

WAKE COUNTY BOARD OF COMMISSIONERS

Regular Meeting

August 1, 2011

2:00 P.M.

Room 700, Wake County Courthouse

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

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

Meeting Called to Order: Chairman Paul Coble

Pledge of Allegiance

Invocation: Commissioner Joe Bryan

Items of Business

Approval of Agenda

Betty Lou Ward motioned, seconded by Tony Gurley, to approve the agenda with the addition of a Proclamation honoring Margaret Rose Murray on her 80th birthday. The motion passed unanimously.

Approval of the Minutes of the Commissioners' Regular Meeting of July 5th and Work Session of July 11th

Phil Matthews motioned, seconded by Joe Bryan, to approve the minutes of the Commissioners' Regular Meeting of July 5th and Work Session of July 11th. The motion passed unanimously.

Retiree Recognition

Mr. David Cooke, County Manager, presented the retiree recognition and appreciation plaques to Cynthia Wilcox, Deputy Register of Deeds and Mr. David M. Rohrbach, Sheriff's Department.

Recognition of Awards Given to Wake County by the National Association of Counties (NACo)

Mr. Cooke informed the board that Wake County was the recipient of six national awards at the National Association of Counties Annual Conference. Five awards were presented by the National Association of County Information Officers (NACIO) and one award by the National Association of Counties.

The awards were as follows:

1. National Association of Counties 2011 Achievement Award: Middle Class Express
2. National Association of County Information Officers Award of Excellence: Wake County Event Management System
3. National Association of County Information Officers Award of Excellence: Wake County Live (Radio Series)
4. National Association of County Information Officers Award of Excellence: 2010 Wake County Annual Report
5. National Association of County Information Officers Award of Excellence: Emergency Communications Strategic Plan
6. National Association of County Information Officers Award of Excellence: Social Media Account Process

Mr. Cooke stated that the Middle Class Express Program in Human Services won the National Association of Counties award. He stated the Middle Class Express is an innovative program that was implemented in August 2008 as a pilot project of the Human Capitol Development program. Using life coaching as a strategy, participants develop life plans aimed at upper socioeconomic mobility. Dozens of volunteers enlisted in the program and it now provides staff development opportunities. The program is fully operational and has enrolled more than 100 participants. Mr. Cooke recognized the following individuals who have worked on the Middle Class Express as follows: Dr. Ramon Rojano, Katherine Williams, Vielka Gabriel, Thomas Ray, Emi Wyble, Jenny McEntire, Martha Crowley, Regina Petteway, Darryl Blevins, Karen Morant, Ann Godwin and Wake County Public Affairs staff.

Dr. Rojano thanked the commissioners and the manager for their support.

Mr. Cooke recognized staff who participated in the projects which won NACIO. Congratulations were offered for the following awards:

1. 2010 Wake County Annual Report - Marshall Parrish, Wil Glenn, Eric Curry, Sarah Williamson, Jennifer Bonchak from Public Affairs and Chris Smith for graphics provided.
2. Social Media Account Process - Facebook, Youtube, twitter, blog, and other tools. Additional staff on the project included Steve Walston, Lib Wanner, Dan Edwards, Janny Flynn.

3. Emergency Communications Strategic Plan - worked with Emergency Management while partnering with municipalities within the county, schools, and other public agencies on use of Ready Wake, Twitter, and other tools. Mr. Josh Creighton, Emergency Management Manager worked with Public Affairs on project.

4. Wake County Live Radio Series - NACIO award - County Manager, Commissioners and high level staff are available to stream live online radio show, using the Shaw University radio station. Public Affairs staff coordinates the radio show.

5. Wake County Event Management System - Time management program for coordination of ceremonies, events with timelines, budgets, desired outcomes created by Public Affairs staff.

Commissioners Ward and Bryan received the awards for the staff at the NACO Annual Conference. Commissioner Ward told staff that their comrades around the country were very interested in all these awards. Chairman Coble congratulated Ms. Parrish and her department on a job well done.

Chairman Coble spoke of Commissioner Ward's role as a Past President of NACO and announced that Commissioner Joe Bryan is the newest member of the South Regional Board of Directors for NACO.

Proclamation for Margaret Rose Murray

Commissioner James West read the proclamation honoring Mrs. Margaret Rose Murray on her 80th birthday celebration.

Betty Lou Ward motioned, seconded by Phil Matthews, to adopt the Proclamation declaring August 6, 2011 as Margaret Rose Murray Day.

The motion passed unanimously.

WAKE COUNTY BOARD OF COMMISSIONERS Proclamation

WHEREAS, Margaret Rose Murray personifies the meaning of giving and sustaining hope and enlightenment to our community and generations yet to come, and

WHEREAS, Mrs. Murray’s timeless efforts have made an indelible mark in fostering educational excellence and improving the human condition for more than 50 years in our community; and

WHEREAS, Mrs. Murray often said “There is an art to living, the foremost part is giving.” and,

WHEREAS, Mrs. Murray deports herself with dignity and class in bringing strong positive messages about African American History and Culture through mediums such as WLLE Radio and WSHA Radio (Traces of Faces and Places); and,

WHEREAS, Mrs. Murray and her now late husband, Kenneth Murray Muhammad, founded Vital Link at Cross Link, a private school for preschoolers through eighth-graders that stresses African-American history, and the achievements and contributions of African-Americans; and,

WHEREAS, Vital Link has educated a countless number of children throughout the Triangle region since it was opened in 1964, with many more expected to follow; and,

WHEREAS, Mrs. Murray is a highly respected and a deeply loved figure in Raleigh and Wake County because of her unselfish devotion and compassion to community services, and as such is the guest of honor at her appreciation dinner and 80th birthday celebration on Saturday, August 6, 2011 at the Raleigh Convention Center.

NOW, THEREFORE, the Wake County Board of Commissioners hereby proclaims August 6, 2011 as

MARGARET ROSE MURRAY DAY

in Wake County and encourages the more than 900,000 citizens in our community to acknowledge her many accomplishments and contributions that will benefit Wake County for years to come.

ADOPTED this 1st day of August, 2011.

Consent Agenda

Joe Bryan motioned, seconded by Tony Gurley, to approve the items on the Consent Agenda. The motion passed unanimously.

Wake County Juvenile Crime Prevention Council Annual Plan and Certification for FY 2011-12.

Joe Bryan motioned, seconded by Tony Gurley, to adopt the Wake County Juvenile Crime Prevention Council Annual Plan for FY 2011-12 and affix signatures on appropriate forms. The motion passed unanimously.

Assignment of Affordable Housing Development Loans to Ownership Entities

Joe Bryan motioned, seconded by Tony Gurley, to approve the assignment of affordable housing development loans from the developer to the ownership entities for the following previously approved loans:

1. Mingo Creek
2. Highland Terrace Apartments
3. Meadowcreek Commons Apartments
4. Water Garden Village Apartments
5. Laurel Crossing Apartments
6. Poyner Spring Apartments
7. Water Garden Park Apartments

subject to terms and conditions acceptable to the County Attorney. The motion passed unanimously.

EMS Department Utilization Agreement With Bay Leaf Fire Department

Joe Bryan motioned, seconded by Tony Gurley, to authorize the County Manager to execute a multi-year contract with Bay Leaf Fire Department for the utilization of space in and about Bay Leaf Fire stations to facilitate the provision of emergency medical services. The motion passed unanimously.

Award Construction Contract for Exterior Restoration of the Wake County Courthouse & Wake County Office Building

Joe Bryan motioned, seconded by Tony Gurley, to award a Construction Contract for exterior restoration of the Wake County Courthouse & Wake County Office Building in the amount of \$753,200 to Baker Roofing, Inc. of Raleigh, North Carolina. The motion passed unanimously.

Town of Wendell Extraterritorial Jurisdiction (ETJ) Expansion Request

Joe Bryan motioned, seconded by Tony Gurley, to adopt the attached resolution granting ETJ extension for the Town of Wendell. The motion passed unanimously.

**RESOLUTION EXPANDING THE EXTRATERRITORIAL JURISDICTION (ETJ)
OF THE TOWN OF WENDELL**

WHEREAS, the Town of Wendell Board of Commissioners adopted a Resolution on December 13, 2011, requesting County approval to expand its ETJ to include land located west and northwest of Town between its core planning jurisdiction and the Wendell Falls satellite community, consisting of approximately 3,958 acres;

WHEREAS, the Town of Wendell and Wake County have planned jointly and cooperatively for the area therein to be added to Wendell’s ETJ;

WHEREAS, the ETJ request is within Wendell’s Short Range Urban Services Area as designated on the Wake County Land Use Plan General Classifications Map, and

WHEREAS, the Town of Wendell requested that the State Legislature grant the Town permission to request expansion of its ETJ more than one mile beyond its corporate limits;

WHEREAS, the County Board of Commissioners acknowledged Wendell’s ETJ request for legislative approval and supported the proposal as part of its 2008 Legislative packet;

WHEREAS, on July 9, 2009 the State Legislature approved the Town’s request (House Bill 743);

WHEREAS, the Town of Wendell has demonstrated a commitment to comprehensive planning through its adopted plans and policies, and is capable of urban density development;

WHEREAS, the Wake County Planning Board recommended on June 1, 2011, by a vote of 10-0 that the Board of Commissioner’s deny Wendell’s ETJ expansion request;

WHEREAS, the Wake County Board of Commissioners considered amending the Town of Wendell’s ETJ expansion request to only include 2,179 acres as shown on map titled, “Town of Wendell ETJ Extension Area (amended 6-29-11)” instead of 3,958 acres;

WHEREAS, the Board of Commissioners finds that the Town of Wendell’s amended ETJ expansion request area as shown on Map Titled: “Town of Wendell ETJ Extension Area (amended 6-29-11)”, complies with State Statutes

and the Wake County ETJ criteria as enumerated in Chapter IV of the Wake County Land Use Plan; and

WHEREAS, the Board of Commissioners held a duly-noticed public hearing to consider granting the ETJ expansion request;

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

SECTION I

The Town of Wendell ETJ expansion request consisting of 2,179 acres, which lies within the Short Range Urban Services Area is found to be in conformance with Wake County's ETJ Criteria and State Statutes, and is hereby granted to the Town of Wendell as shown on Map titled: **“Town of Wendell ETJ Extension Area (amended 6-29-11)”**.

SECTION II

The granting of the ETJ shall become effective upon adoption of this resolution.

Commissioner Joe Bryan made a motion that the above resolution be adopted.

Commissioner Tony Gurley seconded the motion, and upon vote, the motion carried this 1st day of August, 2011.

Approval of a Multi-Year Agreement for Disaster Debris Removal and Clearing Services

Joe Bryan motioned, seconded by Tony Gurley, to authorize the County Manager to enter into a three-year contract, with the option for two one-year extensions, with Phillips & Jordan, Inc., as a primary provider and Crowder-Gulf, Inc. as the secondary provider, subject to terms and conditions acceptable to the County Attorney. The motion passed unanimously.

Approval of a Multi-Year Agreement for Disaster Debris Monitoring Services

Joe Bryan motioned, seconded by Tony Gurley, to authorize the County Manager to enter into a three-year contract, with the option for two one-year extensions, with Atkins North America, Inc. as the primary provider and SAIC, BDR Division, as the secondary provider, subject to terms and conditions acceptable to the County Attorney. The motion passed unanimously.

Approval of a Multi-year Agreement for Electronic Payment Processing

Joe Bryan motioned, seconded by Tony Gurley, to authorize staff to complete negotiations and enter into a multi-year contract with Official Payments Corporation for processing electronic payments. The motion passed unanimously.

Travelers' Aid Grant for Homeless Individuals and Families

Joe Bryan motioned, seconded by Tony Gurley, to, authorize the Chairman to sign a grant agreement with the North Carolina Department of Transportation for the Travelers' Aid Program; adopt a resolution authorizing Wake County participation in the Travelers' Aid Program; and, increase the appropriation to account for additional revenue from the State. The motion passed unanimously.

RESOLUTION
AUTHORIZING WAKE COUNTY
TO ENTER INTO AN AGREEMENT WITH
THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

A motion was made by Joe Bryan and seconded by Tony Gurley for Adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, Wake County has requested the North Carolina Department of Transportation to assist in the funding of The Traveler's Aid Grant; and

WHEREAS, Wake County will provide 50% of the cost of the above described project;

NOW THEREFORE, BE IT RESOLVED that the Chairman of the Wake County Board of Commissioners is hereby authorized to enter into a contract with the Department of Transportation and execute all agreements and contracts with the North Carolina Department of Transportation, Public Transportation Division.

JobBoost Subsidized Employment Program

Joe Bryan motioned, seconded by Tony Gurley, to accept and appropriate funding of \$297,000 for JobBoost Subsidized Employment Phase II Program.

The motion passed unanimously.

Increase Fleet Fund Appropriation for Vehicle Acquisitions Budgeted in the General Fund

Joe Bryan motioned, seconded by Tony Gurley, to approve an increase in the Fleet Fund appropriation of \$529,306 budgeted in the General Fund for vehicle acquisitions associated with new FTEs for CCBI, Sheriff and GSA. The motion passed unanimously.

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

Joe Bryan motioned, seconded by Tony Gurley, to accept the Tax Committee Recommendations for Value Adjustments, Late Filed Applications, Collections Refunds and Tax Collections. The motion passed unanimously.

1. Report Collections – Wake County Only – June 2011
2. Wake County In-Rem Foreclosure Progress Report – June 2011
3. Value Adjustments and Special Situations – (Wake County and Town of Cary), (Wake County and Town of Morrisville), (Wake County and City of Raleigh)
4. Consideration of Requests for Adjustments, Rebates and/or Refunds of Penalties: (Wake County and Town of Garner), (Wake County and Town of Knightdale), (Wake County and City of Raleigh)
5. Consideration of Requests for Tax Relief Exclusions: (Wake County and Town of Cary), (Wake County and Town of Garner), (Wake County and Town of Holly Springs), (Wake County and City of Raleigh), (Wake County and Town of Wake Forest), (Wake County and Town of Wendell)
6. Consideration of Requests for Exemptions: (Wake County and City of Raleigh)
7. Consideration of Refund of Taxes, Interest, and Penalties: (Wake County Only), (Wake County and Town of Cary), (Wake County and City of Raleigh), (Wake County and Town of Zebulon)
8. 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 a Text Amendment to Eliminate From the Unified Development Ordinance (UDO) the Requirement for Recreation Land Area Contributions Related to Residential Development as Defined in Article 8-38 of the Unified Development Ordinance

Mr. Tim Maloney, Community Services Department, stated that the board established a goal in January to evaluate fees and/or practices to encourage business investment/re-investment in the community. Staff implemented a process to evaluate fees and regulations and solicited feedback from stakeholders, attorneys, Planning Board, surveyors, developers and the results identified several areas in development regulations including the Recreation Land Area Contributions Ordinance. The ordinance was established in 2002 which required a dedication of land (1/35 acre per lot) or payment in lieu of dedication. The payments received by the County could only be used to acquire land within the immediate area (3 mile radius) of the subdivision it was collected (NCGS 153A-331). To date, only nine (9) parcels totaling 154 acres has been dedicated and payment of fee in lieu totaling \$1,767,779 has been received. Of those funds only \$42,633 has been used to acquire land for Lake Myra Park. The balance of the funds is \$1,725,146 which has to be used on open or green space.

Mr. Maloney shared a density map which reflected where the county has been impacted by this ordinance. He then shared the following comments about why staff believes the ordinance should be repealed as follows:

1. The Ordinance is not serving original intent of acquiring open space.
2. The Open Space program is a more effective approach for protecting open space.
3. The County has been committed to funding park land acquisition and facility upgrades through general fund appropriations.
4. The county has been committee to partnering with municipalities through the Community Use of Schools program.
5. Elimination of the ordinance will provide immediate financial relief to the residential development community.
6. Elimination of the ordinance does not compromise the County's policies, goals and objectives for acquiring park land and protecting open space.

Mr. Maloney said the County remains focused on its policies, goals and objectives in providing large natural resource based park facilities and recreation opportunities, preserving open space, generating an interconnected system of green spaces, supporting a clean water supply, and promoting biologically diverse landscapes.

The following sections in the UDO were proposed for amendment:

- **Section 8-38** – Delete this section in its entirety
- **Section 5-12-4 (B) (3)** – Delete this paragraph in its entirety (reference to Section 8-38)
- **Section 8-33-2 (C) (3)** – Delete this paragraph in its entirety (reference to Section 8-38)
- **Section 8-33-3 (C) (4)** – Delete this paragraph in its entirety (reference to Section 8-38)
- **Section 8-33-4 (C) (4)** – Delete this paragraph in its entirety (reference to Section 8-38)

Commissioner West asked if there was a cost for maintaining the land received. Mr. Maloney said 154 acres and 9 parcels have been received and there has been no direct cost to the county and the land was not being used. Commissioner West asked about the open space bond referendum. Mr. Maloney said strategies to continue the program include the open space bond referendum, community in schools program, and through general fund CIP allocations. Dr. West asked about use of an index or economic indicators tied to development so when they are up they pay more. Mr. Maloney said the ordinance was based on tax value of the property.

Chairman Coble opened the public hearing.

Mr. Sig Hutchinson, Open Space and Parks Advisory Committee chair, spoke of appreciation of the Board's support of the county's open space program. He stated that the \$96 million in open space bonds which leveraged \$140 million for preservation of over 4,000 acres of open space with 1,000 of those acres in the Marks Creek area. Mr. Hutchinson stated the Neuse River Greenway will be completed in its entirety within the next eighteen months. The greenway will connect to Clayton, Knightdale, Wake Forest, Rolesville, Raleigh and the rest of the region. Mr. Hutchinson said he supports the Recreation Land Area Contribution Ordinance (RLDO) and noted that six of the surrounding counties have some form of the RLDO and twelve of the municipalities. He said the distinction is that open space bonds are to be spent for water quality but recreation is a more narrow term. He stated that citizens prefer passive recreation opportunities such as biking trails and walking trails. Open space funds are limited on how they may be used and are designed for large open spaces. The County Parks System is very effective for the citizens but the county does not get involved in active recreation such as ball fields. There are issues with the \$1.7 million on what it may be spent on because legislation specifies the funds must be spent in the immediate area. They are asking for more flexibility in use of the funds so they can be spent in an area that is beyond the three mile area. He said they could look for municipal partnerships where recreation funds could be used but open space funds would not be appropriate.

He said recreation in an area enhances the housing making it more valuable. He asked that the board keep the ordinance in place; empower the OSAPAC to work with staff over the next two years to leverage the use of these funds and report back to the board; and if needed, suspend the collection of these funds during that time, but to keep the ordinance in place.

Ms. Katherine Viceroy, represented WakeUp Wake County and they support the RDLO. She said they understand the frustration about the land and funds use but supports the modification of the ordinance as recommended by OSAPAC. She spoke to a better quality of life, better health, foster community, environmental impacts, 32% higher property values near parks. She said tax burdens for the open space should be shared by newcomers as well as residents. The modification gives an opportunity to create more parks but elimination of the ordinance stops these projects. She is a mother who believes parks foster community and gives her a place outside to enjoy time with her son.

Mr. Tim Minton, Executive Vice President of Homebuilders Association of Raleigh/Wake County, stated the group represents \$4 billion in Wake County and last year built \$730 million in Wake County. This is an opportunity to help the development community get back on its feet. This repeal represents one of the goals set by the Board of Commissioners in looking at regulations. He commended the Board in its action of having already spent over \$90 million on open space. He supported requesting changes in how the open space bond funds could be used. Some surrounding counties have this ordinance and have recognized the need for flexibility in the use of the funds. Harnett County has approached the Legislature for changes in the law. He said on behalf of the 2,247 members in the Homebuilders Association, he asked for support of repeal of the ordinance. He recognized 15-20 people in the audience there in support of the Homebuilders Association.

Mr. John Scott, Triangle Land Conservancy and Wake County resident, thanked the board for ongoing commitment for local conservation and to not repeal the RDLO. He spoke to the local projects in conservation, protection of natural resources and outdoor recreation opportunities. He said Wake County is the leader in open space protection. The RDLO provides a way to protect the trails, parks and greenways. He said the \$1.7 million could help with combined resources to protect open space land. The RDLO ties open space protection to new development in the county. If the ordinance is repealed, Wake County would be the only county in Triangle Land Conservancy 6 that does not have a similar ordinance. All the municipalities in the county have an ordinance. Property values are \$4200 higher if located within 1,500 feet of declared open space. This represents a 2% difference and \$42 annually in property taxes. Other studies in the country have shown other economic benefits including property values, health benefits, and environmental services. Open space invested in through the ordinance is an investment in sustainability and economic vitality for the county. OSAPAC studied the

ordinance to see how to make it more effective and usable. There is a need to expand the use of the funds. The distance requirement of using the funds within three miles of where it was collected limits the use of the funds. The Triangle Land Conservancy supports the OSAPAC recommendation and further expansion of use of the funds through the ordinance. Clean Water Management Trust Funds and Open Space and Parks Funds from the State could be used to offset these funds. He spoke of how the City of Raleigh recently added a one cent per hundred gallons of water used fee to be added to the residents' monthly water bill to be used to acquire land around streams for the watershed. The City anticipates generating \$1.5 to \$1.8 million per year which could be used in conjunction with these funds to purchase land for recreation. He said the RDLO can be an effective tool for protecting open space and acquiring land for recreation in the county.

Mr. John Miller served eight years on the Wake County Planning Board and chaired the Planning Board during the writing of the Unified Development Ordinance in 2006. This was on calendar in 2006 but looked at how to use the funds. He said he supports the repeal of the ordinance because it will take a change in the state law for use of the funds. He said the ordinance was a great idea but at the wrong time. He said to take the money and use it as best needed.

Public hearing was closed.

Mr. Maloney reported the Planning staff recommendation was for repeal of the ordinance.

Mr. Loftee Smith, Planning Board Chairman, reported the Planning Board voted 7 to 2 to repeal the RLDO.

Commissioner Ward recognized all the volunteers present that have helped the county with open space issues.

Commissioner West spoke of weighing both sides of this matter and this could be an interim approach but they still need to look at ways to stimulate the economy. He said the Board decided in January to look at ways to stimulate the economy and has to be willing to take some risks. He spoke of meeting basic needs, Maslow's Hierarchy of Needs, and there are ways to continue to achieve the goals in this area. This is a symbolic move the board needs to support.

Chairman Coble agreed with Commissioner West stating that the board stands on its record with commitment to open space but only nine parcels in 10 years was a weak record for these funds. The ordinance is ineffective and does not make sense.

Paul Coble motioned, seconded by Phil Matthews, that having held the required public hearing, to approve the proposed text amendment to eliminate from the Unified Development Ordinance (UDO) the requirement for Recreation Land Area Contributions.

Commissioner Gurley said when he and Joe Bryan came on the board and he looked at the open space program and was not impressed. In 2002 and 2003, the open space program was supported by an allotment of \$1.0 million a year from the general funds. He said he was unaware of the RDLO because it was contributing so little to the open space program it was not discussed. He was only aware of the \$1.0 million from the general fund set aside for open space. He said what the county needed to do would require more than \$1.0 million per year. In 2003 or 2004, this board decided to go to the public to see if they were supportive of doing an open space program that would have an impact and that all the citizens would benefit. He said that is what the board did, and he would compare it to any open space program in the country. The open space is accessible and protects water quality. The Open Space program replaced the \$1.0 million from the General Fund and should have replaced the funds generated from the RDLO. This program today has not contributed to the open space program and eliminating it would not hurt this program.

Commissioner Portman believed elimination of the RDLO is a mistake. He said he understood the benefits of the open space program and the bonds but in this year's budget, the county was unable to fund the debt service for the open bonds. He asked Mr. Cooke for clarification. Mr. Cooke stated that \$10 million in bonds were sold that were scheduled for open space, for the Neuse River Corridor, and the other bonds will be sold over the next several years.

Commissioner Portman said the bond has to be paid for by the taxpayers. The county is constrained in this economy to tax for the debt service to those bonds. He said the bigger issue is that Wake is one of fastest growing counties in the nation, and with growth comes responsibility to have open space and recreation. What has been done to date in Wake County is commendable but this is not a open space ordinance that is being repealed but a Recreational Land Dedication Ordinance which comes through a cooperation with its municipalities with similar ordinances. He asked how repealing the ordinance in the county but maintaining similar ordinances in the municipalities helps the county. He did not believe it was good stewardship and not the right incentive. Wake County is beautiful and citizens expect us to ask how it will make county better and protect what has been inherited. As new member of this board, he is a steward, and he should vote on items that will make the county stay as is or get better. He said he was endorsed by home builders and the Sierra Club and is open to anything that can be done such as development fees. He said this weak ineffective ordinance has dedicated 154 acres over the last ten years, with a value of \$11.0 million that has been set aside for public use and recreation. In addition, it has generated over \$1.7 million in funds set

aside for public use in recreation for a total of \$13 million. He said the 2002 deal was a good deal for the county and as the county continues to grow some land should be set aside for the future and at a fair cost. Repealing this ordinance creates an unfair advantage to develop in the county and not in the town because the 1/35th of an acre would not be set aside in the county. He said he would not support the repeal of RDLO because it would not serve the community and would not be good public policy. He said he would support finding help such as a \$2100 rebate on every new home built on fees. He said the \$2100 is paid but the open space land is preserved forever. It will help homebuilders and industry in Wake County. He noted that Wake County has won awards in the past on greenway systems. The RDLO is the only ordinance that supports greenway in the county. He shared an example of a new development on Holly Springs Road and Penny Road where there was no dedication for the greenway and sub-optimized. This ordinance is a good thing, maybe could be done better, but now is not the time to do away with it and he would not support the repeal of the RDLO.

Commissioner Matthews said he traveled around to people in community who expressed the tough economic times. He said this is another tax burden. If people don't have jobs, they can't pay their taxes. This is bad timing to keep taxing people. He said construction workers are out of jobs but people would pay tax on tax when purchasing house with this plan.

Commissioner Bryan said this is a classic debate of values between economic development and open space. He said people are unemployed and underemployed. Job creation is not occurring and the Board set goals to evaluate requirements and look to encourage investments. He noted that in 2001-2002 the homebuilding industry carried the county. He spoke of the difference of 11,000 homes being built has gone down to 3,000 homes being built. This has been an ineffective ordinance. For economic development, this board is going to do something to help the economy. He spoke of the work of the OSAPAC and their work on the Greenway which is phenomenal. He said the open space bonds won by 70% showing a broad base of support by the public for protecting water quality. He said he would support repeal of the ordinance.

Commissioner Ward was on board and voted for this ordinance. It may not be perfect but the county's open space program has been an exemplary program. She said the county should keep this ordinance until something better is developed. She agreed that the building industry has carried this county during times but she did not feel right about this proposed change. Many people have worked hard to make this work. She spoke in opposition to the motion.

The motion was approved with a vote of 5 - 2.

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

Public Comments:

Miss Rachel Hopkins, 13 year old Girl Scout, introduced those with her and brought packets for the board. She thanked the board, especially Commissioners Ward and Bryan for allowing her to present her item. Frogs are a decreasing population and are important economically by eating dead crops. Frogs help keep waterways clean and healthy, make an appetizing meal, ecologically. They are connected to their environment by their skin and are the first to feel changes in the environment. A decrease in frog population means something is wrong with environment. Frogs are important in medical research especially with their permeable skin. She stated that 10% of the Nobel Peace Prize involved experiments that used frogs. One frog's skin secretes a painkiller and it is not addictive. There is a 30% decrease in frog population. She said 13% of the frogs in North Carolina are endangered. She proposed a Save the Frogs Day as the last Saturday in April.

Chairman Coble suggested this be sent to Tommy Esqueda for review. Commissioner Bryan suggested a letter be sent from the County Manager to the Governor for support of her request. Chairman Coble thanked Miss Hopkins for coming to the board meeting and sharing her information.

Commissioner West stated Miss Hopkins has the potential to be a great future leader. Commissioner Ward brought attention to the large sign Miss Hopkins had brought for display. Miss Hopkins said she had the sign at the Amphibians Day at the NC Museum of Natural Science and supporters of Save the Frogs Day initialed the signed. Commissioner Ward noted that she is 13 years old and will become a great leader. Commissioner Matthews said it was encouraging to see young people step up for their beliefs.

Mr. Kent Goddard said this county is a successful county and government because of the help it gives to people like the mentally ill. He spoke to Commissioners Gurley and Coble about a tour of the mental health facility, Club Horizon. The program saves the county money by helping with the mental ill.

Chairman Coble called for a brief break.

Public Hearing and Consideration of Rezoning Petition ZP-870-09 and Land Use Plan Amendment LUPA 04-09 for Five Parcels Totaling 11.33 Acres at 7916 Old Bunch Road, 7934 Old Bunch Road, 7940 Old Bunch Road, 8004 Old Bunch Road, and 8012 Old Bunch Road

Mr. Keith Lankford, Wake County Planner, said that the purpose of the rezoning request is to change the zoning classification on the five parcels from R-80W to R-40W since their topography drains outside of the proposed Little River reservoir's water supply watershed's critical area. He said the request also makes a corresponding amendment to the Wake County Land Use Plan's General Classifications Map to reclassify the relevant portions of these parcels from critical area to non-critical area within the Non-Urban Area/water Supply Watershed. Mr. Lankford shared maps of the five properties. He presented the Land Use History. He shared a map of the Northeast Area Land Use Plan. Mr. Lankford said that the rezoning petition will provide the following: Straight rezoning with no conditions or limitations will not significantly alter the allowed uses on the properties, will preserve appropriate watershed protection standards and development limitations for non-critical watershed areas.

The petitioner wants to correct the old mapping error, and address a non-conforming lot size issue with the 1983 duplex on one of the lots.

Mr. Lankford shared a map of the topography and drainage pattern. Mr. Lankford said that the petitioner's sealed survey establishes a more accurate representation of the critical/non-critical boundary of the proposed Little River reservoir's watershed. He said the properties are shown on the Williams and Pearce (petitioner) survey to drain out of this watershed's critical area. He said that this survey demonstrates that these lots should be reclassified from critical area to non-critical area. He said that the rezoning is consistent with the Land Use Plan since the survey represents a refinement of the information shown on the General Classification Map.

Mr. Lankford said that there was no opposition by any of the Little River Reservoir ILA municipal partners. The North Carolina Division of Water Quality staff confirmed that the five subject properties are "outside of the state-defined critical area of the Little River (Zebulon) watershed" and that they had "no concerns with the rezoning petition (or LUPA)

Mr. Lankford said that the North Carolina General Statutes and Unified Development Ordinance require that the Wake County Planning Board provide the Board of Commissioners with a statement of whether or not the request is consistent with the Land Use Plan and otherwise advances the public health, safety and general welfare. The Board of Commissioners must adopt a statement describing whether its action is consistent with the Land Use Plan, or explaining why their decision is reasonable and in the public interest.

Commissioner Portman asked about the significance of the critical and non-critical definitions. Mr. Lankford replied that there are state requirements of a half mile from the water body. Wake County's regulations require 300 feet from the flood pool. Mr. Lankford said Wake County conforms to the state standard.

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

Mr. Lankford said the staff findings are as follows:

More accurately reflects the critical/non-critical boundary

Correct and old mapping error, and address a nonconforming lot size issue with the 1983 duplex unit.

Consistent with LUPA 04-09, the LUP's low-density residential designation, and otherwise advances the public health, safety, and welfare.

The ILA municipal partners have no opposition

NCDWQ has no objections.

Mr. Loftee Smith, Chairman of Wake County Planning Board, said the Wake County Planning Board voted unanimously to approve staff recommendations.

Betty Lou Ward motioned, seconded by Phil Matthews, that having held the required public hearing on petitions ZP-870-09 and LUPA 04-09, to rezone five parcels totaling 11.33 acres at 7916 Old Bunch Road, 7934 Old Bunch Road, 7940 Old Bunch Road, 8004 Old Bunch Road, and 8012 Old Bunch Road, from Residential-80 Watershed (R-80W) to Residential-40 (R-40W) and to make a corresponding amendment to the Wake County Land Use Plan's General Classification Map to reclassify the relevant portions of these parcels from critical area to non-critical area within the Non-Urban Area/Water Supply Watershed, and approve the rezoning petition and the corresponding Land Use Plan amendment. The motion passed unanimously.

Public Hearing and Consideration of Proposed Land Use Plan Amendment to the East Raleigh/Knightdale/Northeast Area Plan

Mr. Larry Morgan, Wake County Planner, explained that that proposed amendment implements the Board of Commissioners parcel-based activity center adopted in 2000 and the Land Use Plan's activity center sizing standards adopted in 2004. This proposal would complete the conversions of all of the activity centers of the area plans from circles to parcel-based, reclassify existing activity centers, remove or add activity centers, and add activity center profiles and maps. He explained activity center concepts as

follows:

Activity Centers are focal points for community activities - living, working, shopping, learning, recreation, cultural, or civic activities.

Designated to concentrate mixed uses in a central location.

Function as service area for surrounding residential neighborhoods.

He shared maps of the ten activity centers in the East Raleigh - Knightdale Area Land Use Plan. He explained each activity center and its purpose. Mr. Morgan said that four of the activity centers were recommended for removal since the ETJs were no longer in the county's jurisdiction.

Mr. Morgan explained that activity center number one is proposed for conversion to a parcel-based Neighborhood Activity Center and is at the corner of Old Milburne and Watkins Road in Wake County. He reported that public notices and landowner meetings have been held. He said that the New Hope Fire Station is located in this activity center. He reported that there was no opposition from the municipalities over the conversion of the activity centers. This activity center will provide for mixed-use development including small-scale commercial land uses in order to meet expected demands in this area.

Mr. Morgan explained that activity center number two is proposed for a parcel-based Neighborhood Activity Center at the corner of Fixit Shop Road and Rolesville Road. He said the activity center falls within the Urban Services Area of the City of Raleigh.

Mr. Morgan explained that the proposed activity center number three is proposed for reclassification and is at the corner of Smithfield and Poole Road. He said a Neighborhood Activity Center is up to 120 acres. He said a Community Activity Center is being proposed. He said that adjustments of the boundary of the existing parcel-based activity center are necessary.

Commissioner Bryan asked for definition of the Community Activity Center and Neighborhood Activity Center. Mr. Morgan said a Neighborhood Activity Center focuses on uses for a day-to-day basis such as a small retail or office use. Community Activity Centers serve the population outside the Neighborhood Activity Centers. Mr. Morgan said that the Neighborhood

Activity Center is up to 35 acres. A Community Activity Center is up to 120 Acres. Commissioner Bryan asked about density and designation differences. Mr. Morgan said there were none.

Mr. Morgan explained that proposed parcel-based Community Activity Center number four is at Rock Quarry Road and Auburn Knightdale Road. He said that the proposed plan mirrors the City of Raleigh Land Use Plan.

Mr. Morgan said that proposed Neighborhood Activity Center number five is at the corner of Battle Bridge Road and Auburn-Knightdale Road. He described the area around the activity center. He said that staff recommends this activity center be removed.

Mr. Morgan explained that proposed activity center number six is located in the Town of Knightdale ETJ at the corner of Buffaloe Road and Lucas Road. The proposal calls for removal of the activity center.

Mr. Morgan explained proposed activity center number seven is in the Knightdale ETJ. He said that the Town of Knightdale and Town of Wendell had an annexation agreement about boundary changes. The activity center is now located in the Town of Wendell Long Range Urban Services Area and they do not have plans to designate an activity center. The proposal recommends removal.

He explained that proposed activity center number eight is located in the Town of Wendell Long Range Urban Services Area. It is proposed for a Community Activity Center and is located along US 64 and Wendell Boulevard. The Town of Knightdale and Town of Wendell's annexation boundaries were redrawn by the towns. The recommendation is to remove the activity center.

Commissioner Bryan asked the purpose of removing the activity center. Mr. Morgan said that some of the boundaries overlapped and the parcel-based boundary has been identified. He said that the activity center plans have changed since they were adopted. He said the Southeast Plan has been updated. Commissioner Bryan questioned why the activity center is being taken out because of increased development and land that is in use. Mr. Morgan explained that the area is developed industrial and is pre-zoned. The change does not affect what is already developed.

Chairman Coble said that the issue is whether removing the activity center would adversely affect underlying properties and how they are zoned. Commissioner Bryan questioned why the pink area was being removed. Chairman Coble explained when removal is made, then it will be less confusing and will conform to what the Town of Wendell is already doing.

Commissioner West questioned the correlation of planning of Wake County with municipalities and its purpose. Mr. Morgan said the Town of Wendell plans for the future and the land belongs to their Urban Service Area and the county has a joint effort in the future plans.

Mr. Morgan said that activity center number nine is located at the corner of Mitchell Mill and Rolesville Roads and is a proposed Neighborhood Activity Center. The proposal is for removal. He shared a map of both of activity centers on the maps and explained the north activity center would be removed. This area lies within the Town of Rolesville's Long Range Urban Services Area. The Town of Rolesville does not designate this area for future non-residential in its Land Use Plan. Commissioner Bryan questioned the change. Mr. Morgan said the standards for Land Use Plans were visited in 2004 and changed based on size. He said activity centers must be a mile apart. Mr Morgan said the Town of Rolesville does not designate this as an activity center and the proximity of the activity centers calls for changes.

Mr. Morgan said that activity center number ten is proposed as a parcel-based Neighborhood Activity Center and is located at the corner of Burlington Mills Road and Forestville Road. He shared a map of the area. The Town of Wake Forest has proposed a neighborhood activity center since it falls in their Urban Services Area.

Mr. Morgan read the following staff findings:

The proposed amendment is consistent with the Land Us Plan's Activity Center policies and design guidelines

The proposed amendment implements the Board of Commissioners parcel-based activity center policy.

The proposal would complete the parcel-based conversions.

Commissioner Portman clarified the requests presented today. Commissioner Bryan noted the public has been notified of the designation. Mr. Morgan said a mailing and public notice has been given.

Chairman Coble opened the public hearing.

No one came forward.

Chairman Coble closed the public hearing.

Mr. Morgan read the staff recommendation which supports the resolution approving the proposed Land Use Plan Map and Text amendment, LUPA 02-10 as presented.

Mr. Loftee Smith, Wake County Planning Board Chairman, shared maps with Commissioner Bryan about the Knightdale area rezoning. He said the Wake County Planning Board made adjustments and voted 8-1 for approval of the Land Use Plan Map and Text Amendment 02-10 as presented.

Mr. Smith said the declining vote was about activity centers being unnecessary and being market driven.

Joe Bryan motioned, seconded by Betty Lou Ward, that having held the required public hearing, the board adopts the resolution approving the amendment LUPA 02-10. The motion passed unanimously.

**RESOLUTION AMENDING THE EAST RALEIGH/KNIGHTDALE/NORTHEAST
AREA LAND USE PLAN**

WHEREAS, the proposed Land Use Plan Map and Text amendment LUPA-02-10 promotes the public health, safety, and general welfare of the citizens of Wake County;

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

WHEREAS, the proposed amendment to the East Raleigh/Knightdale Map and Text and Northeast Wake Area Land Use Plan Map and Text implements the Board of Commissioners parcel-based activity center policy adopted in 2000 and the Land Use Plan's activity center sizing standard adopted in 2004;

WHEREAS, Activity centers are focal points for community activities like living, working, shopping, education, recreation, and cultural, civic, or spiritual activities.

WHEREAS, the goal is to have activity centers that are compatible with the surrounding neighborhood, existing residential structures, road networks, and natural features.

WHEREAS, the proposed change from circles to parcel-based activity center boundaries will better define the area of the activity centers and provide information to assist in the decision making process for development proposals;

WHEREAS, on July 20, 2011 the Wake County Planning Board voted 9-1 to recommend that the Board of Commissioners adopts the proposed Land Use Plan Map and Text amendment LUPA 02-10;

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

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

SECTION I

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

Amend the East Raleigh/Knightdale and Northeast Wake Area Land Use Plan as follows:

1. Convert to parcel-based - Activity Centers - number **1, 2, 3, 4, 5 and 10** as illustrated on ERKALUP and NEALUP Activity Center Maps.
2. Remove Activity Centers – number **6, 7, 8, and 9** as illustrated on ERKALUP and NEALUP Activity Center Maps.
3. Amend the East Raleigh/Knightdale and Northeast Wake Area Land Use Plan Text to add Activity Center Profiles and Maps.

SECTION II

This amendment shall become effective upon adoption of this resolution.

Commissioner Joe Bryan made a motion that the above resolution be adopted. Commissioner Betty Lou Ward seconded the motion, and upon vote, the motion carried this 1st day of August 2011.

Approval of a Multi-year Agreement for Outsourcing of Finance and Human Resource System Technical Support

Ms. Johnna Rogers, Deputy County Manager, said that the recommendation is for the outsourcing of the Finance, Budget and Human Resource Technical Support Systems. She said Wake County purchased an integrated Human Resources, Finance, and Budget Software System in 2005 at a cost of \$11.5 million, including implementation services, to replace separate systems that had served the county for over twenty years but had become technically obsolete.

CGI Technologies and Solutions Inc., has offered to provide software support for Advantage at a cost of \$28,646,000 for the full contract period. There has been a strong partnership with CGI during this time period. Data has been conducted, cost-benefit analysis, and staffing options has taken place. Long-term planning was performed, and outsourcing was the preferred choice. She said that the contract period would be for 12 years. She gave the following

overview of the 12-year cost summary:

- “ License Fees for 2 new components: \$216,000
- “ Maintenance: \$6,986,000
- “ Managed Advantage Services: \$18,908,000
 - “ Development Support Services
 - Support Hours: \$2,761,000
 - Current System Support Services: \$1,950,000
 - “ Additional Discount: (\$225,000)

Ms. Rogers said that CGI has been in business since 1976. She said that they has high customer service ratings and have revenues for 2010 of \$3.7 Billion.

Ms. Rogers read aloud the following recommendations:

- “ Outsourcing technical support for the eWake Budget, Finance, HR/Payroll system from the County to the vendor, CGI
 - “ System to be run on vendor provided hardware and application supported by vendor staff
 - “ Retain County staff for contract management, interfaces, reports, security and business unit functions
 - “ Contract with CGI for a 12 year period
 - Cost-benefit analysis result is savings of approximately \$1 million while providing significant risk mitigation and long-term fixed pricing

Commissioner Gurley questioned the cost of the system. Ms. Rogers said that 10 staff currently run the ERP. Hardware will have to be replaced in the future. Ms. Rogers said that CGI knows the software and cost effective measures were looked at. She explained the savings is \$2-\$3 million by allowing CGI to manage the systems.

Commissioner Bryan explained the changes were necessary, and \$1 million in savings was significant.

Betty Lou Ward motioned, seconded by James West, to authorize the County Manager to execute a twelve year Managed Services Master Services Agreement with CGI Technologies and Solutions Inc. (\$28,646,000 for the full contract period) for outsourcing the technical environment supporting the County’s integrated Human Resources, Finance and Budget System (eWake System) subject to the terms and conditions acceptable to the County Attorney; and, authorize the County Manager to execute Amendment Number 11 to the Implementation Services Agreement and Statement of Work for a 20 month service agreement with CGI Technologies and Solutions Inc. and contract amount of \$1,950,000 for outsourcing the application support services for the current version of the eWake system; and reduce the authorized positions in the Information Services Department by seven (7). The motion passed unanimously.

**Appointment of Voting Delegate for the 2011 Annual Conference of the
North Carolina Association of County Commissioners**

Chairman Coble nominated Commissioner Bryan, noting that Commissioner Bryan is the current President of the North Carolina Association of County commissioners and the nomination was accepted by acclamation.

Appointments

Wake County Adult Care Home Community Advisory Committee

Commissioner Ward nominated Ms. Lisa Harper and Mr. Jacob Rodman.

Wake County Commission for Women

Commissioner Bryan nominated Ms. Jackie Hughes.

Wake County Jury Commission

Chairman Coble nominated Ms. Melissa Matton, as recommended by the Clerk of Court.

Juvenile Crime Prevention Council

Commissioner West nominated Mr. George Currie for an at-large position.

Wake County Library Commission

Phil Matthews motioned, seconded by Tony Gurley, to accept the nominations by acclamation.

Commissioner West nominated Catherine Jeffries from District 5.
Commissioner Gurley nominated Ms. Nancy Medlin and Mr. David Bryan for at-large positions.

The motion passed unanimously.

Upcoming Vacancies

Chairman Coble noted upcoming vacancies on the following boards:
Wake County Adult Care Home Community Advisory Committee
Wake County Historic Preservation Commission
Wake County Housing Authority.

Other Items

Other Business

Commissioner Bryan reported 2,100 officials from North Carolina counties attended the NACO Annual Conference held Portland, Oregon in July. He shared he attended the Transportation Steering Committee, which he serves as Vice-Chairman, and other events attended as well as areas which Wake County has benefitted from as a member of NACO. He said everyone in Congress is against the gas tax so he assumes transportation funding may be lowered. He stated Wake County citizens have saved \$1.6 million due to the NACO Prescription Discount Drug Card program. He noted the awards received by the county. Commissioner Bryan spoke of the exhausting and exhilarating campaign to be elected as the South East Region Director of NACO. He will be representing the states of Florida, Georgia, South Carolina, North Carolina and Virginia. Commissioner Bryan was congratulated on his successful campaign for the District Director position. He said that the position that he accepted as the South East Region Director is an honor and he will be working for North Carolina. He said this position will give North Carolina a leadership position in the NACO organization.

Commissioner Ward told a story of Mr. Bob Woodworth who was shot in Afghanistan when he and the camera man stood up out of the vehicle that was transporting them. He spoke at the conference. She commented on the light rail system in the City of Portland, Oregon. She commended the veterans and military presence at the event. Mr. Donnie Loftis was present from North Carolina. She encouraged others to visit Portland, Oregon.

Commissioner West said he was serving on the state-wide youth initiative program which will have a presentation at the North Carolina Association of County Commissioners Conference in Cabarrus County in August. Ms. Katherine Williams is helping with this initiative.

Adjourn

Phil Matthews motioned, seconded by Betty Lou Ward, to adjourn the meeting at 5:00 p.m. The motion passed unanimously.

Respectfully submitted,

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

