

**WAKE COUNTY BOARD OF COMMISSIONERS**

**Regular Meeting**

**December 2, 2013**

**2:00 P.M.**

**Room 2700, Wake County Justice Center**

Members present were: Phil Matthews, Tony Gurley, Joe Bryan, Paul Coble, Caroline Sullivan, Betty Lou Ward, and James West

Others attending were: Joe Durham, Interim County Manager, Scott Warren, County Attorney, Susan J Banks, Clerk to the Board, Denise Hogan, Deputy Clerk, Johanna Rogers, Deputy Manager and Denise Foreman, Assistant to the Manager.

**Meeting Called to Order: Susan Banks, Clerk to the Board (The Clerk to the Board presides at the first meeting in December until the Board of Commissioners elects a Chair for the ensuing year.)**

**Pledge of Allegiance**

**Invocation: Commissioner Phil Matthews**

**Items of Business**

**Election of Chair of the Board for a Term of One Year - Susan Banks, Clerk to the Board, calls for nominations for Chair. The new Chair is elected and then presides over the meeting.**

Commissioner Coble nominated Vice-Chair Matthews. Commissioner West nominated Commissioner Ward.

Votes were as follows:

Commissioner Sullivan for Commissioner Ward  
Commissioner Ward for Commissioner Ward  
Commissioner Matthews for Commissioner Matthews  
Commissioner Coble for Commissioner Matthews  
Commissioner West for Commissioner Ward  
Commissioner Gurley for Commissioner Matthews  
Commissioner Bryan for Commissioner Matthews

Commissioner Matthews was elected as the Chairman for 2014.

**Election of Vice Chair for One Year Term - Chair Presides Over Election**

Commissioner Ward nominated Commissioner West. Commissioner Coble nominated Commissioner Gurley.

The vote was as follows:

Commissioner Coble for Commissioner Gurley  
Commissioner West for Commissioner West  
Commissioner Gurley for Commissioner Gurley  
Commissioner Sullivan for Commissioner West  
Commissioner Ward for Commissioner West  
Commissioner Bryan for Commissioner Gurley  
Commissioner Matthews for Commissioner Gurley

Commissioner Gurley was elected as Vice Chair for 2014.

**Approval of Agenda**

Betty Lou Ward motioned, seconded by Caroline Sullivan, to the agenda. The motion passed unanimously.

**Approval of the Minutes of the Commissioners' Work Session (Transit) on November 12, Regular Meeting of November 18 and Special Meeting (Listening Tour) of November 19, 2013**

Tony Gurley motioned, seconded by Paul Coble, to approve the Minutes of the Commissioners' Work Session on Transit, November 12, Regular Meeting of November 18 and Special Meeting (Listening Tour) of November 19, 2013. The motion passed unanimously.

**Recognition of Outgoing Chairman Joe Bryan**

Vice-Chair Matthews spoke of the accomplishments of former Chairman Bryan. He presented a plaque to Commissioner Bryan from the Board of Commissioners, in recognition and appreciation of his dedicated service and leadership as Chairman of the Board for 2012-2013.

Commissioner Bryan said he had presented the "State of the County" which reviewed his time as Chairman, at the previous meeting so he would not make those comments. He spoke of looking forward to the next year under the leadership of the newly elected chairman, Chairman Matthews, and working as a team with the board members.

## **Recognition of Recent Awards**

Interim County Manager Joe Durham presented the following recognition of accomplishments and awards received by staff:

### **National Association of Government Web Professionals: Pinnacle Award**

The current version of WakeGOV.com launched in October 2012 and was completed in nine months, using existing staff in Information Services and content contributors from all departments. No external vendors or resources were used. The website receives more than 9.4 million site visits and 126.7 million page views annually and Information Services is proud of its very low downtime rate. The website quickly connects users to the content and online services they need, from mobile devices and traditional computers. The National Association of Government Web Professionals awarded Wake County Government with a Pinnacle Award for best local government website in the nation for the large population group. Staff recognized were: Chris Smith, John Higgins, Steve Walston, Heather Houser, Mike Roberts, Bill Greeves.

### **North Carolina Association of Government Information Officers: First Place in Graphic Design**

On July 1, 2013, Wake County opened a new Justice Center. Many promotional and educational pieces were designed in advance of the opening by Digital Media and Design Manager Chris Smith. These pieces incorporate the same look as the newly redesigned Wake County website. The graphic design elements helped the public know when services were moving to the new building and where they could find the new location. Some of the graphic design work helped promote events related to the opening of the building. The North Carolina Association of Government Information Officers honors the best work of its members during the last year. Chris Smith, Faith Arenth, Eric Curry, Sarah Williamson-Baker, David Elstein, Mary Jane Weeks, Ana Lopez and Dale Cousins were all present.

### **North Carolina Association of Government Information Officers: Honorable Mention in Social Media**

Wake County launched an Instagram account in July 2013 to share images that promoted Wake County as a great place to live, work, play and learn. To attract followers to Wake County's Instagram account, Information Services and Public Affairs Office conducted a photo contest for residents to share their Wake County photos using the hashtag #WakeisGreat. The goal from this contest was to gain followers to the new Instagram account and to interact with residents. Within weeks, close to 200 photos were submitted and there were more than 100 new followers to the Instagram account. The public was then

invited to select the top photos via a Facebook poll. The winning images were incorporated into the Wake Is Great handout. Staff recognized was: Chris Smith, Faith Arenth, Eric Curry, Sarah Williamson-Baker, David Elstein, Mary Jane Weeks, Ana Lopez and Dale Cousins.

**North Carolina Association of Government Information Officers:  
Honorable Mention in News Release/Feature Writing**

In March 2013, the Public Affairs Office worked with Community Services to write, edit and distribute a community feature describing the traveling exhibition "Manifold Greatness: The Creation and Afterlife of the King James Bible," that came to the Cameron Village Regional Library. Stories about the exhibit appeared in print and/or online in the North Raleigh News, Indy Week, Fayetteville Observer and Events. More than 1,600 people attended the exhibit itself during the four weeks it was in Wake County. Staff recognized was: Chris Smith, Faith Arenth, Eric Curry, Sarah Williamson-Baker, David Elstein, Mary Jane Weeks, Ana Lopez and Dale Cousins.

**North Carolina Association of Government Information Officers:  
Honorable Mention in Biggest Impact with Small Budget**

The Behavioral Health Partnership is a group consisting of Wake County, UNC Health Care (UNCHC), Alliance Behavioral Healthcare (Alliance) and other stakeholders committed to the continuity of care for the behavioral health population in Wake County. The County and partners needed to communicate with the elected officials, appointed leaders, Wake Behavioral staff and the 3,000 clients, some of which had been clients of the County's for more than 50 years. The Public Affairs Office, with input from partners, created the communications plan, letters to consumers, Board of Commissioners updates, [bhp.wakegov.com](http://bhp.wakegov.com) and WakeGOV TV segments. Staff recognized was: Chris Smith, Faith Arenth, Eric Curry, Sarah Williamson-Baker, David Elstein, Mary Jane Weeks, and Ana Lopez.

**North Carolina Sedimentation Control Commission: Local Program Award  
for Excellence in Sedimentation and Erosion Control**

The Erosion and Sedimentation Control Program works with developers, builders and landowners to prevent sediment from leaving construction sites and contaminating streams, lakes and rivers. The County is responsible for enforcement of erosion control, stormwater and floodplain management for all unincorporated areas as well as in Fuquay-Varina, Garner, Knightdale, Morrisville, Wendell, Rolesville and Zebulon. The North Carolina Sedimentation Control Commission recognizes the importance and the value of local erosion and sediment control programs in controlling pollution by sedimentation to the waters of North Carolina and each year recognizes two of the 52 local programs in the State for excellence. Staff recognized was: Joseph Threadcraft, Charles

Phillips, Glen Johnson, Katherine Hobby, Betsy Pierce, Jennifer Mitchell, Shawn Springer, Debra Ryals, and Britt Stoddard.

Governor's Awards for Excellence in Workforce Development: Wayne Daves Award for Outstanding Achievement in Workforce Development

JoAnn Shepherd has been a case manager with Capital Area Workforce Development System, helping both job seekers and employers, since 2003. Her dedication to her team, customers and business contacts are well known among her co-workers and peers in other agencies. Shepherd's innovation and thoughtfulness led to the creation of several successful cost-saving initiatives in the JobLink Career Centers in this past year. The Daves Award recognizes the outstanding efforts of a front-line staff person that has contributed to the continuous improvement within a local JobLink Career Center or other workforce development program. Staff recognized was Ms. Joann Shepherd.

**American Institute of Architects Academy of Architecture for Justice: Published Recognition in 2013 Justice Facility Review Detention Category**

The Wake County Detention Center was recently recognized at the Justice Facilities Review, an annual awards program juried by the American Institute of Architects (AIA) Academy of Architecture for Justice, which documents best practices in planning and design for Justice Architecture. The facility was selected because it exhibited a strong innovative approach to integrating security, technology, operations and design solutions. The Detention Center was also noted as being responsible in its utilization of the public's financial resources and in minimizing impact on the environment and natural resources as well as forward thinking relative to operations, flexibility, maintenance and maximizing potential of the site for future expansion. The Design Team including Little Diversified and HDR and the construction team led by Stanska were recognized.

**Associated Builders and Contractors: Eagle Award**

The Justice Center was honored by the Associated Builders and Contractors. This "Excellence in Construction Awards" recognized the "best of the best" construction projects throughout the Carolinas and are very competitive, honoring only the most innovative and high-quality projects, which, in addition to the beautiful and functional design of the building itself, highlights the successful collaboration between the County, Design Team and Construction Management Team. Staff recognized was Mark Forestieri along with the Design and Construction Management Teams.

**Downtown Raleigh Alliance: Downtown Imprint Award**

The Justice Center was honored by the Downtown Raleigh Alliance with its Imprint Award which recognizes new construction projects and significant renovations that were completed during this past year, which have created a positive imprint in the downtown area. This award highlights the progress downtown Raleigh is making in its revitalization. Staff recognized was Mark Forestieri and his staff. The Design Team of O'Brien Atkins and Construction Team which was a combination of Barnhill and Balfour Beatty were also recognized.

**Mr. Joe Durham recognized staff for the NCAGI Awards.**

He recognized Chris Smith, Steve Walston, Faith Arenth, David, Eric Curry, Sara Williamson Baker, Mary Jane Weeks, and Dale Cousins.

**Mr. Joe Durham recognized staff for the awards in the Erosion and Sedimentation and Control Commission.** Charles Phillips, Glen Johnson. (list other staff present).

Mr. Joe Durham recognized a staff person for the **Governors Awards for Excellent in Workforce Development.** He recognized Ms. JoAnn Shepherd.

Mr. Joe Durham recognized Mr. Mark Forestieri and staff for the **Justice Center American Institute for Architecture, Associated Builders and Contractor's Eagle Award, and the Downtown Raleigh Alliance Downtown Imprint Award.**

**Present the Board with Two LEED Silver Certifications**

Mr. Mark Forestieri, Facilities Design and Construction Director, asked the Board to accept certifications to promote healthy living environments. There are four levels of certification: Certified, Silver, Gold, and Platinum.

Mr. Forestieri described each of the awards and their benefits. He shared framed certificates for the LEED certifications. He recognized staff. Charles Todd, Skanska, Tim Barbour, O'Brien Atkins, Andy Swyker, Tim Johnson and other project people present)

Tim Ashby, Patrick McHugh, Dave Goodwin, and Phil Stout helped with the project.

**Retiree Recognition**

Mr. Joe Durham, Interim County Manager, recognized Mr. Robert (Bob) Campen, Ms. Gloria (Dale) Cousins, Ms. Jean Ellis, and Captain Willie Teasley for their years of service to Wake County. Each retiree was presented a plaque in honor for their service twenty-five or more years to Wake County.

Mr. Scott Warren, County Attorney, presented a plaque to Ms. Constance "Connie" Aull for her years of service to Wake County and the Wake County Legal Department. Ms. Aull was also presented the "Cracker Jack Paralegal" trophy from the Legal Department.

Mr. Warren presented Ms. Aull with the "Cracker Jack Paralegal" award from the Legal Department.

### **Wake County Fire Commission Fire Tax District Update**

Chairman Matthews welcomed all the fire department chiefs that were present.

Mr. Lucius Jones, Chairman, Wake County Fire Commission, introduced Mr. Michael Wright the new Fire Services Director and Mr. Billy Myrick, Fire Commission member..

Mr. Jones shared a report about the Fire Commission and the duties and responsibilities of the board. He shared the mission and composition of the board. Mr. Jones shared the committee activities and accomplishments.

Mr. Jones asked the fire service representatives to stand to be recognized. There are 70% of the calls that are EMS related.

Chief Todd Wright, Town of Morrisville Fire Department, shared a cardiac arrest story from October 18, 2013. He described the success story of how the spouse called the fire department to commend staff on the response time. The station responded to the patient in less than 60 seconds.

Mr. Jones shared the ongoing and future challenges. He thanked the Board of Commissioners for the resources to accomplish the delivery of service in Wake County.

Mr. Michael Wright, Wake County Fire Services Director, thanked the board for the opportunity to work in Wake County.

Commissioner Ward thanked fire staff for their work and accomplishments.

### **Public Comments**

Chairman Matthews opened the meeting for public comments. There were no speakers. Chairman Matthews closed the public comment time.

**Present the Operating Results and Statement of Financial Position for Fiscal Year Ended June 30, 2013 to Board of Commissioners and Provide**

**a copy of Comprehensive Annual Financial Report to Board of County Commissioners**

Ms. Susan McCullen, Wake County Finance Director, recognized Ms. Kim Lohrbacher and Ms. Michelle Thompson, Cherry Bekaert LLP, that were present. Ms. Thompson was present to share the annual financial report with the Board of Commissioners.

Ms. Thompson said that Wake County received an unmodified or clean opinion which is the highest rating on the comprehensive audit. Overall results for the general fund were very positive.

Ms. McCullen shared financial highlights of the general fund operating results, general fund revenue variances, and the Fund Balance Policy. She said the fund balance criteria had been met each year. Wake County continues to grow and maintain the general fund.

	<u>Original Budget</u>	<u>Final Budget</u>	<u>Actual</u>	<u>Variance</u>
<b>Revenues and Transfers In</b>	\$ 937,638,398	\$ 945,128,001	\$ 959,404,995	\$ 14,276,994
<b>Expenditures and transfers out</b>	<u>(937,670,000)</u>	<u>(946,282,622)</u>	<u>(938,791,865)</u>	<u>(7,490,757)</u>
<b>Fund Balance Appropriated</b>	<u>(31,602)</u>	<u>(1,154,621) **</u>	<u>-</u>	
<b>Revenues and transfers in over expenditures and transfers out</b>			20,613,130	
<b>Fund balance at the beginning of the year</b>			<u>175,698,244</u>	
<b>Fund balance at the end of the year</b>			<u>196,311,374</u>	

**\*\* Budgeted use of fund balance represents encumbrances carried forward from FY 2012.**

	Budgeted Amounts		Actual	Variance with
	Original	Final		Final Budget - Favorable (Unfavorable)
Taxes:				
Property	\$ 648,962,083	\$ 648,962,083	\$ 654,898,370	\$ 5,936,287
Sales	121,137,839	125,254,839	127,273,310	2,018,471
Other	9,630,421	9,730,421	11,113,935	1,383,514
Total taxes	779,730,343	783,947,343	793,285,615	9,338,272
Shared Revenues (federal/state/local)	90,818,923	93,337,482	94,612,804	1,275,322
Charges for services	61,687,528	62,373,295	64,535,379	2,162,084
Licenses and Permits	3,319,455	3,320,455	4,062,881	742,426
Other	543,149	565,426	1,309,101	743,675
Transfers in	1,539,000	1,584,000	1,599,215	15,215
Subtotal before Appropriated Fund Balance	937,638,398	945,128,001	959,404,995	14,276,994
Appropriated Fund Balance	31,602	1,154,621	-	(1,154,621)
Total Revenues	\$ 937,670,000	\$ 946,282,622	\$ 959,404,995	\$ 13,122,373

A recovering housing market and improved consumer spending increased actual General Fund total revenues over the final budgeted amounts by \$14.2 million for 2013 fiscal year.

Actual property tax collections exceeded the adopted budget by \$5.9 million.

- \$2.3 million (39%) is attributable to actual tax base growth over the estimated tax base used to develop the budget at the collection rate of 98.5%.
- \$3.6 million (61% ) resulted from the actual overall collection rate of 99.11% exceeding the budgeted rate collection rate of 98.5%.

Sales taxes revenues had a year over year increase of \$6.4 million and were \$2 million over budget for fiscal year 2013.

Other taxes, composed of leased rental vehicle taxes, real property transfer taxes and Payments in Lieu of Taxes increased \$1.2 million over the prior fiscal year and were \$1.38 million more than the budgeted amounts.

Revenue from Charges for Services and Licenses and Permits, (Inspections, Planning, and Real Estate Recording Fees) was \$2.2 million higher than budget as a result of a continuing increase in real estate-related activity (home and commercial real estate sales).

	Budgeted Amounts		Actual	Encumbrances	Budget vs.
	Original	Final			Actual + Encumbrances Favorable (Unfavorable)
General government	\$ 43,283,548	\$ 44,126,775	\$ 41,663,173	\$ 225,015	\$ 2,238,587
Human services	181,818,711	187,035,404	184,720,084	1,267,219	1,048,101
Education	334,532,675	334,532,675	334,532,675	-	-
Community development and cultural	26,192,547	26,343,295	25,917,801	139,574	285,920
Environmental services	8,031,780	8,137,977	7,661,402	22,230	454,345
General services administration	23,253,299	23,405,015	22,421,170	345,361	638,484
Public safety	106,445,440	108,589,481	107,763,560	96,311	729,610
Transfers out	214,112,000	214,112,000	214,112,000		-
<b>Total Expenditures</b>	<b>\$ 937,670,000</b>	<b>\$ 946,282,622</b>	<b>\$ 938,791,865</b>	<b>\$ 2,095,710</b>	<b>\$ 5,395,047</b>
Public Safety	106,445,440	108,589,481	107,763,560	96,311	729,610
Transfers out	214,112,000	214,112,000	214,112,000		-
<b>Total Expenditures</b>	<b>\$ 937,670,000</b>	<b>\$ 946,282,622</b>	<b>\$ 938,791,865</b>	<b>\$ 2,095,710</b>	<b>\$ 5,395,047</b>

### General Fund Expenditure Variances

Fiscal year 2013 expenditures and encumbrances were less than budget by \$5.4 million (1/2%).

As in recent fiscal years, County departments continued to spend conservatively as a result of a hiring freeze that stayed in place throughout most of the year.

The County will maintain:

	<u>2013</u>	<u>2012</u>	<u>Increase (Decrease)</u>
Non-spendable:			
Inventories/noncurrent receivables	\$ 660,291	\$ 680,079	\$ (19,788)
Restricted:			
Stabilization by State statute	60,378,072	61,577,460	(1,199,388)
Register of deeds automation	339,453	310,538	28,915
Committed:			-
Revaluation reserve	4,093,247	3,468,905	624,342
Future appropriations from excess ABC revenues	6,400,000	-	6,400,000
Working capital	124,040,311	109,629,660	14,410,651
Assigned:			
Planned expenditures	-	31,602	(31,602)
Future insurance claims	400,000	-	400,000
General Fund Balance	196,311,374	175,698,244	20,613,130
Subsequent Year's Adopted Budget	982,800,000	938,520,000	44,280,000
Fund Balance as a Percent of Next Year's Budget	19.97%	18.72%	1.25%
Working Capital per financial statements	\$ 124,040,311	\$ 109,629,660	\$ 14,410,651
Working Capital as a Percent of Next Year's Budget	12.62%	11.68%	0.94%

Ms. McCullen shared the upcoming accounting guidance changes. She said that it is not expected that future GASB Statements will affect Wake County.

### **Going Forward: Upcoming Accounting Guidance Changes**

GASB Statement 67 – Additional pension schedules and disclosures required for fiscal year 2014

GASB Statements 68 and 71 – Changes in pension reporting that will impact the Special Separation Allowance Fund in fiscal year 2015.

There are other GASB statements that are effective for these years but they are not expected to impact the County's accounting or reporting.

Commissioner West asked if Human Services was showing an overage in the general fund expenditures. Ms. McCullen said some are continuing contracts that will show as savings. Vice-Chair Gurley said that Wake County sometimes has to match state and federal funds, Ms. McCullen said that sometimes there are budget changes after the budget is approved, if the match has not been received.

### **Consent Agenda**

Commissioner Coble asked that items #17 and 18 be tabled until January 2014. Commissioner Ward asked the reasons for them to be tabled.

Commissioner Coble said he needed cost and financial questions to be answered before taking action on these items.

Commissioner West asked if it was proper protocol for items to be tabled on the consent agenda. Mr. Warren said there needs to be motion and second for the item to be tabled.

Paul Coble motioned, seconded by Joe Bryan, to approve the Consent Agenda with the removal of item #17 (Wake County Public School System CIP 2006 and Reallocation and Appropriation Request) and item #18 (Wake County Public School System CIP 2013 Appropriation Request).

Commissioner West asked if an item is pulled from the consent agenda, can it be discussed.

Mr. Warren said the discussion should be held until the January meeting if the board votes for it to be tabled.

The motion to approve the Consent Agenda with the removal of item #17 (Wake County Public School System CIP 2006 and Reallocation and Appropriation Request) and item #18 (Wake County Public School System CIP 2013 Appropriation Request) was approved with a vote of 4 to 3.

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

### **Conveyance of Utility Easement at Vernon Malone College and Career Academy to Duke Energy Progress**

Paul Coble motioned, seconded by Joe Bryan, to approve the conveyance of a utility easement to Duke Energy Progress allowing additional electrical service to be provided for Vernon Malone College and Career Academy at 2200 South Wilmington Street, Raleigh, NC, subject to terms and conditions acceptable to the County Attorney. The motion passed unanimously.

### **Accept and Appropriate \$69,080 of funds from the North Carolina Department of Health and Human Services, Division of Social Services**

Paul Coble motioned, seconded by Joe Bryan, to accept and appropriate \$69,080 of funds to the County General Fund from the North Carolina Department of Health and Human Services, Division of Social Services. The motion passed unanimously.

### **Accept and Appropriate \$5,800 in Revenue and Expenditures to Reflect Donations for the Wake County Sheriff's Office Canine Division**

Paul Coble motioned, seconded by Joe Bryan, to accept and appropriate \$5,800 in donations within the Grants and Donations fund to pay for expenses of the Wake County Sheriff's Office Canine Division. The motion passed unanimously.

**Wake Coordinated Transportation Services Vendor Contracts**

Paul Coble motioned, seconded by Joe Bryan, to authorize the County Manager to enter into multi-year contracts with transportation service vendors 21st Century Transportation, Ride Right, Millennium, and MV Transportation for the provision of demand response transportation services, subject to terms and conditions acceptable to the County Attorney. The motion passed unanimously.

**WakeBrook Lease Amendment with UNC Health Care**

Paul Coble motioned, seconded by Joe Bryan, to approve a lease amendment to allow UNC Health Care to provide primary care services for behavioral health clients at WakeBrook. The motion passed unanimously.

**FY 14 Capital Project Budget Reallocations and Project Closeouts**

Paul Coble motioned, seconded by Joe Bryan, to reallocate \$3,990.36 of savings to the Board of Elections Upfit project, Uncommitted Funds and Unallocated Open Space in the County Capital Projects Fund; reallocate \$20,000 from Economic Incentives Unallocated to the NetApp Business Development Grant project in County Capital Projects Fund; and to reallocate \$3,130.62 in project savings within the Fire Equipment program to uncommitted funds in the Fire Capital Projects Fund. The motion passed unanimously.

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

Item tabled until January 2014

**Wake County Public School System CIP 2013 Appropriation Request (Second Reading)**

Item tabled until January 2014

**Tax Committee Recommendations for Value Adjustments, Late Files Applications, Collection Refunds and Tax Collections**

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

1. Report Collections – Wake County Only – October 2013
2. Wake County In-Rem Foreclosure Progress Report – October 2013
3. Consideration of Requests for Adjustments, Rebates, and/or Refunds of Penalties: (Wake County and Town of Apex), (Wake County and Town of Cary), (Wake County and Town of Garner), (Wake County and Town of Holly Springs), (Wake County and Town of Knightdale), (Wake County and City of Raleigh), (Wake County and Town of Rolesville), (Wake County and Town of Wake Forest), (Wake County and Town of Zebulon)
4. Consideration of Refund for Taxes, Interest, and Penalties: (Wake County and Town of Morrisville), (Wake County and City of Raleigh)
5. Consideration of Requests for Tax Deferment: (Wake County and Town of Cary)
6. Consideration of Requests for Exemptions: (Wake County and City of Raleigh)
7. Consideration of Requests for Tax Relief Exclusions: (Wake County and Town of Apex), (Wake County and Town of Holly Springs), (Wake County and City of Raleigh)
8. Rebate Details: (Wake County and Town of Apex), (Wake County and Town of Cary), (Wake County and Town of Fuquay-Varina), (Wake County and Town of Garner), (Wake County and Town of Holly Springs), (Wake County and Town of Knightdale), (Wake County and Town of Morrisville), (Wake County and City of Raleigh), (Wake County and Town of Rolesville), (Wake County and Town of Wake Forest), (Wake County and Town of Wendell), (Wake County and Town of Zebulon)

## **Regular Agenda**

### **[Resolution Calling for a Public Hearing in Connection with an Installment Financing Agreement for the Acquisition of Firefighting Apparatus](#)**

Ms. Nicole Kreiser, Debt and Capital Director, presented the request for approval of a resolution calling for a public hearing for installment financing of firefighting apparatus, to authorize staff to issue a request for proposals for financing not to exceed \$1,487,000 for the new firefighting apparatus and to appropriate \$75,532 of uncommitted funds from the fire tax capital fund for the acquisition of the fire apparatus. This request is for the board to call a public hearing for the January 6, 2014 meeting prior to the board being asked to approve the installment financing of the finance agreement. The total cost includes add-ons requested by the specific departments. The departments will reimburse the county within twelve months for the cash appropriated.

Ms. Kreiser stated the total cost of the apparatus to be purchased is \$1,562,532. The costs and funding are:

<u>Department</u>	<u>Type of Vehicle</u>	<u>Debt</u>	<u>Cash</u>	<u>Total</u>
Fairview	Tanker	\$ 245,000	\$ 14,085	\$ 259,085
Fairview	Service Truck	376,000	23,119	399,119
Swift Creek	Tanker	245,000	9,106	254,106
Wake New Hope	Tanker	245,000	3,229	248,229
Wake New Hope	Service Truck	<u>376,000</u>	<u>25,993</u>	<u>401,993</u>
Total		\$ 1,487,000	\$ 75,532	\$ 1,562,532

Mr. Lucius Jones, Chairman, Wake County Fire Commission, said the Fire Commission had approved this request. He said in an effort to keep the costs down, they order a base model truck and then some of the departments asked for additional equipment be added to the trucks but they will cover the cost out of sale of their old trucks or other funds.

Paul Coble motioned, seconded by Tony Gurley, to approve the attached resolution calling for a public hearing in connection with an installment financing agreement for the acquisition of firefighting apparatus; to authorize staff to issue a Request for Proposals related to the financing of not to exceed \$1,487,000 for new firefighting apparatus; and to appropriate \$75,532 of uncommitted funds in the fire tax capital fund for fire apparatus. The motion passed unanimously.

The Board of Commissioners for the County of Wake, North Carolina met in regular session in the Board Room of the Wake County Justice Center, Room 2700, 301 South McDowell Street in Raleigh, North Carolina, the regular place of meeting, at 2:00 p.m., on December 2, 2013, with Phil Matthews, Chairman, presiding.

Present: Commissioners Joe Bryan, Paul Coble, Tony Gurley, Caroline Sullivan, Betty Lou Ward and James West.

Absent: N/A

Also present: Joe Durham, Interim Manager, Johnna Rogers, Deputy Manager, Scott Warren, County Attorney, Susan J. Banks, Clerk to the Board, Denise Foreman, Assistant to the Manager, and Denise Hogan, Deputy Clerk.

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Commissioner Paul Coble\_ introduced the following resolution the title of which was read and copies of which had been distributed to each Commissioner:

**RESOLUTION CALLING A PUBLIC HEARING IN CONNECTION WITH AN INSTALLMENT FINANCING AGREEMENT FOR THE ACQUISITION OF FIRE FIGHTING APPARATUS**

WHEREAS, the County of Wake, North Carolina (the “County”) is considering entering into an installment financing arrangement pursuant to G.S. 160A-20 in a principal amount not to exceed \$1,487,000 to provide funds for the purchase of three tanker trucks and two service trucks expected to be used by certain volunteer fire departments located in the County, including but not limited to, Swift Creek Fire Department, Wake-New Hope Fire Department and Fairview Fire Department, each a non-profit fire department providing fire fighting services in the County;

WHEREAS, pursuant to the requirements of applicable federal income tax laws regarding the treatment of interest on the payments made by the County with respect to the installment financing, the County is required to hold a public hearing on such installment financing arrangements;

NOW THEREFORE, BE IT RESOLVED THAT:

1. The Board hereby directs the staff of the County to seek proposals of potential providers of such installment financings, and, based upon the responses to such request, to negotiate the terms of an agreement with the providers of the installment financing for consideration by the Board at the hereinafter mentioned January 6, 2014 meeting of the Board.

2. The Board hereby fixes the regularly scheduled meeting of the Board on January 6, 2014, at 2:00 p.m. in the Board Room of the Wake County Justice Center, Room 2700, located at 301 South McDowell Street in Raleigh, North Carolina, the regular place of meeting, as the time and place for the public hearing on such installment financing and hereby directs the Clerk to the Board to publish notice of such public hearing once in The News and Observer not later than the 14<sup>th</sup> day before said date.

Section 3. The Board hereby finds, determines and declares the following:

(a) Section 1.150-2 of the Treasury Regulations (the “Regulations”) prescribes specific procedures which are applicable to tax-exempt bonds or notes issued by or on behalf of the County for which prior expenditures are to be reimbursed, including, without limitation, a requirement that prior to, or within sixty (60) days of, payment of the expenditures to be reimbursed the County declare its official intent to reimburse certain expenditures with proceeds of debt to be incurred by the County.

(b) The Board hereby declares its official intent pursuant to Section 1.150-2 of the Treasury Regulations to reimburse itself from the proceeds of debt to be hereinafter incurred by the County for certain expenditures relating to the acquisition of fire fighting apparatus described in this resolution paid by the County on or after the date which is sixty (60) days prior to the date hereof.

(c) \$1,487,000 is the maximum principal amount of debt reasonably expected to be incurred for the purpose of paying the costs of the firefighting apparatus described in this resolution.

Upon motion of Commissioner Paul Coble, seconded by Commissioner Tony Gurley, the foregoing resolution was adopted by the following vote:

Ayes: Joe Bryan, Paul Coble, Tony Gurley, Phil Matthews, Caroline Sullivan, Betty Lou Ward and James West.

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Noes: N/A

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\* \* \* \* \*

I, Susan J. Banks, Clerk to the Board of Commissioners for the County of Wake, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board of Commissioners for said County at a regular meeting held on December 2, 2013, as it relates in any way to the passage of a resolution relating to the installment financing arrangement described therein and the calling of a public hearing thereon and that said proceedings are recorded in the minutes of said Board of Commissioners for said County.

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

WITNESS my hand and official seal of said County this 2<sup>nd</sup> day of December, 2013.

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Clerk to the Board of Commissioners

[SEAL]

**Public Hearing on Proposed Land Use Plan Amendment 03-13 to Amend the Wake County Land Use Plan to Classify 1.83 Acres from Apex ETJ to Apex Short Range Urban Services Area**

Mr. Tim Maloney, Wake County Planning Development and Inspections Director, introduced the next two items which were related to each other. This item is a land use plan amendment and then there's a request for it to be rezoned. The property is a bar located on Highway 64 East in Apex known as The Local Bar formerly the Iron Horse Bar. This request is from the Town of Apex to relinquish a small parcel in their extraterritorial jurisdiction back to the county's jurisdiction. County staff reviewed and analyzed the request and determined it was not a favorable move by the Town of Apex especially from a planning perspective. This is a small 1.8 acre parcel surrounded by ETJ area which creates a donut hole in the area. Municipal limits and utilities are within a thousand feet of the property so it is a prime example of what should be found in an extraterritorial jurisdiction area. He said staff is concerned about this action setting precedence. The North Carolina General Statutes provide no authority for the county to weigh in or deny the relinquishment by Apex but do require the County to rezone the parcel within 60 days. The Town of Apex relinquished the parcel on October 15, 2013. Additional information was that this parcel was within a large ETJ request in 2007. This area has substantially changed due to the construction of NC 540 and many new subdivisions in the area.

Mr. Maloney said that this is interesting because in June 2006, the Apex Town Manager wrote a letter to the County specifically requesting that this parcel be included in their ETJ at that time as part of the large request. The question of why they rescinded the parcel was because they did not want this parcel in their ETJ due to some site issues. The current property owner agreed to the relinquishment by way of a letter to the Town dated September 18, 2013. Staff has been in close contact with the property owner, the business owner on the site, as well as their consultant in preparation of this item.

Commissioner Coble said he understood that the property was originally in Wake County's jurisdiction. The Town of Apex asked for this property to be included in their ETJ. The County then gave the property to Apex only for them to decide they don't want it anymore and want to return it to the County's jurisdiction. He said this action would create a hole in the ETJ and the county has no recourse for taking on the issues tied to this property. Mr. Maloney said Commissioner Coble was correct in his summary.

Chairman Matthews asked about Fire and EMS coverage for this area. Mr. Maloney said a coordinated effort would continue for Fire and EMS coverage. Commissioner Bryan asked what recourse was there if the county did not enact the zoning. Mr. Maloney said that if the County did nothing, after 60 days there would be no zoning on the parcel.

Mr. Bryan Coates, Wake County Planner, described the proposed Land Use Plan Amendment 03-13. The amendment would reclassify a 1.83 acre from Apex's ETJ to Apex Short Range Urban Service Area with a Residential

Classification. He shared a map demonstrating the Apex ETJ. The property owner requested the Town of Apex remove them from the town's ETJ. The city limit is very close to the property. Mr. Coates said the property owner and the bar owner requested the parcel be removed from the town's ETJ. This property is located at 2901 US Highway 64 West (PIN 0722762014) and was part of a 9,000 acre ETJ request from the Town of Apex in 2007.

Commissioner Gurley asked who made the request for the property to be removed from the Town of Apex's ETJ. Mr. Coates said the property owner sent a letter to the Town of Apex making this request but he was unaware of additional details of the process. The Apex Town Council relinquished their jurisdiction on October 15, 2013. He said there could have been discussions. Commissioner Bryan asked if there was a firm timeline and an official request for this action. Mr. Coates said they had received a letter dated September 2013 from the property owner. Commissioner Gurley noted that the letter from the property owner gave the town the authority to remove his property from the town's ETJ.

Mr. Durham said that Wake County staff has been working with the Town of Apex on the request over the last 90 days. He said the initial request came from the Town of Apex to remove the property from their ETJ. The Town and the bar owner both requested the property be removed the Town of Apex's ETJ.

Mr. Coates said on October 15th, 2013, the Town of Apex removed the parcel from their jurisdiction. He said the parcel meets the county's seven criteria for ETJ and the Wake County Land Use Plan. He said it creates a donut hole for inspections because there is no other county land around this property for them to do other inspections. The parcel is party of the Jordan Lake Water Supply Watershed with the Watershed Protected Area Overlap which was applied in 1993. The property is in an urban watershed and can be annexed into the Town of Cary. There is a Western Wake Partners Sewer line that is scheduled to go online next year. The property was part of the Southwest Area Land Use Plan and was classified as Residential an Apex Long Range Urban Service Area until 2007. Mr. Coates reviewed the County's Land Use Plan analysis of the request. He said a lot of improvements to the area are being completed such as utilities, roadways, and there will be more pressure to urbanize the area. The county will have to maintain the low density water supply watershed option because there is no high density option once it became a watershed.

Staff Findings were:

- 1) The Town of Apex relinquished jurisdiction of the subject property on October 15, 2013
- 2) The property is surrounded by Apex ETJ and Town Limits.

- 3) Public Sewer and Water utilities are within a 1,000 ft of the subject property.
- 4) The property meets the guidelines for Short Range Urban Services Classification.
- 5) The Town of Apex's planning staff has no comment on the proposed land use plan amendment 03-13.

Chairman Bryan asked how it was possible that the Town of Apex Planning Staff did not have any comments. Mr. Coates said the proposal was sent to the Apex Planning Staff and they received no comments. Commissioner Coble asked why the parcel would be classified in the Apex Short Range Services when they do not want the parcel. He questioned why it would not be in the long range services for the Town of Apex. Mr. Coates said that Wake County staff considers the parcel to be in a short range services area because they anticipate it to be urbanized within the next ten years. Mr. Coates was confident that annexation could occur if the Town of Apex needs the nearby utilities.

Commissioner West asked what was located on the property. Mr. Coates stated a bar was located on the property and had been there since before the county implemented the zoning ordinance. He said the county had not received any complaints about the bar but it had not been in the county's jurisdiction for the last few years.

Commissioner Bryan questioned the motive of the request and the planning policies of the Town of Apex. He said there are problems with this being a good public policy decision. The Town of Apex representatives were not present to voice their thoughts on the process. He said this whole process has been poorly planned on the part of the Town of Apex. Municipalities typically want to grow, and this proposal does not support growth. Commissioner Bryan said the County has typically supported ETJ requests in the past but this goes against what has previously been supported. He said he expected to oppose this request but the alternative would be for the property to have no zoning which would be strange as well. He asked how this plan meets the County's Land Use Plan. Mr. Coates said county staff advocates the property stay in the ETJ because it is a prime example of what should be in the ETJ. However, Mr. Coates said he did not have the choice of keeping it in the ETJ. They have to give the property a classification. Short Range is designated when there are utilities nearby and growth will be redirected to that area in the short term. The property does not have to be in the ETJ in order to be annexed.

Commissioner Ward said that the Town of Apex is losing with this plan. It appears the property owner wants to be able to decide how to develop the property and this does not make sense. Commissioner Gurley said there are two items for decision, which are to amend the Wake County Land Use Plan

and the second action is specific to the parcel. He asked what the choices were for the board: long range service area, short range service area or no zoning. He asked if the parcel had to be in one of those three. Mr. Coates said there is a non-urban classification but that would not fit this circumstance so it would be non-urban, short range, long range or ETJ classifications. Commissioner Gurley clarified that there is no option of no zoning for this parcel but that option is allowable for the next item. Mr. Coates agreed that this request is for the property to be short range or long range service area. Mr. Warren confirmed Mr. Coates' statement.

Commissioner Gurley asked what happens if Wake County refuses to classify the parcel. Mr. Warren said law enforcement, fire and rescue will still respond but there are larger issues at stake such as how counties interact with municipalities in the future. Mr. Warren said this is the first request of this kind.

Commissioner West asked if it was possible for the municipality to annex around the property as short range. Mr. Coates said Apex can that the parcel will likely be redeveloped in the future.

Commissioner Coble asked what the effect would be if the board did not act upon the request. He asked what affect it would have if the property owner wanted to expand on the property; would it be advantageous or disadvantageous for the owner not to have a classification. Mr. Warren said the amendment is towards a non-conforming use to a certain degree. Mr. Warren said that the public health, safety, and welfare could be used as a reason to alter the decision. He said that the property owner may be constrained on his property uses in the future. Mr. Coates said it probably does not affect the property owner but it would not be consistent with the land use plan in the next item.

Chairman Matthews opened the public hearing.

Mr. Don Di'Ambrosi, of Di'Ambrosi Land Consulting Services, 275 Ferrell Road West in Apex, said he represents the property owner, Gage Investments, and introduced Mr. Bob Atkinson, LLC Manager. He said the Town of Apex requested a letter from the property owner. The land use plan dictates the plan as short range. He described the property as a country story dating back over forty years and shared a photograph of the Mill's Place. The Mills Place was a community gathering place in its past. The building is a bar and private club under the North Carolina Alcoholic Beverage Control regulations. They are only aware of one complaint having been lodged against the business since Mr. Atkinson has been the Manager. He said the Apex Town Manager indicated there had only been one complaint against the club when the town council voted to send the property back to the county. When Highway US 64 was widened in 1994, the right-of-way was placed a few feet off the front porch

which is the way it is currently. It is located across Highway 64 across from retail and residential development. The Town of Apex has commercial zoning around the area. He said the building is located in an area that would fit the criteria for an activity center for the county. Wake County does not allow commercial zoning in the watershed but this property is in the watershed which leaves the dilemma being that there is no zoning which fits this business. The property will be non-conforming. He said they understand the situation and have no problem with the request before the board but if the board does not want to apply the highway district they would be satisfied. They would like to continue working with county staff to solve the problem. He asked the board to authorize the staff to continue to study the situation and work with the owner to come to a solution. He would like to be able to continue to make improvements to the business and continue as a commercial establishment. They would like to continue to operate the business as a non-conforming use. There are issues with finding financing for major repairs and they have to do things on a cash basis. He asked for the ability to continue working with staff to come to a collective resolution.

Commissioner Ward asked about a yearbook of New Hope High School. Mr. Di'Ambrosi said the yearbook was from 1951 and his wife, at five years old, was the last mascot for the last graduating class.

No one else came forward to speak.

Chairman Matthews closed the public hearing.

Mr. Coates gave the staff recommendation:

That the Board of Commissioners adopt the proposed Land Use Plan Amendment to classify 1.83 (PIN- 0722762014) acres from Apex ETJ to Apex Short Range Urban Service Area and Residential (one unit per acre).

Mr. Matt Martin, Wake County Planning Board Chairman, said that the Planning Board agrees with the staff recommendation to classify this property in the short range urban services area. The staff and property owner have gotten together to resolve the situation as much as possible. He said he had met with the landowner and staff. The situation is unfortunate for the homeowner but the Planning Board agreed with the recommendation of the Planning Staff.

Betty Lou Ward motioned, seconded by Paul Coble, to that having held the required public hearing, the board adopt the resolution amending the Wake County Land Use Plan Amendment 03-13 in accordance with the Land Use Plan Amendment 03-13 to reclassify 1.83 Acres from Apex ETJ to Apex Short Range Urban Services Area.

Chairman Bryan said this is a legislative hearing and not a finding of fact. He said they all know that what was being proposed was not the purpose of the County's ordinances. This does not meet the County's land use plan but it was being brought to the board in a backwards approach in order to say it meets the requirements.

The motion which stated the board having held the required public hearing, would adopt the resolution amending the Wake County Land Use Plan Amendment 03-13 in accordance with the Land Use Plan Amendment 03-13 to reclassify 1.83 Acres from Apex ETJ to Apex Short Range Urban Services Area approved with vote of 4 to 3.

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

**Public Hearing on Rezoning Petition ZP-881-13 to Assign Wake County Zoning to a Parcel Relinquished from the Town of Apex Extraterritorial Jurisdiction on October 15, 2013**

Mr. Adam Cook, Wake County Planner, said the Town of Apex relinquished a 1.83 acre parcel in the ETJ on October 15, 2013. The property was located at 2901 US 64 Highway West in Apex. The General Statute allows the county sixty days for assigning a zoning district for the site. The request was to rezone the 1.83 acre parcel from Apex B1 (Neighborhood Business District) with a Primary Watershed Protection Overlay to Wake County Zoning District HD (Highway District) with a WSO-4P-1 Watershed Protection Overlay. Mr. Cooke shared the land history for amendment ZP-881-13. With the parcel being 1.83 acres and surrounded by residential uses, it would be difficult to develop non-residential uses. It would be most appropriate to classify the property as residential at this time.

Zoning/Land Use History

- 1960: Zoning applied to western portion of Wake County
- 1988: SUP for the expansion of a nonconforming use
- 1989: SUP to continue nonconformity
- 1993: Watershed Overlay
- 2007: Site included in Apex ETJ
- 2007: Apex zoned site B1
- 2013: Apex relinquished ETJ (October 15)

This property has been designated a nonconforming use since it was zoned in 1960. The existing bar is a nonconforming use in the Apex neighborhood business district and will remain nonconforming in the proposed highway district. The use cannot be expanded under the current regulations.

- 1980s - SUPs issued to expand nonconforming use.
- 2007 - Continued nonconformity in Apex B1 zoning
- 2013 - Nonconformity will continue under proposed zoning.

Staff recommended inclusion in the Apex Short Range Urban Services Area outside of the activity center. Staff determined a highway district is consistent with the Land Use Plan and the existing bar is not consistent with the Land Use Plan. Signs were posted appropriately about the rezoning. Staff has not received any comments or phone calls about the rezoning. There has been no opposition expressed from adjacent property owners or the general public. Planning staff has met with the property owners to discuss the proposed rezoning. The property can be annexed into the Town of Apex at some time in the future and be allowed to develop at a higher density.

Mr. Cook shared staff findings:

- The Town of Apex relinquished the subject property.
- The County has 60 days to assign zoning.
- The proposed zoning will match the zoning that was in place prior to the site's inclusion in Apex's ETJ.
- The watershed overlay is added in accordance with the Water Supply Watershed Protection Act.
- The proposed HD & overlay is consistent with the LUP.
- The existing bar use is a nonconforming use and is not consistent with the LUP.
- Development activities subject to UDO standards.
- No comment from Apex.
- No opposition from the neighboring property owners or the general public.
- BOC must adopt a statement describing whether its action is consistent with the LUP or explaining why their decision is reasonable and in the public interest.

Mr. Cook said that with these circumstances, staff was searching for the proper zoning for this property. With the activities going on around the property, it was now appropriate to zone this property as commercial. The property owner may submit a rezoning request and attach conditions to the request should they desire.

Commissioner Coble clarified that the property was zoned by Apex but once the property was relinquished to the County that zoning was no longer applicable. Mr. Warren said there is a 60-day timeframe for the County to apply zoning to the property and if no zoning is applied, then the Apex zoning goes away and the property would not be zoned. Commissioner Coble said if there was no zoning, then there would be no issue with the property being nonconforming.

Commissioner Gurley stated the board was being asked to rezone the property and it would continue to operate as a nonconforming use until rezoned. He said the Planning Director will have some flexibility in how to administer the non-conforming uses. Mr. Maloney said that the parcel was nonconforming in the county's jurisdiction prior to 2007, was nonconforming while under Apex's jurisdiction and it is still nonconforming with county zoning. He said a bar is not allowed in a high density zoned area or in Apex. Once this business is determined a non-conforming use, they may not expand the business. Wake County's UDO does not allow for expansion of nonconforming uses. He said the buildings could be so old they don't meet the county's requirements. There can be non-conforming features as well as nonconforming uses but it cannot be expanded. General Maintenance and Repair is allowed. There is some authority given by the county ordinance for the Planning Director to make some determinations. Mr. Maloney said staff needs time to look at the use, examine it to see if there needs to be some allowance for expansion and make further recommendations. He said there are other situations in the county that fit this same criteria and need to be evaluated. Staff should examine the situation, take it to the Planning Board and then to the Board of Commissioners for approval.

Commissioner West asked if the land use changed what would happen. Mr. Maloney said if the use changed, then the non-conforming designation would no longer be attached to the property.

Chairman Matthews opened the public hearing.

Mr. Don Di'Ambrosi said that they understood that there is not a zoning district that can be applied to the current use as a bar because of the watershed. A conforming use needs to be there because of the watershed. He said that Commissioner Bryan pointed out that this is a legislative action but the Board of Commissioners is not bound to follow the Land Use Plan. The Planning Board and Staff are bound by the Land Use Plan regulations. The Board of Commissioners can make a decision on the zoning. He said with the surrounding uses being commercial, the board could zone the property commercial but he was not advocating commercial zoning. He asked if there could be a collective solution with Wake County staff allowing for limited improvements. He said they want to look at this and come back with a collective solution such as a special use permit to be issued by the Board of Commissioners or Board of Adjustment. He said he would like to allow some limited improvements to be made even if done by special use permit. The setbacks for the property need to be discussed because of the setbacks from the road widening. He asked that the staff be allowed to look deeper into this project to see if they can come up with a solution or not apply zoning at all.

No one else came forward to speak.

Chairman Matthews closed the public hearing.

The staff recommendations were read:

The Planning Staff recommends approval of the requested zoning map amendment, ZP-881-13, as presented, and finds that the amendment is consistent with the Land Use Plan and otherwise advances the public health, safety, and general welfare, as required by UDO Section 19-21-6 (C).

Mr. Martin said the Planning Board agreed with the staff recommendations. He said they did not consider not assigning a zoning requirement because they did not know that was an option. He said they wrestled with using commercial zoning but considered the watershed and the Town has more flexibility in the watershed than the County. He said they thought that assigning a commercial zoning in this area would set a bad precedent with this being part of a watershed. He said they considered being creative about who the applicant would be for the zoning and some type of conditional zoning that would give it a hybrid designation. They decided the Highway District zoning was the most consistent with the county's zoning plan. He said there have been meetings between land owners and staff working through some of the difficulties in determining compliance issues.

Mr. Martin reported the Planning Board recommended approval of the rezoning petition, ZP-881-13, as presented, (9 to 0) and found that the requested zoning map amendment was consistent with the Land Use Plan and otherwise advances the public health, safety, and general welfare, as required by UDO Section 19-21-6 (C).

There was discussion about conditional zoning. The ultimate decision was the previous county decision. He complimented staff for working with the land owner.

Commissioner Coble said there appear to be some options including re-zoning the property with the Watershed Overlay protection and continue with non-compliance or choose not to zone the parcel. He said the zoning from the Town of Apex will expire in 60 days and it will not be zoned after that time unless the County puts some zoning in place. Staff would determine a zoning classification that would fit this type of situation as well as some others. The applicant would apply for zoning once that has been determined.

Mr. Durham said that if the property is not zoned, it gives the property owner the ability to do whatever he chooses on the property which may open up other concerns. Commissioner Coble said there was never a zoning classification until the County placed one on it so it became a nonconforming use. Wake County created the problem. This creates problems for the property owner, through no fault of his own, if the owner ever wanted to expand. He asked if

there would be any assurances for the property owner. The property owner may want to request the property be rezoned.

Commissioner Ward said that the situation is odd and the board would be better off with the current zoning. The board has a responsibility to listen to staff and their recommendations. Commissioner West asked if this request has any potential of being special use certification.

Commissioner Gurley said there is a 60-day requirement which is an issue. Legislation allows for a two year notice of a municipality before they may relinquish an ETJ back to the county. He suggested that be discussed at the board's work session. He said the county could apply no zoning which would send a message to the Town of Apex. He said the only reason he would not be in favor of this suggestion was because of the attitude of the owners and being willing to work with staff to come up with a special use permit with the zoning as a solution. Commissioner Coble said that there was not an option with staff originally. Commissioner Ward said that abiding by the law is always in the forefront.

Paul Coble motioned, seconded by Tony Gurley, to ask that staff explore and research concerns of the nonconforming issues and County zoning and bring a recommendation back to the Board.

Chairman Bryan said the motion on the table leads to the assumption there is no zoning.

Paul Coble motioned, seconded by Tony Gurley, to direct staff to look at nonconforming uses and an expansion of options between short range and long range.

Chairman Bryan spoke against the motion stating that he voted against the last motion and would vote against this motion because these actions have not met the County's Land Use Plan requirements. He stated that as a former Chairman of the Knightdale Planning Board, that he supports zoning for all land in Wake County. He said there has been zoning on this property that has been there decades. He said that zoning could be left in place while other options are being examined instead of removing the zoning. He said this was not the public policy for this Board to support and Commissioner Coble's motion leaves the zoning question silent leading to no zoning on the property. He asked Commissioner Coble to restate the motion and explain the intent of his motion.

Commissioner Coble stated his motion was to have staff look into non-conforming issues because it needs to be addressed. Commissioner Bryan stated that the County granted the Town of Apex over 8,000 acres of ETJ in 2007 and he knew this board takes those actions very seriously. He spoke

about the board helping the land owner but stated the much larger issue lies between ETJs and municipalities and how they are handled. He questioned why this request was even before the Board at this time. Commissioner Ward expressed great concern about the potential of a small parcel of land in the county not being zoned. She expressed her support of planning and all properties being zoned. Commissioner West questioned the zoning of the property. Commissioner Coble said his motion only addresses asking staff to look into the issues around non-conforming uses.

Mr. Warren offered some guidance on how to move forward with the Board's actions or motions. Commissioner Bryan stated a new motion could be made to address these concerns.

Chairman Matthews asked Commissioner Coble to restate his motion.

Commissioner Ward said that the motion enables the property owner and staff to move forward.

The motion to direct staff to look at nonconforming uses and an expansion of options between short range and long range failed with a vote three to four.

AYES: Paul Coble, Tony Gurley, Phil Matthews

NOES: Joe Bryan, Caroline Sullivan, Betty Lou Ward, James West

Betty Lou Ward motioned, seconded by Caroline Sullivan, to approve the requested zoning map amendment, ZP-881-13 to rezone a 1.83 acre parcel from Apex zoning district Neighborhood Business District (B1) with a Primary Watershed Protection Overlay to Wake County Highway (HD) zoning district with a WSO-4P-1 Watershed Protection Overlay, and finds that the amendment is consistent with the Land Use Plan and otherwise advances the public health, safety, and general welfare, as required by UDO Section 19-21-6 (C), having held the required public hearing.

Commissioner Coble asked if the maker of the motion and seconder, Commissioners Ward and Sullivan, would accept a friendly amendment to direct staff to study the nonconforming uses and issues. Commissioner Ward and Sullivan accepted the suggested amendment.

Commissioner Bryan asked to add a second friendly amendment to the motion, asking that the staff and Planning Board would work with the municipalities to look at the annexation and ETJ criteria, based on this request for relinquishing the ETJ back to the County as it was brought forward by the Town of Apex. Commissioner Ward questioned if this action should be separate. Commissioner Bryan stated this request was no different than the nonconforming uses and ETJ are separate. Commissioner Bryan asked the

Board if they were not concerned with resolving this situation as brought forth by the Town of Apex.

Commissioner Gurley stated that the motion by Commissioner Coble directing staff to look into nonconforming issues was voted down and now it is being included as a friendly amendment. He suggested it would be better procedure to have one of the people who voted against that motion to call for reconsideration of that motion. Commissioner West stated it was a contextual item and was not the same.

Commissioner Gurley stated the board should take action to reconsider the vote because it was voted down and then it was specifically changed shortly afterwards.

Chairman Matthews said he directed the County Attorney to work with staff to do thorough research on all of the county's policies and procedures for ETJ matters as a result of this request from the Town of Apex.

Mr. Warren asked if Mr. Bryan's second amendment withdrawn or was it still being put forward for a vote. Commissioner Bryan withdrew his second amendment.

Chairman Matthews said there is a motion with one amendment to vote on. Commissioner Gurley said the Board just voted down part of this action and there needs to be a motion for reconsideration. He said this is an amendment to a vote. Others stated the motion was not the same action.

Commissioner Ward said this motion enables Mr. Di'Ambrosi to interact with staff and bring something back to the board. Commissioner Gurley said he agreed but that the action the board took voted down letting the staff look into the ETJ issues and this motion says the Board does want the staff to look into it.

Commissioner Coble withdrew his amendment so the Board could vote on Commissioner Ward's motion.

The motion to approve the requested zoning map amendment, ZP-881-13 to rezone a 1.83 acre parcel from Apex zoning district Neighborhood Business District (B1) with a Primary Watershed Protection Overlay to Wake County Highway (HD) zoning district with a WSO-4P-1 Watershed Protection Overlay, and finds that the amendment is consistent with the Land Use Plan and otherwise advances the public health, safety, and general welfare, as required by UDO Section 19-21-6 (C), having held the required public hearing was approved with vote six to one.

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

Commissioner Coble said if someone who voted against the motion would make a motion to reconsider the original motion, then the Board could reconsider the original action. Commissioner Gurley added that the staff could be instructed to work with them.

Betty Lou Ward motioned, seconded by James West, to reconsider the first motion by Commissioner Coble. The motion passed unanimously.

Paul Coble motioned, seconded by Tony Gurley, to direct staff to work with this property owner and others on nonconforming issues which will help the property owner.

Mr. Warren said the board approved the Land Use Plan and placed zoning on the property. The proposed action is on the original motion put forth by Commissioner Coble to direct staff to work on these issues. The motion passed unanimously.

A short break was taken.

**Public Hearing to Consider Text Amendment OA-03-13 to the Wake County Unified Development Ordinance Pertaining to Financial Guarantees**

Mr. Tim Maloney, Wake County Planning and Inspections Director, shared the development process for roadway maintenance. Once the roads are constructed by the developer are deemed by NCDOT to be consistent with NCDOT Standards, the performance guarantee, (if there is one, may be replaced by a maintenance guarantee equal to 15 percent by the original estimate.

Wake County currently holds 140 financial guarantees, 127 of which are maintenance guarantees with origination dates from 1996 to present. As part of the effort to streamline the tracking process for financial guarantees it was determined that ordinance changes were needed to clarify and improve the process of posting and renewing a financial guarantee.

Changes that are being proposed to section 8-24-5 are to provide clarity on the term of both the initial posting and renewal of the agreement.

Recommended Changes:

The proposed text changes to Sections 8-22-3 Performance Guarantees and 8-24-4(A) Maintenance Guarantees will clarify the process for the initial posting of the guarantee.

The addition of Section 8-24-4(B) has been proposed to address renewals. Section 8-24-4(B) provides a graduated process in which a developer would post an additional 5 percent after having the Maintenance Guarantee in place for four years. The guarantee would increase an additional 5 percent, to the maximum of 25 percent, after eight years. All of these figures would be based on the original estimate. The proposed text amendment would require a new total cost estimate after a 10-year period and every two years (term of the agreement) thereafter. The security would remain at 25 percent. Instituting this new procedure will help provide the resources needed to fix deterioration should the developer not abide by the terms of the agreement while also providing an incentive for the developer to complete these improvements in a timely manner and turn the roads over to the state maintained roadway system by NCDOT. Changes are also being proposed to Section 8-24-5 to provide clarity on the term of both the initial posting and renewal of the agreement.

**AMENDMENT SUMMARY:**

1. Section 8-22-3 (A) - clarify that cash deposits must be in form of cashier check or certified check.
2. Section 8-22-3 (B) - clarify that estimates must be based on total cost of all infrastructure that is not being maintained by an entity (such as NCDOT).
3. Section 8-22-3 (C) - Clarify that estimates must be based on total cost of all infrastructure and include a range of professionals who may legally provide the estimate.
4. Section 8-24-4(A) - clarify that existing instructions are for initial posting; note that cash deposits must be in form of cashier check or certified check; include a range of professionals who may legally provide the estimate; and delete reference to minor subdivision as sentence is redundant.
5. Section 8-24-4(B) - new section to provide for process of renewal whereby the amount held as guarantee increases in 5 percent increments over a 10-year period.
6. Section 8-24-5 - delete references to annual renewal and county inspections as neither reference is valid; delete reference to fee upon each renewal except in the event of guarantee being presented after its due date; and add reference to section 8-24-4(B) for terms of renewal.

Ms. Stacy Harper, Wake County Planner, said the maintenance guarantee is kept on file to protect Wake County homeowners. The UDO does not provide a process for renewal. Ms. Harper shared the amendment summary.

**Proposed Section 8-24-4(B) Maintenance guarantees may be renewed by adhering to the tiered schedule below:**

- a. After four years of initial posting, the maintenance guarantee may be renewed by posting 20 percent of the original total cost estimate.
- b. After eight years of initial posting, the maintenance guarantee may be renewed by posting 25 percent of the original total cost estimate.
- c. After 10 years of initial posting, the maintenance guarantee may be renewed by submitting a new total cost estimate and a maintenance guarantee of at least 25 percent of that estimate.
- d. After 12 years of initial posting, and every two years thereafter, a new total cost estimate and maintenance guarantee of 25 percent of that estimate, will be required for renewal.

- Clarify that a cash deposit must be in the form of cashier or certified check.
- Clarify that the estimate provided to the County is a "total" cost estimate.
- Allow a broader range of professionals to provide the estimate, as authorized by General Statute.
- Delete reference to administrative fee charged for each renewal and instead assess only if the guarantee has not been renewed by its due date.
- Delete reference to annual renewal as agreements are only renewed every two years.
- Delete invalid reference to county inspection as all inspections are performed by NCDOT.

Ms. Harper shared the staff findings stating the proposed amendment will:

- Further clarify the intent of the Unified Development Ordinance relative to financial guarantees.
- Protect the property owners within Wake County's jurisdiction by helping to ensure funds are available toward subdivision roadway deterioration and defects.
- Provide the resources needed to fix deterioration should the developer not abide by the terms of the agreement.
- Provide an incentive for the developer to complete these improvements in a timely manner.

Ms. Harper said staff spoke with the HomeBuilders Association of Raleigh-Wake County and they had no opposition to the proposed text amendments.

Commissioner Bryan asked about the ten-year time frame. Ms. Harper said that 25% was chosen because of the cost of construction of the roadways. Commissioner Bryan asked how this helps the developer. Mr. Harper said a punch list is created and the developer is given a chance to correct the issues. Vice-Chair Gurley asked what recourse the county has. Ms. Harper said the county can collect maintenance fees.

Vice-Chair Gurley asked why cash was not acceptable for payment along with a cashier's check or certified check.

Commissioner Bryan said that there are businesses that do not accept cash. Mr. Warren said the county will accept cash and this can be discussed with the Finance Director.

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

Ms. Harper shared the staff recommendation:

That the Board of Commissioners APPROVE proposed ordinance amendment OA-03-13 as presented.

Mr. Matthew Martin said that the Planning Board voted unanimously at its November 6, 2013 meeting to support the staff recommendation for the proposed ordinance amendment OA-03-13.

Vice-Chair Gurley asked that cash be included as a method of payment along with cashier's check and certified checks.

James West motioned, seconded by Betty Lou Ward, that following the properly held public hearing, accept the proposed Text Amendments OA-03-13 to the Wake County Unified Development Ordinance pertaining to financial guarantees with the amendment that payments may be made in forms of cash, cashier's check or certified check. The motion passed unanimously.

### **Wake Technical Community College 2012 Building Program Appropriation Request**

Mr. Wendell Goodwin, WTCC Facility Engineering Officer, asked the Board of Commissioners for approval of funding the construction on the Northern Wake Tech Campus Building F and associated parking deck, regional plant and pedestrian bridges as part of the Wake Tech 2012 building program.

Mr. Goodwin shared a map of the plans.

Betty Lou Ward motioned, seconded by James West, to approve the attached resolution and appropriate \$53,912,534 to fund the construction of the Northern Wake Tech Campus Building F and associated parking deck, regional plant and pedestrian bridges as part of the Wake Tech 2012 Building Program. The motion passed unanimously.

## Appropriation of Funds for Building F and Related Infrastructure

WHEREAS, the Wake Technical Community College is requesting the appropriation of \$53,912,534 to fund construction, furnishings, finishes and equipment for four projects on the Wake Northern Campus as part of the Wake Tech 2012 Building Program.

WHEREAS, the voters of Wake County approved the issuance of \$200 million in general obligation bonds to be combined with \$10.2 million of cash funding to implement the 2012 Wake Tech Building Program; and,

WHEREAS, general obligation bonds sold on April 9, 2013 were sold so funds are available for the contractual commitments of the projects,

NOW, THEREFORE, BE IT RESOLVED that the Wake County Board of Commissioners appropriates \$53,912,534 to fund construction, furnishings, finishes and equipment for four projects on the Wake Northern Campus as part of the Wake Tech 2012 Building Program which are listed below:

Project Name	Project Funds	Description
Northern Wake Campus Classroom Building F	\$ 24,266,085	Construction, FFE
Northern Wake Campus Building F Regional Plant	\$ 7,372,926	Construction, FFE
Northern Wake Campus Building F Parking Deck	\$ 15,766,653	Construction, FFE
Northern Wake Campus Building F Pedestrian Bridges	\$ 6,506,870	Construction, FFE
<b>TOTAL</b>	<b>\$ 53,912,534</b>	

Adopted on this the 2nd day of December 2013.

\_\_\_\_\_  
Phil Matthews, Chairman  
Wake County Board of Commissioners

**Accept and Appropriate \$406,869 of State and Federal Funds from the North Carolina Department of Health and Human Services, Division of Social Services, and Establish 7.00 FTEs**

Dr. Warren Ludwig, Child Welfare Administrator for Wake County, asked for additional positions to establish seven Human Services positions.

He shared the positions to be established:

1. Three (3) Human Services Senior Practitioner (HSSP) to provide CPS In Home Services. These positions will partially replace the capacity that was lost when positions were eliminated to provide services to families in which children were found to have maltreated to allow children to remain safely at home.
2. Two (2) HSSP positions to provide foster care services. The number of foster children has increased, and maintaining manageable caseloads is critical to completing tasks required to assure that foster children are reunified with family or placed in other permanent homes in a timely way.
3. One (1) HSSP and one (1) Human Services Program Consultant to improve the quality and effectiveness of services and help Wake County better comply with federal expectations as measured by the Child and Family Services Review (CFSR). The HSSP position will focus on reviewing active CPS In Home and foster care cases and providing feedback to improve the ongoing compliance and effectiveness. The Program Consultant position will assume leadership for the development of continuous quality improvement (CQI) processes within the division and will provide, organize and facilitate staff training. These two positions are also responsive to guidance from the federal government that the CFSR process is being modified to emphasize and encourage state and county CQI processes.

Establishing these positions and supporting operating costs requires no additional County funds. If the general assembly does not extend funding after FY 2015 or if alternate funding is not available to fully reimburse these costs, Child Welfare will eliminate positions and/or reduce operating costs such that no additional county funds are required.

Commissioner West asked if there was a net loss of positions from this past year. Dr. Ludwig said there was a net loss of two positions. Vice-Chair Gurley said that when the positions were lost last year, there were shifts where services were needed. Dr. Ludwig said services are covered with the staff.

James West motioned, seconded by Betty Lou Ward, to accept and appropriate to the General Fund \$406,869 of State and Federal funds from the North Carolina Department of Health and Human Services, Division of Social Services in revenues and expenditures for two years. In addition, establish six Human Services Senior Practitioner positions and one Human Services Program Consultant position, totaling 7.00 FTEs. The motion passed unanimously.

**Accept and Appropriate \$79,014 of State funds from the North Carolina Department of Health and Human Services for the Active Routes to School (ARTS) Project**

Ms. Sue Lynn Ledford, Human Services Division Director, asked the Board to accept \$79,014 in additional revenues and expenditures from the North Carolina Department of Health and Human Services to be used to help teach children to be more active. One full-time position will be hired with the funds.

Commissioner Coble said the position will help towns determine which schools are acceptable for biking and walking to school. Ms. Ledford said there is no current person for facilitation of this effort. Vice-Chair Gurley said that he has heard discussion about these efforts. Ms. Ledford said there would be efforts with nine other counties to help this move forward. Commissioner Ward said the City of Raleigh has added sidewalks to help with these efforts.

Caroline Sullivan motioned, seconded by Betty Lou Ward, to accept and appropriate to the General Fund \$79,014 in additional revenues and expenditures from the North Carolina Department of Health and Human Services - Chronic Disease and Injury Section/Community Clinical Connections for Prevention and Health and establishes 1.0 FTE Public Health Educator. The motion passed unanimously.

**Approve and Appropriate \$571,163 in Federal Grant Dollars from the North Carolina Governor's Highway Safety Program and Authorizes 5.0 FTEs**

Mr. Raymond Boutwell, Wake County Sheriff's Office Management Services Officer, asked the board to accept \$571,163 for a team of five officers.

The Wake County Sheriff's Office will partner with Raleigh, Garner, and Cary police departments who have similar funded teams to develop a unified effort in this regard. The first year of the grant is for 100 percent funding. Future years' grant funding as follows:

	<b>GHSP Funds</b>	<b>County Funds</b>
FY 2015, 80 percent	\$456,931	\$114,232
FY 2016, 75 percent	\$428,372	\$142,791
FY 2017, 50 percent	\$285,582	\$285,581

Mr. Boutwell provided the following summary:

On October 21, 2013, the Wake County Board of Commissioners approved a resolution authorizing the Wake County Manager to file for a Governor's Highway Safety Program (GHSP) Grant in the amount of \$571,163. Wake County was notified on November 21, 2013 that it was awarded this funding. The funding award is consistent with the requested amount of \$571,163 for a team of officers (5.0 FTE) and related vehicle and equipment. The team is dedicated solely to enforcing Driving While Impaired (DWI) laws. It is the goal of all these GHSP programs to reduce the number of accidents caused by impaired drivers and to improve the overall safety for the general motoring public on County main and secondary roads.

The Wake County Sheriff's Office will partner with Raleigh, Garner, and Cary police departments who have similar funded teams to develop a unified effort in this regard. The first year of the grant is for 100 percent funding. Future years' grant funding are as follows:

Future years' budgets will need to be funded from general fund revenues including, but not limited to increases received from judicial process fees or other Sheriff's office fees, as well as the general property or sales taxes.

The Wake County Sheriff's Office has received notification that the grant has been awarded for this purpose. Therefore, it is requested that the Board of Commissioners accept and appropriate funding and authorize 5.0 FTEs.

Betty Lou Ward motioned, seconded by Paul Coble, to and appropriate \$571,163 in Federal Grant Dollars from the North Carolina Governor's Highway Safety Program and authorizes 5.0 FTEs. The motion passed unanimously.

### **Authorization to Proceed with 2013 Open Space Acquisitions**

Mr. Chris Snow, Wake County Open Space and Parks Department, explained a correction to the agenda item reflecting that the VantageSouth Bank Property was appraised at \$10,223 per acre instead of the \$10,192 per acres as stated in the agenda item. He said the RFP process was used to maximize the value through competition. This is a voluntary program and staff will negotiate to get the best price on the properties because of the limited funding. The Board held a work session on September 9, 2013 and a slate of eighteen parcels was submitted to the board. In October, they closed on the Walnut Hill Farm property which was done in partnership with the Triangle Land Conservancy. The remaining projects include seventeen open space parcels owned by ten landowners. They are working on surveys and appraisals as part of the due diligence concurrently on all of the remaining parcels. The current project is owned by VantageSouth Bank, the Buffalo Creek acquisition which includes 49.06 acres.

The VantageSouth property is located in eastern Wake County on Buffalo

Creek. This property is immediately south (downstream) of the recently acquired Robertson's Mill Pond. VantageSouth Bank recently acquired Crescent State Bank, which originally acquired the property through foreclosure in 2010. After negotiations, VantageSouth has agreed to sell the 48.91 acre property for \$500,000 or \$10,223 per acre. The property appraised for \$610,000 in August, 2013, by Frank D. Leatherman, Jr., MAI. The current tax value for the property is \$719,700, or \$14,670 per acre. With the additional costs of surveys, appraisals, taxes, etc., staff estimates the total cost to acquire the VantageSouth property at approximately \$510,000.

Mr. Snow said that the proposed project is owned by VantageSouth Bank referred to as Buffalo Creek. The property is adjacent to the recently acquired Gehrke property and is 49.06 acres for \$10,192 per acre for a total of \$500,000. The total acquisition cost is estimated at \$510,000 including surveys, appraisals, etc.

The sources of funding are:

Open Space Bond Revenue	\$475,617.19
Transfer Open Space Bond Revenue project savings from the Beach property	\$21,488.81
Recreation Land Area Contributions Ordinance Fees	\$12,840.00
<b>Total</b>	<b>\$510,000.00</b>

Mr. Snow stated the Next Steps include:

- Proceed with due diligence on remaining acquisitions, including additional negotiations, surveys and appraisals
- Proceed with evaluation of opening of Turnipseed, Robertson's Mill Pond and Procter Open Space
- Continue working with municipalities on greenway projects as funding allows
- Bring back to the Board of Commissioners the remaining potential acquisitions for action

Commissioner Bryan said that Wake County is seeking properties to purchase at less than appraisal price. He asked whether staff contacted the bank. Mr. Snow said that staff contacted the bank and open space is important.

Joe Bryan motioned, seconded by Tony Gurley, to appropriate \$475,617.19 of Open Space General Obligation Bonds, \$21,488.81 in project savings and \$12,840 of Recreation Land Area Contributions Ordinance Fees; and to authorize the County Manager to execute an agreement to purchase the VantageSouth open space tract, subject to terms and conditions acceptable to the County Attorney. The motion passed unanimously.

## **Land Acquisition for a Middle School Site in the North Raleigh Area (M-8) - First Reading**

Mr. Joe Desormeaux, WCPSS Facilities Manager, presented the first reading of the land acquisition request for a Middle School in the North Raleigh area (M-8). He reported that on August 6, 2013, the Board of Education accepted the terms and conditions for the purchase of two parcels of land that total 3.64 acres in the North Raleigh area. He said they pursued the due diligence and it is now ready for approval and funding. This site was previously approved for purchase for an elementary school E-24. The site was part of an interlocal agreement with the City of Raleigh for a future elementary school. Mr. Desormeaux said that after having difficulty finding another site in the area and there being another elementary school down the road, the Board of Education decided to switch the elementary school site for a middle school site. He provided background information on the previous site. The two adjacent parcels being proposed for acquisition would supplement the parcel purchased in 2006. The M-8 middle school has the highest priority ranking in the schools master plan and is scheduled to open in 2016. He shared a map of the existing site with the two additional parcels identified. The parcels are located on the western and north side of the property. A park and a full middle school could not be accommodated on the existing site. Additional land would be needed for right-of-way, improvements to Leesville Church Road and other construction easements.

Mr. Desormeaux showed a plan using a middle school on one part of the property and a site for the city park. In January 2012, the City of Raleigh notified staff of the desire to rescind the plans for a city park on the site. Following the City's decision, WCPSS staff re-evaluated the site for a middle school. A concept plan was drawn up once more acreage was available for the middle school. The rest of the site will be for stormwater regulations, necessary road connections, onsite circulation, etc. The acreage needed was about 0.5 acres but the Taltons were not willing to sell less than the entire two parcels.

The initial appraisal was done in August 2007, and the land was valued at \$273,000 but because of the market at that time and was negotiated to \$103,250 as a bargain sale with the balance being considered a donation to WCPSS. The City's commitment would total more than \$1.5 million for land acquisition and would help reduce the cost of planning and design work. Today's MIA appraisal shows a market value of \$604,000 (3.64 acres times \$165,902 per acre = \$604,000.00). After extended negotiations, the Taltons would only agree to sell the area indicated on the attached exhibits for the amount of \$180,000 per acre. The Board of Education approved the purchase of this site at a higher per acre price (amounting to an increase in price of approximately 8%, amounting to \$51,200) after consideration of the criticality

of the acquisition to the development of the M-8 school. Due diligence is being done on the site and there are no large variations on the site. A closing date may be when due diligence has been completed or prior to February 16, 2013.

WCPSS staff has acquired an appraisal for the subject property prepared by Neil Gustafson, MAI, of Worthy and Wachtel. Mr. Gustafson concludes that the market value of the land is \$604,000 (3.64 acres times \$165,902 per acre = \$604,000.00). After extended negotiations, the Taltons would only agree to sell the area indicated on the attached exhibits for the amount of \$180,000 per acre. The BOE approved the purchase this site at a higher per acre price (amounting to an increase in price of approximately 8%, amounting to \$51,200) after consideration of the criticality of the acquisition to the M-8 development. The BOE also would rather not consider condemnation as an option to acquire the additionally required lands as it is anticipated that the total cost to acquire by condemnation would likely be higher than the current purchase price. The site information obtained in due diligence includes a Geotechnical Report, Streams Delineation Evaluation, Boundary Survey, Phase I Environmental Site Assessments and an Appraisal..

Commissioner Coble asked about where the elementary school was shifted to since this property is not going to be used for its original plan. Mr. Desormeaux said elementary school was shifted down Strickland Road. and became the new E-24 site which was more suitable for an elementary school. They had been unable to find a site the size needed for a middle school site in this area. Without the additional parcels, the site would accommodate a small middle school without the outdoor program. He said once the city decided not to use the site for a city park, they were able to use the entire site for the middle school program. The middle school will provide for 1,000 students on traditional calendar. Commissioner West asked if the county's expenses are reduced when a joint venture is done with the City of Raleigh on a project like this one. Mr. Desormeaux said the plan was for the City to reimburse the schools for some of the land purchased initially and there could be some cost sharing for infrastructure. He said there is still part of the joint venture in effect for joint use for the fields brought in for the middle school.

Commissioner Bryan said the three entities agreed on the interlocal agreement and the purchase of this site. Mr. Desormeaux agreed. Commissioner Bryan asked if the City pulled out before or after the site was changed from an elementary to a middle school. Mr. Desormeaux said the City pulled out after the school was changed from elementary to middle school. Commissioner Bryan confirmed that Mr. Desormeaux had stated there were no other sites for a middle school in this target area. He said he reviewed the MAI appraisal and there is an 8% increase or \$51,200 increase above the appraised value for the purchase and the County tries to buy land at or below appraised value. He said the MAI describes that streets along this road do not meet the minimum standards but Mr. Desormeaux said there would not be any additional

infrastructure costs. The appraiser said it would cost \$281,228 additional infrastructure cost. Commissioner Bryan asked Mr. Desormeaux if he was saying there would not be any additional costs. Mr. Desormeaux said there would be costs for the needed road improvements but there would be no additional cost for infrastructure because of the acquisition of the additional property. However, the additional property is needed in order to have road access to the school. Mr. Desormeaux said there would be road improvements with or without the purchase of this property. Commissioner Bryan asked if purchasing additional land was part of the original plan. Mr. Desormeaux said they stated they would have to come in later to purchase property for the road access and improvements. Commissioner Coble asked if the plans were changed because the City of Raleigh changed their plans. Mr. Desormeaux said this purchase was more about who they were purchasing the property from and timing of the purchase. He said they knew these last parcels would be more expensive so they were waiting on the site plans so they could purchase the exact amount they needed. However, the Talton family would only sell the entire parcel. They will have about half an acre more than what was needed.

Commissioner Coble asked for a map than was more definitive of the properties.

Vice Chairman Gurley said that the reason for the additional acquisition was because of the extension of Leesville Church Road. The road extension will run in front of two properties owned by the Talton family, who was unwilling to subdivide the property so the Board of Education would only have to buy what was necessary. The purchase agreement includes the entirety of the two subject parcels having common ownership. Commissioner Gurley said he hoped in future land purchases, access to the property would already be locked in before purchasing a site. Mr. Desormeaux said that this site and the E-24 site were the last couple of sites that would be available in that area for schools. Commissioner Gurley said he did not realize when this was presented to the board that he was voting to purchase a site that did not have road access or an agreement for road access.

Ms. Betty Parker said the Talton family had an arrangement with the owners, that the county bought the property from, to sell this property for multi-family development. They were not pleased that the property was sold for a school because they believed they could have sold the land at a very high price. They were not pleased with the road access or the offer. She said that NC Department of Transportation has had a lot to say about how the roads will be constructed due to slopes and such. Commissioner Gurley asked if their property goes all the way to Hwy 540. Ms. Parker stated their property does go to Hwy 540. Commissioner Gurley asked if there was a possibility of getting access to the land the county already owns from Leesville Church Road. He was questioning if there was a way around it. Ms. Parker said there is no way around it.

Mr. Desormeaux said the City of Raleigh is requiring them to extend the Bartram Road to the south and provide a connection to South Cross Road.

Commissioner Ward said that there are not many options and she appreciated their concern in trying to find land to purchase. Mr. Desormeaux said that there is target circle for a high school out in that area also. The main access to the school will be off of Leesville Church Road with an extension to the Bartram Place. There is an entrance into the property on the other end off of Leesville Church Road that will allow for good transportation access.

Commissioner Bryan said that the land was originally appraised at \$273,000 and was negotiated down to \$103,215 as a "bargain sell" and he would have lead his presentation with that information.

Commissioner West asked if there has been discussion with county staff about this property as they go through this process. Mr. Desormeaux said they do confer with county staff. Commissioner West suggested more coordination and collaboration with staff concerning these property acquisitions.

Commissioner Coble asked if this school was going to be built from a prototype. Mr. Desormeaux said the school is planned to be a prototype. It is in design now and he would provide the cost for the design and plans to the board for the middle school.

Vice-Chairman Gurley said that cooperation between the Schools' staff and County staff is important and why the board would like to enter into an interlocal agreement that explains how the two boards and staff will work together in the future. It should be very clear. Commissioner Ward suggested the conversation should be with the Board of Education members. Commissioner Gurley stated that cooperation is important and should be continued and defined.

### **Approval of 2014 Board of Commissioners Meeting Schedule and Budget Calendar**

Ms. Susan Banks, Clerk to the Board, shared the proposed meeting calendar for the Board of Commissioners. (Noted the September 16th date should have been Monday, September 15th.)

Caroline Sullivan motioned, seconded by Betty Lou Ward, to the 2014 Board of Commissioners Meeting Schedule and Budget Calendar. The motion passed unanimously.

## 2014 MEETING SCHEDULE

### ADOPTED

**(Meetings begin at 2pm unless otherwise noted)**

<i><b>Date</b></i>	<i><b>Day</b></i>	<i><b>Place</b></i>	<i><b>Description</b></i>	<i><b>Notable</b></i>
January 6	Monday	Rm 2700 2 <sup>nd</sup> floor, JC	Regular Meeting	
January 13	Monday	Rm 2800 2 <sup>nd</sup> floor, JC	Work Session	
January 20	Monday	Offices Closed	MLK Holiday	
January 21	Tuesday	Rm 2700 2 <sup>nd</sup> floor, JC	Regular Meeting	
February 3	Monday	Rm 2700 2 <sup>nd</sup> floor, JC	Regular Meeting	
February 10	Monday	Rm 2800 2 <sup>nd</sup> floor, JC	Work Session	
February 14	Friday	Holly Springs Cultural Center	Board Retreat	All Day
February 17	Monday	Rm 2700 2 <sup>nd</sup> floor, JC	Regular Meeting	
March 1-5	Saturday- Wednesday	Washington, DC	NACo Legislative Conference	
March 10	Monday	Rm 2800 2 <sup>nd</sup> floor, JC	Work Session	
March 17	Monday	Rm 2700 2 <sup>nd</sup> floor, JC	Regular Meeting	
April 7	Monday	Rm 2700 2 <sup>nd</sup> floor, JC	Regular Meeting	
April 14	Monday	Rm 2800 2 <sup>nd</sup> floor, JC	Work Session	
April 21	Monday	Rm 2700 2 <sup>nd</sup> floor, JC	Regular Meeting	
May 5	Monday	Rm 2700 2 <sup>nd</sup> floor, JC	Regular Meeting	
May 12	Monday	Rm 2800 2 <sup>nd</sup> floor, JC	Work Session	
May 19	Monday	Rm 2700 2 <sup>nd</sup> floor, JC	Regular Meeting	Budget Presentation
June 2 (2pm)	Monday	Rm 2700 2 <sup>nd</sup> floor, JC	Regular Meeting	
June 2 (7pm)	Monday	Commons Building	Public Hearing	Budget
June 9 (9am)	Monday	Rm 2800 2 <sup>nd</sup> floor, JC	Work Session	Budget
June 16	Monday	Rm 2700 2 <sup>nd</sup> floor, JC	Regular Meeting	Budget Adoption
July 7	Monday	Rm 2700 2 <sup>nd</sup> floor, JC	Regular Meeting	
July 11-14	Friday- Monday	Orleans/Parish – New Orleans, LA	NACo Annual Conf	
July 21	Monday	Rm 2700 2 <sup>nd</sup> floor, JC	Regular Meeting	

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<b>Date</b>	<b>Day</b>	<b>Place</b>	<b>Description</b>	<b>Notable</b>
August 4	Monday	Rm 2700 2 <sup>nd</sup> floor, JC	Regular Meeting	
August 11	Monday	Rm 2800 2 <sup>nd</sup> floor, JC	Work Session	
August 14-17	Thursday-Sunday	Buncombe County, NC	NCACC Annual Conference	
August 18	Monday	Rm 2700 2 <sup>nd</sup> floor, JC	Regular Meeting	
September 1	Monday	Offices Closed	Labor Day Holiday	Labor Day
September 2	Tuesday	Rm 2700 2 <sup>nd</sup> floor, JC	Regular Meeting	
September 8	Monday	Rm 2800 2 <sup>nd</sup> floor, JC	Work Session	
September 15	Monday	Rm 2700 2 <sup>nd</sup> floor, JC	Regular Meeting	
October 6	Monday	Rm 2700 2 <sup>nd</sup> floor, JC	Regular Meeting	
October 13	Monday	Rm 2800 2 <sup>nd</sup> floor, JC	Work Session	
October 20	Monday	Rm 2700 2 <sup>nd</sup> floor, JC	Regular Meeting	
November 3	Monday	Rm 2700 2 <sup>nd</sup> floor, JC	Regular Meeting	
November 10	Monday	Rm 2800 2 <sup>nd</sup> floor, JC	Work Session	
November 17	Monday	Rm 2700 2 <sup>nd</sup> floor, JC	Regular Meeting	
December 1	Monday	Rm 2700 2 <sup>nd</sup> floor, JC	Regular Meeting	

## **Appointments**

### **Wake County Council on Fitness and Health**

Commissioner Coble made the following nominations:

1. Mr. Leon Dexter Bullard (Amateur Sports)
2. Ms. Susan Carter (Youth Groups)
3. Ms. Beth Collins (Nutrition)
4. Ms. Amanda Bradford (Civic)
5. Mr. Gavin Coombs (Education)
6. Ms. Regina Cucurullo (Attorney)
7. Ms. Kristen Feneley (Medicine)

8. Mr. Marcus Harris (Consumer)
9. Ms. Cheryl Loeffel (Public Health)
10. Mr. Jeff Luttrell (Corporate Wellness)
11. Ms. Kristen McHugh (County Government/Manager Appt.)
12. Ms. Susan Watson (Nutrition)
13. Mr. Joseph Wyatt (Business)

### **City of Raleigh Housing Appeals Board**

Commissioner West nominated Ms. Regina Earp.

### **United Arts Grants Panels**

Commissioner Coble nominated Mr. Jason Kohnbert, Mr. Lionel Randolph and Mr. Brian Breneman (District 7). Commissioner Gurley did not have any applicants from District 3. Commissioner Ward nominated Mr. Jerry Dodson. With two non-district appointments and three nominations, a vote was called as follows:

Commissioner Bryan - Jason Kohnberg and Lionel Randolph  
Commissioner West - Jason Kohnberg and Lionel Randolph  
Commissioner Coble - Jason Kohnberg and Lionel Randolph  
Commissioner Matthews - Jason Kohnberg and Lionel Randolph  
Commissioner Gurley - Jason Kohnberg and Lionel Randolph  
Commissioner Ward - Jerry Dodson and Lionel Randolph  
Commissioner Sullivan - Jason Kohnberg and Lionel Randolph

Nominees by majority vote were Jason Kohnbert, Lionel Randolph and Brian Breneman.

### **Yates Mill Park Advisory Board**

Commissioner Coble nominated Mr. Gene Brothers, Mr. Brian Lehrschall and Ms. Deborah Robertson with suspension of the rules regarding term limits.

### **Bay Leaf Volunteer Fire Department Inc., Board of Trustees Firemen's Relief Fund**

Commissioner Coble nominated Mr. Hal Atkinson, Jr. and Mr. Sherrod Warwick.

### **Fairview Rural Fire Department Inc., Board of Trustees Firemens' Relief Fund**

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

**Rolesville Rural Fire Department Board of Trustees Firemens' Relief Fund**

Commissioner Coble nominated Mr. Charles S. Jones.

**Swift Creek Volunteer Fire Department Board of Trustees Firemens' Relief Fund**

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

**Wake-New Hope Volunteer Fire Department Inc., Board of Trustees Firemens' Relief Fund**

Commissioner Coble nominated Mr. James McCauley.

Paul Coble motioned, seconded by James West, to the nominations by acclamation.

The motion passed unanimously.

**Upcoming Vacancies**

Ms. Banks read aloud the upcoming vacancies.

**Other Items**

**Committee Reports**

**Other Business**

Chairman Matthews said the upcoming board retreat will focus on several issue. He asked the board to provide feedback.

**Adjourn**

Paul Coble motioned, seconded by Tony Gurley, to adjourn the meeting at 6:16 p.m. The motion passed unanimously.

Respectfully submitted,

Susan J. Banks, NCCCC  
Clerk to the Board

Wake County Board of Commissioners