



Morrisville Board of Commissioners

Briefing Session

August 14, 2006

1. Call to order

Mayor Faulkner called the meeting of the Board of Commissioners to order at 6:30 pm. Present for the meeting were Mayor Pro-Tem Martin and Commissioners Murry, Johnson, Lyons and Snyder. Commissioner Holcombe was absent. Also present were Frank Gray/Town Attorney, John Whitson/Town Manager, Diana Davis/Town Clerk, Stacie Galloway/Public Information Officer, Tony Chiotakis/Director of Community Services, Julia Ketchum/Director of Resource Management, Tim Gauss/Senior Director of Development Services, Ben Hitchings/Planning Director, Todd Wright/Fire Chief, Krista McGivern/Director of Parks and Recreation, Ira Jones/Police Chief, Laurie Shedlick/Human Resources Manager and Blake Mills/Town Engineer.

2. Invocation by Mike Snyder

Commissioner Snyder gave the invocation.

3. Pledge of Allegiance – Please Stand

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

4. Adoption of Agenda

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

5. Presentations

- [Seniors Citizens Day Proclamation](#)

Mayor Faulkner proclaimed Senior Citizens Day to be August 21st, 2006 and read the proclamation. She recognized the seniors in attendance at the meeting, and invited all seniors to attend a celebration at the Luther Green Community Center from 1:00 p.m. – 4:00 p.m.

ACTION: *Commissioner Murry* made a motion to adopt the proclamation. *Commissioner Snyder* seconded the motion, which passed unanimously.

6. Previously Briefed Items – No Updates

Tab A [2006-037](#) Adopt Ordinance Amending the Current Architectural Standards in the Town of Morrisville Zoning Ordinance

Courtney Tanner, Planner stated there was previous discussion regarding EIFS. Staff was in the opinion that EIFS should be permitted with minor applications in detail work and cornices above the roof line. One of the requirements would be that manufacturer certification would be required for correct installation. This would ensure long term quality.

Commissioner Snyder asked why drainable EIFS was not a requirement.

Ms. Tanner stated that research was conducted. If repair was required, it would be minimal due to the amount of EIFS that was permitted. There was no documentation to support drainable EIFS could be utilized on cornice work.

Commissioner Snyder stated he would support drainable EIFS as a requirement to prevent future problems.

Ms. Tanner stated that a portion of research that covered materials held by the EIFS association. The initial problem with EIFS was realized during residential development in Wilmington where barrier EIFS was utilized for door frames and joints. Staff was confident that a certified manufacturer installer would ensure long term quality.

Tab B [2006-018](#) Adopt Resolution 2006-018 Consistency Statement and Adopt Ordinance 2006-018 amending Part C, Article XII of the Zoning Ordinance and Article VII of the Subdivision Ordinance

Commissioner Snyder asked if there were any concerns that were not addressed and if acceptable compromises were made.

Rodney Wadkins, Planner stated the final amendment included compromises and the parties involved had come to agreement on the final amendment.

Commissioner Snyder stated that tractors trailers that were not associated with the property being parked for long periods of time was not addressed.

Mr. Wadkins stated that Section 5.4 that covered vehicles and containers used for storage and overnight parking of recreational vehicles providing transient residency covered that issue.

Commissioner Murry suggested that tractor trailers should be covered thoroughly and defined within the proposed amendment.

Mr. Wadkins stated this would be reviewed.

7. Previously Briefed Items – Updates

Tab F [2006-107](#) Adopt Resolution to authorize the Parks, Recreation and Cultural Resources Department to enter into negotiations for potential lease agreement of Cedar Fork District Park.

Krista McGivern, Parks, Recreation and Cultural Resource Director stated she met with Wake County who explained they were considering leasing the Cedar Fork District Park to the Town of Morrisville. Adoption of this resolution was requested at the next business meeting to permit entering into lease negotiations. The plan was to lease fields one through three and fields six through eight to Capital Area Soccer League (CASL) for five years to earn a portion of the cost for improvements and maintenance required through the potential lease with Wake County. The minimum income would be about \$30,000 with additional revenue from other renters. The fields leased to CASL could be utilized by Morrisville before 4:00 p.m. for day camps and other events.

Commissioner Lyons asked what the associated costs were.

Ms. McGivern stated that the overall costs for the life of the lease was estimated at \$300,000 for Capital Improvement Projects and roughly \$100,000 annually or less for maintenance costs and staff.

Commissioner Lyons asked about flood plain area.

Ms. McGivern stated the park was in the flood plain with field six through eight typically being affected during rainy periods.

Commissioner Murry asked if this would increase enrollment in soccer.

Ms. McGivern stated that was possible.

Mayor Pro-Tem Martin asked how long the rain remained on the fields.

Ms. McGivern stated she was unsure at this point, but suspected the water would drain as quickly as it collected with the turf remaining very wet for some time. When the fields were wet, they were unusable because of a risk of turf damage and injury to players.

Commissioner Snyder stated he supported acquisition of available land but was unsure if this situation would create a deficit and suggested permitting CASL to acquire the lease.

Ms. McGivern stated expenditures and revenue have not been finalized and the current numbers were rough estimates. The expenses would not be more than estimated and the revenue from CASL was guaranteed. The capital improvement costs may be able to be divided between the Town of Morrisville and CASL.

Commissioner Murry stated that CASL could participate in a portion of the capital improvement costs. The goal for Parks and Recreation was that 50 percent of costs be covered by the department. A portion would be paid by CASL and user fees.

Commissioner Lyons stated that CASL may not want to help fund improvements.

Mayor Faulkner stated that closer estimates could be presented before a final decision or agreement was reached.

Ms. McGivern stated that action would be to enter into lease negotiations and stated that any thoughts should be expressed at this point. Potential user fees that would be part of the revenue stream would be presented to the Board in the future.

Tab V [2006-103](#) Adopt Ordinance approving Greenways Capital Project Fund

Julia Ketchum, Senior Director of Resource Management stated it had been stated that the funds for the Greenway Capital Project Fund were currently located in the General Fund. These funds were located in the General Fund as stated on page 30 of the CAFR identified as restricted Recreation Improvements that included greenways, park development and other similar items.

Mayor Pro-Tem Martin asked if the LGC annual review of the fund balance to determine the final percentage of the fund balance that was unencumbered included this Recreation Improvement Item.

John Whitson, Town Manager stated that this amount was included in the review.

Commissioner Johnson asked why the funds needed to be moved if they were already restricted.

Mr. Whitson stated that the adopted Long Range Plan included a certain amount of funding per year with inflation included to be set aside for greenways. To set up a Greenway Capital Project fund would isolate the funds within the general fund as specified funds for greenways. The current amount of funds in Recreation Improvements was not currently designated solely for greenways.

8. New Items

Tab AA [2006-108](#) Adopt Resolution 2006-108 approving the Providence Place – Amenity Site

Rodney Wadkins, Senior Planner stated that this site plan included a facility, porch and 25 meter junior Olympic swimming pool. The site was located off of Mason Farm Road directly beneath a power line and within the easement. This was the location shown on the preliminary subdivision plan that was approved. There was an eight foot sidewalk and a greenway connection that ran on the exterior of this site. K. Hovnanian was under contract to complete the greenway. All town parking and material use requirements were met. One of the required buffers included under story trees instead of the usual shade trees due to the power line location. The request was expedited per the applicant's request and with staff support. Planning and Zoning Board recommended approval with an added condition caused by no elevation for the gazebo being shown. The condition required Planning Department review of the elevation to ensure consistency with the clubhouse.

Commissioner Johnson asked where the gazebo was located.

Mr. Wadkins stated it was located on the southwest portion of the site. The site plan also depicted one vehicle and two pedestrian entrances. There was one outlet through the fence.

Commissioner Johnson stated that the fountains in the pool were attractive and asked what the parking requirements were.

Mr. Wadkins stated that parking requirements were based on the surface of the pool at one space required per 140 square foot of pool area for a total of 40 required spaces for this project.

Tab C [2006-130](#) Introduction to \$9,700,000 General Obligation Public Improvements Bond , Series 2007

Julia Ketchum, Senior Director of Resource Management stated this item was per Board direction from the work session held on July 31st. This introduced the two capital projects: the street improvement bond at \$4 million and the public safety bond at \$5.7 million. There was preliminary discussion with LGC and the bond council. A sample schedule was presented to show the time required to complete a bond sale after bids were received.

Commissioner Murry stated the sample schedule showed bids being received in October and asked if that was possible.

Ms. Ketchum stated that would probably not happen.

Mayor Faulkner stated part of the date would include finalizing requested priorities with

CAMPO to be discussed later in the meeting.

Ms. Ketchum stated in addition to the sample schedule, a re-rating with the bond rating agencies would have to occur in person.

Tab H [2006-111](#) Adopt Resolution Authorizing ICMA Retirement Corporation to Administer Town 457(b) Deferred Compensation Plan

Lauri Shedlick stated this item was expedited and the need for a resolution was determined during the final part of the process. The ICMA Retirement Corporation would be authorized to administer the Town 457(b) Deferred Compensation Plan, which was previously handled by Nationwide. This would lower rates and provide a centralized location for the 457(b) and the 401(a) previously offered by the town. This would provide a dedicated representative for the Town of Morrisville employees.

John Whitson, Town Manager stated this was a result of discontinuing contributions by the town to employees' 457(b) accounts and contributing instead to a 401k plan. Approval of this resolution would provide caretaking of the existing funds that can not be moved.

Tab J [2006-131](#) Adopt Ordinance –2006-131 Public Safety Facilities Capital Project

Julia Ketchum, Senior Director of Resource Management stated this was a public safety facility project ordinance. A previous project ordinance was included when the Board was considering other options for the public safety building. This was the amended project ordinance. There was an initial transfer from the general fund in the amount of \$718,000. A resolution to reimburse these funds to the general fund was adopted that returned these funds to their former location. The total proposed project ordinance would be for the \$5.7 million with the appropriation of \$3.9 for the purchase of a public safety facility. The \$676,962 was the funds expended on design and \$1.1 million for improvements to the existing Fire Station one and parking lot improvements. An appraisal by SEI properties was completed.

Tony Chiotakis, Senior Director of Community Service stated more parking would be required at Fire Station Number One for employees if road improvements reduced the current parking.

Tab K [2006-132](#) Adopt Ordinance –2006-132 Morrisville Carpenter Rd. Improvement Capital Project

Blake Mills, Town Engineer stated this was an update based on Board direction received at the July 31st work session to work within the \$4 million dollars set aside for bonds for road improvements at Morrisville Carpenter Road and Hwy 54 Intersection. Requested improvements included improvements at the railroad crossing, a right turn lane from Hwy 54 onto Aviation Pkwy and right and left turn lanes from Hwy 54 onto Morrisville Carpenter Road. There was also direction to begin work on a new town road called Street F. The Morrisville Carpenter/Hwy 54 Intersection Improvements would be covered first and Street E or Street F would be addressed later.

Sam Brindis, consultant with Parsons Brinkerhoff stated that he would address the presentation, schedule and budget associated with the project. This was the first phase of a project to complete improvements on Morrisville Carpenter. The goal was to obtain NCDOT approval without required barriers for this phase. Plans would proceed assuming there would be no barriers, which would suggest that there would still be full access from Page and Church street after completion of this phase.

Commissioner Lyons stated that another lane could be added along Morrisville Carpenter from Page to Church to help traffic.

Mr. Brindis stated that any improvements within the allotted budget would be helpful.

Commissioner Murry stated additional frontage could also be acquired from the Town Hall lot for this project.

Mr. Brindis stated there was no proposed widening on the side where the Fire Station was located and would only be proposed if there were medians required. A schedule was devised based on approval occurring August 28th. The project included submittal to NCDOT, NCDENR and NCRAIL for approval. Based on the project eight parcels could potentially be impacted to include: 103 Page Street, Ben's Bargain Barn, Hartness House, and the property located east of the Hartness House, Yard-nique and the house and two vacant properties directly south of Yard-nique.

[Clerks Note: Addresses include 103 Page Street, 0 Oak Street (owned by Southern RR), 200 Franklin Upchurch Sr. Street, 108 Aviation, 10018 Chapel Hill Road, 10014 Chapel Hill Road, 10012 Chapel Hill Road and 0 Chapel Hill Road (Patel Property).]

John Whitson, Town Manager stated active negotiations were in process for the movement of the Hartness house. The property owner was currently in favor of a 45 degree rotation with the house caddy corner to the intersection. This would permit as little tree destruction as possible. The potential costs were included in the proposed \$2.5 million for the project. Ben's Bargain Barn may request compensation for their loss of parking for the portion of the parking lot located on the property owned by NC Rail that would be lost to this project.

Commissioner Snyder asked if the schedule was conservative.

Mr. Brindis stated this was an aggressive schedule that permitted six to eight months for construction.

Mayor Pro-Tem Martin asked if the project could be completed for under \$4 million.

Mr. Mills stated the project was estimated at \$2.5 million, which included fees for Parsons Brinkerhoff and left money for Street E or Street F.

Commissioner Lyons stated she did not agree with the closing of Barbee Road.

[Clerks Note: Barbee Road closing was a potential trade with NC Rail for another lane over the railroad tracks at Morrisville Carpenter.]

Commissioner Snyder suggested a future closure date possibly aligned with a signal light installation at Church and Hwy 54 that would be needed for traffic near Wal-Mart at I-540.

Mr. Brindis stated that a portion of the costs were to cover Parson-Brinkerhoff. Scope of Services included estimates for the turnkey project including planning, design and construction, time and materials and on-call funds for immediate needs. Total estimated cost was \$434,000 with any unused funds being returned to the Town of Morrisville. The project was being proposed with the future phases in mind and minimal re-work, which included tearing up recently completed portions of this project for future phases of the project.

Rowland Roberson, consultant with Parsons Brinkerhoff stated widening on Hwy 54 stopped about 50 feet before it reached the bridge. Efforts were made to cause as little impact as necessary. The site on the north east corner of the intersection included several wells, which were avoided. Different designs were considered to cause little to no impact on the fire station while still maintaining alignment. During the work session held July 31st, there were several options for the Board to review and several contained different portions of this project, such as Hwy 54 widening by itself or signal crossing for four lanes along Morrisville Carpenter. An additional lane could be considered on Morrisville Carpenter from Page to Church. Eight parcels were identified that would be potentially effected and there was a possibility that only seven would be affected by easement acquisitions.

Mr. Brindis stated that the right of way acquisitions were based on the current tax maps and future surveying would have to be completed to verify.

Commissioner Johnson asked if potential affected property owners were aware of these plans.

Mr. Whitson stated that Yard-nique and Mr. Hartness were currently aware and other property owners were being identified and would be notified.

Commissioner Snyder asked what the next phase of the project included.

Mr. Whitson stated that would include widening of Morrisville Carpenter from the intersection of Morrisville Carpenter and Hwy 54 to Davis Drive. If the request to change projects on the TIP was successful, a bond referendum could be placed on the ballot with the knowledge that the town would be reimbursed later by NCDOT.

Mayor Pro-Tem Martin stated that a portion of that widening was already competed.

Mr. Whitson stated there was 1.8 miles to widen and a large portion of the project funds included culvert replacement.

Mayor Faulkner stated that reimbursement by NCDOT would be important when Morrisville Carpenter from Hwy 54 to Davis was widened. She asked for information regarding Street E/Street F.

Mr. Mills stated that the addition of the either street could slow down progress of improvements at Morrisville Carpenter/Hwy 54 intersection. The proposed schedule for the intersection was very aggressive and several factors that included property acquisition and the Barbee Road closure could take longer than estimated. Street F was mentioned at the work session due to a loss of left turns off of Page and Church associated with the Morrisville Carpenter/Hwy 54 intersection improvements. Street E or Street F could still be completed with the remainder if the \$4 million after the Morrisville Carpenter/Hwy 54 intersection improvements.

Mr. Whitson stated that the plan for downtown development included completion of Street E by the town and subsequent street blocks to be completed by developers. The Board requested Street F to be completed at the workshop. However, this would not fulfill the obligation to the developer of Church Street Townes for completion of Street E and creates an issue where utilities would be located on private property. Maintenance would be an issue and acquisition of an easement for sewer would have to occur. These associated costs were not included in the approved Long Range Financial Plan.

Mayor Pro-Tem Martin asked if the \$13.7 million bond funds could be completed without a tax increase.

Mr. Whitson stated it could, with \$4.7 remaining to be utilized for Parks and Recreation.

Mr. Mills stated Street E was already designed and would be quicker to initialize and complete than Street F. Construction of Street E would meet the commitment with the developer of Church Street Townes and meet interconnectivity requirements. Initialization of Street E could jeopardize the Morrisville Carpenter/ Hwy 54 intersection improvements with property acquisition, as Mr. Upchurch did not accept an initial offer for purchase by the town. Street F required more to initialize and estimates were not detailed due to the low level of detail at this time. The town owned the land for Street F. However, NCDOT would require a connection to Church, there was a potential road shift of Scoggins and other unknown factors. Staff recommended completion of Street E if it met the budget requirements.

Commissioner Murry stated there would be about \$1.2 million remaining of the \$4 million in bond funds. He stated that a portion of the public safety money could be utilized on roads if Street F was constructed.

Mayor Faulkner asked if there would need to be a parking lot constructed behind the Stewart Engineering and Chamber building for town staff to park if Street F was completed. She asked how the completion of Street E would affect the parking lot.

Mr. Whitson stated that parking was not an immediate necessity. It could still be completed and it was part of the downtown parking plan within the Long Range Financial Plan. The property for Street E could more easily be acquired as it fronted on Mr. Upchurch's property whereas Street F was proposed in a location that would divide Mr. Upchurch's property. The estimated cost for property acquisition for Street E was about \$60,000.

Mayor Faulkner recessed the meeting at 9:09 p.m. and reconvened the meeting at 9:20 p.m.

Tab L [2006-128](#) Adopt Resolution 2006-128 Annexation Area of Consideration

Rodney Wadkins, Senior Planner stated this item was brought before the Board annually and was required for either voluntary or statutory annexations. A portion south of I-540 where I-540 cuts Durham off was added to the area since last year, as part of an annexation agreement. Cary would supply utilities for any of these areas.

John Whitson, Town Manager stated that an involuntary annexation would require a year from Board approval till the effective date. If this was in place, it would eliminate that wait period.

Tab M [2006-134](#) Adopt Resolution approving Progress Energy power line easement at Fire Station Two

Todd Wright, Fire Chief stated Progress Energy requested an easement to install and maintain underground power lines to be located on Fire Station Two property. The easement would extend from the power pole located at the intersection of Chapel Hill and Perimeter Park and extend 40 feet south onto the property.

The Board consensus was that potential right of way for widening on Morrisville Carpenter

Road in exchange for this easement should be covered with Progress Energy.

Mr. Wright stated he would advise them of the Board's request.

Tab P [2006-118](#) Adopt Resolution Requesting Amendment of the FY07-13 MTIP Top 40 Roadway System Improvement Projects

John Whitson, Town Manager stated this item was in reference to discussion at the work session held July 31st. This item included a request for a priority change to replace current project number 12 (McCrimmon) with the Morrisville Carpenter widening project on the Capital Area Metro Planning Organization (CAMPO) TIP. Extension of International Drive as part of this request was not being offered at this point, but could be considered as a negotiating tool.

Mayor Pro-Tem Martin asked if extension of International Drive would ease traffic from Hwy 54.

Mr. Whitson stated it was a possibility. It would provide interconnectivity from Aviation to Airport whereas currently, a person would have to take Hwy 54 to accomplish this.

The Board consensus was to not include text reference to International Drive on the resolution.

Mayor Faulkner stated action should be taken on this item August 28, 2006.

Commissioner Murry stated there was potential for this to be agreed upon because the request included replacement of a higher priced project with a lower priced project.

Tab R [2006-119](#) Adopt Ordinance annexing 17.56 acres into the Town of Morrisville's corporate limits (ANX 06-01 Town Hall Commons)

Courtney Tanner, Planner stated this annexation was associated with the Church of Latter Day Saints with a public hearing and action scheduled for the Board of Commissioners Business Meeting August 28th.

Tab S [2006-120](#) Adopt Ordinance annexing 5.55 acres into the Town of Morrisville's corporate limits (ANX 06-03 Slater Property)

Courtney Tanner, Planner stated this property was owned by Slater Investments LLC and consisted of 5.55 acres associated with 150 acre rezoning petition in process that included this portion. Staff recommends approval with the public hearing and action scheduled for the Board of Commissioners Business Meeting August 28th.

Commissioner Murry asked if there was a plan included.

Ms. Tanner stated a map was included as part of the annexation agreement. A marketing plan was distributed around town by Tri Properties before the proposed sale to the current owner, Duke Realty that called for residential. The current rezoning request was for Office & Institutional (O & I), which did not include residential use.

Tab T [2006-121](#) Adopt Ordinance annexing 15.60 acres into the Town of Morrisville's corporate limits (ANX 06-04 Shiloh Crossing)

Courtney Tanner, Planner stated this request was to annex 15.62 acres associated with the

Shiloh Crossing project. Staff recommends approval with the public hearing and action scheduled for the Board of Commissioners Business Meeting August 28th.

Tab X [2006-124](#) Adopt Ordinance annexing 1.34 acres into the Town of Morrisville's corporate limits (ANX 06-04 Bojangles)

Courtney Tanner, Planner stated this annexation was for 1.34 acres and Bojangles was currently located on the property. Staff recommended approval with the public hearing and action scheduled for the Board of Commissioners Business Meeting August 28th.

Mayor Faulkner asked if this was later in the process than usual.

Ms. Tanner stated that annexation was required with water and sewer hook up and with the utility merger this project still needed to be annexed.

Tab W [2006-125](#) Adopt Resolution closing Weaver Road

Courtney Tanner stated that there was a process for road closure listed in Attachment Two (as follows):

According to General Statute § 160A-299

1. Adopt "Resolution of Intent". The resolution of intent:
 - a. Declares the intent to close the road, and
 - b. Sets public hearing date.
2. Public notification
 - a. Adopted resolution is published for four (4) consecutive weeks prior to the public hearing, and
 - b. A copy of the resolution is sent to all property owners adjoining the street and the NCDOT, and
 - c. A notice to close the road is posted in at least two (2) locations.
3. Public hearing is held.
4. NCDOT votes to abandon the maintenance of the road. This process can take about six (6) months.
5. The Board adopts an order to close street.
6. A certified copy of the order is recorded at the register of deeds.

The intent of closure of Weaver Road was declared by approval by the Board on October 24, 2004. The public notification and public hearing were held and the next step for NCDOT to vote on abandonment of maintenance was completed July 13, 2006 with a retroactive approval date of June, 30 2006. The next step was this order to close the street. This item was expedited to complete the process with requested action on August 28th.

Commissioner Murry asked if this was the portion of Weaver Road near Church Street.

Ms. Tanner stated that Weaver Road would be realigned and the name changed to Weaver Forest Way.

Mayor Pro-Tem Martin asked if there were residents living along Weaver Road.

Ms. Tanner stated there was one owner. The owner was notified and there were currently

renters residing at the residence.

Tab Z [2006-135](#) Review Background Information on Special Use Permit Process

Ben Hitchings, Planning Director presented background information on the Special Use Permit (SUP) request process per the Board's request. This process was created to permit an option with impact mitigation other than approval or denial. Any findings that are not met can be denied. If any findings were not met, the request could be denied. The process itself can be unfamiliar, especially with the low amount of Special Use Permit requests reviewed by the Board of Commissioners. Different types of special use permit requests were heard by the Board of Adjustment and the other cases, usually involving higher impact were heard by the Board of Commissioners.

[List of Special Use Permit required uses and approval Board incorporated by reference as follows:

Uses that Require an SUP from the **Board of Commissioners:**

- Greenhouse/Nursery, Large or Wholesale (in Agricultural District (AD) and General Business (GB) District)
- Condomium (in Residential-6, Residential-Multi Family, GB)
- Apartment (R-MF, GB)
- Manufactured Home, Class A or Class B (AD, R-12)
- Rooming House (R-12, Office & Institutional, Neighborhood Business)
- Hotel/Motel (O&I)
- Congregate Living Facility (O&I, NB, GB)
- Nursing Home (O&I, NB, GB)
- Public Cultural Facility (AD, R-12, R-10, R-8, R-6, R-MF)
- Private Outdoor Recreation Facility (O&I, NB)
- Private Indoor Recreation Facility (O&I)
- Retail Stores > 75,000 square feet (GB)
- Shopping Center (GB)
- Adult Establishment (GB, Industrial 1, Industrial 2, Industrial 3)
- Stonecutting/Monument Sales (I-1, I-2, I-3)
- Motor Freight Terminal (I-3)
- Storage of Petroleum Products (I-3)
- Utility Facility, Major (O&I, NB, GB, I-1)
- Telecommunication Towers (I-1, I-2, I-3)
- Railroad Yards (I-1, I-2, I-3)
- Bus Station (GB)
- Extraction of Earth Products (I-3)
- Landfill, Sanitary (I-3)
- Landfill, Debris (AD, I-2, I-3)
- Junkyard or Recycling Facility (I-3)

Uses that Require an SUP from the **Board of Adjustment:**

- Day Care Center (R-12, R-10, R-8, R-6, R-MF)
- Fraternity/Sorority (AD)
- Congregate Living Facility (AD, R-12, R-10, R-8, R-6, R-MF)
- Nursing Home (AD, R-12, R-10, R-8, R-6, R-MF)
- Family Care Manufactured Home (AD, R-12, R-10)
- Mobile Classrooms (schools/churches) (AD, R-12, R-10, R-8, R-6, R-MF, O&I, NB, GB, I-1, I-2, I-3)

- Civic Club (AD, R-12, R-10, R-8, R-6, R-MF)
- Nonprofit Professional Association (AD, R-12, R-10)
- Nonprofit Sports Clubs or Grounds (AD, R-12, R-10, R-8, R-6, R-MF)
- Golf Course (AD, R-12, R-10, R-8, R-6, R-MF)
- Country Club (AD, R-12, R-10, R-8, R-6, R-MF)
- Residential Support Recreation (AD, R-12, R-10, R-8, R-6, R-MF)
- Convenience Store (NB)
- Kennel (AD)
- Stables (AD)
- Funeral Home (AD)
- Cemetery (AD, O&I, NB, GB, I-1)
- Automobile Repair, Major (NB)
- Park/Ride Terminal (AD, R-12, R-10, R-8, R-6, R-MF, O&I, NB, GB, I-1, I-2, I-3)]

The negative aspects were listed:

- Provides presiding body with less discretion than legislative decisions
- Harder for public to participate
- Presiding body can't discuss case with stakeholders outside of hearing
- Unfamiliar process that is not used very often

The positive aspects were listed:

- Provides presiding body with ability to consider uses based on facts of case
- Focuses discussion on key parameters previously established by BOC
- Requires applicants to substantiate claims about project
- Provides more certainty for applicants
- Helps insulate process from politics

Mr. Hitchings stated that if the Board desired additional uses could be added to uses that required SUP's. Another option would be to utilize conditional zoning, which was recently approved a few years ago. Certain uses could only be permitted in particular zoning districts. The zoning districts could be added or removed from the list. The special use process could be retained for less problematic uses, such as items heard by the Board of Adjustment. Thoughts on which uses to keep in the special use permit process could be forwarded to staff along with a general sense of the desired replacement process for other uses. Any changes needed to be reviewed by the Planning and Zoning Board before Board of Commissioner approval.

Commissioner Lyons asked if the Board could request all uses be removed from the special use permit request process.

Mr. Hitchings stated that could happen and the Board would have to decide whether to include special use permit requests reviewed by the Board of Adjustment.

Commissioner Johnson stated that conditional zoning was a great option.

Mr. Hitchings stated that if conditional zoning was required for certain uses certain uses would be permitted by right and other uses would require Board approval of a conditional use rezoning. A site plan or subdivision plan could be a requirement of the condition zoning. There would be a lot of changes to make if this was implemented.

John Whitson, Town Manager stated that if this change was made, the Board would have to decide whether to grandfather existing uses or require them to come into compliance. The

property owners would have the right to appeal, which could be timely.

Mr. Hitchings stated a land owner was not guaranteed the highest and best use of their land, but were guaranteed some use of their land. There would be political challenges with down-sizing.

Commissioner Lyons stated that an adult establishment was a permitted use in General Business (GB), Industrial 1 (I1), Industrial 2 (I2) and Industrial 3 (I3) with a special use permit approval.

Mr. Hitchings stated by law this use had to be permitted in some area. This use could be reviewed.

Commissioner Murry asked if the use could be removed from GB as a permitted use with a special use permit.

Commissioner Lyons stated that an adult business may be permitted in certain districts and should only be permitted in Industrial zoning districts.

Mr. Whitson stated that some uses may be permitted in certain districts with a special use permit and may be permitted in other zoning districts without a special use permit.

Tim Gauss, Senior Director of Development Services stated that some municipalities have a very small number of items that may be controversial.

Mayor Faulkner stated that it seemed that the special use permit process made SUP requests easy to deny. However, SUP's were very difficult to deny. Implementation of conditional zoning as a requirement for certain uses would be preferable.

Mr. Hitchings stated it was up to the Board's discretion. Boards have different viewpoints over time and the SUP could provide a predetermined set of standards that provided consistency over time.

Commissioner Johnson asked if the SUP requirements could be changed.

Mr. Hitchings stated that the findings of fact were based on case law and must be utilized. However, additional conditions can be added to SUP permits.

Mr. Whitson stated he had heard the Board express that their freedom of discussion was restricted by the SUP process.

Commissioner Johnson stated that an SUP permit could be positive for some purposes.

Commissioner Snyder stated that the system appeared to be biased in that citizens had to present factual information and their opinions were not factual evidence, whereas hired professionals could be hired and their statements were considered evidence.

Mayor Faulkner stated that some jurisdictions only hear SUP permit requests at the Board of Adjustment level.

Mr. Hitchings stated that the Institute of Government conducted a study and every municipality handled SUP's differently.

Frank Gray, Town-Attorney stated that the most recent SUP permit request for Shiloh

Crossing considered by the Board of Commissioners was quite detailed and did not happen that often. It might be easier for the Board to consider the amount of undeveloped land and their Land Use Plan designation to determine if these are the desired uses for that area.

Mr. Whitson stated this would be an opportune moment, while the Land Use Plan (LUP) and Transportation Plan were scheduled to be updated shortly.

Commission Johnson stated that zoning districts could be further separated, much like the Industrial district if necessary.

Commissioner Johnson stated that the Town Center Plan should be further progressed towards completion before work began on the LUP and Transportation Plan.

Mr. Hitchings stated that another consideration was that his department was contemplating combining the Subdivision Ordinance and the Zoning Ordinance into one Unified Development Ordinances (UDO).

Mayor Faulkner stated that the SUP process could be left as it stood and with the forthcoming UDO, Land Use Plan and Transportation Plan being implemented, the Board's position could be considered.

Mr. Whitson stated that the Board had mentioned adult establishments in the General Business (GB) zoning district and this could be considered for removal and left in Industrial 1(I1), Industrial 2 (I2) and Industrial 3 (I3).

ACTION: *Commissioner Lyons* made a motion for consideration of Adult Establishment to not be permitted in General Business (GB) and permitted in Industrial 1(I1), Industrial 2 (I2) and Industrial 3 (I3). *Commissioner Johnson* seconded the motion.

Commissioner Snyder stated this should be done with the knowledge that the Board may recommend further similar changes in the near future.

VOTE: The motion passed unanimously.

Commissioner Snyder stated that further changes would be expressed to the staff, who could present a consolidated item to the Board for consideration.

Commissioner Jonson stated that potential uses that the Board felt needed to be further defined within the ordinances could also be expressed to the staff.

Commissioner Murry stated that the amount of Special Use Permits required should be minimized.

9. **Items for Discussion**

- Update on Toll Road Facilities – Mayor Faulkner

Mayor Faulkner stated this was an update on the toll road, specifically the I-540 connection from the current location to Apex and Holly Springs. The original five Western Wake Mayors asked for a study as to whether a toll road would be feasible at this location to complete the road faster. The original completion date was 2025 and with the tolls implemented, completion was estimated in 2011. This would alleviate traffic regionally. The local mayors devised a list of questions through CAMPO for the tolling authority. Questions

included how long the toll would be assessed, what the amount of the tolls would be, what happens after the road was paid for and who would maintain the road after the tolls have paid for the road. There would be a meeting forthcoming and the Turnpike Authority would need a letter from CAMPO members that requested the next phase. The first phase information gathering. The tolls would be between \$1.25 up to \$2.00 in the future. The second phase included a more detailed analysis for plan implementation. The final phase three included bidding and construction.

10. For the Good of the Order

- Administrative Matters

Mr. Whitson stated that Police, Fire and Public Works would present at Thisty Thursday this month versus Engineering with their Stormwater presentation. Engineering was focused on creation of Engineering Standards. Stacie Galloway and Diana Davis were accepted to complete the Municipal Administration Course. He stated that he would have to complete some work usually completed by his staff during this process. Stacie Galloway would also be in attendance at the Public Information Course in Nashville next week.

Diana Davis, Town Clerk stated that she would collect registration forms for the 2006 NCLM Conference and she would be attending the Annual Clerks Conference in Greensboro this weekend.

- Commissioner Comments

Commissioner Snyder asked if there was a finalized date to honor the Hurricanes.

Stacie Galloway, Public Information Officer stated this date was being set and there would be a final determination soon.

Commissioner Snyder asked when the portion of I-540 to Hwy 54 was projected for completion.

Mr. Whitson stated that had not been determined.

Commissioner Johnson stated she attended Senior Night and it was excellently managed. She asked for an update on the Davis Drive widening project.

Mr. Whitson stated that he would inquire if there were any delays and would check the website to see if projects projected for completion sooner were being delayed.

Mayor Pro-Tem Martin asked if there would be Christmas Parade this year.

Mr. Whitson stated that the Rotary Club, who had sponsored the parade in the past, withdrew from this effort last year.

Mayor Pro-Tem Martin asked if new development application would be posted on the Town website.

Ms. Galloway stated that the preliminary page was completed today by Natalie Spencer and was currently under review.

Commissioner Lyons stated that there was a manhole cover that created a road hazard at the end of Church where vehicles turn onto Morrisville Carpenter Road.

Mr. Whitson stated that NCDOT was notified.

Tony Chiotakis, Senior Director of Community Services stated that a metal plate had been utilized temporarily to alleviate the problem.

11. Adjournment

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

Mayor Faulkner closed the meeting at 11:23 p.m.