



# Morrisville Town Council/Planning Board

Joint Session

April 5, 2011

## Pre-Meeting Events

*None Scheduled*

### 1. Call to order

Mayor Holcombe called the meeting to order at 6:35pm. Also present for the meeting were Mayor Pro-Tem Martin and Council Members Lyons, Johnson and Broadwell, Planning and Zoning Board Chair Vinnie Goel and Members Clew, Chander, Gardner, Prichard and Willis. Council Member Diehl was absent. Present staff included John Whitson/Town Manager, Diana Davis/Town Clerk, Tim Gauss/Senior Director of Development Services and Rodney Wadkins/Senior Planner, Ben Hitchings/Planning Director.

*Mayor Holcombe* gave each Planning and Zoning Board Member a Town of Morrisville challenge coin.

### 2. Review of Roles/Responsibilities – Ordinance Requirements

*Ben Hitchings, Planning Director* gave a [presentation](#).

*Mayor Pro-Tem Martin* asked if there was an area of reference for conflicts of interest.

*Mr. Hitchings* stated that further information could be gathered from the School of Government, but the Town did have some guide lines for Council Members and other Board and Committee Members.

*Mr. Whitson* stated that the Town Attorney had indicated that a member could recuse themselves based on their own judgment. There was some difference of opinion on that matter in certain circumstances, but the Town Attorney was the deciding factor.

*Mayor Pro-Tem Martin* stated that it should be up to the Council or Board to vote on if a member should be permitted to recuse their self and say out loud their view point on what was a conflict of interest.

*Planning Board Member Gardner* concurred with Mayor Pro-Tem Martin stating that person should have to announce their reason. They may just not want to vote.

*Council Member Johnson* stated that as elected officials they attended a lot of training and asked about training opportunities for the Planning and Zoning Board Members.

*Mr. Hitchings* stated that there was an annual conference that was a review of issue based topics of interest in the planning field. There was no annual training that was systematic. However, someone from the School of Government would be more than willing to do a customized training session. There was also training by staff.

*Mayor Holcombe* called for input on this.

*Planning Board Member Harry Clew* stated that training was a good plan. He also suggested joining the Board of Adjustment and the Planning and Zoning Board.

*Mr. Whitson* stated that in reality the Town Council could perform the function of all three; however, it was difficult to take on duties of different functions or even two. In some towns, the Board of Adjustment or the Planning and Zoning Board were more or less busy. It depended on how the town requirements were set up.

*Mr. Clew* stated that a member on the Board of Adjustment (BOA) indicated that he felt awkward because they met so infrequently that he felt out of it when they did meet.

*Mr. Whitson* stated that it would be good to have some training. It was important to consider what members should be appointed as well.

*Council Member Johnson* asked how often the BOA had met in the last year.

*Mr. Hitchings* stated that they had not met for a couple of years for a span of time, but had met a few times in the last six months.

*Mr. Whitson* stated that another matter was that there had been cases where the Town Attorney had to represent the Town and needed to get a different attorney to advise the members of the Board of Adjustment because the members didn't need to be overwhelmed. There was always legal representation to offer advice to members on hand.

*Planning Board Member Peter Prichard* stated that it would be good to have other municipalities join this training as well.

*Council Member Lyons* stated that the training should not be mandatory.

*Planning and Zoning Chair Goel* stated that it could be offered online with a one hour quiz and then it could be required annually with that option.

*Town Council and Planning Board Consensus* was to have training.

*Mayor Holcombe* asked that the Board of Adjustment Members be asked about their roles and how they feel about joining with the Planning and Zoning Board.

### **3. Expectations**

*Planning and Zoning Board Member Clew* stated that sometimes there was a breakdown in communication between the Board and the Council. One example was Shiloh Crossing. There was supposed to be a carwash and that didn't happen. The site was not supposed to be not visible from the roadway either.

*Mayor Holcombe* stated that when the Council received a briefing item the minutes from the Planning and Zoning Board were included. It was up to each Council Member to read those and if there were questions to ask the Planning Staff. One question was if the conditions were making it into the approved preliminary subdivision or site plan.

*Mr. Hitchings* stated that once a decision was made by Council, an update was given to the Planning and Zoning Board.

*Mr. Clew* stated that what the Planning and Zoning Board was told by developers sometimes didn't come to fruition. It was thought that the elevation and buffer should have been in place so that the site could not be seen from the roadway.

*Mr. Whitson* stated that he remembered elevations being shown, but the record would need to be pulled.

*Mr. Clew* stated that he didn't have any issue with that particular project, but there seemed to be a breakdown in communication.

*Mr. Whitson* stated that if a Council Member felt there was an inconsistency in what appeared in the minutes, a Council Member could be contacted and the matter could be verbally addressed to the Council.

*Mayor Holcombe* stated that recommendations from the Planning and Zoning Board needed to be clearly included in the information that came to the Council.

*Planning and Zoning Member Gardner* stated that it would also be helpful if the recommendations were included in the motion when it was made.

*Council Member Broadwell* stated that it may be helpful to tell the person taking minutes to include important information when necessary.

*Planning and Zoning Board Member Clew* stated that when a member voted against recommending something, it was important to know why.

*Planning and Zoning Chair Goel* stated that in some cases it would be good to include some notes in the plans.

*Planning and Zoning Member Gardner* stated that information may be confusing to staff and it was important that information and direction reflect the entire Board.

*Mayor Pro-Tem Martin* stated that there was an absentee policy and it was important for members to be aware of that.

*Diana Davis, Town Clerk* stated that there was a new policy and that would be forwarded to the Planning and Zoning Board.

*Planning and Zoning Board Member Willis* stated that several neighbors were upset about traffic on Town Hall Drive and Governor's House Drive. Students and adults had almost been hit. People made u-turns at Garden Square Lane.

*Mayor Holcombe* stated that there was an improvement that would occur soon.

*Ms. Willis* stated that there needed to be at least another speed limit sign at the greenway crossing. The people in that area were getting upset and were going to be more vocal. When there was a police car parked there, everyone followed the laws.

*Mayor Holcombe* stated that those same folks may be interested in supporting increased funds for more police officers. It was good people were coming to speak out because it really was an important matter.

*Ms. Willis* stated that it would be awful to see a child get killed in this area. This was brought up when the second phase of Town Hall Commons was considered.

*Mr. Whitson* stated that there was a grant funded project from the North Carolina Department of Transportation (NCDOT) for school zones on Town Hall Drive and Morrisville Parkway. The grant would fund flashing lights that were solar powered and automatic speed feedback on a sign. The goal was to have those completed before the next school year.

*Mayor Holcombe* asked who was breaking the rules.

*Ms. Willis* stated that it was parents trying to avoid the carpool lane. Maybe a Center-Line program could be undertaken by the Police Department or a double line painted.

*Mr. Whitson* stated that road was a residential collector street. This was not a thoroughfare and so it could not be marked as one with double lines.

*Ms. Willis* stated that the school was trying to communicate what was legal and what was not to the parents.

*Mr. Whitson* stated that the school had a safety officer and one issue was they never planned enough queue space.

*Ms. Willis* stated that it wasn't occurring in the morning at Morrisville Elementary School any more due to morning bell changes.

*Council Member Broadwell* suggested having the Public Safety Committee review this matter.

*Mayor Holcombe* concurred. To summarize, the Homeowners Association would work on some education, this would be reviewed by the Public Safety Committee and there would be flashing lights installed by the start of next school year. Driving safety in this area could also be addressed in the Morrisville Connection.

*Ms. Willis* stated that crossing the double line could be the subject.

*Chair Goel* stated that on Aviation and NC 54 folks were walking there with no shoulder and there were bushes against the road. Also, some incentives should be given to developers to use greener methods.

*Mayor Holcombe* asked about opportunities to include that in the Unified Development Ordinance (UDO).

*Mr. Hitchings* stated that the UDO would be a chance to build the green development option that the Town Council approved for the Town Center district in other areas. It would also be incorporated in McCrimmon Transit Station Area.

*Member Prichard* stated that it would be good to know what the Town Council expected.

*Council Member Johnson* stated that there was some transportation and transit matters being discussed and worked on regionally. There was potential for Morrisville and it would be good to stay up to date. Part of that was a half cent sales tax referendum for citizens to consider a couple of years out.

*Mayor Pro-Tem Martin* stated that it would be good to draw individual conclusions and not to vote certain ways based on how other members were voting.

*Planning and Zoning Member Chander* asked about the Extraterritorial Jurisdiction (ETJ).

*Mr. Hitchings* stated that the ETJ amounted to about 10% of the Town.

*Mr. Whitson* stated that the new legislator was not as open to annexation and some property was being de-annexed as a result. There were several pieces of legislation under consideration and the comprehensive proposal included a policy that in areas where an annexation was proposed it would not be considered until after a referendum was passed by the people living in that area. That proposal appeared to be passing. For Morrisville, there was a special authority to annex permitted in areas completely contiguous to the Town's limits as long as no one lived on a piece of property and it was vacant land. Those properties should probably be annexed. If the new legislation did pass, the doughnut holes completely enclosed by the Town could be annexed. However, the other properties on the edge would follow the new law if they were developed. There really was not much affect on Morrisville. If someone did want to develop with water and sewer they would ask for voluntary annexation. Morrisville did not have a large ETJ.

*Council Member Broadwell* stated that she appreciated the willingness to serve. It was good for Planning and Zoning Board Members to have independent thinking, to have good attendance and always ask as many questions as needed to be well informed. It was also good to make sure comments were included in the minutes.

*Council Member Lyons* concurred and stated that if there were questions, those needed to be asked.

*Mayor Holcombe* stated that the work load would shift with the newly passed administrative approvals. The minute details were important and that was what the Town Council took into consideration. That was helpful to have when making considerations. The Town Council was also given the responsibility of considering each decision in a political way as well. So, if a decision did not match completely what was recommended, that piece may be a consideration.

*Member Chander* asked about water and sewer outside of the Town.

*Mr. Whitson* stated that could occur, but they would have to pay triple rates. There was one person getting water only at triple rates. There were a few people in Town that still had septic systems.

*Member Chander* asked about septic permit renewals.

*Mr. Whitson* stated that was handled at the state level.

*Mayor Pro-Tem Martin* asked about the potential to get more land in Research Triangle Park (RTP).

*Mr. Hitchings* stated that RTP was having their 50 year anniversary. They were considering getting more residential, but were only permitting 25 total units. They may consider giving land to surrounding communities to achieve this goal; however, nothing has been discussed further at this time.

*Member Chander* stated that talking with small companies and start-up companies some had a very negative view on doing business with the Town of Morrisville. It took a lot of time to process development applications and there were no set procedures. Everything was compared with how things were done in the Town of Cary.

*Mayor Holcombe* stated that she received a call two weeks ago from someone asking for the Mayor of Morrisville to cut the ribbon at their business in Cary because they were so displeased with the service there. The goal was to have the absolute best customer service out of anyone. That was being worked on.

*Member Chander* stated that giving staff the authority to pass certain plans would go a long way in shortening the process.

*Mr. Whitson* stated that this was discussed at a meeting of all the Town Managers in Wake County. Each Town Manager stated that they heard the same thing about each other's towns. It seemed that they were trying to create a competitiveness to get the shortest process possible. Developers looked for shortcuts as much as possible. There were some occasions where something happened that was not perfect. Usually it was due to a misreading or not even looking at the Town's Ordinance. The staff had to send it back to be redone if it did not match the ordinance. That time was included in the initial charges by the designer and then when it took more time they charged their client more. The developer usually chose a designer because they were supposed to be familiar with the Ordinance, so this caused some upset when it occurred. There were also different personalities as well. There were certain designers that almost always submitted a project with very little review time that were obviously familiar with the Ordinance.

*Planning and Zoning Member Prichard* stated that the staff really looked at the technical matters. The Planning and Zoning Board could be viewed as an independent body and had to consider many things when making a recommendation.

*Chair Goel* stated that there needed to be better and more frequent communication between the Planning and Zoning Board and the Town Council. The Chairs from different municipalities met and there were several comments. One comment heard was that one Town had combined public hearings and did not have one at both the Town Council and the Planning and Zoning Board level. Also, a lot of other towns didn't have alternate members.

*Member Gardner* stated that the reason there were alternate members was to have enough members in case there was not a quorum.

*Mr. Whitson* concurred and noted that it also provided for a solid vote ensuring that there were enough members voting to make it have meaning and good representation.

*Member Willis* stated that the Town Council should consider directing staff to review alternative energy usage and ways to include that within the Ordinances.

*Mayor Holcombe* stated that this may be part of the UDO discussion.

*Member Gardner* stated that the Town Council seemed to give a fair amount of discretion to the Planning and Zoning Board. There was always a lot of thought put into decisions by the Planning and Zoning Board even though they didn't always agree. Also, the Town Council did not always agree with the Planning and Zoning Board.

#### **4. LUTP and TCP Implementation Status**

*Mr. Hitchings, Planning Director* stated that this was a shared responsibility and gave a [presentation](#).

*Mayor Pro-Tem Martin* asked what would happen if the half cent sales tax was not included in the ballot in November.

*Mr. Hitchings* stated that the Wake County Commissioners were looking to do that in spring or fall of next year or perhaps later. It was unknown, but the funds were really needed to create a viable transportation option. There were different formulations, but each of them included that half cent sales tax.

*Mr. Whitson* stated that part of the County's plan was to have each municipality sign an Interlocal agreement in advance to ensure that there was agreement before it went onto the ballot.

*Mayor Holcombe* asked about the pedestrian matter brought up by Chair Goel.

*Mr. Hitchings* stated that unfortunately there was no a plan for sidewalks right at Aviation and NC 54, but there were plans nearby on Town roads.

*Mayor Holcombe* asked about development of Cotton Place.

*Mr. Hitchings* stated that there would be isolated sections of sidewalk, but it would not reach the intersection.

*Chair Goel* asked if the Town addressed isolated sections.

*Mr. Hitchings* stated that would be a capital item for the Town.

#### **5. ETJ Position on PZ**

*Mr. Whitson* stated that one consideration was whether to continue to give the Extraterritorial Jurisdiction (ETJ) member the ability to vote on each matter.

*Mr. Hitchings* stated that the second consideration was that even after advertising, there was no response for the currently vacant ETJ position. The next consideration was to open that position town-wide after sending a letter. That was permissible.

*Mr. Whitson* stated that the intent of the law was that there were enough folks in the ETJ area that they needed representation. However, with only 34 residences in the ETJ, it didn't seem that it met the intent of the law anymore.

*Mr. Hitchings* stated that the Town Code stated that if there was no response within the ETJ, the Council could recommend someone else and the Wake County Commissioners could appoint someone from anywhere else in the County.

*Council Member Johnson* asked if an ETJ member did not apply if an in-town resident could be recommended.

*Mr. Hitchings* concurred.

*Mr. Whitson* stated that the Town should seek special legislation to be exempt from that part of the law.

*Council Member Broadwell* asked for a list of the dwellings in the ETJ.

*Mr. Hitchings* stated that to remove reasonable doubt a letter would still be mailed.

*Chair Goel* asked if the person still had to be appointed if they were not qualified.

*Member Gardner* stated that the language in the Code indicated that the County may appoint a qualified individual from somewhere else in the County.

*Mayor Holcombe* stated that the letters would be mailed to start.

## **6. Other Discussion or Comments**

*Council Member Broadwell* stated that it was good to note that Representative Murry had been doing good work in the legislature since being elected.

*Member Prichard* recommended meeting more often.

*Mayor Pro-Tem Martin* indicated that he appreciated the Planning and Zoning Board's comments and input.

*Council Member Broadwell* stated that it seemed that everyone was in favor of conservation efforts.

*Mayor Holcombe* stated that there would be a meeting next year at the same time.

## **7. Adjournment**

Mayor Holcombe adjourned the meeting at 9:03pm.

Adopted this the 22nd day of November, 2011.

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J. S. Holcombe, Mayor

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Diana R. Davis, Town Clerk