

DRAFT MEETING MINUTES

TOWN OF APEX REGULAR TOWN COUNCIL MEETING TUESDAY, OCTOBER 14, 2025 6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, October 14th, 2025 at 6:00 PM in the Council Chambers at Apex Town Hall, located at 73 Hunter Street in Apex, North Carolina.

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

<https://www.youtube.com/watch?v=8KIKrLZhHwE&t=1s>

[ATTENDANCE]

Elected Body

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

Town Staff

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

[COMMENCEMENT]

Mayor Gilbert called the meeting to order and welcomed all who were in attendance and watching. He then led all in attendance in a recitation of the Pledge of Allegiance. He then invited Eddie Mullins, Pastor of Summit Church and member

of the Public Safety Chaplain team to lead in the invocation. He then recognized Lisa Montoya, with the Parks and Recreation Advisory Board, who was in attendance.

[CONSENT AGENDA]

Mayor Gilbert asked for clarification on Consent Item 14.

Town Manager Vosburg asked Marla Newman, Community Development and Neighborhood Connections Director, to come up to give clarification.

Director Newman said that there had been discussions with Fiesta Cristiana about the possibility of a collaboration. She said that the item on the agenda is the initial part of how to potentially co-develop the parcel to create an opportunity for a facility to be built that could provide potential office space for the organization, if Fiesta Christiana would be able to work in agreement with Dorcas Ministries which would be the lead developer of that facility, and there had also been discussions with Dorcas Ministries about this.

Mayor Gilbert asked if the Legion or Veterans Services would be included in this arrangement.

Director Newman said they have discussed with Wake County locating some Veterans Services and other Social Support services through these organizations at this facility.

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

VOTE: UNANIMOUS (5-0)

CN1 Advisory Board Attendance Reports 2025 - Quarter 3

Council voted to receive and accept the resident advisory board attendance reports for quarter three (3), which includes January through September, of calendar year 2025.

CN2 Agreement - Data Voice International - Maintenance Agreement for Continued Outage Management Software Support for Water and Electric Systems - through June 30, 2026 (REF: CONT-2025-356)

Council voted to approve and ratify an agreement between Data Voice International and the Town of Apex for continued outage software management support for water and electric systems, through June 30, 2026, and authorize the Town Manager or their designee to execute the agreement on behalf of the Town.

CN3 Agreement - North Carolina Department of Transportation (NCDOT) - Traffic Review and Inspection Agreement - West Williams Street Signals (REF: CONT-2025-357)

Council voted to approve a Traffic Review and Inspection Agreement between the North Carolina Department of Transportation (NCDOT), to review and inspect signal modifications on West Williams Street, and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN4 Agreement - Wake County Government - Emergency Management Mutual Aid Agreement - Effective October 14, 2025 (REF: CONT-2025-358)

Council voted to approve an Emergency Management Mutual Aid Agreement between Wake County Government and the Town of Apex to ensure prompt and efficient response during disasters or emergencies and provide terms and conditions for participating in coordinated sharing of resources, effective October 14, 2025, and authorize the Town Manager, or their designee, and the Town Attorney to execute on behalf of the Town.

CN5 Agreement Multi-Year - Spectrum Enterprise Agreement - Increased Town Network Services - Effective October 14, 2025 through October 13, 2028 (REF: CONT-2025-359)

Council voted to approve a Multi-Year Spectrum Service Agreement between the Town of Apex and Charter Communications Operating, LLC aka "Spectrum", effective October 14, 2025 through October 13, 2028, for covering town network service needs, and to authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN6 Agreement Multi-Year - Wake County Government - Establishing Terms and Conditions for Data Sharing between Wake County and Town of Apex for Exchange of Emergency Medical Services - October 1, 2025 through September 30, 2028 (REF: CONT-2025-360)

Council voted to approve a multi-year agreement between Wake County Government and the Town of Apex which establishes terms and conditions for data sharing between Wake County and the Town of Apex, focusing on the exchange of health information for emergency medical services, effective October 1, 2025 through September 30, 2028, and authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN7 Agreement Ratification - Central Square Technologies LLC - Cloud Based CAD-to-CAD Software Solution - Service Extension through June 11, 2026 (REF: CONT-2025-361)

Council voted to ratify an oral agreement with CentralSquare Technologies, LLC and the Town of Apex, to provide cloud-based CAD-to-CAD software solutions, and for the continuation of services through June 11, 2026, and authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN8 Agreement Ratification - Checkmate Government Relations LLC - State Lobbying Services - Fiscal Year 2026 (REF: CONT-2025-362)

Council voted to ratify an oral agreement with CentralSquare Technologies, LLC and the Town of Apex, to provide cloud-based CAD-to-CAD software solutions, and for the continuation of services through June 11, 2026, and authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN9 Agreement Ratification - WakeMed - Mobile Wellness Vehicle - Effective July 1, 2025 through June 30, 2026 (REF: CONT-2025-363)

Council voted to ratify an oral agreement with WakeMed and the Town of Apex, effective July 1, 2025 through June 30, 2026, to provide onsite mobile clinical services, and authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN10 Capital Projects Ordinance Amendment No. 2026-2 - Salem Streetscape Project (REF: ORD-2025-069)

Council voted to approve a Capital Project Ordinance No. 2026-2 appropriating funds for the Salem Streetscape project.

CN11 Council Meeting Minutes - Various

Council voted to approve Meeting Minutes from the following meetings:

July 19, 2022 - Special Town Council Meeting Minutes

September 09, 2025 - Regular Town Council Meeting Minutes

September 16, 2025 - Town Council Work Session Meeting Minutes

CN12 Encroachment Agreement - Depot 499 Owners Association - Install Grass Pavers in Town Right-of-Way (REF: CONT-2025-364)

Council voted to approve an Encroachment Agreement between the Town of Apex and property owner: Depot 499 Owners Association, Inc. regarding the Wake County Subdivision known as Depot 499, to encroach at locations of Aspen River Lane and Poe Farm Avenue, for the purpose of installing Grass Pavers, and authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN13 Fee-In-Lieu of Land Dedication - The Groves at West Village - \$2,858.65 SF/unit

Council voted to approve a payment of Fee-In-Lieu (FIL) of dedication for The Groves at West Village Residential MSP at the 2025 rate of \$2,858.65 Single Family Attached unit.

CN14 Memorandum of Understanding MOU between County of Wake, Christian Community in Action dba Dorcas Ministries, and Town of Apex - S. Hughes Street Development (REF: CONT-2025-365)

Council voted to approve a Memorandum of Understanding (MOU) between the County of Wake, North Carolina, Christian Community in Action, Inc. d/b/a Dorcas

1 Ministries, and the Town of Apex, to collaborate together to plan for the
2 development and use of the South Hughes Street property in a manner that advances
3 the purposes and goals of the parties to serve the residents of Apex, and authorize
4 the Town Manager or their designee to execute on behalf of the Town.

5 **CN15 Resolution - Authorizing the Adoption of the Revised Wake County**
6 **Emergency Operations Plan (REF: RES-2025-057)**

7 Council voted to adopt a resolution authorizing the adoption of the Revised Wake
8 County Emergency Operations Plan, which supersedes RES-2015-009 adopted on
9 February 3, 2015.

10 **CN16 Resolution - Delegating Authority to Negotiate, Award, Approve, and**
11 **Execute Contracts and Other Instruments (REF: RES-2025-058)**

12 Council voted to approve Resolution Delegating authority to Negotiate, Award,
13 Approve, and Execute Contracts and Other Instruments.

14 **CN17 Rezoning Case No. 25CZ07 - 1211 Old Raleigh Road - Statement and**
15 **Ordinance (REF: ORD-2025-070)**

16 Council voted to approve the Statement of the Town Council and Ordinance for
17 Rezoning Application No. 25CZ07, Dan Morse, ODG 87, LLC., applicant, for the
18 property located at 1211 Old Raleigh Road (PIN 0742822598).

19 **CN18 Rezoning Case No. 25CZ08 - Veridea Expansion 3 - Statement and**
20 **Ordinance (REF: ORD-2025-071)**

21 Council voted to approve the Statement of the Town Council and Ordinance for
22 Rezoning Application No. 25CZ08, Todd Rechler, RXR Realty, petitioner, for the
23 properties located at 1712 & 1716 E Williams Street (PINs 0740992632 &
24 0740990489).

25 **CN19 Rezoning Case No. 25CZ09 - Jessie Drive Industrial - Statement and**
26 **Ordinance (REF: ORD-2025-072)**

27 Council voted to approve the Statement of the Town Council and Ordinance for
28 Rezoning Application No. 25CZ09, Gray Harrell, applicant, for the property located at
29 0 E Williams Street (PIN 0751201670).

30 **CN20 Surplus Badge and Service Weapon - Former Apex Police Sergeant**
31 **Deborah Hansen**

32 Council voted to declare one (1) badge and (1) service weapon (Glock Model 17
33 9mm handgun, with S/N Serial Number XTA-771) as surplus property, set the price
34 for such weapon to be \$1.00 (One Dollar); and, award the stated badge and service
35 weapon to Former Apex Police Sergeant Deborah Hansen who retired from the Apex
36 Police Department effective October 1, 2025.

37 **CN21 Tax Report - August 2025 (REF: OTHER-2025-083)**

38 Council voted to approve the Apex Tax Report dated September 25, 2025.

[REGULAR MEETING AGENDA]

A **motion** was made by **Councilmember Killingsworth**, seconded by **Mayor Pro-Tempore Gray**, to set the Regular meeting agenda as presented.

VOTE: UNANIMOUS (5-0)

[UPDATES BY TOWN MANAGER]

Town Manager Vosburg gave the following updates:

WalletHub Ranking: Apex named in the top 1% of small cities in the U.S., #1 in North Carolina and #3 nationally among towns of 25,000-100,000 residents. Recognition is attributed to 45 quality-of-life metrics.

Economic Development & Tourism: Apex to be featured in Our State Magazine's "Tar Heel Towns" section, marking its first statewide tourism marketing effort by Apex's Economic Development to promote the town and increase tourism. The article will be coming out again in the Our State magazine in May and June 2026.

Olive Chapel Road project remains on schedule for January 2026 opening. He commended DOT for strong partnership and continued commitment.

Community Events (October Highlights)

- **Tour of Frights:** Oct. 11-31, community Halloween displays with two routes, orange & purple maps available.
- **Peak Plan 2055 Public Forums:**
 - Oct. 22 at Hope Community Church, 4:30-6:30 pm.
 - Oct. 23 at Town Hall, 4:30-6:30 pm.
- **Scarecrow Row:** Oct. 23-31, Apex Community Park.
- **Goblin's Groove Family Dance:** Oct. 25, 5-7 pm, Halle Cultural Arts Center.
- **Spooky Trails:** Oct. 29, 5-7 PM, Apex Nature Park, donations to benefit Wake County Animal Shelter and if you donate you will receive a raffle prize ticket.
- **Early Voting:** Oct. 25-Nov. 1 at John M. Brown Community Center. Sat: 8 am-3 pm, Sun: 1 pm-6 pm, Mon-Fri: 11 am-6 pm, Nov 1: 8 am -3 pm.
- **Public Budget Survey** open until Dec. 1 at apexnc.org/153/budget.

- 1 • **Utilities Update** - Statistics and information will be in the FAQs and on Apex's
2 website.
- 3 • **Missed Reads:** <1% ($\approx 0.75\%$).
- 4 • **Customer Calls:** SEW service calls dropped from 2,000 in July and decreased
5 to 806 in Sept.
- 6 • **Cycle Lengths:** 29-31 days, now stabilized.
- 7 • **Variance Report:** There will be variances each time a report is ran at this time
8 there is a 93% of variances in last cycle favored customers and there is
9 improvement.
- 10 • **Ask Apex Performance:**
 - 11 ○ 89% of calls were resolved without escalation.
 - 12 ○ Wait times significantly decreased, down to 1-2 minutes.
 - 13 ○ Excellent performance noted during Customer Service Week.

14 **Customer Service Log** - calls that are not answered in Ask Apex go to this log.

- 15 • 46% of backlog resolved; 497 customers with issues that are being worked
16 through. With over 30,000 customers there are 1% to 2% with unresolved
17 issues.
- 18 • Additional staff training underway, especially on budget billing and solar
19 customer issues. Continuous improvements observed daily.

20 **Third-Party Audit with Barry Dunn:** There are 98% of 180 customer reviews
21 completed with approximately 120 letters sent out. There are less than 15 cases
22 remaining under special review. In 89% of cases reviewed the customer owed Apex,
23 and in 11% of cases Apex owed the customer. The average amount due to Apex was
24 \$36.09 and average amount owed to customers was \$12.05.

26 **Mayor Gilbert** asked if information was available for the numbers on
27 reconciling with customers and their bills.

28 **Town Manager Vosburg** said that there are no concrete numbers on how
29 many are satisfied with the resolution but that information should be available in the
30 next few weeks.

32 **Mayor Gilbert** thanked Town Manager Vosburg for the update and moved to
33 Presentations.

36 **[PRESENTATIONS]**

PR1 Proclamation - Apex Lion's Club Recognition (REF: PRO-2025-039)

Mayor Gilbert, along with the Town Council, read the Proclamation Honoring the Apex Lion's Club. He invited the Apex Lion's Club members up to receive the proclamation and take pictures.

A Lion's Club member thanked the town and invited all to visit and become a member. He said that they were the longest serving community civic organization in Apex.

PR2 Proclamation - Cyber Security Awareness Month - October 2025 (REF: PRO-2025-040)

Mayor Gilbert, along with the Town Council, read the Proclamation recognizing Cyber Security Awareness Month. He then invited Erika Sacco, IT Director Erika Sacco and Conrad Sain, IT Manager, to receive the proclamation and take pictures.

Mr. Sain said to change your passwords, don't click on links, and talk to your family about not buying gift cards.

PR3 Proclamation - Domestic Violence Awareness Month - October 2025 (REF: PRO-2025-041)

Mayor Gilbert, along with the Town Council, read the Proclamation for Domestic Violence Awareness Month. He invited Danica Coleman, Victim Advocate II and Detective Crystal Byrd to receive the proclamation and take pictures.

PR4 Proclamation - Down Syndrome Awareness Month 2025 - October 2025 (REF: PRO-2025-042)

Mayor Gilbert, along with the Town Council, read the Proclamation for Down Syndrome Awareness Month 2025. He invited Dylan Kinlaw, Nick Salcedo and families to receive the proclamation and take pictures.

[PUBLIC FORUM] (Note: to view Public Forum and Public Hearing Sign in Sheets, see **OTHER-2025-085**)

Mayor Gilbert opened Public Forum and called the first speaker.

First speaker was **Tom Colhoun** of 903 Ambergate Station:

"Based on my understanding of the statistics that were just read, I must be the 1% that's having problems with my utility bill. Ever since July, I have had a past due amount that has been carried on since then all the way to the new October bill which I just received. And the exact same amount continues to go down the line every month.

Now, it may not be a crisis to you, but my concern is every month Experian and all the rest of the credit places drop my credit score because I have a continual unpaid bill and it affects me. So, it may not be a big deal to y'all, but it's a big deal to me, and I've even got the cancelled check from my bank that has the Town of Apex deposited it back in July, and here it is. So why in the world do I continually get charged every month, including this month, for a past due bill that affects me, and y'all have gotten the money? And I'll be glad to give this to whoever wants to take a look at it, but it's the check from the bank, and it's endorsed by the Town. Yeah, that's all I've got to say."

Mayor Gilbert thanked the speaker and called the next speaker.

Next to speak was **Michelle O'Connor** of 3413 Jordan Shires Drive:

"So, good evening. Last Monday at the Wake County Commissioners meeting, a couple from Wake Forest spoke during the public forum about a problem that no one else was willing to solve. Despite an unprecedented level of growth and development in their area, their road remains a dirt road, and the amount of dirt kicked up by all the cars and trucks is keeping them indoors. They literally cannot breathe when they go outside. Their remarks were shocking to the commissioners, so much so that Susan Evans felt compelled to speak up despite having reminded everyone an hour earlier that the commissioners do not respond to public comment during the meeting, and she assured them that there would be follow-up action. To be clear, I don't expect council to break that tradition tonight, though I do commend you for doing so just now. But the experiences of the couple of Wake Forest left me with concerns for Apex regarding the potential and amount of air pollution we will experience if the data center is allowed to be built

1 as it is currently proposed. The developer proposes diesel generators as backup
2 power for the data center, and these will need to be tested regularly. Though
3 large-scale data centers are still relatively new, we know that diesel generators,
4 regardless of what they are attached to, produce significant quantities of air
5 pollutants, including nitrogen oxide, sulfur oxide, carbon monoxide, and
6 particulate matter. Air pollutants are silent killers. In 2021, air pollution was
7 responsible for 8.1 million deaths, where at least half of those were attributed to
8 outdoor exposure to fine particulate matter, which is defined based on the size of
9 less than 2.5 microns in diameter. These particulates are a unique threat as they
10 not only are capable of penetrating lung and olfactory tissues but are small
11 enough to cross the blood-brain barrier. There is no exposure level that is
12 considered safe, just levels considered acceptable, which is currently nine
13 micrograms per meter cubed. This was recently decreased due to
14 recommendations from the WHO and EPA in an effort to reduce the potential for
15 health problems and increase overall quality of life. And while it would be wrong
16 of me to ignore that North Carolina has made significant efforts in increasing air
17 quality for its citizens, the chronic intermittent release of pollutants, especially fine
18 particulate matter from the data center diesel generators, will threaten that
19 achievement and our health along with it. The scientific literature concerning fine
20 particulate matter and effects on health is significant. First, let's address the things
21 we innately think of. Exposures to these particulates increase frequency and
22 severity of asthma attacks, increase the likelihood of development of respiratory
23 illnesses like pneumonia, negatively affect chronic conditions like COPD, and can
24 lead to the development of lung cancer. However, exposure and impact don't
25 stop at our lungs. Exposure to fine particulate matter is associated with increased
26 risk for development of cardiovascular disease, diabetes, obesity, breast, ovarian,
27 and colorectal cancers, as well as neurodegenerative diseases such as Alzheimer's
28 disease. In elementary school age children, exposure to fine particulate matter is
29 associated with changes in brain architecture, which has further impact on
30 cognition and emotion. When pregnant women are exposed, there are multiple
31 risks to the fetus, which include altered or underdeveloped respiratory, nervous,
32 and metabolic systems, preterm birth, and even fetal death. In a nod to our
33 eventual children's hospital CEO, Dr. Leslie Burks, a world-class pediatric allergist
34 with an extensive research background in peanut allergy, I would also like to note
35 that early life exposure to fine particulate matter is also associated with both the
36 prevalence and persistence of peanut allergy in children. Now, as a scientist with a
37 background in genetics and immunology, I am the first to admit that association
38 and correlation are not causation, and that the length of time and amount of

1 exposure to fine particulate matter are likely to vary across studies. But as I stated
2 earlier, there are no safe exposure levels, just acceptable levels that the data
3 center will likely exceed during testing. Furthermore, the exposure will be
4 repeated. These tests are not one and done, they happen at a given frequency,
5 and the more we are exposed over time, the greater the likelihood that these risks
6 become realities. There simply isn't enough time to review all the scientific studies
7 and data with everyone tonight, but I do want to share some general biological
8 mechanisms associated with fine particulate matter that we do know, as well as
9 some interesting findings. First, fine particulate matter can generate excessive
10 reactive oxygen species and free radicals within cells, which is responsible for
11 damage to the cardiovascular system, respiratory system, and can induce
12 carcinogenesis. Oxidative stress also promotes inflammatory signaling that can
13 become systemic, which can also drive development and exacerbation of asthma,
14 COPD, and diabetes. Fine particulate matter can interact with our DNA and alter
15 expression of our genes. When these particles bind to DNA, this can break the
16 two strands and lead to abnormal rearrangements of the DNA, which is a hallmark
17 of cancer development, particularly lung cancer. The particulates can also
18 interfere with factors responsible for turning our genes on and off, and these
19 changes, which we call epigenetic changes, are implicated in pretty much every
20 disease you can think of and happen to be a central component of my doctoral
21 work. Finally, a single short exposure to fine particulate matter does affect the
22 body and takes longer to resolve than it did to initially react. In mouse models,
23 exposure to fine particulate matter for several days resulted in activation of
24 inflammatory pathways and genes in the brain, resulting in behavioral changes
25 such as increased food consumption. Despite the short exposure, it took 12 weeks
26 for the behaviors and the inflammatory gene expression to return to normal.
27 Based on literature searches in PubMed, there are over 10,000 publications
28 concerning fine particulate matter and its impact on some element of our health. I
29 won't claim to have even made a dent in reviewing everything, but I do feel
30 comfortable saying that the takeaway message is that there is nothing good for
31 our bodies that comes from any increase in exposure. And keep in mind, my
32 remarks only account for one of the many pollutants we will be exposed to with
33 diesel generators and do not account for pollutants via other sources such as the
34 cooling towers and the materials associated with the building of the data center.
35 Responsible growth means looking at the bigger picture and objectively asking
36 how the benefits offset the risks. We understand that the tax revenue in Apex is
37 disproportionately generated via its residents compared with everything else.
38 However, the revenue that could be gained here is likely to result in a new burden

1 for taxpayers, increased health care costs, and perhaps even the loss of
2 opportunity to enjoy things our tax dollars currently go toward, like development
3 of the greenways or downtown, because they will need to shelter indoors when
4 the air quality gets too poor. If the data center is to be built at all, Apex citizens
5 deserve better than tier 3 diesel generators. The town should request that the
6 developer utilize natural gas or even hydrogenated vegetable oil, which is
7 surprisingly more of an industry standard than any of us realized. The town should
8 also limit the amount of time any emergency generator is allowed to operate,
9 mandate strict testing to ensure any emissions remain below state DEQ limits and
10 should request modeling studies to determine the extent of potential emissions
11 prior to any votes or approvals. I have heard multiple times that the decision, or
12 really decisions, concerning the data center are not just about what is good for
13 New Hill but what is good for all of Apex, and I couldn't agree more, because we
14 know that this air pollution won't just be a cloud over our communities in New Hill.
15 It will affect the entire town and beyond. This includes those who enjoy riding their
16 bikes or taking a walk on our many greenways and our children who want to and
17 really do need to run outside during recess, and it will even eventually affect the
18 patients and their families coming near and far to our world-class children's
19 hospital. I have said it before and I will repeat it now, the quality of our lives must
20 be prioritized above all else, because how else do we achieve the peak of good
21 living? And with that, I'd also like to point out that tonight we recognized Down
22 Syndrome Awareness Month. How are we recognizing innate chromosomal
23 disorders, but we're willing to generate new ones via exposure to fine particulate
24 matter? I leave you with that food for thought. Thank you."

25 **Mayor Gilbert** thanked the speaker and called the next speaker.
26

27 Next to speak was **Elizabeth Stitt** of 3113 Friendship Road:
28

29 "Good evening. So, I have been spending my spare time going back through
30 the voting records for the last couple of years. I plan to go the previous eight, but I'm
31 only in four. And the thing that really stood out to me is how many of these decisions
32 were made in silos, and what I mean by that is when you go back and you look at
33 each of these zoning packages, it's not in context with what's around it. So, when we
34 talk about the data center tonight, you're just talking about the data center. You're
35 not talking about what's happening in Holly Springs one mile away, we're not talking
36 about what's happening in Chatham County one mile away. We make decisions in
37 Apex based on a silo. We need to sit down and have collaborative discussions with

1 our neighbors and say, "Okay, you know, Holly Springs has this pollution, Chatham
2 has this pollution, Apex has this pollution. What is the cumulative effect?" We need to
3 be having regional discussions that we're not having, whether it's pollution, water,
4 sewer, roadways, we're all growing into each other's space, but yet that collaboration
5 is not occurring. When was the last time, was there a regional public meeting?
6 There's never been one for us as a community. Never. No one has ever said, "Okay,
7 Mayor of Apex and Holly Springs and Cary," and we all sit down and have
8 discussions. We're growing at a pace that we're going to have a train wreck. It is
9 obvious looking at the voting record and all the conversation about how little land is
10 left to develop, and we've got to squeeze as much as we can get in there. That's not
11 okay. We don't have enough water. We don't have enough roads. We don't have
12 enough sewer and we're not having discussions about what's Veridia bringing. A lot
13 of that is speculative. We don't know yet. There's going to be development that
14 they're going to bring in. Holly Springs has some. We don't have enough resources.
15 So, we all need to sit down and have this conversation as a community, not in these
16 one-off, one-off, and one-off rezonings, because we hear all the time the staff come
17 up and say this is in the public interest, and I ask the question, how do you measure
18 the public interest? Is it revenue? Is it how many cars? And I was told there is no actual
19 formula. They look at the project and they say, "Hey, it fits our UDO, so it's in the
20 public interest and we're going to go vote for it." That's no longer okay. We need to
21 become more sophisticated about what we're doing. So, I ask you to think about
22 setting up some type of regional meeting so that we can really talk about regional
23 issues. Thank you."

24
25 **Mayor Gilbert** thanked the speaker and called the next speaker.
26

27 Next to speak was **Dawn Cozzolino** of 3632 Bosco Road:

28 "Good evening. I submitted a public records request because there is no
29 public information about the Peak Plan 2055 task force. North Carolina law
30 ensures transparency, the Public Records Law 132.1 gives residents the right to
31 inspect government records, and the Open Meetings Law 143-318.9 requires
32 meetings to be open and accurately documented. These laws let citizens see how
33 decisions are made and how the money is spent. Peak Plan 2055 will guide a long-
34 term Apex future and planning process. A task force was appointed to advise the
35 council, but no public notices, agendas, meetings, or contracts are available. On
36 June 24th, 2025, the task force appeared in the consent agenda as CN18, a
37 mechanism normally reserved for routine items such as meeting minutes, not

1 major policy decisions or high-cost contracts. Yet, the task force creation and
2 consultant contract were never openly discussed, and no town clerk minutes exist.
3 Apex entered into a contract with Nealon Planning on April 30th, 2025, for nearly
4 half a million dollars, two months before the June consent agenda even
5 mentioned it. The public never saw or discussed the contract. So, how did Apex
6 approve a contract the public isn't allowed to review? The second task force
7 meeting was a kickoff on September 22nd, 2025, appointed 12 seats, including
8 Councilman Terry Mahaffey, a developer, a land-use attorney, and board
9 appointees, but only one ETJ planning representative. Were legal notices
10 provided? The public, including affected property owners, was excluded from
11 these early decisions of the task force selection, plan scope, and the April
12 contract. Terry Mahaffey's role creates a potential conflict of interest. He is serving
13 as a member, even as an alternate, on the Capital Area Metropolitan Planning
14 Organization Technical Advisory Committee, which advises on transportation and
15 federal funding related to Peak Plan 2055. Holding both roles creates a position of
16 divided loyalty inconsistent with the impartiality expected of a task force member.
17 This is a documented fact available at ethicsei.nc.gov/tools. You can look it up by
18 last name. Our state constitution reminds us of why transparency matters: Article
19 1, Section 2, Sovereignty of the People; Article 1, Section 19, Equal Protection and
20 Due Process. Thank you."

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

22
23 Next to speak was **Fran Hudson** of 5524 Rex Road:

24
25 "All right, I'm bringing my civics project from fifth grade. So basically, I wanted
26 to outline where the authority comes from for the town. So basically, Almighty God,
27 our constitution, our North Carolina constitution, does say, you know, the people are
28 giving basically credit to Almighty God that gave us the powers to create. So, the
29 people then created the Declaration of Independence and then the North Carolina
30 Constitution. The Declaration of Independence established that division from any
31 ruler, so we are not under a ruler. So, the structure of government that we have is a
32 representative government. So, our North Carolina Constitution, we set aside our
33 rights in Article 1, Section, all the 38, I think, as sections within Article 1 to protect
34 those rights of the people and to remind everyone in government what those rights
35 are. Article 7 covers local governments and how they're to be created, and Article 8 is
36 for corporations, which local government is also a public corporation. A smaller
37 group of people in 1783 decided to put together the Town Charter of Apex. So,
38 these, from the people, you're getting the authority to be able to serve the people. It

1 created those Officer positions and allowed you to serve the town, and then the
2 people that run for office are asking to serve in a government position, and they take
3 an oath, which I've mentioned before, to serve the people. The people entrusted the
4 town to manage the public business and allowed for the creation of the ordinances,
5 the policies, procedures and all of those have to be pursuant to the constitutions,
6 both North Carolina and the United States Constitution. An example of that town law
7 is the Unified Development Ordinance. So commercial entities, developers, come
8 and they apply, they're asking permission to be able to do the things they want to do.
9 The development services committees and boards, they're all tasked with scrutinizing
10 these applications to determine if they abide by all the laws of the state and respect
11 the rights of the people. Then the people of all the states came together in 1787, and
12 we formed our republic. We are a representative republic with a democratic form of
13 government. The Article 6, Section 3 of the United States Constitution pulls
14 everything together, and it says this, the supreme law of the land to which all
15 government, state and federal, is subject. It doesn't say the people are subject to it, it
16 is the government that is subject to these laws, all of them. So, God gave us the rights,
17 the powers to create. We said we want this for us. We want this protection. That's
18 what it all means. That's how it all fits together."

19
20 **Mayor Gilbert** thanked all of the speakers, closed Public Forum and moved to
21 New Business.

22
23 **[NEW BUSINESS]**

24
25 **NB1 Appointments - Board of Adjustment (BOA)**

26
27 **Allen Coleman**, Town Clerk said that there were three recommended actions.
28 The first is to move William Hollenbeck from alternate two to alternate one, the
29 second recommendation is to move Heidi Marie Cico from alternate three to
30 alternate two, and then there was one vacancy for the alternate three position and
31 Casey Angel is being recommended for appointment to that seat.

32
33 A **motion** was made by **Councilmember Gantt** and seconded by
34 **Councilmember Killingsworth** to make the following appointments to the Board of
35 Adjustment: move William Hollenbeck from alternate two to alternate one, move
36 Heidi Marie Cico from alternate three to alternate two, and to appoint Casey Angel as
37 alternate three.
38

VOTE: UNANIMOUS (5-0)

NB2 Appointments - Board of Adjustment (BOA) - Vice-Chair

Allen Coleman, Town Clerk, said the Vice-Chair role was vacant and at the meeting in September the board recommended unanimously William Hart to fill that position, the Mayor also supports that recommendation.

A **motion** was made by **Mayor Pro-Tempore Gray** and seconded by **Councilmember Killingsworth** to approve the appointment of William Hart as Vice-Chair of the Board of Adjustment.

VOTE: UNANIMOUS (5-0)

NB3 Appointments - Culture and Arts Advisory Board (CAAB)

Allen Coleman, Town Clerk, said there is a possible motion to appoint two corporate limit residents to the Culture and Arts Advisory Board, the recommended candidates are Perry Ambrose and Aaron Barnes.

A **motion** was made by **Councilmember Zegerman** and seconded by **Councilmember Gantt** to appoint Perry Ambrose and Aaron Barnes to the Culture and Arts Advisory Board.

VOTE: UNANIMOUS (5-0)

NB4 Appointments - Environmental Advisory Board (EAB)

Allen Coleman, Town Clerk said there was a vacancy in the voting youth position and one vacancy for a regular member over 18 years of age. He said the Mayor has recommended for the youth position Dhvani Joshi and for the regular seat Sandra Villasenor.

A **motion** was made by **Mayor Pro-Tempore Gray** and seconded by **Councilmember Zegerman** to appoint Dhvani Joshi to the Environmental Advisory

Board as the voting youth representative, and to appoint Sandra Villasenor to the Environmental Advisory Board as a regular member.

VOTE: UNANIMOUS (5-0)

NB5 Appointments - Multimodal Transportation Advisory Board (MTAB)

Allen Coleman, Town Clerk said there were two actions requested: The first being to appoint two corporate limit residents over the age of 18 to the Multimodal Transportation Advisory Board, with the recommendations being Jennifer Ahler and Elizabeth Brunner.

A **motion** was made by **Councilmember Zegerman** and seconded by **Mayor Pro-Tempore Gray** to appoint Jennifer Ahler and Elizabeth Brunner to the Multimodal Transportation Advisory Board.

VOTE: UNANIMOUS (5-0)

Town Clerk Coleman said Samiksha Kadari was the Mayor's recommendation for the youth position.

A **motion** was made by **Mayor Pro-Tempore Gray** and seconded by **Councilmember Gantt** to appoint Samiksha Kadari as the voting youth representative to the Multimodal Transportation Advisory Board.

VOTE: UNANIMOUS (5-0)

NB6 Appointments - Planning Board (PB)

Allen Coleman, Town Clerk said two actions were requested: One was a possible motion to appoint corporate limit residents over the age 18 to the Planning Board to fill a partial term expiring in December 2025. This position was vacated by prior board member Tina Sherman. The other was to appoint one non-voting youth position who shall reside in the corporate limits as well. The recommendation for corporate limits over 18 position is Kristy Yule and for the youth position, Renita Stanley.

A **motion** was made by **Councilmember Killingsworth** and seconded by **Councilmember Zegerman** to appoint Kristy Yule to the Planning Board as a regular member, and to appoint Renita Stanley to the Planning Board as the non-voting youth representative.

VOTE: UNANIMOUS (5-0)

NB7 Public Art Purchase and Relocation Recommendation - "Prismatic Cyclone" Sculpture

Taylor Wray, Cultural Arts Center Manager, gave the following presentation regarding the recommendation of the purchase of the "Prismatic Cyclone" Sculpture:

[SLIDE 1]



[SLIDE 2]



[SLIDE 3]



Councilmember Gantt asked if there was a maintenance agreement due to the increased chances of breakage overtime since these sculptures move.

Ms. Wray said that each piece has a maintenance plan.

Councilmember Gantt asked if there was an expiration date for the maintenance plans.

Ms. Wray said not at this time, they stay in touch with the artists and they make each piece back to its normal stature if something comes up.

A **motion** was made by **Councilmember Zegerman** and seconded by **Councilmember Killingsworth** to approve Purchase of the Prismatic Cyclone Sculpture at the appraised value of \$14,000, and to Relocate the Sculpture to the recommended location at Pleasant Park.

VOTE: UNANIMOUS (5-0)

[CLOSED SESSION]

A **motion** was made by **Mayor Pro-Tempore Gray** and seconded by **Councilmember Gantt** to enter into closed session for the item listed below.

VOTE: UNANIMOUS (5-0)

Council entered into closed session at **7:09 p.m.**

CS1 Laurie Hohe, Town Attorney

RE: Dawn Cozzolino v. Town of Apex, Town Clerk, Town Manager, and Town Attorney

NCGS §143-318.11(a)(3):

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

[ADJOURNMENT]

Council returned to open session at **7:27 p.m.**

With no additional business presented to the elected body, **Mayor Gilbert** adjourned the meeting at **7:27 p.m.**

Jacques K. Gilbert
Mayor

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

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