



Minutes of 04-16-01 Board of Commissioners' meeting (Adopted)

Gwendolyn I Reynolds on 04/16/2001 at 08:28 PM
Category: Board Minutes

WAKE COUNTY BOARD OF COMMISSIONERS MINUTES April 16, 2001

The Wake County Board of Commissioners met in regular session Monday, April 16, 2001, at 2:00 p.m. in the Commissioners' Room, 7th Floor, Wake County Courthouse, Raleigh, North Carolina. Members present were Commissioners Linda D. Coleman, Herbert H. Council, Kenneth M. Gardner, Vernon Malone, Betty O. Mangum, Betty Lou Ward, and Chairman Michael A. Weeks.

Others attending were the County Manager, David C. Cooke; the County Attorney, Mr. Michael R. Ferrell; and the Clerk to the Board, Mrs. Gwendolyn I. Reynolds.

Chairman Weeks called the meeting to order.

PLEDGE OF ALLEGIANCE

INVOCATION

Chairman Weeks offered the invocation.

APPROVAL OF AGENDA

Upon motion of Commissioner Ward, seconded by Commissioner Mangum, the Board unanimously approved the agenda of as published.

MINUTES

Upon motion of Commissioner Mangum, seconded by Commissioner Coleman, the Board unanimously approved the minutes of April 2, 2001.

CUSTOMER SERVICE RECOGNITION

County Manager David Cooke was recognized to present Customer Service Awards to

County employees. The County program was initiated to recognize those employees who go above and beyond in serving the customers and taxpayers. A maximum of ten recipients are selected each quarter focusing on knowledge of the job, enthusiasm, professionalism, good communication skills and commitment.

The following County employees were recognized and presented a pin inscribed with the words, "Committed to Customer Service Excellence."

Segun Ajibulu, Human Services, Work First
Michelle Crawford, Human Services, Work First
Jim Frink, Human Services, Adult Mental Health
Liz Mosler and Sandra Painter, Human Services, PRO-Familia

The Commissioners commended and congratulated each of the employees on receiving the awards and for outstanding customer service.

BOARD OF COMMISSIONER'S LETTER OF SUPPORT
FOR THE RIVERREVIVAL

Since the spring of 2000, Wake County staff along with other organizations in the Triangle, has been planning a free, entertaining event to raise public awareness of water quality issues. This cooperative effort has included participants from Wake County municipalities and organizations from the two river basins inside and outside Wake County.

On June 19, 2001, the RiverRevival will be held at Lake Benson to educate the public about what can be done individually and collectively to protect and improve the waters of Wake County.

Upon motion of Commissioner Ward, seconded by Commissioner Council, the Board unanimously approved a letter for inclusion in the **material** for distribution publicizing the RiverRevival to be held June 9, 2001, at Lake Benson.

April 16, 2001

Dear Citizens of Wake County:

The Wake County Board of Commissioners is proud to endorse and support the first ever RiverRevival, to be held on Sunday, June 9, 2001, at Lake Benson Park in Garner.

The mission of the RiverRevival is "to educate and motivate everyone to respect, protect, and conserve water, a precious resource." The goal is to increase public awareness of the Neuse and Cape Fear River Basins, watershed problems, and steps that can be taken, both collectively and individually, to improve the condition of the two watersheds. For some

partners, this type of active public outreach is mandated by water quality regulations and they are already actively involved in supporting similar educational functions. For others, this may be the first opportunity to demonstrate active support for our local environment. For all of us, this is a wonderful opportunity to collaborate with other agencies and organizations, both public and private, to involve citizens in an active and enjoyable learning experience.

We are committed to protecting water resources in Wake County. We see this waste-free, litter-free, educational and entertainment event as a crucial component of the effort to keep our County a quality, environmentally safe place to live, work, learn and play. We commend all involved in this unique event, and encourage you to be involved and support the RiverRevival in any way possible. Please join us on June 9 and help make this inaugural event a success!

Cordially,

Michael A. Weeks, Chair
Wake County Board of Commissioners

CARY PRESENTATION OF ANNEXATION PLANS

Mr. Bill Coleman, Cary Town Manager, was recognized to present the Town of Cary's annexation policy and the plans for annexing areas which qualify under the state guidelines for annexation. He stated that over the years, annexation into the Town's limits has been achieved primarily by voluntary annexation by the property owner, and has not typically participated in forced annexation. As a result the Town limits have become somewhat unusual, including but not limited to a number of areas where these limits completely surround unannexed Wake County parcels. These "doughnut holes" do not generate Cary taxes yet benefit disproportionately from their proximity to the Town.

In an effort to address this issue, the Cary Town Council on June 22, 2000, adopted an annexation policy encouraging voluntary annexation over the next six months of four categories of property: 1) existing residentially used property five acres or less; 2) undeveloped non-residentially zoned property; 3) residentially zoned property shown in the Land Use Plan for non-residential use; and 4) existing commercially used properties contiguous to our Town limits. Once this six-month open annexation period expires, the owner of these categories of property will not be allowed to voluntarily annex into Cary for five years for non-residential properties, and for an indefinite period of time for existing residentially used properties.

In addition to the request for property owners to voluntarily annex, based on the six-month study by Town staff and The Wooten Group, the Town is evaluating the possibility of involuntary annexation and is moving forward with that plan.

Mr. Coleman outlined the purpose and procedure of each category and noted that the Town Council may waive any aspect of this policy in an individual case, for good

cause shown, by the affirmative vote of three-fourths of the members of the Town Council.

Town staff will present an implementation plan for annexation at the April 26, 2001, Town Council meeting with cost estimates of priority areas based on amount of area contiguous to the Town, efficiency of providing services, cost of providing those services and whether an existing annexation agreement has been signed by property owners. the second part of the plan is the development of a schedule or phase plan for annexation, financial plan and assessment to owners.

The presentation was concluded with the Town Manager stating that the Town recognizes the creation of some of the areas has been a result of Town policies in the past and the Town bears some of the responsibility in providing the necessary services and that will be part of the annexation recommendation.

There was Board discussion and the Town Manager responded to questions regarding the requirement to tap-on if you already have water/sewer services, the methods of communicating with the citizens about what is fair and equitable and citizens' calls that the Town is being forced to initiate annexation due to pressure from the Wake County Board of Commissioners.

Following discussion, the Board of Commissioners expressed appreciation to Mr. Coleman for the presentation on Cary's annexation plans; and the information was received as presented.

CONTRACT FOR PURCHASING OFFICE SUPPLIES

For the past three years, Wake County departments/divisions have purchased office supplies from a contract that resulted from a Request for Bids issued through Purchasing. The resulting contract offered 61 percent discounts on standard office supplies and primarily a "phone/fax" order-placing environment from one vendor.

The North Carolina Division of Purchase and Contract has awarded an Office Supply contract effective February 1, 2001 through January 1, 2003. The contract has three local vendors, as well as three national chain vendors. The contract provides for Web-based order placing and automatic discounts up to 62 percent on general line office supplies.

State law allows governmental units to waive the bidding process and "piggyback" other governmental contracts as long as the following conditions are satisfied: 1) the existing contract was awarded within the past twelve months; 2) the contract agrees to extend the same (or better) terms, conditions and pricing; 3) a ten-day notice of the intent to award has been published; 4) the prior contract was entered into following a public bid process; and 5) the award is made by the governing board at a regularly scheduled meeting.

The statute that allows this waiver requires a ten-day public notice prior to the Board acting upon the request. The public notice titled "Notice of Contract Award" instructs interested parties of the request before the Board to award the contract; the time and

date of the Board meeting; and, whom they should contact if there are questions. The vendors agreed to extend the same terms, conditions and pricing to Wake County and the public notice was published April 1, 2001.

Upon motion of Commissioner Malone, seconded by Commissioner Ward, the Board unanimously approved Wake County's participation in the North Carolina Division of Purchase and Contract's Term Contract #615 for Office Supplies.

DONATION TO CAPITAL AREA PRESERVATION, INC.
COPIES OF THE BOOK HISTORIC ARCHITECTURE OF WAKE COUNTY

The Wake County Historic Preservation Commission requests the Board of Commissioners' approval to donate 800 copies of the *Historical Architecture of Wake County* (a value of \$16,800, wholesale cost) to Capital Area Preservation, Inc. (CAP, the sole countywide non-profit dedicated to historic preservation in Wake County, would resell the books to retailers and the public. CAP would use all profits for historic preservation activities in Wake County. CAP would assume all sales, marketing and record keeping responsibilities currently performed by the County's Planning and Finance Departments. The Board is authorized by state law to donate property to a non-profit preservation or conservation organization if the party receiving the property agrees to put it to some public use.

As part of a continuing effort to make the book available to a wide audience, the Historic Preservation Commission makes book donations to cultural and educational organizations. The recipients cannot resell the books, but must make them available for public use.

Upon motion of Commissioner Council, seconded by Commissioner Coleman, the Board unanimously approved the donation agreement authorizing the donation of 800 copies of *The Historic Architecture of Wake County* to Capital Area Preservation for resale with profits for historic preservation activities in Wake County.

PROCLAMATION
DECLARING APRIL AS PREVENT CHILD ABUSE MONTH

April is "Prevent Child Abuse Month," and the Board of Commissioners is requested to adopt a proclamation declaring April 2001 as Prevent Child Abuse Month to educate the public about child abuse, neglect and to get people involved in prevention.

Upon motion of Commissioner Ward, seconded by Commissioner Gardner, the Board unanimously approved the adoption of a proclamation declaring April 2001 as "Prevent Child Abuse Month" in Wake County.

PROCLAMATION
DECLARING APRIL 2001 AS
PREVENT CHILD ABUSE MONTH

WHEREAS, April has been proclaimed by the President in 1983 as Child

Abuse Prevention Month. The purpose is to educate the public about child abuse and neglect and how each of us can get involved in prevention. Wearing and displaying blue ribbons, which represent a commitment to child abuse prevention, are an important part of annual April activities.

WHEREAS, over 100,682 children were reported as abused and neglected in the fiscal year 1999-2000 in our state, and 31,828 of these children were confirmed as victims. 21 children died as a result of abuse in 1999. Most victims are under the age of three. 46% of the children reported are ages 0-6, 35% are ages 7-12 and 19% are ages 13-18. 85% of the time the perpetrator of child abuse and neglect is a biological parent. Parents who were abused as children are six times more likely to abuse their own children. 4,184 children were reported as abused and neglected from July 1999-July 200 in Wake County.

NOW, THEREFORE, we are asking the Wake County Board to do hereby proclaim the month of April, 2001, as Wake County's Child Abuse Prevention Month and urge all civic, scientific, medical, educational, voluntary, governmental, and health care organizations and professionals to recognize the importance of child abuse prevention with education and information programs and activities for the citizens of Wake County.

PROCLAMATION OF APRIL 22-28
AS NATIONAL COUNTY GOVERNMENT WEEK

Each year Wake County and others across the country celebrate National County Government Week. This observance was started in 1990 to raise public awareness about counties.

This year National County Government Week will be celebrated April 22-28, 2001, with the theme of "Counties Make E-Government Work!" The intent is to spotlight the use of technology to better serve citizens.

Upon motion of Commissioner Gardner, seconded by Commissioner Coleman, the Board unanimously approved the adoption of a proclamation designating the week of April 22-28, 2001 as National County Government Week.

PROCLAMATION
FOR NATIONAL COUNTY GOVERNMENT WEEK
APRIL 22-28, 2001

WHEREAS, Wake County government provides truly vital services to its 628,000 citizens on a daily basis, and is committed to the health, education and welfare of all citizens; and

WHEREAS, Wake County government strives to provide its citizens with outstanding customer service ranging from parks, libraries, mental health and public health services, restaurant and building inspections, solid

waste disposal, animal control and zoning; and

WHEREAS, technology plays a huge role in our lives today, bringing about changes in nearly everything that we do. The theme of this year's National County Government Week is "Counties Make E-Government Work!" which promotes Wake County's commitment to the use of technology to improve the delivery of services and communication to citizens; and

WHEREAS, in addition to technology, Wake County continues to provide leadership in many other areas as well, including bringing community leaders, schools, and other interested parties together from around the county to explore regional solutions to issues such as growth problems, open space preservation, affordable housing, emergency medical services and planning to preserve and improve water quality; and

WHEREAS, the leadership of the Wake County Board of Commissioners and Wake County employees are the key to the success of the county, working hard every day to provide healthy, safe environments for all of our county's adults and children.

Now, therefore, be it resolved, Wake County government hereby proclaims April 22-28, 2001, as National County Government Week and invites all citizens to observe the week and share in their partnership with local government.

APPROVAL TO GRANT FRANCHISE TO
MATERIAL RECOVERY, LLC FOR OPERATION OF
CONSTRUCTION AND DEMOLITION DEBRIS LANDFILL

At the March 12, 2001, Board of Commissioners meeting, the Board discussed the granting of a landfill franchise to **Material Recovery**, LLC for the operation of a construction and demolition debris landfill in Wake County. The issue as tabled until the April 2, 2001 meeting. During the April 2, 2001 meeting, the Board received comments from both the proponents and opponents and agreed to give both sides until the April 16, 2001 meeting to try to reach a compromise.

At today's meeting Chairman Weeks announced that there had been discussion between the applicant and the opposition but according to reports from both parties, there has been no change in position of either party.

There were comments from Board members, and it was the consensus of the Board that the applicant has met all the requirements for granting the franchise and that the Board is not in a position to mandate negotiation or compromise between the two parties.

Following the comments, Commissioner Council moved that approval be given to grant a landfill franchise to **Material Recovery**, LLC to build and operate a construction and demolition debris landfill in Wake County, contingent upon the

continued viability of the underlying special use permit from the Wake County Board of Adjustment. The motion was seconded by Commissioner Malone and was unanimously approved.

ORDINANCE GRANTING FRANCHISE
TO **MATERIAL RECOVERY**, LLC FOR OPERATION OF
CONSTRUCTION AND DEMOLITION DEBRIS LANDFILL

WHEREAS, **Material Recovery**, LLC has applied for a franchise for the operation of a construction and demolition debris landfill in Wake County; and;

WHEREAS, the application filed by **Material Recovery**, LLC contains all of the information required by the Wake County franchise ordinance for construction debris (C&D) landfills; and,

WHEREAS, the applicants have received a special use permit form the Wake County Board of Adjustment for operation of a C&D landfill on the site identified in the application.

NOW THEREFORE BE IT ORDAINED THAT, **Material Recovery**, LLC is hereby granted a franchise to operate a construction and demolition debris landfill in Wake County in accordance with the representations made on the application submitted by **Material Recovery**, LLC, a copy of which is maintained in the permanent files of the Clerk to the Board. This franchise shall be in effect for a period of 20 years.

Adopted this the 16th day of April 2001.

REVIEW OF LANDFILL FRANCHISE REQUEST PROCESS

By general consensus, the Board directed staff to look at the process for considering landfill franchise requests, looking at the notification process to residents and ways to give opponents and those persons impacted the opportunity to better prepare their case, and that staff make recommendation to the Board after the upcoming solid waste update.

The Board also requested that the County Attorney research the issue of a moratorium on considering on the issuance of special use permits for landfills and provide his findings at the next Board meeting.

WAKE COUNTY PLANNING BOARD RECOMMENDATION
TO DEVOTE RESOURCES TO REVISING
THE THOROUGHFARE PLAN

The County has a thoroughfare plan illustrating where roads should be built outside town planning jurisdictions. The plan addresses only major roads (like by-passes ad the outer loop) typically called major thoroughfares. The plan does not project locations of minor roads like subdivision streets. This plan is updated about every ten years by the State Department of Transportation.

As areas transition from rural to suburban or urban, the County needs to do a better job with infrastructure planning in the short and long-range Urban Service Areas. Specifically, the County needs to develop a plan for minor thoroughfares and collector roads. The County does not have a collector street plan as part of the Thoroughfare Plan.

At the March 21, 2001 meeting of the Wake County Planning Board, a resolution was adopted recommending the Board of Commissioners devote resources to revising the plan.

Mr. Terry Yeargan, Chairman of the Wake County Planning Board, and Mr. Phil Hinton, Planning Board member, were recognized to present the resolution and information on the Planning Board's recommendation. They indicated that a funding request had been made through County staff to be included in the upcoming budget.

There was Board discussion about the hierarchy of roads and the general public being involved in the development of recommendations and revision of the Thoroughfare Plan.

the resolution, which includes the recommendation, as adopted by the Wake County Planning Board is as follows:

WAKE COUNTY PLANNING BOARD RESOLUTION
RECOMMENDING THE COUNTY REVISE ITS
THOROUGHFARE PLAN TO INCLUDE
SUFFICIENT COLLECTOR ROADS
AND MINOR THOROUGHFARE

WHEREAS, traffic safety and congestion are concerns. And the Planning Board's charge is to study such concerns and make recommendations to the County Commissioners; and,

WHEREAS, the Planning Board finds particular safety and congestion concerns with the current approach to planning roads; and,

WHEREAS, these concerns result from planning only two main types of roads: local roads (for low trip-lengths, volumes, and speeds) and expressways/major thoroughfares (for high trip-lengths, volumes and speeds). No roads are planned for intermediate trips (a mile or so), volumes, and speeds; and,

WHEREAS, this lack of intermediate roads will be a problem in areas planned for urban densities (Urban Service Areas). Because as densities increase and land uses mix, there will be need for more intermediate length trips; and,

WHEREAS, if the County doesn't ensure roads for these trips (roads called collectors and minor thoroughfares), people will use whatever roads are available; and,

WHEREAS, this will put some intermediate trip-lengths, volumes, and speeds on local roads thereby endangering residents. And it will put some on expressways/major thoroughfares thereby adding congestion; and,

WHEREAS, the Planning Board and Planning Staff believe the County should address these issues, by ensuring a sufficient number of collectors and minor thoroughfares; now,

THEREFORE BE IT RESOLVED, the Wake County Planning Board recommends that the Wake County Board of Commissioners:

3. Devote resources to revising the thoroughfare plan so it will include sufficient collector roads and minor thoroughfares.
4. And once the plan is complete, implement the plan so these roads will be provided to the public.

By general consensus the Board received the presentation and resolution adopted by the Wake County Planning Board and unanimously approved to devote resources in the upcoming budget to revise the Thoroughfare Plan so it will include sufficient collector roads and minor thoroughfares; and once the plan is complete, implement the plan so these roads will be provided to the public.

FLOOD PLAIN MAPPING REQUEST

Flood plain mapping is used in the National Flood Insurance Program to prevent damage to life and property in areas prone to flooding. This mapping shows the floodway, an area where floodwaters would severely damage or destroy buildings in a flood that has a probability of occurring once every 100 years (called a 100-year storm). It also shows the floodway fringe, which is also underwater, but not as dangerous in that 100-year storm. Flood plans expand over time, as areas originally covered by trees and other vegetation are covered by pavement and buildings, which prevent water from percolating into the ground, resulting in ore runoff from the same storms. One of the weaknesses of the flood insurance program is that the flood plain mapping has always been prepared using the existing land cover, rather than considering what will be built in the future. Local governments must participate in the flood insurance program if people seeking loans for properties in flood prone areas are to get flood insurance.

Wake County currently participate in the National Flood Insurance Program and prohibits buildings I the floodway. The County also requires that buildings in the floodway fringe be flood proofed and that habitable floors be elevated above the predicted level of the 100-year flood.

In response to the flooding caused by Hurricane Floyd, the State of North Carolina re-evaluated existing floodplain mapping, which understates the amount of land that would flood. The State is preparing new mapping, but plans to do it on the basis of

existing land cover than future land cover. State officials have indicated that they are willing to prepare flood plain maps based on future land cover, but that local governments must request it and if there is an additional cost, that the local governments pay the added cost. If the County supplies the State with our topographic mapping, that the cost they save by not having to prepare their own topographic mapping will more than cover the additional cost to prepare the flood plain mapping based on future land cover. Staff will negotiate this change with the State. Board of approval will be necessary if additional funding is needed.

By general consensus, the Board requested that the mapping be prepared with the involvement of developers and landowners and looking at the impact on communities, and the water/sewer infrastructure.

Upon motion of Commissioner Mangum, seconded by Commissioner Ward, the Board unanimously approved that the State of North Carolina be requested to prepare a new floodplain mapping for the County based on future land cover than can be projected from adopted land use plans, or if a Land Use Plan does not exist, by current zoning.

CREATION OF THE WATERSHED MANAGEMENT TASK FORCE

At the Board of Commissioners meeting of March 12, 2001, the Board authorized the County Manager to sign a contract with CH2MHILL (Cornell, Howland, Hayes, Merriweather and Hill) for the purpose of developing a Watershed Management Plan for the County. The Commissioners asked that a group similar to the Water/Sewer Task Force be established to work with the consultant as this Watershed Management Plan is developed, with the report of the findings and recommendations from the Task Force by June 2002.

Upon motion of Commissioner Coleman, seconded by Commissioner Malone, the Board unanimously approved creation of a Watershed Management Task Force with the following 23-member structure and with Commissioner Gardner serving as Chairman:

- Twelve municipal representatives (one elected official from each municipality)
- Seven at-large representatives
- One County Commissioner to serve as Chair of the Task Force
- One representative from the Open Space Advisory Committee
- One representative from the Human Services Board
- One representative from the Soil and Water Conservation District Board

Chairman Weeks asked that Board members be prepared to make appointments at the next meeting so that the Task Force can begin its work.

REQUEST FROM THE WAKE COUNTY BOARD OF EDUCATION TO

REALLOCATE FUNDS FORM THE CAPITAL BUILDING PROGRAM
TO THE OPERATING BUDGET

During the fiscal year 2000-2001 budget development process, the Wake County Board of Education requested a budget that would have required a tax increase. As a compromise, the Board of Education received a transfer of \$5.5 million from the capital projects program for building maintenance and operations. The Board of Education also asked that the Board of Commissioners permit flexibility for the Board of Education to transfer additional funds from the capital projects program to operating funds. In the adopted budget, the Board of Commissioners approved the transfer of the \$5.5 million and discussed the possibility of future transfer of additional funds.

The fiscal year 2000-01 budget also included an appropriation of pay-as-you-go capital funding for schools in the amount of \$54,564,000. Of that amount \$47,514,684 was appropriated to specific capital projects, leaving \$7,049,316 unallocated and undesignated.

In November 2000, the Board of Commissioners approved the transfer of \$1,044,118 from the capital budget and appropriated approximately \$6 million in other funds to meet a request from the school system.

On January 22, 2001, the Board of Education adopted a resolution requesting that the Board of Commissioners transfer the balance of the unallocated capital projects fund to the Wake County Public School System operating budget.

Upon motion of Commissioner Coleman, seconded by Commissioner Ward, the Board unanimously approved the reallocation of \$6,005,198 from Wake County Public Schools Capital Building Program to Wake County Public Schools current expense costs, for finalizing the development and implementation of automated financial and payroll systems.

REPORT ON UPDATED INMATE BED SPACE PROJECTIONS
FOR WAKE COUNTY DETENTION FACILITIES

Mr. Phil Stout of Facilities Design and Construction was recognized for comments about the updated bed space projects for Wake County Detention facilities. He stated that a comprehensive review of the criminal justice facility needs of Wake County was conducted in fiscal year 1998-99 by the consulting firm of Carter Goble Association. The results of this study were presented to the Board in August 1999. Later in the fall of 1999 the Board approved funding to increase the electronic monitoring program, which provides an alternative to jail for offenders. The Board also approved a long-term Justice Facility Master Plan which included a component for meeting the long-term needs for detention facilities. This plan, known as the Hammond Road Jail Development Plan, was approved and implementation of Phase 1 has begun.

Based on the unusual downward trend of the number of inmates housed in the jail of a community growing at the rate of Wake County, the firm of Carter Goble Association was retained to conduct an abbreviated update of the original Criminal

Justice Study. Mr. Steve Carter of Carter-Goble Associates, appeared before the Board to present an overview of the findings. He indicated that the recommendations presented today were the result of the discussions with County staff, Sheriff Baker and his firm.

The recommendations are as follows:

The number of offenders on the electronic monitoring program has increased from 10 in 1998 to 91 in 2001. The recent substantial increase in this alternative to jail is a key reason for the decline observed in the inmate population. This program should be continued.

The inmate population for 2001 is remaining lower than predicted in the 1999 study. Therefore it is recommended that construction of the new 416-bed detention building, planned originally to be completed in late 2002, be postponed for one year. This delay should be implemented cautiously since a sudden upward change in the number of persons incarcerated could result in an overcrowding problem and the need to start construction earlier.

Since site infrastructure and construction documents for the planned 416-bed facility have generally been completed, it would be possible to begin construction promptly. A one-year delay is appropriate given the most recent statistical evaluation by the consultant. However, staff must continue to monitor the average daily population of the jail on a monthly basis and be alert for any significant increase in the number of people admitted to the jail.

Upon motion of Commissioner Malone, seconded by Commissioner Mangum, the Board unanimously approved recommendations as presented to delay construction of the building portion of Phase 1B (416 bed new facility) of the County's Justice Facility Master Plan for a period of at least one year; and to continue the electronic monitoring program (as expanded in 1999), which provides an alternative to jail for offenders.

PUBLIC COMMENTS

The Board of Commissioners desires to hear from the public about Wake County Government. It is for that reason a time certain has been set aside for public comment.

Chairman Weeks recognized the following persons:

1. Sarah Williamson, 1801 Craig Street, Raleigh (concerns re funding of historical preservation)
2. Marjorie Dickerson, 1232 Fairlane, Cary (Cary annexation issue)
3. Mr. Bailey Williamson, 1801 Craig Street, Raleigh (requested that Board look at change in landfill approval process, similar to Johnston County; and to also look at zoning issues in relation to protecting rivers and streams)

4. Mr. Charles McPherson, Summerwinds Subdivision (Cary annexation issue)

5. Mr. Mike Colopy, Summerwinds Subdivision (Cary annexation issue)
There being no other persons requesting to appear before the Board, Chairman Weeks

declared the public comment portion of the meeting closed.

BOARD OF COMMISSIONERS' REVISED BUDGET CALENDAR

Upon motion of Commissioner Ward, seconded by Commissioner Coleman, the Board unanimously approved the following revised schedule for consideration of the budget for fiscal year 2001-2002:

Monday, May 17, 2001, 10:00 a.m., Presentation of the Recommended Budget
(Commissioners' Meeting Room, Wake County Courthouse)

Monday, June 4, 2001, 2:00 p.m., Public Hearing on Recommended Budget
(Commissioners' Meeting Room, Wake County Courthouse)

Monday, June 4, 2001, 7:00 p.m., Continuation of Hearing on Budget
(Commons Building, Wake County Office Park)

Monday, June 18, 2001, 2:00 p.m., Adoption of the Budget
(Commissioners' Meeting Room, Wake County Courthouse)

APPOINTMENTS TO BOARDS AND COMMITTEES

Nominations were made and upon motion of Commissioner Council, seconded by Commissioner Malone, the Board approved the following appointments:

a. Wake County Adult Care Home Community Advisory Committee

Mr. John Young, term expires 05/31/02
(nominated by Commissioner Ward)

b. Wake County Board of Adjustment

Mr. John Szeker, term expires 02/28/04
Mr. John Kinton, term expires 02/28/20
(nominated by Commissioner Coleman)

c. Wake County Economic Development Commission

Mr. Jacky Wilson (Rolesville), term expires 02/28/02
(nominated by Commissioner Mangum)

d. Wake County Library Commission

Ms. Yvonne Daugherty, term expires 06/30/03
(nominated by Chairman Weeks)

e. Wake County Nursing Home Community Advisory Committee

Ms. Jane K. Andrews, term expires 05/31/02
(nominated by Commissioner Ward)

f. Wake County Open Space Advisory Committee

Mr. Jackie Thompson, term expires 06/30/02
(nominated by Commissioner Council)

g. Town of Rolesville Board of Adjustment

Mr. Luther Perry, term expires 04/30/04
(nominated by Commissioner Ward)

COMMITTEE REPORTS

Commissioner Council announced that the Land Use, Growth and Environment Committee of the Board of Commissioners will meet Thursday, April 19, at 11:30 a.m. in the General Services Training Room, 401 Capital Boulevard. The purpose of the meeting is to discuss boat storage facilities in the watershed.

Commissioner Coleman also announced that the Public Safety and Criminal Justice Committee of the Board of Commissioners will meet Thursday, April 19, at 12:30 p.m. in the General Services Training Room, 401 Capital Boulevard. The purpose of the meeting is to receive information about the operation of the Public Safety Department. The Committee heard from the Sheriff's Office at its previous meeting.

CLOSED SESSION

Commissioner Council moved to go into closed session to instruct the staff concerning the negotiation of the price and terms of a contract concerning the acquisition of real property by purchase, option, exchange or lease. The motion was seconded by Commissioner Ward and was unanimously approved by the Board.

Following the business in closed session, Chairman Weeks called the meeting back into regular session.

ACQUISITION OF PROPERTY
LITTLE RIVER RESERVOIR PROJECT

Upon motion of Commissioner Ward, seconded by Commissioner Council, the Board unanimously authorized staff to proceed with the following property acquisitions necessary to support the development of the Little River Reservoir Project, and authorized the County Manager to execute contracts on behalf of Wake County for

the purchase of the above properties:

The acquisition of 54.342 acres owned by Virginia Pate, a portion of PIN #1705.01 09 9535, at a purchase price of \$375,000;

The acquisition of 1.026 acres owned by William Harold Toone, a portion of PIN #1796.03 22 6181, at a purchase price of \$8,208.

There being no further business to come before the Board at this time, Chairman Weeks adjourned the meeting at approximately 5:10 p.m., upon the motion of Commissioner Mangum, seconded by Commissioner Ward and the unanimous vote of the Board.

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Minutes of 02-04-02 Board of Commissioners Meeting (adopted)

Gwendolyn I Reynolds on 02/05/2002 at 07:01 PM
Category: Board Minutes

WAKE COUNTY BOARD OF COMMISSIONERS MINUTES February 4, 2002

The Wake County Board of Commissioners met in regular session Monday, February 4, 2002, at 2:00 p.m. in the Commissioners' meeting room, Room 700 of the Wake County Courthouse, Raleigh, North Carolina. Members present were Commissioners Herbert H. Council, Kenneth M. Gardner, Vernon Malone, Betty O. Mangum, and Betty Lou Ward and Chair Linda D. Coleman. Commissioner Michael A. Weeks was absent.

Also attending were the County Manager, Mr. David C. Cooke; the County Attorney, Mr. Michael Ferrell; and the Clerk to the Board, Ms. Gwendolyn I. Reynolds.

Chair Coleman called the meeting to order.

PLEDGE OF ALLEGIANCE

INVOCATION

Commissioner Council offered the invocation.

APPROVAL OF AGENDA

Upon motion of Commissioner Mangum, seconded by Commissioner Ward, the Board unanimously approved the agenda as amended, with the deletion of one item from the consent agenda, "Acceptance of Offer to Purchase County-Owned Property at the Site of the Proposed American Tobacco Trail."

APPROVAL OF MINUTES

Upon motion of Commissioner Council, seconded by Commissioner Mangum, the Board unanimously approved the minutes of January 22, 2002.

PRESENTATION REGARDING FUTURE LIBRARY-CULTURAL ARTS CENTER
BY TOWN OF HOLLY SPRINGS

Chair Coleman recognized Mayor Dick Sears of the town of Holly Springs to present the Town's request that the Board of Commissioners identify Holly Springs as the location for the next library constructed by the County. A map outlining a potential site which is currently owned by the Town. The Mayor indicated that the Town would provide the land, infrastructure improvements and other assistance for favorable consideration by the County.

Town Commissioner ChetVan Fossen and Ms. Jennifer Carr, Economic Development Director of Holly Springs, were also present to provide additional information and to assist in the presentation of the request.

No action was taken by the Board. The information on the Town of Holly Springs' request for a library, cultural arts center was received as presented.

OAKVIEW PRESENTATION
"LETTERS HOME" EXHIBIT

The "Letters Home: Words of a Nation at War" showcases a number of letters written by soldiers to their loved ones at home during wartime. The exhibit will run from February 16-July 7, 2002, Tuesday through Saturday, 10:00 a.m. - 4:00 p.m. and Sunday 1:00 p.m. - 4:00 p.m. The exhibit is free of charge to the public.

Following comments from the Troy Burton, Oakview Park Manager and Harold Jacobsen, student intern, the Board received the information on the "Letters Home" and "Wall that Heals" exhibits as presented.

ADOPTION OF RESOLUTION IN SUPPORT OF ADDITIONAL STATE FUNDS FOR UNPAVED SECONDARY ROADS AND INTERSECTION IMPROVEMENT

Wake County has been requested to approve a resolution supporting additional State funds for paving projects in Wake County. No County dollars are involved.

The projects are as follows:

Paving 1.5 miles of State Road 2508, Bissette Road (Priority #20 on the State's Unpaved Road List for Wake County

Paving .40 miles of State Road 2509, Mial Plantation Road (Priority #34)

Signal improvements at the intersection of Poole and Grasshopper Road (Priority #38 on the State's Safety Needs List)

Upon motion of Commissioner Ward, seconded by Commissioner Council, the Board unanimously approved the adoption of a resolution in support of funding for paving of 1.5 miles of State Road 2508 and .40 miles of State Road 2509, and signal improvements at the intersection of Poole and Grasshopper Road.

RESOLUTION IN SUPPORT OF FUNDING FOR UNPAVED SECONDARY ROADS AND INTERSECTION IMPROVEMENT - WAKE COUNTY, NC

WHEREAS, the State of North Carolina maintains a list of Unpaved Secondary Roads in Wake County; and

WHEREAS, the State of North Carolina maintains a Spot Safety Needs list for Projects in Wake County; and

WHEREAS, State Road 2508 (Bissette Road), State Road 2509 (Mial Plantation Road), and the Intersection of Poole Road and Grasshopper Road have all been identified by the State of North Carolina as projects in need of funding; and

WHEREAS, the Wake County Board of Commissioners have been requested to support the funding of these projects.

NOW, THEREFORE, BE IT RESOLVED that the Wake County Board of Commissioners support the use of additional discretionary State funds for improvements to State Road 2508 (Bissette Road), State Road 2509 (Mial Plantation Road) and the Intersection of Poole Road and Grasshopper Road.

Adopted this the 4th day of February 2002.

PRETRIAL DIVERSION ACTIVITY SUPPORT GRANT TO 10TH PROSECUTORIAL DISTRICT ATTORNEY

Since 1996, the Wake County Attorney's Office has furnished the District Attorney with a Legal Assistant to support the District Attorney's "Free the People" program. This program involves identification of criminal charges that are of such a minor nature that persons charged can be released pending trial, or for whom charges can be dismissed by recommendation of the District Attorney.

The County Attorney and District Attorney have agreed that Wake County funds currently appropriated to the County Attorney's Office for this Legal Assistant position be furnished directly to the District Attorney's Office via a grant of funds, and allowing the District Attorney to retain and directly supervise a "Free the People" Legal Assistant, and report quarterly to Wake County staff on "Free the People" performance and performance of other pretrial-diversion projects and programs to which the "Free the People" legal assistant could be assigned. The 10th Prosecutorial District receives its operating funds from the State's Administrative Office of the Courts and this grant would be accomplished via an agreement with the Administrative Office of the Courts.

No additional funds are required. This grant would be supported with funds already appropriated for the Legal Assistant position.

Upon motion of Commissioner Mangum, seconded by Commissioner Malone, the Board unanimously approved that the County Manager be directed to execute an agreement between Wake County and the North Carolina Administrative Office of the Courts for a grant to provide for administrative support of the 10th Prosecutorial District Attorney's "Free the People" program and other mutually agreed upon pretrial diversion programs in which the 10th Prosecutorial District Attorney's Office participates.

AWARD OF CONSTRUCTION CONTRACT

PARK ADMINISTRATION BUILDING AT LAKE CRABTREE COUNTY PARK

The proposed Lake Crabtree County Park Administration Building will consist of approximately 1600 square feet and include spaces for three offices, a reception area, and meeting space to accommodate 10-14 people, toilet with shower, workroom and mechanical/electrical storage spaces. Site improvements include asphalt paving for six parking spaces (including handicapped), and minimal landscaping. The building will be a simple wood framed structure with concrete floor slab, wood siding, and asphalt shingle roof.

Bids for construction were received from single prime contractors for the project in accordance with NC General Statutes:

J.D. Beam Inc., Raleigh NC, \$211,000; Bolton Corp., Raleigh, NC, \$264,600; Quality Builders, Inc., Raleigh, NC \$298,900; Spec Con, Inc., Knightdale, NC, \$105,142; Sigmon Construction, Raleigh, NC, \$209,405; Polovick Construction Co., Inc., Raleigh, NC, \$238,400 and not complete.

Upon motion of Commissioner Gardner, seconded by Commissioner Ward, the Board unanimously approved award of construction contract in the amount of \$211,000 to J.D. Beam, Inc. of Raleigh, NC, for a Park Administration Building at Lake Crabtree County Park.

AWARD OF CONSTRUCTION CONTRACT FOR
DEMOLITION AND ASBESTOS ABATEMENT
WAKE COUNTY COURTHOUSE

Wake County Courthouse areas to be renovated in fiscal year 2002 include a small area of space occupied by the District Attorney on the 3rd Floor, select areas of the 4th Floor now used for holding and storage, and a portion of the 10th floor which has been vacated by the Estates Division of the Clerk of Court. This project will be implemented in two phases. The first phase includes demolition and removal of all asbestos containing **material** in the various spaces to be renovated. The Courtroom Space Planning Committee has reviewed all renovations proposed.

Bids were received from contractors for the project in accordance with NC General Statutes:

Enviro-Tech Abatement Services Co., Inc., Rock Hill, SC, \$198,604; Enpuricon, Inc., Apex, NC, \$254,687; NEO Corporation, Durham, NC, \$293,411; and incomplete bids: Demolition & Asbestos Removal, Inc., Greensboro, NC, \$175,000; and EME, Inc., Greensboro, NC, \$198,000.

Upon motion of Commissioner Council, seconded by Commissioner Mangum, the Board unanimously approved the award of construction contract for demolition and asbestos abatement in select areas of the Courthouse to Enviro-Tech Abatement Services Co., Inc. of Rock Hill, SC, in the amount of \$198,604.

AWARD OF CONSTRUCTION CONTRACT
FOR DISTRICT COURTROOM

The Wake County Justice Facility Master Plan, approved by the Board of Commissioners in 2000, included recommendations that two additional courtrooms be constructed on the 9th floor of the Courthouse. This courtroom is proposed to be constructed to be compliant with the Americans with Disabilities Act. The design of this new courtroom is fully supported by the Courtroom Space Planning Committee.

The project involves construction of a fully ADA compliant courtroom, judge's chambers, and support spaces. Funding for this project is included in the Capital Improvement Program FY 2002.

Bids were received from contractors on January 24, 2002, in accordance with NC General Statutes:

Centurion Construction Co., Inc., \$231,000; A&M Construction Co., Raleigh, NC, \$238,737; Diversified Contracting, Inc., Cary, NC \$244,266; Spec Con, Inc., Knightdale, NC \$259,000; McDonald-York, Inc., Raleigh, NC, \$264,260; Polovick Construction Co., Inc., Raleigh, NC, \$272,127; H.M. Kern Corporation, Greensboro, NC, \$278,000; Landmark Construction & Development, Inc., Wake Forest, NC, \$281,900; Forum General Contractors, Inc., Raleigh, NC, \$294,806; Bolton Corp., Raleigh, NC, \$336,700; Jones & Jones Construction, LLC, Winston-Salem, NC, \$372,900; J.W. Grand, Inc., Raleigh, NC, \$398,906.

Upon motion of Commissioner Malone, seconded by Commissioner Gardner, the Board unanimously approved the award of construction contract to Centurion Construction Company, Inc., of Raleigh, NC, in the amount of \$231,000 for a district courtroom and related support space on the 9th floor of the Wake County Courthouse.

APPROVAL OF CONVEYANCE OF UTILITY EASEMENT TO
CAROLINA POWER AND LIGHT COMPANY FOR
STATE CAPITAL SOCCER PARK

Carolina Power and Light Company has requested an easement from the State of North Carolina, Wake County, and the

Capital Area Soccer League to install underground primary service and electrical enclosures to support the State Capital Soccer Park on East Chatham Street in Cary, NC. The County currently leases the 158-acre tract from the State of North Carolina for the specific purpose of developing the soccer park. The County is developing the park in partnership with the Capital Area Soccer League, who will then become the managing agent for the facility.

The easement area requested is ten feet wide around all electrical enclosures and ten feet wide for the underground primary service running from the enclosures to existing CP&L facilities located in the right-of-way at the front of the leased property.

County staff has reviewed the easement and determined that the easement will not interfere with any current or proposed facilities.

Upon motion of Commissioner Ward, seconded by Commissioner Council, the Board unanimously approved the conveyance of utility easement to Carolina Power and Light for the installation of underground primary service and electrical enclosures to support the State Capital Soccer Park subject to terms and conditions, which are satisfactory to the County Attorney.

AUTHORIZATION TO APPROPRIATE
FUNDS GENERATED BY FEDERAL FORFEITURE SEIZURES

Wake County is the recipient of federal forfeiture funds in cases where assets have been seized during law enforcement activities in the County. The assets are confiscated from convicted felons, who use them in perpetrating their crimes. The law stipulates that these funds can only be used to purchase equipment and supplies necessary for law enforcement activities.

The Sheriff's Office is requesting a \$106,200 draw down from the forfeiture fund. The funds will be used to purchase supplies for the investigative Division, software and photocopying equipment and furniture.

Upon motion of Commissioner Mangum, seconded by Commissioner Malone, the Board unanimously approved the appropriation of \$106,200 in federal forfeiture funds for the purchase of Investigative Division supplies (\$63,000), software (\$2,200), photocopying equipment (\$4,500), and furniture (\$36,500).

STATE BOARD OF ELECTIONS GRANT TO
BOARD OF ELECTS FOR ONE-STOP VOTING

The North Carolina General Assembly has awarded Wake County Board of Elections a \$10,000 grant for expenses associated with one-stop absentee voting sites. The Board of Elections will use these funds to purchase equipment necessary to maintain these voting sites. One-Stop absentee voting is an initiative by the North Carolina General Assembly to increase voter turnout. The cost to establish each site, including telephones, connection to the County's computers, related moving expenses and staff expenses, is approximately \$20,000 per site.

Upon motion of Commissioner Gardner, seconded by Commissioner Ward, the Board unanimously approved acceptance of \$10,000 in grant funds from the North Carolina Board of Elections to the Wake County Board of Elections for expenses associated with one-stop voting, and revision of the budget by that same amount.

ADOPTION OF RESOLUTION
SETTING DATE FOR ADVERTISEMENT OF TAX LIENS

In February of each year the Revenue Director is required by state law to report to the Board of Commissioners the total amount of unpaid taxes for the current fiscal year that are liens on real property. Upon receiving this report, the Board must order that the liens be advertised and must set a date on which the advertisement is to occur.

Upon motion of Commissioner Malone, seconded by Commissioner Council, the Board unanimously adopted a resolution setting the date for advertisement of tax liens.

RESOLUTION SETTING DATE FOR
ADVERTISEMENT OF TAX LIENS

WHEREAS, as required by Section 105-369 of the General Statutes of North Carolina, the Revenue Director of Wake County has, on this first Monday in February, 2002, reported the total amount of unpaid taxes for the current fiscal year, including deferred taxes which have become due and for which no prior lien advertisement has been published, and property heretofore protected by automatic stay in bankruptcy.

NOW, THEREFORE, BE IT RESOLVED:

That the Revenue Director be, and he hereby is, ordered to advertise on the seventh day of March, 2002, or as soon thereafter as possible the tax liens on real property in the County for unpaid taxes for the current fiscal year, liens for deferred taxes upon which no prior lien advertisement has been published, and liens for delinquent taxes upon real property heretofore protected by automatic stay in bankruptcy, and shall place said advertisement at some public location at the Courthouse and shall publish said advertisement once in one or more newspapers having general circulation in the County setting forth that the taxing unit may foreclose the tax liens and sell the real property subject to the liens in satisfaction of its claim for taxes.

APPROVAL OF TAX REPORTS

Upon motion of Commissioner Mangum, seconded by Commissioner Ward, the Board unanimously accepted and approved the following tax reports as recommended by the Tax Committee:

1. Report of Collections, Wake County Only, December 2001
2. Wake County In-Rem Foreclosure Progress Report, December 2001
3. Value Adjustments and Special Situations (Wake County Only), (Wake County and Town of Cary)
4. 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 City of Raleigh)
5. Consideration of Requests for Exemptions, Late-filed Applications: (Wake County Only), (Wake County and Town of Cary), (Wake County and Town of Fuquay-Varina), (Wake County and Town of Garner), (Wake County and City of Raleigh)
6. Request for Tax Relief, Late-filed Applications: (Wake County Only), (Wake County and City of Raleigh)
7. Consideration of Refund of Taxes, Interest and Penalties: (Wake County Only), (Wake County and Town of Apex), (Wake County and Town of Garner), (Wake County and Town of Holly Springs), (Wake County and Town of Morrisville), (Wake County and Town of Zebulon), (Wake County and City of Raleigh)
8. Non-Cash Rebates: (Wake County and Town of Apex), (Wake County and Town of Cary), (Wake County and Town of Holly Springs), (Wake County and Town of Knightdale), (Wake County and Town of Morrisville), (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)

GRANT OF LANDFILL FRANCHISE FOR **MATERIAL RECOVERY, LLC**
SECOND READING

Material Recovery, LLC, filed an application for a franchise to operate a construction and demolition debris (C&D) landfill in Wake County. The property is located on Brownfield Road, SR2553. At the March 12, 2001 Board of Commissioners meeting, the Board discussed the issue and decided to table the request until the April 2, 2001, Board meeting. During the April 2, 2001 meeting, the Board received comments from both the proponents and opponents and postponed consideration until April 16, 2001. At the April 16, 2001 meeting, the Board passed an ordinance granting the franchise request.

State law requires that all ordinances granting franchises be "passed at two regular meetings of the board of commissioners." The practice of this Board has been to place the second consideration of a grant of franchise on the consent agenda; however, this particular franchise grant was not placed on the next agenda and has not been considered a second time. In order to complete the process the matter now needs to be considered for its second approval.

Upon motion of Ward, seconded by Commissioner Gardner, the Board unanimously approved the adoption of an ordinance granting franchise to **Material Recovery**, LLC, for operation of construction and demolition debris landfill on Brownfield Road, SR 2553, Wake County, North Carolina.

ORDINANCE
GRANTING FRANCHISE TO **MATERIAL RECOVERY, LLC**
FOR OPERATION OF CONSTRUCTION AND DEMOLITION DEBRIS LANDFILL

WHEREAS, **Material Recovery**, LLC, has applied for a franchise for the operation of a construction and demolition debris landfill in Wake County; and

WHEREAS, the application filed by **Material Recovery**, LLC, contains all of the information required by the Wake county franchise ordinance for construction debris (C&D) landfills; and

WHEREAS, the applicants have received a special use permit from the Wake County Board of Adjustment for operation of a C&D landfill on the site identified in the application.

NOW, THEREFORE, BE IT ORDAINED THAT, **Material Recovery**, LLC, is hereby granted a franchise to operate a construction and demolition debris landfill in Wake County in accordance with the representations made on the application submitted by **Material Recovery**, LLC, a copy of which is maintained in the permanent files of the Clerk to the Board. This franchise shall be in effect for a period of 20 years.

Adopted February 4, 2002.

NOMINATION OF UTLEY-COUNCIL HOUSE TO THE
NATIONAL REGISTER OF HISTORIC PLACES

The National Register is a federal program that honors buildings and districts worthy of preservation for their significance in

American history, architecture, archaeology, and culture. At the request of the property owner, the Utley-Council House, located at 4009 Optimist Farm Road, was nominated for listing in the National Register of Historic Places. The Historic Preservation Commission reviewed the nomination and found that the property meets the criteria for listing in the National Register.

Following presentation by Ms. Robin Quinn Pugh of the County Planning Office and upon motion of Commissioner Council, seconded by Commissioner Malone the Board unanimously adopted a resolution endorsing the nomination of the Utley-Council House to the National Register of Historic Places.

RESOLUTION
ENDORING THE NOMINATION OF THE
UTLEY-COUNCIL HOUSE
NATIONAL REGISTER OF HISTORIC PLACES

WHEREAS, much of the rich history of Wake County is displayed in the charm, identify, and character of the county's historic properties; and

WHEREAS, the recognition of the importance of these historic treasures to the citizens of Wake County and to the visiting public will promote preservation and enhancement of the County's historic resources; and

WHEREAS, the Utley-Council House is a rare and intact surviving early nineteenth-century house; and

WHEREAS, the Utley-Council House is one of only tow, tow-story, one-room deep houses built in the Federal style in the southern and western portions of Wake County; and

WHEREAS, the Wake County Historic Preservation Commission reviewed the nomination for the Utley-Council House, held a public forum, and found that the property meets the criteria for listing in the National Register of Historic Places; and

WHEREAS, the Wake County Board of Commissioners reviewed the nomination for the Utley-Council House and found that the property meets the criteria for listing in the National Register.

THEREFORE, the Board of Commissioners of the County of Wake is honored to adopt this Resolution of support for the nomination of the Utley-Council House to the National Register of Historic Places.

Adopted this the 4th day of February 2002.

WAKE COUNTY BOARD OF
COMMISSIONERS

/s/Linda D. Coleman, Chairman

AMERICAN TOBACCO TRAIL
ACCEPTANCE OF OFFER TO PURCHASE COUNTY PROPERTY

At the January 22, 2002 meeting of the Board of Commissioners, the Board proposed to accept an offer for the purchase of County-owned property located at 921 Wimberly Road. This property consisting of 6.902 acres and a 2017 square foot dwelling was purchased as a part of the right of way acquisition for the American Tobacco Trail Project. The County is retaining ownership of 2.032 acres needed for the trail corridor and the remainder 4.87 acres and the dwelling were marketed as surplus property. The County received an offer of \$256,000 subject to certain terms and conditions, for the purchase of this property. The offer was advertised in accordance with NC General Statute 160-269.

Following the presentation of information on the three upset bids received and upon motion of Commissioner Council, seconded by Commissioner Mangum, the Board unanimously accepted the upset bid offer of \$290,000 with the offer to be advertised in accordance with NC General Statute 160-269.

AWARD OF CONSTRUCTION CONTRACT
SITE IMPROVEMENTS AT YATES MILL COUNTY PARK

Wake County is working in partnership with North Carolina State University and Yates Mill Associates on an educational and historical park at Yates Millpond. The County has already completed the first phase of park development which included demolition of old dilapidated structures, and the construction of a new outdoor classroom. In addition, restoration of the old mill building has been substantially completed by Yates Mill Associates.

The Master Plan for Yates Mill County Park, which was previously approved by the Board of Commissioners, includes the development of a new entrance drive, parking area, and pedestrian access to the historic mill.

Bids for construction were received from contractors in accordance with NC General Statutes:

Atlas Resource Management, Fayetteville, NC, \$622,000; W.E. Garrison Co., Inc., Garner, NC, \$679,000; Barnhill

Contracting Co., Raleigh, NC \$695,017; R.P. Construction Co., Inc., Raleigh, NC, \$770,500; S.T. Wooten Corp., Wilson, NC, \$834,634.85.

Upon motion of Commissioner Gardner, seconded by Commissioner Mangum, the Board unanimously approved award of construction contract to Atlas Resource Management of Fayetteville, NC, in the amount of \$622,000 for Phase II and Phase IIA of Yates Mill County Park.

PUBLIC COMMENTS

The Board of Commissioners desires to hear from the public about the services, policies and affairs of Wake County government. It is for that reason a time has been set aside for public comment.

Chair Coleman recognized the following:

1. Mr. Herman Jaffe, 1802 Keokuk Court, Apex (concerns re threat of terrorism and Nuclear Risk Reduction Plan for Shearon Harris)
2. Mr. Larry Parker, 8019 Glory Road (Little River Reservoir Project and land purchases by the County)

By general consensus, the Board referred the matter of the County's acquisition of property for the Little River Reservoir Project/Mr. Parker to the County Attorney.

There were no other persons listed to appear before the Board. Chair Coleman declared the public comment portion of the meeting closed.

AWARD OF CONSTRUCTION CONTRACTS
RENOVATION OF WAKE COUNTY BOARD OF ELECTIONS
AND SALISBURY STREET ENTRY

The Wake County Board of Elections has experienced increased space needs at its location on the ground floor of the Wake County Office Building. With the corresponding increase in voter registrations, there is a lack of sufficient storage space for precinct records, voter registration records and other elections supplies, which are required to be stored on-site to maintain compliance with N.C. General Statutes. In order to address these concerns, County staff proposes to renovate to provide more efficient layout and improved work environment for the Elections staff. At the same time, the existing mechanical system serving the Ground Floor of the building, which is over 60 years old, will be replaced with a new system to provide better ventilation, heating, cooling and humidity control, as well as improved energy efficiency. The first phase will be a renovation of the Lower Floor areas, which contain the Tabulator Room, Precinct Storage room and space for precinct officials and absentee ballot staff. The second phase will be the renovation to the Upper Floor areas, including the public lobby, customer service area, campaign finance and support staff area.

Bids for construction were received from contractors in accordance with NC General Statutes:

J.D. Beam, Inc., Raleigh, NC \$725,000; Beers Skanska, Inc., Raleigh, NC, \$772,800; Clancy & Theys Construction Co., Raleigh, NC, \$819,184; and Choate Construction Company, Raleigh, NC was disqualified.

Upon motion of Commissioner Ward, seconded by Commissioner Mangum, the Board unanimously approved award of construction contract to J.D. Beam, Inc. of Raleigh, NC, in the amount of \$725,000 for the renovation to Wake County Board of Elections and Salisbury Street Entry Lobby of the Wake County Office Building.

AWARD OF RENOVATION CONTRACT FOR TRAINING SPACE
WEST WING OF THE PUBLIC SAFETY CENTER AND
COMMONS BUILDING, WAKE COUNTY OFFICE PARK

Public Safety staff has identified space needs that require renovations to the west wing of the Public Safety Center. The needs include the need for additional training space. The Commons Building has been identified as a location for this training center. The building has two floor levels, one main floor at ground level, and a basement floor. The main floor serves as the primary meeting and conference facility for the County. The basement, which currently houses the boiler room, electrical room, toilets, miscellaneous small office spaces and other mechanical systems, contains approximately 8000 square feet of unfinished space.

The project will be implemented in two phases. The first phase will include renovating the Commons Building to permit the relocation of Emergency Medical Services and other Public Safety training functions from the Public Safety Center to the basement level of the Commons Building. The second phases will consist of minor renovations to selected areas of the McDowell Street wing of the Public Safety Center to accommodate the relocation of the Public Safety Director and his administrative functions, along with expansion of Fire/Rescue office areas.

The following bids were received from general contractors for the project:

The Zehia Corporation of NC, Raleigh, NC, \$299,875; SpecCon, Inc., Knightdale, NC, \$317,000; Diversified Contracting, Inc., Cary, NC, \$321,659; Jacobsen Construction, Inc., Apex, NC, \$329,740; Polovick Construction Co., Inc., Raleigh, NC, \$331,833; Riley Contracting Co., Inc., Cary, NC \$332,600; R.P. Construction Co., Inc., Raleigh, NC \$334,000; RECON Corporation, Wilmington, NC, \$340,870; H.M. Kern Corporation, Greensboro, NC, \$349,200; Progressive Contracting Co., Inc., \$352,300; Liberty Construction, Inc., Fayetteville, NC, \$369,000; J.W. Grand, Inc., Raleigh, NC, \$374,568.

Upon motion of Commissioner Mangum, seconded by Commissioner Council, the Board unanimously approved award of renovation construction contract to The Zehia Corporation of Raleigh, NC, in the amount of \$299,875 for training space at Wake County Office Park Commons Building and West Wing of the Public Safety Center.

ADOPTION OF RESOLUTION
BOARD OF EDUCATION MULTI-YEAR CONTRACT
FOR CAPITAL OUTLAY

The Wake County Board of Education is requesting approval to enter into a continuing multi-year contract, beginning in fiscal year 2002-2003, through the end of fiscal year 2004-2005. The total amount of this three-year contract is \$852,792. The contract provides \$290,974 to be paid by the Wake County Board of Education in each of the next three fiscal years beginning in fiscal year 2002-2003.

State law requires that the Board of Education not enter into contracts for the purchase of certain capital items requiring payments over several fiscal years unless the Board of Commissioners agrees, by resolution, to appropriate funds in the ensuing fiscal years sufficient to meet the contract obligations.

Upon motion of Commissioner Malone, seconded by Commissioner Ward, the Board unanimously adopted a resolution approving the Board of Education multi-year contract for capital outlay to provide upgrades for two computer processors to run new business applications.

RESOLUTION
APPROVING CONTRACT FOR CAPITAL OUTLAY
AND APPROPRIATING SUFFICIENT FUNDS

WHEREAS, the Wake County Board of Education wishes to enter into a continuing contract for capital outlay with IBM Corporation and IBM Credit Corporation ("IBM") for computer hardware and related support services under N.C. General Statute 115C-528; and

WHEREAS, the contract may require the Wake County Board of Education to pay IBM a total of approximately \$290,974 during the 2002-2003 fiscal year, and approximately \$290,974 being paid during the 2003-2004 fiscal year; and approximately \$290,974 is being paid during the 2004-2005 fiscal year; for a total payment of approximately \$872,922 over the three-year lease period.

WHEREAS, N.C. General Statute 115-C-441 (c1) requires that continuing contracts for capital outlay are approved by a resolution adopted by the Board of County Commissioners.

NOW, THEREFORE, BE IT RESOLVED that the Wake County Board of Commissioners hereby agrees to appropriate sufficient funds to the Wake County Board of Education in ensuing fiscal years to meet the IBM contract obligations. Said funds shall be a part of, and not in addition to, regular appropriations made to the Wake County Board of Education.

Adopted this 4th day of February 2002.

REGISTER OF DEEDS AUTOMATION FUND

The North Carolina General Assembly adopted House Bill 1073 this past summer which amended the fees collected by the Register of Deeds. These amendments provide additional revenue to Wake County. The bill further stipulates that each county must create an Automation Enhancement and Preservation fund and that ten percent of all fees collected by the Register of Deeds are to be set aside in this fund. The proceeds in the fund are to be expended on computer and imaging technology in the office of the Register of Deeds. The effective date of the new fee structure and the creation of the Automation Enhancement and Preservation fund was January 1, 2002.

Upon motion of Commissioner Ward, seconded by Commissioner Council, the Board unanimously approved the budget revision to establish a Register of Deeds Automation Enhancement and Preservation Fund and to appropriate \$250,000 in fee revenue and corresponding expenditures.

Additionally, the Board requested that staff provide a listing of services provided by the Register of Deeds Office along with the fee schedule, and to also provide information reflecting fees collected and number of customers served.

NATIONAL SCHOLASTIC SPORTS FOUNDATION FUNDING REQUEST
OUTDOOR TRACK AND FIELD CHAMPIONSHIPS

The National Scholastic Sports Foundation (NSSF) has requested that the County fund \$25,000 a year for three years, beginning in fiscal year 2002-2003. The NSSF has made similar request to the City of Raleigh and the Greater Raleigh Convention and Visitors Bureau.

The Raleigh City Council approved the request at its November 7, 2001 meeting with the understanding that the City's share may be repaid in future years by the Greater Raleigh Convention and Visitors Bureau. On December 18, 2001, the Greater Raleigh Convention and Visitors Bureau approved the request.

Upon motion of Commissioner Council, seconded by Commissioner Ward, the Board unanimously approved the National Scholastic Sports Foundation funding request of \$25,000 a year for three years, beginning in FY 2002, for the Outdoor Track and Field Championships.

APPOINTMENTS

Following nominations, and upon motion of Commissioner Council, seconded by Commissioner Mangum, the Board approved the appointments listed below, suspending the rules regarding the Board's Appointments Policy and limitation of terms as it applies to the Wake County Economic Development Commission:

Wake County Economic Development Commission
(terms expiring 02/28/04)

At Large

Mr. James O. Roberson
Mr. Ernest C. Pearson
Mr. Herb Crenshaw
Mr. Claude McKinney
Mr. E. Julian Ford
Mr. George C. Sharpe, Jr.
Mr. Ken Atkins
(nominated by Commissioner Ward)

Municipal

Mr. Mitch Adams, Morrisville
Ms. Sheryl Bynum, Apex
Mr. Dick Monteith, Wake Forest
Commissioner Peter Atwell, Holly Springs
Mr. Jacky Wilson, Rolesville
Ms. Sandra Woodard, Garner
Mayor Lucius Jones, Wendell
Commissioner Steve Meadows, Knightdale
Mr. Randy Roberson, Raleigh
(nominated by Commissioner Ward)

Wake County Planning Board

The following six persons were nominated for five vacant Planning Board positions:

Mr. Bill Miller (nominated by Commissioner Gardner), Mr. Ed Ashworth, Mr. Terry Yeargan, Mr. Mason Williams (nominated by Commissioner Malone), Ms. Elizabeth Trahos (nominated by Commissioner Council) and Ms. Phyllis Rush (nominated by Commissioner Ward).

By roll call, the following persons were appointed to the Wake County Planning Board with terms to expire 02/29/04:

Mr. Ed Ashworth (reappointment)
Mr. Bill Miller (appointment)
Ms. Elizabeth Trahos (appointment)
Mr. Mason Williams (reappointment)
Mr. Terry Yeargan (reappointment)

The vote was as follows:

Commissioner Malone

Ed Ashworth
Bill Miller
Elizabeth Trahos
Mason Williams
Terry Yeargan

Commissioner Ward

Bill Miller
Phyllis Rush
Elizabeth Trahos
Mason Williams
Terry Yeargan

Commissioner Council

Ed Ashworth
Bill Miller
Elizabeth Trahos
Mason Williams
Terry Yeargan

Commissioner Mangum

Ed Ashworth
Bill Miller
Phyllis Rush
Elizabeth Trahos
Terry Yeargan

Commissioner Gardner

Ed Ashworth
Bill Miller
Elizabeth Trahos
Mason Williams
Terry Yeargan

Commissioner Coleman

Ed Ashworth
Bill Miller
Elizabeth Trahos
Mason Williams
Terry Yeargan

Aircraft Noise Abatement Committee

Mr. Derrick Perkins, term expiring 02/29/04
(nominated by Commissioner Ward)

Durham and Wake Counties Research and Production Service District Advisory Committee

Mr. William Parker, term expiring 06/30/02
Mr. Tom Colwell, term expiring 06/30/02
(nominated by Commissioner Mangum)

Swift Creek Volunteer Fire Department Board of Trustees Firemen's Relief Fund

Mr. Lawrence Furr, term expiring 12/31/03
Mr. Donald McCorkle, term expiring 12/31/03
(nominated by Commissioner Ward)

Wake Forest Board of Adjustment

Mr. Tommy Littleton, term expiring 12/31/04
(nominated by Commissioner Ward)

Wake Forest Planning and Zoning Board

Mr. Sherrill Brinkley, term expiring 12/31/03
(nominated by Commissioner Ward)

Watershed Management Task Force

Commissioner Steve Tedder, Town of Holly Springs
Mayor Vivian Jones, Town of Wake Forest
(nominated by Commissioner Gardner)

COMMITTEE REPORTS

Human and Community Services Committee

The Committee recommended to the full Board that the Food Runners Collaborative Inc.'s funding request of \$1.25 million be approved and that staff work with Food Runners on the financial details of the request. The Committee also recommended that approval be given to the Poe Center funding request of \$500,000 over a five-year period.

Upon motion of Commissioner Ward, seconded by Commissioner Council, the Board unanimously approved the recommendations of the Committee as reported concerning the funding requests of Food Runners Collaborative Inc. and Alice Aycock Poe Center for Health Education.

Budget, Finance and Education Committee

The Committee recommended that approval be given to continue the current per capita sales tax distribution method, that a change would pose too large of a burden to some municipalities and may cause political fallout from passing the property tax levy burden to some municipalities.

Upon motion of Commissioner Coleman, seconded by Commissioner Ward, the Committee was accepted and unanimously approved to continue the current per capital method of sales tax distribution.

Growth, Land Use and Environment Committee

Commissioner Council announced a meeting to be held Monday, February 11, 2002, at 10:00 a.m. in the Conference Center of the Wake County Office Building.

OTHER BUSINESS

Commissioner Malone commented on the issue raised during the public comment period of the County's policy concerning the purchase of property. By general consensus, the Board requested that staff review the process and make recommendation to the Board at a future meeting.

By general consensus, staff was also directed to look at the participation of minority contractors in County projects and to request that the School System provide a report of their activity.

CLOSED SESSION

Commissioner Malone moved to go into closed session to establish or instruct the staff concerning the negotiation of the price and terms of a contract concerning the acquisition of real property by purchase, option, exchange, or lease. The motion was seconded by Commissioner Mangum and was unanimously approved by the Board.

Following the business in closed session, Chair Coleman called the meeting back into regular session.

ACQUISITION OF PROPERTY
LITTLE RIVER RESERVOIR PROJECT

Upon motion of Commissioner Ward, seconded by Commissioner Council, the Board unanimously authorized staff to proceed with the following property acquisitions and that the County Manager to authorized to execute a contract on behalf of Wake County:

Acquisition of 44.526 acres owned by Graham N. Bunn, Jr., PIN #1788.01 36 6466
at a purchase price of \$256,292.

There being no further business to come before the Board at this time, Chair Coleman adjourned the meeting at 4:15 p.m., upon motion of Commissioner Ward, seconded by Commissioner Council, and the unanimous vote of the Board.
