Wake County

301 South McDowell Street
Raleigh, NC

Meeting Minutes
Board of Commissioners

Tuesday, September 6, 2016 | **5:00 PM** | **Wake County Justice Center**

Meeting Called to Order: Chairman James West

Present: 7 - Chairman James West, Vice-Chair Sig Hutchinson, Commissioner John D. Burns, Commissioner Matt Calabria, Commissioner Jessica Holmes, Commissioner Caroline Sullivan, and Commissioner Betty Lou Ward

Others Present: Jim Hartmann, County Manager; Scott Warren, County Attorney; Denise Hogan, Clerk to the Board; Yvonne Gilyard, Deputy Clerk to the Board; David Ellis, Deputy County Manager; Johnna Rogers, Deputy County Manager

Pledge of Allegiance

Invocation: Commissioner Betty Lou Ward

Items of Business

1. Approval of Agenda

Vice-Chair Hutchinson moved, seconded by Commissioner Holmes to approve the Agenda with one additional agenda item at the beginning of the regular agenda. This agenda item requests that the board approves a letter of support to the State Board of Elections for extra funding from the county for additional early voting sites and staffing. The motion passed unanimously.

2. Approval of the Minutes of the Regular Meeting of August 15, 2016

Commissioner Burns moved, seconded by Commissioner Sullivan, to Approve the Minutes of the Regular Meeting of August 15, 2016. The motion passed unanimously.

3. Proclamation Recognizing National Preparedness Month

Attachments: BOC Agenda National Preparedness Month Sept 2016
2016 Wake County Preparedness Month

Mr. Josh Creighton, Wake County Emergency Management Director, shared that September is National Preparedness month. He said that it is important that citizens and employees be prepared in the event of a disaster. He explained that there is information available on the Wake County website and at readywake.com. He shared the following supporting themes for September:

- The first week's theme will surround creating and communicating the development of your emergency plan with friends and family.
- The second week will focus on multi-generational preparedness. This includes planning what to do if children are at school, spouses are traveling or at work and if you have to care for older adults. It also includes developing plans on how to reunite families after an emergency.
- Week three will encourage people to understand the importance of community preparedness and encourages getting involved with a community organization.
- Week four will focus on individual preparedness which is the minimal level of preparedness anyone should do. The first step is to be aware of the hazards in your community. Individuals should also understand what actions they can take to be prepared, what specific needs they may have like medications, power needs for medical equipment, pet needs and transportation needs for example.
- This all leads up the last week and a National Day of Action. September 30th is National PrepareAthon Day. This week is the time to take action and share your knowledge. The plans that were developed during the month can be put into action; you can share your story with others and encourage others to get prepared.

He shared an Emergency Preparedness brochure that will be used to share with the citizens.

Commissioner Calabria thanked Mr. Creighton for the work of he and his staff and said that citizens can be prepared in an emergency situation.

Commissioner Calabria read aloud the proclamation.

Commissioner Calabria moved, seconded by Commissioner Ward, that the Board of Commissioners joins others by proclaiming September as National Preparedness month in Wake County. The motion passed

unanimously.

4. Proclamation Declaring September 10, 2016 as Public Safety Day

Attachments: Public Safety Day Item Summary.doc
2016 Wake County Public Salety Day.docx

Chief David Dillon, Assistant Chief, Safety and Prevention, Durham Highway Fire Department, said that for the past 20 years, Durham Highway Fire Department has hosted the largest, longest running Public Safety Event in Wake County. This year's event is scheduled to be held at the Leesville Road High School Parking Lot on September 10, 2016 from 10:00 a.m. - 2:00 p.m. He said that parents and children have enjoyed the event through the years. He thanked the board for the support through the years.

Commissioner Calabria thanked all the first responders for their work. He read aloud the Proclamation.

Commissioner Calabria moved, seconded by Commissioner Ward, that the Board of Commissioners proclaims September 10, 2016 as Public Safety Day. The motion passed unanimously.

5. Proclaim September as Kinship Care Month in Wake County to Recognize Kinship Caregivers

Attachments: BOC Item Kinship Care Month 9-6-2016 FINAL
Proclamation of Kinship Care Month September 2016 FINAL

Mr. Jason Mahoney, Wake County Program Manager, Family Services, said that in the year of 1789 that former president George Washington became a kinship caregiver. He said over 5 million children are Kinship Caregivers. He said that over 4,630 of these young people reside in Wake County. He introduced Ms. Babs Wagner, Friends of the Guardian ad Litem Program, that provides resources to youth in Kinship Care placement. He said that Kinship Care is the raising of children by grandparents, other extended family members, and adults with whom they have a close family-like relationship such as godparents and close family friends because biological parents are unable to do so for whatever reason. He said that Kinship Care is designed to avoid foster care and the likelihood of eventual reunification with birth parents. He highlighted activities that will take place throughout the month by providing a poster of events to the board. He said that on September 29, 2016, in recognition of Kinship Care Month, the Family Services Program, along with community partners, will host an interactive Lunch and Learn event for Kinship Caregivers, Community Partners, and Wake County citizens who are interested in learning more about Kinship Care and its impact on the family and community.

He asked all the kinship caregivers to stand and be recognized.

Commissioner Sullivan read aloud the Proclamation.

Chairman West said that he was impressed with Mr. Mahoney's passion, enthusiasm and work with the program.

Commissioner Holmes said Mr. Mahoney's enthusiasm exemplifies passion for caregivers and thanked them for keeping children out of foster care.

Commissioner Sullivan moved, seconded by Commissioner Holmes, that the Board of Commissioners proclaim the month of September as Kinship Care Month and recognizes and honors Kinship Caregivers for the work of caring for relative children. The motion passed unanimously.

6. Recognition of Recent Awards

Attachments: Revised Awards Item Summary 9-6-2016.docx

Mr. Hartmann said that Mr. Bill Greeves joined Wake County in 2012 as Wake County's Chief Information Officer, and he definitely had his work cut out for him. He shared a video of his first day on the job and the challenge by former County Manager David Cooke to be named the number-one digital county of its size in the country.

Mr. Hartmann said that just four short years later, he is proud to share that Bill and his team have met that challenge. In July, the Center for Digital Government and the National Association of Counties named Wake County the number-one digital county of its size in the country. This coveted award recognizes Wake County's work to innovate, improve transparency, and proactively address citizen demands and expectations, particularly in the areas of open data, community engagement, and governance and operations. He said Bill and Vice Chair Hutchinson accepted the award earlier this summer at the NACo conference in Long Beach, CA.

Vice-Chair Hutchinson said that the awards were recognized for small, medium, and large counties. Four years ago, Wake County was recognized as tenth when Bill first was hired.

Vice-Chair Hutchinson said Wake County won number one this year for the large counties across the county. He congratulated Bill. He said that Bill has recently been promoted as the Chief Information and

Innovation Officer for Wake County. He said that innovation and becoming the most wired county will be the future focus. He said high speed internet connectivity will be a focus in Wake County.

Mr. Hartmann said in addition to the national award, Wake County has also been recognized for excellence in Digital Innovation at the state level by the North Carolina Innovation Center.

Mr. Hartmann congratulated Bill and challenged him to continue to work toward keeping Wake County in the number one spot.
Bill said that he was proud to work in Wake County. He said that the award is a team award. His staff was recognized.
Commissioner Ward said she attended the NACo conference and was unable to attend the awards ceremony because of another obligation. She congratulated Bill and his staff on the award.

That the Board of Commissioners recognizes recent award winners

Public Comments

No one came forward for public comment.

Consent Agenda

Commissioner Sullivan moved, seconded by Commissioner Holmes, to approve the Consent Agenda. The motion passed unanimously.

7. Approval of Plan Year 2017 Medical and Pharmacy Plans and Rates

Attachments: BOC Agenda Item - Health Insurance Benefits - jlr.docx
Medical and Pharmacy Plan Summary and Premium Comparison.docx
2301 Tobacco Free Policy.docx

Commissioner Sullivan moved, seconded by Commissioner Holmes, that the Board of Commissioners approve the County health insurance plan design changes and rates for the benefit year beginning January 1, 2017 for medical and pharmacy insurance. The motion passed unanimously.

8. Selection of Aflac to Administer Additional Voluntary Benefits

Attachments: Item Summary - Voluntary Benefits.docx
Voluntary Benefits RFP Scorecard.pdf
2 Summary - Recommended Crictical Illness Plan & Rates.pdf
3 Summary - Recommended Hospital Indemnity.pdf
4 Summary - Recommended Accident Covg.pdf

Commissioner Sullivan moved, seconded by Commissioner Holmes, that the Board of Commissioners authorize the County Manager to enter into a three-year agreement with Aflac for the administration of voluntary County benefits to include Critical Illness Insurance, Hospital Indemnity Insurance and Accident Coverage Insurance, subject to terms and conditions acceptable to the County Attorney. The motion passed unanimously.

9. Agreement to Scope and Content of Wake Transit Financial Plan

Attachments: Financial Plan Agreement Agenda Item
Financial Plan Agreement

Commissioner Sullivan moved, seconded by Commissioner Holmes, that the Board of Commissioners authorize the County Manager to enter into, subject to terms and conditions acceptable to the County Attorney, a Financial Plan Agreement setting forth the mutual understanding of the parties as to the scope and content of the financial plan between Research Triangle Public Transportation Authority (GoTriangle); Durham County; Orange County; Wake County; Capital Area Metropolitan Planning Organization; Durham, Chapel-Hill, Carrboro Metropolitan Planning Organization; and Burlington-Graham Metropolitan Planning Organization. The motion passed unanimously.

10. Approve 20th Amendment to the Interlocal Agreement between Wake County and the City of Raleigh Regarding Implementation of Countywide Room Occupancy and Prepared Food and Beverage Tax

Attachments: 20th Amendment ILA Agenda Item Summary.docx
20th Amendment ILA for approval.pdf
Summary of Changes included in the 20th Amendment.docx
Summary of Interlocal Agreements.docx

Commissioner Sullivan moved, seconded by Commissioner Holmes, that the Board of Commissioners approve the 20th Amendment to the Interlocal Agreement between Wake County and the City of Raleigh Regarding Implementation of Countywide Room Occupancy and Prepared Food and Beverage Tax, subject to the Terms and Conditions

acceptable to the County Attorney. The motion passed unanimously.

11. Findings and Application to the Local Government Commission Regarding Proposed Issuance of General Obligation Refunding Bonds

Attachments: Agenda Item
Resolution
Sworn Statement of Debt
Sworn Statement of Interest

Commissioner Sullivan moved, seconded by Commissioner Holmes, that the Board of Commissioners adopt the attached resolution making certain findings, authorizing the filing of an application with the Local Government Commission, appointing bond counsel and a financial advisor in connection with the proposed issuance of general obligation refunding bonds of the County, and schedules a public hearing for September 19 at the regular meeting of the Board of Commissioners regarding the order authorizing $190 million general obligation refunding bonds. The motion passed unanimously.

12. Accept and Appropriate $1,991,261 of Federal Funds from the Wake Technical Community College for Capital Area Workforce Development (CAWD)

Attachments: Capitla Area Workforce Development Board TechHire grant.docx
CAWD Abstract.pdf
Budget Memo - FY 2017 CAWD Fund.xlsx

Commissioner Sullivan moved, seconded by Commissioner Holmes, that the Board of Commissioners Accept and Appropriate to Capital Area Workforce Development $1,991,261 from Wake Technical Community College to be spent by June 30, 2020. The motion passed unanimously.

13. 2016 Edward Byrne Memorial Justice Assistance Grant (JAG) Application

Attachments: Item Summary
JAG Grant MOA.pdf

Commissioner Sullivan moved, seconded by Commissioner Holmes, that the Board of Commissioners authorize the Wake County Sherriff's Office, in partnership with the City of Raleigh, to apply for the 2016 Edward Byrne Memorial Justice Assistance Grant (JAG). The motion passed unanimously.

14. Approves a Resolution Authorizing the County Manager to file an Application for $169,110 in Federal Grant Dollars from the North Carolina Governor's Highway Safety

Program

Attachments: Item Summary

Resolution

Commissioner Sullivan moved, seconded by Commissioner Holmes, that the Board of Commissioners approve the attached resolution which authorizes the County Manager to file an application for $169,110 in Federal Grant Dollars from the North Carolina Governor's Highway Safety Program. The motion passed unanimously.

15. Amendment to the Little River Reservoir Water Supply Watershed Interlocal Agreement

Attachments: Item Summary

Presentation

Interlocal Agreement

Amendment One - Interlocal Agreement

Map

Commissioner Sullivan moved, seconded by Commissioner Holmes, that the Board of Commissioners Adopt Amendment One to the Little River Reservoir Water Supply Watershed Interlocal Agreement. The motion passed unanimously.

16. Approval of the Rural Operating Assistance Program (ROAP) Grant Request

Attachments: Item Summary

FY2017 ROAP Grant Application

FY2017 County ROAP Certified Statement

2016-2017 ROAP Agency Sub-allocations

Commissioner Sullivan moved, seconded by Commissioner Holmes, that the Board of Commissioners approve a ROAP grant application be made to the North Carolina Department of Transportation (NCDOT) in the amount of $574,880. The motion passed unanimously.

17. FY 2017 Tip Fee Waiver at the South Wake Landfill and East Wake Transfer Station for the Wake County Big Sweep and Neuse River Clean-Up

Attachments: BOC landfill waiver Big Sweep Neuse Cleanup 2016_2017.docx

Commissioner Sullivan moved, seconded by Commissioner Holmes, that the Board of Commissioners waive the tipping fee to “zero charge” at the South Wake Landfill and East Wake Transfer Station for waste collected by Wake County Big Sweep, Sound Rivers Inc. (Upper Neuse

Riverkeeper), and all participating partners during Fall 2016, Spring and Summer 2017. The motion passed unanimously.

18. Tax Committee Recommendations for Value Adjustments, Late Filed Applications, Collections Refunds and Tax Collections

Attachments:
- Tax Collections Item Summary
- Tax Committee Agenda Process
- Executive Summary 1
- Executive Summary 2
- Sept 2016 Refunds Under 500
- Sept 2016 Refunds Over 500
- Daily Updates For Exemptions
- Daily Updates For Penalties
- Daily Updates For Tax Relief
- Daily Updates For Special Situations
- Daily Updates For Tax Deferments
- Municipal Collection Report
- Wake County Collection Report
- Monthly In-Rem Foreclosure Report
- PFB Summary Report
- Register of Deeds Excise Tax Report

Commissioner Sullivan moved, seconded by Commissioner Holmes, that the Board of Commissioners approve the attached recommendations by the Tax Committee. The motion passed unanimously.

Regular Agenda

19. Letter of Financial Support for Additional Early Voting Sites in Wake County

Vice-Chair Chair Hutchinson asked Mr. Mark Ezzell, Wake County's Elections Board, to speak to the board about early voting sites.

Mr. Ezzell said that on Thursday he will appear in front of the State Board of Elections to submit a minority plan for early voting. He said the Wake County Board of Elections voted to have 20 sites for early voting. He said prior the Fourth Circuit Court of Appeals ruling, there was seven additional days of which County Board of Elections could have additional voting sites. The Wake County Board of Elections voted to maintain the existing sites, but for the additional seven days only allow the Board of Elections downtown site to be open. He said the minority plan included eight sites throughout Wake County to be open (Apex Community Center, Avery Street Community Center, Chavis Community Center,

Herbert C. Young Center, Northern Regional Center, Lake Lynn Community Center, Eastern Regional Center, W. E. Hunt Center, and the Wake County Board of Elections downtown Raleigh). Mr. Ezzell said that he is confident that these sites fulfill the requirements for early voting in Wake County and adheres to the Fourth Circuit Court of Appeals ruling. Mr. Ezzell said that Wake County has the largest number of voters in the state.

Chairman West expressed his concern about the limited parking in downtown Raleigh to access Board of Elections.

Commissioner Burns asked if the early voting efforts has helped with avoiding diving precincts, add additional voting opportunity, and avoid long lines at precincts on voting day. Mr. Ezzell said there are 29 precincts with more than 5,000 people in Wake County. He said that in the past six years, Wake County County has only added a couple of precincts. He said the robust early voting program in Wake County has helped with voting and is cost effective. Commissioner Burns asked if the goal of the State Board of Elections was to keep in mind the mandate of the Fourth Circuit court ruling and increasing and allowing early voting. Mr. Ezzell said the State Board of Elections prepared a memo to counties encouraging early voting options.

Commissioner Holmes thanked the Board of Elections for the report and commended the leadership of Vice-Chair Hutchinson toward the update. She said the Supreme Court has upheld the one person/one vote principal and voting should be easier and assessable to the public. Mr. Ezzell said the plan is geographically diverse and takes into account the demographics of the county.

Commissioner Calabria said that he supports the proposal and Wake County is diverse. He said that distance of travel layout, and architecture can affect voting behavior. He said to create a culture of voting, early voting is necessary in Wake County

Commissioner Ward thanked Mr. Ezzell and the Board of Elections for their work. She voiced her support for voting sites. She asked if the board could assist with enhancing the voting process in Wake County. Mr. Ezzell said the support of the Board of Commissioners is a message that can be given to the State Board of Elections. He said the Wake County Board of Elections decided unanimously on the hours, locations, and number of days for voting including Sunday and weekend hours.

Chairman West asked if there were other counties in the state that allowed the additional seven days. Mr. Ezzell said that there will be 33 counties that present the State Board of Elections with minority plans.

Vice-Chair Hutchinson commended Mr. Ezzell's leadership and said that every citizen should be given opportunity to vote.

The board took a short recess and then reconvened.

Vice-Chair Hutchinson moved, seconded by Commissioner Holmes, that the Board of Commissioners authorize and direct staff to prepare a letter for the Chairman's signature, to the State Board of Elections, stating that it is the intent of this board to fully fund an additional eight sites for early voting the week of October 20th through the 27th if Mr. Ezzell's alternative plan is approved by the State Board of Elections this Thursday, September 8th. The motion passed unanimously.

20. Land Acqusition for a High School Site in the Southwestern Wake County - Apex/Holly Springs Area (H-12) - Third Reading

Attachments: 3rd reading H-12 REV.docx
Third Reading Presentation H-12.pdf
H-12 MEMORANDUM.docx
SURVEY FINAL H-12.pdf

Ms. Betty Parker, Wake County Public Schools Director of Real Estate Services, shared the target rings for the target area. She shared an aerial view of the area. She shared a map of the preliminary concept plan. She shared the land acquisition comparisons. She shared the additional responses requested by the Board of Commissioners. She shared the key points on the H-12 site. (see list of key points). She shared future considerations. She shared the site size consideration with respect to athletic fields. She shared the chart of program areas. She shared the middle school and high school stadium elements. She shared the Apex Friendship High School Stadium efforts. She shared photos of the bleachers and pressbox. She shared a block diagram for the high school site planning. Ms. Parker said there was good discussion between staff.

Mr. Mark Edmondson, Wake County Facilities, Design and Construction, said there was a robust discussion.
Commissioner Burns said varying the programs and models are being conducted. He clarified an article about "offsite" facilities. He said that he meant "offsite common facilities."

Commissioner Holmes asked if there is any current surplus property owned by the school system. She asked that the surplus property be used for affordable housing.

Commissioner Ward moved, seconded by Vice-Chair Hutchinson, that the Board of Commissioners authorize the Board of Education

to purchase 66.48 acres just west of Stephenson Road in the Apex ETJ, together with closing costs in an amount not to exceed $4,325,748.00 pursuant to N.C.G.S 115C-426.

Ms. Parker clarified that the acreage is 67.299. **Commissioner Burns offered an amendment to the above motion to include the change of acreage with the closing costs not to exceed $4,325,748.00.**

Commissioner Burns moved, seconded by Vice-Chair Hutchinson, that the Board of Commissioners authorize the Board of Education to purchase 67.299 acres just west of Stephenson Road in the Apex ETJ, together with closing costs in an amount not to exceed $4,325,748.00 pursuant to N.C.G.S 115C-426. The motion passed unanimously.

21. Land Acquisition for an Adaptive Reuse School Site in the Central Raleigh Area - First Reading

Attachments: Carl Sandburg Court 1st reading 9-6-16 rev 2.docx
Presentation - Carl Sandburg First Reading.pdf
Appraisal - Carl Sandburg.pdf
Land Appropriation Tracking

Ms. Parker said the Infinity Program serves long-term suspended high school students who demonstrate severe behavioral and social problems with intensity, frequency and long duration. Infinity students require selective environments and additional staffing. The program has been most recently housed in a portion of the Longivew School campus located in Raleigh. The space available at the Longview campus is limited to two classrooms in the basement and is insufficient to meet the needs of the program. Given the need to serve more students, consideration has been given to identification of a suitable central location to better serve its constituency and provide stability to the program. Relocation of the Infinity Program from Longview school also frees space to allow service of more students in other programs located therein. A needs assessment was conducted to determine the facility requirements of the program, and a suitable adaptive reuse site was identified. Ms. Parker shared a map of the current location of the Infinity Program and the future Transitions Program site.

Ms. Parker shared a list of school-based special/optional schools and programs and shared a map of where they are located.

- **Bridges Program** is an alternative elementary program for grades K-5 housed on the Mt. Vernon campus, with the capacity to serve 48 mild to moderate at-risk students.
- **Mt. Vernon School** is an alternative school for students in grades 6-8, with the capacity to serve 105 mild to moderate at-risk

students.

- **River Oaks Middle** features two programs for referred Wake County middle school students in grades 6-8, with the capacity to serve 105 students who are not finding success in their base school.
- **Longview School** is an alternative school for students in grades 6-12, with the capacity to serve 102 students.
- **Mary E. Phillips High School** is a high school for grades 9-12 for any Wake County High School student who has not reached his or her potential within a traditional school setting, with the capacity to serve more than 200 students across the day and evening programs.
- **School-Based Programs for Long Term Suspended Students With Disabilities**
- **Transitions at The Dubois Center** is a program for students in grades 6-8, currently located in DuBois modular campus (slated for relocation to the Buck Jones Road facility), with a current capacity to serve 60-80 students.
- **Infinity at Longview** is a program for students in grades 9-12, currently located in Longview School (slated for relocation to the Carl Sandburg Court facility), with a current capacity to serve 60-80 students.

Ms. Parker shared aerial views, photos, and site and floor plans. She shared a map of the public transit route. She shared the contract terms and information of the site.

- **Purpose:** Adaptive reuse site to accommodate the Infinity Program per SNAP-identified educational needs
- **Seller:** J.B. Harrison Properties LLC, who acquired the site and constructed the “build to suit” office/flex space in 2000.
- **Location.** East Central Wake County inside the beltline at New Bern Avenue, on the northern side of Sandburg Court east of its intersection with Sunnybrook Road in Raleigh.
- **Asset Description.** ±13,891 sq.ft. one story commercial building constructed in 2000 on 3.0 acres, with room to expand by 5,000 sq.ft. Ample parking capacity, sets up well for on-site queueing circulation, bus stop located at the entrance.
- **Recent Use**. Recently vacated by government/business use tenant (NC Employment Security Commission)
- **Negotiated Purchase Price:** $2,075,000
- **Appraised Value:** MAI-certified appraisal concluded a fair market value of $2,140,000 in support the purchase prices.
- **Funding Source:** Site acquisition and design costs are funded in CIP 2013. All other renovation project costs are planned for funding from the SNAP line item of CIP FY ‘16-’23.

- **Operational Cost impacts.** Some program costs are in the current operational budget - additional operational costs will be incurred with relocation facilitating program growth to meet existing needs. Additional utility, janitorial and maintenance costs are anticipated with acquisition of the additional space.
- **Target Opening:** '18-'19 school year or as soon thereafter as possible, predicated upon the extent of renovations required and timing of available funding.

Commissioner Sullivan asked about the operating cost, success rates, services, level of education, and number of students at the schools. Ms. Parker said the students are long-term suspended students, they remain at these schools and wrap around services are desired. Commissioner Sullivan expressed concern that evaluation may be needed to determine the services needed by the students.

Commissioner Calabria asked if Ms. Parker could provide modification for the operational cost impacts.

Chairman West asked for the data of the success rate of the students in the program.

Ms. Parker said that she would provide answers to this information to the board at the second reading of the item.

22. Public Hearing on ZP-890-16 to Rezone a 3.65-acre Parcel Located at the Corner of Benson Road and Wakefield Lane from Conditional Use-General Business (CU-GB) to Conditional Use-Heavy Commercial (CU-HC)

Attachments: Item Summary
Presentation
Staff Report
Statement of Consistency Resolution
Ordinance for Approval of Rezoning Petition
Petition
Maps
Comments from Town of Garner Aug 26, 2016
Comments from Town of Garner July 8, 2016
Planning Board Minutes Aug. 3, 2016

Ms. Stacy Harper, Wake County Planner, said that a conditional use rezoning means that the petitioner has voluntarily offered certain conditions as part of the rezoning petition (i.e. limiting the number and types of uses that would otherwise be permissible) in an attempt to mitigate potential negative impacts of subsequent development on the surrounding properties. She said the petitioner has limited the proposed

uses on this piece of property to self-service storage and vehicle sales, leasing or rental. Both uses are permitted by right in the Heavy Commercial zoning district. The petitioner has also listed "masonry facade construction" as a condition of approval. She said the applicant has stated that the purpose of the rezoning is a self-storage facility with moving truck rental, however; it is important to note that either one or both of the requested uses could be conducted on the property if the rezoning is approved. She shared aerial and zoning maps of the rezoning.

Ms. Harper provided the land use history information.

1973: General zoning first applied to this area of county.
1998: Site was part of a larger 8.8 acre tract approved for a mini-storage facility (BA 1752).
2010: The property was rezoned from Residential-20 to Conditional Use-General Business.
2011: The property was subdivided into two parcels -where the Dollar General now sits and the 3.65 acre subject parcel.

She shared the input from the Town of Garner.

- The subject property is located within the Town of Garner's LRUSA
- Garner staff is neutral on conformity with the town's Comprehensive Growth Plan.
- Landscaping and signage suggestions by the town will be considered later in the process during site plan review.

She provided the input from neighboring property owners.

- Planning staff sent letters to each property owner within 1,000 feet of the subject property and posted meeting notification signs on Benson Road and Wakefield Lane.
- Wake County planning staff has received two calls and one email.
- The petitioner held two neighborhood informational meetings - July 12 and 26, 2016 to discuss the rezoning request

Ms. Harper said the Town of Garner is neutral but requested to have input on the signage and vegetation. She said that the Department of Transportation has decided to provide road access nearby. She shared the next steps if the plan is approved.

- The proposed self-service storage facility (or other permissible use) will require a detailed site plan review process
- A Planned Compliance Permit (PCP) will be required. PCPs are

reviewed by the Planning Board for compliance with landscaping, parking, setbacks, etc.

Ms. Harper share the staff findings.

1. The proposed rezoning is consistent with the area's designation as a Community Activity Center and is appropriate for the area.
2. The Community Activity Center allows for moderate-scale mixed-use development that allows for a combination of retail, and personal services serving the needs of the surrounding neighborhoods.
3. The proposed rezoning complies with goals of the Land Use Plan and the Fuquay-Garner Area Plan.
4. There are no significant traffic issues for Benson Road.
5. A detailed site plan must be approved prior to development of the site.
6. Any roadway improvements and/or driveway permits will be approved by NCDOT during the site plan review process.
7. The Town of Garner's planning staff has indicated that they are neutral on the requested rezoning as it relates to conformance with their Growth Plan.
8. Planning staff has received two calls and an email from the public.

Commissioner Holmes asked about the phone calls and e-mails that have been received from citizens. Ms. Harper said that most questions were about crime, fence, traffic, and basic site plan information.

Commissioner Burns asked if the signage and vegetation would need to be included in the conditions. Ms. Harper said the applicant would address the conditions at the site plan stage.

Mr. Scott Warren, County Attorney, said that the Planning Board will bring the conditions forward.

Commissioner Ward questioned the responses from the neighborhood. Ms. Harper said she had received three calls from concern citizens and there were signs around the property to notify the public about the rezoning.

Commissioner Calabria asked that the Planning Board work with the Town of Garner about the signage and vegetation request. He asked for explanation the Town of Garner's neutrality overall and the conformity of the town's comprehensive growth plan. Ms. Harper said municipalities are sometimes hesitant to provide a position when utilities are a factor in development. She said the town's growth plan is written for more urban development. Ms. Harper said that it is not part of the

town's ETJ request. Commissioner Calabria suggested a process to obtain information from the municipalities on projects.

Chairman West opened the public hearing.
No one came forward
Chairman West closed the public hearing.

Ms. Harper said that the Planning Staff recommends approval of the request.

Mr. Alan Swanstrom, Wake County Planning Board Chairman, said that the Planning Board voted unanimously to recommend approval of the rezoning request at its August 3, 2016 meeting.

Commissioner Burns moved, seconded by Vice-Chair Hutchinson, that the Board of Commissioners hold a public hearing to consider rezoning petition ZP-890-16 and:

1. Adopt the attached consistency statement finding that the requested rezoning to Conditional Use-Heavy Commercial and the permissible range of uses are consistent with the Wake County Land Use Plan, reasonable, and in the public interest. The motion passed unanimously.

Commissioner Burns moved, seconded by Commissioner Calabria, that the board of Commissioners,

2. Approve the rezoning request as presented and adopt the attached ordinance. The motion passed unanimously.

A brief break was taken. The meeting reconvened.

23. Public Hearing and Request from Shotwell Landfill, Inc. for Amendment of Landfill Franchise (First Reading)

Attachments: BOC 9-6-16 Item Summary Sheet.docx
C&D Ordinance 2012.pdf
Shotwell C&D Franchise 2016 Rev Req.pdf
Affidavit of Public Hearing Notice.pdf

Chairman West thanked the citizens that attended the meeting.

Mr. John Roberson, Wake County Solid Waste Director, said the Wake

County Solid Waste Ordinance requires that all construction and demolition debris (C & D) landfills obtain a franchise from the county before operating. Once the franchise has been granted, the landfill owner must request a franchise amendment if the landfill owner desires to modify or change the conditions specified in the standing franchise (primarily service area and tonnage threshold). Mr. Roberson said the request is for a franchise amendment for Shotwell Landfill, located at 4724 Smithfield Road, near Wendell, NC. The applicant requests to increase the tonnage threshold from 91,250 tons per annum to 365,000 tons per annum and increase the franchise service area to include seven additional counties beyond Wake and Johnston counties: Durham, Orange, Granville, Franklin, Nash, Harnett, and Chatham Counties. Mr. Roberson said the C & D Franchise Ordinance modifications approved in March 2012 have a provision that prohibits an individual franchise from applying for modifications to their franchise more frequently than 18 months. He said there are no violations of permits, ordinances or regulations governing the Shotwell Landfill enforced by Wake County Environmental Services or NC Department of Environmental Quality. Mr. Roberson said traffic data will be presented from a particular day at the landfill. The North Carolina Department of Environmental Quality (DEQ) has received complaints about potential odors from the facility. They have stated that they have not typically received odor related complaints, regarding Shotwell, but if there are they can inspect the facility to confirm that the various monitoring wells on-site are still operating properly.

He shared the previous board actions as follows:

1. December 1999 - Denied franchise request to open the facility. Applicant subsequently appealed to Superior Court and the Commissioners decision to deny the franchise was upheld because Applicant did not properly describe the geographic area of the landfill.
2. July 2000 - Approved initial franchise request.
3. August 2003 - Denied amendment to increase both the franchise service area and tonnage threshold.
4. November 2003 - Approved amendment requesting a smaller increase in tonnage threshold.
5. April 2005 - Approved request to re-issue franchise to reflect change in ownership.
6. September 2006 - Approved amendment to increase the franchise service area and disposal volume per year (to Wake and Johnston Counties with a maximum of 91,250 tons/year)
7. March 2011 - Denied request to increase franchise service area (adding 15 counties) and annual disposal volume (401,500).
8. May 2011 - Denied same request as March 2011 to increase franchise service area and annual disposal volume. Directed

staff of investigate a re-write of the C&D Franchise Ordinance - re-write completed in March of 2012.

9. June 2012 - Denied request to increase annual tonnage disposal volume (273,750) and add two counties (Durham & Orange) to the service area.

Mr. Roberson highlighted some other items noted by the applicant in their application package as follows:

1. The landfill is under Chapter 11 reorganization bankruptcy proceedings.
2. The landfill only accepts C&D material and is not seeking to add any new types of waste.
3. The landfill currently operates Monday thru Friday from 7:30 AM until 4 PM and is not requesting any change to the operational days or hours.
4. This request does not seek to expand its footprint. The stated purpose of the franchise amendment request is to increase the annual volume and expand the franchise service area to be more in keeping with the other similarly sized construction and demolition debris landfills in Wake County. The other three C&D landfills in Wake County currently have significantly higher daily tonnage thresholds, and two have significantly larger franchise service areas than the applicant

Mr. Roberson said that state law requires two readings of the request.

Chairman West asked why WCA Brownfield would receive more tonnage upon their initial request. Mr. Roberson shared the timing of the other sites.

Commissioner Ward said she has visited the Shotwell Landfill twice and that in the past there were objections and a lot of discussion. She said the request today is different than the past.

Mr. Keith Johnson, Attorney, introduced Mr. David King, Shotwell Landfill owner; Mr. Douglas Gurkins, Chief Restruction Officer; (appointed by he United States Bankrupty Court); and Mr. Thomas "Andy" Archer, Transportation Engineer. Mr. Johnson shared with the board a traffic study.

Mr. Gurkins thanked the board for hearing the request. He said that he was appointed by Judge Stephani Humrickhouse from the Eastern District of North Carolina as a Chief Restruction Officer June 14, 2014. He said the judge ordered him to look at finances, feasibility and the operations. He said the landfill is under Chapter 11 bankruptcy. He said that he was asked to check for compliance. He said that Shotwell

has the least amount of tonnage of other landfills. He said there have been limited issues at Shotwell. He said that he has checked the traffic around the area of the landfill in the morning and afternoon on a given day. Mr. Gurkins said that Mr. King is a good manager of the landfill.

Attorney Johnson said that it is good government and under the constitution all persons should be treated fairly. He said that fair competition is the asking of Mr. King. He shared the disparity of daily disposal compared to WCA Brownfield, Red Rock, and Hwy 55 (Greenway Waste). He said that Shotwell's daily tonnage limit of 250 has remained unchanged since 2003. He shared the daily limits of the competitors as follows: WCA (Brownfield) 1,100 tons, Redrock 2,000 tons , and Hwy 55, 822 tons. He shared the volumes of business in past years. He explained the facility is no smaller than Brownfield. He said that the competitors have a large cushion between the limits and amount of business between Wake County. He said the expansion occurred ten years ago and the landfill was inspected by the Department of Environmental Quality (DEQ). He said the compliance was addressed. He said that outdated information and inaccurate data has been circulated to the board. He said there have been no complaints about the landfill since 2012 when the board received the request to increase the franchise service area and annual disposal volume. He said there was one Notice of Violation in five years that was promptly addressed. Attorney Johnston said there would be logs of complaints of smell and traffic if there were ongoing issues. He said the focus of the landfill request should be based on equity. He said waste facilities are needed to protect green space. He said the goal of open space is to protect surface water quality, minimizing impervious surface, roads, sidewalks, and rooftops. He said the landfill property will never be developed. He said Shotwell Landfill has three transfer stations and a hauling affiliate. He said trucks from other counties will not be hauling trash to the landfill.

Mr. Archer said that Quality Counts conducted a traffic study on a given day at the Shotwell Landfill. He said on that given day the landfill took in 849 tons. He said the morning (7:00 AM-8:00 AM) and afternoon peak periods are taken into account during the study. He said there were 627 vehicles counted on Smithfield Road during the AM period of which 18 entered the facility. Mr. Archer said that no one entered the facility after 4 PM. He said that 204 entries and exits occurred on the site during the 12 hour period of time. He said 102 vehicles total entered the site on that day, of which were 93 trucks. Mr. Archer said that the 93 trucks equates to 4.4 percent of traffic on the road. He said a typical traffic study requires 10 percent or more traffic justification. Mr. Archer said after the facility closed, only 6 percent of the vehicles on Smithfield Road were trucks.

Attorney Johnson said the outcome should pose an understanding that the limits are fair and comparable to other landfills. He said the request would keep the limit less than 23 percent of the limit allowed than landfill competitors.

Commissioner Burns said the constitutional obligation of government has been reiterated. He asked what "similar situated" takes into account. Commissioner Burns said that the board has received information about land preservation grants, nature preserve, and a letter of support from a planned unit of development of 2,000 homes. He asked how many of the competitors are in the same situation and does this come into question when determining "similarly situated."

Attorney Johnson said that if the disparity remains then there is a legal challenge by the competitors. He said a rational relation test may be used. There are four companies with the same types of businesses. He said the compliance record and traffic record is favorable. Attorney Johnson said it is uncertain how Shotwell Landfill can be distinguished between its competitors and maintain the disparity. He said there is compliance with short and long-term open space plans. He said the issue is controversial. Attorney Johnson stated that the primary leverage would be the Conditional Use Permit.

Mr. Scott Warren, County Attorney, clarified that the term Special Use Permit should be used for the basis of land use.

Chairman West asked about past staff investigation of a franchise ordinance. Mr. Warren said that in 2011 the board asked staff to review the ordinance involving this topic and the board enacted 50-22 of the Code of Ordinance of new franchises and amendment of existing franchises.

Chairman West opened the public hearing.

Mr. George Kahdy (4544 Smithfield Road Wendell, NC) said he is a practicing veterinarian and he lives about a half mile from the landfill site. He said the Shotwell Landfill is a private enterprise. He said the traffic is dangerous.

He read the following excerpt from former Commissioner Joe Bryan the June 18, 2012 hearing:

"Raising the cap on how much debris this facility can take threefold is clearly contrary to the overall Wake County goals of water protection as set forth in the Marks Creek Initiative. This initiative has been and continues to be all about quality of water for all of us and a better living environment for our friends and citizens in eastern Wake County. Wake

County has invested over $20 million of hard-earned taxpayer dollars in the purchase of land around Marks Creek to protect water quality. While increasing capacity by three times may make perfect business sense for this repeat applicant, it is bad news for this area of the county and to people trying to make a life there. They have not been a good partner. They have created a lot of suspense, stress, turmoil, angst for the people of eastern Wake County. Many of the citizens here today would like to get on with their lives. For too long, the Shotwell Landfill owners have been like a hammer and using the citizens of eastern Wake County like a nail. Today, enough is enough."

Mr. Kahdy asked the board to respect the residents to have the freedom to live where they want.

Ms. Betty Brandt Williamson (3113 Georgian Terrace, Raleigh NC) said she operates a business at 4400 Mial Plantation Road. She said she owns 35 acres in the Shotwell Landfill area including tenant property. At the May 2, 2011 public hearing, she shared a photo of garbage at the landfill. She said the photo was taken prior to a tornado of which Mr. King said was tornado debris. She said that there were also photos from April 3, 2011 that depicted sediment from the landfill on the Stallings property to the south. She said the attorney stated at the September 5, 2006 hearing that the expansion would advance the county's goal of protecting water quality. She stated that Shotwell has not protected surface or ground water. Ms. Brandt Williamson said she was a scientist that has worked in a regulatory background, and the Shotwell Landfill has had issue with compliance in the past. She said that the Department of Environmental and Natural Resources (DENR) has reported Notice of Violations including shut down of the site. She said the report from the Division of Environmental Quality (DEQ) is only one Notice of Violation received by the landfill. She said that for nine months there were violations pertaining to ground and surface water. She said this is a violation of the Clean Water Act. She said the water has been contaminated by acetone, chloroform, and toluene chemicals. She said that Shotwell has been cited twice for accepting unauthorized chemicals. She said that some trucks headed to the landfill are bypassing the scales. She said the tonnage is lower than the C & D amounts received. She said that she has documentation of the discrepancies. Ms. Brandt Williamson said that other similar landfills are interested in buying Shotwell. She said the plan is to hold a landfill liquidation action to accept bids for six months nationally and internationally to help pay for Mr. King's bankruptcy. She said debt existed before Mr. King purchased the landfill. She asked the board to deny the franchise amendment and pull the Special Use Permit due to the groundwater contamination and Clean Water Act. She said that her parents farmed the land and have since passed away. Her dad spoke at previous hearings in the past.

Ms. Brandt Williamson presented a note from Ms. Laurie Chatfield, a friend that lives in StoneWater that has been hospitalized and could not attend the public hearing. Ms. Chatfield opposes the landfill request.

(Ms. Brandt Williamson provided the clerk with copies of her full statement of public comments, Ms. Chatfield's statement, transcript documents, bankruptcy files, and landfill audit summary and rebuttal which will remain on file in the Clerk to the Board files)

Mr. Brett Boswell (405 Mantle Drive Clayton, NC) said he lives in the Riverwood Community. He said that the Shotwell Landfill is a better run facility that most. He said that he has used the landfill in the past. He expressed his concern about traffic in the Wake and Johnston Counties. He said the smell is mainly when you drive by the facility. He said landfill facilities are important to the communities. He said that a sewer system is more likely to affect the ground water than the landfill.

Ms. Alyse Shirley (4920 Lord Nelson Drive Raleigh) said she lives in the Kings Grant Subdivision and lives a mile from the landfill. She expressed her concern about the safety of children on Smithfield Road. She explained the accident that her children were involved due to a trash "monster truck" four years ago. She asked the board to consider the trucks that drive the road near the landfill as a consideration. Ms. Shirley circulated photos of the trucks that are used for the landfill use.

Michaela Shirley (4920 Lord Nelson Drive Raleigh) spoke of the accident and how her brother avoided the accident with a trash "monster truck." She explained the day of the accident. She said that she encounters trucks every day on Smithfield Road. She asked the board to consider the hazard of dangerous trucks that travel Smithfield Road each day.

Mr. Grady Jeffreys (2846 Auburn Knightdale Road, Raleigh) asked the board to deny the Shotwell Landfill request. He said that he worked eight years for the Governor's Highway Safety Program and eleven years with the University of NC Highway Safety Program. He expressed his concern over his granddaughter who spoke before him that was involved in the wreck. He said that he has been before the board four times. He asked the board to consider the financial liability, property values, regulatory action, and constitutional rights. He said that it was bad judgment to allow a facility in the area. He asked the board to deny the request by the landfill.

Mr. Chris Koch (917 Knotts Hill Place, Knightdale, NC) complained of the odor from the landfill when he visits family near Clayton, NC.

Ms. Patricia A. McCullers (1209 Major Slade Road, Wendell, NC) asked the board to deny the request for the expansion of the landfill. She asked those citizens that have interest in the issue to stand. She said the Mountains to the Sea Trail will be located near her home. She said the roads in the area will be overrun with traffic She said the animals and plants will be disrupted by the expansion request. She said that the residents in the area look after one another for more than 150 years. He said that Mr. Bailey P. Williamson passed and would have wanted the residents to protect the Marks Creek area.

Ms. Michelle Langley (109 Mantle Drive Clayton, NC), real estate agent, said that residents around the landfill did not expect the traffic and the amount of homes in the area. She said that potential buyers do not want to buy in the Riverwood community because of the smell. She said the traffic in the area will worsen. She said the residents of Falls of Norwood already have resale issues because of the odor from the landfill. She said resale in the area will be affected in the future.

Ms. Crystal Kane (23 Lake Wendell Road) has lived in the area for ten years and has a horse farm. Her property adjoins the Marks Creek land area. She said there is a commitment to the watershed and environment. She said there is a smell from the landfill and the traffic is bad. She asked the board to deny the request because of the liability in the area she and her neighbors teen drivers. She said that her property rights should be considered like a business. She asked the board to deny the request.

Ms. Mary Landworthy (4805 Storeyoak Lane) questioned the traffic study and the inspections conducted on the landfill. She questioned the 849 tons that were taken the day of the traffic study. She also questioned the frequency of the inspections of the landfill. She asked the board to consider the tonnage request.

Mr. Jonathan Quick (237 Boswell Lane Clayton NC) asked the board to deny the landfill request. He explained the risk to homeowners including property values, traffic, and schools. He said there was correlation between increased tonnage and increased traffic. He said the groundwater tests indicate harmful chemicals. He said the methane levels are unsafe. He asked the board to deny the request of the landfill.

Representative Darren Jackson said the landfill has doubled the tonnage than what was bargained for. He spoke of how his daughter was lucky in an accident with a truck at the corner of Grasshopper and Smithfield Road He asked the board to review the traffic analysis and the date it was performed.

Mr. Donald Mial (1021 Penselwood Drive, Raleigh) said that traffic is an issue on Smithfield Road and is concerned about the contamination of water near the landfill. He said the additional tonnage will not help the conditions in the area. He asked the board to oppose the landfill request.

Mr. Anthony Eagan (5712 Preakness Place, Youngsville NC) supports the landfill and said Shotwell is a clean landfill. He said that he visits the landfills often to bring debris. He asked the board to support the landfill request.

Ms. Leigh Ann Hammerbacher (9629 Fonville Road Wake Forest, NC), Associate Director of Stewardship and Conservation, Triangle Land Conservancy, said the board opposes the landfill requests. She spoke about the property near the landfill that was protected by the water quality and other environmental benefits. She said the Neuse River is the intake for over 75,000 water users in Johnston County which is located near the Marks Creek land. She said that it was uneccessary for other counties to use the landfill for their waste. She said the Shotwell Landfill benefits for itself. She asked the board to deny the request of the landfill.

Mr. Charles Heatherly (34 Park DeSarah Place, Clayton, NC) asked the Board of Commissioners to deny the landfill request. He said there is a smell from the landfill. He said there is a safety issue because of trucks and traffic on Smithfield. He noted that an 85 year old man in the past had been blown off the road getting mail from his mailbox. He asked the board to review the Shotwell bankruptcy file and deny the request by the landfill.

Mr. Brad Johnson (Falls of Norwood subdivision) said that he has not noticed the smell from the landfill. He said the Shotwell Landfill business is run well. He spoke of how Mr. King operates the landfill business. He said the traffic issues are from new development and a new school in the area.

Ms. Erin Seekamp (4816 Stoneyoak Lane, Raleigh) said that safety, water quality, and public health should be the primary concern of the request of the landfill. He said the transportation study is questionable.

Ms. Renee Pearl (4909 Mial Plantation Road Raleigh, NC) said that she smells the landfill odor from her front porch. She said the odor will affect the resale of her home. She said the neighbors are protective of the safety and well being of the residents that live nearby.

Mr. Tim Duncan (2200 Virginia Dare Place Raleigh, NC) said he opposes the landfill request. He spoke of the smell from the landfill. He

said four years ago the board denied expansion of Shotwell Landfill. He explained that the intersection has changed at Major Slade and Smithfield Road. He explained the traffic issues that exist on Smithfield Road.

Mr. James Etchells (9709 Poole Road Raleigh, NC), registered professional engineer, shared photos of the area around the landfill. He shared maps that explained the traffic area. He said potholes are forming on Smithfield Road due to the large trucks that visit the landfill. He said Smithfield Road is busy, narrow, and has too much traffic.

Chairman West closed the public hearing.

Commissioner Burns asked Mr. Gurkins if there is a sale pending on the landfill and would the increase in the tonnage increase value of the landfill to assist with the bankruptcy. Mr. Gurkins said there is not a sale pending and during the bankruptcy hearing the value of the landfill was $33 million in court.

Commissioner Burns asked if there was co-mingling of assets between personal and business estate. Mr. Gurkins said there is no co-mingling of the assets since he monitors the accounting of the landfill business. He said that he monitored the business accounting of the landfll bankruptcy on a weekly basis. Commissioner Burns asked Mr. King is the only shareholder of Shotwell Landfill. Mr. Gurkins said that he is 100 percent shareholder and 40 percent pledged.

Commissioner Ward asked about the smell that many nearby residents complained about during the hearing. Mr. Gurkins said the humidity is a factor in the smell. He said a landfill is a necessity.

Mr. King said that methane gas monitoring occurs monthly and that is submitted monthly to the state. He said that sheetrock does have a sulfer smell when major rainfall occurs. Mr. King said the property is monitored 24 hours seven days a week.

Commissioner Calabria asked if there has been conversations about a sale of the landfill. Mr. King said prior to Chapter 11 bankruptcy, he sold the landfill to Waste Industries. Waste Industries backed out of the sale. He said that Waste Industries made efforts to buy him out of bankruptcy. Commissioner Calabria asked about the 10 percent threshold for a traffic study. Mr. Archer said the ten percent threshold is typical for peak hour trips or ten percent of traffic for a given area. Commissioner Calabria asked if the request for additional tonnage would increase the volume of traffic to ten percent that would warrant a traffic study for the area. Mr. Archer reported that on the day that the study was performed there was 849 tons carried to the landfill. He said

what was measured that day was above the average.

Commissioner Sullivan asked if the Department of Environmental Quality (DEQ) could provide comments.

Mr. Drew Hammonds, Inspector, Department of Environmental Quality, said that he has overseen the landfills in Wake County since April. Mr. Hammonds said there are thirteen field inspectors for 100 counties. Mr. Hammonds said that there are landfill inspections once a year.

Ms. Liz Patterson, Inspector, Department of Environmental Quality, said she lives 6-8 miles from the landfill in Clayton. She said that she drives by the landfill on the way to work each day. She said that Mr. King is on the property and operators are on site regularly. She said that she has not observed any violations from the Shotwell Landfill.

Chairman West asked how often visits are conducted on a regular basis. Ms. Patterson said that inspectors perform comprehensive inspections once a year.

Commissioner Ward asked about Ms. Patterson's visits to the landfill. Ms. Patterson said that she checks the landfill and all reports are a public record. She said if there are complaints, they should make contact with her. Commissioner Ward asked if there have been complaints of odor with other landfills. Ms. Patterson said that South Wake Landfill has numerous complaints because of residential trash.

Commissioner Holmes clarified that the request from the landfill is an increase from 91,000 tons to 365,000 tons. Mr. King said that this is the request. She asked why the additional tonnage would not increase the value of the landfill. Mr. King explained that as the landfill fills up, the air space is a curve. He said that a potential purchaser buys a landfill for air space capacity. He said the value of the landfill is stagnant and worth what a buyer wants to pay.

Chairman West said he has heard from public comments that "Shotwell Landfill has doubled what they have asked for in terms of tonnage." Mr. King said he bought the landfill under the circumstances for expansion ten years ago.

Vice-Chair Hutchinson said "the board has received numerous comments expressing concerns to quadruple tonnage capacity for a local landfill and not a collections center. The concerns as to the public health and safety, water quality, increased truck traffic, and the welfare of Wake County citizens far outweighs the request for additional capacity. He said the request from the landfill is in conflict with the financial interest of Wake County as it has been a part of the Marks

Creek rural land initiative. He said along with the state and local partners, Wake County has preserved more than 22,000 acres in the Marks Creek watershed area including 450 acres at the Walnut Hills site in partnership with Triangle Land Conservancy. Wake County invested $1.6 million in open space funds and currently holds an easement on the land. He said more than $24 million has been invested in conservation for open space and water quality projects in the Marks Creek rural land priority area by Wake County and other state and local partners to serve as protection of the watershed and the water supply for for 75,000 downstream users in Wake and Johnston Counties as well as the groundwater for the citizens there in the area. He said the area has been recognized as the last chance landscape by Scenic America as one of the few places left in America still under threat but worthy of protection for its scenic beauty, environmental integrity, and agriculture heritage and could be threatened by the additional capacity request. He said there is more than enough capacity in the landfills in the area to service the need with one landfill being four miles away. He said the board has heard legitimate concerns through the hearing about the adverse impacts of the health, safety, and welfare of Wake County citizens that will occur if the board increases the tonnage capacity and the county is added to the service area. He said that land has been protected in the Marks Creek area. Open Space and water quality initiatives have occurred. He said there are health, safety and welfare of citizens."

Vice-Chair Hutchinson moved, seconded by Commissioner Holmes, to deny the request by the Shotwell Landfill to amend their existing landfill franchise to increase the annual tonnage threshold from 91,250 tons/year and to increase the service area from Wake and Johnston counties to include Durham, Orange, Granville, Franklin, Nash, Harnett and Chatham counties.

Commissioner Burns said that Wake County has a sincere interest in protecting the landscape of the area. He said he would like additional information about water quality issues on the land that Wake County has purchased for the easement. He asked for additional information about the size of trucks that travel the road to the landfill. He said the landfill issues are real to the citizens that live nearby.

Commissioner Sullivan said information on water quality would be helpful and most items similar to this one have a staff recommendation. She said that many of the board members are new to the information.

Chairman West thanked all the citizens for attending the hearing today.

Commissioner Burns moved, seconded by Commissioner Sullivan, to defer consideration of the request until the September 19, 2016 meeting

until additional resources can be obtained about water quality in the surrounding area. The motion carried by the following vote:

Aye: 4 - Chairman West, Commissioner Burns, Commissioner Sullivan, and Commissioner Ward

Nay: 3 - Vice-Chair Hutchinson, Commissioner Calabria, and Commissioner Holmes

Appointments

24. Adult Care Home Community Advisory Committee

Attachments: Item Summary.doc
Adult Care Home Community Advisory Committee Members.docx
Applicants.pdf
Adult Care Attendance.pdf

Vice-Chair Hutchinson nominated Ms. Linda Fuller, Ms. Ann Melvin, and Ms. Patryce Rispress for appointment.

25. Citizens Energy Advisory Committee

Attachments: Item Summary.docx
Citizen's Energy Advisory Commission Members.docx
Citizens Energy Applicants.pdf
CY2016 Energy Commission Attendance.xlsx

Vice-Chair Hutchinson nominated Mr. James Ward for appointment.

26. Fire Commission

Attachments: Item Summary.doc
members.docx
Fire Commission Applicant McGee.pdf
02 - Fire Commission Attendence.xls

Vice-Chair Hutchinson nominated Chief Keith Mcgee for appointment.

27. Nursing Home Community Advisory Committee

Attachments: Item Summary Nursing Home .docx
Nursing Home Community Advisory Committee Members.pdf
NHCAC Applicant and Resume.pdf
Nursing Home Attendance.JPG

Vice-Chair Hutchinson nominated Ms. Erin Haugen for appointment.

28. Open Space and Parks Advisory Committee

Attachments: Item Summary.docx
Open Space and Parks Advisory Committee Members.docx
Open Space and Parks Applicants.pdf
FY2016_OSAPAC_Attendance.xlsx

Vice-Chair Hutchinson nominated Mr. H. C. Woodward (District 6), Mr. Mark Schwegel (District 3), and Mr. Stephen Kish (District 2).

29. Cary Planning and Zoning Board

Attachments: Item Summary Cary Planning and Zoning.doc
Cary Planning and Zoning Board member.docx
Cary Planning and Zoning Applicants.pdf
PZ Attendance 2016.pdf

Vice-Chair Hutchinson nominated Ms. Carla Sadtler for reappointment.

30. Garner Fire Department Board of Trustees Firemen's Relief Fund

Attachments: Item Summary.docx
Garner Fire Dpt Ltr or Recommendation.pdf
Application for Kevin Radford.pdf
Garner Fire Department Board of Trustees Firemen's Relief Fund Members.docx

Vice-Chair Hutchinson nominated Mr. Kevin Radford for appointment.

31. Zebulon Planning and Zoning Board

Attachments: Zebulon Item Summary.docx
Zebulon Planning Member List.pdf
Zebulon Ltr of Recommendation.pdf

Vice-Chair Hutchinson nominated Mr. Darrell Jones for reappointment.

32. Upcoming Vacancies

Attachments: Upcoming Vacancies.docx

Vice-Chair Hutchinson moved, seconded by Commissioner Burns, to approved the appointments by acclamation. The motion passed unanimously.

Closed Session

Mr. Scott Warren, County Attorney, said there was no need for a closed session.

Adjourn

Commissioner Sullivan moved, seconded by Commissioner Burns, to Adjourn the meeting. The motion passed unanimously.

Respectfully submitted,

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