



Cary Town Council  
Thursday, January 5, 2017  
6:30 PM

Council Chambers  
316 N. Academy Street, Cary Town Hall, Cary, NC 27513

**1. COMMENCEMENT**

- 1.1 Call to Order
- 1.2 Ceremonial Opening led by Council Member Yerha
- 1.3 Adoption of agenda

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

- 2.1 **Settlement agreement and release between American Asset Corporation and the Town of Cary**  
**Speaker:** Chris Simpson, Legal
- 2.2 **Town Manager's Update**  
**Speaker:** Sean Stegall

**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 a 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 - Dec 8, 2016 6:30 PM**  
Speaker: Virginia Johnson

**4.2 Revised Resolution to Authorize Banking Signatures**  
Speaker: Karen Mills, Finance

**Recommendation:** Staff recommends Council adopt an updated resolution designating positions authorized to manage Town funds.

**Executive Summary:** Banks and financial institutions require documentation of Council authorization for staff to manage accounts on behalf of the Town. Council has authorized certain staff positions to manage bank accounts to control Town funds.

**4.3 Ratification of Resolution - M-16 Middle School Development Plan**  
Speaker: Chris Simpson

**Recommendation:** Staff recommends that Council ratify the attached Resolution.

**Executive Summary:** On December 8, 2016, Council reviewed the development plan for the M-16 Middle School (16-SP-045) and granted the applicant’s request for approval. All the attorneys involved in the hearing have consented to the form of the attached Resolution. Council should review the Resolution to ensure the Resolution adequately represents Council’s decision in the matter. Any questions about the content of the Resolution should be directed to John Silverstein, who was the attorney representing the Council in this matter.

**4.4 16-REZ-23 Old Reedy Creek Road Rezoning**  
Speaker: Debra Grannan, Planning

**Recommendation:** Staff recommends that council consider action on the proposed rezoning request.

**Executive Summary:** The applicant has requested the Town consider an amendment to the Town of Cary Official Zoning Map by rezoning approximately 2.99 acres located at 1710 and 1750 Old Reedy Creek Road from Residential 40 (R-40) to Office and Institutional Conditional Use (O&I-CU). Conditions proposed by the applicant would limit the uses to veterinary office or hospital, kennel, and general or professional office. The applicant has also proposed to limit the maximum building size to 18,000 square feet.

This rezoning has an associated Consistency and Reasonableness Statement.

**Planning and Zoning Board Recommendation:** The board forwarded the case to Town Council with a recommendation for approval by a vote of 9 - 0.



**4.5 Consistency Statement for 16-REZ-23**

This item is associated with the prior item, 16-REZ-23 Old Reedy Creek Road Rezoning.

**4.6 16-A-14 Gary J. Markham, Trustee GJM401K Trust Annexation**

**Speaker:** Katie Drye, Planning

**Recommendation:** Staff recommends adoption of the proposed annexation ordinance with an effective date determined by council action.

**Executive Summary:** Request by the property owner(s) to annex property located at 8204 Newcomb Street (SW corner of Newcomb Street and Truelove Drive intersection). Associated Case(s): 16-REZ-21 (Walters Property Rezoning).

**4.7 16-REZ-21 Walters Property Rezoning**

**Speaker:** Katie Drye, Planning

**Recommendation:** Staff recommends that council consider action on the proposed rezoning request.

**Executive Summary:** The applicant has requested the Town consider an amendment to the Town of Cary Official Zoning Map by applying initial Town of Cary zoning to approximately 1.14 acres located at 8204 Newcomb Street. The property is currently in the Wake County Residential 30 (R-30) zoning district. The property owner proposes to rezone the property to Residential 8 Conditional Use (R-8-CU) with zoning conditions that limit the use to three (3) detached dwellings.

There is an associated Owner-Initiated Annexation Petition – **16-A-14**.

The rezoning has an associated Consistency and Reasonableness Statement.

**Planning and Zoning Board Recommendation:** The Planning and Zoning Board recommended approval by a vote of 9 - 0.

**4.8 Consistency Statement for 16-REZ-21**

This item is associated with the prior item, 16-REZ-21 Walters Property Rezoning.

**4.9 16-REZ-25 Arbors at Cary (Wrenn Drive) Rezoning**

**Speaker:** Katie Drye, Planning

**Recommendation:** Staff recommends that council consider action on the proposed rezoning request.

**Executive Summary:** The applicant has requested the Town consider an amendment to the Town of Cary Official Zoning Map by rezoning approximately 1.17 acres (one property and a portion of a second property) owned by Avanath Capital Management, LLC, from Office and Institutional (OI) and Office and Institutional Conditional Use (OI-CU) to Residential Multi-Family Conditional Use (RMF-CU), with zoning conditions limiting the land use to office and recreational uses ancillary to the existing multi-family dwelling development (Arbors at Cary apartment community).



This rezoning has an associated Consistency and Reasonableness Statement.

**Planning and Zoning Board Recommendation:** The Planning and Zoning Board recommended approval by a vote of 9-0.

**4.10 Consistency Statement for 16-REZ-25**

This item is associated with the prior item, 16-REZ-25 Arbors at Cary (Wrenn Drive) Rezoning.

**4.11 Bid Award - 95 Gallon Roll Out Carts**

**Speaker:** Scott A. Hecht, Public Works

**Recommendation:** Staff recommends Council approve the use of the NCGS 143-129(g) to “piggyback” the bid award of the City of Virginia Beach, awarded November 9, 2016, to Schaefer Systems International Inc. for the purchase of up to 3,213 of carts per year for one (1) year at a contract price of \$48.47 per cart. The recommendation of award by Council represents 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 Schaefer Systems International Inc. providing all bonds, insurance and other required documents and executing a contract in a form agreeable to the Town.

**Executive Summary:** N.C. General Statutes allow “piggybacking” on another jurisdiction's competitive bid award. A recent competitive bid was awarded by City of Virginia Beach to Schaefer Systems International, Inc. for 95-gallon USD95M North American style bar refuse carts. The cart awarded by Virginia Beach also meets Recycling and Solid Waste Division’s performance specifications for refuse carts.

**4.12 Tank License Agreements for Portions of Town-owned Properties for Wireless Commercial Carrier**

**Speaker:** Terry Yates, Technology Services

**Recommendation:** Staff recommends that Council adopt the attached Resolutions (1) approving License Agreements with New Cingular Wireless PCS for four sites (“Agreements”); (2) authorizing the Town Manager or Deputy Manager to execute Agreements substantially like the Agreements and to provide such notices and take such actions as Agreements contemplate; and (3) authorizing the Manager and Deputy Manager to approve and execute any amendments to Agreements that do not change the term or rental amount and to approve and execute instruments necessary to the same.

**Executive Summary:** New Cingular Wireless PCS seeks new ten-year Tank License Agreements for four existing Town Water Tank sites.

**4.13 Duke Energy Progress Requesting Utility Easement Across Town-owned Properties**

**Speaker:** Donna Lunsford, Transportation and Facilities

**Recommendation:** Staff recommends Town Council 1) adopt the attached Resolution



approving the proposed utility easement to Duke Energy Progress, LLC to relocate existing utility poles along Green Level Church Road and Green Level West Road on Town property and authorizing the Town Manager or Deputy Town Manager to execute a deed of easement substantially like that attached to the Resolution; and 2) adopt the attached Resolution approving a template for electric utility easements that permits the easement to be used for communications facilities that are necessary for the provision of electric service and authorizing the Town Manager or Deputy Town Manager to execute easement deeds substantially like that attached to Resolution.

**Executive Summary:** To facilitate road improvements to be constructed by Wake County Public School System associated with White Oak Elementary School and Green Level High School, Duke Energy Progress, LLC (Duke) proposes to relocate utility poles onto Town-owned property along Green Level Church Road and Green Level West and requires a utility easement from the Town to do so. Council approved a template utility easement on August 11, 2016 for this type of situation and authorized the Manager to execute such an easement; however, Duke now asks for revisions to that template that must be approved by Council. Duke has also requested that some of these revisions be made to other proposed easements

## 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 16-CPA-04 Walnut Street Retail Comprehensive Plan Amendment

**Speaker:** Meredith Gruber, Planning

**Recommendation:** Staff recommends that council conduct a public hearing on the proposed comprehensive plan amendment request.

**Executive Summary:** The Town of Cary has received an application to amend the land use designation, from Office/Institutional (OFC/INS) to Commercial (COM), for an unaddressed property and a portion of an adjacent property, totaling approximately 2.06 acres, located at the northeast corner of the Walnut Street and Tryon Road intersection.

**Planning and Zoning Board Recommendation:** The recommendation will be provided to Town Council following the P&Z Board meeting.

### 5.2 16-REZ-16 Walnut Street Retail Rezoning

**Speaker:** Katie Drye, Planning

**Recommendation:** Staff recommends that council conduct a public hearing on the proposed rezoning request.

**Executive Summary:** The Town of Cary has received an application to rezone an unaddressed property and a portion of an adjacent property, totaling approximately 2.06 acres, located at the northeast corner of the Walnut Street and Tryon Road



intersection, from Residential 40 (R-40) to Mixed Use District (MXD) with an associated preliminary development plan to allow food and beverage service use (restaurant) not to exceed 4,700 square feet in size.

There is a Comprehensive Plan Amendment request (16-CPA-04) associated with this case.

**Planning and Zoning Board Recommendation:** The recommendation will be provided to Town Council following the P&Z Board meeting.

### 5.3 Round 38 Land Development Ordinance Amendments

**Speaker:** Mary Beerman, Planning

**Recommendation:** Staff recommends that council conduct a public hearing and refer the proposed Round 38 LDO Amendments to the Planning and Zoning Board for a recommendation.

**Executive Summary:** The proposed Land Development Ordinance (LDO) amendments would: provide greater flexibility regarding the location of freestanding garages; modify applicability of the requirement for a rezoning neighborhood meeting; allow a crematorium as a permitted use in the Industrial zoning district; and clarify or modify various provisions related to perimeter buffers, setbacks for sidewalks, and time limits for submitting revisions to zoning conditions.

**Planning and Zoning Board Recommendation:** The recommendation will be provided to Town Council following the P&Z 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 Paid Parental Leave

**Speaker:** Renee Poole, Human Resources  
Sean R. Stegall, Town Manager

**Recommendation:** Approval of a six-week Paid Parental Leave Program for eligible Town of Cary employees.

**Executive Summary:** The addition of a Paid Parental Leave Program would enhance the Town of Cary's comprehensive employee benefit package. It is being recommended for the following reasons:

- It is our goal to become the highest performing local government in the United States by creating advanced service models that do not currently exist. Success will require attracting and retaining adaptable, multifaceted high performers. Our employment practices, which have been integral to our past success, must continue to evolve to attract this top talent;
- In addition to many Fortune 500 Companies and a couple of states, several of our neighboring communities have approved paid parental leave or are actively considering it, and



- While the Town of Cary has no direct experience with such a program, the experience of others indicates that it is a net financial positive through organization-wide increased retention and productivity.

## 6.2 Formal Naming of A.M. Howard Property

**Speaker:** Doug McRaney, Director, Parks, Recreation and Cultural Resources

**Recommendation:** Staff recommends Council approve one of the naming recommendations for the Town owned property at 1580 Morrisville Carpenter Road.

**Executive Summary:** The property history at 1580 Morrisville Carpenter Road was examined to determine naming recommendations following PS171, Town Facilities Naming Policy. The property has had approximately nine individual owners in its 100+ year history and has been known locally and in the National Register of Historic Places as the AM Howard Farm for over 77 years. In addition, Brightleaf Tobacco was grown as the predominate crop on the farm which contributed to the development of the Historic Carpenter Area Community.

## 6.3 2017 Legislative Agenda

**Speaker:** Lana Hygh, Town Manager's Office

**Recommendation:** Adoption of the proposed Advocacy Principles and 2017 North Carolina and Federal Legislative Agendas.

**Executive Summary:** This staff report briefly recaps the outcomes of the General Assembly's 2016 session as it pertains to the Town's legislative agenda and presents advocacy principles and legislative goals for the 2017 session as well as federal legislative goals.

## 6.4 Crabtree Creek Greenway Construction Bid Award

**Speaker:** Paul Kuhn, Transportation & Facilities Department

**Recommendation:** Staff recommends that Council award the Crabtree Creek Greenway construction project to FSC II, LLC dba Fred Smith Company for \$3,540,000 for the Base-Bid and Alternate A, and adopt the attached resolution documenting this award. The recommendation of award by Council represents 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. The contract award is also subject to NCDOT concurrence.

**Executive Summary:** On December 8, 2016 the Transportation & Facilities Department received bids for construction of the PR1166 Crabtree Creek Greenway project, a 1.7 mile trail along the south shore of Lake Crabtree. This greenway is part of a major east/west trail which will link Cary's greenway system with the greenway networks of Raleigh, Morrisville, and ultimately Research Triangle Park and the American Tobacco Trail. Construction of the project is scheduled to start in the Spring of 2017 with completion in Summer 2018. The project is funded in part by Federal



and Wake County grants.

#### 6.5 Revisions to the Standard Specifications and Details

**Speaker:** Robert Hirt, Water Resources

**Recommendation:** Staff recommends that Council (1) approve the revised Standard Specifications and Details as presented for enactment effective upon adoption and applicable to new development plans submitted on or after that date; (2) amend the Town Code of Ordinances to incorporate by reference the Standard Specifications and Details and adopt a procedure for requesting modifications to the standards; and (3) amend the Town Code of Ordinances to add a new section regulating curb cuts.

**Executive Summary:** The high quality, tailored infrastructure and utility services our citizens enjoy are due in part to the Standard Specifications and Details manual which guide their construction. Our revisions to the 2013 manual help ensure that our transportation and utility systems stay safe and consistent, reflecting new, tested technology and innovation and maintain compliance with state and federal requirements. Referencing the Standard Specifications and Details in the Code of Ordinances underscores the importance of this document in shaping our community's high quality of life. Staff gave thoughtful consideration to feedback provided by our public and the development community, furthering the partnership that keeps Cary second to none.

#### 6.6 Bid Award for the Jordan Lake Aeration System

**Speaker:** Robert Hirt, Water Resources

**Recommendation:** Staff recommends that Council award the bid in the amount of \$4,122,000 to Crowder Construction Company for equipment and installation associated with the WT1163 CAWTF – Lake Aeration Mixing System. The recommendation of award by Council represents 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. Staff requests that Council appropriate a total of \$950,000, of which \$218,500 will be provided by the Town of Apex and \$731,500 by the Town of Cary, for project completion as described in the Fiscal Impact section of this staff report.

**Executive Summary:** Finding unique, low cost solutions to expensive, dynamic problems requires going straight to the source; or in this case, our source water at Jordan Lake. Implementing an in-lake aeration and mixing treatment process to create consistent raw water quality at our intake will generate operational efficiencies and reduce treatment costs at the Cary/Apex Water Treatment Facility. The ResMix system manufactured by WEARS Australia and approved for installation by the US Army Corps of Engineers will be another example of reliable and innovative infrastructure in our community.

#### 6.7 Council Initiated Item: Trees (Dedication Program and/or Heritage Tree Committee)

**Speaker:** Council Members Robinson and Yerha





**Recommendation:** Council as a whole may take one of the following actions: (i) Discuss the issue and take action at the meeting if no information is required from staff and if council does not seek public input, or (ii) Refer the request to a future council meeting, at which time a staff report with staff recommendation will be prepared, or (iii) Decide not to pursue the council initiated request.

**6.8 Council Initiated Item: Realtor Info Sessions**

**Speaker:** Council Members Robinson and Bush

**Recommendation:** Council as a whole may take one of the following actions: (i) Discuss the issue and take action at the meeting if no information is required from staff and if council does not seek public input, or (ii) Refer the request to a future council meeting, at which time a staff report with staff recommendation will be prepared, or (iii) Decide not to pursue the council initiated request.

**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](mailto:virginia.johnson@townofcary.org), 919-469-4011, TDD 919-469-4012.*

