

## DRAFT MINUTES

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

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, January 14, 2025 at 6:00 p.m. 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=FqnBjOUEFKM&t=2s>

### **[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  
Deputy Town Clerk Ashley Gentry  
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 and wished everyone a Happy New Year. He then led all those in attendance in a recitation of the Pledge of Allegiance.

1       **Mayor Gilbert** then took a moment to remember those that are facing hardships  
2 around the country, including Western NC, New Orleans, and Los Angeles. He asked for  
3 Reverend Dr. Sequola Dawson, Sr. Pastor at St. Mary's to lead in invocation.  
4

5       **Reverend Dr. Sequola Dawson** led the invocation.

6 **[CONSENT AGENDA]**

7       **Mayor Gilbert** noted that there would be further discussion on Consent Item 8 at the  
8 February 18, 2025 Work Session related to the Flock Camera Safety Contract.

9       **Town Manager Vosburg** said that the item would still remain on the Consent Agenda,  
10 and Council would be voting to approve the Contract tonight. He said the further discussion  
11 at the Work Session would be for policy implementation of the Contract.  
12

13       A **motion** was made by **Councilmember Killingsworth**, seconded by **Mayor Pro**  
14 **Tempore Gray**, to approve the Consent Agenda as presented.  
15

16 **VOTE: UNANIMOUS (5-0)**  
17

18 **CN1 Agreement - Apex C.E.R.T., Inc. - Apex Fire Department and Emergency**  
19 **Management - Formalized Volunteer Assistance (REF: CONT-2025-011)**

20 Council voted to approve a service agreement between Apex C.E.R.T., Inc. and the Town of  
21 Apex, effective for (1) one-year, to provide volunteer assistance to the fire department and  
22 other town departments when requested, and to authorize the Town Manager to execute, or  
23 their designee, on behalf of the Town.

24 **CN2 Agreement - Facility Encroachment Agreement No. CSX1027645 - Town of Apex**  
25 **and CSX Transportation, Inc. - Apex Southwest Peakway Connector Project (REF: CONT-**  
26 **2025-012)**

27 Council voted to approve a Facility Encroachment Agreement No. CSX1027645 between CSX  
28 Transportation, Inc. and the Town of Apex to construct a 16-inch water line under the rail line  
29 for the conveyance of portable water, and to authorize Town Manager, or their designee, to  
30 execute on behalf of the Town.

31 **CN3 Agreement - North Carolina Division of Motor Vehicles (DMV) - Access DMV**  
32 **Records Containing Personal Information - eCrash Web - February 1, 2025 through**  
33 **January 31, 2028 (REF: CONT-2025-013)**

34 Council voted to approve an agreement between North Carolina Division of Motor Vehicles  
35 (DMV) and the Town of Apex, effective February 1, 2025 through January 31, 2028, to access  
36 DMV records containing personal information by utilizing eCrash software, and to authorize  
37 the Town Manager, or their designee, to execute on behalf of the Town.

38 **CN4 Agreement - Mobile Communications of America - Standard Services Agreement**  
39 **- Support for Town of Apex Fire Department Radios (Replacement) - February 1, 2025**  
40 **through January 31, 2030 (REF: CONT-2025-014)**

Council voted to approve a Standard Services Agreement (SSA) between Mobile Communications of America and the Town of Apex, to provide annual preventive maintenance, annual firmware updates and make repairs and replacements as needed to the fire department mobile, portable and vehicle repeater radios, effective February 1, 2025 through January 31, 2030, and to authorize the Town Manager to execute, or their designee, on behalf of the Town.

**CN5 Agreement - Mission Critical Partners, LLC - Application Programming Interface (API) - Apex Fire Department's Record Management Software and Scheduling Software - February 1, 2025 through January 31, 2028 (REF: CONT-2025-015)**

Council voted to approve a Statement of Services and End-User Subscription Agreement between Mission Critical Partners, LLC and Town of Apex, to provide an application programming interface (API) between the fire department's record management software and scheduling software, effective February 1, 2025 through January 31, 2028, and for the Town Manager, or their designee, to execute on behalf of the Town.

**CN6 Budget Ordinance Amendment No. 5 and Capital Project Ordinance Amendment No. 2025-5 - Debt Service Payments and Affordable Housing Land Purchase (REF: ORD-2025-001 AND ORD-2025-002)**

Council voted to approve Budget Ordinance Amendment No. 6 transferring budgeted Debt Service payments from the operating funds to respective Debt Service and Affordable Housing Funds and corresponding Capital Project Ordinance Amendment 2025-5 to account for Affordable Housing Land Purchase.

**CN7 Budget Ordinance Amendment No. XX - New Position Authorizations (REF: ORD-2025-003)**

Council voted to approve updates to the Town's Fiscal Year 2025 Position Authorization List and associated Budget Ordinance Amendment No. 7.

**CN8 Contract Multi-Year - Flock Safety Inc. - License Plate Reader Technology - February 1, 2025 through January 31, 2027 (REF: CONT-2025-016)**

Council voted to approve an Order Form and Master Services Agreement between the Town and Flock Group, Inc. and the Town of Apex, for License Plate Reader hardware installation, technology, and software, effective February 1, 2025 through January 31, 2027, and to authorize the Town Manager, or their designee, to execute the Order Form and Agreement on behalf of the Town.

**CN9 Council Meeting Minutes - Various**

Council voted to approve Meeting Minutes from the following meetings:

November 19, 2024 - Town Council Work Session Minutes

November 21, 2024 - Regular Town Council Meeting Minutes

December 10, 2024 - Regular Town Council Meeting Minutes

December 17, 2024 - Town Council Work Session Minutes

**CN10 Finance Policy - Internal Control Policy (REF: RES-2025-001 AND PLCY-2025-001)**

Council voted to adopt an Internal Control Policy for the Town of Apex.

**CN11 Fiscal Year 2025-2026 Annual Operating Budget - Set Public Hearing - First Hearing**

Council voted to set a Public Hearing for Tuesday, January 28, 2025 at 6:00 p.m. to receive resident input regarding the formulation of the Fiscal Year 2025-2026 Budget.

**CN12 Human Resources (HR) Policy Updates - Town's Personnel Policies - Vacation Leave Max Payout and Retiree Insurance (REF: PLCY-2025-002)**

Council voted to approve an amendment to the Town's Personnel Policies Manual.

**CN13 Resolution - Abandon Existing Public Utility Easements - Hendrick Toyota - Access Relocation (REF: RES-2025-002)**

Council voted to adopt a resolution entitled "Resolution to Abandon Portion of Existing Public Utility Easement", located at 1210 Laura Village Drive.

**CN14 Resolution - Abandon Existing Access Easement - Aqualine Pristine Water Access and Dedication (REF: RES-2025-003)**

Council voted to adopt a resolution titled "A Resolution to Abandon Portion of Existing Access Easement", located at 1501 East Williams Street.

**CN15 Tax Report - November 2024 (REF: OTHER-2025-001)**

Council voted to approve the Apex Tax Report dated December, 5, 2024.

**[PRESENTATIONS]**

**PR1 Proclamation - Martin Luther King Jr. Commemoration Weekend 2025 (REF: PRO-2025-001)**

**Mayor Gilbert** along with the rest of Town Council, read the Proclamation for Martin Luther King Jr. Commemoration Weekend 2025. He invited Tayon Dancy and Laric Copes to accept the proclamation and take a picture.

**Ms. Dancy** said she wanted to recognize Alpha Phi Alpha fraternity that had been working with them. She said that Dr. King was a part of the Alpha Phi Alpha fraternity. She also recognized the historic Apex First Baptist Church that had been helping with this as well. She thanked the Town Council for their support and for the participants. She said that the Fair Housing Act was passed shortly after Dr. King's death, she said this was a part of Dr. King's life work and she said that there is still much progress to be done. She said her heart's desire is for the community to show up and come out in support. She went through the events happening in Apex for the upcoming MLK weekend.

**PR2 Proclamation - Human Trafficking Prevention Month - January 2025 (REF: PRO-2025-002)**

**Mayor Gilbert** along with the rest of Town Council, read the Proclamation - Human Trafficking Prevention Month - January 2025. He then invited members of Shield NC - Niki Miller, Michele Stewart, Erin Bircher and Leslie Lockhart. He then invited members of Ship Outreach - Anissa McNair, Pastor Christopher Jones, Aaron Snead and Sons, Lafayette Trawick and Tru Pettigrew to accept the proclamation and take pictures.

**Ms. Miller** spoke on training and awareness. She gave some information on what a trafficking may look like and how important training is for this. She said trafficking was difficult to spot, and most of the time, victims are trafficked by people they know and trust. She said that at shieldnc.org they host an hour-long training each month, where anyone can sign up and learn about how to identify and help prevent human trafficking.

**Pastor Jones** gave information on Ship Outreach, and how they just opened a trafficking center that help women, men and children that have been trafficked. He said Ship Outreach works with the Federal Government on a “boots on the ground” approach to rescue human trafficking victims. He thanked Apex for doing the Proclamation and bringing awareness to this issue.

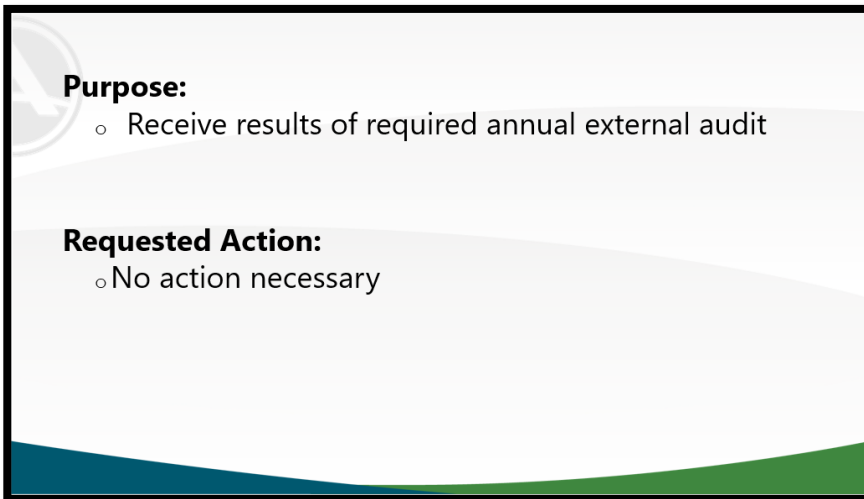
**PR3 Fiscal Year Ended June 30, 2024 - Annual Comprehensive Financial Report (ACFR)**

**Antwan Morrison**, Finance Director and April Adams, Assurance Director with Cherry Bekaert gave the following Fiscal Year 2024 Annual Comprehensive financial report:

**[SLIDE 1]**



1 [SLIDE 2]



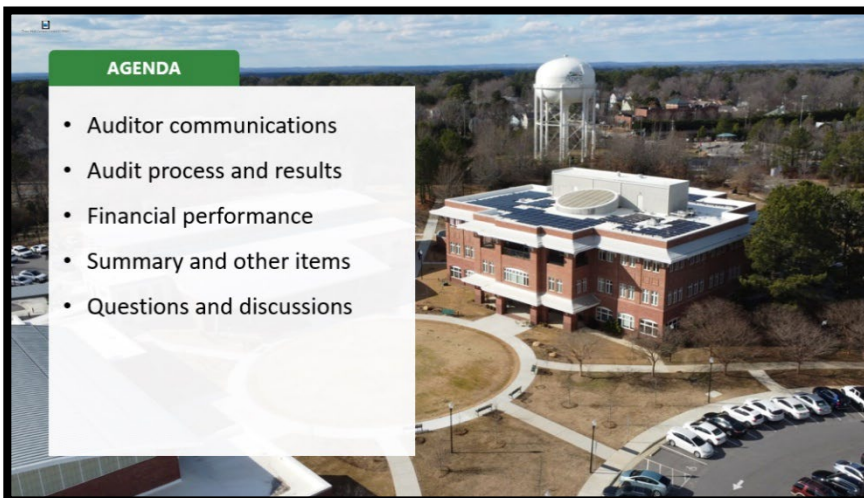
**Purpose:**

- Receive results of required annual external audit

**Requested Action:**

- No action necessary

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3 [SLIDE 3]



**AGENDA**

- Auditor communications
- Audit process and results
- Financial performance
- Summary and other items
- Questions and discussions

4  
5 [SLIDE 4]

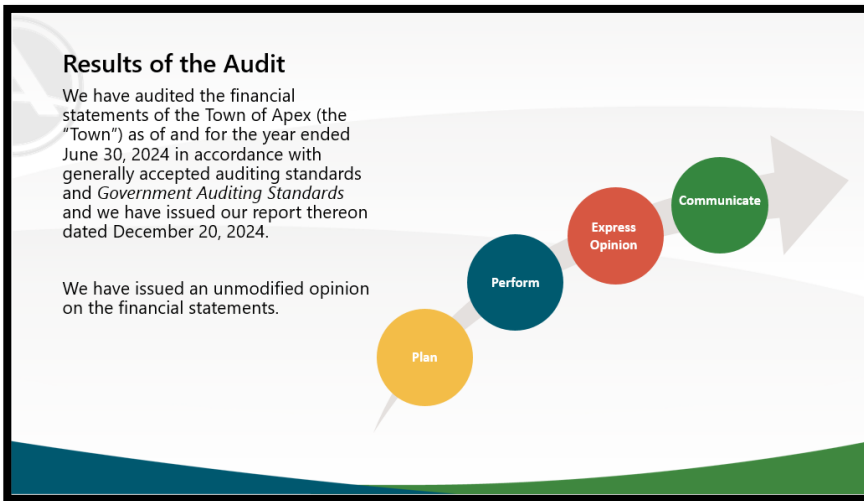


**Annual Comprehensive  
Financial Report**  
*Fiscal Year ending June 30, 2024*

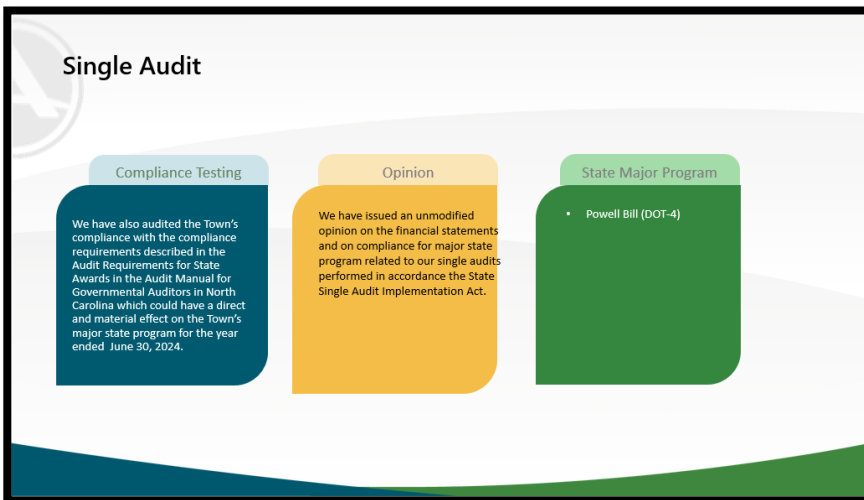
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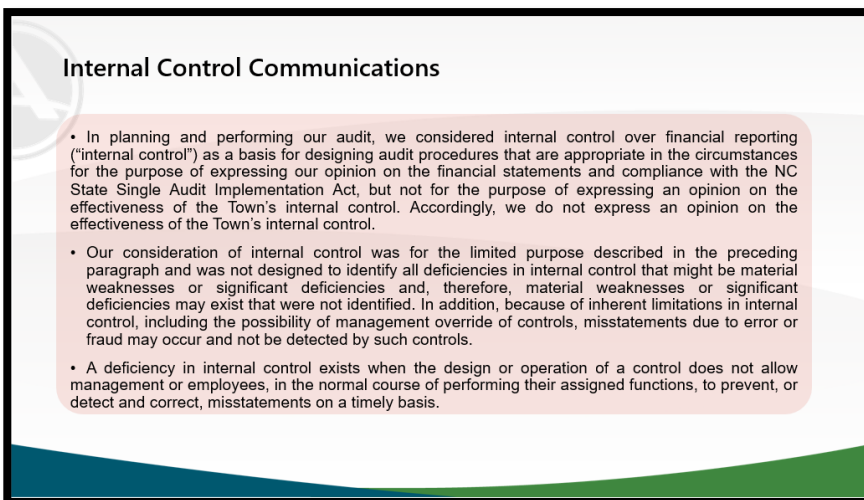
1 **[SLIDE 5]**



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3 **[SLIDE 6]**



4  
5 **[SLIDE 7]**



1 **[SLIDE 8]**

### Internal Control Communications

**Material Weakness**

▶ A material weakness is a deficiency, or a combination of deficiencies in internal control, such that there is a reasonable possibility that a material misstatement of the Town's financial statements will not be prevented, or detected and corrected, on a timely basis.

**Significant Deficiency**

▶ A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

We noted no deficiencies that we believe to be material weaknesses.

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3 **[SLIDE 9]**

### Corrected and Uncorrected Misstatements

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

**Corrected Misstatements**

▶ None noted

**Uncorrected Misstatements**

▶ None noted

4  
5 **[SLIDE 10]**

### Qualitative Aspects of Accounting Practices

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

No new accounting policies were adopted, and the application of existing policies was not changed during the year.

We noted no inappropriate accounting policies or practices.

**Related Party Relationships and Transactions**

**Significant Unusual Transactions**

**Significant Estimates**

**Financial Statement Disclosures**



1 **[SLIDE 11]**

### Independence Considerations

#### Nonattest Services

- ▶ We will complete the appropriate sections of and sign the data collection form
- ▶ For all nonattest services we perform, you are responsible for designating a competent employee to oversee the services, make any management decisions, perform any management functions related to the services, evaluate the adequacy of the services, and accept overall responsibility for the results of the services.

#### Independence Conclusion

- ▶ We are not aware of any other circumstances or relationships that create threats to auditor independence.
- ▶ We are independent of the Town and have met our other ethical responsibilities in accordance with the relevant ethical requirements relating to our audits.

2  
3 **[SLIDE 12]**

### Other Required Communications and Matters

#### Difficulties encountered

- ▶ Difficulties encountered
- ▶ Disagreements with management
- ▶ Auditor consultations
- ▶ Management representations
- ▶ Management consultations
- ▶ Other findings or issues
- ▶ Fraud and illegal acts
- ▶ Going concern

#### Supplementary Information – in relation to opinion

#### Required Supplementary Information (MD&A) – no opinion given

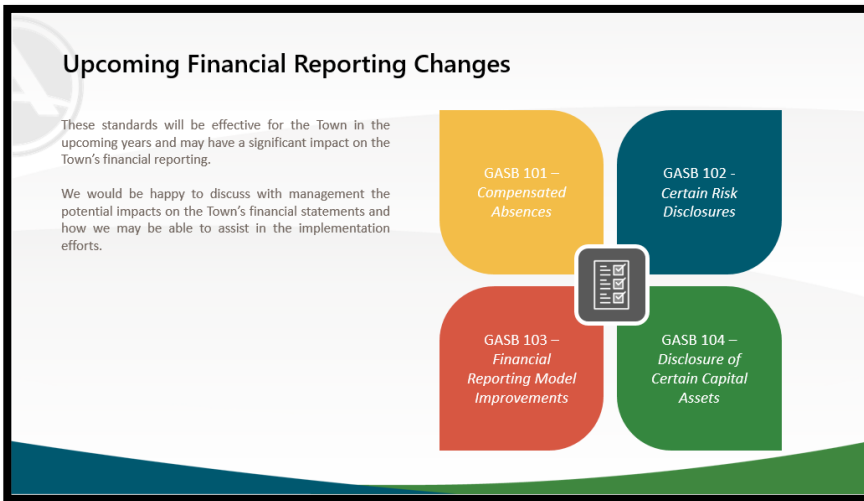
#### Introductory and Statistical Sections – no opinion given

4  
5 **[SLIDE 13]**

### LGC Performance Indicators

- **One** financial performance indicator of concern noted
- Audit was not submitted within five (5) months from fiscal year-end
- **Requires Response to Local Government Commission (within 60 days)**

1 **[SLIDE 14]**



2  
3 **[SLIDE 15]**



4  
5 **[SLIDE 16]**

**Property Taxes (page 153)**

- Assessed Valuation = \$12.5 billion – June 30, 2024
  - Compared to – \$11.8 billion - June 30, 2023
- Current year Ad Valorem Tax collections totaled - \$55.0 million – an increase of \$6.5 million from the prior year
- 99.8% of levy collected

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1 **[SLIDE 17]**

Fund Balance and Net Position <small>(non-GAAP)</small>					
Net change in fund balance (net position) for the past five fiscal years are as follows:					
	2024	2023	2022	2021	2020
General Fund <sup>(1)</sup>	\$ 8,739,013	( \$2,802,214)	\$ 10,630,653	\$ 6,364,091	\$ 2,430,163
Electric Fund <sup>(1)</sup>	5,370,814	(498,351)	126,057	2,906,873	69,928
Water and Sewer Fund <sup>(1)</sup>	(3,813,400)	331,808	2,932,175	3,566,147	3,722,551
Stormwater Fund <sup>(2)</sup>	2,815,985	N/A	N/A	N/A	N/A

Note1: Debt Service Funds are consolidated with corresponding fund for financial reporting purposes.

Note 2: Stormwater Fund established FY 2024. Transferred \$1.6M from Water and Sewer Fund in FY 2024, represent net collections since implementation of stormwater user fees – prior to having its own fund.

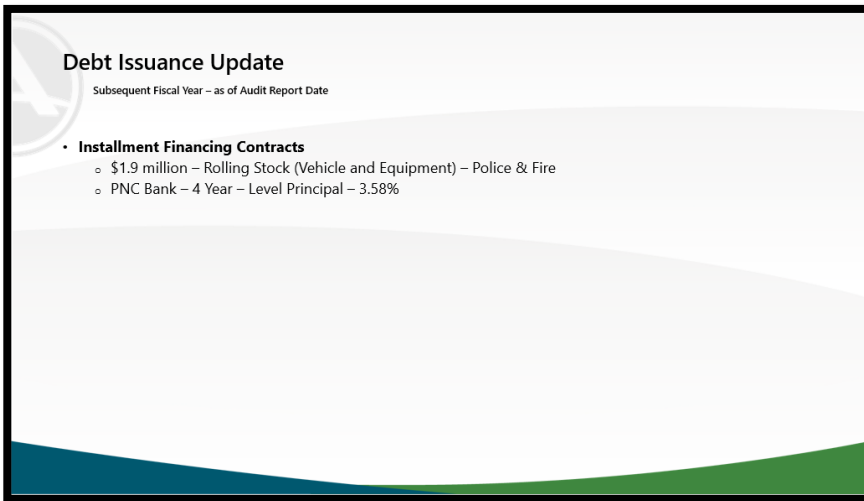
2  
3 **[SLIDE 18]**

General Fund – Fund Balance	
➤ Policy – unassigned fund balance 25% of General Fund adopted budgeted expenditures for subsequent year (FY 2025)	
➤ Fund Balance Calculations:	
➤ Town policy – 25% or \$28,222,600	
➤ FY 2024 Unassigned Fund Balance –29.1% or \$32,821,095	
➤ Total amount above FY 2024 policy limit - \$4,598,495	
➤ FY 2025 – Appropriated Fund Balance – Adopted Budget - \$1.7M	
➤ FY 2025 – Appropriated Fund Balance – Amended Budget (to date) - \$340,000	

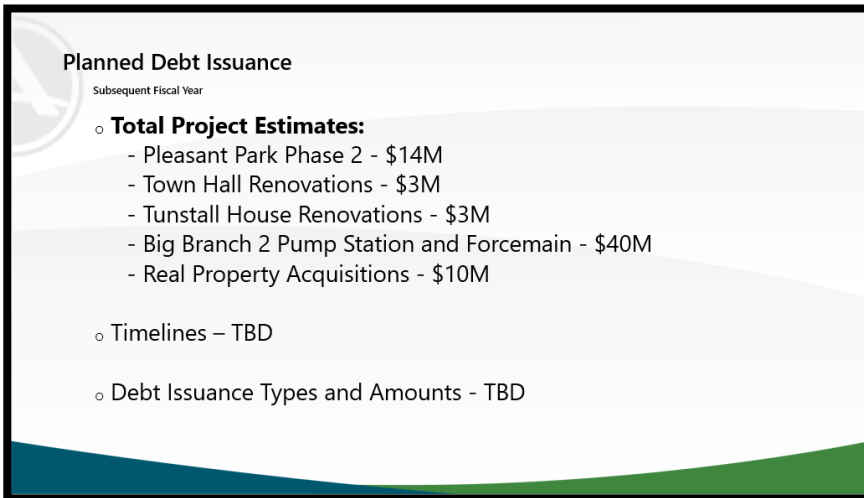
4  
5 **[SLIDE 19]**

Debt Position	
DEBT OVERVIEW	DEBT COMPLIANCE
<ul style="list-style-type: none"> <li>Debt issuance: <ul style="list-style-type: none"> <li>\$3.46M – Two-Thirds Bonds – Mason Street Building – 20 years – 3.74%</li> <li>\$24.5M – GO Bonds – Transportation Improvements – 20 years – 4.11%</li> <li>\$1.79M – Installment purchase – Rolling Stock – 4 years – 3.90%</li> </ul> </li> <li>Total Outstanding Debt - \$147.99 million <ul style="list-style-type: none"> <li>General Government: \$101.59 million</li> <li>Proprietary Funds: \$46.4 million</li> </ul> </li> <li>Total applicable to limitation: <ul style="list-style-type: none"> <li>\$152.2 million (includes authorized but unissued GO Bonds) <ul style="list-style-type: none"> <li>2021 - \$24.5 million unissued – Transportation Bonds</li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Percentage of debt to valuation – 1.2% <ul style="list-style-type: none"> <li>Town Policy – 2.5% (\$312,153,949)</li> <li>State Statute – 8% (\$998,892,637)</li> <li>Legal Debt Margin – \$846,701,189 (see Table 14)</li> </ul> </li> <li>Debt Service Ratio – 8.9% <ul style="list-style-type: none"> <li>Town Policy – 12%</li> </ul> </li> </ul>

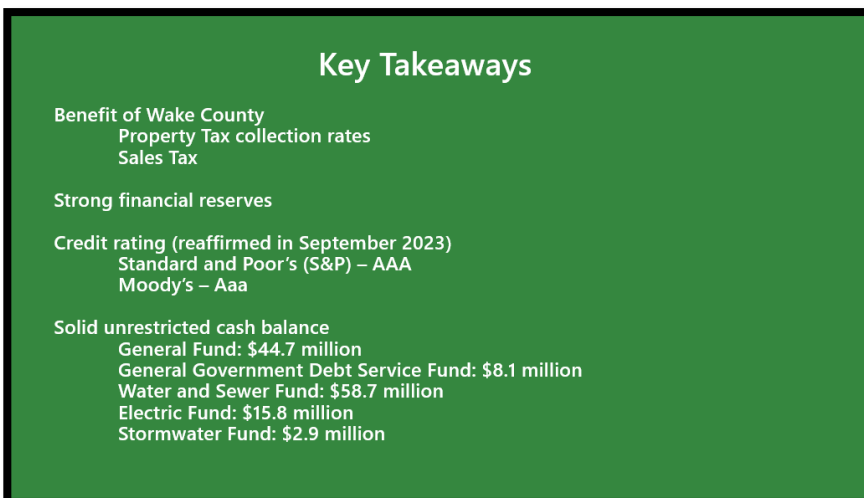
1 **[SLIDE 20]**



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3 **[SLIDE 21]**



4  
5 **[SLIDE 22]**



**[SLIDE 23]**

NC Department of State Treasurer  
Subsequent Fiscal Year - FY 2025

- o Local Government Budget Fiscal Control Act (NC 159-34(a))
  - Requires annual independent audit timely
  - Due date four months after fiscal year ended or October 31<sup>st</sup>
  - Considered late after November 30<sup>th</sup>
- o Beginning with fiscal year 2025 due date will be six months after fiscal year ended or December 31<sup>st</sup>
  - Memo submitted December 20, 2024
  - Due to many challenges facing local governments (staffing, standards changes, complexities of audit, etc.)
  - Audit contract form has been updated to reflect revision
  - Submitted after March 31<sup>st</sup> - will receive notice of noncompliance and may have a portion of its sales tax distributions withheld
  - Note: units requesting LGC approval of debt must submit current audit report two months prior to the LGC meeting at which they are requesting consideration

**[SLIDE 24]**

Other Items

- Certificate for Achievement of Excellence in Financial Reporting from the GFOA
  - Awarded for fiscal year ended June 30, 2023
  - Submitted application for fiscal year ended June 30, 2024
- Special thanks to Finance Department, as well as members of town staff
- Questions/Discussion

**Mayor Gilbert** thanked the staff and Director Morrison for the hard work on the audit. **Councilmember Zegerman** congratulated Director Morrison and Finance Staff for a clean report. He asked how much of the rolling balance of the general fund into the next fiscal year was unrestricted.

**Director Morrison** said that they are all unassigned funds. He said that there is a calculation required to be done by the state that takes out the money that is spoken for in the general fund and this is what is remaining.

**Mayor Gilbert** thanked Director Morrison and then moved to the Regular Meeting Agenda.

**[REGULAR MEETING AGENDA]**

**Mayor Gilbert** asked for a vote to set the Regular Meeting Agenda.

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

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

6 **[PUBLIC FORUM]**

7 **Mayor Gilbert** opened up the Public Forum and invited the first speaker up.

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

9 "Good evening Mayor, Councilmembers, Town Manager, Staff, Public. I'd like to  
10 recognize the other housing advocates joining me this evening. Please raise your hands if  
11 you're supporting affordable housing. First, a bit of background. Town Council held a work  
12 session on December 17th to discuss changes to their advisory bodies. I couldn't attend, but I  
13 did watch the relevant portions of this session afterward, and I was surprised to hear the  
14 recommendation to dissolve the Housing Advisory Board after only about three years of  
15 operation. The rationale given was that the HAB had accomplished a lot, the housing staff is  
16 now in place, and the work of the HAB is basically done. Whether or not these observations  
17 are true, Apex is still far from filling its gaps in affordable housing. In fact, I believe the  
18 shortage of affordable homes, especially for Apex's low to moderate-income families, has  
19 grown worse in the last four years since the Affordable Housing Plan was passed. It was  
20 passed unanimously by the Town Council. I offered that perspective in my comments on this  
21 year's annual housing report. I thought it might be helpful to read those comments as a basis  
22 for my suggestions on how to advise the Mayor, Council, and staff on ways to begin filling  
23 Apex's deficit in affordable homes.

24 Here are my comments:

25 Apex continues to have a huge deficit of affordable homes for residents and essential  
26 workers of at least 1,400 households and more likely closer to 3,000 or more when  
27 accounting for our neighbors paying more than 30% of their income for housing plus our  
28 essential workers who would love to work and live here. 93% of Apex's residents commute  
29 out of town for work, so only 7% of people who work here are able to live here. Our essential  
30 workers, for example, healthcare support, construction workers, entry-level teachers, and  
31 police officers earning less than 80% of area median income, cannot afford average rents  
32 here of \$1600. 770 low to moderate-income renters and 650 low to moderate homeowners  
33 are severely cost-burdened, paying 50% or more for housing and having little left over for  
34 other critical expenses such as food, healthcare, and transportation. So how are we doing  
35 closing the gap?

36 Here are some highlights from the attached annual report:

37 - At the end of fiscal year 23/24, DHIC was completing construction on and beginning to rent  
38 some of the 164 family affordable apartments in Stone Glen, across the Apex Peakway from

1 the Walmart shopping center. As of September 1st, last year, there were still about 70  
2 apartments available. Please spread the word to friends, family, and essential workers.

3 - During the fiscal year 23/24, as part of Apex Cares, Rebuilding Together the Triangle  
4 completed repairs on six homes owned and occupied by Apex residents, at an average cost  
5 of just about \$26,000 per home.

6 - In June, the Community Development and Neighborhood Connection staff and the Housing  
7 Advisory Board recommended, and the Town Council approved, major revisions to Apex  
8 Cares with the goal of rehabbing 10 homes in each of the four subprograms during this fiscal  
9 year.

10 - Two rezonings were approved in fiscal year 23/24 for market rate developments with three  
11 ownership homes at up to 135% of area median income for 30 years, and 20 rental units at  
12 80% of area median income for 10 years. These 23 units are out of a total of 970 housing  
13 units or about 2.4% of the total.

14 Much more is needed to realize the vision in our Affordable Housing Plan: "Apex welcomes  
15 people of diverse backgrounds and supports opportunities for affordable, safe, sanitary, and  
16 quality housing that meets the needs of people of all incomes, ages, and abilities." With that  
17 as background, I'd like to present some ideas I have for sharing information and proposals for  
18 closing Apex's gap of affordable homes. My objective is to find ways to better communicate  
19 the need for more housing choices to our Council, town staff, especially planning and  
20 housing groups, and the public. I have a few ideas, including making the planning and  
21 development process more transparent and accountable, and opening better channels of  
22 communication among advocates, Councilmembers, and Planning and Housing staff  
23 members. I believe the first step would be to estimate Apex's deficits in affordable homes by  
24 different household incomes. Then we could ask the staff for specific annual objectives in  
25 filling these gaps. These will provide the means to measure Apex's progress towards filling  
26 these gaps. We'll also have the ability to hold our elected officials and staff accountable for  
27 closing the gaps. Otherwise, I feel that we'll be like any of our other Wake County  
28 municipalities, which ignore our neighbors who struggle to pay 30 to 50% or more of their  
29 income for housing and continue to live in fear of displacement and homelessness. We'll also  
30 continue to assume that it's acceptable for the vast majority (93% or above) of the workers in  
31 Apex to commute from other towns and counties to service. I'm thinking that maybe we  
32 should use the public forum portions of council meetings to share information with our  
33 elected leaders, staff, and the public. Maybe we need to identify other Apex stakeholders  
34 who can explain the benefits of stable, affordable homes. For example, we could invite  
35 residents such as a Habitat homeowner to describe what a stable, affordable home means to  
36 her as a single mother and special ed teacher in Apex. I'm already speaking with leaders from  
37 local social service agencies, such as the Interim Executive Director at Western Wake Crisis  
38 Ministry, to offer stories about people they've helped at the food pantry and with emergency  
39 assistance who are at risk of becoming unhoused. She could also provide statistics on how  
40 the demand for their services has been growing before, during, and after the pandemic.



1 Perhaps I could line up talks by selected local faith community leaders on the calls they're  
2 getting from local families who are struggling to find and keep homes within their budgets.  
3 Maybe they could speak about the impacts of the lack of affordable homes on members of  
4 their congregations. However, I believe more advocacy is also needed. Advocates need to  
5 understand developers' proposals so they can support those that include a reasonable  
6 number of affordable homes at various price points and for affordable periods of 20 to 30  
7 years or more. As advocates, we need to point out to staff and Councilmembers when  
8 developers need to do better with their proposals. I want Apex to continue to stand out in our  
9 County and our Country as the peak of good living for all who aspire to live and work here. I  
10 invite Councilmembers, staff, and the public to talk to me about creative ways to achieve that  
11 vision. Thank you."

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

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

14 "Good evening Town Council. Yesterday 124 households in our New Hill community  
15 lost power for over 12 hours. The cause of the outage, and you're getting a handout on that,  
16 was reported by Duke Energy as due to public vandalism. This could have been a serious  
17 threat. We have folks that are elderly, they have medical conditions, and when we don't have  
18 power, we have wells, there's no water, there's no heat, and we lose our refrigerators.  
19 Restoration of the power could have been even unknown at that point and it reminds us all of  
20 the substation attack in Moore County back in 2022 that was never resolved. Since then, we  
21 haven't really heard anything and it quietly went out of the news cycle. I ask for action tonight  
22 and interaction between Apex, Holly Springs, and Wake County to address these safety  
23 concerns. The local governments need to figure out how to improve the safety for residents,  
24 and this is really important to protect the grid. This also relates, as I talk about often, to traffic  
25 crashes. I bring that up because what's happening is we have the same roads, we have the  
26 same limited police resources, but a significant increase in the people growth from  
27 development, I'm not talking about babies being born. We have a high cost of living to go  
28 along with that and things aren't getting better, they're getting worse. So I'd like to point out  
29 that I think we could be more proactive rather than reactive, and I continue to focus on traffic  
30 impact studies and those analyses for any developments, whether existing or proposed for  
31 zoning. Could we think about dedicating more Apex police resources to the areas that Apex  
32 has grown, and what I'm talking about is the areas of New Hill and Friendship community, and  
33 we've asked for that in the past, and I think the timing is right to ask that question again.  
34 Remember, development is not on an island where each development has its own needs and  
35 it meets some volume limit. Actually, each development is compounded and is part of the  
36 whole transportation network and people network. Let's use common sense. Thank you very  
37 much for your time."

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

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

1 "Mayor, Town Council, good evening. So, I have been around probably way too long.  
2 I've been in the area since 1991 and didn't really pay a lot of attention to the town's financials  
3 until the last few years, and I've sat through the annual presentation that the town staff gave  
4 earlier today, and I need to make a few comments. It's not meant to be negative, but we need  
5 to also be transparent. In 2019, 2020, 2021, and as far as I know any year before that, the  
6 financial audit was always turned in to the local government commission on time. Having sat  
7 through these meetings, I have known about this in the past, so I reached out to the local  
8 government commission in December, and they forwarded the documents to me. So, what  
9 you have in front of you is one of the financial indicators, and I only used page six where it  
10 states that your report was late in 2022, in 2023, and now we're going to be late in 2024. It  
11 states, and I quote, 'as stewards of the public resources, the governing body is responsible for  
12 ensuring that the audited financial statements are available to the public in a timely manner.  
13 External groups such as the North Carolina General Assembly, federal and state agencies that  
14 provide funding, and other public associations need current financial information about your  
15 local government as well.' You all received this in 2022, and you signed a letter, a copy of  
16 which is in front of you, that you understood the importance of the financials being submitted  
17 in time. So, we missed it in 2022 when you got the notice and then 2023 happened and we  
18 missed the deadline again and you received the same statement. Those of us who've been  
19 watching and having conversations were concerned. This is government 101 that you get  
20 your financials in on time. And I've read the letters about high staff turnover. Why are we  
21 having staff turnover? You know, what is it that you as a council need to provide the town  
22 staff? Is it more money? Is it more guidance? I don't know what it is, but it's embarrassing that  
23 we can't get our financials in on time. Now I understand the consequence may not be large,  
24 but from a reputational perspective, I think it's important that this is the last year that we're  
25 late because we were never late before. So, I ask you to please have conversations among  
26 yourself to figure out what you can do to help staff get the reports in on time. Thank you."

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

28 Next to speak was **Mary Miskimon** at 3177 Retama Run, New Hill:

29 "Good evening, Happy New Year to the Council and staff. Last month I addressed the  
30 council regarding the ongoing utility bill issue, and I'm back tonight just to follow up. So far,  
31 more than 1,800 people who signed my petition have requested more transparency and  
32 accountability. Specifically, more frequent updates to the webpage and a council agenda  
33 item addressing the status of utility billing along with any information regarding the cyber  
34 investigation that you may have. It's now after the holidays, mid-January. It appears the most  
35 recent updates to the webpage were made in early December. I don't see anything on the  
36 Council's agenda for tonight to address the cyber-attack and billing issue either. I know of  
37 several people who did reach out to me directly to report that they continue to have issues  
38 with their December bills. Additionally, I see from the E-permit portal that there were some  
39 issues today. It appears from the alert that was sent out that there was a software issue. So, at  
40 the most basic, we are simply asking for the following, please:

1 - A public hearing to give the public the opportunity to ask questions.

2 - Until the town is fully recovered, each Town Council meeting should have a separate  
3 agenda item to ensure that the Town staff provides a specific update on the recovery plan  
4 and the progress made.

5 - An update to the town's website on a weekly basis, please. Thank you for your time  
6 tonight."

7 **Mayor Gilbert** thanked Ms. Miskimon and called the next speaker.

8 Next speaker **Cahana Daniel** at 605 W. Chapel Hill Street, Durham:

9 "Hi guys, I'm going to address the three-month allegation that was over here in the city  
10 council, but I have one request: make 2025 about the city council. Don't let any of those  
11 things come into here. I'm going to address what is anti-Semitism. Anti-Semitism involves  
12 unfairly singling out Israel, denying Jewish history like what was over here last time with Jesus  
13 Christ, and having allegations of genocide when there is no support for it. I don't believe that  
14 I need to come over here to a room full of Christians and tell you that Jesus Christ was Jewish  
15 from Judea. He was born Jewish and here's the thing: unlike Muslims or Christians, where you  
16 have so many ethnicities within, Jews are an ethno-religion. We have the Jewish religion, the  
17 Jewish faith, the Jewish people, and the Jewish language, Hebrew. The Hebrew translation for  
18 Hebrew to English means "the other side of the river," the West Bank, Judah and Samaria. If  
19 Jesus was here today, he would only be able to speak to me in Hebrew. No need to say that  
20 Jesus was born 135 years before the land was ever called Syria Palestina by a Roman  
21 emperor in order to stick it to the Jews who kept on revolting against him because they  
22 wanted to release themselves from the occupation of the Roman Empire. Moreover, you all  
23 heard about the heartbreaking story of the 16-year-old that was arrested by the IDF. I was  
24 searching that, and it's easy to search it in Hebrew. This is Hussain Abuli. As you can see over  
25 here, his parents and teachers strapped him with an explosive bomb and sent him to a  
26 barricade in Israel in order to explode. Tell me, who is the bad guy over here? The IDF that  
27 stripped him off of this bomb in 2004, or was it the parents and the education system that  
28 taught him that he would get 72 virgins in heaven? During the intifada in 2002-2003, there  
29 were successful suicide bombings. It's come over here to City Council and and give you  
30 allegations. It's not the only one. Muhammad Elwat, Abu Katish and more and more children  
31 have been sacrificed from their side in order to suicide bomb into Israel. But if they care so  
32 much about children, why don't they care about those families that have been kidnapped and  
33 held hostage in Gaza? You know what, if they don't care about Jews, why don't they care  
34 about the two Arab Israelis that were kidnapped and found dead last week? These allegations  
35 come here every week. I'm asking you to stop them. One last thing, the United States does  
36 not give money to Israel. They give a voucher to Israel to buy merchandise and weapons from  
37 the United States. They also do this for Ukraine and different countries, but somehow, they  
38 forgot to mention this. Please make the city council about the city council again. I don't want  
39 to come back here. Thank you very much."

**Mayor Gilbert** thanked all that came out and spoke and then moved to Public Hearings.

**[PUBLIC HEARINGS]**

**PH1 2045 Land Use Map and Transportation Plan Amendments - Western Big Branch Area Plan: Encompassing Portions of the Friendship and New Hill Communities - Continuance Requested to January 28, 2025**

**Jenna Shouse**, Senior Long-Range Planner, Planning Department requested to continue this item to the January 28<sup>th</sup> Town Council meeting, in order to be heard on the same night as the Parks plan update.

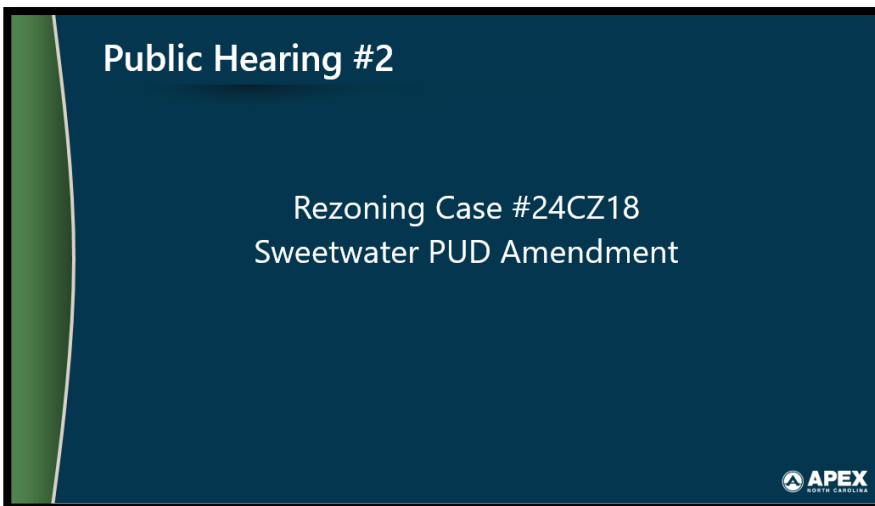
A **motion** was made by **Councilmember Gantt**, seconded by **Councilmember Zegerman** to continue the 2045 Land Use Map and Transportation Plan Amendments - Western Big Branch Area Plan: Encompassing Portions of the Friendship and New Hill Communities to the January 28<sup>th</sup> Town Council Meeting.

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

**PH2 Rezoning Case No. 24CZ18 - Sweetwater PUD Amendment**

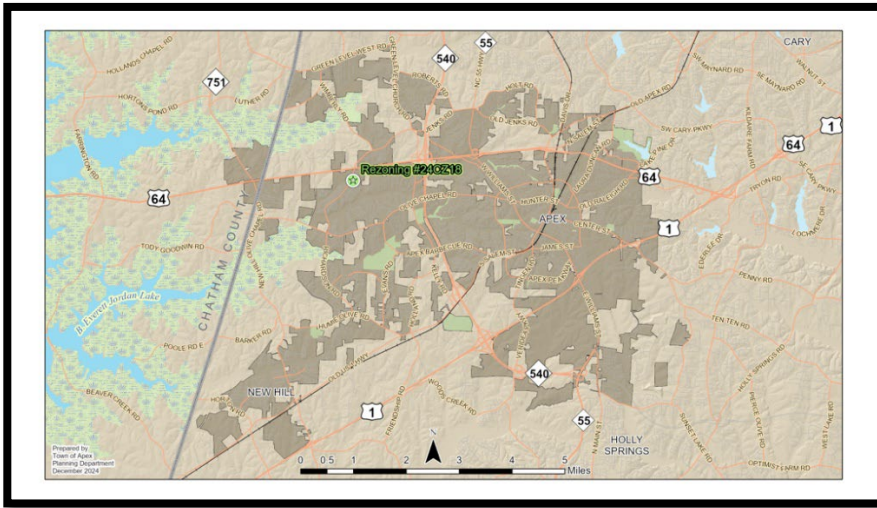
**Joshua Killian**, Planner I, Planning Department gave the following presentation:

**[SLIDE 1]**





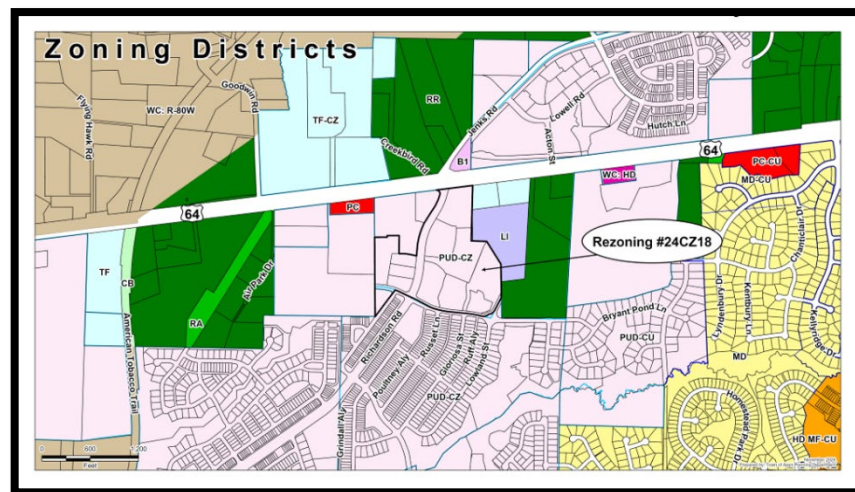
1 [SLIDE 2]



2  
3 [SLIDE 3]

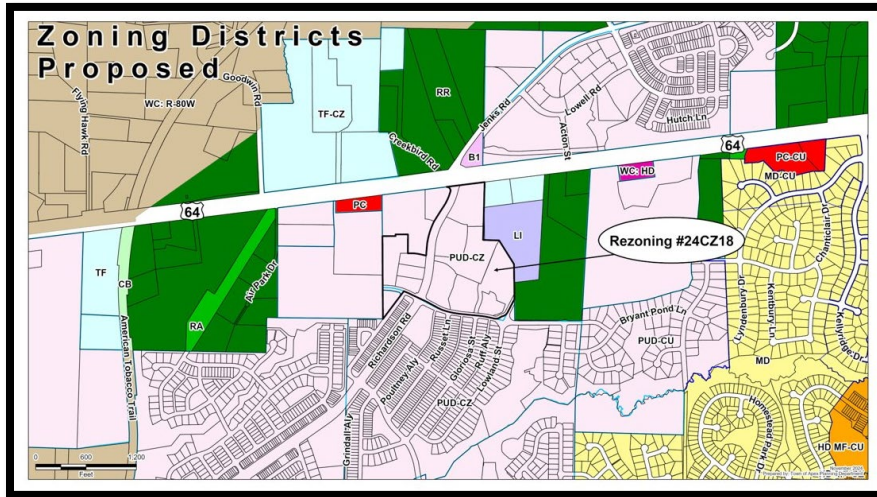


4  
5 [SLIDE 4]

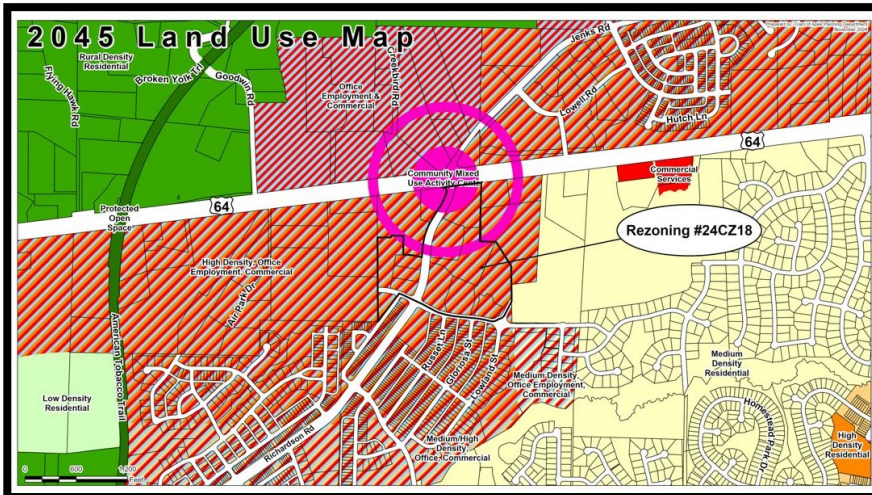


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1 [SLIDE 5]



2  
3 [SLIDE 6]



4  
5 [SLIDE 7]

**Proposed PUD changes**

**Changes to Section 5: Permitted Uses**

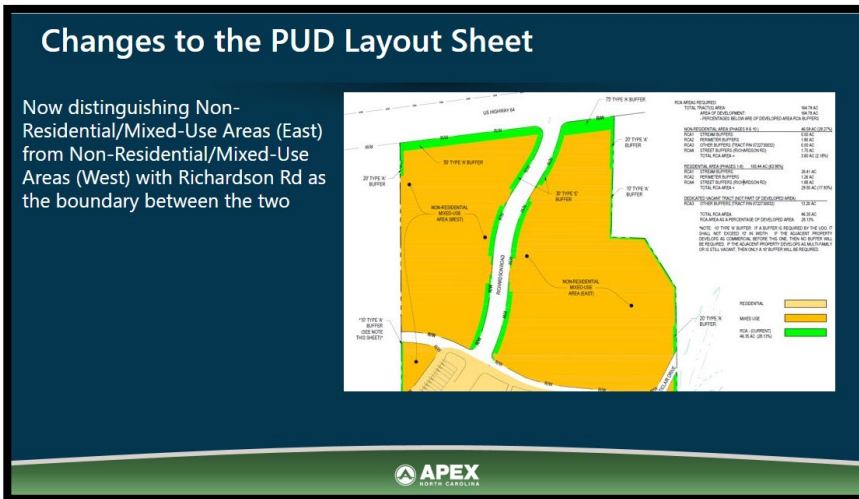
- Add the use *Bar, nightclub, wine bar, or taproom* to the East side of the Non-Residential/Mixed-Use areas
- Amend the table of permitted uses, now showing separate columns for Non-Residential/Mixed-Use Areas (East) and Non-Residential/Mixed-Use Areas (West)

**APEX**  
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6



1 **[SLIDE 8]**



2  
3 **[SLIDE 9]**



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

5 **Marvin Waldo** at 3402 Sir Carlton Court, Raleigh, the applicant, gave an update on  
6 the area. He noted that his mother grew up and went to school in Apex. He said that he had  
7 not realized the proposed additional uses were not a part of the original rezoning until a  
8 potential tenant reached out to him, and that the uses would bring it in line with other similar  
9 developments in Wake County. He said that there would also be a major luxury hotel  
10 announced for the area in the next 30 days. He asked if there were any questions.

11 **Councilmember Zegerman** asked if there would be individual parcels or one  
12 ownership.

13 **Mr. Waldo** said that this would be one ownership for the whole property.

14 **Councilmember Zegerman** confirmed that this would be under one single  
15 landowner.

16 **Mr. Waldo** said that it would be.



1       **Mayor Gilbert** opened the public hearing, and with no one signed up to speak,  
2 brought the item back to Council for discussion and a possible motion for approval.

3  
4       A **motion** was made by **Mayor Pro Tempore Gray**, seconded **Councilmember Gantt**,  
5 to approve Rezoning No. 24CZ18 – Sweetwater PUD Amendment.

6  
7       **Councilmember Mahaffey** said he was opposed to this Rezoning and wanted to  
8 explain why. He spoke on Senate Bill 382 and how it changed the development regulations.  
9 He said that in effect, it required any zoning or development regulation to be signed off on by  
10 any affected property owner. He said this law has, in effect, eviscerated local authority  
11 pertaining to land use. He said that moving forward, they need to know everything they could  
12 possibly want to have as part of a rezoning ahead of time. He said that Councilmembers are  
13 elected officials with the expectations of being able to make rules to address uses in Apex. He  
14 said he believes the state law has put the Town Council in a bad place, and they have to think  
15 hard about what to do moving forward.

16       **Councilmember Zegerman** asked if there were any conditions with zoning for the bar  
17 and night club. He gave examples of sound levels or certain closure times.

18       **Mr. Killian** said that all uses in the UDO have supplemental standards. He said that he  
19 did not know of any of the PUD zoning district that apply specifically to this use. He said that  
20 time of operations and noise levels are in the Town code and not in this zoning ordinance. He  
21 said these uses would have to follow all applicable supplemental standards.

22       **Councilmember Gantt** said that the location of these uses were only going to be on  
23 the east side of the development.

24       **Councilmember Zegerman** said that was one thing. He asked Councilmember  
25 Mahaffey if the local ordinance was updated, would that trigger a nonconformity.

26       **Councilmember Mahaffey** said that needed to be deferred to staff.

27       **Town Attorney Hohe** said it remains to be seen.

28       **Councilmember Mahaffey** said that this and future rezoning should be looked at in a  
29 tighter manner and with conditions in the future, with a smaller list of uses. He said they need  
30 to think a lot about the uses and their impact on the residents near the developments,  
31 because 382 may not give them an opportunity to change them in the future.

32       **Councilmember Killingsworth** said that it would be a bigger burden on the town  
33 and the development.

34       **Councilmember Gantt** said that he read the Bill, and he did not have the same  
35 reading of it as Councilmember Mahaffey. He said he didn't share the same opinion on what  
36 may happen because of it, specifically in regards to the downzoning being that broad. He  
37 said they still have not heard town Legal staff's full thoughts on it yet.

38       **Councilmember Zegerman** explained the bill said that they can't create a non-  
39 conformity, such as if the town updated lighting requirements.

40       **Councilmember Gantt** said that is related to the uses of the land.

41       **Councilmember Mahaffey** said that the bill specifically says development  
42 regulations.

1       **Councilmember Killingsworth** said that the bill was very broad and encompassed a  
2 lot.

3       **Councilmember Mahaffey** said the law is poorly drafted and extremely broad and  
4 could potentially cover potentially any development regulation. He said that passing non-  
5 trivial development regulations, it often creates a non-conformity, otherwise the regulation  
6 wouldn't be necessary and typically, these regulations address specific issues, leading to  
7 these non-conformities. He said that requiring the signature of every impacted landowner is  
8 impractical and effectively means Council can't pass such regulations. He said that he would  
9 move forward cautiously until the law is clarified or adjusted. He said that he is not  
10 comfortable going forward with business as usual.

11       **Mayor Gilbert** said they need to decide if they want to move forward with staff's  
12 recommendation on this Rezoning tonight. He said that he would like to have a Work Session  
13 on the Bill.

14  
15       A **motion** was made by **Councilmember Zegerman** to continue this item until after a  
16 Work Session on Senate Bill 382 was held.

17  
18       **Mayor Gilbert** asked why this issue with Bill 382 wasn't presented to staff before this  
19 came to Council.

20       **Councilmember Mahaffey** said that staff were aware of his concerns with Bill 382.

21       **Mayor Gilbert** said that there was a motion and a second to approve, and an  
22 additional motion to that.

23       **Councilmember Mahaffey** said that they would need to table the existing motion  
24 before making another motion.

25       **Mayor Gilbert** said that he would like to hear more discussion before tabling the  
26 motion.

27       **Mayor Pro Tempore Gray** said that there was an outstanding motion on the table  
28 right now. He asked who would have to move to table the motion.

29       **Town Clerk Coleman** said that there was already a motion and a second that they  
30 need to vote on.

31       **Councilmember Mahaffey** said that tabling is a motion to defer to a future time.

32       **Mayor Gilbert** said that before doing that, he would like to hear more discussion.

33       **Councilmember Killingsworth** said that a Work Session on this Bill will not be  
34 productive because of it not being challenged at this time. She said she would prefer to go  
35 ahead and vote for this now.

36       **Mayor Pro Tempore Gray** said that Bill 382 is so new that challenges to clarify the  
37 scope will most likely happen in the future. He said the General Assembly did not consider  
38 the will of the municipalities and consider the impact on the development community. He  
39 said he would like to move forward with this item and have it be a vehicle for potential  
40 clarification of this bill if necessary.

41       **Councilmember Gantt** said that this is up zoning and not down zoning, so it is not  
42 related to this Bill.

1       **Councilmember Mahaffey** said that he was correct, but his concern is that this may  
2 prevent any future action to address changes on this development, which are things they  
3 have done in the past.

4       **Councilmember Zegerman** said he liked the proposed use, but said that he would  
5 not support this motion. He said if for any reason, to send a message. He said that the bill has  
6 passed severely limits the future abilities to change the property's zoning in the future. He  
7 said he sees that this will pass, but he wants to make sure the message is sent from elected  
8 officials and the development community that this bill will create significant issues regarding  
9 non-commercial development.

10       **Town Clerk Coleman** said that he had been working with the Town Attorney, Town  
11 Manager, other Town staff, and the Town's contracted lobbyist to get a report on how this Bill  
12 would impact the Town and this information will be coming soon.

13       **Mayor Gilbert** asked how to proceed, with a motion to table and the original motion  
14 with a second.

15       **Town Clerk Coleman** said to proceed with the original motion.

16       **Councilmember Mahaffey** said the motion to table didn't receive a second, so it  
17 couldn't be voted on anyway.

18  
19       *The following motion was made previously and included here for clarity:*

20  
21       A **motion** was made by **Mayor Pro Tempore Gray**, seconded by **Councilmember**  
22 **Gantt** to approve Rezoning Case No. 24CZ18 - Sweetwater PUD Amendment.

23  
24       **VOTE: 3-2, with Councilmember Mahaffey and Councilmember Zegerman**  
25 **dissenting.**

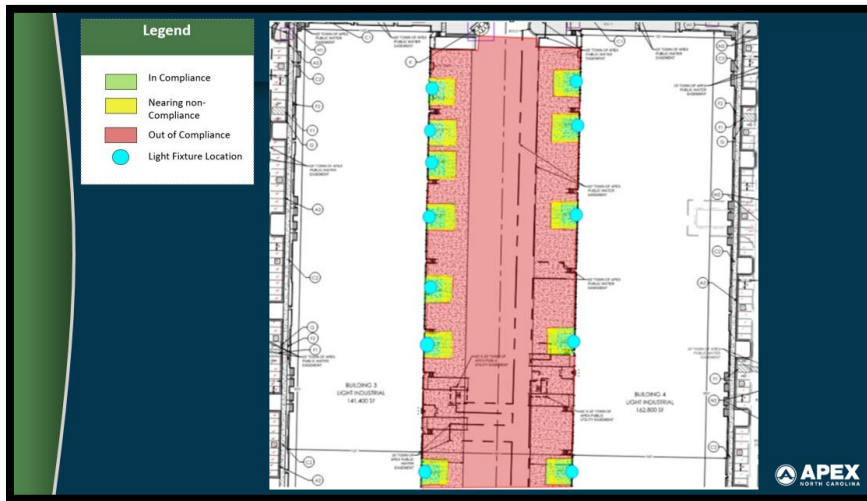
26  
27 **PH3 Unified Development Ordinance (UDO) Amendments - January 2025 (REF: ORD-**  
28 **2025-004)**

29       **Amanda Bunce**, Current Planning Manager, Planning Department introduced Bruce  
30 Venable to the new Planner II with the Planning Department. She noted that this proposed  
31 amendment would not be impacted by Senate Bill 382.

32       **Mr. Venable** gave the following presentation:  
33



1 [SLIDE 4]



2  
3 [SLIDE 5]

8.6.3 Illumination Standards

...  
C **Alternative Compliance**  
The Planning Director may approve an alternative form of compliance to Secs. 8.6.3 *Illumination Standards* and 8.6.4 *Design Requirements* when it has been clearly demonstrated on a lighting plan submitted by a licensed lighting professional holding the PE, LC, CLEP, or similar certification that the proposed deviations are necessary in order to improve the safety and/or functionality of the site. The lighting plan shall show compliance with all other sections of this Ordinance, including Sec. 8.5.5 *Operational/Physical Compatibility*, which may be invoked in the event the alternative form of compliance garners zoning complaints once installed.

The Planning Director shall consider the following factors in determining whether any such proposed alternative is acceptable:

- 1) Existing and proposed uses on-site;
- 2) Adjacent uses;
- 3) Existing and proposed topography;
- 4) Location and configuration of buildings on-site and on adjoining properties;
- 5) Existing and proposed evergreen screening;
- 6) Proposed house-side shields;
- 7) Size and configuration of the parcel;
- 8) Proximity to public rights-of-way;
- 9) Proximity to residentially-zoned properties;
- 10) Proximity to Resource Conservation Areas and all state and/or federal designated environmentally sensitive areas;
- 11) Consistency with the intent of this Ordinance.

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4  
5 [SLIDE 6]

**Amendment #1**  
Requested by Planning Staff:

8.6.4 Exterior Lighting, Design Requirements

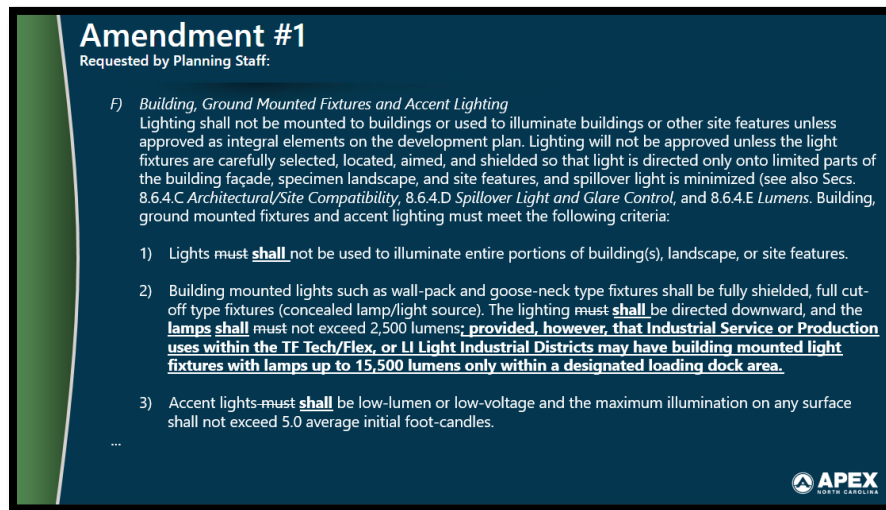
Exterior lighting, such as that used in and around buildings, recreation areas, parking lots, and signs, shall be designed to prevent the excessive spillover of light onto adjacent properties. It shall also be designed to protect against glare onto public rights-of-way thereby impairing the vision of motorists and adversely impacting adjoining properties. All exterior lighting shall be shielded from adjacent properties by existing vegetation, thick evergreen vegetated buffers, berms, walls, or fences, and/or the use of directional lighting, lighting shields, special fixtures, timing devices, appropriate light intensities, luminaries, and mountings at appropriate heights. External and/or internal shields are required on all lights in vehicular use areas and lights mounted to buildings where they are immediately adjacent to residential uses (such as along the edges of parking lots or mounted to the rear of buildings close to residential uses). All outdoor lighting shall conform to the following design standards of this Section. **When the standards of this Section cannot be reasonably met, the applicant may submit an alternative form of compliance per Sec. 8.6.3.C Alternative Compliance.**

...  
E) Lumens  
Lamps for full cut-off **pole mounted** fixtures shall not exceed 15,500 lumens

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[SLIDE 7]



**Mr. Venable** asked if there were any questions for the first amendment.

**Councilmember Mahaffey** asked why staff bring the amendments versus the variance process to Council.

**Mr. Venable** said the variance process often requires demonstrating an undue burden, which can be difficult, particularly with issues like meeting the lighting ordinance. Proving undue burden or meeting the required findings of fact in a quasi-judicial setting can be challenging. He said that they were attempting to provide administrative relief to ensure compliance with the intent of regulations without obstructing projects and hoping to find a path forward without resorting to a quasi-judicial setting.

**Councilmember Gantt** said he thinks industrial uses are some of the worst light polluters, and that he is hopeful that this doesn't pose a problem, and is glad the Director has discretion on alternatives.

**Councilmember Zegerman** said to keep in mind that this amendment requires the light fixtures being downward facing.

**Councilmember Gantt** said yes, which is the important.

**Mr. Venable** said they will be working with developers during this process to help them comply with the intent of the Ordinance.

**Councilmember Mahaffey** asked for Mr. Venable to go back to "E" section and asked why the addition of "pole-mounted" was necessary.

**Mr. Venable** said that they were concerned that there had been some confusion with lighting professionals regarding what this section meant, so they wanted to clarify it.

**Councilmember Mahaffey** asked if the intent was the same, it's just a text change.

**Mr. Venable** said yes.

**Ms. Bunce** continued the presentation.



**[SLIDE 8]**


**Amendment #2**  
Requested by Planning Staff:

**2. Amendments to 12.2 Terms Defined in order to update the definition of “Built-Upon Area” to be consistent with that required by NC General Statute 143-214.7 and NC Session Law 2024-49.**

12.2 TERMS DEFINED

---  
Built-Upon Area

For the purposes of complying with the standards and requirements of the Watershed Protection Overlay Districts, calculation of the built-upon area within the proposed development shall include, but not be limited to, all existing public and private streets, proposed public streets, sidewalks, driveways, rooftops, parking lots, patios, and all other impervious and partially impervious surfaces, including CABC and gravel within the development. In accordance with NCGS 143-214.7D, built upon area does not include the water area of swimming pools; slatted decks; and a surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric; a trail as defined in G.S. 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour); or landscaping material, including, but not limited to, gravel, mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on portions of driveways and parking areas that will not be compacted by the weight of a vehicle, such as the area between sections of pavement that support the weight of a vehicle; **or artificial turf, manufactured to allow water to drain through the backing of the turf, and installed according to the manufacturer’s specifications over a pervious surface.** The owner or developer of a property may opt out of any of the exemptions from built-upon area set out in this section.




**[SLIDE 9]**

**Amendment #3**  
Requested by Planning Staff:

**3. Amendments to Sec. 8.7.1 Permitted Signs: Location, Size, and Number; Table 8.7.1 in order to make corrections to the symbols for “allowed with permit”, “not allowed”, and “allowed without permit” shown for the On-premise, Non-commercial Temporary Sign type so that it is consistent with the standards for that sign type approved earlier this year.**

**8.7.1 Permitted Signs: Location, Size, and Number**  
All signs are subject to Sec. 8.7.9 Definitions, Article 12: Definitions, and Sec. 8.7.2 through 8.7.6. The sections listed specifically in Sec. 8.7.1 have been included for emphasis and user convenience and shall not be construed to exclude other sections of the Ordinance. Any sign permitted by these regulations may display or publish a non-commercial message. This includes both signs that require and do not require a permit. Exemptions from Sec. 8.7.1 are found in subsection 8.7.1.C.

Sign Type	P = allowed with permit    X = not allowed    V = allowed without permit					Illumination <sup>1</sup>
	Conditions	Residential Uses	Commercial Uses	Industrial Uses	Office & Institutional Uses	
<b>Permanent Sign Types</b>						
...						
<b>Temporary Sign Types</b>						
1 On-premise, Non-commercial Temporary Signs	8.7.1.B.1	X-V	V-P	V-P	V-P	No
...						



**Mayor Gilbert** opened up Public Hearing and with no one signed up to speak he closed Public Hearing and brought this item back for discussion and a possible motion.

**Councilmember Mahaffey** said that Bill 382 there are 3 amendments here. He said one is providing administrative relief for lighting, number two is compliance with State law, and number three is a technical correction. He said these are all minor changes and he is fine with proceeding on them. He said the bill makes it so these are the kinds of things they can do now, they cannot materially change property.

A **motion** was made by **Councilmember Mahaffey**, seconded by **Councilmember Killingsworth** to approve Unified Development Ordinance (UDO) Amendments of January 2025.

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



**[NEW BUSINESS]**

**Mayor Gilbert** moved to New Business.

**NB1 North Carolina League of Municipalities (NCLM) Biennium Legislative Goals and Priorities - Long Session 2025-2026 (REF: OTHER-2025-002)**

**Town Clerk, Allen Coleman,** gave an overview of the proposed legislative priorities as offered by the North Carolina League of Municipalities Board of Directors. He went through the process of the vote. He then asked Councilmember Mahaffey to give feedback since he was a part of the development. He said that for this discussion it would have normally been performed in a Work Session, but the League wants a response by this Thursday to designate a voting representative and a response by Friday to submit responses.

**Councilmember Mahaffey** said that he served on the Legislative Policy Committee and went through his part of the process to help develop the League's goals. He said that one of the items he advocated for was to expand property tax relief programs. He added that smaller municipalities had concerns about this affecting their revenue streams more significantly than Apex and other municipalities, so they did not move forward with that idea. He said there are some on this list that are more applicable to Apex than others. He said that he would be advocate for items applicable to Apex and encouraged other members to do the same.

**Town Clerk Coleman** reminded the Council that the voting was up to their top, 10 not in a prioritization order.

**Mayor Gilbert** asked what the asterisks meant.

**Town Clerk Coleman** said that the asterisks are what the lobbyist felt like they would be the most effecting in achieving.

**Councilmember Mahaffey** clarified that effective in achieving may be different than important for Apex, it's just items that they think are possible.

**Town Clerk Coleman** said that the Town of Apex will be considering our own Legislative agenda which will be separate than this process. He said that would be discussed and developed at the Annual Council Retreat in February. He said this was Apex providing feedback to the League of Municipalities on their Legislative Agenda.

**Councilmember Mahaffey** said that these goals were developed to not cover broad things that are already a core part of the League's mission, such as preserving local authority.

**Town Clerk Coleman** went through each goal and took a count. There were ties between goals 1, 7 & 9 for the final goal. They took a vote to remove two of them.

**Councilmember Gantt** proposed keeping goal 1. He said it would be beneficial to have disaster relief for situations like Hurricane Helene.

**Mayor Pro Tempore Gray** proposed keeping goal 7. He said it has a broad impact on communities in transition such as Apex. He said the regulatory structure to improve abandoned properties is very dated, and this would help with beautification. He said he felt the disaster relief point was a worthy goal, but they had to choose 10 to send to the League on Apex's behalf.

1           **Councilmember Killingsworth** and **Mayor Gilbert** agreed with Mayor Pro Tempore  
2 Gray.

3           **Councilmember Gantt** said he was okay with proceeding with goal 7.

4           **Town Clerk Coleman** said that they would drop goals 1 and 9. He then re-read the  
5 goals that they were supporting. He said that the Mayor and Town Council were authorizing  
6 Councilmember Mahaffey to vote for goals number 2, 3, 4, 5, 6, 7, 8, 11, 15 and 16.

7  
8           A **motion** was made by **Councilmember Mahaffey** and seconded by  
9 **Councilmember Zegerman**, to designate Councilmember Mahaffey as the voting member  
10 for this process with the League of Municipalities and vote for goals number 2, 3, 4, 5, 6, 7, 8,  
11 11, 15 and 16 on Apex's behalf.

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

13           **Mayor Pro Tempore Gray** thanked Town Clerk Coleman for putting this together and  
14 Councilmember Mahaffey for doing the voting.

15           **Mayor Gilbert** moved to updates by Town Manager.  
16

17           **[UPDATES BY TOWN MANAGER]**

18           **Town Manager Vosburg** gave the following updates on projects and events. He said  
19 that the Saunders Lot Project was underway and already looks very different. The "Beyond the  
20 Lot" campaign has been implemented, providing a lot of good information on the website.  
21 Feedback on the campaign has been positive, and parking availability is being monitored  
22 effectively. He said that Peakway Extension has noticeable activity and progress at the site.  
23 The earthwork and clearing are evident, indicating where the bridge will be and the widening  
24 on Salem Street has started. He then said that the Water Tower in Pleasant Park is expected to  
25 break ground by the end of February in about a month and a half, marking a significant  
26 infrastructure development for the town. He then spoke about the Third-Party Reviewer being  
27 currently in the second phase of their three-phase approach, assessing data points, billing  
28 systems, and residential bills analysis. Progress is being made, and recommendations are  
29 forthcoming. He gave an update on the gas leak on Olive Chapel and said that the incident  
30 was due to a third-party vendor working for a utility provider putting in fiber. The fire crews  
31 managed the situation for over 12 hours, with road repairs continuing into the night and into  
32 today. This is the second gas event in recent weeks, prompting discussions on preventive  
33 measures. He gave an update on MLK Events and the several events that are planned,  
34 including an MLK Junior learning lunch from 12p-1p at the Senior Center in the Friendship  
35 room tomorrow, Author's Night on January 17<sup>th</sup> from 6:30p to 8:30p at the Halle Cultural Arts  
36 Center, MLK Unity March and breakfast on January 18<sup>th</sup> 8a to 10:30a at Apex Baptist Church,  
37 and the National Day of Service on Monday, January 20<sup>th</sup> from 9:00a to 10:00a at the John  
38 Brown Community Center. He noted that the Town Hall will be closed on Monday, January  
39 20<sup>th</sup>.

**[CLOSED SESSION]**

A **motion** was made by **Councilmember Zegerman** and seconded by **Councilmember Gantt**, to enter into closed session at **8:06 p.m.**

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

**CS1 Laurie Hohe, Town Attorney (REF: RES-2025-004)**

**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."

**CS2 Laurie Hohe, Town Attorney (REF: RES-2025-005)**

**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."

Council returned to open session at **8:28 p.m.**

A **motion** was made by **Mayor Pro Tempore Gray**, seconded by **Councilmember Mahaffey** to approved a Resolution Authorizing Eminent Domain Proceedings Related to a Sidewalk Project along Pate, Cash, and Hillcrest Streets for the improvement of the Apex Street System.

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

A **motion** was made by **Mayor Pro Tempore Gray** and seconded by **Councilmember Mahaffey** to Approve a Resolution Authorizing Eminent Domain Proceedings Related to a Sidewalk Project along Saunders and Hinton Streets for the Improvement of the Apex Street System.

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

**[ADJOURNMENT]**

With no further business being before the Town Council, **Mayor Gilbert** adjourned the meeting at **8:30 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\_\_\_\_\_.