

WAKE COUNTY BOARD OF COMMISSIONERS

Regular Meeting

October 1, 2012

2:00 P.M.

Room 700, Wake County Courthouse

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

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

Meeting Called to Order: Chairman Paul Coble

Pledge of Allegiance

Invocation: Commissioner Erv Portman

Items of Business

Approval of Agenda

Betty Lou Ward motioned, seconded by Tony Gurley, to approve the agenda as presented. The motion passed unanimously.

Approval of the Minutes of the Commissioners' Regular Meeting of September 17, 2012

Ervin Portman motioned, seconded by Phil Matthews, to approval the Minutes of the Commissioners' Regular Meeting of September 17, 2012.

Commissioner Bryan complimented the board's clerks for their ability to capture the meeting minutes.

The motion passed unanimously.

Caring, Serving, Respecting Customers Award (CSRC)

Mr. Cooke said that Mr. Luke Keeler was nominated for the Caring, Serving, and Respecting Customers Award (CSRC). Mr. Keeler was the recipient of the 2011-2012 Fourth Quarter Award for his work with the HIV/STD Outreach Program.

Presentation of the Redesigned Wake County Website (WakeGOV.com)

Mr. John Higgins was Project Manager for the redesign of the new Wake County website. He introduced the technical team including: Mr. Chris Smith, Mr. Steve Walston, Mr. Sean Fine, Mr. Mike Roberts, and Ms. Heather Hauser. Mr. Chris Smith, Wake County Web Master, said that Wake County's Website was celebrating its 15th anniversary. He said that staff in each department worked on the content edits on the website. He said over 130 web authors were trained on publishing content to the website. Wake County's website has over 3,000 webpages.

Mr. Smith gave some statistics of citizens' use of the county's website:

Past Year Web Views: 21, 292,319

Visitors Per Year: 9 million

Of Visitors: 30% are new visitors; 70% are returning visitors

The top 5 most used areas on the website are:

- Search property & pay taxes
- Access library services
- Apply for a job
- Adopt a pet
- Find Human Services Programs

The website was last updated in October 2005 but the technology has been used since 2002. The project to update the website began December 2011. They did surveys including stakeholders, reviewed design teams, trained staff on how to move content and publish on the new website and did quality reviews. Features include improved navigation; streamlined use for most frequently used content; enhanced search features and better publishing tools for staff. The new website will be officially launched on tomorrow on October 2, 2012.

Commissioner Bryan noted the number of visitors that are looking at the county's website. Mr. Smith said that there is a report that can pull numbers of visitors and content. Mr. Smith provided a demonstration of the newly revised website. He said the display can be configured for use on mobile devices.

Commissioners complimented the website redesign team on the new website and their work.

Consent Agenda

Betty Lou Ward motioned, seconded by Phil Matthews, to approve the Consent Agenda as presented. The motion passed unanimously.

Accept and Appropriate \$83,000 of State Funds from the North Carolina Department of Health and Human Services for the Youth Tobacco Prevention Fund Program in the General Fund

Betty Lou Ward motioned, seconded by Phil Matthews, to accept and appropriate \$83,000 to the General Fund from the North Carolina Department of Health and Human Services for the Youth Tobacco Prevention Fund Program. The motion passed unanimously.

Wake County was chosen to be the lead County for Region 7 which consists of ten counties: Granville, Vance, Warren, Franklin, Nash, Edgecombe, Wilson, Johnston, Halifax and Wake.

The acceptance of this funding will allow Wake County to contract with an organization that is equipped to working with youth on a regional level. Youth Empowerment Solutions (YES) and Survivors and Victims Empowerment (SAVE) will work with the Project ASSIST Coordinator to:

1. Develop an annual action plan of program activities designed to advance toward program objectives and program goals;
2. Collect real people/real stories testimonials to train into spokesperson in the community/school campaign;
3. Create evidence-based, use evidence-based tobacco control policies and programs to work with youth leaders in promoting smoke-free/tobacco free norms; and
4. Create media/communication with messages gear towards youth.

This is a one year grant ending June 30, 2014. Contract will be abolished when grant ends unless other funding becomes available. There will be no increase in County dollars, no FTEs established and no match required of County dollars.

Accept and Appropriate Changes in Community Development Block Grant (CDBG) Funds, HOME Investment Partnership (HOME) Funds and Housing Opportunities for Persons with Aids (HOPWA) Funds

Betty Lou Ward motioned, seconded by Phil Matthews, to accept and appropriate:

- An increase of \$4,743 in FY12 HOME Investment Partnership Funds;
- A decrease of \$668 in FY12 Community Development Block Grant Funds; and,
- A decrease of \$8,136 in FY12 Housing Opportunities for Persons with Aids Funds.

The motion passed unanimously.

| Type of Funds | Amount in 2012 Action Plan | Actual Allocation | Difference |
|--------------------------|-----------------------------------|--------------------------|-------------------|
| CDBG Entitlement | \$1,424,265 | \$1,423,597 | \$ - 668 |
| HOME Entitlement | \$ 512,001 | \$ 516,744 | \$ 4,743 |
| HOPWA Entitlement | \$ 678,603 | \$ 670,467 | \$ - 8,136 |
| Total | \$2,614,869 | \$2,610,808 | |

Accept Bequest From The Estate of Dr. William E. Stephenson to the Warmth for Wake Program of Wake County Human Services

Betty Lou Ward motioned, seconded by Phil Matthews, to authorize the Chair to execute a resolution accepting a bequest from the Estate of Dr. William E. Stephenson for the Warmth for Wake seasonal outreach program and authorizing Wake County Human Services to execute the Beneficiary Claim Form and obtain the Signature Guarantee required to liquidate the bequest. The motion passed unanimously.

RESOLUTION AUTHORIZING THE ACCEPTANCE AND

APPROPRIATION OF A BEQUEST FROM WILLIAM E. STEPHENSON

WHEREAS, Dr. William E. Stephenson was a Wake County resident who died on August 16, 2012; and

WHEREAS, Dr. Stephenson named the Warmth for Wake program conducted by Wake County Human Services as a partial beneficiary of his Individual Retirement Account; and

WHEREAS, pursuant to N.C.G.S. 153A-11 Wake County may accept such property for a public purpose; and

WHEREAS, the bequest of Dr. Stephenson shall benefit Wake County citizens in need of the services provided by the Warmth for Wake program and the Board of Commissioners desire to accept and appropriate such bequest to the enumerated purpose and provide proper authorization for liquidating such bequest.

NOW, THEREFORE, BE IT ORDAINED AND RESOLVED by the Board of Commissioners (the "Board") for the County of Wake, North Carolina (the "County") that the bequest of Dr. William E. Stephenson from IRA Account # _ _ _ _ 0184 is gratefully accepted.

Human Services Deputy Director Robert R. Sorrels is authorized to execute the beneficiary claim form on behalf of Wake County Human Services and obtain a signature guarantee for the limited purpose of causing American Funds to liquidate the designated share of Warmth for Wake from the IRA of William E. Stephenson and distribute a check in the actual amount of the value of the account on the date of redemption up to Seven Thousand Five Hundred and no/1.00s (\$7,500.00), to Wake County.

Upon receipt of the check, Wake County Human Services is directed to deposit the funds into the Wake County General Fund, using the established accounting template for Warmth for Wake.

Approval of an Interlocal Agreement Between CCBI and the Office of the Nash County Sheriff for Assistance Rendered on September 8, 2012

Betty Lou Ward motioned, seconded by Phil Matthews, to approve the agreement for assistance rendered by CCBI to the Nash County Sheriff on September 8, 2012; further, that this Board extends its deepest sympathies to the family of Trooper Bobby Gene DeMuth Jr. and the Nash County Sheriff's Office for the loss of his life in the performance of his duty. The motion passed unanimously.

INTERLOCAL AGREEMENT BETWEEN CCBI AND THE NASH COUNTY SHERIFF'S OFFICE FOR SERVICES RENDERED ON SEPTEMBER 8, 2012

THIS AGREEMENT is made and entered into this the 1st day of October, 2012 by and between the Office of the Nash County Sheriff ("Sheriff") and CCBI ("CCBI").

WITNESSETH:

WHEREAS, CCBI cannot provide nor request mutual aid under N.C.G.S. § 160A-288 (Cooperation between law-enforcement agencies) because the agency does not meet the definition of a law enforcement agency under that statute, and

WHEREAS, mutual aid as to CCBI may be provided to or requested from government agencies by following the procedures set forth in N.C.G.S. § 160A-460, § 160A-461, § 160A-462, § 160A-463, and § 160A-464; and

WHEREAS, on September 8, 2012, agents with the City-County Bureau of Identification responded to Nash County to assist the Nash County Sheriff's office, The North Carolina State Bureau of Investigations, and the North Carolina Highway Patrol investigate the killing of North Carolina Highway Patrolman B.G. Demuth. The suspect in the death of the trooper was identified by the Raleigh Police Department as the suspect of a home invasion that had occurred in its jurisdiction within the early morning hours of September 8, 2012. This suspect was spotted by a Raleigh Police officer and then failed to stop after the Raleigh police officer activated his blue lights; and

WHEREAS, a chase ensued as the suspect traveled US 64 East into Nash County. Trooper Demuth and Trooper Heath positioned themselves to deploy stop sticks on US 64 Bypass under the S. Big Woods Road overpass. As Trooper Demuth prepared to deploy his stop sticks, the suspect swerved in the direction of Trooper Demuth striking him with the front passenger side of the vehicle. Injuries sustained during this incident caused the death of Trooper Demuth; and

WHEREAS, after hitting Trooper Demuth with his vehicle, the suspect continued traveling east on US 64 to the S. Old Franklin Road overpass. There the suspect wrecked his vehicle into the median guard wire. Agents with CCBI responded and assisted the above listed agencies by processing, obtaining, and securing evidence of the listed crimes on both crime scenes where Trooper Demuth's body came to rest and where the suspect's vehicle came to rest. CCBI Agents also processed evidence of the listed crimes within their Crime Laboratory, and

WHEREAS, the Nash County Sheriff's Office appreciates and commends the professionalism, integrity, and dedication shown by CCBI Agents in this tragedy; and

WHEREAS, the Wake County Board of Commissioners and CCBI express their sorrow and deepest sympathies to the family of Bobby Gene DeMuth, Jr. and to the Office of the Nash County Sheriff;

NOW THEREFORE, in consideration of the premises contained herein and the mutual benefits resulting from them, the parties agree to the following:

1. CCBI personnel shall be assigned to the Sheriff as designated by the Director of CCBI from 8:00 a.m. through 8:00 p.m. on September 8, 2012.

2. Assigned CCBI personnel shall have the same jurisdiction, powers, rights, privileges, and immunities as the officers of the Sheriff, in addition to those already possessed.

3. Assigned CCBI personnel shall be subject to the lawful operational commands of superior officers within the Sheriff's Department, but those personnel shall, for workers' compensation, health insurance, personnel and administrative purposes, remain under the control of CCBI, including for purposes of pay.

4. Assigned CCBI personnel shall be entitled to workers' compensation from CCBI when acting pursuant to this statute to the same extent as though they were functioning within the normal scope of their duties.

5. There are no financial obligations or ramifications for this agreement.

IN WITNESS WHEREOF the Sheriff and the Wake County Board of Commissioners have approved this agreement and have caused it to be signed by the Chairman of the Wake County Board of Commissioners and the Sheriff of Nash County on the year and day first written above.

SHERIFF OF NASH COUNTY, NORTH CAROLINA

Dick Jenkins, Sheriff

COUNTY OF WAKE

Paul Y. Coble, Chairman

Wake County Board of Commissioners

ATTEST:

(SEAL)

Susan Banks, Clerk to the Board

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

Betty Lou Ward motioned, seconded by Phil Matthews, 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 – August 2012
2. Wake County In-Rem Foreclosure Progress Report – August 2012
3. 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 Knightdale), (Wake County and City of Raleigh)
4. Consideration of Requests for Value/Special Situations: (Wake County and City of Raleigh)
5. Consideration of Requests for Tax Deferment: (Wake County and City of Raleigh)
6. Consideration of Refund for Taxes, Interest, and Penalties: (Wake County and Town of Apex), (Wake County and Town of Cary), (Wake County and Town of Holly Springs), (Wake County and City of Raleigh)
7. Consideration of Requests for Tax Relief Exclusions: (Wake County and Town of Apex), (Wake County and Town of Cary), (Wake County and Town of Fuquay-Varina), (Wake County and City of Raleigh), (Wake County and Town of Wake Forest)
8. Consideration of Requests for Exemptions: (Wake County and City of Raleigh)
9. 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

Public Hearing and Consideration of Text Amendments to the Wake County Unified Development Ordinance Pertaining to the Research Applications Zoning District

Mr. Bob Geolas, President and CEO, Research Triangle Park Foundation, thanked the board for support of the Research Triangle Park (RTP) and the commissioners who recently visited the park. Mr. Geolas shared the founding vision of the RTP: " A highly ambitious "big bet" that served as a catalyst for assembling and aligning the knowledge resources and business climate attributes to create opportunities for the people of North Carolina. Competitive pressures for RTP include international competition, competing American clusters, shifts within the innovation economy and development of newer research parks. RTP strengths include a strong work force, pastoral environment, legacy and momentum. Challenges for future development of RTP include: aging buildings, limited amenities, land use restrictions, changing work styles, regional congestion with limited transit, lack of cohesive identity and limited available sites/leasable space.

Mr. Geolas stated the goal of the Master Plan is to create an environment that will allow RTP to continue to be an economic driver for the innovation economy. In order to achieve this goal, the Park's attractiveness to existing tenants and owners will need to be maintained, facilitation of opportunities for existing companies to expand on site and broadening of the Park's appeal to additional types of companies, including those not historically found at RTP. A number of initiatives for can help the Park retain existing firms and remain attractive to new users, include: more density and accessible to nature, cluster development, 21st Century amenities, and sustainability. Mr. Geolas added that there needs to be collaboration in the Park. The Park should be authentic and have a distinctive look and style, should be a park of great inspiration and be accessible and affordable.

Mr. Geolas said the RTP Master Plan recommends tiered density controls and a broader range of permitted land uses within the Park to introduce more compact, research-based development with a diverse range of product types in select areas. He stated that they need greater intensity and enhanced flexibility with guided development for a mixed use center, business support cluster and a research cluster. Mr. Geolas explained the requested changes in the general zoning regulations for RTP from both Wake and Durham counties were allowed through legislative change and are needed in order to make the regulations more consistent between the two counties, allow more flexibility and more efficient use of sites and to address challenges in Uses and Parking requirements.

Commissioner Ward asked about the development and their conversations with companies in the RTP. Mr. Geolas said that as companies recruit the best and brightest from around the world, they know that the younger generation seeks more amenities around their work area. He said they are working towards better collaboration with the companies and listening to their requests. He plans to visit community colleges and universities in North Carolina in November to find out what they can do to make sure the Park is connecting with their needs.

Commissioner Bryan asked if the proposed changes in the ordinance would address the development challenges. Mr. Geolas said the changes address the larger part of the RTP area needs. Commissioner Bryan asked about the request for building height limitations. Mr. Geolas spoke about creating density to have collaboration space. Ms. Liz Rooks, insert title, said that taller buildings could impact other buildings.

Commissioner Bryan said that he visited had CISCO. He asked what features or benefits attract visitors to the RTP area. Mr. Geolas said that companies are relocating because of re-development and re-connection across the state. The three universities nearby help attract companies to the area. Mr. Geolas said that keeping on top of changes is important.

Commissioner Portman said that he relocated his family and company here because the RTP drew him here. He asked about the importance of transit in the future. Mr. Geolas said that transit will be a benefit for those commuting to the Park. He said that there are conversations taking place on how to move people through the RTP. Mr. Geolas said they have found that the younger generation does not want to own a car.

Commissioner Portman said that Weston Business Park in Cary has had a development recently and housing located near your place of employment is a benefit to the public. He said the younger generation wants to be able to work, dine, have recreation, and other amenities located around the same area.

Commissioner West asked if the plan points out how transit supports the region. Mr. Geolas said the first area of re-development will be mixed-use near a rail station. A funding trigger is in place if the regional rail projects all come together that could help implement transit in the Park. It may begin with buses but all those matters need to be taken into consideration.

Mr. Bryan Coates, Wake County Planner, said that the Research Applications Zoning District is currently found only in the RTP. The new RTP Master Plan was done in 2010 and Wake and Durham staff were both involved in the process. House Bill 391 allows for some flexibility within the RTP. He said the proposed amendments would be consistent across Wake and Durham

counties. He shared a zoning map of the rezoning. He shared that the proposed changes as follows:

1. Section 3-51-3 (A) - Remove the Minimum Lot Area which is currently eight acres. This will allow flexibility in lot size and would offer smaller projects the opportunity to locate in RTP.
2. Section 3-51-3 (B) – Reduce the Minimum Lot Width from 400’ to 300’. This will give flexibility when creating lots and is the same as Durham County’s proposal.
3. Section 3-51-3 (C) – Add Building Height Limitations. There is currently no building height limitation in RTP with the exception of areas located in the Special Highway Overlay District. Height limit outside of the Special Highway Overlay District would be 120’; or up to 145’ with Special Use approval. (145’ would allow for a building of approximately 10-12 stories. Currently there are no buildings with this height in RTP).
4. Section 3-51-3 (E) – Standardize the building and parking setback requirements by making it 100’ in all situations. Currently the street, rear and side yard setback requirements range from 100’ to 175’. This would encourage more compact development by allowing buildings and parking closer to the street and provide more flexibility on how a lot is developed.
5. Section 3-51-4 (C) – Add language on parking and loading to allow flexibility within RTP. The current parking requirements make it challenging for mixed use and multi-tenant projects. This change would allow a project to propose parking and loading spaces needed for their specific use and project.
6. Section 4-11 Use Table – Make the following changes to the types of uses allowed in RTP: add Schools and Cultural Exhibits as allowable uses; remove Bars and Nightclubs as allowable uses. The new master plan identifies schools and cultural exhibits as potential uses within the park. Bars and Nightclubs were never intended to be located in the park and RTP does not see it being there in the future.
7. Section 18-11- Allow Ground and Wall signs in the RA District. This is a technical correction in the UDO. Both signs have always been allowed in RTP.
8. Section 18-12-1 (A) - Change from one additional sign per lot to one additional sign per tenant to accommodate mixed use and multi-tenant buildings.

Mr. Coates reported staff findings that the proposed amendment would allow Research Triangle Park to evolve into a more contemporary research park and

would enhance the ease of use and understanding of the sections in the amendment.

Commissioner Ward asked about bars and night clubs and whether they are allowed. Ms. Rooks said there are none that exist and are not the primary use. Chairman Coble opened the public hearing. No one came forward to speak.

Mr. Matthew Martin, Chairman of the Wake County Planning Board, said that the Wake County Planning Board voted unanimously to recommend approval of the proposed ordinance amendment OA-04-12 as presented.

Chairman Coble closed the public hearing.

Ervin Portman motioned, seconded by Betty Lou Ward, to approve the proposed text amendments in OA-04-12 of the Wake County Unified Development Ordinance Pertaining to the Research Applications Zoning District as presented; and having properly held the required public hearing.

The motion passed unanimously.

**A RESOLUTION TO AMEND SEVERAL SECTIONS IN THE WAKE COUNTY
UNIFIED DEVELOPMENT ORDINANCE (UDO)**

WHEREAS, the requested amendments will allow Research Triangle Park to evolve into a more contemporary research park;

WHEREAS, the requested amendments will provide greater flexibility and options to customers;

WHEREAS, the proposed amendments are consistent with the Wake County Land Use Plan's goals and objectives and with the Wake County Transportation Plan;

WHEREAS, the proposed amendments will further the purposes of the Unified Development Ordinance and other ordinances and actions designed to implement the Plan;

WHEREAS, the Planning Staff recommends approval of the proposed amendments;

WHEREAS, on August 5, 2012 the Wake County Planning Board voted 8-0 to recommend that the Board of Commissioners approve the proposed text amendments; and

WHEREAS, the Wake County Board of Commissioners held a duly-noticed public hearing on October 1, 2012 to consider amending the Unified Development Ordinance.

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

SECTION I

The proposed text amendments are found to be consistent with the Wake County Land Use Plan and Transportation Plan and otherwise promotes the public health, safety and general welfare, therefore, the Wake County UDO is hereby amended as shown in the attached ordinance.

3-51 RA, Research Applications District

3-51-3 Lot and Building Standards

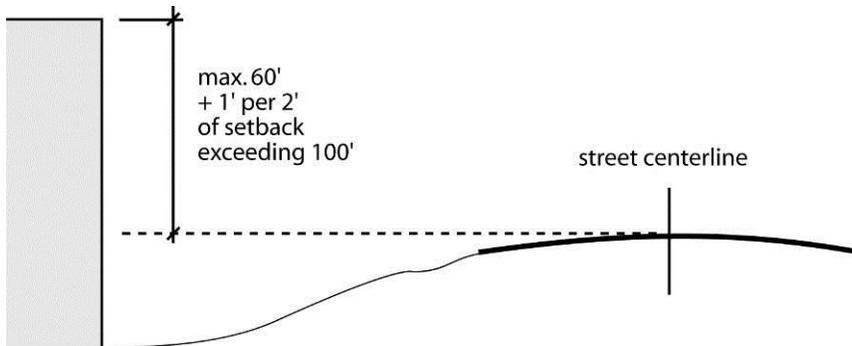
The following standards apply in the RA district:

~~(A) Minimum Lot Area: 8 acres~~

~~(B) Minimum Lot Width: 400~~ 300 feet

~~(C) Maximum Lot Coverage: No more than 30% of the total area of a lot may be covered by buildings, driveways, parking areas and loading areas.~~

~~(D) Maximum Building Height: 120', can go up to 145' with Special Use approval~~ None, except when the building site is located in a Special Highway Overlay District, in which case the height limit is 60 feet above the centerline elevation of the adjacent road plus 1 foot of additional height for each 2 feet of building setback exceeding 100 feet. These height limits do not apply if the effect would be to limit the building's height to less than 60 feet above the highest finished grade at the building's foundation.



Wake County Unified Development Code 3-34

~~(E) Minimum Required Setbacks:~~

~~(1) 175 feet abutting right of way with a width of 300 feet or more~~

~~(2) 150 feet abutting right of way with a width of 151–299 feet~~

~~(3) 100 feet if 8 or more acres lot coverage and abutting right of way with a width of 150 feet or less~~

~~(4) 75 feet if less than 8 acres lot coverage and abutting right of way with a width of 150~~

or feet less

- (1) 100 feet abutting right of way
- (2) 100 feet setback for side and rear yards

~~(5) 150 feet abutting any lot line other than right-of-way or separated from street by natural area preserve~~

~~(6)~~ (3) If so designated, an abutting natural preserve area may be counted as part of the lot for purposes of applying these minimum setback requirements, provided that all structures are set back at least 30 feet from the natural preserve area.

3-51-4 Other District-Specific Regulations

(A) Storage

Outside storage of any materials, supplies or products is not permitted within any required setback area, and further, outside storage areas must be located, constructed, or landscaped to not be visible from any other lot or public street right-of-way.

(B) Environmental Standards

All development must comply with applicable federal and State requirements and regulations with regard to dust, smoke, odors, noise, air and water pollutant emissions, hazardous waste, solid wastes, radioactive wastes, ionizing radiation, radioactivity, and sewage and industrial wastes. In addition, development must also comply with the following standards:

(1) Glare

Glare, whether direct or reflected, such as from floodlights or high temperature processes, and as differentiated from general illumination, may not be visible at any property line.

(2) Exterior Lighting

Any lights used for exterior illumination must direct light away from adjoining properties, and must be designed or sited so that the lighting source is not visible from adjoining properties. A lighting plan must be approved by the Planning Director.

(3) Radio Frequencies

Any radio frequency may not adversely affect any operations or any equipment other than those of the emitter of the frequency. Avoidance of adverse effects from radio frequency generation by appropriate single or mutual scheduling of operations is permitted.

(4) Waste

All sewage and industrial wastes must be treated and disposed of in such manner to comply with the wastewater ordinances and requirements of the Town of Cary and the State of North Carolina.

(C) Parking and Loading

- (1) Notwithstanding any other provisions or standards contained in this ordinance, parking areas of sufficient size to provide parking for patrons, customers, suppliers, visitors, and employees shall be provided on the premises of each use. Parking areas shall be paved with all-weather surface, and shall provide for stormwater drainage. Surface parking lots designed primarily for use by employees shall be located, constructed, or landscaped so as to be minimally visible from any other lot or public street right-of-way.

- (2) Loading areas for supplies and services shall be sufficient to meet the requirements of each use. Loading areas, except railroad loading areas, shall be located, constructed, or landscaped so as to be minimally visible from any other lot or public street right-of-way.

(G) (D) Exceptions to Minimum Setback Requirements

(1) Abutting Railroads

Notwithstanding the provisions in this section, no minimum setback is required abutting the right-of-way of a railroad track or siding.

(2) Structures Allowed within Required Setbacks

The following structures are allowed within required setbacks to the extent indicated:

- (a) structures below and covered by the ground;
- (b) steps and walkways;
- (c) driveways;
- (d) signs and lighting devices;
- (e) planters, retaining walls, fences, fountains, park tables and seating, hedges, and other landscaping structures;
- (f) gate or security stations;
- (g) roof overhangs; and
- (h) utility lines located underground and minor structures accessory to utility lines (such as hydrants, manholes, and transformers and other cabinet structures).

(3) If a natural area preserve is considered part of the lot for purposes of applying the minimum setback requirements in Sec. 3-51-3, these exclusions also apply to that portion of the preserve located within the required setback area.

(4) Use of Required Setbacks

Except for structures allowed within required setbacks by Sec. 3-51-4(C)(2), the area of required setbacks must be either retained and maintained in a natural state or landscaped and maintained as attractive natural areas that include lawns, wooded areas, decorative planting, outdoor recreation areas, and/or water surfaces.

(D) Natural Area Preserves

The district may include natural area preserves, that is, a parcel of land primarily intended to function as permanent open space providing environmental, scenic, or recreational benefits to adjacent development, and which has been designated as such on a recorded plat. If the recorded plat designates any portion of the natural area preserve as providing permanent open space to the benefit of an abutting lot, that portion of the natural area preserve must be considered as part of the abutting lot for purposes of applying the maximum lot coverage and minimum setback provisions in 3-51-3, and the sign regulations in 18-12-1 to development of the abutting lot.

Article 4 Use Regulations

4-11 Use Table

| USE GROUP | Zoning Districts | | | | | | | | | | | | | | | | |
|-----------------------------------|------------------|-------|-----------|-----|-----|---------|-----------------|------------------|-------------|------------|----|----|--------|-----|-------------|------|----|
| | Residential | | | | | Highway | RHC | | | Commercial | | | Indust | | Sp. Purpose | | |
| Use Category Specific Use Type | R-80W | R-40W | R-80-R-10 | R-5 | RMH | HD | Activity Center | Res Support Area | Outside RSA | O&I | GB | HC | I-1 | I-2 | AD-1 | AD-2 | RA |

| | | | | | | | | | | | | | | | | | |
|---------------|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| School | - | S | P | P | - | P | P | P | P | P | - | - | - | - | - | - | P |
|---------------|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|

| | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Eating and Drinking Establishments | | | | | | | | | | | | | | | | | |
| Bars and Nightclubs | - | - | - | - | - | - | S | - | - | - | S | S | S | S | - | - | P |

| | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Cultural Exhibits and Libraries | | | | | | | | | | | | | | | | | |
| Libraries | - | S | P | P | - | P | P | P | P | P | P | P | - | - | - | - | P |
| All other cultural exhibits/libraries (except as noted above) | - | S | S | S | - | S | S | S | S | P | P | P | - | - | - | - | P |

18-11 Permitted Signs

Sign types are allowed as shown in the following table (p = allowed/permitted; blank = not allowed)

| | RA | R | GB | HC | I1 I2 | RMH | HD | RHC | AD1 AD2 | O&I | SHOD |
|------------------|----|----|----|----|----------|-----|------|------|------------|-----|------|
| On-Premise Sign | P | P* | P* | P* | P | P* | P | P | P | P* | P* |
| Ground Sign | P | P* | P* | P* | P | P* | P | P | P | P* | P* |
| Wall Sign | P | P* | P* | P* | P | P* | P | P | P | P* | P* |
| Projecting Sign | | P* | P* | P* | P | P* | P | P | P | P* | P* |
| Pole Sign | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | |
| Incidental Sign | P | P | P | P | P | P | P | P | P | P | P* |
| Off-Premise Sign | | | P | P | P | | P[2] | P[2] | P | | |
| Temporary Sign | | | P | P | P | | P | P | P | P | |

[1] For permitted uses only.

[2] For special uses only.

* Additional standards apply. See Sec.

18-12-1 Research Applications Districts

A maximum of one sign per vehicular access point and one additional sign per ~~lot~~ tenant is allowed.

Maximum sign height of on-premise marquee and wall signs: The parapet or eave line of the building to which the sign is attached.

Public Hearing and Request from Wake Reclamation, LLC for Amendment of Landfill Franchise Previously Granted to WCA Waste Corporation (First Reading)

Mr. John Roberson, Wake County Solid Waste Director, said this item was a request to change ownership of WCA Waste Corporation to Wake Reclamation, LLC, which has acquired the franchise. Wake Reclamation filed the franchise application in order to meet the ordinance requirement. This franchise was originally issued to Material Recovery, LLC on April 16, 2001 and amended February 2, 2004. On February 21, 2005, the franchise was once again amended to reflect the ownership change to WCA Waste Corporation. Mr. Roberson stated that the franchise application was reviewed by Wake County Planning and Environmental Services staff as well as the North Carolina Department of Environmental and Natural Resources, Division of Waste Management and no violations were found.

Mr. Roberson said that the landfill is in southeastern Wake County. He stated the application has complied with the County's Ordinance by holding a public hearing on October 1, 2012. This is the first reading of the two readings required for franchise agreements.

Mr. Roberson provided additional information as follows:

1. Prior approval was given by the Board of Commissioners' allowing the existing franchisee to accept up to a maximum of 1,100 tons per day from up to 17 different surrounding counties. Also as noted in the annual reports included in the application, most of the waste originates from Wake County with relatively small amounts coming from Johnston, Durham and Orange counties and even smaller amounts from Franklin and Chatham counties.
2. In the application, it was noted that Wake County Planning reviewed the facility for any Special Use Permit Violations and found none. It should be noted that a bond was required for some plantings and that bond has been posted. Further, Wake County Environmental Services has reviewed the site relative to any sediment control, stormwater management and well/septic permitting issues and found that the facility is in compliance. Finally, NC DENR – Division of Waste Management has also found the facility in compliance with the C&D landfill regulations that the Solid Waste Section enforces.
3. Also included in the application package is a letter to NC DENR – Division of Waste Management regarding Waste Industries acquiring various facilities previously owned by WCA/Materials Recovery. Of particular interest is a

statement that Waste Industries was requesting NC DENR to expand the service area of the facility on Brown Field Road (page 4 of the letter to Ed Mussler). It should be noted that the requested Counties had previously been approved by the Wake County Board of Commissioners in September 2010 and WCA had simply failed to ever notify NC DENR. In summary, Mr. Roberson provided that based upon review of the C&D Franchise Ordinance that was approved in March of 2012, the Wake Reclamation, LLC., request met the requirements to be considered for an amended C&D Franchise.

Commissioner Portman asked about the legal reasons for the county's role or intentions in the change in this company's business ownership. Mr. Scott Warren, County Attorney, said that the purpose is to enable the new entity the ability to carry out transactions legally. He said the ordinance had been revised and they are still in compliance.

Commissioner Portman asked if the request is a change in ownership. Mr. Warren said it is a change in ownership and change in parent company.

Commissioner Bryan asked for explanation of item #3 concerning expansion of the service area and asked for additional data from NC DENR. Mr. Roberson said that a letter was sent to the state to confirm an action in 2010 where the board had approved the expanded service area but WCA Waste Corporation had failed to send the Board of Commissioners' approval to the state. NC DENR - Division of Waste Management found the facility in compliance with the C&D landfill regulations. Commissioner Portman asked about compliance before March and the difference. Mr. Roberson said an amendment would have been required in either case but they are in compliance. Mr. Warren agreed with comments by Mr. Roberson.

Chairman Coble opened the Public Hearing.

Mr. Thomas C. Worth, Attorney for WCA Waste Corporation, said the franchise name change was requested because of change in ownership. They are in compliance with the franchise agreement. Mr. Worth said additional counties were added after 2007.

No one else came forward to speak. Chairman Coble closed the public hearing.

Betty Lou Ward motioned, seconded by Tony Gurley, to that having held the required public hearing, the Board considers the first reading of Wake Reclamation, LLC's request to amend an existing landfill franchise with WCA Waste Corporation to transfer ownership to Wake Reclamation, LLC.

The motion passed unanimously.

Mr. Warren said that with unanimous approval this item, if so desired it could be placed on the consent agenda for approval at the second reading.

*FIRST READING OF ORDINANCE
(TO BE ADOPTED ON SECOND READING)*

ORDINANCE MODIFYING FRANCHISE ISSUED
TO WCA WASTE CORPORATION FOR
OPERATION OF CONSTRUCTION AND
DEMOLITION DEBRIS LANDFILL

WHEREAS, WCA Waste Corporation, L.P. is the current holder of a franchise to operate a construction and demolition (C&D) landfill in the County located on Brown Field Road in Wake County; and

WHEREAS, Wake Reclamation, LLC has acquired the ownership interest of WCA Waste Corporation; and

WHEREAS, Wake Reclamation has adopted the application originally filed by Material Recovery, LLC and amended by WCA Waste Corporation for issuance of a franchise to operate a C&D landfill, and has agreed to comply with the terms and conditions of the prior franchise as amended; and.

NOW, THEREFORE, BE IT ORDAINED THAT,

Section 1. The franchise to operate a construction and demolition debris landfill previously issued to Material Recovery, LLC and amended by WCA Waste Corporation is hereby reissued to Wake Reclamation, LLC. The franchised operation shall be conducted in accordance with the representations made on the applications submitted by Material Recovery, LLC and all amendments to that franchise, including amendments made by WCA Waste Corporation. This franchise amendment shall expire coterminous with the expiration of the existing franchise which is February 4, 2022.

Section 2. WCA Waste Corporation, L.P. shall provide documentation reasonably required by the County to ascertain compliance with the terms of the franchise as amended.

Section 3. This ordinance is effective upon its second reading by this Board.

ADOPTED this the _____ day of _____, 2012.

Public Comments:

Mr. Steve Rao expressed his concern about the stability of the Wake County Public School System. He commented that there should be a solid foundation about where students attend school. Transit should be considered an investment. Investments must be made to manage growth. Unemployment is at 9%. He noted surrounding towns that develop entrepreneurship for jobs. He shared a story of an Indian owned multi-national company.

Mr. Richard Foy, Techberry Place, asked about a response to the information he shared with the Board about five months ago. He said his concerns had not been addressed and he has not received a response to his comments. Mr. Cooke said that Dr. Ramon Rojano was asked to contact Mr. Foy. Mr. Foy indicated that Dr. Rojano was unable to provide the information he needed. Chairman Coble said that he would speak with the County Attorney concerning Mr. Foy's questions.

Accept and Appropriate \$25,000 from Wake County Public School System for a Youth and Family Project to the General Fund

Mr. Bob Sorrels, Wake County Human Services Deputy Director, said that the Wake County Human Services in partnership with Wake County Public School System (WCPSS) and Cooperative Extension design and deliver a family and youth development initiative with students from Longview, an alternative school, utilizing one-time at-risk dollars allocated from the state.

The principle goals of the initiative are aligned with the County's Human Capital Development Campaign as follows:

1. To promote educational success among students;
2. To promote family economic success among families; and
3. To promote health and wellness.

Chairman Coble asked about the measurements for success to see if the program should be replicated. Mr. Sorrels said that measurements will be applied as in all the Human Capital Development projects.

Commissioner West asked if the program is tied to the Middle Class Express or life coaches. Mr. Sorrels said that collaboration at Longview will occur with these programs. Screening will be done and criteria developed. Ms. Karen Hamilton, Counseling and Student Services with Wake County Public School System, will participate in this collaborative program. Commissioner West complimented Ms. Hamilton's work.

James West motioned, seconded by Tony Gurley, to accept and appropriate funds in the amount of \$25,000 for a period of eight months for the design and implementation of a Human Capital Development program for youth and families at Longview Alternative School to the General Fund.

The motion passed unanimously.

Chairman Coble asked for a report and measurements to follow implementation of the program.

**Wake County Public School System Plan 2004 Close-Out and CIP 2006
Reallocation Request (Second Reading)**

Mr. Joe Desmoreaux, Wake County Public School System, stated this was the second reading of the following request for the Board's approval:

1. Reallocate \$496,264 of savings from nine Plan 2004 projects to Plan 2004 Program Contingency;
2. Reduce the overall appropriation for Plan 2004 by \$496,264 to close out Plan 2004, and increase the Plan of Record for CIP 2006 by \$496,264, reflecting savings from Plan 2004;
3. Reallocate \$700,000 within CIP 2006 from Child Nutrition Warehouse, Bugg Elementary and Alston Ridge Elementary to appropriate additional funds for Building Permits and Off-site Improvements.

Mr. Desmoreaux said he would be glad to answer any questions.

Joe Bryan motioned, seconded by Betty Lou Ward, to:

1. Reallocate \$496,264 of savings from nine Plan 2004 projects to Plan 2004 Program Contingency;
2. Reduce the overall appropriation for Plan 2004 by \$496,264 to close out Plan 2004, and increase the Plan of Record for CIP 2006 by \$496,264, reflecting savings from Plan 2004; and further to,
3. Reallocate \$700,000 within CIP 2006 from Child Nutrition Warehouse, Bugg Elementary and Alston Ridge Elementary to appropriate additional funds for Building Permits and Off-site Improvements.

Commissioner Portman questioned if approval of this item by the Board of Commissioners was showing acknowledgement that this Board was still supportive of the Board of Education's decision on these programs but is not funding or un-funding any program. Chairman Coble said this approval is acknowledging the completion of one program and moving the remaining funds into the next program.

The motion passed unanimously.

Commissioner Bryan said that the board routinely approves funding for projects but he did not recall regular reports on the success of the programs. He requested feedback on these projects in the future and how they are impacting the community.

Chairman Coble agreed and stated that project reports in the future would be helpful for future decisions.

**Resolution R-2012
Reallocate and Close Plan 2004 and**

Change Plans of Record for Plan 2004 and CIP 2006

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 \$496,264 from Plan 2004 projects to the plan's Program Contingency; and

WHEREAS, the Wake County Board of Education has duly requested that the Board of Commissioners approve the lowering of the Plan of Record for Plan 2004 by \$496,264, and increasing the CIP 2006 Plan of Record by \$496,264; and

NOW, THEREFORE, BE IT RESOLVED that the Wake County Board of Commissioners hereby reallocates funds as follows:

| From PLAN 2004 | AMOUNT | To PLAN 2004 | AMOUNT |
|--------------------------|------------------|------------------------|------------------|
| Crowding Solutions | \$56,871 | Program Contingency | \$496,264 |
| Re-roof | \$114,017 | | |
| System-wide Improvements | \$82,310 | | |
| Mobile Classrooms | \$130,991 | | |
| Holly Grove Elementary | \$2,914 | | |
| Wakelon Elementary | \$33,353 | | |
| Martin Middle | \$68,547 | | |
| East Millbrook Middle | \$2,787 | | |
| Cary High | \$4,474 | | |
| PLAN 2004 Total | \$496,264 | PLAN 2004 Total | \$496,264 |

| FROM PLAN 2004 | AMOUNT | TO CIP 2006 | AMOUNT |
|-----------------------|---------------|--------------------|---------------|
| Program Contingency | \$496,264 | Reserves | \$496,264 |

BE IT FURTHER RESOLVED that the Wake County Board of Commissioners approves the revision to the Plan 2004 and CIP 2006 Plans of Record as follows:

| | Plan 2004 | CIP 2006 |
|--------------------------------------|------------------|------------------------|
| Current Plan of Record | \$541,289,445 | \$1,069,423,131 |
| Administrative Lease | | \$13,224,163 |
| Total CIP 2006 | | \$1,082,647,294 |
| Move Fund from Plan 2004 to CIP 2006 | (\$496,264) | \$496,264 |
| New Plan of Record | \$540,793,181 | \$1,083,143,558 |

Adopted this the 1st day of October 2012.

Wake County Board of Commissioners

Paul Y. Coble, Chairman

**Resolution R-2012-
Reallocate and Appropriate Funds in CIP 2006**

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 \$700,000 from the Child Nutrition Warehouse, Bugg Elementary and Alston Ridge projects to the Building Permits and Offsite (Public) Improvements projects in CIP 2006; and

WHEREAS, the Wake County Board of Education has duly requested that the Board of Commissioners appropriate \$700,000 in Building Permits and Offsite (Public) Improvements projects in CIP 2006.

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

| FROM CIP 2006 | AMOUNT | TO CIP 2006 | AMOUNT |
|---------------------------|------------------|-------------------------------|------------------|
| Child Nutrition Warehouse | \$115,697 | Building permits | \$250,000 |
| Bugg Elementary | \$45,140 | Offsite (Public) Improvements | \$450,000 |
| Alston Ridge Elementary | \$539,163 | | |
| CIP 2006 Total | \$700,000 | CIP 2006 Total | \$700,000 |

Adopted this the 1st day of October 2012.

Wake County Board of Commissioners

Paul Y. Coble, Chairman

Land Acquisition for Adaptive Re-use of an Existing Building for a Ninth Grade Center in the Garner Area (Second Reading)

Mr. Mark Edmondson, Wake County Facilities Design and Construction, said the request was for approval to purchase the old theater in the Town of Garner for a ninth-grade center site. The site consists of an 11.42 acre tract of land and a 44,920 square foot block and brick veneer building formerly used as multiplex movie theater. The property is adjacent to Garner High School, located at 2600 Timber Drive, Garner, NC and is a part of the Garner Towne Square shopping center. Vice-Chairman Matthews said that the Town of Garner is excited about the project. Ms. Betty Parker, Wake County Public School System Real Estate Services Director, was present for questions. Mr. Edmondson said they have received an outpouring of support from local elected officials. Chairman Coble stated that this has been presented as a very workable solution to the school needs in the Town of Garner.

Vice Chairman Matthews said the citizens of Garner are excited about the Ninth Grade Center because it will provide some relief for the Senior High School. The town is going to help by participating in some of the road improvements for the safety of the children. He noted that the Senior High School is run by this past year's Principal of the Year.

Phil Matthews motioned, seconded by Tony Gurley, to authorize, on this second reading, the Board of Education to purchase the 11.42 acre subject site in the Town of Garner area for the Ninth Grade Center at a cost of \$1,750,000, subject to terms and conditions acceptable to the County Attorney.

The motion passed unanimously.

Appointments

Wake County Commission for Women

Chairman Coble offered the following members for reappointment: Rhonda Curtright, Jennifer Gupton, Sharon McLeod, Jacqueline Brown, Jennifer Gray, and Jackie Hughes.

Additional nominations were made as follows:

Commissioner West - Stephanie Sanders for District 5 and Natalie Palumbo for At-large

Commissioner Ward - Teresa Farland for District 6; Allison Fowler and Septina Florimonte for At-large

District nominations were as follows: Teresa Farland - District 6
Stephanie Sanders - District 5

There were three nominations for two at-large positions which required a roll call vote.

Voting Results for the at-large nominations were:

Natalie Palumbo - Commissioners West, Gurley, Matthews, Ward, Portman, Bryan and Coble

Allison Fowler- Commissioners West, Gurley, Matthews, Ward, Portman, Bryan and Coble

Septina Florimonte - None

Allison Fowler and Natalie Palumbo were the nominations for the two at-large positions.

Wake County Fire Commission

Chairman Coble offered the following individuals for reappointment:

Fire Service Planning and Service Regions – East Region

1. Chief Rodney Privette (Regular Member)
Chief Tom Vaughan (Alternate Member)

President of the Firemens' Association

2. Mr. Kenan "Lee" Price

Citizen/Consumers

3. Judge Michael Denning
4. Mr. Keith Gregory
5. Ms. Barbara Poole
6. Mr. Robert Stagg

Chairman Coble noted that due to a career change of Fairview Fire Chief Ed Brinson of the Southern Region, a vacancy has occurred. Fire Chief Anthony Mauldin had forwarded a recommendation of Fairview Fire Department Chief David Price to fill the Southern Region vacancy.

Fire Service Planning and Service Regions – South Region

7. Chief David Price (Alternate Member)

Wake County Human Services Board

Chairman Coble offered nominations of Ms. Tameko H. Piggee (Social Worker) and Dr. James A. Smith, III, Psychiatrist, provided by the board of Human Services. Commissioner Gurley noted there were still three vacancies. Commissioner Gurley said that there are still additional vacancies to be filled.

Morrisville Board of Adjustment

Chairman Coble nominated Mack Baker for reappointment to the Morrisville Board of Adjustment.

Morrisville Planning and Zoning Board

Chairman Coble nominated Bobby Davis for reappointment to the Morrisville Planning and Zoning Board.

Betty Lou Ward motioned, seconded by Tony Gurley, to accept the nominations by acclamation. The motion passed unanimously.

Upcoming Vacancies

Other Items

Closed Session

Chairman Coble asked if there was a need for a closed session. County Attorney Scott Warren stated a closed session was needed pursuant to 143-318.11a(3) to receive advice from the County Attorney as to Industrial Commission file number 193419.

Phil Matthews motioned, seconded by Betty Lou Ward, to go into closed session on advice of the County Attorney pursuant to G.S. 143-318.11a(3).

The motion passed unanimously.

Chairman Coble called the open session back to order.

Tony Gurley motioned, seconded by James West, to approve a settlement in Industrial Commission file number 193419 in the sum of \$300,000, \$113,798 of that \$300,000 being paid by the County's excess carrier and reimbursable to the county, subject to terms and conditions acceptable to the County Attorney.

The motion passed unanimously.

Chairman Coble asked for a motion to adjourn the meeting.

Commissioner Ward asked to ask a question before the meeting was adjourned. She asked for a clarification on the status of the joint meeting scheduled with the Board of Education. She had spoken with the Chairman of the Board of Education and they have not cancelled the joint meeting on October 12. Chairman Coble said there was a meeting set up but the meeting had been cancelled. He said he was waiting to hear back from the Board of Education.

Adjourn

Phil Matthews motioned, seconded by Tony Gurley, to adjourn the meeting at 4:00 p.m. The motion passed unanimously.

Respectfully submitted,

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