



Morrisville Town Council

Business Session
February 24, 2009

1. Call to order

Mayor Faulkner 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 Murry, Stohlman, Martin, Snyder and Lyons. Frank Gray/Town Attorney arrived at 7:22 pm. Present staff included John Whitson/Town Manager, Diana Davis/Town Clerk, Tony Chiotakis/Senior Director of Community Services, Tim Gauss/Senior Director of Development Services, Todd Wright/Fire Chief, Ben Hitchings/Planning Director, Michele Hane/Transportation Planner, Ashley Jones/Planner, Wilson/Police Captain, Blake Mills/ Public Works Director, Jerry Allen/Parks, Recreation and Cultural Resources Manager, Todd Wright/Fire Chief and Julia Ketchum/Senior Director of Business Management.

2. Invocation by Council Member Pete Martin

Council Member Martin gave the prayer.

3. Pledge of Allegiance - Please Stand

Everyone stood in participation of the Pledge of Allegiance.

4. Adoption of Agenda

Mayor Faulkner stated that she had a legislative update to give at the end of the meeting.

ACTION: *Council Member Lyons* made a motion to adopt the agenda with the addition by Mayor Faulkner. *Council Member Martin* seconded the motion, which passed unanimously.

5. Adoption of Minutes

- January 10 Retreat

ACTION: *Council Member Snyder* made a motion to approve the minutes as presented. *Council Member Martin* seconded the motion, which passed unanimously.

- January 13

ACTION: *Council Member Murry* made a motion to approve the minutes as presented. *Council Member Martin* seconded the motion, which passed unanimously.

- January 27

ACTION: *Council Member Lyons* made a motion to approve the minutes as presented. *Council Member Snyder* seconded the motion, which passed unanimously.

6. Presentations

- Year of Volunteerism [Proclamation](#)

Mayor Faulkner read the proclamation and recognized volunteers in the audience.

- Fire Department Bucket Award

Todd Wright, Fire Chief introduced and explained this award received from the most contributions to the Jaycee Burn Center and attendance at the Burn Camp and a Parade. This award was given to the Fire Department that gave the largest contribution based on per capita population. The contributions came from the firefighters and other organizations on their behalf. In addition to financial contributions Morrisville Firefighters helped with the annual summer camp for burn victim survivors and their families. They helped with an annual parade as well. This past fall the annual Work Burn Victim Conference was held in Raleigh. For this event the firefighters displayed the Fire Safety Trailer, competed in a Bar-B-Q cook off and served dinner to the survivors and their families. This award would be on display in the Public Safety and Municipal Services Building along with a plaque that was awarded.

Mayor Faulkner stated that folks were so grateful to the firefighters and had asked what they could do. They could make donations to this organization. The firefighters' hard work was appreciated.

- Megan Gray – Police Officer I (Filling Vacancy)

Captain Wilson stated that Ms. Gray was a graduate from the Rocky Mount Police Academy and had been a patrol officer since that time. She had a bachelor's degree in Criminal Justice from Longwood University in Farmville, Virginia.

- Brett Gilbert – Police Officer I (Filing Vacancy)

Captain Wilson stated Mr. Gilbert had been a Police Officer since 2000 and had previously worked for Morrisville from 2004 to 2006. He left at that time to serve a tour in Iraq and was now rejoining the force in 2009.

7. Public Input/Public Hearing Sessions

[2009-007](#) Adopt Speed Limit Code of Ordinance Amendment 2009-007

Blake Mills, Public Works Director stated that one section off of Morrisville Parkway on Crabtree Crossing was 25 miles in Cary and the consultant recommended adoption of the same speed limit as Cary to avoid confusion. North of Morrisville Parkway would remain at 35 mph.

Mayor Faulkner noted that there were not as many driveway cuts or residences in that area and opened the public hearing at 6:42 pm.

There were not public comments.

ACTION: *Council Member Murry* made a motion to close the public hearing. *Council Member Martin* seconded the motion that passed unanimously.

Mayor Faulkner closed the public hearing at 6:42 pm.

[2009-002](#) Adopt updated Land Use and Transportation Plans

Mayor Faulkner stated that this was the last chance for public input during an official meeting for this item and opened the public hearing at 6:42 pm.

Margaret Broadwell, 109 Stella Court stated that there were mixed emotions about the proposed Land Use and Transportation Plan (LUTP) that was being considered for adoption. The citizens, Morrisville Action, town staff and Town Council should be commended for their effort and thought process which produced the current proposal. The results were impressive although it was likely that no matter what was finally adopted would not satisfy everyone. It was pleasing to hear during the last public meeting that Council Members were ready to incorporate citizens' desires into the final approved plan. As representatives, the Council's actions directly affected lives and finances. This was often recognized at polls on election day. Additionally, the following should be considered for finalization:

1. Remove the Crabtree Crossing Parkway Extension from the Plan.
2. Continue to add low density housing in the north; along Church Street and near Lake Crabtree; shrink the Southern RAC to include low density residential, where appropriate with some medium density for transition land next to commercial.
3. Continue "no high density residential" anywhere, including in RAC's, NAC's or BAC's.
4. Continue to improve NC 54 as a top priority.
5. Continue the donation, or payment-in-lieu, of land for Greenways and Parks.

This plan would serve as a guide and tool for both the Town Council and future prospective developers as Morrisville moved forward. It was recognized that this was a "living" document, subject to change with economic and political influences. In the quest for perfection, it should be remembered that public service meant to serve the public.

Tony Barber, 10414 Chapel Hill Road stated that his property was located off of NC 54. This plan had an impact on this land owned by his family due to future roads being proposed on the property. This property was in the family for well over fifty years. Under this plan, this would be twenty to twenty-five years before the road was constructed and the family was totally against this. Due to the road, the property was pretty much condemned. This was a number one priority in Morrisville and the Department of Transportation (DOT) was indicating that this was Morrisville's project. The question was whether Morrisville was willing to buy this property tonight.

Johnny Holsclaw, 10408 Chapel Hill Road stated that his property was in between the concrete company and a business park. The property had been for sale over the last three years. During that time, the buffers and setbacks changed several times. Interested parties would come up with site plans, but the building footprint would not fit what Morrisville required. Everyone understood progress and moving forward but this property had been in the family for fifty five to sixty years. It was a narrow property, with setbacks moving in on the sides and now being increased on the front. The building sits back currently about 120 feet. This puts setback right on the house that was on the property now. There would be trouble getting buyers to purchase with a footprint of their building to fit there for the amount of money. Also stipulations changed for not parking in front of buildings. If that was permitted when the four to six lanes came through this would create a situation and it would be easier to put lanes on a parking lot instead of on building space. Maybe special consideration could be given to that. The North Carolina Department of Transportation (NCDOT) did not have anything on the book about a four lane NC 54. It was Morrisville's idea for Long Range planning. It was understood, but property owners needed consideration as well if they need to use or sell property. This should remain a consideration when making decisions.

Michele Hane, Transportation Planner introduced Scott Lane consultant.

Mr. Lane stated that he wanted to cover some issues brought up at previous meetings and proceeded with a [presentation](#).

Mayor Faulkner stated that there were potential options for Crabtree Crossing and asked about the ones on the northern end in particular and the effects of these on traffic counts.

Mr. Lane stated that the volumes drop off when travelling north to south. The area between I540 to McCrimmon in 2035 would have about 4,000 vehicles per day. From a capacity standpoint that was terrific. The difference between these connections when you get near Morrisville Parkway that was about 1500 and it was about 14,400 near McCrimmon Parkway. It would work, but it was a lot of cars. Most of these vehicles would probably to turn off at the Airport, creating the lower amount of vehicles near Morrisville Parkway, but that would require more analysis.

Council Member Lyons asked about flooding in the proposed Crabtree Crossing area and response time.

Mr. Lane stated that this road was designed to be at grade with flooding up to two to three feet during the initial project consideration, when it was first introduced. It was now being proposed to be two to three feet off of ground level, so it would be above the creek. It was out of the flood plain.

Council Member Lyons asked about the cost.

Mr. Lane stated that the cost of product was down right now, so it was estimated to be about \$8 million, but that was subject to change somewhat.

Council Member Martin asked if traffic control devices were considered when the traffic count was considered.

Mr. Lane stated that it included average speed, so that affected the category of the road.

Council Member Murry asked about changes to roads in or roads out in this area.

Mr. Lane stated that all of these options were expensive to build. The northern section carried more traffic. That was the only comment that could be made at this point without running particular models.

Council Member Snyder asked about an option suggested by the consultant to not bringing Triangle Parkway to McCrimmon but routing it to Davis Drive and indicated that there were probably a lot of other variables for consideration for finalizing this plan.

Mr. Lane stated that this section would probably not be built by the Turnpike Authority and would be slow to build. It was clear the traffic count dropped off after McCrimmon Parkway. This was an important piece to the north and it was evident in the traffic count.

Mayor Pro-tem Johnson asked how old the numbers in the presentation for the traffic count for the Crabtree Crossing Parkway Extension were.

Mr. Lane stated that they were fairly recent and were done within the last few years. If there was additional development they may have went up a bit. However, if there was additional capacity, it may have reduced the numbers a bit.

Mayor Pro-Tem Johnson stated that these were projected numbers for 2035 with potential projects already constructed.

Mr. Lane stated that there was some assumed completed construction projects when these numbers were considered.

Mayor Pro-Tem Johnson asked about traffic calming to the north.

Mr. Lane stated that there would be narrow bike lanes to provide for an enclosed feeling and there was a traffic circle as well. There was no speed humps proposed. Although folks have suggested that the speed humps on the southern portion should be included on the northern end.

Mayor Pro-Tem Johnson asked about the Morrisville Elementary numbers.

Mr. Lane stated that it was included.

Council Member Martin asked if the bridge estimates were current or in 2035.

Mr. Lane stated that the estimate was at today's value for the bridge and the road at \$7.8 million.

Frank Gray, Town Attorney arrived at 7:22 pm.

Ben Hitchings, Planning Director asked for direction from the Council regarding Crabtree Crossing Parkway Extension.

Council Member Snyder stated that there should be conditions to not consider this connection without other important connections already completed in this area that would positively affect the flow of traffic.

Council Members Lyons and Martin did not want Crabtree Crossing on the plan.

Council Member Snyder stated that it should be left on the plan with additional language or a requirement to not consider implementation unless several other connections were already completed and it was deemed that this was connection was still necessary and asked about the Transportation Plan (TP) project list.

Ms. Hane stated that it was on page 25 of the Transportation Plan. This could be completely removed from the list with it not being added until certain conditions occurred.

Council Member Martin stated that by leaving it there, there was a danger of it moving up the list if funds suddenly became available.

Council Member Murry stated that the debate on Crabtree indicated the priorities and Crabtree was not it and that needed to be reflected on this document.

Mayor Faulkner stated that Morrisville Parkway was not connected to Cary Parkway as it should have been. Now there were apartments in the way and that would have been an excellent connection. The goal should be to not be in that situation again. With that in mind, she concurred with Council Member Snyder's suggestion to add the conditions.

Ms. Hane stated that this would come back to the Council for decision because this was a town facility and there would not be interest from DOT in this. No one else would come in with outside influence; it was up to the Town Council. If this was removed, the fact that option existed was gone. Of course, it could be removed, but if left, it would be up to future generations to have it or not. It only provided that option.

Mr. Whitson asked about how pedestrian or bike trails would be depicted on the mapping to show that it

was not really a road, but may be one day if the Council decided to have that option.

Ms. Hane stated that notes could be added to the map to indicate the intentions and phases in future years for the project to occur.

Council Member Lyons asked who owned the land.

Mr. Whitson stated that he Transit Authority owned 10 acres and a land investment firm brought the five acres to the south (which was completely flood plain) and the property near Morrisville Commons. This occurred about eight months ago.

Council Member Stohlman stated that this should be removed from the plan and replaced with a greenway to connect to Indian Creek Greenway. If the cost was \$8 million now and it was not able to be afforded for three years, the question was how it would be afforded in 25 years. Even with all the traffic control devices, it was silly to provide a road and then try to slow traffic down. It should be removed from the plan as a roadway.

Mayor Pro-Tem Johnson stated that it should not be removed forever and the flexibility should remain. The concern was that over the next fifteen years or so, this town would grow and look different. Over the years on the Council, flexibility was incredibly important and options were critical without knowledge for the future. There was also big concern of the safety response. There was a concern that response numbers would not get better but worse, so that was an issue. The conditions on the road way were good, but there also needed to be one added that public safety should be evaluated as well. It would not be good that the one minute difference in response time would cause a negative output on a call.

Mr. Lane stated that was important as well. There were trail designs that provide for emergency response vehicles. There was some time taken to remove a vehicular block on a trail if that option was chosen. But if NC 54 was closed, this would help response time. Maybe a twelve foot path was needed.

Council Member Murry stated that emergency response was an issue today, so the town should put \$4 million on a fire station on Morrisville Parkway instead of on an \$8 million road. This was not proposed for 11 years.

Mayor Pro-Tem Johnson stated that the long term operating costs for a fire station was larger than the maintenance costs for roadway. That was not a true comparison. The Fire Department was the largest line item in the budget.

Council Member Martin stated that it would not be \$4 million if funds were received from the state to build a fire station.

Council Member Snyder asked about negatives to constructing Crabtree Crossing.

Mr. Lane stated that through traffic and construction costs were issues. These were issues brought up previously.

Council Member Snyder asked about value of homes along the proposed roadway.

Mr. Lane stated that the impact of traffic volumes of homes had certain considerations such as the road ability to carry the traffic or how far the home was set back. There was an area in the [presentation](#) that covered this.

Mayor Pro-Tem Johnson asked how the value of homes today changed over the years.

Mr. Lane stated he did not know that history.

Council Member Lyons stated that she was concerned about the cost of the proposed road going up.

Ms. Hane stated that due diligence was done on this road more so than any other proposed project in town.

Council Member Lyons stated that there was always some unknown factor.

Mayor Faulkner stated that there seemed to be two different thoughts: one being complete removal of this project and the second being keeping the project at the bottom of the list with several conditions.

Council's straw vote was Council Members Stohlman, Marin and Lyons doing away with Crabtree Crossing on the list and with Mayor Faulkner, Mayor Pro-Tem Johnson, and Council Members Murry and Snyder leaving this project on the TP list at the very bottom with condition and moving forward with a greenway.

Council Member Murry stated that it could be removed from the list. The interest was in keeping this discussion there and available. This could be taken off the list and it could still come back. Citizens would rely on this document and the Council may be getting too caught up with the list. There were several things that needed to occur before this was built, such as several roads being completed and the Council needed to be honest about that. It was not a priority anytime in the near future.

Mayor Faulkner stated that staff needed to come back at the next briefing with proposed conditions and how this should be depicted on the map.

Council Member Stohlman stated that if all those conditions were completed there was probably not a need for the Crabtree Crossing Parkway Extension.

Council Member Murry stated that the thought should be what should happen before it needed to be built.

Council Member Snyder stated that unfortunately this has become political. This was a plan and could change.

Council Member Murry stated that from a fiscal standpoint, this was not a fiscally oriented plan.

Council Member Snyder stated that he was not doing due diligence to take it out of the plan, because it was removing it for future Council's.

Mayor Pro-Tem Johnson stated that it would not be built just to be built. If it was removed that completely removed that from ever being an option.

Council Member Murry changed his point of view and wanted it removed from the list.

Council Member Lyons asked about a petition to remove Crabtree Crossing.

Ms. Hane stated that there was also a bond referendum to build Crabtree Crossing. If this got built it would not be completed without a referendum for the folks to vote on. That was also a consideration.

Mayor Faulkner stated that this was an extremely difficult decision with vision for the future, which unfortunately did not happen with Morrisville Parkway. The goal should be to look for connectivity with sensitivity to folks that may be affected. Now there were four that wanted just a greenway. This needed to be revisited one more time before a vote in March. It was important to make sure there was a consensus.

Council Member Lyons stated that since the Mayor did not get her way, now it was being revisited in March.

Mayor Faulkner asked the Council what they wanted to do.

Council Member Stohlman stated that this initial consensus was not binding and anyone could change their mind.

Ms. Hane stated that there were still some other items listed for discussion at the next briefing in March.

Council Member Snyder asked what the professional consideration of the LUTP should be whether that be fiscal or reality based. This may change things and it was important to have that base when making a decision.

Mr. Lane stated that was a wide open question. There needed to be a solid vision to what the town should be doing in future years. Things could change a lot. A few years ago Crabtree Crossing was the number one priority.

8. Public Address

Judi Bank, 200 Elshur Way stated that this story was a tale of a doomed shopping center, with the name withheld to protect adjacent property owners. The plan for the shopping center was proposed in 2006. The adjacent neighborhood was slated to become the main shopping center entrance. The private neighborhood pool parking lot was implicitly designated as overflow parking because the builder had provided insufficient parking spaces. There was also a sidewalk entrance with clearance of less than three feet from residential homes. The residents of the adjacent neighborhood protested loudly and the plan was changed to feature an entrance on one major Morrisville thoroughfare and an exit on another. Other key points were as follows:

- The shopping center was approved contingent upon having an entrance on a Morrisville main road and an exit on another main road.
- May of 2008 the developer received special permission to clear the land without obtaining required permits.
- Before the developer started clearing of the site, all but one of his prospective tenants cancelled their leases making the economic viability of this project questionable.
- Feasibility of the required exit was never researched by Morrisville staff during the planning phase but the exit was disallowed by the North Carolina Department of Transportation (NCDOT).
- The developer purchased an adjacent parcel of land to build a road ten feet from residential homes, in order to circumvent the exit requirement (this land is in Cary).
- The developer started clearing the land in May of 2008 (before economic conditions had significantly deteriorated).
- At that time, the developer did not have required permits.
- August of 2008 the developer abandoned the project and offered the land for sale leaving and enormous rusting backhoe prominently displayed in the property.

- The Environmental Protection Agency (EPA) requested a stormwater retention pond, which was a cement basin 15 by 20 feet and three feet deep. It was always filled with water, which caused a drowning hazard for children.
- Young children continually play in the construction area.
- At this point all Cary permits required to circumvent the exit requirements have expired.
- The land now has not commercial value, expectations of a new project on the site are unrealistic and there was now a blighted area within Morrisville.

At least a dozen letters were written to the Town Council and the response was always that the project conformed to building regulations. That did not make sense. There was no possible benefit to Morrisville for clearing the land so early. There was no motivation that would cause Morrisville to allow clearing before confirming that the contingencies could be met and permits could be obtained. The question was whether this was oversight or negligence. Or maybe it was just indifference to the quality of life for the residents of Morrisville.

Michael Schlink, 416 Willingham Drive stated that he was going to discuss implementing a practical system of new town strategies which like many other local governments in North Carolina were in place to collect fees from developers to help pay for the impacts of new development on public infrastructure such as roads. More tools in the town's toolbox would keep property taxes lower versus increasing them. This year, the Council and town leaders act, on their own and follow other towns' best planning practices in passing a Morrisville ordinance like Cary's that speaks to the timing of new development to help ensure that it comes online when it is reasonably certain that roadways would be available to accommodate the new developments. This was commonly called an Adequate Public Facilities (APF) Ordinance for roads. Staff and the public can view Cary's Ordinance 01-012 at the Cary web address <http://www.townofcary.org/depts/dsdept/roadsapf.htm> in evaluating it for our town needs. The NC Legislature gave Morrisville the authority to collect these fees if the Council would enact a town ordinance. The Town Council could follow Cary's lead and approve a system type and fee structure that worked well in Cary for years now based on a traffic impact analysis. The Council still has the flexibility to lower and raise the fees collected every year to accommodate any new developments or rezoning.

Another tool, as asked for in the past was legislative authority for collection of "impact fees" for widening and extending Morrisville/State roads surrounding us. Many other Wake towns/cities already have this authority and Morrisville could request it, which in essence leveled the playing field and raised the bar on quality development and residents quality of life here in Morrisville. The same developers that do business in Morrisville have projects all over the region and were accustomed to paying these impact transportation development fees, levied by other towns as the price of doing business. The money collected was used to help pay for widening and extending roads, which ultimately benefited their projects with needed road infrastructure improvements by mitigating traffic congestion versus just throwing up your Council collective hands in frustration and claiming developers could not be forced to make off-site improvements. Unless the legislative authority was asked for, it could not be received. It was a disservice and hypocrisy to residents under the tough economic conditions and smaller Capital Improvement budgets to not ask for this authority and then continue to approve higher density development ignoring the traffic congestion, which was Morrisville residents' number one concern. Overall, implementing these two actions, a road APF and "impact fees" would greatly increase the needed funding in addressing capital funding from new development.

Mayor Faulkner asked for an update on the site Ms. Bank's discussed during the public address.

Tim Gauss, Senior Director of Development Services stated that when a grading permit was issued it was considered positive to coordinate grading with construction occurring with the widening of Davis Drive.

Ben Hitchings, Planning Director stated that this type of project often generated community concern. To note that site was zoned for Neighborhood Business and was planned as a neighborhood commercial area to be accessed by Wexford. Wexford was developed first and now the owner brought forward a proposal. The Davis Drive Eatery was an allowable use. One issue raised was if the project met the ordinance requirements and it did. Another issue was the sidewalk connections. This was added late in the game and it was voted to have those removed at the request of the neighborhood. Some of this information came from the Town Engineer. There was a legitimate public interest in permitting the early grading so that the final infrastructure could be installed instead of having it ripped out in order for the developer to put in the final exact road configuration approved with the project. There was question about the driveway access. Davis Drive was a DOT road and there was a widening project. DOT was responsible for issuing the driveway project. Initially there was a Morrisville portion and a Cary portion. At first there were two entrances and exits in Morrisville. DOT gave preliminary approval for both to be right-in/right-out, not full access. The developer then brought forward a plan to the Town of Cary (TOC) to continue the project across the jurisdictional line and receive approval. They submitted plans again to DOT and were required to have one driveway access that was pushed to the TOC portion of the project. Now there was a connection at the stub of Morrisville into Cary, this was approved by Morrisville to make a connection from Morrisville to Cary. Another issue was the sedimentation pond. The purpose of that pond was to manage stormwater during construction to keep polluted water out of the creeks. It was private property and it was supposed to have silt fence. There were citizen comments that the silt fence was not up and the Code Enforcement Officer was sent out to check the issue. Children should be monitored and that was private property.

Council Member Martin stated that now that the sediment pond was pointed out as a danger was there any further actions.

Mr. Hitchings stated that it was questionable if this was still an active construction site. There was communication with Wake County Soil and Erosion Control to see if it needed to remain. Another important issue was if the Cary portion would be restarted. Morrisville staff was communicating with the Cary staff on this.

Council Member Lyons asked about further measures to keep children off of the property.

Mr. Hitchings stated that staff could ask the property owner. There was not any regulation regarding some sort of site remediation if a project was delayed for a long period. They were required by the County to provide soil and erosion control. There was a request in the past for a fence on the site. The developer would not put up a fence, but would get price quotes if someone else wanted to pay for the fence. Staff would inquire again. Also, maybe a no trespassing sign could be put up.

Council Member Lyons asked about a fence around the pond.

Council Member Snyder stated that this should be addressed as a safety issue on their site and there was no reason why they would not want to do anything about this as a good neighbor.

Mr. Gauss stated that this was a County requirement to have soil and erosion control and the Town Engineer was speaking with the County. Staff would also contact the property owner.

Council Member Murry asked about a time frame for them to reapply in Cary.

Mr. Hitchings stated that they would have to start over in Cary.

Council Member Murry stated that it was not active then.

Council Member Snyder asked about the driveway being relocated back into Morrisville.

Mr. Whitson stated that was a possibility. However, Wake County may authorize the removal of the pond.

Council Member Snyder stated that this should be a priority. He would like the contact information for the folks at the County.

9. Action Items – Old Business

No Action Items Old Business

10. Action Items – New Business

[2009-031](#) Adopt Resolution 2009-031 to approve Audit Contract

Julia Ketchum, Senior Director of Business Resources stated that she was not here at the last meeting and had some additional background information regarding the process through the Local Government Commission (LGC) for Requests for Proposals (RFP's) for an audit. LGC was in the process from the beginning to the end. It was reviewed and all invoices were approved before being paid by the LGC as well. They were very involved. The Council requested a three year resubmittal. There were no changes in the cost and that was included as [Exhibit A](#). [Exhibit B](#) was audit fees charged by others as listed by the LGC for comparison purposes for the Council. In the past, there was not enough staff on board to rewrite some of the contract. There was the hope that now that there was more staff to get some of that in line to see some cost savings there. Joyce was the audit company for Apex, Knightdale and Zebulon as well. [Exhibit C](#) was the criteria that LGC required.

ACTION: *Council Member Stohlman* made a motion to approve that was seconded by Council Member Snyder and unanimously approved.

[2009-019](#) Adopt Resolution Requesting the North Carolina Turnpike Authority to Construct the Kit Creek Reconnection to Certain Specifications

Tim Gauss, Senior Director of Community Services stated that the action was to transmit a resolution with detail of the Council's intent and aid the staff in communications with the Triangle Transit Authority (TTA). Figures were estimated for town required additions to the TTA's initial design as required by NCDOT. This was reflected in [Attachment Seven](#). These figures should be known in the event that the TTA did not include those items in their costs. The ongoing discussions were to have the TTA fund all or part of those improvements. They continue to indicate that they cannot make any promises. This resolution would be sent to their staff and their Board. There was an email received by Michael Schlink that these costs be known. That costs savings for the TTA was through the preferred option versus 1D.

Council Member Murry asked if this resolution was passed if the costs could still come back on the town. If that was the case there may not be support.

Mr. Gauss stated that there was still ongoing discussion with the TTA. The final decision would come back to the Council to remove options or to pay the difference.

Council Member Murry stated that the wording was exactly as desired. But if they were not going to pay then the town should not pay either.

Council Member Snyder stated that he thought that if 1D was chosen the savings should be included in the resolution.

Mr. Gauss stated that could be included.

Mr. Whitson stated that the savings was estimated by town staff. Their engineer was still working on that figure.

Council Member Murry stated that the amount was not to be listed but to note a significant savings and to keep those dollars in Morrisville.

MOTION: Mayor Pro-Tem Johnson made a motion to approve with additional language in the whereas that indicated the significant savings realized with the use of alternative 1D. Council Member Snyder seconded the motion that was unanimously approved.

Council member Martin asked if this would come back to the Council.

Mr. Gauss stated that what they were offering would come back. There would be an agreement to finalize the parameters of the discussion and that would come back to the town.

ACTION: The motion passed with five ayes (Mayor Faulkner, Mayor Pro-Tem Johnson and Council Members Murry, Stohlman and Snyder) and two nays (Council Members Martin and Lyons).

Council Member Lyons stated that she did not like the Kitts Creek reconnection.

[2009-007](#) Adopt Speed Limit Code of Ordinance Amendment 2009-007

MOTION: Council Member Lyons made a motion to approve. Council Member Stohlman seconded the motion which passed unanimously.

Council Member Snyder asked if this ordinance update was new or for clarification.

Blake Mills, Public Works Director stated it was new.

ACTION: The motion passed unanimously.

11. Consent Agenda

Council Member Martin asked to remove item 2009-036.

Council Member Lyons asked to remove items 2009-040 and 2009-033.

ACTION: Council Member Murry made a motion made a motion to approve the consent agenda without item 2009-036, 2009-040 or 2009-033. Council Member Snyder seconded the motion, which passed unanimously.

[2009-037](#) Adopt Resolution 2009-37 Endorsing the Pursuit of Agency Accreditation by Parks, Recreation & Cultural Resources Department

[2009-039](#) Consider Resolution to appoint Advisory Committee Applicants

[2009-014](#) Act on Resolution 2009-014 pertaining to the Elected Officials Electronic Usage Policy (EEUP)

[2009-032](#) Consider Adoption of Resolution Supporting Wake County Neighborhood Stabilization Program

12. Items Removed from the Consent Agenda

[2009-036](#) Adopt Resolution 2009-034 seeking Legislative Authority for electronic publication of Public Hearings

Council Member Martin asked how folks that could not be reached through electronic notification would be notified.

Mr. Whitson stated that the property would be posted and the adjacent property owners would be notified. There would be a broadcast database as well.

Council Member Snyder stated that if they did not sign up for the paper they did not get it that way now either.

Council Member Martin asked about inclusion in the Morrisville Connection.

Mr. Whitson stated that there were only a few that would not make it into the Connection. For instance, the speed limit ordinance, which was not a required public hearing but one that staff felt it should be included. This was already a problem because there were a lot of places that did not have a daily newspaper anymore. The law was evolving to meet those requirements.

ACTION: *Council Member Snyder* made a motion to approve. *Council Member Murry* seconded the motion, which passed with six ayes (Mayor Faulkner, Mayor Pro-Tem Johnson and Council Members Murry, Lyons, Stohlman and Snyder) and one nay (Council Member Martin).

[2009-040](#) Consider Ordinances and Resolution to renovate town property (Christian Church)

Council Member Martin stated that he supported having a Christian Church but it should be in good condition.

Mr. Whitson stated that this was a long process and staff was working diligently.

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

Council Member Murry asked about costs.

Mr. Chiotakis stated that the original estimates were for \$350,000 to \$400,000.

Mr. Whitson stated that it was listed in the LRFP as \$450,000.

Council Member Murry stated that it was budgeted but asked about the reason for the timing.

Mr. Chiotakis stated staff had been working with the knowledge that these funds were there.

ACTION: The motion passed unanimously.

[2009-033](#) Adopt Resolution for the Everett Crossing at Kitts Creek site plan and preliminary subdivision plat 1 year extension request

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

Council Member Snyder stated that he voted no on this project originally and would vote no on this now but it was a legislative issue that overruled Morrisville's and required two years for site plans. The ordinance would be updated to reflect this as well.

ACTION: The motion passed unanimously with six ayes (Mayor Faulkner, Mayor Pro-Tem Johnson and Council Members Murry, Martin, Stohlman and Snyder) and one nay (Council Member Lyons).

13. For the Good of the Order

- Administrative Reports
 - Annual Ethics Briefing

Town Attorney, Frank Gray stated that there were only a handful of municipalities that had a Code of Ethics and gave an annual update as requested by the Council of the general statues as the framework of laws that governed what occurred.

Mayor Pro-Tem Johnson asked about a discussion regarding Open Meetings Law specifically related to emails.

Mr. Gray stated that there were several different issues.

Mayor Pro-Tem Johnson stated that when there were conversations that involved multiple elected officials. While in the School of Government it seemed that if there were four members involved in an email conversation it seemed that would be considered a meeting. It was good when staff kept everyone in the loop, but it was important to know the parameters.

Council Member Martin stated that if an email was only informational was that against the law to send.

Mr. Gray stated that there would be a concern. It was a better practice to steer away from emailing back and forth amongst themselves. If several needed to correspond they should do that here.

Mayor Pro-Tem Johnson stated that the issue started when Council Members started to reply to all when something was sent.

Mr. Gray stated that public records issue was a different issue than an open meeting law. Any conversation with town business was a public record and could be turned over with a public records request.

- Environmental Impact Statement and Engineering Report

Mr. Gauss stated that copies of this document would be available at Town Hall when it was ready. March 13th was the draft release date kicking off with 45 days of public input. There would be public hearings/open houses on March 24th and 31st in Apex.

- Council Comments

- CORE Update

Council Member Snyder stated that the Corridor Meeting was attended by himself and Ben Hitchings. They discussed sidewalks, trails and facilities to see if there were missing links. There were some noted in Morrisville and Cary with proposed fixes. New open space was added. Most of the connectors were north/south connectors and they added east/west connectors as gap fill-ins. They were going to come to each of the Boards/Councils to get support moving forward.

Mr. Hitchings stated that this was a multi-jurisdictional effort. It would be good to work together to fill in gaps and create a multi-jurisdictional feature that everyone could benefit from.

Mayor Faulkner stated that last time it was presented to the Council, who adopted it as a guide.

Mr. Hitchings stated that folks were interested in this and trying to tap potential funds.

Mayor Faulkner asked about an upcoming meeting regarding greenway connections and asked for a briefing.

Jerry Allen, Parks, Recreation and Cultural Resources Director stated that staff was trying to coordinate a meeting with Wake County and other municipalities, including Paul Black from the Council and several others. This was going on between the departments for years to get trails and connections to work together. That was a key point tomorrow morning on how that affected and what could be done in Morrisville

Mr. Chiotakis stated that Morrisville was considered a hub.

Mayor Faulkner stated that Sig Hutchinson, the Chair of the Wake County Open Space Board had always been good with communications and helping with these efforts.

Council Member Snyder stated that on the website homepage the Land Use and Transportation Plan (LUTP) was the highlight, but there was no link on the front page. This needed to stay here until it was adopted.

Ms. Ketchum stated that a new and improved website would be rolled out soon and they were in the final stages.

Council Member Snyder asked about the Planning Process Review.

Mr. Gauss stated that they were involved in a regional study being conducted by Holly Springs. There should be an update shortly.

Mr. Whitson stated that Holly Springs led the effort and for municipalities that participated for comparison they would receive a copy of the report.

Council Member Martin asked about construction on Morrisville Carpenter.

Mr. Whitson stated that that the Railroad Crossing would be closed on Saturday and it would be completely shut down for three to four weeks at the end of April or the beginning of May.

Council Member Martin stated that there was a lot of dirt on the road in his neighborhood and asked about a preventative addition to the ordinance.

Mr. Whitson stated that he was not aware of an ordinance update. There was authority to remove obstructions in the road. There were no provisions to make environmental changes right now. There may be some updates that were environmental updates when the Unified Development Ordinance (UDO) was done, but as far as private property owners dropping something in the road that was not really prohibitive except if it was blocking traffic.

Council Member Martin asked about building maintenance funds.

Mr. Whitson stated that the fund for renovations was in Public Works. There were no slush funds.

Council Member Martin asked about unforeseen renovations.

Mr. Whitson stated that the Town Hall Building and the building staff recently moved into was good for several years. The top of the list was the Aquatics Center.

Council Member Stohlman stated that the consultant was providing conceptual provisions. It was the Council's responsibility to consider fiscal responsibility.

Mayor Faulkner stated that regarding the Wake Delegation there were three things. First was the tax collector helping with stormwater fees. The other was electronic notifications of public notices. Also, the possibility of impact fees was brought up. There was discussion among the mayors that if there was a toolbox that other municipalities had then all should have it. There was quite a bit of discussion regarding this. There was no action of course, but a lot of discussion. If the town had that tool then they could consider whether to use it or not.

Mr. Whitson stated that one of Morrisville's representative legislators seemed to be interested in supporting this request. If either one was willing to submit the bill Morrisville could get into the process. Morrisville had the bill that Zebulon wrote years ago with Morrisville's name inserted. Once submitted, it became a process of getting folks involved to keep the bill going.

Mayor Faulkner encouraged other Council Members support in this. There was a ribbon cutting at Asian Aroma at 11:30 on March 2nd with lunch included.

14. Closed Session

ACTION: *Council Member Murry* made a motion to go into closed session pursuant to NCGS 143-318.11 (a) (5) to instruct staff concerning the position to be taken on behalf of the Town Council in negotiating the price for the acquisition of real property. *Council Member Snyder* seconded the motion, which passed unanimously.

Town Council, Frank Gray/Town Attorney, John Whitson/Town Manager, Diana Davis/Town Clerk, Jerry Allen/Parks, Recreation and Cultural Resources Director, Ben Hitchings/Planning Director and Tim Gauss/Senior Director of Development Services went into Closed Session at 9:40 pm.

ACTION: *Council Member Murry* made a motion to come out of closed session. *Council Member Snyder* seconded the motion, which passed unanimously.

15. Announcements

- Next meetings
 - March 10th, Briefing Session
 - March 24th, Business Session

- Town Center Development Code Public Workshop
Thursday, February 26th
Refreshments 6:00 pm, Work Session 6:30 pm
Town Hall Council Chambers

15. Adjournment

ACTION: *Council Member Snyder* a motion to come out of the business session. *Council Member Murry* seconded the motion, which passed unanimously.

Mayor Faulkner adjourned the business session meeting at 10:15 pm.

Adopted this the 8th day of April, 2009.

Jan Faulkner, Mayor

<SEAL>

Diana R. Davis, Town Clerk