

**WAKE COUNTY BOARD OF COMMISSIONERS**

**November 16, 2009**

**Regular Meeting**

**2:00 p.m.**

**Room 700, Wake County Courthouse**

**Meeting Called to Order: Vice Chair Lindy Brown**

Members present were: Betty Lou Ward, Stan Norwalk, Paul Coble, Tony Gurley, Lindy Brown, Vice Chair, Joe Bryan

Others attending were: Susan J. Banks, Clerk to the Board, Scott Warren, County Attorney, David C. Cooke, County Manager

**Pledge of Allegiance**

**Invocation: Commissioner Joe Bryan**

**Items of Business**

**Approval of Agenda**

Vice Chair Brown asked for approval of the agenda. Commissioner Ward offered a motion to approve the agenda. Commissioner Gurley requested the agenda be amended by moving Item of Business #4, Presentation of the W.E.B. DuBois Center Application as the Community Services Block Grant Agency for Wake County, to be the first item on the Regular Agenda.

Betty Lou Ward motioned, seconded by Stan Norwalk, to approve the amended agenda. The motion to approve the amended agenda was approved unanimously.

**Approval of the Minutes of the Commissioners' Meeting of November 2, 2009.**

Paul Coble motioned, seconded by Tony Gurley, to approve of the minutes of the Commissioners' Meeting of November 2, 2009. The motion was approved unanimously.

**Retiree Recognition**

Mr. David Cooke, County Manager, recognized Ms. Rosa Odomes, on her December 1, 2009 retirement from the Sheriff's Department with 27 years of service. Ms. Odomes introduced her co-workers and friends who were present.

**Presentation of Operating Results and Statement of Financial Position for Fiscal Year Ended June 30, 2009**

Ms. Johnna Rogers, Deputy County Manager, presented the annual financial audit and the year-end financial results. She reported the annual audit was performed by Cherry Bekaert & Holland, LLP, who issued an unqualified opinion on the county's financial statement. There were no significant audit adjustments or material weaknesses. The county administered \$165.3 million of federal and state grant programs with no questioned costs. Ms. Rogers introduced Ms. Michele Thompson with Cherry, Bekaert & Holland, LLP. Ms. Thompson presented the audit results of the 2009 Financial Statement Audit. Each commissioner received a complete set of the audit compliance report and the auditor's letter. She stated the county received an unqualified or clean opinion which is the highest level of audit the county can receive. They noted two incidences of sufficient deficiencies in internal controls related to sub-recipient monitoring of programs. The county is in the process of assuring that all sub-recipients are adequately monitored. In addition, they noted a non-material non-compliance incident in recording of timesheets and review. The county is in the process of implementing a new software system that will resolve this finding. She spoke to the required letter and thanked Ms. Johnna Rogers and her staff for doing a great job assisting them with the audit needs and requirements.

Commissioner Bryan noted the county has received a clean audit for many years.

Ms. Johnna Rogers reviewed the 2009 budget versus actual for the end of FY 2009. The FY 2009 budget was reduced due to the economy by revising expenditures and revenues, which were both under-budget. The original budget used \$8.9 million of fund balance, with the final budget for fund balance being \$13.2 million. Actual General Fund Balance used was \$12.9 million leaving \$156.1 million in General Fund Balance at the end of the fiscal year.

**GENERAL FUND**

	Budgeted Amounts			Variance with Final Budget - Positive (Negative)
	Original	Final	Actual	
REVENUES:				

Taxes	\$ 780,051,000	\$ 766,792,559	\$ 754,461,002	\$ (12,331,557)
Licenses and permits	5,492,337	3,954,337	3,640,114	(314,223)
Intergovernmental	125,702,263	131,269,566	126,339,064	(4,930,502)
Charges for services	61,520,163	55,628,818	57,555,463	1,926,645
Investment earnings	623,544	498,544	55,305	(443,239)
Miscellaneous	768,079	768,079	781,494	13,415
Transfers in	1,297,000	1,297,000	1,243,996	(53,004)
<b>Total Revenues</b>	<b>975,454,386</b>	<b>960,208,903</b>	<b>944,076,438</b>	<b>(16,132,465)</b>

Ms. Rogers noted that there was a decrease of approximately \$10.0 million below budget in sales tax income for the county. There was a shortfall of about \$2.0 million in property taxes due to the slowing economy and housing market. Due to state budget reductions, there was a shortfall of \$4.9 million in intergovernmental revenues. Investment earnings have been very small due to low-interest rates but there was a low variable rate debt on expenditures.

Charges for services exceeded budget amounts:

- Medicaid Fees - \$1 million
- Real Estate Recordation Fees - \$800,000
- Sheriff Fees - \$600,000

The final actual expenditures were \$957.0 million with \$2.4 million in year-end encumbrances giving a variance of about \$3.9 million under estimated expenditure budget.

**GENERAL FUND Expenditures And Transfers**

	<u>Budgeted Amounts</u>		<u>Actual</u>	<u>Encumbrances</u>	<u>Variance with Final Budget</u> - <u>Positive (Negative)</u>
	<u>Original</u>	<u>Final</u>			
General Administration	50,383,603	46,486,731	42,936,591	270,220	3,279,920

Human services	240,317,749	241,843,902	232,200,918	923,475	8,719,509
Education	333,225,000	327,218,550	327,218,550		-
Community services	25,801,529	25,198,969	24,114,579	329,968	754,422
Environmental services	9,574,470	8,519,782	8,169,186	70,379	280,217
General Services Administration	29,146,602	29,196,860	28,382,448	814,406	6
Public Safety	90,000,047	88,864,715	87,861,446	56,468	946,801
Transfers out	205,911,000	206,146,760	206,146,760		-
<b>Total Expenditures</b>	<b>984,360,000</b>	<b>973,476,269</b>	<b>957,030,478</b>	<b>2,464,916</b>	<b>13,980,875</b>

Mr. Rogers reported that Human Services budget was under spent by \$8.7 million partially due to the Medicaid match being \$4.4 million less than budgeted and a new centralized drug inventory management system that saved \$1.1 million. General Administration expenditures were under spent by \$3.3 million partly due to \$2 million in reduced estimates on future year's workers' compensation claims. These savings were largely due to the County Attorney's office taking over the risk management administration for the county.

Ms. Rogers informed the board that they still did not exceed what they had expected to use of fund balance. The funds reserved by state statute were significantly reduced. There is no designated use of fund balance anticipated in next fiscal year. The General Fund balance went down, but the fund designated for working capital increased over the prior year, with an amount right at 10%, which is slightly lower than the county's 11% target. Wake County has a separate debt service fund balance which is combined with the General Fund Balance for the total fund balance for the county. The Debt Service Fund Balance increased by approximately \$50.0 million in FY 2009 due to premium yields on bond sales. Rating Agencies review counties total operating fund balance. Wake County's total operating fund balance increased by approximately \$37.7 million, showing an increase of 4.3% over FY 2008.

Wake County had multiple bond sales in FY 2009 including General Obligation bonds for Wake County Public Schools and Wake Technical Community College; two bond refundings which resulted in a savings of \$12.4 million through 2018, and a Limited Obligation Bond sale for the Detention Center construction project. The county maintained the highest possible bond rating which was reaffirmed by the three rating agencies; Moody's, Fitch and

Standard & Poors. She said the county will be doing another bond issue in about a month. She asked the Board to look at the financial statements and contact her with any questions. Commissioner Brown congratulated on her success on this audit. Ms. Rogers introduced and thanked Susan McCullen, Deputy Finance Director, Kim Lorbacher, Accounting and Financial Recording Manager and John Stephenson, Director of Internal Audit, who assisted on the annual audit report.

### **Economic Update**

Mr. David Cooke thanked the staff for accelerating the audit so the County could sale Limited Obligation Bonds in December. He reported that last year the budget was reduced mid-year in Wake County and the FY 2010 budget was reduced from that budget figure. This year has been a rapidly declining economy. Property Tax and sales tax provide 80% of revenues for the county. However, the county received more than first anticipated at \$6.0 million but that is still less than the 1% increase that was budgeted. There have been sales tax changes throughout the year. July and August sales tax shows a 4% decrease or \$5 million off. The county has been affected by state budget impacts, decreased ABC revenues and a \$1.1 million decrease due to no inmate reimbursement. Staff is evaluating other revenues streams from the state and development related fees.

Mr. Cooke updated the board on building permits with three years data. He said it was a highlighted moment when October 2009 building permits was not lower than October 2008, which he hoped was a positive sign for the future.

Mr. Cooke reported the hiring freeze is still in effect with exceptions made only through a special approval process, which shows some expenditure savings. There are approximately 200 vacancies in county positions which will provide some savings. About one-half of the vacancies are in Human Services. The State has decided the county has to pay for lease space for probation-parole offices. The Board of Commissioners planning retreat to begin budget discussions will be in January 2010.

Commissioner Bryan asked how much of a deficit needed to be made up in funding. Mr. Cooke stated \$4 million is needed. Commissioner Brown asked about stimulus funds. Mr. Cooke said all stimulus money is treated as one-time funding so the county does not become dependent on that funding.

### **Consent Agenda**

Joe Bryan motioned, seconded by Stan Norwalk, to approve the Consent Agenda as presented was approved unanimously.

**Accept and Appropriate a \$300,000 Community Oriented Policing Services (COPS) 2009 Technology Grant Award**

Joe Bryan motioned, seconded by Stan Norwalk, to accept and appropriate the \$300,000 Community Oriented Policing Services (COPS) 2009 Technology Grant Award, authorize the County Manager to execute the award letter, and further, to amend the FY 2010 grants and donations fund to reflect the grant revenue was approved unanimously.

**Accept and Appropriate a \$111,305 Community-Based Youth Gang Prevention Grant**

Joe Bryan motioned, seconded by Stan Norwalk, to accept and appropriate \$111,305 received from the Department of Juvenile Justice and Delinquency Prevention Community-Based Youth Gang Prevention Grant to support gang prevention and intervention efforts to be implemented by Haven House Inc. and revise the budget accordingly was approved unanimously.

**Conveyance of an Easement to Progress Energy Carolinas, Inc. Across County-Owned Property at the South Wake Landfill**

Joe Bryan motioned, seconded by Stan Norwalk, to approve the conveyance of a utility easement to Progress Energy Carolinas, Inc. cross county-owned property at the South Wake Landfill was approved unanimously.

**Changes to Brookridge Apartments Affordable Housing Development Approval**

Joe Bryan motioned, seconded by Stan Norwalk, to approve two changes to the funding commitment for Brookridge Apartments affordable housing development:

1. The income limits for the tenants expressed as a percentage of area median income; and
2. An extension of time for the development agreement; and
3. Both changes are subject to terms and conditions acceptable to the County Attorney.

The motion was approved unanimously.

<b>Approved 5/7/2007</b>	<b>Proposed</b>
10 units affordable to people earning below \$25,050	10 units at or below 50% AMI, currently \$26,900

(50% AMI in 2007)	
30 units affordable to people earning below \$20,040  (40% AMI in 2007)	20 units at or below 40% AMI, currently \$21,520
No requirement to set aside units for individuals earning less than 30% AMI	10 units at or below 30% AMI, currently \$16,150

	<b>Approved 5/7/2007</b>	<b>First Change Approved 12/1/2008</b>	<b>Proposed Change 11/16/2009</b>
<b>Acquisition Date</b>	12/31/07	12/31/07 (no change)	12/31/07 (no change)
<b>Construction Start Date</b>	12/31/08	6/30/09	11/1/09
<b>Completion Date</b>	10/31/09	6/30/10	12/31/10
<b>Place in Service Date</b>	11/1/10	7/1/10	1/1/11

**Sale of Lots in Consolidated Pines Subdivision to Builders of Hope**

Joe Bryan motioned, seconded by Stan Norwalk, to approve the sale of 14 lots in the Consolidated Pines Subdivision in Fuquay-Varina to Builders of Hope at the start of development. The approval is subject to terms and conditions acceptable to the County Attorney. The motion was approved unanimously.

**Accept and Appropriate \$6,152,966 in American Recovery and Reinvestment Act (ARRA) Funds from the North Carolina Division of Child Development funds for Child Care Subsidy**

Joe Bryan motioned, seconded by Stan Norwalk, to accept and appropriate one-time American Recovery and Reinvestment Act (ARRA) funds in the amount of \$6,152,966 from the North Carolina Division of Child Development funds for Child Care Subsidy, to be spent by May 31, 2010 and was approved unanimously.

**Accept and Appropriate \$1,790,299 in One-Time H1N1 Phase III Funding from the NC Department of Health and Human Services**

Joe Bryan motioned, seconded by Stan Norwalk, to accept \$1,790,299 in one-time H1N1 Phase III Funding from the North Carolina Department of Health and Human Services to be spent by May 31, 2010 and approve the corresponding budget revision. The motion was approved unanimously.

### **Regular Agenda**

#### **Presentation of the W.E.B. DuBois Center Application as the Community Services Block Grant Agency for Wake County**

Mr. Marshall Harvey, Vice President of W.E.B. DuBois, stated the Governor of North Carolina appointed W.E.B. DuBois as Community Action agency for Wake County. He stated they would like to give the Board of Commissioners an overview of the project for the Community Services Block Grant funds. He introduced Ms. Betty Murchison, President and CEO, of W.E.B. DuBois Center.

Ms. Murchison introduced board members, Mr. Harvey Mitchell, Ms. Cynthia Adams, Mr. Thomas Mitchell, Ms. Sula Arrington, Ms. Annie Horton, Mr. Haywood Masengburg, and Mr. James Robinson. Community partners present were Mr. Dennis Glady, Wake County Community Success Initiatives and Wake County's new Housing Authority Director, Ms. Bernita Smith.

Ms. Murchison stated the mission of the W.E.B. DuBois Community Development Corporation is to promote and develop the cultural and economic revitalization of neighborhoods by strengthening families and creating sustainable communities through globalized training, education and comprehensive improvement programs. Founded in 2006, they provide youth programs, mental health counseling, community development, health and wellness programs, substance abuse, career and academic counseling, operate a business incubator and outreach programs. They contract with Wake County Human Services as a mental health service provider. They have locations in Wake Forest for the food pantry and an outreach office is located in Massey Park in Wake Forest. A satellite office is located in Fuquay-Varina as well as an office is located in Raleigh. They have a Tripartite Board of Directors made up of representation from one-third elected officials, one-third low income families, one-third faith community partners. A copy of the letter from Governor Bev Perdue, dated August 25, 2009, designated W.E.B. DuBois Community Development Corporation as the eligible entity to provide Community Services Block Grant Program funding in Wake County. Officials of the North Carolina Department of Health and Human Services will contact them in the near future to review eligibility requirements for this status for their Board of Directors and application requirements for the North Carolina

Community Services Block Grant program. Ms. Murchison said they are confident they will be able to progress. She stated that the function of the Community Service Block Grant program is to address and eliminate causes and conditions of poverty. She reviewed the six goals of the ROMA (Results Oriented Management and Accountability). The self-sufficiency model includes social and comprehensive development, education and training, community development and economic development. She spoke of the strong network of partners. Community Service Block Grant Projects include mental health counseling, micro-enterprise center, youth development, information technology, food and nutrition and health and wellness. In order to evaluate the community needs, they conducted listening circles which focused on families' needs, service providers and barriers and challenges. They held a public hearing and handed out surveys. She stated the next step is for their proposal to go to the Office of Economic Opportunity and to the NC Department of Health and Human Resources.

Commissioner Ward questioned if there were also white board members or if this organization served a primarily black population. Ms. Murchison said the organization serves everyone in need and they also have some people who have not yet confirmed their desire to be board members. She said they are interested in the board being a diverse board representing the different the county by geographic areas, race, and gender. Commissioner Ward asked if they have white children and parents in their program. Ms. Murchison said they do have white children in their program. She stated they have a relationship with St. Katherine's Church in Wake Forest, and several other churches in the county work with them. She said they have seen a definite change in the composition of families coming into the food pantry in this slowed economy. They are seeing about 50% white and 50% African American people coming into the food pantry. Commissioner Ward thanked them for reaching out into the community with their work. Commissioner Norwalk asked about clients. Ms. Murchison said they served close to 500 unique clients with \$3.4 million in funds last year with some 200 mental health clients including children. The service providers are "qualified professionals" which must have at least a bachelor of science degree and some providers have a masters degree. The psychiatrist that works with the program has a medical degree. Commissioner Bryan noted that Commissioner Brown and Webb are W.E.B. DuBois Community Development Corporation board members. He asked if the block grant funding is one-time funding or on-going funding. Ms. Murchison said this was on-going funding once the agency is designated. She has worked with some of these partner agencies in other capacities. Commissioner Bryan asked if the recommendation of the technical review committee was the W.E.B. DuBois agency which was sent to the Governor. Ms. Murchison said she did not know. Mr. Joe Durham, Deputy County Manager, said he served on the technical review committee that rated the applications. There were seven applications submitted and the W.E.B. DuBois agency fell in the middle of the rankings. He said he was not sure what process was used by

the Governor to rank the applications. Mr. Durham said there were six agencies within Wake County and one agency outside of the county. Commissioner Bryan said if this block grant is coming through the county and this board takes action based on technical merits; then the money should be provided based on a technical merit rating system. He said if the decision is made some other way, then the rationale for this choice should be made transparent.

Commissioner Brown stated Wake County's role is to serve as a vehicle for disbursement of these funds. Mr. Cooke said the county had a community agency in the past called Wake Opportunities that served this function. The county now has an opportunity to have another not-for-profit agency designated for implementation of this program. He said he sees this as a positive because it brings \$800,000 into the county for fighting poverty. He informed the board that Mr. Durham served on the application evaluation committee but was not part of the process following the committee's ranking of agencies. Mr. Cooke stated there was a committee that ranked applications, which was outside of the committee Mr. Durham participated in and apparently for a different reason, chose a different not-for-profit agency. He said the county is required to hear the application and pass on any comments from the county. The application is still going through a process which ultimately will be approved by the North Carolina State Department of Health and Human Services.

Commissioner Gurley questioned the county's responsibility and position in this block grant process. He said the application is for the block grant agency for Wake County. The presentation was excellent and the project is on target for how this funding should be used, however, he questioned whether the county should offer and forward support of this agency when the agency did not meet the criteria set up by the county's review committee. He asked if the agency had provided financials as part of this process. Ms. Murchison said they provided two years of audits with no findings as part of the application process. She said they had to meet a level of standards to even be considered. Commissioner Gurley asked if the board should endorse this proposal knowing there were two or more groups that ranked higher than this agency.

Commissioner Ward said the recommendation is coming from the state and the state is giving the agency the funds, not the county. She said the Governor designated the agency and they were making the presentation to keep the commissioners informed. Mr. Durham said this was not a county application process or criteria. It was a NC Department of Health and Human Services process and he was one of six panelists from state agencies.

At Commissioner Brown's request, Ms. Murchison read the letter of support from Governor Bev Perdue. Commissioner Brown said the purpose of the presentation today was for this board is to acknowledge their program.

Joe Bryan motioned, seconded by Tony Gurley, that Wake County is pleased to be awarded the \$863,385 for FY 2009-2010 for a community services agency; have received the presentation from the W.E.B. DuBois President; and a letter be drafted and sent to the Governor's Office requesting further understanding of the Governor's selection process noting that the Board of Commissioners understands that the W.E.B. DuBois Center was not the top choice of the technical review team, which was in fact chosen by the Governor.

Commissioner Brown stated this item was only intended for receiving a presentation and to offer comments. Commissioner Bryan stated his motion was to offer comments during the comment period to be sent to the Governor and to the Office of Economic Opportunity.

Commissioner Coble stated this was an opportunity for comments to be presented in the form of a letter and it is fair to ask the Governor's office or the Office of Economic Opportunity about their decision making process for the county's future reference on procedures.

Commissioner Brown asked about the timeline and the application process. Ms. Murchison said following this process, the next step is for the application to go to the Office of Economic Opportunity and then to Maria Spaulding's office. They are aiming for the process to be completed this month in order to begin drawing the funds to help with heating bills and end of the year expenses.

Commissioner Gurley said this action endorses the agency and is not intended to slow down the process but is asking for clarification of the Governor's Office decision. Commissioner Brown asked if this letter could be processed before the end of the month. Commissioner Norwalk said anyone who wants to write the Governor a letter may do so but did not believe it was appropriate for this board to do so. He said he was uncomfortable questioning the Governor's decision.

Commissioner Ward said she has worked with Ms. Murchison in the past and is a hard worker. She stated the Governor made this decision, and there is no need to dissuade the state from bringing in almost a million dollars into Wake County for its citizens. Commissioner Coble said the process invites the county to make comment in the form of a letter and it is reasonable to request an explanation on the state process which yielded a different result than the review committee's process. He questioned why the Assistant Manager was asked to sit on the panel if their input was not considered in the decision making process.

Commissioner Brown recited the specific action requested in the agenda as follows: "That the Board of Commissioners receives the presentation of W.E.B.

DuBois to be as Wake County's Community Services Agency for Wake County and provide comment." She said it does not state how the comments are to be made. Commissioner Bryan said the comments should be formalized. He noted Commissioner Brown's role on the Board of Directors for the W.E.B. DuBois Center and asked if she planned to be recused from voting. Commissioner Brown asked the County Attorney if she could be recused from voting on this item. Mr. Scott Warren, County Attorney, suggested it would be wise for Commissioner Brown to be recused, knowing he did not have full knowledge of the arrangements of commissioners serving on the DuBois Board of Directors. He spoke to the Board of Commissioners' Ethics Policy and the perception in this matter. He stated it may be clearer if Commissioner Brown was recused from voting on this matter.

Commissioner Brown asked if it was not the role of the Board of Commissioners' chair and vice chair to serve on the W.E.B. DuBois Board of Directors. Mr. Joe Durham said it was not specific to the chair and vice chair of the Board of Commissioners but that any elected official can sit on their board. Commissioner Norwalk stated he did not see this as a conflict of interest because there are no financial benefits for Commissioner Brown's service on this board. Mr. Warren said this board approves or disapproves that recusal. Commissioner Ward agreed with Commissioner Norwalk and suggested Commissioner Brown withdraw her request to be recused from voting on this matter. Commissioner Brown said that Chairman Webb had initiated and helped facilitate this process for this agency to be in this role and function. She said she would recuse herself because of appearances and her colleagues' comments. Mr. Warren said the board must approve the recusal request by majority vote.

Commissioner Brown called for a vote on her request to recuse herself from voting. Votes were as follows:

Commissioner Bryan - yes  
Commissioner Coble - yes  
Commissioner Ward - no  
Commissioner Norwalk - no  
Commissioner Gurley - yes  
Commissioner Brown - yes

Commissioner Brown was allowed to abstain from voting on this item. She then called for a vote on the motion as stated: that Wake County is pleased to be awarded the \$863,385 for FY 2009-2010 for a community services agency; have received the presentation from the W.E.B. DuBois President; and a letter be drafted and sent to the Governor's Office requesting further understanding of the Governor's selection process noting that the Board of Commissioners understands that the W.E.B. DuBois Center was not the top choice of the

technical review team, which was in fact chosen by the Governor. The motion was approved with a 3-2 vote. Votes were as follows:

AYES: Paul Coble, Tony Gurley, Joe Bryan  
NOES: Betty Lou Ward, Stan Norwalk

### **Public Comments:**

There were no public comments.

### **Approval of Action Plan and Request for Release of \$75,000 for African American Cultural Festival**

Mr. James Robinson presented the vision and plan for the African American Cultural Festival for Raleigh and Wake County. He stated the festival was intended to attract families and tourist from around the state and region and strengthen community values of the African American arts and culture. Partners in the festival include Artsplosure, a committed Board of Governors and staff. The following were present: Yvette Holmes, Brad Thompson, Joanne Drane, and Tammy Martin. Other members not present included: Kenneth Martin, Chairman, Soberina Traywick, Vice Chair, Marvin Connelly, Jr., Lawrence Fleming, Eric Harris, Paul Norman, Paul Pope, and Billy Warden. Staff members include: Mary Williams-Stover, who was present, and Shana Tucker-Williams. Ex Officio members included: Lindy Brown, Harold Webb, and James West.

Mr. Robinson said the committee had two initial objectives when they began their work a year and a half ago, which were a destination for the event generating economic impact, enhanced with North Carolina and Wake County's reputation and provide a family friendly showcase for African American Artist known around the world.

The event has been scheduled to begin on Labor Day weekend, September 2-5, 2010 on Fayetteville Street from City Plaza to Lichtin Plaza at Progress Energy. Inside the Progress Energy Center, the Fletcher Opera Theater and Meymandi Concert Hall will be sites of performances and concerts by artists rarely in this marketplace. There will be some select ticketed performances and pre-festival events held in the 12 municipalities.

Mr. Robinson introduced Ms. Mary Williams-Stover to explain the process they have been working on since May 2009 for this event. Ms. Williams-Stover explained that they have been reaching out to the community to come up with plan by conducting listening groups of artist, educators, presenters, parents, and scholars from across the community including the Towns of Knightdale, Garner, Cary, Wake Forest, and the City of Raleigh. People shared what would make the art and cultural festival a destination festival for this community.

They responded by participating in the African American Leaders retreat that was sponsored by Commissioner Harold Webb in August where they also received input. Individual meetings were held with the Parks and Recreation staff in each municipality to listen to ways to enhance their offerings in the festival and exhibit their cultural facilities in their municipalities without duplicating their efforts. There was a positive response and high level of interest in participating in this event. Comparative research of best practices in other communities from Atlanta, Georgia to Baltimore, Maryland was done. Participants in focus groups said they looked forward to building and learning more about cultural inheritance and arts in the community.

Mr. Michael Lowder, Artsposure, presented the festival schedule of activities with the opening on Thursday, September 2, 2009 with educator workshops and an opening night gala. On Friday, September 3 from 12pm to 7pm there would be educators' workshops, a Children's Village with Community Stage, International Art Fair, Vendor Marketplace and Main Stage Performances. The Main Stage Performances will showcase a variety of local African American talent, including dance, theatre, spoken word, and music from an eclectic mix of different art forms. On Saturday, September 4, events would begin at 11am with a parade and continuation of the Friday events until 7pm. The financial support for the event would include Presenting Sponsors at \$25,000, Major Sponsors at \$10,000, Feature Sponsors at \$5,000, Activity Sponsors at \$2,500, Program Partner at \$1,000 and Exhibitors at \$1,500. Mr. Lowder provided a list of over twenty-one festival endorsers and potential future collaborators and each of the municipalities. A timeline was put together for the plan from now through September 2010 to prepare for the event. The Production Budget of \$461,713 was proposed.

Mr. Lowder stated the budget was created by looking at what other large festivals spend such as First Night Raleigh. There would be some savings by being able to contract for two large events and there would be income from contributions, grants, city/county sponsorships, vendor fees, and others. The goal is to have a five to one match on the funding. Operational Expenses need to be met to insure the growth of this program over the upcoming years. Sponsorship opportunities should provide \$125,000 towards the budget.

Mr. Robinson said they believe this is a viable plan for Wake County and all of Wake County will benefit from this plan. He asked the board to approve the festival program as presented.

Betty Lou Ward motioned, seconded by Stan Norwalk, to approve the action plan and releases \$75,000 to Artsposure to proceed with preparations for the African American Cultural Festival.

Commissioner Coble questioned the cost of professional staff budgeted at \$180,000. Mr. Lowder said he did a high and low cost for administrative staff

and factored it by 75% since it would be part of the year along with the two staff members and designer he would need to keep on staff. Commissioner Coble stated that the following year the whole twelve months would need to be budgeted. He also asked about the five to one match Mr. Lowder mentioned. Mr. Lowder stated there is a potential \$75,000 matching grant from the City of Raleigh and they would seek grants from the North Carolina Arts Council and the North Carolina Humanities Communities Grants. He said he thought there may be more funds than he budgeted for these grants. Commissioner Coble noted Mr. Lowder's concerns about available talent and the cost of using the Performing Arts Center. Mr. Lowder said the use of Meymandi Hall would cost about \$25,000. The plan is to have four headliner talents with two being in Meymandi Hall and two in Fletcher Hall. The City of Raleigh will be constructing a new outdoor amphitheater with a 5,000 seat capacity that offers another location. They believe they can bring in some interesting performers for which they budgeted \$66,000. Commissioner Coble stated concern about the high cost of professional staff for a once-a-year event. Mr. Lowder said this is the way he has managed these events in the past and if he needs something done he needs staff he can depend on, not volunteers. There needs to be strong lines of authority and accountability in the structure. This is a model for a five-year period. He has a four person staff with hundreds of contractors. They currently do four events.

Commissioner Brown asked about current contract between the city, county and Artspllosure. Mr. Lowder said the contract was for six months, May 15th through November 15th, 2009. He said he would provide an accounting of how the funds have been spent to the board.

Commissioner Gurley asked why this item was brought to the Board of Commissioners and the Raleigh City Council instead of the Greater Raleigh Convention and Visitors Authority since there is a program set up events promoting economic development. Commissioner Brown said the funds have been reduced for these events. Mr. Cooke said the business development money (\$300,000) is for the use of the convention center for large scale conventions that occupy 300-500 hotel room nights so this event would not fit that category. He was not aware of cultural or arts events funds. Mr. Lowder said arts and cultural activities are the bedrock of this community. This will be presented for approval to the Raleigh City Council tomorrow.

Commissioner Norwalk asked about the four staff positions. Mr. Lowder said experienced professional staff for the next five years would be needed to move forward. He said the salaries were lowered by five percent due to the economy. Commissioner Norwalk noted the approval today is for a one-time only event. Commissioner Bryan pointed out that the match is closer to one to six versus one to five. He asked how much money has already been raised. He was concerned about this being a new event in this slower economy. He asked if Mr. Lowder would consider Wake County's funding being the last money put

into the budget or would the county's funding have to be put in upfront. Mr. Lowder stated that his board would not allow him to enter into a contract with them taking the risks. They do not have a large reserve fund and were seeking working capital from the city and county in order to move forward. He said he has had very good support offered from regular sponsors that are interested in this event. They would begin seeking corporate sponsors once they receive both boards' approval of the plan.

Commissioner Gurley noted the county is in the middle of a recession with unemployment over 10%, talking about putting on a festival next year and this is not an appropriate use of \$75,000 of general taxpayers' money. He said food and occupancy tax is more appropriate funding for this type of event. He noted that the research was done on expenses of other festivals and asked if there was research on the income from other festivals. This festival is based largely on revenue from taxpayers' money. Mr. Lowder said there are festivals sponsored by municipalities within this county and United Arts has helped fund festivals.

Commissioner Norwalk said money has been given to municipalities in the county for specific events and celebrations so precedence has been set. Commissioner Brown said this board approved the committee members for this endeavor and the funding of \$25,000 for the start up of the festival. The original funds were reduced and the board instructed that the festival to self-sufficient. Ms. Williams-Stover said once the festival has gotten off the ground the investment would be high but they would not continually come back to this board for funds for moving forward. The return on investment would be significant. Mr. Robinson said the vendors are Wake County business owners. The hotels, restaurants and others in the county would benefit from the festival.

Commissioner Coble thanked Mr. Lowder for his expertise and time on this product.

Commissioner Gurley asked about a contract. Mr. Cooke said if the City of Raleigh approves this request tomorrow, the City will implement the contract with Artspllosure and the County would provide it part of the funding to the city for the contract.

The motion to approve the action plan and release \$75,000 to Artspllosure to proceed with preparations for the African American Cultural Festival failed with a 3-3 vote as follows:

AYES: Betty Lou Ward, Stan Norwalk, Lindy Brown  
NOES: Paul Coble, Tony Gurley, Joe Bryan

Commissioner Bryan said the presentation and background materials provided were very good but he was worried about the risks involved during this economic climate. The board did approve the work to begin on this African American Cultural Festival. He said he would feel better if the normal major corporate partners had stepped up with their funding commitment as sponsors. Mr. Lowder said he would share their financial reports and best practices. Commissioner Brown asked if Commissioner Bryan would like to revisit this item at a later date. Commissioner Bryan said he would like to see the information but was not asking to re-hear this item.

Commissioner Norwalk asked about the rules about bringing an item back for reconsideration when it had not been approved. Mr. Scott Warren said the rules stated that someone voting on the prevailing side could bring the item back for consideration at the next meeting. Mr. Warren said since the motion failed someone voting in opposition would have to bring the item back up for consideration because they wanted to reconsider their vote.

#### [Public Hearing on a Request from Samaritan Ambulance Service for Non-Emergency Ambulance Franchise](#)

Dr. Brent Myers, Emergency Medical Services Director, said this is the first of two readings for the Samaritan Ambulance Service which has met the county requirements for issuance of a non-emergency ambulance franchise. He stated the recommendation from the department is for approval of the franchise. He introduced Eastern Wake Garland Tant and Bobby Cockrell. There are seven providers of this service within Wake County.

Commissioner Brown opened the public hearing. There were no comments. Commissioner Coble asked Dr. Myers to explain the founding of this organization. This is similar to the Garner and North State EMS organizations. Dr. Myers said they are in the process of re-writing the emergency medical services ordinance because the existing ordinance process is confusing and needs clarification. This franchise is not part of the county subscription service.

Public comment period was closed by Commissioner Brown. Commissioner Ward read the ordinance.

Betty Lou Ward motioned, seconded by Paul Coble, to approve the first reading of the granting of a non-emergency ambulance franchise to Samaritan Ambulance Service for operation of a medical transportation service in Wake County effective January 2, 2010 based on finding of compliance by the Director of the Department of Emergency Medical Services with Chapter 111 of the Wake County Code of Ordinances and all applicable state statutes and regulations.

Commissioner Bryan offered an amendment to the motion to place the second reading of the ordinance on the consent agenda for the December 7, 2009 meeting.

Betty Lou Ward and Paul Coble accepted the amendment to the motion. The motion to approve the first reading of the granting of a non-emergency ambulance franchise to Samaritan Ambulance Service for operation of a medical transportation service in Wake County effective January 2, 2010 based on finding of compliance by the Director of the Department of Emergency Medical Services with Chapter 111 of the Wake County Code of Ordinances and all applicable state statutes and regulations and to place the second reading of the ordinance on the consent agenda for December 7, 2009 meeting was approved unanimously.

**Public Hearing on Proposed Land Use Plan Amendment LUPA 05-08. (Falls Lake Non-Urban Water Supply Watershed Activity Center)**

Mr. Bryan Coates, Wake County Planner II, stated this request came from David York of Smith Moore Leatherwood on behalf of James and Louise Goldston. The request is to reclassify 2.6 acres of the 10.38 acre parcel located in the Falls Lake Water Supply Watershed, at the northwest corner of Old Creedmoor Road and NC Highway 98, as a Neighborhood Activity Center (NAC). A general map was provided of the site. It is in the non critical area and there is a 125 foot separation distance between the proposed Neighborhood Activity Center and neighboring residential properties. The parcel is currently zoned R-40W. Mr. Coates provided the background, the timeline of events since the original application was submitted on September 17, 2008 and the analysis. The City of Raleigh opposed the original application for the 10.38 acre expansion but staff recommended no comment on the revised LUPA of 2.6 acres noting that the City staff does not consider this incremental increase in the activity center designation significant.

Mr. Coates provided the following LUPA #05-08 Findings:

1. The parcel is classified as Plannig Residential (less than 1 unit per acre) in Wake County's Land Use Plan.
2. The proposal is consistent with the Neighborhood Activity Center Distance/Separation Guidelines and Sizing Guidelines in the Wake County Land Use Plan.
3. Falls Lake has been recommended by the State of North Carolina to be listed as an impaired 303d water body, and this property drains into Falls Lake above Highway 50.
4. Twenty-three acres of the existing 32.4-acre NAC contains a non-conforming use and is currently not serving the day to day needs of the surrounding neighborhoods.
5. The applicant has proposed a 125' distance separation between the proposed activity center and neighboring properties.

Commissioner Ward stated this request must be supported by the neighbors since it is in her district and she has not heard from any residents.

Commissioner Brown opened the public hearing.

Mr. David York, 434 Fayetteville Street, represented the property owner and applicant. He stated that approval of this request will not impact the use of this property but does enable the owner to go to the Board of Adjustment for approval of a few additional uses. They have reduced the request in response to some of the neighbors. The use requires Board of Adjustment approval and the 125 foot buffer is required in addition to the buffer for the use.

Mr. Coates provided a staff note and recommendation as follows:

Staff Note: Staff has generally found developing commercial uses on relatively small parcels in water supply watersheds challenging when applying current site development and environmental regulations.

Staff Recommendation provided by Bryan Coates: That the Board of Commissioners adopt the proposed Land Use Plan Amendment to expand the existing 32.4 acre neighborhood activity center at the intersection of Old Creedmoor Road and NC Highway 98 to include the 2.6 acre portion of the 10.38 acre parcel on the northwest quadrant including the 125 feet distance separation between the Lake Falls Subdivision and the proposed Activity Center expanded boundary.

Mr. John Miller, Chairman of Wake County Planning Board, reported there was interest because some the residents attended the Planning Board meetings. The Planning Board voted 8 to 1 on October 7th, 2009 to recommend approval of the request to adopt the proposed Land Use Plan Amendment to expand the existing 32.4 acre neighborhood activity center at the intersection of Old Creedmoor Road and NC Highway 98 to include the 2.6 acre portion of the 10.38 acre parcel on the northwest quadrant including the 125 feet distance separation between the Lake Falls Subdivision and the proposed Activity Center expanded boundary.

Paul Coble motioned, seconded by Tony Gurley, to adopt the proposed Land Use Plan Amendment (LUPA 05-08) to expand the existing 32.4 acre neighborhood activity center at the intersection of Old Creedmoor Road and NC Highway 98 to include the 2.6 acre portion of the 10.38 acre parcel on the northwest quadrant including the 125 feet distance separation between the Lakes Falls Subdivision and the proposed Activity Center expanded boundary.

Commissioner Ward questioned the concrete company moving into the watershed area and spoke against the motion.

Commissioner Brown closed the public hearing.

Commissioner Norwalk said the landowner has gone through all the rules and regulations and he feels he should support the request in an effort to maintain consistency. Commissioner Ward said a Walgreens has been built on Durant Road and Falls of the Neuse which is within 150 feet of a residential area. Commissioner Norwalk stated that if this is a concern, the board may need to reconsider this ordinance.

The motion to adopt the proposed Land Use Plan Amendment (LUPA 05-08) to expand the existing 32.4 acre neighborhood activity center at the intersection of Old Creedmoor Road and NC Highway 98 to include the 2.6 acre portion of the 10.38 acre parcel on the northwest quadrant including the 125 feet distance separation between the Lakes Falls Subdivision and the proposed Activity Center expanded boundary was approved with a 5-1 vote.

AYES: Lindy Brown, Vice Chair, Joe Bryan, Paul Coble, Tony Gurley,  
Stan Norwalk

NOES: Betty Lou Ward

**ORDINANCE AMENDING THE WAKE COUNTY LAND USE PLAN TO REVISE THE LAND USE PLAN MAP**

WHEREAS, the proposed land use plan map amendment is consistent with the Wake County Land Use Plan;

WHEREAS, the proposed land use plan map amendment would promote the general health and public welfare of the citizens of Wake County;

WHEREAS, the proposal would be consistent with the goal of the Wake County Land Use Plan of guiding "quality growth throughout the County in conjunction with affected local governments;

WHEREAS, the proposed land use designations will serve as a guide and provide information to the public with regard to development proposals and rezoning requests, which may be considered within the area;

WHEREAS, on October 7, 2009 the Wake County Planning Board voted 8-1 to recommend that the Board of Commissioners adopt the proposed Land Use Plan amendment;

WHEREAS, the Wake County Board of Commissioners held a duly-noticed public hearing to consider amending the Wake County Land Use Plan as proposed;

NOW, THEREFORE, BE IT ORDAINED BY THE WAKE COUNTY BOARD OF COMMISSIONERS:

SECTION I

The proposed land use plan map amendment is found to be consistent with the Wake County Land Use Plan and to otherwise promote the public health, safety, and general welfare, and the Wake County Land Use Plan is hereby amended as follows:

CASE NO. LUPA 05-08 To:

Revise the Wake County Land Use Plan as follows:

- 1) Revise the Land Use Classification Map to expand the existing to expand the existing 32.4 acre neighborhood activity center at the intersection of Old Creedmoor and NC Highway 98 to include the 2.6 acre portion of the 10.38 acre parcel on the northwest quadrant including the 125ft. distance separation between the Lakes Falls subdivision and the Activity Center designation.

SECTION II

This amendment shall become effective upon adoption of this ordinance.

Commissioner Paul Coble made a motion that the above ordinance be adopted. Commissioner Tony Gurley seconded the motion, and upon vote, the motion carried this 16th day of November 2009.

**Public Hearing on Petition ZP-869-09 and LUPA 02-09:**

- (1) To rezone 34.68 acres of a 42.09-acre parcel from Residential-40 Watershed (R-40W) to straight Residential-40 (R-40), and**
- (2) To make a corresponding amendment to the Wake County Land Use Plan General Classifications Map to reclassify a net area of 3.27 acres from Non-Urban Area to the Town of Zebulon's Long-Range Urban Services Area.**

Mr. Keith Lankford, Wake County Planner III, spoke to the two part request which needs separate action on each part. The request is to; (1) rezone 34.68 acres of a 42.09-acre parcel from Residential-40 Watershed (R-40W) to straight Residential-40 (R-40), and (2) to make a corresponding amendment to the Wake County Land Use Plan General Classifications Map to reclassify a net area of 3.27 acres from Non-Urban Area to the Town of Zebulon's Long-Range Urban Services Area. Mr. Lankford stated the 42.09-acre parcel is located at

2400 Zebulon Road, and is currently zoned, in its entirety, as R-40W even though approximately three-fourths of the parcel (31.41 acres) is designated as an urban services area on the Wake County Land Use Plan General Classification Map. The petitioner is David L. York of Smith Moore Leatherwood, on behalf of the property owner Moore & Sons Realty.

The petitioner's sealed survey establishes the actual location of the ridge line that defines the outer boundary of the watershed with a much higher degree of accuracy. This survey demonstrates that some portions of the NUA should be LRUSA and some portions of the LRUSA should be NUA. Overall, there is a net increase of 3.27 acres within this 42.09-acre parcel that should be reclassified as the Town of Zebulon's LRUSA via a corresponding Land Use Plan Amendment (LUPA). These 3.27 acres are also being petitioned for rezoning from R-40W to straight R-40. This area, when combined with the portion that is already designated as Zebulon's LRUSA, totals 34.68 acres, or 82.4%, of the 42.09-acre parcel. The remaining 7.42 acres, or 17.6%, of the 42.09-acre parcel will remain classified as Non-Urban Area (NUA) (i.e. watershed area) and will remain zoned R-40W.

Commissioner Brown opened the public hearing.

Mr. David York, 434 Fayetteville Street, Suite 2800, said the purpose of this request is to identify the ridgeline and the zoning.

Commissioner Brown closed the public hearing.

#### Planning Staff Findings:

1. The proposed rezoning is requested by the petitioner to more accurately reflect the actual location of the ridge line that establishes the outer boundary of the watershed area.
2. The proposed rezoning is consistent with the Land Use Plan's policies and goals.
3. The proposed rezoning is consistent with the proposed corresponding Land Use Plan Amendment.
4. The proposed rezoning and Land Use Plan Amendment (LUPA) will reflect the corresponding adjustments to the NUA/LRUSA boundary.
5. The ILA municipal partners have indicated that they have no opposition to the rezoning petition and the corresponding LUPA (no response was received from the Town of Wendell).
6. The North Carolina Division of Water Quality (DWQ) has indicated that they have no objections to this rezoning petition and corresponding LUPA.
7. A detailed subdivision plan, or site plan, must be approved by the appropriate Wake County entity prior to future development.

**Planning Staff Recommendations** The Planning staff recommended approval of the requested zoning map amendment, ZP-869-09, as presented, and based

upon the accompanying survey and the proposed Land Use Plan Amendment 02-09, find that the amendment is consistent with the Land Use Plan and otherwise advances public health, safety, and welfare, as required by UDO Section 19-21-6 (C). The Planning staff also recommended approval of the corresponding adjustments to the Non-Urban Area/Long-Range Urban Services Area boundary on this parcel as shown on the Land Use Plan's General Classifications Map (LUPA 02-09).

NOTE: The Planning staff requested a separate vote by the Planning Board on the rezoning request and on the corresponding Land Use Plan Amendment.

Planning Board Recommendation provided by John Miller: The Planning Board recommended at their October 21, 2009 meeting, by a vote of 8 to 0, that the Board of Commissioners approve the zoning map amendment as presented, and based upon the accompanying survey and the proposed Land Use Plan Amendment 02-09, find that the amendment is consistent with the Land Use Plan and otherwise advances public health, safety, and welfare, as required by UDO Section 19-21-6 (C).

The Planning Board recommended at their October 21, 2009 meeting, by a vote of 8 to 0, that the Board of Commissioners approve the corresponding Land Use Plan Amendment 02-09 to revise the General Classifications Map to reclassify a net area of 3.27 acres from Non-Urban Area Water Supply Watershed (NUA/WSW) to the Town of Zebulon's Long-Range Urban Services Area (LRUSA). Mr. Miller acknowledged the good work of the entire planning staff during the restructuring of the organization.

Paul Coble motioned, seconded by Tony Gurley, to adopt the ordinance approving the requested zoning map amendment, ZP-869-09, as presented, and based upon the accompanying survey and the proposed Land Use Plan Amendment 02-09, find that the amendment is consistent with the Land Use Plan and otherwise advances public health, safety, and welfare, as required by UDO Section 19-21-6 (C) was approved unanimously.

Paul Coble motioned, seconded by Betty Lou Ward, to adopt the resolution approving the corresponding Land Use Plan Amendment to adjust the Non-Urban Area/Long-Range Urban Services Area boundary on this parcel as shown on the Land Use Plan's General Classifications Map (LUPA 02-09) was approved unanimously.

**ORDINANCE APPROVING A REQUEST (1) To rezone 34.68 acres of a 42.09-acre parcel from Residential-40 Watershed (R-40W) to straight Residential-40 (R-40), and (2) To make a corresponding amendment to the Wake County Land Use Plan General Classifications Map to reclassify a net area of 3.27 acres from Non-Urban**

## **Area to the Town of Zebulon's Long-Range Urban Services Area.**

WHEREAS, the proposed rezoning is requested by the petitioner to more accurately reflect the actual location of the ridge line that establishes the outer boundary of the watershed area;

WHEREAS, the proposed rezoning is consistent with the Land Use Plan's policies and goals;

WHEREAS, the proposed rezoning is consistent with the proposed corresponding Land Use Plan Amendment;

WHEREAS, the proposed rezoning and Land Use Plan Amendment (LUPA) will reflect the corresponding adjustments to the NUA/LRUSA boundary;

WHEREAS, the ILA municipal partners have indicated that they have no opposition to the rezoning petition and the corresponding LUPA (no response was received from the Town of Wendell);

WHEREAS, the North Carolina Division of Water Quality (DWQ) has indicated that they have no objections to this rezoning petition and corresponding LUPA;

WHEREAS, a detailed subdivision plan, or site plan, must be approved by the appropriate Wake County entity prior to future development;

WHEREAS, the Planning Staff is recommending approval of the requested rezoning;

WHEREAS, on October 21, 2009, the Wake County Planning Board voted 8 to 0 to recommend that the Board of Commissioners approve the proposed zoning map amendment, as presented, and based upon the accompanying survey and the proposed Land Use Plan Amendment 02-09, find that the amendment is consistent with the Land Use Plan and otherwise advances public health, safety, and welfare, as required by UDO Section 19-21-6 (C).

WHEREAS, the Wake County Board of Commissioners held a duly-noticed public hearing to consider amending the Zoning Map to rezone the entire area, or part of the area, to the classification requested, or to a more restrictive classification

NOW, THEREFORE, BE IT ORDAINED BY THE WAKE COUNTY BOARD OF COMMISSIONERS:

### **SECTION I**

The proposed rezoning is found to be consistent with the Wake County Land Use Plan and otherwise promotes the public health, safety, and general welfare, therefore, the Wake County Zoning Map is hereby amended to rezone the property described above from Residential-40 Watershed (R-40W) to Residential-40 (R-40).

### **SECTION II**

This ordinance to amend the Wake County Zoning Map shall become effective upon adoption of this ordinance.

Commissioner Paul Coble made a motion that the above ordinance be adopted. Commissioner Tony Gurley seconded the motion, and upon vote, the motion carried this 16th day of November 2009.

### **Public Hearing Renaming Green Level to Durham Road (SR 1625) and a Portion of Alston Avenue (SR 1630) to Green Level Church Road**

Mr. David Hunt, GIS Analyst and 911 Database Coordinator, presented a request to rename Green Level to Durham Road (SR 1625) and a portion of Alston Avenue (SR 1630) to Green Level Church Road. General Statute requires the Board of Commissioners to hold a public hearing when renaming roads that are dedicated to the public and not within a city. Both roads proposed for renaming run through the Town of Cary's jurisdiction as well as unincorporated parts of Wake County. Wake County and the Town of Cary staff have collaborated to complete this proposal. This is a nine mile continuous roadway from US 64 Hwy to NC 55 Highway with four different sections named differently.

Durham County approved the renaming of S. Alston Avenue to Green Level Church Road on September 14th, 2009. The Cary Town Council approved the change within their jurisdiction on October 22, 2009. The renaming is needed for public safety, to reduce confusion, have sequential addressing elimination of duplicate names and fewer "Green Level" road names. There are 86 properties with 30 households in the unincorporated area with 12 that will require an address change.

Commissioner Gurley questioned the naming of Green Level to Durham Road. Mr. Hunt clarified that the road was not to be renamed "Durham Road" but that the change would name the whole stretch of road as Green Level Road thereby eliminating the name "Durham Road" in that section and the portion called Alston Avenue.

Commissioner Brown opened the public hearing. No one spoke to the item. The public hearing was closed.

Staff recommendation: That the Board of Commissioners adopt the ordinance renaming Green Level to Durham Road (SR 1625) and a portion of Alston Avenue (SR 1630) as Green Level Church Road, effective March 1, 2010.

Stan Norwalk motioned, seconded by Joe Bryan, to adopt the ordinance renaming the section of Green Level to Durham Road (SR 1625) and a portion of Alston Avenue (SR 1630), as Green Level Church Road, effective March 1, 2010, was approved unanimously.

**ORDINANCE APPROVING THE REQUEST TO RENAME  
GREEN LEVEL TO DURHAM ROAD, AND A PORTION OF  
ALSTON AVENUE, AS GREEN LEVEL CHURCH ROAD**

WHEREAS, Green Level to Durham Road coincides with the alignment of Green Level Church Road and a section of Alston Avenue; and

WHEREAS, a section of Alston Avenue coincides with the alignment of Green Level To Durham Road in Wake County and Green Level Church Road in Durham County; and

WHEREAS, a single road name for this stretch of road would help minimize confusion for motorists and emergency response personnel, thereby avoiding potential delays in providing emergency services; and

WHEREAS, renaming a portion of Alston Avenue will resolve the duplicating road names created by residential development; and

WHEREAS, the Cary Town Council held a public hearing on this matter October 22, 2009 and approved the same name changes for their incorporated areas; and

WHEREAS, the General Statutes of the State of North Carolina (G.S. 153A-239.1) delegates authority to name and rename roads to the Wake County Board of Commissioners and prescribe procedures to be followed in the process; and

WHEREAS, this request was duly advertised and was the subject of a public hearing by the Wake County Board of Commissioners on November 16, 2009 and was duly considered; and

NOW, THEREFORE, BE IT RESOLVED BY THE WAKE COUNTY BOARD OF COMMISSIONERS OF THE COUNTY OF WAKE, NORTH CAROLINA, AS FOLLOWS:

THAT, Green Level To Durham Road (SR 1625) and the 2600-3099 blocks of Alston Avenue (SR 1630), beginning at the intersection with Morrisville Parkway and extending approximately 4.5 miles to the Wake/Durham County line, shall be renamed Green Level Church Road. Effective March 1, 2010.

Commissioner Stan Norwalk motioned that the above ordinance be adopted. Commissioner Joe Bryan seconded the motion, and upon vote, the motion carried this 16th day of November 2009.

### **Construction Contract Award for Durant Road EMS Substation**

Mr. Mark Forestieri, Senior Facilities Design and Construction, presented the construction contract for the Durant Road EMS Substation. In compliance with master plan, the "borrow site" located at the extreme southwestern corner of the 43 acres of the landfill property fronting on Durant Road, was identified for the Durant Road EMS Substation. The building plan will be a single story 3,274 square feet facility with single length ambulance bays and will house living and sleeping quarters for a Wake EMS System Rescue Squad. It will have a brick facade and sloped metal roof.

On October 27, 2009, bids were received from qualified contractors for this project in accordance with NC Statutes. A tabulation of bids received is attached for review. The recommended contract amount of \$1,049,000 is within the budget established for the project (\$1,075,000) and staff recommends that a construction contract be awarded to the lowest responsive bidder. Funding for design and construction of this project is proposed in the current Capital Improvement Program (CIP). A budget summary is attached. Construction of the project is expected to commence in December 2009, and to be completed by early fall 2010.

Paul Coble motioned, seconded by Tony Gurley, to award a construction contract to Poythress Commercial Contractors, Inc. of Raleigh, NC in the amount of \$1,049,000 for the Durant Road EMS Substation.

Commissioner Bryan noted the bid was only 2-3% under bid on the contract. Mr. Forestieri said the facility is only 3200 square feet and they have reached the lowest end of the economy of scale. There are some basic things that have to go in public safety facilities such as a backup generator and vehicle exhaust extraction system, which are not related to the size of the facility. This building also has a sprinkler system.

The motion to award a construction contract to Poythress Commercial Contractors, Inc. of Raleigh, NC in the amount of \$1,049,000 for the Durant Road EMS Substation was approved unanimously.

### **Other Items**

### Committee Reports

Commissioner Brown thanked her colleagues for their support and then provided her report of activities. She spoke of Congressmen Etheridge, Price and Miller's participation in the Veterans Ceremony at the Wake County Commons. Triangle Land Conservancy Meeting was attended by Commissioners Lindy Brown and Joe Bryan which addressed open space and environmental issues. The Triangle J County Chairs was attended by the County Manager, herself, Durham and Orange county representatives. She reminded everyone of the joint meeting scheduled with Wake County Board of Education on Wednesday, November 18 at 9:00 a.m. at 3600 Wake Forest Road, Wake County Schools Administration Offices. Commissioner Brown also attended the Town of Garner's Veterans services and the Knightdale Emerging Issues Forum.

### Closed Session

County Attorney Scott Warren stated the purpose of the closed session was to consult with the county attorney regarding a property damage claim in the McLauren versus Wake County case and to consider the performance of the board appointed employees and material terms of the contracts pursuant to General Statute 143-318.11(a) 3,5 and 6.

Paul Coble motioned, seconded by Joe Bryan, to go into closed session as stated by the County Attorney, was approved unanimously.

Commissioner Brown called the meeting back to order.

Commissioner Bryan stated that the three employees, County Manager, County Attorney and Clerk to the Board were reviewed in closed session.

Joe Bryan motioned, seconded by Betty Lou Ward, to allow the County Attorney to accumulate up to 480 hours of vacation leave and by notification to the Finance Department be compensated for up to 12 days of vacation leave per annum, commencing with 2009, effective as of today. The motion passed unanimously.

Commissioner Bryan said the board evaluated the three senior management staff and stated they continue to do a spectacular job in this economic climate and look forward to their long term service in helping the board meet the county's goals. Commissioner Gurley also expressed appreciation of these employees who are not receiving pay raises during this economic time but continue to perform at their high level of service. Commissioner Ward also expressed appreciation of the Clerk, County Attorney and County Manager, who continue to do good jobs. Commissioner Brown expressed her

appreciation to the staff saying that they continue to do a good job for the board.

**Adjourn**

Betty Lou Ward motioned, seconded by Paul Coble, to adjourn the meeting at 6:46 p.m. was approved unanimously.

Respectfully submitted,

Susan J. Banks, CMC  
Clerk to the Board  
Wake County Board of Commissioners