

MORRISVILLE BOARD OF COMMISSIONERS

REGULAR MEETING MINUTES

FEBRUARY 10, 2003

6:30 P.M.

1. CALL TO ORDER

Mayor Pro-Tem Faulkner called the meeting to order at 6:30 p.m. Present at the meeting were: Mayor Pro-Tem Faulkner, Commissioners Martin, Lyons, Johnson and Conrad. Mayor Cromwell was absent due to an illness. Also present were staff members: Bill Sutton/Interim Town Manager, Tony Chiotakis/Interim Assistant Town Manager, Julia Ketchum/Finance Director, Philip Culpepper/Planning Director, Rodney Wadkins/Planner II-Mapping Specialist, Blake Mills/Town Engineer, Frank Gray/Town Attorney, Jeanne Hooks/Town Clerk. As well, the following Planning Board Members were in attendance: Harry Clew, Jay Meyers, Kathleen Gordon, Peter Prichard, Esther Dunnegan, and Paul Fountain.

Correction
2-24-03

2. INVOCATION BY COMMISSIONER MARTIN

Commissioner Martin gave the prayer.

3. PLEDGE OF ALLEGIANCE

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

4. CONSIDERATION OF THE MINUTES OF THE REGULAR MEETING OF JANUARY 27, 2003

Commissioner Lyons made a motion to approve the minutes of the regular meeting of February 10, 2003 as presented. Commissioner Martin seconded the motion, which passed unanimously.

5. PUBLIC COMMENTS (THREE MINUTE LIMIT PER PERSON OR GROUP)

Margaret Broadwell
109 Stella Court

Requested that the Board schedule another Town Center Plan Public Input Meeting considering that the recent gas

leak hindered the attendance of the last meeting.

She asked that the Board have the Christmas decorations removed from the streets and clean-up the litter on the sides Morrisville roads.

As well, she advised that a stop sign had been down at the corner of Sunset Road and Chapel Hill Road for two weeks.

She stated that it was a Town obligation to ensure the safety and stability of our roadways (ie. potholes) regardless of whether they are state owned or public.

Lastly, she challenged each member to do more for their community by developing projects that improve the community and seeing them through until completion.

Richard Elliott
123 Dallavia Court

Asked the Board to consider persuading the Triangle Transit Authority (TTA) to consider naming the Park Place station the “West Cary/Morrisville Station”.

He stated that the buffer between the apartment complex and the CVS Pharmacy site was inadequate.

Also, he made remarks about the Town’s water meter inventory issues as mentioned in a recent *News and Observer* article. He questioned what practices were being implemented and questioned the accuracy as such.

In conclusion, he requested that the Town leaders vehemently pursue the re-balancing of the Town’s tax base for commercial versus residential single-family.

Ward Mercer
100 Rama Court

Expressed his disappointment in not receiving a re-appointment to serve as a Planning Board member. He stated that it was clear that the Board was partial to commercial development considering the recent rezonings and site plans receiving approval.

In conclusion, he reminded that the power was in the hands of the voters at election time and that the current Board did not speak for the good of the community.

Willie Davis
5838 Family Farm Road

Stated his interest in acquiring the old Chamber Building for the use of a church facility.

At this time the Town Clerk swore in the newly appointed Planning and Zoning Board Members: Jay Meyers, Paul Fountain, Harry Clew, Peter Prichard, and Kathleen Gordon. The Board congratulated the new members and welcomed them to service.

6. COMMISSIONER COMMENTS

Mayor Pro-Tem Faulkner commented that it had been suggested to the Triangle Transit Authority (TTA) to name the station site closest to Morrisville the West Cary/Morrisville Station, however no response had been received as yet.

As well, she stated that the Town intends to hold another input meeting considering the gas leak hindered attendance at the recent scheduled Town Center Public Input Meeting. She noted that approximately twelve to fourteen citizens did show to participate in the recent Town Center meeting, therefore staff elected to continue.

Mayor Pro-Tem Faulkner requested an update on the free mulch.

Tony Chiotakis, Interim Assistant Town Manager, reported that 50% of the storm debris mulch had been successfully given away to Morrisville residents. He stated that the mulch would continue to be available at the Morrisville Community Park for the next two Saturdays' from 8:00 a.m. to 1:00 p.m.

Commissioner Johnson noted that the first Spring Garden Series workshop was scheduled for Tuesday, February 18, 2003 from 7:00 p.m. to 8:30 p.m. in cooperation with the Wake County Cooperative Extension. She commented that this would be the first of four consecutive Tuesday workshops and pointed out that there were brochures at the back table for anyone that was interested.

Secondly, she stated that residents were welcome to contact staff to inquire about the Town's inventory practices and procedures.

Commissioner Conrad updated the Board on the Search Committee's recruitment efforts. He reported that they had narrowed the selection of candidates and that the process should conclude by the end of March 2003.

In addition, Commissioner Conrad commented that the Appearance Committee was looking for volunteers and instructed those interested parties to contact the Planning Department for more details.

Mayor Pro-Tem Faulkner stated that the Christmas lights are presently being removed. She commented that equipment rentals were difficult to schedule considering storm debris removal efforts in the region.

7. CONSENT AGENDA

- A. CONSIDERATION OF AN ORDER FINDING TIME WARNER CABLE'S 2002 FCC 1240 BASIC SERVICE TIER AND FCC 1235 COST OF SERVICE RATES REASONABLE AND SUBJECT TO THE CONDITIONS STATED HEREIN AND FINDING TIME WARNER CABLE'S FCC 1205 EQUIPMENT AND INSTALLATION RATES UNREASONABLE AND SUBJECT TO THE CONDITIONS STATED HEREIN**

Mayor Pro-Tem Faulkner removed the item from the Agenda.

8. PUBLIC HEARING

- A. TO RECEIVE INPUT FROM THE PUBLIC ON THE CONSIDERATION OF AN AGREEMENT FOR ECONOMIC INCENTIVES FOR THE RECRUITMENT OF THE ANDRX CORPORATION TO ESTABLISH A MANUFACTURING FACILITY IN MORRISVILLE AT THE FORMER BRISTOL MYER LOCATION ON CHAPEL HILL ROAD**

Frank Gray, Town Attorney, clarified Mayor Pro-Tem Faulkner's voting status given that she was the presiding officer of the meeting in the absence of Mayor Cromwell.

Mayor Pro-Tem Faulkner opened the Public Hearing at 6:45 p.m.

*Jodi LaFranire
President of the Chamber of
Commerce*

Outlined the incentive package for the recruitment of the Andrx Corporation to Morrisville. She highlighted the benefits to the community during difficult economic times. Lastly, she explained that the principles of the incentives were calculated based on the company's new investments to the Town of Morrisville and its community.

Frank Gray
Town Attorney

Clarified the legitimacy of economic incentive packages in the recruitment process.

Jay Meyers
607 Crescendo Drive

Stated that he viewed the matter as a positive for Morrisville. He encouraged the Board to pursue including as part of the package that Morrisville require Andrx to dedicate additional right-of-way for road improvements to NC54 at the corner of Cary Parkway and the possible use of land for an elevated water storage tank.

Richard Elliot
123 Dallavia Court

Opposed the incentive package, commenting on the burden to the people. As well, he stated that there were plenty of jobs in Town and that we were out of proportion and disadvantaged.

Jodi La Freniere
Chamber President

Asked the Board to fully support the incentive package for the Andrx Corporation, pointing out the new tax revenues and that a vacant plant becomes a productive business once again.

Also, she pointed out that residents will not be subsidizing

Ward Mercer
100 Rama Court

Stated that the citizens need a tax cut rather than giving money to a cash cow.

Commissioner Johnson

Asked about the validity of requesting some measure of support to encourage employees to reside in Morrisville.

Commissioner Lyons

Concurred with Commissioner Johnson's question.

Frank Gray
Town Attorney

Replied that he would research the possibility.

Commissioner Conrad made a motion to close the Public Hearing at 7:14 p.m. regarding the economical incentive package for the recruitment of the Andrx Corporation. Commissioner Martin seconded the motion, which passed unanimously.

9. JOINT PUBLIC HEARING WITH PLANNING BOARD

A. TO RECEIVE INPUT FROM THE PUBLIC ON THE PETITION BY ANN ADAMS TO REZONE A 7.58 ACRE PARCEL LOCATED ON THE NORTH SIDE OF MORRISVILLE-CARPENTER ROAD AND IMMEDIATELY TO THE WEST OF THE CHAMBER OF COMMERCE BUILDING OFF TOWN HALL DRIVE FROM AGRICULTURAL DISTRICT (AD) TO VILLAGE CORE (VC)

Mayor Pro-Tem Faulkner opened the Joint Public Hearing at 7:17 p.m.

*Rodney Wadkins
Planner II/Mapping
Specialist*

Presented the item and stated that the request would return to the Board of Commissioners for action in April with a Planning Board recommendation.

*Rick Adams
Resident of Durham*

Spoke in favor of the rezoning. He stated that the request does conform with the Land Use Plan (LUP).

*Jay Johnson
Chamber Building Condo
Association*

Expressed his interest was in only to facilitate rather than one of opposition.

Commissioner Martin

Questioned the application of the Town Center Plan, which had not been adopted as yet.

*Philip Culpepper
Planning Director*

Explained that the LUP designation for the property was for a Village Core use. Furthermore, he stated that the Town was required to present the applicant's request to the Board.

Commissioner Lyons made a motion to close the Public Hearing at 7:32 p.m. regarding the request by Ann Adams to rezone a 7.58 acre parcel from Agricultural District (AD) to Village Core (VC). Commissioner Conrad seconded the motion, which passed unanimously.

After some discussion regarding the need to schedule another Town Center Plan Public Input Meeting, the Board agreed to continue the Public Hearing until after such time.

Commissioner Martin made a motion to reopen and continue the Joint Public Hearing regarding the rezoning request by Ann Adams until after such time as another Town Center Plan Public Input Hearing was held. Commissioner Lyons seconded the motion, which passed unanimously.

B. TO RECEIVE INPUT FROM THE PUBLIC ON THE PETITION BY SARA-KATE, LLC (ON BEHALF OF THE PROPERTY OWNERS) TO REZONE A 2.0 ACRE PARCEL LOCATED AT 101 BARBEE ROAD FROM AGRICULTURAL DISTRICT (AD) TO RESIDENTIAL-12 (R-12)

Mayor Pro-Tem Faulkner opened the Public Hearing at 7:38 p.m.

*Rodney Wadkins
Planner II/Mapping
Specialist*

Presented the item and stated that the request would return to the Board of Commissioners for action in April with a Planning Board recommendation.

*Greg Brice
Tri-Properties*

Offered further clarification for the rezoning request. He explained that the purpose was to aid those residents, which would be forced from their homes by the I-540 project and assist them in relocating/remaining in Morrisville.

*Evelyn Davis
Representative of those
property owners*

She expressed that time was of the essence and requested that the Board look favorably upon the request.

Commissioner Martin made a motion to close the Public Hearing regarding the request by Sara-Kate, LLC at 7:44 p.m. and refer the item to the Planning Board for a recommendation. Commissioner Johnson seconded the motion, which passed unanimously.

10. CONSIDERATION OF PROPOSED TRANSFER OF FUNDS AND PROPOSED AUTHORIZATION OF A NEW STAFF POSITION WITHIN THE ENGINEERING DEPARTMENT (ENGINEERING INSPECTOR)

Commissioner Conrad made a motion to approve the transfer of funds and authorization of a new staff position within the Engineering Department for an Engineering Inspector. Commissioner Martin seconded the motion, which passed unanimously.

11. CONSIDERATION OF AN AMENDMENT TO THE CODE OF ORDINANCES FOR INFRASTRUCTURE FEES TO ESTABLISH LOT INSPECTION FEES FOR THE INSPECTION OF DRAINAGE SYSTEM FACILITIES

Commissioner Conrad made a motion to approve the Ordinance Amendment to the Code of Ordinances for the Infrastructure Fees to establish Lot Inspection Fees for the inspection of drainage system facilities. Commissioner Martin seconded the motion, which passed unanimously.

12. CONSIDERATION OF AN AMENDMENT TO THE TOWN HALL DRIVE AGREEMENT TO OFFSET UNANTICIPATED CONSTRUCTION COST ASSOCIATED WITH PHASE 2 OF TOWN HALL DRIVE (TABLED AT THE JANUARY 27, 2003 REGULAR MEETING)

The Board unanimously agreed to remove the item from the table for consideration.

Bill Sutton, Interim Town Manager, explained the re-structuring of the amendment for phase 2 of the original agreement. Furthermore he pointed out that the amendment would provide for a more efficient contract administration and audit trail. Lastly, he stated that the Town would be responsible for the additional cost associated with the requested additions to the scope of work.

Commissioner Lyons made a motion to approve the amendment to the Town Hall Drive agreement for Phase 2 as presented. Commissioner Conrad seconded the motion, which passed unanimously.

Commissioner Johnson questioned if this would be retroactive to Phase 1.

Mr. Sutton responded that it would only apply to Phase 2 beginning January 1, 2003 forward.

Greg Brice, Tri-Properties, commented briefly on the original intent of the joint venture. He explained the importance of moving the project forward considering certain time constraints.

13. ADMINISTRATIVE MATTERS

No reports were given.

14. COMMISSIONER COMMITTEE REPORTS

Commissioner Martin reported on the Triangle J Council of Governments recent affordable housing conference.

Also, he noted that he would be providing details and specific regarding the Center of the Region.

Mayor Pro-Tem Faulkner commented on the Growth Management meeting last Monday that noted Wake County staff would coordinate efforts with the Planning Department in scheduling a date to make their presentation before the Board.

15. OTHER BUSINESS

Commissioner Martin commented on the needs to provide services to the growing Hispanic community.

As well, he requested some information on any past block grants received by the Town.

Commissioner Johnson thanked staff for the information items in the back of their packets.

Philip Culpepper, Planning Director, asked that the Board members forward any available dates to him to schedule another Town Center Plan meeting.

Mayor Pro-Tem Faulkner mentioned the need to begin considering the scheduling of any budget workshops fairly soon. She asked the Town Manager to check into schedules and needed information.

16. ADJOURNMENT

Commissioner Conrad made a motion to adjourn the regular Board of Commissioners meeting of February 10, 2003 at 8:10 p.m. Commissioner Lyons seconded the motion, which passed unanimously.