



Minutes of 01/20/04 Board of Commissioners' Meeting (adopted)

Gwendolyn I Reynolds on 01/23/2004 at 05:48 PM
Category: Board Minutes

WAKE COUNTY BOARD OF COMMISSIONERS MINUTES January 20, 2004

The Wake County Board of Commissioners met in regular session Tuesday, January 20, 2004, at 2:00 p.m. in the Commissioners' Meeting Room, 7th Floor, Wake County Courthouse, Raleigh, North Carolina. Members present were Commissioners Joe Bryan, Herbert H. Council, Tony Gurley, Phil Jeffreys, Betty Lou Ward, Harold H. Webb (by telephone), and Chairman Kenneth M. Gardner.

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

Chairman Gardner called the meeting to order.

PLEDGE OF ALLEGIANCE

INVOCATION

Commissioner Bryan offered the invocation.

APPROVAL OF AGENDA

Upon motion of Commissioner Ward, seconded by Commissioner Council, the Board unanimously approved the agenda with the addition of consideration of Applications for Funding from the Occupancy and Prepared Food/Beverage Tax Revenues; and deletion of the Closed Session.

APPROVAL OF MINUTES

Upon motion of Commissioner Council, seconded by Commissioner Jeffreys, the Board unanimously approved the minutes of January 5, 2004.

WAKE READS TOGETHER UPDATE

Last year Wake County organized its first "Reads Together" program, citizens reading the same book at the same time, with Ray Bradbury's *Fahrenheit 451*. In September 2003, County residents suggested books for the 2004 program. Librarians narrowed the choices to five and voting took place online and at libraries during October. Voters selected *Wolf Whistle* by Lewis Nordan as the book for this year's community reading program.

Dale Cousins of the Cameron Village Library, was recognized to comment on the program. She outlined the partnerships with local schools, local bookstores, museums and the media. She highlighted events associated with the program and noted that the author would be visiting the area in April.

The Commissioners received the update and a copy of this year's selection for the Wake County "Reads Together" Program.

RENEWAL OF
EMERGENCY TRANSPORTATION SERVICE FRANCHISES
FOR RESCUE/EMS SQUADS IN WAKE COUNTY

North Carolina State law places responsibility for delivery of emergency medical services on North Carolina counties. Wake County meets this mandate with an emergency medical services system that includes eight rescue/EMS squads.

The Wake County Code of Ordinances requires that each of the rescue/EMS squads operate under the authority of an emergency transportation franchise granted by the Board of Commissioners. The chiefs/directors of these rescue/EMS squads have requested renewal of emergency transportation service franchises under which the squads currently operate. The Department of Public Safety's EMS Division Director has determined that these squads have met, and continue to meet, the requirements of the County's Code of Ordinances and recommends that the Board of Commissioners renew each rescue/EMS squad's emergency transportation franchise.

Wake County contracts with each of the EMS/rescue squads for service. Renewal of the franchises does not affect funding of these contracts.

Franchise ordinances require two readings by the Board of Commissioners. The Board considered this request at its January 5, 2004 meeting. It is being requested that the Board consider final approval at today's meeting.

Upon motion of Commissioner Bryan, seconded by Commissioner Council, the Board unanimously authorized renewal of the following emergency transportation franchises for operation of emergency ambulance services pursuant to the requirements of Chapter 2-7, Article III, Wake County Code of Ordinances:

Apex EMS, Inc.
Cary EMS, Inc.

Garner Rescue Squad, Inc.
Town of Holly Springs
Knightdale EMS, Inc.
Rolesville EMS, Inc.
Six Forks Rescue Squad, Inc.
Wendell EMS, Inc.
Zebulon EMS, Inc.

ORDINANCE
RENEWING EMERGENCY TRANSPORTATION FRANCHISE
OF (SQUAD CORPORATE NAME) FOR OPERATION OF
AN EMERGENCY TRANSPORTATION AMBULANCE SERVICE
IN WAKE COUNTY

WHEREAS, (squad name), located in (city/town), North Carolina, has requested renewal of its franchise for operation of an emergency transportation ambulance service in Wake County; and

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

WHEREAS, (squad name) is a component of the emergency medical service "Model System" license granted to Wake County by the State of North Carolina Department of Health and Human Services's Office of Emergency Medical Services for delivery of emergency medical services in Wake County, pursuant to (N.C.G.S. (cite)); and

WHEREAS, (squad name)'s franchise renewal request has been reviewed by the Director of Division of Emergency Medical Services of Wake County's Department of Public Safety; who herewith recommends to the Board of Commissioners and the County Manager that (squad name's) franchise be renewed:

NOW, THEREFORE, BE IT ORDAINED, THAT (squad name) be granted a franchise of five years' duration by the County Manager for the delivery of emergency transportation ambulance transport service in Wake County, North Carolina, within the nominal service area depicted on a map attached hereto and incorporated herein for purposes of community support activities, PROVIDED that:

(a) (squad name) agrees to comply with the provisions of Chapter 2-7, Article III of the Wake County Code of Ordinances and all other applicable federal and State statutes and regulations governing emergency transportation ambulances licensure and operation; and

(b) (squad name) agrees to comply with Wake EMS Model System standards and protocols adopted pursuant to, or as required by, Title 10, Chapter 3, Subchapter 3D, Sections .2500 et seq., of the State of North

Carolina of Emergency Medical Services administrative rules.

Adopted January 20, 2004.

APPROVAL OF APPROPRIATION
FROM THE NORTH CAROLINA DEPARTMENT OF HEALTH
AND HUMAN SERVICES, DIVISION OF MENTAL HEALTH/DEVELOPMENTAL
DISABILITIES/SUBSTANCE ABUSE SERVICES, FOR INCREASING
COMMUNITY CAPACITY FOR ADULTS WITH MENTAL ILLNESS
INVOLVED IN THE DOWNSIZING OF DOROTHEA DIX HOSPITAL

As part of the State's mental health reform plan, the third phase of the downsizing of Dorothea Dix Hospital will occur on June 30, 2004, with the closure of seven additional beds for Wake County clients in the geropsychiatry unit. These clients will be transitioned to the community by this date. Additional community capacity for an estimated twenty-six individuals annually will be needed to provide intensive services in the community, as these beds will no longer be available.

To address the additional demands on Wake County's mental health system, the State has allocated \$156,926 for FY 2003-2004 and \$313,851 for FY 2004-2005. The funding is scheduled to be recurring.

Upon motion of Commissioner Ward, seconded by Commissioner Jeffreys, the Board unanimously approved the additional allocation from the State of North Carolina, totaling \$156,926 in the current fiscal year, and approval of the corresponding budget revisions, for increasing community capacity for adults with mental illness involved in the downsizing of Dorothea Dix Hospital.

APPROVAL OF BUDGET AMENDMENT
WORKFORCE DEVELOPMENT PROJECT ORDINANCE

The Wake and Johnston County Boards of Commissioners created the Capital Area Workforce Development Consortium in 1982. The State and federal government provides funds for all projects. The Workforce Development Ordinance reflects appropriations made by the Board of County Commissioners for workforce development initiatives that benefit businesses and job seekers in the Capital Area. Monies are maintained in a special revenue fund, as these funds are legally restricted to expenditures for specified purposes.

The Capital Area Workforce Development Consortium is requesting the incorporation of \$162,956 to the Workforce Development Ordinance, as follows:

Notice of Funds Available #34-00052 authorizing \$81,356 for Workforce Investment Act 2003 Performance Incentive funds to be used in current initiatives to improve delivery of workforce development services to citizens and employers.

Notice of Funds Available #34-00053 authorizing \$81,600 in Program Year 2003 Statewide JobLink Career Center Enhancement Grant funding for related expenditures incurred from October 1, 2003 through June 30, 2005.

Upon motion of Commissioner Gurley, seconded by Commissioner Webb, the Board unanimously approved acceptance of Workforce Development funding in the amount of \$162,956 to the Workforce Development Project Ordinance with the appropriate budget revisions to increase appropriations in the Workforce Development Special Revenue Fund.

APPLICATIONS FOR FUNDING FROM THE
OCCUPANCY AND PREPARED FOOD/BEVERAGE TAXES

In June 2000, the Board of Commissioners and the Raleigh City Council entered into an interlocal agreement regarding the use of the Occupancy and Prepared Food/Beverage Tax. As a result of the agreement, the County and the City established a process for review of proposals for funding from the tax proceeds. Criteria was also established to be used in deciding which proposal to fund. As part of the agreement, each jurisdiction receives \$1 million annually from the tax proceeds to use at their own discretion. These funds are still subject to the same restrictions specified in the enabling legislation enacted by the State of North Carolina.

On October 9, 2003, Wake County contacted potential applicants for this funding and invited them to submit proposals for consideration. The applicants were provided with the criteria established by the County and City of Raleigh along with a copy of the enabling legislation. Guidelines were also presented to communicate the intent of the Board of Commissioners in the allocation of this limited funding:

The focus on the allocation will be on projects that have an economic impact on communities outside of the City of Raleigh

The maximum amount of funding that can be requested is \$2 million. The County will consider multi-year funding scenarios.

Projects receiving funding via this process are not eligible for funding through the combined City of Raleigh/Wake County process

The County will only consider projects that have a solid business plan for addressing on-going operating expenses. The County does not plan to assume the cost of annual operating expenses or funding projects that do not have a plan for meeting operating obligations.

The following proposals were received:

The Town of Apex – Restoration and conversion of the former Apex Town Hall into a cultural arts facility

Carolina Ballet – capital expenses associated with design and construction of sets and costumes during the 2003-2004 fiscal year.

Town of Garner – Development of Centennial Park

Factory Kids Foundation, Wake Forest – Development and construction of baseball complex

Town of Fuquay-Varina – Honeycutt Road Park Development Project

USA Baseball – National Training Center in western Wake County

The County Manager was recognized to comment on the process, the first time the process has been implemented by the County. He outlined the funding awards over the next four years as recommended by the Interlocal Committee of the Board of Commissioners.

Chairman Gardner then recognized representatives from the following agencies: Town of Garner, Carolina Ballet, Factory Kids Foundation, USA Baseball, and the Town of Fuquay-Varina.

Upon motion of Commissioner Council, seconded by Commissioner Ward, the Board unanimously approved funding recommendations, as presented, from the Interlocal Committee of the Wake County Board of Commissioners for the County’s share of the Occupancy and Prepared Food/Beverage Taxes, as follows:

Wake County Hotel/Motel and Prepared Food and Beverage Tax Revenue

| | FY2003-04 | FY2004-05 | FY2005-06 | FY2006-07 | Totals |
|-----------------------------|-------------|-----------|-----------|-----------|-------------|
| Available Revenue | \$1,370,000 | \$895,000 | \$895,000 | \$895,000 | \$4,055,000 |
| USA Baseball | | | \$210,000 | \$790,000 | \$1,000,000 |
| Factory Kids Foundation | \$ 500,000 | \$500,000 | \$500,000 | | \$1,500,000 |
| Apex/Performing Arts Center | \$ 200,000 | \$150,000 | \$100,000 | \$100,000 | \$ 550,000 |
| Carolina Ballet | \$ 250,000 | | | | \$ 250,000 |
| Garner Park | \$ 200,000 | \$110,000 | \$90,000 | | \$ 400,000 |
| Fuquay-Varina Park | \$ 220,000 | \$130,000 | | | \$ 350,000 |
| | \$1,370,000 | \$890,000 | \$900,000 | \$890,000 | \$4,050,000 |

PUBLIC COMMENTS

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

Chairman Gardner announced that there were no names listed to comment before the Board. He then declared this portion of the meeting closed.

APPROVAL OF REQUEST FOR AMENDMENT OF LANDFILL FRANCHISE **MATERIAL RECOVERY, LLC**

On September 7, 1999, the Board of Commissioners adopted an ordinance requiring all construction and demolition landfills to obtain a franchise from the County prior to operation. That ordinance provides that once a special use permit allowing such a landfill is granted by the Board of Adjustment, an applicant shall be granted a franchise by the Board of Commissioners once the applicant provides certain information to the Board.

Material Recovery, LLC received a franchise from the County on April 16, 2001. The ordinance granting that franchise imposed a 650-ton per day limitation on the volume of waste entering the landfill and limited the areas from which waste could originate. **Material Recovery**, LLC has applied for an amendment to its franchise, that the area from which it may accept debris be increased to allow acceptance of **material** coming from Franklin County, and to increase the daily permitted tonnage to 1,100.

There is no requirement that this request be referred to the Board of Adjustment because the special use permit did not contain either of these restrictions on tonnage or service area. The Construction and Debris Franchise Ordinance also provides that the Board of Commissioners may, but is not required to, hold a public hearing on the granting of C&D landfill franchises.

Chairman Gardner recognized Mr. Lacy Reaves, PO 1079, Raleigh, NC, to comment on behalf of **Material Recovery**, LLC. He stated that because of recent decisions to close the construction and demolition landfill operated in association with the North Wake MSW Landfill, **Material Recovery** is requesting the modification of its franchise to allow acceptance at the Brownfield Road facility of construction and demolition **material** originating in Franklin County. **Material Recovery** also informed the County staff that it had entered into an agreement with the North Carolina Department of Transportation to pave, at considerable cost to **Material Recovery**, Battle Bridge Road, a previously unpaved secondary road providing access to **Material Recovery's** landfill. **Material Recovery** is proposing that Old Baucom Road be posted by NCDOT to truck traffic, and all trucks entering the landfill will utilize Battle Bridge, rather than Old Baucom Road which passes a number of

personal residences, to mitigate the increase in truck traffic associated with the additional tonnage accepted by the Brownfield Road facility.

Following discussion and upon motion of Commissioner Ward, seconded by Commissioner Gurley, the Board unanimously approved an ordinance granting amendment of the Franchise to **Material Recovery**, LLC for operation of construction and demolition debris landfill.

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

WHEREAS, **Material Recovery**, LLC. has applied for an amendment to the franchise granted by this board on April 16, 2001, for the operation of a construction and demolition debris landfill in Wake County; and,

WHEREAS, the application for amendment of the franchise filed by **Material Recovery**, LLC. request 1) an increase in the daily tonnage of waste allowed to be disposed in the facility each day and 2) alteration of the service area from which the facility may accept waste; and,

WHEREAS, the increase requested is not inconsistent with the special use permit from the Wake County Planning Board for operation of a C&D landfill on the site identified in the application.

NOW THEREFORE BE IT ORDAINED,

Section 1. The franchise granted to **Material Recovery**, LLC for operation of a construction and demolition debris landfill is hereby amended to incorporate the representations made on the application for franchise amendment submitted by **Material Recovery**, LLC, a copy of which is maintained in the permanent files of the Clerk to the Board. Specifically, the total allowable daily tonnage of waste which may be disposed is increased to 1,100 tons and the service area is expanded to include Franklin County in addition to the previously approved counties of Wake, Johnston, Durham, Orange and Chatham. This franchise amendment shall expire coterminous with the expiration of the original franchise.

Section 2. The applicant shall provide documentation reasonably required by the County to ascertain compliance with the terms of the franchise as amended.

Section 3. This ordinance is effective upon its second reading by this Board.

Adopted January 20, 2004 (1st reading).

REPORT ON REQUEST FROM BOARD OF EDUCATION
TO RE-ALLOCATE PLAN 2000 FUNDS
(HERITAGE ELEMENTARY TO JONES DAIRY ELEMENTARY)

Heritage Elementary School was opened as a new year-round school in December of 2002 and the student population of Jones Dairy Elementary was moved into the new Heritage Elementary. The Heritage budget included funds for equipping the school but the Jones Dairy's operational and program equipment, library books, media equipment and furniture were moved with the student population, rather than purchasing from the funds budgeted.

Jones Dairy will re-open in August 2004 with a new student population as a result of school reassignments. Due to the equipment transfer from Jones Dairy to Heritage, it is necessary to purchase equipment to replace that transferred to Heritage. The Board of Education is requesting reallocation of the operational and program equipment money from now Heritage Elementary to Jones Dairy Elementary in northern Wake County that will open as a year-round school in 2004.

In response to Commissioner Gurley's concern regarding Daniels Middle School's heating/mechanical problems, Mr. Mike Burris, Facilities Division, Wake County Public Schools, stated that work has already begun and the school is scheduled for renovation with Plan 2004 funds.

The Commissioners received the request from the Board of Education to reallocate Plan 2000 funds (Heritage Elementary to Jones Dairy Elementary), with no outstanding questions, and upon motion of Commissioner Webb, seconded by Commissioner Council, the Board unanimously approved that the request to be placed on the February 2, 2004, consent agenda.

REPORT ON THE REQUEST FROM BOARD OF EDUCATION
TO APPROPRIATE PLAN 2004 FUNDS

On October 7, 2003, Wake County approved a bond referendum for \$450 million in general obligation bonds for school construction. In addition, the Wake County Board of Commissioners approved the \$550 million Plan 2004 School Building Program presented by the Wake County Public School System, designed to meet facility needs for the school system through fiscal year 2008.

At the November 17, 2003 Board of Commissioners meeting, the Board approved a resolution appropriating the Plan of Record on the books of the County with new funds in the amount of \$479.0 million.

The Board of Education is requesting the first quarterly appropriations of Plan 2004 in the amount of \$32,339,486 with information on project descriptions, type, design/build date. The County Manager indicated that this is the second appropriation for Plan 2004. The first appropriation was for two high schools and one elementary school.

The Commissioners received the request from the Wake County Board of Education to appropriate Plan 2004 funds, with no outstanding questions, and upon motion of Commissioner Ward, seconded by Commissioner Council, the Board unanimously approved that the request be placed on the February 2, 2004, consent agenda.

MARK'S CREEK OPEN SPACE PARTNERSHIP

Chairman Gardner recognized Commissioner Bryan to make introductory remarks and to introduce this item for Board consideration. Commissioner Bryan stated that the Triangle Land Conservancy (TLC) has identified the Mark's Creek region of Wake County as priority preservation area. Through intensive study they have prioritized 7,500 acres of land for acquisition in the watershed with approximately one-third of the land within Wake County and the other two-thirds in Johnston County.

The TLC and the State of North Carolina have already committed approximately \$2,160,000 toward the purchase of parcels of land located in this priority preservation area. The request before the Board today is that the Board authorize a Memorandum of Understanding between the County and TLC creating a partnership for the purchase of parcels in the priority preservation area, and for the commitment of County open space funds not to exceed \$1,960,000 for this purpose. TLC will continue to work with various agencies to secure funding for continual land acquisition throughout the two county region. Additionally, TLC along with its partner, The Trust for Public Lands, will be contacting willing landowners regarding land purchases in the priority preservation area.

Mr. Sig Hutchinson, Chairman of the Open Space and Parks Advisory Committee, commented on the importance of this partnership, noting that this area is the largest continuous undeveloped property in eastern Wake County.

Chairman Gardner also recognized the following for comments: D.G. Martin, Interim Director of the Triangle Land Conservancy; Kevin Brice, Director of Triangle Land Conservancy, effective tomorrow, January 21; Guenevere Abernathy, of the Triangle Land Conservancy staff; and David Proper, Trust for Public Lands.

Mr. Proper presented each of the Commissioners with a plaque to mark the beginning of the Mark's Creek project initiative with various local governments and non-profits.

Upon motion of Commissioner Council, seconded by Commissioner Ward, the Board unanimously authorized staff to execute a Memorandum of Understanding between the Triangle Land Conservancy and the County outlining their partnership, meeting the approval of the County Manager and County Attorney; and that subject to the Memorandum of Understanding allocate funds not to exceed \$1,960,000 from the Open Space Capital Improvement Program for the purchase of properties located in the priority preservation area in the Marks Creek area of Wake County as identified by the Triangle Land Conservancy, that use of these funds is subject to the Open Space Partnership Grant Criteria adopted by this Board, and each land purchase is subject to the approval of this Board.

VETERANS FREEDOM PARK FOUNDATION FUNDING REQUEST

Mr. Stephen Glass, Board of Directors of the Freedom Park Foundation, appeared before the Board to request funding for a park to honor military veterans in Wake

County. He stated that the Veterans Freedom Park Foundation is a non-profit corporation that originated as a community project led by Wake County residents and representatives from the American Legion after visiting memorials in other cities and countries.

The Veterans Freedom Park is proposed to be located at the corner of North Harrison Avenue and the Cary Parkway and will occupy eleven acres of land donated by the SAS Corporation. The park will be a patriotic theme based community center that will include multimedia-based memoirs of veterans and will include public artwork designed to symbolize the value of freedom and to honor military veterans in Wake County.

The Foundation is requesting planning grant of \$50,000 for design, public feedback activities and project planning. County funds would complement additional private/public funding and in-kind contributions derived from sources including additional public grants, private businesses, nonprofits and individual contributors.

Upon motion of Commissioner Webb, seconded by Commissioner Ward, the Board unanimously approved the request for \$50,000 for design, public feedback activities and project planning of the Veterans Freedom Park, with funding form the Board of Commissioners' contingency fund.

ADOPTION OF THE FISCAL YEAR 2004-2005 BUDGET CALENDAR

The County Manager was recognized to comment on the recommended calendar for consideration of the FY2004-2005 budget. He outlined the requirements as provided in Article 3, Chapter 159 of the North Carolina General Statutes and noted that the Wake County Board of Education and Wake Technical Community College Board of Trustees must present their budget requests by May 15, 2004.

Upon motion of Commissioner Council, seconded by Commissioner Bryan, the Board unanimously adopted the FY 2004-2005 Budget Calendar:

- May 17, 2004Presentation of County Manager's recommended budget
- June 7, 2004. . . . Public hearings on the Recommended Budget
- June 14, 2004 . . .Work Session for the Board of Commissioners
- June 21, 2004 . . .Adoption of Operating and Capital Budgets and related ordinances

COMMITTEE REPORTS

Commissioner Bryan announced a Growth, Land Use and Environment Committee meeting Thursday, January 29, 2004, at 8:00 a.m. in the Conference Center of the Wake County Office Building, to continue the discussion on growth issues, specifically Special Highway Overlay Districts and US-64 Bypass.

Commissioner Jeffreys informed the Board that he had attended his first meeting of the Raleigh Convention and Visitors Bureau Board, and that he looks forward to

working with the Bureau this year.

Commissioner Ward noted that the Board heard from the Citizens' Energy Advisory Commission and their work at lunch today and that the Board also voted on the Mark's Creek open space project today. She suggested that these are projects worthy of nomination for a NACo award and to be promoted regionally as well as nationally.

Chairman Gardner made the following announcements:

- Joint Meeting of the Raleigh City Council and County Commissioners today at 4:30 p.m., Raleigh Convention and Conference Center

- Wednesday, January 2, 12 noon- Joint Meeting - Board of Education and Commissioners
5:30 p.m. - Canadian Consulate Reception – BTI Center

- Monday, February 2, Work Session on Planning and Land Use Policies
10:00 a.m. – Conference Center, Wake County Office Building

- Friday and Saturday, February 6-7, Board's Annual Retreat - NC Museum of Art

Commissioner Bryan commented on the recent dedications of Voluntary Agricultural Districts, working farms of 100 acres or more, and noted the farms in Zebulon and Apex. He indicated that this program was initiated by the Board of Commissioners in 2002, that it celebrates the County's farming heritage, has an immediate impact on the preservation of open space and promotes the quality of life here in Wake County.

There being no further business to come before the Board at this time, Chairman Gardner adjourned the meeting at 3:40 p.m.

Gwen Reynolds
Clerk to the Board