



Morrisville Board of Commissioners

Briefing Session

January 8, 2007

1. Call to order

Mayor Faulkner called the meeting of the Board of Commissioners to order at 6:30 p.m. Also present for the meeting were Mayor Pro-Tem Martin and Commissioners Murry, Carrow, Johnson, and Snyder. Commissioner Lyons arrived at 6:48 p.m. Present staff included Frank Gray/Town Attorney, John Whitson/Town Manager, Diana Davis/Town Clerk, Stacie Galloway/PIO, Tim Gauss/Senior Director of Development Services, Ben Hitchings/Planning Director, Blake Mills/Town Engineer, Rodney Wadkins/Planner, Courtney Tanner/Planner, Tony Chiotakis/Senior Director of Community Services, Todd Wright/Fire Chief, Steadman Sugg/Parks and Greenways Planner and Julia Ketchum/Senior Director of Resource Management.

2. Invocation by Commissioner Tom Murry

Commissioner Murry gave the invocation.

3. Pledge of Allegiance – Please Stand

Everyone stood in participation of the Pledge of Allegiance to the United States.

4. Commissioner Hill Carrow Oath of Office Swearing In Ceremony

- Performed by Wake County District Court Judge Jane Gray
- Sheri-lyn & Casey

Honorable Jane Gray, Wake County District Court Judge, and Commissioner Carrow's family Sheri-lyn Carrow and Casey Carrow swore in Hill Carrow as the new Town of Morrisville District Two Commissioner.

Mayor Faulkner recessed the meeting at 6:35 p.m.

Mayor Faulkner reconvened the meeting at 6:45 p.m.

5. Adoption of Agenda

ACTION: *Mayor Pro-Tem Martin* moved to adopt the agenda. *Commissioner Snyder* seconded the motion, which was unanimously approved.

6. Presentations

- Wake County Tax Collector Presentation

Marcus Kinrade, Appraisal/Collection Manager gave a [presentation](#).

Commissioner Snyder asked about compromises that were made for taxes owed, primarily by businesses.

Mr. Kinrade stated there was a discovery process if the property owner did not list their property as business property. When discovered, the business was analyzed and assessed based on the perceived type of business, which may be higher than the actual income that business received. The business owner would be granted a period to appeal and this created the reductions. The compromise amounts were due to late list penalties which were based on different levels of no relief, half relief and all relief. For a first offense the full amount would typically be relived. If represented by a CPA, typically no relief was given.

Mayor Pro-Tem Martin asked if the reevaluation period occurred every eight years.

Mr. Kinrade stated that was correct and the last reevaluation was in 2000, which caused a 43% increase in tax value. If a reevaluation occurred every four years, the last increase percent would have been 8%.

Commissioner Murry stated that the tax rate for the Town of Morrisville could shift differently than Counties or other Municipalities.

John Whitson, Town Manger stated that the Long Range Financial Plan may not be affected.

Commissioner Carrow asked about a possible change in the amount of years between reevaluations and the revenue neutral tax rate requirement.

Mr. Kinrade stated that there was a requirement to show what the revenue neutral tax rate would be in the budget. The purpose of an increase in the frequency of reevaluations was to equalize values and make the tax levy fair.

Mayor Faulkner asked if assessors go into houses.

Mr. Kinrade stated that the assessor measures around the exterior of the building to complete a sketch that indicates the square footage from which the value would be derived. This could be appealed by the property owner.

Mayor Pro-Tem Martin asked about basements.

Mr. Kinrade stated it would be included if it was heated and finished.

Commissioner Murry asked about market condition.

Mr. Kinrade stated that a schedule of values was compiled for reevaluations. The current schedule of values in use was the schedule of values from 2000, based on statute requirements. Deeds recorded in Wake County were used to create the schedule of values.

Commissioner Johnson asked about the likelihood of the reevaluation frequency being shortened to four years and if any consideration had been given to that.

Mr. Kinrade stated that decision would be made by the elected officials. Information had been compiled to determine the negative and positive aspects if a four year reevaluation period occurred.

Commissioner Johnson stated that a more current evaluation would be helpful in reduction of the percent of increase.

Mr. Kinrade stated that based on projected values, a property owner could have the value of their home increased and actually make less of a tax payment on a home if the revenue neutral tax rate was adopted. Whereas, for a more valuable home a property owner could pay more with the same revenue neutral tax rate adopted. That was why more frequent reevaluations equalized the values. It was hard to predict the outcome with the different variables and the reevaluation coupled with the adopted tax rate may have different affects on different property owners.

Commissioner Murry stated that it may be helpful to consider the way that different properties were reevaluated in 2000.

John Whitson, Town Manager stated that if the Long Range Financial Plan (LRFP) followed course, the tax base would not matter. The budget would be presented with the tax rate indicated in the LRFP. This revenue based on the tax base would be adjusted and staff would present a tax rate based on the projected revenue need. If tax values went up, the tax rate could go down. If the value came in low, staff may request a tax increase. Staff looked forward to the reevaluation, which would indicate and clarify future plans. With the growth, it would be hard to predict what may happen during the 2008 reevaluation.

Mayor Faulkner stated that it may be better to wait for the reevaluation instead of a created estimate.

7. Action Item – Technical Revision

Tab N [2006-138](#) Adopt **Revised** Resolution 2006-138 for the Special Use Permit with Site Plan for the Morrisville Manor – Congregate Living Facility

Frank Gray, Town Attorney stated that the version being presented tonight included minor technical changes. The Special Use Permit was approved at the last meeting and there was a suggestion regarding Condition Number Three. This affected another area of the Special Use Permit, which resulted in this final version. The changes were only in the area of the crosswalk and pedestrian facilities. The developer agreed to build, but North Carolina Department of Transportation (NCDOT) would not have to approve. If NCDOT approved, it would be built. If NCDOT did not approve, the developer would have completed their condition by submittal of the construction drawing to NCDOT for review.

Mayor Pro-Tem Marin asked when the crosswalks would be completed.

Rodney Wadkins, Planner stated they would need to be completed prior to issuance of a Certificate of Occupancy (CO).

ACTION: *Commissioner Lyons* made a motion to approve. *Mayor Pro-Tem Martin* seconded the motion, which passed unanimously.

[Clerks Note: The approved Special Use Permit was approved as follows:



**RESOLUTION 2006-138A
OF THE MORRISVILLE TOWN BOARD OF
COMMISSIONERS APPROVING THE SPECIAL USE
PERMIT WITH SITE PLAN FOR A CONGREGATE LIVING
FACILITY TO BE KNOWN AS MORRISVILLE MANOR**

WHEREAS, the Petitioner, Statesman Corporation, submitted an application for a

special use permit with site plan for a Congregate Living Facility to be known as Morrisville Manor; and

WHEREAS, the Morrisville Planning and Zoning Board met and considered the application and site plan at their meetings on September 14, 2006 and October 12, 2006, including public comment, and unanimously recommended approval subject to conditions recommended by staff; and

WHEREAS, the Morrisville Planning Department staff has reviewed the Special Use Permit application and Site Plan, and recommends approval subject to six (6) conditions; and

WHEREAS, on November 13, 2006 and November 27, 2006, the Morrisville Town Board of Commissioners held public hearings on the special use permit application, site plan and related matters; and

WHEREAS, additional discussion was held and additional information received on December 11, 2006 and December 19, 2006; and

WHEREAS, at all these hearings, the Town Board heard sworn testimony and received documentary evidence;

NOW, THEREFORE, following these hearings, and based on the testimony and information received, the Town Board of Commissioners makes the following findings and conclusions:

FINDINGS

1. The subject property consists of a total of 6.70 acres (excluding right-of-way to be dedicated). It is located at the northeast corner of Cary Parkway and Chapel Hill Road (N.C. 54).
2. The subject property is classified Mixed Use under the Town's Land Use Plan.
3. The property is zoned General Business under the Town's Zoning Ordinance.
4. The proposed project is a congregate living facility.
5. Under Part C, Article IV, Table of Permitted Uses, a congregate living facility in an area zoned General Business requires the Board of Commissioners to issue a special use permit. To issue the permit, the Board must make six (6) general findings and three (3) additional specific findings.
6. Based on the evidence and testimony received, the Board makes the following general findings of fact:
 - A. The proposed development will not materially endanger the public health or safety. A congregate living facility is a facility that will serve the needs of the citizens of Morrisville. With the conditions proposed by staff and the Planning and Zoning Board, the development will not materially endanger the public health or safety.
 - B. The proposed development will not substantially injure the value of adjoining property. Based on appraisal analysis, the project will not devalue adjoining properties.
 - C. The proposed development will be in harmony with the scale, bulk, coverage, density, and character of the neighborhood in which it is located. Based on the site plan, the color elevations, and architectural approval by Preston Development, the facility will be in harmony with the scale, bulk, coverage, density and character of the neighborhood.

- D. The proposed development will generally conform to the Comprehensive plan and other official plans adopted by the Town. A congregate living facility is within the definition of Mixed Use under the Town's Land Use Plan, and the facility does not violate any of the Town's other officially adopted plans.
- E. The proposed development is appropriately located with respect to transportation facilities, water and sewer supply, fire and police protection, and similar facilities. Based on the site plan, and subject to the conditions proposed by staff and the Planning and Zoning Board, the facility is appropriately located with respect to roads, water and sewer service, fire and police, and similar municipal services.
- F. The proposed use will not cause undue traffic congestion or create a traffic hazard. Based on the transportation engineering analysis presented, and with the conditions proposed by staff and the Planning and Zoning Board, the development as proposed will not cause undue traffic congestion or create a traffic hazard. Due to the low trip generation impact.

7. Based on the evidence presented and testimony received, the Board makes the following additional findings of fact:

1. Primary structures are located at least 100 feet from any public street right-of-way. Based on the site plan presented, the development as proposed meets the required setbacks.

2. In non-residential zoning districts, equivalent residential density shall not exceed 8 dwelling units per acre. The proposed project is a congregate living facility containing 118 one-bedroom units, 47 two bedroom units, and 2 one bedroom guest units for a total of 214 bedrooms. Each bedroom counts as 0.25 dwelling units. Therefore, this facility is equivalent to a density of 7.98 dwelling units per acre and meets the density standard.

3. A minimum of 15% of the land area (excluding public and private streets and parking areas) shall be designated as open space for the enjoyment and use of the residents. Said open space must be safe, easily accessible and provide active or passive recreation opportunities. Based on the site plan submitted, the development as proposed contains approximately 30% open space, and exceeds the minimum 15% open space requirement.

CONCLUSIONS

Based on the foregoing Findings of Fact, the Board of Commissioners of the Town of Morrisville concludes that the applicant has met the requirements for issuance of a special use permit for the congregate living facility known as Morrisville Manor under the applicable Town ordinances.

DECISION

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF MORRISVILLE THAT: The Special Use Permit and Site Plan with a seal date of October 6, 2006 for the Morrisville Manor – Congregate Living Facility is hereby approved, subject to the following conditions:

- 1. The property owner shall submit a petition for voluntary annexation prior to the issuance of any building permit or connection to public utilities.
- 2. The property owner shall submit a recombination plat prior to the issuance of any building permit.
- 3. As part of the construction drawings submitted to the Town for the project,

the developer shall include a design for installation of pedestrian facilities such as crosswalks, pedestrian refuge areas, and push button signals from the subject property crossing Cary Parkway, and from the subject property crossing Chapel Hill Road (NC 54).

Upon approval of the construction drawings, the developer shall submit the design to NCDOT for review and approval. If for any reason the design is not approved by NCDOT, the developer will notify the Town and allow the Town's participation in discussions with NCDOT regarding the improvements. If and when the design for pedestrian facilities is approved by NCDOT, the developer shall enter into a traffic agreement with NCDOT to install these improvements per the approved construction drawings. The developer shall file a copy of such agreement with the Town.

4. The developer shall dedicate an additional twenty (20) feet of right-of-way along the frontage of the subject property on Chapel Hill Road (NC54).
5. At the intersection of Chapel Hill Road (NC 54) and Cary Parkway:
 - Construct an additional eastbound through/right turn lane on Chapel Hill Road (14 feet of pavement along the frontage of the subject property).
6. At the intersection of Cary Parkway and project Driveway:
 - Provide one hundred (100) foot lane taper to turn right into the driveway (0-12 feet of pavement).

This Resolution supersedes and replaces Resolution 2006-138 adopted by the Board of Commissioners on December 19, 2006.

ADOPTED this the 8th day of January, 2007.

8. Previously Briefed Items – No Updates

Tab A [2007-001](#) Adopt Resolution Approving Shoppes at Airport Site Plan

Mayor Pro-Tem Marin asked about the amount of parking spaces.

Courtney Tanner, Planner stated that each use that included the day care center, restaurant and retail had a required number of spaces.

Tab H [2007-010](#) Adopt Resolution requesting Legislative authority to increase Vehicle License Fee

Commissioner Murry stated that this item should not be on the consent agenda.

Mayor Pro-Tem Martin asked if the incoming funds would be assigned to a separate line item.

John Whitson, Town Manager stated that funds were not typically assigned because this limited flexibility. It would be the Board's choice and was not recommended.

Mayor Pro-Tem Martin stated that this fee created a situation where Morrisville residents may be funding drivers other than Morrisville residents.

Mr. Whitson stated that the current funds collected by vehicle tax was currently utilized for ice

and snow removal from all streets in Town to include private and State owned roads. For private roads the Town removed ice and snow after an indemnity was signed.

Commissioner Lyons asked about the Town's responsibility for State owned roads.

Mr. Whitson stated that municipalities theoretically would not work on State owned roads. However, there were emergency situations that may need to be responded to that would require roads to be clear. North Carolina Department of Transportation (NCDOT) streets may be the first cleared just for public safety and accessibility reasons.

Mayor Pro-Tem Martin asked about reimbursement from NCDOT for clearing of State maintained roads.

Mr. Whitson stated there had been unsuccessful attempts by staff and efforts would be continued to obtain a contract with NCDOT.

Commissioner Murry asked about funds that were left over after the snow and ice season.

Mr. Whitson stated that if there a large amount of funds that remained they could be considered for other uses.

Tony Chiotakis, Senior Director of Community Services stated that a certain level of funding was maintained in reserved for emergencies. When roads were cleared, the main arteries were cleared first and then roads were cleared by garbage route.

Tab P [2007-013](#) Adopt Resolution to permit destruction of audio records of Board and Committee Meetings after meetings minutes are approved by the Board or Committee

Tab AA [2007-009](#) SWARC Item Adopt-a-Road

Commissioner Snyder asked about the initial agreement period being extended beyond one year based on work load to staff.

Tony Chiotakis, Senior Director of Resource Management stated that the initial agreement would be one year.

Tab FF [2007-018](#) Legislative Authority Allowing Development Conditions Requiring Improvements Beyond the Project Site

9. Previously Briefed Items – Updates

Tab B [2007-004](#) Adopt Resolution approving the Dunkin Donuts/Baskin Robbins site plan

Rodney Wadkins, Planner stated that the applicant provided winter and summer landscapes at five year growth to address landscaping. The shade trees were required to be 3.5 inches in caliper. The applicant based on previous discussions, replaced seven shade trees with evergreen type trees to provide additional screening in the winter season. There was some discussion about the screening of equipment on the roof. The HVAC and mechanical on the equipment would be screened.

Mayor Pro-Tem Martin asked about the regulations for the dumpster.

Mr. Wadkins stated that there was design revision for the dumpster, which would be addressed during construction drawing review. The dumpster would be the same color as the building.

Code Enforcement would address any public nuisance issues that may occur with dumpster usage.

Tab L [2007-011](#) Adopt Resolution renaming Synergy Drive and a portion of Lichtin Boulevard to Think Place

Tab M [2007-012](#) Adopt Resolution renaming Lichtin Boulevard to Carrington Mill Boulevard

Rodney Wadkins, Planner stated that both of these items were updated to include a letter from the Chiotakis's that expressed opposition to renaming the entire length of street and proposed a compromise by only renaming a portion of Lichtin Boulevard. The developer preferred to have the entire length renamed to Think Place but agreed to the compromise suggested by the Chiotakis'.

Commissioner Murry asked if the compromise would meet all the application requirements regarding obtaining signatures.

Mr. Wadkins stated that the alternate compromise complied with the application, but the initial proposal by the applicant would not. Staff recommended renaming the entire stretch as initially requested by the applicant due to directional issues and emergency response issues. A split in road names at an intersection was against standard road naming conventions.

Mayor Faulkner asked about discussions with all parties involved.

Tony Chiotakis, Senior Director of Community Services stated that he had not had direct communications with the owner or developer. However, all parties were in agreement with the proposed compromise.

Mayor Faulkner asked about the Lichtin Corporation.

Mr. Wadkins stated that there was no discussion with any representative from Lichtin Corporation.

John Whitson, Town Manager stated the Lichtin Corporation was more concerned with the next issue to rename Lichtin Boulevard to Carrington Mill Boulevard. Technology was overcoming the standard way things were done. With direction services and GPS programs all services would be aware of street names.

Mayor Pro-Tem Martin asked about the possibility of another street name change in the future.

Mr. Wadkins stated that anyone could request a street renaming. They would have to submit an application which would come before the Board for approval.

Commissioner Murry stated that the application required 100% of signatures. The compromise would achieve this application requirement.

Mr. Whitson stated that the application required this. The application was not ordinance based.

Ben Hitchings, Planning Director stated that there may have been some confusion with the applicant. The requirement was for 100% of property owners to sign the application. Staff interpreted this to mean that signatures were collected when these property owners were notified. The intent may have been for 100% of property owners to have been notified, which was completed. Staff felt comfortable forwarding the application to the Board.

Commissioner Murry stated that there was also reference to 50% plus one approval of the name.

Mr. Wadkins stated there was some initial confusion with the applicant because that was stated on the Wake County applications. All road renaming would have to be approved by Wake County prior to submittal to Morrisville. The 50% plus one requirement was listed on Wake County's application as a requirement.

Commissioner Snyder stated that all three parties were not in agreement and the best resolution would be to rename in a manner that kept all the names. This would appease all parties and still keep some portion named Lichtin.

Mr. Wadkins stated that staff agreed. However, a specific application was made and advertising requirements were made based on that request. Any portion of what was advertised could be approved, but changes outside of what was applied could not be approved.

Commissioner Murry stated that the compromise would be that only the cul-de-sac would be renamed to Think Place.

Commissioner Lyons stated that Carrington Mills and Lichtin could be switched.

Mr. Whitson stated that a portion of the road would be realigned with the development and these proposed changes were based on that realignment.

Commissioner Snyder asked about the name Carrington.

John Whitson, Town Manger stated that Carrington was a family name. A cemetery was moved by this applicant, who made a verbal agreement at that time to attempt to name some part of the project after that family.

Commissioner Snyder asked if this met ordinance requirements.

Mr. Whitson stated that the ordinance did not indicate one way or the other and recommended to adopt a policy that road name decision made by the Board would not be based on past allegiances.

Commissioner Murry stated that the application for road renaming needed to be updated and made clear.

Mr. Whitson stated that the form could be updated to have 100% notification and an opportunity for the property owners to state whether they agree or disagree on the application.

Mayor Faulkner stated that everyone was in agreement to the first item [2007-011](#) Adopt Resolution renaming Synergy Drive and a portion of Lichtin Boulevard to Think Place and that the Board wanted to see the second item [2007-012](#) Adopt Resolution renaming Lichtin Boulevard to Carrington Mill Boulevard to be brought to action updated to only change from the current Lichtin Boulevard eastward.

Board consensus was in agreement.

Tab S [2007-029](#) Adopt Resolution 2007-029 approving Streetlight Reimbursement Policy

Rodney Wadkins, Planner stated this was the third version and changes were indicated. The biggest change was in relation to the acceptance of streetlights. The change made the developer responsible for installation until a Certificate of Occupancy (CO) was issued, which would ensure the Town did not pay for street lights in an area where construction was not completed. This change was addressed in Section 6, which stated that "The developer or property owner shall be responsible for all costs associated with the installation, operation, maintenance, and

electric usage of the street lighting system billed from Progress Energy or Duke Power. The developer or property owner will bear responsibility for all costs for the period beginning with installation of the street lighting and ending with notification to the Town of Morrisville by the developer or property owner of issuance of a Certificate of Occupancy in the immediate area of each street light location.” Additionally, section 3.4 reserved the right for the Board to modify the agreement to accept another agreed upon form of payment. Within that section a change was made regarding non residential development and their sole responsibility to pay for street lights. There was a modification made to the resolution to state “**NOW, THEREFORE, BE IT RESOLVED THAT THE MORRISVILLE TOWN BOARD OF COMMISSIONERS** hereby adopts the attached Town of Morrisville Street Lighting Policy and directs staff to renegotiate the current agreements (Carpenter Park and Weston Estates) to be consistent with said policy.” This policy provided consistency.

Mayor Pro-Tem Martin asked about upgrades to streetlights.

Mr. Wadkins stated that the Homeowners Association (HOA) or developer would be responsible for upgraded costs beyond what was required by the Town. The Town was only responsible for a standard pole placed 600 feet apart. The developer would pay the difference for an upgraded pole, associated additional energy utilized and more poles in a development than required.

Commissioner Carrow asked about Duke Power in Morrisville.

Mr. Wadkins stated that Duke Power service areas north of I-540.

Tab X [2007-006](#) Adopt Resolution 2007-006 Adopting the Town Center Plan

Ben Hitchings, Planning Director stated that there were proposed revisions to the Draft Town Center Plan for consideration by the Board. The First Baptist Church met with their congregation and members of the Town staff. The church had a Master Plan, which was not finalized at this time and requested that no new structures be shown on their property at this time. The next item related to the property east of the entrance to Cedar Fork Park on Aviation Parkway. The property owner requested the land be designated as “New Supporting Residential” in line with other adjacent properties versus the current designation as Office and Institutional (O & I). The flood plain in the area did not promote residential and the current Land Use Plan (LUP) called for O & I. The property was a good transition from residential to the west into Light Industrial to the east. However, the property in question had almost no 100 year flood plain located on it and with the neighboring residential properties the request was feasible. The implementation table contained a small revision to add a request from the Planning and Zoning Board to make reference under number three to establish a Cultural Resources Advisory Committee to develop historic events programming.

Commissioner Lyons asked about the ability to rezone.

Mr. Hitchings stated that anyone could request a rezoning.

Commissioner Johnson asked about the discussions with the First Baptist Church and the time frame.

Mr. Hitchings stated there were discussions with Pastor Yandle. There would be further discussion with the members of the congregation. Staff would like to work with the Church to reflect and include their Master Plan. The current First Baptist Church Master Plan would not comply with Town Ordinances. Options were being considered and there would be further discussion with the congregation January 21st the day prior to the scheduled action date for this item. Options being discussed at this time were a new church with a rear parking lot on the current lot or a land swap with the Town. The Town would receive land from the church close

to Morrisville Carpenter for a park and the church would receive land behind the Town Hall. These were only discussions at this point.

Commissioner Lyons asked how much land was involved with the parcel where the property owners requested residential designation on the Town Center Plan.

Mr. Hitchings stated that it was less than one acre.

Commissioner Carrow asked about Town owned land and the previously discussed strategy of the Town acting as a landlord.

John Whitson, Town Manager stated that a large chunk of the land that the Town intended on purchasing was not being considered for purchase at this time as the property owner declined to sell. The Town would attempt to negotiate a price for the section of the property needed for the Street E right-of-way (ROW). The Town could not use eminent domain except for in cases of roads or utilities. The Town would continue to consider purchase of individual properties that were offered for sell.

Commissioner Johnson asked about the action date and the discussions with the First Baptist Church.

Mr. Hitchings stated the Town Center Plan was a conceptual vision and it was important to have the congregation of First Baptist comfortable, but it would be a process to make this concept reality and there would opportunity for input at this time. Staff felt that the initial action date of January 22nd was acceptable and staff would attempt to have comments from the Church at that time.

Mr. Whitson stated that changes to the Town Center Plan would occur in the future as projects and implementation of the Plan occurred. If the church did want to propose a structure on Town Hall Drive and acquire that land from the town, it would be recommended that there be a swap for church owned land on Morrisville-Carpenter Road.

Tab CC [2007-022](#) Resolution requesting special annexation authority

John Whitson, Town Manager stated that the properties being reviewed included one commercial property. That property was the Exxon Station. There were four properties that had structures with tenants, nine properties that included owner residency, two properties in which the owners were displaced and four properties with vacant structures, one of which was a barn. There would be about 55 letters mailed out due to multiple properties being owned by the same property owners.

Commissioner Lyons requested that this item not be placed on the consent agenda.

Tab GG [2007-020](#) Adopt Resolution 2007-020 approving the Long Range Financial Plan Update

Julia Ketchum, Senior Director of Resource Management stated that project scopes that included a project title, description and time frame were included in the briefing sheet as requested by the Board.

Commissioner Johnson asked about taking action on this item after the January Board Retreat.

Board consensus was to delay the vote until February 26th.

Commissioner Snyder asked about impact caused by action delay.

Mr. Whitson stated that the impact was minimal and there could be an update at the February 12th Briefing Meeting.

Mayor Faulkner recessed the meeting at 8:25 p.m.

Mayor Faulkner reconvened the meeting at 8:37 p.m.

10. New Items

Tab D [2007-026](#) Adopt a resolution requesting NCDOT abandon maintenance for the portion of Lichtin Blvd. located east of NC 54 (Chapel Hill Road)

Blake Mills, Town Engineer stated that it was standard for the Town to request abandonment of the roads when properties were developed. The name would remain Lichtin for this area. The property was purchased by Arcadis in 1996 for the I-540 right-of-way, which was not needed permanently. There was record that indicated that the North Carolina Department of Transportation had Fee Simple ROW. The roadway was a four lane median divided highway that turned into a three lane road near the Duke Weeks owned property. This will probably be changed in the future for a clean traffic pattern and Town maintenance would make this process easier and provide for more control of driveway accesses during development.

Mayor Pro-Tem Martin asked about bringing roads to standard before acceptance from NCDOT.

Mr. Mills stated that there have been improvements as part of abandonment requests previously such as the Barbee Road paving, but this roadway had no deficiencies.

Tab E [2007-014](#) Adopt Resolution Approving the Morrisville Gardens Preliminary Subdivision Plat

Courtney Tanner, Planner stated that this Preliminary Subdivision request consisted of two acres with eight lots on the east side of the end of Barbee Road. There would be four units per acre and the property complied with the low density residential LUP classification and the conditional zoning. There would be sidewalks on both sides and adjacent to Barbee Rd. The light fixtures would be upgraded and the Homeowners Association (HOA) and/or developer would be responsible for the cost upgrade. The payment in lieu was approximately \$15,000. The site complied with landscaping requirements. The Planning and Zoning Board discussed tree preservation and after discussions with the developer it was determined that no trees would be preserved due to the layout of the site. The staff and Planning and Zoning Board recommended approval with elevation related conditions as follows:

- All homes will be masonry on at least three sides. The fourth side shall be constructed of fiber cement siding or masonry.
- Some homes shall have side entry garages. (Lots 1, 7, and 8 are shown as side entry)
- The minimum square footage of each home shall be 2100 square feet.
- Each home shall be a maximum of two stories.
- Each home shall have either a terrace or a balcony on the front side.

Commissioner Lyons asked about water run-off into the Fiona Circle area.

Ms. Tanner stated there were areas of water flow designated and there would not be water flow towards Fiona Circle.

Commissioner Snyder asked about obtaining ROW from property owners on Church Street to pave the other side of Barbee Road.

Ms. Tanner stated the current development stopped short of where the improvements being discussed would be completed. To complete this there would have to be funding to purchase the

ROW and funding to construct the land. Payment-in-lieu would be collected from current developers for the portion of the roadway in front of their property. With future development the project could be completed with assistance provided by funds given to the Town as payment-in-lieu. This would be completed when the property was developed.

Commissioner Lyons asked about possible intersection safety measures at Barbee and Church.

Ms. Tanner stated that Providence Place would be completing road improvements and no further road improvements were required. There was construction at this intersection at the time and the intersection would be clearer after construction was completed.

John Whitson, Town Manager stated that if the Board desired to extend Barbee Road to Shiloh Grove, land acquisition could begin. There was a hurdle with a utility pole in the middle of what would be the road ROW. There would have to be negotiations with Progress Energy.

Commissioner Snyder stated that the developer of Shiloh Grove could have assisted.

Mr. Whitson stated that it was not their property and the Town did not have legislative authority to require off site improvements. There was an action item to ask for this authority.

Commissioner Carrow asked about landscape buffer requirements or any potential tree replacements.

Ms. Tanner stated that there were requirements to have trees every 100 linear feet; either 4 inches of caliper existing trees or new trees, but there were no buffer requirements for this property. The penalty for clearcutting when there were required buffers was to prohibit development for a period of time. Certain buffers could not be clearcut without a plan being submitted and approved.

Commissioner Carrow stated that a clearcutting ordinance may be a consideration, especially with the limited amount of available land. This could be discussed at a work session.

Commissioner Snyder stated that he would like the completion of paving Barbee Road added to the work session discussion list.

Commissioner Lyons stated that the entrance to Barbee Road had debris and road damage. This road should be maintained.

Courtney Tanner stated that section of Barbee would be near the future entrance to a subdivision and this area must be maintained and clear of debris.

Tab F [2007-027](#) Adopt Ordinance Annexing Morrisville Gardens into the Town of Morrisville

Courtney Tanner, Planner stated that this item would be reviewed in conjunction with the Morrisville Gardens Preliminary Plan.

Tab I [2007-002](#) Adopt Ordinance Amending the Zoning Ordinance to Include String Lighting Requirements

Courtney Tanner stated that the current ordinance did not permit string lighting in non-residential districts except for religious institutions or in conjunction with a religious holiday. This amendment proposed permitting extended use of lighting, which would permit sting lighting at any time for a reasonable and customary holiday tradition without a permit. For year round usage, a lighting plan would need to be submitted and there was a set of parameters as follows:

- Composed of white lights with a clear bulb;
- Limited to living landscaping;

- Affixed to landscaping in a secure manner;
- UL listed for commercial use;
- Installed so as not to constrict or otherwise damage the plant at the time of installation or any time thereafter;
- Installed per the current National Electrical Code with dedicated electrical service receptacle(s) wired underground; and
- Prohibited within the streetyard or right-of-way.

The Planning and Zoning Board and staff recommended approval of the proposed ordinance amendment.

Mayor Faulkner asked about Community Appearance Advisory Committee review.

Ms. Tanner stated that this issue was reviewed as it was originally part of the Architectural Standards and was restricted to religious uses. There was a request from a business owner and the portion of the Architectural Standards related to string lighting was removed and reviewed separately. The end result is included in this proposed ordinance amendment.

Commissioner Lyons asked about a cut-off time for lights.

Ms. Tanner stated that there was not a cut-off time proposed due to the fact that the lights were considered non-evasive such as a reasonable amount of Christmas lights.

Commissioner Carrow asked for the reason the lighting was limited to natural landscaping.

Ms. Tanner stated that there was some discussion of this matter. As different parameters were considered, it was difficult to find permissible parameters for lighting on the building, which was usually more evasive. The one business owner that requested this ordinance amendment requested string lighting on landscaping. If there were future requests, further consideration may be necessary.

Mr. Hitchings stated that it was important to note that currently lighting was only permitted for religious reasons and only for a reasonable period of time. The proposed ordinance was an increment between the two different possibilities.

Commissioner Carrow stated permitting string lighting on buildings should be considered in the future.

John Whitson, Town Manager stated that attractiveness was based on interpretation and there were different opinions as to what was attractive or not.

Commissioner Snyder stated that the ordinance section four that referenced signs without a permit referred to a civic event and asked for examples of civic events.

Ms. Tanner stated that a civic event was usually a Town sponsored event or a Ruritan club event.

Commissioner Snyder stated that festive occasions should be included in this section.

Ms. Tanner stated that if an establishment had these events on a regular basis, they would need to have permanent lighting installed and turn the lights on for the event.

Commissioner Snyder asked for the definition of temporary.

Ms. Tanner stated that temporary lighting was considered a temporary sign and was permitted for 30 days per year.

Commissioner Snyder stated that should be clearly stated or referred to in this part of the ordinance.

Mayor Pro-Tem Martin asked about different colors of lights.

Ms. Tanner stated that this permanent lighting was limited to white lights. Seasonal lighting could be any color.

Commissioner Snyder asked about safety concerns.

Ms. Tanner stated that the lighting had to meet electrical standards. The lighting was inspected when first installed. Commercial grade lighting was required with a permanent socket or landscaping type wiring. A violation could be issued if lighting was outside of the approved lighting plan.

Commissioner Snyder stated that Mr. Goel had an interest in this and asked if he had discussed this issue with staff.

Ms. Tanner stated that Mr. Goel was the citizen that requested this ordinance to be removed from the architectural standards for further review. He requested string lighting on landscaping in front of buildings for weddings be permitted.

Commissioner Snyder asked if Mr. Goel was satisfied with the proposed ordinance.

Ms. Tanner stated this ordinance would permit Mr. Goel to place lighting where requested as long as the parameters were met.

Tab J [2007-023](#) Adopt Resolution 2007-023 approving the site plan for the Indian Creek Greenway – Trailhead Park located off Town Hall Drive

Rodney Wadkins, Planner stated that this was a site plan for a rest area at a greenway. The trailhead park area would be located across the street from Town Hall, north of the gas compound. There would be 17 parking spaces, a pavilion, two shelters and a plan for one more shelter in the future. The trailhead would have a playground and a boardwalk. This was a trailhead to a greenway that headed north to McCrimmon. This item was still under consideration by the Planning and Zoning Board, who briefed this item in December. At that time, the stormwater pond was not included in the site plan. The Planning and Zoning Board would be updated and would make a final recommendation, which would be brought to the Town Board at the next briefing meeting on February 12th. The stormwater plan was important because this pond would provide stormwater retention for the Town Center area. There would be road improvements on Morrisville Carpenter Road and a sidewalk added. This condition was written because the Town would be completing these improvements in the future. Staff recommended approval.

Commissioner Johnson asked about the time period for completion.

Mr. Wadkins stated that if an extension was necessary, it must be approved 30 days prior to expiration of the site plan.

Commissioner Johnson stated that the Board approved the greenway, but not a park as part of the project.

Tony Chiotakis, Senior Director of Community Services stated that this was a trailhead respite area for the greenway and was not designated as a park but a resting area.

Commissioner Murry asked about the cost.

Steadman Sugg, Parks and Greenway Planner stated that a Part F grant was being perused and would be submitted in two weeks. The Town would fund half and the grant would match these funds. The Town would pay about \$250,000.

Commissioner Murry asked if that cost covered road improvements.

Mr. Sugg stated that it covered the crosswalk but not road improvements. If the grant was received, the Town would have to complete the project within two years of the awarding of the grant funds. The grant was expected to be awarded in May. The Town would fund the costs and would be reimbursed on a quarterly basis.

Mr. Whitson stated that it was part of the Parks and Recreation Plan to have greenways with trailhead throughout for respite and parking.

Commissioner Johnson stated that there were different levels of trailheads and this one was similar to a playground.

Mr. Whitson stated that this was close to Town Hall, would be easy to service and there was the opportunity to make the stormwater retention pond an amenity that was visible and attractive.

Mr. Chiotakis stated that this area was central to the greenway system where facilities were necessary.

Commissioner Johnson stated she was not opposed to this eventually. However, there were other areas that could be accessed by a lot of citizens.

Commissioner Murry asked about the functionality and length of the greenway on both sides of this trailhead area.

Mr. Chiotakis stated that when completed, it would run 1.8 miles from this portion towards McCrimmon.

Mr. Whitson stated the next leg would be the Crabtree Crossing Parkway portion, to tie in westward toward Morrisville Square and then tie into the Community Park. When completed the greenway would extend from McCrimmon to the Community Park.

Commissioner Murry stated that the trailhead would be built prior to the trail.

Mr. Chiotakis stated the next step was to bring the greenway design and construction to the Board, at which point all plans would fall into place and the Board would have to decide whether to bring all the greenway in at one time or in phases.

Mr. Whitson stated the goal was to obtain a construction contract to construct greenway to McCrimmon in one effort. Morrisville Carpenter would be getting improved with sidewalk and if the greenway was not completed the sidewalk would provide a walking area to Davis and back to this location in the interim. Morrisville Market had a greenway behind it that ran to Morrisville Community Park.

Commissioner Lyons asked if this plan would be final or if changes would have to be made again after Morrisville Carpenter was improved.

Mr. Whitson stated that on the Morrisville Carpenter side, the Town was required to make improvements on Morrisville Carpenter when the entire stretch of road was improved as a condition to approval of this site.

Mr. Sugg stated that this trailhead would contain architecture similar to Town Hall and would be a showplace to the Town Center. It would be an open recreation area and a play space, which was one of the goals of the Town Center. There would be areas at this site for children to learn about different areas such as the wetlands and the historical civil war that occurred in Morrisville.

Commissioner Johnson asked about the condition and asked if this would be done for any developer.

Mr. Whitson stated it would not. The Town was the developer and was committed to completion of Morrisville Carpenter and there was surety that the improvement would be completed as listed as a condition. One aspect was widening of the stormwater pipes, which would have to be completed prior to Morrisville Carpenter improvements.

Commissioner Snyder asked about other grants that could diminish the cost of the trailhead area for the Town.

Mr. Chiotakis stated that staff was working on putting together a thorough plan of grant funding.

Tab K [2007-028](#) Adopt Advisory Committee Charter Amendments

Diana Davis, Town Clerk stated that the Committee Charters needed to be updated. There was reference to when the Committees were first being structured that referred to an organization meeting that was out of date. As far as selection of a chairperson, the Committees were set up to rotate members every two years. Functionally, there was much more turn over and appointment of new members, which required some changes. This item also included a change to the Parks and Recreation Committee Charter that changed the terms from a certain number of two and three year terms to all two year terms with unlimited reappointments. Currently members could only be reappointed twice, which limited active members and prohibited necessary continuum for some projects. This provided consistency between the charters. The Town Clerk position was separated into a Town Clerk and a Public Information Officer (PIO) position and there was a slight shift in the duties that were addressed in the charters. There were several members that wanted to serve and participation was encouraged by permitting interested members that did not live in the Town of Morrisville limits to serve as ex-officio members that could offer input but not vote. The initial intent of the charter was to provide outlets for citizens to have input and assist the Town and Board. The final change regarded a conflict of interest and stated that members of Advisory Committee members could not be related to Board Members or employees of the Town of Morrisville.

Mayor Pro-Tem Martin asked about term limitations and staggered terms.

Ms. Davis stated that the Parks and Recreation Charter was changed from two terms to unlimited terms. There were currently four members that completed terms this year that would be recognized at a business meeting. Three years ago, the Parks and Recreation charter was updated to eliminate one year terms and with the approval of this charter amendment, all advisory committee charters would permit members to have two years.

Commissioner Johnson asked about current members that were not Town residents.

Ms. Davis stated that current members that were not in Town residents would be permitted and encouraged to complete their current term as stated. After that point they could serve as ex officio members.

Mayor Pro-Tem Martin stated that members who served and were not members of the Town of Morrisville may eventually be removed from Committees.

Commissioner Snyder stated that they were not members of the community. Morrisville citizens needed to get involved.

Ms. Davis stated that she understood his concern and these members could complete their term and then serve as ex officio members, they were not eliminated in any way.

Mayor Pro-Tem Martin stated that the ex officio member was limited.

John Whitson, Town Manager stated that a good attitude for an Advisory Committee Member would be for a desire to serve and be dedicated to the Town. If they were only interested in voting, that was not a desire to serve.

Commissioner Johnson stated that it was important to make sure those members that do live out of Town should understand that there was a means for them to continue to offer valuable input and that their time and dedication was appreciated. These ex officio members would be permitted to serve as members and not members of the audience who did not openly participate, but offered comments during public comment sections of the meeting.

Commissioner Snyder stated that he did not agree with the language that a spouse of a Commissioner could not serve on a Committee. A conflict of interest could be handled by recusing themselves from conflicting situations.

Mr. Whitson stated that from the manager's perspective a spouse of a Board Member or employee on a Committee could create a bad situation that could put the manager in a precarious situation where they may disagree with a family member to a Commissioner or employee of the Town.

Commissioner Johnson stated that discussions at home could slant or encourage thoughts about different subjects.

Commissioner Murry stated that the position could be used influentially.

Commissioner Lyons stated that it would not be advisable for a Commissioner to serve on a Committee, which was comparable.

Commissioner Johnson asked about the comparison to a citizen on two Committees.

Ms. Davis stated that it could be viewed differently as the Advisory Committees were purely advisory and did not make final decisions for the Town.

Mayor Pro-Tem Martin stated that some citizens had a unique ability to serve on more than one Committee fairly.

Commissioner Murry stated that members on two Committees should be permitted to finish their terms.

Board Consensus was to not permit one citizen to serve on two committees.

Tab Q [2007-025](#) Adopt Ordinance – Taxi Cabs

Julia Ketchum, Senior Director of Resource Manager stated that this request regarded legislative authority to increase vehicle license tax and their permits. There was an ordinance adopted by the Board in 2001 that regulated taxi cabs. This ordinance was found to be unconstitutional and the additional language was added to provide the information that was deemed to be missing.

Frank Gray, Town Attorney stated that the language was added as follows:

“Exception. Notwithstanding the preceding, taxicab drivers and operators who are duly licensed in another jurisdiction may come into Town to pick up or deliver persons if their services were requested by the passenger, provided they do not solicit fares within Town limits. Further, nothing in this Article shall prohibit taxicab drivers and operators who are duly licensed in another jurisdiction from passing through Town without soliciting fares.”

This language addressed the defect found by the judge that the current ordinance was unenforceable.

11. Items for Discussion

12. For the Good of the Order

- Administrative Matters
- Commissioner Comments

Mayor Faulkner stated that she served on the NCLM Planning and Service Legislative Committee and was selected to be Chair and Commissioner Johnson served on the NCLM Finance and Administration Committee and was recently selected as the Vice Chair. This permitted regional participation and partnership.

Commissioner Murry stated that the City and State Section of the News and Observer had a calendar section that listed events in other Towns and Morrisville was not included. There were references to awards or recognition to employees of other Towns. Morrisville needed to include itself.

Mr. Whitson stated that staff would follow up on this issue.

Commissioner Snyder asked about finalization of road improvements for the CVS development.

Mr. Whitson stated that Courtney had contacted the developer and left messages and it was perceived that the paving would be completed prior to the grand opening. More information would be forthcoming.

Commissioner Snyder asked about the signal at McCrimmon.

Mr. Whitson stated that an update would be emailed to the Commissioners.

Commissioner Snyder asked about construction of Wal-Mart.

Ben Hitchings, Planning Director stated that they had submitted construction drawings.

Commissioner Snyder asked about Wal-Mart tax payments.

Mr. Whitson stated that the property taxes would be collected based on the portion that was located in each jurisdiction and sales tax was being discussed.

Commissioner Snyder asked about the facilitator charges.

Mr. Whitson stated the facilitator would be paid about \$5,000 for 2.5 days.

Mr. Whitson stated that Blake Mills would transfer from his current Town Engineer position to the vacant Public Works Director position. Keith Billy would be the new Town Engineer.

Tony Chiotakis, Senior Director of Community Services stated that applicants were being reviewed and the position should be filled in January.

13. Adjournment

ACTION: *Commissioner Murry* made a motion to adjourn. *Commissioner Lyons* seconded the motion, which passed unanimously.

Mayor Faulkner adjourned the meeting at 10:20 p.m.

Minutes were adopted this the 26th day of February, 2007.

Jan Faulkner, Mayor

<SEAL>

Diana R. Davis, Town Clerk