

**WAKE COUNTY BOARD OF COMMISSIONERS**

**April 19, 2010**

**Regular Meeting**

**2:00 p.m.**

**Room 700, Wake County Courthouse**

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

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

**Meeting Called to Order: Chairman Tony Gurley**

**Pledge of Allegiance**

**Invocation: Commissioner Stan Norwalk**

Following Commissioner Norwalk's invocation, Commissioner Ward asked for a moment of silence for former county commissioner and state senator Vernon Malone.

**Items of Business**

**Approval of Agenda**

Betty Lou Ward, Vice Chair motioned, seconded by Paul Coble, to approve the agenda.

The motion passed unanimously.

**Approval of the Minutes of the Commissioners' Regular Meeting on April 5th and Work session on April 12, 2010**

Paul Coble motioned, seconded by Lindy Brown, to approve the Minutes of the Commissioners' Regular Meeting on April 5th and Work session on April 12, 2010.

The motion passed unanimously.

**Retiree Recognition**

Mr. David Cooke recognized Mr. Phillip Goerger for 28 years of service with Wake County. He was presented a plaque for his years of service.

Commissioner Brown asked that Mr. Goerger introduce family members that were present.

**Recognition of Outstanding County Program Award from the North Carolina Association of County Commissioners to Cameron Village Regional Library's Employee Assistance Program**

Ms. Lisa Nolan, Outreach Coordinator for the North Carolina Association of County Commissioners, presented the Outstanding County Program Award for the Employee Assistance Program at Cameron Village Library.

Cameron Village library staff came forward to receive the award. Ms. Susan Wolf Nielson, Head of Reference and Information Services, Cameron Village Library, thanked the board for their support. Mr. Mike Wasilick, Library Director, introduced himself and thanked the Board of Commissioners for their support.

Commissioner Bryan asked Ms. Susan Nielson to explain the service provided at Cameron Village Library for which they received the Outstanding Program Award. Ms. Nielson said many people came into the library to search for jobs. Library staff began to work to help citizens with jobs searches, stress, computer classes, and resume help. The North Carolina State University Library helped them develop a career tool kit to be used by citizens in their job search and application process. Staff was trained to use the tools. A three day workshop will be held to help with interview skills, landing the right job, and dressing for success. They also offer help with technologies such as Microsoft Office 2007, PowerPoint and Excel. A website was created for the different library branches to access for help

Commissioner Norwalk indicated that he was impressed with the library and how much the computer terminals are used. He noted the facility is heavily utilized. A program SCORE helps citizens start small businesses and they meet at the Cameron Village Library. They offer free counseling sessions for small businesses.

Commissioner Ward said thanked Dale Cousins, Cameron Village Library Supervisor and noted the libraries are well used and staffed.

**Proclamation of May 2010 as National Historic Preservation Month in Wake County**

Mr. Ed Morris, Chairman of the Wake County Historic Preservation Commission, reported there are now 50 designated historic landmark sites in Wake County. In 2003, Wake County was the first in the nation to form a public private partnership to recognize historic landmarks in the county. The Wake County Historic Preservation Commission requested the Board of Commissioners proclaim the month of May as National Historic Preservation Month in Wake County.

The theme this month is "Old is Green" and on Sunday, May 2, 2010 there will be an event from 3:00-4:00 at the Guess-White-Ogle House in Cary. Plaques will be given to the owners of newly designated Local Historic Landmarks and the National Historic Preservation Month in Wake County Proclamation will be presented.

Mr. Morris introduced Ms. Camille Morrisey who serves on the Historic Preservation Commission. He noted there would be two well-known violinists at the event.

Commissioner Ward read the proclamation.

Betty Lou Ward, Vice Chair motioned, seconded by Lindy Brown, to proclaim May 2010 as National Historic Preservation Month in Wake County.

The motion passed unanimously.

## **NATIONAL PRESERVATION MONTH IN WAKE COUNTY PROCLAMATION**

WHEREAS, Wake County is proud of its rich history and heritage as reflected in its historic architecture and landscapes; and

WHEREAS, the Wake County Historic Preservation Commission serves as the County's official body to identify, preserve and protect Wake County's historic resources and to educate the public about historic preservation; and

WHEREAS, historic preservation is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, "*Old is the New Green*" is the theme for National Historic Preservation Month 2010, cosponsored by the Wake County Historic Preservation Commission; Capital Area Preservation, Inc, and the National Trust for Historic Preservation.

NOW, THEREFORE, we, the Wake County Board of Commissioners, do proclaim May 2010 as National Historic Preservation Month in Wake County, North Carolina and call upon the people of Wake County to join their fellow citizens across the United States in recognizing and participating in this special observance.

ADOPTED this the 19th day of April, 2010.

**Annual Report from Wake County Nursing Home Community Advisory Committee**

Ms. Connie Burbank, Chair of the Wake County Nursing Home Community Advisory Committee, noted the annual report and accomplishments of the Committee. They visited 22 nursing homes in Wake County on a quarterly basis. She said attending monthly meetings, site visits and preparing visit reports represent a few thousand hours of volunteer time donated and miles traveled in 2009. She said these volunteers are passionate about quality of care of patients in long term care facilities. She described the community involvement and other activities by the committee members. Ms. Mary Alice Simmons and Ms. Christina Williamson were members present. She spoke of significant amount of turnover of the members.

Ms. Burbank thanked the Board for their response to their request to increase the board membership. She asked the board to consider General Statute 131E-128 about sub-committees of the Nursing Home Advisory Committee. She said the sub-committees currently have to have three to five members and a majority of those members must be present for each nursing home visit. She said during the year the committee members may change widely causing them to change the sub-committee membership. They recommend that subcommittee be allowed to have a wider range such as six to two members instead of five to three and a minimum of two members be present at each visit. This change would alleviate scheduling problems and would allow members to donate a more equitable amount of time. The sub-committees would then be composed by geographical areas, save time and mileage expenses.

Ms. Gail Holden was introduced as the Director of Senior Services, Department of Human Services.

Commissioner Ward asked for a description to be given of the duties of a Nursing Home Community Advisory Committee. Ms. Holden said that quarterly visits are made to the nursing homes and make reports. They make sure the residents are treated well and whether the guidelines are being followed. Concerns would be raised to the Ombudsman or to Ms. Holden. On site visits are made by the volunteers. Attention is given to the Nursing Home residents and their families. Ms. Holden said the Ombudsman is an advocate for the patients. She said that Ms. Jennifer Link and Ms. Amy Kepler are the Ombudsman's for the Nursing Home and Adult Care Homes.

Commissioner Ward noted her mother was in a nursing home years ago. She said that situations can be made better. She thanked them for their work.

Mr. Warren said that the North Carolina Association of County Commissioners and State Legislature could be contacted to help with the request for changes in the sub-committee requirements.

### **Annual Report from Wake County Adult Care Home Community Advisory Committee**

Ms. Nancy Roughgarden, Chair of the Adult Care Homes Community Advisory Committee said that they visit Assisted Care and Family Care Homes in Wake County. They try to interface with five to ten residents on each facility visits. They revisit the people in following years and build bonds. Problems are referred to Amy Kepler or Gail Holden. Adult Care Homes are visited quarterly and there are two committee members visiting each home. The director is notified that they are there to visit and the committee does a follow-up report. They spend at least an hour at the larger facilities.

Commissioner Ward said that she had the opportunity to do a site visit with a former chair of the committee. The residents were delighted to have a visitor. She said that the residents are more independent than the Nursing Home residents. She said there have been more challenges over the past year with behavior issues due to the mixed populations. The elderly-frail and the mentally challenged or drug dependent residents are sometimes housed in the same facility. They have training programs for staff to learn to deal with these behavior issues. They work to assure each individual's rights are being met. Commissioner Brown asked how many group homes there are in Wake County and what the ratio is from residents to staff in those homes. Ms. Gail Holden said there are 75 facilities. There are approximately 40 family care homes and 30 adult care homes. Adult care homes are licensed for seven or more but

there not any facilities that small. The family care homes are licensed for two to six adults. The mandate is one staff to six patients in family care homes. Staffing for large facilities is about one staff to twenty patients. There are only two family care homes that have only senior adults. The others have many more residents with mental health issues. Staff needs training but they are also training residents to deal with each other.

Commissioner Norwalk asked about the differences between family care home and mental health group homes. Ms. Holden said that family care homes are smaller and segregation is by diagnosis. It is not the same as a mental health group home which is a treatment facility. Seniors without a mental health diagnosis cannot go into a group home but a person with a mental health diagnosis can go into a senior home or adult care home. Commissioner Norwalk asked about bed availability and what it is based on. Ms. Holden stated that efforts need to be made on how patients are placed in homes.

Commissioner Ward asked Ms. Holden to provide her contact information for families. Ms. Holden provided her phone number and email address for reference. Ms. Roughgarden said that ongoing activities are important for the patients at the facility. She referenced a symposium they held and expressed the need to have the homes provide a more "home like" environment.

**Associated General Contractors Pinnacle Award for Best Building Project of 2009 (Raleigh Convention Center)**

Mr. John Muter, Vice President of Barnhill Contracting Company, presented the Board of Commissioner with the Pinnacle Award and expressed his appreciation for the project.

Commissioner Bryan noted that Mr. Muter represents Barnhill Contracting which constructed the Raleigh Convention Center. He said there will be an opening of the art museum and the public will see the investment of making partnerships.

Commissioner Ward congratulated Mr. Muter for his work. She noted that Barnhill is a NC company and the president lives in Tarboro, NC.

Mr. Muter said that there was support from the Board of Commissioners. Commissioner Ward complimented the company for listening. She thanked Mr. Muter for sharing her vision.

**Consent Agenda**

Betty Lou Ward, Vice Chair motioned, seconded by Lindy Brown, to approve the consent agenda as presented.

The motion passed unanimously.

**Accept \$89,686.60 in Additional Energy Neighbor Funds through the NC Department of Health and Human Services' Division of Social Services**

Betty Lou Ward, Vice Chair motioned, seconded by Lindy Brown, to accept and appropriate \$89,686.60 in additional Energy Neighbor funding through the North Carolina Department of Health and Human Services, Division of Social Services.

The motion passed unanimously.

**Accept \$51,000 in Food and Nutrition Services (FNS) Federal Contingency Funds**

Betty Lou Ward, Vice Chair motioned, seconded by Lindy Brown, to accept and appropriate \$51,000 for Food and Nutrition services (FNS) from federal contingency funds.

The motion passed unanimously.

**Accept and Appropriate \$241,223 of Federal Funding from the North Carolina Department of Health and Human Services for Ryan White Part B Care Services Program**

Betty Lou Ward, Vice Chair motioned, seconded by Lindy Brown, to accept and appropriate \$241,223 from the North Carolina Department of Health and Human Services for Ryan White Part B Care Services Program.

The motion passed unanimously.

**Accept \$195,000 from the Self Reliance Foundation for Wake County Gang Prevention**

Betty Lou Ward, Vice Chair motioned, seconded by Lindy Brown, to accept \$195,000 from the Self Reliance Foundation for Wake County Gang Prevention.

The motion passed unanimously.

**Transfer Pharmaceutical Trailer Purchased by Department of Homeland Security to WakeMed Health and Hospitals for the Capital Regional Advisory Committee**

Betty Lou Ward, Vice Chair motioned, seconded by Lindy Brown, to transfer ownership of a pharmaceutical emergency response trailer, purchased by the

State of North Carolina on behalf of Wake County, to WakeMed Health and Hospitals.

The motion passed unanimously.

**Public Comments:**

Ms. Ann Akland, Knightdale NC, said that she represents the National Alliance for Mental Illness. She recognized others in attendance with her. She thanked the Board of Commissioners for their support for the mental illness programs. She was glad to see the new Continuum of Care Facility. She said that Wake County has good programs. People with mental illnesses cannot wait for services.

Commissioner Ward recognized the deceased Mr. Mack Brownly a supporter of the mentally ill programs.

Ms. Adele Foschia, 504 Kay Woody Court, Raleigh, said that she supports the programs for the mentally ill. The DD Bridges program is to help patients transition from one facility or program to the next. The program is life changing for patients. If it is not funded, the services will still be needed. They provide screening services and crisis management provided by an outstanding team of professionals. She has worked in the Developmental Disability field for over 40 years and the Wake NAMI supports this program.

Mr. Macon Jeffrey asked that the Developmental Disability facility be kept open. He has a son that has used mental health services since he was 18 years old and is 60 years now. He asked to keep the Intercity Mental Health Unit has provided services for him. He said that it would be less costly to offer the facility rather than public safety services. He said the facility has made a great difference in his and his sons life. He expressed his appreciation for the services. He said that he worked for 20 years at Dorothea Dix Hospital and also as a journalist. He said if the patients do not have the facility to go to they will be in the community possibly being disruptive and costly to the community.

Dr. Kent Earnhardt said that he has a law degree and was recently appointed to serve on the Wake County Human Services Board as a consumer. He said that he has received the best services in Wake County and Social Workers are the best providers of those services.

Ms. Helen Cleeverman spoke on behalf of keeping the Southeast Regional Library open. She noted the importance of the library to the community. She said that the Southeast Regional Library is the life blood of the Town of Garner. Computers at the library help citizens find jobs. Seniors expand their

knowledge, learn about a hobby, or relax. She asked the board to keep the library open.

Mr. Bill Stanley, 4101 Balsam Drive, Raleigh, member of NAMI of Wake County, said that he has a daughter that is mentally ill. He spoke about the stigma of mental illness and how it affects the citizens of Wake County and his family. He said that "stigma" distracts from the worth of an individual or a group and is a mark of disgrace or reproach. He said the stigma of mental illness is allowing the State Legislature to disproportionately cut the funding for mental illness programs, LME, more than other state departments and transferring those cost to the county. He stated this would also hurt the federal funding for Medicaid. He encouraged the Board of Commissioners to push the State of North Carolina to do their fair share.

Mr. Stanley said the stigma of the school system in crisis is causing uneasiness in the business community about the prospect of attracting employees in this area. He said there needs to be cooperation from the school board. He said that one in four families is affected by mental illness and if the mental health programs are not funded, it will appear the county does not care about people with mental illnesses. Leaders should be concerned about the growth and sustainability of the tax base in future years. He said politicians support schools as a top priority not health and human Services programs. He noted his daughter, who has a mental illness, has unsuccessfully lived in group homes. She is covered by Medicaid and has been helped by the Wake County LME.

He noted his daughter may not be able to receive services due to budget cuts and end up in a group home or in a mental hospital. He said that Wake County has been supportive for Holly Hill Hospital in the past. Reduction of services will cost residents more in the end.

Mayor Ronnie Williams asked the Board of Commissioners to reconsider the decision to close the Southeast Regional Library.

Mr. Pete Ashworth said that he retired from the Army in 1974. He and his wife visit the library in Garner. He said that his family uses the library often. He said that budget constraints make it difficult to decide cuts. He commended the board for their work. He suggested closing libraries one day a week.

### **Regular Agenda**

#### **Public Hearing for the Use of Recovery Bonds Designated to the City of Raleigh for the American Institute of Architects (AIA) Headquarters project**

Ms. Mary Nash Rusher, Partner with Hunton & Williams LLP, explained the types of bonds and how they can be used. She said the City of Raleigh received \$12,072,000 in allocation to issue Recovery Zone Facility Bonds. The Wake County Industrial Facilities and Pollution Control Authority agreed to issue Recovery Zone Facility Bond Series 2010 in an amount not to exceed \$4,000,000, and to loan the proceeds to the North Carolina Chapter, American Institute of Architects, Inc. (AIA). By resolution adopted on December 1, 2009, the Raleigh City Council designated a recovery zone in the city, to be coextensive with "Urban Progress Zones" previously designated by the City (the City Recovery Zone). The City subsequently designated \$4,000,000 of its recovery zone allocation to the Project, which is located in the recovery zone. The Wake County Industrial Facilities and Pollution Control Financing Authority (the "Authority") may issue recovery zone facility bonds to finance projects that meet the definition of a "qualified project" under American Recovery and Reinvestment Act of 2009. The AIA's project falls within that definition as a "trade or business" located within a recovery zone. The Authority and the Company entered into an inducement agreement with respect to the Project and the Bonds on December 11, 2009. The Authority anticipates the Bonds will be sold to Branch Banking and Trust Company and will bear interest at a variable rate. As in all of the Authority's financings, neither the Authority nor the County will have any liability whatsoever for the repayment of the Bond. The Local Government Commission will have this item on its agenda for the first meeting in May.

Mr. Dave Crawford said that the process has taken six years for this facility. He said the North Carolina Chapter of the American Institute of Architects, Incorporated has been a leading membership association for licensed architects. Energy efficiency has been a focus for the building.

Commissioner Brown thanked Mr. Crawford for sharing the detailed design. Mr. Crawford said the business was located in the old water tower building on Morgan Street. Commissioner Brown asked if there were tenants being solicited for the occupancy of the building. Mr. Crawford said that the hope is to have the building for the center of design construction.

Commissioner Norwalk asked who is responsible for maintenance and operations. Mr. Crawford said AIA staff would be responsible for the building.

One of the architects described the Geo-thermal system in the building. Commissioner Ward congratulated the architects on this project.

Commissioner Bryan asked the total project cost. Mr. Crawford said that \$5.4 million is the total cost. The construction is about \$3.4 million. Commissioner Bryan asked why the bonds are for \$4 million. Mr. Crawford said that the bonds are for "up to \$4.0 million", in order to cover the construction. Ms.

Rusher said that up to \$4.0 million was used in the beginning but the amount approved will be whatever the bank will lend. Any unused funds will be sent back to the State of North Carolina. Commissioner Bryan asked about the RFP process. Mr. Crawford said the City of Raleigh was approached about the bonds before the RFP process began. Commissioner Bryan asked the definition of the Urban Progress Zones. Ms. Rusher said that the downtown area was designated a recovery zone area by the City of Raleigh. She said that Wake County is not taking any liability for the project.

Chairman Gurley opened the public hearing. No one came forward to speak. Chairman Gurley closed the public hearing.

Joe Bryan motioned, seconded by Betty Lou Ward, Vice Chair, to adopt a resolution, following the public hearing, that:

1. Approves the North Carolina Chapter, American Institute of Architects, Inc. (AIA) new headquarters building to be located at 14 E. Peace Street in Raleigh as a "Special Purpose Project" and
2. Approves the plan of financing whereby the Wake County Industrial Facilities and Pollution Control Financing Authority loans the City of Raleigh proceeds of Recovery Zone Facility Bond Series 2010 in an amount not to exceed \$4,000,000, to the AIA for the new headquarters.

The motion passed unanimously.

A short break was taken at this time.

Chairman Gurley stated it was brought to his attention during the break that the motion on the Recovery Bonds made need to be amended and asked Mr. Scott Warren to clarify item #14. Mr. Warren said that the second part of the motion should read the same as the resolution, as follows:

2. Approves the plan of financing whereby the Wake County Industrial Facilities and Pollution Control Financing Authority loans the North Carolina Chapter, American Institute of Architects, Inc. proceeds of Recovery Zone Facility Bond Series 2010 in an amount not to exceed \$4,000,000 for the new headquarters.

Commissioners Bryan and Ward accepted the amendment to the original motion and the motion passed unanimously.

BOARD OF COMMISSIONERS

OF

WAKE COUNTY, NORTH CAROLINA

Extract of Minutes  
of Meeting of  
April 19, 2010

Present: Chairman Tony C. Gurley presiding, and Commissioners: Lindy Brown, Joe Bryan, Paul Coble, Stan Norwalk, Betty Lou Ward and Harold H. Webb.

Absent: N/A

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Commissioner Gurley introduced the following resolution, the title of which was read:

APPROVAL IN PRINCIPLE OF SPECIAL PURPOSE PROJECT  
FOR THE NORTH CAROLINA CHAPTER, AMERICAN  
INSTITUTE OF ARCHITECTS, INCORPORATED AND THE  
FINANCING THEREOF WITH RECOVERY ZONE FACILITY  
BONDS IN THE PRINCIPAL AMOUNT OF UP TO \$4,000,000

WHEREAS, The Wake County Industrial Facilities and Pollution Control Financing Authority (the "Authority") proposes to assist in the financing under the North Carolina Industrial and Pollution Control Facilities Financing Act, Chapter 159C of the North Carolina General Statutes, as amended (the "Act") of a "special purpose project" by the North Carolina Chapter, American Institute of Architects, Incorporated, a North Carolina non-profit corporation (the "Company"), which plans to acquire, construct and equip a 12,000 square foot facility located on a one acre parcel at 14 E. Peace Street to be used for a new headquarters building (the "Project"), to be owned and operated by the Company in Raleigh, Wake County, North Carolina; and

WHEREAS the Act and the Internal Revenue Code of 1986, as amended (the "Code") require that the governing body of a county approve in principle any project to be financed under the Act after a public hearing; and

WHEREAS, the City of Raleigh, North Carolina previously allocated \$4,000,000 of its recovery zone facility bond allocation to the Project; and

WHEREAS, this Board of Commissioners today has held a public hearing with respect to the advisability of the Project and the issuance of recovery zone facility bonds therefor, as evidenced by the Certificate and Summary of Public Hearing attached hereto as Exhibit A; and

WHEREAS, the Authority intends to issue its Recovery Zone Facility Bonds (North Carolina Chapter, American Institute of Architects, Incorporated Project), Series 2010 (the "Bonds") in the principal amount of up to \$4,000,000 which will be purchased by Branch Banking and Trust Company; and

WHEREAS, Section 147(f) of the Code requires that the Board of Commissioners approve the plan of financing for the bonds; and

WHEREAS, under Section 159C-4 of the Act the issuance of bonds under the Act must be approved by the governing body of the county in which the project to be financed is located;

NOW, THEREFORE, the Board of Commissioners of Wake County, meeting in regular session at Raleigh, North Carolina, on April 19, 2010, does the following:

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR WAKE COUNTY:

1. The proposed "special purpose project" consisting of the acquisition, construction and equipping of a 12,000 square foot facility located on a one acre site at 14 E. Peace Street. to be used for a new headquarters building (the "Project"), to be owned and operated by the North Carolina Chapter, American Institute of Architects, Incorporated, and the issuance of recovery zone facility bonds in an amount not to exceed \$4,000,000 therefor are hereby approved in principle.
2. The Board of Commissioners hereby approves the plan of financing as required by Section 147(f) of the Code.
3. The issuance of the Bonds in the principal amount of \$4,000,000 is hereby approved for purposes of Section 159C-4 of the Act.
4. THE BONDS DO NOT CONSTITUTE A DEBT OF THE STATE OF NORTH CAROLINA OR ANY POLITICAL SUBDIVISION THEREOF, INCLUDING THE AUTHORITY OR THE COUNTY, OR A PLEDGE OF THE FAITH AND CREDIT OF THE STATE OF NORTH CAROLINA OR ANY POLITICAL SUBDIVISION, INCLUDING THE AUTHORITY OR THE COUNTY.

Commissioner Joe Bryan moved the passage of the foregoing resolution and Commissioner Betty Lou Ward seconded the motion, and the resolution was passed by the following vote:

Ayes: Commissioners Lindy Brown, Joe Bryan, Paul Coble, Tony Gurley, Stan Norwalk, Betty Lou Ward and Harold H. Webb

Nays: N/A

Not voting: \_\_\_\_\_

\* \* \* \* \*

I, Susan Banks, Clerk to the Board of Commissioners for the County of Wake, North Carolina DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of the Board of Commissioners for the County at a regular meeting duly called and held April 19, 2010, as it relates in any way to the resolution hereinabove set forth, and that said proceedings are recorded in Minute Book Year 2010 of the minutes of the Board. Pursuant to N.C.G.S. § 143-318.12, a current copy of a schedule of regular meetings of the Board is on file in my office.

WITNESS my hand and the common seal of said County, this 19th day of April, 2010.

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Susan Banks, Clerk to the Board  
Wake County Board of Commissioners

(SEAL)

**Public Hearing on the Adams-Edwards House Historic Landmark Designation**

Mr. Gary Roth said that this is the 51st Historic property. He described the location of the Adams-Edwards House, ca. 1850; ca. 1860; ca. 1880; ca. 1900; 2009 and is located 5321 Tryon Road, Raleigh vicinity (2nd location). The owner of the property is Mr. Daniel Worth Woodall. The Adams-Edwards Profile is approximately 1.4 acres. Mr. Roth gave the history of the house. He noted the house has been moved to Tryon Road. He described the exterior and interior of the house. The house was originally built by Quinton Adams. The house is one story with a three room plan that was built in four phases. The Adam-Edwards House is one of only a handful of mid-nineteenth century yeoman farmer's houses in Wake County, and the only one known to have a three-room plan.

Mr. Ed Morris, Chairman of the Wake County Historic Preservation Commission, said that at its March 9, 2010 meeting, the Wake County Historic Preservation Commission unanimously recommended that the Wake County Board of Commissioners designate the Adams-Edwards House a Wake County Historic Landmark, and adopt the associated ordinance. He said they have wanted to designate this home as a historic landmark in 2003 but it was in the way of the widening of Tryon Road so it was delayed.

Chairman Gurley opened the public hearing.

Mr. Dan Woodall, the owner of the Adams-Edwards home, spoke of the family members that lived in the home. He said that he was in favor of the recommendation. Commissioner Ward asked Mr. Woodall if he would live in the house. He said that his home adjoins the property and his intention is to rent the house.

No one else came forward to speak.

Chairman Gurley closed the public hearing.

Betty Lou Ward, Vice Chair motioned, seconded by Harold Webbman, to accept the unanimous recommendation of the Wake County Historic Preservation Commission to designate the Adams-Edwards house a Wake County Historic Landmark, and adopt the associated ordinance.

The motion passed unanimously.

**DESIGNATING THE ADAMS-EDWARDS HOUSE  
IN THE PLANNING JURISDICTION OF WAKE COUNTY, NORTH CAROLINA  
A HISTORIC LANDMARK**

WHEREAS, the General Assembly of the State of North Carolina authorized the creation of a countywide Historic Preservation Commission for Wake County and otherwise provided for the preservation of certain historic sites and buildings by the passage of Part 3C, Chapter 160A, Article 19 of the North Carolina General Statutes; and

WHEREAS, the Wake County Historic Preservation Commission has made an investigation and recommended the following property be designated an historic landmark; and

WHEREAS, the North Carolina Department of Cultural Resources has made an analysis that the following property is eligible to be designated a historic landmark; and

WHEREAS, on the 19th day of April, 2010, a public hearing was held in the Board of Commissioners' Meeting Room, Room 700, in the Wake County Courthouse, Raleigh, by the Wake County Board of Commissioners to determine whether the hereinafter described property should be designated a historic landmark; and

WHEREAS, all requirements of Part 3C, Chapter 160A, Article 19 of the North Carolina General Statutes, preceding the adoption of this ordinance, have been met.

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

Section 1. The property designated as the Adam-Edwards House, owned by Daniel Worth Woodall in Wake County, North Carolina, be and is declared a Wake County Historic Landmark. Said property being more particularly described as follows:

Adams-Edwards House, 5321 Tryon Road, Raleigh, NC, 27606,  
(Wake County PIN # 0782-06-1068).

Section 2. Those elements that are integral to its historical, architectural, archaeological significance or any combination thereof are as follows:

All exterior design elements, form, features and materials of the house and well house. The designated landmark boundary includes approximately 1.4 acres and the setting of the buildings.

Section 3. No building, site, structure, or object that is designated in this ordinance located on the hereinbefore described site may be altered, restored, moved, remodeled, or reconstructed so that a change in design, material, or outer appearance occurs unless and until a certificate of appropriateness is obtained from the Wake County Historic Preservation Commission or its successors.

Section 4. No building, site, structure, or object that is designated in this ordinance located on the hereinbefore described site may be demolished unless and until either approval of demolition is obtained from the Wake County Historic Preservation Commission or a period of three hundred sixty-five (365) days has elapsed following final review by the Wake County Historic Preservation Commission of a request for demolition (or any longer period required by N.C.G.S. 1 60A-400. 14 as it may be amended hereafter).

Section 5. All owners of the property hereinabove described, whose identity and addresses can be ascertained by the exercise of due diligence, shall be sent by certified mail a copy of this ordinance.

Section 6. This ordinance shall be indexed after the property owner's name in the grantor and grantee indexes in the Office of the Register of Deeds of Wake County.

Section 7. Wake County and the Wake County Historic Preservation Commission are hereby authorized to have erected an appropriate sign on the site herein described setting forth the fact that said site has been designated a historic landmark by action of the Wake County Board of Commissioners and the Wake County Historic Preservation Commission.

Section 8. In the event any building, site, structure, or object is demolished in accordance with the ordinances of Wake County, this ordinance may be repealed.

Section 9. Any violation of this ordinance shall be unlawful as by law provided.

On the motion of Commissioner Betty Lou Ward, the above ordinance was adopted.

On the second of Commissioner Lindy Brown, and upon vote, the motion carried this the 19th day of April, 2010.

### **Interlocal Agreement between Wake County and the Town of Zebulon Regarding Stormwater and Erosion and Sedimentation Control Services**

Ms. Melinda Clark, Wake County Planning Department, said the Interlocal Agreement for Wake County to administer the Stormwater Ordinance was recently adopted by the Town of Zebulon and is a result of a collaborative effort recommended by the Wake County Stormwater Task Force.

The County will administer the ordinance in conjunction with the Erosion and Sedimentation Control Ordinance and a coordinated plan review and permitting process. The agreement would become effective upon execution date. No staff resources will be required to administer the ordinance. She recognized Mr. Mark Hedrick, Town of Zebulon Planner.

Betty Lou Ward, Vice Chair motioned, seconded by Harold Webbman, to approve the Interlocal Agreement between Wake County and the Town of Zebulon authorizing Wake County's administration of a Stormwater Ordinance and Erosion and Sedimentation Control Ordinance; and further, authorize the County Manager to execute the Interlocal Agreement on behalf of Wake County.

The motion passed unanimously.

### **Approval of Construction Contract for a Gas Collection and Control System for the South Wake and Feltonville Landfills**

Mr. John Roberson, Project Manager, Wake County Facilities Design and Construction, reported the proposed contract will enable the beginning of the construction of wells, piping, and a blower and flare station which combines the Feltonville and South Wake landfills. A gas collection and control system will be located north of the landfill which is north and west of Holly Springs and south of Apex. It will help the county control odors generated from gas and allow a landfill gas to energy project on this site.

Mr. Roberson said that on April 8, 2010, five formal bids were received. The lowest responsible bid was received from T & K Construction in the amount of \$1,191,915.68 and ranged up to \$1,453,354.35. The low bid was substantially below the budgeted amount of \$1.5 million. Mr. Roberson said the staff recommendation was to award the construction bid to T&K Construction, LLC located at 235 County Road 1242, Vinemont, Alabama 35179.

Commissioner Brown asked Mr. Roberson to find out how many jobs would be created as a result of this project. Mr. Roberson said the company would be bringing some employees with them but they would also be hiring some employees. He stated he would provide this information to the commissioners.

Commissioner Norwalk asked about the feasibility of this project since the Feltonville Landfill was a construction and debris landfill which would generally not generate a lot of gas. Mr. Roberson said Feltonville was a regular landfill until the 1990s when it became a construction and debris landfill, so gas has been created.

BIDS RECEIVED

Plan Holders and Total Base Bid (5% Bid Bond)  
 T&K Construction, LLC - \$1,191,915.68  
 Landmarc Environmental Systems, LLC - \$1,239,163.28  
 Shamrock Environmental Corp. - \$1,343,790.00  
 ES&J Enterprices, Inc. - \$1,453,354.35

Joe Bryan motioned, seconded by Lindy Brown, to award a construction contract for a Gas Collection and Control System at the Feltonville and South Wake Landfills in the amount of \$1,191,915.68 to T&K Construction and authorize the Chairman to execute the associated contract documents subject to review and approval by the County Attorney.

The motion passed unanimously.

**Wake County Public School System CIP 2006 Reallocation Request**  
**(Second Reading)**

Mr. Don Haydon, Chief Facilities Officer for Wake County Public School System and Ms. Nicole Kreiser, Debt Manager for Wake County Government presented the request for Capital Improvement Plan (CIP) 2006 Funding Reallocation. Ms. Kreiser gave an overview of CIP 2006, the impacts of the economic slowdown on the schools capital program and the status of current projects. She provided the following informational charts.

CIP 2006 Overview

|                       |                  |
|-----------------------|------------------|
| ▶ Original CIP 2006*  | \$ 1,056,000,000 |
| ▶ Bonds               | \$ 970,000,000   |
| ▶ Cash                | \$ 86,000,000    |
| ▶ Current CIP 2006**  | \$ 1,080,275,587 |
| ▶ Bonds               | \$ 970,000,000   |
| ▶ Cash                | \$ 85,874,837    |
| ▶ Cash Prior Programs | \$ 24,400,750    |

\* *Rounded*

\*\* *Reflects Actual Plan of Record*

### **Plan of Record Funded to Date**

| <b>CIP 2006 Sources</b>             | <b>Plan of Record</b>   | <b>Funded</b>         | <b>Remaining to Fund</b> |
|-------------------------------------|-------------------------|-----------------------|--------------------------|
| General Obligation Bonds            | \$ 970,000,000          | \$ 731,500,000        | \$ 238,500,000           |
| Cash                                | \$ 85,874,837           | \$ 78,874,837         | \$ 7,000,000             |
| Transfer from Prior Programs (Cash) | 24,400,750              | 24,400,750            | -                        |
| <b>Total Plan of Record</b>         | <b>\$ 1,080,275,587</b> | <b>\$ 834,775,587</b> | <b>\$ 245,500,000</b>    |

- ▶ Remaining Funding
  - ▶ \$34,910,000 QSCBs (May 2010)
  - ▶ \$7,000,000 Cash (July 2010)
  - ▶ \$125,000,000 Bonds (Winter/Spring 2011)
  - ▶ \$78,590,000 (Winter/Spring 2012)

### **Remaining Projects to be Funded**

- ▶ Four Main Projects Impacted By Change in Bond Sales
  - ▶ M-6 (Rolesville Middle) – QSCBs, July 2010 Cash
  - ▶ E-21 (Walnut Creek Elementary) – March 2010 GO Sale
  - ▶ Wilburn Elementary Renovation – March 2010 GO Sale
  - ▶ H-6 (Rolesville High) – Winter/Spring 2011 GO Sale
- ▶ Other Scheduled Purchases and Replacements Delayed
  - ▶ Life Cycle Replacements, Land Acquisition, Technology, Equipment Replacements, Mobile/Modulars, Start-Up Design
    - ▶ Partial Funding Spring 2010 GO Sale
    - ▶ Remaining Funds Winter/Spring 2011 and Winter/Spring 2012

## PROJECT STATUS

|  | Original Plan | Current Plan | Currently Opened | 2010 Opening | Schools Remaining | Schools Postponed to Future Program |
|--|---------------|--------------|------------------|--------------|-------------------|-------------------------------------|
| Elementary   | 11            | 9            | 7                | 1            | 1                 | 2 *                                 |
| Middle   | 4             | 4            | 1                | 2            | 1                 | 0                                   |
| High   | 2             | 2            | 0 **             | 1            | 1                 | 0                                   |
| Renovation Projects  | 13            | 14 *         | 11               | 1            | 2                 | 0                                   |
|  |               |              |                  |              |                   |                                     |
| * E-25 and E-31 were reallocated in order to fund a renovation project at Wake Forest Rolesville High. |               |              |                  |              |                   |                                     |
| ** Heritage High opened as swing space for Wake Forest Rolesville High for 2009-2010 school year.      |               |              |                  |              |                   |                                     |

### CIP 2006 Reserve

- ▶ **Created 2/5/07**
  - ▶ **Plan of Record changed to create a new project called CIP 2006 Reserve by reallocating portion of program management budget (2/5/07)**
  - ▶ **Additional increase in Reserve from reallocation of funds for conversion of year round schools and anticipated savings from acceleration of projects (4/2/07)**
  - ▶ **Used to provide additional funds for land banking and Smith and Wake Forest Rolesville High Renovations**
  - ▶ **Used to capture savings from projects**
  - ▶ **After future bond sales, proposed balance after re-appropriation will equal \$66.29 million.**

She explained the changes in the current plan. Commissioner Brown asked about the site for the H-6 high school. Ms. Kreiser said that the proposed reserve balance after future bond sales would be \$66,293,924.

| Reserve Transactions |   |                  |
|----------------------|---|------------------|
| Date                 | Action  | Amount           |
| 2/5/2007             | Establish Reserve Account, Transfer Excess Program Management Budget  | \$ 13,000,000    |
| 4/2/2007             | Transfer YR Conversion Funds  | 12,542,053       |
| 4/2/2007             | Transfer Savings from Expedited Projects (E-31, E-34, M-6, Bugg Elementary)   | 4,998,913        |
| 4/2/2007             | Transfer Additional Program Management Funds  | 36,518           |
| 4/2/2007             | Savings from Mills Park Elementary (Donation from Developer)  | 4,819,177        |
| 8/20/2007            | Transfer Savings from Projects Bidding Under Budget (E-19 River Bend, E-23 Banks Road, Lynn Road, East Millbrook Elementary)  | 6,544,640        |
| 9/17/2007            | Transfer Savings from Projects (Aversboro Elementary, Wendell Middle)   | 1,913,319        |
| 11/5/2007            | Reallocation from Reserve to Smith Elementary   | (3,446,389)      |
| 6/16/2008            | Reallocation from Reserve to WFRH   | (11,000,000)     |
| 6/16/2008            | Reallocation from Reserve to Land Acquisition   | (20,369,855)     |
| 6/15/2009            | Transfer Savings from Projects Receiving Favorable Bids (Enloe, Lake Myra Elementary, Poe, Herbert Akins Road Elementary, Child Nutrition Warehouse, Root Elementary, Bugg Elementary)  | 8,274,577        |
| 6/15/2009            | Transfer of Savings from M-9 (favorable site)   | 785,133          |
| 3/15/2010            | Plan 2000 and Plan 2004 Savings   | 24,400,750       |
| 3/15/2010            | Transfer CIP 2006 Savings to Reserve<br>From New Schools: River Bend Elementary, Sycamore Creek Elementary, Laurel Park Elementary, Alston Ridge Elementary, Banks Road Elementary, Herbert Akins Elementary, Heritage High,<br>Holly Grove Middle, Mills Park Elementary, Mills Park Middle, Wendell Middle & East Cary Conversion, Byran Road Middle Start-Up | 10,958,042       |
|                      | From Renovation Projects: Aversboro Elementary, East Millbrook Middle, East Wake High, Lynn Road Elementary, Martin Middle, Lacy Elementary, Poe Elementary, Root Elementary<br>Bugg Elementary, Cary High, Enloe High, Wake Forest Rolesville High, Smith Elementary, Child Nutrition Warehouse  | 16,825,103       |
|                      | Un-appropriate Reserve to Fund Wilburn Elementary, Buiding Permits, and Program Management  | (21,271,419)     |
|                      | Net increase in appropriation   | <u>6,511,726</u> |

|                  |  |                      |
|------------------|--|----------------------|
|                  | <b>Current Reserve Balance</b>   | <b>\$ 49,010,562</b> |
| <b>4/19/2010</b> | <b>Board of Education Request</b>  |                      |
|                  | Transfer Reserve Funds to Off Site Improvements  | (3,988,057)          |
|                  | Un-appropriate CIP 2006 Reserve Funds to Fund<br>Projects between May 2010 and February 2011 | (17,355,379)         |
|                  | <b>Proposed Reserve Balance</b>  | <b>\$ 27,667,126</b> |
|                  | <b>Reserve Budget to be Re-Appropriated or<br/>Reallocated at a Later Date</b>               | <b>38,626,798</b>    |
|                  | <b>Proposed Reserve Balance After Future Bond<br/>Sales</b>                                  | <b>\$ 66,293,924</b> |

Commissioner Bryan asked about land banking. Ms. Kreiser said she would provide the information on land banking to the commissioners. Commissioner Bryan asked when the remaining schools would be built. Ms. Kreiser said that once the Walnut Creek School is built, then Rolesville Middle will be considered, and the high school is based on the future bond sale.

Commissioner Ward asked if the students at Heritage High School would be moved to the Wake Forest-Rolesville High School. Mr. Haydon said that there would be one year of renovations that would still need to occur.

Betty Lou Ward, Vice Chair motioned, seconded by Paul Coble, to:

1. Reallocate \$20,082,608 from E-28 (Randleigh) Elementary to E-21 Walnut Creek Elementary
2. Reallocate \$4,064,132 from CIP 2006 Reserve to Offsite Improvements and Building Permits
3. Reduce appropriation from 25 separate projects in order to provide appropriation for eight projects to be funded out of the March 16, 2010 bond sale.
4. Makes a technical correction to the CIP 2006 Reserve to reflect actions taken by the Board of Commissioners on March 15, 2010.

The motion passed unanimously.

## **Resolution**

### **CIP 2006 Reallocation and Appropriation**

**WHEREAS**, the Wake County Board of Education is engaged in a Long Range Building Program; and

**WHEREAS**, the Wake County Board of Education has duly requested that the Board of Commissioners approve the reallocation of CIP 2006 funds from E-28 Elementary to Walnut Creek Elementary; and

**WHEREAS**, the Wake County Board of Education has requested a reallocation of CIP 2006 Reserve Funds in order to fund additional offsite improvement costs and building permits at Wilburn Elementary; and

**WHEREAS**, due to the change in bond sale schedules, there is a need to reduce appropriation from 25 specific projects in order to appropriate funds for eight specific projects to be funded out of bond proceeds sold on March 16, 2010; and

**WHEREAS**, action taken by the Board of Commissioners on March 15, 2010 at the request of the Board of Education to use savings to fund Wilburn Elementary, program management, building permits, and Reserve resulted in an increase of \$27,783,145 being allocated to the CIP 2006 Reserve that needs to be acknowledged in a Board of Commissioners resolution;

**NOW, THEREFORE, BE IT RESOLVED** that the Wake County Board of Commissioners hereby reallocates, un-appropriates, and appropriates project funds as follows:

**REALLOCATE**

|                  |              |                                      |              |
|------------------|--------------|--------------------------------------|--------------|
| CIP 2006 Reserve | \$ 76,075    | Building Permit (Walnut Creek Elem.) | \$ 76,075    |
| CIP 2006 Reserve | \$ 3,988,057 | Offsite (Public) Improvements        | \$ 3,988,057 |
| CIP 2006 Total   | \$ 4,064,132 | CIP 2006 Total                       | \$ 4,064,132 |

**APPROPRIATE**

| Un-Appropriate CIP 2006             |                      | Appropriate CIP 2006                 |                      |
|-------------------------------------|----------------------|--------------------------------------|----------------------|
| Forest Ridge High (H-6)             | \$ 3,307,915         | Walnut Creek Elementary (E-21)       | \$ 20,746,533        |
| Land Purchase                       | \$ 2,969,319         |                                      |                      |
| Apex High Start Up                  | \$ 2,200,000         | Technology Replacement               | \$ 12,304,233        |
| H-7 Start Up                        | \$ 2,092,469         |                                      |                      |
| Program Contingency                 | \$ 2,000,000         | Mobile Classroom Relocations         | \$ 184,754           |
| H-8 Start Up                        | \$ 1,286,066         |                                      |                      |
| 9th Grade Centers                   | \$ 710,365           | Educational Equip                    | \$ 556,314           |
| E-24 Start Up                       | \$ 700,000           |                                      |                      |
| E-35 Start Up                       | \$ 700,000           | Life-Cycle Furniture                 | \$ 642,318           |
| Scotts Ridge Elem. Start Up (E-32)  | \$ 694,063           |                                      |                      |
| E-20 Start Up                       | \$ 533,410           | Environmental & ADA Compliance       | \$ 1,900,000         |
| Bryan Rd. Elem Start Up (E-31)      | \$ 486,947           |                                      |                      |
| E-25 Elementary Start Up            | \$ 377,760           | Building Permit (Walnut Creek Elem.) | \$ 76,075            |
| East Wake Middle Start-Up           | \$ 165,000           |                                      |                      |
| E-28 Elementary                     | \$ 160,424           | Offsite (Public) Improvements        | \$ 3,988,057         |
| Wiley Elementary Start-Up           | \$ 101,697           |                                      |                      |
| Green Elementary Start-Up           | \$ 98,000            |                                      |                      |
| Vandora Springs Elementary Start-Up | \$ 96,256            |                                      |                      |
| Fuquay-Varina High Start-Up         | \$ 55,850            |                                      |                      |
| Assessments                         | \$ 54,005            |                                      |                      |
| Garner High Start-Up                | \$ 53,960            |                                      |                      |
| Conn Elementary Start-Up            | \$ 31,300            |                                      |                      |
| East Garner Middle Start-Up         | \$ 17,792            |                                      |                      |
| Stough Elementary Start-Up          | \$ 10,100            |                                      |                      |
| CIP 2006 Reserve                    | \$ 21,495,586        |                                      |                      |
|                                     |                      |                                      |                      |
| <b>CIP 2006 Total</b>               | <b>\$ 40,398,284</b> | <b>CIP 2006 Total</b>                | <b>\$ 40,398,284</b> |

### Technical Correction

The revised Plan of Record for the CIP 2006 Reserve equaled \$70,281,981 as of 3/15/2010. With BOC action on 4/19/2010 the revised Plan of Record for CIP 2006 Reserve equals \$66,293,924.

Adopted this the 19th day of April 2010.

### [Amending the Redemption Provision for Refunding Bonds](#)

Ms. Nicole Kreiser, Wake County Debt Manager, asked the Board of Commissioners adopt the resolution that permits the Interim Finance Director, Debt Manager and the County Manager to determine prior to the sale date of the refunding bonds authorized by the Board of Commissioners on March 15, 2010 that the refunding bonds shall not be subject to redemption prior to their maturities.

Commissioner Coble asked the down side of this proposal. Ms. Kreiser said these funding has a maturity that goes out sixteen years and they would be subject to a call from the ten to sixteen year point which is the difference of an 11 to 41 basis points depending on the year of maturity. The savings would be around \$5.0 million for the non-call and the savings of \$14.0 million in refunding the bonds. Commissioner Bryan asked why this has not been recommended in the past since there was less of a chance of the bonds being

called now than in the past when the interest rates were higher. He said he was surprised at the spread of 11 to 41 basis points when the county just issued bonds at 2.55% and the huge differential between having and not having a call feature. The flexibility of this seems counter intuitive with the interest market where it is today. He questioned why this recommendation had not been made in the past eight years since he's been a commissioner. The call feature protects Wake County. He asked how this discussion came up. Ms. Kreiser said that the 2009 bonds go up to 16 years versus 11 to 12 years on past bonds. She said the assumption is that these rates obtained now are the lowest the county will receive and it makes sense to use this option. The basis points go from 11, 21, 35, 39, to 41 depending on the year of maturity. Commissioner Bryan said he would look forward to seeing the bond results and hopes the county will save 40 basis points. The flexible option is being used. He said staff keeps bringing innovative ways to save money.

Joe Bryan motioned, seconded by Lindy Brown, to adopt the Resolution providing for alternative terms relating to general obligation refunding bonds, Series 2010c proposed to be issued by the County of Wake, North Carolina.

The motion passed unanimously.

The Board of Commissioners for the County of Wake, North Carolina, met in regular session in the Commissioners' Meeting Room in the Wake County Courthouse in Raleigh, North Carolina, the regular place of meeting, at 2:00 p.m., on April 19, 2010, with Tony Gurley, Chairman, presiding. The following Commissioners were:

PRESENT: Lindy Brown, Joe Bryan, Paul Coble, Stan Norwalk, Betty Lou Ward and Harold H.

Webb.

ABSENT: \_\_\_\_\_

ALSO PRESENT: David Cooke, County Manager; Scott Warren, County Attorney; Nicole

Kreiser, Debt Manager; and Susan J. Banks, Clerk to the Board.

\* \* \* \* \*

Ms. Nicole Kreiser, Wake County Debt Manager, introduced the following resolution the title of which was read and copies of which had been previously distributed to each Commissioner:

**RESOLUTION PROVIDING FOR ALTERNATIVE TERMS RELATING TO  
GENERAL OBLIGATION REFUNDING BONDS, SERIES 2010C PROPOSED  
TO BE ISSUED BY THE COUNTY OF WAKE, NORTH CAROLINA**

BE IT RESOLVED by the Board of Commissioners (the “Board”) for the County of Wake, North Carolina (the “County”):

Section 1. The Board has determined and does hereby find and declare as follows:

(a) On March 15, 2010, the Board adopted a resolution entitled “RESOLUTION PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2010” (the “Refunding Bonds Issuance Resolution”).

(b) Section 4 of the Refunding Bonds Issuance Resolution provided that certain of the Bonds (as defined in said resolution) shall be issued subject to redemption prior to their maturity, at the option of the County, at a redemption price equal to 100% of the principal amount of the Bonds to be redeemed, plus accrued interest to the date fixed for redemption.

(c) The Financial Advisor to the County has advised the County that it may be in the best interests of the County to issue the Bonds without said redemption provisions in order to achieve additional savings.

Section 2. Section 4 of the Refunding Bonds Issuance Resolution is hereby amended to insert the following language prior to the existing introductory paragraph:

“Based upon the advice of the County’s financial advisor and counsel, the Interim Financial Director, Debt Manager and the County Manager are hereby authorized to determine at or prior to the sale date of the Bonds that the Bonds shall not be subject to redemption prior to their maturities, and the form of the Bonds contained in this resolution shall be amended accordingly. If the Bonds shall be determined to be subject to redemption, at the option of the County, prior to their maturities, such redemption shall be as provided as follows.”

Section 3. All other provisions of the Refunding Bonds Issuance Resolution are hereby ratified and confirmed.

Section 4. This resolution shall take effect upon its passage.

Upon motion of Commissioner Joe Bryan, seconded by Commissioner Lindy Brown, the foregoing resolution entitled “RESOLUTION PROVIDING FOR ALTERNATIVE TERMS RELATING TO GENERAL OBLIGATION REFUNDING BONDS, SERIES 2010C PROPOSED TO BE ISSUED BY THE COUNTY OF WAKE, NORTH CAROLINA” was passed by the following vote:

Ayes: Lindy Brown, Joe Bryan, Paul Coble, Tony Gurley, Stan Norwalk, Betty Lou Ward and Harold H. Webb.

Noes: N/A

\* \* \* \* \*

I, Susan J. Banks, Clerk to the Board of Commissioners for the County of Wake, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board for said County at a regular meeting held on April 19, 2010, as relates in any way to the passage of the foregoing resolution relating to the terms of general obligation refunding bonds of said County.

I DO HEREBY FURTHER CERTIFY that proper notice of such regular meeting was given as required by North Carolina law.

WITNESS my hand and the official seal of said County this 19<sup>th</sup> day of April, 2010.

---

Clerk to the Board

[SEAL]

### **Approval of Wake County's 2010 State Legislative Agenda**

Mr. Joe Durham, Deputy County Manager, reported the Legislative Agenda was discussed at the April 11th work session. This year's agenda is a carryover from last year. Item #11 and Item #12 are new items.

**Item 11:** Support legislation to modify General Statute 105-369, granting tax jurisdictions a more efficient, cost effective and flexible method of advertising unpaid property tax liens by utilizing an official County or City website rather than a newspaper of general circulation.

**Item 12:** Support legislation that would exclude email distribution lists or email databases from being disclosed as a public record.

Once approved, the legislative agenda will be forwarded to the Legislative Delegation.

Paul Coble motioned, seconded by Tony Gurley, Chair, to approve Wake County's 2010 State Legislative Agenda.

Commissioner Ward offered an amendment to the motion to remove Item #3 under the Education Heading: Support legislation to raise the cap on charter schools to help reduce the capital needs of local education agencies. Chairman Gurley stated Commissioner Ward's amendment would give the motion a different meaning and did not meet the criteria for an amendment. He ruled

the amendment out of order. Commissioner Brown said there was discussion about revisiting the charter school issue at a later date following the adoption of last year's Legislative Agenda. Chairman Gurley stated there was discussion on charter schools at the work session.

Commissioner Norwalk said that \$12 million from taxes for education is going to charter schools. He said this action is not specific to successful charter schools but raising the cap on any charter schools. He said they address a certain segment of the school population, do not offer busing so do not get into the low income areas, and if they start with better raw material they will get better results. Commissioner Norwalk said that KIPP Schools perform better and spend 60% more time in class than standard schools. Commissioner Norwalk said that the charter schools should take the same percentage of low income students in the areas they are located. It was clarified that the board should vote on the existing motion, which if it failed, alternate motions could be offered for consideration.

Commissioner Webb spoke to a list of items about schools. He said the proposed legislation proposes raising the cap on charter schools from 100 to 109. He said that money would go to other counties for charter schools. Commissioner Brown said that the Wake County website indicates there were 14 charter schools and now there are 13. She said that HB156 states if the cap is removed that the new charter schools will go into areas where there are no charter schools.

Commissioner Bryan said that the legislative agenda from last year passed 5-2 with this board supporting an increase in the cap on charter schools. Commissioner Coble and Gurley voted against it because the motion included voting for school board members to be elected at-large.

Commissioner Brown read aloud the motion and vote from last year on the legislative agenda. Commissioner Ward said that votes can change from year to year because things happen and people change their mind. Commissioner Ward said there are charter schools that have decided not to operate as charter schools. She called the question on the motion. Chairman Gurley ruled the call for the question out of order since each commissioner had not had an opportunity to speak to the motion.

Commissioner Coble said there are charter schools that have given up their status. There is analytical work that goes on in charter schools. He asked why the cap is necessary. He said that charter schools are an alternative to the public school system. It is an excellent way to provide smaller learning facilities. Wake County must find ways to encourage charter schools. The public school system has taken raising the cap on charter schools off its legislative agenda.

Chairman Gurley supported charter schools and removing the cap to save construction costs. It is a way to fund public schools. Definitions must not be changed. He said this is a political statement to undermine the schools.

The motion to approve Wake County's 2010 State Legislative Agenda failed with a vote of 3 to 4.

AYES: Tony Gurley, Chair, Joe Bryan, Paul Coble

NOES: Betty Lou Ward, Vice Chair, Lindy Brown, Stan Norwalk, Harold Webbman

Betty Lou Ward, Vice Chair motioned, seconded by Lindy Brown, to approved Wake County's 2010 State Legislative Agenda with the deletion of item #3 (support legislation to raise the cap on charter schools to help reduce the capital needs of local education agencies.)

Commissioner Brown said that in 2004 National Assessment Governing Board (Nations Report Card) indicated the United States Department of Education said that charter schools lack authority and non-compliance with state and federal issues exist rather than academic performance.

Chairman Norwalk said that charter schools should feel they are getting a "raw deal" and they are not set up for success. Having two school systems is not an effective or efficient way to have enough classes or operate the county schools. There are a lot of reasons to question charter schools.

Commissioner Bryan said that President Obama supports charter schools and they are necessary. He said that prioritizing goals may be necessary and he supported the number one goal being to protect the county's share of state revenues. The state should not push their obligations down to the counties. There was discussion reformatting and prioritizing the protection of local and state revenues to be the Number One Goal in coordination with the North Carolina Association of County Commissioners goals. Commissioner Ward clarified that Item #8 be replaced/reworded, placed first as the number one goal and accepted the request as a friendly amendment.

Betty Lou Ward, Vice Chair motioned, seconded by Lindy Brown, to approve Wake County's 2010 State Legislative Agenda with the exception of item number 3 (support legislation to raise the cap on charter schools to help reduce the capital needs of local education agencies) and to move Item #8 Preserve and Protect State Shared Revenues (in bold) to #1 as a priority goal and edit wording to be in collaboration with the North Carolina Association of County Commissioners' Legislative Goals.

The motion to approve Wake County's 2010 State Legislative Agenda with the exception of item number 3 (support legislation to raise the cap on charter

schools to help reduce the capital needs of local education agencies) and to move Item #8 Preserve and Protect State Shared Revenues (in bold) to #1 as a priority goal and edit wording to be in collaboration with the North Carolina Association of County Commissioners' Legislative Goals was approved with vote of 4 to 3.

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

### **Wake County 2010 State Legislative Agenda**

*Adopted April 19, 2010*

#### **Preserve and Protect Local and State Shared Revenues**

1. Seek legislation to allow all counties to enact by resolution or, at the option of the Board of Commissioners, by voter referendum any or all revenue options from among those that have been authorized for any other county, including local option sales taxes, prepared food taxes, impact fees and real estate transfer taxes; and to preserve the existing local revenue base.

#### **Transportation**

2. Support recommendations from the Blue Ribbon Committee on the Future of Wake County to:
  - a. Modernize the transportation funding formula to recognize growth and congestion in the distribution of transportation dollars
  - b. Permanently end state Highway Trust Fund transfers to the state General Fund
3. Oppose any efforts by the North Carolina General Assembly that would require, or by default, force counties to take over funding and maintenance responsibility of state roads. (Proposed by NCACC 2009 Legislative Agenda)

#### **Education**

4. Amend the school capital construction distribution formula in the State Lottery Act to provide a greater proportion of proceeds based on average daily membership, or to include a new formula component to address rapidly growing school systems.

## **Human Services**

5. Support additional funding for affordable housing for low income individuals. Including housing units with operating subsidies for persons with mental illness, developmental disabilities, and recovering from substance addiction.
6. Support additional funding for local mental health, substance abuse and developmental disabilities programs and services.
7. Support a study of the funding allocation formulas utilized by the Department of Health and Human Services to assure that formulas fairly respond to the needs of all counties, specifically those with rapidly growing populations. Of specific interest to Wake County are the formulas for school health nurses and child day care subsidies.

## **Other Items**

8. Oppose legislation that would lead to collective bargaining opportunities for public employees. (Proposed by NCACC 2009 Legislative Agenda and North Carolina School Boards Association)
9. Modify General Statute 105-164.14(c), which permits counties and cities to seek reimbursement of state and local sales taxes, to exempt counties and cities, as well as local school administrative units and community colleges, from payment of state and local sales taxes at the time of purchase. (Proposed in 2007 Legislative Agenda. Also supported in the 2009 North Carolina School Boards Association Legislative Agenda)
10. Support legislation to modify General Statute 105-369, granting tax jurisdictions a more efficient, cost effective and flexible method of advertising unpaid property tax liens by utilizing an official County or City website rather than a newspaper of general circulation.
11. Support legislation that would exclude email distribution lists or email databases from being disclosed as a public record.

## **North Carolina Association of County Commissioners Legislative Agenda**

On January 15<sup>th</sup> & 16<sup>th</sup>, the North Carolina Association of County Commissioners (NCACC) met to approve their legislative agenda. Though NCACC has proposed 37 different goals this year, the Board of Directors voted on December 10, 2008 to make revenue options and protection the Association's lone priority goal for the 2009-10 legislative biennium.

Staff recommends support of the NCACC's priority goal which is stated as follows: "allow all counties to enact by resolution any or all revenue options from among those that have been authorized for any other county, including local option sales taxes, prepared food taxes, impact taxes and real estate transfer taxes; and to preserve the existing local revenue base."

Wake County has traditionally supported legislation to allow counties to enact any or all of several revenue options that have already been authorized for any other County. Further, due to the economic downturn and the State's budget shortfall, NCACC's goal emphasizes the need to protect the local revenue base.

Wake County staff supports all of the NCACC's legislative goals except for the Annexation goal under Intergovernmental Relations (listed below).

**2. Annexation** – Support legislation modernizing the annexation laws as follows:

- Requiring the development of joint utility service plans for urbanizing areas;
- Requiring cities to reimburse counties for the loss of sales tax due to an annexation;
- Increasing the degree of urbanization required to annex property;
- Requiring a referendum on proposed involuntary annexations in areas where public services – water and sewer and solid waste – are already in place; and
- Requiring the direct provision of municipal water and sewer services to customers within five years of an annexation.

In particular, Wake County does not support the 4<sup>th</sup> bullet point “Requiring a referendum on proposed involuntary annexations in areas where public services – water and sewer and solid waste – are already in place;” Specifically, the County supports the work of the NCACC Annexation Committee which made recommended changes that did not include the requirement for referendum.

**Commissioner Norwalk's Resolution Regarding Re-segregation of Wake County Public Schools**

Commissioner Norwalk said he had been contacted by citizens and Raleigh City Council members with concern about what to do about the schools and the direction the Board of Education was heading in with the schools specifically in regards to diversity. He said he has told the concerned citizens that the county commissioners do not have the authority to be involved in school assignment. He said the resolution was an attempt to put the elected officials' position on record for the public. He read the resolution.

Stan Norwalk motioned, seconded by Betty Lou Ward, Vice Chair, to adopt the Resolution Regarding Re-segregation of Wake County Public Schools.

Commissioner Bryan said he was sad that the commissioners were at this point and should be focusing on academic excellence for the children and partnering with the Board of Education. He said the resolution was inflammatory and speaks to things that have not occurred. He said he was glad that both boards will hear a presentation from Ann Denlinger about

Knightdale High School and strives towards academic excellence at the joint meeting on Wednesday. He said since eastern Wake County has been focused on he noted that all schools in eastern Wake County are above the 40% of student population that qualify for the free and reduced lunch for generations. He said no one was in favor of re-segregation on this board. He asked that this board focus on improving academics for all of the children. He hoped the board would choose to partner with the school board. He respectfully asked Commissioner Norwalk who made the motion, and Commissioner Ward, who seconded the motion, to consider withdrawing the motion and figure out other strategies to help the children of Wake County. Commissioners Norwalk and Ward would not withdraw the motion. Commissioner Ward spoke of her work in the schools and care about the children and this county. She said business people and others have come spoken to hear about the discussed changes planned for the school system. She said this school system has been nationally recognized and is one of the few school systems with this system for placing students. Commissioner Ward noted the signs reading 54.2% which was placed in front of Commissioners Bryan, Coble and Gurley's desk and questioned their significance. Commissioner Brown said she has also been approached by citizens questioning what the county commissioners plan to do about the schools. She said it was the commissioners' responsibility to see that the funds provided to the school system are being adequately used for the purposes for which they are supposed to be used. She expressed concern about the resolution speaking only to the potential of "white flight" in eastern Wake County and the City of Raleigh whereas the Towns of Garner and Fuquay-Varina have also experienced "white flight" for many years. She said all of the municipalities should be included. Commissioner Norwalk accepted this as a friendly amendment to include all municipalities within Wake County. Commissioner Webb spoke to segregation and diversity in the schools. He said the schools are being segregated.

Commissioner Bryan asked if anyone knew out of 140,000 children in the schools, how many are moved each year because of socioeconomic reasons. He said the research was done by Ann Denlinger and Harvey Schmidt in the Wake County School System and on an average over the next three years, around 700 students, or less than five children per school, will be bused for socioeconomic purposes. He said the plan is unknown and engaging people in the process in moving the system forward is very important. He said with SAT scores in eastern Wake County being 919 with the state average being 1007 and Wake County's averaging because 1,065, this board needs to focus on how to improve these scores. There is room for discussion for academics versus discussing re-segregation of schools. Commissioner Norwalk said Wake County is a very diverse population and quality education is the key issue. He said he has reached out to the new school board members with no success. He said this Board of Education came in and is making changes to toss away diversity and he did not agree with that change.

Commissioner Coble said that 54.2% is the graduation rate of students that receive free and reduced lunch. He said it reflects where the county has failed in performance and the academic performance and student achievement needs to be dealt with by the schools. He said that was what he had heard from the Board of Education. He stated that if the Board of Education's plan is to work on student achievement and giving parents more choice in order to improve the graduation rate in the county, then he was 100% in support of their plan. It is inappropriate to predict the Board of Education's plans when the Board of Commissioners does not know what are included in their plans.

Commissioner Brown said that low performing students were being identified by Commissioner Coble but noted there are academically gifted students who are also not receiving the services needed. The focus must be that every child receives a quality education in order to be competitive in the workplace.

Commissioner Bryan noted that each commissioner is required to vote on each item and each commissioner can bring up an item on the agenda. Chairman Gurley said Commissioner Bryan's statement was true as long as the Board's Rules of Procedure remain the same. Commissioner Webb noted that the rules could be changed. Chairman Gurley suggested the rules be discussed at a future work session. Commissioner Bryan noted the political civility on the national level to the local level and noted the public should expect more from the commissioners.

The motion to adopt the Resolution Regarding Re-segregation of Wake County Public Schools was approved with vote of 4 to 3.

AYES: Harold Webbman, Lindy Brown, Stan Norwalk, Betty Lou Ward,  
Vice Chair

NOES: Paul Coble, Tony Gurley, Chair, Joe Bryan

### **Resolution regarding Re-segregation of Wake's Public Schools**

Whereas, it has been widely established that schools with concentrated populations of low income students have low academic achievement levels; and

Whereas, high poverty schools have lower levels of qualified, experienced teachers; and

Whereas, it is difficult and costly to improve the performance of such schools; and

Whereas, middle class parents will locate or move to other areas to avoid such schools; and

Whereas, there are many examples of "white flight" or middle class flight across the nation and in North Carolina; and

Whereas, Wake County will be prone to middle class flight; and

Whereas, the decline in growth will cause schools in the areas noted above to run at below capacity and cause severe overcrowding in more prosperous areas of the County; and

Whereas overcrowding in prosperous areas will require new school capacity even if nearby areas have empty seats; and

Whereas, the combination of special initiatives to improve the performance of high poverty schools plus new school construction for overcrowded schools in more prosperous areas will result in substantial tax increases; and

Whereas, middle class flight will adversely impact economic development, job creation and property values in the City of Raleigh and Eastern Wake County; and

Whereas, the City of Raleigh and Wake County merged their public school systems over thirty years ago to avoid the problems noted above; and

Whereas, this merger has aided in the growth and economic vibrancy of both areas.

***Be it resolved that the City Council of Raleigh and the Wake County Board of Commissioners hereby express their deep concern over any attempt to re-segregate Wake's public schools by either race or socioeconomic status.***

## **Other Items**

### **Committee Reports**

Commissioner Brown highlighted the Holly Springs Chamber of Commerce's Breakfast meeting. She said that she participated in the Town of Rolesville event. She said that sponsorship and committee members were being considered for the Ten Year Plan to End Homelessness. She said the Garner Area Youth Sports League held their Opening Day Ceremony. She said the Centennial Campus Magnet Middle Schools Youth Chamber of Commerce held an event. She congratulated the Wake Tech's Phi Theta Kappa.

Commissioner Norwalk said that he attended a planning meeting with Mr. Frank Cope, Community Services Director. He said that further minimization of nitrogen and phosphorus in the water would be addressed. He said that 99% of the land area is residential. He said that further pollution would occur. Improvement is necessary.

Commissioner Coble said that the City of Durham has not moved forward with the industrial project which is a move towards improvement of Falls Lake.

Commissioner Bryan said that he and Commissioner Ward attended the North Carolina Association of County Commissioners board meeting. They both attended the Stars in the East event. He complimented the Chairman for attending the luncheon (mental health) and the Regional Transportation meeting.

Chairman Gurley said he threw out the first pitch for the Mudcats opening season baseball game.

Commissioner Ward said that the Stars in the East program was outstanding. She also attended the North Carolina Museum of Art Gala. She complimented the beauty of the building expansion and congratulated Mr. Larry Wheeler, Museum Director. Chairman Gurley said the ribbon cutting was scheduled for this week on Friday for the museum expansion.

### **Adjourn**

Paul Coble motioned, seconded by Betty Lou Ward, Vice Chair, to adjourn the meeting at 6:15 p.m.

The motion passed unanimously.

Respectfully submitted,

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