



MORRISVILLE BOARD OF COMMISSIONERS
Regular Business Meeting
March 22, 2004
6:30 P.M.

1. CALL TO ORDER

Mayor Cromwell called the meeting to order at 6:30 p.m. Present at the meeting were: Mayor Cromwell, Mayor Pro-Tem Faulkner, Commissioners Martin, Johnson, Conrad, and Lyons. Also present were staff members: John Whitson/Town Manager, Frank Gray/Town Attorney, G.J. Hooks/Town Clerk, Tony Chiotakis/Assistant Town Manager, Philip Culpepper/Planning Director, Blake Mills/Town Engineer, Jose Marteniz/Utility Engineer, Julia Ketchum/Finance Director, and Krista McGivern/Parks & Rec. Director.

2. INVOCATION BY COMMISSIONER MARTIN

Commissioner Martin gave the prayer.

3. PLEDGE OF ALLEGIANCE

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

4. ADOPTION OF AGENDA

Commissioner Martin made a motion to adopt the Board of Commissioner's March 22, 2004 Business Meeting agenda as presented. Commissioner Johnson seconded the motion, which passed unanimously.

5. ADOPTION OF THE BOARD OF COMMISSIONERS MINUTES FROM:

- Board/Staff Retreat Minutes January 23, 2004

Commissioner Lyons made a motion to adopt the Board of Commissioner's Retreat minutes of January 23, 2004 as presented. Mayor Pro-Tem Faulkner seconded the motion, which passed unanimously.

- Briefing Session Minutes February 9, 2004

Commissioner Conrad made motion to adopt the Board of Commissioner's Briefing Session minutes of February 9, 2004 as presented. Commissioner Johnson seconded the motion, which passed unanimously.

- Business Meeting Minutes February 23, 2004

Commissioner Martin made a motion to adopt the Board of Commissioner's Business Meeting minutes of February 23, 2004. Mayor Pro-Tem Faulkner seconded the motion, which passed unanimously.

- Briefing Session Minutes March 8, 2004

Commissioner Johnson made a motion to adopt the Board of Commissioner's Briefing Session minutes of March 8, 2004 as presented. Commissioner Conrad seconded the motion, which passed unanimously.

6. PUBLIC HEARING

Tab F Conduct a Public Hearing to receive the public's input relative to the adoption of an Annexation Ordinance 2004-040 as requested by D.R. Horton to annex 20.46 acres into the Town limits of Morrisville – Public Hearing 03-22-04, Action 03-22-04

- Briefing Sheet
- Ordinance 2004-040
- Attachments

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

Mayor Cromwell opened the Public Hearing at 6:35p.m.

No comments received.

Mayor Pro-Tem Faulkner made a motion closing the public hearing relative to Annexation Ordinance 2004-040 as requested by D.R. Horton. Commissioner Martin seconded the motion, which passed unanimously.

Tab G Conduct a Public Hearing to receive the public's input relative to the adoption of a Rezoning Ordinance 2004-041 as requested by O.N. Sharma to rezone 2.12 acres from Agricultural District (AD) to Residential 6 – Conditional Use (R6-CU) – Public Hearing 03-22-04, Action 04-26-04

- Briefing Sheet
- Ordinance 2004-041
- Attachments

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

Mayor Cromwell opened the public hearing at 6:37 p.m.

Mr. Sharma, applicant, stated that this project was based on smart growth principals creating both comfortable and affordable energy efficient homes that work toward reducing pollution. He remarked that such a development style lends toward the continued enhancement of the area. Mr. Sharma provided a handout for the Board to help explain smart growth and green building practices.

Ms. Sharma stated that the R6-CU rezoning complied with the Town's Land Use Plan (LUP). As well, she offered further explanation on the benefits of smart growth planning such as constructing homes close to schools, existing area infrastructure, and greenway connections. She added that although they had not yet designed the eight (8) homes, the architectural style of the structures would be consistent with the existing architecture and more energy efficient.

Mayor Pro-Tem Faulkner stated that while the smart growth principles are honorable and important, the outcome of the product was unclear. She expressed her discomfort with the uncertainty.

Mr. Culpepper remarked that perhaps the applicant could produce a design rendering depicting the style of construction for the project. However, he noted that the property owner would have to agree to such a conditional request.

Mayor Cromwell expressed that it was paramount that the results be something the whole Town could be proud of. In addition, he commented that the Board was not sure of what the product will be and needed to see something that illustrates the direction of the project.

Ms. Sharma remarked of the general understanding of the Board's reluctance in approving a something without renderings. However, she stated that from a marketing perspective it would not be feasible to construct something unattractive that would not sell.

Commissioner Martin asked for more details on the scope of the project.

Mayor Pro-Tem Faulkner commented that the applicant's four (4) conditions were inadequate to insure that a quality product is constructed.

Mr. Culpepper remarked that the applicant could continue to proceed through the process and that staff would work with the applicant to achieve the Board's desired results.

Commissioner Lyons expressed her discomfort with the R6 classification.

Mr. Culpepper replied that the condition requiring the lower density was the overriding factor.

Commissioner Martin made a motion to close the public hearing at 7:02 p.m. relative to a rezoning request by O.N. Sharma to rezone 2.12 acres from Agricultural District (AD) to Residential 6 – Conditional Use (R6-CU). Mayor Pro-Tem Faulkner seconded the motion, which passed unanimously

7. PUBLIC COMMENTS

Chris Raughley, Duke Realty, spoke in favor of setting a public hearing for the proposed road closing of a portion of Lichtin Boulevard near the intersection at Chapel Hill Road – Tab O creating a public hearing to discuss the closing of Litchen. He asked that the applicant be given the opportunity to address concerns at the public hearing.

Mike Schlink, 416 Willingham Way, asked for assistance in noise mitigation efforts relative to the I-540 section that passes close to the Breckenridge subdivision. He stated that in his communication with a Wake County representative, that Wake County was interested in speaking with the Town regarding this matter. He respectfully requested that the Town coordinate with developing properties surrounding the neighborhood to protect the interest and wellbeing of its residents. Being a member of a neighborhood group, he stated that the group was scheduled to meet with Liz Rooks, representing the Research Triangle Foundation (RTP), to review future development in the area and the possible negative impacts to Breckenridge. He commented that he would share the information with staff after the meeting.

Philip Culpepper, Planning Director, explained that staff had not heard from Wake County regarding their interest in reviewing the noise mitigation plans for that area of I-540. As well, he pointed out that the planning stage for I-540 has been completed for some time now – changes would prove difficult.

Mayor Cromwell remarked that staff would review the situation to determine if there is anyway in which the Town could assist the residents.

Mayor Pro-Tem Faulkner suggested that staff study if I-540's designated buffer types for the area surrounding Breckenridge meets our ordinance standards. Furthermore, she added that the Board could perhaps draft a letter requesting that the buffers at least meet those Town standards.

Chad O'Shae, 209 Ridgecreek Drive/Preston Grande, appealed to the Board for some relief from cut-through traffic in the neighborhood. He stated that the cut-through traffic from Cary Parkway on Ridgecreek Drive through to Morrisville Parkway has become a safety concern. More to the point, he explained that with so young children in the area he was afraid if something was not done soon to slow the traffic down someone would get hurt or worse. He remarked on the positive affect that the speed bumps had on slowing traffic down on Crabtree Crossing and suggested that perhaps that was the solution. He stated that it was important to be proactive to avoid a potential tragedy.

Mayor Cromwell asked that he give his name and contact info to the Town Manager for review of the situation.

Commissioner Lyons stated that streets are no place for children to play. She mentioned an instance where she was driving through Breckenridge and a large group of children would not move out of the roadway when cars came by. (Dangerous situation to allow kids to play in streets.)

Mr. O'Shae agreed and clarified that he was referencing the abuse of the speed limit in the area. He added that the speed in which people are routinely driving on those roads does not allow for a good response time should a child run out in the street.

Commissioner Martin explained that sometimes a request to install speed bumps as a mitigation of speeding is not always viewed as a good alternative by others.

Commissioner Conrad commented that others in that area have voiced the same concern and thanked Mr. O'Shae for addressing the Board.

Bob Misita, Chair of Parks and Recreational Advisory committee, stated that as a committee they had not had a chance to review the proposed charter changes. He requested that the Board table the item until next month to accommodate their review.

Steve Breedlove, Vice Chair, as well requested time for review of the changes. He pointed out that the documents on the Town's website was the old version that did not show the recent revisions.

Mayor Cromwell stated that the item could be pulled from the agenda.

Ted Oliver of Manning, Fulton, Skinner stated that he was representing the property owners Mr. & Mrs. Clark at 105 Sorrells Grove Church Road. He appealed to the Board for assistance in seeking additional screening from the Taco Bell/KFC site abutting their property. He explained that the type of use for this site should require an opaque buffer type "B" and not a type "C" Semi-opaque type, which was what had been previously approved. He pointed out that the possible error was that the Clark's property at site plan review was identified as vacant Agricultural District classification. More over, he stated that one could hardly distinguish what part of the Clark's property was vacant and what part was their residence. He added that the Clarks utilize all of their property as a residential use. On behalf of the Clarks, Mr. Oliver requested that the Board require that a type "B" buffer be used on the Taco Bell/KFC site that is describe in the Town's ordinance as a solid 8ft continuous screen all the way down the property line.

As well, Mr. Oliver noted that the site plan approved provides for a driveway that encroaches somewhat into the Clark's property. He further explained that there was a deviation and overlap street yard buffer and driveway location. He highlighted that the interpretation of the ordinance does not permit such a use. He noted that the ordinance

interpretation conflicts between which applies - the more restrictive should govern to protect citizens. He concluded that his clients are looking for the practical solution.

Mayor Cromwell replied that staff and the Town Attorney would respond to the request upon a thorough review of the situation.

8. CONSENT ITEMS

- Tab A** Adopt Resolution 2004-023 approving preliminary subdivision plat for Morrisville Market (Barnett Properties) – Action 3-22-04
- Briefing Sheet
 - Resolution 2004-023
- Tab B** Adopt Resolution 2004-024 approving a site plan and preliminary subdivision plat for the Church of Latter Day Saints – Action 3-22-04
- Briefing Sheet
 - Resolution 2004-024
- Tab D** Adopt Ordinance Amendment 2004-026 amending the Town of Morrisville Code of Ordinance relative to civil citations and fess Chapter 18, Article III, Sections 18-82, 18-84,18-113, 18-114, 18-115, and 18-150; and amending the Morrisville Zoning Ordinance relative to the same, Part D, Article III, Section 7 – Public Hearing 2-23-04, Action 3-22-04
- Briefing Sheet
 - Ordinance 2004-026
- Tab F** Adopt Annexation Ordinance 2004-040 as requested by D.R. Horton to annex 20.46 acres into the Town limits of Morrisville – Public Hearing 03-22-04, Action 03-22-04
- Briefing Sheet
 - Ordinance 2004-040
 - Attachments
- Tab T** Adopt Charter Resolution 2004-027 establishing a Public Safety Advisory Committee – Action 3-22-04
- Briefing Sheet
 - Resolution 2004-027
- Tab U** Adopt Charter Resolution 2004-028 establishing a Solid Waste Disposal Advisory Committee – Action 3-22-04
- Briefing Sheet
 - Resolution 2004-028
- Tab V** Adopt Charter Resolution 2004-029 establishing a Community Appearance Advisory Committee – Action 3-22-04

- Briefing Sheet
- Resolution 2004-029

Tab W Adopt Charter Resolution 2004-030 establishing a Teen Council Committee – Action 3-22-04

- Briefing Sheet
- Resolution 2004-030

Tab Y Adopt Charter Resolution 2004-032 establishing a Senior’s Advisory Committee – Action 03-22-04

- Briefing Sheet
- Resolution 2004-032

Mayor Pro-Tem Faulkner made a motion to approve all Consent Agenda Items A, B, D, F, T, U, V, W, and Y as presented. Commissioner Conrad seconded the motion, which was passed unanimously.

9. ACTION AGENDA ITEMS

Tab I Adopt Resolution 2004-048 authorizing the issuance of General Obligation Refunding Bonds, Series 2004 – Public Hearing 03-08-04, Action 03-22-04

- Briefing Sheet
- Resolution 2004-048

Commissioner Martin made a motion to adopt Resolution 2004-048 authorizing the issuance of General Obligation Refunding Bonds, Series 2004. Commissioner Lyons seconded the motion, which passed unanimously.

Tab O Adopt Resolution 2004-043 Setting a Public Hearing for 5-24-04 to receive the public’s input on the consideration of closing a portion of Lichtin Boulevard near the intersection at Chapel Hill Road – Action to set Public Hearing 03-22-04,

- Briefing Sheet
- Resolution 2004-043
- Attachments

Philip Culpepper, Planning Director, explained that the requested resolution merely establishes a date for to conduct the public hearing.

Commissioner Lyons made a motion to adopt Resolution 2004-043 setting a public hearing for May 24, 2004 to receive the public’s input on the consideration of closing a portion of Lichtin Boulevard near the intersection at Chapel Hill Road. Commissioner Conrad seconded the motion, which passed unanimously.

Tab X Adopt Charter Resolution 2004-031 establishing a charter for the Parks, Recreational and Cultural Resources Advisory Committee – Action 03-22-04

- Briefing Sheet
- Resolution 2004-031

John Whitson, Town Manager, presented the item to the Board. He explained that staff had re-write the charter per the Board’s direction. He pointed out the benefit for the committee to be able to report directly to the Board and that if creates more uniformity among all the committees. In addition, he clarified that the charter does not limit the relationship between the committees and the lead departments. The lead departments are a key part of the functionality and success of the committees.

Mayor Pro-Tem Faulkner requested that Mr. Whitson attend the Parks & Recreational Advisory Board’s meeting to review the charter.

Mr. Whitson concurred.

Commissioner Johnson made a motion to table the adoption of Charter Resolution 2004-031 for the Parks & Recreational committee to allow the committee to review the revisions to the charter. Mayor Pro-Tem Faulkner seconded the motion, which passed unanimously.

10. FOR THE GOOD OF THE ORDER

A. Administrative Matters

Blake Mills, Town Engineer, introduces Jose Martinez as the Towns new Utilities Engineer, highlighting his recent experience.

The Board welcomed the Town’s newest employee. .

Philip Culpepper reported that the Board of Adjustment denied an appeal requested by property owner Ms. Shimpi regarding the Greenwoods Professional Center site. He explained that Ms. Shimpi could appeal her case to a higher court.

Frank Gray, Town Attorney, noted that Ms Shimpi had originally filed an appeal to boa advised that it was not the place. Will have a report back to Board at next meeting regarding the legal argument. Site plan is a board function.

Mr. Culpepper suggested that it was perhaps best to leave the site plan as approved.

B. Commissioner Remarks and Guidance

Commissioner Lyons expressing her continued concern regarding children being allowed to play in street areas. She asked that the newsletter repeatedly have article relating to public safety and quality of life issues.

The Board generally discussed the timing of the Town Manager's annual evaluation. A standard evaluation form would be emailed to all the Board members and that the Mayor was currently coordinating the process.

11. ADJOURNMENT

Commissioner Johnson made a motion to adjourn the Board of Commissioner's Business Meeting of March 22, 2004 at 8:05 p.m. Mayor Pro-Tem Faulkner seconded the motion, which passed unanimously.

Adopted this the ____ day of _____, 2004.

<SEAL>

Mayor Gordon Cromwell

G. J. Hooks, Town Clerk