



MORRISVILLE BOARD OF COMMISSIONERS
Regular Business Meeting
January 24, 2005
6:30 P.M.

1. CALL TO ORDER

Mayor Cromwell called the meeting to order at 6:30 p.m. Present for the meeting were Mayor Cromwell, Mayor Pro-Tem Faulkner, and Commissioners Martin, Conrad, Johnson, and Lyons. Town Attorney, Frank Gray, was absent due to illness. Also present were the following staff members: John Whitson/ Town Manager, G.J. Hooks/Town Clerk, Tony Chiotakis/ Senior Director of Community Services, Julia Ketchum/ Senior Director of Resource Management, Philip Culpepper/ Planning Director, Tim Gauss/Senior Director of Development Services, Courtney Tanner/Planner, Krista McGivern/Director Parks & Recreation, Maurice Gunn/Director Public Works, and Blake Mills/Town Engineer.

2. INVOCATION BY COMMISSIONER LYONS

Commissioner Lyons gave the prayer.

3. PLEDGE OF ALLEGIANCE

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

4. ADOPTION OF AGENDA

Mayor Cromwell pulled Tab D Time Warner Rate Order off the agenda at the request of staff.

Commissioner Martin made a motion to adopt the Board of Commissioners Business Agenda for January 24, 2005 as presented with the exception that Tab D be pulled from the agenda. Commissioner Conrad seconded the motion, which passed unanimously.

5. ADOPTION OF MINUTES

• Briefing Session 12-13-04

Commissioner Johnson made a motion to adopt the Board of Commissioners Briefing Session Minutes for December 13, 2004 as presented. Commissioner Martin seconded the motion, which passed unanimously.

• Business Meeting 12-22-04

Commissioner Lyons made a motion to adopt the Board of Commissioners Business Meeting Minutes for December 22, 2004 as presented. Commissioner Johnson seconded the motion, which passed unanimously.

6. INTRODUCTIONS AND RECOGNITIONS

Krista McGivern, Director of Parks & Recreation, introduced LuAnn Bryan as Morrisville’s new Parks & Greenways Planner.

Maurice Gunn, Director of Public Works, introduced Jason Belanger as Morrisville’s new Public Works Fleet Maintenance Auto Mechanic and Howard Baldwin as Public Works Solid Waste Contract Coordinator.

The Board welcomed all the newest Town employees to the Morrisville.

7. PUBLIC HEARINGS

TAB O Adopt ordinance 2005-005 rezoning approximately 23 acres owned by Duke Construction located in Perimeter Park from Planned Unit Development to Residential Multi-Family PUD conditional Use and Office & Institutional PUD Conditional Use - Public Hearing 1-24-05, Action 2-28-05

Philip Culpepper presented the item to the Board.

Mayor Cromwell opened the public hearing at 6:40 p.m.

<i>Laura Seal, 3900 Paramount Parkway</i>	Spoke in favor of this type of housing in the area. She noted the personal benefit from being able to walk to work from her home.
<i>Robert Barton, lives at apartment community in Morrisville</i>	Spoke in support of this project. He stated that he works in Perimeter Park and sees value in offering this type of housing in this area. He concluded that it would be a benefit to walk to and from work rather than driving.
<i>Chris Raughley, Duke Realty</i>	Spoke in favor of the request. He stated that the act of swapping land with the neighboring property reduces the impacts to the stream that runs through the two abutting parcels. Some background, he noted that several island

	parcels not owned by Duke Realty in and around the original approved PUD have now been acquired. He spoke of past efforts to assemble the parcels for project – it was anticipated that these parcels would eventually be added to the PUD project. He highlighted that the assemblage of land in the area creates fewer driveway connections on Chapel Hill Road; brings roadway improvements; provides for a unity of development and furthermore, makes a nice gateway project for Morrisville. He stated that the original approval showed 13.49 acres of Residential Multi-Family zoning with 253 units (a density of 18.74 units per acre). Today’s request, he stated, was asking for 15.95 acres zoned to Residential multi-family with 266 units (a decrease in density to 16.67 units per acre). In conclusion, he remarked that that was an 18% increase in area with only 5% increase in square footage, with a decrease of 11% in residential density.
<i>Commissioner Martin</i>	Requested clarification on the allocation of 23 acres of land.
Mr. Raughley	Explained that the 23 was a combination of newly acquired land and was only a portion of the total Perimeter Park PUD property.

Commissioner Martin made a motion to close the public hearing at 6:55 p.m. relative to the rezoning request by Duke Realty. Mayor Pro-Tem Faulkner seconded the motion, which passed unanimously.

8. PUBLIC COMMENTS

<i>Sudie Smith, 101 Kudrow Lane</i>	Asked for clarification of Morrisville plans for downtown. She expressed her uncertainty with regard to having a train station in the downtown location.
<i>Commissioner Martin</i>	Stated the downtown plan would try to focus on moving people around and through the town center affectively.
<i>Commissioner Conrad</i>	Stated that initially the Board voted against a train station within TTA’s first phase. However, later the thought was to make the most of the rail system considering it will go through Morrisville anyway.
<i>Mr. Culpepper</i>	Offered to meet directly with Ms. Smith to provide further details on the downtown re-development project.
<i>Ms. Smith</i>	Thanked to the Board for the opportunity to speak.

<p><i>Paul Seelig 220 Ruby Walk Drive</i></p>	<p>Thanked the Town for working with residents. He referenced a recent letter sent by staff to him responding to many issues within the Breckenridge Community. Specifically, he referenced the issue with the walkways and the desirability of them. As President of HOA, he stated that they wish to have the trails as noted on the site plan. He explained that Pulte stated that 70% of the trees would have to be removed in order to install the walking trail. He stated that he frankly did not know where those trees were that Pulte referenced and there seems to be plenty of room for installation. As well, he noted that in Pulte’s response to a Better Business Bureau (BBB) complaint filed by him, Pulte blamed Morrisville for their untimely review of their construction plans. He remarked that Pulte was basically telling the Town one thing; the homeowners another; and the BBB something completely different. He stated that the HOA wanted the trails. Furthermore, he concluded Pulte should have known the requirements to install the trails to grade appropriately and handle drainage issues. Even more to the point, he stated that the HOA should not get something in poor condition to only have to pay later to fix.</p>
<p><i>Mary Fiore – 104 Button Road</i></p>	<p>Thanked the Board for sanding Breckenridge’s roadways this week, given that the Town has not taken over roads at this point.</p>

9. CONSENT AGENDA ITEMS

- TAB A Adopt resolution accepting the Wake County Tax Reports for September 2004-October 2004- Action 1-24-05

- TAB G Adopt ordinance 2004-150 amending the Morrisville Code of Ordinances pertaining to street addresses as recommended by the Public Safety Committee – Action 1-24-05

- TAB W Adopt resolution 2004-165 authorizing an agreement with NCDOT for roadway improvements on Airport Boulevard with no matching of funds – Action 1-24-05

Mayor Pro-Tem Faulkner made a motion to approve the Consent Agenda Items (A, G, & W) as presented. Commissioner Conrad seconded the motion, which passed unanimously.

10. ACTION AGENDA ITEMS

TAB D Adopt Resolution 2004-159 approving a Rate Order proposed by Action Audits (AA) which accepts TWC's filing of FCC forms 1240 and 1205 as compliant but rejects TWC's filing of FCC form 1235 as non-compliant – Action 1-24-05

The Board unanimously removed this item upon the adoption of the agenda at the request of staff.

TAB C Adopt resolution 2005-006 appointing citizens to serve on the Senior's Advisory Committee for terms expiring on December 31, 2007 – Action 1-24-05

Commissioner Martin made a motion to adopt Resolution 2005-006 appointing citizens to serve on the Senior's Advisory Committee for terms expiring on December 31, 2007. Commissioner Johnson seconded the motion, which passed unanimously.

TAB H Adopt resolution 2004-159 approving 424 Airport Boulevard site plan – Action 1-24-05

Philip Culpepper, Planning Director, presented the item to the Board.

Commissioner Conrad made a motion to adopt Resolution 2004-159 approving the 424 Airport Boulevard site plan as presented. Commissioner Johnson seconded the motion, which passed unanimously.

TAB S Adopt resolution 2005-007 authorizing the removal of certain accounts from the residential sanitation account with Waste Management – Action 1-24-05

Tony Chiotakis, Senior Director of Community Services, presented the item. He stated that 810 Church Street had been removed from the list – the address was within the corporate limits of the Town.

Commissioner Conrad questioned how long had these addresses been receiving garbage service and has the Town notified them as to the discontinuation.

Mr. Chiotakis replied that pending the action of the Board, staff would then notify the addresses on the list and allow 30 days for them to find another waste provider.

John Whitson, Town Manager, added that the non-residential addresses were within the Town limits, however, the Town policy does not allow for servicing commercial addresses with waste collections.

Commissioner Johnson asked if the people listed could buy into the Town's contract with our waste hauler.

Mr. Whitson replied that buying into our contract could be construed as unfair competition. He remarked that the county does provide waste collection in some form, as well there is a county convenience center in Town. In addition, he noted that staff was not going to notify those parties on the list until the Board's action to support this resolution. He explained that staff did not want to get ahead of the Board.

Commissioner Lyon made a motion to approve Resolution 2005-007 authorizing the removal of certain accounts from the residential sanitation account with Waste Management with the exception that 830 Church Street be removed from the list until further investigation. Commissioner Martin seconded the motion.

Commissioner Conrad stated that he would rather have all parties notified of the potential for action and would therefore vote against the proposed motion.

Mayor Pro-Tem Faulkner stated that it was her preference to allow for a 60 day notice rather than only 30 day.

Commissioner Martin stated that essentially tax paying citizens were subsidizing services for those not within the corporate limits of the Town and commented on his disapproval as such.

Commissioner Johnson agree with Commissioner Conrad that would be a shock to those currently receiving the service to suddenly be without, however in the end we should look out for other tax paying citizens. She recommended extending to 60 days or 90 days to change over as a courtesy.

Commissioner Conrad clarified that he was not against the action to discontinue services to parties not within the corporate limits of Town, only that he would prefer they receive notification prior to action.

Commissioner Lyons explained that 830 Church Street could be annexed and that the property owner needed to go to the courthouse to get a pin number to determine as such.

Mayor Pro-Tem Faulkner suggested that the motion could be revised to include 830 Church Street if proven later to be outside the town limits and to allow 90 days to make other arrangements.

Commissioner Lyons revised her original motion that 830 Church Street be included on the list should it be later determined to not be within the Town Limits of Morrisville and to allow a 30 days notification. The motion failed three to two.

Yes	No
Commissioner Lyons	Commissioner Johnson
Commissioner Martin	Commissioner Conrad
	Mayor Pro-Tem Faulkner

Mayor Pro-Tem Faulkner made a motion to adopt Resolution 2005-007 authorizing the removal of certain accounts from the residential sanitation account with Waste Management allowing 90 days for the parties to find alternative waste services. Commissioner Johnson seconded the motion, which passed three yeas to two nays.

Yes	No
Commissioner Johnson	Commissioner Lyons
Commissioner Martin	Commissioner Conrad
Mayor Pro-Tem Faulkner	

TAB V Adopt ordinances 2004-125 A – K authorizing action to annex certain properties into the corporate limits of the Town of Morrisville – Action 1-24-05

Philip Culpepper, Planning Director, presented the item to the Board.

Commissioner Martin clarified that these involuntary annexed properties were non-residential properties.

Mr. Culpepper confirmed.

Commissioner Martin made a motion to adopt Annexation Ordinance 2004-125A – K involuntarily annexing certain identified properties into the corporate limits of the Town of Morrisville. Commissioner Johnson seconded the motion, which passed unanimously.

11. FOR THE GOOD OF THE ORDER

A. Administrative Matters

Philip Culpepper, Planning Director, presented a conceptual Town Center area map to the Board.

Tony Chiotakis, Senior Director of Community Services, noted that Public Work crews have revised their work schedules for sand and salting efforts. Efforts would be extended to private streets for this expected weather event.

B. Commissioner Remarks and Guidance

Commissioner Martin stated that he was happy to see Town Hall Drive open to the public.

John Whitson, Town Manager, remarked that Town Hall Drive still required the final inch of asphalt before it could be deemed a complete project. The final inch would be installed when warmer weather occurs.

Commissioner Johnson asked if any staff had received questions or comments from citizens regarding Wake County Public School Systems re-assignment schedule for this coming year.

The Town Clerk replied that no one has expressed any concerns to date and that she would be happy to provide a link on the Town's website for school re-assignment information.

Commissioner Johnson expressed gratitude towards Officers Youngdale and Rushing for their assistance during recent tragedy that occurred within her neighborhood.

Mayor Pro-Tem Faulkner thanked staff for handling the Breckenridge matter, commenting that it was a difficult situation for the parties.

John Whitson replied that staff was still working the issue.

C. Closed Session for Property Acquisition

Mayor Pro-Tem made a motion to go into a Closed Session in accordance with General Statute 143, 318-11a, 5 to discuss the purchase of real property. Commissioner Johnson seconded the motion, which passed unanimously.

Mayor Cromwell dismissed all attendees except for Town Manager, John Whitson and the Town Clerk, G. J. Hooks.

The Closed Session was then conducted.

Upon the conclusion of the Closed Session Mayor Pro-Tem Faulkner made a motion to end the session and return to the open meeting at 8:54 p.m. Commissioner Lyons seconded the motion, which passed unanimously.

12. ADJOURNMENT

Mayor Pro-Tem Faulkner made a motion to adjourn the Board of Commissioner Business Meeting of January 24, 2005 at 8:55 p.m. Commissioner Lyons seconded the motion, which passed unanimously.

Minutes were adopted this the ____ day of _____, 2004.

Mayor Gordon Cromwell

<SEAL>

Town Clerk