



Cary Town Council  
Thursday, April 13, 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 George
- 1.3 Adoption of agenda

## 2. RECOGNITIONS, REPORTS, AND PRESENTATIONS

- 2.1 Recognition of the French Culinary Students
- 2.2 Town 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 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 - Mar 30, 2017 6:30 PM**  
Speaker: Virginia Johnson

**4.2 Ratification of Resolution - AAA Car Care Center Modification Request**  
**Speaker:** Chris Simpson, Town Attorney’s Office

**Executive Summary:** On March 2, 2017, Council reviewed the modification request for AAA Car Care Center (16-SP-062) and denied 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.

**Recommendation:** *That Council ratify the attached Resolution.*

**4.3 Ratification of Resolution - Grande Heights Drive Grocery Modification Request**  
**Speaker:** Chris Simpson, Town Attorney’s Office

**Executive Summary:** On March 2, 2017, Council reviewed the modification request for Grande Heights Drive Grocery (15-SP-056) 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.

**Recommendation:** *That Council ratify the attached Resolution.*

**4.4 Request for Consent of Relinquishment of Raleigh Extra-Territorial Jurisdiction**  
**Speaker:** Wayne Nicholas, Planning Department

**Executive Summary:** The Town of Cary participated in a coordinated effort with Wake County and the cities of Raleigh, Apex and Garner to develop the [Swift Creek Land Management Plan](#) (SCLMP) to assist with planning and managing future development of land within the Swift Creek



watershed for the purposes of protecting water quality. The City of Raleigh received a petition from the owners of a 15-acre property within Raleigh's extra-territorial jurisdiction (ETJ) and the SCLMP area requesting that the Raleigh City Council consider relinquishing the property from its ETJ to Wake County in order for the property to be developed under County zoning regulations. Before the relinquishment can become effective the other jurisdictions with zoning authority within the area covered by the SCLMP, which includes the Town of Cary, must consent to the relinquishment.

**Recommendation:** *That Council adopt the attached resolution consenting to the relinquishment of the subject property from the City of Raleigh's ETJ to Wake County since future development of the property will remain subject to the requirements of the Swift Creek Land Management Plan.*

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-REZ-32 Silverton PDD Amendment (Waltonwood)

**Speaker:** Debra Grannan, Planning Department

**Executive Summary:** The applicant has requested the Town amend a portion of the previously approved Silverton Planned Development District (PDD) to change the permitted uses from office and retail to allow a life care community, multi-family dwellings and townhomes. Parcel "A," which is currently zoned to allow Office and Institutional use, is proposed for a maximum of 212 multi-family dwelling units. Parcel "I," which is currently zoned for retail (shopping center) use, is proposed for a life care community with 179 units and a townhome development with 37 lots.

**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.*

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 FY2017 Street Improvements Project

**Speaker:** Sammy Wood, Transportation & Facilities

**Executive Summary:** As part of maintaining our transportation network, our street improvements program includes a goal to resurface



approximately 5% of our lowest rated streets annually. The Town has received one bid for the FY2017 Street Improvements Project (ST1261), which includes pavement resurfacing, patching, and rejuvenation on various street segments throughout Cary. Bid prices came in higher than expected. Staff negotiated with the contractor and was successful in reducing the price for several line items within the bid proposal, reducing the quantity of contingency items, and reducing the number of miles to be resurfaced. The above efforts have resulted in a street improvements project that includes resurfacing 15 miles (3.2%) of our 470 mile network.

**Recommendation:** *That Council award a construction bid for the FY2017 Street Improvements Project (ST1261) to Lane Construction Corporation in the amount of \$6,419,949.50 plus \$50,000.00 for estimated taxes. 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.*

## 6.2 Council Initiated Item - Downtown Fountain

**Speaker:** Mayor Pro Tem Ed Yerha and Council Member Lori Bush

**Executive Summary:** For council initiated requests, the 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.

