

DRAFT MEETING MINUTES

**TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, SEPTEMBER 09, 2025
6:00 P.M.**

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, September 9th, 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=VushxEq7Z58>

[ATTENDANCE]

Elected Body

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

Town Staff

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

[COMMENCEMENT]

Mayor Gilbert called the meeting to order and welcomed all who were in attendance and watching. He then invited all to participate in the invocation with a moment of silence and peace. He then led all in attendance to the Pledge of Allegiance.

Mayor Gilbert recognized special guests attending the meeting. He introduced the Apex Fire Department, Apex Police Department, Wake Technical Community College, Dr. Scott Ross and Vice President Development and Strategic Partnerships of Wake Technical Community College, Mr. Matt Smith. He thanked them for being at the meeting.

[CONSENT AGENDA]

A **motion** was made by **Mayor Pro-Tempore Gray**, seconded by **Council Member Gantt**, to approve the Consent Agenda.

VOTE: UNANIMOUS (5-0)

CN1 Agreement - American Road Conservation, LLC - Street Sweeping Services - through June 30, 2026 (CONT-2025-334)

Council approved a Standard Services Agreement between the Town of Apex and American Road Conservation, LLC, for street sweeping and related services, effective July 1, 2025 through June 30, 2026, and authorize the Town Manager to execute the agreement on behalf of the Town.

CN2 Agreement - North Carolina Department of Transportation (NCDOT) - For Entry Agreement to Replace Stormwater Culvert Across Olive Chapel Road (CONT-2025-335)

Council approved an Agreement for Entry with North Carolina Department of Transportation to enter parcel owned by Town between Pearson Farms and Ashley Downs subdivisions for the purpose of replacing a stormwater culvert across Olive Chapel Road.

CN3 Agreement Amendment Ratification - Hobbs Architects, P.A. - Additional Construction Required at Mason Street Municipal Building (CONT-2025-336)

Council ratified an oral amendment to the existing Design Services Agreement between the Town of Apex and Hobbs Architects, P.A. for additional Construction Administration and inspections required for the Mason Street Municipal Building construction project.

CN4 Annexation No. 806 - Jessie Drive Industrial - 51.822 acres (w-Rezoning Case No. 25CZ09) (RES-2025-052) AND (RES-2025-053)

Council adopted a Resolution Directing the Town Clerk to Investigate Petition Received, Accepted the Certificate of Sufficiency by the Town Clerk, and Adopted a Resolution Setting the Date of a Public Hearing for September 23, 2025, on the Question of Annexation - Apex Town Council's intent to annex 51.822 acres, project commonly referred to as Jessie Drive Industrial, located at 0 East Williams Street (PIN 0751-20-1670), Annexation No. 806, into the Town Corporate limits.

CN5 Budget Ordinance Amendment No. 3 - Cemetery Niche Plates, Data Mining and Services, Eva Perry Library Repairs, and General Debt Service Correction (ORD-2025-065)

Council approved a Budget Ordinance Amendment No. 3 appropriating funds for Eva Perry Library roof repairs, data mining and legal review services, cemetery niches, and the correction of the General Debt Service allocation.

CN6 Council Meeting Minutes - Various

Council approved Meeting Minutes from the following meetings:

August 12, 2025 - Regular Town Council Meeting Minutes

August 19, 2025 - Town Council Work Session Meeting Minutes

CN7 Encroachment Agreement - 1167 Rothwood Way, Lot 16 (CONT-2025-337)

Council approved an Encroachment Agreement between the Town of Apex and property owners: Gretchen Sutton Hassell, Margaret Michelle Pena, and Eric Ranier Pena, located at 1167 Rothwood Way, Apex, NC 27502, to install a fence and gate that will encroach 80 linear feet (LF) onto the public utility easement, and authorize the Town Manager, or their designee, to execute on behalf of the Town.

CN8 Memorandum of Understanding (MOU) between the Town of Apex, Town of Cary, and Town of Holly Springs - Engineering Studies to Evaluate the Feasibility of Supporting Additional Wastewater Capacity Needs for Apex and Holly Springs at the Western Wake Regional Water Reclamation Facility (WWRWRF) (CONT-2025-338)

Council approved a Memorandum of Understanding (MOU) between the Towns of Apex, Cary, and Holly Springs, to Perform Two (2) Engineering Studies to Evaluate the Feasibility of Supporting Additional Wastewater Capacity Needs for Apex and Holly Springs at the Western Wake Regional Water Reclamation Facility (WWRWRF).

CN9 Parks, Recreation, and Cultural Resources Program and Rental Pricing Policy Adoption - Effective July 1, 2026 (PLCY-2025-017)

Council approved the Parks, Recreation and Cultural Resources Program and Rental Pricing Policy, effective July 1, 2026.

CN10 Tax Report - July 2025

Council approved the Apex Tax Report dated August 15, 2025.

CN11 Unified Development Ordinance (UDO) Amendments - August 2025 - Statement

Council approved the Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the Unified Development Ordinance (UDO) Amendments of August 26, 2025 proposed by staff.

[UPDATES BY TOWN MANAGER]

Town Manager Vosburg gave the following updates:

- **Olive Chapel Road:** Press release about DOT Construction Update - Utility Relocation Underway with Apex water lines and Duke Energy power lines are being relocated.
- **Right-of-way Acquisitions:** DOT is finalizing right-of-way acquisition and rights of entry as well as completing construction. Construction Timeline for let package is October 2025 and anticipated reopening to traffic is late January 2026, this is earlier than originally thought, but still dependent property owner cooperation and the utility locate with Duke Power. Public safety message reiterating on DOT's behalf that this is not a safe area due to instability.
- **Patriot Day Ceremony:** Sept. 11 at 9:30 a.m., Apex Service Memorial.
- **Festa Italiana:** Sept. 20, 11 a.m. -7 p.m. at Town Hall Campus and Hunter Street.

TM1 Utility Billing Monthly Update - September 2025

Town Manager Vosburg gave the following updates on Utility Billing:

- **Billing Cycle Issue Resolved:** A video released on Friday, September 5th about the cycle lengths that were printed on bills. Incorrect service dates were printed on past bills, the amounts that were charged were correct, but the displayed service dates caused confusion. This has been corrected on paper bills. Working with the vendor to fix inaccurate billing days displaying in the online portal.
- **Water Meter Replacements:** Meter replacements for customers with recently replaced water meters, the bill's usage column reflects only the new meters data. The bill is accurate on the total usage.
- **Metrics** shared referencing 30-day billing cycle average of the last 6 months.
- **Portal & Customer Service Improvements:** SEW Portal is the support company with the My Account Portal and can report customer calls. Customer calls have decreased by 15.4% from July to August. The portal now has 22,000+ users, most new user calls were about account setup. Call wait times dropped by 34% (from 7.5 mins to 5 mins).
- **Barry Dunn Utility Billing Audit:** Final report received and sent to council. Will be posted online within a week with staff response/action plan.
- **Staffing Updates:** New Finance Director starts Monday. Utility Billing Manager already in place and handling customer issues and finance items. Temporary staff hired and offers were extended for 4 open positions.
- **Billing recalculation reviews:** Approximately 180 people signed up to have their bills recalculated. So far, 91% were underbilled, average amount owed: \$39.14 and Customers owed money averaged a refund of \$7.37. Reconciliation is about 50% done and once it's completed letters will be issued to customers. This is where we are with the third-party review from Barry Dunn.
- **Solar Billing issues:** Acknowledged as complex and town is working case-by-case. There has been feedback on the billing design and there are changes that can be made that have been submitted to the vendor. Long term there are bill design customizing that is wanted to be done. Minor fixes submitted for immediate implementation. Bigger changes are planned for improved transparency and user-friendliness.

[REGULAR MEETING AGENDA]

Mayor Gilbert set the Regular Agenda with a recommendation of NB3 - NB6 to be deferred until the September 23rd Council meeting to allow additional review.

A **motion** was made by **Councilmember Zegerman**, seconded by Mayor Pro **Mayor Pro-Tempore Gray** to approve the Regular Meeting Agenda with a recommendation to defer

NB3 Appointments – Culture and Arts Advisory Board (CAAB), NB4 Appointments – Environmental Advisory Board (EAB), NB5 Appointments – Multimodal Transportation Advisory Board (MTAB) and NB6 Appointments – Planning Board (PB) until September 23rd Council Meeting.

VOTE: UNANIMOUS (5-0)

[PRESENTATIONS]

PR1 Girl Scout Troop 619 - Silver Award Recognition

Mayor Gilbert introduced and invited Ms. Kimberly Presley with Girl Scout Troop 619 to come up.

Ms. Presley asked her troop member with her to come up, introduce themselves and give the following presentation:

[SLIDE 1]



1 [SLIDE 2]

Who We Are:

Troop 619 is a Girl Scout troop that was established in 2016 here in Apex. This is our 10th program year as a troop.

We are a multi-level troop, with members of various ages and Girl Scout levels. We are Seniors, the oldest scouts in our troop. We love being role models for the younger girls. Our troop leader, Kimberly Pressley, has been the leader since founding our troop, and was here every step of the way for our Silver Award.



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3 [SLIDE 3]

What Is a Silver Award?

The Silver Award is the highest award a girl can earn between 6th and 8th grade, which highlights accomplishments in helping others. In order to earn this award, a scout first must have completed either a Bronze Award, Cadette leadership award, or a Cadette journey. Once the Scout has completed the prerequisites, they can begin the actual Silver Award. This involves identifying an issue in the community, brainstorming ways to improve or solve the problem, develop a solution, and put the solution into motion. The goal of a Silver Award is to be a self-renewing, sustainable, and long lasting part of our community that benefits others.



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5 [SLIDE 4]

Our Silver Award

The four of us have been working on our Silver Award project for the past 2 years. At first, we had a different project in the works. Unfortunately, things didn't work out how we envisioned with that project. The Silver Award committee said we could submit our report as is, but we didn't feel satisfied and wanted to still do something good for our community. So, instead of scrapping our project, we ended up pivoting to something different, which was still in line with our initial plan.

Our new project took us to Scotts Ridge Elementary School, where we met with the principal, Mr. Evans, and discussed how we could help his school. We were interested in helping to beautify the grounds. Mr. Evans loved the idea and asked us to restore the United States mural on the playground.



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1 [SLIDE 5]

Project Overview:



Our project began with the researching, initial planning, and scheduling phases. This involved looking into the types of materials we would need to restore the mural, how much everything would cost, and when and how much time the restoration would take. We assigned responsibilities and leadership roles to our team members.

The next step in this process was going out and purchasing the materials needed for this project. Because we did not have prior knowledge as to what materials we should use, we reached out to Rachel Writes, a local mural artist in NC. She gave us many tips on what to use in order for our work to last as long as possible, as well as how to properly prep the mural for the new paint, and how to care for it after we eventually turned the care of the mural back over the Scotts Ridge.

After we secured our materials, we started the restoration process itself. On June 21st, we began working on the mural. We cleared out the weeds and grass that had crept up in the cracks of the concrete, then scoured off as much of the remaining paint as we could. Early in the morning of June 22nd, in middle of a heat wave, we began working on the actual painting process. As it was very detailed, we needed to do all the painting by hand. We accomplished the majority of the painting that day, but left the final details and touch ups for the following day. Finally on June 23rd, we were in the final stretch of the beautification process. We finished the painting for the final few states then added the labeling onto them. This will allow the children attending Scotts Ridge to identify and learn the different states in the USA. The next day, we returned the keys, and turned over all the materials we used to Mr. Evans. He said that parents and students will be maintaining the area in the future.

The final part of our project was the reporting process to complete the paperwork to submit our Silver Award to Girl Scouts. Members of our group all gathered together to reflect and submit our report, and, then we filled out our own individual reflections.

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3 [SLIDE 6]

Work in Progress:



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5 [SLIDE 7]

Support from our Community:



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[SLIDE 8]



Mayor Gilbert thanked the troop for the presentation and all the hard work. He then asked Council to join him in presenting Troop 619 with the Peak Service Award and a picture. The honorees are Oliver Pressley, Evelyn Coffos, Kamryn Walls and Caroline Olender.

PR2 Proclamation - Hispanic Heritage Month 2025 - Monday, September 15, 2025 through Wednesday, October 15, 2025 (PRO-2025-031)

Mayor Gilbert asked the Council to join him in reading the proclamation. He then invited Juan Ortega, Fiesta Cristiana, Sara Hasen, Fiesta Cristiana, Atelier Angolo, Fiesta Cristiana, Peter Marin, Local Artist working with Apex for Hispanic Heritage Month, and Steven Lobos, Apex Baptist Church, Spanish Paster and Jimmy Torres, Community Engagement to receive the proclamation and pictures.

Mr. Peter Morin thanked the Mayor, Council members and dedicated town staff for giving this opportunity to speak on the continued support for the Latin Festival. He said this event is a celebration of families, neighbors and friends for a day of joy, unity and cultural activities and the chance to experience Latin America in Apex through music, food and traditions. He invited everyone to join them this year's Latin Apex Festival. He thanked the Mayor, Council and staff for their dedication in supporting events that make the community stronger.

PR3 Proclamation - Italian American Heritage Month 2025 - October 2025 (PRO-2025-032)

Mayor Gilbert asked the Council to join him in reading the proclamation. He then invited members of Fiesta Italiana, Anthony Koytek, Spouse of the Late Toni Koytek, Fran and Bob Gianuzzi, Enzo Martini, Barbara White to receive the proclamation and pictures.

Fran Gianuzzi thanked all for allowing the Italian Festival to be held in Apex. She said everyone asked why Apex was asked and once the festival was had they said go nowhere else but Apex, it brought 15,000 people to Apex. She thanked all for the support.

PR4 Proclamation - Patriot Day 2025 - Thursday, September 11, 2025 (PRO-2025-033)

Mayor Gilbert asked the Council to join him in reading the proclamation. He then invited Lee Harris, Apex Legion Commander and members of the Apex Police and Fire Departments to receive the proclamation and pictures. He invited Lee Harris, Apex Legion Commander and members of the Apex Police and Fire to receive the proclamation and pictures.

PR5 Resolution and Agreement - Adopt-A-Unit Program - Partnership between Town of Apex and 101st Airborne Division Unit of the Army (CONT-2025-339) AND (RES-2025-055)

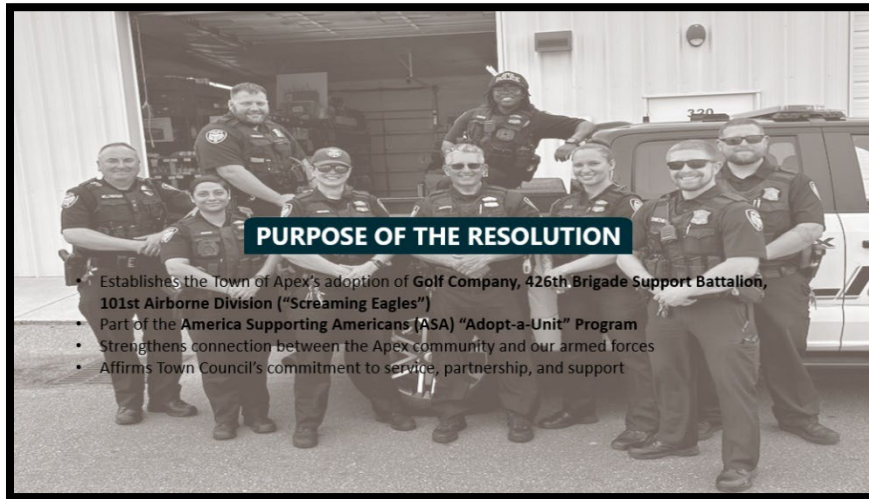
Mayor Gilbert invited Ryan Johansen, Chief of Police, Apex Police Department, to give the presentation.

Chief Johansen thanked the Mayor and Council. He said that this is to bring a potential resolution agreement to join the adopt a unit program. He gave the following presentation:

[SLIDE 1]



1 **[SLIDE 2]**



2
3 **[SLIDE 3]**



About ASA & the Adopt-a-Unit Program

- ASA is dedicated to building supportive connections between service members and civilian communities
- The **Adopt-a-Unit Program**:
 - Matches towns, cities, or counties with specific military units
 - Works with all branches of the military
 - Provides ongoing adoption support services to ensure long-term success
 - **Goal: Boost morale and create lasting, meaningful bonds between soldiers and communities**



4
5 **[SLIDE 4]**

Apex's Role in the Program

- **Volunteer staff from Apex Police Department** will manage and operate the program
- Activities coordinated with **community groups, businesses, and Town employees**
- Examples of support activities:
 - Care packages during deployments
 - Fundraising for deployment/return events
 - Holiday support for families
- All conducted on a **volunteer basis with no direct budget impact**



1 **[SLIDE 5]**

Benefits to the Community and the Unit

- **For the Unit:**
 - Tangible morale support during deployments and homecomings
 - Personal connection to a civilian community that values their service
- **For the Community:**
 - Pride in supporting America's servicemembers
 - Opportunities for civic groups, schools, and businesses to participate
 - Strengthened sense of civic engagement and national service



Golf Company, 426th Brigade Support Battalion (BSB), 101st Airborne Division (Air Assault), the famed "Screaming Eagles"

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3 **[SLIDE 6]**

Request of Council

- **Possible Motion:** to adopt a Resolution establishing the Town of Apex's adoption of Golf Company, 426th Brigade Support Battalion (BSB), 101st Airborne Division (Air Assault), the famed "Screaming Eagles", as part of the America Supporting Americans (ASA) Adopt-a-Unit Program **and** authorize the Mayor to execute the agreement for the same.
- Formalizes Apex's commitment to regularly engage in supportive activities
- Ensures a lasting and meaningful partnership with our adopted unit



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5 **[SLIDE 7]**

Questions?

1 **Mayor Gilbert** asked if there were any questions or comments.

2 Councilmember Mahaffey said that he was elated to see this on the agenda and
3 supported this. He said that his family had just come back from visiting Normandy with his
4 family.

5 **Councilmember Zegerman** said that as a teenager he read a lot about Normandy
6 Invasion and bravery of the units. He said he was in support.

7 **Mayor Pro-Tempore Gray** was in support as well.

8
9 A **motion** was made by **Mayor Pro-Tempore Gray**, seconded by **Councilmember**
10 **Mahaffey** to adopt the Resolution and Agreement - Adopt-A-Unit Program - Partnership
11 between Town of Apex and 101st Airborne Division Unit of the Army.

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

14
15 **PR6 Wake Technical Community College - Apex Site Update**

16
17 **Mayor Gilbert** introduced Matt Smith, Vice-President of Development and Strategic
18 Partnerships, Wake Technical Community College (WTCC).

19
20 **Mr. Smith** thanked the Mayor and Council and said he was grateful to be here
21 representing the 75,000 Wake Tech Students and the largest college university in the State.
22 He said that Wake Tech would be coming to Apex. He introduced Dr. Scott Rolls to present
23 details on the new Wake Tech.

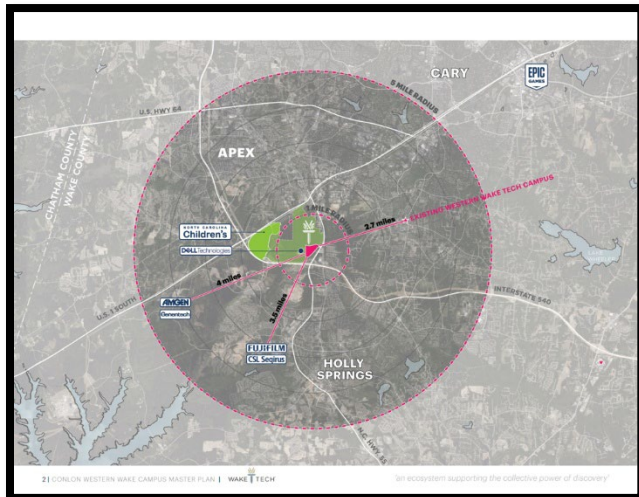
24 **Dr. Rolls** said that Wake Tech takes great pride in being Apex's Community college.
25 He gave the history of how this site came to the Veridia area. He gave the goals and timeline
26 of the project. He said that the goal for completion is summer of 2029 but more likely January
27 2030. He said that the focus on biopharma and advanced manufacturing and technical
28 education will support the companies that are in the Apex area and companies that are likely
29 to grow particularly in the life science area. He said that it would have small business and
30 entrepreneurship programs would be the hub at the new site. He introduced Chuck Scott,
31 Vice President of Facilities.

32 **Mr. Scott** gave the following master plan presentation:

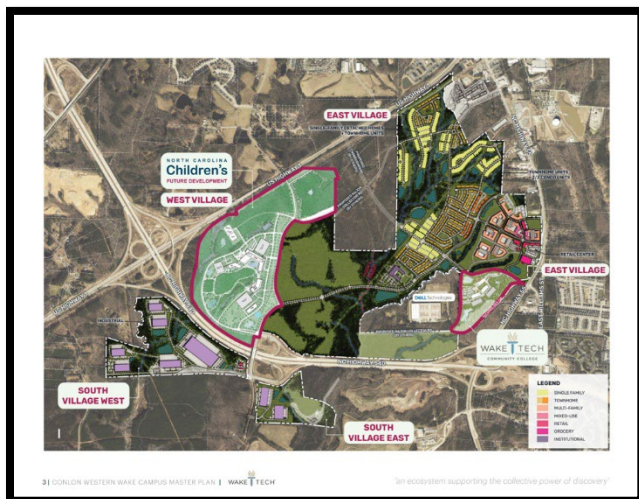
1 [SLIDE 1]



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3 [SLIDE 2]

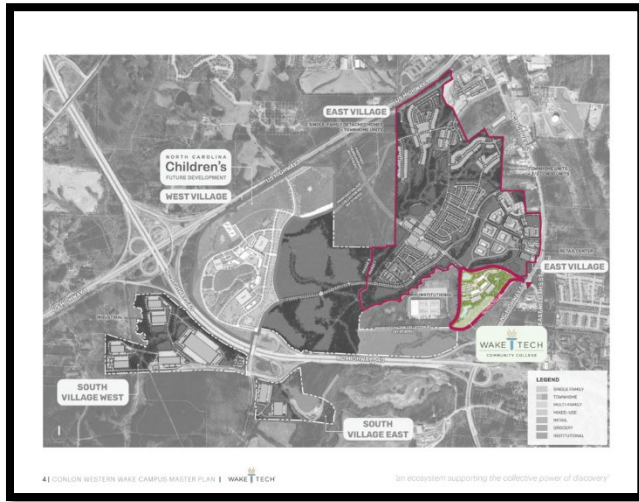


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5 [SLIDE 3]



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4 [SLIDE 6]
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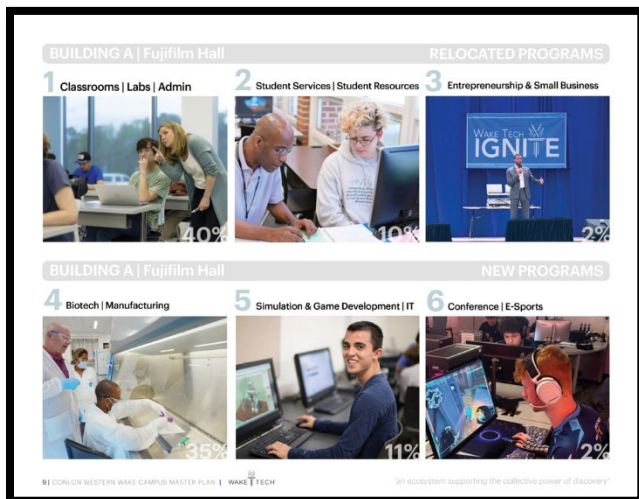
1 **[SLIDE 7]**



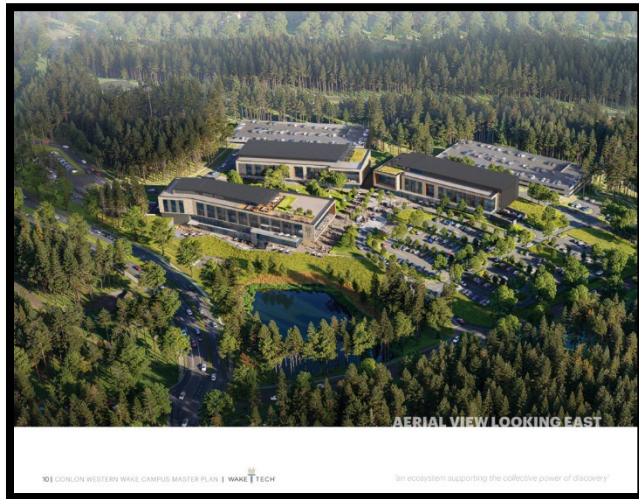
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3 **[SLIDE 8]**



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5 **[SLIDE 9]**



1 **[SLIDE 10]**



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3 **[SLIDE 11]**



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5 **[SLIDE 12]**



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1 **[SLIDE 13]**



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3 **[SLIDE 14]**

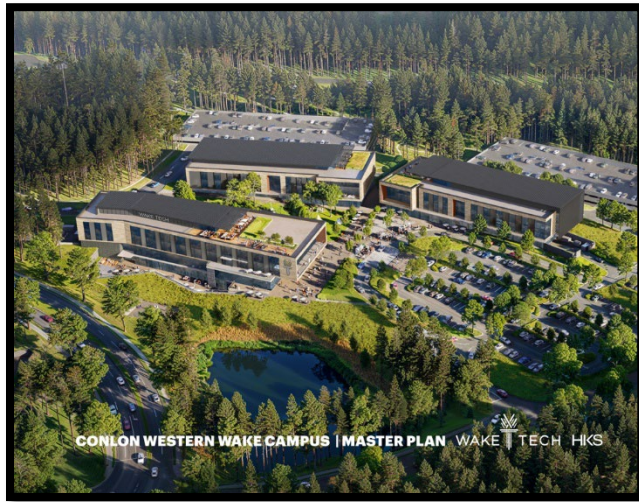


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5 **[SLIDE 15]**



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1 **[SLIDE 16]**



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3 **Mr. Scott** opened for questions.

4 **Mayor Gilbert** asked if there were any questions for Mr. Scott. He thanked them for
5 the presentation.

6
7 **[PUBLIC FORUM]**

8
9 **Mayor Gilbert** opened the Public For and invited the first speaker up.

10
11 First to speak was **Mary Miskimon** of 3177 Retama Run, New Hill:

12
13 "Apex's rapid growth has strained roads, schools, and impacted our daily lives. Yet, the
14 development approval process has continued a status quo and is largely controlled by the
15 Town Council and staff, not residents or developers. The current system allows the Council,
16 the staff, and developers to shape projects without early public input, often leaving citizens
17 out of critical decisions until it's nearly too late to make changes. Instead of blaming
18 developers, the Town Council should make the process transparent and equitable for
19 everyone. In fact, for up to two years before a formal application is made, developers meet
20 with Apex Planners, the town's economic team, and Council members to determine whether
21 a project is feasible. Once satisfied, only then does a developer hold a neighborhood
22 meeting for neighbors within just 500 feet of the proposed development, which excludes
23 many interested parties. After the neighborhood meeting occurs, a formal application is
24 made, and the documents are added to the town's interactive development map for all to
25 see. By now, it's almost too late for the public to effectively impact a proposed development.
26 Is it any wonder residents and developers alike are frustrated by this system? Instead of
27 blaming developers and leaving residents' concerns unmet, why hasn't this Town Council
28 made the process more equitable and transparent? Thank you."

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

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

4
5 "Good evening, Mayor, Town Council, and fellow neighbors. Let me tell you a story.
6 Another sad tale of a farm gone forever. This 110-acre property on Tingen Road sold for
7 \$450,000 in 2010, then for just 81,000 in 2014, and now only seven days ago the broker listed
8 it at the stunning price of nearly 35 million. We all know the land will be sold and developed,
9 and my purpose is not to talk about the growth that we see. But what caught my attention
10 besides the eye-popping 35-million-dollar price, and should catch yours, is how confident
11 this broker is that a zoning change will be approved and I directly quote from the listing,
12 Dorify MLS ID10119250: "Apex likely to support a zoning amendment for the office and
13 industrial zoning to a higher density residential zoning." So this is a profound statement to
14 make which changes the 2045 land use map as it stands today and I'm curious why this is
15 stated with such certainty in the ad. Do they expect the Town Council approval just like that
16 and even without any community engagement, just like another transaction? Meanwhile, in
17 reality, traffic is rising, schools are at capacity, tree canopy is disappearing, and developers
18 are having to discount newly constructed high-density housing by as much as 10%. And this
19 seems out of step with what we've watched this year as the Town Council has accelerated
20 approvals for up zonings and that's rural land going to higher density. Just a month ago, we
21 were reminded of Reubin's substantial win against the town of Apex, showing that taking
22 private property unlawfully can be challenged, a case that mirrors the Big Branch pump
23 station and force main lawsuit. Again, a project that is to serve the private development of
24 Veridia. The point tonight is simple: the community is here to be heard, to shine a light on the
25 process, and to hold decision makers accountable. Many of us are watching, documenting,
26 and asking the hard questions, and sometimes it takes the law to ensure accountability. We
27 will continue to raise concerns, demand transparency at every step, and remind the town that
28 public trust is not optional. It's essential. Thank you."

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

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32 Next speaker was **Elizabeth Stitt** of 3113 Friendship Road:

33
34 "Mayor and Town Council, good evening. I want to bring attention to consent agenda
35 item number eight that you just approved with no discussion tonight. This item is a
36 memorandum of understanding between the town of Apex, the town of Cary, and the town of
37 Holly Springs for engineering studies to evaluate the feasibility of supporting additional
38 wastewater capacity needs for Apex and Holly Springs at the Western Wake Regional Water
39 Reclamation Facility, which is more commonly known as the New Hill Wastewater Facility. This
40 facility has already a huge impact on New Hill neighborhoods that have tirelessly dealt with
41 sewer odor since at least 2022 from the daily treatment of 7.44 million gallons of sewage per
42 day. The study that you just authorized tonight with no conversation is to look at the feasibility

1 of increasing that facility to 30 million gallons of sewage per day, four times as much as the
2 current flow. If you can't manage the odors today, how do you propose to manage the odors
3 of four times the amount of sewage? The documents included in tonight's agenda packet
4 also state: "Cary, Apex, and Holly Springs have begun discussions to consider wastewater
5 capacity options for Holly Springs." So, we're taking on Holly Springs as well. It references
6 Apex's long-range water resources plan completed in 2023 and a May 2024 North Carolina
7 Department of Environmental Quality study. It is clear that an expansion has been in the
8 works at least since 2023. When was Apex going to be transparent with the New Hill
9 community that this was in the works? Plans like these, quietly worked on and formed years
10 before the impacted community is ever notified, is a violation of public trust. I ask that you
11 right this wrong by scheduling a community meeting to show the respect that the New Hill
12 community deserves, to provide transparency regarding the potential expansion and to
13 understand community concerns before you get too far along and another lawsuit comes up.
14 Thank you."

15
16 **Mayor Gilbert** thanked the speaker and called the next speaker.

17
18 Next speaker was **Fran Hudson** of 5524 Rex Road, New Hill:

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20 "I just gave your Clerk notices for each of you, including the Town Manager and the
21 Assistant Town Managers. So, this notice, basically I wanted to highlight the history of the law
22 and what the town, that was obviously founded in 1873, the laws that y'all are under at the
23 time of founding were Battle's Revisal, which was actually the precursor for General Statute
24 160D. That laid out one of the big points of it, which was number 18. I don't cover all that
25 detail in here because there's a lot of stuff that y'all need to really dig into, and 3 minutes is
26 not enough time for me to go through it all. But the number 18 on Battle's Revisal in Chapter
27 111, which is for the towns, was for nuisance laws. So, it gave the town the authority to write
28 laws that would abate nuisances for the people. And in 1923, the North Carolina Zoning
29 Enabling Act, it actually came from the Department of Commerce because they put out a kind
30 of a model act for a standard state zoning enabling act that actually gave the ability to use
31 zoning to protect the rights of the people. It was for the health, safety, morals, and general
32 welfare of the people and that was done by regulating commerce because it came from the
33 Department of Commerce. They can only regulate the commerce. So that is really what you're
34 tasked with: to regulate, make regular the commerce so that it protects the rights of the
35 people and the people actually get to determine what our general welfare is. That's not
36 something y'all can come up with and decide, okay, it's the general welfare of the people to
37 put this development here, that's not right, that's why you have the responsibility of providing
38 this public hearing so that we can actually say, "Okay, we don't want this." That's our right to
39 say it violates our liberties, it impacts our property rights, and it's not something that the
40 government has the authority to do. Most people don't know that, because I think we've been
41 taught backwards. The school system does not cover the way that our Constitution lays out
42 the law, and then all of the statutes actually fall under that, so they have to honor the rights of

1 the people. Let's see. Sorry, losing my place, because I'm going all over the place. One court
2 case that's really interesting that I think you all should go and read was from 1926. It was three
3 years after this zoning statute act was put in place, and it concerned one property owner who
4 wanted to sell his property to a, sorry, to a developer kind of thing, and to get the most
5 money but the people stood up against it and they said no. So, the Supreme Court of the
6 United States actually said, "No, you cannot violate the rights of the people." So just look into
7 that but make sure you read that notice and if you'll put it in the public record so other people
8 can find it and read it, that would be amazing. Thank you."

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

12
13 Next speaker was **Johnathan Pierce**:

14
15 " Thank you, Mayor Gilbert and Town Council members. My name is Jonathan Pierce,
16 and my business partners and I are proud restaurateurs and property owners here in Apex. In
17 2018, we opened the doors to our first venue in downtown Apex, Scratch Kitchen and
18 Taproom. Since then, we have made investments in projects like TapStation, turning the
19 entrance to our town into a vibrant, inviting community hub. In 2023, we took over a small
20 office space and turned it into Neat and Sweet, a cocktail, dessert, and charcuterie concept
21 that has welcomed more than 50,000 people since opening. Today, we are proud to say we
22 employ 177 people across our Apex locations. My business partners and I would like to thank
23 you in advance for your time in considering our application for a façade grant to improve
24 both the Tobacco Mule Exchange building and Scratch Kitchen and Taproom. As you may
25 know, we recently purchased the Tobacco Mule Exchange building in downtown Apex from
26 out-of-state investors back in March. Since then, we have been working on plans to improve
27 the exterior of the building from the Templeton Street view and the new parking lot
28 perspective. This project will add value to the Apex community and its stakeholders by
29 creating a unique downtown gathering place, increasing seating capacity at Scratch, and
30 beautifying the building from what has become the main entrance with the new town parking
31 lot. The completion of this project will allow us to serve an additional 1,500 people or more
32 per week. The economic impact of this is not just positive for our own businesses, bringing
33 another 1,500 people into downtown means more foot traffic on our streets, more people
34 shopping in our stores, more entrepreneurs making Apex their home, and the addition of a
35 dozen or so new jobs in our community. The proposed project includes several elements.
36 First, it includes a permanent fire pit gathering area along the exterior of Neat and Sweet. This
37 will create an inviting environment as folks approach the building from the parking lot, while
38 also adding seating on colder days. Secondly, we need to address the grass area under the
39 mature crepe myrtle trees on the left side as you enter the property. Despite our best efforts,
40 this area has not been able to grow grass in some time, making it a muddy or dusty mess
41 most of the time. People do like to use this space, but it is currently not very inviting. We
42 would like to create a long-term solution for this problem by investing in a premium turf

1 solution and keeping the crepe myrtle trees. This would allow us to add games like cornhole
2 or use it for rocking chairs, open to the general public. Lastly, the main project includes a
3 permanent pergola structure that is unlike anything in Apex at this time. The pergola will have
4 a retractable roof system, making it perfect for those surprise rain showers we get often. It will
5 also have windows on all sides that open to allow a breeze when the weather is nice or be
6 closed to protect guests from the weather when needed. With floor-to-ceiling glass panels,
7 this space will be open, airy, and inviting. The pergola structure will add immeasurable value
8 to the Tobacco Mule Exchange building, our businesses, and the Town of Apex alike. We're
9 requesting your support in approving the façade grant application to financially partner with
10 us to bring this project to fruition. With that, I thank the town council for your support of our
11 staff, our businesses, and our future investments in this town. Thank you."

12
13 **Mayor Gilbert** thanked the speaker and called the next speaker.

14
15 Next speaker was **Dr. Michelle Hoffner Okconor** of 2664 Jordan Point Blvd, New Hill:

16
17 "Good evening. Before I begin, I would like to reference our petition submitted to the
18 town clerk, which as of today totals over 2,100 signatures. Earlier today, the Georgia
19 Department of Community Affairs held an open forum to allow the public to give input on
20 regulations concerning data centers. This follows actions taken by the state earlier this year,
21 which includes a moratorium on builds with planned high energy use and the creation of the
22 "technological facility" classification under the development of regional impact rules. These
23 are meaningful steps in the right direction to ensure protection from the inevitable harms
24 data centers pose to communities. But unfortunately, the creation of these regulations is at
25 least seven years overdue in some parts of the state of Georgia. When Beverly and Jeff Morris
26 bought their home in Newton County in 2016, they planned for it to be forever. A data center
27 for Meta became their new neighbor in 2018. The megawatt usage for this data center is not
28 known to the public. However, The New York Times reports that it uses over 500,000 gallons
29 of water for cooling per day. Meanwhile, the Morris' taps have run dry. They have replaced all
30 their appliances as many as three times since 2019. Their drinking water is unsafe, and they
31 cannot afford the \$25,000 needed to replace their damaged well. The other 120,000 people
32 of Newton County are experiencing similar issues and if the county cannot find a way to
33 increase capacity soon, they will be forced to start rationing water within the next five years.
34 How did all of this happen? Because the local and state governments did not ask the
35 developer the extent of resources required to support the data center, and the developer was
36 not required to disclose this information. And while I don't want to jump on Georgia's efforts
37 to make things right for their constituents, this is clearly too little, too late for people like the
38 Morris'. Their home, wallet, and livelihood are irreparably altered. Like Georgia, North
39 Carolina does not have any existing unified regulations for data centers with respect to utility
40 usage, pollution, etc. The number and size of active data centers we can identify is lower
41 compared with other areas of the country with less than 100 overall, and the largest operating
42 at a capacity of 104 megawatts in Cherokee County. Unfortunately, North Carolina has been

1 declared "the new Virginia," with developers coming forward with new project proposals by
2 the day. Here in New Hill, the proposed data campus is now planned to operate at a capacity
3 of 300 megawatts not the 240 we originally learned about a few weeks ago. For reference,
4 this usage is two and a half times more than what the entire Town of Apex uses at 120
5 megawatts. Based on the information that is publicly available, this data center, if built based
6 on the specifications known today, will become one of the largest in the state, second only to
7 the proposed 400-megawatt data center near Charlotte, if that is permitted to build.
8 Meanwhile, it is unclear if Duke Energy can keep up with demand and support all these new
9 data centers without adding strain to the grid. As you may already be aware, the Utilities
10 Commission will meet next month to assess just how much capacity exists to support data
11 centers along with the rest of the state. And despite the fact that power is a known concern,
12 these developers are undeterred because they know local and state government are behind
13 in understanding the impact data centers have on communities and have not developed
14 regulations to keep them in check. They wouldn't be good at their jobs if they didn't know
15 how to make these builds sellable. To echo my neighbor Doug Stewart, who spoke here two
16 weeks ago, we are not against data centers as a concept. Computing power is needed, and AI
17 is rapidly increasing demands. However, the well-being of those living in our New Hill
18 communities, the constituents of the Town of Apex, as well as those residing in Wake County
19 and the State of North Carolina, must come first, protections are needed if we are to maintain,
20 and perhaps even augment, the Peak of Good Living, that Apex proudly declares. We need to
21 take the lessons learned in Georgia, California, Virginia, and Texas to heart and get ahead of
22 this before any developer breaks ground here in Apex. Here are some key questions and
23 thoughts to consider: Do data centers, especially of this size, fit the definition of TechFlex or
24 Light Industrial? Based on the definitions provided by the Town of Apex, only Light Industrial
25 accounts for undesirable effects on residential or commercial lands. However, the use of the
26 word "might" in this definition should be subject to scrutiny. We already know, without
27 additional conditions, that undesirable effects will occur in our communities. Does this data
28 center appropriately fit the goals of the 2045 plan? While there is no denying that this land is
29 not marked for new housing, one must ask if it is appropriate to put such a large data center
30 within two miles of eleven distinct housing communities. As the town refers to the 2045 plan
31 as a "living document" and is now moving forward with development of a 2055 plan, Apex
32 should exercise its right to allow for flexibility that favors the well-being of its constituents.
33 Does this data center appropriately align with environmental policies and priorities for the
34 Town of Apex? What if Duke Energy can only guarantee a steady stream of power by turning
35 the coal plants that were recently shut down back on? Is the air pollution that will inevitably
36 be caused by diesel generators going to exceed what is safe for our families? If Cary cannot
37 supply enough wastewater to keep up with cooling demands, where will the additional water
38 come from? What happens when the eventual buyer who utilizes the facility is done with
39 these servers, and these buildings stand abandoned and useless, with parts degrading and
40 settling into the environment over time? Answering these and countless other questions are
41 key to determining if we can allow a data center here at all, and if so, under what conditions.
42 Our group is committed to researching the impact of data centers on communities and

1 sharing all this information we can with the town council, the planning board, other town
2 boards, and more importantly, the citizens of Apex and beyond. We are committed long-term.
3 We know data centers are coming. If this project isn't approved, there will certainly be
4 another ask from another developer, and we believe development of standard regulations
5 and conditions are needed to preserve everyone's Peak of Good Living. We want to work with
6 you, not against you. We are all on the same side and care deeply for this community. At this
7 time, the Town of Apex needs to be willing to set the terms by asking the developer tough
8 questions, pushing back when the answers are vague, and requesting transparency and
9 consistency for all information the developer must provide. We ask that the town prioritize
10 publication of meeting dates, times, locations, and agendas associated with this application,
11 ahead of required timelines, to ensure the public has ample opportunity to take part in these
12 conversations. Finally, please invite members of our group to contribute to development of
13 conditions associated with rezoning, development, and/or update of relevant ordinances that
14 will regulate data centers, and to long-term planning efforts for Apex, such as development of
15 the 2055 plan. I'm not originally from North Carolina, if you couldn't tell by the speed at which
16 I talk. After spending six years in Carrboro and Durham, my husband and I chose to move to
17 Apex four years ago. Like the Morris', we view our home as our forever home, a place to raise
18 our family. Like so many other people here, I care that New Hill, Apex, and Wake County
19 continue to be feasible to remain my home. The needs of Big Data and AI industries cannot
20 supersede the needs of our community. We ask that you leave no stone unturned as you and
21 other members of the Town of Apex review this application from Natelli Investors, and ask:
22 what, if anything, aligns with the "Peak of Good Living"? Thank you for your time."
23

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

26 Next speaker was **Hesham Osman** of 3181 Mantel Ridge Drive:
27

28 "Mr. Mayor. Hesham Osman, 3181 Mantel Ridge Drive. Council members, town staff,
29 good evening. I'm here again to talk about the utility billing update. I welcome the update
30 from Manager Vossberg. I also watched the video they released on Friday. After I spoke last
31 time, a lot of neighbors, friends, residents reached out to me and indicated they have similar
32 problems, and so I think there's a very large silent majority here in Apex that is fed up with the
33 utility billing issue. And the positive comments today from Manager Vossberg really indicates
34 that we still haven't tackled this problem. There's a little bit of gaslighting happening. On the
35 last bills in the video, he mentioned that it's only the service dates that are wrong. That is the
36 core data on a bill. If your time of service isn't even correct on the bill, how can we as
37 residents trust that anything else on the bill is accurate? Last time we spoke, you indicated
38 that we would not have late fees, that that was a decision by council, no late fees and no
39 disruptions. And my text message reminder today said, "Your bill is due in two days. To avoid
40 late fees and potential service disruptions, pay on time." So that's again in my text message
41 and my email. That seems to be a different message than what Council decided in their work
42 session three weeks ago. So again, continued distrust and lack of confidence by the public in

1 what's occurring with the utility situation is very concerning, and I understand everybody's
2 working hard. Everybody's trying their best, but it seems that we want to just move on and
3 pretend this problem doesn't exist. And it may very well be that all the bills dollar-wise are
4 correct. But as a resident and as a consumer of this utility, I have no choice but to accept the
5 bill as it is. I can't switch vendors. If this was any other, if this was my cell phone provider, I
6 would have switched providers. If this was any other utility that I had an option to switch, I
7 would and I think right now it may just be a lack of confidence, it may just be lack of
8 communication, but there needs to be a reckoning with the community of how to get past
9 this problem. It's been over a year, and simply saying everything is fine, just move on, is no
10 longer acceptable. So, I really request the Council, town staff, and other stakeholders to come
11 up with a workable solution for the community, communicate it clearly, and execute on it.
12 Thank you."

13
14 **Mayor Gilbert** thanked the speaker and called the next speaker.

15
16 Next speaker was **James Jesserer** of 1366 Elk Run Drive:

17
18 "Good evening, Mayor, Council members, town officials. In case any of you, including
19 me, are starting to have flashbacks of PTSD, I apologize for that. But I'm not here tonight to
20 talk about the Courtyards on Holt, nor 1305 Holt Road, Force Connections, or anything like
21 that. I am, however, here to follow up on the previous speaker and talk about changes to the
22 to our solar credits. We've received, those of us who have solar panels, received this following
23 communication from the town in which it states that going forward, it's not a date, it's just a
24 phrase, "going forward", you will no longer solar panel consumers or customers will no longer
25 be allowed to use solar credits to offset any of their non-electrical usage. Well, in 2022, after
26 interviewing a half a dozen companies, all of whom who told me about the very generous
27 Town of Apex solar incentive, which was that you could offset any of the town utilities or
28 services and then combine that with a 30% credit that was provided by tax credit by the
29 federal government, we went ahead and installed solar panels. Well, we all know what's
30 happened in Washington, thanks to the Trump administration, we no longer, after the end of
31 this year, will have a 30% tax credit on installation of new solar panels. Now, what we've
32 learned also this month is that effective at some point going forward, we will no longer have
33 the ability to offset any non-electrical services provided by the town. I think that flies in the
34 face of, I think, the green commitment that I know many of you, if not all of you, on this panel
35 share. We all want to encourage the implementation of solar power, and yet we're doing
36 something that is completely counterproductive to that, and we don't make decisions in the
37 Town of Apex in a vacuum, you have to consider what's happened in Washington regarding
38 solar power. So, what I'm asking is, I'm asking for the Town Council to reconsider this decision.
39 I believe that we should continue to incentivize, especially in the light of the decision made in
40 Washington, I believe it's our responsibility to incentivize residents of Apex to adopt solar
41 power. I will also say that in terms of the portal, my bill is either clairvoyant, because it says
42 that it's 9/2 to 9/28, and I'm not sure how it can construct that, or it's 16 days long. It says both

1 in the portal as of this afternoon. So, the problem, as this gentleman said, is not fixed and so,
2 it's two issues. The portal needs adjustment, but I think we really need to, if we are committed
3 to sustainability and green, we need to review this decision. Thank you very much."
4

5 **Mayor Gilbert** with no one else signed up for Public Forum, closed Public Forum and
6 moved to New Business.
7

8 **[PUBLIC HEARINGS]**
9

10 No Public Hearings scheduled.
11

12 **[NEW BUSINESS]**
13

14 **NB1 Apex Community Land Trust Establishment**
15

16 **Marla Newman**, Director, Community Development and Neighborhood Connections
17 Department presented a proposal to create a Community Land Trust. She said that she would
18 be joined in this presentation by Attorney Steve Carr with Ellinger and Carr and Chris Welch,
19 with the Town Attorney's office.
20

21 **[SLIDE 1]**

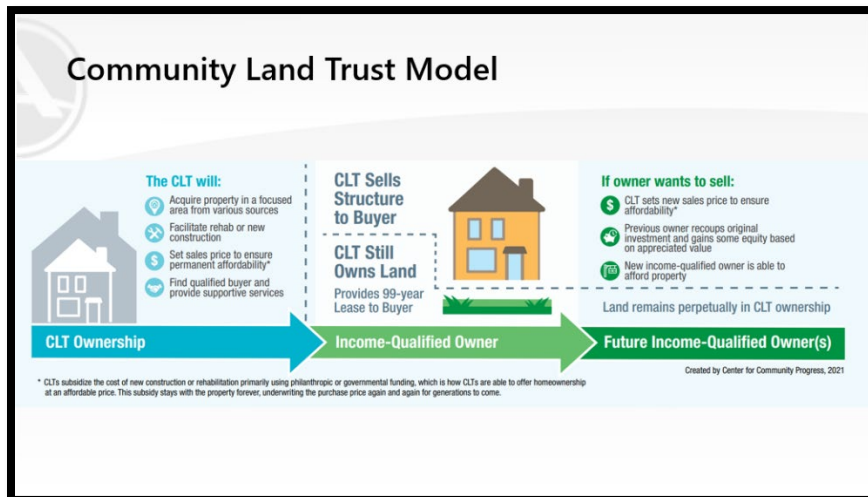


1 [SLIDE 2]

What is a Community Land Trust?

A community land trust (CLT) is a structure that allows land to be held “in trust” for community needs, outside of the influence of market pressures. The CLT model connects income-qualified homebuyers with **perpetually affordable**, quality homes using the national **Community Land Trust model**.

2
3 [SLIDE 3]



4
5 [SLIDE 4]

Benefits of Community Land Trust Homeownership

- Purchase price set significantly **below market** to be affordable to qualified buyer(s)
- Buyer(s) purchase **home only** and **lease land at a nominal rate** from CLT for a period of time (often 99 years) creating perpetual affordability of the land and protects Town investments.
- Property taxes assessed only on value of the home making tax bills **substantially lower than market-rate homes**.
- Resale price** of home is restricted to ensure the home remains affordable to subsequent buyers.
- Opportunity to build individual/family equity** for those typically not able to access homeownership.

6

1 [SLIDE 5]

Community Land Trust (CLT) Example

CLTs use long term land leases (99+ years) to lower costs for renters and homeowners.

Homeownership Example

	CLT Ownership	Regular Ownership
Initial Sale Price	\$459,000	\$459,000
Assessed Value of Land	-\$100,000	\$100,000
Total Purchase Price	\$359,000	\$459,000

2
3 [SLIDE 6]

CLT Examples in North Carolina

4
5 [SLIDE 7]

Examples (continued)

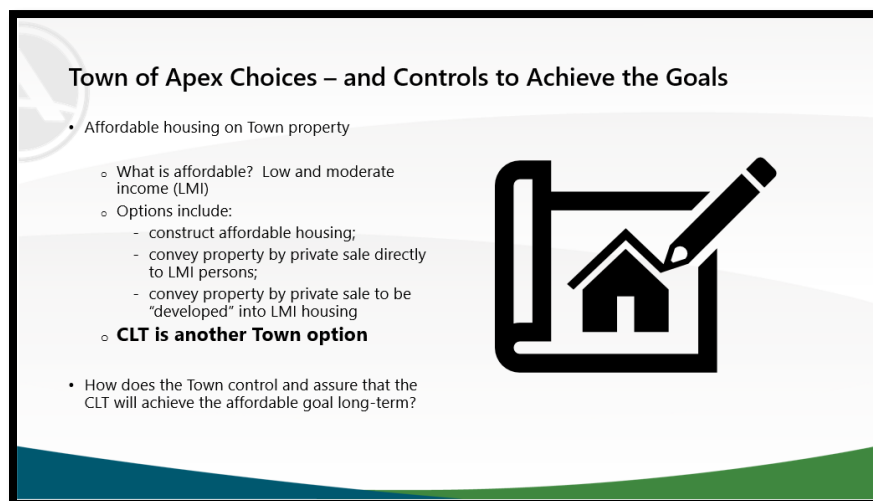
- Community Home Trust (Chapel Hill) and Durham Community Land Trust are the oldest and largest of the NC CLTs. Each of these two has more than 300 units each.
- Most boards include a mix of residents and community members
- For Durham (DCLT), 1/3 of the Board is public representatives, 1/3 is community representatives, and 1/3 is resident representatives
 - Not every CLT has a balanced board

6

1 **[SLIDE 8]**



2
3 **[SLIDE 9]**



4
5 **Mr. Carr** thanked the Council and town and introduced his partner, Susan Ellinger, and
6 gave the history of their firm and the types of work they have done in Affordable Housing and
7 Community Development. He then gave this piece of the presentation.

8 **Councilmember Gantt** asked what pros and cons were for using the CLT model.

9 **Mr. Carr** said that flexibility with the land itself would be established as a nonprofit
10 and would be exempt from the property tax.

11 **Councilmember Gantt** asked if the case would be if the land was sold to DHIC or a
12 company for a dollar (\$1), it would be tax exempt because they would be nonprofit.

13 **Mr. Carr** said that they could claim a nonprofit exemption as well.

14 **Councilmember Gantt** said that it would be the same on that matter.

15 **Ms. Newsome** said that the concern is making sure that for the long term, once Apex
16 relinquishes the land, Apex has no more control over what happens in the future, so the land
17 could be sold to a land trust that might go defunct and then the control of the land is gone.
18 She said if a trust is created then Apex has the power to appoint the board, determine who

you want to contract with to manage the property, making sure it is sold, developed or rented in the manner Apex sees fit, so it keeps the ownership controlled by the town.

Mr. Carr said another protection would be a possibility of a reverter, so if there was a default and the objectives that is laid out in terms of how this should be affordable over the long term, there is the possibility then the town could take that property back over.

[SLIDE 10]

The Town Sets the Rules for the Apex Community Land Trust

- Set-aside of affordable units
- Qualifying households
- Affordability levels and price limits
- Timing and phasing of construction of the housing units
- Eligibility for purchase and transfer controls – first sale and later sales
- Control period – lease term



Councilmember Gantt asked if a future Council did not prioritize affordable housing could they undo the Land Trust and take the property back sell it or whatever they would want to do with it.

Mr. Carr said that it would have to be drawn up in the contract for the sale of the property to establish the transfer of the property which is another element of your control as well. He explained that it is a nonprofit corporation set up and then it will be turned over at some point to a Board of Directors.

[SLIDE 11]

NC law requires affordability controls

- Section 160D-1316
 - Private sale at fair market value
 - Affordable housing to persons of low or moderate incomes
 - Conveyance covenants or conditions to assure affordability
 - Procedures and standards set by the local government
- Section 160A-279
 - Nonprofit buyer – conveyance condition and covenants - public purpose



1 [SLIDE 12]

CLT Legal Framework - Next Steps



CLT Legal Framework – Formation and Governance

- Form the CLT as a North Carolina nonprofit corporation
- Obtain a Federal tax identification number
- **Appoint and seat a Board of Directors**
- Approve and adopt bylaws, conflict of interest policy, and elect officers
- **Approve and adopt mission, vision, and initial land development program, with direction and support from the Town of Apex**
- File for 501(c)(3) tax exempt status – form 1023 application with the IRS

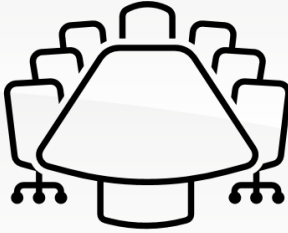
Initial Land Development Program



- Prepare and Issue RFPs for a 3rd Party Management Entity and Development Partners
- Prepare development agreements, ground leases, grant and loan agreements
- Prepare declarations of affordability covenants

2
3 [SLIDE 13]

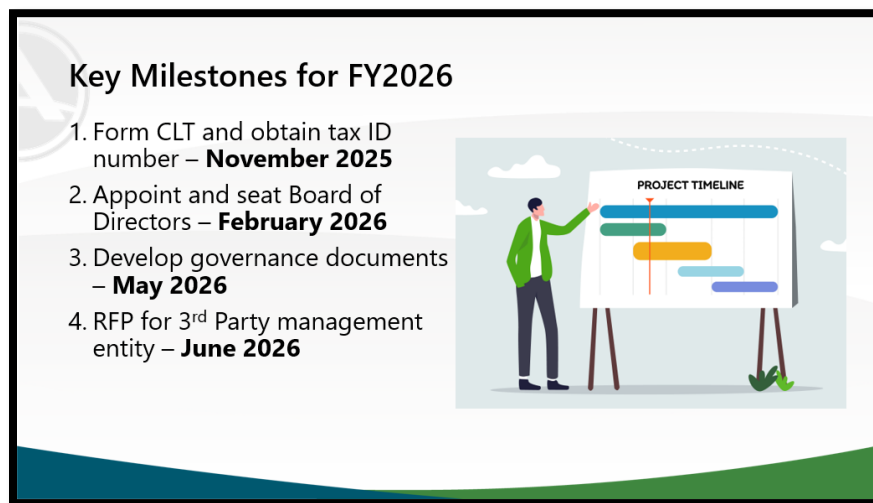
CLT Board of Directors – model for governance, accountability



- The initial Board members should be selected and appointed by the Town; bylaws will provide for number and successor directors
- The “classic CLT model” provides for Board seats in three equal parts:
 - One third of the seats to be held by members of the CLT households living in the community created by the CLT – community members
 - One third of the seats to be held by residents of the Town of Apex surrounding the CLT community – public members
 - One third of the seats to be held by public officials, local funders, nonprofit providers of housing and social services – public interest members

4
5 **Mr. Carr** turned the rest of the presentation back to Ms. Newsome.

[SLIDE 14]



Ms. Newsome opened up for questions.

Councilmember Mahaffey asked if there would need to be inventory to amortize the cost for the overhead that is over six figures, such as the RFP and getting a third-party management. He asked where they saw the critical mass where this becomes efficient.

Ms. Newsome said that part of it would be how the property is negotiated and gave an example of the 13 acres being used as the first part of the inventory, that was a minimum of 170 units. She said this would be mixed income development. She continued with an overview of the process of balancing the numbers. She said this was a long term because of building home stock.

Councilmember Gantt asked if the CLT's do fundraisers.

Ms. Newsome said she was sure they did fundraise and by working with an existing organization, Apex would be part of their support but they as nonprofits themselves, they have to raise funds for their own operations in addition to looking at their revenues that are generated.

Mayor Pro-Tempore Gray asked if the recommendation was that if this is adopted moving existing property into the CLT or is the strategy for Apex to create the Board and let the CLT identify what property is available and having them make the purchase of the property.

Ms. Newsome recommended that any land that is being looked at for development for housing that it be a part of the trust so that at the outset we are making that statement that we are looking for long-term affordability in a mixed income community and any property that Apex currently owns or may acquire in the future, the proposal would be that it be considered adding it to the trust.

Councilmember Zegerman said that there has been discussion as part of the affordable housing plan, developers instead of building houses and then offering them affordable housing prices to donate lots to us for future development. He asked if this would be able to do lend and lieu type of a donation and add these properties to the trust over time.

1 **Ms. Newsome** said that they would be able to add these to the trust.

2 **Councilmember Zegerman** asked if there could be a partnership with other parties
3 interested in doing long-term land leases to increase inventory.

4 **Ms. Newsome** said that she had not seen a model like that and referred to Mr. Carr.

5 **Mr. Carr** said that it may be possible with this being a nonprofit corporation that will
6 have certain set of bylaws or rules that govern how they operate. He said this was a 501c3
7 and they may have the opportunity to donate.

8 **Councilmember Zegerman** asked how would restricting the sales price or the re-sale
9 price work and setting the price level.

10 **Ms. Newsome** said that it would be part of the governance documents. She gave an
11 example of how this could work and best practice. She said there would be research to see
12 what would make the most sense for the market.

13 **Mayor Gilbert** asked for an explanation of how the 99 years rule and transfer to the
14 family member works.

15 **Ms. Newsome** said that depending on how the deed is set up the family member
16 could convey it to their heirs upon their death. She said the heir would have to be income
17 eligible and they would have to qualify as any other subsequent buyer. She said the 99 years
18 is part of the long-term affordability and gave an example. She said that most of the models
19 goes with the 99 years because it cements that this is long-term affordability and makes
20 lenders more comfortable to know that this is inventory, will stay affordable and will
21 participate long-term.

22 **Councilmember Mahaffey** asked if the trust would have opportunities for grants or
23 would the land be funded by town funds each year.

24 **Ms. Newsome** said that grants could be applied for with this being nonprofit.

25 **Councilmember Mahaffey** said that it seemed odd that this is a 501c3 but controlled
26 by government.

27 **Ms. Newsome** said that it would not be controlled 100% by government that there
28 would be appointed representatives in the public's interest appointed by the town,
29 community stakeholders and there would be residents of Apex and collectively they would
30 make decisions. She said that the town would have influence through the board that would
31 be appointed originally by the town.

32 **Councilmember Killingsworth** said that this was an amazing idea and addresses a
33 need. She said with the 99-year lease, this plan is as close as you can get to perpetuity.

34 **Councilmember Zegerman** said it may be easier to ask for commitments from
35 developers and may be able to get larger lots to be put in the trust to safeguard the longevity
36 beyond 10, 20, 30 years which is what is typical.

37 **Councilmember Mahaffey** asked if there were other municipalities getting these
38 commitments for donations to land trust in Wake County or North Carolina.

39 **Ms. Newman** said that Raleigh area land trust received land from the City of Raleigh.

40 **Councilmember Mahaffey** said he was more interested in private developers giving
41 land.

1 **Councilmember Gantt** asked if this was how the Presley Huxley property was
2 donated.

3 **Ms. Newsome** said that Presley and Huxley's developer partnered with the Raleigh
4 Area Land Trust to meet the affordable conditions that were asked for by Apex. She said that
5 they partnered with the nonprofit.

6 **Mayor Gilbert** asked if there was a motion from Councilmember Killingsworth.

7 **Councilmember Killingsworth** said this was exciting that this is moving forward and
8 said that she would not be working with this next year unfortunately.

9
10 A **motion** was made by **Councilmember Killingsworth** and seconded by
11 **Councilmember Zegerman** to approve Apex Community Land Trust Establishment.

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

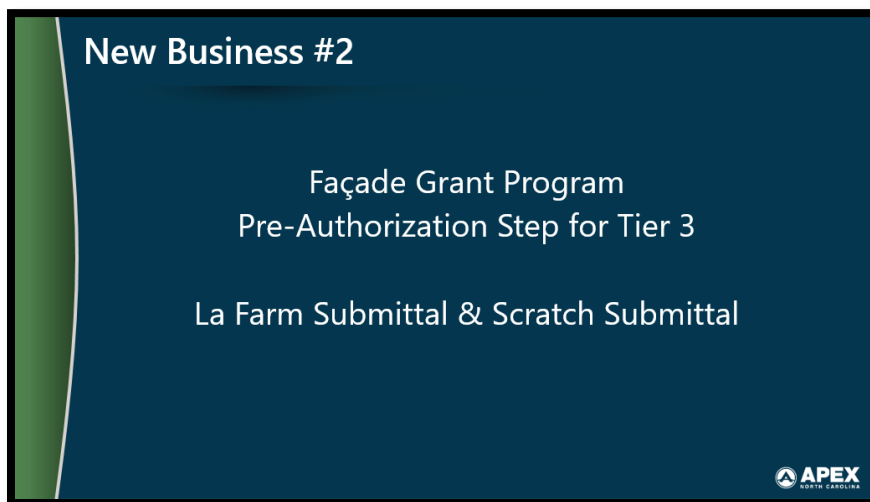
14
15 **Mayor Gilbert** announced a ten-minute recess at **8:10 p.m.** The meeting stood in
16 recess.

17
18 **Mayor Gilbert** reconvened the meeting at **8:22 p.m.**

19
20 **NB2 Façade Grant Program - Pre-Authorization Step for Tier 3, La Farm Submittal, and**
21 **Scratch Submittal**

22
23 **Dianne Khin**, Director, Planning Department said the purpose of the Apex's Façade
24 Grant program, tier 3 grants was to provide incentive funds in the form of a matching grant to
25 property owners to increase rehabilitation activity and encourage appropriate attractive
26 improvements to downtown buildings and properties increasing their longevity and raising
27 property values. She gave the following presentation.

28
29 **[SLIDE 1]**



1 [SLIDE 2]

New Business #2

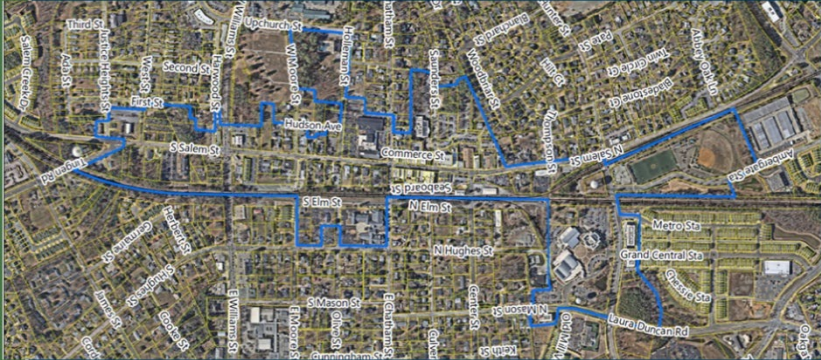
Background:

- December 2024 - Tier 3 grants were added to the Façade Grant Program for large-scale exterior improvement projects initiated by property owners in the Downtown Festival District.



2
3 [SLIDE 3]

New Business #2



4
5 [SLIDE 4]

New Business #2

- The Façade Grant process includes a façade easement and agreement as a requirement of the Tier 3 grant approval. The façade easement and agreement are required to be worked out between Town staff and applicant prior to Council approval, but this requires the applicant to hire an attorney and spend considerable funds on the design of their project without knowing whether Town Council is interested in possibly funding their proposed project.
- Staff asks Council to consider adding a step to the Tier 3 grant process to allow for the pre-authorization of proposed projects by Council prior to work commencing on the façade easement and agreement.



6

1 [SLIDE 5]

New Business #2

Pre-Authorization:

If Town Council provides pre-authorization of a Tier 3 Project, the applicant would be required to provide all Small Town Character Overlay District and Façade Grant documentation to Planning staff before the project can move to the easement agreement phase. Staff is proposing that if a complete application package is not received by Planning staff within 1 year of the Town Council pre-authorization, the applicant must go back to Town Council for another pre-authorization before the application package can move to the easement agreement phase.



2
3 [SLIDE 6]

New Business #2

September 2025 Pre-Authorization Requests

There were two projects submitted by the July 31, 2025 deadline for Town Council consideration in September 2025 for possible pre-authorization of their Tier 3 grants.

Per the Façade Grant Program guidelines, Tier 3 grant projects may include elements shown in the Downtown Plan or proposed for Council consideration on publicly viewable portions of the property:

- Streetscape elements matching Downtown Plan in public right-of-way.
- Streetscape elements (pavers/bricks/bus stops) on private property.
- Creation of patios or other outdoor service areas for public use and benefit on private property.
- Permanent streetscape-style outdoor furniture (tables, chairs, benches, permanent planters not to include vegetation, etc.) for public use and benefit on public or private property.
- Other Downtown Plan elements like catenary lighting, wall murals, ground murals, etc.
- Public parking on private property.
- Other significant improvements which in the Town Council's sole determination provide benefit to the general public or serve as a catalyst for future development.



4
5 [SLIDE 7]

New Business #2

September 2025 Pre-Authorization Requests

Eligibility Criteria:

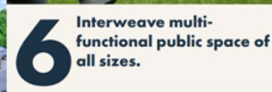
- a. If a tenant will be doing the proposed work, the tenant must obtain the property owner's signature on the application.
- b. Tenants are not eligible for Tier 3 grants. Façade easements must be signed by the property owner.
- c. Only properties with existing buildings constructed more than 3 years prior to the date of application are eligible.
- d. Applicant shall agree at the time of Tier 1 and/or Tier 2 application to maintain the façade and may not receive a grant for the same work within any five-year period. Tier 3 Projects shall be subject to the terms of the façade easement.
- e. Improvements and/or rehabilitation must comply with all state and local regulations, including obtaining required building permits through the Building Inspections Department.
- f. Utility and mechanical equipment, if any, must be concealed or screened from view. Screening shall be of similar color and design as the building.



6



This project could address several Downtown Plan goals, including]:



9 Fill in the gaps to provide a continuous pedestrian realm.

1 **[SLIDE 14]**

New Business #2

Scratch Tier 3 Grant Proposal

Located at 225 N. Salem Street, the subject property is currently an owner-occupied restaurant in a retail building; no change to the land use is proposed.

The applicant identified the cost of the overall project to be \$506,920 and they are requesting a \$250,000 Façade Grant, which is under the maximum amount in a 36-month period. The reimbursement would need to occur in two budget years as \$200,000 is the maximum in any one fiscal year.

The applicant states that "This project includes the removal of the current pergola structure behind Scratch Kitchen and Taproom and adding a new, larger three season room. This three season room will have a retractable roof system, sliding glass windows, lighting, and ceiling fans to maximize the dining experience at Scratch. Also included in this project is the addition of a gas fire pit in front of Neat & Sweet along with permeable astroturf in the existing grass area to make this space more functional for the building's tenants and restaurant patrons. The completion of this project will create a functional gathering place for the Apex community."



2
3 **[SLIDE 15]**



4
5 **[SLIDE 16]**



6

[SLIDE 17]



Ms. Khin opened for questions.

Mayor Pro-Tempore Gray asked if in the pre-authorization process, would the requirements for La Farm and Scratch's proposal, regarding the standards of the UDO still need to be met.

Ms. Kihn said that there is not a complete application at this time. She said that staff have worked with Scratch extensively with the details and they will have to meet the UDO and all of the requirements.

Councilmember Gantt asked once the pre-approval process happens, would this come back to Council.

Ms. Kihn said it would come back to Council because it is an easement agreement.

Councilmember Mahaffey asked what the annual budget was for this.

Town Manager Vosburg said this went to multiple committees and was talked about in the budget committee, planning committee and with Council and it was contemplated an application a year with an estimate of \$200,000 but there was not a budget line item due to not knowing the timing of the awards. He said that it was understood that this would be pulled from reserves once there was an application and because it is a reimbursement once because of not know the fiscal year that the allocation would be made. He said that there has been planned \$200,000.00 per year.

Councilmember Killingsworth said that it was recommended that the seating is made available for public use and not only for Scratch and the same for La Farm.

Ms. Kihn said understood.

Councilmember Gantt said that there is a private benefit and a public benefit and the seating will be for the customer. He said that both of these projects would increase the activity in the area in a good way and it wasn't said that they have to create a park for everybody in the program.

Councilmember Killingsworth said that in the Façade grant requirements the main purpose is that the public has use of it in some way.

1 **Mr. Jonathan Pierce** said that only half of the project is being shown, and the other
2 half is half of the Tobacco Mule Exchange building which will have a fire pit and open to the
3 public. He said they want to increase the accessibility to the town and make it more of a
4 gathering place.

5 **Mayor Gilbert** thanked the speaker and asked if there was a possible motion.
6

7 A **motion** was made by **Mayor Pro-Tempore Gray** and seconded by **Councilmember**
8 **Zegerman** to approve the Façade Grant Program – Pre-Authorization Step for Tier 3 grant
9 process.
10

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

13 **Councilmember Zegerman** said that the intention of the Tier 3 Façade Grant
14 program was to help expand and revitalize the downtown, specifically between Chatham
15 Street and Highway 55 and the La Farm renovation aligns with that vision. He said that this
16 project is contributing extend the downtown towards the Justice Hights increasing foot traffic
17 and attracting more business.

18 **Mayor Pro-Tempore Gray** was in agreement with Councilmember Zegerman's
19 statement. He supports this project and encourages others to take advantage of the
20 program.

21 **Councilmember Mahaffey** asked if the intention was that every Façade project
22 downtown is going to be funded 50% by this project. He said that these two projects are well
23 qualified and exciting projects but is looking at long term and thinking about what might
24 happen with the program with the cost of pre-authorizing this.

25 **Councilmember Gantt** said in the Planning Committee there was a built-in vote on
26 the tier three and now a pre-authorization and there would have to be at least two votes that
27 will have to be affirmative to proceed with the future ones. He said there may be unfairness
28 that come up and that's a consequence of trying to make these investments.
29
30

31 A **motion** was made by **Mayor Pro-Tempore Gray** and seconded **Councilmember**
32 **Gantt** by to approve Pre-Authorization for tier three grant proposal for La Farm Submittal.
33

34 **VOTE: UNANIMOUS (5-0)**
35

36 **Councilmember Zegerman** said that he will give a pre-approval but cautioned that
37 pre-approval doesn't automatically imply final approval because it ultimately comes down to
38 the final plans, cost and UDO requirement are met.

39 **Councilmember Gantt** asked if Councilmember Zegerman was suggesting a change
40 in the map of the eligible parcels.

41 **Mayor Pro-Tempore Gray** said it was important to remember that if things are getting
42 out of hand the Council has the authority to address issues at that time.

1 **Councilmember Killingsworth** said that she respectfully requests something other
2 than astroturf and can be discussed later during the process.

3 **Mayor Gilbert** said that if there is anything that is needed to move this forward, they
4 will help if possible.

5 **Councilmember Gantt** said that if there was a report from the Planning staff that
6 summarizes the projects after projects are final with stats of visitors or property value
7 increases it may be helpful for future Council to make these decisions.

8
9 A **motion** was made by **Mayor Pro-Tempore Gray** and seconded by **Councilmember**
10 **Gantt** to approve the Façade Grant Program - Pre-Authorization Step for Scratch Submittal.

11
12 **VOTE: UNANIMOUS (5-0)**

13
14 **NOTE:** NB3-NB6 was recommended to be deferred until the September 23rd meeting.

15
16 ~~**NB3—Appointments—Culture and Arts Advisory Board (CAAB)—**~~

17 ~~*Allen Coleman, Town Clerk*~~

18 ~~**NB4—Appointments—Environmental Advisory Board (EAB)—**~~

19 ~~*Allen Coleman, Town Clerk*~~

20 ~~**NB5—Appointments—Multimodal Transportation Advisory Board (MTAB)—**~~

21 ~~*Allen Coleman, Town Clerk*~~

22 ~~**NB6—Appointments—Planning Board (PB)—**~~

23 ~~*Allen Coleman, Town Clerk*~~

24
25 **NB7 Appointments - Planning Board (PB) - Chair and Vice-Chair**

26
27 **Clerk Coleman**, said there was a change in leadership with Tina Sherman resigning
28 from the Planning Board on August 11th and the motion is to appoint Tim Royal as the Chair
29 of the Planning Board and to confirm Keith Braswell as Vice-Chair for the remainder of 2025.

[SLIDE 1]

Appointments – Planning Board Leadership

- Tina Sherman resigned effective August 11, 2025
- Motion needed to confirm a Chair for remainder of Calendar Year 2025
 - Mayor Appoints: Tim Royal as Chair for the Planning Board.
- Motion needed to confirm a Vice-Chair for remainder of Calendar Year 2025
 - Mayor Appoints: Keith Braswell as Vice-Chair for the Planning Board.

Mayor Pro-Tempore Gray thanked Ms. Sherman for her services to the Planning Board.

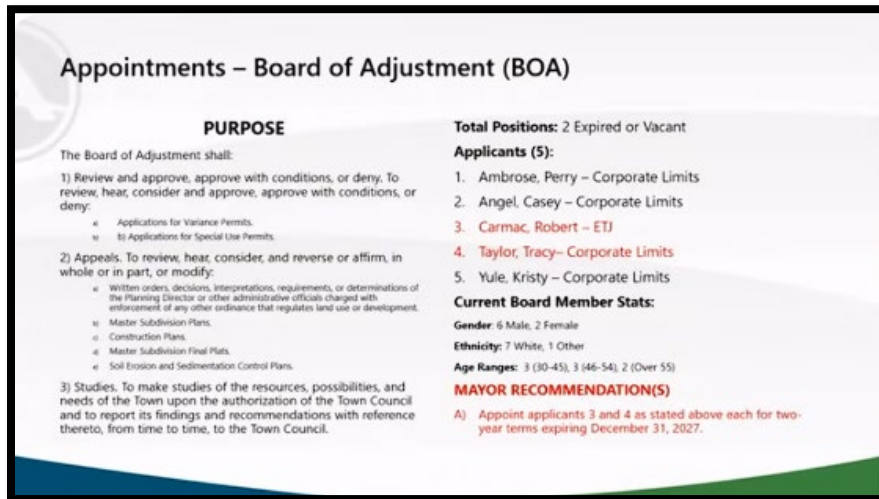
A **motion** was made by **Councilmember Zegerman** and seconded by **Councilmember Gantt** to appoint Tim Royal as Planning Board Chair and to confirm Keith Braswell as Vice-Chair for the remainder of 2025.

VOTE: UNANIMOUS (5-0).

NB8 Appointments – Board of Adjustment (BOA)

Clerk Coleman said that there are two positions on the Board of Adjustments that have expired. There was an additional recruitment period and with that that there were 5 applicants. He said the Mayor was recommending appointment of applicant three and four, Robert Carmarmac for the ETJ and Tracy Taylor for the Corporate Limits for the two terms both that will expire December 31, 2027.

[SLIDE 1]



Mayor Gilbert said that Dr. Taylor has served on the Board of Adjustment and has done very well with no issues reported and also the same as Robert Carmac. He said that he is nominating Tracy Taylor and Robert Carmac to the Board of Adjustment consistent with the established process and procedures, as one slate and as the complete recommendation. He said that if the slate was not approved, he will have no other names to recommend at this meeting.

Councilmember Gantt made a motion to separate these two nominations.

Councilmember Killingsworth seconded the motion.

Mayor Gilbert said to wait and that he had to rule on that motion. He said the names were being presented as one slate and that there's was no standing motion on the slate. He said that Robert's rules do not allow Councilmembers to separate the motion at this time. He said that the nomination is for the slate of Tracy Taylor and Robert Carmac and if that was not the motion, he would withdraw his nomination as he had no other names to present tonight.

Councilmember Mahaffey called for a point of order and said that there is a provision in the Town's Charter Section 2-35, Division of Question, and proceeded to read the Charter reference: "If a question under discussion contains several distinct propositions, the same shall be divided at the request of any member and a vote taken separately; but a motion to strike and insert shall be indivisible." He said that in fact the Town's Charter had a specific rule related to this type of division.

Mayor Gilbert said that at this time he was not going to allow that and asked for Robert's Rules manual.

Attorney Hohe said that because the town has an independent rule, Robert's rules would not overrule the existing rule.

Mayor Gilbert said that he did not have a recommendation at this time and withdrew his recommendation. He said that he had no names to present at this time.

Mayor Pro-Tempore Gray said that there was a motion and a second on the floor.

Mayor Gilbert said that he had not ruled on the motion.

1 **Mayor Pro-Tempore Gray** said that he understood but that there had been a motion
2 and a second. He asked if the motion still needed to be voted on procedurally since it had
3 received a second.

4 **Mayor Gilbert** said that he had two names for recommendation and that he was
5 presenting them as one slate. He said that he previously stated if a motion was not to
6 approve that slate then he would withdraw those names and his recommendation. He said
7 since there was not a motion to approve he would withdraw those two names and have no
8 recommendations for tonight and that he was done.

9 **Mayor Pro-Tempore Gray** said that he understood that the names were withdrawn
10 but there is a motion and a second made and it needs to be voted on.

11 **Mayor Gilbert** said that there were no names to strike because had withdrawn his
12 recommendation.

13 **Councilmember Killingsworth** called for a point of order and requested that the
14 Town Council decide whether this motion is in order.

15 **Mayor Gilbert** asked what Council had against Dr. Tracy Taylor for being on the Board
16 of Adjustment.

17 **Councilmember Gantt** said that he did not want to speak about this matter publicly
18 because it was about a resident and that he had mentioned this to the Mayor previously. He
19 said that there was a Board of Adjustment (BOA) case on Holt Road. He said that after
20 reading the transcript it was evident that residents were inappropriately hostile and
21 questioned the integrity of the town staff. He said that he did not like that because the town
22 staff work hard and that many town staff get their integrity questioned all the time by
23 residents and it's inappropriate. He said in the transcript that Dr. Taylor supported them as far
24 as he could tell and there was a public forum speech that she gave reiterating her support of
25 those residents. He continued by saying that any Board Member who supports residents that
26 are inappropriate to our town staff, for him it was a hard no. He said that he made a
27 recommendation to the Mayor to not nominate her in the next round of appointments. He
28 said it was highly inappropriate for Dr. Taylor to support residents who had mistreated staff.

29 **Mayor Gilbert** said that he remembered Councilmember Gantt sharing this with him
30 and that he had asked for specifics and haven't received any about Dr. Taylor's conduct or
31 behavior while serving on the Board of Adjustment. He said that Dr. Taylor continued to serve
32 on the Board of Adjustment, and that it had been seven or eight months since her term
33 technically expired. He asked if she was not fit to serve, why she would still be able to
34 participate on the BOA.

35 **Councilmember Gantt** said that Dr. Taylor had overstayed her term because that was
36 allowable until her replacement was named.

37 **Councilmember Zegerman** said that Dr. Taylor had overstayed her term and that the
38 new bylaws and policy was to not allow this moving forward.

39 **Mayor Gilbert** said that he doesn't have any recommendations at this point.

40 **Councilmember Zegerman** responded to the question as to why Dr. Taylor is still
41 serving on the Board of Adjustment and said that it is because the current bylaws do not
42 automatically remove a board member when the term expires. He said this has been changed

1 by the new rules put in place and starting at the time of the swearing in of Council in
2 December.

3 **Mayor Gilbert** said he appreciated that information and that he already was aware of
4 those rules.

5 **Councilmember Zegerman** said that he would appreciate the Mayor not asking
6 rhetorical questions if he already knew the answer to them.

7 **Mayor Gilbert** said that he could do this going forward and restated his position that
8 he did not have any names for recommendation at this time.

9 **Councilmember Killingsworth** said that there were still several motions on the table
10 that had not been acknowledged, and that this action directly violated Robert's rules of order.

11 **Mayor Gilbert** asked where the policy was related to this matter.

12 **Councilmember Killingsworth** said that each elected board member had agreed to
13 follow Robert's rules and have been doing so since they were elected to office and chose to
14 serve on this Council. She said that for some reason, this is a rule that the Mayor was
15 choosing not to follow.

16 **Mayor Gilbert** said that he did not have any names to recommend tonight.

17
18 A **motion** was made by **Councilmember Gantt** and seconded **Councilmember**
19 **Killingsworth** that Robert's rules be suspended for this case and referenced 50-C.

20
21 **VOTE: UNANIMOUS (5-0).**

22
23 **Mayor Pro-Tempore Gray** announced the motion carried unanimously.

24
25 **Councilmember Killingsworth** made a motion to appoint Robert Carmac to the ETJ
26 position on the Board of Adjustment.

27
28 **Mayor Gilbert** called a recess at **8:53 p.m.** to speak with an attorney and to go over a
29 memorandum of law. He said the meeting was in recess until **9:30 p.m.**

30 **Councilmember Mahaffey** said that a recess could not be declared. He said the chair
31 could ask for unanimous consent to declare a recess but that the Chair solely could not
32 declare a recess.

33 **Mayor Gilbert** continued to announce the meeting was in recess.

34 **Councilmember Mahaffey** called for a ruling from the parliamentarian.

35 **Mayor Gilbert** said there is no parliamentarian and that the meeting was in recess.

36 **Councilmember Zegerman** said that the meeting was not in recess.

37 **Attorney Hohe** asked if the Council will like direction on how to proceed.
38 Council verbal consensus was yes.

39 **Councilmember Gantt** said he recommended the continuance with Councilmember
40 Killingsworth's motion.

1 **Mayor Gilbert** said he was requesting a memorandum of law to come back and pick
2 this item up on a later date. He said there are unprecedented things going on and he
3 declared recess.

4 **Councilmember Killingsworth** said there is a motion.

5 **Mayor Gilbert** declared recess.

6 **Councilmember Killingsworth** said she is going to repeat her motion, which is to re-
7 appoint Robert Carmac of the ETJ to the Board of Adjustment and to move up Alternate 1 to
8 the open position on the Board of Adjustment.

9 **Mayor Gilbert** said he's not accepting the motion and said the meeting was in recess.

10 **Councilmember Gantt** said he would second that motion.

11 **Mayor Gilbert** said as the Mayor of the Town Council and the Chair of the Board, he
12 has declared recess.

13 **Councilmember Killingsworth** said that their was a motion and second on the floor.

14 **Mayor Pro-Tempore Gray** said he would like to having a ruling with regard to which
15 direction the Council should take when there has been a suspension of Roberts Rules.

16 **Mayor Gilbert** said the Town has never suspended Roberts Rules and this would set a
17 dangerous precedent and this has not been done on any other board appointments. He said
18 he did not understand why this was being pushed at this point in time.

19 **Councilmember Zegerman** asked who was chair of the meeting right now.

20 **Attorney Hohe** said that an individual Council member or Mayor cannot declare
21 recess on their own, it requires a motion and a second and a vote. She said that however, the
22 Mayor has been adjourning meeting or declaring a recess without objection of the body and
23 it seems here there is an objection of the body to recess. She said that without a motion and a
24 second to go into recess, it cannot be unilaterally declared by any one member.

25 **Attorney Hohe** said that right now there has been a suspension of the rules with
26 respect to the matter of the Board of Adjustment appointments, there is a motion to, if heard
27 correctly, to nominate or appoint Robert Carmac and to move the first alternate up to the
28 other position.

29 **Councilmember Gantt** said that was correct.

30 **Attorney Hohe** said that she would need to defer to the Clerk on whether there had
31 been a second on the standing motion or not.

32 **Clerk Coleman** said that there was a second and that Councilmember Gantt
33 seconded Councilmember Killingsworth's motion.

34 **Mayor Pro-Tempore Gray** asked if there is a motion and a second motion, who calls
35 for the vote.

36 **Attorney Hohe** said if the mayor is unwilling to call for the vote, then any of the
37 remaining members could technically call for the vote. She said that normally this type of role
38 would be the Mayor Pro-Tempore's responsibility but that technically any member of the
39 body could call for the vote.

40 **Mayor Gilbert** asked Attorney Hohe for that in writing.

41 **Councilmember Killingsworth** called for the vote.
42

1 All members voted in the affirmative to accept the motion.

2
3 **Councilmember Killingsworth** announced the previous motion to appoint Robert
4 Carmac and to move up Alternate 1 (Michael Sayers) to the Regular seat, had passed
5 unanimously.

6
7 CLERK NOTE: The motion is restated below for convenience in reference.

8
9 A **motion** was made by **Councilmember Killingsworth**, seconded by
10 **Councilmember Gantt** to re-appoint Robert Carmac of the ETJ to the Board of Adjustment
11 (BOA) and to move up Alternate 1 to the open position on the Board of Adjustment (BOA).

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

14
15
16 **NB9 Appointments - Board of Adjustment (BOA) - Chair and Vice-Chair**

17
18 **Councilmember Killingsworth** made a recommendation to send this back to the
19 Board of Adjustment for them to self-select a chair and vice chair with the new members.

20 **Councilmember Gantt** asked if Robert Carmac could chair the meeting or is he the
21 current chair.

22 **Councilmember Killingsworth** said Mr. Carmac was the current chair and she
23 withdrew her recommendation. She then made a motion to appoint Robert Carmac as Chair
24 and to send back the decision for Vice Chair to the Board for their recommendations.

25
26 A **motion** was made by **Councilmember Killingsworth**, and seconded by
27 **Councilmember Gantt** to appoint Robert Carmac as Chair and to send back the decision for
28 Vice-Chair to the Board of Adjustment for their recommendation.

29
30 **VOTE: UNANIMOUS (5-0).**

31
32
33 **[CLOSED SESSION]**

34
35 A **motion** was made by **Councilmember Gantt**, seconded by **Councilmember**
36 **Zegerman** to move to closed session at **8:58 p.m.**

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

39
40 Council entered into closed session at **8:58 p.m.**

41
42 **Mayor Gilbert** exited the meeting at **8:58 p.m.**

CS1 Laurie Hohe, Town Attorney

NCGS §143-318.11(a)(3):

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

Mayor Pro-Tempore Gray called the meeting back in open session at **9:15 p.m.**

A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember Killingsworth** proceeding with eminent domain proceedings related to street and sidewalk project along North Salem Street for the improvement of the Downtown Streetscape.

VOTE: UNANIMOUS (5-0)

[ADJOURNMENT]

Mayor Pro-Tempore Gray adjourned the meeting at **9:15 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 _____.