

**DRAFT MINUTES**  
**TOWN OF APEX**  
**REGULAR TOWN COUNCIL MEETING**  
**TUESDAY, NOVEMBER 14, 2023**  
**6:00 PM**

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, November 14, 2023 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=BL\\_J0CyUrMM](https://www.youtube.com/watch?v=BL_J0CyUrMM)

**[ATTENDANCE]**

Elected Body

- Mayor Jacques K. Gilbert (presiding)
- Mayor Pro Tempore Audra Killingsworth
- Councilmember Brett Gantt
- Councilmember Ed Gray
- Councilmember Arno Zegerman
- Councilmember Terry Mahaffey
- Absent: None

Town Staff

- Interim Town Manager Shawn Purvis
- Assistant Town Manager Demetria John
- Assistant Town Manager Marty Stone
- Town Attorney Laurie Hohe
- Town Clerk Allen Coleman
- Deputy Town Clerk Ashley Gentry
- Planning Director Dianne Khin
- All other staff members will be identified appropriately below

**[COMMENCEMENT]**

**Mayor Gilbert** called the meeting to order the Regular Council Meeting, and thanked those joining in person or by live streams.

**Mayor Pro Tempore Killingsworth** read a statement acknowledging the importance of diversity in culture and faith. She invited everyone to join in a private moment of silence.

**Mayor Gilbert** said he wanted to speak a bit about Thanksgiving. He said he was thankful for his family and for this community. He said he wanted to go around to the rest of Council and have them share what they are thankful for.

## DRAFT MINUTES

1 **Councilmember Zegerman** said he was thankful for the country we live in and its  
2 democracy, and was thankful for the residents of Apex electing him to serve a full term. He was  
3 thankful for the support from his family, and expressed the gratitude he had for food, shelter, and  
4 other things that are often taken for granted.

5 **Councilmember Gantt** said he was thankful he will be in Turkey for Turkey Day, and all the  
6 jokes he will be able to tell that day will be amazing.

7 **Mayor Pro Tempore Killingsworth** said she was thankful for her family, friends, and the  
8 Apex community. She said it is amazing and supportive, and she wouldn't be who she is without that  
9 collective group of people.

10 **Councilmember Mahaffey** said he was thankful for his family and his health. He said he was  
11 thankful for the people of Apex for trusting him for another 4 years, and that it was humbling to go  
12 through that experience. He said he was also thankful to be able to travel to see some additional  
13 family.

14 **Councilmember Gray** said he would be here all night if he shared everything he was thankful  
15 for. He said he was thankful for his family, and was thankful for one of the attendees tonight,  
16 Children's Home Society, who help make their family a family through adoption. He said he grateful  
17 for the opportunity to serve, as they are doing on Council.

18 **Mayor Gilbert** thanked them for their comments, and for everyone being at the meeting. He  
19 said he was thankful for the town staff at Apex, which he said are the best in the world. He said the  
20 only certainty is that "God's will is good". He then led a recitation of the Pledge of Allegiance.

21 **[SLIDE 1]**



22  
23  
24 **[CONSENT AGENDA]**

25  
26 **Councilmember Gantt** said he felt that the most important sidewalk gap to fill in the town  
27 was the one between Hunter Street Park and South Salem Street, so he was glad Consent Item 2  
28 would do that. He thanked Adam Stephenson for his work on this.

29  
30 A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember Gantt**,  
31 to approve the Consent Agenda as presented.

## DRAFT MINUTES

1           **VOTE: UNANIMOUS (5-0)**  
2

3   **CN1   2024 Town Council Meeting Calendar (REF: OTHER-2023-110)**

4 Council voted to adopt the Town Council meeting schedule for calendar year 2024.

5   **CN2   Agreement - Construction Agreement - CSX Transportation, Inc - Hunter Street**  
6           **Sidewalk (REF: CONT-2023-317)**

7 Council voted to approve a Construction Agreement with CSX Transportation, Inc and the Town of  
8 Apex, for Hunter Street sidewalk connecting to the existing railroad crossing surface, and to  
9 authorize the Interim Town Manager, or their designee, to execute on behalf of the Town.

10 **CN3   Agreement - Fire Protection Equipment Mutual Aid Agreement - Equipment Sharing -**  
11 **with Town of Cary, Town of Morrisville and Town of Apex (REF: REF-2023-318)**

12 Council voted to approve a Fire Protection Equipment Mutual Aid Agreement between the Town of  
13 Cary, Town of Morrisville and the Town of Apex, effective from the date of execution until July 1,  
14 2024, and, thereafter shall renew automatically on July 1 of each subsequent year for twenty (20)  
15 years, for the sharing of equipment, and to authorize the Interim Town Manager, or their designee,  
16 to execute on behalf of the Town.

17 **CN4   Annexation No. 765 - Alderwood - Two Remaining Parcels - 5.226 acres (REF: RES-**  
18 **2023-066, RES-2023-067, and OTHER-2023-111)**

19 Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to  
20 accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of  
21 a Public Hearing for November 28, 2023, on the Question of Annexation - Apex Town Council's  
22 intent to annex 5.226 acres, located in Alderwood (two remaining parcels), Annexation No. 765 into  
23 the Town Corporate Limits.

24 **CN5   Annexation No. 766 - Veridea No. 1 (Tracts One through Six) - 111.02 acres (REF: RES-**  
25 **2023-068, RES-2023-069, and OTHER-2023-112)**

26 Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to  
27 accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of  
28 a Public Hearing for November 28, 2023, on the Question of Annexation - Apex Town Council's  
29 intent to annex 111.02 acres, located at Veridea No. 1 (Tracts One through Six), Annexation No. 766  
30 into the Town Corporate Limits.

31 **CN6   Annexation No. 768 - 9613 Horton Road - 17.41 acres (REF: RES-2023-070, RES-2023-**  
32 **071, and OTHER-2023-113)**

33 Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to  
34 accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of  
35 a Public Hearing for November 28, 2023, on the Question of Annexation - Apex Town Council's  
36 intent to annex 17.41 acres, located at 9613 Horton Road, Annexation No. 768 into the Town  
37 Corporate Limits.

38 **CN7   Construction Contract Award - Browe Construction Company - Laura Duncan Sidewalk**  
39 **Project (REF: CONT-2023-319)**

40 Council voted to award a construction contract with Browe Construction Company and the Town of  
41 Apex, for the construction of a sidewalk on the east side of Laura Duncan Road (from Pinewood Dr to  
42 Knollwood Dr), and to authorize the Interim Town Manager, or their designee, to execute on behalf  
43 of the Town.  
44

## **DRAFT MINUTES**

1 **CN8 Council Meeting Minutes - Various**

2 Council voted to approve, as submitted or amended, Meeting Minutes from the following meeting:  
3 October 19, 2023 - Town Council Work Session Meeting Minutes  
4 October 24, 2023 - Regular Town Council Meeting Minutes  
5 October 27, 2023 - Town Council Strategic Planning Work Session Meeting Minutes

6 **CN9 Encroachment Agreement - 2915 Alderson Court - Lot 258 (REF: CONT-2023-320)**

7 Council voted to approve an encroachment agreement between the Town of Apex and property  
8 owner Guoqiang Zhang and spouse Jin Gan, to install a fence that will encroach 116 linear feet (LF)  
9 onto the Sanitary Sewer Easement and authorize the Interim Town Manager, or their designee, to  
10 execute on behalf of the Town.

11 **CN10 Ordinance Amendment - Chapter 13 Occupational Licenses, Taxes and Regulations,**  
12 **Article III, Subsection 54 Exemptions - Pleasant Park Concessions (REF: ORD-2023-109)**

13 Council voted to adopt an ordinance amending Chapter 13, Article III, Subsection 54 of the Town of  
14 Apex Code of Ordinances to provide a permit exemption to persons contracted with the Town to  
15 provide concession services on Town property and who would otherwise meet the definition of park  
16 concessioner under this article.

17 **CN11 Tax Report - September 2023 (REF: OTHER-2023-114)**

18 Council voted to approve the Wake County Tax Administration Tax Report for the Town of Apex  
19 dated October 10, 2023.

20 **CN12 Vehicle Lease - 2014 Freightliner Leaf Truck (REF: CONT-2023-321)**

21 Council voted to approve a Vehicle Lease between the Town of Holly Springs and the Town of Apex,  
22 for a 2014 Freightliner M2 106 Vacuum Leaf Truck, effective until February 28, 2024, and to  
23 authorize the Interim Town Manager, or their designee, to execute on behalf of the Town.

24  
25 **[PRESENTATIONS]**

26  
27 **PR1 Apex Public School Foundation - Quarterly Peak S.T.A.R. Awards**

28 **Councilmember Mahaffey** introduced the award, and said it was done along with the Apex  
29 Public School Foundation to a Staff, Teacher, or Administrator in Apex who has done great work in  
30 public education.

31 **Laura Conroy**, President of the Apex Public School Foundation, said announcements on a  
32 public school grant award will be coming in early 2024. She said the Foundation appreciated being  
33 able to partner with Apex to present these awards to educators in Apex. She introduced the Peak  
34 S.T.A.R Award recipient Josh Gurkin, Science Teacher at Apex High School. Mr. Conroy emphasized  
35 that Mr. Gurkin is a servant to the community, and serves in many capacities at Apex High.

36 **Councilmember Mahaffey** presented the award to Mr. Gurkin,

37 **Mr. Gurkin** thanked the Mayor, Council, and Apex Public School Foundation for their support  
38 of public education. He said all students, regardless of their economic status, deserve a good public  
39 school to be available to them.

40 **Ms. Conroy** said the APSF was hosting "Are You Smarter Than An Apex Student" on  
41 Thursday, November 16 at Apex high.

## **DRAFT MINUTES**

1 **PR2 Proclamation - Adoption Awareness Month - November 2023 (REF: PRO-2023-037)**

2 **Mayor Gilbert**, along with the whole Council, read the Adoption Awareness Month 2023  
3 Proclamation in unity.

4 **Mayor Gilbert** presented the proclamation to Kim Adcock, Permanency Planning Social  
5 Worker at Wake County Human Services, and to representatives from the Children's Home Society.

6 **Darius Moore**, Family Recruitment Specialist with the Children's Home Society, thanked the  
7 Mayor and Council. He said currently there are about 12,000 children in the State of North Carolina  
8 who need a place to stay. He said he invites anyone with the space in their home to apply to become  
9 a foster parent. He said becoming a foster parent is the best gift anyone can give to a child in this  
10 holiday season. He spoke about the importance of community, and how dependent everyone is on  
11 the work of other people for things they use every day. He invited people to find ways to give back  
12 to the community, and open up their homes.

13  
14 **PR3 Proclamation - Geographic Information Systems (GIS) Day - Wednesday, November 15,  
15 2023 (REF: PRO-2023-038)**

16 **Mayor Gilbert**, along with the entire Council, read the Geographic Information Systems (GIS)  
17 Day Proclamation in unity.

18 **Mark Griffin**, GIS Administrator, and Erika Sacco, IT Director accepted the proclamation.

19 **Mr. Griffin** thanked the Mayor and Council, and said there were many people in the town  
20 who utilized GIS for their roles. He said he was proud to work for the town, and he is sure they are  
21 too.

22  
23 **PR4 Proclamation - Small Business Saturday 2023 - Saturday, November 25, 2023 (REF:  
24 PRO-2023-039)**

25 **Mayor Gilbert**, along with the rest of Council, read the Small Business Saturday 2023  
26 Proclamation in unity.

27 **Papa Fall**, Owner of Yagg Sii Tenn, and Kyrone Nebolisa, Owner of Kwench Juice Café,  
28 accepted the proclamation.

29 **Mr. Nebolisa** said Small Business Saturday was a lifeline for small businesses, and invited  
30 people to come out and support them. He said his business, Kwench Juice Café, will have special  
31 discounts that day, and he welcomed anyone to come.

32  
33 **PR5—Western Wake Ministry Presentation**

34 This scheduled presentation did not occur, as the presenter was not in attendance.

35  
36 **[REGULAR MEETING AGENDA]**

37  
38 **Councilmember Mahaffey** said he would like to approve the agenda, with the removal of  
39 Old Business 1, as he had heard from members of the community that they would like additional  
40 discussion on that item.

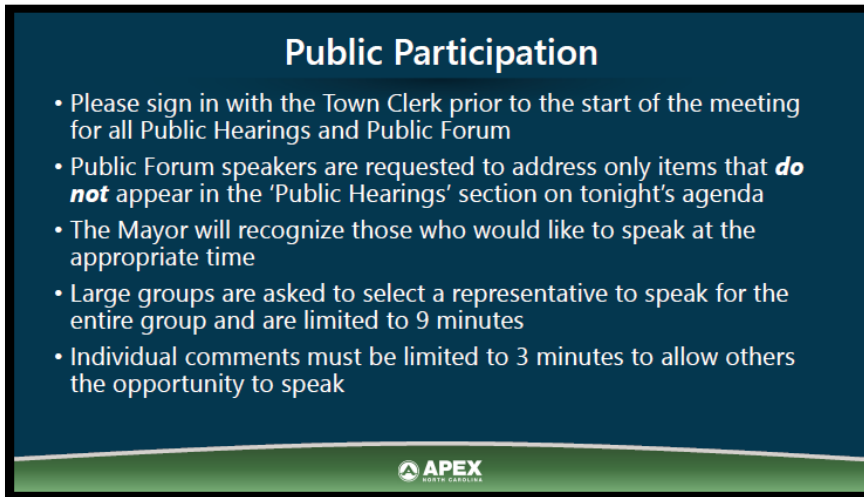
## DRAFT MINUTES

1 A **motion** was made by **Councilmember Mahaffey**, seconded by **Mayor Pro Tempore**  
2 **Killingsworth**, to approve the Regular Meeting Agenda, with the removal of Old Business 1.

3  
4 **VOTE: UNANIMOUS (5-0)**

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6  
7 **[PUBLIC FORUM]**

8  
9 **[SLIDE 2]**



10  
11  
12 First to speak was **Laura Wyatt** of 300 Benoit Court

13  
14 "Wester Wake Tennis is a non-profit organization whose mission is to promote the spirit and growth  
15 of tennis in Western Wake County, which includes Apex. I'm here tonight also with my board  
16 president, Shareen Halco, and I'm going to introduce these two people in just a minute. But I'm here  
17 tonight because we got an award, because of a program that you run in your community. Each year,  
18 USTA North Carolina gives out awards, and we received the adaptive tennis award, and that's given  
19 to a person or an organization who promotes or runs or supports adaptive tennis. Adaptive tennis is  
20 tennis for intellectually disabled athletes. Several years ago, Ally Prelaske asked Caroline who she  
21 should talk to, they referred her to me, and we helped her get the abilities tennis program started.  
22 And, it's grown, and she's done an amazing job working with pros and scheduling and everything,  
23 and now each spring and each fall, you run two back-to-back programs, eight weeks in the spring,  
24 eight weeks in the fall, and we provide the volunteers. In fact, we won this award because of the very  
25 large volunteer program that we run because of this program that you run, and also we work with  
26 the Town of Cary. In 2022, we filled 475 volunteer hours, in 2023 it's going to be 600. So, it's pretty  
27 awesome. What you're doing with that population is amazing, because they get more exercise in  
28 that one hour than they do in really several days. Then they have to focus, they have to watch the  
29 ball, they have to move and all that. And then they get the social benefits, and basically, it's a party.  
30 It's a happy, happy thing. In fact, when I leave my cheeks hurt from smiling. So that's awesome, but  
31 I'm going to take it a step further, because what you're also doing, because we need to provide the  
32 volunteers, here's a couple of the volunteers, this is Samantha and her father Brad. We have  
33 volunteers that are teenagers, most of them are tennis players but not all, teenagers, adults, families

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1 that volunteer together, National Charity League mothers and daughters, young men's service  
2 organizations, mothers and sons, they get out and they volunteer, and they see what tennis does in a  
3 community, and they see what you all are doing in the community. That's huge. We actually took it  
4 one step farther because we ended up, one of your clinics has some athletes that really needed  
5 more, where they do the clinics but then they're like now what's next. So thanks to your Parks, Rec,  
6 and Cultural Resources Department, and in this case was Jason Simpson, we started unified doubles.  
7 Sam is one of our unified partners, and she plays tennis with an intellectually disabled athletes, and  
8 they rally and they serve and it's really quite amazing. In fact, we do that and we're going to have  
9 another match Thursday night at Apex Community Park, 2200 Laura Duncan Road. It's amazing what  
10 you've done through tennis, and we are so grateful for our partnership with the Town of Apex,  
11 specifically Parks, Rec, and Cultural Resources, we've missed Ally since she's been out, I understand  
12 she's back, but she got this started. And then we worked with Jason, and Jason I actually work with  
13 for our league play opportunities and our low-cost beginner programs, and you're providing the  
14 same benefits to those people as well, physical, social, and mental benefits. So, we are thankful for  
15 the partnership, we love what you're doing through tennis, we're certainly excited about Pleasant  
16 Park, I don't know if you have any questions, if you want to ask our volunteers any questions about  
17 the program, I don't if this is the time for that or not."

18  
19 **Mayor Gilbert** said he just wanted to say thank you for all that she does. He said the program  
20 is wonderful, and also thanked Samantha and Brad. He said Ally Prelaske and Craig Setzer were in  
21 attendance, and thanked them as well.

22  
23 Next to speak was **Dawn Cozzalino** of 3632 Bosco Road (To view Ms. Cozzalino's handout,  
24 see **OTHER-2023-123**):

25  
26 "Tonight, I'm going to bring you the sights and sounds of the Friendship/New Hill community. Notice  
27 in the pictures, there's abundance of wildlife, there's blue Carolina skies, there's tall, colorful trees,  
28 and water features. Especially take a look at the two photos over there that I'm pointing to, of the  
29 bald eagles, which are seen on two different farm properties on Bosco Road. These are still a  
30 protected species, and there's also many more endangered species we've seen as well. Peaceful,  
31 very rural. This isn't a place for sewer infrastructure, sewer easements. This is the place for the  
32 Western Big Branch Force Main. This is the other side of US 1. It's a perfect location. There's no trees,  
33 there's no wildlife, there's already an easement there, and you can see that it's a straight spread right  
34 on that border of US 1. I want to add to that as well. It would be lower cost, and no eminent domain.  
35 So, I'd like us to work together, I just want to share some of the sounds of why it's perfect. This is by  
36 US 1. So, I'd like us to work together on this solution. I think it would be great to preserve our rural  
37 landscape, and be a community in the process. Thank you very much."

38  
39 **Mayor Gilbert** thanked Ms. Cozzalino for her comments.

40  
41 Next to speak was **Elizabeth Stitt** of 3113 Friendship Road:

42  
43 "Mayor and Town Council, I was not able to make the last Town Council meeting, but I watched it on  
44 the YouTube replay, so I wanted to call that out to anybody who is watching or anybody who is

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1 listening to know that they can go see these meetings on YouTube. I'm starting to have watch  
2 parties, to try to get more people involved. And I have to say, we found the last meeting a little  
3 disturbing. When the fire sprinkler proposal was presented, we found it disturbing on a couple  
4 levels. First and foremost, when you go to the town's website, it says the Town Council is  
5 responsible to the citizens. This fire proposal was put out by the Council, it was not citizen-driven.  
6 And it was done in a process that specifically denied citizen input. It did not allow for any community  
7 engagement. That is disturbing. It also excluded the town staff. It didn't even have a town staff report  
8 to talk about the need. I am all for preventing home deaths, but when you go for the National Safety  
9 Council website and you look at how many fire deaths occur in the home, it's 2.4% of all deaths. 87%  
10 of deaths are from poisoning and falls. But there was no mention about the majority of deaths that  
11 occurred. It was about the 2.4%, if you're lucky enough or privileged enough to live in a new house. I  
12 found that offensive, because I would love to wrap my family in bubble wrap based on some things  
13 that happen in this community. We have our fire and rescue, we have our EMS, going and helping  
14 people who are dying every day in our community. But in the 20 months that I have come to these  
15 meetings, I have not seen proposals put forth to stop other types of deaths. I was just offended, the  
16 people with me were offended. I am all about putting proposals out there, but it needs to include  
17 the public, so in the theme of being thankful, I'm thankful it got removed off the agenda tonight, I'm  
18 thankful there may be an opportunity for the community to be more involved in policies going  
19 forward, and I'm thankful to have opportunity to say that we live in the United States. Our  
20 constitution starts with "we, the people." And that should come down to Apex. We, the people,  
21 should have a say in what the town does. Thank you."

22  
23 **Mayor Gilbert** thanked Ms. Stitt for her comments.

24  
25 Next the speak was Dr. Tracy Taylor of 2004 Baysdale Lane:

26  
27 "I come to you with concerns and ask the town to please write and enact UDO's and regulations to  
28 address what happened at the Board of Adjustment hearing in July, regarding the 1305 Holt Road  
29 Variance. This is the first case in 5 years with such contention resulting in a 5-hour quasi-judicial  
30 hearing. Board members were not adequately prepared. I'm concerned about the processes that I  
31 believe weren't followed. It feels like we were used to rubber stamp and pass this variance where we  
32 were not given all information to make a ruling. We were given information that has proven to be  
33 false, as I discovered through my records request for all materials submitted to the record regarding  
34 this variance. I'm concerned with this decision setting a precedent moving forward, since the Town  
35 Council denied the applicant's zoning request, and then the Board overturned the elected Town  
36 Council's decision. In mid-October Ms. Cowles sent Board Members a letter that a Courtyards on  
37 Holt resident sent to the town for each of us. This letter addressed ex-parte communication that was  
38 perceived by this resident. At the last Town Council meeting Mr. James Jesserer stated in public  
39 comment that Attorney Hohe told him that he represents the Board and we are her client. Was she  
40 more concerned about pacifying the applicant out of fear of the town being sued? We, the town and  
41 Board, were threatened with being sued at the variance hearing if we did not pass this variance. The  
42 applicant's attorney stated multiple times, and the town agreed, that the NCDOT said that access to  
43 Holt Road was denied, but we did not receive evidence backing this claim, and there was no DOT  
44 expert witness to testify for the applicant. Through my records request, I learned that since last year



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1 discussions between NCDOT and town staff, including Russell Dalton, yielded that the town and  
2 DOT never said that DOT won't grant access off of Holt Road. NCDOT said that if a variance for a cul-  
3 de-sac was allowed, then DOT wouldn't grant access to Holt Road. In March of this year, the NCDOT  
4 asked what was decided by the Town Council because quote, if the connection was allowed to Elk  
5 River Drive, then DOT won't allow connection to Holt Road. You see, the applicant asked NCDOT  
6 what his options were and he asked if he could connect to Holt Road using a shared driveway or a  
7 cul-de-sac for 3 homes. Mr. Dalton replied that the applicant's zoning request was denied, and that  
8 the applicant quote, needs a variance to allow for extension of Elk River Drive, which would avoid the  
9 requirement for connectivity to Holt Road. Why wasn't any of this information shared with Board  
10 Members prior to the hearing? Since there was no expert witness at that meeting, and there was no  
11 written evidence backing the claims, and the Town Council voted against the zoning, I voted against  
12 the variance. But it still passed, 4-1. I would ask maybe for just 30 more seconds if that's possible  
13 please. I ask that the Town Council please do the two following things. Pass a UDO or other  
14 regulations to give the board a separate, blinded attorney to the variance brought forth to represent  
15 the quasi-judicial process, to advise the board of our options in real time, to avoid bias or the  
16 appearance thereof. We had no counsel to disregard the hearsay evidence, and the threat of being  
17 sued. I'd argue that these weighed heavily in the variance decision by my fellow board members.  
18 Please also pass a UDO or other regulation so that the Board can't overturn or circumvent Town  
19 Council zoning decisions through the variance process. I fear that the precedent that was set by  
20 passing the variance and overturning your zoning denial. Thank you."

21  
22 **Mayor Gilbert** thanked Dr. Taylor for her comments.

23  
24 Next to speak was **James Jesserer** of 1366 Elk River Drive:

25  
26 "I'm a little stunned by what we just heard, and I thank you Dr. Taylor for your courage that you just  
27 displayed in your statement, because in your statement you confirmed just about every single thing I  
28 said to the board two weeks ago. I was prepared to give a presentation, it's over. I'm actually a little  
29 stunned by what we've just heard. Based on Dr. Taylor's remarks, I am requesting an immediate  
30 independent investigation of the BOA's decision rendered in July on 1305 Holt Road. We have just  
31 heard a BOA member say that they were provided false or misleading information at this meeting,  
32 that they were bamboozled and intimidated by a slick attorney, and they were provided little or no  
33 legal counsel on the part of Town Council. That's a very ugly picture that just got painted for all of us.  
34 I am sorry, I'm a little disappointed in what we've just heard. Obviously, Dr. Taylor got records  
35 released to her. We also asked for a Freedom of Information Act, but we just got it today at 1 O  
36 Clock, so we're not prepared to discuss our findings. But we'll be back here in 2 weeks. And instead  
37 of 8 people in this audience, we'll have over 100 in this audience, and we'll share our findings of  
38 what we find in those bits of information. Apex can and must do better than this. We are requesting,  
39 again I'll repeat myself, an immediate investigation, independent investigation, into this July BOA  
40 meeting, and we are asking for suspension of that decision, that BOA decision, I'll repeat myself, we  
41 are asking the Town Council to suspend that July decision based on the information that was just  
42 shared by Dr. Taylor. This is completely surprising so I apologize for not being able to give a decent  
43 presentation. We must do better, I thank you and thank everyone, I particularly thank and salute Dr.

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1 Taylor who has displayed amazing courage in coming tonight and telling her story, thank you very  
2 much Dr. Taylor, you're an inspiration to the rest of the community. Thank you."  
3

4 **Mayor Gilbert** thanked Mr. Jesserer for his comments.  
5

6 Next to speak was **Donald Braden** of 13 Elk River Drive:  
7

8 "I was given standing at the BOA meeting, the July BOA meeting. I was given standing based on my  
9 proximity to the 1305 property that impacts the development. It impacts the development because it  
10 would have a major impact on my wife, who I have talked to y'all about before, who suffers from  
11 dementia and wanders around the neighborhood. We paid a premium of \$30,000 extra for that lot  
12 that we thought was going to be a cul-de-sac lot, and I believed it would provide the minimum  
13 security for my wife, so I was willing to go ahead and do that. Based on Dr. Taylor's extraordinary  
14 presentation, the discussion was pre-determined advised, and I am disgusted, and I second James'  
15 motion requesting that the investigation of the BOA decision, and that the Town Council do  
16 whatever it can to immediately suspend and undo this flawed BOA decision. Thank you, and most of  
17 all, thank you Dr. Taylor. I did receive some information from Mr. Coleman today and I do have some  
18 documentation I brought with me. I'm not ready to share it, we'll talk about that at the next meeting,  
19 but it does state in there that the DOT did not deny access off of Holt Road, and it's in the minutes of  
20 the notes at the BOA meeting, and we will share that with you at the next meeting. Thank you very  
21 much for your time."  
22

23 **Mayor Gilbert** thanked Mr. Braden for his comments. He told him he would have somebody  
24 reach out regarding the request. With no further sign ups, he closed Public Forum and moved the  
25 meeting to Public Hearing.  
26  
27  
28  
29

30 **[PUBLIC HEARING]**  
31

32 **PH1 Annexation No. 770 - Legacy Station - 26.63 acres (REF: ORD-2023-111)**

33 **Dianne Khin**, Planning Director, gave the following presentation regarding Annexation No. 770 -  
34 Legacy Station.

35 **[SLIDE 3]**

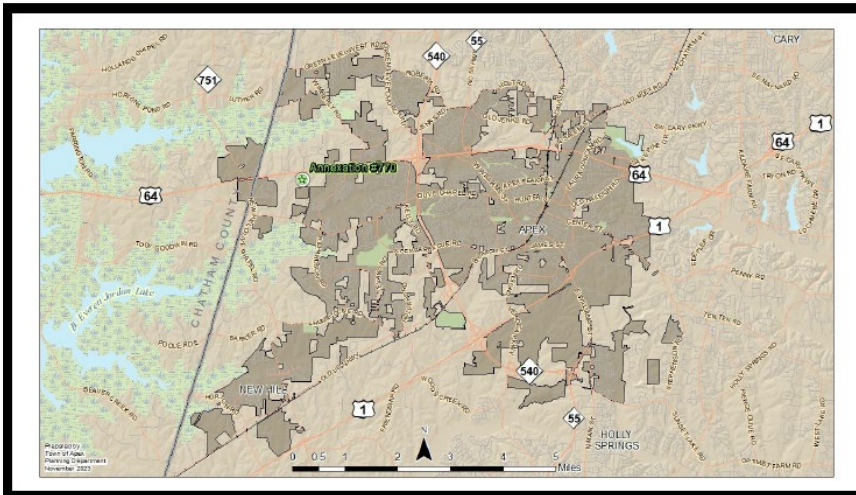
**Public Hearing #1**

**Annexation #770  
Legacy Station**



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4

**[SLIDE 4]**



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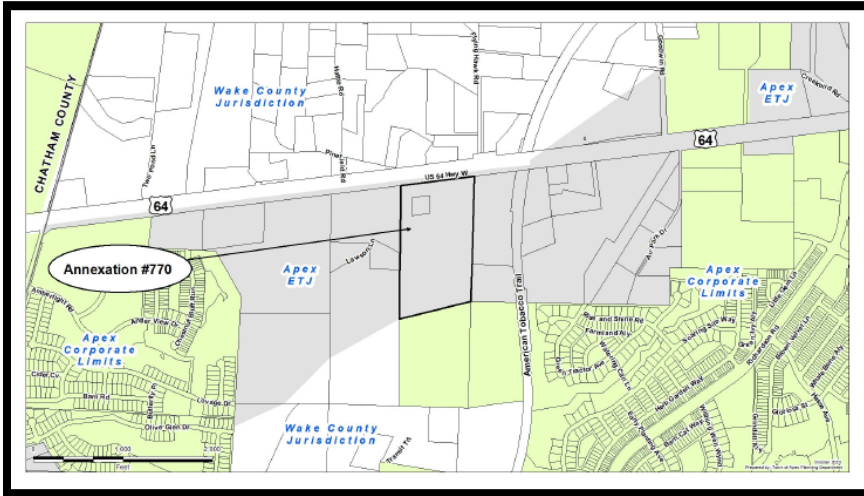
**[SLIDE 5]**



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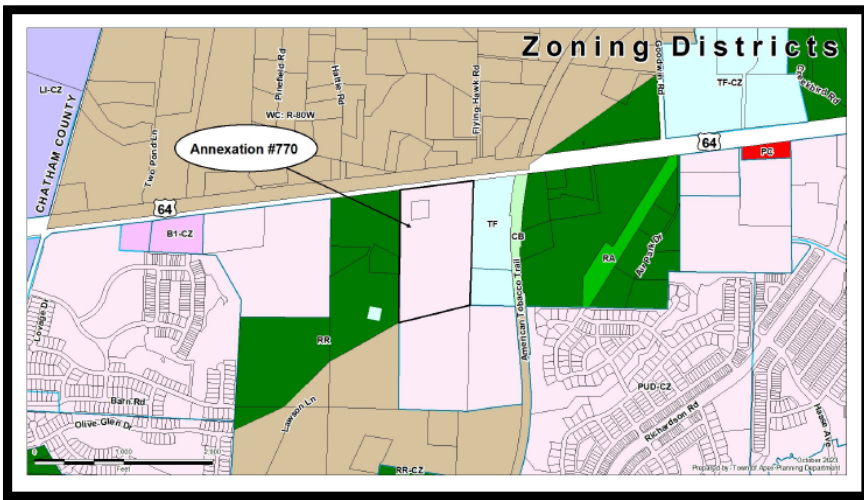
**DRAFT MINUTES**

1 [SLIDE 6]



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[SLIDE 7]



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**Mayor Gilbert** opened Public Hearing for this item. With no one signed up, he closed Public Hearing and moved discussion back to Council.

A **motion** was made by **Mayor Pro Tempore Killingsworth**, seconded by **Councilmember Gray**, to approve Annexation No. 770 - Legacy Station.

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

**[OLD BUSINESS]**

**OB1 Ordinance Amendment - Chapter 5 - Article 1 - Section 5 - Automatic Fire Sprinkler System Requirements (2nd Reading)**

## DRAFT MINUTES

1 **CLERK Note:** This item was removed from tonight's agenda per the vote setting the Regular  
2 Meeting Agenda.

3  
4 **[UPDATES BY INTERIM TOWN MANAGER]**

5  
6 **Interim Town Manager Purvis** said the opening of Pleasant Park on November 4<sup>th</sup> went well,  
7 and in the first week of the park's opening, it averaged between 8,000-10,000 people per day. He  
8 said the Skate Plaza is now fully lit with LED lights, and thanked the electric staff for getting those  
9 changed out. He said the pickleball courts at Apex Community Park will be open in the next week  
10 after being resurfaced. He said the Holiday Lights are up Downtown, and he will be keeping them  
11 updated with events. He wished everyone a safe and wonderful Thanksgiving holiday, and  
12 expressed his appreciation to town employees who will be working through Thanksgiving.

13  
14 **Mayor Gilbert** thanked Interim Town Manager Purvis for his service, Officer Patel for being in  
15 attendance to oversee the meeting, and the Apex Youth Council for being in attendance.

16  
17 **[CLOSED SESSION]**

18  
19 **Town Attorney Hohe** requested that Council add a third item to the Closed Session Agenda  
20 to preserve the attorney-client privilege.

21 A **motion** was made by **Councilmember Gray**, seconded by **Councilmember Zegerman**, to  
22 enter into Closed Session pursuant to NCGS §143-318.11(a)(3) and NCGS §143-318.11(a)(6).

23  
24 **VOTE: UNANIMOUS (5-0)**

25  
26 Council entered into Closed Session at **6:53 p.m.**

27  
28 **CS1 Laurie Hohe, Town Attorney**

29 **NCGS § 143-318.11(a)(6):**

30 *consider the qualifications, competence, performance, character, fitness, conditions of*  
31 *appointment, or conditions of initial employment of an individual public officer or employee*  
32 *or prospective public officer or employee; or to hear or investigate a complaint, charge, or*  
33 *grievance by or against an individual public officer or employee."*

34  
35 **CS2 Allen Coleman, Town Clerk**

36 **NCGS § 143-318.11(a)(6):**

37 *consider the qualifications, competence, performance, character, fitness, conditions of*  
38 *appointment, or conditions of initial employment of an individual public officer or employee*

**DRAFT MINUTES**

1 *or prospective public officer or employee; or to hear or investigate a complaint, charge, or*  
2 *grievance by or against an individual public officer or employee."*  
3

4 **CS3 ADDED - Laurie Hohe, Town Attorney**

5 **NCGS §143-318.11(a)(3):**

6 *"To consult with an attorney employed or retained by the public body in order*  
7 *to preserve the attorney-client privilege between the attorney and the public body."*  
8

9 Council returned to open session at **9:56 p.m.**

10  
11 A **motion** was made by **Mayor Pro Tempore Killingsworth**, seconded by **Councilmember**  
12 **Gray**, to officially appoint Allen Coleman as the Town Clerk for the Town of Apex, and to approve  
13 the associated employment contract.  
14

15 **VOTE: UNANIMOUS (6-0)**

16  
17 **CLERK Note:** North Carolina General Assembly Session Law No. 2023-112 authorizes the Apex  
18 Town Council and Mayor to make appointments and vote on certain matters regarding the  
19 appointees of the Town Manager, Town Attorney, and Town Clerk for the Town of Apex.  
20

21 **[ADJOURNMENT]**

22  
23 **Mayor Gilbert** adjourned the meeting at **9:58 p.m.**  
24

25 Jacques K. Gilbert  
26 Mayor  
27

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

31 Submitted for approval by Town Clerk Allen Coleman and approved on \_\_\_\_\_.  
32