

**WAKE COUNTY BOARD OF COMMISSIONERS**

**Regular Meeting**

**February 18, 2013**

**2:00 P.M.**

**Room 700, Wake County Courthouse**

Present were: Chairman Joe Bryan, Vice Chair Phil Matthews, and Commissioners Paul Coble, Tony Gurley, Carolina Sullivan, Betty Lou Ward and James West

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

**Meeting Called to Order: Chairman Joe Bryan**

**Pledge of Allegiance**

**Invocation: Commissioner Betty Lou Ward**

**Items of Business**

**Approval of Agenda**

Commissioner Coble asked to add discussion of draft legislation. Commissioner Matthews stated that he would like to add that item #16, Middle School Site in North Raleigh M-13, needed to be taken off the table and placed on the agenda because it was scheduled for the March 18th meeting.

Paul Coble motioned, seconded by Phil Matthews, to approve the agenda with the requested amendments. The motion passed unanimously.

**Approval of the Minutes of the Commissioners' Regular Meeting on February 4, 2013**

Paul Coble motioned, seconded by Tony Gurley, to approve the Minutes of the Commissioners' Regular Meeting on February 4, 2013 as presented.

The motion passed unanimously.

**Retiree Recognition**

Mr. David Cooke recognized Jeffrey Woodward, Lynn Patrie, and Harold Mallette for their service to Wake County. He presented them plaques for their service.

### **Consent Agenda**

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

#### **Accept and Appropriate \$18,000 Grant from National Association of County and City Health Officials**

Paul Coble motioned, seconded by Phil Matthews, to accept the grant from the National Association of County and City Health Officials and appropriate \$18,000 to the County's Grant Fund. The motion passed unanimously.

#### **Modify and Reaffirm the Cooperative Planning Memorandum of Understanding for Highway US 1 north of Interstate 540**

Paul Coble motioned, seconded by Phil Matthews, to approves the US Highway 1 Memorandum of Understanding between the County of Wake and the County of Franklin, the City of Raleigh, the Town of Wake Forest, the Town of Franklinton, the Town of Youngsville, Capital Area Transit, the Kerr Area Rural Transit System, the Triangle Transit Authority, the Capital Area Metropolitan Planning Organization, and the North Carolina Department of Transportation. The motion passed unanimously.

#### **Accept and Appropriate \$1,411,535 of Federal Funds from the NC Department of Health and Human Services, Division of Social Services for the Human Services Crisis Intervention Program**

Paul Coble motioned, seconded by Phil Matthews, to accepts and appropriates to the General Fund \$1,411,535 in additional revenues and expenditures from the NC Department of Health and Human Services, Division of Social Services (NCDHHS), for the Human Services Crisis Intervention Program. The motion passed unanimously.

Payment amounts vary based on the crisis and the amount needed to alleviate the energy crisis. Eligible households may receive a maximum amount of \$600. All CIP payments are made directly to the energy/fuel provider. Compared to the same period last year, services are up approximately 45%:

	# Households	Assistance Provided
7/1/2011 – 1/25/2012	4061	\$ 950,329.17
7/1/2012 – 1/25/2013	6118	\$1,379,267.73

In fiscal year 2012, the CIP program assisted 7,143 Wake County households, with a maximum amount payable of \$600 per household. The funds are distributed to counties based on an allocation percentage which estimates home-energy expenditures by low-income households. All CIP payments are made directly to the energy/fuel provider.

The Crisis Intervention Program (CIP) assists low-income persons with a heating or cooling related crisis. Households apply for the benefits at the local social services agency or other contracted non-profit agencies. The target population is determined based on the following eligibility criteria:

1. Low-income households (income is equal to or less than 150% of the current poverty level),
2. A household must contain a U.S. citizen or an eligible alien, and
3. The household must have a disconnection notice or final notice or already be disconnected no extension agreements or Equal Payment Plans.

Description	FY13 Amended Budget	State Allocation	Variance Over/(under)
State Crisis Intervention Program Funds	\$1,781,923.00	\$3,193,458.00	\$1,411,535

**Accept and Appropriate \$300,000 of Federal Funds from the NC Department of Health and Human Services, Division of Social Services for the Low Income Energy Assistance Program**

Paul Coble motioned, seconded by Phil Matthews, to accept and appropriate \$300,000 to the General Fund in revenues and expenditures from the NC Department of Health and Human Services, Division of Social Services for the Low Income Energy Assistance Program (LIEAP). State allocation exceeds current amended budget by \$773,225. The motion passed unanimously.

**Conveyance of a Construction and Drainage Easement to the NC Department of Transportation for Bridge Improvements at the Turnipseed Nature Preserve in the Marks Creek Area**

Paul Coble motioned, seconded by Phil Matthews, to authorize the County Manager to execute Construction and Temporary Drainage Easements to the

North Carolina Department of Transportation on Open Space property along Turnipseed Road for bridge improvements, subject to the terms and conditions approved by the County Attorney. The motion passed unanimously.

**Appointment of Map and Plat Review Officers for the Town of Wendell**

Paul Coble motioned, seconded by Phil Matthews, to adopt a Resolution appointing Map and Plat Review Officers, Zunilda Rodriguez, Planning Director and David Bergmark, Planner, for the Town of Wendell. The motion passed unanimously.

RESOLUTION  
APPOINTING STAFF FROM THE TOWN OF WENDELL  
TO SERVE AS MAP AND PLAT REVIEW OFFICER

WHEREAS, Section 3, Article 2 of Chapter 47 of the North Carolina General Statutes requires the Board of Commissioners of each County to designate one or more persons experienced in mapping or land records management to be appointed as a Review Officer to certify the maps or plats presented to the Register of Deeds as complying with all statutory requirements for recording; and

WHEREAS, the review of statutory requirements is of a technical nature; and

WHEREAS, local government staffs are qualified to undertake this technical review and therefore are the logical people to implement this requirement.

NOW, THEREFORE, BE IT RESOLVED that the Wake County Board of Commissioners designate the following persons, positions or their designee to serve as the Review Officers for all lands within their jurisdictional area:

Town of Wendell:  
Zunilda Rodriguez                      Planning Director  
David Bergmark                          Planner

ADOPTED this the 18<sup>th</sup> day of February, 2013.

Wake County Board of Commissioners

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Joe Bryan, Chairman

**Regular Agenda**

**[Memorandum of Understanding with the City of Raleigh for the Development and Design of a Co-Located Emergency Operations Center](#)**

Mr. Josh Creighton, Wake County Emergency Management Director, introduced the team of individuals including Daniel Howe, Assistant Manager, City of Raleigh; Derrick Rimmer, Assistant Emergency Management Coordinator, City of Raleigh; Clymer Cease with PBC+L Architectural Firm, who has been retained by the City for this project. Wake County staff present were John Wilson, Assistant Chief of Wake County EMS; Sue Lynn Ledford, Public Health Director; Major Chip Hawley, Sheriff's Office; and Mark Forestieri, Facilities Design and Construction. A evaluating the project (list those present). He said that in 2006 there was a platform known as the National Incident Management System (NIMS) and was adopted by the WCBOC. The current EOC facility does not meet a number of the recommended elements of a modern Emergency Operations Center (EOC). Mr. Creighton provided the following information:

Since 1988, Wake County has operated an Emergency Operations Center (EOC) from the basement of the Wake County Courthouse. After the events of September 11, 2001, the concepts and adoption of Emergency Management practices were embraced by many jurisdictions, including Wake County, modifying the structure of EOC management.

Then, in 2005, the federal government issued Presidential Directive #5 which specifically identified the recommended platform for managing emergency incidents. This platform is known as the National Incident Management System (NIMS) and was adopted by the Wake County Board of Commissioners in 2006 as the system to be used by the county and all entities within their jurisdiction for an emergency or crisis. As a result of the adoption of this platform, and the maturation of Wake County's emergency response plans, the current Wake County EOC facility does not meet a number of the recommended elements of a modern Emergency Operations Center (EOC).

Some of the deficiencies identified in the current EOC are:

- Sufficient space to meet FEMA Standards for operations
- ADA requirements (requirements were not in place at time of construction)
- Sanitary facilities (adjacent restrooms)
- No area for food storage, preparation or serving
- Staff support infrastructure for prolonged operations (sleeping quarters, hygiene)
- Basic integrity standards for water tightness
- Sufficient space for State and Federal command areas
- Identification or existence of an Alternate EOC
- Independent and secured water and filtered air supply
- Physical location and security (vehicle access, high rise)

In 2008, the City developed plans for a building in downtown Raleigh to house multiple City departments, including various public safety operations. During

the planning phase of the downtown project, County staff participated in design sessions regarding an Emergency Operations Center that would be jointly used by the City and County. At that time, it was determined that the partnership proposal was not in the best financial interest of the County. In the spring of 2012, the City of Raleigh again contacted the County seeking a partnership for the "Critical Public Safety Facility" which is a modified version of the previously proposed downtown facility. Shortly thereafter, the County Manager directed county staff to explore, evaluate and provide a recommendation on how to proceed with the project. Since that time, County staff has participated in several pre-development meetings with the City and its contracted design firms.

On December 4, 2012, City Staff and the Project Team presented Conceptual Design studies to City Council. Pertinent portions of this presentation are attached. The Project Team prepared several alternative conceptual design schemes for the proposed Critical Public Safety Facility. One option shows the co-location of the County's Emergency Operations Center with the City's Emergency Operations Center and other City functions.

Advantages to the County's co-location in this facility are as follows:

- Cohabitation and proximity for more effective communication, coordination, collaboration and cooperation
- Use of shared resources such as technology, access to traffic cameras, food storage, preparation and serving
- Personnel support accommodations such as showers, locker rooms and sleeping quarters
- Occupation of a secure facility with security, physical hardening/strengthening and access restrictions
- Opportunity for identification of future efficiencies such as sharing of staff
- Occupation of a modern facility that will serve the needs of the City and County for an estimated 30 years
- Benefit of cost sharing costs for common areas, the Joint Information Center and the EOC itself.

A Memorandum of Understanding (MOU) has been negotiated with the City of Raleigh to advance the exploration of the project through the Schematic Design phase. As part of this MOU, the County agrees to contribute \$100,000 towards this phase of the design of the project. This will allow development of two design alternatives for the Critical Public Safety Facility - one that includes co-location of the County's Emergency Operations Center, and one that includes only City of Raleigh functions. Should the County ultimately choose to continue development of the project and co-locate within the Critical Public Safety Facility; the County would be responsible for a contribution of a total of \$4,000,000 to the project. Funding of \$100,000 for the initial contribution towards the design is proposed to be provided from Former 911 Emergency Funds. The schematic design effort is scheduled to be completed May 1. At

that time, the County will be required to make a final decision as to whether to enter into an Interlocal Agreement with the City of Raleigh to co-locate in the Critical Public Safety Facility or to decline to participate and co-locate within this facility. This will allow the County enough time to assess the priority of this project against all other capital needs. County staff will determine whether to include this project as part of the FY 2014-2020 Capital Improvement Program.

The facility is planned to be a 30-year facility. The City of Raleigh has selected 2425 Brentwood Road for the site location which is outside the beltline. The design team has submitted options for the facility. Option G was selected for the facility construction. He shared a map of the area chosen.

Mr. Creighton described the site showing the buildable area with a 25-foot setback based on a threat analyst done by the City of Raleigh consultants. The Critical Public Safety Facility, RF Equipment Shelter next to a 300 foot radio tower which will assist with the 800 MHz communications system and a remote delivery facility on-site. There will be a security fence and a joint information center for coordinated efforts for release of information between agencies and use by the media. Option G was selected by the Planning Team. The ground level will house the mechanicals and housing facility maintenance personnel for the City. The combined EOC operations center would be located on the next level up. The total space of the co-located Emergency Operations Center is 14,833 sq. ft. The total of the County's Emergency Operations Center (EOC) will be approximately 4,000 square feet. They are currently operating in a 1300 square foot facility. The new facility should provide space for up to 80 staff which should meet the space needs. Additional shared space is located outside of the EOC including a lobby, staff support space, mechanicals and the data center. Other shared space includes a cafeteria, food storage and preparation area, and more. Mechanical space is separate.

The next level is for City of Raleigh Information Technology staff and Data Center. There will be space for the Data Center and traffic control center for the City. The Emergency Operations Center Room is two stories high with the communications center on the fourth floor.

- Total Building Space: 97,601 sf
- Total EOC Space: 14,833 sf
- County Dedicated Space 6,479 sf (EOC)
- City Dedicated Space 3,665 sf (EOC)
- Shared Space 4,689 sf (EOC)
- Other Shared Space 5,466 sf
- \*Does not include mechanical space- 17,744 sf

Vice-Chairman Matthews said that he signed an emergency declaration during the last tornado and spent some time in the EOC. He and Chairman Coble toured the county after the tornado to see the damage. He expressed the concern about the new facility construction. He was concerned with the EOC being on the 4th floor during a tornado. He challenged the presenting staff on whether they were willing to be in a building on the 4th floor during a tornado. He spoke of the EOC in New York during 9-11. As a former first responder, he said he could appreciate their jobs but he was concerned about the EOC being on the 4th floor. He said the 9-11 Center would be a target. He suggested the EOC being on the ground level or the next level up.

Mr. Creighton said that there is no alternate EOC site today. This facility would offer an alternate EOC. There is a need to evaluate risk tolerance. He said a risk assessment was performed this past summer which allowed them to evaluate some factors. He said that tornadoes were number six on the list of risk hazards. Some of the evaluation factors included frequency, probability, average duration and others. He said a tornado was so low on the scale that they feel this is a reasonable solution. Commissioner Matthews said a hurricane or tornado could happen. Mr. Creighton said hazardous materials were a number one concern with a focus on transportation corridors. He said this facility would be a hardened facility.

Commissioner West said he was in discussions while on the Raleigh City Council about this facility. He asked if the zoning was compatible for existing uses. Mr. Dan Howe, Assistant City Manager for the City of Raleigh, said that the city owns half of the site and it is zoned industrial which is good. The site is the home of the remote operations facility. The Raleigh City Council approved moving forward with this plan. The surrounding area has compatible land uses. This facility would allow for back up and connections to direct operations such as Public Works, Public Utilities, Parks and Recreation and Buildings and Facilities would be across the street. Commissioner West asked about the height of the tower with it being in that area. Mr. Howe said the fall radius and ice has been considered.

Mr. Climer said the tower is a 300 foot self-supporting tower, so there will not be wires coming out of it. The tower is at the center of the site and tree borders to the west and south. It should have minimal impact.

Commissioner Coble said in 2001 he visited the World Trade Center in New York where the EOC was located on the 12th floor of the third building. He said what was being presented today was the same approach that he heard when he questioned by the EOC was on the twelfth floor of the World Trade Center building. He was told it was protected, redundant and hardened and also included the place for the press to come and be stationed there as needed. He said that the third building was demolished during 9-11 and it held the 911 Center. He said if it weren't for bad traffic New York City's Mayor Rudy

Giuliani, Police Commissioner and Chief of the Fire Department would have been killed because they would have been in the EOC at the time it was demolished. He was greatly concerned when the City of Raleigh was talking about building this building and putting the EOC on a higher floor. He said its a mistake to locate the EOC anywhere but on the ground. The buffer is required for other buildings in this area and not designed to protect the facility. In New York, they did not find planes flying into buildings as a threat, so others should have learned from that experience. He said that at the least, the communications center and people working there, should be somewhere safe, possibly underground. He noted examples of terrorism all over the country have occurred. He said he was stunned that the staff had not discussed or considered anything but standoff distance, controlled perimeters, restricting public access, and established policies and procedures. He said the building is needed and he supports it but only if serious consideration is given to how this building is going to be built. He said county staff as well as the City of Raleigh needs to back up and give this much greater consideration. He will have a hard time supporting a site that puts staff and communication capabilities at risk if something were to happen. He would not vote for it if the security issues have not been addressed.

Mr. Creighton said that the request today is for approval of the schematic design and they would discuss commissioners' concerns. He said they could look at the effects and consequences of the location of the EOC. Commissioner Coble said he was disappointed that the threat analysis did not address some of his concerns. He applauded the site and idea of locating the EOC outside of downtown and the redundancy of having the backup system. The facility needs to be able to function in the event of a disaster. He shared that if it takes additional money to place the facility underground then that is what needs to happen.

Mr. Creighton said the County came into the process after the City of Raleigh had already had several meetings. When the presentation was given by the security firm, he had a discussion afterwards because he felt they had left out some important things like natural disaster impacts and research on hazardous material sites. The County staff independently researched the natural disaster impacts as well as hazardous site impact. He said they would continue to study the hardening of the facility.

Commissioner Ward asked about some buildings located behind the proposed site. Mr. Creighton said warehouses were behind this building. She said that there are close quarters in the current facility and the new site is needed. Commissioner West said security is a concern. When he served on the Raleigh City Council the top discussions were about the need for a new facility. He said it was analyzed in detail and he was sure this would all be taken into consideration.

Chairman Bryan asked about the life of the facility. Mr. Creighton said the site would be a 30-year building. Chairman Bryan said that having the building underground was the safest option.

Betty Lou Ward motioned, seconded by James West, to:

- (1) Authorize the County Manager to execute a Memorandum of Understanding between Wake County and the City of Raleigh, subject to final approval by the County Attorney;
- (2) Approve the appropriation of \$100,000 of Former 911 Emergency Funds towards development of an alternative design for the City of Raleigh's planned Critical Public Safety Facility, to include co-located facilities for the use of Wake County's Emergency Operations Center; and
- (3) Receive information pertaining to the conceptual plans for the Critical Public Safety Facility being developed with the City of Raleigh.

The motion passed unanimously.

Vice-Chairman Matthews stated that a Board Retreat was held this past Friday and he recognized Mayor Frank Eagles, Town of Rolesville and Mayor Ronnie Williams, Town of Garner.

### **Public Comments:**

Marion Williams, League of Women Voters, asked the Board of Commissioners to move forward with the transit plan.

Ms. Amy Womble said she was disappointed in the legislative decisions concerning schools made by the Board. She asked that decisions be made on based on data and facts instead of a political agenda.

Ms. Martha Hess spoke about the proposed construction of the Wake Forest Fire Station #4 on Jenkins road which is property zoned residential and located in a subdivision. She said they requested the County and Commissioner Ward represent this neighborhood to the Town of Wake Forest regarding their position on the fire station. She read the Town of Wake Forest's Mission Statement and said the citizens have not been included in this process. They discovered this matter when they discovered surveying crews on their private properties. They were notified of the fire department about the construction but it was after the City of Raleigh had granted water and sewer access. She said this was actually fire station #5. She asked for reconsideration of the location of the fire station because it is being located in a residential neighborhood which is zoned residential and is in the Falls Lake Watershed. A site was previously selected and proposed to be the most optimal. An area map shows the proposed Fire Station #4 is located on Wake Union Church Road which has water/sewer, is zoned commercial and is available for use by the

Wake Forest Fire Department. She said they considered 35 pieces of property. The site was consider optimal and is still available. She asked why the Wake Union Church Road was not still under consideration. The Town has spent money to determine if a septic system would work on the site when there was water and sewer available on a site in a commercially zoned area. Money has been spent on surveying and building design. The Jenkins Road site is in the county, not the town, and is located in the Falls Lake Watershed. The guidelines to protect the watershed are not being adhered to as she referred to the County's Land Use Plan. It states municipal systems should not be extended into the watershed except when necessary. She spoke of no consideration for soil and impervious surface allowances. The new fire department will cost \$10 million and a new fire truck is \$500,000.

Mr. John Eberhart, 131 Brooks Avenue, said that the Board of Commissioners set a goal for schools to be built and now there is a conflict on construction and ownership. He questioned the underlying reasons for the changes. He asked if evidence proves there is a need for change. He said that tax dollars are being used to make such decisions and time at the upcoming school board meetings should be used to make peace.

Ms. Marcie Longo, resident of Morrisville, said that transportation is an issue. She asked the board to looks at transit. She commutes downtown to her job every day. She expressed concern of the air quality for so many cars being on the road. She asked the Board to hold a work session in March for the public on transit.

Mr. Ray Bowlin, 6221 Garrett Road, spoke in support of an affordable transportation system. His wife is disabled and he will be unable to drive in a few years. He said that disabled persons want to be mobile, want to vote, have income, and have access to arts and county resources. Disabled persons need the transportation options.

Mr. Robert Seagal said he read in the newspaper about Charter Schools not being in the forefront. He shared information from publications about Charter Schools. He asked the board to study the facts and not the political agenda.

Mr. Dave Rogers said he commutes from Durham to Raleigh and supports a transit program. He is afraid Wake County will fall behind if something isn't done. He asked for expanded transit.

Ms. Lattice Roads spoke in support of the Wake County Public School System having a fund balance. She discouraged criticism of schools fund balance. She said the fund balance was used to replace teachers, assistants, and other positions. She asked the Board to focus on the existing needs. She said the commissioners' responsibility is to fund the school board. She said a bond

referendum is needed. She said the Board of Commissioners and Board of Education need support in their jobs. Partisan power plays are not necessary.

Ms. Margaret Toman, 109 Austin Circle, Garner, said that a transit system is needed. She cares for her mother and they need public transportation. She went back to work after three years of unemployment. She spoke of the need for public transportation. She said the growth in Wake County would enlarge its sense of community. She said the surrounding counties of Orange and Durham have agreed transit is important.

Ms. Amy Lee read aloud the commissioner duties from the Wake County website. She said that programming and grade levels affect school capacity. She thanked Commissioner Caroline Sullivan for supporting the need for a pre-K program. She said that the Board of Commissioners owes Mr. David Neter an apology. She asked the Board of Commissioners to perform their job.

Mr. Tom Rhodes asked the board to table the idea of taking over school properties. There is a lack of trust in taking over the duties. There will be a search for a new superintendent and it will be difficult to find a qualified candidate while the distrust still exists. He asked the Board not to try to fix what is not broken.

A fifteen minute break was taken at this time.

### **Resolution Setting Date for Advertisement of Tax Liens**

Mr. Marcus Kinrade, Wake County Revenue Director, said that in February each year the Revenue Director is required by state law to report to the Board of Commissioners the total amount of unpaid taxes that are a lien on real property for the current fiscal year. The Board must advertise and must set a date for the advertisement to occur according to North Carolina General Statute 105-369. He said that the economy continues to improve. Last year, the county collected over 99% of the taxes. At this time last year, there was \$15.9 million of unpaid taxes on real property. This year, there is \$12.3 million of unpaid taxes leaving Wake County is \$3.5 million better this year. He said for the third year in a row, the News and Observer Newspaper has not raised its rates. Mr. Kinrade said the tax liens are down to pre-recession levels from around 2007. He said the General Statute that requires advertising in the newspaper was written in 1981 before technology. People might have looked the newspaper back then but said he did not think most people learned of their unpaid taxes from reading about them in the newspaper. He said that Wake County's advertisement was eighteen pages last year. He stated one of the Board of Commissioners' legislative goals is to change the legislation requiring newspaper advertisement and allow for an electronic advertisement which is much less expensive and may be updated so the information stays current.

Chairman Bryan asked Mr. Kinrade to go over the process of notifying a citizen of taxes due. Mr. Kinrade reviewed the process the tax office goes through to notify citizens of their due taxes.

Paul Coble motioned, seconded by Phil Matthews, to adopt a resolution authorizing the Revenue Director to publish on March 8, 2013, or as soon thereafter as possible, tax liens on real property in Wake County. The motion passed unanimously.

**RESOLUTION SETTING DATE FOR ADVERTISEMENT OF TAX LIENS**

**WHEREAS**, as required by Section 105-369 of the General Statutes of North Carolina, the Revenue Director of Wake County has, on this third Monday in February, 2013, reported the total amount of unpaid taxes for the current fiscal year, including deferred taxes which have become due and for which no prior lien advertisement has been published, and property heretofore protected by automatic stay in bankruptcy.

**NOW, THEREFORE, BE IT RESOLVED:**

That the Revenue Director be, and he hereby is, ordered to advertise on March 8, 2013 or as soon thereafter as possible the tax liens on real property in the County for unpaid taxes for the current fiscal year, liens for deferred taxes upon which no prior lien advertisement has been published, and liens for delinquent taxes upon real property heretofore protected by automatic stay in bankruptcy, and shall place said advertisement at some public location at the Courthouse and shall publish said advertisement once in one or more newspapers having general circulation in the County setting forth that the taxing unit may foreclose the tax liens and sell the real property subject to the liens in satisfaction of its claim for taxes.

Commissioner Paul Coble moved the adoption of the Foregoing Resolution, Commissioner Phil Matthews seconded it; and upon being put to a vote, it was unanimously approved.

**ADOPTED** this the 18<sup>th</sup> day of February, 2013.

Wake County Board of Commissioners

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Joe Bryan, Chairman

**[Resolution Creating the 2013 Board of Equalization and Review](#)**

Mr. Kinrade said that the Board of Equalization and Review hears real estate appeals that were filed from January 1, 2013 thru about April 9, 2013, when the board convenes. Prior to 1993, the Board of Commissioners sat as the Board of Equalization and Review. Six former commissioners have agreed to serve on the Board of Equalization and Review. Mr. Kinrade said Mr. John Converse has served as chairman of the board for several years and he was recommended to serve as their chairman again this year. John Converse, Kenn Gardner, Lindy Brown, Michael Weeks, Merrie Hedrick and Judge Abraham (Abe) Jones have all agreed to serve this year.

Last year 722 appeal forms were sent out and they received 383 of those forms were sent back. This year 484 appeals were sent out and they received 246 back which is a 36% decrease in appeals. He said this was a sign of an improvement in the economy.

Caroline Sullivan motioned, seconded by Phil Matthews, to adopt a Resolution appointing the Special Board of Equalization and Review for 2013. The motion passed unanimously.

**RESOLUTION CREATING THE  
WAKE COUNTY BOARD OF EQUALIZATION AND REVIEW**

**THEREFORE, BE IT RESOLVED** that the Wake County Board of Commissioners appoint a special Board of Equalization and Review in accordance with the terms of resolution to carry out that Board's statutory duty.

All members of the Wake County Board of Equalization and Review shall be citizens and residents of Wake County, North Carolina, and shall be at least 18 years of age; such members shall serve until adjournment of the 2013 Board of Equalization and Review. Any vacancies on the Board of Equalization and Review will be filled by appointment of the Wake County Board of Commissioners sitting in regular session.

**THEREFORE, BE IT RESOLVED** that the Wake County Board of Commissioners hereby appoints the following as members of the 2013 Wake County Board of Equalization and Review:

**John Converse** \_\_\_\_\_, who shall serve as Chairman

**Kenneth Gardner** \_\_\_\_\_, who shall serve as Vice Chairman

**Lindy Brown** \_\_\_\_\_, who shall serve as Regular Member

**Merrie Hedrick** \_\_\_\_\_, who shall serve as Alternate Member

**Michael Weeks** \_\_\_\_\_, who shall serve as Alternate Member

**Abraham Jones** \_\_\_\_\_, who shall serve as Alternate Member

**THEREFORE, BE IT RESOLVED** that Wake County shall pay each member \$30.00 per hour for time served on this board.

This motion was made by Commissioner Caroline Sullivan and seconded by Commissioner Phil Matthews, and passed by unanimous vote of the Wake County Board of Commissioners on this 18th day of February, 2013.

Wake County Board of Commissioners

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Joe Bryan, Chairman

**Convert Temporary, Part-time and Overtime Dollars into 26 Full-time Equivalent Positions and Appropriate \$102,083 of Expenditures and Revenues in the General Fund**

Ms. Johnna Rogers, Deputy County Manager, said that the purpose of the action is to convert temporary positions that are used for more than 1,000 hours per year to full-time with benefits positions. This action was requested in order to bring the County into compliance with the North Carolina Local Government Retirement System 1,000 hour rule. This rule requires temporary employees working more than 1,000 hours in a rolling twelve month period to be members of the retirement system, and requires the employer to contribute the associated cost share percentage that is required for permanent employees. She said three departments are requesting this change

Emergency Medical Services Hiring additional temporary employees and utilization of a temporary agency are not options for the EMS department for the following reasons.

1. The Wake EMS System standards of patient care require providers from outside the system to undergo an extensive orientation and field evaluation process. This process has been developed in a cooperative manner with Apex, Cary, Eastern Wake, and Wake EMS with oversight from the Office of the Medical Director. This process is utilized by every agency in the EMS system and includes:

- a. A 200 hour orientation program. Traditionally, individuals who are interested in pooled employment limited to 1000 hours already have either a full-time job or full-time school commitment and are not able to attend the required orientation program.
- b. A field training and evaluation process which includes third-person ride time for all new technicians entering the system. During this third-person ride time, the new employee is paired with a field training officer

and is not capable of staffing an ambulance on as an independent technician. This process typically takes 1 to 3 months for an employee working full-time. For employees working less than 10 shifts a month it can take as much as 9 to 12 months.

2. To offset the number of staffing hours lost by limiting the 16 highest hour pooled EMS employees would require the EMS Department hire an additional 30 pooled employees. Thereby taking the current pooled employee roster from a total of 39 employees to 69 employees.

For these reasons, it is more prudent to create permanent positions and retain the current pooled employees. It is the department's intent to transition as many of the current pooled employees working over or close to 1000 hours into the new positions. To that end, the department plans to fill as many of the new positions as possible without going through the regular externally posting and hiring process.

This action would require the establishment 16 new full-time positions at 1.0 FTE per position. The department currently has 16 temporary positions being used for over 1,000 hours per year. The total expenditure cost needed for 16 new positions is estimated to be \$902,050 for one full fiscal year. This would be offset by savings to the part-time budget and full-time overtime budgets in the amount of \$595,800 (more full-time employees would result in less need for part-time funding and the use of full-time employees to utilize overtime when providing adequate coverage).

Therefore, the net expenditure impact is estimated to be \$306,250 for an entire fiscal year. This specific action would provide four months of funding for the current fiscal year in the amount of \$102,083.

The goal is to cover this net impact from increasing revenue associated with normal growth in the ambulance fee revenue budget. This does not assume an increase in rates of the ambulance fees, and the increased revenue would be from normal budgetary growth.

Environmental Services Environmental Services (ES) has identified the need to create regular, benefits eligible positions for the following reasons:

1. The Animal Healthcare Technician (Veterinary) positions are directly responsible for the medical and surgical care of the animals at the Animal Center. Functioning as surgery technicians, these positions are responsible for preparing animals for surgery, monitoring them under anesthesia and making sure they recover from anesthesia post-op. Working as a functional unit they can assist our surgeon with up to 30 surgeries a day. With the specific skill set required by this job, it is not possible to maintain the quantity, and quality, of surgeries needed with different sets of temporary employees.

2. Retaining part-time employees with the required skills and training in order to safely and effectively treat the animals at the shelter would be extremely difficult. Developing another pool of employees, without any of the needed skills or training, would take a significant amount of time. Additional costs are also incurred per additional employee for required rabies vaccinations.
3. As surgery technicians, these positions handle controlled substances that are required for pre-medicating and inducing animals for anesthesia. All of the controlled medications in the Animal Center are under the DEA license of the Animal Services Director. Due to the nature of the medications, and the quantity we have for the amount of surgeries performed, it is in the best interest for the fewest number of individuals to handle and have access to these medications.

For these reasons it is more prudent to create permanent positions and make attempts to retain the current temporary workers. The current temporary workers would be turned into permanent full-time employees with full benefits. This action would require the establishment two new full-time positions at 1.0 FTE per position. The total expenditure cost needed for two new positions is estimated to be \$94,290 for 1 full fiscal year. This would be offset by savings to the part-time budget in the amount of \$73,803, as the addition of these fulltime positions would offset the need for part-time funding. Therefore, the net expenditure impact is estimated to be \$20,487 annually. Environmental Services staff has identified sufficient savings within their current budget authority to cover the increased costs of benefits associated with the addition of these two positions, therefore, no additional appropriation above their current budget would be necessary.

Community Services - Parks, Recreation and Open Space Hiring additional temporary employees and utilization of a temporary agency is not an option for the Parks, Recreation and Open Space (PROS) Division for the following reasons:

1. Part time staff has a higher turnover rate than full time staff - the average full time Park employee is employed for 4.5 years vs. 13 months for part time.
2. PROS does not have enough permanent field staff (22 FTEs to cover 8 facilities) to consistently hire and train the additional staff that would be needed to maintain the parks and stay under the 1,000 limit. The average hiring process takes up to two months, coupled with training a new employee (4-6 months). This would adversely affect park programs, cleanliness, repair and maintenance of facilities, and the safety and welfare of citizens. For these reasons it is more prudent to create permanent positions and make attempts to retain a portion of the current temporary staff. This action would require the establishment of 8 full-time park technician positions.

The total expenditure cost needed for 8 positions for one fiscal year is \$291,887. PROS would offset the total cost with the part time dollars of \$171,964. Therefore, the net expenditure impact is estimated to be \$119,923.

PROS has identified sufficient savings within their current budget to cover the costs for the remaining fiscal year once the positions are advertised and hired. However, the positions and the gap of \$119,923 would be funded as an expansion request in the FY14 budget.

Commissioner West asked about the rationale of the employees being part-time instead of full-time. Ms. Rogers said that some positions are used to supplement when other employees were out.

Commissioner Coble asked why Wake County would not find more part-time employees in the Animal Shelter and Parks. Ms. Rogers said these positions are still difficult to fill.

James West motioned, seconded by dd8bbfaf-48ea-43cc-ad22-ece22d31c1e2, to approve conversion of temporary, part-time and overtime dollars to create full-time equivalent (FTEs) positions in the following County departments: Emergency Medical Services: 16.0 FTEs and appropriation of \$102,083 in personnel costs in the General Fund from expected increase in ambulance fees over the original budget; Environmental Services: 2.0 FTEs; and Community Services - Parks: 8.0 FTEs. The motion passed unanimously.

### **Wake County Public School System CIP 2006 Reallocation and Appropriation Request (First Reading)**

Mr. Desormeaux, Wake County Public School System Assistant Superintendent for Facilities, asked for approval the reallocation of \$20,171,240 and appropriation of \$61,736,935 to fund construction of Richland Creek Elementary (E-25) in Wake Forest and West Apex High Schools (H-10), building permits associated with E-25 and H-10, facility assessments through the summer 2014, and program management until the summer of 2014. These projects are funded from prior savings (attributable to favorable market conditions and unused project contingencies), the Program Contingency, and Building Program Reserves from CIP 2006 (all of which total \$69,727,538), as well as the repurposing of funds from Life Cycle Replacement of Building Components (\$3,800,000), Property Acquisition (\$1,790,637), and Mobile/Modular Classrooms (\$6,150,000). The second reading of this request would be submitted for approval on March 18, 2013.

Mr. Desormeaux said the estimate for Richland Creek Elementary is about 9.3% less than when they last used this proto type. This estimate was on the low side of the estimate. The current estimate for West Apex High School is 19.6% less than any other high school built at this large size. This amount is

at the high end of a wide range of estimates provided by the architect and construction manager. The low end of the range is approximately \$2.9 million. The appropriation requested today is at the low end amount. He mentioned this today because these estimates are at the low end and if the bids come in high, they may have to come back to the board for more appropriation.

Commissioner Coble asked about the priority between Richland Creeks and Abbott Creek schools. Mr. Desmoreaux said Richland Creek has been the higher priority on the bond list but was delayed because of Wake Forest Rolesville School.

No action was taken on the first reading of this item.

**Consider the Purchase of the YWCA Land and Building on East Hargett Street as a Land Bank for a Future School Site (Second Reading)**

Mr. Joe Desormeaux said the specific action requested was for the Board of Commissioners to authorize the Board of Education to purchase of 2.05 acre site in Downtown Raleigh as land bank site for a total price of \$825,000 subject to terms and conditions acceptable to the County Attorney. He reported, in response to a question by Commissioner Bryan about the magnet status of the capped schools in the central area. He said four of the five schools are magnet schools. He said if you take the impact of the magnets out of the issue, the seat shortfall in the central area based on student residents alone, is a shortfall of approximately 1,100 seats for the 2012-2013 school year which is a significant shortfall of seats in this area. This is the only area that does not have some form of a land bank site.

Chairman Bryan said the magnet schools are capped because they accept students from all over the county which has created a shortfall of 1,100 seats. He asked why this area had not been recognized as a higher priority area in the past for land banked sites. Mr. Desormeaux said trying to incorporate the magnets there and other schools were higher priorities. Chairman Bryan asked if there were other areas that had a shortfall of 1,100 seats today. Mr. Desormeaux said there were other areas with about twelve that were higher and five that were lower.

James West motioned, seconded by Betty Lou Ward, to authorize the Board of Education to purchase the 2.05 acre site in Downtown Raleigh as land bank site for a total price of \$825,000 subject to terms and conditions acceptable to the County Attorney.

Discussion continued.

Commissioner Gurley asked about the disclosure of the closed session minutes from the school board meeting where they decided to send this item to the commissioners. Mr. Desormeaux said that the minutes would not be available at this meeting but will be provided once there is no longer a need for confidentiality. Commissioner Gurley said he had heard the minutes would not be available until a future time. He stated he had heard one of the school board members had motioned that their closed session minutes be recorded verbatim. The minutes would reflect exactly what was said in the meeting.

Mr. Cooke said a copy of a letter was provided to each commissioner. The letter was received from the bankruptcy trustee trying to clarify some of the conversation from the last meeting. Mr. Warren said Mr. Compton informed him that a letter was being sent today. Commissioner West asked for the specific points of the letter.

Mr. Warren said the letter clarified that the property was under contract with the Board of Education the whole time so he was not able to swap out buyers. He said his goal was to liquidate properties at fair market value as quickly as possible in order to quickly reduce expenses to the bankruptcy estate. Mr. Warren said he thought the letter was intended to clarify Mr. Compton's role as bankruptcy trustee. Mr. Warren said since an earlier offer was not consummated then another offer could have stepped in and it could have gone to a different buyer. Mr. Warren said the property was under contract the entire time and it was not free to go to another offer. Commissioner West said the "fair market value" may not be clear and there is a need for the schools to use the property because of proximity, curriculum needs, and the area is underserved. He said he had talked with Chairman Bryan about the fair market value versus the real value which was like a moving target. He said he had spoken with real estate persons that have indicated the price of \$825,000 is an excellent fair market value. He said it is too great of an opportunity to pass up.

Commissioner West said he was told this was definitely fair market value and the property would be gone quickly if the county doesn't purchase it. He said another source gave him a range of \$725,000 to \$775,000 as a good price for this property.

Commissioner Caroline Sullivan said that the City of Raleigh had recently purchased property near this site. She asked if some of the board members did not see the need to purchase the property or if they thought the price was too high. She asked what the issue was about the property. Commissioner West said he had been trying to figure this out himself and that the price is a "fair market" value. Commissioner Ward asked about whether the \$825,000 was a good price for the offer. Commissioner West said the appraisal validates the \$825,000 offer. He asked Mr. Warren if the commissioners could make a counter offer.

Mr. Warren stated that the board could offer to fund the purchase with a lower or higher amount. Vice Chairman Matthews questioned the value that Commissioner West had identified. Commissioner West said he knew the area, the need and the strategic long term value of this property. He said the uses of this property were very reliable and in his opinion they should offer to purchase the property. He said he was trying to bring some quasi objective information to the table. Vice-Chairman Matthews said this request had been all over the place in prices and that he was concerned about the true cost. He asked if there was another interested buyer. He said there were many unanswered questions on this purchase. Mr. Cooke said according to the letter from the trustee that there is a competing offer of \$875,000. Commissioner Gurley stated there could be conditions on the offer like rezoning and others. Vice-Chairman Matthews said he could not support the purchase at that price.

Commissioner West said that if they look at the information and process that the Board went through coming from the Board of Education, then this is a valid request to purchase the property. Commissioner Coble said that the seller always wants to sale high and the buyer wants to buy low. He said they have received different stories on why the schools need the property such as a land bank or to fill a 1,100 seat deficit but this facility will not hold more than 120 elementary students. There has been no specific use focused on for there to be a reason to purchase the property. He was concerned about the price and that the purchase plan went from three acres to two acres. If they try to do anything rather than use the current facility the setbacks, landscaping, and other requirements by the City of Raleigh may be significantly different and may restrict the use of the property therefore prevent the use of the property for which it might be used. He was concerned about the price and the need. This board has not been told what the need is for the facility. The "fair market value" is what a buyer will pay for it. Apparently the attorney has not deemed to take the offer that is on the table. There may be circumstances around the other offer that makes it less attractive. He suggested a lower price with taxpayer dollars may be a more appropriate option. He said he feels the County is still over paying for the property. The County should try to get the property for the best price and there will be additional expenses involving the property.

Commissioner Sullivan said that when buying property you typically reply on an appraisal and if the Board is not going to rely on the appraisals then save the money and not do appraisals. Land bank property is not readily available in downtown Raleigh. She said shared some comps that are typically used. She said if the Board thinks the price is too high, then what is the right price. She noted the Pre-K program would be a good use of the property as well as the Young Men's Academy, who needs more space. She said this property could be utilized for many of the needs of the school system.

Commissioner Gurley agreed the price is too high and his was concerned about the use. He expressed concern because the use had not been determined or that it may be land banked but there's no decision of what the use would be if it is land banked. He said the process that the school board improperly passed this forward to the Board for action after the initial rejection. He asked to see true accurate detailed minutes from the Board of Education's meeting about this property. If it is determined that the Board of Education acted improperly on this item, then whatever decision the Board of Commissioners makes today may not be valid because the action could be overturned. He said it was important to see the minutes and determine that it was done properly.

Commissioner West said the Board of Education's intentions were to do what was best for the county. He said he wanted something constructive to come out of this discussion. He said he was sure the board would not have this opportunity in the future. He asked he could modify the motion to make a counter offer so it would be said that the Board at least tried to get the property. Commissioner Sullivan asked if this could even be considered.

Mr. Warren said that based on his conversation with the bankruptcy trustee's letter says that if this is offer is rejected today, he would be through with the schools. However, Mr. Warren said he did not think a different offer would have the same effect. The trustee would go back to the broker and the broker would decide if it was an acceptable offer and if not, consideration of the offer would probably be over.

James West offered an amended motion, seconded by Betty Lou Ward, to to authorize the Board of Education to purchase the 2.05 acres site including the YWCA land and building on East Hargett Street in Downtown Raleigh as a land bank site for a total price of \$775,000 subject to terms and conditions acceptable to the County Attorney. The motion was approved with a 4 – 3 vote.

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

**Land Acquisition for a Middle School Site in the North Raleigh Area (M-13)**  
**(Second Reading)**

Chairman Bryan thanked Commissioner Matthews for asking to have this item brought forward because the Chairman of the Board of Education had requested this item be moved up and the board is reacting to his request.

Ms. Betty Parker, Real Estate Services Director of Wake County Public School System, said that the proposal is for funding approval of the land acquisition for M-13, a middle school site, which is adjacent to River Bend Creek Elementary School on Perry Creek Road. The site is a 29.864 acre site in North Raleigh. The tract is owned by 5401 North, LLC and located near the

intersection of NC Hwy 401 and Interstate 540. The site is located within the M-13 target area as established in CIP 2006. The Board of Education has reviewed and updated the growth area. Information has been provided to the Board of Education showing this property is a good property and good value. An MAI appraisal supports the purchase price and nearby tracts in the same development as well as there being tracts marketed at more than twice the price. A 40-acre tract is under contract with a national builder who plans to build 375 homes. Onsite development costs are projected to be less than the typical middle school. Offsite costs will be reduced due to the seller's contractual obligation to provide water/sewer service and public road access to the site. At the first reading there was an unanswered question from Commissioner Bryan about what the City of Raleigh paid for an adjacent site which was supplied to county staff to be shared with the Board.

Phil Matthews motioned, seconded by Betty Lou Ward, to authorize the Board of Education to purchase the 29.864 acre middle school site in the North Raleigh area for a total price of \$2,896,000, subject to terms and conditions acceptable to the County Attorney. (Second Reading) The motion passed unanimously.

### **Proposal for Legislative Act Concerning Filling of Vacancies on the Board of Commissioners of Wake County**

Commissioner Coble said he had a concern about the process for filling a vacancy should one occur on this board. He stated that the current legislation allows that if the board cannot choose the person to fill the vacancy, then the Clerk of Court appointments the person to fill the commissioner vacancy. He suggested that a bill be sent to the Legislature says that if this board cannot make a decision on who will replace the person who is no longer on the board, that the decision be made by the party of which that person ran. He said that the changes should give the appropriate political party the decision making authority.

Commissioner West said the original bill gave the respective party 30 days to get the appointee's name, after going thru a democratic process with the county executive board, to the Chair of the Board of Commissioners. He said he did not see that language in this proposed bill. He was concerned that the initial 30 day period giving the political party the opportunity to put a name forward was not included in this legislation. He asked that this be delayed for more research on the change.

Commissioner Coble said Commissioner West was speaking to how a candidate's name gets presented to the Board for consideration whereas, the new proposal is speaking to the process that once that issue has been considered and the Board cannot make a decision, the parties would then get involved. Commissioner Coble said this proposal comes into action when the

Board has a tie vote and cannot make a decision on the candidate. At the point the commissioners could not get pass a tie vote, the party would become the decision maker as opposed to someone else. Mr. Warren said if there is not a simple majority of the board, then two members of the party on the board could name the replacement to fill the vacancy. If there's not unanimous agreement of the two board members of that party, then the decision goes to the county executive committee of the political party. It also addresses the situation if there is an unaffiliated county commissioner.

Commissioner West said that the first phase of the process included the party making a nomination which has changed in this proposal. Mr. Warren said that is a change but not a change from the most recent version. He said the 1981 had the party and the commissioners of the party working it out. He said that a couple years ago G.S. 153A-27.1 which was for Wake County, got moved into G.S. 153A-27 so it was more like other counties. The problem became apparent when there was a possibility of a deadlock on voting on the vacancy. In that case, the Clerk of Court, which could be of either party, would make the appointment to fill the vacancy. This bill would avoid that situation. Commissioner Coble said that when the party makes a nomination, this board is not required to take the nomination into consideration. The party could still bring forward a name which is not changed by this proposed legislation. Commissioner Coble said that if the Board fails to make a decision, there should be a mechanism that the decision goes back to the party. Mr. Warren said if the party does not make a decision in the stated time frame then it goes to a special primary election. Commissioner West said the party is involved in the official process from the beginning which is a critical part of this process. He said this should not be taken away from the party.

Commissioner Sullivan stated that she just received these materials Friday afternoon and would like to delay action so they could have more time to study the proposal. She also requested a copy of the existing legislation so they could make an informed decision.

Mr. Warren said he would provide the board with the current legislation. He asked at what time they want the political party to participate in the process.

Commissioner Gurley said he would not be opposed to rewriting the proposal to identify the party's role in selecting a candidate. He said it would be helpful to have it written in the legislation. Commissioner Coble said the bills are drafted at the Legislature and the process that Commissioner West suggested is not mandatory. He said they need to be careful about the language that is added. Mr. Warren said the 1981 law was a resolution between the competing interest of the City board and County staff. Commissioner Coble suggested this be taken back to the bill drafters and ask for that part of the process be included for more clarity and then bring it back to the board. Mr. Warren said

that there have been some changes in the law. Commissioner Ward said that it could be reviewed and considered at the next meeting.

Chairman Bryan said that the item could be brought forward at the next meeting. Mr. Warren said they could act on different versions. Ms. Foreman said the local bills have to be sent to bill drafting by March 20.

## **Other Items**

### **Other Business**

#### **Informational Items for the Board of Commissioners**

1. Capital Area Workforce Development Board Outcomes for the Second Quarter
2. Wake County Public School System Project Status Report for January 31, 2013
3. Interim Financial Statements for the Period Ending December 31, 2012

#### **Closed Session**

Mr. Scott Warren stated a closed session was needed pursuant to G. S. 153-318.11a(4) and (3) to discuss matters relative to the location and expansion of industries or other businesses in the area served by Wake County including agreement on a list of economic development incentives that may be offered during Wake County's negotiations and to consult with the County Attorney concerning Industrial Commission file #W98642 and another matter in order to preserve attorney/client privilege between this board and its attorney.

Phil Matthews motioned, seconded by Tony Gurley, to go into closed session for reasons stated by the County Attorney. The motion passed unanimously.

Chairman Bryan called the meeting back to order and stated that no action was taken in closed session.

#### **Adjourn**

Paul Coble motioned, seconded by Betty Lou Ward, to adjourn at 5:30 p.m. The motion passed unanimously.

Respectfully submitted,

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