



1. COMMENCEMENT

1.1 Call to Order and Ceremonial Opening

1.2 Adoption of agenda

2. QUASI-JUDICIAL PUBLIC HEARINGS (one hour time limit)

Quasi-judicial hearings are different than regular public hearings in that they resemble a court hearing where testimony is presented. The Town Council should refrain from “ex parte communication” about these cases, as they must make a decision based solely on the written and oral evidence actually presented at the hearing itself. This means that the Town Council should refrain from receiving any information about these cases outside the hearing, including emails, phone calls, letters, etc. The Town Council should also refrain from conducting meetings about these issues outside the hearing. These same prohibitions do not apply to staff. Staff welcomes inquiries from the public about any of these cases.

There is a suggested one hour time limit on all hearings.

Procedure for a Quasi-Judicial Hearing:

- *All testimony before council must be "sworn" testimony. The Mayor will allow time before each hearing for all speakers who want to speak during that hearing to be administered an oath by the clerk.*
- *Applicants and those opposed to the application may elect to be represented by legal counsel. Applicants that are corporate entities must be represented by an attorney.*
- *A staff representative will introduce the case.*
- *The applicant's attorney is called on to present the argument and evidence in support of the application, followed by others who wish to speak in support of the application.*
- *Persons opposed to the application are invited to speak.*
- *Town staff will present any testimony they wish to add.*
- *Both sides are permitted to cross-examine speakers.*
- *Council enters the deliberative phase of the hearing and may make comments or ask questions.*

(Procedure for Quasi-Judicial Hearing Continues on the next page)

- *The Mayor closes the public comment portion of the hearing. Council may ask clarification questions of the staff, the applicant or others who have testified but cannot receive new evidence without reopening the public comment period. Additional cross-examination and rebuttals may be made only on new evidence presented.*
- *Council may render a decision or may continue the case to a publicly stated date, time and location.*

Guidelines for Quasi-Judicial Hearing Speakers:

- *All speakers must be sworn in prior to the beginning of the hearing.*
- *All speakers should speak from the podium next to the clerk.*
- *The applicant should present argument and evidence as concisely and efficiently as possible.*
- *Speakers should avoid inflammatory, irrelevant or repetitious testimony. Groups are encouraged to select a spokesperson to speak about general matters for the group.*
- *Speakers may introduce exhibits only to support their testimony at the hearing. Letters from individuals who do not appear at the hearing and petitions are considered unsworn testimony or hearsay, and cannot be considered by council.*
- *All speakers should ensure their testimony (i) is relevant, (ii) consists of statements and facts about which the speaker can personally testify, and not the statements or words of others who are not testifying, and (iii) is not speculative opinion or generalized objections without supporting facts.*
- *Only speakers who are qualified as experts in the appropriate field should testify about (i) how the use of property in a particular way would affect the value of other property, (ii) how the increase of vehicular traffic resulting from the proposed development would pose a danger to public safety, or (iii) other matters that would require expert testimony under the rules of evidence.*

2.1 Twin Lakes Center Sketch Plan/16-SP-080

Speaker: Doug Loveland, Planning

Executive Summary: REDUS Twin Lakes, LLC requests Town Council consideration of a sketch plan for a retail development on Davis Drive at Airport Boulevard. The plan includes a total floor area of 158,300 square feet in four buildings, one of which includes a drive through.

Recommendation: *That Council hold an evidentiary hearing and take action on the proposed sketch development plan.*

2.2 Hawthorne at Parkside 15-SP-053

Speaker: Kevin A. Hales, Planning

Executive Summary: The applicant requests Council consider a plan for 204 multi-family units near the intersection of O’Kelly Chapel Road and N.C. 55. The plan provides 330 parking spaces, a 30% reduction in the required parking. The plan also includes a request for a payment-in-lieu of construction for improvements to O’Kelly Chapel Road. The property is in the Town's Extra Territorial Jurisdiction (ETJ) and must be annexed before taking action on the plan.

Just prior to publication of this report, the applicant informed us there may be issues permitting improvements to O’Kelly Chapel Road. Staff has not had the opportunity to fully vet how these changes will impact the development proposal. The applicant will need to provide additional information at the hearing.

Recommendation: *That Town Council hold an evidentiary hearing and act on the annexation petition, the requested parking reduction, and the proposed development plan.*

3. CLOSED SESSION

Closed Session will be called if necessary.

4. 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.

Council meetings are cablecast live on Time Warner Cable 11 and AT&T Uverse 99 and are streamed live on the Town’s website, www.townofcary.org. Meetings are recablecast the Friday following the meeting at 9:30 a.m., the Saturday following the meeting at 6:30 p.m., and the Sunday following the meeting at 2 p.m. Meetings are archived in the Cary TV section of www.townofcary.org as well as at www.youtube.com/TownofCarychannel.