

Suit filed over sewage plant

New Hill group says Wake mayors' letters weren't enough for a go-ahead on the site

TOBY COLEMAN, Staff Writer

Three Wake County mayors wrote letters approving a sewage treatment plant near here without holding hearings or publicly consulting other elected town officials, town documents say.

Those three letters, signed by the mayors of Apex, Holly Springs and Morrisville, gave the Cary Town Council the power last summer to condemn 221 acres in the unincorporated community of New Hill. The four towns plan to build the sewage treatment plant there.

Now a group of New Hill residents hopes to use the mayors' letters from June to keep the plant out of their neighborhood. In a lawsuit filed Thursday, they asked a Wake judge to declare plans for the plant "illegal and invalid" because the town boards of Apex, Holly Springs and Morrisville never publicly signed off on them.

A judge is scheduled to consider the residents' request next week.

The mayor of Holly Springs and the former mayor of Morrisville said Friday that they could not remember whether they consulted in private with other elected officials about the project before signing their letters.

Apex Mayor Keith Weatherly said he and the town's five council members talked about the project in a closed-door meeting a few days after he signed the letter. He said no one asked him to retract it, which he interpreted as approval.

However, Apex council members Bill Jensen and Gene Schulze said that they do not think the council ever approved plans to put the plant in New Hill.

Apex, Cary, Holly Springs and Morrisville are working to build a sewage treatment plant for western Wake. Under the terms of the agreement, all four towns had to agree on a plant site before Cary officials could move to purchase land.

Bryan Brice, the lawyer for the New Hill residents, said the mayors of Apex, Holly Springs and Morrisville did not have the power to sign off on the site without their town councils' explicit approval.

A Cary spokeswoman, Susan Moran, said in a written statement that the towns' agreement does not necessarily require approval from each town council.

Cary's council publicly debated putting the plant in New Hill and approved the site by a 4-3 vote.

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