



1. COMMENCEMENT

1.1 Call to Order and Ceremonial Opening

1.2 Adoption of agenda

2. 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.

2.1 Order Authorizing the Issuance of Revenue Bonds ()

Speaker: Karen Mills, Finance

Executive Summary: An opportunity to refinance up to \$105 million of existing utility revenue bonds exists that could save the Town over \$8 million in debt service over the next 25 years. On November 14, 2017 Council took the first steps to authorize pursuit of a favorable refinancing transaction. To continue to move forward toward a bond sale scheduled for December 14, 2017, Town Council must approve a bond order and authorize the execution and delivery of related legal debt documents.

Recommendation: *That Council adopt the attached order regarding the proposed revenue bond refinancing sale to issue up to \$105 million in revenue refunding bonds.*

3. 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.
- 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.

3.1 16-SP-088 // Modification Request for Regency Lakeview Parking Expansion

Speaker: Desmond Corley, Planning

Executive Summary: The applicant proposes to add 101 parking spaces to an existing office parking lot. The addition brings the overall site past the maximum parking threshold for office uses and must be approved by Town Council because it is an increase greater than 30 percent.

Recommendation: That Council take action on the proposed modification request.

3.2 323 West Chatham Street/18-DP-0201

Speaker: Ted Boyd, Town Manager's Office

Executive Summary: Peak Engineering and Design, PLLC is proposing to change an existing house to a commercial use. The applicant is requesting a modification to reduce the parking to four spaces instead of the six parking spaces required by the LDO, and modifications to eliminate the requirement to dedicate any required public right-of-way on South Dixon Avenue and West Chatham Street. The development plan itself does not require action from Town Council.

3.3 Modification for Chatham Walk/17-DP-1253

Speaker: Doug Loveland, Planning Department

Executive Summary: The applicant requests Council consideration of a modification to keep existing overhead utility lines along East Chatham Street in place. The applicant is proposing to construct a new building on the subject property, which requires them to bury the existing overhead utility lines located along the street.

Recommendation: *That Town Council hold an evidentiary hearing and act on the modification to keep overhead utility lines in place.*

3.4 Modification for Williams House Relocation/18-DP-0207 (18-DP-0207)

Speaker: Doug Loveland, Planning Department

Executive Summary: The applicant requests Council consideration of a modification to keep existing overhead utility lines located along East Chatham Street in place. The applicant is proposing to relocate an existing structure to the subject property, which requires them to bury the existing overhead utility lines located along the street.

Recommendation: *That Town Council hold an evidentiary hearing and act on the modification to keep overhead utility lines in place.*

4. CLOSED SESSION

Closed Session will be called if necessary.

5. 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.