

WAKE COUNTY BOARD OF COMMISSIONERS

Regular Meeting

August 6, 2012

2:00 P.M.

Room 700, Wake County Courthouse

Meeting Called to Order: Chairman Paul Coble

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

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

Pledge of Allegiance

Invocation: Commissioner Joe Bryan

Items of Business

Approval of Agenda

County Manager David Cooke asked to remove item #9 from the agenda.

Chairman Coble asked to pull item #7 from the consent agenda for discussion.

Betty Lou Ward motioned, seconded by Tony Gurley, to approval the agenda with the removal of item #9, Wide Area Network Infrastructure contract from the agenda and remove item #7 from the consent agenda for discussion. The motion passed unanimously.

Approval of the Minutes of the Commissioners' Regular Meeting on July 2, 2012

Tony Gurley motioned, seconded by Phil Matthews, to approve the Minutes of the Commissioners' Regular Meeting on July 2, 2012. The motion passed unanimously.

Proclamation Honoring Dr. William Weston Hedrick for Providing Over 50 Years of Medical Care to the People of Wake County

Chairman Coble said that Dr. William Weston Hedrick for providing over 50 years of medical care to the people of Wake County. Chairman Coble read aloud the proclamation.

Betty Lou Ward motioned, seconded by Tony Gurley, to approve the Proclamation Honoring Dr. William Weston Hedrick for Providing Over 50 Years of Medical Care to the People of Wake County. The motion passed unanimously.

Dr. Hedrick said that he grew up in Raleigh. He attended Hugh Morrison High School and went to Wake Forest University when it was in the Town of Wake Forest. He shared that he enjoys being a doctor and serving his patients. He opened his practice in 1962. He said that he plans to continue to work as long as he can. He thanked the board for the honor of being recognized. He introduced his family including his wife and former commissioner Merrie Hedrick, along with two of his six daughters and one son that were present with three of his grandchildren.

**Proclamation
In Honor Of
Dr. William Weston Hedrick
August 6, 2012**

WHEREAS, Dr. William Weston Hedrick was born on September 26, 1932 in Rex Hospital when it was located beside the Raleigh Memorial Auditorium and was raised in the Hayes Barton area of Raleigh and on a farm out US 1 north; and

WHEREAS, Dr. William Weston Hedrick received his primary education in the Raleigh schools and continued on to attend Wake Forest College, located at that time in the Town of Wake Forest, worked as the college newspaper sports editor and managed the basketball team the year they won the Southern Conference Championship beating NC State; and

WHEREAS, Dr. Hedrick attended medical school at Bowman Gray in Winston Salem NC and trained in hospitals in New York and Georgia as well as Dorothea Dix Hospital in Raleigh, NC; and

WHEREAS, Dr. Hedrick served our nation as a Captain in the U.S. Army stationed and working as a doctor in Orleans, France; and

WHEREAS, Dr. Hedrick was the first doctor to work at and run the Emergency Room at the newly opened Wake Memorial Hospital; and

WHEREAS, on July 2, 1962, Dr. Hedrick opened his own medical practice in Raleigh, North Carolina and 50 years later continues to provide medical care for the people of Wake County; and

WHEREAS, Dr. Hedrick served Wake County many years as the Medical Examiner and has been on staff at Wake Med Hospital and Raleigh Community Hospital; and

WHEREAS, in the 1970's Dr. Hedrick served as President of the North Carolina Academy of Family Physicians and helped lead the charge for improved medical care in Eastern North Carolina with the establishment of the medical school at East Carolina University; and

WHEREAS, Dr. Hedrick has no plans to retire and still routinely makes house calls for the very sick and elderly, sees patients regardless of their ability to pay, believes medicine is an art not a business and is loved by all.

NOW THEREFORE, BE IT RESOLVED that the Wake County Board of Commissioners wishes to honor Dr. William Weston Hedrick and bestow the greatest appreciation for his provision of more than 50 years of compassionate and outstanding medical care for the people of the Wake County.

ADOPTED this the 6th day of August, 2012.

Capital Trees Program Awards Presentation

Ms. Renee Boyette, Assistant to the Executive Director of Triangle J Council of Governments, and staff to Triangle J's Regional Appearance Committee presented the Capital Trees Program. The Capital Trees Program originated in the City of Raleigh, moved to Wake County and is now administered by the Regional Appearance Committee. She said the program was established in 1993 to promote the significance of trees in Wake County with goals of drawing attention to noteworthy trees in the county and to provide education about the tree canopy and roots. This was especially significant in 2011 when the Year of the Forest was celebrated. Over 250 trees have received recognition. She shared there were 21 awards this year in Wake County. The committee is made up of volunteers and staff. She introduced Ms. Lois Nixon and Ms. Ann Davis. She described the award and categories as Champion, Historical, Landmark and Meritorious Awards.

Ms. Lois Nixon presented the trees and their location that were given awards. She thanked the board for the presentation. Nominations are being taken for the 2013 year and the application can be downloaded on the TJCOG website.

Commissioner Ward asked about the oldest tree in Wake County. Ms. Nixon said they could research it but could not determine the exact age of a tree without cutting it down.

Recognition of National Association of Counties Awards to Wake County

Mr. David Cooke said that the National Association of Counties annual conference was held in Pittsburg, Pennsylvania on Friday, July 13 to Tuesday, July 17, 2012. Wake County received six program awards as follows:

Those to receive awards:

1. *National Association of Counties 2012 Achievement Award: WakeBrook Behavioral Health Campus*

WakeBrook, which opened in November 2010, provides mental health, developmental disability, and substance abuse services at prices much lower than state hospitals. By getting patients into the appropriate mental health system at WakeBrook, hospital emergency departments are able to focus their time and attention to patients with medical and trauma needs.

Ms. Crystal Farrow introduced staff present: Michael Ryan, Stephanie Treadway, Ramon Rojano, Martin Woodard, Benny Langdon, Tamara Strickland, and Stephanie Williams.

2. *National Association of Counties 2012 Achievement Award: Human Resources' Diabetes Management Pilot Program*

Wake County partnered with Diabetes Management Solutions to help county employees manage their diabetes and save on medical costs. Employees attended a series of workshops, improved their health, and saved an estimated \$1,200 per participant per year in medical costs.

Human Resources Diabetes Management Pilot Program - Ms. Elaine Johnson introduced staff present: Jonathon Roberts, Marie Edwards, Elizabeth Spender-Smith, Chris Snow, and Erin Dail.

3. *National Association of Counties 2012 Achievement Award: Second Chance Housing Program at Brookridge Apartments*

The Second Chance Housing Program at Brookridge Apartments provides housing assistance to people who have a low income, bad credit, a history of evictions, criminal history, or are disabled. In 2011, half of the tenants in the apartment complex were Second Chance tenants, with 65 percent reporting to have been formerly homeless.

Second Chance Housing Program at Brookridge Apartments - Mr. David Harris introduced Ms. Emily Frischbein.

4. *National Association of Counties 2012 Achievement Award: Open Space Prioritization Model*

The Open Space Prioritization Committee successfully developed a model to evaluate open space properties based on Geographic Information Systems. The model is just one of the tools that will help prioritize the County's open space acquisitions. The County has established a goal of retaining 30 percent of the County area as open space.

Open Space Prioritization Model - Mr. Tim Maloney introduced staff present: Anne Payne, Bill Shroyer, Chris Snow, Britt Stoddard and Mark Edmondson.

5. *National Association of Counties 2012 Achievement Award: Human Services Academy*
The Human Services Academy is a virtual training model for staff development that maximizes the use of current staff's skills, talents and experience to provide training. More than 53 staff members comprise the Academy's faculty. The Academy's approach is designed to offer training opportunities and life coaching to clients, while assisting them in becoming self-sufficient. More than 100 courses are offered with 95 percent of the staff's evaluations for the Core required courses showed positive improvement in life styles and behaviors after completing the training.

Human Services Academy – Mr. Cooke congratulated Dr. Ramon Rojano and Emi Wyble.

6. *2012 Digital Counties Survey Award*
During the reception of the NACo Annual Conference, Wake County was also awarded the 2012 Digital Counties Survey Award for being ranked in the top ten counties in the United States by the Center for Digital Government. Wake County was tied for tenth place with Hennepin County, Minn., for counties with a population of 500,000 or more. This year the survey focused on the results achieved through the use of technology in the wake of the fiscal crisis brought on by the recession.

Digital Counties Survey Award - Angela Strickland and Steve Walston were recognized as well as the new Chief Information Officer Mr. Bill Greeves. Mr. Greeves stated he was looking forward to his work in Wake County.

Mr. Bryan said that Wake County has excelled over the years. He noted the NACO Discount Prescription Drug Program which saved Wake County citizens millions of dollars. There is a new program proposed by NACO that will save 5%-40% on dental care. He congratulated Mr. Cooke for encouraging making Wake County #1. He complimented Wake County staff on their awards.

Commissioner Ward congratulated Dr. Rojano and the other departments for their awards.

Consent Agenda

Betty Lou Ward motioned, seconded by Phil Matthews, to approve the items on the consent agenda. The motion passed unanimously.

Approval of Amendment to the Terms of Lease and for Lease Extension at 2809 East Millbrook Road, Raleigh, NC

Betty Lou Ward motioned, seconded by Phil Matthews, to approve the Third Amendment to the 2809 East Millbrook Road Lease to extent the lease term through June 30, 2020, in accordance with the terms and conditions as listed; and further to authorize the County Manager to execute the lease amendment on behalf of Wake County, subject to terms and conditions acceptable to the County Attorney. The motion passed unanimously.

Award \$930,000 Construction Contract for Renovations to the Wake County Courthouse Sixth Floor

Betty Lou Ward motioned, seconded by Phil Matthews, to award a contract for renovations to the Wake County Courthouse Sixth Floor in the amount of \$930,000 to the firm of H.M. Kern Corporation of Greensboro, NC. The motion passed unanimously.

Award Multi-Year Contract Up to Six Years to Provide Wide Area Network (WAN) Infrastructure at Wake County Locations

Item was removed from agenda.

Appropriate \$928,015 of Federal Funds from the NC Department of Health and Human Services, Division of Social Services for the Human Services Crisis Intervention Program

Betty Lou Ward motioned, seconded by Phil Matthews, to appropriate to the General Fund \$928,015 in additional revenues and expenditures from the NC Department of Health and Human Services, Division of Social Services (NCDHHS), for the Human Services Crisis Intervention Program. The motion passed unanimously.

Settlement of 2011 Property Tax Collections by the Tax Collector, Charge of 2012 Tax Collections to the Tax Collector

Betty Lou Ward motioned, seconded by Phil Matthews, to accept and approve the settlement of the tax collector, credits him for taxes collected for the preceding fiscal year, credits him with releases duly allowed by the governing body for the preceding fiscal year, charges him with all collections for the current fiscal year and duly enters the settlement and charge into the minutes. The motion passed unanimously.

Annual Settlement Collection Summary

	Real Estate & Personal Property	Motor Vehicles	Overall Collections
FY 2003/2004	99.47%	89.96%	98.60%
FY 2004/2005	99.51%	89.93%	98.61%
FY 2005/2006	99.49%	89.57%	98.55%
FY 2006/2007	99.56%	88.82%	98.55%
FY 2007/2008	99.46%	88.27%	98.42%
FY 2008/2009	99.07%	91.86%	98.56%
FY 2009/2010	99.16%	91.06%	98.69%
FY 2010/2011	99.43%	89.39%	98.83%
FY 2011/2012	99.69%	90.36%	99.10%

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 as listed. The motion passed unanimously.

1. Report Collections – Wake County Only – June 2012
2. Wake County In-Rem Foreclosure Progress Report – June 2012
3. Consideration of Requests for Adjustments, Rebates, and/or Refunds of Penalties: (Wake County and Town of Cary), (Wake County and Town of Garner), (Wake County and City of Raleigh)
4. Consideration of Refund for Taxes, Interest, and Penalties: (Wake County Only), (Wake County and Town of Cary), (Wake County and Town of Fuquay-Varina), (Wake County and Town of Garner), (Wake County and Town of Knightdale), (Wake County and City of Raleigh), (Wake County and Town of Wake Forest)
5. Consideration of Requests for Tax Relief Exclusions: (Wake County and Town of Apex), (Wake County and Town of Fuquay-Varina), (Wake County and City of Raleigh)

6. Consideration of Requests for Tax Deferment: (Wake County and Town of Wake Forest)
7. Rebate Details: (Wake County and Town of Apex), (Wake County and Town of Cary), (Wake County and Town of Fuquay-Varina), (Wake County and Town of Garner), (Wake County and Town of Holly Springs), (Wake County and Town of Knightdale), (Wake County and Town of Morrisville), (Wake County and City of Raleigh), (Wake County and Town of Rolesville), (Wake County and Town of Wake Forest), (Wake County and Town of Wendell), (Wake County and Town of Zebulon)

Federal Aviation Administration Discretionary Grant Approval for Raleigh-Durham International Airport

Mr. Mike Landguth, Raleigh Durham Airport Director said that he was proud to be the new director at RDU Airport Authority. He moved from Chattanooga, Tennessee to be the director at the RDU Airport.

Commissioner Bryan asked about non-stops flights from RDU and the renovations of Terminal I. Mr. Landguth said the renovations contract is for 2014 for the other part of the airport. The capacity should extend the airport for 15-20 years and future expansion.

Commissioner Ward asked about the restaurants in Terminal 2. Mr. Landguth said that business has extended into the double digits.

Joe Bryan motioned, seconded by Phil Matthews, to authorize the County Manager to execute all documents necessary to accept Federal Aviation Administration Discretionary Grants to be utilized by the Raleigh-Durham Airport Authority at the Raleigh-Durham International Airport, and to authorize the County Attorney or his/her designee to execute all related documents. The motion passed unanimously.

Recognition of Betty Ann Knudsen

Commissioner Ward read aloud comments in recognition of former county commissioner Ms. Betty Ann Knudson who passed away last week.

Commissioner Ward asked that a resolution be placed on the next agenda. Ms. Knudson was a strong advocate who was a proponent for women progressing in work and politics.

Regular Agenda

Appointment of the Wake County Revenue Director

Betty Lou Ward motioned, seconded by Tony Gurley, to appoint Marcus D. Kinrade to a second term as Wake County Revenue Director commencing on August 6, 2012 for a four year term; and further, to administer the oath of office for the Wake County Revenue Director as required by statute and the North Carolina Constitution. The motion passed unanimously.

Chairman Coble administered the oath of office to Marcus D. Kinrade, Wake County Revenue Director. Mr. Kinrade thanked the board for appointing him, his staff and his family that were present.

The commissioners thanked Mr. Kinrade for his outstanding work. Mr. Kinrade noted Ms. Betty Ann Knudson served on the Board of Equalization and Review.

Public Hearing and Consideration of Extension of Utilities and Business Investment Grant Agreement for NetApp, Inc. Data Center and R&D Lab in Research Triangle Park

Mr. Cooke introduced Mark Skiff from NetApp, one of the top employers in the Research Triangle Park and the twelfth largest taxpayers in the county.

NetApp recently completed a site selection process for a new data center and expansion space for additional jobs. On July 23, 2012, NetApp announced that they will build a new data center, add 460 jobs and invest over \$75 million in the Wake County portion of the Research Triangle Park.

Mr. Cooke said the county's policy for the RTP is to provide water, sewer and reclaimed water which is not to exceed \$700,000 for NetApp. The Business Investment grant will be met because NetApp will add 460 jobs over the next four to five years with average salaries and benefits over \$100,000 and invest over \$75 million of capital in the new data center. The grant follows the job creation and payment of property taxes before it is paid out. Mr. Cooke said they expect their investment to be way beyond \$75 million and based on the agreement he expects that to be in the budget by December 2014 so it will be part of the 2016 budget. Mr. Cooke said a public hearing is traditionally held.

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

Betty Lou Ward motioned, seconded by Tony Gurley, to approve funds in an amount not-to-exceed \$700,000 for NetApp, Inc., to construct on-site water, sewer and reclaimed water lines to serve facilities to be constructed in Research Triangle Park following the properly held public hearing; approve the attached Infrastructure Agreement and Business Investment Grant Agreement; and to authorize the Chairman to execute an Infrastructure Agreement and

Business Investment Grant Agreement, subject to final terms and conditions acceptable to the County Attorney. The motion passed unanimously.

Public Comments:

Mr. Douglas Johnston, Raleigh, NC said he was glad to hear that the transit plan is still alive. He said that government is becoming like business and business becoming like government should be a goal. He asked the board to use their competitive advantage. He asked the board to spend money on transit.

Ms. Rachel Godfrey, Durham, NC asked that Wake County stop water fluoridation. She noted the negative health effects of fluoride in the drinking water.

Mr. Eric Billig, Durham, NC opposes water fluoridation for health reasons.

Commissioner Gurley asked the County Attorney to provide the speakers with Wake County ordinances which require water fluoridation. Mr. Warren stated that Wake County did not have any ordinances that require water fluoridation. Chairman Coble said the City of Raleigh provides the water for this area and these speakers should speak to the Raleigh City Council.

Mr. Richard Foy said that he came before the board about services provided by NAMI of Wake County several months ago. Chairman Coble said that they did not have any information on his comments as of yet. Chairman Coble asked the County Manager to get Mr. Foy's phone number and followup on his comments. Mr. Foy said he had asked about the funding of NAMI services.

Ms. Katie Haberman, Raleigh, NC expressed her concerns of water fluoridation.

Mr. Marcus Hill said he opposes the fluoride in drinking water in the major population centers.

Public Hearing, Adoption of Bond Order, and Resolution Calling for a Bond Referendum for \$200 Million of General Obligation Bonds in Support of Wake Technical Community College

Ms. Nicole Kreiser, Debt and Capital Manager, presented the request for Wake Technical Community College bonds. She stated the board adopted a bond order authorizing an aggregate principal amount of not to exceed \$200 million of general obligation bonds in support of capital projects for Wake Technical Community College and scheduled a public hearing for August 6, 2012 at 2:00 p.m. to authorize the G.O. Bonds.

Ms. Kreiser stated the \$200 million of general obligation bonds, in conjunction of \$10.2 million of cash funding, will support 210.2 million of new capital projects for Wake Technical Community College. The request for action included holding a public hearing, adopting the bond order authorizing an amount not to exceed \$200 million general obligation bonds for Wake Technical Community College and to authorize the publishing of the bond order in the News and Observer on August 13, 2012 and September 25, 2012. The Board was also asked to adopt the resolution calling for the bond referendum to be scheduled for November 6, 2012 for the not to exceed \$200 million general obligation bonds for Wake Technical Community College. Ms. Kreiser provided a copy of the ballot and the bond referendum calendar.

. The ballot question will read:

Shall the order adopted on August 6, 2012, authorizing COMMUNITY COLLEGE BONDS of the County of Wake, North Carolina in an amount not to exceed \$200,000,000, for the purpose of providing funds, together with any other available funds, to construct, renovate, expand, improve and equip community college facilities for Wake Technical Community College, including, without limitation, the acquisition of land, easements and rights-of-way in connection therewith, in Wake County, and the authorization of the levy of taxes in an amount sufficient to pay the principal of and the interest on said bonds, be approved?

YES []

NO []

Existing and future revenue in the debt service fund will provide for the payment of the debt service on the bonds; no tax increase is required for the capital costs of Wake Tech's \$210.2 million building program.

This is the last action the Board of Commissioners is requested to take prior to the referendum scheduled for November 6, 2012. As shown in the calendar below, the Board of Commissioners will be asked to declare the results on November 19, 2012 and the results will be published on November 25, 2012.

General Obligation Bond Referendum Calendar

August 6, 2012
Regular Meeting

Board of Commissioners conducts public hearing regarding bond order, adopts bond order; adopts resolution calling for

	referendum.
<u>By: August 9, 2012</u>	Deliver certified copy of resolution calling for referendum to Board of Elections.
<u>August 13, 2012</u>	Publication of final bond order as adopted and first notice of referendum.
<u>September 7, 2012</u>	Absentee ballots available.
<u>September 25, 2012</u>	Publish second notice of referendum.
<u>October 12, 2012</u>	Last day to apply for registration for voting in referendum.
<u>November 6, 2012</u>	Referendum.
<u>Prior to November 19, 2012</u>	Canvassing of referendum returns by Board of Elections.
<u>November 19, 2012</u> Regular Meeting	Declaration of results of referendum by the Board of Commissioners.
<u>November 25, 2012</u>	Publication of statement of results of referendum.

Chairman Coble opened the public hearing. Dr. Stephen Scott, President of Wake Technical Community College, said the bond referendum is about jobs, helping the unemployed and help businesses with hiring more people. There have been 6,000 people on a waiting list for school at Wake Technical

Community College over the last couple of years. Dr. Scott said NetApp, SAS, and medical careers were a part of the training for the jobs in demand. Mr. Joseph Sansome, Director of Merchants and Farmers, said that he served on the Community College State Board. He supported the bonds. Mayor Frank Eagles offered his endorsement of the Wake Technical Community College Bonds and stated having the north campus has helped the Town of Rolesville.

Chairman Coble closed the public hearing.

Ervin Portman motioned, seconded by Phil Matthews, to conduct a public hearing and adopt the attached bond order authorizing \$200 million General Obligation Community College Bonds and authorizes the publication of the bond order; and further, to adopt the attached resolution calling for the bond referendum for Wake Technical Community College to be scheduled for November 6, 2012. The motion passed unanimously.

Commissioner Portman complimented Wake Tech on their job skills and job training skills level.

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 August 6, 2012, with Paul Coble, Chairman, presiding. The following Commissioners were:

PRESENT: Joe Bryan, Tony Gurley, Phil Matthews, Erv Portman, Betty Lou Ward and James West

ABSENT: N/A

ALSO PRESENT: David C. Cooke, County Manager, Scott Warren, County Attorney, Susan J. Banks, Clerk to the Board.

* * * * *

The Chairman announced that this was the hour and day fixed by the Board of Commissioners for a public hearing upon the order entitled "ORDER AUTHORIZING

\$200,000,000 COMMUNITY COLLEGE BONDS” and that the Board of Commissioners would immediately hear anyone who might wish to be heard on the questions of the validity of said order or the advisability of issuing said bonds.

A list of persons appearing to be heard on the questions of the validity of said order or the advisability of issuing said bonds and a summary of their statements and a list of persons that provided a written statement relating to said questions is set forth in Exhibit A attached hereto.

Thereupon, upon motion of Commissioner Ervin Portman, seconded by Commissioner Phillip Matthews, the order introduced and passed on first reading on July 2, 2012 entitled “ORDER AUTHORIZING \$200,000,000 COMMUNITY COLLEGE BONDS” was read a second time and placed upon its final passage. The vote upon the final passage of said order was:

Ayes: : Joe Bryan, Paul Coble, Tony Gurley, Phil Matthews, Erv Portman, Betty Lou Ward and James West

Noes: N/A

The Chairman then announced that the order entitled “ORDER AUTHORIZING \$200,000,000 COMMUNITY COLLEGE BONDS” had been adopted.

The Clerk to the Board of Commissioners was thereupon directed to publish said order, together with the appended statement as required by The Local Government Bond Act, as amended, once in The News and Observer.

Thereupon, Chairman Paul Coble introduced the following resolution the title of which was read and copies of which had been previously distributed to each Commissioner:

RESOLUTION CALLING FOR A BOND REFERENDUM ON THE ORDER AUTHORIZING \$200,000,000 COMMUNITY COLLEGE BONDS

BE IT RESOLVED by the Board of Commissioners for the County of Wake, North Carolina (the "County") as follows:

Section 1. A bond referendum is hereby called to be held between 6:30 a.m. and 7:30 p.m., on Tuesday, November 6, 2012, at which there shall be submitted to the qualified voters of the County the question stated in the form of ballot set forth in Section 4 of this resolution.

Section 2. For said referendum, (a) the registration records for elections in the County shall be used, and the registration records shall be open for the registration of qualified persons and for public inspection in the manner, under the conditions and at the times and places provided by the Wake County Board of Elections, (b) the chief judges, judges and assistants appointed by the Wake County Board of Elections for the several precincts and voting places in the County shall be the precinct officers for such precincts and voting places and (c) the precincts and voting places shall be that fixed by the Wake County Board of Elections, subject to change as provided by law. The Wake County Board of Elections is hereby requested to conduct said referendum in the County and to take all necessary steps to that end in accordance with the provisions of this Section.

Section 3. The Clerk to the Board shall cause a notice of bond referendum to be published in The News and Observer once at least fourteen days before October 12, 2012 (being the 25th day prior to said bond referendum), and once again not less than seven days before said day, such notice to read substantially as follows:

**NOTICE OF BOND REFERENDUM
COUNTY OF WAKE, NORTH CAROLINA**

A bond referendum will be held in the County of Wake, North Carolina on Tuesday, November 6, 2012 regarding the approval of not to exceed \$200,000,000 COMMUNITY COLLEGE BONDS of said County. The proceeds of said bonds would be used for the construction, renovation, expansion, improvement and equipping of community college facilities for Wake Technical Community College, including, without limitation, the acquisition of land, easements and rights-of-way in connection therewith, in Wake County, all as set forth in the bond order adopted by the Board of Commissioners for said County on August 6, 2012. If said bonds are issued, taxes in an amount sufficient to pay the principal and interest thereof may be levied upon all taxable property in the County of Wake, North Carolina.

The referendum will be conducted by the Wake County Board of Elections. The last day for new registration of those not now registered to vote is Friday, October 12, 2012. For further information and questions regarding said referendum, voter registration, procedures for those residents who have changed residences from the date of the last election, voting by absentee ballot, one stop voting and polling places, please contact the Wake County Board of Elections, 337 South Salisbury Street, Raleigh, North Carolina 27601, (919) 856-6240.

The Wake County Board of Elections' website is

<http://www.wakegov.com/elections/default.htm>.

Aida Doss Havel

Chair, Wake County Board of Elections

Susan J. Banks

Clerk to the Board of Commissioners

County of Wake, North Carolina

Section 4. The form of the ballot to be used at said referendum shall be substantially as follows:

OFFICIAL BALLOT

BOND REFERENDUM

COUNTY OF WAKE, NORTH CAROLINA

November 6, 2012

Instructions

- a. To vote IN FAVOR OF THE ORDER, complete the arrow at the right of the word "YES."
- b. To vote AGAINST THE ORDER, complete the arrow at the right of the word "NO."
- c. If you tear or deface or wrongly mark this ballot, return it and get another.
- d. Use only the pen or pencil provided.

Shall the order adopted on August 6, 2012, authorizing COMMUNITY COLLEGE BONDS of the County of Wake, North Carolina in an amount not to exceed \$200,000,000, for the purpose of providing funds, together with any other available funds, to construct, renovate, expand, improve and equip community college facilities for Wake Technical Community College, including, without limitation, the acquisition of land, easements and rights-of-way in connection therewith, in Wake County, and the

authorization of the levy of taxes in an amount sufficient to pay the principal of and the interest on said bonds, be approved?

YES []

NO []

[Facsimile of signature]

Chairman of the Wake County Board of Elections

Note: Language on the ballot should reflect the method of voting used by the Wake County Board of Elections.

Section 5. The Clerk to the Board is hereby directed to mail or deliver a certified copy of this resolution to the Wake County Board of Elections within three days after the adoption hereof.

Section 6. This resolution shall take effect upon its passage.

Thereupon, upon motion of Ervin Portman, seconded by Phillip Matthews, the foregoing resolution entitled "RESOLUTION CALLING A BOND REFERENDUM ON THE ORDER AUTHORIZING \$200,000,000 COMMUNITY COLLEGE BONDS" was passed by the following vote:

Ayes: Joe Bryan, Paul Coble, Tony Gurley, Phil Matthews, Erv Portman, Betty

Lou Ward and James West

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 the Board of Commissioners for said County at a regular meeting held on August 6, 2012, as it relates in any way to the holding of a public hearing, the adoption of a bond order authorizing community college bonds of said County and the calling of a bond referendum upon such order and that said proceedings are recorded in the minutes of said Board of Commissioners.

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

I DO HEREBY FURTHER CERTIFY that I mailed or delivered a certified copy of the resolution adopted on August 6, 2012 entitled "RESOLUTION CALLING FOR A

BOND REFERENDUM ON THE ORDER AUTHORIZING \$200,000,000 COMMUNITY COLLEGE BONDS” to the Wake County Board of Elections on or before the third day following the passage of said resolution.

WITNESS my hand and official seal of said County this 6th day of August, 2012.

Clerk to the Board

[SEAL]

Public Hearing on Rezoning Petition ZP-879-12 to Modify a Condition of a Previously Approved Rezoning Case that Currently Limits Storage Uses on the Subject 16.62-Acre Site to Only 8.5 Acres, and to Clarify the Types of Storage Allowed

Mr. Keith Lankford, Wake County Planner, shared that the request is a rezoning case because the county’s ordinance requires a modification of a previously approved condition. This modification is from a 2006 conditional use rezoning case and should be treated as a new rezoning case. The proposal is to modify a condition of the previously approved rezoning case that currently limits storage uses on the subject 16.62-acre site to only 8.5 acres, and to clarify the types of storage allowed. He said the property was rezoned from R-80 to CU-I-2 in 2006. He said that the permitted uses would be as follows: Mini storage and outdoor storage including: boats, automobiles, trucks, trailers (not mobile homes), campers, RV’s (recreational vehicles), and mobile storage units. He said the main reason for this request to eliminate the 8.5 acre restriction. All other conditions would remain unchanged and will remain valid and in effect.

Mr. Lankford shared the site, zoning map and zoning/ land use history:

- 1973: Zoning was first applied to the SW portion of Wake County
- 1997: Area designated as either a NAC or a CAC
- 2006: Rezoned from R-80 (non-watershed) to CU-I-2 (the current case is to modify one of these conditions) Zoning / Land Use History
- 2007: Southwest Area Land Use Plan adopted and designated this area as a NAC
- 2010: Harris Lake Study was adopted (including an update of the SWALUP via LUPA 03/09)

Harris Lake is not a drinking water lake.

The site is located on the corner between New Hill Holleman Road and Avent-Ferry Road.

Mr. Lankford stated the property is located within Holly Springs' LRUSA and is within a 25.48-acre Neighborhood Activity Center as shown on the SWALUP and meets the county's policies and goals and is consistent with the County's Land Use Plan. He said in 2010 when they did the study there was no indication this area would be changed from the long range to the short range plan.

Mr. Lankford said the Planning Board must provide a statement of consistency to the Board of Commissioners and the Board of Commissioners must adopt a statement describing whether its action is consistent with the Land Use Plan (LUP) or explain why their decision is reasonable and in the public interest. The next steps, if this request is approved, would be for the Planning Board to review an application for a new site plan (i.e.-- a Planned Compliance Permit, PCP).He explained the steps in the Planned Compliance Process including

- Obtaining input from Holly Springs planning staff on the site plan–
- NCDOT will review any required roadway /driveway improvements
- Public participation during the Planning Board PCP review process

Mr. Lankford shared the following Environmental/Transportation findings:

- There are no significant environmental features on the property (they are located offsite)
- Harris Lake is not a water supply watershed•
- Appropriate stormwater and erosion control

Environmental/Transportation standards and the Neuse River basin's protective standards would apply to this site. The recent Jordan Lake rules would affect this site for compliance purposes. • There were no significant traffic issues on these segments of New Hill-Holleman Road and Avent Ferry Road.

Mr. Lankford shared the staff findings that the requested modification is consistent with the NAC designation as shown on the Southwest Area Land Use Plan. Appropriate stormwater and erosion control regulations would provide sufficient protection for Harris Lake and the wildlife habitat thereof. A detailed site plan, or subdivision plan, must be approved by the appropriate Wake County entity prior to future development. • The Town of Holly Springs is opposed to the request to allow more storage on this site because "This use is not in keeping with our Future Land Use Plan for the area. • Wake County has not received any opposition from the surrounding property owners or the general public.

This is two-step process and the validity of the two-step process is being questioned in a case in Mecklenburg County.

Chairman Coble said the Wake County Planning Board had a split vote on this item. He said there were Planning Board members that questioned the compliance with the original PCP not being met and asked for Mr. Lankford's comments.

Mr. Lankford said that there are some features at the site that do not match with the compliance permit such as screening because of beetle infestation. He said the two-step process should be followed on the compliance of the original PCP. He said there is no violation of the conditions that apply to the rezoning. Chairman Coble asked if there was a reason why the conditions of the PCP were not followed as proposed. Mr. Lankford said they are required to come into compliance with the existing PCP or they could ask for a modification through the process of this request. They have tried to work on the compliance by fixing the green mesh on the fence behind the church but there was wind damage as well as loss of vegetation because of beetles that continued to impact their efforts. He said the market indicated a need for more storage. Modifications of the PCP can be requested.

Chairman Coble opened the public hearing.

Mr. David Orringer and Mr. Paul Brewer, co-owners of the property came forward.

Mr. Orringer said that he worked on the green mesh and the wind was blowing on the top of the barbed wire fence which was tearing the mesh. He said they plan to plant some wax Myrtles or something similar in order for them to be in compliance. Commissioner Ward asked if the homes are occupied in the area. Mr. Orringer said there are homes that are across the street and some that back up to their property. There is also a church and a cemetery. Mr. Brewer stated they have a good relationship with the neighbors and they have had no complaints. He said there is a high demand for boat storage. The neighbors like being able to have their boats closer to the water. They are expanding closer to the lake. They have already expanded closer to the church and the house that can see the site.

Mr. Steve Mercer, lives in the Town of Holly Springs about two and a half miles from this site. He stated his support of the proposal. He has two areas with two boats stored there. He said there was no point in limiting use of the acreage. He said it was designed as a boat storage facility. He said people need storage areas for many different things. He said there is plenty of vegetation creating a buffer and there is not a lot of traffic on the site. He supported approval of the request.

Ms. Jeannie Mercer, wife of Steve Mercer, said they live in Blackstone Village which has subdivision covenants that prevent them from having boats on site. They have a pontoon boat and two wave-runners. Their property backs up to the house which they cannot see. This company provides a great service to them. She said there have never been problems or traffic congestion in the area. She said they would like to see it expand because they are interested in getting a covered slot. She said a covered unit would be acceptable to most neighbors.

Mr. David Riley, Town of Holly Springs, supports the Harris Lake Storage. He said when he moved here he needed a place to store his travel trailer. He said they help people store things for small businesses, trailers, recreational vehicles and other pieces of equipment. He said they need an increase in storage units in the area.

Chairman Coble closed the public hearing.

Mr. Lankford gave the Planning Staff Recommendation for approval of the requested zoning map amendment, ZP-879-12 as presented, and finds that the amendment is consistent with the Land Use Plan and otherwise advances the public health, safety, and general welfare, as required by UDO Section 19-21-6 (C).

Mr. Matt Martin, Chairman of the Wake County Planning Board, said the Planning Board voted in favor of the proposal. He said they spent two meetings considering this request because the Planning Board recognized that this was a successful business and wanted to empower the property owners to expand their business. However, they were troubled that the property owners had not been in compliance with the PCP that was negotiated in 2006. The lack of screening and vegetation were a concern. He said they saw photographs showing the property. He said they ultimately decided that the two step process requiring rezoning and then they would have to meet the planning compliance permit requirements or ask for modifications to the PCP due to the difficulties they were having meeting the current requirement. He said there was a little more to this discussion. He said one member was concerned about having 16-acres of a 25-acre neighborhood activity center used for storage. He said they did not know that Holly Springs had opposed the rezoning request. Commissioner West asked if they were aware of the Town of Holly Springs opposition. Mr. Martin stated that either Holly Springs had not responded or commented or if it was in the staff's report, they did not discuss it.

Chairman Coble said that he was concerned about the PCP non-compliance on the first case. He asked whether the second PCP compliance would be a problem and if enforcement of the policy would need to place.

Mr. Warren said the permit can be revoked under the guidelines of the Unified Development Ordinance. Mr. Warren said that he hoped they would stick to

the one PCP is preferable going forward. Chairman Coble asked if this could be approved contingent on the PCP being in compliance. Mr. Warren said he could work with staff to determine one PCP that was enforceable. He said staff is aware that they can pull the permit if needed.

Mr. Warren said if the motion is to approve that he would like to provide a motion for consideration. Mr. Lankford said staff operates on a complaint basis and there have been no complaints about this site. He said once staff was made aware that the site was not in compliance they will make periodic reviews of the site to assure they are meeting the conditions. He said with a new PCP, the original PCP will act as the baseline with the original site conditions, the existing PCP conditions and they can ask to modify the conditions.

Chairman Coble said to the petitioners that the board supports small businesses and their request is consistent with their business. However, he stated the rules that are in place must be complied with and if they do not work then staff should work with the petitioner to determine a remedy for the screen that will work.

Paul Coble motioned, seconded by Tony Gurley, to that the Board finds the rezoning petition ZP-879-12, consistent with the County's Land Use Plan which is a public necessity; further that the staff report, its findings and conclusions be adopted by the Board of Commissioners and that the petition is approved.

Chairman Coble asked Mr. Warren if the motion took into account the question about the PCP compliance. Mr. Warren said that the county's ordinance will take care of the rest of the concerns. He said if there is an appeal to the Planning Board, the appeal would come to the Board of Commissioners. Mr. Warren noted that if there is a complaint, they will move forward with the PCP process if necessary.

Commissioner Portman asked when the Planning Board considered the request. Mr. Martin said that June 6 and June 20th. Commissioner Portman asked if the Planning Board was aware of the Town of Holly Springs not approving the request. Mr. Martin said that they were not aware of the town's disapproval. It was in their materials but they did not discuss it.

Commissioner Portman asked if this was a town of Holly Springs special use permit and if this was a jurisdictional issue. Mr. Lankford said this matter is a Wake County jurisdictional matter. He said the Town of Holly Springs would not be absorbed into the ETJ for 10 years or more, it could be sooner but this is not in their ETJ. Commissioner Portman asked about the impervious surface area and what amount is permitted. Mr. Lankford said Harris Lake could flow south. He said the state has control of this site, which is 30% of impervious surface. He said his estimates were that the surface would not

exceed 12 acres. He explained the stormwater requirements and how this area would be affected. Commissioner Portman asked about when the site would be in compliance.

Mr. Brewer said they plan to plant in September in order to satisfy any complaints about them not being in compliance. He said the community and neighbors really appreciate the site. He said they will do whatever they need to do in order to meet the PCP. Proper screening will be installed.

Commissioner Ward asked about the PCP. Mr. Brewer said they cannot do anything further until they satisfy this requirement. Commissioner West asked about the site plan for expansion of their business. Mr. Warren said the PCP is a "souped up" special use permit that goes before the Planning Board. He said the Board of Commissioners approves the general zoning for the area and then the site specific plan goes before the Planning Board. He said this process is in a minority in North Carolina but it works here. Mr. Warren explained the processes.

Commissioner Bryan said that it is consistent with existing Land Use Plan. There was a majority vote for approval by the Planning Board, support by the Planning Staff and it has been made clear that they are expected to be in compliance so he called the question for a vote on the motion.

The motion that the Board finds the rezoning petition ZP-879-12, consistent with the County's Land Use Plan which is a public necessity; further that the staff report, its findings and conclusions be adopted by the Board of Commissioners and that the petition is approved with a vote of 6 - 1.

AYES: Betty Lou Ward, Tony Gurley, James West, Phil Matthews, Paul Coble, Joe Bryan
NOES: Ervin Portman

ORDINANCE APPROVING A REQUEST (ZP-879-12) TO MODIFY A CONDITION OF A PREVIOUSLY APPROVED CONDITIONAL USE REZONING CASE THAT CURRENTLY LIMITS STORAGE USES ON THE SUBJECT 16.62-ACRE SITE TO ONLY 8.5 ACRES, AND TO CLARIFY THE TYPES OF STORAGE ALLOWED

WHEREAS, the subject property is located at 5333 New Hill-Holleman Road, PIN 0628-70-0189, and is zoned Conditional Use-Industrial-2 (CU-I2);

WHEREAS, the requested proposal is to modify a condition of a previously

approved rezoning case (ZP-854-05, which was approved by the Board of Commissioners on March 20, 2006) and more specifically to remove the condition that limited the amount of land that could be used for storage uses to 8.5 acres, and to clarify the types of storage uses;

WHEREAS, the request to modify the conditions of the previously approved Conditional Use-Industrial-2 rezoning is consistent with the Neighborhood Activity Center designation as shown on the Southwest Area Land Use Plan;

WHEREAS, the traffic volumes and accident reports from the North Carolina Department of Transportation do not indicate any significant traffic issues on these segments of New Hill-Holleman Road and Avent Ferry Road;

WHEREAS, appropriate stormwater and erosion control regulations would apply to the subject property and provide sufficient protection for Harris Lake and the wildlife habitat thereof.

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

WHEREAS, the planning staff has not received any opposition from the neighboring property owners or the general public;

WHEREAS, the planning staff recommends approval of the requested rezoning (i.e.—modification of the previously approved rezoning condition) with the petitioner’s revised conditions as presented;

WHEREAS, on June 20, 2012, the Wake County Planning Board voted 7-1 to recommend that the Board of Commissioners approves the petitioner's proposed modification to the previously approved condition of rezoning case ZP-854-05, as presented, and finds that the request is consistent with the Land Use Plan and otherwise advances the public health, safety, and general welfare; and

WHEREAS, the Wake County Board of Commissioners held a duly-noticed public hearing on August 6, 2012 to consider modifying the previously approved condition of ZP-854-05.

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

SECTION I

The proposed rezoning, with the petitioner's proposed modifications to the previously approved condition of rezoning case ZP-854-05, is found to be consistent with the Land Use Plan and otherwise promotes the public health, safety and general welfare, therefore, the Wake County Zoning Map is hereby amended to modify the conditions that apply to the property described above, which is zoned Conditional Use-Industrial 2 (CU-I2).

SECTION II

In making this petition, the owner freely offers the following modifications to the previously approved rezoning condition of case ZP-854-05, which was approved by the Board of Commissioners on March 20, 2006:

1. Permitted Uses:

(A) Mini-storage and outdoor storage, including: boats, automobiles, trucks, trailers [not mobile homes], campers, RVs [recreational vehicles], mobile storage units.

All other conditions (i.e.—1 (B), 2, 3 and 4) of the previously approved rezoning case, ZP-854-05, are unchanged and will remain valid and in effect.

SECTION III

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

Commissioner Paul Coble made a motion that the above ordinance be adopted. Commissioner Tony Gurley seconded the motion, and upon vote, the motion carried this 6th day of August 2012.

This Instrument Approved as to Form

Wake County Attorney

Date

Accept and Appropriate \$138,872 of State Funds from the North Carolina Department of Health and Human Services and Establish 2.0 FTEs for the Ryan White Program and Transfer 1.0 FTE from the General Fund to the Grants and Donations Fund

Ms. Karen Best presented the request to accept the Ryan White funds to help stop the growth of HIV infection in Wake County. Wake, Franklin and Johnston counties have been merged to meet the criteria for an emerging community. The funds will help patients with access to primary care, managing their health and psychosocial needs.

Betty Lou Ward motioned, seconded by Phil Matthews, to accept and appropriate to the General Fund \$138,872 in additional revenues and expenditures from the North Carolina Department of Health and Human Services Emerging Communities Fund Program and establish 1.0 FTE Social Worker and 1.0 FTE Human Services Technician; and further, to transfer 1.0 FTE from the General Fund to the Grants and Donations Fund to align with existing resources. The motion passed unanimously.

Approval of Terms of Lease to Wake County Public School System for the County-Owned A.A. Thompson Building - Second Reading

Mr. Mark Edmondson, Facilities Design and Construction, presented the second reading of the request by the Wake County Public School System to

lease the A.A. Thompson Facility on Hargett Street for the potential housing of the Wake Young Men's Leadership Academy. He said the County Attorney has been working with the School Board's Attorney on the terms of the lease agreement and stated they were ready to move forward.

Joe Bryan motioned, seconded by Phil Matthews, to authorize the County Manager, upon a second reading of this item, to execute the lease amendment on the county-owned A.A. Thompson Building on behalf of Wake County, subject to terms and conditions acceptable to the County Attorney. The motion passed unanimously.

Amend Interim Funding Agreements for Holly Hill Hospital and Alliance Behavioral Healthcare

Mr. Joe Durham, Deputy County Manager, presented the request to grant a forty-five day extension on the interim funding agreement with Alliance Behavioral Health for the management of services to be provided by Holly Hill Hospital. The 45-day interim agreement provides \$918,750 in Wake County funds to alliance for the management and payment of services provided by Holly Hill. All parties will continue to negotiate towards the updated long term agreement but it will not be completed by the expiration of the interim agreement. The Board is requested to amend the interim agreement for an additional 45 days with funding of \$918,750 which is equal to a 45 day share of the annual funding allocation for the purchase of inpatient beds at Holly Hill Hospital. Wake County's funding commitment for services provided by Holly Hill in FY2013 is \$7,350,000.

James West motioned, seconded by Tony Gurley, to approve a \$918,750 amendment to the Interim Funding Agreement with Alliance Behavioral Healthcare for the management of services to be provided by Holly Hill Hospital, subject to the terms and conditions of the County Attorney. The motion passed unanimously.

Appoint Commissioner Joe Bryan as the Voting Delegate for the 2012 Annual Conference of the North Carolina Association of County Commissioners

Chairman Coble nominated Commissioner Joe Bryan as the voting delegate to represent the Board of Commissioners at the business meeting of the North Carolina Association of County Commissioners. There was no objection to the nomination.

Commissioner Bryan thanked Ms. Susan Banks, Clerk to the Board, for all her work. All seven commissioners will be participating in the conference. Commissioner Ward echoed Commissioner Bryan's comments. Chairman

Coble asked board members to contact Ms. Banks about tickets and commissioner's participation on specific events.

Appointments

Wake County Adult Care Home Community Advisory Committee

Chairman Coble nominated the following members: Ms. Pam Akpuda, Ms. Tamika Gibbs, Mr. David Martin, and Ms. Keisha Rodwell for Adult Care Home Community Advisory Committee.

Wake County Human Services Board

Chairman Coble nominated Dr. Sharon Foster for reappointment to the Wake County Human Services Board with a term that runs from November 15, 2011 to November 14, 2015.

Wendell Board of Adjustment

Chairman Coble nominated Mr. Mike Harrison for appointment to the Town of Wendell Board of Adjustment.

Betty Lou Ward motioned, seconded by Tony Gurley, to accept all nominations by acclamation.

The motion passed unanimously.

Upcoming Vacancies

Ms. Banks stated the current or upcoming vacancies on boards/committees:

Wake County Adult Care Home Community Advisory Committee: 9 Vacancies
Wake County Nursing Home Community Advisory Committee: 14 Vacancies
Juvenile Crime Prevention Council: 1 Vacancy (Person Under 18) and
1 Vacancy (Business Representative)
United Arts Grants Panels: 2 Vacancies (District 2, District 6)

Other Items

Closed Session

Chairman Coble asked if there was a need for a closed session. The County Attorney for Mr. Scott Warren cited G.S. 143-318.11a(4) to discuss matters related to location or expansion of industries or other businesses in the area served by Wake County including agreement on a list of economic development incentives that may be offered by Wake County in negotiations.

Tony Gurley motioned, seconded by Paul Coble, to go into closed session pursuant to G.S. 143-318.11a (4) as stated by County Attorney Scott Warren. The motion passed unanimously.

Chairman Coble called the meeting back to order following the closed session.

Adjourn

Tony Gurley motioned, seconded by Betty Lou Ward, to adjourn the meeting at 5:25 p.m. The motion passed unanimously.

Respectfully submitted,

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