

**Wake County Board of Commissioners**  
**Work Session**  
**June 11, 2018**  
**2:00 P.M.**  
**Wake County Justice Center Room 2800**

**Commissioners Present:**

Jessica Holmes, Chair  
Sig Hutchinson, Vice-Chair  
John Burns  
Matt Calabria  
Greg Ford  
Erv Portman

**Commissioner Absent:**

James West

**Wake County Staff Present:**

David Ellis, County Manager; Johnna Rogers, Chief Operating Officer; Chris Dillon, Assistant County Manager; Denise Foreman, Assistant County Manager; Ben Canada, Assistant to the County Manager; Bill Greeves, Chief Information and Innovation Officer; Denise Hogan, Clerk to the Board; Yvonne Gilyard, Deputy Clerk to the Board; Portia Johnson, Executive Assistant to the Board; Michelle Cerett, Executive Assistant to the Board; Scott Warren, County Attorney; Allison Cooper, Senior Assistant County Attorney; Dara Demi, Communications Director; Kerry McComber, Communications Manager; Elizabeth Harmantzis, Communications Manager; Jennifer Heiss, Communications Specialist; Alice Avery, Communications Specialist; Heather Drennan, Budget and Management Services Assistant Director; Frank Cope, Community Services Director; Marcus Kinrade, Revenue Director; Mark Forestieri, Facilities, Design and Construction Manager; Chris Snow, Parks, Recreation and Open Space Director; Kelli Braunbach, Deputy General Services Director; Mark Edmondson, Facilities Project Manager; and Tim Maloney, Planning, Development and Inspections Director.

**Others Present:** Robert Hinson, Triangle Greenways Council Member

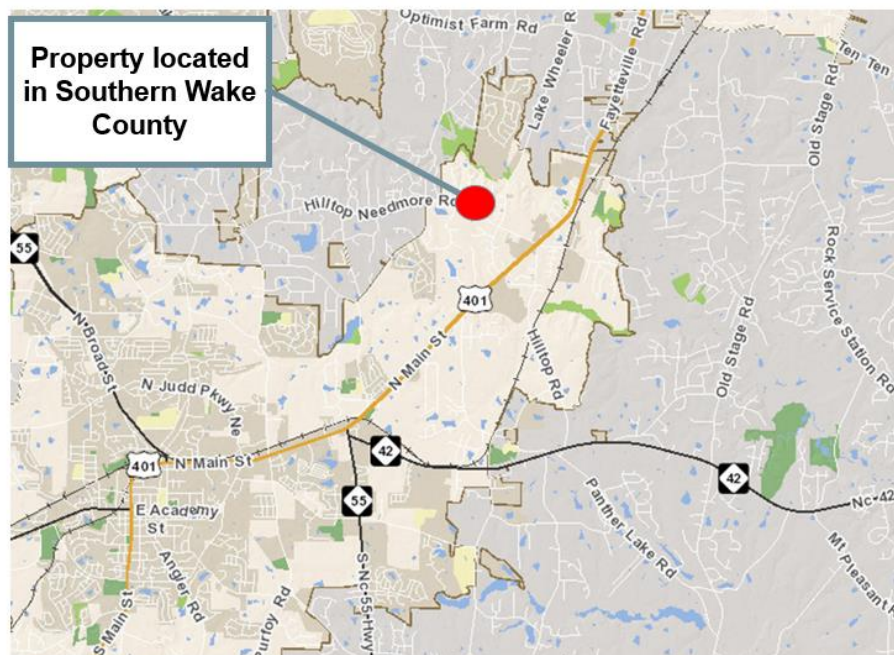
Chair Holmes called the meeting to order at 2:00 p.m. and welcomed everyone to the meeting.

Mr. David Ellis, County Manager, said the purpose of today's meeting is for staff to provide the Board of Commissioners with an update on the Crooked Creek project. He said there is no public comment at the work session meetings, but there will be a designated time for public comment on the matter at the June 18<sup>th</sup> meeting prior to board action.

Mr. Frank Cope, Community Services Director, provided an overview of today's agenda.

- Background
- Status of Conditions
- Master Planning Timeline
- Interim Status of the Property
- Funding
- Board of Commissioners Feedback

He shared a map of the property. He said the majority of the property is in the Fuquay Varina ETJ.

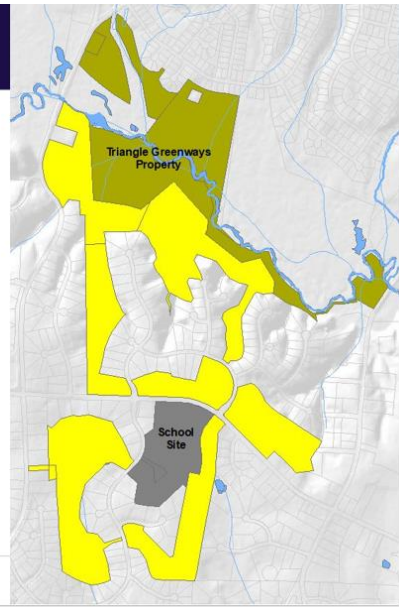


He shared a map of the project site. He said the Wake County Public School System (WCPSS) has a contract to purchase 21 acres adjacent to the proposed park site. He said that 21 acres will be used for a new elementary school.

## Background

- The former golf course is 164 acres and closed in 2015
- WCPSS has a contract to purchase 21 acres for an elementary school (E-44)
- Property under consideration is 143 acres

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He provided an update on the prior actions taken by the Board of Commissioners.

- August 2017 Work Session - Board of Commissioners received presentations from both a South Wake Park Project representative and staff
- At the November 6, 2017 meeting, the Board of Commissioners voted 4-3 to consider the acquisition of the former Crooked Creek golf course subject to 11 conditions
- To date the majority of the conditions have been addressed

Mr. Cope shared a chart of the action items along with the status for each one.

1. Lawsuit ( <i>Friends of Crooked Creek, LLC v. CC Partners, Inc.</i> ) must be dismissed with prejudice or finality of appeal with no material effect on the use of the property for any governmental purpose	<b>SATISFIED</b>	
2. Termination of the restrictive covenants as to this property (golf course)	<b>SATISFIED</b>	
3. County must be approved as transferee of the conservation easement and receive pre-clearance for any planned	<b>SATISFIED</b>	

development/use of the property by the US Army Corp of Engineers		
4. Removal of all encroachments including residential lot encroachments on the golf course, cart path encroachments on residential lots and any others identified by survey	<b>SATISFIED</b>	
5. Termination of all leaseholds	<b>SATISFIED</b>	
6. Preliminary approval of any utility connections/extensions or systems from the Town, Aqua NC or the North Carolina Department of Environmental Quality	<b>SATISFIED</b>	
7. Satisfactory environmental assessments including: <ul style="list-style-type: none"> <li>i. Bury pits locations are identified and remediated to the satisfaction of a licensed engineer</li> <li>ii. High Hazard Dam Emergency Action Plan and dam must be in compliance</li> </ul>	<b>SATISFIED</b>	
8. Grant of necessary easements including: <ul style="list-style-type: none"> <li>i. Access easement for the tunnel</li> <li>ii. Any others general easements required for utilities, roadway improvements, planned construction</li> </ul>	<b>PARTIALLY SATISFIED</b>	<u>One tunnel entrance is located on an Excluded Parcel owned by Crooked Creek Golf Land, LLC. This condition will be fully satisfied if the Wake County Board of Education purchases the Excluded Parcel pursuant to their land sale contract. If WCBOE does not purchase, a perpetual easement over and across the Excluded Property will be needed from the current owners.</u>
9. Rezoning from the Town of Fuquay-Varina if necessary	<b>SATISFIED</b>	Zoning verification letter received from Town including overview of required transportation improvements.
10. The purchase is conditional upon Board of Commissioner appropriation and, if required, Local	<b>Pending Board Action</b>	

Government Commission approval of the financing		
11. That the County be able to connect the property to the Triangle Greenways Land to the north for the purpose of a future greenway	<b>PARTIALLY SATISFIED</b>	TGC is not willing to donate their neighboring parcels, but has indicated they would be willing to sell the property to the County. ACOE has given preliminary, favorable feedback to a proposed break in the conservation easement that would be required to build greenways for the anticipated connection between the properties.

Mr. Cope shared the remaining conditions that need attention. He said the tunnel runs under the Hillsborough/Needmore road area. He said the tunnel issue can be easily resolved if the school system purchases the 21 acres. If they do not make the purchase, an easement will be needed from the current owners. Mr. Cope said staff is very optimistic that WCPSS will make the purchase.

- Grant of necessary easements including:
  - Access easement for the tunnel
  - One tunnel entrance is located on an Excluded Parcel owned by Crooked Creek Golf Land, LLC. This condition will be fully satisfied if the Wake County Board of Education purchases the Excluded Parcel pursuant to their land sale contract. If WCBOD does not purchase, a perpetual easement over and across the Excluded Property will be needed from the current owners.

Chair Holmes asked for clarification on the status of the purchase by the WCPSS.

Ms. Johnna Rogers, Chief Operations Officer, said the Board of Education is ready to move forward with the purchase. She said the closing has been delayed by the owners due to a request for revisions to the contract regarding road infrastructure. She said the closing is scheduled for the end of June.

Commissioner Calabria said he spoke with one of the owners recently. The owner indicated the school purchase was moving forward. He also confirmed that if the school purchase does not happen, there will be no issue with the current owners providing an easement to the county.

Commissioner Holmes said there is a dispute that is the result of the owners not agreeing to pay for road improvements, which will cost \$1 to \$2 million. She said the original agreement was that they would pay that from the proceeds, but they are now not willing to do that. She said there is a good possibility that the school system will not follow through with the purchase without the road

improvements being included. Therefore, she would prefer to wait until the school dispute is resolved prior to making a decision on the park purchase.

Vice-Chair Hutchinson said his understanding is that the county can obtain an easement regardless of who owns the property. He said staff's understanding is that WCPSS fully intends to purchase the 21 acres as originally planned. He has full confidence that WCPSS will complete the purchase of the 21 acres.

Commissioner Ford said he spoke with Dr. Jim Martin, WCPSS Board member, earlier today and he said he is not able to provide any assurance that the purchase will take place.

Commissioner Burns asked Mr. Cope if the WCPSS purchase is a condition of the county pursuing the park project. Mr. Cope said the only condition for the county to move forward is obtaining an easement.

Chair Holmes said her issue is not the easement, but it is important to note for the record that the school's purchase of this property is not a guarantee.

Commissioner Burns said it would be a great location for the school, and he is confident that it will happen.

Commissioner Hutchinson said the building of the school is not a condition of the county purchasing the property in question.

Mr. Cope shared two outstanding issues that need to be resolved. He said the Army Corps of Engineers is in favor of the Greenway on the property, but there is a process that must be followed. He said adding a Greenway to the property is several years away, but he feels the County will be able to obtain the easement without problems.

- The purchase is conditional upon Board of Commissioner appropriation and, if required, Local Government Commission approval of the financing
  - Pending Board of Commissioner Action
- That the County be able to connect the property to the Triangle Greenways Council land to the north for the purpose of a future greenway
  - Triangle Greenways Council is not willing to donate their neighboring parcels, but has indicated they would be willing to sell the property to the County. Army Corp of Engineers has given preliminary, favorable feedback to a proposed break in the conservation easement that would be required to build greenways for the anticipated connection between the properties.

Mr. Cope said staff's initial understanding was that the Triangle Greenway Council (TGC) would donate the easement, but that was a miscommunication.

Commissioner Burns asked for the cost of purchasing the easement from the TGC. Mr. Cope said the easement is \$102,000, which equates to \$1,327 per acre.

Mr. Cope said this land is protected by the Army Corps of Engineers and cannot be developed for any purpose other than a greenway or a park. He said the Army Corps of Engineers is open to the county's proposed use of the land.

Vice-Chair Hutchinson said the property is not usable for development but it is very valuable for water conservation. He commented on the various species of birds that benefit from the TGC property.

Commissioner Calabria introduced Mr. Robert Hinson, TGC member and Open Space And Parks Advisory Committee member. Mr. Hinson said the TGC is in agreement with the county's plan for the land.

Commissioner Ford asked Mr. Hinson about the miscommunication of the donation of the easement. He said he reviewed minutes from last November's meeting and it was communicated that the TGC would donate the easement. Mr. Hinson said there was never a solid conversation regarding the land being donated to the county.

Commissioner Ford said in reviewing the motion from last year, he understood that this project would not come back to the board until all conditions were met. He asked that it be noted for the minutes that the process has been overlooked.

Commissioner Burns commented on the progress being delayed. He said all conditions under the county's control have been met. He said no further issues can be resolved prior to board action.

Mr. Cope said staff excluded the easement from the proposal due to unanswered questions. He said when the board added the easement as a condition in November, staff began working on the easement with the TGC.

Commissioner Calabria said the potential to purchase this property has been discussed for several years. He said the project has not been rushed and all due diligence has been completed. He said the remaining issues cannot be addressed prior to board action.

Chair Holmes said some commissioners were aware of the potential for this property before others were. She said her understanding was this item was not to be brought back until after the park bond was considered at the November election.

Vice-Chair Hutchinson said Commissioner Calabria is allowed to place the item on the agenda. Chair Holmes agreed, but said Commissioner Calabria was not part of the conversation of delaying a decision until after the park bond was considered in November.

Mr. Cope shared updates that have occurred since the November, 2017 meeting.

- December 4, 2017: BOC approved 2<sup>nd</sup> reading of Board of Education acquisition of a 21 acre tract ("Excluded Site"), also part of the former golf course. Purchase Contract included Seller agreement to pay for ½ costs of secondary road extensions (est. at \$470,500) and utility infrastructure to support school development.
- February 28, 2018: The Conservation Fund ("CF") purchased the remaining 143 acres of the former golf course for \$3,950,000. Broad easement rights were reserved by Seller within the CF deeds for a road extension and utility extensions to support development of the Excluded Site.
- To date, WCBOE has not purchased the Excluded Site.

Mr. Cope shared the requirements of the Town of Fuquay-Varina. He said it is important to address these requirements. He said allowing the public to use the property would be considered a use change, which would require road improvements.

### Fuquay-Varina Requirements

- Change in use triggers road improvement requirements
- Opening property to the public for any use is considered a change
- Staff does not recommend opening property to the public until future uses are determined, to avoid costs of building potentially unsuitable or unneeded roads and infrastructure
- Interim use of the property by the public would require road improvements to Hilltop Needmore Road estimated at \$3,832,000
  - Estimates assumed use as a park

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He shared the long-term property development.

- Board has identified many potential uses of the property (e.g., park, affordable housing, nonprofit)
- Will engage community and multiple stakeholders in evaluating best uses of the property in order to master plan development

Crooked Creek Property	FY19				FY20		
Project Timeline	Q1	Q2	Q3	Q4	Q1	Q2	Q3
Activity							
BOC Approval / Acquisition							
Design Consultant RFQ							
Master Plan Development							
BOC Review and Approval							

Mr. Cope shared two possibilities for uses of the property during the transition phase.

## Two Approaches:

- Approach 1 – Property closed to the public from acquisition date until ultimate use is determined and master plan complete
  - County would install gates, fences, signage and maintain visible areas of the property
- Approach 2 – Allow passive use of the property by the public
  - Use of cart paths, no significant access improvements
  - Triggers requirement for road improvements

He shared the cost associated with the first approach. He said this is a two-year cost and they have confirmed with the Conservation Fund that the purchase price will be approximately \$4 million.

<b>APPROACH 1 - PROPERTY CLOSED TO THE PUBLIC</b>			
<b>LAND ACQUISITION</b>	<b>Total Cost</b>	<b>FY19</b>	<b>FY20</b>
Conservation Fund Purchase Price	<b>\$4,000,000</b>	\$4,000,000	\$ -
<b>FACILITIES</b>			
Facility Demolition	\$ 45,000	\$ 45,000	\$ -
Maintenance Building Stabilization	\$ 167,000	\$ 167,000	\$ -
Grounds (Signage, Gates and Bollards)	\$ 131,000	\$ 131,000	\$ -
<b>Subtotal</b>	<b>\$ 343,000</b>	<b>\$ 343,000</b>	<b>\$ -</b>
<b>PLANNING</b>			
Master Plan	\$ 150,000	\$ 150,000	
Survey and Boundary Marking	\$ 60,000	\$ 60,000	
<b>Subtotal</b>	<b>\$ 210,000</b>	<b>\$ 210,000</b>	<b>\$ -</b>
<b>OPERATIONS</b>			
Mowing/Utilities	\$ 143,000	\$ 80,000	\$ 63,000
<b>Subtotal</b>	<b>\$ 143,000</b>	<b>\$ 80,000</b>	<b>\$ 63,000</b>
<b>SUMMARY OPTION 2 - NO PUBLIC ACCESS</b>			
	<b>FY19-FY20</b>	<b>FY19</b>	<b>FY20</b>
<b>Total Cost</b>	<b>\$ 4,696,000</b>	<b>\$ 4,633,000</b>	<b>\$ 63,000</b>

He shared the cost associated with the second approach. He said the largest cost associated with this approach is the road improvements. He said the improvements to Hilltop/Needmore roads will need to be improved regardless of the use of the property. He said a traffic impact analysis will also need to be completed.

APPROACH 2 - PASSIVE USE OF PROPERTY BY PUBLIC			
LAND ACQUISITION	Total Cost	FY19	FY20
Conservation Fund Purchase Price	\$4,000,000	\$4,000,000	\$ -
FACILITIES			
Facility Demolition	\$ 45,000	\$ 45,000	\$ -
Maintenance Building Stabilization	\$ 167,000	\$ 167,000	\$ -
Grounds (Signage, Gates and Bollards)	\$ 131,000	\$ 131,000	\$ -
Subtotal	\$ 343,000	\$ 343,000	\$ -
PLANNING			
Master Plan	\$ 150,000	\$ 150,000	
Survey and Boundary Marking	\$ 60,000	\$ 60,000	
Subtotal	\$ 210,000	\$ 210,000	\$ -
INFRASTRUCTURE & OPERATIONS			
Roadway and Utilities - Required if open to public	\$3,832,000	\$3,832,000	\$ -
Staffing /Mowing/Utilities	\$ 348,000	\$ 181,000	\$167,000
One-time Furniture, Fixtures and Equipment	\$ 81,000	\$ 81,000	
Subtotal	\$4,261,000	\$4,094,000	\$167,000
SUMMARY OPTION 1 - LIMITED PUBLIC ACCESS		FY19-FY20	FY19 FY20
Total Cost		\$ 8,814,000	\$ 8,647,000 \$ 167,000

Ms. Johnna Rogers, Chief Operations Officer, shared funding strategies. She proposed that the project be debt funded if the board chooses to move forward. She said a Limited Obligation Bond will be in place in the spring of next year and the county could pay the debt back at that time. She said as long as the appropriation is done after July 1<sup>st</sup>, 2018, the county fund balance would not be affected because the funds would be repaid within the same fiscal year. She said \$500,000 has been identified in the CIP to cover the facility costs and the master planning costs.

Commissioner Burns asked if that money was taken from another CIP project. Ms. Rogers said no; there were funds identified that were not allocated in this fiscal year.

Land Acquisition	Facilities and Planning
<ul style="list-style-type: none"> <li>• \$4,000,000</li> <li>• Temporary Funding <ul style="list-style-type: none"> <li>○ Transfer from Debt Service Fund to County Capital Parks Element</li> <li>○ Intend to reimburse with future LOBs</li> </ul> </li> <li>• Permanent Funding <ul style="list-style-type: none"> <li>○ Include with already planned FY2019 LOBs issuance</li> <li>○ Will fully replenish Debt Service Fund</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• \$553,000</li> <li>• One-time Funding <ul style="list-style-type: none"> <li>○ Appropriation from uncommitted County Capital to County Capital Parks Element</li> </ul> </li> </ul>

Chair Holmes asked for clarification on the reimbursement to the county. She asked if it was contingent upon the passing of the park bond in November. Ms. Rogers said no, there would be a \$4 million bond in the spring specific to this project.

Ms. Rogers said the WCPSS recently had a similar transaction to allow them to move some school projects ahead.

Mr. Cope shared items for board discussion. He said staff would like feedback on how to proceed.

- If Board wishes to proceed with acquisition, these are factors to consider:
  - The Board's identified conditions
  - Short-term use of the property
  - Intention to master plan the property
  - Funding approach

## **Adjourn**

There being no further business, Chair Holmes adjourned the meeting at 2:53 p.m.

Respectfully submitted,

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Michelle L. Cerett  
Executive Assistant to the Board