



Cary Town Council
Thursday, September 14, 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 Bush
- 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 Town Council - Work Session - Aug 22, 2017 6:00 PM

4.2 Town Council - Regular Meeting - Aug 24, 2017 6:30 PM

4.3 Town Council Recommended Board/Commission and Economic Development Committee Appointments

Speaker: Virginia Johnson, Town Clerk

Executive Summary: Council makes appointments to Town boards/commissions and the Economic Development Committee. Applications for vacancies were collected May 1-June 30. Council received and reviewed all applications the first week of July. Council individually reviewed all applications and provided a list of suggested applicants for subsequent interviews. Council liaisons provided input on the list of appointees for their respective boards.

Recommendation: That Council ratify the attached list of appointees with all terms effective October 1, 2017.

4.4 16-A-24 Hawthorne at Parkside Apartments, LLC Annexation

Speaker: Wayne Nicholas, Planning

Executive Summary: The owners of property located at 7215 O’Kelly Chapel Road (SW quadrant of N.C. 55 and O’Kelly Chapel Road Intersection) have petitioned for annexation of the property. Pursuant to statute, the Town Council held a public hearing on this request on March 30, 2017 and approved the annexation on August 3, 2017 in connection with the approval of the Hawthorne at Parkside development plan (15-SP-053). The annexation ordinance was omitted from the Council’s materials for the August 3rd meeting; therefore, staff requests that Council now ratify adoption of the ordinance.

Associated Case(s): 15-SP-053 (Hawthorne at Parkside) Development Plan

Recommendation: That Council ratify the annexation ordinance for 7215 O’Kelly Chapel Road.

4.5 Conveyance of Easements on Town-Owned Property for the Benefit of Twin Lakes Commercial Development

Speaker: Sandi Bailey, Transportation & Facilities

Executive Summary: Leyland Twin Lakes LLC, plans to build a



commercial development at the southeast intersection of Airport Boulevard and Davis Drive, and requests that the Town grant retaining wall maintenance easements, storm drainage easements, and temporary construction easements over an adjacent Town-owned parcel. Leyland has proposed to compensate the Town for the easements based on a value of \$187,002 per acre. Final square footages of easements, and final compensation, will be determined once construction drawings for the development have been finalized, impacts to Town land are satisfactorily assessed, and easement locations are surveyed.

Recommendation: That Town Council adopt the attached Resolution approving “Easement Agreement (Retaining Wall)” and “Easement Agreement (Stormwater and Temporary Construction)” (collectively, “Easements”) and authorizing the Town Manager or Deputy Town Manager to execute easements substantially like the Easements and to provide such notices and take such actions as Easements contemplate, so long as (1) the Easements are granted to REDUS Twin Lakes, LLC (current landowner) or its successors or assigns; (2) the Easements do not exceed 13,000 square feet of permanent easement area or 13,000 square feet of temporary construction easement area; (3) compensation is calculated at \$187,002 per acre for permanent easements and \$46,750.50 per acre for temporary construction easements; (4) staff approves final locations of the easement areas and determines there will be no adverse impact to Town property or future use of Town property; (5) REDUS Twin Lakes, LLC, or its successors or assigns conveys to Town, at no cost to Town, any necessary greenway and temporary construction easements on its property; and (6) the Easements are executed and recorded on or before September 30, 2018.

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 Chapel Hill Road Rezoning 17-REZ-18 **Speaker:** Debra Grannan, Planning

Executive Summary: The applicant has requested the Town consider an amendment to the Town of Cary Official Zoning Map by rezoning approximately 2.8 acres, located in the 9400 block of Chapel Hill Road (also known as NC 54 Highway), from Residential 20 (R-20) and Residential 12 (R-12) to Transitional Residential Conditional Use (TR-CU) to allow the development of semi-detached/attached dwellings and/or townhomes and neighborhood recreation.



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 FFY2019 Locally Administered Project Program (LAPP) for the Capital Area Metropolitan Planning Organization (CAMPO)

Speaker: Sandi Bailey

Executive Summary: Now in its eighth year, the Capital Area Metropolitan Planning Organization (CAMPO) is set to kick off pre-submittal meetings to review candidate projects for the Locally Administered Project Program (LAPP) on September 25, 2017. The LAPP has been a significant source of transportation funding for Cary, allowing the Town to maximize Town funds to leverage outside funding sources for the construction of eligible projects.

Recommendation: *Staff recommends approval of the FFY19 LAPP project list for submittal to CAMPO for consideration, and requests approval to make final project submittal and funding match determinations based on CAMPO staff feedback and project competitiveness.*

6.2 Local Government Certification for Historic Preservation Program

Speaker: Anna Reading, Planning

Executive Summary: In keeping with the historic preservation recommendations of the 2017 Imagine Cary Community Plan, staff has applied for Certified Local Government (CLG) status under the National Park Services' Federal Preservation Program and the application has now been approved by the North Carolina State Historic Preservation Office. The next step is for Town Council to formally endorse Cary's commitment to conducting Cary's preservation program in accordance with Federal and State requirements. Among the benefits of attaining CLG status is the ability for Cary to apply for CLG grant funds in competition only with other CLGs. Certification would strengthen our partnership with the State Historic Preservation Office, and reinforce the Town's identity as a special place to live, work and play.



Recommendation: *That Council authorize the Mayor to execute the attached Local Government Certification Agreement, and in doing so, endorse the terms of Cary's participation in the historic preservation Certified Local Government program.*

6.3 Bid Award for the Raw Water Transmission Parallel Pipeline Project

Speaker: Betsy Drake, Water Resources

Executive Summary: Providing safe, reliable water service to meet the needs of our citizens is one way we are achieving the goals of the Imagine Cary Community Plan. The Town of Cary provides water service not only to our own citizens, but also to those of Morrisville, Apex, and Raleigh-Durham International Airport, as well as portions of Chatham County and Research Triangle Park. It is important that we put the infrastructure in place to support the continuing growth in all of these areas. This Raw Water Transmission Parallel Pipeline project will provide over 6 miles of large diameter pipe that will increase resiliency, add redundancy, and move water more efficiently. It is the final anticipated connection in the infrastructure that conveys water from Jordan Lake to the Cary-Apex Water Treatment Facility.

Recommendation: *That Council award the bid in the amount of \$15,398,528.00 to Garney Construction for the installation of approximately 32,200 linear feet of 42", 48", and 54" raw water transmission main piping and associated work. 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.*



6.4 Reduce Congestion through Intersection Improvements Project (ST1237)
Speaker: Sammy Wood, Transportation & Facilities

Executive Summary: The Reduce Congestion through Intersection Improvements Project was approved by Cary voters as a part of the Cary Community Investment Bond Referendum in November 2012. The purpose of the project is to make operational, safety, and pedestrian improvements at intersections with deficiencies that can be improved through minor improvements. On Thursday, August 24, 2017, Cary received two construction bids for the Reduce Congestion through Intersection Improvements Project (ST1237), which includes improvements to the following intersections:

- Cary Parkway & Evans Road
- Cary Parkway & Kildaire Farm Road
- Maynard Road & High House Road
- High Meadow Drive & Cary Parkway

Recommendation: *That Council award a construction bid for the Reduce Congestion through Intersection Improvements Project (ST1237) to FSC II, LLC dba Fred Smith Company in the amount of \$2,323,232.00. 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 further recommends that Council approve the appropriation of \$1,813,515 of general obligation bond debt proceeds to be generated by the September 2017 bond sale to the ST1231 Intersection Improvements project to provide for full project funding needed to construct this project.*

6.5 Cary Parkway and High House Road Intersection Improvements Construction Bid Award

Speaker: Jerry Jensen, Transportation & Facilities

Executive Summary: The Town of Cary received a single bid for the Cary Parkway and High House Road intersection improvements project on August 10, 2017. The bid received was substantially over the engineer's estimate and budget. Reasons that may contribute to the unusually high bid include: the difficulty of the project, risk associated with the project, and a variety of economic conditions in the workforce. The North Carolina Department of Transportation has also indicated that they would not concur with the bid award. Staff plans to re-evaluate conditions prior to re-advertising this project for construction bids later this fall with construction anticipated to begin in Spring 2018.



Recommendation: That Council reject all bids for the Cary Parkway and High House Road Intersection due to the fact that bid prices received from the single bidder are substantially higher than the engineer's estimate and over budget.

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.

