road – 10.31 acres
Wimberly Road Eastern Right-Of-Way – 0.52 acres

WHEREAS, G.S. §160A- 31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Apex deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Apex, that the Town Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify to the Town Council the result of his investigation.

This the 12th day of May, 2026.

_____
Jacques K. Gilbert
Mayor

ATTEST:

_____
Allen L. Coleman, CMC
Town Clerk

CERTIFICATE OF SUFFICIENCY BY THE TOWN CLERK

Annexation Petition No. 813 – Altera Heights – Total 15.16 acres
1440 Wimberly Road – 2.08 acres
1508 Wimberly Road – 2.24 acres
8108 Jenks Road – 10.31 acres
Wimberly Road Eastern Right-Of-Way – 0.52 acres

To: The Town Council of the Town of Apex, North Carolina

I, Allen L. Coleman, Town Clerk, do hereby certify that I have investigated the annexation petition attached hereto, and have found, as a fact, that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S.§ 160A-31, as amended.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Apex, North Carolina this 12th day of May, 2026.

_____
Allen L. Coleman, CMC
Town Clerk

(Seal)

RESOLUTION SETTING DATE OF PUBLIC HEARING
ON THE QUESTION OF ANNEXATION PURSUANT TO G.S.§ 160A-31 AS AMENDED

Annexation Petition No. 813 – Altera Heights – Total 15.16 acres
1440 Wimberly Road – 2.08 acres
1508 Wimberly Road – 2.24 acres
8108 Jenks Road – 10.31 acres
Wimberly Road Eastern Right-Of-Way – 0.52 acres

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the Town Council of Apex, North Carolina has by Resolution directed the Town Clerk to investigate the sufficiency thereof; and

WHEREAS, Certification by the Town Clerk as to the sufficiency of said petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Apex, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Apex Town Hall at 6 o'clock p.m. on the 28th day of May, 2026.

Section 2. The area proposed for annexation is described as attached.

Section 3. Notice of said public hearing shall be published on the Town of Apex Website, www.apexnc.org, Public Notice, at least ten (10) days prior to the date of said public hearing.

This the 12th day of May, 2026.

_____
Jacques K. Gilbert,
Mayor

ATTEST:

_____
Allen L. Coleman, CMC
Town Clerk

Attachment: Legal Description

KCI

ENGINEERS • SURVEYORS• SCIENTISTS • CONSTRUCTION MANAGERS
4800 Falls of Neuse Rd, Suite 200 Raleigh, NC 27607 (919) 783-9214 (919) 783-9266 Fax

TOWN OF APEX CONTIGUOUS ANNEXATION DESCRIPTION
LANDS OF TERRY D POOLE, DJ 1300 HOLDINGS LLC
AND TERRY CICHOCKI AND ADJACENT RIGHTF OF WAY

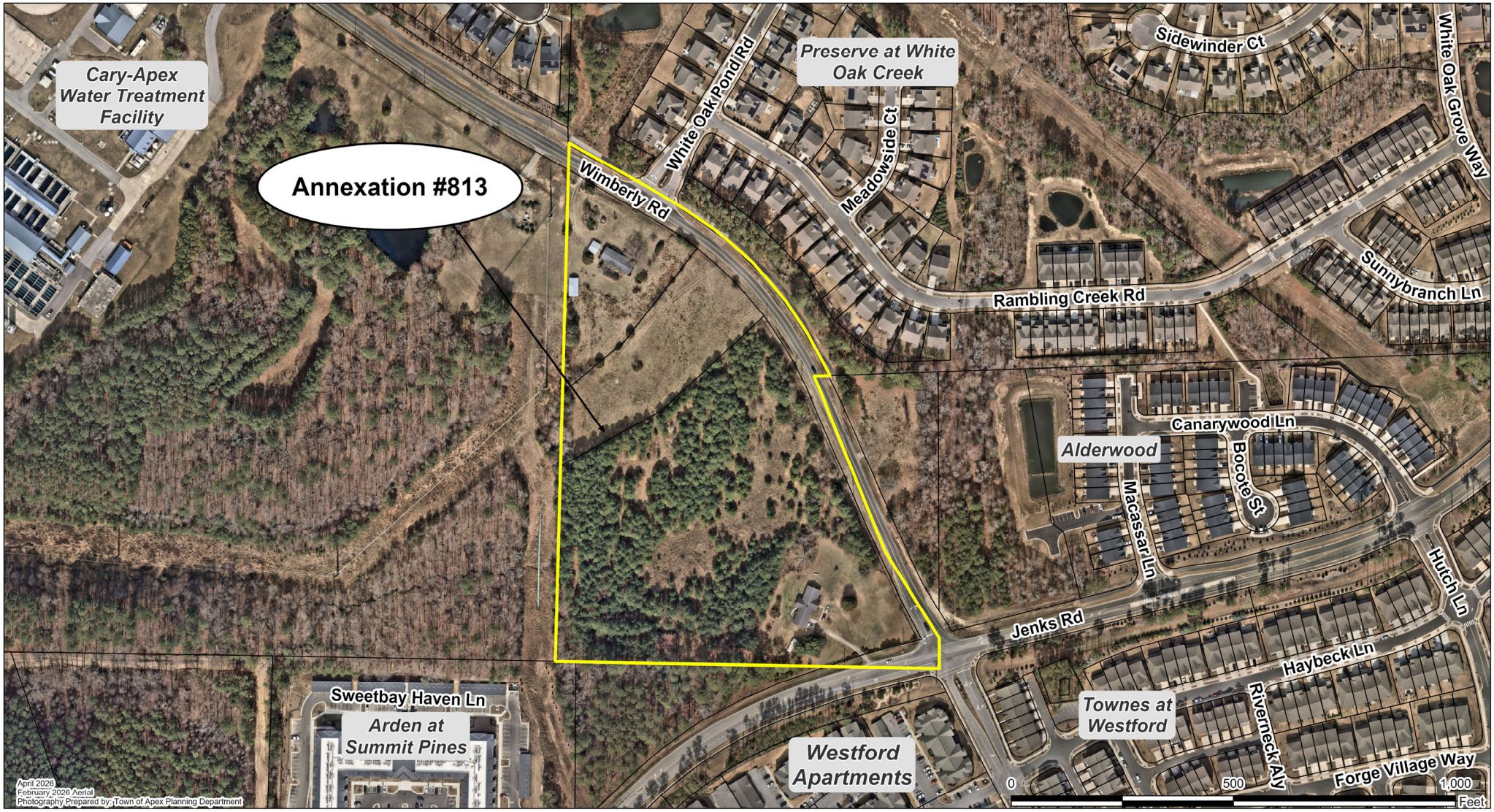
A PARCEL OF LAND LOCATED IN WHITE OAK TOWNSHIP, WAKE COUNTY, NC AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

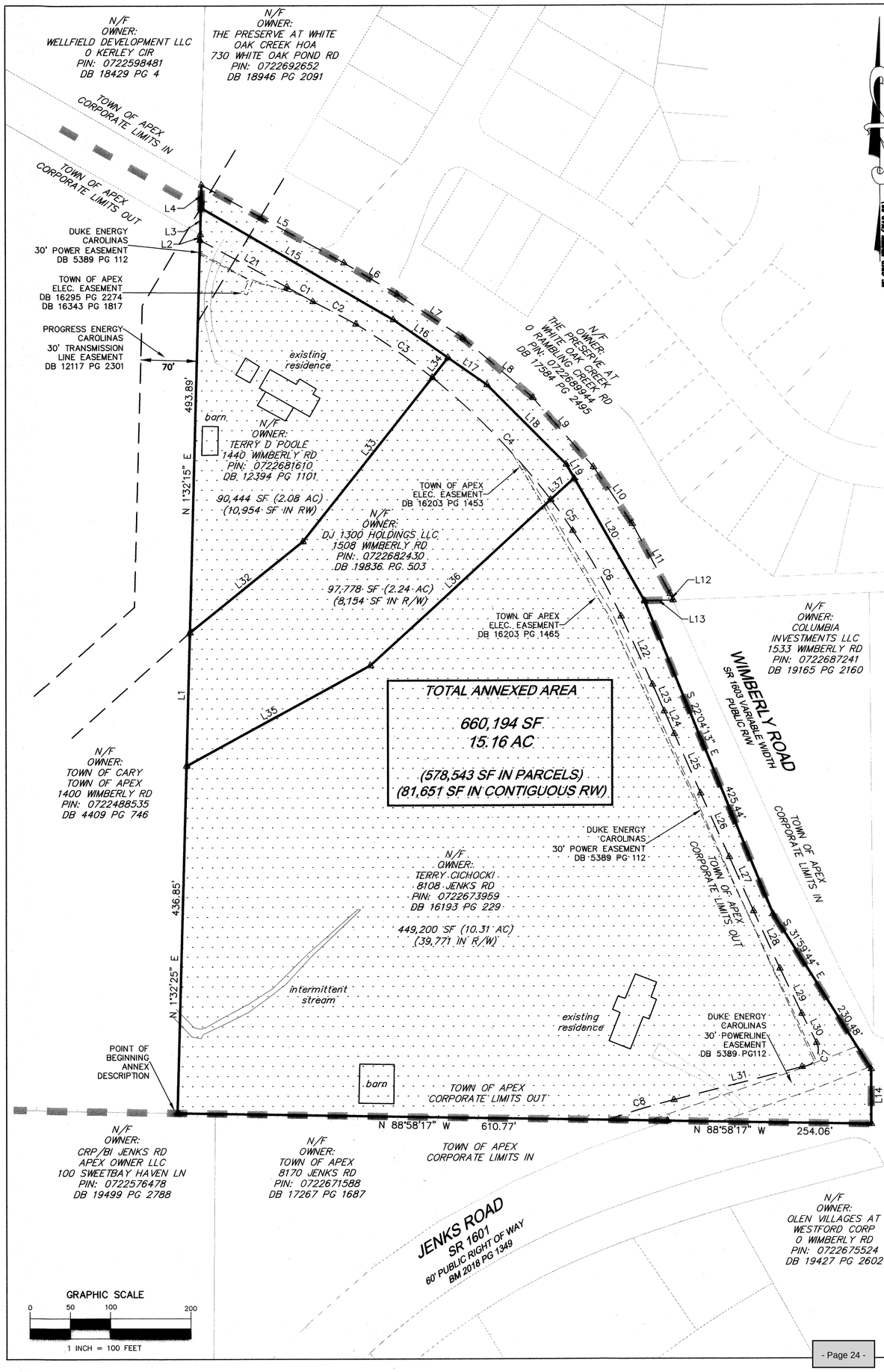
BEGINNING AT THE SOUTHWEST CORNER OF LANDS NOW OR FORMERLY OWNED BY THE TERRY CICHOCKI (DB 16193 PG 229);

THENCE N 01° 32' 25" E, ON THE WEST LINE OF SAID CICHOCKI LANDS, A DISTANCE OF 436.85 FEET TO A POINT;
THENCE N 01° 32' 25" E, ON THE WEST LINE OF LANDS NOW OR FORMERLY OWNED BY DJ 1300 HOLDINGS, LLC, A DISTANCE OF 167.49 FEET TO A POINT;
THENCE N 01° 32' 15" E, ON THE WEST LINE OF LANDS NOW OR FORMERLY OWNED BY TERRY D POOLE (DB 12394 PG 1101), A DISTANCE OF 493.89 FEET TO A POINT;
THENCE N 01° 43' 26" E, CONTINUING ON THE WEST LINE OF POOLE LANDS, A DISTANCE OF 7.10 FEET TO A POINT;

THENCE N 01° 32' 25" E, A DISTANCE OF 33.52 FEET TO A POINT;
THENCE N 01° 32' 25" E, A DISTANCE OF 28.52 FEET TO A POINT;
THENCE S 61° 04' 30" E , A DISTANCE OF 202.59 FEET TO A POINT;
THENCE S 59° 15' 47" E, FOR A DISTANCE OF 76.83 FEET TO A POINT;
THENCE S 56° 02' 01" E, A DISTANCE OF 99.02 FEET TO A POINT;
THENCE S 49° 11' 56" E, A DISTANCE OF 115.54 FEET TO A POINT;
THENCE, S 40° 47' 17" E, A DISTANCE OF 114.97 FEET TO A POINT;
THENCE S 33° 48' 16" E, A DISTANCE OF 86.59 FEET TO A POINT;
THENCE S 28° 07' 12" E, A DISTANCE OF 99.90 FEET TO A POINT;
THENCE S 24° 01' 03" E, A DISTANCE OF 8.79 FEET TO A POINT;
THENCE S 88° 50' 28" W, A DISTANCE OF 35.75 FEET TO A POINT;
THENCE S 22° 04' 13" E, A DISTANCE OF 425.44 FEET TO A POINT;
THENCE S 31° 59' 44" E, A DISTANCE OF 230.48 FEET TO A POINT;
THENCE S 00° 09' 18" E, A DISTANCE OF 68.81 FEET TO A POINT;
THENCE N 88° 58' 17" W, A DISTANCE OF 254.06 FEET TO A POINT
THENCE N 88° 58' 17" W, ON THE SOUTH LINE OF SAID CICHOCKI LANDS, A DISTANCE OF 610.77 FEET TO THE POINT OF BEGINNING;

TOTAL ANNEXATION AREA CONTAINING 660,194 SQUARE FEET, OR 15.16 ACRES OF LAND MORE OR LESS.


Cary-Apex Water Treatment Facility
Annexation #813
Wimberly Rd
White Oak Pond Rd
Preserve at White Oak Creek
Meadowside Ct
Sidewinder Ct
White Oak Grove Way
Rambling Creek Rd
Sunnybranch Ln
Canarywood Ln
Alderwood
Bocote St
Macassar Ln
Hutch Ln
Jenks Rd
Haybeck Ln
Townes at Westford
Riverneck Aly
Forge Village Way
Sweetbay Haven Ln
Arden at Summit Pines
Westford Apartments
April 2026
February 2026 Aerial
Photography Prepared by: Town of Apex Planning Department
0
500
1,000
Feet

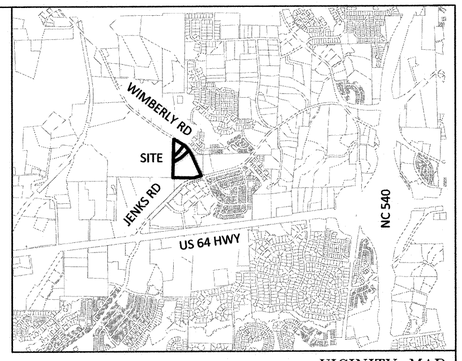


THIS MAP IS FOR ANNEXATION PURPOSES ONLY AND IS NOT TO BE USED TO TRANSFER ANY PROPERTY SHOWN HEREON. NO FIELD SURVEY WAS CONDUCTED; INFORMATION SHOWN HEREON BASED UPON RECORD INFORMATION. NO INTERNAL STRUCTURES, PHYSICAL FEATURES, ENCROACHMENTS, OR FLOOD PRONE AREAS ARE DELINEATED, DEFINED OR ELIMINATED BY THIS PLAT. NOT ALL EASEMENTS ARE SHOWN.

CURVE TABLE				
CURVE #	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	1718.25'	37.21'	37.21'	S60°43'35"E
C2	1491.05'	60.52'	60.52'	S61°53'01"E
C3	865.00'	116.83'	116.74'	S54°41'48"E
C4	865.00'	213.87'	213.33'	S43°44'39"E
C5	865.00'	47.70'	47.69'	S35°04'53"E
C6	790.50'	123.48'	123.35'	S29°01'38"E
C7	21.13'	41.91'	35.37'	S30°52'15"W
C8	1056.00'	85.59'	85.57'	S73°14'37"W

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N 1°32'25" E	167.49'
L2	N 1°43'26" E	7.10'
L3	N 1°32'25" E	33.52'
L4	N 1°32'25" E	28.52'
L5	S 61°04'30" E	202.59'
L6	S 59°15'47" E	76.83'
L7	S 56°02'01" E	99.02'
L8	S 49°11'56" E	115.54'
L9	S 40°47'17" E	114.97'
L10	S 33°48'16" E	86.59'
L11	S 28°07'12" E	99.90'
L12	S 24°01'03" E	8.79'
L13	N 88°50'28" E	35.75'
L14	S 0°09'18" E	68.81'
L15	S 59°31'06" E	278.03'
L16	S 54°55'18" E	83.25'
L17	S 54°55'18" E	59.47'
L18	S 44°32'10" E	140.61'
L19	S 29°22'28" E	20.21'
L20	S 29°22'28" E	177.33'

LINE TABLE		
LINE #	BEARING	DISTANCE
L21	S 61°20'49" E	123.24'
L22	S 24°33'08" E	94.18'
L23	S 23°28'47" E	36.45'
L24	S 23°33'59" E	31.25'
L25	S 23°30'37" E	81.67'
L26	S 23°58'26" E	87.78'
L27	S 23°49'40" E	74.71'
L28	S 24°19'24" E	79.64'
L29	S 25°38'34" E	62.98'
L30	S 26°46'02" E	40.90'
L31	N 75°33'56" E	165.00'
L32	N 50°58'44" E	181.36'
L33	N 38°04'49" E	262.03'
L34	N 38°04'49" E	31.76'
L35	N 61°18'08" E	261.63'
L36	N 47°14'04" E	306.51'
L37	N 47°14'04" E	39.90'



VICINITY MAP

SURVEYOR'S NOTES

1. THIS PLAT IS PART OF AN ANNEXATION PETITION OF 3 PARCELS OF LAND AND RIGHTS OF WAY INTO THE TOWN OF APEX
2. AREA SHOWN HEREON COMPUTED BY COORDINATE METHOD.
3. THE BASIS OF THE BEARING SHOWN HEREON IS BM 1994 PG 435
4. SUBJECT PROPERTIES KNOWN AS PARCEL NUMBERS: AS SHOWN
5. SUBJECT PARCELS ARE LOCATED IN ZONE X AS SHOWN ON FIRM 3720072200K EFFECTIVE 07/19/2022.

ANNEXATION #_____

I, ALLEN COLEMAN, CMC, NCCCC, TOWN CLERK, APEX, NORTH CAROLINA CERTIFY THIS IS A TRUE AND EXACT MAP OF ANNEXATION ADOPTED THE _____ DAY OF _____, 2025 BY THE TOWN COUNCIL. I SET MY HAND AND SEAL OF THE TOWN OF APEX,

_____
DAY/MONTH/YEAR

_____
ALLEN COLEMAN, CMC, NCCCC, TOWN CLERK

LEGEND

CALCULATED POINT
BOUNDARY MONUMENT
RIGHT OF WAY
ADJOINER LINES
BOUNDARY LINES
TOWN LIMITS

I, JAMES M. GELLENTHIN, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION USING THE DEED DESCRIPTIONS SHOWN HEREON; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK AND PAGE AS SHOWN; THAT THE RATIO OF PRECISION AS CALCULATED IS GREATER THAN 1:10,000; THAT THIS MAP DOES REPRESENT AN OFFICIAL BOUNDARY SURVEY AND HAS BEEN PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 11TH DAY OF MARCH, 2026.

THAT THIS PLAT MEETS THE REQUIREMENTS OF G.S. 47-30 SECTION (F)-(11):

(C)(1) THAT THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET. F

NORTH CAROLINA REGISTRATION NUMBER L-3860
JAMES M. GELLENTHIN

NORTH CAROLINA PROFESSIONAL SEAL L-3860 LAND SURVEYOR JAMES M. GELLENTHIN

KCI ASSOCIATES OF NORTH CAROLINA C-0764

KCI ASSOCIATES OF N.C.
ENGINEERS, SURVEYORS AND PLANNERS

4800 FALLS OF NEUSE ROAD, SUITE 200
RALEIGH, NC 27609
PHONE (919) 783-9214 * FAX (919) 783-9266

ANNEXATION PLAT FOR TOWN OF APEX

PROPERTY OF TERRY D POOLE,
DJ 1300 HOLDINGS LLC AND TERRY CICHOCKI
WHITE OAK TOWNSHIP
WAKE COUNTY NORTH CAROLINA

DATE: AUGUST 28, 2025	SCALE:	SHEET:
REV: MAR 11, 2026	1" = 100'	1 OF 1

PETITION FOR VOLUNTARY ANNEXATION

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Application #: 813 Submittal Date: 9-2-2025

Fee Paid $ 300.00 Check # CC

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

1. We, the undersigned owners of real property, respectfully request that the area described in Part 4 below be annexed to the Town of Apex, ☒ Wake County, ☐ Chatham County, North Carolina.
2. The area to be annexed is ☒ contiguous, ☐ non-contiguous (satellite) to the Town of Apex, North Carolina and the boundaries are as contained in the metes and bounds description attached hereto.
3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads, and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.

OWNER INFORMATION

CICHOKI, TERRY — Owner Name (Please Print)

0722673959 — Property PIN or Deed Book & Page #

Phone

E-mail Address

DJ 1300 HOLDINGS LLC — Owner Name (Please Print)

0722682430 — Property PIN or Deed Book & Page #

Phone

E-mail Address

POOLE, TERRY D — Owner Name (Please Print)

0722681610 — Property PIN or Deed Book & Page #

Phone

E-mail Address

SURVEYOR INFORMATION

Surveyor: KCI Associates of NC (attn: Rob Baumgartner)

Phone: 919-280-7944 Fax:

E-mail Address: Rob.Baumgartner@kci.com

ANNEXATION SUMMARY CHART

Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	15.16 acres	Need water service due to well failure	☐
Population of acreage to be annexed:	0	Need sewer service due to septic system failure	☐
Existing # of housing units:	2	Water service (new construction)	☑
Proposed # of housing units:	280	Sewer service (new construction)	☑
Zoning District*:	PUD-CZ	Receive Town Services	☑

*If the property to be annexed is not within the Town of Apex's Extraterritorial Jurisdiction, the applicant must also submit a rezoning application with the petition for voluntary annexation to establish an Apex zoning designation. Please contact the Planning Department with questions.

PETITION FOR VOLUNTARY ANNEXATION

Application #: 813 Submittal Date: 9-2-2025

COMPLETE IF SIGNED BY INDIVIDUALS:

All individual owners must sign. (If additional signatures are necessary, please attach an additional sheet.)

Robert Zumwalt
Please Print

Signature

Please Print

Signature

Please Print

Signature

Please Print

Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Marsha Nichols, a Notary Public for the above State and County, this the 2nd day of Sept, 20 25.

Marsha Nichols
Notary Public

SEAL

MARSHA NICHOLS
My Comm. Expires
NOTARY PUBLIC
October 15, 2028
WAKE COUNTY NC

My Commission Expires: Oct. 15, 2028

COMPLETE IF A CORPORATION:

In witness whereof, said corporation has caused this instrument to be executed by its President and attested by its Secretary by order of its Board of Directors, this the _____ day of _____, 20_____.

Corporate Name _____

SEAL

By: _____
President (Signature)

Attest:

_____
Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, _____, a Notary Public for the above State and County, this the _____day of _____, 20____.

_____
Notary Public

SEAL

My Commission Expires: _____

Petition for Voluntary Annexation

Application #: 813 Submittal Date: 9-2-2025

Complete If In A Limited Liability Company

In witness whereof, DJ 1300 Holdings LLC a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the 2 day of September, 20 25.

Name of Limited Liability Company DJ 1300 Holdings LLC

By: _____
Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Marsha Nichols, a Notary Public for the above State and County, this the 2nd day of Sept., 20 25.

_____
Notary Public

SEAL

MARSHA NICHOLS
My Comm. Expires
NOTARY PUBLIC
October 15, 2028
WAKE COUNTY NC

My Commission Expires: Oct. 15, 2028

Complete If In A Partnership

In witness whereof, _____, a partnership, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the _____ day of _____, 20_____.

Name of Partnership _____

By: _____
Signature of General Partner

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, _____, a Notary Public for the above State and County, this the _____day of _____, 20____.

_____
Notary Public

SEAL

My Commission Expires: _____

AGENT AUTHORIZATION FORM

Application #: 813 **Submittal Date:** 9-2-2025

Terry Cichocki is the owner* of the property for which the attached application is being submitted:

- ☐ Rezoning: For Conditional Zoning and Planned Development rezoning applications, this authorization includes express consent to zoning conditions that are agreed to by the Agent which will apply if the application is approved.
- ☑ Site Plan
- ☐ Subdivision
- ☐ Variance
- ☑ Other: Annexation

The property address is: 8108 Jenks Road; PIN 0722673959

The agent for this project is: Caitlin Shelby and Bob Zumwalt

☐ **I am the owner of the property and will be acting as my own agent**

Agent Name: Caitlin Shelby and Bob Zumwalt

Address: 1414 Raleigh Road, Suite 429, Chapel Hill, NC 27517

Telephone Number: 919-355-0110

E-Mail Address: caitlin.shelby@woodpartners.com

Signature(s) of Owner(s)*

Terry Cichocki — 07/25/2025

Terry Cichocki (Type or print name) — Date

Type or print name — Date

Attach additional sheets if there are additional owners.

*Owner of record as shown on the latest equalized assessment rolls of Wake County. An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this authorization.

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this application and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. The parties hereby consent to use electronic or digitized signatures in accordance with the Town's Electronic Signature Policy and intend to be bound by the application and any related documents. If electronic signatures are used the application shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

AGENT AUTHORIZATION FORM

Application #: 813 Submittal Date: 9-2-2025

Terry D. Poole is the owner* of the property for which the attached application is being submitted:

- ☐ Rezoning: For Conditional Zoning and Planned Development rezoning applications, this authorization includes express consent to zoning conditions that are agreed to by the Agent which will apply if the application is approved.
- ☑ Site Plan
- ☐ Subdivision
- ☐ Variance
- ☑ Other: Annexation

The property address is: 1440 Wimberly Road; PIN 0722681610

The agent for this project is: Caitlin Shelby and Bob Zumwalt

☐ I am the owner of the property and will be acting as my own agent

Agent Name: Caitlin Shelby and Bob Zumwalt

Address: 1414 Raleigh Road, Suite 429, Chapel Hill, NC 27517

Telephone Number: 919-355-0110

E-Mail Address: caitlin.shelby@woodpartners.com

Signature(s) of Owner(s)*

Terry D. Poole

Terry D. Poole
Type or print name

July 30 2025
Date

Type or print name

Date

Attach additional sheets if there are additional owners.

*Owner of record as shown on the latest equalized assessment rolls of Wake County. An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this authorization.

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this application and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. The parties hereby consent to use electronic or digitized signatures in accordance with the Town's Electronic Signature Policy and intend to be bound by the application and any related documents. If electronic signatures are used the application shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

AGENT AUTHORIZATION FORM

Application #: 813 Submittal Date: 9-2-2025

DJ 1300 HOLDINGS, LLC is the owner* of the property for which the attached application is being submitted:

- ☐ Rezoning: For Conditional Zoning and Planned Development rezoning applications, this authorization includes express consent to zoning conditions that are agreed to by the Agent which will apply if the application is approved.
- ☑ Site Plan
- ☐ Subdivision
- ☐ Variance
- ☑ Other: Annexation

The property address is: 1508 Wimberly Road; PIN 0722682430

The agent for this project is: Caitlin Shelby and Bob Zumwalt

☐ I am the owner of the property and will be acting as my own agent

Agent Name: Caitlin Shelby and Bob Zumwalt

Address: 1414 Raleigh Road, Suite 429, Chapel Hill, NC 27517

Telephone Number: 919-355-0110

E-Mail Address: caitlin.shelby@woodpartners.com

Signature(s) of Owner(s)*

DJ 1300 HOLDINGS, LLC,
a North Carolina limited liability company

By: _____
Danny L. Ottaway, Sr., its Member

By: _____
Joan M. Ottaway, its Manager

Attach additional sheets if there are additional owners.

*Owner of record as shown on the latest equalized assessment rolls of Wake County. An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this authorization.

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this application and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. The parties hereby consent to use electronic or digitized signatures in accordance with the Town's Electronic Signature Policy and intend to be bound by the application and any related documents. If electronic signatures are used the application shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

ORD-2025-037

STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 13.55 ACRES LOCATED AT 8108 JENKS RD; 1440 & 1508 WIMBERLY RD FROM RURAL RESIDENTIAL (RR) TO PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING (PUD-CZ)

#24CZ11

WHEREAS, Wood Partners, owner/applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 1st day of June, 2024 (the "Application"). The proposed conditional zoning is designated #24CZ11;

WHEREAS, the Planning Director for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #24CZ11 before the Planning Board on the 12th day of May, 2025;

WHEREAS, the Apex Planning Board held a public hearing on the 12th day of May, 2025, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #24CZ11. A motion was made by the Apex Planning Board to recommend denial; the motion passed unanimously for the application for #24CZ11;

WHEREAS, pursuant to N.C.G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Planning Director caused proper notice to be given (by publication and posting), of a public hearing on #24CZ11 before the Apex Town Council on the 27th day of May, 2025;

WHEREAS, the Apex Town Council held a public hearing on the 27th day of May, 2025. Bruce Venable, Planner II, presented the Planning Board's recommendation at the public hearing;

WHEREAS, all persons who desired to present information relevant to the application for #24CZ11 were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away;

WHEREAS, the Apex Town Council finds that the approval of the rezoning is not consistent with the 2045 Land Use Plan and other adopted plans in that the 2045 Land Use Map designates this area as Office Employment/Commercial Services and approval of this rezoning will automatically amend the 2045 Land Use Map to High Density Residential. This designation on the 2045 Land Use Map includes the zoning district Planned Unit Dvelopment-Conditional Zoning (PUD-CZ) and the Apex Town Council has considered that the proposed rezoning to PUD-CZ will maintain the character and appearance of the area while providing the flexibility to accommodate growth in population, economy, and infrastructure consistent with the intent of the 2045 Land Use Map;

WHEREAS, the Apex Town Council finds that the approval of the rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) is reasonable and in the public interest in that: The rezoning will allow for the development of high-density residential housing including affordable units, which are needed to support the continued residential growth in this area. Additionally, the rezoning will promote compatible development with surrounding land uses and contribute to an increased tax base, supporting the Town's long-term fiscal sustainability; and

WHEREAS, the Apex Town Council by a vote of 3 to 2 approved Application #24CZ11 rezoning the subject tracts located at 8108 Jenks Rd; 1440 & 1508 Wimberly Rd from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ).

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF APEX

Section 1: The lands that are the subject of the Ordinance are those certain lands described in Attachment "A" – Legal Description which is incorporated herein by reference, and said lands are hereafter referred to as the "Rezoned Lands."

Ordinance Amending the Official Zoning District Map #24CZ11

Section 2: The Town of Apex Unified Development Ordinance, including the Town of Apex North Carolina Official Zoning District Map which is a part of said Ordinance, is hereby amended by changing the zoning classification of the "Rezoned Lands" from 8108 Jenks Rd; 1440 & 1508 Wimberly Rd from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ).

Section 3: The Planning Director is hereby authorized and directed to cause the said Official Zoning District Map for the Town of Apex, North Carolina, to be physically revised and amended to reflect the zoning changes ordained by this Ordinance.

Section 4: The "Rezoned Lands" are subject to all of the conditions in Attachment "B" Altera Heights PUD which are imposed as part of this rezoning:

Section 5: The "Rezoned Lands" shall be perpetually bound to the conditions imposed including the uses authorized, unless subsequently changed or amended as provided for in the Unified Development Ordinance. Site plans for any development to be made pursuant to this amendment to the Official Zoning District Map shall be submitted for site plan approval as provided for in the Unified Development Ordinance.

Section 6: This Ordinance shall be in full force and effect from and after its adoption.

Motion by Council Member Zegerman

Seconded by Council Member Gantt

With 5 Council Member(s) voting "aye."

With 0 Council Member(s) voting "no."

This the 10th day of June 2025.

TOWN OF APEX

Jacques K. Gilbert
Mayor

ATTEST:

Allen Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Town Attorney

Legal Description
Altera Heights PUD

BEGINNING ON THE SOUTHERN RIGHT OF WAY OF WIMBERLY ROAD (60’ PUBLIC RIGHT OF WAY) AT AN EXISTING IRON PIPE ON THE NORTHEASTERN CORNER OF LOT 1 RECORDED IN BOOK OF MAPS 1994 PAGE 435 RECORDED IN THE WAKE COUNTY REGISTER OF DEEDS AND HAVING N.C. GRID COORDINATES OF N: 728,630.67, E: 2,026,294.61 NAD83/2011, THENCE FROM SAID POINT AND WITH THE SOUTHERN RIGHT OF WAY SOUTH 49° 11' 09" EAST FOR A DISTANCE OF 107.51 FEET TO AN IRON PIPE SET, THENCE SOUTH 40° 46' 30" EAST FOR A DISTANCE OF 106.86 FEET TO AN IRON PIPE SET, THENCE SOUTH 33° 47' 29" EAST FOR A DISTANCE OF 79.92 FEET TO AN IRON PIPE SET, THENCE SOUTH 28° 06' 25" EAST FOR A DISTANCE OF 94.74 FEET TO AN IRON PIPE SET, THENCE SOUTH 24° 00' 16" EAST FOR A DISTANCE OF 484.42 FEET TO AN IRON PIPE SET, THENCE SOUTH 25° 31' 04" EAST FOR A DISTANCE OF 82.88 FEET TO AN IRON PIPE SET, THENCE SOUTH 27° 41' 54" EAST FOR A DISTANCE OF 31.47 FEET TO AN IRON PIPE SET, THENCE SOUTH 23° 56' 01" WEST FOR A DISTANCE OF 47.61 FEET TO AN IRON PIPE SET ON THE NORTHERN RIGHT OF WAY OF JENKS ROAD (60’ PUBLIC RIGHT OF WAY), THENCE ALONG THE NORTHERN RIGHT OF WAY SOUTH 75° 33' 56" WEST FOR A DISTANCE OF 115.59 FEET TO AN IRON PIPE, THENCE SOUTH 74° 18' 49" WEST A DISTANCE OF 68.97 FEET TO AN IRON PIPE WITH CAP, THENCE LEAVING THE NORTHERN RIGHT OF WAY OF JENKS ROAD (60’ PUBLIC RIGHT OF WAY) NORTH 88° 58' 44" WEST FOR A DISTANCE OF 563.29 FEET TO AN ANGLE IRON, THENCE NORTH 88° 58' 44" WEST FOR A DISTANCE OF 47.06 FEET TO AN IRON PIPE, THENCE NORTH 01° 32' 21" EAST FOR A DISTANCE OF 424.08 FEET TO AN AXLE, THENCE NORTH 01° 32' 21" EAST FOR A DISTANCE OF 12.51 FEET TO AN IRON PIPE THENCE NORTH 01° 32' 21" EAST A DISTANCE OF 151.76 FEET TO AN IRON PIPE, THENCE NORTH 01° 32' 21" EAST FOR A DISTANCE OF 15.73 FEET TO AN IRON PIPE, THENCE NORTH 01° 32' 21" EAST A DISTANCE OF 84.35 FEET TO AN IRON PIPE, THENCE NORTH 01° 32' 18" EAST FOR A DISTANCE OF 411.13 FEET TO AN IRON PIPE SET ON THE SOUTHERN RIGHT OF WAY OF WIMBERLY ROAD (60’ PUBLIC RIGHT OF WAY), THENCE WITH THE SOUTHERN RIGHT OF WAY SOUTH 61° 03' 43" EAST FOR A DISTANCE OF 170.57 FEET TO AN IRON PIPE SET, THENCE SOUTH 59° 15' 00" EAST FOR A DISTANCE OF 74.16 FEET TO AN IRON PIPE SET, THENCE SOUTH 56° 01' 14" EAST FOR A DISTANCE OF 93.72 FEET TO THE POINT AND PLACE OF BEGINNING CONTAINING 13.55 ACRES, MORE OR LESS.

Attachment "B"

ALTERA HEIGHTS

Planned Unit Development

Apex, North Carolina

Submittal Dates
First Submittal: June 3, 2024
Second Submittal: August 2, 2024
Third Submittal: February 7, 2024
Fourth Submittal: April 4, 2025
Fifth Submittal: April 23, 2025
Sixth Submittal: May 22, 2025

Developer
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Chapel Hill, NC 27517

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VICINITY MAP

PROJECT DATA

Name of Project:	Altera Heights
Property Owner:	See attached **Exhibit B**
Developer:	Wood Partners 1414 Raleigh Road, Suite 429 Chapel Hill, NC 27517
Prepared by:	Parker Poe Adams & Bernstein LLP 301 Fayetteville Street, Suite 1400 Raleigh, NC 27601 BGE, Inc. 5438 Wade Park Blvd., Suite 420 Raleigh, NC 27607
Current Zoning:	Rural Residential (RR)
Proposed Zoning:	Planned Unit Development Conditional Zoning (PUD-CZ)
Current 2045 LUM Designations:	Office Employment/Commercial Services
Proposed 2045 LUM Designations:	High Density Residential
Site Address:	8108 Jenks Rd, 1508 Wimberly Rd, 1440 Wimberly Rd
Property Identification Number:	0722673959, 0722682430, 0722681610
Total Acreage:	13.55 acres
Area Designated as Mixed Use on LUM:	None
Area Proposed as Non-Residential:	None

PURPOSE STATEMENT

This document and the accompanying exhibits submitted herewith (collectively, the "PUD") are provided pursuant to the Town of Apex Unified Development Ordinance ("UDO") Planned Unit Development provisions. This PUD addresses the development of an approximately 13.55-acre site at the corner of Wimberly Road and Jenks Road. The property is in the Town's ETJ and primarily undeveloped with two existing single-family homes.

Altera Heights aims to offer upscale living at cost-effective rates to fill a gap in the housing market. The project will be an attainable housing community for middle income earners, those often overlooked by the multi-family housing market which consists primarily of government subsidized affordable projects on one end and luxury high rent apartment communities on the other. In addition, the community will provide 12% of the total units as AMI restricted affordable units to ensure affordability for different income bands. The community will be conveniently located near goods and services and future commercial development on US-64, offering people of all backgrounds the opportunity to live in and enjoy Apex.

The Town of Apex 2045 Land Use Map (the "LUM") designates the property as Office/Commercial Services. However, non-residential uses are infeasible on the property. The office market has not recovered from COVID-19; in first quarter 2024, the direct vacancy rate for office space in Raleigh-Durham increased to 15.6% and the suburban vacancy rate increased to 16.2%.[1] Seven of the ten largest vacancies were in suburban submarkets, mostly concentrated in the RTP/I-40 Corridor submarket which had the highest overall vacancy rate of 30.9%. Commercial uses on the site face challenges due to the lot configuration. Because of the configuration of the Town owned property to the south (PIN 0722671588), the property has minimal frontage on Jenks Road, the primary transportation corridor, and will only have driveway access to Wimberly Road. Additionally, non-residential development is drawn to US-64 where visibility is better and daily trips are higher.

Given these constraints, an attainable housing community is the highest and best use of the property. It will further Goal 1.2(d) of the Affordable Housing Incentive Zoning Policy and Procedures Manual, to create "mixed-income communities, with affordable housing units integrated within residential and mixed-use market rate developments." According to the Affordable Housing Plan, over the next decade, Apex is projected to add 1,900 jobs with incomes below $75,000, which will further contribute to the Town's affordable housing need; jobs such as grocery cashiers, firefighters, and nurses.

[1] See Cushman & Wakefield Q1 2024 Raleigh Office Report. https://cw-gbl-gws-prod.azureedge.net/-/media/cw/marketbeat-pdfs/2024/q1/us-reports/office/raleigh-durham_americas_marketbeat_office_q12024.pdf?rev=e3d179927e8343c69bd3895c5d3d6fab

CONSISTENCY WITH PLANNED UNIT DEVELOPMENT STANDARDS

(i) The uses proposed to be developed in the PD plan for PUD-CZ are those uses permitted in Sec. 4.2.2 Use Table

RESPONSE: The uses permitted within this PUD are permitted within this designation in the UDO Section 4.2.2 Use Table.

(ii) The uses proposed in the PD Plan for PUD-CZ can be entirely residential, entirely non-residential, or a mix of residential and non-residential uses, provided a minimum percentage of non-residential land area is included in certain mixed-use areas as specified on the 2045 Land Use Map. The location of the uses proposed by the PUD-CZ must be shown in the PD Plan with a maximum density for each type of residential use and a maximum square footage for each type of non-residential use.

RESPONSE: Altera Heights is a multi-family development. None of the parcels in the PUD have three stripes on the LUM. Accordingly, this PUD is not required to designate 30% of the property as non-residential.

(iii) The dimensional standards in Sec. 5.1.3 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.

RESPONSE: This PUD specifies intensity and dimensional standards for the project. The proposed PUD is consistent with the UDO Planned Unit Development standards – to provide site specific, high-quality neighborhoods that preserve natural features and exhibit compatibility with, and connectivity to, surrounding land uses. Except as specifically stated in this PUD, the development will comply with all requirements of the UDO and will comply with all applicable requirements of the North Carolina Building Code and the North Carolina Fire Code.

(iv) The development proposed in the PD Plan for PUD-CZ encourages cluster and compact development to the greatest extent possible that is interrelated and linked by pedestrian ways, bikeways and other transportation systems. At a minimum, the PD Plan must show sidewalk improvements as required by the Advance Apex: The 2045 Transportation Plan and the Town of Apex Standard Specifications and Standard Details, and greenway improvements as required by the Town of Apex Parks, Recreation, Greenways, and Open Space Plan and the Advance Apex: The 2045 Transportation Plan. In addition, sidewalks shall be provided on both sides of all streets for single-family detached homes.

RESPONSE: The project will have 10-foot Side Paths along its frontage on Wimberly Road and Jenks Road as recommended by the Bicycle and Pedestrian System Plan Map. Internal sidewalks will connect to the Side Paths to improve pedestrian connectivity and safety.

(v) The design of development in the PD Plan for PUD-CZ results in land use patterns that promote and expand opportunities for walkability, connectivity, public transportation, and an efficient compact network of streets. Cul-de-sacs shall be avoided unless the design of the subdivision and the existing or proposed street system in the surrounding area indicate that a through street is not essential in the location of the proposed cul-de-sac, or where sensitive environmental areas such as streams, floodplains, and wetlands would be substantially disturbed by making road connections.

RESPONSE: The project does not propose any new public streets. Additionally, vehicular cross access connections are undesirable due to the use of adjacent properties. The adjacent property to the west is the Cary-Apex Water Plant. The adjacent property to the south is owned by the Town and will be used for utilities. The project will improve pedestrian connectivity by constructing Side Paths along its frontage on Wimberly Road and Jenks Road.

(vi) The development proposed in the PD Plan for PUD-CZ is compatible with the character of surrounding land uses and maintains and enhances the value of surrounding properties.

RESPONSE: The proposed development is compatible with the character of the existing and planned uses in the surrounding area. This area of Town includes a wide array of housing types including the Villages at Westford luxury apartments and Westford Townhomes to the south, the Alderwood single-family subdivision to the east, and the future Arden 55+ community to the west. The project will add an attainable rental housing type, with conditions to ensure a high quality product that complements existing neighborhoods in the area.

(vii) The development proposed in the PD Plan for PUD-CZ has architectural and design standards that are exceptional and provide higher quality than routine developments. All residential uses proposed in a PD Plan for PUD-CZ shall provide architectural elevations representative of the residential structures to be built to ensure the Standards of this Section are met.

RESPONSE: The development will feature high quality and thoughtful design. Architectural standards, design controls, and conceptual elevations are included in this PUD.

CONSISTENCY WITH CONDITIONAL ZONING STANDARDS

Altera Heights is consistent with the conditional zoning standards set forth in UDO Section 2.3.3.F.1-10. Please see the accompanying PUD-CZ Application for the statements of consistency addressing each standard.

PERMITTED USES

The Property may be used for the uses listed below. The permitted uses are subject to the limitations and regulations stated in the UDO and any additional limitations or regulations stated below. For convenience, some relevant sections of the UDO may be referenced; such references do not imply that other sections of the UDO do not apply. Homeowners Association covenants shall not restrict the construction of accessory dwelling units.

The following uses shall be permitted:

Residential

- Multi-family or apartment
- Condominium

Utilities

- Utility, minor

Recreational

- Greenway
- Park, Active
- Park, Passive
- Recreation Facility, private

AFFORDABLE HOUSING

A minimum of 12% of the total residential apartment units (as shown on the first site plan submittal) shall be designated as restricted low-income affordable housing rental units (the "Affordable Units") for a minimum affordability period of 15 years starting from the date of issuance of the first residential Certificate of Occupancy (the "Affordable Restriction Period").

- 5% of the total residential apartment units shall be Affordable Units occupied by low-income households earning no more than 80% of the Raleigh, NC Metropolitan Statistical Area (MSA) Area Median Income, adjusted for family size, as most recently published by the U.S. Department of Housing and Urban Development (HUD)(the "AMI") and rented at maximum rent limits per bedroom count, no greater than the 80% AMI limits as stipulated by the most recently published NC Housing Finance Agency Low-Income Housing Tax Credit Multifamily Tax Subsidy Program income and rent limits for the Wake County Metropolitan Area (the "MTSP Rent Limits").

- 5% of the total residential apartment units shall be Affordable Units occupied by low-income households earning no more than 100% AMI and rented at maximum rent limits as stipulated by the 100% AMI MTSP Rent Limits.

- 2% of the total residential apartment units shall be Affordable Units occupied by low-income households earning no more than 110% AMI and rented at maximum rent limits as stipulated by the 110% AMI MTSP Rent Limits.

- If the Affordable Units calculation results in a fraction between 0.00 and 0.49, the number of Affordable Units shall be rounded down to the nearest whole number. If the Affordable Units calculation results in a fraction between 0.50 and 0.99, the number of Affordable Units shall be rounded up to the nearest whole number.

- Prior to issuance of the first residential Certificate of Occupancy, a restrictive covenant between the Town and property owner shall be executed and recorded in the Wake County Registry to memorialize the affordable housing terms and conditions.

- During the Affordable Restriction Period, the property owner shall be responsible for performing, or contracting for, all property management and administration duties to ensure compliance with this affordable housing condition and shall submit annual compliance reports to the Town verifying compliance.

- Following expiration of the Affordable Restriction Period, this affordable housing condition shall expire, and the property owner shall be relived of all obligations set forth in this affordable housing condition, and the Affordable Units may be freely marketed and leased at market-rate rents.

DESIGN CONTROLS

Multi-Family Design Controls

- Acreage: 13.55
- Maximum number of multi-family apartment units: 300
- Maximum Building Height: 60 ft./4 stories
- Minimum Building Setbacks
  - Front 10 ft.
  - Rear 10 ft.
  - Corner 10 ft.
  - Minimum Building Separation 30 ft.
  - From Buffer or RCA 10 ft.

LANDSCAPING, BUFFERING, AND SCREENING

Perimeter buffers shall be built and planted to the following lot width and planting standards:

Location:	**Buffer Size & Type:**
Along the southern property line	30 ft. Type B/15 ft. Type B*
Along the western property line	25 ft. Type A
Along Wimberly Road	20 ft. Type B**

*There is an existing Duke Energy Electric Easement (Deed Book 5389, Page 112)(the "Jenks Duke Easement") along the property's Jenks Road frontage. The Jenks Road right of way dedication and road widening set forth in the Transportation Improvements section of this PUD may require relocation of the Jenks Duke Easement north onto the property as shown on the Preliminary Layout Plan (the "Relocation"). If the Relocation occurs, the portion of the buffer adjacent to the easement shall be reduced to a 15-foot Type B buffer and located outside of the relocated Jenks Duke Easement.

**This buffer may overlap with the existing Town of Apex Electric Easement (Deed Book 16203, Page 1465) and Duke Energy Electric Easement along Wimberly Road provided there is a 10-foot wide planting area as measured from the edge of the easement.

ARCHITECTURAL STANDARDS

Altera Heights offers the following architectural controls to ensure a consistency of character throughout the development, while allowing for enough variety to create interest and avoid monotony. Elevations included are conceptual examples. Final elevations must comply with these architectural standards but may vary from the conceptual elevations. Further details may be provided at the time of Site Plan submittal.

RESIDENTIAL DESIGN GUIDELINES

Multi-Family/Apartments/Condominiums:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements, and trim are permitted.
2. Rear and side elevations of units that have right-of-way frontage shall have trim around the windows.
3. A minimum of three of the following features shall be used on each building:
   a. Decorative shake
   b. Board and batten
   c. Decorative porch railing/posts
   d. Shutters
   e. Decorative/functional air vents on roof or foundation
   f. Recessed windows
   g. Decorative windows
   h. Decorative brick/stone
   i. Gables
   j. Decorative cornices
   k. Tin/metal roof
4. Garage doors must have windows, decorative details, or carriage-style adornments on them.
5. Windows that are not recessed must be trimmed.

PARKING AND LOADING

Multi-Family buildings shall provide the following minimum parking spaces per dwelling unit based on the number of bedrooms:

Bedrooms per unit	Minimum ratio
1 or 2	1.3 spaces per dwelling unit
3	1.8 spaces per dwelling unit

SIGNAGE

Signage shall comply with UDO Section 8.7.

NATURAL RESOURCES AND ENVIRONMENTAL DATA

RIVER BASINS AND WATERSHED PROTECTION OVERLAY DISTRICTS

The property is in the Primary Watershed Protection Overlay District as shown on the Town of Apex Watershed Protection Overlay Map 2019. This PUD will comply with all built upon area,

vegetated conveyances, structural SCMs and riparian stream buffer requirements of UDO Section 6.1.8.

Resource Conservation Areas (RCA)

This PUD will meet the requirements of Section 8.1.2 of the UDO, Resource Conservation Area, and Section 2.3.4, Planned Development Districts.

The PUD will provide a minimum of 25% of the gross project area as Resource Conservation Area ("RCA"). Designated RCA areas will be consistent with the items listed in UDO Section 8.1.2(B). Preserved streams, wetlands, and associated riparian buffers provide the primary RCAs throughout the site. Additional RCA areas may include perimeter and street front buffers, stormwater management areas, and greenways.

Floodplain

The project site does not sit within a designated current or future 100-year floodplain as shown on the Town of Apex Watershed & FEMA Map dated April 2015. FIRM Panel 3720072200J dated May 2, 2006 does not include a floodplain within the property boundary.

Historic Structures

There are no known historic structures present on the Property.

Environmental Commitments Summary

As shown elsewhere in the PUD, the following environmental conditions shall apply to the Development:

- The project shall install at least one (1) sign per SCM discouraging the use of fertilizer and to reduce pet waste near SCM drainage areas. The sign shall be installed in locations that are publicly accessible, such as adjacent to, but outside of public property and/or public easement(s), amenity centers, sidewalks, greenways, or side paths.

- At least 70% of plants shall be native species. Landscaping will be coordinated with and approved by the Planning Director at site plan or subdivision review.

- The project shall install a sign adjacent to wooded or natural condition Resource Conservation Area that indicates the area is RCA and to be preserved in perpetuity and not disturbed.

- The project shall install at least two (2) pet waste stations in the project in locations that are publicly accessible, such as adjacent to amenity centers, SCMs, sidewalks, greenways, or side paths.

- No invasive species shall be permitted. No single species of tree or shrub shall constitute more than 20% of the plant material of its type within a single development site.

- The project shall use full cutoff LED fixtures that have a maximum color temperature of 3,000K for all exterior lighting, including, but not limited to, parking lot and building mounted fixtures.

STORMWATER MANAGEMENT

The Development shall meet all stormwater management requirements for quality and quantity treatment in accordance with Section 6.1 of the UDO.

Acceptable stormwater structures shall include detention ponds, constructed wetlands, bio-retention areas, or other approved devices consistent with the NC DEQ Stormwater Design Manual and the Town of Apex UDO**.**

PARKS AND RECREATION

Altera Heights PUD #24CZ11 was reviewed at the 02/26/2025 PRCR Advisory Commission meeting. The Commission unanimously recommended a fee in lieu of dedication for a maximum of 300 Multi-Family units. The fee in lieu rate will be set at the time of Town Council action on the Rezoning and run for the life of the project. The total fee-in-lieu (based on the final unit count) will be calculated at Site Plan and Construction Document review and deposited prior to issuance of the first building permit for each building.

PUBLIC FACILITIES

The proposed PUD shall meet all Public Facilities requirements as set forth in UDO Section 2.3.4(F)(1)(f) and be designed to comply with the Town's Sewer and Water Master Plan and Standards and Specifications. Road and utility infrastructure shall be as follows:

TRANSPORTATION IMPROVEMENTS

The following conditions regarding transportation improvements (the "Road Improvements") apply and shall be phased consistent with the Traffic Impact Analysis that has been performed for this rezoning, which is on file with the Town of Apex. All proposed driveway access and improvements on state-maintained roadways are subject to both Apex and NCDOT review and approval. All proposed roadway infrastructure and right-of-way dedications will be consistent with the Town of Apex Comprehensive Transportation Plan.

1. **Wimberly Road Widening**. Developer shall widen Wimberly Road to accommodate turn lanes as required based on a minimum 35-foot back to back curb and gutter 2-lane section with a 10-foot Side Path in a 60-foot right-of-way. Developer shall dedicate up to 5 feet of additional right of way along the property's frontage where needed to accommodate required turn lanes.

2. **Wimberly Road/White Oak Pond Road/North Site Driveway Intersection**. Developer shall construct a full-movement stop-controlled two-lane driveway across from White Oak Pond Road.

3. **Wimberly Road/Retreat at Preserve at White Oak Driveway/South Site Driveway Intersection.** Developer shall construct**:**

a. a full-movement stop-controlled two-lane driveway across from the planned Alderwood commercial site driveway approximately 550 feet north of Jenks Road;

b. a northbound left turn lane on Wimberly Road with a minimum 50 feet of storage and appropriate deceleration length and taper; and

c. a southbound left turn lane on Wimberly Road with a minimum 25 feet of storage and appropriate deceleration length and taper.

4. **Jenks Road/Wimberly Road Intersection.**

a. Developer shall dedicate right-of-way in the northwestern quadrant of the intersection sufficient for the future construction of a metal pole traffic signal with signal cabinet and associated equipment.

b. Prior to recordation of the Final Plat for the last phase of the development, Developer shall pay a fee in lieu for 50% of the estimated costs to design, acquire easements for, and construct a metal pole span wire traffic signal with pedestrian accommodations. Prior to Final Plat approval for the last phase of the development, Developer shall provide a preliminary signal geometric plan and engineer's estimate to the Town for review and approval.

5. **Jenks Road Widening**. Developer shall dedicate right of way and widen the northern half of Jenks Road for the length of the property's Jenks Road frontage based on a minimum 84-foot back to back curb and gutter 4-lane divided section with a 10-foot Side Path in a 110-foot right-of-way (the "Jenks Road Widening").

6. **Right of Way/Easement Acquisition**. The Road Improvements are intended to be located in existing Jenks Road and Wimberly Road rights of way and in additional right of way to be dedicated along the subject property's road frontage. If any Road Improvements require offsite rights of way, easements, or other property interests, the developer shall be responsible for acquiring all offsite easements and right of way necessary to construct committed transportation improvements. In the event that developer is unable to acquire the aforementioned easements and right of way through good faith efforts, Developer shall request assistance from the Town of Apex. In the event that the Town is unwilling or unable to assist with the acquisitions, Developer shall update engineering plans accordingly and pay a fee in lieu based on the fair market value of the offsite easements and right of way and estimated construction cost of the improvements, based on an engineer's estimate, subject to Town review and approval. Payment of the fee in

lieu shall satisfy the requirement to construct the committed transportation improvements.

CROSS ACCESS

Adjacent to the west of the property is the Cary-Apex Water Treatment Plant (PIN 0722488535). Adjacent to the south of the property is an undeveloped tract owned by the Town of Apex to be used for utilities (PIN 0722671588). Due to the nature of adjacent uses, the project shall not be required to provide vehicular or pedestrian cross access to adjacent properties.

PEDESTRIAN AND BICYCLE IMPROVEMENTS

Per the Town of Apex Bicycle and Pedestrian System Plan Map and UDO requirements, the developer shall construct a 10-foot Side Path along the property's Jenks Road and Wimberly Road frontage.

WATER AND SANITARY SEWER

All lots within the Development will be served by Town of Apex water and sanitary sewer. The utility design will be finalized at the time of Site Plan approval and be based on available facilities adjacent to the site at that time. The design will meet the current Town of Apex Sewer and Water Master Plan and Standards and Specifications. A conceptual utility plan is included in the PUD Concept Plan for reference.

OTHER UTILITIES

Electricity will be provided by Apex Electric. Phone and cable will be provided by the Developer via third parties and shall meet Town of Apex standards as outlined in the UDO.

PHASING

The project may be completed in phases. Final locations of phases will be determined at the time of Site Plan review and approval.

CONSISTENCY WITH LAND USE PLAN

The Town of Apex 2045 Land Use Map (the "LUM") designates the property as Office/Commercial Services. However, non-residential uses are infeasible on the property. The office market has not recovered from COVID-19; in first quarter 2024, the direct vacancy rate for office space in Raleigh-Durham increased to 15.6% and the suburban vacancy rate increased to 16.2%.[2] Seven of the ten largest vacancies were in suburban submarkets, mostly concentrated in the RTP/I-40

[2] See Cushman & Wakefield Q1 2024 Raleigh Office Report. https://cw-gbl-gws-prod.azureedge.net/-/media/cw/marketbeat-pdfs/2024/q1/us-reports/office/raleigh-durham_americas_marketbeat_office_q12024.pdf?rev=e3d179927e8343c69bd3895c5d3d6fab

Corridor submarket which had the highest overall vacancy rate of 30.9%. Commercial uses on the site face challenges due to the lot configuration. Because of the configuration of the Town owned property to the south (PIN 0722671588), the property has minimal frontage on Jenks Road, the primary transportation corridor, and will only have driveway access to Wimberly Road. Additionally, non-residential development is drawn to US-64 where visibility is better and daily trips are higher.

Given those constraints, an attainable housing community is the highest and best use of the property. It will further Goal 1.2(d) of the Affordable Housing Incentive Zoning Policy and Procedures Manual (the "Affordable Policy"), to create "mixed-income communities, with affordable housing units integrated within residential and mixed-use market rate developments." According to the Affordable Housing Plan (the "Affordable Plan"), over the next decade, Apex is projected to add 1,900 jobs with incomes below $75,000, which will further contribute to the Town's affordable housing need; jobs such as grocery cashiers, firefighters, and nurses.

COMPLIANCE WITH UDO

The development standards proposed for this PUD comply with those set forth in the Town's Unified Development Ordinance (UDO). This PUD shall be the primary governing document for the development of Altera Heights. All standards and regulations in this PUD shall control over general standards of the UDO. Provided, however, that if a specific regulation is not addressed in this PUD, UDO regulations shall control.

EXHIBIT A
Legal Description
The Property

BEGINNING ON THE SOUTHERN RIGHT OF WAY OF WIMBERLY ROAD (60’ PUBLIC RIGHT OF WAY) AT AN EXISTING IRON PIPE ON THE NORTHEASTERN CORNER OF LOT 1 RECORDED IN BOOK OF MAPS 1994 PAGE 435 RECORDED IN THE WAKE COUNTY REGISTER OF DEEDS AND HAVING N.C. GRID COORDINATES OF N: 728,630.67, E: 2,026,294.61 NAD83/2011, THENCE FROM SAID POINT AND WITH THE SOUTHERN RIGHT OF WAY SOUTH 49° 11' 09" EAST FOR A DISTANCE OF 107.51 FEET TO AN IRON PIPE SET, THENCE SOUTH 40° 46' 30" EAST FOR A DISTANCE OF 106.86 FEET TO AN IRON PIPE SET, THENCE SOUTH 33° 47' 29" EAST FOR A DISTANCE OF 79.92 FEET TO AN IRON PIPE SET, THENCE SOUTH 28° 06' 25" EAST FOR A DISTANCE OF 94.74 FEET TO AN IRON PIPE SET, THENCE SOUTH 24° 00' 16" EAST FOR A DISTANCE OF 484.42 FEET TO AN IRON PIPE SET, THENCE SOUTH 25° 31' 04" EAST FOR A DISTANCE OF 82.88 FEET TO AN IRON PIPE SET, THENCE SOUTH 27° 41' 54" EAST FOR A DISTANCE OF 31.47 FEET TO AN IRON PIPE SET, THENCE SOUTH 23° 56' 01" WEST FOR A DISTANCE OF 47.61 FEET TO AN IRON PIPE SET ON THE NORTHERN RIGHT OF WAY OF JENKS ROAD (60’ PUBLIC RIGHT OF WAY), THENCE ALONG THE NORTHERN RIGHT OF WAY SOUTH 75° 33' 56" WEST FOR A DISTANCE OF 115.59 FEET TO AN IRON PIPE, THENCE SOUTH 74° 18' 49" WEST A DISTANCE OF 68.97 FEET TO AN IRON PIPE WITH CAP, THENCE LEAVING THE NORTHERN RIGHT OF WAY OF JENKS ROAD (60’ PUBLIC RIGHT OF WAY) NORTH 88° 58' 44" WEST FOR A DISTANCE OF 563.29 FEET TO AN ANGLE IRON, THENCE NORTH 88° 58' 44" WEST FOR A DISTANCE OF 47.06 FEET TO AN IRON PIPE, THENCE NORTH 01° 32' 21" EAST FOR A DISTANCE OF 424.08 FEET TO AN AXLE, THENCE NORTH 01° 32' 21" EAST FOR A DISTANCE OF 12.51 FEET TO AN IRON PIPE THENCE NORTH 01° 32' 21" EAST A DISTANCE OF 151.76 FEET TO AN IRON PIPE, THENCE NORTH 01° 32' 21" EAST FOR A DISTANCE OF 15.73 FEET TO AN IRON PIPE, THENCE NORTH 01° 32' 21" EAST A DISTANCE OF 84.35 FEET TO AN IRON PIPE, THENCE NORTH 01° 32' 18" EAST FOR A DISTANCE OF 411.13 FEET TO AN IRON PIPE SET ON THE SOUTHERN RIGHT OF WAY OF WIMBERLY ROAD (60’ PUBLIC RIGHT OF WAY), THENCE WITH THE SOUTHERN RIGHT OF WAY SOUTH 61° 03' 43" EAST FOR A DISTANCE OF 170.57 FEET TO AN IRON PIPE SET, THENCE SOUTH 59° 15' 00" EAST FOR A DISTANCE OF 74.16 FEET TO AN IRON PIPE SET, THENCE SOUTH 56° 01' 14" EAST FOR A DISTANCE OF 93.72 FEET TO THE POINT AND PLACE OF BEGINNING CONTAINING 13.55 ACRES, MORE OR LESS.

EXHIBIT B
Ownership Addendum

PIN 0722673959
Address: 8108 Jenks Road
Acreage: 9.64 acres
Owner: Terry Cichocki
Deed Book/Page: 16193/229
Owner Address: 8108 Jenks Road, Apex, NC 27523

PIN 0722682430
Address: 1508 Wimberly Road
Acreage: 2.08 acres
Owner: Danny Ottaway and Joan Ottaway
Deed Book/Page: 13368/821
Owner Address: 10401 Chapel Hill Road, Morrisville, NC 27560

PIN 0722681610
Address: 1440 Wimberly Road
Acreage: 1.83 acres
Owner: Terry Poole
Deed Book/Page: 12394/1101
Owner Address: 1440 Wimberly Road, Apex, NC 27523

PLANNED DEVELOPMENT PLAN FOR PUD-CZ

ALTERA HEIGHTS

JENKS ROAD AND WIMBERLY ROAD
APEX, NORTH CAROLINA

FIRST SUBMITTAL: JUNE 3RD, 2024
SECOND SUBMITTAL: AUGUST 2ND, 2024
THIRD SUBMITTAL: FEBRUARY 7TH, 2025
FOURTH SUBMITTAL: APRIL 4TH, 2025

SITE DATA TABLE		
DEVELOPER	WP EAST ACQUISITIONS, LLC. 1414 RALEIGH ROAD, SUITE 429 CHAPEL HILL, NC 27517	
PARCELS	0722681610, 0722682430, 0722673959	
SITE AREA	GROSS	13.55 ACRES
	R/W DEDICATION	0.13 ACRES
	NET	13.42 ACRES
EXISTING ZONING	RR (RURAL RESIDENTIAL)	
PROPOSED ZONING	PUD-CZ	
RIVER BASIN	CAPE FEAR	
WATERSHED OVERLAY	PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT	
HISTORIC STRUCTURES	NONE	
MAX BUILT UPON AREA (IMPERVIOUS)	9.39 ACRES (70%)	
2045 LAND USE MAP (LUM) DESIGNATION	OFFICE EMPLOYMENT, COMMERCIAL	
AREA DESIGNATED AS MIXED-USE ON 2045 LUM	NONE	
AREA OF MIXED-USE PROPOSED AS NON-RESIDENTIAL	NONE	
PROPOSED USE	MULTI-FAMILY APARTMENTS	
MAXIMUM DENSITY	300 UNITS	
BUFFER CALL IDENTIFICATION NUMBER	APEX 23-008	
EXISTING SF OF BUILDINGS	4,158 SF	
PROPOSED BLDG HEIGHT	60 FEET (4 STORIES)	
REQUIRED PARKING SPACES	1-2 BEDROOMS	1.3 SPACES PER DWELLING
	3+ BEDROOMS	1.8 SPACES PER DWELLING
REQUIRED RESOURCE CONSERVATION AREA	25% (RCA AREA WILL MEET CRITERIA IN UDO SECTION 8.1.2.)	
SETBACKS	FRONT	10 FEET
	CORNER	10 FEET
	REAR	10 FEET
	BUILDING SEPARATION	30 FEET

OWNERS

1. PIN: 0722673959
   TERRY CICHOCKI
   8108 JENKS ROAD
   APEX, NC 27523-9423

2. PIN: 0722682430
   DANNY L. AND JOAN M. OTTAWAY
   10401 CHAPEL HILL ROAD
   MORRISVILLE, NC 27560-8710

3. PIN: 0722681610
   TERRY D. POOLE
   1440 WIMBERLY ROAD
   APEX, NC 27523-9660

VICINITY MAP
SCALE: 1" = 1000'

SHEET LIST TABLE	
SHEET NUMBER	SHEET TITLE
C0-0	COVER SHEET
C1-0	EXISTING CONDITIONS
C1-1	PRELIMINARY LAYOUT PLAN
C1-2	CONCEPTUAL BUILDING ELEVATIONS
C1-3	CONCEPTUAL BUILDING ELEVATIONS
C1-4	CONCEPTUAL BUILDING ELEVATIONS
C1-5	CONCEPTUAL BUILDING ELEVATIONS
C1-6	CONCEPTUAL BUILDING ELEVATIONS
C1-7	CONCEPTUAL BUILDING ELEVATIONS
C1-8	CONCEPTUAL BUILDING ELEVATIONS
C1-9	CONCEPTUAL BUILDING ELEVATIONS
C1-10	CONCEPTUAL BUILDING ELEVATIONS
C1-11	CONCEPTUAL BUILDING ELEVATIONS
C1-12	CONCEPTUAL BUILDING ELEVATIONS
C1-13	CONCEPTUAL BUILDING ELEVATIONS
C1-14	CONCEPTUAL BUILDING ELEVATIONS
C1-15	CONCEPTUAL BUILDING ELEVATIONS
C1-16	CONCEPTUAL BUILDING ELEVATIONS
C1-17	CONCEPTUAL BUILDING ELEVATIONS
C1-18	CONCEPTUAL BUILDING ELEVATIONS

REZONING CONDITIONS

ARCHITECTURAL CONDITIONS:

1. VINYL SIDING IS NOT PERMITTED; HOWEVER, VINYL WINDOWS, DECORATIVE ELEMENTS, AND TRIM ARE PERMITTED.
2. REAR AND SIDE ELEVATIONS OF UNITS THAT HAVE RIGHT-OF-WAY FRONTAGE SHALL HAVE TRIM AROUND THE WINDOWS.
3. A MINIMUM OF THREE OF THE FOLLOWING FEATURES SHALL BE USED ON EACH BUILDING:
   a. DECORATIVE SHAKE
   b. BOARD AND BATTEN
   c. DECORATIVE PORCH RAILING/POSTS
   d. SHUTTERS
   e. DECORATIVE/FUNCTIONAL AIR VENTS ON ROOF OR FOUNDATION
   f. RECESSED WINDOWS
   g. DECORATIVE WINDOWS
   h. DECORATIVE BRICK/STONE
   i. GABLES
   j. DECORATIVE CORNICES
   k. TIN/METAL ROOF
4. GARAGE DOORS MUST HAVE WINDOWS, DECORATIVE DETAILS, OR CARRIAGE-STYLE ADORNMENTS ON THEM.
5. WINDOWS THAT ARE NOT RECESSED MUST BE TRIMMED.

AS SHOWN ELSEWHERE IN THE PUD, THE FOLLOWING ENVIRONMENTAL CONDITIONS SHALL APPLY TO THE DEVELOPMENT:

1. THE PROJECT SHALL INSTALL AT LEAST ONE (1) SIGN PER SCM DISCOURAGING THE USE OF FERTILIZER AND TO REDUCE PET WASTE NEAR SCM DRAINAGE AREAS. THE SIGN SHALL BE INSTALLED IN LOCATIONS THAT ARE PUBLICLY ACCESSIBLE, SUCH AS ADJACENT TO, BUT OUTSIDE OF PUBLIC PROPERTY AND/OR PUBLIC EASEMENT(S), AMENITY CENTERS, SIDEWALKS, GREENWAYS, OR SIDE PATHS.
2. AT LEAST 70% OF PLANTS SHALL BE NATIVE SPECIES. LANDSCAPING WILL BE COORDINATED WITH AND APPROVED BY THE PLANNING DIRECTOR AT SITE PLAN OR SUBDIVISION REVIEW.
3. NO INVASIVE SPECIES SHALL BE PERMITTED. NO SINGLE SPECIES OF TREE OR SHRUB SHALL CONSTITUTE MORE THAN 20% OF THE PLANT MATERIAL OF ITS TYPE WITHIN A SINGLE DEVELOPMENT SITE.
4. THE PROJECT SHALL INSTALL A SIGN ADJACENT TO WOODED OR NATURAL CONDITION RESOURCE CONSERVATION AREA THAT INDICATES THE AREA IS RCA AND TO BE PRESERVED IN PERPETUITY AND NOT DISTURBED.
5. THE PROJECT SHALL INSTALL AT LEAST TWO (2) PET WASTE STATIONS IN THE PROJECT IN LOCATIONS THAT ARE PUBLICLY ACCESSIBLE, SUCH AS ADJACENT TO AMENITY CENTERS, SCMS, SIDEWALKS, GREENWAYS, OR SIDE PATHS.
6. THE PROJECT SHALL USE FULL CUTOFF LED FIXTURES THAT HAVE A MAXIMUM COLOR TEMPERATURE OF 3000K FOR ALL EXTERIOR LIGHTING, INCLUDING, BUT NOT LIMITED TO, PARKING LOT AND BUILDING MOUNTED FIXTURES.

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CONTACT:
RYAN FISHER
rfisher@bgeinc.com
(984) 212-8825

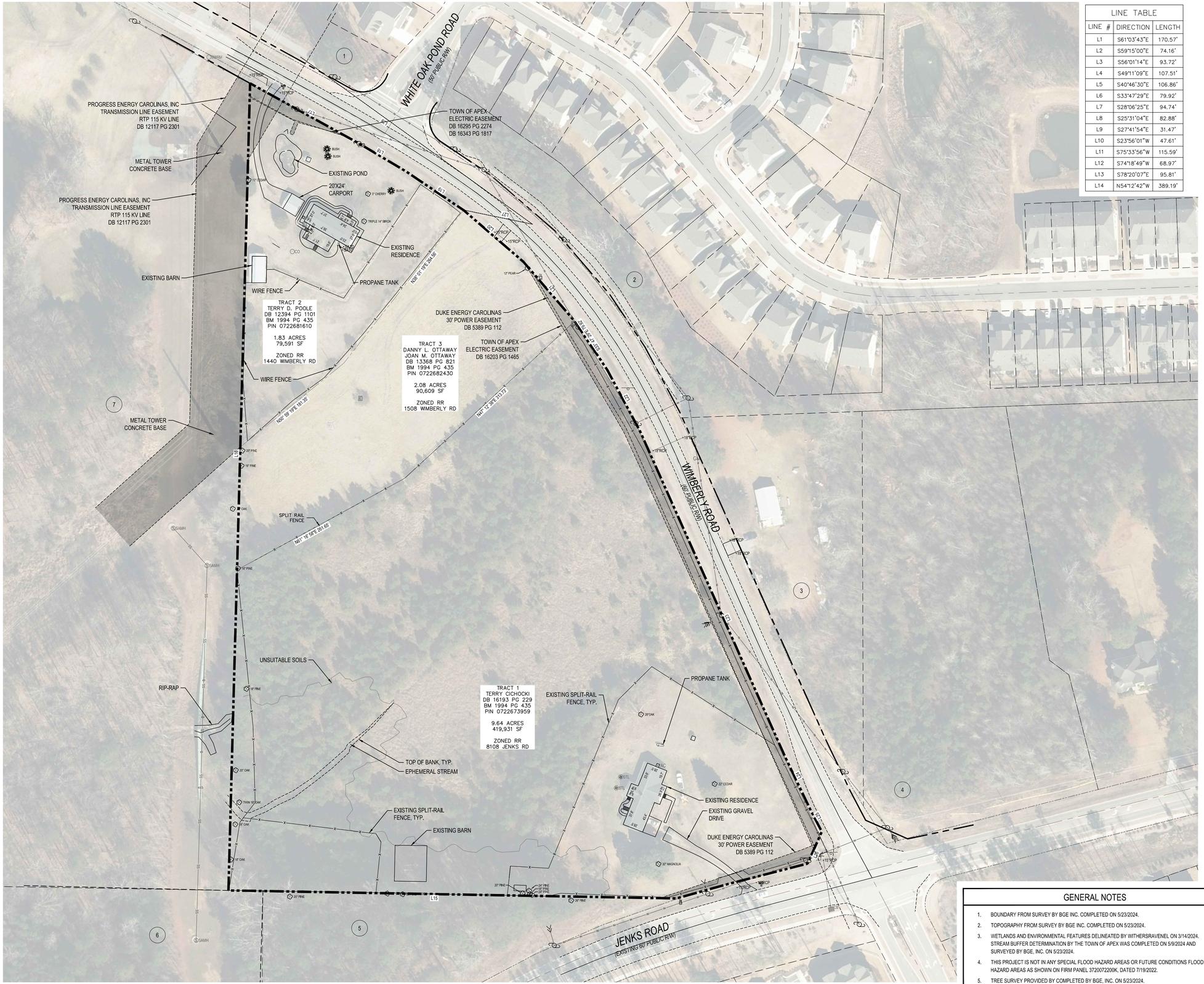
DEVELOPER:
WP EAST ACQUISITIONS, LLC.
1414 RALEIGH ROAD, SUITE 429
CHAPEL HILL, NC 27517
PHONE: (704) 332-8995

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 039756 RYAN S. FISHER
PRELIMINARY NOT FOR CONSTRUCTION

PUD-CZ DRAWINGS FOR:
ALTERA HEIGHTS
8108 JENKS ROAD
APEX, NC 27523-9423

FILE NUMBER:
13123-00

G:\NCA\Projects\Wood Partners\13123-00 Jenks Road Multifamily\03 - DWG\PlanSheets\On-Site\Planned Development Plan\C0-0 - COVER.dwg Layout: C0-0 Plotted: 4/4/2025 9:28:04 AM



LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S61°03'43"E	170.57'
L2	S59°15'00"E	74.16'
L3	S56°01'14"E	93.72'
L4	S49°11'09"E	107.51'
L5	S40°46'30"E	106.86'
L6	S33°47'29"E	79.92'
L7	S28°06'25"E	94.74'
L8	S25°31'04"E	82.88'
L9	S27°41'54"E	31.47'
L10	S23°56'01"W	47.61'
L11	S75°33'56"W	115.59'
L12	S74°18'49"W	68.97'
L13	S78°20'07"E	95.81'
L14	N54°12'42"W	389.19'

ADJACENT PROPERTY OWNER INFORMATION:

1. PIN: 0722692652
DB. 018946 PG. 02091
THE PRESERVE AT WHITE OAK CREEK HOMEOWNERS ASSOCIATION
15501 WESTON PARKWAY, SUITE 100
CARY, NC 27513-8636

2. PIN: 0722689944
DB. 017584 PG. 02495
THE PRESERVE AT WHITE OAK CREEK HOMEOWNERS ASSOCIATION
15501 WESTON PARKWAY, SUITE 100
CARY, NC 27513-8636

3. PIN: 0722687241
D.B. 019165 PG. 02160
COLUMBIA INVESTMENTS LLC.
P.O. BOX 1897
APEX, NC 27502-1100

4. PIN: 0722689065
D.B. 019165 PG. 02155
COLUMBIA INVESTMENTS LLC.
P.O. BOX 1897
APEX, NC 27502-1100

5. PIN: 0722671588
D.B. 017267 PG. 01687
TOWN OF APEX
P.O. BOX 250
APEX, NC 27502-0250

6. PIN: 0722576478
D.B. 019499 PG. 02788
CRP/BI JENKS ROAD APEX OWNER LLC
1001 PENNSYLVANIA AVE NW SUITE 220
WASHINGTON, DC 20004-2525

7. PIN: 0722488535
D.B. 004409 PG. 00746
TOWN OF APEX / TOWN OF CARY
P.O. BOX 8005
CARY, NC 27512-8005

GENERAL NOTES

1. BOUNDARY FROM SURVEY BY BGE INC. COMPLETED ON 5/23/2024.
2. TOPOGRAPHY FROM SURVEY BY BGE INC. COMPLETED ON 5/23/2024.
3. WETLANDS AND ENVIRONMENTAL FEATURES DELINEATED BY WITHERSRAVENEL ON 3/14/2024. STREAM BUFFER DETERMINATION BY THE TOWN OF APEX WAS COMPLETED ON 5/9/2024 AND SURVEYED BY BGE, INC. ON 5/23/2024.
4. THIS PROJECT IS NOT IN ANY SPECIAL FLOOD HAZARD AREAS OR FUTURE CONDITIONS FLOOD HAZARD AREAS AS SHOWN ON FIRM PANEL 3720072200K, DATED 7/19/2022.
5. TREE SURVEY PROVIDED BY COMPLETED BY BGE, INC. ON 5/23/2024.

N

0 30' 60' 120'
SCALE: 1" = 60'

REV	DATE	DESCRIPTION
1	04/04/2025	RESPONSE TO COMMENTS
2	02/07/2025	RESPONSE TO COMMENTS
3	08/02/2024	RESPONSE TO COMMENTS

DESIGNED BY: CM
DRAWN BY: CM
REVIEWED BY: RF

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CHAPEL HILL, NC 27517

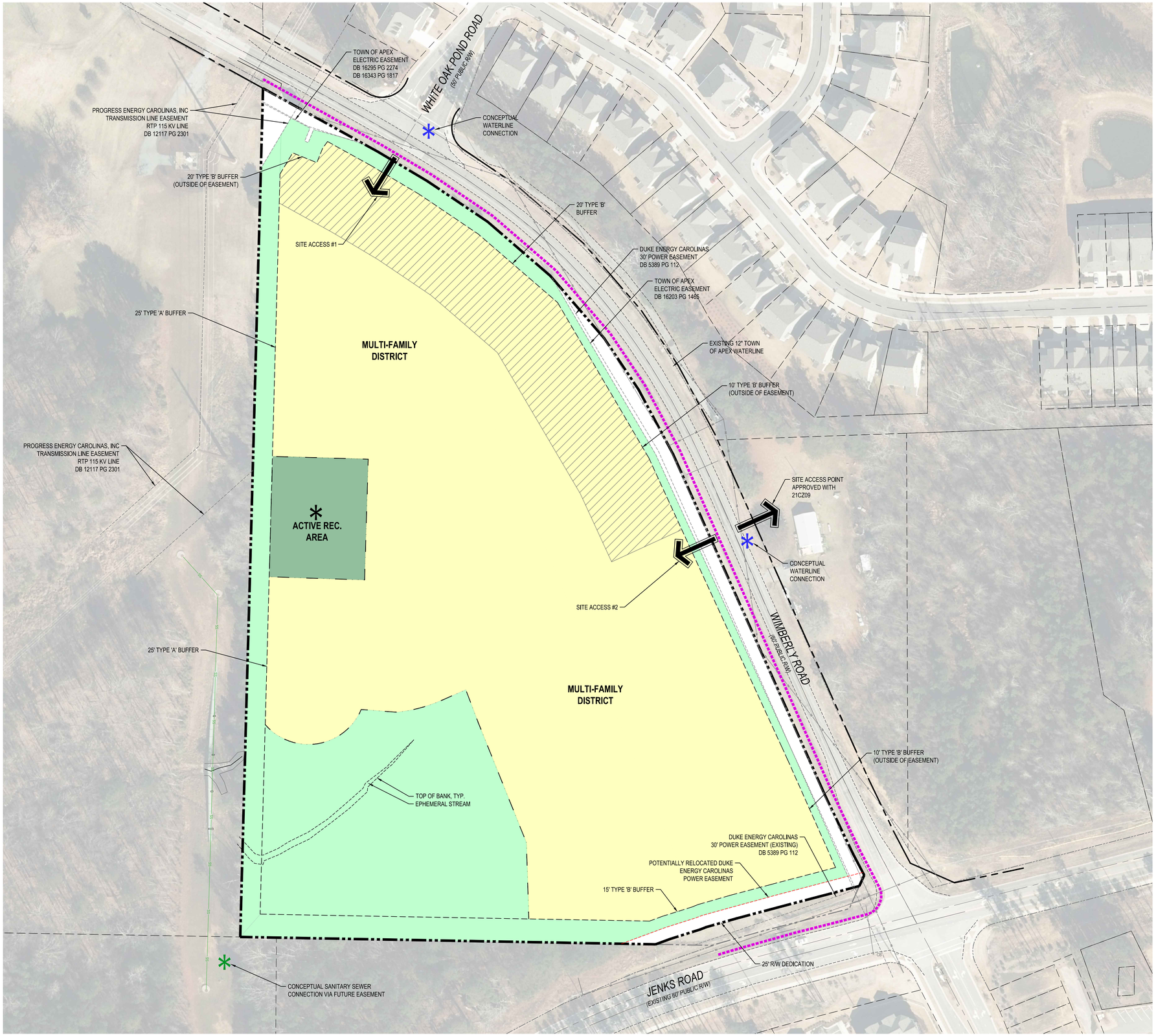
ALTERA HEIGHTS
APEX, NORTH CAROLINA 27523-9423

EXISTING CONDITIONS

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 039756 JOHN S. FISHER
PRELIMINARY NOT FOR CONSTRUCTION

FILE NUMBER:
DATE: 06/03/2024
C1-0

G:\INCA\Projects\Wood Partners\13123-00 Jenks Road Multifamily\03 - DWG\PlanSheets\On-Site\Planned Development Plan\C1-0 - EXIST COND.dwg Layout: C1-0 Plotted: 4/4/2025 9:29:12 AM



LEGEND

- PROPERTY LINE
- MULTIFAMILY CONCEPTUAL DEVELOPMENT BLOCK
- BUILDINGS LOCATED IN THIS AREA SHALL BE LIMITED TO 3 FLOORS (50 FT)
- RESOURCE CONSERVATION AREA
- ACTIVE RECREATION AREA
- CONCEPTUAL SITE ACCESS
- CONCEPTUAL 10' SIDEPATH
- CONCEPTUAL WATERLINE CONNECTION
- CONCEPTUAL SANITARY SEWER CONNECTION

PRELIMINARY LAYOUT NOTES

GENERAL NOTES:

1. ALL ZONING PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE PURPOSES ONLY. FINAL DESIGN COMPONENTS SHALL BE DETERMINED DURING THE MINOR SITE PLAN APPROVAL PROCESS.
2. REFER TO THE PUD TEXT DOCUMENTS FOR ALLOWABLE USES, ZONING CONDITIONS AND OTHER DESIGN STANDARDS.
3. ALL VEHICULAR ACCESS LOCATIONS AND PEDESTRIAN CIRCULATION ARE CONCEPTUAL AND SHALL BE FINALIZED DURING THE MINOR SITE PLAN APPROVAL PROCESS.
4. TREE PROTECTION FENCING SHALL BE PLACED IN ACCORDANCE WITH THE TOWN OF APEX'S UNIFIED DEVELOPMENT ORDINANCE.
5. EXACT LOCATION OF OPEN SPACE AND RESOURCE CONSERVATION AREA TO BE FINALIZED DURING THE MINOR SITE PLAN APPROVAL PROCESS.
6. NO SIGNS ARE APPROVED AS PART OF THE PUD-CZ APPROVAL PROCESS. A SEPARATE SIGN PERMIT MUST BE OBTAINED IN ACCORDANCE WITH THE TOWN OF APEX'S UNIFIED DEVELOPMENT ORDINANCE.
7. SITE ELEMENTS REQUIRED TO SATISFY RECREATIONAL REQUIREMENTS MUST MEET ANY APPLICABLE STANDARDS FOUND IN THE TOWN OF APEX STANDARD SPECIFICATIONS AND CONSTRUCTION DETAILS AND THE REQUIREMENTS OF THE TOWN OF APEX PARKS AND RECREATION DEPARTMENT.
8. SITE ITEMS SUCH AS BUT NOT LIMITED TO, LIGHTING, LANDSCAPING, SCREENING, SITE STABILIZATION (SEEDING), PARKING, AND PAVEMENT MARKING, MUST BE COMPLETED PRIOR TO SCHEDULING A FINAL SITE INSPECTION.

UTILITY NOTES:

1. THIS PROJECT IS REQUESTING FULL TOWN SERVICES, INCLUDING BUT NOT LIMITED TO, WATER, SEWER AND ELECTRICITY.
2. THE SITE WILL NOT UTILIZE PRIVATE SEWAGE DISPOSAL SYSTEMS.
3. ALL UTILITY EASEMENTS SHALL BE PROVIDED AS NECESSARY. EXACT LOCATION SHALL BE DETERMINED AT THE TIME OF CONSTRUCTION DRAWINGS.
4. ALL CONSTRUCTION SHALL COMPLY WITH THE TOWN OF APEX STANDARDS AND SPECIFICATIONS.
5. ALL WATER AND SEWER MAINS WITHIN PUBLIC EASEMENTS SHALL BE OWNED, OPERATED, AND MAINTAINED BY THE TOWN OF APEX.

REV	DATE	DESCRIPTION
3	04/04/2025	RESPONSE TO COMMENTS
2	02/07/2025	RESPONSE TO COMMENTS
1	08/02/2024	RESPONSE TO COMMENTS

DESIGNED BY: CM
DRAWN BY: CM
REVIEWED BY: RF

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PRELIMINARY LAYOUT PLAN

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 039756 RYAN S. FISHER
PRELIMINARY NOT FOR CONSTRUCTION

FILE NUMBER:
DATE: 06/03/2024
C1-1

N

0 30' 60' 120'
SCALE: 1" = 60'

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AMENITY BUILDING FRONT AND REAR ELEVATION

NOT TO SCALE

NOTE: FRONT AND REAR ELEVATIONS OF AMENITY BUILDING ARE IDENTICAL

Color selections are representative examples. Final colors selected may differ but will be materially consistent with options shown here.

SCHEME 1	SW 6165: Connected Gray	SW 7068: Grizzle Gray	SW 7004: Snowbound
SCHEME 2	SW 6150: Universal Khaki	SW 7625: Mount Etna	SW 6071: Popular Gray
SCHEME 3	SW 7672: Knitting Needles	SW 7602: Indigo Batik	SW 7070: Site White

BOARD & BATTEN VENEER | HORIZONTAL SIDING VENEER | ROOF SHINGLES | FIBER CEMENT PANEL & TRIM

AXIOM ARCHITECTURE INTERIOR DESIGN

WOOD PARTNERS

REV	DATE	DESCRIPTION
1	04/04/2025	RESPONSE TO COMMENTS
2	02/07/2025	RESPONSE TO COMMENTS
3	08/02/2024	RESPONSE TO COMMENTS

DESIGNED BY:	CM
DRAWN BY:	CM
REVIEWED BY:	RF

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CONCEPTUAL BUILDING ELEVATIONS

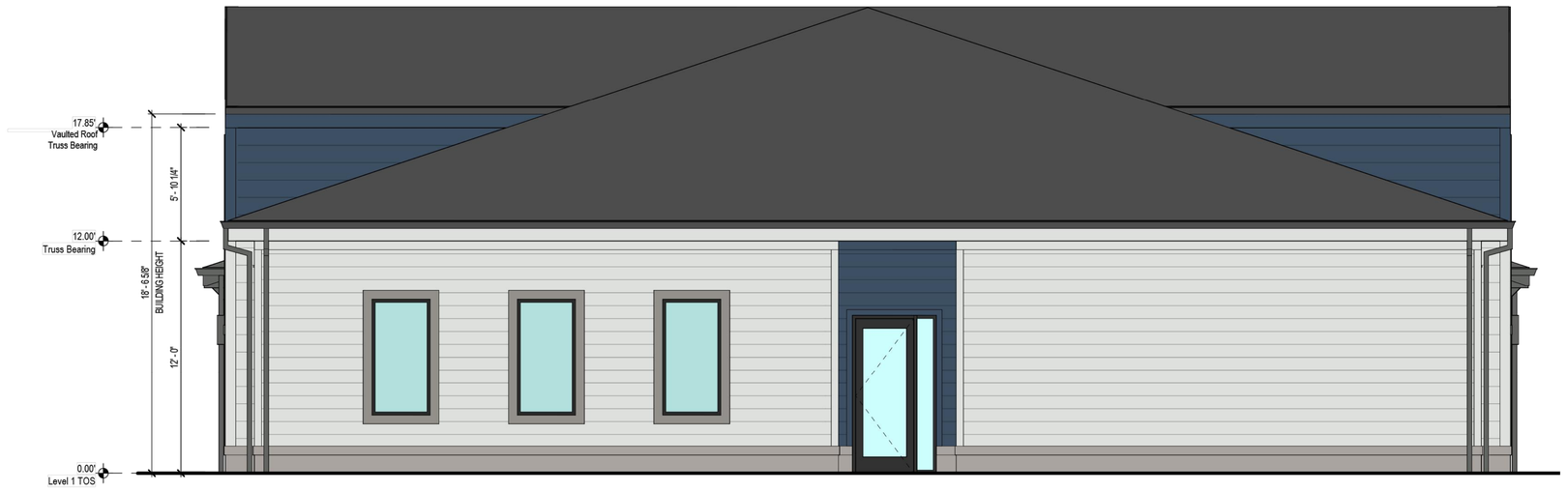
NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 039706 RYAN S. FISHER
PRELIMINARY NOT FOR CONSTRUCTION

FILE NUMBER:

DATE: 06/03/2024

C1-2

G:\NCA\Projects\Wood Partners\13123-00 Jenks Road Multifamily\03 - DWG\PlanSheets\On-Site\Planned Development Plans\C1-2 - CONCEPTUAL BLDG ELEV.dwg Layout: C1-2 Plotted: 4/4/2025 9:30:33 AM



AMENITY BUILDING WEST ELEVATION

NOT TO SCALE

AMENITY BUILDING EAST ELEVATION

NOT TO SCALE

Color selections are representative examples. Final colors selected may differ but will be materially consistent with options shown here.

SCHEME 1	SW 6165: Connected Gray	SW 7068: Grizzle Gray	SW 7004: Snowbound
SCHEME 2	SW 6150: Universal Khaki	SW 7625: Mount Etna	SW 6071: Popular Gray
SCHEME 3	SW 7672: Knitting Needles	SW 7602: Indigo Batik	SW 7070: Site White

BOARD & BATTEN VENEER | HORIZONTAL SIDING VENEER | ROOF SHINGLES | FIBER CEMENT PANEL & TRIM

AXIOM ARCHITECTURE INTERIOR DESIGN

WOOD PARTNERS

REV	DATE	DESCRIPTION
3	04/04/2025	RESPONSE TO COMMENTS
2	02/07/2025	RESPONSE TO COMMENTS
1	08/02/2024	RESPONSE TO COMMENTS

DESIGNED BY: CM
DRAWN BY: CM
REVIEWED BY: RF

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ALTERA HEIGHTS
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CONCEPTUAL BUILDING ELEVATIONS

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 039706 RYAN S. FISHER
PRELIMINARY NOT FOR CONSTRUCTION

FILE NUMBER:
DATE: 06/03/2024
C1-3

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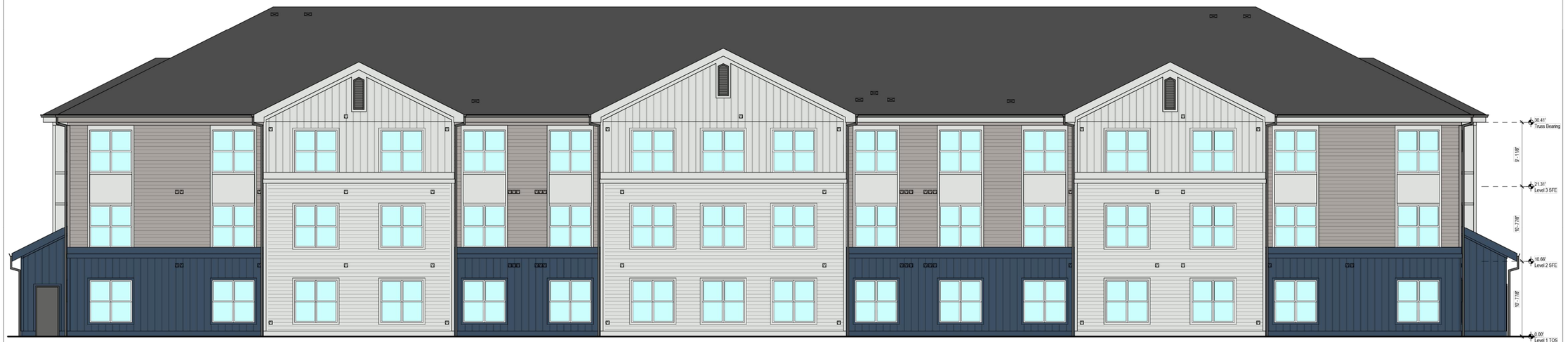
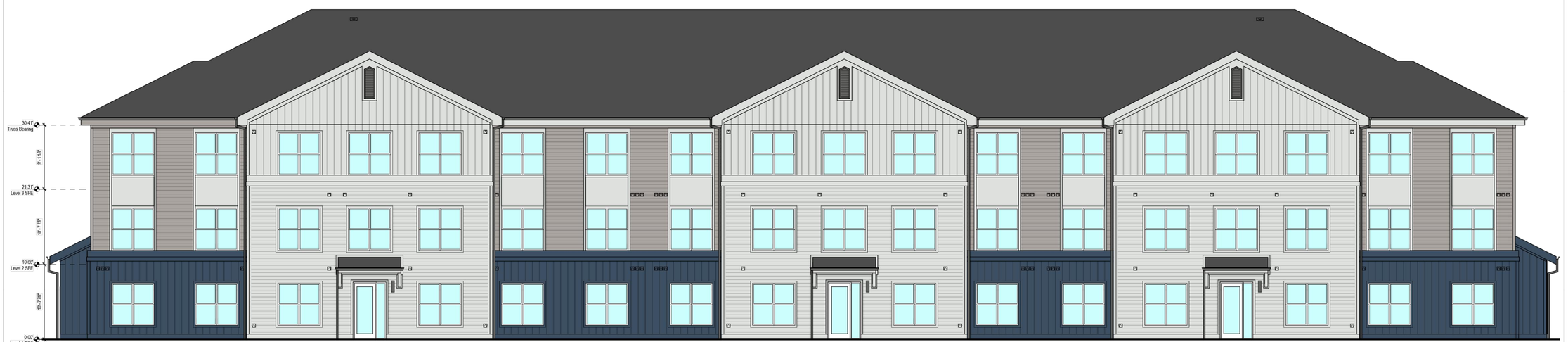


RESIDENTIAL BUILDING TYPE B1 REAR ELEVATION - OPTION 2

NOT TO SCALE



RESIDENTIAL BUILDING TYPE B1 FRONT ELEVATION - OPTION 2

NOT TO SCALE

Color selections are representative examples. Final colors selected may differ but will be materially consistent with options shown here.

SCHEME 1

SW 6165: Connected Gray

SW 7068: Grizzle Gray

SW 7004: Snowbound

SCHEME 2

SW 6150: Universal Khaki

SW 7625: Mount Etna

SW 6071: Popular Gray

SCHEME 3

SW 7672: Knitting Needles

SW 7602: Indigo Batik

SW 7070: Site White

BOARD & BATTEN VENEER

HORIZONTAL SIDING VENEER

ROOF SHINGLES

FIBER CEMENT PANEL & TRIM

AXIOM ARCHITECTURE INTERIOR DESIGN

WOOD PARTNERS

REV	DATE	DESCRIPTION
3	04/04/2025	RESPONSE TO COMMENTS
2	02/07/2025	RESPONSE TO COMMENTS
1	08/02/2024	RESPONSE TO COMMENTS

DESIGNED BY: CM

DRAWN BY: CM

REVIEWED BY: RF

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ALTERA HEIGHTS
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CONCEPTUAL BUILDING ELEVATIONS

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 039756 BRYAN S. FISHER
PRELIMINARY NOT FOR CONSTRUCTION

FILE NUMBER:

DATE: 06/03/2024

C1-4

G:\NCA\Projects\Wood Partners\13123-00 Jenks Road Multifamily\03 - DWG\PlanSheets\On-Site\Planned Development Plan\C1-2 - CONCEPTUAL BLDG ELEV.dwg Layout: C1-4 Plotted: 4/4/2025 9:31:07 AM

RESIDENTIAL BUILDING TYPE B1 EAST ELEVATION - OPTION 2

scale: 3/16" = 1'-0"

NOT TO SCALE

NOT TO SCALE

NOT TO SCALE

NOT TO SCALE

RESIDENTIAL BUILDING TYPE B1 WEST ELEVATION - OPTION 2

scale: 3/16" = 1'-0"

Color selections are representative examples. Final colors selected may differ but will be materially consistent with options shown here.

SCHEME 1

SW 6165: Connected Gray

SW 7068: Grizzle Gray

SW 7004: Snowbound

SCHEME 2

SW 6150: Universal Khaki

SW 7625: Mount Etna

SW 6071: Popular Gray

SCHEME 3

SW 7672: Knitting Needles

SW 7602: Indigo Batik

SW 7070: Site White

BOARD & BATTEN VENEER

HORIZONTAL SIDING VENEER

ROOF SHINGLES

FIBER CEMENT PANEL & TRIM

AXIOM ARCHITECTURE INTERIOR DESIGN

WOOD PARTNERS

REV	DATE	DESCRIPTION
1	04/04/2025	RESPONSE TO COMMENTS
2	02/07/2025	RESPONSE TO COMMENTS
3	08/02/2024	RESPONSE TO COMMENTS

DESIGNED BY: CM

DRAWN BY: CM

REVIEWED BY: RF

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ALTERA HEIGHTS
APEX, NORTH CAROLINA 27523-9423

CONCEPTUAL BUILDING ELEVATIONS

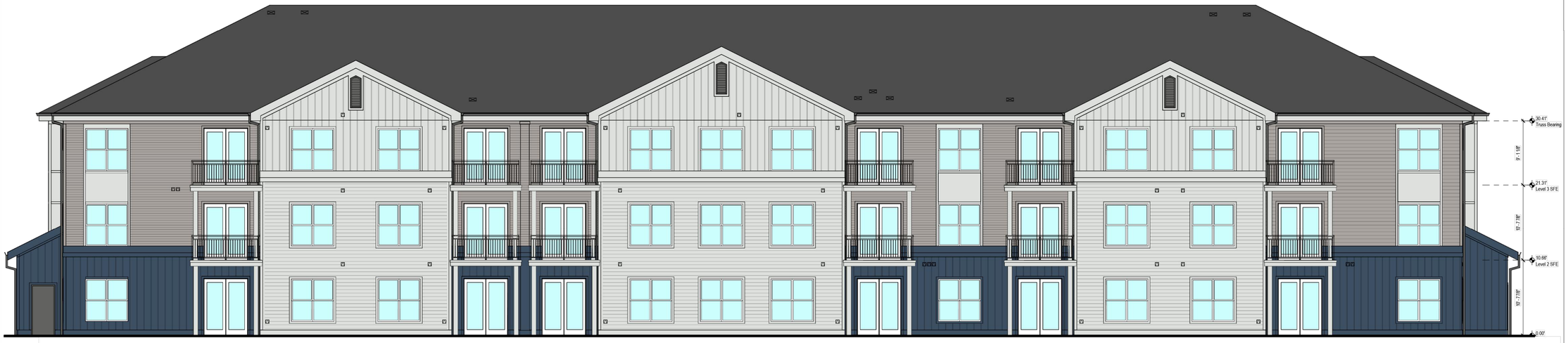
NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 039756 BRYAN S. FISHER
PRELIMINARY NOT FOR CONSTRUCTION

FILE NUMBER:

DATE: 06/03/2024

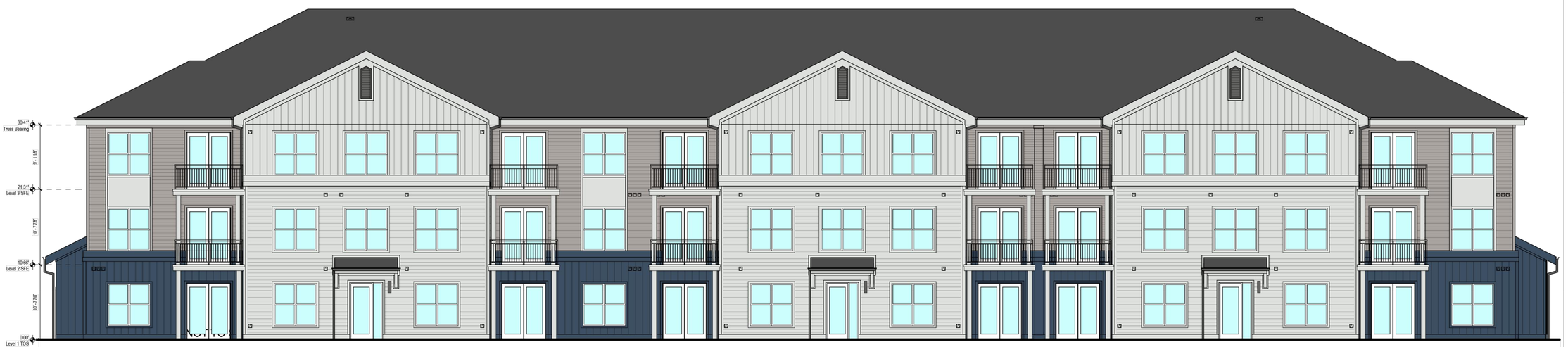
C1-5

G:\NCA\Projects\Wood Partners\13123-00 Jenks Road Multifamily\03 - DWG\PlanSheets\On-Site\Planned Development Plan\C1-2 - CONCEPTUAL BLDG ELEV.dwg Layout: C1-5 Plotted: 4/4/2025 9:31:23 AM



RESIDENTIAL BUILDING TYPE B1 W/ BALCONIES REAR ELEVATION - OPTION 2

NOT TO SCALE



RESIDENTIAL BUILDING TYPE B1 W/ BALCONIES FRONT ELEVATION - OPTION 2

NOT TO SCALE

Color selections are representative examples. Final colors selected may differ but will be materially consistent with options shown here.

SCHEME 1	SW 6165: Connected Gray	SW 7068: Grizzle Gray	SW 7004: Snowbound
SCHEME 2	SW 6150: Universal Khaki	SW 7625: Mount Etna	SW 6071: Popular Gray
SCHEME 3	SW 7672: Knitting Needles	SW 7602: Indigo Batik	SW 7070: Site White

BOARD & BATTEN VENEER | HORIZONTAL SIDING VENEER | ROOF SHINGLES | FIBER CEMENT PANEL & TRIM

AXIOM ARCHITECTURE INTERIOR DESIGN

WOOD PARTNERS

REV	DATE	DESCRIPTION
1	04/04/2025	RESPONSE TO COMMENTS
2	02/07/2025	RESPONSE TO COMMENTS
3	08/02/2024	RESPONSE TO COMMENTS

DESIGNED BY: CM
DRAWN BY: CM
REVIEWED BY: RF

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CONCEPTUAL BUILDING ELEVATIONS

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 039756 BRYAN S. FISHER
PRELIMINARY NOT FOR CONSTRUCTION

FILE NUMBER:
DATE: 06/03/2024
C1-6

G:\NCA\Projects\Wood Partners\13123-00 Jenks Road Multifamily\03 - DWG\PlanSheets\On-Site\Planned Development Plan\C1-2 - CONCEPTUAL BLDG ELEV.dwg Layout: C1-6 Plotted: 4/4/2025 9:31:48 AM

RESIDENTIAL BUILDING TYPE B1 W/ BALCONIES EAST ELEVATION - OPTION 2

NOT TO SCALE

RESIDENTIAL BUILDING TYPE B1 W/ BALCONIES WEST ELEVATION - OPTION 2

NOT TO SCALE

Color selections are representative examples. Final colors selected may differ but will be materially consistent with options shown here.

SCHEME 1

SW 6165: Connected Gray

SW 7068: Grizzle Gray

SW 7004: Snowbound

SCHEME 2

SW 6150: Universal Khaki

SW 7625: Mount Etna

SW 6071: Popular Gray

SCHEME 3

SW 7672: Knitting Needles

SW 7602: Indigo Batik

SW 7070: Site White

BOARD & BATTEN VENEER

HORIZONTAL SIDING VENEER

ROOF SHINGLES

FIBER CEMENT PANEL & TRIM

AXIOM ARCHITECTURE INTERIOR DESIGN

WOOD PARTNERS

REV	DATE	DESCRIPTION
1	04/04/2025	RESPONSE TO COMMENTS
2	02/07/2025	RESPONSE TO COMMENTS
3	08/02/2024	RESPONSE TO COMMENTS

DESIGNED BY: CM

DRAWN BY: CM

REVIEWED BY: RF

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CONCEPTUAL BUILDING ELEVATIONS

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 039756 BRYAN S. FISHER
PRELIMINARY NOT FOR CONSTRUCTION

FILE NUMBER:

DATE: 06/03/2024

C1-7

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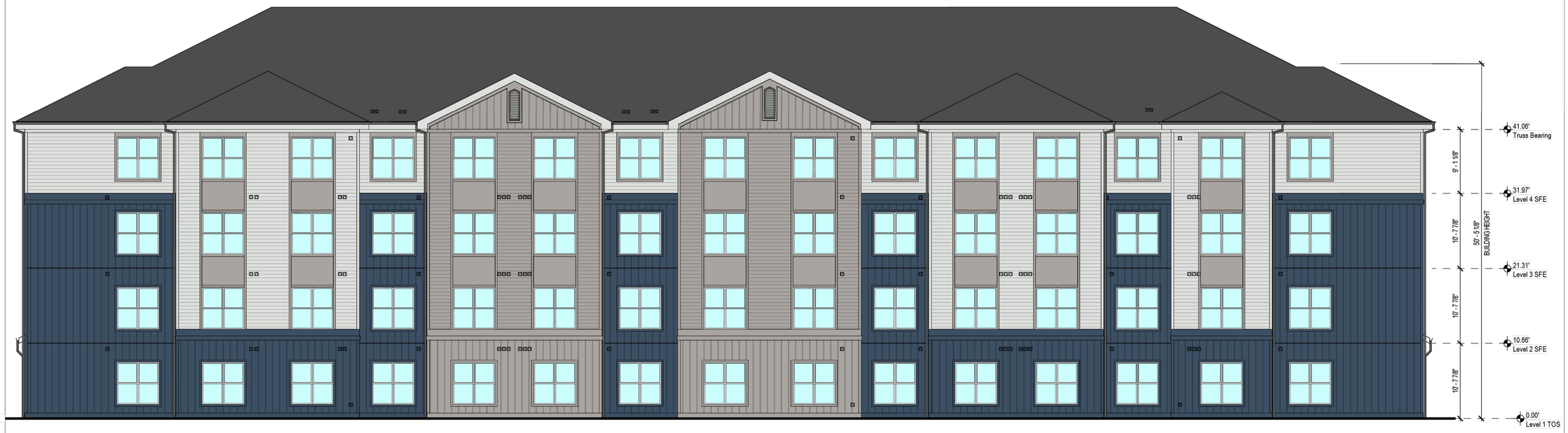
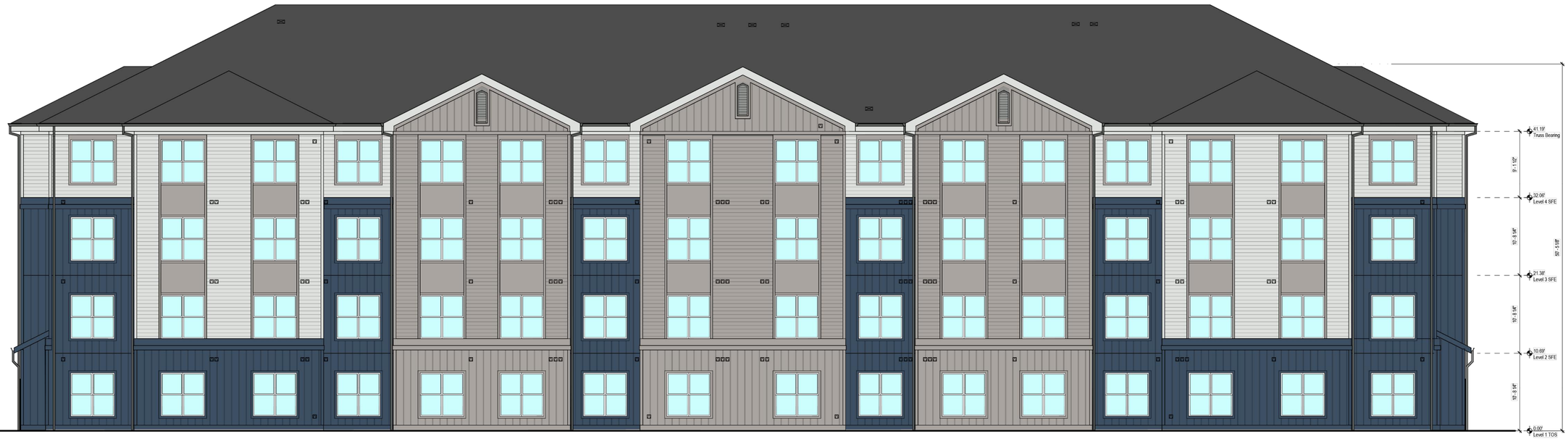


RESIDENTIAL BUILDING REAR ELEVATION - OPTION 1

NOT TO SCALE



RESIDENTIAL BUILDING FRONT ELEVATION - OPTION 1

NOT TO SCALE

Color selections are representative examples. Final colors selected may differ but will be materially consistent with options shown here.

SCHEME 1

SW 6165: Connected Gray

SW 7068: Grizzle Gray

SW 7004: Snowbound

SCHEME 2

SW 6150: Universal Khaki

SW 7625: Mount Etna

SW 6071: Popular Gray

SCHEME 3

SW 7672: Knitting Needles

SW 7602: Indigo Batik

SW 7070: Site White

BOARD & BATTEN VENEER

HORIZONTAL SIDING VENEER

ROOF SHINGLES

FIBER CEMENT PANEL & TRIM

AXIOM ARCHITECTURE INTERIOR DESIGN

WOOD PARTNERS

REV	DATE	DESCRIPTION
1	04/04/2025	RESPONSE TO COMMENTS
2	02/07/2025	RESPONSE TO COMMENTS
3	08/02/2024	RESPONSE TO COMMENTS

DESIGNED BY:	CM
DRAWN BY:	CM
REVIEWED BY:	RF

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CONCEPTUAL BUILDING ELEVATIONS

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 039706 RYAN S. FISHER
PRELIMINARY NOT FOR CONSTRUCTION

FILE NUMBER:

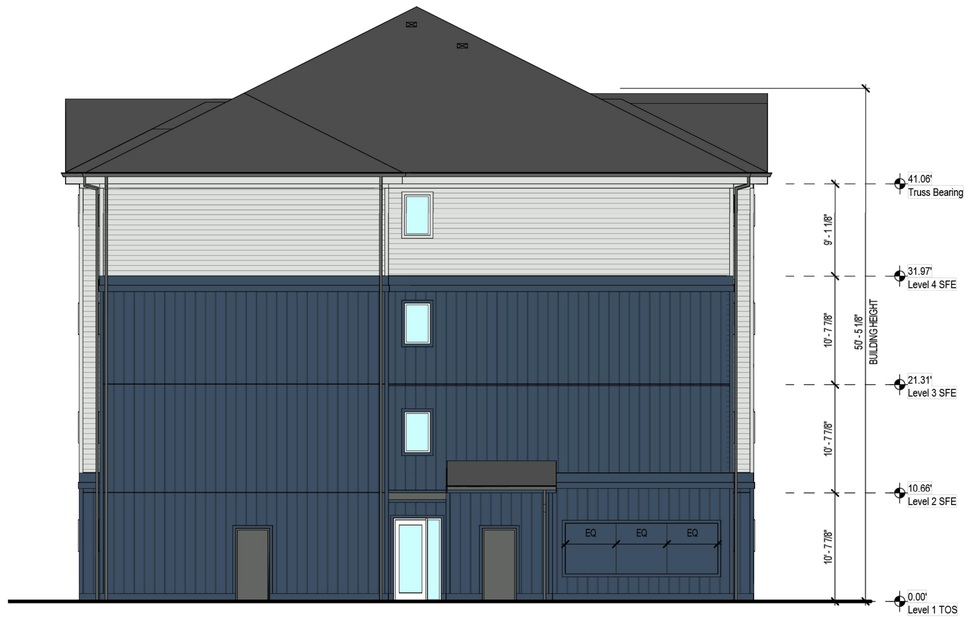
DATE: 06/03/2024

C1-8

G:\NCA\Projects\Wood Partners\13123-00 Jenks Road Multifamily\03 - DWG\PlanSheets\On-Site\Planned Development Plans\C1-2 - CONCEPTUAL BLDG ELEV.dwg Layout: C1-8 Plotted: 4/4/2025 9:32:14 AM

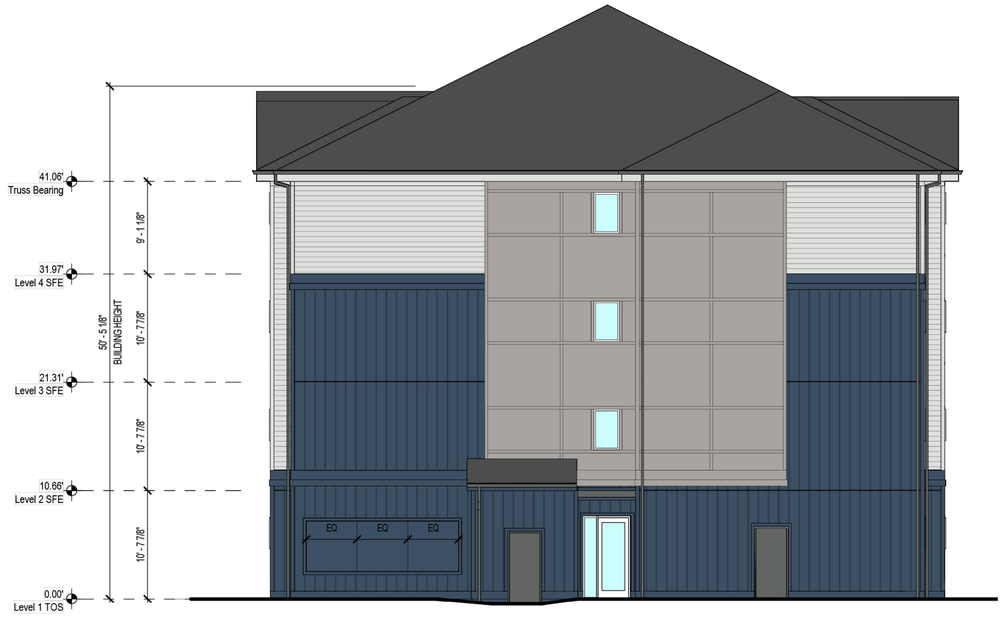
RESIDENTIAL BUILDING EAST ELEVATION - OPTION 1

NOT TO SCALE



RESIDENTIAL BUILDING WEST ELEVATION - OPTION 1

NOT TO SCALE



RESIDENTIAL BUILDING EAST ELEVATION - OPTION 2

NOT TO SCALE

RESIDENTIAL BUILDING WEST ELEVATION - OPTION 2

NOT TO SCALE

Color selections are representative examples. Final colors selected may differ but will be materially consistent with options shown here.

SCHEME 1

SW 6165: Connected Gray

SW 7068: Grizzle Gray

SW 7004: Snowbound

SCHEME 2

SW 6150: Universal Khaki

SW 7625: Mount Etna

SW 6071: Popular Gray

SCHEME 3

SW 7672: Knitting Needles

SW 7602: Indigo Batik

SW 7070: Site White

BOARD & BATTEN VENEER

HORIZONTAL SIDING VENEER

ROOF SHINGLES

FIBER CEMENT PANEL & TRIM

AXIOM ARCHITECTURE INTERIOR DESIGN

WOOD PARTNERS

REV	DATE	DESCRIPTION
1	04/04/2025	RESPONSE TO COMMENTS
2	02/07/2025	RESPONSE TO COMMENTS
3	08/02/2024	RESPONSE TO COMMENTS

DESIGNED BY:	CM
DRAWN BY:	CM
REVIEWED BY:	RF

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CONCEPTUAL BUILDING ELEVATIONS

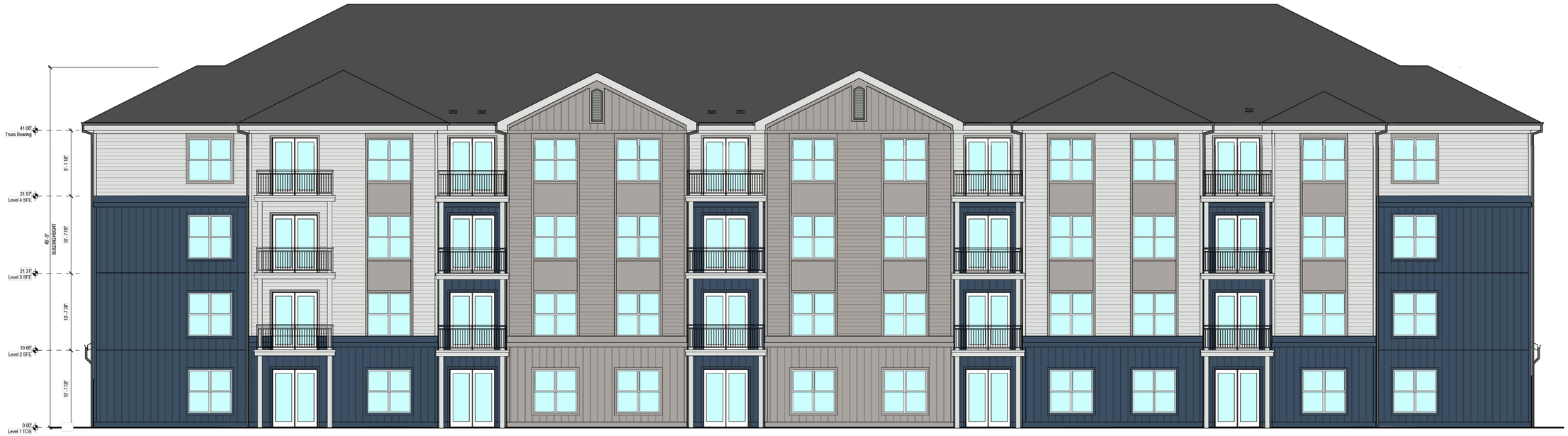
NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 039795 PRELIMINARY NOT FOR CONSTRUCTION
EVAN S. FISHER

FILE NUMBER:

DATE: 06/03/2024

C1-9

G:\NCAI\Projects\Wood Partners\131123-00 Jenks Road Multifamily\03 - DWG\PlanSheets\On-Site\Planned Development Plans\C1-2 - CONCEPTUAL BLDG ELEV.dwg Layout: C1-9 Plotted: 4/4/2025 9:34:54 AM



RESIDENTIAL BUILDING REAR ELEVATION - OPTION 2

NOT TO SCALE

RESIDENTIAL BUILDING FRONT ELEVATION - OPTION 2

NOT TO SCALE

Color selections are representative examples. Final colors selected may differ but will be materially consistent with options shown here.

SCHEME 1

SW 6165: Connected Gray

SW 7068: Grizzle Gray

SW 7004: Snowbound

SCHEME 2

SW 6150: Universal Khaki

SW 7625: Mount Etna

SW 6071: Popular Gray

SCHEME 3

SW 7672: Knitting Needles

SW 7602: Indigo Batik

SW 7070: Site White

BOARD & BATTEN VENEER

HORIZONTAL SIDING VENEER

ROOF SHINGLES

FIBER CEMENT PANEL & TRIM

AXIOM ARCHITECTURE INTERIOR DESIGN

WOOD PARTNERS

REV	DATE	DESCRIPTION
1	04/04/2025	RESPONSE TO COMMENTS
2	02/07/2025	RESPONSE TO COMMENTS
3	08/02/2024	RESPONSE TO COMMENTS

DESIGNED BY: CM

DRAWN BY: CM

REVIEWED BY: RF

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CONCEPTUAL BUILDING ELEVATIONS

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 039786 RYAN S. FISHER
PRELIMINARY NOT FOR CONSTRUCTION

FILE NUMBER:

DATE: 06/03/2024

C1-10

G:\NCA\Projects\Wood Partners\13123-00 Jenks Road Multifamily\03 - DWG\PlanSheets\On-Site\Planned Development Plan\C1-2 - CONCEPTUAL BLDG ELEV.dwg Layout: C1-10 Plotted: 4/4/2025 9:35:18 AM

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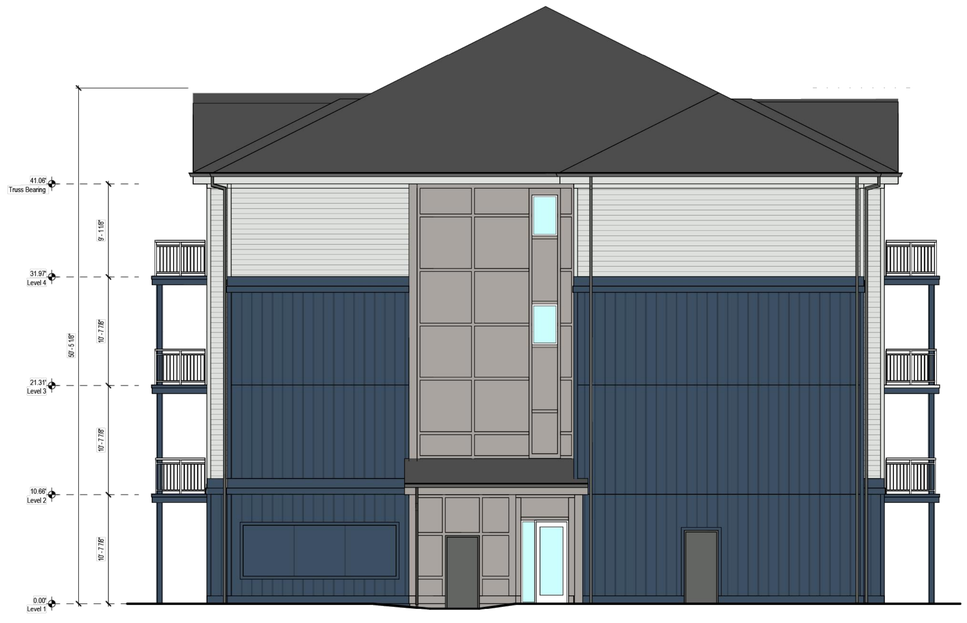


RESIDENTIAL BUILDING EAST ELEVATION - OPTION 3

NOT TO SCALE '

RESIDENTIAL BUILDING WEST ELEVATION - OPTION 3

NOT TO SCALE

Color selections are representative examples. Final colors selected may differ but will be materially consistent with options shown here.

SCHEME 1

SW 6165: Connected Gray

SW 7068: Grizzle Gray

SW 7004: Snowbound

SCHEME 2

SW 6150: Universal Khaki

SW 7625: Mount Etna

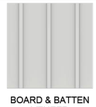
SW 6071: Popular Gray

SCHEME 3

SW 7672: Knitting Needles

SW 7602: Indigo Batik

SW 7070: Site White


BOARD & BATTEN VENEER

HORIZONTAL SIDING VENEER

ROOF SHINGLES

FIBER CEMENT PANEL & TRIM

AXIOM ARCHITECTURE INTERIOR DESIGN

WOOD PARTNERS

REV	DATE	DESCRIPTION
1	04/04/2025	RESPONSE TO COMMENTS
2	02/07/2025	RESPONSE TO COMMENTS
1	08/02/2024	RESPONSE TO COMMENTS

DESIGNED BY:	CM
DRAWN BY:	CM
REVIEWED BY:	RF

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CONCEPTUAL BUILDING ELEVATIONS

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 039795 IVAN S. FISHER
PRELIMINARY NOT FOR CONSTRUCTION

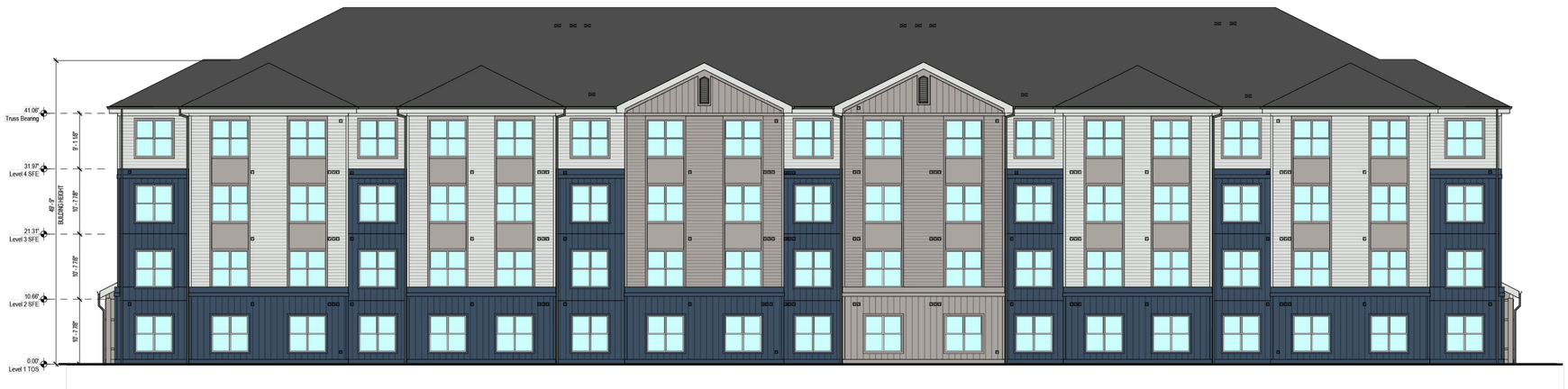
FILE NUMBER:

DATE: 06/03/2024

C1-11

RESIDENTIAL BUILDING TYPE D2 REAR ELEVATION

NOT TO SCALE



RESIDENTIAL BUILDING TYPE D2 FRONT ELEVATION

NOT TO SCALE

Color selections are representative examples. Final colors selected may differ but will be materially consistent with options shown here.

SCHEME 1

SW 6165: Connected Gray

SW 7068: Grizzle Gray

SW 7004: Snowbound

SCHEME 2

SW 6150: Universal Khaki

SW 7625: Mount Etna

SW 6071: Popular Gray

SCHEME 3

SW 7672: Knitting Needles

SW 7602: Indigo Batik

SW 7070: Site White

BOARD & BATTEN VENEER

HORIZONTAL SIDING VENEER

ROOF SHINGLES

FIBER CEMENT PANEL & TRIM

AXIOM ARCHITECTURE INTERIOR DESIGN

WOOD PARTNERS

REV	DATE	DESCRIPTION
3	04/04/2025	RESPONSE TO COMMENTS
2	02/07/2025	RESPONSE TO COMMENTS
1	08/02/2024	RESPONSE TO COMMENTS

DESIGNED BY: CM

DRAWN BY: CM

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CONCEPTUAL BUILDING ELEVATIONS

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 039706 BRYAN S. FISHER
PRELIMINARY NOT FOR CONSTRUCTION

FILE NUMBER:

DATE: 06/03/2024

C1-12

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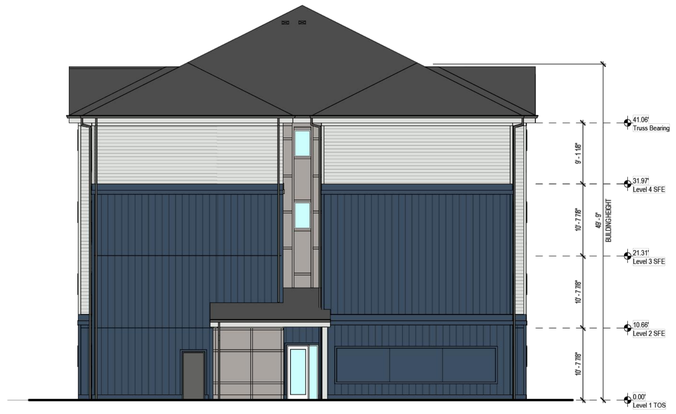
RESIDENTIAL BUILDING TYPE D2 EAST ELEVATION

NOT TO SCALE



RESIDENTIAL BUILDING TYPE D2 WEST ELEVATION

NOT TO SCALE

Color selections are representative examples. Final colors selected may differ but will be materially consistent with options shown here.

SCHEME 1

SW 6165: Connected Gray

SW 7068: Grizzle Gray

SW 7004: Snowbound

SCHEME 2

SW 6150: Universal Khaki

SW 7625: Mount Etna

SW 6071: Popular Gray

SCHEME 3

SW 7672: Knitting Needles

SW 7802: Indigo Batik

SW 7070: Site White

BOARD & BATTEN VENEER

HORIZONTAL SIDING VENEER

ROOF SHINGLES

FIBER CEMENT PANEL & TRIM

AXIOM ARCHITECTURE INTERIOR DESIGN

WOOD PARTNERS

REV	DATE	DESCRIPTION
1	04/04/2025	RESPONSE TO COMMENTS
2	02/07/2025	RESPONSE TO COMMENTS
3	08/02/2024	RESPONSE TO COMMENTS

DESIGNED BY: CM

DRAWN BY: CM

REVIEWED BY: RF

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CONCEPTUAL BUILDING ELEVATIONS

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 039706 BRYAN S. FISHER
PRELIMINARY NOT FOR CONSTRUCTION

FILE NUMBER:

DATE: 06/03/2024

C1-13

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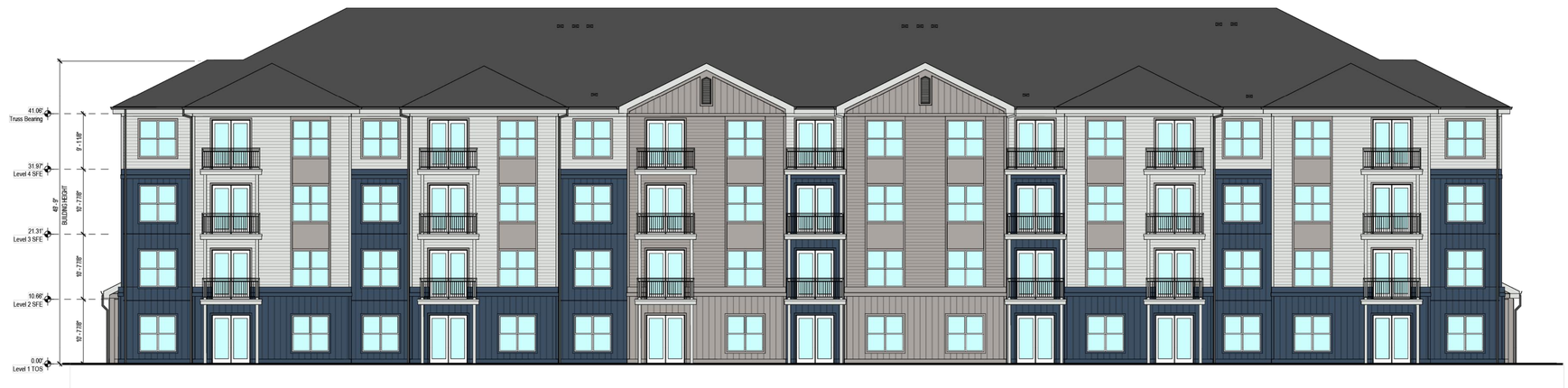
RESIDENTIAL BUILDING TYPE D2 W/ BALCONIES REAR ELEVATION

NOT TO SCALE



RESIDENTIAL BUILDING TYPE D2 W/ BALCONIES FRONT ELEVATION

NOT TO SCALE

Color selections are representative examples. Final colors selected may differ but will be materially consistent with options shown here.

SCHEME 1

SW 6165: Connected Gray

SW 7068: Grizzle Gray

SW 7004: Snowbound

SCHEME 2

SW 6150: Universal Khaki

SW 7625: Mount Etna

SW 6071: Popular Gray

SCHEME 3

SW 7672: Knitting Needles

SW 7602: Indigo Batik

SW 7070: Site White

BOARD & BATTEN VENEER

HORIZONTAL SIDING VENEER

ROOF SHINGLES

FIBER CEMENT PANEL & TRIM

AXIOM ARCHITECTURE INTERIOR DESIGN

WOOD PARTNERS

04/04/2025	RESPONSE TO COMMENTS		
02/07/2025	RESPONSE TO COMMENTS		
08/02/2024	RESPONSE TO COMMENTS		
DATE	DESCRIPTION	REV	

DESIGNED BY: CM

DRAWN BY: CM

REVIEWED BY: RF

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CONCEPTUAL BUILDING ELEVATIONS

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 039706 BRYAN S. FISHER
PRELIMINARY NOT FOR CONSTRUCTION

FILE NUMBER:

DATE: 06/03/2024

C1-14

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RESIDENTIAL BUILDING TYPE D2 W/ BALCONIES EAST ELEVATION

NOT TO SCALE

RESIDENTIAL BUILDING TYPE D2 W/ BALCONIES WEST ELEVATION

NOT TO SCALE

Color selections are representative examples. Final colors selected may differ but will be materially consistent with options shown here.

SCHEME 1

SW 6165: Connected Gray

SW 7068: Grizzle Gray

SW 7004: Snowbound

SCHEME 2

SW 6150: Universal Khaki

SW 7625: Mount Etna

SW 6071: Popular Gray

SCHEME 3

SW 7672: Knitting Needles

SW 7602: Indigo Batik

SW 7070: Site White

BOARD & BATTEN VENEER

HORIZONTAL SIDING VENEER

ROOF SHINGLES

FIBER CEMENT PANEL & TRIM

AXIOM ARCHITECTURE INTERIOR DESIGN

WOOD PARTNERS

REV	DATE	DESCRIPTION
1	04/04/2025	RESPONSE TO COMMENTS
2	02/07/2025	RESPONSE TO COMMENTS
3	08/02/2024	RESPONSE TO COMMENTS

DESIGNED BY: CM

DRAWN BY: CM

REVIEWED BY: RF

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CONCEPTUAL BUILDING ELEVATIONS

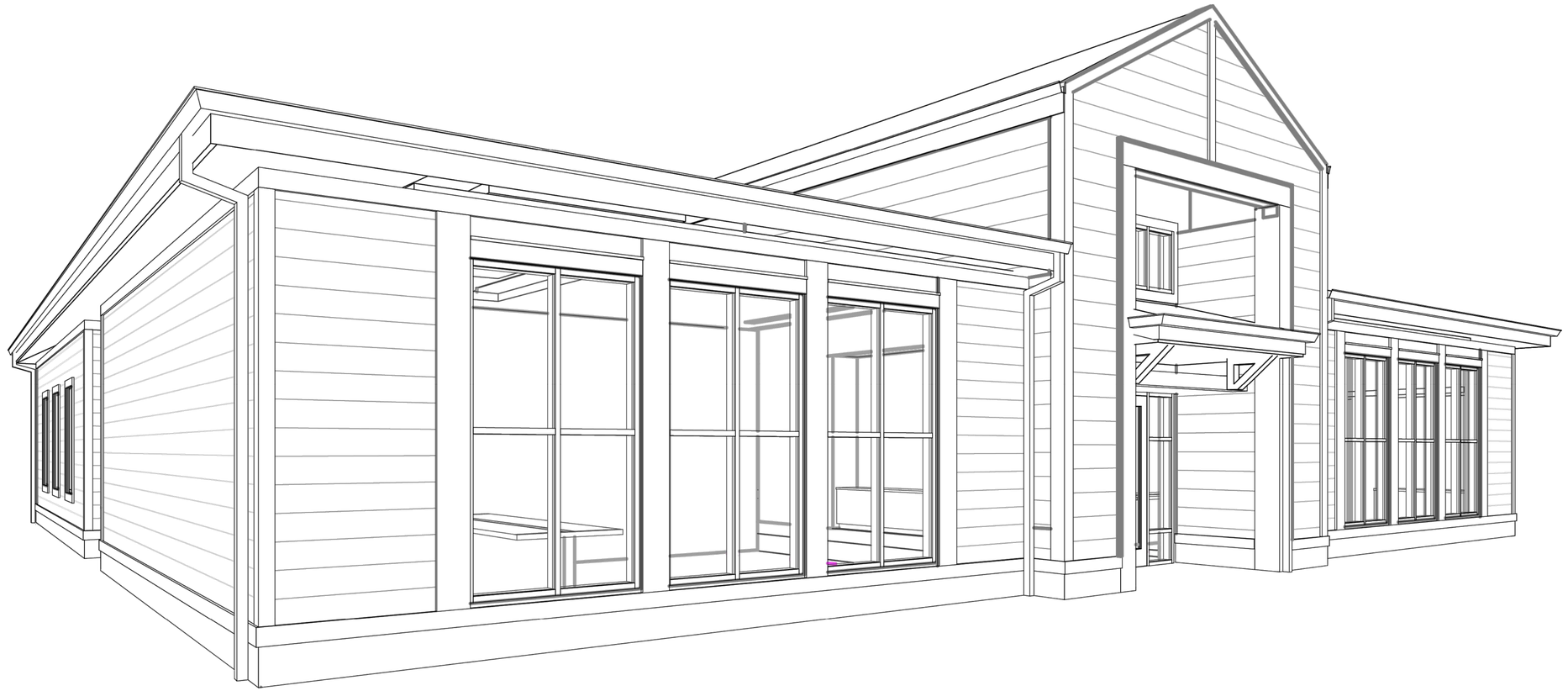
NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 039706 BRYAN S. FISHER
PRELIMINARY NOT FOR CONSTRUCTION

FILE NUMBER:

DATE: 06/03/2024

C1-15

G:\NCA\Projects\Wood Partners\13123-00 Jenks Road Multifamily\03 - DWG\PlanSheets\On-Site\Planned Development Plan\C1-2 - CONCEPTUAL BLDG ELEV.dwg Layout: C1-15 Plotted: 4/4/2025 9:37:46 AM



AMENITY BUILDING PERSPECTIVE

NOT TO SCALE

AXIOM ARCHITECTURE INTERIOR DESIGN

WOOD PARTNERS

REV	DATE	DESCRIPTION
1	04/04/2025	RESPONSE TO COMMENTS
2	02/07/2025	RESPONSE TO COMMENTS
3	08/02/2024	RESPONSE TO COMMENTS

DESIGNED BY: CM

DRAWN BY: CM

REVIEWED BY: RF

BGE
5438 WADE PARK BLVD, SUITE 420
RALEIGH, NC 27607
WWW.BGEINC.COM
NC LICENSE #C-4397

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WP EAST ACQUISITIONS, LLC.
1414 RALEIGH ROAD, SUITE 429
CHAPEL HILL, NC 27517

ALTERA HEIGHTS
APEX, NORTH CAROLINA 27523-9423

CONCEPTUAL BUILDING ELEVATIONS

NORTH CAROLINA PROFESSIONAL SEAL 039756 ENGINEER RYAN S. FISHER
PRELIMINARY NOT FOR CONSTRUCTION

FILE NUMBER:

DATE: 06/03/2024

C1-16

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RESIDENTIAL BUILDING PERSPECTIVE

NOT TO SCALE

AXIOM ARCHITECTURE INTERIOR DESIGN

WOOD PARTNERS

REV	DATE	DESCRIPTION
1	04/04/2025	RESPONSE TO COMMENTS
2	02/07/2025	RESPONSE TO COMMENTS
3	08/02/2024	RESPONSE TO COMMENTS

DESIGNED BY: CM

DRAWN BY: CM

REVIEWED BY: RF

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APEX, NORTH CAROLINA 27523-9423

CONCEPTUAL BUILDING ELEVATIONS

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 039795 RYAN S. FISHER
PRELIMINARY NOT FOR CONSTRUCTION

FILE NUMBER:

DATE: 06/03/2024

C1-17

G:\NCA\Projects\Wood Partners\13123-00 Jenks Road Multifamily\03 - DWG\PlanSheets\On-Site\Planned Development Plan\C1-2 - CONCEPTUAL BLDG ELEV.dwg Layout: C1-17 Plotted: 4/4/2025 9:38:21 AM

RESIDENTIAL BUILDING PERSPECTIVE

NOT TO SCALE

AXIOM ARCHITECTURE INTERIOR DESIGN

WOOD PARTNERS

REV	DATE	DESCRIPTION
1	04/04/2025	RESPONSE TO COMMENTS
2	02/07/2025	RESPONSE TO COMMENTS
3	08/02/2024	RESPONSE TO COMMENTS

DESIGNED BY: CM

DRAWN BY: CM

REVIEWED BY: RF

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CHAPEL HILL, NC 27517

ALTERA HEIGHTS
APEX, NORTH CAROLINA 27523-9423

CONCEPTUAL BUILDING ELEVATIONS

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 039795 RYAN S. FISHER
PRELIMINARY NOT FOR CONSTRUCTION

FILE NUMBER:

DATE: 06/03/2024

C1-18

G:\NCA\Projects\Wood Partners\13123-00 Jenks Road Multifamily\03 - DWG\PlanSheets\On-Site\Planned Development Plan\C1-2 - CONCEPTUAL BLDG ELEV.dwg Layout: C1-18 Plotted: 4/4/2025 9:38:34 AM

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 12, 2026

Item Details

Presenter(s): Adam Stephenson, Transportation Engineering Manager

Department(s): Transportation and Infrastructure Development

Requested Motion

A) Motion to award a construction contract between Roadworks Construction Company, LLC and the Town of Apex, for the Justice Heights Street Extension project, in the amount of $1,536,724.52, approve a 10% contingency be added to the project budget, and to authorize the Town Manager, or their designee, to execute the contract on behalf of the Town,

B) Motion to adopt Capital Project Ordinance Amendment 2026-12 to appropriate funds for the construction contract associated with the Justice Heights Street Extension Project.

Approval Recommended?

Yes

Item Details

The scope of work includes construction of Justice Heights Street from its existing stub west of South Salem Street to intersect Apex Peakway, add sidewalk on both sides of the extension and extend sidewalk on the south side to Gumdrop Path, and extend side path along Apex Peakway to the north.

Sealed bids for construction and furnishing of all materials were received and opened on Thursday, April 23, 2026. It is the recommendation of staff that the contract be awarded to Roadworks Construction Company as the lowest responsive bidder. Partial funding for construction is included in the current Transportation Improvements Project Fund. Capital Project Ordinance Amendment 2026-12 allocates interest earnings to provide the remaining budget required for the construction contract. Bid summary:

Engineer's Estimate	*$ 1,516,923.70*
Roadworks Construction Company	**$ 1,536,724.52**
Fred Smith Company	$ 1,591,951.00
Pacos Construction Company	$ 1,634,208.00
Sunrock Industries	$ 1,656,376.40
Hollins Construction Services	$ 1,692,979.05
Narron Contracting	$ 1,736,882.75
Browe Construction Company	$ 1,898,875.25
Lanier Construction Company	$ 2,138,827.10

Attachments

- CN3-A1: Agreement - Construction Contract Award – Roadworks Construction Company LLC - Justice Heights Street Extension
- CN3-A2: Bid Tabulation - Construction Contract Award - Roadworks Construction Company LLC - Justice Heights Street Extension
- CN3-A3: Capital Project Ordinance Amendment 2026-12 – Roadworks Construction Company LLC - Justice Heights Street Extension

AGREEMENT
BETWEEN OWNER AND CONTRACTOR
FOR CONSTRUCTION CONTRACT (STIPULATED PRICE)

THIS AGREEMENT is by and between Town of Apex ("Owner") and Roadworks Construction Company ("Contractor").

Owner and Contractor hereby agree as follows:

ARTICLE 1 – WORK

1.01 Contractor shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows:

ARTICLE 2 – THE PROJECT

2.01 The Project, of which the Work under the Contract Documents is a part, is generally described as follows: Justice Heights Street Extension.

ARTICLE 3 – ENGINEER

3.01 The part of the Project that pertains to the Work has been designed by Transportation & Infrastructure Development Department, Town of Apex.

3.02 Indicate the applicable provision:

[X] Owner has designated the individual or department identified in Paragraph 3.01 of this Agreement as the Engineer ("Engineer") on the Project. Contractor acknowledges that the Engineer identified in this Article is an internal employee, or department comprised of staff of the Owner, and accepts that arrangement and the decision-making and interpretive authority of the Engineer as detailed in the Contract Documents.

[ ] The Owner has retained _____ ("Engineer") to act as Owner's representative, assume all duties and responsibilities, and have the rights and authority assigned to Engineer in the Contract Documents in connection with the completion of the Work in accordance with the Contract Documents.

ARTICLE 4 – CONTRACT TIMES

4.01 *Time of the Essence*

A. All time limits for Milestones, if any, Substantial Completion, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

4.02 *Contract Times: Days*

A. The Work will be substantially completed within **270** days after the date when the Contract Times commence to run as provided in Paragraph 4.01 of the General Conditions, and completed and ready for final payment in accordance with Paragraph 15.06 of the General Conditions within **300** days after the date when the Contract Times commence to run.

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4.03 *Liquidated Damages*

A. Contractor and Owner recognize that time is of the essence as stated in Paragraph 4.01 above and that Owner will suffer financial and other losses if the Work is not completed and Milestones not achieved within the times specified in Paragraph 4.02 above, plus any extensions thereof allowed in accordance with the Contract. The parties also recognize the delays, expense, and difficulties involved in proving in a legal or arbitration proceeding the actual loss suffered by Owner if the Work is not completed on time. Accordingly, instead of requiring any such proof, Owner and Contractor agree that as liquidated damages for delay (but not as a penalty):

1. Substantial Completion: Contractor shall pay Owner $ **1,000** for each day that expires after the time (as duly adjusted pursuant to the Contract) specified in Paragraph 4.02.A above for Substantial Completion until the Work is substantially complete.

2. Completion of Remaining Work: After Substantial Completion, if Contractor shall neglect, refuse, or fail to complete the remaining Work within the Contract Times (as duly adjusted pursuant to the Contract) for completion and readiness for final payment, Contractor shall pay Owner $ **200** for each day that expires after such time until the Work is completed and ready for final payment.

3. Liquidated damages for failing to timely attain Substantial Completion and final completion are not additive and will not be imposed concurrently.

ARTICLE 5 – CONTRACT PRICE

5.01 Owner shall pay Contractor for completion of the Work in accordance with the Contract Documents the amounts that follow, subject to adjustment under the Contract:

A. All specific cash allowances are included in the above price in accordance with Paragraph 13.02 of the General Conditions.

B. Total of Unit Price Work **$1,536,724.52**.

C. All Work, at the prices stated in Contractor's Bid, is attached hereto as an exhibit.

ARTICLE 6 – PAYMENT PROCEDURES

6.01 *Submittal and Processing of Payments*

A. Contractor shall submit Applications for Payment in accordance with Article 15 of the General Conditions. Applications for Payment will be processed by Engineer as provided in the General Conditions.

6.02 *Progress Payments; Retainage*

A. Owner shall make progress payments on account of the Contract Price on the basis of Contractor's Applications for Payment on or about the 25th day of each month during performance of the Work as provided in Paragraph 6.02.A.1 below, provided that such Applications for Payment have been submitted in a timely manner and otherwise meet the requirements of the Contract. All such payments will be measured by the Schedule of Values established as provided in the General Conditions (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no Schedule of Values, as provided elsewhere in the Contract.

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1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below but, in each case, less the aggregate of payments previously made and less such amounts as Owner may withhold, including but not limited to liquidated damages, in accordance with the Contract

    a. 95 percent of Work completed (with the balance being retainage). If the Work has been 50 percent completed as determined by Engineer, and if the character and progress of the Work have been satisfactory to Owner and Engineer, then as long as the character and progress of the Work remain satisfactory to Owner and Engineer, there will be no additional retainage; and

    b. 95 percent of cost of materials and equipment not incorporated in the Work (with the balance being retainage).

B. Upon Substantial Completion, Owner shall pay an amount sufficient to increase total payments to Contractor to 100 percent of the Work completed, less such amounts set off by Owner pursuant to Paragraph 15.01.E of the General Conditions, and less 200 percent of Engineer's estimate of the value of Work to be completed or corrected as shown on the punch list of items to be completed or corrected prior to final payment.

6.03 *Final Payment*

A. Upon final completion and acceptance of the Work in accordance with Paragraph 15.06 of the General Conditions, Owner shall pay the remainder of the Contract Price as recommended by Engineer as provided in said Paragraph 15.06.

ARTICLE 7 – INTEREST

7.01 Interest on final payments due to prime contracts shall accrue in accordance with North Carolina General Statute 143-134.1.

ARTICLE 8 – CONTRACTOR'S REPRESENTATIONS

8.01 In order to induce Owner to enter into this Contract, Contractor makes the following representations:

A. Contractor has examined and carefully studied the Contract Documents, and any data and reference items identified in the Contract Documents.

B. Contractor has visited the Site, conducted a thorough, alert visual examination of the Site and adjacent areas, and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.

C. Contractor is familiar with and is satisfied as to all Laws and Regulations that may affect cost, progress, and performance of the Work.

D. Contractor has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or adjacent to the Site and all drawings of physical conditions relating to existing surface or subsurface structures at the Site that have been identified in the Supplementary Conditions, especially with respect to Technical Data in such reports and drawings, and (2) reports and drawings relating to Hazardous Environmental Conditions, if any, at or adjacent to the Site that have been identified in the Supplementary Conditions, especially with respect to Technical Data in such reports and drawings.

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E. Contractor has considered the information known to Contractor itself; information commonly known to contractors doing business in the locality of the Site; information and observations obtained from visits to the Site; the Contract Documents; and the Site-related reports and drawings identified in the Contract Documents, with respect to the effect of such information, observations, and documents on (1) the cost, progress, and performance of the Work; (2) the means, methods, techniques, sequences, and procedures of construction to be employed by Contractor; and (3) Contractor's safety precautions and programs.

F. Based on the information and observations referred to in the preceding paragraph, Contractor agrees that no further examinations, investigations, explorations, tests, studies, or data are necessary for the performance of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract.

G. Contractor is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Contract Documents.

H. Contractor has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Contractor has discovered in the Contract Documents, and the written resolution thereof by Engineer is acceptable to Contractor.

I. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

J. Contractor's entry into this Contract constitutes an incontrovertible representation by Contractor that without exception all prices in the Agreement are premised upon performing and furnishing the Work required by the Contract Documents.

ARTICLE 9 – CONTRACT DOCUMENTS

9.01 *Contents*

A. The Contract Documents consist of the following:

1. This Agreement (pages 1 to 8, inclusive).
2. Performance bond.
3. Payment bond.
4. Power of Attorney.
5. Certificate of Insurance.
6. General Conditions.
7. Supplementary Conditions.
8. Specifications as listed in the table of contents of the Project Manual.
9. Drawings (not attached but incorporated by reference) consisting of 38 sheets with each sheet bearing the following general title: JUSTICE HEIGHTS ST EXTENSION .
10. Addenda.
11. Exhibits to this Agreement (enumerated as follows):
    a. Contractor's Bid.
    b. Notice of Award.

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c. Documentation submitted by Contractor prior to Notice of Award.

d. Affidavits.

12. The following which may be delivered or issued on or after the Effective Date of the Contract and are not attached hereto:

a. Notice to Proceed.

b. Work Change Directives.

c. Change Orders.

B. The documents listed in Paragraph 9.01.A are attached to this Agreement (except as expressly noted otherwise above).

C. There are no Contract Documents other than those listed above in this Article 9.

D. The Contract Documents may only be amended, modified, or supplemented as provided in the General Conditions.

ARTICLE 10 – MISCELLANEOUS

10.01 *Terms*

A. Terms used in this Agreement will have the meanings stated in the General Conditions and the Supplementary Conditions.

10.02 *Assignment of Contract*

A. Unless expressly agreed to elsewhere in the Contract, no assignment by a party hereto of any rights under or interests in the Contract will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, money that may become due and money that is due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

10.03 *Successors and Assigns*

A. Owner and Contractor each binds itself, its successors, assigns, and legal representatives to the other party hereto, its successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in the Contract Documents.

10.04 *Severability*

A. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon Owner and Contractor, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

10.05 *Contractor's Certifications*

A. Contractor certifies that it has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for or in executing the Contract. For the purposes of this Paragraph 10.05:

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1. "corrupt practice" means the offering, giving, receiving, or soliciting of anything of value likely to influence the action of a public official in the bidding process or in the Contract execution;

2. "fraudulent practice" means an intentional misrepresentation of facts made (a) to influence the bidding process or the execution of the Contract to the detriment of Owner, (b) to establish Bid or Contract prices at artificial non-competitive levels, or (c) to deprive Owner of the benefits of free and open competition;

3. "collusive practice" means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish Bid prices at artificial, non-competitive levels; and

4. "coercive practice" means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.

10.06 E-Verify

A. Contractor hereby acknowledges that "E-Verify" is the federal E-Verify program operated by the US Department of Homeland Security and other federal agencies which is used to verify the work authorization of newly hired employees pursuant to federal law and in accordance with Article 2, Chapter 64 of the North Carolina General Statutes. Contractor further acknowledges that all employers, as defined by Article 2, Chapter 64 of the North Carolina General Statutes, must use E-Verify and after hiring an employee to work in the United States, shall verify the work authorization of the employee through E-Verify in accordance with NCGS §64-26(a). Contractor hereby pledges, attests and warrants through execution of this Agreement that Contractor complies with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes and further pledges, attests and warrants that any subcontractors currently employed by or subsequently hired by Contractor shall comply with any and all E-Verify requirements. Failure to comply with the above requirements shall be considered a breach of this Agreement.

10.07 Iran Divestment Act Certification

A. N.C.G.S. 147-86.60 prohibits the State of North Carolina, a North Carolina local government, or any other political subdivision of the State of North Carolina from contracting with any entity that is listed on the Final Divestment List created by the North Carolina State Treasurer pursuant to N.C.G.S. 147-86.58. N.C.G.S. 147-86.59 further requires that contractors with the State, a North Carolina local government, or any other political subdivision of the State of North Carolina must not utilize any subcontractor found on the State Treasurer's Final Divestment List. As of the date of execution of this Agreement Contractor hereby certifies that it is not listed on the Final Divestment List created by the North Carolina State Treasurer and that Contractor will not utilize any subcontractors found on the Final Divestment List.

10.08 Anti-Human Trafficking

A. The Contractor warrants and agrees that no labor supplied by the Contractor or the Contractor's subcontractors in the performance of this Agreement shall be obtained by means of deception, coercion, intimidation or force, or otherwise in violation of North Carolina law, specifically Article 10A, Subchapter 3 of Chapter 14 of the North Carolina General Statutes, Human Trafficking.

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10.09 Non-discrimination

A. Pursuant to Section 3-2 of the Town of Apex Code of Ordinances, Contractor hereby warrants and agrees that it will not discriminate against a protected class in employment, subcontracting practices, or the solicitation or hiring of vendors, suppliers, or commercial customers in connection with this Agreement. For the purposes of this Agreement "protected class" includes age, race, religious belief or non-belief, ethnicity, color, national origin, creed, sex, sexual orientation, gender identity, marital status, natural hair style, genetic information, pregnancy, familial status, disability, veteran or military status, or disabled veteran status.

10.10 Electronic Signature

A. Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this Agreement and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. The Parties hereby consent to use electronic or digitized signatures in accordance with the Town of Apex's Electronic Signature Policy and intend to be bound by the Agreement and any related documents. If electronic signatures are used the Agreement shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

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IN WITNESS WHEREOF, Owner and Contractor have signed this Agreement.

This Agreement will be effective on _____ (which is the Effective Date of the Contract).

OWNER: Town of Apex	CONTRACTOR:_____
By: Randal E. Vosburg	By:
Signature:	Signature:
Title: Town Manager	Title:
	(If Contractor is a corporation, a partnership, or a joint venture, attach evidence of authority to sign.)
	Attest:
	Title:
Address for giving notices:	Address for giving notices:
P.O. Box 250	
Apex, NC 27502-0250	
	License No.: *(where applicable)*

If Contractor is a corporation, partnership, or joint venture, attach evidence of authority to sign.

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

_____
Jon Griffin, Finance Director

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					Engineer's Estimate		Roadworks Construction	
ITEM #	SECTION	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	EXTENDED	UNIT PRICE	EXTENDED
1	800	MOBILIZATION	1	LS	$ 75,000.00	$ 75,000.00	$ 76,832.82	$ 76,832.82
2	801	CONSTRUCTION SURVEYING	1	LS	$ 10,000.00	$ 10,000.00	$ 36,811.45	$ 36,811.45
3	226	UNDERCUT EXCAVATION	100	CY	$ 75.00	$ 7,500.00	$ 33.04	$ 3,304.00
4	226	GRADING	1	LS	$ 300,000.00	$ 300,000.00	$ 370,667.75	$ 370,667.75
5	240	DRAINAGE DITCH EXCAVATION	50	CY	$ 70.00	$ 3,500.00	$ 71.22	$ 3,561.00
6	300	FOUNDATION CONDITIONING MATERIAL, MINOR STRUCTURES	210	TN	$ 67.00	$ 14,070.00	$ 47.58	$ 9,991.80
7	300	FOUNDATION CONDITIONING GEOTEXTILE	140	SY	$ 10.00	$ 1,400.00	$ 11.50	$ 1,610.00
8	305	15" DRAINAGE PIPE	20	LF	$ 135.00	$ 2,700.00	$ 82.74	$ 1,654.80
9	310	15" PIPE CULVERTS, PP	88	LF	$ 140.00	$ 12,320.00	$ 127.14	$ 11,188.32
10	310	18" PIPE CULVERTS, PP	149	LF	$ 160.00	$ 23,840.00	$ 137.22	$ 20,445.78
11	310	24" PIPE CULVERTS, PP	59	LF	$ 180.00	$ 10,620.00	$ 194.03	$ 11,447.77
12	310	60" PIPE CULVERTS (RCP CL3 / CSP / CAAP / PP)	160	LF	$ 850.00	$ 136,000.00	$ 606.28	$ 97,004.80
13	310	15" PIPE END SECTION	1	EA	$ 2,000.00	$ 2,000.00	$ 2,206.99	$ 2,206.99
14	310	24" PIPE END SECTION	1	EA	$ 2,500.00	$ 2,500.00	$ 2,563.60	$ 2,563.60
15	340	PIPE REMOVAL	20	LF	$ 50.00	$ 1,000.00	$ 44.39	$ 887.80
16	520	AGGREGATE BASE COURSE	850	TN	$ 60.00	$ 51,000.00	$ 59.15	$ 50,277.50
17	545	INCIDENTAL STONE BASE	90	TN	$ 100.00	$ 9,000.00	$ 55.34	$ 4,980.60
18	610	ASPHALT CONCRETE SURFACE COURSE, TYPE S 9.5B	250	TN	$ 140.00	$ 35,000.00	$ 177.36	$ 44,340.00
19	610	ASPHALT CONCRETE INTERMEDIATE COURSE, TYPE I 19.0C	300	TN	$ 130.00	$ 39,000.00	$ 88.18	$ 26,454.00
20	620	ASPHALT BINDER FOR PLANT MIX	31	TN	$ 570.00	$ 17,670.00	$ 935.21	$ 28,991.51
21	654	ASPHALT PLANT MIX, PAVEMENT REPAIR	20	TN	$ 250.00	$ 5,000.00	$ 492.10	$ 9,842.00
22	SP	PATCHING EXISTING PAVEMENT	50	TN	$ 250.00	$ 12,500.00	$ 377.14	$ 18,857.00
23	838	REINFORCED ENDWALLS	16.6	CY	$ 2,750.00	$ 45,650.00	$ 1,886.58	$ 31,317.23
24	840	MASONRY DRAINAGE STRUCTURES	5	EA	$ 6,500.00	$ 32,500.00	$ 9,303.34	$ 46,516.70
25	840	MASONRY DRAINAGE STRUCTURES	11.4	LF	$ 800.00	$ 9,120.00	$ 344.07	$ 3,922.40
26	840	FRAME W/ GRATE, STANDARD 840.03	5	EA	$ 1,050.00	$ 5,250.00	$ 1,939.93	$ 9,699.65
27	846	2'-6" CONCRETE CURB & GUTTER	849	LF	$ 40.00	$ 33,960.00	$ 38.38	$ 32,584.62
28	846	2'-6" CONCRETE VALLEY GUTTER	1,075	LF	$ 40.00	$ 43,000.00	$ 39.57	$ 42,537.75
29	848	CONCRETE CURB RAMP	3	EA	$ 3,500.00	$ 10,500.00	$ 3,358.25	$ 10,074.75
30	848	6" CONCRETE DRIVEWAY	190	SY	$ 60.00	$ 11,400.00	$ 171.77	$ 32,636.30
31	848	4" CONCRETE SIDEWALK	1,040	SY	$ 55.00	$ 57,200.00	$ 64.04	$ 66,601.60
32	858	ADJUSTMENT OF MANHOLES	1	EA	$ 1,800.00	$ 1,800.00	$ 5,443.22	$ 5,443.22
33	858	RECONSTRUCT MANHOLE STRUCTURES	5	EA	$ 5,000.00	$ 25,000.00	$ 3,870.61	$ 19,353.05
34	867	FENCE RESET	20	LF	$ 40.00	$ 800.00	$ 197.14	$ 3,942.80
35	876	RIP RAP, CLASS A	20	TN	$ 110.00	$ 2,200.00	$ 153.84	$ 3,076.80
36	876	RIP RAP, CLASS II	250	TN	$ 130.00	$ 32,500.00	$ 77.15	$ 19,287.50
37	876	GEOTEXTILE FOR DRAINAGE	160	SY	$ 15.00	$ 2,400.00	$ 11.68	$ 1,868.80
38	901	CONTRACTOR FURNISHED, TYPE E SIGN	10.2	SF	$ 35.00	$ 357.00	$ 276.49	$ 2,820.20
39	903	SUPPORTS, 2-LB STEEL SQUARE BREAKAWAY	2	EA	$ 300.00	$ 600.00	$ 1,036.80	$ 2,073.60
40	904	SIGN ERECTION, TYPE E	2	EA	$ 100.00	$ 200.00	$ 847.70	$ 1,695.40
41	1105	TRAFFIC CONTROL	1	LS	$ 50,000.00	$ 50,000.00	$ 15,943.75	$ 15,943.75
42	1205	THERMO PAVEMENT MARKING LINES (4", 90 MILS)	303	LF	$ 6.00	$ 1,818.00	$ 2.00	$ 606.00
43	1205	THERMO PAVEMENT MARKING LINES (8", 90 MILS)	232	LF	$ 6.00	$ 1,392.00	$ 4.66	$ 1,081.12
44	1205	THERMO PAVEMENT MARKING LINES (24", 90 MILS)	45	LF	$ 15.00	$ 675.00	$ 26.60	$ 1,197.00
45	1510	12" WATER LINE (RESTRAINED JOINT)	445	LF	$ 220.00	$ 97,900.00	$ 179.97	$ 80,086.65
46	1510	DUCTILE IRON WATER PIPE FITTINGS	1,440	LB	$ 20.00	$ 28,800.00	$ 15.86	$ 22,838.40
47	1515	FIRE HYDRANT LEG	21	LF	$ 250.00	$ 5,250.00	$ 118.73	$ 2,493.33
48	1515	FIRE HYDRANT	1	EA	$ 10,000.00	$ 10,000.00	$ 11,891.50	$ 11,891.50
49	1515	6" VALVE	1	EA	$ 3,600.00	$ 3,600.00	$ 2,719.66	$ 2,719.66
50	1515	12" VALVE	1	EA	$ 7,300.00	$ 7,300.00	$ 6,535.85	$ 6,535.85
51	1515	2" VALVE	1	EA	$ 2,500.00	$ 2,500.00	$ 1,900.56	$ 1,900.56
52	1515	2" COMBINATION AIR VALVE	1	EA	$ 10,000.00	$ 10,000.00	$ 4,751.63	$ 4,751.63
53	1515	RELOCATE WATER METER	11	EA	$ 2,500.00	$ 27,500.00	$ 2,264.76	$ 24,912.36
54	1520	ADJUST EXISTING SANITARY SEWER CLEANOUT TO GRADE	8	EA	$ 800.00	$ 6,400.00	$ 612.30	$ 4,898.40
55	1520	8" SANITARY GRAVITY SEWER	207	LF	$ 290.00	$ 60,030.00	$ 181.56	$ 37,582.92
56	1525	4' DIAMETER UTILITY MANHOLE	1	EA	$ 9,500.00	$ 9,500.00	$ 6,648.79	$ 6,648.79
57	1525	5' DIAMETER UTILITY MANHOLE	1	EA	$ 13,400.00	$ 13,400.00	$ 28,456.65	$ 28,456.65
58	1530	ABANDON 8" UTILITY PIPE	200	LF	$ 50.00	$ 10,000.00	$ 50.95	$ 10,190.00
59	1605	TEMPORARY SILT FENCE	2,025	LF	$ 5.00	$ 10,125.00	$ 4.58	$ 9,274.50
60	1610	STONE FOR EROSION CONTROL, CLASS B	75	TN	$ 80.00	$ 6,000.00	$ 92.50	$ 6,937.50
61	1610	SEDIMENT CONTROL STONE	75	TN	$ 80.00	$ 6,000.00	$ 85.18	$ 6,388.50
62	1631	MATTING FOR EROSION CONTROL	3,830	SY	$ 2.00	$ 7,660.00	$ 2.65	$ 10,149.50
63	1632	1/4" HARDWARE CLOTH	48	LF	$ 12.00	$ 576.00	$ 4.99	$ 239.52
64	1636	TEMPORARY PIPE FOR STREAM CROSSING	24	LF	$ 250.00	$ 6,000.00	$ 304.91	$ 7,317.84
65	1638	STILLING BASIN	10	CY	$ 35.00	$ 350.00	$ 217.53	$ 2,175.30
66	1642	WATTLE BARRIER	560	LF	$ 13.00	$ 7,280.00	$ 19.29	$ 10,802.40
67	1660	SEEDING AND MULCHING	0.8	AC	$ 8,700.00	$ 6,960.00	$ 6,583.50	$ 5,266.80
68	1660	MOWING	0.8	AC	$ 400.00	$ 320.00	$ 392.35	$ 313.88
69	SP	SAFETY RAIL	168	LF	$ 200.00	$ 33,600.00	$ 260.42	$ 43,750.56
					TOTAL:	**$ 1,516,993.00**	TOTAL:	**$ 1,536,724.52**

					Fred Smith Company		Pacos Construction	
ITEM #	SECTION	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	EXTENDED	UNIT PRICE	EXTENDED
1	800	MOBILIZATION	1	LS	$ 79,000.00	$ 79,000.00	$80,000.00	$ 80,000.00
2	801	CONSTRUCTION SURVEYING	1	LS	$ 25,000.00	$ 25,000.00	$56,000.00	$ 56,000.00
3	226	UNDERCUT EXCAVATION	100	CY	$ 80.00	$ 8,000.00	$85.00	$ 8,500.00
4	226	GRADING	1	LS	$ 416,500.00	$ 416,500.00	$440,000.00	$ 440,000.00
5	240	DRAINAGE DITCH EXCAVATION	50	CY	$ 25.00	$ 1,250.00	$25.00	$ 1,250.00
6	300	FOUNDATION CONDITIONING MATERIAL, MINOR STRUCTURES	210	TN	$ 60.00	$ 12,600.00	$70.00	$ 14,700.00
7	300	FOUNDATION CONDITIONING GEOTEXTILE	140	SY	$ 6.00	$ 840.00	$10.00	$ 1,400.00
8	305	15" DRAINAGE PIPE	20	LF	$ 150.00	$ 3,000.00	$200.00	$ 4,000.00
9	310	15" PIPE CULVERTS, PP	88	LF	$ 110.00	$ 9,680.00	$85.00	$ 7,480.00
10	310	18" PIPE CULVERTS, PP	149	LF	$ 115.00	$ 17,135.00	$95.00	$ 14,155.00
11	310	24" PIPE CULVERTS, PP	59	LF	$ 160.00	$ 9,440.00	$102.00	$ 6,018.00
12	310	60" PIPE CULVERTS (RCP CL3 / CSP / CAAP / PP)	160	LF	$ 550.00	$ 88,000.00	$520.00	$ 83,200.00
13	310	15" PIPE END SECTION	1	EA	$ 750.00	$ 750.00	$4,380.00	$ 4,380.00
14	310	24" PIPE END SECTION	1	EA	$ 950.00	$ 950.00	$7,200.00	$ 7,200.00
15	340	PIPE REMOVAL	20	LF	$ 45.00	$ 900.00	$40.00	$ 800.00
16	520	AGGREGATE BASE COURSE	850	TN	$ 68.00	$ 57,800.00	$44.00	$ 37,400.00
17	545	INCIDENTAL STONE BASE	90	TN	$ 75.00	$ 6,750.00	$90.00	$ 8,100.00
18	610	ASPHALT CONCRETE SURFACE COURSE, TYPE S 9.5B	250	TN	$ 140.00	$ 35,000.00	$210.00	$ 52,500.00
19	610	ASPHALT CONCRETE INTERMEDIATE COURSE, TYPE I 19.0C	300	TN	$ 105.00	$ 31,500.00	$205.00	$ 61,500.00
20	620	ASPHALT BINDER FOR PLANT MIX	31	TN	$ 950.00	$ 29,450.00	$700.00	$ 21,700.00
21	654	ASPHALT PLANT MIX, PAVEMENT REPAIR	20	TN	$ 190.00	$ 3,800.00	$220.00	$ 4,400.00
22	SP	PATCHING EXISTING PAVEMENT	50	TN	$ 190.00	$ 9,500.00	$225.00	$ 11,250.00
23	838	REINFORCED ENDWALLS	16.6	CY	$ 3,500.00	$ 58,100.00	$1,500.00	$ 24,900.00
24	840	MASONRY DRAINAGE STRUCTURES	5	EA	$ 7,800.00	$ 39,000.00	$6,000.00	$ 30,000.00
25	840	MASONRY DRAINAGE STRUCTURES	11.4	LF	$ 700.00	$ 7,980.00	$400.00	$ 4,560.00
26	840	FRAME W/ GRATE, STANDARD 840.03	5	EA	$ 1,400.00	$ 7,000.00	$1,200.00	$ 6,000.00
27	846	2'-6" CONCRETE CURB & GUTTER	849	LF	$ 30.00	$ 25,470.00	$32.00	$ 27,168.00
28	846	2'-6" CONCRETE VALLEY GUTTER	1,075	LF	$ 30.00	$ 32,250.00	$33.20	$ 35,690.00
29	848	CONCRETE CURB RAMP	3	EA	$ 2,800.00	$ 8,400.00	$2,800.00	$ 8,400.00
30	848	6" CONCRETE DRIVEWAY	190	SY	$ 120.00	$ 22,800.00	$160.00	$ 30,400.00
31	848	4" CONCRETE SIDEWALK	1,040	SY	$ 70.00	$ 72,800.00	$65.00	$ 67,600.00
32	858	ADJUSTMENT OF MANHOLES	1	EA	$ 1,400.00	$ 1,400.00	$1,000.00	$ 1,000.00
33	858	RECONSTRUCT MANHOLE STRUCTURES	5	EA	$ 4,000.00	$ 20,000.00	$6,000.00	$ 30,000.00
34	867	FENCE RESET	20	LF	$ 70.00	$ 1,400.00	$20.00	$ 400.00
35	876	RIP RAP, CLASS A	20	TN	$ 110.00	$ 2,200.00	$75.00	$ 1,500.00
36	876	RIP RAP, CLASS II	250	TN	$ 90.00	$ 22,500.00	$85.00	$ 21,250.00
37	876	GEOTEXTILE FOR DRAINAGE	160	SY	$ 7.00	$ 1,120.00	$10.00	$ 1,600.00
38	901	CONTRACTOR FURNISHED, TYPE E SIGN	10.2	SF	$ 80.00	$ 816.00	$15.00	$ 153.00
39	903	SUPPORTS, 2-LB STEEL SQUARE BREAKAWAY	2	EA	$ 185.00	$ 370.00	$225.00	$ 450.00
40	904	SIGN ERECTION, TYPE E	2	EA	$ 125.00	$ 250.00	$150.00	$ 300.00
41	1105	TRAFFIC CONTROL	1	LS	$ 16,000.00	$ 16,000.00	$40,000.00	$ 40,000.00
42	1205	THERMO PAVEMENT MARKING LINES (4", 90 MILS)	303	LF	$ 1.40	$ 424.20	$2.00	$ 606.00
43	1205	THERMO PAVEMENT MARKING LINES (8", 90 MILS)	232	LF	$ 2.80	$ 649.60	$3.25	$ 754.00
44	1205	THERMO PAVEMENT MARKING LINES (24", 90 MILS)	45	LF	$ 8.40	$ 378.00	$10.00	$ 450.00
45	1510	12" WATER LINE (RESTRAINED JOINT)	445	LF	$ 270.00	$ 120,150.00	$180.00	$ 80,100.00
46	1510	DUCTILE IRON WATER PIPE FITTINGS	1,440	LB	$ 17.00	$ 24,480.00	$26.00	$ 37,440.00
47	1515	FIRE HYDRANT LEG	21	LF	$ 90.00	$ 1,890.00	$90.00	$ 1,890.00
48	1515	FIRE HYDRANT	1	EA	$ 14,000.00	$ 14,000.00	$11,000.00	$ 11,000.00
49	1515	6" VALVE	1	EA	$ 3,700.00	$ 3,700.00	$3,500.00	$ 3,500.00
50	1515	12" VALVE	1	EA	$ 8,700.00	$ 8,700.00	$6,000.00	$ 6,000.00
51	1515	2" VALVE	1	EA	$ 2,800.00	$ 2,800.00	$600.00	$ 600.00
52	1515	2" COMBINATION AIR VALVE	1	EA	$ 15,500.00	$ 15,500.00	$7,000.00	$ 7,000.00
53	1515	RELOCATE WATER METER	11	EA	$ 3,500.00	$ 38,500.00	$2,400.00	$ 26,400.00
54	1520	ADJUST EXISTING SANITARY SEWER CLEANOUT TO GRADE	8	EA	$ 2,800.00	$ 22,400.00	$550.00	$ 4,400.00
55	1520	8" SANITARY GRAVITY SEWER	207	LF	$ 165.00	$ 34,155.00	$225.00	$ 46,575.00
56	1525	4' DIAMETER UTILITY MANHOLE	1	EA	$ 12,350.00	$ 12,350.00	$6,500.00	$ 6,500.00
57	1525	5' DIAMETER UTILITY MANHOLE	1	EA	$ 15,592.00	$ 15,592.00	$8,500.00	$ 8,500.00
58	1530	ABANDON 8" UTILITY PIPE	200	LF	$ 50.00	$ 10,000.00	$20.00	$ 4,000.00
59	1605	TEMPORARY SILT FENCE	2,025	LF	$ 2.50	$ 5,062.50	$5.00	$ 10,125.00
60	1610	STONE FOR EROSION CONTROL, CLASS B	75	TN	$ 60.00	$ 4,500.00	$125.00	$ 9,375.00
61	1610	SEDIMENT CONTROL STONE	75	TN	$ 50.00	$ 3,750.00	$250.00	$ 18,750.00
62	1631	MATTING FOR EROSION CONTROL	3,830	SY	$ 2.65	$ 10,149.50	$4.50	$ 17,235.00
63	1632	1/4" HARDWARE CLOTH	48	LF	$ 10.65	$ 511.20	$12.00	$ 576.00
64	1636	TEMPORARY PIPE FOR STREAM CROSSING	24	LF	$ 1,000.00	$ 24,000.00	$250.00	$ 6,000.00
65	1638	STILLING BASIN	10	CY	$ 1,020.00	$ 10,200.00	$4,500.00	$ 45,000.00
66	1642	WATTLE BARRIER	560	LF	$ 8.00	$ 4,480.00	$12.00	$ 6,720.00
67	1660	SEEDING AND MULCHING	0.8	AC	$ 2,350.00	$ 1,880.00	$8,000.00	$ 6,400.00
68	1660	MOWING	0.8	AC	$ 225.00	$ 180.00	$2,000.00	$ 1,600.00
69	SP	SAFETY RAIL	168	LF	$ 88.50	$ 14,868.00	$56.00	$ 9,408.00
					TOTAL:	**$ 1,591,951.00**	TOTAL:	**$ 1,634,208.00**

					Sunrock Industries		Hollins Construction	
ITEM #	SECTION	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	EXTENDED	UNIT PRICE	EXTENDED
1	800	MOBILIZATION	1	LS	$129,136.00	$ 129,136.00	$84,000.00	$ 84,000.00
2	801	CONSTRUCTION SURVEYING	1	LS	$27,910.00	$ 27,910.00	$48,000.00	$ 48,000.00
3	226	UNDERCUT EXCAVATION	100	CY	$46.00	$ 4,600.00	$100.00	$ 10,000.00
4	226	GRADING	1	LS	$474,450.00	$ 474,450.00	$489,000.00	$ 489,000.00
5	240	DRAINAGE DITCH EXCAVATION	50	CY	$79.00	$ 3,950.00	$40.00	$ 2,000.00
6	300	FOUNDATION CONDITIONING MATERIAL, MINOR STRUCTURES	210	TN	$67.00	$ 14,070.00	$60.00	$ 12,600.00
7	300	FOUNDATION CONDITIONING GEOTEXTILE	140	SY	$4.70	$ 658.00	$7.00	$ 980.00
8	305	15" DRAINAGE PIPE	20	LF	$93.50	$ 1,870.00	$80.00	$ 1,600.00
9	310	15" PIPE CULVERTS, PP	88	LF	$138.00	$ 12,144.00	$90.00	$ 7,920.00
10	310	18" PIPE CULVERTS, PP	149	LF	$148.00	$ 22,052.00	$140.00	$ 20,860.00
11	310	24" PIPE CULVERTS, PP	59	LF	$259.00	$ 15,281.00	$170.00	$ 10,030.00
12	310	60" PIPE CULVERTS (RCP CL3 / CSP / CAAP / PP)	160	LF	$776.00	$ 124,160.00	$635.00	$ 101,600.00
13	310	15" PIPE END SECTION	1	EA	$930.00	$ 930.00	$2,200.00	$ 2,200.00
14	310	24" PIPE END SECTION	1	EA	$1,630.00	$ 1,630.00	$3,500.00	$ 3,500.00
15	340	PIPE REMOVAL	20	LF	$100.00	$ 2,000.00	$40.00	$ 800.00
16	520	AGGREGATE BASE COURSE	850	TN	$43.00	$ 36,550.00	$65.00	$ 55,250.00
17	545	INCIDENTAL STONE BASE	90	TN	$79.50	$ 7,155.00	$55.00	$ 4,950.00
18	610	ASPHALT CONCRETE SURFACE COURSE, TYPE S 9.5B	250	TN	$96.00	$ 24,000.00	$175.00	$ 43,750.00
19	610	ASPHALT CONCRETE INTERMEDIATE COURSE, TYPE I 19.0C	300	TN	$95.00	$ 28,500.00	$125.00	$ 37,500.00
20	620	ASPHALT BINDER FOR PLANT MIX	31	TN	$500.00	$ 15,500.00	$920.00	$ 28,520.00
21	654	ASPHALT PLANT MIX, PAVEMENT REPAIR	20	TN	$159.00	$ 3,180.00	$330.00	$ 6,600.00
22	SP	PATCHING EXISTING PAVEMENT	50	TN	$159.00	$ 7,950.00	$300.00	$ 15,000.00
23	838	REINFORCED ENDWALLS	16.6	CY	$2,455.00	$ 40,753.00	$2,000.00	$ 33,200.00
24	840	MASONRY DRAINAGE STRUCTURES	5	EA	$3,500.00	$ 17,500.00	$7,500.00	$ 37,500.00
25	840	MASONRY DRAINAGE STRUCTURES	11.4	LF	$353.00	$ 4,024.20	$1,050.00	$ 11,970.00
26	840	FRAME W/ GRATE, STANDARD 840.03	5	EA	$1,265.00	$ 6,325.00	$1,200.00	$ 6,000.00
27	846	2'-6" CONCRETE CURB & GUTTER	849	LF	$28.85	$ 24,493.65	$30.00	$ 25,470.00
28	846	2'-6" CONCRETE VALLEY GUTTER	1,075	LF	$29.75	$ 31,981.25	$30.00	$ 32,250.00
29	848	CONCRETE CURB RAMP	3	EA	$2,525.00	$ 7,575.00	$3,000.00	$ 9,000.00
30	848	6" CONCRETE DRIVEWAY	190	SY	$129.15	$ 24,538.50	$100.00	$ 19,000.00
31	848	4" CONCRETE SIDEWALK	1,040	SY	$48.05	$ 49,972.00	$65.00	$ 67,600.00
32	858	ADJUSTMENT OF MANHOLES	1	EA	$1,665.00	$ 1,665.00	$2,500.00	$ 2,500.00
33	858	RECONSTRUCT MANHOLE STRUCTURES	5	EA	$8,840.00	$ 44,200.00	$6,000.00	$ 30,000.00
34	867	FENCE RESET	20	LF	$250.00	$ 5,000.00	$50.00	$ 1,000.00
35	876	RIP RAP, CLASS A	20	TN	$59.00	$ 1,180.00	$110.00	$ 2,200.00
36	876	RIP RAP, CLASS II	250	TN	$94.50	$ 23,625.00	$115.00	$ 28,750.00
37	876	GEOTEXTILE FOR DRAINAGE	160	SY	$5.30	$ 848.00	$7.00	$ 1,120.00
38	901	CONTRACTOR FURNISHED, TYPE E SIGN	10.2	SF	$30.50	$ 311.10	$25.00	$ 255.00
39	903	SUPPORTS, 2-LB STEEL SQUARE BREAKAWAY	2	EA	$41.50	$ 83.00	$200.00	$ 400.00
40	904	SIGN ERECTION, TYPE E	2	EA	$63.00	$ 126.00	$400.00	$ 800.00
41	1105	TRAFFIC CONTROL	1	LS	$12,730.00	$ 12,730.00	$20,000.00	$ 20,000.00
42	1205	THERMO PAVEMENT MARKING LINES (4", 90 MILS)	303	LF	$1.50	$ 454.50	$8.00	$ 2,424.00
43	1205	THERMO PAVEMENT MARKING LINES (8", 90 MILS)	232	LF	$1.10	$ 255.20	$12.00	$ 2,784.00
44	1205	THERMO PAVEMENT MARKING LINES (24", 90 MILS)	45	LF	$11.00	$ 495.00	$50.00	$ 2,250.00
45	1510	12" WATER LINE (RESTRAINED JOINT)	445	LF	$201.00	$ 89,445.00	$240.00	$ 106,800.00
46	1510	DUCTILE IRON WATER PIPE FITTINGS	1,440	LB	$22.00	$ 31,680.00	$10.00	$ 14,400.00
47	1515	FIRE HYDRANT LEG	21	LF	$106.00	$ 2,226.00	$110.00	$ 2,310.00
48	1515	FIRE HYDRANT	1	EA	$6,145.00	$ 6,145.00	$15,000.00	$ 15,000.00
49	1515	6" VALVE	1	EA	$2,615.00	$ 2,615.00	$3,500.00	$ 3,500.00
50	1515	12" VALVE	1	EA	$7,250.00	$ 7,250.00	$7,000.00	$ 7,000.00
51	1515	2" VALVE	1	EA	$532.00	$ 532.00	$2,000.00	$ 2,000.00
52	1515	2" COMBINATION AIR VALVE	1	EA	$6,460.00	$ 6,460.00	$12,000.00	$ 12,000.00
53	1515	RELOCATE WATER METER	11	EA	$2,165.00	$ 23,815.00	$1,954.55	$ 21,500.05
54	1520	ADJUST EXISTING SANITARY SEWER CLEANOUT TO GRADE	8	EA	$708.00	$ 5,664.00	$1,000.00	$ 8,000.00
55	1520	8" SANITARY GRAVITY SEWER	207	LF	$700.00	$ 144,900.00	$250.00	$ 51,750.00
56	1525	4' DIAMETER UTILITY MANHOLE	1	EA	$4,595.00	$ 4,595.00	$15,000.00	$ 15,000.00
57	1525	5' DIAMETER UTILITY MANHOLE	1	EA	$5,320.00	$ 5,320.00	$18,000.00	$ 18,000.00
58	1530	ABANDON 8" UTILITY PIPE	200	LF	$14.50	$ 2,900.00	$100.00	$ 20,000.00
59	1605	TEMPORARY SILT FENCE	2,025	LF	$3.00	$ 6,075.00	$6.00	$ 12,150.00
60	1610	STONE FOR EROSION CONTROL, CLASS B	75	TN	$78.00	$ 5,850.00	$85.00	$ 6,375.00
61	1610	SEDIMENT CONTROL STONE	75	TN	$59.00	$ 4,425.00	$55.00	$ 4,125.00
62	1631	MATTING FOR EROSION CONTROL	3,830	SY	$2.00	$ 7,660.00	$4.00	$ 15,320.00
63	1632	1/4" HARDWARE CLOTH	48	LF	$12.00	$ 576.00	$7.00	$ 336.00
64	1636	TEMPORARY PIPE FOR STREAM CROSSING	24	LF	$184.00	$ 4,416.00	$100.00	$ 2,400.00
65	1638	STILLING BASIN	10	CY	$410.00	$ 4,100.00	$300.00	$ 3,000.00
66	1642	WATTLE BARRIER	560	LF	$19.00	$ 10,640.00	$14.00	$ 7,840.00
67	1660	SEEDING AND MULCHING	0.8	AC	$3,600.00	$ 2,880.00	$5,000.00	$ 4,000.00
68	1660	MOWING	0.8	AC	$295.00	$ 236.00	$300.00	$ 240.00
69	SP	SAFETY RAIL	168	LF	$120.00	$ 20,160.00	$100.00	$ 16,800.00
					TOTAL:	**$ 1,656,376.40**	TOTAL:	**$ 1,692,979.05**

					Narron Contracting		Browe Construction	
ITEM #	SECTION	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	EXTENDED	UNIT PRICE	EXTENDED
1	800	MOBILIZATION	1	LS	$82,708.70	$ 82,708.70	$47,000.00	$ 47,000.00
2	801	CONSTRUCTION SURVEYING	1	LS	$35,000.00	$ 35,000.00	$35,640.00	$ 35,640.00
3	226	UNDERCUT EXCAVATION	100	CY	$30.00	$ 3,000.00	$38.40	$ 3,840.00
4	226	GRADING	1	LS	$343,707.00	$ 343,707.00	$401,610.00	$ 401,610.00
5	240	DRAINAGE DITCH EXCAVATION	50	CY	$40.00	$ 2,000.00	$22.00	$ 1,100.00
6	300	FOUNDATION CONDITIONING MATERIAL, MINOR STRUCTURES	210	TN	$100.00	$ 21,000.00	$66.00	$ 13,860.00
7	300	FOUNDATION CONDITIONING GEOTEXTILE	140	SY	$15.00	$ 2,100.00	$5.00	$ 700.00
8	305	15" DRAINAGE PIPE	20	LF	$200.00	$ 4,000.00	$300.00	$ 6,000.00
9	310	15" PIPE CULVERTS, PP	88	LF	$140.00	$ 12,320.00	$336.00	$ 29,568.00
10	310	18" PIPE CULVERTS, PP	149	LF	$150.00	$ 22,350.00	$336.00	$ 50,064.00
11	310	24" PIPE CULVERTS, PP	59	LF	$170.00	$ 10,030.00	$385.00	$ 22,715.00
12	310	60" PIPE CULVERTS (RCP CL3 / CSP / CAAP / PP)	160	LF	$600.00	$ 96,000.00	$630.00	$ 100,800.00
13	310	15" PIPE END SECTION	1	EA	$3,000.00	$ 3,000.00	$2,640.00	$ 2,640.00
14	310	24" PIPE END SECTION	1	EA	$3,000.00	$ 3,000.00	$3,120.00	$ 3,120.00
15	340	PIPE REMOVAL	20	LF	$100.00	$ 2,000.00	$96.00	$ 1,920.00
16	520	AGGREGATE BASE COURSE	850	TN	$54.00	$ 45,900.00	$66.00	$ 56,100.00
17	545	INCIDENTAL STONE BASE	90	TN	$81.00	$ 7,290.00	$66.00	$ 5,940.00
18	610	ASPHALT CONCRETE SURFACE COURSE, TYPE S 9.5B	250	TN	$269.00	$ 67,250.00	$173.00	$ 43,250.00
19	610	ASPHALT CONCRETE INTERMEDIATE COURSE, TYPE I 19.0C	300	TN	$245.00	$ 73,500.00	$117.00	$ 35,100.00
20	620	ASPHALT BINDER FOR PLANT MIX	31	TN	$253.00	$ 7,843.00	$1,080.00	$ 33,480.00
21	654	ASPHALT PLANT MIX, PAVEMENT REPAIR	20	TN	$500.00	$ 10,000.00	$336.00	$ 6,720.00
22	SP	PATCHING EXISTING PAVEMENT	50	TN	$460.00	$ 23,000.00	$336.00	$ 16,800.00
23	838	REINFORCED ENDWALLS	16.6	CY	$4,500.00	$ 74,700.00	$10,800.00	$ 179,280.00
24	840	MASONRY DRAINAGE STRUCTURES	5	EA	$12,000.00	$ 60,000.00	$11,580.00	$ 57,900.00
25	840	MASONRY DRAINAGE STRUCTURES	11.4	LF	$1,500.00	$ 17,100.00	$265.00	$ 3,021.00
26	840	FRAME W/ GRATE, STANDARD 840.03	5	EA	$2,500.00	$ 12,500.00	$2,952.00	$ 14,760.00
27	846	2'-6" CONCRETE CURB & GUTTER	849	LF	$30.00	$ 25,470.00	$28.00	$ 23,772.00
28	846	2'-6" CONCRETE VALLEY GUTTER	1,075	LF	$29.00	$ 31,175.00	$28.00	$ 30,100.00
29	848	CONCRETE CURB RAMP	3	EA	$4,500.00	$ 13,500.00	$2,900.00	$ 8,700.00
30	848	6" CONCRETE DRIVEWAY	190	SY	$120.00	$ 22,800.00	$138.00	$ 26,220.00
31	848	4" CONCRETE SIDEWALK	1,040	SY	$115.00	$ 119,600.00	$70.00	$ 72,800.00
32	858	ADJUSTMENT OF MANHOLES	1	EA	$1,000.00	$ 1,000.00	$420.00	$ 420.00
33	858	RECONSTRUCT MANHOLE STRUCTURES	5	EA	$5,000.00	$ 25,000.00	$11,160.00	$ 55,800.00
34	867	FENCE RESET	20	LF	$175.00	$ 3,500.00	$50.00	$ 1,000.00
35	876	RIP RAP, CLASS A	20	TN	$60.00	$ 1,200.00	$90.00	$ 1,800.00
36	876	RIP RAP, CLASS II	250	TN	$60.00	$ 15,000.00	$150.00	$ 37,500.00
37	876	GEOTEXTILE FOR DRAINAGE	160	SY	$15.00	$ 2,400.00	$5.00	$ 800.00
38	901	CONTRACTOR FURNISHED, TYPE E SIGN	10.2	SF	$90.00	$ 918.00	$100.00	$ 1,020.00
39	903	SUPPORTS, 2-LB STEEL SQUARE BREAKAWAY	2	EA	$300.00	$ 600.00	$175.00	$ 350.00
40	904	SIGN ERECTION, TYPE E	2	EA	$500.00	$ 1,000.00	$175.00	$ 350.00
41	1105	TRAFFIC CONTROL	1	LS	$46,000.00	$ 46,000.00	$50,000.00	$ 50,000.00
42	1205	THERMO PAVEMENT MARKING LINES (4", 90 MILS)	303	LF	$2.40	$ 727.20	$3.25	$ 984.75
43	1205	THERMO PAVEMENT MARKING LINES (8", 90 MILS)	232	LF	$3.80	$ 881.60	$6.50	$ 1,508.00
44	1205	THERMO PAVEMENT MARKING LINES (24", 90 MILS)	45	LF	$11.00	$ 495.00	$6.50	$ 292.50
45	1510	12" WATER LINE (RESTRAINED JOINT)	445	LF	$193.75	$ 86,218.75	$246.00	$ 109,470.00
46	1510	DUCTILE IRON WATER PIPE FITTINGS	1,440	LB	$23.75	$ 34,200.00	$10.20	$ 14,688.00
47	1515	FIRE HYDRANT LEG	21	LF	$231.25	$ 4,856.25	$87.00	$ 1,827.00
48	1515	FIRE HYDRANT	1	EA	$12,000.00	$ 12,000.00	$15,000.00	$ 15,000.00
49	1515	6" VALVE	1	EA	$5,500.00	$ 5,500.00	$6,600.00	$ 6,600.00
50	1515	12" VALVE	1	EA	$9,750.00	$ 9,750.00	$6,816.00	$ 6,816.00
51	1515	2" VALVE	1	EA	$4,000.00	$ 4,000.00	$1,560.00	$ 1,560.00
52	1515	2" COMBINATION AIR VALVE	1	EA	$18,750.00	$ 18,750.00	$6,240.00	$ 6,240.00
53	1515	RELOCATE WATER METER	11	EA	$3,125.00	$ 34,375.00	$2,400.00	$ 26,400.00
54	1520	ADJUST EXISTING SANITARY SEWER CLEANOUT TO GRADE	8	EA	$937.50	$ 7,500.00	$450.00	$ 3,600.00
55	1520	8" SANITARY GRAVITY SEWER	207	LF	$231.25	$ 47,868.75	$255.00	$ 52,785.00
56	1525	4' DIAMETER UTILITY MANHOLE	1	EA	$12,000.00	$ 12,000.00	$13,800.00	$ 13,800.00
57	1525	5' DIAMETER UTILITY MANHOLE	1	EA	$13,000.00	$ 13,000.00	$15,000.00	$ 15,000.00
58	1530	ABANDON 8" UTILITY PIPE	200	LF	$45.00	$ 9,000.00	$35.00	$ 7,000.00
59	1605	TEMPORARY SILT FENCE	2,025	LF	$6.50	$ 13,162.50	$10.00	$ 20,250.00
60	1610	STONE FOR EROSION CONTROL, CLASS B	75	TN	$100.00	$ 7,500.00	$150.00	$ 11,250.00
61	1610	SEDIMENT CONTROL STONE	75	TN	$100.00	$ 7,500.00	$150.00	$ 11,250.00
62	1631	MATTING FOR EROSION CONTROL	3,830	SY	$4.00	$ 15,320.00	$5.00	$ 19,150.00
63	1632	1/4" HARDWARE CLOTH	48	LF	$12.00	$ 576.00	$24.00	$ 1,152.00
64	1636	TEMPORARY PIPE FOR STREAM CROSSING	24	LF	$300.00	$ 7,200.00	$22.00	$ 528.00
65	1638	STILLING BASIN	10	CY	$500.00	$ 5,000.00	$170.00	$ 1,700.00
66	1642	WATTLE BARRIER	560	LF	$20.00	$ 11,200.00	$10.00	$ 5,600.00
67	1660	SEEDING AND MULCHING	0.8	AC	$5,000.00	$ 4,000.00	$2,160.00	$ 1,728.00
68	1660	MOWING	0.8	AC	$500.00	$ 400.00	$420.00	$ 336.00
69	SP	SAFETY RAIL	168	LF	$80.00	$ 13,440.00	$350.00	$ 58,800.00
					TOTAL:	**$ 1,736,882.75**	TOTAL:	**$ 1,898,875.25**

Lanier Construction

ITEM #	SECTION	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	EXTENDED
1	800	MOBILIZATION	1	LS	$ 101,500.00	$ 101,500.00
2	801	CONSTRUCTION SURVEYING	1	LS	$ 13,500.00	$ 13,500.00
3	226	UNDERCUT EXCAVATION	100	CY	$ 60.00	$ 6,000.00
4	226	GRADING	1	LS	$ 750,000.00	$ 750,000.00
5	240	DRAINAGE DITCH EXCAVATION	50	CY	$ 35.00	$ 1,750.00
6	300	FOUNDATION CONDITIONING MATERIAL, MINOR STRUCTURES	210	TN	$ 60.00	$ 12,600.00
7	300	FOUNDATION CONDITIONING GEOTEXTILE	140	SY	$ 8.00	$ 1,120.00
8	305	15" DRAINAGE PIPE	20	LF	$ 110.00	$ 2,200.00
9	310	15" PIPE CULVERTS, PP	88	LF	$ 110.00	$ 9,680.00
10	310	18" PIPE CULVERTS, PP	149	LF	$ 125.00	$ 18,625.00
11	310	24" PIPE CULVERTS, PP	59	LF	$ 150.00	$ 8,850.00
12	310	60" PIPE CULVERTS (RCP CL3 / CSP / CAAP / PP)	160	LF	$ 650.00	$ 104,000.00
13	310	15" PIPE END SECTION	1	EA	$ 4,200.00	$ 4,200.00
14	310	24" PIPE END SECTION	1	EA	$ 5,100.00	$ 5,100.00
15	340	PIPE REMOVAL	20	LF	$ 45.00	$ 900.00
16	520	AGGREGATE BASE COURSE	850	TN	$ 55.00	$ 46,750.00
17	545	INCIDENTAL STONE BASE	90	TN	$ 55.00	$ 4,950.00
18	610	ASPHALT CONCRETE SURFACE COURSE, TYPE S 9.5B	250	TN	$ 160.00	$ 40,000.00
19	610	ASPHALT CONCRETE INTERMEDIATE COURSE, TYPE I 19.0C	300	TN	$ 165.00	$ 49,500.00
20	620	ASPHALT BINDER FOR PLANT MIX	31	TN	$ 950.00	$ 29,450.00
21	654	ASPHALT PLANT MIX, PAVEMENT REPAIR	20	TN	$ 950.00	$ 19,000.00
22	SP	PATCHING EXISTING PAVEMENT	50	TN	$ 650.00	$ 32,500.00
23	838	REINFORCED ENDWALLS	16.6	CY	$ 2,500.00	$ 41,500.00
24	840	MASONRY DRAINAGE STRUCTURES	5	EA	$ 8,000.00	$ 40,000.00
25	840	MASONRY DRAINAGE STRUCTURES	11.4	LF	$ 1,200.00	$ 13,680.00
26	840	FRAME W/ GRATE, STANDARD 840.03	5	EA	$ 1,200.00	$ 6,000.00
27	846	2'-6" CONCRETE CURB & GUTTER	849	LF	$ 35.75	$ 30,351.75
28	846	2'-6" CONCRETE VALLEY GUTTER	1,075	LF	$ 35.75	$ 38,431.25
29	848	CONCRETE CURB RAMP	3	EA	$ 4,500.00	$ 13,500.00
30	848	6" CONCRETE DRIVEWAY	190	SY	$ 107.00	$ 20,330.00
31	848	4" CONCRETE SIDEWALK	1,040	SY	$ 65.00	$ 67,600.00
32	858	ADJUSTMENT OF MANHOLES	1	EA	$ 2,500.00	$ 2,500.00
33	858	RECONSTRUCT MANHOLE STRUCTURES	5	EA	$ 10,000.00	$ 50,000.00
34	867	FENCE RESET	20	LF	$ 45.00	$ 900.00
35	876	RIP RAP, CLASS A	20	TN	$ 125.00	$ 2,500.00
36	876	RIP RAP, CLASS II	250	TN	$ 180.00	$ 45,000.00
37	876	GEOTEXTILE FOR DRAINAGE	160	SY	$ 8.00	$ 1,280.00
38	901	CONTRACTOR FURNISHED, TYPE E SIGN	10.2	SF	$ 95.00	$ 969.00
39	903	SUPPORTS, 2-LB STEEL SQUARE BREAKAWAY	2	EA	$ 225.00	$ 450.00
40	904	SIGN ERECTION, TYPE E	2	EA	$ 150.00	$ 300.00
41	1105	TRAFFIC CONTROL	1	LS	$ 25,000.00	$ 25,000.00
42	1205	THERMO PAVEMENT MARKING LINES (4", 90 MILS)	303	LF	$ 3.75	$ 1,136.25
43	1205	THERMO PAVEMENT MARKING LINES (8", 90 MILS)	232	LF	$ 6.05	$ 1,403.60
44	1205	THERMO PAVEMENT MARKING LINES (24", 90 MILS)	45	LF	$ 25.00	$ 1,125.00
45	1510	12" WATER LINE (RESTRAINED JOINT)	445	LF	$ 275.00	$ 122,375.00
46	1510	DUCTILE IRON WATER PIPE FITTINGS	1,440	LB	$ 25.00	$ 36,000.00
47	1515	FIRE HYDRANT LEG	21	LF	$ 100.00	$ 2,100.00
48	1515	FIRE HYDRANT	1	EA	$ 13,000.00	$ 13,000.00
49	1515	6" VALVE	1	EA	$ 3,800.00	$ 3,800.00
50	1515	12" VALVE	1	EA	$ 9,000.00	$ 9,000.00
51	1515	2" VALVE	1	EA	$ 2,350.00	$ 2,350.00
52	1515	2" COMBINATION AIR VALVE	1	EA	$ 20,000.00	$ 20,000.00
53	1515	RELOCATE WATER METER	11	EA	$ 4,500.00	$ 49,500.00
54	1520	ADJUST EXISTING SANITARY SEWER CLEANOUT TO GRADE	8	EA	$ 750.00	$ 6,000.00
55	1520	8" SANITARY GRAVITY SEWER	207	LF	$ 370.00	$ 76,590.00
56	1525	4' DIAMETER UTILITY MANHOLE	1	EA	$ 25,000.00	$ 25,000.00
57	1525	5' DIAMETER UTILITY MANHOLE	1	EA	$ 30,000.00	$ 30,000.00
58	1530	ABANDON 8" UTILITY PIPE	200	LF	$ 35.00	$ 7,000.00
59	1605	TEMPORARY SILT FENCE	2,025	LF	$ 4.25	$ 8,606.25
60	1610	STONE FOR EROSION CONTROL, CLASS B	75	TN	$ 60.00	$ 4,500.00
61	1610	SEDIMENT CONTROL STONE	75	TN	$ 60.00	$ 4,500.00
62	1631	MATTING FOR EROSION CONTROL	3,830	SY	$ 5.00	$ 19,150.00
63	1632	1/4" HARDWARE CLOTH	48	LF	$ 18.00	$ 864.00
64	1636	TEMPORARY PIPE FOR STREAM CROSSING	24	LF	$ 95.00	$ 2,280.00
65	1638	STILLING BASIN	10	CY	$ 80.00	$ 800.00
66	1642	WATTLE BARRIER	560	LF	$ 17.00	$ 9,520.00
67	1660	SEEDING AND MULCHING	0.8	AC	$ 9,000.00	$ 7,200.00
68	1660	MOWING	0.8	AC	$ 1,000.00	$ 800.00
69	SP	SAFETY RAIL	168	LF	$ 70.00	$ 11,760.00

TOTAL: **$ 2,138,827.10**

Town of Apex

CAPITAL PROJECT ORDINANCE AMENDMENT 2026-12

210 - Transportation Capital Project Fund

BE IT ORDAINED, by the Council of the Town of Apex that the Capital Project Ordinance previously entitled "Transportation Capital Project Fund" be amended as follows:

SECTION 1: The project authorized by this ordinance consists of transportation capital projects.

SECTION 2: The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

SECTION 3: The following revenues are anticipated to be available to complete these projects:

Type	Increase/(Decrease)	Amended Fund Totals
Grants (State/Federal)	-	21,640,989
Interest Earned	429,000	1,347,600
Interest Earned - Debt Proceeds	-	335,650
Developer Reimbursement	-	150,250
Payments in Lieu of Streets	-	65,000
Town of Cary Reimbursement	-	750,412
Bond Proceeds/Premium	-	60,906,265
Transfer from General Fund	-	21,342,378
Transfer from Transportation Capital Reserve	-	8,239,373
Total Revenues		**$114,777,917**

SECTION 4: The following amounts are appropriated for the project funds:

Type	Increase/(Decrease)	Amended Fund Totals
Transportation Capital Project Expenditures	429,000	114,777,917
Total Expenditures		**$114,777,917**

SECTION 5: The Finance Officer hereby directed to maintain within the project funds detailed accounting records.

SECTION 6: The Budget Officer is directed to include a detailed analysis of the past and future costs and revenues on this capital project in every budget submission made to the Town Council.

SECTION 7: The Town Manager is authorized to amend expenditures within the fund for expenditures that are authorized per section I of this ordinance that do not change the total appropriation within the fund.

SECTION 8: Copies of this capital project ordinance shall be furnished to the Clerk to the Town Council, and to the Budget Officer and the Finance Officer for direction in carrying out this project within five (5) days after adoption.

SECTION 9: All ordinances in conflict with this ordinance are hereby repealed or amended to reflect the controlling nature of this Ordinance.

Adopted this the 12th day of May, 2026.

Attest:

Jacques K. Gilbert, Mayor

Allen L. Coleman, CMC, NCCCC, Town Clerk

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 12, 2026

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Motion to approve, as submitted or amended, Meeting Minutes from the following meetings:

- April 14, 2026 – Regular Town Council Meeting Minutes
- April 16, 2026 – Town Manager's Recommended Budget Presentation Fiscal Year 2026-27
- April 21, 2026 – Regular Town Council Work Session Meeting Minutes

Approval Recommended?

The Town Clerk recommends the Town Council approve the meeting minutes as presented or amended.

Item Details

In accordance with 160A-72 of North Carolina General Statues (NCGS), the Governing Board has the legal duty to approve all minutes that are entered into the official journal of the Board's proceedings.

Attachments

- CN4-A1: **DRAFT** Minutes – April 14, 2026 – Regular Town Council Meeting Minutes
- CN4-A2: **DRAFT** Minutes – April 16, 2026 – Town Manager's Recommended Budget Presentation Fiscal Year 2026-27
- CN4-A3: **DRAFT** Minutes – April 21, 2026 – Regular Town Council Work Session Meeting Minutes

TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, APRIL 14, 2026
6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, April 14th, 2026 at 6:00 PM in the Council Chambers at Apex Town Hall, located at 73 Hunter Street in Apex, North Carolina.

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

The recording of this meeting can be viewed
Here: https://www.youtube.com/watch?v=mbz0Cy3TSDc&t=4708s

[ATTENDANCE]

Elected Body
Mayor Jacques K. Gilbert (presiding)
Mayor Pro-Tempore Terry Mahaffey
Councilmember Ed Gray
Councilmember Arno Zegerman
Councilmember Sue Mu
Councilmember Shane Reese

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

[COMMENCEMENT, INVOCATION, AND PLEDGE OF ALLEGIANCE]

Mayor Gilbert called the meeting to order at **6:00 p.m.** and led everyone in the Pledge of Allegiance. He then read the diversity statement and a statement to

recognize Yom HaShoah, observed as Holocaust Remembrance Day, and asked for all to join in a moment of silence.

[ANNOUNCEMENTS AND PETITIONS BY THE GOVERNING BODY]

Mayor Gilbert asked for any announcements and petitions by the governing body.

- **Mayor Pro-Tempore Mahaffey** – Reported to the public and the Council that a member of the Wake County Board of Elections contacted him after noticing that the Council's legislative agenda included discussion of moving to even-year elections. In response, he coordinated with staff and the Board of Elections to arrange a presentation at the Council's second meeting in May, the Board of Elections director and a board member will attend to give a presentation of the proposed change covering its implications.
- **Councilmember Gray** – Encouraged residents to participate in an upcoming public hearing on the town budget, emphasizing the need for community input especially given tighter funding from state and federal sources. He noted that the initial budget proposal is coming soon but stressed that public feedback is still important. He also reminded everyone to keep in mind and honor service members and their families, recognizing their sacrifices.
- **Councilmember Zegerman** – Shared his recent volunteer work with Habitat for Humanity, highlighting ongoing affordable housing efforts in Wake County and looked forward to bringing more projects back to Apex. He gave an update on CSX train engines, saying he has asked the company to follow its policy of turning engines off at night when temperatures are warm enough, which could reduce noise for residents. He acknowledged the large number of qualified applicants for town advisory boards and expressed appreciation for community volunteers.
- **Councilmember Mu** – Announced progress on forming a "Peak Resilience and WellBeing Task Force" along with Wake County Commissioner Cheryl Stallings, focused on mental health, especially among youth. She explained the initiative was inspired by concerns from parents and will include professionals and diverse community representatives and this is volunteer based and highlighted concerning mental health statistics and recent local losses to stress urgency. She invited residents to get involved and shared upcoming dates for the first meeting (April 23rd) and workshop (May 29th). She invited volunteers to ask her for details.

- **Councilmember Reese** – Announced several upcoming community events, including a Chamber of Commerce economic forum (5–7 p.m. at the senior center) and EarthFest on Saturday, April 25th (12–4 p.m. at Town Hall campus). He also proposed exploring budget initiatives, which included expanding the Launch Apex program (high demand, limited spots), Growing the Plant the Peak program (tree planting initiative) and creating new efforts like "Plant the Peakway" and "Plant the Parks" to support sustainability and reforestation.
- **Mayor Gilbert** - He shared a lighthearted note about participating in a 100-meter race after being challenged by the Holly Springs mayor, joking that he's still feeling the effects—but noted that Apex won. He highlighted a major local achievement that Andi Navarro became the first woman from Apex drafted into the WNBA, selected 28th overall by the Atlanta Dream. He congratulated her and recognized the moment as historic for the Apex community.

[ADOPTION OF THE MEETING AGENDA]

Mayor Gilbert noted that Town staff requested removal of and updates to the following items:

- **Removal of Consent Agenda Item #14:** Memorandum of Understanding between the Town of Apex and North Carolina Children's Health, Inc.
- **Removal of Presentation #5:** Automated License Plate Reader (LPR) Program Update
- **Updated Regular Meeting Agenda Item #1:** Resolution establishing the Peak Resilience and Well-Being Task Force (updated resolution and member list)

A **motion** was made by **Councilmember Zegerman,** seconded by **Mayor Pro-Tempore Mahaffey** to set the Regular Meeting Agenda with the removal of Consent Item 14 and Presentation 5, and the updates to Regular Meeting Agenda Item 1.

VOTE: UNANIMOUS (5-0)

[CONSENT AGENDA]

Mayor Gilbert said that as previously noted, Town staff requested removal of Consent Agenda Item #14 – Memorandum of Understanding between Town of Apex and Norther Carolina Children's Health Incorporated and asked if there were any

other recommended changes.

A **motion** was made by **Mayor Pro-Tempore Mahaffey**, seconded by **Councilmember Zegerman**, to approve the Consent Agenda with the removal of Consent Item 14.

VOTE: UNANIMOUS (5-0)

CN1 Agreement - Central Pines Regional Council (CPRC) - Solid Waste Consortium – April 14, 2026 through June 30, 2026 (CONT-2026-036)
Council approved a Memorandum of Agreement (MOA) between Central Pines Regional Council (CPRC) and Town of Apex, effective April 14, 2026 through June 30, 2026, for the purpose of participating in the Solid Waste Consortium and to authorize the Town Manager, or their designee, to execute the agreement on behalf of the Town.

CN2 Agreement - Standard Services Agreement (SSA) - Interactive Playgrounds Inc. - Inflatables at Fireworks Frenzy Event July 03, 2026 (CONT-2026-037)
Council approved a Standard Services Agreement (SSA) between Interactive Playgrounds Inc. and Town of Apex, for inflatables at the Fireworks Frenzy event on July 3, 2026, and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN3 Agreement – Standard Services Agreement – Marjorie Strauss Frink – Murder Mystery Dinner and Show – August 20, 2026 (CONT-2026-038)
Council approved a Standard Services Agreement (SSA) between Marjorie Strauss Fink dba It's A Mystery and Town of Apex, for a Murder Mystery Dinner and Show on August 20, 2026, and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN4 Agreement and Resolution - Land Exchange AR Custom Homes LLC - 2428 Old US 1 Highway - Subdividing Lot Correction (CONT-2026-039)
Council adopted a Resolution approving a Land Exchange Agreement between the Town of Apex and AR Custom Homes, LLC, for adjacent properties on Old US Hwy 1 (Buckhorn Township), and authorize the Town Manager, or their designee, to execute the agreement on behalf of the Town of Apex.

CN5 Agreement Multi-Year – Vision NC, LLC – Flow Data Collection for Wastewater Modeling and Master Planning – through June 30, 2027 (CONT-2026-040)

Council approved a Standard Services Agreement (SSA) with Vision NC, LLC, and Town of Apex, for flow data collection to support sewer modeling and master planning, effective through April 30, 2027, and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN6 Agreement Ratification - Cintas - Restock Workplace Safety Supplies and Maintenance of Safety Equipment - through June 30, 2026 (CONT-2026-041)

Council approved an Agreement Ratification between Cintas Corporation and the Town of Apex, to restock workplace safety supplies and perform maintenance of safety equipment, effective through June 30, 2026, and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN7 Annexation No. 807 – 8905 Castleberry Road – 3.35 acres (Associated Rezoning 26CZ01) – 3.35 acres (RES-2026-028) (RES-2026-029) (OTHER-2026-048)

Council adopted a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for April 28, 2026, on the Question of Annexation - Apex Town Council's intent to annex 3.35 acres, located at 8905 Castleberry Road (PIN 0713-71-9698 and PIN 0713-71-9580), Annexation No. 807, into the Town Corporate limits.

CN8 Annexation No. 822 – 3100 Olive Chapel Road (Associated Rezoning 25CZ22) – 4.5509 acres (RES-2026-030) (RES-2026-031) (OTHER-2026-049)

Council adopted a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for April 28, 2026, on the Question of Annexation - Apex Town Council's intent to annex 4.5509 acres, located at 3100 Olive Chapel Road (PIN 0712-90-5851), Annexation No. 822, into the Town Corporate limits.

CN9 Annexation No. 824 – 8204 Stephenson Road – 0.754 acres (RES-2026-032) (RES-2026-033) (OTHER-2026-050)

Council adopted a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for April 28, 2026, on the Question of

Annexation - Apex Town Council's intent to annex 0.754 acres, located at 824 Stephenson Road (PIN 0750-88-3839), Annexation No. 824, into the Town Corporate limits.

CN10 Annexation No. 826 - Veridea ETJ - 119.59 acres (RES-2026-034) (RES-2026-035) (OTHER-2026-051)

Council adopted a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for April 28, 2026, on the Question of Annexation - Apex Town Council's intent to annex 119.59 acres, Annexation No. 826, into the Town Corporate limits.

CN11 Annexation No. 827 – 1217 Twin Creek Road – 5 acres (RES-2026-036) (RES-2026-037) (OTHER-2026-052)

Council adopted a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for April 28, 2026, on the Question of Annexation - Apex Town Council's intent to annex 5 acres, located at 1217 Twin Creek Road, Annexation No. 827, into the Town Corporate limits.

CN12 Council Meeting Minutes – Various

Council approved Meeting Minutes from the following meetings:

- March 17, 2026 – Regular Town Council Work Session Meeting Minutes
- March 24, 2026 – Regular Town Council Meeting Minutes

CN13 Fee-In-Lieu – Estates at Old Raleigh Road – Master Subdivision Plan (MSP) - $4,325.07/per unit

Council approved a Fee-In-Lieu (FIL) of land dedication in the amount of $4,325.07 per unit for the Estates at Old Raleigh Master Subdivision.

~~**CN14 ITEM REMOVED - Memorandum of Understanding (MOU) between North Carolina Children's Health Inc. (dba NC Children's Hospital) and the Town of Apex - Memorialize Expectations through Completion of Project**~~

Item removed from Consent Agenda per Council vote

CN15 Peak City Land Trust – Appointment of Organizing Board of Directors (PLCY-2026-007)

Council appointed Terry Mahaffey, Alaina Money Garman, Martha Rodgers, Jacob Rogers, and an appointee to be designated by Wake County to the initial Board of Directors of the Peak City Land Trust nonprofit organization, and if Wake County elects not to designate an appointee, said appointee will be made by the Board of Directors in accordance with the Peak City Land Trust Bylaws.

CN16 Tax Report – February 2026 (OTHER-2026-053)

Council approved the Apex Tax Report dated March 16, 2026.

CN17 Town Council Rules of Procedure Amendment – Order of Business (PLCY-2026-008)

Council adopted an amendment to the Apex Town Council's Rules of Procedures to reorder the meeting agenda to dispatch with public business efficiently.

[TOWN COUNCIL COMMITTEE REPORTS]

Mayor Gilbert asked Mayor Pro-Tempore Mahaffey, Finance Committee Chair, to provide a status report on the Ad-Hoc Finance Committee Meeting.

TC1 Ad-Hoc Finance Committee Meeting Held Thursday, April 09, 2026

Mayor Pro-Tempore Mahaffey said he and Councilmember Gray met with to receive a high-level update about the Town's financial position as well as the economic environment as Apex moves into the budget season. He said that in general, growth is slowing even faster than had previously been forecasted, property tax revenue is forecasted to be up about 3.4- 3.5% which is down from the initial estimates and down dramatically from 5 or 6 years ago when it was 10-15% year-over-year, and at the same time there is increased expenditure pressures with the increased insurance costs and retirement costs greatly exceeding inflation. He said that the budget proposal will be released on Thursday.

[TOWN MANAGER'S REPORT]

Town Manager Vosburg provided the following updates:

- **EarthFest Event:** Confirmed for Saturday, April 25, from 12:00–4:00 p.m. at Town Hall campus and includes a wide range of activities with details available online.
- **Love Local Showcase:** Scheduled for Sunday, April 26, from 11:00 a.m.–5:00 p.m., featuring local businesses in the downtown area with promotions, samples, and merchandise.
- **Cultural Arts Events:**
  - ***On the Steps Concert Series*** (featuring Shaina Tucker): Upcoming evening concert with limited tickets available.
  - ***Senior Showcase:*** Performances on April 18 and 19 at 3:00 p.m., featuring local residents (55+); free tickets available by request.
- **Electric Meter Replacement Project:** Approximately 14,000 meters replaced, with over 16,000 remaining; project is nearing the halfway point and progressing on schedule for completion in the fall with minimal issues.
- **Proclamations / Recognition Weeks:**
  - **North Carolina Line Workers Appreciation Week**
  - **Public Safety Telecommunicators Week**

Town Manager Vosburg expressed appreciation for staff contributions, with a related video to be released and turned it back to Council for the two proclamations.

TM1 Proclamation – Apex Electric Line Worker Appreciation Day – Friday, April 17, 2026 (PRO-2026-016)

Mayor Gilbert, along with the rest of the Town Council, read the Proclamation for Apex Electric Line Worker Appreciation Day 2026, and invited Emily Woody, Jon Rose, Marty Stone and other Electric Utilities Department team members to receive the proclamation and take pictures. He gave special recognition to Director Kathy Moyer who is watching online.

TM2 Proclamation – Public Safety Telecommunicator Week – Sunday, April 12 – Saturday, April 18, 2026 (PRO-2026-017)

Mayor Gilbert, along with the rest of the Town Council, read the Proclamation for Public Safety Telecommunicator Week and invited Demetria John, Assistant Town Manager, Jim Neuhaus, Communication Manager, Shawn Williams, Supervisor, Jerica Cole and Kylie Rhodes, Patricia Warlow, Joel Ward, Piper York, Wayne Faber and Chief Ron Johansen to receive the proclamation and take pictures.

Mr. Neuhaus recognized the telecommunicators who take all the emergency calls for the Town of Apex. He gave appreciation for the Adopt a Dispatcher program that was started two years ago started by Kylie Rhodes and Supervisor Jerica Cole.

[TOWN CLERK'S REPORT]

Town Clerk Coleman said as a reminder that the North Carolina General Assembly will be meeting in the House tomorrow, April 15th on the property tax reform and that all of the proposals on the table would impact municipalities and counties significantly and would not provide immediate tax relief at this point, and cautioned all to be mindful of that meeting and there will be another report at the next Council meeting with updates.

TC1 Appointments – Culture and Arts Advisory Board (CAAB)

Town Clerk Coleman noted the recommendation to approve Darryl Harrien to the Culture and Arts Advisory Board effective April 14th, 2026 to fill one partial term expiring June 30, 2026, this position was previously occupied by Aaron Barnes.

A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded by **Councilmember Mu** to approve appointment of Darryl Harrien to the Culture and Arts Advisory Board effective April 14, 2026 with the term expiring June 30, 2026.

VOTE: UNANIMOUS (5-0)

TC2 Appointments – Multimodal Transportation Advisory Board (MTAB)

Town Clerk Coleman noted the recommendation to approve Jain Saket to the Multimodal Transportation Advisory Board effective April 14, 2026 to fill one partial-term expiring June 30, 2027, this position was previously occupied by Mark Sanioli.

A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded by **Councilmember Zegerman** to approve appointment of Jain Saket to the Multimodal Transportation Advisory Board effective April 14, 2026 with term expiring June 30, 2027.

VOTE: UNANIMOUS (5-0)

TC3 Appointments – Parks and Recreation Advisory Board (PRAB)

Town Clerk Coleman gave the recommendation to appoint Abhishek Singh to the Parks and Recreation Advisory Board, effective April 14, 2026 to fill one partial term expiring June 30, 2027, this position was previously occupied by Michael Kanters.

A **motion** was made by **Councilmember Zegerman** and seconded by **Councilmember Gray** to approve appointment of Abhishek Singh to the Parks and Recreation Advisory Board, effective April 14, 2026 with term expiring June 30, 2027.

VOTE: UNANIMOUS (5-0)

TC4 Appointments – Parks and Recreation Advisory Board (PRAB) – Vice-Chair

Town Clerk Coleman gave the recommendation to appoint Lisa Esterrich as Vice-Chair of the Parks and Recreation Advisory Board for calendar year 2026, expiring December 31, 2026.

A **motion** was made by **Councilmember Gray** and seconded by **Councilmember Zegerman** to approve the appointment of Lisa Esterrich as Vice-Chair of the Parks and Recreation Advisory Board for calendar year 2026 with term expiring December 31, 2026.

VOTE: UNANIMOUS (5-0)

[PUBLIC FORUM]

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

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

"This mirror is not a stunt, but a reflection of public concern. Public trust is at risk. As the saying goes, if you want to make the world a better place, take a look at yourself and make a change. From the public's perspective, government no longer feels fully accountable, feels increasingly insulated from the people it serves. It was

reported two weeks ago that Apex's July 2024 cyber-attack compromised the personal financial data of 22,000 residents. The public was not informed for nearly 2 years. Why? In December, we were told this incident resulted in approximately 300,000 in utility underbilling. By February 2026, that figure had grown to a $10 million shortfall. What changed? Where did the additional $9.7 million come from? What breakdown in controls, reporting, or oversight allowed that shift? What is being done now to correct and restore public confidence? At the last Council meeting, instead of clear answers, the Town Manager, Randy Vosburg, highlighted a community Easter egg hunt. Meanwhile, Terry Mahaffey reports growth is slowing, yet 20 additional positions are still being added. All of you collectively up here represent taxpayer funded compensation of approximately $1.5 million. Across the rest of Apex, there are 29 planning positions. Within a $70.4 million compensation budget supporting 796 employees. This reflects a staffing and outsourcing structure aligned more with development activity than with transparent service to the public. There is a widening perception gap between what residents are experiencing and what is being communicated publicly. And under the North Carolina Constitution, you took an oath to serve the people, not to manage perception, not to bury decisions in process, and not to reduce accountability and what we're seeing is information withheld, explanations limited, and decisions moving forward without accountability. This is not transparency, you do not answer to shareholders, you answer to us. We are the people and this government serves the people. Thank you."

Mayor Gilbert thanked the speaker and invited the next speaker to come up.

Next to speak was **Elizabeth Stitt** of 3113 Friendship Road:

"Mayor Town Council. Good evening. So, I would say based on all the applications that the town received for the boards, it's a pretty good sign that we do not have enough volunteer positions for the community. We are a growing community and we really have not increased the number of volunteer opportunities. I've talked in the past about how Raleigh has resident advisory councils. We could add those, we could divide the town up into districts like Raleigh does, so that the people who want to have a say in their community have an opportunity to do so. They should not have to be weeded through a bunch of resumés and only one or two can get chosen. We have a community that is very educated, who is very motivated and would like to have a say in what is going on, but there are not enough opportunities. So, I ask you to consider where you can partner with the community and allow more opportunity to come in. Now you know you have different groups like the area that I represent, the

data center area. We have people who want to get involved but we show up week after week or meeting after meeting because there is nowhere for us to go other than here. So, I ask you to give us the opportunity and create some advisory committees so that anybody who wants to volunteer can volunteer, not have to be putting their resume out there and saying, "Hey, choose me. Choose me." I am not within the town limits and so I do not get to be chosen. We are not allowed, but I am very much impacted by every decision that you guys make, your taxes and what you fund and don't fund. I have no say in that, but it impacts whether I can get out of my driveway to the stoplight. What is coming in? Is our community owned by local investors or is our community being owned by people out of town? We need to have a greater say and that is why we keep showing up over and over. It is amazing the number of times that I get comments because I keep coming. They are like, "Why do you keep coming? They do not listen," and I am like, "Well, I am going to keep coming because I have hope that maybe at some point you will listen." And I appreciate all of you taking the time to make eye contact with me because there are a couple people who do not ever make eye contact. And when we take our time, we would like just to have a few moments of your time back. Thank you."

Mayor Gilbert thanked the speaker and invited the next speaker to come up.

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

"Mayor and Council, I submitted a public record request six months ago today. This was a simple request and only included data required by North Carolina's General Statute 132. Other municipalities have filled the same request in a matter of days and yet, I'm still waiting for Apex after 6 months and many inquiries. On October 27th, Allen emailed me stating, "I anticipate this request to be fully completed slash closed by the end of this week." After several unanswered inquiries, I included Randy Vosburg in my December 18th email. Allen replied and said on December 23rd that my emails were flagged as spam or junk and that he anticipated having an update before the end of next week. Allen also stated the Town Manager does not oversee the public records program and I haven't heard from Allen since. Under North Carolina General Statute 16A-148, the Town Manager is the chief administrator and has powers and duties that include directing and supervising the administration of all departments, offices, and agencies of the city and must see that all laws of the state are faithfully executed. Even more concerning, JP Parris prepared a report that in it that was included in the December 9th meeting about the public records. If they're still verifying this data after six months of me waiting, how could he have reported a

summary on the information that I asked for? Either the Clerk had the information and has refused to provide it to me, or JP's report lacks factual evidence presented for the 2023 and 2024 years. I even posted a comment on Terry Mahaffey's Facebook post highlighting the office of the Town Clerk. Ashley Gentry actually replied to that comment offering assistance, but I was not assisted. Terry, you personally reached out to me by email and after my comment on your Facebook post, you offered to help and I included all of you in my reply on March 13th. I also requested a time I could come to the Clerk's office to see what the process of the verification is and received no reply from Allen or any of you. That was included in that email. The Town Clerk web page states, "The town clerk is committed to providing you with the highest quality of customer service possible." I have not received the highest quality of service possible. I've been ignored. I've been disregarded and the town has failed to honor the oaths you swore to uphold. I challenge the town to investigate this and get back to me as promptly as possible. Thank you for speaking tonight."

Mayor Gilbert thanked the speaker and invited the next speaker to come up.

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

"Barbara Collins, 901 Norwood Lane, Apex for 28 years, same house. So, I'm not here to talk about anything other than affordable housing and I want to give you my idea that I have vetted with people who told me on the one hand it was terrible and on the other hand not doable and on the other hand too expensive so let me answer all of those quickly. One of the big housing problems we have in Apex is that we were fairly rural and houses were affordable and people like me moved into them. We moved into our house because of the high schools. We wanted to be walking distance and then we couldn't be redistricted. Everybody has made their choices to be here. Well, 30 years later, I have nowhere to go and so, I could give up my house in Apex, because wouldn't Bank of America rather have a $700,000 loan than a bunch of people who are just sitting around being old hippies and not have to pay anymore. So, here's my idea, there is a vested interest through banks, insurance companies, finance. It's an economic employment issue, senior housing. So, my idea is this, that we find land in Apex. It has to be here. We have a plot of land. We've paid for it. It has the right zoning. We're all working together, those two things done. We need a piece of land that we can put seven single wide mobile homes, not tiny houses because I'm not walking up those stairs and my husband is still alive. We'll never live in a tiny home. Period. So, you have seven single wide, they are owned by the corporation or

whatever nonprofit that owns that land. None of the single wides are owned by the people who would live there. They live there and we can bring in a visiting nurse every day because we have seven elderly people living there. There can be a minute clinic on the property that would serve our entire community. So, where it went wrong as I was pitching this to people was in single wide homes. They didn't like the idea of it. It's a reminiscing about what that's meant in our community, but people are solving this all over the country and it's time for us to do it too. If we had better, more affordable senior housing that allowed us to stay in our community with our grandchildren and our families in retirement, beautiful area, who wouldn't do it? That's my question. Thank you."

Mayor Gilbert thanked the speaker and invited the next speaker to come up.

Next to speak was **George Hogan** of 2140 Victorian Lane:

"Members of council, I spent the last two meetings talking about Flock cameras, the contract, the cameras and the lack of evidence justifying them. But tonight, I want to walk through the company. What is Flock? This is not a neutral public safety vendor. This is a venture-backed surveillance company valued at $7.5 billion. It has raised $650 million. Its lead investors include the Founders Fund, the venture firm founded by Peter Thiel, co-founder of Palantir, which holds $900 million in federal contracts, including with ICE and the U.S. military. Palantir is currently building what has been described as a master database for the federal government to cross-reference tax records, immigration records, and agency data. Thiel served on Trump's presidential transition team. He bankrolled JD Vance's Senate campaign. His Founders Fund partners led Trump's Defense Department transition, and his associates now hold positions in the Department of Defense and in the White House. Four days ago, the current occupant of the White House posted on Truth Social praising Palantir by its stock ticker to boost the stock price. This is the ecosystem behind the cameras that are on our roads. As of yesterday, Axios reports that Flock is raising even more capital. Flock is targeting 100 drone cities by the end of this year, and it's not slowing down, this is accelerating. I want to be direct about something. I spent the last 20 years working for private equity and venture-backed companies, 10 of those years and currently as an Executive. I know how investor pressure works. I know what a company does when it's preparing for an IPO. It does not slow down. It does not voluntarily limit data collection. It does not prioritize the interests of something like Apex. When Flock rewrites its terms, expands its platform, and pushes

into new cities, it's not doing it for Apex. It's doing it for the network and for returns. The more you look at the company, the worse it gets. Flock's terms and conditions live on its website and are incorporated into our contract with this city by reference. They can be rewritten at any time without our consent. They were rewritten in December 2025, then again in February. What did they change? They removed "Flock does not own and shall not sell customer data." The data license was made perpetual, surviving contract termination. Mandatory arbitration under Georgia law was added, which North Carolina statute says is void. But you voted on one set of terms, and they have changed those terms. Even if you get rid of Flock now, that data is gone. All of our data now belongs to Flock, Peter Thiel, and Palantir. Thank you."

Mayor Gilbert thanked all that spoke and closed Public Forum.

[PROCLAMATIONS/SPECIAL PRESENTATIONS]

PR1 Proclamation – Child Abuse Prevention Month – April 2026 (PRO-2026-018)

Mayor Gilbert, along with the rest of the Town Council, read the Proclamation for Child Abuse Prevention Month 2026. He invited up Western Wake Health and Human Services Center Team Member Ms. Joselyn D. Williams, Community Engagement and Outreach Manager, to receive the proclamation and take pictures.

Ms. Williams thanked the Mayor and Council for the recognition and for continuing to build awareness.

PR2 Proclamation – Nepal Day – Saturday, April 18, 2026 (PRO-2026-019)

Mayor Gilbert, along with the rest of the Town Council, read the Proclamation for Nepal Day 2026. He invited Nepal Center of North Carolina Member Anju Giri and other Nepali community members to receive the proclamation and take pictures.

Ms. Giri invited all to the Nepal event Saturday, April 18th and thanked everyone for the proclamation and the recognition. She gave an overview of the background about Nepal day, and said it was meant to meant to celebrate the new year in Nepal.

PR3 Proclamation – Rooted in Care for Our Community – Earth Day and Festival – Wednesday, April 22, 2026 (PRO-2026-020)

Mayor Gilbert, along with the rest of the Town Council, read the Proclamation for Rooted in Care for Our Community – Earth Day and Festival 2026. He invited Mayor Pro-Tempore Mahaffey to speak.

Mayor Pro-Tempore Mahaffey brought forward a resolution encouraging the reduction of paper process in the Town of Apex.

PR4 Resolution Encouraging the Reduction of Paper Processes (RES-2026-038)

A **motion** was made by **Councilmember Gray** and seconded by **Councilmember Mu** to adopt the Resolution Encouraging the Reduction of Paper Processes.

VOTE: UNANIMOUS (5-0)

Mayor Gilbert invited up Nora Skinner, Don Reeves, Njeri Moeller, Environmental Advisory Board (EAB) Vice-Chair, Melissa Ripper, EAB Member, Daniel Valle, EAB Member, and Sandra Villasenor, EAB Member accept the proclamation and take pictures.

Ms. Skinner said that the EAB has 3 more meetings this week and thanked all of the members for attending tonight. She gave an overview of EarthFest and invited all to come out and activities that would be happening.

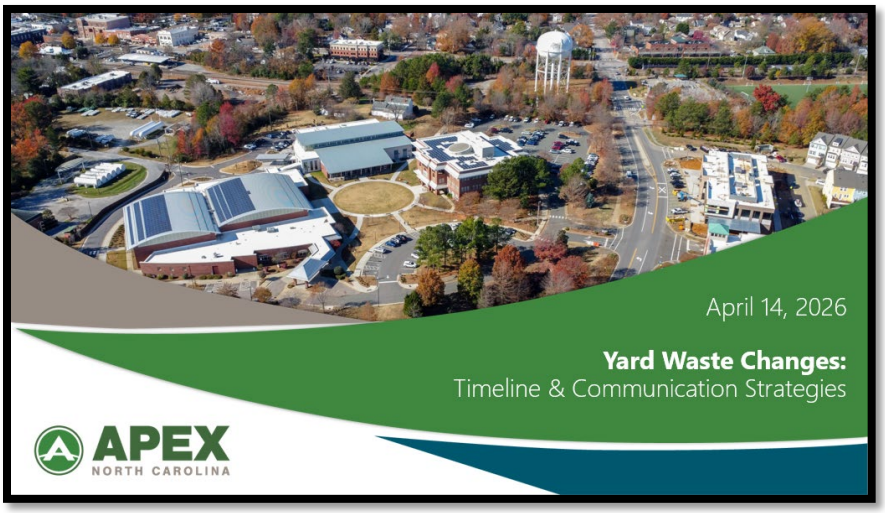
Mayor Gilbert said that he wanted to mention EAB member Suzanne Mason who was not able to be at the meeting. He thanked all of them.

~~**PR5 ITEM REMOVED - Automated License Plate Reader Program Update**~~
Item removed per Council vote

PR6 Yard Waste Program Update

John Mullis, Public Works Department Director, gave an update on the proposed timeline for the yard waste programming, transition schedules and the highlights of the ordinance changes in the following presentation:

[SLIDE 1]



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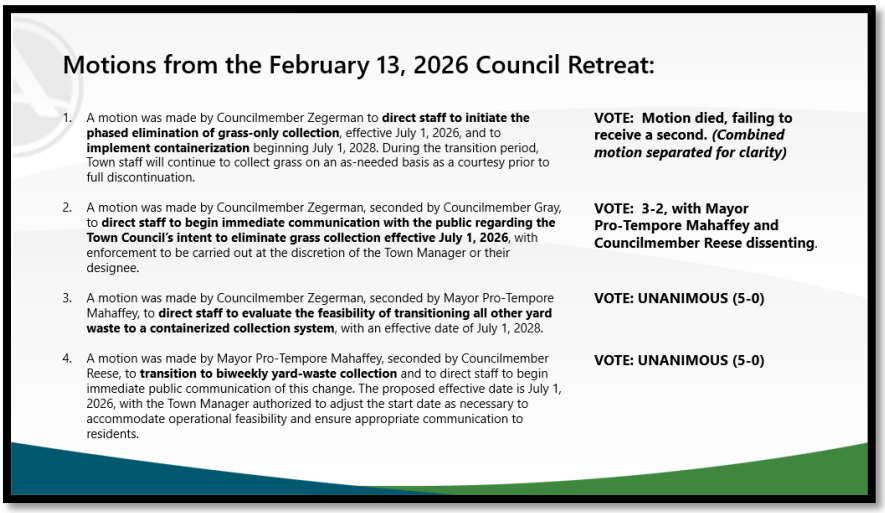

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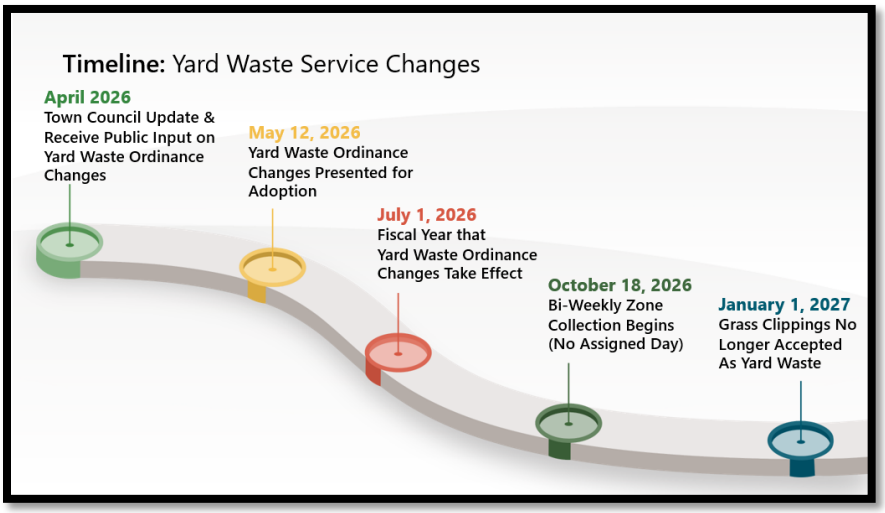

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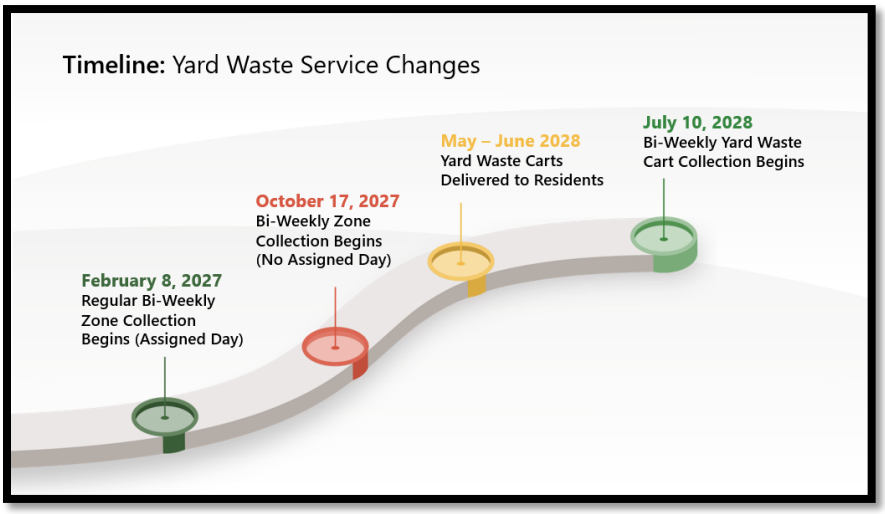

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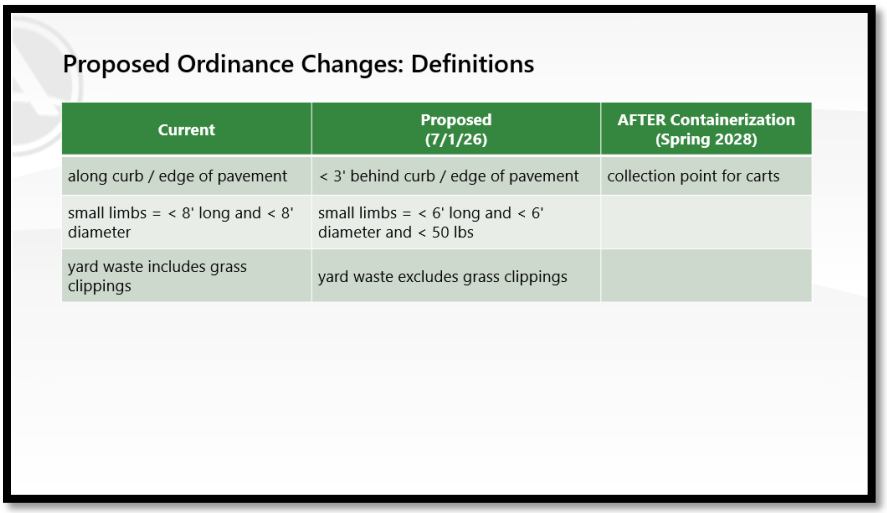
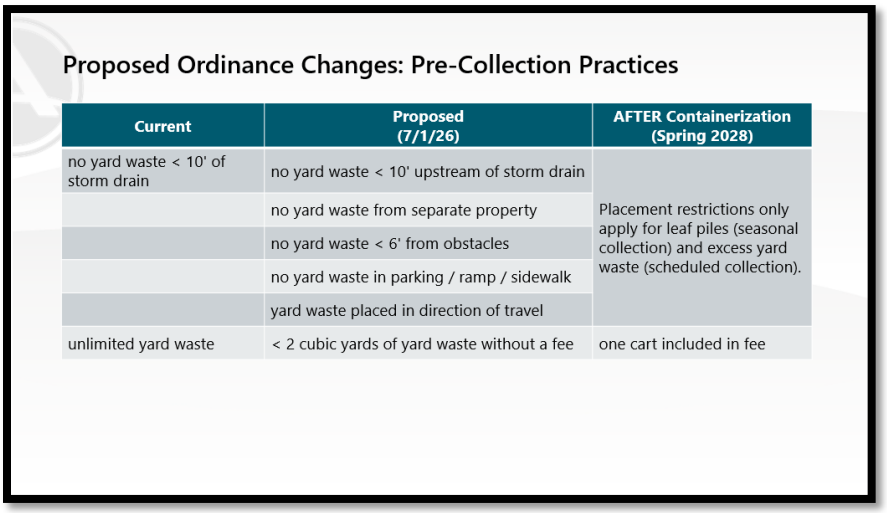


Proposed Ordinance Changes: Definitions

Current	Proposed (7/1/26)	AFTER Containerization (Spring 2028)
along curb / edge of pavement	< 3' behind curb / edge of pavement	collection point for carts
small limbs = < 8' long and < 8' diameter	small limbs = < 6' long and < 6' diameter and < 50 lbs	
yard waste includes grass clippings	yard waste excludes grass clippings	

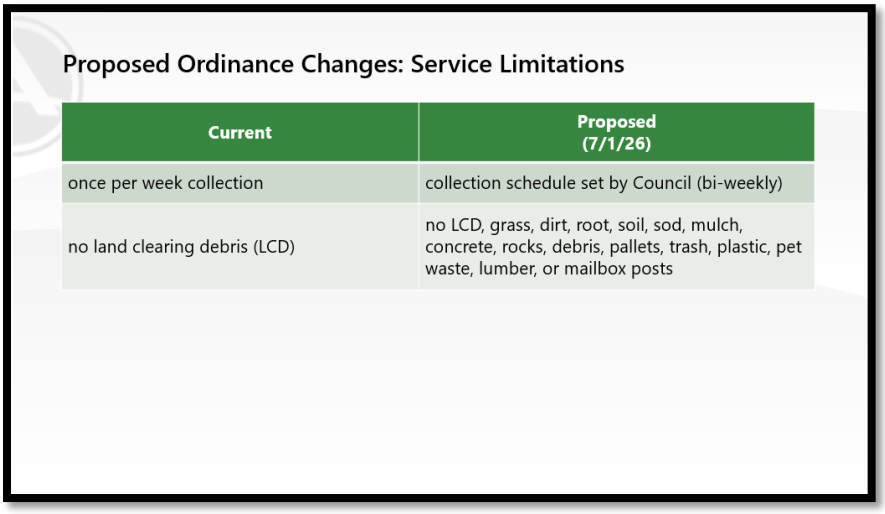
[SLIDE 7]



Proposed Ordinance Changes: Pre-Collection Practices

Current	Proposed (7/1/26)	AFTER Containerization (Spring 2028)
no yard waste < 10' of storm drain	no yard waste < 10' upstream of storm drain	Placement restrictions only apply for leaf piles (seasonal collection) and excess yard waste (scheduled collection).
	no yard waste from separate property	
	no yard waste < 6' from obstacles	
	no yard waste in parking / ramp / sidewalk	
	yard waste placed in direction of travel	
unlimited yard waste	< 2 cubic yards of yard waste without a fee	one cart included in fee

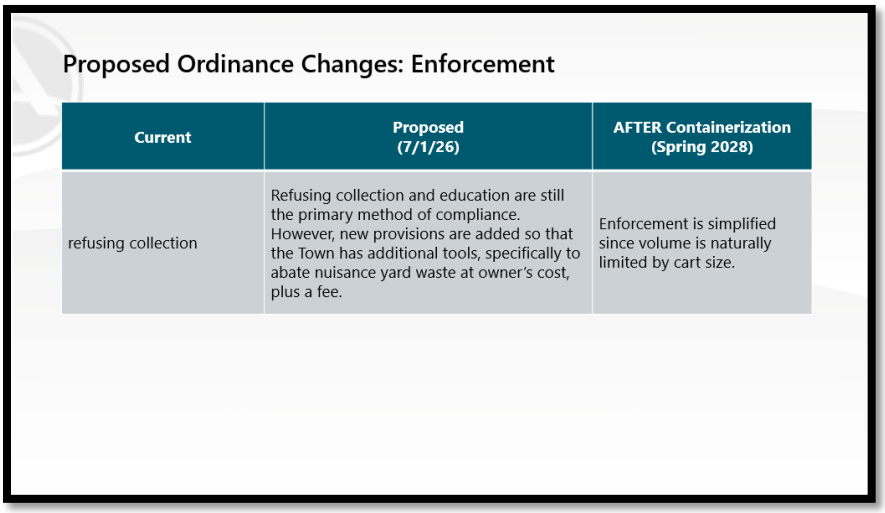
[SLIDE 8]



Proposed Ordinance Changes: Service Limitations

Current	Proposed (7/1/26)
once per week collection	collection schedule set by Council (bi-weekly)
no land clearing debris (LCD)	no LCD, grass, dirt, root, soil, sod, mulch, concrete, rocks, debris, pallets, trash, plastic, pet waste, lumber, or mailbox posts

[SLIDE 9]



[SLIDE 10]

Councilmember Gray asked why the change is to the grass collection and why is this change necessary for the infrastructure.

Director Mullis said it is difficult to dispose of because it often contains chemicals like fertilizers or herbicides that make unsuitable for standard composting and there are limited places with the capacity to take it. He said the Town's Sustainability Plan is being followed in reducing waste disposal, which includes grass collection and encourages residents to leave clippings in place for mulching, which is more efficient and environmentally friendly. He said Council's decision is based on what level of service they want to provide for certain types of grass. He said that their goal is to provide educational resources to help residents understand how to maintain a lawn.

Councilmember Zegerman asked about the impact on the town's storm water system.

Director Mullis said that the town's drinking water source is Jordan Lake and it's not an immediate issue but as Apex grows, containerization will help remove the threat of some of the grasses that could get into the storm water systems and add nitrogen, which could cause algae blooms and other issues.

Mayor Gilbert asked if pulling clumps of weeds from flower beds and small things like this would be considered ok.

Director Mullis said that weeds from yards would still be fine, the biggest issue they are trying to solve is grass clippings.

Councilmember Mu asked if the containerization is used what happens if grass is put into the container along with the leaves and branches.

Director Mullis said the grass volume is the concern along with having a disposal outlet that would accept it.

Councilmember Mu asked if there was a place to take the containers for disposal.

Director Mullis said there is right now, but it's not under contract and they aren't interested in a contract, and they are looking at this direction for sustainability. He said long-term a regional facility may be a possibility.

Mayor Pro-Tempore Mahaffey asked about residents that live on cul-de-sacs and have very little road frontage to put a pile of grass on and it has to be in front of their yard.

Director Mullis said they would help the residents identify a place where the Town knows it's their yard waste and if the town goes to containerization, that should solve that concern.

Mayor Pro-Tempore Mahaffey asked although the containerization is a couple of years away, what if some residents' HOAs may not allow these containers.

Director Mullis said that in the past in other communities they met with the HOAs and they worked through the issues, and some offered a year-long grace period for third screens to be built. He said they would offer on request pick up service still for a fee if people did not want to use the container.

Mayor Pro-Tempore Mahaffey asked for clarification that Director Mullis met with HOAs in his position as a Public Works Director in other municipalities as this transition took place to talk through this and worked with them.

Director Mullis said yes, they did and at every HOA meeting they made it work although they were uncertain and unsure going into it but made the transition happen. He said they now love that there is not yard waste on the streets anymore.

Councilmember Mu said a few weeks ago a senior came to the meeting and said she didn't have the strength to pick up the yard waste and put it into the containers and asked if there was something available for seniors or people with disabilities.

Director Mullis said yes, the same as with the current solid waste, they would offer backdoor collection. He said they don't go on private property unless there is an agreement to retrieve their waste container and the same model would be followed. He said that they couldn't pick up the sticks for them, but if they could get their yard waste in the cart, the Town would make provisions to help them retrieve the cart.

Councilmember Reese thanked Director Mullis for all of his work on this. He said that residents are specifically worried about the grass clippings and asked about how other neighboring municipalities are doing with their grass clippings.

Director Mullis said they are in the same situation as Apex. He said that Cary is currently in a contract and when the contract expires, it may not be renewed and they are aware. He said they are working with their peer communities to see if there could be something done together, but that would mean having land. He said they have met with Raleigh and there is a potential to have a contract with them and they have land, but there is also staffing needs that need to be met if they take in more yard waste.

Councilmember Reese said that it was said that at the retreat it was mentioned that Apex is driving to Harnett County.

Director Mullis said that is one place they have been taking the yard waste but that could be potentially for sale, but he hasn't been able to confirm that. He said that put him on alert and the challenge is getting guaranteed disposal for yard waste.

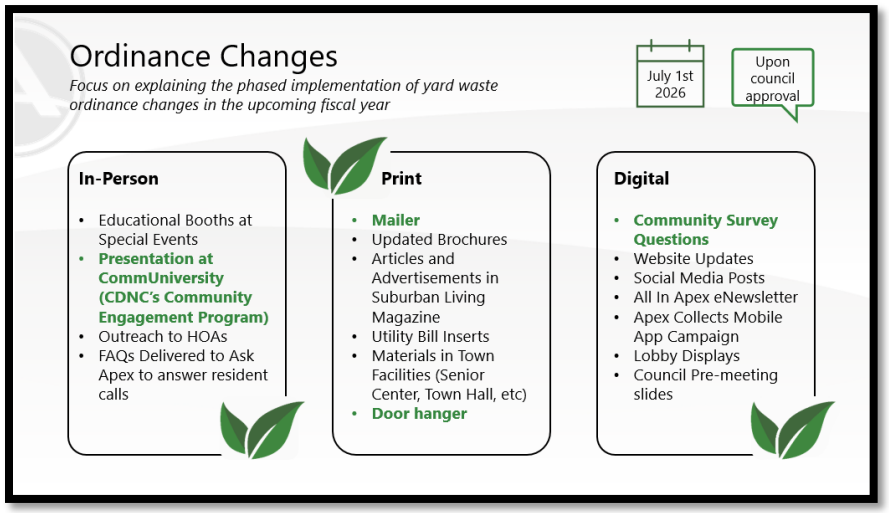
Councilmember Reese said the concern is neighborhoods with large trees and with rains it takes several days to dry out and accommodate the yard waste.

Director Mullis said that they should be able to accommodate the yard maintenance issue, possibly having to mow high or more than once a week depending on the weather.

Stacie Galloway, Director, Communications Department, highlighted the communication plan. She continues with the presentation:

[SLIDE 11]

[SLIDE 12]



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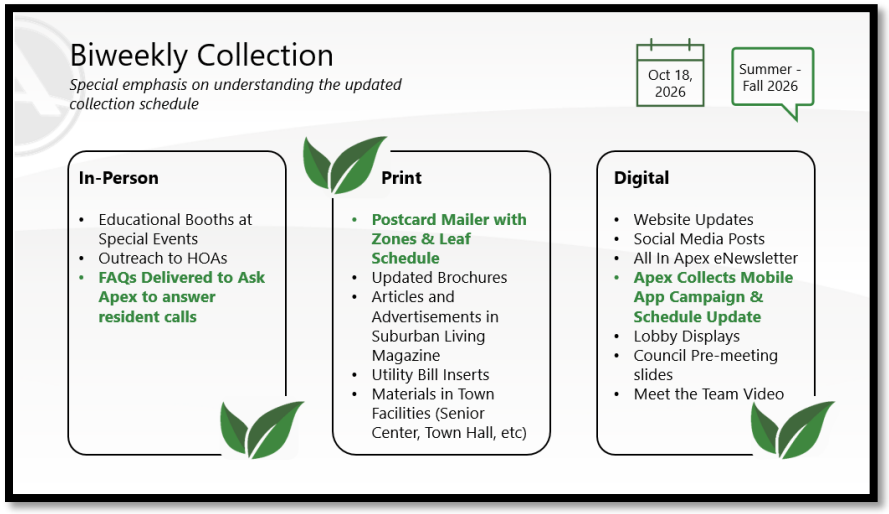

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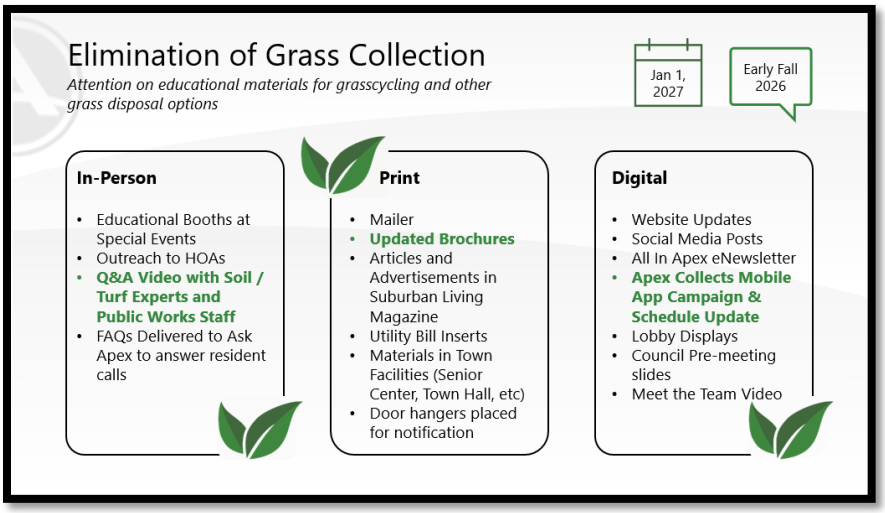

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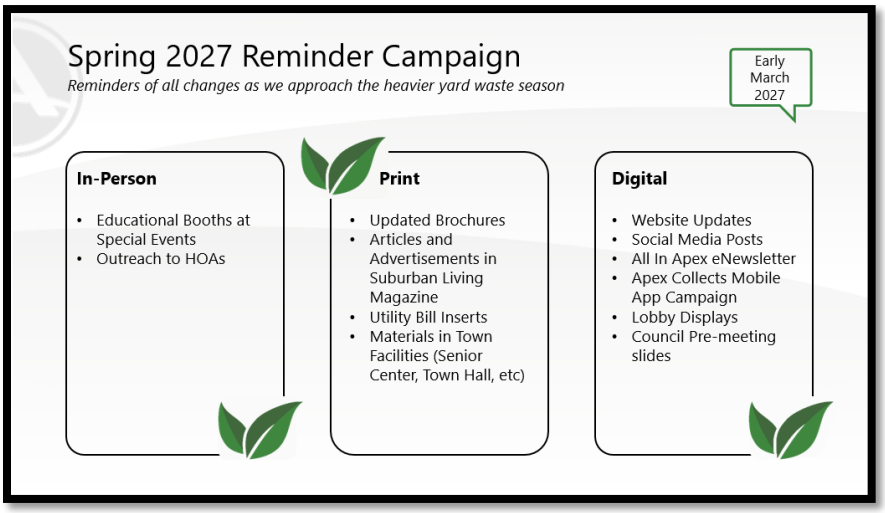


[SLIDE 16]

Councilmember Zegerman asked for clarification of the timeline for when the communication would begin.

Director Galloway said that it was layered and each topic would have a reminder campaign, and staff are well prepared to begin as soon as this is approved by Council.

Mayor Gilbert said that April 28th is when there will be feedback from the community and would have liked to have that feedback prior to making this decision. He asked what is expected to be gained from the Public Hearing on the 28th, and if it may change any of the plans coming up.

Town Manager Vosburg said that the April 28th date was an option for a specific date to do feedback and there are other methods that can be done such as a survey that staff has talked about and is ready to start the education piece and they are looking for directions from Council.

Director Galloway said currently in the Community survey there are five questions at the end of the survey about yard waste and grass cycling so there is data from that.

Town Manager Vosburg said that concludes the presentation, and feedback is welcome. He said that the ordinance adoption is set for the first Council meeting in May, and asked if there is anything that Council would like to change or get more information on and asked for directions from Council.

Mayor Gilbert thanked staff for all their work that went into this. He asked legal could there be a Public Hearing to get public feedback

Town Attorney Hohe said that a Public Hearing wasn't required but could be done.

Mayor Gilbert asked if there were any objections to a Public Hearing.

Town Manager Vosburg clarified that on April 28th the item would be added to the agenda but there wouldn't be a staff presentation.

Mayor Gilbert announced a 10-minute recess at **7:48 p.m.**

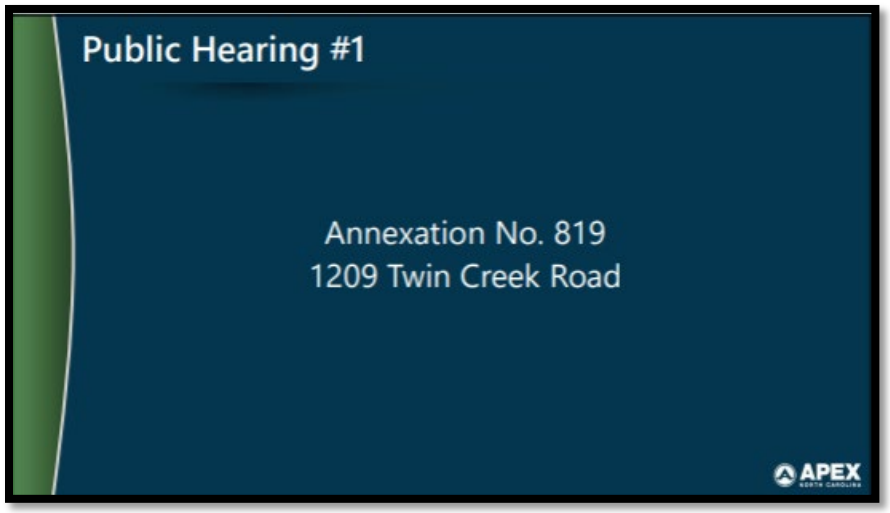
Mayor Gilbert reconvened the meeting at **8:03 p.m.**

[PUBLIC HEARINGS]

PH1 Annexation No. 819 – 1209 Twin Creek Road – 2 acres (REF: ORD-2026-033)

Dianne Khin, Director, Planning Department

[SLIDE 1]



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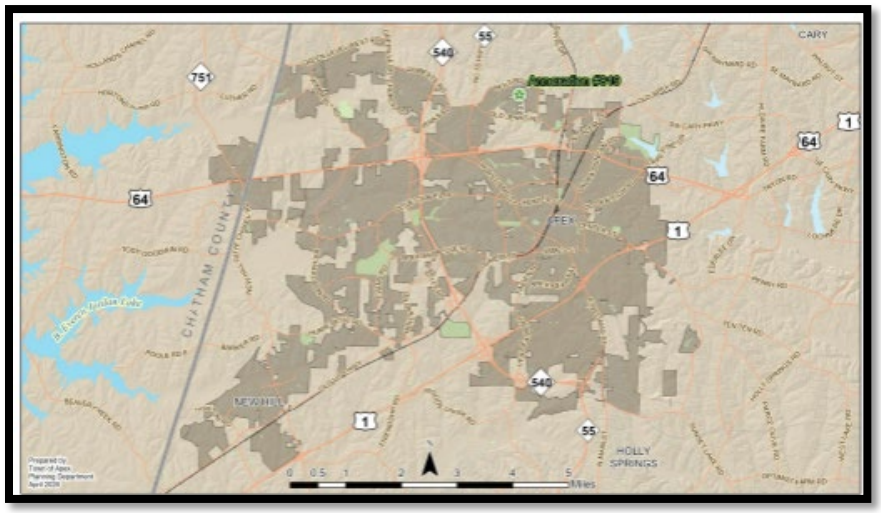

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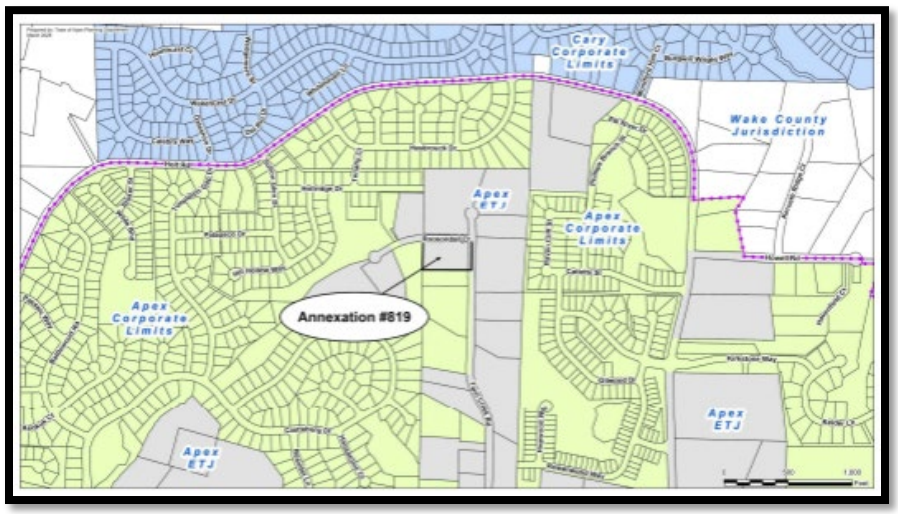

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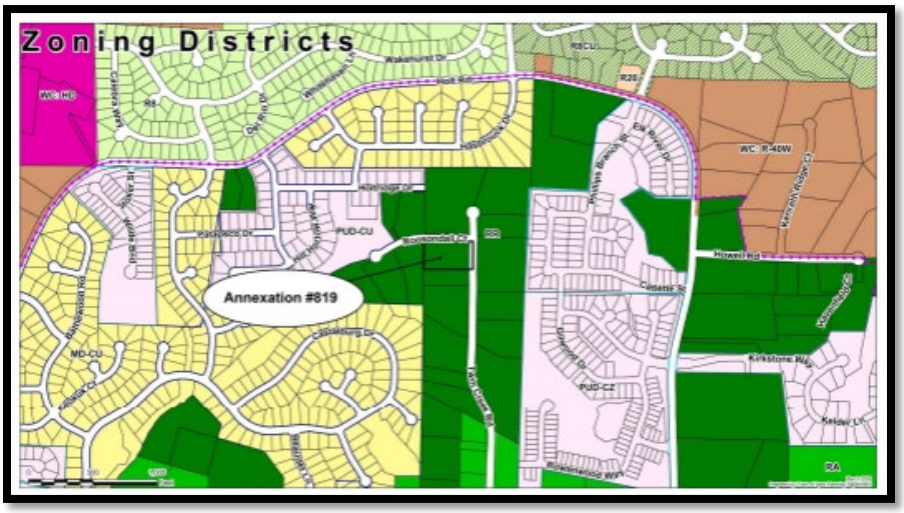


Mayor Gilbert asked if there were any questions, hearing none he opened up Public Hearing, with no one signed up to speak he brought this item back to Council for discussion and a possible motion.

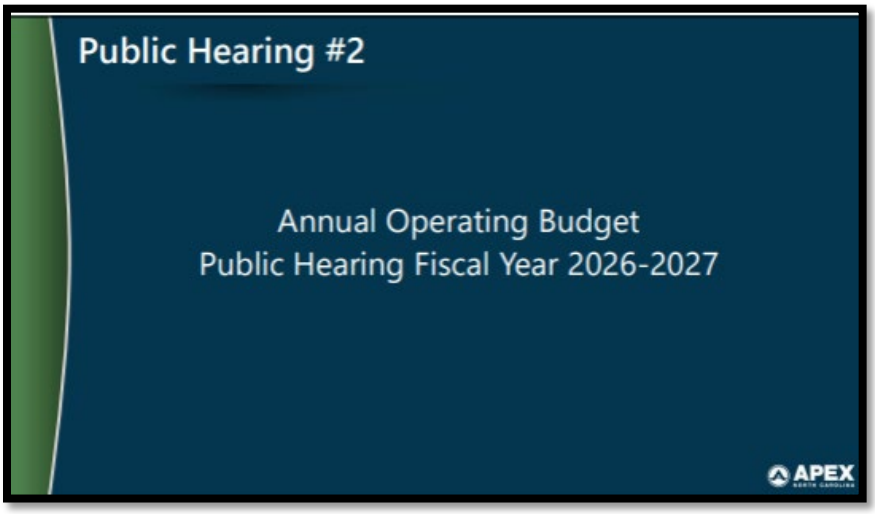
A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded by **Councilmember Gray** to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex 2 acres, located at 1209 Twin Creek Road, Annexation No. 819, into the Town Corporate limits.

VOTE: UNANIMOUS (5-0)

PH2 Annual Operating Budget Public Hearing Fiscal Year 2026-2027

Councilmember Gray said this was the part of the agenda where the public is heard from for a brief overview of the budget. He said there was an improved budgeting process to provide a budget to the Council for approval from the departments once they have provided their priorities. He gave an overview of how the budget worked from departments proposing their budgets to when Council approves the budget.

[SLIDE 1]



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

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

"Mayor, Mayor and Town Council, good evening. If I may ask one question, am I the only person signed up for this public hearing? Very good. That's great news because in years past I have typically been the only person to speak up. Continuing on my theme for tonight about leveraging the community, the one thing that I have heard is the budget is going to be difficult because growth is slowing down and there are a lot of needs on our plate at the moment. So, I would ask for you to look outside of the box, ask the town departments and say if you had volunteers, what could you use them for? Could you reduce your cost? So just as NCDOT has Adopt a Road, do we want to do adopt a road program in Apex where the citizens who live on the streets that the town owns, they pick up the trash, they call when it needs to be mowed. What could they do to help reduce the maintenance cost? Could we reduce the cost of running our parks? Could we have someone sponsor a ball field or sponsor a bench or have the bench be a memorial for a family member or for a special event? Could we have a garden club who comes and helps plant the flowers

at town hall or in front of other buildings? Do we have an opportunity to post volunteer hours? There's a lot of people in our community that could use volunteer hours, but they don't know necessarily where to begin. Could we post different things people could do? My personal favorite, if I could, I would love to volunteer to help with public records. I would love to help get those out. I asked for my fair share of them and so I feel like if I am supervised and I followed the rules, maybe I could help with the backlog. Do we want to leverage people who want to get job skills? Do we have any opportunities for them in our community? Do they need to learn how to use, do they need to come job shadow to see if it's something they want to learn? So, for the EMS dispatchers that were here, how does someone become one of those? Do we want to take some high school interns through the program? So, what we haven't seen in the last four years that I have looked at the budgets and yes, I have read all three 400 pages some of them are very tedious and difficult and I've read the last 10 years of budgets, we don't talk about leveraging our community and if you want more people engaged you got to give them more opportunity. Thank you."

Mayor Gilbert thanked the speaker and invited the next speaker.

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

"Good evening, Mayor, Council members, town staff, and members of the public. My name is Phil Welch. I live at 1471 Big Leaf Loop in Apex. My thanks to Council Member Gray for suggesting the monthly hearings on the budget. I have a simple concise message regarding the next year's budget. Please look at prioritizing the funding in the budget to reflect the priorities in last year's update to the Affordable Housing plan. You unanimously approved the findings and strategies in the update. It is time to aggressively pursue the strategies that you support. In the five years since the Council unanimously approved the initial Affordable Housing plan, the town has made some progress in providing more affordable housing choices to our lower income neighbors and essential workers. Unfortunately, the gap in housing choices continues to grow. Apex is quickly losing the diversity which attracted many of us here. The window of opportunity to reverse this trend is closing along with the land available to build more varieties of housing. Over the past year, you have heard 10 speakers present various ways that housing choices can affect households, both negatively and positively, including the long-lasting effects thousands of our students face when their families are evicted and their educations are disrupted. Number two, the life changing difference in a Habitat homeowner and her teenage daughter experienced in their new home in Apex. Number three, local pediatrician's

description of the various damaging health effects suffered by children without safe, sanitary, healthy, stable homes. Number four, opportunities to provide homes for Apex's essential workers, including from NC Children's Hospital in the Veridea master development. Number five, a plea from a Habitat Wake founder for the Council's help in preserving the dream of serving and living in Apex. Previous Council members had the foresight to dedicate a penny tax to affordable housing even before commissioning the initial Affordable Housing plan. After hearing the housing needs assessment and recommendations in the plan, the Council all approved the plan and increased the funding to a penny and a half. Unfortunately, that was later decreased back to a penny, that's clearly inadequate. I am asking that the Council and staff once again step up to adequately funding the implementation of critically needed affordable housing. We need you to recommit to increasing the number of affordable homes built and preserved across price points for all lower income households. Estimates of the deficits in our supply of affordable housing choices were included in my talk for you last month. Also included were recommended increases in five affordable housing programs. I will be discussing these deficits and increases with you and town staff in the coming weeks to answer questions and understand your responses. Thank you."

Mayor Gilbert thanked the speaker and closed Public Hearing. He thanked Councilmember Gray for suggesting this time to get the feedback.

Councilmember Gray thanked both speakers for the great comments.

PH3 Legislative Public Hearing – Consider Twelve (12) Month Moratorium on the Acceptance, Processing, and Approval of Development Applications for Data Centers, Cryptocurrency Mining, Data Processing, and Other Associated Uses with Data Centers (ORD-2026-034)

Town Manager Vosburg gave a highlight of the proposed ordinance that Council directed staff to draft with assistance from Legal and the Planning Department for any in-depth questions. He said this is a type of moratorium specifically allowed by state statute for municipalities to study potential impacts of certain land uses. This is proposed to apply to Apex Corporate Limits, extra territorial jurisdiction, and future planning areas as shown on the 2045 land use map, taking effect April 28, 2026 and expiring April 27, 2027. He said the definition was written so as not to exclude uses of something that could be considered a data center within another permitted use, such as a hospital. He presented details on the schedule that

is generally permitted through the statutes and the tasks that would be before the Environmental Advisory Board.

[SLIDE 1]

Mayor Gilbert asked if there were any comments.

Councilmember Zegerman said that it is time to put this moratorium in place to give staff the time to reconsider some of the feedback that has been received from the community and how to reflect that properly in the UDO to better prepare for the next time a similar proposal comes in.

Mayor Gilbert opened Public Hearing and invited the first speaker.

First to speak was **Dr. Michelle Hoffner O'Conner** of 2664 Jordan Pointe Boulevard:

"Good evening, Mayor Gilbert, Town Council, and members of the town staff. I am here to endorse the proposed year-long moratorium on the acceptance, processing, and approval of data development applications for data centers, cryptocurrency mining, data processing, and other uses associated with data centers as specified uses within the town of Apex corporate limits and its extraterritorial jurisdiction. My endorsement is all-encompassing, representing my household, including my husband, fur children, and son who will be here soon, and representing my fellow advocates in solidarity, including those from the Protect Wake County Coalition, my neighbors in Jordan Point, very importantly not as their Board of Director, Jordan Manors, Jordan Oaks, Belterra, and Woodbury, those residing in the ETJ of Friendship and New Hill who do not have a recognized vote in this town, as well as those who live within the corporate limits of Apex, those who live over the

county line in Chatham and over the town line in Holly Springs who are still too close to the proposed site, and anyone else near and far who recognizes the necessity and value of this moratorium. Thank you for taking our concerns seriously, and I hope you all will enthusiastically vote in favor of this proposal tonight. Since I have additional time to speak and I am the first to speak for this hearing, I would be remiss if I did not take the opportunity to provide some additional key remarks. Among the crowd tonight may be developers who are here to tell you to vote no and why people like me are just complaining and that the town is missing out on tax dollars. Let me be abundantly clear. While many developers are not 38-year-old entitled millennials who work for dad, they are indeed bad used car salesmen who obscure the truth and even lie to get their way. Over a six-month period, we watched Michael Natelli and his team lie about how to appropriately control sound from a data center, lie about the minimum number of diesel generators required to sustain this project, lie about the amount of water that would be needed for cooling and under what circumstances, and so much more. We even heard him intimate that a hyperscale AI data center has a right of way over the lives and quality of life of taxpaying residents, and that the data center should have been considered as important as a children's hospital. Remember, we were offered the Double B of data centers, a subprime technological fossil that would be a quicker, cheaper build than that of the AAA data centers we see in Scandinavian countries, which supply their own green power, are quiet, and use little to no water. Under no circumstances should you reconsider your vote in favor of this moratorium, because any remarks from developers tonight are anything but the truth, and they do not deserve your consideration. So, what should the town, both elected officials and staff, prioritize over the next 12 months? Back in September, I stated that we needed to ask and answer many questions in order to determine if we can allow a data center here at all and if so, under what circumstances. First and foremost, good research performed by qualified experts free of any conflicts of interest associated with local, state, and federal governments as well as private enterprise efforts associated with data center development. Our town should have a strong understanding of all options associated with each aspect of a data center before moving forward with deciding what belongs in an ordinance. Some of these items include extensive generator modeling. If we adjust the size, number of generators, and even the fuel type, what do the emissions look like under best case and worst-case weather scenarios year-round at 1, 6, 24, 72, and 168 hours? Is there a scenario in which the emissions do not reach private properties? Do the emissions exceed current regulations and if so, at what time point? Sound studies that go beyond evaluation of A-weighted decibel. Sound studies must include C-weighted decibel for the explicit purpose of identifying methods and technologies that must be required

in order to achieve a neutral balanced sound at all times, including when the data center uses backup power, and to take this one step further, a biological specialist should also be included. Members of our EAB pointed out at their meeting back in October that wildlife and game land surround the proposed site, so what additional mitigations are needed to adequately address this? Economic modeling. How many tax dollars can the town really expect over the life cycle of a single data center? How many jobs will actually be created? Is the expected salary for these positions compatible with the cost of living in the town of Apex, which would allow hiring of people from our town as opposed to increasing the number of commuters? Other items that need to be considered or modeled include the predicted amount of water needed year round to cool the servers using open loop or closed loop systems and how the municipal water system, even as backup, would affect resources available to residents, the heat predicted to be released year round that would alter atmospheric temperature, the amount of PFAS released via runoff and aerosolized refrigerants, and the potential impact of thermal runaway from lithium ion batteries. The list goes on. Second, we must answer how the presence of any data center and its design aligns with the environmental and sustainability goals for the town of Apex for which there are many according to the tracker on the town website, to reference Glenn Renie, who is not here tonight, but sent remarks to Allen, as well as my own remarks from the last meeting, Federal laws continue to loosen and are ultimately a moving target that any ordinance is unlikely to account for. Duke Energy is asking NCU for an 18 percent rate increase over the next two years but has supplied no plans for review with respect to the types of projects they will pursue to increase grid capacity and stabilize power. We already know that staff present at the January 22 Working Session claimed that the lifespan of coal plants are not being extended, but we know they are. So how would these changes that Apex has no control over affect our ability to realize town initiatives? I suppose instead of calling it the peak of good living, we could refer to the town as the peak of environmental chaos, but that doesn't sound as nice, does it? Finally, and most important, is the quality of life of Apex and ETJ residents, especially those living within a 3-to-5-mile radius of any proposed sites. Are these taxpaying citizens meant to suffer for some version of the greater good? Are these citizens meant to be exposed to harmful pollutants, including nitrogen oxides, fine particulate matter, sulfur dioxide, methane, PFAS, etc.? Are these people meant to live in fear of what they will track into their homes on the bottom of their shoes or what will enter via their pets' paws? Are these people meant to stop gardening because their yards will inevitably become contaminated? Are they meant to install noise dampening curtains and expensive HEPA filters to mitigate noise and air pollutants? What happens when their health care costs for conditions ranging from cancer to

heart disease to Alzheimer's and other neurological conditions inevitably increase because of exposure to these pollutants? A reminder that meeting regulatory compliance often does not always equate with what is in the best interest of public health. So, who will take responsibility for the irreparable damage to these people's lives? I hope the efforts from our elected leadership and town staff will take these items to heart and prioritize answering these questions. Furthermore, I hope that if questions are not sufficiently answered in time to support authoring of an ordinance that is beyond reproach and that will protect citizens and stand the test of time, that this council will not hesitate to extend this moratorium. I have emphasized the danger of the Dunning-Kruger effect and proceeding without identifying and understanding all relevant information. The next year should be a testament to decision-making based on strong scientific evidence. Many of us will continue to advocate for this throughout the year. We will not go away easily. You all know that I am due to become a mom soon, and I doubt it will surprise any of you if I show up with spit up on my shirt and sleep deprived given that I showed up earlier this year with half of my face swollen after shadow boxing with developers or some might call that periodontal surgery. Following your votes in favor tonight, I look forward to the next year with cautious optimism and hope that this town will commit to delivering on its peak of good living promise by updating our ordinance to ensure that quality of life for all is not only upheld and augmented and a quick reminder to everyone in the room, you can do your part by showing up and sharing important information with our town staff and town council, and by supporting our small local businesses because by uplifting these people and encouraging more businesses to come here of that variety, perhaps this will help prevent us from choosing to take tax dollars from sleezy developers and large corporations who will never have our best interest at heart. Thank you."

Mayor Gilbert thanked the speaker and invited the next speaker.

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

"Good evening. I stand here as one of the people. Under the North Carolina Constitution, Article One, Section Two, all political power is derived from the people. Government exists by consent and must operate with transparency and accountability. That standard is not being met. I will be direct. No data centers in Wake County ever. This moratorium creates the appearance of action while delaying public understanding of issues already raised by residents. At Apex's Peak Plan 2055 discussion, residents were shown maps and planning materials, however, the full

water infrastructure implications of high-density private development, including data centers, were not included in the public presentation despite known zoning relevance. The water resources director Jonathan Jacobs was not present at the discussion. That absence raises questions about the completeness of technical input during the presentation. Key questions remain before the public. What is the documented water capacity and limitation analysis for the level of development and where is that reflected in the materials presented to residents? The absence of those elements raises questions and concerns about completeness of the public record. That gap in information is contributing to declining public trust. Residents are now seeing expanded layers of governance, task forces, advisory boards, and resilience initiatives often presented as coordination or innovation. This raises ongoing questions about decision-making authority when responsibilities are distributed across boards, consultants, and affiliated entities. Consent agenda item 15 tonight expands the structure through a land trust model that introduces additional non-elected participants into long-term land use decisions alongside municipal leadership. This adds another layer between the public and decisions affecting land, water, and development, under the North Carolina Constitution, accountability cannot be diluted. The pattern residents are raising concerns includes unresolved cybersecurity issues, ongoing infrastructure questions, and the expansion of governance structures under existing decision-making frameworks. Residents are not asking for delay, we are not asking for study, we are not asking for reconsideration, we are stating a clear position. No data centers in Wake County ever. Thank you."

Mayor Gilbert thanked the speaker and invited the next speaker.

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

"Hello again. I printed out page one of the UDO, and it is very important to show that there is already language in there that protects the people because the purpose that is stated in the general section is to promote and protect the public health, safety, peace, comfort, and general welfare of the citizens and residents of Apex and its extraterritorial jurisdiction. It is a comprehensive unified set of regulations that govern the subdivisions of land and development of land and use of land so, it's really the regulation that's the great part, and to make this a stronger protection of the people and their safety and health and everything that we have been asking this town council to consider when discussing data center projects that could possibly return. The specific purpose starts with implementing policies of the

2045 land use plan, that really should be last on this, I think it needs to be revised because B is protect the small-town character should be number one, protect the people, protect the character of Apex. It will not be Apex any longer if you do not protect that and then number C, the currency, promote good planning practice. So, the good planning practice and that's a very arbitrary term like that could mean anything, but you really need the welfare of the people as determined by the people to decide what that is. The people need to have that decision, not five people making a vote. The other authority that's shown on page one only gives the authority to regulate and to enforce, so it is not a give a free-for-all with development, it means you are supposed to regulate, which means make regular. A data center is not regular in any way, shape, or form to Apex, now a lot of high-density development is not regular because this was a small community we had land, and now there is no land. It's being gulped up by all these big developers, so if you are going to follow the UDO and make sure that you are protecting the people and their welfare, you need to regulate. Thank you."

Mayor Gilbert closed Public Hearing. He thanked his colleagues and brought back to Council for discussion and a possible motion.

Mayor Pro-Tempore Mahaffey thanked the staff for doing this work to get this moratorium together. He said this will give time to develop rules and Apex's ordinances and will expect developers to follow these.

Councilmember Gray said this is an important step that needs to be taken to make sure that Apex is getting this right. He thanked the residents and those who live in and around Apex for providing the input and giving insight into their concerns, and those will be considered as this ordinance changes.

Councilmember Reese said that he was proud of the community for coming together to problem solve and bring Apex to this evening. He said that the air, water, power, and kids will be protected and this is a great step for the community. He said he looks forward to the hard work and due diligence that will occur over the next 12 months to have a robust UDO to protect Apex.

Councilmember Mu said this is necessary and great for Apex. She thanked the staff and residents for all of the work and research, and showing up to these meetings to give advice and facts on the data center, this is a community effort.

Mayor Gilbert said that the community has spoken.

A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded by **Councilmember Zegerman** to approve a Twelve (12) Month Moratorium on the Acceptance, Processing, and Approval of Development Applications for Data Centers,

Cryptocurrency Mining, Data Processing, and Other Associated Uses with Data Centers.

VOTE: UNANIMOUS (5-0)

[REGULAR MEETING AGENDA]

RA1 Resolution Establishing the Peak Resilience and Wellbeing Task Force (RES-2026-039)

Councilmember Mu introduced the idea of the task force. She said this is volunteer based and not to replace the professional service, it is Apex's plan to educate residents to get rid of stigma, identify early warning signs to help young people, and aid families in need get the resources to help them with no obstacles.

Mayor Gilbert thanked Councilmember Mu and was excited to support her in this task force. He asked if there were any other comments.

Councilmember Gray said this will be a great task force to have and bring some focus and attention to this but it is important to note that this is not a replacement for other resources.

Councilmember Reese said that he echoed comments from Councilmember Gray and how proud of Councilmember Mu to make this happen. He said that this is a great new first stop for Apex when people wonder where to go. He said along with Commissioner Stallings, and community members in the community spreading the word about this task force, this is a great step and well represents this town.

Mayor Pro-Tempore Mahaffey thanked Councilmember Mu for this initiative and it is an important issue. He said it was great to see an elected official campaign on something and then work to solve the issue that they are so passionate about and have been speaking about for so long.

Councilmember Zegerman said what is so exciting about this are the connections through Apex's Public Safety team and the connections with the agencies, foundations, or nonprofits in the area that offer a support structure for Apex's residents in need of mental health care services. He said with a very small group of organizations that this is an opportunity to build out the support network to be able to offer citizens more, and is hopeful that this legacy that it leaves behind is improved support structure for Apex's residents.

Mayor Gilbert brought this back to Council for a motion.

A **motion** was made by **Councilmember Mu** and seconded by **Councilmember Reese** to approve the Resolution Establishing the Peak Resilience and Wellbeing Task Force.

VOTE: UNANIMOUS (5-0)

[ADJOURNMENT]

With no further business before the Town Council, **Mayor Gilbert** adjourned the meeting at 8:41 p.m.

Jacques K. Gilbert
Mayor

Allen Coleman, CMC
Town Clerk to the Apex Town Council

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

TOWN OF APEX
TOWN MANAGER'S RECOMMENDED BUDGET PRESENTATION
THURSDAY, APRIL 16, 2026
3:00 PM

The Apex Town Council met for the Town Manager's Recommended Budget Presentation on Thursday, April 16, 2026 at 3:00 PM in the Council Chambers at Apex Town Hall, located at 73 Hunter Street in Apex, North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel. The recording of this meeting can be viewed here: https://www.youtube.com/watch?v=U2s1lAPa2HE&t=5833s

[ATTENDANCE]

Elected Body

Mayor Jacques K. Gilbert (presiding)
Mayor Pro Tempore Terry Mahaffey
Councilmember Ed Gray
Councilmember Arno Zegerman
Councilmember Sue Mu
Councilmember Shane Reese

Town Staff

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

[CALL TO ORDER | PLEDGE OF ALLENGIANCE]

Mayor Gilbert called the meeting to order at 3:00 p.m. and led in the Pledge of Allegiance. He acknowledged John Mullis, Director of Public Works, Kathy Moyer, Electric Utilities Director and Karmen McGee, HR director, as superstars and wished

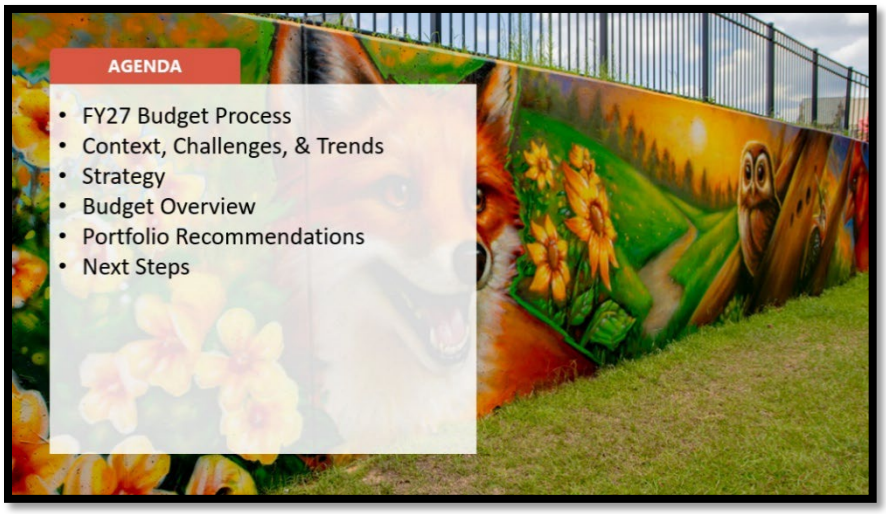
them all a happy birthday. He clarified that today was to only receive the budget information and there would be more time later for discussion.

[TOWN MANAGER'S RECOMMENDED BUDGET PRESENTATIN FOR FISCAL YEAR 2026-27]

Town Manager, Randy Vosburg opened the presentation with a video highlighting goals for the upcoming fiscal year. He expressed appreciation to staff for their efforts in preparing the budget. He stated that the proposed budget is grounded in maintaining stability for the Town while navigating an uncertain economic environment and continuing to meet community expectations. He noted that, while the budget does not address every need, it prioritizes the most critical items to ensure the Town remains steady, reliable, and well-positioned for the future.

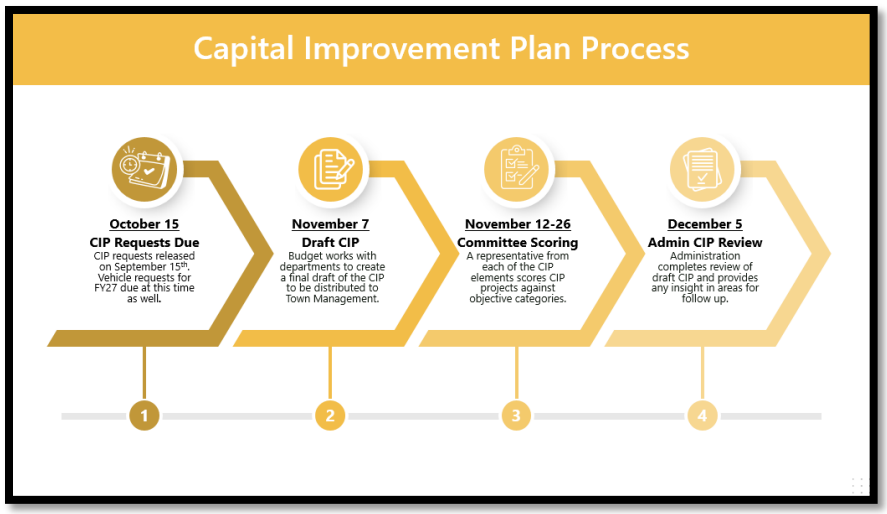
Town Manager Vosburg then provided the following budget presentation:
[SLIDE 1]

[SLIDE 2]



Budget & Performance Management Director, Jessica Hoffman, gave the next portion of the presentation.

[SLIDE 3]



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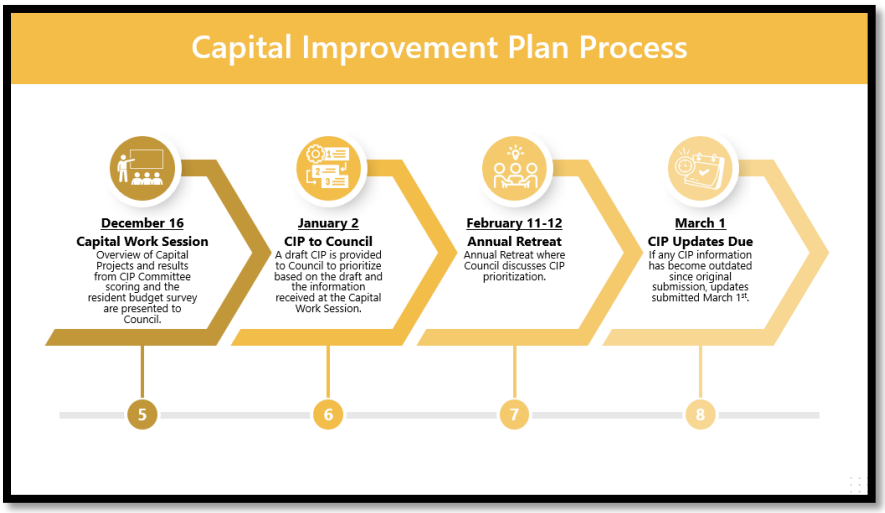

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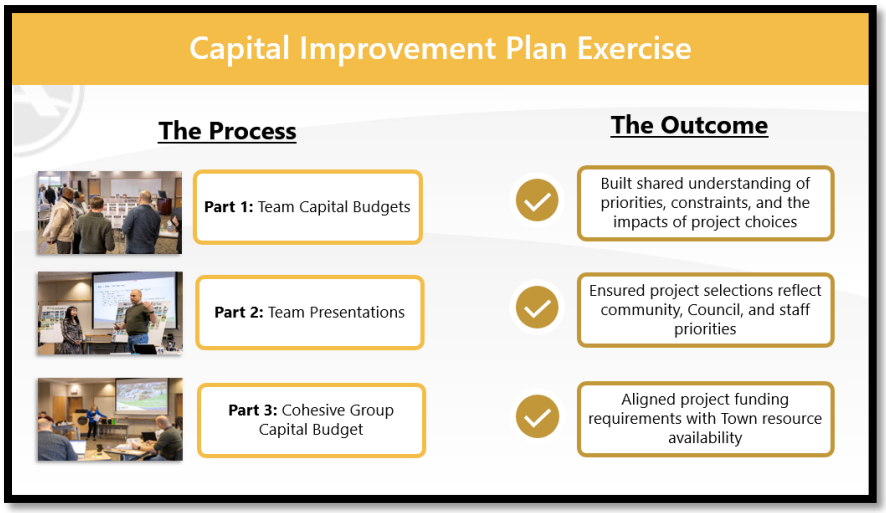

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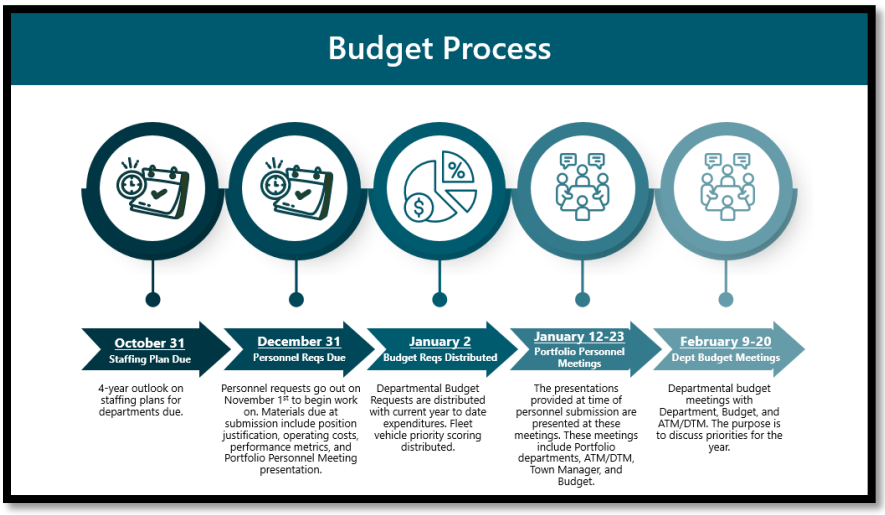

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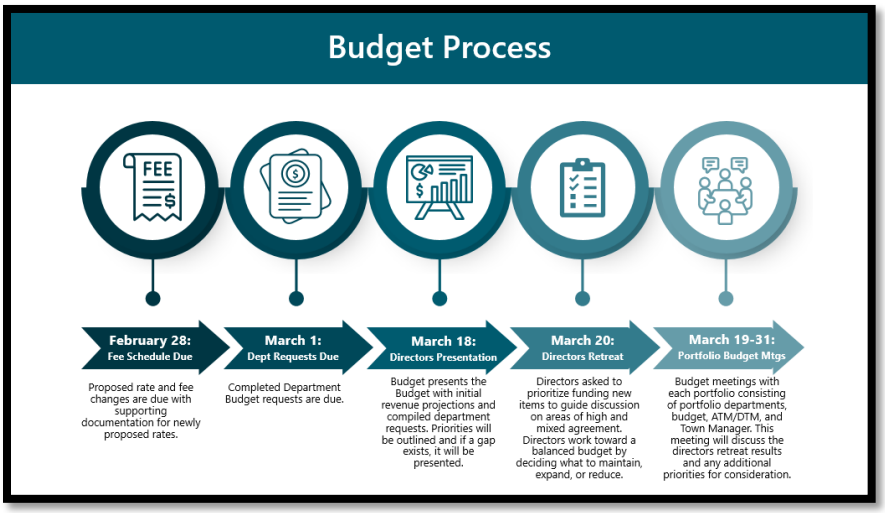

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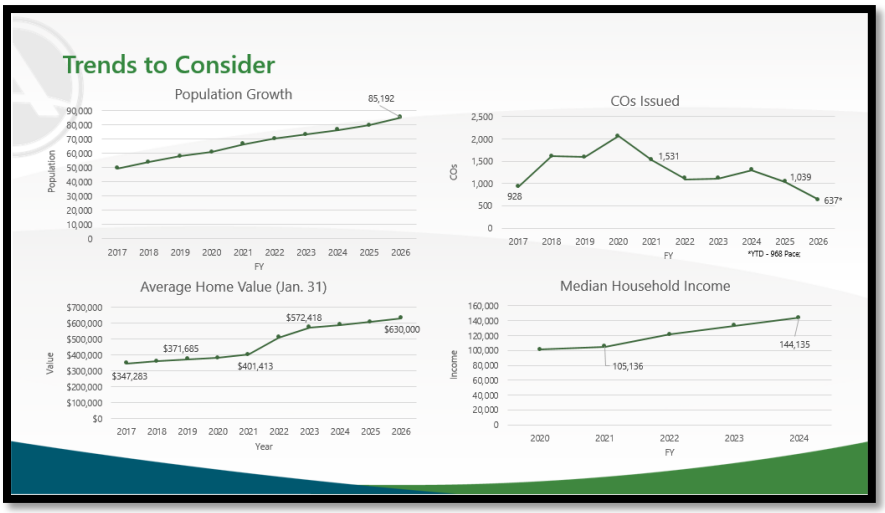

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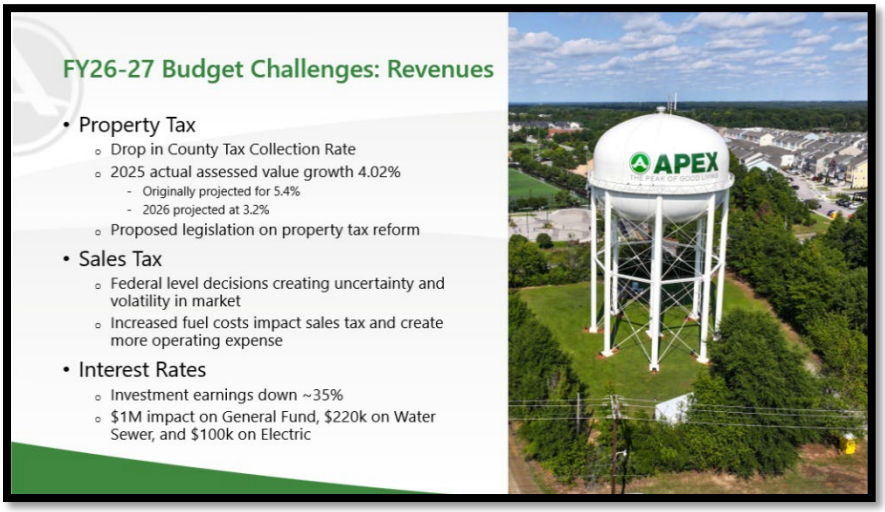

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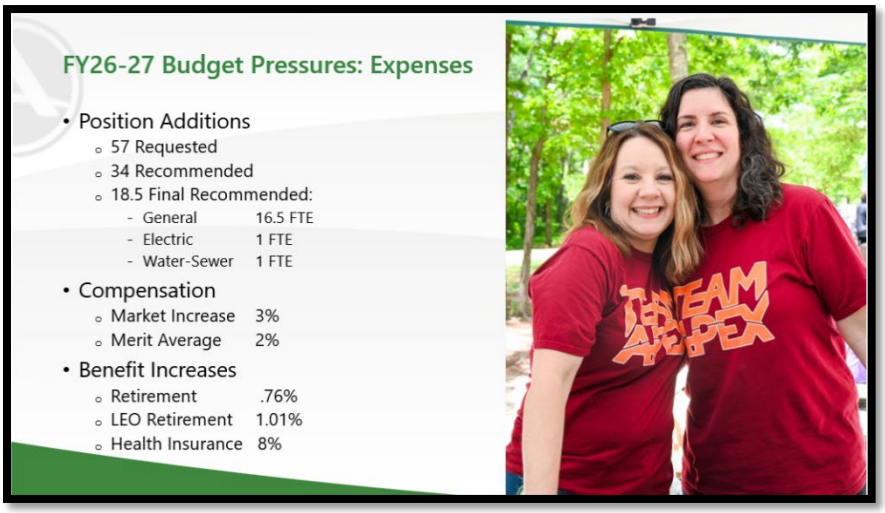


Town Manager Vosburg provided additional information regarding employee health insurance as part of the proposed budget. He noted that open enrollment will begin May 4 and run for three weeks, with additional information and educational sessions to be provided by the Human Resources Department. He clarified that the proposed budget does not include a reduction to PEAK lifestyle dollars.

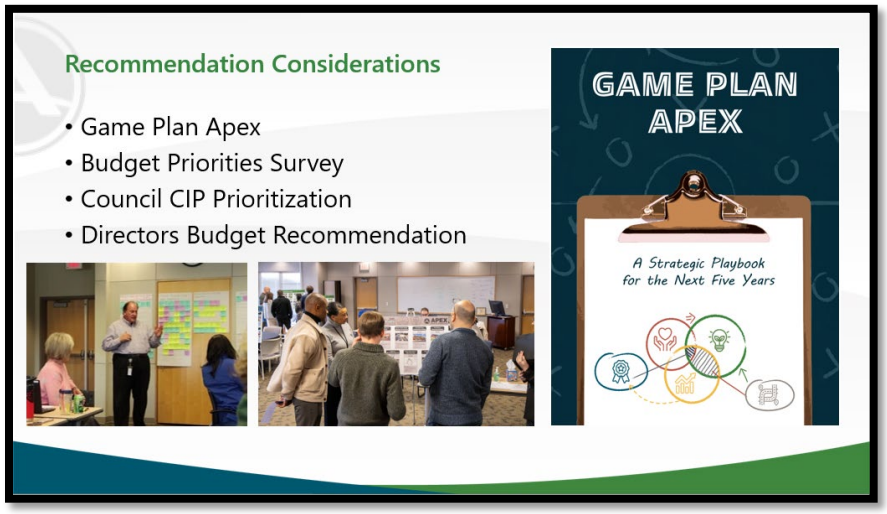
Town Manager Vosburg stated that a second health insurance plan option will be introduced. He noted that the current no-cost premium plan for individual employees will remain available, and a second, more benefit-rich plan will be offered with a $50 monthly premium for individual employees, with tiered rates for dependent coverage. He further noted that the Town is experiencing an approximate 8% increase in health insurance costs, and that the two plans will differ primarily in

premium and co-pay structure. He reiterated that a no-cost premium plan will continue to be available and that employees will be supported in selecting the option that best meets their needs.

Town Manager Vosburg continued with the presentation:

[SLIDE 12]

[SLIDE 13]



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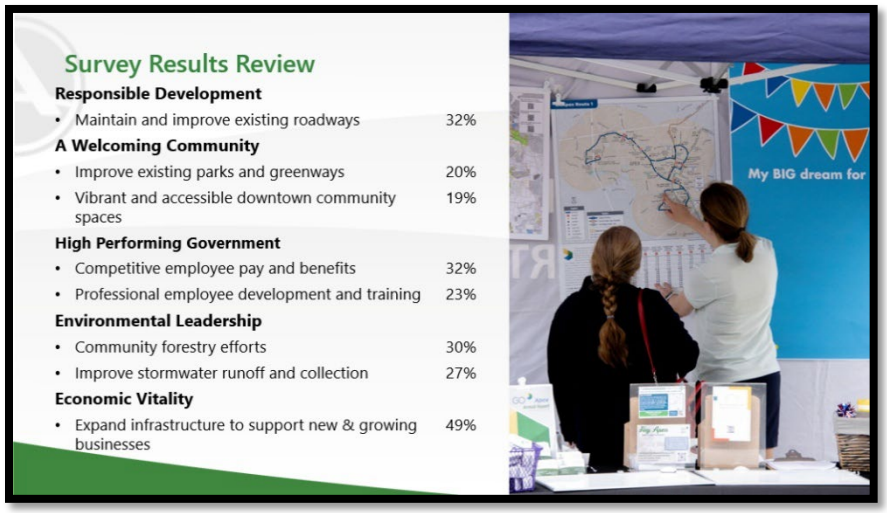

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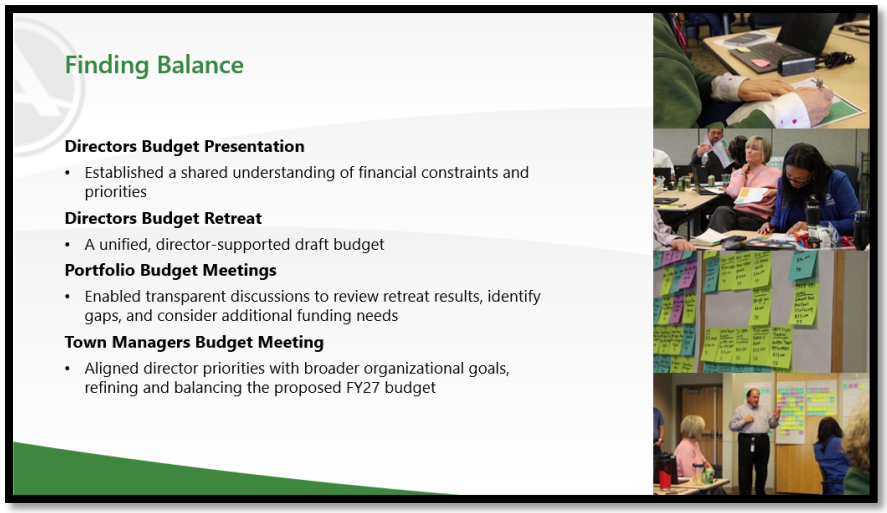

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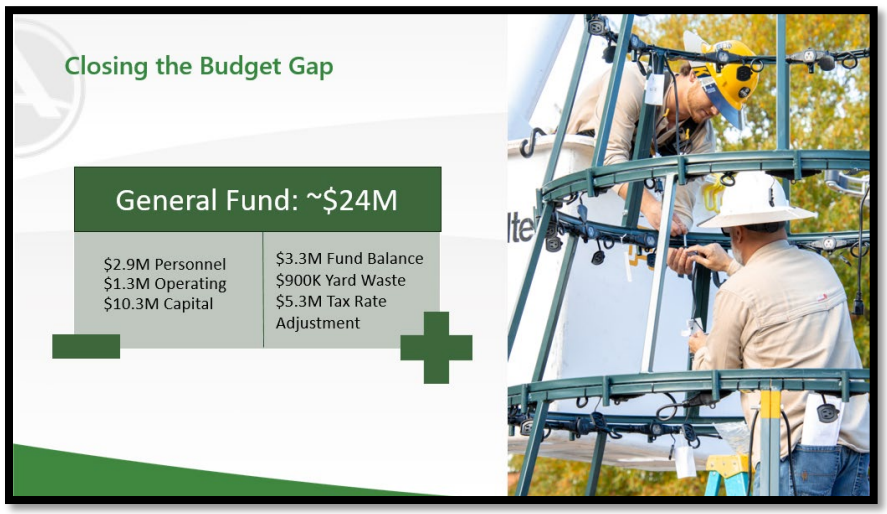

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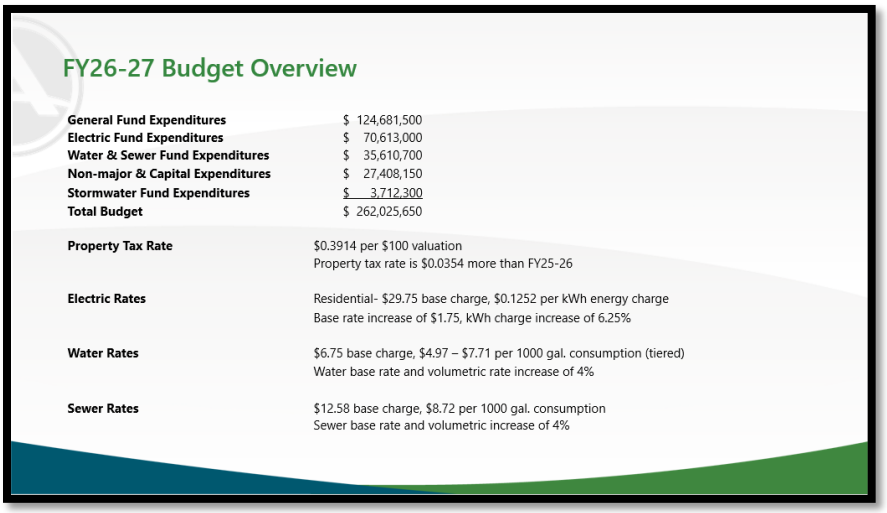

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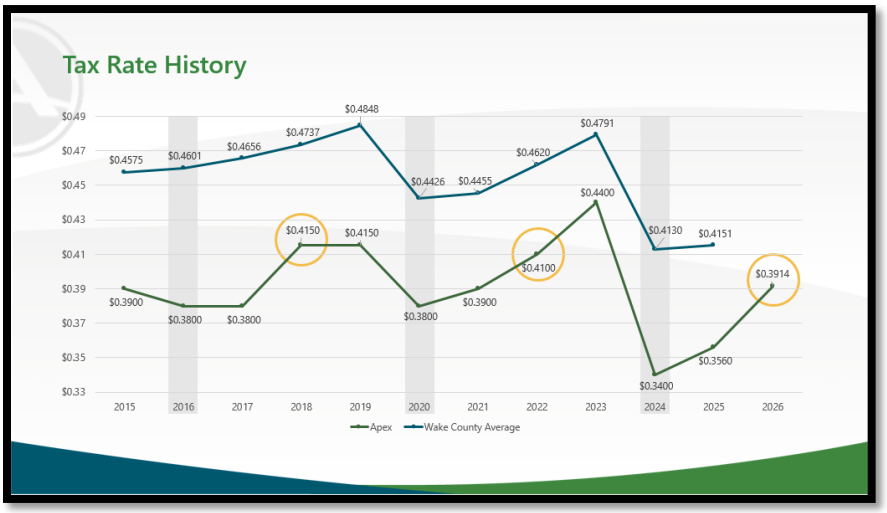

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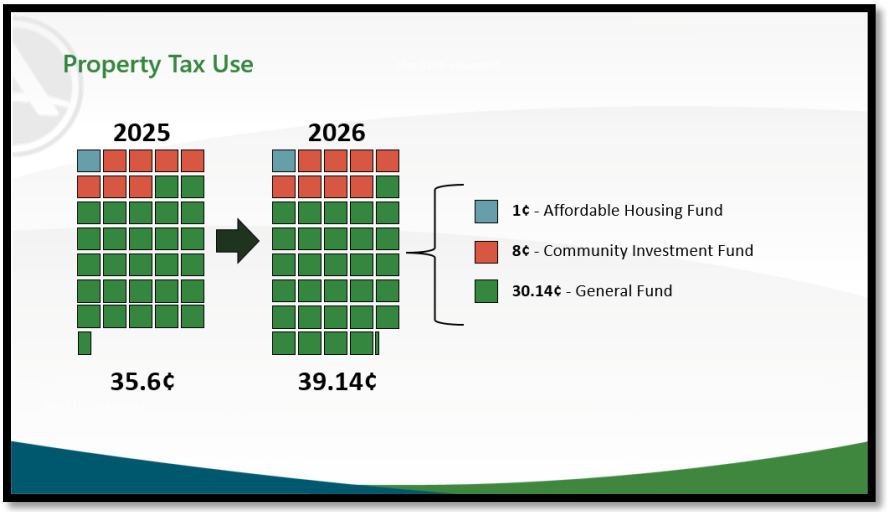

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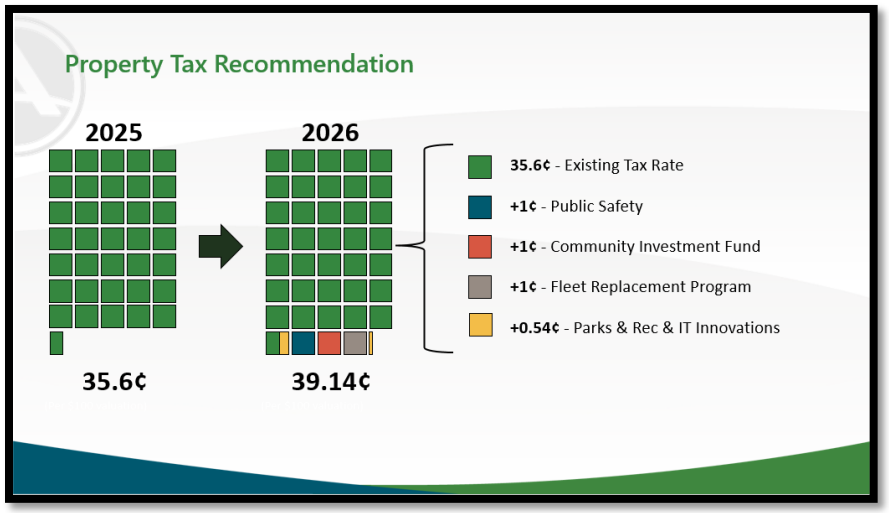

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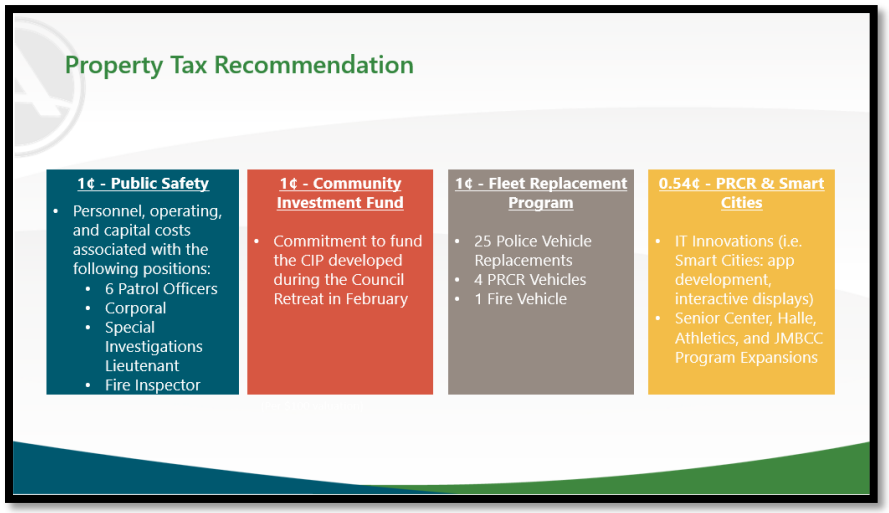

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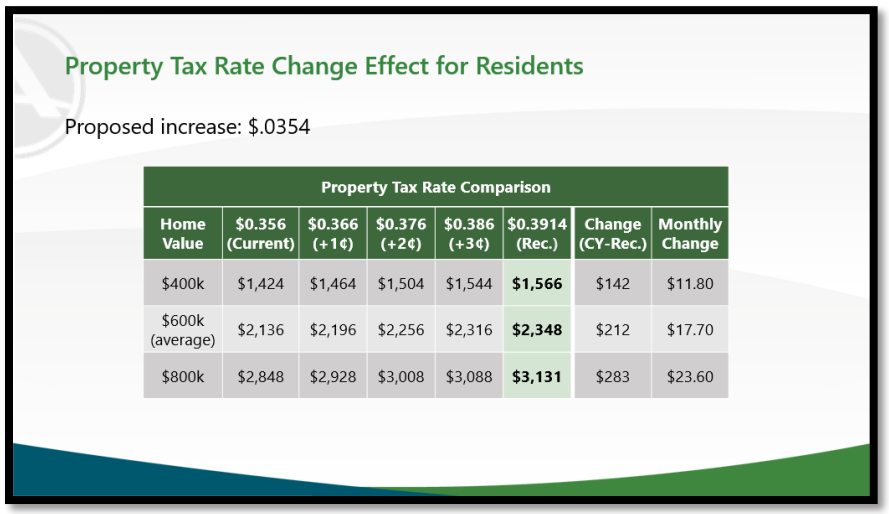
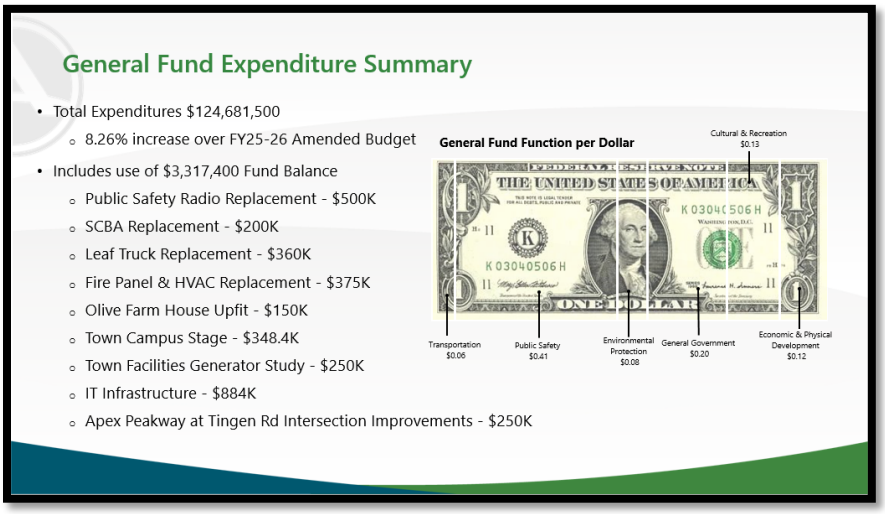


Property Tax Rate Comparison							
Home Value	$0.356 (Current)	$0.366 (+1¢)	$0.376 (+2¢)	$0.386 (+3¢)	$0.3914 (Rec.)	Change (CY-Rec.)	Monthly Change
$400k	$1,424	$1,464	$1,504	$1,544	**$1,566**	$142	$11.80
$600k (average)	$2,136	$2,196	$2,256	$2,316	**$2,348**	$212	$17.70
$800k	$2,848	$2,928	$3,008	$3,088	**$3,131**	$283	$23.60

Director Hoffman provided an overview of all the major funds.

[SLIDE 23]



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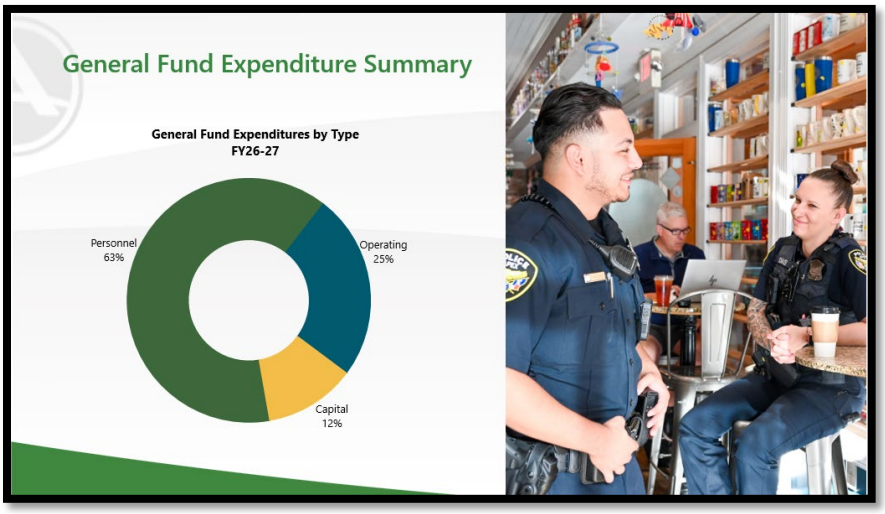


[SLIDE 25]

Solid Waste Fee Change Effect for Residents

- Yard Waste Collection increase $3.05
  - 100% Cost Recovery

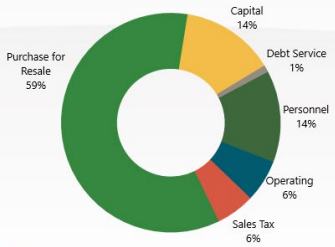
Solid Waste Monthly Fees			
Rate	**Existing**	**Proposed**	**Cost Difference**
Yard Waste Collection	$7.83	$10.88	$3.05
Roll-out Cart	$10.35	$10.35	$-
Recycling	$5.44	$5.44	$-
Total	**$23.62**	**$26.67**	**$3.05**

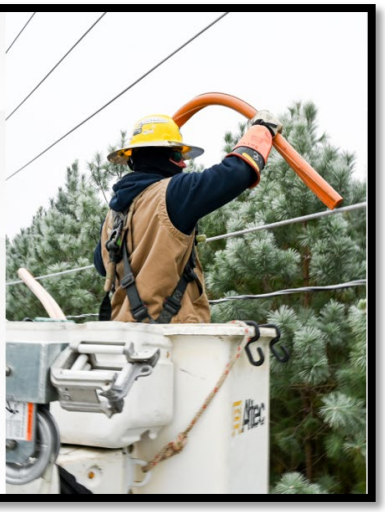
[SLIDE 26]

Electric Fund Summary

Total Expenditures $70,613,000
- 10.25% increase over FY25-26 Amended Budget

Electric Expenditures by Type FY26-27





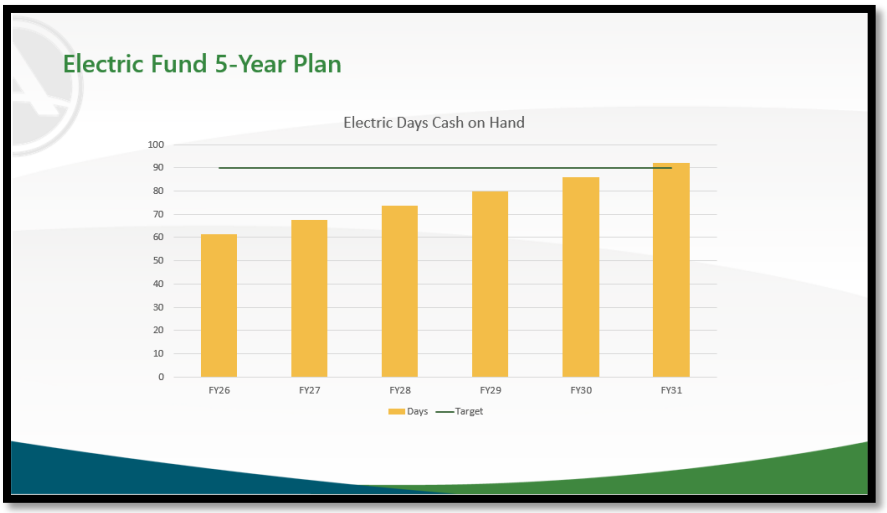
[SLIDE 27]

Electric Rate Change Effect for Residents

- Base rate increase $1.75
- Energy rate increase 6.25%

Apex Residential Customers			
kWh	**Current Avg/ Month**	**Proposed Avg/ Month**	**Monthly Change**
950	$139.91	$148.66	$8.78
1,150	$163.47	$173.73	$10.26
1,250	$175.25	$186.25	$11.00
1,350	$187.03	$198.77	$11.74

[SLIDE 28]



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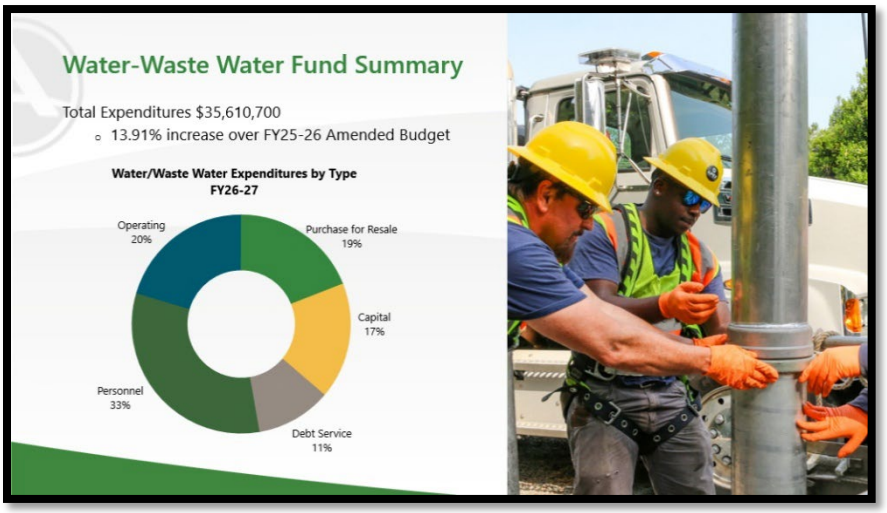


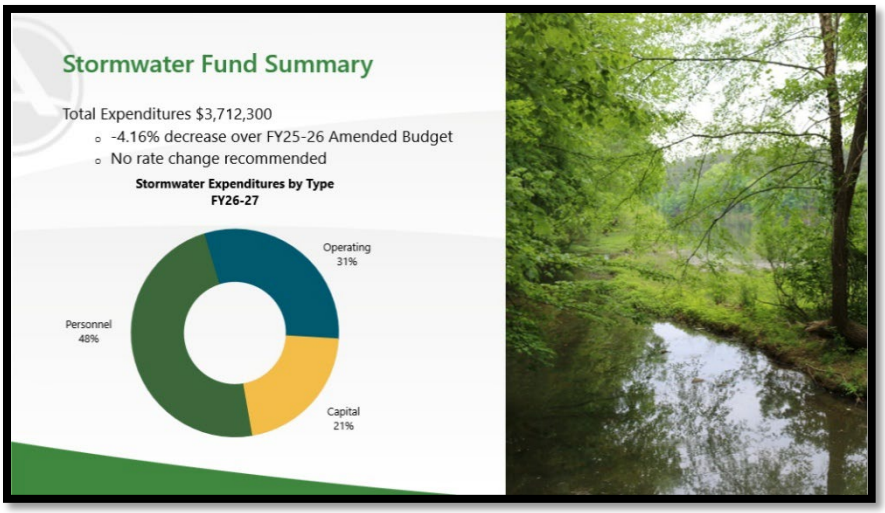
[SLIDE 30]

Water & Sewer Rate Changes Effect for Residents

- Base rate increases
  - Water – $0.26
  - Sewer – $0.48
- Volume rates increase 4%

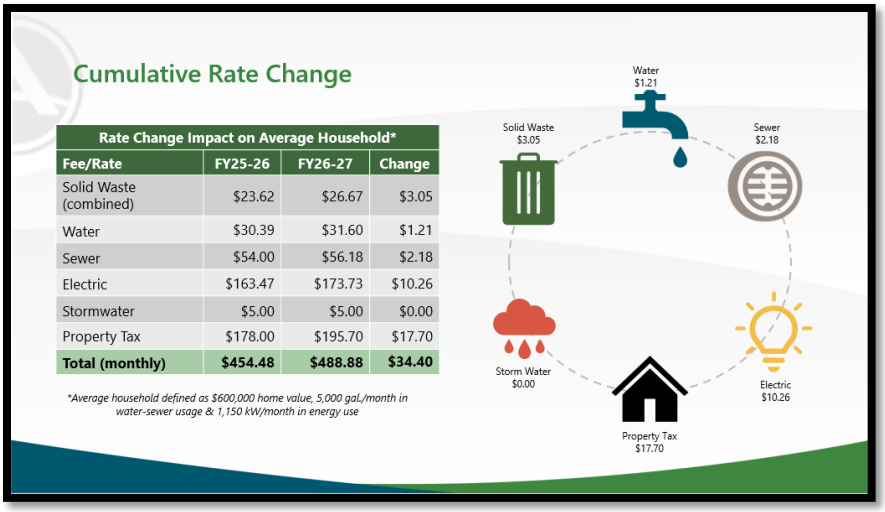
Consumption	Water Rates		Sewer Rates		Combined Water & Sewer Total			
1,000 gals	Existing	Proposed	Existing	Proposed	Existing	Proposed	% Change	Monthly Change
0	$6.49	$6.75	$12.10	$12.58	$18.59	**$19.33**	4.00%	$0.74
2	$16.05	$16.69	$28.86	$30.02	$44.91	**$46.71**	4.00%	$1.80
4	$25.61	$26.63	$45.62	$47.46	$71.23	**$74.09**	4.00%	$2.86
5	$30.39	$31.60	$54.00	$56.18	$84.39	**$87.78**	4.00%	$3.39
6	$35.17	$36.57	$62.38	$12.58	$97.55	**$101.47**	4.00%	$3.92
8	$50.49	$52.51	$79.14	$82.34	$129.63	**$134.85**	4.00%	$5.22
10	$61.49	$63.95	$95.90	$99.78	$157.39	**$163.73**	4.00%	$6.34
16	$125.05	$130.11	$146.18	$152.10	$271.39	**$282.21**	4.00%	$10.98

[SLIDE 31]



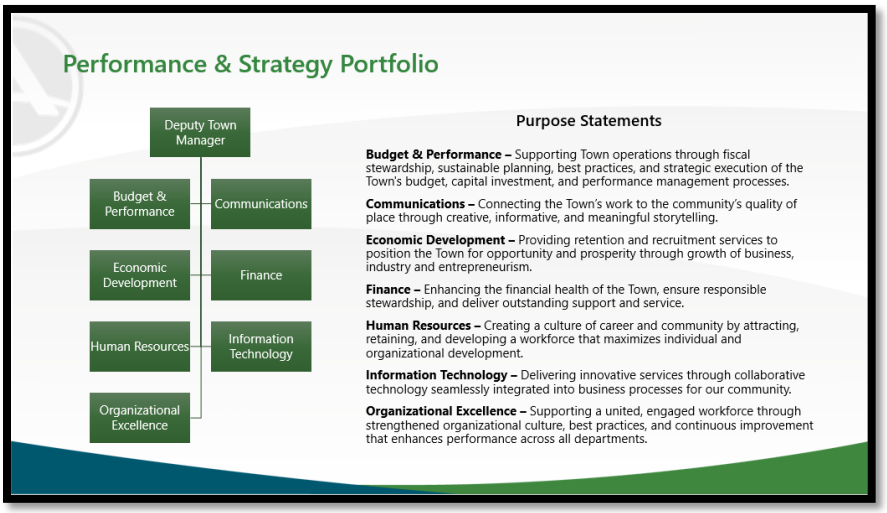
Town Manager Vosburg continued with the next part of the presentation on cumulative rate change.

[SLIDE 32]



Deputy Town Manager, Shawn Purvis, provided a presentation on the Performance and Strategy Portfolio.

[SLIDE 33]



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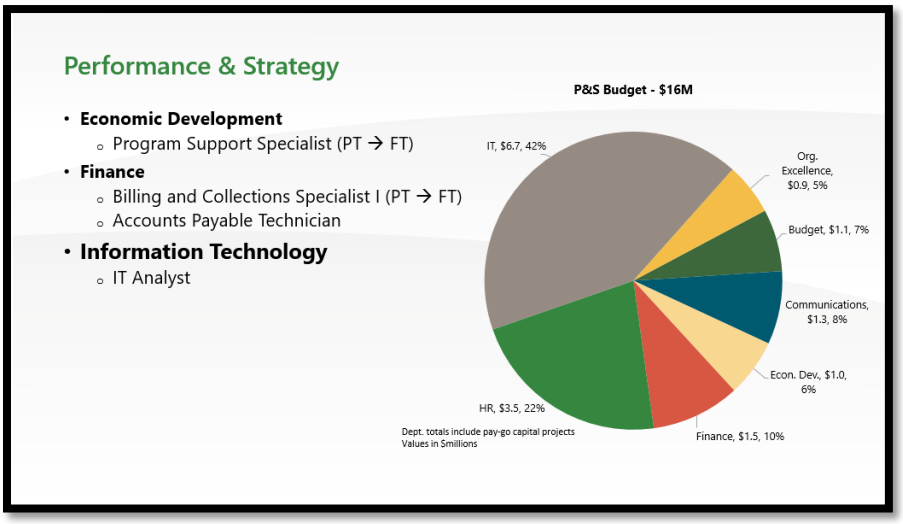

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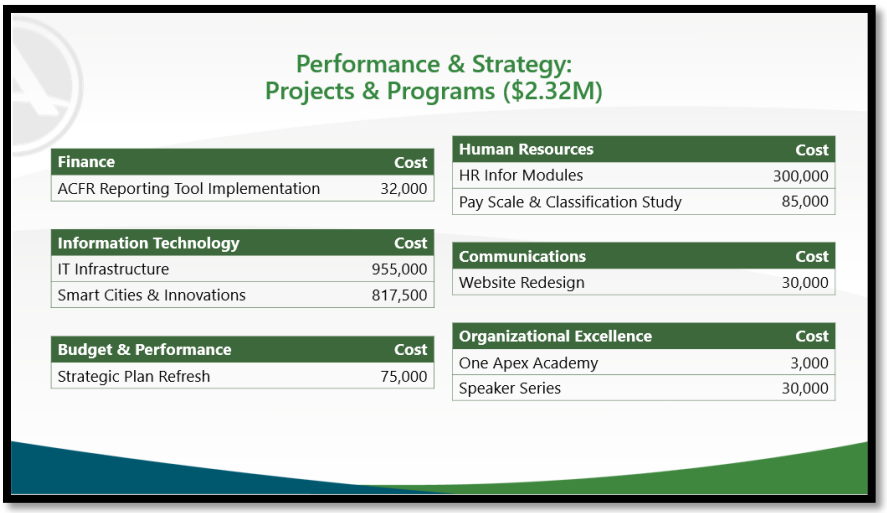
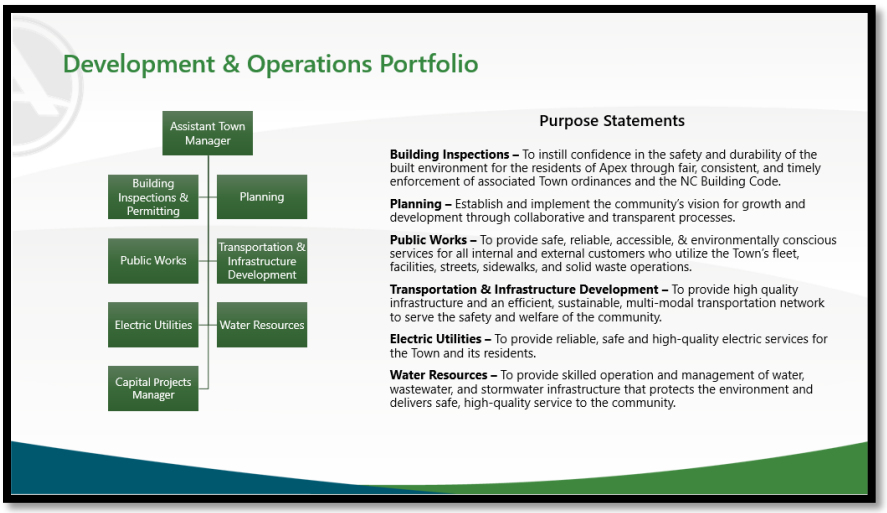


[SLIDE 36]

Town Manager Vosburg asked for the Performance and Strategy team to stand for appreciation.

Assistant Town Manager, Marty Stone provided a presentation on the Development and Operations Portfolio.

[SLIDE 37]



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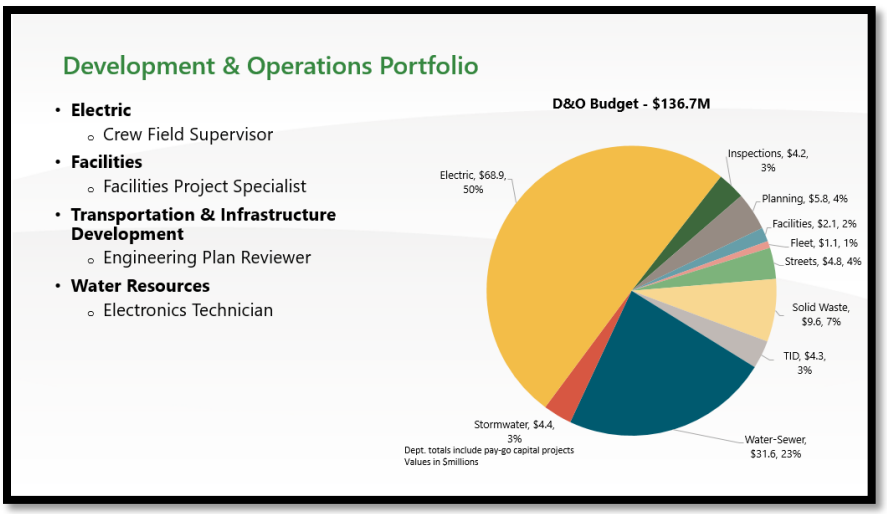

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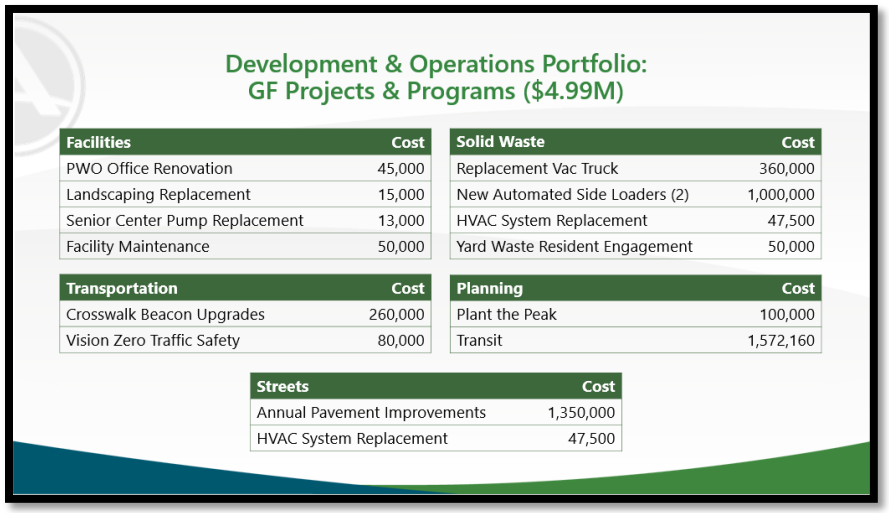


Development & Operations Portfolio: GF Projects & Programs ($4.99M)

Facilities	Cost
PWO Office Renovation	45,000
Landscaping Replacement	15,000
Senior Center Pump Replacement	13,000
Facility Maintenance	50,000

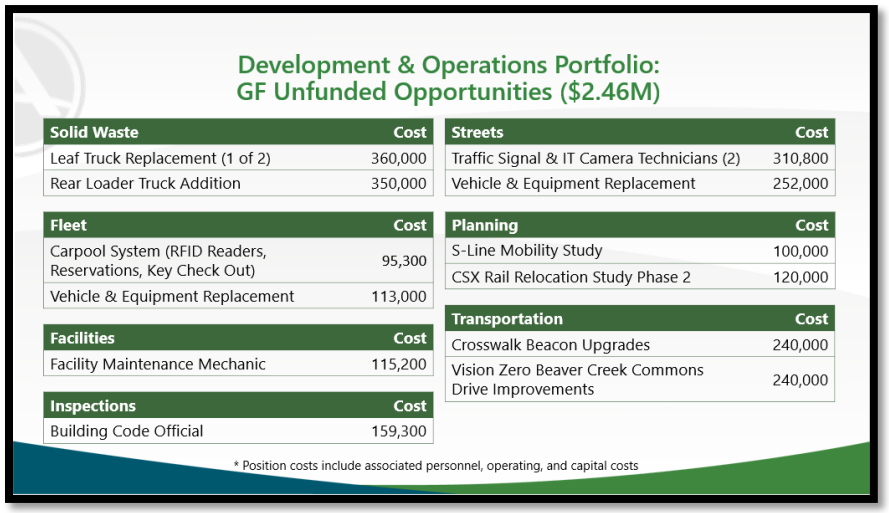
Solid Waste	Cost
Replacement Vac Truck	360,000
New Automated Side Loaders (2)	1,000,000
HVAC System Replacement	47,500
Yard Waste Resident Engagement	50,000

Transportation	Cost
Crosswalk Beacon Upgrades	260,000
Vision Zero Traffic Safety	80,000

Planning	Cost
Plant the Peak	100,000
Transit	1,572,160

Streets	Cost
Annual Pavement Improvements	1,350,000
HVAC System Replacement	47,500

[SLIDE 40]



Development & Operations Portfolio: GF Unfunded Opportunities ($2.46M)

Solid Waste	Cost
Leaf Truck Replacement (1 of 2)	360,000
Rear Loader Truck Addition	350,000

Streets	Cost
Traffic Signal & IT Camera Technicians (2)	310,800
Vehicle & Equipment Replacement	252,000

Fleet	Cost
Carpool System (RFID Readers, Reservations, Key Check Out)	95,300
Vehicle & Equipment Replacement	113,000

Planning	Cost
S-Line Mobility Study	100,000
CSX Rail Relocation Study Phase 2	120,000

Facilities	Cost
Facility Maintenance Mechanic	115,200

Transportation	Cost
Crosswalk Beacon Upgrades	240,000
Vision Zero Beaver Creek Commons Drive Improvements	240,000

Inspections	Cost
Building Code Official	159,300

* Position costs include associated personnel, operating, and capital costs

[SLIDE 41]

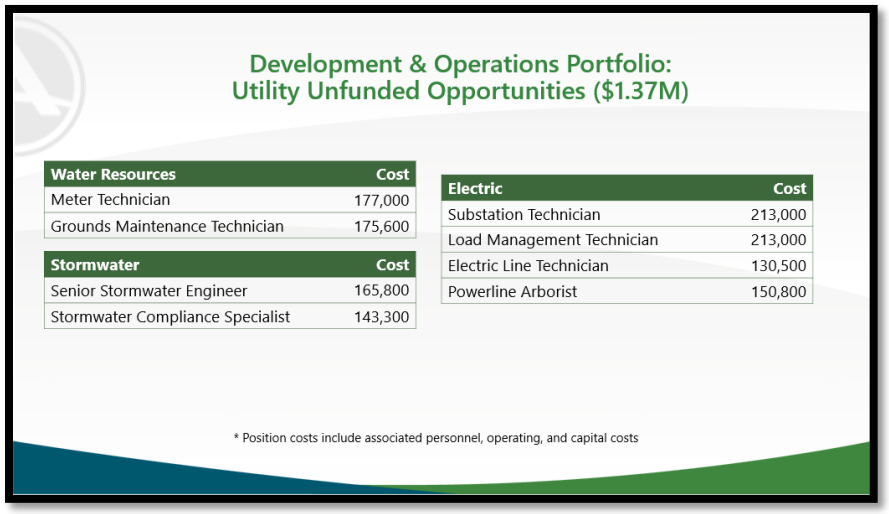
Development & Operations Portfolio: Utility Projects & Programs ($15.43M)

Water Resources	Cost
Breakroom Utilization Cubicles	100,000
HVAC System Replacement	95,000
Water Quality Remote Analyzers (2)	104,000
Automatic Water Flushers (3)	90,000
Replacement Equipment (Tractors, Trailers, Mower)	125,000
New (1) & Replacement (3) Vehicles	275,000
Replacement Tank Truck	300,000
UV System Replacement	1,500,000
SCADA System Upgrades	230,000
Waterline Gaps (Green Level West & Beaver Creek Commons)	315,000
System Flushing & Inspection	75,000
Flow Monitors	200,000

Stormwater	Cost
Street Sweeping	300,000
Green Stormwater Infrastructure	100,000
Capitata Crossing Stream Stabilization	175,000
Seagrove Dam Repairs	350,000
Culvert Street Drainage Repairs	150,000

Electric	Cost
New Vehicles	183,000
Replacement Vehicles	745,000
Replacement Digger Derrick	430,000
Emergency Radio Replacements	78,000
System Expansion	4,585,000
Veridea System Expansion	2,500,000
East Williams & Green Level Substations	2,425,000

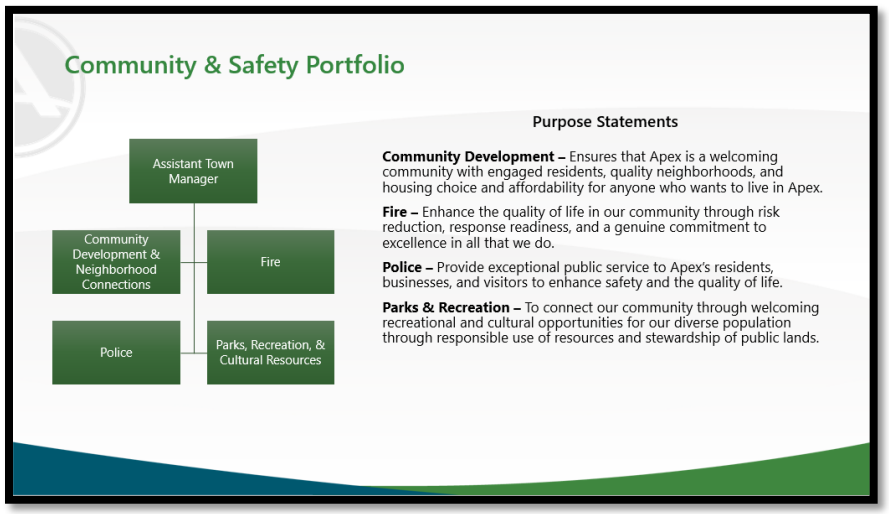
[SLIDE 42]



Town Manager Vosburg asked for the team for Development and Operations to stand for appreciation.

Assistant Town Manager, Demetria John, provided a presentation on the Community and Safety Portfolio.

[SLIDE 43]



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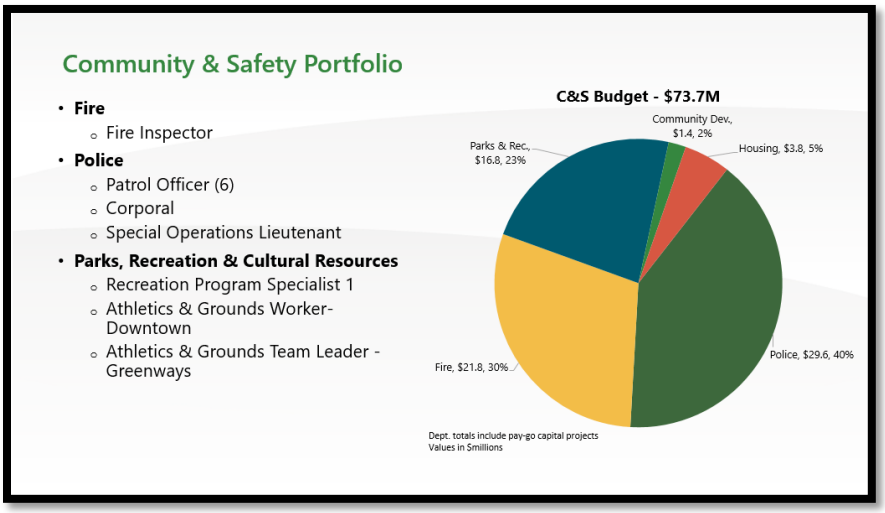

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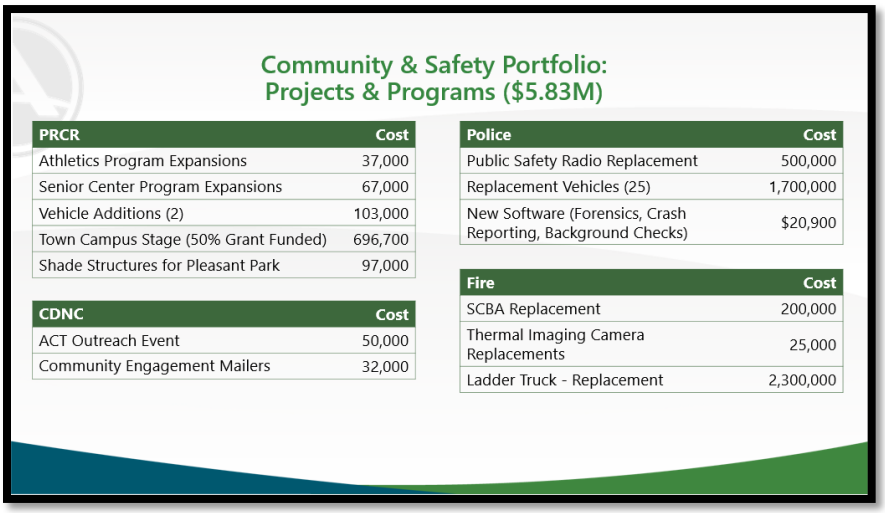

Community & Safety Portfolio: Projects & Programs ($5.83M)

PRCR	Cost
Athletics Program Expansions	37,000
Senior Center Program Expansions	67,000
Vehicle Additions (2)	103,000
Town Campus Stage (50% Grant Funded)	696,700
Shade Structures for Pleasant Park	97,000

CDNC	Cost
ACT Outreach Event	50,000
Community Engagement Mailers	32,000

Police	Cost
Public Safety Radio Replacement	500,000
Replacement Vehicles (25)	1,700,000
New Software (Forensics, Crash Reporting, Background Checks)	$20,900

Fire	Cost
SCBA Replacement	200,000
Thermal Imaging Camera Replacements	25,000
Ladder Truck - Replacement	2,300,000

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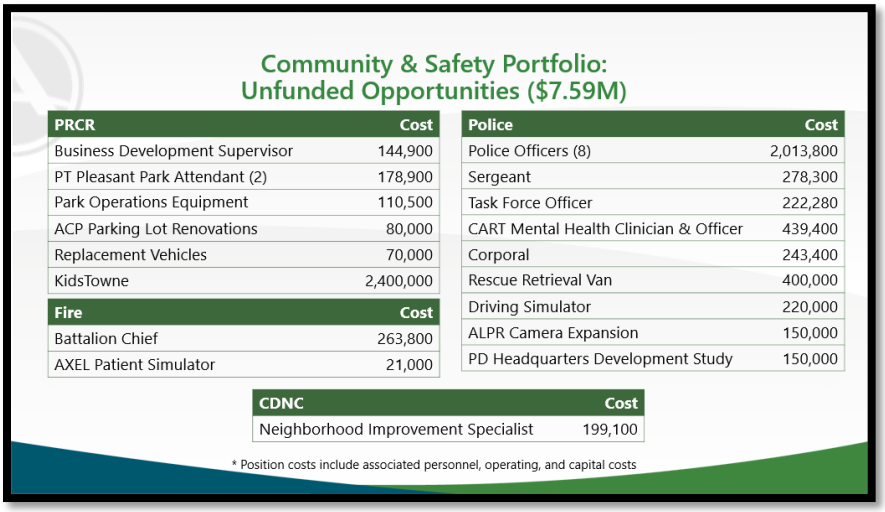

Community & Safety Portfolio: Unfunded Opportunities ($7.59M)

PRCR	Cost
Business Development Supervisor	144,900
PT Pleasant Park Attendant (2)	178,900
Park Operations Equipment	110,500
ACP Parking Lot Renovations	80,000
Replacement Vehicles	70,000
KidsTowne	2,400,000

Fire	Cost
Battalion Chief	263,800
AXEL Patient Simulator	21,000

Police	Cost
Police Officers (8)	2,013,800
Sergeant	278,300
Task Force Officer	222,280
CART Mental Health Clinician & Officer	439,400
Corporal	243,400
Rescue Retrieval Van	400,000
Driving Simulator	220,000
ALPR Camera Expansion	150,000
PD Headquarters Development Study	150,000

CDNC	Cost
Neighborhood Improvement Specialist	199,100

* Position costs include associated personnel, operating, and capital costs

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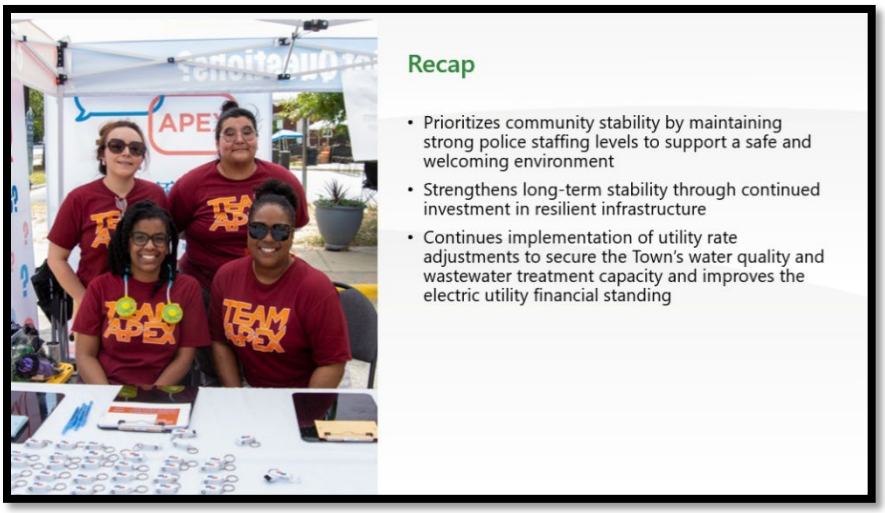

Town Manager Vosburg asked the Community and Safety Portfolio team to stand in recognition and appreciation. He then proceeded with the final portion of the presentation.

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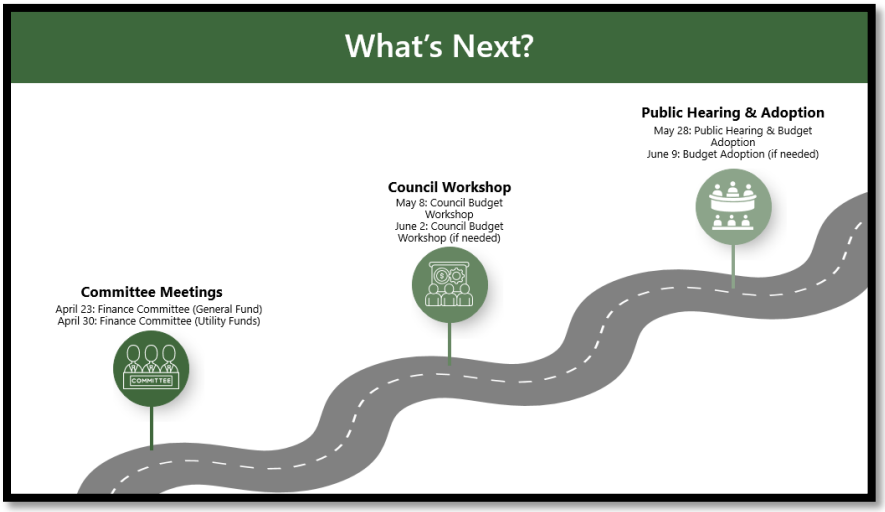

[COMMENTS BY THE GOVERNING BODY]

Mayor Gilbert thanked everyone for all the work on the budget. He said he liked doing this format again this year, and said the Governing Body had work and discussions to do. He asked Council for comments.

Mayor Pro-Tempore Mahaffey thanked Town Manager Vosburg and all that worked on the budget and acknowledged it was a very challenging budget year.

Councilmember Gray thanked staff for the budget development process. He noted that while there are sometimes questions from the community regarding staff

recommendations on funding needs, the process provides Council with valuable information and a clearer understanding of the complexity involved in developing the budget, and what cuts staff feel are most appropriate if they need to be made. He encouraged residents to review the information and share their feedback, noting that Council values community input as it considers how to move forward. He also stated that he would be focused on balancing the budget while also considering the needs of residents, particularly those on fixed incomes and those experiencing financial hardship. He also emphasized the importance of maintaining strong funding for public safety, noting that during times of economic uncertainty, it is important to ensure appropriate levels of service to support the community and uphold the quality of life in Apex.

Councilmember Reese said the budget was like attempting to "thread a needle", noting the difficulty of balancing competing priorities. He expressed appreciation to staff and residents for their involvement in the decision-making process. He also noted the consistent focus on stability throughout the presentation and stated that he would be considering the impacts on household budgets, particularly for residents experiencing financial strain related to rising grocery and gas prices, as Council works through difficult budget decisions.

Councilmember Mu thanked all of the staff, Town Manager Vosburg and all Department Directors. She acknowledged the effort required to prepare the budget and compile the information presented, and said she would dig into the information to help inform a responsible decision.

Councilmember Zegerman thanked all of the staff for their hard work. He stated that the budget is the most important piece of legislation the Council adopts each year and reflects the Town's priorities. He noted the significant effort by staff in developing the budget. **Mayor Gilbert** closed the meeting by referencing the opening video and commented that staff featured in the video had a bright future in movies.

[ADJOURNEMENT]

With no further business before the Town Council, **Mayor Gilbert** adjourned the meeting at 4:34 p.m.

Jacques K. Gilbert
Mayor

Allen Coleman, CMC
Town Clerk to the Apex Town Council
Submitted for approval by Town Clerk Allen Coleman and approved on_____.

TOWN OF APEX
TOWN COUNCIL WORK SESSION
TUESDAY, APRIL 21, 2026
3:30 P.M.

The Apex Town Council met for a work session on Tuesday, April 21, 2026 at 3:30 p.m. at the Apex Town Hall located at 73 Hunter Street in Apex North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel:
HERE: https://www.youtube.com/watch?v=CM2GNNdPd-A

[ATTENDANCE]

Elected Body

Mayor Jacques K. Gilbert (presiding)
Mayor Pro-Tempore Terry Mahaffey
Councilmember Ed Gray
Councilmember Arno Zegerman
Councilmember Shane Reese
Councilmember Sue Mu

Town Staff

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

All other staff members will be identified appropriately below.

[CALL TO ORDER I PLEDGE OF ATTENDANCE]

Mayor Gilbert called the meeting to order at 3:35 p.m., welcomed everyone, and led everyone in the pledge of allegiance.

[TOWN COUNCIL PROCEDURES AND POLICIES UPDATE]

Town Clerk, Allen Coleman stated that the purpose of the item was to review follow-up items previously requested by Council, with a focus on Council Committees, Resident Advisory Boards, and related policy updates. He noted that the presentation was intended to provide an overview of each topic area and requested guidance and direction from Council following the presentation of information in each section

He proceeded with the presentation:

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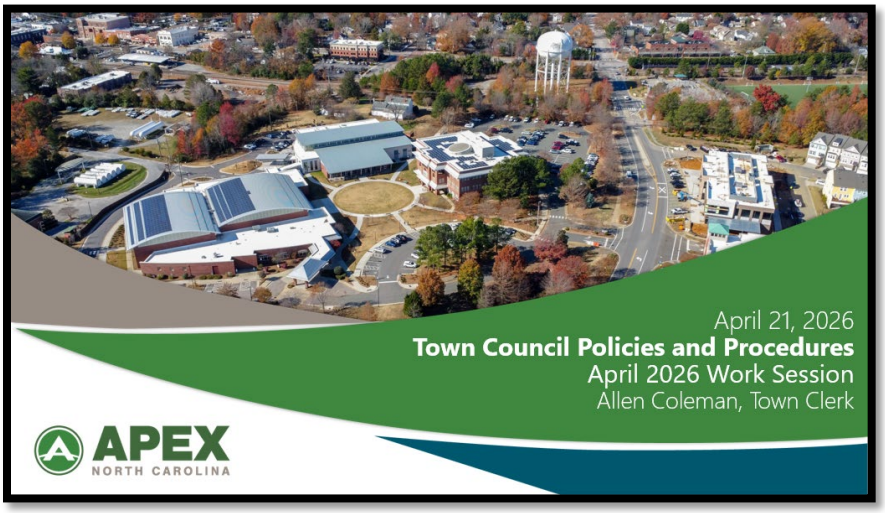

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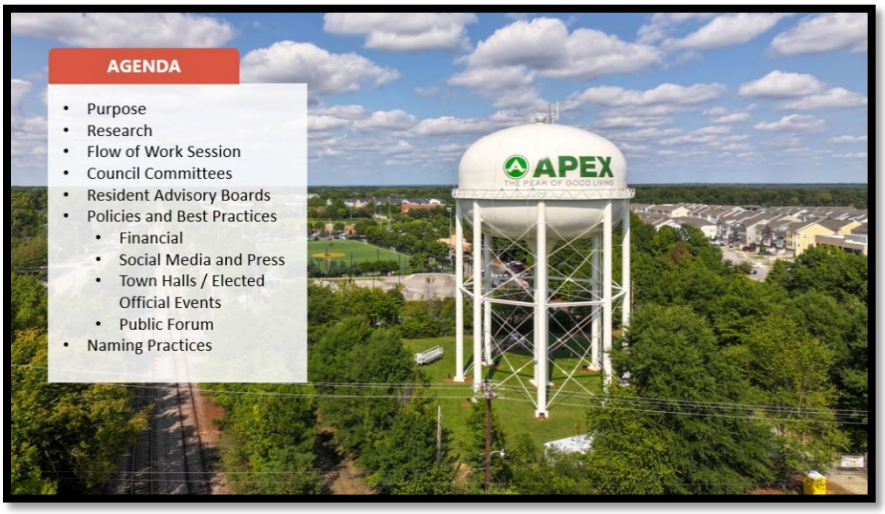

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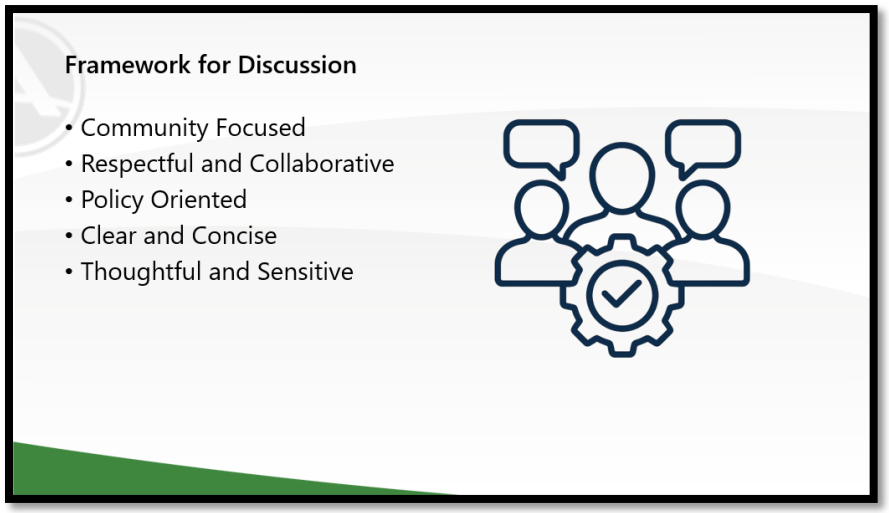

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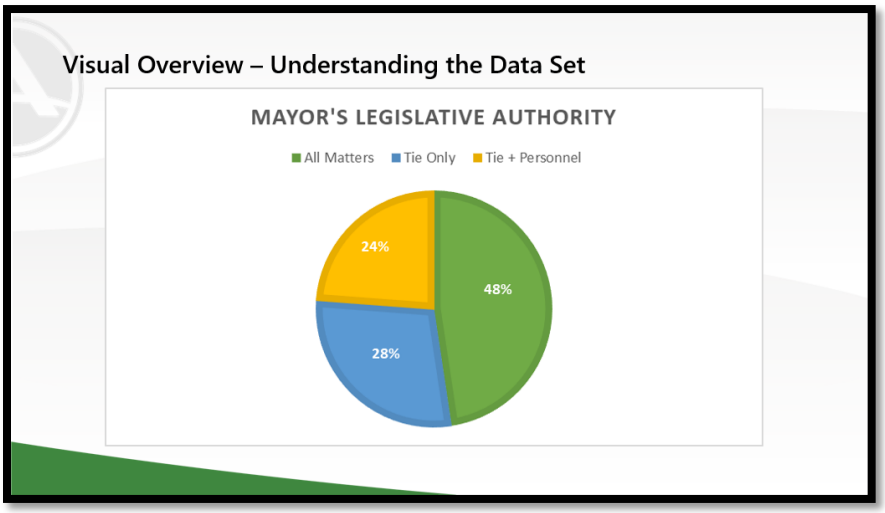

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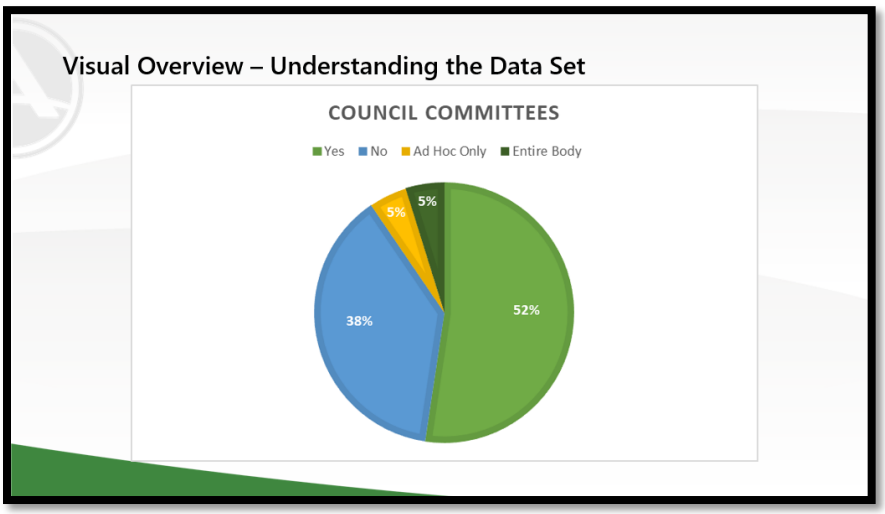

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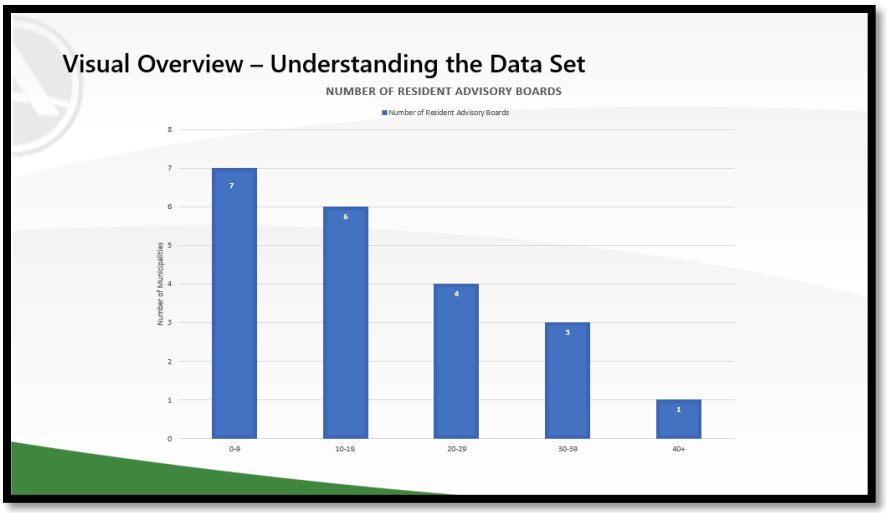

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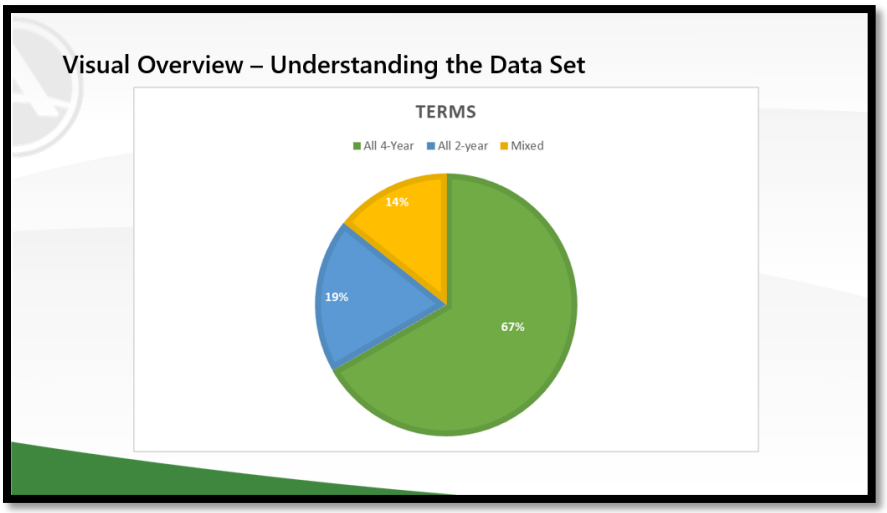

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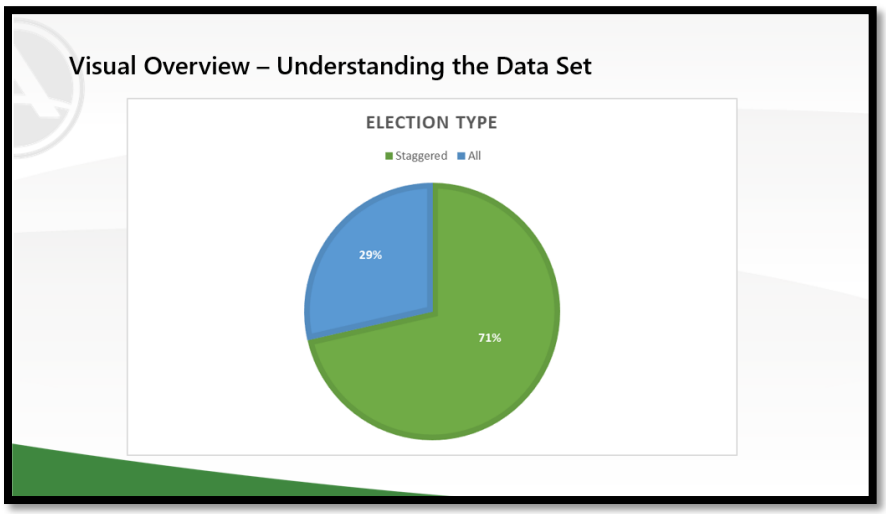

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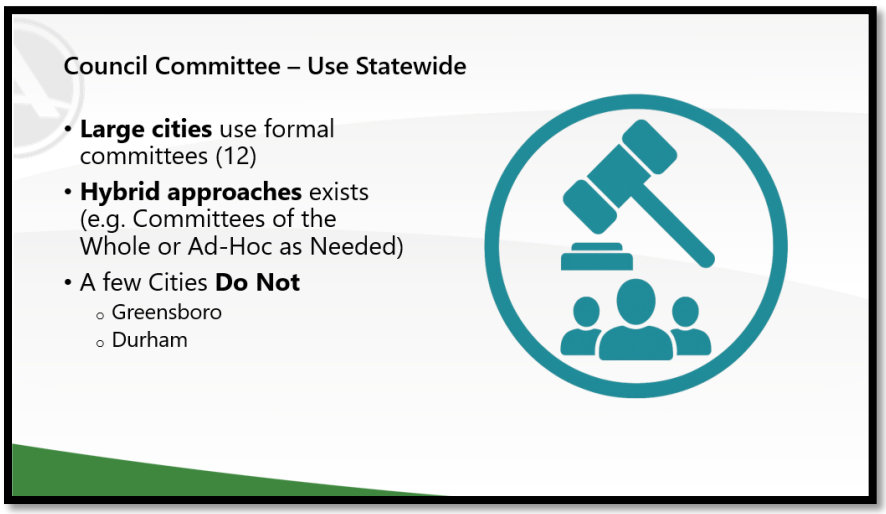

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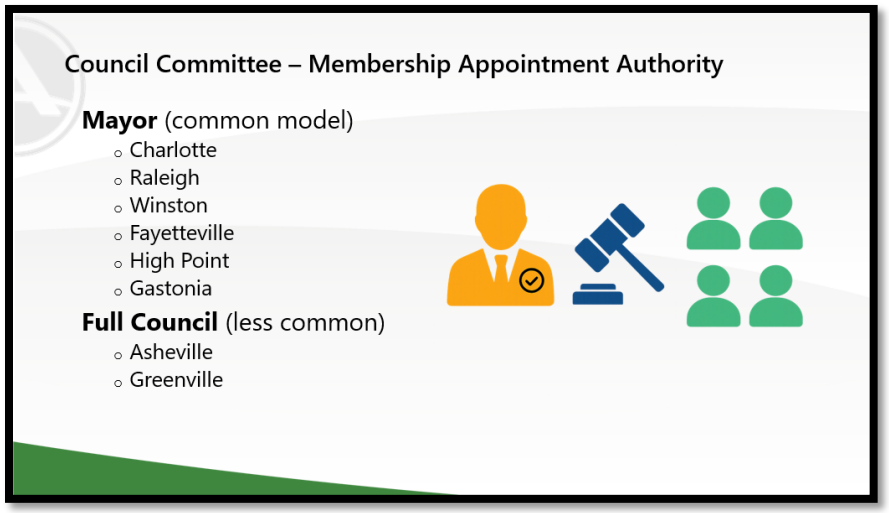

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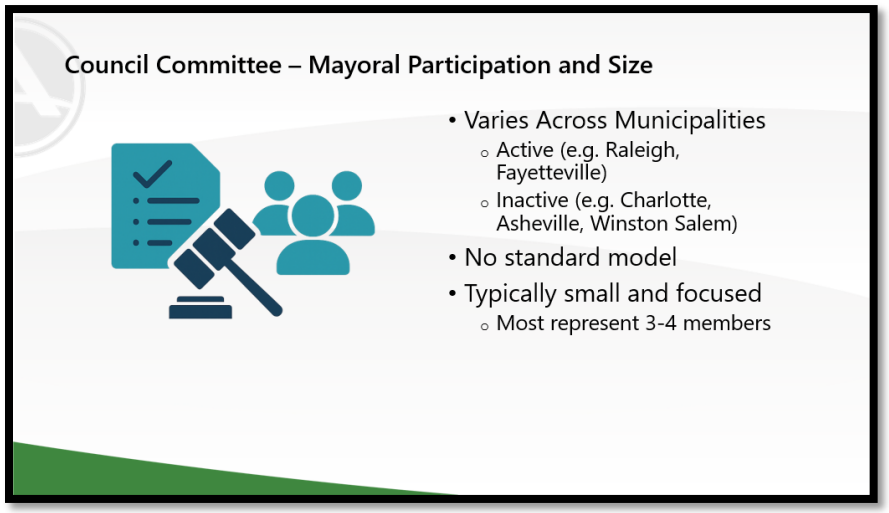

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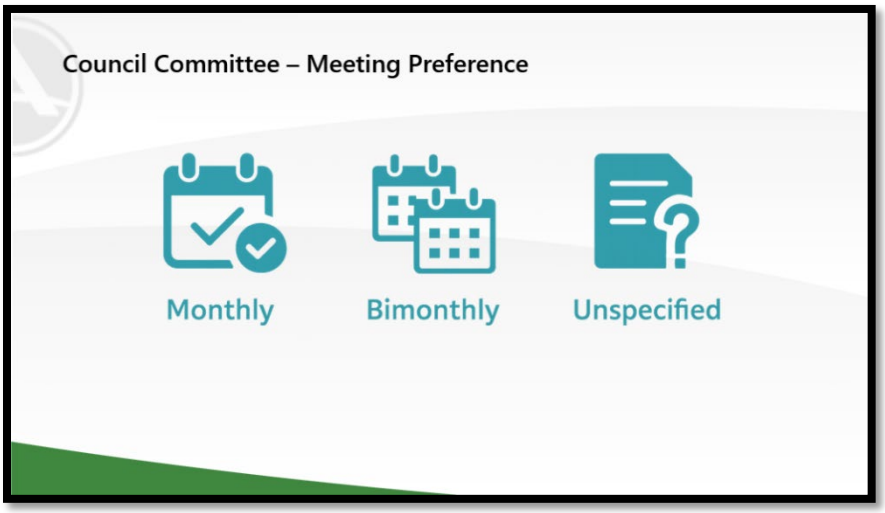

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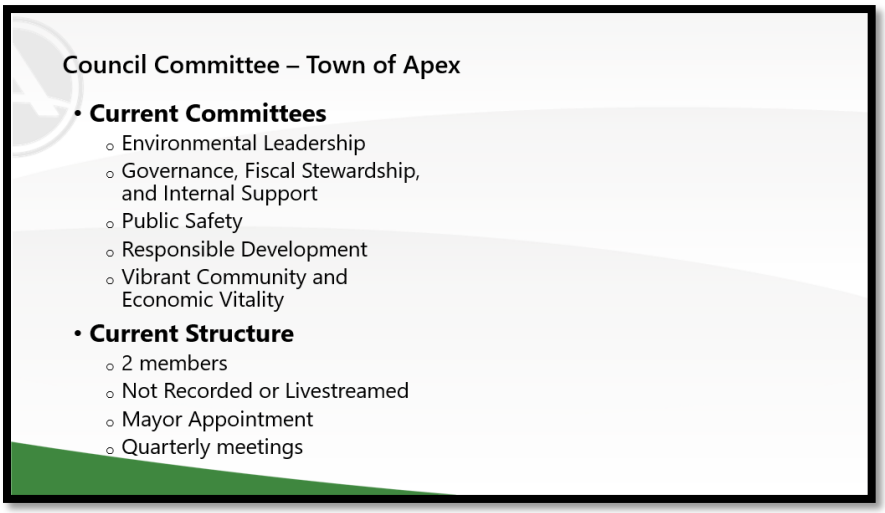


[SLIDE 20]

Town Clerk Coleman asked Council if they would like to discuss Council Committees at this time.

Mayor Gilbert thanked Town Clerk Coleman for the research and stated that the committee assignments made in December were based on feedback and intended to maintain engagement. He acknowledged concerns regarding the process and emphasized the importance of Mayoral participation. After gathering additional feedback and reviewing practices in similar municipalities, he indicated that adjustments to committee assignments would be proposed. Mayor Gilbert distributed a draft of the proposed committee structure to Council and provided an overview of the current committees, including their structure and Council liaisons. He highlighted the experience and knowledge each liaison brings and stated that the Mayor should have the ability to participate in committees if desired. He then opened the floor for Council discussion.

Councilmember Gray stated that he did not have concerns with the mayor serving on committees or as chair, noting that committees exist to support Town business. He referenced the two-member committee structure developed with the Rules Committee the previous year as effective, emphasizing that committees are intended to streamline issues rather than exclude them or drive decisions independently. He noted that committees do not have the authority to create policy or eliminate ideas, as final decisions rest with the full Council.

Councilmember Zegerman referenced the previously adopted Rules Committee proposal, stating that Council's intent was to function more as a governing body by referring items to committees for research, staff interaction, and policy development. He noted that the role of the committee chair remains unclear, particularly if responsibilities include advancing proposals, which could conflict with the mayor's non-legislative role. He expressed concern that serving as chair or vice chair could present challenges for the mayor and suggested that the mayor's role be clarified, potentially as a non-voting member.

Mayor Pro-Tempore Mahaffey stated that the intent of the Rules Committee was to establish a clear process for advancing ideas and improving efficiency. He proposed including the mayor on all committees in a non-voting capacity to address concerns regarding legislative authority, which he thought they had decided as a compromise. He noted that committees report outcomes to Council and that both committee members contribute to shaping agendas, with no final decisions made at the committee level.

Mayor Gilbert asked about whether formal votes occur within two-member committees and how disagreements between members are handled.

Town Clerk Coleman said historically this doesn't happen often but if there is a split vote it will always come back to Council for a vote. He said when setting agendas, all the committee members pertaining to the item are communicated with about the item.

Town Manager Vosburg said that in case of a split committee vote, no recommendation is made and staff will forward the item to the full Council without a committee recommendation.

Councilmember Gray said that split votes are uncommon, but when they occur, the matter is brought back to the full Council for consideration. He added that when setting committee agendas, all relevant committee members are consulted regarding the item.

Mayor Gilbert asked if the Office of the Mayor had an idea or proposal they wanted to place on the agenda for full Council deliberation, could that be done.

Town Clerk Coleman said yes. He stated that, in accordance with the Rules of Procedure, the Clerk facilitates placement of items on the agenda if directed to do so by a member of the Governing Body.

Mayor Pro-Tempore Mahaffey said that while items may be placed on the agenda, adoption requires compliance with established procedural requirements prior to Council approval, which may include referral to a committee.

Councilmember Gray said there needs to be a good staffing process to ensure all necessary steps are completed and that items are adequately vetted before returning to Council for decision-making.

Mayor Gilbert asked to go back to the slide of municipalities relating to mayor's role with committees.

Town Clerk Coleman clarified that the referenced slide focused on appointment authority to vote on committees rather than mayoral participation, and another slide focused on authority for mayoral appointments. He explained that practices vary by municipality, noting examples where mayors appoint members but do not serve on committees, and others where mayors both appoint and serve. He stated that while approaches differ, a common element is mayoral involvement in appointments, and that the structure ultimately depends on Council preference.

Mayor Gilbert asked if there was a proposal, that it would have to go through committee before a Council vote.

Town Clerk Coleman said that was correct and it would be the same for any Council member as well.

Councilmember Gray stated that items should be referred to the appropriate committee for further vetting, with committees responsible for evaluating proposals and providing recommendations to Council.

Councilmember Zegerman asked for clarification on the defined role and authority of a committee chair, expressing concern that assigning voting authority to the mayor could place the role within the legislative process in a way that may be inappropriate.

Mayor Pro-Tempore Mahaffey stated that while the described process is relatively new, it aligns with past practices in Apex where committees provide general direction rather than taking formal legislative action. He added that committee chairs at the state level play a role in shaping agendas, and not all items may advance for consideration.

Councilmember Gray said that Apex's committees are intended to refine and move ideas forward unlike the General Assembly Committee system that filters out most proposals, the idea is to improve each idea and bring it to Council to vote on it.

Mayor Gilbert asked whether any municipalities reviewed follow a state government-style committee model.

Town Clerk Coleman said that such a model was not identified in the research, though it may exist in larger municipalities such as Charlotte or Raleigh depending on meeting cadence. He stated that the primary considerations are not the volume of items, but rather the role of committee membership and the authority of the chair. He summarized that Council appears interested in retaining standing committees with two members, determining appointment authority, and providing direction on the proposed committee list.

Councilmember Zegerman stated that decisions should be made regarding the proposed list and prioritize as needed. He added that committees are intended to advance ideas and suggested a process similar to Advisory Board appointments, where recommendations are made and then considered by Council for confirmation.

Mayor Gilbert stated that he did not have concerns with that general structure but remained focused on clarifying the mayor's role, including whether it carries any authority and how disagreements among Council would be addressed.

Mayor Pro-Tempore Mahaffey said that there are currently four committee vacancies and proposed for Economic Development, himself as chair along with Councilmember Reese, and for Vibrant Community, Councilmember Zegerman as Chair along with Councilmember Mu.

Town Clerk Coleman confirmed the Council Committee structure, including the Environmental Leadership Committee, Governance, Fiscal Stewardship and Internal Support Committee and Public Safety Committee as presented. He further confirmed the Responsible Development Committee with Mayor Pro-Tempore Mahaffey serving as Chair and Councilmember Reese as member, and the Vibrant

Community and Economic Vitality Committee with Councilmember Zegerman serving as Chair and Councilmember Mu as member.

A **motion** was made by **Mayor Pro-Tempore Mahaffey** and seconded by **Councilmember Zegerman** confirming the Council Committee structure as noted below:

Environmental Leadership Committee:

- Mayor Pro-Tempore Terry Mahaffey, Chair
- Councilmember Sue Mu, Committee Member

Governance, Fiscal Stewardship, and Internal Support:

- Councilmember Ed Gray, Chair
- Councilmember Arno Zegerman, Committee Member

Public Safety:

- Mayor Jacques K. Gilbert, Chair
- Councilmember Gray, Committee Member

Responsible Development:

- Mayor Pro-Tempore Terry Mahaffey, Chair
- Councilmember Shane Reese, Committee Member

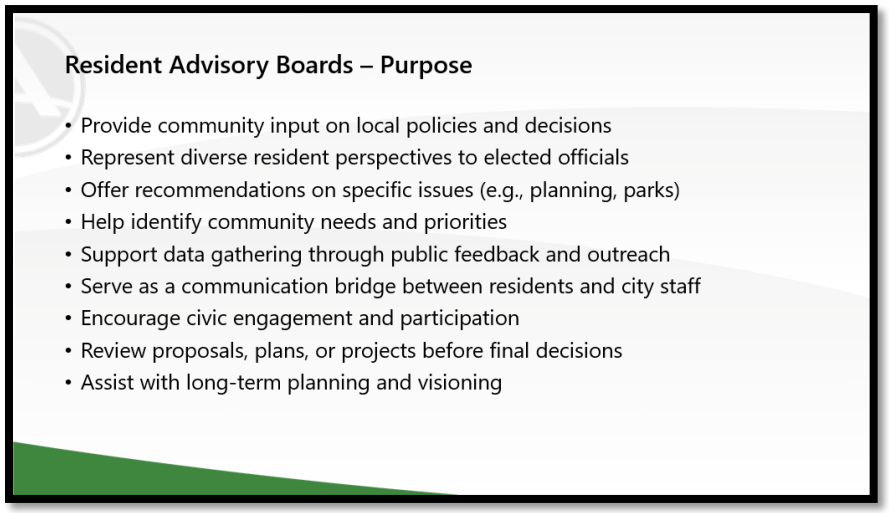
Vibrant Community and Economic Vitality:

- Councilmember Arno Zegerman, Chair
- Councilmember Sue Mu, Committee Member

VOTE: UNANIMOUS (5-0)

[SLIDE 21]

[SLIDE 22]



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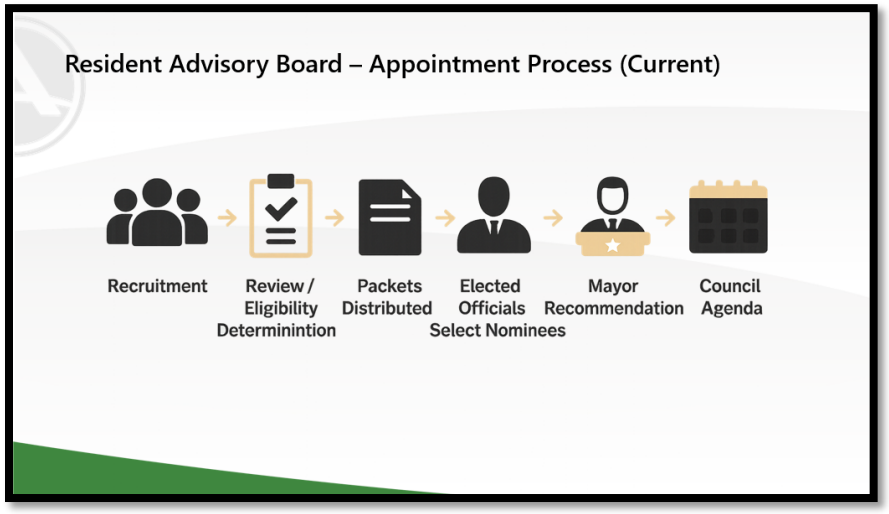

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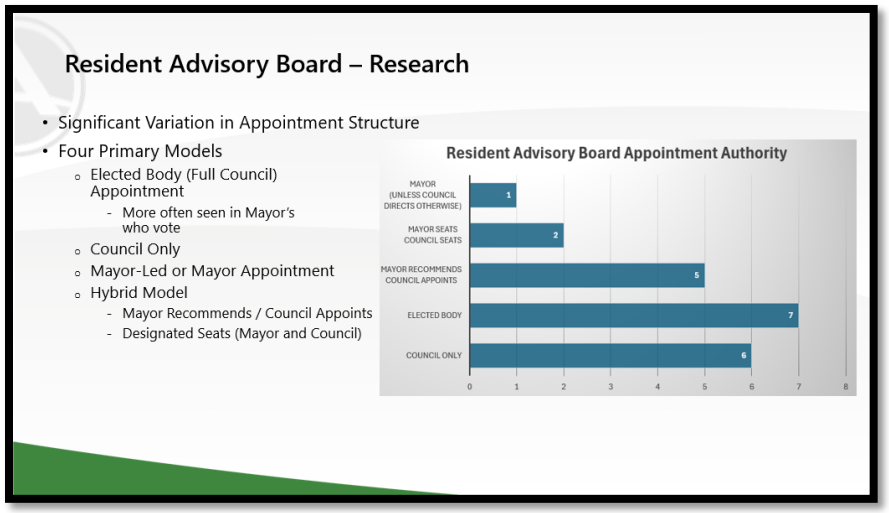

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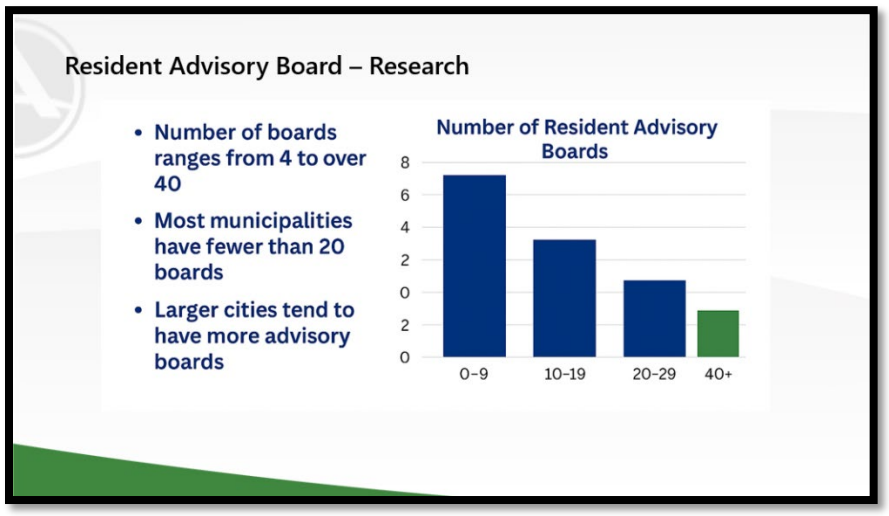


[SLIDE 27]

Town Clerk Coleman stated that Council could provide direction on several aspects of the advisory board appointment process, including whether to continue with mayoral recommendations, maintain the current nomination process, implement formal interviews, and determine if interviews should apply to specific boards. He also asked whether Council wished to evaluate the current advisory board structure, noting that a restructuring had occurred approximately one year prior, but could be revisited if desired.

Mayor Gilbert stated that he was generally satisfied with the current process but expressed concern about making changes midstream.

Town Clerk Coleman said that Council had previously discussed conducting interviews for certain appointments and asked whether Council wished to proceed with interviews for Planning Board nominees. He noted that prior direction indicated interviews between the top two candidates, and if Council did not wish to proceed, the item would return to a future agenda for further direction.

Mayor Gilbert asked why it was only those two candidates when there were other candidates.

Town Clerk Coleman said that was the instruction from Council.

Councilmember Mu said the mayor making recommendations was supported but if in the situation that the recommendation is very different from the majority of Council's recommendations or there is a tie between two candidates then possibly there should be an interview process.

Mayor Gilbert said that interviews would require additional time.

Councilmember Zegerman stated that the current process has been effective, but suggested that the process could benefit from additional clarity and standardization. He said interviews may be useful for a statutorily required board.

Mayor Gilbert asked about the mayor's role in engagement during the appointment process.

Town Clerk Coleman said the research shows that when interviews were conducted the Council would establish an ad-hoc interview committee, which would be at the discretion of this Council. He said that if there is a desire for the Planning Board to conduct interviews this can be done but the common practice is an ad-hoc committee to interview the candidates and make recommendations back to the full Council.

Councilmember Gray stated that when the mayor makes recommendations, it reflects prior vetting of candidates, whereas providing names to the mayor places the responsibility of vetting on Council. He indicated that a formal interview process may not be necessary if candidates are sufficiently vetted beforehand.

Mayor Gilbert stated that recommendations made in September 2025 had established a precedent and expressed concern regarding where gaps or missing elements in the process may exist.

Town Manager Vosburg said that from what his understanding of Councilmember Mu said, if it came down to deciding between two candidates instead of having a formal interview process, that Council members could meet with those two candidates being considered individually, and come back to Council with their opinions.

Councilmember Mu said that there should be an ad-hoc committee to conduct the interview or the Council do the interview because these are important roles to fill.

Mayor Pro-Tempore Mahaffey stated that interviews should be conducted in a public setting and suggested that selected candidates be sworn in immediately following appointment to promote transparency.

Mayor Gilbert asked why this was being started at this time.

Mayor Pro-Tempore Mahaffey said that Council tried to come up with a process but that they could not come up with an agreement so it was put off.

Town Clerk Coleman said in terms of the interview piece and because of the recent situation, this needs to be talked about and Council should provide staff with direction for when there is a tie. He asked would the next step be majority vote over rules or does it go to an interview process. He said this is being brought up because it recently came up as a suggestion of going to interviews and that's where it was left, that the two candidates would be interviewed. He said this is also included in the data set to see how other municipalities are handling ties and although it is not a common practice to do interviews, some municipalities do interviews.

Mayor Pro-Tempore Mahaffey noted that tie situations are infrequent, but stated that a consistent approach should be applied across boards if adopted.

Councilmember Reese stated that it was his understanding that the current process provides Council the opportunity to review and weigh in on recommended candidates, with final prioritization determined by Council. He noted that the level of community interest in serving is a positive challenge, as many individuals are willing to contribute their time in these roles. He expressed support for incorporating interviews, particularly for statutory boards, noting that interviews can provide additional insight beyond written applications and help clarify candidate qualifications. He added that candidates who may appear less competitive on paper could demonstrate strong capabilities during interviews, and vice versa. He also stated that establishing a clear process would improve future appointment cycles and emphasized the importance of ensuring qualified candidates are not overlooked, noting that individuals not selected in the current cycle may still have opportunities to serve in future terms as positions become available.

Mayor Gilbert said for the record, when Town Clerk Coleman displayed the numbers, he asked if all submissions were calculated from the December Council meeting.

Town Clerk Coleman said no because there wasn't a submission made at that time. He said that what is being proposed is to keep that the mayor makes the recommendations and Council appoints, having formal interviews for statutorily required boards and only for others if there's a tie nomination and going forward from there.

Mayor Gilbert asked if there was a standardized process and how interviews would work.

Town Clerk Coleman said that will be determined because this will be the first time for this process.

Mayor Pro-Tempore Mahaffey asked whether interviews would apply to all candidates or only in specific circumstances, such as statutorily required boards.

Councilmember Zegerman said that the process is supported but wanted to make sure that Council wasn't overcommitting with too many interviews.

Mayor Pro-Tempore Mahaffey proposed that interviews occur only when a candidate does not receive majority support or when multiple candidates receive similar levels of support.

Councilmember Reese said this would streamline the process and was in support of this approach.

Councilmember Gray also expressed support for this approach, noting that the process would be effective with a shared understanding among Council members.

Mayor Pro-Tempore Mahaffey said that there has to be a universal decision and this approach is necessary in the situation of a tie.

Councilmember Gray said that interviews may also be necessary when there are many candidates.

Councilmember Zegerman confirmed the proposed voting process, stating that Council would vote on each candidate, and in cases where no candidate receives a majority of yes votes or where there is a tie, interviews would be conducted.

Councilmember Mu said yes and that only if there is a tie or high majority between multiple candidates, then there are interviews.

Councilmember Zegerman said that Council casts as many votes as there are candidates for the position.

Mayor Pro-Tempore Mahaffey said the candidates could all be voted on at the same time.

Town Attorney Hohe said yes, but the candidate can't be anonymous.

Town Clerk Coleman stated that ballots would be distributed, collected, and read aloud.

Councilmember Zegerman asked if there needed to be a vote to approve the process.

Town Clerk Coleman said yes.

Mayor Gilbert asked for clarity if he would be involved with the interviews.

Mayor Pro-Tempore Mahaffey said that everyone that would like to participate will have a part of the interview process.

Town Manager Vosburg said that this proposed process introduces an additional step for volunteer applicants and emphasized the importance of balancing thoroughness with maintaining community interest in serving. He expressed hope that Council would work to avoid tie situations when possible, because this is a lot to ask of people.

Mayor Pro-Tempore Mahaffey said it would emphasize the importance of the position and seriously they take it.

Mayor Gilbert said that this is a concern.

Councilmember Mu said the high level of community interest was excellent, and suggested that additional board creations could be beneficial.

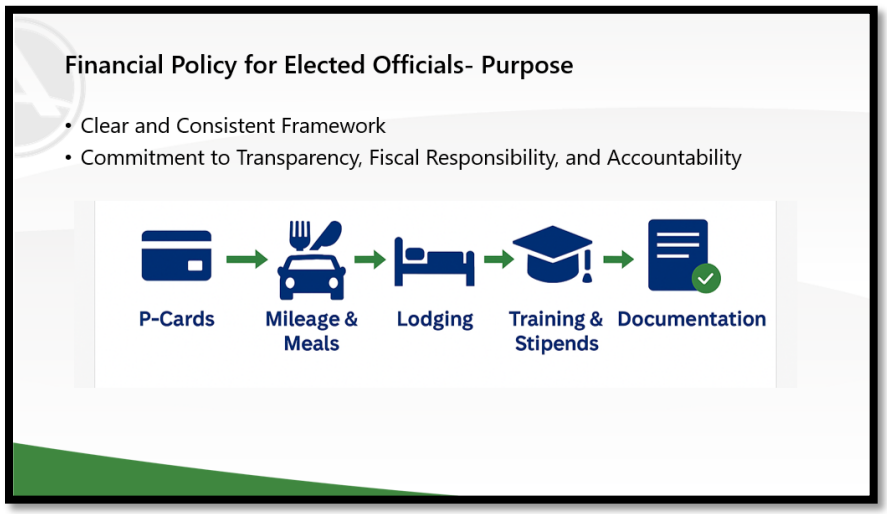
Town Clerk Coleman asked if there was any desire to evaluate the number of advisory boards.

Councilmember Gray said he likes the number of boards that Apex has and being able to give the boards the ability to appoint subcommittees as necessary. He asked if Council would want to expand some boards. He said some boards are already in the process of expanding.

Town Clerk Coleman stated that individuals must be formally appointed in order to serve on a board and stated he would summarize the proposed process for Council consideration.

[SLIDE 28]

[SLIDE 29]



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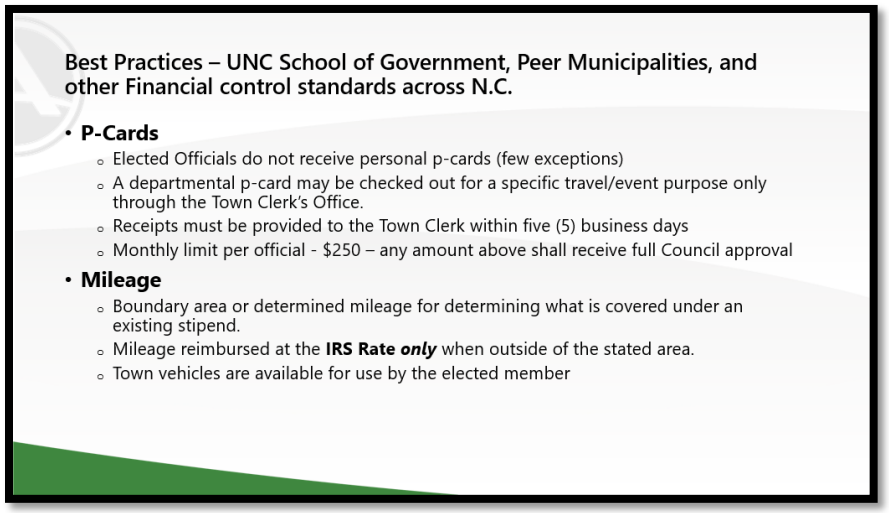

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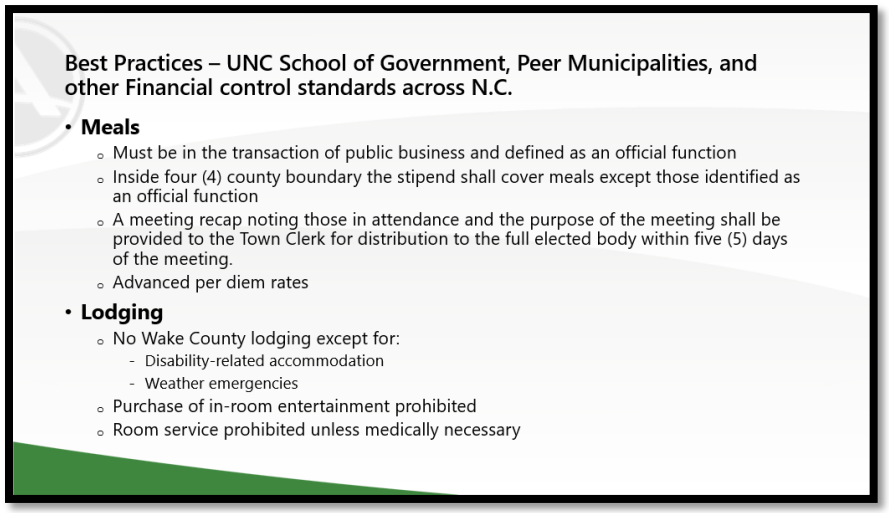

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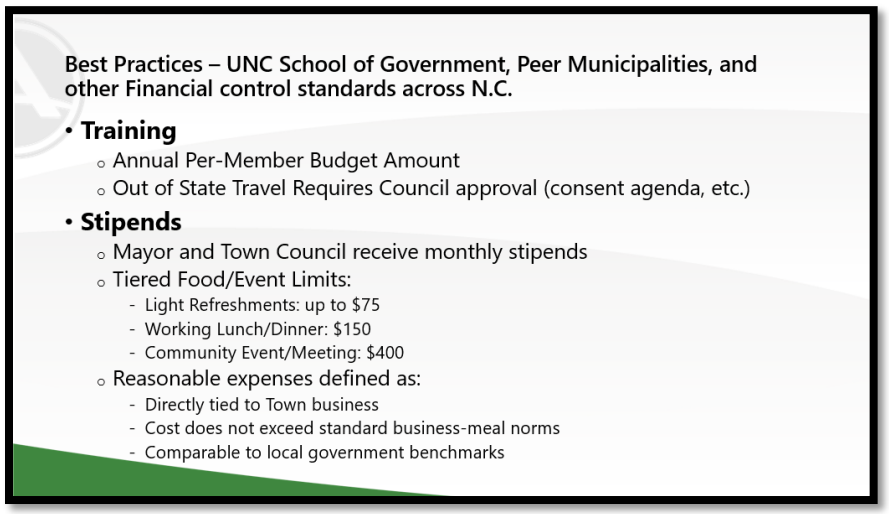

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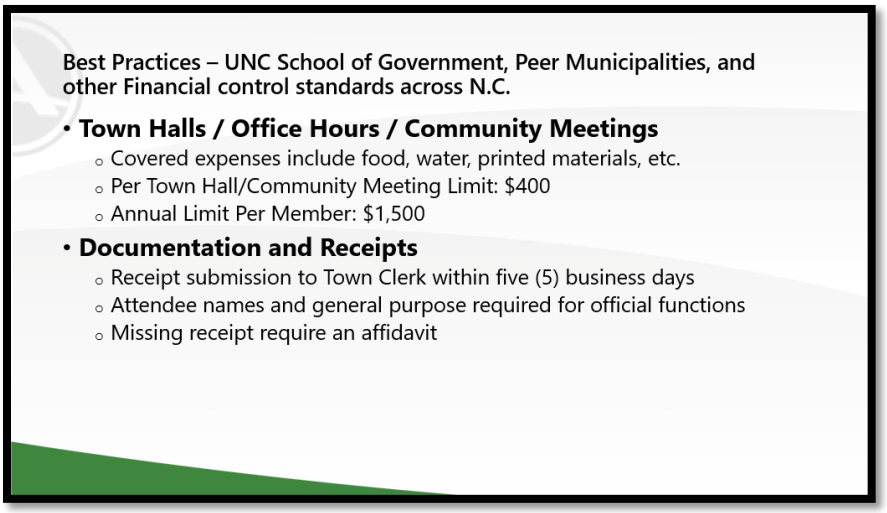


[SLIDE 34]

Town Clerk Coleman asked Council members to scan a QR code and complete questions associated with the financial policy – decisions review. He noted that parking expenses were included in the memo and would be treated similarly to taxi or transportation reimbursements.

Mayor Gilbert stated for the record that when he assumed office in 2019, the Town Clerk at the time informed him that he had been issued a P-Card, which he had not requested, and he wanted that information to be known. He said he did not have a problem giving up his P-Card if that was desired.

Town Clerk Coleman asked the members to scan the QR code, and there will be several items outlined for Council to read.

Councilmember Gray asked whether reimbursement would be ineligible within a defined four-county boundary.

Town Clerk Coleman said that is correct.

Mayor Gilbert asked for clarification regarding community meetings referenced as item No. 6.

Town Clerk Coleman said that if all members of the public or the full elected body are invited to a community meeting, town funds may be used; however, reporting requirements apply, including documentation of invitations, attendance, and meeting purpose. He added that if expenses exceed a certain threshold, prior approval is required.

Councilmember Reese asked who would provide approval.

Town Clerk Coleman said that approval would come from Council.

Councilmember Reese asked whether any cost outside of the established guidelines would require Council approval.

Town Clerk Coleman said that it would and clarified that such requests would be brought to Council in advance.

Councilmember Reese asked what the logistics are for this approval process.

Town Clerk Coleman said that it would need to be submitted to Council prior to incurring expenses.

Councilmember Reese asked to see the slide with the stipend amounts.

Councilmember Zegerman asked whether the stipend being discussed was different from what Council currently receives.

Town Clerk Coleman said that was correct, explaining that the item referred to tiered food and expense limits rather than the stipend itself, and that these limits were intended to be covered within existing stipend allocations. He reviewed the proposed stipend structure and associated terms.

Town Clerk Coleman then summarized survey results intended to inform policy development, noting the following themes:

- **P-card issuance:** Majority did not support issuance; preference was for departmental use or reimbursement only.
- **Travel boundary:** Majority supported a four-county boundary.
- **Travel/training caps:** Supported.
- **Stipend levels:** Majority supported maintaining current levels, with limited support for increases.
- **Covered expenses:** Majority supported meals, local travel, and community meeting supplies.
- **Use of town funds:** Supported for office hours, task force meetings, approved community meetings (when authorized), and promotional materials.

Councilmember Zegerman asked what implications the survey results would have.

Town Clerk Coleman stated that the results would guide development of the policy framework for Council consideration.

Councilmember Zegerman said there are different levels of stipends, particularly for the mayor because he attends more functions than other Council members and recommended looking at the stipend levels to make sure that expenses are covered.

Councilmember Gray said he agreed on different stipend levels.

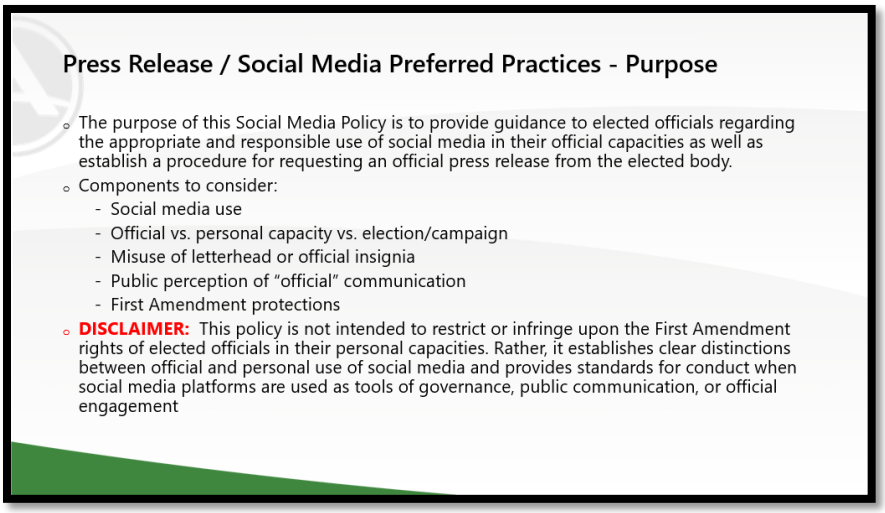
Town Clerk Coleman stated that reviewing actual expense data would be helpful in informing appropriate stipend levels and coverage.

Councilmember Gray said that input from the Mayor should be considered to better align stipend structure with actual responsibilities and noted that uniform stipend amounts for all Council members may not be appropriate.

Councilmember Reese stated that, based on his interpretation of the limits, certain community meeting allowances appeared low and suggested that some thresholds, such as a $400 cap, may warrant reevaluation for quarterly meeting needs.

[SLIDE 35]

[SLIDE 36]



[SLIDE 37]

[SLIDE 38]

[SLIDE 39]

Town Clerk Coleman asked Council members to scan the QR code to review the social media policy preferred practices and provide feedback.

Councilmember Gray suggested that it may be beneficial for elected officials to maintain official social media accounts tied to their position, with those accounts being archived at the conclusion of their term.

Town Clerk Coleman stated that, consistent with best practices for elected officials, official social media pages are typically clearly distinguished as representing the officeholder's role, include a disclaimer indicating they represent only their individual perspective and are subject to public records laws, and are transitioned or archived when a new official assumes the seat.

Councilmember Reese asked for clarification on item no. 11 regarding engagement with Town staff via social media, specifically whether it applied to both official and unofficial interactions.

Town Clerk Coleman explained that the intent was to determine whether Council members would engage with staff through social media platforms, such as tagging staff in posts or comments.

Councilmember Mu sought clarification on item no. 4 regarding whether elected officials may issue individual press statements.

Town Clerk Coleman explained that the item addressed whether Council members should issue statements from an official title or capacity and whether notification to colleagues should be required.

Councilmember Gray asked for clarification on the definition of a personal social media account.

Town Clerk Coleman responded that the intent was to distinguish between personal accounts and those perceived by the public as official accounts.

Mayor Gilbert asked about potential consequences for policy violations.

Town Clerk Coleman stated that any enforcement or consequences would be determined by Council and emphasized that the document was intended as a best practice guide rather than a formal policy, with an expectation of collegial adherence among members.

Councilmember Zegerman expressed concern regarding liability and public perception, noting that official statements made on personal accounts could be interpreted as binding Town positions. He recommended that official communications be centralized through Town-managed channels to ensure clarity between personal opinion and official Town business.

Councilmember Mu noted the confusion regarding items no. 11 and no. 12 related to engaging with Town staff via social media and provided examples related to ongoing Town topics related to the data center.

Town Clerk Coleman clarified that the intent was to determine whether it is appropriate for Council members to engage with staff via social media platforms, including tagging or direct interaction.

Councilmember Mu stated that clarification or verification of information related to Town business should be handled appropriately and suggested this should be addressed within the policy framework.

Town Clerk Coleman said that such inquiries should be directed through official Town communication channels such as email.

Councilmember Mu said that it seems to be referring to comments being made on social media. She said that the question didn't seem clear.

Town Clerk Coleman said this is referring to more direct interaction on social media and not referencing staff.

Mayor Gilbert asked whether this item was intended to create a formal policy.

Town Clerk Coleman said that it was not a policy but rather best practice guidance intended to inform future policy drafting.

Town Attorney Hohe said that the purpose of the discussion was to gather Council input for development of best practice guidelines, which would then undergo legal review. She noted that Council members retain First Amendment protections and cautioned against requirements that could be interpreted as compelled speech, such as mandating disclaimers that distinguish personal versus official viewpoints in a manner that may raise constitutional concerns. She added that directing users to official Town communication channels for authoritative information is generally more appropriate.

Councilmember Mu asked whether Council members should consult staff or legal counsel prior to posting Town-related information.

Town Clerk Coleman said that to Town Attorney Hohe's point, that couldn't really be controlled. He said some enforcement mechanisms could include informal correction, private discussion, or censure depending on Council direction.

Councilmember Mu suggested that guidance include expectations that Town-related information shared by officials be accurate and verified.

Councilmember Zegerman said that First Amendment considerations limit the ability to regulate personal speech in that manner.

Town Clerk Coleman summarized survey feedback on social media practices as follows:

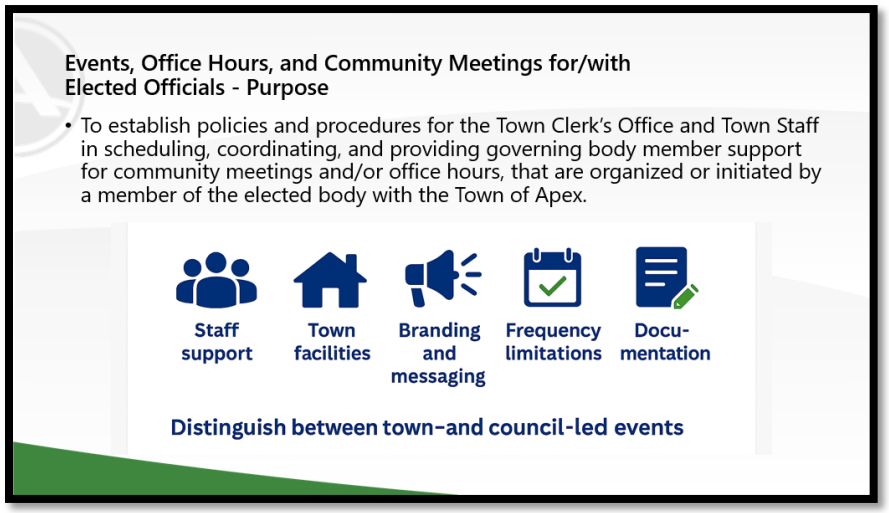
- **Disclaimers:** Unanimous support for including disclaimers on accounts.
- **Comments on official accounts:** Majority support for allowing comments, potentially case-by-case.
- **Professional conduct standards:** Supported.
- **Press releases:** Mixed responses, ranging from unrestricted allowance to requiring disclaimers or prior notification.
- **Media responses:** Mixed, with general support for notifying the full Council.
- **Speaking authority:** Consensus that officials speak for themselves unless authorized otherwise.
- **Emergency statements:** Mixed responses, with varying conditions including disclaimers or restrictions.
- **Archiving:** Supported using automated systems consistent with municipal retention practices.
- **Engagement with staff/constituents:** Preference for use of official channels rather than social media interaction.
- **Use of town logos/seals:** Majority opposed, with limited conditional support.

Councilmember Gray suggested establishing separate official Town-managed social media accounts distinct from individual Council member accounts and campaign-related accounts to ensure clarity and improve transparency and recordkeeping.

Town Clerk Coleman said that archival systems typically require platform-based account access and that Town staff would manage record retention schedules in accordance with established procedures.

[SLIDE 40]

[SLIDE 41]



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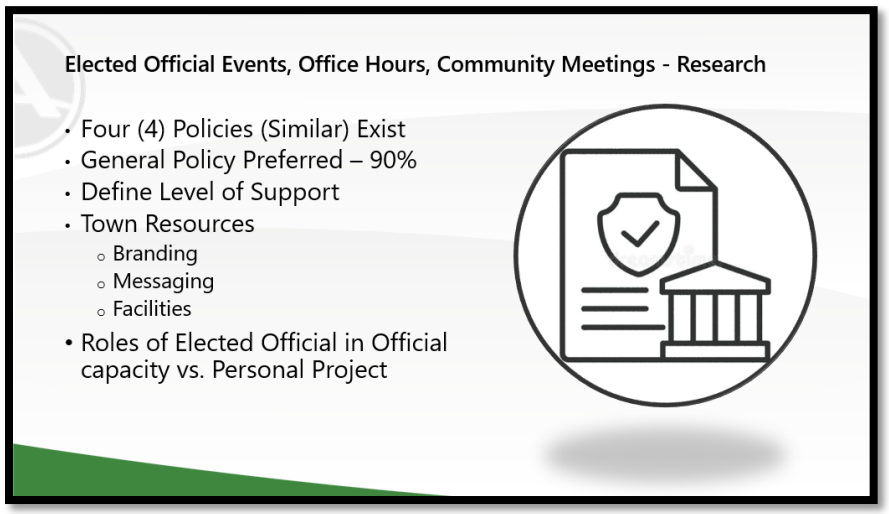


[SLIDE 43]

TownAttorney Hohe reminded Council that, in relation to campaign and election-related activities, public funds may not be used to support or oppose any referendum, candidate, or election outcome. She noted this restriction includes the use of Town resources such as staff time, facilities, and property, and emphasized that employees may not participate in campaign activities while on duty.

Councilmember Reese asked about item no. 5 and whether the Town promotes Town Hall meetings, office hours, and related events.

Mayor Pro-Tempore Mahaffey said yes, when open to the public.

Councilmember Mu asked for clarification on item no. 7 regarding when Council approval would be required.

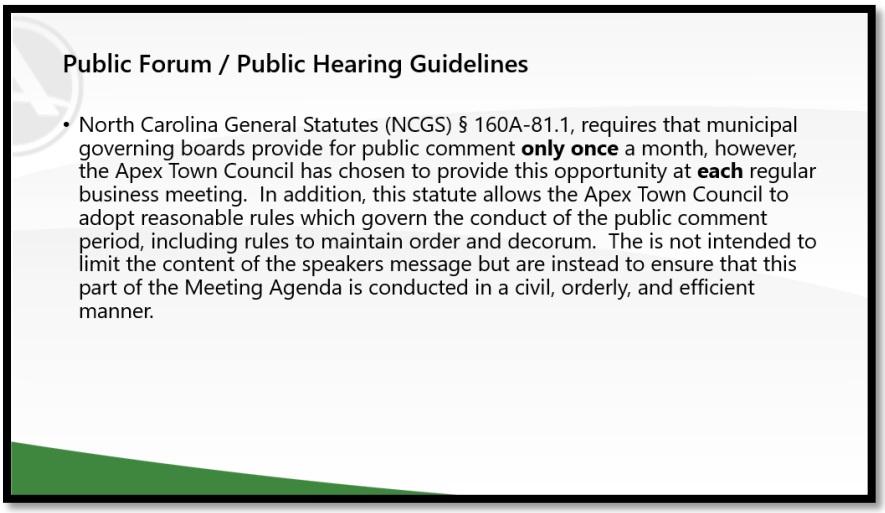
Town Clerk Coleman said that Council approval would be required for certain official engagements, including formal office hours and Commission-related activities, and clarified the distinction between routine coordination and formally sanctioned events. He then summarized survey results related to the topic as follows:

- **Staff support:** Responses were split between logistical-only support and active coordination, with a majority indicating staff involvement should be optional or dependent on the topic.
- **Facility access:** Majority supported priority access for elected officials acting in their official capacity.
- **Town halls/events:** No clear consensus on limits; however, majority supported Town promotion of events, particularly those open to the public.
- **Advertising:** Supported through Town website, social media, and print channels.
- **Council approval:** Majority supported requiring Council approval for certain event-related activities.

- **Financial support:** Majority supported limited funding, generally restricted to existing stipends or minimal event-related costs with prior approval.

[SLIDE 44]

[SLIDE 45]



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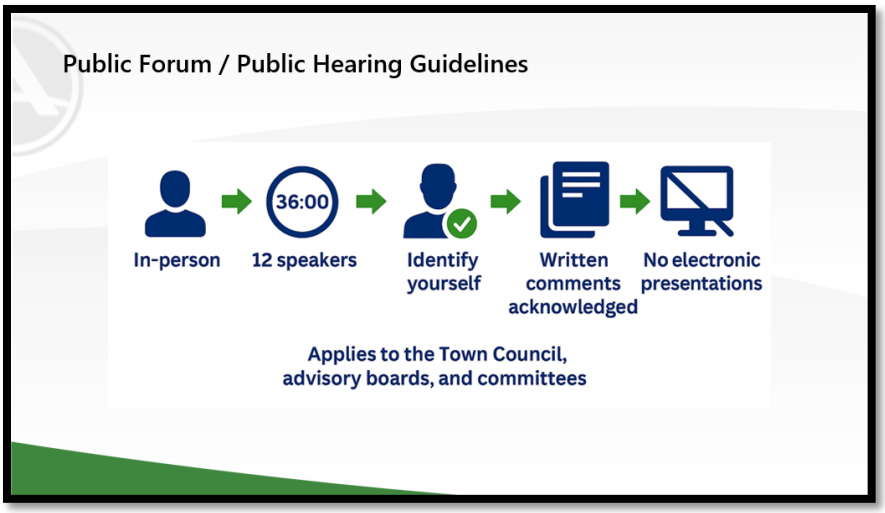


[SLIDE 47]

Town Clerk Coleman reviewed the survey results related to public forum procedures, noting the following:

- **Public forum participation**: Majority supported requiring in-person attendance.
- **Public forum frequency**: Supported holding a public forum at each regular Council meeting (twice monthly).
- **Public forum limits**: Supported maintaining limits of 12 speakers or 36 minutes, whichever occurs first.
- **Public forum time adjustments**: Mixed responses, with some supporting adjustments by majority vote and others preferring to maintain existing time limits.

Mayor Pro-Tempore Mahaffey said that other governing bodies would split the public comment sessions and continue additional speakers at the end of the meeting to accommodate those not heard.

Councilmember Zegerman suggested adjusting speaking time prior to public hearings to ensure equity, including a potential reduction from three minutes to two minutes when needed.

Town Clerk Coleman stated that there has not been consistent application of this approach and noted that adjustments to speaking time are typically made at the beginning of meetings when needed.

Councilmember Zegerman said that sign-up sheets are available prior to meetings and suggested that if the number of speakers exceeds the 36-minute limit, adjustments should be made before the public forum begins to ensure fairness to all participants.

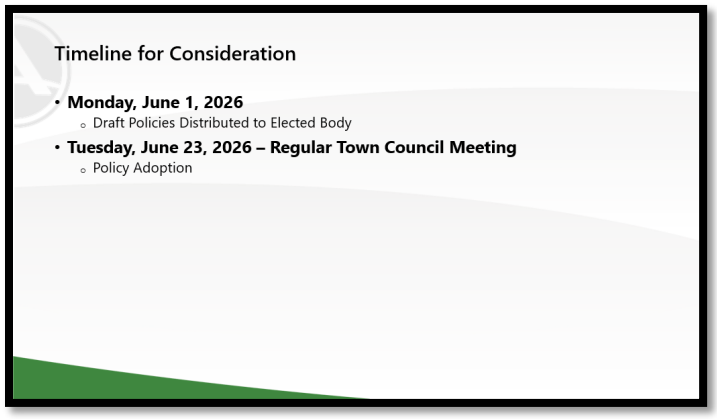
Town Clerk Coleman asked Council if there was consensus on the proposed approach. He added that the goal was to finalize directional feedback for legal review by early May, with a draft policy anticipated for Council consideration in June, and noted that an additional work session could be scheduled if needed to revisit outstanding items.

Mayor Gilbert asked about the interviews for Planning Board.

Town Clerk Coleman said he'll proceed with interviews and said the policies are what is specific.

[SLIDE 48]

[SLIDE 49]



[SLIDE 50]

Town Clerk Coleman said that there is one remaining item which is the name rights and asked if Council wanted to move that to next week's work session that will be held on Thursday.

Councilmember Gray asked for the current policy to be sent out.

Town Clerk Coleman said he would do that.

[ADJOURNMENT]

Mayor Gilbert adjourned the meeting at **5:32 p.m.**

Jacques K. Gilbert
Apex, Mayor

Allen Coleman, CMC
Town Clerk to the Apex Town Council
Submitted for approval by Apex Town Clerk Allen Coleman

Minutes approved on _____ of _____, 2026.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 12, 2026

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Motion to approve the Apex Tax Report dated April 16, 2026.

Approval Recommended?

Yes

Item Details

The Wake County Board of Commissioners, in regular session on May 04, 2026, approved and accepted the enclosed tax report for the Town of Apex, dated April 16, 2026 for the period of March 1, 2026 through March 31, 2026.

Attachments

- CN5-A1: Tax Report for March 2026

WAKE COUNTY
NORTH CAROLINA

Board of Commissioners
P.O. Box 550 • Raleigh, NC 27602

TEL 919 856 6180
FAX 919 856 5699

DON MIAL, CHAIR
SAFIYAH JACKSON, VICE-CHAIR
VICKIE ADAMSON
SUSAN P. EVANS
CHERYL STALLINGS
SHINICA THOMAS
TARA WATERS

May 5, 2026

Mr. Allen Coleman
Town Clerk
Town of Apex
Post Office Box 250
Apex, North Carolina 27502

Dear Mr. Coleman:

The Wake County Board of Commissioners, in regular session on May 4, 2026, approved and accepted the enclosed tax report for the Town of Apex.

The attached adopted actions are submitted for your review; no local board action is required.

Sincerely,

Yvonne Gilyard
Clerk to the Board
Wake County Board of Commissioners

Enclosure(s)

WAKE COUNTY TAX ADMINISTRATION

03/01/2026 - 03/31/2026

Rebate Detail Report

APEX

DATE 04/16/2026 TIME 4:18:36 PM

REBATE NUM	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	YEAR FOR	BILLING TYPE	OWNER
BUSINESS REAL ESTATE ACCOUNTS											
957048	1,330.88	0.00	0.00	0.00	1,330.88	3/13/2026	0000420982	2025	2021	000000	KOBRA LLC
SUBTOTALS FOR BUSINESS REAL ESTATE ACCOUNTS	**1,330.88**	**0.00**	**0.00**	**0.00**	**1,330.88**	**1,330.88**		**1 Properties Rebated**			
INDIVIDUAL PROPERTY ACCOUNTS											
957250	94.11	30.00	0.00	0.00	124.11	3/16/2026	0007063262	2026	2025	000000	STAM, KRISTI COOKE
957039	85.42	30.00	0.00	0.00	115.42	3/13/2026	0007060316	2025	2024	000000	BRIZENDINE, EMMA GRACE
957961	115.00	30.00	0.00	0.00	145.00	3/23/2026	0007069749	2026	2025	000000	MCDONALD, ALLISON MARIE
954950	291.56	30.00	0.00	0.00	321.56	3/5/2026	0007063670	2026	2025	000000	GLASS CLARK, STEPHANIE MARIE
956685	163.62	30.00	0.00	0.00	193.62	3/12/2026	0007075752	2026	2025	000000	ARIES, MAC KENZIE SKYLAR
956341	29.93	30.00	0.00	0.00	59.93	3/9/2026	0007073525	2026	2025	000000	LIOIO, AMY LEE
957251	163.26	30.00	0.00	0.00	193.26	3/16/2026	0007063241	2026	2025	000000	STAM, NATHANIEL EDWARD
957791	57.63	30.00	0.00	0.00	87.63	3/19/2026	0007077937	2026	2025	000000	YOST, BROOKE LYNN ALLMAN
SUBTOTALS FOR INDIVIDUAL PROPERTY ACCOUNTS	**1,000.53**	**240.00**	**0.00**	**0.00**	**1,240.53**	**1,240.53**		**8 Properties Rebated**			
WILDLIFE BOAT ACCOUNTS											
954745	53.24	0.00	5.32	0.00	58.56	3/5/2026	0004224854	2025	2025	000000	NICKEL, JAMES THOMAS JR
958487	473.61	0.00	47.36	0.00	520.97	3/27/2026	0004224897	2025	2025	000000	SCHMIDT, PAUL COREY
SUBTOTALS FOR WILDLIFE BOAT ACCOUNTS	**526.85**	**0.00**	**52.68**	**0.00**	**579.53**	**579.53**		**2 Properties Rebated**			
TOTAL REBATED FORAPEX	**2,858.26**	**240.00**	**52.68**	**0.00**	**3,150.94**	**3,150.94**		**11 Properties Rebated for City**			

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 12, 2026

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Motion to adopt an amendment to the Apex Town Council's Rules of Procedures to incorporate direction previously provided at the April 21, 2026, Town Council Work Session which clarified the Council Committee membership and the Role of the Council Committee Chair position.

Approval Recommended?

Yes

Item Details

During the April 21, 2026, Town Council Work Session, the Council voted to confirm the Mayor's recommended appointments to the various committees and self-nominated to fill the remaining positions. Afterwards, the Council voted to confirm the Council Committee structure for 2026-2027.

In addition, Councilmembers discussed how they view the role of the Chair of Council Committees. Following this discussion, the Town Clerk reached out to various municipalities to seek guidance on how they defined the role of the Chair specifically in municipalities that have Council Committees. Very few municipalities specifically define the role of a Council Committee Chair and Roberts Rules speak vaguely to the position in terms of authority.

Possible language has been prepared to establish a clear definition for the role of the Council Committee Chair. An excerpt of the proposed language is included below for convenience and the full Rules of Procedures document which includes the proposed amendment is included as Attachment (CN7-A1).

Part XI. Appointments and Appointed Bodies

Rule 35. Committees and Boards

(a) Establishment and Appointment. The council may establish temporary and standing committees to help carry on the work of town government. Unless otherwise provided by law or the council, the power of

appointment of vacancies to such bodies lies with the mayor, **subject to confirmation by the Town Council**. The council may prescribe the membership of temporary or non-standing committees at the time of establishment by resolution.

At the time of adoption of these rules, the current council committees consist of the following:

(i) Governance, Fiscal Stewardship, and Internal Support

(ii) Environmental Leadership

(iii) Responsible Development

(iv) Vibrant Community and Economic Vitality

(v) Public Safety

(b) Committee Membership. Council Committees shall consist of two (2) members of the elected body. The Mayor shall be eligible to serve on Council Committees and may serve in the role of the Council Committee Chair. Committee Chairs and Membership shall be equitably distributed among Councilmembers, with assignment preferences informed by councilmember seniority.

(c) Role of the Committee Chair. The Committee Chair shall preside over all committee meetings, facilitate orderly and productive discussions, coordinate with staff on meeting agendas and committee priorities, and communicate committee discussions, recommendations, and recent actions to the full elected body as timely as possible. A committee Chair shall not have the authority to halt, delay, or otherwise stop matters, nor provide immediate direction to staff or outside parties without prior authorization, consensus, or formal action of the full governing body.

Attachments

- CN6-A1: Proposed Amendment to Apex Town Council Rules of Procedure – Council Committees

Rules of Procedure for Apex Town Council

Part I. Applicability

Rule 1. Applicability of Rules

These rules apply to all meetings of the Apex Town Council. For purposes of these rules, a meeting of the council occurs whenever a majority of the council's members gather, whether in person or simultaneously by electronic means, to conduct hearings, deliberate, vote, or otherwise transact public business within the council's real or apparent jurisdiction. The term "majority" as used here and elsewhere in these rules means, unless otherwise specified, a simple majority, that is, more than half.

Part II. Quorum

Rule 2. Quorum

The presence of a quorum is necessary for the council to conduct business. A majority of the council's actual membership excluding the mayor, excluding vacant seats, constitutes a quorum. A member who withdraws from a meeting without being excused by majority vote of the remaining members in attendance is deemed present for quorum purposes.

Part III. Open Meetings

Rule 3. Remote Participation in Council Meetings

Except as permitted by North Carolina General Statute 166A-19.24, no member who is not physically present for a council meeting may participate in the meeting by electronic means except in accordance with a policy adopted by the council. [Although a member who attends a meeting electronically pursuant to such a policy may take part in debate, the member may neither be counted toward a quorum nor vote on any matter before the council.]

Rule 4. Meetings to Be Open to the Public

Except as permitted by Rule 5, all meetings of the council shall be open to the public, and any person may attend its meetings.

Rule 5. Closed Sessions

(a) Motion to Enter Closed Session. The town council may enter a closed session from which the public is excluded only upon a motion duly made and adopted in open session. The motion to enter closed session must cite one or more of the permissible bases for closed session listed in North Carolina General Statute 143-318.11.

(b) Closed Session Participants. Unless the council directs otherwise, the town manager, town attorney, town clerk, or other town staff as required may attend closed sessions of the council. No other person may attend a closed session unless invited by majority vote of the council.

(c) Motion to Return to Open Session. Upon completing its closed session business, the council shall end the closed session by adopting a duly made motion to return to open session.

Rule 6. Meeting Minutes

(a) Minutes Required for All Meetings. The council must keep full and accurate minutes of all of its meetings, including closed sessions. To be "full and accurate," minutes must record all actions taken by the council. They should set out the precise wording of each motion and make it possible to determine the number of votes cast for and against each motion. The minutes need not record discussions of the council, though the council in its discretion may decide to incorporate such details into the minutes.

(b) Record of "Ayes" and "Noes." At the request of any member of the council, the minutes shall list each member by name and record how each member voted on a particular matter.

(c) General Accounts of Closed Sessions. In addition to minutes, the council must keep a general account of each closed session. The general account must be sufficiently detailed to provide a person not in attendance with a reasonable understanding of what transpired. The council may combine the minutes and general account of a closed session into one document, so long as the document contains both a complete record of actions taken and the level of detail required for a general account.

(d) Sealing Closed Session Records. Minutes and general accounts of closed sessions shall be sealed until unsealed by order of the council or, if the council delegates the authority to unseal to one or more staff members, in accordance with guidelines adopted by the council. The sealed minutes and general account of any closed session may be withheld from public inspection so long as public inspection would frustrate the purpose(s) of the closed session.

Rule 7. Broadcasting and Recording Meetings

(a) Right to Broadcast and Record. Any person may photograph, film, tape-record, or otherwise reproduce any part of a council meeting that must take place in open session. Except as provided in paragraph (c) of this rule, any radio or television station may broadcast any such part of a council meeting.

(b) Advance Notice. Any radio or television station that plans to broadcast any portion of a council meeting shall so notify the town clerk no later than twenty-four hours before the meeting. The failure to provide notice is not, by itself, grounds for preventing the broadcast of a council meeting.

(c) Equipment Placement. The Town Clerk may regulate the placement and use of camera or recording equipment in order to prevent undue interference with a council meeting, so long as he or she allows the equipment to be placed where it can carry out its intended function. If the Town Clerk determines in good faith that the equipment and personnel necessary to broadcast, photograph, or record the meeting cannot be accommodated without undue interference to the meeting, and an adequate alternative meeting room is not readily available, the Town Clerk may require the pooling of the equipment and the personnel operating it.

(d) Alternative Meeting Site. If the news media request an alternative meeting site to accommodate news coverage, and the council grants the request, the news media making the request shall pay the costs incurred by the town in securing an alternative meeting site.

Part IV. Organization of the Council

Rule 8. Organizational Meeting; Selection of Mayor Pro Tempore

(a) Scheduling Organizational Meeting. The council must hold an organizational meeting following each general election in which council members are elected. The organizational meeting must be held either (1) on the date and at the time of the council's first regular meeting in December following the election or (2) at an earlier date, if any, set by the incumbent council. The organizational meeting may not be held before municipal election results are officially determined, certified, and published as required by law.

(b) Oath of Office. As the first order of business at the organizational meeting, all newly elected members of the council must take and subscribe the oath of office set out in Article VI, Section 7, of the North Carolina Constitution. Each member's oath must be filed with the town clerk. Although a member who is not present for the organizational meeting may take the oath of office at another time, every member must take, subscribe, and file the oath before he or she begins performing any of the duties of the member's office.

(c) Selection of Mayor Pro Tempore. At the organizational meeting, or if a vacancy occurs, the council shall elect from among its members a mayor pro tempore. The mayor pro tempore shall serve at the council's pleasure.

Part V. Types of Meetings

Rule 9. Regular Meetings

(a) Regular Meeting Schedule. The council shall hold a regular meeting on the second and fourth Tuesday of each month. The meeting shall be held at Town Council Chambers at 73 Hunter Street Apex and begin at 6:00 pm. The council shall adopt a meeting schedule each year consistent with this rule. A copy of the council's current meeting schedule shall be filed with the town clerk and posted on the town's website. Regular meetings of the council shall adjourn no later than 11:00 pm.

(b) Change to Meeting Schedule. Notwithstanding paragraph (a) of this rule, the council may amend its regular meeting schedule to add or delete meetings or to change the date, time, or location of one or more meetings on the schedule. The amended schedule shall be filed with the town clerk at least seven (7) calendar days before the day of the first meeting held pursuant to the revised schedule and posted on the town's website.

Rule 10. Special Meetings

(a) Calling Special Meetings. A special meeting of the council may be called by the mayor, the mayor pro tempore, or any two council members. A special meeting may also be called by vote of the council in open session during a regular meeting or another duly called special meeting.

(b) Notice to the Public. At least forty-eight hours before a special meeting of the council, notice of the date, time, place, and purpose of the meeting shall be (1) posted on the council's principal bulletin board or, if the council has no such board, at the door of the council's usual meeting room and (2) delivered, e-mailed, or mailed to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the town clerk. Furthermore, if

the council has a website maintained by at least one town employee, notice of the special meeting's date, time, place, and purpose shall be posted on the website in advance of the meeting.

(c) Notice to Members.

(1) *Meeting called by the mayor, the mayor pro tempore, or any two council members*. At least forty-eight hours before a special meeting called by the mayor, the mayor pro tempore, or any two council members, written notice of the meeting stating its date, time, and place, as well as the subjects to be considered, shall be delivered to the mayor and each council member or left at his or her usual dwelling place.

(2) *Meeting called by vote of the council in open session*. When a special meeting is called by vote of the council in open session during a regular meeting or another duly called special meeting, the motion or resolution calling the special meeting shall state the meeting's date, time, place, and purpose. [Written notice of the special meeting's date, time, place, and purpose shall be mailed or delivered at least forty-eight hours before the meeting to each council member not present for the meeting at which the special meeting was called, and to the mayor if he or she was not present at that meeting.]

(d) Transacting Other Business. Unless all members are present or any absent member has signed a written waiver of notice, only those items of business specified in the notice to council members may be taken up at a special meeting. [Even when all members are present or any absent member has signed a waiver, the council may take up an item of business not covered by the notice only if the council first determines in good faith that the item must be discussed or acted upon immediately.]

Rule 11. Emergency Meetings

(a) Grounds for Emergency Meeting. Emergency meetings of the town council may be called only to address generally unexpected circumstances demanding the council's immediate attention.

(b) Calling Emergency Meetings. There are two methods by which an emergency meeting of the council may be called.

(1) The mayor, the mayor pro tempore, or any two members of the council may at any time call an emergency council meeting by signing a written notice stating the date, time, and place of the meeting and the subjects to be considered. The notice shall be delivered to the mayor and each council member or left at his or her usual dwelling place at least six hours before the meeting.

(2) An emergency meeting may be held when the mayor and all members of the council are present and consent thereto, or when any absent member has signed a written waiver of notice.

(c) Notice to Media of Emergency Meetings. Notice of an emergency meeting shall be given to each local newspaper, local wire service, local radio station, and local television station that has filed a written request with the town clerk for notice of emergency meetings. To be valid, the request must include the newspaper's, wire service's, or station's telephone number. Notice may be given by telephone, e-mail, or the same method used to notify council members. Notice must be provided immediately after council members have been notified and at the expense of the party notified.

(d) Transaction of Other Business Prohibited. Only business connected with the emergency may be considered at an emergency meeting.

Rule 12. Recessed Meetings

(a) Calling Recessed Meetings. When conducting a properly called regular, special, or emergency meeting, the council may recess the meeting to another date, time, or place by a procedural motion made and adopted, as provided in Rule 27, Motion 3, in open session. The motion must state the time (including the date, if the meeting will resume on a different day) and place at which the meeting will reconvene.

(b) Notice of Recessed Meetings. If the council has a website maintained by one or more town employees, notice of the recessed meeting's date, time, and place must appear on the webpage prior to the meeting. No further notice of a properly called recessed meeting is required.

Part VI. Agenda

Rule 13. Agenda

(a) Draft Agenda.

(1) *Preparation*. The Town Clerk shall prepare a draft agenda in advance of each meeting of the Town Council.

(2) *Requesting placement of items on draft agenda*. For a regular meeting, a request to have an item of business placed on the draft agenda must be received by the Town Clerk at least [two] working days before the date of the meeting. The Town Clerk must place an item on the draft agenda in response to a council member's timely request provided that the item is eligible for adoption considering by limited to any applications of Rule 26, Rule 27, Motions 8, 10 or 11.

(3) *Supplemental information/materials*. If the council is expected to consider a proposed ordinance or ordinance amendment, a copy of the proposed ordinance or amendment shall be attached to the draft agenda. An agenda package shall be prepared that includes, for each item of business listed on the draft agenda, as much background information on the topic as is available and feasible to provide.

(4) *Delivery to council members*. Each council member shall receive a hard or electronic copy of the draft agenda and the agenda package. Except in the case of an emergency meeting, the agenda and agenda package shall be furnished to each member at least twenty-four hours before the meeting.

(5) *Public inspection*. The draft agenda and agenda package shall be available to the public when the documents are ready to be, or have been, circulated.

(b) Adoption of the Agenda.

(1) *Adoption*. As its first order of business at each meeting, the council shall review the draft agenda, make whatever revisions it deems appropriate, and adopt a formal agenda for the meeting.

(2) *Amending the agenda*. Both before and after it adopts the agenda, the council may add or subtract agenda items by majority vote of the members present and voting, except that

the council may not add to the items stated in the notice of a special meeting unless the requirements in Rule 10(d) are satisfied and only business connected with the emergency may be considered at an emergency meeting.

(3) *Designation of items "For Discussion and Possible Referral to Committee."* The council may designate an agenda item "for discussion and possible referral to committee." The designation signifies that the council intends to discuss the item and may, if it so chooses, refer the item to committee for further consideration. No additional action may occur at the initial hearing of the matter.

(c) Consent Agenda. The council may designate part of an agenda for a regular meeting as the *consent agenda*. Items may be placed on the consent agenda by the person(s) charged with preparing the agenda item if the items are judged to be noncontroversial and routine and subject to review and approval by the Town Manager, or their designee, and the Town Clerk. Prior to the council's adoption of the meeting agenda under subparagraph (b)(1) of this rule, the request of any member to have an item moved from the consent agenda to new business must be honored by the council. All items on the consent agenda must be voted on and adopted by a single motion, with the minutes reflecting the motion and vote for each item.

(d) Informal Discussion of Agenda Items. The council may informally discuss an agenda item even when no motion regarding that item is pending.

Rule 14. Order of Business

Items shall be placed on a regular meeting agenda according to the order of business. The usual order of business for each regular meeting shall be as follows:

- Commencement, Invocation, and Pledge of Allegiance
- Announcements and Petitions by the Governing Body
- Adoption of the Meeting Agenda
- Consent Agenda
- Town Council Committee Reports
- Town Manager's Report
- Town Clerk's Report
- Public Art Moment (Quarterly)
- Proclamations/Special Presentations
- Public Forum/General Comments
- Public Hearings
- Regular Meeting Agenda
- Information Items
- Closed Session
- Adjournment

Without objection, the mayor may call agenda items in any order most convenient for the dispatch of business.

Part VII. Role of the Presiding Officer

Rule 15. The Mayor

(a) Presiding Officer. When present, the mayor shall preside at meetings of the council.

(b) Right to Vote. The mayor may vote only when an equal number of affirmative and negative votes have been cast, though in no event may the mayor break a tie on a motion on which he or she has already voted.

(c) Recognition of Members. A member must be recognized by the mayor (or other presiding officer) in order to address the council, but recognition is not necessary for an appeal pursuant to Rule 27, Motion 1.

(d) Powers as Presiding Officer. As presiding officer, the mayor is to enforce these rules and maintain order and decorum during council meetings. To that end, the mayor may

(1) rule on points of parliamentary procedure, to include ruling out of order any motion clearly offered for obstructive or dilatory purposes;
(2) determine whether a member or other speaker has gone beyond reasonable standards of courtesy in his or her remarks and entertain and rule on objections from other members on this ground;
(3) entertain and answer questions of parliamentary procedure; and,
(4) adjourn in an emergency.

(e) Appeals of Procedural Rulings. A member may appeal a decision made or answer given by the mayor under subparagraph (d)(1), (2), or (3) in accordance with Rule 27, Motion 1.

Rule 16. The Mayor Pro Tempore

(a) Presiding in Mayor's Absence. When present, the mayor pro tempore shall preside over council meetings in the mayor's absence with all the powers specified in Rule 17(d).

(b) Delegation of Mayor's Powers/Duties. In the mayor's absence, the council confers on the mayor pro tempore the mayor's powers and duties. Likewise, if the mayor becomes physically or mentally unable to perform the duties of his or her office, the council may by unanimous vote declare the mayor incapacitated and confer any of the mayor's powers and duties on the mayor pro tempore. When the mayor announces that he or she is no longer incapacitated, and a majority of the council concurs, the mayor shall resume the exercise of his or her powers and duties.

(c) Duty to Vote. Even when presiding over a council meeting, the mayor pro tempore has the same duty as other members to vote on all questions unless he or she has been excused from voting on a matter in accordance with Rule 28.

(d) Term Limit. The appointment of Mayor Pro-Tempore shall be for a maximum of a two-year term. No member of the Council shall serve as Mayor Pro-Tempore more than one-term unless all members of the current Council have served as Mayor Pro-Tempore.

Rule 17. Other Presiding Officer

If both the mayor and mayor pro tempore are absent, the council may elect from among its members a temporary presiding officer to chair the meeting. While serving as temporary presiding officer, a member has the powers listed in Rule 15(d). Service as a temporary presiding officer does

not relieve a member of the duty to vote on all questions unless excused from voting pursuant to Rule 24.

Part VIII. Motions and Voting

Rule 18. Action by the Council

Except as otherwise provided in these rules, the council shall act by motion. Any member may make a motion, not including the mayor.

Rule 19. One Motion at a Time

A member may make only one motion at a time.

Rule 20. Withdrawal of Motion

The member who introduces a motion may withdraw the motion unless the motion has been amended or the presiding officer has put the motion to a vote.

Rule 21. Debate

The presiding officer shall state the motion and then open the floor to debate, presiding over the debate according to the principles listed below.

- The maker of the motion is entitled to speak first.
- A member who has not spoken on the issue shall be recognized before a member who has already spoken.
- Members may speak an unlimited number of times subject to motion to end debate.

Rule 22. Adoption by Majority Vote

A motion is adopted if supported by a simple majority of the votes cast, a quorum being present, except when a larger majority is required by these rules or state law.

Rule 23. Changing a Vote

A member may change his or her vote on a motion at any time before the presiding officer announces whether the motion has passed or failed. Once the presiding officer announces the result, a member may not change his or her vote without the unanimous consent of the remaining members present. A member's request for unanimous consent to change a vote is not in order unless made immediately following the presiding officer's announcement of the result.

Rule 24. Duty to Vote

(a) Duty to Vote. Every council member must vote except when excused from voting as provided by this rule.

(b) Grounds for Excusal. A member may be excused from voting on a matter involving the member's own financial interest or official conduct, though not if the proposal in question is one to alter the compensation or allowances paid to council members. Members may also be excused from voting when prohibited from voting under G.S. 14-234 (contract providing direct benefit to

member), G.S. 160D-109(a) (legislative zoning decision likely to have a direct, substantial, and readily identifiable financial impact on member), or G.S. 160D-109(d) (member's participation in quasi-judicial decision would violate affected person's right to an impartial decision maker). Questions about whether a basis for excusal exists should be directed to the town attorney.

(c) Procedure for Excusal.

(1) *At member's request*. Upon being recognized at a duly called meeting of the council, a member who wishes to be excused from voting shall so inform the presiding officer, who must then submit the matter to a vote of the remaining members present. If a majority of the remaining members present vote to excuse the member, the member is excused from voting on the matter.

(2) *On council's initiative*. Even when a member has not asked to be excused from voting on a matter, a majority of the remaining council members present may by motion and vote excuse the member from voting if grounds for doing so exist under paragraph (b).

(d) Consequence of Non-Excused Failure to Vote. Except as specified in paragraph (e), if a member who has not been excused from voting fails to vote on a matter, the member's failure to vote shall be recorded as an affirmative vote, provided

(1) the member is physically present in the council chamber or

(2) the member has physically withdrawn from the meeting without being excused by majority vote of the remaining members present.

(e) Failure to Vote on Certain Zoning Matters. A member's unexcused failure to vote shall not be recorded as an affirmative vote if the motion concerns a proposal to amend, supplement, or repeal a zoning ordinance. Instead, the member's unexcused failure to vote shall be recorded as an abstention.

(f) Mayor's Duty to Vote. The provisions of this rule apply to the mayor when the mayor is permitted to vote to break the tie.

Rule 25. Voting by Written Ballot

(a) Secret Ballots Prohibited. The council may not vote by secret ballot.

(b) Rules for Written Ballots. The council may decide by majority vote or unanimous consent to vote on a motion by written ballot. Each member must sign his or her ballot, and the minutes must record how each member voted by name. The ballots must be made available for public inspection in the town clerk's office immediately following the meeting at which the vote took place and remain there until the minutes of that meeting are approved, at which time the ballots may be destroyed.

Rule 26. Substantive Motions

A "substantive motion," also known as "main motion," refers to the main topic of discussion that directly impacts a decision or policy, as opposed to procedural motions that manage the meeting process. A substantive motion is not in order if made while another motion is pending. Once the council disposes of a substantive motion, it may not take up a motion that presents essentially the same issue at the same meeting, unless it first adopts a motion to reconsider pursuant to Rule 27, Motion 14.

Rule 27. Procedural Motions

(a) Certain Motions Allowed. The council may consider only those procedural motions listed in this rule. Unless otherwise noted, each procedural motion may be debated and amended and requires a majority of votes cast, a quorum being present, for adoption.

(b) Priority of Motions. The procedural motions set out in this paragraph are listed in order of priority. A procedural motion is not in order so long as another procedural motion of higher priority is pending, except that

- any procedural motion other than an appeal under Motion 1 is subject to amendment as provided in Motion 12, and
- a motion to call the question (end debate) may be made with regard to any procedural motion in accordance with Motion 9.

When several procedural motions are pending, voting must begin with the procedural motion highest in priority, provided that a motion to amend or end debate on the highest priority motion must be voted on first.

Motion 1. To Appeal a Ruling of the Presiding Officer. Any member may appeal the presiding officer's ruling on whether a motion is in order or on whether a speaker has violated reasonable standards of courtesy. The presiding officer's response to a question of parliamentary procedure may also be appealed by any member. An appeal is in order immediately after the disputed ruling or parliamentary response and at no other time. The member who moves to appeal need not be recognized by the presiding officer, and if timely made, the motion may not be ruled out of order.

Motion 2. To Adjourn. This motion may be used to close a meeting. It is not in order if the council is in closed session.

Motion 3. To Recess to a Time and Place Certain. This motion may be used to call a recessed meeting as permitted under Rule 12. The motion must state the time (including the date, if the meeting will reconvene on a different day) and place at which the meeting will resume. The motion is not in order if the council is in closed session.

Motion 4. To Take a Brief Recess.

Motion 5. To Follow the Agenda. This motion must be made at the time an item of business that deviates from the agenda is proposed; otherwise, the motion is out of order as to that item.

Motion 6. To Suspend the Rules. To be adopted, a motion to suspend the rules must receive affirmative votes equal to at least two-thirds of the council's actual membership, excluding vacant seats and not counting the mayor if the mayor votes only in case of a tie. The council may not suspend provisions in these rules that are required under state law. (*By way of example and not limitation, the council may not suspend the rules to add a proposed zoning amendment unless it has complied with the statutory public notice and hearing requirements. A Council may not suspend the notice requirements for a special meeting because they are required by state law.*)

Motion 7. To Divide a Complex Motion. Pursuant to Apex Town Code, Section 2-35, this action shall be granted upon request and proper second, except a motion to strike and insert shall be indivisible.

Motion 8. To Defer Consideration. The council may defer its consideration of a substantive motion, and any proposed amendments thereto, to an unspecified time. A motion that has been deferred expires unless the council votes to revive it pursuant to Motion 13 within [365] days of deferral. A new motion having the same effect as a deferred motion may not be introduced until the latter has expired.

Motion 9. To End Debate (Call the Previous Question). To be adopted, this motion must receive votes equal to at least two-thirds of the council's actual membership, excluding vacant seats and not counting the mayor. If adopted, this motion terminates debate on a pending motion, thereby bringing it to an immediate vote. This motion is not in order until every member has had an opportunity to speak once on the pending motion.

Motion 10. To Postpone to a Certain Time. This motion may be employed to delay the council's consideration of a substantive motion, and any proposed amendments thereto, until a designated day, meeting, or hour. During the period of postponement, the council may not take up a new motion raising essentially the same issue without first suspending its rules pursuant to Motion 6.

Motion 11. To Refer an Item to a Committee. The council may vote to refer an item to a committee for study and recommendations. Debate on motion to refer an item to a committee is limited to 5 minutes. While the item is pending before a committee, the council may not take up a new motion raising essentially the same issue without first suspending its rules pursuant to Motion 6. If the committee fails to act on the item within 90 days of the referral date, the council must take up the motion if asked to do so by the member who introduced it.

Motion 12. To Amend.

(a) Germaneness. A motion to amend must concern the same subject matter as the motion it seeks to alter.

(b) Limit on Number of Motions to Amend. When a motion to amend is under consideration, a motion to amend the amendment may be made; however, no more than one motion to amend and one motion to amend the amendment may be pending at the same time.

(c) Amendments to Ordinances. Any amendment to a proposed ordinance must be reduced to writing before the vote on the amendment.

Motion 13. To Revive Consideration. The council may vote to revive consideration of any substantive motion that has been deferred pursuant to Motion 8, provided it does so within [100] days of its vote to defer consideration.

Motion 14. To Reconsider. The council may vote to reconsider its action on a matter, provided the motion to reconsider is made (a) at the same meeting or next regular meeting during which the action to be reconsidered was take and (b) by a member who voted with the prevailing side. For purposes of this motion, "the same meeting" includes any continuation of a meeting through a motion to recess to a certain time and place (Motion 3). The motion is not in order if it interrupts the council's deliberation on a pending matter.

Part IX. Ordinances and Contracts

Rule 28. Introduction of Ordinances

For purposes of these rules, the "date of introduction" for a proposed ordinance is the date on which the council first votes on the proposed ordinance's subject matter.

Rule 29. Adoption, Amendment, and Repeal of Ordinances

(a) Adoption of Ordinances.

(1) *Proposed ordinances to be in writing*. No proposed ordinance shall be adopted unless it has been reduced to writing and distributed to members before a vote on adoption is taken.

(2) *Adoption on date of introduction.* To be approved on the date of introduction, a proposed ordinance or any action having the effect of an ordinance, except an ordinance on which a public hearing must be held pursuant to N.C.G.S. § 160D-601 before an ordinance be adopted, must receive affirmative votes equal to at least two-thirds of the council's actual membership, excluding vacant seats and not counting the mayor, unless the mayor has the right to vote on all questions before the council.

(3) *Adoption after date of introduction*. To be approved after the date of introduction, a proposed ordinance or any action having the effect of an ordinance must receive affirmative votes equal to at least a majority of all council members not excused from voting on the matter. In calculating the number of affirmative votes necessary for approval, the council shall count the mayor if he or she votes on all questions. If the mayor votes only in the case of tie, the mayor's vote counts if there is an equal division.

(b) Amendment and Repeal of Ordinances. The same voting requirements that govern the adoption of proposed ordinances also apply to the amendment or repeal of an ordinance.

Rule 30. Adoption of the Budget Ordinance

(a) Special Rules for the Adoption or Amendment of the Budget Ordinance. Notwithstanding any provision in the town charter, general law, or local act,

(1) the council may adopt or amend the budget ordinance at a regular or special meeting of the council by a simple majority of those members present and voting, a quorum being present;

(2) no action taken with respect to the adoption or amendment of the budget ordinance need be published or is subject to any other procedural requirement governing the adoption of ordinances or resolutions by the council; and

(3) the adoption or amendment of the budget ordinance and the levy of taxes in the budget ordinance are not subject to the provisions of any town charter or local act concerning initiative or referendum.

(b) Notice Requirements for Budget Meetings. During the period beginning with the submission of the budget to the council and ending with the adoption of the budget ordinance, the council may hold any special meetings that may be necessary to complete its work on the budget ordinance. Except for the notice requirements of the open meetings law, which continue to apply, no provision of law concerning the call of special meetings applies during that period so long as

- each member of the board has actual notice of each special meeting called for the purpose of considering the budget and
- no business other than consideration of the budget is taken up.

(c) No Authority for Closed Sessions. This rule shall not be construed to authorize the council to hold closed sessions on any basis other than the grounds set out in Rule 5.

Rule 31. Approval of Contracts and Authorization of Expenditures

(a) Contracts to be in Writing. No contract shall be approved or ratified by the town council unless it has been reduced to writing at the time of the council's vote.

(b) Approval of Contracts. To be approved or ratified, a contract must receive affirmative votes equal to at least a majority of all council members not excused from voting on the contract, including the mayor's vote in the event of a tie.

(c) Authorization of Expenditure of Public Funds. The same vote necessary to approve or ratify a contract is required for the council to authorize the expenditure of public funds, except when the expenditure is authorized pursuant to Rule 34.

Part X. Public Hearings and Comment Periods

Rule 32. Public Hearings

(a) Calling Public Hearings. In addition to holding public hearings required by law, the council may hold any public hearings it deems advisable. The council may schedule hearings or delegate that responsibility to town staff members, as appropriate, except when state law directs the council itself to call the hearing. If the council delegates scheduling authority, it must provide adequate guidance to assist staff members in exercising that authority.

(b) Public Hearing Locations. Public hearings may be held anywhere within the town or within the county where the town is located.

(c) Rules for Public Hearings. The council may adopt reasonable rules for public hearings that, among other things,

- fix the maximum time allotted to each speaker,
- provide for the designation of spokespersons for groups of persons supporting or opposing the same positions,
- provide for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall (so long as arrangements are made, in the case of a hearing subject to the open meetings law, for those excluded from the hall to listen to the hearing), and
- provide for the maintenance of order and decorum in the conduct of the hearing.

(d) Notice of Public Hearings. Any public hearing at which a majority of the council is present shall be considered part of a regular or special meeting. Consequently, the relevant notice and related requirements of the open meetings law, as set out in Rules 9 through 12, apply to such hearings. Some statutes mandate additional notice for particular types of hearings, and such notice must be provided together with notice of the meeting during which the hearing will take place.

(e) Continuing Public Hearings. The council may continue any public hearing without further advertisement to a time and place certain, provided the time (including the date, if the hearing will resume on a different day) and place of the continued hearing are announced in open session.

Except for hearings conducted pursuant to paragraph (g), if a quorum of the council is not present for a properly scheduled public hearing, the hearing must be continued until the council's next regular meeting without further advertisement.

(f) Conduct of Public Hearings. At the time appointed for the hearing, the mayor shall call the hearing to order and proceed to allow public input in accordance with any rules adopted by the council for the hearing. Unless the council extends the hearing, when the time allotted for the hearing expires, or when no one wishes to speak who has not done so, the mayor shall declare the hearing closed, and the council shall resume the regular order of business.

Rule 33. Public Comment Periods

(a) Frequency of Public Comment Periods. The council must provide at least one opportunity for public comment each month at a regular meeting, except that the council need not offer a public comment period during any month in which it does not hold a regular meeting.

(b) Rules for Public Comment Periods. The council may adopt reasonable rules for public comment periods that, among other things,

- fix the maximum time allotted to each speaker,
- provide for the designation of spokespersons for groups supporting or opposing the same positions,
- provide for the selection of delegates from groups supporting or opposing the same positions when the number of persons wishing to attend the public comment period exceeds the capacity of the hall (so long as arrangements are made for those excluded from the hall to listen to the hearing), and
- provide for the maintenance of order and decorum in the conduct of the hearing.

(c) Content-Based Restrictions Generally Prohibited. The council may not restrict speakers based on subject matter, as long as their comments pertain to subjects within the council's real or apparent jurisdiction.

Part XI. Appointments and Appointed Bodies

Rule 35. Committees and Boards

(a) Establishment and Appointment. The council may establish temporary and standing committees to help carry on the work of town government. Unless otherwise provided by law or the council, the power of appointment of vacancies to such bodies lies with the mayor, **subject to confirmation by the Town Council**. The council may prescribe the membership of temporary or non-standing committees at the time of establishment by resolution.

At the time of adoption of these rules, the current council committees consist of the following:

(i) Governance, Fiscal Stewardship, and Internal Support
(ii) Environmental Leadership
(iii) Responsible Development
(iv) Vibrant Community and Economic Vitality
(v) Public Safety

(b) Committee Membership. Council Committees shall consist of two (2) members of the elected body. The Mayor shall be eligible to serve on Council Committees and may serve in the role of the Council Committee Chair. Committee Chairs and Membership shall be equitably distributed among Councilmembers, with assignment preferences informed by councilmember seniority.

(c) Role of the Committee Chair. The Committee Chair shall preside over all committee meetings, facilitate orderly and productive discussions, coordinate with staff on meeting agendas and committee priorities, and communicate committee discussions, recommendations, and recent actions to the full elected body as timely as possible. A committee Chair shall not have the authority to halt, delay, or otherwise stop matters, nor provide immediate direction to staff or outside parties without prior authorization, consensus, or formal action of the full governing body.

(d) Open Meetings Law. The requirements of the open meetings law apply whenever a majority of an appointed body's members gather in person or simultaneously by electronic means to discuss or conduct official business. They do not apply to meetings solely among the town's professional staff.

(e) Procedural Rules. The council may prescribe the procedures by which the town's appointed bodies operate, subject to any statutory provisions applicable to particular bodies. [In the absence of rules adopted by the council, an appointed body may promulgate its own procedural rules, so long as they are in keeping with any relevant statutory provisions and generally accepted principles of parliamentary procedure.]

Part XII. Miscellaneous

Rule 36. Amendment of the Rules

These rules may be amended at any regular meeting or at any properly called special meeting for which amendment of the rules is one of the meeting's stated purposes. Any amendment to these rules must be consistent with the town charter, any relevant statutes, and generally accepted principles of parliamentary procedure. To be adopted, a motion to amend these rules must be approved by a two-thirds of the council's members, excluding vacant seats.

Rule 37. Reference to Robert's Rules of Order Newly Revised

The council shall refer to *Robert's Rules of Order Newly Revised* for guidance when confronted with a procedural issue not covered by these rules or state law. Having consulted *Robert's*, the mayor shall make a ruling on the issue subject to appeal to the council under Rule 27, Motion 1.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 12, 2026

Item Details

Presenter(s): Bruce Venable, Planner III

Department(s): Planning

Requested Motion

Motion to approve the Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the Unified Development Ordinance (UDO) Amendments of April 28, 2026, proposed by staff.

Approval Recommended?

The Planning Department recommends approval.

Item Details

Attachments

- CN7-A1: Statement of Town Council - Unified Development Ordinance (UDO) Amendments April 2026

STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160D-605(a) ADDRESSING ACTION ON THE UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENTS OF APRIL 28, 2026

Pursuant to G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Planning Director for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting), of a public hearing on UDO Amendments before the Town Council on the 28th day of April 2026.

The Apex Town Council held a public hearing on the 28th day of April 2026. Bruce Venable, Planner III, presented the Planning Board's vote to recommend approval by a vote of 8-0 at the public hearing.

All persons who desired to present information relevant to the UDO were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away.

The Town Council on the 28th day of April 2026, by a vote of 5-0 approved the Ordinance for UDO Amendments.

The Apex Town Council finds from information and testimony provided at the public hearing that the approval of the various UDO Amendments of April 28, 2026, are consistent with the *Advance Apex: The 2045 Plan* and reasonable and in the public interest for the following reason(s):

1. The amendments to Secs. 8.2.2.B.1 *General Landscaping Design Standards, Plant Materials, Use of Native or Adaptive Plant Materials* and 12.2 *Definitions, Terms Defined* promotes environmental stewardship, sustainable development practices, and the preservation of natural resources, particularly through the use of native vegetation to support habitat, water conservation, and reduced maintenance impacts. The amendment is reasonable and in the public interest In addition, the amendments establish a clear and uniform standard for landscaping on Town-owned property, reduce long-term operational costs, improve ecological resilience, and adds a definition for native plants to ensure clarity and consistent application of the standard.
2. The amendment to Sec. 4.3.5.D.2 *Use Classifications, Commercial Uses, Office and Research* allows for the limited ability for overnight stays for a particular medical use, providing clarity to applicants and staff and reducing the potential for misinterpretation or inconsistent enforcement.
3. The amendments to Sec. 7.2.1.B *Subdivisions, Design Standards, Streets, Street Rights-of-Way* protects the long-term functionality and maintainability of public rights-of-way, reduces potential environmental impacts such as heat retention and runoff, and establishes a clear standard for new development.
4. The amendment to Sec. 6.2.17.B *Flood Damage Prevention Overlay District, Standards for Streams without Established Base Flood Elevations, Floodways, and/or Non-Encroachment Areas, Provide Flood Data* provides a cost-effective and flexible alternative to site-specific hydraulic studies while maintaining appropriate evaluation of flood risk, thereby streamlining the development review process without compromising public safety.

_____
Jacques K. Gilbert
Mayor

ATTEST:

_____
Allen Coleman, CMC, NCCCC
Town Clerk

_____
Date

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: TOWN MANAGER'S REPORT

Meeting Date: May 12, 2026

Item Details

Presenter(s): Jon Griffin, Director

Department(s): Finance

Requested Motion

Receive as information an update on the Fiscal Year Ended June 30, 2025 Financial Audit.

Approval Recommended?

Yes

Item Details

Cherry Bekaert, the Town of Apex's external auditor, has not completed the audit of of the Town's financial statements and management letter for the fiscal year from July 1, 2024 through June 30, 2025.

During the meeting, the auditors will share all relevant information concerning the expressed audit opinion, concerns, and recommendations concerning the financial statements of the Town for the fiscal year of 2024-2025.

According to North Carolina General Statute § 159-34, each local government and public authority shall have its accounts audited as soon as possible after the close of each fiscal year by a certified public accountant or by an accountant certified by the Commission as qualified to audit local government accounts.

The Town produces its financial statements internally, and all figures, calculations and representations are performed by the Town.

It is the auditor's responsibility to express opinions on these financial statements based on the audit. The Government Auditing Standards require that they plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatements. The audit shall evaluate the performance of a unit of local government with regard to compliance with applicable federal and State agency regulations.

The preparation and auditing of this year's financial statements were delayed by the following factors:

- Turnover in the Finance Director and Assistant Finance Director positions between April 2025 and August 2025 delayed or prevented the audit firm from performing interim (mid-year) procedures.
- From September 2025 to date, the Town received 4 additional external reviews of the Town's financial records, which required staff time and effort to prepare and transmit records and respond to inquiries.
- The Federal Government shutdown in October and November 2025 delayed the release of the OMB Compliance Supplement, the baseline document published annually to guide auditor reviews of compliance with federal funding. Apex reports $17,757,103 in federal/state grant funded expenditures in FY 2025, only slightly less than the last 4 fiscal years combined (FY 2021 through FY 2024 $17,921,632).
- FY 2025 required the implementation of GASB 101 (Compensated Absences) that required the Town Finance department to assess and calculate liabilities on employee leave balances with additional accounting complexity (assumptions on flow, likelihood to be settled in cash). Work to comply with GASB 101 was completed in January 2026.
- The Town prepares its Annual Comprehensive Financial Report internally, a time-intensive process that was lengthened by challenges with accounting data conversion and implementation of the Town's new accounting platform.
- Cherry Bekaert received draft versions of the Town's government-wide and basic financial statements (statements of revenues, expenditures and changes in fund balance and balance sheets), notes to the financial statements and statistical tables for audit on March 20th, 2026.

In prior public presentations of the Local Government Commissions' staff, , the most common reasons for audit delay are:

1. Staffing turnover in Finance office leadership positions (director)
2. CPA firm staffing and availability
3. System implementation and data conversion
4. Complexity of new GASB standards

In this case, the Town has experienced items 1, 3 and 4 simultaneously while working to complete the FY2025 financial report

Attachments

-

DRAFT

Proclamation

Mental Health Awareness Month 2026

from the Office of the Mayor

WHEREAS, Mental Health is essential to overall well-being, resilience, and quality of life of every individual, family, and community; and,

WHEREAS, Millions of Americans experience mental health challenges each year regardless of age, background, or circumstance, and it is important to recognize that recovery, hope, and support are possible through awareness, education, compassion, and access to care; and,

WHEREAS, On April 14, 2026, the Apex Town Council unanimously adopted a resolution forming the Peak Resilience and Wellbeing Task Force to support residents through education, prevention, and early intervention initiatives and related resources; and,

WHEREAS, Mental health professionals, advocates, caregivers, first responders, educators, and community organizations play a vital role in supporting those experiencing mental health conditions and fostering a culture of understanding and inclusion; and,

WHEREAS, The Town of Apex is committed to supporting the health, safety, and well-being of all residents and encouraging open conversations surrounding mental health awareness and emotional wellness.

NOW, THEREFORE, I, Jacques K. Gilbert, Mayor of Apex, North Carolina, do hereby proclaim the month of May 2026 as, "Mental Health Awareness Month", in the Town of Apex, and encourage all residents to support efforts that promote mental wellness, reduce stigma, and foster a caring and connected community for all.

I hereby set my hand and have caused the Seal of the Town of Apex, North Carolina, to be affixed this the 12th day of May, 2026

Jacques K. Gilbert, Mayor

DRAFT

Proclamation

National Police Week and Peace Officer's Memorial Day 2026

from the Office of the Mayor

WHEREAS, National Police Week has been celebrated each May since 1962, along with Peace Officer's Memorial Day each May 15th, to honor the individuals whose service keep our community and country safe; and,

WHEREAS, The Town of Apex is served incredibly well by its excellent force of over 100 sworn Police Officers, whose professionalism, selflessness, and bravery ensure the safety and security of our town; and,

WHEREAS, Apex's Officers do numerous things every day to protect the safety and security of our town, including responding to emergencies, patrolling highways and streets, serving as School Resource Officers, ensuring safety at special events, engaging with the community, securing public meetings, and more; and,

WHEREAS, Serving as a Police Officer is an incredibly dangerous job, and Peace Officer's Memorial Day serves as a reminder for all of us to never forget the sacrifices and risks that officers take every time they put on their uniform; and,

WHEREAS, The Town of Apex extends our immense appreciation to our entire Police force, and promise to never forget the heroes that have fallen in the performance of their duties and their families.

NOW, THEREFORE, I, Jacques K. Gilbert, Mayor of Apex, North Carolina, do hereby proclaim the week of May 10th – May 16th, 2026, "National Police Week", and further proclaim May 15th, 2026, "Peace Officer's Memorial Day", in the Town of Apex, and express my sincere gratitude for the hard work, determination, and dedication shown by the Apex Police Department, the best in the nation.

I hereby set my hand and have caused the Seal of the Town of Apex, North Carolina, to be affixed this the 12th day of May, 2026

Jacques K. Gilbert, Mayor

DRAFT

Proclamation

Public Works Week 2026

from the Office of the Mayor

WHEREAS, The Town of Apex's Public Works Department provides many invaluable services, including solid waste services, facilities and grounds maintenance, fleet vehicle upkeep, streets & signs maintenance, and more; and,

WHEREAS, Apex Public Works employees represent a broad spectrum of skills and abilities, and serve the Town by helping maintain cleanliness and sanitation, safe travel, and the upkeep of Town facilities and vehicles; and,

WHEREAS, Apex Public Works has a broad portfolio of responsibility, including maintenance of 247 miles of town-owned roads and 266 miles of sidewalks, managing solid waste and yard waste services for nearly 25,000 homes, maintaining 342,000 square feet of facilities and grounds, and performing inspections and repairs on over 420 vehicles town vehicles and 250 pieces of equipment; and,

WHEREAS, The National Public Works Week Theme for 2026 is "Rooted in Service, Powered by Community", emphasizing the pivotal role Public Works plays in the functions of our town, and how serving residents is a primary source of motivation; and,

WHEREAS, The Town of Apex is proud of our entire Public Works Department and the phenomenal work they do in keeping Apex beautiful and helping the Town run smoothly.

NOW, THEREFORE, I, Jacques K. Gilbert, Mayor of Apex, North Carolina, do hereby proclaim the week of May 17th – May 23rd, 2026, "Public Works Week", in the Town of Apex, and express my appreciation to our Public Works staff for the immensely positive impact they have on the quality of life in Apex.

I hereby set my hand and have caused the Seal of the Town of Apex, North Carolina, to be affixed this the 12th day of May, 2026

Jacques K. Gilbert, Mayor

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: May 12, 2026

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Conduct a Public Hearing and consider a possible motion on the Question of Annexation - Apex Town Council's intent to annex 14.75 acres, located at 3501 Highway 64 (PIN 0722-04-7650), Annexation No. 829, into the Town Corporate limits.

Approval Recommended?

Yes

Item Details

The annexation petition has been certified and a public hearing notice has been posted.

The annexation is not associated with a rezoning case. This request supports new construction for Triangle Home Services, LLC. The subject parcel is currently zoned Tech/Flex Conditional Zoning (TF-CZ) and is located within the Town's Extraterritorial Jurisdiction (ETJ). The property is contiguous with existing parcels within the Town's corporate limits.

Attachments

- PH1-A1: Annexation Ordinance – Satellite Annexation No. 829 – 3501 US Highway 64 West – 14.75 acres
- PH1-A2: Public Hearing Notice – Satellite Annexation No. 829 – 3501 US Highway 64 West – 14.75 acres
- PH1-A3: Legal Description – Satellite Annexation No. 829 – 3501 US Highway 64 West – 14.75 acres
- PH1-A4: Aerial Map – Satellite Annexation No. 829 – 3501 US Highway 64 West – 14.75 acres
- PH1-A5: Plat Map – Satellite Annexation No. 829 – 3501 US Highway 64 West – 14.75 acres
- PH1-A6: Annexation Petition – Satellite Annexation No. 829 – 3501 US Highway 64 West – 14.75 acres

TOWN OF APEX, NORTH CAROLINA
Municipality No. 333

After recording, please return to: Town Clerk, Town of Apex, P.O. Box 250, Apex, NC 27502

ORDINANCE NO. 2026-_____
SATELLITE ANNEXATION PETITION NO. 829
3501 US Highway 64 West – 14.75 acres

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS
OF THE TOWN OF APEX, NORTH CAROLINA
P.O. Box 250, Apex, North Carolina 27502

WHEREAS, the Apex Town Council has been petitioned under G.S.§160A-58.1, as amended, to annex the area described herein; and

WHEREAS, the Apex Town Council has by Resolution directed the Town Clerk to investigate the sufficiency of said petition; and

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Apex Town Hall at 6:00 p.m. on May 12, 2026, after due notice by posting to the Town of Apex website, http://www.apexnc.org/news/public-notices-legal-ads; and

WHEREAS, the Apex Town Council finds that the area described therein meets the standards of G.S.§160A-58.1(b), to with:

a) The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the Town;

b) No point on the proposed satellite corporate limits is closer to another municipality than to the Town;

c) The area described is so situated that the Town will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;

d) No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation;

WHEREAS, the Apex Town Council further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the Apex Town Council further finds that the petition is otherwise valid, and that the public health, safety and welfare of the Town and the area proposed for annexation will be best served by annexing the area described;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Apex, North Carolina:

Section 1. By virtue of the authority granted by G.S.§160A-58.2, as amended, the non-contiguous territory described in the attached property description and also shown on the below identified survey plat entitled "SATELLITE ANNEXATION MAP FOR TOWN OF APEX" is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on May 12, 2026. The total area to be annexed is identified on the aforementioned plat map as "N/F SHELTON PROPERTY INVESTMENTS, LLC" also known as PIN No. 0722-04-7650. The survey plat printed date is April 02, 2026, and Land Surveyor dated April 02, 2026, and recorded in Book of Maps book number 2026 and page number _____, Wake County Registry.

Section 2. Upon and after the adoption of this ordinance, the territory described herein and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Apex, North Carolina, and shall be entitled to the same privileges and benefits as other parts of the Town of Apex. Said territory shall be subject to municipal taxes according to G.S.§160A-58.10, as amended.

Section 3. The Clerk of the Town of Apex, North Carolina shall cause to be recorded in the Office of the Register of Deeds of Wake County and in the Office of the Secretary of State at Raleigh, North Carolina and in the Office of the Wake County Board of Elections an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this Ordinance.

Adopted this the 12th day of May, 2026.

_____
Jacques K. Gilbert
Mayor

ATTEST:

_____
Allen L. Coleman, CMC
Town Clerk

APPROVED AS TO FORM:

_____

Laurie L. Hohe
Town Attorney

Legal Description

ANNEXED AREA DESCRIPTION

BEGINNING AT AN EXISTING IRON PIPE AT THE SOUTHERN RIGHT OF WAY OF US HWY 64; HAVING STATE PLANE COORDINATES OF N: 725,306.40' E: 2,020,548.52' (NAD83/2011)

THENCE DEPARTING FROM THE RIGHT OF WAY OF US HWY 64 ALONG THE EXISTING APEX TOWN LIMITS S 01°36'36" W A DISTANCE OF 973.81' ;

THENCE CONTINUING ALONG THE EXISTING APEX TOWN LIMITS S 01°57'01" W A DISTANCE OF 417.06' ;

THENCE CONTINUING ALONG THE EXISTING APEX TOWN LIMITS S 88°56'26" E A DISTANCE OF 508.99' ;

THENCE ESTABLISHING THE NEW APEX TOWN LIMITS THE FOLLOWING BEARINGS AND DISTANCES: N 04°55'57" W A DISTANCE OF 403.67' ;

THENCE N 87°00'24" W A DISTANCE OF 0.53' ;

THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 603.41', WITH A RADIUS OF 3902.17', WITH A CHORD BEARING OF N 00°31'56" W , WITH A CHORD LENGTH OF 602.81',;

THENCE N 87°08'00" W A DISTANCE OF 20.14' ;

THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 455.76', WITH A RADIUS OF 3889.00', WITH A CHORD BEARING OF N 07°17'12" E , WITH A CHORD LENGTH OF 455.50',;

THENCE S 82°51'30" W A DISTANCE OF 467.80' ;

WHICH IS THE POINT OF BEGINNING,

HAVING AN AREA OF 642323.6 SQUARE FEET, 14.746 ACRES

****

ORDINANCE NO. 2026-_____
SATELLITE ANNEXATION PETITION NO. 829
3501 US Highway 64 West – 14.75 acres

STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Allen L. Coleman, Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Satellite Annexation Ordinance No. 2026-_____, adopted at a meeting of the Town Council, on the 12th day of May, 2026, the original of which will be on file in the Office of the Town Clerk of Apex, North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of Apex, North Carolina, this the 12th day of May, 2026.

_____
Allen L. Coleman, CMC
Town Clerk

(SEAL)

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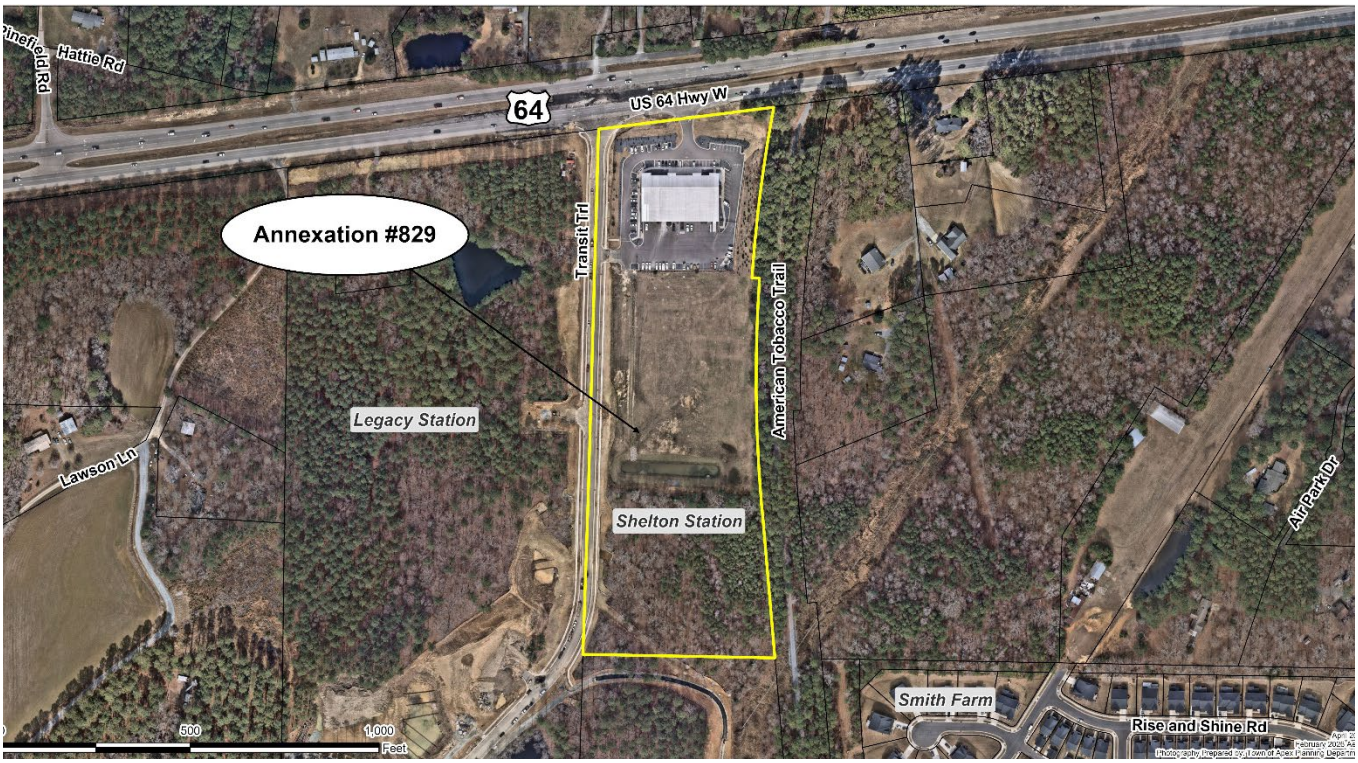
Media Contact:
Allen Coleman, Town Clerk to the Apex Town Council

FOR IMMEDIATE RELEASE

PUBLIC NOTICE – PUBLIC HEARING

APEX, N.C. (April 30, 2026) – The Town Council of Apex, North Carolina has scheduled a Public Hearing to be held at **6:00 p.m.** at Apex Town Hall, 73 Hunter Street, on the **12th day of May, 2026**, on the question of annexation of the following property requested by petition filed pursuant to G.S. 160A-31:

Annexation Petition No. 829
3501 US Highway 64 West – 14.75 acres



Continued on next page

PUBLIC NOTICE – PUBLIC HEARING

Residents may submit written comments to the Town Council with attention marked to the Town Clerk Allen Coleman; P.O. Box 250; Apex, NC 27502 or by email at public public.hearing@apexnc.org. Please use subject line "Annexation Petition No. 829" and include your first and last name, your address, and your phone number in your written statements. Written comments will be accepted until 3:00 PM on Tuesday, May 12, 2026.

Members of the public can access and view the meeting on the Town's YouTube Channel https://www.youtube.com/c/TownofApexGov or attend in-person.

Anyone needing special accommodations to attend this meeting and/or if this information is needed in an alternative format, please contact the Town Clerk's Office. The Town Clerk is located at 73 Hunter Street in Apex Town Hall on the 2nd Floor, (email) allen.coleman@apexnc.org or (phone) 919-249-1260. We request at least 48 hours' notice prior to the meeting to make the appropriate arrangements.

Questions should be directed to the Town Clerk's Office.

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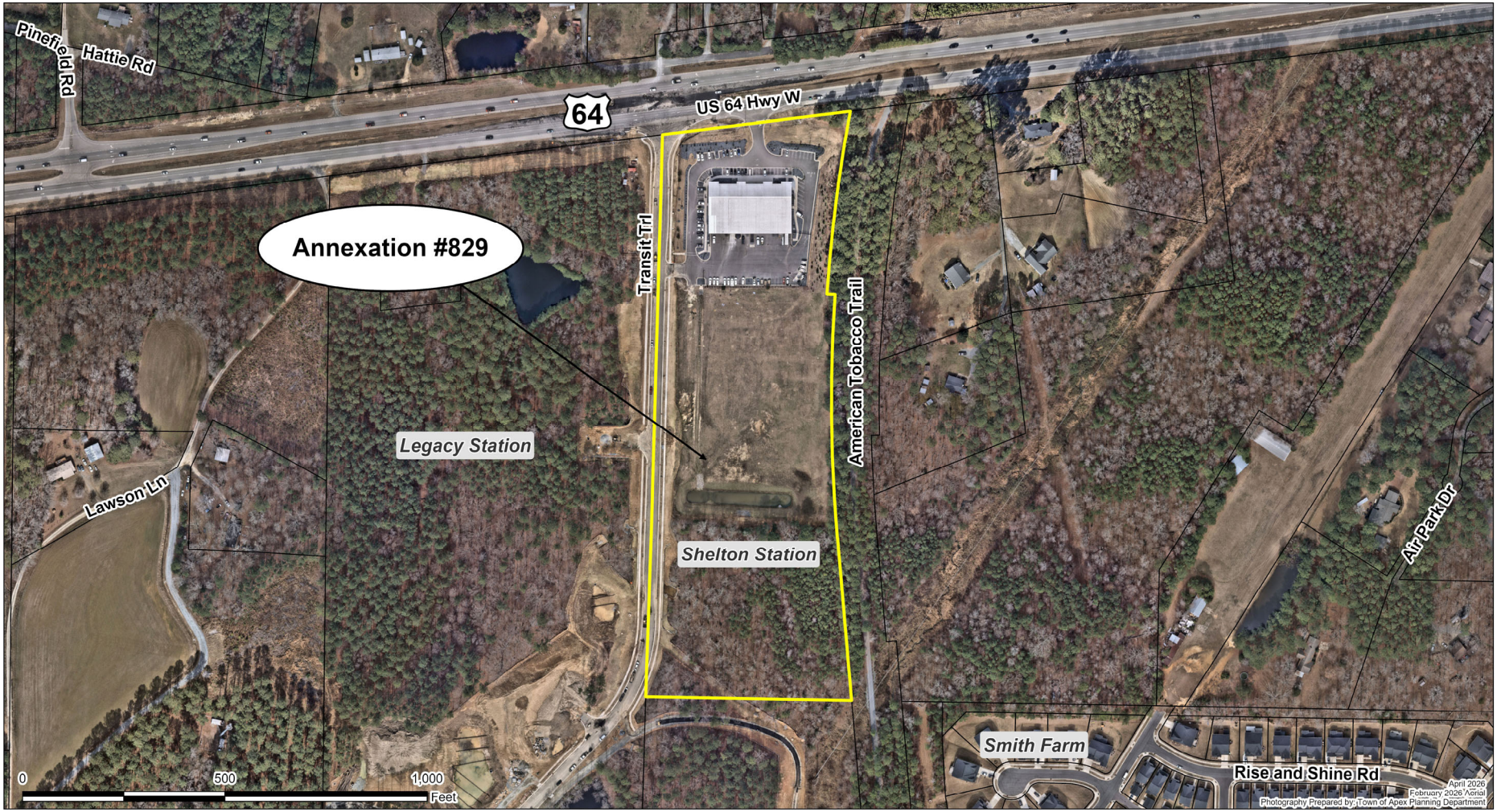
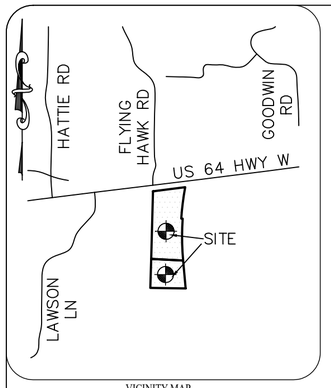

Pinefield Rd
Hattie Rd
64
US 64 Hwy W
Annexation #829
Transit Trl
American Tobacco Trail
Legacy Station
Lawson Ln
Shelton Station
Air Park Dr
Smith Farm
Rise and Shine Rd
0
500
1,000
Feet
April 2026
February 2026 Aerial
Photography Prepared by: Town of Apex Planning Department



VICINITY MAP
(NOT TO SCALE)

LEGEND

⊗	EXISTING IRON PIPE
△	CALCULATED/SET POINT
———	BOUNDARY LINE
— — — — — —	ADJOINER LINE
— — ——— — —	ADJOINER LINE
N/F	NOW OR FORMERLY
AG	ABOVE GROUND
BG	BELOW GROUND
R/W	RIGHT OF WAY
E.T.L.	EXISTING TOWN LIMITS
N.T.L.	NEW TOWN LIMITS

NC GRID (NAD83/2011)

NOTE 'A'
THIS PROPERTY IS LOCATED IN ZONE 'X' (MINIMAL FLOOD RISK) FEMA DESIGNATED FLOOD HAZARD AREA
FIRM # 3720072200K
PANEL # 0722
EFFECTIVE DATE: 07/19/2022

NOTE 'B'
ALL DISTANCES ARE HORIZONTAL GROUND UNLESS OTHERWISE STATED

NOTE 'C'
ALL AREAS COMPUTED BY COORDINATE METHOD

NOTE 'D'
THE PARCEL(S) SHOWN HEREON ARE SUBJECT TO ANY AND ALL EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS AS SHOWN IN BM2024 PG1299 AND PREVIOUS RECORDS

NOTE 'E'
UNDERGROUND UTILITIES WERE NOT CONSIDERED ON THIS SURVEY

NOTE 'F'
AVIATION NOTICE PER THE ZONING CONDITIONS: "AVIATION NOTICE: DECK AIR PARK, AN ACTIVE, GENERAL AVIATION AIRPORT OPEN TO THE PUBLIC, IS LOCATED WITHIN CLOSE PROXIMITY TO THE PROPOSED DEVELOPMENT. THE FLIGHT PATH OF AIRCRAFT LANDING, TAKING OFF, AND FLYING NEARBY PASS DIRECTLY OVER THIS DEVELOPMENT. THE PROPERTY IDENTIFIED ON THIS PLAT MAY BE SUBJECT TO THE IMPACTS OF THE AVIATION USES BEING CONDUCTED TO, FROM, AT AND NEARBY DECK AIR PARK FOR SO LONG AS THAT AIRPORT MAY CONTINUE TO BE USED."

LINE	BEARING	DISTANCE
L1	N 87°08'00" W	20.14'
L2	N 87°00'24" W	0.53'

CURVE	RADIUS	ARC	CHORD	CHORD BRG	DELTA
C1	3902.17'	603.41'	602.81'	S 00°31'56" E	8°51'36"
C2 TOTAL	3889.00'	455.76'	455.50'	S 07°17'12" W	6°42'52"
C3	37.00'	17.73'	17.56'	S 15°20'25" W	27°27'38"

ANNEXED AREA DESCRIPTION

BEGINNING AT AN EXISTING IRON PIPE AT THE SOUTHERN RIGHT OF WAY OF US HWY 64; HAVING STATE PLANE COORDINATES OF N: 725,306.40' E: 2,020,548.52' (NAD83/2011)
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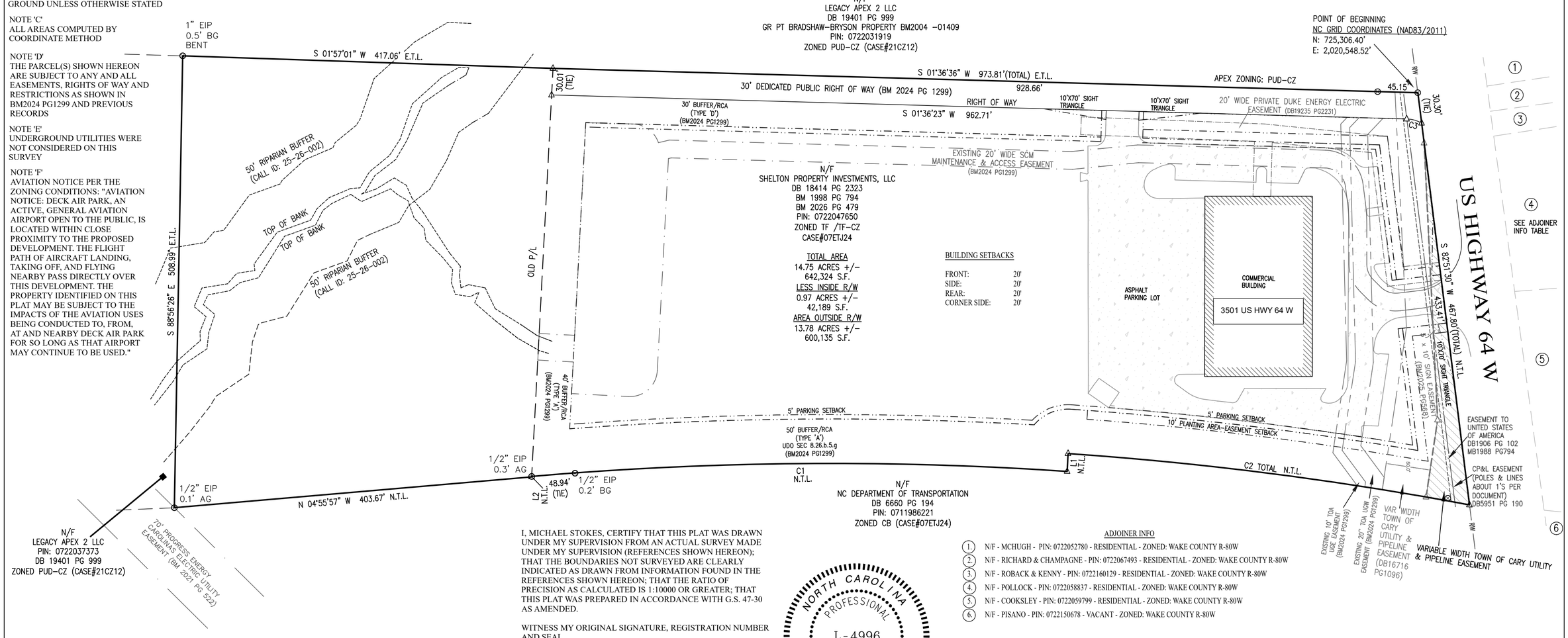
ANNEXATION # _____

I, ALLEN COLEMAN, CMC, NCCCC, TOWN CLERK, APEX, NORTH CAROLINA CERTIFY THIS A TRUE AND EXACT MAP OF ANNEXATION ADOPTED THE _____ DAY OF _____, 20__, BY THE TOWN COUNCIL. I SET MY HAND AND SEAL OF THE TOWN OF APEX, _____.
DAY/MONTH/YEAR

_____
ALLEN COLEMAN, CMC, NCCCC, TOWN CLERK



ADJOINER INFO

1. N/F - MCHUGH - PIN: 0722052780 - RESIDENTIAL - ZONED: WAKE COUNTY R-80W
2. N/F - RICHARD & CHAMPAGNE - PIN: 0722067493 - RESIDENTIAL - ZONED: WAKE COUNTY R-80W
3. N/F - ROBACK & KENNY - PIN: 0722160129 - RESIDENTIAL - ZONED: WAKE COUNTY R-80W
4. N/F - POLLOCK - PIN: 0722058837 - RESIDENTIAL - ZONED: WAKE COUNTY R-80W
5. N/F - COOKSLEY - PIN: 0722059799 - RESIDENTIAL - ZONED: WAKE COUNTY R-80W
6. N/F - PISANO - PIN: 0722150678 - VACANT - ZONED: WAKE COUNTY R-80W

SITE INFORMATION

PIN#: 0722-04-7650

REID:	0075089
SITE ADDRESS:	3501 US-64, APEX, NC 27523
OWNER:	SHELTON PROPERTY INVESTMENTS, LLC
OWNER ADDRESS:	2701 WEAVER HILL DR. APEX NC 27502-6548
APEX PLANNING ZONED:	TF
CASE#:	07ETJ24
APEX PLANNING ZONED:	TF-CZ
CASE#:	23CZ02
WATERSHED:	JORDAN LAKE (NON CRITICAL AREA)

I, MICHAEL STOKES, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (REFERENCES SHOWN HEREON); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN THE REFERENCES SHOWN HEREON; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10000 OR GREATER; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL
THIS 2ND DAY OF APRIL, A.D. 2026

SIGNATURE _____
MICHAEL S. STOKES L-4996

NORTH CAROLINA PROFESSIONAL L-4996 LAND SURVEYOR MICHAEL S. STOKES

80 0 40 80 160 320
SCALE 1" = 80'

I, MICHAEL S. STOKES CERTIFY:

THAT THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

REFERENCES

DB 18258 PG 2648
DB 18414 PG 2323
DB 19235 PG 2231
BM 1988 PG 794
BM 2024 PG 1299
BM 2025 PG 568
BM 2026 PG 455

OTHER REFERENCES SHOWN HEREON

STOKES
SURVEYING & MAPPING, PLLC
Firm License # P-1139
1425-105 B Rock Quarry Rd.
Raleigh, NC 27610
(919)-971-7897
www.stokes-surveying.com

SATELLITE ANNEXATION MAP for the TOWN OF APEX of:

3501 US 64 HWY W

PREPARED FOR: GARY McCABE

SHEET 1 OF 1		
SCALE: 1" = 80'		
REVISION:		
DRAWN BY: JH	COUNTY: WAKE	STATE: NORTH CAROLINA
CHECKED BY: MSS	TOWNSHIP: WHITE OAK	PIN: 0722047650
FIELD BY: AS RH	ZONED: TF TF/CZ	PIN: 0722047141
CADD FILE: 25002		DATE: 4-2-2026

PETITION FOR VOLUNTARY ANNEXATION

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Application #: 829 Submittal Date: 4-1-2026

Fee Paid $ 300.00 Check # 1255

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

1. We, the undersigned owners of real property, respectfully request that the area described in Part 4 below be annexed to the Town of Apex, ☒ Wake County, ☐ Chatham County, North Carolina.
2. The area to be annexed is ☒ contiguous, ☐ non-contiguous (satellite) to the Town of Apex, North Carolina and the boundaries are as contained in the metes and bounds description attached hereto.
3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads, and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.

OWNER INFORMATION

Shelton Property Investments, LLC. — Owner Name (Please Print)

0722-04-4650 — Property PIN or Deed Book & Page #

(919) 210-1889 — Phone

donnie.r.shelton@gmail.com — E-mail Address

Owner Name (Please Print) — Property PIN or Deed Book & Page #

Phone — E-mail Address

Owner Name (Please Print) — Property PIN or Deed Book & Page #

Phone — E-mail Address

SURVEYOR INFORMATION

Surveyor: Stokes Surveying & Mapping, PLLC

Phone: (919) 977-7825 Fax:

E-mail Address: mike@stokes-surveying.com

ANNEXATION SUMMARY CHART

Property Information

Total Acreage to be annexed:	14.75
Population of acreage to be annexed:	0
Existing # of housing units:	N/A
Proposed # of housing units:	N/A
Zoning District*:	TF & TF/CZ

Reason(s) for annexation (select all that apply)

Need water service due to well failure	☐
Need sewer service due to septic system failure	☐
Water service (new construction)	☑
Sewer service (new construction)	☑
Receive Town Services	☐

*If the property to be annexed is not within the Town of Apex's Extraterritorial Jurisdiction, the applicant must also submit a rezoning application with the petition for voluntary annexation to establish an Apex zoning designation. Please contact the Planning Department with questions.

PETITION FOR VOLUNTARY ANNEXATION

Application #: 829 Submittal Date: 4-1-2026

COMPLETE IF SIGNED BY INDIVIDUALS:

All individual owners must sign. (If additional signatures are necessary, please attach an additional sheet.)

_____ _____
Please Print Signature

_____ _____
Please Print Signature

_____ _____
Please Print Signature

_____ _____
Please Print Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, _____, a Notary Public for the above State and County, this the _____day of, _____, 20____.

_____
Notary Public

SEAL

My Commission Expires: _____

COMPLETE IF A CORPORATION:

In witness whereof, said corporation has caused this instrument to be executed by its President and attested by its Secretary by order of its Board of Directors, this the _____ day of _____, 20_____.

Corporate Name _____

SEAL

By: _____
President (Signature)

Attest:

_____
Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, _____, a Notary Public for the above State and County, this the _____day of _____, 20____.

_____
Notary Public

SEAL

My Commission Expires: _____

PETITION FOR VOLUNTARY ANNEXATION

Application #: 829 Submittal Date: 4-1-2026

COMPLETE IF IN A LIMITED LIABILITY COMPANY

In witness whereof, Shelton Property Investments a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the 1 day of April, 2026.

Name of Limited Liability Company Shelton Property Investments, LLC

By: _____
Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Deanna Renee Moffitt, a Notary Public for the above State and County, this the 1 day of April, 2026.

Deanna Renee Moffitt
Notary Public

SEAL

DEANNA RENEE MOFFITT NOTARY PUBLIC WAKE COUNTY, NC

My Commission Expires: 05/18/2030

COMPLETE IF IN A PARTNERSHIP

In witness whereof, _____, a partnership, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the _____ day of _____, 20_____.

Name of Partnership _____

By: _____
Signature of General Partner

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, _____, a Notary Public for the above State and County, this the _____day of _____, 20____.

_____
Notary Public

SEAL

My Commission Expires: _____

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: May 12, 2026

Item Details

Presenter(s): Councilmember Edward Gray

Department(s): Governing Body

Requested Motion

Public Hearing to receive resident input regarding the formulation of the Fiscal Year 2026-2027 Annual Operating Budget. No staff presentation will be provided and no official action is expected by the Town Council.

Approval Recommended?

Yes

Item Details

During the Regular Town Council meeting on Tuesday, February 24, 2026, Councilmember Gray petitioned his elected colleagues to provide additional opportunities for residents to speak on the formulation of the Annual Operating Budget for the upcoming fiscal year. The elected body did not object to this concept and direction was provided to schedule a "Budget Public Hearing" once a month until the budget was adopted. Below is the schedule for Budget public hearings:

Opportunity No.	Date	Time	Location
1	Tuesday, February 10, 2026	6:00 p.m.	Apex Town Hall | Council Chambers 73 Hunter Street | Apex, NC
2	Tuesday, March 10, 2026	6:00 p.m.	Apex Town Hall | Council Chambers 73 Hunter Street | Apex, NC
3	Tuesday, April 14, 2026	6:00 p.m.	Apex Town Hall | Council Chambers 73 Hunter Street | Apex, NC
4	Tuesday, May 12, 2026	6:00 p.m.	Apex Town Hall | Council Chambers 73 Hunter Street | Apex, NC

5	Tuesday, May 26, 2026	6:00 p.m.	Apex Town Hall | Council Chambers 73 Hunter Street | Apex, NC

Written comments are accepted throughout the budget process by emailing annual.budget@apexnc.org or mailing your comments by the United States Postal Service (USPS) using the following addres:

Apex Town Clerk
Post Office Box 250
Apex, NC 27502

All comments should include your first and last name, physical address, phone number, email address, and state that the comments are directly related to the Town of Apex Fiscal Year 2026-2027 Annual Operating Budget.

Attachments

- N/A

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: REGULAR MEETING AGENDA

Meeting Date: May 12, 2026

Item Details

Presenter(s): Joshua Killian, Planner II

Department(s): Planning

Requested Motion

This item was continued from the March 24th Town Council Meeting. The Public Hearing was closed.

Possible motion concerning Rezoning Case No. 25CZ19 Camp Branch Lane. The applicant, Lennar Carolinas, LLC, seeks to rezone approximately 22.19 acres from Rural Residential (RR) to Medium Density-Conditional Zoning (MD-CZ) at 0 & 7104 Camp Branch Lane.

Approval Recommended?

The Planning Department recommends approval.

The Planning Board held a Public Hearing on March 9, 2026 and unanimously voted to recommend approval of the rezoning.

Item Details

The properties to be rezoned are identified as PINs 0731142050 & 0731140691.

Attachments

- RA1-A1: Staff Report - Rezoning Case No. 25CZ19 - Camp Branch Lane
- RA1-A2: Planning Board Report to Town Council - Rezoning Case No. 25CZ19 - Camp Branch Lane

The Public Hearing was closed at the March 24, 2026, Town Council meeting and the vote continued to the May 12, 2026, Town Council meeting.

Changes from the original staff report are in BOLD text.

All property owners, tenants, and neighborhood associations within 500 feet of this rezoning have been notified per UDO Sec. 2.2.11 *Public Notification*.

BACKGROUND INFORMATION:

Location: 0 & 7104 Camp Branch Lane
Applicant: Chris Bowley, Lennar Carolinas, LLC

PROJECT DESCRIPTION:

Acreage: ± 22.19 acres
PIN: 0731142050 & 0731140691
Current Zoning: Rural Residential (RR)
Proposed Zoning: Medium Density Residential-Conditional Zoning (MD-CZ)
2045 Land Use Map: Medium Density Residential
Town Limits: ETJ

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Medium Density-Conditional Use (MD-CU #03CU04) Rural Residential (RR)	Vacant
South:	Rural Residential (RR)	Single-family residential
East:	Rural Residential (RR)	Single-family residential
West:	Rural Residential (RR)	Holland Rd; Single-family residential

Existing Conditions:
The properties to be rezoned are fully wooded with mature trees and a stream that courses North-South through the site. A second branch of the stream follows the northern parcel boundary of the rezoning. One single-family home and associated accessory buildings are located within the rezoning area.

Neighborhood Meeting:
The applicant conducted two neighborhood meetings on October 29, 2025 and February 16, 2026. Both neighborhood meeting reports are attached.

2045 Land Use Map:
The 2045 Land Use Map classifies the subject properties as Medium Density Residential. The proposed rezoning to Medium Density Residential-Conditional Zoning (MD-CZ) is consistent with that land use classification.

WCPSS Coordination:
A Letter of Impact from Wake County Public School System (WCPSS) was received for this rezoning and is included in the staff report packet. WCPSS indicated that schools at the middle grade levels within the current

assignment area for the proposed rezoning are anticipated to have insufficient capacity for future students. School expansion, construction, or reassignment withing the next five years may address concerns at these grade levels.

PROPOSED ZONING CONDITIONS:

Limitation of Uses:
The Rezoned Lands may be used for, and only for, the uses listed immediately below. The permitted uses are subject to the limitations and regulations stated in the UDO and any additional limitations or regulations stated below. For convenience, some relevant sections of the UDO may be referenced; such references do not imply that other sections of the UDO do not apply.

Permitted Uses:

1. Single-family
2. Accessory apartment
3. Utility, minor
4. Wireless support structure
5. Greenway
6. Park, active
7. Park, passive
8. Recreation facility, private

Zoning Conditions

1. **There shall be a maximum of fifty-eight (58) residential units on the property.**
2. Minimum lot width shall be forty (40) feet.
3. The minimum side setbacks shall be five (5) feet and the minimum combined side setback shall be ten (10) feet.
4. The minimum front setback shall be twenty (20) feet.
5. There shall be a 20-foot Type B buffer and privacy fence along the shared property line with PIN 0731149410 (the "Donnelly Property"). The privacy fence shall have a minimum height of six (6) feet and be located along the west side of the buffer.
6. There shall be a privacy fence with a minimum height of six (6) feet where residential lots are adjacent to the buffer along PIN 0731038661. The privacy fence shall be located along the north side of the buffer.
7. The public right of way for the stub street to the Donnelly Property shall extend to the shared property line with the Donnelly Property (the "Property Line"), but the paved street and curb and gutter shall terminate approximately 25 feet west of the Property Line. Developer shall pay a fee-in-lieu for the future extension of the stub street in accordance with the UDO.
8. The development shall construct a stub street to PIN 0731038661 in a location determined by developer and coordinated with Town staff during Master Subdivision Plan and Construction Document review.
9. **The Developer shall construct a stub street to PIN 0731038864 subject to review and approval of Town staff during Master Subdivision Plan and Construction Document review. If the permitting agencies will not permit the street stub to the property line, or if the street stub causes any impacts to riparian buffers or wetlands, Developer shall extend the stub street to the extent possible without impacting riparian buffers or wetlands and pay a fee in lieu for the remainder to the property line in the amount of the estimated cost of engineering design, mitigation fees (as applicable), and construction cost based on an engineer's estimate subject to review and approval by Town staff.**

10. Subject to Town of Apex and North Carolina Department of Transportation review and approval, Developer shall dedicate public right-of-way for the length of the property's Holland Road frontage, measured 40 feet from the existing centerline of Holland Road, and widen and improve Holland Road for the length of the property's Holland Road frontage based on a 50-foot curb and gutter 3-lane thoroughfare section with an 11-foot turn lane, 11-foot travel lanes, and 6-foot bike lanes, and construct 5-foot sidewalk offset one foot from the right-of-way consistent with the Town of Apex Bicycle and Pedestrian System Plan Map (the "Road Widening"). There are one or more streams on the property and the Road Widening will require approval from the U.S. Army Corps of Engineers and any other applicable governing body (the "Permitting Body") to permit the stream disturbance. If the Permitting Body will not permit the stream disturbance, developer shall pay a fee-in-lieu for the portion of the Road Widening that cannot be completed including the estimated cost of final design and permitting.
11. A southbound left turn lane shall be provided on Holland Road to serve Camp Branch Lane. In the event the developer is unable to acquire all necessary rights of way and easements for construction of the southbound left turn lane through good faith efforts, and the Town of Apex is unable or unwilling to assist in that acquisition, then the developer shall redesign the road improvements to eliminate the turn lane and pay a fee in lieu in the amount of the estimated cost of acquisition and construction subject to review and approval of an engineer's estimate.
12. **Subject to Town of Apex and NCDOT approval, a second fire safety/emergency management services access drive shall be provided along Holland Road (the "Emergency Access"). The Emergency Access shall be constructed to Town of Apex standards for fire apparatus roads, be a minimum of 20 feet wide, be stabilized to a minimum of 32-tons, be unobstructed, and have gated access with a knox-box or equivalent equipment.**
13. The following architectural conditions shall apply to single-family units:
    a. Vinyl siding is not permitted; however, vinyl windows, decorative elements, and trim are permitted.
    b. Garage doors shall have windows, decorative details, or carriage style adornments.
    c. A varied color palette shall be used on all homes to include a minimum of three color families.
    d. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
    e. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
    f. The garage shall not protrude more than one (1) foot out from the façade or front porch. Living space above a garage shall not be considered part of the front façade.
14. A minimum of **ten** percent (**10%**) of the total units on the property shall be affordable housing units. The affordable units may be for sale or for rent units, at the election of developer prior to issuance of building permits for the affordable units. Final affordable housing unit floor plan selection which includes unit size and bedroom size will be at the discretion of the developer. If the affordable units calculation results in a fraction between 0.50 and 0.99, the affordable units shall be rounded up to the nearest whole number. If the affordable units calculation results in a fraction between 0.01 and 0.49, the affordable units shall be rounded down to the nearest whole number.

For sale affordable units (the "For Sale Units") shall be subject to the following terms and conditions:

- The For Sale Units shall be constructed on-site and sold (includes unit price and lot price) at a mutually agreeable maximum affordable median income ownership initial sales price (the "Initial Sales Price").
- The For Sale Units shall be occupied by households earning no more than one-hundred twenty (120%) of the Raleigh NC Metropolitan Statistical Area (MSA), Area Median Income (AMI) as most recently published by HUD (the "Income Limit"). For purposes of calculating the Initial Sales Price for the For Sale Units, affordable shall mean a reasonable down payment and monthly housing costs expected during the first calendar year of occupancy, including utilities or utility allowances, mortgage loan principal and interest, mortgage insurance, property taxes, homeowner's insurance, homeowner's association dues, if any, and all other property assessments, dues and fees assessed as a condition of property ownership (the "Housing Costs"). For purposes of the calculation, monthly Housing Costs shall not exceed thirty percent (30%) of the Income Limit divided by twelve (12).
- A restrictive covenant (i.e. resale deed restriction) with a minimum affordability period of twenty (20) years (the "Affordability Period") shall be recorded in the Wake County Registry against the For Sale Units concurrently at the close of escrow upon the sale of each For Sale Unit.
- Following the first sale of the For Sale Units to a buyer for use as a residence, Developer shall not be responsible for managing the For Sale Units or performing marketing, applicant screening, and selection related to future sales of the For Sale Units.

For rent affordable units (the "Rental Units") shall be subject to the following terms and conditions:

- The Rental Units shall be occupied by low-income households earning no more than eighty percent (80%) of the Raleigh, NC Metropolitan Statistical Area (MSA) Area Median Income, as most recently published by the U.S. Department of Housing and Urban Development (HUD) for a period of thirty (30) years starting from the date of issuance of the first residential Certificate of Occupancy (the "Affordability Period").
- Prior to issuance of the first Certificate of Occupancy for the Rental Units, a restrictive covenant between the Town and property owner shall be executed and recorded in the Wake County Registry to memorialize the affordable housing terms and conditions.
- During the Affordability Period, the property owner shall submit annual compliance reports to the Town to verify compliance with the affordable housing terms and conditions.
- Following expiration of the Affordability Period, this affordable housing condition shall expire, and the property owner shall be relieved of all obligations set forth in this affordable housing condition, and the Rental Units may be freely marketed and leased at market rate rents.

15. Homeowner Association covenants shall not restrict the construction of accessory dwelling units.
16. **The development shall install at least one pet waste stations per twenty-five (25) residential units in locations that are publicly accessible, such as adjacent to amenity centers, SCMs,**

sidewalks, greenways, or side paths. If there are fewer than 25 homes, at least one pet waste station shall be installed.

17. The development shall install one (1) sign per Stormwater Control Measure to reduce pet waste and prohibit fertilizer in a location that is publicly accessible, such as adjacent to a sidewalk.
18. **At least 75% of newly installed plants shall be native species of North Carolina. Landscaping will be coordinated with and approved by the Planning Department at site or subdivision review.**
19. **No single species of native or adaptive vegetation shall constitute more than 20% of the plant material of its type within a single development site.**
20. **The HOA Declaration of Covenants shall not prohibit clover or native grass mixed species lawns.**
21. **The HOA Declaration of Covenants shall not require that fallen leaves or dormant plants be removed during the winter on areas without turf grass, including individual homes and HOA owned common areas.**
22. **A solar PV system of at least 3.5kW shall be installed on at least 10% of single-family homes in the development. Solar installation shall be under construction prior to issuance of 90% of the building permits for the development.**
23. Each unit shall have at least one electrical receptacle suitable for electric vehicle charging with minimum voltage of 220V.

The zoning condition shown below was removed at the applicant's request after the Planning Board public hearing. As a result, any proposed development will have to comply with the standards related to the required number of access points.

"Development shall only be required to provide one (1) point of access to the public street system."

After the Town Council public hearing the applicant provided the following conditions related to number of access points.

9. **"The Developer shall construct a stub street to PIN 0731038864 subject to review and approval of Town staff during Master Subdivision Plan and Construction Document review. If the permitting agencies will not permit the street stub to the property line, or if the street stub causes any impacts to riparian buffers or wetlands, Developer shall extend the stub street to the extent possible without impacting riparian buffers or wetlands and pay a fee in lieu for the remainder to the property line in the amount of the estimated cost of engineering design, mitigation fees (as applicable), and construction cost based on an engineer's estimate subject to review and approval by Town staff.";**
and
13. **"Subject to Town of Apex and NCDOT approval, a second fire safety/emergency management services access drive shall be provided along Holland Road (the "Emergency Access"). The Emergency Access shall be constructed to Town of Apex standards for fire apparatus roads, be a minimum of 20 feet wide, be stabilized to a minimum of 32-tons, be unobstructed, and have gated access with a knox-box or equivalent equipment."**

Environmental Advisory Board:
The Apex Environmental Advisory Board (EAB) held a meeting for this rezoning on December 18, 2025. The zoning conditions suggested by the EAB are listed below along with the applicant's response to each condition.

EAB Suggested Condition	Applicant's Response
No buffer averaging shall be allowed for Zone 3 of the riparian buffers.	Not Added
The project shall install one (1) sign per SCM to reduce pet waste and prohibit fertilizer, in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.	Added
The project shall ensure that 75% of the landscaping shall be native species, which shall provide diverse and abundant pollinator and bird food sources. Special attention shall be paid to providing diverse and abundant pollinator and bird food sources, including plants that bloom in succession from spring to fall. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.	Amended
No single species of native or adaptive vegetation shall constitute more than 20% of the plant material of its type within a single development site.	**Added**
HOA covenants, conditions, and restrictions shall not prohibit clover or native grass mixed species lawns.	**Amended**
In order to support nesting and overwintering wildlife and pollinators, HOA covenants shall not require that fallen leaves or dormant plants be removed during the winter on areas without turf grass, including individual homes and HOA owned common areas.	**Amended**
If single family, the project shall install at least one (1) pet waste station per 25 residential units/townhomes and at least two (2) pet waste stations per apartment building throughout the community in locations that are publicly accessible, such as adjacent to amenity centers, SCMs, sidewalks, greenways or side paths. If there are fewer than 25 homes, at least one (1) pet waste station shall be installed.	**Amended**
A solar PV system of at least 3.5kW shall be installed on at least (6) homes within the development. All solar installation required by this condition shall be completed or under construction prior to 90% of the building permits being issued for the development. The lot(s) on which this home/these homes is/are located shall be identified on the Master Subdivision Plat, which may be amended from time to time.	**Amended**
Wire all garages with 220-volt outlets at the exterior to provide for EV charging stations in SF and Townhomes.	Added

Housing Staff Recommendation:
Based on the adopted 2025 Update to the Apex Affordable Housing Plan and the adopted 2025 Update to the Affordable Housing Incentive Zoning Policy, the Housing Program recommends at least 10% of the residential units or lots be designated as affordable or workforce housing. This policy is satisfied by zoning condition #14.

PLANNING STAFF RECOMMENDATION:
Planning staff recommends approval of Rezoning #25CZ19 with the conditions as offered by the applicant.

PLANNING BOARD RECOMMENDATION:
The Planning Board held a public hearing on March 9, 2026 and unanimously recommended approval.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:
This Statement will address consistency with the Town's comprehensive and other applicable plans, reasonableness, and effect on public interest:

The 2045 Land Use Map classifies the subject properties as Medium Density Residential. The proposed rezoning to Medium Density Residential-Conditional Zoning (MD-CZ) is consistent with that land use classification.

The proposed rezoning is reasonable and in the public interest as the proposed density and uses are consistent with those contemplated by the 2045 Land Use Map. The conditions provided will allow the property to be developed in a manner that is consistent with the residential character of the area and limits the allowable density consistent with subdivisions within 300 feet of the rezoning. The proposed rezoning also includes dedication of right-of-way along the parcel's frontage consistent with the Apex Transportation Plan.

CONDITIONAL ZONING STANDARDS:
The Town Council shall find the MD-CZ designation demonstrates compliance with the following standards. 2.3.3.F:

Legislative Considerations
The applicant shall propose site-specific standards and conditions that take into account the following considerations, which are considerations that are relevant to the legislative determination of whether or not the proposed conditional zoning district rezoning request is in the public interest. These considerations do not exclude the legislative consideration of any other factor that is relevant to the public interest.

1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.
2) *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.
3) *Zoning district supplemental standards.* The proposed Conditional Zoning (CZ) District use's compliance with Sec 4.4 *Supplemental Standards,* if applicable.
4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.
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.
6) *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.
7) *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health,

safety, or welfare of the residents of the Town or its ETJ.

8) *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.

9) *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.

10) *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.

MCADAMS
621 Hillsborough Street
Suite 500
Raleigh, NC 27603
919. 361. 5000

LEN25031.01

October 27, 2025

Jessica McClure
Town of Apex
73 Hunter Street, PO Box 250
Apex, NC 27502
919.372.7448

RE: Camp Branch Lane Residential – Apex, North Carolina – Trip Generation Letter

Dear Ms. McClure,

Trip Generation Letter

This letter presents a summary of the trip generation potential for the proposed Camp Branch Lane residential development to be located east of Holland Road and west of Southwinds Run in Apex, North Carolina. The purpose of this letter is to review the anticipated trip generation potential of the proposed site. The proposed development is expected to consist of 58 single family homes.

Site access will be served via one (1) existing full movement driveway along Holland Road.

Similar Site Data

Based on the Institute for Transportation Engineers (ITE) *Trip Generation Manual*, 11th Edition, and the suggested method of trip calculations provided in NCDOT's *Rate vs. Equation spreadsheet*, trips for the proposed development were calculated for weekday daily, weekday AM peak hour, and weekday PM peak hour. Refer to Table 1 below for the trip generation for the proposed land uses.

TABLE 1: TRIP GENERATION

Land Use (ITE Code)	Density	Calculation Methodology	Daily Trips	AM Peak Hour			PM Peak Hour		
				Enter	Exit	Total	Enter	Exit	Total
Single Family Homes (210)	58 units	Adjacent / Equation	611	11	34	45	38	22	60

The proposed development is expected to generate 611 daily trips consisting of 45 trips (11 entering and 34 exiting) during the weekday AM peak hour and 60 trips (38 entering and 22 exiting) during the weekday PM peak hour.

Based on the Town of Apex (Town) Unified Development Ordinance (UDO), a Traffic Impact Analysis (TIA) is required if the trip generation threshold is expected to generate greater than 1,000 daily trips or greater than 100 peak hour trips. The threshold for the North Carolina Department of Transportation (NCDOT) requiring a TIA of a proposed development is that of generating more than 3,000 daily trips. Based on a review of the proposed density and associated trip generation potential, the proposed development is expected to be well below these thresholds. Due to these reasons, offsite traffic impacts by the proposed development are expected to be negligible and a TIA is not expected to be required by the review agencies.

Summary

This letter presents a summary of the trip generation potential for the Camp Branch Lane residential development. The proposed development is located east of Holland Road and west of Southwinds Run in Apex, North Carolina. The purpose of this letter is to review the anticipated trip generation potential of the proposed site. The proposed development is expected to consist of 58 single family homes.

Based on review of the trip generation calculations using the methodology contained within the ITE *Trip Generation Manual*, 11th Edition, the proposed development is expected to generate a maximum of 611 daily trips consisting of 45 trips during the weekday AM peak hour and 60 trips during the weekday PM peak hour. This falls below the typical threshold for requiring a Traffic Impact Analysis (TIA) set by the Town of Apex of generating greater than 1,000 daily trips or 100 peak hour trips. Due to the low trip generation estimates for the proposed development, the development is expected to have a negligible impact on the area street network.

If you should have any questions or comments relative to this study, please feel free to contact me at 919.961.4065.

Sincerely,
McAdams

Nate Bouquin, PE, PTOE | Practice Lead, Traffic Engineering
bouquin@mcadamsco.com | 919. 961. 4065

The John R. McAdams Company, Inc.
NC License #C-0293

Rezoning #25CZ19
Woodlands Creek Way
Citrus Hill Dr
Kelly Rd
Holland Rd
Southwinds Run
Custom Ln
West Village
Gaither St
Leben St
Menet St
Leo Dr
Camp Branch Ln
Steeple Chase Bnd
Holland Farm
Post Rail Ln
Combine Cir
Old Byre Way
November 2025
November 2025 Aerial
Photography Prepared by: Town of Apex Planning Department
0
400
800
Feet

PETITION TO AMEND THE OFFICIAL ZONING MAP

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Application #: #25CZ19 Submittal Date: 11/3/2025

Fee Paid:

Project Information

Project Name: Camp Branch Lane Rezoning

Address(es): 0 & 7104 Camp Branch Lane

PIN(s): 0731142050 & 0731140691

Acreage: 22.19 acres

Current Zoning: Rural Residential (RR) Proposed Zoning: Medium Density Conditional (MD-CZ)

Current 2045 LUM Classification(s): Medium Density Residential

Is the proposed rezoning consistent with the 2045 LUM Classification(s)? Yes ☑ No ☐

If any portion of the project is shown as mixed use (3 or more stripes on the 2045 Land Use Map) provide the following:

Area classified as mixed use: Acreage: N/A

Area proposed as non-residential development: Acreage: N/A

Percent of mixed use area proposed as non-residential: Percent: N/A

Applicant Information

Name: Lennar Carolinas, LLC

Address: 1010 Sync Street, Suite 600

City: Morrisville State: NC Zip: 27560

Phone: 919-337-9444 E-mail: chris.bowley@lennar.com

Owner Information

Name: Estate of Thomas Ames Carter

Address: 7104 Camp Branch Lane

City: Apex State: NC Zip: 27502

Phone: N/A E-mail: N/A

Agent Information

Name: Matthew J. Carpenter

Address: 301 Fayetteville Street, Suite 1400

City: Raleigh State: NC Zip: 27601

Phone: 919-835-4032 E-mail: MatthewCarpenter@parkerpoe.com

Other contacts: Eric Blocher; eric@curryeng.com; 984-225-4150

PETITION INFORMATION

Application #: #25CZ19 Submittal Date: 11/3/2025

An application has been duly filed requesting that the property described in this application be rezoned from Rural Residential (RR) to Medium Density Conditional. It is understood and acknowledged that if the property is rezoned as requested, the property described in this request will be perpetually bound to the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in the Unified Development Ordinance (UDO). It is further understood and acknowledged that final plans for any specific development to be made pursuant to any such Conditional Zoning shall be submitted for site or subdivision plan approval, as required by the UDO. Use additional pages as needed.

PROPOSED USES:

The Rezoned Lands may be used for, and only for, the uses listed immediately below. The permitted uses are subject to the limitations and regulations stated in the UDO and any additional limitations or regulations stated below. For convenience, some relevant sections of the UDO may be referenced; such references do not imply that other sections of the UDO do not apply.

1	See attached	21	
2		22	
3		23	
4		24	
5		25	
6		26	
7		27	
8		28	
9		29	
10		30	
11		31	
12		32	
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15		35	
16		36	
17		37	
18		38	
19		39	
20		40	

PETITION INFORMATION

Application #: #25CZ19 Submittal Date: 11/3/2025

PROPOSED CONDITIONS:

The applicant hereby requests that the Town Council of the Town of Apex, pursuant to the Unified Development Ordinance, approve the Conditional Zoning for the above listed use(s) subject to the following condition(s). Use additional pages as needed.

See attached

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

The applicant shall propose site-specific standards and conditions that take into account the following considerations, which are considerations that are relevant to the legislative determination of whether or not the proposed conditional zoning district rezoning request is in the public interest. These considerations do not exclude the legislative consideration of any other factor that is relevant to the public interest. Use additional pages as neede[redacted]

1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Ma[redacted]

[redacted]e attached

2) *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land use[redacted]

[redacted]e attached

PETITION INFORMATION

Application #: #25CZ19 Submittal Date: 11/3/2025

3) Zoning district supplemental standards. The proposed Conditional Zoning (CZ) District use's compliance with Sec 4.4 *Supplemental Standards*, if applicabl[redacted]

[redacted]e attached

4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisanc[redacted]

[redacted]e attached

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 resource[redacted]

[redacted]e attached

6) *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilitie[redacted]

[redacted]e attached

7) *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ET[redacted]

[redacted]e attached

PETITION INFORMATION

Application #: #25CZ19 Submittal Date: 11/3/2025

8) *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties

[redacted]e attached

9) *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use

[redacted]e attached

10) *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics

[redacted]e attached

Camp Branch Lane

Proposed Uses and Zoning Conditions

The Rezoned Lands may be used for, and only for, the uses listed immediately below. The permitted uses are subject to the limitations and regulations stated in the UDO and any additional limitations or regulations stated below. For convenience, some relevant sections of the UDO may be referenced; such references do not imply that other sections of the UDO do not apply.

1. Single-family
2. Accessory apartment
3. Utility, minor
4. Wireless support structure
5. Greenway
6. Park, active
7. Park, passive
8. Recreation facility, private

Zoning Conditions

1. There shall be a maximum of fifty-eight (58) residential units on the property.

2. Minimum lot width shall be forty (40) feet.

3. The minimum side setbacks shall be five (5) feet and the minimum combined side setback shall be ten (10) feet.

4. The minimum front setback shall be twenty (20) feet.

5. There shall be a 20-foot Type B buffer and privacy fence along the shared property line with PIN 0731149410 (the "Donnelly Property"). The privacy fence shall have a minimum height of six (6) feet and be located along the west side of the buffer.

6. There shall be a privacy fence with a minimum height of six (6) feet where residential lots are adjacent to the buffer along PIN 0731038661. The privacy fence shall be located along the north side of the buffer.

7. The public right of way for the stub street to the Donnelly Property shall extend to the shared property line with the Donnelly Property (the "Property Line"), but the paved street and curb and gutter shall terminate approximately 25 feet west of the Property Line. Developer shall pay a fee-in-lieu for the future extension of the stub street in accordance with the UDO.

8. The development shall construct a stub street to PIN 0731038661 in a location determined by developer and coordinated with Town staff during Master Subdivision Plan and Construction Document review.

9. The Developer shall construct a stub street to PIN 0731038864 subject to review and approval of Town staff during Master Subdivision Plan and Construction Document review. If the permitting agencies will not permit the street stub to the property line, or if the street stub causes any impacts to riparian buffers or wetlands, Developer shall extend the stub street to the extent possible without impacting riparian buffers or wetlands and pay a fee in lieu for the remainder to the property line in the amount of the estimated cost of engineering design, mitigation fees (as applicable), and construction cost based on an engineer's estimate subject to review and approval by Town staff.

10. Subject to Town of Apex and North Carolina Department of Transportation review and approval, Developer shall dedicate public right-of-way for the length of the property's Holland Road frontage, measured 40 feet from the existing centerline of Holland Road, and widen and improve Holland Road for the length of the property's Holland Road frontage based on a 50-foot curb and gutter 3-lane thoroughfare section with an 11-foot turn lane, 11-foot travel lanes, and 6-foot bike lanes, and construct 5-foot sidewalk offset one foot from the right-of-way consistent with the Town of Apex Bicycle and Pedestrian System Plan Map (the "Road Widening"). There are one or more streams on the property and the Road Widening will require approval from the U.S. Army Corps of Engineers and any other applicable governing body (the "Permitting Body") to permit the stream

disturbance. If the Permitting Body will not permit the stream disturbance, developer shall pay a fee-in-lieu for the portion of the Road Widening that cannot be completed including the estimated cost of final design and permitting plus 15% contingency subject to review and approval of an engineer's estimate.

11. A southbound left turn lane shall be provided on Holland Road to serve Camp Branch Lane. In the event the developer is unable to acquire all necessary rights of way and easements for construction of the southbound left turn lane through good faith efforts, and the Town of Apex is unable or unwilling to assist in that acquisition, then the developer shall redesign the road improvements to eliminate the turn lane and pay a fee in lieu in the amount of the estimated cost of acquisition and construction plus 15% contingency subject to review and approval of an engineer's estimate.

12. Subject to Town of Apex and NCDOT approval, a second fire safety/emergency management services access drive shall be provided along Holland Road (the "Emergency Access"). The Emergency Access shall be constructed to Town of Apex standards for fire apparatus roads, be a minimum of 20 feet wide, be stabilized to a minimum of 32-tons, be unobstructed, and have gated access with a knox-box or equivalent equipment.

13. The following architectural conditions shall apply to single-family units:

    a. Vinyl siding is not permitted; however, vinyl windows, decorative elements, and trim are permitted.

    b. Garage doors shall have windows, decorative details, or carriage style adornments.

    c. A varied color palette shall be used on all homes to include a minimum of three color families.

    d. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.

    e. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.

    f. The garage shall not protrude more than one (1) foot out from the façade or front porch. Living space above a garage shall not be considered part of the front façade.

14. A minimum of ten percent (10%) of the total units on the property shall be affordable housing units. The affordable units may be for sale or for rent units, at the election of developer prior to issuance of building permits for the affordable units. Final affordable housing unit floor plan selection which includes unit size and bedroom size will be at the discretion of the developer. If the affordable units calculation results in a fraction between 0.50 and 0.99, the affordable units shall be rounded up to the nearest whole

number. If the affordable units calculation results in a fraction between 0.01 and 0.49, the affordable units shall be rounded down to the nearest whole number.

For sale affordable units (the "For Sale Units") shall be subject to the following terms and conditions:

- The For Sale Units shall be constructed on-site and sold (includes unit price and lot price) at a mutually agreeable maximum affordable median income ownership initial sales price (the "Initial Sales Price").

- The For Sale Units shall be occupied by households earning no more than one-hundred twenty (120%) of the Raleigh NC Metropolitan Statistical Area (MSA), Area Median Income (AMI) as most recently published by HUD (the "Income Limit"). For purposes of calculating the Initial Sales Price for the For Sale Units, affordable shall mean a reasonable down payment and monthly housing costs expected during the first calendar year of occupancy, including utilities or utility allowances, mortgage loan principal and interest, mortgage insurance, property taxes, homeowner's insurance, homeowner's association dues, if any, and all other property assessments, dues and fees assessed as a condition of property ownership (the "Housing Costs"). For purposes of the calculation, monthly Housing Costs shall not exceed thirty percent (30%) of the Income Limit divided by twelve (12).

- A restrictive covenant (i.e. resale deed restriction) with a minimum affordability period of twenty (20) years (the "Affordability Period") shall be recorded in the Wake County Registry against the For Sale Units concurrently at the close of escrow upon the sale of each For Sale Unit.

- Following the first sale of the For Sale Units to a buyer for use as a residence, Developer shall not be responsible for managing the For Sale Units or performing marketing, applicant screening, and selection related to future sales of the For Sale Units.

For rent affordable units (the "Rental Units") shall be subject to the following terms and conditions:

- The Rental Units shall be occupied by low-income households earning no more than eighty percent (80%) of the Raleigh, NC Metropolitan Statistical Area (MSA) Area Median Income, as most recently published by the U.S. Department of Housing and Urban Development (HUD) for a period of thirty (30) years starting from the date of issuance of the first residential Certificate of Occupancy (the "Affordability Period").

- Prior to issuance of the first Certificate of Occupancy for the Rental Units, a restrictive covenant between the Town and property owner shall be

executed and recorded in the Wake County Registry to memorialize the affordable housing terms and conditions.

- During the Affordability Period, the property owner shall submit annual compliance reports to the Town to verify compliance with the affordable housing terms and conditions.

- Following expiration of the Affordability Period, this affordable housing condition shall expire, and the property owner shall be relieved of all obligations set forth in this affordable housing condition, and the Rental Units may be freely marketed and leased at market rate rents.

15. Homeowner Association covenants shall not restrict the construction of accessory dwelling units.

16. The development shall install at least one pet waste stations per twenty-five (25) residential units in locations that are publicly accessible, such as adjacent to amenity centers, SCMs, sidewalks, greenways, or side paths. If there are fewer than 25 homes, at least one pet waste station shall be installed.

17. The development shall install one (1) sign per Stormwater Control Measure to reduce pet waste and prohibit fertilizer in a location that is publicly accessible, such as adjacent to a sidewalk.

18. At least 75% of the landscaping shall be native species which shall provide diverse and abundant pollinator and bird food sources. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.

19. No single species of native or adaptive vegetation shall constitute more than 20% of the plant material of its type within a single development site.

20. The HOA Declaration of Covenants shall not prohibit clover or native grass mixed species lawns.

21. The HOA Declaration of Covenants shall not require that fallen leaves or dormant plants be removed during the winter on areas without turf grass, including individual homes and HOA owned common areas.

22. A solar PV system of at least 3.5kW shall be installed on at least 10% of single-family homes in the development. Solar installation shall be under construction prior to issuance of 90% of the building permits for the development.

23. Each unit shall have at least one electrical receptacle suitable for electric vehicle charging with minimum voltage of 220V.

Legislative Considerations - Conditional Zoning

The applicant shall propose site-specific standards and conditions that take into account the following considerations, which are considerations that are relevant to the legislative determination of whether or not the proposed conditional zoning district rezoning request is in the public interest. These considerations do not exclude the legislative consideration of any other factor that is relevant to the public interest. Use additional pages as needed.

1. ***Consistency with 2045 Land Use Map.*** **The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.**

   Response: The proposed Medium Density Conditional Zoning District ("MD-CZ") is appropriate for this location and consistent with the Property's Medium Density Residential LUM designation. The proposed MD-CZ district permits single-family homes, but does not permit townhomes, to maintain consistency with the character of the area which is predominantly single-family homes. Additionally, proposed condition 1 limits maximum density to four units per acre.

2. ***Compatibility.*** **The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.**

   Response: The proposed district is appropriate for the location. Although adjacent properties to the west and south are designated Medium Density Residential on the LUM which is consistent with the proposed zoning, they are currently undeveloped and have single-family homes on large 1+ acre lots. Accordingly, the proposed zoning prohibits townhomes and caps density at 4 units per acre to be consistent with the LUM designation but not overwhelm adjacent properties. Proposed conditions and density mirror those of neighboring communities like Holland Farm, Crockett's Ridge, Bella Casa, and West Village.

3. ***Zoning district supplemental standards.*** **The proposed Conditional Zoning (CZ) District use's compliance with Sec 4.4 Supplemental Standards, if applicable.**

   Response: The proposed uses will comply with all applicable Supplemental Standards.

4. ***Design minimizes adverse impact.*** **The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.**

   Response: A stream runs north/south through the Property parallel with and adjacent to Holland Road. The stream will likely require a 100-foot riparian buffer on each side. Surrounding areas north and west of the stream are low lying and likely considered wetlands. These environmental features encumber a significant portion of the property. The proposed MD-CZ zoning will allow a conservation style subdivision with RCAs and existing natural features along Holland Road to protect environmental sensitive areas, and lots on the eastern portion of the property. Modest reductions in minimum lot width and side setback requirements are requested to achieve the proposed 3-4/units acre density which is consistent with the Medium Density LUM designation but mindful of adjacent large lot single-family properties.

Existing adjacent properties are either undeveloped or have single-family homes on large lots separated by wooded areas. The adjacent property to the north (PIN 0731149865) is an undeveloped wooded 6.74-acre lot encumbered by riparian buffers and wetlands, and unlikely to be developed. The adjacent property to the east (0731149410) is a single-family home on a 9.42-acre lot. The majority of the lot is wooded and the home is located over 200 feet from the shared property line. The lot is unlikely to redevelop as existing restrictive covenants limit the lot to one single-family home. For additional separation, proposed condition 6 commits to a 6-foot tall privacy fence and 20-foot buffer along the eastern property line. PIN 0731038661 is largely wooded and the existing house is close to Holland Road, over 350 feet from the shared property line. PIN 0731038864 has the closest residential structure at approximately 100 feet from the property line, but will be separated from the proposed development by a wooded perimeter buffer and stream buffer.

Finally, the project will meet all UDO requirements for buffers, trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration.

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.**

   Response: The project will meet all local, state, and federal environmental regulations. There is an existing stream located on the northern and western portion of the Property. No lots will be located in riparian buffers. The project will meet the UDO RCA requirement (35% (30% RCA requirement plus expected additional 5% RCA for mass grading)).

6. ***Impact on public facilities.*** **The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.**

   Response: The proposed district will not have an adverse impact on public facilities and services.

7. ***Health, safety, and welfare.*** **The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.**

   Response: The proposed use will not have adverse effects on health, safety, or welfare of residents of the Town or its ETJ. Rather, it will add to the housing supply in a growing corridor of Apex in a manner that is compatible with the existing development pattern of the area.

8. ***Detrimental to adjacent properties.*** **Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.**

   Response: The proposed district is not substantially detrimental to adjacent properties. As discussed above, the proposed single-family homes will be consistent—and in some instances smaller—in size, scale, density, and character to the existing Holland Farm, Crockett's Ridge, Bella Casa, and West Village Subdivisions. Conditions are proposed to mitigate impacts on adjacent undeveloped tracts.

9. ***Not constitute nuisance or hazard.*** **Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.**

Response: The proposed district will not constitute a nuisance or hazard due to traffic impact, noise, or because of the number of persons using the district. As mentioned above, the district will limit the allowed density to four units per acre, incorporate open space, and comply with all UDO required buffers.

10. ***Other relevant standards of this Ordinance.*** **Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.**

Response: The project will comply with all other applicable standards of the UDO.

#25CZ19

AGENT AUTHORIZATION FORM

Application #: _____ Submittal Date: _____

The Estate of Thomas Ames Carter is the owner* of the property for which the attached application is being submitted:

- ☑ Rezoning: For Conditional Zoning and Planned Development rezoning applications, this authorization includes express consent to zoning conditions that are agreed to by the Agent which will apply if the application is approved.
- ☐ Site Plan
- ☑ Subdivision
- ☐ Variance
- ☐ Other: _____

The property address is: **0 & 7104 Camp Branch Lane**

The agent for this project is: **Tucker Ennis and Chris Bowley**

☐ I am the owner of the property and will be acting as my own agent

Agent Name: **Tucker Ennis and Chris Bowley**

Address: **1010 Sync Street, Suite 600, Morrisville, NC 27560**

Telephone Number: **(919) 337-9444**

E-Mail Address: **tucker.ennis@lennar.com**

Signature(s) of Owner(s)*

Jennifer Carter Credle

Jennifer Carter Credle, individually and as Co-Executor of the Estate of Thomas A. Carter 10/29/25

Type or print name Date

Jocelyn Carter Pease

Jocelyn Carter Pease, individually and as Co-Executor of the Estate of Thomas A. Carter 10/29/2025

Type or print name Date

Attach additional sheets if there are additional owners.

*Owner of record as shown on the latest equalized assessment rolls of Wake County. An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this authorization.

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this application and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. The parties hereby consent to use electronic or digitized signatures in accordance with the Town's Electronic Signature Policy and intend to be bound by the application and any related documents. If electronic signatures are used the application shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

#25CZ19

AFFIDAVIT OF OWNERSHIP

Application #: _____ Submittal Date: _____

The undersigned, Tucker Ennis (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at PIN # 0731142050 & PIN # 0731140691 and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").

2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.

3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated N/A, and recorded in the Wake County Register of Deeds Office on N/A, in Book N/A Page N/A.

4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).

5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on N/A, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on N/A, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 20TH day of OCTOBER, 2025.

_____ (seal)
Tucker Ennis
Type or print name

STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, the undersigned, a Notary Public in and for the County of WAKE, hereby certify that TUCKER ENNIS, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's _____, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.

TREVOR N. ENNIS NOTARY [NOTARY SEAL] PUBLIC WAKE COUNTY, N.C.

_____
Notary Public
State of North Carolina
My Commission Expires: MAY 1, 2027

Last Updated: August 30, 2019

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: _____ Submittal Date: _____

Insert legal description below.

See attached.

CAMP BRANCH LANE
PIN: 0731-14-0691
7104 CAMP BRANCH LANE
BUCKHORN TOWNSHIP – WAKE COUNTY – NORTH CAROLINA
LEGAL DESCRIPTION

BEGINNING AT A CALCULATED POINT IN THE RIGHT-OF-WAY OF HOLLAND ROAD/S.R. 1187 VARIABLE WIDTH PUBLIC RIGHT-OF-WAY, SAID POINT HAVING NC GRID NAD83(2011) COORDINATES NORTHING: 714,377.13, EASTING: 2,030,799.10; THENCE NORTH 21°13'52" EAST 0.42 FEET TO A CALCULATED POINT; THENCE NORTH 21°13'52" EAST 48.07 FEET TO A CALCULATED POINT; THENCE NORTH 23°55'12" EAST 106.39 FEET TO A CALCULATED POINT; THENCE NORTH 25°05'30" EAST 108.15 FEET TO A CALCULATED POINT; THENCE NORTH 24°30'05" EAST 355.48 FEET TO A CALCULATED POINT; THENCE NORTH 26°34'29" EAST 39.90 FEET TO A CALCULATED POINT IN THE CENTERLINE OF A BRANCH; THENCE RUNNING WITH THE CENTERLINE OF SAID BRANCH SOUTH 84°03'42" EAST 88.06 FEET TO A CALCULATED POINT; THENCE NORTH 88°12'55" EAST 63.26 FEET TO A CALCULATED POINT; THENCE SOUTH 59°58'11" EAST 39.58 FEET TO A CALCULATED POINT; THENCE NORTH 13°24'29" EAST 26.15 FEET TO A CALCULATED POINT; THENCE SOUTH 76°56'24" EAST 47.71 FEET TO A CALCULATED POINT; THENCE SOUTH 60°22'04" EAST 31.61 FEET TO A CALCULATED POINT; THENCE NORTH 69°21'25" EAST 26.28 FEET TO A CALCULATED POINT; THENCE SOUTH 62°29'41" EAST 42.54 FEET TO A CALCULATED POINT; THENCE NORTH 77°41'47" EAST 65.67 FEET TO A CALCULATED POINT; THENCE NORTH 51°14'07" EAST 41.68 FEET TO A CALCULATED POINT; THENCE NORTH 47°17'20" EAST 29.04 FEET TO A CALCULATED POINT; THENCE NORTH 89°09'59" EAST 19.66 FEET TO A CALCULATED POINT; THENCE SOUTH 61°58'42" EAST 33.59 FEET TO A CALCULATED POINT; THENCE SOUTH 64°33'34" EAST 38.33 FEET TO A CALCULATED POINT; THENCE NORTH 83°54'55" EAST 47.35 FEET TO A CALCULATED POINT; THENCE SOUTH 53°34'16" EAST 24.69 FEET TO A CALCULATED POINT; THENCE SOUTH 86°07'58" EAST 29.54 FEET TO A CALCULATED POINT, SAID POINT BEING THE NORTHEASTERN MOST COMMON CORNER OF LANDS NOW OR FORMERLY OWNED BY MYRTLE B. BAKER HEIRS AS RECORDED IN ESTATE FILE 14-E-986 IN THE WAKE COUNTY REGISTER OF DEEDS; THENCE RUNNING WITH THE COMMON LINE OF SAID LANDS NOW OR FORMERLY OWNED BY MYRTLE B. BAKER HEIRS SOUTH 00°34'58" EAST 266.70 FEET TO AN EXISTING IRON STAKE, SAID IRON STAKE BEING THE NORTHERN MOST COMMON CORNER OF LANDS NOW OR FORMERLY OWNED BY TIMOTHY L. DONNELLY AND CYNTHIA O. DONNELLY AS RECORDED IN DEED BOOK 7858, PAGE 100 AND AS DEPICTED ON A SURVEY RECORDED IN BOOK OF MAPS 1992, PAGE 688 IN THE WAKE COUNTY REGISTER OF DEEDS OFFICE; THENCE LEAVING THE COMMON LINE OF SAID LANDS NOW OR FORMERLY OWNED BY MYRTLE B. BAKER HEIRS AND RUNNING WITH THE COMMON LINE OF SAID LANDS NOW OR FORMERLY OWNED BY TIMOTHY L. DONNELLEY AND CYNTHIA O. DONNELLY SOUTH 00°24'02" WEST 965.06 FEET TO AN EXISTING SECTION OF RAILROAD TRACK, SAID SECTION OF RAILROAD TRACK BEING THE SOUTHEASTERN MOST COMMON CORNER OF LANDS NOW OR FORMERLY OWNED BY BRIAN GREGORY BRILL AND ANTHONY NEAL AS RECORDED IN DEED BOOK 19178, PAGE 2750 AND AS DEPICTED ON A SURVEY RECORDED IN BOOK OF MAPS 1992, PAGE 688 IN THE WAKE COUNTY REGISTER OF DEEDS, AND LANDS NOW OR FORMERLY OWNED BY JAMES R. TRUELOVE AND TINA U. TRUELOVE AS RECORDED IN DEED BOOK 10783, PAGE 947 AND AS DEPICTED ON A SURVEY RECORDED IN BOOK OF MAPS 1992, PAGE 688 IN THE WAKE COUNTY REGISTER OF DEEDS, AND LANDS NOW OR FORMERLY OWNED BY DAVID C. LEE AND KATELYN E. LEE AS RECORDED IN DEED BOOK 16245, PAGE 1513 AND AS DEPICTED ON A SURVEY RECORDED IN BOOK OF MAPS 1992, PAGE 688 IN THE WAKE COUNTY REGISTER OF DEEDS; THENCE LEAVING SAID COMMON LINE OF LANDS NOW OR FORMERLY OWNED BY BRIAN GREGORY BRILL AND ANTHONY NEAL AND RUNNING WITH THE COMMON LINE OF LANDS NOW OR FORMERLY OWNED BY DAVID C. LEE AND KATELYN E. LEE NORTH 88°39'44" WEST 649.86 FEET TO A CALCULATED POINT, SAID CALCULATED POINT BEING THE NORTHEASTERN MOST COMMON CORNER OF SAID LANDS NOW OR FORMERLY OWNED BY DAVID C. LEE AND KATELYN E. LEE AND LANDS NOW OR FORMERLY OWNED BY AMOS A. JONES AS RECORDED IN DEED BOOK 6883, PAGE 579 AND AS DEPICTED ON A SURVEY RECORDED IN BOOK OF MAPS 1991, PAGE 1133 IN THE WAKE COUNTY REGISTER OF DEEDS OFFICE; THENCE LEAVING SAID COMMON LINE OF LANDS NOW OR FORMERLY OWNED BY DAVID C. LEE AND KATELYN E. LEE AND RUNNING WITH THE COMMON LINE OF SAID LANDS NOW OR FORMERLY OWNED BY AMOS A. JONES NORTH 15°47'06" EAST 248.05 FEET TO AN EXISTING IRON PIPE; THENCE NORTH 74°41'08" WEST 425.00 FEET TO A CALCULATED POINT IN THE RIGHT-OF-WAY OF HOLLAND ROAD/S.R. 1187

VARIABLE WIDTH PUBLIC RIGHT-OF-WAY; THENCE LEAVING SAID COMMON LINE OF LANDS NOW OR FORMERLY OWNED BY AMOS. A JONES NORTH 15°18'10" EAST 36.11 FEET TO A CALCULATED POINT; THENCE NORTH 17°06'25" EAST 104.11 FEET TO A CALCULATED POINT; THENCE NORTH 20°32'36" EAST 106.98 FEET TO A CALCULATED POINT; THENCE NORTH 21°13'52" EAST 57.58 FEET TO A CALCULATED POINT; WHICH IS THE POINT AND PLACE OF BEGINNING, CONTAINING 966,651 SQUARE FEET OR 22.19 ACRES AND IS THE SAME PARCELS DESCRIBED AS “LOT 1” AND “LOT 2” ON A SURVEY TITLED “CAMP BRANCH LANE ALTA/NSPS LAND TITLE SURVEY” PRODUCED BY THE JOHN R. MCADAMS COMPANY, DATED NOVEMBER 13, 2025.

WAKE COUNTY PUBLIC SCHOOL SYSTEM

#25CZ19

Wake County Residential Development Notification

Please complete each section of this form and submit with your application.

Please complete each section of this form and submit with your application.

Please send any questions about this form to: studentassignment-gis-group@wcpss.net.

Developer Company *Information*	
Company *Name*	
Company Phone *Number*	919-835-4032
Developer Representative *Name*	Matthew J. Carpenter
Developer Representative *Phone Number*	919-835-4032
Developer Representative *Email*	matthewcarpenter@parkerpoe.com

New Residential Subdivision *Information*	
Date of Application for Subdivision	TBD
City, Town or Wake County Jurisdiction	Town of Apex
Name of Subdivision	TBD
Address of Subdivision (if unknown enter nearest cross streets)	0 & 7104 Camp Branch Lane
REID(s)	0195688 & 0021230
PIN(s)	0731142050 & 0731140691

Projected Dates *Information*	
Subdivision *Completion Date*	
Subdivision *Projected First Occupancy Date*	

Lot by Lot Development *Information*

Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Square Foot Range		Price Range		Anticipated Completion Units & Dates					
								Min	Max	Low	High	Year	# Units	Year	# Units	Year	# Units
Single Family	60					60		1500	4500	TBD	TBD	2028					
Townhomes																	
Condos																	
Apartments																	
Other																	

Revised 08/10/2018

NOTICE OF NEIGHBORHOOD MEETING

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

October 15, 2025
Date

Dear Neighbor:
You are invited to a neighborhood meeting to review and discuss the development proposal at

Address(es)	PIN(s)
0 Camp Branch Lane	0731142050
7104 Camp Branch Lane	0731140691

in accordance with the Town of Apex Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, please refer to the Project Contact Information page for ways to contact the applicant. Notified neighbors may request that the applicant provide updates and send plans via email or mail. Once an application has been submitted to the Town, it may be tracked using the Interactive Development Map or the Apex Development Report located on the Town of Apex website at http://www.apexnc.org/180. Applications for Rezoning must hold a second Neighborhood Meeting in the month prior to the anticipated public hearing date.

A Neighborhood Meeting is required because this project includes (check all that apply):

	Application Type	Approving Authority
☑	Rezoning (including Planned Unit Development)	Town Council
☐	Major Site Plan	Technical Review Committee (staff)
☐	Minor Site Plan for the uses "Day care facility", "Government service", "School, public or private", "Restaurant, drive-through", or "Convenience store with gas sales"	Technical Review Committee (staff)
☐	Special Use Permit	Board of Adjustment (QJPH*)
☐	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

*Quasi-Judicial Public Hearing: The Board of Adjustment cannot discuss the project prior to the public hearing.

The following is a description of the proposal including any proposed long range plan amendments (also see attached map(s) and/or plan sheet(s)):

The applicant/property owner is proposing to rezone the property to Medium Density Residential Conditional Zoning District (MD-CZ) or Planned Unit Development Conditional Zoning (PUD-CZ) to allow for a residential development consisting of up to 60 single-family detached lots.

Estimated submittal date: November 1, 2025

MEETING INFORMATION:

Property Owner(s) name(s):	Thomas A. Carter Heirs
Applicant(s):	Lennar Carolinas, LLC c/o Matthew J. Carpenter
Contact information (email/phone):	matthewcarpenter@parkerpoe.com; (919) 835-4032
Meeting Address:	Virtual (Zoom) - See attached notice letter
Date/Time of meeting**:	October 29, 2025

Welcome: 5:30 PM Project Presentation: between 5:30 - 6:30 PM Question & Answer: between 5:30 - 6:30 PM

**Meetings shall occur between 5:00 p.m.-9:00 p.m. on a Monday through Thursday (excluding Town recognized holidays). If you have questions about the general process for this application, please contact the Planning Department at 919-249-3426. You may also find information about the Apex Planning Department and on-going planning efforts at http://www.apexnc.org/180.

Parker Poe
Attorneys & Counselors at Law

To: Neighboring Property Owners and Tenants
From: Matthew J. Carpenter
Date: October 15, 2025

Re: Notice of Virtual Neighborhood Meeting

You are invited to attend a neighborhood meeting on October 29, 2025 at 5:30 PM to discuss an upcoming application to rezone two properties located at 0 Camp Branch Lane (PIN 0731142050) and 7104 Camp Branch Lane (PIN 0731140691) from Rural Residential (RR) to Medium Density Residential Conditional Zoning (MD-CZ) or Planned Unit Development Conditional Zoning (PUD-CZ) to allow for a residential development consisting of up to 60 single-family detached lots.

During the meeting, the applicant will describe the nature of the rezoning request and field any questions from the public. Enclosed are: (1) a vicinity map outlining the location of the subject parcels; (2) a zoning map of the subject area; (3) a Land Use Map exhibit; (4) a preliminary PUD concept plan; (5) a project contact information sheet; and (6) a common construction issues & who to call information sheet.

The meeting will be held virtually. You can participate online via Zoom or by telephone. To participate in the Zoom online meeting:

Visit:	https://zoom.us./join
Enter the following meeting ID:	896 1083 6578
Enter the following password:	979806

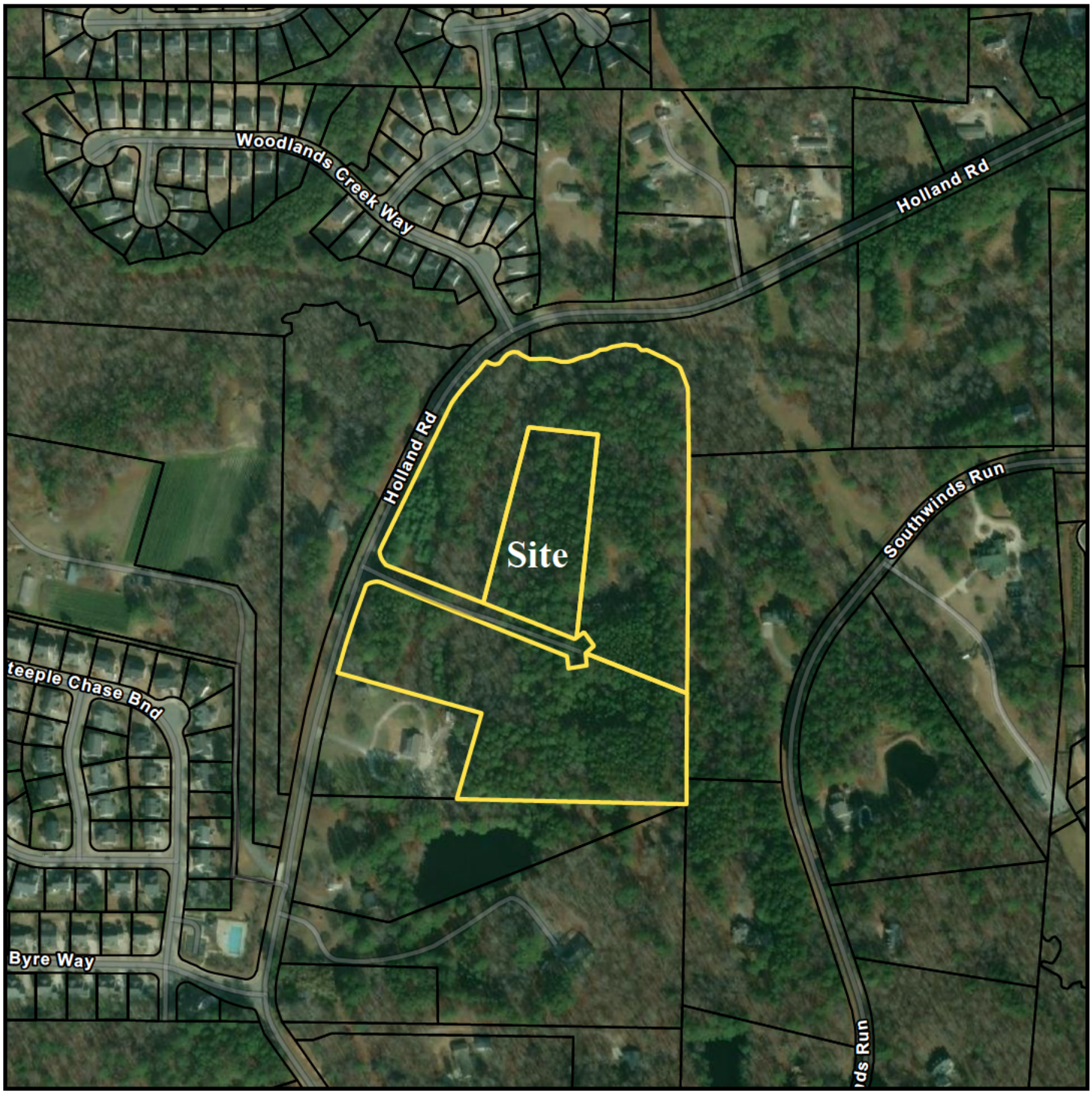
To participate by telephone:

Dial:	1 929 205 6099
Enter the following meeting ID:	896 1083 6578 #
Enter the Participant ID:	#
Enter the Meeting password:	979806 #

If you have any questions about this rezoning, please contact me at (919) 835-4032 or via email at matthewcarpenter@parkerpoe.com.

Sincerely,

Matthew Carpenter



0 & 7104 Camp Branch Lane

Vicinity Map

N

0 200 400 800 ft

1 inch equals 400 feet

Disclaimer

*iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are **NOT** surveys. No warranties, expressed or implied ,are provided for the data therein, its use,or its interpretation.*

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0 & 7104 Camp Branch Lane

Zoning Map

Current Zoning: RR

N

0 200 400 800 ft

1 inch equals 400 feet

Disclaimer
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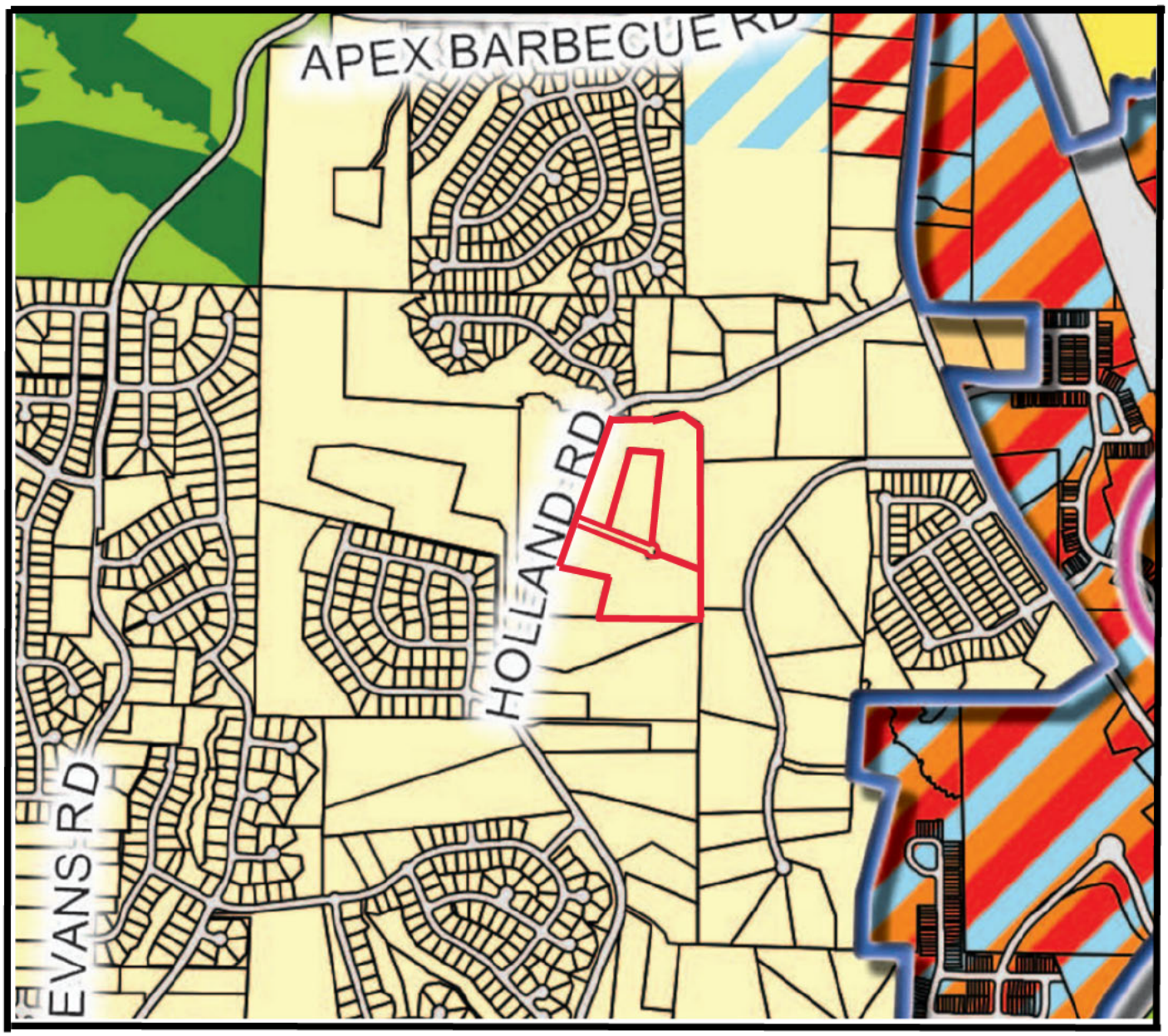
#25CZ19

2045 LAND USE MAP EXHIBIT



0 & 7104 Camp Branch Lane

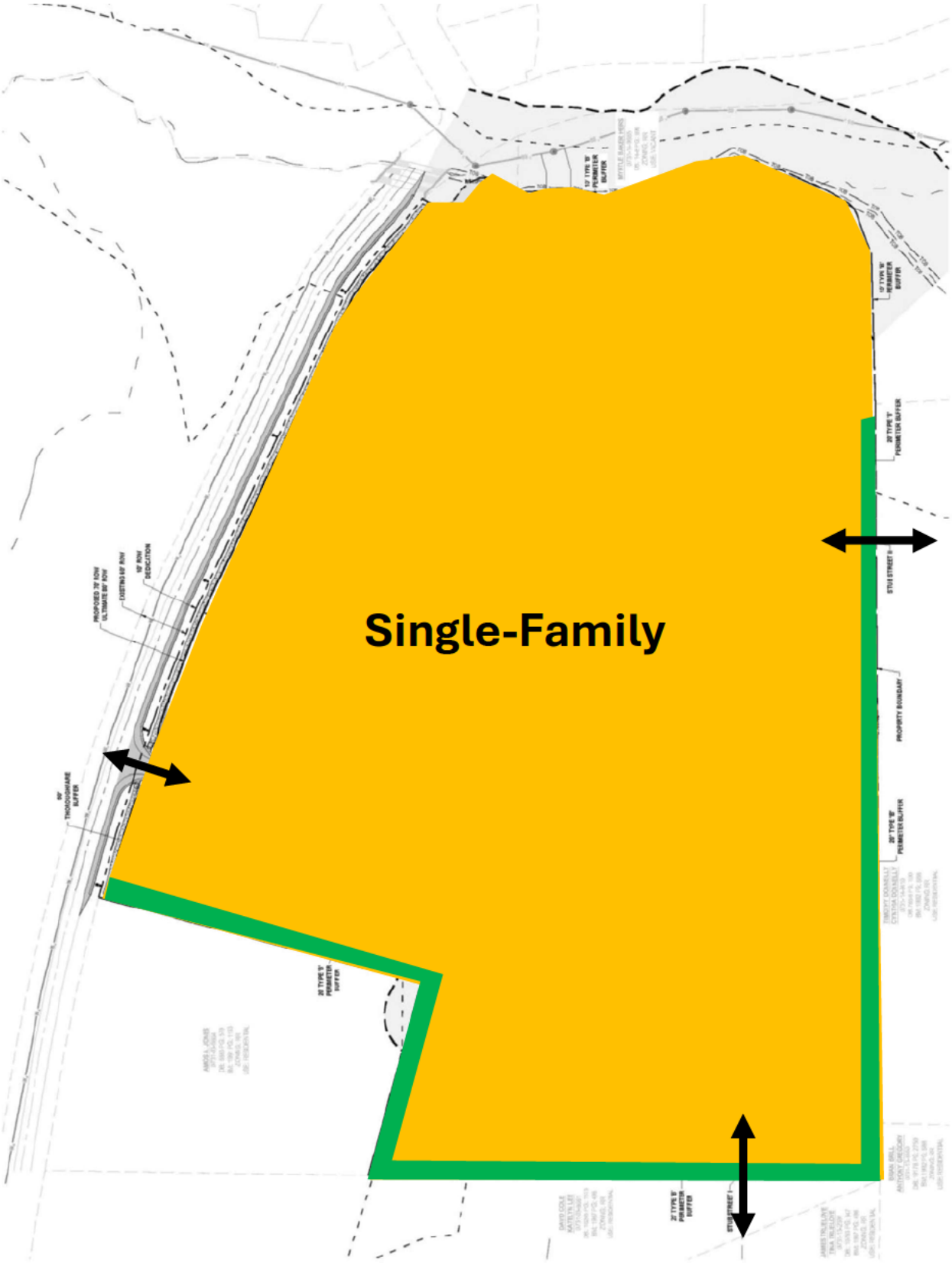
<u>Current LUM Designation</u>: Medium Density Residential

<u>Proposed LUM Designation</u>: TBD; Medium Density Residential OR Low Density Residential

#25CZ19

PUD Concept Plan

***Concept Plan may change before and after application submittal**



#25CZ19

PROJECT CONTACT INFORMATION

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Development Contacts:

Project Name: Camp Branch Lane Rezoning Zoning: Rural Residential (RR)

Location: 0 & 7104 Camp Branch Lane

Property PIN(s): 0731142050 & 0731140691 Acreage/Square Feet: 20.72 acres

Property Owner: Thomas A. Carter Heirs

Address: 7104 Camp Branch Lane

City: Apex State: NC Zip: 27502

Phone: n/a Email: n/a

Developer: Lennar Carolinas, LLC c/o Matthew J. Carpenter

Address: 301 Fayetteville Street, Suite 1400

City: Raleigh State: NC Zip: 27601

Phone: (919) 835-4032 Fax: n/a Email: matthewcarpenter@parkerpoe.com

Engineer: Curry Engineering c/o Eric Blocher

Address: 205 S. Fuquay Avenue

City: Fuquay-Varina State: NC Zip: 27526

Phone: (919) 552-0849 ext. 106 Fax: n/a Email: eric@curryeng.com

Builder (if known): Lennar Carolinas, LLC c/o Matthew J. Carpenter

Address: 301 Fayetteville Street, Suite 1400

City: Raleigh State: NC Zip: 27601

Phone: (919) 835-4032 Fax: n/a Email: matthewcarpenter@parkerpoe.com

Please note that Town staff will not have complete information about a proposed development until the application is submitted for review. If you have a question about Town development standards and how they relate to the proposed development, please contact the appropriate staff person listed below.

Town of Apex Department Contacts	
Planning Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planning Manager	(919) 372-7468
Transportation & Infrastructure Development Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control) Matt Reker, Utility Engineer/FOG Program Manager (Water & Sewer)	(919) 249-3537 (919) 946-4394
Electric Utilities Division Jared Harris, Electric Technical Services Manager	(919) 372-7466

#25CZ19

NEIGHBORHOOD MEETING SIGN-IN SHEET

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Meeting Address: virtual via zoom

Date of meeting: October 29, 2025 Time of meeting: 5:30 PM

Property Owner(s) name(s): Estate of Thomas Ames Carter

Applicant(s): Lennar Carolinas, LLC

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only. For virtual meetings, applicants must include all known participants and request the information below.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Tim Donnelly	2508 SOUTHWINDS RUN	N/A	[redacted]	☑
2.	Beth Jordan	Not provided	N/A		☐
3.	Meredith McLaurin Little	3200 Wake Forest Rd.	N/A		☐
4.	James Lee	2700 HOLLAND Rd.	N/A		☐
5.	Bryan Pearson	1007 WOODLANDS CREEK WAY	N/A		☐
6.	James R. Truelove	2717 HOLLAND Rd.	N/A		☐
7.					☐
8.					☐
9.					☐
10.					☐
11.					☐
12.					☐
13.					☐
14.					☐

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Property Owner(s) name(s): Estate of Thomas Ames Carter

Applicant(s): Lennar Carolinas, LLC

Contact information (email/phone): _____

Meeting Address: virtual via zoom

Date of meeting: October 29, 2025 Time of meeting: 5:30 PM

Please summarize the questions/comments and your responses from the Neighborhood Meeting or emails/phone calls received in the spaces below (attach additional sheets, if necessary). Please state if/how the project has been modified in response to any concerns. The response should not be "Noted" or "No Response". There has to be documentation of what consideration the neighbor's concern was given and justification for why no change was deemed warranted.

Question/Concern #1:
See attached.

Applicant's Response:
See attached.

Question/Concern #2:
See attached.

Applicant's Response:
See attached.

Question/Concern #3:
See attached.

Applicant's Response:
See attached.

Question/Concern #4:
See attached.

Applicant's Response:
See attached.

Summary of Neighborhood Meeting
0 & 7104 Camp Branch Lane
October 29, 2025

I. WELCOME
   a. Introduction of Development Team
      i. Matthew Carpenter w/Parker Poe
      ii. Chris Bowley, w/ Lennar, the developer
      iii. Eric Blocher, w/Curry Engineering
   b. Explanation of process. This is the pre-filing neighborhood meeting for a potential rezoning request, the very first step in a long development process. So, the purpose of tonight's meeting is to explain our plans and take your feedback into consideration as we put together our rezoning application.

II. PRESENTATION
   a. Site Overview - location, environmental constraints of the site, and existing uses adjacent.
   b. 2045 Land Use Map (LUM) Designation
      i. The LUM is the primary policy document the Town uses to evaluate rezoning requests. This property is designated Medium Density Residential which recommends single-family homes and townhomes with an overall density up to 6 units/acre.
      ii. This a typical designation near mixed-use designations—like the one to the east of the site—where the Town envisions lower density housing types as a transition from the higher density and commercial uses in a mixed-use designation.
   c. Existing and Proposed Zoning
      i. The current zoning is Rural Residential. The proposed zoning district is Medium Density Conditional (MD-CZ), which is what the LUM recommends and is consistent with surrounding residential development. The purpose of the rezoning is to allow for a single-family residential subdivision.
   d. Draft of Zoning Conditions
      i. The "conditional" part of the district means that we'll include in our rezoning application certain zoning conditions that will be binding on the property and any future development.
      ii. We haven't finalized these conditions yet and they will likely change after staff review, but we wanted to provide the current conditions for feedback.
      iii. The current draft conditions are: permitted use as single-family homes with a maximum density of 4 units/acre, a 20-foot Type B buffer and fence along the eastern property line, 40-foot minimum lot width, only 1 street access will be required given the environmental constraints and issue with site distance due to the curve in Holland Road, no stub street to the east, and certain architectural conditions.
   e. Rezoning Process and Timeline
      i. As I mentioned, this is the very first step in the rezoning process.

ii. After this meeting, the next step is application submittal which will likely be November 3, 2025.
iii. After submittal, the application will be reviewed by Town staff from each department. Staff will provide comments and we will revise our application and resubmit until all staff comments have been addressed.
iv. After staff comments have been addressed, the case will go to Planning Board. Planning Board will hold a public hearing, review the case, and make a recommendation to Town Council.
v. Following the Planning Board meeting, Town Council will hold a public hearing and make the final decision on the rezoning. The full process will likely take six months or more.

III. QUESTION AND ANSWER SESSION

a. ***Can fencing be installed on the southern boundary line?***
   i. We can discuss this with the development team, but given the stream and environmental conditions on the western portion of the southern boundary line it could be difficult or result in a small area where a fence could be placed.
b. ***What is the plan for controlling runoff to nearby communities?***
   i. The UDO requires developments to treat all stormwater runoff on site through stormwater control devices. Although stormwater controls will be designed and located at subdivision plat review, we anticipate there will be one or more stormwater ponds on the property to treat runoff.
c. ***Concern about the pond to the south.***
   i. We will take the pond into consideration when designing our stormwater control measures. As I mentioned, the UDO requires us to treat all stormwater runoff on site, so we are not permitted to overwhelm the existing pond to the south.
d. ***Will the fence be a 6' privacy fence?***
   i. Yes, our current zoning condition specifies a 6' privacy fence, we just paraphrased on the presentation slide.
e. ***Can the fence be placed at the back of the lots and not the lot line?***
   i. That's not an issue and typically how fences adjacent to perimeter buffers are installed. We will specify the location in the condition and work with staff on the language during review.
f. ***Can water and sewer lines be stubbed to the eastern property line?***
   i. Yes, we plan to stub water and sewer lines as required by the UDO. The condition that no stub street shall be required only applies to the street. We will work with you and planning staff on where utility stubs are located.
g. ***The zoning condition regarding no sub street could be interpreted to not allow extension in the future. Can the condition be revised to clarify that it shall not preclude extension of the street in the future?***
   i. Yes, this is a great point. We will revise the zoning condition to ensure that it will not preclude extension of the street in the future.
h. ***Will Holland Road be widened? Curb and gutter?***

i. Yes, all developments must widen the road along their frontage during subdivision plat review. So, here, the project will widen the road and install curb and gutter on the project's side of Holland Road. There is a large stream that crosses Holland Road along the site frontage. Disturbance of the stream for road widening has to be approved by the US Army Corps of engineers. If the Army Corps does not approve the disturbance, then the widening and curb and gutter will stop short of the stream.

#25CZ19

OWNER	MAILING ADDRESS		
ALVIRA, KENNY NIVAR CROOMS-NIVAR, EBONY	1000 EDINBURGH DOWNS LN	APEX NC 27502-5248	
BAKER, MARY LOU	39 OLD SCHOOL LN	LILLINGTON NC 27546-7674	
BAKER, MYRTLE B HEIRS	MABEL J MATTHEWS EXEC	PO BOX 153	NEW HILL NC 27562-0153
BAKER, THOMAS N JR	2300 CITRUS HILL DR	APEX NC 27502-4026	
BRILL, BRIAN GREGORY, ANTHONY NEAL	249 BASHFORD RD	VALATIE NY 12184-3805	
CARTER, THOMAS A HEIRS	7104 CAMP BRANCH LN	APEX NC 27502-8462	
CHEELY, GEORGE RAY CHEELY, JEAN S	2601 SOUTHWINDS RUN	APEX NC 27502-6514	
COLE, DAVID C LEE, KATELYN E	2713 HOLLAND RD	APEX NC 27502-9631	
CROCKETTS RIDGE PHASE II INC	PO BOX 1149	APEX NC 27502-3149	
DICKINSON, WILLIAM GORDON TRUSTEE PACIS DICKINSON, IRIS RIA TRUSTEE	1977 STEEPLE CHASE BND	APEX NC 27502-9102	
DONNELLY, TIMOTHY L DONNELLY, CYNTHIA O	2508 SOUTHWINDS RUN	APEX NC 27502-6511	
FITZGERALD, MICHAEL L FITZGERALD, JODY L	1981 STEEPLE CHASE BND	APEX NC 27502-9102	
FRIEDLER, DEBORAH M	1008 WOODLANDS CREEK WAY	APEX NC 27502-5250	
GAONKAR, ATMARAN B VAIDYA, MRUDULA M	1101 WOODLANDS CREEK WAY	APEX NC 27502-5244	
HARVEY, JAMES MICHAEL HARVEY, JESSICA DANIELLE	1973 STEEPLE CHASE BND	APEX NC 27502-9102	
HIMES, SCOTT C HIMES, MARIE P	1004 EDINBURGH DOWNS LN	APEX NC 27502-5248	
HINTERMEISTER, GERALD HINTERMEISTER, RONDA	1008 EDINBURGH DOWNS LN	APEX NC 27502-5248	
HOLLAND FARM COMMUNITY ASSN INC	KDK PROPERTY MANAGEMENT	PO BOX 863	HILLSBOROUGH NC 27278-0863
JABLONSKI, JAMES JOHN	2612 HOLLAND RD	APEX NC 27502-9149	
JAYASEELAN, NAVEEN KUMAR ATHINATHAN, SHANMUGAPRIYA	1002 WOODLANDS CREEK WAY	APEX NC 27502-5250	
JONES, AMOS A	2641 HOLLAND RD	APEX NC 27502-9149	
JONES-SAIDYKHAN, ANDREA SAIDYKHAN, OUSMAN	2520 HOLLAND RD	APEX NC 27502-9331	
KELLY COMMONS LLC	10210 GREEN LEVEL CHURCH RD	CARY NC 27519-8229	
KENNEDY, ROBERT B	1006 WOODLANDS CREEK WAY	APEX NC 27502-5250	
LEE, JAMES D LEE, KARMA F	2700 HOLLAND RD	APEX NC 27502-9631	
LEE, JAMES D TRUSTEES LEE, KARMA F TRUSTEES	2700 HOLLAND RD	APEX NC 27502-9631	
MATTHEWS, MABEL JEAN	PO BOX 153	NEW HILL NC 27562-0153	
MORGAN, JOSEPH GLENN BYERS MORGAN, TAMMY RENEA	1013 WOODLANDS CREEK WAY	APEX NC 27502-5251	
PEARSON, ADRIANA A PEARSON, BRYAN W	1007 WOODLANDS CREEK WAY	APEX NC 27502-5251	
RAY, JUSTIN RAY, SARA	1965 STEEPLE CHASE BND	APEX NC 27502-9102	
RINALDI, LORA	1010 EDINBURGH DOWNS LN	APEX NC 27502-5248	
SACCO, MARIE	1012 EDINBURGH DOWNS LN	APEX NC 27502-5248	
SANDERS, ADAM O SANDERS, DANA K	1989 STEEPLE CHASE BND	APEX NC 27502-9102	
SCIACCA, ANGELA HART, THEODORE	1009 WOODLANDS CREEK WAY	APEX NC 27502-5251	
SIMPSON, SHERIKA SHURMAINE TRUSTEE TRUSTEE OF THE SIMPSON LIVING TRUST	1010 WOODLANDS CREEK WAY	APEX NC 27502-5250	
SMITH, SUSAN L C	2721 HOLLAND RD	APEX NC 27502-9631	
TANG, LINNAN ZHANG, CHI	1011 WOODLANDS CREEK WAY	APEX NC 27502-5251	
THOMPSON, MICHAEL F THOMPSON, CLAUDIA L	2625 SOUTHWINDS RUN	APEX NC 27502-6514	
THUMAR, DHIRAJLAL BHIMJIBHAI THUMAR, JAYSHREEBEN DHIRAJLAL	1000 WOODLANDS CREEK WAY	APEX NC 27502-5250	
TRUELOVE, JAMES R TRUELOVE, TINA U	2717 HOLLAND RD	APEX NC 27502-9631	
XU, JIAQI	37594 SAND DRIFT RD	NEWARK CA 94560-7328	
ZUCHOWSKI, ALAN ZUCHOWSKI, PATRICIA JO	1969 STEEPLE CHASE BND	APEX NC 27502-9102	
PERCY JOHNSON	165 SOMMERVILLE PARK RD	RALEIGH NC 27603	
APEX TOWN OF	PO BOX 250	APEX NC 27502	
Current Tenant	2432 Holland RD	APEX NC 27502	
Current Tenant	2300 Kelly RD	APEX NC 27502	
Current Tenant	2616 Southwinds RUN	APEX NC 27502	
Current Tenant	1004 Woodlands Creek WAY	APEX NC 27502	

AFFIDAVIT OF CONDUCTING A NEIGHBORHOOD MEETING, SIGN-IN SHEET AND ISSUES/RESPONSES SUBMITTAL

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

I, Matthew J. Carpenter, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.

2. The meeting invitations were mailed to the Apex Planning Department, all property owners and tenants abutting and within 500 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.

3. The meeting was conducted at virtually via Zoom (location/address) on 10/29/25 (date) from 5:30PM (start time) to 6:30PM (end time).

4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.

5. I have prepared these materials in good faith and to the best of my ability.

10/30/25
Date

By: [signature]

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Amy W. Stephenson, a Notary Public for the above State and County, on this the 30th day of October, 2025.

SEAL
AMY W. STEPHENSON
NOTARY PUBLIC
WAKE COUNTY, NC

[signature]
Notary Public

Amy W. Stephenson
Print Name

My Commission Expires: October 2, 2028

NOTICE OF NEIGHBORHOOD MEETING

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

January 30, 2026
Date

Dear Neighbor:
You are invited to a neighborhood meeting to review and discuss the development proposal at

Address(es)	PIN(s)
0 Camp Branch Lane	0731142050
7104 Camp Branch Lane	0731140691

in accordance with the Town of Apex Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, please refer to the Project Contact Information page for ways to contact the applicant. Notified neighbors may request that the applicant provide updates and send plans via email or mail. Once an application has been submitted to the Town, it may be tracked using the Interactive Development Map or the Apex Development Report located on the Town of Apex website at http://www.apexnc.org/180. Applications for Rezoning must hold a second Neighborhood Meeting in the month prior to the anticipated public hearing date.

A Neighborhood Meeting is required because this project includes (check all that apply):

	Application Type	Approving Authority
☑	Rezoning (including Planned Unit Development)	Town Council
☐	Major Site Plan	Technical Review Committee (staff)
☐	Minor Site Plan for the uses "Day care facility", "Government service", "School, public or private", "Restaurant, drive-through", or "Convenience store with gas sales"	Technical Review Committee (staff)
☐	Special Use Permit	Board of Adjustment (QJPH*)
☐	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

*Quasi-Judicial Public Hearing: The Board of Adjustment cannot discuss the project prior to the public hearing.

The following is a description of the proposal including any proposed long range plan amendments (also see attached map(s) and/or plan sheet(s)):

The applicant/property owner is proposing to rezone the property to Medium Density Residential Conditional Zoning District (MD-CZ) to allow for a residential development consisting of up to 60 single-family detached lots.

Estimated submittal date: Submitted November 1, 2025

MEETING INFORMATION:

Property Owner(s) name(s):	Thomas A. Carter Heirs
Applicant(s):	Lennar Carolinas, LLC c/o Matthew J. Carpenter
Contact information (email/phone):	matthewcarpenter@parkerpoe.com; (919) 835-4032
Meeting Address:	Virtual (Zoom) - See attached notice letter
Date/Time of meeting**:	February 16, 2026

Welcome: 5:30 PM Project Presentation: between 5:30 - 6:30 PM Question & Answer: between 5:30 - 6:30 PM

**Meetings shall occur between 5:00 p.m.-9:00 p.m. on a Monday through Thursday (excluding Town recognized holidays). If you have questions about the general process for this application, please contact the Planning Department at 919-249-3426. You may also find information about the Apex Planning Department and on-going planning efforts at http://www.apexnc.org/180.

Parker Poe
Attorneys & Counselors at Law

To: Neighboring Property Owners and Tenants
From: Matthew J. Carpenter
Date: January 30, 2026

Re: Notice of Second Virtual Neighborhood Meeting

You are invited to attend a second virtual neighborhood meeting on February 16, 2026 at 5:30 PM to discuss 25CZ19, the requested rezoning of 0 Camp Branch Lane (PIN 0731142050) and 7104 Camp Branch Lane (PIN 0731140691) from Rural Residential (RR) to Medium Density Residential Conditional Zoning (MD-CZ) to allow for a residential development consisting of up to 60 single-family detached lots.

During the meeting, the applicant will describe the nature of the rezoning request, provide updates since the first neighborhood meeting, and field any questions from the public. Enclosed are: (1) a vicinity map outlining the location of the subject parcels; (2) a zoning map of the subject area; (3) a Land Use Map exhibit; (4) a project contact information sheet; and (5) a common construction issues & who to call information sheet.

The meeting will be held virtually. You can participate online via Zoom or by telephone. To participate in the Zoom online meeting:

Visit:	https://zoom.us./join
Enter the following meeting ID:	812 8645 9928
Enter the following password:	054976

To participate by telephone:

Dial:	1 929 205 6099
Enter the following meeting ID:	812 8645 9928 #
Enter the Participant ID:	#
Enter the Meeting password:	054976 #

If you have any questions about this rezoning, please contact me at (919) 835-4032 or via email at matthewcarpenter@parkerpoe.com.

Sincerely,

Matthew Carpenter

0 & 7104 Camp Branch Lane

Vicinity Map

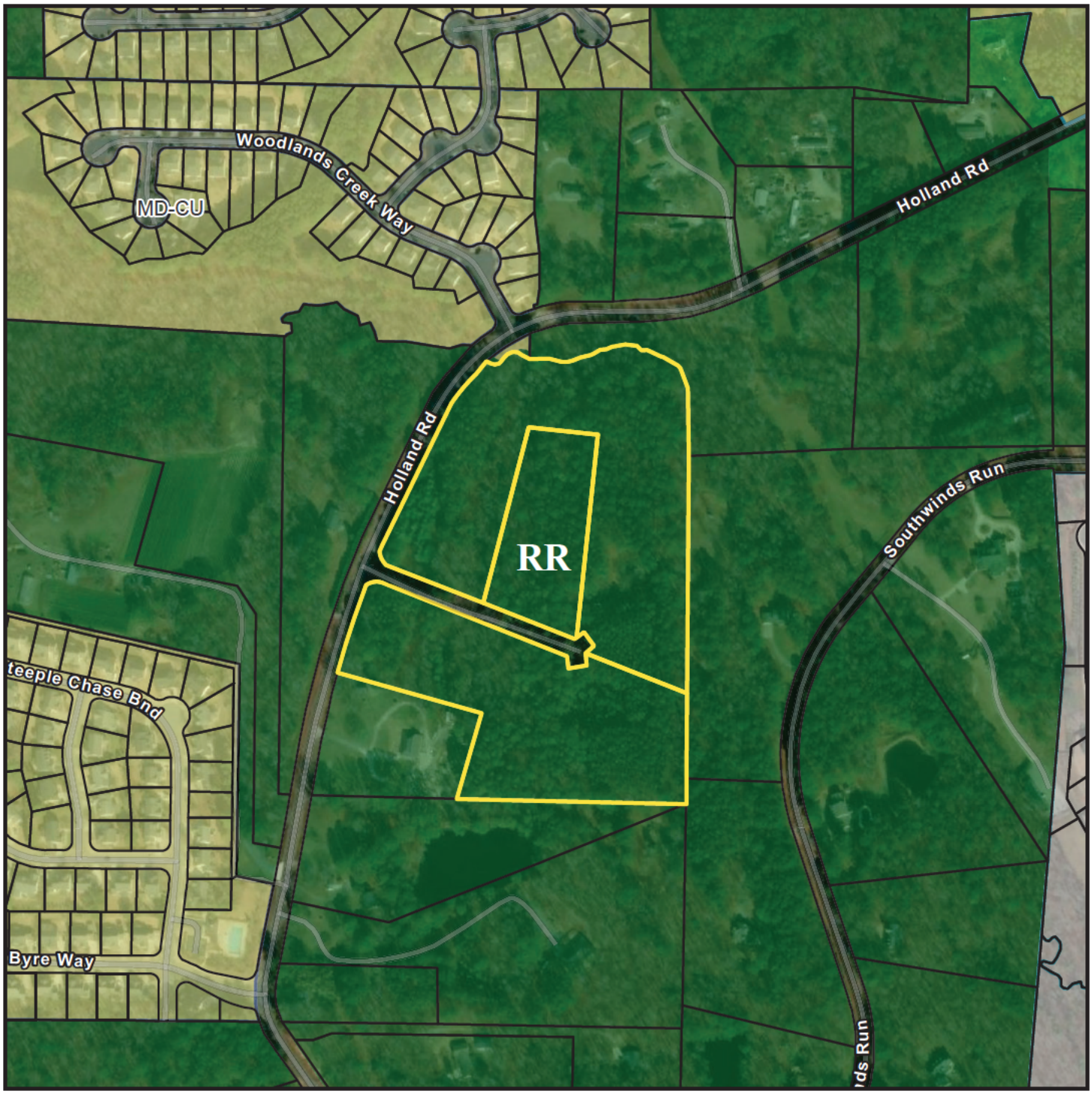
N

0 200 400 800 ft

1 inch equals 400 feet

Disclaimer

*iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are **NOT** surveys. No warranties, expressed or implied ,are provided for the data therein, its use,or its interpretation.*



0 & 7104 Camp Branch Lane

Zoning Map

Current Zoning: RR

N

0 200 400 800 ft

1 inch equals 400 feet

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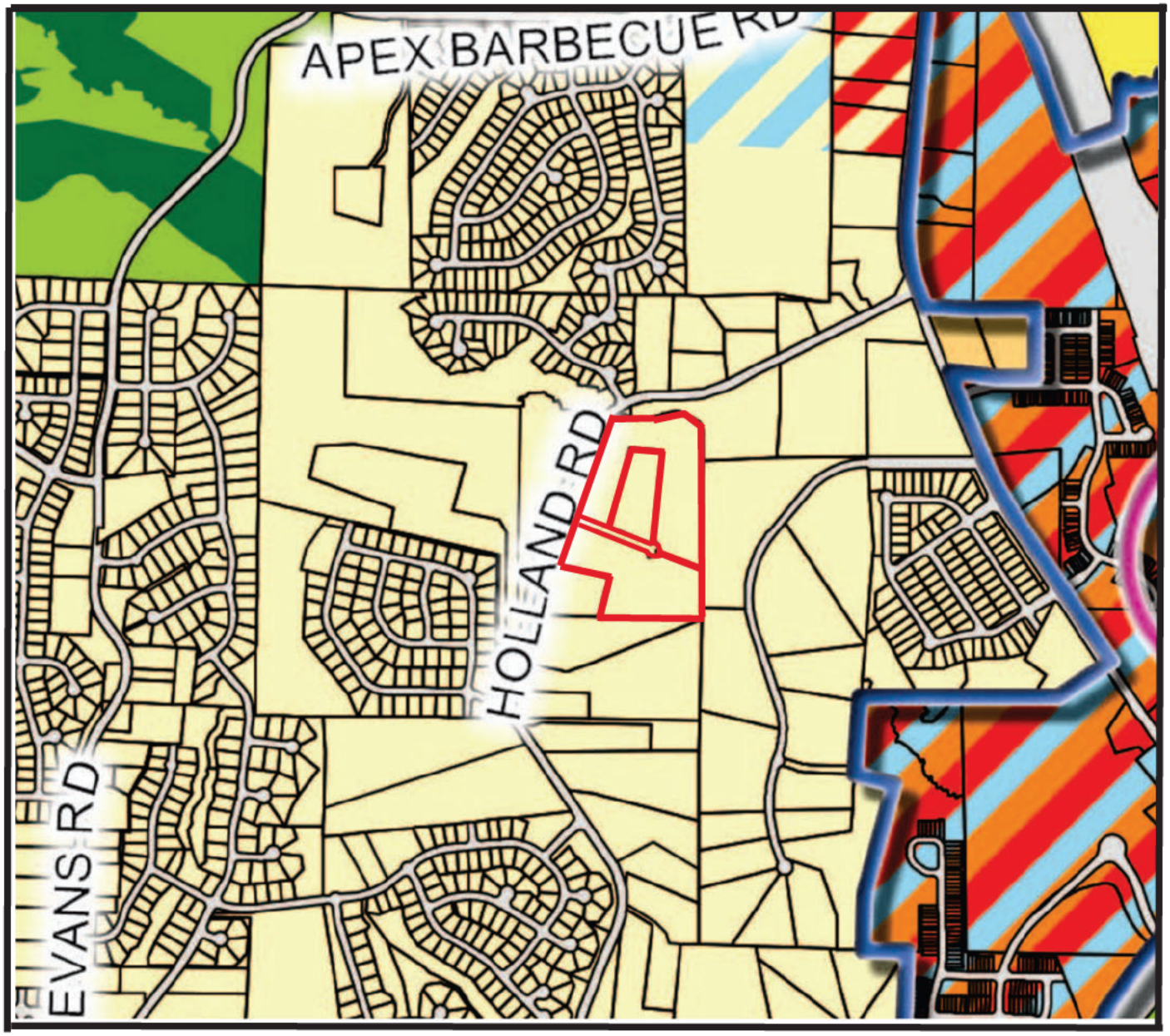
#25CZ19

2045 LAND USE MAP EXHIBIT



0 & 7104 Camp Branch Lane

<u>Current LUM Designation</u>: Medium Density Residential

<u>Proposed LUM Designation</u>: TBD; Medium Density Residential OR Low Density Residential

PROJECT CONTACT INFORMATION

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Development Contacts:

Project Name: Camp Branch Lane Rezoning Zoning: Rural Residential (RR)

Location: 0 & 7104 Camp Branch Lane

Property PIN(s): 0731142050 & 0731140691 Acreage/Square Feet: 20.72 acres

Property Owner: Thomas A. Carter Heirs

Address: 7104 Camp Branch Lane

City: Apex State: NC Zip: 27502

Phone: n/a Email: n/a

Developer: Lennar Carolinas, LLC c/o Matthew J. Carpenter

Address: 301 Fayetteville Street, Suite 1400

City: Raleigh State: NC Zip: 27601

Phone: (919) 835-4032 Fax: n/a Email: matthewcarpenter@parkerpoe.com

Engineer: Curry Engineering c/o Andy Petty

Address: 205 S. Fuquay Avenue

City: Fuquay-Varina State: NC Zip: 27526

Phone: (919) 552-0849 Fax: n/a Email: andy@curryeng.com

Builder (if known): Lennar Carolinas, LLC c/o Matthew J. Carpenter

Address: 301 Fayetteville Street, Suite 1400

City: Raleigh State: NC Zip: 27601

Phone: (919) 835-4032 Fax: n/a Email: matthewcarpenter@parkerpoe.com

Please note that Town staff will not have complete information about a proposed development until the application is submitted for review. If you have a question about Town development standards and how they relate to the proposed development, please contact the appropriate staff person listed below.

Town of Apex Department Contacts	
Planning Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planning Manager	(919) 372-7468
Transportation & Infrastructure Development Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control) Matt Reker, Utility Engineer/FOG Program Manager (Water & Sewer)	(919) 249-3537 (919) 946-4394
Electric Utilities Division Jared Harris, Electric Technical Services Manager	(919) 372-7466

#25CZ19

NEIGHBORHOOD MEETING SIGN-IN SHEET

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Meeting Address: virtual via zoom

Date of meeting: October 29, 2025 Time of meeting: 5:30 PM

Property Owner(s) name(s): Estate of Thomas Ames Carter

Applicant(s): Lennar Carolinas, LLC

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only. For virtual meetings, applicants must include all known participants and request the information below.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Tim Donnelly	2508 SOUTHWINDS RUN	N/A	[redacted]	☑
2.	Beth Jordan	Not provided	N/A		☐
3.	Meredith McLaurin Little	3200 Wake Forest Rd.	N/A		☐
4.	James Lee	2700 HOLLAND Rd.	N/A		☐
5.	Bryan Pearson	1007 WOODLANDS CREEK WAY	N/A		☐
6.	James R. Truelove	2717 HOLLAND Rd.	N/A		☐
7.					☐
8.					☐
9.					☐
10.					☐
11.					☐
12.					☐
13.					☐
14.					☐

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Property Owner(s) name(s): Estate of Thomas Ames Carter

Applicant(s): Lennar Carolinas, LLC

Contact information (email/phone): _____

Meeting Address: virtual via zoom

Date of meeting: October 29, 2025 Time of meeting: 5:30 PM

Please summarize the questions/comments and your responses from the Neighborhood Meeting or emails/phone calls received in the spaces below (attach additional sheets, if necessary). Please state if/how the project has been modified in response to any concerns. The response should not be "Noted" or "No Response". There has to be documentation of what consideration the neighbor's concern was given and justification for why no change was deemed warranted.

Question/Concern #1:
See attached.

Applicant's Response:
See attached.

Question/Concern #2:
See attached.

Applicant's Response:
See attached.

Question/Concern #3:
See attached.

Applicant's Response:
See attached.

Question/Concern #4:
See attached.

Applicant's Response:
See attached.

Summary of Second Neighborhood Meeting
0 & 7104 Camp Branch Lane
February 16, 2026

I. WELCOME
   a. Introduction of Development Team
      i. Matthew Carpenter w/Parker Poe
      ii. Chris Bowley, w/ Lennar, the developer
      iii. Eric Blocher, w/Curry Engineering
   b. Explanation of process. This is the second neighborhood meeting. The pre-filing neighborhood meeting was held on October 29, 2025. Since then we have submitted our rezoning request and completed two rounds of staff review.

II. PRESENTATION
   a. Site Overview - location, environmental constraints of the site, and existing uses adjacent.
   b. 2045 Land Use Map (LUM) Designation
      i. The LUM is the primary policy document the Town uses to evaluate rezoning requests. This property is designated Medium Density Residential which recommends single-family homes and townhomes with an overall density up to 6 units/acre.
      ii. This a typical designation near mixed-use designations—like the one to the east of the site—where the Town envisions lower density housing types as a transition from the higher density and commercial uses in a mixed-use designation.
   c. Existing and Proposed Zoning
      i. The current zoning is Rural Residential. The proposed zoning district is Medium Density Conditional (MD-CZ), which is what the LUM recommends and is consistent with surrounding residential development. The purpose of the rezoning is to allow for a single-family residential subdivision.
   d. Zoning Conditions
      i. The applicant explained the 18 proposed zoning conditions.
   e. Rezoning Process and Timeline
      i. After staff comments have been addressed, the case will go to Planning Board, which we are anticipating for Monday March 9th. Planning Board will hold a public hearing, review the case, and make a recommendation to Town Council.
      ii. Town Council will then make a vote to approve or deny this request. We are anticipating a Town Council vote on Tuesday March 24th.
      iii. If this rezoning request is approved, we have to submit a site plan and subdivision plan which is reviewed by the Town and typically takes 9 to 12 months to complete.
      iv. Next, construction drawings and building permits are submitted and reviewed by the Town which will take an additional 6 months to be approved.

III. QUESTION AND ANSWER SESSION

a. ***Can you please clarify the percentage of units which will be affordable?***

i. Currently, we are committing to 5% of the total unit counts to be affordable. We have not landed on an exact unit count, so we do not have a specific affordable unit count yet.

#25CZ19

OWNER	MAILING ADDRESS		
ALVIRA, KENNY NIVAR CROOMS-NIVAR, EBONY	1000 EDINBURGH DOWNS LN	APEX NC 27502-5248	
BAKER, MARY LOU	39 OLD SCHOOL LN	LILLINGTON NC 27546-7674	
BAKER, MYRTLE B HEIRS	MABEL J MATTHEWS EXEC	PO BOX 153	NEW HILL NC 27562-0153
BAKER, THOMAS N JR	2300 CITRUS HILL DR	APEX NC 27502-4026	
BRILL, BRIAN GREGORY, ANTHONY NEAL	249 BASHFORD RD	VALATIE NY 12184-3805	
CARTER, THOMAS A HEIRS	7104 CAMP BRANCH LN	APEX NC 27502-8462	
CHEELY, GEORGE RAY CHEELY, JEAN S	2601 SOUTHWINDS RUN	APEX NC 27502-6514	
COLE, DAVID C LEE, KATELYN E	2713 HOLLAND RD	APEX NC 27502-9631	
CROCKETTS RIDGE PHASE II INC	PO BOX 1149	APEX NC 27502-3149	
DICKINSON, WILLIAM GORDON TRUSTEE PACIS DICKINSON, IRIS RIA TRUSTEE	1977 STEEPLE CHASE BND	APEX NC 27502-9102	
DONNELLY, TIMOTHY L DONNELLY, CYNTHIA O	2508 SOUTHWINDS RUN	APEX NC 27502-6511	
FITZGERALD, MICHAEL L FITZGERALD, JODY L	1981 STEEPLE CHASE BND	APEX NC 27502-9102	
FRIEDLER, DEBORAH M	1008 WOODLANDS CREEK WAY	APEX NC 27502-5250	
GAONKAR, ATMARAN B VAIDYA, MRUDULA M	1101 WOODLANDS CREEK WAY	APEX NC 27502-5244	
HARVEY, JAMES MICHAEL HARVEY, JESSICA DANIELLE	1973 STEEPLE CHASE BND	APEX NC 27502-9102	
HIMES, SCOTT C HIMES, MARIE P	1004 EDINBURGH DOWNS LN	APEX NC 27502-5248	
HINTERMEISTER, GERALD HINTERMEISTER, RONDA	1008 EDINBURGH DOWNS LN	APEX NC 27502-5248	
HOLLAND FARM COMMUNITY ASSN INC	KDK PROPERTY MANAGEMENT	PO BOX 863	HILLSBOROUGH NC 27278-0863
JABLONSKI, JAMES JOHN	2612 HOLLAND RD	APEX NC 27502-9149	
JAYASEELAN, NAVEEN KUMAR ATHINATHAN, SHANMUGAPRIYA	1002 WOODLANDS CREEK WAY	APEX NC 27502-5250	
JONES, AMOS A	2641 HOLLAND RD	APEX NC 27502-9149	
JONES-SAIDYKHAN, ANDREA SAIDYKHAN, OUSMAN	2520 HOLLAND RD	APEX NC 27502-9331	
KELLY COMMONS LLC	10210 GREEN LEVEL CHURCH RD	CARY NC 27519-8229	
KENNEDY, ROBERT B	1006 WOODLANDS CREEK WAY	APEX NC 27502-5250	
LEE, JAMES D LEE, KARMA F	2700 HOLLAND RD	APEX NC 27502-9631	
LEE, JAMES D TRUSTEES LEE, KARMA F TRUSTEES	2700 HOLLAND RD	APEX NC 27502-9631	
MATTHEWS, MABEL JEAN	PO BOX 153	NEW HILL NC 27562-0153	
MORGAN, JOSEPH GLENN BYERS MORGAN, TAMMY RENEA	1013 WOODLANDS CREEK WAY	APEX NC 27502-5251	
PEARSON, ADRIANA A PEARSON, BRYAN W	1007 WOODLANDS CREEK WAY	APEX NC 27502-5251	
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SACCO, MARIE	1012 EDINBURGH DOWNS LN	APEX NC 27502-5248	
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SIMPSON, SHERIKA SHURMAINE TRUSTEE TRUSTEE OF THE SIMPSON LIVING TRUST	1010 WOODLANDS CREEK WAY	APEX NC 27502-5250	
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TANG, LINNAN ZHANG, CHI	1011 WOODLANDS CREEK WAY	APEX NC 27502-5251	
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THUMAR, DHIRAJLAL BHIMJIBHAI THUMAR, JAYSHREEBEN DHIRAJLAL	1000 WOODLANDS CREEK WAY	APEX NC 27502-5250	
TRUELOVE, JAMES R TRUELOVE, TINA U	2717 HOLLAND RD	APEX NC 27502-9631	
XU, JIAQI	37594 SAND DRIFT RD	NEWARK CA 94560-7328	
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APEX TOWN OF	PO BOX 250	APEX NC 27502	
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AFFIDAVIT OF CONDUCTING A NEIGHBORHOOD MEETING, SIGN-IN SHEET AND ISSUES/RESPONSES SUBMITTAL

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I, Matthew J. Carpenter, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.

2. The meeting invitations were mailed to the Apex Planning Department, all property owners and tenants abutting and within 500 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.

3. The meeting was conducted at virtually via Zoom (location/address) on 2/16/2026 (date) from 5:30 PM (start time) to 6:34 PM (end time).

4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.

5. I have prepared these materials in good faith and to the best of my ability.

2/20/2026
Date

By: _____

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Matthew Carpenter, a Notary Public for the above State and County, on this the 20th day of February, 2026.

SEAL
MARIA STALLINGS
NOTARY PUBLIC
Commission Expires
April 11, 2026
WAKE COUNTY, NC

_____
Notary Public

Maria Stallings
Print Name

My Commission Expires: April 11, 2026

TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #25CZ19
Camp Branch Lane

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board and Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Lennar Carolinas, LLC
Authorized Agent: Chris Bowley
Property Addresses: 0 & 7104 Camp Branch Lane
Acreage: ±22.19 acres
Property Identification Numbers (PINs): 0731142050 & 0731140691
2045 Land Use Map Designation: Medium Density Residential
Existing Zoning of Properties: Rural Residential (RR)
Proposed Zoning of Properties: Medium Density Residential-Conditional Zoning (MD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Separate comments must be provided for the two public hearings by the deadlines specified below.

Planning Board Public Hearing Date and Time: March 9, 2026 4:30 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: https://www.youtube.com/c/townofapexgov.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (322 N. Mason Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

Town Council Public Hearing Date and Time: March 24, 2026 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: https://www.youtube.com/c/townofapexgov.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council prior to their vote. Please include the Public Hearing name in the subject line.

Vicinity Map:

Property owners, tenants, and neighborhood associations within 500 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at https://maps.raleighnc.gov/imaps. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: https://www.apexnc.org/DocumentCenter/View/52516.

Dianne F. Khin, AICP
Planning Director

Published Dates: February 27 - March 24, 2026

Adobe Acrobat: PDF edit, convert, sign tools chrome-extension://efaidnbmnnnibpcajpcglcl...
or-Rhythm files | Conditions | Rezoning-PUD | Zoning Verification | PubNoticeTemp | Applications & Sched... | All Bookmarks
All tools | Edit | Convert | E-Sign | 25CZ19 ...C Notice | Share

TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

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73 Hunter Street, Apex, North Carolina

Separate comments must be provided for the two public hearings by the deadlines specified below.

Planning Board Public Hearing Date and Time: March 9, 2026 4:30 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: https://www.youtube.com/c/townofapexgov.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (322 N. Mason Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

Town Council Public Hearing Date and Time: March 24, 2026 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: https://www.youtube.com/c/townofapexgov.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council prior to their vote. Please include the Public Hearing name in the subject line.

Vicinity Map:

Property owners, tenants, and neighborhood associations within 500 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at https://maps.raleighnc.gov/imaps. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: https://www.apexnc.org/DocumentCenter/View/52516.

Dianne F. Khin, AICP
Planning Director

Published Dates: February 27 - March 24, 2026

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TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #25CZ19

Camp Branch Lane

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del Ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación y el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Lennar Carolinas, LLC
Agente autorizado: Chris Bowley
Dirección de las propiedades: 0 y 7104 Camp Branch Lane
Superficie: ±22.19 acres
Números de identificación de las propiedades: 0731142050 & 0731140691
Designación en el Mapa de Uso Territorial para 2045: Medium Density Residential
Ordenamiento territorial existente de las propiedades: Rural Residential (RR)
Ordenamiento territorial propuesto para las propiedades: Medium Density Residential-Conditional Zoning (MD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Los comentarios para cada una de las dos audiencias públicas deben presentarse por separado en los plazos especificados a continuación.

Fecha y hora de la audiencia pública de la Junta de Planificación: 9 de marzo de 2026 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaría de la Junta de Planificación, Jeri Pederson (322 N. Mason Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

Fecha y hora de la audiencia pública del Consejo Municipal: 24 de marzo de 2026 6:00 PM

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov.

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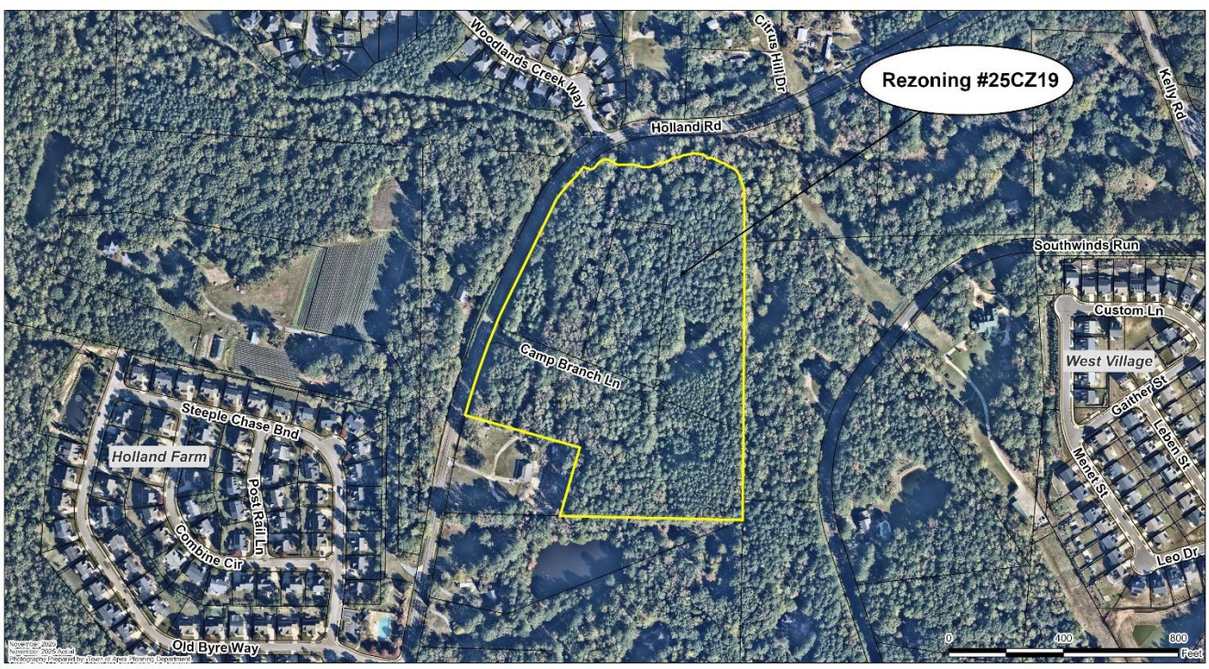
Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 500 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: https://maps.raleighnc.gov/imaps. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: https://www.apexnc.org/DocumentCenter/View/52516.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 27 de febrero - 24 de marzo de 2026

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All tools | Edit | Convert | E-Sign | 25CZ19 ...C Notice | Share

TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #25CZ19

Camp Branch Lane

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Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Los comentarios para cada una de las dos audiencias públicas deben presentarse por separado en los plazos especificados a continuación.

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Fecha y hora de la audiencia pública del Consejo Municipal: 24 de marzo de 2026 6:00 PM

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Mapa de las inmediaciones:

Los propietarios, inquilinos y asociaciones de vecinos en un radio de 500 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: https://maps.raleighnc.gov/imaps. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: https://www.apexnc.org/DocumentCenter/View/52516.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 27 de febrero - 24 de marzo de 2026

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TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

AFFIDAVIT CERTIFYING
Public Notification – Written (Mailed) Notice

Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name:	Conditional Zoning #25CZ19
Project Location:	0 & 7104 Camp Branch Lane
Authorized Agent:	Chris Bowley
Firm:	Lennar Carolinas, LLC
Planning Board/Town Council Public Hearing Dates:	March 9, 2026 and March 24, 2026
Project Planner:	Joshua Killian, Planner II

This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project on February 27, 2026, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 500' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 500' of the land subject to notification.

3/2/2026
Date

Planning Director

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, LAUREN J SISSON, a Notary Public for the above State and County, this the 2nd day of MARCH, 2026.

LAUREN J SISSON
Notary Public - North Carolina
Wake County
My Commission Expires Oct 3, 2027
SEAL

Notary Public

My Commission Expires: 10/3/2027

TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

Public Hearing was closed; vote was continued to May 12, 2026

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #25CZ19
Camp Branch Lane

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Lennar Carolinas, LLC
Authorized Agent: Chris Bowley
Property Addresses: 0 & 7104 Camp Branch Lane
Acreage: ±22.19 acres
Property Identification Numbers (PINs): 0731142050 & 0731140691
2045 Land Use Map Designation: Medium Density Residential
Existing Zoning of Properties: Rural Residential (RR)
Proposed Zoning of Properties: Medium Density Residential-Conditional Zoning (MD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below.

Town Council Public Hearing Date and Time: ~~March 24,~~ May 12, 2026 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: https://www.youtube.com/c/townofapexgov.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council prior to their vote. Please include the Public Hearing name in the subject line.

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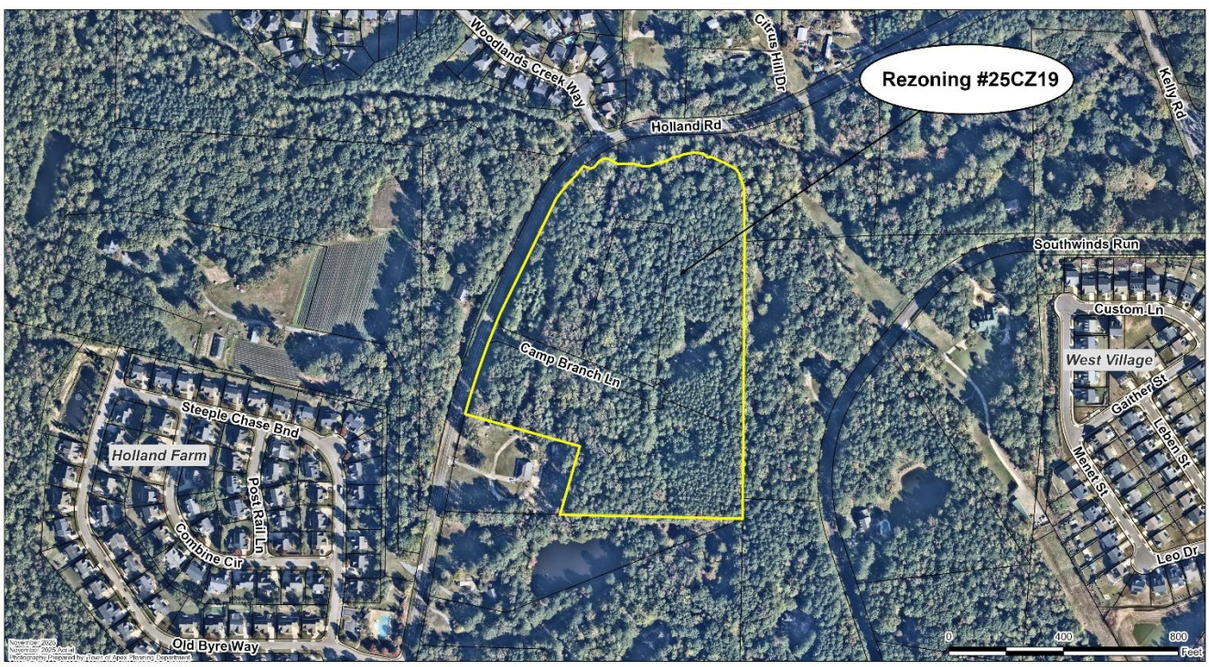

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Dianne F. Khin, AICP
Planning Director

Published Dates: February 27 - ~~March 24,~~ May 12, 2026

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for-Rhythm files | Conditions | Rezoning-PUD | Zoning Verification | PubNoticeTemp | Unified Development... | All Bookmarks
All tools | Edit | Convert | E-Sign | 25CZ19 C...3018242 | Share

TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

Public Hearing was closed; vote was continued to May 12, 2026

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #25CZ19
Camp Branch Lane

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Dianne F. Khin, AICP
Planning Director

Published Dates: February 27 - ~~March 24,~~ May 12, 2026

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TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

Se terminó la audiencia pública; la votación ha sido postergada al 12 de mayo de 2026

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #25CZ19
Camp Branch Lane

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Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Los comentarios para cada una de las dos audiencias públicas deben presentarse por separado en los plazos especificados a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: ~~24 de marzo~~ 12 de mayo de 2026 6:00 PM

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: https://www.youtube.com/c/townofapexgov.

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Mapa de las inmediaciones:

Los propietarios, inquilinos y asociaciones de vecinos en un radio de 500 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: https://maps.raleighnc.gov/imaps. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: https://www.apexnc.org/DocumentCenter/View/52516.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 27 de febrero - ~~24 de marzo~~ 12 de mayo de 2026

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Conditions Rezoning-PUD Zoning Verification PubNoticeTemp Unified Development... All Bookmarks
All tools Edit Convert E-Sign 25CZ19 C...3018242 Share

TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

Se terminó la audiencia pública; la votación ha sido postergada al 12 de mayo de 2026

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #25CZ19
Camp Branch Lane

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Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 27 de febrero - ~~24 de marzo~~ 12 de mayo de 2026

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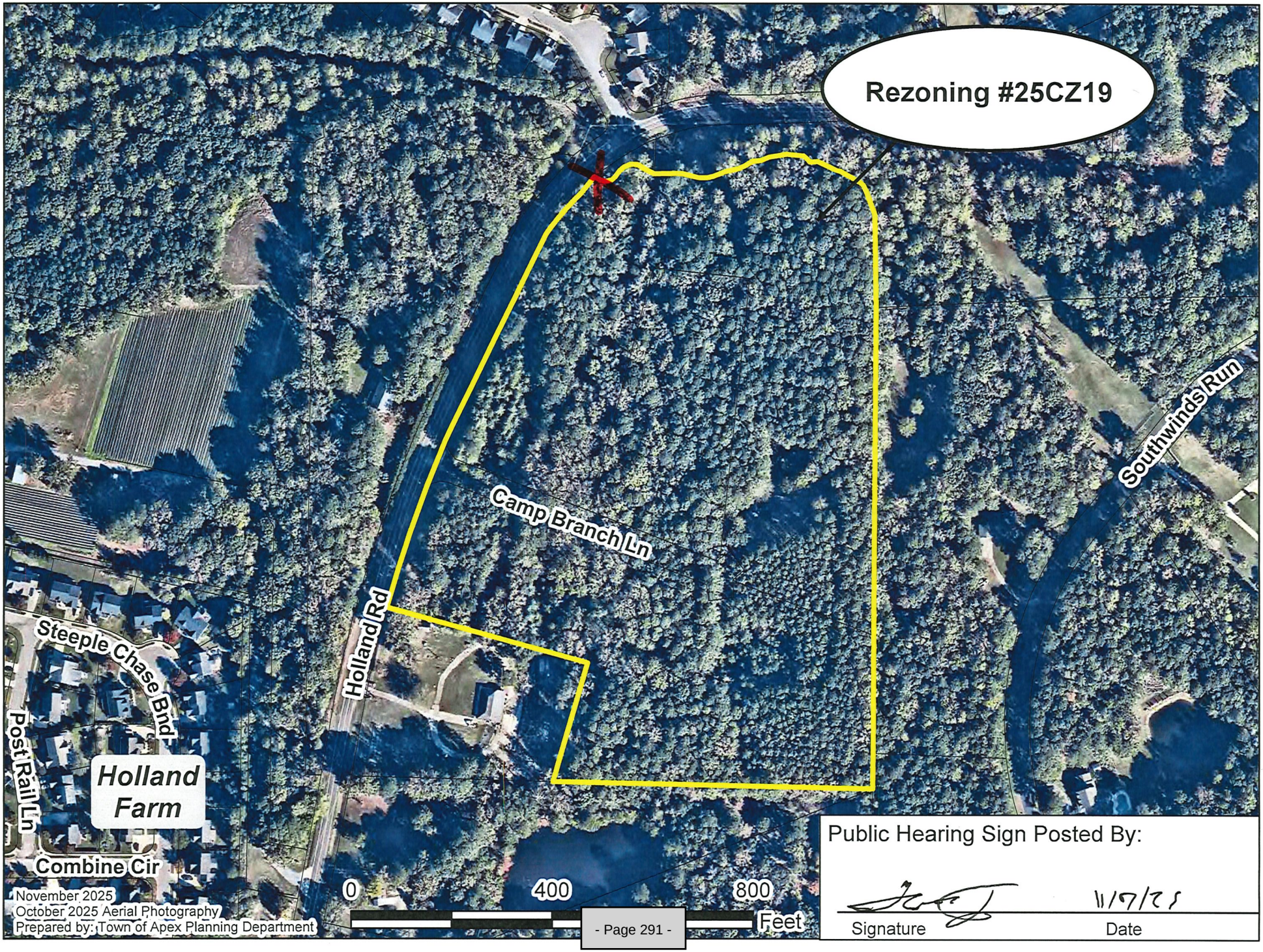


Public Hearing Sign Posted By:

11/7/25

Signature Date

#25CZ19

WAKE COUNTY PUBLIC SCHOOL SYSTEM

Office of Student Assignment
5625 Dillard Dr.
Cary, NC 27518
studentassignment@wcpss.net

tel: (919) 431-7333
fax: (919) 694-7753

February 25, 2026

Dianne Khin, AICP
Director, Planning Department
Town of Apex
Dianne.Khin@apexnc.org

Dear Dianne,

The Wake County Public School System (WCPSS) Office of School Assignment received information about a proposed rezoning/development within the Town of Apex planning area. We are providing this letter to share information about WCPSS's capacity related to the proposal. The following information about the proposed rezoning/development was provided through the Wake County Residential Development Notification database:

- Date of application: November 3, 2025
- Name of development: 25CZ19 Camp Branch Lane
- Address of rezoning: 0 & 7104 Camp Branch Lane (PINs 0731142050 & 0731140691)
- Total number of proposed residential units: 88
- Type(s) of residential units proposed: Single-family detached

Based on the information received at the time of application, the Office of School Assignment is providing the following assessment of possible impacts to the Wake County Public School System:

☐ Schools at all grade levels within the current assignment area for the proposed rezoning/development are anticipated to have sufficient capacity for future students.

☒ Schools at the following grade levels within the current assignment area for the proposed rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated:

☐ Elementary ☒ Middle ☐ High

The following mitigation of capacity concerns due to school construction or expansion is anticipated:

☐ Not applicable – existing school capacity is anticipated to be sufficient.

☐ School expansion or construction within the next five years is not anticipated to address concerns.

☒ School expansion or construction within the next five years may address concerns at these grade levels:
or reassignment

☐ Elementary ☒ Middle ☐ High

Thank you for sharing this information with the Town of Apex Planning Board and Town Council as they consider the proposed rezoning/development.

Sincerely,

Susan W. Pullium, MSA
Senior Director

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: #25CZ19 Camp Branch Lane

Planning Board Meeting Date: March 9, 2026

Report Requirements:

Per NCGS §160D-604(b), all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to the Planning Board, the Town Council may act on the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

Per NCGS §160D-604(d), the Planning Board shall advise and comment on whether the proposed action is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

PROJECT DESCRIPTION:

Acreage:	±22.19
PIN(s):	0731142050 & 0731140691
Current Zoning:	Rural Residential (RR)
Proposed Zoning:	Medium Density Residential-Conditional Zoning (MD-CZ)
2045 Land Use Map:	Medium Density Residential
Town Limits:	ETJ

Applicable Officially Adopted Plans:

The Board must state whether the project is consistent or inconsistent with the following officially adopted plans, if applicable. Applicable plans have a check mark next to them.

☑ 2045 Land Use Map

☑ Consistent ☐ Inconsistent Reason: _____

☑ Apex Transportation Plan

☑ Consistent ☐ Inconsistent Reason: _____

☑ Parks, Recreation, Open Space, and Greenways Plan

☑ Consistent ☐ Inconsistent Reason: _____

Legislative Considerations:

The applicant shall propose site-specific standards and conditions that take into account the following considerations, which are considerations that are relevant to the legislative determination of whether or not the proposed conditional zoning district rezoning request is in the public interest. These considerations do not exclude the legislative consideration of any other factor that is relevant to the public interest.

1. *Consistency with 2045 Land Use Plan*. The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Plan.
   ☑ Consistent ☐ Inconsistent Reason: _____

2. *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.
   ☑ Consistent ☐ Inconsistent Reason: _____

3. *Zoning district supplemental standards*. The proposed Conditional Zoning (CZ) District use's compliance with Sec. 4.4 *Supplemental Standards*, if applicable.
   ☑ Consistent ☐ Inconsistent Reason: _____

4. *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.
   ☑ Consistent ☐ Inconsistent Reason: _____

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.
   ☑ Consistent ☐ Inconsistent Reason: _____

6. *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.
   ☑ Consistent ☐ Inconsistent Reason: _____

7. *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.
   ☑ Consistent ☐ Inconsistent Reason: _____

8. *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.
   ☑ Consistent ☐ Inconsistent Reason: _____

9. *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.
   ☑ Consistent ☐ Inconsistent Reason: _____

10. *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.
    ☑ Consistent ☐ Inconsistent Reason: _____

Planning Board Recommendation:

Motion: Recommend approval

Introduced by Planning Board member: Tim Royal

Seconded by Planning Board member: Mary Petersen

☑ *Approval*: the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.

☐ *Approval with conditions*: the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above, so the following conditions are recommended to be included in the project in order to make it fully consistent:

☐ *Denial*: the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above.

With 8 Planning Board Member(s) voting "aye"

With 0 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 9th day of March 2026.

Attest:

Keith Braswell, Planning Board Chair

Amanda Bunce Digitally signed by Amanda Bunce Date: 2026.03.09 18:28:11 -04'00'

Amanda Bunce, Assistant Planning Director

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: REGULAR MEETING AGENDA

Meeting Date: May 12, 2026

Item Details

Presenter(s): John Mullis, Director

Department(s): Public Works

Requested Motion

Discussion and possible motion to adopt an Ordinance amending Chapter 12 - Municipal Utilities and Services, Article V. - Yard Waste Collection section of the Code of Ordinances for the Town of Apex.

Approval Recommended?

Yes

Item Details

The Apex Town Council provided directions at the Council Retreat to consider various changes to the Town's Yard Waste Program. A presentation was provided at the April 14 Regular Town Council Meeting, and a public hearing was held on April 28. The proposed ordinance amendments to Chapter 12 of the Town of Apex Code primarily clarify and strengthen regulations governing curbside yard waste collection, preparation, and enforcement. Key updates refine definitions (including "yard waste," "small limbs," and "curbside") and clearly establish administrative authority. The amendments also reinforce that yard waste must be properly prepared to be eligible for collection and introduces more explicit enforcement provisions, including notice requirements, abatement authority, and cost recovery mechanisms for violations.

Operationally, the ordinance places greater emphasis on pre-collection practices of how yard waste is staged and separated prior to collection. Materials must remain loose (not bagged or containerized), with leaves and pine straw kept separate for vacuum collection and free of contamination. Additional placement standards are established to protect public infrastructure and safety, such as setbacks from storm drains, sidewalks, and obstacles.

The proposed ordinance also formalizes collection limits—capping routine service at two cubic yards per cycle—and introduces structured options for excess yard waste collection for a fee. Importantly, the amendments clarify that certain materials (including grass clippings, land clearing debris, and contractor-

generated waste) are excluded from town collection services, placing responsibility on residents and private contractors for proper disposal.

Finally, the amendments update service practices for regular and seasonal yard waste collection and implement bi-weekly year-round collection with defined zone collection during the seasonal peak leaf season. Revisions to Section 12-126 align related provisions on bagging requirements and tree trimmings, while maintaining seasonal flexibility for loose leaf collection. The ordinance also strengthens compliance expectations by prohibiting improper placement (such as in roadways) and reiterating that violations may result in penalties, abatement actions, and liens if necessary. Ultimately, these updates refine the town's yard waste program by balancing **operational efficiency** with a stronger commitment to **environmental stewardship**. By providing clearer guidelines for residents, the town aims to enhance community aesthetics, bolster safety and accountability, and ensure more robust environmental protections.

Additional background to previous actions taken:

At the 2026 Retreat, Council deliberated several related motions concerning the future structure of yard waste services, including the phased elimination of grass-only collection beginning July 1, 2026, exploration of a transition to containerized yard waste collection by July 1, 2028, and movement toward a biweekly yard waste collection schedule. Council ultimately provided direction supporting a transition toward biweekly service and further evaluation of long-term system changes, including containerization and modified service models.

Below are the motions as provided by the Town Clerk –

A **motion** was made by **Councilmember Zegerman** to direct staff to initiate the phased elimination of grass-only collection, effective July 1, 2026, and to implement containerization beginning July 1, 2028. During the transition period, Town staff will continue to collect grass on an as-needed basis as a courtesy prior to full discontinuation.

VOTE: Motion died, failing to receive a second.

A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember Gray**, to direct staff to begin immediate communication with the public regarding the Town Council's intent to eliminate grass collection effective July 1, 2026, with enforcement to be carried out at the discretion of the Town Manager or their designee.

VOTE: 3-2, with *Mayor Pro-Tempore Mahaffey and Councilmember Reese dissenting*.

A **motion** was made by **Councilmember Zegerman**, seconded by **Mayor Pro-Tempore Mahaffey**, to direct staff to evaluate the feasibility of transitioning all other yard waste to a containerized collection system, with an effective date of July 1, 2028.

VOTE: UNANIMOUS (5-0)

A **motion** was made by **Mayor Pro-Tempore Mahaffey**, seconded by **Councilmember Reese**, to transition to biweekly yard-waste collection and to direct staff to begin immediate public communication about this change. The proposed effective date is July 1, 2026, with the Town Manager authorization to adjust the start date as necessary to accommodate operational feasibility and ensure appropriate communication to residents.

VOTE: UNANIMOUS (5-0)

Based on this direction, staff developed a phased implementation framework that seeks to balance operational feasibility, customer communication, and service continuity. This phased structure is intended to allow for gradual operational adjustments while supporting clarity and predictability for residents. Outreach efforts have already begun, including a combination of in-person engagement, print and digital messaging, and coordination with community partners to maximize awareness and understanding of the evolving yard waste program.

Attachments

- RA2-A1: PowerPoint Presentation – Yard Waste Program
- RA2-A2: Ordinance Amendments – Before Containerization – July 1, 2026
- RA2-A3: Ordinance Amendments – Before Containerization – January 1, 2027

May 12, 2026

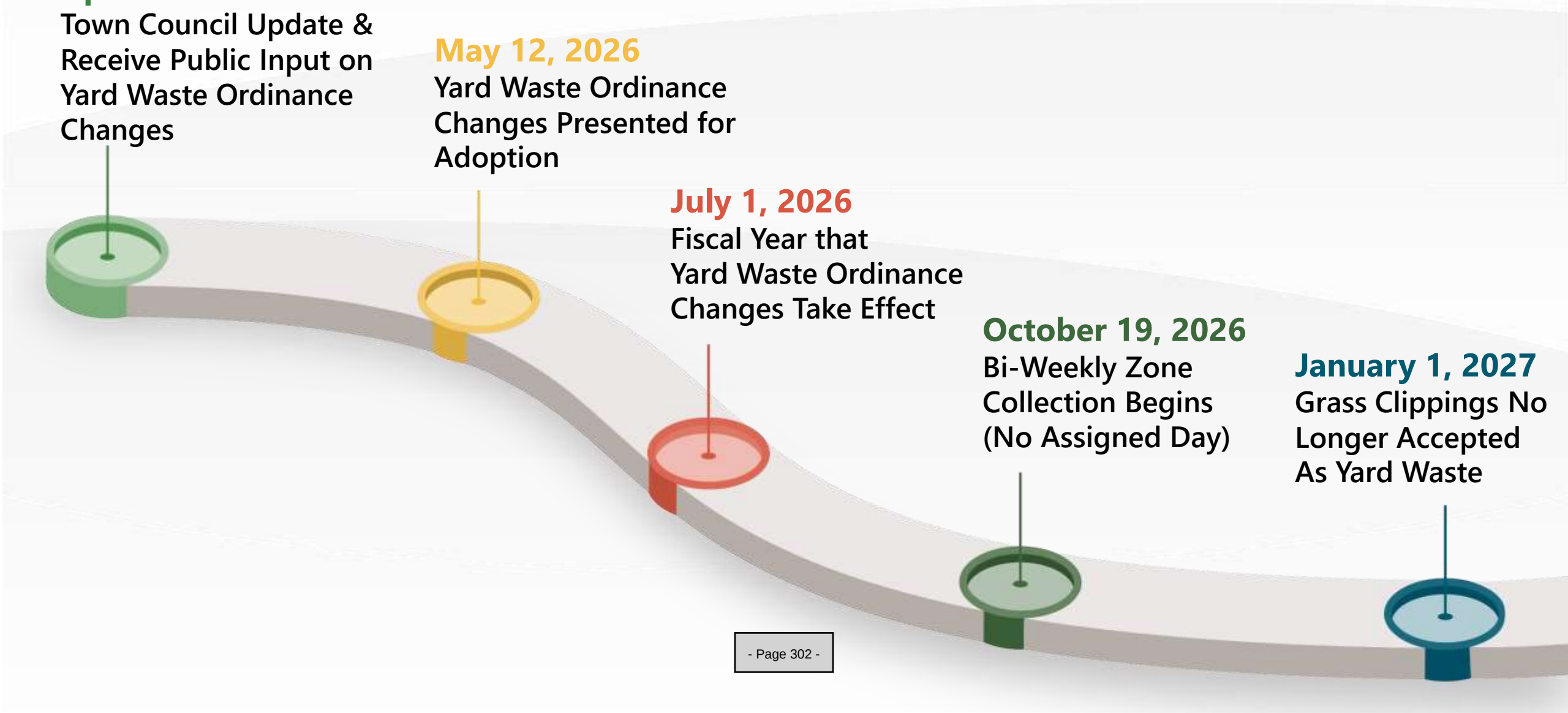
Yard Waste Changes:
Timeline & Ordinance Revisions

APEX
NORTH CAROLINA

AGENDA

- Proposed Timeline
- Proposed Key Ordinance Revisions

Timeline: Yard Waste Service Changes



April 2026
Town Council Update & Receive Public Input on Yard Waste Ordinance Changes

May 12, 2026
Yard Waste Ordinance Changes Presented for Adoption

July 1, 2026
Fiscal Year that Yard Waste Ordinance Changes Take Effect

October 19, 2026
Bi-Weekly Zone Collection Begins (No Assigned Day)

January 1, 2027
Grass Clippings No Longer Accepted As Yard Waste

Timeline: Yard Waste Service Changes

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	small limbs = < 6' long and < 6' diameter (On-Demand)
yard waste includes grass clippings	yard waste includes grass clippings	yard waste excludes grass clippings	yard waste excludes grass clippings

Proposed Ordinance Changes: Pre-Collection Practices

Current	Proposed (7/1/26)	AFTER Containerization (Spring 2028)
no yard waste < 10' of storm drain	no yard waste < 10' upstream of storm drain	Placement restrictions only apply for leaf piles (seasonal collection) and excess yard waste (scheduled collection).
	no yard waste from separate property	
	no yard waste < 6' from obstacles	
	no yard waste in parking / ramp / sidewalk	
	yard waste placed in direction of travel	
unlimited yard waste	< 2 cubic yards of yard waste without a fee (> 2 cubic yards available for pickup with fee)	one cart included in fee

Proposed Ordinance Changes: Schedule and Prohibited Items

Current	Proposed (7/1/26)
once per week collection	collection schedule set by Council (bi-weekly)
no land clearing debris (LCD)	no LCD, grass, dirt, root, soil, sod, mulch, concrete, rocks, debris, pallets, trash, plastic, pet waste, lumber, or mailbox posts

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.

341
TOWN OF APEX
PUBLIC WORKS
YARD WASTE COLLECTIONS
MACK
BRUSH HAWG
FIRST AID

Questions?

ORDINANCE NO. 2026-_____

AN ORDINANCE TO AMEND VARIOUS SECTIONS OF APEX TOWN CODE

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF APEX AS FOLLOWS:

Section 1. Article V of Chapter 12 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as strikethrough text:

Sec. 12-134. Definitions.

For the purposes of this article, the following definitions apply:

Curbside means along **or behind** the concrete curb or edge of pavement located within the town right-of-way.

Public works ~~and transportation~~ director means the public works ~~and transportation~~ director of the town or designee of same.

~~*Environmental programs manager* means the town employee who manages the environmental programs division or designee of same.~~

Land clearing debris means solid waste which is generated solely from land clearing activities including, but not limited to, stumps, trees, brush and other vegetative waste incidental to tree, brush and stump removal.

Ordinance means the ordinances of the Town of Apex, North Carolina.

Small limbs means tree limbs that are less than ~~eight~~ **six** feet in length and ~~a maximum~~ **less than** ~~diameter of~~ ~~eight~~ **six** inches **in diameter**.

Town means the Town of Apex, a North Carolina Municipal Corporation.

Yard waste means solid waste consisting of vegetative matter resulting from residential landscaping maintenance including, but not limited to, leaves, grass clippings, twigs, small limbs, hedge trimmings, plant trimmings, hay straw, pine straw, pine cones and small shrubs.

Sec. 12-135. Administration and enforcement.

The collection of yard waste in the town ~~shall be under the jurisdiction of the environmental programs manager~~ and enforcement of the provisions of this article shall be under

the jurisdiction of the public works ~~and transportation~~ director. **Yard waste not prepared and handled in accordance with the provisions of this article shall not be collected by the town. Violation of this Article is subject to additional enforcement measures in accordance with section 12-142.**

Sec. 12-136. Pre-collection practices.

(a) Yard waste shall be placed loose (not bagged or containerized) at curbside for collection by the town. Leaves and grass clippings must be separated from**, and not commingled with,** other qualifying yard waste materials. **Leaves, pine straw, and grass clippings are collected by a vacuum and therefore must be free from other yard waste materials, rocks, and any inorganic material.**

(b) Yard waste to be collected by the town shall not be **commingled with** ~~contaminated by~~ materials that are not included in the definition of yard waste provided above.

(c) Yard waste shall not be placed at curbside more than 48 hours in advance of the collection date **during regular collection**. **During seasonal zone collection, the collection date shall be considered Monday for each customer in the zone which is being collected that week.**

(d) Yard waste shall not be placed at curbside within ten feet **upstream** of any storm drain catch basin **and shall be placed in compliance with Section 12-202**.

(e) **Where practicable, yard waste shall not be placed at curbside adjacent to any property other than the property from which it was harvested, further than three (3) feet behind the curb, within ten (10) feet of side property lines, or within six (6) feet of any obstacles, including but not limited to, vehicles, mailboxes, and fire hydrants.** ~~Town residents desiring Christmas tree collection by the town shall place their Christmas tree curbside. All tinsel, nails, screws, wires, ribbon and other nonvegetative materials shall be removed from the Christmas tree by the resident prior to collection. Wreaths may be set out by residents for collection provided that the wreaths are free from wire, screws, metal frames, and all other nonvegetative material.~~

(f) **Town residents desiring Christmas tree collection by the town shall place their Christmas tree curbside during the months of December or January. All tinsel,**

nails, screws, wires, ribbon and other nonvegetative materials shall be removed from the Christmas tree by the resident prior to collection. Wreaths may be set out by residents for collection provided that the wreaths are free from wire, screws, metal frames, and all other nonvegetative material. ~~A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.~~

(g) Where practicable, yard waste shall not be blown, placed, or allowed to be placed upon travel lanes, parking spaces, sidewalks, or curb ramps.

(h) Small limbs, twigs, trimmings, and straw produced by routine yard maintenance shall be placed in piles at curbside with cut ends facing in the direction of travel.

(i) The town will collect a maximum of two cubic yards of yard waste and small limbs per residential customer per collection cycle at no charge. For yard waste and small limbs exceeding two cubic yards, a separate fee will be charged in accordance with section 12-137(e) and the town Fee Schedule.

Sec. 12-137. Limitations on service.

(a) Yard waste collection will be provided by the town **according to the frequency and schedule as adopted by Town Council. Regular curbside yard waste collection occurs** ~~on a weekly basis~~ year round. **Seasonal collection for peak leaf season is identified as November through January.**

(b) Curbside yard waste collection service shall be provided only to residents **within** ~~who are annexed into~~ the town corporate limits **who receive individual residential trash and recycling services through the town**. This service will not be provided to **multi-family,** institutional, business, commercial or industrial properties. **For the purposes of this ordinance, multi-family shall include apartments and condominiums.**

(c) Yard waste collection service**, including special collection for excess yard waste,** does not include the collection of land clearing debris**, dirt, root balls, loose soil, plants or grasses containing soil, sod, mulch, concrete, rocks, construction debris, pallets, trash, plastic, pet waste, lumber, or mailbox posts**.

(d) Residential yard waste generated from commercial landscaping**, tree service,** or other ~~businesses~~ **commercial entities or contractors will not be collected by the town.**

~~shall be left at the original project site to be collected by the town, or properly disposed of by the contractor in accordance with all applicable local ordinances, state and federal rules and regulations.~~ **Residential customers are responsible for yard waste generated from their property and shall ensure that any private contractors doing work on their property are aware of this article and its requirements that contractors properly dispose of any waste off-site.** ~~Town employees will not collect yard waste generated from one property and disposed at another.~~ **The town will not collect any limbs cut by a landscaping or tree service contractor.**

(e) **Collection of yard waste and small limbs in excess of the volume limitations set forth in section 12-136(h) is considered excess yard waste and may be collected by the town for a fee. Fees for excess yard waste collection are set forth in the current Town of Apex Fee Schedule. Each residential customer may schedule up to five (5) excess yard waste collections per collection cycle. Excess yard waste collection must be scheduled through the public works department, and the applicable fees will be invoiced on the customer's utility bill.** ~~Yard waste not prepared and handled in accordance with the provisions of this article shall not be collected by the town.~~

(f) Yard waste not prepared and handled in accordance with the provisions of this article shall not be collected by the town.

Sec. 12-138. Disposal of yard waste.

(a) All yard waste shall be disposed of in accordance with all applicable local ordinances and state and federal rules and regulations.

(b) Open burning of yard waste is prohibited.

~~(c) A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.~~

Sec. 12-139. ~~Right of entry~~ Reserved.

~~The environmental programs manager, public works and transportation director, chief of police, the county health officer or any assistants of same, shall have the right to enter at any~~

~~reasonable time any premises for the purposes of making any inspections or investigations to insure the health, welfare and safety of the public.~~

Sec. 12-142. ~~Reserved~~ Enforcement procedure.

(a) Any person, who is the owner, occupant, tenant, or otherwise has any possessory control of any premises, building, or land in the town, including vacant property, who violates any provision contained in this article shall be subject to an initial warning for the first violation. When a designated employee of the town finds a violation of any provision of this article, the person in violation shall be notified by registered or certified mail, by the posting of a notice on the front door, or by hand delivery to such person. Such person shall be required to remedy the violation within the time stated in the notice which shall not exceed seven (7) days, or else be subject to an abatement action as set out below. If the violation has been determined by the town to be a potential hazard to the public health, safety or welfare, the person shall be required to correct the violation immediately.

(b) Pursuant to NCGS §160A-175, any person, who is the owner, occupant, tenant, or otherwise has any possessory control of any premises, building, or land in the town, including vacant property, who refuses or fails to remedy the violation within seven (7) days of the notice, the town may proceed to remove the yard waste and/or other materials constituting the violation, and the cost thereof, plus an administrative fee of one hundred dollars ($100.00), shall be charged against the lot and shall become a lien on the lot. If not paid within 30 days, the lien shall be collected as in the manner provided for the collection of delinquent taxes.

(c) No notice and compliance period shall be required for second violations or any subsequent violations thereafter of any provision of this article within twelve months of the date of the notice for the first violation. Such person may be subject to an abatement action and fees as provided in subsection (b) of this section.

(d) Pursuant to NCGS §160A-175, if a person fails to pay the costs of removal and administrative fee within thirty (30) days after being notified of the amount due, the town may recover the amount due, together with all costs, by filing a civil action in

the General Court Of Justice in the nature of a suit to collect a debt. In addition to all other remedies and penalties outlined in this article, the town may institute any other appropriate action or proceeding in a court of competent jurisdiction to prevent, correct, or abate a violation of this article.

Section 2. Section 12-126 of Chapter 12 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as strikethrough text:

Sec. 12-126. – Building materials~~; tree and lawn trimmings~~.

(a) Removal of scrap building~~s~~ materials shall be the responsibility of the occupant or owner of any premises.

(b) ~~All leaves, grass, clippings, and pie straw shall be bagged or boxed at curbside except during the period from October 1 through February. During this period, the collection of these items will be made curbside using equipment designated for this purpose.~~

~~(c) Tree trimming and tree limbs under eight feet long shall be removed. All trimmings and limbs should be placed curbside in an orderly fashion.~~

~~(d) A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.~~

Section 3. It is the intention of the governing body, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances and the sections of this ordinance may be renumbered to accomplish such intention.

Section 4. The Town Clerk and/or Town Manager are hereby authorized to renumber, revise formatting, correct typographic errors, to verify and correct cross references, indexes and diagrams as necessary to codify, publish, and/or accomplish the provisions of this Ordinance or future amendments as long as doing so does not alter the terms of this Ordinance.

Section 5. Severability, Conflict of Laws. If this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 6. Effective Date. This ordinance shall be effective on July 1, 2026.

Introduced by Council Member: _____

Seconded by Council Member: _____

This the ___ day of _____, 2026.

_____
Jacques K. Gilbert
Mayor

ATTEST:

_____
Allen L. Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

_____
Laurie L. Hohe
Town Attorney

ORDINANCE NO. 2026-_____

AN ORDINANCE TO AMEND VARIOUS SECTIONS OF APEX TOWN CODE

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF APEX AS FOLLOWS:

Section 1. Article V of Chapter 12 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as strikethrough text:

Sec. 12-134. Definitions.

For the purposes of this article, the following definitions apply:

Curbside means along or behind the concrete curb or edge of pavement located within the town right-of-way.

Public works director means the public works director of the town or designee of same.

Land clearing debris means solid waste which is generated solely from land clearing activities including, but not limited to, stumps, trees, brush and other vegetative waste incidental to tree, brush and stump removal.

Ordinance means the ordinances of the Town of Apex, North Carolina.

Small limbs means tree limbs that are less than six feet in length and less than six inches in diameter.

Town means the Town of Apex, a North Carolina Municipal Corporation.

Yard waste means solid waste consisting of vegetative matter resulting from residential landscaping maintenance including, but not limited to, leaves, ~~grass clippings,~~ twigs, small limbs, hedge trimmings, plant trimmings, hay straw, pine straw, pine cones**,** and small shrubs. **Yard waste excludes grass clippings.**

Sec. 12-136. Pre-collection practices.

(a) Yard waste shall be placed loose (not bagged or containerized) at curbside for collection by the town. Leaves and **pine straw** ~~grass clippings~~ must be separated from, and not commingled with, other qualifying yard waste materials. Leaves~~,~~ **and**

pine straw~~, and grass clippings~~ are collected by a vacuum and therefore must be free from other yard waste materials, rocks, and any inorganic material.

(b) Yard waste to be collected by the town shall not be commingled with materials that are not included in the definition of yard waste provided above**, including grass clippings**.

(c) Yard waste shall not be placed at curbside more than 48 hours in advance of the collection date during regular collection. During seasonal zone collection, the collection date shall be considered Monday for each customer in the zone which is being collected that week.

(d) Yard waste shall not be placed at curbside within ten feet upstream of any storm drain catch basin and shall be placed in compliance with Section 12-202.

(e) Where practicable, yard waste shall not be placed at curbside adjacent to any property other than the property from which it was harvested, further than three (3) feet behind the curb, within ten (10) feet of side property lines, or within six (6) feet of any obstacles, including but not limited to, vehicles, mailboxes, and fire hydrants.

(f) Town residents desiring Christmas tree collection by the town shall place their Christmas tree curbside during the months of December or January. All tinsel, nails, screws, wires, ribbon and other nonvegetative materials shall be removed from the Christmas tree by the resident prior to collection. Wreaths may be set out by residents for collection provided that the wreaths are free from wire, screws, metal frames, and all other nonvegetative material.

(g) Where practicable, yard waste shall not be blown, placed, or allowed to be placed upon travel lanes, parking spaces, sidewalks, or curb ramps.

(h) Small limbs, twigs, trimmings, and straw produced by routine yard maintenance shall be placed in piles at curbside with cut ends facing in the direction of travel.

(i) The town will collect a maximum of two cubic yards of yard waste and small limbs per residential customer per collection cycle at no charge. For yard waste and small limbs exceeding two cubic yards, a separate fee will be charged in accordance with section 12-137(e) and the town Fee Schedule.

Sec. 12-137. Limitations on service.

(a) Yard waste collection will be provided by the town according to the frequency and schedule as adopted by Town Council. Regular curbside yard waste collection occurs year round. Seasonal collection for peak leaf season is identified as November through January.

(b) Curbside yard waste collection service shall be provided only to residents within the town corporate limits who receive individual residential trash and recycling services through the town. This service will not be provided to multi-family, institutional, business, commercial or industrial properties. For the purposes of this ordinance, multi-family shall include apartments and condominiums.

(c) Yard waste collection service, including special collection for excess yard waste, does not include the collection of **grass clippings,** land clearing debris, dirt, root balls, loose soil, plants or grasses containing soil, sod, mulch, concrete, rocks, construction debris, pallets, trash, plastic, pet waste, lumber, or mailbox posts.

(d) Residential yard waste generated from commercial landscaping, tree service, or other commercial entities or contractors will not be collected by the town. Residential customers are responsible for yard waste generated from their property and shall ensure that any private contractors doing work on their property are aware of this article and its requirements that contractors properly dispose of any waste off-site. The town will not collect any limbs cut by a landscaping or tree service contractor.

(e) Collection of yard waste and small limbs in excess of the volume limitations set forth in section 12-136(h) is considered excess yard waste and may be collected by the town for a fee. Fees for excess yard waste collection are set forth in the current Town of Apex Fee Schedule. Each residential customer may schedule up to five (5) excess yard waste collections per collection cycle. Excess yard waste collection must be scheduled through the public works department, and the applicable fees will be invoiced on the customer's utility bill.

(f) Yard waste not prepared and handled in accordance with the provisions of this article shall not be collected by the town.

Section 2. It is the intention of the governing body, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances and the sections of this ordinance may be renumbered to accomplish such intention.

Section 3. The Town Clerk and/or Town Manager are hereby authorized to renumber, revise formatting, correct typographic errors, to verify and correct cross references, indexes and diagrams as necessary to codify, publish, and/or accomplish the provisions of this Ordinance or future amendments as long as doing so does not alter the terms of this Ordinance.

Section 4. Severability, Conflict of Laws. If this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 5. Effective Date. This ordinance shall be effective on January 1, 2027.

Introduced by Council Member: _____

Seconded by Council Member: _____

This the ___ day of _____, 2026.

_____
Jacques K. Gilbert
Mayor

ATTEST:

_____
Allen L. Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

_____
Laurie L. Hohe
Town Attorney

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CLOSED SESSION

Meeting Date: May 12, 2026

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Possible motion to enter into closed session pursuant to NCGS § 143-318.11(a)(1) to prevent the disclosure of information that is privileged or confidential.

Approval Recommended?

N/A

Item Details

NCGS § 143-318.11(a)(1):

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

Attachments

- N/A