1. **COMMENCEMENT**

1.1 Call to Order

1.2 Ceremonial Opening led by Council Member George

1.3 Adoption of agenda

2. **RECOGNITIONS, REPORTS, AND PRESENTATIONS**

2.1 Manager's Update

3. **PUBLIC SPEAKS OUT** *(one-hour time limit)*

*Public Speaks Out is the Town Council’s opportunity to hear comments from as many citizens as possible. During Public Speaks Out, the Town Council receives comments and refrains from speaking. If a citizen comments about an issue that appears to be something that can be addressed by staff members, Council may ask the manager to have an appropriate staff person follow up.*

*Thanks to everyone in the audience for respecting the business meeting by refraining from speaking from the audience, applauding speakers, or other actions that distract the meeting.*

Anyone who wants to speak during Public Speaks Out should do the following:

- Take a seat in the reserved seats;
- Complete the contact information card located at the seat;
- When it is your turn to speak, proceed to the town clerk from the aisle behind the clerk, and give the clerk your completed contact information card and any handouts you have for the Town Council;
- Step to the podium next to the clerk; state your name clearly;
- Be concise; avoid repetition; limit comments to three minutes or less; designate a spokesperson for large groups; direct comments to the full Town Council and not to an individual Town Council member;
- Speakers may return to their regular seats from any aisle.

4. **CONSENT AGENDA**

CONSENT AGENDA items are non-controversial items unanimously recommended for approval by all involved parties. A single vote may be taken for the approval of ALL consent agenda items. Any individual council member may pull items off the consent
agenda to discuss them. Items pulled off the consent agenda will be handled with the “DISCUSSION ITEMS” agenda topic.

4.1 Town Council - Regular Meeting - Jun 13, 2019 6:30 PM

4.2 Town Council - Regular Meeting - Jun 27, 2019 6:30 PM

4.3 19-A-03 Vincent J. DeFreitas Annexation
Speaker: Wayne Nicholas, Planning and Development Services

Executive Summary: The owner of property located at 9916 Morrisville Parkway (at the southwest corner of the Morrisville Parkway and Ferson Road intersection) has petitioned for annexation of the property in association with a request to rezone the property. Pursuant to statute, the Town Clerk has determined the petition to be sufficient, and Council must now consider whether to call for a public hearing on the request.

Associated Case(s): 19-REZ-09 (9916 Morrisville Pkwy Rezoning)

Recommendation: That Council adopt a resolution calling for a public hearing on September 12, 2019.

4.4 19-A-08 Johnson Annexation
Speaker: Wayne Nicholas, Planning and Development Services

Executive Summary: The owners of property located on Vera Road (approximately 630 feet east of the Trinity Road and Vera Road intersection) have petitioned for annexation of the property so they may connect to Town utilities and construct a detached dwelling on the site. Pursuant to statute, the Town Clerk has determined the petition to be sufficient, and Council must now consider whether to call for a public hearing on the request. Council must now consider whether to call for a public hearing on the request.

Associated Case(s): None.

Recommendation: That Council adopt a resolution calling for a public hearing on September 12, 2019.

4.5 19-A-09 North Carolina Exteriors, LLC Annexation
Speaker: Wayne Nicholas, Planning and Development Services

Executive Summary: The owner of property located at 1209 Old Trinity Circle (approximately 340 feet north of the Vera Road and Old Trinity Circle intersection) has petitioned for annexation of the property so they may connect to Town utilities and construct a detached dwelling on the site. Pursuant to statute, the Town Clerk has determined the petition to be
sufficient, and Council must now consider whether to call for a public hearing on the request.

**Associated Case(s):** None.

**Recommendation:** That Council adopt a resolution calling for a public hearing on September 12, 2019.

#### 4.6 Interlocal Agreement No. 3 for Town of Apex Colvin Park Pump Station Sewer Service

**Speaker:** Jeff Adkins, Utilities Department

**Executive Summary:** The Town of Cary has a long history of working cooperatively with Apex on mutually beneficial issues such as water resources services and water supply. Since 2012, Cary has provided wastewater treatment service by interlocal agreement for sewer flows from the Colvin Park subdivision in southeast Apex, near Ten Ten Road; Apex did not have infrastructure to provide sewer service to the development. Colvin Park residents remain Town of Apex customers; Cary is paid sewer development fees for the connections and invoices sewer charges at the current standard rates. The proposed new Interlocal Agreement replaces the previous version, updating the form of the Agreement and increasing the flow limit by 9,300 gallons per day to accommodate additional residential development within the Colvin Park Pump Station service area.

**Recommendation:** Staff recommends that Council adopt the attached Resolution approving “Interlocal Agreement No. 3 for Provision of Sewer Services for Colvin Park Pump Station Service Area” (“Agreement”) and authorizing the Town Manager or Deputy Town Manager execute an Agreement substantially like the Agreement and to provide such notices and take such action as Agreement contemplates.

#### 5. PUBLIC HEARINGS

The rules printed on the agenda for “Public Speaks Out” apply to the remainder of the public hearings, except that speakers are allowed five minutes. Thank you for respecting the business meeting by refraining from speaking from the audience, applauding speakers, or other actions that distract the meeting.

#### 5.1 19-REZ-11 Cary Towne Center PDP

**Speaker:** Katie Drye, Planning and Development Services

**Executive Summary:** The applicant has requested the Town consider an amendment to the Town of Cary Official Zoning Map by rezoning approximately 87 acres, located at 858 SE Maynard Road and 1105 Walnut Street, from General Commercial Conditional Use (GC-CU) and Mixed Use District (MXD) to Mixed Use District (MXD). The application includes a
Preliminary Development Plan (PDP) proposing up to 1,200,000 square feet of office use, 360,000 square feet of commercial use, 450-hotel rooms and 1,800 multi-family and townhouse dwelling units. The existing Mixed Use Overlay District (MUOD) will remain.

**Recommendation:** That Council conduct a public hearing on the proposed rezoning request and forward to the Planning and Zoning Board. Staff will provide a recommendation on the rezoning request when the case is brought back to Council for action.

**Planning and Zoning Board Determination:** A written determination of the Planning and Zoning Board regarding consistency with the Imagine Cary Community Plan will be provided to Town Council following the P&Z Board meeting.

5.2 19-REZ-13 White Oak Church Resource Building Rezoning

**Speaker:** Debra Grannan, Planning and Development Services

**Executive Summary:** The applicant has requested that the Town consider an amendment to the zoning conditions applicable to a 1.76-acre portion of a 14.25-acre parcel located at 1621 White Oak Church Road, to allow up to 5,000 square feet of medical or professional office as a permitted use within an existing 12,260 square foot building. The existing and proposed zoning district is Office and Institutional Conditional Use (OI-CU).

**Recommendation:** That Council conduct a public hearing on the proposed rezoning request and forward to the Planning and Zoning Board. Staff will provide a recommendation on the rezoning request when the case is brought back to Council for action.

**Planning and Zoning Board Determination:** A written determination of the Planning and Zoning Board regarding consistency with the Imagine Cary Community Plan will be provided to Town Council following the P&Z Board meeting.

5.3 19-REZ-09 9916 Morrisville Parkway Rezoning

**Speaker:** Debra Grannan, Planning and Development Services

**Executive Summary:** The applicant has requested that the Town consider applying initial Town of Cary zoning to approximately 2.53 acres located at 9916 Morrisville Parkway by rezoning from Wake County Residential 40 Watershed (R40W) to Residential 12 Conditional Use (R-12-CU) and Watershed Protection Overlay District (Jordan Lake Sub-district) with zoning conditions that include limiting land use to a maximum of three detached dwellings, and dedicating public right-of-way along Morrisville Parkway and at the corner of Ferson Road and Morrisville Parkway.
There is an annexation petition (19-A-03) associated with this request.

**Recommendation:** That Council conduct a public hearing on the proposed rezoning request and forward to the Planning and Zoning Board. Staff will provide a recommendation on the rezoning request when the case is brought back to Council for action.

**Planning and Zoning Board Determination:** A written determination of the Planning and Zoning Board regarding consistency with the Imagine Cary Community Plan will be provided to Town Council following the P&Z Board meeting.

5.4 **19-REZ-02 Alston Avenue PDP**  
**Speaker:** Debra Grannan, Planning and Development Services

**Executive Summary:** The applicant has requested the Town consider an amendment to the Town of Cary Official Zoning Map by rezoning 18.9 acres from the base zoning district Residential 40 (R-40) to Mixed Use District (MXD) with a Preliminary Development Plan to allow development of a maximum of 330 multi-family dwelling units, 41 townhouses and neighborhood recreation. The Mixed Use Overlay District (Alston Activity Center) and the Watershed Protection Overlay districts would remain in place.

**Recommendation:** That Council conduct a public hearing on the proposed rezoning request and forward to the Planning and Zoning Board. Staff will provide a recommendation on the rezoning request when the case is brought back to Council for action.

**Planning and Zoning Board Determination:** A written determination of the Planning and Zoning Board regarding consistency with the Imagine Cary Community Plan will be provided to Town Council following the P&Z Board meeting.

5.5 **ACT 12 Land Development Ordinance Amendments**  
**Speaker:** Mary Beerman, Planning and Development Services Department

**Executive Summary:** The proposed ACT 12 Town Code and Land Development Ordinance (LDO) amendments include amendments required by the July 11, 2019 enactment of Senate Bill 355 related to expiration of applications and permits and third-party downzonings; changes to town department names and staff titles; and minor and technical amendments related to authority of the Planning Director, posted notice of public hearings, deadline for filing appeals, approval authority for certain development plans, modification of approved development plans, and neighborhood meeting procedure.
Recommendation: That Council conduct the public hearing and refer the proposed ACT 12 Amendments to the Planning and Zoning Board for a recommendation.

Planning and Zoning Board Recommendation: To be provided after the Planning and Zoning Board meeting.

6. DISCUSSION ITEMS (any item pulled from the CONSENT AGENDA [item 4 on this agenda] will be discussed during this portion of the agenda)

6.1 Ground Lease, Leases, and Utilization Agreement for the Cary Regional Library and Parking Deck Project
Speaker: Ted Boyd, Director of Economic Development

Executive Summary: The Town of Cary and Wake County entered into an interlocal agreement to design, fund and construct the Cary Regional Library and Parking Deck Project (“Cary Regional Library Project” or “Project”). As construction on the Project is close to completion, a Ground Lease, Leases, and Utilization Agreement is necessary to set out the essential terms and conditions of the operations, use, and maintenance of the Library and Parking Deck.

Recommendation: That Council adopt the attached Resolution (1) approving the primary terms and conditions reflected in the attached Ground Lease, Leases, and Utilization Agreement (“Lease”) between the Town and Wake County; (2) authorizing the Town Manager and Town Attorney to finalize certain terms noted in the Lease; (3) authorizing the Mayor, Town Manager, or Deputy Town Manager to execute a Lease substantially like the attached Lease and with the final negotiated terms, and to take any other steps to effectuate this transaction including executing and recording a memorandum of lease; and (4) authorizing the Town Manager or Deputy Manager to provide such notices and take such action as Lease contemplates. Please note: The Lease attachment was added on 8/15/19.

6.2 Environmental Advisory Board Tree Recommendations Update
Speaker: Dan Ault, Town Manager’s Office

Executive Summary: Council’s Environmental Advisory Board (EAB) formed a Tree Advisory Committee to review the Town’s ordinances and practices regarding trees, tree canopy, and the ecosystem services provided by trees. The Tree Advisory Committee met with staff outside experts and reviewed other jurisdiction’s practices to formulate recommendations. Their recommendations were approved by the EAB on June 11, 2019.

Recommendation: Council review the EAB’s recommendations, supplemental information from staff, and provide guidance on next steps.
7. CLOSED SESSION

Closed Session will be called if necessary.

8. ADJOURNMENT

Please contact Town Clerk Virginia Johnson with any questions about this agenda or to request an auxiliary aid or service to participate in the meeting:
virginia.johnson@townofcary.org, 919-469-4011, TDD 919-469-4012.

Meetings are cablecast live on Cary TV on the following channels: AT&T Uverse Channel 99, Google Channel 142 and Spectrum Channel 11. Meetings are available the following day at www.youtube.com/TownofCaryChannel.