



Wake County

301 South McDowell Street
Raleigh, NC

Meeting Minutes Board of Commissioners

Monday, December 4, 2017

5:00 PM

Wake County Justice Center

Meeting Called to Order: Denise Hogan, Clerk to the Board Presiding

Rollcall

Present: 7 - Chair Jessica Holmes, Vice-Chair Sig Hutchinson, Commissioner John D. Burns, Commissioner Matt Calabria, Commissioner Greg Ford, Commissioner Erv Portman, and Commissioner James West

Others Present: David Ellis, Interim County Manager; Scott Warren, County Attorney; Denise Hogan, Clerk to the Board; Yvonne Gilyard, Deputy Clerk to the Board; Johnna Rogers, Deputy County Manager; Chris Dillon, Assistant County Manager; and Denise Foreman, Assistant County Manager

Pledge of Allegiance

Invocation: Commissioner Greg Ford

Items of Business

1. [Election of Board Chair for One Year Term - Denise Hogan, Clerk to the Board, calls for nominations for Chair. The new Chair is elected and then presides over the meeting](#)

Ms. Denise Hogan, Clerk to the Board, called for nominations for Chair.

Commissioner Hutchinson nominated Commissioner Holmes for Chair.
Commissioner West seconded the nomination.

Commissioner Burns moved, seconded by Commissioner Calabria, to close the nominations. The motion passed unanimously.

Commissioner Burns moved, seconded by Commissioner Calabria to approve Commissioner Holmes as Chair. The motion passed unanimously.

Commissioner Holmes won the election of Chair effective December 4, 2017 through December 3, 2018.

2. [Election of Vice Chair for One Year Term - Chair Presides Over Election](#)

Chair Holmes called for nominations of Vice-Chair.

Commissioner Portman nominated Commissioner Hutchinson. Chair Holmes seconded the nomination.

Commissioner Burns moved, seconded by Commissioner Calabria to close the nominations. The motion passed unanimously.

Commissioner Calabria moved by acclamation, seconded by Commissioner West, for the approval of Commissioner Hutchinson to serve as Vice-Chair. The motion passed unanimously.

Commissioner Hutchinson won the election of Vice-Chair effective December 4, 2017 through December 3, 2018.

Chair Holmes said she was humbled and grateful for the mentorship of Commissioner West and his support to serve as Chair. She thanked her friends and supporters and is humbled and grateful. She said the vote is a vote of unity and fulfillment of promises for the coming year. She said she was excited and proud to be the best leader for the citizens of Wake County.

Vice-Chair Hutchinson said Chair Holmes is the youngest African American Chair to serve on the board in the history of Wake County and he is proud for her to serve Wake County in this capacity. He said the vote of for all the citizens of Wake County. He said this is a great day in Wake County.

Commissioner West said today represents a turning point in time. He said key relationships that can be built with the leadership in place. He said the board will work together as a team with a vision in the coming year. He said this is a proud moment for the history of Wake County.

Commissioner Portman said that back to the bible there were roles of

leadership and serving as Chair is a role to become a leader of leaders. He said that he is excited about Chair Holmes service and past accomplishments. He commended Commissioner Hutchinson for his work as Chair over the past year.

Chair Holmes thanked Vice-Chair Hutchinson for serving as Chair and the opportunity to lead the board. She said she was looking forward to working with the board as a team.

The meeting went into recess and the meeting reconvened.

3. [Approval of Agenda](#)

Chair Holmes said staff has confirmed that the Chair of the Board of Education has asked that the Land Acquisition for Wendell Elementary School (# 8) be removed from the Consent Agenda to go back to the Board of Education for further discussion.

Commissioner Calabria asked that the Commitment and Appropriation of Funds for School School Counselors, Social Workers and Instructional Support be added to the agenda for discussion (# 18)

Commissioner Calabria suggested that item # 18 be added for purposes of discussion and the most effective way to discuss the item would be at future Work Session in early 2018.

Commissioner Ford said he supports the addition of the item for discussion if the board agrees there will be no action taken.

Commissioner Calabria moved, seconded by Commissioner Burns to add item # 18 for discussion purposes only.

Commissioner Burns moved, seconded by Commissioner Ford, to approve the agenda by removing item # 8 and adding item #18 will be for discussion only. The motion passed unanimously.

4. [Approval of the Minutes of the November 20, 2017 Regular Meeting and November 13, 2017 Work Session](#)

Commissioner West moved, seconded by Commissioner Ford, to approve the Minutes of the November 20, 2017 Regular Meeting and November 13, 2017 Work Session. The motion passed unanimously.

5. [Wake County Child Fatality Prevention Team/Community Child Protection Team \(CFPT/CCPT\) Annual Report For 2016](#)

Attachments: [Agenda Item](#)
[Cover letter for CC and BOH annual reports](#)
[CFPT CCPT Annual Report for 2016](#)
[Child Fatalities in Wake County including source information](#)
[CFPT CCPT Membership List](#)

Ms. Theresa Flynn, Pediatrician Chair, Wake County Combined Child Fatality Prevention Team/Community Child Protection Team, said the Child Fatality Prevention Team report presents infant and child mortality rates for the year 2015. She said Wake County's death rate has been stable for the past five years and is lower than Guilford and Mecklenburg counties. Ms. Flynn shared a chart of Child Fatalities by Cause of Death and Age Groups in Wake County. She said there was an increase in the total number of Wake County Child deaths from 96 to 105 in 2015. She said that among children aged 1-17, injury accounted for more deaths (18) illness (14). Violent deaths (suicide and homicide) accounted for nearly half of the injury deaths overall. She shared the social determinants of health due to child deaths. She thanked the board for the work of building a stronger and healthier community. She said that the board is protecting children with the efforts given to programs that support social determinants of health.

She shared a chart about the statistics for North Carolina and Wake County.

Vice-Chair Hutchinson commended staff for addressing the social determinants of health. He said that the board commends staff for lowering child fatality numbers and the efforts of the Population Health Task Force.

Commissioner West complimented Ms. Regina Petteway, Wake County Human Services Director, and staff. He said the county is moving in the right direction for vulnerable communities as it relates to social and economic determinants. He said focus can be placed on job opportunities, unemployment, and addressing poverty. He commended the work of Ms. Verna Best, Human Services Program Manager, and Ms. Katherine Williams, Wake County Cooperative Extension Director, for working together collaboratively to target these issues. He said economic inequality is an important issue in Wake County.

Chair Holmes asked Ms. Flynn and her team to stand and be acknowledged by the board.

Ms. Regina Petteway, Wake County Human Services Director, said that Wake County Human Services has been consolidated for twenty years and this information is clear to why there is public health, social services, housing and transportation. She said this is the most support that any board has given toward social determinants of health.

Chair Holmes expressed her appreciation for staff providing this information.

6. [Presentation of the Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2017](#)

Attachments: [Final Financials Item Summary.docx](#)
 [Financial Presentation Final.pdf](#)

Ms. Johnna Rogers, Deputy County Manager, introduced Ms. Susan McCullen, Finance Director; Ms. Emily Lucas, Deputy Finance Director; Ms. Kim Lorbacher, Accounting and Reporting Manager; Mr. John Stephenson, Internal Audit Director; Mr. Tom McNeish, CPA Shareholder, Mr. Elliot Davis and Ms. Kim Cantwell, Senior Audit Managers, Elliott Davis, PLLC.

Ms. Rogers shared a chart of the total county operations for last Fiscal Year.

She shared a chart of the total general fund tax revenues.

She shared the variances in general fund revenue

Property Taxes:

- Exceeded budget by \$2.7 million because actual collection rate was slightly greater than budgeted rate.
- Property tax revenues were .3% more than budgeted.

Sales Taxes:

- Sales taxes increased by \$9.5 million in 2017 over 2016 actuals, an increase of 5.6%.
- Sales taxes were .3% less than budgeted.

Total General Fund tax revenues were within .4% of the total budget amount.

She shared the variances in other fund revenue.

Intergovernmental Revenues:

- \$3.0 million of variance resulted from year-end distribution from ABC Board.
- \$2.2 million resulted from Human Services receiving increased state revenues for food stamp administration.

Charges for services:

- Exceeded budget by \$1.8 million, primarily due to state settlement of prior years Medicaid charges resulting from changes in billing rates.

Other Revenues:

- Fund balance shown as revenue source to balance the budget and does not have any actual revenues recorded against the budget.

She shared a chart of general fund expense variances.

General Government

- \$2.8 million underspent. Largest variances:
- Information Services - \$800,000 (5%) in lapsed salaries as a result of timing of implementing new resources.
- Non-Departmental - \$1 million appropriated for Hurricane Matthew but actual losses significantly less.

Behavioral Health

- Unspent appropriation of \$8.5 million.
- Contract requires unspent dollars revert to County. \$4 million of the reversion represents unspent dollars over three fiscal years.
- Additional savings due to maximization of state funding.
- Contracted services provided at a lower cost.

Public Safety

- \$800,000 in vacancy savings for Emergency Medical Services due to recruitment and retention challenges. FY18 budget funded strategies to address these issues

Chair Holmes asked how this variance percentage compares to previous years. Ms. Rogers said it was comparable to previous years.

Commissioner Ford pointed out the reversion of funds from Alliance Behavioral Health was not due to services not being rendered. He said all service needs were met but they were paid for with other funds.

Ms. Rogers said that the Budget, Audit, and Finance Committee received a detailed audit report at their meeting last week.

Commissioner West asked for clarification on a change that was made a year ago that was initiated by the General Assembly. Ms. Rogers said that due to a review of the all Managed Care Organizations (MCO's) revenue accounts, staff worked with Alliance Behavioral Health to modify their contract with the county. She said previously, unspent allocations remained in an Alliance Behavioral Health account but the modification reverted those funds back to the county for reallocation.

Ms. Rogers shared the general fund budget versus actual analysis.

She shared the general fund 2017 operating results.

She shared the financial model fund balance forecast versus the budget results.

Ms. Rogers shared the Fund Balance Policy.

General Fund: The County shall maintain a fund balance position that rating agencies deem is adequate to meet the County's needs and challenges. Therefore, the County has adopted a policy that **requires management to maintain a total General Fund balance of at least fifteen percent (15%) and an amount committed for working capital of at least ten percent (10%) of the following fiscal years General Fund** adopted budget in order to provide the County with adequate working capital and investment income.

Management is expected to manage the budget so that revenue shortfalls and expenditure increases do not impact the County's amount committed for working capital. If a catastrophic economic event occurs that results in a deviation of five percent (5%) or more from total budgeted revenue or expenditures, the amount committed for working capital can be reduced by board action. At that time, the Board will also adopt a plan on how to return Committed for Working Capital back to the required level for fiscal health.

When it is appropriate for fund balance to be assigned, the Board of Commissioners delegates authority to the County Manager.

Operating Funds: The County will maintain a combined General Fund and Debt Service Fund total fund balance of at least 30% of General Fund and Debt Service Fund combined revenues.

Ms. Rogers shared a chart of how the current fund balance policy compares to the projected fund balances.

She said that staff would bring back the updated financial model in January or February for consideration.

Commissioner Portman said there was discussion about fund balances for the Board of Education during the budget process last fiscal year. He said the actual budget versus the fund balance occurs when revenue is over estimated or expenses are under estimated. He said when that continues over a period of time, it should be reviewed to make sure money is being allocated properly. He challenged the board to look at the mental health budget to ensure those resources are being allocated appropriately. Ms. Rogers said the majority of the fund balance is related to services being paid with state funding instead of county funds. She said staff is working closely with Alliance Behavioral Health to correct the problem and will adjust the amount of funding in the next budget request.

Mr. Tom McNeish, Elliott Davis, PLLC, said the audit has been completed for 2017. He thanked county staff for providing the necessary information to complete the process thoroughly. He said the reason for the comprehensive audit is to express the opinion on whether the financial statements are fairly stated. He said reasonable assurance is necessary and the primary objective is to ensure rating agencies receive accurate information. He said the controls are in place for those that are at the highest risk. He said the county is responsible for preparing an accurate financial statement and to maintain sufficient internal controls. He said the focus of the single audit is to ensure compliance for the major federal and state programs. He said compliance is required by the state and federal agencies administering the funds and there are different guidelines for different agencies. He said internal controls are in place to mitigate the risk of non-compliance.

Commissioner Burns asked for explanation of the difference between significant deficiency and a material weakness. Mr. McNeish said a significant deficiency is a mis-statement in the financial records and a material weakness is a non-compliance with appropriate grant guidelines. Commissioner Burns noted that the food and nutrition services program had a material weakness. He said the finding is related to state standards which are not updated to match state law. He said NC FAST was

implemented after the standards were put in place so we are complying with NC FAST but we are not complying with the old standards. Mr. McNeish said that is correct and the issue has since been resolved.

Commissioner Portman asked staff about section two of the financial report and the issues regarding cash handling. He said that less than one percent of departments collect cash and asked for an explanation of cash handling procedures that are now in place. Ms. Rogers said Elliot Davis staff and Mr. John Stephenson, Internal Audit Director, have revised cash handling procedures. To date, 700 staff have been trained on the new policies. The Internal Audit department will also review audit and reconciliation procedures with each cash collection site. This work will be completed by June 30, 2018, and new procedures will be in place to have a strong hold on county cash handling policies.

Commissioner Portman asked if there is a regular schedule for departments to be audited. Ms. Rogers said staff will use the current audit to identify risk. Once that is complete, Mr. Stephenson will work on the schedule to ensure all departments are audited.

Commissioner West asked if staff would provide information on other procedures that will need to be implemented after the investigation into the Register of Deeds office is complete. Ms. Rogers said there would be six pilot sites and improved processes to strengthen controls over cash collections will be implemented county-wide. She said Wake County Finance will have a greater oversight role.

Chair Holmes thanked staff and said it is important that audits occur in all departments. Ms. Rogers said that the current Register of Deeds has asked for an annual review of his department, which will be added to the annual audit process.

Commissioner Ford asked Mr. McNeish for a definition of a "finding" in the compliance audit. Mr. McNeish said the auditing standards require that material weakness findings are reported. He said a lack in internal control is typically the reason a finding is reported.

Commissioner Ford asked if all previous years finding have been resolved. Mr. McNeish said there was one repeat finding, which they will follow up on next year to ensure it has been corrected. Commissioner Ford thanked staff and Mr. McNeish for their work on the audit.

Vice-Chair Hutchinson asked for clarification on the repeat finding. Ms. Kelly Cantwell, Senior Audit Manager, Elliot Davis, PLLC, said the repeat finding was in regards to Medicaid program eligibility documentation and a corrective action plan has been put in place.

Chair Holmes thanked staff and the auditors for their work.

Public Comments

No one came forward for public comment.

7. [Recognition of Chairman Sig Hutchinson](#)

Chair Holmes said that Vice-Chair Hutchinson has served countless hours as Chair of the Board. She said she was proud to serve alongside of him and thanked him for his leadership.

Vice-Chair Hutchinson thanked the Board of Commissioners for their support. He said there is a powerful and talented group of citizens making the county better for citizen's every day. He said that it is important to have talented staff, and he has never worked with such wonderful staff. He said serving in government is not easy and it speaks to those that work so hard every day for the citizens. He said government is a great place to work and he is honored to be part of it. He shared a list of the accomplishments from this past year. He commended staff for the health and wellness accomplishments. He said that Fitbit performed an international post recently and highlighted Wake County as the healthiest county. He said the opioid overdoses have increased 80 percent state-wide since last year, but Wake County has not experienced an increase. He thanked the board for the opportunity to serve as Chairman.

Chair Holmes acknowledged the work of Commissioner Calabria as Vice-Chair. She said that Commissioner Calabria is thorough and detail oriented. She thanked him for addressing food insecurity and creating the universal breakfast program in schools, as well as his work on recidivism and transit. She said that he engaged leaders across the county while addressing these issues. She acknowledged his leadership in the community and thanked him for his service.

Vice-Chair Hutchinson said that Commissioner Calabria put a lot of work into serving as Vice-Chair and handled the responsibilities with expertise and drive, while maintaining the initiative of the board. He said that Commissioner Calabria has been a tremendous asset to him over the past year.

Commissioner Calabria thanked the board for their comments. He said there is a lot of work that goes into being a Chair. He said there is a big time commitment and Vice-Chair Hutchinson has worked very hard. He said that he is excited to work beside Chair Holmes in the coming year.

Consent Agenda

Commissioner Burns moved, seconded by Vice-Chair Hutchinson, to approve the consent agenda. The motion passed unanimously.

8. [Land Acquisition for a Parcel of Land Containing 1.080 Acres Located Across from Wendell Elementary School \(Final Reading\)](#)

Attachments: [Wendell Land Acquisition Item \(Third Hearing\) 11-20-17.docx](#)
[Wendell 2nd Reading Presentation.pdf](#)
[Wendell Contract.pdf](#)
[Wendell Appraisal.pdf](#)
[Wendell Survey.pdf](#)

No action was taken by the board.

9. [Approval of Funding Agreement for Town of Cary Sports Facilities 20-Year Comprehensive Plan](#)

Attachments: [Cary Sports Facilities Assessment Item Summary.docx](#)
[Cary Funding Agreement for Sports Facilities Capital Plan.docx](#)

Commissioner Burns moved, seconded by Vice-Chair Hutchinson, that the Board of Commissioners approve a funding agreement in an amount not to exceed \$125,000 with the Town of Cary subject to the terms and conditions acceptable to the County Attorney. The motion passed unanimously.

10. [Wake Coordinated Transportation Services FY 18-22 Interlocal Agreement](#)

Attachments: [Agenda Item](#)
[Interlocal Agreement](#)
[Cost Allocation Table](#)

Commissioner Burns moved, seconded by Vice-Chair Hutchinson, that the Board of Commissioners approve the FY18-22 Interlocal Agreement between the City of Raleigh and Wake County regarding Shared Transit Resources including the updated cost share calculation and authorizes the County Manager to execute the document. The motion passed unanimously.

11. [Conveyance of Utility Easement to Duke Energy for Electrical Services Associated with the Oak City Multi-Services Center Property at 1430 South Wilmington Street, Raleigh, NC](#)

Attachments: [Agenda Item.doc](#)
 [utility easement.pdf](#)
 [Map.pdf](#)

Commissioner Burns moved, seconded by Vice-Chair Hutchinson, that the Board of Commissioners authorize the Chairman to execute the utility easement with Duke Energy for the distribution of electrical services necessary for the Oak City Multi-Services Center, 1430 South Wilmington Street, Raleigh, NC, subject to terms and conditions acceptable to the County Attorney. The motion passed unanimously.

12. [First Amendment to Lease Agreement and Memorandum of Lease with Duke Energy Progress, LLC at the Wake County Fire Training Center](#)

Attachments: [Agenda Item - Fire Training Lease Ext.doc](#)
 [First Amendment to Lease Agreement.pdf](#)
 [Memorandum of Lease.pdf](#)
 [Site Map.pdf](#)

Commissioner Burns moved, seconded by Vice-Chair Hutchinson, that the Board of Commissioners:

1. Approve the First Amendment to the Lease Agreement and Memorandum of Lease with Duke Energy Progress, LLC; and
2. Authorize the Chairman to execute such documents (along with any supporting documentation), subject to the terms and conditions acceptable to the County Attorney. The motion passed unanimously.

13. [Assumption of Multifamily Affordable Housing Loan](#)

Attachments: [Courtyard Commons LP Loan Assumption.doc](#)
 [July 1, 2001 Agenda Item.pdf](#)
 [Deed of Trust & Promissory Note.pdf](#)
 [Real Estate Purchase Agreement.pdf](#)
 [NCHFA Approval.pdf](#)

Commissioner Burns moved, seconded by Vice-Chair Hutchinson, that the Board of Commissioners:

1. Approve the execution of the assignment & assumption agreement with the current loan balance to allow IPI Courtyard Commons Limited Partnership to assume the loan for property at 324 West Jones Street,

Fuquay-Varina, NC, subject to terms and conditions acceptable to the County Attorney; and

2. Authorize the Chairman to execute required documents subject to terms and conditions acceptable to the County Attorney.

The motion passed unanimously.

14. [Tax Committee Recommendations for Value Adjustments, Late Filed Applications, Collections Refunds and Tax Collections](#)

Attachments: [Tax Collections Item Summary](#)
[Tax Committee Agenda Process](#)
[Executive Summary 1](#)
[Executive Summary 2](#)
[December 2017 Refunds Under 500](#)
[Daily Updates For Exemptions](#)
[Daily Updates For Penalties](#)
[Daily Updates For Tax Relief](#)
[Municipal Collection Report](#)
[Wake County Collection Report](#)
[Monthly In-Rem Foreclosure Report](#)
[PFB Summary Report](#)
[Register of Deeds Excise Tax Report 1](#)

Commissioner Burns moved, seconded by Vice-Chair Hutchinson, that the Board of Commissioners approve the attached recommendations by the Tax Committee. The motion passed unanimously.

Regular Agenda

15. [Public Hearing on ZP-896-17 to Rezone Two Parcels Located at 9317 and 9313 Daffodil Drive from Residential-30 \(R-30\) to Conditional Use-Office and Institutional \(CU-O&I\)](#)

Attachments: [ZP-896-17 BOC Item Summary.docx](#)
[ZP-896-17 Presentation.pdf](#)
[ZP-896-17 BOC SR.doc](#)
[ZP-896-17 Ordinance for Consistency, Reasonableness and Public Interest.doc](#)
[ZP-896-17 Ordinance for Approval of Rezoning Petition.doc](#)
[ZP-896-17 Final Revised Petition.pdf](#)
[ZP-896-17 Maps.pdf](#)
[Neighborhood Meeting Information.pdf](#)
[Planning Board Minutes Excerpt.docx](#)

Mr. Keith Lankford, Wake County Planner II, Wake County Planning, shared the request and stated purpose of the request.

- Rezone two lots totaling 1.994 acres at 9317 and 9313 Daffodil Drive (Adjacent to Wake Tech's main campus) from R-30 to CU-O&I (petitioner, on behalf of Wake Tech, has voluntarily eliminated 16 possible uses)
- Stated purpose is to bring these two lots under the same zoning destination (O&I) as the main campus to allow for construction of an access road to support the community college
- Rezoning decision must be based upon all possible uses.

He shared maps of the zoning.

He shared a map of the campus master plan.

He shared the land use plan history information.

- 1973: General zoning was first applied
- 2003: Fuquay-Varina/Garner ALUP was adopted, designating the surrounding area as a Regional Activity Center (RAC)
- Rezoning request, the stated proposed use, and the permissible range of uses would be consistent with the Land Use Plan

He shared the public input information.

- Town of Fuquay had no comments
- Petitioner held a public meeting on October 4, 2017 (no one attended)
- Letters sent to adjacent property owners, posted a sign at the site, and two legal ads in N&O
- Staff has received no opposition.

He shared the other consideration information.

- No environmental sensitive features
- Campus served by Fuquay-Varina utilities; sewer easement to be provided by Wake Tech
- Proposed use will not generate new traffic to the site but rather improve circulation

He shared the reasonableness and public interest information.

- For all the reasons noted above, the requested rezoning, the stated proposed use, and the permissible range of uses are reasonable and in the public interest.

He shared the staff findings.

- The rezoning is consistent with the Land Use Plan and four (4) stated goals
- The rezoning is appropriate for the Regional Activity Center
- Proposed use will not generate new traffic to the site but rather improve circulation
- A detailed site plan must be approved by Wake County for any future development.
- Town of Fuquay-Varina had no comments
- Staff has received no objections from adjacent property owners.

Commissioner West asked if a traffic impact analysis was required. Mr. Lankford said no traffic analysis is required.

Mr. Lankford said the road connectivity would need to be a shared effort by Wake County, Town of Fuquay-Varina, and the North Carolina Department of Transportation.

Chair Holmes opened the public hearing.

Mr. Charlie Oakley, Durham County, said it is not the intention of Wake Tech to increase capacity. He said this is back-up to provide circulation around the campus.

Chair Holmes closed the public hearing.

Mr. Lankford said the Wake County Planning Staff supports the rezoning.

Mr. Alan Swanstrom, Chair, Wake County Planning Board, said that the Planning Board voted unanimously for the rezoning.

Commissioner Burns moved, seconded by Vice-Chair Hutchinson, that the Board of Commissioners hold a public hearing to consider

rezoning petition ZP-896-17 and:

1. Adopt the draft statement finding that the requested rezoning to Conditional Use--Office and Institutional, the stated proposed use, and the permissible range of uses are consistent with the Wake County Land Use Plan, reasonable, and in the public interest. The motion passed unanimously.

Commissioner Burns moved, seconded by Commissioner Portman, that the Board of Commissioners,

2. Approve the rezoning request as presented. The motion passed unanimously.

16. [Land Acquisition for an Elementary School Site in the Southern Wake County/Fuquay-Varina Area \(E-44\) \(Second Reading\)](#)

Attachments: [E-44 Item Summary Second Reading.docx](#)
[2017-11-30 BOC Presentation - E-44 Second Reading 12-4-2017.pdf](#)
[2016-02-15 Fully exec Offer to Purchase and Contract E-44 2-18-16.pdf](#)
[BM 2017 PG 415 and 416 Recombination.pdf](#)

Ms. Betty Parker, Senior Director, Real Estate Services, shared a map of the site. She said the feasibility study indicates the construction will support the school.

She shared the contract terms and conditions.

Purpose: To accommodate a future elementary school

Seller: Crooked Creek Golf Land LLC & CC Partners Inc. The subject property has been owned by the principals or related entities for more than 20 years.

Land Purchased: 21.0 acres on the southern side of Hilltop Needmore Road east of its intersection with Johnson Pond Road and located within Town of Fuquay Varina ETJ.

Negotiated Purchase Price: \$1,365,000 (±21.0 acres @ \$65,000/acre.)

Utilities: Water service from Town of Fuquay-Varina, sewer service via existing Aqua pump station that serves the neighborhood

Cost Sharing: Seller to share costs of water & sewer extensions to the site and road improvements along eastern frontage, & complete installations

Appraised Value (January 2016): \$1,315,000

Due Diligence Period: 150 days from contract execution.

Closing: 45 days after completion of all due diligence, including obtaining BOC approval of funding

She shared the non-standard conditions, which include water & sewer service, road improvements, cloud on title & due diligence.

Water & Sewer Service Extensions: Seller is responsible for the work required for water and sewer extensions at least 18 months prior to projected school occupancy. Seller to provide a performance bond to secure timely performance.

Water Service Infrastructure Costs: Board is responsible for a 50%-50% cost share with Seller to extend a 12' water line from the intersection of Hilltop Needmore Road and Lake Wheeler Road westward along Hilltop Needmore Road to the eastern boundary of the school site.

Sewer Service Infrastructure Costs: Board is responsible for a 50%-50% cost share with Seller to extend a sewer line from the current terminus of the sewer line leading to the Aqua pump station southward to the southern side of Hilltop Needmore Road then extending to the northern boundary of the school site

Subdivision Road Infrastructure: Seller is responsible for the work required for installing the new public road along the eastern boundary of the school site from Hilltop Needmore Road to the southeastern corner of the school site at least 18 months prior to projected school occupancy. Seller to provide a performance bond to secure timely performance.

Road Design: Road is to be designed and installed to NCDOT recommended standards to adequately support bus traffic.

Temporary Access: Until the new public road is installed, Seller will grant temporary easements for ingress and egress from existing public roads to the site to accommodate site development traffic.

Road Infrastructure Costs: Board is responsible for a 50%-50% cost share with Seller of installing the new Subdivision Road along the eastern boundary of the school site.

Easements and Rights of Way: Seller to grant as needed for road or utilities work.

Resolution of Pending Lawsuit: Friends of Crooked Creek, LLC et al. lawsuit against the Seller has now been fully adjudicated in favor of the Seller.

Identified Burn Pits: Seller to remove three bury pits identified during the due diligence period and restore to a reasonable engineering standard.

Existing Restrictive Covenants

She said that there would be a vote soon on the lifting of the restrictive covenants, which will include this property and the park property.

She shared the conditions of the purchase and the Board of Educations respective status on each item.

Condition	BOE status
1) Pending lawsuit resolution	Complete
2) Termination of restrictive covenants on site	Amend/Condem
3) Conservatoin easement transfer & USACE clearance	N/A
4) Removal of encroachments on subject and adjacent site	N/A
5) Termination of leaseholders	N/A
6) Preliminary approval of utility connections/extensions	Complete
7) Satisfactory Environmental assessment	Complete
8) Buried burn pit locations identified and remediated	Sellers
terms/post-closing	
9) High hazazrd dam emergency action plan	N/A
10) Grant of necessary easements	Sellers
terms/post-closing	
11) Rezoning from Town of Fuquay-Varina if necessary	Post-closing
12) Approval of funding from BOC &/or NCLGC	Underway
13) Connections to Triangle Greenways properties	N/A

She shared the land acquisition comparisons.

Commissioner Portman asked if the covenants are excluded from governmental entities.

Ms. Parker said the covenants are addressed when there are assessments. She said that there was ambiguity in the covenants.

Ms. Allison Cooper, Senior Assistant County Attorney, said initially staff thought the county would be exempt but there was an issue obtaining title insurance.

Mr. Kenneth Haywood, Attorney, Wake County Board of Education, said the property will be used for the school and will not be subdivided. Therefore, the lot requirements and covenants are not a concern for the Board of Education.

Commissioner Calabria thanked Ms. Parker and Ms. Cooper for their work on this item. He thanked the owners and their representatives for their patience while staff worked through the issues.

Commissioner Portman moved, seconded by Commissioner Calabria, that the Board of Commissioners approve funding of the purchase price together with closing costs in an amount not to exceed \$1,370,703.00 pursuant to NCGS 115C-426. The motion passed unanimously.

17. [Resolution Encouraging Municipalities to Join Wake County in Allowing Development and Reducing Obstacles for Accessory Dwelling Units \(ADUs\)](#)

Attachments: [Agenda Item](#)
[Resolution](#)

Ms. Alicia Arnold, Wake County Human Services Division Director, Housing and Community Revitalization, said on October 16, 2017 the Wake County Board of Commissioners approved the Wake County 20-year, Comprehensive Affordable Housing Plan. The purpose of this plan was to compile and analyze all existing affordable housing efforts in Wake County to identify gaps, propose solutions and present methods for increasing and preserving the affordable housing stock with an overarching goal to ensure that quality affordable housing is available for all Wake County residents.

To address the need demonstrated by the conditions analysis, the plan makes several recommendations in three essential strategy areas: Land Use, Leveraged Programs and New Public Resources. One of the top recommended tools is the Expanded Capacity for Accessory Dwelling Units Countywide. At the request of the Board of Commissioners, a resolution was recommended. The Commissioners are asked to approve the resolution encouraging municipalities to join Wake County in allowing development and reducing obstacles for Accessory Dwelling Units (ADUs) as-of-right in single-family and low-density residential neighborhoods.

Vice-Chair Hutchinson said that through the affordable housing report, the work will occur with municipal partners and are resources for the community.

He read aloud the resolution.

Commissioner West asked if there is a parallel and how does the City of Raleigh fit into the plan. Ms. Arnold said that staff is looking into this.

Commissioner Burns said that this fits into the affordable housing plan. He said the county is moving forward and it clears the way for market pressures to be relieved.

Commissioner West said the City of Raleigh is discussing this issue and asked what the City of Raleigh is proposing. Ms. Arnold said the City of Raleigh is having the same conversation.

Chair Holmes said Mr. Larry Jarvis, Director of the Housing and Neighborhoods Department, City of Raleigh, has provided input and is a

key participant.

Chair Holmes said the resolution is one step of many in the key roles of the affordable housing plan. She thanked Mr. David Ellis, Interim County Manager for his leadership.

Commissioner Portman moved, seconded by Commissioner Ford, that the Board of Commissioners approve a Resolution Encouraging Municipalities to Join Wake County in Allowing Development and Reducing Obstacles for Accessory Dwelling Units (ADUs) As-of-Right in Single-Family and Low-Density Residential Neighborhoods. The motion passed unanimously.

18. [Commitment and Appropriation of Funds for School Counselors, Social Workers and Instructional Support](#)

Attachments: [Final School Counselors Item Summary.docx](#)
 [Budget Memo - FY 2018 WCPSS.xlsx](#)
 [Budget Memo - FY 2018 Non-Departmental.xlsx](#)

Commissioner Calabria said that the Board of Education has made the addition of more counseling staff and social workers a top priority based on the acuity of the need. He said that staff realized the importance of the need and went through the budget and found \$3.5 million that was not spoken for. He said the excess revenue is the result of an additional sum of income from the ABC Board as well as money that was unspent by Alliance Behavioral Health. He said there were discussions about the possible uses of the excess funds and all the needs were considered. He said there is a lot of strain on the schools budget. He suggested spreading the funding over three semesters then factoring it in to their budget next fiscal year. He encouraged the Board of Education to match the funding, but he does not want the lack of their match to impede the plan to move forward. He asked the board to move forward regardless of the match from WCPSS.

Commissioner Portman asked for clarification on what instructional support includes. He asked if the identified funds can be used for this purpose.

Commissioner Ford said instructional support can be teacher support but it consists of certified staff to enhance instructional programs beyond the normal duties of the teacher. He said instructional support can also be office staff.

Commissioner Portman said that the need is of high importance. He said that teacher pay levels are below the national average. He said he has heard concerns regarding lack of funding for supplies, text books, adequate maintenance staff and technical support. He said the annual

budget has not been an effective tool to get beyond the issue. He said if the state funding were adequate, there would be no need for additional county funds. He acknowledged that the school board has sole control over the education system yet they have no taxing authority. He said both boards must work collaboratively and cooperatively to find ways to improve the education system, increase teacher pay and fund supplies for a better education system. He said neither board can do it alone and there have been efforts by both board members to resolve the issue. He said that long-term funding gap issues must be realized to avoid the annual funding battle. He said this board has provided additional school funding and has increased it by 25 percent over the past four years. He said a cooperative manner is needed for adequate funding. He said a long-term plan is needed for the next 3-4 years.

Commissioner Burns said this is a good first step towards a solution. He said it is important to keep track of where this excess revenue is coming from and that it be spent on acceptable services.

Commissioner Ford said that he supports the efforts and this is the closest the board has come to supporting WCPSS additional needs since he has been commissioner. He expressed his concern that the county may be setting a precedent for the Board of Commissioners. He asked Attorney Warren if this is an appropriate precedent.

Mr. Warren said that one board cannot bind another. He said the political desire does not bind either board. He said it is a grey area but the issue can be resolved with an InterLocal Agreement between both boards.

Commissioner West said that when the Vernon Malone School was built in 2005 there was an Inter-local agreement. He asked Mr. Warren to reiterate that situation for the current commissioners.

Mr. Warren said there was an agreement to handle the schools Workman's Comp cases and the agreement expired after five years. He said this was implemented in an effort to save money. He said the construction of the schools changed and this situation would be appropriate for such an agreement.

Commissioner West said the relationship with the schools must be considered. He said this is a good idea but the "why" and "how" and perception of treatment should be considered. He said there must be understanding of paradigms since there is history and culture. He said there has been discussion of how children in low-income poverty stricken schools have been affected. He said there is a general trend of segregated schools with poverty. He said there are issues about teachers and poverty in the media that contribute to the children of color.

Vice Chair Hutchinson said this is a win-win situation and discussion for the need for counselors has been brought forward. He said the additional funding is a priority to what the schools need. He said this would employ 50 counselors and that could clearly make a difference. He said that enrollment is less than projected so WCPSS may have additional money to provide counseling services as well. He suggested the board working with the school system to find a solution to meet the needs of students and the community.

Commissioner Portman said that unrestricted funding is not available. He asked for collaboration to work on the needs. He said to be creative, there needs to be collaboration.

Commissioner Ford said he is pleased with the support in accommodating the schools request for additional funding. He said it was helpful to meet with WCPSS and discussing their strategic plan. He said honoring a county-wide strategic plan is needed. He said collaboration needs to be approached mutually with trust and transparency. He said he supports a clean and clear appropriation of the \$3.5 million to WCPSS free from any strings.

Commissioner Calabria said this board has expressed interest in moving forward with the appropriation and he looks forward to additional dialog with the Board of Education members.

Chair Holmes said she understands there is a commitment of the board to the school systems need for additional counselors and social workers. She said Wake County currently does not meet the national recommended levels for counselors due to a lack of funding from the General Assembly. She said there must be collaboration and inclusion of all members from both boards. She said she is proud of the commitment of the board to address the needs of WCPSS.

19. [Approval of 2018 Board of Commissioners' Meeting Schedule and Budget Calendar](#)

Attachments: [BOC Meeting Schedule and Budget Calendar Item Summary.doc](#)
[2018-BOC-PROPOSED-MTG-SCHEDULE.docx](#)

Mr. David Ellis, Interim County Manager, shared the board meeting calendar for 2018 and the changes made to accommodate holidays, as well as other local and national meetings of the board.

Commissioner West noted that he wanted to make the observation that some meetings were moved to Wednesdays due to elections.

Chairman Holmes said that it is important to adopt a schedule so that

board members can place them on their calendars and the public be notified in advance to plan ahead.

Commissioner Ford moved, seconded by Commissioner Burns, that the Board of Commissioners approve the 2018 Meeting Schedule and Budget Calendar. The motion passed unanimously.

Appointments

20. [Alliance Behavioral Healthcare](#)

Attachments: [Alliance Item Summary 5-16-17.docx](#)
[Alliance Member List 1-29-18.pdf](#)
[Alliance BHC 1-24-18 Applicants.pdf](#)
[Alliance BHC App Roster 1-24-18.xlsx](#)
[Alliance BHC Bd Choices 1-24-18.xlsx](#)
[Alliance Attendance 1-29-18.JPG](#)

Commissioner Calabria requested that the appointments be deferred until January, 2018 while Alliance Behavioral Healthcare completes their interview process for candidates.

21. [Durham and Wake Counties Research and Production Service District Advisory Committee](#)

Attachments: [Durham-Wake Counties Research and Production Item Summary.docx](#)
[Durham and Wake Member List.pdf](#)
[Recommendation Letter Durham-Wake Counties Research and Production Service.pdf](#)
[Durham-Wake Counties Research Applicants 8-2-17.xlsx](#)
[Durham and Wake Applicants 8-2-17.pdf](#)
[Durham-Wake Board Choices.xlsx](#)

Commissioner Calabria requested that the appointments be deferred until January, 2018.

22. [Fire Commission](#)

Attachments: [Fire Commission Item Summary.doc](#)
[Fire Commission Board Membership Packet 10-23-17.pdf](#)
[Fire Commission Applicants 11-21-17.pdf](#)
[Fire Commission App Roster 11-21-17.xlsx](#)
[Fire Commission Board Choices.xlsx](#)
[Fire Commission 9-21-17 Attendance Sheet.xls](#)

Commissioner Calabria nominated Satish Garimella for the At-Large vacancy.

23. [Library Commission](#)

Attachments: [Library Commission Item Summary 10-10-17.docx](#)
[Library Commission Board Membership Packet.pdf](#)
[Applicant Roster Library Commission](#)
[wake_applicants_10-23-2017.xls](#)
[Library Commission Applicant Packet 10-23.pdf](#)
[Library Commission Board Choices.xlsx](#)
[Library Commission Attendance 2017 \(Jan2017-Oct2017\).xlsx](#)

Commissioner Calabria nominated Kreth Ball-Johnson for the At-Large vacancy.

24. [United Arts Grants Panel](#)

Attachments: [Item Summary.doc](#)
[United Arts Board Details.pdf](#)
[United Arts Member List 11-17.pdf](#)
[United Arts Grants Panel Applicants 11-06-17.pdf](#)
[United Arts Applicant Roster 11-6-17.xlsx](#)
[United Arts Board Choices.xlsx](#)

Commissioner Calabria said there are vacancies open for Districts 1 and 5. He requested that the appointment for District 1 be deferred until January, 2018. He nominated Mr. Lionel Randolph for re-appointment with a suspension of the rules regarding term limits.

25. [City of Raleigh Planning Commission](#)

Attachments: [City of Raleigh Planning Commission.doc](#)
[City of Raleigh Planning Mbr List.pdf](#)

Commissioner Calabria nominated Mr. Joseph Lyle for re-appointment.

Vice-Chair Calabria moved, seconded by Commissioner Burns, to approve the appointments. The motion passed unanimously.

Commissioner Portman asked if the Alliance Behavioral Healthcare appointments are made by Alliance or the Board of Commissioners. He said the board may want to assert the vetting process for Alliance, but the Board of Commissioners ultimately decides the appointments to this board.

Commissioner Calabria said it is important that the Alliance Behavioral Healthcare Board be fully represented. He said a more proactive

approach is needed.

Commissioner West said that in the past the Board of Commissioners have a role in the input for appointments. He said it is important to appoint the right persons on the board.

Vice-Chair Hutchinson said there are partners in the industry and some interested applicants have had a conflict of interest in serving on the board in the past.

26. [Upcoming Vacancies for January 2018](#)

Attachments: [January Upcoming Vacancies.docx](#)

Committee Reports

27. [Budget, Audit and Finance Committee](#)

Commissioner Calabria said that the Budget, Audit and Finance Committee received the annual audit report last week. He commended staff for predicting the county budget and securing the AAA bond ratings. He said there was discussion regarding completing the follow up audit quickly and effeciently to ensure further cash handling issues do not arise.

Closed Session

Mr. Scott Warren, County Attorney, said there was no need for a Closed Session.

Adjourn

Commissioner Ford moved, seconded by Commissioner Portman, to adjourn the meeting. The motion passed unanimously.

Respectfully submitted,

Denise M. Hogan, NCMCC
Clerk to the Board
Wake County Board of Commissioners