



Morrisville Town Council

Business Session
January 24, 2012

Pre-Meeting Events

Morrisville's Wake County Transit Plan Open House, Town Council Chambers, 5:30 pm.

1. Call to order

Mayor Holcombe called the meeting of the Town Council to order at 6:30 p.m. Also present for the meeting were Mayor Pro-Tem Johnson and Council Members Diehl, Lyons, Stohlman, Rao and Broadwell. Present staff included Frank Gray/Town Attorney, John Whitson/Town Manager, Diana Davis/Town Clerk, Julia Ketchum/Senior Director of Business Management, Tony Chiotakis/Senior Director of Community Services, Tim Gauss/Senior Director of Development Services, Ben Hitchings/Planning Director, Amanda Boone/Town Engineer, Rich Cappola/Stormwater Engineer, Jerry Allen/Parks, Recreation and Cultural Resources Director, Courtney Tanner/Senior Planner, Rodney Wadkins/Senior Planner, Ashley Kaade/Transportation Planner, Lauri Shedlick/Human Resources Manager, Ed Lynch/Parks and Greenways Planner and Stacy Wachtel/Staff Accountant.

Mayor Holcombe recognized NC House Representative Tom Murry, District 41.

2. Invocation by Council Member Mark Stohlman

Council Member Stohlman said a prayer.

3. Pledge of Allegiance and Presentation of the Colors

Morrisville Police and Fire Departments' Honor Guard presented the colors.

4. Adoption of Agenda

Call for any conflicts of interest on agenda items to be stated at this time. There were none.

ACTION: *Council Member Diehl* made a motion to approve the agenda as presented. *Council Member Lyons* seconded the motion that passed unanimously.

5. Adoption of Minutes

- December 13

ACTION: *Council Member Lyons* made a motion to approve the minutes as presented. *Council Member Diehl* seconded the motion that passed unanimously.

6. Recognition and Oath of Office Ceremony

Council Member Lyons was recognized for her 12 years of service to the Town of Morrisville.

NC House Representative Tom Murry, District 41 administered the Oath of Office to Michael Schlink.

Mayor Holcombe called for a short recess for a 15 Minute Ceremony of Recognition and Welcome.

Mayor Holcombe reconvened the meeting at 6:55 pm and Mayor Holcombe, Mayor Pro-Tem Johnson and Council Members Steve Diehl, Michael Schlink, Margaret Broadwell, Mark Stohlman and Steve Rao were present.

Mayor Holcombe called for any conflicts of interest on the remaining agenda items to be stated at this time.

None were stated.

7. Presentations

- *New Employee: Nate Mayer, Human Resources Specialist (Filling Vacancy)*

Lauri Shedlick, Human Resources Manager, stated that Mr. Mayer had completed work for the Town of Morrisville in 2010 as an Intern for three months. He had a Bachelor's Degree in Recreation Management at the time. Since the internship he received his Masters Degree in Human Resources from Western Carolina University. He worked at Central Carolina Community College as a Human Resources Coordinator before coming to the Town of Morrisville to work as a Human Resources Specialist.

- *Wake County Transit Plan ([2012-027](#)) Update*

David Cooke, County Manager of Wake County and David King, General Manager of Triangle Transit gave a [presentation](#) reviewing the plan for the Transit throughout the Wake County region. Mr. Cooke covered the future consideration of a ½ cent sales tax and a potential referendum to ask the public to vote on this matter. Mr. King discussed the future transit routes and options including commuter rail, light rail and buses.

Mayor Pro-Tem Johnson thanked the Capital Area Metropolitan Planning Organization, the Triangle Transit Authority and Town of Morrisville staff for their work and collaboration on this. There has been a lot of work over a long period of time on this so far. The original plan was put out about 10-12 years ago and there has been a lot of work since then. The Interlocal Agreement (ILA) was what Town Council would need to consider supporting and one question was when that could be expected.

Mr. Cooke stated that prior to that more feedback from the public would be gathered concerning if these were the right routes and stations that were being considered. There would be consideration as to how the public felt about the draft plan. When the ILA comes out, it would be best to have everyone working off of the same plan. Prior to a referendum, the Chamber and business community would be involved to raise funds for a campaign. That should take about six months. The legislation was specific about when a referendum could be held for sales tax consideration. It will be November 2012 and if that deadline was missed, then it will be the fall of 2013. The goal was not to rush it, but to do it right.

Mr. King stated that Durham County was already documented as supportive. Wake County was still being worked with. Commuter rail could be delivered in about six years. Light rail would take more like ten years or longer. The goal was to consider this 10 – 15 years out and that was

why the future population estimates were important. If this transit plan was not implemented, it was going to be a rough situation.

Mayor Pro-Tem Johnson stated that in the future people will hope that transportation issues were considered. The financials were very conservative and that was a critical piece.

Council Member Broadwell asked about the size of the proposed commuter rail stations.

Mr. King stated that there was a ridership estimate for each station and that dictated the size and routes. For instance, there was a lot of ridership predicted in East Garner, so there would be a need for a park and ride location there.

Ben Hitchings, Planning Director, stated that the conceptual design for the McCrimmon Station called for 400 parking spaces.

Council Member Broadwell asked if a park and ride was necessary as well as a station when thinking about planning for this.

Mr. Kings stated that was uncertain at this time, but the quarter mile around a planned transit station should be planned with care.

Mr. Hitchings noted that there were future plans to review the uses around the proposed station in Morrisville.

Council Member Schlink asked about future financing plans for Wake County.

Mr. Cooke stated that the Wake County Board of Commissioners would not consider imposing an associated vehicle registration fee until after the referendum was done.

Council Member Diehl stated that a bus stop at NC 54 and Weston Parkway would be good. This Transit Plan would benefit the residents of Morrisville.

Council Member Rao stated that this was an important issue in terms of economic development and it would be interesting to see where the Wake County Board of Commissioners stood on some of the transit matters. One question was if there was anything that could be done by local elected officials to express the importance of this. The Research Triangle Park (RTP) group was working on master plan development and it would be good if they were involved.

Mr. Cooke stated that was the intention of the ILA. Each community had a different position on this Draft Transit Plan and it related to what services they had or did not have. There was already collaboration with RTP as well as North Carolina State University on their transit plans.

Council Member Rao asked if light rail would be available from the airport to downtown Raleigh.

Mr. King stated that the Triangle Metro Center would be past McCrimmon Drive on NC 54 and Miami Boulevard. That would be a central location that would carry folks outward and throughout Raleigh and outlying municipalities. This would initially be bus transit as it was most efficient. Transit would evolve through time.

Mayor Holcombe stated that it was important to not rush. Decisions should not be short-sighted on this matter. There were no complaints about this process moving too quickly, but

there were some questions about what was taking so long. The Greater Raleigh Chamber needed time to advertise for the referendum. In addition, local land use decisions were being made based on transit assumptions, and it is important to know sooner rather than later whether or not the assumptions were good. It would be good to hear from citizens on this. There was a lot to gain for Morrisville with this Transit Plan and Council should be advised on opportunities to help this move forward.

Mr. Cooke stated that similar feedback from all the municipalities was needed at this phase.

Council Member Rao stated that he thought land use and transportation issues were important to consider at this stage.

Mr. Cooke stated that input gathered by the Town could be gathered and forwarded to the Triangle Transit Authority and to Wake County.

Mr. King stated that it was also important to know that future planning was predicated by these transit plans as indicated by Mayor Holcombe and Council Member Rao.

- *Chamber Report*

Carlotta Ungaro, Chamber President, gave the Chamber's [2011 quarterly report](#) to the Town Council.

Council Member Diehl stated that this periodic report was new and was appreciated. He also asked about the Developer's Council.

Ms. Ungaro stated that there would be more from this group concerning stormwater and other issues as well.

Council Member Rao stated that it would be good to somehow reach out to fast growth companies that receive venture capital. Also, growing companies should be supported. There were some great opportunities and the Town of Morrisville should be marketed for investing.

Council Member Schlink asked about adding benchmark comparisons against other Towns.

Ms. Ungaro stated that would be provided.

8. Public Input/Public Hearing Sessions

[2012-007](#) Stormwater Management Ordinance

Mayor Holcombe opened the public hearing at 8:10 pm.

Michael Birch, Triangle Community Coalition, stated this group was part of the general business and real estate agencies that focused on promotion of economic development, civic vitality and balanced public policy. These comments would be related to the Best Management Practice regarding Escrow. This was essentially an agreement between the developer, the Town and the Homeowners Association (HOA) to contribute and establish a fund that monies were paid into to serve for maintenance and repair of these facilities in a worst case scenario. The call was for 100% of the costs of the facility over a ten year period. This was a similar system to what Raleigh had. Durham had something similar that was through a security bond. Both Raleigh and Durham sought and received special legislation from the general assembly to get

away from this system. They cited the administrative burden on staff to review the contracts, the delay to development caused and the burden on the HOA to continue making these payments. They saw a better way through special legislation and that could be done here as well.

Carlotta Ungaro, Morrisville Chamber President, stated that the Chamber's position was also submitted in writing to the Council. These stormwater matters were complicated. The ordinance that increased the nitrogen reduction requirements for development was a concern. Developers typically take part in a buy down. This was a common practice. The threshold to participate in the buy down was lower, which therefore increased the cost for developers. A buy down occurs when someone buys property and they use that to mitigate the basin. The properties purchased currently were not in Morrisville, so funds paid into the program did not address the needs in Morrisville. The cost associated with that was a concern. There was currently no bank of properties for phosphorus reduction and that created another set of issues. Concerning nitrogen and phosphorous reduction requirements for new development, a big culprit of these nutrients was fertilizer. Part of addressing this was educating the public on best practices. Also, the two impaired streams in Morrisville were not impaired with nitrogen and phosphorus, but with PCB's that drain and because of sediment run-off, which can be controlled by some items mentioned in the Environmental Protection Agency (EPA) mandates. Silt fences and ground cover would help.

Jayson Boyers, National Division President of Chefs Academy and the Chair of the Development Council, stated that 2012-007 proposed stronger regulations on new development and redevelopment. The Chamber asked that this be passed as quickly as possible and should only address the Jordan Lake Basin to meet the March deadline the State set. There was no requirement for Morrisville to adopt requirements now or in the foreseeable future in the Neuse River Basin. More information was needed regarding 2012-003. Staff was currently not looking at a budget amount but rather a mechanism, either a tax or ERU fee. The Chamber did not have a position on this yet, but the timeline to review this item should be extended for further discussion.

Hunter Freeman, Stormwater Engineer with Withers and Ravenel, stated that he was speaking on behalf of a group including Ken Jesneck and Dan Miller. Mr. Freeman stated that they submitted comments last week to Council as well. The Stormwater Ordinance was an important component for enhancing and delivering high quality development for Morrisville. The mindset was not that new development should be given a free pass when it came to environmental awareness and watershed protection. In truth, developers should embrace the intent, purpose and goal of protecting the Town's water bodies with the Town's Land Use Plan.

However, this ordinance as currently written did little to protect the water quality in Town. Current watershed protection guidelines for the region were drafted with best intentions, yet intent often fails in the area of on the ground benefit. In essence, potential water quality benefits would be realized on paper, but not in practice. The stream health continues to degrade. As Ms. Ungaro mentioned the private mitigation bank of properties was currently located in Orange, Wayne and Johnson Counties. The stream which they have protected and worked to conserve did not drain into Morrisville. It would not be directly beneficial to the Town. The good news was that there was no mandated requirement for the Neuse Basin, so the Town had options. The same can't be said for Raleigh, Cary or Wake County. Staff indicated that they were working on an alternative program that would make compliance possible but would be used by the Town for direct stormwater enhancements in the Town providing a direct benefit to the businesses and citizens in Morrisville. This program merits additional discussion and would require additional work with the state for approval. But to avoid conflict, that should be in place prior to adoption of the ordinance.

There has been very little discussion about the economic development impact of this proposed ordinance.

There were requirements for the NPDES II Permit, but the proposed ordinance voluntarily exceeds these minimums. Research indicates that there is little benefit to 1.5" design forms compared to a 1" minimum for water volume. The larger size also increases the land area taken up by these stormwater devices. Any perceived improvement in water quality may be offset by adverse impact on economic development. More time was needed to find the impacts and a suitable compromise.

This was a draft ordinance that failed to reach full potential. Discussions indicate a potentially improved process with more time. Staff indicated that the development process could be streamlined and could simultaneously provide direct water quality to the Town. This was encouraging and should be completed before acceptance. The deadlines were acknowledged for the Jordan Lane Watershed and the minimum requirements should be adopted for that area now. For the Neuse Basin, the Town should delay action, until further development could occur. Solutions could be found with more time for research and collaboration.

Pete Martin, Morrisville resident, stated that he supported 2012-007. The Council heard from the North Carolina League of Municipalities (NCLM), Town staff, the Planning and Zoning Board and from residents, especially on Green Drive. For years, these residents have been discussing this. Doing nothing was not a solution. Action should occur quickly. Also, the general fund should not be used for a recurring expense such as a Stormwater Utility.

TJ Cawley, Morrisville resident, stated that the 1.5" measurement for stormwater events when constructing stormwater facilities was good. Also, to provide staff the most efficient and cost-effective way to mandate and follow federal regulations was important. The health of the ecosystem was one of the governing bodies' most important responsibilities. As good stewards of the land around Morrisville, the Town Council should implement the Jordan Lake Basin requirements for the entire municipality. The Neuse Basin requirements were less stringent and the Jordan Lake Basin regulations were already a compromised set of standards. The higher cost of implementing the Jordan Lake Basin regulations town-wide would be offset by the time and effort of staff and developers to abide by a single set of standards rather than determine where sites fell in the jurisdiction and following two different sets of standards. The expert comments were respected, but the current ordinance should be passed while the experts work with staff to make improvements. There could be amendments later. Waiting would be a mistake and the Council should not be swayed by the postponement tactic. Postponing was not a good option at this time.

ACTION: *Council Member Diehl* made a motion to continue the public hearing. *Council Member Schlink* seconded that motion that passed unanimously.

[2012-003](#) Stormwater Funding

Tylene Elliot, Crabtree Crossing resident, stated that there had been an article in the *Cary News* entitled "Fee Floated for Stormwater Requirements" in last Sunday's paper. The need for \$750,000 was uncertain. Depending on how this was implemented this could be in excess of 6% of the Town's annual property taxes. The timing of the action was confusing when residents and Town Council members have noted that substantiation and cost breakdown were not yet provided. There was no way for the public to appreciate the necessity of this tax. That information should be made public with ample time for discussion including an additional future hearing to vet the worthiness of these costs. Council Members reasoning as stated in the article was that the tax was justified because residents would soon pay off utility merger costs and that was not fiscally responsible. This was tax payers' money and just because a debt was paid was not a good reason to put a new tax in place. Requesting how other municipalities were meeting requirements was appreciated. The necessity of this tax should be evaluated and if it was

determined to be necessary, alternative funding such as development fees and reduction of bureaucracy should be considered versus raising taxes on the backs of residents. The position that expense cuts should be considered was supported.

Mayor Holcombe asked if the information from other municipalities was online.

Amanda Boone, Town Engineer, stated that it should be. Staff would ensure that was included in all the available information.

Emily Barbour, Morrisville Chamber of Commerce, stated that Morrisville was a jewel in the RTP area. This past year, the Morrisville Chamber put guiding principles in place for setting a legislative agenda that aligns with the Chamber's Strategic Plan. The three principles include maintaining and growing opportunities for Morrisville businesses, reducing the cost of doing business and managing the cost of infrastructure improvements so the marketability of the area was maintained and improved. Ordinance 2012-003 tried to provide the funding mechanism to comply with EPA standards. Morrisville, along with other jurisdictions, was subject to these standards and struggling to meet minimum standards. The Town should be in compliance because there was proof that meeting these standards resulted in better water quality. It was understood that full compliance may result in a tax or fee. However, the business community wants to know what was currently being implemented and the results, what the shortfall was and a plan of action to reaching compliance so it was understood what the funds would be used for. The hope was that there would be no need for a fee or tax for residents. But if there was, understanding would be critical. The Chamber was proud of their long standing relationship with the Town. Working through the Stormwater requirements and understanding what was needed was another opportunity to maintaining Morrisville's prime location in the Raleigh area to have a home and enjoy.

TJ Cawley, Morrisville resident, stated that this was federally mandated. So, when and whether to fund a stormwater utility and when was not really a consideration. Staff provided two alternatives to fund this and there was an alternative choice to use existing resources. The ERU mechanism was in alignment with the source of stormwater by using impervious calculations. This was the best estimate currently and hopefully down the road exact measurements could be utilized. However, the best estimate was the most fair and equitable option. Using the ad valorem mechanism shifted the cost unfairly upon residential property owners. Furthermore, failure to approve the ERU method essentially implements the ad velorum method by default.

ACTION: *Council Member Diehl* made a motion to continue the public hearing. *Council Member Schlink* seconded the motion that passed unanimously.

Council Member Schlink stated that the municipal comparison table needed to be brought forward in the information somehow, so that the public could easily find it when staff made sure documents were online.

Mayor Holcombe noted that this was currently available, but it was embedded in the presentation.

Council Member Diehl stated that he wanted to address a statement by one of the speakers. At a previous Council meeting, he did not say that when the utility merger debt was paid off that a tax increase was justified. What was said was that the residents would see a cost savings of about \$100 per year with the pay off of the Morrisville/Cary Utility Merger. That would more than offset a fee if one was approved.

Mayor Holcombe asked if there was Council desire to receive more information on a Morrisville buy-down option.

Council Member Stohlman stated that it would be good to find out more about that.

Ms. Boone stated that there was a section in the draft ordinance that referenced the offset program. That was in Section 305.

Mayor Holcombe stated that information should be brought back as an update.

Council Member Rao stated that he would be interested in seeing Holly Spring's program.

Council Member Stohlman stated that there were more details provided regarding a breakdown of the costs right before this meeting. That document should be made available online as well. A parallel of what was available today versus the future should be provided as well.

John Whitson, Town Manager, stated that staff was already working on providing that.

[2012-006](#) Town Hall Commons, LLC – General Use Rezoning (REZ 11-05) north of McCrimmon Parkway at Harris Mill Road and J Morris Commons Lane/ Industrial Management (IM) to Office & Institutional (O&I) (Consistency Statement Resolution and Ordinance to Rezone)

Mayor Holcombe opened the public hearing at 8:39 pm.

There were no comments submitted.

ACTION: *Council Member Diehl* made a motion to close the public hearing. *Mayor Pro-Tem Johnson* seconded the motion that passed unanimously.

Mayor Holcombe closed the public hearing at 8:40 pm.

9. Public Address

Gerard Falzon, resident of Morrisville, stated that this week events around the nation marked the 39th anniversary of Roe vs. Wade. Since January 22, 1973, nearly 55 million Americans have been exterminated by the practice of abortion. This incredibly high number was only possible due to the generous financial support of local, state and federal government. The question was not whether a woman should be allowed to do this, but whether a tax payer should be compelled to support this. Two years ago, a letter was submitted to the Town. At that time, the Town's policy was to pay for elective abortions and that was made public. To spend the Town's treasure for this purpose was truly godless. There was no rationale for forcing the tax payer to participate in an act so barbaric it can't be explained without shocking the conscious. It was the only area of the budget where the word transparency did not apply.

Two distinctly different documents should be reviewed, the Declaration of Independence and the Declaration of Rights to a man as a citizen. The first embodies the Judeo-Christian American Revolution and the second represents the Atheist values of the French Revolution. In Jefferson's document there was a litany of complaints pertaining of the disrespectful use of tax dollars and the colonist justified attempts at redress. The current policy to coerce taxpayer participation in this vulgarity was no different because it forced the citizen to be at odds with his or her neighbor, nature and nature's god. It was disheartening to hear one of the candidates speak in a similar manor of the French Revolution and of all the associated butchery that occurred when man took god out of government as just 55 million of

America's countrymen have experienced. This policy leads the citizen away from him, who we refer to as our father who art in heaven. When every citizen comes face to face with his maker and has to render an account of his affairs this policy makes each one foreign and unfamiliar to him. The question would be, "why did you pay for abortion?" There was no excuse that could be contrived that would be enough to satisfy him that said to Cain, "What have you done with your brother, whose blood cries out to you from the ground?" In the coming months there would be a chance to review a policy quoted by Blue Cross Blue Shield. Many refer to it as a health care plan. While abortion is a health care procedure, it was not health care provision by the child, mother or physician that compromises their self against a hypocritical oath. It was sickening to citizens that naively believe that tax funds were used to promote small town values. This plan should be reviewed as if each life depended on it, because they did. No government can come between god and man without consequences in this life or the next. All that could be done should be to reject the elective abortion rider.

Peter Prichard, Planning and Zoning Board Member and Morrisville resident, stated that he attended several Town Council meetings during his tenure over the past 12 years, but had only commented three times. He publicly congratulated Council Member Michael Schlink and thanked Council Member Linda Lyons for her service.

Esther Dunnegan, resident of MSV and representative of the Morrisville Education and Community Service Enterprise, stated that at the end of this meeting there was an issue concerning the Tobacco Barns Rescue and Relocation, which was very important to her organization, which was a 501c3 non-profit that had been in Morrisville for the past ten years. In the past 2.5 years, work was done to educate the community on the importance of saving the barns as a historical part of the African American community in District One as a whole. Those barns were built by Luther Green, the person that the Luther Green Community Center was named after. Throughout Morrisville he built several homes, most of which were still standing. That was important as a means to show how African Americans in this community dating back to the 1820's lived and farmed. There was nowhere in North Carolina that referred to the agricultural business of African Americans during those two centuries. This was an opportunity. The barns were in excellent condition and had been around forever. It was pleasing that NC 540 did not cause them to be destroyed. It was pleasing to see the Town of Morrisville take an interest in restoring those barns and adding more historical significance to the Town. The organization would like to work in concert with the Town if the Council was going forward to preserve those barns. The organization would also like to work with the Town to identify other buildings, artifacts or the oral history in District One that may be noteworthy that could be added to this to make it a very important part of Morrisville.

TJ Cawley, resident of Morrisville, thanked Linda Lyons and Pete Martin for their heartfelt work on behalf of the Town citizens. This was an opportunity to preserve a piece of history in Morrisville. The history, once lost, could not be recovered. In Williamsburg, Virginia, there was a strong attraction and historical educational benefit for recreations of how things were done in the past. The Town of Cary had a small authentic gardening shed outside their municipal building as an entrance to their garden. These historical tobacco barns could serve as an authentic part of the Historical Park now referred to as the Civil War Park. The scope of that could be enlarged to incorporate the agricultural history of tobacco and perhaps cotton as part of the park. Along with the Historical Church, Page House and perhaps a railroad depot, Morrisville could be branded as a hub or crossroads of technical innovation with roots of cultural innovations of the past. This could be appropriately funded as a one-time cost from the general fund. This would have been rated with a higher priority ranking than other Capital Improvement Projects in the recent citizen panel survey. Similar to transit, this was a great opportunity to make a lasting difference for the citizens of the Morrisville community.

Laura Weygandt, resident of Morrisville and member of the Western Wake Tennis Association, stated that there were a lot of land use decisions being considered. The Town was interested in healthful living and there was a great Cultural Arts Department that was very concerned about this, along with Morrisville residents. The Western Wake Tennis Association was a non-profit organization that ran tennis in the Western Wake County area for adults, seniors and youth. Nationally, tennis was booming. In the last ten years, the increase in tennis players was up 46% and the next traditional sport that showed an increase was racquetball at 3%. The other sports did show a decline. Locally, tennis was even bigger, growing over 300% in league play for adults in the last eight years. There was a great need for tennis courts. The standard was about 4000 people to each tennis court. This group had tried to work with the Town of Morrisville to resurface the courts at the Morrisville Aquatics and Fitness Center because they were unusable, but there were some underlying problems. At the RTP Park, three courts were being considered, but that did not meet the need. Decisions were being made for the future. When considering courts at the RTP Park, tennis courts at the national level should be the standard. It would be a revenue generating sport. So, while funds may not be recovered for instruction, it would be recovered in other areas. Further information would be forthcoming.

Mayor Holcombe called for a short recess from 8:57 pm to 9:03 pm.

10. Action Items – Old Business

[2012-011](#) Consider Amending Ground Sign Requirements Part C, Article X of the Sign Ordinance (Consistency Statement Resolution and Ordinance to Amend the Zoning Ordinance - AMN 11-08) (previously 2011-106)

Council Member Diehl asked if this resolution provided what the community and developers requested.

Courtney Tanner, Senior Planner, concurred that it did.

ACTION: *Council Member Broadwell* made a motion to approve. *Council Member Diehl* seconded the motion that passed unanimously.

[2012-012](#) Consider Modifications to the Kitts Creek Flexible Design Option (previously 2011-107)

Courtney Tanner, Senior Planner, stated that the references to figure seven and eight that incorrectly depicted a fence were removed. The resolution was revised to include conditions as discussed at the January 10 Council Meeting.

[Clerks Note - Conditions as follows:

1. The ground sign complies with the *Zoning Ordinance* regulations in effect at the time of the sign application permit is submitted to the Town;
2. Option 2 is not located in a required perimeter buffer;
3. The last paragraph on Page 15 is revised to include the following sentence at the end of the paragraph, "The secondary entrance signs are subject to all *Zoning Ordinance* regulations."]

ACTION: *Mayor Pro-Tem Johnson* made a motion to approve that was seconded by *Council Member Broadwell* and unanimously approved.

[2012-020](#) Amend the Town Hall Commons Master Plan and Phasing Plan - southwest corner of McCrimmon Pkwy and Church Street (previously 2011-093)

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[2012-016](#) Town Hall Commons, LLC Land Use Plan Amendment (LUP 11-02) southwest corner of McCrimmon Parkway and Church Street (previously 2011-089)

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[2012-017](#) Town Hall Commons, LLC rezoning request (REZ 11-03) southwest corner of McCrimmon Parkway and Church Street/ Office and Institutional (O&I) and General Business (GB) to Residential Multi-Family (RMF) (Consistency Statement Resolution and Ordinance to Rezone) (previously 2011-090)

Rodney Wadkins, Senior Planner, stated that there was updated information in the briefing material. Staff was working on conditions with the applicant. There was a formal request by email from the applicant, Ed White, to delay action until the February 14 Town Council Meeting.

Mayor Holcombe asked about development by right.

Mr. Wadkins stated that had not been added to the briefing material yet, but would be on the update. Basically, if the applicant complied with the ordinance for the zoning, they would be permitted to develop any permitted use listed.

Mayor Holcombe stated that action could be taken to approve, approve with conditions if accepted by the applicant, deny or postpone action until the February 14 Council Meeting.

MOTION: *Council Member Rao* made a motion to postpone action until February 14. *Council Member Diehl* seconded the motion.

Council Member Stohlman asked if this changed the nature of the zoning from general to conditional.

Mr. Wadkins stated that if the conditions were accepted by the Council Members and the applicant also agreed to them, it would convert them from a general use rezoning to a conditional use rezoning.

Council Member Stohlman asked if that would mean it had to go back to the Planning and Zoning Board.

Mr. Wadkins stated that there was nothing in the Zoning Ordinance that required it to go back to the Planning and Zoning Board.

Mayor Holcombe stated that there was precedent to attach conditions to a general rezoning without the item returning to the Planning and Zoning Board. The recent Kitts Creek FDO sign request with added conditions was an example. That would be the will of the Town Council to decide, however.

Council Member Stohlman stated that he would like for them to review it because of the changes.

Council Member Diehl stated that it was not necessary.

Council Member Rao stated that engaging with colleagues and voting on the 14th was acceptable.

Mayor Pro-Tem Johnson stated that the applicant requested to delay this item and that had not been denied yet. However, it should be noted that several residents also requested to delay this to get up to speed.

Council Member Schlink asked about allowing public comments again because the suggested conditions had changed.

Mayor Holcombe stated that the public hearing could be re-opened, but since the public understood it to be closed, re-notification would be necessary. Currently, the public hearing was closed, but the public was encouraged to submit comments by email or phone.

Mr. Wadkins stated that those emails were being included in the briefing material.

Mayor Pro-Tem Johnson stated that the draft conditions were included in the briefing material for the public to view.

Mr. Wadkins concurred.

Council Member Rao asked Council Member Stohlman about his comment to send this back to the Planning and Zoning Board.

Council Member Stohlman stated that it was really just to see if the Planning and Zoning Board had any additional comments. That did not necessarily mean at a meeting as their comments could be received just like public comment. Action at the next meeting was acceptable but there may be questions that would delay action on February 14 as well. It would be good to get this resolved, but also ensure comments can be made if needed.

FINAL ACTION: The motion passed unanimously.

[2012-018](#) Duke Realty Limited Partnership Land Use Plan Amendment (LUP 11-03) off Slater Road near NC540 in Durham and Wake Counties (previously 2011-091)

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[2012-019](#) Duke Realty Limited Partnership rezoning request (REZ 11-04) off Slater Road near NC540 in Durham and Wake Counties /Office and Institutional (O&I) (*Wake County*) and Industrial, Light (IL) and Residential Rural (RR) (*Durham County*) to Residential Multi-Family Conditional Use (RMF-CU) (Consistency Statement Resolution and Ordinance to Rezone) (previously 2011-092)

Rodney Wadkins, Senior Planner, stated that the developer did not accept the request to exclude apartments as a permitted use.

Council Member Diehl was concerned about the water quality for surrounding neighbors. However, Duke Realty assured that if the wells were damaged it would take care of it. Also, if there was flooding problems they would handle it.

MOTION: *Council Member Diehl* made a motion to approve the 2012-018 Resolution and the 2012-019 Resolution and Ordinance. *Mayor Pro-Tem Johnson* seconded the motion.

Council Member Schlink referenced a copy of the estimated population by dwelling type he submitted. This indicated that roughly 62% of Morrisville families lived in multi-family dwellings and there was not enough single family homes. This site was so close to the McCrimmon Small Area Plan location and that was not really discussed with the recently approved Land Use Plan. Also, the trend of more and more townhomes and apartments would continue.

Mr. Wadkins stated that he prepared the document referred to on January 1 and could answer questions.

FINAL ACTION: The motion passed with six ayes (Mayor Holcombe, Mayor Pro-Tem Johnson and Council Members Diehl, Stohlman, Broadwell and Rao) and one nay (Council Member Schlink).

[2012-014](#) Carrington Mill Blvd, Lichtin Blvd and Think Place (Street Acceptance)

MOTION: *Council Member Diehl* made a motion to approve. *Mayor Pro-Tem Johnson* seconded the motion.

Amanda Boone, Town Engineer, stated that this item did not have a one year warranty or a warranty bond and the briefing sheet had been updated to correctly reflect that.

Council Member Schlink asked if the roads met standards and if there were no foreseeable expenses in the near future.

Ms. Boone stated that was correct.

Tim Gauss, Sr. Director of Community Services stated that this route of action was common for roads that had been functioning as a public street for some time.

FINAL ACTION: The motion passed unanimously.

[2012-025](#) Consider Advisory Committee Applications

Council Member Diehl noted that the Citizens's Budget Performance Assessment Panel called for consideration to be given to Morrisville 101 Graduates first. Ms. Mylenski was a graduate and she should receive preference.

Council Member Stohlman seconded appointing Ms. Mylenski to the Citizen's Budget Performance Assessment Panel.

Mayor Holcombe noted that there was only one applicant for the Community Appearance Committee and that person could be appointed as an Ex Officio member. Prior to considering the Board of Adjustment Alternative member position there needed to be clarification of the relationship between the Planning and Zoning Board and the Board of Adjustment.

Ben Hitchings, Planning Director, stated that there was not really a relationship between them except that they were both appointed by the Town Council. They served different functions.

Frank Gray, Town Attorney, noted that the Board of Adjustment usually handled appeals of staff's interpretation of ordinance matter. That Board cannot have ex-parte communication and that should be noted.

Mayor Holcombe asked if there were any concerns about conflict of interest with a husband and wife serving on the Planning and Zoning Board and the Board of Adjustment.

Mr. Gray stated that there were no concerns.

Council Member Broadwell nominated Ms. Goel to serve as the alternate member of the Board of

Adjustment.

Council Member Diehl concurred.

ACTION: *Council Member Broadwell* made a motion to approve appointments as discussed. *Council Member Diehl* seconded the motion that passed unanimously.

[Clerks Note - Appointments approved as follows:

Elizabeth Hengst (Ex Officio), Community Appearance Advisory Committee - term exp. December 31, 2013
Tara Mylenski, Citizen's Budget Performance Assessment Panel - term expiring July 31, 2014
Vibha Goel, (Alternate Member) Board of Adjustment - term expiring August 31, 2014]

[2012-026](#) 2012 Parks and Recreation Trust Fund Grant

Jerry Allen, Parks, Recreation and Cultural Resources Director, stated that there was a good turn out for the Open House held to inform the public on the RTP Park, the potential grant and to get input on the design. The total cost was estimated conservatively at \$3.2 million. However, this was a very preliminary number and that number could come down. After construction drawings were done, there would be more to base those estimated fund amounts on. The grant portion was under consideration today.

MOTION: *Mayor Pro-Tem Johnson* made a motion to approve. *Council Member Diehl* seconded the motion.

Council Member Stohlman stated that he thought this item was tied to the next item, 2012-010.

Mr. Allen confirmed that the items were related, but regardless of the outcome on the next item, Council needed to consider whether to apply for this grant or not.

FINAL ACTION: The motion passed unanimously.

[2012-010](#) Consider Reimbursement of Wake County Open Space Grant and Withdrawal of PARTF Grant

Ed Lynch, Parks and Greenways Planner, stated that the original plan for the RTP Park included 30 acres based on acquiring additional property. The Town did apply for and receive a grant to purchase the nearby the Carrington property. In order to apply for the grant that was just discussed (item 2012-026) this matter would have to come to closure. Regarding the Open Space Grant, without the Carrington property, there would not be a lot of open space and that was needed to meet the requirements of that grant. Right now, there was a few months to continue negotiations.

Mayor Holcombe asked what would happen if an agreement was reached on the Carrington property.

Mr. Lynch stated that the resolution would permit staff to be able to withdraw this grant quickly without having to wait for a Council meeting to receive approval. It was important to be prepared because grants were always time sensitive. If that property were obtained it would change the park concept.

Council Member Stohlman asked if this was tied to the \$500,000 mentioned to acquire parkland.

Mr. Lynch clarified, stating that the grant provided either \$316,000 or up to 50% (a maximum of \$500,000)

of the purchase price.

John Whitson, Town Manager, stated that it was important to note that grant funds would not be in the Town's hands until after the town funds were spent. They would be reimbursement funds.

Mr. Allen concurred stating that staff would have to submit for reimbursement after the property was closed on.

Council Member Stohlman asked if other properties were considered.

Mr. Lynch stated that the award of the grant funds could be returned, then another property purchased and an application resubmitted. The point was that currently the grant award was tied to this site.

Mr. Allen noted that if the Carrington property was purchased, there needed to be a set amount of open space. In order to have any amenities, some of the funds would have to be returned to Wake County so that some space can be used for them.

ACTION: *Council Member Diehl* made a motion to approve. *Council Member Broadwell* seconded the motion that passed unanimously.

11. Action Items – New Business

None

12. Consent Agenda

Council Member Stohlman asked that item 2012-021 and 2012-001 be removed from the consent agenda for discussion.

Council Member Schlink asked that item 2012-015 be removed.

ACTION: *Mayor Pro-Tem Johnson* made a motion to approve the consent agenda, which included item 2012-029. *Council Member Diehl* seconded the motion that passed unanimously.

2012-029 Approve Records Disposition – Contracts and Purchasing Department
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12. Items Removed from the Consent Agenda

[2012-021](#) Kitts Creek PH 4 Street Acceptance

Council Member Stohlman stated that it appeared construction was not finished.

Amanda Boone, Town Engineer, stated that most homes had not been constructed. Due to this, the extended warranty period starts with street acceptance until 80% build-out of the lots along the streets being accepted. At that time, the developer would submit a request for final acceptance. Staff would review the streets for deficiencies and finally accept the streets and release the bond.

Council Member Stohlman asked if this had occurred in other areas.

Tim Gauss, Sr. Director of Development Services stated that it had.

Council Member Stohlman asked about potential damage after staff completed their walk through inspection.

Ms. Boone stated that potential damage that would occur during home construction would be to the curb, gutter and sidewalks and the developer would hold the builder responsible for making those repairs as part of their process. The 80% build out requirement was in place to protect the roads from wear and tear from heavy concrete trucks.

Mr. Gauss stated that if the roads still have very little damage after the 80% build out point that meant they would hold up pretty well in the long run.

Council Member Stohlman asked how many total units were approved.

Ms. Boone stated that she did not have that information on hand.

MOTION: *Council Member Diehl* made a motion to approve. *Council Member Schlink* seconded the motion.

Council Member Schlink asked how many phases were left to build.

Ms. Boone stated that there were three phases left.

Council Member Schlink asked if phases one and two were approved like this.

Ms. Boone stated that phase 1E was handled in a similar fashion and was contingent up 80% build out of phase three.

FINAL ACTION: The motion passed unanimously.

[2012-001](#) Consider technical updates to the *Riparian Buffer Protection Ordinance* (Consistency Statement Resolution and Ordinance for Amendment AMN 12-01)

Council Member Stohlman stated that he wanted to make sure this had nothing to do with stormwater or the Jordan Lake Basin Rules.

Mr. Wadkins stated that this had nothing to do with stormwater. That was a separate ordinance. The only possible association was if stormwater ran through a buffer area.

MOTION: *Mayor Pro-Tem Johnson* made a motion to approve. *Council Member Diehl* seconded the motion.

Council Member Schlink asked about the Park West Apartments.

Mr. Wadkins stated that there was a road connecting two parts of the apartments across a buffer area and some permitted uses encroached in the buffer. Other than that, there was no association with stormwater.

Council Member Schlink stated that when he read the proposed ordinance amendment, it appeared there was reference to merging the Jordan and Neuse Basin requirements.

Mr. Wadkins stated that the State delegated the authority to the Town to combine the two basins.

Council Member Schlink stated that this was originally approved in April and it was sent back by North Carolina Department of Environmental and Natural Resources (NCDENR) for a quick update.

Mr. Wadkins stated that there was one additional use that was left off and a reference to an incorrect section.

Council Member Schlink asked about the stormwater ordinance being approved and then sent back for minimal technical updates.

Mr. Wadkins stated that the Town Engineer would address that.

Mayor Holcombe stated that since this was housekeeping there should be a vote and staff needed to make sure to address those questions on the other matter.

FINAL MOTION: The motion carried unanimously.

[2012-015](#) Wake County Public School System (WCPSS) Joint Use Agreement for Cedar Fork Elementary School (CFES) Fields (previously 2011-110)

Council Member Schlink asked if these ballfields were being constructed with funds from the bond referendum approved by voters in 2004.

Mr. Allen stated that those funds may be applied depending on the final price of the RTP park site and if any funds were left over. Also, the land acquisition of the adjacent property may increase costs. But it was very possible to use bond funds for this.

Council Member Schlink asked if the primary use would be for the Town of Morrisville.

Mr. Allen stated that the Town would get first use of the fields, but they could be used for other purposes.

ACTION: *Mayor Pro-Tem Johnson* made a motion to approve. *Council Member Diehl* seconded the motion that passed unanimously.

Council Consensus was to continue with the meeting at 9:49 pm.

13. Discussion

- *Tobacco Barn Rescue - Relocation* [Staff Report](#)

Ben Hitchings, Planning Director, stated that the two barns being considered for relocation were off of NC 540 on NC 54. They were believed to have been built by Luther Green. Staff recently reviewed the condition of the barns. The easternmost barn was in good condition, but the westernmost barn would have to be reevaluated to see if it could be moved. There was some damage to the corner of that barn.

Mayor Holcombe asked about the time frame.

Mr. Hitchings stated that the developer planned to demolish the barns at the end of January. If the Council desired to save and relocate the barn(s), it could be the last activity completed and the project was scheduled for completion at the end of March.

Mayor Holcombe stated that she had received a soft offer to provide the Town with a parcel of property for the barns and some amount of funds for the relocation. There would be a lot of details for staff to work through. The last quoted amount to move both barns was provided by staff and was estimated to be \$26,000 to move both barns. The monetary offer would potentially cover about half of that and staff would need to consider the suitability of property offered.

Council consensus was to have staff bring forward a briefing item to consider this.

Mayor Pro-Tem Johnson asked about the estimate.

Mr. Hitchings stated that this estimate was completed in 2008-2009 by Blake Movers for \$14,000 and \$12,500 for the barns.

Mayor Pro-Tem Johnson asked if one of the barns could not be moved due to deterioration what options remained.

Jerry Allen, Parks, Recreation and Cultural Resources Director, stated that the wood was textured and grained differently for each barn, so it was assumed that they were built at different times. One looked to be built with a saw and one to be hand cut with an axe.

Tony Chiotakis, Sr. Director of Community Services stated that there would potentially be an initial cost to get the barn(s) off the developer's property and then another cost to maintain the barns until they were moved again. The estimate provided only covered one move.

John Whitson, Town Manager, stated that was one reason why he advised staff to bring this item to Council for discussion. There was still work to be completed on the Pugh House and the staff had not been given any clear guidance on historical preservation. Also there were fiscal restraints right now.

Mayor Holcombe stated that staff should contact Ms. Dunnegan, who made comments, to see what work their organization had already done. .

Mr. Hitchings stated that he would contact the developer to see if more time could be provided for Council to consider this.

Council Member Schlink stated that staff should include the details referred to regarding cost and also how long the Town would hold onto the barns.

Mr. Hitchings stated that a decision would be needed prior to March.

- *Transportation and Transit Task Force*

Mayor Holcombe stated that she requested this item to be added to the discussion topic list. It was up to Council to decide if staff should bring back items as briefing items for consideration. One of the reasons this was brought up was to educate the community. Transportation matters

were complicated in Morrisville. Also, this group may potentially review Transportation Plan items.

John Whitson, Town Manager, stated that the Town was currently short of staff resources and there would need to be additional staff support as part of a briefing if this was brought forward.

Council Member Diehl stated that Council had denied additional Planning Department staff with discussion of the last budget.

Mayor Holcombe stated that she was willing to agree to additional resources if that was necessary to move forward.

Council Member Diehl concurred.

Council Member Schlink asked if the intent was for this group to operate like the Citizens Budget Performance Assessment Panel.

Mayor Holcombe stated that it would be a temporary forward looking group that would be educated on transportation matters and potentially bring forward recommendations to the Council. They could review this Wake County Transit Plan matter that was currently being discussed. There were multiple tasks they could assist with concerning the big picture of transportation in Morrisville.

Mr. Whitson stated that this group could be operated like the Wake County Sustainability Task Force. They hired a group to handle the documentation, record keeping and other similar matters. That group was made up of folks appointed by the Wake County Board of Commissioners for a set period of time. There were potentially other support sources that could be considered.

Mayor Holcombe stated that this group would look at traffic matters and consider fixes. If there was no fix, the reason needed to be clearly understood.

Council Member Broadwell stated that this had potential and suggested the Mayor create a mission statement.

Mayor Holcombe stated that the intent was for this to be a Town initiative more than the Mayor's plan. Discussion could be continued regarding this matter at the next opportunity.

- *Council Committee Members*

Diana Davis, Town Clerk, stated that the appointments for the Cary/Morrisville Joint Issues Sub-Committee should be finalized. Mayor Holcombe, Mayor Pro-Tem Johnson and Council Member Diehl were currently serving. Council Member Diehl could be a regular member instead of an alternate member. The Town of Cary did not have an alternate member and it was not necessary for Morrisville to have one either.

Council concurred.

Ms. Davis mentioned that with Council Member Lyons leaving office, there was a vacancy on the Raleigh-Durham Noise Abatement Committee and the Triangle J Council of Government Board of Delegates as an alternate member.

Council concurred that Council Member Rao could serve in the Triangle J alternate position and Council Member Schlink would replace him on the Wake County Growth Management Issues Task Force as a regular member. Council Member Schlink would also serve on the Raleigh-Durham Airport Noise Abatement Committee.

Mr. Whitson noted that the Triangle J Board of Delegates had an orientation the next night that Council Member Rao would have to attend.

14. For the Good of the Order

- Administrative Reports

Tony Chiotakis, Sr. Director of Community Services stated that NCDOT would be resurfacing Church Street. For this process, they want to exchange maintenance responsibility of Church Street from Morrisville-Carpenter Road to Franklin Upchurch Sr. Street for maintenance responsibility of Ashe Street from Church Street to Page Street, Page Street from Morrisville-Carpenter Road to Ashe Street and all of Franklin Upchurch Sr. Street. There would be more information forthcoming.

John Whitson, Town Manager, stated that Ms. Ketchum and he attended the Treasurer's Board Meeting where they were voting on the unpaid liability for the Local Government Employees Retirement System statewide. This had affected many jurisdictions and the calculation was extremely skewing the figures not in the Town's favor. The Town would have had to pay a lot more that would have been a moving total figure that would not ever have been able to be paid off. They had four options to consider and they chose the option that used all four points and was most favorable to Morrisville. They would continue to charge the same rate premium annually for joining the system late, but as soon as the original amount was paid off, it would be paid. For the remaining 24 year commitment, the Town would pay \$1 for the rest of the time. The preliminary numbers have that debt being paid of in about four or five years. The Town started this agreement in 2003. This would be about \$2.5 million in savings right away. This effort was mainly due to Ms. Ketchum meeting with the treasurer and working with legislators on this. The Town owed the State Treasurer, Janet Cowell, a very large thank you for this. This was a huge achievement!

- Council Comments

Council Member Rao asked about meeting with the Wake County School Board as there were some important matters that had come up during discussions with citizens that needed to be covered.

Mayor Holcombe stated that a meeting was being set up between this group and the Wake County Mayors' Association. If it was acceptable, comments could be carried to this meeting.

Council Member Rao concurred. Additionally the work being done for the new RTP Park was exciting, especially the cricket fields and the tennis courts. Town staff was encouraged to work with the United States Tennis Association to build the tennis courts to their stats. This would also help the Town obtain grants.

Council Member Diehl asked that retreat materials be dispersed before the Friday prior to the retreat.

15. Announcements

- Next meetings
 - January 28-29, Retreat – Fire Station One Meeting Room, 200 Town Hall Drive
 - February 14, Briefing Session
 - February 28 Business Session

16. Closed Session

ACTION: *Mayor Holcombe* made a motion to go into closed session pursuant to NCGS 143-318.11 (a) (4) to discuss matters relating to the location or expansion of business in the Town of Morrisville. *Council Member Diehl* seconded the motion that passed unanimously.

Mayor Holcombe, Mayor Pro-Tem Johnson and Council Members Diehl, Rao, Stohlman and Schlink went into closed session at 10:34 pm. Present staff included Frank Gray/Town Attorney, John Whitson/Town Manager, Diana Davis/Town Clerk, Carlotta Ungaro/Economic Development Director, Tim Gauss/Sr. Director of Development Services and Ben Hitchings/Planning Director.

ACTION: *Council Member Diehl* made a motion to adjourn the closed session. *Council Member Broadwell* seconded the motion that passed unanimously.

Mayor Holcombe adjourned the closed session at 11:21 pm.

17. Adjournment

ACTION: *Council Member Diehl* made a motion to adjourn. *Council Member Broadwell* seconded the motion that passed unanimously.

Mayor Holcombe adjourned the meeting at 11:22 pm.

Adopted this the 27th day of March, 2012.

J. S. Holcombe, Mayor

<SEAL>

Diana R. Davis, Town Clerk