



Cary Town Council
Thursday, April 25, 2019
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 Smith
- 1.3 Adoption of agenda

2. RECOGNITIONS, REPORTS, AND PRESENTATIONS

- 2.1 Presentation of Bike Month Proclamation
- 2.2 Presentation of Earth Day Proclamation
- 2.3 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 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 Minutes of Feb.7, 2019 6:30 PM (Quasi-Judicial Only)
- 4.2 Town Council - Quasi-Judicial Meeting - Mar 7, 2019 6:30 PM
- 4.3 Town Council - Informational Meeting - Mar 11, 2019 5:30 PM
- 4.4 Town Council - Regular Meeting - Mar 28, 2019 6:30 PM
- 4.5 Town Council - Work Session - Mar 28, 2019 6:45 PM
- 4.6 Bid Award for FY18 Sewer Interceptor Rehabilitation Project
Speaker: Lynn Brilz, Utilities

Executive Summary: Having dependable wastewater services protects public health, safeguards the environment, and supports opportunities for economic development. The size and scope of this project exemplifies our increasing role as caretakers of our existing assets, in addition to managers of new construction. Awarding this contract to replace and rehabilitate deteriorated sewer lines and manholes through our annually-funded sewer rehabilitation program ensures we continue addressing critical infrastructure to prevent significant consequences of failure.

Recommendation: Staff recommends that Council award North American Pipeline Management, Inc. the FY18 Sewer Interceptor Rehabilitation Project contract for \$8,547,651.00. The recommendation of award to Council represents a preliminary determination, and no legally binding acceptance of the bid or offer occurs until the Town has executed a written agreement for the contract. 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.

- 4.7 Condemnation Resolution to Secure Additional Easements for the Reedy Creek Road Widening Project
Speaker: Kelly Promer, Transportation and Facilities

Executive Summary: On December 13, 2018, Council approved resolutions authorizing condemnation to acquire certain properties necessary for the completion of the widening of Reedy Creek Road. Since Council’s approval in December, staff identified one additional property where easements are



needed along part of a private road known as Country Lane. The project and easements are necessary to add sidewalks for pedestrian safety, install roundabouts to address speeding near schools, and improve vehicle travel during peak hours. The project has received federal funding that is tied to the project schedule. Beginning the condemnation process now will allow staff to meet the project schedule and reduce the risk of losing LAPP funds, as negotiations continue.

Recommendation: Staff recommends Council approve the one attached resolution authorizing condemnation to acquire certain property interests in and over a portion of property owned by William A. Shearin and Dorothy B. Shearin, Trustees of the William A. Shearin and Dorothy B. Shearin Living Trust, et al.

4.8 19-A-02 John Stephen Swiger Annexation

Speaker: Wayne Nicholas, Planning and Development Services

Executive Summary: The owner of property located at 1711 Wackena Road (1,400 feet south of Indian Wells Road and Wackena Road intersection) has petitioned for annexation of the property so they may connect the existing detached dwelling on the site to Town utilities. Pursuant to statute, the Town Clerk has determined the petition to be sufficient, and Council must now consider whether to call for a public hearing on the request.

Associated Case(s): None.

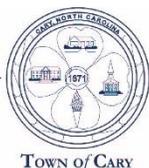
Recommendation: That Council adopt a resolution calling for a public hearing on **May 23, 2019**.

The documents that Council will review at this meeting are attached.

4.9 18-REZ-18 Veterinary Specialty Hospital Expansion

Speaker: Rob Wilson, Planning and Development Services

Executive Summary: The applicant has requested the Town consider an amendment to the Town of Cary Official Zoning Map by rezoning approximately 4.08 acres, located at 6405 and 6337 Tryon Road, from Office and Institutional (OI) and Residential 40 (R-40) to Office and Institutional – Conditional Use (OI-CU). Zoning conditions include limiting land use to either a veterinary hospital/office with indoor kennel or office space (business or professional), with a maximum floor area of 37,000 square feet of floor area on the site. The zoning conditions also propose limiting the hours when solid waste removal service may be provided to the site, increasing buffers, limiting the height of light fixtures, and exceeding Town requirements for stormwater mitigation.



The existing Mixed Use Overlay District (MUOD) and Watershed Protection Overlay District (Swift Creek Sub-district) will remain.

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 found the request to be consistent with the Imagine Cary Community Plan by a vote of 7-0.

4.10 18-REZ-27 Weston PDD (O&I 1C) Amendment

Speaker: Debra Grannan, Planning and Development Services

Executive Summary: The applicant has requested the Town consider an amendment to 5.32 acres of the Weston Planned Development District (PDD), Phase O&I 1C, located at 3001 Weston Parkway to permit up to 57 additional parking spaces for an existing building. To facilitate the addition of parking, the request would reduce a portion of the streetscape buffer width from 50 feet to 30 feet, specify a minimum buffer of 10 feet adjacent to the western property line, enhance the southern property line perimeter buffer adjacent to a residential neighborhood to a Type A standard, construct a segment of street side trail along Weston Parkway, and prohibit any increase in the size of the existing building.

Recommendation: Staff recommends approval of this rezoning request with the conditions as proposed by the applicant.

Planning and Zoning Board Determination: The Planning and Zoning Board found the request to be consistent with the Imagine Cary Community Plan by a vote of 7-0.

4.11 Recommended Appointment for Historic Preservation Commission (HPC) Vacancy

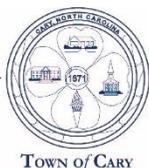
Speaker: Brittany Strickland, Town Clerk's Office

Executive Summary: Town Council liaison Ed Yerha has recommended Alicia Hatmaker to fill a vacancy on the Historic Preservation Commission (HPC). This would be Hatmaker's first term on the HPC, with a term expiration date of September 30, 2020.

Recommendation: Staff recommends approval of this appointment.

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 18-REZ-26 Walnut Street Rezoning

Speaker: Meredith Gruber, Town Manager's Office

Executive Summary: The Town of Cary is proposing to rezone approximately 0.41 acres located at 327 South Academy Street, 105 Walnut Street, 109 Walnut Street, and 113 Walnut Street from Town Center – Office Institutional Conditional Use (TC – OICU) and Town Center - Medium Density Residential (TC – MDR) to Town Center – High Intensity Mixed Use (TC – HMXD). If approved, this rezoning would facilitate development opportunities but would not interfere with plans to provide a downtown park in this vicinity. The Town of Cary is the property owner and applicant.

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 Determination: A written determination of the Planning and Zoning Board regarding consistency with the Imagine Cary Community Plan will be provided to Town Council following the Planning and Zoning Board meeting.

5.2 Public Hearing for FY 2019-2020 Community Development Block Grant Annual Action Plan

Speaker: Morgan Mansa, Town Manager's Office

Executive Summary: To receive its annual Community Development Block Grant, the Town must prepare an Annual Action Plan outlining how the CDBG funds will be used and conduct a citizen participation process to obtain feedback on housing and community development needs. This winter, Town staff engaged the community in a variety of ways: holding meetings with community organizations, non-profits, and Town Departments; offering four "office hour" sessions; and requesting public input and comments on the Town's website. The final stage in our citizen participation efforts for the FY 2019-2020 CDBG grant cycle is to hold an advertised public hearing before Town Council.

Recommendation: *That Council conduct a public hearing to receive input on funding priorities for the FY 2019-2020 Community Development Block Grant Annual Action Plan.*

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 Conveyance of Two Fire Trucks
Speaker: Michael Cooper, Fire Department

Executive Summary: The Town has a history of helping other fire departments and community colleges by selling surplus fire equipment to them. As two Town fire trucks have reached the end of their useful life, they have become surplus fire equipment that require disposal. By selling these trucks to Guilford Technical Community College and the Town of Nashville (NC) Fire Department, we continue our history of helping others. The sale is also expected to generate \$200,000 in revenue.

Recommendation: Staff recommends that Council (1) adopt the attached "Resolution Authorizing Conveyance of Items of Governmental Property;" and (2) appropriate \$100,000 from the sale to an existing aerial ladder replacement truck project and recognize the remaining \$100,000 as revenue within the General Fund.

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.

Meetings are cablecast live on Cary TV on the following channels: AT&T Uverse Channel 99, Google Channel 142 and Spectrum Channel 11. Meetings are available the following day at www.youtube.com/TownofCaryChannel.

