1. COMMENCEMENT

   1.1 Call to Order

   1.2 Ceremonial Opening led by Council Member Robinson

   1.3 Adoption of agenda

2. RECOGNITIONS, REPORTS, AND PRESENTATIONS

   2.1 Manager's Update

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

   See instructions attached to the online agenda.

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 - Quarterly - Aug 13, 2020 1:30 PM

   4.2 Town Council - Regular Meeting - Aug 20, 2020 6:30 PM

   4.3 20-A-02 SXCW Properties II, LLC Annexation

       Speaker: Debra Grannan, Planning and Development Services

       Executive Summary: The owner of property located at 1629 Petty Farm Road (approximately 1,000 feet southeast of the NC55 Highway and Mahal Avenue intersection) has petitioned for annexation of the property in association with a development plan currently under review for construction of a drive-through car wash facility with gas pumps. 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): Development Plan 20-DP-3867 (Sam's Xpress Car Wash - Alston); requires review and approval by Zoning Board of Adjustment.

Recommendation: That Council adopt a resolution calling for a public hearing on September 24, 2020.

4.4 20-A-05 Recchie Annexation
Speaker: Debra Grannan, Planning and Development Services

Executive Summary: The owners of property located at 6200 Blanche Drive (in the northwest corner of the Azalea Drive and Blanche Drive intersection) have petitioned for annexation so that the property may be connected to Cary utilities. Pursuant to statute, the Town Council held a public hearing on this request and the matter is now ready for final action.

Associated Case(s): None

Recommendation: That Council adopt the attached Ordinance annexing the property identified therein.

4.5 Raleigh-Cary Agreement Regarding Future Common Municipal Boundary
Speaker: Debra Grannan, Planning and Development Services

Executive Summary: In 1996, The Town of Cary and City of Raleigh entered into an agreement to establish a mutually agreed-upon boundary between the municipalities. North Carolina state law allows these agreements to better facilitate orderly planning of land development and provision of water and sewer services. That agreement had a twenty-year term and has expired. A new agreement is proposed which maintains the terms and a substantially similar boundary line established in the previous agreement. Pursuant to state law, each governing body must first schedule, and then hold, a public hearing before they can take final action on a proposed agreement.

Recommendation: That Council adopt the attached resolution calling for a public hearing on September 24, 2020 on an agreement with the City of Raleigh regarding future common municipal boundary.

4.6 Establish a Prequalification Town Policy to be Used for the Downtown Cary Park and other Future Projects
Speaker: Paul Kuhn, Transportation and Facilities

Executive Summary: On June 13, 2019, Council approved an alternate construction delivery method for the Downtown Cary Park. Based on the complexity of the project and the need for a collaborative construction process, Council approved the Construction Manager At-Risk (CMAR) method
for construction. To utilize CMAR, NC General Statutes require Cary to have a prequalification policy in place by which it will impartially evaluate contractors to determine if their businesses are qualified and experienced in the construction of public facilities. This policy may also be used for construction or repair projects that utilize separate-prime bidding, single-prime bidding, or dual bidding construction methods.

**Recommendation:** Staff requests that Council adopt the attached Policy Statement 185, “Prequalification Policy.”

### 4.7 Consideration of an Automatic Mutual Aid Agreement Between City of Durham and Town of Cary Fire Department

**Speaker:** Mike Cooper, Fire Department

**Executive Summary:** Cary has an established interest in regional collaboration by providing and receiving automatic aid for emergency responses. These relationships have strengthened Cary’s bonds with its neighbors for mutual benefit. Cary and Durham are engaged in successful partnerships to provide exemplary emergency services. The Agreement formalizes the arrangement by codifying a reciprocal automatic aid agreement based on specific geographical response areas.

**Recommendation:** Staff recommends that Council adopt the attached Resolution approving “Interlocal Agreement for Automatic Mutual Aid Agreement Between City of Durham and Town of Cary Fire Department” (“Agreement”) and authorizing the Town Manager or Deputy Town Manager to execute an Agreement substantially like the Agreement and to provide such notices and take such actions as Agreement contemplates.

### 4.8 Ratification of Adoption of the “Resolution of the Cary Town Council Authorizing Amendments to Development Agreement for the Fenton Mixed-Use Development”

**Speaker:** Lisa Glover, Town Attorney’s Office

**Executive Summary:** At their August 20, 2020 meeting, Council held a public hearing to consider amending and restating the Development Agreement for the Fenton Mixed-Use Development originally approved in 2018. At the conclusion of the hearing, Council adopted a “Resolution of the Cary Town Council Authorizing Amendments to Development Agreement for the Fenton Mixed-Use Development.” Due to differing interpretations of state law regarding public hearings held during remote meetings, ratification of the adoption of the Resolution is recommended.

**Recommendation:** Ratify the August 20, 2020 adoption of the “Resolution of the Cary Town Council Authorizing Amendments to Development Agreement for the Fenton Mixed-Use Development.”
4.9  **Funding Appropriation for Purchase of 4224 Green Level West Road**  
**Speaker:** Jerry Jensen, Transportation and Facilities  

**Executive Summary:** The Town has the opportunity to purchase approximately 3 acres of land owned by Lyn C. Johnson located at 4224 Green Level West Road. Staff requests that Council appropriate $550,000 of unrestricted general capital reserve fund balance and create a capital project for the purchase. This acquisition will be used for a future extension of Wimberly Road and widening of Green Level West Road.

**Recommendation:** That Council appropriate $550,000 of unrestricted general capital reserve fund balance and create a capital project for the purchase of the Johnson property.

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  **20-A-06 Lennar Carolinas, LLC Annexation**  
**Speaker:** Debra Grannan, Planning and Development Services  

**Executive Summary:** The owners of property located at 1612 Cavalcade Drive (approximately 1,850 east of Green Level Church Road, adjacent to east side of Ridgefield Farms Subdivision at current terminus of Cavalcade Drive) have petitioned for annexation of the property in association with a development plan currently under review. Pursuant to statute, the Town Council must hold a public hearing before taking action on the request.

**Associated Case(s):** 20-DP-3300 (Ridgefield Place Subdivision)

**Recommendation:** That Council conduct a public hearing and defer action on requested annexation to a future council 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  **Intersection Improvements Project - Bid Year 2020 Bid Award**  
**Speaker:** Amir Nezarati, Transportation and Facilities  
David Spencer, Transportation and Facilities

**Executive Summary:** Intersections are an integral component of our transportation system that facilitate the flow of vehicles, bikes, and pedestrians. Over the past three years we have completed several
intersection improvements projects as part of our Capital Improvements Program. The Intersection Improvements Project – Bid Year 2020 makes additional investments in our transportation network by increasing intersection capacity, upgrading pedestrian and bicycle crossings, and improving safety for all road users. Improvements associated with this project include new traffic signals, high-visibility crosswalks, upgraded ADA curb ramps, additional turn lanes, and landscaped medians.

**Recommendation:** Staff recommends that Council award the bid for construction of the Intersection Improvements Project - Bid Year 2020 to Fred Smith Company for the Total Base Bid of $3,081,047.35. Council's award is a preliminary determination, and no legally binding acceptance of the bid or offer occurs until the Town has executed a written agreement. The contract award is subject to the contractor providing all bonds, insurance and other required documents and executing a contract in a form agreeable to the Town.

### 6.2 19-REZ-16 Silverton PDD Amendment Parcel G (O&I Portion)

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

**Executive Summary:** The applicant has requested Cary consider an amendment to Cary’s Official Zoning Map by amending a portion of the previously approved Silverton Planned Development District consisting of approximately 2.24 acres, at 1700 Evans Road, with zoning conditions that include limiting the use and density to 60 multi-family residential units, and providing a minimum of 1,200 square feet of community gathering space. An associated preliminary development plan (PDP) shows the general location of buildings and parking as well as the provision of a public art element. The existing Mixed Use Overlay District (MUOD) will remain.

**Recommendation:** Staff recommends approval of this rezoning request with the conditions as proposed by the applicant.

**Planning and Zoning Board Determination:** The Planning and Zoning Board found the request to be consistent with the Imagine Cary Community Plan by a vote of 8-0.

### 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.