



Morrisville Town Council

Regular Meeting
October 24, 2017, 6:30 PM

Pre-Meeting Event, 5:45 p.m. at Town Hall: Unveiling of New Police Vehicle

- 1. Call to Order**
- 2. Invocation** - *Invocation by Council Member TJ Cawley*
- 3. Pledge of Allegiance**
- 4. Adoption of Regular Agenda** - *Call for any conflicts of interest in relation to the proposed agenda.*
- 5. Consent Agenda**
 - 5.a. [Resolution Authorizing Condemnation Proceedings for Certain Parcels of Land in Order to Obtain Right of Way and Easements for the Morrisville Carpenter Road Widening Project - Mike Wright, Capital Projects Manager](#)
Action - October 24
[2017-322_Peak Briefing Supp.docx](#)
[2017-322_RES_Condemnation_of_Private_Property_FG_edits.docx](#)
 - 5.b. [September 12, 2017 Meeting Minutes - Erin L. Hudson, Town Clerk](#)
Action - October 24
[20170912M.pdf](#)
 - 5.c. [September 19, 2017 Work Session Minutes - Erin L. Hudson, Town Clerk](#)
Action - October 24
[20170919M Work Session.pdf](#)
 - 5.d. [September 26, 2017 Meeting Minutes - Erin L. Hudson, Town Clerk](#)
Action - October 24
[20170926M.pdf](#)
- 6. Presentations**

- 6.a. [New Employee Introduction: Marquise Ross, Police Officer - Patrice Andrews, Chief of Police](#)
- 6.b. [Morrisville Recycles Week Proclamation - Presented to Susan Howe, MESC
Morrisville Recycles Week 2017_20171024.docx](#)
- 6.c. [Proclamation Recognizing GIS Day - Presented to Rodney Wadkins, GIS Manager
GIS Day Proclamation - 20171024.docx](#)
- 6.d. [Morrisville 101 Graduation - Stephanie Smith, Public Information Officer](#)
- 6.e. [Presentation of Comprehensive Annual Financial Report for FY2017 - Nancy Emslie, Finance Director and April Adams, Cherry Bekaert, LLP
Town-of-Morrisville-Presentation.pdf](#)
- 6.f. [Historic Christian Church Parking Project Update - Kent Jackson, Town Engineer
Historic Christian Church 20171024.pdf](#)

7. For the Good of the Order -

Manager and Staff Comments

Administrative Reports

Council Comments

- 8. Public Address** - *Please approach the microphone and state your name, community role and address. Please take a moment to review the Public Comment and Public Hearing Policy at the end of the agenda, which states that: "Speakers will not discuss matters that are the subject of Public Hearings, as those matters will have separate times scheduled for Public Comment."*

9. Public Hearings

- 9.a. [Public Hearing and Action on Ordinance Approving an Annexation Agreement between the City of Durham and the Town of Morrisville - Michele Stegall, Current Planning Manager](#)
[Brief- October 10](#)
[Public Hearing - October 24](#)
[Action - October 24 or November 14](#) **THIS ITEM HAS BEEN UPDATED**
[2017-298-0 Briefing Supplement.docx](#)
[2017-298-0 Ord Morrisville Durham Annex Agree Final.pdf](#)
[2017-289-0 ATTH 1 - Original 1997 Agreement and Map v2.pdf](#)
[2017-298-0 ATTH 2 - 2014 Amended Agreement and Map v2.pdf](#)
[2017-298-0 ATTH 3 - Proposed Agreement and Map.pdf](#)

10. New/Action Items

- 10.a. Consideration of Items Related to Closure of Carolina Street and Sears Drive:
- 2017-311-0 RES A - Declaring Intent to Consider Permanently Closing Sears Drive and a Portion of Carolina Street
- 2017-311-0 RES B - Closing Sears Drive and a Portion of Carolina Street
Eliot Ward, Planner I
Brief/Action on Resolution A - October 24
Public Hearing/Action on Resolution B - November 28, 2017
2017-311-0 Briefing Supp - Sears Drive and Carolina Street Road Closure Briefing Supp.pdf
2017-311-0 RES A - Declaring Intent to Consider Permanently Closing Sears Drive and Portions of Carolina Street.pdf
2017-311-0 RES B - Closing Sears Drive and a Portion of Carolina Street.pdf
2017-311-0 ATTH 01 - Right-of-Way Abandonment and Dedication Plat.pdf
2017-311-0 ATTH 02 - Town Center Concept Plan.pdf
2017-311-0 ATTH 03 - Sears Drive and Carolina Street Aerial Map.pdf
2017-311-0 ATTH 04 - Morrisville Heights Subdivision.pdf
11. **Announcements** - *For a full listing of events, please see the Town Calendar at www.townofmorrisville.org.*
12. **Closed Session** - *Pursuant to N.C.G.S. § 143-318.11 (a)(5) to discuss the acquisition of real property.*
13. **Adjournment** - *Thank you for attending this meeting of the Morrisville Town Council. We hope you plan to join us again! Please feel free to email your Town Council members at TownCouncil@TownofMorrisville.org, or visit www.TownofMorrisville.org/Council for additional contact information.*

Town Council Agenda Item Report

Agenda Item No. 2017-322-0

Submitted by: Mike Wright

Submitting Department Administration

Meeting Date: October 24, 2017

SUBJECT

Resolution Authorizing Condemnation Proceedings for Certain Parcels of Land in Order to Obtain Right of Way and Easements for the Morrisville Carpenter Road Widening Project - Mike Wright, Capital Projects Manager
Action - October 24

Recommendation:

Adopt Resolution 2017-322 authorizing and directing the Town Manager and Town Attorney to proceed with Eminent Domain procedures to acquire the necessary ROW and easements to proceed with the widening of Morrisville Carpenter Road.

Updates/History of Briefing:

Not Applicable

Executive Summary and Background Information:

On November 24, 2015, Town Council approved the Project Ordinance authorizing the Morrisville Carpenter Road Widening Project, which consists of widening Morrisville Carpenter Road from a two-lane road to a four-lane median divided road from Davis Drive to Chapel Hill Road (NC-54), adding bike lanes, sidewalks, and storm sewer improvements.

On November 24, 2015, the Town Council authorized Staff to enter into an agreement with Kimley-Horn to perform the engineering design for the Morrisville Carpenter Road Widening Project.

On May 23, 2017, Town Council authorized Staff to execute an agreement with North Carolina Department of Transportation (NCDOT) for the Locally Administered Project Program which allows the Town to obtain reimbursement of 70% of the Morrisville Carpenter Road Widening Project to a maximum reimbursement of \$6,300,000.

As part of the Morrisville Carpenter Road Widening Project, the Town will need to acquire right of way (ROW) and/or easements from 15 parcels of land. One of the parcels, Carpenter Road LLC, is expected to donate their portion of the ROW and easements per their development agreement. Four other parcels, Reddy Group LLC, Dzamba LLC, Morrisville Square LLC, and LTW Properties LLC, are expected to donate their portion of ROW and easement if the Town agrees to construct a second entrance, "Morrisville Square Driveway", to the Morrisville Square business park. The remaining 10 parcels of land are to be purchased.

The Town has hired Telics as the Town's property acquisition firm. Telics will work with all property owners to acquire the ROW and easements needed for the Morrisville Carpenter Road Widening Project. Staff, the Town Attorney, and Telics are currently working on all agreements, appraisals, and claim reports for all the ROW and easements based on fair market value for purchase. Telics has made preliminary contact with all the property owners. Once the appraisals

and claim reports have been approved by NCDOT, an offer will be made to all property owners. Once the offers have been made to the property owners, Telics will start the negotiation process. If an agreement cannot be reached, staff will evaluate the option to use eminent domain procedures as a last step. If the commencement of eminent domain procedures is initiated, the Town Attorney will issue a notice letter of intent to use eminent domain. Once the letter is issued, it sets in place a required 30 day time frame from when the process will go to court. If the Town and the property owner cannot come to an agreement within the 30 days, the process will be turned over to the court to determine just compensation. Upon the filing date with the court of eminent domain, the Town has legal rights to the ROW and easements, therefore allowing the Town to maintain the schedule and move forward with the project. During the 30 day notice period, Town staff and Telics will continue to negotiate with the property owner(s) and make every effort to reach a mutual agreement to obtain the necessary ROW and easements to avoid going to court.

This is the same process the Town has implemented on previous projects, such as McCrimmon Parkway Phase I and Phase II, where staff has requested the action of condemnation procedures to be approved by council to allow staff a tool to keep the project moving forward, if an impasse situation happens with a property owner.

Potential Options:

Authorize the Town Manager and Town Attorney to proceed with condemnation procedures in accordance with the General Statutes in the event an impasse is reached with regard to the right of way and easement acquisition negotiations.

Staff Recommendation:

Adopt Resolution 2017-322-0 authorizing and directing the Town Manager and Town Attorney to proceed with Eminent Domain procedures to acquire the necessary ROW and easements to proceed with the widening of Morrisville Carpenter Road.

ATTACHMENTS

- [2017-322_Peak Briefing Supp.docx](#)
- [2017-322_RES_Condemnation_of_Private_Property_FG_edits.docx](#)



2017 - 322-0 - Resolution Authorizing Condemnation Proceedings for
Certain Parcels of Land in Order to Obtain Right of Way and
Easements for the Morrisville Carpenter Road Widening Project

Briefing Supplement

Lead Department: Administration Action Officer: Mike Wright, Capital Projects Manager

Resolution Authorizing Condemnation Proceedings for Certain Parcels of Land in
Order to Obtain Right of Way and Easements for the Morrisville Carpenter Road
Widening Project

Subject:

- 2017-322-0 – RES Condemnation of Private Property

Briefing: 10/24/2017 Public Hearing: “None” Action: 10/24/2017

Item Schedule	Select One
Schedule 1: <i>Brief twice – vote once (six weeks)</i>	☐
Schedule 2: <i>Brief once – vote once (two weeks)</i>	☐
Schedule 3: <i>No briefing required (one week)</i>	☒

Link to Previous Briefings (if applicable):

NOT APPLICABLE

Charts/Graphs/Supplemental Graphics (referenced within Executive Summary of
Agenda Item Summary Form in Peak):

NONE

Advisory Board/Committee Review:

NONE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Advisory Board/Committee Recommendation and/or vote:

NOT APPLICABLE

Meeting Perspectives and Goals Adopted by the Council:

Perspectives	Goals
Serve the Community	☐ Promote an Environmentally Sensitive & Livable Community
	☒ Provide a Safe Community
	☒ Deliver Quality Services
	☐ Foster a Healthy Community

Run the Operations	☐ Enhance Community Preparedness & Responsiveness ☐ Maximize Partnership Opportunities ☐ Provide Courteous & Responsive Customer Service ☐ Model a Positive Town Image ☒ Deliver Efficient Services ☐ Cultivate Community Involvement & Access
Manage the Resources	☐ Maintain Fiscal Strength ☒ Maximize Utilization & Resources ☒ Invest in Infrastructure & Transportation
Develop Personnel	☐ Develop a Skilled & Diverse Workforce ☐ Create a Positive & Rewarding Work Culture
Resource Impact:	
Staff time required if item is approved:	Medium
Other Potential Impacts:	
"NONE APPLICABLE"	

Public Information Plan:			
☐	Public Hearing (Required by GS)	☐	Public Hearing (Not Required by GS)
☐	Newspaper Notice (Required by GS)	☐	Newspaper Notice (Not Required by GS)
☐	Public Forum/Input Session	☐	Press Release
☐	Morrisville Connection	☐	E-News Distribution
☐	Social Media (Twitter, Facebook, etc.)	☐	Website Notice
☐	Special Mailing	☐	Banners Posted
☐	Flyers Posted	☐	Survey
☐	Automated Phone Call	☒	None Required
Other:			



RESOLUTION 2017-322 OF THE MORRISVILLE TOWN
COUNCIL TO BEGIN CONDEMNATION PROCEEDINGS FOR
CERTAIN PARCELS OF LAND IN ORDER TO OBTAIN RIGHT
OF WAY AND EASEMENTS FOR THE CONSTRUCTION OF
MORRISVILLE CARPENTER ROAD WIDENING PROJECT

WHEREAS, On November 24, 2015, Town Council approved the Project Ordinance authorizing the Morrisville Carpenter Road Widening Project, which consists of widening Morrisville Carpenter Road from a two-lane road to a four-lane median divided road from Davis Drive to Chapel Hill Road (NC-54), adding bike lanes, sidewalks, and storm sewer improvements; and

WHEREAS, on November 24, 2015, the Town Council authorized Staff to enter into an agreement with Kimley-Horn to perform the engineering design for the Morrisville Carpenter Road Widening Project; and

WHEREAS, on May 23, 2017, Town Council authorized Staff to execute an agreement with North Carolina Department of Transportation (NCDOT) for the Locally Administered Project Program which allows the Town to obtain reimbursement of 70% of the Morrisville Carpenter Road Widening Project to a maximum reimbursement of \$6,300,000; and

WHEREAS, currently staff is in negotiations to acquire right of way (ROW) and easements from certain property owners for the Morrisville Carpenter Road Widening Project; and

WHEREAS, the Town has received independent property appraisals, prepared by Telics, identifying the value of the ROW and easements to be acquired for the Morrisville Carpenter Road Widening Project; and

WHEREAS, the Town, may not be able to reach an agreement on terms of purchase of ROW and easements with certain property owners for the Morrisville Carpenter Road Widening Project; and

WHEREAS, the Town staff and Telics will continue to make every effort with the property owners to reach a mutual agreement to obtain the necessary ROW and easements for the Morrisville Carpenter Road Widening Project; and

WHEREAS, the initiation of eminent domain procedures will allow the project to stay on schedule; and

WHEREAS, the Town will require ROW and easements from the following property owners along the Morrisville-Carpenter Road corridor: Savannah Homeowners Association Inc., Groves at Morrisville Inc., Carpenter Road LLC, Adams Family Holdings LLC Adams R.D., Reddy Group LLC, Dzamba LLC, Morrisville Square LLC, LTW Properties LLC, Wayne Perry, Barbara Hansley, James H. Tucker, Thomas O. Tucker, First Baptist Church, Triangle Sikh Gurudwara Inc.

NOW, THEREFORE, BE IT RESOLVED THAT THE MORRISVILLE TOWN COUNCIL authorizes the Town Manager and the Town Attorney to begin eminent domain procedures, if necessary, in accordance with the procedures prescribed in North Carolina General Statutes Chapter 40A, for ROW and easements across the properties listed above.

Adopted this the 24th day of October, 2017.

Mark Stohlman, Mayor

ATTEST:

Erin L. Hudson, Town Clerk

Town Council Agenda Item Report

Agenda Item No. 2017-317-0

Submitted by: Erin Hudson

Submitting Department Administration

Meeting Date: October 24, 2017

SUBJECT

September 12, 2017 Meeting Minutes - Erin L. Hudson, Town Clerk

Action - October 24

Recommendation:

Updates/History of Briefing:

Executive Summary and Background Information:

N/A

Potential Options:

Approve

Approve w/ edits

Staff Recommendation:

Approve

ATTACHMENTS

- [20170912M.pdf](#)



Morrisville Town Council

Regular Meeting

September 12, 2017, 6:30 P.M.

1. Call to order

Mayor Stohlman called the meeting to order at 6:30 p.m. Also present at the meeting were Mayor Pro Tem Rao, Council Members Cawley, Garimella, Johnson, Schlink, Scroggins-Johnson, and Attorney Frank Gray. Present staff included Martha Paige/Town Manager, Todd Wright/Assistant Town Manager, Jeanne Hooks/Assistant to the Town Manager, Patrice Andrews/Police Chief, Foy Jenkins/Fire Chief, Jerry Allen/Parks, Recreation and Cultural Resources Director, Nancy Emslie/Finance Director, Blake Mills/Public Works Director, Dan Birckbichler/IT Director, Courtney Tanner/Planning Director, Kent Jackson/Town Engineer, Benjamin Howell/Long Range Planning Manager, Rodney Wadkins/GIS Planner, Sarah Baker/Community Relations Liaison, Stephanie Smith/Public Information Officer and Erin L. Hudson/Town Clerk.

2. Invocation by Council Member Michael Schlink

Council Member Schlink provided the invocation.

3. Pledge of Allegiance

4. Adoption of Regular Agenda

Call for any conflicts of interest in relation to the proposed agenda. No conflicts were noted.

Council Member Scroggins-Johnson proposed the addition of a closed session pertaining to the discussion of real property.

MOTION: Mayor Pro Tem Rao made a motion to add a closed session item to the agenda. The motion was seconded by Council Member Schlink and carried unanimously.

MOTION: Mayor Pro Tem Rao made a motion to adopt the agenda. The motion was seconded by Council Member Cawley and carried unanimously.

5. Consent Agenda

- 5.a. Resolution Amending the 2017 Town Council Regular Meeting Schedule (2017-244-0)– Erin L. Hudson, Town Clerk**
Action – September 12

MOTION: Council Member Cawley made a motion to adopt the Consent Agenda. The motion was seconded by Council Member Johnson and carried unanimously.

6. Presentations

- 6.a. New Employee Introductions: Ryan Claucherty, Firefighter, and Chris Wells, Fire Marshal**
Foy Jenkins, Fire Chief, introduced Mr. Claucherty who previously worked for the Town of Fayetteville as a paramedic/EMT and firefighter. He holds an associate's degree.

Mr. Wells has 17 years of experience. He previously worked in Guilford and Alamance Counties, holds a BS degree in Emergency Services and is currently pursuing a Master's Degree.

Chief Jenkins presented a piece of World Trade Center Steel that will be featured in a future memorial.

6.b. National Preparedness Month Proclamation

Mayor Stohlman presented the proclamation to Keith Petschke and members of CERT in attendance.

Mayor Pro Tem Rao congratulated Rinku Das, owner of a local dance academy, who has become the first dance company in North Carolina to perform at the American Embassy in Calcutta, India.

7. For the Good of the Order

- Manager and Staff Comments
- Council Comments

Council Member Cawley thanked Chris Meeks and staff for coordinating 9/11 Memorial 5k. He noted that he recently spent time recently in Washington, D.C. as a representative of a committee to discuss growth of municipalities. He reminded citizens of the East Meets West Festival, 11a-4p, on September 23.

Council Member Johnson expressed thanks to Fire staff for commemorating the events of 9/11.

Council Member Scroggins-Johnson reminded all to remember those affected by hurricanes over the last week.

Council Member Schlink thanked Public Works and Parks and Recreation staff for providing an added path for cricket and baseball players at Church Street Park.

Council Member Garimella thanked staff for the 9/11 5k event. He asked staff to explore options for assisting retired k9 officer Bruno.

Mayor Pro Tem Rao recently attended a digital summit and will provide info collected to the Town Manager for sharing. He congratulated the Town of Cary for hosting the ATP Challenger Tour Event Tennis Tournament, which attracted a number of talented players, on seven indoor courts.

Mayor Stohlman noted that Police Chief Andrews has posted a Go Fund Me page for retired K9 Officer Bruno to raise funds for medical needs. The Morrisville Chamber of Commerce will host its annual State of Morrisville on September 13 at Park West Stone Theaters.

- Administrative Reports

7.a. 2017 Citizen Survey Draft Update

Stephanie Smith, Public Information Officer, indicated that the draft is ready to finalize for distribution. She thanked council for the feedback they provided and estimated that much of the community feedback could be related to traffic and transportation, noting that staff is working with survey staff on best practices for wording to aim for objective feedback. She reviewed the outreach process to take place during October and November, noting that results will be compiled and provided by mid-December.

Town Manager Paige noted that the distribution would include a Hindi translation, and the survey will provide comparative data to use with previous survey results from 2015.

7.b. Food Hub Update

Town Manager Paige noted that this item would likely come forward for action at the following meeting. She also noted that Jim Meyer, Engineering Manager, spoke with the original bidder to clarify some items and was able to reduce the bid by over \$100,000. He also secured comparative pricing to ensure reasonable figures are provided. Staff is also exploring completing the work itself, likely at a reduced cost, but involving an increased workload and timing. Jim Pellegrini and his board are meeting soon and will provide additional information as well.

Council Member Scroggins-Johnson noted that she visited the Morrisville Community Garden and was curious if on-site water was be provided, which staff confirmed it was. She also referenced signage for the garden and staff indicated that budgets for signage are being evaluated.

Council Member Johnson asked if the item would be coming back and in what capacity at the following meeting, to which staff responded that some additional information would be provided at the next meeting, but due to staff workloads, that information could not be further clarified.

Mayor Stohlman expressed appreciation to staff for their efforts to adhere to budget constraints with this project.

8. Public Address

No one was signed up to speak.

9. Action Items

9.a. Resolution Approving Memorandum of Understanding with Wake County to Proceed with a Joint Master Plan and Feasibility Study for Public Works Facility/Convenience Center (2017-229-0)

Brief/Action – September 12

Blake Mills, Public Works Director, stated that NCDOT has proposed widening Aviation Parkway, and there has been interest from Wake County in expanding its Convenience Center site, along with a grade separation in the area. Public Works staff prepared a needs study in 2014 and is seeking to move forward with a renovated facility. There is an opportunity for Public Works and Wake County to proceed with a joint master plan and feasibility study for a public works facility/convenience center. There is some urgency to move forward and have construction completed due to the proposed NCDOT timeline. No additional funds are being requested at this time, and Wake County will be the lead on the project moving forward.

Council Member Scroggins-Johnson asked if only town-owned land would be considered in the study or if alternate sites would also be considered, to which staff responded only the current town-owned land would be reviewed. Council Member Scroggins-Johnson asked if the building could be relocated and staff indicated that 100 feet of the frontage will be removed with the widening of Aviation Parkway and it is unknown if the full breadth of the land can be developed. Joint access to a facility will be considered, along with full movement access at International Drive.

Council Member Garimella asked if NCDOT considered moving the road in addition to removing the frontage. Staff responded that removing frontage is more cost efficient. The Town will be compensated for land removed and the design remains conceptual at this time. Council Member

Garimella expressed concern about the flood zone in that area. Staff noted that as NCDOT raises the road, the site would have to be elevated as well, along with potential conservation easements in the area.

Council Member Schlink asked if the scope of the project still included connecting Cedar Fork Park at a second entrance, which staff confirmed it did.

Council Member Cawley asked if the study could consider other relocation options or removal of the frontage, as well as compensation. Staff indicated that it has asked NCDOT to consider movement to the north of the site as well.

MOTION: Council Member Johnson made a motion to adopt Resolution 2017-229-0. The motion was seconded by Council Member Garimella and carried unanimously.

9.b. Consideration of Items Related to Feasibility Study for the Town of Cary's Primary Public Safety Answering Point (PSAP) Providing Emergency Dispatch Services to the Town of Morrisville:

- Resolution Authorizing Feasibility Study (2017-237-0)

- Budget Ordinance Amendment Appropriating Funds (2017-237-0)

Brief/Action – September 12

Todd Wright, Assistant Town Manager, noted that staff is continuing its efforts to improve call processing times within the community. Joining emergency dispatch services with the Town of Cary could allow this opportunity. Morrisville costs for the study would be approximately \$13,000 and would be completed by the end of the calendar year. The town will continue to be supported by Raleigh/Wake 911 while the study is underway.

Council Member Garimella asked if there was current call processing data and questioned the urgency of the request. Assistant Town Manager Wright indicated specific information was not available during the budget process, but staff did note to council that it would be submitted as an action item once available, and also provided call processing data response times. Assistant Town Manager Wright further noted that the study would indicate total cost should the town choose to switch service, additional tools needed, staffing affects, and other items.

Council Member Scroggins-Johnson noted that a more localized service would provide a higher level of community service. Assistant Town Manager Wright clarified areas where fire and police response calls would be included, noting that both would be included for Morrisville. He also clarified that equipment has been updated and main communications equipment is compatible.

Mayor Pro Tem Rao asked that artificial intelligence, automation and innovation be reviewed during the study.

Council Member Cawley asked that the Public Safety Committee be informed during the study for consideration and review.

Council Member Garimella asked if texting for 911 service was available, which staff confirmed it was.

MOTION: Council Member Johnson made a motion to adopt Resolution 2017-237-0 and Budget Ordinance Amendment 2017-237-0. The motion was seconded by Council Member Cawley and carried unanimously.

9.c. Budget Ordinance Amendment to Request Funds for a Comprehensive IT System Configuration and Security Assessment (2017-234-0)

Dan Birckbichler, IT Director, indicated that funds were being requested for a third party vendor to review security changes, verify best practices, make recommendations, and request policy development. Funding would include a review, assessment of current configuration, wireless review, and validation of other securities. There is a 60-day process for review, presented documentation and presented findings.

Town Manager Paige indicated this is a good investment to assure that staff is moving in the right direction and provide a good check of internal systems.

MOTION: Mayor Pro Tem Rao made a motion to adopt Budget Ordinance Amendment 2017-234-0. The motion was seconded by Council Member Cawley and carried unanimously.

10. New Items

10.a. Resolution Approving Local Agreement between NCDOT and the Town of Morrisville for the Construction of a Sidewalk on Airport Boulevard (2017-219-0)

Brief – September 12

Action – September 26

Ben Howell, Long Range Planning Manager, specified that the local agreement would allow work to begin on the preliminary engineering design of the sidewalk. Preliminary engineering design funds are available this year and in FY19.

Council Member Schlink asked if the sidewalk would be disrupted by Airport Boulevard construction and staff indicated that the project ends prior to where that construction begins and will not be affected. Council Member Schlink questioned how project budget overages would be handled, to which staff indicated that options would be reviewed, NCDOT consulted and and brought back before council to address.

10.b. Consideration of Items Related to 910 Church Street Easement (2017-239-0):

- Resolution Authorizing Termination and Establishment of New Easement

- Resolution Authorizing Purchase of Portion of Land (Approximately 0.45 Acres)

- Budget Ordinance Amendment Appropriating Funds for Land Purchase

Brief – September 12

Action – September 26

Michele Stegall, Current Planning Manager, noted that meetings have been held with owners of 910 Church Street and two issues have been brought forward. One is the existing easement on the property and the historic use of a portion of the property as part of Shiloh Park. Ms. Stegall referenced the access easement, noting that provisions are unknown. Discussions ensued between staff and owners to determine how to relinquish the easement, and staff believes the Town is the rightful owner of the easement. Council approval is required to terminate the easement because property rights are potentially being given up. Staff believes there is a public use for the easement property. The back half of the property is Shiloh Park near the cricket field. The front portion would potentially provide secondary emergency access. The width of the front portion could be narrowed or relocated. If the owner brings forward a development application, various UDO requirements would be taken into account. The planning director could propose an alternate landscape plan, long-term lease or purchase of the property as alternatives for the parcel. The purchase would be contingent upon the other two property owners relinquishing easement, and Town Manager approval so the current owner can move forward with a development application.

Jerry Allen, Parks, Recreation and Cultural Resources Director, indicated that the parcel is 0.45 acres in size and is part of a multi-purpose field at Shiloh Park, which has received liability coverage from the town. The purchase price would be approximately \$64,000 and a surveyor would verify the site prior to moving forward with purchase.

Council Member Scroggins-Johnson asked staff to clarify the intention for the easement, which staff clarified they would prefer to terminate the easement, and work with public safety staff to determine the width needed for vehicles.

Council Member Garimella asked staff to clarify the area specified for purchase, which they did. Staff responded they would continue to work with the property owner to ensure access is provided.

Council Member Schlink asked if there are connected greenways which staff indicated there were not. Staff noted the TOD is located south of the site and will work with the property owner to ensure connectivity. Council Member Schlink asked if the overlay would require administrative review or council approval which staff confirmed both PZB and council would review.

Council Member Johnson asked how staff would ensure access to the parcel and staff indicated that the resolution specifies the easement will be terminated with conditions. Council Member Johnson asked if similar situations existed elsewhere in town and Assistant Town Manager Wright indicated there are a number of buildings in town with designed emergency vehicle access.

Recess- 7:54 pm

Reconvene- 8:08 pm

10.c. Resolution Awarding a Contract to Tyler Technologies for the Purchase of an Enterprise System Replacement (2017-238-0)

Brief – September 12

Action – September 26

Dan Birckbichler, IT Director, and Nancy Emslie, Finance Director, reviewed the assessment process steps, organizational needs, and noted that the selected vendor meets all identified needs. Staff reviewed the pros and cons of an on-premise versus hosted solution, with the recommendation for a hosted solution, along with specific contract terms, and proposed project timeline.

Council Member Scroggins-Johnson noted a hosted solution frees up town staff resources, and asked how the project would be supported internally, to which staff responded that Tyler Technologies would provide a dedicated project manager and there is a current staff member with a primary role of supporting this project. Additional staff from Tyler Technologies would be leveraged to the fullest extent possible and additional daily workloads for staff will be managed as best possible. Council Member Scroggins-Johnson referenced data conversion and requested to know the cost savings with decommissioning other tools. Staff responded that one component is disaster recovery, with real-time replication, that would be costly. Council Member Scroggins-Johnson referenced a test environment for future development and staff confirmed that would be available and provided by the vendor. Product enhancements are also tested in the vendor's test environment, rather than real-time, prior to deployment. Council Member Scroggins-Johnson recommended that staff complete in-house testing as well.

Council Member Schlink asked if a town more similar in size was using the tool for comparison and staff provided several municipalities that utilize Tyler Technologies products, also noting that 50% of NC municipalities are clients. Council Member Schlink asked when a full view of the product from rollout would be seen and staff responded that would depend on the statement of work and timeline of modules once rolled out.

Council Member Garimella asked staff to clarify what is currently in place and what will be provided by the replacement product. Staff responded that a breakdown of the modules could be provided for reference but the core components noted are enhanced functions outside of the current functions available to the town. Town Manager Paige clarified that core business functions outlined may be available but do not meet the needs of the town. Staff considered current and future needs, such as online payments, online plan review, customer facing portals and other similar items.

Council Member Garimella asked how many years of data would be converted and staff responded that three years would be converted with an additional cost for anything over three years.

Mayor Pro Tem Rao asked for more information related to the design for training and staff responded there is online, onsite, quarterly forums for user groups, and other training opportunities. Mayor Pro Tem Rao asked how the components would be prioritized for incorporation and staff responded that once the statement of work is developed, a prioritized list would be finalized.

Mayor Stohlman noted that staff should ask for consistency in a project manager and questioned how customizable the product may be. Staff will rely on the vendor for their recommendations for a seamless integration.

Recess- 8:50 pm

Reconvene- 8:55 pm

11. Work Session

11.a. Town Council Roundtable

Airport Overlay District Update

Mayor Stohlman noted that with ground being turned for the McCrimmon Parkway Extension, a couple of citizens approached him and asked about future uses in that area, noting that there are restrictions.

Courtney Tanner, Planning Director, indicated that RDU will not revise the official contour maps due to changing technology, and confirmed for the Mayor that the map currently being used was developed in the 1990s, imposing 65 decibel limits over NC54, and that the map he referenced could have been a time or area model. The Land Use Plan will review three study areas, two of which are covered in the Airport Overlay area.

Council Member Scroggins-Johnson asked if there would be a new district created and the best uses for that area, to which staff responded was a possibility, among other options. Staff reiterated to council that discussions began at the Spring Retreat to review the Airport Overlay use and surrounding areas and staff will continue to seek options that provide flexibility.

Mayor Pro Tem Rao asked about multifamily development in the regional activity center around the airport mall area, and potential future uses.

Council Member Scroggins-Johnson asked if sound-deafening requirements could be required within certain areas and staff indicated that is in place for sensitive uses.

Staff clarified the allowance of hotels and educational institutions in the Airport Overlay district.

Consensus was to allow staff to provide the next major update at Town Council Spring Retreat in early 2018.

Food Hub – Expanding Use for Land/WWFM

Council Member Scroggins-Johnson noted that the project received one bid, but yet is still incomplete and would like to see a use for the remaining six days during the week. Further project delays have increased potential cost overruns.

Council Member Garimella asked if the space could be programmed for other small events.

Town Manager Paige indicated that staff is aware of other low cost opportunities to utilize greenspace from the park design. Expanded amenities, such as a podium and stage, will be provided in phase two. Staff is also aware of the space programming expectation.

Council Member Scroggins-Johnson expressed continued concern at the lack of electricity at the site, to which Town Manager Paige responded there was a significant cost association and an interim solution would be the use of generators.

Council Member Schlink asked how the site would be impacted long term by a future parking deck to which Town Manager Paige responded the Town Center and Farmers Market are complementary features and parking will be an ongoing need. Staff is ready to program the space once developed.

Council Member Johnson indicated that many residents would likely bike or walk to the site based on location.

Staff will provide an update at the September 26 meeting.

Operation Coming Home

Mayor Pro Tem Rao referenced the number of wounded veterans that have returned home over the last several years, and shared information about a possible program for Morrisville. Municipalities have the option to waive development fees for those developers who construct homes for wounded veterans. Mayor Pro Tem Rao has spoken with Mayor Sears of Holly Springs, who is a participant and Tom Beebe, local developer, to gain further information.

Mayor Stohlman expressed support of the concept and questioned if there were ways that the town could be supportive other than waiving fees.

Council Member Johnson noted that a homebuilder or contractor, rather than a municipality generally initiate these programs.

Mayor Pro Tem Rao indicated he would reach out and determine if local developers were interested in participating.

Council Member Scroggins-Johnson indicated that this should be a broader policy discussion to determine if and how costs would be offset for affordable housing, and she would be happy to share additional information from the Wake County Affordable Housing Steering Committee.

Council Member Cawley noted that council might want to discuss the participation of nonprofits related to affordable housing as well.

Mayor Pro Tem Rao will research further and identify levels of involvement for various parties to assist veterans with affordable housing related to the program.

NLC Youth Summit Participation

Town Manager Paige noted there is an opportunity for youth delegates to receive exposure to government at the NLC City Summit Conference in Charlotte in November. Staff has discussed with the Morrisville Youth Leadership Council (MYLC) and there is interest in participating. The

NLC only accepts 250 youth and chaperone delegates from across the country. Additional discussion would be necessary for conflicting school schedules and educational considerations. Lapse salary has been identified as a potential cost cover and there is a need to move quickly.

Mayor Stohlman asked if there would be an option to split the conference cost with student's family.

Council Member Scroggins-Johnson expressed concern about asking youth participants to cover their costs to attend.

Council Member Johnson encouraged council to take advantage of the opportunity, and expressed support for covering the cost of the youth delegate participants.

Council Member Cawley expressed support for youth participation.

Town Manager Paige noted that staff reached out to the executive committee of the MYLC and those members were the ones who expressed interest in attending.

Discussion ensued on measuring the level of support, gauging the youths take away from the conference, and the maximum number of participants.

Council Member Schlink noted there were benefits and obstacles with this type of participation and feared it may set an expectation for participation each year.

Council majority was to support staff moving forward with pursuit of youth delegate participation at the NLC Conference in November.

11.b. E-50 Summary/Update

Town Manager Paige outlined various attachments that had been provided, such as site designs, meeting meetings and compiled questions, as well as presentation materials.

Discussion ensued related to the Transportation Access Plan, including access to walk to school via sidewalks, which are ADA accessible, and potential greenway connections.

Staff indicated that members of Breckenridge HOA were included in conversations. Town Manager Paige noted that the easiest way to facilitate a greenway connection would be for the town to condemn the property rather than forcing the HOA to organize a vote. Wake County would build the greenway and the town would maintain its part.

Council consensus was to support that option, allowing town condemnation of the property, and Wake County construction of the greenway.

Town Manager Paige noted that a major concern with the driveway location is that it must be set to determine where landscaping will be located.

Council Member Schlink referenced turn lanes on Parkside Valley Drive and questioned if adjustments could be made, to which staff responded those were safe measurements identified in the TIA and any adjustments would cause it to be noncompliant with the UDO. A similar situation occurs on Little Drive, but that is a State maintained road with different requirements.

Town Manager Paige identified some operational decisions that the town can use to address aggressive driving, which would have ongoing operational costs.

12. Announcements

For a full listing of events, please see the Town Calendar at www.townofmorrisville.org.

13. Closed Session

Pursuant to N.C.G.S. § 143-318.11 (a)(5) to discuss the acquisition of property by purchase, lease, option or exchange.

**Pursuant to N.C.G.S. § 143-318.11 (a)(6) to discuss a personnel matter
(Town Manager FY 2017 Performance Evaluation - Continued)**

MOTION: Mayor Pro Tem Rao made a motion to enter into Closed Session. The motion was seconded by Council Member Cawley and carried unanimously.

Council entered into Closed Session at 10:26 p.m.

MOTION: Mayor Pro Tem Rao made a motion to end Closed Session. The motion was seconded by Council Member Schlink and carried unanimously.

Council ended Closed Session and resumed Open Session at 11:25 p.m.

Mayor Stohlman announced that the Council had completed its annual performance review for the Town Manager, and the evaluation had been presented to the Manager.

MOTION: Mayor Stohlman made a motion to increase the Town Manager's annual salary to \$159,071.66 (4% increase), with the raise to be effective on the anniversary date of her hire (September 23), and to amend the Town Manager's Employment Contract by extending the contract term for 2 additional years. The motion was seconded by Council Member Johnson and carried unanimously. The Town Attorney was directed to prepare the appropriate contract amendment.

14. Adjournment

MOTION: Mayor Pro Tem Rao made a motion to adjourn. The motion was seconded by Council Member Johnson and carried unanimously.

Mayor Stohlman adjourned the meeting at 11:27 p.m.

Town Council Agenda Item Report

Agenda Item No. 2017-318-0

Submitted by: Erin Hudson

Submitting Department Administration

Meeting Date: October 24, 2017

SUBJECT

September 19, 2017 Work Session Minutes - Erin L. Hudson, Town Clerk

Action - October 24

Recommendation:

Updates/History of Briefing:

Executive Summary and Background Information:

N/A

Potential Options:

Staff Recommendation:

Approve

ATTACHMENTS

- [20170919M Work Session.pdf](#)



Morrisville Town Council

Work Session Meeting

September 19, 2017, 6:30 P.M.

1. Call to order

Mayor Stohlman called the meeting to order at 6:30 p.m. Also present at the meeting were Mayor Pro Tem Rao, Council Members Cawley, Garimella, Johnson, Schlink, and Scroggins-Johnson. Present staff included Martha Paige/Town Manager, Todd Wright/Assistant Town Manager, Jerry Allen/Parks, Recreation and Cultural Resources Director, Courtney Tanner/Planning Director, Kent Jackson/Town Engineer, Benjamin Howell/Long Range Planning Manager, Kyle Cooper/Parks and Greenways Planner, and Marty Saunders/Planning Technician.

Todd Wright, Assistant Town Manager, gave Council a brief update on a hold harmless agreement, prepared with Frank Gray, Town Attorney and Dan Dzamba from Morrisville Square Shopping Center related to Crabtree Hatcher Creek Greenway project construction access. He also reviewed concerns raised by Mr. Dzamba about parking at Morrisville Square during Town events, such as East Meets West. He informed the Council that attendants would be located in the parking lot to direct people to approved parking locations.

2. Work Session

- Comprehensive Transportation Plan (CTP) Presentation

Ben Howell, Long Range Planning Manager, presented the first draft of the CTP. Staff is in the process of reviewing this draft, at the same time as the PZB and the Town Council. Per the UDO, the PZB should formulate and maintain a comprehensive plan.

Mr. Howell informed the Council that Appendix C had been distributed, but did not address the Public Outreach Summary. He also added that the Planning and Zoning Board would have a work session on September 21st, and their official public comment session would be on October 12, 2017.

Jonathan Whitehurst, consultant with Kimley-Horn, was introduced to give the presentation. Mr. Whitehurst reviewed the five chapters within the draft plan.

Council Member Cawley asked if it would be possible to provide a comparison of Wake County as a whole with Town of Morrisville.

Council Member Schlink asked if there was documentation of the number of commuters that traveled into Morrisville for work.

Mayor Stohlman added that Council Member Schlink's reference could include travelers going through Morrisville to RTP and surrounding areas each day.

Council Member Garimella requested clarification on the breakdown of the 37% of Morrisville residents that commute to other places to work such as RTP, Chapel Hill, and Cary referred to on page 2-13. He wanted to know if that referred to places where people worked. Mr. Howell stated that the information was pulled from census data and represents travel patterns into cities.

Council Member Scroggins-Johnson recommended that the specific sources of census information be cited.

Council Member Schlink asked if the grade separation projects proposed for Aviation Parkway and Airport Boulevard were included in this plan as committed. Mr. Howell stated that the 2040 regional model included unfunded projects, and the two grade separation projects are not included in the Plan.

Council Member Cawley wanted to know if the draft plan included Transit Oriented Development (TOD), and the commuter rail system at McCrimmon Parkway and NC54. Mr. Howell replied that the TOD would be accounted for and the socio-economic data is included in this model.

When addressing corridor improvements, Mayor Stohlman felt there should be some identification of State roads versus Town roads. Often citizens are not able to distinguish between the two, and therefore are unsure who is responsible for the maintenance.

Council Member Schlink asked to review a segment of NC54 at Weston Parkway to determine if there was some advantage to dividing it into segments, due to the grade separations at Airport Boulevard and Aviation Parkway. Mr. Howell replied that staff is working with the consultants to incorporate that information in the Plan.

Council Member Garimella indicated that it was unclear if many of these projects were funded. He felt there should be a notation for funded and unfunded.

Mayor Pro Tem Rao asked that proposed costs be clearly indicated to help clarify the investments that have been made, and for the Plan to determine what is feasible.

Council Member Garimella requested clarification on indicators for selecting intersection improvements. Courtney Tanner, Planning Director, added that if an intersection improvement were already selected, it would not be on a list. Additional information might be warranted in the case of sidewalk improvements or crosswalks for future additions.

Council Member Garimella felt it would help to clarify the intersections on the list that are in progress and currently funded, rather than remove them from the list.

Council Member Schlink questioned if the school (E-50) access, identified with a left-hand turn from Parkside Valley Drive onto Davis Drive, would be added back in the Plan. He also questioned if there would be a right-hand turn from Parkside Valley Drive to Louis Stephens Road.

Mayor Stohlman raised the question about Morrisville-Carpenter grade separation.

Mayor Stohlman requested clarification about information contained within the maps and asked if any of it was driven by community input.

Mayor Pro Tem Rao requested to know how the road extensions would affect the residents within nearby neighborhoods and how much traffic would be taken off those roads.

Council Member Johnson asked that public safety response time be taken into consideration.

Council Member Scroggins-Johnson asked if the design of Morrisville-Carpenter Road expansion was being taken into consideration, specifically, right-in right-out access.

Council Member Schlink felt the prioritizing was deceptive and felt it would be beneficial to show the weighting in two ways. He asked if the percentages were based on public engagement or PZB Feedback. Mr. Howell explained that the weighting can be modified somewhat, but scores were

pulled from the specified criteria. The weighting was developed from public comment, PZB and Town Council input.

Council Member Johnson asked how the Council was polled. Mr. Howell reminded the Council of the exercises administered during work sessions with the consultants. He agreed that there were some constraints to the options presented in the exercises.

Council Member Garimella asked if Town staff had given input on the results as compared to the feedback received to date. Mr. Howell stated that the Comprehensive Transportation Plan weighting was based on consultant and staff input.

Mayor Stohlman indicated the weighting may be more aligned with CAMPO and NCDOT input rather than average citizen assessment. He asked for definitions of near term, mid-term and long term. Howell stated that these terms allow for flexibility.

Council Member Garimella requested to know how the priorities were ranked and if they were based on funding.

Mayor Stohlman expressed concern about the items on the long-term list, specifically the Town Hall roundabout project that is projected for construction in the near future.

Council Member Schlink questioned the absence of the McCrimmon Parkway Extension from the key corridors. Howell stated that the focus of the key corridors was on areas that will continue to undergo heavy development or need improvements. The work on the McCrimmon Extension would essentially be complete, so the focus would then be on areas with continued needs, such as Town Hall Drive.

Recess - 7:55 pm

Reconvene - 8:06 pm

Mr. Whitehurst resumed the discussion and reviewed alternative travel modes.

Council Member Cawley requested clarification in associating categories within Morrisville, for example, designated rural areas.

Council Member Garimella asked for the description of a sidepath and greenway. Mr. Howell indicated that the terms would be clarified and provided definitions for both. Council Member Garimella also questioned the status of existing sidewalk connections, indicating a desired alternative to roadways.

Mr. Whitehurst then introduced the three sections related to transit: Wake Transit Plan, Future Local Service, and Support for the TOD.

Mr. Howell indicated that in order to be considered for future funding, it would serve the Town to perform a study of transit service.

Council Member Scroggins-Johnson expressed support for a study since the Town only has two bus stops. She asked questions related to the circulator system map, the baseline for the plan, and total cost. Mr. Howell explained that the map in the Plan shows the route for the Wake Transit system, and is a current route, not a future route. He also indicated it was not useful to include a circulator model on the map as the Town needs direction on that program management plan first.

Mayor Stohlman asked for clarification related to the Wake Transit Plan and if the Town would still receive commuter rail and a starter bus route.

Council Member Johnson understood that the map would remain in this form as it is to be in the final document. Currently there is no indication of bus stops on the map, but it was questioned if they could be added or suggested stops be recommended. Mr. Howell indicated that the Town may have input regarding bus stop locations, but the Town will not have full control.

Mayor Stohlman would like to have the McCrimmon transit stop added to the map.

Mr. Whitehurst ended the presentation with the Action Plan and a reference to transportation technology, such as electric car charging stations.

Mayor Stohlman opened the floor to Council Members to add their personal comments for staff or consultant response at the scheduled work session.

Council Member Cawley questioned how to move the Town toward a list of projects to be completed to achieve a complete roadway network, along with dollar values associated with specific projects.

Council Member Johnson requested clarification for project criteria within the Plan, i.e. low, mid or long term, specifically the NC147 connection and proposed alignment.

Council Member Scroggins-Johnson noted that Wake County may have included a bikeway from Morrisville to Raleigh on their Revised Park Plan and asked staff or the consultant to review that approved Plan and determine if it coincides with the Town's. Mr. Howell informed Council that the Triangle Bikeway project was expected to be located within the I-40 right-of-way and would be outside the Morrisville jurisdiction.

Council Member Scroggins-Johnson requested more data about connections, specifically Green Drive, Crabtree Crossing, and the design of Morrisville-Carpenter Road. She questioned how the Airport Boulevard flyover, if constructed, would affect the traffic on Morrisville-Carpenter Road. She also requested more information on the connection from Airport Boulevard to the Twin Lakes subdivision.

Mayor Pro Tem Rao requested more information on the Crabtree Crossing and Green Drive connections. He indicated that the modeling was important in terms of traveling to and from neighborhood communities. He requested estimated traffic counts, and the effect on traffic flow.

Council Member Schlink indicated an interest in more information on the NC147 connection to Davis Drive at McCrimmon Parkway. He would like to see a connection to any of the neighborhoods along Church Street. He also requested information related to betterment costs and questioned if there were any recommended roadway extensions. He referenced the greenway extension for Millicent Way and the buildout of Louis Stephens Drive to four lanes.

Council Member Garimella questioned if small sidewalk projects, such as Redwood Park Drive and Louis Stephens Drive would be addressed in the Transportation Plan. He also asked if Church Street would continue as a two-lane road, instead of four. He referenced that information for the 2017 Transportation Plan, being updated for 2018, is from the 2010 census. Due to rapid growth in the area, he questioned if the plan was prepared for the ever-increasing population.

Mayor Stohlman requested data on the proposed Crabtree Crossing extension, since the NC147 issue affects that connection. He also requested to know what mitigation options were available if these connections were made to residential neighborhoods. He expressed concern about Millicent Way and potential commuter traffic and questioned if a greenway connection would be more feasible. The connection to Green Drive was also mentioned, along with concern that travelers may use it to bypass NC54 onto Aviation Parkway. He noted that if the Town completed other proposed

grade separations and enhancements, it may alleviate the need for the Aviation Parkway/Morrisville Carpenter Road grade separation. The Morrisville-Carpenter Road /Aviation Parkway grade separation would have a negative impact on the Town's Historic Center. He further referenced the width of Church Street, and asked if it were to remain two lanes, that the shoulders be widened.

Council Member Cawley had questions about emails received, and felt that Town staff should respond to citizen feedback. Ms. Tanner explained the emails are tracked on a spreadsheet and it would be difficult to respond to each contact. Citizen feedback is presented for Town Council review.

3. Adjournment

MOTION: Mayor Pro Tem Rao made a motion to adjourn. The motion was seconded by Council Member Scroggins-Johnson and carried unanimously.

Mayor Stohlman adjourned the meeting at 9:27 p.m.

Town Council Agenda Item Report

Agenda Item No. 2017-319-0

Submitted by: Erin Hudson

Submitting Department Administration

Meeting Date: October 24, 2017

SUBJECT

September 26, 2017 Meeting Minutes - Erin L. Hudson, Town Clerk

Action - October 24

Recommendation:

Updates/History of Briefing:

Executive Summary and Background Information:

N/A

Potential Options:

Approve

Approve w/ edits

Staff Recommendation:

Approve

ATTACHMENTS

- [20170926M.pdf](#)



Morrisville Town Council

Regular Meeting

September 26, 2017, 6:30 P.M.

1. Call to order

Mayor Stohlman called the meeting to order at 6:30 p.m. Also present at the meeting were Mayor Pro Tem Rao, Council Members Cawley, Garimella, Johnson, Schlink, Scroggins-Johnson, and Attorney Frank Gray. Present staff included Martha Paige/Town Manager, Todd Wright/Assistant Town Manager, Jeanne Hooks/Assistant to the Town Manager, Patrice Andrews/Police Chief, Foy Jenkins/Fire Chief, Jerry Allen/Parks, Recreation and Cultural Resources Director, Nancy Emslie/Finance Director, Blake Mills/Public Works Director, Dan Birckbichler/IT Director, Kent Jackson/Town Engineer, Rodney Wadkins/GIS Planner, Sarah Baker/Community Relations Liaison, and Erin L. Hudson/Town Clerk.

2. Invocation by Town Attorney Frank Gray

Attorney Gray provided the invocation.

3. Pledge of Allegiance

4. Adoption of Regular Agenda

Call for any conflicts of interest in relation to the proposed agenda. No conflicts were noted.

MOTION: Mayor Pro Tem Rao made a motion to adopt the agenda. The motion was seconded by Council Member Johnson and carried unanimously.

5. Consent Agenda

5.a. Resolution Approving a Local Agreement between NCDOT and the Town of Morrisville for the Construction of a Sidewalk on Airport Boulevard (2017-219-0) – Ben Howell, Long Range Planning Manager

Brief – September 12

Action – September 26

5.b. Resolution Approving the Wake County Non-Cash Rebates, Tax Exemptions and Penalties Reports from January 2017 through July 2017 as Adopted by the Wake County Board of Commissioners (2017-278-0) – Erin L. Hudson, Town Clerk

Action – September 26

5.c. Resolution Authorizing the Police Chief to Award a Service Sidearm upon Request and in Conformance with N.C.G.S. § 20-187.2 (2017-284-0) – Patrice Andrews, Police Chief

Action – September 26

Council Member Scroggins-Johnson asked to remove items 5.d. and 5.e. (August minutes) for further discussion.

MOTION: Mayor Pro Tem Rao made a motion to adopt the Consent Agenda. The motion was seconded by Council Member Johnson and carried unanimously.

5.d. Approval of August 8, 2017 Minutes – Erin L. Hudson, Town Clerk

Action – September 26

5.e. Approval of August 22, 2017 Minutes – Erin L. Hudson, Town Clerk

Action – September 26

Council Member Scroggins-Johnson noted that the unique item ID number had been added to the item title of several items within both sets of minutes for future tracking.

MOTION: Council Member Scroggins-Johnson made a motion to approve Item 5.d. The motion was seconded by Council Member Cawley and carried unanimously.

MOTION: Council Member Scroggins-Johnson made a motion to approve Item 5.e. The motion was seconded by Council Member Cawley and carried unanimously.

6. Presentations

6.a. New Employee Introduction: Jason Matthews, Building Inspector

Shandy Padgett, Inspections Director, introduced Mr. Matthews, who previously worked for the City of Raleigh and has previous code enforcement experience.

6.b. New Employee Introduction: Ben Mills, Stormwater Engineer

Kent Jackson, Town Engineer, introduced Mr. Mills, who holds a bachelor's degree from NC State University in Biological Engineering. He previously worked in the manufacturing field in Charlotte.

6.c. Staff Retirement Recognition: Sergeant Elena Sanchez, Police Department

Patrice Andrews, Police Chief, recognized Sergeant Sanchez's work with the Morrisville Police Department over 22 years. She noted that Sergeant Sanchez is the child of immigrant parents from Mexico and is one of eight children, originally from Gary, Indiana. She holds a bachelor's from Indiana University and served in the U.S. Army in Operation Desert Storm. She worked in many areas of the police department and graduated the FBI National Academy at Quantico, along with the West Point Leadership Program and Law Enforcement Program. Chief Andrews also awarded Sergeant Sanchez with her service sidearm.

6.d. Bullying Prevention Month Proclamation

Mayor Stohlman presented the proclamation to Shelia Reich, Youth Thrive Executive Director. Ms. Reich indicated that one in five high school students in Wake County reports being bullied and hopes that all communities can work together to help raise awareness.

6.e. Proclamation Commemorating Hispanic Heritage Month

Mayor Stohlman read the proclamation and noted that it would be on display in Town Hall.

6.f. National Fire Prevention Week Proclamation

Mayor Stohlman presented the proclamation to Chris Wells, Fire Marshal. Fire Marshal Wells expressed appreciation for the support of the fire service. He reminded citizens of Fire Safety Day on October 7 from 2-4 pm, where they can learn more about fire services.

6.g. McCrimmon Parkway/Morrisville Carpenter Road Update

Mike Wright, Capital Projects Manager, provided an update on the Morrisville Carpenter Road project, noting that it was a Town-managed design and construction project, currently at 75% plan submittal completion. Right-of-way acquisition remains a pending project item.

Council Member Schlink asked that affected property HOAs be notified and provided a copy of the presentation, along with Town Council.

Council Member Scroggins-Johnson asked for additional explanation related to median construction and widening for affected parcels.

Mayor Pro Tem Rao asked if affected traffic and peak hours for travel would be known, and staff responded that information would be determined once a contractor was selected.

Staff provided an update on the McCrimmon Parkway project, noting that Phase I is a Town-managed project, and provided a construction timeline, current project status, along with work items remaining to be completed. Phase II is a joint project with NCDOT with final plans submitted to NCDOT, with the three-party utility agreement signed and provided to NCDOT. Staff is currently finalizing right-of-way acquisition, and then NCDOT will begin its project bidding and begin construction.

Council Member Cawley asked for clarification on reused water and staff responded that sewer water lines for recycled and reused water are part of the Phase II project.

Mayor Pro Tem Rao asked if the Wake Competition Center was able to work through access issues to which staff responded they had.

6.h. Fund Balance Update

Nancy Emslie, Finance Director, provided a breakdown of total Fund Balance, Unassigned Fund Balance, parkland and streets payment-in-lieu. Staff reviewed the Town's Fund Balance policy and potential uses for Fund Balance. Staff provided current/planned cash flow projects as well as project contingency/authorizations, and outlined upcoming discussion opportunities for CIP.

Jeanne Hooks, Assistant to the Town Manager/Budget Manager, stated that FY17 closed without use of Fund Balance. Staff also stated that as expenditures grow, Unassigned Fund Balance projections have remained relatively the same, as council has used fund balance to manage cash flow needs for grant related projects.

Council Member Scroggins-Johnson referenced the Historic Christian Church Parking Lot as funds have been appropriated but not spent. Martha Paige, Town Manager, indicated the project is not on hold, but rather there are challenges at the site, which several staff members are addressing. Allocated funds are in a capital reserve fund and cannot be used for any other use.

Council Member Johnson expressed appreciation for the information ahead of the October 10 discussion.

Council Member Cawley asked for clarification on use of the streets PIL. Town Manager Paige noted that those funds are restricted to the purpose for which they were provided.

7. For the Good of the Order

- **Manager and Staff Comments**

Town Manager Paige noted that NCDOT is beginning a series of community input sessions on the statewide public transportation plan, with several meetings in the local area in the coming weeks. She read a message from Sarah Gaskill, Morrisville Chamber of Commerce (MCoC) President, thanking the Town and staff for participation and assistance in the East Meets West Festival.

- Council Comments

Council Member Garimella commented on the police retirement and police feature earlier in the day.

Council Member Schlink questioned the flashing lights at Town Hall Drive and McCrimmon Parkway and staff responded that they should be fully functioning within seven days. He also noted that he walked part of the Hatcher Creek Greenway and commended the design. He questioned the presence of green/brown water at Twin Lakes, perhaps on the Cary side, and staff responded that was likely part of the gas line replacement.

Council Member Scroggins-Johnson commented on the feature on Chief Andrews and the leadership she provides.

Council Member Johnson commended Town Manager Paige on her fourth anniversary with the Town over the weekend. She also commended Sergeant Sanchez for her tenure with the Town. She asked if recycle bins could be incorporated in future East Meets West events. She further thanked staff and council who attended the NCLM City Vision Conference the week prior, and noted being honored by her swearing in as President of the NC Women in Municipal Government Association.

Council Member Cawley commended a number of staff and local groups who volunteered their time to help make East Meets West a success.

Mayor Pro Tem Rao thanked the East Meets West volunteers. He commended Council Member Johnson for her leadership role with the League of Municipalities. He noted that he was collaborating with Mayor Sears of Holly Springs to speak out against bullying and referenced an event in October. He further indicated that he was receiving emails about school assignments and encouraged citizens to continue to reach out to council.

Council Member Scroggins-Johnson noted that the Wake County Public School System had opened a comment portal about reassignment and encouraged citizens to provide comments on likes and dislikes.

Council Member Garimella indicated that he had spoken with some members of the Cary Town Council and Wake County Commissioners, and both expressed interest in having a joint meeting with all groups.

Mayor Stohlman asked that staff resend the resolution in support of schools to members of the school board and commissioners. He thanked the MCoC and staff for the State of Morrisville event.

Council collectively commented on a successful East Meets West Festival.

- Administrative Reports

7.a. Secondary and Cumulative Impacts Master Mitigation Plan (SCIMMP), 2017 Biennial Update and Report

Mr. Jackson recognized Katherine Benson, consultant, for submitting information for the Town. He provided a background of the plan, reporting requirements, the plan process, biennial reporting, direct impacts, secondary impacts, cumulative impacts, the plan in practice, the review process using the plan, highlights of the 2017 biennial update and a schedule for future updates.

Council Member Scroggins-Johnson asked if the Town was required to make progress or highlight positive steps between each report. Ms. Benson noted that the state wants

to ensure that the Town is holding true to its commitments, by highlighting progress. Council Member Scroggins-Johnson asked if there were different levels of review for roadway projects, to which staff responded there were, but each was based upon the funding source.

Mayor Pro Tem Rao expressed concern about supported programs at DEQ due to staffing and funding cuts.

7.b. Semi-Annual Records Audit Report

Ms. Hudson shared the report for council information, noting that some departments may provide a listing of documents for future disposal at a Town shred event.

8. Public Address

No one was signed up to speak.

Recess- 7:59 pm

Reconvene- 8:11 pm

9. Action Items

9.a. Resolution Amending FY18 User Fee Schedule adopted on May 23, 2017 (2017-242-0)

Rodney Wadkins, GIS Manager, noted that based upon new legislation, the FY18 User Fee Schedule must be updated for Telecommunication Facilities: Small Wireless, and provided consistent language with the legislation.

Council Member Schlink asked if there were best practices from other towns or states and staff responded that the Towns of Chapel Hill and Cary were following suit. Town staff has received and is reviewing an application currently. Council Member Schlink asked if staff would obtain copies of materials submitted to other towns.

Council Member Garimella asked for information staff is sharing with vendors at this time and staff responded that the UDO directs antenna structures and connectivity to light poles. The Town is responsible for the light fixture fee and the antenna provider will charge a fee to the power provider.

Mayor Stohlman asked that council contact staff directly with further questions.

MOTION: Council Member Johnson made a motion to adopt Resolution 2017-242-0. The motion was seconded by Council Member Scroggins-Johnson and carried unanimously.

9.b. Consideration of Items Related to 910 Church Street Easement:

- Resolution Authorizing Termination and Establishment of New Easement (2017-239-0B)**
- Resolution Authorizing Purchase of Portion of Land (2017-239-0)**
- Budget Ordinance Amendment Appropriating Funds for Land Purchase (2017-239-0)**

Jerry Allen, Parks, Recreation and Cultural Resources Director, noted that a survey provided a defined area of 0.44 acres agreed upon by all parties. A mutually agreed upon purchase price and an exhibit outlining the parcel has been attached to the resolution.

Council Member Scroggins-Johnson asked if there was access to the parcel from the road and staff responded no, that the area was overgrown. The Town will not purchase the property until two adjacent property owners have released ownership of the property.

MOTION: Council Member Johnson made a motion to adopt Resolution 2017-239-0A, Resolution 2017-239-0B and Budget Ordinance Amendment 2017-239-0. The motion was seconded by Council Member Cawley and carried unanimously.

9.c. Resolution Awarding a Contract to Tyler Technologies for the Purchase of an Enterprise System Replacement (2017-238-0)

Dan Birckbichler, IT Director, noted that staff provided a Q&A document in response to questions raised at the previous briefing. Staff proposed monthly updates to the project throughout the process via an oversight committee of council members, as well as engaging citizens for testing and quality assurance prior to and during implementation. Staff proposed a thirty-minute debrief prior to one council meeting per month and if more time is needed going forward, those meetings could be expanded.

Town Manager Paige clarified that the council involvement would be an informal briefing to update the body at regular intervals, with a small subset of council so as not to violate public meeting laws. The citizen engagement cannot be projected at this point as the project has not yet begun and those milestones cannot yet be identified.

Mayor Pro Tem Rao asked council to consider a future citizen engagement committee.

Mayor Stohlman asked the Town Manager to poll council for those who would be interested in serving.

MOTION: Mayor Pro Tem Rao made a motion to adopt Resolution 2017-238-0. The motion was seconded by Council Member Schlink and carried unanimously.

9.d. Resolution Authorizing the Award of a Contract to Rick Bostic Construction and Demolition, Inc. for Construction of the Morrisville Healthy Food Hub (2017-290-0)

Town Manager Paige indicated that this project has been developed over a number of years and credited Jim Meyer, Engineering Manager, for his efforts on moving the project forward. The supplemental bidder cleared and graded the site so he is familiar with it, and there is an add alternate determination to be made for sod versus topsoil. Within the available budget, staff feels they can negotiate for the requested items, and see a completed project in February/March 2018, prior to the opening of the spring market.

Mayor Stohlman asked clarifying questions related to sod installation and staff responded that full sod of the site would leave no contingency, but selective sod placement would allow for negotiation. Staff also noted that sod would likely be fit into the highest traffic areas.

Council Member Garimella expressed concern that grass or sod may not grow if planted in the colder months.

MOTION: Council Member Johnson made a motion to adopt Resolution 2017-290-0. The motion was seconded by Council Member Scroggins-Johnson and carried unanimously.

9.e. Resolution Authorizing a Lease Agreement with Western Wake Farmers Market and Approval of Related Terms and Conditions for Operations Associated with the Morrisville Healthy Food Hub Project (2017-202-0)

Town Manager Paige indicated that Western Wake Farmers Market (WWFM) had agreed to an additional \$5,000 contribution and other items to reinforce the partnership between the Town and WWFM. Jim Pellegrini has requested to pay the \$5,000 over time once the market is on site. They have agreed to future fundraisers, collaboration on a grand opening to maximize those efforts, and presented an updated lease agreement with these included provisions. Cassie Ram, Board Member, attended to answer questions.

Council Member Garimella asked for clarification on an additional market day and staff responded that the market will discontinue one day at another site and add an additional weekday presence at this location.

MOTION: Council Member Johnson made a motion to adopt Resolution 2017-202-0. The motion was seconded by Council Member Scroggins-Johnson and carried unanimously.

Town Manager Paige indicated that the lease for the Community Garden would be coming forward in October/November.

10. Announcements

For a full listing of events, please see the Town Calendar at www.townofmorrisville.org.

11. Closed Session

- Pursuant to N.C.G.S. § 143-318.11 (a)(5) to discuss the acquisition of real property.
- Pursuant to N.C.G.S. § 143-318.11 (a)(6) to discuss a personnel matter (*Town Manager FY 2018 Performance Goals - Continued*).

MOTION: Mayor Pro Tem Rao made a motion to enter Closed Session pursuant to N.C.G.S. § 143-318.11 (a)(5) and (6). The motion was seconded by Council Member Schlink and carried unanimously. Council entered Closed Session at 8:50 p.m.

MOTION: Mayor Pro Tem Rao made a motion to end Closed Session and resume Open Session. The motion was seconded by Council Member Schlink and carried unanimously. Council resumed Open Session at 9:45 p.m.

12. Adjournment

MOTION: Mayor Pro Tem Rao made a motion to adjourn. The motion was seconded by Council Member Scroggins-Johnson and carried unanimously.

Mayor Stohlman adjourned the meeting at 9:46 p.m.



Proclamation

*Recognizing Morrisville Recycles Week
October 30 – November 3, 2017*

WHEREAS, The Town of Morrisville takes great pride in maintaining our image as the Heart of the Triangle and in order to do so we maintain our commitment to the 3Rs of waste reduction - Reduce, Reuse and Recycle; and

WHEREAS, Through the Town's curbside and multi-resident recycling and yard waste program and in conjunction with ongoing educational efforts throughout Wake County, the Town's recycling efforts continue to grow, and attempt to reduce the amount of waste being sent to landfills; and

WHEREAS, All citizens and business leaders have an ongoing responsibility to decrease the amount of waste that is produced in our homes, schools, the community and workplace, by making the 3Rs of Recycling a daily priority, and

WHEREAS, The Town invites schools, businesses, community groups and individuals to join the Morrisville Environmental and Recycling Committee in their ongoing commitment by organizing, implementing and participating in events and activities to celebrate Morrisville Recycles Week.

NOW, THEREFORE, I Mark Stohlman, Mayor of Morrisville and the Town Council of the Town of Morrisville, do hereby proclaim October 30 – November 3, 2017 as "Morrisville Recycles Week" in the Town of Morrisville and encourage all of our citizens and businesses to share in the responsibility for the beauty of our Town and our environment by reducing, reusing and recycling.

Mark Stohlman, Mayor

Erin L. Hudson, Town Clerk



Proclamation

Proclaiming Wednesday, November 15, 2017 as GIS Day

WHEREAS, Geographic Information Systems (GIS) is designed to capture, store, manipulate, analyze, manage, and present all types of spatial and geographic data; and

WHEREAS, the science of GIS and geography connects people, regions, and systems; and

WHEREAS, geography is a common language that strengthens decision-making for governments, communities, non-governmental organizations, and businesses all over the world; and

WHEREAS, promoting GIS education provides grassroots opportunities for people to create positive change at the local and global scale; and

WHEREAS, GIS plays a crucial role in managing and preserving our natural resources; and

WHEREAS, GIS helps people collaborate and share knowledge so the systems we rely on work each day; and

WHEREAS, having a dedicated day of GIS activities for students, citizens, and government leaders demonstrates the benefits of GIS in a unique and concentrated way; and

WHEREAS, a free event to learn about GIS and see amazing maps, posters, and demonstrations will be held at the City of Raleigh Museum.

NOW THEREFORE, I, Mark Stohlman, Mayor of Morrisville and the Town Council of the Town of Morrisville, do hereby proclaim Wednesday, November 15, 2017 as GIS Day, which also coincides with the celebration of National Geography Awareness Week.

Adopted this the 24th day of October, 2017

Mark Stohlman, Mayor

Erin L. Hudson, Town Clerk

Town Council Agenda Item Report

Agenda Item No. 2017-314-0

Submitted by: Nancy Emslie

Submitting Department Finance

Meeting Date: October 24, 2017

SUBJECT

Presentation of Comprehensive Annual Financial Report for FY2017 - Nancy Emslie, Finance Director and April Adams, Cherry Bekaert, LLP

Recommendation:

Receive the presentation

Updates/History of Briefing:

Not Applicable

Executive Summary and Background Information:

Cherry Bekaert, LLP is under contract with the Morrisville Town Council to audit the accompanying financial statements of the governmental activities, business-like activities, each major fund, and the aggregate remaining fund information for the Town of Morrisville for the year ending June 30, 2017. The Town received an unqualified opinion that the financial statements present fairly, in all material aspects, the financial position of the activities for the Town of Morrisville. Ms. April Adams will accompany staff in leading the audit presentation and discussion.

Potential Options:

Accept FY2017 CAFR

Not accept FY2017 CAFR

Staff Recommendation:

Staff recommends Council accept the June 30, 2017 Certified Annual Financial Report

ATTACHMENTS

- [Town-of-Morrisville-Presentation.pdf](#)

Audit Wrap-up

Town of Morrisville

April Adams, CPA
Partner

October 24, 2017



Your guide forward



Agenda

Client Service Team

Role of External Auditor

Key Highlights - Results

Internal Controls

Significant Audit Areas

Financial Results

Summary

Questions and Comments

Client Service Team



Eddie Burke
Relationship Audit Partner



April Adams
Service Audit Partner



LeAnn Bagasala
Audit Manager

Alex Harris
Audit Senior Accountant

Role of the External Auditor

Actions

Plan and Perform
Procedures

Obtain Reasonable
Assurance

Results

Express Opinions on:

- Financial Statements
- Yellow Book
- State Compliance

Required Communications

Policy Changes

Estimates

Journal Entries

Key Highlights

Results

Opinions

Unmodified
Opinion –
Financial
Statements

Unmodified
Opinion – Yellow
Book

Unmodified
Opinion – State
Single Audit

Internal Controls

No Significant
Deficiencies or
Material
Weaknesses

Observations:

IT Related
Matters

Single Audit

No Findings

SAS 114

PAJE for
Municipal
Service District
Fund CIP

Closure of Water
and Sewer Fund

Other Matters

Prior Period
Adjustments:

OPEB
restatement

LEOSSA
restatement

Shiloh Sewer
CPF restatement

Internal Controls

Financial Statements

Significant Cycles

- Payroll
- Cash Receipts
- Cash Disbursements (including use of P-Cards)
- Budgeting
- Financial Statement Close

Journal Entries

- Active Data

IT Controls

- IT Entity Level
- Backup & Recovery
- Access & Security
- Network Security
- Cyber Security

Significant Audit Areas

Financial Statements

Assets and Revenues

- Accounts /Notes Receivable
- Revenues

Liabilities and Expenses

- Payroll
- Debt

Other Items

- Cash
- Accounts Payable and Accrued Liabilities
- Capital Assets
- Net Position
- Expenses
- Related Parties
- Estimates
- Legal

Significant Audit Areas

Internal Controls & Compliance – Single Audit

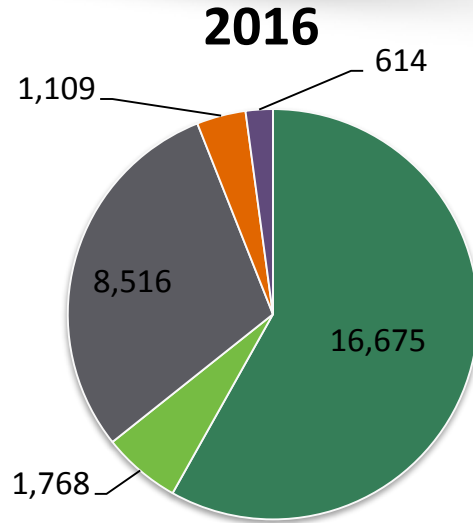
State
Major
Programs

- Powell Bill

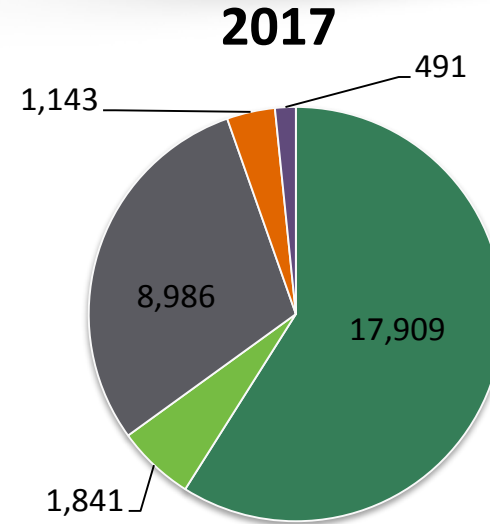
- Administrative Controls
- Monitoring Reports
- Compliance Matrix
- Compliance Testing

Financial Results

General Fund Revenues (thousands)



2016 Total: \$28,682



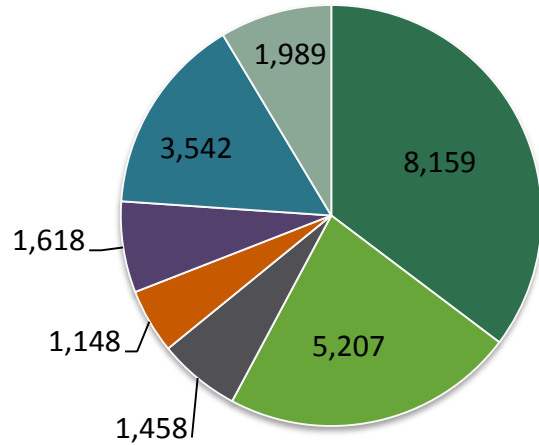
2017 Total: \$30,370

■ Taxes ■ Permits and Fees ■ Intergovernmental Services ■ Sales for Services ■ Miscellaneous

Financial Results

General Fund Expenses (thousands)

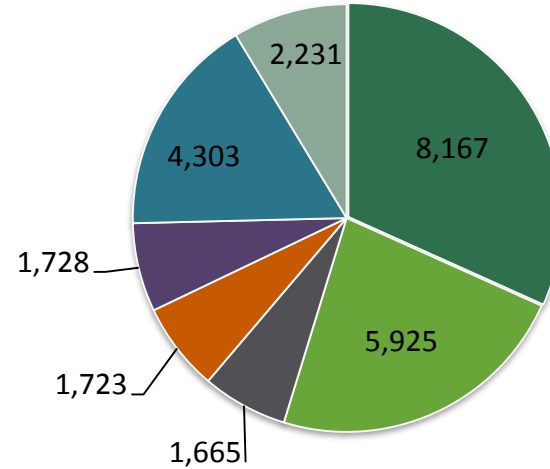
2016



2016 Total: \$23,121

■ Public Safety ■ Public Works
■ Cultural and Recreation ■ General Government

2017



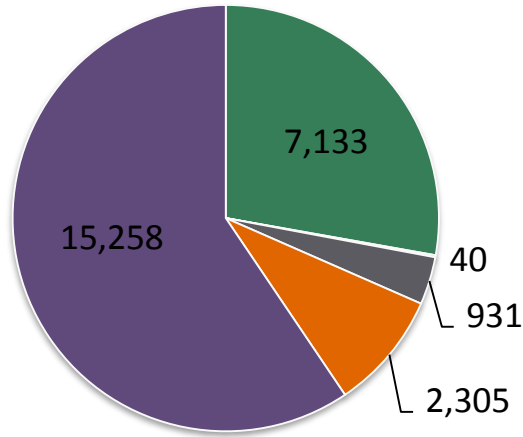
2017 Total: \$25,742

■ Debt Service ■ Capital Outlay
■ Development Services

Financial Results

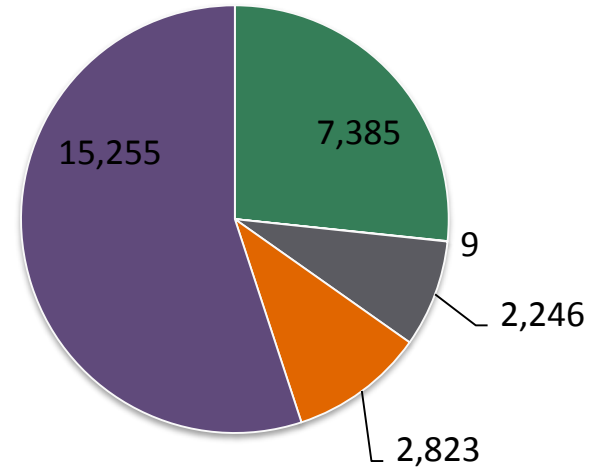
General Fund – Fund Balance (thousands)

2016



2016 Total: \$25,667

2017

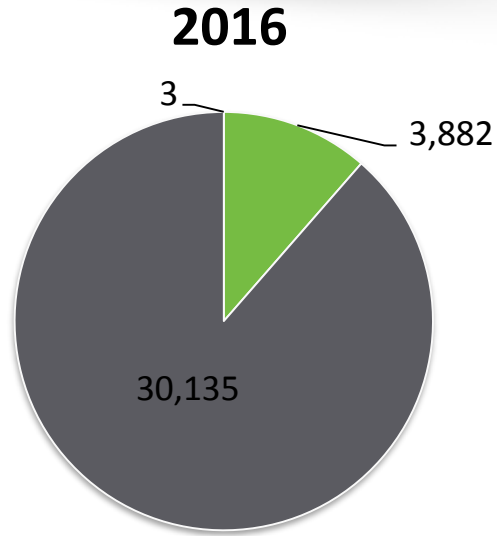


2017 Total: \$27,718

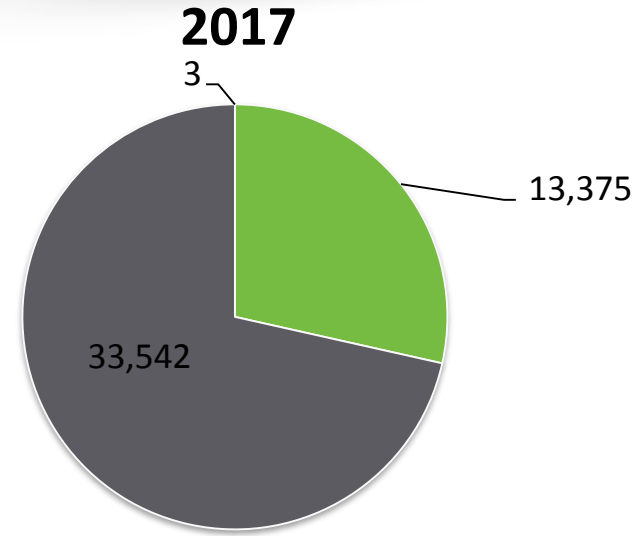
■ Restricted ■ Non Expendable ■ Committed ■ Assigned ■ Unassigned

Financial Results

Cash and Investments (thousands)



2016 Total: \$34,020



2017 Total: \$46,919

■ Petty Cash

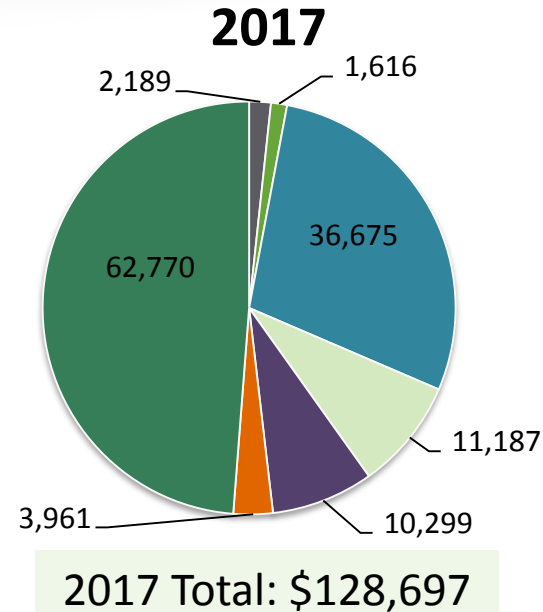
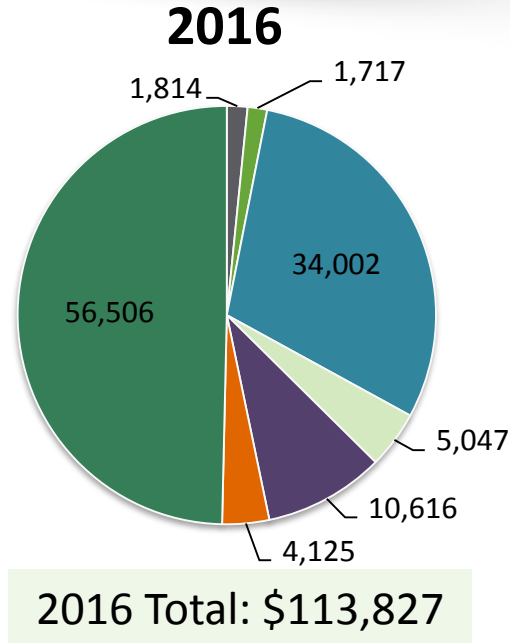
■ Carrying Amounts

■ NC Capital Management

Financial Results

Capital Assets (thousands)

Governmental Activities

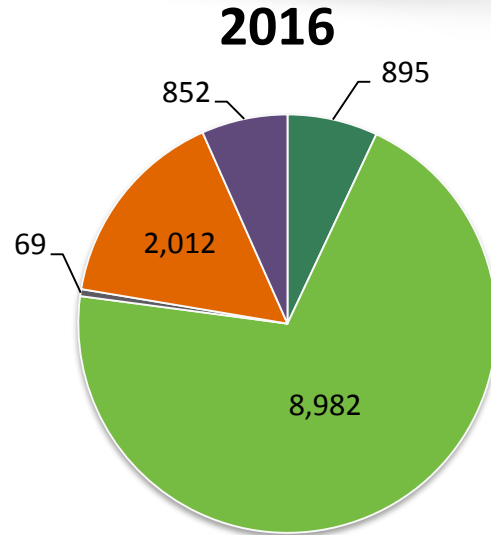


■ Vehicles ■ Equipment ■ Land ■ CIP ■ Buildings ■ Other Improvements ■ Infrastructure

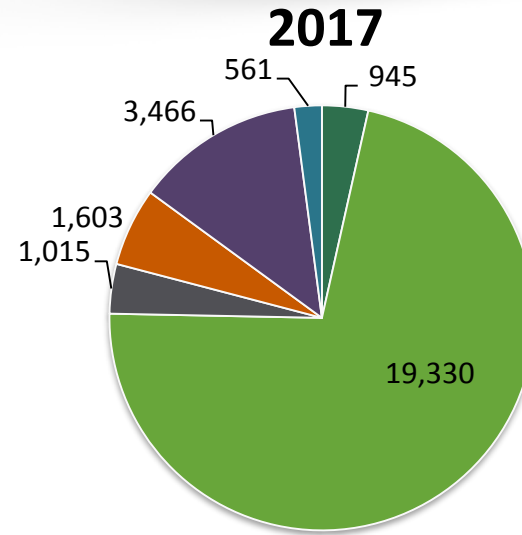
Financial Results

Long Term Debt (thousands)

Governmental Activities



2016 Total: \$12,810



2017 Total: \$26,920

■ Compensated Absences

■ Installment Notes

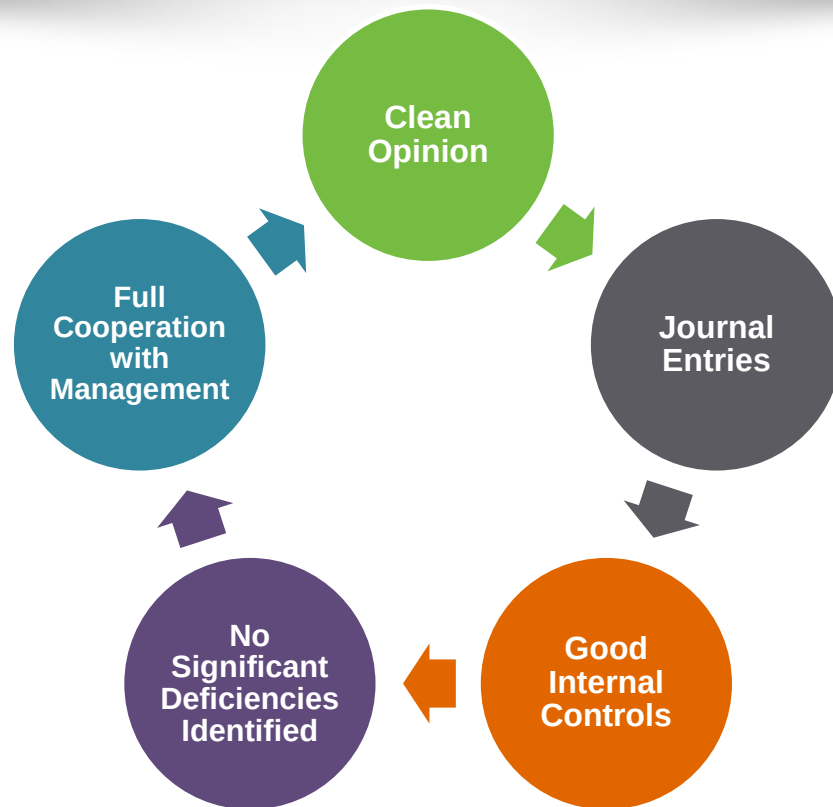
■ Bonds

■ Net Pension Obligation

■ LEOSA

■ Other Post Employment Benefits

Summary



Questions & Comments?

April Adams, CPA

Service Audit Partner

aadams@cbh.com

919.782.1040

Eddie Burke, CPA

Relationship Audit Partner

eburke@cbh.com

919.782.1040



Town Council Agenda Item Report

Agenda Item No. 2017-296-0

Submitted by: Kent Jackson

Submitting Department Engineering

Meeting Date: October 24, 2017

SUBJECT

Historic Christian Church Parking Project Update - Kent Jackson, Town Engineer

Recommendation:

For Information and Discussion.

Updates/History of Briefing:

Staff will present and discuss the current project status and anticipated project schedule.

Executive Summary and Background Information:

This project is needed in order to enhance community services currently being programmed in the Historic Christian Church Building located at 222 Church Street. Various options have been considered to expand the existing parking for the site; the current capital project was prioritized and funded with the FY 2017 Annual Budget Ordinance.

Potential Options:

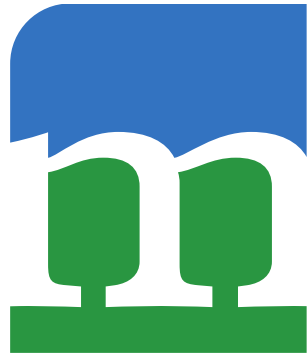
Approve, Approve with Comments, Re-prioritize Project

Staff Recommendation:

Continue with project implementation.

ATTACHMENTS

- [Historic Christian Church 20171024.pdf](#)



Morrisville

Live connected. Live well.

Historic Church Property

Parking Project Update

Background

History of the Project

Project Goals And Objectives

- Invest in Infrastructure
- Serve our Senior Program Needs
- Support expanded use of Historic Church Building
- Provide Safe and Convenient Access
- Maximize ROI for Budget Resources

Project Budget Information

Activity	Budget	Estimated
Design	\$80,000	\$49, 435 (encumbered)
Construction	\$300,000	\$300,000
Contingency	\$75,000	\$ 75,000

Current Status

Design in Progress

Design

- Design Commenced September 2017 with Professional Engineering Firm (PEF)
- 18% complete through October 2nd
- Design Completion Date is March 2018



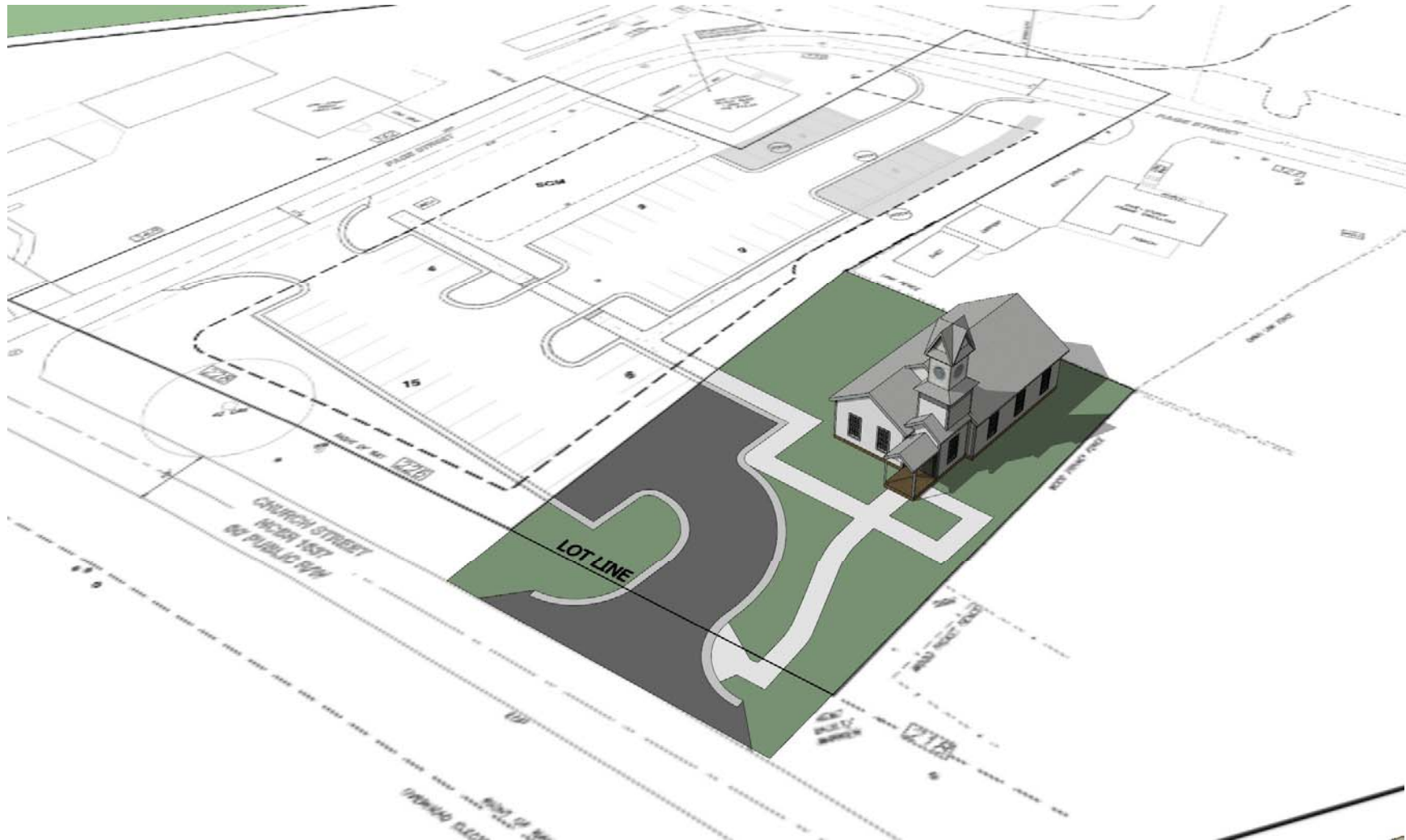
Anticipated Schedules

Approvals and Construction

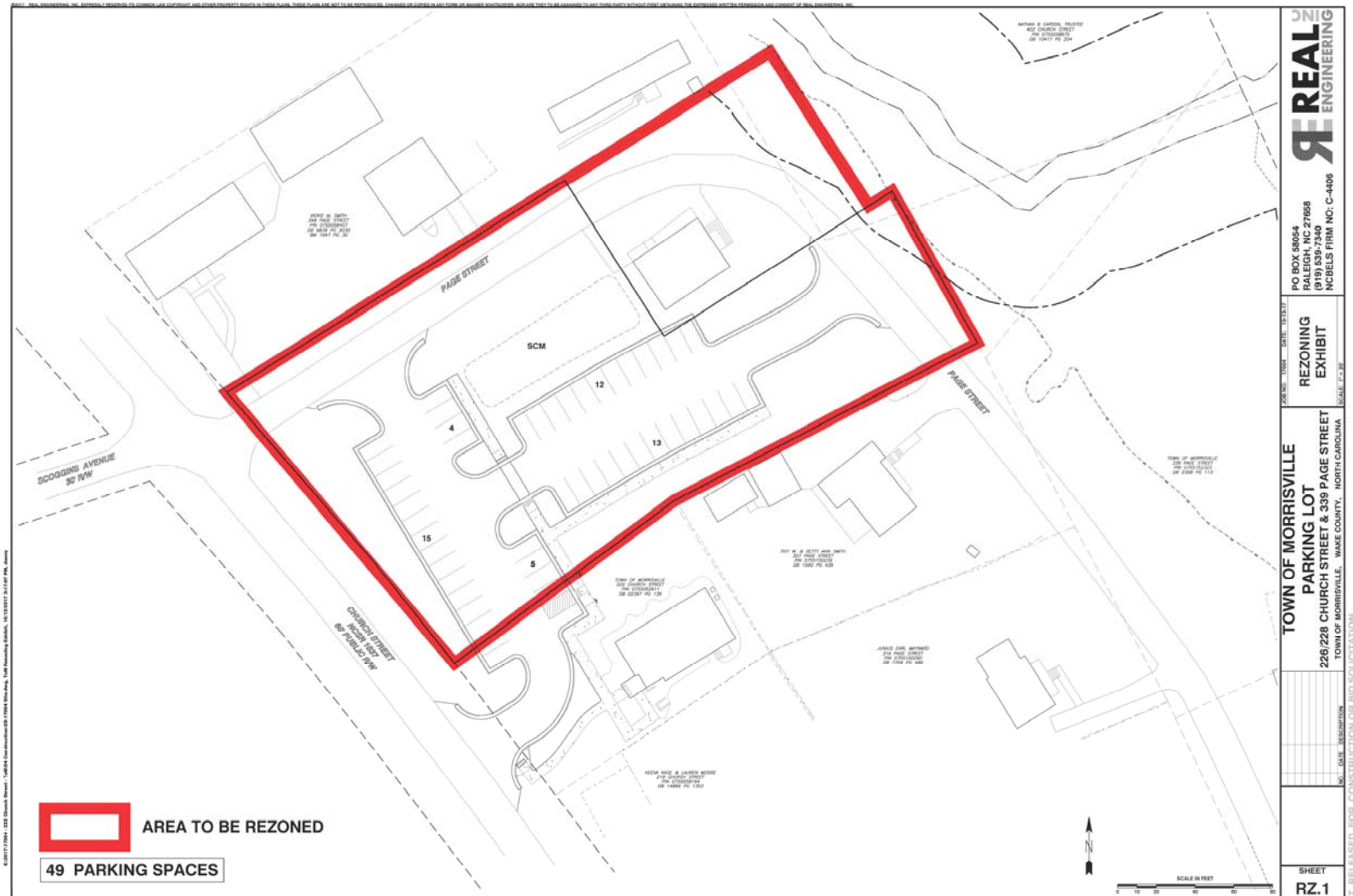
Approval Process Summary

- Historic Landmark Designations Requires Capital Area Preservation (CAP) Approval
- Concept of Additional Parking Changed from Expansion to Principle Use (Creating Greater Flexibility for Parking to Serve Town Center Core)
- Principle Use Designation Requires Conditional Zoning Approval Process.
- Site Plan Application Review According to Minor Site Plan Approval

CAP Illustration



Zoning Lot Illustration





Review Calendar

- October 27 - Site Plan and Rezoning Submittals
- November 14 - CAP Review Meeting
- December 14 – PZB (Public Comment and Recommendation)
- January 9, 2018 - Town Council Briefing and Public Hearing
- January 23, 2018 – Town Council Action

Bidding and Construction

- Bid Advertisement, April – May 2018
- Begin Construction, May – June 2018
- Estimated 100 Days to Construct
- Complete Construction, Summer 2018

Town Council Agenda Item Report

Agenda Item No. 2017-298-0

Submitted by: Michele Stegall

Submitting Department Planning

Meeting Date: October 24, 2017

SUBJECT

Public Hearing and Action on Ordinance Approving an Annexation Agreement between the City of Durham and the Town of Morrisville - Michele Stegall, Current Planning Manager

Brief- October 10

Public Hearing - October 24

Action - October 24 or November 14

THIS ITEM HAS BEEN UPDATED

Recommendation:

Approve

Updates/History of Briefing:

This item was briefed at the October 10, 2017 Council meeting. Since that meeting, a second inset was added to the proposed boundary line map attached to the agreement and the first line of the boundary line description in the agreement was updated. No changes to the location of the proposed utility service area and annexation boundary line were made and all briefing attachments have been updated accordingly. The Council should hold a public hearing on the proposed agreement at the October 24, 2017 meeting. The Council may choose to act on the agreement following the hearing on the 24th or wait until the November 14, 2017 Council meeting. Durham is currently scheduled to consider the agreement at their November 6, 2017 meeting.

Executive Summary and Background Information:

The boundary agreement between the City of Durham and Town of Morrisville expired on October 1, 2017. The agreement defines water and sanitary sewer service areas and annexation boundaries between the municipalities. The agreement was entered into in 1997 under the authority granted by Chapter 160A of the North Carolina General Statutes and amended in 2014 as part of the Kitts Creek development (see ATTHs 1 and 2). Staff has been working with the City of Durham on a new agreement (see ATTH 3) to replace the recently expired agreement.

There are only a small number of unincorporated properties without utilities remaining in the area of the boundary line. Interstate 540 runs in the vicinity of these parcels and serves as a natural barrier for the provision of utility services. Therefore, after reviewing the boundary line, staff in Durham and Morrisville found no reason to recommend any changes and the utility and annexation line between the communities is proposed to remain in its prior location. A map of the proposed boundary line is attached to the proposed agreement. With no substantive changes proposed to the agreement, the new agreement is essentially an extension of the prior agreement. Similar to the prior agreement, the new agreement is proposed to be effective for 20 years, which is the maximum length of time permitted by State Statute.

In accordance with North Carolina General Statute, prior to acting on the agreement, the Council must hold a public hearing. A public hearing on the agreement is planned for the October 24, 2017 meeting. The Council may choose to act on the agreement that same night following the hearing or at its next meeting on November 14, 2017. Durham's City Council is currently scheduled to review the agreement at either its November 6 or November 20 meeting.

Potential Options:

The Council may choose to either:

1. Approve the agreement as proposed;
2. Approve the agreement with conditions; or
3. Deny the agreement.

Staff Recommendation:

Staff recommends approval of the agreement as presented.

ATTACHMENTS

- [2017-298-0 Briefing Supplement.docx](#)
- [2017-298-0 Ord Morrisville Durham Annex Agree Final.pdf](#)
- [2017-289-0 ATTH 1 - Original 1997 Agreement and Map v2.pdf](#)
- [2017-298-0 ATTH 2 - 2014 Amended Agreement and Map v2.pdf](#)
- [2017-298-0 ATTH 3 - Proposed Agreement and Map.pdf](#)



Item Number & Subject: (2017-298-0
Morrisville-Durham Annexation Agreement)

Briefing Supplement

Lead Department: Planning Action Officer: Michele Stegall, Current Planning Manager

Subject: Ordinance 2017-298-0 of the Morrisville Town Council Approving an Annexation Agreement between the City of Durham and the Town of Morrisville

Briefing: 10/10/2017 Public Hearing: 10/24/2017 Action: 10/24/2017 or 11/14/2017

Item Schedule	Select One
Schedule 1: <i>Brief twice – vote once (six weeks)</i>	☒
Schedule 2: <i>Brief once – vote once (two weeks)</i>	☐
Schedule 3: <i>No briefing required (one week)</i>	☐

Link to Previous Briefings (if applicable):

NA

Charts/Graphs/Supplemental Graphics (referenced within Executive Summary of Agenda Item Summary Form in Peak):

NA

Advisory Board/Committee Review:

NA

Advisory Board/Committee Meeting Date and Minutes:

NA

Advisory Board/Committee Recommendation and/or vote:

NA

Meeting Perspectives and Goals Adopted by the Council:

Perspectives	Goals
Serve the Community	☐ Promote an Environmentally Sensitive & Livable Community ☐ Provide a Safe Community ☒ Deliver Quality Services ☐ Foster a Healthy Community
Run the Operations	☐ Enhance Community Preparedness & Responsiveness ☒ Maximize Partnership Opportunities ☐ Provide Courteous & Responsive Customer Service ☐ Model a Positive Town Image ☒ Deliver Efficient Services ☐ Cultivate Community Involvement & Access
Manage the Resources	☒ Maintain Fiscal Strength ☒ Maximize Utilization & Resources ☐ Invest in Infrastructure & Transportation
Develop Personnel	☐ Develop a Skilled & Diverse Workforce ☐ Create a Positive & Rewarding Work Culture

Resource Impact:

Staff time required if item is approved:

Low

Other Potential Impacts:

NA

Public Information Plan:

☒	Public Hearing (Required by GS)	☐	Public Hearing (Not Required by GS)
☒	Newspaper Notice (Required by GS)	☐	Newspaper Notice (Not Required by GS)
☐	Public Forum/Input Session	☐	Press Release
☐	Morrisville Connection	☐	E-News Distribution
☐	Social Media (Twitter, Facebook, etc.)	☐	Website Notice
☐	Special Mailing	☐	Banners Posted
☐	Flyers Posted	☐	Survey
☐	Automated Phone Call	☐	None Required

Other:



**ORDINANCE 2017-298-o OF THE MORRISVILLE TOWN
COUNCIL APPROVING AN ANNEXATION AGREEMENT
BETWEEN THE CITY OF DURHAM AND THE
TOWN OF MORRISVILLE**

WHEREAS, Article 4A, Part 6 and Article 20, Part 1 of Chapter 160A of the North Carolina General Statutes authorizes municipalities to enter into agreements in order to promote the orderly planning of municipalities and infrastructure improvements; and

WHEREAS, the City of Durham and the Town of Morrisville seek to have planned development for their respective municipalities that carries out mutually agreed upon plans for such important public facilities as sanitary sewer and water services; and

WHEREAS, the City of Durham and the Town of Morrisville previously entered into an annexation agreement for this purpose in 1997 that established water and sanitary sewer service area and annexation boundaries between the two municipalities; and

WHEREAS, by mutual consent of both parties, the 1997 agreement was amended in 2014; and

WHEREAS, the aforementioned agreement expired on October 1, 2017 and the City of Durham and the Town of Morrisville wish to enter into a new agreement for this same purpose; and

WHEREAS, the new proposed agreement is substantially the same as the original amended agreement and the water and sanitary sewer service area and annexation boundaries are not proposed to change; and

WHEREAS, the Morrisville Town Council held a public hearing to consider the proposed agreement on October 24, 2017 and notice of the hearing was provided in accordance with all requirements of law.

NOW, THEREFORE, BE IT ORDAINED THAT THE MORRISVILLE TOWN COUNCIL hereby finds that it is in the best interest of the Town of Morrisville to enter into a new annexation agreement with the City of Durham in order to promote the orderly planning of both municipalities and therefore:

SECTION 1: The Mayor of the Town of Morrisville is hereby authorized to execute a new annexation agreement with the City of Durham, a copy of which is attached hereto as Exhibit "A".

SECTION 2: This ordinance shall be in full force and effect from and after its passage.

Adopted this the < > day of < >, 2017.

Mark Stohlman, Mayor

ATTEST:

Erin L. Hudson, Town Clerk

Agreement Between Morrisville and Durham Defining Water and Sanitary Sewer Service Areas and Annexation Boundaries

This is a new agreement ("Agreement") between the **City of Durham** (hereafter "Durham") and the **Town of Morrisville** (hereafter "Morrisville"), both North Carolina municipal corporations, defining water and sanitary sewer service areas and annexation boundaries.

1. Statutory Authority and Purpose. This Agreement is made pursuant to Article 4A, Part 6 and Article 20, Part 1 of Chapter 160A of the North Carolina General Statutes. The purpose of this Agreement is to define, for each municipality, service areas for water and sanitary sewer service in which the other municipality will not offer water or sanitary sewer service and define areas in which each municipality will not conduct future annexations and provide for other miscellaneous matters related to the aforementioned subjects. The parties entered into an agreement for this purpose effective October 1, 1997, which was subsequently modified in 2014 (as modified, the "Original Agreement"). This Agreement replaces the Original Agreement.

2. Designated Service Provider. Effective April 2, 2006, the Town of Morrisville ceased providing water and sanitary sewer utility services to Morrisville businesses and residents and merged such utility services with the Town of Cary utilities. As of April 2, 2006 the Town of Cary provides all public water and sanitary sewer utility services to business and residential customers located within Morrisville, and the Town of Cary is the Designated Service Provider for Morrisville for purposes of this Agreement.

3. Term. The initial term of this Agreement shall be until October 1, 2037, and the Agreement shall become effective immediately following its adoption by the governing bodies of Morrisville and Durham.

4. Location of Boundary. A boundary line (hereafter, "the boundary line") is hereby established as described below and as shown on Attachment A, which is incorporated into this Agreement. This shall be the boundary line for both water and sanitary sewer service (hereafter "service") and future annexations. The boundary line is as follows:

Beginning at the intersection of the Durham/Wake County Line on the eastern right-of-way of Davis Drive (North Carolina State Road 1613), shown as Tract 1 as recorded in the Durham County Registry in Plat Book 138, Page 167 (Durham County PIN: 0737-01-90-3028.DW) then running along the following lines:

- a. in an easterly direction along the Durham/Wake County Line approximately 1,425 feet to a point located within the right of way of Triangle Expressway where the existing Corporate limits of the City of Durham crosses the Durham/Wake County line, said point being the southwestern most corner of Tract 2 as shown on the City of Durham Annexation Map recorded in the Durham County Registry in Plat Book 131, Page 212. Said point also being the northwestern most corner of the 12.09acre tract annexed into the City of Durham as shown on map entitled "Annexation Map of Davis Park" and recorded in the Durham County Registry in Plat Book 137, Page 92;
- b. then in a southerly direction with the western boundary line and then in an easterly direction with the southern boundary line of Plat Book 137, Page 92, to a point in the

eastern R/W of the Triangle Expressway, said point also being the southwestern corner of “Revised New Pond Lot #2”, which is the property conveyed to Keystone Technology Park Owners Association, Inc. by deed recorded in the Durham County Registry in Book 6650, Page 821 and in the Wake County Registry in Book 14406, Page 369, and that is identified by Wake County tax parcel PIN 0747-00-2469 (said property being “New Pond Lot #2” as shown on a map recorded in the Durham County Registry in Plat Book 149, Pages 19 and 20 and in the Wake County Registry in Book of Maps 2000, Pages 1368 and 1369, less the portion thereof that now is part of the right of way of Triangle Expressway; Then continuing in an easterly direction with the southern boundary line of Revised New Pond Lot #2 to the southeast corner of Revised New Pond Lot #2, said point also being a common corner with the southwest corner of property that is identified by Wake County tax parcel PIN 0747-10-0467 (said property being “New Tract XI-XII” as shown on a map recorded in the Durham County Registry in Plat Book 149, Pages 19 and 20 and in the Wake County Registry in Book of Maps 2000, Pages 1368 and 1369);

- c. then in a northerly direction, then in an easterly direction and then again in a northerly direction with the eastern boundary line of said New Tract XI-XII to a point on the Durham/Wake County Line, said point also being in the western boundary line of property that was originally identified by Durham County PIN 0747-03-10-9647 (now 0747-03-10-8883.DW) and by Wake County PIN 0747-10-4595 (said property being owned now or formerly by KCR Developers LLC – see deed recorded in the Durham County, North Carolina Registry in Book 7398, Page 754 and in the Wake County, North Carolina Registry in Book 15504, Page 1009);
- d. then with the western boundary line in a northerly direction, the northern boundary line in an easterly direction, and the eastern boundary line in a southerly direction of said property owned now or formerly by KCR Developers LLC to a point on the northern boundary line of Lot No. 405 in Kitts Creek Subdivision in the Town of Morrisville (see map recorded in the Wake County Registry in Book of Maps 2013, Pages 1224 through 1226 and Ratification of Plats recorded in the Wake County Registry in Book 15468, Page 2077 – such point on the northern boundary line of Lot 405 being where the dashed line running in a north/south direction intersects with said northern boundary line as shown on Book of Maps 2013, Page 1225);
- e. then in an easterly direction with the northern boundary lines of the following Lots in Kitts Creek Subdivision: 405, 404, 403, 402, 401, 400, 399, 398, 397, 396, 395, 394, 393, and 392 (all of which are shown on the map recorded in the Wake County Registry in Book of Maps 2013, Pages 1224 through 1226) to the northeast corner of Lot 392 on the western margin of the right of way of Roundhouse Lane);
- f. then continuing in an easterly direction on a line across the right of way of Roundhouse Lane that connects the northeast corner of Lot 392 with the northwest corner of Lot No. 1001 in Kitts Creek Subdivision on the eastern margin of the right of way of Roundhouse Lane (see map recorded in the Wake County Registry in Book of Maps 2011, Pages 884 through 886);
- g. then in an easterly direction with the northern boundary lines of the following Lots in Kitts Creek Subdivision (all of which are shown on a map recorded in Book of Maps 2011, Pages 884 through 886): 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, and 1018 to the northeast corner of Lot 1018, said northeast corner being a common corner with the northwest corner of property

owned now or formerly by William E. Green, Jr. and identified by Wake County PIN 0747400465 (see deed recorded in the Wake County Registry in Book 9687, Page 2710);

- h. then in an easterly direction along the northern boundary of said property owned now or formerly by William E. Green, Jr. to the northeast corner of said property owned now or formerly by William E. Green, Jr. in the western margin of the right of way of Church Street;
- i. then continuing along the same line in an easterly direction across the right of way of Church Street, then across a railroad right of way, and then across the right of way of NC Highway 54 (also known as Chapel Hill Road) to a point in the right of way of NC Highway 54 at the intersection of lines L24 and L25 as shown on a map recorded in the Wake County Registry in Book of Maps 2008, Pages 1942 through 1948 (referred to herein as the "Town Of Morrisville ETJ Line");
- j. then in an easterly direction along said Town of Morrisville ETJ Line on Page 1943 of the Shiloh Crossing Map (which line runs through Lot 1 and then through Lot 14 on the Shiloh Crossing Map) to the northwest corner of Lot 13 on Page 1943 of the Shiloh Crossing Map;
- k. then running with the northern boundary line of Lot 13 on Page 1943 of the Shiloh Crossing Map to the point that is the common corner of the northeast corner of Lot 13 and the northwest corner of Lot 15 on Page 1943 of the Shiloh Crossing Map;
- l. then running along the northern boundary line of Lot 15 on Page 1943 of the Shiloh Crossing Map to a point on said northern boundary line that intersects with a line identified on Pages 1943 and 1947 of the Shiloh Crossing Map as "Town Of Morrisville ETJ Line";
- m. then running in a southeasterly direction with said Town Of Morrisville ETJ Line on Pages 1943 and 1947 of the Shiloh Crossing Map to a point on the Town of Morrisville ETJ Line;
- n. then running in an easterly direction with the Town of Morrisville ETJ Line to a point where it intersects with the northern margin of the right of way of Shiloh Glenn Drive on Page 1947 of the Shiloh Crossing Map;
- o. then running along the northern margin of the right of way of Shiloh Glenn Drive in an easterly direction to the point where line L10 intersects with the Durham/Wake County Line on Page 1947 of the Shiloh Crossing Map;
- p. then continuing along the northern margin of the right of way of Shiloh Glenn Drive in an easterly direction to the point where it next intersects with the Durham/Wake County Line on Page 1947 of the Shiloh Crossing Map;
- q. then along the Durham/Wake County Line to a point on the southeastern margin of the right of way of Interstate 540;
- r. then northeast along the southeastern margin of the right of way of Interstate 540 to the southwestern margin of the right of way of Interstate 40;
- s. then southeast along the southwestern margin of the right of way of Interstate 40 to the Durham/Wake County Line.

5. Water and Sewer Service Areas. Morrisville shall not authorize or request its Designated Service Provider to supply water or sanitary sewer service to areas north of the boundary line and Durham agrees not to supply water or sanitary sewer service to areas south of the boundary line, except as further described in this paragraph and in paragraph 6 below. If the boundary line splits a parcel, service shall be provided by the party in whose jurisdiction the buildings on the parcel lie, or, if there are buildings on both sides of the boundary line, by agreement of the Managers of Durham and Morrisville. Prior to reaching any such agreement, Morrisville's Manager may need to seek approval from its Designated Service Provider as required by any agreements between Morrisville and its Designated Service Provider. Notwithstanding the limitations above, Durham shall have the right to provide service to any area within Wake County located in either Cary's or Raleigh's existing or future extraterritorial jurisdiction if such service is allowed under an agreement with Cary or Raleigh.

6. Exceptions. Either party may install or cause to be installed water and sanitary sewer service facilities within the service area of the other party, assuming compliance with applicable legal requirements. These facilities may not be used to serve customers located within the other party's service area, with the exception of other governmental entities or utility systems, except by written agreement of the Managers of Morrisville and Durham. Prior to reaching any such agreement, Morrisville's Manager may need to seek approval from its Designated Service Provider as required by any agreements between Morrisville and its Designated Service Provider. Such written agreements are intended solely to allow for limited service or temporary service, and shall not be used to permanently alter the boundary line.

7. Annexation Boundary. The boundary line shall also constitute an annexation boundary line. Durham agrees not to annex property south of the boundary line. Morrisville agrees not to annex property north of the boundary line. "Annex property" means to effect an "annexation" as defined by N.C.G.S. §160A-58.22(2), and includes extending corporate limits as authorized by N.C.G.S. Chapter 160A, a municipal charter, or a local act applicable to either party, as such statutory authority exists now or as hereafter amended.

The parties shall notify each other of all annexations in the area subject to this Agreement 60 or more days prior to the adoption of each annexation ordinance, as required by N.C.G.S. §160A-58.24(a)(5). The notified party may waive this notice requirement. Notices shall describe the area to be annexed by a legible map as required under N.C.G.S. §160A-58.24(b). Morrisville shall send one copy of each annexation notice to the attention of the Durham City-County Planning Director, and a second copy to the attention of the Finance Director for the City of Durham. Durham shall send a copy of each annexation notice to the Town Manager of Morrisville and a second copy to the attention of the Planning Director of the Town of Morrisville. Each party shall provide a copy of the adopted annexation ordinance including the legal description within 90 days of adoption.

8. Limitations on Service to Other Utilities. Morrisville shall not request its Designated Service Provider to supply water to any other governmental entity or utility that provides water service to any customer in Durham County unless Durham agrees in writing, or unless the provision of such service is pursuant to a written agreement that predates October 1, 1996, and a copy of such agreement is furnished to Durham or unless the provision of such service is pursuant to a written agreement between Durham and Morrisville's Designated Service Provider.

9. Amendment and Termination. This Agreement may be modified or terminated by subsequent written agreement of both parties and in conformance with the requirements of N.C.G.S. § 160A-

58.24(d), if applicable. The provisions of this agreement regarding annexation may be terminated by either party in the manner prescribed by N.C.G.S. § 160A-58.24(f). Substantial breach of the terms of this Agreement by a party is grounds for unilateral termination by the other party provided that the terminating party has given 90 days' written notice to the breaching party and the breaching party has not cured the breach during that period. This provision does not limit the rights to enforce this Agreement through any other action or remedy authorized under law.

10. Procedures for Adoption or Amendment. Prior to the approval of this Agreement each party shall hold a public hearing, give notice, and adopt an ordinance as prescribed by N.C.G.S. §160A-58.24(c). These requirements shall also be followed for any amendments related to annexation (N.C.G.S. § 160A-58.24(d)).

11. Forum. Any litigation arising out of this Agreement shall be determined in the courts in the county of the party bringing the suit, with the exception of petitions filed under N.C.G.S. §160A-58.27, which shall be brought in the courts specified therein. A party adjudged by the court to be in breach of this Agreement shall pay the reasonable attorney's fees of the other party related to enforcing this Agreement.

[SIGNATURE PAGE FOLLOWS]

TOWN OF MORRISVILLE

ATTEST:

_____, Town Clerk

_____, Mayor

CITY OF DURHAM

ATTEST:

_____, City Clerk

_____, Mayor

STATE OF NORTH CAROLINA
COUNTY OF _____

I, _____, a Notary Public in and for the aforesaid County and State, certify that _____, Mayor of the TOWN OF MORRISVILLE, personally appeared before me this day and acknowledged, by authority given, the execution of the foregoing contract with the City of Durham.

This the _____ day of _____, 2017.

My Commission Expires:

Notary Public

STATE OF NORTH CAROLINA
COUNTY OF _____

I, _____, a Notary Public in and for the aforesaid County and State, certify that _____ personally appeared before me this day and acknowledged that she is _____ City Clerk of the CITY OF DURHAM, a municipal corporation, and that by authority duly given and as the act of the City, the foregoing contract was signed in its corporate name by its _____ City Manager, sealed with its corporate seal, and attested by himself as its said City Clerk or Deputy City Clerk.

This the _____ day of _____, 2017.

My Commission Expires:

Notary Public

This Instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

This the _____ day of _____, 2017.

Town of Morrisville Finance Officer

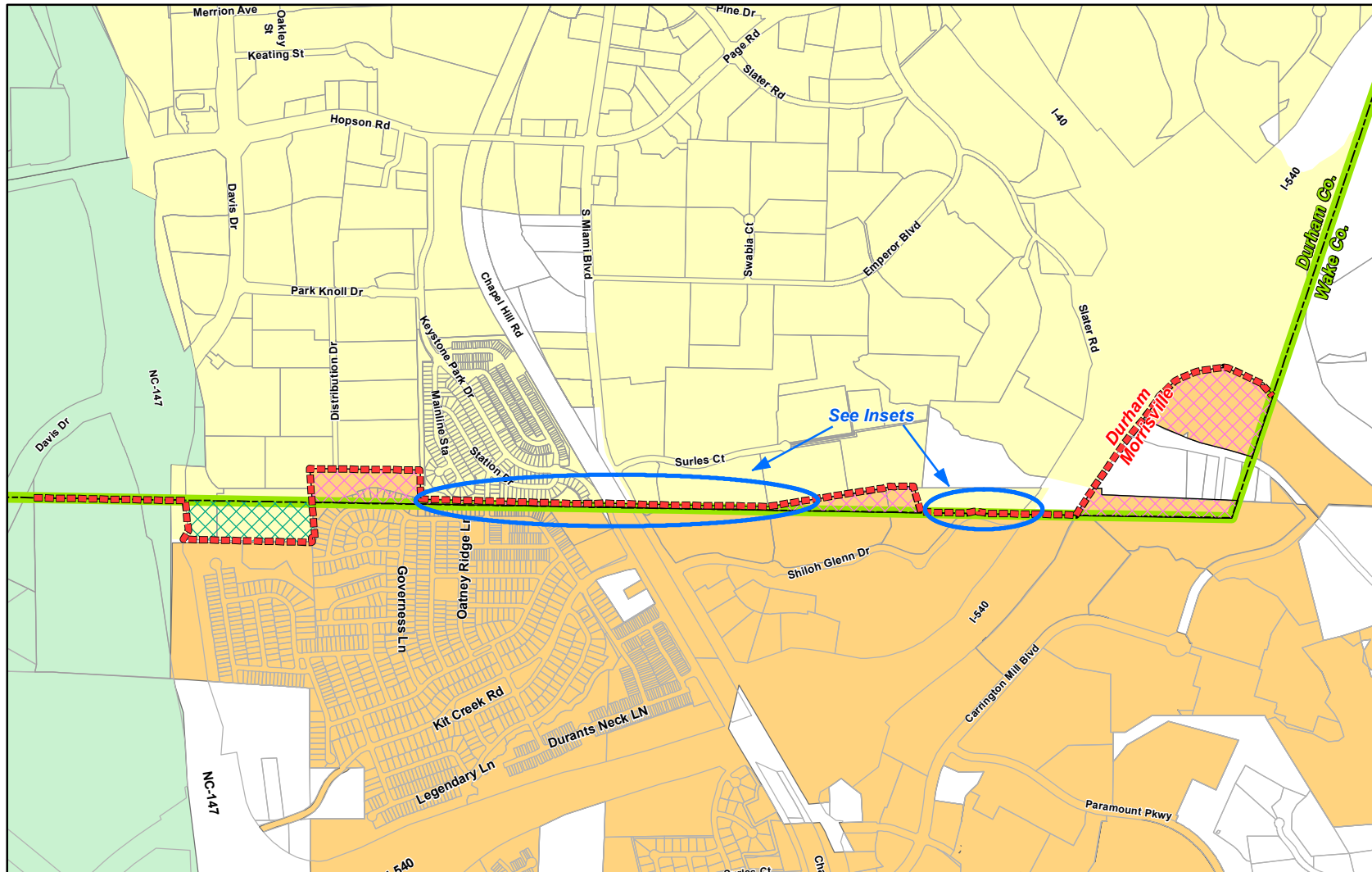
This Instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

This the _____ day of _____, 2017.

City of Durham Finance Officer

2017 Durham-Morrisville Service Boundary Agreement

Attachment A



Legend:

- - - Durham-Morrisville Service Boundary Line
- City of Durham
- Town of Morrisville
- RTP
- Durham-Wake County Line
- Parcels
- Durham Annexation in Wake County
- Morrisville Annexations in Durham County

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Feet

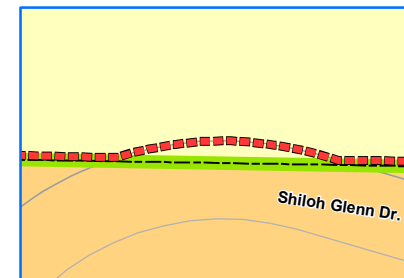
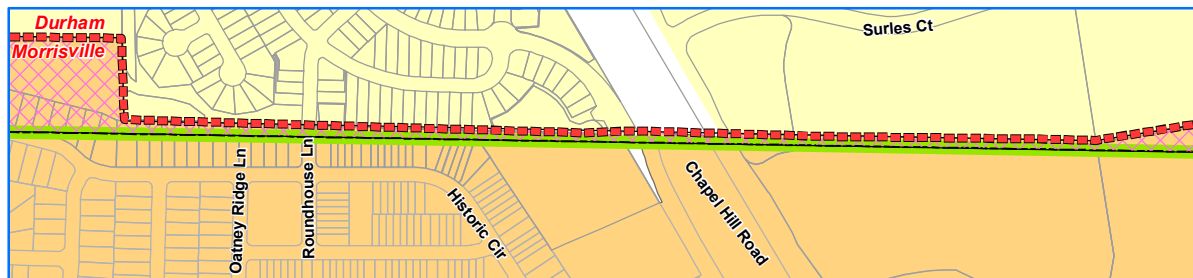
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Planning



Inset Areas:



ATTH 1 - Original Agreement and Map

Agreement Between Morrisville and Durham Defining Water and Sewer Service Areas and Annexation Boundaries

This is an agreement between the **City of Durham** (hereafter "Durham") and the **Town of Morrisville** (hereafter "Morrisville"), both North Carolina municipal corporations.

1. Statutory Authority and Purpose. This agreement is made pursuant to Article 4A, Part 6 and Article 20, Part 1 of N.C.G.S. §160A of the North Carolina General Statutes. The purpose of this agreement is to define, for each municipality, service areas for water and sewer service in which the other municipality will not offer water or sewer service and define areas in which each municipality will not conduct future annexations and provide for other miscellaneous matters related to the aforementioned subjects.
2. Term. The duration of this agreement shall be 20 years, and the effective date shall be October 1, 1997
3. Location of Boundary. A boundary line (hereafter, "the boundary line") is hereby established as further described in this paragraph and as shown on Attachment A, which is incorporated into this agreement. This shall be the boundary line for both water and sewer service "(hereafter "service") and future annexations, as further described in the paragraphs below. The boundary line is as follows: Beginning at the intersection of the Durham/Wake County Line and Davis Dr., thence east along the Durham/Wake County Line to the northwest corner of Wake County tax parcels PIN 074703006486, thence in a counterclockwise direction around Wake County tax parcels PIN 074703006486 to the Durham/Wake County Line, thence east along the Durham /Wake County Line to the eastern right-of-way line of NC Highway 54 which is also the southwest corner of Durham County tax parcel 585/3/20, thence in a clockwise direction around Durham County tax parcel 585/3/20 to the Durham/Wake County Line, thence east along the Durham/Wake County Line to the southeastern right-of-way line of the Northern Wake Expressway (I- 540), thence northeast along the southeastern right-of-way line of the Northern Wake Expressway (I-540) to the southwestern right-of-way line of Interstate 40, thence southeast along the southwestern right-of-way line of Interstate 40 to the Durham/Wake County Line.
4. Water and Sewer Service Areas. Morrisville agrees not to supply water or sewer service to areas north of the boundary line and Durham agrees not to supply water or sewer service to areas south of the boundary line, except as further described in this paragraph and in paragraph 7 below. If the boundary line splits a parcel, service shall be provided by the party in whose jurisdiction the buildings on the parcel lie, or, if there are buildings on both sides of the boundary line, by agreement of the managers of Durham and Morrisville. Notwithstanding the limitations above, Durham shall have the right to provide service to any area within Wake County located in either Cary's or Raleigh's existing or future extraterritorial jurisdiction if such service is allowed under an agreement with Cary or Raleigh.

5. Exceptions. Either party may install facilities within the service area of the other party, assuming compliance with applicable legal requirements. These facilities may not be used to serve customers located within the other party's service area, with the exception of other governmental entities or utility systems, except by written agreement of the managers of Morrisville and Durham. Such written agreements are intended solely to allow for extremely limited service or temporary service, and shall not be used to permanently alter the boundary line, which may only be altered pursuant to written agreement between the governing bodies of Morrisville and Durham pursuant to paragraph 8 below.

6. Annexation Boundary. The boundary line shall also constitute an annexation boundary line. Durham agrees not to annex property south of the boundary line. Morrisville agrees not to annex property north of the boundary line. "Annex property" means to effect an "annexation" as defined by N.C.G.S. §160A-58.22(2), and includes extending corporate limits as authorized by N.C.G.S. §160A, a municipal charter, or a local act applicable to either party, as such statutory authority exists now or as hereafter amended.

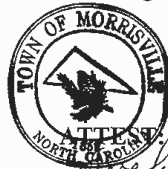
The parties shall notify each other of all annexations 60 or more days prior to the adoption of each annexation ordinance, as required by N.C.G.S. §160A-58.24(a)(4). Notices shall describe the area to be annexed by a legible map as required under N.C.G.S. §160A-58.24. Morrisville shall send one copy of each annexation notice to the attention of the Durham City Engineer, and a second copy to the attention of the Finance Director for the City of Durham. Durham shall send a copy of each annexation notice to the Town Manager of Morrisville.

7. Limitations on Service to Other Utilities. Morrisville shall not supply water to any other governmental entity or utility that provides water service to any customer in Durham County unless Durham agrees in writing, or unless the provision of such service is pursuant to a written agreement that predates October 1, 1996, and a copy of such agreement is furnished to Durham..

8. Amendment and Termination. This agreement may be modified or terminated by subsequent written agreement of both parties. The agreement regarding annexation (paragraph 6 and related paragraphs necessary to the interpretation of paragraph 6) may be terminated by either party in the manner prescribed by N.C.G.S. §160A-58.24(f). Substantial breach of the terms of this agreement by a party is grounds for unilateral termination by the other party provided that the terminating party has given 90 days' written notice to the breaching party and the breaching party has not cured the breach during that period. This provision does not limit the rights to enforce this agreement through any other action or remedy authorized under law.

9. Procedures for Adoption or Amendment. Prior to the approval of this agreement each party shall hold a public hearing, give notice, and adopt an ordinance as prescribed by N.C.G.S. §160A-58.24© and (d). These requirements shall also be followed for any amendments related to annexation.

10. Forum. Any litigation arising out of this Agreement shall be determined in the courts in the county of the party bringing the suit, with the exception of petitions filed under N.C.G.S. §160A-58.27, which shall be brought in the courts specified therein. A party adjudged by the court to be in breach of this agreement shall pay the reasonable attorney's fees of the other party related to enforcing this agreement.



Cheryl C. Lumley
_____, Town Clerk

TOWN OF MORRISVILLE

Margaret E. Broadwell
_____, Mayor

ATTEST:

Margaret M. Bowers
_____, City Clerk

CITY OF DURHAM

J. Garrett Wells
_____, City Manager

STATE OF NORTH CAROLINA

COUNTY OF _____

I, Julia W. Ketchum, a notary public in and for the aforesaid county and state, certify that Margaret Broadwell Mayor of the TOWN OF MORRISVILLE, personally appeared before me this day and acknowledged, by authority duly given, the execution of the foregoing contract with the City of Durham. This the 13 day of Nov., 1997.

My commission expires:

Julia W. Ketchum
_____, Notary Public

STATE OF NORTH CAROLINA

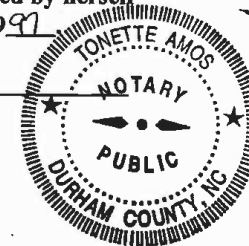
COUNTY OF Durham

I, a notary public in and for said county and state, certify that Margaret M. Bowers personally appeared before me this day, and acknowledged that she is _____
_____, City Clerk of the CITY OF DURHAM, a municipal corporation, and that by authority duly given and as the act of the City, the foregoing contract was signed in its corporate name by its _____ City Manager, sealed with its corporate seal, and attested by herself as its said City Clerk or Deputy City Clerk. This the 8th day of December, 1997.

My commission expires:

07-17-2002

Tonette Amos
_____, Notary Public



This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

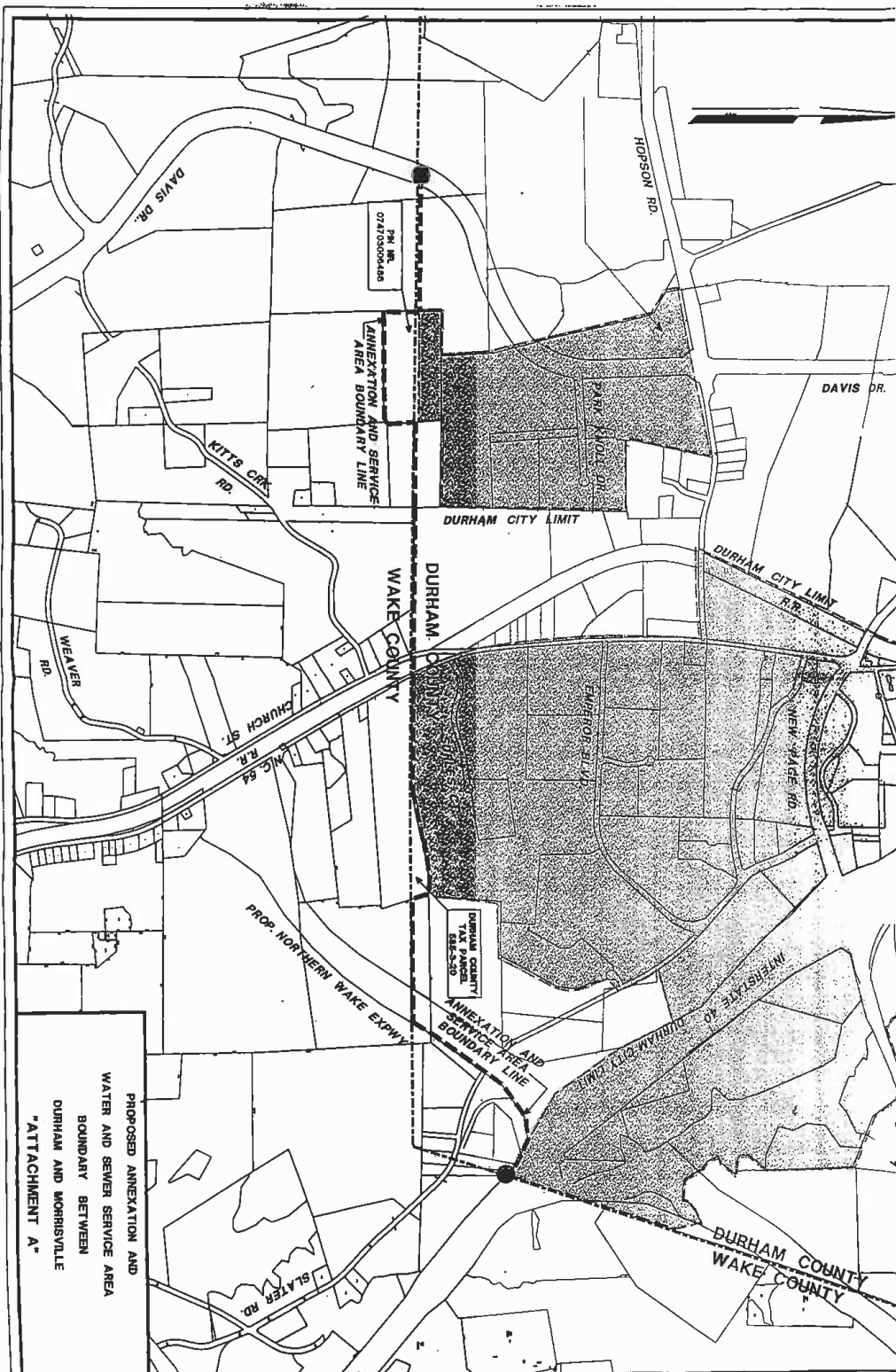
This the 13 day of Nov, 1997

Julia W. Ketchum
TOWN OF MORRISVILLE FINANCE OFFICER

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

This the 3rd day of Dec, 1997

John Pedraza
CITY OF DURHAM FINANCE OFFICER



PROPOSED ANNEXATION AND
WATER AND SEWER SERVICE AREA
BOUNDARY BETWEEN
DURHAM AND MORRISVILLE
"ATTACHMENT A"

Revised and Amended Agreement Between Morrisville and Durham Defining Water and Sewer Service Areas and Annexation Boundaries

This is an agreement between the **City of Durham** (hereafter "Durham") and the **Town of Morrisville** (hereafter "Morrisville"), both North Carolina municipal corporations.

1. Statutory Authority and Purpose. This agreement is made pursuant to Article 4A, Part 6 and Article 20, Part 1 of Chapter 160A of the North Carolina General Statutes. The purpose of this agreement is to define, for each municipality, service areas for water and sewer service in which the other municipality will not offer water or sewer service and define areas in which each municipality will not conduct future annexations and provide for other miscellaneous matters related to the aforementioned subjects. The parties entered into an agreement for this purpose effective October 1, 1997. This 2013 Agreement replaces the 1997 Agreement.

2. Designated Service Provider. Effective April 2, 2006, the Town of Morrisville ceased providing water and sanitary sewer utility services to Town residents and merged such utility services with the Town of Cary utilities. As of April 2, 2006 the Town of Cary provides all public water and sanitary sewer utility services to businesses and residential customers located within the Town of Morrisville, and is the Designated Service Provider for the Town of Morrisville, for purposes of this agreement.

3. Term. The duration shall be until October 1, 2017, and the effective date of this Revised and Amended Agreement shall be April 1, 2014.

4. Location of Boundary. A boundary line (hereafter, "the boundary line") is hereby established as further described in this Exhibit and as shown on Attachment A, which is incorporated into this agreement. This shall be the boundary line for both water and sewer service (hereafter "service") and future annexations. The boundary line is as follows:

Beginning at the intersection of the Durham/Wake County Line on the east side of Davis Drive (North Carolina State Road 1613), then running along the following lines:

- a. in an easterly direction along the Durham/Wake County Line to a point on the eastern margin of the right of way of Triangle Expressway and the western boundary line of "Revised New Pond Lot #2", which is the property conveyed to Keystone Technology Park Owners Association, Inc. by deed recorded in the Durham County Registry in Book 6650, Page 821 and in the Wake County Registry in Book 14406, Page 369, and that is identified by Wake County tax parcel PIN 0747-00-2469 (said property being "New Pond Lot #2" as shown on a map recorded in the Durham County Registry in Plat Book 149, Pages 19 and 20 and in the Wake County Registry in Book of Maps 2000, Pages 1368 and 1369, less the portion thereof that now is part of the right of way of Triangle Expressway;
- b. then in a southerly direction with the western boundary line and then in an easterly direction with the southern boundary line of Revised New Pond Lot #2 to the southeast corner of Revised New Pond Lot #2, said point also being a common corner with the southwest corner of property that is identified by Wake County tax parcel PIN 0747-10-0467 (said property being "New Tract XI-XII" as shown on a map recorded in the

Durham County Registry in Plat Book 149, Pages 19 and 20 and in the Wake County Registry in Book of Maps 2000, Pages 1368 and 1369);

- c. then with the southern boundary line in an easterly direction and then in a northerly direction with the eastern boundary line of said New Tract XI-XII to a point on the Durham/Wake County Line, said point also being in the western boundary line of property that is identified by Durham County PIN 0747-03-10-9647 and by Wake County PIN 0747-10-9501 (said property being owned now or formerly by KCR Developers LLC – see deed recorded in the Durham County, North Carolina Registry in Book 7398, Page 754 and in the Wake County, North Carolina Registry in Book 15504, Page 1009);
- d. then with the western boundary line in a northerly direction, the northern boundary line in an easterly direction, and the eastern boundary line in a southerly direction of said property owned now or formerly by KCR Developers LLC to a point on the northern boundary line of Lot No. 405 in Kitts Creek Subdivision in the Town of Morrisville (see map recorded in the Wake County Registry in Book of Maps 2013, Pages 1224 through 1226 and Ratification of Plats recorded in the Wake County Registry in Book 15468, Page 2077 – such point on the northern boundary line of Lot 405 being where the dashed line running in a north/south direction intersects with said northern boundary line as shown on Book of Maps 2013, Page 1225);
- e. then in an easterly direction with the northern boundary lines of the following Lots in Kitts Creek Subdivision: 405, 404, 403, 402, 401, 400, 399, 398, 397, 396, 395, 394, 393, and 392 (all of which are shown on the map recorded in the Wake County Registry in Book of Maps 2013, Pages 1224 through 1226) to the northeast corner of Lot 392 on the western margin of the right of way of Roundhouse Lane);
- f. then continuing in an easterly direction on a line across the right of way of Roundhouse Lane that connects the northeast corner of Lot 392 with the northwest corner of Lot No. 1001 in Kitts Creek Subdivision on the eastern margin of the right of way of Roundhouse Lane (see map recorded in the Wake County Registry in Book of Maps 2011, Pages 884 through 886);
- g. then in an easterly direction with the northern boundary lines of the following Lots in Kitts Creek Subdivision (all of which are shown on a map recorded in Book of Maps 2011, Pages 884 through 886): 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, and 1018 to the northeast corner of Lot 1018, said northeast corner being a common corner with the northwest corner of property owned now or formerly by William E. Green, Jr. and identified by Wake County PIN 0747400465 (see deed recorded in the Wake County Registry in Book 9687, Page 2710);
- h. then in an easterly direction along the northern boundary of said property owned now or formerly by William E. Green, Jr. to the northeast corner of said property owned now or formerly by William E. Green, Jr. in the western margin of the right of way of Church Street;
- i. then continuing along the same line in an easterly direction across the right of way of Church Street, then across a railroad right of way, and then across the right of way of NC Highway 54 (also known as Chapel Hill Road) to a point in the right of way of NC Highway 54 at the intersection of lines L24 and L25 as shown on a map recorded in the Wake County Registry in Book of Maps 2008, Pages 1942 through 1948 (referred to herein as the “Town Of Morrisville ETJ Line”);

- j. then in an easterly direction along said Town of Morrisville ETJ Line on Page 1943 of the Shiloh Crossing Map (which line runs through Lot 1 and then through Lot 14 on the Shiloh Crossing Map) to the northwest corner of Lot 13 on Page 1943 of the Shiloh Crossing Map;
- k. then running with the northern boundary line of Lot 13 on Page 1943 of the Shiloh Crossing Map to the point that is the common corner of the northeast corner of Lot 13 and the northwest corner of Lot 15 on Page 1943 of the Shiloh Crossing Map;
- l. then running along the northern boundary line of Lot 15 on Page 1943 of the Shiloh Crossing Map to a point on said northern boundary line that intersects with a line identified on Pages 1943 and 1947 of the Shiloh Crossing Map as "Town Of Morrisville ETJ Line";
- m. then running in a southeasterly direction with said Town Of Morrisville ETJ Line on Pages 1943 and 1947 of the Shiloh Crossing Map to a point on the Town of Morrisville ETJ Line;
- n. then running in an easterly direction with the Town of Morrisville ETJ Line to a point where it intersects with the northern margin of the right of way of Shiloh Glenn Drive on Page 1947 of the Shiloh Crossing Map;
- o. then running along the northern margin of the right of way of Shiloh Glenn Drive in an easterly direction to the point where line L10 intersects with the Durham/Wake County Line on Page 1947 of the Shiloh Crossing Map;
- p. then continuing along the northern margin of the right of way of Shiloh Glenn Drive in an easterly direction to the point where it next intersects with the Durham/Wake County Line on Page 1947 of the Shiloh Crossing Map;
- q. then along the Durham/Wake County Line to a point on the southeastern margin of the right of way of Interstate 540;
- r. then northeast along the southeastern margin of the right of way of Interstate 540 to the southwestern margin of the right of way of Interstate 40;
- s. then southeast along the southwestern margin of the right of way of Interstate 40 to the Durham/Wake County Line.

5. Water and Sewer Service Areas. Morrisville shall not authorize or request its designated service provider to supply water or sewer service to areas north of the boundary line and Durham agrees not to supply water or sewer service to areas south of the boundary line, except as further described in this paragraph and in paragraph 6 below. If the boundary line splits a parcel, service shall be provided by the party in whose jurisdiction the buildings on the parcel lie, or, if there are buildings on both sides of the boundary line, by agreement of the managers of Durham and Morrisville. Morrisville may consult its designated service provider in such matters. Notwithstanding the limitations above, Durham shall have the right to provide service to any area within Wake County located in either Cary's or Raleigh's existing or future extraterritorial jurisdiction if such service is allowed under an agreement with Cary or Raleigh.

6. Exceptions. Either party may install or cause to be installed water and sewer service facilities within the service area of the other party, assuming compliance with applicable legal requirements. These facilities may not be used to serve customers located within the other party's service area, with the exception of other governmental entities or utility systems, except by written agreement of the managers of Morrisville and Durham. Such written agreements are intended solely to allow for limited service or temporary service, and shall not be used to permanently alter the boundary

line, which may only be altered pursuant to written agreement between the governing bodies of Morrisville and Durham pursuant to paragraph 8 below.

7. Annexation Boundary. The boundary line shall also constitute an annexation boundary line. Durham agrees not to annex property south of the boundary line. Morrisville agrees not to annex property north of the boundary line. "Annex property" means to effect an "annexation" as defined by N.C.G.S. §160A-58.22(2), and includes extending corporate limits as authorized by N.C.G.S. Chapter 160A, a municipal charter, or a local act applicable to either party, as such statutory authority exists now or as hereafter amended.

The parties shall notify each other of all annexations 60 or more days prior to the adoption of each annexation ordinance, as required by N.C.G.S. §160A-58.24(a)(5). Notices shall describe the area to be annexed by a legible map as required under N.C.G.S. §160A-58.24(b). Morrisville shall send one copy of each annexation notice to the attention of the Durham City Planning Director, and a second copy to the attention of the Finance Director for the City of Durham. Durham shall send a copy of each annexation notice to the Town Manager of Morrisville.

8. Limitations on Service to Other Utilities. Morrisville shall not request its designated service provider to supply water to any other governmental entity or utility that provides water service to any customer in Durham County unless Durham agrees in writing, or unless the provision of such service is pursuant to a written agreement that predates October 1, 1996, and a copy of such agreement is furnished to Durham or unless the provision of such service is pursuant to a written agreement between Durham and Morrisville's designated service provider.

9. Amendment and Termination. This agreement may be modified or terminated by subsequent written agreement of both parties. The agreement regarding annexation (paragraph 6 and related paragraphs necessary to the interpretation of paragraph 6) may be terminated by either party in the manner prescribed by N.C.G.S. § 160A-58.24(f). Substantial breach of the terms of this agreement by a party is grounds for unilateral termination by the other party provided that the terminating party has given 90 days' written notice to the breaching party and the breaching party has not cured the breach during that period. This provision does not limit the rights to enforce this agreement through any other action or remedy authorized under law.

10. Procedures for Adoption or Amendment. Prior to the approval of this agreement each party shall hold a public hearing, give notice, and adopt an ordinance as prescribed by N.C.G.S. §160A-58.24(c) and (d). These requirements shall also be followed for any amendments related to annexation.

11. Forum. Any litigation arising out of this Agreement shall be determined in the courts in the county of the party bringing the suit, with the exception of petitions filed under N.C.G.S. §160A-58.27, which shall be brought in the courts specified therein. A party adjudged by the court to be in breach of this agreement shall pay the reasonable attorney's fees of the other party related to enforcing this agreement.

[SIGNATURE PAGE FOLLOWS]

TOWN OF MORRISVILLE

ATTEST:

_____, Town Clerk

_____, Mayor

CITY OF DURHAM

ATTEST:

_____, City Clerk

_____, Mayor

STATE OF NORTH CAROLINA
COUNTY OF _____

I, _____, a Notary Public in and for the aforesaid County and State, certify that _____, Mayor of the TOWN OF MORRISVILLE, personally appeared before me this day and acknowledged, by authority given, the execution of the foregoing contract with the City of Durham.

This the _____ day of _____, 2013.

My Commission Expires:

Notary Public

STATE OF NORTH CAROLINA
COUNTY OF _____

I, _____, a Notary Public in and for the aforesaid County and State, certify that _____ personally appeared before me this day and acknowledged that she is _____ City Clerk of the CITY OF DURHAM, a municipal corporation, and that by authority duly given and as the act of the City, the foregoing contract was signed in its corporate name by its _____ City Manager, sealed with its corporate seal, and attested by himself as its said City Clerk or Deputy City Clerk.

This the _____ day of _____, 2013.

My Commission Expires:

Notary Public

This Instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

This the _____ day of _____, 2013.

Town of Morrisville Finance Officer

This Instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

This the _____ day of _____, 2013.

City of Durham Finance Officer

Agreement Between Morrisville and Durham Defining Water and Sanitary Sewer Service Areas and Annexation Boundaries

This is a new agreement (“Agreement”) between the **City of Durham** (hereafter "Durham") and the **Town of Morrisville** (hereafter "Morrisville"), both North Carolina municipal corporations, defining water and sanitary sewer service areas and annexation boundaries.

1. Statutory Authority and Purpose. This Agreement is made pursuant to Article 4A, Part 6 and Article 20, Part 1 of Chapter 160A of the North Carolina General Statutes. The purpose of this Agreement is to define, for each municipality, service areas for water and sanitary sewer service in which the other municipality will not offer water or sanitary sewer service and define areas in which each municipality will not conduct future annexations and provide for other miscellaneous matters related to the aforementioned subjects. The parties entered into an agreement for this purpose effective October 1, 1997, which was subsequently modified in 2014 (as modified, the “Original Agreement”). This Agreement replaces the Original Agreement.

2. Designated Service Provider. Effective April 2, 2006, the Town of Morrisville ceased providing water and sanitary sewer utility services to Morrisville businesses and residents and merged such utility services with the Town of Cary utilities. As of April 2, 2006 the Town of Cary provides all public water and sanitary sewer utility services to business and residential customers located within Morrisville, and the Town of Cary is the Designated Service Provider for Morrisville for purposes of this Agreement.

3. Term. The initial term of this Agreement shall be until October 1, 2037, and the Agreement shall become effective immediately following its adoption by the governing bodies of Morrisville and Durham.

4. Location of Boundary. A boundary line (hereafter, "the boundary line") is hereby established as described below and as shown on Attachment A, which is incorporated into this Agreement. This shall be the boundary line for both water and sanitary sewer service (hereafter "service") and future annexations. The boundary line is as follows:

Beginning at the intersection of the Durham/Wake County Line on the eastern right-of-way of Davis Drive (North Carolina State Road 1613), shown as Tract 1 as recorded in the Durham County Registry in Plat Book 138, Page 167 (Durham County PIN: 0737-01-90-3028.DW) then running along the following lines:

- a. in an easterly direction along the Durham/Wake County Line approximately 1,425 feet to a point located within the right of way of Triangle Expressway where the existing Corporate limits of the City of Durham crosses the Durham/Wake County line, said point being the southwestern most corner of Tract 2 as shown on the City of Durham Annexation Map recorded in the Durham County Registry in Plat Book 131, Page 212. Said point also being the northwestern most corner of the 12.09acre tract annexed into the City of Durham as shown on map entitled “Annexation Map of Davis Park” and recorded in the Durham County Registry in Plat Book 137, Page 92;
- b. then in a southerly direction with the western boundary line and then in an easterly direction with the southern boundary line of Plat Book 137, Page 92, to a point in the

eastern R/W of the Triangle Expressway, said point also being the southwestern corner of “Revised New Pond Lot #2”, which is the property conveyed to Keystone Technology Park Owners Association, Inc. by deed recorded in the Durham County Registry in Book 6650, Page 821 and in the Wake County Registry in Book 14406, Page 369, and that is identified by Wake County tax parcel PIN 0747-00-2469 (said property being “New Pond Lot #2” as shown on a map recorded in the Durham County Registry in Plat Book 149, Pages 19 and 20 and in the Wake County Registry in Book of Maps 2000, Pages 1368 and 1369, less the portion thereof that now is part of the right of way of Triangle Expressway; Then continuing in an easterly direction with the southern boundary line of Revised New Pond Lot #2 to the southeast corner of Revised New Pond Lot #2, said point also being a common corner with the southwest corner of property that is identified by Wake County tax parcel PIN 0747-10-0467 (said property being “New Tract XI-XII” as shown on a map recorded in the Durham County Registry in Plat Book 149, Pages 19 and 20 and in the Wake County Registry in Book of Maps 2000, Pages 1368 and 1369);

- c. then in a northerly direction, then in an easterly direction and then again in a northerly direction with the eastern boundary line of said New Tract XI-XII to a point on the Durham/Wake County Line, said point also being in the western boundary line of property that was originally identified by Durham County PIN 0747-03-10-9647 (now 0747-03-10-8883.DW) and by Wake County PIN 0747-10-4595 (said property being owned now or formerly by KCR Developers LLC – see deed recorded in the Durham County, North Carolina Registry in Book 7398, Page 754 and in the Wake County, North Carolina Registry in Book 15504, Page 1009);
- d. then with the western boundary line in a northerly direction, the northern boundary line in an easterly direction, and the eastern boundary line in a southerly direction of said property owned now or formerly by KCR Developers LLC to a point on the northern boundary line of Lot No. 405 in Kitts Creek Subdivision in the Town of Morrisville (see map recorded in the Wake County Registry in Book of Maps 2013, Pages 1224 through 1226 and Ratification of Plats recorded in the Wake County Registry in Book 15468, Page 2077 – such point on the northern boundary line of Lot 405 being where the dashed line running in a north/south direction intersects with said northern boundary line as shown on Book of Maps 2013, Page 1225);
- e. then in an easterly direction with the northern boundary lines of the following Lots in Kitts Creek Subdivision: 405, 404, 403, 402, 401, 400, 399, 398, 397, 396, 395, 394, 393, and 392 (all of which are shown on the map recorded in the Wake County Registry in Book of Maps 2013, Pages 1224 through 1226) to the northeast corner of Lot 392 on the western margin of the right of way of Roundhouse Lane);
- f. then continuing in an easterly direction on a line across the right of way of Roundhouse Lane that connects the northeast corner of Lot 392 with the northwest corner of Lot No. 1001 in Kitts Creek Subdivision on the eastern margin of the right of way of Roundhouse Lane (see map recorded in the Wake County Registry in Book of Maps 2011, Pages 884 through 886);
- g. then in an easterly direction with the northern boundary lines of the following Lots in Kitts Creek Subdivision (all of which are shown on a map recorded in Book of Maps 2011, Pages 884 through 886): 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, and 1018 to the northeast corner of Lot 1018, said northeast corner being a common corner with the northwest corner of property

owned now or formerly by William E. Green, Jr. and identified by Wake County PIN 0747400465 (see deed recorded in the Wake County Registry in Book 9687, Page 2710);

- h. then in an easterly direction along the northern boundary of said property owned now or formerly by William E. Green, Jr. to the northeast corner of said property owned now or formerly by William E. Green, Jr. in the western margin of the right of way of Church Street;
- i. then continuing along the same line in an easterly direction across the right of way of Church Street, then across a railroad right of way, and then across the right of way of NC Highway 54 (also known as Chapel Hill Road) to a point in the right of way of NC Highway 54 at the intersection of lines L24 and L25 as shown on a map recorded in the Wake County Registry in Book of Maps 2008, Pages 1942 through 1948 (referred to herein as the "Town Of Morrisville ETJ Line");
- j. then in an easterly direction along said Town of Morrisville ETJ Line on Page 1943 of the Shiloh Crossing Map (which line runs through Lot 1 and then through Lot 14 on the Shiloh Crossing Map) to the northwest corner of Lot 13 on Page 1943 of the Shiloh Crossing Map;
- k. then running with the northern boundary line of Lot 13 on Page 1943 of the Shiloh Crossing Map to the point that is the common corner of the northeast corner of Lot 13 and the northwest corner of Lot 15 on Page 1943 of the Shiloh Crossing Map;
- l. then running along the northern boundary line of Lot 15 on Page 1943 of the Shiloh Crossing Map to a point on said northern boundary line that intersects with a line identified on Pages 1943 and 1947 of the Shiloh Crossing Map as "Town Of Morrisville ETJ Line";
- m. then running in a southeasterly direction with said Town Of Morrisville ETJ Line on Pages 1943 and 1947 of the Shiloh Crossing Map to a point on the Town of Morrisville ETJ Line;
- n. then running in an easterly direction with the Town of Morrisville ETJ Line to a point where it intersects with the northern margin of the right of way of Shiloh Glenn Drive on Page 1947 of the Shiloh Crossing Map;
- o. then running along the northern margin of the right of way of Shiloh Glenn Drive in an easterly direction to the point where line L10 intersects with the Durham/Wake County Line on Page 1947 of the Shiloh Crossing Map;
- p. then continuing along the northern margin of the right of way of Shiloh Glenn Drive in an easterly direction to the point where it next intersects with the Durham/Wake County Line on Page 1947 of the Shiloh Crossing Map;
- q. then along the Durham/Wake County Line to a point on the southeastern margin of the right of way of Interstate 540;
- r. then northeast along the southeastern margin of the right of way of Interstate 540 to the southwestern margin of the right of way of Interstate 40;
- s. then southeast along the southwestern margin of the right of way of Interstate 40 to the Durham/Wake County Line.

5. Water and Sewer Service Areas. Morrisville shall not authorize or request its Designated Service Provider to supply water or sanitary sewer service to areas north of the boundary line and Durham agrees not to supply water or sanitary sewer service to areas south of the boundary line, except as further described in this paragraph and in paragraph 6 below. If the boundary line splits a parcel, service shall be provided by the party in whose jurisdiction the buildings on the parcel lie, or, if there are buildings on both sides of the boundary line, by agreement of the Managers of Durham and Morrisville. Prior to reaching any such agreement, Morrisville's Manager may need to seek approval from its Designated Service Provider as required by any agreements between Morrisville and its Designated Service Provider. Notwithstanding the limitations above, Durham shall have the right to provide service to any area within Wake County located in either Cary's or Raleigh's existing or future extraterritorial jurisdiction if such service is allowed under an agreement with Cary or Raleigh.

6. Exceptions. Either party may install or cause to be installed water and sanitary sewer service facilities within the service area of the other party, assuming compliance with applicable legal requirements. These facilities may not be used to serve customers located within the other party's service area, with the exception of other governmental entities or utility systems, except by written agreement of the Managers of Morrisville and Durham. Prior to reaching any such agreement, Morrisville's Manager may need to seek approval from its Designated Service Provider as required by any agreements between Morrisville and its Designated Service Provider. Such written agreements are intended solely to allow for limited service or temporary service, and shall not be used to permanently alter the boundary line.

7. Annexation Boundary. The boundary line shall also constitute an annexation boundary line. Durham agrees not to annex property south of the boundary line. Morrisville agrees not to annex property north of the boundary line. "Annex property" means to effect an "annexation" as defined by N.C.G.S. §160A-58.22(2), and includes extending corporate limits as authorized by N.C.G.S. Chapter 160A, a municipal charter, or a local act applicable to either party, as such statutory authority exists now or as hereafter amended.

The parties shall notify each other of all annexations in the area subject to this Agreement 60 or more days prior to the adoption of each annexation ordinance, as required by N.C.G.S. §160A-58.24(a)(5). The notified party may waive this notice requirement. Notices shall describe the area to be annexed by a legible map as required under N.C.G.S. §160A-58.24(b). Morrisville shall send one copy of each annexation notice to the attention of the Durham City-County Planning Director, and a second copy to the attention of the Finance Director for the City of Durham. Durham shall send a copy of each annexation notice to the Town Manager of Morrisville and a second copy to the attention of the Planning Director of the Town of Morrisville. Each party shall provide a copy of the adopted annexation ordinance including the legal description within 90 days of adoption.

8. Limitations on Service to Other Utilities. Morrisville shall not request its Designated Service Provider to supply water to any other governmental entity or utility that provides water service to any customer in Durham County unless Durham agrees in writing, or unless the provision of such service is pursuant to a written agreement that predates October 1, 1996, and a copy of such agreement is furnished to Durham or unless the provision of such service is pursuant to a written agreement between Durham and Morrisville's Designated Service Provider.

9. Amendment and Termination. This Agreement may be modified or terminated by subsequent written agreement of both parties and in conformance with the requirements of N.C.G.S. § 160A-

58.24(d), if applicable. The provisions of this agreement regarding annexation may be terminated by either party in the manner prescribed by N.C.G.S. § 160A-58.24(f). Substantial breach of the terms of this Agreement by a party is grounds for unilateral termination by the other party provided that the terminating party has given 90 days' written notice to the breaching party and the breaching party has not cured the breach during that period. This provision does not limit the rights to enforce this Agreement through any other action or remedy authorized under law.

10. Procedures for Adoption or Amendment. Prior to the approval of this Agreement each party shall hold a public hearing, give notice, and adopt an ordinance as prescribed by N.C.G.S. §160A-58.24(c). These requirements shall also be followed for any amendments related to annexation (N.C.G.S. § 160A-58.24(d)).

11. Forum. Any litigation arising out of this Agreement shall be determined in the courts in the county of the party bringing the suit, with the exception of petitions filed under N.C.G.S. §160A-58.27, which shall be brought in the courts specified therein. A party adjudged by the court to be in breach of this Agreement shall pay the reasonable attorney's fees of the other party related to enforcing this Agreement.

[SIGNATURE PAGE FOLLOWS]

TOWN OF MORRISVILLE

ATTEST:

_____, Town Clerk

_____, Mayor

CITY OF DURHAM

ATTEST:

_____, City Clerk

_____, Mayor

STATE OF NORTH CAROLINA
COUNTY OF _____

I, _____, a Notary Public in and for the aforesaid County and State, certify that _____, Mayor of the TOWN OF MORRISVILLE, personally appeared before me this day and acknowledged, by authority given, the execution of the foregoing contract with the City of Durham.

This the _____ day of _____, 2017.

My Commission Expires:

Notary Public

STATE OF NORTH CAROLINA
COUNTY OF _____

I, _____, a Notary Public in and for the aforesaid County and State, certify that _____ personally appeared before me this day and acknowledged that she is _____ City Clerk of the CITY OF DURHAM, a municipal corporation, and that by authority duly given and as the act of the City, the foregoing contract was signed in its corporate name by its _____ City Manager, sealed with its corporate seal, and attested by himself as its said City Clerk or Deputy City Clerk.

This the _____ day of _____, 2017.

My Commission Expires:

Notary Public

This Instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

This the _____ day of _____, 2017.

Town of Morrisville Finance Officer

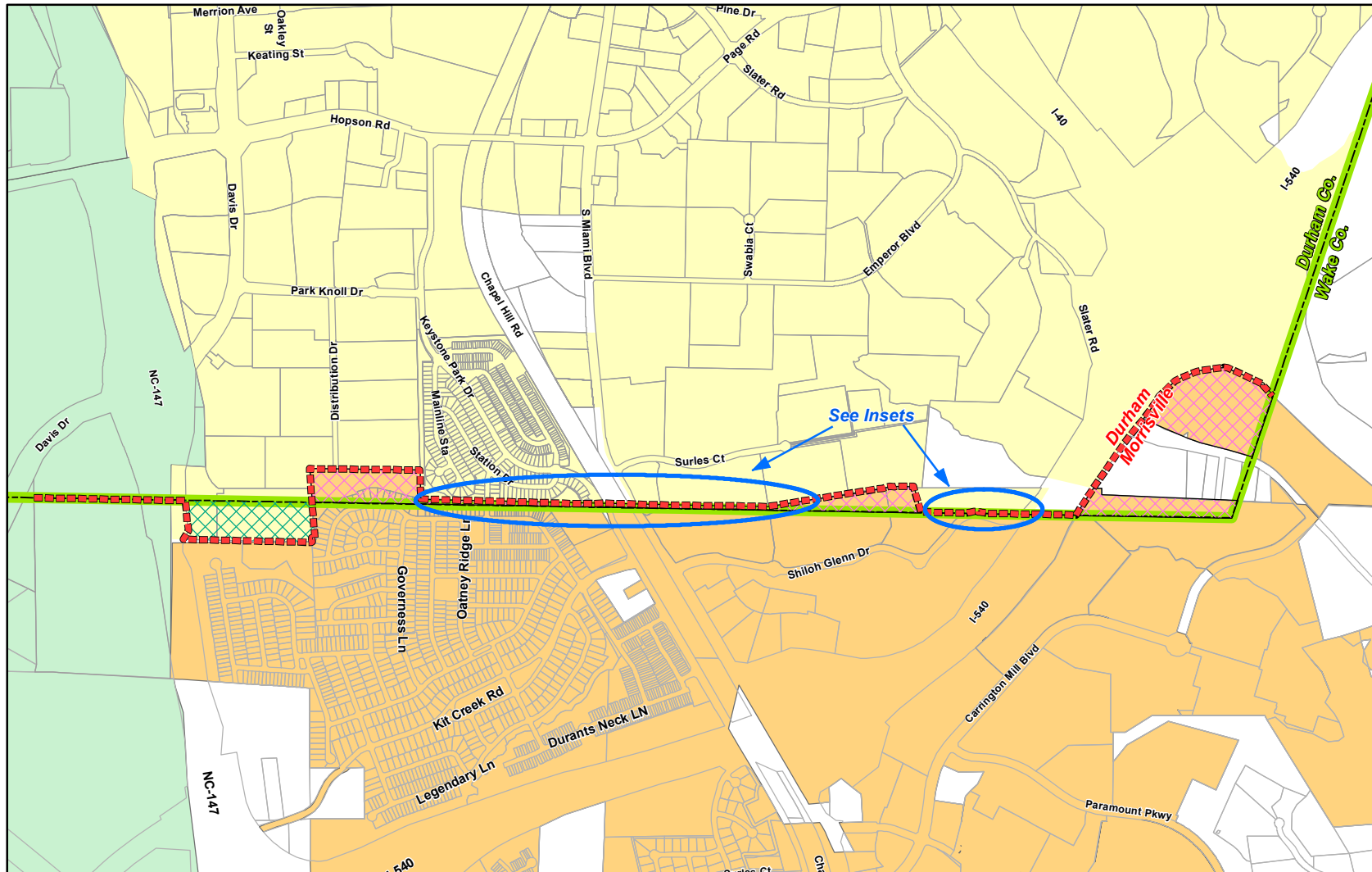
This Instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

This the _____ day of _____, 2017.

City of Durham Finance Officer

2017 Durham-Morrisville Service Boundary Agreement

Attachment A



Legend:

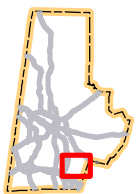
- Durham-Morrisville Service Boundary Line
- City of Durham
- Town of Morrisville
- RTP
- Durham-Wake County Line
- Parcels
- Durham Annexation in Wake County
- Morrisville Annexations in Durham County

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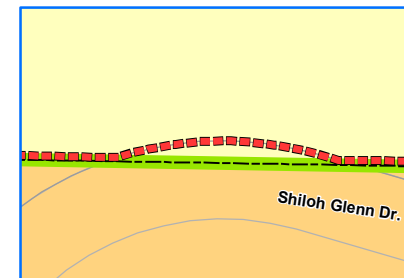
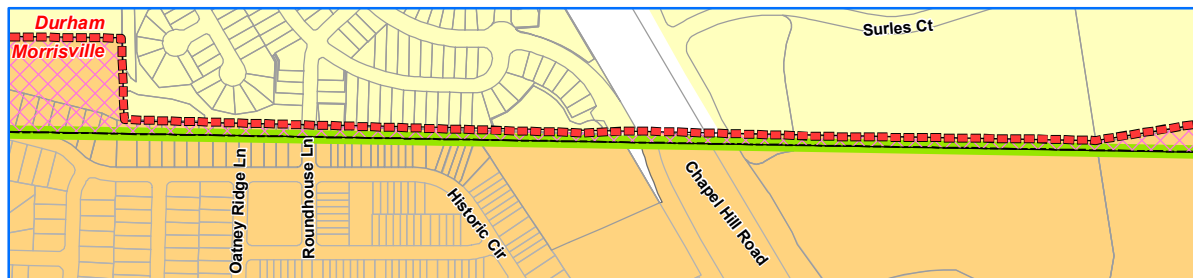
Feet



Planning



Inset Areas:



Town Council Agenda Item Report

Agenda Item No. 2017-311-0

Submitted by: Eliot Ward

Submitting Department Planning

Meeting Date: October 24, 2017

SUBJECT

Consideration of Items Related to Closure of Carolina Street and Sears Drive:

- 2017-311-0 RES A - Declaring Intent to Consider Permanently Closing Sears Drive and a Portion of Carolina Street
- 2017-311-0 RES B - Closing Sears Drive and a Portion of Carolina Street

Eliot Ward, Planner I

Brief/Action on Resolution A - October 24

Public Hearing/Action on Resolution B - November 28, 2017

Recommendation:

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Town staff is requesting approval of road closures for Sears Drive and a portion of Carolina Street, located west of Church Street and east of Town Hall Drive (see ATTH 01). The request is being made to accommodate the Town Center Plan and demonstration project, which involves the design of a new street network including a roundabout (see ATTH 02). The properties surrounding the subject roads are owned by the Town of Morrisville.

Sears Drive and a portion of the public right-of-way for Carolina Street are proposed to be closed as shown on ATTH 03, "Sears Drive and Carolina Street Aerial Map," and originally established as part of the Morrisville Heights Subdivision (see ATTH 04). The existing homes shown on the aerial map are owned by the Town, and are planned to be removed by December 31, 2017. Two of the three homes are currently vacant with the third required to vacate by November 23, 2017. The area to be closed consists of approximately 0.695 acres. These rights-of-way currently dead end before reaching Town Hall Drive.

Recent planning efforts in the Town Core area call for greater connectivity and improved street configuration to facilitate town center development. Therefore, as part of this effort, a roundabout has been designed to connect Carolina Street to Town Hall Drive as shown in ATTH 02. With this change, a portion of the existing Carolina Street right-of-way needs to be abandoned. If approved, the abandoned portion would return to the adjacent parcels as shown in ATTH 03. A plat recording the new property boundaries would be required after action has been taken to close and abandon those portions of Carolina Street and Sears Drive. The plat will also dedicate new public right-of-way required for the roundabout project. As a courtesy, Town staff are working to reach out to the Sears family regarding the Sears Drive closure. The street was named for a former Mayor and Commissioner in honor of his service to the community.

General Statute 160A-299 authorizes the Town Council to close streets. Steps to close a street right-of-way are as follows:

1. Adopt "Resolution of Intent". The resolution of intent:
 - a) Declares the intent to close the road, and
 - b) Sets the public hearing date.
2. Public notification
 - a) Adopted resolution is published for four (4) consecutive weeks prior to the public hearing.
 - b) A copy of the resolution is sent to all property owners adjoining the street, and
 - c) A notice to close the road is posted in at least two (2) locations on the site.
3. Public hearing is held.
4. The Council adopts an "Order to Close Street," and a certified copy of the order is recorded at the Register of Deeds.

Potential Options:

- Approve the request;
- Approve the request with conditions; or
- Deny the request.

Staff Recommendation:

Staff recommends approval of the Sears Drive and Carolina Street road closure because it is in the public interest for the following reasons:

1. Closure of Sears Drive and the subject portion of Carolina Street shown on ATTH 01 will facilitate the Carolina Street roundabout project, which will allow for better access and vehicular circulation in the area; and
2. Closure of Sears Drive and the subject portion of Carolina Street shown on ATTH 01 would relieve the Town of future maintenance responsibility for unnecessary right-of-way; and
3. Closure of Sears Drive and the subject portion of Carolina Street shown on ATTH 01 would return 0.695 acres to adjacent parcels, creating more developable area; and
4. Closure of Sears Drive and the subject portion of Carolina Street shown on ATTH 01 would further the Town's economic development initiatives by allowing for private development in accordance with the Town Center Plan.

ATTACHMENTS

- [2017-311-0 Briefing Supp - Sears Drive and Carolina Street Road Closure Briefing Supp.pdf](#)
- [2017-311-0 RES A - Declaring Intent to Consider Permanently Closing Sears Drive and Portions of Carolina Street.pdf](#)
- [2017-311-0 RES B - Closing Sears Drive and a Portion of Carolina Street.pdf](#)
- [2017-311-0 ATTH 01 - Right-of-Way Abandonment and Dedication Plat.pdf](#)
- [2017-311-0 ATTH 02 - Town Center Concept Plan.pdf](#)
- [2017-311-0 ATTH 03 - Sears Drive and Carolina Street Aerial Map.pdf](#)
- [2017-311-0 ATTH 04 - Morrisville Heights Subdivision.pdf](#)



Item Number & Subject: 2017-311-o - Sears Drive and Carolina Street Road Closure

Briefing Supplement

Lead Department: Planning **Action Officer:** Eliot Ward, Planner I

Item Title: Sears Drive and Carolina Street Road Closure

- RES 2017-311-o-A – Declaring Intent to Consider Permanently Closing Sears Drive and a Portion of Carolina Street
- RES 2017-311-o-B – Closing Sears Drive and a Portion of Carolina Street

Briefing: 10/24/2017; **Public Hearing:** 11/28/2017 **Action:** A: Resolution of Intent – 10/24/2017;
B: Order to Close Street – 11/28/2017

Item Schedule	Select One
Schedule 1: <i>Brief twice – vote once (six weeks)</i>	☒
Schedule 2: <i>Brief once – vote once (two weeks)</i>	☐
Schedule 3: <i>No briefing required (one week)</i>	☐

Link to Previous Briefings (if applicable):

Charts/Graphs/Supplemental Graphics (referenced within Executive Summary of Agenda Item Summary Form in Peak):

Item	Description	Date
1	Brief/Approve Resolution A - Intent to Close Carolina Street	October 24, 2017
2	Advertise Intent to Close in Newspaper	October 30, 2017
3	Advertise Intent to Close in Newspaper	November 6, 2017
4	Advertise Intent to Close in Newspaper	November 13, 2017
5	Advertise Intent to Close in Newspaper	November 20, 2017
6	Hold Public Hearing for Carolina Street Closure	November 28, 2017
7	Approve Resolution B - to Close Carolina Street	November 28, 2017

Advisory Board/Committee Review:

NONE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Advisory Board/Committee Recommendation and/or vote:

NOT APPLICABLE

Meeting Perspectives and Goals Adopted by the Council:

Perspectives	Goals
Serve the Community	☐ Promote an Environmentally Sensitive & Livable Community ☒ Provide a Safe Community ☒ Deliver Quality Services ☐ Foster a Healthy Community
Run the Operations	☐ Enhance Community Preparedness & Responsiveness ☒ Maximize Partnership Opportunities ☐ Provide Courteous & Responsive Customer Service ☐ Model a Positive Town Image ☐ Deliver Efficient Services ☐ Cultivate Community Involvement & Access
Manage the Resources	☐ Maintain Fiscal Strength ☐ Maximize Utilization & Resources ☒ Invest in Infrastructure & Transportation
Develop Personnel	☐ Develop a Skilled & Diverse Workforce ☐ Create a Positive & Rewarding Work Culture

Resource Impact:

Staff time required if item is approved:

Low

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

☒	Public Hearing (Required by GS)	☐	Public Hearing (Not Required by GS)
☒	Newspaper Notice (Required by GS)	☐	Newspaper Notice (Not Required by GS)
☐	Public Forum/Input Session	☐	Press Release
☐	Morrisville Connection	☐	E-News Distribution
☐	Social Media (Twitter, Facebook, etc.)	☒	Website Notice
☐	Special Mailing	☐	Banners Posted
☐	Flyers Posted	☐	Survey
☐	Automated Phone Call	☐	None Required

Other: On-Site Posting



RESOLUTION 2017-311-0A OF THE MORRISVILLE TOWN COUNCIL DECLARING THE TOWN OF MORRISVILLE'S INTENT TO CONSIDER PERMANENTLY CLOSING SEARS DRIVE AND A PORTION OF CAROLINA STREET

WHEREAS, on October 13, 2017, in accordance with General Statute 160A-299, the Town of Morrisville Administration Department submitted an application for the closure of 0.695 acres of public right-of-way for Sears Drive and a portion of Carolina Street, located west of Church Street and east of Town Hall Drive; and

WHEREAS, the public rights-of-way for Sears Drive and Carolina Street were originally recorded in Book of Maps 1951 Page 42; and

WHEREAS, closure of Sears Drive and the aforementioned portion of Carolina Street is in the best interest of the public as it will allow for a new street network that will improve vehicular circulation and access to the area and closure would relinquish the Town of public maintenance responsibility for unnecessary right-of-way; and

WHEREAS, closure of the subject roads and realignment of the street network will allow for development of property in the subject area as recommended in the 2007 Town Center Plan thereby promoting the economic vitality of the Town; and

WHEREAS, upon approval of the closures, Sears Drive and the subject portion of Carolina Street would be granted to the adjacent property owner, which adjacent property owner on all sides of both closures is the Town of Morrisville; and

WHEREAS, closure of Sears Drive and the subject portion of Carolina Street will allow for new street networks that will improve access for the properties currently served by Sears Drive and Carolina Street; and

WHEREAS, upon approval of the Sears Drive and Carolina Street closure, a right-of-way dedication and abandonment plat and certified copy of the order to close the roads will be recorded with the Wake County Register of Deeds:

NOW, THEREFORE, BE IT RESOLVED THAT THE MORRISVILLE TOWN COUNCIL hereby:

1. Declares its intent to consider closing Sears Drive and a portion of Carolina Street, and sets Tuesday, November 28, 2017 at 6:30 p.m. in the Council Chambers of the Morrisville Town Hall, 100 Town Hall Drive, Morrisville, NC as the date for a public hearing on the same; and
2. Hereby directs the Town Clerk to publish this Resolution of Intent once a week for four weeks in a newspaper of general circulation in Wake County prior to the public hearing; and
3. Further directs the Town Clerk to send all owners of property adjoining Sears Drive and a portion of Carolina Street to be closed a copy of this Resolution of Intent by certified mail; and

4. Directs the planning staff to post a Road Closing notice in at least two prominent places on the site.

Adopted this the 24th day of October, 2017.

ATTEST:

Mark Stohlman, Mayor

Erin L. Hudson, Town Clerk



**RESOLUTION 2017-0311-0B OF THE MORRISVILLE TOWN COUNCIL
PERTAINING TO THE PERMANENT CLOSING OF SEARS DRIVE AND A
PORTION OF CAROLINA STREET**

WHEREAS, on October 13, 2017, in accordance with General Statute 160A-299, the Town of Morrisville Administration Department submitted an application for the closure of 0.695 acres of public rights-of-way for Sears Drive and a portion of Carolina Street located west of Church Street and east of Town Hall Drive, as shown on the Preliminary Plat prepared by McKims & Creed dated < >, a copy of which is attached hereto as Exhibit A; and

WHEREAS, closure of Sears Drive and the subject portion of Carolina Street is in the best interest of the public as it will allow for new street networks that will improve vehicular circulation and access and closure would relinquish the Town of public maintenance responsibility for unnecessary right-of-way; and

WHEREAS, closure of the subject roads and realignment of the street network will allow for development of property in the subject area as recommended in the 2007 Town Center Plan thereby promoting the economic vitality of the Town; and

WHEREAS, all appropriate public utility easements will be maintained for any existing public utilities within these rights-of-way; and

WHEREAS, upon approval of the closures, Sears Drive and the subject portion of Carolina Street would be granted to the adjacent property owner, which the adjacent property owner on all sides of both closures is the Town of Morrisville; and

WHEREAS, the Town Council of the Town of Morrisville adopted a Resolution of Intent to consider closing Sears Drive and a portion of Carolina Street and called for a public hearing on November 28, 2017 and directed the Town Clerk to notice the meeting according to the requirements set forth in General Statute 160A-299; and

WHEREAS, a public hearing was held by the Town of Morrisville on November 28, 2017 to determine whether or not the proposed road closings would be detrimental to the public interest or the property rights of any individual; and

WHEREAS, it appeared to the satisfaction of the Council that closing Sears Drive and a portion of Carolina Street would not be contrary to the public interest and would not deprive any individuals owning property in the vicinity of the planned road closures from reasonable means of ingress and egress to his or her property:

NOW, THEREFORE, BE IT RESOLVED THAT THE MORRISVILLE TOWN COUNCIL hereby declares that Sears Drive and the subject portion of Carolina Street, are hereby ordered closed, effective November 28, 2017, and all right, title, and interest that may be vested in the public to said area for street purposes is hereby released to the abutting property owners in accordance with the provisions of G.S. 160A-299 as shown on the Preliminary Plat prepared by McKims & Creed dated < >, a copy of which is attached hereto as Exhibit A; and

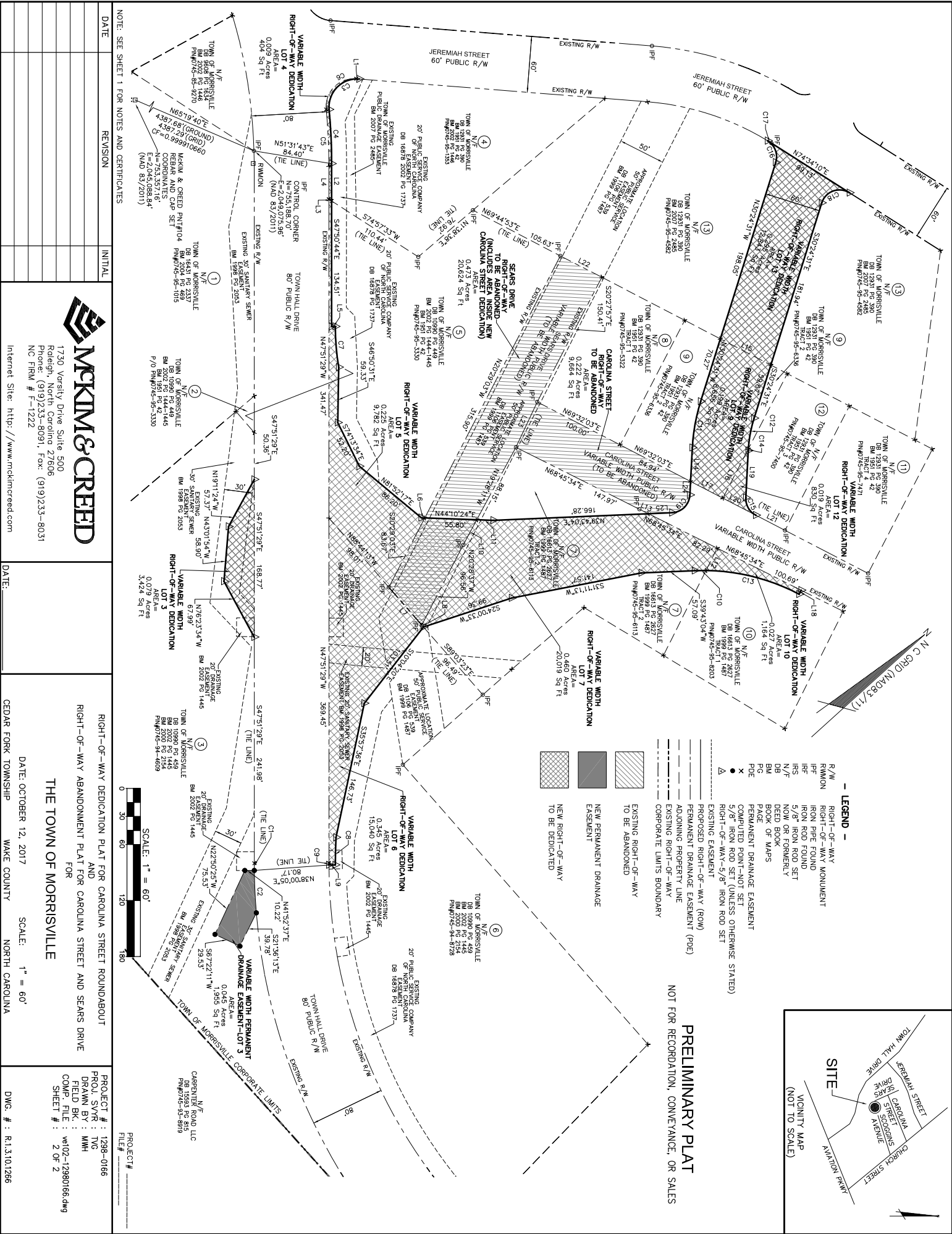
BE IT FURTHER RESOLVED THAT a plat and a certified copy of this order shall be recorded at the Wake County Register of Deeds.

Adopted this the 28th day of November, 2017.

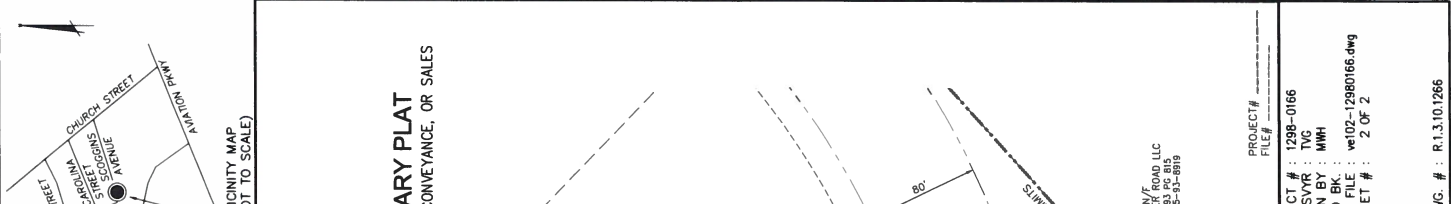
Mark Stohlman, Mayor

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Erin L. Hudson, Town Clerk



ATTH 01





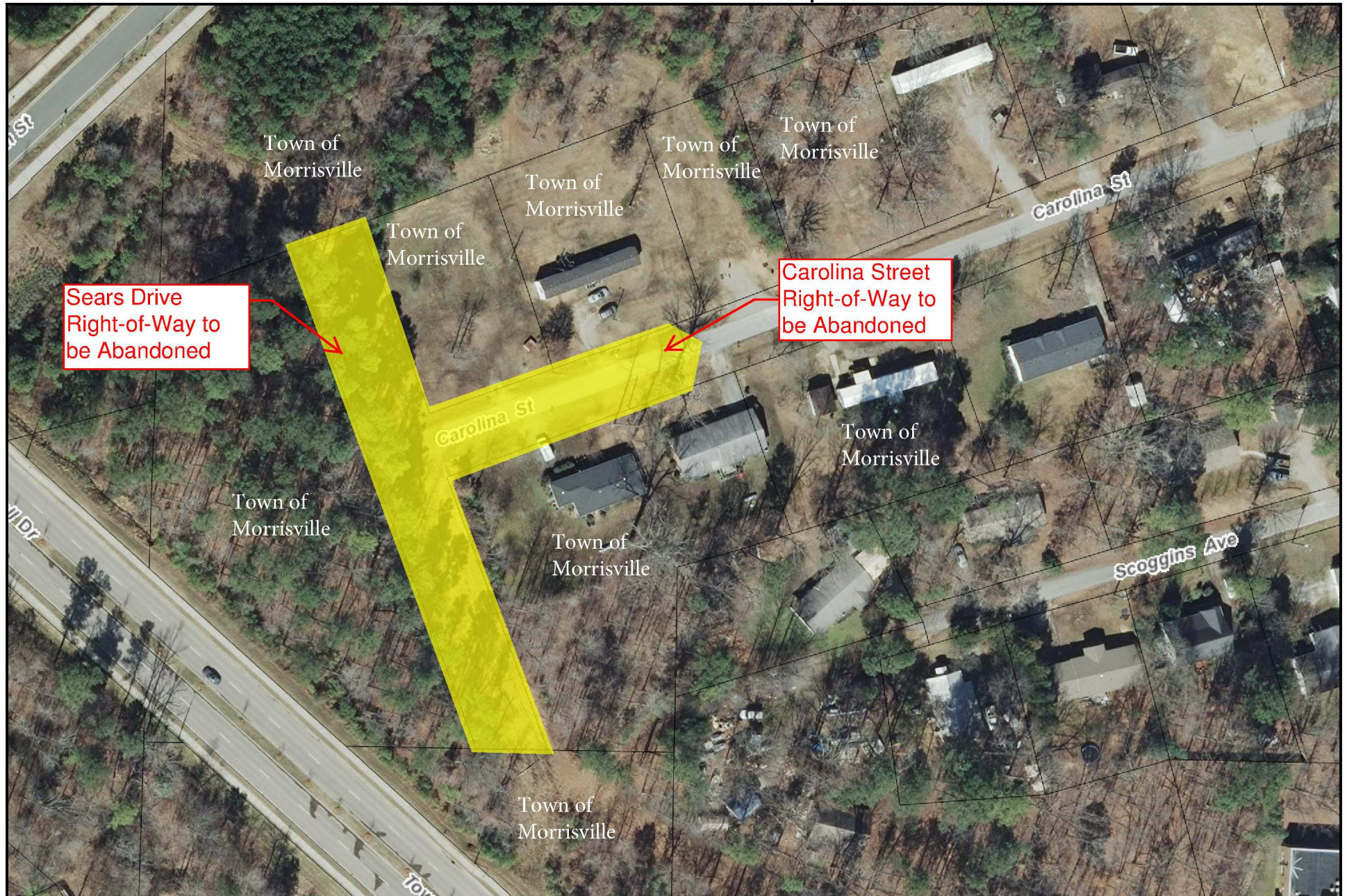
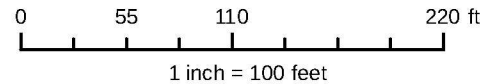


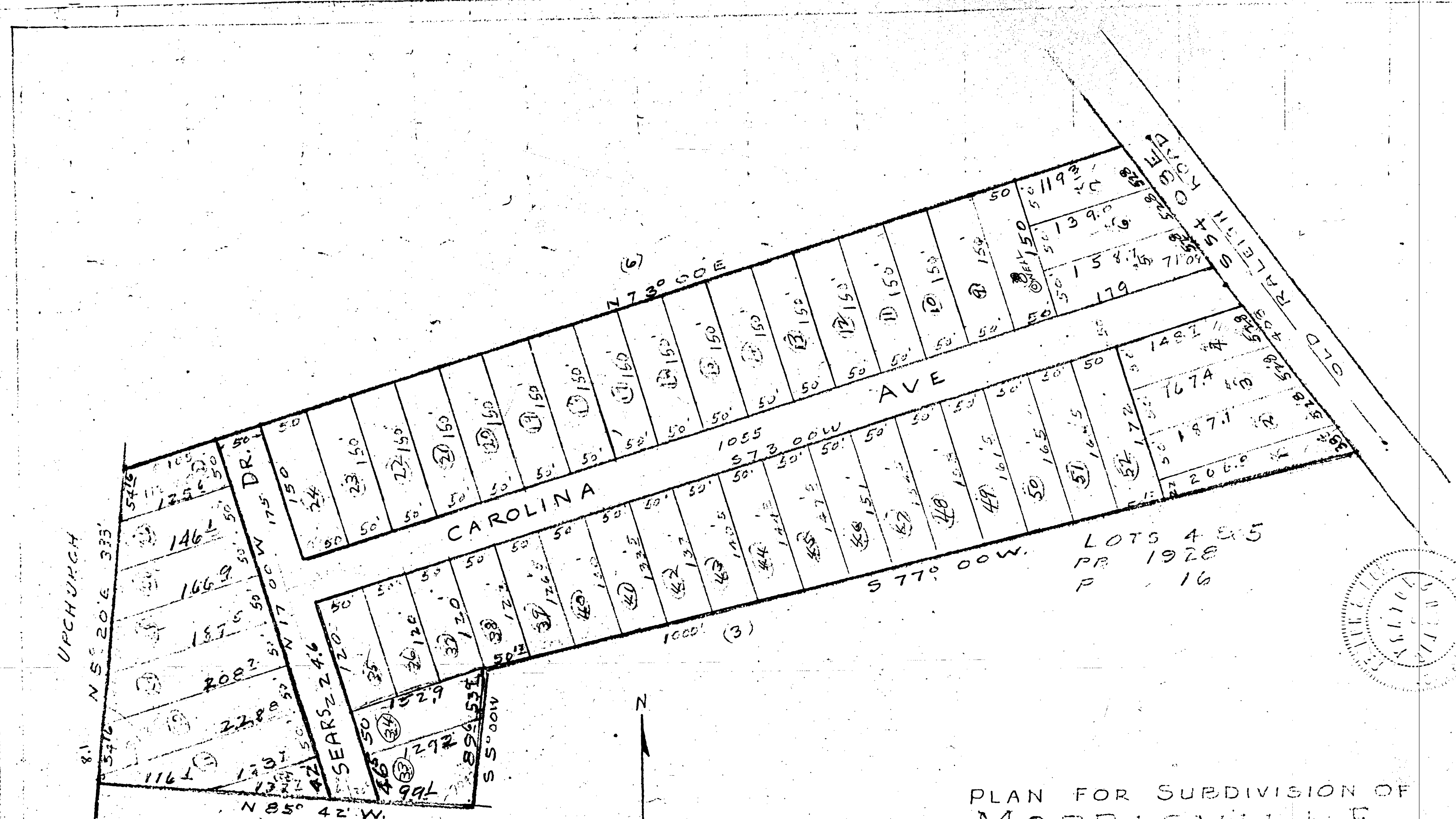
Image from 2013
Map Created October 2017
Morrisville Planning Department



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4.3

ORIGINAL MAP IS OF POOR QUALITY



APPROVED 1951
Hon. *McLean*
Mayor of Morrisville

PLAN FOR SUBDIVISION OF
MORRISVILLE
HEIGHTS

MORRISVILLE NC.
100' = 1" JUNE 1951
- BY -
HUGH JOHNSON - G.F. PENNY AND
R.H. WATKINS
Engr. T.H. C. S. S. S.
ENGR.

ORIGINAL DOCUMENT IS OF POOR