

WAKE COUNTY BOARD OF COMMISSIONERS

December 7, 2009

Regular Meeting

2:00 p.m.

Room 700, Wake County Courthouse

Members present were: Lindy Brown, Joe Bryan, Paul Coble, Tony Gurley, Stan Norwalk, and Betty Lou Ward

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

Meeting Called to Order by Susan Banks, Clerk to the Board.

Pledge of Allegiance

Invocation and special music was offered by Associate Pastor Kay Johnson of Edenton Street United Methodist Church, introduced by Commissioner Betty Lou Ward.

Items of Business

Election of Chair of the Board for a Term of One Year
Susan Banks calls for nominations for Chair for a one-year term. The new Chair is declared elected for one year until December 2010. The new Chair then presides.

Ms. Susan Banks, Clerk to the Board, opened the floor for nominations for Chairman of the Board for the next year.

Commissioner Norwalk nominated Commissioner Betty Lou Ward.

Commissioner Coble nominated Commissioner Lindy Brown.

Commissioner Bryan nominated Commissioner Tony Gurley.

Joe Bryan motioned, seconded by Lindy Brown, to close nominations was approved unanimously.

Ms. Banks called for the vote on the election of the chairman.

Commissioner Gurley voted for Commissioner Gurley.

Commissioner Norwalk voted for Commissioner Ward.

Commissioner Ward voted for Commissioner Ward.

Commissioner Bryan voted for Commissioner Gurley.

Commissioner Coble voted for Commissioner Brown.
Commissioner Brown voted for Commissioner Brown.

Results of vote for chair:
Commissioner Brown - 2
Commissioner Gurley - 2
Commissioner Ward - 2

In light of the results, Mr. Warren advised there could be a revote or someone could withdraw.

Commissioner Bryan spoke to his nomination of Commissioner Gurley noting Commissioner Gurley having served as a past chair leading the county through a million dollar school bond issue, working closely with the Board of Education and citizens was able to accomplish approval of the bonds. During his chairmanship, Commissioner Gurley led the Blue Ribbon Committee, one of the most successful county committees, where 65 county leaders came together. He has the ability to create partnerships in the community and can lead this board.

Commissioner Brown thanked Commissioner Coble and the community for their support. She stated she has been a commissioner since 2006, served as vice chair and been extremely accessible to citizens since she has been a commissioner. She spoke on how she has been serving as acting chair since the absence of Chairman Webb and demonstrated her effectiveness as chair and vice chair. She said she could continue to carry on the leadership of the board in attending community events and board assignments as possible.

Commissioner Norwalk noted Commissioner Ward is the most experienced board member. It is going to be a difficult budget year for the county and schools. She is also a past board chairperson and he said he could not think of a better person to lead this board.

Ms. Banks called for a re-vote on the election of the chairman.

Commissioner Bryan voted for Commissioner Gurley.
Commissioner Coble voted for Commissioner Brown.
Commissioner Brown voted for Commissioner Brown.
Commissioner Gurley voted for Commissioner Gurley.
Commissioner Norwalk voted for Commissioner Ward
Commissioner Ward voted for Commissioner Ward.

Results of vote for chair:
Commissioner Brown - 2
Commissioner Gurley - 2
Commissioner Ward - 2

Ms. Banks asked County Attorney Scott Warren for his opinion of how to proceed when there is a deadlock vote. Mr. Warren said only the board has the authority to determine if they are in a deadlock, want to continue voting or move on to the next item of business. These actions must be by motion or consensus.

Commissioner Norwalk motioned for the board to move on. Ms. Banks asked for clarification. Mr. Warren stated the next item of business is election of the vice chair. Commissioner Gurley stated a deadlock on the election of the chairman must be declared before the board can move on to the next item. Mr. Warren agreed.

Commissioner Norwalk motioned the board was deadlocked on the election of the chairman. The motion died for lack of a second.

Ms. Banks called for other nominations or other action from the board. It was determined that the board would continue voting on the election of the chairman.

Re-vote on chair:

Commissioner Gurley - Commissioner Gurley
Commissioner Norwalk - Commissioner Ward
Commissioner Ward - Commissioner Ward
Commissioner Bryan - Commissioner Gurley
Commissioner Coble - Commissioner Gurley
Commissioner Brown - Commissioner Brown

Ms. Banks stated this vote was 3 for Commissioner Gurley, 2 for Commissioner Ward and 1 for Commissioner Brown.

Ms. Banks then called for a vote on Commissioners Gurley and Ward.

Commissioner Bryan - Commissioner Gurley
Commissioner Coble - Commissioner Gurley
Commissioner Brown - Commissioner Ward
Commissioner Gurley - Commissioner Gurley
Commissioner Norwalk - Commissioner Ward
Commissioner Ward - Commissioner Ward

The votes were 3 for Commissioner Gurley and 3 for Commissioner Ward.

Revote for vice chair:

Commissioners for Commissioner Gurley: Bryan, Coble and Gurley
Commissioners for Commissioner Ward: Brown, Norwalk, and Ward
The votes were 3 for Commissioner Gurley and 3 for Commissioner Ward.

Commissioner Brown asked for advice from the County Attorney. Mr. Warren said if the board wants to declare the election done for the day then there were be no successor to the office of chairman. The current chair would continue in the office until his successor is qualified.

Commissioner Brown motioned, seconded by Stan Norwalk, to declare the election of chair done for the day with the current chairman continuing to serve until his successor is qualified.

Mr. Warren said if there is no majority vote for a new chair, the current chair would continue in office. The election of the vice chair would still need to be done. There was some discussion about how to proceed. Mr. Warren stated the motion on the floor was out of order.

Mr. Warren stated that the motion should be voting on the chair would cease and move on to the next item of business, which was election of the vice chair. He said if they stop voting, then no action was taken. Ms. Banks asked for further clarification. Mr. Warren said there would need to be a motion to stop voting or the board would continue to vote on the nominees for the chairman. Commissioner Brown responded that she thought that was her motion. Mr. Warren said the motion to stop voting was a proper motion because it would otherwise be issuing a new election. Commissioner Brown spoke to the motion to stop voting and as efficient leaders there was a need to move forward with the items of business on the agenda.

Mr. Warren indicated there should not be a motion that keeps the same officers in place. He said the action should be to continue voting or to stop voting on the election of the chair. The motion to keep current officers in place would presuppose that Commissioner Webb was being re-nominated for chairman. Ms. Banks clarified that the current motion as she understood it was to stop voting on the election of the chairman. Mr. Warren agreed. He said if the board stopped voting on the chair, the effect would be that Commissioner Webb would continue to serve as chair. Mr. Warren stated the next action would be election of the vice chair, with Ms. Banks possibly presiding. Commissioner Ward offered a nomination for Commissioner Brown for vice chair. Mr. Warren stated a vote needed to be taken on the motion to stop voting prior to entertaining any additional action.

Commissioner Gurley stated that this was a motion to declare the board was at a deadlock which meant the board would keep the current chair. Mr. Warren agreed.

Commissioner Ward asked the timeframe the current chair would serve, following this action. Mr. Warren said the board could take action, by majority vote at any time, to elect a new chair. He further clarified that, should that be the case, the chair's would serve until the following December. Mr. Warren

stated the election for the chair could be brought up on the next agenda. This action would just delay election of the chair.

Ms. Banks then called for the vote on the motion to stop voting on the chairman election.

The motion failed with a three to three vote.

Commissioners in favor of the motion were Brown, Norwalk and Ward. Commissioners opposed to the motion were Bryan, Coble and Gurley.

Ms. Banks asked about reopening nominations or continuing to vote. Mr. Warren said the board could continue to vote on election of the chair or the majority of the board could recess the meeting.

Commissioner Norwalk made motion to open nominations for the vice chair position. Mr. Warren stated this action was appropriate. The Board discussed who should preside over the election of the vice chair. Mr. Warren stated it would be appropriate for Commissioner Brown to preside over the election of vice chair or the board could choose to have Ms. Banks continue to preside. Mr. Warren said the Clerk presides under the board's custom. There is no statutory rule that requires the Clerk to preside over the election. Mr. Warren said the Clerk is authorized to carry out any lawful duty to a vote by the majority of the board according to General Statute 153A-111.

Commissioner Ward motioned to have the Clerk continue to preside over the election of the vice chair position. The motion was seconded by Commissioner Norwalk. Commissioner Bryan stated that motion seemed to be presumption that the board was moving to the next item. The board needs to get off the election of the chair prior to presuming who will preside over the election of the vice chair position. The board has not dealt with the first item on the agenda. Mr. Warren said the board does not have to dispose of the first item on the agenda and can rule by majority vote to move forward with the agenda. He stated who can preside over the election of the vice chair is determined by State law.

Commissioner Ward then withdrew her motion for the Clerk to preside over election of the vice chair. Commissioner Norwalk said he supported moving on with the agenda and motioned for Commissioner Brown to preside over election of vice chair.

Stan Norwalk motioned, seconded by Betty Lou Ward, to have Commissioner Brown preside over election of the vice chair.

Commissioner Gurley stated the commissioner who seconded Commissioner Ward's motion, to have the Clerk preside over election of the vice chair, did not resend the second to the motion. Commissioner Norwalk withdrew his second

to Commissioner Ward's motion for the Clerk to preside over the vice chair election.

Ms. Banks restated the motion on the floor was for Commissioner Brown to preside over election of the vice chair. Commissioner Gurley spoke in opposition to the motion because the election of the chair is the first item on the agenda and the elected chair is supposed to preside over the election of the vice chair. He said once Commissioner Brown is put in the position of running the meeting, she serves as parliamentarian. He said in the past year, some of those rulings from the chair have been bizarre and difficult to understand. He supposed bypassing the election of the chair which would give the authority as parliamentarian who is not the duly elected chair. He proposed a continuation of voting for the chair as stated by the board's rules which say the board continues to vote until a decision is reached or declared a deadlock. The majority of commissioners have to agree that they are deadlocked before it can be declared a deadlock.

Commissioner Coble said he was not in favor of voting on the vice chair until the election of the chair was settled because who the chair becomes may effect his vote on the vice chair.

Commissioner Norwalk motioned to continue having Commissioner Brown presiding over the meetings as she has for weeks until this board can decide on the chair and then proceed on electing a vice chair at that time. It was ruled that there was already a motion on the floor.

Mr. Warren said under G.S. 153A, the board can have a temporary chair if there is no chair or vice chair but the board has not gotten to that point. He said that this matter needs to be voted up or down and the issue needs to be resolved.

Ms. Banks said there is a motion and second for Commissioner Brown to preside over the election of the vice chair.

Commissioners in favor of the motion: Norwalk and Ward.

Commissioners opposed to the motion: Brown, Bryan, Coble and Gurley.

Commissioner Brown asked if this is an appropriate time to declare Commissioner Webb continue as chair and Commissioner Brown as vice chair and wait until Commissioner Webb can participate for the election of the chair. Mr. Warren said he did not think so because the General Statutes states who presides and the election has to be held. He further stated that a motion to have the current officers stay in place reopens the nomination process. Mr. Warren said the board could take a short recess.

Commissioner Brown motioned, seconded by Betty Lou Ward, to call for a short recess failed with a three to three vote.

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

Commissioner Brown addressed the citizens indicating that she had had the citizens' best interest at heart. She asked citizens in attendance to stand up if they wanted the board to move forward. She said this was disrespectful to the citizens of Wake County. Commissioner Norwalk agreed with Commissioner Brown that the citizens expected the board to continue to move forward with the business of the county. He supported her suggestion to keep the existing structure. Ms. Banks called for a re-vote on the election of the chair with nominations for Commissioner Gurley and Commissioner Ward.

Re-vote for election of chair:
Commissioner Gurley - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk, and Ward.
There was vote of three to three.

Stan Norwalk motioned, seconded by Lindy Brown, to declare the board at a deadlock on the election of the chairman.

Mr. Warren clarified that the motion was appropriate and if the motion passed, then the board would move to the election of the vice chair.

The vote was three to three.

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

Ms. Banks called for a re-vote on the election of the chair:

Commissioner Gurley - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Ward
The vote was three to three.

Stan Norwalk motioned, seconded by Lindy Brown, to declare the board at a deadlock on the election of the chairman.

The vote was three to three.

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

Commissioner Brown spoke to the citizens about holding the board accountable. Commissioner Norwalk spoke to the items on the agenda that need the board's attention and this deadlock was embarrassing. He said it is obviously a deadlock but there are those that refuse to admit they were having a deadlock. Mr. Warren stated the chair position is important because they are the board's parliamentarian. Commissioner Norwalk asked if the board could set a future date for the election in hopes that Commissioner Webb could participate in person or by telephone. Mr. Warren said the board could defer consideration of the election if decided by the majority within the year. There was discussion about how to properly defer the election of the chairman.

Stan Norwalk motioned, seconded by Betty Lou Ward, to defer the election of the chairman.

Commissioner Gurley stated the motion would result in the current chairman remaining the same as in declaring a deadlock vote. Commissioner Norwalk said his motion was an attempt to move on with the agenda. Commissioner Ward spoke in support of the motion noting the items on the agenda and the people in the audience there because of agenda items. She said there is a mechanism in place to continue to govern. Commissioner Gurley stated the first agenda item is election of the chairman which needs to be resolved before moving forward. He said to vote again. Commissioner Norwalk asked how many votes have to be taken before they could move forward on the agenda. Mr. Warren noted that the motion on the floor needed to be disposed.

The motion to defer the election of the chairman failed with a vote of three to three.

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

Ms. Banks called for a re-vote on the nominees for chair:
Commissioner Gurley - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Brown, Norwalk and Ward
The vote was three to three.

Ms. Banks apologized to the citizens who were waiting for their items. Commissioner Brown asked the attorney if she could offer herself as acting vice chair of this board to conduct the business portion of the meeting. Mr. Warren said that would not be allowable based on the General Statutes.

Ms. Banks asked what the board's wishes were for the next action. Mr. Warren said the board could call a recess by a majority vote. There was discussion about how to move forward to reach an agreement.

Commissioner Ward motioned to adjourn for five minutes to have some conversations to see how they could move ahead. The motion died due to lack of a second.

Commissioner Bryan asked Commissioner Gurley if he had asked Commissioner Ward for her vote for him as chairman. Commissioner Gurley then asked Commissioner Ward for her vote for chair.

Ms. Banks called for a re-vote on the chair:
Commissioner Ward - Brown, Norwalk and Ward
Commissioner Gurley - Bryan, Coble and Gurley
The vote was three to three.

Commissioner Ward asked Commissioners Bryan and Coble for their vote.

Ms. Banks called for a re-vote on the nominees for chair.
Commissioner Gurley - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Ward.

Commissioner Norwalk spoke of the agenda item for an increase in funds for the Women Infant and Children program noting that its progress was being held up by this board not moving forward so they could take action on the agenda items. He stated he would continue to point out these items. Commissioner Coble said Commissioner Norwalk could change his vote to go on. He said Commissioner Norwalk was suggesting others give up on what they believe for expediency sake which he was not sure he was ready to do. Commissioner Ward stated he could change his vote also. Commissioner Norwalk noted increase in funding for Workforce Development, Affordable Housing Program, and Tax Refunds would have to wait. He said they are not moving ahead on the Wake Tech and the Justice Center projects.

Commissioner Brown stated she had been the acting chair for the last sixty days and asked other commissioners why they would not support allowing Commissioner Webb to remain as chairman and she as vice chair to carry on the business until Commissioner Webb could return to the board. Commissioner Gurley stated he wanted to prevent this discussion. Commissioner Norwalk said he did support Commissioner Brown's suggestion that Commissioners Webb and Brown remain in the chair and vice chair positions in order to continue to conduct the county's business. He said the board could not continue like this forever but could continue for another month or two.

Ms. Banks said there were two nominations still on the floor. Commissioner Norwalk discussed two major construction contracts on hold that could cost the county thousands or millions of dollars. The bids won't remain open forever. He said the board is trying to more rationally distribute public housing

in the county, which is not getting done. He said the Sustainability Task Force could wait another month because it is a long term project. He said there are serious issues in solid waste about Raleigh's sludge going in to the landfill. Commissioner Norwalk was noting these were items that the board was not addressing during this time. They were not addressing the lower cost qualified school construction bonds in the amount of \$34 million over four years.

Commissioner Bryan asked Commissioner Norwalk about his comment to agree to maintain status quo on the board but then he nominated Commissioner Ward for chair. Commissioner Bryan asked Commissioner Norwalk to clarify his position. Commissioner Norwalk said he was trying to inform the public on what the board was not doing and he changed his vote and when the time arises to vote for chair he would not change his vote. He said he did not see any reason to change his vote. He said he was willing to go to status quo as a compromise at this time. He hoped Commissioner Bryan would join him on the middle ground.

Ms. Banks called for a re-vote on the nominees for chair.
Commissioner Gurley - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Ward.
The vote was three to three.

Public Comments:

Ms. Banks opened the floor for public comments.

Ms. Sarah Levinson stated her address as 611 Chamberlain Street, Raleigh, 27607 and is a student at North Carolina State University. She said they came here today with important things to say. She asked if it would be possible for the board to move the votes to the end of the meeting today.

Ms. Banks called for a revote on the nominees for chair.
Commissioner Gurley - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Ward.

Ms. Banks called for a revote on the nominees for chair:
Commissioner Gurley - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Ward.
The vote was three to three.

Commissioner Brown moved to reopen the nominations for the chair. The motion died due to lack of a second.

Commissioner Norwalk motioned to hire a professional mediator to help the board sort this out. The motion died due to lack of a second. Commissioner Brown said this does not look leadership worthy and offered again to serve as

vice chair for this meeting. Commissioner Norwalk stated if he had the opportunity to vote for Commissioner Brown as vice chair of this meeting, he would but the attorney stated the chairmanship has to be determined first. Mr. Warren said this ruling was by General Statute. He said there was a motion to defer consideration of the chair, which failed.

Commissioner Norwalk moved to adjourn the meeting and call for a meeting one week from this day, giving everyone time to rethink this process. The motion died due to lack of a second.

Stan Norwalk motioned, seconded by Betty Lou Ward, to adjourn the meeting and meet one week from this day, to come to a conclusion on the election of the chair.

Commissioner Brown asked about items on the agenda that were time sensitive. Mr. David Cooke, County Manager, reviewed the items that needed to be addressed were the bids on the Detention Center.

The motion to adjourn the meeting and meet one week from this day, to come to a conclusion on the election of the chair failed with a vote of three to three.

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

Betty Lou Ward motioned, seconded by Lindy Brown, to take a five minute break.

The motion failed with a vote of three to three.

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

Commissioner Ward said she would take a break. Commissioner Norwalk stated as a point of personal privilege, he would take a break. Commissioner Brown asked the County Attorney about any board member leaving the meeting and what should the board do in this situation. Mr. Warren asked for clarification. Commissioner Brown said it was her understanding is that if the recess has not been approved by the majority of the board, the board was still in session and the board can continue on conducting the business of the county as the citizens elected them to do.

Joe Bryan motioned, seconded by Paul Coble, to elect Tony Gurley as Chairman of the Wake County Board of Commissioners.

Commissioner Coble called the question with Commissioner Bryan's second.

The motion to elect Tony Gurley as Chairman of the Wake County Board of Commissioners was approved with a 4 – 2 vote as follows:

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

Ms. Banks stated Commissioner Tony Gurley was elected as chairman by a four to two vote. Commissioner Ward was not present but her vote was counted with the majority votes. Commissioner Ward returned to the room. Commissioner Gurley then took his seat as Chairman conducted the election of the vice chair. Commissioner Ward stated she thought that action was not legal and Commissioner Brown stated she asked the question.

Election of Vice-Chair for a Term of One-Year

Chairman Gurley took the seat as chairman and called for nominations for the vice chair.

Commissioner Brown nominated Commissioner Brown.
Commissioner Norwalk nominated Commissioner Ward.
Commissioner Bryan nominated Commissioner Coble.

Motion to close nominations was made by Commissioner Ward, seconded by Commissioner Brown and was unanimously approved.

Chairman Gurley asked Ms. Banks to do a roll call vote.

The votes were as follows:

Commissioner Norwalk – Commissioner Ward
Commissioner Ward – Commissioner Ward
Commissioner Bryan – Commissioner Coble
Commissioner Coble – Commissioner Coble
Commissioner Brown – Commissioner Brown
Commissioner Gurley – Commissioner Coble

Total: Commissioner Brown – 1 vote, Commissioner Coble – 3 votes,
Commissioner Ward – 2 votes.

Chairman Gurley noted that the vote would be between Commissioners Coble and Ward since Commissioner Brown was eliminated.

Chairman Gurley opened the floor for comments. Commissioner Norwalk said there were parliamentary tricks or maneuvers to elect Commissioner Gurley as chair.

Commissioner Ward stated she would like to be the vice chair and cares about what happens in the community. She said this year is going to very

challenging. Commissioner Brown said her colleagues have not been in place as they should have been and she has been the force representing the county as a whole. She stated if others wish to be the chairman, they need to be accessible to the citizens of Wake County. She asked the citizens to hold the chair and vice chair accountable and accessible.

Commissioner Norwalk said the former chair Commissioner Webb has not been in place for some time and felt the board should have given Commissioner Webb a chance to come back and cast his vote for chair. Chairman Gurley said that his election as chair had nothing to do with Commissioner Webb not being present. He stated when he was chair before, he chose Commissioner Webb to be his vice chair. He said there was a Republican chair and a Democratic vice chair and Commissioner Webb was fantastic and they worked together very well. They worked together to get a \$970 million school bond passed by the public. He spoke of respect for Commissioner Webb. Commissioner Norwalk said he was just noting that Commissioner Webb had been taken out of this decision.

Ms. Banks called the vote for vice chair.

Commissioner Coble - Commissioners Bryan, Coble and Gurley

Commissioner Ward - Commissioners Brown, Norwalk and Brown.

The vote was three for Commissioner Coble and three for Commissioner Ward.

Chairman Gurley asked the attorney for options with a split vote on the vice chair. Mr. Warren said the board would continue to vote as on the election of the chair or the board could agree that it was deadlocked and then the current vice chair would stay in the position.

Ms. Banks called the vote for vice chair.

Commissioner Coble - Commissioners Bryan, Coble and Gurley

Commissioner Ward - Commissioners Brown, Norwalk and Brown.

The vote was three for Commissioner Coble and three for Commissioner Ward.

Commissioner Brown motioned to have her continue to serve as vice chair. Mr. Warren stated this action was not appropriate until the board approved that there was a deadlock and then they could vote on further actions.

Lindy Brown motioned, seconded by Betty Lou Ward, to reopen nominations.

The motion to reopen nominations failed with 3 – 3 vote.

AYES: Lindy Brown, Stan Norwalk, Betty Lou Ward

NOES: Joe Bryan, Tony Gurley, Paul Coble

Ms. Banks called the vote for vice chair.

Commissioner Coble - Commissioners Bryan, Coble and Gurley

Commissioner Ward - Commissioners Brown, Norwalk and Brown.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Ms. Banks called the vote for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Brown.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Chairman Gurley asked if there were any comments, concerns, motions but seeing none called for the next vote.

Ms. Banks called the vote for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Brown.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Chairman Gurley stated with a tie, the only options were to continue voting or declare a deadlock by majority vote.

Ms. Banks called the vote for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Brown.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Commissioner Bryan asked if the vice chair position was like the chairman's position and runs year to year. Mr. Warren stated that was correct, it was just like the chairman's position and should be settled today.

Ms. Banks called the vote for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Brown.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Chairman Gurley asked if the board could move this item to the last item on the agenda. Mr. Warren said since the board has a chair, the board could decide to do move the election of the vice chair on the agenda.

Tony Gurley motioned, seconded by Paul Coble, to defer the election of the vice chair to be taken up as the last item on the agenda.

The motion to defer the election of the vice chair to be taken up as the last item on the agenda failed with a 3 – 3 vote.

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

Commissioner Bryan said that earlier it was said that the commissioners were not doing the business of the county and the county attorney has provided direction on the ability to move forward and take action for the citizens of Wake County and now it is ironic the board is not moving forward. Commissioner Ward said it was ironic that the board voted to elect Commissioner Gurley as chairman while she was excused to go to the bathroom. Commissioner Bryan stated they had all been commissioners long enough to know that when they do not ask to be excused their vote goes with the affirmative vote. He said the board needs to excuse a commissioner from a meeting, there was not a called recess, and Commissioner Brown even brought up moving forward with the business of this county. He said with all due respect he did not think that was something anyone of the commissioners was unaware of and that potential existed. Commissioner Norwalk stated he was totally shocked at that action. Commissioner Bryan asked if he was not aware of that parliamentary procedure. Commissioner Norwalk stated that rule was not upmost in his mind and was shocked that anyone would stoop so low. Chairman Gurley ruled Commissioner Norwalk's comments out of order because of personal comments.

Joe Bryan motioned, seconded by Paul Coble, to move forward with agenda items #3-#37 and move election of vice chair to item #38.

Chairman Gurley asked Mr. Warren if this motion was procedurally in order. Mr. Warren said it was a procedural motion which he thought was appropriate.

The motion to move forward with agenda items #3-#37 and move election of vice chair to item #38 failed with a 3 – 3 vote.

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

Ms. Banks called the vote for nominees for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Brown.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Ms. Banks called the vote for nominees for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Brown.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Ms. Banks called the vote for nominees for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Brown.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Paul Coble motioned, seconded by Tony Gurley, to move item #2-#24 and delay appointments to the next meeting.

The motion to move item #2-#24 and delay appointments to the next meeting failed with a 3 – 3 vote.

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

Ms. Banks called the vote for nominees for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Brown.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Chairman Gurley said the meeting will continue on with #2 election of vice chair but felt it was appropriate to delay this item until a later period in the meeting in order to continue with the board's business but that will only happen by majority vote of the board.

Ms. Banks called the vote for nominees for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Brown.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Paul Coble motioned, seconded by Tony Gurley, to delete item #35 and replace it with item #2.

The motion to delete item #35 and replace it with item #2 failed with a 3 – 3 vote.

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

Ms. Banks called the vote for nominees for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Brown.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Paul Coble motioned, seconded by Tony Gurley, to move item #2 to item #37 and delete item #37.

The motion to move item #2 to item #37 and delete item #37 failed with a 3 – 3 vote.

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

Chairman Gurley asked for suggestions or advice from the County Attorney. Mr. Warren said the chair has certain authorities such as declaring a recess, adjournment for an emergency, and if speakers have gone beyond their time the chairman can limit their remarks.

Commissioner Bryan asked if there is a time certain on a recess the chairman can call. Mr. Warren said the chair can declare a recess and a member and request a recess.

Ms. Banks called the vote for nominees for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Brown.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Chairman Gurley called for a vote again. A citizen stood in the audience interrupting the meeting stating her displeasure of the board's actions. Mr. Warren called the citizen out of order. Chairman Gurley asked Ms. Banks to call the next vote.

Ms. Banks called the vote for nominees for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Brown.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Paul Coble motioned, seconded by Joe Bryan, to eliminate items #24 through #38 and move item #2 to the end of the meeting which would be following item #24.

Commissioner Norwalk said these are endless variations of the same motion with no real change in intent or substance. He questioned whether the General Statutes allow this action.

Mr. Warren said this is procedural, is slightly different and is based on how the board approved the agenda. He stated this was basically approving the agenda. He noted the chair is the parliamentarian and the actions are slightly different. Chairman Gurley said it is an attempt to move the meeting forward.

The motion to eliminate items #24 through #38 and move item #2 to the end of the meeting which would be following item #24 failed with a 3 – 3 vote.

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

Chairman Gurley asked if there were any changes in the agenda order that the commissioners who voted in opposition to these changes would consider that would allow the meeting to go forward.

Chairman Gurley stated since there was no change, the voting would continue.

Ms. Banks called the vote for nominees for vice chair.

Commissioner Coble - Commissioners Bryan, Coble and Gurley

Commissioner Ward - Commissioners Brown, Norwalk and Brown.

The vote was three for Commissioner Coble and three for Commissioner Ward.

Commissioner Brown asked the attorney what procedures were in place regarding the current chair if the board declares a deadlock. Mr. Warren stated that the current vice chair would remain serving as vice chair if the board, by majority vote, declared a deadlock on the election of the vice chair.

Commissioner Brown then motioned to declare the board at a deadlock on election of the vice chair. Mr. Warren stated the election of the vice chair could be revisited anytime during this coming year. Mr. Warren said the motion would only be that the board is deadlocked on the election of the vice chair.

The Board continued discussion about the procedure with Mr. Warren explaining that the motion presented if approved by majority vote would be that the board was deadlocked on election of the vice chair. Should that happen, then the individual service as vice chair currently, which was Commissioner Brown, would remain as vice chair until the board voted to elect a new chair, which could be done anytime during the year. Mr. Warren said the election of the vice chair could be placed on the agenda for any regular meeting. If the board declared a deadlock on election of the vice chair, the nomination process would start over.

Commissioner Brown motioned, seconded by Betty Lou Ward, to declare that the Board is at a deadlock on the election of the vice chair.

Chairman Gurley said the motion on the floor is for the board to declare a deadlock on the election of the vice chair, which does not elect a new vice chair but allows Commissioner Brown to continue to serve as vice chair until the board chooses to put the election of the vice chair on the agenda again. Mr. Warren stated that was correct or it could be next December. Commissioner Norwalk suggested a recess be taken. Chairman Gurley stated it would not be an appropriate time for a recess with a motion and second, in process.

The motion to declare that the Board is at a deadlock on the election of the vice chair failed with a 3 – 3 vote.

AYES: Lindy Brown, Stan Norwalk, Paul Coble

NOES: Joe Bryan, Tony Gurley, Betty Lou Ward

Paul Coble motioned, seconded by Tony Gurley, to declare the vote deadlock, move onto the agenda and vote for vice chair be moved to the end of the agenda.

Commissioner Ward spoke to the possibility of delaying the election of the vice chair with hopes that it would allow time for the seventh commissioner, (Commissioner Webb) to return and have an opportunity to vote. She offered a friendly amendment to Commissioner Coble's motion to not just delay the election of the vice chair to the end of this meeting but to delay that election until Commissioner Webb can return to the board. Commissioner Coble said the amendment defeats the purpose of his motion.

Chairman Gurley asked Mr. Warren if Commissioner Ward's comments were considered a friendly amendment that the board needed to vote on. Mr. Warren said Commissioner Coble believes that it does and it purposes that Commissioner Webb will be back but that may or may not occur. It is difficult to have a motion stated that way. It would be better to have a motion that either postponed it to a certain date or to focus arrangements for when the board would bring it back or to have it held at the end of the meeting. Commissioner Coble repeated his motion. Commissioner Norwalk said he did not see how that was possible because if the board was deadlocked, then it was deadlocked. Chairman Gurley said it is deadlocked until it was scheduled. It could be put on the agenda for this meeting which had not been approved yet. It could be included later on this meeting. Commissioner Coble said this would include it without being subject to a vote on the agenda. Chairman Gurley asked Mr. Warren if it was declared deadlock and it came up at the end of this meeting, then the process would start over with nominations. Mr. Warren said in response to the way the motion was stated, the board should either defer action and a vote on this as it is or declare it deadlocked and take up action at the end of the meeting. He said it is whatever the intent of the maker of the motion wants it to be. Chairman Gurley asked Commissioner Coble if was the intent of his motion to declare the election of the vice chair deadlocked and would the board start all over with new nominations for the vice chair or continue from the point the board stops which was in a contest between himself and Commissioner Ward for vice chair. Commissioner Coble said his intent was to take it up as it is now.

Paul Coble motioned, seconded by Tony Gurley, to declare the vote on election of the vice chair deadlocked, move forward onto the agenda and the vote for vice chair be moved to the end of the agenda.

Commissioner Bryan said his understanding was that once something was declared deadlock then the person who was currently serving in the role as vice chair, which hasn't been nominated and only received one vote which was from

herself, would then be the vice chair. Mr. Warren stated that was correct and when the board took it back up and was still deadlocked, she would continue on as vice chair. Commissioner Bryan said then when the item was considered again, she would be a third person to be considered for vice chair.

Commissioner Bryan said when Commissioner Webb does return the board may still be in a deadlock. Commissioner Norwalk said it could be four to three vote with Commissioner Webb voting. He stated he would not vote to do anything that may take away Commissioner Webb's ability to vote.

Commissioner Bryan said with the board being deadlocked, it would mean everything stays as it is. Mr. Warren stated that the term "deadlock" is not a legal term but a term used to describe what is happening on the vice chair election vote. Chairman Gurley stated in this case it means "failure to achieve a majority vote." Commissioner Bryan asked if the board moves forward with declaring the deadlock then what happens at the end of this meeting. He asked if there was no one serving as vice chair at that point. Mr. Warren said if a successor was not been named, the current vice chair would continue to serve in the office of vice chair. Commissioner Brown would continue serving as vice chair until a successor was named.

Commissioner Coble said if the meeting ended and the board walked out the door, then Commissioner Brown would continue to serve as vice chair. He said this motion only takes it to the end of the meeting. Mr. Warren said that was the case if the majority voted to adjourn the meeting.

The motion to declare the vote on election of the vice chair deadlocked, move forward onto the agenda and the vote for vice chair be moved to the end of the agenda failed with a vote of 2 - 4.

AYES: Stan Norwalk, Paul Coble

NOES: Joe Bryan, Lindy Brown, Tony Gurley, Betty Lou Ward

Stan Norwalk motioned, seconded by Betty Lou Ward, to defer election of vice chair.

Chairman Gurley said the consequences of the motion would be that the election of the chair would be considered when it is placed on the agenda and approved by majority vote of the board. During that time, Commissioner Brown would be serving as vice chair.

The motion to defer election of vice chair failed with a vote of 3 - 3.

AYES: Joe Bryan, Tony Gurley, Paul Coble

NOES: Lindy Brown, Stan Norwalk, Betty Lou Ward

Commissioner Ward asked what items could be delayed. Mr. Cooke said he was prepared to inform the board on what items needed to be addressed without scheduling another meeting in December. Mr. Cooke stated the public hearing on zoning in Wake and Franklin county lines, Wake Technical Community College building request on property, moving on the Public Safety Project, lease agreement on the Probation/Parole space, approval of Hammond Road Detention Center and any item with appropriation of monies including the consent agenda. He said the qualified school construction bonds need to be moved on in December and the calendar of meetings for the upcoming year need to be addressed.

Paul Coble offered a motion, seconded by Tony Gurley, to take action on the consent agenda and items 11, 13, 16, 17, 18, 22.

Commissioner Coble clarified the suggested motion to take action on the consent agenda and items 11, 12, 13, 16, 17, 18, 22, 23 and then add the vote of the vice chair as the last item of the day. Chairman Gurley suggested the motion only address the items to take action on first and not speak to item #2 at this time which Commissioner Coble agreed.

Paul Coble motioned, seconded by Tony Gurley, to take up the consent agenda and items 11, 12, 13, 14, 16, 17, 18, 22 and 23.

Commissioner Norwalk and Commissioner Ward said they would support the motion if Commissioner Coble would remove any reference to the election of the vice chair to the motion. Commissioner Norwalk and Commissioner Ward agreed that Commissioner Webb should be given the opportunity to vote on election of the vice chair.

The motion to take up the consent agenda and items 11, 12, 13, 14, 16, 17, 18, 22 and 23 failed with a vote of 3 - 3.

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

Betty Lou Ward motioned, seconded by Stan Norwalk, to move forward with the meeting with the items selected by the County Manager including items 11, 12, 13, 14, 16, 17, 18, 22 and 23; defer the remaining items to the next agenda and to defer item #2, with the election of the vice chair being considered within the next two months or less.

Chairman Gurley said he did not think it was possible to delay a vote for a seven member board to be present. He asked the county attorney for information. Mr. Warren said the motion stating within two months would be appropriate. Chairman Gurley asked what if there is not a seven member board within two months. Mr. Warren said it was basically a motion to defer

election of the vice chair and it will still take a majority vote by the board to act on the item. Commissioner Norwalk asked if it would take a majority vote by the board for Commissioner Webb to cast his vote by telephone. Mr. Warren said there are no hard and fast rules about telephone participation. This was something the majority of the board should deal with and is normally done as a courtesy. Commissioner Norwalk asked if the Chairman had agreed to allow Commissioner Webb to call in to vote. Chairman Gurley indicated he had not done so. Chairman Gurley restated the motion on the floor.

The motion to move forward with the meeting with the items selected by the County Manager including items 11, 12, 13, 14, 16, 17, 18, 22 and 23; defer the remaining items to the next agenda and to defer item #2, with the election of the vice chair being considered within the next two months or less failed with a vote of 2 - 4.

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

Stan Norwalk motioned, seconded by Betty Lou Ward, to take Commissioner Ward's previous motion and extend the time frame for the election of the vice chair, item #2, to three months.

The motion to take Commissioner Ward's previous motion and extend the time frame for the election of the vice chair, item #2, to three months failed with a vote of 3 - 3.

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

Ms. Banks called the vote for nominees for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Brown.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Commissioner Norwalk asked Mr. Warren if there was any way outside of Commissioner Webb coming to the meeting or calling in his vote for him to vote like signing an affidavit. Mr. Warren stated there was no legal basis for such an alternative. Chairman Gurley asked for comments or questions or moving the item after the consent agenda. Commissioner Norwalk said he would not change his vote but would look for ways to address the county's business.

Ms. Banks called the vote for nominees for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Brown.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Paul Coble motioned, seconded by Tony Gurley, to take up the consent agenda in front of item #2 and then return to item #2 on the agenda.

The motion to take up the consent agenda in front of item #2 and then return to item #2 on the agenda failed with a vote of 3 - 3.

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

Stan Norwalk motioned, seconded by Betty Lou Ward, to have the clerk order sandwiches to be brought in.

The motion to have the clerk order sandwiches to be brought in was approved with a vote of 4 - 2.

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

There was discussion about the request for sandwiches. Chairman Gurley then declared a fifteen minute recess to return at 4:35 p.m.

Chairman Gurley called the meeting back to order and stated the next item was election of the vice chair. He asked if there were comments, motions or discussion. Commissioner Norwalk said he would like to make comments. Chairman Gurley encouraged Commissioner Norwalk, as he was being seated, to move forward with his comments unless he was intentionally delaying the meeting for which he would rule him out of order. Commissioner Norwalk said this was the same thing as before and the Chairman not allowing Commissioner Ward time to return to her seat to vote. Chairman Gurley said Commissioner Norwalk was out of order because no one had made a motion to proceed with the voting or meeting. Commissioner Norwalk stated Chairman Gurley had proceeded with the meeting.

Ms. Banks called the vote for nominees for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Brown.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Ms. Banks called the vote for nominees for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Brown.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Ms. Banks called the vote for nominees for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Brown.

The vote was three for Commissioner Coble and three for Commissioner Ward.

Chairman Gurley asked for comments, motions or concerns.

Betty Lou Ward motioned to move election of vice chair to a later date, with a date certain within two months and proceed with the agenda items as pointed out by the County Manager.

Chairman Gurley said that motion was the same as an earlier motion which failed.

Commissioner Ward's motion died due to lack of a second.

Ms. Banks called the vote for nominees for vice chair.

Commissioner Coble - Commissioners Bryan, Coble and Gurley

Commissioner Ward - Commissioners Brown, Norwalk and Brown.

The vote was three for Commissioner Coble and three for Commissioner Ward.

Paul Coble motioned, seconded by Tony Gurley, to take up the regular agenda and then vote for the vice chair following the regular agenda.

The motion to take up the regular agenda and then vote for the vice chair following the regular agenda failed with a vote of 3 - 3.

AYES: Joe Bryan, Tony Gurley, Paul Coble

NOES: Lindy Brown, Stan Norwalk, Betty Lou Ward

Chairman Gurley asked for comments or discussion or motions that would allow the board to move forward with the county's business. Commissioner Norwalk stated his intention was to continue on until Commissioner Webb was able to participate in the vote. Chairman Gurley stated his understanding was that Commissioner Norwalk was not going to vote to continue with this meeting unless item #2 (election of the vice chair) was removed off this agenda and deferred to a future meeting when Commissioner Webb was able to participate in the election of the vice chair. Commissioner Norwalk agreed. Commissioner Bryan asked why the same amount of concern had not been expressed during the election of the chair. Commissioner Norwalk spoke of the tactics used to elect the chair hardened his position and the importance of the combination of the chair and the vice chair being the leadership for this board.

Chairman Gurley asked Mr. Warren for additional guidance. Mr. Warren stated he did not have any additional information unless the board would chose to adjourn but did not see the board at that point the process.

Commissioner Ward thanked the Culinary School at Wake Technical Community College for the Yule log provided for the Board today.

Chairman Gurley asked Ms. Banks to poll the board on the vote for vice chair.

Ms. Banks called the vote for nominees for vice chair.

Commissioner Coble - Commissioners Bryan, Coble and Gurley

Commissioner Ward - Commissioners Brown, Norwalk and Brown.

The vote was three for Commissioner Coble and three for Commissioner Ward.

Chairman Gurley asked for comments, questions or concerns or ideas on how to move on with the meeting.

Ms. Banks called the vote for nominees for vice chair.

Commissioner Coble - Commissioners Bryan, Coble and Gurley

Commissioner Ward - Commissioners Brown, Norwalk and Brown.

The vote was three for Commissioner Coble and three for Commissioner Ward.

Commissioner Ward acknowledged that the Chair of the Open Space and Parks Committee had provided the board with cupcakes in celebration of the Sustainability Task Force which had not yet been addressed.

Chairman Gurley asked for comments or concerns.

Ms. Banks called the vote for nominees for vice chair.

Commissioner Coble - Commissioners Bryan, Coble and Gurley

Commissioner Ward - Commissioners Brown, Norwalk and Brown.

The vote was three for Commissioner Coble and three for Commissioner Ward.

Commissioner Bryan noted there were people in the audience that were present for items on the agenda. He asked if the people needed to stay or if there was anticipation that there was any point in them staying. Chairman Gurley said the point of not voting on the election of the vice chair can be made yet still allow the other agenda items to go forward. Commissioner Norwalk stated that the only leverage the minority has was to hold the issue as is. He said "you" (Republicans) have won the first round and he would stay until midnight or tomorrow morning if it was needed. He said he would not change his vote. Commissioner Bryan stated direction needed to be given to the individuals present for agenda items.

Chairman Gurley asked if there was a motion to clear items off the agenda except the election of the vice chair. Commissioner Bryan asked to identify the individuals in the audience who were waiting for items on the agenda in an effort to let the people know they need to stay or if the board is going to meet until early hours of the morning.

Chairman Gurley asked the individuals to state the item number which they are waiting for board action. People were present for items 11, 12, 13, 14, 16, 17, 18, 19, and 22.

Betty Lou Ward motioned, seconded by Joe Bryan, to skip over item #2 and address those agenda items 11, 12, 13, 14, 16, 17, 18, 19 and 22.

The motion to skip over item #2 and address those agenda items 11, 12, 13, 14, 16, 17, 18, 19 and 22 was approved with a vote of 4 - 2.

AYES: Joe Bryan, Tony Gurley, Betty Lou Ward, Paul Coble

NOES: Lindy Brown, Stan Norwalk

Public Hearing on Petition ZP-871-09 to Apply Wake County Zoning to a Total of Approximately 8.5 Acres of Land within Relatively Narrow Portions of 41 Separate Parcels, which are Currently Split by the Wake County-Franklin County Line

Mr. Keith Lankford presented the request for rezoning 8.5 acres of land within relatively narrow portions of 41 parcels currently split by the Wake-Franklin County line. This would bring the zoning map into conformity with the more accurate representation of the county line that was jointly agreed upon by the Wake County and Franklin County Boards of Commissioners by resolution on October 19th. Due to the refinement of the mapping county line, there were narrow gaps in the Wake County zoning coverage. The zoning map amendment would address those zoning coverage gaps.

Mr. Lankford said that the adjacent Wake County areas are zoned R-40W, R-30, and R-30 with a WSO-2NC overlay. The adjacent Franklin County areas are zoned R-40 with a WS-II overlay.

He said that the proposed zoning is to apply Wake County Zoning to the narrow portions of each parcel in accordance with the zoning that already applies in that area.

He said that in 1976 zoning was initially applied to this area. In 1987, residential watershed zoning (R-40W and R-80W) was applied to the area around Little River. In 1997, general classifications map was adopted and designated this area for low-density residential uses. In 2000, Southeast Area Land Use Plan (LUP) was adopted and designated the Long Range Urban Service Area (LRUSA) portion for low-density residential. In 2001, the Northeast Area Land Use Plan was adopted and designated the non-urban area (NUA) portion for low-density residential.

Mr. Lankford said that 75% is located within the non-urban area of the watershed, and 25% is located within Zebulon's Long Range Urban Service

Area (LRUSA). The zoning map amendment is consistent with the LUP because there will be no change to the land use classification, allowed uses, or allowed density.

He said there is no public health and safety issues have been identified.

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

Community Services Staff Findings:

1. Is consistent with the Wake County Land Use Plan
2. Would be in accordance with the Wake County zoning that already applies within the affected areas.
3. Would bring the Wake county Zoning Map into conformity with the county boundary line that was jointly agreed upon by the Wake and Franklin County Board of Commissioners on October 19, 2009.

Planning Board Recommendation provided by Mr. Keith Lankford: Approval of the requested zoning map amendment as presented and in making this recommendation the Planning Board considered the amendment's consistency with the Land Use Plan and its effect on the public health, safety and welfare.

Community Services Staff Recommendation: Approval of the requested zoning map amendment as presented and finds that it is consistent with the Land Use Plan and in the interest of the public health, safety and welfare.

Paul Coble motioned, seconded by Betty Lou Ward, to approve the zoning map amendment (Petition ZP-871-09) to apply Wake County Zoning to a total of approximately 8.5 acres of land within relatively narrow portions of 41 separate parcels, which are currently split by the Wake County-Franklin County Line.

The motion to approve the zoning map amendment (Petition ZP-871-09) to apply Wake County Zoning to a total of approximately 8.5 acres of land within relatively narrow portions of 41 separate parcels, which are currently split by the Wake County-Franklin County Line passed unanimously.

ORDINANCE APPROVING A REQUEST TO APPLY WAKE COUNTY ZONING TO A TOTAL OF APPROXIMATELY 8.5 ACRES OF LAND WITHIN RELATIVELY NARROW PORTIONS OF 41 SEPARATE PARCELS, WHICH WOULD BRING THE WAKE COUNTY ZONING MAP INTO CONFORMITY WITH THE MORE ACCURATE REPRESENTATION OF THE ACTUAL LOCATION OF THE COUNTY BOUNDARY LINE THAT WAS JOINTLY AGREED UPON BY THE WAKE COUNTY AND FRANKLIN COUNTY BOARDS OF COMMISSIONERS ON OCTOBER 19, 2009.

WHEREAS, the proposed zoning map amendment is consistent with the Wake County Land Use Plan;

WHEREAS, the proposed zoning map amendment would be in accordance with the Wake County zoning that already applies within the affected areas;

WHEREAS, the proposed zoning map amendment would bring the Wake County Zoning Map into conformity with the county boundary line that was jointly agreed upon by the Wake County and Franklin County Boards of Commissioners;

WHEREAS, on November 4, 2009, the Wake County Planning Board voted 10 to 0 to recommend that the Board of Commissioners approve the proposed zoning map amendment, as presented.

WHEREAS, in making their recommendation for approval the Planning Board found that the amendment is consistent with the Land Use Plan and otherwise advances the public health, safety, and welfare, as required by UDO Section 19-21-6 (C);

WHEREAS, the Community Services Staff is recommending approval of the proposed zoning map amendment, as presented, and find that the amendment is consistent with the Land Use Plan and otherwise advances the public health, safety, and welfare, as required by UDO Section 19-21-6 (C);

WHEREAS, the Wake County Board of Commissioners held a duly-noticed public hearing to consider amending the Zoning Map to apply Wake County zoning to the entire area, or part of the area, to the classification requested, or to a more restrictive classification;

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

SECTION I

The proposed zoning map amendment is found to be consistent with the Wake County Land Use Plan and otherwise promotes the public health, safety, and general welfare, therefore, the Wake County Zoning Map is hereby amended to apply Wake County zoning the property described on the attached list to the zoning district indicated.

SECTION II

This ordinance to amend the Wake County Zoning Map shall become effective on January 1, 2010.

Commissioner Paul Coble made a motion that the above ordinance be adopted. Commissioner Betty Lou Ward seconded the motion, and upon vote, the motion carried this 7th day of December 2009.

Public Hearing Wake County Landmark: Bailey-Estes-Dilliard House, 9020 Mangum Dairy Road Road

Mr. Gary Roth with Capital Area Preservation presented the request for the Bailey-Estes-Dilliard House. He said the house is located in northern Wake

County. It is in the Wake Forest vicinity. The current owner is Mr. Stanley Dillard.

He shared a map of the property and said there is 19.27 acres of the property. There are 5 buildings on the property included in the designation. There is a house, store, chicken coop, pump house, and a cemetery.

He described pictures of the Bailey-Estes-Dillard House. He said that overall the house retains a high degree of architectural integrity on both the exterior and interior. The rural setting and intact landscape contribute to the overall property's historic significance.

If approved, this will make the 48th landmark in Wake County. The owners have signed and requested application. The property owners are eligible for a 50% local property tax deferral.

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

Mr. Robert Myers, Vice-Chair of the Wake County Historic Preservation Commission, said that at the November 12, 2009 meeting the Historic Preservation Commission unanimously recommended that the Wake County Board of Commissioners designate the Bailey-Estes-Dillard House as a Wake County Historic Landmark.

Betty Lou Ward motioned, seconded by Paul Coble, to designate the Bailey-Estes-Dillard House located at 9020 Mangum Dairy Road a Wake County Historic Landmark and adopt the ordinance.

The motion to designate the Bailey-Estes-Dillard House located at 9020 Mangum Dairy Road a Wake County Historic Landmark and adopt the ordinance was approved unanimously.

**DESIGNATING THE BAILEY-ESTES-DILLARD HOUSE
IN THE PLANNING JURISDICTION OF WAKE COUNTY, NORTH CAROLINA
A HISTORIC LANDMARK**

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

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

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

WHEREAS, on the 7th day of December, 2009, a public hearing was held in the Board of Commissioners' Meeting Room, Room 700, in the Wake County Courthouse, Raleigh, by the Wake County Board of Commissioners to determine whether the hereinafter described property should be designated a historic landmark; and

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

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

Section 1. The property designated as the Bailey-Estes-Dillard House, owned by Stanley H. Dillard, in Wake County, North Carolina, be and is declared a Wake County Historic Landmark. Said property being more particularly described as follows:

Bailey-Estes-Dillard House, 9020 Mangum Diary Road, Wake Forest, NC, 27587, (Wake County PIN # 1813-72-8418, 1813-72-9109).

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

All exterior design elements, form, features and materials of the main dwelling, pump house, chicken house, store, cemetery, and rural landscape. The designated landmark boundary includes approximately 19.27 acres and the setting of the buildings.

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

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

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

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

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

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

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

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

On the second of Commissioner Paul Coble, and upon vote, the motion carried this the 7th day of December, 2009.

Wake Technical Community College 2007 Building Program Appropriation Request

Mr. Wendell Goodwin, Facilities Engineering Office Wake Technical Community College, said that the request is for the Board of Commissioners to authorize an appropriation of \$3,604,845 of general obligation bonds authorized and unissued for the Public Safety Training Center Phase II Renovation. He said that on October 9, 2007, Wake County voters approved a referendum for \$92 million in general obligation bonds for Wake Technical Community College (WTCC) for financing the construction, installation, and equipping of modifications, renovations, additions, improvements and extensions to existing facilities and one or more new buildings, and the acquisition of land. Included in the building program is the second phase of the Public Safety Center renovation. Wake Tech currently plans to issue a notice to proceed on January 11, 2010 and the project's planned completion date is August 9, 2010 or one week prior to the start of fall classes.

He said that currently there is only \$6.6 million of the \$13.9 million project budget that has been authorized. The remaining funds are need so that construction contracts can be awarded in January.

It is proposed to appropriate \$3.6 million for the Public Safety Center Phase II project as bonds unauthorized and unissued for projects that have had cost savings or that were not scheduled for bid until 2011.

He said this is a contingency plan so if bonds are not sold in January or February, these funds could be used to move forward with construction.

Chairman Gurley asked what is the likelihood that bonds be sold in January and February. Mr. Cooke said there is a good chance the bonds will be sold, but it is not a guarantee. He said his is plan B for completion of this project if bonds are not sold.

Joe Bryan motioned, seconded by Betty Lou Ward, to authorize an appropriation of \$3,604,845 of general obligation bonds authorized and unissued for the Public Safety Center Phase II Renovation project. The motion was unanimously approved.

Resolution Dedicating Use of an Approximate 2.0 Acre Lot Located on Holston Lane to the Board of Trustees of Wake Technical Community College and Exchange of Property

Mr. Mike Aull, Facilities Project Manager, said that in the 1965 the Board of Commissioners leased to the Trustees of the Wake County Hospital System, Inc., certain properties for purposes of conducting hospital services as a non-profit corporation. A portion of the leased property was used for the training of para-medical personnel and in health occupation programs in a cooperative effort between the Wake County Hospital System and W. W. Holding Technical Institute now known as Wake Technical Community College.

In 1972, the governing boards of the hospital and the institute determined that it was in the best public interest to request a transfer of the facilities located on a portion of this leased property to Holding Technical Institute for the continued use to train para-medical personnel and health education programs. Therefore, 3.48 acres was withdrawn from the lease with the hospital's consent and dedicated by resolution adopted October 2, 1972 for use by Holding Technical Institute.

In 1977, Wake County acquired ownership of 2.56 acres located at the northwest corner of the intersection of Sunnybrook Road and Holston Lane adjacent to the 3.48 acres previously dedicated by resolution to the Board of Trustees of the Institute. This property was acquired by the county with the intention that it be utilized by the institute for medical and health training purposes

In 1979, the Board of Trustees of Wake Technical Institute requested that the Board of Commissioners dedicate the use of this 2.56 acres to the institute for the same purposes of the previous dedication. On April 2, 1979 a resolution as adopted to dedicate the use of this property to the Board of Trustees of Wake Technical Institute for construction of the Health Sciences I Building.

As part of 2007 bonds, the request is to build parking deck and Health Sciences 2 building. Mr. Aull said the request is for designation of property for the building and parking deck. The Health Sciences building is 100,471

square foot and five stories. The parking deck will be constructed for 550 spaces. The property line needs to be adjusted for setbacks and will save construction costs. Square footage varies from a previous presentation. Wake Technical Community College is conveying 3,250 square feet, and Wake County is conveying 2,929 square feet.

Commissioner Coble asked when the new building construction will begin and where will the funding come from.

Mr. Wendell Goodwin, Facilities Engineering for Wake Technical Community College said that funding would be from 2007 bonds for both projects. Construction is scheduled to start in February 2010.

Commissioner Norwalk asked about the purpose of the building and cost. Mr. Goodwin said the cost of the building is about \$30 million for 100,000 square feet. There will be consolidation of nursing, radiology, and EMS training programs. The land has been intended to be used for Wake Tech historically.

Commissioner Bryan asked about the ownership of the property. The county will continue to own the property, but Wake Technical Community College will be responsible for the buildings and maintenance.

Commissioner Bryan asked for the market value for the property. Mr. Aull stated he would provide this information to the Board of Commissioners. Commissioner Norwalk said the Board of Commissioners should look at the opportunity cost or value of the costs.

Betty Lou Ward motioned, seconded by Lindy Brown, to approve by adoption of the attached resolution, the dedication for use of an approximate 2.0 acre lot identified as a portion of Wake County Tax Id# 0097920 to the Board of Trustees of Wake Technical Community College to be used exclusively for health sciences education, subject to execution of an appropriate indemnification agreement acceptable to the County Attorney; and further to approve the conveyance of approximately 2,929 square feet (portion of Wake County Tax ID # 0097920) to Wake Technical Community College in exchange for Wake Tech conveying to Wake County approximately 3,250 square feet (portion of Wake County Tax ID #0082664). The motion was unanimously approved.

RESOLUTION DEDICATING USE OF AN APPROXIMATE 2.0 ACRE LOT TO
THE USE OF
WAKE TECHNICAL COMMUNITY COLLEGE

BE IT RESOLVED by the Board of Commissioners of Wake County that:

WHEREAS, by resolution dated October 2, 1972, and duly executed by its Chairman and attested by its Secretary, the Wake County Board of Commissioners withdrew 3.48 acres of land from a lease with Wake County Hospital Systems, Inc., and dedicated that same acreage to the Board of Trustees of W. W. Holding Technical Institute (now the Board of Trustees of Wake Technical Community College), with the designation that said land be used for training para-medical personnel and for health occupation programs; and

WHEREAS, by deed dated June 24, 1977 and recorded in Deed Book 2524, Page 387, Wake County Registry, the County of Wake acquired ownership of 2.56 acres located at the northwest corner of the intersection of Sunnybrook Road and Holston Lane, Raleigh, Wake County, North Carolina and by Resolution dated April 2, 1979, and duly executed by its Chairman and attested by its Secretary, the Wake County Board of Commissioners dedicated that same acreage to the Board of Trustees of Wake Technical Institute (now the Board of Trustees of Wake Technical Community College), with the designation that said land be used for training para-medical personnel and for health occupation programs; and

WHEREAS, further pursuant to said resolutions the Institute is responsible for utilities, maintenance and control of facilities and buildings located on said acreage consistent with the usage provided in the resolution and all expenses for said usage are to be paid from funds and operating budgets allocated to said Institute; and

WHEREAS, the Institute has maintained said land according to the terms of the resolutions of dedication hereinabove described; and

WHEREAS, by deed dated October 10, 1956 and recorded in Deed Book 1256, Page 01, Wake County Registry, the County of Wake acquired ownership of 36.575 acres located on U.S. Highway 64, Raleigh, Wake County, North Carolina for the site of the proposed "Wake County Hospital". On March 26, 1977, by deed recorded in Deed Book 7398, Page 795, Wake County Registry, the County of Wake conveyed 28.492 acres of the 36.575 acre tract to the Wake County Hospital System, Inc., leaving a remainder tract of approximately 8.1 acres; and

WHEREAS, Wake Technical Community College has requested that the Board of Commissioners of Wake County dedicate approximately 2.0 acres of

the remainder tract described above in a manner similar to which the 3.48 acre parcel and 2.56 acre parcel was dedicated and for the same purposes; and

WHEREAS, there is attached to this resolution an Exhibit depicting the approximate acreage and location of the area to be dedicated.

NOW, THEREFORE, BE IT RESOLVED:

1. That the land designated on the Exhibit attached hereto and containing approximately 2.0 acres is dedicated to the Board of Trustees of Wake Technical Community College, said land to be used for training para-medical personnel and for health occupation programs or for the support of these programs.
2. That Wake Technical Community College shall be responsible for any utilities, maintenance and control of said facilities and should any buildings be constructed thereon, such construction shall be consistent with the usage provided herein and Wake Tech shall pay for all expenses from the funds and operating budgets allocated to said Wake Tech.
3. That any construction or improvements or changes by Wake Technical Community College to said property shall be harmonious with the general planning of the surrounding hospital and Wake County facilities.
4. That Wake Technical Community College shall exercise all right, domain and control over said property subject to the inherent right of the Board of Commissioners of Wake County to withdraw said property from the use hereby dedicated. In the event the Board of Commissioners of Wake County exercises its right to withdraw said property from the use hereby dedicated, the Board shall give the Trustees of Wake Technical Community College 90 days notice of its intent to withdraw the dedication.

Commissioner Ward moved the adoption of the foregoing resolution. Commissioner Brown seconded the motion and, upon vote, the motion passed unanimously, this the 7th day of December, 2009.

Commissioner Ward said that the current health facility in this location is full to capacity and the need exists for expansion.

Multi-Year Lease of Office Space for NC Department of Corrections Probation/Parole Officers

Mr. Mike Aull reported the county was notified by the state of the responsibility of providing space to probation and parole officers. There are three offices for probation and parole that accommodates 62 probation and parole officers. There is 16,079 square foot of office space.

Mr. Aull said the County has four options to assume the responsibility for this proposed space need:

1. Move Probation and Parole into existing County office space.
2. Leave the Probation and Parole offices where they are now and have the County reimburse the State Department of Correction for the current lease under the current terms.
3. Notify the State to terminate the current lease agreements and proceed with negotiating new lease agreements with the existing property owners for a 56 month term through 2013 - 2014.
4. Notify the State to terminate the current lease agreements and proceed with exploring alternative options for leased office space and move Probation and Parole into new space for a term through 2013 - 2014.

Mr. Aull said that upon completion of the new Justice Center and relocation of the current courthouse occupants, the county will accommodate the probation and parole space needs in the existing courthouse. The need for probation and parole office space presents a short-term need for the county through 2013-2014.

The current space needs for probation and parole were discussed with the Board of Commissioners at the October 5, 2009 meeting. At this meeting, the county manager recommended that staff renegotiate the current leases and compare these costs with the cost of other available space around the county. In an attempt to test market and locate affordable space for these offices, the county pursued the two options. A request for proposals (RFP) was sent to selected commercial real estate brokers in Wake County for providing approximately 16,000 square feet of office space for this purpose.

One proposal was submitted. This proposal offered 17,642 square feet of space and 43 parking spaces for \$14 per square foot. The county's overall rental rate for 16,079 square feet in the three locations will be \$11.64 per square foot for year one of the term with the total rent payable over the 56 month term being \$923,439.

Commissioner Bryan complimented staff for savings. He said the state has pushed its responsibilities down to county government which costs the county taxpayers more money. The state was paying \$244,974 and the county is going to do it for \$187,106, for the first year. He noted that county staff has saved taxpayers \$85,000 for the first year and \$400,000 over five years.

Commissioner Coble said the property owners are suffering a loss because the way the state has treated them on these leases. The state has cost taxpayers money. He complimented staff for the savings.

Commissioner Norwalk asked if the probation/parole has a need to work in the courthouse. After the new courthouse is built, there will be opportunities to move programs around to lower cost space. There needs to be a five to ten year plan for this space. He suggested as courts are needed, staff offices be moved out to Poole Road. Commissioner Ward suggested a letter be sent to the General Assembly about these unfunded mandates. Commissioner Bryan agreed stated the costs for these services should be included in the letter. Commissioner Norwalk said the programs should go to departments so that the issue can be addressed the best.

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

1. Approve a lease agreement with Berkshire Road I, LLC for approximately 5,172 square feet in the building located at 825 New Hope Road, Raleigh, at an initial rent of \$13.00 per square feet full service (annual) for a term of 54 months commencing January 1, 2010 pending the State's termination of its lease and subject to 3% annual rent increase, option to renew for six one-month terms and terms and conditions acceptable to the County Attorney.
2. Approve a lease agreement with The Northside Company, LLC for approximately 7,307 square feet in the building located at 3006 Industrial Drive, Raleigh, at an initial rent of \$10.00 per square feet full service (annual) for a term of 54 months commencing January 1, 2010 pending the State's termination of its lease and subject to 3% annual increases, option to renew for six one-month terms and terms and conditions acceptable to the County Attorney.
3. Approve a lease agreement with Beau Chene Land and Timber, LLC for approximately 3,600 square feet in the building located at 2027 West Garner Road, Garner, at an initial rent of \$13.00 per square feet full service (annual) for a term of 54 months commencing January 1, 2010 pending the State's termination of its lease and subject to 3% annual increases, option to renew for six one-month terms and terms and conditions acceptable to the County Attorney.

4. Authorize the County Manager to execute the above lease agreements on behalf of Wake County.
5. Approves a letter to be written to the General Assembly about the shift in funding responsibility to the county and the cost savings made by Wake County.

The motion was unanimously approved.

Approval of Construction Contract for (GMP #3B) for the Hammond Road Detention Center -- Phase 2 Expansion

Mr. Phil Stout presented the request for approval of the construction contract for GMP #3B of the Hammond Road Detention Center, Phase 2 Expansion. The bidding process will begin December 13 and bids will be received mid-January 2010. Phase 2 will have 672 beds upon completion.

He gave an overview of the construction schedule.

The first construction contract for the project was awarded by the Board in November 2008. Designated as Guaranteed Maximum Contract One (GMP #1), includes site development, retaining walls, storm drainage, erosion control structures, and utilities for the planned major building expansion. All work included in this contract has been completed.

In February 2009, the Board of Commissioners awarded the second construction contract, designated as GMP #2. This contract included a 300 car parking deck and related site development. Construction is well under way. The site is scheduled for completion in January 2010.

In August 2009, the Board of Commissioners awarded the third construction contract (GMP #3A). This contract included excavation, shoring, and subsurface aggregate piers for the three story building addition.

GMP #3B is the 4th of the contracts for concrete & steel structure, plumbing, electrical, waterproofing. There will be landscaping between Hammond Road and the site.

GMP #3B includes: general trades, structural concrete, structural and Misc. steel, waterproofing, elevators, commercial doors/frames, detention security systems, fire protection, plumbing, mechanical, automated building controls, and electrical.

The fifth construction contract (GMP #4) will be presented to the Board for consideration for approval in January or February and will be about \$8 million under bid.

Savings to the total project should be about \$25 million.

Commissioner Norwalk asked what happens to the savings in the project. Mr. David Cooke said the county does not appropriate the funds if not needed and a lower amount of money will be financed.

Mr. Stout indicated that originally \$186.5 million was the total project cost and the current cost is \$162 million.

Commissioner Norwalk said if the funds had been financed, could the county not use the savings for something else. Ms. Rogers said with bonds, Wake County could only use the savings for debt services.

Joe Bryan motioned, seconded by Commissioner Brown, to approve a guaranteed maximum price contract (GMP #3B) in the amount of \$69,315,259 with the previously selected Construction Manager at Risk Skanska USA Building, Inc. for construction associated with Phase 2 expansion of the Hammond Road Detention Center; and further, to authorize the Chairman to execute contract documents for GMP #3B with Skanska USA Building, Inc. establishing the terms, conditions, and GMP amount of \$69,315,259; said contract documents to be reviewed and approved by the County Attorney.

The motion was unanimously approved.

Accept and Appropriate \$245,980 and Create 5.5 FTEs for the Women, Infants and Children's (WIC) Program

Ms. Sharon Dawkins, Women-Infant-Children Program Manager, requested the acceptance of \$245,980 from the North Carolina Department of Health and Human Services and the establishment of 5.5 full-time employees (FTE's) for the WIC program. She said that based on the state-calculated average participation, the assigned caseload in Wake County is 18,735. The state is providing a \$1.25 per participant rate increase (from \$13.75 to \$15.00) for FY 2009-10, resulting in \$245,980 additional recurring revenue for the Wake County WIC Program as of November 1, 2009. The additional revenue is requested to establish and support the following 5.5 new positions:

- *0.5 FTE Human Services Technician to provide breastfeeding support services
- *1.0 FTE Human Services Technician to provide WIC lab services
- *2.0 FTEs Human Services Technician to provide WIC voucher issuance services
- *2.0 FTEs Nutritionist to provide WIC nutrition assessments and counseling

Commissioner Ward asked about the waiting time for this program. Ms. Dawkins said several staff were affected by the reductions and hiring freeze and they are taking measures to eliminate waiting time, but the federal

guidelines for waiting times. Federal guidelines are a 10 to 20 day wait time, but the program does have 100 day wait. The program has 40 days wait in some areas.

There was discussion about delays in service and what it would take to provide the service within the proper timeframe. Ms. Dawkins said it is difficult to say what is needed to reduce the wait times to no wait times.

Commissioner Norwalk asked about the population at risk since Wake County continues to grow rapidly. WIC is one of the highest priorities in the Human Services. Mr. Bob Sorrels, Human Services Deputy Director, said they have delayed but have not cut positions in the WIC program. Every position requested to fill has been approved by administration.

Commissioner Ward asked if there was a way to help this situation. Mr. Cooke said departments have broad resources and can ask for exemptions from the hiring freeze and WIC has been exempted. He said state and federal monies should be utilized but that may include greater resources from the county. He said there is no new money which means funds would have to come from another area. Commissioner Norwalk said that before budget discussions begin that he would like to see what would be needed to get the waiting list down in all locations. Ms. Dawkins said that she would get this information to the Board of Commissioners.

Lindy Brown motioned, seconded by Betty Lou Ward, to accept and appropriate \$245,980 from the North Carolina Department of Health and Human Services, Division of Public Health and to establish 5.5 FTEs for the Women, Infants and Children's (WIC) Program. The motion was unanimously approved.

Policy for Distributing Affordable Housing Throughout Wake County

Ms. Annemarie Maiorano, Affordable Housing Director, presented the policy for Distribution of Affordable Housing throughout Wake County. At the November 9, 2009 work session of the Board of Commissioners, the board directed staff to prepare a policy for distributing affordable housing throughout the county. It was started by looking at the percentage of government housing in each town. The average number of subsidized housing in each municipality is 3.9%. Ms. Maiorano said that the policy addresses towns with less than 3.9% of subsidized housing. Towns may exempt themselves from the policy if an affordable housing project is needed in the town. The staff will bring reports back to the board annually to assess the progress of meeting the goal. The Towns of Knightdale, Rolesville and Wendell support the policy.

Commissioner Brown asked Ms. Maiorano to read aloud the data on subsidized affordable housing within each municipality.

Joe Bryan motioned, seconded by Commissioner Brown, to approve a policy for the distribution of affordable housing throughout Wake County that:

1. Awards funding commitments only to affordable housing developments within municipalities that contain less than the current County average (3.9%) of subsidized housing. The County will consider funding housing developments if municipalities exempt themselves from this policy via written notice that the development is desired in the city or town;
2. Considers a higher rate of subsidy for developments within towns that have higher housing costs;
3. Considers access to public transportation when making funding commitments for affordable housing developments; and,
4. Requires annual reports from staff on the progress of achieving the policy's goal of distributing affordable housing throughout Wake County.

Commissioner Norwalk had concerns about 1 & 2 of the motion. He said some towns such as Cary can afford affordable housing. He said the Town of Cary should be tithing and should be building affordable housing as part of their responsibility. The policy takes money away from low income tax payers and gives to town councils with plenty of money. He supports equalizing the affordable housing within the county but would not vote for this policy because of the implementation of the concept. He felt there was a better solution than this policy.

Commissioner Ward said the Town of Rolesville has no affordable housing units but it is a growing community. Mr. David Cooke said this is not a mandate but they are trying to set up an incentive for this housing to occur. Most of the projects are done in partnership with municipalities.

Commissioner Ward noted the Town of Rolesville has no affordable housing units. She asked if there are counties that have a mandate that all municipalities share a percentage of affordable housing. Mr. Cooke said that the percentages have occurred naturally in the City of Raleigh and the Eastern portion of the county. He said that a larger public subsidy is required for affordable housing. He said that a partnership should occur with the county.

Commissioner Gurley said the table is about subsidized housing units. Ms. Maiorano said that affordable housing is subsidized housing supplemented by government funds and below market rate.

Commissioner Bryan said this policy is much better than what the county currently has and this is giving direction to the county's partners to try to spread out the affordable housing throughout the county. It should benefit the whole county. He was pleased in the partners' support of the policy.

The motion to approve the policy for the distribution of affordable housing throughout Wake County was approved with a vote of 5 - 1.

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

Approval of Underwriters for Qualified School Construction Bonds

Ms. Johnna Rogers, Deputy Manager, said that staff met with rating agencies on Justice Center bonds which were AA bonds and the AAA rating was reconfirmed by the rating agencies. The bonds will be sold this week.

Ms. Rogers said that the American Recovery and Reinvestment Act authorized a special type of tax credit bonds known as Qualified School Construction Bonds (QSCBs). Wake County received a direct allocation of QSCB's for 2009 and 2010. The amount for 2009 is \$17 million and the 2010 amount is anticipated to be of a similar amount.

She said that the county has begun the planning process for issuing General Obligation Bonds including QSCB's, in early 2010. Wake County needed to identify the underwriters. Requests for proposals were sent to underwriters on October 6th and were due to the county on October 23rd. Eight proposals were received and five were selected for interviews.

Staff selected and recommended Morgan Keegan and RBC Capital Markets as underwriters for the county's qualified school construction bonds. Ms. Rogers said these firms have a solid understanding of the mechanics of these new instruments and presented sound strategies for identifying buyers.

Betty Lou Ward motioned, seconded by Lindy Brown, to approve the selection of Morgan Keegan and RBC Capital Markets as underwriters for the county's Qualified School Construction Bonds.

Commissioner Bryan asked if these were zero coupon bonds. Ms. Rogers said they are likely to not be zero coupon bonds but are tax credit bonds because the investors are looking for a return on investment. Tax credits on these bonds have declined since they were released but they will still result in a savings to the county. Staff anticipates the county paying supplemental coupons which will be 1 to 1.5% which is much less than what the county usually pays. There are not many AAA bonds being done to compare to yet. The federal government sets the tax credit rates daily and the supplemental coupons will be whatever investors are willing to take once tax credits are set.

Commissioner Brown asked about the impact this would have on Wake County. Mr. David Cooke said these will be less expensive to do than the general obligation bonds and will be evaluated for the most effective for the taxpayers. Ms. Rogers said the selection of the underwriters is the beginning of this process. Commissioner Bryan said they are not at zero costs but should be around 2% to 2.5% savings. Ms. Rogers said there would be \$8-\$9 million savings over the life of the loan. The county's financial model will need to be rerun with the supplemental coupons.

The motion to approve the selection of Morgan Keegan and RBC Capital Markets as underwriters for the county's Qualified School Construction Bonds was unanimously approved.

Chairman Gurley said that completed the list of items on the motion which were approved by the board to consider before taking action on item number two (#2).

Election of Vice Chair (continued)

Chairman Gurley said it was time to return to the election of vice chair and asked if there were questions or concerns to be discussed. He then asked Ms. Banks to call for the vote.

Ms. Banks called the vote for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Ward.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Chairman Gurley asked for comments or discussion. There was none.

Ms. Banks called the vote for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Ward.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Ms. Banks called the vote for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Ward.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Joe Bryan motioned, seconded by Paul Coble, to move item #4 which was approval of minutes of November 9 work session, November 16th regular meeting and November 18th meeting with Board of Education and approval of the consent agenda before returning to item #2, election of the vice chair. The motion was approved with a vote of 4 - 2.

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

**Approval of the Minutes of the Commissioners' Meetings in November
2009:
November 9 - Work Session
November 16 - Regular Meeting
November 18 - Joint Meeting with Board of Education**

Joe Bryan motioned, seconded by Paul Coble, to approve the minutes of the Commissioners' Meetings of November 9 - Work Session, November 16 - Regular Meeting, and November 18 - Joint Meeting with Board of Education. The motion passed unanimously.

Consent Agenda

Joe Bryan motioned, seconded by Paul Coble, to approve the consent agenda. The motion to approve the consent agenda passed unanimously.

7. Second Reading on a Request from Samaritan Ambulance Service for Non-Emergency Ambulance Franchise

Joe Bryan motioned, seconded by Paul Coble, to grant a non-emergency ambulance franchise to Samaritan Ambulance Service for operation of a medical transportation service in Wake County effective January 2, 2010 based on a finding of compliance by the Director of the Department of Emergency Medical Services with Chapter 2-7, Article III of the Wake County Code of Ordinances and all applicable state statutes and regulations. The motion passed unanimously.

ORDINANCE GRANTING FRANCHISE TO SAMARITAN AMBULANCE SERVICE, INC. FOR
OPERATION OF A CONVALESCENT CARE AMBULANCE SERVICE

WHEREAS, Samaritan Ambulance Service, Inc., located in Wendell, North Carolina, has applied for a franchise for operation of a convalescent care ambulance transport service in Wake County; and

WHEREAS, Chapter 2-7, Article III of the Wake County Code of Ordinances authorizes the grant of such a franchise by the Wake County Board of Commissioners; and

WHEREAS, Samaritan Ambulance Service, Inc.'s franchise request has been reviewed and given preliminary approval by the Director of the Department of Emergency Medical Services; and

WHEREAS, issuance of the requested franchise will take place only upon a finding of compliance by the Director of the Department of Emergency Medical Services with Chapter 2-7,

Article III of the Wake County Code of Ordinances and all applicable state statutes and regulations.;

NOW, THEREFORE, BE IT ORDAINED, that Samaritan Ambulance Service, Inc. be granted a franchise of five years' duration, effective January 2, 2010, for the delivery of convalescent care ambulance transport service in Wake County, North Carolina, PROVIDED that such franchise be issued only upon a finding of compliance with the provisions of Chapter 2-7, Article III of the Wake County Code of Ordinances and all other applicable State statutes and regulations governing such ambulances services on the part of Samaritan Ambulance Service, Inc. by the Director of the Department of Emergency Medical Services, a copy of which finding shall be maintained in the permanent files of the Clerk to the Board, and, PROVIDED FURTHER, that if Samaritan Ambulance Service, Inc. does not offer the services authorized by this Ordinance, or discontinues the services authorized by this Ordinance during the life of the franchise, then, upon thirty (30) days' notice by Wake County, the franchise authorized herein shall be declared null and void.

Effective this 2nd day of January 2010.

8. Accept and Appropriate an Additional \$201,794 in Workforce Development Funding from the Federal American Recovery and Reinvestment Act of 2009

Joe Bryan motioned, seconded by Paul Coble, to accept and appropriate \$201,794 in additional Workforce Development funding from the implementation of the Workforce Investment Act in the Federal American Recovery and Reinvestment Act of 2009. The motion passed unanimously.

9. Delegate Signatory Authority to the County Manager for the Affordable Housing Grant Programs' Environmental Review Certifications

Joe Bryan motioned, seconded by Paul Coble, to delegate signatory authority to the County Manager for the Environmental Review Certifications for the following housing grant programs: HOME; Community Development Block Grant (CDBG); Community Development Block Grant-Recovery (CDBG-R); Housing Opportunities for Persons with AIDS (HOPWA). The motion passed unanimously.

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

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

1. Report of Collections – Wake County Only – October 2009
2. Wake County In-Rem Foreclosure Progress Report – October 2009
3. Value Adjustments and Special Situations: (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 Wake Forest), (Wake County and Town of Zebulon)
4. Consideration of Requests for Exemptions-Late Filed Applications: (Wake County and Town of Cary), (Wake County and City of Raleigh)
5. Consideration of Refund for Taxes, Interest, and Penalties: (Wake County Only), (Wake County and Town of Cary), (Wake County and Town of Apex), (Wake County and City of Raleigh), (Wake County and Town of Holly Springs), (Wake County and Town of Wake Forest), (Wake County and Town of Wendell)
6. Consideration of Requests for Adjustments, Rebates, and/or Refunds of Penalties: (Wake County and Town of Apex), (Wake County and Town of Cary), (Wake County and Town of Morrisville), (Wake County and City of Raleigh), (Wake County and Town of Wake Forest)
7. Request for Tax Relief-Late Filed Applications: (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 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)

Betty Lou Ward motioned, seconded by Joe Bryan, to take action on item #23, the meeting schedule for Board of Commissioner meetings in 2010, prior to consideration of item #2.

The motion passed unanimously.

Wake County Board of Commissioners' Meeting Schedule for Calendar Year 2010

Commissioner Ward informed the board and the Clerk that the reservations for the NACO Legislative Conference in Washington, DC are open and it may be wise to move forward on reservations.

Commissioner Ward also requested the removal of the work session on December 15th, 2010 from the meeting calendar.

Betty Lou Ward motioned, seconded by Joe Bryan, to remove the December 13, 2010 work session on the Board of Commissioners' 2010 meeting schedule and to accept a friendly amendment from Commissioner Bryan, to give direction to the leadership team, being chair and vice chair, that the Board of Commissioners meet as needed or on a quarterly basis with the Board of Education. The motion passed unanimously.

Wake County Board of Commissioners

2010 Proposed Meeting Calendar

December 7, 2009

Meeting Time is 2pm unless noted

January 4	Regular Meeting, Room 700, Courthouse
January 11	Work Session, G-31, WCOB
January 18	Offices Closed – Martin Luther King Day
January 19	Regular Meeting, Room 700, Courthouse (Tuesday)
January 29, 30	Board Retreat, Walnut Creek Wetland Center (9am)
February 1	Regular Meeting, Room 700, Courthouse
February 8	Work Session, G-31, WCOB
February 15	Regular Meeting, Room 700, Courthouse
March 1	Regular Meeting, Room 700, Courthouse
March 6-10	NACo Legislative Conference, Washington, DC

March 15	Regular Meeting, Room 700, Courthouse
March 22	Work Session, G-31, WCOB
April 5	Offices Closed - Easter Holiday
April 6	Regular Meeting, Room 700, Courthouse (Tuesday)
April 12	Work Session, G-31, WCOB
April 19	Regular Meeting, Room 700, Courthouse
May 3	Regular Meeting, Room 700, Courthouse
May 10	Work Session, G-31, WCOB
May 17	Regular Meeting, Room 700, Courthouse
June 7	Regular Meeting, Room 700, Courthouse
June 7	Budget Public Hearing, Commons Building (7:00 pm)
June 14	Work Session, G-31, WCOB
June 21	Regular Meeting, Room 700, Courthouse Budget Adoption
July 5	Offices Closed – Independence Day Holiday
July 6	Regular Meeting, Room 700, Courthouse (Tuesday)
July 12	Work Session, G-31, WCOB
July 19	NACo Annual Conference, Reno/Washoe, Nevada
August 2	Regular Meeting, Room 700, Courthouse
August 9	Work Session, G-31, WCOB

August 16	Regular Meeting, Room 700, Courthouse
August 26	NCACC Annual Conference, Pitt County, NC
September 6	Offices Closed – Labor Day Holiday
September 7	Regular Meeting, Room 700, Courthouse (Tuesday)
September 13	Work Session, G-31, WCOB
September 20	Regular Meeting, Room 700, Courthouse
October 4	Regular Meeting, Room 700, Courthouse
October 11	Work Session, G-31, WCOB
October 18	Regular Meeting, Room 700, Courthouse
November 1	Regular Meeting, Room 700, Courthouse
November 8	Work Session, G-31, WCOB
November 15	Regular Meeting, Room 700, Courthouse
December 6	Regular Meeting, Room 700, Courthouse

Election of vice Chair

Chairman Gurley noted it was time to return to the election of the vice chair.

Ms. Banks called the vote for vice chair.

Commissioner Coble - Commissioners Bryan, Coble and Gurley

Commissioner Ward - Commissioners Brown, Norwalk and Ward. The vote was three for Commissioner Coble and three for Commissioner Ward.

Betty Lou Ward motioned, seconded by Tony Gurley, to consider items 24 - 35, before returning to item #2. The motion passed unanimously.

Appointments

Wake County Commission for Women

Chairman Gurley nominated Ms. Michelle Schilling to represent District 3. Commissioner Brown nominated Ms. Joy Belk for the At-Large vacancy.

Information Technology Advisory Committee

Commissioner Ward nominated Mr. Robert Michaud, Ms. Niamh Darcy, and Mr. Reginald Brown. Commissioner Brown nominated Mr. Edward "Ed" Ridpath. Commissioner Brown noted that Mr. Reginald Brown had not attended any committee meetings this year. Commissioner Ward withdrew her nomination of Mr. Reginald Brown. Chairman Gurley nominated Mr. Kristoffer Alvarenga.

Commissioner Bryan asked about whether the appointments should represent each district, since Mr. Reginald Brown lives in District 1, then should he make a nomination in his district.

Chairman Gurley asked Ms. Susan Banks to clarify whether each district should be represented. Ms. Banks said that each district is not represented on the committee and in the past commissioners made nominations from outside of their own district.

Commissioner Bryan said that since Mr. Reginald Brown lives in District 1, he would like to delay the nomination until the next board meeting when they can get further clarification on the board composition.

Chairman Gurley said that at the next meeting Commissioner Bryan could nominate somebody from District 1. He asked Commissioner Bryan if he had a nomination that he was considering. Commissioner Bryan said that he was not familiar with any of the applicants and would rely on help from other board members for his nomination.

Commissioner Brown noted that Mr. Edward "Ed" Ridpath was a employee at IBM and experienced in the technology field.

Chairman Gurley said that Mr. Kristoffer Alvarenga is a Hispanic male and noted there are few Hispanics on any of the boards. He said that Commissioner Brown's nomination was politically motivated.

Commissioner Brown said that her nomination was based on what was in the best interest of the county.

Commissioner Bryan said that there were a number of qualified individuals and those qualifications are important when considering applicants.

Commissioner Ward said that Mr. Edward "Ed" Ridpath is well known in the community and knowledgeable and would be an asset to the committee.

The following roll call vote was taken on the nominations of Mr. Edward "Ed" Ridpath and Mr. Kristopher Alvarenga:

Commissioner Norwalk - Mr. Edward "Ed" Ridpath
Commissioner Ward - Mr. Edward "Ed" Ridpath
Commissioner Bryan - Mr. Kristoffer Alvarenga
Commissioner Coble - Mr. Kristoffer Alvarenga
Commissioner Brown - Mr. Edward "Ed" Ridpath
Chairman Gurley - Mr. Kristoffer Alvarenga

Since there was a tie vote, Chairman Gurley said that this vacancy would be considered at the next meeting along with Commissioner Bryan's appointment.

[Oak View Advisory Board](#)

Commissioner Ward nominated Ms. Carol Hunt Chamberlain, Mr. Daniel Fountain, Ms. Martha Glass, Ms. Debbi Blake, Ms. Julie Cubeta, Mr. Mike Dawson, and Mr. Robert Sox.

[United Arts Grants Panels](#)

Commissioner Stan Norwalk nominated Ms. Caroline Lee. Commissioner Coble nominated Ms. Sallie Hedrick.

[Yates Mill County Park Advisory Board](#)

Commissioner Betty Lou Ward nominated Mr. Jesse Perry and Ms. Deborah Robertson.

[Bay Leaf Volunteer Fire Department, Inc. Board of Trustees Firemen's Relief Fund](#)

Commissioner Ward nominated Mr. Ray Ledford and Mr. Sherrod Warwick.

[Durham Highway Fire Department Board of Trustees Firemen's Relief Fund](#)

Chairman Gurley nominated Mr. Floyd Bailey.

[Fairview Rural Fire Department, Inc. Board of Trustees, Firemen's Relief Fund](#)

Commissioner Brown nominated Mr. Chris Pierce and Mr. Joel K. West.

[Rolesville Rural Fire Department Board of Trustees Firemen's Relief Fund](#)

Commissioner Brown nominated Mr. Charles S. Jones.

[Swift Creek Volunteer Fire Department Board of Trustees Firemen's Relief Fund](#)

Commissioner Brown nominated Mr. Andy Johnson and Mr. Donald W. McCorkle.

[Wake-New Hope Volunteer Fire Department, Inc. Board of Trustees Firemen's Relief Fund](#)

Commissioner Coble nominated Mr. Jimmy Jones and Mr. James McCauley.

[Upcoming Vacancies](#)

Chairman Gurley read the list of upcoming vacancies.

Chairman Gurley said the meeting was now back on agenda item #2, with the only items not completed were 15, 20 and 21. It was also pointed out that items 3, 5, and 6 had not been considered.

Betty Lou Ward motioned, seconded by Commissioner Brown, to address items 15, 20 and 21 on the regular agenda. The motion passed unanimously.

[Conveyance of an 82.6-Acre Mitigation Easement on the Procter Farm Open Space in the Little River Watershed to the City of Raleigh](#)

Mr. Mark Edmondson stated the City of Raleigh has asked Wake County to convey 82.6-acre mitigation easement to the city. The City of Raleigh is pursuing the permitting and construction of the Little River Reservoir. The County asked Mr. Richard Kirkland, State Certified General Appraiser, to prepare the appraisal for the property of 532.793 acres on Riley Hill Road, Raleigh, North Carolina. Staff and the revenue director have reviewed the appraisal and conclude it is acceptable. Based on the appraisal the city proposes to pay the county \$6,450 per acre for a total offer of \$540,510. The Open Space Advisory Committee has approved the appraisal. This item was presented to the Raleigh City Council at their regularly scheduled meeting on October 20, 2009 and was approved by a vote of 8-0.

Betty Lou Ward motioned, seconded by Joe Bryan, to authorize the County Manager to accept the offer to convey an 82.6 acre mitigation easement on the Procter Open Space (OS-34) to the City of Raleigh for \$540,510 pursuant to terms and conditions acceptable to the County Attorney, including but not

limited to the right to cross the mitigation easement area with a future greenway trail. The motion passed unanimously.

Commissioner Ward suggested the County Commissioners take a tour of the open space and other county sites that the commissioners have not visited, when the weather is better.

Establishment of a Sustainability Task Force

Mr. Tommy Esqueda, Environmental Services Director, said consistent with the Board of Commissioners' stated goal, the task force discussion will focus on the following areas:

1. Water Resources Conservation and Management
2. Solid Waste Reduction and Management
3. Energy Conservation and Management

A list of people recommended to serve on this task force was provided to the board for consideration.

The first meeting of the Task Force is scheduled for January 21, 2010, at the Wake County Commons Building. Commissioner Ward suggested Commissioner Bryan serve on the task force and it was recommended Commissioner Bryan be appointed as chair of the task force.

Commissioner Norwalk asked for benchmarks to be included in the work of the task force.

Betty Lou Ward motioned, seconded by Joe Bryan, to appoint members to the Sustainability Task Force, appoint Commissioner Bryan as chair of the task force, and approve the committee's scope and process. The motion passed unanimously.

Proposed Sustainability Task Force Membership List

- 1 Environmental Defense Fund Advocacy Marilyn Marsh-Robinson Program Associate
- 2 Wake County Taxpayers Association Advocacy Wynne Coleman
- 3 WakeUp Wake County Advocacy Karen Rindge Executive Director
- 4 NC Rural Economic Development Center Agriculture Billy Ray Hall President
- 5 Airport Authority Appointed Board Gina Danison Environmental Program Manager
- 6 Citizen's Energy Advisory Commission Appointed Board Douglas Brinkley
Principal/Director of Sustainability, Pearce Brinkley
Cease + Lee
- 7 Environmental Services Committee Appointed Board John Whitson Morrisville Town Manager
- 8 OSAPAC Appointed Board Sig Hutchinson Mr. Greenjeans
- 9 Bost Construction/Free Rain Builder/Developer/Planner Rex Bost President
- 10 ColeJenest & Stone Builder/Developer/Planner Michael Cole Managing Principal

- 11 Wake County Homebuilders Assoc. Builder/Developer/Planner Suzanne Harris Vice President of Government Affairs
- 12 Wake/Durham/Orange Green Builders Council Builder/Developer/Planner Chad Ray Owner, Olde Heritage Builders
- 13 Downtown Raleigh Alliance Business David Diaz President & CEO
- 14 Greater Raleigh Chamber of Commerce Business Ken Atkins Senior Vice President, Economic Development
- 15 Greater Raleigh Chamber of Commerce Business Drew Moretz Vice President of Government Affairs
- 16 Interested Citizen Citizen Don Belk
- 17 Interested Citizen Citizen Sara Roberston
- 18 Interested Citizen Citizen Horace Smith
- 19 Duke College/University Tavey Capps Director - Sustainable Duke
- 20 NCSU College/University Tracy Dixon Director, University Sustainability Office
- 21 St. Augustine's College/University Audrey Galloway Director of Development
- 22 UNC College/University Mary Tiger Project Director, Environmental Finance Center
- 23 Wake Tech College/University Glenn Thomas Project Manager - Facilities Operations
- 24 Raleigh Area Development Authority Community Development Wallace Green President
- 25 Conservation Trust of NC Environmental Margaret Newbold Associate Director
- 26 Neuse River Foundation Environmental Alissa Bierma Upper Neuse Riverkeeper
- 27 Soil and Water Conservation District Environmental Robin Hammond Real Property Counsel, CWMTF
- 28 Triangle Land Conservancy Environmental Kevin Brice President & CEO
- 29 Watershed Protection Council Environmental Sherry Johnson
- 30 City of Raleigh Government Julian Prosser Assistant City Manager
- 31 City of Raleigh Government Bianca Howard Solid Waste Education Specialist
- 32 Clean Water Management Trust Fund Government Norman Camp Board Member
- 33 DENR Government Eric Ellis Vice Chair, DENR-Sustainability Team
- 34 NCDOT Government Priscilla Tyree Plant Engineer
- 35 TJCOG Government Sean Flaherty Energy and Environment Planner
- 36 Town of Cary Government Lana Hygh Assistant to Town Manager
- 37 Town of Garner Government Ken Marshburn Council Member
- 38 Town of Rolesville Government Bryan Hicks Assistant Town Manager
- 39 Town of Wake Forest Government Vivian Jones Mayor
- 40 WCPSS Government Joe Desormeaux Assistant Superintendent for Facilities
- 41 K&L Gates Legal Mack Paul Partner
- 42 Lynch & Eatman Legal Jerry Eatman Attorney
- 43 Smith Moore Leatherwood Legal Clyde Holt Attorney
- 44 Thomas Worth, Attorney Legal Thomas Worth Attorney
- 45 Womble Carlyle Sandridge & Rice Legal Nellie Shipley Attorney
- 46 Wyrick Robbins Yates & Ponton Legal Larry Robbins Partner
- 47 AT&T Major Employer Walter Wells Regional Director - External Affairs
- 48 Biogen Major Employer Mike McBrierty Public Affairs Manager
- 49 IBM Major Employer Steve Cole Program Manager, Energy & Environment
- 50 Novartis Major Employer Lee Willmon Health, Safety and Environment Manager
- 51 SAS Major Employer Don McCorquodale Government Relations
- 52 WakeMed Major Employer Thomas Cavender Vice President, Facilities & Construction
- 53 BWCI Group Marketing/Communications Billy Warden
- 54 Progress Energy Utility Harold James
Director-Term Wholesale & Alternative Energy
Efficiency

Confirmed Members: 54

Pending

- 1 Cornerstone Solutions Advocacy Chris Sinclair Partner
- 2 John Locke Foundation Advocacy John Hood President

- 3 Town of Apex Government TBD TBD
- 4 Town of Fuquay-Varina Government TBD TBD
- 5 Town of Holly Springs Government TBD TBD
- 6 Town of Knightdale Government TBD TBD
- 7 Town of Wendell Government TBD TBD
- 8 Town of Zebulon Government TBD TBD

Revisions to Solid Waste Ordinance Allowing for the Disposal of Municipal Sludge at the South Wake Landfill

Mr. Tommy Esqueda, Environmental Services Director, said that Wake County can accept municipal sludge and staff has spoken to the Solid Waste Landfill about being the back up for the sludge disposal. Staff has spoken to the City of Raleigh and municipalities about moving forward with the Solid Waste Ordinance changes. The request is the change of the Solid Waste Ordinance and designed to be a backup plan for accepting municipal sludge.

Commissioner Norwalk asked if the municipalities will be charged if they use more than their capacity. The county needs to know the cost of the capacity. Mr. Esqueda said the purpose of the pilot test is to determine factors and the costs of these factors. There is a Solid Waste Advisory Committee which is comprised of municipal representatives. There is also a Citizens Solid Waste Committee. They are working with North Carolina State University on this project.

Commissioner Bryan asked had staff consulted with the advisory group or the Southwake Landfill Advisory Committee about this item. Mr. Esqueda said that they have not been contacted. Commissioner Bryan asked why the City of Raleigh was asking for this and how would it be an advantage to them. Mr. Esqueda said that the sludge can be used for farmland and is a back up for the City of Raleigh. The landfill would be a back up for each of the partners. Mr. Esqueda said the sludge comes in every day and the City of Raleigh and municipalities stockpile it and when they cannot stockpile anymore the landfill is available to them in this program with the change in the ordinance. They need to get the ordinance changed, then they would meet with the municipalities on this program.

Commissioner Bryan suggested a pilot test be done for three months as a much more conservative approach. Mr. Esqueda said the ordinance needed to be modified before the acceptance and the modification to the operating plan should occur. Commissioner Norwalk suggested that the City of Raleigh was trying to avoid an investment in a dryer technique that some of the municipalities use. They are hauling it to Virginia because not all farmers want their kind of sludge. He asked if Cary had expressed an interest. Mr. Esqueda said they have talked with Cary. This is a disposal location for when there are snowy and icy roads and they cannot dispose of it.

Betty Lou Ward motioned, seconded by Joe Bryan, to approve revisions to Solid Waste Ordinance allowing for the disposal of municipal sludge at the South Wake Landfill with a pilot test limited to six months and direct staff to bring a report back to the board on the pilot project. The motion passed unanimously.

It was noted that there was no closed session scheduled.

Chairman Gurley said there was a request for a recess. He called for ten minute recess.

Chairman Gurley called the meeting back to order following the ten minute recess. He said all the items on the regular agenda had been completed as approved and they were back to item #2 election of the vice chair.

Commissioner Norwalk stated there was no longer an agenda. Chairman Gurley noted that items #5 and #6 were recognition of retirees and recognition of Big Sweep Volunteers but the people were no longer present for the recognition.

Approval of Agenda

Betty Lou Ward motioned, seconded by Paul Coble, to approve amending the agenda with the delay of items #5 and #6, with an apology letter to be sent to the people who were waiting but did not get recognized.

Joe Bryan motioned, seconded by Betty Lou Ward, to accept the amended agenda. The motion was approved unanimously.

Commissioner Ward noted this is the last meeting of Mr. Matt Bosse, Assistant to the County Manager, and he should be acknowledged by the board.

Mr. Bosse said he had enjoyed working with the commissioners and commended the staff he worked with in Wake County that has been a big help to him. He said he is moving to Alexandria, Virginia, has a long distance girlfriend there and will be working for himself. Commissioner Ward said they will be contacting him on their travels to Virginia and hoped to hear from him.

Chairman Gurley said item #2 is the only item not completed.

Chairman Gurley asked for comments or questions. Commissioner Norwalk stated that he and others on the board had been flexible and it was now

Chairman Gurley's turn to be flexible about election of the vice chair when Commissioner Webb returns.

Chairman Gurley asked Ms. Banks to poll the board.

Ms. Banks called the vote for vice chair.

Commissioner Coble - Commissioners Bryan, Coble and Gurley

Commissioner Ward - Commissioners Brown, Norwalk and Ward.

The vote was three for Commissioner Coble and three for Commissioner Ward.

Chairman Gurley asked for comments or motions. Commissioner Ward stated that at the National Association of Counties board meeting last week they voted to implement a discount dental plan.

Chairman Gurley asked if there were questions or comments.

Ms. Banks called the vote for vice chair.

Commissioner Coble - Commissioners Bryan, Coble and Gurley

Commissioner Ward - Commissioners Brown, Norwalk and Ward.

The vote was three for Commissioner Coble and three for Commissioner Ward.

Commissioner Bryan asked if there could be a vice chair shared position so each one could serve for six months. Mr. Warren said the statutes state there is one vice chair and the vice chair serves for one year.

Chairman Gurley asked if there were questions or comments.

Ms. Banks called the vote for vice chair.

Commissioner Coble - Commissioners Bryan, Coble and Gurley

Commissioner Ward - Commissioners Brown, Norwalk and Ward.

The vote was three for Commissioner Coble and three for Commissioner Ward.

Chairman Gurley stated it was time to vote again on the vice chair who serves a one year term. Commissioner Ward asked Mr. Warren if the vice chair's term a ruling made by the General Assembly. Mr. Warren responded that the vice chair's one year term is set by state law. He said the law goes on to say that if the chair and vice chair are not present, the remaining members can select a chair.

Chairman Gurley asked if there were questions or comments.

Ms. Banks called the vote for vice chair.

Commissioner Coble - Commissioners Bryan, Coble and Gurley

Commissioner Ward - Commissioners Brown, Norwalk and Ward.

The vote was three for Commissioner Coble and three for Commissioner Ward.

Chairman Gurley asked if there were questions or comments.

Ms. Banks called the vote for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Ward.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Chairman Gurley asked if there were questions or comments.

Ms. Banks called the vote for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Ward.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Commissioner Norwalk asked Commissioner Bryan why he would not change his vote. Commissioner Bryan said he thought the focus was on allowing Commissioner Webb to vote on vice chair.

Chairman Gurley asked if there were questions or comments.

Ms. Banks called the vote for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Ward. The vote was three for Commissioner Coble and three for Commissioner Ward.

Betty Lou Ward motioned, seconded by Commissioner Brown, to start the voting with Chairman Gurley on the next vote which passed unanimously.

Chairman Gurley asked if there were questions or comments.

Ms. Banks called the vote for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Ward.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Chairman Gurley asked if there were questions or comments.

Ms. Banks called the vote for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Ward.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Chairman Gurley asked if there were questions or comments.

Ms. Banks called the vote for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Ward.

The vote was three for Commissioner Coble and three for Commissioner Ward.

Chairman Gurley asked if there were questions or comments.

Ms. Banks called the vote for vice chair.

Commissioner Coble - Commissioners Bryan, Coble and Gurley

Commissioner Ward - Commissioners Brown, Norwalk and Ward.

The vote was three for Commissioner Coble and three for Commissioner Ward.

Commissioner Ward suggested pictures that have been taken at various times of the board could be framed and put on the walls in the board meeting room.

Ms. Marshall Parrish said the Public Affairs Office does take pictures and they are saved digitally.

Chairman Gurley asked if there were questions or comments.

Ms. Banks called the vote for vice chair.

Commissioner Coble - Commissioners Bryan, Coble and Gurley

Commissioner Ward - Commissioners Brown, Norwalk and Ward.

The vote was three for Commissioner Coble and three for Commissioner Ward.

Stan Norwalk motioned, seconded by Betty Lou Ward, to adjourn.

Mr. Warren stated the consequences of adjourning would be that the vice chair would remain the same since there was no successor chosen for the office. The vice chair would remain the same unless it was brought back up during the year.

The motion to adjourn failed with a vote of 3 - 3.

AYES: Lindy Brown, Stan Norwalk, Betty Lou Ward

NOES: Joe Bryan, Tony Gurley, Paul Coble

Chairman Gurley asked if there were questions or comments.

Ms. Banks called the vote for vice chair.

Commissioner Coble - Commissioners Bryan, Coble and Gurley

Commissioner Ward - Commissioners Brown, Norwalk and Ward.

The vote was three for Commissioner Coble and three for Commissioner Ward.

Chairman Gurley asked if there were questions or comments. There was discussion about providing some food for Commissioner Norwalk in light of him being diabetic. Commissioner Norwalk noted he was fine and instructed the Chairman to continue on with the meeting.

Ms. Banks called the vote for vice chair.

Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Ward.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Chairman Gurley asked if there were questions or comments.

Ms. Banks called the vote for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Ward.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Chairman Gurley asked if there were questions, comments or suggestions.

Ms. Banks called the vote for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Ward.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Chairman Gurley asked if there were questions or comments.

Ms. Banks called the vote for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Ward.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Chairman Gurley asked if there were questions or comments.

Ms. Banks called the vote for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Ward.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Commissioners discussed the UNC Women's Soccer Team who won the 20th national championship out of the 28th awarded and the North Carolina State University 28 - 27 win against University of North Carolina in football.
Commissioner Norwalk read, from websites on the internet, news about the Board of Commissioners meeting and election of its leadership.

Chairman Gurley asked if there were questions or comments.

Ms. Banks called the vote for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Ward.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Commissioner Coble spoke about the City of Charlotte getting their equivalent of outer loop without having to get a toll road when Wake County was told there was no way to get it built one without a toll road. He expressed his disappointment and frustration with this outcome. He was disappointed in Wake County's representatives in the Legislature and with the Department of Transportation. Commissioner Ward suggested a letter of concern should be sent to the General Assembly.

Chairman Gurley asked if there were questions or comments.

Ms. Banks called the vote for vice chair.

Commissioner Coble - Commissioners Bryan, Coble and Gurley

Commissioner Ward - Commissioners Brown, Norwalk and Ward.

The vote was three for Commissioner Coble and three for Commissioner Ward.

Chairman Gurley asked if there were questions or comments.

Ms. Banks called the vote for vice chair.

Commissioner Coble - Commissioners Bryan, Coble and Gurley

Commissioner Ward - Commissioners Brown, Norwalk and Ward.

The vote was three for Commissioner Coble and three for Commissioner Ward.

Chairman Gurley asked if there were questions or comments.

Ms. Banks called the vote for vice chair.

Commissioner Coble - Commissioners Bryan, Coble and Gurley

Commissioner Ward - Commissioners Brown, Norwalk and Ward.

The vote was three for Commissioner Coble and three for Commissioner Ward.

Chairman Gurley asked if there were questions or comments.

Ms. Banks called the vote for vice chair.

Commissioner Coble - Commissioners Bryan, Coble and Gurley

Commissioner Ward - Commissioners Brown, Norwalk and Ward.

The vote was three for Commissioner Coble and three for Commissioner Ward.

Chairman Gurley asked if there were questions or comments.

Ms. Banks called the vote for vice chair.

Commissioner Coble - Commissioners Bryan, Coble and Gurley

Commissioner Ward - Commissioners Brown, Norwalk and Ward.

The vote was three for Commissioner Coble and three for Commissioner Ward.

Chairman Gurley asked if there were questions or comments.

Ms. Banks called the vote for vice chair.

Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Ward.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Commissioner Bryan asked if Chairman Gurley planned to take any breaks. Chairman Gurley stated he would take a break anytime a commissioner requested a break.

Stan Norwalk motioned to recess the meeting until tomorrow at 2:00 p.m.

Commissioner Brown stated that the Board of Adjustment was scheduled to meet in Room 700 at 9:00 a.m. Tuesday so the commissioners would need to find another meeting space if they chose to meet at that time.

Commissioner Norwalk said he was willing to change the time of day if needed.

Mr. Warren said the public notice was addressed by the announcement since it was a recess and the same meeting would be reconvened. He said it was a continuation of the same meeting. Commissioner Bryan expressed concern about the public's expectation on board meetings.

Commissioner Norwalk withdrew his motion stating he wanted to meet when all seven commissioners could be present.

Chairman Gurley asked if there were questions or comments.

Ms. Banks called the vote for vice chair.

Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Ward. The vote was three for Commissioner Coble and three for Commissioner Ward.

Stan Norwalk motioned to recess the meeting and meet next week when it was convenient for all six commissioners. The motion failed due to lack of a second.

Commissioner Ward asked if there was a joint meeting scheduled with the Board of Education. Chairman Gurley asked Ms. Banks if there is a joint meeting with the Board of Education on the schedule. Ms. Banks stated the former school board leadership and former board of commissioners' leadership had chosen to not meet in December but she was attempting to confirm if that decision was still in effect.

Chairman Gurley asked if there were questions or comments.

Ms. Banks called the vote for vice chair.

Commissioner Coble - Commissioners Bryan, Coble and Gurley

Commissioner Ward - Commissioners Brown, Norwalk and Ward.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Chairman Gurley asked if there were questions or comments.

Ms. Banks called the vote for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Ward.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Chairman Gurley asked if there were questions or comments.

Ms. Banks called the vote for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Ward.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Chairman Gurley asked if there were questions or comments.

Ms. Banks called the vote for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Ward.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Commissioner Norwalk asked if the election of the vice chair requires four votes or a majority of the members present. Mr. Warren stated it required a majority of the members present. If someone leaves, that person's absence is treated as if they were present.

Chairman Gurley asked if there were questions or comments.

Ms. Banks called the vote for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Ward.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Chairman Gurley asked if there were questions or comments.

Ms. Banks called the vote for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Ward.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Chairman Gurley asked if there were questions or comments.

Ms. Banks called the vote for vice chair.

Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Ward.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Chairman Gurley asked if there were questions or comments.

Ms. Banks called the vote for vice chair.

Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Ward.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Commissioner Bryan suggested any extra staff that had remained should be excused from the meeting. Chairman Gurley asked what staff was required to monitor this meeting or was anyone present that could be excused. There was discussion about the meeting being televised live and Wake County offering H1N1 flu shots to all persons over six months old. Commissioners discussed the Novartis plant and the two year timeframe for generating the H1N1 flu shot. The Novartis plant in Holly Springs would be the only location that would have enough of the vaccine for the country.

Mr. Matt Bosse provided an update on the federal legislation about the county having to withhold sales tax from all vendors. The 2005 provision was supposed to take effect in 2011. The legislators are optimistic about the sales tax legislation being approved. He said inmates lose health benefits program when they are jailed. The biggest cost comes from pregnant women, who actually qualify for pre-natal care in the Medicaid program. He is trying to get statistics from the Sheriff's Office on the impact of the pre-natal care program.

Mr. Bosse reported the Large Urban County Caucus is forming a foundation committee. He reported that Human Services partners with Operation Hope to provide financial literacy counseling to low income citizens and this is being reviewed for funding. He reported the county has received the \$3 million in federal energy grants for automated buildings system for the Hammond Road Detention Center. There was a \$45 million grant which was not pursued due to the regulations involved in the grant. Stimulus grants were the first funded by Congress. Commissioner Norwalk asked about grants to fund the EVAAS. Mr. Bosse said the Governor is working on grants. Commissioner Norwalk said EVAAS is moving forward as a tool for evaluating teachers.

Chairman Gurley asked if there were questions or comments.

Ms. Banks called the vote for vice chair.

Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Ward.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Chairman Gurley asked if there were questions or comments.

Ms. Banks called the vote for vice chair.

Commissioner Coble - Commissioners Bryan, Coble and Gurley

Commissioner Ward - Commissioners Brown, Norwalk and Ward.

The vote was three for Commissioner Coble and three for Commissioner Ward.

Chairman Gurley asked if there was any guidance about how often the board can vote on the vice chair. Mr. Warren stated there were no specific rules about this process.

There was discussion about water and there no longer being a deficit of water in the county.

Chairman Gurley recessed the meeting for dinner until 10:00 p.m.

Chairman Gurley called the meeting back to order. He opened the floor for motions or comments.

Betty Lou Ward motioned, seconded by Commissioner Brown, to have herself and Commissioner Coble withdraw as nominees for the vice chair position and let Commissioner Brown remain as vice chair.

Chairman Gurley asked Mr. Warren if Commissioner Ward's motion was a valid motion. Mr. Warren stated that Commissioner Coble would have to voluntarily withdraw his candidacy for vice chair. Chairman Gurley said Commissioner Ward could withdraw but she could not motion for Commissioner Coble to withdraw. He said there is also the potential that the board could be deadlocked so the vice chair position would default back to Commissioner Brown who is serving until replaced as vice chair. Commissioner Ward said she would withdraw if Commissioner Coble would also withdraw. Commissioner Ward said it was just a suggestion. Chairman Gurley said that since the motion was not a valid motion and just a suggestion there was no need for a second to Commissioner Ward's suggestion.

Joe Bryan motioned, seconded by Tony Gurley, to elect Commissioner Paul Coble as vice chair by acclamation. The motion was tied with a 3 - 3 vote.

AYES: Joe Bryan, Tony Gurley, Paul Coble

NOES: Lindy Brown, Stan Norwalk, Betty Lou Ward

Chairman Gurley asked if there were questions or comments.

Ms. Banks called the vote for vice chair.

Commissioner Coble - Commissioners Bryan, Coble and Gurley

Commissioner Ward - Commissioners Brown, Norwalk and Ward.

The vote was three for Commissioner Coble and three for Commissioner Ward.

Commissioner Norwalk was called out of order by Chairman Gurley for his comments about other commissioners. Chairman Gurley asked about provisions for dismissing a fellow commissioner for profanity or vulgarity in a board meeting. He noted such comments were inappropriate in a public meeting and televised meeting.

Chairman Gurley asked if there were questions or comments.

Ms. Banks called the vote for vice chair.

Commissioner Coble - Commissioners Bryan, Coble and Gurley

Commissioner Ward - Commissioners Brown, Norwalk and Ward.

The vote was three for Commissioner Coble and three for Commissioner Ward.

Chairman Gurley asked if there were questions or comments.

Ms. Banks called the vote for vice chair.

Commissioner Coble - Commissioners Bryan, Coble and Gurley

Commissioner Ward - Commissioners Brown, Norwalk and Ward.

The vote was three for Commissioner Coble and three for Commissioner Ward.

Chairman Gurley asked if there were questions or comments.

Commissioner Coble said in the spirit of compromise, he would like to elect Commissioner Joe Bryan as vice-chair. Chairman Gurley said that nominations have been closed so this action would be out of order.

Ms. Banks called the vote for vice chair.

Commissioner Coble - Commissioners Bryan, Coble and Gurley

Commissioner Ward - Commissioners Brown, Norwalk and Ward.

The vote was three for Commissioner Coble and three for Commissioner Ward.

Chairman Gurley asked if there were questions or comments.

Ms. Banks called the vote for vice chair.

Commissioner Coble - Commissioners Bryan, Coble and Gurley

Commissioner Ward - Commissioners Brown, Norwalk and Ward.

The vote was three for Commissioner Coble and three for Commissioner Ward.

Chairman Gurley asked if there were questions or comments.

Ms. Banks called the vote for vice chair.

Commissioner Coble - Commissioners Bryan, Coble and Gurley

Commissioner Ward - Commissioners Brown, Norwalk and Ward.

The vote was three for Commissioner Coble and three for Commissioner Ward.

Stan Norwalk motioned, seconded by Commissioner Brown, to call the question.

Commissioner Norwalk stated he did not understand the waiting five minutes between each vote. Chairman Gurley said he thought Commissioner Norwalk understood but since he believed Commissioner Norwalk did not understand, he ruled his motion out of order.

Stan Norwalk motioned, seconded by Commissioner Brown, to call the question. The motion to call the question was approved with a vote of 5 - 1.

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

Commissioner Bryan requested clarification on what the board would be voting on. Commissioner Norwalk said the motion to "call the question" was made to vote on the election of the vice chair.

Chairman Gurley asked if there were questions or comments.

Ms. Banks called the vote for vice chair.

Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Ward. The vote was three for Commissioner Coble and three for Commissioner Ward.

Chairman Gurley stated the floor was open for comments until the next vote.

Commissioner Brown motioned to call the question on the vote on the vice chair. Chairman Gurley ruled the motion out of order since it was a repeat of the previous motion.

Commissioner Norwalk motioned, seconded by Commissioner Brown, to vote on the vice chair election every minute. Chairman Gurley ruled the motion out of order and stated the vote would be taken every 2 1/2 minutes to 5 minutes.

The commissioners discussed the frequency of voting on the election of the vice chair.

Chairman Gurley then asked Ms. Banks to note the times of each vote so they could stay on target with the voting process.

Chairman Gurley asked if there were questions or comments.

Ms. Banks called the vote for vice chair.

Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Ward.
The vote was three for Commissioner Coble and three for Commissioner Ward.

There was intermittent discussion about the schools and Mr. Ron Margiotta, the new Chair of the Board of Education.

Mr. Warren suggested to the board that he would be happy to fill in for Ms. Banks so she could leave the meeting. The board members agreed.

Chairman Gurley asked if there were questions or comments.

Ms. Banks called the vote for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Ward.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Commissioner Bryan raised the question about Mr. Warren serving as Clerk. Mr. Warren said there was only one matter on the agenda and the function was ministerial at this point. He did not see this as a problem.

Chairman Gurley asked if there were questions or comments.

Ms. Banks called the vote for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Ward.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Ms. Banks left the meeting and Mr. Warren served as Clerk at this time.

Chairman Gurley asked if there were questions or comments.

Mr. Warren polled the board on their votes for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Ward.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Chairman Gurley asked if there were questions or comments.

Mr. Warren polled the board on their votes for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Ward.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Chairman Gurley asked if there were questions or comments.

Mr. Warren polled the board on their votes for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Ward.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Chairman Gurley asked if there were questions or comments.

Mr. Warren polled the board on their votes for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Ward.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Commissioner Norwalk read blogs and news items from the internet regarding the board meeting.

Chairman Gurley called for a 15 minutes break with the meeting to reconvene at 11:46 p.m.

Chairman Gurley called the meeting back to order stating the item for consideration was the election of the vice chair for a term of one year.

Commissioner Norwalk motioned to adjourn the meeting stating he did not believe anything more was going to happen. There was no second to the motion. Commissioner Norwalk withdrew his motion.

Chairman Gurley asked if there were questions or comments.

Mr. Warren polled the board on their votes for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Ward.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Stan Norwalk motioned, seconded by Betty Lou Ward, to adjourn the meeting. Chairman Gurley asked for discussion. There was no discussion. The motion to adjourn the meeting failed with a vote of 2 - 4.

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

Commissioner Bryan suggested a coin flip could be done between Commissioner Ward and Commissioner Coble to decide on the vice chair and then the person could vote for the other one and there could be a unanimous vote.

Commissioner Bryan said he would make it in the form of a motion which was ruled inappropriate. Commissioner Bryan then suggested a process be put in

place to use a coin flip. Mr. Warren said there is a provision in the statutes for an election by chance but the statute does not fit this situation.

Commissioner Bryan asked if the two candidates were in agreement with the process, could it be used. Mr. Warren said he would not advise using that method.

Chairman Gurley asked if there were questions or comments. He said the floor is open for comments until the next vote.

Chairman Gurley asked if there were questions or comments.

Mr. Warren polled the board on their votes for vice chair.

Commissioner Coble - Commissioners Bryan, Coble and Gurley

Commissioner Ward - Commissioners Brown, Norwalk and Ward.

The vote was three for Commissioner Coble and three for Commissioner Ward.

Stan Norwalk motioned, seconded by Betty Lou Ward, to recess the meeting until a date and time certain that was acceptable to all six commissioners.

Chairman Gurley ruled the motion out of order since the date needed to be set as part of the motion. Mr. Warren stated the date and time of the meeting did need to be part of the motion.

Commissioner Ward suggested the time be Wednesday at 10:00 a.m. and Commissioner Norwalk agreed.

Stan Norwalk motioned, seconded by Betty Lou Ward, to recess this meeting to be reconvened Wednesday, December 9, 2009 at 10:00 a.m.

Commissioner Norwalk said this would give people a chance to talk to others and rest before coming back on Wednesday. Chairman Gurley called for a vote on the motion. Commissioners discussed how personal attacks and opinions should be rendered or not.

Chairman Gurley asked the consequences of this motion. Commissioner Norwalk said he wanted to assure it was a time all six commissioners could attend.

Chairman Gurley said the consequences of this motion was that the meeting would be recessed and would reconvene on Wednesday with the only agenda item being election of the vice chair. Chairman Gurley questioned if a member could attend who had not participated in the remainder of the meeting. Mr. Warren stated all commissioners could participate in the reconvened meeting.

The motion to recess this meeting to be reconvened Wednesday, December 9, 2009 at 10:00 a.m. failed with a vote of 3 - 3.

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

Chairman Gurley asked if there were questions or comments.

Mr. Warren polled the board on their votes for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Ward.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Chairman Gurley asked if there were questions or comments.

Mr. Warren polled the board on their votes for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Ward.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Chairman Gurley asked if there were questions or comments.

Mr. Warren polled the board on their votes for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Ward.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Commissioner Bryan asked the County Attorney to read the statutes that relate to the election of the chair and vice chair to the board. Mr. Warren read General Statute 153A-39 as follows: On the first Monday in December of each even-numbered year; and its first regular meeting in December of each odd-numbered year, the board of commissioners shall choose one of its members as chairman for the ensuing year, unless the chairman is elected as such by the people or otherwise designated by law. The board shall also at that time choose a vice-chairman to act in the absence or disability of the chairman. If the chairman and vice-chairman are both absent from a meeting of the board, the members present may choose a temporary chairman. The chairman is the presiding officer of the board of commissioners. Unless excused by rule of the board, the presiding officer has the duty to vote on any question before the board, but he had no right to break a tie vote in which he participated.

Commissioner Bryan asked where it stated the vice chair was elected for one year. Mr. Warren said the statute implies a one year term by the board choosing the chair and vice chair to serve until the next December. Commissioner Bryan said the state refers to the chair and he questioned the vice chair. Mr. Warren said read the part of the statute about the vice chair

noting that it implies the one year term for the vice chair. Commissioner Bryan said it seemed there was some ambiguity in the language on the vice chair position being for one year. Mr. Warren said the statute said "the board shall also at that time..." which he interpreted this to be done in connection with the election of the chair. Commissioner Ward asked about the chair and the way the Board of Education changed their chair person in the middle of the term. Mr. Warren said the Board of Commissioners and the Board of Education are not governed by the same laws. He said the School Board can call an organizational meeting following the election of new members. Commissioner Norwalk asked if Commissioner Webb chose to not return and a new member was appointed, could this board elect a new chair. Mr. Warren said that was not the case with the Board of Commissioners.

Commissioner Bryan asked if there were any other positions other than the chair and vice chair mentioned in the statutes. Mr. Warren said there are not other positions for the board itself, but the statutes do call for a Clerk, Attorney and Manager.

Commissioner Ward found it odd that the statutes differ so much from the Board of Education. The commissioners discussed some of the differences between the two boards and that the Board of Commissioners provides funding to the Board of Education.

Chairman Gurley asked if there were questions or comments.

Mr. Warren polled the board on their votes for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Ward.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Chairman Gurley asked if there were questions or comments.

Mr. Warren polled the board on their votes for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Ward.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Commissioner Norwalk offered his cell phone number for people watching the meeting to call in and ask questions. He received calls from former County Commissioner Phil Jeffreys and Nancy Cordell with WTVD. Chairman Gurley said he held up the vote for Commissioner Norwalk to make his comments on the phone calls.

Chairman Gurley asked if there were questions or comments.

Mr. Warren polled the board on their votes for vice chair.

Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Ward.
The vote was three for Commissioner Coble and three for Commissioner Ward.

Commissioner Norwalk received another phone call from a citizen, Mr. Greg Cotton.

Commissioner Brown said the meeting is being shown live on the video streaming and the caption displays "live on December 7th, 2009" but it is now December 8th. Chairman Gurley stated that the meeting is still the December 7th meeting.

Betty Lou Ward motioned to recess the meeting and reconvene on Wednesday at 9:00 a.m. but due to no second the motion failed.

Chairman Gurley asked if there were questions or comments. Chairman Gurley said the board is following the rules for the election as set out which is a majority vote or the board declares a deadlock.

Mr. Warren polled the board on their votes for vice chair.
Commissioner Coble - Commissioners Bryan, Coble and Gurley
Commissioner Ward - Commissioners Brown, Norwalk and Ward. The vote was three for Commissioner Coble and three for Commissioner Ward.

Betty Lou Ward motioned to declare a deadlock on the election of the vice chair at this time.

Chairman Gurley said the consequences of a deadlock is that the current vice chair would continue serving in that position until the election of the vice chair is placed on an agenda and the majority of commissioners elects a new vice chair. Commissioner Norwalk offered his support.

Betty Lou Ward motioned, seconded by Lindy Brown, to declare the board at a deadlock on the election of the vice chair.

The motion to declare the board at a deadlock on the election of the vice chair failed with a vote of 3 - 3.

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

Chairman Gurley opened the floor for discussion. Commissioner Brown asked if this should mean that nominations should be reopened since Commissioner Ward's motion was that the board was deadlocked. Mr. Warren said the nominations could be reopened by majority vote of the board.

Chairman Gurley called for a recess for fifteen minutes.

Chairman Gurley called the meeting back to order stating the election of the vice chair is the agenda item.

Betty Lou Ward motioned, seconded by Stan Norwalk, to recess this meeting to be reconvened at 10:30 a.m. Wednesday, December 9th, 2009. The motion failed with a vote of 3 - 3.

AYES: Lindy Brown, Stan Norwalk, Betty Lou Ward

NOES: Joe Bryan, Tony Gurley, Paul Coble

Chairman Gurley asked if there were questions or comments.

Mr. Warren polled the board on their votes for vice chair.

Commissioner Coble - Commissioners Bryan, Coble and Gurley

Commissioner Ward - Commissioners Brown, Norwalk and Ward.

The vote was three for Commissioner Coble and three for Commissioner Ward.

The floor was opened for comments until the next vote.

Commissioner Ward spoke of attending a national meeting and hearing other county officials talk about their problems with the mental health system.

Commissioner Norwalk spoke of the high unemployment rate. There is only a 5% unemployment rate in the Cary area but it is higher in the eastern part of Wake County. Commissioner Bryan said that Mr. Steve Church emailed him that more than half of the people that leave the state are not contacted at all within the first week of their release. Mr. Church is an advocate for mental illness. The last report says that 24% of the patients that leave the hospital are never contacted by mental health. Commissioner Ward said she served on a state committee and they attended all the state mental health facilities and was concerned by the things she observed.

Commissioner Ward said she had heard that someone had offered to install video cameras in the Board of Education meeting room.

Chairman Gurley asked if there were questions or comments.

Mr. Warren polled the board on their votes for vice chair.

Commissioner Coble - Commissioners Bryan, Coble and Gurley

Commissioner Ward - Commissioners Brown, Norwalk and Ward.

The vote was three for Commissioner Coble and three for Commissioner Ward.

Commissioner Ward asked Mr. Cooke if he was aware of any changes coming from the state. Mr. Cooke said Wake County is building the Continuum of Care which will be built by the next October or November; partnership with

Holly Hill Hospital and partnership with Dorothea Dix Hospital until the Continuum of Care opens. He said Wake County is focusing on putting systems in place that will be an improvement for mental health clients. They have received some information about how those options will play out and a lot of things are in motion in Wake County. The state has budget issues and will have significant budget issues in the upcoming year without the stimulus funds to fund current operations. He said he believed the state would be making reductions in the health and human services areas. Commissioner Norwalk said the school system cut its budget by \$20 million so it will be impacted if the state makes more budget cuts. He asked if Mr. Cooke agreed with that assumption. Mr. Cooke stated he did not think schools would be as impacted as health and human services will be impacted in the next year. He said it was hard to tell if they will target areas or if they will do an across the board reductions. Commissioner Norwalk said he believed the counties will be impacted by reduction in monies for secondary roads.

Commissioner Ward asked if the new facility opening in the future would the Alcohol Treatment Center would remain. Mr. Joe Durham said that is being looked into now to determine the transition and it would be a Detox facility. They are looking into how to handle the budget impacts and options on how to manage the new facility. Commissioner Ward asked how many beds the new facility would house. Mr. Cooke responded there would be 48 beds in four separate sections. They are trying to meet the need for the short term hospitalization. If a case goes beyond two weeks, they go to the state. The Detox center may have a different timeframe. Commissioner Ward asked how the Detox facility in Greenville, North Carolina can only serve Pitt County residents if they accept state and federal funds. Mr. Durham said they could not refuse to treat residents outside of Pitt County if they receive state and federal funds.

Commissioner Norwalk asked if there was an income level used for competitive grants. Mr. Cooke said Human Services is very active in applying for competitive grants and there is more short term funding through stimulus programs at this time. The county reviews how long the funding commitments will be provided.

Chairman Gurley asked if there were questions or comments.

Mr. Warren polled the board on their votes for vice chair.

Commissioner Coble - Commissioners Bryan, Coble and Gurley

Commissioner Ward - Commissioners Brown, Norwalk and Ward.

The vote was three for Commissioner Coble and three for Commissioner Ward.

Commissioner Ward asked about the Highway 540 toll road and what are Wake County's chances are for asking again for state funds following Charlotte receiving funds for the loop road. Commissioner Bryan said that there was

concern at the CAMPO table all the Mayors in the western part of the county voted to move the 540 project up by twenty years, except for Mayor Weatherly, because it had been stated that it would not be built within twenty years without it being a toll road. There is concern that one area of the state is being treated differently than another urban area of the state. His understanding is that the Charlotte project is a \$50 million in financing not a billion dollar project like Highway 540. The area around Holly Springs is around a billion dollars. He said this is what is proposed by Governor Perdue and Congressman Conte who are quick to point out there are also two toll roads projects. Commissioner Ward asked if the toll would go away once the debt is paid. Commissioner Bryan said that was his understanding in concept but once it is paid off there will be maintenance and road expansions needed.

Commissioner Ward asked when the bids will be let on the Justice Center. Mr. Cooke said it is expected that the bids will be awarded in March.

Chairman Gurley asked if there were questions or comments.

Mr. Warren polled the board on their votes for vice chair.

Commissioner Coble - Commissioners Bryan, Coble and Gurley

Commissioner Ward - Commissioners Brown, Norwalk and Ward.

The vote was three for Commissioner Coble and three for Commissioner Ward.

Commissioner Norwalk expressed concern over his lack of receiving his insulin at this late hour noting that he should have received it hours earlier.

Stan Norwalk motioned, seconded by Betty Lou Ward, to recess the meeting because of health concerns.

Chairman Gurley stated that if the meeting is recessed it could change the number of commissioners present. He said that all seven commissioners could participate in the recessed meeting as also noted by the County Attorney.

Commissioner Norwalk said he needed to go home and get his insulin.

Commissioner Coble said he would not tolerate that and would not sit here and put Commissioner Norwalk at risk. He asked what the solution was for recessing this meeting and returning right where they were on the agenda.

Commissioner Ward agreed and stated Commissioner Norwalk should not wait for his insulin because of possible health consequences.

Stan Norwalk motioned, seconded by Betty Lou Ward, to recess the meeting until Wednesday morning at 10:00 a.m.

Chairman Gurley asked how the motion needed to be crafted so that the six commissioners that started this process would end this process. Mr. Warren said the seventh commissioner's participation could not be waived and the board could not exclude a member from participating in the meeting.

Chairman Gurley asked if someone could be sent out to bring the medication needed for Commissioner Norwalk to be delivered at this meeting. There was discussion about a 24-hour pharmacy. Mr. Warren said if the seventh member attends on Wednesday and Commissioner Norwalk is present, they would have a duty to vote. Commissioner Norwalk offered to not attend. Commissioner Ward advised Commissioner Norwalk not to make that offer. Chairman Gurley stated this was an attempt to delay the meeting.

Commissioner Ward said this was not a political move because Commissioner Norwalk was ill. Chairman Gurley stated it was a political ploy. Commissioner Coble suggested the meeting reconvene Tuesday morning. Commissioner Ward said she could not make it back Tuesday morning with this meeting not ending until 2:00 a.m. Tuesday. She stated she could attend Wednesday. Chairman Gurley said Wednesday was the best day, if a time could be agreed on. Commissioner Ward said 10:00 a.m. was a good time. Commissioner Norwalk suggested December 15th if there was a joint meeting with the Board of Education. Commissioner Bryan said he had other meetings scheduled at 4:00 p.m and 7:00 p.m. on Wednesday and was concerned about the length of this meeting. Chairman Gurley said the only opportunity for change in the vote is for an additional commissioner to participate in the vote or someone to change their vote. Commissioner Coble said he would not put someone's health at-risk by continuing to meet all night.

Betty Lou Ward motioned, seconded by Commissioner Brown, to recess the meeting to be reconvened Wednesday, December 9th at 10:00 a.m.

Mr. Warren clarified the motion to mean that the meeting would be recessed until Wednesday, December 9th at 10:00 a.m. when it would be reconvened with the only item of business being election of the vice chair as it was currently framed and with Commissioner Brown serving as vice chair up to that meeting. He noted the public notice requirement was met by the announcement made during the open session. As a courtesy, staff will send a notice out about the meeting to those who have asked for meeting notices or expressed an interest, if the motion passed.

The motion to recess the meeting to be reconvened Wednesday, December 9th at 10:00 a.m. approved with a vote of 5 - 1.

AYES: Joe Bryan, Lindy Brown, Stan Norwalk, Paul Coble, Betty Lou Ward

NOES: Tony Gurley

Chairman Gurley stated he opposed the motion because Commissioner Norwalk could have volunteered to not attend if there was a different set of commissioners, but he did not.

Chairman Gurley declared the meeting recessed until Wednesday, December 9th at 10:00 a.m.

Respectfully submitted,

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