



Cary Town Council
Thursday, August 10, 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 Mayor Weinbrecht
- 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 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 ESRI Small Municipal and County Government Enterprise License Agreement
Speaker: Reid Serozi, Information Technology

Executive Summary: The Town currently uses ESRI’s ArcGIS as mapping software. There is significant potential to apply GIS technology in many more operational and technical areas within our organization. Currently the Town’s use of ArcGIS is limited to individual licenses for specific employee positions. To expand the Town’s capacity for GIS integration, staff plans to expand access to the software with an enterprise license in FY 2018. Because ESRI is the sole source for the software license and, standardization and compatibility are the overriding considerations for this procurement, Council must approve the use of sole source for the procurement prior to the award of the contract.

Recommendation: *That Council approve an exception to formal bidding requirements as allowed by N.C.G.S. 143-129(e)(6) and authorize staff to enter into a sole source purchase and license agreement for ArcGIS, a geographic information software (GIS), with the software vendor ESRI.*

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 17-REZ-15 Old White Oak Church Road Assemblage
Speaker: Debra Grannan, Planning

Executive Summary: The applicant has requested the Town consider an amendment to the Town of Cary Official Zoning map to apply initial Cary zoning to approximately 10.61 acres. The property is currently located in Wake County’s jurisdiction and is zoned R-40 Watershed (R-40-W). The applicant has requested a Cary zoning designation of Residential 12 Conditional Use (R-12-CU), Conservation Residential Overlay District and Watershed Protection Overlay District (Jordan Lake Subdistrict). Zoning conditions proposed by the applicant would limit use to detached residential and neighborhood recreation, would limit the density to 2.25 dwelling units per acre, and would provide a minimum community gathering space of 5,000 square feet.

There is an associated Owner-Initiated Annexation Petition – **16-A-19**.

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

5.2 17-REZ-20 Piney Plains Rezoning
Speaker: Katie Drye, Planning

Executive Summary: The applicant has requested the Town consider an amendment to the Town of Cary Official Zoning Map by rezoning approximately 4.7 acres, located at 2410 and 2416 Piney Plains Road, from Residential 40 (R-40) to Transitional Residential Conditional Use (TR-CU) with conditions to limit the use to semi-detached/attached dwellings and/or townhomes and neighborhood recreation and increase the minimum required area for a community gathering space.

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 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 Order to Demolish and Remove Dwelling – 209 Marilyn Circle
Speaker: Philip Smith, Planning

Executive Summary: Maintenance of the Town’s aging housing stock and protection of our neighborhoods are key principles of the Imagine Cary Community Plan. Town Council action is requested in a minimum housing case involving a dwelling at 209 Marilyn Circle, Cary, NC 27513. The Minimum Housing Officer has determined that the dwelling at this address has been abandoned and is dilapidated, and has ordered the property owner to demolish and remove it. The owner has failed to comply with the Minimum Housing Officer’s order within the timeframes provided. Where the owner fails to remedy the violation themselves, the state law and the Town’s Minimum Housing Code give the Town the option to undertake the removal and demolition of the dwelling and placement of a lien on the property to recover the cost. In order to protect property values, increase public safety, and preserve the quality of the



Marilyn Circle neighborhood, staff believes the dwelling should be demolished.

Recommendation: *That Council adopt the attached Ordinance ordering the demolition and removal of the dwelling located at 209 Marilyn Circle Cary, NC 27513. If the dwelling is not demolished and removed by the property owner within 30 days, the Town will contract for demolition and removal, and a lien will be placed against the real property upon which the costs of demolition are incurred.*

6.2 Amendment to Town of Cary Traffic Schedule 15 - School Speed Zones for 2017-2018 School Year

Speaker: David Spencer, PE, Transportation and Facilities

Executive Summary: In our ongoing effort to provide a safe traveling environment for children and their families that attend public schools in Cary, School Speed Zones with signs and flashers assemblies are provided for all public schools in Cary Town Limits. With the opening of two new schools in the Wake County Public School System this fall, and one school that opened last year, three new School Speed Zones have been identified and coordinated with the North Carolina Department of Transportation. Cary must provide a concurrence to NCDOT for all School Speed Zone Ordinances on State owned roadways that are located within Town Limits and the Town must record School Speed Zones on Town streets in the Traffic Schedules in order for those speed zones to be enforceable.

Recommendation: *That Council adopts the attached Ordinance authorizing the Town Clerk to amend the Town Traffic Schedules to add School Speed Zones for Hortons Creek Elementary School, Pleasant Grove Elementary School, and Green Level High School, and authorizing the Town Clerk to certify the Concurring Ordinance Certificate from NCDOT for O'Kelly Chapel Road, associated with the school speed zone for Hortons Creek Elementary.*



6.3 FY2018 Community Development Block Grant (CDBG) Annual Action Plan Funding Recommendations

Speaker: John J Donachie, Planning

Executive Summary: The Town has received funding from the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Program since 2004. For Fiscal Year 2018, HUD has approved a funding allocation of \$598,032. In order to receive those funds, the Town must prepare an Annual Action Plan (AAP) identifying the eligible activities to be funded with current and prior CDBG allocations. The proposed CDBG Program Budget for FY2018, including recommended funding allocations, is presented below:

MEANS OF FINANCING	
FY2018 CDBG Allocation	\$598,032
Reprogramed CDBG Funds from prior years	111,092
FY2018 General Fund Allocation	<u>400,000</u>
TOTAL	\$1,109,124

EXPENDITURES	
Affordable Housing	\$835,000
Economic Development	180,000
Public Services	80,000
Administration, Planning & Reserves	<u>14,124</u>
TOTAL	\$1,109,124

Recommendation: That Council adopt the FY2018 Annual Action Plan incorporating the proposed list of funding recommendations, and authorize staff to submit the plan and Community Development Block Grant application to the U.S. Department of Housing and Urban Development.

7. QUASI-JUDICIAL

7.1 17-DP-1042 Cary Academy Science Building Addition

Speaker: Rob Wilson, Planning

Executive Summary: The applicant requests Council consider modifications to requirements on North Harrison Avenue. These modifications include:

1. acceptance of a payment-in-lieu of \$0.00 for improvements to the road;
2. acceptance of a payment-in-lieu of \$0.00 for extension of the reclaimed water system; and
3. permission to keep existing overhead power lines in place.

The improvements on North Harrison are required due to a 22,602-



square-foot building expansion on the campus. The addition is 9.8% of the overall square footage of the campus, exceeding the 5% expansion threshold for requiring road improvements.

Recommendation: That Town Council hold an evidentiary hearing and act on the payments-in-lieu for street and utility improvements on North Harrison Ave. and the modification to keep overhead power lines in place.

8. CLOSED SESSION

Closed Session will be called if necessary.

9. 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.

