

DRAFT MEETING MINUTES

**TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, FEBRUARY 25, 2025
6:00 PM**

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, February 25th, 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=txu2jV8Skcc>

[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 at **6:00 p.m.** and welcomed all who were in attendance and watching live stream. He then led all in attendance to the Pledge of Allegiance, with a special Honor Guard.

The invocation was given by **Mindy Buchanan**.

1 Senior Ambassador with the Apex Mayor's Internship Program (MIP), Chaitra Paasham
2 read new Apex Police Chief, Ryan Johansen's biography. The biography is included below for
3 reference:

4 *Ryan comes to Apex by way of the San Bruno Police Department in California, where he*
5 *served as the Chief of Police for the past 5 years. Ryan has been a policing professional for*
6 *about 22 years, and he began this career as a patrol officer with the Southeastern Division of*
7 *the San Diego Police Department. Ryan transferred to the San Bruno Police Department in*
8 *2006 and in the years that followed he served in a variety of positions and assignments,*
9 *including: Police Chief, Field Services Division Lieutenant, Administrative Division Lieutenant,*
10 *Watch Commander, Public Information Officer, Traffic Sergeant, Patrol Sergeant, Detective*
11 *Corporal, Gang Unit Supervisor, Patrol Corporal, and Patrol Officer. In 2010, Ryan served as the*
12 *Investigations Commander when a 30" natural gas transmission line exploded in a residential*
13 *neighborhood of San Bruno, killing 8 people and destroying dozens of homes. In 2018, Ryan*
14 *served as the Incident Commander for an active shooter incident at YouTube's International*
15 *Headquarters in San Bruno, and as the Tactical Commander for an active shooter incident at*
16 *San Bruno's regional shopping mall.*

17
18 *As a police executive, Ryan has focused on healthy police organizational culture as the key to*
19 *enhancing the delivery of police services, improving police/community relations, and ensuring*
20 *the staying power of critical police reforms. Ryan developed the Integral Wellness Program, a*
21 *comprehensive approach to sustainable officer wellness that has become a broadly used*
22 *template throughout the country. Ryan has served on the Executive Committee of the Board of*
23 *Directors for the California Police Chiefs Association, where he also chaired the Wellness*
24 *Committee, Finance Committee, and Member Experience Committee. Ryan has also served as*
25 *the President of the San Mateo County Police Chiefs and Sheriff Association, and on the Board*
26 *of Directors for Mothers Against Drunk Driving. Ryan is often asked to provide training and*
27 *serve as a keynote speaker at conferences on officer wellness/resiliency, active assailant*
28 *response, and public/private partnerships in policing.*

29 *Ryan is also a certified mindfulness meditation coach, and he enjoys health, wellness, and*
30 *fitness activities. Ryan is deeply passionate about servant leadership, and he believes that the*
31 *key to a successful organization lies in the development and care of the people who work*
32 *within it.*

33
34 *Ryan has Bachelor of Applied Sciences Degree in Law Enforcement Management and a*
35 *Master's Degree in Security Studies from the prestigious Naval Postgraduate School's Center*
36 *for Homeland Defense and Security. Ryan's research and published thesis involved the*
37 *development of alternative sense and decision-making models for police leaders in their*
38 *efforts to influence police culture. This research included a case study of how a culture focus*
39 *produces significant progress in some of the more persistent problems of modern policing,*
40 *including: officer misconduct, recruitment and retention, police legitimacy, officer wellness*
41 *and resiliency, and addressing crime. Prior to his career in law enforcement, Ryan worked*

1 primarily in marketing, business development and management, and he has started and
2 operated multiple private businesses.

3
4 Ryan has been happily married to his amazing wife Donna for more than 25 years, and they
5 have two beautiful daughters; Olivia who is 22 and attending college in Austin, Texas, and Zoie
6 who is 20 and attending college in Fort Collins, Colorado.

7
8 **[SPECIAL OATH OF OFFICE CEREMONY]**
9 **(REF: OATH-2025-002)**

10
11 **Mayor Gilbert** administered the Oath of Office for Ryan Johansen for Chief of Police.
12 **Ryan Johansen** was sworn in as Apex Police Chief. Chief Johansen's wife
13 accompanied him. He thanked the Mayor and Council and his wife for the support that she
14 has given over the years. He also thanked the other officers for putting their trust in him. He
15 thanked Town Manager Vosburg and Assistant Town Manager John. He also thanked the
16 Community for putting their trust in him and promised to work hard for the Town of Apex.

17
18 **[CONSENT AGENDA]**

19
20 A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember**
21 **Killingsworth**, to approve the Consent Agenda as presented.

22
23 **VOTE: UNANIMOUS (5-0)**

24
25 **CN1 Agreement Multi-Year - Standard Services Agreement - Recite Me NA, LLC, - Web**
26 **Accessibility Software - April 1, 2025 through March 30, 2027 (REF: CONT-2025-053)**

27 Council voted to approve a Standard Services Agreement (SSA) between Recite Me NA, LLC,
28 and the Town of Apex, for web accessibility software for the Town of Apex's website and
29 designated URL's, effective April 1, 2025 through March 30, 2027, and to authorize the Town
30 Manager, or their designee, to execute the agreement on behalf of the Town.

31 **CN2 Contract Multi-Year - Juro Online Unlimited - Contract Creation and Management**
32 **Software - March 17, 2025 through March 16, 2027 (REF: CONT-2025-054)**

33 Council voted to approve a Master Services Agreement (MSA) between Juro Online Limited
34 and the Town of Apex, for contract creation and management software for the Town of Apex,
35 effective March 17, 2025 through March 16, 2027, and to authorize the Town Manager, or
36 their designee, to execute the agreement on behalf of the Town.

37 **CN3 Council Meeting Minutes - Various**

38 Council voted to approve Meeting Minutes from the following meetings:

39 January 28, 2025 - Regular Town Council Meeting Minutes

40 February 11, 2025 - Regular Town Council Meeting Minutes

CN4 Fee-in-Lieu (FIL) - Roberts Crossing Phase 2 Sewer

Council voted to approve a Fee-in-Lieu (FIL) in the amount of \$138,429.50 for an 8-inch DIP Sewer Main located in Roberts Crossing.

CN5 Resident Advisory Board Application - Modified

Council voted to approve a Fee-in-Lieu (FIL) in the amount of \$138,429.50 for an 8-inch DIP Sewer Main located in Roberts Crossing.

CN6 Rezoning Case No. 24CZ15 - Green Level Towns PUD - Statement and Ordinance (REF: ORD-2025-013)

Council voted to approve the Statement of the Town Council and Ordinance for Rezoning Application No. 24CZ15, Mike Hunter, W&W Partners, Inc., petitioner, for the property located at 7924 Green Level Church Road (PIN 0723935325).

[UPDATES BY TOWN MANAGER]

Town Manager Vosburg gave an update on the Mason Street Building and said that the gas company discovered that there is a gas leak and it is being worked on to resolve it. He gave an update on the third-party review relating to the Utility Billing situation. He said that Barry Dunn, the third-party company is performing the audit and had been on site. He said that the timeline is mid-March to the end of March for this to be completed. The last update was on Restaurant Week that is from February 24th through March 2nd, he gave information on how to get the list of restaurants on Apex's website.

Mayor Pro Tempore Gray asked if there was an opportunity to get reimbursement for the costs that were incurred by Apex from the gas company on Mason Street Building.

Town Manager Vosburg said that they would be checking to see if there was any ability to recoup some of their costs.

[REGULAR MEETING AGENDA]

Mayor Gilbert set the Regular Agenda and asked if there were any recommendation meeting changes at this time and if not, he would entertain a motion to approve as presented.

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

VOTE: UNANIMOUS (5-0)

[PRESENTATIONS]

PR1 Proclamation - Bleeding Disorders Awareness Month - March 2025 (REF: PRO-2025-005)

Mayor Jacques K. Gilbert, along with the rest of the Council, read the Proclamation - Bleeding Disorders Awareness Month. He invited Charlene Cowell, Executive Director, Karyn Davis, President of the Board of Directors, Nick Vosburg, and Trent Vosburg to accept the proclamation and take a picture.

PR2 Proclamation - Women's History Month - March 2025 (REF: PRO-2025-006)

Mayor Jacques K. Gilbert along with the rest of the Council, read the Proclamation - Women's History Month. He called upon all residents of Apex to thank a woman in their life and thanked the women in his life. He invited Councilmember Killingsworth and Karen Lea, Town of Apex retiree to accept the proclamation and take a picture. He also recognized Town Attorney, Laurie Hohe, Assistant Town Manager, Demetria John, Planning Director Dianne Khin, Current Planning Manager, Amanda Bunce and Deputy Town Clerk, Ashely Gentry.

[PUBLIC FORUM]

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

First to speak was **Phil Welch** at 1471 Big Leaf Loop:

"I want to point out two promising recommendations from the 2021 Affordable Housing Plan. The first is support for first-time home buyers. In the fiscal year 24' annual housing report, it says, quote, "analysis of home ownership will be included in the housing plan update scheduled to begin in November 2024". I mentioned this recommendation during a focus group I attended on the Housing Plan Update recently. I call this to your attention because I believe what we need is an actionable plan to implement this recommendation rather than another analysis. First-time home buyers include young singles and couples with or without children who may fill essential jobs in health care, schools, and stores, and as early responders. They may be renting apartments and struggling to save a down payment to buy their own homes. The two parts of this recommendation include home ownership counseling and down payment assistance. The plan says that the counseling may include services such as identifying affordable purchase prices and evaluating mortgage options, learning how to choose a home, a real estate agent, insurance, etc., navigating inspections, home purchase, and closing, planning for full costs of home ownership, including maintenance needs. These services would not need to be provided by Town staff; they could be outsourced to local organizations, including nonprofits such as Habitat Wake or DHIC, local financial institutions such as credit unions, State agencies such as NC Housing Finance Agency, and faith-based organizations such as White Oak Foundation. Turning to down payment assistance, this can reduce the upfront costs of home ownership by providing

1 income-qualified households with a forgivable loan or grant to cover a portion of the down
2 payment and closing costs. Together with home buyer counseling, down payment assistance
3 can help low- and moderate-income households find stable housing and build wealth
4 through home equity. The other recommendation I want to point out is labeled Affordable
5 Housing Advocacy Partners. The idea for this was for the town to develop partnerships with
6 pro-affordable housing advocates to coordinate an education campaign. The Housing Fairs
7 presented in 2023 and 2024 are two examples. As an advocate for more housing choices, I'm
8 ready, willing, and able to work on these proposed education campaigns. I'd be happy to
9 discuss any of these points with you. Thank you."

10
11 **Mayor Gilbert** thanked the speaker and invited the next speaker.

12
13 Next speaker was **Elizabeth Stitt** of 3113 Friendship Road:

14
15 "Good evening, what Allen is handing out is a copy of a couple pages out of the
16 encroachment agreement that North Carolina DOT has done with Apex for the force main
17 that the town is working on. Well, I wanted to call a couple of points to you. One, this was not
18 posted on the website. I still keep chasing information and, you know, I'm three years in
19 chasing information. It would be nice if we could figure out how, you know, the town could
20 communicate to us what's happening when instead of me chasing it, because then what I do
21 is turn around and pass it out to all of my neighbors. The second thing I wanted to point out is
22 I have come before you multiple times and told you that the force main is temporary. And if
23 you look on the second page, where I've highlighted number 11, and I quote, "This approval
24 for the sewer mains located within the control of access right of way parallel to US-1 are
25 temporary, and the town agrees will be relocated outside of the NCDOT right of way in the
26 future." I have one of those properties that is subject to this, and so I asked the question, what
27 does that mean? What triggers when you move this temporary force main? I received an
28 opinion but not an actual agreement, so I have reached out to DOT to say, "Hey, what does
29 this mean?" I deserve just a basic answer of whatever the town has agreed to. You know, at
30 what point is DOT going to tell the town, "Hey, it's time to move this temporary force main."
31 You are going to pay for this twice because you have chosen to continue on the north side. If
32 you put the force main on the south side, you won't have to relocate it, so I don't think it's a
33 good use of tax money. Then, on the last page that I included, number 25, when we talk
34 about how Apex is weak on trees, I like to point out what DOT requires: an inventory of trees
35 measuring greater than four caliper inches, measured six inches above the ground, is
36 required when trees within the control access right of way will be impacted by the
37 encroachment installation. So, we know that you're not going to replant any trees because
38 you have to keep the area open, so you're going to be paying a mitigation fee for each one of
39 those trees. I would love to see Apex live up to what the standard is for DOT, four inches,
40 because we cut down many trees that are four inches that never get counted at all in the
41 town's policy. Thank you."

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

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

3 "Good evening, Mayor, Town Council. So, I've been working on analysis, and it's taken
4 me a while, but it's on all the traffic impact analyses or traffic studies people call it, along our
5 corridor of Old US-1. There's quite a bit of development going on, and I want to go back a
6 couple of decades because this is before your all time. So, in doing that, it's not fun work. It's
7 taking a long time, but I promise I will come up with the analysis and present it to you. The key
8 metric in all of this is new trip generation. Okay, what does that mean? Just simply how many
9 vehicles are, you know, on the road in the traffic network on a 24-hour period. Okay, and
10 that's due to the new development, right? Whatever is going in there, it could be housing, it
11 could be office, retail, etc., it's all baked into the numbers. We know that DOT crash reports
12 for our area continue, we continue to see them, I should say, so that's going to continue, but
13 yet, what happens is we see these traffic impact analyses selectively done on certain
14 developments; they're kind of shelved and forgotten about. I don't want to do that. I want to
15 aggregate them because you've already met your numbers in terms of, you've already
16 triggered enough TIAs that every development going forward would need something. And
17 the reason I say this is because our area, you know, our community deserves a fair evaluation
18 of the situation and especially Kelly Town Homes is going to talk tonight. You're going to
19 probably approve it because you approve, you know, all the developments you're for
20 developing. But what I want to add is instead of, you know, what you could do good with
21 your, pen and paper is to mandate they do a traffic impact study. Because we already have,
22 the mixed-use Holland Road development, and that is, –you know, we see the trees coming
23 down. It's, it's, it's hard. It's actually hard to drive by that in Gracewood, and I looked at that
24 TIA and, okay, there's no build-out on that road. We're going to have a traffic light, as you
25 guys know, there's going to be a middle lane, but it's going to add 11,920 new trips, and that
26 was done years ago. So, I don't know where we're going to end up here, and I really hope
27 there's a vision. But I hope you instill this practice of requiring, no matter what it is, any new
28 development needs a traffic study, and I would think DOT would agree because it's their
29 secondary road. Thank you very much."

30 **Mayor Gilbert** thanked the speakers and closed the Public Forum and moved to
31 Public Hearings.

32
33 **[PUBLIC HEARINGS]**

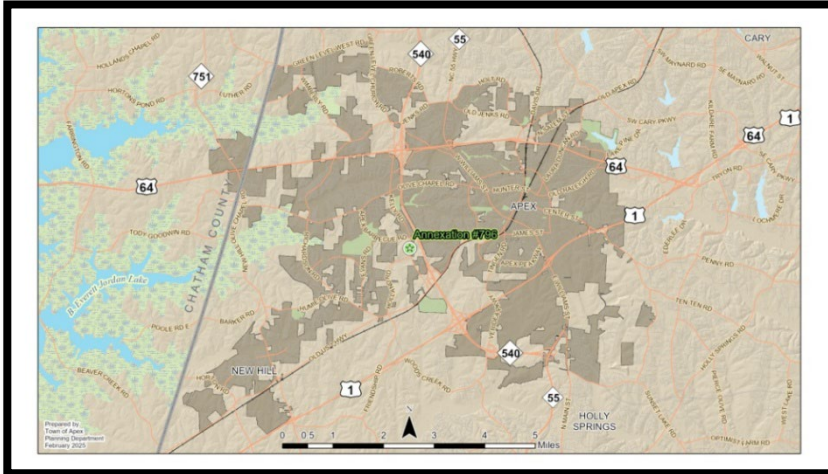
34
35 **PH1 Annexation No. 796 - 2132 Kelly Road - 3.189 acres (REF: ORD-2025-014)**

36
37 **Dianne Khin**, Director, Planning Department gave the following presentation:
38
39

1 [SLIDE 1]



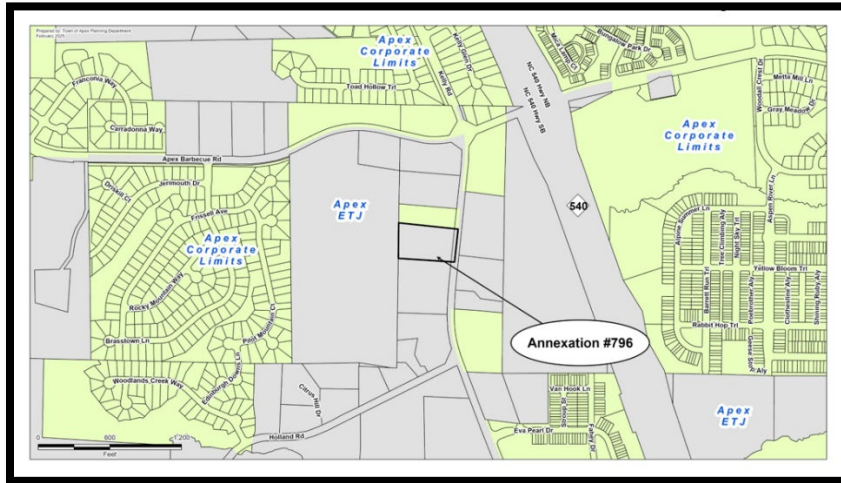
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3 [SLIDE 2]



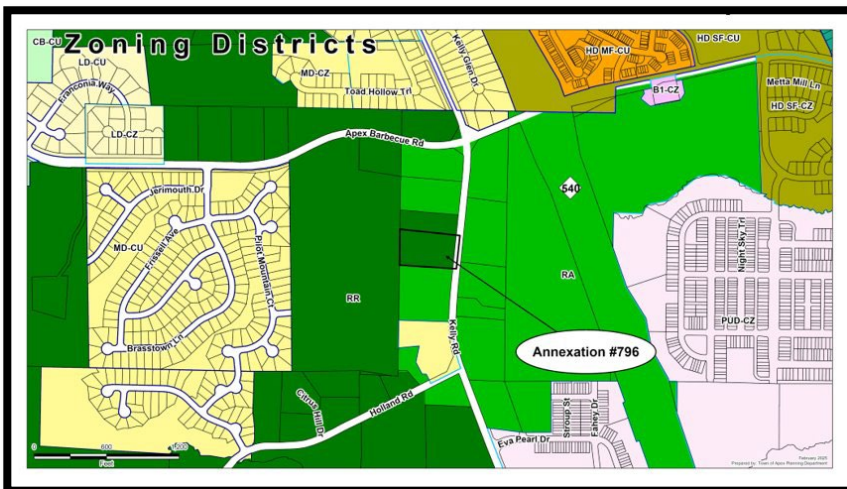
4
5 [SLIDE 3]



[SLIDE 4]



[SLIDE 5]



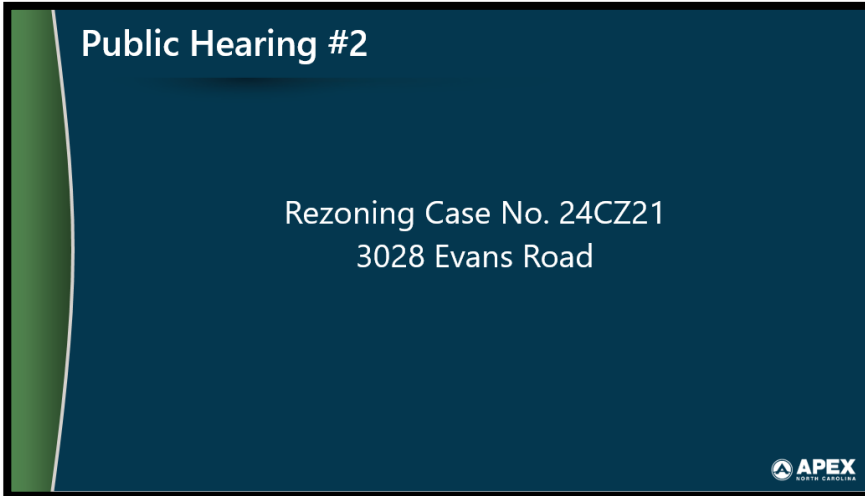
Mayor Gilbert opened up for comments, with no one signing up to speak he closed Public Hearing. He then brought this item back to Council for possible recommendation or a motion.

A **motion** was made by **Mayor Pro Tempore Gray**, seconded by **Councilmember Killingsworth** to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex 3.189 acres, located at 2132 Kelly Road, Satellite Annexation No. 796, into the Town Corporate limits.

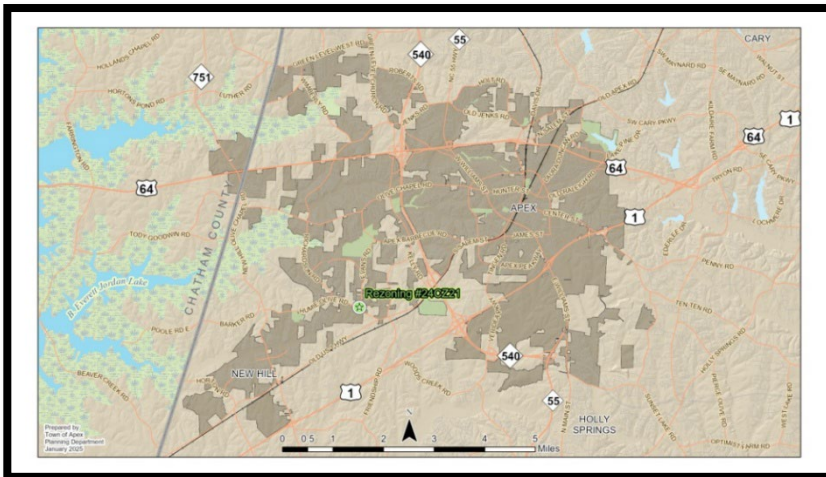
VOTE: UNANIMOUS (5-0)

PH2 Rezoning Case No. 24CZ21 - 3028 Evans Road

Joshua Killian, Planner I, Planning Department gave the following presentation:
[SLIDE 1]



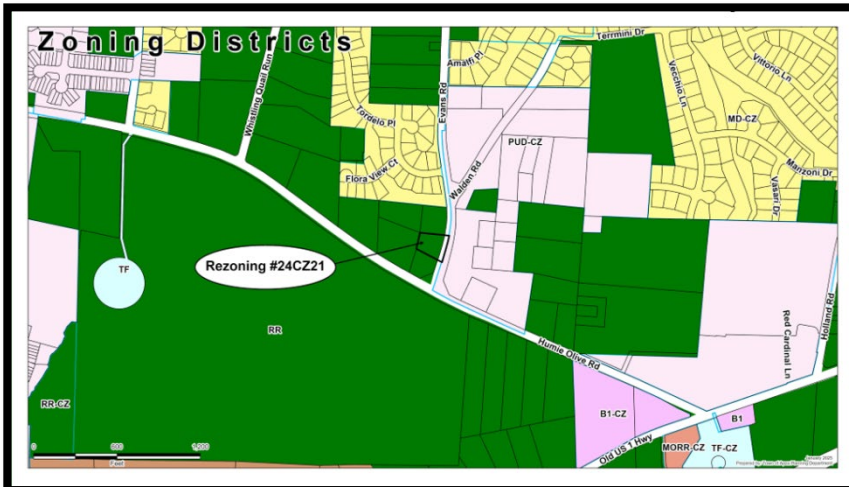
[SLIDE 2]



1 [SLIDE 3]



2
3 [SLIDE 4]

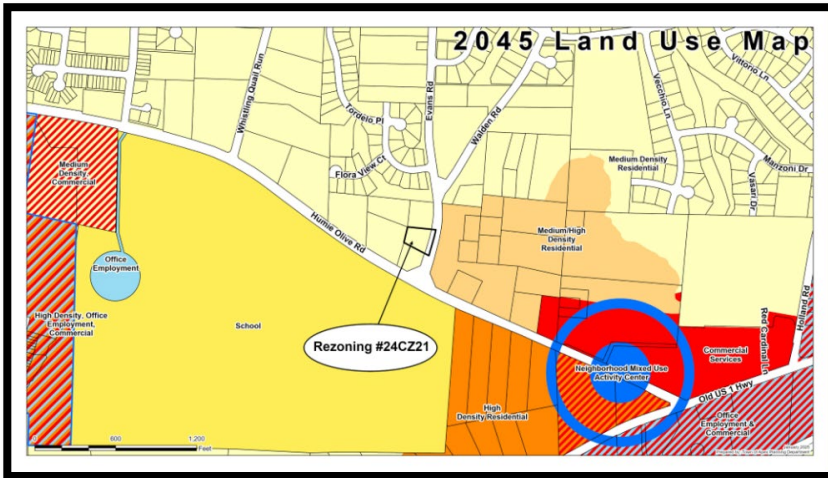


4
5 [SLIDE 5]



6

1 [SLIDE 6]



2
3 [SLIDE 7]



4
5
6 **Mr. Killian** stated the staff-recommended additional zoning condition: "The
7 applicant/developer shall install or provide a fee-in-lieu for installation of an additional five
8 feet in width to the existing sidewalk along the parent parcel frontage along Evans Road prior
9 to Plat. The resulting improvement will be consistent with the ten-foot sidepath that is
10 designated on the Town of Apex bicycle and pedestrian system plan." He noted that this
11 condition was because the property would be exempted from the town's subdivision
12 standards, if it were to subdivide, because of its size.

13 **Mr. Killian** offered to answer any questions.

14 **Councilmember Zegerman** asked if the developer agreed with the added zoning
15 condition.

16 **Mr. Killian** said that the developer had not agreed to the zoning condition at this
17 time.

1 **Brendy Vega** with Withers Ranel, representing Reverend Alonzo Wilson with ATM
2 Development, said that this property was being requested to be rezoned to medium density
3 to allow this one parcel to be split into parcels. She gave information about the developer,
4 and Reverend Wilson's mission to help the community navigate through the development
5 process. She said the parcel will be assisting the original property owner build a home. She
6 said the applicant was willing to accept the staff-proposed additional condition if Council
7 chose to do so.

8 **Councilmember Gantt** said he was concerned about all of the properties coming in
9 on this corner parcel-by-parcel, and said that he had concerns about pedestrian safety if there
10 are driveways on Humie Olive and Evans.

11 **Ms. Vega** said that the owner's sister that lives close to the property is willing to give
12 an access easement for her to build a home. She said that there had been communication
13 with the corner property, and they would possibly build on that property. She said they are
14 only able to control what the property owners they are working with want to do.

15 **Councilmember Gantt** asked if there had been any consideration of building a
16 proper street instead of a driveway.

17 **Ms. Vega** said yes, but that it was not cost effective for a small developer.

18 **Councilmember Gantt** said that he was concerned about a child getting hit.

19 **Ms. Vega** said that she understood that and they did look at providing a street, but
20 that it becomes cost prohibitive.

21 **Councilmember Mahaffey** said that the work of Reverend Wilson was amazing, and
22 the Community needs this. He said that this was across the street from a Middle School and
23 that pedestrian access here was important and that he would prefer to include the condition.

24 **Mayor Gilbert** asked if Reverend Wilson would like to speak.

25 **Reverend Wilson** thanked the Mayor and Council for hearing the proposal. He said
26 that he believes that this would be a benefit to the Community and his objective is to help out
27 to provide housing. He said that he is amenable to the condition.

28 **Mayor Gilbert** thanked Reverend Wilson for the work he has done in the community.
29

30 **Mayor Gilbert** opened up Public Hearing and with no one signed up to speak, he
31 closed the Public Hearing. He brought the item back to the Council for discussion and a
32 possible motion.

33 **Councilmember Mahaffey** said that he did worry about the pedestrian and bicycle
34 safety, and would like the additional condition to be added.

35 **Mayor Pro Tempore Gray** said that the applicant was not opposed to including the
36 conditions, and he was willing to support its inclusion.

37 **Councilmember Killingsworth** said she appreciated the condition as well, and that
38 she appreciates the large lots and smaller builds in this area so that traffic is not made worse.
39

40 A **motion** was made by **Councilmember Gantt**, seconded by **Councilmember**
41 **Mahaffey** to approve Rezoning Case No. 24CZ21 - 3028 Evans Road - rezone approximately

0.76 acres from Rural Residential (RR) to Medium Density Residential-Conditional Zoning (MD-CZ), with the added condition:

"The applicant/developer shall install or provide a fee-in-lieu for installation of an additional five feet in width to the existing sidewalk along the parent parcel frontage along Evans Road prior to Plat. The resulting improvement will be consistent with the ten-foot sidepath that is designated on the Town of Apex bicycle and pedestrian system plan."

VOTE: (4-1), with Councilmember Gantt dissenting

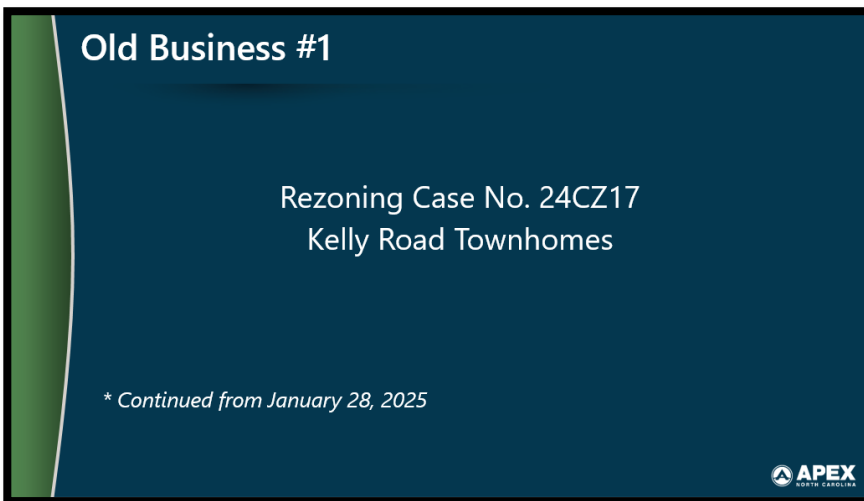
Mayor Gilbert thanked the Apex Youth Council for attending the meeting. He moved to Unfinished Business continued from January 28, 2025 meeting.

[UNFINISHED BUSINESS]

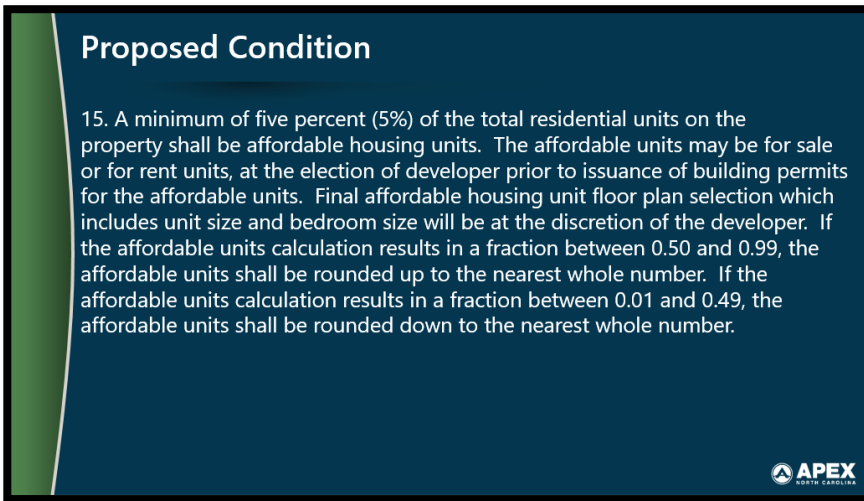
OB1 Rezoning Case No. 24CZ17 Kelly Rd Townhomes - Continued from January 28, 2025

Joshua Killian, Planner I, Planning Department gave the following presentation presenting the proposed condition:

[SLIDE 1]



[SLIDE 2]



Mr. Killian asked if there were any questions.

Mayor Pro Tempore Gray asked to confirm that the zoning condition is the condition that is in the Affordable Housing Plan.

Matthew Carpenter said that yes, this came directly from the policy.

Mr. Killian made a note that policy may reference a Master Subdivision Plat that has been removed here.

Mayor Gilbert asked if there was a motion.

Councilmember Gantt said that he had concerned about the 75' sidewalk gap along Kelly Road, and said it would lead to people crossing over rocks or walking along the road. He said he felt including a bridge was worth fighting for.

Mr. Carpenter said that there were some challenges with putting a bridge. He said that the first challenge is that it is adjacent to the West Village HOA property, so it will require at least a temporary construction easement or possibly right-of-way from the HOA property, which has been an issue before. He said that the second challenge was a stream crossing the road at this location that will need to be rerouted for the sidewalk construction and the third, a 20-foot electric and water utility easement runs exactly where the sidewalk needs to be constructed, necessitating the relocation of these utilities. He said that the distance isn't long, but the engineering complexities make it a challenging project. It is noted that the best time to establish sidewalk connections tends to align with projects involving frontage. He said that unfortunately this is an older issue that is coming up again now.

Mayor Pro Tempore Gray said that he agreed the 75' gap is a problem, but it is something that the Town may have to pay for. He said this was a mistake Council made in the past, so they would have to fix it.

Councilmember Gantt said that it could take a while and wondered if a different developer would be willing to address this for their own residents as well as everybody living in the area so the Town doesn't have to, and so that it would be completed with the rest of the project.

1 **Councilmember Mahaffey** said that there would be a larger sidewalk gap if the
2 project was denied.

3 **Mayor Pro Tempore Gray** said that essentially, the idea was to bet on somebody else
4 to go through this process and pay for the bridge.

5 **Councilmember Gantt** said that would be the hope and a denial would potentially
6 encourage that to happen.

7 **Mayor Pro Tempore Gray** said he felt that would just create an additional problem.
8
9

10 A **motion** was made by **Councilmember Mahaffey**, seconded by **Councilmember**
11 **Killingsworth** to approve Rezoning Case No. 24CZ17 Kelly Rd Townhomes - rezone
12 approximately 5.97 acres from Residential Agricultural (RA) to High Density Single-Family
13 Residential-Conditional Zoning (HDSF-CZ) at 2305 & 2309 Kelly Road.
14

15 **VOTE: (3-2), with Councilmember Gantt and Councilmember Zegerman**
16 **dissenting.**
17

18 **[NEW BUSINESS]**
19

20 **NB1 2025-2026 Town of Apex Legislative Agenda (REF: PLCY-2025-003)**
21

22 **Allen Coleman**, Town Clerk provided information on the 2025-2026 Town of Apex
23 Legislative Agenda. He noted that Council had discussed this during the Annual Retreat and
24 aligned on their vision and priorities.
25

26 **Councilmember Zegerman** thanked Town Clerk Coleman for all of the work that he
27 and his staff put into this.
28

29 A **motion** was made by **Councilmember Killingsworth**, seconded by
30 **Councilmember Zegerman**, to approve 2025-2026 Town of Apex Legislative Agenda.
31

32 **VOTE: UNANIMOUS (5-0)**
33

34 **NB2 Resolution of Support of House Bill 24 - Restore Down-Zoning Authority (REF:**
35 **RES-2025-008)**

36 *Councilmember Terry Mahaffey, Sponsor*
37

38 **NB3 Resolution of Support of House Bill 59 - Expand Elderly/Disabled Homestead**
39 **Exclusion (REF: RES-2025-009)**

40 *Councilmember Terry Mahaffey, Sponsor*
41

1 **Town Clerk Coleman** said that New Business items two and three were requested by
2 Councilmember Mahaffey, and they align with the legislative agenda recently adopted. The
3 first item pertains to House Bill 24, which focuses on restoring downzone and falls under the
4 "Responsible Development" category of the agenda. He said the second item concerns the
5 expansion of property tax exemptions for seniors and the permanently disabled, aligning
6 with the "Welcoming Community" category. He said that the resolutions are provided for
7 review, and Councilmember Mahaffey will address them further.

8 **Councilmember Mahaffey** said that said that this is consistent with the adopted
9 legislative agenda and several bills that have been filed in the State House to advance these
10 priorities. He said that these topics are relevant to Local Government and align directly with
11 the Legislative Agenda. He said that at the retreat, he asked the Town's lobbyist if passing a
12 resolution in support of House Bill 24 would be helpful, and the lobbyist affirmed it.

13 **Town Clerk Coleman** said that a copy of this Resolution would be forwarded to the
14 Town's Representatives and the entire Wake County delegation to keep them informed of the
15 Council's position.

16 **Councilmember Gantt** asked if this was just for Wake County only.

17 **Councilmember Mahaffey** said that Bill 59 was for the entire State of North Carolina.

18 **Councilmember Gantt** asked if a County-by-County version could be possible.

19 **Councilmember Mahaffey** said that it is his understanding that it must be uniform
20 across the State

21 **Mayor Pro Tempore Gray** said that the Resolutions reflect larger Legislative desires
22 and reflects the values that the Town has always tried to aspire to. He said this also directly
23 affects the Town's ability and authority to do things and this is us asking in a formal way to be
24 able to have the authority to do so.

25 **Councilmember Mahaffey** said that these Resolutions directly speak to items on the
26 Legislative agenda that was just adopted.

27 **Councilmember Zegerman** said that issuing these types of Resolutions is something
28 that should be done more often. He said he thinks the Council is too passive with their
29 positions on State Legislation.

30 **Councilmember Killingsworth** said that this highlights what the Council already does
31 and puts a public stamp on it saying this is where the Council stands for the residents of
32 Apex.

33 **Councilmember Mahaffey** said that it does say the Town of Apex is passing this
34 resolution.

35 **Mayor Gilbert** said that he supports these Resolutions but going forward if a
36 Resolution is not unanimously approved by Council he would not support it.

37 **Councilmember Gantt** said that this seems less partisan and more about Town
38 operation and he is supportive. He said he thinks there is some value in being passive
39 sometimes.

40 **Councilmember Mahaffey** said that to the Mayor's point about being passive that
41 there may be a difference in the language that is used. He said that if you are in opposition
42 may be more offensive than supporting a bill.

1 **Councilmember Zegerman** said that the Council should not go partisan and that
2 these are not partisan, but he understands some of the reservations.

3
4 A **motion** was made by **Councilmember Mahaffey**, seconded by **Councilmember**
5 **Killingsworth** to approve the NB2 and NB3 Resolution in support of House Bill 24 and
6 Resolution in Support of House Bill 59.

7
8 **VOTE: UNANIMOUS (5-0)**

9
10 **[CLOSED SESSION]**

11
12 A **motion** was made by **Mayor Pro Tempore Gray**, seconded by **Councilmember**
13 **Killingsworth**, to enter into closed session pursuant to NCGS §143-318.11(a)(3)
14 at **7:20 p.m.**

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

16 Council entered into Closed Session at 7:18 p.m.

17
18 **CS1 Laurie Hohe, Town Attorney**

19
20 **NCGS §143-318.11(a)(3):**

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

23
24 **CS2 Laurie Hohe, Town Attorney**

25
26 **RE: Town of Apex v. Lund**

27 **NCGS §143-318.11(a)(3):**

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

30
31 Council returned to open session at **8:13 p.m.**

32
33 A **motion** was made by **Mayor Pro Tempore Gray** and seconded by **Councilmember**
34 **Killingsworth**, for Resolution authorizing the eminent domain proceedings to acquire a
35 public utility easement with regard to the Roberts Road water line.

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

38 A **motion** was made by **Mayor Pro Tempore Gray** and seconded by **Councilmember**
39 **Killingsworth**, for Resolution authorizing the eminent domain proceedings to acquire a

1 public utility easement serving the Big Branch Basin area and the Big Branch Force Main
2 project.

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

5
6 **[ADJOURNMENT]**

7
8 **Mayor Gilbert** adjourned the meeting at **8:15 p.m.**

9
10 Jacques K. Gilbert
11 Mayor

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

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