

**Wake County Board of Commissioners**  
**Work Session**  
**June 10, 2019**  
**2:00 P.M.**  
**Wake County Justice Center Room 2800**

**Commissioners Present:**

Jessica Holmes, Chair  
Greg Ford, Vice-Chair  
Matt Calabria  
Susan Evans  
James West

**Commissioners Absent:**

Vickie Adamson  
Sig Hutchinson

**County Staff Present:**

David Ellis, County Manager; Chris Dillon, Assistant County Manager; Nicole Kreiser, Assistant County Manager; Ben Canada, Assistant to the County Manager; Emily Lucas, Chief Financial Officer; Derwick Paige, Chief Community Vitality Officer; Denise Foreman, Assistant County Manager; Scott Warren, County Attorney; Ken Murphy, Senior Assistant County Attorney; Dara Demi, Communications Director; Kelly Stratton, Communications Manager; John Hamlin, Communications Specialist; Paarth Mehta, Senior Budget & Management Analyst; Joseph Threadcraft, Environmental Services Director; Caroline Loop, Deputy Environmental Services Director; Evan Kane, Water Quality Manager; Michael Orbon, Water Quality Director; Nancy Daly, Environmental Consultant; Tim Maloney, Planning, Development, and Inspections Director; Bryan Coates, Planner III; Regina Petteway, Human Services Director; Sharon Peterson, Long Range Planning Administrator; Michelle Venditto, Budget and Management Services Director; Heather Drennan, Deputy Budget and Management Services Director; Tammy Dephillip, Budget and Management Analyst; Ross Hatton, Student Assistant; Michelle Burgess, Budget and Management Analyst; Andrew Sawyer, Communications Specialist; Alice Avery, Communications Specialist; Abby Boettcher, Commissioner Intern; Denise Hogan, Clerk to the Board; Yvonne Gilyard, Deputy Clerk to the Board; and Portia Johnson, Executive Assistant to the Board.

**Others Present:**

Mark Matthews, Assistant Town Manager, Town of Fuquay -Varina; Akul Nishawala, Planner, Town of Fuquay-Varina; and Allyssa Stafford, Planner, Town of Fuquay-Varina.

## **Welcome and Meeting Called to Order:**

Chair Jessica Holmes shared the agenda. She stated that the Sanderson High School Graduation will take place later this afternoon and there are several commissioners attending.

## **Town of Fuquay-Varina's Extra-Territorial Jurisdiction (ETJ) Request**

Mr. Tim Maloney, Director, Wake County Planning, Development and Inspections Director introduced the town officials for the Town of Fuquay-Varina. Mr. Mark Matthews, Assistant Town Manager, Town of Fuquay-Varina; Ms. Samantha Smith, Planning Director, Town of Fuquay Varina; Mr. Jay Meyers, Public Utilities Director, Town of Fuquay Varina, He recognized Mr. Donovan "Amos" Clark, Wake County Planning Board, that was in attendance.

He shared information about today's discussion. He explained what is extra-territorial jurisdiction (ETJ) and why it is used. He said only counties can grant extension. He said the criteria is useful for the process.

### **Today's Discussion**

1. What is Extra-territorial Jurisdiction (ETJ) and why we use it
2. The Town of Fuquay-Varina's request to extend their ETJ
3. Staff and Planning Board recommendations
4. Next step – Consider date for Board of Commissioners Public Hearing

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WAKE COUNTY

Mr. Maloney said that the process has been slow to allow the public to provide comments. He shared the review process that has taken place for the Fuquay-Varina ETJ.

## Fuquay-Varina ETJ Review Process

- *August 2018* – Town Council adopts resolution requesting ETJ
- *August 2018* – Town Planning Department notified property owners of ETJ, community meetings, and Frequently Asked Questions page
- *September-October 2018* – The Town hosted five community meetings
- *January-February 2019* – Two Wake County Land Use Committee meetings with public comment
- *March 2019* - Wake County Land Use Committee Work Session
- *May 2019* - Wake County Planning Board Public Hearing

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Mr. Bryan Coates, Wake County Planner, shared information about an ETJ and why it is useful.

## What is ETJ and Why We Use It?

- The prevalence and use of municipal ETJ is widespread in North Carolina
- Provides municipalities control over development in areas expected to be within their jurisdictions in the near future
- Allows for the long-term growth and planning of the town and its surrounding lands
- Allows the town to plan for municipal water & sewer as well as other municipal services
- Town's require more road improvements that include sidewalks, paths, and transit

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WAKE COUNTY

Mr. Coates shared information about the North Carolina State Law and ETJ.

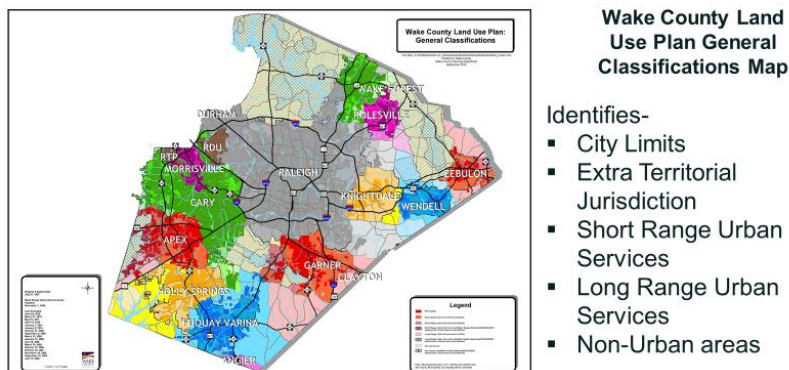
## North Carolina State Law & ETJ

State law authorizes municipalities to have ETJ areas based upon the following:

- Existing or projected urban development
- Areas of critical concern to the town that are expected to come within their corporate limits in the near future
- Allow for a smoother transition from county to municipal services
- Municipal population requirements
  - 25,000 or more people = ETJ extension up to 3 miles from current corporate limits (satellites excluded)
  - State certified 2017 population estimate = 25,548
  - U.S. Census official population estimate = 27,906

### WAKE COUNTY

He shared a map of the Wake County Land Use Plan General Classifications map.



He shared information about the ETJ means for property owners. (2 slides)

### What Does ETJ Mean for Property Owners?

- ETJ applies municipal zoning, development regulations, and building permitting, but no other municipal services
- ETJ extension is NOT annexation
- ETJ residents DO NOT pay municipal taxes
- Property converts from county zoning to municipal zoning
- Residents can continue using private wells and septic systems
- Building permits would be issued by the municipality

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WAKE COUNTY

### What Does ETJ Mean for Property Owners?

- Bona-fide farms are EXEMPT from municipal and county zoning until the farm use ceases operation
- ETJ residents CAN JOIN the municipal Planning Board & Board of Adjustment
- ETJ residents CANNOT VOTE in municipal elections

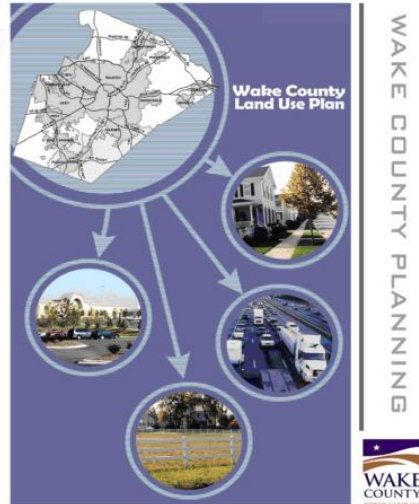
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WAKE COUNTY

He shared information about the Town of Fuquay-Varina's request.

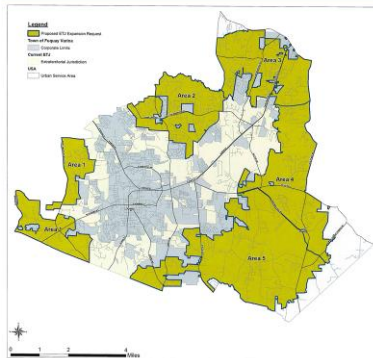
### Town of Fuquay-Varina ETJ Request

- Public input is encouraged throughout the process from Town meetings, Planning Board and Board of Commissioners
- Wake County Land Use Plan contains seven criteria used to evaluate ETJ proposals



Mr. Coates shared the request from the town.

### What has the Town requested?



Town of Fuquay-Varina requested 22,038 acres, divided into five (5) areas

Areas are within 3-miles of current core corporate limits

Wake County Planning Staff & Planning Board reviewed Town's request utilizing criteria within the Wake County Land Use Plan

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He shared the Wake County adopted criteria.

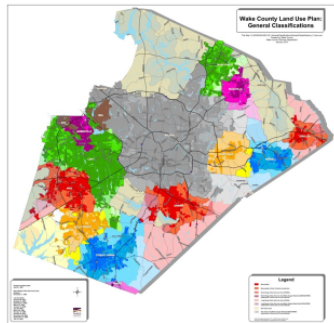
## Wake County Adopted Criteria

- 1- Classification as Urban Services Area
- 2- Commitment to Comprehensive Planning
- 3- Adoption of Special Regulations
- 4- Municipal Water and Sewer Service
- 5- Evidence of Feasibility for Urban Density
- 6- Annexation within Ten Years
- 7- Existing ETJ's

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He shared information about Criterion 1 classification for the Urban Services Area.

## Criterion 1- Classification as Urban Services Area



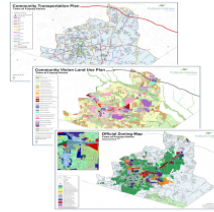
WAKE COUNTY

- ✓ Area within ETJ request is classified as Fuquay-Varina's Short Range Urban Services within the Wake County Land Use Plan
- ✓ The Town has annexation agreements with neighboring towns
- ✓ **Town's request meets this criteria**

He shared information about Criterion 2.

## Criterion 2- Commitment to Comprehensive Planning

- ✓ Town of Fuquay-Varina has adopted the following:
  - 2035 Community Vision Land Use Plan
  - 2035 Community Transportation Plan (CTP)
  - Capital Improvement Plan (CIP) updated yearly
  - Town supported Bonds in 2007 & 2015
- ✓ **Town's request meets this criteria**



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He shared information about Criterion 3.

## Criterion 3- Adoption of Special Regulations

- ✓ Town's Development Ordinance ensures transportation corridors are protected and density increased along major corridors
- ✓ The Town participates in the Wake County Historic Preservation Program
- ✓ Fuquay-Varina staff evaluated the current County development regulations and recommended several ordinance changes related to agricultural uses not on a bona-fide farm, home occupations, and fencing requirements etc. (adopted January 2019)
- ✓ **Town's request meets this criteria**



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He shared information about Criterion 4. (4 slides)

## Criterion 4- Municipal Water

- ✓ Town's water supplied by Harnett County, Johnston County and City of Raleigh
  - Current supply of 4.25 millions gallons daily (MGD)
  - The Town's current peak consumption is 3.10 (MGD)
  - Town recently completed a water capacity study, discussions with possible future providers and continue to evaluate Town-owned and operated facility
  - Harnett County Water District
  - Existing water service already extended to reach recent annexations

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## Criterion 4- Municipal Water

- ✓ Waterlines recently completed and operational:
  - Lake Wheeler Rd - 13,400 LF
  - Ten-Ten Rd. - 2,000 LF
  - Optimist Farm Rd - 3,200 LF
  - Johnson Pond Rd - 2,900 LF
  - Hilltop-Needmore Road/Sunset Lake
- ✓ Town's 5-year CIP identifies additional waterlines along the following roads:
  - Hilltop-Needmore/Lake Wheeler Rd
  - Kennebec Rd
  - Eddie Howard Rd
  - Walter Myatt Rd
  - Buck Rowland Rd
  - Maude Stewart Rd
  - Hilltop Rd
  - New water storage tank
- ✓ Portions of the Town's request meets this criteria

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## Criterion 4- Municipal Sewer

- ✓ The Town's wastewater is treated by three facilities, Terrible Creek, North Harnett Regional, and Brighton Forest facilities
- ✓ The Town operates 25 pump stations, one under construction, 6 more proposed and designed
- ✓ The Town uses 2.04 MGD of its 5.7 MGD capacity
- ✓ Future capacity at Terrible Creek facility can double to 6 MGD, state issued discharge permit and designed for expansion



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## Criterion 4- Municipal Sewer

- ✓ Recently completed major sewer projects:
  - Hidden Valley to Kenneth Creek forced sewer line
  - Hilltop-Needmore Extension
  - Terrible Creek facility expansion
- ✓ Town's 5-year CIP identifies the following projects:
  - Multiple new/upgrades to pump stations
  - Middle Creek Interceptor from US 401 to Lake Wheeler
  - US 401 sewer improvements along with NC 540 sewer relocation
  - NC 55 to Walter Myatt Rd sewer extension
- ✓ Portions of the Town's request meets this criteria

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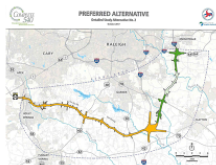
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He shared information about Criterion 5.

### Criterion 5- Feasibility for Urban Density Development



Willow Spring High School



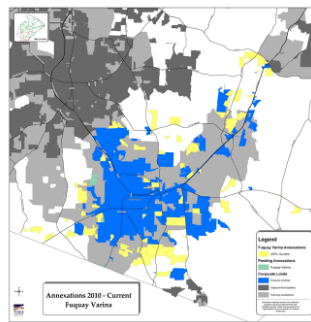
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- ✓ **NC 540 Expansion** from Holly Springs to US 401 and I-40 (STIP 2022)
- ✓ Large undeveloped parcels close to transportation and public water and sewer utilities
- ✓ Wake County Public School Sites (Willow Spring HS, Bowling Rd Site, Hilltop Needmore )
- ✓ US 401- Wake County Transit Plan - connecting Fuquay-Varina to employment and activity centers.
- ✓ **Portions of the Town's request meets this criteria**

Commissioner Calabria asked whether each criterion overlaps one another. Mr. Coates said they are similar in area.

Mr. Coates shared information about Criterion 6.

### Criterion 6- Annexation within Ten Years



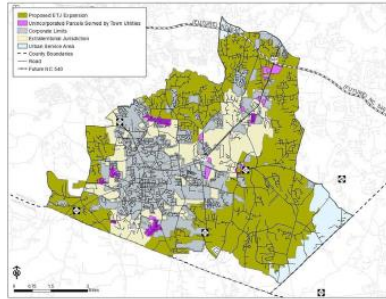
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- ✓ Voluntary annexation is required by the Town for connections of municipal water/sewer service
- ✓ 5-Year Average Single Family Building Permits- 604 permits/year
- ✓ Development Patterns - SW Wake along NC 55 & future NC 540
- ✓ 2010 to 2017 Population Growth - 9,969
- ✓ **Town's request meets this criteria**

Mr. Coates shared information about Criterion 7.

## Criterion 7- Existing ETJ

Unincorporated Parcels Served by Town Utilities



- ✓ Current Corporate Limits- 10,846 acres
- ✓ Current ETJ- 8,453 acres
- ✓ Town has had five ETJ extensions since 1988 for 3,971 acres
- ✓ Within the current ETJ, 768 acres of existing development is receiving utility services but not within town limits
- ✓ **Town's request meets this criteria**

WAKE COUNTY

Mr. Coates said the citizens that live in the purple area are receiving water and sewer services but are not in the city limits.

Commissioner West asked if the citizens in the purple area receive a different rate. A town member said citizens do pay a different rate consistent with other municipalities.

Chair Holmes asked about the scale and why the town has requested the extension at this time.

Mr. Coates said that the town has made the request because it met state statutes. He said the town has provided water and sewer maps to county staff and the criteria indicates that water and sewer should be provided within five years. He said that after reviewing the maps county staff removed certain areas from the town request because they would be unable to receive water and sewer services within the five-year time frame. He said that the same criteria are followed with any town in order to determine if they meet the criteria. He said the town anticipates urban development within ten years that complies with the county's ten-year short-range urban service area requirements.

Mr. Mark Matthews, Assistant Town Manager, Town of Fuquay-Varina, said that the town has conducted a land use plan, land development ordinance, and community and transportation plan update. He said there was municipal infrastructure update and town standards were reviewed. He said that the transportation and water and sewer components were examined. He shared examples of the developer responsibilities and explained how these improvements become more cost effective for the town to fill in the gaps. The ETJ expansion requested indicates that the town meets all the defined state statute criteria without development occurring with municipal and suburban density without infrastructure improvements.

Vice-Chair Ford said since 1988 the Town of Fuquay-Varina has had five ETJ expansion. He asked for clarification of all of the areas that have had voluntary annexation.

Mr. Matthews said that annexation is a voluntary process and property owners are not forced to annex and can request extension of their water and sewer. He said that typically the request is made during a development or well or septic failure. He said that areas that are not developed today may be developed in the future when a land owner sells a property.

Vice-Chair Ford asked if there are property owners that have requested annexation. Mr. Matthews said the town has a fast-track process for annexation. He said that the delays can occur by a property owner that requests a rezoning petition that requires planning board action.

Commissioner West asked if there is a consistent plan for the long-term and short-term urban service area. He asked about how the state statute plays a role.

Mr. Matthews said that the urban services area is a county planning tool based on agreements that have been adopted. He said that the town reclassified the remaining long-range urban service area to short-range urban service area. He said there are often challenges because of differences between land use planning requirements to connect to water that drives town discussion for properties outside of the ETJ. He said some developers decide where to develop based on cost factors due to road improvements, water and sewer and others develop because of the amenities the town offers. He said ETJ encourages a more consistent standard.

Mr. Coates used the example of a 100-acre farm field that is sold for housing. He said it is classified as low density residential with the county (well/septic/community well). He said the county density is one to a half unit per acre and the town is three to six units per acre. The county development will not include sidewalks, curb and gutter, and minimum standards compared to the municipality. He said "leap frogging" occurs when the subdivision is built in county jurisdiction at low density and residential development occurs when amenities are not available. He said the "leap frogging" is driven by policies, then voluntary annexation occurs that causes the "leap frogging."

Commissioner West asked how the county maintains consistency.

Mr. Coates said county has standards that it follows to assist with maintaining consistency. He said staff is reviewing the current comprehensive plan.

Mr. Matthews said that the town must approve development before the plat is submitted.

Mr. David Ellis, County Manager, said that as the planning process occurs, resolution is being sought.

Commissioner Calabria asked for clarification on the meaning of “significant annexation.”

Mr. Coates said the significance may not include annexation, but water and sewer will be nearby. He said staff also looks at whether there is a potential of a water and sewer line connection.

Commissioner Calabria said that he is unclear of whether this is a “significant annexation.” He noted that the Town of Fuquay-Varina has had ETJ expansions and a small percentage has been annexed. He asked how voluntary annexation falls into the criteria.

Mr. Coates said that once the water and sewer line is available, more density and development is available. He said that other development patterns are reviewed including the addition of 540. He said that once water and sewer lines are extended, citizens are interested in connection to services. He said that the call logs from citizens are about utility and road related questions.

Mr. Ellis said that the Town of Fuquay-Varina has had five requests for annexation since 2008 and asked what percentage of the requests have taken place.

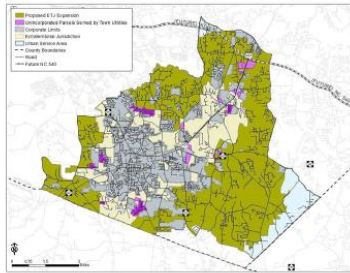
Mr. Coates said that in 1996 there was 136 acres of the John Deere facility annexed, in 1999 there was 48 additional acres of land that John Deere uses for testing lawn equipment that was not annexed. He said in 2002, there was 814 of 3600 acres of land along the US 1/401 corridor that was annexed. He said in August 2002, 55 acres a request from a property owner was not annexed. He said in 2013 a swap occurred with the Town of Holly Springs for 49 acres and 70 percent of the property is annexed. He said in 2016, a property owner requested that all of their property be included in the Fuquay-Varina ETJ, but that request is pending. He said that 770 acres shown in the purple areas of the previous maps are receiving town services but are not annexed.

Commissioner Evans said that development will drive the requests for annexation.

Mr. Coates said last year the town added 1,000 acres into their jurisdiction through annexation.

## Criterion 7- Existing ETJ

Unincorporated Parcels Served by Town Utilities



- ✓ Current Corporate Limits- 10,846 acres
- ✓ Current ETJ- 8,453 acres
- ✓ Town has had five ETJ extensions since 1988 for 3,971 acres
- ✓ Within the current ETJ, 768 acres of existing development is receiving utility services but not within town limits
- ✓ **Town's request meets this criteria**

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Mr. Coates shared the staff findings.

## Staff Findings

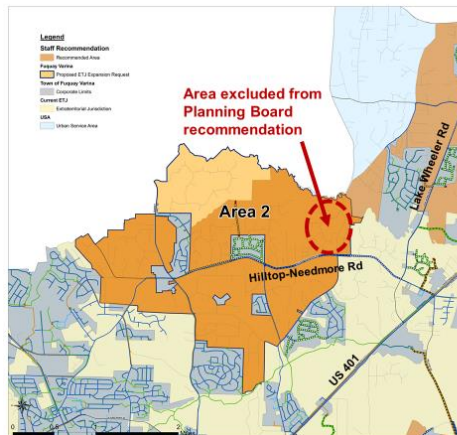
- 1) The Town's ETJ request is in accordance with North Carolina State law 160A-360 Article 19.
- 2) The Town's ETJ request is all within the their Short Range Urban Services Area.
- 3) The Town adopted its 2035 Community Vision Land Use Plan and Community Transportation Plan.
- 4) The Town's CIP provides a 5-year plan for infrastructure improvements.
- 5) The Town's CIP plans for utilities in areas of the requested ETJ.
- 6) The Town is experiencing growth pressure by recent annexations and municipal utility extensions.

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He shared the total request of 22,038 acres.





#### Area 2- Recommendation (2,576 Acres)

- Utility Extensions along Hilltop Needmore Road
- Existing utilities along Sunset Lake, Old Mills, James Slaughter
- Bentwinds Golf Club & Vintage Ridge Lane
- Recent Annexations & Pending Development
- Wake County school site at Crooked Creek within 5 year timeframe

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He shared a map of Area 3 for recommendation.



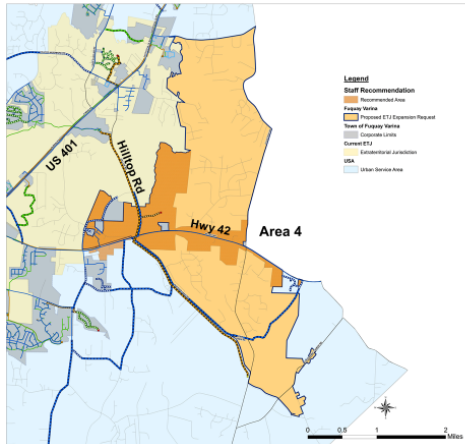
#### Area 3- Recommendation (1,959 Acres)

- Recent Utility Extensions along Lake Wheeler, Ten-Ten, Optimist Farm, Johnson Pond Rd.
- NC 540 Interchange with NC 401
- Recent Annexations & Pending Development
- Garner Growth along north side of Ten-Ten Road
- Excess capacity at Brighton Forest
- Rail line used as the eastern boundary, and Johnson Pond Rd as the western boundary of Area 3

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He shared a map of Area 4 for recommendation.



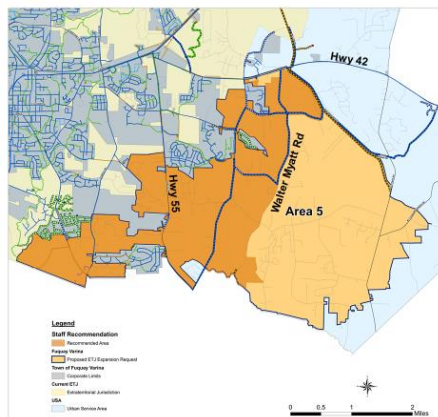


#### Area 4- Recommendation (996 Acres)

- NC 42 East
- Recent Annexations & Pending Development
- NC 42 & Hilltop Road
- No plans in the CIP for extensions along Banks Rd, Fanny Brown, Old Stage
- Panther Lake extensions in 10-year plan, but not in 5-year CIP

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He shared the area 5 for recommendation.

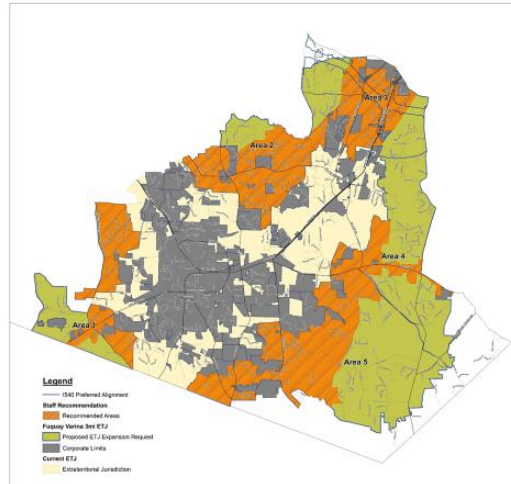


#### Area 5- Recommendation (3,928 Acres)

- Willow Spring High School
- Purfoy & Angier Roads South
- Recent Annexations & Pending Development
- Utility extensions Kennebec, Eddie Howard, Maude Stewart, Buck Rowland, Walter Myatt, Walter Myatt Pump Station
- NC 55 Growth
- No utility extensions planned in the eastern section of Area 5

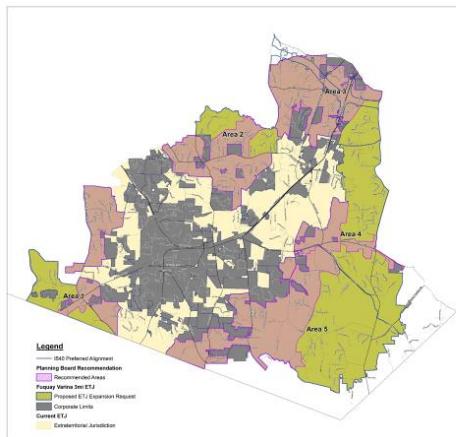
28

He shared the Wake County Planning staff recommendation of 11,240 acres.



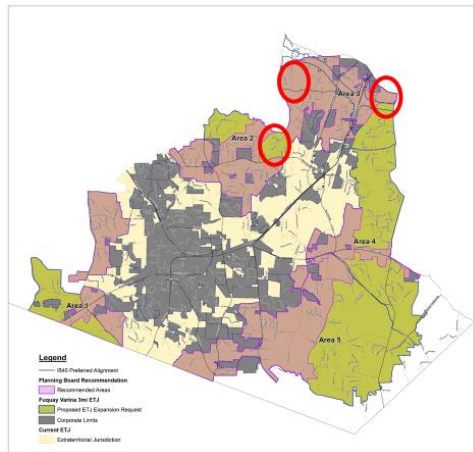
Wake County Planning Staff Recommendation is 11,240 acres and is highlighted in orange

He shared the Wake County Planning Board recommendation of 11,870 acres.



Wake County Planning Board Recommendation is 11,870 acres and is highlighted in light purple

Mr. Coates shared the Wake County Planning Board and Planning Staff recommendation.



Wake County Planning Board & Planning Staff Recommendation differences highlighted with red circles

Commissioner West asked about the “doughnut holes” that are created with the process.

Mr. Coates said that before 2012 municipalities could have a forced annexation to close “doughnut holes.” He said that the county has more “doughnut holes” because of changes. He said there is a 500 acre difference between the Wake County Planning Board and the Wake County Planning staff recommendation.

Chair Holmes asked for Mr. Matthews to share about the differences in the Wake County staff and Wake County Planning Board recommendations.

Mr. Matthews said that Wake County staff has worked with the town throughout the process. Mr. Matthews said that the differences are the areas that will have municipal services within 10-year time frame. He said that the town understands the county differences of the extension. He said the most important area has been recommended by the county staff and the Wake County Planning Board.

Commissioner West asked how the comprehensive plan fits into the recommendation.

Mr. Matthews said that three years ago, the town updated the Land Use and Transportation Plan. He said the town planned for the entire urban service area. He said there is sometimes confusion on whether the town or county standard developments apply if the property is split between the county and town. He said the plan is used as a guide for the town.

Mr. Ellis asked for a high-level explanation of the differences between the county staff and the Planning Board recommendation.

Mr. Coates pointed to a map and described the development that is expected to occur because of 540 and other road infrastructure.

Mr. Maloney said there were no issues in the Planning Board recommendation that staff is opposing.

Mr. Coates shared the summary.

## Summary

- The Town's ETJ request is large, but includes portions consistent with the County's criteria for ETJ expansion
- The Town is actively preparing for growth prompted by future NC 540 and the availability of land with municipal services
- Staff and the Planning Board both recommend granting ETJ area less than the Town's request

Commissioner West asked about the issues that have been heard about the annexation.

Mr. Coates said the citizens are not forced to be annexed. He said some citizens have concerns because they cannot vote for town officials or that their taxes will increase. He said that bona-fide farms are exempt from county and municipal zoning, but farmers do not want the town to have jurisdiction over them. He said that zip codes or school's attendance zones would not change. He said mobile home parks have their own jurisdiction by the county (one lot, one owner, and limited lots). The mobile home subdivisions have different jurisdiction by the county and municipality (any type housing).

Mr. Maloney said the present use value stays the same. He said there are differences in the jurisdiction whether the property is located in the county or town jurisdiction.

Commissioner Calabria asked about the ordinance concerns that have been raised about livestock.

Mr. Matthews said that the town has held public meetings for residents to ask questions about understanding of the ETJ request including a FAQ website for them. He said that town staff

has recommendation for zoning ordinances. He said because of ordinance concerns, more flexibility has been added for agriculture animal allowance, fencing, including signage for home occupations.

Mr. Coates shared the next steps.

### Next Steps

- Wake County Board of Commissioners Public Hearing – TBD
- Property owners in the request area will be notified of the public hearing
- Visit [www.wakegov.com/fvetj](http://www.wakegov.com/fvetj) for more information and meeting documents

WAKE COUNTY

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Commissioner Calabria suggested that the board refrain from voting on the recommendation on the same date of the public hearing. He said that questions may arise during the public hearing that may require staff response time. Board members agreed.

Commissioner Calabria asked if there are ways that the county standards could work better with municipalities for build out of infrastructure.

Mr. Maloney said that these are policy discussions that are occurring with the Plan Wake process that will be presented to the full board in the fall. He said road improvements, sidewalks, and amenities will be discussed and can be developed in the county jurisdiction.

Mr. Maloney said their Transitional Urban Development Policy that is in place will assist with future development infrastructure.

### Official Wake County Notice to Private Well Owners

Mr. Evan Kane, Environmental Services, shared the Wake County Water supply options.

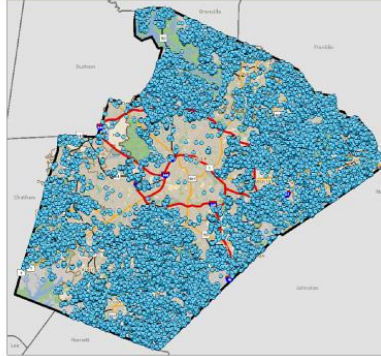
## Wake County Water Supply Options

### Public Water Supplies

- ~850,000 residents served
- Municipal systems & private utilities
- Tested, maintained, operated in accordance with SDWA

### Private Wells

- ~150,000 residents served (~40,000 wells)
- County only regulates initial construction
- Ongoing testing is responsibility of owner



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He shared the required well testing in Wake County.

## Required Well Testing in Wake County

- Required testing of new wells for state minimum requirements (G.S. 87-97) plus:
  - Site-specific requirements for man-made chemicals
  - Radionuclide testing added March 1 for eastern Wake
  - Clean test required before Certificate of Occupancy
- ~400 wells/year



WAKE COUNTY

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He shared the voluntary well testing in Wake County.

## Voluntary Well Testing in Wake County

- County offers comprehensive voluntary testing services
  - Bacteria, metals, nitrate
  - Man-made chemicals
  - Radionuclides
  - User-friendly test "packages"
  - Relatively low-cost
  - Technical assistance
- ~400 wells/year
- Residents also have option of going to private sector

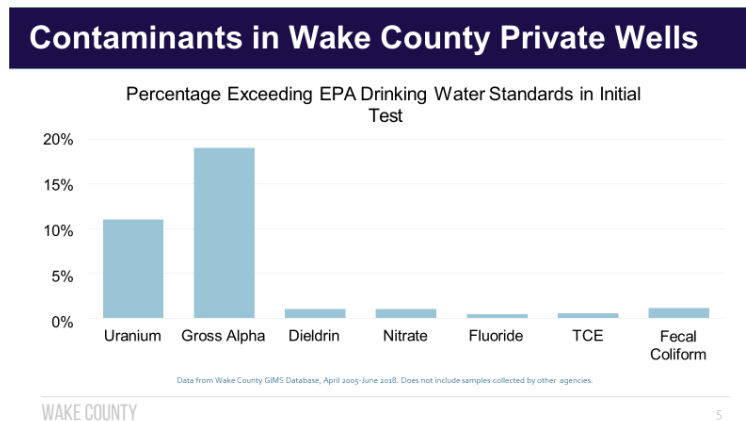


WAKE COUNTY

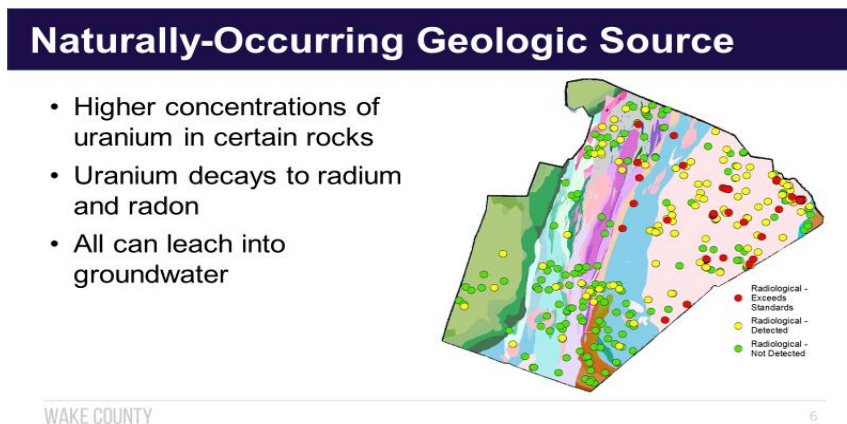
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He shared the test results information for the contaminants in Wake County for private wells.



Mr. Kane shared the uranium information.



He shared the health risks.

## Potential Health Risks

Contaminant	Relevant Standard	Potential Health Effects from Water Above Standard
Uranium	30 µg/L (Federal MCL)	Kidney toxicity, increased risk of cancer
Radium 226 & 228	5 pCi/L combined (Federal MCL)	Increased risk of cancer from ingestion
Radon (in water)	10,000 pCi/L (NC RPS Recommendation)	Increased risk of lung cancer from inhalation; Increased risk of stomach cancer from ingestion

WAKE COUNTY

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He shared the mitigation options.

## Mitigation Options

- Connection to public water
- Bottled Water
- Point-of-use treatment
- Whole-house treatment

Mitigation is the owner's responsibility.



WAKE COUNTY

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Commissioner West asked about the project on Bond Street. Mr. Kane said the project has been successful.

Mr. Kane shared the response to date.



## Wake County Response to Date

- Established Radionuclides as #1 priority for outreach
- Published test recommendation & recommended testing area
- Identified treatment options
- Added test requirement for new wells (effective March 1, 2019)
- Additional budget resources in FY19 and FY20
- Presentations to
  - Human Services Board
  - BOC & GLUE
  - Planning Board
  - Realtors
  - Water professionals
  - State agencies
  - Other counties

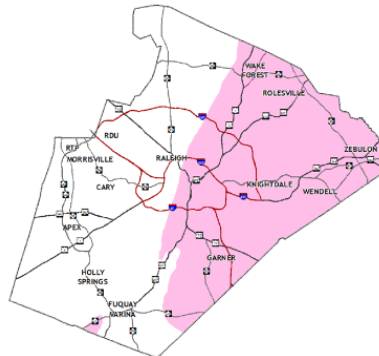
WAKE COUNTY

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Mr. Kane shared the scope of the protentional contamination.

## Scope of Potential Contamination

- ~20,000 wells in vulnerable area
- 4,000 may exceed standard for uranium
- 6,000 may exceed guidance level for radon
- Most wells have not been tested for radionuclides



WAKE COUNTY

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Commissioner Calabria asked if the contamination results will vary from month to month with well water testing.

Mr. Kane said residents are encouraged to perform repeat testing.

He shared the response development.

## Response Development

- Consulted with:
  - NCSU & Virginia Tech Cooperative Extension
  - Water treatment installers
  - Private laboratories
  - Community Care of NC
  - Wake County Medical Society
  - Medical professionals
  - NCDEQ
  - NCDHHS
  - Public Water Suppliers
  - Other states

WAKE COUNTY

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He shared the Inter-Departmental Team information.

## Inter-Departmental Team

- Manager's Office
- Budget Office
- Information Services
- Human Services
  - Regional Centers
  - Public Health Educators
  - Clinics
- Communications
- Housing
- Finance
- Attorney's Office
- Planning
- Wake County Water Partnership

WAKE COUNTY

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He shared the response overview.

## Response Overview

- Goal: Notify well users of the potential problem
- Notification campaign:
  - Press release/media event June 21
  - Direct mailing to ~15,000 households – Week of June 17
  - Community meetings following mailing
  - Beginning June 10- Call center will be staffed to receive possible influx of calls and a webpage will be available with additional resources.

WAKE COUNTY

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Mr. Ellis shared that the county is statutorily required to notify the public of potential problems.

He shared the resources for residents.

## Resources for Residents

**wakegov.com/wells**

**(919)893-WELL**

**Community Meetings**

WAKE COUNTY

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Commissioner West said the Social Economic Vitality in vulnerable communities is in the eastern part of Wake County. He asked if it would be helpful to communicate this information to the citizens in this area.

Mr. Kane said the Wake County Planning Department has been providing community insights including the Wake County Regional Centers.

Mr. Kane shared the testing options for Wake County well users. He said lining up resources to help users and providing information about additional laboratories for sample well testing will assist in the process.

### Testing Options for Wake County Well Users

- Wake County will initially provide sampling and testing for low-income well users at reduced cost
  - Less than poverty guideline: 80% discount (\$73)
  - Up to 2.5 x poverty guideline: 50% discount (\$182.50)
- All other well users encouraged to hire qualified laboratories
  - Information shared with certified labs
  - List of qualified labs on website

WAKE COUNTY

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Chair Holmes commended staff for looking at options for reducing costs. She asked if the non-profits can assist with funding for sample well testing.

Mr. Kane said that funding agencies with the Housing Rehabilitation Programs have been contacted for assistance.

Chair Holmes suggested that future discussions occur with the non-profits about assistance with well testing.

Commissioner West spoke of a testing event that was held in southeast Raleigh.

Mr. Kane indicated that the Department of Environmental Quality (DEQ) has a fund to assist with well testing, but it is limited in resources.

Mr. Derwick Paige, Chief Community Development Officer, said that the cost barriers can be evaluated, and modifications brought back to the full board if necessary.

Chair Holmes suggested that more wells be tested for health purposes.

Mr. Ellis asked if Wake County is the only county in the state that provides uranium testing.

Mr. Kane said most counties are limited in uranium testing. He said Wake County is the only county in the state invested.

Commissioner West asked if staff has worked with bio engineering firms across the state.

Mr. Kane said the county works with North Carolina State University on programming for private well users.

Mr. Ellis recognized Dr. Joseph Threadcraft, Environmental Services Director, who has been instrumental in the entire process.

Mr. Kane shared information on where well information can be found on the county website and the contact information.

## Discussion

**wakegov.com/wells**

**(919)893-WELL**

### Committee Reports

Commissioner Evans reported that on May 13, 2019 the Great Government Committee met. She said that there were clarifications around the Board of Commissioners' Rules of Procedure. She said the following rules were discussed and language revisions were suggested: **(see attached Rules of Procedure)**

Rule 1 – Revise to read, “Two board members, by a timely request, have an item placed on the agenda.”

“A request to have an item of business placed on the agenda must be received by the County Manager/Chair/Vice-Chair at least ten (10) days before the meeting.”

Rule 2- No changes, only discussion about limiting the public comment period beyond 30 minutes.

Rule 5, 6, and 10 – combining the rules together regarding debate and discussion (Chair introduces the item, staff presents and item, motion and second made, open the floor for discussion)

There was discussion about the action by the board (rules 5, 6, and 10). Chair Holmes said changes are ok if there is clarity on the action that board members can consistently follow.

Mr. Ben Canada, Assistant to the County Manager, said there was not finality to the language of the rules at the committee meeting and there would be further discussion needed.

Commissioner Evans said a cleaner more definitive conversation is needed surrounding these rules, and she is concerned about the time frame for the revision of the rules given the number of committee meetings for the remainder of the year.

Commissioner West said board members can discipline themselves toward the rules.

Mr. Scott Warren, County Attorney, suggested the board adopt the Rules of Procedure all at one time with consensus from the board. He said that the full board needs to be present if amendments are to occur with the Rules of Procedure.

Commissioner Calabria suggested that the board consider what has been discussed thus far.

Mr. Canada said he would work with Mr. Bill Greeves, Chief Information and Innovations Officer, about future topics and the board adopting the rules in batches.

Mr. Warren said that the Rules of Procedure would apply to regularly noticed meetings.

Commissioner Evans said that future topics include: Citizens sign up for public comment, the process for Resolutions and Proclamations, consideration of additional public hearings for the budget each year, the board’s process of making appointments to boards and commissions. (including considering available demographic data every 6 months).

Commissioner West said that continuous improvement in the processes of diversity on boards and commissions is necessary and the board members being mindful of the statistics of the boards and commissions.

Commissioner Evans said the funding process for community organizations is scheduled for the October meeting.

Commissioner Evans announced the next Great Government Committee meeting is Monday, August 5 at 10 AM.

Manager Ellis said that the August Work Session meeting will be live streamed to the public.

- 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 agenda is approved by the Board. No agenda item introduced within seven (7) days of a regular meeting shall be considered at that regular meeting unless approved unanimously by those Board members in attendance at that meeting.
- 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. Voting by proxy is not allowed.

- 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. Presence at meetings. A member may only participate at meetings in person and no telephonic or other electronic means may be used as a substitute for the physical presence of the member at a meeting. However, under extraordinary or exigent circumstances such as those necessitating a special or emergency meeting contemplated by Article 33C of Chapter 143 of the North Carolina General Statutes, telephonic or electronic meetings of the Board may occur if so directed by the Chair or by the Vice-Chair if the Chair is not available. A member may avail himself of a leave of absence as set forth in and in accordance with NCGS 128-40.
- Rule 17. 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 18. 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 19. 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 20. 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 21. 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.

**Adjourn**

The meeting adjourned at 4:17 p.m.

Respectfully submitted,

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Denise Hogan, NCMCC  
Clerk to the Board