



Cary Town Council  
Thursday, November 16, 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 Robinson
- 1.3 Adoption of agenda

## 2. RECOGNITIONS, REPORTS, AND PRESENTATIONS

### 2.1 Koka Booth Amphitheatre 2018 Management Plan and Budget **Speaker:** Lyman Collins, Parks, Recreation and Cultural Resources

**Executive Summary:** Annually, staff presents to Council the Koka Booth Amphitheatre's Management Plan & Budget as prepared by SMG staff. The plan summarizes the 2017 season and presents the plans for the 2018 season. The Amphitheatre's fiscal year runs from November 1 to October 31 to align with the primary presenting season. This staff report also includes the Public Works Maintenance/Events Support Plan and Budget which outlines the on-going maintenance and event needs as well as requests for special projects. The 2017 season will also mark the second year the Amphitheatre has shown a surplus in its operating budget.

**Recommendation:** Staff recommends that Council approve the attached Management Plan and Budget, the Public Works Maintenance Plan and Budget, a new capital project for lighting replacements and authorize staff to make the necessary budget adjustments as outlined to align the Amphitheatre's budget with the Town's fiscal year.

### 2.2 Renaming of Meeting Place Park **Speaker:** Doug, McRaney, Parks, Recreation & Cultural Resources Department

**Executive Summary:** Kay Struffolino, a citizen of Cary for 45 years and a Cary Hometown Spirit winner, has dedicated her life to the improvement of Cary. She has adopted two parks to maintain, has donated thousands of dollars to beautify Cary's parks and greenways, and has served on numerous boards, committees, and task forces, all for the betterment of Cary. Simply put, Kay is a citizen in the truest sense of the word. It is due to this selfless commitment that Meeting Place Park should be renamed in her honor.



**Recommendation:** That Council approve renaming Meeting Place Park to “Kay Struffolino Park.”

### 2.3 2017 Hometown Spirit Award Recipient Announcement

### 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 - Quasi-Judicial Meeting - Oct 5, 2017 6:30 PM

4.2 Town Council - Regular Meeting - Oct 26, 2017 6:30 PM

4.3 Town Council - Regular Meeting - Nov 2, 2017 6:30 PM

4.4 FC Cary Field Lease  
Speaker: William Davis, PRCR

**Executive Summary:** Staff is seeking authorization for the Town to renew a



non-exclusive license with the Futbol Club of Cary (FC Cary) for three multipurpose grass fields at Green Hope Elementary School Park. FC Cary will program recreation and challenge level soccer leagues for Cary citizens and will maintain the three fields.

**Recommendation:** *That Council adopt the attached Resolution approving “FC Cary Field License” (“License”) and authorizing the Town Manager or Deputy Manager to execute a license substantially like the License and to provide such notices and take such actions as License contemplates.*

#### 4.5 Revised Swift Creek Land Management Plan Interlocal Agreement and First Amendment

**Speaker:** Philip Smith, Planning

**Executive Summary:** To protect water quality in the Swift Creek watershed, Cary, Wake County, Raleigh, Apex and Garner developed the Swift Creek Land Management Plan (SCLMP) over 20 years ago to coordinate land development in the Swift Creek watershed. The SCLMP was codified by the North Carolina legislature in 1998, and all jurisdictions were required to adopt ordinances consistent with the standards and provisions of the SCLMP. The SCLMP jurisdictions have all been implementing the SCLMP but have never memorialized their commitment in an Interlocal Agreement (ILA). Additionally, Wake County and Garner have requested amendments to land use designations of certain properties within the SCLMP.

**Recommendation:** *That Town Council adopt the attached Resolution approving the “Swift Creek Land Management Plan Interlocal Agreement” and “First Amendment to the Swift Creek Land Management Plan” (“Agreements”) and authorizing the Town Manager or Deputy Town Manager to execute agreements substantially like the Agreements and to provide such notices and take such actions as the Agreements contemplate.*

#### 4.6 17-A-07 D. Cooke Properties LLC Annexation

**Speaker:** Wayne Nicholas, Planning

**Executive Summary:** The owners of property located at 3844 and 4020 NC Highway 55 (1,310 feet SE of NC Highway 55 and Morrisville Carpenter Road intersection) have petitioned for annexation of the property. Pursuant to statute, the Town Council held a public hearing on this request and the matter is now ready for final action.

Associated Case(s): Development Plan 17-DP-0892, 17-DP-0893, 17-DP-0785, and 17-DP-1128

**Recommendation:** That Council consider action on the requested annexation.



#### 4.7 Update of Policy Statement 172 Public Comment for Proposed Transit Fare and Service Changes

**Speaker:** Kelly Blazey, Transportation & Facilities

**Executive Summary:** GoCary has matured into a robust fixed route transit system that has been in operation for over 10 years. To ensure that our system continues to operate as efficiently, effectively, and safely as possible, transit staff will periodically review existing routes, schedules, service levels, and passenger fare structures for potential changes.

A regular review recently conducted by the Federal Transit Administration (FTA) identified the need for minor revisions to PS-172 to more explicitly detail how public comments will be considered. The updated policy provides a comprehensive outline of the service/fare change process, staff responsibilities, minor/major change thresholds, and associated public notice and comment processes in accordance with the federal review and guidance. It is important to the Town to keep PS 172 updated with current federal requirements to ensure appropriate public participation in the Town's transit program and to remain eligible for continued federal funding.

**Recommendation:** Staff recommends Council approve the update of PS-172 – “Public Comment for Proposed Transit Fare and Service Changes”.

#### 4.8 Wake County Transit Plan - FY18 Capital Agreements

**Executive Summary:** The Adopted Wake County Transit Plan (WCTP) details the strategic vision for public transit in the region, which includes transit priorities identified in the Imagine Cary Community Plan. This comprehensive plan is comprised of annual work plans defined by fiscal year. The Town of Cary is named as the sponsor for several projects in the Adopted FY18 Annual Work Plan. The projects, funded 100% through the WCTP, are designed to meet the growing demand for public transit in and around Cary.

To be eligible for reimbursement of expenditures associated with these projects, the Town must enter into annual agreements with GoTriangle. Executing these agreements is important to Cary because: 1) The agreements further identify the roles and responsibilities for WCTP implementing parties; 2) The agreements set the requirements for receipt of any Wake County Transit Tax Revenue; 3) The Town will be eligible to receive WCTP funding for the GoCary projects specifically identified in the agreements, which are consistent with the Adopted FY18 Work Plan.

**Recommendation:** That Council adopt the attached Resolution approving the “General Capital Agreement for Bus Infrastructure, Wake Transit FY18” and the “Special Capital Agreement for the Downtown Operations Plan and GoCary Operations and Maintenance Facility, Wake Transit FY18” (“Agreements”) and thereby authorizing the Town Manager or Deputy Town



*Manager to execute Agreements substantially like the Agreements and to provide such notice and take such actions as Agreements contemplate.*

#### **4.9 Transportation Development Fee Reimbursements**

**Speaker:** Megan Palmer, Transportation & Facilities

**Executive Summary:** Transportation development fees help the town offset new development impacts on the transportation network. Annual cash reimbursements were collected from developments as outlined by the Town's Transportation Development Fee (TDF) Ordinance. Revenue was collected in the amount of \$2,625,983.59 during FY17. Staff proposes that 30 percent, or \$787,795.08 for fiscal year 2017, be designated for reimbursements to developers with unexpired TDF Agreements.

**Recommendation:** *Staff recommends that the reimbursements presented in Schedule 1 totaling \$787,795.08 be approved and distributed from the transportation development fee revenue account to developers eligible to receive these funds.*

#### **4.10 Amendment to Traffic Schedule 9: Wolfs Bane Drive**

**Speaker:** David Spencer, Transportation & Facilities Department

**Executive Summary:** Due to the impact of on-street parking by students from Middle Creek High School, the safety of drivers along the western portion of Wolfs Bane Drive has been adversely impacted. The prohibition of parking along Wolfs Bane Drive during school hours will maintain sight lines and allow for two-way travel at the entrance to the West Lake subdivision.

**Recommendation:** *That Council approves the amendment to Traffic Schedule 9: Parking Prohibited – Certain Hours for both sides of Wolfs Bane Drive between West Lake Road and Homeplace Drive between the hours of 7:00 a.m. and 3:00 p.m.*

### **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-14 Fenton Mixed Use Development Rezoning**

**Speakers:** Mary Beerman and Rob Wilson

**Executive Summary:** The applicant has requested the Town consider an amendment to the Town of Cary Official Zoning map by rezoning an approximately 92-acre portion of a 273-acre parcel from Office and Institutional (OI) and Resource/Recreation (R/R) to Mixed Use District (MXD).



The subject property is located on the north side of Cary Towne Boulevard between I-40 and Adams Elementary School. A Preliminary Development Plan (PDP) is associated with this MXD rezoning (together, “the rezoning”), which proposes a mixed use development containing a mix of commercial, office, residential, and institutional uses. The applicant has proposed development standards related to building architecture, site design, and signage that are unique to the subject property, as allowed when requesting rezoning to the Mixed Use District.

**Recommendation:** That Council continue 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-A-09 Marcia A. Coleman Annexation

**Speaker:** Wayne Nicholas, Planning

**Executive Summary:** The owners of property located at 4121 Maple Springs Drive (500 feet West of Maple Springs Drive and White Oak Church Road intersection) have petitioned for annexation of the property. Pursuant to statute, the Town Council must hold a public hearing before taking action on the request.

Associated Case(s): Rezoning 17-REZ-22 (Maple Springs Drive)

**Recommendation:** That Council conduct a public hearing and defer action on requested annexation to a future council meeting to allow vote on the annexation to coincide with the final action on the associated Rezoning 17-REZ-22 (Maple Springs Drive).

## 5.3 Town-Owned Properties for Designation as Historic Landmarks

**Speaker:** Anna Readling, Planning

**Executive Summary:** In support of the 2010 Historic Preservation Master Plan/2017 Imagine Cary Community Plan, as well as the Cary Historic Preservation Commission’s adopted 2017 goals, the Historic Preservation Commission (HPC) has studied three Town-owned historic properties for their landmark potential: the White Plains Cemetery in the Maynard Oaks Subdivision; the Cary Arts Center; and the Jones House. The HPC commissioned landmark studies for each property, received comment on each study from the State Historic Preservation Office, and based on the evidence provided in the studies that each of the three properties possesses the special significance and material integrity required of landmarks, held



public hearings on October 11, 2017 on proposed landmark ordinances for each of the properties. The HPC is now forwarding the proposed landmark ordinances to the Town Council for a second public hearing and final consideration.

**Staff Recommendation:** That Town Council approve the proposed landmark ordinances for each of the three properties.

**Historic Preservation Commission Vote:** The HPC recommended approval of each of the three proposed landmark ordinances by a vote of 7-0.

**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 16-A-19 Tompkins, Moss & Linthicum Annexation**

**Speaker:** Debra Grannan, Planning

**Executive Summary:** The owners of property located at 1509, 1513, 1517 Old White Oak Church Road and unaddressed property on White Oak Church Road (2,390 feet N of Old White Oak Church Road and Green Level West Road intersection) have petitioned for annexation of the property. Pursuant to statute, the Town Council held a public hearing on this request and the matter is now ready for final action.

Associated Case(s): Rezoning 17-REZ-15 (Old White Oak Church Road Assemblage)

**Recommendation:** That Council consider action on the requested annexation.

**6.2 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, would provide a minimum community gathering space of 5,000 square feet, and would provide a ten-foot wide strip of common open space adjacent to the eastern property line. The applicant has proposed to install a fence within the common open space subject to specific LDO standards.



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

**Recommendation:** *Staff recommends approval of this rezoning request with the conditions as proposed by the applicant. See below for more information on the recommendation.*

**Planning and Zoning Board Recommendation:** The Planning and Zoning Board recommended the request for approval by a vote of 4 to 2.

**6.3 Consistency Statement for 17-REZ-15**

This item is associated with the prior item, 17-REZ-15 Old White Oak Church Road Assemblage Rezoning.

**6.4 17-REZ-12 Silverton PDD Amendment (Parcel H North)**

**Speaker:** Katie Drye, Planning

**Executive Summary:** The applicant has requested the Town consider an amendment to the Town of Cary Official Zoning Map in the NE quadrant of the NW Cary Parkway and Evans Road intersection, accessed by Geyer Court. The rezoning request is to amend this portion of the previously approved Silverton Planned Development District (PDD) to change the use designation from Office and Institutional (O&I) to allow the development of townhomes with a maximum density of seven (7) dwellings per acre.

**Recommendation:** *Staff recommends approval of this rezoning request with the conditions as proposed by the applicant. See below for more information on the recommendation.*

**Planning and Zoning Board Recommendation:** Recommended denial by a vote of 4-3.

The rezoning has an associated Consistency and Reasonableness Statement.

**6.5 Consistency Statement for 17-REZ-12**

This item is associated with the prior item 17-REZ-12 Silverton PDD Amendment.

**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.

