

TOWN OF APEX, NORTH CAROLINA

Council Meeting Minutes for June 5, 2012

The Regular Meeting of the Apex Town Council scheduled for Tuesday, June 5, 2012, 7:00 p.m. was held in the Council Chambers of the Apex Town Hall, Town Campus, 73 Hunter Street



Mayor Keith Weatherly presided over the meeting. In attendance were Mayor pro tempore Gene Schulze and Council Members Bill Jensen, Terry Rowe, and Scott Lassiter. Absent was Council Member Lance Olive.

COMMENCEMENT

Mayor Weatherly called the meeting to order. The invocation was given by Council Member Rowe; the Pledge of Allegiance was led by Mayor Weatherly. Mayor Weatherly welcomed all those in attendance.

PRESENTATIONS

Presentation

Mayor Weatherly

Presentation of Proclamation to Graham Wilson proclaiming the 2012 Peak City Pig Fest

The Mayor read the proclamation recognizing the 2012 Peak City Pig Fest on June 23rd and presented this to Mr. Wilson. This event, which is supported by the Apex Sunrise Rotary Club, will be made up of teams mainly from NC and will feature the Swamp Loggers from the Discovery Channel.

CONSENT AGENDA

Mayor Weatherly presented the Consent Agenda to be set prior to taking action. There were no amendments.

Action: Mayor Weatherly called for a motion. Mayor pro tempore Schulze made the motion to approve the Consent Agenda; Council Member Rowe seconded the motion. The motion carried unanimously by a 4-0 vote.

1. Minutes of the May 15, 2012 Council Meeting and the May 20, 2012 Special Budget Work Session Meeting
2. Town of Apex Tax Report
3. Encroachment Agreement for 2618 Venento Place
4. Amendment #3 to the Shearon Harris contract for fire protection
5. Reimbursement Agreement between Apex and Lufkin Leased Fee, LLC for installation of utility casings underneath Lufkin Road
6. Construction contract and authorization to the Town Manager to execute same for 2012 Apex Barbecue Road 8-inch Waterline Project
7. Set Public Hearing for the June 19, 2012 Council Meeting regarding Rezone #12CZ07 – 1503 Salem Street

REGULAR MEETING AGENDA

Mayor Weatherly presented the Regular Meeting Agenda. There were no modifications requested by Council.

PUBLIC HEARINGS

Public Hearing 01

Bruce Radford, Town Manager

Public hearing on the Fiscal Year 2012/2013 Town Budget

Mayor Weatherly stated there were unique challenges in this budget. Very thoughtful input was received on the proposed tax increase. After three lean years, there's a need to increase the tax in order to maintain the level of service expected by citizens. Initially the request was for a five-cents increase; after a budget work session and looking at citizen comments, there is the possibility of reducing this to four cents. With a five-cents increase, one cent would be dedicated to the repayment of bonds.

Mayor Weatherly declared the public hearing open at 7:10 p.m.

Seventeen citizens/business leaders spoke in support of the tax increase. Particular support was for the Halle Center, the value it brings to the community in terms of culture and the arts, and how it is an envied part of Salem Street. There was also support for recreation and park development.

Mayor Weatherly declared the public hearing closed at 8:20 p.m., stating the final budget will be adopted at the June 19th regular meeting.

Over the last three years, much has been cut from Town budgets. Raising taxes are not something the Council wants to do, but many things are needed to do the right thing for Apex citizens. Citizens realize this, as evidenced by their support this evening. The results of the Halle study gives hope we will focus on building upon what Halle has to offer.

Mayor Weatherly declared a five minute recess.

Public Hearing 02

Dianne Khin, Planning Director

Public hearing and adoption of Ordinance No. 2012-0605-09, Annexation Petition No. 476, Standard Pacific - Salem Village Drive

Mayor Weatherly declared the public hearing open at 8:30 p.m. No one from the audience wished to speak; there were no questions from Council. Mayor Weatherly declared the public hearing closed at 8:32 p.m.

Action: Mayor Weatherly called for a motion. Mayor pro tempore Schulze made the motion to adopt the Annexation Ordinance; Council Member Lassiter seconded the motion. The motion carried by a unanimous 4-0 vote.

OLD BUSINESS

Old Business 01

Hank Fordham, Town Attorney and Bruce Radford, Town Manager

Adoption of a resolution entitled "Resolution to Request the General Assembly, As It Makes Decisions Regarding Fracking, to Preserve the Time Honored Authority of Municipalities to Regulate Land Uses, Load Limits On and Use of Municipal Streets and Adverse Local Impacts With Respect to Fracking

Council previously asked for a Resolution to preserve elements of general authority. Legislature could preempt local authority, but this issue needs to be watched because of the use of our drinking water supply.

Action: Mayor Weatherly called for a motion. Council Member Jensen made the motion to adopt the Resolution; Council Member Rowe seconded the motion. The motion carried by a unanimous 4-0 vote.

Old Business 02

Hank Fordham, Town Attorney and Bruce Radford, Town Manager

Summary of recent amendments to the sidewalk rules for downtown.

RESOLUTION: 2012-0605-10

RESOLUTION TO REQUEST THE GENERAL ASSEMBLY, AS IT MAKES DECISIONS REGARDING FRACKING, TO PRESERVE THE TIME HONORED AUTHORITY OF MUNICIPALITIES TO REGULATE LAND USES, LOAD LIMITS ON AND USE OF MUNICIPAL STREETS AND ADVERSE LOCAL IMPACTS WITH RESPECT TO FRACKING

WHEREAS, hydraulic fracturing, or “fracking,” is the process of using surface equipment to inject into the subsurface a high pressure mixture of water, sand and chemicals to break up shale or other rock formations that are otherwise impermeable to the flow of oil and/or gas;

WHEREAS, North Carolina law does not currently allow fracking, horizontal drilling or injection of chemicals underground, and the current North Carolina draft report on in-state shale gas resources and of the potential impacts of reversing this ban and allowing drilling and fracking to extract these resources raises questions about potential negative impacts to North Carolinians;

WHEREAS, Apex is located within the boundaries of the Deep River shale gas basin that has been identified for natural gas exploration and drilling that would rely on fracking;

WHEREAS, the surface equipment used for fracking typically injects several million gallons of fresh water to drill and frack each shale gas well;

WHEREAS, fracking will impact the persons, land uses and landscapes in and around where it occurs;

WHEREAS, fracking involves drilling, fracking rigs, new access roads, new waste streams, heavy duty truck traffic, pipelines and other infrastructure that result in impacts to neighbors, surrounding land uses, air, water, noise and ambient light;

WHEREAS, fracking if not properly located would severely impact local land uses and people living near drilling and fracking operations;

WHEREAS, if not properly located, the impacts of drilling and fracking operations would lead to declines in the value of impacted properties and declines in property tax revenues;

WHEREAS, drilling and fracking for shale gas would bring a significant increase in heavy-duty truck traffic – nearly 4000 trips per new well – which would increase the risk of traffic accidents involving potentially toxic waste, accelerate damage to municipal streets and put extra demand on emergency services.

WHEREAS, protecting citizens from the off-site local impacts of fracking is a legislative prerogative in that citizens are not able effectively to protect themselves from these local impacts.

WHEREAS, municipalities are in the unique and essential position to address the local issues and impacts presented by fracking in an effective, efficient, relevant and tailored manner.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Apex as follows:

The Town of Apex respectfully requests the North Carolina General Assembly, as it makes decisions regarding fracking, to preserve the time honored and effective authority of North Carolina municipalities to protect the health, safety and general welfare of their citizens by preserving the following specific authorities of municipal governments:

1. The authority to use traditional land use powers to ensure compatibility between the location of hydraulic fracturing operations and other nearby land uses;
2. The authority to designate the weight limits and transportation requirements for the use of city owned or maintained streets; and
3. The authority to use the existing statutory municipal police powers to regulate local adverse impacts of hydraulic fracturing operations, *e.g.* noise.

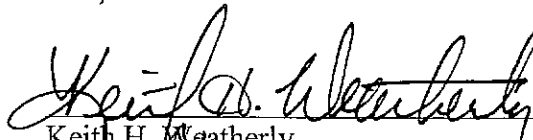
Motion made by Council Member BILL SENSEN

Motion seconded by Council Member TERRY ROWE

With 4 Council Members voting aye.

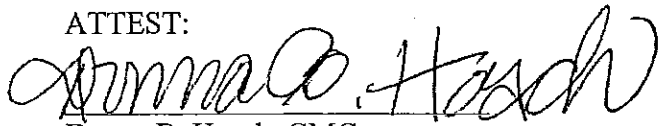
With 0 Council Members voting no.

Adopted and effective this the 5th day of June, 2012.



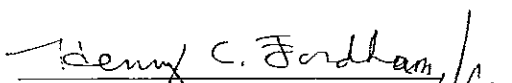
Keith H. Weatherly
Mayor

ATTEST:



Donna B. Hosch, CMC
Town Clerk

APPROVED AS TO FORM:



Henry C. Fordham, Jr., Town Attorney