

WAKE COUNTY BOARD OF COMMISSIONERS

Regular Meeting

September 6, 2011

2:00 P.M.

Room 700, Wake County Courthouse

Members present were: Paul Coble, Chairman; Phil Matthews, Vice Chair; Joe Bryan, Tony Gurley, Ervin Portman, Betty Lou Ward, James West

Others attending were: David C Cooke, County Manager, Susan J Banks, Clerk to the Board, Scott Warren, County Attorney; and Deputy County Managers Joe Durham and Johnna Rogers

Meeting Called to Order: Chairman Paul Coble

Pledge of Allegiance

Invocation: Chairman Paul Coble

Items of Business

Approval of Agenda

Chairman Coble stated item #20, Renewal of Lease Agreement for Space at 2315 Atlantic Avenue for Board of Elections, needs to be removed from the consent agenda and placed on the regular agenda for discussion.

Joe Bryan motioned, seconded by James West, to approve the agenda as amended by the Chairman with the removal of item #20 from the consent agenda and to be placed on the regular agenda. The motion passed unanimously.

Approval of the Minutes of the Commissioners' Meeting of August 1, 2011 and Work Session of August 8, 2011

Betty Lou Ward motioned, seconded by Tony Gurley, to approve the Minutes of the Commissioners' Meeting of August 1, 2011 and Work Session of August 8, 2011. The motion passed unanimously.

Retiree Recognition

Mr. Cooke recognized Ms. Pattie Harris, who worked with Wake County Libraries and Human Services who retired on August 1 with 30 years of service.

Mr. Cooke recognized Ms. Alice Driver who retired on September 1st with 28 years of service. She worked at Human Services in numerous positions and received several awards.

Mr. Cooke recognized Mr. Louis Thorpe who retired from the Sheriff's Office as a Detention Officer on September 1st. He received awards and was held as the best supervisor in Detention Center.

Mr. Cooke recognized Mr. Larry Morgan who retired with 28 years of service. He worked as a Wake County Planner in Community Services. He worked with staff, boards and citizens on land use plans and complex development proposals. He holds the record as an employee who appeared before the most boards with those being the Board of Commissioners, Planning Boards and Board of Adjustment on land use matters. Mr. Morgan's knowledge and professionalism will be greatly missed.

Proclaim September 16, 2011 as First Responders Appreciation Day

Ms. Mary Kernan and Ms. Tina Wilson came forward for presentation of the First Responders Proclamation. Ms. Wilson read the following proclamation:

PROCLAMATION

WAKE COUNTY BOARD OF COMMISSIONERS

PROCLAIMS SEPTEMBER 16, 2011 AS

FIRST RESPONDERS DAY

WHEREAS, first responders provide a vital public service throughout Wake County; and

WHEREAS, the first responders in Wake County are ready to provide lifesaving services to those in need 24 hours a day, seven days a week; and

WHEREAS, the first responders in Wake County include all Fire, Police, EMS, Sheriff's deputies, and E-911 call takers who provide such a service; and

WHEREAS, first responders in Wake County dramatically improves the safety, survival and recovery rate of those who experience sudden danger, illness or injury; and

WHEREAS, Wake County residents, workers and visitors benefit daily from the knowledge and skills of these highly trained individuals; and

NOW, THEREFORE, BE IT RESOLVED that the Wake County Board of Commissioners does hereby join with other governing bodies across the County and in partnership with the Greater Raleigh Chamber of Commerce in naming September 16, 2011 as

WAKE COUNTY FIRST RESPONDERS DAY 2011

and encourages the community to observe this day with appropriate programs, ceremonies, and activities.

ADOPTED this the 6th day of September, 2011.

Ms. Wilson said she and Mr. Coble were some of the first members of the 200 Club which is an organization that supports First Responders' families who have lost a loved one while performing in the line of duty. Chairman Coble said the breakfast is a great way to recognize the First Responders and encouraged commissioners to support and attend the upcoming event on September 16, 2011.

Resolution Recognizing September 11, 2011, as a Moment of Remembrance in Wake County

Chairman Coble spoke of this Sunday, September 11, 2011 being the ten year anniversary of 9/11 and he hoped everyone would take a moment on Sunday to be in remembrance of the people who lost their lives on that day. He recognized Sheriff Donnie Harrison, Jeffrey Hammerstein and Ricky Dorsey who were there for presentation of the resolution.

**RESOLUTION
MOMENT OF REMEMBRANCE
SUNDAY, SEPTEMBER 11, 2011**

WHEREAS, the **Wake County Board of Commissioners** supports the United States Senate regarding coming together as a Nation and ceasing all work or other activity for a Moment of Remembrance beginning at 1.p.m., Sunday, September 11, 2011, in honor of the 10th anniversary of the terrorist attacks committed against the United States on September 11, 2001; and

WHEREAS, at 8:46 a.m., on September 11, 2001, hijacked American Airlines Flight 11 crashed into the upper portion of the North Tower of the World Trade Center in New York City, New York; and

WHEREAS, 17 minutes later, at 9:03 a.m., hijacked United Airlines Flight 175 crashed into the South Tower of the World Trade Center; and

WHEREAS, at 9:37 a.m., the west wall of the Pentagon was hit by hijacked American Airlines Flight 77, the impact of which caused immediate and catastrophic damage to the headquarters of the Department of Defense; and

WHEREAS, at approximately 10:00 a.m., the passengers and crew of hijacked United Airlines Flight 93 acted heroically to retake control of the airplane and stop the taking of additional American lives by crashing the airliner in Shanksville, Pennsylvania, and, in doing so, gave their lives to save countless others; and

WHEREAS, nearly 3,000 innocent civilians were killed in the attacks of September 11, 2001; and

WHEREAS, countless fire departments, police departments, first responders, government officials, workers, emergency medical personnel, and volunteers responded immediately and heroically to those horrific events; and

WHEREAS, 10 years later, the people of the United States and people around the world continue to mourn the tremendous loss of innocent life on that fateful day; and

WHEREAS, on the 10th anniversary of this tragic day, the thoughts of the people of the United States are with all of the victims of the events of September 11, 2001 and their families; and

WHEREAS, the lives of Americans were changed forever on September 11, 2001, when events threatened the American way of life; and

WHEREAS, September 11 will never, and should never, be just another day in the hearts and minds of all people of the United States;

NOW, THEREFORE BE IT RESOLVED THAT THE WAKE COUNTY BOARD OF COMMISSIONERS:

(1) recognizes September 11, 2011, as a day of solemn commemoration of the events of September 11, 2001, and a day to come together as a Nation; and

(2) offers its deepest and most sincere condolences to the families, friends, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks; and

(3) honors the heroic service, actions, and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and countless others who aided the innocent victims of those attacks and, in doing so, bravely risked and often gave their own lives; and

(4) recognizes the service, actions, and sacrifices of United States personnel, including members of the United States Armed Forces, the United States intelligence agencies, the United States diplomatic service, homeland security and law

enforcement personnel, who have given so much, including their lives and wellbeing, to support the cause of freedom and defend the security of the United States; and

(5) reaffirms that the people of the United States will never forget the challenges our country endured on and since September 11, 2001, and will work tirelessly to defeat those who attacked the United States; and

BE IT FURTHER RESOLVED that on the 10th anniversary of this tragic day in United States history **Wake County Board of Commissioners** calls upon all Wake County citizens to observe a moment of remembrance on September 11, 2011, including (i) businesses; (ii) houses of worship; (iii) military organizations; (iv) veterans organizations; (v) airlines; (vi) airports; (vii) railroads; (viii) sports teams; (ix) the Federal Government; (x) State and local governments; (xi) police, fire, and other public institutions; (xii) educational institutions; (xiii) other public and private institutions; and

BE IT FURTHER RESOLVED that the **Wake County Board of Commissioners** encourages the observance of the moment of remembrance to last for 1 minute beginning at 1:00 p.m. marking the moment in an appropriate manner, including by ringing bells, blowing whistles, or sounding sirens.

ADOPTED BY THE WAKE COUNTY BOARD OF COMMISSIONERS on this day, Tuesday, September 6, 2011

**Wake County Child Fatality Prevention Team/County Child Protection Team
Annual Report 2010**

Dr. Peter Morris, Human Services Medical Director and Chairman of Wake County Child Fatality Prevention Team, reported that in 2009 in Wake County, there were 132 deaths of children under the age of 18. Of those deaths, 99 children died within the first year of their life due to birth defects and other birth-related conditions, followed by deaths from illness and unintentional injuries. They look for system issues and how public policy can be changed to improve the system. Ms. Dawson has headed up the Wake County Pre-natal Clinic since 1987. Wake County is one of the sites that have the most family partnerships and provides social, emotion and physical support to young first time mothers. The services help the children as they move into first grade and the mothers to move from the system to independence. The recommendations are for the board to accept and receive the report. Dr. Morris said Wake County's team sent recommendations to the state legislature where have been used for public policy. The review of the motor vehicle deaths of seven teens led the team to make a recommendation to the State Legislature to require parents to log 60 hours in a car with a teen before they can get their driver's license.

Ten infants died of Sudden Infant Death Syndrome (SIDS) showing an increase in SIDS for the third year in a row. Review of these deaths show that infants are being placed in the cribs correctly but there is factor of co-sleeping where parents rollover on the infant. There are substance abuse factors in the rollover deaths. He stated there is more work to do on the “Back to Sleep” campaign. He stated the Back to Sleep program teaches not to drink and not to smoke.

Dr. Morris said they are more aware of teen moods; after school issues, the goth look or emo (emo is an emotional component can be associated with suicide) and texting and sexting in in the schools.
He asked to accept report.

Dr. West asked about Infant Mortality Rate. Commissioner Bryan said the statistics reported show the Infant Mortality Rate continues to increase and is a long term trend. Dr. Morris said it seems to be an issue with women's health and it is a bigger problem today. The program has stalled somewhat compared to the 1980s.
Chairman Coble thanks Dr. Morris for the report.

Consent Agenda

Chairman Coble said item #20 was pulled for later discussion and asked for a motion on the consent agenda.

Commissioner Ward asked that item #12, Updated List of Boards and Commissions, be removed from the consent agenda for discussion.

Phil Matthews motioned, seconded by Tony Gurley, to approve the remaining consent agenda items as presented. The motion passed unanimously.

Certification and Appropriation of \$97,560 for Wake County's Public, Educational, and Governmental (PEG) Channels

Phil Matthews motioned, seconded by Tony Gurley, to approve the certification of Wake County's Public, Educational and Government (PEG) Channels as Channel 10 (P), Channel 18 (E) and Channel 11 (G); and appropriate \$97,560 in additional State revenue to be used for expenses related to the production of PEG channel programming. The motion passed unanimously.

Conveyance of a Utility Easement to Progress Energy Carolinas at the Richard B. Harrison Library

Phil Matthews motioned, seconded by Tony Gurley, to approve the conveyance of a utility easement to Progress Energy Carolinas, Inc. for electrical service at the Richard B. Harrison Library, subject to terms and conditions acceptable to the County Attorney. The motion passed unanimously.

FY 2012 Budget Amendments

Phil Matthews motioned, seconded by Tony Gurley, to approve the FY 2012 Budget Amendments as follows:

1. Technical adjustment to the Operating Budget Ordinance for the FY 2012 Adopted Budget in order to enable elected officials to receive the pay increase budgeted in FY 2012

Background and rationale – Inadvertently the required text to allow elected officials to receive the budgeted pay increase was excluded from the FY 2012 Adopted Budget in the Operating Budget Ordinance. The last budget year with a pay increase, FY 2009, included similar text in the Operating Budget Ordinance.

Requested action - The below text will be added to the Operating Budget Ordinance as Section 21:

Section 21: Funding is provided in Section 1 of this ordinance for a 2.0% compensation adjustment for the members of the Board of Commissioners, the members of the Wake County Board of Education, the Sheriff, and the Register of Deeds, effective with the October, 2011 payroll.

2. Decreases Human Service’s General Fund Appropriation by \$882,592 in revenues and expenditures, and 13.00 FTEs to reflect the Wake County Public School’s decision to contract with the County to only operate the Making Magic program within the Ready to Learn and 4-H School Based services

Program	Program Description	Status / Action	Total FY12 Adopted Budget	Reduction	If Approved, Amended Budget
Ready to Learn	These Centers actively promote the academic success of children 0-5 through a set of designed strategies and activities that empower families and communities to advocate for the health and well-being of their children and to prepare them for a positive, successful school experience. Wake County Human Services has operated the Ready to Learn program since 1996.	WCPSS will hire staff directly to provide these services and will not contract with the Wake County Human Services department.	Revenues: \$663,368 Expenditures: \$663,368 FTEs: 9.00	Revenues: -\$663,368 Expenditures: -\$663,368 FTEs: -9.00	Revenues: \$0 Expenditures: \$0 FTEs: 0.00
4-H School Based Services	4-H School-based services are focused on addressing academic failure (repeating 9th grade, failing grades, truancy), substance use (family	WCPSS will contract with WCHS to provide the Making Magic Camp	Revenues: \$245,000 Expenditures: \$245,000	Revenues: -\$219,224 Expenditures: -\$219,224	Revenues: \$25,776 Expenditures: \$25,776

	history of abuse, child welfare involvement, juvenile court involvement, school attendance issues), violence & delinquency (adjudicated, involvement with law enforcement), and adolescent pregnancy. The primary School Based Services strategies consisted of Life Skills Groups, FASST, and Making Magic Services. Wake County Human Services has been providing 4-H School Based Services programs since 1988.	strategy, which is a part of the 4H School Based Services Program, at \$25,776 and 0.28 FTE.	FTEs: 4.28	FTEs: -4.00	FTEs: 0.28
TOTAL			\$908,368 13.28 FTE	-\$882,592 -13.00 FTE	\$25,776 0.28 FTE

3. Approves the transfer of equipment to the Wake County Public School System to operate the Ready to Learn program per the second action.

During the course of the Ready to Learn Program, a number of materials, supplies and equipment have been acquired. These materials are in multiple locations and are primarily for educational purposes. It has been determined that the cost to collect, store and dispose of this equipment is greater than the current value and the County is therefore declaring the materials, supplies and equipment as surplus. General Statutes allow transfer of surplus personal property without consideration if the property will continue to serve a public purpose and requires approval by the Board. It was recommended that these assets be conveyed to the School System.

4. Decreases Human Services Appropriation \$487,061 (Grants and Donations Fund \$69,166, General Fund \$417,895) and FTE Authorization by 9.50 (Grants and Donations Fund 6.50 FTE's, General Fund 3.00 FTE's) due to reduced Federal, State, and Local Allocations

The requested Human Services budget reduction is directly related to decreased external revenue projections in the Human Services department, which were offset by reducing an equal amount in the expenditure budget. In addition, the FTE's associated with the reduced allocations were identified. Below is an outline of the programs impacted including the descriptions, and budget implications.

Program	Program Description	Status / Action	Total FY12 Adopted Budget	Reduction	If Approved, Amended Budget
Public Health Regional Surveillance Team - PHRST (General Fund)	In 2002, the State established seven Public Health Regional Surveillance Teams (PHRSTs) using the federal CDC Bioterrorism Cooperative Grant. The PHRSTs are designed to build and support local	Program terminated effective June 30, 2011.	Revenues: \$417,895 Expenditures: \$417,895 3.00 FTE	Revenues: -\$417,895 Expenditures: -\$417,895 -3.00 FTE	Revenues: \$0 Expenditures: \$0 0.00 FTE

	public health capacity to prepare for and respond to public health emergencies in coordination with local, regional, state and federal resources.				
Intensive Home Visits (Grants Fund)	The Intensive Home Visits/Support High Needs program was funded by SmartStart to provide case management to families with children 0-5 residing in the southwestern and northeastern areas of Wake County.	Grant terminated effective June 30, 2011.	Revenues: \$0 Expenditures: \$0 2.00 FTE	Revenues: \$0 Expenditures: \$0 -2.00 FTE	Revenues: \$0 Expenditures: \$0 0.00 FTE
Consultation Support Children w/Special Needs (Grants Fund)	The Consultation/Support for Children w/Special Needs program was funded by SmartStart to provide prevention, intervention and therapeutic services and community consultation for children ages 0-5 with emotional or behavioral problems and their families.	Grant terminated effective June 30, 2011.	Revenues: \$0 Expenditures: \$0 1.50 FTE	Revenues: \$0 Expenditures: \$0 -1.50 FTE	Revenues: \$0 Expenditures: \$0 0.00 FTE
John Rex Endowment Gang Prevention (Grants Fund)	The Gang Prevention program was funded by the John Rex Endowment Foundation targeting underserved adolescents ages 12-17 with specific leadership development activities addressing multiple levels of gang involvement.	Grant terminated effective June 30, 2011.	Revenues: \$0 Expenditures: \$0 1.00 FTE	Revenues: \$0 Expenditures: \$0 -1.00 FTE	Revenues: \$0 Expenditures: \$0 0.00 FTE
Veteran's Homeless Service (Grants Fund)	Program designed to identify, provide outreach and engage homeless veterans into services, and assist them in obtaining benefits.	Program terminated prior year; abolish associated FTE.	Revenues: \$0 Expenditures: \$0 1.00 FTE	Revenues: \$0 Expenditures: \$0 -1.00 FTE	Revenues: \$0 Expenditures: \$0 0.00 FTE
Family Finding Pilot (Grants Fund)	This grant supports the 'Family Finding' program, funded by the NC Dept of Health and Human Services. Family Finding is an intensive	Program terminated effective June 30, 2011.	Revenues: \$69,166 Expenditures: \$69,166	Revenues: -\$69,166 Expenditures: -\$69,166	Revenues: \$0 Expenditures: \$0

	approach intended to help children in foster care regain lost connections with members of their extended families and support systems.		1.00 FTE	-1.00 FTE	0.00 FTE
TOTAL			\$487,061	-\$487,061	\$0
			9.50 FTE	-9.50 FTE	0.00 FTE

5. Decreases the Sheriff's Office's General Fund Appropriation by \$37,838 in revenues, \$51,876 in expenditures, and 1.00 FTE to reflect the need for one fewer School Resource Officer from the Wake County Sheriff's Office based on 2011-2012 Wake County Public Schools School Resource Officer assignments

During deliberations on the FY 2012 budget, Wake County Public School System (WCPSS) staff indicated that the one Wake County Sheriff's Office (WCSO) School Resource Officer position would no longer be needed at the 9th grade center in Wake Forest, which will be closed for the 2011-2012 school year. However, WCPSS requested that position be transferred to Mary Phillips High School. Upon further discussion subsequent to the adoption of the FY 2012 budget between WCPSS, WCSO, and the City of Raleigh, WCPSS notified WCSO that the City of Raleigh will assign a School Resource Officer to Mary Phillips High School for the 2011-2012 school year. Therefore, one School Resource Officer position may be eliminated from the Wake County Sheriff's Office.

This action results in a reduction of 1.0 FTE deputy sheriff, \$37,838 in revenue from WCPSS, and \$51,876 in expenditures associated with the salary, fringe benefits, and vehicle-related costs of one School Resource Officer.

The motion passed unanimously.

Sandy Ridge Apartments Contract Amendment for Extension of Time

Phil Matthews motioned, seconded by Tony Gurley, to approve an extension of time to December 31, 2011 for the Sandy Ridge Apartments development agreement, subject to terms and conditions acceptable to the County Attorney.

The motion passed unanimously.

Salvation Army Contract Amendment for Extension of Time

Phil Matthews motioned, seconded by Tony Gurley, to approve an amendment of the project schedule for the Salvation Army development agreement, subject to terms and conditions acceptable to the County Attorney. The amendment will extend the contract through December 31, 2012.

	Approved	Proposed
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Bidding Complete	11/15/10	7/19/11
Design Complete	12/31/10	10/1/11
Construction Start Date	1/31/11	11/30/11
Certificate of Occupancy	7/31/11	12/31/12

The motion passed unanimously.

Approval of Lease Agreement with the Raleigh-Durham Airport Authority for EMS Station on Mt. Herman Road

Phil Matthews motioned, seconded by Tony Gurley, to approve a lease agreement with the Raleigh-Durham Airport Authority for 6901 Mt. Herman Road for an initial term of 3 years to be renewed and extended on a month to month basis thereafter; and, 2. Authorize the County Manager to execute the lease agreement with the Raleigh-Durham Airport Authority on behalf of Wake County subject to terms and conditions acceptable to the County Attorney.

The building consists of approximately 1,448 square feet of office space and 6,343 square feet of warehouse space used for the vehicle bays. The Authority has agreed to terminate the lease with Six Forks Rescue and lease this property to the County subject to the following terms and conditions:

- Annual rent of \$1.00 per year
- Initial term of the lease agreement will be three (3) years automatically renewed and extended on a month-to-month basis after the initial three year term
- Authority will furnish and maintain at its expense:
 - Heating and air conditioning systems
 - Wastewater and water plumbing systems
 - Foundation, exterior walls, ceilings, floors, exterior doors, windows and roof
 - Electrical wiring system
 - Parking area, grounds, landscaping
- County will furnish and maintain:
 - All public utility services
 - All janitorial and cleaning services and supplies
 - Trash receptacles and trash removal services
 - Interior walls, doors, floor coverings, fixtures and furniture

It is anticipated that a new EMS facility will be located in this region in the future. This lease agreement with RDU will accommodate the planning and scheduling of this new EMS facility.

The motion passed unanimously.

Multi-Year Lease Extension for Office Space at 414 Fayetteville Street

Phil Matthews motioned, seconded by Tony Gurley, to approve an amendment to the lease agreement with Raleigh Properties and Realty, Inc. to extend the term for 4,170 square feet of the fourth floor of the 414 Fayetteville Street Building through February 28, 2013 subject to the terms and conditions stated below; and, Authorize the County Manager to execute the lease on behalf of Wake County subject to terms and conditions acceptable to the County Attorney.

The County currently leases 4,170 square feet on the fourth floor of the building located at 414 Fayetteville Street from Raleigh Properties and Realty, Inc. for the offices of Reentry. The County also leases the first, second and third floor of this same building for the Public Defender's Office. The lease for the Reentry space on the 4th floor terminates on October 31, 2011. The lease for the Public Defender space on the first, second and third floors terminates February 28, 2013. The offices of the Public Defender's Office will be relocated to the new Justice Center upon completion of construction in the spring of 2013 and the offices of Reentry will be moved into Courthouse space. In order to make the Reentry lease coterminous with the Public Defender's lease, it will be necessary to extend the lease for the Reentry space on the fourth floor through February 28, 2013. The current monthly rent for the fourth floor is \$4,419.00. As a part of the negotiations and a condition of the lease for the first, second and third floors, the rent for the fourth floor beginning on November 1, 2011 will be reduced to \$4,083.13 through February 29, 2012. The rent for the final 12 months from March 1, 2012 through February 28, 2013 will be increased by 3% to \$4,205.62 per month. In accordance with the terms of the lease, the County has the option to extend the term of the lease for all four floors for four one-month periods based upon the then current rental rate. The extension for four months would carry the lease term through June 30, 2013 to assure completion of the Justice Center and allow time for relocation of the offices of the Public Defender and Reentry. Funding for this lease extension is included in the in the CIP under the Justice Facilities Displacement Fund.

The motion passed unanimously.

Reallocation of Business Application Funds in Automation CIP

Phil Matthews motioned, seconded by Tony Gurley, to reallocate \$196,231.84 from the Business Applications program to the Major Projects program in the Automation Capital Improvement Program. The motion passed unanimously.

Award Two Multi-Year Elevator Service Agreements

Phil Matthews motioned, seconded by Tony Gurley, to authorize the County Manager to execute a multi-year service agreement with ThyssenKrupp Elevator (\$38,016.00 first year) and with Elevator Specialist (\$16,368.00 first year), consistent with bid summary, and subject to the terms and conditions acceptable to the County Attorney.

The term of the service agreement is: three-year base, two-year extension.

	Otis	Thyssen	Schindler	Godwin	Elev Spec*
WCCH 4 Gearless Pass	\$4,800.00	\$2,092.00	\$2,410.00	\$4,300.00	\$1,836.00
WCCH 2 Geared Serv	\$2,000.00	\$1,046.00	\$943.00	\$2,150.00	\$720.00
Dumb Waiter	\$150.00	\$30.00	\$50.00	\$100.00	\$60.00
Total	\$6,950.00	\$3,168.00	\$3,403.00	\$6,550.00	\$2,616.00*
Annual	\$83,400.00	\$38,016.00	\$40,836.00	\$78,600.00	\$31,392.00*
Three Year Price	\$250,200.00	\$114,048.00	\$122,508.00	\$235,800.00	\$94,176.00*

*Elevator Specialist has withdrawn their bid citing an error in their estimate based on improperly calculating the expected number of overtime and straight time service calls.

The second service agreement supports 20 elevators in various County facilities (18 hydraulics, one handicap lift, one dumbwaiter).

	Otis	Thyssen	Schindler	Godwin	Elev Spec
Marbles	\$188.00	\$178.00	\$180.00	\$150.00	\$136.00
Wachovia IMAX	\$94.00	\$89.00	\$90.00	\$75.00	\$74.00
Sunnybrook Park Deck	\$188.00	\$178.00	\$180.00	\$150.00	\$136.00

AA Thompson	\$94.00	\$89.00	\$90.00	\$75.00	\$74.00
L.Zieverink-3000 Flagstaff	\$94.00	\$89.00	\$90.00	\$75.00	\$74.00
Crosby Garfield	\$94.00	\$89.00	\$90.00	\$75.00	\$74.00
WCCS-401 E.Whitaker Mill	\$94.00	\$89.00	\$90.00	\$75.00	\$74.00
Cornerstone	\$94.00	\$89.00	\$90.00	\$75.00	\$74.00
Five Co Stadium	\$94.00	\$89.00	\$90.00	\$75.00	\$74.00
HS - Sunnybrook	\$352.00	\$356.00	\$340.00	\$300.00	\$272.00
Dumbwaiter	\$48.00	\$30.00	\$40.00	\$50.00	\$40.00
Law Enforce Training Cntr	\$94.00	\$89.00	\$90.00	\$75.00	\$74.00
Handicap Lift	\$44.00	\$40.00	\$40.00	\$50.00	\$40.00
WakeBrook	\$188.00	\$178.00	\$180.00	\$150.00	\$148.00
Total	\$1,760.00	\$1,672.00	\$1,680.00	\$1,450.00	\$1,364.00
Annual	\$21,120.0 0	\$20,064.0 0	\$20,160.0 0	\$17,400.0 0	\$16,368.0 0
Three Year Price	\$63,360.0 0	\$60,192.0 0	\$60,480.0 0	\$52,200.0 0	\$49,104.0 0

Agreement One:

ThyssenKrupp Elevator, the current contract holder and the original equipment manufacturer (OEM), offered a low bid of \$3,168.00 per month, \$38,016.00 per year. Wake County will save over \$536.16 per year. Staff recommends award to ThyssenKrupp Elevator.

Agreement Two:

Elevator Specialists of Carolina offered a low bid of \$1,364.00 per month, \$16,368.00 per year. This represents a \$3,164.40 per year increase over the previous contract, and includes

the WakeBrook Crisis and Recovery Centers (\$1,776.00 per year). Staff recommends award to Elevator Specialists of Carolina.

Countywide elevator contracts:

Wake County has five elevator contracts:

1. The John H. Baker Jr. Public Safety Center, (Otis Elevator OEM), competed in FY11,
2. The Hydraulic Elevator contract, representing multiple OEMs and 20 hydraulic elevators in various county facilities, under consideration and competed in FY12, recommending awarding to Elevator Specialist of Carolina,
3. The Waverly F. Akins Wake County Office Building, Wake County Parking Deck, Cameron Village Library and HS Swinburne (Schindler Elevator OEM), competed in FY11,
4. The Wake County Courthouse, (ThyssenKrupp OEM), under consideration and competed in FY12, recommending awarding to ThyssenKrupp Elevator,
5. Hammond Road (Schindler Elevator OEM), competed in FY10.

These contracts are organized around building type, OEM, and elevator type. For example, high rise elevators are more complex, require greater service levels, and require service companies that have specific metal inventories, machining capabilities, records, engineering, and qualified service personnel available for complex repair and diagnostics. Hydraulic elevators require similar but less demanding service. Elevator service technicians are typically union labor.

The motion passed unanimously.

Acceptance and Appropriation of Grant Funding Totaling \$11,250 for Parks, Recreation, and Open Space and Wake County Libraries

Phil Matthews motioned, seconded by Tony Gurley, to accept grant funding totaling \$11,250 for Parks, Recreation, and Open Space and Wake County Libraries, and approve the appropriate budget revisions.

- Wal-Mart Community Grant (\$1,000- Holly Springs Library)
- Target Corporation Grant (\$2,000- East Regional Library)
- National Endowment of Humanities “Manifold Greatness: The Creation and Afterlife of the King James Bible,” Grant (\$2,500 – Cameron Village Library)
- North Carolina Arts Council: Artists and Audiences Grant (\$5,000 – Library System)
- National Endowment for the Humanities Grant: “Lincoln: The Constitution and the Civil War.” (\$750- Historic Oak View Park)

The motion passed unanimously.

Request from the Raleigh Durham Airport Authority to Approve a \$3,419,134 Federal Aviation Administration Grant for the Taxiway Foxtrot Rehabilitation and Airfield Lighting Improvements

Phil Matthews motioned, seconded by Tony Gurley, to approve for the Raleigh Durham Airport Authority to accept a \$3,419,134 Federal Aviation Administration Grant for the Taxiway Foxtrot Rehabilitation and Airfield Lighting Improvements. The motion passed unanimously.

Approval of a Waiver for the Tipping Fee at the South Wake Landfill and East Wake Transfer Station for Partners Participating in the Wake County Big Sweep in Fall 2011

Phil Matthews motioned, seconded by Tony Gurley, to approve waiving the tipping fee to "zero charge" at the South Wake Landfill and East Wake Transfer Station for waste collected by all the Partners Participating in the Wake County Big Sweep in Fall 2011. The motion passed unanimously.

Settlement of 2010 Property Tax Collections by the Tax Collector, Charge of 2011 Tax Collections to the Tax Collector

Phil Matthews motioned, seconded by Tony Gurley, to accept and approve the settlement of the Tax Collector, credit him for taxes collected for the preceding fiscal year, credit him with releases duly allowed by the governing body for the preceding fiscal year, charge him with all collections for the current fiscal year and duly enter the settlement and charge into the minutes. The motion passed unanimously.

	Real Estate & Personal Property	Motor Vehicles	Overall Collections
FY 2003/2004	99.47%	89.96%	98.60%
FY 2004/2005	99.51%	89.93%	98.61%
FY 2005/2006	99.49%	89.57%	98.55%
FY 2006/2007	99.56%	88.82%	98.55%
FY 2007/2008	99.46%	88.27%	98.42%
FY 2008/2009	99.07%	91.86%	98.56%

FY 2009/2010	99.16%	91.06%	98.69%
FY 2010/2011	99.43%	89.39%	98.83%

Tax Committee Recommendations for Value Adjustments, Late Filed Applications, Collections Refunds and Tax Collections

Phil Matthews motioned, seconded by Tony Gurley, to accept the Tax Committee Recommendations for Value Adjustments, Late Filed Applications, Collections Refunds and Tax Collections.

The motion passed unanimously.

1. Report Collections – Wake County Only – July 2011
2. Wake County In-Rem Foreclosure Progress Report – July 2011
3. Consideration of Requests for Value Adjustments and Special Situations – (Wake County and Town of Cary), (Wake County and City of Raleigh)
4. Consideration of Requests for Adjustments, Rebates and/or Refunds of Penalties: (Wake County and Town of Apex), (Wake County and Town of Cary), (Wake County and Town of Garner), (Wake County and Town of Holly Springs), (Wake County and Town of Knightdale), (Wake County and Town of Morrisville), (Wake County and City of Raleigh), (Wake County and Town of Wake Forest), (Wake County and Town of Zebulon)
5. Consideration of Requests for Tax Relief Exclusions: (Wake County and Town of Cary), (Wake County and Town of Garner), (Wake County and Town of Holly Springs), (Wake County and City of Raleigh)
6. Consideration of Refund of Taxes, Interest, and Penalties: (Wake County Only), (Wake County and Town of Apex), (Wake County and Town of Cary), (Wake County and Town of Garner), (Wake County and City of Raleigh)
7. Rebate Details: (Wake County and Town of Apex), (Wake County and Town of Cary), (Wake County and Town of Fuquay-Varina), (Wake County and Town of Garner), (Wake County and Town of Holly Springs), (Wake County and Town of Knightdale), (Wake County and Town of Morrisville), (Wake County and City of Raleigh), (Wake County and Town of Rolesville), (Wake County and Town of Wake Forest), (Wake County and Town of Wendell), (Wake County and Town of Zebulon)

Regular Agenda

Updated List of Boards and Commissions

Commissioner Ward asked for a report the Keep America Beautiful Committee which was recommended on item #12 to be removed from the updated Boards and Committees list. Mr. Cooke reported that Environmental Services has taken over the activities of the Keep America Beautiful (KAB) program. He recognized Mr. Matt Roylance, Assistant Director of Environmental Services, to address the questions. Mr. Roylance stated that an annual cleanup is done by the county in partnership with other agencies and other activities are being kept up. He said the county is still an affiliate with the KAB but is not as active. The county has done the cleanup and had the emergence of the "86it" anti-liter program which is done in coordination with Keep America Beautiful. The difference is that the county is doing projects as staff initiative versus having an external board overseeing the initiatives. Commissioner Ward asked the status of the KAB board and requested that the staff relook at the KAB committee which used to be very active. She said there are citizens who have expressed interest in that board and requested it be given back to staff to look into the program. Commissioner Matthews asked Ms. Banks to report on the KAB. Ms. Banks reported that the KAB board had not met or been active in over five years.

Dr. West said ownership or partnership with a grass roots involvement needed to be in these programs. He said the Capital City needs to be collaborative and form partnerships. Chairman Coble stated since this was an interest of Commissioner Ward's, he appointed her to oversee this initiative. Commissioner Ward agreed to work on the initiative to have a Keep America Beautiful committee.

Upon motion by Betty Lou Ward, seconded by Phil Matthews, the board voted and the motion passed unanimously to accept the remaining changes to the listing of the boards and commissions as follows:

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www.wakegov.com/commissions/

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Renewal of Lease Agreement for Space at 2315 Atlantic Avenue for Board of Elections

Mr. Cooke said changes were made to this item after the agenda was printed and distributed and he wanted to inform the board of those changes prior to approval of the item.

Mr. Mark Edmondson said the item was pulled from consent to give staff an opportunity to explain the changes requested by the landlord. There has been a change in the terms of the lease. The lease was supposed to end in October 2013 but the landlord wanted a two year or 24 month lease. Board of Elections Director Cherie Poucher could not move out in 2013 because of municipal elections so they negotiated the lease be extended until December 2013. The extended lease presented is for a 26 month lease, with a slight increase in rate. The lease also provides for an early termination in June 2013, so they will notify the landlord on March 1, 2013, if the Board of Elections is prepared to move to a more permanent space at that time. An early termination of the lease requires a payment penalty of \$33,000. If they move out early, they will have to pay the penalty. Ms. Poucher confirmed the lease change does meet her needs so they will be able to be ready for the 2012 elections. Mr. Edmondson said they will pay a penalty of three months' rent if they move out in June. Ms. Poucher said that would give the Board of Elections the time to get everything moved out in time.

Betty Lou Ward motioned, seconded by Tony Gurley, to authorize the County Manager to enter into a lease agreement for 2315 Atlantic Avenue for space for the Board of Elections, subject to terms and conditions acceptable to the County Attorney. The motion passed unanimously.

Public Hearing OA 03-11 and Approval of Amendment to the Unified Development Ordinance Regarding Temporary Outdoor Seasonal Sales

Mr. Stephen Finn, Staff Planner with Community Services, presented the item. He stated the purpose of the text amendment was to change standards for Temporary Outdoor Seasonal Sales for items such as holiday flowers, fireworks and pumpkins. The Board of Adjustment reviewed the variance request in June, 2011 for an additional 90 days. The Board of Adjustment was concerned with setting a precedent. The days are measured per calendar year from January to December and are accumulative. Mr. Finn said the change is comparable to other jurisdictions with allowances for Christmas tree sales. The site plan and permit will afford protections because they will still be required.

Amendment Summary

- Section 4-83 – Amends text by removing reference to Christmas trees.
- Section 4-83-1 – Increases days available for outdoor seasonal sales from 45 to 90 days.
- Section 4-83-1-(A) – Adds language to exempt sale of Christmas trees.
- Section 21-11 – Adds language to clarify definition of Outdoor Sales.

Chairman Coble asked about Christmas Trees sales. Mr. Finn said Christmas Trees have been exempt typically. They have been counted in the 45 days but are proposed for November 15 thru December 31. The trees can be sold longer and are exempt from the 45 days. Mr. Finn said he was aware of one complaint. Grocery stores are exempt when selling Christmas trees. Mr. Finn presented the staff findings.

Chairman Coble opened the public hearing. No one spoke. The public hearing was closed.

Planning Staff Recommendation - Mr. Stephen Finn stated the staff recommended approval.

Planning Board Recommendation - Mr. Finn reported the Planning Board voted for approval of the amendment to the UDO.

Phil Matthews motioned, seconded by James West, to approve the proposed text amendment OA 03-11 to increase opportunities for Temporary Outdoor Seasonal Sales in the Unified Development Ordinance, following the properly held public hearing. The motion passed unanimously.

RESOLUTION

TO AMEND THE WAKE COUNTY UNIFIED DEVELOPMENT ORDINANCE TO INCREASE OPPORTUNITIES FOR TEMPORARY OUTDOOR SEASONAL SALES

WHEREAS, the requested amendment seeks to increase temporary outdoor seasonal sales opportunities; and

WHEREAS, the proposed amendment will provide relief for commercial development by allowing more days for such operations; and

WHEREAS, the Planning Staff recommends approval of the proposed amendment; and

WHEREAS, on August 3, 2011, the Wake County Planning Board voted 7 - 0 to recommend that the Board of Commissioners approve the proposed text amendment; and

WHEREAS, the Wake County Board of Commissioners held a duly-noticed public hearing on September 6, 2011 to consider amending the Unified Development Ordinance.

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

SECTION I

The proposed text amendment to the Unified Development Ordinance is hereby amended as shown in the attached OA-03-11 Ordinance Amendment Summary.

SECTION III

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

Commissioner Phil Matthews made a motion that the above ordinance be adopted. Commissioner James West seconded the motion, and upon vote, the motion carried this 6th day of September 2011.

Public Hearing OA 04-11 and Approval of Amendment to the Unified Development Ordinance Regarding Commercial Recreation Uses

Mr. Finn presented the proposed text amendment to consider changes regarding standards for commercial recreation uses in the Unified Development Ordinance.

This was referred for staff review by the Board of Commissioners due to a concern on its impact on potential business opportunities. The related zoning text dates back to 1985. The analysis determined that the existing standard is prohibitive to recreation facilities and businesses. Removal of the 10 acre requirement would allow more potential business opportunities. A special use permit process would still allow for certain protections and the specific uses would impact the site size including buffers and septic systems.

Amendment Summary

Section 4-33 - amends text by removing reference to 10 acre requirement.

Staff Findings were that the change was consistent with the Land Use Plan, further the purpose of the UDO and increases opportunities for commercial recreation uses. Chairman Coble asked if this amendment was due to the paint ball use request. Mr. Finn stated it was but that they have received request for motor cross and other businesses which would not qualify because of the 10 acre requirement.

Chairman Coble opened the public hearing. No one spoke. The public hearing was closed.

Staff Recommendation: Mr. Finn stated the staff recommended approval of the text amendment.

Planning Board Recommendation: Mr. Finn reported the Planning Board voted 7-0 for approval of the proposed ordinance amendment.

James West motioned, seconded by Phil Matthews, to approve the proposed text amendment OA 04-11 to increase commercial recreation opportunities, following the required public hearing. The motion passed unanimously.

RESOLUTION

TO AMEND THE WAKE COUNTY UNIFIED DEVELOPMENT ORDINANCE TO INCREASE OPPORTUNITIES FOR COMMERCIAL RECREATION USES

WHEREAS, the requested amendment seeks to increase commercial recreation opportunities; and

WHEREAS, the proposed amendment will provide relief for commercial development by allowing more sites to apply for a Special Use Permit; and

WHEREAS, the Planning Staff recommends approval of the proposed amendment; and

WHEREAS, on August 3, 2011, the Wake County Planning Board voted 7 - 0 to recommend that the Board of Commissioners approve the proposed text amendment; and

WHEREAS, the Wake County Board of Commissioners held a duly-noticed public hearing on September 6, 2011 to consider amending the Unified Development Ordinance.

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

SECTION I

The proposed text amendment to the Unified Development Ordinance is hereby amended as shown in the attached OA-04-11 Ordinance Amendment Summary.

SECTION III

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

Commissioner James West made a motion that the above ordinance be adopted. Commissioner Phil Matthews seconded the motion, and upon vote, the motion carried this 6th day of September 2011.

Commissioner Bryan stated these changes in the ordinances are examples of the county working to make things easier for the citizens. Vice Chair Matthews agreed.

Public Hearing and Approval of Extension of Utilities for Biogen Idec's New Administration Building, Research Triangle Park

Mr. Mike Aull, Facilities Design and Construction, stated there was an agreement between Wake County, Town of Cary and Research Triangle Foundation for the Research Triangle Park area. The County has the responsibility of constructing or funding off-site water and sewer lines to the property line of each individual site in RTP as they are developed. The Wake County Water and Sewer Funding Policy specifically provides for on-site water and sewer lines in RTP. The county has provided expenditures for the construction of on-site water and sewer lines from the site property line to within 5 feet of the building for all the existing industrial clients in RTP. Biogen Idec requested \$300,000 for on-site water and sewer lines to serve a new 195,000 square foot administration building to be located on Biogen Idec's RTP campus. The facilities will accommodate and increase in employees from 275 to 850 employees with the total manufacturing, lab, warehouse and administrative space to 745,000 square feet. Construction costs for the new facility are estimated to be \$37 million. Funding is available in the Wake County Water and Sewer Fund for the extension of these utilities. The Board of Commissioners must hold a public hearing with notice provided 10 days prior to the meeting.

Commissioner Bryan asked how the contract addresses the matter they do not bring the 850 employees or if they do not follow thru. Mr. Aull said the county pays once the facility is built or will reimburse the company once the facility has been completed.

Chairman Coble opened the public hearing. No one spoke. The public hearing was closed.

Joe Bryan motioned, seconded by Betty Lou Ward, that following the required public hearing, to approve funds in an amount not-to-exceed \$300,000 for Biogen Idec to construct on-site water and sewer lines to serve facilities to be constructed in Research Triangle Park; and authorize the Chairman to execute an infrastructure financing agreement, subject to terms and conditions acceptable to the County Attorney. The motion passed unanimously.

INFRASTRUCTURE AGREEMENT

This Infrastructure Agreement (the "Agreement") is made and entered into as of the 6th day of September, 2011 by and between Biogen Idec, Inc., a Delaware corporation, (the "Company") and Wake County, North Carolina, a body politic and corporate and political subdivision of the State of North Carolina (the "County"). The County and Company may from time to time hereinafter be referred to individually as a "Party" and collectively as the "Parties."

WITNESSETH:

WHEREAS, the Local Development Act of 1925, as amended, (Section 158-7.1 of the North Carolina General Statutes) grants the County authority to make appropriations for the purposes of aiding and encouraging the location of certain business enterprises in the County, which the County's government body finds in its discretion will increase the population, taxable property base and business prospects of the County; and

WHEREAS, the County has agreed to provide funding to the Company for certain infrastructure improvements to induce the Company to locate its Project (as hereinafter defined) in Wake County; and

WHEREAS, the County has taken the steps required by N.C.G.S. § 158-1.7 to authorize appropriations for this purpose; and

WHEREAS, due in part to the inducements of the County as aforesaid, the Company has agreed to construct a new 195,000 square foot administrative office facility to provide business support for the Company's core research and manufacturing operations in Wake County (the "Project").

NOW, THEREFORE, in consideration of the reasons recited above, and the mutual covenants and obligations contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

1. The County shall provide reimbursement to the Company for all costs incurred by the Company in constructing water and sewer lines to within five (5) feet of the Project. The County agrees to reimburse the Company an amount not to exceed \$300,000 for the construction of such on-site water and sewer lines.
2. The Company shall be responsible for the preparation of plans and specifications for the water and sewer lines constructed for the Project. The County retains the right to review such plans and specifications, and all such plans and specifications will be subject to County approval, not to be unreasonably withheld, conditioned or delayed.
3. The Company shall obtain all required plan approvals and permits from the Town of Cary and Division of Environmental Management and Division of Environmental Health, if applicable, for the construction of the water and sewer lines for which the County has provided funding pursuant to this Agreement.

4. The Company shall provide construction observation services and Engineer’s certification to assure compliance with the approved plans and the Town of Cary Standard Specifications and Details for County-financed water and sewer lines.

5. Upon completion of construction and acceptance by the Town of Cary, the Town of Cary will be responsible for operation and maintenance of all water and sewer lines within dedicated public easements in accordance with the provisions of Memorandum of Agreement between County and Town of Cary.

6. The Company shall provide complete documentation to the County for all reimbursable expenses related to water and sewer lines for the Project. Such documentation will include quantities of work completed, unit prices for the work, if applicable, and copies of invoices for material, services, permits or inspections associated with the installation of such water and sewer lines for the Project. The County shall reimburse the Company within thirty (30) days of receiving a request accompanied by such documentation.

7. Upon payment by the County to the Company of the costs incurred by the Company in constructing the water and sewer lines, the Company will dedicate to the Town of Cary a permanent, maintenance easement sized as reasonably required by the Town and convey title to all water and sewer lines constructed pursuant to this Agreement and shall provide to the Town of Cary recordable easement plats for all such on-site water and sewer lines. The foregoing easements shall not extend into buildings and will terminate at a location mutually agreed upon by the County and the Company.

8. The Company shall provide the County evidence of releases from all contractors for any liability for mechanic’s or materialmen’s liens which could be assessed against the water or sewer lines constructed pursuant to this Agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year first above written.

ATTEST

COUNTY OF WAKE

Susan J. Banks

Paul Y. Coble

County Clerk

Chairman, Board of Commissioners

BIOGEN IDEC, INC.

By: _____

Request 1.0 FTE for the Migrant Farmworker Health Program

Ms. Ida Dawson, Human Services Division Director, presented a request to establish a 1.0 FTE Program Assistant position in order to meet outreach and reporting requirements of the grant from the North Carolina Department of Health and Human Services, Office of Rural Health and Community Care. Funds are available to support position. The position supports clinics during migrant worker season, provide outreach to approximately 700 farmworkers, and connect approximately 300 farmworkers to medical providers or provide on-site treatment as appropriate within the contract year. Commissioner West said he has visited some of the sites.

Commissioner Ward asked how many migrant workers there are in Wake County. Ms. Dawson said they have encountered around 700 workers during April of this year and there may be more. They have seen around 250 of the workers in the clinic this year. The camp facilities conditions are reviewed but are the responsibility of the state. Commissioner Matthews asked how they knew about the camps and what purpose was served by their camp visits. Ms. Kadi Hodges stated that the property owners asked them to come out and review the camps. They help provide medications, treat sprained ankles, and treat other health matters.

Betty Lou Ward motioned, seconded by James West, to establish a 1.0 FTE Program Assistant for the Migrant Farmworker Health Program in the Grants and Donations Fund. The motion passed unanimously.

Affordable Housing Development Funding Request

Ms. Annemarie Maiorano, Wake County Affordable Housing Manager, presented the request for CASA’s application for 10 one-bedroom units.

The development will add a total of 10 one-bedroom units of affordable housing targeted to the following population groups:

- Three units affordable to chronically homeless persons earning at or below 30% of the area median income (AMI),
- Five units affordable to homeless veterans earning at or below 40% AMI,
- Two units will be affordable to persons earning at or below 40% AMI

Although five units are reserved for veterans, veterans will be given a priority for all of the apartments.

The Housing Committee recommended providing a loan and the Human Services Board supporting the committee and staff recommendation on August 25, 2011. The City of Raleigh staff is recommending an identical loan and staff will present the recommendation also at the September 6, 2011 City Council meeting. Wake County would share first lien position with the City of Raleigh.

Lender	Funding	Status
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Wake County	\$ 426,860	Pending
City of Raleigh	\$ 426,860	Pending
US Dept. of Housing & Urban Development	\$ 400,000	Secured
CASA Equity	\$ 100,000	Secured
Private Foundation	\$ 39,000	Secured
Total	\$ 1,392,720	

Phil Matthews motioned, seconded by Tony Gurley, to approve a loan of up to \$426,860 in federal HOME funds to Community Alternatives for Supportive Abodes (CASA) for the construction of a 10-unit apartment building in Raleigh. The terms of the loan are set forth in the item summary. Approval is subject to terms and conditions acceptable to the County Attorney. All funding awards must conform to the County’s Distribution of Affordable Housing Policy adopted by the Wake County Board of Commissioners on December 7, 2009. Awards are also contingent upon developments receiving local approvals including site plan approval and all necessary permits from the local municipality. In addition, all awards are contingent upon the basic terms as identified in the project descriptions, including funding commitments from the financial partners as identified. The motion passed unanimously.

Approval of Contract Extension with Waste Industries to Operate Convenience Centers

Mr. Tommy Esqueda presented the request for a contract extension with Waste Industries for the operation of the Convenience Center Program. The program was expanded and net cost has been reduced over time. Changes implemented since June 2009 include, but are not limited to, the following:

The purpose of the contract extension in June 2009 was to provide Wake County staff time to work with Waste Industries to pilot-test a series of service and facility changes for the Program. The changes implemented since June 2009 include, but are not limited to, the following:

1. All sites include now recycling facilities for oyster shells, used clothes, and used books.
2. Wake County has removed Waste Industries equipment from seven Convenience Center sites, and is working to replace the remainder of equipment owned by Waste Industries on County property.

3. Wake County now directly manages the contracts with the recycling processors for scrap metal, commingled recyclables, and corrugated cardboard.
4. Wake County directly manages the contracts with construction and demolition (C&D) debris disposal landfills.
5. Sites 1, 2, 7, and 11 now offer C&D disposal facilities separate from household trash disposal facilities.
6. Convenience Center No. 1 provides recycling services for white goods, used latex paint, and electronics.
7. Convenience Center No. 11 has been converted to a multi-material recycling facility (white goods, scrap tires, electronics, batteries, household hazardous waste, etc.)

During the past two years, Waste Industries has been instrumental in assisting the County in implementing these and other changes to improve the level of service and cost of services for the Program. For FY 2008 through FY 2010, the net unit-cost for the Program has averaged \$35.09 per ton. The net unit-cost is the total Program cost less revenues from the sale of commodities divided by the total tons of materials received at the Convenience Centers. With the Program changes implemented starting July 1, 2011, the estimated net unit-cost for the Program through 2014 will be approximately \$30.05 – a 14.4% reduction. A summary of the cost improvements for the Program are presented in Table 1. As shown in Table 1, the actual net program costs for FY 2011 were \$23.82 per ton as a result of favorable market conditions for scrap metal.

While the pilot-test changes described have been successful, there is a need to continue making additional changes to the Program, and staff recommends continuing to work with Waste Industries through June 30, 2014 to make additional facility and service changes during the three-year period. During the proposed three-year extension, Wake County staff will work with staff from our municipal partners to identify and implement additional facility and service changes. We have worked with staff and citizens from Holly Springs to implement improvement changes for Site No. 2, we are currently working with staff from Morrisville and Cary to assess potential changes for Site No. 3, and we will be working with staff from Rolesville to assess changes for Site No. 6. During the three-year extension, staff will work with other municipal partners to identify additional changes for other Convenience Center sites.

While the Solid Waste Management Division would typically issue a request for proposals (RFP) for the operation of the Convenience Center Program to ensure that the County receives the most favorable pricing, the anticipated range of facility and service changes anticipated for FY2012, FY 2013, and FY 2014 makes it difficult to

develop a clear description of the scope of services for a traditional request for proposal. Therefore, staff's recommendation, as in June 2009, is to extend the existing contract with Waste Industries to continue making facility and service changes to improve the level and cost of service for the Program. At the conclusion of the contract extension in June 2014, the facility and service changes should be complete, which will allow staff to issue a request for proposals with a clear and defined scope of services for a modified Convenience Center Program based on the findings of the pilot tests and work with municipal partners.

Tony Gurley motioned, seconded by Betty Lou Ward, to authorize staff to execute a contract extension with Waste Industries for the operation of the Convenience Center Program to June 30, 2014 subject to contract terms acceptable to the County Manager and County Attorney. The motion passed unanimously.

Mr. Portman said \$23.82 was the net cost and questioned if it could go up to \$30.41. The actual costs are relatively constant. Mr. Esqueda said the \$578,563 is the rock bottom number.

Commissioner West asked about the household waste. Mr. Esqueda said they take phone books year round.

Public Comments:

Mr. Kent Goddard spoke of the 1915 Medicaid Waiver on Managed Care. He said this means there will be less money going to patient care and the system. He said the Legislature wants it and will probably get it. He has had the same psychiatrist since 1977 and if he loses his relationship with his psychiatrist because of the waiver he will be very bitter.

Appointments

Wake County Adult Care Home Community Advisory Committee

Chairman Coble nominated the following individuals for reappointment:

Ms. Linda Hancock
Ms. Pamela Marshall
Ms. Adele Njang
Ms. Anne Perrotta
Ms. Sheila Richardson

Chairman Coble also nominated the following individuals for new appointment:

Ms. Chandra Banner
Ms. Vanessa Funderburk
Ms. Pamela Morris

Wake County Historic Preservation Commission

Commissioner Gurley nominated Mr. Jeffrey Hastings.

Wake County Library Commission

Commissioner Gurley nominated Ms. Maryanne Friend for the at-large position.

Morrisville Planning and Zoning Board

Chairman Coble nominated Mr. Bobby Davis as recommended by the Town of Morrisville, to fill the remainder of Mr. Wade Davis term.

Zebulon Board of Adjustment

Chairman Coble nominated Ms. Laura Johnson as an alternate member as recommended by the Town of Zebulon.

Phil Matthews motioned, seconded by Tony Gurley, to accept the nominations by acclamation. The motion passed unanimously.

Other Items

Committee Reports

Commissioner West reported a very successful African American Festival was held with around 11,000 attendees. He encouraged ongoing support of the festival. He said the committee is pursuing a 503C nonprofit status.

Commissioner Ward reminded the commissioners of the invitation from the Nursing Home Advisory Committee to a meeting and dinner on September 20, 2011 and encouraged everyone to participate.

Commissioner Ward reported on her and Commissioner Bryan's attendance at the NCACC Annual Conference held in Cabarrus County and congratulated Commissioner Bryan for the wonderful job he did as President of the North Carolina Association of County Commissioners. He is now the past president. She also noted that one of the excellent initiatives that Commissioner Bryan started was a NCACC Hall of Fame, which she was one of the original inductees.

Commissioner Bryan informed everyone that Commissioner Ward was inducted into the NCACC Hall of Fame which was established to recognize and honor people who have made a major impact on the association with a lifetime of service. The original inductees included:

Former Craven County Commissioner C.E. Foy, the "father" of the NCACC;
Former Mecklenburg County Commissioner, U.S. Rep. and N.C. Governor Jim
Martin;
Former Richmond County Commissioner and N.C. Sen. Richard Conder;
Former Orange County Commissioner and current Secretary of Administration Moses
Carey;
Former Pasquotank County Commissioner and current N.C. Rep. Bill Owens;
Current Wake County Commissioner Betty Lou Ward; and
Former NCACC Executive Director Ron Aycock.

Commissioner Ward said it was quite an honor to be inducted into the Hall of Fame. She noted that the annual conference is scheduled to be held in Wake County in 2012 and will require county employees to work on the planning of the event.

Commissioner Bryan said he spoke with an elected official from the Town of Cary about their town board about the quality of the leadership on the Cary Town Board. This individual stated that type of leadership was expected on that board. Commissioner Bryan said he was honored to serve on this board with so much talent which potentially has a future Congressman and a future Lt. Governor.

Other Business

[Manager's Report](#)

Mr. Cooke shared a letter he sent to the Eastern Wake Fire Department. He explained how they were not in compliance with their contract since they had paid employees outside of the contract for qualifications they did not possess. They were given 90 day notice to clean up the issue. They have remedied prior problem but theoretically they should pay the county back \$90,000. The funds would come from fund balance or they would need to cut expenses to pay it back. In review of finances in June, it was found they inappropriately paid fire fighters for vacation time. The letter is starting the new 90 day timeframe again. Staff and Commissioner Matthews met with them about a month ago. The county offered a way to remediate and offered assistance from a county finance staff person. The new system would have the Board of Commissioners appoint the majority of their board members. They can have 10 board members but they currently only have 4 or 5 members. There could be a trustee. The letter from the County Manager also requested a response by this meeting which has not been received. It is understood that they have legal counsel and they want to be cooperative with the county. They have indicated the county could expect a response by September 12, 2011.

Commissioner Ward asked about the county taking over appointing their board and what reaction has been received from other fire departments. Mr. Cooke said the Fire Commission meets September 15th and they may receive feedback at that meeting. The county needs to send a message to nonprofits that the county will continue to follow up on the accountability of how tax dollars are spent. Commissioner Gurley

asked if paying for private counsel is an authorized use of fire tax revenue. He noted that fire tax revenue will have to be used to pay for their attorney unless they have private funds or the attorney is working pro bono. There are no other sources of revenue. Mr. Warren said they have always had general counsel but that counsel has asked other legal counsel to look into their finances. Chairman Coble said they have been looking into proper use of fire tax money. If they are not following the rules, they should have some responsibility. Commissioner Portman asked if there has been confusion or misunderstanding about the rules. Mr. Cooke said he could not speak to the previous \$90,000. He said they paid on good intentions but ran foul on the rules. Payments to individuals were inconsistent with the county's rules.

Closed Session

Mr. Scott Warren, County Attorney, stated the board needed to go into closed session pursuant to G.S. 143-318.11(a)(3) to consult with the County Attorney and to consider and give instructions to him regarding the handling of a claim.

Paul Coble motioned, seconded by Tony Gurley, to go into Closed Session to confer with the County Attorney pursuant to G.S. 143-318.11(a)(3) to protect the attorney client privilege and to consider and give instructions concerning a potential or actual claim, administrative procedure, or judicial action in the area served by this body. The motion passed unanimously.

The commissioners returned to open session and took the following action.

Betty Lou Ward motioned, seconded by James West, to approve the workers' compensation lump-sum payment for the following NCIC file:

Claim Number	Settlement Amount
IC File No. W6011	\$150,000

The motion passed unanimously.

Adjourn

Tony Gurley motioned, seconded by Phil Matthews, to adjourn the meeting at 4:10 p.m. The motion passed unanimously.

Respectfully submitted,

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

