

**WAKE COUNTY BOARD OF COMMISSIONERS****APRIL 2, 2007****REGULAR MEETING**

The Wake County Board of Commissioners met in regular session Monday, April 2, 2007 at 2:00 p.m. in the Commissioners' Room, 7<sup>th</sup> Floor, Wake County Courthouse, Raleigh, North Carolina. Members present were Commissioners Lindy Brown; Joe Bryan; Paul Coble; Kenn M. Gardner; Tony Gurley; Betty Lou Ward; and Harold Webb.

Others attending were the County Manager, David C. Cooke; Interim County Attorney, Mr. Scott Warren; and the Clerk to the Board, Mrs. Susan Banks.

Chairman Gurley called the meeting to order.

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PLEDGE OF ALLEGIANCE

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INVOCATION

Chairman Tony Gurley offered the invocation.

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APPROVAL OF AGENDA

Upon motion of Commissioner Bryan, seconded by Commissioner Gardner, the Board of Commissioners unanimously approved the April 2, 2007 agenda with items 16, 17, 18 being moved after the consent agenda.

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MINUTES

Upon motion of Commissioner Ward, seconded by Commissioner Webb, the Board unanimously approved the Minutes of March 12 and March 19, 2007.

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CARING, SERVING, RESPECTING CUSTOMERS AWARD WINNERS

County Manager David Cooke presented the quarterly awards for Caring, Serving, Respecting Customers to David Dougherty, Information Services; Ron Fowler, General Services Administration; Maurice Fuller, Sheriff's Office; Tammy Hudson, Human Services; and Charles Lambert and Anthony Fraccola, Public Safety - EMS.

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RECOGNITION OF COMMISSIONER HAROLD WEBB  
FOR  
RECEIVING THE CONGRESSIONAL GOLD MEDAL

Commissioner Harold Webb was recognized by his fellow board members for receiving the Congressional Gold Medal in honor of his service to the country as a Tuskegee Airman. The nearly 400 surviving airmen received the nation's highest civilian honor presented by The Honorable George W. Bush, President, on May 29, 2007 in the U.S. Capitol Rotunda in Washington, D.C. The Tuskegee Airmen were black aviators whose flying skills in the skies over Africa and Europe helped persuade President Harry S. Truman to end segregation in the U.S. military in 1948. The

official medal, which has been cast by the U.S. Mint, will be housed in the Smithsonian Institution in Washington, D.C.

Commissioner Webb spoke of the ceremony stating 100 of the airmen were in wheelchairs, 100 were walking with sticks, and the rest were like him. He shared special moments from the ceremony and the replica gold medal which was presented to the Tuskegee airmen.

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### CONSENT AGENDA

Upon motion by Commissioner Ward, seconded by Commissioner Coble, the Board of Commissioners voted unanimously to approve the items for consent as presented in the agenda package.

ACCEPT \$45,000 IN NONRECURRING FUNDS RECEIVED FROM THE  
NORTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES  
FOR THE PUBLIC HEALTH REGIONAL SURVEILLANCE TEAM

Specific Action Approved: The Board of Commissioners approved the additional allocation from the North Carolina Department of Health and Human Services for the Public Health Regional Surveillance Team totaling \$45,500 to provide regional support for pandemic flu planning and preparedness and approved the corresponding budget revision.

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MID-YEAR ALLOCATION OF \$413,877 FOR ADDITIONAL DEVELOPMENTAL  
THERAPY FUNDS TO SUPPORT ADULTS WITH DEVELOPMENTAL DISABILITIES

Specific Action Approved: The Board of Commissioners approved acceptance of a one-time allocation of \$413,877 for additional Developmental Therapy Funds to support Adults with Developmental Disabilities from the North Carolina Division of Mental Health, Developmental Disabilities, and Substance Abuse Services and revised the budget accordingly.

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RESOLUTION APPROVING FORMATION OF NONPROFIT CORPORATION  
FOR CERTIFICATE OF PARTICIPATION FINANCINGS

Specific Action Approved: The Board of Commissioners approved the resolution approving the formation of a nonprofit corporation for certificate of participation financings.

EXTRACT FROM MINUTES OF BOARD OF COMMISSIONERS OF  
THE COUNTY OF WAKE, NORTH CAROLINA

The Board of Commissioners for the County of Wake, North Carolina, met in regular session in the Commissioners' Meeting Room in the Wake County Courthouse in Raleigh, North Carolina, the regular place of meeting, at 2:00 p.m., on April 2, 2007, with Tony Gurley, Chairman, presiding. The following Commissioners were:

PRESENT: Lindy Brown, Joe Bryan, Paul Coble, Kenn Gardner, Betty Lou Ward, and Harold Webb.

ABSENT: None.

ALSO PRESENT: County Manager David Cooke, Interim County Attorney Scott Warren, and Clerk to the Board Susan Banks.

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Commissioner Ward introduced the following resolution, a summary of which had been provided to each Commissioner, which was read by title:

RESOLUTION APPROVING FORMATION OF NONPROFIT CORPORATION FOR CERTIFICATE OF PARTICIPATION FINANCINGS

WHEREAS, the Board of Commissioners (the "Board") for the County of Wake, North Carolina (the "County") has determined that it is in the best interests of the County that the County have the option of financing various capital projects within the County through the issuance of certificates of participation from time to time, which certificates of participation will represent undivided interests in various installment contract financings undertaken by the County;

WHEREAS, in order to utilize a certificate of participation financing structure, it is necessary that the County establish a nonprofit corporation to participate in such financings; and

WHEREAS, there have been presented to this meeting proposed articles of incorporation and by-laws for the nonprofit corporation;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Wake, North Carolina:

1. The Board hereby authorizes the incorporation of a nonprofit corporation, to be named "The Wake County Development Corporation" (or similar name selected by the County Attorney if such name is not available), in accordance with the terms and provisions of the proposed articles of incorporation and by-laws presented to this meeting, with such changes thereto, if any, not inconsistent with the general tenor thereof as the County Attorney, in his discretion, shall determine to be appropriate.

2. The County Attorney is hereby authorized to serve as the incorporator of the nonprofit corporation. Commissioner Ward introduced the following resolution, a summary of which had been provided to each Commissioner, which was read by title:

RESOLUTION APPROVING FORMATION OF NONPROFIT CORPORATION FOR CERTIFICATE OF PARTICIPATION FINANCINGS

WHEREAS, the Board of Commissioners (the "Board") for the County of Wake, North Carolina (the "County") has determined that it is in the best interests of the County that the County have the option of financing various capital projects within the County through the issuance of certificates of participation from time to time, which certificates of participation will represent undivided interests in various installment contract financings undertaken by the County;

WHEREAS, in order to utilize a certificate of participation financing structure, it is necessary that the County establish a nonprofit corporation to participate in such financings; and

WHEREAS, there have been presented to this meeting proposed articles of incorporation and by-laws for the nonprofit corporation;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Wake, North Carolina:

1. The Board hereby authorizes the incorporation of a nonprofit corporation, to be named "The Wake County Development Corporation" (or similar name selected by the County Attorney if such name is not available), in accordance with the terms and provisions of the proposed articles of incorporation and by-laws presented to this meeting, with such changes thereto, if any, not inconsistent with the general tenor thereof as the County Attorney, in his discretion, shall determine to be appropriate.

3. The Chairman of the Board, the County Manager, the Director of Finance and the County Attorney are hereby authorized to take any and all such further action and to execute and deliver for and on behalf of the County any and all documents and certificates as they may deem necessary or advisable to carry out the intent of this resolution and to effectuate the formation of the nonprofit corporation. The County Clerk is hereby authorized to affix the seal of the County to such

documents and certificates as may be appropriate and to attest to the same and to execute and deliver the same as may be needed.

4. This resolution shall take effect immediately upon its passage.

Upon motion of Commissioner Ward, seconded by Commissioner Coble, the foregoing resolution entitled: "RESOLUTION APPROVING FORMATION OF NONPROFIT CORPORATION FOR CERTIFICATE OF PARTICIPATION FINANCINGS" was passed by the following vote:

Ayes: Lindy Brown, Joe Bryan, Paul Coble, Kenn Gardner, Tony Gurley, Betty Lou Ward and Harold Webb.

Noes: N/A

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I, Susan J. Banks, Clerk to the Board of Commissioners for the County of Wake, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of said Board of Commissioners at a regular meeting held April 2, 2007, as relates in any way to the passage of a resolution approving the formation of a nonprofit corporation for certificate of participation financings as described in such proceedings and that said proceedings are recorded in Minute Book \_\_\_ of the minutes of said Board of Commissioners, beginning at page \_\_\_ and ending at page \_\_\_.

I DO HEREBY FURTHER CERTIFY that the schedule of regular meetings of said Board of Commissioners has been on file in my office pursuant to North Carolina General Statutes §143-318.12 as of a date not less than seven (7) days before said meeting.

WITNESS my hand and the seal of said County, this 2nd day of April, 2007.

\_\_\_\_\_  
Clerk to the Board

(SEAL)

ARTICLES OF INCORPORATION  
OF  
WAKE COUNTY DEVELOPMENT CORPORATION

The undersigned natural person of the age of eighteen (18) years or more hereby forms a non-profit corporation under the laws of the State of North Carolina as contained in Chapter 55A of the General Statutes of North Carolina, entitled "Nonprofit Corporation Act," and the several amendments thereto, and to that end sets forth:

1. The name of the corporation is "WAKE COUNTY DEVELOPMENT CORPORATION".
2. The period of duration of the Corporation is perpetual.
3. The Corporation is organized and shall be operated exclusively for the purpose of promoting the general welfare of the citizens of Wake County, North Carolina, by assisting the government of Wake County through the organization, purchase and sale, construction and operation and/or lease of real estate and improvements, facilities and equipment for the use and benefit of the general public. The Corporation is specifically authorized and empowered as follows:
  - (a) To plan, finance, construct, acquire, lease and convey real estate, improvements to real estate, furnishings and equipment, specifically including the power to borrow money to accomplish the purposes of the Corporation;
  - (b) To solicit, receive, maintain and administer any funds or property, both real and personal, tangible or intangible; and

- (c) To engage in any other lawful act or activity for which non-profit corporations may be organized under the North Carolina Nonprofit Corporation Act.

Provided, however, that in all events and under all circumstances, and notwithstanding the merger, consolidation, reorganization, termination, dissolution or winding up of this Corporation, voluntary or involuntary, or by operation of law, the following provisions shall apply:

- (d) The Corporation shall not have or exercise any power or authority either expressly, by interpretation or by operation of law, nor shall it directly or indirectly engage in any activity that would prevent (i) the Corporation from qualifying (and continuing to qualify) as a tax-exempt corporation described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"); (ii) contributions to it being deductible for federal income tax purposes; (iii) gifts, bequests, legacies and devises to it being deductible in computing the taxable estate of a decedent for federal estate tax purposes; or (iv) gifts or contributions to it being deductible in computing taxable gifts for federal gift tax purposes;
- (e) No substantial part of the activities of the Corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation; nor shall the Corporation in any manner and to any extent participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of or in opposition to any candidate for public office;
- (f) The Corporation shall never be operated for the primary purpose of carrying on a trade or business for profit; and neither the whole, nor any part or portion, of the assets or net earnings of the Corporation shall be used, nor shall the Corporation ever be organized or operated, for purposes not exclusively charitable within the meaning of Section 501(c)(3) of the Code;
- (g) No compensation or payment shall ever be made to any employee, officer, director (including any corporation director), or organizer of the Corporation, or substantial contributor to it, except as reasonable allowance for actual expenditures or services actually made or rendered to or for the Corporation; nor shall the whole nor any part or portion of the assets or net earnings, current or accumulated, of the Corporation ever be distributed to or divided among such persons, firms or corporation; nor shall the whole nor any part or portion of such assets or net earnings be used for, accrue to, or inure to the benefit of any private shareholder or individual within the meaning of Section 501(c)(3) of the Code; and
- (h) In the event of terminations, dissolution or winding up of the Corporation in any manner or for any reason whatsoever, all of its remaining assets, if any, after the payment, discharge or satisfaction of all of its liabilities and obligations shall be distributed to (and only to) such one or more organizations elected by the Board of Directors which supports the purposes for which this Corporation was formed, to be used for purposes for which this Corporation was formed, which organization or organizations shall qualify under Section 501(c)(3) of the Code.

Further provided, that any references to any provision of the Code shall be deemed to mean such provision as now or hereafter existing, amended, supplemented or superseded, as the case may be.

4. The private property of the directors and officers of the Corporation shall not be subject to the payment of corporate debts to any extent whatsoever.
5. The Corporation shall have no members.

6. The Directors of the Corporation shall be elected or appointed as provided in the By-Laws.
7. The number of directors of the Corporation shall be fixed in the By-Laws. The number of directors constituting the initial Board of Directors shall be three and the names and addresses of the persons who are to serve as directors until their successors are elected or appointed and qualify are:

David Cooke

\_\_\_\_\_  
Raleigh, NC 27602  
Wake County, North Carolina

Melinda S. Canady

\_\_\_\_\_  
Raleigh, NC 27602  
Wake County, North Carolina

Scott W. Warren

\_\_\_\_\_  
Raleigh, NC 27602  
Wake County, North Carolina

8. The address of the registered office and principal office of the Corporation is Suite 700, 336 Fayetteville Street Mall, 7<sup>th</sup> Floor, P.O. Box 550, Raleigh, Wake County, North Carolina 27602-0550, and the name of its registered agent is Scott W. Warren.
9. The name and address of the incorporator is Scott W. Warren, Wake County Suite 700, 336 Fayetteville Street Mall, 7<sup>th</sup> Floor, P.O. Box 550, Raleigh, Wake County, North Carolina, 27602.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal, this 2nd day of April 2, 2007.

\_\_\_\_\_  
Scott W. Warren (SEAL)

BYLAWS  
OF  
WAKE COUNTY DEVELOPMENT CORPORATION

ARTICLE I  
OFFICES

**Section 1.1 Principal Office.** The principal office of the Corporation shall be located at Suite 700, c/o Scott W. Warren, 336 Fayetteville Street Mall, 7<sup>th</sup> Floor, P.O. Box 550, Raleigh, Wake County, North Carolina 27602-0550.

**Section 1.2 Registered Office.** The registered office of the corporation required by law to be maintained in the State of North Carolina shall be located at Suite 700, c/o Scott. W. Warren, 336 Fayetteville Street Mall, 7<sup>th</sup> Floor, P.O. Box 550, Raleigh, Wake County, North Carolina 27602-0550.

**Section 1.3 Other Offices.** The corporation may have offices at such other places, either within or without the State of North Carolina, as the Board of Directors may designate or as the affairs of the corporation may require from time to time.

ARTICLE II  
BOARD OF DIRECTORS

**Section 2.1 General Powers.** All corporate powers shall be exercised by or under the authority of, and the business and affairs of the corporation shall be managed under the direction of, the Board of Directors.

**Section 2.2 Number and Qualifications.** The number of directors constituting the Board of Directors shall be not less than three (3) nor more than five (5). The Board of

Directors may from time to time change the number of directors by amendment of these bylaws. Directors need not be residents of the State of North Carolina.

**Section 2.3 Election.** Except as provided in Section 2.6, the directors shall be elected at the annual Board meeting. Those persons who receive the highest number of votes at a meeting in which a quorum of the Board members are present shall be deemed to have been elected.

**Section 2.4 Term of Directors.** Each initial director shall hold office until the first meeting of the Board of Directors at which directors are elected or until such director's death, resignation or removal. The term of every other director shall expire at the next annual Board meeting following the director's election or upon such director's death, resignation or removal. The term of a director elected to fill a vacancy expires at the next Board meeting at which directors are elected. A decrease in the number of directors does not shorten an incumbent director's term. Despite the expiration of a director's term, such director shall continue to serve until a successor shall be elected and qualifies or until there is a decrease in the number of directors.

**Section 2.5 Removal.** Any director may be removed at any time with or without cause by a vote of the Board if the number of votes cast to remove such director exceeds the number of votes cast not to remove him. A director may not be removed by the Board at a meeting unless the notice of the meeting states that the purpose, or one of the purposes, of the meeting is removal of the director. If any directors are so removed, new directors may be elected at the same meeting.

**Section 2.6 Vacancies.** Any vacancy occurring in the Board of Directors including, without limitation a vacancy resulting from an increase in the number of directors or from the failure by the Board to elect the full authorized number of directors, may be filled by the Board of Directors. If the directors remaining in office do not constitute a quorum, the directors may fill the vacancy by the affirmative vote of a majority of the remaining directors.

**Section 2.7 Chairman of Board.** There may be a Chairman of the Board of Directors elected by the directors from their number at any meeting of the Board. The Chairman shall preside at all meetings of the Board of Directors and perform such other duties as may be directed by the Board.

### ARTICLE III MEETINGS OF DIRECTORS

**Section 3.1 Regular Meetings.** A regular meeting of the Board of Directors shall be held annually at such place as the Board members see fit to designate. In addition, the Board of Directors may provide, by resolution, the time and place, either within or without the State of North Carolina, for the holding of additional regular meetings.

**Section 3.2 Special Meeting.** Special meetings of the Board of Directors may be called by or at the request of the Chairman of the Board, if any, by the President or by any two (2) directors. Such a meeting may be held either within or without the State of North Carolina, as fixed by the person or persons calling the meeting.

**Section 3.3 Notice of Meetings.** Regular meetings of the Board of Directors may be held without notice. The person or persons calling a special meeting of the Board of Directors shall at least two days before the meeting, give or cause to be given notice thereof by any usual means of communication. Such notice need not specify the purpose for which the meeting is called. Any duly convened regular or special meeting may be adjourned by the directors to a later time without further notice.

**Section 3.4 Waiver of Notice.** Any director may waive notice of any meeting before or after the meeting. The waiver must be in writing, signed by the director entitled to the notice and delivered to the corporation for inclusion in the minutes or filing with the corporate records. A director's attendance at or participation in a meeting waives any required notice of such meeting unless the director at the beginning the meeting, or promptly upon arrival, objects to holding the meeting or to transacting business at the meeting and does not thereafter vote for or assent to action taken at the meeting.

**Section 3.5 Quorum.** Unless the articles of incorporation or these bylaws provide otherwise a majority of the number of directors fixed by or pursuant to these bylaws shall constitute a quorum for the transaction of business at any meeting of the Board of Directors, or if no number is so fixed, a majority of directors in office immediately before the meeting begins shall constitute a quorum.

**Section 3.6 Manner of Acting.** Except as otherwise provided in the articles of incorporation or these bylaws, including Section 3.9, the affirmative vote of a majority of the directors present at a meeting at which a quorum is present shall be the act of the Board of Directors.

**Section 3.7 Presumption of Assent.** A director who is present at a meeting of the Board of Directors or a committee of the Board of Directors when corporate action is taken is deemed to have assented to the action taken unless (a) he objects at the beginning of the meeting, or promptly upon his arrival, to holding it or to transacting business at the meeting, or (b) his dissent or abstention from the action taken is entered in the minutes of the meeting, or (c) he files written notice of his dissent or abstention with the presiding officer of the meeting before its adjournment or with the corporation immediately after the adjournment of the meeting. Such right of dissent or abstention is not available to a director who votes in favor of the action taken.

**Section 3.8 Action Without Meeting.** Action required or permitted to be taken at a meeting of the Board of Directors may be taken without a meeting if the action is taken by all members of the Board. The action must be evidenced by one or more written consents signed by each director before or after such action, describing the action taken, and included in the minutes or filed with the corporate records.

**Section 3.9 Committees of the Board.** The Board of Directors may create an Executive Committee and other committees of the Board and appoint members of the Board of Directors to serve on them. The creation of a committee of the Board and appointment of members to it must be approved by the greater of (a) a majority of the number of directors in office when the action is taken or (b) the number of directors required to take action pursuant to Section 3.6. Each committee of the Board must have two or more members and, to the extent authorized by law and specified by the Board of Directors, shall have and may exercise all of the authority of the Board of Directors in the management of the corporation, except that a committee may not (i) fill vacancies on the Board of Directors or on any of its committees; (ii) amend the articles of incorporation; (iii) adopt, amend or repeal bylaws; or (iv) approve a plan of merger. Each committee member serves at the pleasure of the Board of Directors. The provisions in these bylaws governing meetings, action without, meetings notice and waiver of notice, and quorum and voting requirements of the Board of Directors apply to committees of the Board established under this section

#### ARTICLE IV OFFICERS

**Section 4.1 Officers of the Corporation.** The officers of the corporation shall consist of a President, a Secretary, a Treasurer and such Vice-Presidents, Assistant Secretaries, Assistant Treasurers, and other officers as may from time to time be appointed by or under the authority of the Board of Directors. Any two or more offices may be held by the same person, but no officer may act in more than one capacity where action of two or more officers is required.

**Section 4.2 Appointment and Term.** The officers of the corporation shall be appointed by the Board of Directors or by a duly appointed officer authorized by the Board of Directors to appoint one or more officers or assistant officers. Each officer shall hold office until his death, resignation, retirement, removal, disqualification or his successor shall have been appointed.

**Section 4.3 Compensation of Officers.** All officers of the corporation shall serve without compensation.

**Section 4.4 Removal.** Any officer may be removed by the Board at any time with or without cause; but such removal shall not itself affect the officer's contract rights, if any, with the corporation.



**Section 4.5 Resignation.** An officer may resign at any time by communicating his resignation to the corporation, orally or in writing. A resignation is effective when communicated unless it specifies in writing a later effective date. If a resignation is made effective at a later date that is accepted by the corporation, the Board of Directors may fill the pending vacancy before the effective date if the Board provides that the successor does not take office until the effective date. An officer's resignation does not affect the corporation's contract rights, if any, with the officer.

**Section 4.6 Bonds.** The Board of Directors may by resolution require any officer, agent or employee of the corporation to give bond to the corporation, with sufficient sureties, conditioned on the faithful performance of the duties of his respective office or position, and to comply with such other conditions as may from time to time be required by the Board of Directors.

**Section 4.7 President.** The President shall be the principal executive officer of the corporation and, subject to the control of the Board of Directors, shall in general supervise and control all of the business and affairs of the corporation. He shall sign, with the Secretary, an Assistant Secretary, or any other proper officer of the corporation thereunto authorized by the Board of Directors, any deeds, mortgages, bonds, contracts, or other instruments which the Board of Directors has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Board of Directors or by these bylaws to some other officer or agent of the corporation, or shall be required by law to be otherwise signed or executed; and in general he shall perform all duties incident to the office of President and such other duties as may be prescribed by the Board of Directors from time to time.

**Section 4.8 Vice-Presidents.** In the absence of the President or in the event of his death, inability or refusal to act, the Vice-Presidents in the order of their length of service as such, unless otherwise determined by the Board of Directors, shall perform the duties of the President, and when so acting shall have all the powers of and be subject to all the restrictions upon the President. The Vice-President shall perform such other duties as from time to time may be prescribed by the President or Board of Directors.

**Section 4.9 Secretary.** The Secretary shall: (a) keep the minutes of the Board of Directors and of all committees in one or more books provided for that purpose; (b) see that all notices are duly given in accordance with the provisions of these bylaws or as required by law; (c) maintain and authenticate the records of the corporation and be custodian of the seal of the corporation and see that the seal of the corporation is affixed to all documents the execution of which on behalf of the corporation under its seal is duly authorized; (d) attest the signature or certify the incumbency or signature of any officer of the corporation; and (e) in general perform all duties incident to the office of secretary and such other duties as from time to time may be prescribed by the President or by the Board of Directors.

**Section 4.10 Assistant Secretaries.** In the absence of the Secretary or in the event of his death, inability or refusal to act, the Assistant Secretaries in the order of their length of service as Assistant Secretary, unless otherwise determined by the Board of Directors, shall perform the duties of the Secretary, and when so acting shall have all the powers of and be subject to all the restrictions upon the Secretary. They shall perform such other duties as may be prescribed by the Secretary, by the President or by the Board of Directors.

**Section 4.11 Treasurer.** The Treasurer shall: (a) have charge and custody of and be responsible for all funds and securities of the corporation; receive and give receipts for moneys due and payable or donated to the corporation from any source whatsoever, and deposit all such moneys in the name of the corporation in such depositories as shall be selected in accordance with the provisions of Section 5.4 of these bylaws; (b) maintain appropriate accounting records as required by law; (c) prepare, or cause to be prepared, annual financial statements of the corporation that include a balance sheet as of the end of the fiscal year and an income and cash flow statement for that year, which statements, or a written notice of their inability, shall be mailed to each Board member within 120 days after the end of such fiscal year, and (d) in general perform all of the duties incident to the office of treasurer and such other duties as from time to time may be prescribed by the President or by the Board of Directors.

**Section 4.12 Assistant Treasurers.** In the absence of the Treasurer or in the event of his death inability or refusal to act, the Assistant Treasurers in the order of their length of service as such, unless otherwise determined by the Board of Directors, shall perform the duties of the Treasurer, and when so acting shall have all the powers of and be subject to all the restrictions upon the Treasurer. They shall perform such other duties as may be prescribed by the Treasurer, by the president or by the Board of Directors.

## ARTICLE V CONTRACTS, LOANS, CHECKS AND DEPOSITS

**Section 5.1 Contracts.** The Board of Directors may authorize any officer or officers agent or agents, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the corporation, and such authority may be general or confined to specific instances.

**Section 5.2 Loans.** No loans shall be contracted on behalf of the corporation and no evidence of indebtedness shall be issued in its name unless authorized by the Board of Directors. Such authority may be general or confined to specific instances.

**Section 5.3 Checks and Drafts.** All checks, drafts or other orders for the payment of money, issued in the name of the corporation, shall be signed by such officer or officers, agent or agents of the corporation and in such manner as shall from time to time be determined by the Board of Directors.

**Section 5.4 Deposits.** All funds of the corporation not otherwise employed shall be deposited from time to time to the credit of the corporation in such depositories as may be selected by or under the authority of the Board of Directors.

**Section 5.5 Solicitations for Funding.** All fundraisers and solicitations for funding done in the name of the corporation shall be first approved by the Board of Directors or by such officer or officers of the corporation as shall from time to time be determined by the Board of Directors.

## ARTICLE VI INDEMNIFICATION

**Section 6.1 Right to Indemnification.** Any person who at any time serves or has served as a director of the corporation, or who, while serving as a director of the corporation, serves or has served, at the request of the corporation, as a director, officer, partner, trustee, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, or as a Trustee or administrator under an employee benefit plan, shall have a right to be indemnified by the corporation to the fullest extent permitted by law against (a) reasonable expenses, including attorneys' fees, incurred by him in connection with any threatened, pending or completed civil, criminal, administrative, investigative or arbitral action, suit or proceeding (and any appeal herein) whether or not brought by or on behalf of the corporation, seeking to hold him liable by reason of the fact that he is or was acting in such capacity, and (b) reasonable payments made by him in satisfaction of any judgment, money decree, fine (including an excise tax assessed with respect to an employee benefit plan), penalty or settlement for which he may have become liable in any such action, suit or proceeding.

**Section 6.2 Payment of Indemnification.** The Board of Directors of the corporation shall take all such action as may be necessary and appropriate to authorize the corporation to pay the indemnification required by this bylaw, including, without limitation, making a determination that indemnification is permissible in the circumstances and a good faith evaluation of the manner in which the claimant for indemnity acted and of the reasonable amount of indemnity due him. The Board of Directors may appoint a committee or special counsel to make such determination and evaluation.

**Section 6.3 Binding and Nonexclusive.** Any person who at any time after the adoption of this bylaw serves or has served in the aforesaid capacity for or on behalf of the corporation shall be deemed to be doing or to have done so in reliance upon, and as consideration for, the right of indemnification provided herein. Such right shall inure

to the benefit of the legal representatives of any such person and shall not be exclusive of any other rights to which such person may be entitled apart from the provision of this bylaw.

**ARTICLE VII  
GENERAL PROVISIONS**

**Section 7.1 Seal.** The corporate seal of the corporation shall consist of two concentric circles between which is the name of the corporation and in the center of which is inscribed SEAL; and such seal, as impressed or affixed below on the margin of the page hereof, is hereby adopted as the corporate seal of the corporation.

**Section 7.2 Fiscal Year.** The fiscal year of the corporation shall be fixed by the Board of Directors.

**Section 7.3 Amendments.** Except as otherwise provided in the articles of incorporation or by law these bylaws may be amended or repealed and new bylaws may be adopted by the Board of Directors.

**Section 7.4 Definitions.** Unless the context otherwise requires, terms used in these bylaws shall have the meaning assigned to them in the Non-Profit Corporation Act, chapter 55A of the North Carolina General Statutes, to the extent defined therein.

This and the foregoing seven (7) pages contain the Bylaws adopted by the Directors of WAKE COUNTY DEVELOPMENT CORPORATION on the 2nd day of April, 2007.

\_\_\_\_\_  
\_\_\_\_\_, Secretary

STATE OF NORTH CAROLINA )  
  )  
COUNTY OF WAKE                  )

I, \_\_\_\_\_, a Notary Public for Wake County and State of North Carolina hereby certify that Scott W. Warren, personally appeared before me this day and acknowledged the due execution of the foregoing Articles of Incorporation.

WITNESS my hand and notarial seal or stamp, this the \_\_\_day of \_\_\_\_\_ 2007.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

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AWARD OF CONSTRUCTION CONTRACT FOR RECOVERY SHELTER  
BACK-UP POWER SYSTEM AT KNIGHTDALE HIGH SCHOOL AND  
SOUTHEAST RALEIGH HIGH SCHOOL

Specific Action Approved: The Board of Commissioners awarded a contract for Recovery Shelter Back-Up Power System at Knightdale High School and Southeast Raleigh High School in the amount of \$448,103 to Danco Electrical, Inc. of Youngsville, North Carolina.

| WAKE COUNTY - Recovery Shelter Back-Up Power Systems<br>Knightdale and Southeast High Schools |                |                |                      |                |
|---|----------------|----------------|----------------------|----------------|
| WAKE COUNTY, NORTH CAROLINA   |                |                |                      |                |
| PROJECT NUMBER: 2461-EO   |                |                |                      |                |
| CONTRACTOR  | LICENSE NUMBER | BID BOND       | ADDENDA ACKNOWLEDGED | BASE BID       |
| Barnes & Powell   | # 3480-U       | 5%             |                      | \$531,500.00   |
| Danco Electrical  | # 24384-U      | 5%             |                      | \$448,103.00   |
| Heston Construction Inc   | # 47526        | 5%             |                      | \$1,219,900.00 |
| Bolton Service  | # 16250-U      | ck \$23,723.00 |                      | \$474,400.00   |
| T & H Electrical Corp.  | # 08245-U      | No Bid         |                      |                |
| Benet Electrical  | # 20509-L      | No Bid         |                      |                |
| Rayman Electric   | # 11784-U      | No Bid         |                      |                |

This is to certify that the bids tabulated herein were publicly opened and read aloud at 2:00 p.m. on the 13th day of February 2007 at the Wake County Office Building, in Conference Room 02B, and furthermore that all said bids were accompanied by certified check or bidder's bond except as otherwise noted.



T. W. WATKINS COMPANY

Robert E. Eggar, P.E.

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RESOLUTION R-2007-13

ADOPT RESOLUTION APPROVING THE APPOINTMENT OF TOWN OF HOLLY SPRINGS STAFF TO SERVE AS REVIEW OFFICERS FOR THE TOWN OF HOLLY SPRINGS

Specific Action Approved: The Board of Commissioners adopted the resolution approving the appointment of Town of Holly Springs staff to serve as Review Officers for the Town of Holly Springs.

RESOLUTION APPOINTING STAFF FROM THE TOWN OF HOLLY SPRINGS TO SERVE AS MAP AND PLAT REVIEW OFFICERS

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

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

WHEREAS, Town of Holly Springs staff is qualified to undertake this technical review and therefore are the logical people to implement this requirement; and

WHEREAS, one of the services the Town of Holly Springs staff provides to the community is a similar technical process for subdivision plat review in order to verify compliance with the Town's development regulations; and

WHEREAS, it appears most efficient for the Town of Holly Springs to avoid adding another layer of development review by providing for the certification of statutory compliance for all maps or plats to be presented to the Register of Deeds for recording within the context of subdivision review procedures:

NOW, THEREFORE, BE IT RESOLVED that the Wake County Board of Commissioners designates the following persons to serve as the Review Officers for all lands within the municipal and extraterritorial jurisdiction of the Town of Holly Springs:

Gina Clapp, Director of Planning and Zoning  
Jeff Jones, Planner II

This motion was made by Commissioner Ward and seconded by Commissioner Coble, and passed by unanimous vote of the Wake County Board of Commissioners on this 2nd day of April, 2007.

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#### TAX REPORT

Upon motion of Commissioner Ward, seconded by Commissioner Coble, the Board accepted and unanimously approved the tax reports as follows:

1. Report of Collections – Wake County Only – February 2007
2. Wake County In-Rem Foreclosure Progress Report – February 2007
3. Value Adjustments and Special Situations: (Wake County Only), (Wake County and Town of Cary), (Wake County and Town of Morrisville), (Wake County and City of Raleigh)
4. Consideration of Requests for Adjustments, Rebates and/or Refunds of Penalties: (Wake County Only), (Wake County and Town of Cary), (Wake County and City of Raleigh), (Wake County and Town of Wake Forest), (Wake County and Town of Wendell), (Wake County and Town of Zebulon)
5. Consideration of Refund for Taxes, Interest, and Penalties: (Wake County Only), (Wake County and Town of Apex), (Wake County and Town of Cary), (Wake County and Town of Fuquay-Varina), (Wake County and Town of Garner), (Wake County and Town of Holly Springs), (Wake County and Town of Morrisville), (Wake County and City of Raleigh), (Wake County and Town of Rolesville), (Wake County and Town of Wake Forest), (Wake County and Town of Zebulon)
6. Consideration for Release of Penalties and Interest for Wake County Prepared Food and Beverage Taxes: (Wake County Only)
7. Consideration of Requests for Exemptions-Late Filed Applications: (Wake County and Town of Cary), (Wake County and Town of Garner), (Wake County

and Town of Knightdale), (Wake County and City of Raleigh), (Wake County and Town of Wendell)

8. Request for Tax Relief-Late Filed Applications: (Wake County and City of Raleigh)
9. Rebate Details: (Wake County and Town of Apex), (Wake County and Town of Cary), (Wake County and Town of Fuquay-Varina), (Wake County and Town of Garner), (Wake County and Town of Holly Springs), (Wake County and Town of Knightdale), (Wake County and Town of Morrisville), (Wake County and Town of Rolesville), (Wake County and Town of Wake Forest), (Wake County and Town of Wendell), (Wake County and Town of Zebulon)

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### REGULAR AGENDA ITEMS

#### PUBLIC HEARING REGARDING ISSUANCE OF RALEIGH-DURHAM AIRPORT AUTHORITY REVENUE BONDS, SERIES 2007

Mr. Scott Warren spoke about the request to use revenue bonds for the Airport Authority. Mr. Jim Gill is the Deputy Airport Director and Mr. Tom Lee, Bond Counsel were present.

Chairman Gurley called for the public hearing on issuance of Raleigh-Durham Airport Authority Revenue Bonds, Series 2007.

- Mr. Jim Gill said they plan to authorize up to \$195 million bonds to complete the Terminal C project with 13 operational gates, 32 check-in gates, five bag claims, and 60 counter positions. It was originally constructed in the 70's and the use of the terminal has changed over the years. The new facility will be over 800,000 sq. ft. and will be much more efficient. The realignment of the road system has already taken place.

No one else spoke. The public hearing was closed.

Upon motion by Commissioner Bryan, seconded by Commissioner Webb, the Board voted unanimously to approve issuance, by the Raleigh-Durham Airport Authority, of revenue bonds in an aggregate principal amount not to exceed \$195,000,000 to finance various capital improvements to the Airport, including without limitation the Terminal C Redevelopment and Expansion Project.

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#### PUBLIC HEARING ON PETITION ZP-861-06: PROPOSAL TO REZONE 72.75 ACRES IN THE AMBER RIDGE SUBDIVISION FROM CONDITIONAL USE-RESIDENTIAL-20 WITH FOUR CONDITIONS TO CU-R-20 WITH SIX DIFFERENT CONDITIONS, AND TO REZONE A 10.86-ACRE TRACT FROM R-40 TO CU-R-20 WITH THE SAME SIX CONDITIONS

Mr. Keith Lankford presented the request to rezone 72.75 acres in the Amber Ridge Subdivision from conditional use-residential-20 with four conditions to CU-R-20 with six different conditions and to rezone a 10.86 acre tract from R-40 to CU-R-20 with the same six conditions.

The petitioner was Amanda Powell and the owner was Ruth B. Whitley Heirs, et.al/Sunnyside Group, LLC. The rezoning request would allow for approximately 20 additional lots and eliminates previous specific limits on the number of lots, while ensuring compliance with the allowable densities established by the Land Use Plan and the R-20 zoning.

The applicant's proposed conditions are:

- Lots will only be recorded as water and sewer services are available.
- The developer will develop the property as a cluster development, and will provide the required setbacks.

- Upon development, the developer will provide water and sewer services via any combination of the following methods:
  - Community water and sewer facilities provided by Carolina Water Systems;
  - Community water and sewer facilities provided by another private community provider;
  - Municipal public water and sewer services;
  - Municipal public-private ventured water and sewer services
- A homeowners association will be established for this tract and will be responsible for the maintenance and upkeep of the open space and common areas.
- No-off-road vehicles will be allowed on the pedestrian trails within open space.
- Open space for the entire rezoned property will equal a minimum of 20% of the acreage (not including areas dedicated as right-of-way for US 64). This 20% will comply with cluster subdivision open space.

There was no significant environmental impact. The request complies with the East Raleigh/Knightdale Area Land Use Plan, the TUD's policies regarding provision of transportation facilities, and the TUD's policies regarding the provision of water and sewer. Staff presented the following findings:

1. The proposed density of development complies with the East Raleigh/Knightdale Area Land Use Plan.
2. The request complies with the Transitional Urban Development policies (TUDs) for the provision of water and sewer.
3. The proposal complies with the TUDs policies regarding the provision of transportation facilities.
4. Adequate water and wastewater services will be provided by a combination of public and/or private systems.
5. The net increase in new students resulting from the amendment of the previous rezoning case's conditions is relatively insignificant.
6. There are no significant environmental constraints on the site.

Public Hearing was opened by Chairman Gurley.

Amanda Powell, petitioner, said the property owner acquired the acreage. Property owners want to use the new acreage and to distribute the lot layout.

Commissioner Gardner said they are not used to conditions offered by applicants and this is not an arbitrary situation.

Beth Trahos, Planning Board Chairman, informed the Board the Planning Board voted unanimously to recommend approval of this zoning map amendment with the petitioner's proposed conditions. The Planning Staff also recommended approval of the requested zoning map amendment with the petitioner's proposed conditions as follows:

- 1) Lots will only be recorded as water and sewer services are available.
- 2) The developer will develop the property as a cluster development, and will provide the required setbacks.
- 3) Upon development, the developer will provide water and sewer services via any combination of the following methods:
  - Community water and sewer facilities provided by Carolina Water Systems;
  - Community water and sewer facilities provided by another private community provider;
  - Municipal public water and sewer services
  - Municipal public-private ventured water and sewer services.
- 4) A homeowners association will be established for this tract and will be responsible for the maintenance and upkeep of the open space and common areas.
- 5) No off road vehicles will be allowed on the pedestrian trails within the open space.
- 6) Open space for the entire rezoned property will equal a minimum of 20% of the acreage (not including areas dedicated as right-of-way for US 64). This 20% will comply with cluster subdivision open space.

Upon motion by Commissioner Bryan, seconded by Commissioner Ward, the Board of Commissioners voted unanimously to remove the language "arbitrary" in the staff report and approve the amendment to the Wake County Zoning Map to rezone 72.75 acres from conditional use-residential-20 (CU-R-20) with six different conditions, and to rezone a 10.86-acre tract from residential-40 (R-40) to CU-R-20 with the same six conditions.

**ORDINANCE AMENDING THE WAKE COUNTY ZONING MAP TO  
REZONE 72.75 ACRES FROM CONDITIONAL USE-RESIDENTIAL-20 (CU-R-20)  
ZONING WITH FOUR CONDITIONS TO CONDITIONAL USE- RESIDENTIAL-20 (CU-  
R-20) WITH SIX DIFFERENT CONDITIONS, AND TO REZONE A 10.86-ACRE TRACT  
FROM RESIDENTIAL-40 (R-40) TO CU-R-20 WITH THE SAME SIX CONDITIONS**

WHEREAS, The requested rezoning from Conditional Use-Residential-20 (CU-R-20) with four conditions to CU-R-20 with six different conditions consisting of 72.75 acres, and to rezone a 10.86-acre tract from Residential-40 (R-40) to CU-R-20 with the same six conditions. The property is located north and east of the existing Amber Ridge Subdivision, and will be used as future phases of that development (parcel # 1763.01-47-5020);

WHEREAS, Special Highway Overlay District (SHOD) applies to the existing site, and is unaffected by the rezoning request;

WHEREAS, the effect of the rezoning request would be to eliminate the previous specific limits on the number of lots, thereby allowing an increase in the number of permissible lots from 445 to approximately 465.

WHEREAS, the site lies within the Town of Knightdale's Short-Range Urban Services Area (SRUSA) as shown on the Wake County Land Use Plan's General Classifications Map;

WHEREAS, the East Raleigh/Knightdale Area Land Use Plan designates this area as residential with density of one and a half (1 ½) to four (4) dwelling units per acre;

WHEREAS; the proposal complies with the East Raleigh/Knightdale Area Land Use Plan by proposing 2.17 dwelling units per acre;

WHEREAS, the proposal complies with the Land Use Plan's Transitional Urban Development policies (TUDs), which require that new development connect to a community water and sewer system or a municipal water and sewer system;

WHEREAS, the proposal complies with the Transitional Urban Development policies (TUDs) regarding the provision of transportation facilities;

WHEREAS, the proposal is consistent with the Wake County Land Use Plan and otherwise promotes the public health, safety, and general welfare;

WHEREAS, on March 7, 2007, the Wake County Planning Board voted 8-0 to recommend that the Board of Commissioners approve the proposed zoning map amendment with the petitioner's proposed conditions; and

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

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

**SECTION I**

The proposed rezoning is found to be consistent with the East Raleigh/Knightdale Area Land Use Plan and otherwise promotes the public health, safety, and general welfare, and the Wake County Zoning Map is hereby amended to rezone the property described above from Conditional Use-Residential-20 (CU-R-20) with four conditions to CU-R-20 zoning with six different conditions (listed below), and from Residential-40 (R-40) to CU-R-20 with the same six conditions.



SECTION II

In making this petition, the owner freely offers the following conditions to be applied to the Conditional Use-Residential-20 (CU-R-20) and Special Highway Overlay District (SHOD):

1. Lots will only be recorded as water and sewer services are available.
  2. The developer will develop the property as a cluster development, and will provide the required setbacks.
  3. Upon development, the developer will provide water and sewer services via any combination of the following methods:
    - Community water and sewer facilities provided by Carolina Water Systems;
    - Community water and sewer facilities provided by another private community provider;
    - Municipal public water and sewer services;
    - Municipal public-private ventured water and sewer services.
1. A homeowners association will be established for this tract and will be responsible for the maintenance and upkeep of the open space and common areas.
  2. No off-road vehicles will be allowed on the pedestrian trails within the open space.
  3. Open space for the entire rezoned property will equal a minimum of 20% of the acreage (not including areas dedicated as right-of-way for US 64). This 20% will comply with cluster subdivision open space.

SECTION III

This amendment shall become effective upon adoption of this ordinance.

Commissioner Bryan made a motion that the above ordinance be adopted. Commissioner Ward seconded the motion, and upon vote, the motion carried this 2nd day of April 2007.

This Instrument Approved as to Form

\_\_\_\_\_  
Wake County Attorney

\_\_\_\_\_  
Date

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**Public Comments**

- Debra McKinley, Garner, spoke about the schools in Garner. She reported on the percentage of students meeting the target goal for passing and how high the area is on suspensions. Students in Garner were the only other school besides East Wake that scored 70 or lower. County needs to equalize education in Wake County so all students receive a good education.
- Paul Capps, realtor in Wake County, thanked Board for being the watchdog for the public school system. For 128,000 students and nine board members, there are four growth management staff members. He said the school system is very reactionary. Something is wrong when you go to work sessions and things have not been looked at or analyzed. It should not be that the citizens have to file lawsuits to be heard. He spoke about the use of tax dollars, being adamantly opposed to the East Garner Road High School, and the continued use of busing to create balance in the schools.
- Nick Patrockus, a local business owner in the Garner community, spoke about the equal distribution of growth and how it is not coming towards Garner, which he believed was because of the schools. The School Board should put the school where the growth is but they are not doing that. They need to look

at the tax base. They are losing tax base to Johnston County because of schools in the outside area.

- David Williams spoke about how the School Board assigns students to schools. He noted the policies on the Schools website. He said there is mismanagement and the School Board will not address what is happening in southeast Raleigh. The need to have a policy so students can go to schools closest to their home. He spoke of building 2 middle schools and a magnet school in the southeast area of Raleigh.
- Ronnie Williams, Mayor of Garner, said they are here talking to commissioners because you will listen but the School Board has not listened to them. He stated the growth is there but Garner Road is not suitable for this kind of traffic. He asked for the Board of Commissioners help with this problem.
- Ron Steel, Garner resident, is a volunteer in basic needs ministry. He has looked at this community and saw the needs for a food pantry and now medical care. They do not have medical care in the southern part of Wake County. He spoke of the much needed discount prescription card available through National Association of Counties.

Chairman Gurley called for a ten minute recess.

MEMORANDUM OF UNDERSTANDING FOR THE COORDINATION OF  
LAND USE AND TRANSPORTATION PLANNING ALONG THE  
US-1 CORRIDOR IN WAKE AND FRANKLIN COUNTIES

Ms. Sharon Peterson, Long Range Planner, said this request came from the Capital Area Metropolitan Planning Committee. The study area extends down US 1 toward 540 and includes parts of Wake County planning jurisdiction into Wake Forest and towards Franklin County. Municipal Planning Directors have met and reviewed this Memorandum of Understanding. The Transportation Subcommittee reviewed the memorandum of understanding twice.

Mr. Kenneth Withrow, CAMPO Senior Transportation Planner, thanked Commissioner Bryan for chairing the CAMPO and stated the study purpose was to address the increased development pressures along the Corridor and the resulting vehicular burdens have stress the roadway's capability to serve as a reliable transportation facility for its many users. This is part of the 2030 long range transportation plan and study of one of the corridors. The purpose of the study was to develop a comprehensive, long range multimodal transportation plan. Trucks travel the route US 1 between Raleigh and Henderson. There are high crash areas along this route and on into Franklin County where they exceed the statewide average. With an oversight team and technical team along with local citizen input, they examined what was happening on this corridor. There were two public workshops and a mall display at Triangle Town Center. Locally preferred alternative highway components and locally preferred alternative transit components were reviewed. One of two alternatives included a NC 98 Bypass expansion.

The purpose of the Memorandum of Understanding was to encourage local governments along the corridor and transportation agencies managing the corridor to develop a comprehensive land use, urban design and transportation plan that incorporates existing and anticipated land use and transportation patterns.

Total cost estimates were \$487,027,000. This plan would be phased in the Transportation Improvement Plan which would take 20-30 years. The next steps are for all entities to adopt the Memorandum of Understanding. The MOU is a non-binding commitment of local governments for this project to come to fruition. When the 2025 study has been completed, there will be bike lanes, bike cycle accommodations, widening of shoulder roads all part of consideration. Other partners in the letter of MOU are the City of Raleigh, Wake Forest, Youngsville, North Carolina Department of Transportation, Capital Area Metropolitan Planning Organization, Franklin County, Capital Area Transit, Kerr Area Rural Transit System, Triangle Transit Authority, North Carolina Capital Area Metropolitan Planning Organization, Secretary of Transportation on behalf of the Governor of the State of North Carolina.

Upon motion by Commissioner Gardner, seconded by Commissioner Webb, the Board of Commissioners voted unanimously to approve the Memorandum of Understanding for the Coordination of Land Use and Transportation Planning along the US 1 Corridor in Wake and Franklin Counties.

**Memorandum of Understanding  
for the  
Coordination of Land Use and Transportation Planning along the US 1  
Corridor in Wake and Franklin Counties**

**THIS MEMORANDUM OF UNDERSTANDING** is made and entered into on the date herein below last written, for the purpose of coordinating land use and transportation planning decisions along Highway US 1 (Corridor), by and between the Counties of Franklin and Wake; the City of Raleigh; the Towns of Wake Forest and Youngsville; the Capital Area Transit; the Kerr Area Rural Transit System; the Triangle Transit Authority; the Capital Area Metropolitan Planning Organization; and the North Carolina Department of Transportation

Background

Between November 2005 and September 2006, a project to study the US 1 Corridor between Interstate Highway 540 in Wake County and US Highway 1A in Franklin County was funded by the North Carolina Capital Area Metropolitan Planning Organization (CAMPO), the City of Raleigh, Town of Wake Forest, the North Carolina Department of Transportation (NCDOT), and the Triangle Transit Authority (TTA). [The term "Corridor" in this Memorandum refers to the area lying roughly within one thousand feet in either direction of the centerline of the US 1 right of way between the highway's intersections with Interstate 540 in Wake County, and with US 1A in Franklin County.]

Increased development pressures along the Corridor, and the resulting vehicular burdens, have stressed the roadway's capability to serve as a reliable transportation facility for its many users. Moreover, all parties recognized four key factors: 1) considerable physical improvement will be required to address corridor issues; 2) current and foreseeable future land uses along the Corridor need to be evaluated before making any capital investment in improving the roadway itself, 3) the need to preserve future right-of-way and ensure connections to existing and new developments must be addressed, and 4) transportation planning must seek to include balanced, multi-modal improvements.

Beginning with this broad consensus, CAMPO, the City of Raleigh, the Town of Wake Forest, NCDOT and TTA hired the consulting firm of RS&H to perform this study. The contract for these planning services was executed in November 2005; and the consultant's analysis began shortly thereafter.

Public Information Workshops were held in the Town of Wake Forest on March 14, 2006 and July 27, 2006. The consultant's work has been guided by a steering committee comprised of representatives of all municipalities and counties having land use planning jurisdiction over property along the Corridor. Also included in this steering committee were representatives of economic development, the Wake County Public School System, private sector and neighboring planning organizations affected by the capacity of US 1, NCDOT, and the four transit organizations that have or can provide service to the area. In particular, maps corresponding to various Corridor segments show the existing and proposed land uses for each segment. These segment maps also display the recommended improvements to the US 1 roadway and to roads and streets connected to US 1 within the Corridor.

Understanding

1. **Parties to this Understanding:** The Parties are:
  - a. The municipalities and the counties having direct jurisdiction over 1) land use ordinances and determinations of whether land uses within the US 1 Corridor Study Area are in compliance with such ordinances; or 2) public investments along the corridor.
  - b. The inter-governmental planning organizations having administrative duties for transportation planning along the US 1 Corridor.
  - c. The North Carolina Department of Transportation (NCDOT).
  - d. Other agencies that are responsible for providing transportation within the corridor (ie: TTA, Kerr Area Rural Transit System, Capital Area Transit, and Wake Coordinated Transportation Services)
2. **Corridor Study Recommendations:** Each Party commits to implement to the extent practicable the recommendations as compiled within the US 1 Corridor Study Report; and to make consistent and compatible land use decisions within the Party's jurisdiction as well as extraterritorial jurisdiction along the corridor.

3. **Transportation Management:** Each Party recognizes the current limitations to the transportation infrastructure, and therefore commits to a multi-jurisdictional approach to address transportation improvements. The transportation improvements include and are not limited to:
  - a. access management and cross-sectional expansions,
  - b. multi-modal improvements (bicycle-pedestrian, transit, etc),
  - c. site planning standards for the corridor and its frontage/backage road system, and
  - d. creating a local connectivity plan for local road access as a complement to improvements along US 1.
4. **Inducements to Other Parties:** Each Party understands that a commitment to its respective component of the US 1 Corridor Plan has induced other Parties to make like commitments for its respective segments of the US 1 Corridor Plan insofar as that Party has jurisdiction over the land uses within its US 1 Corridor Plan segment.
5. **Future Collaboration Among Parties:** The US 1 Corridor Plan designates that certain areas along the Corridor require collaboration where their land use jurisdiction boundaries of parties abut. In such cases, each Party commits its best efforts to undertake that collaborative planning, including providing direction to its planning staff and/ or consultants involved in such planning purposes.
6. **Council of Planning:** The Parties agree that, over time, regular reviews of the land uses and public investment along the Corridor will be required. Mindful of future growth and planned transportation improvements, in the spirit of effective collaboration and prudent long-range planning, the Parties agree to establish a Council of Planning for the Corridor. This Council shall be chosen from but not limited to the signatories of this MOU, and shall be comprised of at least one representative from each entity, knowledgeable in regional planning issues. The Council will serve as an advisory group, and will meet regularly to:
  - 1) Review all land use developments and transportation projects of regional significance, working in tandem with the NCDOT District Engineer. [The term "regional significance" in this Memorandum of Understanding is generally defined as generating an Average Daily Traffic (ADT) threshold of 3000 trips, or other variables that are explained within the North Carolina Driveway Manual that can trigger a Transportation Impact Analysis (TIA).
  - 2) Review any changes to the US 1 Corridor Plan, and will coordinate community involvement activities when necessary to ensure the integrity of the Plan.
  - 3) Review and coordinate member jurisdictions Land Use Plans that cover the corridor which shall include but is not limited to: (a) proposed land uses along the corridor which are consistent and compatible with the transportation recommendations (b) a local collector road plan, and (c) a series of best practice access management and development standards (e.g. a Special Highway Overlay District for the corridor).

Members listed in this document by all practicable means, commit to incorporate the Council of Planning advisory role into their development review process.

7. **Future Actions Affecting Land Uses Along the Corridor:** All parties recognize that future governmental entities may not be contractually bound by the adoption of this Memorandum of Understanding. In recognition of this limitation, the Parties commit to regularly review the status of land use and public investment decisions along the Corridor. The Parties, in good faith, further commit to: 1) review the recommendations of the Council of Planning; and 2) meet regularly with other Parties regarding emerging issues along the Corridor. The intent of these periodic meetings is to promote discussions of municipal and/or county goals, plans and strategies for maintaining efficient development patterns, public investment and transportation flow along US 1.
8. **CAMPO:** CAMPO commits to considering Transportation Plan amendments as necessary to incorporate US 1 Corridor elements; and working for inclusion of improvements to the US 1 Corridor on the State Transportation Improvement Program as appropriate.
9. **NCDOT:** NCDOT recognizes the importance of and appreciates the long range land use planning envisioned by the Plan. All Parties agree that NCDOT's only responsibility under this MOU is to share information relating to transportation planning within the area. It is understood by all Parties that NCDOT does not have the authority to approve or dictate land use plans. To that end, NCDOT will consider the Plan and incorporate elements of it, as appropriate, in future long range transportation plans and the Driveway Permitting process. NCDOT will consider individual projects along the US 1 Corridor for inclusion in the State Transportation Improvement Program as deemed appropriate by NCDOT and in accordance with all state and federal laws and regulations.

**IN WITNESS WHEREOF**, the Parties as listed, which include the City of Raleigh by its Mayor, the Town of Wake Forest by its Mayor, the Town of Youngsville by its Mayor, Franklin County by its Chairman of the Board of Commissioners, Wake County by its Chairman of the Board of Commissioners, the Capital Area Transit by its Chair, The Kerr Area Rural Transit System by its Chair, the Triangle Transit Authority by its Chair, the North Carolina Capital Area Metropolitan Planning Organization by its Chair, and by the Secretary of Transportation on behalf of the Governor of the State of North Carolina and the North Carolina Department of Transportation, but not limited to, through their duly authorized representatives, have executed this Memorandum of Understanding effective this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

US 1 Corridor

Memorandum of Understanding  
Approved by Transportation Advisory Committee – November 15, 2006

Seal CITY OF RALEIGH

\_\_\_\_\_  
(Clerk) By \_\_\_\_\_  
Mayor

US 1 Corridor  
Memorandum of Understanding  
Approved by Transportation Advisory Committee – November 15, 2006

Seal TOWN OF WAKE FOREST

\_\_\_\_\_  
(Clerk) By \_\_\_\_\_  
Mayor

US 1 Corridor  
Memorandum of Understanding  
Approved by Transportation Advisory Committee – November 15, 2006

Seal TOWN OF YOUNGSVILLE

\_\_\_\_\_  
(Clerk) By \_\_\_\_\_  
Mayor

US 1 Corridor  
Memorandum of Understanding  
Approved by Transportation Advisory Committee – November 15, 2006

Seal FRANKLIN COUNTY

\_\_\_\_\_  
County Manager By \_\_\_\_\_  
Chairman

US 1 Corridor  
Memorandum of Understanding  
Approved by Transportation Advisory Committee – November 15, 2006

Seal WAKE COUNTY

\_\_\_\_\_  
County Manager By \_\_\_\_\_  
Chairman

US 1 Corridor  
Memorandum of Understanding  
Approved by Transportation Advisory Committee – November 15, 2006

Seal CAPITAL AREA TRANSIT

\_\_\_\_\_  
Clerk By \_\_\_\_\_  
Chair

US 1 Corridor  
Memorandum of Understanding  
Approved by Transportation Advisory Committee – November 15, 2006

Seal KERR AREA RURAL TRANSIT SYSTEM

\_\_\_\_\_  
Clerk By \_\_\_\_\_  
Chair

US 1 Corridor  
Memorandum of Understanding  
Approved by Transportation Advisory Committee – November 15, 2006

Seal TRIANGLE TRANSIT AUTHORITY

\_\_\_\_\_  
Clerk By \_\_\_\_\_  
Chair

US 1 Corridor  
Memorandum of Understanding  
Approved by Transportation Advisory Committee – November 15, 2006

Seal CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION

\_\_\_\_\_  
Director By \_\_\_\_\_  
Chair

US 1 Corridor  
Memorandum of Understanding  
Approved by Transportation Advisory Committee – November 15, 2006

Seal STATE OF NORTH CAROLNA AND  
DEPARTMENT OF TRANSPORTATION

By \_\_\_\_\_  
Secretary of Transportation

Approved for Execution By \_\_\_\_\_  
Assistant Attorney General

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ACCEPTANCE OF RECURRING STATE FUNDING AND THE CREATION OF  
ONE NEW POSITION TO ENHANCE GERIATRIC SPECIALTY  
TEAM CARE COORDINATION

Mr. Bob Sorrels informed the Board that the Local Management Entity received notice that Wake County will receive \$35,000 for the current year and \$70,000 in FY 2008 from the State Division of Mental Health, Developmental Disabilities, and Substance Abuse Services for the purpose of establishing an additional fulltime equivalent position for the Geriatric Specialty Team. This position will join two other professionals working in the geriatric patients coming out of the state hospitals. No county funds are required.

Upon motion by Commissioner Brown, seconded by Commissioner Bryan, the Board of Commissioners voted unanimously to accept the recurring funding in the amount of \$35,000 for the current year and \$70,000 in FY 2008 from the State Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, to establish a full-time nurse position, and revise the budget accordingly.

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APPROVAL OF LOCAL BUSINESS PLAN FOR THE PROVISION OF  
MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND  
SUBSTANCE ABUSE SERVICES FOR 2007-2010

Ms. Crystal Farrow presented the Local Managing Entity's Business Plan for the next three years in accordance with standards set by the Secretary of the NC Department of Health and Human Services. The plan is a description of how Wake County's LME intends to manage and assure the provision of mental health, development disability and substance abuse services for the next three fiscal years. The Board received an overview of the plan in a work session on March 19, 2007. Since then, the plan has received approval by the Human Services Board and by the Consumer and Family Advisory Committee. One change made was to add primary care physicians to the process. The plan was also posted for public comment until March 25, 2007. She briefly reviewed the six focus areas:

1. Further development of the acute/crisis continuum of care. Key objectives relate to the implementation of the Holly Hill Hospital agreement and ongoing planning for other facility-based care for persons with mental health and addictions crisis needs. (Much more detail about the rest of the crisis continuum is also addressed in the Crisis Planning document submitted to the NC Division of MH/DD/SAS on March 1, 2007.)
2. "Right-sizing" of the provider network through the use of outcome driven data to assure timely quality service delivery and adequate capacity across the continuum of care. Key objectives focus on quality assurance mechanisms, training, and engagement of providers in the planning and development of needed capacity in areas such as housing.
3. Ongoing implementation of evidence-based practices (EBP) throughout the network. Key objectives focus on planning, development, support, review, and fidelity monitoring with providers, and refinement of LME business practices—all in a systemic effort to create a network that values and promotes the recovery philosophy inherent in evidence-based practice models.
4. Enhancements to LME performance. Key objectives center on obtaining new automation systems that will support improved performance in consumer and provider data collection efforts, survey processes, and benefits management.
5. Building community-wide partnerships. Key objectives include social marketing and educational strategies along with the use of traditional and non-traditional partners to enhance support, access, and choice for consumers and families.
6. Focusing on peer support initiatives and consumer concerns. Key objectives include several to be undertaken with active CFAC partnership such as the development of CFAC educational curricula and the development of consumer friendly printed and web-based educational materials. In addition, a plan focusing on support for consumer-run businesses and the use of peer support specialists will be highlighted.

Upon motion by Commissioner Ward, seconded by Commissioner Gardner, the Board of Commissioners voted unanimously to approve the Local Business Plan 2007-2010 prepared by Wake County's Local Managing Entity for Mental Health, Developmental Disabilities, and Substance Abuse Services.

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REQUEST FROM WAKE COUNTY BOARD OF EDUCATION TO  
APPROPRIATE AND REALLOCATE PLAN 2004 FUNDS

Mr. Don Haydon presented the second reading of a request from the Wake County Board of Education for appropriation and reallocation of Plan 2004 Funds as approved by the Board of Education on February 20, 2007.

RESOLUTION REQUESTING FUNDING FOR  
PLAN 2004 SCHOOL BUILDING PROGRAM

WHEREAS, the Wake County Board of Education is engaged in a School Building Program, and,

WHEREAS, the Wake County Board of Education has approved the projects listed below as part of its PLAN 2004 School Building Program, and contracts have been or will be let for planning and design services, and construction, and,

for the following projects listed below:

| PROJECT | APPROPRIATION |
|---------|---------------|
|---------|---------------|

|                          |                    |
|--------------------------|--------------------|
| Program Management 07-08 | \$3,849,738        |
| Commissioning            | \$81,163           |
| System-Wide Improvements | \$400,000          |
|                          |                    |
|                          |                    |
|                          |                    |
| <b>TOTAL</b>             | <b>\$4,330,901</b> |

Resolved this 20th day of February 2007

**RESOLUTION REQUESTING REALLOCATION OF FUNDING  
PLAN 2004 CAPITAL BUILDING PROJECTS**

WHEREAS, the Wake County Board of Education is engaged in a Long-Range Building Program, and

WHEREAS, the Wake County Board of Education has approved the projects listed below as part of its PLAN 2004 Building Programs, and contracts have been or will be let for planning, design services.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Wake County Board of Education requests that the Wake County Board of Commissioners reallocate funds as follows:

| FROM                       | AMOUNT    | TO                  | AMOUNT    |
|----------------------------|-----------|---------------------|-----------|
| PLAN 2004 Building Program |           |                     |           |
| Commissioning              | \$81,163  | Program Contingency | \$481,163 |
| System-Wide Improvements   | \$400,000 |                     |           |
|                            |           |                     |           |
|                            |           |                     |           |
| PLAN 2004 Total            | \$481,163 | PLAN 2004 Total     | \$481,163 |

Resolved this 20th day of February 2007

WAKE COUNTY BOARD OF EDUCATION

By: \_\_\_\_\_  
Patti Head, Chair

Attest: \_\_\_\_\_  
Del Burns, Ed.D., Secretary

**RESOLUTION R-2007-14**

**Approving Appropriation of Plan 2004 Funding  
for School Capital Building Projects**

WHEREAS, the Wake County Board of Education is engaged in a Long Range Building Program; and,

WHEREAS, the Wake County Board of Education has duly requested, through resolutions adopted on February 20, 2007, that the Board of Commissioners approve the appropriation of \$500,000 and reallocation of \$481,163 to the Plan 2004 Building Program.



NOW, THEREFORE, BE IT RESOLVED that the Wake County Board of Commissioners hereby appropriates \$4,330,901 and reallocates \$481,163 as listed below:

| Project Description     | Appropriation       | Reallocation | Total               |
|-------------------------|---------------------|--------------|---------------------|
| Program Management      | \$ 3,849,738        | \$ -         | \$ 3,849,738        |
| Commissioning           | 81,163              | (81,163)     | -                   |
| Systemwide Improvements | 400,000             | (400,000)    | -                   |
| Program Contingency     |                     | 481,163      | 481,163             |
| <b>Total</b>            | <b>\$ 4,330,901</b> | <b>\$ -</b>  | <b>\$ 4,330,901</b> |

Adopted this the 2nd day of April 2007.

Upon motion by Commissioner Bryan, seconded by Commissioner Ward, the Board of Commissioners voted unanimously to approve the Resolution Approving Appropriation of Plan 2004 Funding for School Capital Building Projects.

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REQUEST FROM WAKE COUNTY BOARD OF EDUCATION TO APPROPRIATE AND REALLOCATE CIP 2006 FUNDS

Mr. Don Haydon presented the second reading of the request from the Wake County Board of Education for appropriation and reallocation of CIP 2006 Funds.

**RESOLUTION REQUESTING ALLOCATION OF FUNDS  
CIP 2006 SCHOOL BUILDING PROGRAM**

WHEREAS, the Wake County Board of Education is engaged in a Long-Range Building Program, and

WHEREAS, the Wake County Board of Education has approved the projects listed below as part of its CIP 2006 Building Programs, and contracts have been or will be let for planning, design, and construction services.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Wake County Board of Education requests that the Wake County Board of Commissioners appropriate a total of \$142,622,153 for the projects listed below:

| PROJECT  | APPROPRIATION        |
|--|----------------------|
| E17 Elementary (construction)                                      | \$19,910,219         |
| E22 Elementary (construction)                                      | \$350,000            |
| Wendell Middle (construction)                                      | \$27,743,124         |
| Land Purchase  | \$22,372,324         |
| Mobile Classroom Relocation and Leasing (not YR conversions) 07-08 | \$2,671,300          |
| East Wake High (construction)                                      | \$20,488,623         |
| Martin Middle (construction)                                       | \$7,891,050          |
| Cary High (construction)   | \$9,468,090          |
| Life-Cycle Replacement of Building Components                      | \$11,320,476         |
| Technology Replacement (1st of 3 phases)                           | \$11,160,301         |
| Educational Equipment Replacement (1st of 3 phases)                | \$1,062,886          |
| Life-Cycle Furniture (1st of 3 phases)                             | \$398,582            |
| Environmental and ADA (1st of 3 phases)                            | \$2,152,344          |
| Program Management   | \$3,632,834          |
| Program Contingency  | \$2,000,000          |
| <b>Total</b>   | <b>\$142,622,153</b> |

Resolved this 20th day of February 2007

WAKE COUNTY BOARD OF EDUCATION

By: \_\_\_\_\_  
Patti Head, Chair

Attest: \_\_\_\_\_  
Del Burns, Ed.D., Secret

**RESOLUTION REQUESTING REALLOCATION OF FUNDING  
CIP 2006 CAPITAL BUILDING PROJECTS**

WHEREAS, the Wake County Board of Education is engaged in a Long-Range Building Program, and

WHEREAS, the Wake County Board of Education has approved the projects listed below as part of its CIP 2006 Building Programs, and contracts have been or will be let for planning and design services.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Wake County Board of Education requests that the Wake County Board of Commissioners reallocate funds as follows:

| FROM                             | AMOUNT       | TO                           | AMOUNT       |
|----------------------------------|--------------|------------------------------|--------------|
| <b>CIP 2006 Building Program</b> |              |                              |              |
| Cary High                        | \$35,223     | Building Permit Fees         | \$632,484    |
| East Wake High                   | \$75,423     |                              |              |
| Martin Middle                    | \$29,147     |                              |              |
| Wendell Middle                   | \$107,380    |                              |              |
| E-17 Elementary                  | \$73,177     |                              |              |
| E-29 Elementary                  | \$83,759     |                              |              |
| E-31 Elementary                  | \$79,810     |                              |              |
| M6                               | \$148,565    |                              |              |
|                                  |              |                              |              |
| E-29 Elementary                  | \$23,861,608 | E-34 Elementary              | \$23,861,608 |
|                                  |              |                              |              |
| E-22 Elementary                  | \$350,000    | Wendell and East Cary Middle | \$350,000    |
|                                  |              |                              |              |
|                                  | \$24,844,092 | CIP 2006 Total               | \$24,844,092 |

Resolved this 20th day of February 2007

WAKE COUNTY BOARD OF EDUCATION

By: \_\_\_\_\_  
Patti Head, Chair

Attest: \_\_\_\_\_  
Del Burns, Ed.D., Secretary

Commissioner Gardner said there were several corrections that should be incorporated in the 2006 CIP spreadsheet. He would like to see it updated reflecting the gift of funds for the Cary School, stating that equal amounts of money should be moved to contingency since it would not be used on that school. The spreadsheet should also reflect the conversion errors which amounted to around \$12 million, project management surplus that was revised by \$13 million as well as a 5%

reduction in construction costs of two schools. These are not shown anywhere and they should be shown so they can be tracked.

Upon motion by Commissioner Ward, seconded by Commissioner Webb, to adopt the resolution approving appropriation of CIP 2006 funding for school capital building projects. Commissioner Gardner asked to move those funds on the spreadsheet he had reviewed to the contingency fund. Commissioners Ward and Webb accepted the request from Commissioner Gardner as a friendly amendment to the motion. Commissioner Coble asked about the renovation to Martin Middle and if there would be an increase in capacity at this school. Mr. Haydon said there would be no increase in capacity for Martin Middle, because it would only be renovations. Commissioner Coble asked about the \$36 million to be spent with no increase in capacity. He said the same thing is about to happen at Lacy Elementary. He said this actually violates the School Board rules that they established themselves. Mr. Haydon said the primary reason for renovations to these schools is to make the schools a healthy, safe learning environment. Commissioner Coble said these construction funds are not going in the same building or even on the same site but it is still not increasing capacity. Mr. Haydon said Lacy Elementary will increase by 115 students. In renovations, the architectural team looks at building an addition to the school and looks at many options. Commissioner Ward noted that an increase of 115 students in an elementary school is significant and Lacy Elementary is an old school.

The motion was approved unanimously.

RESOLUTION R-2007-15

Approving Appropriation of CIP 2006 Funding for School Capital Building Projects

WHEREAS, the Wake County Board of Education is engaged in a Long Range Building Program; and,

WHEREAS, the Wake County Board of Education has duly requested, through resolutions adopted on February 20, 2007, that the Board of Commissioners approve the appropriation of \$142,662,153 and reallocation of \$24,844,092 to the CIP 2006 Building Program.

NOW, THEREFORE, BE IT RESOLVED that the Wake County Board of Commissioners hereby appropriates \$142,662,153 and reallocates \$24,844,092 as listed below:

CIP 2006 Appropriation & Reallocation

| Project Description                           | Amount        | Reallocation | Net Appropriation |
|---|---------------|--------------|-------------------|
| E-17 Elementary                               | \$ 19,910,219 | \$ (73,177)  | \$ 19,837,042     |
| E-22 Cary Park Elementary                     | 350,000       | (350,000)    | -                 |
| Wendell Middle                                | 27,743,124    | (107,380)    | 27,635,744        |
| Land Purchase                                 | 22,372,324    | -            | 22,372,324        |
| Mobile Classroom Relocation and Leasing       | 2,671,300     | -            | 2,671,300         |
| East Wake High                                | 20,488,623    | (75,423)     | 20,413,200        |
| Martin Middle                                 | 7,891,050     | (29,147)     | 7,861,903         |
| Cary High                                     | 9,468,090     | (35,223)     | 9,432,867         |
| Life Cycle Replacement of Building Components |               |              |                   |
| Baucom Elementary                             | 155,400       | -            | 155,400           |
| Brentwood Elementary                          | 31,500        | -            | 31,500            |
| Briarcliff Elementary                         | 934,762       | -            | 934,762           |
| Combs Elementary                              | 941,844       | -            | 941,844           |
| Conn Elementary                               | 233,100       | -            | 233,100           |
| Davis Drive Elementary                        | 84,000        | -            | 84,000            |
| Dillard Drive Elementary                      | 84,000        | -            | 84,000            |
| Douglas Elementary                            | 21,000        | -            | 21,000            |
| Fuquay-Varina Elementary                      | 78,750        | -            | 78,750            |
| Hilburn Elementary                            | 76,650        | -            | 76,650            |
| Hodge Road Elementary                         | 73,500        | -            | 73,500            |
| Jeffreys Grove Elementary                     | 81,900        | -            | 81,900            |
| Leadmine Elementary                           | 126,000       | -            | 126,000           |

|                              |                    |              |                    |
|------------------------------|--------------------|--------------|--------------------|
| Leesville Elementary         | 126,000            | -            | 126,000            |
| Partnership Elementary       | 126,000            | -            | 126,000            |
| Pleasant Union Elementary    | 160,000            | -            | 160,000            |
| Vandora Springs Elementary   | 1,243,279          | -            | 1,243,279          |
| West Lake Elementary         | 1,275,579          | -            | 1,275,579          |
| York Elementary              | 1,116,071          | -            | 1,116,071          |
| Zebulon Elementary           | 180,890            | -            | 180,890            |
| Davis Drive Middle           | 262,500            | -            | 262,500            |
| Dillard Drive Middle         | 115,500            | -            | 115,500            |
| Durant Road Middle           | 126,000            | -            | 126,000            |
| East Wake Middle             | 157,500            | -            | 157,500            |
| West Lake Middle             | 2,334,851          | -            | 2,334,851          |
| Apex High                    | 157,500            | -            | 157,500            |
| Athens Drive High            | 68,250             | -            | 68,250             |
| Fuquay-Varina High           | 370,650            | -            | 370,650            |
| Garner High                  | 236,250            | -            | 236,250            |
| Systemwide                   | 105,000            | -            | 105,000            |
| Central Office               | 236,250            | -            | 236,250            |
| Technology Replacement       | 11,160,301         | -            | 11,160,301         |
| Educational Equipment        |                    | -            |                    |
| Replacement                  | 1,062,886          |              | 1,062,886          |
| Life-Cycle Furniture         | 398,582            | -            | 398,582            |
| Environmental and ADA        |                    | -            |                    |
| Compliance                   | 2,152,344          |              | 2,152,344          |
| Program Management           | 3,632,834          | -            | 3,632,834          |
| Program Contingency          | 2,000,000          | -            | 2,000,000          |
| E-29 Elementary              |                    | (23,945,367) | (23,945,367)       |
| E-31 Elementary              |                    | (79,810)     | (79,810)           |
| M-6                          |                    | (148,565)    | (148,565)          |
| E-34 Elementary              |                    | 23,861,608   | 23,861,608         |
| Wendell and East Cary Middle |                    | 350,000      | 350,000            |
| Building Permits             |                    | 632,484      | 632,484            |
|                              | <u>142,622,153</u> | \$           | <u>142,622,153</u> |

Adopted this the 2nd day of April 2007.

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REALLOCATE PLAN 2000 FUNDS

Mr. Don Haydon presented the first reading of the Wake County Board of Education's request to reallocate Plan 2000 funds.

**RESOLUTION REQUESTING REALLOCATION OF FUNDING  
PLAN 2000 CAPITAL BUILDING PROJECTS**

WHEREAS, the Wake County Board of Education is engaged in a Long-Range Building Program, and

WHEREAS, the Wake County Board of Education has approved the projects listed below as part of its PLAN 2000 Building Programs.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Wake County Board of Education requests that the Wake County Board of Commissioners reallocate funds as follows:

| FROM                           | AMOUNT    | To                  | AMOUNT    |
|--------------------------------|-----------|---------------------|-----------|
| PLAN 2000 Building Program     |           |                     |           |
| Broughton High Start Up        | \$13,904  | Program Contingency | \$546,458 |
| Re-Roofing                     | \$7,140   |                     |           |
| Brassfield Elementary Start Up | \$5,275   |                     |           |
| North Garner Middle            | \$281,471 |                     |           |
| Ballentine Elementary          | \$34,360  |                     |           |
| Turner Creek Elementary        | \$69,396  |                     |           |
| Brassfield Elementary          | \$28,872  |                     |           |
| Fox Road Elementary            | \$32,012  |                     |           |
| Penny Road Elementary          | \$36,724  |                     |           |

|                        |           |                 |           |
|------------------------|-----------|-----------------|-----------|
| Rolesville Elementary  | \$37,210  |                 |           |
| Holly Ridge Elementary | \$94      |                 |           |
|                        |           |                 |           |
| PLAN 2000 Total        | \$546,458 | PLAN 2000 TOTAL | \$546,458 |

Resolved this 6th day of March 2007  
EDUCATION

WAKE COUNTY BOARD OF

By:

Patti Head, Chair

Attest:

Del Burns, Ed.D., Secretary

RESOLUTION R-2007-XX  
Reallocate Funds for Plan 2000 School Capital Projects

First Reading

WHEREAS, the Wake County Board of Education is engaged in a Long-Range Building Program, and

WHEREAS, the Wake County Board of Education has duly requested, through a resolution adopted March 6, 2007, that the Board of Commissioners approve the reallocation of \$546,458 from various Plan 2000 projects to Plan 2000 program contingency.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Wake County Board of Education requests that the Wake County Board of Commissioners reallocate funds as follows:

| FROM                           | AMOUNT    | To                  | AMOUNT    |
|--------------------------------|-----------|---------------------|-----------|
| PLAN 2000 Building Program     |           |                     |           |
| Broughton High Start Up        | \$13,904  | Program Contingency | \$546,458 |
| Re-Roofing                     | \$7,140   |                     |           |
| Brassfield Elementary Start Up | \$5,275   |                     |           |
| North Garner Middle            | \$281,471 |                     |           |
| Ballentine Elementary          | \$34,360  |                     |           |
| Turner Creek Elementary        | \$69,396  |                     |           |
| Brassfield Elementary          | \$28,872  |                     |           |
| Fox Road Elementary            | \$32,012  |                     |           |
| Penny Road Elementary          | \$36,724  |                     |           |
| Rolesville Elementary          | \$37,210  |                     |           |
| Holly Ridge Elementary         | \$94      |                     |           |
|                                |           |                     |           |
| PLAN 2000 Total                | \$546,458 | PLAN 2000 TOTAL     | \$546,458 |

For Adoption on the 16<sup>th</sup> day of April 2007.

No action was taken on this item which will be presented for approval at the April 16, 2007 board meeting.

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LAND ACQUISITION FOR A MIDDLE SCHOOL IN NORTHWEST CARY - M-10

Mr. Robert Hinson presented the first reading of a land acquisition for a middle school for the Town of Cary. The master planning process has been done in a partnership with \$5,500,000 for construction of the middle school. The road through the middle school will connect to a park in Cary and a multipurpose field for the middle school. The request includes \$250,000 for park construction from Wake County. Chairman Gurley said this is a great partnership. Mr. Hinson said Betty Parker is working with the Town of Cary on additional projects. They are also working with the Town of Garner.

No action was taken on this item which will be presented for approval at the April 16, 2007 board meeting.

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LAND ACQUISITION FOR NORTHEAST REGIONAL BUS PARKING FACILITY  
FOR THE WAKE COUNTY PUBLIC SCHOOL SYSTEM

Mr. Robert Hinson said this site is two parcels of 14.06 acres for \$50,000 plus \$15,000 for improvements for a total of \$718,012. Commissioner Bryan asked how the site as was chosen in Wendell. Mr. Hinson said this location provides the best parking and they would be able to get to first route the quickest. More than 50 buses are stationed at east Wake campus. Wendell, Zebulon, Knightdale areas can use this bus parking area because it is centrally located. They are waiting for the analysis to determine if there is a blue line stream. The question was asked if there will be additional costs involved for infrastructure at this location when the schools are built. Mr. Hinson said \$15,000 was budgeted for improvements that will be used on storage buildings currently on-site.

No action was taken on this item which will be presented for approval at the April 16, 2007 board meeting.

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PARTNERSHIP AGREEMENT WITH THE TOWN OF GARNER  
FOR THE ACQUISITION OF 35.66 ACRES OF  
OPEN SPACE LOCATED ON TIMBER DRIVE

Mr. Sig Hutchinson, Chairman of Open Space Committee, spoke of the achievement of the 3,369 acres of open space that has been purchased and use of \$57 million (county's portion was \$34 million) for open space. He said these projected mean the completion of spending the \$25 million in bonds for open space.

PARTNERSHIP AGREEMENT WITH THE CITY OF RALEIGH  
TO ACQUIRE 215.82 ACRES OF OPEN SPACE ADJACENT TO FALLS LAKE

Mr. Hutchinson said this is in the Upper Neuse Water and this property is in top 1/2 of 1% which is a huge acquisition of water. Mr. Hutchinson recognized other municipal representatives that were here and supportive of these open space projects including Julian Prosser, Assistant City Manager for Raleigh, Mayor Jan Faulkner and Tom Murry from Morrisville and Jerry Allen, Parks and Recreation. This project is in a watershed so it will assist with drinking water for the Town of Cary. Mayor Ronnie Williams with Garner is a connection point of white deer park and greenway connection. He then recognized Mark Edmondson to speak to these open space items.

Mr. Mark Edmondson, said the City of Raleigh has the opportunity to purchase 215.82 acres of open space property which is adjacent to Falls Lake. The cost is \$4,960,000 million with the City of Raleigh and the County partnering 50/50 with the county and city spending approximate \$2.5 million each. Staff is proposing to do this project similar to the Randleigh Farm plans. If active a recreation plan is put in place, the city takes that property 100% and they will reimburse the county for that portion and split the remainder of the property costs 50/50. Trust for Public Land has agreement with the heirs. Mr. Julian Prosser praised the staff and noted that this deal came about very fast. The partners with Chad Guthrey, as primary project manager, brought this contract to the City. It is the biggest initiative the city has taken with watershed property. This is a very valuable part of the project. Commissioner Bryan stated this project would qualify for the Clean Water Trust fund. The city will share the reimbursement with the county including whatever they may receive from the Clean Water Trust Fund. Mr. Prosser recognized George Rogers as their primary point person with the public. He is primary contact with nonprofits and is helping with projects. Mr. Rogers thanked the Board for their work on source water protection.

Upon motion by Commissioner Gardner, seconded by Commissioner Ward, the Board of Commissioners voted unanimously to:

- 1) Approves a partnership agreement with the City of Raleigh for the acquisition of 215.82 acres from the Angell Heirs, subject to terms and conditions acceptable to the County Attorney, and
- 2) Appropriates \$2,517,500 from the Open Space Fund to cover the County's 50% share of this land purchase.

PARTNERSHIP AGREEMENT WITH TOWN OF MORRISVILLE  
FOR THE ACQUISITION OF 18.17 ACRES OF OPEN SPACE – RTP PROPERTY

Mr. Mark Edmondson presented a request for land acquisition for 18.78 acres with a worth of \$78,863 per acre. The City of Morrisville can buy the property for \$48,000 per acre from the Research Triangle Park Foundation. The 18 acres would be walking trails or similar activities. There are several greenway trails connected to the property. The property may be purchased for \$872,160 and this project cost will also be split 50/50 between the county and Morrisville.

Mayor Jan Faulkner spoke of the importance of this project to the town of Morrisville. It will help with greenways and trails. She also thanked the board for the Cedar Fork District Park and noted that they plan to take this park to the next level. She stated that the municipalities working together makes the whole county better. The Board thanked her for her leadership

Upon motion by Commissioner Ward, seconded by Commissioner Brown, the Board of Commissioners voted unanimously to:

- 1) Approve an open space grant to the Town of Morrisville in the amount of \$436,080 for the acquisition of 18.17 acres of open space identified as the RTP Property, and
- 2) Authorize the County Manager to execute an Open Space Partnership Agreement with the Town of Morrisville, subject to terms and conditions acceptable to the County Attorney.

PARTNERSHIP AGREEMENT WITH THE TOWN OF GARNER  
FOR THE ACQUISITION OF 35.66 ACRES OF OPEN SPACE  
LOCATED ON TIMBER DRIVE

Mr. Mark Edmondson presented a request for a partnership agreement with the Town of Garner for the acquisition of 35.66 acres of open space located on Timber Drive. He stated that this deal was done differently. The Town of Garner purchased the property just prior to January 1, 2007. The property was appraised in November 2006 for \$1,780,000 or \$49,916 per acre. The Town was offered the property for \$675,000 or \$18,929 per acre. The Town was requesting the 50% contribution from Wake County towards the purchase price or \$337,500 toward the preservation of open space. The Land Acquisition Review Committee and the Open Space and Parks Advisory Committee have recommended this proposed partnership. There are \$3,794,371 left in open space funds in the budget.

Upon motion by Commissioner Brown, seconded by Commissioner Ward, the Board of Commissioners voted unanimously to:

- 1) Approve an open space grant to the Town of Garner in the amount of \$337,500 for the acquisition of 35.66 acres of open space located on Timber Drive, and
- 2) Authorize the County Manager to execute an Open Space Partnership Agreement with the Town of Garner, subject to terms and conditions acceptable to the County Attorney.

Commissioner Bryan thanked the towns and spoke about the partnership with the towns. The July 4<sup>th</sup> celebration in Morrisville is outstanding. An invitation was issued to the commissioners to attend the July 4<sup>th</sup> celebration which will be held on July 3<sup>rd</sup>.

Mr. Sig Hutchinson thanked Mayor Williams and Mr. Prosser for being present today. He spoke about the Clean Water Management Trust Fund which the County has received \$14 million for open space funds.

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DISPOSITION OF COUNTY-OWNED SURPLUS PROPERTY AT SITE 23,  
LAKE CRABTREE, IN THE CRABTREE CREEK WATERSHED PROJECT

Mr. Mike Aull reported on the Lake Crabtree Site #23 which was purchased in 1980 but no longer has access to the parkway. It has been built up around this area. If it were to be developed it would have to be developed with Morrisville, Cary and additional access. NAI Carolantic has marketed this property for years. The Buyer has offered \$2,600,00. The County would have to work with the Town of Cary, Knightdale, Wake Forest, Wendell. An appraisal was done for the County. It has been listed since 1996. There have been selected design consultants. They have diligently tried to sell the property. It will continue to be advertised until there are not other interested parties. Access could be by Gateway Center or Airport Boulevard. Aerial Center Parkway does enter property. Mr. Higgins said Cary has a policy that if any intersection fails then you are responsible for that property.

Upon motion by Commissioner Ward, seconded by Commissioner Brown, the Board of Commissioners voted unanimously to:

- 1) Propose to accept the offer submitted by Garon Reeves for the purchase of approximately 33 acres identified as Wake County Tax ID# 0186726 at a purchase price of \$80,000 per acre or approximately \$2,640,000, subject to the requirements of NCGS §160A-269 and terms and conditions acceptable to the County Attorney,
- 2) Approve the extension of the Listing Agreement with NAI Carolantic Realty dated June 18, 1996 for an additional term extending through December 31, 2008,
- 3) Direct that the proceeds from the sale of this property be appropriated to the Little River Reservoir Land Acquisition Capital Fund, and
- 4) Authorize the County Manager to execute the Offer to Purchase and Contract for the sale of listing the property with Carolantic Realty on behalf of Wake County.

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AWARD CONSTRUCTION CONTRACT  
FOR THE EMS ADDITION TO WENDELL FIRE STATION TWO

Mr. Mark Forestieri said funds were appropriated in February 2007 for the Wendell Fire Department Station 2. The budget was exceeded by \$111,227. Extra measures had to be taken to identify emergency funds to cover the short fall. On March 22, 2007 proposals were provided. A minor technicality was that one of the vendors failed to sign the proposals. It's a defect in the proposal but this Board has the authority to waive this matter. He stated it was a defect and he noted that it was an honest mistake because the contractor signed one side of the form but failed to sign the back side. It was brought to the contractor's attention who committed to accept the responsibility of the bid which he failed to sign. Commissioner Bryan was concerned about an additional 25% cost. Commissioner Gardner was worried about setting a precedent if the Board moves forward on this bid.

Upon motion by Commissioner Bryan, seconded by Commissioner Gardner, the Board of Commissioners voted unanimously to award a construction contract to Raleigh Durham Construction in the amount of \$459,033 for the EMS addition to Wendell Fire Station Two, and waives the initial omission of the signature on their bid proposal as a technicality; noting that this would not set a precedent for future actions.

**PROJECT: EMS Addition at Wendell Fire Station No. 2**  
**CONTRACT: Single Prime Construction**



**DATE:** Thursday, 15 March, 2007  
**TIME:** 3:00 p.m.

| <b>CONTRACTOR</b>  | <b>LICENSE NO.</b> | <b>BID PROPOSAL</b>            | <b>MBE DOCUMENT</b> | <b>BID BOND</b> | <b>BASE BID</b> |
|--|--------------------|--------------------------------|---------------------|-----------------|-----------------|
| Raleigh Durham Construction<br>106 S. East St.<br>Raleigh, NC 27601              | 33222              | Proposal not fully executed    | Yes                 | Yes             | \$459,033.00    |
| Vortex Construction Company, LLC<br>125-105 Commerce Pkwy.<br>Garner, NC 27529   | 55886              | Complete                       | Yes                 | Yes             | \$477,900.00    |
| Heaton Construction, Inc.<br>309 Long Circle<br>Roanoke Rapids, NC 27870         | 47626              | Complete                       | Yes                 | Yes             | \$499,987.00    |
| D.W. Ward Construction Co., Inc.<br>PO Box 15157<br>Durham, NC 27704             | 7244               | Complete                       | Yes                 | Yes             | \$527,954.00    |
| FABCO Construction, Inc.<br>144 N. Cherry St., Suite 7<br>Kernersville, NC 27284 | 42058              | Proposal not fully executed    | Yes                 | Yes             | \$547,500.00    |
| Calvin Davenport, Inc.<br>3540 Hunter Hill Rd.<br>Rocky Mount, NC 27804          | 4056               | Did not acknowledge 1 addendum | Yes                 | Yes             | \$579,000.00    |

This is to certify that the bids tabulated herein were publicly opened and read on the 15th day of March, 2007 in Room 926, 9th Floor of the Wake County Office Building, 336 Fayetteville Street Mall, Raleigh, NC, and that all said bids were accompanied by certified checks or bidder's bond except as otherwise noted.

Phillip D. Stout  
 Director, Facilities Design & Construction

ARCHITECT: Heery International PC

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APPROVAL OF REVISED RULES OF PROCEDURE  
FOR THE BOARD OF COMMISSIONERS

Mr. Scott Warren presented a revised set of Rules of Procedure. He stated Rules 1, 2, 3, 4, 8, 11b(11), 11b(14) and 19 were changed slightly. He recommended the Board adopt the revised rules as presented effective April 16, 2007 and further noted that these rules would supersede the former rules. The Board briefly discussed the changes provided.

Upon motion by Commissioner Ward, seconded by Commissioner Brown, the Board of Commissioners adopted the revised Rules of Procedure effective April 16, 2007.

RULES OF PROCEDURE  
 WAKE COUNTY BOARD OF COMMISSIONERS

Rule 1. Agenda. The County Manager shall prepare the agenda for each meeting of the Board. A request to have an item of business placed on the agenda must be received by the Manager at least seven (7) days before the meeting. Any Board member may, by a timely request, have an item placed on the agenda.

A consent agenda, listing items considered to be non-controversial, shall be prepared by the Manager as a part of the agenda. Consent agenda items shall be considered as a group by one motion, and no discussion shall be had on any consent agenda item. Any member may request that an item be removed from the consent agenda prior to approval of the agenda.

The agenda shall be approved as the first item of business at each meeting, and no item may be considered for action unless that item is included in the printed agenda or added to the agenda by majority vote before the Board approves the agenda.

Rule 2. Informal Public Comment. Each meeting shall include thirty (30) minutes for comments from the public in attendance, at a time indicated on the printed agenda. The Chair shall first recognize individuals or groups having requested the opportunity to speak by signing up on a "sign-up" sheet provided in the Board chamber, and then may recognize others subject to the available time. Speakers shall be limited to a maximum of three minutes each. When the time allotted for informal public comment has expired, the Chair will recognize further speakers only upon motion duly made and adopted.

Rule 3. Order of Business. At regular meetings, the Board shall proceed to business in the following order:

1. Pledge of Allegiance;
2. Invocation;
3. Approval of Agenda;
4. Approval of Minutes of previous meeting(s);
5. Ceremonial items and presentations;
6. Consideration of agenda items;
7. Committee reports, and;
8. New business not for action.

Without objection, the Chair may call items in any order most convenient for the dispatch of business.

Rule 4. Powers of the Chair. The Chair shall preside at all Board meetings. To address the Board, a member must first be recognized by the Chair. Motions made without the maker first being recognized by the Chair shall not be considered by the Board. The Chair shall have the following powers:

1. To rule on points of parliamentary procedure, including the right to rule out of order any motion offered for patently obstructive or dilatory purposes;
2. To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
3. To call a brief recess at any time;
4. To adjourn in an emergency.

Rule 5. Action by the Board. The Board shall proceed by motion. Any member, including the Chair, may make a motion.

Rule 6. Seconds. A motion shall require a second.

Rule 7. One Motion at a Time. A member may make only one motion at a time.

Rule 8. Substantive Motions. A substantive motion is out of order while another substantive motion is pending. Motions to amend shall be allowed as provided in Rule 11(b) 11.

Rule 9. Adoption by Majority Vote. A motion shall be adopted if approved by a majority of the votes cast, unless otherwise required by these rules or North Carolina law.

Rule 10. Debate. The Chair shall state the motion and then open the floor to debate, presiding according to these general principles:

1. The member making the motion or introducing the ordinance, resolution or order may speak first.
2. A member who has not spoken on the issue shall be recognized before someone who has already spoken.

Rule 11. Procedural Motions. (a) In addition to substantive motions, the procedural motions listed in this rule, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption.

(b) In order of priority (if applicable), the procedural motions are:

1. *to adjourn.* The motion may be made only at the conclusion of action on the pending matter; it may not interrupt deliberation of a pending matter.
2. *to recess.*
3. *to call to follow the agenda.* The motion must be made at the first reasonable opportunity or it is waived.
4. *to suspend the rules.* The motion requires [a vote equal to a quorum; (4), OR; requires a vote of 2/3 of the members in attendance (at least 3); OR, requires a vote of 2/3 of the members (5)]
5. *to divide a complex motion and consider it by paragraph.*
6. *to defer consideration.* A substantive motion whose consideration has been deferred expires ninety (90) days thereafter, unless a motion to revive consideration is adopted.
7. *to call the previous question.* The motion is not in order until there has been at least twenty (20) minutes of debate and every member has had one opportunity to speak.
8. *to postpone to a certain time or day.*
9. *to refer to committee.* Sixty (60) days after a motion has been referred to a committee, the introducer may compel consideration of

the measure by the entire Board, regardless of whether the committee has reported the matter back to the Board.

10. *to refer to staff.* Thirty (30) days after a motion has been referred to staff, the introducer may call for a report by staff at the next regularly scheduled meeting.
11. *to amend.* Amendments to a motion must be germane to the subject of the motion, but may not achieve the opposite effect of the motion. There may be an amendment to the motion and an amendment to an amendment, but no further amendments. Any amendment to a proposed ordinance shall be reduced to writing. The maker of a motion, with the consent of the seconder of the motion, may accept a proposed amendment without the requirement of a vote of the Board; upon such acceptance, debate shall be upon the motion as voluntarily amended.
12. *to revive consideration.* The motion is in order any time within ninety (90) days of a vote deferring consideration. A substantive motion on which consideration has been deferred expires ninety (90) days after the deferral, unless a motion to revive consideration is adopted.
13. *to reconsider.* The motion must be made no later than the next scheduled meeting after the original vote was taken, and by a member who voted with the prevailing side. It cannot interrupt deliberation on a pending matter but is in order any time before adjournment.
14. *to prevent consideration.* The motion shall be in order at any time after consideration of an issue. It requires a vote equal to a quorum and is valid for six months or until the next regular election of a County Commissioner, whichever occurs first.

Rule 12. Renewal of a Motion. A defeated motion may not be renewed at the same meeting.

Rule 13. Withdrawal of Motion. A motion may be withdrawn by the introducer at any time before the Chair puts the motion to a vote.

Rule 14. Duty to Vote. It is the duty of each member of the Board, including the Chair, to vote unless excused by majority vote according to law. The Board may excuse members from voting on matters involving their own financial interest or official conduct. A member wishing to be excused from voting shall inform the Chair, who shall take a vote of the remaining members.

Rule 15. Failure to Vote. A member who fails to vote on a matter before the board in a meeting at which the member is in attendance, or once in attendance has not been excused as provided in these rules, shall be recorded as voting in the affirmative.

Rule 16. Withdrawal from meeting. Once in attendance at a meeting a member may withdraw only by being excused by the Chair. By majority vote, the Board may overrule the Chair's decision to allow, or refuse to allow, a member to withdraw.

Rule 17. Quorum. A majority of the Board membership shall constitute a quorum. The number required for a quorum is not affected by vacancies. If a member has

withdrawn from a meeting without being excused by the Chair, he or she shall be counted as present for the purposes of determining whether a quorum is present. The Board may compel the attendance of an absent member by any lawful means.

Rule 18. Introduction of Ordinances, Resolutions and Orders. A proposed ordinance, resolution or order shall be deemed introduced at the first meeting where it is on the agenda, regardless of whether it is actually considered by the Board, and its introduction shall be recorded in the minutes.

Rule 19. Appointments. The Board shall use the following procedure to make appointments to fill vacancies over which the Board has the power of appointment: the Chair shall open the floor for nominations for vacancies listed in the approved agenda, and nominations shall be accepted for all such vacancies. If the number of nominees does not exceed the number of available vacancies, then those nominees shall be added to a nominee list. If the number of nominees exceeds the number of vacancies, then a roll call of the members of the Board shall be taken and each member shall cast as many votes as there are vacancies to be filled. The nominees receiving a majority of the votes cast shall be added to the nominee list. In the event a sufficient number of nominees to fill the available vacancies do not receive a majority of the votes cast, or if there is a tie and only one available position remains, voting shall continue, following the procedures herein until a nominee for each available position receives a majority vote. Once the nominee list is established according to the proceeding procedures, the nominee list may be approved by a voice vote or show of hands.

Rule 20. Reference to Robert's Rules of Order. To the extent not provided for in, and not conflicting with the spirit of these rules or State law, the Chair shall refer to *Robert's Rules of Order* to resolve procedural questions.

Adopted

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APPOINTMENTS

- a. Wake County Adult Care Home Community Advisory Committee  
Commissioner Ward nominated Otis Byrd.
- b. Wake County Board of Adjustment  
Commissioner Brown nominated Terrance Morrison. Commissioner Bryan nominated Lee Hawkinson. Commissioner Ward nominated Gary Shope. Mr. Shope received the nomination with four votes. Votes were as follows:  
Commissioner Brown – Terrance Morrison  
Commissioner Gardner – Gary Shope  
Commissioner Ward – Gary Shope  
Commissioner Bryan – Lee Hawkinson  
Commissioner Webb – Terrance Morrison  
Commissioner Coble – Gary Shope  
Commissioner Gurley – Gary Shope
- c. Wake County Citizens' Energy Advisory Commission  
Commissioner Webb nominated Marty Clayton. Commissioner Brown nominated Peter Egan and Isaac Panzella. Commissioner Gardner nominated Tammy Brandon and Douglas Brinkley. Commissioner Ward nominated Stephen Kalland, Paul Davis and Sharon Gladwell.

Upon motion by Commissioner Gardner, seconded by Commissioner Bryan, the Board of Commissioners voted unanimously to accept the nominations by acclamation for committee appointments.

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COMMITTEE REPORTS

Commissioner Coble reported on a meeting about the Rolesville 2<sup>nd</sup> duty EMS truck and stated he would like to bring this discussion back to this Board in May.

Commissioner Gardner reported said he took a day off and went to Fairfax, VA and photographed schools of interest since this was one of the areas included in the CFAC's research. This will be presented at the CFAC meeting on Monday, April 9, at 2pm. He noted he will be late for the next work session.

Commissioner Webb reported on the MEAC tournament – total attendance was 30,452 which was an increase over last year. They estimated 6,916 rooms rented and estimate a \$4,141,157 economic impact. There will be \$343,884 generated from tax revenues. The trend is that it is on an increase.

OTHER BUSINESS

Commissioner Brown spoke about attending the Tammy Lynn Foundation dinner. Commissioner Ward commented on the artwork on the 11<sup>th</sup> floor of the Wake County Office Building that has been provided by the Arts Council for the enjoyment of Commissioners, staff and citizens.

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Upon motion by Commissioner Bryan, seconded by Commissioner Ward, the Board of Commissioners voted unanimously to adjourn the meeting at 5:55pm.

Respectfully submitted,

*Susan J. Banks*

Susan J. Banks, CMC

Clerk to the Board

Wake County Board of Commissioners