



Wake County

301 South McDowell Street
Raleigh, NC

Meeting Minutes Board of Commissioners

Monday, October 17, 2022

2:00 PM

Wake County Justice Center

Regular Meeting

Meeting Called to Order: Chair Sig Hutchinson

Chair Hutchinson called the meeting to order.

Pledge of Allegiance

Present: 6 - Chair Sig Hutchinson, Vice-Chair Shinica Thomas, Commissioner Matt Calabria, Commissioner Maria Cervania, Commissioner Susan Evans, and Commissioner James West

Excused: 1 - Commissioner Vickie Adamson

Staff present: Duane Holder, Deputy County Manager; Ashley Jacobs, Deputy County Manager; Emily Lucas, Deputy County Manager; Scott Warren, Attorney; Ben Canada, Assistant to the County Manager; Toni Womack, Senior Executive Assistant; Portia Johnson, Senior Executive Assistant; Tanika Cooper, Senior Executive Assistant; Yvonne Gilyard, Deputy Clerk; Ellen Meder, Communications Consultant; Tim Maloney, Planning, Development and Inspections, Director; Dara Demi, Chief Communications Officer; Denise Foreman, Assistant County Manager and Jonathan Feldman, Chief Information Officer.

Others present: Akul Nishawala, AICP-Planner III; Tim Maloney, Planning, Development and Inspections Director; Eric Green, Environmental Services; and Nancy Daly, Water Resources Manager.

Invocation: Vice-Chair Shinica Thomas

After the heartfelt Invocation from Vice Chair Thomas, Chair Hutchinson shared the following remarks on behalf of the Board:

- Tonight, I would like to extend sincere condolences to the families of

the five victims of last week's senseless shooting on behalf of the whole Wake County Board of Commissioners.

- We know that words cannot lessen the pain. But we grieve with you and stand with you today.
- We also lift up the City of Raleigh and the Raleigh Police Department, which lost one of its own and saw another officer injured last Thursday night.
- We pray for his recovery, as well as that of another citizen injured last week.
- Our hearts are heavy from the toll this act of violence has taken on our community.
- We stand ready to support our colleagues at the City of Raleigh as they seek justice for this crime and begin the healing process.
- The commission would also like to thank the many public safety agencies that responded bravely and swiftly to the various crime scenes.
- Wake County EMS had nearly 20 units caring for the injured and transporting them to WakeMed hospital for life-saving medical care.
- The Wake County Sheriff's Office assisted in the hunt for and eventual capture of the suspect.
- We are grateful for the valiant efforts of those employees and deputies, as well as the many first responders from other agencies who helped bring the tragic incident to a close.
- We know however that the impact of this tragedy has no end for our neighbors who lost loved ones.
- Now we would like to honor those five victims -
 - Nicole Conners
 - Susan Karnatz
 - Mary Marshall
 - a 16-year-old boy
 - and Raleigh Police Officer Gabriel Torres
- Let us bow our heads and join in a moment of silence.
- Amen.

Items of Business

1. Approval of Agenda

Before the approval of the agenda, the Chair shared that the board would like to move item 14: Strengthening Wake County's Tobacco-Free Ordinance to the November 9th meeting.

Commissioner West moved, seconded by Commissioner Calabria, to approve the Agenda. The motion carried by the following vote:

Aye: 6 - Commissioner West, Chair Hutchinson, Vice-Chair Thomas, Commissioner Calabria, Commissioner Cervania, and Commissioner Evans

Excused: 1 - Commissioner Adamson

2. Retiree Recognition

Attachments: [Retiree Recognition 10-17-22.docx](#)

Manager Ellis shared that the following employees will retire on November 1, 2022

Theodore Brown, *Wake County Sheriff's Office*

- 29 years of service
- Captain Theodore Brown began his career with the Wake County Sheriff's Office in 1993.
- In 1998, he was promoted to Sergeant, Lieutenant in 2003 and Captain in 2005.
- In 2014, he was assigned to train DOCC Cadets, where he found his passion
- Captain Brown made it his mission to infuse the core values, laws and protocols into the Cadet Detention Officers.
- He is known at the Sheriff's Office for producing some of the best Cadets with the highest-ranking scores in North Carolina.
- In his retirement, Captain Brown plans on running marathons and spending time with his family.

Kimtoine Nicholson, *Wake County Sheriff's Office*

- 27 years of service
- Master Deputy Kimtoine Nicholson began his career with the Wake County Sheriff's Office in 1994.
- In his 27-year career, he worked in many areas from Patrol, Courthouse, and Evictions. He is known for being a hard worker who believes in serving the citizens of Wake County.
- Master Deputy Nicholson is a Raleigh Native, who went to Enloe Highschool. He graduated from Shaw University in 1993
- In his retirement, he plans on spending time with his sons and cutting hair in the community.

Consent Agenda

Vice-Chair Thomas moved, seconded by Commissioner West, to

approve the Consent Agenda. The motion carried by the following vote:

Aye: 6 - Commissioner West, Chair Hutchinson, Vice-Chair Thomas, Commissioner Calabria, Commissioner Cervania, and Commissioner Evans

Excused: 1 - Commissioner Adamson

3. Federal Fiscal Year 2021 Emergency Management Performance Grant (EMPG)

Attachments: [EMPG supplemental Fed FY2021 agenda item Revised.docx](#)
[Wake_FY2021_EMPG_CR2_MOA_amendmen.pdf](#)
[Budget Memo - FY 2023 Grants and Donations Fund.pdf](#)

4. Accept and Appropriate \$151,018 of Federal funds from the North Carolina Department of Health and Human Services for the Low-Income Household Water Assistance Program

Attachments: [Agenda Item.docx](#)
[11-2023 LIHWAP ARPA Admin Funding Authorization.pdf](#)
[Budget Memo - FY 2023 Grants and Donations Fund.pdf](#)

5. Accepts and Appropriates \$1,199,747.00 in Federal Grant Dollars from the Office of Justice Programs (OJP) in the Wake County Sheriff's Office Budget of the Grants and Donations Fund and Establish 1.0 FTE.

Attachments: [WCSO COSSAP Agenda item.docx](#)
[Award Package.pdf](#)
[Time Task Plan Final.pdf](#)
[COSSAP Budget Table.pdf](#)
[Budget Memo - FY 2023 Grants and Donations Fund.pdf](#)

6. Approval to Proceed with Construction Management at Risk Delivery Method for the Convenience Center #3 / Town of Morrisville Public Works Project

Attachments: [CMAR PreAppvl CC#3 Agenda Item.docx](#)
[CMAR Presentation.pdf](#)

7. Approval of Lease Extension for Marbles Kids Museum and IMAX Theater

Attachments: [Agenda Item - Marbles & IMAX Lease Extension.docx](#)
[FINAL FOR AGENDA 2022 Marbles Lease Renewal DRAFT .docx](#)

8. Use Agreement with the North Carolina Wildlife Resources Commission to Manage and Operate Public Access at the Firearms Education and Training Center (FETC) for a Term of 20 Years

Attachments: [Agenda Item.docx](#)
 [Memorandum of Understanding.pdf](#)

9. Conveyance of Multiple Permanent and Temporary Easements on Wake County Properties to be Granted to The City of Raleigh for The Wake BRT: New Bern Avenue Project

Attachments: [Wake BRT Item Summary.docx](#)
 [10 Sunnybrook Road- Property Map.pdf](#)
 [1313 New Bern Avenue- Property Map.pdf](#)
 [10 Sunnybrook Road - Easement Request Letter.pdf](#)
 [1313 New Bern Avenue - Easement Request Letter.pdf](#)
 [10 Sunnybrook Road SS Exhibit.pdf](#)
 [1313 New Bern Avenue SS Exhibit.pdf](#)
 [10 Sunnybrook Road- Construction Plans.pdf](#)
 [1313 New Bern Avenue - Construction Plans.pdf](#)
 [10 Sunnybrook Road - Deed of Easement.pdf](#)
 [1313 New Bern Avenue - Deed of Easement.pdf](#)
 [CIP Budget Memo - FY 2023 County Capital Fund - County Buildings.pdf](#)

10. Quarterly Capital Improvement Projects Closures

Attachments: [CIP Project Closures Agenda Item.docx](#)
 [CIP Budget Memo - FY 2023 County Capital Fund - Public Safety.pdf](#)
 [CIP Budget Memo - FY 2023 County Capital Fund - Criminal Justice.pdf](#)
 [CIP Budget Memo - FY 2023 County Capital Fund - County Buildings.pdf](#)
 [CIP Budget Memo - FY 2023 County Capital Fund - Automation.pdf](#)
 [CIP Budget Memo - FY 2023 County Capital Fund - Program Wide Projects.pdf](#)
 [CIP Budget Memo - FY 2023 Housing Capital Fund.pdf](#)
 [Budget Memo - FY 2023 American Rescue Plan Fund.pdf](#)

11. Land Acquisition of a Parcel Containing a Total of 33.523 Acres Located on Paramount Parkway in the Morrisville/RTP Area for a Future High School (H-14). (Second Reading)

Attachments: [H-14 Morrisville Agenda Item \(Second Reading\).docx](#)
 [H-14 Morrisville Presentation \(Second Reading\).pdf](#)

General Public Comments

12. General Public Comments

Jamie Ayscue, Northern Wake County, requested that the Board pass the proposed firearm ordinance with no less than 300 yards.

Holly Crumpler, Ethan's Glenn neighborhood, shared that the neighborhood is not safe and dealing with gunshots and is In favor of the proposed changes to the ordinance to include the 300 yards.

Simon Jones, North Raleigh, supports the safe use of guns, supports the proposed changes, highlights the 300 yards.

Sarah Jones, no show

Brett Stafford, North Raleigh, in support of the proposed ordinance.

Roger Howard, Knightdale Station, in support of the proposed firearms ordinance.

Michael Routman, Home Owners Association is in favor of the proposed firearms ordinance. Asked the Board to be proactive and not reactive.

Grady Crumpler, shared comments on the reckless shooting in Knightdale. Is in favor of the proposed firearms ordinance.

Laura Savert, shared that gunshots can be heard near her backyard where her kids play. In favor of the proposed firearms ordinance.

Jeff Craig, Ethans Manor, military veteran, in support of the proposed firearms ordinance in particular the 300 yards.

Shanna Harden, shared comments from a document created in 1800. Asked to extend the 300 yards. Shared that she was on greenway Thursday night.

Regular Agenda

13. Public Hearing on the Proposed Comprehensive Plan Amendment 03-22 to Adopt the Lower Swift Creek Area Plan

Attachments: [Item Summary.docx](#)
 [Presentation.pdf](#)
 [Staff Report.docx](#)
 [LSC Area Plan.pdf](#)
 [Resolution.docx](#)
 [Planning Board Minutes.docx](#)
 [Legal Ad.docx](#)

Mr. Akul Nishawala, AICP, Planner III, shared the proposal CPA 03-22.

Proposal CPA-03-22

Adopt the Lower Swift Creek Area Plan as an amendment to the Wake County Comprehensive Plan, PLANWake, and amend the text on page 44 of PLANWake.

He shared the background on Land Use Planning.

Background**Land Use Planning Documents**

- Adopted document that plans for future growth while maintaining resources, the environment, and the public health, safety, and welfare
- Fluid and dynamic - living documents - amended and updated

Shared maps and charts on the following: Updated Area Plan Geographies, Current Land Use, Future Land Use, Land Use Current vs Future, Multi-Use District: Ten-Ten Rd & Rand Rd, Multi-Use District: White Oak Rd & NC 540, Multi-Use District: Benson Rd & Cleveland School Rd, Bike/Ped Improvements with NC 540.

He shared Community Engagement.

Community Engagement

- In-Person
 - May 4; May 17 (Election Day)
- Virtual
 - April 7; August 10
- Social Pinpoint
 - <<https://wakegov.mysocialpinpoint.com/draft-lower-swift-creek-area-plan>
 - >
 - 2,963 total visits
 - 897 unique users visited the platform
 - 162 users interacted with it
 - 158 survey responses
 - 58 comments
- Road Signage

He shared Staff Findings.

Staff Findings

1. The Lower Swift Creek Area Plan is consistent with the goals and visions set forth in PLANWake.
2. The Lower Swift Creek Area Plan received input from residents, municipal partners, and stakeholders.

3. The Lower Swift Creek Area Plan provides an update to the existing area land use plan policies and land use designations.

He shared Staff recommendations

Staff Recommendation

That the Board of Commissioners adopts the Comprehensive Plan Amendment 03-22 as presented.

Mr. Tom Wells, Planning Board, shared the Planning Board Recommendation.

Planning Board Recommendation

Planning Board recommends that the Lower Swift Creek Area Plan be adopted as an amendment to the Comprehensive Plan, PLANWake, and that the text amendment to page 44 of PLANWake also be adopted. The Planning Board unanimously voted to recommend approval on October 5, 2022.

Commissioner Cervania asked about the white vacant slots on the Current Land Use slide.

Mr. Nishawala shared feedback. Mr. Wells shared that the white area is also the WRAL tower.

Commissioner Cervania shared comments on 1/3 open space.

Mr. Nishawala shared that this is the smallest and that there are future goals for the 1/3 open space.

Chair Hutchinson opened the public hearing.

No one came forward

Chair Hutchinson closed the public hearing

Chair Hutchinson thanked Mr. Maloney and the Planning Board for their work.

Chair Hutchinson moved, seconded by Commissioner Calabria, that the Board of Commissioners hold a public hearing and adopt the attached resolution to amend the Wake County Comprehensive Plan, PLANWake, related to the Lower Swift Creek Area Plan. The motion carried by the following vote:

Aye: 6 - Commissioner West, Chair Hutchinson, Vice-Chair Thomas, Commissioner Calabria, Commissioner Cervania, and Commissioner Evans

Excused: 1 - Commissioner Adamson

14. Strengthening Wake County's Tobacco-Free Ordinance

Attachments: [Agenda Item.docx](#)
[Tobacco-Free Ordinance with expanded tobacco products definition Final 10-2022.docx](#)
[Wake County Tobacco Free Ordinance BOC Work Session.pdf](#)

Moved to the November 9th meeting.

15. Amendments to the Wake County Code of Ordinances Chapter 130 Firearms (First Reading)

Attachments: [Item Summary.docx](#)
[Firearms Presentation.pdf](#)
[Text Amendment - County Code of Ordinances Chapter 130 Firearms.docx](#)
[October 10 Work Session Presentation.pdf](#)

Mr. Tim Maloney, Planning Director, shared the Background.

Background

- Public Safety Committee August 22, 2022
- Public Hearing September 6, 2022
- Listening Session September 13, 2022
- Special Work Session September 19, 2022
- Work Session October 10, 2022

He shared the Wake County Firearms Ordinance.

Wake County Firearms Ordinance

- No discharge on/from public street or highway
- No discharge within 100 yards of a dwelling, public building, or livestock.
- The projectile may not leave the property from which it is lawfully discharged on.
- Penalty for violation is a class 3 misdemeanor and \$50 fine.
- Local jurisdictions cannot regulate the discharge of firearms when used for hunting animals or birds (§153A-129).

He shared the Proposed Amendments.

Proposed Amendments

1. Increase the minimum distance from a dwelling, public building or livestock in which a person may discharge a firearm from 100 yards to 300 yards.
2. Require a backstop that meets industry standards or at least meets the height and width standards specified in the ordinance (height must extend 4' above the target and 2' thick).
3. Only fixed, stationary targets at which the firearm is specifically aimed, directed, and fired upon may be used.
4. Prohibit the discharge of a firearm between 10 p.m. and 7 a.m.
5. Increase the maximum fine for violation from \$50 to the statutory limit of \$500.

He shared Public Awareness.

Public Awareness

1. Create a webpage on the County's website that outlines the rules and standards of the Firearms Ordinance so that it's easy to understand.
2. Provide a downloadable template of the "Permission Form" when seeking permission from neighbors to reduce the 300-yard distance requirement.

He shared Next Steps.

Next Steps

If approved today, this item will be placed on the November 9, 2022, Board of Commissioners meeting for a second reading and consideration of adoption.

Vice Chair Thomas asked if the amendment included berms and natural terrain.

Commissioner Evans asked about language in the proposed amendment re: distance shooting. Can the distance be reduced if written permission is given by adjacent neighbors and is that specifically included within the ordinance language.

Mr. Maloney shared that it is in the current ordinance. You can seek permission from those within the 300 yards or current 100 yards to shoot within the reduced area.

Commissioner West asked who oversees the ordinance.

Mr. Maloney shared that the Sheriff's Department would enforce the ordinance.

Commissioner Calabria inquired about radius around dwellings and public buildings. Are they in the ordinance.

Mr. Maloney shared that they are the second item on the list that was shared previously.

Commissioner Calabria asked the width dimensions.

Mr. Maloney shared that they are two feet wide.

Commissioner Calabria asked about depth and if they are industry standards.

Mr. Maloney shared that there is terminology associated with width of the berm.

Attorney Warren shared comments that the permission to discharge a firearm 300 feet is good for one year.

Commissioner Calabria asked if instructions on how to report a violation are available for discharge on or across public roads.

Mr. Maloney shared that this information is in the ordinance.

Commissioner Calabria shared that this about giving law enforcement what they need. He shared that this will help and provide clarity. He shared that this is an ongoing conversation and it is important that all the needs are being met.

Commissioner Cervania shared concerns on permissions. How will neighbors know that the distance is 100 yards.

Mr. Maloney shared that there will be maps to show the distance from neighbors. Property owners can contact the Planning Department and this information is on the website. He shared that the backstop can be NRA standards or meet the minimum standards discussed.

Chair Hutchinson asked for recommendation on length.

Mr. Maloney shared that he will look at NRA's recommendation as it pertains to length.

Commissioner Calabria shared additional comments on backstop and industry requirements in the proposed amendment.

Commissioner West shared that there is no one answer.

Commissioner Evans shared that law enforcement can determine if there is a backstop or not when they go out to a property.

Vice-Chair Thomas moved, seconded by Commissioner West, that the Board of Commissioners consider proposed amendments to the Wake County Code of Ordinances Chapter 130 Firearms approve and place the item on the November 9, 2022 Board of Commissioners agenda for a second reading. The motion carried by the following vote:

Aye: 6 - Commissioner West, Chair Hutchinson, Vice-Chair Thomas, Commissioner Calabria, Commissioner Cervania, and Commissioner Evans

Excused: 1 - Commissioner Adamson

Manager's Report

16. Wastewater Regulation Revisions

Attachments: [Agenda Item.docx](#)
[Presentation.pdf](#)

Mr. Eric Green, Environmental Services, Operations Analysis Manager, shared the Board Goal Alignment.

Board Goal Alignment

- Great Government
 - GG 1 - Engage our community to envision the County's future
 - GG 5 - Strengthen governance structures and processes that preserve ethics, accountability, and effective decision-making
- Growth and Sustainability
 - GS1 - Preserve and enhance the County residents' quality of life through coordinated land use and transportation planning
 - GS3 - Preserve and protect a clean and abundant water supply

He shared the Stakeholders Team.

Stakeholders Team

- 68 members

- Wake County development community
- Academia
- Wake County development sections
- Product manufacturers
- Public Health Committee
- North Carolina Department of Health and Human Services (NCDHHS)

He shared the Phased Implementation.

Phased Implementation

- **Phase 1**
 - 9 High priority regulations
 - Adoption of changes, not regulations
 - Historical evidence of revised regulations
- **Phase 2**
 - Entirety of regulations
 - Adoption of regulations, not changes
 - Historical evidence for every regulation

He shared the Request Review by NCDHHS.

Request Review by NCDHHS

- Wake H&HSB requests review by NCDHHS
- Formal request
- Required by law
- NCDHHS reviews regulations
- Provides feedback
- Wake County reviews feedback, revises accordingly

He shared Public Notice/Comment.

Public Notice/Comment

- Allow 3 weeks
- Review comments
- Address accordingly

He shared the Regulation Adoption.

Regulation Adoption

- December 2022 or early 2023 H&HSB meeting
- Post to website

Chair Hutchinson asked for the proposed changes and why.

Mr. Green shared feedback.

Commissioner Calabria asked for a list of changes.

Mr. Green shared that they are changing terminology only. Mr. Green shared that they have worked with East Carolina University and NC State University.

Commissioner Cervania asked for the list of partners.

Mr. Green shared that they did not contact neighboring counties. He shared that Health and Human Services have reviewed these recommendations. He shared the municipalities will be engaged.

17. Falls Lake Nutrient Management Strategy Interim Alternative Implementation Approach (IAIA)

Attachments: [2022 Item Summary_Falls Lake Interim Alternative Implementation Approach.docx](#)
[Falls Lake Presentation.pdf](#)

Ms. Nancy Daly, Water Resources Manager, shared the Falls Lake Regulatory Requirements.

Falls Lake Regulatory Requirements

- ❖ Address impairment related to excess nutrients
- ❖ Attain and maintain water quality standards
- ❖ Protect designated uses

Falls Lake is a valuable, regional resource, providing drinking water for 550,000 customers, recreation, and habitat to aquatic and terrestrial wildlife. In 2011, the state passed a nutrient management strategy for Falls Lake. The strategy targets the highest nutrient reductions ever passed in North Carolina and was estimated to cost more than \$1.5 billion for local communities to implement.

Protect designated uses: water supply, fish and wildlife, recreation.

Shared a map of the Upper Neuse River Basin Association (UNRBA) and a chart with the Falls Lake Rules Timeline

She shared the Interim Alternative Implementation Approach (IAIA).

Interim Alternative Implementation Approach (IAIA)

- **Goal Alignment**
 - **BOC GS 3:** Preserve and protect a clean and abundant water supply
 - **PLANWake:** Healthy and Active; Sustainable and Vibrant
- **Wake County Self-Funded**
 - Conservation projects
 - In-kind program initiatives
- **ILA Joint Funding**
 - ILA with member jurisdiction
- **Local Organization Funding**
 - Land conservation organizations
 - Soil and Water Conservation Districts
- **Pooled Project Fund**
 - Regional project opportunities
- ❖ November 2020: Wake BOC Approval
- ❖ July 1, 2021: IAIA Implementation
- ❖ September 2022: NC Environmental Management Commission Approval

Shared a chart showing the Counties and Towns funding levels.

She shared the Project Implementation.

Project Implementation

Wake County IAIA Committee

- Facilities, Design & Construction
- Parks, Recreation & Open Space
- General Services Administration
- Planning
- Soil & Water Conservation
- Environmental Services

Shared a poster titled "Do Your Part" and photographs titled North Wake Fire Station #2 Feasibility Study and Beaver Dam Creek Conservation

In-Kind Investments

- Stormwater Control Measure (SCM) inspections
- Onsite wastewater system complaint investigation and repair
- Blue Jay Point education and outreach

She shared a chart showing the Falls Lake Rules Timeline.

Chair Hutchinson shared his involvement in the UNRBA.

Other Business

Manager Ellis introduced Jonathan Feldman, new Chief Information Officer.

Commissioner Cervania shared that Early Voting starts October 20th. She shared that Wake County has the best Elections staff. She shared the website for additional information. Wakevotesearly.com

Chair Hutchinson shared additional comments on the UNRBA. He shared that the Neuse River was selected as the River of the Year. He attended the announcement today. He shared all the partners that were in attendance.

Vice Chair Thomas shared that she joined the NC Association of Counties in Forsyth County last week and discussed broadband. She shared comments on connectivity and how communities in the western part of the state do not have access. She shared her excitement for serving on the NC Association of Counties board.

Commissioner Calabria shared that he is serving on the NC Association of County Commissioners (NCACC) NCHousing Task Force. this is one of the greatest challenges we are facing locally as well as within the country. He is looking forward to the first meeting in November.

Commissioner West serves on the Agricultural Committee.

Commissioner Evans shared that she serves on the North Carolina Association of County Commissioners (NCACC) Steering Committee and that Wake County's two goals that have been placed on the ballot have been approved.

Manager Ellis shared comments on Operation Greenlight.

Closed Session

No need for a Closed Session.

Adjourn

Meeting adjourned at 3:56 p.m.

Respectfully submitted,

Yvonne C. Gilyard, NCCCC
Deputy Clerk to the Board

Commissioner Calabria moved, seconded by Commissioner West, to

Adjourn the meeting. The motion carried by the following vote:

Aye: 6 - Commissioner West, Chair Hutchinson, Vice-Chair Thomas,
Commissioner Calabria, Commissioner Cervania, and
Commissioner Evans

Excused: 1 - Commissioner Adamson