



1 **[CONSENT AGENDA]**

2 **Mayor Gilbert** noted that there was a request for Consent Item 8 to be moved to New  
3 Business 2 by Councilmember Zegerman.

4  
5 A **motion** was made by **Councilmember Zegerman** seconded by **Councilmember**  
6 **Killingsworth**, to approve the Consent Agenda, with the change of moving Consent Item 8  
7 to New Business 2.

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

10  
11 **CN1 Agreement - Facility Encroachment Agreement - Town of Apex and CSX**  
12 **Transportation - Chatham Street Water Line Construction and Maintenance (REF: CONT-**  
13 **2024-358)**

14 Council voted to a Facility Encroachment Agreement No. CSX884583 between the Town of  
15 Apex and CSX Transportation, Inc. related to town water line construction and maintenance at  
16 North Chatham Street in Apex, North Carolina, and authorize the Town Manager, or their  
17 designee, to execute on behalf of the Town

18 **CN2 Agreement - North Carolina Eastern Municipal Power Agency (NCEMPA) dba**  
19 **ElectriCities and the Town of Apex - Load Management Services - Continuous (CONT-**  
20 **2024-359)**

21 Council voted to approve an amendment to the Load Management Agreement, previously  
22 adopted by the Town Council on October 08, 2024, between the Town of Apex and North  
23 Carolina Eastern Municipal Power Agency (NCEMPA) ElectriCities and authorize the Town  
24 Manager, or their designee, to execute on behalf of the Town.

25 **CN3 Agreement Amendment - Interlocal Agreement between Town of Apex, Town of**  
26 **Cary, and Town of Morrisville - Emergency Dispatch and Communication Services (REF:**  
27 **CONT-2024-360)**

28 Council voted to approve a "revised" Interlocal Agreement between the Town of Apex, Town  
29 of Cary, and Town of Morrisville (CAM Agencies) for Emergency Dispatch and  
30 Communications Services for the Town of Apex, effective three (3) years from the date listed  
31 in the first paragraph and automatically renew for up to nine (9) successive (3) year renewal  
32 terms, a total of 27 years.

33 **CN4 Budget Ordinance Amendment No. 5 - Grant Funds, Reimbursement Payments,**  
34 **Affordable Housing Land Acquisition, and Debt Proceeds (REF: ORD-2024-087)**

35 Council voted to adopt Budget Ordinance Amendment No. 5 allocating various grant funds,  
36 reimbursement payments, and debt proceeds for affordable housing land purchase.

37

1 **CN5 Council Meeting Minutes - Various**

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

3 October 25, 2024 - Town Council Strategic Planning Session

4 November 12, 2024 - Town Council Meeting Minutes

5 **CN6 Ordinance Amendment - Chapter 20 - Traffic, Article V. Traffic Control Devices,**  
6 **Sub-Section 20-60.1 - Traffic Schedules - Amending Traffic Schedule III, Parking Time**  
7 **Limits (REF: ORD-2024-088)**

8 Council voted to approve an Ordinance amending Chapter 20 - Traffic, Article V. Traffic  
9 Control Devices, Sub-Section 20-60.1 Traffic Schedule III, Parking Time Limits, of the Town of  
10 Apex Code of Ordinances, effective January 2, 2025.

11 **CN7 Policy Prohibiting Viewing of Pornography on Town Networks and Devices (REF:**  
12 **PLCY-2024-014)**

13 Council voted to approve a policy titled "Policy Prohibiting Viewing of Pornography on Town  
14 Networks and Devices" effective January 1, 2025 to comply with North Carolina State Law.

15 ~~**CN8 Property Acquisition - 0 South Hughes Street and 930 South Hughes Street -**~~  
16 ~~**Apex, North Carolina**~~

17 This item was moved to New Business 2, per Council vote.

18 **CN9 Resolution - Reimbursement of Real Property Acquisition (REF: RES-2024-058)**

19 Council voted to approve a resolution authorizing a later issuance of public funding to pay for  
20 real property acquisition projects.

21 **CN10 Rezoning Case No. 23CZ20 Sweetwater PUD Amendment - Statement and**  
22 **Ordinance -Correction (previously adopted February 13, 2024; CN15) (REF: ORD-2024-**  
23 **089)**

24 Council voted to approve the revised Statement of the Town Council and Ordinance for  
25 Rezoning Case #23CZ20 Sweetwater PUD Amendment, David Schmidt, ExperienceOne  
26 Homes, LLC, petitioner, for the properties located at 1451 Richardson Rd; 1051 & 1075  
27 Newland Ave; 2800, 2810 Teachey Pl, & 2820 Teachey Pl; 0 Core Banks St and 0 Little Gem  
28 Lane (PINs 0722550034, 0722544876, 0722544404, 0722457646, 0722454406, 0722443942,  
29 0722441499, and 0722441386).

30 **CN11 Sole Source Vendor Authorization - Safegrid - Smart Fault Indicators**

31 Council voted to approve Safegrid as a Sole Source Vendor for smart fault indicators which  
32 utilize proprietary sensors and machine learning algorithms to help locate and predict faults  
33 on the Town's electrical distribution grid.

34

1 **CN12 Tax Report - October 2024 (REF: OTHER-2024-119)**

2 Council voted to approve the Apex Tax Report dated November 14, 2024.

3 **[PRESENTATIONS]**

4 **PR1 Meritorious Service Recognition - Employees Deployed to Western North**  
5 **Carolina**

6 **Mayor Gilbert** introduced key staff that participated in Hurricane Helene that relief  
7 efforts in Western North Carolina. He spoke on the horrific devastation of Hurricane Helen on  
8 September 27<sup>th</sup>. He said that at the Mayor’s Metropolitan meeting he had recently attended,  
9 it was honor for him to see the Town of Apex recognized as a municipality that had sent staff  
10 and resources to assist in recovery. He said that there were 13 Fire employees, 12 Police  
11 employees, 7 Electric Utilities employees, 3 Inspections and Permitting employees, 3  
12 Communications and Information Technology employees and 1 Public Works employee were  
13 deployed to assist. He said this was not just about the Town employees but also about the  
14 families. He said this is among the highest service recognition possible to risk their life,  
15 sacrifice time with their families and so much more to assist neighbors. He then called each  
16 person and their family up to receive the award and take pictures.

17 **PR2 MIP - Apex Mayor’s Internship Program (MIP) Update**

18 **Mayor Gilbert** introduced Braxton Williams and Zachary Young to present updates regarding  
19 the Apex Mayor’s Internship Program.

20

21 **Mr. Williams and Mr. Young** gave the following presentation:

22

23 **[SLIDE 1]**

**Champion Apex**  
Fostering a welcoming community

- Finalizing a downtown Apex tour
- Logistics:
  - How to market the tour/create awareness
  - Accessibility

24

25

26

27

1 [SLIDE 2]

## Environmental Sustainability

Aids in Apex's town goal of Environmental Leadership

<b>Past Event Example:</b> <ul style="list-style-type: none"><li>Local youth climate conference</li></ul>	<b>Current Project:</b> <ul style="list-style-type: none"><li>Pollinator Garden @ Apex UMC</li></ul>
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2  
3 [SLIDE 3]

## Community Engagement

Promotes the goal of a High Performing Government

- Research Projects**
  - What's troubling the community?
    - Door to door, in-person surveying, and online forms
  - New ideas: community event stand
- Presenting Potential Solutions**
  - Residential Fire Sprinklers



4  
5 [SLIDE 4]

## Communications

The "face" of Apex MIP  
Building the program's online presence

**Addresses:**

- How are we connecting with the community?
- How can we promote our successes/contributions?

**Accomplishments:**

- Created and runs MIP social media (Instagram)
- Highlights MIP accomplishments and town events/information



6

1 [SLIDE 5]

7 Town of Apex

## Special Assignments and Policy

Positive interactions and policy brainstorming

**“Quick Response Team”**

- If the mayor needs ambassadors on short notice, special assignments is there

**Currently Working On:**

- Creating a policy to deliver cards of condolence to families of long-term residents
- Potential MIP Brochure and Newsletter
- Creating a policy focused around those who request a card for birthdays in Apex

2  
3 [SLIDE 6]

## What is our purpose?



**“Voice” of Apex’s youth**

- As teenagers, we want to ensure that all of our voices are heard


**Creating positive change with a new perspective.**

- Though we are just starting to pick up the program, we’ve already made positive change
- Applications are currently open to the public!

4  
5 [SLIDE 7]

9 Town of Apex

# THANK YOU!



6

1           **Councilmember Zegerman** asked what they would tell someone who was interested  
2 in the program as graduates of it.

3           **Mr. Young** said that the program offers creativity and an opportunity to think outside  
4 the box on issues. He said it was about taking on ideas and building upon them, and provides  
5 good civics experience. He said that there was a lot of freedom in doing what you are  
6 interested in.

7           **Councilmember Gantt** asked what the age range was and how someone would  
8 apply.

9           **Mr. Williams** said that currently the applications are online and open to freshmen,  
10 sophomores and juniors in Apex-based High Schools. He said that the application is posted  
11 on their website and social media. He said that there is a selection process, phone interview,  
12 and in-person interview, followed by an orientation for candidates that are selected to join the  
13 program.

14           **Mayor Gilbert** said that he was proud of them and to keep up the good work.

15  
16 **[REGULAR MEETING AGENDA]**

17  
18           A **motion** was made by **Councilmember Gantt**, seconded by **Councilmember**  
19 **Zegerman**, to approve the Regular Meeting Agenda, with the addition of New Business Item  
20 2.

21  
22           **VOTE: UNANIMOUS (5-0)**

23  
24 **[PUBLIC FORUM]**

25  
26           **Mayor Gilbert** opened up the Public Forum and invited the first speaker up.

27  
28           First speaker was **Elizabeth Stitt** of 3113 Friendship Road:

29  
30           "Mayor, Town Council, good evening and happy holidays. So, coming in front of you in  
31 January will be the update to the land use map for our particular area, and through some of  
32 the workshops that we did with the Planning Department, one of the things that was raised to  
33 us is that some of our cultural and historical elements that we value about our community are  
34 not necessarily known to the greater Apex, so we've been working towards that. So, I'm just  
35 going to bring you an update on that. On Saturday, we did have our 44th annual Christmas  
36 parade, and the history on that parade is that the neighbors literally would block US-1 and the  
37 various roads, and they would go out there and hold the parade. So obviously as the town  
38 has grown, we have involved Apex fire. They've provided at least two fire trucks for the last 15  
39 to 20 years, one starts in the beginning, one comes at the end, and that way all of our parade  
40 participants are protected but we also had Apex police come out and help us. Wake County  
41 Sheriff has jurisdiction, so they provide what they can, but as you know, they're understaffed,  
42 so we greatly appreciate the resources from Apex. So maybe next year, at the 45th annual

1 parade, you will join us. We just got our first Century Farm designation. The Department of  
2 Agriculture honors any farm that's been in a family for at least 100 years, and the property  
3 next to my property has been owned by the Evans family since 1870, so I worked with them  
4 on the history and helped with the Century Farm application. It is a very unique piece of  
5 property. We have the history, the deeds, they actually deeded off one acre of the 54 acres to  
6 Wake County Public Schools for the first Black school in 1883, so well before the Rosenwald  
7 School, so there's some really interesting history. The plaque will come to me after the  
8 holidays. The Evans family wanted to share it with their family members first, but once we  
9 have it, we will post it for the local community, and we'll provide all the details to Jenna and  
10 her team to be able to add that in. We also have two more Century Farms that we're working  
11 on, so we'll be bringing that to you as well and we are now registering three Civil War  
12 graveyards. There's a lot out in our area that the community doesn't know, so we look forward  
13 to continuing to bring you those updates. Thank you."

14  
15 **Mayor Gilbert** called the next speaker.

16  
17 Next speaker was **Dawn Cozzolino** of 3632 Bosco Road:

18  
19 "Good evening, Town Council, Mayor Gilbert. I know this is the last meeting of the  
20 year, and it's a time of reflection, right? You know, for the holidays, we tend to rush everything  
21 and get into the mode of things, but we really should reflect and think about what we are  
22 grateful for and I'm grateful, actually, I attended the Friendship Community Christmas parade,  
23 and it was wonderful. It was a small-town feel, and people were just having a great time. I just  
24 want to say that's what's really unique about the Friendship Community, and I will say New Hill  
25 was involved as well. So, our New Hill folks were involved in the parade as well. I just wanted  
26 to mention that a lot of what I've done over the last year is put a focus, like a flashlight, on  
27 some of the topics that I've brought to you in terms of infrastructure projects, road projects, a  
28 lot of road projects, and traffic safety. But for next year, I'm going to be looking a little bit  
29 more closely at things. And the reason is because I want to understand better how things  
30 change. For example, I drive by New Holleman Road, and I drive over, and I see the utility line.  
31 It's a huge expanse, there's no trees, and that's where it was planned to put the Big Branch,  
32 the main, the force main, and all that back in the day and back in the history, but for some  
33 reason, it was moved, and it was moved to private property. I really want to understand that  
34 better—what has changed, who has changed, why is it there, what has been involved with this?  
35 I think, as any responsible government, you need to be able to address questions and also  
36 work with the community on answers. I think moving that Western Big Branch to the  
37 Southside, as we call it, that's a win-win for everybody. It really is and earlier, the ambassadors  
38 talked about environmental sustainability. Well, yeah, trees. I mean, that's everything around  
39 here. So, I just want to mention that and that I wished that the community, too, be engaged  
40 with us. It gets very contagious, and I just think that next year we can have real solutions for  
41 real problems with the money that is from the taxpayers, the real money that is spent. I think



1 that's very important for all aspects of people's lives. So, thank you very much, and have a  
2 very nice holiday.”

3  
4 **Mayor Gilbert** called the next speaker.

5  
6 Next speaker was **Mary Miskimon** of 3177 Retama Run:

7  
8 “Good evening, Mayor Gilbert and Council Members, and thank you for the  
9 opportunity to address you this evening regarding the ongoing utility billing issue that  
10 resulted from the cyber-attack in early July. A little background first: five months ago, the  
11 Town of Apex experienced a cyber-attack that impacted utility billing for thousands of  
12 residents who received power from the town. Many received incorrect bills, including double  
13 bills or bills that had not credited previous payments, as was the situation in my case. At least  
14 one resident had her bank account wiped out when the town auto-drafted her payment  
15 following the cyber-attack. Customers were also having difficulty reaching staff via phone for  
16 assistance, phone lines were apparently overwhelmed. In my nearly three decades as an Apex  
17 resident, I have never seen such a debacle, so I wrote to the Town Manager in September  
18 asking for more information on how the attack happened, why the town moved ahead with  
19 auto-drafting accounts, and what the town’s protocols and training are for staff. Mr. Vosberg  
20 replied that, quote, "The vast majority of our bills have been correct, just not understood by  
21 customers as to why they are higher than customers expected," end quote. After another  
22 month went by and Apex residents were still reporting incorrect and confusing bills, I wrote to  
23 the NC Public Utilities Commission and was told to contact my State Representative, which is  
24 the required State Protocol when a Town manages its own utility system. I emailed State  
25 Representative Julie Von Haen for assistance, and she replied that, quote, "As a state  
26 legislator, I do not have any direct information or involvement about the issue you contacted  
27 me about." The Apex Town Manager then reached back out to me with a little bit more  
28 information about the cyber-attack and the difficulty the Town was having in reestablishing  
29 billing for customers. Since the cyber-attack happened, I have spoken with hundreds of  
30 people who continue to have issues with their bills, so I launched a petition in November,  
31 which I would like to read now:

32 On July 2nd in 2024, the Town of Apex experienced a cyber-attack that impacted the electric  
33 utility bills of all 25,000 households that receive its power from the Town. Despite numerous  
34 complaints on social media and emails to Apex Town Council regarding inaccurate bills, as of  
35 November 10th, 2024, Apex has yet to fully recover from the attack, has yet to provide a  
36 timeline to recover, or even publish a strategy to recover. Apparently, resolving the issue is  
37 such a low priority that the issue has not been listed as a business item on any Town Council  
38 meeting agenda to date. Cyber-attacks are an unfortunate reality, but Apex’s failure to recover  
39 within four months raises significant questions that must be urgently answered about the  
40 competence and credibility of the Town Council, Town staff, and their contractors to prevent  
41 and recover from cyber-attacks. As such, the undersigned residents of Apex demand that  
42 Apex Town Council take the following actions:

- 1
- 2 1. Immediately hold a public hearing to provide transparency on the full extent of the
- 3 cyber-attack. All affected systems should be disclosed, and recovery plans for each
- 4 system, the progress made, and anticipated milestones for full recovery should be
- 5 provided.
- 6 2. Town Council meetings until the town is fully recovered: In each Town Council
- 7 meeting, as a separate agenda item, ensure that town staff provide a specific update
- 8 on the recovery plan and the progress made.
- 9 3. Update the town's website on a weekly basis.
- 10 4. Community Cyber Attack Advisory Board to restore public trust: Create a community
- 11 board to advise Town Council and Town staff to participate in the selection of third-
- 12 party audit companies and to remain in place through the completion of all audits and
- 13 full recovery.
- 14 5. Provide additional staff to dramatically reduce wait times and answer phones. Add the
- 15 ability for residents to schedule time to review bills.
- 16 6. Submit to all state investigations regarding the handling of the recovery.
- 17

18 Respectfully requested, Apex, NC residents.

19

20 Now, we understand that the town has hired a third-party auditor to review bills. Thank you.

21 We also see that the town has updated the utility billing page to better explain the billing

22 process. Again, thank you. But it's been five months, and residents are entitled to more

23 information and transparency on the scope of the cyber-attack, all billing issues, how excess

24 charges will be addressed, and what protocols the Town will enact to better manage potential

25 future attacks, including better coordination with the State when something like this happens.

26 I'd like to read some of the online comments from Apex residents. They include this from

27 Jeremy: "I want to see total transparency regarding the utility bills and the cyber-attack that

28 occurred." From a different Mary in Apex: "I paid my July water bill by phone on July 1st, the

29 day before the cyber-attack, and had a confirmation number. The next month, I had a \$222

30 bill, which I paid as well. It was the same amount as the June bill, and I was unaware of the

31 cyber-attack, but thought it was strange. Then the next month's bill was over \$400. I was

32 shocked, and I called the office to get an explanation, as was told that because of the attack,

33 they had to estimate my bill for the previous month, and I owed 60 days' worth, which made

34 no sense since I had paid the previous month's bills. Also, my supposed water usage went

35 from 2 to 4,000 gallons a month to 15,000. I live alone. I too was told it had to be a leak but

36 had a plumber and had my water meter changed, and it was not. By September, I finally went

37 into the office after at least 20 phone messages. The representative still did not explain why

38 my water usage was so high and basically said unless I can prove I had a plumbing issue, he

39 would not reimburse my money and could not explain a 60-day bill when I paid both of the

40 previous bills, and that bill was \$600. I'm a single person living on a limited budget, very

41 careful about my water usage, but always pay my bills. I'm not sure what to do moving

42 forward." Crystal writes: "Apex billing has become increasingly outrageous because of the

1 cybersecurity attack. My bill was around \$120, and now it's over a thousand. They need to fix  
2 this sooner rather than later." From Brandy: "Our bills have varied greatly due to the cyber-  
3 attack, and accountability is necessary." From Margaret: "The amount due on the paper  
4 statement does not match the numbers on the website. I was billed twice in November; the  
5 dates on the statement overlap." Kathleen writes: "Although I have a Cary address, the Town  
6 of Apex provides my water. Like so many others, my billing invoice appears very inflated and  
7 is impossible to figure out. Apex can and should do better for its customers." To date, the  
8 petition has over 1,800 signatures. The online comments on Facebook, Nextdoor, and X are  
9 now a regular occurrence. Friends of mine who work in the security industry express shock  
10 and concern that it has been a full five months, and the Town hasn't recovered. I agree; it's  
11 very concerning. There are even some asking if it's time for Duke Energy to take over. In all,  
12 Apex hasn't been transparent or efficient and has allowed these issues to go on for too long.  
13 Leadership starts at the top, and it's time that you ensure these issues are discussed during  
14 official meetings to ensure accuracy and accountability versus the continuation of platitudes  
15 that we've heard for the last five months. If we are heard and seen, then where is the  
16 transparency, and the path to resolution? We look forward to hearing your response and  
17 thank you."

18

19 **Mayor Gilbert** thanked Ms. Miskimon called the next speaker.

20

21 Next **Phil Welch** of 1471 Big Leaf Loop:

22

23 "Allen is passing out copies of my remarks. First, I congratulate Director Newman for  
24 commissioning the study done by the UNC School of Government's Development Finance  
25 Initiative. The DFI staff evaluated properties in Apex suitable for the development of  
26 affordable housing. This led to the negotiation to purchase the property at the corner of  
27 South Hughes Street and Perry Road, which is item CN8, and now moves to the New Business  
28 part of the agenda. I look forward to following the development of this property into much-  
29 needed homes for Apex's low to moderate-income families, including especially our essential  
30 workers.

31 Second, I have some comments about the Council's Work Session next Tuesday on Apex's  
32 advisory bodies. I'm sorry I won't be able to attend the work session, but I'll be viewing the  
33 recording after I return from vacation. In the interest of full transparency, I'm currently the  
34 chair of the Housing Advisory Board, but I am speaking tonight as an individual resident, not  
35 as the board chair.

- 36 1. I believe the volunteers on advisory bodies play a crucial role in bringing public input  
37 into the deliberations of our elected officials as well as offering public perspectives to  
38 our hardworking town staff.
- 39 2. I understand that the support of the advisory bodies by town staff, especially the  
40 liaisons assigned to them, requires staff time and effort. I hope we can agree that the  
41 value of the public input is well worth the staff resources required.

- 1           3. It is clear that taking some time to ensure consistency in the operational guidelines of  
2           the advisory boards is warranted.
- 3           4. By the same token, better defining the roles and responsibilities of the advisory  
4           boards, the interrelationships among them, and the communications and  
5           collaborations expected between them and support staff would be very helpful.
- 6           Finally, I appreciated the opportunity to discuss the experiences that Vice Chair Rhett Fussell  
7           and I had on the Housing Advisory Board. We met with Town Clerk Allen Coleman and  
8           Deputy Clerk Ashley Gentry, as well as Director Newman and Manager Lamont Taylor. Rhett  
9           and I offered several suggestions that I believe Clerk Coleman will be sharing with you next  
10          Tuesday, if you have any questions about those suggestions, my contact information is on the  
11          sheet that you got. I wish you all a productive Work Session next Tuesday and a blessed  
12          holiday season. Thank you."

13

14           **Mayor Gilbert** thanked Mr. Welch and called the next speaker.

15

16           Next speaker was **Alexis Kennedy** of 106 Buckhaven Court:

17

18           "As we come into Christmas, I have a very profound disappointment in the people and  
19          the churches that celebrate this special holiday, because at this moment, Bethlehem, the  
20          birthplace of Jesus, Jesus, who is the reason we celebrate Christmas, is under siege and they  
21          all remain silent, where Bethlehem, Palestine, has been subjected to apartheid and a great  
22          wall to divide us, to divide it from the rest of the world since 2002, where civilians are unable  
23          to practice the Christian faith because Israel has blocked their permits to enter into the holy  
24          site, denied their rights to pray and attend some of the oldest Christian churches in the world.  
25          Or that Christians in this country and around the world have forgotten that Jesus was a  
26          Palestinian Jew, something our Pope has also supported by wrapping baby Jesus into a  
27          Keffiyeh at the unveiling of the nativity scene at the Vatican just two days ago. Or that the  
28          oldest Christians are Palestinian Christians. I wonder what people who have remained silent  
29          will say to our God on why they paid for our holy site to be under oppression and to spill  
30          innocent blood on the holy land. It's as if they don't know their own Bible, or the meaning of  
31          what Christmas represents. And I'm going to quote the words of Father Isaac, a Palestinian  
32          Christian who spoke at his congregation on Christmas last year, which was called *Christ*  
33          *Under the Rebel*. "Christmas is not about Santa, trees, gifts, lights, etc. My goodness, how we  
34          have twisted the meaning of Christmas. How we have commercialized Christmas. Instead, he  
35          says, the Christmas message is that Jesus, who miraculously survived a massacre, was born  
36          under the occupied and marginalized. He is in solidarity with us and our pain and  
37          brokenness.

38          So, my question to my community, when it comes our time to meet our God and he asks what  
39          we did during this time when Jesus's birthplace was being oppressed, what did you do?  
40          Were you silent or did you try everything in your power to stop the oppression of the  
41          oppressed?" Thank you and Merry Christmas."

42

1           **Mayor Gilbert** said thank you and Merry Christmas to Ms. Kennedy. He called the next  
2 speaker.

3  
4           Next speaker was **Michele Dipreta** of 3007 Silky Dogwood Trail:

5  
6           “What would it have taken, I swore to myself, to never look your way again, yet here I  
7 am. Funny how your system works, right back where we started. If I hire a third party, does that  
8 third party work for me or work for you? You tell anyone anything and have been getting  
9 away with it. Are you without consequence, or do you make sure you are insured and  
10 bonded? What have you taken? You call yourselves friends, comrades, solutions with a smirk  
11 and a smile, yet you do not show us that substance with such grace. Do you care? Do you  
12 spare that square? Will we know how this story ends? What would it have taken, Matthew  
13 21:12.”

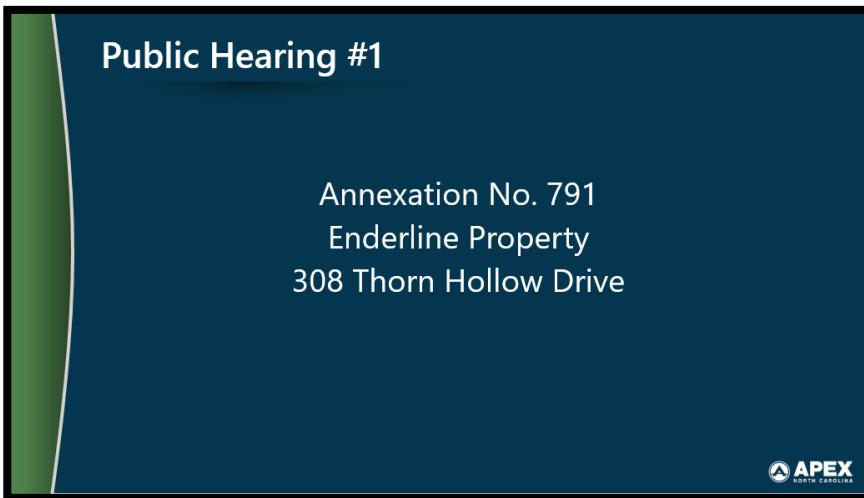
14           **Mayor Gilbert** thanked Ms. Dipreta and all that came out and spoke. With no other  
15 speakers signed up to speak, Mayor Gilbert closed the Public Forum and moved to Public  
16 Hearings.

17  
18 **[PUBLIC HEARING]**

19  
20 **PH1   Annexation No. 791 - Enderline Property - 308 Thorn Hollow Drive - 1.1018**  
21 **acres (REF: ORD-2024-090)**

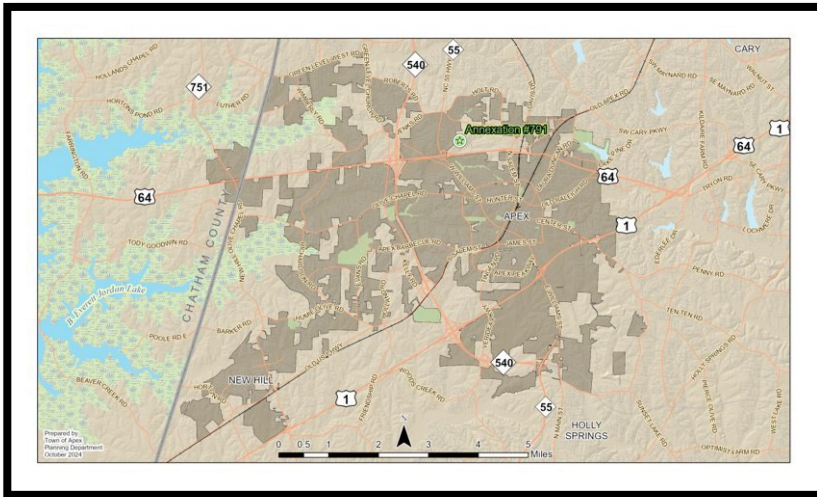
22           **Dianne Khin**, Planning Director, gave a presentation on Annexation No. 791 -  
23 Enderline Property - 308 Thorn Hollow Drive.

24  
25 **[SLIDE 1]**



26  
27  
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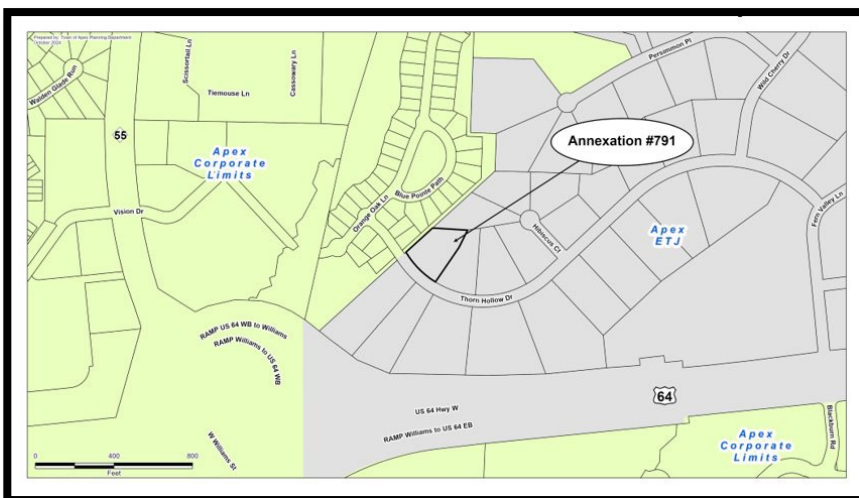
1 [SLIDE 2]



2  
3 [SLIDE 3]

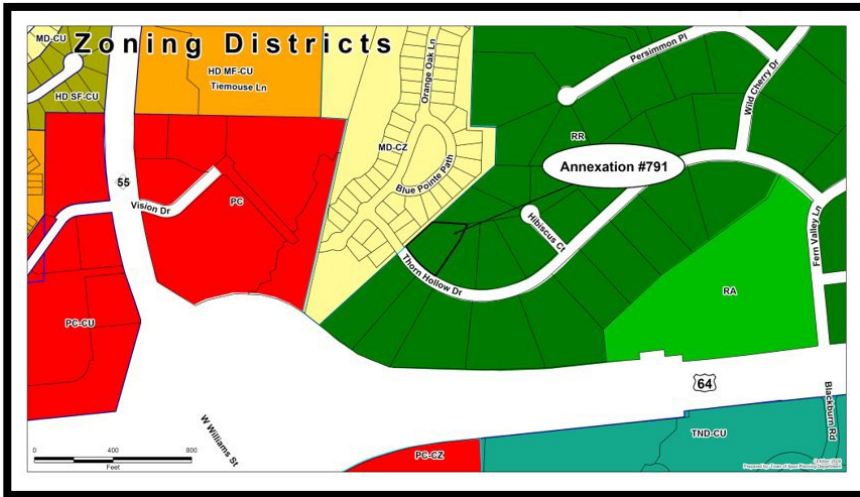


4  
5 [SLIDE 4]



6

1 **[SLIDE 5]**



2

3 **Mayor Gilbert** asked if there were any questions and opened Public Hearing for  
4 comment. With no one signed up to speak, Mayor Gilbert closed Public Hearing and brought  
5 discussion back to Council for possible motion to approve.

6 A **motion** was made by **Mayor Pro Tempore Gray**, seconded by **Councilmember**  
7 **Gantt** to approve the Annexation No. 791 - Enderline Property - 308 Thorn Hollow Drive -  
8 1.1018 acres.

9

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

11

12 **[NEW BUSINESS]**


13 **NB1 Façade Grant Program - Addition of Tier 3 Grants**

14 **Dianne Khin**, Director, Planning Department gave the following presentation on the  
15 Façade Grant Program - Addition of Tier 3 Grants.

1 **[SLIDE 1]**

New Business #1

Façade Grant Program  
Addition of Tier 3 Grants




2

3 **[SLIDE 2]**

Purpose of the Town of Apex Façade Grant Program

The purpose of the Town of Apex Façade Grant Program is to provide incentive funds in the form of a matching grant to tenants and/or property owners to increase rehabilitation activity and encourage appropriate, attractive improvements to downtown buildings and properties, thereby increasing their longevity and raising their property values.





4

5 **[SLIDE 3]**

Eligible Locations

Properties must be located within the Downtown Festival District in order to be eligible for the matching grant.




6



1 **[SLIDE 4]**

**Background on Tier 3 Grant Proposal**

- The addition of Tier 3 grants to the Town's Façade Grant Program was proposed by staff and discussed by Town Council at their September 17, 2024 work session.
- Tier 3 grants are for large-scale exterior improvement projects initiated by property owners.
- Staff updated the Façade Grant Application and program description and asked the Planning Committee for additional direction on details of the program at their November 14, 2024 meeting.




2

3 **[SLIDE 5]**

**Proposed Grant Maximums**

- The grant can provide up to 50% of the cost of the exterior improvements based on the following:
  - Up to a maximum of \$200,000 per property per fiscal year.
  - No more than \$300,000 can be issued to any one property for Tier 3 Projects within any 36-month period.




4

5 **[SLIDE 6]**

**Proposed Grant Maximums**

- The grant can provide up to 50% of the cost of the exterior improvements based on the following:
  - Up to a maximum of \$200,000 per property per fiscal year.
  - No more than \$300,000 can be issued to any one property for Tier 3 Projects within any 36-month period.



6

1 [SLIDE 7]

**Eligible Improvements**

- Tier 3 Projects may include elements shown in the Downtown Plan or proposed for Council consideration on publicly viewable portions of the property:
  - a. Streetscape elements matching Downtown Plan in public right-of-way.
  - b. Streetscape elements (pavers/bricks/bus stops) on private property.
  - c. Creation of patios or other outdoor service areas for public use and benefit on private property.
  - d. 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.
  - e. Other Downtown Plan elements like catenary lighting, wall murals, ground murals, etc.
  - f. Public parking on private property.
  - g. 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.

**APEX**  
TOWN COUNCIL

2

3 [SLIDE 8]

**Façade Easement and Easement Agreement**

- A façade easement and easement agreement is a requirement of the Tier 3 grant approval. The façade easement agreement shall be worked out between Town staff and the property owner prior to Council approval. The factors to be considered in the façade easement agreement shall include but not be limited to the following considerations:
  - a. Level of financial participation by the Town.
  - b. The type of façade/property improvements being proposed.
  - c. The term of the proposed easement; a higher funding amount should require a longer easement length.
  - d. Any other public requirements the Town would need/like to have in exchange for the Town funds.
  - e. Any expenditure of public funds must be for a public purpose.

**APEX**  
TOWN COUNCIL

4

5 **Mayor Gilbert** asked if there were any questions. He asked if they wanted to provide  
6 the maximum.

7 **Director Khin** asked if the Council would want the grant to provide up to 50% of the  
8 cost of exterior improvements and if so, what would the maximum be per fiscal year and per  
9 three-year period.

10 **Councilmember Gantt** said that this number was chosen because it seemed  
11 appropriate.

12 **Councilmember Mahaffey** said that they tried to come up with some values  
13 that were consistent with the Work Session discussion. He said he hopes it achieves  
14 the goals of the façade grant/

15 **Councilmember Gantt** said that this is a new program so there could be  
16 additional discussion.

17 **Councilmember Mahaffey** said that there was some discussion in the  
18 Planning Committee about the process approval and they put this together and

1 brought it to Council to decide what to approve. He said it was determined they would  
2 propose meeting quarterly and approving any of the applicable proposals at that time.

3 **Councilmember Gantt** said that batching would enable the Council to have more  
4 discretion depending on the project and also be cognizant of the schedules of construction.

5 **Councilmember Mahaffey** said because of the size of the program, they wanted to  
6 bring it to the full Council to discuss.

7 **Councilmember Zegerman** asked if the cap would be set through the budgeting  
8 process.

9 **Councilmember Mahaffey** said yes, and that they could direct staff to amend the  
10 budget if needed during the year.

11 **Councilmember Zegerman** supported the recommendation of the quarterly review  
12 cycle. He said since it is a new program there isn't much precedent to the overall numbers,  
13 but these seem reasonable as a starting point and can be monitored and adjusted as needed.

14 **Councilmember Gantt** said that this amount is only for exterior infrastructure and  
15 streetscapes.

16 **Councilmember Mahaffey** said that they are gaining access to the façade or other  
17 outdoor infrastructure via an easement agreement as part of the program, in order to ensure  
18 public access.

19 **Mayor Pro Tempore Gray** clarified that they have had this façade program in place,  
20 and tier 3 is the new part of the program. He said it is a way of reinvigorating this program  
21 and giving more flexibility. He said this gives a bigger reach for businesses to be able to  
22 expand. He supported the quarterly reporting and said this is a good starting point.

23  
24 A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember**  
25 **Killingsworth** to approve the Façade Grant Program - Addition of Tier 3 Grants.

26  
27 **VOTE: UNANIMOUS (5-0)**

28  
29 **NB2 Property Acquisition - 0 South Hughes Street and 930 South Hughes Street -**  
30 **Apex, North Carolina**

31 **Councilmember Zegerman** said this is a significant investment that the Town is  
32 making in affordable housing. He said it is a good use of Town funds. He said that there was  
33 support from the American Recovery Act. He said he just wanted to highlight this item.

34 **Mayor Pro Tempore Gray** thanked the staff for all of the hard work.

35 **Councilmember Gantt** said that he would be voting no on this, and that he would like  
36 to see the money go further in different ways in terms of units per dollar.

37 A **motion** was made by **Councilmember Zegerman**, seconded by **Mayor Pro**  
38 **Tempore Gray** to approve the Property Acquisition of 0 South Hughes Street and 930 South  
39 Hughes Street.

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

2 **[UPDATES BY TOWN MANAGER]**

3 **Town Manager Vosburg** began his update by expressing gratitude to specific teams  
4 within the town of Apex, highlighting the work of the Planning team on the Facade grant,  
5 Community Development and Neighborhood Connections for Housing Investments, and the  
6 Parks team for organizing a community movie event. He acknowledges the staff's hard work  
7 and dedication in completing projects, often under tight deadlines. Next, Town Manager  
8 Vosburg announced a holiday event, it is a movie screening of *Polar Express* in Pleasant Park  
9 on December 19th. The park will open at 4:45 PM, with the movie starting at 6:00 p.m. There  
10 will be food trucks, activities led by the Apex Youth Council, and crafts such as a popcorn bar  
11 and a Jingle Bell bracelet craft. Registration for the event is already being opened on the  
12 Town's website, and parking will be limited, with overflow parking available for attendees to  
13 bring chairs and watch the movie. The event is weather dependent, and if it rains, it will be  
14 canceled.

15 **Mayor Gilbert** asked if there was any other business before moving to Closed  
16 Session.

17 A **motion** by **Mayor Pro Tempore Gray**, seconded by **Councilmember Killingsworth**  
18 to enter in Closed Session.

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

20

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

22 **[CLOSED SESSION]**

23 **CS1 Mayor Jacques K. Gilbert**

24

25 **NCGS §143-318.11(a)(6):**

26 *"To consider the qualifications, competence, performance, character, fitness, conditions of*  
27 *appointment, or conditions of initial employment of an individual public officer or employee*  
28 *or prospective public officer or employee; or to hear or investigate a complaint, charge, or*  
29 *grievance by or against an individual public officer or employee."*

30 **CS2 Mayor Jacquenums K. Gilbert**

31 **NCGS §143-318.11(a)(6):**

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

1 **[ADJOURNMENT]**

2 Council returned to Open Session at **8:26 p.m.**

3 **Mayor Gilbert** adjourned the meeting at **8:27 p.m.**

4 Jacques K. Gilbert  
5 Mayor

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

8 Submitted for approval by Town Clerk Allen Coleman and approved  
9 on\_\_\_\_\_.

10

11

12