The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, January 4, 2005.

ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners Dumont Clarke, Bill James, Norman A. Mitchell, Sr. Jim Puckett, Wilhelmenia Rembert, Jennifer Roberts and Valerie C. Woodard General Manager Bobbie Shields County Attorney Marvin A. Bethune Clerk to the Board Janice S. Paige

Absent: Commissioner J. Daniel Bishop

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Commissioner James was absent when the meeting was called to order and until noted in the minutes.

-INFORMAL SESSION-

(1A) STAFF BRIEFING 2005 LEGISLATIVE AGENDA PACKAGE

Deputy County Attorney Sandra Bisanar addressed the Board’s 2005 Legislative Agenda Package.

Attorney Bisanar informed the Board that the North Carolina General Assembly would convene on January 26, 2005 and that it was customary for local governments to present their legislative requests to their local delegations for consideration as early as possible. Attorney Bisanar said she would be scheduling a meeting with the Mecklenburg Delegation in the upcoming weeks for the purpose of discussing the Board’s 2005 Legislative Agenda per actions taken by the Board on this matter.

Commissioner James entered the meeting during this time.

Attorney Bisanar shared with the Board items received from County Departments, as well as, information on items proposed by the North Carolina Association of County Commissioners, the City of Charlotte, and the Charlotte Chamber.

County requests were outlined under three headings:

1. Local Legislation - None
2. General Legislation
   - Amend GS 105-164.13 to establish a holiday from sales and use tax for the purchase of items that will have a positive effect on the environment.
• Amend GS 7A to increase court costs to provide for the operations of the General Court of Justice, to offset technology expenses, and to subsidize the operations of the pretrial release function.
• Amend GS 1-50 to increase the Statute of Repose for counties and municipalities from six years to ten years.

3. Appropriation Requests
• Appropriate funds for Gatling Juvenile Diagnostic Center.
• Appropriate funds to support the Clean Water Management Trust Fund.
• Appropriate funds to establish the Clean Air Management Trust Fund.
• Appropriate funds to provide for school nurses as a ratio of one nurse per 750 students.
• Appropriate funds to fully support CJIS and NC Aware.

4. Other Legislative Matters of Interest
• Support the N. C. Association of County Commissioners legislative agenda.
• Support the request of the Conference of District Attorneys to fund 75 ADA positions statewide with seven positions assigned to Mecklenburg County.
• Support the N. C. Sheriff’s Association position on street gang terrorism prevention.
• Support the positions of the N. C. Association of Departments of Social Services Legislative Consortium on:
  a. Enhanced CPS services – reduced case loads
  b. Money support for CPS manager training
  c. Expansion of BSW Child Welfare Collaborative
  d. Increased funding for Child Care Subsidies
  e. Support legislation to protect older and disabled – funding for guardianship cases
  f. Increase funding for N. C. Health Choice
  g. Increase funding for N. C. Fast
  h. Prosecute crimes against exploiters of adults

District Attorney Peter Gilchrist was present and addressed the appropriation request on funds to fully support CJIS and NC Aware.

Questions were asked about Gatling, which were addressed by Attorney Bisanar. Commissioner Rembert asked about capacity, other similar facilities, recidivism, and future expansion.

Commissioner Woodard asked about the housing of females.

It was noted that Gatling was a 31 bed, all male facility.

Commissioner Puckett said the County had basically taken on a state responsibility where Gatling was concerned and because of this perhaps some type of compromise can be reached with the State for some level of funding.

Chairman Helms noted that the Sheriff wants to keep Gatling open because of efficiencies and cost.

Chairman Helms noted that the General Assembly is faced with a multi-million dollar deficit as it enters this new session.

Attorney Bisanar noted that the County’s federal legislative agenda was forthcoming. Also, the County’s lobbyist will be coming later this month and a meeting with the Board will be scheduled.

It was the consensus of the Board that the 2005 Legislative Agenda matter be placed on the Board’s January 11, 2005 Budget/Public Policy Meeting for further discussion and possible decision. Attorney Bisanar was asked to provide the Board with her priority ranking of these
matters. Attorney Bisanar noted that her initial ranking would be as follows:

1. Gatling  
2. Court Costs  

Attorney Bisanar said the other matters are important and were being addressed and supported by other entities, therefore the County can really just focus on its priorities.

It was noted that the fewer items put before the Delegation the better, therefore the County’s package should really focus on those matters that are of high priority.

Chairman Helms noted that at the January 11th Budget/Public Policy meeting the Board would be asked to include in its Legislative Agenda, an act to seek enabling legislation to deal with the issue of smoking in public places.

(2A) CLOSED SESSION LAND ACQUISITION

Prior to going into Closed Session, Nancy Brunnemer with Real Estate Services announced the following land acquisition matters to be discussed in Closed Session, all part of the Lincoln Heights Land Acquisition project:

Tax Parcels 075-042-32 and 075-043-03.

Motion was made by Commissioner Woodard, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to go into Closed Session to discuss Land Acquisition.

The Board went into Closed Session at 5:55 p.m. and came back into Open Session at 5:57 p.m.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified items they wanted removed from consent and voted upon separately. The items identified were Items 12 and 16.

The Board then proceeded to the Meeting Chamber for the remainder of the meeting.

-FORMAL SESSION-

Invocation was given by Chairman Helms, which was followed by the Pledge of Allegiance to the Flag.

PROCLAMATIONS AND AWARDS

(1A) PRESENTATION OF PLAQUE

Chairman Helms, on behalf of the Board, presented a plaque to Former Commissioner Ruth Samuelson, member of the 2002-2004 Board of County Commissioners for her contributions to Mecklenburg County Government and the community.

(1B) INDUCTION INTO THE ORDER OF THE HORNET

The Board by acclamation inducted former County Commissioner Ruth Samuelson into
the Order of the Hornet.

The Order of the Hornet is the highest honor the County can give for one’s service to the Community.

Former Commissioner Samuelson thanked the Board for this recognition.

(1C) DR. MARTIN LUTHER KING, JR. DAY

Motion was made by Commissioner Mitchell, seconded by Commissioner Woodard and unanimously carried with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to adopt a joint proclamation designating January 17, 2005 as Dr. Martin Luther King, Jr. Day in Charlotte-Mecklenburg.

The proclamation was read by Commissioner Woodard and received by Cherise Bellnavis-Johnson.

A copy of the Proclamation is on file with the Clerk to the Board.

(2) PUBLIC APPEARANCE

The following persons appeared to speak during the Public Appearance portion of the meeting:

Scott Patterson addressed a neighborhood problem involving five vacant and boarded up homes on Charles Avenue (915, 921, 923, 1001 & 1009 E. Charles Avenue) owned by Charlotte-Mecklenburg Schools (CMS). Mr. Patterson said three-years ago CMS said that the homes would be removed. Mr. Patterson noted problems with vagrants and pests on these properties. He asked the Board for assistance in getting CMS to take action to have the homes removed. He noted that he had appeared before Charlotte City Council and spoken with CMS officials on the phone regarding this matter.

Mr. Patterson provided the Board with pictures of these properties, which are on file with the Clerk to the Board.

Chairman Helms asked General Manager Shields to follow-up on Mr. Patterson’s concern and report back to the Board.

Allan Miller addressed concerns for youth in the community. He said he was motivated to appear because of the recent comments made by Commissioner James, which focused on a certain race of people. He said although some people got upset with the way in which Commissioner James made his comments, there are problems. He addressed truancy and with the way children with truancy problems are treated. He said “everybody pays for it through crime, increased prices, and vandalism.” He said that his neighborhood was one of those where the police are constantly called upon. He said he has also experienced problems with his own son failing to attend school. Mr. Miller said he felt that the problem was more one of economics than race. He noted that unfortunately “poor” people aren’t able to spend a lot of time with their children because they have to work all the time, which results in the “gangsters” raising and influencing these children. He also addressed how improper dress is allowed at schools and how violence is promoted on television. Mr. Miller concluded by saying parents, including him, have to do a better job at raising their children.

Mr. Miller provided the Board with a handout, which is on file with the Clerk to the Board.

Mark Palmer addressed Elmwood and Pinewood cemeteries. He noted his and others opposition to any development that would disturb the cemeteries.

Jim Bensman addressed the following: 1) He thanked Park and Recreation for the dog park that opened up at Ramsey Creek Park. 2) He noted discussions with CMS concerning Westmoreland
Elementary School and whether CMS had heard anything from the County regarding the planning process for this school being expedited. He again asked the Board to encourage County staff to expedite school construction matters. 3) He expressed opposition to 4-year terms, which he said was something Commissioner Clarke has said he favors. He noted that the Town of Cornelius recently approved going to 4-year terms, however, he opposed it and hopes it will get reversed. He said the most common reason given by supporters is that 4-year terms provide stability and more time to learn the job. Mr. Bensman said if persons seeking office learned in advance of running, how government operates they could “come up to speed very quickly.” Mr. Bensman said learning the job was more a matter of “ability” than time on the job. He noted also that gerrymandering districts creates an imbalance for one party or the other, so there’s almost “no point” in holding district elections. He said rarely are district incumbents unseated. He stated that 4-year terms discourage some from running for elected office. He asked the Board to not consider moving to 4-year terms.

Dr. Ricky Woods, Senior Minister of First Baptist Church-West and a member of the Baptist Ministers Conference addressed recent e-mail comments made by Commissioner James that said urban blacks “live in a moral sewer.” Dr. Woods expressed opposition to Commissioner James’ comments and noted the success of many who were raised in poor neighborhoods and/or raised by a single mother. Dr. Woods asked the Board to adopt an Ethics Policy that would require all Commissioners, while serving in office to refrain from any form of offensive speech whether public comment or in print media; and that the Board make this new ethical standard a priority to be adopted with bi-partisan support within the next 45 days.

Robert Muhammad, who was joined at the podium by Dwayne Collins, addressed recent e-mail comments made by Commissioner James that said urban blacks “live in a moral sewer.” Mr. Muhammad spoke in opposition to those comments. He said he and others would continue to appear at Board meetings and call for the censor of Commissioner James and his resignation. He said they would work to see that Commissioner James is not elected to another term.

Martin Davis stated that in general he was very upset with the way Commissioner James has been treated. Mr. Davis said that he did not feel Commissioner James a “racist” or “bigot.” Mr. Davis said he hates “poverty, ignorance, crime and disease” and that it was painful to know that he lives in a community where a large number of people experience these types of things on a daily basis. He said, “It’s terrible and inexcusable and doesn’t need to be.” Mr. Davis said spending more money still doesn’t seem to make a lot of impact for a certain number of people in the community. Mr. Davis noted a program he recently watched on C-SPAN called Knowledge Is Power Program (KIPP). He said that this was a Charter School organization that’s nationwide with 37 schools. He encouraged the Board look into this type of program. He said that in his view this type of program is the future of education. He noted the website, www.kipp.org.

Commissioner Clarke noted that School Board Member Kit Cramer was aware and is very interested in the “KIPP” program and was trying to develop something of this nature in Charlotte-Mecklenburg.

(3) APPOINTMENTS - DEFERRED

(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS – NONE

(6) MANAGER’S REPORT - NONE

CONSENT ITEMS
Motion was made by Commissioner James, seconded by Commissioner Woodard and unanimously carried, with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve the following item(s) with the exception of Items 12 and 16 to be voted upon separately:

(7) APPROVAL OF MINUTES


(8) INSURANCE REIMBURSEMENTS

Recognize and appropriate reimbursement funds in the amount of $311.00 for the Sheriff’s Office, $290.00 for the Health Department, $2,345.00 for Social Services, $2,037.00 for Youth & Family Services, and $8,395.00 for General Services to cover cost of replacement for stolen and damaged items.

(9) PUBLIC SERVICE AND INFORMATION REVENUE

Recognize, receive and appropriate $1,800 received by the Public Service and Information Department to be used for expenses incurred for the purchase of Orientation Bags for Human Resources.

Note: The Human Resources Department was in need of canvas bags that will be filled with County information and distributed to new employees at Orientation. The following sponsorships were received to cover the expense of the Orientation Bags: Prudential $500; ICMA-RC $200; Hartford Life $200; Benefit Management System $100; United Health Care $200; Charlotte Metro Credit Union $500; and, Corporate Health International, Inc. $100.

(10) DISCARDED WHITE GOODS SPECIAL REVENUE FUND

Appropriate $176,800 from the Discarded White Goods fund balance for the purchase of capital equipment.

(11) HEAVY EQUIPMENT PURCHASE

Authorize the County Manager to negotiate and execute a contract for the purchase of one (1) tandem drive axle truck in the amount of $107,813.00 to the lowest bidder, Tarheel Sterling Truck Center, Inc., Charlotte, NC.

(13) POST-CONSTRUCTION WATER QUALITY ORDINANCE DEVELOPMENT

Recognize, receive and appropriate $28,868 in revenue from the City of Charlotte to fund additional mutually agreed to work for the support of the post-construction water quality stakeholder group; and authorize the County Manager to amend the City/County Funding Agreement for Water Quality Consulting Services consistent with this action and the similar action taken by the Board on December 7, 2004 (Item #9).

(14) PIEDMONT NATURAL GAS EASEMENTS

Approve granting easements to Piedmont Natural Gas Company at C. T. Myers Golf
(15) LAND ACQUISITION AT UNIVERSITY MEADOWS PARK

Approve the purchase of 1.369-acre Tax Parcel 051-011-31 on Pavilion Boulevard from Louis M. and Anita B. Helms for $265,000 for expansion of the University Meadows Park.

(17) RESOLUTION AUTHORIZING ISSUANCE OF BONDS

Resolution for $32.3 million, Series A Fixed Rate General Obligation Bonds.

RESOLUTION AUTHORIZING ISSUANCE OF BONDS

Commissioner James moved adoption of the following resolution, the title of which appeared on the agenda, and the motion was seconded by Commissioner Woodard:

WHEREAS, the bond orders hereinafter described have taken effect, and it is desirable to make provision for the issuance of bonds authorized thereby;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Mecklenburg, North Carolina (the “Issuer”), as follows:

1. Pursuant to and in accordance with the court facilities bond order adopted by the Board of Commissioners on September 8, 1999, the Issuer shall issue its bonds in the aggregate principal amount of $24,500,000. The period of usefulness of the capital projects to be financed by the issuance of the bonds is a period of 40 years, computed from February 1, 2005.

2. Pursuant to and in accordance with the community college facilities bond order adopted by the Board of Commissioners on September 8, 1999, the Issuer shall issue its bonds in the aggregate principal amount of $3,800,000. The period of usefulness of the capital projects to be financed by the issuance of the bonds is a period of 40 years, computed from February 1, 2005.

3. Pursuant to and in accordance with the park and recreation facilities bond order adopted by the Board of Commissioners on September 8, 2004, the Issuer shall issue its bonds in the aggregate principal amount of $4,000,000. The period of usefulness of the capital projects to be financed by the issuance of the bonds is a period of 40 years, computed from February 1, 2005.

4. The bonds to be issued pursuant to the bond orders described in the preceding paragraphs 1 to 3, inclusive, shall be issued as one consolidated bond issue in the principal amount of $32,300,000 and designated “General Obligation Public Improvement Bonds, Series 2005A” (the “Bonds”). The Board of Commissioners has ascertained and hereby determines that the average period of usefulness declared in the preceding paragraphs 1 to 3, inclusive, is not less than 40 years computed from the date of the Bonds. The Bonds shall be dated February 1, 2005, and shall bear interest from their date at a rate or rates that shall be determined upon the public sale of the Bonds, and interest shall be payable on August 1, 2005, and semi-annually thereafter on February 1 and August 1. The Bonds shall mature annually on February 1, as follows:
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<tr>
<th>Year</th>
<th>Principal Amount</th>
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<td>2007</td>
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<td>2016</td>
<td>1,615,000</td>
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<td>1,615,000</td>
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Each Bond shall bear interest from the interest payment date next preceding the date on which it is authenticated unless it is (a) authenticated on an interest payment date, in which event it shall bear interest from that interest payment date, or (b) authenticated prior to the first interest payment date, in which event it shall bear interest from its date; provided, however, that if at the time of authentication interest is in default, such Bond shall bear interest from the date to which interest has been paid.

The principal of and the interest on the Bonds shall be payable in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof. Debt service will be payable to the owners of Bonds shown on the records of the hereinafter designated Bond Registrar of the Issuer on the record date, which shall be the fifteenth day of the calendar month (whether or not a business day) next preceding a debt service payment date.

5. The Bonds will be issued in fully registered form by means of a book entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to and registered in the name of The Depository Trust Company, New York, New York (“DTC”) or its nominee and immobilized in its custody. The book entry system will evidence beneficial ownership of the Bonds in the principal amounts of $5,000 or integral multiples thereof, with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC. Interest on the Bonds will be payable at the times stated in the preceding paragraph, and principal of the Bonds will be paid annually on February 1, as set forth in the above maturity schedule, in clearinghouse funds to DTC or its nominee as registered owner of the Bonds. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC; transfer of principal and interest payments to beneficial owners by participants of DTC will be the responsibility of those participants and other nominees of beneficial owners. The Issuer will not be responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through participants.

In the event that (a) DTC determines not to continue to act as securities depository for the Bonds, or (b) the Issuer determines that continuation of the book entry system of evidence and transfer of ownership of the Bonds would adversely affect the interests of the beneficial owners of the Bonds, the Issuer will discontinue the book entry system with DTC in a manner consistent with DTC’s rules and procedures. If the Issuer fails to arrange for another qualified securities depository to replace DTC, the Issuer will authenticate and deliver replacement Bonds in the form of fully registered certificates in denominations of $5,000 or integral multiples thereof.

6. The Bonds shall bear the manual or facsimile signatures of the Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners of the Issuer, and the official seal or a facsimile of the official seal of the Issuer shall be impressed or imprinted, as the case may be, on the Bonds.

The certificate of the Local Government Commission of North Carolina to be endorsed on all Bonds shall bear the manual or facsimile signature of the Secretary of that Commission or of a representative designated by that Secretary, and the certificate of authentication of the Bond
Registrar to be endorsed on all Bonds shall be executed as provided below.

In case any officer of the Issuer or the Local Government Commission of North Carolina whose manual or facsimile signature appears on any Bonds shall cease to be that officer before the delivery of those Bonds, that manual or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until delivery, and any Bond may bear the manual or facsimile signatures of such persons as at the actual time of the execution of the Bond shall be the proper officers to sign the Bond although at the date of the Bond those persons may not have been such officers.

No Bond shall be valid or become obligatory for any purpose or be entitled to any benefit or security under this resolution until it has been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed thereon.

7. The Bonds and the endorsements thereon shall be in substantially the following form:

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to issuer or its agent for registration of transfer, exchange, or payment and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

NO. R- $__________

United States of America

State of North Carolina

COUNTY OF MECKLENBURG

GENERAL OBLIGATION PUBLIC IMPROVEMENT BOND, SERIES 2005A

INTEREST RATE

MATURITY DATE

DATE OF BOND CUSIP

February 1, 2005

REGISTERED OWNER: Cede & Co.

PRINCIPAL SUM: ______________________________ DOLLARS

The County of Mecklenburg (the "County"), a county of the State of North Carolina, acknowledges itself indebted and for value received hereby promises to pay to the registered owner named above, on the date specified above, upon surrender hereof, at the office of the Director of Finance of the County, 600 East Fourth Street, 11th Floor, Charlotte, NC 28234 (the “Bond Registrar”), the principal sum shown above and to pay to the registered owner hereof, by check mailed to the registered owner at its address as it appears on the bond registration books of the County, interest on that principal sum from the date of this bond or from the February 1 or August 1 next preceding the date of authentication to which in terest shall have been paid, unless the date of authentication is a February 1 or August 1 to which interest shall have been paid, in which case from that date, interest to the maturity hereof being payable on August 1, 2005, and semi-annually thereafter on February 1 or August 1 of each year, at the rate per annum specified above, until payment of the principal sum. The interest so payable on any interest payment date will be paid to the person in whose name this bond is registered at the close of business on the record date for that interest, which shall be the fifteenth day of the calendar month (whether or not a business day) next preceding that interest payment date. Both the principal of and the interest on this bond shall be paid in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof.

This bond is issued in accordance with the Registered Public Obligations Act, Chapter 159E of the General Statutes of North Carolina, and pursuant to The Local Government Finance Act of the State of North Carolina, as amended, bond orders adopted by the Board of Commissioners of the County on September 8, 1999 and September 8, 2004 (the “Bond Orders” and a resolution adopted by that Board (the “Resolution”) providing for the issuance of this bond. The issuance of this bond and the contracting of the indebtedness evidenced hereby have been approved by a majority of the qualified voters of the County voting at elections held in the County.

The bonds maturing on and after February 1, 2016, shall be subject to redemption prior to their stated maturities at the option of the County on or after February 1, 2015, in whole or in part at any time at a redemption price equal to 100% of the principal amount of each bond to be redeemed, together with accrued interest thereon to the redemption date. If less than all the bonds are called for redemption, the County shall determine the maturities and the amounts thereof of the bonds to be redeemed. If less than all the bonds of any one maturity are called for redemption, the bonds to be redeemed shall be selected by lot; provided, however, that the portion of any bond to be redeemed shall be in the principal amount of $5,000 or an integral multiple thereof and that, in selecting bonds for redemption, the Bond Registrar shall treat each bond as representing that number of bonds which is obtained by dividing the principal amount of such bond by $5,000. For so long as a book-entry system is used for determining beneficial ownership of the
bonds, if less than all of the bonds within a maturity are to be redeemed, The Depository Trust Company (“DTC”) and its participants shall determine which of the bonds within that maturity are to be redeemed.

Not more than forty-five (45) days nor less than thirty (30) days before the redemption date of any bonds to be redeemed, whether such redemption be in whole or in part, the County shall cause a notice of redemption to be mailed, postage prepaid, to The Depository Trust Company (“DTC”) or its nominee. On the date fixed for redemption, that notice having been given, the bonds or portions thereof so called for redemption shall be due and payable at the redemption price provided for the redemption of those bonds or portions thereof on that date and, if moneys for payment of the redemption price and the accrued interest are held by the Bond Registrar as provided in the Resolution, interest on the bonds or the portions thereof so called for redemption shall cease to accrue. If a portion of this bond shall be called for redemption, a new bond or bonds in principal amount equal to the unredeemed portion hereof will be issued to DTC or its nominee upon the surrender hereof.

The notice of redemption may state that the County retains the right to rescind such notice on or prior to the scheduled redemption date, and such notice and redemption shall be of no effect if such notice is rescinded. Any redemption may be rescinded in whole or in part at any time prior to the scheduled redemption date if the County gives notice thereof on or prior to the scheduled redemption date in the manner provided above for redemptions. Any bonds as to which redemption has been rescinded shall remain outstanding.

The bonds will be issued in fully registered form by means of a book entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to and registered in the name of DTC or its nominee and immobilized in its custody. The book entry system will evidence beneficial ownership of the bonds in principal amounts of $5,000 or integral multiples thereof, with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC; transfer of principal and interest payments to beneficial owners by participants of DTC will be the responsibility of participants and other nominees of beneficial owners. The County will not be responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through participants.

The Bond Registrar shall keep at its office the books of the County for the registration of transfer of bonds. The transfer of this bond may be registered only upon those books and as otherwise provided in the Resolution upon the surrender hereof to the Bond Registrar together with an assignment duly executed by the registered owner hereof or his attorney or legal representative in form satisfactory to the Bond Registrar. Upon any registration of transfer, the Bond Registrar shall deliver in exchange for this bond a new bond or bonds, registered in the name of the transferee, in authorized denominations, in an aggregate principal amount equal to the unredeemed principal amount of this bond, of the same maturity and bearing interest at the same rate.

The Bond Registrar shall not be required to exchange or register the transfer of any bond during a period beginning at the opening of business fifteen (15) days before the day of the mailing of a notice of redemption of bonds or any portion thereof and ending at the close of business on the day of such mailing or of any bond called for redemption in whole or in part pursuant to the Resolution.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of North Carolina to exist, be performed or happen precedent to or in the issuance of this bond, exist, have been performed and have happened, and that the amount of this bond, together with all other indebtedness of the County, is within every debt and other limit prescribed by said Constitution or statutes. The faith and credit of the County are hereby pledged to the punctual payment of the principal of and interest on this bond in accordance with its terms.

This bond shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under the Bond Orders or the Resolution until this bond shall have been endorsed by the authorized representative of the Local Government Commission of North Carolina and authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed hereon.

IN WITNESS WHEREOF, the County has caused this bond [to be manually signed by] [to bear the facsimile signatures of] the Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners and [a facsimile of] its official seal to be [imprinted] [impressed] hereon, and this bond to be dated February 1, 2005.

Chairman of the Board of Commissioners

(SEAL)

Clerk to the Board of Commissioners

CERTIFICATE OF LOCAL GOVERNMENT COMMISSION

The issuance of the within bond has been approved under the provisions of The Local Government Bond Act of North Carolina.

Secretary,
Local Government Commission

CERTIFICATE OF AUTHENTICATION

10
This bond is one of the Bonds of the issue designated herein and issued under the provisions of the within-mentioned Bond Orders and Resolution.

COUNTY OF MECKLENBURG
DIRECTOR OF FINANCE, as Bond Registrar

By: ____________________________
Authorized Signature

Date of Authentication: February 3, 2005

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

the within Bond and irrevocably appoints

attorney-in-fact, to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: ____________________________

NOTICE: The signature to this assignment must correspond with
the name as it appears upon the face of the within Bond in every particular, without any alteration whatsoever.

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by an institution which is a participant in the Securities Transfer Agent Medallion Program (STAMP) or similar program.

The Bonds maturing on and after February 1, 2016, shall be subject to redemption prior to their stated maturities at the option of the County on or after February 1, 2015, in whole or in part at any time at a redemption price equal to 100% of the principal amount of each Bond to be redeemed, together with accrued interest thereon to the redemption date. If less than all the Bonds are called for redemption, the County shall determine the maturities and the amounts thereof of the Bonds to be redeemed. If less than all the Bonds of any one maturity are called for redemption, the Bonds to be redeemed shall be selected by lot; provided, however, that the portion of any Bond to be redeemed shall be in the principal amount of $5,000 or an integral multiple thereof and that, in selecting Bonds for redemption, the Bond Registrar shall treat each Bond as representing that number of Bonds which is obtained by dividing the principal amount of such Bond by $5,000. For so long as a book-entry system is used for determining beneficial ownership of the Bonds, if less than all of the Bonds within a maturity are to be redeemed, The Depository Trust Company ("DTC") and its participants shall determine which of the Bonds within that maturity are to be redeemed.

Not more than forty-five (45) days nor less than thirty (30) days before the redemption date of any Bonds to be redeemed, whether the redemption be in whole or in part, the Issuer shall cause a notice of redemption to be mailed, postage prepaid, to DTC or its nominee. Each notice shall identify the Bonds or portions thereof to be redeemed by reference to their numbers and shall set forth the date designated for redemption, the redemption price to be paid and the maturities of the Bonds to be redeemed. If any Bond is to be redeemed in part only, the notice of redemption shall also state that on or after the redemption date, upon surrender of the Bond, a new Bond or Bonds in principal amount equal to the unredeemed portion of the Bond will be issued.

The notice of redemption may state that the Issuer retains the right to rescind such notice on or prior to the scheduled redemption date, and such notice and redemption shall be of no effect if such notice is rescinded. Any redemption may be rescinded in whole or in part at any time prior to the scheduled redemption date if the Issuer gives notice thereof on or prior to the scheduled redemption date in the manner provided above for redemptions. Any bonds as to which redemption has been rescinded shall remain outstanding.

On or before the date fixed for redemption, moneys shall be deposited with the Bond Registrar to pay the principal of the Bonds or portions thereof called for redemption, as well as the interest accruing thereon to the redemption date.

On the date fixed for redemption, notice having been given in the manner and under the conditions provided above, the Bonds or portions thereof called for redemption shall be due and payable at the redemption price provided therefor, plus accrued interest to the redemption date. If moneys sufficient to pay the redemption price of the Bonds or portions thereof to be redeemed, plus accrued interest thereon to the date fixed for redemption, are held by the Bond Registrar in trust for the registered owners of Bonds or portions thereof called for redemption, such Bonds or portions thereof shall cease to be entitled to any benefits or security under this resolution or to be deemed outstanding, and the registered owners of such Bonds or portions thereof shall have no rights in respect thereof except to receive payment of the redemption price thereof, plus accrued interest to the date of redemption.

If a portion of a Bond shall be selected for redemption, the registered owner thereof or his attorney or legal representative shall present and surrender that Bond to the Bond Registrar for payment of the principal amount thereof so called for redemption and the Bond Registrar shall authenticate and deliver to or upon the order of such registered owner or his legal representative, without charge therefor, for the unredeemed portion of the principal amount of the Bond so surrendered, a Bond or Bonds of the same maturity, of any denomination or denominations authorized by this resolution, and bearing interest at the same rate.
8. Bonds, upon surrender thereof at the office of the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in form satisfactory to the Bond Registrar, may, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of Bonds of the same maturity, of any denomination or denominations authorized by this resolution, and bearing interest at the same rate.

The transfer of any Bond may be registered only on the registration books of the Issuer upon the surrender thereof to the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in form satisfactory to the Bond Registrar. Upon any registration of transfer, the Bond Registrar shall authenticate and deliver in exchange for the Bond a new Bond or Bonds, registered in the name of the transferee, of any denomination or denominations authorized by this resolution, in an aggregate principal amount equal to the unredeemed principal amount of the Bond so surrendered, of the same maturity, and bearing interest at the same rate.

In all cases in which Bonds shall be exchanged or the transfer of Bonds shall be registered hereunder, the Bond Registrar shall authenticate and deliver at the earliest practicable time Bonds in accordance with the provisions of this resolution. All Bonds surrendered in any exchange or registration of transfer shall forthwith be cancelled by the Bond Registrar. The Issuer or the Bond Registrar may make a charge for shipping and out-of-pocket costs for every exchange or registration of transfer of Bonds sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to the exchange or registration of transfer, but no other charge shall be made for exchanging or registering the transfer of Bonds under this resolution. The Bond Registrar shall not be required to exchange or register the transfer of any Bond during a period beginning at the opening of business fifteen (15) days before the day of the mailing of a notice of redemption of Bonds or any portion thereof and ending at the close of business on the day of that mailing or of any Bond called for redemption in whole or in part pursuant to this Section.

As to any Bond, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal or redemption price of any Bond and the interest on any Bond shall be made only to or upon the order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon that Bond including the interest thereon, to the extent of the sum or sums so paid.

The Issuer shall appoint such registrars, transfer agents, depositaries or other agents and make such other arrangements as may be necessary for the registration, registration of transfer and exchange of Bonds within a reasonable time according to commercial standards then applicable and for the timely payment of principal and interest with respect to the Bonds. The Director of Finance of the Issuer is hereby appointed the registrar, transfer agent and paying agent for the Bonds (collectively, the “Bond Registrar”), subject to the right of the governing body of the Issuer to appoint another Bond Registrar, and as such shall keep at his office as Director of Finance, 600 East Fourth Street, 11th Floor, Charlotte, NC 28234, the books of the Issuer for the registration, registration of transfer, exchange and payment of the Bonds as provided in this resolution.

9. The actions of the Director of Finance of the Issuer and others in applying to the Local Government Commission of North Carolina to advertise and sell the Bonds and the action of the Local Government Commission of North Carolina in asking for sealed and electronic bids for the Bonds by publishing notices and printing and distributing the Preliminary Official Statement and the Official Statement relating to the Bonds are hereby ratified and approved. That Preliminary Official Statement is hereby approved, and the Chairman of the Board of Commissioners, the County Manager and the Director of Finance of the Issuer are each hereby authorized to approve changes in the Preliminary Official Statement, to approve the Official Statement, and to execute the Official Statement for and on behalf of the Issuer. The Preliminary Official Statement is deemed to be a final official statement within the meaning of Rule 15c2-12 of the Securities and Exchange Commission, except for the omission of certain pricing and other information to be specified in the Official Statement.

10. The Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners and the Director of Finance of the Issuer are hereby authorized and directed to cause
the Bonds to be prepared and, when they shall have been duly sold by the Local Government Commission, to execute the Bonds and have the Bonds endorsed and authenticated as provided herein and to deliver the Bonds to the purchaser or purchasers to whom they may be sold by the Local Government Commission.

11. The Issuer covenants to comply with the provisions of the Internal Revenue Code of 1986, as amended (the “Code”), to the extent required to preserve the exclusion from gross income of interest on the Bonds for federal income tax purposes.

12. The Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners, the Director of Finance and other officers of the Issuer are hereby authorized and directed to execute and deliver for and on behalf of the Issuer any and all financing statements, certificates, documents or other papers and to perform any and all acts they may deem necessary or appropriate in order to carry out the intent of this resolution and the matters herein authorized.

13. The Issuer hereby undertakes, for the benefit of the beneficial owners of the Bonds, to provide:

   (a) by not later than seven months from the end of each fiscal year of the Issuer, to each nationally recognized municipal securities information repository (“NRMSIR”) and to the state information depository for the State of North Carolina (“SID”), if any, audited financial statements of the Issuer for such fiscal year, if available, prepared in accordance with Section 159-34 of the General Statutes of North Carolina, as it may be amended from time to time, or any successor statute, or, if such audited financial statements of the Issuer are not available by seven months from the end of such fiscal year, unaudited financial statements of the Issuer for such fiscal year to be replaced subsequently by audited financial statements of the Issuer to be delivered within 15 days after such audited financial statements become available for distribution.

   (b) by not later than seven months from the end of each fiscal year of the Issuer, to each NRMSIR, and to the SID, if any, (i) the financial and statistical data as of a date not earlier than the end of the preceding fiscal year for the type of information included under heading “The County - Debt Information and - Tax Information” in the Official Statement relating to the Bonds (excluding any information on overlapping or underlying units) and (ii) the combined budget of the Issuer for the current fiscal year, to the extent such items are not included in the audited financial statements referred to in (a) above;

   (c) in a timely manner, to each NRMSIR or to the Municipal Securities Rulemaking Board (“MSRB”), and to the SID, if any, notice of any of the following events with respect to the Bonds, if material:

      (1) principal and interest payment delinquencies;
      (2) non-payment related default;
      (3) unscheduled draws on debt service reserves reflecting financial difficulties;
      (4) unscheduled draws on any credit enhancements reflecting financial difficulties;
      (5) substitution of any credit or liquidity providers, or their failure to perform;
      (6) adverse tax opinions or events affecting the tax-exempt status of the Bonds;
      (7) modification to the rights of the beneficial owners of the Bonds;
      (8) bond calls;
      (9) defeasances;
(10) release, substitution or sale of any property securing repayment of the Bonds;

(11) rating changes; and

(d) in a timely manner, to each NRMSIR or to the MSRB, and to the SID, if any, notice of a failure of the Issuer to provide required annual financial information described in (a) or (b) above on or before the date specified.

To the extent permitted by the U.S. Securities and Exchange Commission, the obligation to file any of the above documents with NRMSIRs and SIDs may be discharged by transmitting those documents electronically to www.DisclosureUSA.org.

If the Issuer fails to comply with the undertaking described above, any beneficial owner of the Bonds may take action to protect and enforce the rights of all beneficial owners with respect to such undertaking, including an action for specific performance; provided, however, that failure to comply with such undertaking shall not be an event of default and shall not result in any acceleration of payment of the Bonds. All actions shall be instituted, had and maintained in the manner provided in this paragraph for the benefit of all beneficial owners of the Bonds.

The Issuer reserves the right to modify from time to time the information to be provided to the extent necessary or appropriate in the judgment of the Issuer, provided that:

(a) any such modification may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identify, nature, or status of the Issuer;

(b) the information to be provided, as modified, would have complied with the requirements of Rule 15c2-12 issued under the Securities Exchange Act of 1934 (“Rule 15c2-12”) as of the date of the Official Statement relating to the Bonds, after taking into account any amendments or interpretations of Rule 15c2-12, as well as any changes in circumstances; and

(c) any such modification does not materially impair the interest of the beneficial owners, as determined either by parties unaffiliated with the Issuer (such as bond counsel), or by the approving vote of the registered owners of a majority in principal amount of the Bonds pursuant to the terms of this bond resolution, as it may be amended from time to time, at the time of the amendment.

Any annual financial information containing modified operating data or financial information shall explain, in narrative form, the reasons for the modification and the impact of the change in the type of operating data or financial information being provided.

The provisions of this Section shall terminate upon payment, or provision having been made for payment in a manner consistent with Rule 15c2-12, in full of the principal of and interest on all of the Bonds.

The motion was adopted by the following vote:

AYES: Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard

NAYS: None

Resolution and Extract recorded in full in Minute Book 42-A, Doc. # _______.

THIS CONCLUDED ITEMS APPROVED BY CONSENT
(12)  FURNITURE FOR ENDERY RECREATION CENTER

Motion was made by Commissioner Woodard, seconded by Commissioner Mitchell and unanimously carried with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve the purchase of office furniture for Endery Recreation Center without competitive bidding, as authorized by the cooperative purchasing exemption of G.S. 143-129(e)(3); and approve a contract with Carolina Business Interiors for the purchase of Knoll furniture in the amount of $108,377.84.

Commissioner Woodard removed this item from Consent for more public awareness.

(16)  VOCREHAB GRANT—SHERIFF’S OFFICE

Motion was made by Commissioner Woodard, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to recognize, receive and appropriate grant award of $52,679 from the Governor’s Crime Commission, which was awarded to the Sheriff’s Office for the “Successful Reintegration Project,” Vocational Rehabilitation.

Note: The Sheriff’s Office will use this grant to provide vocational training, case management, and aftercare release planning to graduates of the Mecklenburg County Jail-based substance abuse treatment program.

Commissioner Woodard removed this item from Consent for more public awareness.

STAFF REPORTS AND REQUESTS - NONE

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(18)  RESOLUTION - RELIEF EFFORTS FOR VICTIMS OF THE ASIAN TSUNAMI

Commissioner Roberts addressed relief efforts for victims of the Asian Tsunami, including things that were being done locally. She then presented a resolution regarding this tragedy, wherein the Board resolved the following:

BE IT RESOLVED, that the Mecklenburg County Board of Commissioners sends a message of condolence to all those in our community affected by this disaster, recognizing the deep impact it has had and will continue to have on our community, and supports and encourages the efforts of local groups, individuals, and corporations to assist in the relief effort;

BE IT FURTHER RESOLVED, that the Mecklenburg County Board of Commissioners commends International House for the leadership role this organization has taken to coordinate these local efforts, and for all that International House has done and will continue to do to make our international citizens and businesses feel welcome and integral to the future prosperity of our County and region; and in recognition of the benefit event, proclaims January 8, 2005 to be Tsunami Relief Day in Mecklenburg County.

Motion was made by Commissioner Roberts, seconded by Commissioner Rembert and unanimously carried with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to adopt a resolution in support of relief efforts for victims of the Asian Tsunami.

Resolution recorded in full in Minute Book 42-A, Document #_____.
COMMISSION COMMENTS – General comments were made at this time by various Commissioners regarding upcoming events and/or events they attended, as well as, other matters which they deemed note worthy.

ADJOURNMENT

Motion was made by Commissioner Puckett, seconded by Commissioner Mitchell, and unanimously carried, with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 7:20 p.m.

Janice S. Paige, Clerk

H. Parks Helms, Chairman
MINUTES OF CLOSED SESSION OF
MECKLENBURG COUNTY BOARD OF COMMISSIONERS

JANUARY 4, 2005 5:00 P.M.

The Board of Commissioners of Mecklenburg County, North Carolina, met in Closed Session in the Charlotte-Mecklenburg Government Center during its Regular Meeting held Tuesday, January 4, 2005. These Closed Session minutes are part of the minutes of that meeting and should be read in that context.

Also Present: General Managers John McGillicuddy and Bobbie Shields, Assistant to the County Manager Michelle Lancaster, Budget and Management Director Hyong Yi, Finance Director Harry Weatherly, Executive Assistant to the County Manager Marie Shook, and Nancy Brunnemer with Real Estate Services.

Absent: Commissioner J. Daniel Bishop and County Manager Harry L. Jones, Sr.

(2A1) LINCOLN HEIGHTS LAND ACQUISITION

Nancy Brunnemer with Real Estate Services addressed the proposed tax auction purchases of Tax Parcels 075-042-32 (Unknown Owner) and 075-043-03 (May Brown, Owner), both on Irma Street, for up to $8,000 each as part of the Lincoln Heights Land Acquisition project.

It was noted that the goal is to acquire the property for the least amount necessary (to cover taxes and legal costs). This acquisition request will come back to the Board at a future date to approve the final costs of these lots.

Motion was made by Commissioner James, seconded by Commissioner Mitchell and unanimously carried with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve the tax auction purchases of Tax Parcels 075-042-32 (Unknown Owner) and 075-043-03 (May Brown, Owner), both on Irma Street, for up to $8,000 each.

Janice S. Paige, Clerk

H. Parks Helms, Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Session in Conference Center Room 267 on the 2nd floor of the Charlotte-Mecklenburg Government Center on Wednesday, June 1, 2005 at 5:00 p.m.

ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners J. Daniel Bishop, Dumont Clarke, Bill James Norman A. Mitchell, Sr., Jim Puckett Wilhelmenia Rembert, Jennifer Roberts and Valerie C. Woodard County Manager Harry L. Jones, Sr. Clerk to the Board Janice S. Paige

Absent: None

Commissioner Puckett was absent when the meeting was called to order and until noted in the minutes.

Chairman Helms noted the purpose of the meeting was to begin the Board’s deliberation on the County Manager’s FY05-06 Budget.

FY 2006 BUDGET DELIBERATIONS

Hyong Yi, Budget and Management Director outlined the agenda for the meeting. The Board was asked to decide on a budget deliberations workshop schedule and process.

Director Yi also gave a budget update since the County Manager’s presentation of his recommended budget on May 17, 2005.

Commissioner Puckett entered the meeting.

Motion was made by Commissioner Roberts, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve the budget deliberations workshop schedule as recommended by staff.

Note: Per the approved schedule, workshops would be held on June 2nd, 6th, and 14th if needed.

Director Yi presented a recommended workshop process for the Board’s consideration.

Motion was made by Commissioner Mitchell, seconded by Commissioner Rembert and carried 7-2 with Commissioners Bishop, Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners James and Puckett voting no, to approve funding for all mandatory services with the exception of the Local ABC Profits.

Michael Bryant, Senior Budget Analyst reviewed various sections of the Board’s budget book that the Board would be referring to during deliberations.

STRAW VOTES
Prior to the start of straw votes, it was noted that seconds would not be required for motions.

The Board was provided a spreadsheet that listed Services or Revenue Sources, the County Manager’s Recommended Total Funding and County Funding.

Per the spreadsheet of services that was provided, the following services were pulled:

1. In-Home Aide (DSS) pulled by Commissioner Woodard
2. Charlotte-Mecklenburg Council on Aging (OSA) pulled by Commissioner Roberts
3. Code Enforcement pulled by Chairman Helms
4. Charlotte-Mecklenburg Schools Operation Funding pulled by Commissioner Roberts
5. Charlotte-Mecklenburg Schools High School Challenge Funding pulled by Commissioner Clarke
6. Pay as You Go Capital Funding (NDP) pulled by Chairman Helms
7. Indigent Care pulled by Commissioner Clarke
8. Civil Legal Assistance (OSA) pulled by Commissioner Clarke
9. Air Quality pulled by Commissioner Clarke
10. Communicable Disease (HLT) pulled by Chairman Helms
11. STD/HIV Tracking & Investigation (HLT) pulled by Commissioner Woodard
12. Metrolina AIDS Project (OSA) pulled by Commissioner Roberts
13. CPCC Operation Funding pulled by Chairman Helms
14. Local ABC Profits pulled by Chairman Helms
15. Unrestricted Contingency (NDP) pulled by Chairman Helms
16. Detention Services (SHF) pulled by Chairman Helms
17. Rehabilitation Services (SHF) pulled by Chairman Helms
18. Gatling Juvenile Detention Facility (SHF) pulled by Commissioner Woodard
19. Community Building Initiative (OSA) pulled by Commissioner Roberts
20. Empowered Youth Initiative-NCCJ (OSA) pulled by Commissioner Rembert
21. DV Services (DSS) pulled by Commissioner Rembert
22. Designated Technology Reserve (NDP) pulled by Commissioner Clarke
23. Undesignated Technology Reserve (NDP) pulled by Commissioner Rembert
24. A Way Home (OSA) pulled by Chairman Helms
25. Charlotte Emergency Housing pulled by Commissioner Rembert
26. Homeless Support Services (HLT) pulled by Chairman Helms
27. House of Grace (OSA)-Restricted Contingency pulled by Commissioner Rembert
28. Attorney (MGR) pulled by Commissioner Roberts
29. Legal Services pulled by Chairman Helms
30. Legal Services pulled by Chairman Helms
31. Attorney (Tax) pulled by Chairman Helms
32. Public Library Services (LIB) pulled by Commissioner Rembert
33. CHS Contract (HLT) pulled by Commissioner Rembert
34. CHS Contract (HLT) pulled by Commissioner Rembert
35. Fighting Back (HLT) pulled by Commissioner Woodard
36. Vital Records pulled by Commissioner Woodard
37. Court Security (SHF) pulled by Chairman Helms
38. Law Enforcement Service District pulled by Commissioner Puckett
39. Drug Court pulled by Commissioner Woodard
40. Drug Treatment Court pulled by Chairman Helms
41. Classification/Compensation pulled by Chairman Helms
42. Real Property Document Process (REG) pulled by Chairman Helms
43. Specialized Park Maintenance pulled by Commissioner Rembert
44. Facility Management (SHF) pulled by Commissioner Woodard
45. Vehicle Reserve pulled by Commissioner Roberts
46. Vehicle Maintenance pulled by Commissioner Bishop
47. Early & Absentee Voting pulled by Commissioner Woodard
48. MWBE pulled by Commissioner Rembert
49. Catawba Lands Conservancy (OSA) pulled by Commissioner Roberts
50. Latin American Coalition (OSA) pulled by Commissioner Roberts
51. Mi Casa Su Casa (OSA) pulled by Commissioner Roberts
52. Programma Esperanza (OSA) pulled by Commissioner Roberts
53. Senior Centers, Inc. (OSA) pulled by Commissioner Rembert
54. Veterans Claims Processing & Counseling pulled by Commissioner Rembert
55. Communities In Schools (OSA) pulled by Chairman Helms
56. Employment Services Resource Center pulled by Commissioner Woodard
57. Lake Norman Marine Commission (OSA) pulled by Chairman Helms at the request of the County Manager
58. Lake Wylie Marine Commission (OSA) pulled by Chairman Helms at the request of the County Manager
59. Mt. Island Lake Marine Commission (OSA) pulled by Chairman Helms at the request of the County Manager

It was noted that per the items pulled the tax rate increase was 26.64 cents.

Per the spreadsheet of services that was provided, action was taken on the following services only:

Note: The above is not inclusive of every comment and/or question asked but reflects key points and requested follow-up.

A copy of handouts relating to each of the above subjects is on file with the Clerk to the Board.

ADJOURNMENT

Motion was made by Commissioner Mitchell, seconded by Commissioner Woodard and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 5:04 p.m.

Janice S. Paige, Clerk  H. Parks Helms, Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in Budget/Public Policy Session in Conference Center Room 267 on the 2nd floor of the Charlotte-Mecklenburg Government Center on Tuesday, January 11, 2005 at 3:00 p.m.

ATTENDANCE

Present:  Chairman H. Parks Helms and Commissioners
J. Daniel Bishop, Dumont Clarke
Norman A. Mitchell, Sr., Wilhelmenia Rembert
Jennifer Roberts and Valerie C. Woodard
General Manager Bobbie Shields
County Attorney Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent:  Commissioners Bill James and Jim Puckett

(1) SMOKE-FREE CHARLOTTE MECKLENBURG

The Board received a presentation from Smoke-Free Charlotte Mecklenburg regarding their initiative to have smoke-free restaurants and work places in Mecklenburg County.

Prior to the presentation, Commissioner Mitchell noted that this matter was brought before the Boards’ Community Health and Safety Committee in November 2004 and that the Committee recommended that the matter be presented to the full Board for consideration.

The presentation was given by City Council Member Susan Burgess, a member of Smoke-Free Charlotte Mecklenburg, Skip Ward, and Ivan Hinrichs. Sally Malek, head of the Tobacco Prevention and Control Branch of the N. C. Division of Health was also present.

Note: Smoke-Free Charlotte Mecklenburg is a local grassroots coalition of health care professionals, advocacy groups and individuals committed to bringing smoke-free restaurants, bars, and workplaces to Mecklenburg County.

It was stated that their initiative was not anti-smoking or against the tobacco industry, but rather an initiative to promote health, to protect children and workers, and to help businesses stay productive and competitive. It was noted that science is conclusive that exposure to secondhand smoke is “not just a nuisance but a very serious health hazard.”

It was noted also that State Representative Michaux has expressed support of this initiative and feels Mecklenburg County would be successful in gaining this authority.

Smoke-Free Charlotte Mecklenburg asked the Board to consider including in its 2005 Legislative Agenda, an act to seek exemption from the preemptive law passed by the General Assembly in 1993 (GS-143-595-601) that blocked any city or county governments from passing their own ordinance on smoking in public places, HB957, “An Act to Regulate Smoking in Public Places and to Establish Standards for Local Governments Electing to Regulate Smoking.”

A copy of their report is on file with the Clerk to the Board.

Comments
Commissioner Bishop questioned whether Mecklenburg County alone should seek an exemption or instead have the support of other counties and as a group request that the preemption law be repealed.

The response from Smoke-Free Charlotte Mecklenburg was that per the advice of some State Representatives it was felt that Mecklenburg County would be more successful at requesting an exemption than trying to get the law repealed. It’s felt also that this type of initiative requires a leader and that Mecklenburg County should be that leader.

Commissioner Bishop noted that he had received an e-mail from Mr. Mohammad Jenatian on behalf of the travel and tourism industry expressing opposition to this request.

The response from Smoke-Free Charlotte Mecklenburg was that per the advice of some State Representatives it was felt that Mecklenburg County would be more successful at requesting an exemption than trying to get the law repealed. It’s felt also that this type of initiative requires a leader and that Mecklenburg County should be that leader.

Commissioner Bishop, however, expressed concern for the impact on businesses. He asked would businesses not be better served through a campaign effort? He noted that if this proposal is the wave of the future then why should government be involved.

The response from Smoke-Free Charlotte Mecklenburg was that although there is a campaign effort going on that businesses look at this issue as a nuisance and not one of health. Smoke-Free Charlotte Mecklenburg said that one of the roles of government is to protect public health and that second-hand smoke is a public health issue.

It was noted also that if the exemption is received, then it would be the responsibility of the County Commission to write the actual ordinance and make any exemptions the Board felt appropriate.

Commissioner Clarke asked was there any support of this by the Mecklenburg Delegation and the response was yes.

Motion was made by Commissioner Mitchell, seconded by Commissioner Clarke and carried 6-1 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioner Bishop voting no, to include in the Board’s 2005 Legislative Agenda Package, an act to seek exemption from the preemptive law passed by the General Assembly in 1993 (GS-143-595-601) that blocked any city or county governments from passing their own ordinance on smoking in public places, HB957, “An Act to Regulate Smoking in Public Places and to Establish Standards for Local Governments Electing to Regulate Smoking.”

Prior to the above vote, Commissioner Bishop noted that his opposition to motion was because he feels “the trend in this government and most government is that government knows better than private business how to run things.” “Government tends to come up with one size fits all solutions and to squeeze individuality out of the marketplace,” which he feels is a “bad thing.” He said he understands the County is the Board of Health and that it has to regulate in order to protect people. Also, that the Board sets minimum levels of acceptability for health standards, however he is not totally convinced, not having seen the data, that incidental and occasional contact with secondhand smoke presents a risk of serious bodily injury or death. His other point was “at some point you have to decide when you’re going to start striking the balance in favor of trusting individual entrepreneurs, individuals operating in our free market system, rather than government dictating to them.”

Note: Staff noted that there would be further research of this matter because it is possible that this would have to be a statewide bill exempting counties over a certain population.

Note: The above is not inclusive of every comment and/or question asked but reflects key points and requested follow-up.
Deputy County Attorney Sandra Bisanar addressed the Board’s 2005 Legislative Agenda Package, a follow up to the Board’s previous discussion of this matter on January 4, 2005.

As requested by the Board on January 4, 2005, Attorney Bisanar identified the following legislative matters that she felt were the most important and should be included in the Board’s 2005 Legislative Agenda Package:

1. **Juvenile Detention.** Appropriate funds to build in Mecklenburg County a State owned and operated juvenile detention facility to house both males and females—alternatively appropriate funds to support the Gatling Juvenile Diagnostic Center.

2. **Court Related Needs.** Amend various sections of Chapter 7A of the General Statutes to increase the counties share of court costs to provide for the operation of the court system, to offset court related technology expenses, and to subsidize the operations of pretrial release programs. Additionally, encourage the full funding of the State related portion of CJIS and NC AWARE, and funding for at least seven new assistant district attorney positions in Mecklenburg County.

3. **School Nurses.** Appropriate sufficient funds to provide school nurses at a ratio of one nurse per 750 students in Mecklenburg County.

4. **Clean Water Management Trust Fund and Clean Air Management Trust Fund.** Appropriate sufficient funds.

Attorney Bisanar noted that items (3) School Nurses and (4) Clean Water Management Trust Fund and Clean Air Management Trust Fund were also being addressed by other entities.

Attorney Bisanar also noted the following items that the Charlotte Chamber of Commerce seeks the Board’s support of:

1. Secure NASCAR Museum in the Charlotte region
2. Support continued funding of Johnson and Wales University 10 year plan
3. Support equity funding for rail and transit projects
4. Redefine projects that are eligible for Highway Trust Fund

**Comments**

Chairman Helms suggested adding a 5th category entitled Public Health Issues and to place under that heading support for increased funding for NC Health Choice and the proposal to seek exemption from the preemptive law passed by the General Assembly in 1993(GS-143-595-601).

It was the consensus of the majority of Board that a Public Health category be established as outlined by Chairman Helms.

Commissioner Bishop said he could not support the Public Health category because of his opposition to seeking exemption from the preemptive law passed by the General Assembly in 1993(GS-143-595-601).

Commissioner Rembert asked if it was the desire of the Board to indicate to the Delegation its position on other important issues.

Attorney Bisanar noted that the Medicaid issue would be one that the Board may want to indicate its position on.

Chairman Helms said that what he sees the Delegation receiving from the County are the items prioritized by Attorney Bisanar, a fifth category of Public Health, and other matters of interests
with the language that the Board supports the N. C. Association of County Commissioners requests, if that’s the desire of the Board. He said included also would be an expression of support for the Charlotte Chamber of Commerce’s request.

Commissioner Rembert said she would like to see the Board’s support of the N. C. Association of County Commissioners’ position on Medicaid included.

Attorney Bisanar noted that as it stands now the County can support the N. C. Association of County Commissioners’ position on Medicaid, but that the Board needs to watch very carefully what the General Assembly decides to do on this matter. She said if the General Assembly is inclined to relieve counties of the Medicaid obligation by imposing some other obligation to make up for that relief, then the County would need to monitor that very carefully because that may not be something the County would be in favor of.

Commissioner Mitchell noted that the three items approved by the N. C. Association of County Commissioners, Medicaid Relief, Revenue Options, and School Construction Bonds were the Association’s top priorities. He said that since the Association represents all 100 Counties, with Mecklenburg being one of them, thus the County’s support is implicit in what the Association is proposing.

Chairman Helms said the simpler the County’s package to the Delegation the better, in light of the tons of requests legislators receive.

Chairman Helms asked if anyone objected to the Chamber’s request.

It was noted by General Manager Shields that the Chamber’s were items viewed as having a regional impact.

Commissioner Bishop expressed opposition to Chamber requests #1) Secure NASCAR Museum in the Charlotte region and #2) Support continued funding of Johnson and Wales University 10 year plan.

Commissioner Bishop said he did not think it was appropriate for government to take the lead on a NASCAR matter. Further, as for the Johnson and Wales University 10 year plan, which he would not have voted for, he does not feel government should be selectively assisting a particular educational institution that is private.

Motion was made by Commissioner Clarke, seconded by Commissioner Mitchell, to include in the County’s 2005 Legislative Agenda package an indication of the Board’s support of the Charlotte Chamber of Commerce’s legislative request as listed below.

1. Secure NASCAR Museum in the Charlotte region
2. Support continued funding of Johnson and Wales University 10 year plan
3. Support equity funding for rail and transit projects
4. Redefine projects that are eligible for Highway Trust Fund.

Substitute motion was made by Commissioner Bishop, but died for lack of a second, to include in the County’s 2005 Legislative Agenda package an indication of the Board’s support of the Charlotte Chamber of Commerce’s legislative request excluding Item #1) Secure NASCAR Museum in the Charlotte region and #2) Support continued funding of Johnson and Wales University 10 year plan; and to add support for UNC Charlotte to transition to Doctoral/Research Intensive Status.

The vote was then taken on the original motion and carried 6-1 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioner Bishop voting no.

Other

Statute of Repose. Attorney Bisanar informed the Board that staff decided not to include the
request to lengthen the statute of repose, but instead to bring this matter to the attention of the
North Carolina Association of County Commissioners and the League of Municipalities.

Howard McClure, Attorney Bisanar informed the Board that she was contacted by Mr. Howard
McClure regarding a legislative goal concerning the appointment of legal counsel for indigents
involved in civil litigation. It was noted that this matter was brought to the Delegation’s attention
in 2000 at the request of Mr. McClure.

It was the consensus of the Board that Attorney Bisanar share with the Delegation the
information she received from Mr. McClure, but that it not be submitted as part of the County’s
Legislative Agenda package.

Meeting with the Delegation. In closing Attorney Bisanar stated that she would finalize the
Legislative Agenda package and provide that information to the Board prior to her meeting with
the Delegation on February 1, 2005 in Raleigh.

Board members were asked to contact Attorney Bisanar if they were interested in attending the
meeting with the Delegation.

Motion was made by Commissioner Woodard, seconded by Commissioner Clarke, and carried
6-1, with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes
and Commissioner Bishop voting no, to include the following items in the Board’s 2005
Legislative Agenda:

1. Juvenile Detention. Appropriate funds to build in Mecklenburg County a State owned
and operated juvenile detention facility to house both males and females—alternatively
appropriate funds to support the Gatling Juvenile Diagnostic Center.

2. Court Related Needs. Amend various sections of Chapter 7A of the General Statues to
increase the counties share of court costs to provide for the operation of the court system,
to offset court related technology expenses, and to subsidize the operations of pretrial
release programs. Additionally, encourage the full funding of the State related portion of
CJIS and NC AWARE, and funding for at least seven new assistant district attorney
positions in Mecklenburg County.

3. School Nurses. Appropriate sufficient funds to provide school nurses at a ratio of one
nurse per 750 students in Mecklenburg County.

Appropriate sufficient funds.

5. Public Health. 1) Support for increased funding for N. C. Health Choice. 2) Seek
exemption from the preemptive law passed by the General Assembly in 1993(GS-143-
595-601) that blocked any city or county governments from passing their own ordinance
on smoking in public places, HB957, “An Act to Regulate Smoking in Public Places and
to Establish Standards for Local Governments Electing to Regulate Smoking.”

6. Charlotte Chamber of Commerce’s Regional Legislative Requests:

1. Secure NASCAR Museum in the Charlotte region
2. Support continued funding of Johnson and Wales University 10 year plan
3. Support equity funding for rail and transit projects
4. Redefine projects that are eligible for Highway Trust Fund.

Note: The above is not inclusive of every comment and/or question asked but reflects key points
and requested follow-up.
Chairman Helms called for nominations for the Board’s voting delegate to the 2005 North Carolina Association of County Commissioners’ Legislative Goals Conference to be held January 13-14 in Highpoint, N. C.

Commissioner Rembert nominated Commissioner Mitchell. There were no other nominations.

Chairman Helms asked for a motion to close nominations, which was done by Commissioner Bishop and that Commissioner Mitchell, by acclamation, be appointed as the Board’s voting delegate for the 2005 North Carolina Association of County Commissioners’ Legislative Goals Conference to be held January 13 – 14 in Highpoint, N. C.

ADJOURNMENT

Motion was made by Commissioner Bishop, seconded by Commissioner Roberts, and unanimously carried, with Commissioners Bishop, Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 4:42 p.m.
January 19, 2005  5:00 P.M.

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in
Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg
Government Center at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-
Mecklenburg Government Center at 6:00 p.m. on Wednesday, January 19, 2005.

ATTENDANCE

Present:  Chairman H. Parks Helms and Commissioners
J. Daniel Bishop, Dumont Clarke, Bill James,
Norman A. Mitchell, Sr., Jim Puckett,
Wilhelmenia I. Rembert, Jennifer Roberts and
Valerie C. Woodard
County Manager Harry L. Jones, Sr.
County Attorney Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent:  None.

Commissioner Woodard was absent when the meeting was called to order and until noted in the
minutes.

-INFORMAL SESSION-

(1A)  STAFF BRIEFING - PARTNERSHIP AGREEMENT

Chairman Helms noted that the Board was being asked to consider possible action on a proposed
partnership agreement between Mecklenburg County and the Lake Norman Regional Economic
Development Corporation.

He called upon Davidson Town Mayor Randy Kincaid to address this matter. Also present were
Cornelius Town Mayor Gary Knox, Huntersville Town Mayor Kim Phillips, Davidson Town
Manager Leamon Brice, Mark Heath with the Lake Norman Chamber of Commerce and Terry
Orrell with the Charlotte Chamber of Commerce.

Mayors Kincaid and Phillips, and Town Manager Brice presented their joint proposal for enhancing
their tax base, which involves the development of an Industrial Park. The following was noted:

- This project is an example of how the Towns have come together to accomplish something
good for their residents in terms of jobs and the tax base, which also benefits the County
because three-fourths of the new tax revenue would go to the County.
- They are in the process of recruiting a first class firm to go into this facility, which will have
additional development phases.
- The prospect that’s being sought would create a 700,000 square foot facility; create 400 new
jobs with an average salary of $32,000 per job; and an $81 million tax base.
- The industrial park can be started without the County’s support, however, this would impact
the ability of the Towns to do other economic development projects, which would also
benefit the County.
- It was noted that the Towns got into the economic development business in order to preserve
their industrial base.
• If the Towns did this project without the County, the timeline for a return on their investment would be very long.
• As for the tax revenue, the County would receive 73% of it and the Towns would receive and divide the remaining 27% three ways. Likewise, the return for the Towns is much smaller than the County’s.
• The County is being asked to commit $2.3 million, which is one-third of the Towns’ $7 million cost.
• It’s estimated that the County’s largest tax revenue amount would be realized after the nine-year incentive ends, however it will be longer for the Towns.
• Per a study that was conducted, it was stated that 3,000 acres would be needed over the next 20-25 years for economic development purposes in the northern part of the County.
• The site to be developed for this project is known as the “Brookwood” property, which was owned by the Hospital Authority and thus the County receives no tax benefit. This area has now been rezoned by the Town of Huntersville.
• The Town of Huntersville is under contract with the Hospital Authority for the property with the closing to occur by February 28, 2005.
• The Town of Huntersville is considering acquiring additional acreage adjacent to the “Brookwood” property.
• The County is being asked to give a grant, as the Towns plan to do, to the prospect they are recruiting, which would equal 50% of the taxes paid during the first 9 years after the investment is made.
• The County is being asked to participate in the purchase of the land and infrastructure.
• The Town of Huntersville has accepted Bank of America’s proposal to finance the land.
• The acquisition is shared between the Towns on a 60/25/15 split, which is based on a per capita population with Huntersville having the largest population, then Cornelius and Davidson.
• There will be a complete sharing of acquisition and development costs, as well as, any tax revenue generated.

The presentation concluded with the Towns asking the Board to consider taking the following actions:

1. Authorize the County Manager to negotiate a local tax incentive with the prospect. (A maximum grant back of 50% for nine years.)
2. Authorize the County Manager to negotiate the granting of right-of-way at the Gatling Center for the realigning of Verhoff Drive.
3. Authorize the County Manager to include $2.3 million in the FY06 budget to accelerate Mecklenburg County’s Recruitment and Retention Program. (It was noted that with these funds the Towns would regenerate and continue to purchase more land in order to bring in more prospects.)

Comments

Chairman Helms highlighted the fact that currently this property is not bringing in any revenue.

Commissioner Bishop asked what’s the possibility of or what’s to prevent a developer from coming in and developing this property, which would require no financial assistance from the County?

It was noted that this property has been available for a long time and that no one has shown any interest in it.

Commissioner Puckett said he views this as a “break even” project, but that it does open up a “quasi-industrial” base that would not otherwise happen in this area were it not for this project.

No action was taken at this time by the Board.

(2A) CLOSED SESSION – BUSINESS LOCATION AND EXPANSION

Motion was made by Commissioner Woodard, seconded by Commissioner Mitchell and
unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes to go into Closed Session to discuss Business Location and Expansion.

The Board went into Closed Session at 5:51 p.m. and came back into Open Session at 6:03 p.m.

Commissioner James was absent when the Board came back into Open Session and until noted in the minutes.

(1A) STAFF BRIEFING - PARTNERSHIP AGREEMENT CONTINUED

The Board continued discussion of a partnership agreement between Mecklenburg County and the Lake Norman Regional Economic Development Corporation.

Terry Orrell spoke in support of this project.

Commissioner James returned to the meeting.

Motion was made by Commissioner Puckett, seconded by Commissioner Clarke and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to authorize the County Manager to negotiate the granting of right-of-way at the Gatling Center for the realigning of Verhoff Drive.

Note: Prior to the above vote, County Manager Jones noted that there were “time” pressures related to this matter, which must be resolved within a year. He said this matter will involve the State Department of Transportation. He said staff would need the support of the Board in working with the Delegation to get this matter completed.

Motion was made by Commissioner Mitchell, seconded by Commissioner Rembert and carried 8-1 with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes and Commissioner Bishop voting no, to authorize the County Manager to negotiate a grant of up to $2.3 million as a part of the Towns of Huntersville, Cornelius and Davidson’s plans to purchase land for an industrial park; and that the County Manager report back to the Board.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified items they wanted removed from consent and voted upon separately. The items identified were Items 14 and 17.

The Board then proceeded to the Meeting Chamber for remainder of the meeting.

-FORMAL SESSION-

Commissioner Clarke was away from the dais when the Formal Session was called to order and until noted in the minutes.

Invocation was given by Commissioner Bishop, which was followed by the Pledge of Allegiance to the Flag.

PROCLAMATIONS AND AWARDS

(1A) RECOGNITION OF SOIL AND WATER CONSERVATION DISTRICT SUPERVISOR, EDDIE STROUP
The Board recognized Mr. Eddie Stroup, District Supervisor, Mecklenburg County Soil and Water Conservation District for his many years of service.

Mr. Stroup thanked the Board for recognizing him. He expressed his appreciation for having had the opportunity to serve. Mr. Stroup was joined at the podium by Gray Newman, current Chairman of the Soil and Water Conservation Board, who also complimented and thanked Mr. Stroup for his service.

Commissioner Clarke entered the meeting during this time.

(2) PUBLIC APPEARANCE

The following persons appeared to speak during the Public Appearance portion of the meeting:

Rusty Loudermilk thanked County General Managers Bobbie Shields and John McGillicuddy and especially Citizen Liaison Bill Warren, for the assistance he received in getting an access issue resolved at the Charlotte-Mecklenburg Public Access Corporation. It involved getting their front door handicapped accessible. He noted also assistance Mr. Warren provided to him in getting amenities at his apartment complex handicapped accessible, as well.

Dr. Gyasi Foluke with the Kushite Institute asked the Board to consider sponsoring a Reparations Conference sometime in the near future. He stated that the purpose of the conference would be to discuss the issue of racial justice in Charlotte-Mecklenburg. Dr. Foluke stated that he would be willing to assist the County in putting this conference together.

A copy of Dr. Foluke’s statement is on file with the Clerk to the Board.

APPOINTMENTS

(3A) CHARLOTTE-MECKLENBURG PLANNING COMMISSION

The vote was taken on the following nominees for appointment to the Charlotte-Mecklenburg Planning Commission:

Barbara Price Commissioners Bishop, Clarke, James, Helms, Mitchell, Rembert, Roberts, and Woodard

Voting Ceased

Jon Vordermark

Chairman Helms announced that Barbara Price was appointed to the Charlotte-Mecklenburg Planning Commission to fill an unexpired term expiring June 30, 2005.

Note: Prior to the above vote, Commissioner Woodard informed the Board that per conversation with Mr. Gregory Phipps, who was a nominee, Mr. Phipps requested that his name be removed from consideration.

(3B) FIRE COMMISSION

Motion was made by Commissioner Puckett seconded by Commissioner James and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to reappoint Chris Hardin and Dan Ranson to the Fire Commission for three-year terms expiring January 31, 2008.

Motion was made by Commissioner Puckett seconded by Commissioner James and unanimously
carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to appoint C. Harley Cook to the Fire Commission for a three-year term expiring January 31, 2008.

(3C) NOMINATIONS/REAPPOINTMENTS

BUILDING DEVELOPMENT COMMISSION

Motion was made by Commissioner Puckett seconded by Commissioner Bishop and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to reappoint Brian Sigmon to the Building Development Commission as the American Society of Landscape Architects representative for a three-year term expiring February, 5, 2008.

INFORMATION SERVICES AND TECHNOLOGY COMMITTEE

Motion was made by Commissioner James seconded by Commissioner Mitchell and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to reappoint John Greenwood to the Information Services and Technology Committee for a three-year term expiring February, 4, 2008.

Motion was made by Commissioner Clarke, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to nominate all of the applicants for appointment to the Information Services & Technology Committee.

Deborah Bell  
Ralph Boral  
John Carson  
Susan Ellis  
Anne Marie Giuriceo  
John Lillard  
Scot McMillian  
Nick Vilord

An appointment will occur on February 1, 2005.

PERSONNEL COMMISSION

Motion was made by Commissioner Puckett seconded by Commissioner Rembert and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to reappoint John Adams to the Personnel Commission for a three-year term expiring February, 5, 2008.

WOMEN’S COMMISSION

Motion was made by Commissioner James seconded by Commissioner Mitchell and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to reappoint Cheryl Pugh to the Women’s Commission for a three-year term expiring December, 4, 2007.

The following persons were nominated for appointment to the Women’s Commission:

Marcia Brown by Commissioner James
Diann Cockerham  by Commissioner James  
Pamela Hemphill  by Commissioner Woodard  
Natheley McElrath  by Commissioner Woodard  
Debra Nesbitt  by Commissioner James  
Ruby Odom  by Commissioner Woodard  
Sona Oliver  by Commissioner James  
Evita Pierce  by Commissioner James  
LaShonda Sparks  by Commissioner James  

Appointments will occur on February 1, 2005.

(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS – NONE

(6) RECEIVE MANAGER’S REPORT

1. County Manager Jones updated the Board on the status of the issue brought to the Board’s attention at the last meeting by Mr. Scott Patterson involving the removal of vacant homes on Charles Avenue owned by Charlotte-Mecklenburg Schools (CMS). County Manager Jones noted that staff has been informed by CMS that the homes will be removed some time mid to late February.

2. County Manager Jones updated the Board on the status of an issue raised by Mr. Jim Benson who appeared at the Board’s two previous meetings concerning school construction projects. County Manager Jones noted that per his contact with staff, there is no evidence of any delays with school construction projects as a result services provided by the County’s Land Use and Environmental Services Agency (LUESA). He noted further that this was verified as well with CMS staff.

3. County Manager Jones updated the Board on the status of an issue raised by Mr. Jim Benson concerning services being provided by the LUESA North Office. County Manager Jones noted that the North Office was behind schedule, however, those delays have not impacted any CMS projects. Additional staff is being recruited for the North Office to assist with the workload.

4. County Manager Jones noted that he was asked by Centralina Council of Governments to appoint someone to serve on a Regional Tourism Steering Committee. He noted that this committee will 1) determine the tools that are necessary to maximize growth in the hospitality and tourism industry, 2) identify and address gaps in the region’s tourism and hospitality cluster, and 3) identify actions that are needed to make the tourism/hospitality cluster a true economic development tool for the region. County Manager Jones informed the Board that Mr. Mohammad Jenatian, current president of the local Hospitality and Tourism Industry has agreed to serve as the County’s representative and will provide periodic reports to the both the County Manager and the Board regarding progress of the Committee.

5. The Board was reminded of its Strategic Planning Conference scheduled for Thursday, January 20th and Friday, January 21st.

6. Finance Director Harry Weatherly updated the Board on the Bond Rating Report he recently received. He noted that the County’s Triple AAA bond rating has been affirmed by the three Bond Rating Agencies used by the County. Dir. Weatherly also reported on the recent sale of $32.3 million general obligation bonds by the County at a fixed rate of 3.984%.

Chairman Helms, on behalf of the Board, thanked County Manager Jones and Director
Weatherly for the fine jobs they each do in managing the affairs of the County.

A copy of Mr. Weatherly’s report is on file with the Clerk to the Board.

CONSENT ITEMS

Motion was made by Commissioner Roberts, seconded by Commissioner James and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve the following item(s) with the exception of Items 14 and 16 to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held January 4, 2005 and Closed Session Minutes of January 4, 2005.

(8) TAX REFUNDS

Approve refunds to be made by the Finance Department as requested by the Tax Assessor in the amount of $100,153.77 resulting from clerical errors, audits and other amendments.

A list of the refund recipients is on file with the Clerk to the Board.

(9) REGISTER OF DEEDS OPERATING HOURS

Amend the Resolution Establishing Business Hours for the Office of the Register of Deeds to allow for closings in cases of inclement weather and other early closings, as determined by the County Manager; and to close for up to one business day per year (one whole day or two half-days) to conduct staff training and development activities, so long as the Register of Deeds provides 30 days public notice through the Clerk to the Board.

Resolution recorded in full in Minute Book 42-A, Document # ____.

(10) GEOGRAPHICAL INFORMATION SYSTEMS (GIS) DAY PROGRAM

Recognize, receive and appropriate $3,979 for GIS Day.

Note: GIS day was held at Discovery Place on November 17, 2004. There were over twenty exhibitors and more than 200 kids and adults in attendance. Funding for the event was provided through private exhibitors and contributions from the following organizations:

- Woolpert - $ 330.00
- Sanborn - $ 300.00
- Watershed Concepts - $ 250.00
- Planning Commission - $ 10.00
- UNCC - $1,919.29
- Cabarrus County - $ 320.00
- Arcadis - $ 300.00
- Intepoint, LLC - $ 250.00
- ESRI - $ 300.00

No County funding was used to offset the cost of this event.

(11) STATE REVENUE ADJUSTMENTS – DSS

Recognize, receive and appropriate $191,700 from the North Carolina Department of Transportation for the procurement of routing and scheduling software for Mecklenburg Transportation System.
(12) FISCAL 2006 GOVERNOR’S CRIME COMMISSION GRANT PRE-APPLICATIONS

Approve the submittal of grant pre-applications to the N.C. Department of Crime Control and Public Safety, Governor’s Crime Commission as listed below.

<table>
<thead>
<tr>
<th>Applicants</th>
<th>Program Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Mecklenburg County Security Police</td>
<td>Communications and Information</td>
</tr>
<tr>
<td>2. Mecklenburg County Park &amp; Recreation</td>
<td>Swim for Life</td>
</tr>
<tr>
<td>3. Trial Court Administrator’s Office</td>
<td>Interactive Jury Website</td>
</tr>
<tr>
<td>4. Energy Committed to Offenders, Inc.</td>
<td>Offender Resource Development</td>
</tr>
<tr>
<td>5. Summit House Charlotte</td>
<td>Building Community Supports</td>
</tr>
<tr>
<td>6. City of Charlotte Dispute Settlement</td>
<td>Mecklenburg County Child Dependency Mediation</td>
</tr>
</tbody>
</table>

(13) CANIPE PARK SITE – JOINT USE AGREEMENT

(1) Approve Tri-party Joint Use Agreement between the County, Charlotte-Mecklenburg Board of Education and the Town of Huntersville for the Canipe Park Site Property, and (2) Authorize the County Manager to negotiate and execute a lease amendment with the Town of Huntersville to (a) include property to be acquired from the Board of Education and (b) extend the lease term until 2044.

Note: The subject property (Joint Site) is located on Beatties Ford Road at Bud Henderson Road and includes 42 County-owned acres and 61 Board of Education-owned acres where Bradley Middle School is now located. The subject agreement addresses the joint planning and development of a park site and the eventual addition of an elementary school facility on the 103 acres comprising the Joint Site.

(15) CAPITAL PROJECT ORDINANCE – PARK AND RECREATION

Adopt the Park and Recreation Facilities Approved in November 2, 2004 Referendum capital project ordinance to provide budgetary authority for the park and recreation projects approved for the upcoming bond sale.

Ordinance recorded in full in Minute Book 42-A, Document # ____.

(16) RIGHT OF REFUSAL RELATING TO LAND OWNED BY CENTRAL PIEDMONT COMMUNITY COLLEGE

Waive the County’s right to use property on Central Piedmont Community College’s Levine Campus at which the Joe Hendrick Center for Automotive Technology is planned.

(18) SHERIFF’S OFFICE – APPROVE 75 UNFUNDED POSITIONS

Approve 75 detention officer positions for the Sheriff’s Office to utilize while officers are in Detention Officer Certification Course.

Note: The approval of these 75 non-funded positions will allow flexibility in hiring to assure a pool of qualified detention officers are trained and ready for assignment as vacancies occur within the facilities.

THIS CONCLUDED ITEMS APPROVED BY CONSENT
(14) RENAMING OF THE NEW ENDERLY RECREATION CENTER AND NAMING OF AN INTERNAL ROOM AT THE CENTER

Motion was made by Commissioner Woodard, seconded by Commissioner Rembert and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve renaming of the Enderly Recreation Center to the Bette Rae Thomas Recreation Center and approve an internal room to be named for Mr. Herbert William Weathers.

Commissioner Woodard removed this item from Consent for more public awareness.

(17) ECONOMIC DEVELOPMENT GRANT AGREEMENT

Motion was made by Commissioner Mitchell seconded by Commissioner Clark and carried 8-1 with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes and Commissioner Bishop voting no, to authorize the County Manager to execute an economic development grant agreement with EpiCenter Associates, LP for the redevelopment of the Old Convention Center based on the terms and conditions previously approved by the Board.

Commissioner Bishop removed this item from Consent in order to get answers to questions he had.

General Manager Bobbie Shields addressed those questions.

Commissioner Bishop noted that part of his opposition to this proposal was because the County has no control or contractual entitlement to see a certain type of development built on this property.

STAFF REPORTS AND REQUESTS

(19) VOLUNTARY OZONE CONTROL PROGRAM

The Board received information regarding the status of the Charlotte Chamber of Commerce proposal to partner with city and county government to promote and enact voluntary actions by local business to reduce air pollution and improve air quality.

The report was given by Leslie Rhodes with the County’s Air Quality Division, David Franchino and John Brown of the Chamber. The following was noted:

- The Chamber has developed a voluntary proposal for a Transportation Management Program that partners the business community, the County and the City of Charlotte to get measurable air quality benefits.
- The proposal hinges on federal funding, which is Congestion, Mitigation, and Air Quality funding that is locally allocated and can be granted through a local grant application process through the Mecklenburg Union Metropolitan Planning Organization (MUMPO).
- Mecklenburg County’s Air Quality Division is supportive of the Chamber’s proposal.
- The Chamber’s proposal employs similar targets, goals and strategies as the Air Quality Division’s previous proposal.
- The Chamber’s proposal leverages the commitment that the County and others have worked on gaining from the business community and the Chamber.
- The proposal focuses on a business to business relationship, more so than government to business.

Commissioner Roberts also addressed this issue. She noted the results of the Board’s Natural
Resources Committee meeting and recommendation to support the Chamber’s proposal.

Motion was made by Commissioner Roberts, seconded by Commissioner Puckett and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to adopt the following resolution:

RESOLUTION
of the MECKLENBURG BOARD of COUNTY COMMISSIONERS
in support of A REGION-WIDE TRANSPORTATION DEMAND MANAGEMENT PROGRAM

WHEREAS the National Ambient Air Quality Standards (NAAQS) were established to be protective of human health and the environment; and

WHEREAS Mecklenburg County has violated, and is in violation of the one hour and eight-hour ozone standard; and

WHEREAS failure to attain the ozone standard will have detrimental affects on the region such as unhealthful air for citizens of Mecklenburg County, increased health care costs, difficulty in achieving “conformity” adversely affecting transportation projects, difficulty in attracting industry and citizens to the region, flight of industry and citizens to a cleaner environment, heavier and more costly regulation of small business and individuals; and

WHEREAS the federal and state government’s have adopted and implemented rules to reduce ozone levels and computer modeling has shown reduction in nitrogen oxide (NOx) and volatile organic compounds (VOCs) emissions from mobile, area and stationary sources to be an essential component to achieving healthful levels of ozone; and

WHEREAS on March 29, 2001, the Mecklenburg County Board of Commissioners adopted a “Clean Air Policy” for Mecklenburg County, as follows:

Mecklenburg County wishes to achieve and maintain clean healthful air as determined by national, state and local ambient air quality standards for the well being of its citizens and the economic vitality of this community and shall act proactively at the county level to achieve this goal; and established a representative stakeholder group charged to: (i) identify and prioritize specific issues relative to improvement of air quality in Mecklenburg County, (ii) develop a consensus set of principles and emission reduction measures to be considered by the Board, and (iii) present recommendations for action on these matters to the Board of Commissioners within 180 days from the date of appointment; and

WHEREAS on May 21, 2002, the Mecklenburg County Board of Commissioners received and endorsed the Breathe Stakeholder recommendations; and

WHEREAS the Mecklenburg County Board of Commissioners believes that it is essential for Mecklenburg County to implement local measures as an integral part of a federal, state and local ambient air quality attainment strategy.

RESOLVED by the Mecklenburg Board of County Commissioners that the Board supports the use of local federal Congestion Mitigation and Air Quality funds in sufficient amounts and for sufficient time to adequately fund and effectively implement the region-wide transportation demand management program proposal of the Charlotte Chamber of Commerce in partnership with Mecklenburg County and City of Charlotte.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(20) CORE VALUES AND STANDARDS FOR CHILDREN IN MECKLENBURG COUNTY

Commissioner Clarke asked the Board to again go on record and endorse the County’s Statement of “Core Values and Standards for Children in Mecklenburg County.” Commissioner Rembert joined Commissioner Clarke in making this request of the Board.
Mr. Bob Simmons, on behalf of the Council for Children spoke in support of the Core Values.

Motion was made by Commissioner Clarke, seconded by Commissioner Rembert to endorse the County’s Statement of “Core Values and Standards for Children in Charlotte-Mecklenburg.”

Substitute motion was made by Commissioner Puckett, seconded by Commissioner Bishop, to endorse the County’s Statement of “Core Values and Standards for Children in Charlotte-Mecklenburg” with the following amendments:

1. That the statement “All children in Mecklenburg County have a “right” to expect that:” be changed to read “that we the Mecklenburg Board of County Commissioners support the following guiding principles.”
2. To delete the words “from birth to adulthood” from the statement that reads, “They will have opportunities, from birth to adulthood, for free and appropriate education.”
3. To change the bullet point under the statement in #2 that reads “Small Class Sizes” to “Appropriate Class Sizes.”
4. To change the bullet point underneath Economic Security that reads “Parental access to Livable Wage Jobs” to “Parental access to meaningful employment.”
5. To add under the heading of Community Activities, a bullet point entitled “Religious Activities.”

Commissioner Bishop offered an amendment to the substitute motion that was accepted by Commissioner Puckett, maker of the substitute motion. The amendment was to change the preamble statement of the Core Values and Standards that reads “All children in Mecklenburg County have a right to expect that:” to read, that “Every child has the right to be born into a stable two parent family and that Government, while it will attempt to provide these other things, cannot satisfactorily replace the traditional nuclear family in the provision of these things.”

The vote was taken on the substitute motion as amended and failed 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting no and Commissioners Bishop, James, and Puckett voting yes.

The vote was then taken on the original motion and carried 7-2 with Commissioners Clarke, Helms, James, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop and Puckett voting no, which was to endorse the County’s Statement of “Core Values and Standards for Children in Charlotte-Mecklenburg.”

Core Values and Standards for Children in Charlotte-Mecklenburg

In Mecklenburg County, we have minimum standards for our air and water, our cars, even our lawn mowers. What about standards for raising happy, healthy children? The community was asked, “What does it take to enable children to reach their full potential as an adult and become responsible citizens?” The community responded that the following Core Values are “absolutely necessary.”

ALL children in Mecklenburg County have a right to expect that:

- They will have adults who will provide them with affection, a positive role model and concern for their present and future needs.
- They will have opportunities, from birth to adulthood, for free and appropriate education.
- They will not suffer needlessly or be constrained by a lack of health care.
- They will feel safe at home, in their neighborhoods and in their schools; the justice system will protect and advocate for them.
- They will have opportunities to develop emotional strength.
- They will have sufficient food, shelter and clothing for their needs, and the adults in their lives will support them.
- They will have places to go and things to do that involve them in their community.
- They will be the priority of the entire community.
A copy of the full Statement of Core Values and Standards is recorded in full in Minute Book 42-A, Document #_______.

(21) 2005 BOARD COMMITTEES

Motion was made by Commissioner Roberts seconded by Commissioner Clarke and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to receive as information the 2005 Board Committee membership and schedule for 2005.

Note: The purpose of committees is to provide thorough study, discussion, and consideration of issues affecting Mecklenburg County and to make recommendations to the full Board. The Board of County Commissioners may refer an issue to one of the committees; topics may also originate in one of the committees and then be placed on an agenda for a regular Board meeting.

Committees will meet once a month on either the first or third Tuesday. Ad hoc committees will meet as necessary.

The 2005 committees are:

- **Youth & Families Committee**
  
  This committee is responsible for making recommendations that help Mecklenburg residents become self-sufficient and have equal access to services.
  
  Chair: Valerie Woodard
  
  Members: Dumont Clarke, Bill James, Wilhelmenia Rembert

- **Effective & Efficient Government Committee**
  
  This committee is responsible for making recommendations that support Mecklenburg County providing services in a highly effective, efficient and inclusive manner, and be accountable for results.
  
  Chair: Dumont Clarke
  
  Members: Dan Bishop, Wilhelmenia Rembert, Jennifer Roberts

- **Community Health & Safety Committee**
  
  This committee is responsible for making recommendations to make the community healthier and safer.
  
  Chair: Norman Mitchell
  
  Members: Bill James, Jim Puckett, Valerie Woodard

- **Natural Resources Committee**
  
  This committee is responsible for making recommendations that support Mecklenburg County having a vibrant and diverse economy, while protecting its normal resources and enhancing the quality of life.
  
  Chair: Jennifer Roberts
  
  Members: Dan Bishop, Norman Mitchell, Jim Puckett

The 2005 ad hoc committees are:

- **Economic Development Committee**
  
  This committee is responsible for making recommendations that contribute to business and job growth in Mecklenburg County.
  
  Chair: Jennifer Roberts
  
  Members: Dan Bishop, Norman Mitchell, Jim Puckett

- **Education Liaison Committee**
  
  This committee is responsible for recommending processes and practices that foster positive communication and working relationships between elected and appointed
officials of Mecklenburg County, Charlotte-Mecklenburg Schools and Central Piedmont Community College.
Chair: Wilhelmenia Rembert
County Members: Dan Bishop, Norman Mitchell, Jim Puckett

- **Community Building Committee**
  *This committee is responsible for making recommendations that build the community’s capacity to meet the needs of a diverse population, and to increase the appreciation of different ethnicities and cultures as valued parts of the community.*
  Chair: Jennifer Roberts
  Members: Bill James, Norman Mitchell, Valerie Woodard

- **Compensation Committee**
  *This committee will review the compensation of the County Manager.*
  Chair: H. Parks Helms
  Members: Jim Puckett, Dumont Clarke, Wilhelmenia Rembert

Motion was made by Commissioner Roberts seconded by Commissioner Clarke and unanimously carried with Commissioners Bishop, Clarke, James, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve revisions to the Standard Operating Procedures for Board committees to allow the Chairman, who is an ex-officio member of each Board Committee, to serve as a voting member.

*Standard Operating Procedures are recorded in full in Minute Book 42-A, Document #__.*

### 2005 BOARD LIAISON ASSIGNMENTS

The Board receive as information Board Liaison Assignments as assigned by the Chairman.

<table>
<thead>
<tr>
<th>Major Committees</th>
<th>Commissioners</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advocates for Education</td>
<td>Jennifer Roberts</td>
</tr>
<tr>
<td>Arts and Science Council</td>
<td>H. Parks Helms</td>
</tr>
<tr>
<td>Building Development Commission</td>
<td>Jim Puckett</td>
</tr>
<tr>
<td>Charlotte Regional Partnership</td>
<td>H. Parks Helms</td>
</tr>
<tr>
<td>Capital Budget Advisory (2)</td>
<td>Norman A. Mitchell, Sr. – Dan Bishop</td>
</tr>
<tr>
<td>Centralina Council of Governments (1+1)</td>
<td>Dumont Clarke – Jennifer Roberts (Alt.)</td>
</tr>
<tr>
<td>Charlotte Area Fund</td>
<td>Norman A. Mitchell, Sr.</td>
</tr>
<tr>
<td>CM Housing Partnership</td>
<td>Jennifer Roberts</td>
</tr>
<tr>
<td>Child Fatality Prevention Team</td>
<td>Valerie Woodard</td>
</tr>
<tr>
<td>Education Budget Advisory Comm.</td>
<td>Wilhelmenia Rembert</td>
</tr>
<tr>
<td>Fighting Back (2)</td>
<td>Norman A. Mitchell, Sr. – Bill James</td>
</tr>
<tr>
<td>Human Services Council (2)</td>
<td>Bill James – Norman A. Mitchell, Sr.</td>
</tr>
<tr>
<td>Planning Liaison (3)</td>
<td>Dan Bishop- Dumont Clarke- Norman A. Mitchell, Sr.</td>
</tr>
<tr>
<td>MUMPO (1+1)</td>
<td>Dumont Clarke – Jennifer Roberts (Alt)</td>
</tr>
<tr>
<td>Marine Commission</td>
<td>Jim Puckett</td>
</tr>
<tr>
<td>Smart Start</td>
<td>Bill James</td>
</tr>
<tr>
<td>Veterans Services</td>
<td>Norman A. Mitchell, Sr.</td>
</tr>
<tr>
<td>Women’s Commission</td>
<td>Valerie Woodard – Jennifer Roberts</td>
</tr>
<tr>
<td>WTVI</td>
<td>Dan Bishop</td>
</tr>
</tbody>
</table>

### CERTIFICATION OF LOCAL APPROVAL FOR NON-PROFILE ORGANIZATION

Motion was made by Commissioner James seconded by Commissioner Mitchell and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to authorize the Chairman to sign the “Certification of Local Government Approval for Non-Profit Organizations” which authorizes the following agencies to apply directly to the North Carolina Department of Health and Human Services
Office of Economic Opportunity, for FY 2005 Emergency Shelter Grants Program Funding (July 1, 2005-June 30, 2006): Charlotte Emergency Housing, Crisis Assistance Ministry, The Youth Network, the Salvation Army Women’s and Children’s Shelter, the Shelter for Battered Women, and the Uptown Men’s Shelter.

Certification Statement recorded in full in Minute Book 42-A, Document #_____.

(24) UNRESTRICTED CONTINGENCY ALLOCATION

Motion was made by Commissioner Rembert, seconded by Commissioner Mitchell and carried 8-1 with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes and Commissioner Bishop voting no, to approve the allocation of $10,000 from unrestricted contingency for The Echo Foundation 2004-2005 initiative: “A Gathering of Nobel Laureates: Science for the 21st Century” with the stipulation the County be provided at table at the event for any Board Members that wish to attend.

ADJOURNMENT

Motion was made by Commissioner Mitchell, seconded by Commissioner Woodard, and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:07 p.m.

____________________  __________________________
Janice S. Paige, Clerk          H. Parks Helms, Chairman
MINUTES OF CLOSED SESSION OF
MECKLENBURG COUNTY BOARD OF COMMISSIONERS

JANUARY 19, 2005  5:00 P.M.

The Board of Commissioners of Mecklenburg County, North Carolina, met in Closed Session in the Charlotte-Mecklenburg Government Center during its Regular Meeting held Wednesday, January 19, 2005. These Closed Session minutes are part of the minutes of that meeting and should be read in that context.

Also Present: General Manager Bobbie Shields, Assistant to the County Manager Michelle Lancaster, Budget and Management Director Hyong Yi, Finance Director Harry Weatherly, Kathy Scott and Trevor Minor with the County Manager’s Office, Terry Orrell with the Charlotte Chamber of Commerce, Mayor Randy Kincaid, Mayor Kim Phillips, Mayor Gary Knox, Town Manager Leamon Brice and Mark Heath with the Lake Norman Chamber of Commerce.

(2A1) BUSINESS LOCATION AND EXPANSION

The Board received a report regarding a business that is considering locating and/or expanding in Mecklenburg County.

The report was given by General Manager Bobbie Shields. The following was noted:

Project Description: Prairie Packaging Incorporated is a Bedford Park, Illinois based company that designs, manufactures and markets a line of over 1,600 disposable plastic (including foam) dinnerware products for a broad base of foodservice customers throughout the US and in select foreign markets. It is Prairie’s intent to construct a “Southeast hub” in Mecklenburg County, ultimately comprising 700,000 square feet of manufacturing and distribution space. Prairie expects the facility to become operational in the 1st quarter of 2006.

Employment: Prairie currently employs 1,500 individuals and is expected to create 400 new jobs in Mecklenburg County over 10 years.

Number of Jobs Created or Safeguarded: It is estimated that 400 new jobs with an average annual salary of $32,000 will be created here.

State Incentives: The State of North Carolina Department of Commerce has awarded Prairie a Jobs Development Incentive Grant (JDIG) to help facilitate the completion of the project in this state.

Mecklenburg County / Town Government Proposed Incentives: A business investment grant equal to 50% of tax assessment over a 9-year period. The company must pay taxes on the new investment before receiving the investment grant. The business investment grant agreement would include a “clawback” provision that would require the Company to repay grant amounts if they do not meet grant requirements.
Other: Prairie requests confidentiality so it can appropriately inform its employees about any relocation/expansion decisions.

*Commissioner James left Closed Session and absent until noted in the minutes.*

Motion was made by Commissioner Rembert, seconded by Commissioner Mitchell and carried 7-1 with Commissioners Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes and Commissioner Bishop voting no, to authorize and direct the County Manager to negotiate an Economic Development Incentive Grant Agreement with Prairie Packaging Incorporated reducing the new tax assessment by 50% over a nine-year period.

Prior to the above vote, Commissioner Bishop noted his opposition. He said that he viewed this as a shift in the cost of government from business to the taxpayer. He said he viewed this as “reckless government policy for perceived economic development.”

Chairman Helms again noted that currently no taxes are being generated off of this property.

General Manager Shields noted that this matter would come back to the Board.

Motion was made by Commissioner Mitchell, seconded by Commissioner Bishop and carried 8-0 with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to end Closed Session.

Janice S. Paige, Clerk

H. Parks Helms, Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, February 1, 2005.

ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners J. Daniel Bishop, Dumont Clarke, Bill James, Norman A. Mitchell, Sr., Jim Puckett, Wilhelmenia I. Rembert, Jennifer Roberts and Valerie C. Woodard
County Manager Harry L. Jones, Sr.
County Attorney Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent: None.

-INAFORMAL SESSION-

(1) STAFF BREFING – NONE
(2) CLOSED SESSION - NONE
(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified items they wanted removed from consent and voted upon separately. The items identified were Items 13, 15, 16, 17, and 22.

The Board then proceeded to the Meeting Chamber for the remainder of the meeting.

-FORMAL SESSION-

Invocation was given by Commissioner Clarke, which was followed by the Pledge of Allegiance to the Flag.

CITIZEN PARTICIPATION

(1) PROCLAMATIONS AND AWARDS - NONE

(2) PUBLIC APPEARANCE

The following person appeared to speak during the Public Appearance portion of the meeting:

Jack Stratton addressed the removal of his children from his home by the County’s Department
of Social Services. He noted a tape recording that was made in October 2001 of a conversation between his wife and Gaston County Deputy Seagal, however Deputy Seagal was not aware that the conversation was being recorded. He said on the recording Deputy Seagal comments on how well his children were doing and that in her opinion there were no reasons why they should be removed. He said Deputy Seagal also raised the issue of Mecklenburg County’s jurisdiction rights. Mr. Stratton said Commissioners at that time publicly stated that his children were in “grave danger.” He said Commissioner Woodard stated in the Charlotte Observer that she was “just glad that my children were saved in the nick of time.” He said Commissioner Helms said on WBT that his children “would have been dead if they had not been taken.” He said that Commissioner Helms also said what Mr. Stratton was doing in his home was worst than “child sexual abuse.” Mr. Stratton said someone was not telling the truth, either Deputy Seagal or the Board. He said that he would have to side with Deputy Seagal. Mr. Stratton called for an independent investigation of the Board. He said the remarks made were “liable and slander” and an “obstruction of justice” as it relates to his case.

(3) APPOINTMENTS

Commissioner Clarke left the dais and was away until noted in the minutes.

WASTE MANAGEMENT ADVISORY BOARD

Motion was made by Commissioner James, seconded by Commissioner Puckett and carried 8-0 with Commissioners Bishop, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to re-appoint Walter G. Bauer to the Waste Management Advisory Board as recommended by Charlotte City Council for a three-year term expiring September 30, 2007.

Motion was made by Commissioner Puckett, seconded by Commissioner James and carried 8-0 with Commissioners Bishop, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to appoint Brett Rhinehardt to the Waste Management Advisory Board as recommended by Charlotte City Council for a three-year term expiring February 1, 2008.

INFORMATION SERVICES & TECHNOLOGY COMMITTEE

The vote was taken on the following nominees for appointment to the Information Services and Technology Committee:

Deborah E. Bell    None
Ralph Boral        Commissioners Bishop, Helms James, Mitchell, Puckett, Rembert, Roberts, and Woodard
John R. Carson     None
Susan Ellis        None
Anne Marie Giuriceo None
John Lillard       Commissioners Bishop, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard

Voting Ceased

Scot McMillian
Nick Vilord

Chairman Helms announced that Ralph Boral and John Lillard were appointed to the Information Services and Technology Committee for three-year terms expiring February 8, 2008.

They are replacing Thomas Luttrell and Joel Zimmerman.

WOMEN’S COMMISSION
The vote was taken on the following nominees for appointment to the Women’s Commission:

Marcia Brown   None
Diann S. Cockerham   None
Pamela H. Hemphill   Commissioners Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard
Natheley McElrath   Commissioners Bishop, Helms, Mitchell, Rembert, Roberts, and Woodard

Voting Ceased

Debra Nesbitt
Ruby G. Odom
Sona T. Oliver
Evita D. Pierce
LaShonda Sparks

Chairman Helms announced that Pamela Hemphill was appointed to the Women’s Commission to fill an unexpired term expiring October 31, 2005 and Natheley McElrath for a three-year term expiring December 4, 2007.

They are replacing Pat Schulz and Paula Little.

(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS - NONE

(6) RECEIVE MANAGER'S REPORT - NONE

CONSENT ITEMS

Motion was made by Commissioner Puckett, seconded by Commissioner James and carried 8-0 with Commissioners Bishop, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve the following item(s) with the exception of Items 13, 15, 16, 17, and 22 to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Budget/Public Policy Meeting held January 11, 2005; Regular Meeting held January 19, 2005; and Closed Session Minutes of January 19, 2005.

(8) INSURANCE REIMBURSEMENTS

Approve, recognize and appropriate insurance reimbursement funds in the amount of $2,469.00 for General Services, $2,000.00 for Land Use & Environmental Services, and $62,081.00 for Park & Recreation for stolen and damaged items.

(9) AREA MENTAL HEALTH AUTHORITY SECOND QUARTER FY 2005 REPORT

Recognize and receive the Second Quarter 2005 Area Mental Health Authority Report.

Financial Management:
### Revenues

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>Budgeted Revenue</th>
<th>Actual Revenue</th>
<th>% Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicaid</td>
<td>$21,124,249</td>
<td>$5,031,134</td>
<td>24%</td>
</tr>
<tr>
<td>Medicaid - CAP</td>
<td>2,280,024</td>
<td>623,499</td>
<td>27%</td>
</tr>
<tr>
<td>State and Federal</td>
<td>26,932,040</td>
<td>8,900,769</td>
<td>33%</td>
</tr>
<tr>
<td>State - CTSP</td>
<td>1,919,607</td>
<td>169,124</td>
<td>9%</td>
</tr>
<tr>
<td>State - MR/MI</td>
<td>2,367,823</td>
<td>808,432</td>
<td>34%</td>
</tr>
<tr>
<td>Third Party/Other</td>
<td>459,919</td>
<td>163,966</td>
<td>36%</td>
</tr>
<tr>
<td>Grants</td>
<td>2,888,612</td>
<td>1,740,596</td>
<td>60%</td>
</tr>
<tr>
<td>County</td>
<td>36,181,344</td>
<td>15,793,144</td>
<td>44%</td>
</tr>
<tr>
<td><strong>Total Revenue</strong></td>
<td><strong>94,153,616</strong></td>
<td><strong>33,230,664</strong></td>
<td><strong>35%</strong></td>
</tr>
</tbody>
</table>

### Expenditures

<table>
<thead>
<tr>
<th>Service Continuum</th>
<th>Budgeted Expenditures</th>
<th>Actual Expenditures</th>
<th>% Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children's Developmental Services</td>
<td>6,291,814</td>
<td>5,231,545</td>
<td>35%</td>
</tr>
<tr>
<td>Child &amp; Adolescent Services</td>
<td>20,607,728</td>
<td>5,535,864</td>
<td>27%</td>
</tr>
<tr>
<td>Adult Mental Health</td>
<td>7,240,014</td>
<td>3,478,177</td>
<td>48%</td>
</tr>
<tr>
<td>Adult Substance Abuse</td>
<td>12,289,315</td>
<td>4,860,039</td>
<td>40%</td>
</tr>
<tr>
<td>Local Management Entity</td>
<td>15,007,243</td>
<td>4,132,091</td>
<td>28%</td>
</tr>
<tr>
<td>BHC Randolph</td>
<td>14,468,454</td>
<td>6,318,744</td>
<td>44%</td>
</tr>
<tr>
<td>Developmental Disabilities</td>
<td>18,249,050</td>
<td>6,694,204</td>
<td>37%</td>
</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td><strong>94,153,618</strong></td>
<td><strong>33,230,664</strong></td>
<td><strong>35%</strong></td>
</tr>
</tbody>
</table>

Actual revenue is lower than anticipated at the end of the second quarter. A new information system for the Local Management entity was brought up during the second quarter and as a result billing was temporarily suspended. Revenues are anticipated to be back on track by next quarter.

_A copy of the full report is on file with the Clerk to the Board._

### (10) FUNDING AGREEMENT - LOW IMPACT DESIGN PROJECT

1) Recognize, receive and appropriate $300,000 from the City of Charlotte for the Low Impact Design Project and carry forward such funds until project is complete.

2) Authorize the County Manager to negotiate and execute the Funding Agreement for Low Impact Design Storm Water Quality Improvements for Shops on Freedom Drive.

### (11) HOME AND COMMUNITY CARE GRANT ADVISORY COMMITTEE

Appoint to the following persons as members of the Advisory Committee for the Home and Community Care Block Grant for Older Adults as recommended:

- Ms. Jen Aligre
  - Community Health Services
  - East Towne Manor Rest Home

- Ms. Priscilla Bridges, Director
  - Mr. Charles E. Butler
  - Charlotte Center for Aging Services

- Ms. Rita C. Arundell
  - Senior Resources
  - Mr. Phil Cooley, President
  - HomeWatch Caregivers

- Ms. Trena Palmer#
  - Executive Director
  - HomeWatch Caregivers

- Ms. Nancy Averick
  - Helen Lipman#
  - Ms. Judy Dorminey
DSS-Services for Adults

Ms. Evelyn S. Berger     Ms. Valerie Egzibher
Senior Tar Heel Legislature     Executive Director
Legal Services for the Elderly

Mr. Jim Few     Ms. Evelyn Newman #
Ms. Joyce Freeman     Ms. Stephanie Noonan
Loving Touch Adult Day Care

Ms. Maryann Gilmore     Ms. Jennifer Pagano
Senior Resources     OpenCare

Ms. Jacqueline Glenn     Ms. Theo Robinson
Meck. County Health Departments

Dr. Lyndall Hare, Director     Dr. Dena Shenk, Director
CPCC Gerontology Program     Gerontology Program
UNC-Charlotte

Mr. Tom Haselden     Ms. Rhonda Gooden Taylor
Interim Director     Department of Social Services
Council on Aging

Mr. John Highfill #     Mr. Julian Underwood #
Department of Social Services

Ms. Peggy Hormberg     Ms. Chauna Wall
United Way of Central Carolinas, Inc.

Ms. Ruth Huey #     Ms. Gayla Woody #
Community Health NurseHall House     Centralina Area Agency on Aging

Mr. Nate Huggins     Ms. Liz Jordak
Blessed Assurance Adult Day Care     Executive Director
Mental Health Association of Central Carolinas

Ms. Pat Marcum
Executive Director
Love, INC

#Steering Committee Member

(12) TAX REFUNDS

Approve refunds to be made by the Finance Department as requested by the Tax Assessor in the amount of $79,583.74 resulting from clerical errors, audits and other amendments.

A list of the refund recipients is on file with the Clerk to the Board.

(14) LINCOLN HEIGHTS LAND ACQUISITION

Approve tax auction purchases of Tax Parcels 075-042-32, Unknown Owner and 075-043-03,
May Brown, owner, both on Irma Street, at $5,000 each.

Note: These parcels are for the Lincoln Heights Land Acquisition project.

(18) ARCHITECTURAL/ENGINEERING SERVICES FOR THE RENOVATIONS OF THE CARLTON WATKINS CENTER

Authorize the County Manager to negotiate a fee and execute a contract with MBAJ Architecture, for Architectural/Engineering Services for renovations of the Carlton Watkins Center. In the event negotiations with this firm are unsuccessful, the County Manager is authorized to negotiate a fee and execute a contract with Fryday & Doyne Architects & Interior Design.

(19) PARKING MANAGEMENT SERVICES – NEW GOVERNMENT DISTRICT PARKING DECK

Authorize the County Manager to negotiate and execute an agreement with Central Parking System of North Carolina, Inc. for management of the New Government District Parking Deck operations. In the event negotiations with this firm are unsuccessful, the County Manager is authorized to negotiate and execute an agreement with Preferred Parking Service, Inc.

(20) BEAVERDAM CREEK RESTORATION PROJECT

Authorize the County Manager to negotiate and execute an option agreement for a Permanent Conservation Easement with the State of North Carolina or its Agent and a Permanent Conservation Easement to the State of North Carolina within one year.

Note: The State of North Carolina has agreed to fund and manage a stream and wetland restoration project along a reach of Beaverdam Mile Creek where the County owns land. In order for the State to agree to fund and manage the Project, the County must enter into an option agreement for a permanent conservation easement prior to granting the State a Permanent Conservation Easement. This project would be similar to others already done by the County using State funds such as the Little Sugar Creek project in Freedom Park and Four Mile Creek at the Arboretum, except in this instance the option agreement will be held by the state’s Agent, Buck Engineering; the permanent easement will be held by the State. This easement/project makes allowance for future park site, greenway trail and sanitary sewer development.

Agreement recorded in full in Minute Book 42-A, Document # _____.

(21) GENERAL DISCLOSURE-COUNTY OFFICIALS

Receive as information the General Disclosure Form for Danny Diehl, Public Service & Information Director, which states that he has two children who are paid actors on The Mecklenburgers television show ($225 per show) that appears on WTVI.

Note: They are each paid as part of the overall talent invoice issued by JTA Talent Agency for the show.

(23) MIDTOWN SQUARE REDEVELOPMENT REZONING REGARDING LITTLE SUGAR CREEK GREENWAY

Authorize the County Manager to sign a written consent to the inclusion of the Greenway Parcels as part of the Rezoning Petition filed by Pappas Properties in order to change the zoning classification of the Greenway Parcels from B-2 to MUDD-O.
(24) INTERLOCAL AGREEMENT

Authorize the County Manager to enter into an Interlocal Agreement with Iredell County for the purpose of purchasing transportation software.

Note: This agreement will allow the Department of Social Services to obtain transportation software from a State-negotiated contract.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

Commissioner Clarke returned to the dais.

(15) TOBY CREEK LAND ACQUISITION

Motion was made by Commissioner Woodard, seconded by Commissioner Bishop and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve the purchase of Tax Parcels 049-201-01, 049-201-02, 049-201-03 and 049-201-04 off Rocky River Road West and Rockland Drive for $55,000.

Note: The subject 7.24-acre property is on Toby Creek within the Autumnwood subdivision in the Northeast Park District. The land will be preserved as greenway/open space.

Commissioner Woodard removed this item from Consent for clarification purposes. She asked if this was the floodplain area that the Autumnwood Community had inquired about in hopes of getting a greenway through that area?

Nancy Bryant with Real Estate Services response was yes.

(16) WATERFOWL MANAGEMENT PLAN – FREEDOM PARK

Motion was made by Commissioner Roberts, seconded by Commissioner Bishop and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve the proposed waterfowl management plan for Freedom Park and authorize the County Manager to prepare a park ordinance prohibiting the feeding of waterfowl on County property.

This matter was removed from Consent because Diana Travis signed up to speak to this matter.

Note: The Park and Recreation Department has developed a waterfowl management plan to address the overabundance of Canada geese in Freedom Park. On average, approximately 160 geese inhabit the park on a daily basis, resulting in significant economic and environmental impacts. The goals of this plan are to improve environmental conditions and aesthetics, to minimize damage to park facilities and to resolve human-goose conflicts by reducing the goose population through non-lethal management techniques.

Prior to the vote on this matter Commissioner Roberts, on behalf of the Board’s Natural Resources Committee, stated that the Committee’s recommendation to the Board was to support staff’s recommendation.

Steve Law with Park and Recreation also addressed this matter.

Ms. Travis offered the services of her company, Goose Busters! The Border Collie Patrol in addressing this matter of the geese in Freedom Park.

A copy of a handout provided by Ms. Travis is on file with the Clerk to the Board.
A copy of the Plan is on file with the Clerk to the Board.

(13) HISTORIC LANDMARKS COMMISSION – FEE SCHEDULE

Motion was made by Commissioner Bishop, seconded by Commissioner Puckett and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to recognize and approve a revised fee schedule for design review services provided by the Historic Landmarks Commission.

REVIEW FEE SCHEDULE

Review Fees are assessed when applications are submitted as part of permit issuance, resubmissions, disapproved applications and Express Reviews.

**Minor Works Application**

<table>
<thead>
<tr>
<th>Application</th>
<th>Review Fee</th>
<th>Express Review Fee</th>
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<tbody>
<tr>
<td>Minor Works Certificate of Appropriateness</td>
<td>$100.00</td>
<td>$200.00</td>
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</table>

*Note:* If the estimated construction cost for work included in a Minor Works Application exceeds $10,000 and/or is too complex for a Minor Works Review, the Historic Landmarks Commission staff reserves the right to require the submission of a Certificate of Appropriateness Application in addition to the Minor Works Application. The fee schedule for Certificate of Appropriateness Application would be applicable.

Express Review Fees are applicable when an applicant has missed the submission deadline and wishes for the application to be reviewed prior to the next Design Review Committee Meeting.

**Certificate of Appropriateness Application**

<table>
<thead>
<tr>
<th>Estimated Rehabilitation Cost</th>
<th>Review Fee</th>
<th>Express Review Fee</th>
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<tbody>
<tr>
<td>0 - $100,000</td>
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<td>$1,000.00 + $500/additional $500,000 value</td>
<td>$2,000.00 + $500/additional $500,000 value</td>
</tr>
</tbody>
</table>

Express Review Fees are applicable when an applicant has missed the submission deadline and wishes for the application to be reviewed and presented at the earliest Historic Landmarks Commission meeting.

Any Minor Works or Certificate of Appropriateness Application will be allowed two reviews within the basic fee structure. Any project exceeding two reviews would be subject to a Re-Review fee. A Re-Review fee of $125.00/hour will be charged for any application beyond a second review. The Re-review fee will be in addition to the standard and/or Express Review Fee.

Commissioner Bishop removed this item from Consent in order to get clarification on the specifics of the fee changes, particularly the amount of the increases. He also asked staff to provide information on how much revenue is expected to be raised to recover costs that previously has not been recovered.

County Manager Jones and Bryan Turner with Real Estate Services addressed this matter. It was noted that the fees are to be used for cost recovery and not revenue for programs. These fees have not been increased since 1973. It was further noted that the reason for the increase is because of the complexity of the applications and the size of the rehabilitation projects.

Commissioner Bishop asked the County Manager in the future to provide information on cost per transaction in order to get a better handle on the amount of revenue expected.
Commissioner Puckett noted that he would expect if more revenue is going to be generated on a fee basis that there would be a reduction in the amount coming out of the County’s general fund for Historic Landmarks.

(17) RESOLUTION SUPPORTING PROJECT BROOKWOOD

Motion was made by Commissioner Clarke, seconded by Commissioner Rembert and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to adopt a resolution in support of a $125,000 North Carolina Department of Transportation (NCDOT) funding application for Project Brookwood.

Note: Project Brookwood is a joint venture undertaken by the Towns of Huntersville, Cornelius and Davidson. The Towns are seeking $125,000 from the NCDOT to construct rail siding to improve industrial rail accessibility to the site.

This item was removed from Consent because someone had signed up to speak but they failed to appear.

Resolution recorded in full in Minute Book 42-A, Document #______.

(22) TAX COLLECTION AND ASSESSMENT SYSTEM

Motion was made by Commissioner Rembert, seconded by Commissioner Roberts and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to authorize the County Manager to negotiate and execute a contract with Intelligent Information Systems (IIS) for the purchase and implementation of a Tax Collection and Assessment System in the total amount of $2,320,342.00, with the total estimated project cost of $3,249,100.00.

Motion was made by Commissioner Rembert, seconded by Commissioner Roberts and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to authorize the County Manager to negotiate and execute a Letter of Agreement with Intelligent Information Systems (IIS) to allow the company to begin discovery, analysis and due diligence during contract negotiations.

Commissioner Rembert removed this item from Consent for clarification purposes. She inquired about the RFP process and MWBE participation.

Harry Weatherly, Finance Director stated that the RFP did not require MBWE participation. He stated that he believes it encouraged it. He noted further that there would be opportunities for subcontractors and consultant services during this project.

Attorney Bethune noted that the County does not have authorization to require under state law MWBE participation. He noted that the County does have what is referred to as a “good faith effort” program in order to provide opportunities to minority and women contractors.

Commissioner Rembert said although it’s not required, that the County should encourage and promote broad based participation and that staff should seek opportunities to do this without being asked or required.

STAFF REPORTS AND REQUESTS - NONE

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(25) RESOLUTION IN SUPPORT OF MEDICAID RELIEF FOR COUNTIES
COMMISSIONER MITCHELL) - ITEM WAS REMOVED FROM THE AGENDA

COMMISSION COMMENTS – General comments were made at this time by various Commissioners regarding upcoming events and/or events they attended, as well as, other matters which they deemed note worthy.

ADJOURNMENT

Motion was made by Commissioner Puckett, seconded by Commissioner Mitchell, and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 7:11 p.m.

Janice S. Paige, Clerk

H. Parks Helms, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COUNTY COMMISSIONERS

FEBRUARY 8, 2005 10:00 A.M.

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Session in Conference Center Room 267 on the 2nd floor of the Charlotte-Mecklenburg Government Center on Tuesday, February 8, 2005 at 10:00 a.m.

ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners J. Daniel Bishop, Dumont Clarke, Norman A. Mitchell, Sr. Wilhelmenia Rembert, Jim Puckett Jennifer Roberts and Valerie C. Woodard County Manager Harry L. Jones, Sr. Clerk to the Board Janice S. Paige

Absent: Commissioner Bill James

Commissioners Bishop, Puckett, and Roberts were absent when the meeting was called to order and until noted in the minutes.

Chairman Helms called the meeting to order and called upon County Manager Jones to outline the purpose of the meeting.

County Manager Jones stated that the purpose of the meeting was to follow-up with the Board per discussions that took place at the Board’s January Strategic Planning Conference. He said the Board would receive presentations from staff on Program Review and Priority Setting. Also, that the Board would be asked to rank those priorities.

Budget and Management Director Hyong Yi reviewed handouts and outlined the format of the meeting.

Commissioner Bishop entered the meeting during this time.

Program Review Briefing

The Board received an update from the Director of Planning and Evaluation Leslie Johnson on the results of the 2005 Program Review.

Commissioner Roberts entered the meeting during this time.

A copy of the report is on file with the Clerk to the Board.

The Board expressed concern and interest in the issue of regional planning. Commissioner Clarke noted that currently the Centralina Council of Governments (COG) is the main source or conduit for regional planning in the area. He said if there’s a desire to have COG do more in the area of regional planning it will require additional funding. Commissioner Clarke noted further that currently COG receives funding through the payment of dues, which are set by the state and from payments received for contracted services.

Priority Setting FY 2005-2006
General Manager John McGillicuddy addressed the FY 2005-2006 priority setting process that the Board would embark upon during the meeting. It was noted that these priorities will serve as the basis for the County Manager’s FY2006 Recommended Budget.

Commissioner Puckett entered the meeting during this time.

General Manager McGillicuddy noted that staff has defined priority setting in terms of managing for results, as prioritizing based on “value,” the value of the programs and services that the County provides. He said the Board was not being asked to prioritize based on needs or unmet needs. He said that was a separate process or exercise. He informed the Board, however, that if, after going through the prioritizing process there were needs that the Board wants consideration given to that they should inform the County Manager.

The Board then began the FY 2005-2006 priority setting process, which was facilitated by Anne Udall, Executive Director of the Lee Institute. The ranking was done by an electronic voting process. Chairman Helms noted that the votes cast were non-binding and that this was just a beginning step in the FY 05-06 budget process.

A record of the electronic votes are on file with the Clerk to the Board.

The Board recessed at 12:10 p.m. for lunch and reconvened at 12:45 p.m.

Priority Setting continued. The Board went through a list of 55 program categories and ranked each one on a scale of one (1) to seven (7) with one (1) being the highest priority.

At the conclusion of the process, it was the consensus of the Board to accept the final outcome of the ranking process.

It was noted that staff would formalize the results and provide that information to the Board.

A list showing the results of the program category ranking process is on file with the Clerk to the Board.

Wrap Up

In closing County Manager Jones referenced instructions that were given to departments last year in the preparation of their respective budgets. He said this year’s directive would be based upon what’s being foreseen in terms of revenue estimates and annualized expenses.

County Manager Jones asked the Board to identify for staff any program categories that members feel need to be addressed during the budget workshops, particularly those where the Board would like to see improved results. He asked Board members to provide that information to General Manager John McGillicuddy.

County Manager Jones asked the Board to keep in mind as they embark upon the budget process that it’s equally important to support the County’s basic infrastructure, such as information technology, program evaluation, and SOI, the Strategic Office of Improvement. County Manager Jones noted that this type of infrastructure is needed in order to continue to provide services to the Board and the public.

Chairman Helms asked about expected federal funding.

County Manager Jones said that based on past history as it relates to the adoption of federal and state budgets and revenue to be received that staff will be entering this year’s budget process with considerable unknowns.

Commissioner Clarke requested that last year’s ranking information be shown along with this year’s ranking, so that the Board can see how things have changed.
Chairman Helms, on behalf of the Board, complimented the County Manager and his staff for a job well done on structuring the Board’s FY 05 Strategic Planning Conference. Chairman Helms stated that it was one of the most productive that he’s ever participated in. Thanks was also expressed to Ms. Udall for her work and assistance.

Note: The above is not inclusive of every comment and/or question asked but reflects key points and requested follow-up.

ADJOURNMENT

There being no further business to come before the Board the meeting was declared adjourned at 3:40 p.m.

Janice S. Paige, Clerk

H. Parks Helms, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COUNTY COMMISSIONERS

FEBRUARY 14, 2005 1:00 P.M.

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Session in Conference Center Room 267 on the 2nd floor of the Charlotte-Mecklenburg Government Center on Monday, February 14, 2005 at 1:00 p.m.

ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners J. Daniel Bishop, Norman A. Mitchell, Sr. Jim Puckett and Jennifer Roberts County Manager Harry L. Jones, Sr. Deputy County Attorney Sandra Bisanar Clerk to the Board Janice S. Paige

Absent: Commissioners Dumont Clarke, Bill James Wilhelmenia Rembert and Valerie C. Woodard

The Board met informally with the Honorable Robert C. (Robin) Hayes, U.S. House of Representatives to discuss the upcoming federal appropriations process, local priorities, and other related matters.

The meeting was officially called to order at 1:25 p.m. There was no specific agenda.

General discussion took place on a variety of issues as noted below.

Air Quality

Chairman Helms, Commissioner Puckett, and Boyd Cauble with the City of Charlotte emphasized Charlotte/Mecklenburg’s need for help in terms of meeting the Clean Air 2010 compliance deadline. The following points were noted:

- Progress is being made, however, there still much to be done.
- The City of Charlotte is in partnership with the County in addressing the Air Quality issue.
- Unless neighboring counties, including those in South Carolina do something to combat the air quality issue then Mecklenburg County’s efforts are diminished somewhat.
- It’s not fair for two areas to be treated the same when one has done everything “humanly” possible to address the problem, and the other has done nothing.
- It was suggested that there needs to be a more realistic approach.
- Mecklenburg County is impacted by what occurs in South Carolina, especially in light of the amount of traffic that comes into Charlotte/Mecklenburg on I-77 from South Carolina. This often triggers a monitoring device that Mecklenburg County has located near the South Carolina/North Carolina border.

Congressman Hayes was asked could Charlotte/Mecklenburg receive some credits within the regulations for proactive measures that are being undertaken. His response was that he would “certainly think so.”

Congressman Hayes requested a joint one-page summary on the County and City view of the Clean Air Regulations, particularly as it relates to the 2010 compliance deadline. He asked that it not only address the threat of it alone but what the two bodies see in the regulations that may need to be revisited. He also requested information regarding the monitoring device located at
the South Carolina/North Carolina border off I-77.

Congressman Hayes said that it would probably be good for him to meet with EPA officials when he returns to Washington. He said in some ways EPA tends to operate in a vacuum.

Congressman Hayes said that everybody is very sensitive to environmental issues but at the same time, the question becomes how do we approach them in order to deal with them realistically in a “fair and balanced” way.

Transit

Commissioner Mitchell encouraged continued support of Charlotte’s transit issues.

Education

Chairman Helms addressed “No Child Left Behind” and its budgetary impact on both Charlotte-Mecklenburg Schools (CMS) and the County. He also addressed CMS growth and said that it’s going to take some creative measures to deal with it.

Chairman Helms asked Congressman Hayes to support Mecklenburg County in addressing this enormous issue through whatever resources that might be available through his office.

Economic Development

Chairman Helms addressed job creativity.

Congressman Hayes said areas must have an environment that attracts capital, a workforce, and good educational system.

Congressman Hayes said there would be more Dept. of Commerce funds available for economic development and other things this year. He said that he would love to tie the Board’s Economic Development Committee into the Comprehensive Economic Development (CED) Committee, which is through the Dept. of Commerce.

Commissioner Puckett commented on economic development and said that he was more interested in what could be done other than giving tax giveaways and deferrals.

Congressman Hayes said that the concept of tax incentives was a self-defeating process, even though you have to do a certain amount of it.

Commissioner Puckett noted the fine work of Central Piedmont Community College (CPCC) and how they contribute to economic development. He encouraged continued federal support of community colleges.

Medicaid

The issue of Medicaid was addressed. It was noted that the County’s share of Medicaid was a significant part of the County’s budget. Also, that assistance is being sought from the State to deal with this issue, which is really a combined state, local, and federal issue that has to be addressed.

County Manager Jones addressed proposed bills that are before the State General Assembly. County Manager Jones noted that North Carolina and the State of New York were the only two states that require any local match for Medicaid. County Manager Jones said he was concerned about the State’s ability to do any of the proposals before them in light of the budget that is before Congress.

Congressman Hayes said the President’s budget would be evaluated very carefully. He said the process was very competitive and that it comes down to a matter of priorities. He said the President was doing what “a hundred percent of the people of America have told him to do,
which is to slow, stop, cut the growth in federal spending.” He said there’s total agreement on that “get rid of the deficit,” however the next step is not quite as unanimous.

Chairman Helms said those on the local level understand the process but that as this is done, don’t mandate or shift that down to the local level because that does not solve the problem.

Congressman Hayes made the following statement:

"The take away for us here as it relates to the budget is that we count on you all. Each one of you has a number of hats that you wear, but you bring specialties to the table and as you evaluate the proposals both the proposals and as they begin to take shape, that helps us to focus again. … My fight is to lower the budget number as much as we can, not programs, not the departments, but the overall spending number.”

Congressman Hayes said once that spending number is established, he has no problem going after the money from other states. He said he feels North Carolina is very competitive and works to be even more competitive. He said if the money is going to be spent then it needs to be spent where it will get the most good and generate the most results when it comes to economic development.

Veterans

Commissioner Mitchell addressed the need for more federal assistance for veterans that will be returning from the war. He acknowledged and expressed appreciation for the death benefit being increased.

Social Services

Commissioner Bishop addressed local spending on Social Services and questioned the success of Welfare Reform. He said over the last thirty years families have disintegrated. Commissioner Bishop said he doesn’t see where much can be done locally to change the conditions that exist as long as the federal government and state government to a degree have programs that are designed to maintain people at a subsistence existence for their entire lives and their children continue in their footsteps.

Congressman Hayes response was that Welfare Reform was still taking place and that it was up for renewal. He said that there’s no better social program “in the world than a good job.”

Congressman Hayes said that another big issue that he continues to hear about is the whole constitutional marriage issue. He said until “we protect and defend marriage and take a very strong stand that marriage is the fabric of society when we weave this cloth together, then it’s not possible for everybody and can’t happen for everybody.” He said if people want to be single then that’s fine also. He said a two-parent family working together to help those children get a good start is when you have a nucleus where welfare reform is most effective. He said it was troubling to him that there is a movement by a group of people who are not telling the truth and trying to come in and undo the abstinence until marriage education. He said it disturbs him when he sees people misrepresenting what the Bill is designed to do. He said abstinence until marriage is the expected standard of behavior. He said he hopes through faith-based initiatives and other ways of working together that those social issues can be addressed.

Commissioner Bishop left the meeting.

Chairman Helms asked Congressman Hayes were there any sanctions attached?

Congressman Hayes said there were no sanctions. He said that you encourage it as the expected standard of behavior.

Commissioner Puckett said one of his concerns is that government comes behind and perhaps out of compassion tends to fund the alternative to that.
Commissioner Roberts said that in our changing society the family has a lot of different definitions. She said she knows a lot of two-parent families that are dysfunctional. She said a disservice is being done to other families when you start pointing fingers or define some of the social needs and problems based on the family unit being one-parent, two-parent, male/female, its socioeconomic status, etc. Commissioner Roberts said there are a lot people in circumstances beyond their control.

*County Manager Jones left the meeting at this time.*

Congressman Hayes said that he tries to be very careful not to do what Commissioner Roberts described because there are people who had no input on their circumstance.

Chairman Helms noted also that there are two-parent families that are not rearing their children properly. He said a lot of times these issues are so complex that it’s difficult to craft legislation that cures it.

Congressman Hayes agreed with both Commissioner Roberts and Chairman Helms. He said it’s going to take a societal decision.

Chairman Helms said that perhaps the faith community needs to take the lead on this.

**Immigration Policies**

Commissioner Roberts asked about immigration policies, specifically when it comes construction workers. Congressman Hayes stated that he could not speak for the President but from his perspective we cannot have illegals in the country and working illegally. Congressman Hayes said that he doesn’t see how amnesty can be granted to illegals.

This concluded the discussion.

Chairman Helms thanked Congressman Hayes for meeting with the Board.

*Note: The above is not inclusive of every comment and/or question asked but reflects key points and requested follow-up.*

**ADJOURNMENT**

There being no further business to come before the Board the meeting was declared adjourned at 2:13 p.m.

Janice S. Paige, Clerk

H. Parks Helms, Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, February 15, 2005.

ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners J. Daniel Bishop, Dumont Clarke, Bill James Norman A. Mitchell, Sr., Jim Puckett Wilhelmenia I. Rembert, Jennifer Roberts and Valerie C. Woodard County Manager Harry L. Jones, Sr. County Attorney Marvin A. Bethune Clerk to the Board Janice S. Paige

Absent: None.

Commissioner Clarke was absent when the meeting was called to order and until noted in the minutes.

-INFORMAL SESSION-

(2A)(2B) CLOSED SESSION LAND ACQUISITION AND CONSULT WITH ATTORNEY

Prior to going into Closed Session, Nancy Brunnemer with Real Estate Services announced the following land acquisition matters to be discussed in Closed Session:

Tax Parcels 075-043-38 and Tax Parcel 157-041-34.

Motion was made by Commissioner Puckett, seconded by Commissioner Woodard and carried 8-0 with Commissioners Bishop, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to go into Closed Session to discuss Land Acquisition and to Consult with Attorney with respect to the following litigation matters: Mecklenburg County vs. Bertha Lee, a condemnation matter and Mecklenburg County’s bankruptcy case involving US Airways and a number of related parties.

The Board went into Closed Session at 5:20 p.m. and came back into Open Session at 5:40 p.m.

Chairman Helms and Commissioner Woodard were present when the Board came back into Open Session. Chairman Helms left Closed Session prior to the discussion of Item 2B1 and Commissioner Woodard left Closed Session during the discussion of Item 2B1.

(1A) STAFF BREIFING - MANAGEMENT ISSUES

Chairman Helms and County Manager Jones addressed recommended procedures for Board members requesting staff research. It was the consensus of the Board to adopt these procedures as Board policy and that staff incorporate the procedures in the Board’s Policy Manuel.
It was noted that the Board’s Policy Manuel was in the process of being updated.

_A copy of the procedures presented is on file with the Clerk to the Board._

(3) **REMOVAL OF ITEMS FROM CONSENT**

The Board identified items they wanted removed from consent and voted upon separately. The items identified were Items 9, 11, 13, 15, 21, and 22.

_The Board then proceeded to the Meeting Chamber for the remainder of the meeting._

_Commissioner Clarke entered the meeting at this time._

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**-FORMAL SESSION-**

Invocation was given by Commissioner Clarke, which was followed by the Pledge of Allegiance to the Flag. The Pledge of Allegiance was lead by Scout Troop 232 from St. Thomas Aquinas Catholic Church.

**PROCLAMATIONS AND AWARDS**

(1A) **95th ANNIVERSARY OF BOY SCOUTS OF AMERICA AND 75th ANNIVERSARY OF CUB SCOUTS**

Motion was made by Commissioner Roberts, seconded by Commissioner Puckett and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to adopt a proclamation recognizing the 95th Anniversary of Boy Scouts of America and the 75th Anniversary of Cub Scouts.

_The proclamation was read by Commissioner Roberts and accepted by Michael Kennedy, Scout Leader for Troop 232 from St. Thomas Aquinas Catholic Church in the University City area._

_A copy of the Proclamation is on file with the Clerk to the Board._

(1B) **BLACK HISTORY MONTH**

Motion was made by Commissioner Woodard, seconded by Commissioner James and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to adopt a proclamation designating February 2005 as Black History Month in Mecklenburg County.

_The proclamation was read by Commissioner Woodard._

_A copy of the Proclamation is on file with the Clerk to the Board._

_Commissioner James left the dais and was absent for the remainder of the meeting._

(1D) **CHILD PASSENGER SAFETY WEEK 2005**

Motion was made by Commissioner Clarke, seconded by Commissioner Mitchell and carried 8-0 with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to adopt a proclamation designating February 13-19, 2005 as Child Passenger Safety
Week in Mecklenburg County.

The proclamation was read by Commissioner Clarke.

A copy of the Proclamation is on file with the Clerk to the Board.

(1C) SOIL AND WATER CONSERVATION SOCIETY AWARD

The Board recognized the Park and Recreation Department’s Division of Natural Resources for receiving the Unit of Government Award given by the Hugh Hammond Bennett Chapter (State of NC) of the Soil and Water Conservation Society.

Mike Cozza with Park and Recreation addressed the award and introduced the staff involved.

Note: This prestigious statewide recognition was awarded for the Division’s grassland, shrubland and prairie restoration initiatives. The Division currently manages 11 nature preserves totaling 5,200 acres, including 500 acres of early successional habitat.

(2A2) CLOSED SESSION LAND ACQUISITION

Motion was made by Commissioner Mitchell, seconded by Commissioner Rembert and carried 6-2 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop and Puckett voting no, to approve the purchase of Tax Parcel 157-041-34 (.141-acre) on Ellington Street from Willa Mae Cunningham and others for $20,000.

Note: This property is needed to expand the surface parking area at the Billingsley Road Complex and to provide a landscaped buffer between the institutional land use on the County’s land and the residential use along Ellington Street.

(2A1) CLOSED SESSION LAND ACQUISITION

Motion was made by Commissioner Rembert, seconded by Commissioner Mitchell and carried 8-0 with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve the purchase of Tax Parcel 075-043-38 at 1719 Catherine Simmons Avenue from James Taylor for $45,000.

Note: This property is needed as part of the assemblage for the Lincoln Heights neighborhood park site.

(2) PUBLIC APPEARANCE

The following person spoke during the Public Appearance portion of the meeting:

Jack Stratton appeared as a follow-up to his appearance at the Board’s meeting on February 1, 2005. He again referenced past remarks that he said Chairman Helms made regarding the removal of his children from his home. Mr. Stratton asked Chairman Helms was it still his position that Mr. Stratton’s children “would have been dead if they had not been taken” and that what Mr. Stratton was doing in his home was worse than “child sexual abuse?”

Chairman Helms’ response was that he and the Board were here to listen and not to get into a question and answer exchange.

Mr. Stratton continued. He questioned the accuracy of Chairman Helms’ past remarks. He stated that if Chairman Helms’ past remarks were true, then why is he still walking around because based on what was said he’s a felony child abuser and as such he should be locked up. He informed Chairman Helms that he had filed a state criminal complaint on him because of his past
remarks. Mr. Stratton stated that if he’s not arrested for being an alleged felony child abuser then he expects a public apology.

Chairman Helms thanked Mr. Stratton for his remarks.

(3) APPOINTMENTS

ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner Puckett, seconded by Commissioner Bishop and carried 8-0 with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to re-appoint Jennifer Nash and Barbara Watson to the Adult Care Home Community Advisory Committee for three-year terms expiring March 2, 2008.

Commissioner Puckett nominated Anita A. Zarey, who was the only applicant, for appointment to the Adult Care Home Community Advisory Committee.

An appointment will occur on March 1, 2005.

NURSING HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner Rembert, seconded by Commissioner Bishop and carried 8-0 with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to re-appoint Barbara Witt to the Nursing Home Community Advisory Committee for a three-year term expiring March 2, 2008.

Commissioner Puckett nominated the following persons for appointment to the Nursing Home Community Advisory Committee: Carl Murchland, Carolyn Patton, and Ronald Ritch.

Appointments will occur on March 1, 2005.

WASTE MANAGEMENT ADVISORY BOARD

Motion was made by Commissioner Roberts, seconded by Commissioner Woodard and carried 8-0 with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to re-appoint Christine Fisher and Lamar Gunter to the Waste Management Advisory Board for three-year terms expiring March 5, 2008.

Motion was made by Commissioner Rembert, seconded by Commissioner Mitchell and carried 8-0 with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to reappoint Christine Fisher as chair of the Waste Management Advisory Board for the duration of her term.

Commissioner Puckett nominated the following person, who was the only applicant, for appointment to the Waste Management Advisory Board: Jean Neal.

An appointment will occur on March 1, 2005.

(4) REAL ESTATE EXCISE TAX REFUND

Motion was made by Commissioner Mitchell, seconded by Commissioner Roberts and carried 8-0 with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to hold a hearing on a request by the Lighthouse Title Agency for reimbursement of North Carolina excise tax in the amount of $140.00.

Note: The Lighthouse Title Agency incorrectly filed a General Warranty Deed in Mecklenburg County that should have been recorded in Iredell County.
No one appeared to speak.

Motion was made by Commissioner Bishop, seconded by Commissioner Woodard and carried 8-0 with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to close the hearing on a request by the Lighthouse Title Agency for reimbursement of North Carolina excise tax in the amount of $140.00 and approve the request for reimbursement by Lighthouse Title Agency in the amount of $140.00.

(5) ADVISORY COMMITTEE REPORTS – NONE

(6) MANAGER’S REPORT – NONE

CONSENT ITEMS

Motion was made by Commissioner Rembert, seconded by Commissioner Roberts and carried 8-0, with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve the following item(s) with the exception of Items 9, 11, 13, 15, 21, and 22 to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held February 1, 2005.

(8) TAX REFUNDS

Approve refunds to be made by the Finance Department as requested by the Tax Assessor in the amount of $7,248.85 resulting from clerical errors, audits and other amendments.

A list of the refund recipients is on file with the Clerk to the Board.

(10) DESTRUCTION OF DOCUMENTS

Approve the disposal of the following LUESA records and plans in accordance with North Carolina records retention policies:

• 1 box of closed housing code and junk vehicle case files from 1998.
• 214 commercial project plans permitted in December 2002 and January 2003.

(12) DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION DEMONSTRATION GRANT

Recognize, receive and appropriate Department of Juvenile Justice and Delinquency Prevention (DJJDP) demonstration grant funds of $43,625 for intensive wraparound case management services to DSS/Alexander Youth Network as recommended by the Mecklenburg County Juvenile Crime Prevention Council.

(14) NORTH CAROLINA LITTER PREVENTION GRANT APPLICATION

1) Approve request to submit application for the North Carolina Litter Prevention Award sponsored by the NC Department of Transportation, Office of Beautification for Government Agency Category.
2) Recognize, receive and appropriate funds if awarded, and authorize the carry-forward of unspent funds at June 30, 2005 to FY2006.

(16) KILBORNE PARK – DESIGN CONTRACT AMENDMENT

Waive the Kilborne Park design services from the formal selection process for architectural work to allow Site Studio, the architectural firm selected under the informal selection process, to complete the design work for the now expanded scope of the project; and authorize the County Manager to negotiate a contract amendment with Site Studio.

(17) CAPITAL RESERVE FUND FOR THE TRADITION PUBLIC GOLF COURSE

Approve establishing a capital reserve ordinance for The Tradition Public Golf Course effective July 1, 2005.

*Ordinance recorded in full in Minute Book 42-A, Document # ____.*

(18) RAY’S SPLASH PLANET – USE OF CAPITAL RESERVE FUNDS

Recognize, receive and appropriate $15,000 from fees for electrical and structural repairs to RAY’s Splash Planet.

(19) MECKLENBURG COUNTY AQUATIC CENTER CAPITAL RESERVE REQUEST

Recognize and appropriate $23,394 from Aquatic Center revenues and authorize a Capital reserve expenditure not to exceed $23,394 for repairs and equipment replacement at the Aquatic Center.

(20) ANNEXATION OF MECKLENBURG COUNTY PROPERTY INTO CORNELIUS

Authorize the County Manager to execute a petition for the voluntary annexation of the Robbins Park property currently being leased to the Town of Cornelius into the Town.

(23) LINCOLN HEIGHTS LAND ACQUISITION

Approve the purchase of Tax Parcel 075-043-26 at 1625 Catherine Simmons Avenue from C. E. Fraley for $42,000.

*Note: The above .172-acre property is part of the assemblage for the Lincoln Heights neighborhood park site.*

(24) SUBSTANTIALLY EQUIVALENT PERSONNEL SYSTEM

Recertify the commitment of the Board of County Commissioners to maintain a system of personnel administration in accordance with the State’s Basic Requirements for a Substantially Equivalent Personnel System (GS 126-11).

(25) SOCIAL SERVICES DIRECTOR
Appoint Brenda Jackson as the Acting Social Services Director effective February 16, 2005, pursuant to G.S. 153A-4, 153A-88, and 153A-77.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

Commissioner Mitchell left the dais and was away until noted in the minutes.

(9) LAND AND WATER CONSERVATION FUND (LWCF) GRANT, 2005

Motion was made by Commissioner Roberts, seconded by Commissioner Clarke and carried 7-0 with Commissioners Bishop, Clarke, Helms, Puckett, Rembert, Roberts, and Woodard voting yes, to: 1) adopt a resolution authorizing the submission of a grant proposal to the National Park Service, Department of the Interior of the United States government as administered by the NC Department of Environment and Natural Resources (DENR) for the development of a segment of Four Mile Creek Greenway. 2) Adopt a resolution certifying and assuring that Mecklenburg County has the ability and intention to finance its fifty percent (50%) matching share for the grant.

Commissioner Roberts removed this item from Consent for more public awareness.

Resolutions recorded in full in Minute Book 42-A, Documents # _____ & ____.

Commissioner Mitchell returned to the dais.

(11) ADDITIONAL POSITION REQUEST - LUESA-CODE ENFORCEMENT

Motion was made by Commissioner Bishop, seconded by Commissioner Clarke and carried 8-0 with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve two additional Plans Examiner positions for the Commercial Technical Assistance Center (CTAC) and four additional Trades Inspectors for the Electrical Inspection Program. Recognize and appropriate $167,000 in additional permit revenue.

Commissioner Bishop removed this item from Consent for clarification purposes on the number of positions being requested. He also asked if the fees generated would cover the cost of the positions and whether there were vacant positions that could be allocated to this area.

Cary Saul, director of Land Use and Environmental Services Agency (LUESA) addressed this matter. Mr. Saul noted that the cost of the positions would be funded through fees. He said that there were no available vacant positions at this time to allocate for these purposes.

Commissioner Roberts asked whether the transfer of code enforcement to the City Charlotte would have any impact on these positions.

Director Saul noted that the code enforcement piece involving the City of Charlotte is for zoning inspections and that these positions are for the building, electrical, mechanical, and plumbing inspections and construction, which is a separate issue.

(13) ADDITIONAL DSS POSITION AT CAROLINAS MEDICAL CENTER

Motion was made by Commissioner Bishop, seconded by Commissioner Rembert and carried 8-0 with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to establish a DSS Office Assistant III position at Carolinas Medical Center to identify individuals that are eligible for the Medicaid program.

Commissioner Bishop removed this item from Consent in order to ask a question regarding
whether there were any vacant positions that could be allocated to this area.

Brenda Jackson, Acting Director of Social Services addressed this matter.

It was noted that this position will access and provide information from the State Eligibility Information System for individuals regarding eligibility for Medicaid at Carolinas Medical Center and that Carolinas HealthCare System has agreed to pay the Non-Federal share of cost for this additional employee. No additional County funding is required.

(15) BUSINESS INVESTMENT GRANT – THE SYGMA NETWORK (SYGMA)

Motion was made by Commissioner Mitchell, seconded by Commissioner Rembert and carried 6-2 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop and Puckett voting no, to approve the County’s share of a Business Investment Grant to SYGMA Network for a total estimated amount of $140,746 over five (5) years.

Note: SYGMA is a nationwide network of foodservice distribution facilities specializing in distribution to chain restaurants. SYGMA intends to expand its Charlotte operation located in the Crosspoint Industrial Center at 2730 Hutchinson McDonald Road. SYGMA’s estimated investment in this proposed expansion is $4.96 million dollars. In addition, SYGMA’s plans contemplate the creation of 80 new positions over the next two years. The average wage for these new jobs will be approximately $780 per week ($40,600 per year).

Commissioner Bishop removed this item from Consent in order to express his opposition to this type of investment.

Commissioner Puckett questioned some of the specifics of the investment and expressed his opposition to this request.

Prior to the above vote, General Manager Bobbie Shields addressed this matter.

Terry Orrell with the Charlotte Chamber of Commerce also addressed this matter and noted that in order for Charlotte and Mecklenburg County to be competitive these types of programs have to exist in order to get new capital investment and job creation.

Commissioner Clarke left the dais and was away until noted in the minutes.

(21) PLACEMENT OF STONE MARKER IN PEARL STREET PARK

Motion was made by Commissioner Woodard, seconded by Commissioner Puckett and carried 7-0 with Commissioners Bishop, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve the placement of a stone marker and plaque in Pearl Street Park.

Note: Pearl Street Park memorializes the rich cultural heritage of the African-American community. This park is recognized as the first African-American public park in Mecklenburg County. This marker and plaque will note its historical significance and serve as a reminder of the African-American community formerly known as the Brooklyn Community.

Commissioner Woodard removed this item from Consent for more public awareness.

Commissioner Clarke returned to the dais.

(22) REGIONAL PROJECT FOR DIGITAL AERIAL PHOTOS

Motion was made by Commissioner Roberts, seconded by Commissioner Clarke and carried 8-0 with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard
voting yes, to approve the execution of a contract with EarthData International to produce digital aerial photos for Mecklenburg County as part of a surrounding nine (9) County Regional Partnership.

*Commissioner Roberts removed this item from Consent for more public awareness.*

**STAFF REPORTS AND REQUESTS**

(26) **ENVIRONMENTAL LEADERSHIP TEAM ANNUAL REPORT**

The Board received the Environmental Leadership Team Annual Report.

*Laura Cummings with LUESA gave the report.*

*A copy of the report is on file with the Clerk to the Board.*

**COUNTY COMMISSIONERS REPORTS AND REQUESTS – NONE**

**COMMISSION COMMENTS** – General comments were made at this time by various Commissioners regarding upcoming events and/or events they attended, as well as, other matters, which they deemed noteworthy.

**ADJOURNMENT**

Motion was made by Commissioner Mitchell, seconded by Commissioner Clarke, and carried 8-0 with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 8:15 p.m.

__________________________ _______________________
Janice S. Paige, Clerk H. Parks Helms, Chairman
MINUTES OF CLOSED SESSION OF
MECKLENBURG COUNTY BOARD OF COMMISSIONERS

FEBRUARY 15, 2005 5:00 P.M.

The Board of Commissioners of Mecklenburg County, North Carolina, met in Closed Session in the Charlotte-Mecklenburg Government Center during its Regular Meeting held Tuesday, February 15, 2005. These Closed Session minutes are part of the minutes of that meeting and should be read in that context.

Present: Chairman H. Parks Helms and Commissioners Daniel Bishop, *Dumont Clarke, Bill James, Norman A. Mitchell, Sr., Jim Puckett, Wilhelmenia I. Rembert, Jennifer Roberts, and Valerie C. Woodard
County Manager Harry L. Jones, Sr., County Attorney Marvin A. Bethune, and Clerk to the Board Janice S. Paige

Absent: *Commissioner Dumont Clarke was absent during the Closed Session.

Also Present: General Managers Janice Jackson, John McGillicuddy, and Bobbie Shields, Assistant to the County Manager Michelle Lancaster, Finance Director Harry Weatherly, Nancy Brunnemer with Real Estate Services, and Attorney Hamlin Wade.

_______________

(2A1) LINCOLN HEIGHTS LAND ACQUISITION

Nancy Brunnemer with Real Estate Services addressed the proposed purchase of Tax Parcel 075-043-38 at 1719 Catherine Simmons Avenue from James Taylor for $45,000.

It was noted that this .172-acre property would be used as part of the assemblage for the Lincoln Heights neighborhood park site.

Motion was made by Commissioner Puckett, seconded by Commissioner Mitchell and carried 8-0 with Commissioners Bishop, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve the purchase of Tax Parcel 075-043-38 at 1719 Catherine Simmons Avenue from James Taylor for $45,000.

Janice S. Paige, Clerk
H. Parks Helms, Chairman
MINUTES OF CLOSED SESSION OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

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County Manager Harry L. Jones, Sr., County Attorney Marvin A. Bethune, and Clerk to the Board Janice S. Paige

Absent: *Commissioner Dumont Clarke was absent during the Closed Session.

Also Present: General Managers Janice Jackson, John McGillicuddy, and Bobbie Shields, Assistant to the County Manager Michelle Lancaster, Finance Director Harry Weatherly, Nancy Brunnemer with Real Estate Services, and Attorney Hamlin Wade.

(2A2) ACQUISITION FOR BILLINGSLEY ROAD COMPLEX EXPANSION

Nancy Brunnemer with Real Estate Services addressed the proposed purchase of Tax Parcel 157-041-34 (.141-acre) on Ellington Street from Willa Mae Cunningham (not James Cunningham as stated on the Action Item received by the Board) and others for $20,000.

It was noted that the above vacant tract is one of nine parcels along Ellington Street off Billingsley Road needed to expand the surface parking area to support additional building at this complex and to provide a landscaped buffer between the institutional land use on the County’s land and the residential use along Ellington Street.

Motion was made by Commissioner James, seconded by Commissioner Roberts and carried 6-2 with Commissioners Helms, James, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop and Puckett voting no, to approve the purchase of Tax Parcel 157-041-34 (.141-acre) on Ellington Street from James C. Cunningham and others for $20,000.

Janice S. Paige, Clerk

H. Parks Helms, Chairman
MINUTES OF CLOSED SESSION OF
MECKLENBURG COUNTY BOARD OF COMMISSIONERS

FEBRUARY 15, 2005 5:00 P.M.

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Present: Chairman H. Parks Helms and Commissioners Daniel Bishop, *Dumont Clarke, Bill James, Norman A. Mitchell, Sr., Jim Puckett, Wilhelmenia I. Rembert, Jennifer Roberts, and Valerie C. Woodard

County Manager Harry L. Jones, Sr., County Attorney Marvin A. Bethune, and Clerk to the Board Janice S. Paige

Absent: *Commissioner Dumont Clarke was absent during the Closed Session.

Also Present: General Managers Janice Jackson, John McGillicuddy, and Bobbie Shields, Assistant to the County Manager Michelle Lancaster, Finance Director Harry Weatherly, Nancy Brunnemer with Real Estate Services, and Attorney Hamlin Wade.

(2B1) CONSULT WITH ATTORNEY MECKLENBURG COUNTY, NORTH CAROLINA VS. BERTHA LEE -03 CVS-14376.

Prior to the discussion of litigation involving the County and Bertha Lee -03 CvS-14376, Chairman Helms asked to be excused from participating in the discussion of this matter to avoid a conflict of interest. Chairman Helms noted for the record that he has represented Ms. Lee in the past on other matters.

Motion was made by Commissioner James, seconded by Commissioner Mitchell and carried 7-0 with Commissioners with Commissioners Bishop, James, Mitchell, Puckett, Rembert, Roberts, and Woodward voting yes, to excuse Chairman Helms from participating in the discussion of litigation involving the County and Bertha Lee.

Chairman Helms left Closed Session.

Hamlin Wade, Attorney for the County and Nancy Brunnemer with Real Estate Services addressed litigation involving the County and Bertha Lee -03 CvS-14376.

It was noted that the Board authorized filing a condemnation suit against Mrs. Bertha Lee on July 8, 2003 for three tracts in the Druid Hills neighborhood needed for a neighborhood park. These were tax parcels 077-076-11, 077-076-12 and 077-075-11; each lot was improved with a brick duplex. The total amount approved as compensation was $177,000, which was deposited.
with the Clerk of Superior Court when the suit was filed on August 21, 2003.

It was noted further that staff was unable to reach a satisfactory agreement at the required mediation session that took place in the fall of 2004, and this matter was tried beginning January 18, 2005. At trial the defendant asked for $300,000 as compensation for her property. The jury awarded the defendant $205,000, which was $28,000 more than was deposited on August 21, 2003, or an increase of 13.66%. The County will also owe interest at 6% on the $28,000 from the date ownership was vested with the County (December 29, 2003).

Staff does not recommend appealing this verdict.

Motion was made by Commissioner Woodard, seconded by Commissioner Mitchell and carried 6-0 with Commissioners Bishop, James, Mitchell, Puckett, Rembert, and Roberts voting yes, to accept staff’s recommendation, which is to not appeal the verdict and to authorize staff to settle the case of Mecklenburg County, North Carolina vs. Bertha Lee-03 Cvs-14376 in accordance with the determination made by the Court.

Note: Commissioner Woodard made the motion, however, she left Closed Session prior to the vote being taken.

Motion was made by Commissioner Mitchell, seconded by Commissioner James and carried 6-0 with Commissioners Bishop, James, Mitchell, Puckett, Rembert, and Roberts voting yes, to end Closed Session and return to Open Session.

______________________________ ______________________________
Janice S. Paige, Clerk H. Parks Helms, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COUNTY COMMISSIONERS

FEBRUARY 22, 2005 3:00 P.M.

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Session in Conference Center Room 267 on the 2nd floor of the Charlotte-Mecklenburg Government Center on Tuesday, February 22, 2005 at 3:00 p.m.

ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners Dumont Clarke, Bill James, Norman A. Mitchell, Sr. Wilhelmenia Rembert, Jennifer Roberts and Valerie C. Woodard County Manager Harry L. Jones, Sr. Clerk to the Board Janice S. Paige

Absent: Commissioners J. Daniel Bishop and Jim Puckett

Commissioner Woodard was absent when the meeting was called to order and until noted in the minutes.

(1) PRESENTATION ON “POVERTY AND PUBLIC ASSISTANCE TRENDS”

The Board received a presentation from the Department of Social Services on the “Economy, Poverty, and Public Assistance” in Mecklenburg County.

The presenters were Deputy Director Brenda Jackson, Herb Petro and Diana Tini of her staff.

Commissioner Woodard entered the meeting during this time.

The presentation covered the following topics:

- What is poverty and how is it defined?
- Poverty statistics for Mecklenburg County
- Poverty and Unemployment Rates in N.C. & Mecklenburg County
- Unemployment and Education
- Qualifying for Public Assistance
- Food Stamps and Mecklenburg County Recipients
- The Work First Program
- Health Insurance Coverage
- Medicaid and NC Health Choice
- Medicaid Costs
- Prescription Drug Costs
- Rising Health Care Costs
- Other Medical Care Programs
- Possible Medicaid Changes
- Public Assistance Recipients
- Beneficiaries of Public Assistance

A copy of the report is on file with the Clerk to the Board.

Comments/Questions
Commissioner Rembert asked when is a family considered to be living in poverty? Staff’s response was that a family of four making less than $18,660 would be considered living in poverty.

It was noted also that the average household size today of a family on public assistance is less than four, usually two (mother and child).

Commissioner Woodard asked were there any exemptions available for seniors when it comes to receiving food stamps that would allow them to receive a higher amount. She noted that there are some seniors that only receive $10 a month. Staff’s response was that there is a new federal program scheduled to come on line some time in the near future called “SNAP.” It noted that this program is designed to streamline the eligibility requirements for aging and disabled recipients to certify them for three years at a time and to give everyone a flat payment that would be higher than the $10 without having to go through the qualifications process as they do now.

Commissioner Rembert asked about the history of the County’s indigent care costs. Staff’s response was that the cost has remained flat for the last three years.

Commissioner Mitchell questioned the accuracy of the $24 million figure that was said to be the county share budgeted for Medicaid. Staff said that they would verify this amount.

County Manager Jones addressed the budgetary challenge that he faces with regard to the issue of Medicaid. He said there were a number of proposed bills currently in the General Assembly to control Medicaid, one of which proposes to cap Medicaid costs at the current level for counties. He said another proposes to place a cap on Medicaid costs and at the same time to begin reducing the contribution or percentage that counties pay over a five to six-year period.

County Manager Jones said that the dilemma is on what assumptions do you build the budget.

Chairman Helms, as well as other Commissioners, said that it’s doubtful if either of the proposals referenced would be adopted and that staff should move forward under the assumption that it’s “business as usual.”

Chairman Helms said the County’s budget will also be impacted as a result of Medicare recipients being able to enroll in Medicare Part D, the Prescription Drug and other assistance programs effective January 2006.

Commissioner Rembert and Chairman Helms said that it should be noted that public assistance benefits not only the recipients but the community as well. They referenced the benefits outlined in staff’s report. For example, it was stated that Medicaid funds have a chained economic impact of nearly two billion dollars to the Mecklenburg County economy.

Chairman Helms thanked staff for the presentation and said that this was valuable information to have as the Board moves forward in the budgetary process. He said it also shows that the County is in the “human services” business.

Note: The above is not inclusive of every comment and/or question asked but reflects key points and requested follow-up.

ADJOURNMENT

There being no further business to come before the Board, the meeting was declared adjourned at 5:05 p.m.

______________________________ ____________________________
Janice S. Paige, Clerk H. Parks Helms, Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, March 1, 2005.

ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners
J. Daniel Bishop, Dumont Clarke, Bill James
Norman A. Mitchell, Sr., Jim Puckett
Wilhelmenia I. Rembert, Jennifer Roberts
and Valerie C. Woodard
County Manager Harry L. Jones, Sr.
Clerk to the Board Janice S. Paige
County Attorney Marvin A. Bethune

Absent: None.

-INFORMAL SESSION-

(1A) STAFF BRIEFING - ZONING ADMINISTRATION, ENFORCEMENT AND PLAN REVIEW TRANSFER

The Board received information from staff regarding the proposed transfer of Zoning Administration, Enforcement and Plan Review services to the City of Charlotte.

General Manager Bobbie Shields, Director of Land Use and Environmental Services Cary Saul, Park and Recreation Director Wayne Weston, and the City of Charlotte’s Neighborhood Development Business Executive Stanley Watkins addressed this matter.

The following key points were made:

Goals
• Increase staff responsiveness to citizen complaints;
• Reduce likelihood of inconsistent code interpretation and enforcement; and
• Improve efficiency, effectiveness and accountability to the public.

Business Plan/Organizational Component
• Eighteen positions will transfer from County to City:
  o 3 positions to Charlotte Mecklenburg Planning Commission,
  o 7 positions to Neighborhood Development, and
  o 8 positions to Engineering & Property Management.
• City Planning will be responsible for the Zoning Board of Adjustment, the appeal process, the variance process and housing the Zoning Administrator;
• City Neighborhood Development will be responsible for all zoning enforcement functions such as change of use permits, business license zoning approvals and neighborhood zoning enforcement; and
• City Engineering will perform all plan reviews relative to major development projects (e.g., shopping centers and apartment complexes).
• Existing zoning inspectors will have the opportunity to transfer to the City.
• Customer service will be maintained or improved while maintaining a “seamless” building permitting process

Financial Component
• The County’s current budget for zoning service in Charlotte is $1,379,854.
  o Of total, $1,030,696 is paid for by building permit fees and other revenue charges
  o Remaining $349,157 is paid for by the County General Fund (property taxes).
• Funding for this “gap” closure of $349,157 is as follows (County will assume City costs on the following):
  o Amay James Center at $54,603,
  o Greenville Neighborhood Center at $142,686, and
  o Tax assessment for auto tax at $152,711.

Legal Component
• Amend Inter-local Agreement between City and County;
• Amend Planning Agreement;
• Amend Zoning Ordinance; and
• Transfer City assets (i.e., Amay James and Greenville Neighborhood Center) to County.
• Review any written agreements between the City of Charlotte and service providers located at Amay James and Greenville Centers.

It was the consensus of the Board that staff move forward with the transfer of Zoning Administration, Enforcement and Plan Review services to the City of Charlotte based on the principles outlined by staff with an effective date of July 1, 2005.

It was noted that this matter would be brought back to the Board at a later date.

(2) CLOSED SESSION - NONE

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified items they wanted removed from consent. The items identified were Items 11, 12, and 18.

The Board then proceeded to the Meeting Chamber for the remainder of the meeting.

- FORMAL SESSION -

Invocation was given by Chairman Helms, which was followed by the Pledge of Allegiance to the Flag.

PROCLAMATIONS AND AWARDS

(1A) INVASIVE WEEDS AWARENESS WEEK

Motion was made by Commissioner Roberts, seconded by Commissioner Mitchell and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to proclaim February 27- March 4, 2005 as Invasive Weeds Awareness Week in Mecklenburg County.

The proclamation was read by Commissioner Roberts and received by Mark Smith and Sarah Kiser.

A copy of the Proclamation is on file with the Clerk to the Board.
(1B) MENTAL RETARDATION AWARENESS MONTH

Motion was made by Commissioner Rembert, seconded by Commissioner Woodard and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to adopt a proclamation designating March 2005 as Mental Retardation Awareness Month.

The proclamation was read by Commissioner Rembert and received by Lauren Mullis.

A copy of the Proclamation is on file with the Clerk to the Board.

(2) PUBLIC APPEARANCE

The following person appeared to speak during public appearance:

Jack Stratton addressed matters involving his son Isaiah.

(3) APPOINTMENTS

ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE - NURSING HOME COMMUNITY ADVISORY COMMITTEE - WASTE MANAGEMENT ADVISORY BOARD

Motion was made by Commissioner Bishop, seconded by Commissioner Puckett and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to appoint: Anita A. Zarey to the Adult Care Home Community Advisory Committee for a one-year term expiring March 31, 2006; Norma J. McCormick, Carl Murchland, Carolyn Patton, and Ronald Ritch to the Nursing Home Community Advisory Committee for a one-year term expiring on March 31, 2006; and, Jean Neal to the Waste Management Advisory Board for a three-year term expiring March 31, 2008.

(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS – NONE

(6) MANAGER’S REPORT - NONE

CONSENT ITEMS

Motion was made by Commissioner Bishop, seconded by Commissioner Puckett and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve the following item(s) with the exception of Items 11, 12 and 18 to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held February 15, 2005, Special Meeting held February 8, 2005, Special Meeting held February 22, 2005, and Closed Session minutes of meeting held February 15, 2005.
(8) **TAX REFUNDS**

Approve refunds to be made by the Finance Department as requested by the Tax Assessor in the amount of $76,386.38 resulting from clerical errors, audits and other amendments.

*A list of the refund recipients is on file with the Clerk to the Board.*

(9) **SHERIFF’S SPECIAL REVENUE FUND**

Recognize, receive and appropriate $30,000 for the Sheriff’s Special Revenue Fund for Inmate Commissary.

(10) **REPLACEMENT OF ROOF TOP HVAC UNIT – FREEDOM MALL**

Recognize and appropriate $55,000 to replace an HVAC roof top unit at Freedom Mall.

*Note: Funding is available from revenue generated by tenant lease payments.*

(13) **ANNEXATION OF MECKLENBURG COUNTY PROPERTY INTO THE TOWN OF HUNTERSVILLE**

Authorize the County Manager to execute a petition for voluntary annexation of the Bradford Park property into the Town of Huntersville.

*Note: The subject property is the 170.79-acre district park site located on Davidson-Concord Road/NC Hwy. 73. Annexation of this district park site into the corporate limits of Huntersville will allow the Town’s police staff to provide service to the property.*

(14) **PROPERTY CONVEYANCE AT STATESVILLE AVENUE**

Approve conveyance of a portion of Tax Parcel 077-079-01 to City of Charlotte for the Statesville Avenue widening project and accept funds received for this right of way; and appropriate funds to capital reserve project for real estate expenses.

(15) **HAZARD MITIGATION PROGRAM – FLOODPLAIN ACQUISITION ON CULLMAN AVENUE**

This item was removed from the Agenda.

(16) **EASEMENT/RIGHT-OF-WAY PAYMENTS TO MECKLENBURG COUNTY**

Recognize and receive funds in the amount of $184,425 from Piedmont Natural Gas for easement/right-of-way granted over County properties and appropriate $50,000 to capital reserve project for real estate expenses and the remaining funds to be held in the County Facilities Special Revenue Fund.

(17) **PROPERTY CONVEYANCE AT PROSPERITY CHURCH ROAD**

Approve conveyance of all of Tax Parcel 027-072-17 to City of Charlotte for a traffic circle and apply the appraised value County’s credit on the City/County Land Ledger.

*Note: The subject 1.778-acre tract was acquired for $235,000 by the County on July 31, 2000 with right-of-way protection funds in anticipation of the current plans for construction of a*
traffic circle as part of the upgrading of Prosperity Church Road. This City’s appraised value of $446,175 will be credited to the County on the Land Ledger. The Land Ledger was established to accommodate land transfers between the City and the County without the exchange of actual funds.

(19) TECHNOLOGY GRANT – BOARD OF ELECTIONS

Recognize, receive and appropriate $43,110 grant money from the NC State Board of Elections to fund technology improvements for Mecklenburg County Board of Elections.

Note: This grant money will offset the cost to Mecklenburg County for providing a Sample Ballot on the web site, provide cell phones in each of the 190 precincts and upgrade the computer wiring in the Elections Office.

(20) REFUNDING BOND ORDER ENTITLED “BOND ORDER AUTHORIZING THE ISSUANCE OF $250,000,000 REFUNDING BONDS OF THE COUNTY OF MECKLENBURG”

RESOLUTION TO INTRODUCE BOND ORDER

Commissioner Bishop moved adoption of a resolution to introduce the following bond order, that motion was seconded by Commissioner Puckett, and the bond order was listed by title on the agenda:

"BOND ORDER AUTHORIZING THE ISSUANCE OF $250,000,000 REFUNDING BONDS OF THE COUNTY OF MECKLENBURG"

WHEREAS, the County of Mecklenburg (the "County") has issued General Obligation Public Improvement Bonds, Series 1998A, dated January 1, 1998 (the "General Obligation Public Improvement Bonds, Series 1998A"), a certain portion of which remain outstanding (the "Outstanding General Obligation Public Improvement Bonds, Series 1998A"); and

WHEREAS, the County has issued General Obligation Public Improvement Bonds, Series 1998B, dated January 1, 1998 (the "General Obligation Public Improvement Bonds, Series 1998B"), a certain portion of which remain outstanding (the "Outstanding General Obligation Public Improvement Bonds, Series 1998B"); and

WHEREAS, the County has issued General Obligation Public Improvement Bonds, Series 2000D, dated November 1, 2000 (the "General Obligation Public Improvement Bonds, Series 2000D"), a certain portion of which remain outstanding (the "Outstanding General Obligation Public Improvement Bonds, Series 2000D"); and

WHEREAS, the County has issued General Obligation Public Improvement Bonds, Series 2001A, dated May 1, 2001 (the "General Obligation Public Improvement Bonds, Series 2001A"), a certain portion of which remain outstanding (the "Outstanding General Obligation Public Improvement Bonds, Series 2001A"); and

WHEREAS, the Board of Commissioners of the County deems it advisable to refund all or a portion of the Outstanding General Obligation Public Improvement Bonds, Series 1998A, Outstanding General Obligation Public Improvement Bonds, Series 1998B, Outstanding General Obligation Public Improvement Bonds, Series 2000D and Outstanding General Obligation Public Improvement Bonds, Series 2001A (collectively referred to herein as the "Bonds to be Refunded") pursuant to and in accordance with The Local Government Finance Act; and

WHEREAS, the Board has caused to be filed with the Secretary of the Local Government Commission of North Carolina an application for Commission approval of the bonds hereinafter described as required by The Local Government Finance Act, and the Secretary of the Commission
has notified the Board that the application has been filed and accepted for submission to the Commission;

NOW, THEREFORE, BE IT ORDERED by the Board as follows:

Section 1. The County Board of Commissioners has ascertained and hereby determines that it is advisable to refund the Bonds to be Refunded.

Section 2. To raise all or a portion of the money required to refund the Bonds to be Refunded as set forth above and to pay expenses in connection therewith, bonds of the County are hereby authorized and shall be issued pursuant to The Local Government Finance Act of North Carolina. The maximum aggregate principal amount of bonds authorized by this bond order shall be $250,000,000.

Section 3. Taxes sufficient to pay the principal of and interest on those bonds when due shall be annually levied and collected.

Section 4. A sworn statement of the County's debt has been filed with the Clerk to the Board and is open to public inspection.

Section 5. The bond order shall take effect upon its adoption.

AYES: Commissioners: Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard

NAYS: None

* *

RESOLUTION AUTHORIZING PUBLIC HEARING ON BOND ORDER

Commissioner Bishop moved the adoption of the following resolution, the motion was seconded by Commissioner Puckett, and the resolution was listed by title on the agenda:

WHEREAS, the bond order entitled "BOND ORDER AUTHORIZING THE ISSUANCE OF $250,000,000 REFUNDING BONDS OF THE COUNTY OF MECKLENBURG" has been introduced at the meeting of the Board of Commissioners of the County of Mecklenburg held on March 1, 2005, and the Board desires to provide for a public hearing thereon and the submission of a statement of debt in connection therewith as required by The Local Government Finance Act;

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

The public hearing upon that bond order shall be held in Conference Center Room 267 of the Charlotte-Mecklenburg Government Center, 600 East Fourth Street, Charlotte, North Carolina, at a meeting that begins at 3:00 P.M., March 8, 2005.

The Clerk to the Board is hereby directed to cause a copy of the bond order to be published with a notice of the hearing in the form prescribed by law in a qualified newspaper no fewer than six days prior to the public hearing.

The County's Director of Finance is hereby directed to file with the Clerk to the Board prior to publication of the bond order with the notice of such public hearing, a statement setting forth the debt incurred or to be incurred, the appraised value of property subject to taxation by the County and the net debt of the County.

The motion was adopted by the following vote:

AYES: Commissioners: Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard

NAYS: None

Extract and Resolutions recorded in full in Minute Book 42-A, Document #_____.

THIS CONCLUDED ITEMS APPROVED BY CONSENT
(11) NEW GREENWAY PLANNERS – DEPARTMENT OF PARK & RECREATION

Motion was made by Commissioner Roberts, seconded by Commissioner Woodard and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to authorize two (2) new greenway planner positions.

*Commissioner Roberts removed this item from Consent for more public awareness.*

(12) CHARLOTTE-MECKLENBURG REGIONAL CONSORTIUM

Motion was made by Commissioner Rembert, seconded by Commissioner Roberts and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to set a public hearing for April 5, 2005 at 6:30 p.m. to receive comments on the Charlotte-Mecklenburg Regional Consortium Consolidated Action Plan and to authorize Clerk to the Board to publish notice of intent to hold the public hearing.

*Note: The purpose of the hearing is to obtain feedback from the public regarding how the Charlotte-Mecklenburg Regional Consortium should utilize its funding allocation from the U.S. Department of Housing and Urban Development (HUD).*

*Commissioner Rembert removed this item from Consent for more public awareness.*

(18) BACK CREEK GREENWAY DONATION

Motion was made by Commissioner Woodard, seconded by Commissioner Rembert and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to accept donation of a 1.864-acre portion of Tax Parcels 105-012-27 and 105-012-29 on Back Creek at W. T. Harris Boulevard and Rocky River Road from Avtex Partners as part of the Back Creek Greenway.

*Commissioners Roberts and Woodard removed this item from Consent for more public awareness.*

STAFF REPORTS AND REQUESTS

(21) NASCAR NEXTEL ALL STAR RACE CHALLENGE

Motion was made by Commissioner Mitchell, seconded by Commissioner Clarke and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop, James and Puckett voting no, to make a contribution to the Charlotte Regional Visitors Authority (CRVA) in the amount of $62,500 in support of the NASCAR NEXTEL All Star Race Challenge with funds coming from unrestricted contingency; and contingent upon an equal appropriation by Charlotte City Council.

General Manager Bobbie Shields and Mike Crum with CRVA presented this matter. Mr. Crum said the funds would be used to produce and promote the event only that none of the funds would go to NASCAR.

(22) BUSINESS INVESTMENT GRANT – FRAMATOME ANP

Motion was made by Commissioner Mitchell, seconded by Commissioner Clarke and carried 6-3 with Commissioners Clarke, Mitchell, Helms, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop, James and Puckett voting no, to approve the County’s share of a Business Investment Grant to Framatome ANP for a total estimated amount of $191,948.80 over
8 years.
Note: Total City/County grant for the eight-year period estimated at $350,000. Framatome, a member of the AREVA group, designs and constructs nuclear power plants, research reactors and supplies nuclear fuel.

Framatome is relocating and expanding its regional headquarters for engineering from Uptown Charlotte to the University area. Framatome’s total investment in new equipment and expansion at its new 125,000 sq. ft. facility will be approximately $4.1 million dollars and contemplates the addition of 100 new employees for a total of 520 employees. The average wage for the new employees will be $1,400 per week ($75,000 per year).

The State of North Carolina is providing a One NCFund Grant of $350,000, which requires a local grant of equal amount.

- Retaining Framatome is estimated to have a direct economic impact of $162 million per year on Charlotte’s economy, and generate taxes of $389,000 per year to the City and $941,000 per year to the County.

- Framatome’s expansion is estimated to have a direct economic impact of $38.7 million per year on Charlotte’s economy, and generate additional taxes of $140,000 per year to the City and $224,000 per year to the County.

- The Charlotte City Council approved this grant on February 28, 2005.

General Manager Bobbie Shields presented this matter.

Commissioner James left the meeting and was absent for the remainder of the meeting.

(23) WEST PARK IN THIRD WARD

The Board received a presentation regarding a development alternative for the West Park property in Third Ward.

Park and Recreation Director Wayne Weston presented this matter.

David Furman, an architect/developer addressed this matter and encouraged the Board to move forward with the park.

Attorney Bethune noted that normally when the County sells property it simply goes to the highest bidder for whatever purpose they want to put on the property. The County has no control over what may go on the property. He noted also that years ago with respect to the possible sale of the Hal Marshall property that the Board wanted authority to control the way in which the property might be developed. The Board sought and received special legislative authority giving the County the right to take into consideration the ultimate use of the property and to put conditions on the use of the property in connection with the sale of the property.

Attorney Bethune said that what happens to the “edge conditions” meaning the area around West Park, is very important to the future of the park. As such, the Board would need to seek similar legislative authority with regards to the sale of the property around the park (on Graham Street and a portion of the property next to the parking deck on Second Street) as it did with the Hal Marshall property, in order to control the way this property is developed were it to be sold.

Motion was made by Commissioner Clarke and seconded by Commissioner Rembert, to authorize staff to prepare and include in the Board’s legislative agenda proposed legislation to extend the authority that the County currently has with respect to the sale of the Hal Marshall property and incorporate the Third Ward property on Graham Street and a portion of the property next to the parking deck on Second Street into this same type of authorization.

Attorney Bethune clarified that the legislation would not specify a use but would just indicate
that the Board could take factors other than price into consideration in selling the property, including attaching certain conditions to the use of the property, if the Board desires to do so.

Commissioner Puckett asked if this same type of legislative authority would be needed if the County were to enter into a lease to develop underground parking within the property?

Attorney Bethune said that it was possible that it would be needed and that staff would probably include this in the legislative request, as well as, some additional legislative authority for the long-term lease for the Virginia Paper Mill.

Substitute motion was made by Commissioner Puckett, seconded by Commissioner Bishop to seek legislation that would allow a waiver of the General Statute as it relates to the potential parking and a complimentary use and/or development of the Virginia Paper Building as it relates to the West Park in Third Ward.

Discussion continued.

Commissioner Clarke called the question on the substitute motion, which was recognized by the Chairman and unanimously carried 8-0.

The vote was then taken on the substitute motion and failed 5-3 with Commissioners Clarke, Helms, Mitchell, Rembert, and Roberts voting no and Commissioners Bishop, Puckett, and Woodard voting yes.

The vote was then taken on the original motion and carried 5-3 with Commissioners Clarke, Helms, Mitchell, Rembert, and Roberts voting yes and Commissioners Bishop, Puckett, and Woodard voting no.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(24) STANDARD OPERATING PROCEDURES FOR BOARD COMMITTEES

Motion was made by Commissioner Mitchell, seconded by Commissioner Roberts and carried 6-2 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop and Puckett voting no to approve revisions to the Standard Operating Procedures for Board Committees.

Note: The revisions specify the role and authority each committee chair must have to ensure the orderly conduct of the committee’s business. There is also a minor change regarding the minutes of meetings.

Prior to the above vote, Commissioner Puckett addressed and questioned the necessity of these changes as it related to the Committee Chairman’s authority to set the committee meeting agendas.

Prior to the above vote also and following discussion, Commissioner Clarke called the question, which was recognized by the Chairman and unanimously carried 8-0; after which the above vote was taken.

Standard Operating Procedures recorded in full in Minute Book 42-A, Document #______.

(25) FAMILIES OF ABRAHAM IN CHARLOTTE

Motion was made by Commissioner Roberts, seconded by Commissioner Rembert and carried 6-2 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop and Puckett voting no, to appropriate $2,000 from unrestricted contingency for Families of Abraham in Charlotte project.
Note: The Families of Abraham in Charlotte Project is a community photography project intended to be shown in area museums, schools, houses of faith, and other venues to increase respect and appreciation of ethnic and cultural diversity. The project will document people of three faiths in Charlotte who look to Abraham as the father, patriarch and spiritual ancestor of their beliefs. Total project cost is $26,000.

(26) RESOLUTION SUPPORTING STATE ASSUMPTION OF COUNTY SHARE OF MEDICAID

Motion was made by Commissioner Mitchell, seconded by Commissioner Bishop and carried 8-0 with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to adopt Resolution Supporting State Assumption of County Share of Medicaid.

Resolution recorded in full in Minute Book 42-A, Document #_____.

COMMISSIONERS' COMMENTS - General comments were made at this time by various Commissioners regarding upcoming events and/or events they attended, as well as, other matters, which they deemed noteworthy.

ADJOURNMENT

Motion was made by Commissioner Mitchell, seconded by Commissioner Clarke, and carried 8-0, with Commissioners Bishop, Clarke, James, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:15 p.m.

______________________________
Janice S. Paige, Clerk

______________________________
H. Parks Helms, Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, May 3, 2005.

ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners J. Daniel Bishop, Dumont Clarke, Bill James Norman A. Mitchell, Sr., Jim Puckett Wilhelmenia I. Rembert, Jennifer Roberts and Valerie C. Woodard County Manager Harry L. Jones, Sr. County Attorney Marvin A. Bethune Clerk to the Board Janice S. Paige

Absent: None.

Commissioner Puckett was absent when the meeting was called to order and until noted in the minutes.

-INFORMAL SESSION-

(1) STAFF BRIEFING – NONE

(2) CLOSED SESSION – CONSULT WITH ATTORNEY

Motion was made by Commissioner James, seconded by Commissioner Woodard and carried 8-0 with Commissioners Bishop, Clarke, Helms, James, Mitchell, Rembert, Roberts, and Woodard voting yes, to go into Closed Session to Consult with Attorney.

The Board went into Closed Session at 5:20 p.m. and came back into Open Session at 5:50 p.m.

Commissioner Puckett was present when the Board came back into Open Session. He entered the meeting during Closed Session.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified items they wanted removed from consent and voted upon separately. The only item identified was Item 10.

The Board then proceeded to the Meeting Chamber for the remainder of the meeting.

-FORMAL SESSION-

Invocation was given by Commissioner Mitchell, which was followed by the Pledge of Allegiance to the Flag.
CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) MECKDEC DAY

Motion was made by Commissioner Clarke, seconded by Commissioner James and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to adopt a proclamation declaring May 20, 2005 as MecDec Day.

The proclamation was read by Commissioner Clarke and accepted by David Adams and Charles Jonas with the May 20th Society.

A copy of the Proclamation is on file with the Clerk to the Board.

(1B) CONFEDERATE HISTORY WEEK

Motion was made by Commissioner Puckett, seconded by Commissioner Bishop and carried 6-3 with Commissioners Bishop, Helms, James, Puckett, Rembert and Roberts, voting yes, and Commissioners Clarke, Mitchell and Woodard voting no, to adopt a proclamation declaring May 8-15, 2005 as Confederate History Week.

The proclamation was read by Commissioner Puckett.

Prior to the above vote, Commissioner Puckett addressed his reason for placing this matter on the agenda.

Also prior to the above vote:
- The following persons spoke in support of the proclamation Mark & Shanna Palmer, Mike Tuggle, and Claud Hefner.
  Note: Mr. Hefner provided a handout to the Board, which is on file with the Clerk to the Board.
- Commissioner Woodard and Mitchell expressed their opposition.
- Commissioner Rembert explained why she would support the proclamation.
- Commissioner Roberts offered a friendly amendment, which was accepted by Commissioners Puckett and Bishop, makers of the motion, and is reflected in the above motion; which was to change the name of the week from Heritage Week to History Week.
- After considerable discussion Commissioner Puckett called for the question on the motion and it carried 8-1 with Commissioner Woodard voting no, after which the Board voted on the above motion.

A copy of the Proclamation is on file with the Clerk to the Board.

Note: Commissioner Clarke took a point of personal privilege at this time and thanked Commissioners Rembert and Roberts for their work on coordinating the recent Education Summit that was held with the Board of Education.

(23) HORNET’S NEST SCHOOL GRANT PRESENTATION

The Board received a presentation from Hornet’s Nest Elementary School students. The students were introduced by faculty members D.J. Midget and Kim Schick. Autumn Michael with Historic Charlotte spoke also.

The presentation was a video of the students’ work in putting together a brochure in partnership with Historic Charlotte on the history of the Davidson Family Cemetery at Rural Hill Farm and the Davidson Family’s integral role in the founding and development of Charlotte.

The brochure will be published as part of the Historic Charlotte’s Walking tour brochure series.
and will be distributed throughout the community.

This project was possible through Historic Charlotte, Inc.’s receipt of a “Save Our History” grant from the History Channel. The grant awarded to Historic Charlotte, Inc. was one of only 29 “Save Our History” grants awarded nationwide.

Chairman Helms, on behalf of the Board, complimented the students on their work and thanked them for their presentation.

(2) PUBLIC APPEARANCE

The following person appeared to speak during public appearance:

Chris Folk, representing the “Y” Princesses of YMCA, shared information about their troop. He was joined at the podium by “Y” Princesses and their fathers. Commissioner Roberts husband and daughter were a part of the troop.

Chairman Helms, on behalf of the Board, thanked the “Y” Princesses for coming and for joining the Board in leading the Pledge of Allegiance to the flag.

Commissioner Bishop left the dais and was away until noted in the minutes.

(3) APPOINTMENTS

CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE

Motion was made by Commissioner Rembert, seconded by Commissioner Woodard and carried 8-0 with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to appoint Phillip K. Bell and John E. Burton to fill unexpired terms expiring July 2, 2005 and Terry Taylor-Allen to fill an unexpired term expiring September 3, 2005.

The following persons were also nominees for appointment to the Community Relations Committee: Demario M. Baker, Donna J. Dawson, Larry Hines, Frank Hopkins, Sandra Marshall, Donna North, Ken Norwood, Katherine K. Satchwill, Marcus S. Scurry, and John Treadwell.

GROUNDWATER ADVISORY COMMITTEE

Motion was made by Commissioner Puckett, seconded by Commissioner Roberts and carried 8-0 with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to appoint Michael Middleton as a Public representative, Thomas Witner as an Environmental Consultant representative, and Mark Lisk as a Realtor/Developer representative to the Groundwater Advisory Committee for terms to be determined by staff.

The vote was taken on the following nominees for appointment to the Groundwater Advisory Committee:

Bridgers, Gary B. None

Miller, William Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard

Chairman Helms announced that William Miller was appointed to the GroundWater Advisory Committee as a Well Contractor/Pump Installer representative for a term to be determined by staff.

Note: This is a new Committee.
Motion was made by Commissioner Puckett, seconded by Commissioner Rembert and carried 8-0 with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to appoint Daryle G. Benson to the Waste Management Advisory Board to fill an unexpired term expiring June 3, 2006 and Gary D. Bies for a three-year term expiring May 3, 2008.

(4A) STREET ASSESSMENT PROJECT – MEFFERT LANE

Motion was made by Commissioner Mitchell, seconded by Commissioner Puckett and carried 8-0 with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to acknowledge receipt of certification that a notice of the public hearing was mailed by first class mail to all property owners on Meffert Lane to be improved; and to open a public hearing on Mecklenburg County’s participation in the improvement to Meffert Lane and setting up an assessment for these improvements.

No one appeared to speak.

Motion was made by Commissioner Woodard, seconded by Commissioner Puckett and carried 8-0 with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to close the public hearing and adopt Final Assessment Resolution to appropriate the funds and authorize staff to negotiate and sign contracts for the design and construction of the improvements to Meffert Lane.

Resolution recorded in full in Minute Book 42-A, Document #_____.

(4B) STREET LIGHTING PROGRAM – ASHEFORD WOODS SUBDIVISION

Motion was made by Commissioner Roberts, seconded by Commissioner Woodard and carried 8-0 with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to acknowledge receipt of certification that a notice of the public hearing was mailed by first class mail to all the property owners in the Asheford Woods Subdivision; and to open a public hearing on Street Lighting Preliminary Assessment Resolution for Mecklenburg County’s participation in the Street Lighting Assessment project for the Asheford Woods Subdivision.

No one appeared to speak.

Commissioner Puckett left the dais and was away until noted in the minutes.

Motion was made by Commissioner Woodard, seconded by Commissioner Mitchell and carried 7-0 with Commissioners Clarke, Helms, James, Mitchell, Rembert, Roberts, and Woodard voting yes, to close the Public Hearing and adopt Final Assessment Resolution for the Asheford Woods Subdivision.

Resolution recorded in full in Minute Book 42-A, Document #_____.

Commissioner Bishop returned to dais.

(4C) STREET NAME CHANGE – SECTION OF RED FEZ CLUB ROAD TO LANGSTON DRIVE AND SHAHERILLA ROAD TO RED FEZ CLUB ROAD

Motion was made by Commissioner Mitchell, seconded by Commissioner Roberts and carried 8-0 with Commissioners Bishop, Clarke, Helms, James, Mitchell, Rembert, Roberts, and Woodard voting yes, to open a public hearing to hear citizen’s comments on the proposed
renaming of a section of Red Fez Club Road to Langston Drive; and Shaherilla Road to Red Fez Club Road.

Donna Butler spoke in opposition of the change from Red Fez Club Road to Langston Drive. She addressed the frustration of having to go through a change of address process. Ms. Butler said that she was never asked to sign a petition, nor other residents on her section of Red Fez Club Road. She said that she doesn’t think there are any residents on Shaherilla Road. She also said no one has ever had any trouble locating her home. She said that it was unfortunate that the Palisades development has brought about this change.

Chairman Helms noted that this was something that has been in the works for some time.

Motion was made by Commissioner Bishop, seconded by Commissioner Roberts and carried 8-0 with Commissioners Bishop, Clarke, Helms, James, Mitchell, Rembert, Roberts, and Woodard voting yes, to close the public hearing and approve the renaming of a section of Red Fez Club Road to Langston Drive; and Shaherilla Road to Red Fez Club Road.

(4D) CITY STORM WATER FEE

Motion was made by Commissioner Bishop, seconded by Commissioner Woodard and carried 8-0 with Commissioners Bishop, Clarke, Helms, James, Mitchell, Rembert, Roberts, and Woodard voting yes, to open a public hearing to hear comments related to a proposed increase in the Storm Water fee for the minor system inside the City of Charlotte.

No one from the public appeared to speak.

Dave Canaan with Storm Water Services and Tim Richards with the City of Charlotte addressed the proposed fee increase.

Commissioner Bishop asked for clarification on the need for the increase, which was addressed.

Commissioner Puckett returned to the dais.

Motion was made by Commissioner Bishop seconded by Commissioner Roberts and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to close the public hearing.

(4E) MINORITY, WOMEN, SMALL BUSINESS ENTERPRISES (MWSBE) PROGRAM IMPLEMENTATION PLAN

Motion was made by Commissioner Woodard, seconded by Commissioner Roberts and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to open a public hearing to receive comments on the Mecklenburg County Minority, Women, Small Business Enterprises (MWBE) Plan.

Deputy County Attorney Sandra Bisanar addressed this issue, along with Teresa McDow, MWBE Coordinator.

The following persons appeared to speak:

Michael High with M & H Associates, which is a minority and small business contract compliance consulting company. Mr. High expressed support of the MWBE Plan. He emphasized the importance of having adequate staff, as well as, having funds available to obtain contracted services when necessary. He also said there needed to be inclusion for all contract activity. He noted that architectural, engineering and other services have not been fully counted in the previous County plan. He said an MWSBE office representative should serve on the selection committee with voting authority when contracts are awarded. He said there needs to be accountability on the departmental level as well.

John F. Wall, President of the Metrolina Minority Contractors Association asked the Board to
defer a decision for 30 days to allow more time for review of the Plan by those impacted. Mr. Wall also noted the following concerns:

- That 96% of the contracts awarded by the County go to majority firms
- That SBE firms are counted twice
- That he doesn’t see in the plan any of the recommendations that the County Manager suggested at a committee meeting that was held in February of this year.

Motion was made by Commissioner Rembert, seconded by Commissioner Woodard and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to recess the public hearing until the Board’s June 7, 2005 meeting at 6:30 p.m.

Prior to the above vote, General Manager Bobbie Shields noted that the County Manager’s recommendations referenced by Mr. Wall were included.

Commissioner Roberts suggested that staff meet with interested parties to obtain input, prior to the reconvening of the public hearing.

(5) ADVISORY COMMITTEE REPORTS – NONE

(6) MANAGER’S REPORT

County Manager Jones presented an overview of choices to the Board for a No Tax Rate Increase Budget for information purposes only.

A copy of the County Manager’s report is on file with the Clerk to the Board.

CONSENT ITEMS

Motion was made by Commissioner Puckett seconded by Commissioner Woodard and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to approve the following item(s) with the exception of Item 10 to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held April 19, 2005, Special Meeting held April 22, 2005, and Closed Session minutes of April 5, 2005.

(8) TAX REFUNDS

Approve refunds to be made by the Finance Department as requested by the Tax Assessor in the amount of $5,731.28 resulting from clerical errors, audits and other amendments.

A list of the refund recipients is on file with the Clerk to the Board.

(9) DESTRUCTION OF DOCUMENTS – LUESA

Approve the disposal of the following LUESA Revenue Collections records in accordance with North Carolina records retention policies:

LUESA Revenue Collections Records
(11)  AREA MENTAL HEALTH AUTHORITY THIRD QUARTER FY 2005 REPORT

Recognize and receive the Third Quarter 2005 Area Mental Health Authority Report.

### Financial Management:

#### Revenues

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>Budgeted Revenue</th>
<th>Actual Revenue</th>
<th>% Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicaid</td>
<td>$21,124,249.00</td>
<td>$7,218,997.89</td>
<td>34.17%</td>
</tr>
<tr>
<td>Medicaid – CAP</td>
<td>2,280,024.00</td>
<td>688,334.87</td>
<td>30.19%</td>
</tr>
<tr>
<td>State and Federal</td>
<td>28,577,764.00</td>
<td>14,352,526.51</td>
<td>50.22%</td>
</tr>
<tr>
<td>State – CTSP</td>
<td>1,919,607.00</td>
<td>345,311.39</td>
<td>17.99%</td>
</tr>
<tr>
<td>State - MR/MI</td>
<td>2,367,823.00</td>
<td>1,064,485.05</td>
<td>44.96%</td>
</tr>
<tr>
<td>Third Party/Other</td>
<td>459,919.00</td>
<td>216,248.57</td>
<td>47.02%</td>
</tr>
<tr>
<td>Grants</td>
<td>1,569,117.00</td>
<td>781,935.76</td>
<td>50.11%</td>
</tr>
<tr>
<td>County</td>
<td>36,180,448.00</td>
<td>27,541,614.83</td>
<td>76.12%</td>
</tr>
<tr>
<td><strong>Total Revenue</strong></td>
<td><strong>$94,278,951.00</strong></td>
<td><strong>$52,209,454.87</strong></td>
<td><strong>55.38%</strong></td>
</tr>
</tbody>
</table>

#### Expenditures

<table>
<thead>
<tr>
<th>Service Continuum</th>
<th>Budgeted Expenditures</th>
<th>Actual Expenditures</th>
<th>% Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children's Developmental Services</td>
<td>$5,800,274.00</td>
<td>$3,268,888.52</td>
<td>56.36%</td>
</tr>
<tr>
<td>Child &amp; Adolescent Services</td>
<td>19,587,090.00</td>
<td>8,929,239.53</td>
<td>45.59%</td>
</tr>
<tr>
<td>Adult Mental Health</td>
<td>7,338,825.00</td>
<td>7,302,179.55</td>
<td>99.50%</td>
</tr>
<tr>
<td>Adult Substance Abuse</td>
<td>12,289,315.00</td>
<td>4,950,259.72</td>
<td>40.28%</td>
</tr>
<tr>
<td>Local Management Entity</td>
<td>14,798,054.00</td>
<td>6,427,709.16</td>
<td>43.44%</td>
</tr>
<tr>
<td>BHC Randolph</td>
<td>13,382,675.00</td>
<td>9,531,463.57</td>
<td>71.22%</td>
</tr>
<tr>
<td>Developmental Disabilities</td>
<td>21,082,718.00</td>
<td>11,799,714.82</td>
<td>55.97%</td>
</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td><strong>$94,278,951.00</strong></td>
<td><strong>$52,209,454.87</strong></td>
<td><strong>55.38%</strong></td>
</tr>
</tbody>
</table>

Revenues continue to be under projections due to billing transition challenges with the new software system. It is anticipated that revenues will significantly increase for the fourth quarter. Expenses will be held in line with revenues.

Note: Regulations stipulate that the Financial Management portion of the report be included in the minutes.

A copy of the full report is on file with the Clerk to the Board.

(12)  ADDITIONAL BIOTERRORISM FUNDING – HEALTH DEPARTMENT

Recognize, receive and appropriate $60,600 in additional Bioterrorism Funding from the NC Department of Health & Human Services, Office of Public Health Preparedness and Response.

Note: This Bioterrorism funding will cover on-going maintenance and support of the Medical On-line Surveillance Tool (MOST) as well as two assessments to evaluate potential data sources to be evaluated in this system. A school attendance assessment will be performed on the regional school systems to determine the feasibility of acquiring school attendance/absenteeism data. An environmental health assessment will also be performed of public water complaints, hazmat responses, foodborne illness complaints, etc. to determine the feasibility of capturing this data.
1. Recognize, receive and appropriate $193,523 from the North Carolina Division of Health and Human Services ($70,500 for FY05 and $123,023 for FY06).

2. Establish one full-time psychiatric nurse practitioner, three full-time psychiatric rehabilitation technicians, two 70% psychiatric rehabilitation technicians and one 60% psychiatric rehabilitation technician.

Note: The State of North Carolina has adopted a policy designed to reduce admissions to State Psychiatric Hospitals. The State is awarding grants for developing and providing services needed to decrease admissions to State Psychiatric Hospitals. Current admissions to the state hospital have both a substance abuse and mental health diagnosis. It is anticipated that the creation of an integrated dual diagnosis program within the existing Substance Abuse Services Center will reduce admissions to the state hospital. The initial funding is for $70,500. This will fund one month of the salaries and fringes for positions mentioned above. Beginning July 1, 2005 the funding will be $123,023 on a recurring basis. These funds, combined with FY2006 Medicaid funds, will be used to develop Psychiatric and Substance Abuse Treatment Services in the Substance Abuse Services Center. The Psychiatric Nurse Practitioner will provide the necessary clinical supervision for the program. The Psychiatric Rehabilitation Technicians will provide coverage on all three shifts.

14) HAZARD MITIGATION PROGRAM – FLOODPLAIN ACQUISITION

1. Accept the “Offer of Sale of Land” for the following properties: Richard Wetmore and Lilian Wetmore of 122 Placid Place for $255,000

2. Adopt a resolution Approving Transfer of Reusable Building Materials to Habitat for Humanity of Charlotte, Inc. to allow for salvage of materials prior to demolition of structures purchased by Mecklenburg County.

3. Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structures for training exercises.

Resolution recorded in full in Minute Book 42-A, Document # _____.

15) WEST MECKLENBURG VOLUNTEER FIRE DEPARTMENT, INC. – EQUIPMENT PURCHASE

Adopt a resolution approving the financing by West Mecklenburg Volunteer Fire Department, Inc. to purchase fire equipment.

Resolution recorded in full in Minute Book 42-A, Document # _____.

16) DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (DJJDP) – DECREASE IN FUNDING

Approve decrease in DJJDP grant funds for the Juvenile Theft Diversion Program by $2,500.

Note: The JCPC is charged with assessing the needs, identifying available resources, and recommending funding allocations for programs that serve juveniles in the county who are at risk of delinquency, and/or are adjudicated, undisciplined or delinquent. The Juvenile Theft Diversion program has determined that they will not need $2,500 of DJJDP funds awarded this fiscal year.

17) DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (DJJDP) – FUNDS TRANSFER

Approve transfer of $28,237 of DJJDP grant funds from the Present Day Restitution Program to
the Youth Homes Program for fiscal year 2005 as recommended by the Mecklenburg County Juvenile Crime Prevention Council.

(18) WOMEN’S COMMISSION – GRANT APPLICATION

Approve submission of the OVC grant application for funding in the amount of $60,190 to the Mecklenburg County Women’s Commission for Outreach and Public Awareness for Programa Confianza (FY 06). If awarded, recognize, receive and appropriate such funds.

(19) Sycamore Green Restructuring and Adoption of Resolution Entitled, Resolution Authorizing Restructuring and Remarketing of Multifamily Housing Revenue Bonds (Sycamore Green Apartments) Series 2001

Adopt resolution entitled, Resolution Authorizing Restructuring and Remarketing of Multifamily Housing Revenue Bonds (Sycamore Green Apartments) series 2001.

Resolution recorded in full in Minute Book 42-A, Document # _____.

(20) IST FY2005 BUDGET – AMEND

Recognize and appropriate $127,000 in additional revenue to the IST Department budget.

Note: Revenue from the City of Charlotte for Mainframe Data Center services is projected to exceed budgeted amount by $127,000 for FY2005. These additional funds would be used to purchase a Storage Area Network ($83,750) to consolidate servers and data storage. The remainder of funds ($43,250) would be used to purchase customer relationship management software and provide additional customer service training within the IST Department to increase customer satisfaction with IT services.

(21) CENTRALINA COUNCIL OF GOVERNMENT REGIONAL ECONOMIC DEVELOPMENT

Appropriate $57,281 of restricted contingency for regional economic development efforts with Centralina Council of Governments and approve carry forward of any funds remaining unspent at June 30, 2005.

This concluded items approved by consent

(10) PARK ROAD PARK – LAKE ENVIRONS IMPROVEMENTS

Motion was made by Commissioner Bishop, seconded by Commissioner Woodard and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to authorize the County Manager to negotiate and execute the Park Road Park Water Quality Design Agreement, and any additional related agreements, to provide water quality enhancements to the existing lake. Amend the Park and Recreation Approved in November 2, 1999 Referendum Capital Project Ordinance.

Commissioner Bishop removed this item from consent but due to the time, decided not to ask any questions.

Ordinance recorded in full in Minute Book 42-A, Document _____.

STAFF REPORTS AND REQUESTS - NONE
COUNTY COMMISSIONERS REPORTS AND REQUESTS

(22) PURCHASE OF GRACE A.M.E. ZION CHURCH – (CHAIRMAN HELMS)

Motion was made by Commissioner James, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve an advance of up to $800,000 for the Historic Landmarks Commission for the purchase of the Grace AME Zion Church located at 219 South Brevard St, Charlotte NC for Historic Preservation and adaptive redevelopment.

Motion was made by Commissioner James, seconded by Commissioner Roberts and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve agreement for repayment of advance.

Motion was made by Commissioner James, seconded by Commissioner Rembert and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to adopt Historic Landmarks’ Capital Projects Facilities – 2005 Capital Project Ordinance providing for purchase.

Prior to the above vote, Dan Morrill, Director of the Historic Landmark Commission addressed this matter, including questions from the Board.

Commissioners Puckett and Bishop, prior to the above vote, expressed concern for the Historic Landmarks ability to fulfill the repayment agreement.

Note: Grace A.M.E. Zion Church is one of the most significant Victorian Gothic Revival style buildings in Mecklenburg County. Grace Church, dedicated on July 13, 1902, is one of the oldest African American churches in Charlotte and the only religious edifice which survives in what was once the largest African American residential section in Charlotte, known as Brooklyn. Grace Church has contributed substantially to the evolution of the local African American community, especially through such members as Dr. J. T. Williams and Thaddeus L. Tate, W. C. Smith, and W. W. Smith who designed and constructed the Grace Church.

The Church has purchased land on W. T. Harris Boulevard and will be relocating to a suburban location. The structure has a high probability to be demolished unless the Historic Landmarks Commission can secure the property through a purchase and the incorporation of deed covenants to assure the preservation of the structure in perpetuity.

The Historic Landmarks Commission’s revolving fund exists to be the “developer of last resort” of endangered historic landmarks or to be the developer that will assure the preservation of historic resources when real estate market forces work to the contrary. In all other instances, the HLC has had sufficient monies in its revolving fund to save endangered historic properties; but existing contractual and community commitments do not leave adequate funding capacity to complete this purchase at this time.

Agreement recorded in full in Minute Book 42-A, Document # ______.

Ordinance recorded in full in Minute Book 42-A, Document # ______.

(24) DONATION TO BROTHER 2 BROTHER – (COMMISSIONER JAMES)

Commissioner James noted that at the April 19, 2005 meeting the Board approved a donation of surplus office equipment to Brother 2 Brother, which he supported.

He said that his purpose for bringing this matter back to the Board was to remind the Board of the ABC Model it adopted with respect to addressing HIV Disease. He was not asking the Board to reconsider the action taken on April 19, 2005, but wanted to point out that based on the information received from Brother 2 Brother, they maybe violating the ABC Model by
distributing Safe Sex Kits and condoms in the jail.

Commissioner James said this was something that he was going to look into.

William Fulton, founder and executive director of Brother 2 Brother and Jeffrey Addison of his staff addressed the Board concerning the purpose of Brother 2 Brother and the types of activities that they are involved in. They clarified for the record because of Commissioner James’ concern, that Safe Sex Kits and condoms are not distributed in the jails.

No action was taken or required on this matter.

(COMMISSIONERS’ COMMENTS)

General comments were made at this time by various Commissioners regarding upcoming events and/or events they attended, as well as, other matters which they deemed noteworthy.

ADJOURNMENT

Motion was made by Commissioner Puckett, seconded by Commissioner Rembert, and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:52 p.m.
The Board of Commissioners of Mecklenburg County, North Carolina, met in Budget/Public Policy Session in Conference Center Room 267 on the 2nd floor of the Charlotte-Mecklenburg Government Center on Tuesday, March 8, 2005 at 3:00 p.m.

ATTENDANCE

Present:  Chairman H. Parks Helms and Commissioners  
J. Daniel Bishop, Dumont Clarke  
Norman A. Mitchell, Sr., Wilhelmenia Rembert  
and Valerie C. Woodard  
County Manager Harry L. Jones, Sr.  
Clerk to the Board Janice S. Paige

Absent:  Commissioners Bill James, Jim Puckett, and Jennifer Roberts

Commissioner Woodard was absent when the meeting was called to order and until noted in the minutes.

(1)  REFUNDING BOND ORDER

REPORT FROM CLERK

The Clerk to the Board of Commissioners reported to the Board of Commissioners that the bond order entitled “BOND ORDER AUTHORIZING THE ISSUANCE OF $250,000,000 REFUNDING BONDS OF THE COUNTY OF MECKLENBURG” which had been introduced on March 1, 2005, had been published in a qualified newspaper on March 2, 2005, with notice that the Board would hold a public hearing thereon on March 8, 2005. The Clerk also reported that the County’s Director of Finance had filed in the Clerk’s office a statement of debt complying with the provisions of The Local Government Bond Act and that such statement showed the net indebtedness of the County to be 2.77% of the assessed valuation of property in the County subject to taxation.

PUBLIC HEARING ON BOND ORDER

Commissioner Clarke moved that the Board proceed to hold a public hearing on the bond order. The motion was seconded by Commissioner Mitchell and was unanimously adopted, 5-0.

At 3:35 p.m., the Chairman of the Board announced that the Board would hear anyone who wished to be heard on the questions of the validity of the bond order and the advisability of issuing the bonds.

After the Board had heard all persons who requested to be heard, Commissioner Clarke moved that the public hearing be closed. The motion was seconded by Commissioner Bishop and was unanimously adopted, 5-0.

Note: No one appeared to speak.
ADOPTION OF BOND ORDER

Commissioner Clarke moved that the Board adopt without change and direct the Clerk to publish as prescribed by The Local Government Bond Act the bond order entitled “BOND ORDER AUTHORIZING THE ISSUANCE OF $250,000,000 REFUNDING BONDS OF THE COUNTY OF MECKLENBURG” introduced at the meeting of the Board of Commissioners held on March 1, 2005. The motion was seconded by Commissioner Bishop and was adopted by the following vote:

AYES: Commissioners Bishop, Clarke, Helms, Mitchell, and Rembert

NAYES: None

Note: Commissioner Woodard was not present at the time the vote was taken.

*       *       *

RESOLUTION AUTHORIZING ISSUANCE OF BONDS

Commissioner Clarke moved adoption of the following resolution, the motion was seconded by Commissioner Rembert, and the resolution was read by title:

WHEREAS, the bond order hereinafter described has taken effect, and it is desirable to make provision for the issuance of bonds authorized thereby;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Mecklenburg, North Carolina (the “Issuer”), as follows:

1. Pursuant to and in accordance with the refunding bond order adopted by the Board of Commissioners on March 8, 2005, the Issuer shall issue its bonds in the aggregate principal amount of $172,095,000, subject to adjustment as hereinafter provided.

2. The bonds to be issued pursuant to the bond order described in the preceding paragraph shall be designated “General Obligation Refunding Bonds, Series 2005C” (the “Bonds”). The Bonds shall be dated April 1, 2005, and shall bear interest from their date at a rate or rates that shall be determined upon the public sale of the Bonds, and interest shall be payable on August 1, 2005, and semi-annually thereafter on February 1 and August 1. The Bonds shall mature annually on February 1, as follows, subject to adjustment as hereinafter described:

<table>
<thead>
<tr>
<th>Year</th>
<th>Principal Amount</th>
<th>Year</th>
<th>Principal Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>$ 545,000</td>
<td>2012</td>
<td>$25,535,000</td>
</tr>
<tr>
<td>2007</td>
<td>- 0 -</td>
<td>2013</td>
<td>26,085,000</td>
</tr>
<tr>
<td>2008</td>
<td>- 0 -</td>
<td>2014</td>
<td>26,150,000</td>
</tr>
<tr>
<td>2009</td>
<td>16,845,000</td>
<td>2015</td>
<td>17,410,000</td>
</tr>
<tr>
<td>2010</td>
<td>16,580,000</td>
<td>2016</td>
<td>17,470,000</td>
</tr>
<tr>
<td>2011</td>
<td>25,475,000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Each Bond shall bear interest from the interest payment date next preceding the date on which it is authenticated unless it is (a) authenticated on an interest payment date, in which event it shall bear interest from that interest payment date, or (b) authenticated prior to the first interest payment date, in which event it shall bear interest from its date; provided, however, that if at the time of authentication interest is in default, such Bond shall bear interest from the date to which interest has been paid.

The principal of and the interest on the Bonds shall be payable in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof. Debt service will be payable to the owners of Bonds shown on the records of the hereinafter designated Bond Registrar of the Issuer on the record date, which shall be the fifteenth day of the calendar month (whether or not a business day) next preceding a debt service payment date.

The Bonds shall be deemed to refund each of the issues of bonds being refunded within the respective periods of usefulness of the capital projects financed by each of the issues of bonds being refunded.

3. The Bonds will be issued in fully registered form by means of a book entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to and registered in
In the event that (a) DTC determines not to continue to act as securities depository for the Bonds, or (b) the Issuer determines that continuation of the book entry system of evidence and transfer of ownership of the Bonds would adversely affect the interests of the beneficial owners of the Bonds, the Issuer will discontinue the book entry system with DTC in a manner consistent with DTC’s rules and procedures. If the Issuer fails to arrange for another qualified securities depository to replace DTC, the Issuer will authenticate and deliver replacement Bonds in the form of fully registered certificates in denominations of $5,000 or integral multiples thereof.

4. The Bonds shall bear the manual or facsimile signatures of the Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners of the Issuer, and the official seal or a facsimile of the official seal of the Issuer shall be impressed or imprinted, as the case may be, on the Bonds.

The certificate of the Local Government Commission of North Carolina to be endorsed on all Bonds shall bear the manual or facsimile signature of the Secretary of that Commission or of a representative designated by that Secretary, and the certificate of authentication of the Bond Registrar to be endorsed on all Bonds shall be executed as provided below.

In case any officer of the Issuer or the Local Government Commission of North Carolina whose manual or facsimile signature appears on any Bonds shall cease to be that officer before the delivery of those Bonds, that manual or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until delivery, and any Bond may bear the manual or facsimile signatures of such persons as at the actual time of the execution of the Bond shall be the proper officers to sign the Bond although at the date of the Bond those persons may not have been such officers.

No Bond shall be valid or become obligatory for any purpose or be entitled to any benefit or security under this resolution until it has been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed thereon.

5. The Bonds and the endorsements thereon shall be in substantially the following form:

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation (“DTC”), to issuer or its agent for registration of transfer, exchange, or payment and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.
surrender hereof, at the office of the Director of Finance of the County, P. O. Box 34486, 600 East Fourth Street, 11th Floor, Charlotte, NC 28202 (the “Bond Registrar”), the principal sum shown above and to pay to the registered owner hereof, by check mailed to the registered owner at its address as it appears on the bond registration books of the County, interest on that principal sum from the date of this bond or from the February 1 or August 1 next preceding the date of authentication to which interest shall have been paid, unless the date of authentication is a February 1 or August 1 to which interest shall have been paid, in which case from that date, interest to the maturity hereof being payable on August 1, 2005, and semi-annually thereafter on February 1 and August 1 of each year, at the rate per annum specified above, until payment of the principal sum. The interest so payable on any interest payment date will be paid to the person in whose name this bond is registered at the close of business on the record date for that interest, which shall be the fifteenth day of the calendar month (whether or not a business day) next preceding that interest payment date. Both the principal of and the interest on this bond shall be paid in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof.

This bond is issued in accordance with the Registered Public Obligations Act, Chapter 159E of the General Statutes of North Carolina, and pursuant to The Local Government Finance Act of the State of North Carolina, as amended, a bond order adopted by the Board of Commissioners of the County on March 8, 2005, (the “Bond Order”) and a resolution adopted by that Board (the “Resolution”) to provide funds, together with any other funds that may be provided, to advance refund all or a portion of the County’s outstanding General Obligation Public Improvement Bonds, Series 1998A dated as of January 1, 1998, outstanding General Obligation Public Improvement Bonds, Series 1998B dated as of January 1, 1998, and outstanding General Obligation Public Improvement Bonds, Series 2000D dated as of November 1, 2000.

The bonds will be issued in fully registered form by means of a book entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to and registered in the name of DTC or its nominee and immobilized in its custody. The book entry system will evidence beneficial ownership of the bonds in principal amounts of $5,000 or integral multiples thereof, with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC; transfer of principal and interest payments to beneficial owners by participants of DTC will be the responsibility of participants and other nominees of beneficial owners. The County will not be responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through participants.

The Bond Registrar shall keep at its office the books of the County for the registration of transfer of bonds. The transfer of this bond may be registered only upon those books and as otherwise provided in the Resolution upon the surrender hereof to the Bond Registrar together with an assignment duly executed by the registered owner hereof or his attorney or legal representative in form satisfactory to the Bond Registrar. Upon any registration of transfer, the Bond Registrar shall deliver in exchange for this bond a new bond or bonds, registered in the name of the transferee, in authorized denominations, in an aggregate principal amount equal to the unredeemed principal amount of this bond, of the same maturity and bearing interest at the same rate.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of North Carolina to exist, be performed or happen precedent to or in the issuance of this bond, exist, have been performed and have happened, and that the amount of this bond, together with all other indebtedness of the County, is within every debt and other limit prescribed by said Constitution or statutes. The faith and credit of the County are hereby pledged to the punctual payment of the principal of and interest on this bond in accordance with its terms.

This bond shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under the Bond Order or the Resolution until this bond shall have been endorsed by the authorized representative of the Local Government Commission of North Carolina and authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed hereon.

IN WITNESS WHEREOF, the County has caused this bond [to be manually signed by] [to bear the facsimile signatures of] the Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners and [a facsimile of] its official seal to be [imprinted] [impressed] hereon, and this bond to be dated April 1, 2005.

Chairman of the Board of Commissioners

(SEAL)

Clerk to the Board of Commissioners

CERTIFICATE OF LOCAL GOVERNMENT COMMISSION

The issuance of the within bond has been approved under the provisions of The Local Government Bond Act of North Carolina.
CERTIFICATE OF AUTHENTICATION

This bond is one of the Bonds of the issue designated herein and issued under the provisions of the within-mentioned Bond Order and Resolution.

COUNTY OF MECKLENBURG
DIRECTOR OF FINANCE, as Bond Registrar

By: _____________________________________________
Authorized Signature

Date of Authentication: April 12, 2005

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto ________________________________ the within Bond and irrevocably appoints ________________________________ attorney-in-fact, to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____________________________

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without any alteration whatsoever.

Signature Guaranteed: _____________________________

NOTICE: Signature(s) must be guaranteed by an institution which is a participant in the Securities Transfer Agent Medallion Program (STAMP) or similar program.

6. Bonds, upon surrender thereof at the office of the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in form satisfactory to the Bond Registrar, may, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of Bonds of the same maturity, of any denomination or denominations authorized by this resolution, and bearing interest at the same rate.

The transfer of any Bond may be registered only on the registration books of the Issuer upon the surrender thereof to the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in form satisfactory to the Bond Registrar. Upon any registration of transfer, the Bond Registrar shall authenticate and deliver in exchange for the Bond a new Bond or Bonds, registered in the name of the transferee, of any denomination or denominations authorized by this resolution, in an aggregate principal amount equal to the unredeemed principal amount of the Bond so surrendered, of the same maturity, and bearing interest at the same rate.

In all cases in which Bonds shall be exchanged or the transfer of Bonds shall be registered hereunder, the Bond Registrar shall authenticate and deliver at the earliest practicable time Bonds in accordance with the provisions of this resolution. All Bonds surrendered in any exchange or registration of transfer shall forthwith be cancelled by the Bond Registrar. The Issuer or the Bond Registrar may make a charge for shipping and out-of-pocket costs for every exchange or registration of transfer of Bonds sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to the exchange or registration of transfer, but no other charge shall be made for exchanging or registering the transfer of Bonds under this resolution.

As to any Bond, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal of any Bond and the interest on any Bond shall be made only to or upon the order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon that Bond and interest thereon, to the extent of the sum or sums so paid.
The Issuer shall appoint such registrars, transfer agents, depositaries or other agents and make such other arrangements as may be necessary for the registration, registration of transfer and exchange of Bonds within a reasonable time according to commercial standards then applicable and for the timely payment of principal and interest with respect to the Bonds. The Director of Finance of the Issuer is hereby appointed the registrar, transfer agent and paying agent for the Bonds (collectively, the “Bond Registrar”), subject to the right of the governing body of the Issuer to appoint another Bond Registrar, and as such shall keep at his office as Director of Finance, P. O. Box 34486, 600 East Fourth Street, 11th Floor, Charlotte, NC 28202, the books of the Issuer for the registration, registration of transfer, exchange and payment of the Bonds as provided in this resolution.

7. The Issuer hereby reserves the right to increase or decrease the principal amount of any maturity of the Bonds to be sold as described in the Notice of Sale relating to the Bonds.

8. The actions of the Director of Finance of the Issuer and others in applying to the Local Government Commission of North Carolina to advertise and sell the Bonds and the action of the Local Government Commission of North Carolina in asking for sealed and electronic bids for the Bonds by publishing notices and printing and distributing the Preliminary Official Statement and the Official Statement relating to the Bonds are hereby ratified and approved. That Preliminary Official Statement is hereby approved, and the Chairman of the Board of Commissioners, the County Manager and the Director of Finance of the Issuer are each hereby authorized to approve changes in the Preliminary Official Statement, to approve the Official Statement, and to execute the Official Statement for and on behalf of the Issuer. The Preliminary Official Statement is deemed to be a final official statement within the meaning of Rule 15c2-12 of the Securities and Exchange Commission, except for the omission of certain pricing and other information to be specified in the Official Statement.

9. The Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners and the Director of Finance of the Issuer are hereby authorized and directed to cause the Bonds to be prepared and, when they shall have been duly sold by the Local Government Commission, to execute the Bonds and have the Bonds endorsed and authenticated as provided herein and to deliver the Bonds to the purchaser or purchasers to whom they may be sold by the Local Government Commission.

10. The Issuer covenants to comply with the provisions of the Internal Revenue Code of 1986, as amended (the “Code”), to the extent required to preserve the exclusion from gross income of interest on the Bonds for federal income tax purposes.

11. The Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners, the Director of Finance and other officers of the Issuer are hereby authorized and directed to execute and deliver for and on behalf of the Issuer any and all financing statements, certificates, documents or other papers and to perform any and all acts they may deem necessary or appropriate in order to carry out the intent of this resolution and the matters herein authorized.

12. The Issuer hereby authorizes the officers of the Issuer designated therein to execute and deliver an Escrow Deposit Agreement in such form as may be approved by them, their execution thereof constituting conclusive evidence of such approval.

13. The Issuer hereby undertakes, for the benefit of the beneficial owners of the Bonds, to provide:

(a) by not later than seven months from the end of each fiscal year of the Issuer, to each nationally recognized municipal securities information repository (“NRMSIR”) and to the state information depository for the State of North Carolina ("SID"), if any, audited financial statements of the Issuer for such fiscal year, if available, prepared in accordance with Section 159-34 of the General Statutes of North Carolina, as it may be amended from time to time, or any successor statute, or, if such audited financial statements of the Issuer are not available by seven months from the end of such fiscal year, unaudited financial statements of the Issuer for such fiscal year to be replaced subsequently by audited financial statements of the Issuer to be delivered within 15 days after such audited financial statements become available for distribution.

(b) by not later than seven months from the end of each fiscal year of the Issuer, to each NRMSIR, and to the SID, if any, (i) the financial and statistical data as of a date not earlier than the end of the preceding fiscal year for the type of information included under heading “The County - Debt Information and - Tax Information” in the Official Statement relating to the Bonds (excluding any information on overlapping or underlying units) and (ii) the combined budget of the Issuer for the current fiscal year, to the extent such items are not included in the audited financial statements referred to in (a) above;

(c) in a timely manner, to each NRMSIR or to the Municipal Securities Rulemaking Board (“MSRB”), and to the SID, if any, notice of any of the following events with respect to the Bonds, if material:

(1) principal and interest payment delinquencies;
(2) non-payment related default;
(3) unscheduled draws on debt service reserves reflecting financial difficulties;
(4) unscheduled draws on any credit enhancements reflecting financial difficulties;
substitution of any credit or liquidity providers, or their failure to perform;
(adverse tax opinions or events affecting the tax-exempt status of the Bonds;
modification to the rights of the beneficial owners of the Bonds;
bond calls;
defeasances;
release, substitution or sale of any property securing repayment of the Bonds;
rating changes; and

(d) in a timely manner, to each NRMSIR or to the MSRB, and to the SID, if any, notice of a failure of the Issuer to provide required annual financial information described in (a) or (b) above on or before the date specified.

To the extent permitted by the U. S. Securities and Exchange Commission, the obligation to file any of the above documents with NRMSIRs and SIDs may be discharged by transmitting those documents electronically to www.DisclosureUSA.org.

If the Issuer fails to comply with the undertaking described above, any beneficial owner of the Bonds may take action to protect and enforce the rights of all beneficial owners with respect to such undertaking, including an action for specific performance; provided, however, that failure to comply with such undertaking shall not be an event of default and shall not result in any acceleration of payment of the Bonds. All actions shall be instituted, had and maintained in the manner provided in this paragraph for the benefit of all beneficial owners of the Bonds.

The Issuer reserves the right to modify from time to time the information to be provided to the extent necessary or appropriate in the judgment of the Issuer, provided that:

(a) any such modification may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature, or status of the Issuer;
(b) information to be provided, as modified, would have complied with the requirements of Rule 15c2-12 issued under the Securities Exchange Act of 1934 (“Rule 15c2-12”) as of the date of the Official Statement relating to the Bonds, after taking into account any amendments or interpretations of Rule 15c2-12, as well as any changes in circumstances; and
(c) any such modification does not materially impair the interest of the beneficial owners, as determined either by parties unaffiliated with the Issuer (such as bond counsel), or by the approving vote of the registered owners of a majority in principal amount of the Bonds pursuant to the terms of this bond resolution, as it may be amended from time to time, at the time of the amendment.

Any annual financial information containing modified operating data or financial information shall explain, in narrative form, the reasons for the modification and the impact of the change in the type of operating data or financial information being provided.

The provisions of this Section shall terminate upon payment, or provision having been made for payment in a manner consistent with Rule 15c2-12, in full of the principal of and interest on all of the Bonds.

14. The investment banking firm of Banc of America Securities LLC is hereby authorized to serve as financial advisor to the Issuer (the “Financial Advisor”) in connection with sale and issuance of the Bonds. The Financial Advisor and its affiliates are hereby expressly authorized to bid for the purchase of the Bonds.

The motion was adopted by the following vote:

AYES: Commissioners Bishop, Clarke, Helms, Mitchell, and Rembert

NAYES: None

Note: Commissioner Woodard was not present at the time the vote was taken.

* * * * * * * * * * * * * *

Note: County Finance Director Harry Weatherly addressed the above matters prior to the Board taking action. It was noted that although the resolution authorizes the Issuance of $250,000,000 Refunding Bonds that this entire amount probably will not be sold, however this amount was needed in order to meet market conditions. It will probably be in the range of $172,000,000.
(2) CITIZENS’ CAPITAL BUDGET ADVISORY COMMITTEE APPOINTMENTS

Motion was made by Commissioner Rembert, seconded by Commissioner Clarke to appoint Michael Murdock as Chairman of the Citizens’ Capital Budget Advisory Committee (CCBAC) for the duration of his term.

Note: Chris Jackson, who was chairman, resigned. Michael Murdock currently serves as the vice-chairman.

Commissioner Bishop questioned the necessity of moving forward with the selection of a chairman at this time. He suggested that perhaps this should be done at the April 5, 2005 meeting. He also asked why the Board nominates at one meeting and appoints at a subsequent meeting.

Chairman Helms said that the two step appointment process was designed to provide the Board with more time to review the nominees.

With respect to the need for a chairman, it was noted the CCBAC was scheduled to meet prior to April 5th and that leadership was needed, so that the Committee could move forward as soon as possible.

Mr. Murdock was present and was asked to address his vision for the Committee.

Mr. Murdock said his desire was to bring together and provide a broad range of citizen involvement with a variety of expertise and backgrounds to examine the capital funding needs of the County and to provide the Board with recommendations regarding those needs.

Mr. Murdock said that it would be his goal to also align the CCBAC more closely with the “mindset” of the Board and where the Board sees itself going; and to also enhance the relationship with staff.

Commissioner Rembert called the question and it was carried 5-0.

The vote was then taken on the motion and carried 5-0, with Commissioners Bishop, Clarke, Helms, Mitchell, and Rembert voting yes, to appoint Michael Murdock as Chairman of the Citizens’ Capital Budget Advisory Committee (CCBAC) for the duration of his term.

Motion was made by Commissioner Bishop, seconded by Commissioner Rembert and carried 5-0 with Commissioners Bishop, Clarke, Helms, Mitchell, and Rembert voting yes, to waive the Board’s Policy on appointments to committees to allow the Board to both nominate and appoint members to the CCBAC at the April 5, 2005 meeting.

Note: County Finance Director Harry Weatherly addressed the above matters prior to the Board taking action.

(3) FY 2006 BUDGET UPDATE

County Manager Jones outlined the format for today’s meeting with regards to providing the Board with an FY 2006 Budget update. He said that Budget and Management Director, Hyong Yi would provide an overview of key items related to the FY 2006 budget. The overview would consist of the following:

- Projected revenues and expenses
Note: Commissioner Woodard entered the meeting during this time.

- The broad choices and consequences the County faces
- Staff’s planning and budgeting approach in building the Manager’s recommended budget
- Upcoming budget/public policy workshops.

Below are highlights from Director Yi’s presentation.

- It was noted that all numbers referred to in the presentation were county dollars.
- It was also noted that there would not be enough revenue at the current property tax rate to pay for the services the County currently provides.
- FY06 Projected Revenue Growth
  - Total Property Tax $17,495,215
  - Total Sales Tax 6,248,000
  - Total Investment Income 4,500,000
  - Growth Revenue (major sources) $28,243,215
- Fund Balance Appropriation $3,584,576
- One Time Revenue ($11,741,313) Used last FY to fund on-going operations, however these funds are no longer available but these costs are still committed within the budget
- Net Growth Revenue $20,086,478
- FY06 Current Service Level Increases were noted
- Projected Surplus/ (Deficit)
  - Total Net Revenue $20,086,478
  - Current Service Level $54,966,859 (This is the additional amount needed to provide current level services.)
  - Surplus/ (Deficit) ($34,880,381)
- Other Expenditures of Note, which are not in current service level. These are requests from departments that are either service enhancements or new services or new cost that are not in the County’s base.

  Classification & Compensation Study
  - Market Adjustment 7,748,499
  - Benefits 1,386,361
  - Social Services 3,534,196
  - Fleet – Replacement Vehicles, Gas, and Computer System 3,154,906
  - Libraries - ImaginOn 2,127,424
  - Indigent Care 2,075,000
  - Business Development Grant (Brookwood) 2,300,000
  - Deferred Compensation Match 2,000,000
  - increase from 4 to 5%
  - Other 3,245,848
  - Service Level II $27,572,233

- **Choices**
  - 1. Increase Revenues
    - Add or increase fees
    - Increase tax rate
  - 2. Decrease Expenses
    - Identify cost efficiencies
    - Reduce and/or Eliminate services
  - 3. Both

- **Consequences**
  - Increase Revenue = Increase property tax rate
  - A 4.22-cent increase for Current Service Level
- Additional 3.33-cent increase for Service Level II
- Decreases Expenses = Reduction/Elimination of current services
- Cutting services means that that we would “draw a line” between Priority Levels 4 and 5.

A copy of staff’s presentation is on file with the Clerk to the Board.

Comments

Chairman Helms asked about the history of increases in assessed value, noting that the figure shown appeared lower than what he recalled. Staff’s response was that it has been higher, around 3 to 3.5 percent for the last several years.

Commissioner Bishop asked what was the reason for the decrease? It was noted that there were several components impacting this.
  - One has to do with “real value,” which represents about 82% of the total value of property.
  - Business Personal Property listing is currently being estimated at being flat.
  - Vehicle tax also showing a flat growth rate.
  - State certified property, which is valued at the state level, is showing a decrease of 2%. Duke Power and Airlines are examples of state certified properties.
  - These figures are subject to change based on final data.

Commissioner Mitchell asked about indigent care and the projected increase. Staff’s response was that more detailed information was forthcoming.

County Manager Jones noted that the $13.9 million for CMS Operating was not a fixed number. He reminded the Board of the Funding Framework that was approved and noted that the Framework was to serve as a guideline and that it was not something that was “cast in stone.”

Chairman Helms noted that in order to maintain current service level it might take a 4.2 cents tax increase.

Chairman Helms noted further that when the other $27.5 million (Service Level II) is factored in that would be another 3.3 cents on the tax rate and that if service levels I and II are funded it’ll be 7.5 cents on the tax rate.

Commissioner Rembert asked if based on the program reviews that have taken place thus far, were there any areas/services that would probably be slated for reductions and/or elimination?

County Manager Jones said there were a couple areas being looked at closely, such as fleet with respect to rightsizing the fleet, which may or may not result in savings. He said it was really too early to tell.

General Manager John McGillicuddy noted that the County Manager has informed departments that he expects to see cost efficiencies in their budget requests.

General Manager McGillicuddy noted further that the $34,880,381 shortfall cannot be found in cost efficiencies alone.

Commissioner Woodard asked whether all avenues had been exhausted in terms of partnerships with other entities. It was noted that staff continues to look at ways of partnering with other entities and that all avenues have not been exhausted.

Commissioner Woodard said that she would like to see partnerships occur with other entities in order to continue to provide a service rather than having that service eliminated.

Budget Workshop Options

The Board was provided two calendar options for conducting budget workshops. Option one (1) consists of three workshops and Option two (2) four workshops.
It was the consensus of the Board to defer a decision on the budget workshops calendar until the March 15, 2005 meeting since all members of the Board were not present.

County Manager Jones concluded by saying there were a lot of “unknowns” at this point in the process. He noted further that the impact of the federal budget was a big unknown.

Chairman Helms thanked County Manager Jones and his staff for their report to the Board.

*Note: The above is not inclusive of every comment and/or question asked but reflects key points and requested follow-up.*

**ADJOURNMENT**

Motion was made by Commissioner Rembert, seconded by Commissioner Woodard and unanimously carried with Commissioners Bishop, Clarke, Helms, Mitchell, Rembert, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 4:55 p.m.

Janice S. Paige, Clerk

H. Parks Helms, Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, March 15, 2005.

ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners J. Daniel Bishop, Dumont Clarke, Bill James, Norman A. Mitchell, Sr., Jim Puckett, Wilhelmenia I. Rembert, Jennifer Roberts and Valerie C. Woodard

County Manager Harry L. Jones, Sr.

County Attorney Marvin A. Bethune

Clerk to the Board Janice S. Paige

Absent: None.

Commissioner Clarke was absent when the meeting was called to order and until noted in the minutes.

-INFORMAL SESSION-

(1A) STAFF BRIEFING - SELF-FINANCING BONDS

The Board received a presentation on Self-Financing Bonds a newly approved financing technique.

Commissioner Clarke entered the meeting at this time.

Finance Director, Harry Weatherly addressed this new technique. The following was noted:

- The technique was passed November 2, 2004 in statewide referendum.
- NC is the 49th State to adopt Self-Financing Bonds (SFB).
- This is another tool in the City and County’s Economic Development toolbox.
- Both the City and the County desire to develop complementary policy criteria.

The following was also covered:

- Current Financing Tools
- NC Self Financing Bonds
- Development Financing District
- Allowed Uses
- Development Financing Plan
- Local Government Commission Review
- Staff Observations
- Examples in other cities
- Suggested Timetable and Process

Following general discussion and clarification on matters such as, the 5% limitation, district sizes, and required approvals, the following motion was made:

Motion was made by Commissioner Puckett, seconded by Commissioner James and unanimously
carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve the timetable and process for Self-Financing Bonds as recommended by staff and refer this matter to the Board’s Economic Development Committee for study, review, and recommendation.

The Timetable and Process recommended was as follows:

March  Present overview to City Council and County Commission
April-May  Develop proposed draft policy guidelines at committee level and share with full bodies
June-July  Conduct series of community based meetings to test proposed draft policy guidelines
August  Recommendation from committee level
September  Approval by elected bodies

Note: This schedule will allow time for the Local Government Commission to prepare for implementation

A copy of the presentation is on file with the Clerk to the Board.

Commissioner Puckett left the meeting and was away until noted in the minutes.

(2A)  CLOSED SESSION - BUSINESS LOCATION AND EXPANSION

Motion was made by Commissioner Roberts, seconded by Commissioner Woodard and carried 8-0 with Commissioners Bishop, Clarke, Helms, James, Mitchell, Rembert, Roberts, and Woodard voting yes, to go into Closed Session to discuss Business Location and Expansion.

The Board went into Closed Session at 5:55 p.m. and came back into Open Session at 6:10 p.m.

Commissioner Puckett was present when the Board came back into Open Session. He returned to the meeting during Closed Session.

Commissioner James was absent when the Board came back into Open Session and until noted in the minutes.

(3)  REMOVAL OF ITEMS FROM CONSENT

The Board identified items they wanted removed from consent. The items identified were Items 15 and 17.

The Board then proceeded to the Meeting Chamber for the remainder of the meeting.

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- FORMAL SESSION -

Commissioner James was present when the Board convened for this portion of the meeting.

Invocation was given by Chairman Helms, which was followed by the Pledge of Allegiance to the Flag.

(PROCLAMATIONS AND AWARDS)

(1A) GERALD G. FOX EMPLOYEE OF THE YEAR AWARD 2004
The Board recognized the winner and runner up of the Mecklenburg County Gerald G. Fox Employee of the Year Award for 2004 sponsored by the Charlotte Chamber of Commerce. The winners were Mary Cousart, 2004 Mecklenburg County Gerald G. Fox Employee of the Year and Captain Lawrence Calvin, runner up.

Ms. Cousart is with the Department of Social Services. Ms. Cousart was presented a check, gift certificate and plaque. Captain Calvin with the Sheriff’s Office received a gift certificate and plaque. Each expressed their appreciation for having received their awards.

Susan Manning, Director of County Human Resources, Tommy Burton, and John Brown on behalf of the Chamber of Commerce presented this matter to the Board and announced the above recipients.

(1B) VOLUNTEER FIREFIGHTERS DISTINGUISHED SERVICE AWARDS

The Board recognized and congratulated six (6) Mecklenburg County volunteer firefighters who were awarded Distinguished Service Awards at the 54th annual banquet of the Mecklenburg County Volunteer Firemen’s Association on January 22, 2005. The recipients were:

- District 1 – Gilead VFD – Assistant Chief Tim McDonald – 22 years
- District 1 – Gilead VFD – Captain Ben Reagan – 11 Years
- District 2 – Cooks VFD – Past Chief Steve Sanders – 20 Years
- District 3 – Steele Creek VFD – Captain Don Pusso – 21 Years
- District 4 – Matthews VFD – Association Chaplain Don Bobbitt – 30 Years
- District 5 – Mallard Creek VFD – Chief Kirk Killian – 30 Years

Donald Beard, County Fire Marshall introduced the recipients.

(1C) 2005 - THE YEAR OF LANGUAGES

Motion was made by Commissioner Roberts, seconded by Commissioner Woodard and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to adopt a proclamation designating 2005 The Year of Languages.

The proclamation was read by Commissioner Roberts and received by Caroline Switzer Kelly, president of the Foreign Language Association of N. C., Tom Skinner with CMS, and Ynez Olshausen, Principle of Smith Academy of International Languages. There were also students present from Smith Academy that greeted the Board in various languages.

A copy of the Proclamation is on file with the Clerk to the Board.

(1D) WOMEN’S HISTORY MONTH

Motion was made by Commissioner Woodard, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to adopt a proclamation designating March 2005 as Women’s History Month.

The proclamation was read by Commissioner Woodard and received by Nancy Klein, Chairman of the Women’s Commission, Deborah Guibault, staff, and Tom Hanchett with the Levine Museum.

A copy of the Proclamation is on file with the Clerk to the Board.
(1E) PROFESSIONAL SOCIAL WORK MONTH 2005

Motion was made by Commissioner Rembert, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to adopt a proclamation designating March 2005 as Professional Social Work Month.

The proclamation was read by Commissioner Rembert.

A copy of the Proclamation is on file with the Clerk to the Board.

(2) PUBLIC APPEARANCE

The following persons appeared to speak during public appearance:

Phra Achan DhammaratoBhikkhu, an American Buddhist monk addressed the need for morality talks in Schools.

A copy of Mr. Bhikkhu’s remarks is on file with the Clerk to the Board.

Jack Stratton informed the Board of the criminal complaint that he filed on charges of kidnapping and conspiracy to kidnap against Gretchin Caldwell, Catherine Dorminey, Lisa Lubey, Donna Fayco, Tyrone Wade, Yvonne Mims-Evans, and various others that will be identified in the future. He said the basis of his complaint is the kidnapping of his children on January 30, 2001 by Mecklenburg County officials and agents of DSS. Mr. Stratton said he would provide the Board with a copy of his complaint at a later date.

(3) APPOINTMENTS

BICYCLE COMMITTEE

Motion was made by Commissioner James, seconded by Commissioner Bishop and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to reappoint Lauren Blackburn to the Bicycle Committee for a three-year term expiring March 6, 2008.

BOARD OF EQUALIZATION & REVIEW

Motion was made by Commissioner James, seconded by Commissioner Puckett and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to reappoint Damon C. Bidencope, Kenneth L. Friedman, David E. Fuller, Kenneth C. Hammond, Alan Turner and Doug Wynne to the Board of Equalization and Review for a one-year term expiring April 7, 2006.

The following persons were nominated for appointment to the Board of Equalization and Review:

<table>
<thead>
<tr>
<th>Name</th>
<th>Nominated By</th>
</tr>
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<tbody>
<tr>
<td>Joanne Allen</td>
<td>Commissioner Woodard</td>
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<tr>
<td>Russell N. Allen</td>
<td>Commissioner James</td>
</tr>
<tr>
<td>Harry G. Brown</td>
<td>Commissioner James</td>
</tr>
<tr>
<td>Mark D. Gay</td>
<td>Commissioner James</td>
</tr>
<tr>
<td>William B. Hawkins</td>
<td>Commissioner James</td>
</tr>
<tr>
<td>Victoria Mattias</td>
<td>Commissioner Woodard</td>
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<tr>
<td>Shirley A. Rico</td>
<td>Commissioner Woodard</td>
</tr>
<tr>
<td>Meredith (Dick) Stoever</td>
<td>Commissioner James</td>
</tr>
<tr>
<td>Daniel C. Warren</td>
<td>Commissioner James</td>
</tr>
</tbody>
</table>
Appointments will occur on April 5, 2005.

(4) REAL ESTATE EXCISE TAX REFUND REQUEST

Motion was made by Commissioner Bishop, seconded by Commissioner Woodard and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to hold a hearing on a request by the Lake Law Office for reimbursement of North Carolina excise tax in the amount of $24.00.

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Bishop and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to close the hearing and approve the request of the Lake Law Office for reimbursement of North Carolina excise tax in the amount of $24.00.

Note: The Lake Law Office incorrectly filed a General Warranty Deed in Mecklenburg. North Carolina General Statute 105-228.37 requires that the Board of Commissioners conduct a hearing on a request for refund of excise taxes collected on a deed that was incorrectly submitted for recording in Mecklenburg County. The property subject to the deed is located in Iredell County and has since been recorded in Iredell County.

(5) ADVISORY COMMITTEE REPORTS – NONE

(6) MANAGER’S REPORT

County Manager Jones addressed the FY06 Budget Process. He reminded the Board that as it goes into the FY06 Budget Process that there is a significant gap between projected revenues and the cost of providing current services at the current tax rate. A video was shown for public awareness regarding the Board’s priorities and how those priorities were established.

CONSENT ITEMS

Motion was made by Commissioner Puckett, seconded by Commissioner Rembert and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to approve the following item(s) with the exception of Items 15 and 17 to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held March 1, 2005 and Special Meeting held February 14, 2005.

(8) TAX REFUNDS

Approve refunds to be made by the Finance Department as requested by the Tax Assessor in the amount of $1,054,505.92 resulting from clerical errors, audits and other amendments.

A list of the refund recipients is on file with the Clerk to the Board.

(9) CRISIS INTERVENTION PROGRAM FUNDING – DSS

Recognize, receive and appropriate additional Energy Administration funds of $32,244 from the
U.S. Department of Energy for administration of the Crisis Intervention Program (CIP).

Note: The CIP funds are used to aid Mecklenburg County citizens in alleviating emergency heating and cooling needs.

(10) NC DEPARTMENT OF TRANSPORTATION RURAL OPERATING ASSISTANCE PROGRAM GRANT APPLICATION – SET PUBLIC HEARING

Authorize the Clerk to publish notice of intent to hold a public hearing at the April 5, 2005 Board of County Commissioners meeting to receive comments on the Mecklenburg County Department of Social Services’ application for the NC Department of Transportation’s Rural Operating Assistance Program for fiscal year 2005-2006.

(11) STREET LIGHTING PRELIMINARY ASSESSMENT RESOLUTION – SET PUBLIC HEARING

Adopt Preliminary Assessment Resolution setting a public hearing on May 3, 2005 at 6:30 p.m. on Mecklenburg County’s participation in the Street Lighting Assessment project for the Asheford Woods Subdivision.

Resolution recorded in full in Minute Book 42-A, Document # _____.

(12) STREET ASSESSMENT PROJECT – SET PUBLIC HEARING

Adopt a Preliminary Assessment Resolution setting a public hearing on Mecklenburg County’s participation in the Street Assessment project for Meffert Lane on May 3, 2005 at 6:30 p.m.

Resolution recorded in full in Minute Book 42-A, Document # _____.

(13) STREET NAME CHANGE – SET PUBLIC HEARING

Set a public hearing at 6:30 p.m. on May 3, 2005 on the request to change the name of an existing 0.18-mile State maintained section of Red Fez Club Road to Langston Drive; and rename the State maintained 0.15-mile section of Shaherilla Road to Red Fez Club Road.

(14) RENAMING OF RAMSEY CREEK OFF LEASH DOG AREA

Approve renaming Ramsey Creek Off Leash Dog Area to Swaney Pointe K-9 Park.

(16) FUNDING ADJUSTMENT – AREA MENTAL HEALTH

Approve mid-year Area Mental Health funding adjustments as follows:

A. Recognize, receive and appropriate recurring Federal funds in the amount of $2,764 for the purpose of increasing their ability to provide already existing PATH/Homeless Adult program services.
B. Recognize, receive and appropriate recurring Federal funds in the amount of $26,407 for the Treatment Alternatives to Street Crime program.
C. Recognize, receive and appropriate recurring Federal funds in the amount of $68,227 for the Treatment Alternatives for Women Program.
D. Reduction of Federal funds in the amount of $70,130 from Strengthening Families.
E. Recognize, receive and appropriate Federal funds in the amount of $125,576 for the purpose of aligning allocations to Area Mental Health’s budget.
F. Recognize, receive and appropriate one-time State funds in the amount of $3,091 for the purpose of re-budgeting Mental Health Trust funds.

G. Recognize, receive and appropriate recurring State funds in the amount of $18,023 for continued implementation of First-In-Families.

H. Recognize, receive and appropriate recurring State funds in the amount of $52,500 for operational costs associated with the HUD 811 apartments.

I. Recognize, receive and appropriate one-time State funds in the amount of $250,000 for the purpose of providing support for the Screening, Triage, and Referral telephone call center system.

J. Recognize, receive and appropriate one-time State funds in the amount of $533,334 to cover transitional expenses related to LME systems administration.

K. Recognize, receive and appropriate one-time State funds in the amount of $68,970 for the purpose of providing mental health treatment services to repeat adult offenders.

L. Recognize, receive and appropriate State funds in the amount of $388,208 for the purpose of aligning allocations to Area Mental Health’s budget.

M. Reduction of $471,996 due to loss of funding from the Administrative Office of the Courts.

Note: This Board Action is necessary to reflect recent allocations of State and Federal funding and to reflect the loss of grant funds from the Administrative Office of Court.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(15) DOG PARKS – USE OF CAPITAL RESERVE FUNDS

Motion was made by Commissioner Roberts, seconded by Commissioner Clarke and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to recognize, receive and appropriate $42,000 in fees for the purchase of obstacle course equipment, fencing maintenance and access control equipment at Swaney Pointe K-9 Park (Ramsey Creek Park), Ray’s Fetching Meadows (McAlpine Creek Community Park) and Barkingham Dog Park (Reedy Creek Park).

Commissioner Roberts removed this item from Consent for more public awareness.

Commissioner James asked whether the purchase of these items was something that has been planned for sometime. He said he asks in light of the upcoming budget situation and whether the County should be purchasing exercise equipment for dogs.

Wayne Weston, Director of Park and Recreation addressed Commissioner James’ question. He informed the Board that this cost is covered via fees, which are being paid by consumers and not the taxpayers at large.

(17) SURPLUS PROPERTY AUCTION

Motion was made by Commissioner Woodard, seconded by Commissioner Clarke and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to declare list of surplus property (Exhibit A) as surplus, and adopt Resolution Authorizing Sale of Personal Property by Public Auction on the 23rd day of April, 2005 at 10:00 a.m. at 3301 Rotary Drive, Charlotte, North Carolina.

Commissioner Woodard removed this item from Consent for more public awareness.

Resolution recorded in full in Minute Book 42-A, Document #_____.

(STAFF REPORTS AND REQUESTS)

Commissioner Puckett left the dais and was away until noted in the Minutes.
(18) WATERFOWL FEEDING ORDINANCE AMENDMENT

Motion was made by Commissioner Roberts, seconded by Commissioner Mitchell and carried 8-0 with Commissioners Bishop, Clarke, Helms, James, Mitchell, Rembert, Roberts and Woodard voting yes, to approve the proposed Waterfowl Amendment to Mecklenburg County Park and Recreation Facilities Ordinance.

County Attorney Bethune noted that the Board would need to consider this matter again on April 5th since all Commissioners were not present at the time of the vote.

Commissioner Puckett returned to the dais.

It was the consensus of the Board to reconsider the previous vote that was taken on the Waterfowl Amendment to the Mecklenburg County Park and Recreation Facilities Ordinance.

Motion was made by Commissioner Roberts, seconded by Commissioner Mitchell and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to approve the proposed Waterfowl Amendment to Mecklenburg County Park and Recreation Facilities Ordinance.

Note: On February 1, 2005, the Board of County Commissioners authorized the County Manager to prepare a park ordinance prohibiting the feeding of waterfowl on County property. This initiative is one of the strategies identified in the approved waterfowl management plan being piloted at Freedom Park.

Steve Law with Park and Recreation addressed this matter.

Ordinance recorded in full in Minute Book 42-A, Document #______.

(19) NEW WEST PARK – LANDSCAPE ARCHITECT SELECTION

Motion was made by Commissioner Puckett, seconded by Commissioner James and carried 8-1 with Commissioners Bishop, Clarke, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes and Commissioner Helms voting no, to authorize the County Manager to negotiate a fee and execute a contract with LandDesign for Landscape Architect Services for the New West Park project, and in the event negotiations with this firm are unsuccessful, approve negotiations with one of the other two firms short-listed (Site Solutions and Wagner-Murray, Architects).

Note: A landscape architectural firm is being hired to provide analysis, programming, conceptual plan, design development, construction documents and construction administration/observation services for the New West Park project to be located on county owned land in center city Charlotte. The project has a budget of $9,000,000, which was included as part of the $69,000,000 2004 Parks Bond approved in November 2, 2004. The 6 to 8 acre park will be located in Third Ward.

Prior to the above vote the following occurred:

- Wayne Weston, Park and Recreation Director and Mark Hahn, Director of Real Estate Services addressed this matter.

- The following persons appeared to speak:

  Bill Blackwell with the Charlotte Knights, Jeff Beaver with Charlotte Sports Commission, and Cheryl Myers with Charlotte Center City Partners asked the Board to defer making a decision until after the Board receives the report of the Baseball Site Review Committee that was formed by the Board last fall. The report is scheduled to come before the Board in April.

  William Chandler, Chairman of the Park and Recreation Commission, Tom Sykes, Park and Recreation members Laura McClettie & Larry Huelsman, Colonel Michael Ray, Brenda McMoore, Richard West, Joe B. Cogdell, and Doug Youngblood, spoke in support of the
above motion and moving forward with a park in this area.

Note: Mr. Chandler presented a resolution to the Board that was passed by the Park and Recreation Commission.

A copy of the Park & Recreation Commission Resolution is on file with the Clerk to the Board.

- Commissioner Puckett asked Mr. Blackwell would the Charlotte Knights be presenting something to the Board that would involve purchasing the land, so that the County would not have to fund debt service on what would basically become a “private” enterprise? Also, would there be any request from the Charlotte Knights for development?

- Commissioner Puckett said in his remarks that the County has to provide some park services in this area because that’s what the voters were told. The majority of the Board concurred with Commissioner Puckett on this.

- Mr. Blackwell said he could not answer that question completely at this time, especially not knowing what the forthcoming Baseball Committee report will recommend as far as sites. He said what the Charlotte Knights abilities were would depend a great deal on what site is recommended.

- Commissioner Puckett asked what if the recommendation is for the Third Ward site were the Charlotte Knights willing to purchase the property?

- Commissioner Puckett said he could not support subsidizing minor league baseball in downtown Charlotte, particularly in light of the County’s budgetary needs.

- Mr. Blackwell again said he could not answer that question at this time, but that they would perhaps look at using Self-Financing Bonds.

- Chairman Helms noted that his preference would be to defer a decision until after the receipt of the Baseball Committee report.

(20) BUDGET/PUBLIC POLICY WORKSHOP CALENDAR OPTIONS FY2006 BUDGET PROCESS

Motion was made by Commissioner Bishop, seconded by Commissioner Rembert, but was withdrawn to select Budget/Public Policy Workshop Calendar Option #1 for preliminary discussions of the FY 2006 Budget.

It was noted that under Option 1 the Board would meet twice for a longer period of time because of the number of items that would be placed on the agenda for discussion. Under Option 2 the Board would meet three times for a shorter period.

Motion was made by Commissioner Bishop, seconded by Commissioner Roberts and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to select Budget/Public Policy Workshop Calendar Option #2 for preliminary discussions of the FY 2006 Budget.

Note: The Option #2 meeting dates are March 29, April 12, and May 10.

A copy of the calendar is on file with the Clerk to the Board.

(COUNTY COMMISSIONERS REPORTS AND REQUESTS)
Chairman Helms passed the gavel to Vice-Chairman Rembert, so that he could address the following item.

(21) RESOLUTION OF SUPPORT FOR WIDENING NC 73

Motion was made by Commissioner Helms, seconded by Commissioner Puckett and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to adopt a resolution of support for the widening of NC 73.

Resolution recorded in full in Minute Book 42-A, Document #_____.

Chairman Helms resumed chairing the meeting.

(COMMISSIONERS’ COMMENTS)

General comments were made at this time by various Commissioners regarding upcoming events and/or events they attended, as well as, other matters which they deemed noteworthy.

ADJOURNMENT

Motion was made by Commissioner Mitchell, seconded by Commissioner Clarke, and unanimously carried, with Commissioners Bishop, Clarke, James, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:05 p.m.

Janice S. Paige, Clerk

H. Parks Helms, Chairman
MINUTES OF CLOSED SESSION OF
MECKLENBURG COUNTY BOARD OF COMMISSIONERS

March 15, 2005 5:00 P.M.

The Board of Commissioners of Mecklenburg County, North Carolina, met in Closed Session in the Charlotte-Mecklenburg Government Center during its Regular Meeting held Tuesday, March 15, 2005. These Closed Session minutes are part of the minutes of that meeting and should be read in that context.

ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners J. Daniel Bishop, Dumont Clarke, Bill James, Norman A. Mitchell, Sr., Jim Puckett, Wilhelmenia I. Rembert, Jennifer Roberts and Valerie C. Woodard
County Manager Harry L. Jones, Sr.
County Attorney Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent: None.

Also Present: General Managers Janice Jackson, John McGillicuddy, and Bobbie Shields, Assistant to the County Manager Michelle Lancaster, Finance Director Harry Weatherly, and Assistant to the General Manager Jazz Tunnell

__________________
Commissioner Puckett was absent when the Board went into Closed Session and until noted in the Minutes.

General Manager Bobbie Shields presented a business investment request to the Board for consideration from a company that is considering locating and/or expanding in Mecklenburg County.

Commissioner Puckett entered Closed Session.

The following was noted:

- The name of the company is unknown at this point and is being referred to as Project PR.
- Project PR is the headquarters of a manufacturing operation.
- Project PR has approximately 2500 employees based on an expected 40-50% relocation.
- 1000-2000 new jobs with a salary range of $80-90k
- Project PR plans to make a relocation decision by the end of April 2005.
- Capital investments would begin in late 2005 with relocation completed in the spring/summer 2006.
- Project PR would initially lease space but plans to build an approximately 300,000 sq. ft.
• The Company is pursuing several economic development incentive opportunities including the One-NC fund, which requires a local match.
• The Company is represented by the McCallum Sweeney Consulting Group.
• The Company is very careful to maintain confidentiality about its relocation plans.
• A summary of potential incentives was also shared.

Comments

Commissioner James commented on the location of potential businesses. He said that he would like to see businesses located in areas other than downtown Charlotte, perhaps in the Towns or other areas.

Commissioner Bishop inquired as to how staff discerns what the market is or the going rate in order to know how much to offer in incentives. He asked was there a history reference?

Staff’s response was that each request is looked at individually. It was noted that job creation was an important factor.

Commissioner Puckett expressed concern for these same matters.

It was noted that this matter would be back before the Board, at which time more details would be provided.

Motion was made by Commissioner Clarke, seconded by Commissioner Mitchell and carried 8-1 with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes and Commissioner James voting no, to authorize the County Manager to join with the City of Charlotte in negotiating a Business Investment Grant with the Company (Project PR) based on existing policy and a projected value of $8,864,000.

Commissioner James left Closed Session and was absent until noted in the minutes.

Motion was made by Commissioner Puckett, seconded by Commissioner Mitchell and carried 8-0 with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to go out of Closed Session.
MINUTES OF MECKLENBURG COUNTY BOARD OF COUNTY COMMISSIONERS

MARCH 29, 2005 3:00 P.M.

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Session in Conference Center Room 267 on the 2nd floor of the Charlotte-Mecklenburg Government Center on Tuesday, March 29, 2005 at 3:00 p.m.

ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners Dumont Clarke, Bill James, Norman A. Mitchell, Sr. Jim Puckett, Jennifer Roberts, Wilhelmenia Rembert and Valerie C. Woodard County Manager Harry L. Jones, Sr. Clerk to the Board Janice S. Paige

Absent: Commissioner J. Daniel Bishop

Commissioner Rembert was absent when the meeting was called to order and until noted in the minutes.

The purpose of the meeting was to discuss matters in connection with development of the FY 2006 Budget.

Prior to starting, Chairman Helms acknowledged and complimented staff on receiving the Performance Institute’s 2005 City and County Performance Management Award. The award recognizes innovative management practices in municipal government that have led to increased transparency, accountability, and program performance. County Manager Jones thanked the Board and staff for all of its work, which made receiving this award possible.

County Manager Jones outlined the format for the meeting and announced the topics and presenters, which are noted below.

(1) REVENUE UPDATE

County Manager Jones informed the Board that there was no revenue update to be given at this time.

(2) EMPLOYEE CLASSIFICATION & COMPENSATION / MARKET RATE PLAN

County Manager Jones said the County’s employees are its most important resource and that employee motivation and satisfaction is the foundation for an efficient and effective government.

County Manager Jones said in response to past employee surveys, he wants the County to achieve the following results in order to increase employee motivation and satisfaction:

- Allow employees to increase their opportunities for advancement in their careers
- Provide market-based compensation and competitive benefits that would allow the County to hire and maintain the right people for the right job
- Invest in market pay for market performance
- Recognize outstanding employee achievement through pay for performance.

He said that feedback from Managers stated that the current classification and compensation is a
tremendous barrier in increasing employee motivation and satisfaction.

Manager Jones then called upon Director of Human Resources Susan Manning and Jim Fox with Fox Lawson & Associates to address the Employee Classification & Compensation/Market Rate Plan.

The presentation covered the following:

**Note: Commissioner Rembert entered the meeting during this time.**

1. **Market-Based Compensation**
   - Addressing Red Lights
   - Strategy for Change
     - Replace Hay Classification System
     - Assess Competitiveness of Compensation (pay & benefits)
     - Identify Market Value for Market Performance
     - Comprehensive Job Classification & Compensation Study (An overview of the Classification & Compensation Study was given. The study will not be completed until after the adoption of the FY06 budget.)

2. **Pay-For-Performance**
   - Rationale: Financial incentives provide specific direction and motivation for employees to achieve the goals of the organization; more productive employees who achieve more are paid more.
   - Projected Distribution for FY06
     - Performance Level | % of Employees | Merit Increase
     - Exemplary          | 44%           | 4% to 5%
     - Successful         | 55%           | 2.5% to 3.5%
     - Needs Improvement  | 1%            | 0 to 1%

3. **Competitive Benefits**
   - Medical Plan being re-bid
   - 12% increase projected for medical effective 1/1/06
   - 15% increase projected for dental effective 7/1/05
   - 1% increase projected in deferred compensation match

4. **Forthcoming Schedule of Recommendations**
   - Health Risk Assessment proposal & FY 06 budget request May/June
   - Benefit Recommendations July/August
   - Market-Based Pay Recommendations September

5. **Potential Impact on FY06 Budget ($16,874,000)**
   - Market-Based Compensation $7.7 million (max.)
   - Increased Fringe Benefit for Market-Based Compensation $1.0 million (max.)
   - Subtotal $8.7 million (max.)
   - Annualized FY05 Merit Increase $1.9 million (current svc. level)
   - FY06 Merit Increase (2% payroll increase) $3.2 million (current svc. level)
   - Increased FY06 Fringe Benefit $0.6 million (current svc. level)
   - Estimated increase for Medical/Dental $2.0 million (current svc. level)
   - Increase 401(k)/457 match to 5% $474,000
   - Total $16,874,000

_A copy of staff’s presentation is on file with the Clerk to the Board._

**Comments**
Commissioner James said that he would be interested in knowing how Mecklenburg County Commission salaries and benefits compare to those of Commissioners in other locations of comparable size.

Chairman Helms noted that the study did not include a review of County Commission salaries.

Mr. Fox with Fox Lawson & Associates said that it could be added on as a part of their work, that it was technically possible to provide that information, however, he would have to respectfully decline doing such a study. Mr. Fox said that his experience has been that when Commissioners get into comparing salaries with those in other jurisdictions that it’s “suicidal” and there’s no way Commissioners “can win.” He said Commissioners will either end up being paid too much or not enough and therefore they’ll want to increase their salaries. He said that under either scenario Commissioners would face criticism.

Chairman Helms said that this type of data is already available through the North Carolina Association of County Commissioners.

Chairman Helms said the best thing to do was for the Board to determine what its work was worth and set a compensation budget to reflect that.

Commissioner Woodard asked if the study involved a comparison with the private sector? (The response was no at this point in the process, but eventually there would be.)

Commissioner Woodard asked about objectivity in the allocation of merit increases. (The response was that there was both objectivity and some subjectivity involved. However, as a result of the Balanced Scorecard process, staff has worked hard to get better measures, so that there will be objective and quantifiable data for the employee and supervisor.)

Commissioner Roberts asked
- was the $16,874,000 over and above the shortfall? (The response was that a portion of it was but about $9 million is not included.)
- was the market increase a year-to-year increase? (The response was that it reflects the wage movement in the market.)
- for clarification of the fringe benefits (It was noted that it includes the FICA match and a portion of State retirement.)
- was there any diversity compensation comparison, such as male vs. female, minority vs. non-minority? (The response was no that an equal pay analysis was not included in the scope of the study, however, that data is available.)

Commissioner Puckett said that he was interested in
- a private/government/local sector comparison of professional and hourly salaries.
- seeing regional data on cost of living adjustments.
- a benefits comparison with the private sector.

(The response was that this type of information was forthcoming.)

Commissioner Puckett said he finds it unusual to have 44% of employees performing at “successful” and 55% at “exemplary.” He questioned whether the bar was set too low for successful. (Staff’s response was that in a high performance organization such as the County this is normal.)

Commissioner Puckett said he agrees with staff about being a high performance organization but still feels the “exemplary” is too high.

County Manager Jones said that his preference would be to have 100% at “exemplary.” Further, that he strongly believes that the Board also wants an organization of high performers.
General Manager John McGillicuddy said the key is defining “successful” and in the County’s case it’s market pay for market performance, which is “successful.” He said that if a person performs above market level that’s “exemplary.”

Commissioner Puckett said his dilemma was that if you define “exemplary” merit increase at 4% - 5% in an environment that is growing at 2.5% you are doubling the salaries of people and “exemplary” will get you out of the market “real fast” in the private sector. He said 5% increases is a “huge chunk” of money. He thinks it should be more of bell-shaped curve.

Commissioner Mitchell asked about the employee review process and whether there were set standards or measures that apply to all employees. (The response was that the measures vary from job to job based on what the expectations and goals are for a particular job.)

Commissioner Rembert asked about an equal pay analysis. She would like to see one done.

Commissioner Rembert asked how does the County’s projected distribution of pay- for-performance compare with entities of comparable size?

She also commented on the percentage of employees at the “exemplary” merit increase level. She, like Commissioner Puckett questioned whether the standards in the “successful” category were high enough, such that you would have that high of a percentage in “exemplary.”

Mr. Fox said that the County’s was a little high, however, the following has to be kept in mind:
- where you set your pay policy
- Are you ahead of the market, at the average of the market or a little below the market.

He suspects that what has happened in the past is that manager’s have placed employees in the “exemplary” category because perhaps they felt the person was not being paid at a market competitive level.

He said that what needs to happen in this process is that the County needs to make sure that the pay policy is set up at the right level based on where the County is and where it wants to be in the market place. He said there also has to be a pay-for-performance system that can define correctly what is “successful” and “exemplary.”

Director Manning noted that the County does not offer any type of cost of living adjustment, which is kind of unusual because there are a lot of jurisdictions that still provide cost of living increases, and that managers realize this. She stated further that the Human Resources Department has been working with managers to make sure that they evaluate on the basis of performance, which is the foundation of the balanced scorecard. It was noted also that successful is a very good performance rating and that to be exemplary takes a lot of extra effort beyond successful.

Commissioner Clarke asked how does the County keep up with the market. (The response was that a survey is done annually.)

Chairman Helms noted that the Board’s role once it receives the compensation data will be to decide upon a percentage and staff’s role will be to determine how that percentage is managed.

Director Manning informed the Board that it would be asked to make some policy decisions in the near future regarding employee compensation and benefits.

This concluded discussion of Employee Classification & Compensation/Market Rate Plan.

Note: The above is not inclusive of every comment and/or question asked but reflects key points and requested follow-up.

(3) HOSPITAL CONTRACTS
General Manager Janice Jackson addressed the County’s Hospital Contracts with Carolinas Health Care System for Mental Health, Public Health, and Indigent Care Funding.

The presentation addressed the following for each area:
- Partnership History
- Relevant Data
- Current contractual obligations (Note: Any changes (additions or deletions) to services require notice by January 1 for the upcoming budget year.)
- Benefits of the relationships
- Current issues/challenges
- Choices and consequences

The following summary was given:
- Increase in funding for all three components have been requested.
- Service enhancements have been requested for two of the three components.
- Increases are proposed as a result of the rapidly growing population of uninsured/medically indigent.
- Staff will be working with Carolina Healthcare System to evaluate the requests and make additional recommendations regarding these concerns:
  - Recommended increase in bed capacity at CMC-Randolph
  - Maintenance of Facilities
  - Required data of notification for changes in services
  - Financial data the County receives

Long-Term issues that will be look at are
- How can the County best utilize its resources to encourage, promote, and improve wellness in the community, especially for the children?
- What role should the County have in helping defray the growing cost of providing health care to the indigent/needey?

A copy of staff’s presentation is on file with the Clerk to the Board.

Comments

Commissioner Puckett asked for clarification regarding
- the mental health services provided by Carolinas Medical Center-Randolph, which was given by Greg Gumbar with Carolinas Healthcare System.

Representatives from Presbyterian Hospital (Novant) were present and addressed mental health services that they provide as well. It was noted that Presbyterian does not have a contract with the County.

- the January 1st notification date that’s required if there are to be any changes in the contract, which was given. It was noted that although notification is required by January 1 prior to upcoming budget year, there is flexibility as long as there’s at least a six-month window to allow for the changes to take place.

- the Indigent Care Growth chart, specifically the combined threshold numbers that were listed. It was noted that it was the 3% threshold that Carolinas Healthcare System and Presbyterian/Novant have to individually exceed before they are eligible to receive the $17.7 million in County funding.

Commissioner Mitchell asked about indigent care capacity at Presbyterian/Novant. The response was that there is capacity for future years and that Presbyterian wants to make itself available to meet this community need.
Commissioner Mitchell asked for clarification regarding the allocation of indigent care funds. The response was that the funds are allocated by Carolinas Healthcare System based on a formula that the Board approved in 1995.

Commissioner Rembert asked

- for clarification regarding the Hospital Authority, which is considered a governmental entity. It was explained that the Hospital Authority operates as an entity of the state.
- about the County Commission’s appointing authority to the Hospital Authority. It was explained that the County Commission as a whole does not appoint members to the Hospital Authority. What occurs is that a slate of nominees are submitted from the Authority to the Chairman of the County Commission for appointment to the Hospital Authority. It was noted that it has been this way since 1940 and is state law.
- about the evaluation of the contract with Carolinas Healthcare System on an annual basis. The response was that it renews automatically every year, unless there is a change needed. It was noted that the Hospital System submits quarterly reports to County.
- about the County Commission’s role in the evaluation process on an annual basis. County Manager Jones said that if the Board desires to have an annual review of the contract then staff would arrange for that to occur. He said that it has not been done in the past by the Board, at least not in any formal capacity. He also said that he would make sure that whatever reports staff receives that they are shared with the Board.

Commissioner Clarke requested additional information on the budget enhancements for indigent care, which would justify the need for the increases.

Commissioner Woodard asked where do School Health Nurses fall budgetarily? The response was that it’s in the Public Health Budget.

Commissioner James inquired about Carolinas Healthcare System’s total assets and net income. The response was that the total Mecklenburg County assets were around $2 billion, the exact figure could not be quoted. The net income was about $200 million.

Commissioner James asked when and why did the County get into providing indigent care funding to the Hospital System and why was $17 million selected as the amount. The response was that according to history the County has always provided a certain percentage. As for the $17 million that was the amount that was negotiated years ago and there was an agreement to keep the amount flat for five years for indigent care and public health.

Commissioner James questioned the need for County funding of indigent care in light of Carolinas Healthcare Systems’ financial status. He noted that he was not advocating this but felt the question should be raised.

In response to what does Carolinas Healthcare System use their net income for, Mr. Gumbar said it was used to reinvest back into the System.

Mr. Gumbar said that they welcome the debate and questions regarding the contract, which really has not occurred since 1995. He said that they continue to work hard to provide these services and at the lowest cost possible to the County. He said he thinks its been a good partnership between the two entities.

Commissioner James asked the County Manager what would be his recommendation regarding the requested enhancements. County Manager Jones said that his recommendation would be forthcoming.

Commissioner Puckett suggested that the Board schedule a special meeting annually where it would sit as the Board of Health/Mental Health. The purpose of the meeting would be to receive presentations regarding this contract and other public health/mental health issues.
Dr. Wynn Mabry, Interim Health Director noted that he was not aware of an advocacy group on the County’s behalf for Indigent Care.

This raised the issue of who should be reporting on indigent care and looking at the inpatient and outpatient component.

Dr. Mabry said that they could probably provide a recommendation. It’s just something that has not been done.

The issue came up regarding what advisory board this would fall under.

The question was also raised concerning the Human Services Council. Staff’s response was that a report was forthcoming.

Commissioner Mitchell noted that he was the liaison to Fighting Back and that there are Lay Health Advisors associated with Fighting Back with the REACH 2010 Plan and that he has asked them to appear before the Board’s Community Health and Safety Committee to share feedback they’ve received from the Community with respect to indigent care.

This concluded discussion of the Hospital Contracts.

Note: The above is not inclusive of every comment and/or question asked but reflects key points and requested follow-up.

ADJOURNMENT

Motion was made by Commissioner Puckett, seconded by Commissioner Clarke and unanimously carried with Commissioners Clarke, Helms, Mitchell, Rembert, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 6:15 p.m.

Janice S. Paige, Clerk

H. Parks Helms, Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, April 5, 2005.

ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners J. Daniel Bishop, Dumont Clarke, Bill James, Norman A. Mitchell, Sr., Jim Puckett, Wilhelmenia I. Rembert, Jennifer Roberts and Valerie C. Woodard
County Manager Harry L. Jones, Sr.
County Attorney, Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent: None.

-INFORMAL SESSION-

(1) STAFF BRIEFING – NONE

(2A) CLOSED SESSION BUSINESS LOCATION AND EXPANSION

Motion was made by Commissioner Puckett, seconded by Commissioner Roberts and unanimously carried with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to go into Closed Session to discuss Business Location and Expansion.

*The Board went into Closed Session at 5:30 p.m. and came back into Open Session at 5:45 p.m.*

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified items they wanted removed from consent and voted upon separately. The items identified were Items 11 and 15.

*The Board then proceeded to the Meeting Chamber for the remainder of the meeting.*

-FORMAL SESSION-

Invocation was given by Commissioner James, which was followed by the Pledge of Allegiance to the Flag.
(PROCLAMATIONS AND AWARDS)

(1A) WEEK OF THE YOUNG CHILD

Motion was made by Commissioner Clarke, seconded by Commissioner Rembert and unanimously carried with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to adopt joint proclamation designating April 2-9, 2005 as the Week of the Young Child.

The proclamation was read by Commissioner Clarke and accepted by Vickie Walker with Smart Start and Kim Vanover with Thompson Children’s Home

A copy of the Proclamation is on file with the Clerk to the Board.

(1B) ALCOHOL AWARENESS MONTH

Motion was made by Commissioner Woodard, seconded by Commissioner Mitchell and unanimously carried with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to adopt a joint proclamation designating April as Alcohol Awareness Month.

The proclamation was read by Commissioner Woodard and accepted by Winona Chestnut, Director of Fighting Back and Cindy Murphy with the Chemical Dependency Center, and Susan Ross with Charlotte-Mecklenburg Schools.

A copy of the Proclamation is on file with the Clerk to the Board.

(1C) NATIONAL COUNTY GOVERNMENT WEEK

Motion was made by Commissioner Mitchell, seconded by Commissioner Roberts and unanimously carried with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to proclaim the week of April 10-16, 2005 “National County Government Week” in Mecklenburg County.

The proclamation was read by Commissioner Mitchell and accepted by Danny Diehl, Director of Public Service and Information.

A copy of the Proclamation is on file with the Clerk to the Board.

(1D) FAIR HOUSING MONTH

Motion was made by Commissioner Rembert, seconded by Commissioner Woodard and unanimously carried with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to adopt joint proclamation designating April as Fair Housing Month.

The proclamation was read by Commissioner Rembert and accepted by Don Steger and

A copy of the Proclamation is on file with the Clerk to the Board.
(1E) SCOTTISH HERITAGE MONTH

Motion was made by Commissioner Puckett, seconded by Commissioner Woodard and unanimously carried with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to adopt a proclamation designating April 2005 as Scottish Heritage Month.

The proclamation was read by Commissioner Puckett and accepted by Keats Taylor, Bob Deaton, Tom Misenheimer, Dick Taylor, and Matthew Thomas.

A copy of the Proclamation is on file with the Clerk to the Board.

(1F) DRUG COURT MONTH

Motion was made by Commissioner Woodard, seconded by Commissioner Roberts and unanimously carried with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to adopt a proclamation designating April 2005 as Drug Court Month.

The proclamation was read by Chairman Helms and accepted by Bob Ward and Jeannie Tortlock.

A copy of the Proclamation is on file with the Clerk to the Board.

(2) PUBLIC APPEARANCE

The following person appeared to speak during the Public Appearance portion of the meeting:

Willie Mae Dawson addressed several issues that seniors are faced with, such as transportation, food stamps,

Commissioner Woodard said that she would follow-up with Ms. Dawson and staff regarding her concerns.

(3) APPOINTMENTS

BOARD OF EQUALIZATION & REVIEW

The vote was taken on the following nominees for appointment to the Board of Equalization and Review:

<table>
<thead>
<tr>
<th>Name</th>
<th>Commissioner</th>
</tr>
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<tbody>
<tr>
<td>Joanne Allen</td>
<td>Commissioner Woodard</td>
</tr>
<tr>
<td>Russell Allen</td>
<td>Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, and Roberts</td>
</tr>
<tr>
<td>Harry Brown</td>
<td>None</td>
</tr>
<tr>
<td>Mark Gay</td>
<td>Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, and Roberts</td>
</tr>
<tr>
<td>William Hawkins</td>
<td>None</td>
</tr>
<tr>
<td>Victoria Matias</td>
<td>Commissioners Clarke, Helms, James, Mitchell, Rembert, Roberts, and Woodard</td>
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Voting Ceased

Shirley Rico
Meredith Stoever
Daniel Warren

Chairman Helms announced that Russell Allen, Mark Gay, and Victoria Matias were appointed to the Board of Equalization and Review for one-year terms expiring April 7, 2006.
The vote was taken on the following members of the Board of Equalization and Review for appointment as Chairman.

Damon Bidencope None
Kenneth Friedman None
David Fuller None
Kenneth Hammond Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, and Roberts

Voting Ceased

Alan Turner
Doug Wynne

Chairman Helms announced that Kenneth Hammond was appointed Chairman of the Board of Equalization and Review for the duration of his term.

CITIZEN’S CAPITAL BUDGET ADVISORY COMMITTEE

Commissioner Clarke nominated all applicants for appointment to the Citizen’s Capital Budget Advisory Committee. They were Michael Cassarino, Cynthia Grizzle, Landrum Henderson, William Rakatansky, and Barney Stewart.

It was noted that staff was unable to reach Cynthia Grizzle to confirm her continued interest since applying 2003.

The vote was taken on the following nominees:

<table>
<thead>
<tr>
<th>Nominee</th>
<th>Round One</th>
<th>Round Two</th>
<th>Round Three</th>
</tr>
</thead>
<tbody>
<tr>
<td>Michael Cassarino</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Cynthia Grizzle</td>
<td>Commissioner Rembert and Woodard</td>
<td>Commissioner Rembert and Woodard</td>
<td>None</td>
</tr>
<tr>
<td>Landrum Henderson</td>
<td>Commissioner Puckett</td>
<td>Commissioner Bikfett</td>
<td>Commissioner Clarke, Helms, James, Mitchell, Puckett, and Roberts</td>
</tr>
<tr>
<td>William Rakatansky</td>
<td>Commissioners Clarke, Helms, James, Mitchell, Puckett, and Roberts</td>
<td>Commissioners Clarke, Helms, James, Mitchell, Puckett, and Roberts</td>
<td>Commissioners Clarke, Helms, Roberts, and Mitchell</td>
</tr>
<tr>
<td>Barney Stewart</td>
<td>Commissioners Clarke, Helms, Roberts, and Mitchell</td>
<td>Commissioners Clarke, Helms, Roberts, and Mitchell</td>
<td>Commissioners Clarke, Helms, James, Mitchell, Rembert, Roberts, and Woodard</td>
</tr>
</tbody>
</table>

(4A) NC DEPARTMENT OF TRANSPORTATION RURAL OPERATING ASSISTANCE PROGRAM GRANT APPLICATION

Motion was made by Commissioner Mitchell, seconded by Commissioner Woodard and unanimously carried with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to hold a hearing on a request by the NC Department of Transportation Rural Operating Assistance Program Grant Application.
No one appeared to speak.

Motion was made by Commissioner Woodard, seconded by Commissioner Mitchell and unanimously carried with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to close the hearing and approve the request of the NC Department of Transportation Rural Operating Assistance Program Grant Application.

**4B) CHARLOTTE-MECKLENBURG REGIONAL CONSORTIUM: CONSOLIDATED ACTION PLAN**

Motion was made by Commissioner Rembert, seconded by Commissioner Roberts and unanimously carried with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to hold a hearing on Mecklenburg County’s participation in the Charlotte-Mecklenburg Regional Consortium Consolidated Action Plan.

No one appeared to speak.

Motion was made by Commissioner Woodard, seconded by Commissioner Roberts and unanimously carried with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to close the hearing and adopt the Charlotte-Mecklenburg Regional Consortium Consolidated Action Plan.

**5) ADVISORY COMMITTEE REPORTS – NONE**

**6) RECEIVE MANAGER’S REPORT**

The Board received a report regarding the ImaginOn project.

The report was given by Bill Wood, Chairman of the Library Board of Trustees and Charles Brown, Library Director. Bruce LeRowe, Director of the Children’s Theatre was also present and addressed this issue.

*A copy of the report is on file with the Clerk to the Board.*

Motion was made by Commissioner Mitchell, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to approve the Public Library/Children’s Theatre lease and operating agreement.

*Agreement recorded in full in Minute Book 42-A, Document # _____.*

**CONSENT ITEMS**

Motion was made by Commissioner James, seconded by Commissioner Roberts and unanimously carried, with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to approve the following item(s) with the exception of Items 11 and 15 to be voted upon separately:

**7) APPROVAL OF MINUTES**

Approve minutes of Regular Meeting held March 15, 2005, Budget/Public Policy Meeting held March 8, 2005, and Closed Session held March 15, 2005.

**8) TAX REFUNDS**

Approve refunds to be made by the Finance Department as requested by the Tax Assessor in the amount of 28,025.31 resulting from clerical errors, audits and other amendments.
A list of the refund recipients is on file with the Clerk to the Board.

(9) **LOW IMPACT DESIGN PROJECT – FUNDING REDUCTION**

Reduce funding from the City of Charlotte for the Low Impact Design Project to reflect final contract negotiations.

(10) **LAND DEVELOPMENT REVENUE – LUENA**

Recognize and appropriate $40,000 in additional Land Development permit revenue.

(12) **REVOLUTION REGIONAL RECREATION CENTER – ARCHITECT SELECTION**

Authorize the County Manager to negotiate a fee and execute a contract with Neighboring Concepts for Architectural/Engineering design services for the Revolution Regional Recreation Center project, and in the event negotiations with this firm are unsuccessful, authorize negotiations with one of the other short-listed firms.

*Note: The other short-listed firms were: LS3P Associates, Ltd.; Moody-Nolan, Inc.; and Wagner Murray Architects, P.A*

(13) **LANDSCAPE ARCHITECT SELECTIONS**

Authorize the County Manager to negotiate fees and execute contracts on an as-needed basis with fourteen (14) Landscape Architectural firms for design services on projects to be funded with the 2004 Park Bonds, according to the conditions of the “Request For Qualifications for Landscape Architectural / Architectural / Engineering Services - Park & Recreation Development / Improvement Projects (2004 Bonds)” dated February 7, 2004.

(14) **ADDITIONAL POSITION REQUEST – LUESA – CODE ENFORCEMENT**

Approve four additional Plans Examiner positions for LUESA Code Enforcement to establish a plan review team dedicated to Charlotte-Mecklenburg School System construction projects.

Authorize the County Manager to enter into an agreement with the Charlotte-Mecklenburg Board of Education for the dedicated plan review team.

Recognize, receive and appropriate $90,000 in revenue from Charlotte-Mecklenburg Board of Education.

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

(11) **CONTRACT AWARD – RECREATION CENTER FLOORING**

Motion was made by Commissioner Woodard, seconded by Commissioner Mitchell and unanimously carried with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, Award a construction contract in the amount of $494,500 to Morlando + Holden Construction, Inc. for gymnasium floor finish upgrades at various recreation centers.

Commissioner Woodard removed this item from consent for clarification regarding

(15) **FREEDOM MALL RENOVATION – ARCHITECT SELECTION**
Motion was made by Commissioner Roberts, seconded by Commissioner Clarke and
unanimously carried with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert,
Roberts and Woodard voting yes, to authorize the County Manager to negotiate a fee and
execute a contract with Little Diversified Architectural Consulting, for
Architectural/Engineering
services for the Freedom Mall Renovations, and in the event negotiations with this firm are
unsuccessful, approve negotiations with other short-listed firm.

Note: The other short-listed firms were MHA Works and Neighboring Concepts.

Commissioner Roberts removed this item from consent for more public awareness.

(STAFF REPORTS AND REQUESTS)

(16) BUSINESS INVESTMENT GRANT – THE CONTRACTOR YARD, INC.

Motion was made by Commissioner Rembert, seconded by Commissioner Woodard and
carried 6-2 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts and Woodard
voting yes and Commissioners James and Puckett voting no, to approve the County’s share
of a Business Investment Grant to The Contractor Yard, Inc. for a total estimated amount of
$56,752.50 over five (5) years. (Total City/County grant for the five-year period is
estimated at $88,252.50).

Note: The Contractor Yard, Inc. distributes a full line of building materials to professional
contractors, including lumber, millwork, roofing, gypsum, steel framing and acoustical products.
The Contractor Yard, Inc. is a subsidiary of The Strober Organization, and operates 26
branches, in 9 states (NC, SC, VA, TN, FL, MD, OH, MS, GA). The combined company’s trading
area includes 90 facilities in 15 states.

The Strober Organization is the seventh largest dealer servicing the professional marketplace in
the United States. The Contractor Yard, Inc. will relocate their corporate headquarters to
Gateway Village. They have signed a six-year lease of 10,000 sq. ft. The Contractor Yard, Inc. ’s
total investment equals $2,000,000 for the purchase of new office equipment and computers by
November 1, 2005. The Contractor Yard, Inc. has recently acquired Moore’s Building Supply,
and anticipates future acquisitions. They will relocate 46 full-time employees to Charlotte (31
current employees plus 15 from Moore’s Building Supply acquisition). The average wage for the
employees will be $1,755.60 per week ($91,291 per year).

General Manager Bobbie Shields and Terry Orrell with the Charlotte Chamber addressed this
issue prior to the above vote.

Also, prior to the above vote, Commissioner Roberts suggested that the Board at some future
date review the Business Investment Grant Program.

(17) MINORITY, WOMEN, SMALL BUSINESS ENTERPRISES (MWSBE)
PROGRAM IMPLEMENTATION PLAN

Motion was made by Commissioner Clarke, seconded by Commissioner Rembert and
unanimously carried with Commissioners Clarke, Helms, James, Mitchell, Puckett,
Rembert, Roberts and Woodard voting yes, to 1) authorize the Clerk to the Board to publish
notice setting a public hearing for 6:30 p.m. on May 3, 2005 to receive comments on the
MWSBE policy revisions; 2) approve two staff positions to handle increased administrative
demands associated with the implementation/and management of the revised program; and 3)
Appropriate $200,000 of restricted contingency for the MWSBE program and approve carry
forward of any funds remaining unspent at June 30, 2005.

Prior to the above vote, General Manager Shields addressed this matter with the Board.
(COUNTY COMMISSIONERS REPORTS AND REQUESTS)

(18) BOCC BUDGET CALENDAR (COMMISSIONER CLARKE)

Motion was made by Commissioner Clarke, seconded by Commissioner Mitchell and unanimously carried with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to approve the revised BOCC Budget Calendar to allow for two Budget Public Hearings, May 19th and May 26th.

(COMMISSIONERS’ COMMENTS)

General comments were made at this time by various Commissioners regarding upcoming events and/or events they attended, as well as, other matters which they deemed noteworthy.

ADJOURNMENT

Motion was made by Commissioner Mitchell, seconded by Commissioner Rembert, and carried unanimously, with Commissioners Clarke, James, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:00 p.m.

____________________  ______________________________  ____________________________
Janice S. Paige, Clerk   H. Parks Helms, Chairman
MINUTES OF CLOSED SESSION OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

APRIL 5, 2005  5:00 P.M.

The Board of Commissioners of Mecklenburg County, North Carolina, met in Closed Session in the Charlotte-Mecklenburg Government Center during its Regular Meeting held Tuesday, April 5, 2005. These Closed Session minutes are part of the minutes of that meeting and should be read in that context.

ATTENDANCE

Present:  Chairman H. Parks Helms and Commissioners Dumont Clarke, Bill James, Norman A. Mitchell, Sr. Jim Puckett, Wilhelmenia I. Rembert, Jennifer Roberts and Valerie C. Woodard
County Manager Harry L. Jones, Sr.
County Attorney Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent:  Commissioner J. Daniel Bishop

Also Present:  General Managers Janice Jackson, John McGillicuddy, and Bobbie Shields, Assistant to the County Manager Michelle Lancaster, and Assistant to the General Manager Jaz Tunnel

(2A) BUSINESS EXPANSION AND LOCATION

General Manager Bobbie Shields addressed an Economic Development Business Investment Grant proposal involving Pulte Mortgage.

The following was noted:

- Pulte Mortgage is a subsidiary of Pulte Homes, Inc. a Fortune 500 Company.
- They are experiencing significant growth and need additional mortgage processing capacity.
- Job creation is estimated to be 35-45 jobs in Year 1
  - 150-200 additional jobs in Years 2 and 3
  - Potential for 70-100 additional jobs in Years 4 and 5
  - 90% is to be hired locally
  - Average wage would be $38,800
- The location is at 3700 Arco Corporate Drive at I-485 and W. Arrowood Road.
- The investment is $2.1 million to $3.5 million
- This is outside of the State Development Zone

General Manager Shields also addressed the economic impact of the proposal, the N. C. Incentive
Package, the competition, and the general terms of the grant.

Commissioner Clarke asked for clarification, which was given, with respect to the additional annual revenue that was addressed under Economic Impact.

Commissioner Rembert asked for clarification regarding where the dollars come from, which was addressed.

Commissioner Puckett also asked for clarification, which was given, with respect to the additional annual revenue that was addressed under Economic Impact.

Commissioner Puckett said he questions the accuracy of the economic impact estimate, in light of the fact that 90% of the employees would be hired locally.

Commissioner Roberts questioned the investment amount, since the building already exist.

Commissioner Roberts also asked for clarification regarding the State Development Zone, which was given.

Motion was made by Commissioner Clarke, seconded by Commissioner Mitchell and carried 6-2 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners James and Puckett voting no, to indicate the Board’s intent to approve the County share of a Business Investment Grant to Pulte Mortgage for a total estimated amount of $79,454 over five years contingent upon the selection of Charlotte for its expansion and based on the terms presented by staff.

Note: The total City/County grant for the five-year term is estimated at $123,554.

Motion was made by Commissioner Mitchell, seconded by Commissioner Roberts and unanimously carried with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to end Closed Session and return to Open Session.

Janice S. Paige, Clerk     H. Parks Helms, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COUNTY COMMISSIONERS

APRIL 12, 2005 3:00 P.M.

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Budget/Public Policy Session in Conference Center Room 267 on the 2nd floor of the Charlotte-Mecklenburg Government Center on Tuesday, April 12, 2005 at 3:00 p.m.

ATTENDANCE

Present: Vice-Chairman Wilhelmenia Rembert and Commissioners J. Daniel Bishop, Dumont Clarke, Bill James, Norman A. Mitchell, Sr., Jennifer Roberts and Valerie C. Woodard, General Manager John McGillicuddy, Clerk to the Board Janice S. Paige

Absent: Chairman H. Parks Helms and Commissioner Jim Puckett

The meeting was called to order by Vice-Chairman Rembert in the absence of the Chairman.

FY 2006 BUDGET DEVELOPMENT

(1) REVENUE UPDATE

General Manager John McGillicuddy and Finance Director Harry Weatherly gave the Board a revenue update with respect to FY06 projected revenue growth. The information shared showed an increase since the Board’s last update on March 8, 2005 from $20,086,478 to $29,300,000. Thus, the gap between projected revenues and the cost of providing current service level has now been reduced from $35 million to about $23.3 million. The Board was reminded that a portion of this revenue must be dedicated to debt service.

It was noted also that several departmental budgets received had efficiency savings in them.

Comments

Commissioner Clarke asked what would be the tax rate increase needed in light of the gap being reduced? Staff’s response was about 2.8 cents.

Commissioner Roberts asked what would the tax rate increase be in order to fund the enhanced? Staff said they would get that number to the Board. It was unknown at this time.

Commissioner James asked for clarification on the Funding Framework. Per his understanding, money would be taken from Charlotte-Mecklenburg Schools (CMS) because part of the Framework was a “cap” on CMS, “meaning CMS gets roughly 45% of the County budget, so if you kept CMS at that same approximate level of the County budget because they spent so much on capital, the County would end up reducing, under the formula, the amount of money that would go to classrooms.” Staff’s response was that if the Board applies the single appropriation principle then Commissioner James would be correct. It was noted further that because of the increase in debt, it would reduce the appropriation for operating from the $13.9 million.

Commissioner James said that he was not saying the Board would do this but wanted to point out that if the Funding Framework was followed based on the way it was approved, it would probably close the gap between projected revenues and the cost of providing current service.
level. He said taxes would not have to be raised. He said this would be done at the expense of reducing CMS’ operating expenses.

Commissioner Bishop asked for clarification on the “single appropriation” principle, which was explained by staff.

General Manager McGillicuddy suggested that at the next budget/policy meeting staff provide the Board with an overview of the Funding Framework.

It was the consensus of the Board to have a review of the Funding Framework at the next budget/policy meeting.

(2) BUSINESS IMPERATIVES

General Manager McGillicuddy addressed Business Imperatives, which dealt with managing the business of Mecklenburg County Government from three perspectives:

- Internal Business Processes, which involves managing information and communication
- Financial, which involves managing assets and risks, and
- Employee and Organizational Capacity, which involves managing people.

The presentation also addressed key policy/budget issues with respect to the Business Imperatives, as well as Capital Reserve.

Comments

Commissioner Mitchell asked about repairs to the Hal Marshall Center and Walton Plaza. He questioned whether money should be spent on these properties if there are plans to sell them. Staff’s response was that currently there was no sale pending and because services are continuing to be provided out of these facilities, the repairs were necessary for employees and customers.

Commissioner Mitchell asked whether the County would recoup its money, when the properties were sold? Staff’s response was that it would depend on the market and on what the Board chooses to sell it for.

Commissioner Woodard asked how often buildings were inspected and was there something in place regarding the maintenance of buildings? Staff’s response was that the General Services Department, Park and Recreation, and the Library have monies budgeted for maintenance of facilities. Staff also explained the purpose of capital reserve.

Commissioner Roberts asked whether any of the information shared regarding capital reserve involved pay-as-you-go. Staff’s response was no. It was noted further that staff was proposing there be a consistent strategy applied when it comes to capital reserve, so that there would be consistent funding from year-to-year.

Commissioner James said at some point the Board should discuss the future of the Hal Marshall Center.

Commissioner Bishop said the future use of the Hal Marshall Center was key in making a decision regarding repairs.

Commissioner Clarke asked how the Board integrate a capital reserve strategy into the budgeting process so that it becomes a part of it on an on-going basis? Staff’s response was that there were a variety of approaches, one of which would be to identify some percentage of revenue that was reasonable to develop and fund a capital reserve. It’s unknown precisely what that would be, but staff is considering suggesting, at this point, a half of a percent of net County revenue.

Vice-Chairman Rembert asked what other counties typically use as a strategy for maintaining their capital reserve. Staff’s response was that it varied and more research would have to be
done in order to provide a more definitive answer.

Commissioner James left and was absent for the remainder of the meeting.

(4) SPECIAL STUDY UPDATES & RECOMMENDATIONS

Fleet Study

General Manager McGillicuddy addressed the Fleet Study and its purpose.

Randy Owen with Mercury Associates who conducted the Fleet Study addressed the findings and recommendations.

The findings were

- The County has an aging fleet due to under investment.
- There are too many vehicles due to the age of the fleet.
- There is an unclear, inconsistent and ineffective investment strategy.
- The staff is knowledgeable and motivated.
- Best practices are being followed in most areas.

The recommendations were

- Right-size the fleet
- Establish multiple year fleet replacement plan and investment strategy
- Implement cost charge-back system
- Acquire modern fleet management system
- Establish staff productivity improvement effort
- Establish formal customer relationship management program
- Plan for consolidation of landfill fleet into General Services.

It was noted that staff concurred with the recommendations.

Key policy/budget issues were also addressed with respect to the Fleet Management Study.

Comments

Commissioner Bishop asked if any consideration had been given to outsourcing this service? Staff’s response was that the first thing that needed to happen was to assess the competitiveness of the County’s operation.

Commissioner Bishop suggested that this was something that could be done over time.

Mr. Owen addressed lease-purchasing and outsourcing. It was noted that there was a range of outsourcing opportunities available, such as the outsourcing of the funding of the fleet, maintenance, and certain aspects of the management of the fleet. Mr. Owen said that they never advise clients to get completely out of the “game.” He said clients should decide when vehicles need to be replaced and how many vehicles to have.

Mr. Owen said lease-purchasing was a good way to go.

Commissioner Clarke noted that over the years the purchase of vehicles has been done on a cash basis and was a line item in the budget. Staff noted that in the current budget lease-purchase was used some for the first time.

Commissioner Clarke asked was staff recommending that the Board move toward a reserve fund with respect to vehicle replacement? Staff’s response was that it was not making a formal recommendation at this time but wanted to introduce the idea. It was noted that other strategies were being considered as well.
Commissioner Clarke suggested that the lease purchase concept be looked at very closely because in his opinion “it makes sense.”

Mr. Owen explained the charge back concept at the request of Commissioner Clarke.

Commissioner Woodard asked what would happen to the current fleet if the County went with the lease-purchase option? Would vehicles be sold or auctioned off?

Mr. Owens said that his company has helped organizations do a sale/leased back, however the County’s fleet was probably too old for this.

Commissioner Roberts referenced the air quality issue and asked if the model took into account the use of hybrid vehicles? The response was no, but that if the County wanted to purchase hybrids that additional costs would have to be factored in.

Commissioner Bishop asked from a budgetary impact perspective whether a lease/purchase approach, internalized, would have similar impact to outsourcing the fleet to a private vendor?

Mr. Owen said that from a budgetary standpoint the best thing for the County to do was lease-purchase. He said with respect to outsourcing, the incremental difference in their work has been 10%-15% in many cases. He said that some public sector fleets compete very well with private maintenance companies. He said that when they look into the competitiveness of the maintenance costs it’s probably in the range of 15% savings. He said when you’re talking about spending $5 million versus $1 million that kind of budgetary savings was not available any other way with respect to changing financing approaches from cash to lease-purchase.

Pretrial Jail Study

Andy Lucas, Senior Management Analyst addressed the Pretrial Jail Study.

Dr. Paul Friday with UNC-Charlotte, who conducted the Study, addressed the findings and recommendations.

The recommendations with respect to management of the pretrial population were

- Increase percentage of eligible offenders served by Court Set
- Increase Public Defender and District Attorney staffing and support levels
- Increase court support staff, such as clerks and reporters
- Modify pretrial release standards
- Increase review and supervision of pretrial clients
- Fully capitalize on jail populations manager
- Increase the use of citations for minor offenses
- Develop contingency docket
- Internal review of continuances/court management system
- Give priority to defendants in custody

Policy and budget implications were also addressed.

It was noted that the final study was scheduled to be completed on April 15, 2005, however staff wanted to share some preliminary information.

Comments

Commissioner Roberts asked if the Study took into account the capacity of the new courthouse? The response was no, that the goal was to look at the number of persons in the jail and the number of days they stay and how long does it take to get them through the system and what impacts that.

Commissioner Bishop asked how many court sets could the County fund and how much would
that be expected to reduce the pretrial population maintenance costs? Dr. Friday said that he wasn’t sure if he could make that calculation, but that the goal would be to change their status as quickly as possible. He said if you move them through to a disposition status then someone else can pay for them.

Commissioner Mitchell asked about the cost as it relates to the “failure to appear” population. Mr. Friday said that they would get that cost.

Commissioner Clarke spoke in support of the court set concept.

Commissioner Woodard asked what was the cost per day to house an inmate? The response was $109.70 per day. It was noted that the average number of inmates housed this year is 1,999, excluding juveniles.

Domestic Violence Study

Mr. Lucas addressed the Domestic Violence Study. Management Analyst Erica Nesbitt also addressed the Study.

The following was noted in the presentation:

• The current delivery of services has been funded and structured ad hoc
• Intentional system design is needed.

The recommendation was that the County Manager be directed to recommend a Domestic Violence Service System Design that would:

• Specify goals and performance measures
• Identify the full continuum of needed services
• Specify the County’s roles and responsibilities
• Eliminate gaps and remove overlaps in service
• Ensure coordination of services among providers
• Emphasize prevention as well as protection

Comments

Commissioner Clarke asked about the level of funding provided to United Family Services and the Women’s Commission with respect to this issue, which was addressed.

Commissioner Clarke asked how would the Board accomplish staff’s recommendations with respect to this issue? Staff’s response was that the County Manager was recommending the Board direct him to design a system that considers the outcomes that were noted.

Commissioner Clarke expressed his support of the recommendations.

Vice-Chairman Rembert expressed her concern regarding the fact that $0 has been spent in the area of prevention based on the information shared.

Commissioner Roberts asked what do other communities spend in the area of prevention? Staff’s response was that it was unknown at this time.

General Manager McGillicuddy commented that one of the next steps, if the Board wants to pursue this, would be to benchmark and do more research on what’s occurring in other places and use that as a basis for putting something together for a recommended system design.

Commissioner Woodard expressed concern also with respect to the area of prevention.

Commissioner Woodard asked about service overlap and was some of the same people being served by both agencies. Staff’s response was yes. It was noted that the Shelter assist residential and non-residential clients. It was noted that the County was funding services in two ways, through United Family Services and the Women’s Commission.
Commissioner Woodard asked about the possibility of consolidating some services. *Staff’s response was that based on the way services were currently and the lack of coordination between the services, that it’s difficult to determine if there can be some consolidation, as well as, if there’s a need for both services.*

Commissioner Woodard asked whose responsibility would it be to coordinate the possibility of consolidating these services?

*General Manager McGillicuddy said that was one of the issues being raised because currently it’s not clear whose roles and responsibilities are what, which is why staff recommends a design system be developed.*

**(3) TECHNOLOGY RESERVE**

General Manager McGillicuddy gave a brief overview of Technology Reserve Projects.

It was noted the top three projects were projects that the Board previously committed to, the upgrade of the Financial System, the Microsoft Enterprise Agreement (an annual licensing agreement), and the Tax Suite (a new tax collection system).

It was the consensus of the Board, in light of the time, to suspense with any discussion and to instead take the information provided and read it at their leisure.

The Board was encouraged to contact staff if there were any questions regarding technology reserve.

*Note: The above is not inclusive of every comment and/or question asked but reflects key points and requested follow-up.*

*A copy of handouts relating to each of the above subjects is on file with the Clerk to the Board.*

**ADJOURNMENT**

Motion was made by Commissioner Woodard, seconded by Commissioner Roberts and carried 6-0 with Commissioners Bishop, Clarke, Mitchell, Rembert, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 6:17 p.m.

Janice S. Paige, Clerk ____________________________  Wilhelmenia I. Rembert, Vice-Chairman
ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners J. Daniel Bishop, Dumont Clarke, Bill James, Norman A. Mitchell, Sr., Jim Puckett, Wilhelmenia I. Rembert, Jennifer Roberts and Valerie C. Woodard
County Manager Harry L. Jones, Sr.
County Attorney Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent: None.

-INFORMAL SESSION-

(1) STAFF BRIEFING - NONE

(2) CLOSED SESSION - NONE

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified items they wanted removed from consent. The items identified were Items 12, 17, 22, and 25.

The Board then proceeded to the Meeting Chamber for the remainder of the meeting.

-FORMAL SESSION-

Invocation was given by Commissioner James, which was followed by the Pledge of Allegiance to the Flag.

PROCLAMATIONS AND AWARDS

(1B) NATIONAL WEATHER SERVICE RECOGNITION

The Board recognized Wayne Broome, Director of Emergency Management and Vince DeCarb from the National Weather Service, who informed the Board that Charlotte-Mecklenburg had been designated as a StormReady Community by the National Weather Service. The County was presented a sign to be posted indicating this designation.
Note: This designation recognizes that Charlotte-Mecklenburg is prepared to save lives from the onslaught of severe weather through better planning, education and awareness. This preparedness effort has the potential to reduce property damage, injuries, and the possibility to save lives through greater awareness. Receiving the designation does not mean that Charlotte-Mecklenburg is storm proof; however it indicates the community is better prepared when severe weather strikes. Charlotte-Mecklenburg joins 882 StormReady communities throughout the United States. In order to be recognized, a community must:

- Establish a 24-hour warning point and emergency operations center
- Have multiple ways to receive severe weather warnings and forecasts
- Have multiple ways to alert the public in case of severe weather
- Create a system that monitors local weather conditions
- Promote the importance of public readiness through community seminars
- Develop a formal hazardous weather plan, which includes training severe weather spotters and conducting emergency exercises.

(1A) CHILD ABUSE AWARENESS AND PREVENTION MONTH

Motion was made by Commissioner Woodard, seconded by Commissioner Rembert and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to adopt a proclamation declaring April 2005 as Child Abuse Awareness and Prevention Month in Mecklenburg County.

The proclamation was read by Commissioner Woodard and accepted by Frank Crawford with Youth Homes, Inc.

A copy of the Proclamation is on file with the Clerk to the Board.

(27) ANNUAL CHILD FATALITY TEAM REPORT

The Board received a report from the Mecklenburg County Community Child Fatality Prevention and Protection Team.

Cebby McCarter with the Department of Social Services, Liz Jordak with the Mental Health Association, and Dr. Stephen Keener with the County Health Department gave the report.

The report covered 2002 data relating to child fatalities. It was noted that in 2002, 139 Mecklenburg County children, ages 0 – 17 died of the following causes:

<table>
<thead>
<tr>
<th>Cause</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Natural Deaths</td>
<td>110</td>
</tr>
<tr>
<td>Unintentional Injuries</td>
<td>20</td>
</tr>
<tr>
<td>Homicides</td>
<td>3</td>
</tr>
<tr>
<td>Suicides</td>
<td>2</td>
</tr>
<tr>
<td>Undetermined Causes</td>
<td>4</td>
</tr>
</tbody>
</table>

The report also covered Child Abuse and Neglect data and services provided by the Department of Social Services through its Protective Services Division.

The following recommendations were presented:

- Provide funding for Youth and Family Services to ensure an adequate level of staffing consistent with professional standards
- Continue to provide funding for other county programs and outside agencies who serve vulnerable children and families
- Promote safe sleeping environments for infants through public awareness
- Continue to support efforts of County Security Police, Safe Communities and Safe Kids for car safety seat checks
- Support efforts to require the sale and use of gun locks for all firearms sold.
Chairman Helms thanked the Child Fatality Team for their report. Commissioner Clarke also thanked the Team for the report and all the work that they do.

A copy of the report is on file with the Clerk to the Board.

(2) PUBLIC APPEARANCE

The following persons appeared to speak during the Public Appearance portion of the meeting:

Marleenee Washington with Delta Sigma Theta Sorority Charlotte Alumni Chapter addressed health and educational needs in Charlotte/Mecklenburg. She noted that these were areas of interest for the Sorority and that they have various programs wherein they work with youth on issues of education and health.

Ms. Washington asked the Board to do the following:

- To direct its focus and funding towards HIV/AIDS
- Take a leadership role in establishing a citizen driven HIV Task Force
- Support the Charlotte-Mecklenburg Board of Education’s budget request.

In conclusion, Ms. Washington presented a challenge to Commissioner James to tutor two African American students in an Equity Plus school during an entire 05-06 school year for a minimum of one hour per week, per student.

Commissioner Woodard thanked Ms. Washington for her comments regarding HIV/AIDS and the efforts of her Sorority.

Mark and Shanna Palmer asked the Board to consider adopting a proclamation designating May as Confederate History and Heritage Month.

Johnny Cowart addressed code enforcement issues and problems encountered.

Staff was asked to follow up with Mr. Cowart.

Dwayne Collins informed the Board of an upcoming Town Meeting on Wednesday, April 20, 2005 at Greenville Memorial A.M.E. Zion Church, 6116 Monteith Drive. The Town Meeting will focus on the Charlotte-Mecklenburg Student Assignment Plan.

APPOINTMENTS

(3A) WASTE MANAGEMENT ADVISORY BOARD

Motion was made by Commissioner James, seconded by Commissioner Clarke, and unanimously carried with Commissioners Bishop, Clarke, James, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to appoint Linda Nutting to the Waste Management Advisory Board as recommended by the Charlotte City Council to fill an unexpired term expiring May 18, 2007.

(3B) GROUNDWATER ADVISORY COMMITTEE

Motion was made by Commissioner James, seconded by Commissioner Woodard, and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to nominate the following applicants for appointment to the Groundwater Advisory Committee for the categories as specified:

Gary B. Bridgers – Well Contractor or Pump Installer
Appointments will occur on May 3, 2005.

(3C) CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE

Motion was made by Commissioner James, seconded by Commissioner Woodard, and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to nominate the following applicants for appointments to the Charlotte-Mecklenburg Community Relations Committee:

Demario M. Baker
Philip K. Bell
John E. Burton
Donna J. Dawson
Larry Hines
Frank Hopkins
Sandra Marshall
Donna North
Ken Norwood
Katherine K. Satchwill
Marcus S. Scurry
Terry Taylor-Allen
John Treadwell

Appointments will occur on May 3, 2005.

WASTE MANAGEMENT ADVISORY BOARD

Motion was made by Commissioner Puckett, seconded by Commissioner James, and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to re-appoint Robert N. Williams to the Waste Management Advisory Board for a three-year term expiring March 18, 2008.

Commissioner Puckett nominated the following applicants for appointments to the Waste Management Advisory Board: Daryle G. Benson and Gary D. Bies.

Appointments will occur on May 3, 2005.

(4A) REAL ESTATE EXCISE TAX REFUND

Motion was made by Commissioner Mitchell, seconded by Commissioner Roberts and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to hold a hearing on a request by the Maximum Title Service for reimbursement of North Carolina excise tax in the amount of $650.00 and Pak, Oakes and Associates, PLLC in the amount of $537.00.

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Roberts and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to close the hearing and approve the request of the Maximum Title Service for reimbursement of North Carolina excise tax in the amount of $650.00 and Pak, Oakes and Associates, PLLC in the amount of $537.00.
(5) ADVISORY COMMITTEE REPORTS – NONE

(6) RECEIVE MANAGER’S REPORT

County Manager Jones said that he had planned to provide the Board with a report regarding what it would take to have a no tax rate increase budget for 05-06, but because of some number discrepancies he would delay providing that information until the May 3, 2005 meeting.

Note: Commissioner Roberts recognized and congratulated the County Manager on his election as President of the National Forum for Black Public Administrators.

CONSENT ITEMS

Motion was made by Commissioner Roberts, seconded by Commissioner Woodard and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to approve the following item(s) with the exception of Items 12, 17, 22 and 25 to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held April 5, 2005 and Special Meeting held March 29, 2005.

(8) TAX REFUNDS

Approve refunds to be made by the Finance Department as requested by the Tax Assessor in the amount of $53,129.74 resulting from clerical errors, audits and other amendments.

A list of the refund recipients is on file with the Clerk to the Board.

(9) DESTRUCTION OF DOCUMENTS – LUESA

Approve the disposal of the following LUESA records and plans in accordance with North Carolina records retention policies:

- 11 boxes of permitting and inspections records dated December 2004 through February 2005 that have been imaged on optical disk and verified in lieu of originals.
- 504 commercial plans permitted in February and March of 2003.

(10) STORM WATER INTERLOCAL AGREEMENT – RESOLUTION

Adopt Resolution Approving an Amendment to the Amended and Restated Agreement For Operation of a Single Storm Water System in Mecklenburg County Between The City of Charlotte and Mecklenburg County.

Note: The City of Charlotte has requested that the Interlocal Agreement be amended, such that, a City/County joint public hearing is not required. If the resolution is approved, the Board will continue to hold the public hearing concerning the proposed storm water fee increase, with City staff present to provide information and answer questions. The proposed amendments provide for a timeline wherein the Board can advise Charlotte residents who comment at the County’s public hearing that they can also make their comments directly to City Council at their public
hearing on the City’s budget, which will include the proposed City storm water fee increase and budget.

Resolution recorded in full in Minute Book 42-A, Document # _____.

(11) STORM WATER FEE (CITY OF CHARLOTTE) – SET PUBLIC HEARING

To set a public hearing on May 3, 2005 concerning the proposed increase in the Storm Water fee for the minor system inside the City of Charlotte.

(13) NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) GRANT

To adopt a resolution entitled, Resolution of Mecklenburg County Board of Commissioners Adopting The National Incident Management System For Use At Emergency Situations.

Note: As directed by the President to the Secretary of the Department of Homeland Security, all local governments are to adopt the NIMS to institutionalize the Incident Command System to be used in system-wide emergency operations policies, plans and procedures. The adoption of the NIMS is a requirement to receive various emergency preparedness grants.

Resolution recorded in full in Minute Book 42-A, Document # _____.

(14) CARMEL ROAD PARK CELL TOWER LEASE

Adopt Resolution Declaring Intent to Enter into Lease with Berkley Group, LLC for Tower Site at Carmel Road Park.

Resolution recorded in full in Minute Book 42-A, Document # _____.

(15) FUNDING ADJUSTMENT – AREA MENTAL HEALTH

Approve, recognize, receive and appropriate one-time State funds in the amount of $176,985 for the purpose of developing an intensive in-home services with crisis and respite components to increase child/adolescent mental health services community capacity.

(18) INSURANCE REIMBURSEMENTS

Approve, recognize and appropriate reimbursement funds in the amount of $10,250.00 for Park & Recreation for stolen and damaged items.

(19) JANITORIAL CONTRACT REIMBURSEMENT – GENERAL SERVICES

Recognize and appropriate Janitorial Contract reimbursements to General Services in the amount of $4,850 received for enhanced services provided to Second Harvest Food Bank located at 500 Spratt Street #B.

(20) HEAVY EQUIPMENT FOR SOLID WASTE – LUESA

Rescind authorization for the County Manager to negotiate and execute a contract for the purchase of one (1) tandem drive axle truck in the total amount of $107,813 with Tarheel Sterling Truck Center, Inc. Charlotte, NC; authorize the County Manager to negotiate and execute a contract for the purchase of one (1) tandem drive axle truck in the total amount of $112,079.26 to the lowest bidder, Mack Truck Sales of Charlotte, Charlotte, NC.
Note: At its January 4, 2005 meeting, the BOCC authorized the Manager to negotiate and execute a contract for the purchase of a tandem drive axle truck with Tarheel Sterling Truck Center, Inc. of Charlotte, NC. The County was unable to successfully execute a contract, as Tarheel Sterling Truck Center, Inc. was unwilling to honor their bid amount. All bids were rejected and a new Invitation to Bid was executed.

(21) EQUIPMENT PURCHASE – SHERIFF’S OFFICE

Authorize appropriation transfer of $263,204 from Sheriff’s Professional Fees to Capital Equipment Outlay for purchase of replacement and new equipment.

Note:
- Lektriever (warrant storage) $30,896*
- Two AFIS Machines (replaces two that are obsolete) 180,000*
- Truck for ALERT Trailer from Homeland Security Grant 65,000
- Permanent X-ray for Jail North (replaces portable) 7,308

(23) SPECIAL CONSUMPTION PERMIT/MALLARD CREEK OPTIMIST CLUB MUSIC @ MALLARD EVENT

Approve a Special Consumption Permit to allow the Mallard Creek Optimist Club to sell and consume alcoholic beverages on county park property (Mallard Creek Park) during their Music at Mallard Event.

(24) SPECIAL CONSUMPTION PERMIT/FRIENDS OF FOURTH WARD: FOURTH WARD FROLIC EVENT

Approve a Special Consumption Permit to allow the Friends of Fourth Ward to sell and consume alcoholic beverages on county park property (Fourth Ward Park) during their annual Fourth Ward Frolic Event.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(12) EXPANSION OF HICKORY GROVE RECYCLING CENTER

Motion was made by Commissioner Roberts, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to authorize the County Manager to negotiate and execute a contract with T.K. Browne Construction Company, Inc. in the amount of $815,416.13 for the expansion of Hickory Grove Recycling Center.

Commissioner Roberts removed this item from Consent for more public awareness.

Scott Brown with LUESA addressed this matter.

Commissioner Mitchell left the dais and was away until noted in the minutes.

(16) CHILD MENTAL HEALTH INITIATIVE GRANT

Motion was made by Commissioner Woodard, seconded by Commissioner Rembert and carried 8-0 with Commissioners Bishop, Clarke, Helms, James, Puckett, Rembert, Roberts and Woodard voting yes, to approve Area Mental Health (in partnership with the Community Collaborative and UNC-Charlotte) to apply for the Child Mental Health Initiative grant Number SM-05-010 through the Substance Abuse and Mental Health Services Administration (SAMSHA).
Note: The maximum amount for this grant, over 6 years, is $9 million.

Commissioner Woodard removed this item from Consent for more public awareness.

Commissioner Mitchell returned to the dais.

(17) DONATION OF SURPLUS OFFICE EQUIPMENT

Motion was made by Commissioner Woodard, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve the donation (private sale without compensation) of surplus County owned office equipment to Brother 2 Brother, Inc. pursuant to G.S. 160A-279.

A list of the equipment is on file with the Clerk to the Board.

Note: Brother 2 Brother, Inc. is in need of office equipment to expand its HIV/AIDS outreach services. Brother 2 Brother, Inc. is a non-profit community-based organization in the Mecklenburg County community that provides services to persons diagnosed with HIV/AIDS. The equipment is at least five (5) years old, and has minimal value.

Commissioner Bishop removed this item from Consent to inquire about the process for requesting surplus equipment and for more public awareness.

Leon Miller, Director of General Services said there was no formal process for requesting surplus equipment. He said that anyone interested in receiving surplus property should contact the General Services Department.

Attorney Bethune said that there were, however, restrictions on the Board’s ability to provide equipment.

Attorney Bethune said the recipient has to be a not-for-profit organization and an entity engaged in some type of public service that the Board of County Commissioners could fund if they chose to do so. He said the concept was that the Board would be providing resources in lieu of cash grants. He said further, that restrictions are placed on the equipment, such that it can only be used for a public purpose.

Commissioner James prior to the above vote, questioned some of the actions taken by Brother 2 Brother, Inc., specifically the distribution of “Safer Sex Packets.”

Commissioner James asked whether the County had a policy that prevents organizations from doing with the assets or the money they receive from the County things that the County would not do, such as distribute “sex kits.” No response was given and the vote proceeded.

(22) ORDINANCE – SOURCE SEPARATION OF DESIGNATED MATERIALS

Motion was made by Commissioner Roberts, seconded by Commissioner Rembert and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to reauthorize and amend “The Ordinance To Require The Source Separation Of Designated Materials From The Municipal Solid Waste Stream For The Purpose Of Participation In A Recycling Program” by removing the “sunset” provision of the Ordinance now causing it to expire on January 1, 2006, and removing all reference to “Foreign Corrugated Cardboard” from the Ordinance.

Commissioner Roberts removed this item from Consent for more public awareness.

Commissioner Bishop asked about the history of the “sunset” provision.

This matter was addressed by John Brown on behalf of the Charlotte Chamber and Laurette
Hall with LUESA.

Ordinance recorded in full in Minute Book 42-A, Document #_____.

Commissioner James left the dais and was away until noted in the Minutes.

(25) ZONING TRANSFER TO THE CITY OF CHARLOTTE

Motion was made by Commissioner Clarke, seconded by Commissioner Roberts and carried 8-0 with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to adopt the Resolution Authorizing Execution Of The Amendment To The Consolidated Shared Programs Joint Undertaking Agreement And Agreement To Transfer Zoning Functions From Mecklenburg County Back To The City Of Charlotte.

MECKLENBURG COUNTY
RESOLUTION AUTHORIZING EXECUTION OF THE
AMENDMENT TO THE CONSOLIDATED SHARED PROGRAMS JOINT UNDERTAKING
AGREEMENT AND AGREEMENT TO TRANSFER ZONING FUNCTIONS FROM MECKLENBURG
COUNTY BACK TO THE CITY OF CHARLOTTE

WHEREAS, on September 7, 1982, the City and the County entered into an agreement to consolidate their respective Building Inspection Departments under the authority of the County, and in particular gave responsibility for administration and enforcement of zoning regulations under the City of Charlotte Zoning Ordinance to the County; and

WHEREAS, N.C. Gen. Stat. § 160A-461, “Interlocal Cooperation Authorized,” authorizes units of local governments to enter into agreement with each other in order to execute an undertaking such as the enforcement of local zoning and land use ordinances by one unit of local government on behalf of another unit of local government; and

WHEREAS, Mecklenburg County and the City of Charlotte (the “City”) have negotiated and wish to amend the Consolidated Shared Programs Joint Undertaking Agreement and make an agreement with respect to the details of the transfer of City zoning functions back to the City; and

WHEREAS, N.C. Gen. Stat. § 160A-461 requires that such agreement “…shall be ratified by resolution of the governing board of each unit spread upon its minutes”; now, therefore, be it

RESOLVED by the Board of Commissioners of Mecklenburg County that the County Manager is hereby authorized and directed to execute the Amendment to the Consolidated Shared Programs Joint Undertaking Agreement and Agreement to Transfer Zoning Functions from Mecklenburg County Back to the City of Charlotte in substantially the form attached to this resolution and that this resolution shall be spread upon the minutes.

Commissioner Clarke removed this item from Consent for more public awareness.

Resolution recorded in full in Minute Book 42-A, Document #_____.

Commissioner James returned to the dais.

STAFF REPORTS AND REQUESTS

(26) FY2006-FY2007 TRANSIT PROGRAM

Motion was made by Commissioner Clarke, seconded by Commissioner Mitchell, and carried 8-0, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Roberts, and Woodard voting yes, to approve the proposed FY2006-FY2007 Transit Operating Program and the FY2006-FY2010 Transit Capital Investment Plan in accordance with the Transit Governance Interlocal Agreement.

Note: The proposed expenditures for FY2006 total $276,518,976 of which $81,713,971 is allocated for operating programs and $194,805,005 for capital programs; the proposed expenditures for FY2007 total $298,925,490 of which $90,682,869 is allocated for operating programs and $208,242,621 for capital programs.

Ron Tober, Charlotte Area Transit System Director presented the FY2006-FY2007 Transit

Commissioner James asked that he be provided ridership information, specifically the individual passenger per hour data for the bus routes in District Six.

*Commissioner Rembert left the dais prior to the above vote and was away until noted in the minutes.*

*A copy of the report is on file with the Clerk to the Board.*

*Commissioner Rembert returned to the dais.*

(28) **BASEBALL COMMITTEE REPORT**

The Board received a report from the Baseball Site Selection Committee regarding potential ballpark sites.

Michael Smith and Cheryl Myers both with Charlotte Center City Partners gave the report.

The Committee recommended three potential ballpark sites, Memorial Stadium, Third Ward Uptown, and South End. It was noted that the sites were unranked and should be considered as equally viable for ballpark development. The Committee said its reasoning for recommending these sites was based on discussions of site assets and concerns and on the aggregate tally of the Criteria Matrix. Detailed information was given on each site.

The Committee said that a ballpark built in the Charlotte-Mecklenburg market with the potential to attract over 600,000 new fans per season to Charlotte would be extremely beneficial to the community. Also, that every effort should be made to insure that the Charlotte Knights relocate their franchise to Charlotte so that the community can take full advantage of the potential economic development gains and increased tax base.

The Committee recommended the following “next steps” and noted that Charlotte Center City Partners was prepared to take the lead in facilitating these items as appropriate to move the ballpark project forward:

1. Direct the commissioning of a professional economic development consultant to produce a comprehensive market study and analysis.
2. Hold an economic development forum.
3. Conduct local site visits to Greensboro and Durham to view these two development projects first-hand.
4. Gauge community attitudes regarding support for baseball in general and solicit opinions about the recommended ballpark sites.

*A copy of the report is on file with the Clerk to the Board.*

Commissioner Puckett asked who would pay for the economic development consultant to produce a comprehensive market study and analysis that the Committee recommends? Mr. Smith said Charlotte City Partners would pay and would look to bring funding partners in as well.

Motion was made by Commissioner Mitchell, seconded by Commissioner Rembert, to authorize the County Manager to work with the Charlotte Knights, the City of Charlotte, Charlotte Center City Partners, & Central Piedmont Community College (CPCC) to determine the feasibility of baseball at the Memorial Stadium site as compared with maintaining its current use; as well as the feasibility of a South End site.

Commissioner Puckett asked whether the motion assumed any investment on the part of the County for the study.
Chairman Helms said the motion does not assume any investment on the part of the County unless it comes back to the County.

Chairman Helms stated further that the motion does not in any way indicate that there is any financial commitment on the part of the County with respect to a potential Triple-A Baseball site anywhere.

Substitute motion was made by Commissioner Bishop, seconded by Commissioner Puckett and failed 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting no and Commissioners Bishop, James, and Puckett voting yes, to direct the County Manager to cooperate by furnishing any information that may be requested as the Charlotte Center City Partners and the Charlotte Knights undertake a feasibility study of any site, including but not limited to, the Memorial Stadium site.

Commissioner Puckett said one problem he has with the Memorial Stadium site is that it was built as a memorial to veterans of foreign wars. He expressed concern for losing historical sites. The vote was then taken on the original motion and carried 7-2 with Commissioners Clarke, Helms, James, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop and Puckett voting no.

Attorney Bethune noted that the Memorial Stadium property was subject to special deed restrictions. He said upon 14 months notice the City of Charlotte could require the County to deed the property, without compensation, to any third party as recognized in three area plans, the Elizabeth Small Area Plan, the CPCC plan and Center City plan. Attorney Bethune said that this was not a site that the County could sale. He said Charlotte City Council would have to approve the use of the site for any purpose.

COUNTY COMMISSIONERS REPORTS AND REQUESTS - NONE

(COMMISSIONERS’ COMMENTS)

General comments were made at this time by various Commissioners regarding upcoming events and/or events they attended, as well as, other matters which they deemed noteworthy.

ADJOURNMENT

Motion was made by Commissioner Puckett, seconded by Commissioner Mitchell, and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 8:55 p.m.
The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Session at Long Creek Elementary School, 9213 Beatties Ford Road, Huntersville, N. C. at 9:00 a.m. on Friday, April 22, 2005.

ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners J. Daniel Bishop, Dumont Clarke, Wilhelmenia I. Rembert, Jennifer Roberts and Valerie C. Woodard
County Manager Harry L. Jones, Sr.
Clerk to the Board Janice S. Paige

Absent: Commissioners Bill James, Norman A. Mitchell, Sr., and Jim Puckett

Commissioners Bishop and Woodard were absent when the meeting was called to order and until noted in the minutes.

The Board met with members of the Charlotte-Mecklenburg Board of Education. The purpose of the meeting was to hold an Education Summit on a variety of topics of mutual interest.

The meeting was called to order by Kit Cramer, Vice-Chair of the Board of Education (BOE), who was a member of the joint committee responsible for putting the summit together. The other members of the committee were Commissioners Wilhelmenia Rembert and Jennifer Roberts, and Board of Education member Lee Kindberg.

A welcome was received from Phyllis Baldwin, Principal of Long Creek Elementary.

Vice-Chair Cramer said that the meeting would proceed as outlined on the agenda. She then called upon Denis Hayes, who served as Moderator.

Mr. Hayes asked everyone to introduce himself or herself after which the meeting proceeded as outlined on the agenda.

The agenda covered the following topics:

1. Legislated Role of County Commissioners with respect to Schools, School Policies, and School Funding in North Carolina (addressed by Sandra Bisanar, Deputy County Attorney)
2. Overcrowding and School Construction (addressed by Guy Chamberlain)
3. CMS Long-Range Facilities Master Plan (addressed by Guy Chamberlain)
4. Implications for Debt Service and Bond Rating/Issuance (addressed by Harry Weatherly, County Finance Director)
5. Update on School Nurse Issue (addressed by Tony Bucci with CMS)
6. Overview of Proposed 2005-06 CMS Budget
   a. Operating Budget (addressed by Dr. James Pughsley, Superintendent and Shelia Shirley, CMS Chief Finance Officer)
   b. Teacher Incentives, Retention, Recruitment – current needs and enhanced needs (addressed by Dr. Barbara Jenkins with CMS)
c. School Safety (addressed by Greg Clemmer and Ralph Taylor both with CMS)

Commissioner Woodard entered the meeting during the question and answer period following Attorney Bisanar’s presentation (Item 1).

Commissioner Bishop entered the meeting during Finance Director Weatherly’s presentation regarding Rating Agency comments (Item 4).

Topics 1 – 4 occurred prior to lunch, which was taken from 12:10 p.m. to 12:45 p.m.

Commissioner Bishop was absent when the meeting reconvened after lunch and until noted in the minutes.

Commissioner Rembert was absent when the meeting reconvened after lunch and for the remainder of the meeting.

A break was taken at 1:30 p.m. and ended at 1:45 p.m.

Commissioner Bishop returned to meeting during Dr. Jenkins’ presentation (Item 6b).

Discussion Highlights

Legislated Role of County Commissioners with respect to Schools, School Policies, and School Funding in North Carolina

Deputy County Attorney Sandra Bisanar noted in her presentation that the legislated role of County Commissioners with respect to Schools was a financial one only. Policy making authority is the sole responsibility of the Board of Education. It was noted, however, that County Commissions because of their financial responsibility to School Systems, do indirectly influence school policy.

It was noted also that statutorily County Commissions and Boards of Education are encouraged to meet and discuss educational matters.

Noted also were the areas that counties in North Carolina are required by statute to provide funding for with respect to school operations, however the statutes do not prescribed the level of that funding. The items are:

1. Maintenance/repair of school buildings [G.S. 115C-524(b)]
2. Supplies for school buildings [G.S. 115C-522(c)]
3. Sites for school buildings [G.S. 115C-426]
4. School buildings [G.S. 115C-521(b)]
5. School furniture and apparatus [G.S. 115C-522(b)]
6. Garage and maintenance equipment for school buses [G.S. 115C-249(e)]
7. Water supply and sewerage facilities [G.S. 115C-522(c)]

Board of Education member George Dunlap asked whether the County could direct the Board of Education to not fund a particular line item and the response was no. The County does not have line item veto power. The County funds CMS by functions and there’s a 10% variance allowed. Any variances greater than 10% require approval by the Board of Commissioners.

Board of Education Chairman Joe White commented on the High School Challenge funding and asked whether that allocation was separate and apart from the $265 million allocated for the School’s operating budget? The response was that it was a separate allocation for a specific purpose. It was noted, however, that the continued funding for the High School Challenge would be a part of the County Manager’s current service level budget.

Commissioner Clarke commented on the $52 million increase from the County’s 04-05 school appropriation. He inquired about the prioritization of the increase.
Dr. Pughsley said that the increase was divided into four sections: 1) Revisions & Redirections 2) Sustaining Operations 3) Student Growth and Opening New Schools, and 4) Program Expansion & New Initiatives.

Commissioner Rembert raised the question of what is it that the Board of Education needs to present to the Board of Commissioners in order to build more confidence?

Chairman Helms said that in his opinion the Board of Education needs its own taxing authority, which would then make the Board of Education directly accountable to the public and would get the County Commission out of the middle.

Board of Education Chairman White said that he feels the Board of Education would be more accountable if it had its own taxing authority.

Board of Education Vice-Chair Cramer said that she would support the Board of Education having its own taxing authority only if there was consolidated government because then you would still have the same number of taxing authorities that currently exist.

Board of Education member Kaye McGarry said that she doesn’t feel the time is right for the Board of Education to have its own taxing authority. She stated further that if it were to occur then district representation should be done away with, so that all members would be accountable to all the taxpayers.

Board of Education member Velma Leake spoke in opposition to doing away with district representation. She said without district representation, people of color would not be on the Board of Education. She said, “Districts create diversity.”

Board of Education member Louise Woods said she supports the Board of Education having its own taxing authority because then taxpayers would not be confused on who’s accountable. She said that she was also interested in where the Board of Commissioners stood on the issue.

Commissioner Roberts suggested that perhaps this was something that should be looked into.

It was the consensus of the bodies to place the issue of taxing authority for the Board of Education in the “parking lot” for future discussion.

Note: At the beginning of the meeting, it was agreed that if issues came up that were not on the agenda but deemed matters of mutual interest, then those topics would be noted and placed on what was referred to as the “parking lot” list of “action items.”

Per the above discussion the following issues were placed on the “parking lot” list:
- Consolidated Government
- Having on two Taxing Authorities
- Taxing Authority for the Board of Education
- At Large/District Representation (Board of Education)

Overcrowding and School Construction and CMS Long-Range Facilities Master Plan

Mr. Chamberlain gave a summary of ten-year needs with respect to the number of new schools, school expansions, renovations, and support facilities.

It was noted that over the next ten years an additional 53,000 students were expected. The number of new students per year for the last three years has been about 4,200.

Mr. Chamberlain addressed:
- Past Bond Sales
- Capital Expenditures
- Capital Needs Assessment (CNA)
  - Categories of Work
It was noted that Lifecycle Replacements, Mandates and Initiatives, and Growth and Real Estate with respect to the CNA comes to a total of $1,975,532,348 and $884,107,343 with respect to the CIP.

It was also noted that the matter of a bond referendum was still pending.

**Implications for Debt Service and Bond Rating/Issuance**

County Finance Director Weatherly addressed proposed bond sales and estimated debt service. It was noted that the figures shown reflect a 4.5 percent inflationary factor.

It was noted that the County’s Ten-Year Capital Plan was in excess of $3 billion for county, school and community college needs, with more than half slated for school construction and renovation projects.

Commissioner Clarke asked for clarification on the rate of spending. Mr. Chamberlain said the Schools were confident that they could spend $170 million annually.

Commissioner Woodard asked about the Ten-Year Plan and underutilized schools. Mr. Chamberlain said the Ten-Year Plan was based on growth. He also said that contrary to what the perception is there really were not a lot of vacant seats.

Finance Director Weatherly shared comments from the Rating Agencies, which were favorable.

Finance Director Weatherly said the County was in the moderate range based on rating agency comments. He also said that he does not foresee the County’s AAA bond rating being in jeopardy.

Commissioner Roberts raised the issue of needing alternative revenue sources.

County Manager Jones noted that some counties have a real estate transfer tax, mostly in the northern part of the state, which is shared with the municipality.

He noted also that the N.C. Association of County Commissioners was working on Medicaid Phase-Out legislation, which, if this occurs, could help. He noted that 3.5 cents of the tax rate goes towards Medicaid.

*It was the consensus of the bodies to place the issue of alternative revenue sources in the "parking lot" for future discussion.*

Commissioner Rembert asked staff to comment on the following public perceptions:

- That the Board of Education has mismanaged dollars. *Finance Director Weatherly said the Board of Education was spending funds in keeping with the budget ordinance.*
- That the schools being built are more elaborate then they need to be. *Mr. Chamberlain said schools are built in accordance with state requirements and noted that CMS’s was*
slightly below what the state requires, as well as, the national average. He noted further that construction cost has also been less than the national average.

- That no new schools have been built in the suburbs, yet building has occurred in the Center City. Mr. Chamberlain said that was a misconception. He said school construction has been fairly uniform and that on a per pupil basis maybe it’s been a little more.

Commissioner Rembert also asked about the average annual cost for mobile units and what its been the last ten years. CMS staff said they would provide that information. It was stated that CMS would always have some usage of mobile units as growth continues.

Board of Education member Leake noted that some of the towns within the County have expressed opposition to mobile units unless they are of a certain style for aesthetic purposes, which would be more costly.

Commissioner Clarke noted his interest in pay-as-you-go.

Commissioner Clarke also noted that the Union County Board of Commissioners and the Union County Board of Education had adopted a resolution jointly supporting a menu of alternative revenue sources. He suggested the County and CMS do the same. Staff said that they were not aware of this and would follow up with Union County.

Board of Education Vice-Chair Cramer said that she would like to know the status of the Study Commission that Senator Dan Clodfelter called for.

Board of Education Chairman White said he was asked to serve on the Study Commission but appointments were still pending. He said that once the Governor gets some other matters squared away, such as the lottery, that he would then probably move forward with getting the Study Commission established.

Board of Education Vice-Chair Cramer asked about the impact of the lottery if it passes.

County Manager Jones said that it’s his understanding that it would generate about $10 - $15 million with only one-seventh of that going to Mecklenburg County.

Board of Education Chairman White encouraged officials to read the lottery bill. He noted that those funds would be supplemental funds and not replacement funds.

It was the consensus of the bodies to place the issue of the Study Commission in the “parking lot” for future discussion, as well as, the impact of the lottery, and a joint resolution with respect to alternative funding sources, similar to what occurred in Union County.

Update on School Nurse Issue

Tony Bucci with CMS addressed School Nurses. It was noted that “the health and well-being of children are directly linked to their academic performance (Novello, Degraw, & Klienman, 1992)”

The following was also noted:

- Nurse to student ratio in CMS is 1 to 2,171
- Nurse to student ratio in N. C. is 1 to 1,918
- Nurse to student ratio in U.S. – 47% of school districts have a 1 to 750 ratio
- The national recommendation is 1 to 750.
- Currently 56 RNs are funded by the County.
- There is a betterment request for 11 additional RNs
- There are 3 RN’s and 1 NP associated with the High School Challenge
- Currently there is no other source of funding for nurses
- The State provides funding for 145 nurses statewide but Mecklenburg County receives none of those funds
Mr. Bucci addressed the services provided and resource shortfall for CMS. He noted the following:

- 104 additional nurses are needed to close the gap, which would mean 6 additional positions would be need per year to keep up
- The cost/child/year for a full time school nurse would be $76.
- County Government has not been able to fund the additions in the past three years, and may never be able to close the gap without collaborative funding.

Board of Education member Dunlap noted that in New York the school nurse is also the community nurse. He suggested that a change maybe needed in the delivery model.

Mr. Bucci said that staff was looking at alternatives.

Board of Education member Dunlap asked about liability with respect to school personnel administering medications rather than the school nurse. Board of Education Attorney Maurice “Mo” Green said there was no liability unless there’s some type of out right negligence. He noted that staff was only covered from liability when it involves prescribed medications only, which is the only type of medications that should be administered.

Chairman Helms noted that there were some who said that School Health should not have been a topic for the Summit and asked staff to respond. It was noted that a child’s health contributes to their learning.

Commissioner Clarke said he agreed and understands the importance of good health for children and staff but noted that the County’s ability to do more in this area was limited in light of other funding needs.

Mr. Bucci noted that discussions with respect to some community collaborative efforts are scheduled to be held with the Duke Endowment and Carolinas Medical Center.

Board of Education member Woods suggested that the issue of children’s vision be looked into. She noted that often the reason a child has difficulty learning is because of vision problems, extensive vision problems, not just being unable to see the blackboard.

Commissioner Roberts suggested that the issue of collaborative efforts with respect to school nurses be added to the “parking lot.”

Board of Education Chairman White noted that the issue of healthcare was on the agenda of the National Board of Education, of particular concern is the issue of obesity.

It was the consensus of the bodies to place the issues of school nurses, obesity, child nutrition and physical education in the “parking lot” for future discussion.

Overview of Proposed 2005-06 CMS Budget

Dr. James Pughsley, Superintendent and Shelia Shirley, CMS Chief Finance Officer gave an overview of the proposed 2005-2006 CMS budget. Dr. Pughsley said CMS’ budget document would be delivered to the County the first of next week.

It was noted that the total 2005-2006 proposed current expense budget was $979,219,254 with the County being asked for $316,775,274.

The presentation covered the following:

- CMS Goals
- Challenges Facing CMS
- Enrollment
- Budgetary Areas of Focus
- 2005-2006 Proposed current expense budget
- Summary of changes to 2004-2005 base budget

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Program Expansion and New Initiatives
Academic Achievement

Dr. Pughsley commented on the Funding Framework that was developed by the County. He said that he agreed with the concept of the Funding Framework but not the mechanics of it and that with some work it could be a vital budget tool. He said that there needed to be some triggers placed in the Funding Framework.

Commissioner Clarke noted his concern for how CMS’ management structure has been reduced.

Dr. Pughsley said that cuts were made at the Central Office in order to protect the schools and classrooms.

Commissioner Clarke said having the appropriate management infrastructure was vital in order to carry out the mission.

Dr. Pughsley agreed.

Teacher Incentives, Retention, Recruitment

Dr. Barbara Jenkins addressed the Strategic Framework for staffing needy schools with quality teachers and administrators.

The presentation covered
Aggressive Recruitment/Placement of Principals
Enhanced Teacher Incentives
Strengthening of Instructional Staff
Working Conditions
“State of Emergency” Provision meaning in cases where schools have repeatedly failed to meet expected growth measures, the Superintendent may declare a “State of Emergency” in that school.

Commissioner Clarke asked for clarification regarding the Strategic Framework for Staffing Phase-in Summary, specifically how many schools were involved. The response was 52 schools.

Board of Education Chairman White said that this type of approach was working in some parts of California.

School Safety

Greg Clemmer and Ralph Taylor both with CMS addressed school safety.

The presentation covered current program initiatives and new initiatives for 2005-2006.

Chairman Helms asked about Hopwell High School.

Mr. Taylor said Hopwell was “alive and well.” He said that he personally goes to Hopewell daily and that things have been put in place to address the problems that were occurring.

Commissioner Clarke noted that discipline impacts the public’s perception of the School System.

Dr. Pughsley also commented on Hopewell. He said the discipline issues were addressed and will continue to be addressed. He said that there were certain matters that the Board of Education was not at liberty to discuss.

Board of Education Vice-Chair Cramer noted that many of the problems at Hopewell stem from overcrowding. She said that any time there are that many students in an overcrowded facility there will be problems.
Commissioner Clarke asked would the expansion of Academic Truancy/Suspension Centers occur if full funding was not received? *The response was that it’s possible the expansion would not occur if sufficient funds were not received.*

Board of Education member Dunlap encouraged Commissioners to contact the appropriate CMS staff to learn more about the Safety Initiatives and the Strategic Framework for Staffing since time was limited for in depth discussion of these topics.

**Board of Education Chairman White** thanked everyone for coming.

Chairman Helms dittoed Chairman White’s remarks and said that he felt the Summit had been beneficial and that meetings of this nature should occur more often.

Mr. Hayes, Moderator agreed and suggested the two bodies meet more frequently.

This concluded the Summit.

*Note: The above is not inclusive of every comment and/or question asked but reflects key points and requested follow-up.*

*Handouts from the various presentations are on file with the Clerk to the Board.*

**ADJOURNMENT**

The meeting was declared adjourned at 3:16 p.m.

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Janice S. Paige, Clerk H. Parks Helms, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COUNTY COMMISSIONERS

JUNE 1, 2005 5:00 P.M.

NORTH CAROLINA MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Session in Conference Center Room 267 on the 2nd floor of the Charlotte-Mecklenburg Government Center on Wednesday, June 1, 2005 at 5:00 p.m.

ATTENDANCE

Present:  Chairman H. Parks Helms and Commissioners
J. Daniel Bishop, Dumont Clarke, Bill James
Norman A. Mitchell, Sr., Jim Puckett
Wilhelmenia Rembert, Jennifer Roberts
and Valerie C. Woodard
County Manager Harry L. Jones, Sr.
Clerk to the Board Janice S. Paige

Absent:  None

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Commissioner Puckett was absent when the meeting was called to order and until noted in the minutes.

Chairman Helms noted the purpose of the meeting was to begin the Board’s deliberation on the County Manager’s FY05-06 Recommended Budget.

FY 2005-2006 BUDGET DELIBERATIONS

Hyong Yi, Budget and Management Director outlined the agenda for the meeting. The Board was asked to decide on a budget deliberations workshop schedule and process.

Director Yi gave a budget update since the County Manager’s presentation of his recommended budget on May 17, 2005.

Commissioner Puckett entered the meeting.

Motion was made by Commissioner Roberts, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve the budget deliberations workshop schedule as recommended by staff.

Note: Per the approved schedule, workshops would be held on June 2nd, 6th, and 14th if needed.

Director Yi presented a recommended workshop process for the Board’s consideration.

Motion was made by Commissioner Mitchell, seconded by Commissioner Rembert and carried 7-2 with Commissioners Bishop, Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners James and Puckett voting no, to approve funding for all mandatory services with the exception of the Local ABC Profits.

Michael Bryant, Senior Budget Analyst reviewed various sections of the Board’s budget book that the Board would be referring to during deliberations.

STRAW VOTES
Prior to the start of straw votes, it was noted that seconds would not be required for motions.

The Board was provided a spreadsheet of services for review.

Per the spreadsheet of services that was provided, the following services were pulled:

1. In-Home Aide (DSS) pulled by Commissioner Woodard
2. Charlotte-Mecklenburg Council on Aging (OSA) pulled by Commissioner Roberts
3. Code Enforcement pulled by Chairman Helms
4. Charlotte-Mecklenburg Schools Operation Funding pulled by Commissioner Roberts
5. Charlotte-Mecklenburg Schools High School Challenge Funding pulled by Commissioner Clarke
6. Pay as You Go Capital Funding (NDP) pulled by Chairman Helms
7. Indigent Care pulled by Commissioner Clarke
8. Civil Legal Assistance (OSA) pulled by Commissioner Clarke
9. Air Quality pulled by Commissioner Clarke
10. Communicable Disease (HLT) pulled by Chairman Helms
11. STD/HIV Tracking & Investigation (HLT) pulled by Commissioner Woodard
12. Metrolina AIDS Project (OSA) pulled by Commissioner Roberts
13. CPCC Operation Funding pulled by Chairman Helms
14. Local ABC Profits pulled by Chairman Helms
15. Unrestricted Contingency (NDP) pulled by Chairman Helms
16. Detention Services (SHF) pulled by Chairman Helms
17. Rehabilitation Services (SHF) pulled by Chairman Helms
18. Gatling Juvenile Detention Facility (SHF) pulled by Commissioner Woodard
19. Community Building Initiative (OSA) pulled by Commissioner Roberts
20. Empowered Youth Initiative-NCCJ (OSA) pulled by Commissioner Rembert
21. DV Services (DSS) pulled by Commissioners Rembert & Roberts
22. Designated Technology Reserve (NDP) pulled by Commissioner Clarke
23. Undesignated Technology Reserve (NDP) pulled by Commissioners Rembert & Roberts
24. A Way Home (OSA) pulled by Chairman Helms
25. Charlotte Emergency Housing pulled by Commissioner Rembert
26. Homeless Support Services (HLT) pulled by Chairman Helms
27. House of Grace (OSA)-Restricted Contingency pulled by Commissioner Rembert
28. Attorney (MGR) pulled by Commissioner Roberts
29. Legal Services (DSS) pulled by Chairman Helms
30. Legal Counsel (SHF) pulled by Chairman Helms
31. Attorney (Tax) pulled by Chairman Helms
32. Inmate Library Services pulled by Chairman Helms
33. Public Library Services (LIB) pulled by Commissioner Rembert
34. CHS Contract (HLT) pulled by Commissioner Rembert
35. Fighting Back (HLT) pulled by Commissioner Woodard
36. Vital Records pulled by Commissioner Woodard
37. Court Security (SHF) pulled by Chairman Helms
38. Law Enforcement Service District pulled by Commissioner Puckett
39. Drug Court (SJS) pulled by Commissioner Woodard
40. Drug Treatment Court pulled by Chairman Helms
41. Classification/Compensation pulled by Chairman Helms
42. Real Property Document Process (REG) pulled by Chairman Helms
43. Specialized Park Maintenance pulled by Commissioner Rembert
44. Facility Management (SHF) pulled by Commissioner Woodard
45. Vehicle Reserve pulled by Commissioner Roberts
46. Vehicle Maintenance pulled by Commissioner Bishop
47. Early & Absentee Voting pulled by Commissioner Woodard
48. MWBE (MGR) pulled by Commissioner Rembert
49. Catawba Lands Conservancy (OSA) pulled by Commissioner Roberts
50. Latin American Coalition (OSA) pulled by Commissioner Roberts
51. Mi Casa Su Casa (OSA) pulled by Commissioner Roberts
52. Programma Esperanza (OSA) pulled by Commissioner Roberts
53. Senior Centers, Inc. (OSA) pulled by Commissioner Rembert
54. Veterans Claims Processing & Counseling pulled by Commissioner Rembert
55. Communities In Schools (OSA) pulled by Chairman Helms
56. Employment Services Resource Center pulled by Commissioner Woodard
57. Lake Norman Marine Commission (OSA) pulled by Chairman Helms at the request of the County Manager
58. Lake Wylie Marine Commission (OSA) pulled by Chairman Helms at the request of the County Manager
59. Mt. Island Lake Marine Commission (OSA) pulled by Chairman Helms at the request of the County Manager

Motion was made by Commissioner Rembert, seconded by Commissioner Mitchell and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop, James, and Puckett voting no, to approve the County Manager’s recommended budget with the exception of the items that were pulled.

The Board took a break at 6:35 p.m. and reconvened at 6:46 p.m.

From the list of pulled services, the following actions were taken:

In-Home Aide (DSS)
Commissioner Woodard asked staff to elaborate on what In-Home Aide involved, which they did. No action was taken.

Charlotte-Mecklenburg Council on Aging (OSA)
Motion was made by Commissioner Roberts and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop, James, and Puckett voting no, to increase Charlotte-Mecklenburg Council on Aging funding by $55,000.

Code Enforcement
Motion was made by Commissioner Roberts and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop, James, and Puckett voting no, to increase Volunteer Fire Departments’ funding by $340,000.

Charlotte-Mecklenburg Schools Operation Funding
Motion was made by Commissioner Roberts and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop, James, and Puckett voting no, to increase CMS Operation funding by $8 million.

Charlotte-Mecklenburg Schools High School Challenge Funding
Commissioner Clarke asked staff if CMS management was okay with the amount that was being recommended for the High School Challenge program? The response was that CMS was expecting a surplus this year. CMS does not plan to spend the entire $6 million that they received. The expected savings is around $2 million.

Motion was made by Commissioner Bishop and failed 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting no and Commissioners Bishop, James, and Puckett voting yes, to place the High School Challenge funding in restricted contingency, to be released contingent upon CMS being in demonstrative compliance of the High School Challenge goals.
Motion was made by Commissioner Clarke and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop, James, and Puckett voting no, to approve the County Manager’s recommendation with respect to funding the High School Challenge.

**Pay as You Go Capital Funding (NDP)**

Motion was made by Commissioner Clarke, to reduce Pay as You Go Capital funding and fund it at 70%, which would be $22,200,000.

Commissioner James asked would the Pay As You Go fund be completely dispersed within a year and the response was no.

Commissioner James questioned whether the Pay As You Go fund would become a “slush” fund. The response was no and that the fund would only be used for specific capital projects. Also, that the intent is for the fund to be set up to fund capital projects, most which to be spread out over several years.

Substitute motion was made by Commissioner Bishop and failed 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting no and Commissioners Bishop, James, and Puckett voting yes, to reduce Pay as You Go Capital funding and fund it at 70%, and that it be expended on the highest priority capital projects at any given time.

County Manager Jones asked the Board to consider funding Pay As You Go at 80%

Commissioner Clarke accepted the County Manager’s recommendation.

The vote was then taken on the original motion and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop, James, and Puckett voting no, to fund Pay As You Go at 80%.

**Indigent Care**

Commissioner Clarke asked a question about Carolinas Medical Center with respect to the cost of Indigent Care.

Motion was made by Commissioner Clarke and carried 8-1 with Commissioners Bishop, Clarke, Helms, James, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioner Puckett voting no, to approve the County Manager’s recommended budget for Indigent Care.

Commissioner Clarke suggested that Indigent Care be a topic of discussion in the future in order to consider whether or not the amount allocated should be increased from time to time.

**Civil Legal Assistance (OSA)**

Motion was made by Commissioner Clarke and carried 7-2 with Commissioners Bishop, Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners James and Puckett voting no, to increase funding for Civil Legal Assistance to $150,000.

**Air Quality**

Motion was made by Commissioner Clarke and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop, James and
Puckett voting no, to approve placing Air Quality funding in restricted contingency as recommended by the County Manager.

**Communicable Disease (HLT)**

Motion was made by Commissioner Woodard and carried 8-1 with Commissioners Bishop, Clarke, Helms, James, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioner Puckett voting no, to approve the County Manager’s recommended budget for Communicable Disease services.

**STD/HIV Tracking & Investigation (HLT)**

Motion was made by Commissioner Woodard and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop, James, and Puckett voting no, to approve the County Manager’s recommended budget for STD/HIV Tracking & Investigation services.

**Metrolina AIDS Project (OSA)**

Motion was made by Commissioner Roberts and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop, James, and Puckett voting no, to increase funding to the Metrolina AIDS Project by $46,701 for an even amount of $100,000.

**CPCC Operation Funding**

Motion was made by Commissioner Rembert and carried 5-3 with Commissioners Clarke, Helms, Mitchell, Rembert, and Roberts voting yes and Commissioners Bishop, James, and Puckett voting no, to increase CPCC Operation funding by $500,000.

*Note: Commissioner Woodard did not vote.*

**Local ABC Profits**

Chairman Helms asked staff to contact the Alcoholic Beverage Control Board to see if it’s possible for the County to receive an additional $1 million from their profits.

Commissioner Puckett asked staff to ask the Alcoholic Beverage Control Board what would they have done with that additional $1 million, if they decide to give it to the County.

Motion was made by Commissioner Woodard and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop, James, and Puckett voting no, to increase the Local ABC Profits budget amount by $1 million.

**Unrestricted Contingency (NDP)**

Motion was made by Commissioner Clarke and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop, James, and Puckett voting no, to add $50,000 to Unrestricted Contingency.

**Detention Services (SHF)**

Motion was made by Commissioner Clarke and carried 5-4 with Commissioners Bishop, Clarke, Helms, James, and Puckett voting yes and Commissioners Mitchell, Rembert, Roberts, and Woodard voting no, to increase funding for Detention Services by $83,654.
Rehabilitation Services (SHF)
Motion was made by Chairman Helms and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop, James, and Puckett voting no, to approve funding for Rehabilitation Services as recommended by the County Manager.

Gatling Juvenile Detention Facility (SHF)
Motion was made by Commissioner Woodard and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop, James, and Puckett voting no, to approve funding for Gatling as recommended by the County Manager.

Community Building Initiative (OSA)
Motion was made by Commissioner Roberts and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop, James, and Puckett voting no, to fund the Community Building Initiative at $100,000.

Empowered Youth Initiative-NCCJ (OSA)
Motion was made by Commissioner Rembert and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop, James, and Puckett voting no, to increase funding for the Empowered Youth Initiative-NCCJ by $15,000.

DV Services (DSS)
Motion was made by Commissioner Roberts and carried 8-1 with Commissioners Bishop, Clarke, Helms, James, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioner Puckett voting no, to approve funding for DV Services as recommended by the County Manager.

Designated Technology Reserve (NDP)
Motion was made by Commissioner Clarke and carried 8-1 with Commissioners Bishop, Clarke, Helms, James, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioner Puckett voting no, to approve Designated Technology Reserve funding as recommended by the County Manager.

Undesignated Technology Reserve (NDP)
Motion was made by Commissioner Rembert and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to reduce Undesignated Technology Reserve funding by $1 million.

A Way Home (OSA)
Motion was made by Commissioner Rembert and carried 7-2 with Commissioners Bishop, Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners James and Puckett voting no, to approve funding for A Way Home as recommended by the County Manager.
Charlotte Emergency Housing

Motion was made by Commissioner Rembert and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop, James, and Puckett voting no, to fund Charlotte Emergency Housing at $100,000.

Homeless Support Services (HLT)

Motion was made by Commissioner Rembert and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop, James, and Puckett voting no, to approve funding for Homeless Support Services as recommended by the County Manager.

House of Grace (OSA)-Restricted Contingency

Motion was made by Commissioner Rembert and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop, James, Puckett voting no, to approve funding for the House of Grace as recommended by the County Manager.

Prior to above vote, Commissioner Rembert asked why were the funds being placed in restricted contingency.

County Manager Jones explained that there were some financial concerns on the part of staff and that an audit needed to be performed.

Attorney (MGR)

Motion was made by Commissioner Roberts and carried 8-1 with Commissioners Bishop, Clarke, Helms, James, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioner Puckett voting no, to approve funding for the Attorney’s area in the Manager’s Office as recommended by the County Manager.

Legal Services (DSS)

Motion was made by Commissioner Mitchell and carried 8-1 with Commissioners Bishop, Clarke, Helms, James, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioner Puckett voting no, to approve funding for Legal Services (DSS) as recommended by the County Manager.

Legal Services (SHF)

Motion was made by Commissioner Mitchell and carried 7-2 with Commissioners Bishop, Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners James and Puckett voting no, to approve funding for Legal Services (SHF) as recommended by the County Manager.

Attorney (Tax)

Motion was made by Commissioner Clarke and carried 8-1 with Commissioners Bishop, Clarke, Helms, James, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioner Puckett voting no, to approve Attorney funding for the Tax Office as recommended by the County Manager.
Public Library Services (Inmate Services)

Motion was made by Commissioner Clarke and carried 7-2 with Commissioners Bishop, Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners James and Puckett voting no, to approve funding for Public Library Services as recommended by the County Manager.

Public Library Services

Motion was made by Commissioner Rembert and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop, James, and Puckett voting no, to increase Public Library Services funding by $250,000.

CHS Contract (HLT)

Motion was made by Commissioner Rembert and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop, James, and Puckett voting no, to approve funding the CHS Contract as recommended by the County Manager.

Fighting Back (HLT)

Motion was made by Commissioner Woodard and failed 8-1 with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, and Roberts voting no and Commissioner Woodard voting yes, to approve funding for Fighting Back as recommended by the County Manager but that the funds not be placed in contingency.

Motion was made by Commissioner Clarke and carried 5-4 with Commissioners Clarke, Helms, Mitchell, Rembert, and Roberts voting yes and Commissioners Bishop, James, Puckett, and Woodard voting no to fund Fighting Back as recommended by the County Manager.

Vital Records

Motion was made by Commissioner Woodard and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve Vital Records funding as recommended by the County Manager.

Court Security (SHF)

Motion was made by Commissioner Mitchell and carried 8-1 with Commissioners Bishop, Clarke, Helms, James, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioner Puckett voting no, to approve funding for Court Security as recommended by the County Manager.

Law Enforcement Service District

Commissioner Puckett commented on the Law Enforcement Service District and suggested that this was a matter that needs some discussion in the future. No action was taken.

Drug Court
Motion was made by Commissioner Woodard and carried 7-2 with Commissioners Bishop, Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners James and Puckett voting no, to approve Drug Court funding as recommended by the County Manager.

**Drug Court**

Motion was made by Commissioner Mitchell and carried 7-2 with Commissioners Bishop, Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners James and Puckett voting no, to approve Drug Treatment Court funding as recommended by the County Manager.

**Classification/Compensation**

Motion was made by Commissioner Rembert and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop, James, and Puckett voting no, to reduce funding for Classification/Compensation by $4.5 million.

**Real Property Document Process (REG)**

Motion was made by Commissioner Mitchell and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve funding for Real Property Document Process services as recommended by the County Manager.

**Specialized Park Maintenance**

Motion was made by Commissioner Rembert and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve funding for Specialized Park Maintenance as recommended by the County Manager.

Motion was made by Commissioner James and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to add an additional $1 million for Specialized Park Maintenance.

**Facility Management (SHF)**

Motion was made by Commissioner Woodard and carried 8-1 with Commissioners Bishop, Clarke, Helms, James, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioner Puckett voting no, to approve funding for Facility Management in the Sheriff’s Office as recommended by the County Manager.

**Vehicle Reserve**

Motion was made by Commissioner Mitchell and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop, James, and Puckett voting no, to approve funding for Vehicle Reserve as recommended by the County Manager.

**Vehicle Maintenance**

Motion was made by Commissioner Clarke and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop, James, and
Puckett voting no, to approve funding for Vehicle Maintenance as recommended by the County Manager.

**Early & Absentee Voting**

Motion was made by Commissioner Woodard and carried 7-2 with Commissioners Bishop, Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners James and Puckett voting no, to approve funding for Early & Absentee Voting as recommended by the County Manager.

**MWBE**

Motion was made by Commissioner Rembert and carried 7-2 with Commissioners Bishop, Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners James and Puckett voting no, to approve funding for MWBE as recommended by the County Manager.

**Catawba Lands Conservancy (OSA)**

Motion was made by Commissioner Roberts and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop, James, and Puckett voting no, to approve funding for the Catawba Lands Conservancy in the amount $50,000.

**Latin American Coalition (OSA)**

Motion was made by Commissioner Roberts and carried 5-4 with Commissioners Clarke, Helms, Mitchell, Rembert, and Roberts voting yes and Commissioners Bishop, James, Puckett, and Woodard voting no, to approve funding for the Latin American Coalition at $100,000.

**Mi Casa Su Casa (OSA) and Programma Esperanza (OSA)**

Motion was made by Commissioner Roberts and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop, James, and Puckett voting no, to approve funding for Mi Casa Su Casa and Programma Esperanza as recommended by the County Manager and that the funds be placed in contingency.

It was noted that a financial statement is needed for both of these agencies.

**Senior Centers, Inc. (OSA)**

Motion was made by Commissioner Rembert and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop, James, and Puckett voting no, to approve funding for Senior Centers, Inc. in the amount of $160,000.

**Veterans Claims Processing & Counseling**

Motion was made by Commissioner Rembert and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to increase funding for Veterans Claims Processing & Counseling by $2,500.

**Communities In Schools (OSA)**
Motion was made by Commissioner Clarke and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop, James, and Puckett voting no, to increase funding for Communities In Schools by $124,000.

**Employment Services Resource Center**

Motion was made by Commissioner Woodard and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop, James, and Puckett voting no, to increase funding for the Employment Services Resource Center by $5,000.

**Lake Norman Marine Commission (OSA) / Lake Wylie Marine Commission (OSA) / Mt. Island Lake Marine Commission (OSA)**

Motion was made by Commissioner Mitchell and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve funding for the Lake Norman Marine Commission, Lake Wylie Marine Commission, and Mt. Island Lake Marine Commission as recommended by the County Manager.

*Note: The above is not inclusive of every comment and/or question asked but reflects key points and actions taken by the Board.*

*A copy of handouts that were distributed with respect to the above matters is on file with the Clerk to the Board.*

**ADJOURNMENT**

Motion was made by Commissioner Bishop, seconded by Commissioner Puckett and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, that there being no further business to come before the Board, that the meeting be recessed 9:37 p.m. until Thursday, June 2, 2005 at 4:30 p.m.

Janice S. Paige, Clerk

H. Parks Helms, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COUNTY COMMISSIONERS

JUNE 2, 2005 4:30 P.M.

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Session in Conference Center Room 267 on the 2nd floor of the Charlotte-Mecklenburg Government Center on Thursday, June 2, 2005 at 4:30 p.m.

ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners J. Daniel Bishop, Dumont Clarke, Bill James Norman A. Mitchell, Sr., Jim Puckett Wilhelmenia Rembert, Jennifer Roberts and Valerie C. Woodard County Manager Harry L. Jones, Sr.
County Attorney Marvin A. Bethune Clerk to the Board Janice S. Paige

Absent: None

Commissioner Clarke was absent when the meeting was called to order and until noted in the minutes.

The purpose of the meeting was to continue the Board’s deliberations on the County Manager’s FY05-06 Recommended Budget.

Commissioner Clarke entered the meeting.

FY 2005 - 2006 BUDGET DELIBERATIONS

Hyong Yi, Budget and Management Director outlined the agenda for the meeting.

Motion was made by Commissioner James, seconded by Commissioner Bishop and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve the budget deliberations workshop schedule as recommended by staff.

Note: Per the approved schedule, the next budget workshop would be held on June 6th with the adoption of the budget occurring on June 7th or in the event it does not occur on June 7th then June 14th.

Local ABC Profits

In response to the Board’s request, Finance Director Harry Weatherly reported that the Alcoholic Beverage and Control (ABC) Board could not commit to allocating an additional $1 million to the County from their profits at this time. It was noted also that the ABC Board had a capital plan that they were working on as well.

Per the report, Chairman Helms said the Board would leave the County Manager’s recommendation with respect to ABC Profits as is.

Charlotte-Mecklenburg Schools’ (CMS) High School Challenge
Commissioner James commented on Charlotte-Mecklenburg Schools’ (CMS) High School Challenge program. He referenced documents that were distributed regarding the program.

Commissioner James said it appeared that CMS was saying it would not be able to meet the original goals of the program. Commissioner James raised the question of whether the goals should be changed.

Commissioner Rembert suggested the Board’s Education Liaison Committee address this issue.

Chairman Helms said that without objection, the matter of the High School Challenge program and its goals would be referred to the Board’s Education Liaison Committee.

STRAW VOTES

Note: Straw votes during budget deliberations do not require a second. The Chairman can also make motions.

Detention Services (SHF)

Motion was made by Chairman Helms and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to reinstate funding for the 50 positions in the Sheriff’s Office and eliminate the recommended funding for overtime and holiday pay.

Note: This would result in a net decrease of $200,000 in recommended funding for FY06.

Substance Abuse Services – Uptown Shelter (OSA)

Motion was made by Commissioner Clarke and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop, James, and Puckett voting no, to increase funding for Substance Abuse Services – Uptown Shelter (OSA) by $58,000.

Inmate Library Services

Motion was made by Commissioner Clarke and carried 5-4 with Commissioners Clarke, Helms, Mitchell, Rembert, and Roberts voting yes and Commissioners Bishop, James, Puckett, and Woodard voting no, to increase funding for Inmate Library Services by $58,726.

Gatling Juvenile Detention Facility (SHF)

Motion was made by Commissioner Clarke and carried 7-2 with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, and Roberts voting yes and Commissioners Bishop and Woodard voting no, to reduce funding for Gatling by the amount that was added for the Sheriff’s Office second Librarian position.

Park Operations and Maintenance

Motion was made by Commissioner Roberts and failed 8-1 with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, and Woodard voting no and Commissioner Roberts voting yes, to reduce funding for Park Operations and Maintenance by $1 million, since an additional $1 million was not available from local ABC Profits, and instead increase it by $500,000.
The vote was retaken on Commissioner Roberts’ original motion and failed 6-3 with Commissioners Clarke, Helms, James, Mitchell, Rembert, and Woodard voting no and Commissioners Bishop, Puckett, and Roberts voting yes.

Motion was made by Commissioner Clarke and carried 6-3 with Commissioners Bishop, Clarke, Helms, Mitchell, Rembert, and Woodard voting yes and Commissioners James, Puckett, and Roberts voting no, to reduce funding for Park Operations and Maintenance by $1 million, since an additional $1 million was not available from local ABC Profits.

Commissioners’ Travel

Motion was made by Commissioner Rembert and carried 6-3 with Commissioners Clarke, Helms, James, Mitchell, Rembert, and Woodard voting yes and Commissioners Bishop, Puckett, and Roberts voting no, to increase the Commissioners’ Travel budget by $10,000 to be distributed based on a protocol to be developed by staff and approved by the Board.

Note: Chairman Helms recommended this motion. The original thought was to provide the additional funding to those Commissioners who serve on state and/or national committees, i.e. NACo or NCACC, only to be expended based on a protocol to be developed by staff as to how it should be allocated among those members of the Board. However, it was suggested by Commissioner Woodard that it should be made available to any Commissioner even if they do not serve on a committee.

Local ABC Profits

Motion was made by Chairman Helms and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to reduce Local ABC Profits by $1 million.

House of Grace

Commissioner Woodard addressed House of Grace funding.

County Manager Jones said staff had some concerns regarding the financial integrity of the House of Grace from the standpoint of whether the House of Grace was spending funds in the way that they were intended to be spent. He said staff plans to perform an audit but not as quickly as they had hoped because of staffing. County Manager Jones said he would be agreeable to taking the funds out of restricted contingency and allowing the House of Grace to have the funds, but that if the audit findings are severe and require the repayment of funds, then the House of Grace would be required to pay the County back.

Motion was made by Commissioner Woodard to fund the House of Grace as recommended by the County Manager, but that the funds not be placed in contingency.

Substitute motion was made by Commissioner Puckett and failed 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts and Woodard voting no and Commissioners Bishop, James, and Puckett voting yes, to fund the House of Grace as recommended by the County Manager but that funds be allocated to the House of Grace quarterly, with funds for the 2nd, 3rd, and 4th quarters being placed in restricted contingency to be released, per the audit findings.

The vote was then taken on the original motion and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts and Woodard voting yes and Commissioners Bishop, James, and Puckett voting no.
Motion was made by Commissioner Roberts and carried 8-0 with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve funding for the Lake Norman Marine Commission, Lake Wylie Marine Commission, and Mt. Island Lake Marine Commission at the adjusted amounts as recommended by the County Manager.

*Note: Commissioner James was away from dais at the time of the vote and until noted in the minutes.*

Fighting Back

Motion was made by Commissioner Woodard and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts and Woodard voting yes and Commissioners Bishop, James, and Puckett voting no, to increase funding for Fighting Back by $74,938 and that the funds be taken out of contingency.

*Note: Commissioner James returned to the meeting prior to the above vote.*

Court Day Care

Motion was made by Commissioner Mitchell to increase funding for Court Day Care by $42,500, which would result in total funding being $108,000.

Substitute motion was made by Commissioner Puckett and failed 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts and Woodard voting no and Commissioners Bishop, James, and Puckett voting yes, to fund Court Day Care at $66,000.

The vote was then taken on the original motion and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts and Woodard voting yes and Commissioners Bishop, James, and Puckett voting no.

WTVI

Motion was made by Commissioner Roberts and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts and Woodard voting yes and Commissioners Bishop, James, and Puckett voting no, to increase WTVI funding by $200,000 per their request with respect to two programs, Ready to Learn and Charlotte Hoy and place it in restricted contingency with the understanding that the current MOU between the County and WTVI will need to be reviewed.

Chairman Helms said the following needs to be determined, in addition to the funding being based on relevance, performance, and efficiency: 1) What desired results and other criteria should be used in considering County funding for local growth revenue? 2) What are the most important strategic strategies for the maintenance, renovation and expansion of County owned facilities that the County currently provides to WTVI? 3) What is the most appropriate relationship between WTVI and the County regarding governance and management oversight of WTVI?

Chairman Helms said that the overall purpose of this was to maximize WTVI’s potential as a sustainable public asset.

Brookwood Development Project – Huntersville
Motion was made by Commissioner Clarke and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts and Woodard voting yes and Commissioners Bishop, James, and Puckett voting no, to add $2.3 million in funding for the Brookwood Development Project in Huntersville.

**Comprehensive Genealogical Services**

Motion was made by Commissioner Rembert and carried 6-2 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts and Woodard voting yes and Commissioners Bishop and James voting no, to increase funding for Comprehensive Genealogical Services by $35,000.

*Note: Commissioner Puckett was away from the dais at the time of the above vote and until noted in the minutes.*

**Aftercare for Indigent Offenders**

Motion was made by Commissioner Clarke and carried 6-2 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts and Woodard voting yes and Commissioners Bishop and James voting no, to add $4,185 for Aftercare for Indigent Offenders funding.

**Library Services**

Motion was made by Commissioner Clarke and carried 6-2 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts and Woodard voting yes and Commissioners Bishop and James voting no, to add $750,000 to Library Services funding.

**Library Facilities**

Motion was made by Commissioner Clarke and carried 6-2 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts and Woodard voting yes and Commissioners Bishop and James voting no, to add $250,000 to Library Facilities funding.

**Christian Women of Elegance**

Commissioner Woodard asked about Christian Women of Elegance. Staff’s response was that this organization’s request was not considered because a dollar amount was not mentioned in the request.

Commissioner Woodard said that she would check with them concerning the amount, but it was her understanding the amount should be $38,000.

Commissioner Woodard said that she would bring this matter back to the Board at a later date to consider funding this agency out of unrestricted contingency.

No action was taken.

*Commissioner Puckett returned to the meeting.*

**Office of Protocol**
Motion was made by Commissioner Clarke and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts and Woodard voting yes and Commissioners Bishop, James, and Puckett voting no, to add $5,000 to the Office of Protocol funding.

Commissioner Roberts expressed interest in seeing how this position could coordinate more with the Mayor’s Office.

Commissioner Puckett left the dais and was away until noted in the minutes.

Women’s Commission

Commissioner Woodard asked about the Women’s Commission and the proposed change in its structure and name.

Commissioner Woodard expressed opposition to the proposed name change to Domestic Violence Commission. She feels that the name of Women’s Commission was more comprehensive of various issues facing women.

County Manager Jones explained that the proposed name change for the Women’s Commission would not impact the services it provided. He said what was being proposed was that 50% of the Women’s Commission funding would be placed in restricted contingency. Secondly, that an audit would be conducted for the purpose of assessing and redesigning domestic violence services.

County Manager Jones said the process would be modeled after the Homelessness Services process that was used a few years ago. He said that this matter would be back before the Board for more in depth discussion at a later date.

Commissioner Puckett returned to the meeting

Capital Improvement Program (CIP)

Directors Yi and Weatherly addressed the proposed capital improvement program.

Commissioner James requested a breakdown of CMS’ bond referendum request by geographical range. He’s interested in knowing how much was being allocated to his district.

Commissioner Clarke requested that CMS’s, in their response to Commissioner James’ request, gross it up to include the COPS that were sold last fall on an emergency basis.

Commissioner Roberts asked if the amount for land acquisition included anything for the protection of the watershed at Mount Island Lake? The response was that it does not specifically. It was noted that there were dollars for park land.

Commissioner Roberts asked if the Board would have the option of redirecting some of those funds for the protection of water quality or would the Board need to increase the amount proposed? The response was that the Board could do either one, but that the preferable thing to do would be to increase the amount.

Director Weatherly also addressed pay-as-you-go.

No action was taken or required with respect to the CIP. It was noted that the Board would address the CIP at a later date.

Note: The above is not inclusive of every comment and/or question asked, but reflects key points and actions taken by the Board.
A copy of handouts that were distributed with respect to the above matters is on file with the Clerk to the Board.

ADJOURNMENT

Motion was made by Commissioner James, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, that there being no further business to come before the Board, that the meeting be recessed 8:13 p.m. until Monday, June 6, 2005 at 4:30 p.m.

Janice S. Paige, Clerk

H. Parks Helms, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COUNTY COMMISSIONERS

JUNE 6, 2005 4:30 P.M.

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Session in Conference Center Room 267 on the 2nd floor of the Charlotte-Mecklenburg Government Center on Monday, June 6, 2005 at 4:30 p.m.

ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners J. Daniel Bishop, Dumont Clarke, Bill James Norman A. Mitchell, Sr., Jim Puckett Wilhelmenia Rembert, Jennifer Roberts and Valerie C. Woodard County Manager Harry L. Jones, Sr. County Attorney Marvin A. Bethune Clerk to the Board Janice S. Paige

Absent: None

Chairman Helms said the purpose of the meeting was to continue the Board’s deliberation on the County Manager’s FY05-06 Recommended Budget.

FY 2005 - 2006 BUDGET DELIBERATIONS

Education Budget Advisory Committee (EBAC) Recommendation

The Board received the Education Budget Advisory Committee’s (EBAC) recommendation for the 05-06 Charlotte-Mecklenburg Schools (CMS) Operating Budget.

EBAC’s recommended funding for CMS was $317 million, which was the full amount requested by CMS. Their recommendation was based on the following three reasons: 1) Rising Enrollment, 2) Changes in Student Demographics, & 3) CMS has difficult challenges to resolve.

Geoffrey Curme, Chair of the Committee, gave the report.

A copy of the report is on file with the Clerk to the Board.

Several Commissioners commented on EBAC’s report and recommendation.

No action was taken at this time.

Chairman Helms thanked Mr. Curme for the report.

Citizen’s Capital Budget Advisory Committee Recommendation

The Board received the Citizen’s Capital Budget Advisory Committee’s (CCBAC) recommendation.

Michael Murdock, Chair of the Committee, gave the report.

A copy of the report is on file with the Clerk to the Board.

Several Commissioners commented on the CCBAC’s report and recommendation.
No action was taken at this time.

Chairman Helms thanked Mr. Murdock for the report.

Human Services Council

The Board received the Human Services Council (HSC) budget recommendation.

Suzie Garvey, Co-Chair of the HSC, gave the report.

Ms. Garvey said the HSC supported the County Manager’s recommendation.

Ms. Garvey emphasized the need for more School Nurses.

Ms. Garvey also addressed the status of the HSC. She said at one time the HSC was a very vital citizen’s advisory group, but that it “took a down hill” slide four years ago when it was reorganized. Ms. Garvey said the reorganization did not work and that the Council has continued to lose good people.

Ms. Garvey said the HSC was aware that staff was reviewing its status and that a recommendation was forthcoming. Ms. Garvey said if it were the desire of the Board to continue to have a Human Services Council, then the Council would need a new charge, by-laws, new members, and a designated staff person to work with the Council.

County Manager Jones noted that the County has taken a different approach over the last several years with respect to seeking advice regarding human services issues. He said the County has used task forces more on an as needed basis, rather than having the Human Services Council make a recommendation on certain issues, i.e. Homelessness and HIV/AIDS.

County Manager Jones said staff was in the process of reviewing the status of the Human Services Council and that a recommendation to the Board was forthcoming.

Chairman Helms said that the Board would await staff’s recommendation and upon receiving the recommendation refer it to the appropriate Board committee for review and a recommendation back to the Board.

Chairman Helms thanked Ms. Garvey for the report.

Note: Ms. Garvey did not have a written report.

STRAW VOTES

Note: Straw votes during budget deliberations do not require a second. The Chairman can also make motions.

CMS Operating Funding

Motion was made by Commissioner Mitchell and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop, James, and Puckett voting no, to leave CMS Operating funding at $287,810,000.

Gatling Juvenile Detention Facility
Motion was made by Commissioner James and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to fund the Gatling Juvenile Detention Facility at $1,378,142.

Lake Norman Marine Commission (OSA) / Lake Wylie Marine Commission (OSA) / Mt. Island Lake Marine Commission (OSA)

Motion was made by Commissioner Roberts and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to fund the Lake Norman Marine Commission (OSA) / Lake Wylie Marine Commission (OSA) / Mt. Island Lake Marine Commission (OSA) as recommended by the County Manager.

CountyCare Fitness

Motion was made by Commissioner Puckett and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to fund CountyCare Fitness as recommended by the County Manager.

Park Operations & Maintenance

Motion was made by Commissioner James and carried 8-1 with Commissioners Bishop, Clarke, Helms, James, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioner Puckett voting no, to increase funding for Park Operations & Maintenance by $1 million.

Specialized Park Maintenance

No action was required since $1 million had already been removed.

Brookwood Development Project (Huntersville)

Motion was made by Commissioner Rembert to reduce funding for the Brookwood Development Project by $1 million.

It was noted that the $1 million was allocated to Park Operations & Maintenance.

Substitute motion was made by Commissioner Clarke and failed 7-2 with Commissioners Bishop, Helms, James, Mitchell, Rembert, Roberts, and Woodard voting no and Commissioners Clarke and Puckett voting yes, to take $1 million from Pay-as-You-Go rather than the Brookwood Development Project.

The vote was then taken on the original motion and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes.

Wilkinson Blvd. Public Service Center

Commissioner Mitchell asked about contributing to the funding of the Wilkinson Blvd. Public Service Center along with the City of Charlotte. He noted that the facility was shared by DSS and the Police Dept. The County’s share would be around $12,000.

County Manager Jones said staff would research this matter. He noted that $150,000 was being placed in unrestricted contingency and that funds could be allocated out of it for the County’s portion, if that’s the desire of the Board.

No action was taken. Commissioner Mitchell said he would wait to hear back from staff.
Catawba Valley Scottish Society & Rural Hill

Motion was made by Commissioner Puckett and carried 8-1 with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, and Commissioner Bishop voting no, to add $18,274 in funding to the Catawba Valley Scottish Society & Rural Hill.

Office of Protocol

It was the consensus to leave funding for the Office of Protocol as it currently stood.

Undesignated Technology Reserve

Commissioner Clarke questioned the reduction that was made to Undesignated Technology Reserve at the budget workshop held on June 1st.

Motion was made by Commissioner Clarke, to add $500,000 back into Undesignated Technology Reserve.

It was noted that if Commissioner Clarke’s motion was approved, then the tax rate would be 83.74 cents.

The vote was taken on Commissioner Clarke’s motion and failed 5-4 with Commissioners Bishop, Helms, James, Puckett, and Roberts voting no and Commissioners Clarke, Mitchell, Rembert, and Woodard voting yes.

Tax Rate

Motion was made by Commissioner Mitchell and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop, James, and Puckett voting no, to approve the FY05-06 budget by straw vote as it current stands per actions taken by the Board and direct staff to prepare a budget ordinance with a tax rate of $83.68.

Capital Improvement Program

Finance Director Harry Weatherly addressed the proposed Capital Improvement Program and the timeframe for making decisions with respect to a fall bond referendum.

He informed the Board that this matter would be brought back to the Board for further staff direction at the July 12th meeting.

It was the consensus of the Board to defer discussion of the Capital Improvement Program until the June 21st meeting.

Note: The above is not inclusive of every comment and/or question asked but reflects key points and actions taken by the Board.

A copy of handouts that were distributed with respect to the above matters is on file with the Clerk to the Board.

ADJOURNMENT

Motion was made by Commissioner Clarke, seconded by Commissioner Mitchell and unanimously
carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, that there being no further business to come before the Board, that the meeting be adjourned at 8:29 p.m.

Janice S. Paige, Clerk

H. Parks Helms, Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, June 7, 2005.

ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners J. Daniel Bishop, Dumont Clarke, Bill James Norman A. Mitchell, Sr., Jim Puckett Wilhelmenia I. Rembert, Jennifer Roberts and Valerie C. Woodard County Manager Harry L. Jones, Sr. County Attorney Marvin A. Bethune Clerk to the Board Janice S. Paige

Absent: None.

Commissioners Bishop and Puckett were absent when the meeting was called to order and until noted in the minutes.

-INFORMAL SESSION-

(1A) STAFF BRIEFING – STATUTORY RAPE PRESENTATION – ITEM WAS REMOVED FROM THE AGENDA

(1B) STAFF BRIEFING – HUMAN SERVICES COUNCIL – ITEM WAS REMOVED FROM THE AGENDA

(2) CLOSED SESSION - CONSULT WITH ATTORNEY

Motion was made by Commissioner Woodard, seconded by Commissioner Roberts and carried 7-0 with Commissioners Clarke, Helms, James, Mitchell, Rembert, Roberts, and Woodard voting yes, to go into Closed Session to Consult with Attorney.

The Board went into Closed Session at 5:22 p.m. and came back into Open Session at 6:05 p.m.

Commissioners Bishop and Puckett were present when the Board came back into Open Session. They entered the meeting during Closed Session.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified items they wanted removed from consent and voted on separately. The items identified were Items 20 and 21.
Chairman Helms noted that he was removing Item 31- Cultural Facilities Master Plan that he placed on the agenda.

The Board then proceeded to the Meeting Chamber for the remainder of the meeting.

-FORMAL SESSION-

Invocation was given by Commissioner Puckett, which was followed by the Pledge of Allegiance to the Flag.

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1) RECOGNITION OF JAN THOMPSON

The Board recognized Jan Thompson for receiving the Liberty Bell Award by the Mecklenburg Bar.

Sheriff Jim Pendergraph also complimented Ms. Thompson on receiving the Liberty Bell Award.

Note: The Liberty Bell Award is the highest award given to non-lawyers. Ms. Thompson was recognized by the Bar during its Law Day event on May 5, 2005. She has worked tirelessly for years to make a difference in the lives of inmates and their families. Prior to becoming an employee of the Sheriff’s Office, Ms. Thompson was a volunteer and active on the Jail Planning Board.

(2) PUBLIC APPEARANCE

The following persons appeared to speak during public appearance:

Rev. James Barnett asked the Board to support Senate Bill 559 Expungement - Conviction of Non-Violent Crimes. He also addressed a campaign called Love, Forgiveness and a Second Chance, the purpose of which is to support those black men who have a criminal record and are now trying to become productive in society.

Johnny Cowart addressed building code concerns.

Timothy Hanline and Rev. Flip Benhan spoke in opposition to the Equal Employment Opportunity Resolution recently adopted by the Board that said “… the County will not engage in discrimination on the basis of sexual orientation with respect to all aspects of County employment policy and practice. Sexual orientation means heterosexuality, bisexuality or homosexuality.”

Ben III addressed the Board regarding the innocence of people until proven guilty. He also encouraged people not to engage in illegal activities. He said youth should be encouraged to make the right choices when it comes to “money, sex, and drugs.”

Donna Dawson spoke in support of Senate Bill 559 Expungement - Conviction of Non-Violent Crimes and the Love, Forgiveness and a Second Chance campaign, which was previously addressed by Rev. James Barnett.

(3) APPOINTMENTS
ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE

The vote was taken on the following nominees for appointment to the Adult Care Home Advisory Committee:

James Howard Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard
Susan Shellhorn Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard

Chairman Helms announced that James Howard and Susan Shellhorn were appointed to the Adult Care Home Community Advisory Committee for one-year terms expiring June 7, 2006.

BICYCLE ADVISORY COMMITTEE

The vote was taken on the following nominees for appointment to the Bicycle Advisory Committee:

Robert Adams None
Robert Cannon Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard
Elias R. Kruger
Thomas Raispis
Susan Schacht
Cynthia Soliday

Voting Ceased

Chairman Helms announced that Robert Cannon was appointed to the Bicycle Advisory Committee to fill an unexpired term expiring March 6, 2006.

He is replacing John MacPherson.

BOARD OF EQUALIZATION AND REVIEW

The vote was taken on the following nominees for appointment to the Board of Equalization and Review:

William B. Hawkins Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard
Daniel C. Warren

Voting Ceased

Chairman Helms announced that William B. Hawkins was appointed to the Board of Equalization and Review for a one-year term expiring April 7, 2006.

He is replacing Mark Gay.

BOARD OF MOTOR VEHICLE REVIEW

The vote was taken on the following nominees for appointment to the Board of Motor Vehicle Review:

James Barnett Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard
Andrew C. Sliwinski Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard
Chairman Helms announced that James Barnett and Andrew C. Sliwinski were appointed to the Board of Motor Vehicle Review for one-year terms expiring July 18, 2006.

They are replacing James Bowers and Brenda Jackson.

Motion was made by Commissioner Clarke, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to appoint Shirley Floyd as Chairman of the Board of Motor Vehicle Review for the duration of her term.

BUILDING DEVELOPMENT COMMISSION

The vote was taken on the following nominees for appointment to the Building Development Commission:

Will Caulder  Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard

Chairman Helms announced that Will Caulder was appointed to the Building Development Commission as the General Contractors Association representative for a three-year term expiring July 18, 2008.

He is replacing Joseph Phifer.

CENTRAL PIEDMONT COMMUNITY COLLEGE BOARD OF TRUSTEES

The vote was taken on the following nominees for appointment to the Central Piedmont Community College Board of Trustees:

Anthony C. Aycock  None
Alfred Comfort, III  None
Mark W. Mealy  Commissioners Bishop and Puckett
Sue Peck  Commissioners Clarke, Helms, James, Mitchell, Rembert, Roberts and Woodard
Lloyd Scher
Susan Shellhorn

Voting Ceased

Chairman Helms announced that Sue Peck was appointed to the Central Piedmont Community College Board of Trustees for a four-year term expiring July 30, 2009.

She is replacing Kaye McGarry.

Commissioners Bishop and Puckett left the dais and were away until noted in the minutes.

CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE

The vote was taken on the following nominees for appointment to the Charlotte-Mecklenburg Community Relations Committee:

Demario M. Baker  None
Donna J. Dawson  Commissioners Clarke, Helms, James, Mitchell, Rembert, Roberts and Woodard
Larry Hines  None
Chairman Helms announced that Donna J. Dawson, Donna North, Katherine K. Satchwill and Marcus S. Scurry were appointed to the Charlotte-Mecklenburg Community Relations Community for three-year terms expiring July 2, 2008.

They are replacing German DeCastro, Daniel Dooley, Bill Garrott, and Gloria Martin.

Commissioner Bishop returned to the dais.

CITIZEN’S TRANSIT ADVISORY GROUP

The vote was taken on the following nominees for appointment to the Citizen’s Transit Advisory Group:

Round One

Charles Held Commissioners Bishop and James
David Matvey None
Samuel R. Spencer, IV Commissioners Clarke and Roberts
Robert S. Zuckerman Commissioners Helms, Mitchell, Rembert, and Woodard

Round Two

Charles Held Commissioners Bishop and James
David Matvey None
Samuel R. Spencer, IV Commissioner Roberts
Robert S. Zuckerman Commissioners Clarke, Helms, Mitchell, Rembert, and Woodard

Chairman Helms announced that Robert C. Zuckerman was appointed to the Citizen’s Transit Advisory Group for a two-year term expiring June 30, 2007.

GROUNDWATER ADVISORY COMMITTEE

The vote was taken on the following nominees for appointment to the Groundwater
Advisory Committee:

Edwin Sullivan  Commissioners Bishop, Clarke, Helms, James, Mitchell, Rembert, Roberts and Woodard

Chairman Helms announced that Edwin Sullivan was appointed to the Groundwater Advisory Committee for a three-year term.

*Commissioner Puckett returned to the dais.*

**NURSING HOME COMMUNITY ADVISORY COMMITTEE**

The vote was taken on the following nominees for appointment to the Nursing Home Community Advisory Committee:

Peggy Byrne  Commissioners Bishop, Clarke, Helms, James, Mitchell, Rembert, Roberts and Woodard

Chairman Helms announced that Peggy Byrne was appointed to the Nursing Home Community Advisory Committee for a one-year term expiring June 7, 2006.

**PLANNING COMMISSION**

The vote was taken on the following nominees for appointment to the Planning Commission:

John Boatner  None
Sabine Desamour  None
Kevin Geddings  Commissioners Bishop, Clarke, Helms, James, Mitchell, Rembert, Roberts and Woodard
Voting Ceased

Rodney W. Moore
Timothy Murray
Michael Ray
Lynn Erin M. Tyler

Chairman Helms announced that Kevin Geddings was appointed to the Planning Commission for a three-year term expiring June 30, 2008.

*He is replacing Barbara Price.*

**PUBLIC BROADCASTING AUTHORITY**

The vote was taken on the following nominees for appointment to the Public Broadcasting Authority.

Matthew Ipsan  None
Patricia Lambright  None
Hattie Leeper  Commissioners Helms, Mitchell, Rembert, Roberts and Woodard
Voting Ceased

Angela Payne
Shannon L. Reichley
Ruth C. Samuelson
Lloyd Scher
Shirley G. Simpson
Chairman Helms announced that Hattie Leeper was appointed to the Public Broadcasting Authority for a three-year term expiring June 30, 2008.

She is replacing William Fuller.

(4A) REAL ESTATE EXCISE TAX REFUND REQUEST

Motion was made by Commissioner Mitchell, seconded by Commissioner James and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to hold a hearing on a request by McMillan & Terry, P.A. for reimbursement of North Carolina excise taxes in the amount of $644.

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Bishop and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to close the hearing and approve the reimbursement of excise taxes paid by McMillan & Terry, P.A. in the amount of $644.00.

Note: McMillan & Terry, P.A. incorrectly filed General Warranty Deeds in Mecklenburg County. The properties subject to the deed are located in Union County and have since been recorded in Union County.

(4B) MINORITY, WOMEN, SMALL BUSINESS ENTERPRISES (MWSBE) PROGRAM IMPLEMENTATION PLAN

Motion was made by Commissioner Roberts, seconded by Commissioner James and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to continue the public hearing to receive comments on the Mecklenburg County Minority, Women, Small Business Enterprises (MWSBE) Program Implementation Plan.

Attorney Sandra Bisanar addressed this matter with the Board.

John Wall, on behalf of the Metrolina Minority Contractors Association, spoke in support of the Plan but he also expressed some concerns, which were outlined in a letter to the Board.

A copy of the letter is on file with the Clerk to the Board.

Commissioner Rembert asked staff to consider the Metrolina Minority Contractors Association’s recommendation with respect to having a citizens’ advisory committee to review the progress of the program.

Staff indicated that it was supportive of having an advisory committee to review the progress of the program.

Commissioner Rembert suggested also that staff review all of the recommendations from the Metrolina Minority Contractors Association for possible implementation and that staff be authorized to implement those recommendations without having to come back to the Board.

Chairman Helms said that without objection the County Manager is authorized to implement the recommendations of the Metrolina Minority Contractors Association where feasible.

Commissioner Woodard asked staff to provide Board members with information that could be shared concerning opportunities that may be available with Mecklenburg County to potential vendors and contractors, since many minority businesses are not aware of this information.

Motion was made by Commissioner Roberts, seconded by Commissioner Rembert and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett,
Rembert, Roberts, and Woodard voting yes, to close the public hearing and adopt the Minority, Women, Small Business Enterprises (MWSBE) Plan.

A copy of the Plan is on file with the Clerk to the Board.

(4C) ANIMAL CONTROL ORDINANCE (FORMERLY ITEM 33)

Motion was made by Commissioner James, seconded by Commissioner Bishop, and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve the revised Animal Control Ordinance as amended, which was to make Subsection (c) 3 of Section 3-67(Animals at county sponsored events) Subsection (d) Jurisdiction.

Prior to the above vote the following occurred:

- Deputy County Attorney Sandra Bisanar and Officer Tammy Williams with the Charlotte-Mecklenburg Police Department addressed the proposed revisions.
- Gary Keblin spoke in support of the amended ordinance.
- Deputy County Attorney Bisanar noted that Section 3-67 (Animals at county sponsored events) Subsection (c) 3 of the proposed ordinance should be amended to have Subsection (c) 3 listed as Subsection (d) with the heading of “Jurisdiction.”
- Deputy County Attorney Bisanar said this change would make it clear that the City of Charlotte shall have jurisdiction to provide enforcement actions during county sponsored events being held inside the city limits. It was noted also that the City of Charlotte enforces the County’s Animal Control Ordinance.

Note: The ordinance was revised to strengthen its terms and to make it consistent with the City of Charlotte’s Ordinance.

Ordinance recorded in full in Minute Book 42-A, Document #______.

(5A) EDUCATION BUDGET ADVISORY COMMITTEE REPORT - ITEM WAS REMOVED FROM THE AGENDA

(5B) CITIZENS’ CAPITAL BUDGET ADVISORY COMMITTEE REPORT - ITEM WAS REMOVED FROM THE AGENDA

(6) MANAGER’S REPORT – NONE

Commissioner Clarke left the dais and was away until noted in the minutes.

CONSENT ITEMS

Motion was made by Commissioner Bishop, seconded by Commissioner Puckett and carried 8-0, with Commissioners Bishop, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to approve the following item(s) with the exception of Items 20 and 21 to be voted upon separately:

(7) APPROVAL OF MINUTES
Approve minutes of Regular Meeting held May 17, 2005, Budget/Public Policy Meeting held May 10, 2005, Special Meeting held May 19, 2005, and Closed Session minutes of May 17, 2005 and May 3, 2005.

(8) TAX REFUNDS

Approve refunds to be made by the Finance Department as requested by the Tax Assessor in the amount of $21,251.41 resulting from clerical errors, audits and other amendments.

A list of the refund recipients is on file with the Clerk to the Board.

(9) INSURANCE REIMBURSEMENTS

Approve, recognize and appropriate insurance reimbursement funds in the amount of $2,873 for Area Mental Health, $7,448 for General Services, $15,915 for Park & Recreation and $187,727 for Land Use and Environmental Services to cover cost of replacement for stolen and damaged items.

(10) HOME AND COMMUNITY CARE BLOCK GRANT

Approve the Home and Community Care Block Grant funding plan for Fiscal Year 2006.

Note: Annually, the Services for Adults Division of the Department of Social Services submits for Board approval the Home and Community Care Block Grant funding plan (also referred to as the County Aging Plan). Board approval is required prior to submission to Centralina Council of Governments, the local grant authority. The funding plan involves allocating $2,550,684 for aging services, which includes a County match of $255,068. Funding for the match is included in the Fiscal Year 2006 Services for Adults budget request. The following services are provided with this grant: In-Home Aide Services, Transportation Services, Congregate Meals, Home Delivered Meals, and Adult Day Care/Day Health.

(11) 2005 LIST MAINTENANCE GRANT – BOARD OF ELECTIONS

Recognize, receive and appropriate $24,585 from the State Board of Elections to administer the list maintenance requirements, through the State Elections Information Management System (SEIMS), of the Help America Vote Act of 2002 (HAVA). Approve carry forward of any unspent funds at June 30, 2005.

(12) EPA TARGETED WATERSHEDS GRANT APPLICATION

Approve the submission of a grant application in the amount of $408,235 from the S.C. Department of Health and Environmental Control for the implementation of a TMDL Strategy to reduce bacteria levels in Sugar, Little Sugar and McAlpine Creeks in partnership with York County, S.C.; and upon award of grant, recognize, receive and appropriate the grant award; and upon award of grant, recognize, receive and appropriate York County Storm Water Division’s share of required local match.

(13) CLEAN AIR ACT, SECTION 103, SPECIAL PURPOSE FEDERAL GRANT APPLICATION

Approve the submission of the County’s Clean Air Act, Section 103, and Special Purpose federal grant application for FY06; and upon award of grant, recognize, receive and appropriate the Section 103 grant award.
(14) PUBLIC SERVICE AND INFORMATION REVENUE

Recognize, receive and appropriate $3,500 to be used for expenses incurred for the publication of “Keys to Your County.”

*Note:* $3,000 was received from Weyerhaeuser and $500 from GoodYear.

(15) NC CLEAN WATER MANAGEMENT TRUST FUND GRANT APPLICATIONS

Approve the submission of two grant applications to the North Carolina Clean Water Management Trust Fund for $200,000 and $900,000, respectively; and upon award of grants, recognize, receive and appropriate the grant awards.

(16) NC DIVISION OF WATER RESOURCES GRANT APPLICATION

Adopt a resolution approving a grant application to the North Carolina Department of Environment and Natural Resources, Division of Water Resources; and upon award of grant, recognize, receive and appropriate the grant award.

*Resolution recorded in full in Minute Book 42-A, Document # _____.*

(17) FEDERAL IV-E MAXIMIZATION FUNDING

Recognize and appropriate additional Federal IV-E Maximization funding in the amount of $1,997,704.

(18) DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION FUNDING

Decrease Department of Juvenile Justice and Delinquency Prevention Funding funds for the Juvenile Crime Prevention Council (JCPC) support by the amount of $2,500.

*Note: The Juvenile Crime Prevention Council has determined that they will not need $2,500 of Department of Juvenile Justice And Delinquency Prevention Funding (DJJDP) funds this fiscal year.*

(19) CARRY FORWARD FUNDS – DEPARTMENT OF SOCIAL SERVICES

Approve carry forward of DSS grant funds from FY05 to FY06 as shown below.

1. Carry forward the remaining balance of the U.S. Administration on Aging Funds for the Save Our Seniors (SOS) Grant, with no County dollars required.

2. Carry forward the North Carolina Department of Transportation’s (NCDOT), Community Transportation Grant funding in the amount of $267,105, which includes a County match of $26,710 for replacement vehicles.

*Note: Due to NCDOT delays in awarding contracts for vehicle purchases, the period of performance has been extended to December 31, 2005.*

(23) FOXHOLE LANDFILL PUBLIC MEETING AUTHORIZATION

Authorize the Land Use and Environmental Services Agency (LUESA) to hold a Public Meeting consistent with 15A NCAC 1618(c)(5)(A) with regard to a Foxhole Landfill Permit Modification in the affected community.
Note: The Permit Modifications will reduce the disposal area from +/-205 acres to +/-150 acres and the maximum elevation will increase by approximately 32 feet. The result will increase capacity and optimize capital cost and operations. It will also concentrate disposal activities along the US 521 (Johnston Road) side of the property, away from the Marvin Road side of the property. The consolidated disposal area will allow for park development on +/-180 acres of Foxhole Landfill property along with +/-120 acres of Park and Recreation property, creating a +/-300 acre Specialty Park.

(24) STREET NAME CHANGES – SET PUBLIC HEARINGS

Set a public hearing at 6:30 p.m. on July 12, 2005 on the request to change the name of an existing 0.475-mile State maintained section of Mores Chapel Road to Rhyne Road.

Set a second public hearing at 6:30 p.m. on July 12, 2005 on the request to change the name of an existing 0.143-mile State maintained section of Tom Sadler Road to Mingus Cabin Lane.

(25) STREET LIGHTING PRELIMINARY ASSESSMENT ROLLS – SET PUBLIC HEARING

Adopt resolution to set a public hearing for July 12, 2005 on Street Lighting Preliminary Assessment Rolls for the Brantley Oaks, Hearthstone, Royal Oaks, Spicewood, Capps Hollow, Mountain Point Estates, Mountain Point, South Bridge Forest, McGinnis Village, and Cardinal Woods Subdivisions.

Resolutions recorded in full in Minute Book 42-A, Documents # ____.

(26) FUNDING ADJUSTMENTS AREA MENTAL HEALTH

- Approve reduction of $9,400 for the Child Development Community Policing program.
- Approve reduction of $124,819 for the Smart Start Grant.
- Recognize, receive and appropriate recurring Federal Funds in the amount of $309,926 for Women’s Substance Abuse Services.
- Approve reduction of $43,780 in Federal Funds for SA Prevention Services.

Note: The Area Mental Health Authority was awarded a grant by the Governor’s Crime Commission to maintain Child Development-Community Policing operations in several police districts (Metro, North Tryon, Steele Creek, Westover, Eastway, and Freedom). An adjustment was made by the Governor’s Crime Commission based upon an expenditure forecast report that indicated Area Mental Health would not expend all of its personnel funds for this program.

The Area Mental Health Authority was awarded three separate Smart Start grants to provide services to young children and their families in Mecklenburg County. Following a review of current and anticipated expenses through the end of the fiscal year, reductions to all three grants have been made by Smart Start Board of Mecklenburg County and the North Carolina Partnership for Children.

This Board Action is necessary to align the Area Mental Health budget with North Carolina Division of Mental Health allocations.

(27) FLOODPLAIN ACQUISITION AT BRIAR CREEK

- Approve purchase of +/- .312-acre Tax Parcel #181-011-03 at 128 Placid Place from Christopher and Elizabeth Devine for $240,000 as part of the floodplain acquisition at Briar Creek.
• Adopt a Resolution Approving Transfer of Reusable Building Materials to Habitat for Humanity of Charlotte, Inc. to allow for salvage of materials prior to demolition of structure.

• Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structure for training exercises.

Resolution recorded in full in Minute Book 42-A, Document #______.

(28) RATE INCREASE – MECKLENBURG EMERGENCY MEDICAL SERVICES AGENCY AGREEMENT

Amend Exhibit A., Section V.C.2. of the Emergency Medical Services Agreement between Mecklenburg County and the Mecklenburg Emergency Medical Services Agency to allow user fee increases up to the Medical Care Services Consumer Price Index (CPI), and authorize the Chairman of the Board of County Commissioners to execute the necessary documents.

Note: Currently, the Medic Board of Commissioners may increase user fees based upon the Consumer Price Index for All Urban Consumers – US City Average. The Medical Care Services Consumer Price Index is a more relevant standard in this context. The difference for this year between the two indices is 2.7% compared to 5% for Medical Care Services. This amendment would allow, but not require, an increase of up to the Medical Care Services CPI.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(20) DISPLACED HOMEMAKER GRANT APPLICATION – WOMEN’S COMMISSION

Motion was made by Commissioner Woodard, seconded by Commissioner Rembert and carried 8-0, with Commissioners Bishop, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to approve submission of a grant application for funding in the amount of $25,000.00 for the competitive grant and $20,000 for the divorce filing fees grant from North Carolina Council for Women/Domestic Violence Commission to the Mecklenburg County Women’s Commission for the New Choices…Strategies for Success Program (FY06). If awarded, recognize, receive and appropriate such funds.

Note: Commissioner Woodard removed this item from consent for more public awareness.

(21) DISPLACED HOMEMAKER GRANT FUNDS – WOMEN’S COMMISSION

Motion was made by Commissioner Woodard, seconded by Commissioner Rembert and carried 8-0, with Commissioners Bishop, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to recognize, receive, and appropriate an additional $1,316 in Displaced Homemaker Divorce Filing Fee grant funding from the North Carolina Council for Women/Domestic Violence Commission.

Note: Commissioner Woodard removed this item from consent for more public awareness.

Commissioner Clarke returned to the dais.

STAFF REPORTS AND REQUESTS

(31A) MECKLENBURG COUNTY SOLID WASTE FEE ORDINANCE AMENDMENT (FORMERLY ITEM 22)
Motion was made by Commissioner Roberts, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve an amendment to the Mecklenburg County Solid Waste Fee Ordinance.

**Note:** Solid Waste proposes a 2% increase to the Speedway Landfill Fee Schedule included in the Mecklenburg County Solid Waste Fee Ordinance. This change will increase the solid waste tipping fee charged our municipal partners from $24.50 per ton to $25.00 per ton. The current fee has been in effect since July 1, 2003.

Prior to the above vote, Bruce Gledhill, P.E., Director Solid Waste – LUESA addressed this matter.

*Ordinance recorded in full in Minute Book 42-A, Document #______.*

**31B) CHILDCARE WORKSHOP FEE**

Motion was made by Commissioner Rembert, seconded by Commissioner Woodard and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve change in Childcare Workshop Fee of $10 per person/workshop to replace the current fee of $30 per center/workshop.

**31C) PARK & RECREATION DEPARTMENT REVENUE & PRICING POLICY FOR FY 2005-2006**

Motion was made by Commissioner Mitchell, seconded by Commissioner Roberts and carried 8-1 with Commissioners Bishop, Clarke, Helms, James, Mitchell, Rembert, Roberts, and Woodard voting yes, and Commissioner Puckett voting no, to approve new fees, changes to existing fees and amendments to the Park & Recreation Department Revenue & Pricing Policy for FY 2005-2006.

*Policy recorded in full in Minute Book 42-A, Document #______.*

**31D) SALARY INCREASES FOR THE BOARD OF COUNTY COMMISSIONERS**

Motion was made by Commissioner Mitchell, seconded by Commissioner James and carried 6-3 with Commissioners Clarke, Helms, James, Mitchell, Rembert, and Woodard voting yes, and Commissioners Bishop, Puckett and Roberts voting no, to approve 3.6% salary increases for the Board of County Commissioners effective June 22, 2005.

Prior to the above vote, Commissioner James noted that the salary increase for Commissioners was based upon the average merit increase received by County employees.

**31E) OPERATING BUDGET AND WORK PROGRAM FOR FY 05-06**

Motion was made by Commissioner Clarke, seconded by Commissioner Mitchell and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes, and Commissioners Bishop, James, and Puckett voting no, to adopt a budget ordinance approving the FY05-06 Budget and Work Program.

*Ordinance recorded in full in Minute Book 42-A, Document #______.*

**Note:** The budget ordinance reflects a tax rate of 83.68 cents based on Estimated Assessed Valuation of $85,700,000,000 and a Law Enforcement Service District Tax Rate of 17.68¢ Based on Estimated Assessed Valuation in the Law Enforcement Service District of $7,306,520,962

Prior to the above vote the following occurred:
• Stephen Douglas spoke in opposition to property taxes increasing.

• Commissioners Clarke, Puckett, Bishop, James, Mitchell, Roberts, Rembert, and Chairman Helms addressed the FY05-06 Budget.

• Commissioner James made the following remarks and asked that they be included in the minutes:

  Thank you Mr. Chairman.

  I have thought some about this budget and its implications for Mecklenburg County over the past 8 months since the new board was sworn in. I agree with the comments of Commissioners Puckett and Bishop. Commissioner Bishop talked about how the 6 of you are “killing the golden goose” in Charlotte with high taxes. I recall a quote from the finance person for the King of France some 200 years ago that led to the French Revolution. He said:

  "The art of taxation consists in so plucking the goose as to get the most feathers with the least hissing."

  Jean Baptiste Colbert
  Controller General of Finances for Louis XIV

  We shall how may people hiss at this tax increase next November. I don't know whether the people who will be upset by this will exceed the ones who applauded it. My concerns are with what is in the budget.

  When the “real” Republicans are in charge they cut the budget. When the Democrats are in charge they increase it.

  It is an old political dance.

  Lost amidst the political music however are some sobering realities.

  Yes, the budget proposed tonight does raise taxes by about 10.6 % (a 13.5% increase in County spending).

  Yes, the budget proposed tonight does increase operational spending for CMS by $26 million and increases spending for some other programs by double digits. Some programs were even given MORE money than the program director asked for.

  You know there is a raid on the public treasury when the 6 of you start handing out more money to their friends than their friends actually ASKED FOR.

  Beyond the numbers however, the budget proposed is a failure on many levels.

  If the measure of a budget is to increase spending to schools and welfare claiming they did it “for the children” then you all can claim success.

  If the measure of a budget is to actually FIX the problems within CMS and Mecklenburg County it is a total failure.

  About 8 months ago after the November 2004 elections I made a comment that the inner-city of Charlotte was a “moral sewer” and in particular that there was a crisis in the urban black community that created a toxic environment to young children and their ability to learn.

  The root of this is the breakdown in the family and promiscuity. This board sadly seems unwilling or unable to deal with that.

  After Sunday’s article about Crime at CMS’ inner-city schools I had hoped that attitudes would change but that is clearly not the case.

  Yesterday, the head of the EBAC supported by the Chamber of Commerce indicated that we needed to give $52 million to CMS to show support for schools.

  He outlined that bad press would reduce the number of businesses willing to come to Charlotte. The answer of the majority is ill-conceived and rests on the premise that money alone will solve our problems and that perception matters more than the truth. There is an attitude that says that we should support CMS and give them money because it will “look good” outside Charlotte and counteract the recent negative press from Judge Manning’s “Academic Genocide” comment or my description of the “moral sewer”:

  This really exposes the raw realities of Charlotte politics. It is not to actually fix the problem, it is to PRETEND to fund the problem and claim we are fixing it.

  I believed then (as I do now) that if I exposed the truth of what is really going on, in stark language that we would have an opportunity to work towards fixing what is wrong in Charlotte.
This discussion was an opportunity I thought. By making the statement and laying out the facts I had hoped that we could begin to really address this.

The article this past Sunday about CMS hiding the “crime” problem and their refusal to deal with the juvenile delinquents in the classroom are further evidence.

By exposing the problem Charlotte can no longer pretend to be what it is not.

If this proposed budget actually created new programs that would take a crack at fixing the “moral sewer” or the “academic genocide” the proposed 10.5% increase would be a bargain.

Clearly, you claim you want to fix these problems. If you stand back and look at CMS and the increase we are giving them, the public should ask one question; “Over the next 12 months will this budget tax increase ‘fix’ the problems facing Charlotte that is creating high numbers of minority juvenile delinquents?”

The answer is: No.

Polls done by news organizations show that this is the most significant problem facing CMS and Mecklenburg County and one of the reasons that a majority want to break up (deconsolidate) CMS into smaller school districts.

In the midst of this crisis; the answer from some Chamber folks is to hand out money to CMS to “pretend” to fix CMS. The answer from the six of you on this board is to CLAIM incorrectly that 1/3 of the $52 million budget request was for “school safety”.

This is classic political double speak. School “safety” is not dealing with juvenile delinquents, removing them from the schools, or working to address WHY these children act up – namely the lack of parental oversight that goes unmentioned and unaddressed.

The “moral sewer” (to coin a phrase) is causing the “academic genocide” cite by Judge Manning. And yet the 6 of you and most of the school board just blithely cite slogans like “prepare for greatness” or “school safety” or a “livable community”; ignoring reality.

In January of this year I put on our Strategic Planning conference agenda a plan to try and fix these problems. It was called my “14 point plan”. It was an honest attempt to talk about a problem that both parties, Republicans and Democrats, have ignored for decades.

This board instructed the County Manager and a Board committee to look into these problems and to propose some budget solutions. None of substance was developed.

There was no discussion of a reform school. No discussion or funding regarding the identification of distressed children. No discussion or funding of DSS involvement with troubled children at CMS.

We have had several committee meetings and have discussed the plague of Statutory Rape. Most of you and the public don’t know (and I don’t think want to know) how BAD the problem is. Over the past 4 years there were approximately 154 Statutory Rapes that resulted in pregnancy in Mecklenburg County. Girls under 16 where the father was over 20.

Do you know how many of those the police and DA knew about?

Approximately 24.

Do you know how many were actually prosecuted seriously?

Approximately 5.

5 out of 154 over 4 years!

And this is only a small portion (girls that had babies).

And yet, there is no money in this budget to address this problem either.

Imagine the enormity of the problem. And yet, few seemed concerned. Most are more worried about the parents or the perpetrator or the “cultural” issues than the girls getting abused. Most of these girls are Black and Hispanic and live in the inner-city.

• At the end of this upcoming budget year in June of 2006 will Mecklenburg County’s poor children be better off?

• Will there be significant fewer illegitimate births?
• Fewer significant incidents of black-on-black crime?
• Fewer significant incidents of juvenile delinquency within CMS?
• Safer Black neighborhoods in the inner-city? No.

The City Council’s budget has few new police officers to patrol these neighborhoods even though more young African-Americans were murdered by other young African-Americans in 2004 than in 2003.

The CMS budget has little money to address the plight of crime and delinquency in our inner-city schools. The County Commission while raising taxes and providing money to their political friends ignores the reality of how bad things really are in parts of Charlotte.

I believe that the problem rests in our collective inability to “condemn” the underlying behavior that causes the crime and unrest.

During the Strategic Planning Conference Commissioner Roberts indicated that the Board should not “condemn” certain behavior as either good or bad. That is the core difference.

The six of you refuse to acknowledge that there is good or bad behavior; or to have government encourage that which is good and try and stop that which is bad.

Will we be better off for this tax increase in 12 months?

No way. The problems of Mecklenburg will be effectively ignored for 12 months and in a year we will be sitting here debating whether more money should be given to programs that are not just ineffectual but are damaging to society.

Government is not just maintaining the status quo. WE are part of the problem.

The Department of Social Services has the power to take children out of bad environments but we don’t do so.

CMS has the authority to remove delinquent children from the regular classroom but won’t do so out of some misguided liberalism that ruins NOT JUST the delinquent child’s life BUT ALSO the lives of other children in these inner-city schools that are left to deal with the violence and disruption created around them.

The lives of these mostly minority children are being ruined by our collective inaction.

You can’t claim in 12 months that you didn’t know.

You can’t claim that it isn’t your fault when another group of children in the inner-city are lost to crime, illegitimacy and promiscuity.

This is on your watch. This budget is not just a waste of taxpayer money. It will damage and ruin the lives of thousands of children, mostly Black and mostly in the inner-city.

Children that Democrats publicly claim some special right to represent.

I intend to vote no because I will not rubber stamp a budget that continues to ignore what is going on. Both the City Council, the School Board and this Board should frankly be ashamed that we will once again ignore reality in favor of this so-called status quo and damage these children in the process.

After all the public disclosures of problems in CMS and in Mecklenburg County we have reaped what Daniel Patrick Moynihan (a leading Democrat) said in the 1960’s:

"there is one unmistakable lesson in American history: a community that allows large numbers of young men to grow up in broken families, dominated by women, never acquiring any stable relationship to male authority, never acquiring any set of rational expectations about the future--that community asks for and gets chaos. Crime, violence, unrest, disorder...are not only to be expected, they are very near to inevitable. And they are richly deserved."

Charlotte deserves what it gets because collectively its leaders refuse to develop real solutions preferring to ignore the problem in hopes that it goes away, preferring to pretend to act as though everything is “just fine” when the facts say otherwise.

• We ignore juvenile delinquents and call it a “Safety” issue.
• We ignore poor test scores and blame the teachers instead of the parent and students behavior.
• We ignore the admonition to ENCOURAGE “good” behavior and to CONDEMN the “bad”.

In the balance, the lives of thousands of minority children will be ruined because “money” can’t solve what this
Board refuses to address.

That is why I vote no on this budget.

 Commissioners James and Puckett left the dais and were away until noted in the minutes.

(29) BUSINESS INVESTMENT GRANT – PULTE MORTGAGE

Motion was made by Commissioner Rembert, seconded by Commissioner Mitchell and carried 6-0 with Commissioners, Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes, to approve the County’s share of a Business Investment Grant to Pulte Mortgage for a total estimated amount of $79,454 over 5 years. (Total City/County grant for the five-year period is estimated at $123,554).

Note: Pulte Mortgage is a subsidiary of Pulte Homes, Inc., a NYSE-traded, publicly-owned, Fortune 500 Company, that enables Pulte Homes to manage both the construction and financing of new homes. Pulte Mortgage expects to make a capital investment between $2.1 million - $3.5 million and create 245 new jobs over three years, with a potential for 70-100 additional jobs in years 4 and 5.

Note: Prior to the above vote, Commissioner Bishop asked to be excused from voting on Item 29-Business Investment Grant-Plute Mortgage to avoid a conflict of interest involving his law firm.

Motion was made by Commissioner Woodard, seconded by Commissioner Mitchell and carried 6-0 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes, to excuse Commissioner Bishop from voting on Item 29-Business Investment Grant-Plute Mortgage to avoid a conflict of interest.

 Commissioners Puckett and James returned to the dais.

(30) ECONOMIC DEVELOPMENT GRANT AGREEMENT – MIDTOWN SQUARE REDEVELOPMENT

Motion was made by Commissioner Mitchell, seconded by Commissioner Rembert and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes, and Commissioners Bishop, James and Puckett voting no, to authorize the County Manager to execute the Economic Development Grant Agreement with the City of Charlotte and Midtown Redevelopment Partners, LLC, subject to minor clarifying revisions, as necessary.

Note: A local development team led by Pappas Properties plans to redevelop the Midtown Square Mall site and parcels located north of Independence Boulevard into a signature development that will enliven a portion of the Sugar Creek Greenway with restaurants, retail and housing. An infill project of this nature is expensive to build due to the high cost of land and the need for structured parking to support a higher development density. As a result, revenues from the development fall short of required costs thereby creating a financing gap. The development team requested assistance from the City and County to close the gap. The rationale for the request is that the proposed redevelopment would not occur without public support and that the total benefits of the project exceed the proposed public investment.

Prior to the above vote, General Manager Bobbie Shields and Peter Pappas addressed this issue.

Agreement recorded in full in Minute Book 42-A, Document # _____.

COUNTY COMMISSIONERS REPORTS AND REQUESTS
(31) RESOLUTION – CLEAN CARS PROGRAM (COMMISSIONER ROBERTS) – ITEM WAS REMOVED FROM THE AGENDA

(32) CULTURAL FACILITIES MASTER PLAN (CHAIRMAN HELMS) – ITEM WAS REMOVED FROM THE AGENDA

(COMMISSIONERS’ COMMENTS)

General comments were made at this time by various Commissioners regarding upcoming events and/or events they attended, as well as, other matters which they deemed noteworthy.

ADJOURNMENT

Motion was made by Commissioner Puckett seconded by Commissioner Rembert, and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:15 p.m.

______________________________ ____________________________
Janice S. Paige, Clerk H. Parks Helms, Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in Budget/Public Policy Session in Conference Center Room 267 on the 2nd floor of the Charlotte-Mecklenburg Government Center on Tuesday, June 14, 2005 at 3:00 p.m.

ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners
        J. Daniel Bishop, Dumont Clarke, Bill James
        Norman A. Mitchell, Sr., Jim Puckett
        Wilhelmenia Rembert, Jennifer Roberts
        and Valerie C. Woodard
        County Manager Harry L. Jones, Sr.
        Clerk to the Board Janice S. Paige

Absent: None

Commissioners Clarke, Puckett, and Woodard were absent when the meeting was called to order and until noted in the minutes.

PLANNING LIAISON COMMITTEE REPORT – GROWTH IMPACTS ON SCHOOLS

The Board received the Planning Liaison Committee’s report with respect to the Committee’s study on the potential impacts of growth on public schools in Mecklenburg County.

Deborah Campbell, Director of the Charlotte-Mecklenburg Planning Commission gave the report in the absence of David Hughes Chair of the Committee and of the Planning Commission, who was able to be present.

Director Campbell was introduced by General Manager Bobbie Shields.

Commissioners Puckett and Clarke entered the meeting during Director Campbell’s opening remarks.

Director Campbell gave a chronology of the Committee’s discussion of Growth Impacts on Schools.

Commissioner Woodard entered the meeting.

It was noted that the Committee had three key concerns:

1. CMS involvement in planning
2. Cost containment and regulations
3. Funding options for schools

The report outlined eight strategies with corresponding action steps for dealing with the issue of growth impacts on schools. They were as follows:

1. Strategy: Involve CMS in key initiatives pertaining to infrastructure and development approvals, beginning with the General Development Policies (GDP) Infrastructure process.
   • Involve both CMS as well as the Towns in the GDP Infrastructure process
2. **Strategy:** Create an “overlay” or “template” …a single set of standards among Mecklenburg jurisdictions for school site development.

3. **Strategy:** Evaluate standards and ordinances that may unnecessarily increase costs of school development.

   - Identify the level of interest among the 7 municipalities in the concept of a standardized template.
   - Evaluate the costs of compliance with seven separate ordinances vs. the cost-savings of adherence to a single ordinance.
   - Be sensitive to the possibility that standardizing the ordinances might result in the creation of an ordinance that takes the most stringent features of all ordinances in order to achieve buy-in; adherence to a more stringent standard ordinance might actually be more (time and money) costly than adherence to seven separate ordinances.
   - There should be two separate templates: one for a stand-alone school, and another for schools that are to be used as joint use facilities.
   - Conduct a school construction cost comparison among the different jurisdictions in the county to determine what the existence of different ordinances actually cost the schools.
   - Compare the seven ordinances with an eye toward identifying the similarities as opposed to the differences...then identify key differences that can be standardized.
   - A comparison should be made between school development approvals completed by staff vs. development approvals for which elected officials must become involved (implication here is that jurisdictions within which elected officials play a role in approval issuance create additional costs for CMS).

4. **Strategy:** Increase funds available by consideration of additional funding options such as impact fees, real estate transfer fees, a real estate property tax increase and pay-as-you-go options.

   - All Mecklenburg elected bodies should be polled on the various funding options in order to determine an appropriate forum upon which to proceed (traditional property tax financing vs. new approaches).
   - Increase the alternatives to reduce reliance upon local property tax (specific mention was made to pending legislation House Bill 1142 authorizing localities in NC to employ impact fees).
   - CMS needs to partner with the Towns and the City to better understand the unmet infrastructure needs in order to better sell the idea of additional fees to cover infrastructure; if state involvement and participation is required, the existence of this partnership is essential.
   - Develop resolution by all 7 municipalities to explore increases in State capital needs funding.
   - Identify what legislative approvals are necessary for non-traditional funding mechanisms for school construction/renovation.
   - Provide more detailed information on costs to meet school needs: “do the arithmetic” to translate this into X% increase in property taxes, as opposed to potential revenues from real estate transfer fees, development fees, etc.

5. **Strategy:** Consider measures used elsewhere to more directly link approvals with infrastructure adequacy, such as Adequate Public Facilities Ordinance (APFO).

   - Consider the complexities associated with implementing APF ordinance with seven local municipalities plus the County.

6. **Strategy:** Ensure fiscal accountability re. capital improvements with the money that we have and are spending.
7. **Strategy:** Explore “cost containment” of school capital construction expenses (See number 3)
   - Explore cost-containment measures available in the construction and renovation of school facilities.

8. **Strategy:** School site reservations should continue to be examined in relationship to rezoning petitions and municipal approvals.
   - No identified action items

*****

Director Campbell noted for clarification purposes that the Action Steps listed came about as a result of deliberations from the Planning Liaison Committee, some of which staff had different opinions on.

Director Campbell said the next step in the process was to receive feedback from the elected bodies on how to proceed with respect to the Action Steps.

*A copy of the report is on file with the Clerk to the Board.*

**Comments**

Commissioner Puckett addressed the issue of alternative funding. He asked if the committee, in its discussion of alternative funding with representatives from other municipalities, if any of them addressed their percentage of personal income that was going towards capital needs?

*The response was no.*

Commissioner Puckett urged Director Campbell to look into the matter of what percentage of personal income was going towards capital spending, regardless of the revenue source.

Commissioner Puckett said the report acknowledged that there was a development lag years behind the creation of the demand for services, but that it did not reflect that there was a generation of tax revenue, in aged out areas that “don’t stop paying taxes.” He said, “when you say we’re going to build 500 homes; how many kids is that and what’s that worth; there has to be some deducting of, in some areas;” but he doesn’t know how this would be done. He used Dilworth as an example.

Commissioner Puckett said he would also suggest that the elected bodies take a formal vote with respect to the *Action Step under Strategy 4 that read, “All Mecklenburg elected bodies should be polled on the various funding options.”*

Commissioner Mitchell, who serves on the Planning Liaison Committee, along with Commissioners Bishop and Clarke, acknowledged that there were some differences of opinions with respect to alternative funding. Commissioner Mitchell noted that the NCACC has had the revenue option menu as a legislative goal for many years. He said counties need alternative sources of funding.

General Manager Shields noted also that during the Committee’s discussion of alternative revenues, that one of the main issues discussed was the need for additional capital funds for CMS versus the need for more accountability by CMS. General Manager Shields said direction was needed from the Board with respect to what it thinks the Planning Liaison Committee should focus on, per the information provided.

He noted further that the Planning Commission staff felt that there was a need for better coordination from the planning perspective.
Commissioner Roberts addressed infrastructure and asked if there had been any discussion of the General Development Policies standards that would be used. The response was that staff was trying to get a better understanding of what the existing standards were in Mecklenburg County and if those standards were appropriate.

Commissioner Roberts asked was there a plan to look at property values that have increased versus those that have decreased and how that affects the revenue base? The response was yes.

Director Campbell clarified that what staff would be developing was a policy document and not a recommendation for funding. She said that this would be the policy that staff would apply when looking at budget requests for funding capital items.

Commissioner Clarke referenced **Strategy 5: Consider measures used elsewhere to more directly link approvals with infrastructure adequacy, such as Adequate Public Facilities ordinance.** He noted that this would be a challenge. He said further that there seemed to be a disconnect that has been created in Mecklenburg County as a result of the City of Charlotte having control over land use regulations and the decisions of about 80% of the County’s land space. He noted, however, that the primary capital facilities that were so costly were schools and parks, the responsibility of which falls on the County. He feels the City of Charlotte really does not have an incentive to do much about this adequate public facilities “notion” because the County provides most of the facilities.

Commissioner Clarke asked Director Campbell to comment on how staff planned to go about assessing the ability to meet infrastructure needs given likely capital funding, as stated in the information that was provided.

Director Campbell noted the following in response to Commissioner Clarke:

- The Planning staff plans to communicate and work with County Finance, Park and Recreation and other appropriate departments.
- Staff was cognizant of the fact that there are two governing bodies and each has specific responsibilities for the delivery of different types of services.
- Staff believes one of the things that need to be done is to define “what is adequate” public facilities.
- Staff hopes to develop some tools for both governing bodies to be better able to assess impacts of growth.
- Staff also wants to be able to offer additional funding options to pay for infrastructure.

Commissioner Clarke asked Director Campbell if she thought it was possible for the City of Charlotte to adopt an Adequate Public Facilities Ordinance given the “quilt work” of regulations that exist in Mecklenburg County with the County playing no role and the City of Charlotte and the Towns having their respective roles.

**Director Campbell’s response was yes.** She stated further that staff wants to make sure that the tool implemented “truly” will address the problem. It is staff’s hope that through the General Development Policies they can clearly define the gap of the problem in terms of the revenues needed, the capital facilities needed, and the revenue gap.

Director Campbell said, unfortunately a lot of communities rush out and get the “tool of the day,” whatever is popular and in the news and have not necessarily done enough of the research to understand the dynamics of what has happened as a result of growth.

County Manager Jones asked about the involvement of the Towns and CMS.

**Director Campbell** said they do plan to involve the Towns and CMS in the General Development Policy infrastructure process.
Commissioner Rembert asked if there was any discussion regarding schools that may have had enough land for additions to schools to accommodate growth but also enough land for affordable housing? The response was no.

Chairman Helms reminded the Board that they were being asked to select two top strategies for staff to move forward on.

Commissioner Puckett suggested Strategies 2 & 3.

2. **Strategy:** Create an “overlay” or “template” …a single set of standards among Mecklenburg jurisdictions for school site development.

3. **Strategy:** Evaluate standards and ordinances that may unnecessarily increase costs of school development.

Commissioner Puckett commented that some of the zoning restrictions in the northern towns were “just ludicrous” when it comes to building schools.

Commissioner Clarke suggested that Strategies 2 & 3 be combined because they dealt with the same topic.

County Manager Jones commented that not only do you have to look at the impact of growth on schools but the impact of schools on growth. He said at the Education Summit, CMS staff member Guy Chamberlain said that given the fact that CMS would have a need for 53,000 students over the next 10 years and because land was running out, CMS for the first time may have to resort to the use of eminent domain to buy land for schools in the future.

County Manager Jones said that practice, in and of itself, could have an impact on growth and on plans that were already underway for development in many of the towns.

County Manager Jones said this was something that should be a part of the discussion.

The Board then refocused on which strategies they would like the Planning staff to move forward on.

Commissioner Mitchell suggested Strategy 4 be the Board’s second strategy choice.

4. **Strategy:** Increase funds available by consideration of additional funding options such as Impact Fees, real estate transfer fees, a real estate property tax increase and pay-as-you-go options.

   • All Mecklenburg elected bodies should be polled on the various funding options in order to determine an appropriate forum upon which to proceed (traditional property tax financing vs. new approaches)
   • Increase the alternatives to reduce reliance upon local property tax (specific mention was made to pending legislation House Bill 1142 authorizing localities in NC to employ impact fees)
   • CMS needs to partner with the Towns and the City to better understand the unmet infrastructure needs in order to better sell the idea of additional fees to cover infrastructure; if state involvement and participation is required, the existence of this partnership is essential
   • Develop resolution by all 7 municipalities to explore increases in State capital needs funding
   • Identify what legislative approvals are necessary for non-traditional funding mechanisms for school construction/renovation
   • Provide more detailed information on costs to meet school needs: “do the arithmetic” to translate this into X% increase in property taxes, as opposed to potential revenues from real estate transfer fees, development fees, etc.
Commissioner Clarke said he didn’t think the Planning Liaison Committee would make much progress on Strategy 4. He suggested that Strategy 4 was one that would have to be dealt with by Board.

Commissioner Clarke noted his support for Strategy 5, which he felt was more durable.

5. **Strategy:** Consider measures used elsewhere to more directly link approvals with infrastructure adequacy, such as Adequate Public Facilities ordinance.

Commissioner James expressed his opposition to Strategy 5.

Chairman Helms summed up the discussion by saying it was important for the Board to take into account the evolving demographics of the community. Chairman Helms said he was not talking about race, but rather the rich & poor, and the mix of people that would be moved around based on what this policy does. He said it was inevitable.

General Manager Shields suggested that the Board express support for Strategy 1.

1. **Strategy:** Involve CMS in key initiatives pertaining to infrastructure and development approvals, beginning with the General Development Policies Infrastructure process.
   - Involve both CMS as well as the Towns in the GDP Infrastructure process
   - This is staff work in which Planning Liaison Committee should play no role

**Strategy Decisions**

Chairman Helms asked for a show of hands for approval of the following Strategies to be pursued by the Planning Liaison Committee and the Planning staff:

**Strategies 2 & 3**, which are to be combined and made into one strategy. (Approved unanimously)

Create an “overlay” or “template”...a single set of standards among Mecklenburg jurisdictions for school site development.

**Strategy:** Evaluate standards and ordinances that may unnecessarily increase costs of school development.

- Identify the level of interest among the 7 municipalities in the concept of a standardized template.
- Evaluate the costs of compliance with seven separate ordinances vs. the cost-savings of adherence to a single ordinance.
- Be sensitive to the possibility that standardizing the ordinances might result in the creation of an ordinance that takes the most stringent features of all ordinances in order to achieve buy-in; adherence to a more stringent standard ordinance might actually be more (time and money) costly than adherence to seven separate ordinances.
- There should be two separate templates: one for a stand-alone school, and another for schools that are to be used as joint use facilities.
- Conduct a school construction cost comparison among the different jurisdictions in the county to determine what the existence of different ordinances actually cost the schools.
- Compare the seven ordinances with an eye toward identifying the similarities as opposed to the differences...then identify key differences that can be standardized.
- A comparison should be made between school development approvals completed by staff vs. development approvals for which elected officials must become involved (implication here is that jurisdictions within which elected officials play a role in
**Strategy 5** (Approved 6-3 with Commissioners Bishop, James, & Puckett voting no)

*Consider measures used elsewhere to more directly link approvals with infrastructure adequacy, such as Adequate Public Facilities ordinance.*

- Consider the complexities associated with implementing APFO ordinance with seven local municipalities plus the County.

**Strategy 1** (Approved 8-1 with Commissioner James voting no) It was noted that Mecklenburg County would be included as well.

*Involve CMS in key initiatives pertaining to infrastructure and development approvals, beginning with the General Development Policies Infrastructure process.*

- Involve both CMS as well as the Towns in the GDP Infrastructure process
- This is staff work in which Planning Liaison Committee should play no role

*Note: The above is not inclusive of every comment and/or question asked but reflects key points and actions taken by the Board.*

Director Campbell was thanked for her report.

**ADJOURNMENT**

Motion was made by Commissioner James, seconded by Commissioner Puckett and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, that there being no further business to come before the Board, that the meeting be adjourned at 5:00 p.m.
The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, June 21, 2005.

ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners J. Daniel Bishop, Dumont Clarke, Bill James Norman A. Mitchell, Sr., Wilhelmenia I. Rembert Jennifer Roberts and Valerie C. Woodard County Manager Harry L. Jones, Sr. County Attorney Marvin A. Bethune Clerk to the Board Janice S. Paige

Absent: Commissioner Jim Puckett

-INFORMAL SESSION-

(1A) STAFF BRIEFING – STATUTORY RAPE PRESENTATION

The Board received a report from the Acting Director of Social Services Brenda Jackson regarding Statutory Rape.

Commissioner Mitchell introduced Director Jackson.

It was noted that a presentation regarding this subject was presented to the Board’s Community Health and Safety Committee on May 17, 2005 and subsequently it was decided that it be presented to the entire Board.

Also, that the things Commissioner James has expressed interest in, particularly during the Committee meeting, would require a change in state law.

Director Jackson informed the Board that statutory rape was a law enforcement issue, which the County has no jurisdiction over, thus no authority to investigate.

The following was noted:

- The question was raised at the Committee level, as to whether the Department of Social Services could obtain a list from vital records, of children who had birthed to teenagers from older gentlemen and take that list and conduct an investigation into this matter under the N. C. statutes for abuse and neglect.

- The only County involvement would be from the perspective of whether the parent(s) did everything they could to protect the child.

- Any allegations must meet the definition of abuse and/or neglect, which centers around parental responsibility to protect children.
• In cases where allegations of sexual abuse involves a non-parent/caretaker and does not
meet the criteria established in N. C.’s Structured Intake Policy and Procedure, the report
is not accepted for a child protective services investigation.

• When a report is not accepted for a Child Protective Services Investigative assessment,
but includes information that a child may have been harmed in violation of a criminal
statute by a non-parent/caretaker, the Department of Social Services makes a referral to
law enforcement per the N. C. Division of Social Services’ policy.

• Reports that are accepted for a Child Protective Services investigation, which indicate a
child has been harmed in violation of any criminal statute, require a coordinated
investigation to be completed with the police department.

Commissioner James asked whether a birth record that indicated a teenager’s child was birthed
by an adult was sufficient grounds to investigate whether a parent had been protective of the
child.

The response was that the Department of Social Services cannot take vital statistics to start an
investigation.

Commissioner James said he understands that the County has limited jurisdiction but he feels
this is an issue that the County should get involved in. Commissioner James said the following
things could be done:

• The police department could but probably would not, conduct an investigation of all
teenage births, per a list that could be provided to them by the Health Department.
• Seek a change in state law.
• Seek a change in the N. C. Division of Social Services policy or ask for a different
interpretation.

Commissioner Rembert noted that teenage pregnancy was an issue of concern. She noted further
that there was a lot that could and should be done and that there were agencies trying to do a lot
to address this issue.

Commissioner Rembert asked Commissioner James if his interest was in all teenage girls in the
community or just those on the roles of Social Services?

Commissioner James said that he was interested in all teenage girls throughout the community.

Commissioner James said that he would have liked to have seen money placed in the budget to
address this matter.

Commissioner Mitchell noted a letter received from the Police Chief with respect to the issue of
statutory rape and the results of investigations into these allegations. He noted that per the
information received, the issue of statutory rape is being addressed by the District Attorney’s
Office and the Police Department.

Commissioner Clarke noted that statutory rape victims should receive justice. Commissioner
Clarke suggested that the Board continue to be supportive of After School programs, particularly
the Partners In Out of School Time (POST). Commissioner Clarke suggested the Board deal with
this problem in ways that it can and in ways that will make a difference.

Commissioner Bishop express concern for the lack of authority that exist for the County when it
comes to being able to address this issue in more depth.

Chairman Helms concluded the discussion by saying, “we all appreciate the dilemma that
Commissioner James feels … but it boils down to what role is local government going to play in
intervening in the lives of families based on a report of 152 families. He said 152 teenage
pregnancies is terrible but he believes there are some constitutional issues when attempting to
intervene in the lives of families. Further, that the 152 pregnancies may or may not be the result of parental neglect.

No action was taken nor required regarding this matter.

*A copy of the report is on file with the Clerk to the Board.*

(2A) CLOSED SESSION LAND ACQUISITION

Prior to going into Closed Session, Nancy Brunnemer with Real Estate Services announced the following land acquisition matters to be discussed in Closed Session:

- Tax Parcels 157-041-26 and 157-041-27 at 3506 Ellington Street
- Tax Parcel 081-083-03 at 1009 Eveningside Drive.

**Commissioner Roberts left the meeting and was absent until noted in the minutes.**

Motion was made by Commissioner Woodard, seconded by Commissioner Rembert and carried 7-0 with Commissioners Bishop, Clarke, Helms, James, Mitchell, Rembert, and Woodard voting yes, to go into Closed Session to discuss Land Acquisition.

The Board went into Closed Session at 5:55 p.m. and came back into Open Session at 6:03 p.m.

**Commissioner James was present when the Board came back into Open Session. He left the meeting during Closed Session.**

**Commissioner Roberts was present when the Board came back into Open Session. She returned to the meeting during Closed Session.**

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified items they wanted removed from consent and voted on separately. The items identified were Items 9, 10, 16, 22 and 23.

The Board then proceeded to the Meeting Chamber for the remainder of the meeting.

-FORMAL SESSION-

Invocation was given by Commissioner Rembert, which was followed by the Pledge of Allegiance to the Flag.

**CITIZEN PARTICIPATION**

PROCLAMATIONS AND AWARDS

(1A) DSS “2004 JAMES F. RICHARDSON SERVICE HERO OF THE YEAR” AWARD

The Board recognized the recipient of the Department of Social Services’ “2004 James F. Richardson Service Hero of the Year” Award, Patricia Mayhew, a Social Work Supervisor in the
Services for Adults Division of Mecklenburg County DSS. She was recognized for her outstanding management, social work, and employee motivation skills.

Note: The Department of Social Services instituted an Employee of the Year Award to recognize outstanding service by one of its employees. With the support of Mrs. Mary Richardson, this award is named for, and presented in memory of her husband, Commissioner Jim Richardson, a longtime advocate for social services in North Carolina.

Mrs. Richardson was present and addressed the award prior to the announcement of the recipient of the award. Mrs. Richardson thanked the Board and the Department of Social Services for remembering former Commissioner Richardson in this manner.

Acting Social Services Director Brenda Jackson introduced the recipient. Ms. Mayhew expressed thanks for having received the award.

(2) PUBLIC APPEARANCE

No one appeared to speak.

(3A) NOMINATIONS/APPOINTMENTS

ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner James, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Rembert, Roberts, and Woodard voting yes, to reappoint Dana H. Bostrom to the Adult Care Home Community Advisory Committee for a three-year term expiring July 14, 2008.

Commissioner James nominated the following applicants for appointment to the Adult Care Home Community Advisory Committee: Jelese J. Lowe and Marilyn O’Connor.

Appointments will occur on July 12, 2005.

BUILDING DEVELOPMENT COMMISSION

Motion was made by Commissioner James, seconded by Commissioner Rembert and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Rembert, Roberts, and Woodard voting yes, to reappoint Elliott Mann and David Shultz to the Building Development Commission, each for a three-year term expiring July 18, 2008.

Commissioner James nominated the following applicants for appointment to the Building Development Commission: Greg Berry and J. Marshall Dean.

An appointment will occur on July 12, 2005.

HISTORIC LANDMARKS COMMISSION

Motion was made by Commissioner Clarke, seconded by Commissioner James and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Rembert, Roberts, and Woodard voting yes, to reappoint Joseph B. Kluttz to the Historic Landmarks Commission for a three-year term expiring July 31, 2008.

Appointments will occur on July 12, 2005.

NURSING HOME COMMUNITY ADVISORY COMMITTEE

Commissioner James nominated the following applicant for appointment to the Nursing Home Community Advisory Committee: Marilyn O’Connor.

An appointment will occur on July 12, 2005.

PERSONNEL COMMISSION

Motion was made by Commissioner Clarke, seconded by Commissioner James and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Rembert, Roberts, and Woodard voting yes, to reappoint William A. Crigger, Edwin R. Holland and Mary L. Shank to the Personnel Commission, each for a three-year term expiring April 16, 2008.

Commissioner James nominated the following applicants for appointment to the Personnel Commission: Eumelia N. Bautista, Jerome F. Byrnes, Pat Martinez and LaShonda Sparks.

Appointments will occur on July 12, 2005.

REGION F AGING ADVISORY COMMITTEE

Commissioner James nominated the following applicant for appointment to the Region F Aging Advisory Committee: Marilyn O’Connor.

An appointment will occur on July 12, 2005.

(3B) AUDIT REVIEW COMMITTEE

Motion was made by Commissioner Clarke, seconded by Commissioner Rembert and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Rembert, Roberts and Woodard voting yes, to appoint the following Board and staff representatives to the Audit Review Committee: Chairman H. Parks Helms, Commissioner Bill James, County Manager Harry L. Jones, Sr., and General Manager John McGillicuddy.

(3C) JUVENILE CRIME PREVENTION COUNCIL

Motion was made by Commissioner Rembert, seconded by Commissioner James and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Rembert, Roberts and Woodard voting yes, to appoint the following persons to the Juvenile Crime Prevention Council (JCPC) to serve for FY06: Laurie Garo (Lecturer & Lab Manager, UNCC), Karen Simon (Executive Director Substance Abuse Prevention Services), Richard Halperin (Citizen, CMPD), Richard Kingsberry (Citizen & Retired Army Natl. Guard), Akenna Blackmon (Outreach Intake Coordinator, Youth Homes), Russell Price (DJJDP Supervisor), and Jeff Hood (Dell Curry Foundation).

(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS
The Board received a United Agenda for Children update, which was given by Anne Udall.

Note: United Agenda for Children is a coalition of 40 non-profit organizations and public institutions, funded by The Duke Endowment, Knight Foundation for the Carolinas, Mecklenburg County, the City of Charlotte, Charlotte-Mecklenburg Schools and the Charlotte business community. It utilizes the AmericaSpeaks 21st century town hall meeting model and is organized under the auspices of The Lee Institute.

The goal of the United Agenda for Children is working together, over the next three years, to create and begin implementing a united action plan that will ensure all children in Mecklenburg County are healthy, safe and well educated.

The update covered the results of the town meeting held on December 11, 2004, with more than a 1000 participants gathering to consider the health, safety, and education of the children of Mecklenburg County.

Commissioner James asked Ms. Udall to consider, when holding future town meetings, asking participants to comment on their philosophical view with respect to whether they consider themselves conservatives, liberals, or moderate conservatives. He said it’s a person’s ideological make up that philosophically generates the responses and solutions.

Chairman Helms, on behalf of the Board, thanked Ms. Udall for the report.

A copy of the report is on file with the Clerk to the Board.

(6) MANAGER’S REPORT - NONE

CONSENT ITEMS

Motion was made by Commissioner James, seconded by Commissioner Roberts and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Rembert, Roberts and Woodard voting yes, to approve the following item(s) with the exception of items 9, 10, 16, 22, and 23 to be vote upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held June 7, 2005 and Closed Session minutes of May 17, 2005 and June 7, 2005.

(8) TAX REFUNDS

Approve refunds to be made by the Finance Department as requested by the Tax Assessor in the amount of $4,852.48 resulting from clerical errors, audits and other amendments.

A list of the refund recipients is on file with the Clerk to the Board.

(11) STORM WATER SERVICES – CITY’S MINOR SYSTEM FEE

Adopt the Resolution Authorizing Increasing The Minor System Cost Component Of The Storm Water Service Charges To Be Levied Within The City Of Charlotte.

Resolution recorded in full in Minute Book 42-A, Document # ____.
(12) DESTRUCTION OF RECORDS – INTERNAL AUDIT

Approve the disposal of internal audit work papers dated FY1999 and prior.

(13) DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (DJJDP) FUNDING TRANSFERS

1) Authorize the transfer of $1,554 of Department Of Juvenile Justice And Delinquency Prevention (DJJDP) funds from Present Day Restitution to Youth Homes for fiscal year 2005 as recommended by the Mecklenburg County Juvenile Crime Prevention Council.

2) Authorize the transfer of $2726 of Department Of Juvenile Justice And Delinquency Prevention (DJJDP) funds from Behavioral Health Center to Intensive Intervention Facet for fiscal year 2005 as recommended by the Mecklenburg County Juvenile Crime Prevention Council.

(14) SPECIAL REVENUE FUND - SHERIFF’S OFFICE

Recognize, receive and appropriate $85,000 for the Sheriff’s Special Revenue Fund for Inmate Commissary.

(15) JUVENILE GANG EXTRACTION TRAINING GRANT— SHERIFF’S OFFICE

Decrease Juvenile Gang Extraction Training funding in the amount of $3,484 from the Governor’s Crime Commission Office.

(17) HEAVY EQUIPMENT PURCHASE FOR SOLID WASTE – LUESA

1) Authorize the County Manager to negotiate and execute a contract for the purchase of one (1) portable rotary trommel screen with trade-in for the total amount of $123,950 to the lowest bidder, Powerscreen Mid-Atlantic Inc., Kernersville, N.C.

2) Authorize the County Manager to negotiate and execute a contract for the purchase of one (1) articulated wheel loader in the total amount of $110,980 to James River Equipment Carolina, Charlotte, NC.

(18) SCRAP TIRE CLEAN-UP REIMBURSEMENT

Recognize, receive and appropriate $13,308 from the NC Department of Environment & Natural Resources as reimbursement for the clean-up of scrap tires on the property located at 13801 Lawther Road in Huntersville.

(19) FUNDING ADJUSTMENTS – AREA MENTAL HEALTH

1) Recognize, receive and appropriate one-time State revenue in the amount of $10,000 for the continued implementation of First-in-Families.

2) Recognize, receive and appropriate one-time State revenue in the amount of $44,000 for the purpose of aligning allocations to Area Mental Health’s budget.

(20) FESTIVAL IN THE PARK CONTRACT
1) Approve a Use Agreement between the County and The Festival In the Park, that authorizes Festival In The Park, Inc. to manage and operate Festival In The Park each year in September at Freedom Park for the years 2005 through 2008.

2) Approve Freedom Park Capital Reserve.

Note: The Festival In The Park, Inc. is a non-profit board, which manages the festival in cooperation with Mecklenburg Park and Recreation. Festival In The Park is a 4-day arts festival at Freedom Park.

Agreement recorded in full in Minute Book 42-A, Document #_____.

(21) HAWTHORNE RECREATION CENTER LEASE ARRANGEMENT

Approve a resolution authorizing a nine-year lease agreement between Mecklenburg County and The Charlotte Badminton Club and The Charlotte Table Tennis Club, in partnership, for the operation and maintenance of the Hawthorne Recreation Center for badminton and table tennis programming and for general public recreation use.

Resolution recorded in full in Minute Book 42-A, Document #_____.

(24) CATS COMMUNITY TRANSIT CENTER AT BEATTIES FORD ROAD

Approve conveyance of a .30-acre easement over a section of the Northwest Health Center property to Charlotte Area Transit System for construction of a community transit center between Rosa Parks Place and Hoskins Road.

(30) CARRY FORWARD FUNDS: DEPARTMENT OF SOCIAL SERVICES (NEW ITEM - CONSENT)

Recognize and receive the Medicaid At-Risk Settlement in the amount of $320,402.12 and carry forward the funds to FY2006 to offset any Youth/Family Services facility rate shortfalls.

Note: Each year, the State determines a cost settlement on any Medicaid At-Risk cases that fall above or below the actual costs for the service. This year, DSS received $320,402.12.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(9) CAROLINE MYERS FACILITY RENOVATIONS - CRISIS ASSISTANCE MINISTRY

Motion was made by Commissioner Bishop, seconded by Commissioner James and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Rembert, Roberts and Woodard voting yes, to award a construction contract in the amount of $338,574 to Lee Morgan, Inc. for renovations of the Caroline Myers Facility – Crisis Assistance Ministry.

Commissioner Bishop removed this item from Consent because he had a question of staff, which he said was answered prior to coming into Formal Session.

(10) ELEVATOR REPAIRS - WALTON PLAZA
Motion was made by Commissioner Bishop, seconded by Commissioner James and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Rembert, Roberts and Woodard voting yes, to recognize and appropriate $100,000 for repairs to three elevators at Robert L. Walton Plaza located at 700 E. Stonewall Street.

Commissioner Bishop removed this item from Consent because he had a question of staff, which he said was answered prior to coming into Formal Session.

(16) PARK AT OAKLAWN MULTI-USE FACILITY

Motion was made by Commissioner Roberts, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Rembert, Roberts and Woodard voting yes, to authorize the County Manager to enter into a Development and Cooperative Agreement, and a Ground Lease and Operating Agreement with the Charlotte Housing Authority for the construction and operation of the Park at Oaklawn multi use facility.

Note: The facility will be constructed by the County and managed by the Park and Recreation Department.

Motion was made by Commissioner Roberts, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Rembert, Roberts and Woodard voting yes, to adopt the Park at Oaklawn Capital Project Ordinance to recognize and appropriate donations in the amount of $84,570 from the Junior League, $60,000 from the Links-Nordstrom, and funds in the amount of $1,490,000 from the Housing Authority.

Commissioner Roberts removed this item from Consent for more public awareness.

(22) FREEDOM MALL – TENANT LEASE MODIFICATION

Motion was made by Commissioner Woodard, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Rembert, Roberts and Woodard voting yes, to authorize the County Manager to execute a tenant lease modification with Norstan Apparel Shops, Inc. d/b/a Fashion Cents.

Commissioner Woodard removed this item from Consent for clarification purposes with respect to the bankruptcy issue.

County Attorney Bethune explained this process.

Note: Norstan Apparel Shops, Inc. d/b/a Fashion Cents has declared bankruptcy, and is no longer paying their rent at Freedom Mall. The United States Bankruptcy Court, by order dated June 1, 2003 approved an agreement between Norstan and Simply Fashions Stores, Ltd., regarding designation rights for certain leases. This agreement allows Simply Fashions the opportunity to take assignment of Norstan’s existing leases as part of Norstan’s bankruptcy proceedings.

The Real Estate Services Department has negotiated terms, which if approved by the Board, will include sixty (60) days of free rent and assignment of the lease to Simply Fashions Stores, Ltd, with all other terms and conditions of the existing lease remaining intact. The current lease has an annual rate of $20,000.04, and expires in April 30, 2007.

(23) DEMOLITION AT LINCOLN HEIGHTS PARK SITE

Motion was made by Commissioner Mitchell, seconded by Commissioner Roberts and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Rembert, Roberts and Woodard voting yes, to approve $305,000 from 1999 Land Bonds for the demolition and hazardous waste removal for 25 structures on properties acquired for the Lincoln Heights neighborhood park site.
STAFF REPORTS AND REQUESTS

(25) CAPITAL IMPROVEMENTS PROGRAM AND REFERENDUM

The Board received information regarding a Capital Improvements Program (CIP) for FY 05-06.

This matter was addressed by the County Manager and Finance Director Harry Weatherly.

Guy Chamberlain with Charlotte-Mecklenburg Schools (CMS) presented CMS’ CIP request.

Note: Charlotte-Mecklenburg Schools’ request totaled $427,308,000.

A copy of the report is on file with the Clerk to the Board.

Motion was made by Commissioner Clarke, seconded by Commissioner Roberts, to approve the County Manager’s recommended Capital Improvements Program for FY 2005-06 with an amendment to include, for the time being, Charlotte-Mecklenburg Schools total Capital Improvements Program (CIP) request as presented; with the understanding that the Board will consider sizing a bond referendum in July or August; and that in the Board will give due diligence in determining what is the appropriate size of a bond referendum for November 8, 2005, as well as, what adjustments, if any that the Board should make in the request that has been received from CMS. Thus, the total CIP amount, which is subject to change is $601,524,000.

Note: The $601,524,000 includes:

- $427,308,000 for CMS
- $120,000,000 for Land (w/approximately $83 million for CMS)
- $ 14,216,000 for Law Enforcement Facilities
- $40,000,000 for CPCC

Substitute motion was made by Commissioner Bishop, seconded by Commissioner James and failed 6-2 with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting no and Commissioners Bishop and James voting yes, to approve the original motion as made by Commissioner Clarke but that the CIP total of $601,524,000 be reduced by $173,200,000 for a total of $428,324,000.

Prior to the vote on the substitute motion, Commissioner Bishop noted that his motion would fund for CMS, $253.8 million for the identified new schools and seat additions that were recommended by the Board of Education.

The vote was then taken on the original motion and carried 5-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop and James voting no, to approve the County Manager’s recommended Capital Improvements Program for FY 2005-06 with an amendment to include, for the time being, Charlotte-Mecklenburg Schools total Capital Improvements Program (CIP) request as presented; with the understanding that the Board will consider sizing a bond referendum in July or August; and that in the Board will give due diligence in determining what is the appropriate size of a bond referendum for November 8, 2005, as well as, what adjustments, if any that the Board should make in the request that has been received from CMS. Thus, the total CIP amount, which is subject to change is $601,524,000.
(27) RESOLUTION – CLEAN CARS PROGRAM

Motion was made by Commissioner Roberts, seconded by Commissioner Clarke and carried 7-1 with Commissioners Clarke, Helms, James, Mitchell, Rembert, Roberts and Woodard voting yes, and Commissioner Bishop voting no, to adopt a resolution entitled “Resolution of the Board of Commissioners of Mecklenburg County Concerning the North Carolina Clean Cars Program,” with an amendment to the last paragraph to state that the Board supports “in principle”…

Note: The resolution supports and urges the passage of House Bill 1460, “A Bill To Be Entitled An Act To Establish The North Carolina Low-Emission Vehicles Program.”

The amendment was offered by Commissioner James, which was accepted by Commissioners Roberts and Clarke. Commissioner James expressed concern for the legislation being patterned after the state of California.

Prior to the above vote, Christa Wagner and Chris Buchanan with the Sierra Club spoke in support of the resolution.

Resolution recorded in full in Minute Book 42-A, Document # _____.

(28) CMS FUNDING FRAMEWORK

Motion was made by Commissioner Clarke, seconded by Commissioner Rembert and carried 6-2, with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts and Woodard voting yes, and Commissioners Bishop and James voting no, to direct the County Manager to collaborate with the CMS Superintendent to reconstruct the CMS funding framework, taking into account the changes recommended in the Addendum to EBAC’s Recommendation to the Board for a Funding Amount for 2005-2006 Operating Budget, Charlotte Mecklenburg Schools.

(29) SELECTION OF NACO VOTING DELEGATE

Motion was made by Commissioner James, seconded by Commissioner Clarke and carried 7-1, with Commissioners Clarke, Helms, James, Rembert, Roberts and Woodard voting yes and Commissioner Bishop voting no, to appoint Commissioner Mitchell as the voting delegate for the 2005 Annual National Association of Counties (NACo) Conference to be held July 15-19 in Honolulu, Hawaii.

Note: Prior to the above vote, Commissioner Bishop expressed his opposition to the NACo Conference being held in Hawaii. He said that in light of the tax increase and the potential for increased capital cost, which he said would drive more tax increases, that he’s not comfortable with sending anyone to Hawaii.

COMMISSIONERS’ COMMENTS

General comments were made at this time by various Commissioners regarding upcoming events and/or events they attended, as well as, other matters which they deemed noteworthy.

ADJOURNMENT

Motion was made by Commissioner James, seconded by Commissioner Mitchell, and unanimously carried with Commissioners Bishop, Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:36 p.m.
MINUTES OF CLOSED SESSION OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

JUNE 21, 2005 5:00 P.M.

The Board of Commissioners of Mecklenburg County, North Carolina, met in Closed Session in the Charlotte-Mecklenburg Government Center during its Regular Meeting held Tuesday, June 21, 2005. These Closed Session minutes are part of the minutes of that meeting and should be read in that context.

ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners J. Daniel Bishop, Dumont Clarke, Bill James, Norman A. Mitchell, Sr., Wilhelmenia I. Rembert Jennifer Roberts and Valerie C. Woodard County Manager Harry L. Jones, Sr. County Attorney Marvin A. Bethune Clerk to the Board Janice S. Paige

Absent: Commissioner Jim Puckett

Also Present: General Managers Janice Jackson, John McGillicuddy, and Bobbie Shields, Assistant to the County Manager Michelle Lancaster, Finance Director Harry Weatherly, Wanda Reeves and Sarah Heasley with County Finance, Budget & Management Director Hyong Yi, Nancy Brunnemer, Jacqueline McNeil and Brian Turner with Real Estate Services

(2A1) CLOSED SESSION LAND ACQUISITION

Nancy Brunnemer with Real Estate Services addressed issuing a notice of intent to condemn Tax Parcels 157-041-15, 157-041-16, 157-041-31 and 157-041-32 located along Billingsley Road and Ellington Street owned by Landgreen, LLC, for a total of $65,000.

Commissioner Roberts entered Closed Session.

It was noted that the above lots were essential for the expansion of the Behavioral Health Center complex on Billingsley Road.

Commissioner James left Closed Session and was absent until noted in the minutes.

Motion was made by Commissioner Mitchell, seconded by Commissioner Clarke and carried 7-0 with Commissioners Bishop, Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes, to authorize the County Manager to issue a notice of intent to condemn Tax Parcels 157-041-15, 157-041-16, 157-041-31 and 157-041-32 located along Billingsley Road and Ellington Street owned by Landgreen, LLC, for a total of $65,000.

Janice S. Paige, Clerk

H. Parks Helms, Chairman
MINUTES OF CLOSED SESSION OF
MECKLENBURG COUNTY BOARD OF COMMISSIONERS

JUNE 21, 2005 5:00 P.M.

The Board of Commissioners of Mecklenburg County, North Carolina, met in Closed Session in the Charlotte-Mecklenburg Government Center during its Regular Meeting held Tuesday, June 21, 2005. These Closed Session minutes are part of the minutes of that meeting and should be read in that context.

ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners
J. Daniel Bishop, Dumont Clarke, Bill James
Norman A. Mitchell, Sr., Wilhelmenia I. Rembert
Jennifer Roberts and Valerie C. Woodard
County Manager Harry L. Jones, Sr.
County Attorney Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent: Commissioner Jim Puckett

Also Present: General Managers Janice Jackson, John McGillicuddy, and Bobbie Shields,
Assistant to the County Manager Michelle Lancaster, Finance Director Harry Weatherly, Wanda Reeves and Sarah Heasley with County Finance, Budget & Management Director Hyong Yi, Nancy Brunnemer, Jacqueline McNeil and Brian Turner with Real Estate Services

Note: Commissioner James was present but absent during this Closed Session matter.

(2A2) CLOSED SESSION LAND ACQUISITION

Nancy Brunnemer with Real Estate Services addressed issuing a notice of intent to condemn Tax Parcels 157-041-26 and 157-041-27 at 3506 Ellington Street owned by heirs of Mamie Walker, for a total of $65,000.

It was noted that the above lots are essential for the expansion of the Behavioral Health Center complex on Billingsley Road.

Motion was made by Commissioner Rembert, seconded by Commissioner Roberts and carried 7-0 with Commissioners Bishop, Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes, to authorize the County Manager to issue a notice of intent to condemn Tax Parcels 157-041-26 and 157-041-27 at 3506 Ellington Street owned by heirs of Mamie Walker, for a total of $65,000.
MINUTES OF CLOSED SESSION OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

JUNE 21, 2005 5:00 P.M.

The Board of Commissioners of Mecklenburg County, North Carolina, met in Closed Session in the Charlotte-Mecklenburg Government Center during its Regular Meeting held Tuesday, June 21, 2005. These Closed Session minutes are part of the minutes of that meeting and should be read in that context.

ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners J. Daniel Bishop, Dumont Clarke, Bill James, Norman A. Mitchell, Sr., Wilhelmenia I. Rembert Jennifer Roberts and Valerie C. Woodard County Manager Harry L. Jones, Sr. County Attorney Marvin A. Bethune Clerk to the Board Janice S. Paige

Absent: Commissioner Jim Puckett

Also Present: General Managers Janice Jackson, John McGillicuddy, and Bobbie Shields, Assistant to the County Manager Michelle Lancaster, Finance Director Harry Weatherly, Wanda Reeves and Sarah Heasley with County Finance, Budget & Management Director Hyong Yi, Nancy Brunnemer, Jacqueline McNeil and Brian Turner with Real Estate Services

Note: Commissioner James was present but absent during this Closed Session matter.

(2A3) CLOSED SESSION LAND ACQUISITION

Nancy Brunnemer with Real Estate Services addressed issuing a notice of intent to condemn Tax Parcel 081-083-03 at 1009 Eveningside Drive owned by Gary L. Stikeleather for $7,000.

It was noted that the above lot is essential for the safety of Little Sugar Creek Greenway patrons in that it is an isolated parcel along a dead-end street where several houses formerly were intact. The County has purchased all the lots on the street except the subject property. This lot is within the floodplain and has a partially burned single-family house remaining on it.

Motion was made by Commissioner Woodard, seconded by Commissioner Roberts and carried 7-0 with Commissioners Bishop, Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes, to authorize the County Manager to issue a notice of intent to condemn Tax Parcel 081-083-03 at 1009 Eveningside Drive owned by Gary L. Stikeleather for $7,000.

Motion was made by Commissioner Mitchell, seconded by Commissioner Rembert and carried 7-0 with Commissioners Bishop, Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes, to end Closed Session and return to Open Session.

Janice S. Paige, Clerk

H. Parks Helms, Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, July 12, 2005 at 5:00 p.m.

ATTENDANCE

Present: Vice Chairman, Wilhelmenia I. Rembert and Commissioners J. Daniel Bishop, Dumont Clarke, Bill James Norman A. Mitchell, Sr., Jim Puckett and Jennifer Roberts County Manager Harry L. Jones, Sr. County Attorney, Marvin A. Bethune Clerk to the Board Janice S. Paige

Absent: Chairman H. Parks Helms and Commissioner Valerie C. Woodard

-INFORMAL SESSION-

(1A) STAFF BREIFING – EMPLOYEE BENEFIT PLANS

Susan Manning, Director of Human Resources presented employee benefits recommendations for 2006.

The report covered the following plans: Wellness; Medical; Dental; and Life Insurance and Disability.

It was noted that the Wellness Plan recommendations involved implementing health screenings, risk assessment, lifestyle/disease management and incentives. Employees who participate in the health screenings would receive a $25.00 gift card. Those who participate in the health risk assessment and follow-up would receive discounted health premiums. Employees that do not participate would not receive the discounted rates.

Commissioner James said employees should not be penalized for not participating, especially when they have existing health conditions that they’re already being treated for and following their physician’s orders. He used himself as an example.

Director Manning said that the concept of disease management was to make sure that employees were taking the appropriate steps to management their health conditions.

The expected results are to have 1) healthier employees, 2) reduced absenteeism, 3) better management of chronic diseases and health risks, and 4) reduced rate of increase for medical claims.

Because of time constraints, the only portion covered was the Wellness Plan. The remainder of the report would be given during formal session, Item 30.

A copy of the report is on file with the Clerk to the Board.

(2) CLOSED SESSION – NONE
(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified items they wanted removed from consent and voted upon separately. The items identified were Items 9 and 22.

The Board then proceeded to the Meeting Chamber for the remainder of the meeting.

- FORMAL SESSION -

Invocation was given by Commissioner Puckett, which was followed by the Pledge of Allegiance to the Flag.

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) FIRE ANT AWARENESS DAY

Motion was made by Commissioner Mitchell, seconded by Commissioner James and unanimously carried with Commissioners Bishop, Clarke, James, Mitchell, Puckett, Rembert and Roberts voting yes, to adopt a proclamation designating July 12, 2005 as Fire Ant Awareness Day.

The proclamation was read by Commissioner Clarke and received by Michael Owen with Bayer Environmental Science.

A copy of the proclamation is on file with the Clerk to the Board.

Commissioner Puckett left the dais and was away until noted in the minutes.

(1B) NATIONAL HOSPITALITY HOUSE WEEK

Motion was made by Commissioner Mitchell, seconded by Commissioner James and carried 6-0 with Commissioners Bishop, Clarke, James, Mitchell, Rembert and Roberts, voting yes, to adopt a joint proclamation designating July 24 – July 30, 2005 as National Hospitality House Week.

The proclamation was read by Commissioner Mitchell and received by Anne Shoaf, Executive Director of Hospitality House of Charlotte and Suzie Garvey.

A copy of the proclamation is on file with the Clerk to the Board.

Commissioner Puckett returned to the dais.

(2) PUBLIC APPEARANCE

The following persons appeared to speak during the Public Appearance portion of the meeting:

Constance Johnson and Leslie Santiago informed the Board of a new forthcoming magazine, “City Political.” Ms. Johnson is the publisher and promotions director of the magazine.

(3A) APPOINTMENTS
ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE

The vote was taken on the following nominee for appointment to the Adult Care Home Community Advisory Committee:

Jelese J. Lowe   Commissioners Bishop, Clarke, James, Mitchell, Puckett, Rembert and Roberts

Vice-Chairman Rembert announced that Jelese Lowe was appointed to the Adult Care Home Community Advisory Committee for a one-year term expiring July 12, 2006.

Note: The Board nominated Marilyn O’Connor for the Adult Care Home Community Advisory Committee, however, due to a conflict of interest, Ms. O’Connor was not eligible for this committee.

BUILDING DEVELOPMENT COMMISSION

The vote was taken on the following nominees for appointment to the Building Development Commission:

Greg Berry       None
J. Marshall Dean None
Brett Furniss    None
Frank Hopkins    None
Robert Lally     Commissioners Bishop and Puckett
Buford Lovett    Commissioners Clarke, James, Mitchell, Rembert and Roberts
John Shurley     Voting Ceased

Vice-Chairman Rembert announced that Buford Lovett was appointed to the Building Development Commission as a General Public representative for a three-year term expiring July 18, 2008.

HISTORIC LANDMARKS COMMISSION

The vote was taken on the following nominees for appointments to the Historic Landmarks Commission:

Round 1

James Akers, Jr.       None
Nancy Betler           None
Ann M. Boggs           None
W. Russell Ford, Jr.   Commissioners Bishop, James and Puckett
Richard L. Mattson    Commissioners Bishop, Clarke, James, Mitchell, Puckett, Rembert and Roberts
Gray Newman           Commissioners Clarke, Mitchell Rembert, and Roberts
Sid Sowers            None
M. Linda Volger       None

Round 2

James Akers, Jr.       None
Nancy Betler           None
Ann M. Boggs           None
W. Russell Ford, Jr.   None
Gray Newman    Commissioners Bishop, Clarke, James, Mitchell, Puckett, Rembert and Roberts
Voting Ceased
Sid Sowers    None
M. Linda Volger    None

Vice-Chairman Rembert announced that Richard L. Mattson and Gray Newman were appointed to the Historic Landmarks Commission, each for a three-year term expiring July 31, 2008.

NURSING HOME COMMUNITY ADVISORY COMMITTEE

The vote was taken on the following nominee for appointment to the Nursing Home Community Advisory Committee:

Marilyn O’Connor    Commissioners Bishop, Clarke, James, Mitchell, Puckett, Rembert and Roberts

Vice-Chairman Rembert announced that Marilyn O’Connor was appointed to the Nursing Home Community Advisory Committee for a one-year term expiring July 12, 2006.

PERSONNEL COMMISSION

Motion was made by Commissioner James, seconded by Commissioner Clarke and unanimously carried with Commissioners Bishop, Clarke, James, Mitchell, Puckett, Rembert, and Roberts voting yes, to appoint the following persons to the Personnel Commission, each for a three-year term expiring July 12, 2008: Eumelia N. Bautista, Jerome F. Byrnes, Pat Martinez, and LaShonda Sparks.

REGION F AGING ADVISORY COMMITTEE

Note: The Board nominated Marilyn O’Connor for the Region F Aging Advisory Committee, as well as other boards, however, her preference was to be appointed to the Nursing Home Community Advisory Committee.

(3B) NOMINATIONS

BOARD OF MOTOR VEHICLE REVIEW

Commissioner James nominated Wilton A. Savage for appointment to the Board of Motor Vehicle Review.

The appointment will occur on August 9, 2005.

STORM WATER ADVISORY COMMITTEE

Commissioner James nominated Julie Gros and Timothy Mead for appointment to the Storm Water Advisory Committee.

An appointment will occur on August 9, 2005.

WASTE MANAGEMENT ADVISORY BOARD
Commissioner James nominated Thomas Sharts for appointment to the Waste Management Advisory Board.

The appointment will occur on August 9, 2005.

(3C) PUBLIC ARTS COMMISSION

The vote was taken on the following nominees for appointment to the Public Art Commission:

Dawn Blobaum Commissioners Bishop, Clarke, James, Puckett, Rembert and Roberts

Gaines Brown Voting Ceased

Vice-Chairman Rembert announced that Dawn Blobaum was appointed to the Public Arts Commission to represent the community category, for a three-year term expiring June 30, 2008.

Commissioner Clarke left the dais and was away until noted in the minutes.

(4A1) STREET NAME CHANGE - SECTION OF MOORES CHAPEL ROAD TO RHYNE ROAD

Motion was made by Commissioner James, seconded by Commissioner Mitchell and carried 6-0 with Commissioners Bishop, James, Mitchell, Puckett, Rembert and Roberts voting yes, to open a public hearing to hear citizen’s comments on the proposed renaming of a section of Moores Chapel Road to Rhyne Road.

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Roberts and carried 6-0 with Commissioners Bishop, James, Mitchell, Puckett, Rembert and Roberts voting yes, to close the public hearing on the proposed renaming of a section of Moores Chapel Road to Rhyne Road and approve the renaming of a section of Moores Chapel Road to Rhyne Road.

(4A2) STREET NAME CHANGE SECTION OF TOM SADLER ROAD TO MINGUS CABIN LANE

Motion was made by Commissioner James seconded by Commissioner Mitchell and carried 6-0 with Commissioners Bishop, James, Mitchell, Puckett, Rembert and Roberts voting yes, to open a public hearing to hear citizen’s comments on the proposed renaming of a section of Tom Sadler Road to Mingus Cabin Lane.

No one appeared to speak.

Motion was made by Commissioner James seconded by Commissioner Mitchell and carried 6-0 with Commissioners Bishop, James, Mitchell, Puckett, Rembert and Roberts voting yes, to close the public hearing on the proposed renaming of a section of Tom Sadler Road to Mingus Cabin Lane and approve the renaming of a section of Tom Sadler Road to Mingus Cabin Lane.

(4B) STREET LIGHTING PRELIMINARY ASSESSMENT ROLLS - BRANTLEY OAKS, HEARTHSTONE, ROYAL OAKS, SPICEWOOD, CAPPS HOLLOW, MOUNTAIN POINT ESTATES, MOUNTAIN POINT, SOUTH BRIDGE FOREST, MCGINNIS VILLAGE, AND CARDINAL WOODS SUBDIVISIONS

Motion was made by Commissioner James seconded by Commissioner Puckett and carried 6-0 with Commissioners Bishop, James, Mitchell, Puckett, Rembert and Roberts voting yes,
to acknowledge receipt of certification that a notice of the public hearing was mailed by first
class mail to all the property owners in the Brantley Oaks, Hearthstone, Royal Oaks,
Spicewood, Capps Hollow, Mountain Point Estates, Mountain Point, Southbridge Forest,
McGinnis Village and Cardinal Woods Subdivisions.

Motion was made by Commissioner James, seconded by Commissioner Puckett and carried 6-0
with Commissioners Bishop, James, Mitchell, Puckett, Rembert, and Roberts voting yes,
to open a public hearing on Street Lighting Preliminary Assessment Rolls for Brantley Oaks,
Hearthstone, Royal Oaks, Spicewood, Capps Hollow, Mountain Point Estates, Mountain
Point, Southbridge Forest, McGinnis Village and Cardinal Woods Subdivisions.

No one appeared to speak.

Commissioner Clarke returned to the dais.

Motion was made by Commissioner James, seconded by Commissioner Clarke and unanimously
carried with Commissioners Bishop, Clarke, James, Mitchell, Puckett, Rembert and Roberts
voting yes, to close the public hearing on Street Lighting Preliminary Assessment Rolls for
Brantley Oaks, Hearthstone, Royal Oaks, Spicewood, Capps Hollow, Mountain Point Estates,
Mountain Point, Southbridge Forest, McGinnis Village and Cardinal Woods Subdivisions, and
adopt the Final Assessment Roll for each subdivision.

Resolutions recorded in full in Minute Book 42-A, Documents # _____.

(5) ADVISORY COMMITTEE REPORTS – NONE

(6) MANAGER’S REPORT – NONE

(30) EMPLOYEE BENEFIT PLANS

Susan Manning, Director of Human Resources continued her presentation regarding the
Employee Benefits recommendations for 2006. (She began the presentation during Staff
Briefing.)

Note: Summary of changes

Wellness Plan
- Implement health screenings, risk assessment, lifestyle/disease
  management and incentives
- Cardium Health selected as vendor

Medical Plan
- 12% increase in premiums for employees and County, as budgeted
- CIGNA selected for savings of $2 million

Dental Plan
- Implement $6 monthly employee contribution
- Implement plan design changes

Life, Short-term & Long-term Disability
- Stay with current vendor; no plan changes; $38,000 savings

Motion was made by Commissioner Roberts seconded by Commissioner James and unanimously
carried with Commissioners Bishop, Clarke, James, Mitchell, Puckett, Rembert and Roberts
voting yes, to approve changes to the Employee Medical and Dental Benefit Plans and approve a
Health Risk Assessment process as part of the County’s overall Wellness Program.
Prior to the above vote, Commissioner James asked for additional information with the respect to the amount the County has in its reserves.

Prior to the above vote, Commissioner Clarke asked about claims costs and what percentage of that cost was paid for by the County and by the employee. He asked for five-year timeline with respect to claims costs.

Director Manning said that staff would report back to the Board on both requests.

Prior to the above vote, Commissioner James emphasized the importance of employee confidentiality.

Director Manning assured the Board that this would be the case.

CONSENT ITEMS

Motion was made by Commissioner James, seconded by Commissioner Roberts and unanimously carried with Commissioners Bishop, Clarke, James, Mitchell, Puckett, Rembert and Roberts voting yes, to approve the following item(s) with the exception of Items 9 and 22 to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held June 21, 2005, Special Meeting held June 1, 2005 and Closed Session minutes of June 21, 2005.

(8) TAX REFUNDS

Approve refunds to be made by the Finance Department as requested by the Tax Assessor in the amount of $4,989.00 resulting from clerical errors, audits and other amendments.

A list of the refund recipients is on file with the Clerk to the Board.

(10) REAPPOINTMENTS – MECKLENBURG COUNTY ASSESSOR AND TAX COLLECTOR

In accordance with G.S. 105-294(a), reappoint C. Garrett Alexander to the office of Mecklenburg County Tax Assessor, and in accordance with G.S. 105-349(a), reappoint Neal L. Dixon to the office of Mecklenburg County Tax Collector, each for a four-year term effective upon administration of the oath of office; and direct the Clerk to the Board to administer the oaths of office and file it in her permanent records.

(11) NEW SUBSTANCE ABUSE COUNSELOR POSITION FOR AREA MENTAL HEALTH

Approve the creation of 1) a Substance Abuse Counselor position for Area Mental Health to work at the Men’s Shelter treating dually diagnosed mentally ill/substance abusing homeless men, and 2) the creation of a case manager position for the Women’s Homeless Shelter assisting in access and placement in dually diagnosed services utilizing the program enhancement dollars approved in the 2005/2006 budget.

(12) CONTRACT – BUSINESS PERSONAL PROPERTY AUDIT SERVICES
(1) Authorize the County Manager to negotiate and execute a contract with Tax Management Associates, Inc. to provide Business Personal Property Audit Services for the County. (2) Authorize fund balance appropriation of $80,000 in unspent funds approved for this program in FY2005 to FY2006.

(13) CONTRACT FOR MULTI-FUNCTION MACHINES, PRINT DEVICES AND FACILITIES MANAGEMENT SERVICES

Authorize the County Manager to negotiate a contract with IKON Office Solutions, Inc. for Multi-Function Machines, Print Devices and Facilities Management Services.

(14) PURCHASE OF LIFESCAN EQUIPMENT FOR SHERIFF’S OFFICE

Approve the purchase of Lifescan equipment by the Sheriff’s Office from Motorola without competitive bidding as authorized by the sole source exception of G.S. 143-129(f).

Note: This action authorizes the purchase of Lifescan equipment for $137,551 from Motorola, which is the standard for compatibility with standard North Carolina State Bureau of Investigations (NCSBI) Criminal and Applicant profiles for connectivity directly to the NCSBI AFIS Database.

(15) DESTRUCTION OF DOCUMENTS – LUESA

Approve the disposal of LUESA records and plans in accordance with North Carolina records retention policies. These records comprised of:

- 8 boxes of permitting and inspections records dated March 2005 through May 2005 that have been imaged on optical disk and verified in lieu of originals.
- 554 commercial plans permitted in April and May of 2003.

(16) SOLID WASTE COLLECTION SERVICES – CONTRACT AWARD

Authorize the County Manager to negotiate and execute a contract with Republic Services, Inc., for recyclable and solid waste collection services.

(17) THE PARK AT OAKLAWN – COMMUNITY SERVICE CENTER

1) Adopt an amendment to the Park at Oaklawn Capital Project Ordinance to add $100,000 to funds to be provided by the Charlotte Housing Authority; (2) Acknowledge that the agreements between the Housing Authority and the County being negotiated and to be executed by the County Manager will reflect the additional $100,000 being provided by the Housing Authority; and (3) Award a construction contract in the amount of $3,339,500 to Stredvey Construction, Inc.

Note: This project is for the construction of a new 22,400 square feet recreation/service center, which will be built at 1920 Stroud Park Court. It is part of a Hope VI development to transform a former public housing complex, Fairview Homes, into a residential community. The facility will house a multi-purpose gymnasium, computer room, classrooms for after school programs, multi-purpose space, a child care center, support areas, and administrative offices. This project is a joint effort of Mecklenburg County Parks and Recreation and the Charlotte Housing Authority with participation of several non-profit agencies.

Vice-Chairman Rembert noted that The Charlotte Chapter and the Crowns Jewels Chapter of The Links, Inc. contributed to The Park At Oaklawn Community Service Center project, as well
as, the Junior League of Charlotte. The specific amounts are specified in the ordinance.

*Ordinance recorded in full in Minute Book 42-A, Document #_____.*

(18) **RENOVATIONS - BEHAVIORAL HEALTH CENTER**

Award a construction contract in the amount of $504,694 to Tyler 2 Construction Inc. for renovations to Inpatient Unit One North CMC-Randolph, Behavioral Health Center.

(19) **PARK LAND ACQUISITION - GUM BRANCH GREENWAY**

Approve purchase of Tax Parcel 031-333-01 including +/- 16.164 acres located off Valleydale Road from Southside Dallas, LLC for $165,000.

*Note: The subject 16.164-acre parcel is contiguous to two other greenway tracts on Gum Branch.*

(20) **CONVEYANCE OF RIGHT-OF-WAY FOR I-277 AND SOUTH INDEPENDENCE BOULEVARD**

Approve conveyance to City of Charlotte of fee simple right-of-way, permanent utility easements and temporary construction easements on McDowell Street, Stonewall Street, Kenilworth Avenue and South Independence Boulevard from the following County properties:

<table>
<thead>
<tr>
<th>Tax Parcel #</th>
<th>Site</th>
<th>Location</th>
<th>Type</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>125-071-18</td>
<td>Aquatic Center</td>
<td>McDowell @ Stonewall</td>
<td>Fee &amp; TCE</td>
<td>657 &amp; 2,494 sq. ft.</td>
</tr>
<tr>
<td>125-171-01</td>
<td>Walton Plaza</td>
<td>McDowell @ Stonewall</td>
<td>Fee &amp; TCE</td>
<td>6,597 &amp; 6,001 sq. ft.</td>
</tr>
<tr>
<td>125-201-48</td>
<td>Pearl Street Park</td>
<td>Kenilworth Avenue</td>
<td>Fee &amp; TCE</td>
<td>4,643 &amp; 1,472 sq. ft.</td>
</tr>
<tr>
<td>125-093-06</td>
<td>Little Sugar GW</td>
<td>S. Independence Blvd.</td>
<td>TCE</td>
<td>3,996 sq. ft.</td>
</tr>
</tbody>
</table>

*Note: The above roadway project will remove the access ramp from South Independence Boulevard to I-277, relocate an access ramp to I-277 from Stonewall Street, align the I-277 off-ramp at Kenilworth Avenue with South Independence Boulevard, expand the intersection of McDowell and Stonewall Streets, and add various sections of sidewalk throughout the project area. This is the first phase of roadway improvements to support the redevelopment of Midtown Mall.*

(21) **THIRD WARD PARK SITE DEMOLITION**

Approve $280,000 for demolition and hazardous material removal from the Interstate Johnson Lane building on Fourth Street, Dutch’s Body Shop and the adjoining small warehouse on Second Street and the foundation remains of a building on Third Street--all within the Third Ward park site.

(23) **CONDEMNATION ON BILLINGSLEY ROAD/ELLINGTON STREET**


*Resolution recorded in full in Minute Book 42-A, Document #_____.*

(24) **CONDEMNATION ON LITTLE SUGAR CREEK**
Adopt Resolution entitled: Mecklenburg County Board Of Commissioners Resolution Authorizing The Institution Of Condemnation Proceedings For The Acquisition Of Tax Parcel 081-083-03 Belonging To Gary L. Stikeleather For Little Sugar Creek Greenway At 1009 Eveningside Drive

Resolution recorded in full in Minute Book 42-A, Document # ____.

(25) CONDEMNATION ON ELLINGTON STREET

Adopt Resolution entitled: Mecklenburg County Board Of Commissioners Resolution Authorizing The Institution Of Condemnation Proceedings For The Acquisition Of Tax Parcels 157-041-26 And 157-041-27 Belonging To Heirs Of Mamie Walker For The Expansion Of The Behavioral Health Center Complex On Billingsley Road.

Resolution recorded in full in Minute Book 42-A, Document # ____.

(26) CHARLOTTE WHITEWATER PARK LEASE AGREEMENT

Approve Modified Agreement to the Charlotte Whitewater Park Lease Agreement.

Note: The proposed modification will provide a level of water quality protection equivalent to what would be provided by limiting the total denuded area at any one time to 25 acres.

Agreement recorded in full in Minute Book 42-A, Document # ____.

(27) YANDLE LAND ACQUISITION AT LATTA PLANTATION NATURE PRESERVE

Approve purchase of Tax Parcel 023-062-34 encompassing +/- 34.51 acres on Mount Holly- Huntersville Road for $19,500 per acre (+/- $672,945) from Betty M. Yandle.

Note: The subject property is contiguous to Latta Plantation Nature Preserve on the southerly side of Gar Creek and is wholly within Critical Area 1 (CA-1) of the Mountain Island Lake Watershed Protection Plan area.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

____________________

(9) GREATER CHARLOTTE AIR AWARENESS FUNDS

Motion was made by Commissioner Roberts seconded by Commissioner Clarke and unanimously carried with Commissioners Bishop, Clarke, James, Mitchell, Puckett, Rembert and Roberts voting yes, to recognize, receive and appropriate $53,916 in funding from NCDENR for the “Greater Charlotte Air Awareness Program.”

Commissioner Roberts removed this item from consent for more public awareness.

(22) ECONOMIC DEVELOPMENT GRANT AGREEMENT – PRAIRIE PACKAGING

Motion was made by Commissioner Mitchell, seconded by Commissioner Roberts and carried
5-2 with Commissioners Clarke, Mitchell, Puckett, Rembert and Roberts voting yes, and Commissioners Bishop and James voting no, to approve a business investment grant for Prairie Packaging and authorize the County Manager to execute a business investment grant agreement with the Town of Huntersville, Prairie Brookwood, LLC, and Prairie Packaging, Incorporated.

Motion was made by Commissioner Mitchell seconded by Commissioner Clarke and carried
5-2 with Commissioners Clarke, Mitchell, Puckett, Rembert and Roberts voting yes, and Commissioner Bishop and James voting no, to approve revisions to previously adopted resolution entitled, “Resolution In Support of Project Brookwood to Locate a Manufacturing Facility in Mecklenburg County, North Carolina” adopted on February 1, 2005.

Note: The resolution approved by the Board on February 1, 2005 was revised to reflect the business name of Prairie Packaging, which could not be disclosed at that time.

Commissioner Bishop removed this item from consent to express his opposition to this type of grant.

Commissioner Puckett said that he did not support Business Investment Grants by in large but this particular one was different, in that it gives the opportunity to land an anchor tenant that should generate about four or five additional industrial sites. He said that he wanted it to be clear, however, that if any of the additional businesses come forth looking for tax incentives he would not support it because there would already be an anchor tenant.

Commissioner Puckett said that his support for the above was consistent with his support of the first part of this, although he did not support the second part.

Commissioner Puckett said he believed this project represents for North Mecklenburg, the Lake Norman Economic Development Corporation, and for the three towns that entered into a “rather historic” collaborative effort, all of those things that make some investment by the County warranted and that this was the investment piece he supported.

Mr. Mark Heath with the Lake Norman Regional Economic Development Corporation addressed this matter prior to the above vote.

Resolution recorded in full in Minute Book 42-A, Document #______.

(STAFF REPORTS AND REQUESTS)

(28) BOND REFERENDUM

The Board discussed giving staff direction with respect to purposes and amounts to be included on a November 8, 2005 bond referendum to allow staff time to take necessary steps prior to the introduction of the bond orders at the Board’s August 9, 2005 meeting.

Vice-Chairman Rembert noted that Central Piedmont Community College (CPCC) had requested consideration of additional funding in the amount of $6.5 million for its Building Program because of critical renovation needs, roof repairs, and maintenance needs.

It was clarified that this request was made, in light of the fact that the Board gave further consideration to Charlotte-Mecklenburg Schools (CMS), which resulted in an increase for CMS.

Vice-Chairman Rembert encouraged the Board to consider CPCC’s request and that the amount be provided out of the already $601.5 million bond referendum amount previously approved on June 21, 2005 and that the County Manager be asked to go back and look for opportunities to address CPCC’s request out of the existing amount, perhaps out of the amount established for land bonds.
County Manager Jones said that he would provide the Board with a recommendation. He noted, however, that staff would need to file the County’s application to the Local Government Commission between now and the August 9, 2005 meeting. He suggested the following two options, that the Board deducts the $6.5 million from an existing line item or category or increase CPCC’s line item by $6.5 million. County Manager Jones said if the amount was increased, the total amount could be reduced at the August meeting, but that a maximum amount was needed for each category or line item for application purposes.

County Manager Jones said that he would recommend taking the $6.5 million out of the CMS line item.

Motion was made by Commissioner James, seconded by Commissioner Puckett to increase capital funding for Central Piedmont Community College by $6.5 million and decrease capital funding for Charlotte-Mecklenburg Schools by $6.5 million.

Commissioner James said that he felt CMS should provide the County with a priority list of how they plan to spend the funds, because if the full amount is not received then some adjustments would have to be made.

Substitute Motion was made by Commissioner Clarke, seconded by Commissioner Roberts and carried 4-3 with Commissioners, Clarke, Mitchell, Rembert, and Roberts voting yes and Commissioners Bishop, James, and Puckett voting no, to increase capital funding for Central Piedmont Community College by $6.5 million, with the other categories remaining as approved on June 21, 2005, which was as follows:

- $427,308,000 for CMS
- $120,000,000 for Land (w/approximately $83 million for CMS)
- $14,216,000 for Law Enforcement Facilities
- $40,000,000 for CPCC (now 46,500,000);

with the understanding that this total amount is for filing purposes only and subject to change.

**Land Bond Options**

Attorney Bethune addressed land bond options with respect to how the Board would like to see the land bonds broken out, per Commissioner Roberts interest in land being purchased specifically for water quality purposes. He said the Board could keep the $120 million in land bonds but could specify that $20 million of the $120 million be placed in a separate category providing land for open space including water quality.

Motion was made by Commissioner Roberts, seconded by Commissioner Clarke and carried 5-2 with Commissioners Clarke, James, Mitchell, Rembert, and Roberts voting yes and Commissioners Bishop and Puckett voting no, to increase capital funding for Central Piedmont Community College by $6.5 million, with the other categories remaining as approved on June 21, 2005, which was as follows:

- $427,308,000 for CMS
- $120,000,000 for Land (w/approximately $83 million for CMS)
- $14,216,000 for Law Enforcement Facilities
- $40,000,000 for CPCC (now 46,500,000);

with the understanding that this total amount is for filing purposes only and subject to change.

Prior to the vote, Commissioner James said the land bonds should be specific also for the remaining $100 million, particularly the amount for CMS.

Prior to the vote, Commissioner Puckett suggested that perhaps it should just remain as it is rather than specifying it out. He said purchases could still be made keeping water quality as a priority.

**Commissioners Bishop and Puckett left the dais and were absent until noted in the minutes.**

(29) **PUBLIC ART PROGRAM – OPERATING CONTRACT AND ANNUAL WORK PLAN**

Motion was made by Commissioner James seconded by Commissioner Mitchell and carried
5-0 with Commissioners Clarke, James, Mitchell, Rembert and Roberts voting yes, to authorize the County Manager to negotiate and execute an Agreement for the Administration of the Public Art Program for Mecklenburg County and to receive and approve the ASC Public Art Work Plan-FY2006 for Mecklenburg County.

Deb Ryan, Chairman of the Public Arts Commission presented this matter to the Board.

*Agreement recorded in full in Minute Book 42-A, Document # ______.*

*Commissioner Bishop returned to the dais.*

(COUNTRY COMMISSIONERS REPORTS AND REQUESTS)

(31) **SELECTION OF NCACC VOTING DELEGATE**

Motion was made by Commissioner James seconded by Commissioner Clarke and carried 6-0 with Commissioners Bishop, Clarke, James, Mitchell, Rembert and Roberts voting yes, to appoint Commissioner Norman Mitchell, Sr. as the Board’s voting delegate for the 2005 Annual North Carolina Association of County Commissioners (NCACC) Conference to be held August 25-28 in Mecklenburg County.

(33) **ECONOMIC DEVELOPMENT COMMITTEE REPORT - SUPPORT FOR ARTS AND CULTURAL FACILITIES FUNDING RESOLUTION**

Commissioner Puckett returned to the dais.

Motion was made by Commissioner Clarke, seconded by Commissioner Roberts and carried 4-3 Commissioners Clarke, Mitchell, Rembert and Roberts voting yes, and Commissioners Bishop, James, and Puckett voting no, to approve a resolution instructing the County Manager to enter into negotiations with the City of Charlotte, Wachovia Corporation, its affiliates and representatives as well as any other interested parties regarding the County’s participation with the City of Charlotte to provide public support for a plan to finance the arts and cultural facilities associated with a proposed Wachovia project. Secondly, that the Board’s Economic Development Committee meet on July 20, 2005 at the same time (4:30 p.m.) and location as the City of Charlotte’s Economic Development Committee, who will be meeting with representatives from Wachovia on their real estate side and the developer that’s working with them, and the arts and cultural institutions and others that are involved, to review the “near” final terms of the City of Charlotte’s participation in the financing of the capital cost of the project. Further, that the Board’s Economic Development Committee review the details of both the City of Charlotte’s and the County’s participation in the financing plan and make a recommendation at the conclusion of that meeting to the full Board regarding whether and on what terms the County should participate.

Prior to the above vote, Commissioner Clarke encouraged all Commissioners to attend the July 20, 2005 meeting if they so desired. He said that it was anticipated that this matter would be brought back to the full Board for consideration at the August 9, 2005 meeting.

*Note: Wachovia Corporation plans to build an office building project on South Tryon Street. The proposed project could include a new museum to house the Bechtler art collection, a relocated Mint Museum of Craft and Design and a 1,200 seat proscenium theater. The County’s support is being sought to help construct the museums and theater facilities.*

*Resolution recorded in full in Minute Book 42-A, Document # ______.*

(34) **ECONOMIC DEVELOPMENT COMMITTEE REPORT - THE OLD CAROLINA THEATER SITE**

13
Motion was made by Commissioner Puckett seconded by Commissioner Roberts and carried 6-0 with Commissioners Bishop, Clarke, Mitchell, Puckett, Rembert and Roberts, voting yes, to receive the Economic Development Committee report and authorize the County Manager to work with the City of Charlotte and Camden Management Partners to explore the feasibility of the County matching the City of Charlotte’s contribution toward redeveloping the Old Carolina Theater Site, to be known as the New Carolina Theater Site.

Commissioner James left the dais prior to the vote being taken and was away until noted in the minutes.

Ruffin Pearce, Charlie Clayton, and Clay Landers, supporters of the project, addressed this matter prior to the vote.

A copy of the report is on file with the Clerk to the Board.

(32) ECONOMIC DEVELOPMENT COMMITTEE REPORT - PROPOSED REVISIONS TO THE BUSINESS INVESTMENT GRANT PROGRAM

Commissioner James returned to the dais.

Motion was made by Commissioner Puckett seconded by Commissioner Clarke and carried 6-1 with Commissioners Bishop, Clarke, Mitchell, Puckett, Rembert and Roberts voting yes and Commissioner James voting no, to approve the Economic Development Committee’s recommended revisions to the Charlotte/Mecklenburg Business Investment Grant Program.

Tom Flynn with the City of Charlotte and Terry Orell with the Charlotte Chamber addressed this matter with the Board.

Note: The Business Investment Program (BIP) is a joint program of the County and City that seeks to encourage the creation, retention and/or expansion of new or existing businesses and jobs in identified Investment Zones within the community. The program provides grants to eligible companies based upon the amount of property tax generated by the proposed business investment.

Highlights of the changes:

- Change Eligible Business Growth Clusters to align with target industries identified by Advantage Carolina.
- Add a provision for manufacturing that allows, at BOCC/ City Council’s discretion, a reduction in the job creation criteria in return for an investment of at least $3 million. Add criteria to determine whether there is competition from other cities.
- Require companies to certify that the relocation or expansion is contingent upon receiving local incentives.

Staff recommended no changes to the eligible geography (see attached map), wage requirements, the grant formula and the general terms and conditions; and no changes to the provision for Large Economic Development Projects.

A copy of the revised program guidelines is on file with the Clerk to the Board.

(COMMISSIONERS’ COMMENTS) - NONE

ADJOURNMENT

Motion was made by Commissioner Puckett, seconded by Commissioner Roberts and unanimously carried with Commissioners Bishop, Clarke, James, Mitchell, Puckett, Rembert and Roberts, voting yes, that there being no further business to come before the Board that the meeting be adjourned at 11:10 p.m.
ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners
J. Daniel Bishop, Dumont Clarke, Bill James
Norman A. Mitchell, Sr., Jim Puckett
Wilhelmenia I. Rembert, Jennifer Roberts and
Valerie C. Woodard
County Manager Harry L. Jones, Sr.
Deputy County Attorney Sandra Bisianar
Clerk to the Board Janice S. Paige

Absent: None.

The Board met in Special Session for the purpose of going into Closed Session to discuss Personnel Matter.

Chairman Helms announced that the Personnel Matter had to do with the selection of a new Health Director. He said the Board would be interviewing two candidates.

General Manager Janice Jackson reviewed the selection process to date and noted the following:

- 60 applications were received, that number was narrowed down to 17, to 9, to 5, and finally to 3.
- The third candidate withdrew from consideration on Friday, July 29th.
- The County Manager’s recommendation to the Board would follow the Board’s interview process and at the latest by the Board’s August 9th meeting.

General Manager Jackson addressed the qualifications that were being sought for a new Health Director, including those required by the state. She also shared with the Board the Health Department’s Senior Leadership Team issues and concerns.

Commissioner Rembert asked about the diversity of the applicant pool, specifically with respect to gender, which was addressed.

County Manager Jones said that the number of applicants may have been impacted by the fact that $20 million of the Health department’s services is contracted out with Carolinas Healthcare System, which may not have been attractive to many.

Motion was made by Commissioner Mitchell, seconded by Commissioner Roberts and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard, voting yes, to go into Closed Session to discuss Personnel Matter.

The Board went into Closed Session at 12:58 p.m. and came back into Open Session at 4:57 p.m.

Commissioners James and Roberts were absent when the Board came back into Open Session and for the remainder of the meeting.
Motion was made by Commissioner Clarke, seconded by Commissioner Woodard and carried 7-0 with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, and Woodard voting yes, to appoint Dr. Earl Wynn Mabry as Mecklenburg County Health Director and direct the County Manager to negotiate his salary.

ADJOURNMENT

Motion was made by Commissioner Bishop, seconded by Commissioner Clarke, and carried 7-0, with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 5:00 p.m.

____________________
______________________________ ____________________________
Janice S. Paige, Clerk H. Parks Helms, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COUNTY COMMISSIONERS

AUGUST 9, 2005 5:00 P.M.

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, August 9, 2005.

ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners J. Daniel Bishop, Dumont Clarke, Bill James Norman A. Mitchell, Sr., Jim Puckett Wilhelmenia Rembert, Jennifer Roberts and Valerie C. Woodard County Manager Harry L. Jones, Sr. County Attorney, Marvin A. Bethune Clerk to the Board Janice S. Paige

Absent: None

-INFORMAL SESSION-

Commissioner Woodard was absent when the meeting was called to order and until noted in the minutes.

(1) STAFF BRIEFING – NONE

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified items they wanted removed from consent and voted upon separately. The items identified were Items 20, 22, and 23.

(2A) CLOSED SESSION - TO PREVENT DISCLOSURE OF INFORMATION THAT IS CONFIDENTIAL PURSUANT TO G.S. 105-259. (G.S. 143-318.11(A)

(2B) CLOSED SESSION - LAND ACQUISITION

(2C) CLOSED SESSION - BUSINESS LOCATION AND EXPANSION

Prior to going into Closed Session, Attorney Bethune announced the following land acquisition matters to be discussed in Closed Session:

Tax Parcels 009-041-03 and 009-041-05 from Cookson Limited Partnership, RLLLP on Ervin Cook Road.

Tax Parcel 223-091-0 from KB Homes Charlotte, LLP on Lancaster Highway/Marvin.

Motion was made by Commissioner James, seconded by Commissioner Puckett and carried 8-0 with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, and Roberts voting yes, to go into Closed Session to Prevent Disclosure of Information that is Confidential Pursuant to G.S. 105-259. (G.S. 143-318.11(A), to discuss Land Acquisition and to discuss Business Location and Expansion.

The Board went into Closed Session at 5:20 p.m. and came back into Open Session at 6:05 p.m. Commissioner Woodard was present when the Board came back into Open Session. She entered
(2B1) LAND ACQUISITION COOKSON FARM

Mayor Kim Phillips, Town of Huntersville, asked the Board to consider purchasing Tax Parcels 009-041-03 and 009-041-05 from Cookson Limited Partnership, RLLLP on Ervin Cook Road using the Town of Huntersville’s allocation of open space challenge grant funds.

Motion was made by Commissioner Puckett, seconded by Commissioner Rembert and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to allow the use of the Town of Huntersville’s open space challenge grant funds for the purchase of Tax Parcels 009-041-03 and 009-041-05 from Cookson Limited Partnership, RLLLP on Ervin Cook Road.

The Board then proceeded to the Meeting Chamber for the remainder of the meeting.

-FORMAL SESSION-

Invocation was given by Commissioner Rembert, which was followed by the Pledge of Allegiance to the Flag.

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) COMMUNITY HEALTH CENTER WEEK

Motion was made by Commissioner Mitchell, seconded by Commissioner Rembert and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to adopt a joint proclamation designating August 7-13, 2005 as Community Health Center Week in Charlotte/Mecklenburg County.

The proclamation was read by Commissioner Mitchell and received by Carolyn Allison representing Metrolina Comprehensive Health Center, Inc.

A copy of the Proclamation is on file with the Clerk to the Board.

(1B) WOMEN’S EQUALITY DAY

Motion was made by Commissioner Roberts, seconded by Commissioner Woodard and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to adopt a joint proclamation designating August 27, 2005 as Women’s Equality Day in Charlotte/Mecklenburg County.

The proclamation was read by Commissioner Roberts and received by Nancy Klein and Maxine Eaves representing the Women’s Commission.

A copy of the Proclamation is on file with the Clerk to the Board.

(2) PUBLIC APPEARANCE
The following persons appeared to speak during public appearance:

Donna Jenkins-Dawson addressed the Department of Social Services and the department’s work with families. Ms. Dawson referenced an article that appeared in the newspaper on Wednesday, July 27, 2005 entitled Saving Children From Abuse... Ms. Dawson encouraged the County to be more proactive and not reactive when persons come before the Board with concerns for families.

Gerald Johnson, Ike Mason, Leslie Davis and Sandra Byrd addressed The Parent Leadership Network, which is a resource of Charlotte Advocates for Education. The Parent Leadership Network is designed to prepare parents for “authentic participation” in improving public schools in order to enhance academic achievement for all students. A brochure regarding the program was distributed.

A copy of the brochure is on file with the Clerk to the Board.

Javonda Peay addressed the need for families to be strengthen rather than torn apart. She spoke in support of the Strengthen & Save Families Movement. Ms. Peay specifically addressed her own situation and noted that because of domestic problems, her son was removed from the home. Ms. Peay said she would have preferred her son to have been placed in the custody of her family members, but he was instead taken to his father, who Ms. Peay said was very abusive. Ms. Peay addressed the need for training and collaboration between the Women’s Commission and the Department of Social Services. Ms. Peay also expressed her desire to have her son back. She said the Strengthen & Save Families Movement would like to have dialogue with the Department of Social Services, Youth and Family Services, and the Children’s Law Center to come up with ideas to keep families together.

Lawrence Cann with the Urban Ministry Center addressed a Homeless Soccer Tournament that was held in Scotland. Persons from Charlotte/Mecklenburg’s Homeless community participated in the tournament.

Abdul Wright and Ray Isaac, members of the team, shared with the Board what the experience meant to them. Mr. Isaac asked the Board to continue to do more for the homeless, including making jobs available so that the homeless can be more productive citizens.

Kene Holliday, actor, known for his role on Matlock as Tyler Hudson, the private investigator, addressed the creation of a professional caliber workshop theatre program that would be affiliated with the Afro-American Cultural Center. Mr. Holliday said that he was in Charlotte because of his role in an independent movie that was being filmed in Mecklenburg County entitled, The Great World of Sound. He noted that the theatre program at the Afro-American Cultural Center had been defunct for three years. Mr. Holliday noted his experience in theatre and education. Mr. Holliday did not give a specific cost for his proposed program but did state that the cost would be minimal.

Chairman Helms thanked all of the speakers for appearing and sharing information with the Board.

(3A) APPOINTMENTS

BOARD OF MOTOR VEHICLE REVIEW

The vote was taken on the following nominee for appointment to the Board of Motor Vehicle Review:

Wilton A. Savage

Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard

Chairman Helms announced that Wilton A. Savage was appointed to the Board of Motor Vehicle Review for a one-year term expiring July 18, 2006. The Board, after reviewing the current membership of the Board of Motor Vehicle Review, voted unanimously with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett,
Rembert, Roberts, and Woodard voting yes, to appoint James Barnett as Chairman of the Board of Motor Vehicle Review for the duration of his term.

STORM WATER ADVISORY COMMITTEE

The vote was taken on the following nominees for appointment to the Storm Water Advisory Committee:

Julie Gros
Timothy Mead

Commissioners Bishop, James, Roberts, and Woodard
Commissioners Clarke, Helms, Mitchell, Puckett, and Rembert

Chairman Helms announced that Timothy Mead was appointed to the Storm Water Advisory Committee for a three-year term expiring June 30, 2008.

WASTE MANAGEMENT ADVISORY BOARD

The vote was taken on the following nominee for appointment to the Waste Management Advisory Board:

Thomas Sharts

Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard

Chairman Helms announced that Thomas Sharts was appointed to the Waste Management Advisory Board for a three-year term expiring August 9, 2008.

(3B) NOMINATIONS/RE-APPOINTMENTS

ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE

Commissioner James nominated Monica Foster for appointment to the Adult Care Home Community Advisory Committee.

The appointment will occur on September 7, 2005.

AIR QUALITY COMMISSION

Motion was made by Commissioner Clarke, seconded by Commissioner James and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to reappoint Mary Barker, Mark Casper, Karen McMillan, and Randolph Perkins to the Air Quality Commission each for a three-year term expiring August 31, 2005.

NURSING HOME ADVISORY COMMITTEE

Commissioner James nominated Ronald Yates for appointment to the Nursing Home Community Advisory Committee.

The appointment will occur on September 7, 2005.

(4) PUBLIC HEARINGS – NONE
Prior to giving the Manager’s Report, County Manager Jones thanked Brenda Jackson for serving as Acting Director of Social Services during the absence of Director Richard Jacobsen. He also welcomed Director Jacobsen back.

County Manager Jones reported on staff’s analysis of the Human Services Council.

Highlights:

- It was noted that over the past several months, a review of the current structure of the Human Services Council (HSC) was conducted to determine whether the Council was fulfilling its stated charge which was “to be responsible for the review and evaluation of County human services programs, and make recommendations to the Board of County Commissioners concerning Mecklenburg County human services and human services programs” and to determine the legitimacy of the Council as an advisory board to the Mecklenburg County Board of County Commissioners.

- The Council was reorganized in 2000 and has existed under its current structure for nearly five years. However, many of the issues that led to the Council being reorganized continue to be issues nearly five years after the reorganization.

- Comparative analysis from the reorganization of 2000 and the 2005 interview responses indicated that many of the issues that created a need for reorganization remain unresolved.

- Based on the information gathered from the members of the Council and from the Board of County Commissioners, a lack of communication exists between the Board and the Council.

- **Possible Outcomes**
  - Disband the Human Services Council
  - Restructure the Council
  - Allow the Council to continue under its current structure

- **Staff Recommendations**
  1) Restructure the Council by making minor adjustments, such as, reduce the size of the subcommittees from eight to six.
  2) Let the subcommittees serve as ad hoc committees and meet only when there are specific matters to review.
  3) Use the Board’s Community Health and Safety Committee and the Youth and Families Committee to improve communication between the Council and the Board and to generate work assignments for the Human Services Council.
  4) Engage the Human Services Council, the Board, and staff in recruiting members for the Council.
  5) Use the Human Services Council as an umbrella organization for various task forces and for conducting special studies in the human services arena. The Council would be represented on these task forces.

*A copy of the report is on file with the Clerk to the Board.*

Mark Sloan, a member of the Human Services Council and chair of the Social Services subcommittee addressed this issue. He spoke in support of the County Manager’s assessment.
Mr. Sloan gave the Board a memorandum expressing his thoughts with respect to the future of the Human Services Council.

_A copy of Mr. Sloan’s memorandum is on file with the Clerk to the Board._

Chairman Helms said he supported the restructure as recommended by staff.

Commissioner Clarke suggested that the Human Services Council have one designated chair that would serve a two-year term as chairman, rather than the chairmanship rotating among the subcommittee chairs.

County Manager Jones noted for the record that he supports the involvement of citizens in the affairs of government. He said the County when involving citizens, should be clear in the method and manner that the citizens’ groups are used and in the goals and objectives that the County wants them to achieve. County Manager Jones noted also that when the Board went to its committee structure that changed the dynamics relative to certain advisory boards and in particular, the Human Services Council.

It was the consensus of the Board to support the County Manager’s recommendations and instruct the County Manager to 1) make the structural changes that he recommended, 2) to review the by-laws and make conforming changes, 3) align the members of the Council as recommended, and 4) to bring that information back to the Board for further consideration.

In addition, and at the County Manager’s suggestion, that the County Manager work in collaboration with the members of the Human Services Council as he prepares to report back to the Board.

Commissioner Rembert expressed her support for the Human Services Council and the restructuring as recommended by the County Manager. She also suggested that perhaps the Board’s Community Health and Safety Committee and Youth and Families Committee should meet jointly to discuss the County Manager’s subsequent report, prior to it being presented to the full Board. Commissioner Rembert noted that there was overlap between the two committees and the Human Services Council’s current mission.

_(2B2) CLOSED SESSION LAND ACQUISITION_

Motion was made by Commissioner James, seconded by Commissioner Rembert and carried 8-1 with Commissioners Bishop, Clarke, Helms, James, Puckett, Rembert, Roberts, and Woodard voting yes and Commissioner Mitchell voting no, to approve the purchase by Charlotte-Mecklenburg Schools of 38.69-acres, Tax Parcel 223-091-03 on Lancaster Highway/Marvin Road from KB Homes Charlotte, LLP for $4,312,450.

*Note: This land is proposed for acquisition for a school site referred to as Elementary School 06 in the CMS Long Range Facilities Master Plan and is expected to be one of the November 2005 school bond projects (for construction).*

_(2B1) CLOSED SESSION LAND ACQUISITION_

Motion was made by Commissioner Puckett, seconded by Commissioner Roberts and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve the purchase of Tax Parcels 009-041-03 and 009-041-05 encompassing +/- 147.41 acres on Ervin Cook Road for $28,000 per acre (+/- $4,127,480) from Cookson Limited Partnership, RLLLP.

*Note: The subject property is located along McDowell Creek in Protected Area 1 (PA-1) of the Mountain Island Lake Watershed. Acquisition of these parcels contributes to watershed protection, open space preservation, and will expand the County’s greenway program and outdoor recreation areas.*
Commissioner Mitchell left the dais and was away until noted in the minutes.

Motion was made by Commissioner Puckett, seconded by Commissioner Roberts and carried 8-0 with Commissioners Bishop, Clarke, Helms, James, Puckett, Rembert, Roberts, and Woodard voting yes, to allow the use of the Town of Huntersville open space challenge grant funds for the purchase of Tax Parcels 009-041-03 and 009-041-05 from Cookson Limited Partnership, RLLLP on Ervin Cook Road.

Commissioner Mitchell returned to the dais.

CONSENT ITEMS

Motion was made by Commissioner Roberts, seconded by Commissioner Puckett and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to approve the following item(s) with the exception of Items 20, 22, and 23 to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held July 12, 2005, Special Meetings held June 2 and June 6, 2005 and Budget/Public Policy Workshop held June 14, 2005.

(8) TAX REFUNDS

Approve refunds to be made by the Finance Department as requested by the Tax Assessor in the amount of $28,974 resulting from clerical errors, audits and other amendments.

A list of the refund recipients is on file with the Clerk to the Board.

(9) COPS 2005 TECHNOLOGY GRANT – SHERIFF’S OFFICE

Recognize, receive and appropriate funds from the U.S. Department of Justice Community Oriented Policing Services (COPS) 2005 Technology Grant in the amount of $98,664 and interest income earned on the grant during the term in accordance with grant requirements.

Note: The 2005 COPS Technology Grant will allow Mecklenburg County Sheriff’s Office to develop an OMS Forms Template Network (OFTN) that will allow users to electronically capture inmate information and remotely enter the information in OMS, thereby providing users a complete profile of current and previous inmates.

(10) GOVERNOR’S CRIME COMMISSION GRANT AWARD

Recognize, receive and appropriate the Governor’s Crime Commission grant award in the amount of $109,535 for the City of Charlotte Dispute Settlement – Mecklenburg County Child Dependency Mediation Program.

(11) NOVA PROGRAM CLIENT FEE CHANGES – WOMEN’S COMMISSION

Approve change in overall NOVA client fees to $16 per session.

(12) ORDER OF COLLECTION – 2005 AD VALOREM TAXES

Authorize the Tax Collector to collect 2005 ad valorem taxes.
ORDER OF COLLECTION

NORTH CAROLINA, MECKLENBURG COUNTY
TO THE TAX COLLECTOR OF MECKLENBURG COUNTY
GENERAL STATUTE 105-321(b)

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records, filed in the office of the Tax Assessor and the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be first lien upon all real property of the respective taxpayers in Mecklenburg County and this order shall be a full and sufficient authority to direct, require and enable you to levy on and sell any real and personal property of such taxpayers, for and on account thereof, in accordance with law.

Order recorded in full in Minute Book 42-A, Document # ________.

(13) AGREEMENT - PROTECTION, DEVELOPMENT, AND IMPROVEMENT OF FOREST LAND

Adopt “Agreement for the Protection, Development, and Improvement of Forest Land in Mecklenburg County.”

Agreement recorded in full in Minute Book 42-A, Document # ________.

(14) CLEAN AIR ACT SECTION 105 GRANT AWARD AMENDMENT

Recognize, receive, and appropriate $8,271 in additional Clean Air Act Section 105 Grant revenue.

(15) WATER PARK AND NATURE TRAILS CONSTRUCTION CONTRACT – NEVIN PARK PHASE II

Award a construction contract to Eagle Wood, Inc. in the amount of $ 812,400 for work at Nevin Park.

Note: The proposed work comprises of the construction of a restroom and water equipment building with covered picnic area, water park entrance drive, parking lot, concrete walks to the existing police memorial garden area, a walking trail connecting to the existing active recreation area, and associated amenities.

(16) BIOTERRORISM LABORATORY GRANT ADJUSTMENT – HEALTH DEPARTMENT

Recognize, receive and appropriate $153,406 in additional federal allocations from the Department of Health and Human Services for the Bioterrorism Laboratory.

(17) AREA MENTAL HEALTH AUTHORITY FOURTH QUARTER FY 2005 REPORT

Recognize and receive the Fourth Quarter 2005 Area Mental Health Authority Report.

The following is required to be recorded in the minutes:

Financial Management

Revenues
<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>Budgeted Revenues</th>
<th>Actual Revenues</th>
<th>% Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicaid</td>
<td>$21,124,249.00</td>
<td>$15,440,842.84</td>
<td>73.10%</td>
</tr>
<tr>
<td>Medicaid-CAP</td>
<td>2,280,024.00</td>
<td>1,561,393.06</td>
<td>68.48%</td>
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<tr>
<td>State and Federal</td>
<td>30,094,999.00</td>
<td>28,914,205.89</td>
<td>96.08%</td>
</tr>
<tr>
<td>State - CTSP</td>
<td>1,681,384.00</td>
<td>1,180,546.33</td>
<td>70.21%</td>
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<tr>
<td>State - MR/MI</td>
<td>2,254,590.00</td>
<td>2,249,265.54</td>
<td>99.76%</td>
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<tr>
<td>Third Party/Other</td>
<td>462,792.00</td>
<td>299,166.70</td>
<td>64.64%</td>
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<tr>
<td>Grants</td>
<td>1,369,117.00</td>
<td>1,111,835.21</td>
<td>81.21%</td>
</tr>
<tr>
<td>County</td>
<td>36,302,400.00</td>
<td>30,504,610.79</td>
<td>84.03%</td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td><strong>$95,569,555.00</strong></td>
<td><strong>$81,261,866.36</strong></td>
<td><strong>85.03%</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Service Continuum</th>
<th>Budgeted Expenditures</th>
<th>Actual Expenditures</th>
<th>% Spent</th>
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<tbody>
<tr>
<td>Children's Developmental Services</td>
<td>$5,801,286.00</td>
<td>$4,842,510.41</td>
<td>83.47%</td>
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<td>Child &amp; Adolescent Services</td>
<td>19,606,978.00</td>
<td>15,101,913.54</td>
<td>77.02%</td>
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<td>Adult Mental Health</td>
<td>7,758,409.00</td>
<td>6,819,751.49</td>
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<td>Adult Substance Abuse</td>
<td>11,906,079.00</td>
<td>10,719,573.11</td>
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<td>Local Management Entity</td>
<td>15,183,844.00</td>
<td>10,363,157.45</td>
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<td>BHC Randolph</td>
<td>13,439,589.00</td>
<td>13,400,361.38</td>
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<td>Developmental Disabilities</td>
<td>21,873,370.00</td>
<td>20,014,598.98</td>
<td>91.50%</td>
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<tr>
<td><strong>Total Expenditures</strong></td>
<td><strong>$95,569,555.00</strong></td>
<td><strong>$81,261,866.36</strong></td>
<td><strong>85.03%</strong></td>
</tr>
</tbody>
</table>

A copy of the full report is on file with the Clerk to the Board.

(18) US 521 “FOXHOLE” LANDFILL LOCAL GOVERNMENT APPROVAL

Approve resolution entitled “Resolution Approving the Issuance of a Municipal Solid Waste Permit for the US 521 “Foxhole” Landfill.”

Resolution recorded in full in Minute Book 42-A, Document # ___.

(19) LAND ACQUISITION AT LATTA PLANTATION NATURE PRESERVE

Approve the purchase of +/- 18 acres of Tax Parcel 023-042-10 for $16,250 per acre (+/- $300,000) from Juanita K. Bentley, which is contiguous to Latta Plantation Nature Preserve and is within Critical Area 4 (CA-4) and Protected Area 1 (PA-1) of the Mountain Island Lake Watershed.

Note: Latta Plantation Nature Preserve will include approximately 1,342 acres with the addition of this property.

(21) HOWELL LAND ACQUISITION FOR STEWART CREEK GREENWAY

Approve the purchase of Tax Parcel 071-143-38 encompassing +/- 0.74 acre along Stewart Creek for $39,000 from Sandra Howell as part of the on-going assemblage of land along Stewart Creek for greenway and watershed protection purposes.

(24) APPLICATION FOR NFL-LISC GRANT FOR THE DEVELOPMENT OF FOOTBALL FIELD AT REVOLUTION PARK

(A) Approve the submission of a grant proposal, and the development of the subsequent grant project, to the National Football League Grassroots Program as represented by the Local
Initiatives Support Corporation through the Partners for Parks nonprofit. (B) Amend the Park and Recreation Approved in November 2, 2004 Referendum Capital Project Ordinance.

Note: The Capital Project Ordinance will not be filed until after the receipt of the grant.

(25) CHARLOTTE-MECKLENBURG SCHOOLS—SHERIFF’S OFFICE

ITEM WAS REMOVED FROM THE AGENDA

The item dealt with the hiring of teachers and teacher assistants for Jail North.

(26) DSS DIRECTOR

Remove the designation of Acting Director of Social Services for Brenda Jackson, per G.S. 153A-88 because of the return of Director Richard “Jake” Jacobsen.

Note: Deputy Director Jackson was Acting Director while Director Jacobsen was on medical leave.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

____________________

(20) GREENWAY AND WATERSHED LAND DONATIONS

Motion was made by Commissioner Roberts, seconded by Commissioner Rembert and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to accept the donation of the following properties:

Tax Parcel 013-164-98 (1.114 acres) adjacent to Stephen's Road Nature Preserve from Shea Homes, LLC

Tax Parcels 025-312-97 (1.076 acres) on Long Creek Greenway from Braemar Housing, LP.

Note: The above two properties are donated based on approved subdivision plans. The first tract (1.114 acres) is greenway land adjacent to Stephen’s Road Nature Preserve in Huntersville and fronts Horseshoe Creek Drive in the Stephens Grove subdivision. This donation provides additional watershed protection for Mountain Island Lake. This property is located in the Northwest Park District. The second donation (1.076 acres) is accessed via Woodedge Drive in The Residences at Braemar community and will add to the assemblage of greenway land along Long Creek. This property is also in the Northwest Park District.

Commissioner Roberts removed this item from Consent for more public awareness.

(22) INTEREST RATE SWAP RESOLUTION

Commissioner James introduced the following resolution, the title of which was read:

RESOLUTION AUTHORIZING THE COUNTY TO ENTER INTO INTEREST RATE SWAP AGREEMENTS AND RELATED AGREEMENTS AND AUTHORIZING THE COUNTY TO FILE AN APPLICATION WITH THE LOCAL GOVERNMENT COMMISSION FOR THE APPROVAL THEREOF

BE IT RESOLVED by the Board of Commissioners of the County.
Section 1. The Board of Commissioners has determined and does hereby find and declare as follows:

(a) In January 2006, the County wants to issue fixed rate general obligation bonds from one or more voted bond authorizations and to enter into a fixed rate installment financing certificate of participation transaction.

(b) After consideration and consultation with financial advisors to the County, the Board of Commissioners has determined that the County is likely to achieve economic benefits from issuing some or all of those obligations as variable rate obligations (the “2006 Obligations”) and entering into one or more forward-starting, fixed-pay swap agreements (the “Swap Agreements”) relating to the 2006 Obligations in September 2005, effective when the 2006 Obligations are issued in January 2006. By entering into the Swap Agreements in September, the County can lock in fixed interest rates with respect to the 2006 Obligations at favorable interest rates, instead of risking higher fixed interest rates when the 2006 Obligations are issued.

(c) Under the Swap Agreements, the Counterparty will agree to make variable interest rate payments based on an index approximating the variable rate on the 2006 Obligations on a notional amount corresponding to the principal amount of the 2006 Obligations, and the County will agree to pay the Counterparty fixed rate interest payments on the same notional principal amount.

Section 2. Subject to the limitations set forth in this resolution, the Director of Finance of the County is hereby authorized to negotiate on behalf of the County an arrangement for one or more Swap Agreements as described above and related agreements. The Director of Finance is hereby authorized to execute and deliver the final Swap Agreements on behalf of the County. The notional amount with respect to which the payments under the Swap Agreements relate shall not exceed $150,000,000.

Section 3. The Director of Finance is hereby authorized to file an application of the County with the North Carolina Local Government Commission for approval of the County entering into Swap Agreements and related agreements, and the North Carolina Local Government Commission is hereby requested to approve the same. In connection with the Local Government Commission’s consideration of such application, the Board makes the following findings and determinations:

(a) The annual audits of the County show the County to be in strict compliance with debt management policies and that the budgetary and fiscal management policies are in compliance with law.

(b) That entering into the Swap Agreements and related agreements is necessary or expedient.

(c) No increases in taxes are expected to be necessary to enable the County to make the payments expected to be required with respect to the Swap Agreements or related agreements.

Section 4. Public Resources Advisory Group will serve as swap advisor for the County. The Director of Finance in consultation with the swap advisor will determine the counterparty or counterparties.

Section 5. All officials and staff members of the County are each hereby authorized to execute on behalf of the County the various certificates, proofs, instruments or other documents to be executed in connection with the delivery of the Swap Agreements and related agreements. All actions previously taken by the County and its representatives in connection therewith are hereby ratified and approved.

Section 6. This resolution shall take effect upon its passage.
The foregoing resolution was seconded by Commissioner Clarke and adopted by the following vote:

AYES: Commissioners: Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard

NAYS: None

Resolution and Extract recorded in full in Minute Book 42-A, Document # ___.

(23) SURPLUS PROPERTY AUCTION

Motion was made by Commissioner Mitchell, seconded by Commissioner Puckett and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve Exhibit A, a list of vehicles and Exhibit B, a list of furniture, equipment, and various other miscellaneous items as surplus and adopt a Resolution Authorizing Sale of Personal Property by Public Auction as follows:

On September 17, 2005 at 10:00 a.m. at 3301 Rotary Drive, Charlotte, North Carolina, the surplus property described in Exhibit A will be auctioned off.

On October 26, 2005 at 10:00 a.m. at 14501 Holbrooks Road, Huntersville, North Carolina, the surplus property described in Exhibit B will be auctioned off.

Commissioner Mitchell removed this item from Consent for more public awareness.

Resolution recorded in full in Minute Book 42-A, Document # ___.

(STAFF REPORTS AND REQUESTS)

(27) NOVEMBER 8, 2005 BOND REFERENDUM

RESOLUTION MAKING REQUIRED FINDINGS

Commissioner Clarke introduced the following resolution and moved that it be adopted, Commissioner Mitchell seconded that motion, and the resolution was read by title and was adopted 6-3 with Commissioners Clarke, Helms, Mitchell, Roberts, Rembert, and Woodard voting yes and Commissioners Bishop, James, and Puckett voting no:

RESOLVED that the Board of Commissioners of the County of Mecklenburg hereby makes the following factual findings:

Description of the project: Bonds in the maximum principal amount of $554,000,000 are proposed to be issued for the following projects: school facilities, land, law enforcement facilities and community college facilities.

Facts regarding necessity of proposed projects: The proposed projects are necessary and expedient because present facilities are inadequate to meet the needs in the community.
Facts supporting the amount of bonds proposed: The amount of bonds proposed is adequate and not excessive for the proposed purposes based on present estimates.

Past debt management policies: The County has in the past always appropriated funds in accordance with North Carolina law during each fiscal year in an amount sufficient to retire all principal and interest on indebtedness.

Past budgetary and fiscal management policies: The County has always adopted its budget in a timely manner in accordance with North Carolina statutory requirements and has obtained an unqualified opinion from a certified public accountant in connection with each annual audit.

Retirement of Debt: Any increase in the County’s property tax rate resulting from issuance of the proposed bonds is not excessive.

RESOLUTION TO INTRODUCE BOND ORDER

Commissioner Clarke moved adoption of a resolution to introduce the following bond order, that motion was seconded by Commissioner Mitchell, and the bond order was read by title:

“BOND ORDER AUTHORIZING THE ISSUANCE OF $427,000,000 SCHOOL BONDS OF THE COUNTY OF MECKLENBURG”

WHEREAS, the Board of Commissioners of the County of Mecklenburg deems it advisable to make the improvements hereinafter described; and

WHEREAS, the Board has caused to be filed with the Secretary of the Local Government Commission of North Carolina an application for Commission approval of the bonds hereinafter described as required by The Local Government Finance Act, and the Secretary of the Commission has notified the Board that the application has been filed and accepted for submission to the Commission;

NOW, THEREFORE, BE IT ORDERED by the Board as follows:

Section 1. The Board determines that it is necessary to provide school facilities, including the acquisition and construction of new school facilities, the improvement and expansion of existing school facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor, and to pay capital costs of such improvements.

Section 2. To raise the money required to pay capital costs of providing the improvements described above, in addition to any funds which may be made available for that purpose from any other sources, bonds of the County are hereby authorized and shall be issued pursuant to The Local Government Finance Act. The maximum aggregate principal amount of bonds authorized by this bond order shall be $427,000,000.
Section 3. Taxes sufficient to pay the principal of and interest on those bonds when due shall be annually levied and collected.

Section 4. A sworn statement of the County’s debt has been filed with the Clerk to the Board of Commissioners and is open to public inspection.

Section 5. This bond order shall take effect when approved by the voters of the County at a referendum.

The motion to introduce the above bond order was adopted by the following vote:

AYES: Commissioners: Clarke, Helms, Mitchell, Rembert, and Woodard

NAYS: Commissioners Bishop, James, Puckett, and Roberts.

* * *

RESOLUTION TO INTRODUCE BOND ORDER

Commissioner Clarke moved adoption of a resolution to introduce the following bond order, that motion was seconded by Commissioner Mitchell, and the bond order was read by title:

“BOND ORDER AUTHORIZING THE ISSUANCE OF $14,500,000 LAW ENFORCEMENT BONDS OF THE COUNTY OF MECKLENBURG”

WHEREAS, the Board of Commissioners of the County of Mecklenburg deems it advisable to make the improvements hereinafter described; and

WHEREAS, the Board has caused to be filed with the Secretary of the Local Government Commission of North Carolina an application for Commission approval of the bonds hereinafter described as required by The Local Government Finance Act, and the Secretary of the Commission has notified the Board that the application has been filed and accepted for submission to the Commission;

NOW, THEREFORE, BE IT ORDERED by the Board as follows:
Section 1. The Board determines that it is necessary to provide law enforcement facilities, including the acquisition and construction of new law enforcement facilities, the improvement and expansion of existing law enforcement facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor, and to pay capital costs of such improvements.

Section 2. To raise the money required to pay capital costs of providing the improvements described above, in addition to any funds which may be made available for that purpose from any other sources, bonds of the County are hereby authorized and shall be issued pursuant to The Local Government Finance Act. The maximum aggregate principal amount of bonds authorized by this bond order shall be $14,500,000.

Section 3. Taxes sufficient to pay the principal of and interest on those bonds when due shall be annually levied and collected.

Section 4. A sworn statement of the County’s debt has been filed with the Clerk to the Board of Commissioners and is open to public inspection.

Section 5. This bond order shall take effect when approved by the voters of the County at a referendum.

The motion to introduce the above bond order was adopted by the following vote:

AYES: Commissioners: Bishop, Clarke, Helms, James, Puckett, Mitchell, Rembert, Roberts, and Woodard
NAYS: None.

RESOLUTION TO INTRODUCE BOND ORDER
Commissioner Clarke moved adoption of a resolution to introduce the following bond order, that motion was seconded by Commissioner Rembert, and the bond order was read by title:

“BOND ORDER AUTHORIZING THE ISSUANCE OF $46,500,000 COMMUNITY COLLEGE BONDS OF THE COUNTY OF MECKLENBURG”

WHEREAS, the Board of Commissioners of the County of Mecklenburg deems it advisable to make the improvements hereinafter described; and

WHEREAS, the Board has caused to be filed with the Secretary of the Local Government Commission of North Carolina an application for Commission approval of the bonds hereinafter described as required by The Local Government Finance Act, and the Secretary of the Commission has notified the Board that the application has been filed and accepted for submission to the Commission;

NOW, THEREFORE, BE IT ORDERED by the Board as follows:

Section 1. The Board determines that it is necessary to provide community college facilities, including the acquisition and construction of new community college facilities, the improvement and expansion of existing community college facilities and the acquisition and
installation of furnishings and equipment and the acquisition of interests in real property required therefor, and to pay capital costs of such improvements.

Section 2. To raise the money required to pay capital costs of providing the improvements described above, in addition to any funds which may be made available for that purpose from any other sources, bonds of the County are hereby authorized and shall be issued pursuant to The Local Government Finance Act. The maximum aggregate principal amount of bonds authorized by this bond order shall be $46,500,000.

Section 3. Taxes sufficient to pay the principal of and interest on those bonds when due shall be annually levied and collected.

Section 4. A sworn statement of the County’s debt has been filed with the Clerk to the Board of Commissioners and is open to public inspection.

Section 5. This bond order shall take effect when approved by the voters of the County at a referendum.

The motion to introduce the above bond order was adopted by the following vote:

AYES: Commissioners: Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard

NAYS: None.

* * *

RESOLUTION TO INTRODUCE BOND ORDER

Commissioner Clarke moved adoption of a resolution to introduce the following bond order, that motion was seconded by Commissioner Mitchell, and the bond order was read by title:

“BOND ORDER AUTHORIZING THE ISSUANCE OF $66,000,000 LAND BONDS OF THE COUNTY OF MECKLENBURG”

WHEREAS, the Board of Commissioners of the County of Mecklenburg deems it advisable to make the improvements hereinafter described; and

WHEREAS, the Board has caused to be filed with the Secretary of the Local Government Commission of North Carolina an application for Commission approval of the bonds hereinafter described as required by The Local Government Finance Act, and the Secretary of the Commission has notified the Board that the application has been filed and accepted for submission to the Commission;

NOW, THEREFORE, BE IT ORDERED by the Board as follows:
Section 1. The Board determines that it is necessary to provide land for present or future county corporate, open space, watershed protection, community college, and public school purposes, and the acquisition and improvements thereon and interests in such real property, and to pay capital costs of such improvements.

Section 2. To raise the money required to pay capital costs of providing the improvements described above, in addition to any funds which may be made available for that purpose from any other sources, bonds of the County are hereby authorized and shall be issued pursuant to The Local Government Finance Act. The maximum aggregate principal amount of bonds authorized by this bond order shall be $66,000,000.

Section 3. Taxes sufficient to pay the principal of and interest on those bonds when due shall be annually levied and collected.

Section 4. A sworn statement of the County’s debt has been filed with the Clerk to the Board of Commissioners and is open to public inspection.

Section 5. This bond order shall take effect when approved by the voters of the County at a referendum.

The motion to introduce the above bond order was adopted by the following vote:

AYES: Commissioners: Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard

NAYS: Commissioners Bishop, James, and Puckett.

* * *

RESOLUTION AUTHORIZING PUBLIC HEARING ON BOND ORDERS

Commissioner Clarke moved the adoption of the following resolution, the motion was seconded by Commissioner Mitchell and the resolution was read by title:

WHEREAS, the bond orders entitled “BOND ORDER AUTHORIZING THE ISSUANCE OF $427,000,000 SCHOOL BONDS OF THE COUNTY OF MECKLENBURG” and “BOND ORDER AUTHORIZING THE ISSUANCE OF $66,000,000 LAND BONDS OF THE COUNTY OF MECKLENBURG” and “BOND ORDER AUTHORIZING THE ISSUANCE OF $14,500,000 LAW ENFORCEMENT BONDS OF THE COUNTY OF MECKLENBURG” and “BOND ORDER AUTHORIZING THE ISSUANCE OF $46,500,000 COMMUNITY COLLEGE BONDS OF THE COUNTY OF MECKLENBURG” have been introduced at the meeting of the Board of Commissioners of the County of Mecklenburg held on August 9, 2005, and the Board desires to provide for a public hearing thereon and the submission of a statement of debt in connection therewith as required by The Local Government Finance Act;

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:
The public hearing upon those bond orders shall be held at the Charlotte-Mecklenburg Government Center, 600 East Fourth Street, Charlotte, North Carolina, at a meeting that begins at 6:00 P.M., September 7, 2005.

The Clerk to the Board of Commissioners is hereby directed to cause a copy of each bond order to be published with the notice of public hearing in the form prescribed by law in a qualified newspaper no fewer than six days prior to the public hearing.

The Director of Finance is hereby directed to file with the Clerk to the Board of Commissioners prior to publication of the bond orders with the notices of such public hearing, a statement setting forth the debt incurred or to be incurred, the appraised value of property subject to taxation by the County and the net debt of the County.

The motion was adopted by the following vote:

AYES: Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard

NAYS: Commissioner Bishop, James, and Puckett

Resolutions and Extract recorded in full in Minute Book 42-A, Document # ___.

Note: Commissioner Clarke asked that it be noted in the record that it is the Board’s intent to spend $20 million of the Land Bonds for Mountain Island Lake watershed protection.

Commissioner James left the meeting and was absent for the remainder of the meeting.

(28) RELEASE DSS RESTRICTED CONTINGENCY FUNDS

Motion was made by Commissioner Mitchell, seconded by Commissioner Rembert and carried 8-0 with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to authorize the release of $800,000 from Restricted Contingency to begin implementation of the DSS Youth and Family Services Geo Redesign.

Prior to the above vote, Brenda Jackson, Deputy Director of Social Services and Danette Smith, Director of Youth and Family Services addressed the request.

Note: In the FY06 budget process, the Board of County Commissioners approved placing $800,000 in Restricted Contingency to facilitate the Geo Redesign of the Youth and Family Services Division of the Mecklenburg County Department of Social Services. This restructuring is intended to facilitate the establishment of a decentralized, community-based, family-centered approach to child welfare services, which is in keeping with social work best practices. A facility has been identified to house a geographic district of blended teams of child welfare workers. The contingency funding is needed to execute the lease agreement, begin the upfit of the location, and implement the process of creating the 16 additional FTE support positions approved for this initiative. This should assist the division to more effectively provide child protective services and improve its ability to meet the federal standards for child welfare as provided in the Adoption and Safe Families Act of 1997. It is anticipated that federal revenue of $121,118 will be received as a result of the qualifying expenses.

(COUNTY COMMISSIONERS REPORTS AND REQUESTS)
NACO REPORT

The Board received a verbal report from Commissioner Mitchell regarding the NACo 2005 Annual Conference that was held in Honolulu, Hawaii, July 15-19, 2005.

CHARLOTTE VOLUNTEERS IN MEDICINE CLINIC REQUEST

Motion was made by Commissioner Woodard, but died for lack of a second, to approve an allocation from unrestricted contingency, in the amount of $15,000, to the Charlotte Volunteers in Medicine Clinic.

Chairman Helms suggested that this matter be referred to the Board’s Community Health and Safety Committee.

Following discussion of Chairman Helms’ suggestion the motion below was made.

Motion was made by Commissioner Woodard, seconded by Commissioner Rembert and carried 8-0 with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to refer the request for financial assistance from Charlotte Volunteers in Medicine Clinic to the Board’s Community Health and Safety Committee for review and a recommendation back to the Board.

Note: Commissioner Puckett requested budgetary information on other similar clinics in the County.

Prior to the above vote, Donna Lacey and Dr. Anthony Searles on behalf of Charlotte Volunteers in Medicine Clinic addressed the Clinic’s work and the need for its services.

HEALTH CAROUSEL OF THE CAROLINAS SPONSORSHIP

(COMMISSIONER REMBERT) – ITEM WAS REMOVED FROM THE AGENDA

(COMMISSIONERS’ COMMENTS) - General comments were made at this time by various Commissioners regarding upcoming events and/or events they attended, as well as, other matters which they deemed noteworthy.

Note: Commissioner Rembert in her closing comments noted that the Board’s Economic Development Committee, which she serves on, have discussed the issue of the role of the County Commission relative to economic development and business incentive grants, and etc.

Commissioner Rembert suggested the Board consider holding an Economic Development Summit of regional scope to address economic development issues and the relative roles of the County Commission, Charlotte City Council, the Board of Education, the Charlotte Regional Partnership, and other relevant bodies. The purpose would be to help find ways to maximize resources within the community.

It was the consensus of the Board, per Commissioner Rembert’s suggestion, to instruct the County Manager to report back to the Board’s Economic Development Committee with information that might be helpful to the Committee during its discussion of a possible Economic Development Summit.

County Manager Jones asked if “regional scope” meant the inclusion of parts of South Carolina? The response was yes, specifically York and Lancaster counties.

County Manager Jones said staff would develop a process and model for the Committee’s consideration.
Commissioner Puckett noted with respect to this issue that there was a newly formed multi-county economic development commission that was just getting started, whose focus was more on workforce development. He suggested that staff find out more about this commission as well, so that they could be included.

ADJOURNMENT

Motion was made by Commissioner Puckett, seconded by Commissioner Bishop, and carried 8-0, with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:07 p.m.

Janice S. Paige, Clerk

H. Parks Helms, Chairman
MINUTES OF CLOSED SESSION OF
MECKLENBURG COUNTY BOARD OF COMMISSIONERS

AUGUST 9, 2005  5:00 P.M.

The Board of Commissioners of Mecklenburg County, North Carolina, met in Closed Session in the Charlotte-Mecklenburg Government Center during its Regular Meeting held Tuesday, August 9, 2005. These Closed Session minutes are part of the minutes of that meeting and should be read in that context.

ATTENDANCE

Present:
Chairman H. Parks Helms and Commissioners
J. Daniel Bishop, Dumont Clarke, Bill James
Norman A. Mitchell, Sr., Jim Puckett,
Wilhelmenia I. Rembert, Jennifer Roberts
and Valerie C. Woodard
County Manager Harry L. Jones, Sr.
County Attorney Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent:
Commissioner Woodard was absent during this Closed Session matter.

Also Present:
General Managers Janice Jackson and John McGillicuddy, Assistant to the
County Manager Michelle Lancaster, Finance Director Harry Weatherly, Sarah
Heasley with Finance, Mark Hahn, Director of Real Estate Services, Steve Law
and Jacqueline McNeil with Real Estate Services, Director of Park and
Recreation Wayne Weston, Mayor Kim Phillips, Town of Huntersville, and Greg
Ferguson, Assistant Town Manager, Town of Huntersville

(2B1) CLOSED SESSION LAND ACQUISITION

Steve Law with Real Estate Services addressed the proposed purchase of Tax Parcels 009-041-03 and 009-041-05 encompassing +/- 147.41 acres on Ervin Cook Road for $28,000 per acre (+/- $4,127,480) from Cookson Limited Partnership, RLLLP.

Note: The subject property is located along McDowell Creek in Protected Area 1 (PA-1) of the Mountain Island Lake Watershed. Acquisition of these parcels contributes to watershed protection, open space preservation, and will expand the County’s greenway program and outdoor recreation areas.

This purchase was also addressed by Mayor Kim Phillips of Huntersville, who spoke in support of the purchase.

Motion was made by Commissioner Puckett, seconded by Commissioner Clarke and carried 8-0 with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, and Roberts voting yes, to approve the purchase of Tax Parcels 009-041-03 and 009-041-05 encompassing +/- 147.41 acres on Ervin Cook Road for $28,000 per acre (+/- $4,127,480) from Cookson Limited Partnership, RLLLP.
MINUTES OF CLOSED SESSION OF
MECKLENBURG COUNTY BOARD OF COMMISSIONERS

AUGUST 9, 2005 5:00 P.M.

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ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners
J. Daniel Bishop, Dumont Clarke, Bill James
Norman A. Mitchell, Sr., Jim Puckett,
Wilhelmenia I. Rembert, Jennifer Roberts
and Valerie C. Woodard
County Manager Harry L. Jones, Sr.
County Attorney Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent: Commissioner Woodard was absent during this Closed Session matter.

Also Present: General Managers Janice Jackson and John McGillicuddy, Assistant to the County Manager Michelle Lancaster, Finance Director Harry Weatherly, Sarah Heasley with Finance, Mark Hahn, Director of Real Estate Services, Steve Law and Jacqueline McNeil with Real Estate Services

(2B2) CLOSED SESSION LAND ACQUISITION

Kevin Bringewatt with Charlotte-Mecklenburg Schools (CMS) addressed the proposed purchase by CMS of 38.69-acres, Tax Parcel 223-091-03 on Lancaster Highway/Marvin Road from KB Homes Charlotte, LLP for $4,312,450.

Note: This land is proposed for acquisition for a school site referred to as Elementary School 06 in the CMS Long Range Facilities Master Plan and is expected to be one of the November 2005 school bond projects (for construction).

Motion was made by Commissioner James, seconded by Commissioner Puckett and carried 7-1 with Commissioners Bishop, Clarke, Helms, James, Puckett, Rembert, and Roberts voting yes and Commissioner Mitchell voting no, to approve the purchase by Charlotte-Mecklenburg Schools of 38.69-acres, Tax Parcel 223-091-03 on Lancaster Highway/Marvin Road from KB Homes Charlotte, LLP for $4,312,450.
MINUTES OF MECKLENBURG COUNTY BOARD OF COUNTY COMMISSIONERS

SEPTEMBER 7, 2005 5:00 P.M.

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in
Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg
Government Center at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-
Mecklenburg Government Center at 6:00 p.m. on Wednesday, September 7, 2005.

ATTENDANCE

Present:
Chairman H. Parks Helms and Commissioners
Dumont Clarke, Bill James, Norman A. Mitchell, Sr.
Jim Puckett, Wilhelmenia I. Rembert, Jennifer Roberts
and Valerie C. Woodard
County Manager Harry L. Jones, Sr.
County Attorney, Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent: Commissioner J. Daniel Bishop

-INFORMAL SESSION-

Commissioner Clarke was absent when the meeting was called to order and until noted in the
minutes.

(1) STAFF BRIEFING – NONE

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified items they wanted removed from consent and voted upon separately. The
items identified were Items 17 and 24.

(2A)(2B) CLOSED SESSION - LAND ACQUISITION AND PERSONNEL MATTER

Prior to going into Closed Session, Nancy Brunnemer with Real Estate Services announced the
following land acquisition matters to be discussed in Closed Session:

• Tax Parcels 015-214-03 (0.90 acre) and 015-214-04 encompassing +/- 1.69 acres along Gar
  Creek.
• Tax Parcel 171-241-01 off Park Road at Little Sugar Creek.

Motion was made by Commissioner Rembert, seconded by Commissioner Roberts and carried 7-0
with Commissioners Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes,
to go into Closed Session to discuss Land Acquisition and Personnel Matter.

The Board went into Closed Session at 5:25 p.m. and came back into Open Session at 6:21
p.m.

Commissioner Clarke was present when the Board came back into Open Session. He entered
the meeting during Closed Session.

The Board then proceeded to the Meeting Chamber for the remainder of the meeting.
Invocation was given by Commissioner Roberts, which was followed by the Pledge of Allegiance to the Flag.

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) MECKLENBURG LIBRARY CARD SIGN-UP MONTH
Motion was made by Commissioner Roberts, seconded by Commissioner Mitchell and unanimously carried with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to adopt a proclamation designating September as Mecklenburg Library Card Sign-up Month.

The proclamation was read by Commissioner Roberts and received by Carol Myers, Assistant Library Director.

A copy of the Proclamation is on file with the Clerk to the Board.

(1B) FETAL ALCOHOL SPECTRUM DISORDERS AWARENESS DAY
Motion was made by Commissioner Clarke, seconded by Commissioner Mitchell and unanimously carried with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to adopt a joint proclamation designating September 9, 2005 as Fetal Alcohol Spectrum Disorders Awareness Day.

The proclamation was read by Commissioner Clarke and received by Sandra Woolsey, Chair of the Fetal Alcohol Spectrum Disorders Committee.

A copy of the Proclamation is on file with the Clerk to the Board.

(1C) NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH
Motion was made by Commissioner Woodard, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to adopt a joint proclamation designating September 2005 as National Alcohol and Drug Addiction Recovery Month.

The proclamation was read by Commissioner Woodard and received by Larry Snider.

A copy of the Proclamation is on file with the Clerk to the Board.

(1D) RECOGNITION OF MECKLENBURG COUNTY PARK AND RECREATION DEPARTMENT NACO AND NACPRO AWARD RECIPIENTS
The Board recognized Park and Recreation staff from the Division of Therapeutic Recreation, Parks, Open Space & Stewardship Services Branch, Specialized Maintenance & Park Services Branch, and the Enterprise Services Branch for earning seven (7) national awards from NACO and NACPRO.

James D. Alsop, Manager, Enterprise Division Branch addressed the awards. The recipients and winning programs are noted below.

NACO Program Award Winners - Therapeutic Recreation Division:
- Monica Best, Therapeutic Recreation Specialist for the TR Aqua Tots Day Camp
• James Worsley, Select Populations Coordinator-Homeless Activities for Journeys of Discovery Cultural Program for Homeless Youth & Teenagers
• Karla Gray, Division Manager for Friday Fun Overnight Lock-Ins for teens with disabilities at Recreation Centers
• Karen Howard, Therapeutic Recreation Specialist for Kitchen Magic Classes to Learn Independent Living Skills.

**NACO Program Award Winners - Parks, Open Space and Stewardship Services Branch:**
• Marek Smith, Education Environment Supervisor and Sarah Yelton, Environment Education Specialist for Environmental Education Practicum Course via a partnership with UNCC for North Carolina’s only 13-week course for pre-service teachers to develop environmental teaching & curriculum developmental skills.

**NACO Program Award Winner from Specialized Maintenance & Park Services:**
• David Suddreth, Project Manager for Parks Going to the Dogs - Development & operation of three off leash dog parks with remote computerized admission & monitoring system.

**NACPRO Individual Award Winner from the Enterprise Services Branch:**
Anthony James (Athletic Coordinator) – 2005 NACPRO National Outstanding Volunteer of the year for his work after hours with the Charlotte Flight for more than 14 years.

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**6) MANAGER’S REPORT – HURRICANE KATRINA RELIEF EFFORTS**

County Manager Jones reported on Hurricane Katrina relief efforts that were taking place locally, including efforts on the part of County government. Those efforts included but were not limited to the provision services by the following County departments: Social Services, the Health Department, Area Mental Health, Veteran Services, Park and Recreation, Public Service and Information, as well as MEDIC.

County Manager Jones noted the collaborative efforts on the part of local, state, and federal government and many non-profit organizations.

County Manager Jones in his concluding remarks said he felt, as a result of this experience, that Mecklenburg County would become a model for responding to these kinds of events, and “heaven forbid that there is ever another one, but if there ever is one, I believe we will be the model city and county and state for responding to these kinds of approaches.” “What I’m saying to you is that we are learning as we go, but we’re learning fast; and we’re making decisions as appropriate to deal with the enormous issues that are there.”

Vice-Chairman Rembert, who has been the County’s lead official with respect to this matter, on behalf of the Board, thanked County Manager Jones for his leadership and all of his efforts during this time. She also expressed thanks to staff for stepping up to the plate and responding in a timely manner. “I think our staff provided unparallel performance and execution over the last few days.” Vice-Chairman Rembert said staff showed leadership, flexibility, compassion, responsiveness and that they were willing to “step outside of the box” to remove barriers that might normally be in place to make sure urgent human needs were addressed.

Vice-Chairman Rembert also thanked the various organizations that have come together, including the faith community, to address these human needs, as well, persons whom she knows personally that have also reached out.

She concluded by saying, “I just want to say how deeply I appreciate everyone in our audience here tonight, those in our viewing audience, in whatever way you stepped up to the plate. We may not know your name. We may not recognize your face but we know that you have done an extraordinary amount to make Charlotte a warm and receptive place for new friends and family and I want to thank you for that.”
Commissioner Clarke said he echoed Commissioner Rembert’s remarks.

Commissioner Mitchell asked County Manager Jones to share some of his personal, one on one, experiences with some of the evacuees, which resulted in persons being reconnected with family that were relocated to other parts of the country.

County Manager Jones shared several experiences. One in particular was how he assisted a lady by the name of Mattie Lee Miller Watson, whom he referred to as his second mother. Ms. Watson asked County Manager Jones to help her find her niece. After several attempts, he was able to locate Ms. Watson’s niece, who was in Birmingham, Alabama. County Manager Jones said after sharing that information with Ms. Watson, she started calling him the “Miracle Man.”

Commissioner Puckett complimented Charlotte-Mecklenburg Schools for their outreach efforts in working with the children of evacuees. He thanked County staff as well and echoed the County Manager’s previous remarks regarding Charlotte-Mecklenburg being prepared to respond to disasters.

Commissioner Roberts also thanked staff and the community for reaching out and being so hospitable.

Commissioner Woodard shared her observations after having visited with the evacuees. She noted the need for recreational activities for the youth and how that was being addressed. She too, commented favorably with respect to the community’s warmth and show of hospitality.

Chairman Helms asked that the community sustain its attitude of warmth and caring long term.

(4) NOVEMBER 8, 2005 BOND REFERENDUM – PUBLIC HEARING

REPORT FROM CLERK

The Clerk to the Board of Commissioners reported to the Board of Commissioners that the bond orders entitled “BOND ORDER AUTHORIZING THE ISSUANCE OF $427,000,000 SCHOOL BONDS OF THE COUNTY OF MECKLENBURG”, “BOND ORDER AUTHORIZING THE ISSUANCE OF $66,000,000 LAND BONDS OF THE COUNTY OF MECKLENBURG”, “BOND ORDER AUTHORIZING THE ISSUANCE OF $14,500,000 LAW ENFORCEMENT BONDS OF THE COUNTY OF MECKLENBURG” and “BOND ORDER AUTHORIZING THE ISSUANCE OF $46,500,000 COMMUNITY COLLEGE BONDS OF THE COUNTY OF MECKLENBURG” which had been introduced on August 9, 2005, had been published in a qualified newspaper on or before September 1, 2005, with notice that the Board would hold a public hearing thereon on September 7, 2005. The Clerk also reported that the County’s Director of Finance had filed in the Clerk’s office a statement of debt complying with the provisions of The Local Government Bond Act and that such statement showed the net indebtedness of the County to be 2.6% of the assessed valuation of property in the County subject to taxation.

*       *       *

PUBLIC HEARING ON BOND ORDERS

Commissioner Mitchell moved that the Board proceed to hold a public hearing on the bond orders. The motion was seconded by Commissioner Puckett and was unanimously adopted.
At 7:38 P.M., the Chairman of the Board announced that the Board would hear anyone who wished to be heard on the questions of the validity of the bond orders and the advisability of issuing the bonds.

After the Board had heard all persons who requested to be heard (See Attachment A), Commissioner Clarke moved that the public hearing be closed. The motion was seconded by Commissioner Mitchell and was adopted 7-0 with Commissioners Clarke, Helms, James, Mitchell, Puckett, Roberts, and Woodard voting yes.

* * *

ADOPTION OF SCHOOL BOND ORDER

Commissioner Clarke moved that the Board adopt without change and direct the Clerk to publish as prescribed by The Local Government Bond Act the bond order entitled “BOND ORDER AUTHORIZING THE ISSUANCE OF $427,000,000 SCHOOL BONDS OF THE COUNTY OF MECKLENBURG” introduced at the meeting of the Board of Commissioners held on August 9, 2005. The motion was seconded by Commissioner Mitchell and was adopted by the following vote:

AYES: Commissioners Dumont Clarke, H. Parks Helms, Norman A. Mitchell, Sr., Jennifer Roberts, and Wilhelmenia I. Rembert

NAYES: Commissioners Bill James, Jim Puckett, and Valerie Woodard

ADOPTION OF LAND BOND ORDER

Commissioner Clarke moved that the Board adopt without change and direct the Clerk to publish as prescribed by The Local Government Bond Act the bond order entitled “BOND ORDER AUTHORIZING THE ISSUANCE OF $66,000,000 LAND BONDS OF THE COUNTY OF MECKLENBURG” introduced at the meeting of the Board of Commissioners held on August 9, 2005. The motion was seconded by Commissioner Mitchell and was adopted by the following vote:

AYES: Commissioners Dumont Clarke, H. Parks Helms, Norman A. Mitchell, Sr., Jennifer Roberts, and Wilhelmenia I. Rembert

NAYES: Commissioners Bill James, Jim Puckett, and Valerie Woodard

ADOPTION OF LAW ENFORCEMENT BOND ORDER

Commissioner Clarke moved that the Board adopt without change and direct the Clerk to
publish as prescribed by The Local Government Bond Act the bond order entitled “BOND ORDER AUTHORIZING THE ISSUANCE OF $14,500,000 LAW ENFORCEMENT BONDS OF THE COUNTY OF MECKLENBURG” introduced at the meeting of the Board of Commissioners held on August 9, 2005. The motion was seconded by Commissioner Mitchell and was adopted by the following vote:

AYES: Commissioners Dumont Clarke, H. Parks Helms, Bill James, Norman A. Mitchell, Sr., Jim Puckett, Jennifer Roberts, and Wilhelmenia I. Rembert

NAYES: Commissioner Valerie Woodard

ADOPTION OF COMMUNITY COLLEGE BOND ORDER

Commissioner Clarke moved that the Board adopt without change and direct the Clerk to publish as prescribed by The Local Government Bond Act the bond order entitled “BOND ORDER AUTHORIZING THE ISSUANCE OF $46,500,000 COMMUNITY COLLEGE BONDS OF THE COUNTY OF MECKLENBURG” introduced at the meeting of the Board of Commissioners held on August 9, 2005. The motion was seconded by Commissioner Mitchell and was adopted by the following vote:

AYES: Commissioners Dumont Clarke, H. Parks Helms, Bill James, Norman A. Mitchell, Sr., Jim Puckett, Jennifer Roberts, and Wilhelmenia I. Rembert

NAYES: Commissioner Valerie Woodard

* * *

RESOLUTION AUTHORIZING BOND ELECTION FOR SCHOOL BONDS

Commissioner Clarke moved the adoption of the following resolution respecting the required bond referendum, the motion was seconded by Commissioner Mitchell, and the resolution was read by the above title.

WHEREAS, the Board has adopted the bond order authorizing the issuance of $427,000,000 school bonds, and that bond order and the indebtedness to be incurred by the issuance of those bonds and the tax to be levied for the payment of those bonds should be submitted to the voters of the County of Mecklenburg for their approval or disapproval in order to comply with the Constitution and laws of North Carolina;
NOW, THEREFORE, BE IT RESOLVED, by the Board as follows:

The questions whether the qualified voters of the County of Mecklenburg shall approve or disapprove (a) the indebtedness to be incurred by the issuance of the bonds of the County authorized by that bond order, which indebtedness shall be secured by a pledge of the County’s faith and credit, (b) the levy of a tax for the payment thereof, and (c) that bond order, shall be submitted to the qualified voters of the County at an election to be held in the County on November 8, 2005.

The motion was adopted by the following vote:

AYES: Commissioners Dumont Clarke, H. Parks Helms, Norman A. Mitchell, Sr., Jennifer Roberts, and Wilhelmenia I. Rembert

NAYES: Commissioners Bill James, Jim Puckett, and Valerie Woodard

RESOLUTION AUTHORIZING BOND ELECTION FOR LAND BONDS

Commissioner Clarke moved the adoption of the following resolution respecting the required bond referendum, the motion was seconded by Commissioner Mitchell, and the resolution was read by the above title.

WHEREAS, the Board has adopted the bond order authorizing the issuance of $66,000,000 land bonds, and that bond order and the indebtedness to be incurred by the issuance of those bonds and the tax to be levied for the payment of those bonds should be submitted to the voters of the County of Mecklenburg for their approval or disapproval in order to comply with the Constitution and laws of North Carolina;

NOW, THEREFORE, BE IT RESOLVED, by the Board as follows:

The questions whether the qualified voters of the County of Mecklenburg shall approve or disapprove (a) the indebtedness to be incurred by the issuance of the bonds of the County authorized by that bond order, which indebtedness shall be secured by a pledge of the County’s faith and credit, (b) the levy of a tax for the payment thereof, and (c) that bond order, shall be submitted to the qualified voters of the County at an election to be held in the County on November 8, 2005.

The motion was adopted by the following vote:

AYES: Commissioners Dumont Clarke, H. Parks Helms, Norman A. Mitchell, Sr., Jennifer Roberts, and Wilhelmenia I. Rembert

NAYES: Commissioners Bill James, Jim Puckett, and Valerie Woodard
RESOLUTION AUTHORIZING BOND ELECTION
FOR LAW ENFORCEMENT BONDS

Commissioner Clarke moved the adoption of the following resolution respecting the required bond referendum, the motion was seconded by Commissioner Mitchell, and the resolution was read by the above title.

WHEREAS, the Board has adopted the bond order authorizing the issuance of $14,500,000 law enforcement bonds, and that bond order and the indebtedness to be incurred by the issuance of those bonds and the tax to be levied for the payment of those bonds should be submitted to the voters of the County of Mecklenburg for their approval or disapproval in order to comply with the Constitution and laws of North Carolina;

NOW, THEREFORE, BE IT RESOLVED, by the Board as follows:

The questions whether the qualified voters of the County of Mecklenburg shall approve or disapprove (a) the indebtedness to be incurred by the issuance of the bonds of the County authorized by that bond order, which indebtedness shall be secured by a pledge of the County’s faith and credit, (b) the levy of a tax for the payment thereof, and (c) that bond order, shall be submitted to the qualified voters of the County at an election to be held in the County on November 8, 2005.

The motion was adopted by the following vote:

AYES: Commissioners Dumont Clarke, H. Parks Helms, Bill James, Norman A. Mitchell, Sr., Jim Puckett, Jennifer Roberts, and Wilhelmenia I. Rembert

NAYES: Commissioner Valerie Woodard

RESOLUTION AUTHORIZING BOND ELECTION
FOR COMMUNITY COLLEGE BONDS

Commissioner Clarke moved the adoption of the following resolution respecting the required bond referendum, the motion was seconded by Commissioner Mitchell, and the resolution was read by the above title.

WHEREAS, the Board has adopted the bond order authorizing the issuance of $46,500,000 community college bonds, and that bond order and the indebtedness to be incurred by the issuance of those bonds and the tax to be levied for the payment of those bonds should be submitted to the voters of the County of Mecklenburg for their approval or disapproval in order to comply with the Constitution and laws of North Carolina;
NOW, THEREFORE, BE IT RESOLVED, by the Board as follows:

The questions whether the qualified voters of the County of Mecklenburg shall approve or disapprove (a) the indebtedness to be incurred by the issuance of the bonds of the County authorized by that bond order, which indebtedness shall be secured by a pledge of the County’s faith and credit, (b) the levy of a tax for the payment thereof, and (c) that bond order, shall be submitted to the qualified voters of the County at an election to be held in the County on November 8, 2005.

The motion was adopted by the following vote:

AYES: Commissioners Dumont Clarke, H. Parks Helms, Bill James, Norman A. Mitchell, Sr., Jim Puckett, Jennifer Roberts, and Wilhelmenia I. Rembert

NAYES: Commissioner Valerie Woodard

RESOLUTION AUTHORIZING NOTICE OF ELECTION

Commissioner Clarke moved adoption of the following resolution respecting the required notice of election, the motion was seconded by Commissioner Mitchell, and the resolution was read by the above title.

BE IT RESOLVED by the Board that the Clerk is hereby authorized and directed to publish a notice of bond election, which shall be in substantially the following form:

THE COUNTY OF MECKLENBURG, NORTH CAROLINA

NOTICE OF SPECIAL BOND ELECTION

NOTICE IS HEREBY GIVEN that a special bond election will be held in the County of Mecklenburg, North Carolina, on November 8, 2005, for the purpose of submitting to the qualified voters of the County the questions whether they shall approve or disapprove (1) the indebtedness to be incurred by the issuance of bonds of the County of the maximum principal amount of $427,000,000, which indebtedness shall be secured by a pledge of the County’s faith and credit, and (2) the levy of a tax for the payment of those bonds, and (3) the bond order entitled, “BOND ORDER AUTHORIZING THE ISSUANCE OF $427,000,000 SCHOOL BONDS OF THE COUNTY OF MECKLENBURG,” adopted by the Board of Commissioners to authorize the issuance of those bonds and the levy of that tax, whether they shall approve or disapprove (1) the indebtedness to be incurred by the issuance of bonds of the County of the maximum principal amount of $66,000,000, which indebtedness shall be secured by a pledge of the County’s faith and credit, and (2) the levy of a tax for the payment of those bonds, and (3) the bond order entitled, “BOND ORDER AUTHORIZING THE ISSUANCE OF $66,000,000 LAND BONDS OF THE COUNTY OF MECKLENBURG,” adopted by the Board of Commissioners to authorize the issuance of those bonds and the levy of that tax, whether they shall approve or disapprove (1) the indebtedness to be incurred by the issuance of bonds of the County of the maximum principal amount of $14,500,000, which indebtedness shall be secured by a pledge of the County’s faith and credit, and (2) the levy of a
tax for the payment of those bonds, and (3) the bond order entitled, “BOND ORDER AUTHORIZING THE ISSUANCE OF $14,500,000 LAW ENFORCEMENT BONDS OF THE COUNTY OF MECKLENBURG,” adopted by the Board of Commissioners to authorize the issuance of those bonds and the levy of that tax and whether they shall approve or disapprove (1) the indebtedness to be incurred by the issuance of bonds of the County of the maximum principal amount of $46,500,000, which indebtedness shall be secured by a pledge of the County’s faith and credit, and (2) the levy of a tax for the payment of those bonds, and (3) the bond order entitled, “BOND ORDER AUTHORIZING THE ISSUANCE OF $46,500,000 COMMUNITY COLLEGE BONDS OF THE COUNTY OF MECKLENBURG,” adopted by the Board of Commissioners to authorize the issuance of those bonds and the levy of that tax.

The $427,000,000 school bonds are authorized to pay capital costs of providing school facilities, including the acquisition and construction of new school facilities, the improvement and expansion of existing school facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor.

The $66,000,000 land bonds are authorized to pay capital costs of providing land for present or future county corporate, open space, watershed protection, community college, and public school purposes, and the acquisition and improvements thereon and interests in such real property.

The $14,500,000 law enforcement bonds are authorized to pay capital costs of providing law enforcement facilities, including the acquisition and construction of new law enforcement facilities, the improvement and expansion of existing law enforcement facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor.

The $46,500,000 community college bonds are authorized to pay capital costs of providing community college facilities, including the acquisition and construction of new community college facilities, the improvement and expansion of existing community college facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor.

The ballots to be used at the election shall contain the words, “SHALL the order authorizing $427,000,000 of bonds secured by a pledge of the faith and credit of the County of Mecklenburg to pay capital costs of providing school facilities, including the acquisition and construction of new school facilities, the improvement and expansion of existing school facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor, and a tax to be levied for the payment thereof, be approved?”,” “SHALL the order authorizing $66,000,000 of bonds secured by a pledge of the faith and credit of the County of Mecklenburg to pay capital costs of providing land for present or future county corporate, open space, watershed protection, community college, and public school purposes, and the acquisition and improvements thereon and interests in such real property, and a tax to be levied for the payment thereof, be approved?””, “SHALL the order authorizing $14,500,000 of bonds secured by a pledge of the faith and credit of the County of Mecklenburg to pay capital costs of providing law enforcement facilities, including the acquisition and construction of new law enforcement facilities, the improvement and expansion of existing law enforcement facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor, and a tax to be levied for the payment thereof, be approved?”” and “SHALL the order
authorizing $46,500,000 of bonds secured by a pledge of the faith and credit of the County of Mecklenburg to pay capital costs of providing community college facilities, including the acquisition and construction of new community college facilities, the improvement and expansion of existing community college facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor, and a tax to be levied for the payment thereof, be approved?” with squares labeled “YES” and “NO” beneath or beside those words, in which squares the voter may record his choice.

In the event a majority of the qualified voters voting at that election vote to approve a particular order, the incurring of indebtedness and the levy of a tax related thereto, those bonds shall be issued and taxes shall be levied for the payment of the bonds.

The polls for the election will open at the hour of 6:30 A.M. and will close at the hour of 7:30 P.M. The election will be held at the following precincts and polling places:

<table>
<thead>
<tr>
<th>PRECINCT</th>
<th>LOCATION</th>
<th>ADDRESS</th>
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<tbody>
<tr>
<td>001</td>
<td>WESTMINSTER PRESBY CH.</td>
<td>101 COLVILLE RD. CHARLOTTE, NC 28207</td>
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<td>002</td>
<td>ST. JOHN’S BAPTIST CH.</td>
<td>300 HAWTHORNE LN. CHARLOTTE, NC 28204</td>
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<td>003</td>
<td>GREATER PROVIDENCE BAPTIST CH</td>
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<td>HICKORY GROVE PRESBYTERIAN CH.</td>
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<td>THIRD PRESBYTERIAN CH.</td>
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<td>007</td>
<td>RANDOLPH MIDDLE SCH.</td>
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<td>JOHNSON C SMITH UNIVERSITY</td>
<td>100 BEATTIES FORD ROAD CHARLOTTE, NC 28216</td>
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<td>EAST STONEWALL AME ZION CH.</td>
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<td>ST. PAUL UNITED METHODIST CH.</td>
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<td>PROFESSIONAL DEV. CENTER</td>
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<td>CALVARY BAPTIST CH.</td>
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<td>BETTE RAE THOMAS RECREATION CENTER</td>
<td>2921 TUCKASEEGEE ROAD CHARLOTTE, NC 28208</td>
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<td>GRAYSON PARK/NAOMI DRENAN REC. CENTER</td>
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<td>HEATHSTEAD COMM. CEN. CLUBHISE</td>
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<td>074</td>
<td>ALEXANDER GRAHAM MIDDLE SCH.</td>
<td>1800 RUNNYMEDE LN.  CHARLOTTE, NC  28211</td>
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<td>PAWTUCKET ELEM. SCH.</td>
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<td>ALLENBROOK ELEM. SCH.</td>
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<td>GREENVILLE MEM. AME ZION CH.</td>
<td>6116 MONTEITH DR.  CHARLOTTE, NC  28213</td>
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<td>ALBEMARLE RD. PRESBYTERIAN CH.</td>
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<td>CALVARY CH. OF THE NAZARENE</td>
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<td>085</td>
<td>CHARLOTTE CHRISTIAN HIGH SCH.</td>
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<td>ALBEMARLE RD. REC. CENTER</td>
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<td>LAKE WYLIE ELEM. SCH.</td>
<td>13620 ERWIN RD. CHARLOTTE, NC 28273</td>
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</table>

Voters may register to vote by submitting in person or by mail a properly completed and signed voter registration application form to the Mecklenburg County Board of Elections at 741 Kenilworth Avenue, Suite 202, Charlotte, North Carolina. Except in certain limited situations, such forms must (1) if submitted in person (or by a person delegated by the applicant), be received by the Board of Elections by a time established by that Board but no earlier than 5:00 P.M. on October 14, 2005 (2) if submitted by mail, be postmarked no later than October 14, 2005. Registration to vote may also be accomplished at offices of the Department of Motor Vehicles in connection with certain applications relating to drivers’ licenses, or at the offices of certain state service agencies designated by law as voter registration agencies. Voter registration forms may be available at public libraries and public high schools. Certain persons who become qualified to register and vote between the deadline to register and election day may apply in the manner provided by law to register on election day. Certain persons in the armed forces and their spouses, certain veterans, certain civilians working with the armed forces, and members of the Peace Corps who are absent from their county of residence may register by mail at any time prior to the election in the manner provided by law and in person at any time, including the day of the election. For details on the above matters (including deadlines), contact the Mecklenburg County Board of Elections at 741 Kenilworth Avenue, Suite 202, Charlotte, North Carolina.

Any qualified voter may apply for an absentee ballot to be used in voting at the election. Information concerning the time and manner for applying for an absentee ballot, including the last day for making an application, can be obtained from the Mecklenburg County Board of Elections at 741 Kenilworth Avenue, Suite 202, Charlotte, North Carolina.

In addition to the foregoing, not earlier than October 20, 2005 and not later than 1:00 P.M. on November 5, 2005, any qualified voter may vote by absentee ballot in person at the Board of Elections (and/or possibly at other locations). Contact the Board of Elections for further information concerning such “no excuse one-stop” voting procedures.

By order of the Board of Commissioners of the County of Mecklenburg.

Janice S. Paige  
Clerk to the Board of Commissioners  
County of Mecklenburg, North Carolina

**End of Notice of Special Bond Election**

(1) That notice of special election shall be published at least twice. The first publication shall be not less than 14 days and the second publication shall be not less than 7 days before the last day on which voters may register for the special election.

(2) The Mecklenburg County Board of Elections is hereby requested to print and distribute the necessary
ballots, to provide the equipment for the holding of the election and to conduct and to supervise the election.

(3) The Clerk to the Board of Commissioners shall mail or deliver a certified copy of this resolution to the Mecklenburg County Board of Elections within three days after the resolution is adopted.

The motion was adopted by the following vote:

AYES: Commissioners Dumont Clarke, H. Parks Helms, Norman A. Mitchell, Sr., Jim Puckett, Jennifer Roberts, Wilhelmenia I. Rembert, and Valerie Woodard

NAYES: Commissioner Bill James

* * *

Note: The following persons spoke in support of the School Bonds:

Vote Yes For Bonds Committee
Joe Polite
Anthony Fox
Amy Aussieker

Students - Piedmont Open IB Middle School
Taylor Beamon
Molly Smithson
Kiera Davis
Minh-Phuong Nguyen
Kaylan Smith
Nelly Bellamy

School Board Member
Kit Cramer

Students - Independence High School
Katherine Cramer
Mack Cramer

Student – Northwest School of the Arts
Undolana Hunter

Community Volunteer
Mary Lou Babb

The following person spoke in support of Community College Bonds:
Central Piedmont Community College
Jerri Haigler

There were no other speakers with respect to the Bond Issue.

*Resolutions and Extract recorded in full in Minute Book 42-A, Document # ____.*

Commissioner Clarke left the dais and was absent for the remainder of the meeting.

(2) PUBLIC APPEARANCE

The following persons appeared to speak during public appearance:

Darrel Alleyne addressed the Charlotte-Mecklenburg Police Department. He specifically addressed
his opposition to the Department’s budget being controlled by the City Manager’s Office. Mr. Alleyne said in order for the department to be effective, the budget needed to be controlled by the Police Chief. He said the Police Chief should be held accountable to the public and not the City Manager’s Office.

Mr. Alleyne also addressed the issue of illegal immigrants and the Police Department’s failure to act.

Chairman Helms thanked Mr. Alleyne for his remarks.

Rev. Bernard Sullivan, Theodore Gaither, Tom Hanchett, and Anna Davis, addressed the history of Grace AME Zion Church, as well as the history of Second Ward and its significance to the African American community of Charlotte and Charlotte as a whole. They also addressed the purchase and option negotiations with the Historic Landmark Commission for the purchase of Grace A.M.E. Zion Church. The following was noted by Ms. Davis:

- The church building was placed on the market with a sale price of $1,650,000 in April 2005
- The Historic Landmark Commission contacted the Church and offered to purchase the building for $1,575,000.
- The reduced amount was accepted by the Church and deemed reasonable as a selling price.
- Subsequent to that agreement the Church signed an option to purchase April 18, 2005.
- After obtaining an extension for that option, the Historic Landmarks Commission made a presentation the Board of Commissioners and requested to borrow $800,000 in order to consummate that option to purchase.
- The Historic Landmark Commission exercised their option on May 4, 2005 and with an examination period to expire on August 2, 2005.
- A binder was given to the Church on May 5, 2005 and at that time the Historic Landmark Commission intended to close on this purchase within 30 days.
- The Church has negotiated in good faith, including the granting of several extensions.
- The Church has tried to negotiate in private but has found that the matter continues to be negotiated in the Charlotte Observer, which in their opinion is an unusual way to conduct business.
- The appraisal that was provided to the Historic Landmark Commission on June 5, 2003 was not presented to the Church until July 20th, which was after the Historical Landmark Commission requested an extension of the option.
- After all of the extensions the Historic Landmark Commission has offered only 68% of the 2003 tax value.
- “Do you believe the uptown property situated between the new arena,” north of the Church, “the proposed NASCAR Museum,” to the south, along with the proposed “baseball park that is being talked about; the redevelopment of residential areas in that block of Second Ward; that the Church is only worth 68% of the tax value?”
- The Church does not feel that these development plans will attest to a decrease in adjacent property but rather an increase.
- There were no historical properties used in the comparison values when the appraisal was made.
- The comparable properties that were used were taken from outside of the uptown area.
- Perhaps the reason was because there are no longer any that can be made because they no longer exist.
- The appraisal completely disregarded the County’s records of the assigned tax value of the Church property. The tax value was set at $1,265,000 and is three years old
- The appraisal did indicate that 5% growth on existing tax value is reasonable and by that calculation the value would be set at $1,464,000, yet the value assigned in the appraisal was $840,000.
- If the appraisal is correct, it brings into question the validity of the tax value assignments for all properties in Mecklenburg County.

Ms. Davis asked the Board in her concluding remarks to review the issues noted in her remarks with respect to the Historic Landmark Commission’s pending purchase of Grace AME Zion Church and “come to a reasonable and equitable conclusion of fairness and to direct the
Historic Landmark Commission accordingly.

Chairman Helms thanked them for their remarks.

Bill McCullough, a local business consultant, addressed the CIAA Tournament that Charlotte/Mecklenburg will host next year and two-years after that. Mr. McCullough said he had been trying to get information on business opportunities and the marketing processes and procedures for his company, clients and others interested in seeking potential business opportunities related to the tournament. He presented a letter to the Board with a list of questions that he would like responded to with respect to the tournament.

A copy of Mr. McCullough’s letter is on file with the Clerk to the Board.

Chairman Helms asked County Manager Jones to review Mr. McCullough’s letter and to respond.

County Manager Jones said that he would attempt to get answers to as many of the questions that he could but that it may not be possible to get all of them answered because they may be out of the County’s purview.

(3A) APPOINTMENTS

ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE

The vote was taken on the following nominee for appointment to the Adult Care Home Community Advisory Committee:

Monica J. Foster Commissioners Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard

Chairman Helms announced that Monica J. Foster was appointed to the Adult Care Home Community Advisory Committee for a one-year term expiring August 9, 2006.

NURSING HOME COMMUNITY ADVISORY COMMITTEE

The vote was taken on the following nominee for appointment to the Nursing Home Community Advisory Committee:

Ronald Yates Commissioners Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard

Chairman Helms announced that Ronald Yates was appointed to the Nursing Home Community Advisory Committee for a one-year term expiring August 9, 2006.

(3B) APPOINTMENT TO THE TOWN OF MINT HILL PLANNING BOARD

Motion was made by Commissioner Rembert, seconded by Commissioner Roberts and carried 7-0 with Commissioners Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to appoint Gray Newman to the Mint Hill Planning Board as an Alternate Extraterritorial Jurisdiction (ETJ) representative as recommended by the Town of Mint Hill Board of Commissioners for a three-year term expiring June 30, 2008.

Commissioner James left the meeting and was absent for the remainder of the meeting.

(5) ADVISORY COMMITTEE REPORTS – ENVIRONMENTAL REPORT AND RECOMMENDATIONS
Motion was made by Commissioner Roberts, seconded by Commissioner Puckett and carried 6-0 with Commissioners Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to adopt the recommendations and deliverables prescribed by the Environmental Policy Coordinating Council (EPCC) and direct LUESA staff to (1) conduct an analysis of existing and pending regulations and (2) develop a comprehensive summary that includes all environmental laws, regulations and requirements that are implicated during major development projects, (3) identify any regulatory gaps, inconsistencies, conflicts or redundancies in the regulations, (4) report back to the Board. Also, the secondary recommendations of the Environmental Policy Coordinating Council, which are (1) that the County’s web-based land development information be monitored, updated, and kept current and reviewed by staff to ensure that this is occurring and (2) do outreach to the local municipalities within the county to assist them with the environmental regulations process.

Steve Webber gave the report.

A copy of the report is on file with the Clerk to the Board.

(6) MANAGER’S REPORT - MEDICAL CONTROL BOARD

The Board received information from Medic staff on the recommendation of the Medical Control Board regarding the Charlotte Fire Department’s proposal to provide paramedic first responders on its fire engines.

Dr. Doug Swanson gave the report.

Highlights:

- The Medical Control Board Subcommittee recommended not implementing a program utilizing first responder paramedics nor to conduct a study to determine effectiveness.
- The Subcommittee proposed the Medical Control Board study the raw response data from the system’s first responder organizations and Medic in order to determine specific times during the day, days of the week, and regions of the county where the system is stressed.
- Also, specific attention should be focused towards improving first responder response times and adopting a system of unique key performance indicators that are standard amongst all response organization affiliated with the Mecklenburg EMS Agency.
- It was noted that all Subcommittee members felt that the first responders and Medic staff provide a valuable and quality resource for citizens and visitors of Mecklenburg County, and encourage all those personnel to continue in their efforts in striving to improve clinical care at all levels.

Chairman Helms thanked Dr. Swanson for the report.

A copy of the report is on file with the Clerk to the Board.

(2A2) CLOSED SESSION – LAND ACQUISITION

Motion was made by Commissioner Roberts, seconded by Commissioner Puckett and carried 6-0 with Commissioners Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve the purchase at auction of Tax Parcel 171-241-01 off Park Road at Little Sugar Creek for the Little Sugar Creek Greenway, owned by Radice of Charlotte, Inc. for $10,000.

(2A1) CLOSED SESSION – LAND ACQUISITION

Motion was made by Commissioner Puckett, seconded by Commissioner Roberts and carried 6-0 with Commissioners Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to
approve the purchase of Tax Parcels 015-214-03 (0.90 acre) and 015-214-04 (0.79 acre) encompassing +/- 1.69 acres along Gar Creek for $52,000 from David A. Jones and Shirley A. Jones.

Note: The subject properties are part of the on-going assemblage of land along Gar Creek by the County and the Catawba Lands Conservancy for open space preservation and watershed protection.

CONSENT ITEMS

Motion was made by Commissioner Puckett, seconded by Commissioner Rembert and carried 6-0, with Commissioners Helms, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to approve the following item(s) with the exception of Items 17 and 24 to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held August 9, 2005; Special Meetings held August 3, 2005 and May 26, 2005; and Closed Session minutes of August 9 and 3, 2005.

(8) TAX REFUNDS

Approve refunds to be made by the Finance Department as requested by the Tax Assessor in the amount of $86,729 resulting from clerical errors, audits and other amendments.

A list of the refund recipients is on file with the Clerk to the Board.

(9) DESIGN SERVICES FOR ROOF REPLACEMENT AT FREEDOM MALL

Authorize the County Manager to negotiate a fee and execute a contract with Roof Engineering Inc., for Design Services for roof replacement at Freedom Mall; and in the event negotiations with this firm are unsuccessful, authorize the County Manager to negotiate a fee and execute a contract with Nelson Hall and Associates, Inc.

(10) ENGINEERING DESIGN SERVICES FOR STRUCTURAL REPAIRS TO MCDOWELL STREET PARKING DECK

Authorize the County Manager to negotiate a fee and execute a contract with Sutton-Kennerly & Associates for Engineering Design Services for structural repairs to the McDowell street parking Deck; and in the event negotiations with this firm are unsuccessful, authorize the County Manager to negotiate a fee and execute a contract with Walker Parking Consultants.

(11) HYBRID VEHICLES – CONTRACT ESTABLISHMENT

Approve the establishment of unit price contracts for hybrid vehicles to include sedans and sport utility vehicles. The contracts will be for one year with options to renew for two one-year terms.

(12) AUTOMOBILES, VANS, & TRUCK PURCHASES – CONTRACT ESTABLISHMENT

Approve the establishment of unit price contracts for various County vehicles, to include sedans, vans, trucks and truck equipment. The contracts will be for one year with options to renew for two one-year terms.
(13) APPOINTMENT OF REVIEW OFFICERS

Amend “Resolution Designating Review Officers to Review Each Map and Plat Recorded in the Register of Deeds Office Pursuant to N.C.G.S. 47-30.2” in order to add and delete names.

Resolution recorded in full in Minute Book 42-A, Document # ______.

(14) THE PARK AT OAKLAWN COMMUNITY SERVICES CENTER
ENGINEERING TESTING & INSPECTION SERVICES

Authorize the County Manager to negotiate a fee and execute a contract with ESP Associates, P.A. for inspection services for engineering testing and inspection services at The Park at Oaklawn Community Services Center; and in the event that negotiations with this firm are unsuccessful, authorize the County Manager to negotiate a fee and execute a contract with ECS, Ltd.

(15) PROFESSIONAL SERVICES AGREEMENTS – STORM WATER SERVICES

Authorize the County Manager to negotiate and execute contracts with AMEC Earth & Environmental, Buck Engineering, and HDR Engineering to provide professional engineering services.

(16) MCDOWELL CREEK RESTORATION

Recognize, receive and appropriate $350,000 from the North Carolina Ecosystem Enhancement Program (NCEEP) and authorize the County Manager to execute a Funding Agreement with NCEEP for stream improvements to McDowell Creek for $350,000.

(18) PURCHASE OF HYDRAULIC EXCAVATOR & TUB GRINDER

Authorize the County Manager to negotiate and execute one time contracts for the purchase of one hydraulic excavator and one tub grinder for a total amount of $603,693.50 to the following lowest responsible bidders:

Carolina Tractor, Charlotte, NC $141,793.50
J. W. Burress, Charlotte, NC $461,900.00

(19) MATTHEWS ATHLETIC & RECREATION ASSOCIATION (MARA) – CONTRACT TERMINATION

Accept a notice by Matthews Athletic & Recreation Association (MARA) of an offer to terminate a 30-year lease agreement on McKee Road Park in exchange for a credit for capital improvements of up to $8,500 credit toward field use for ten years on a new annual renewable agreement for the use of five (5) baseball fields at Colonel Francis Beatty Park, and authorize the County Manager to negotiate and execute a lease termination agreement.

(20) RAY’S SPLASH PLANET CAPITAL RESERVE REQUEST

Authorize a capital reserve expenditure not to exceed $33,300 from funds accrued through Ray’s Splash Planet revenues to conduct material and equipment testing and install security Cameras at Ray’s Splash Planet.
(21) BUDGET AMENDMENT – PARK AND RECREATION DEPARTMENT

Recognize and appropriate $26,000 in facility rental fees for Ardrey Kell football field.

(22) HEALTH CHECK COORDINATORS – HEALTH DEPARTMENT

Recognize, receive and appropriate $67,746 in funding from the Department of Medical Assistance for two contract Health Check Coordinators.

(23) MONITORING WELLS AGREEMENT

Authorize the County Manager to enter into an agreement with Electrolux Home Products, Inc. to allow placement of groundwater monitoring wells on four park parcels including and near Revolution Park.

(25) LAND ACQUISITION FOR LINCOLN HEIGHTS PARK

Approve purchase of: (1) 0.086-acre Tax Parcel 075-042-31 on Irma Street from Gary Bare for $3,000, and (2) 0.172-acre Tax Parcel 075-043-16 on Kennesaw Avenue from Roslyn Dixon-Rivers for $6,500.

Note: The subject tracts are the 35th and 36th of 55 parcels in the site assemblage for Lincoln Heights Park.

(26) HAZARD MITIGATION PROGRAM – FLOODPLAIN DONATION ON CULLMAN AVENUE

Approve acceptance of Tax Parcels 083-031-06 and 083-031-07 on Little Sugar Creek at Cullman Avenue.

Note: This action is necessary to receive the donation of floodplain property under the ongoing Hazard Mitigation Program. This action will allow the addition of the above improved adjoining lots (totaling +/- 1.76 acres) and removal of the structures from the floodplain.

THIS CONCLUDED ITEMS APPROVED BY CONSENT.

Commissioner Mitchell left the dais and was away until noted in the minutes.

(17) LITTLE SUGAR CREEK ENVIRONMENTAL RESTORATION – HIDDEN VALLEY ECOLOGICAL GARDEN

Motion was made by Commissioner Woodard, seconded by Commissioner Roberts and carried 5-0 with Commissioners Helms, Puckett, Rembert, Roberts, and Woodard voting yes, to recognize, receive and appropriate $53,317 from Charlotte-Mecklenburg Utilities for sanitary sewer improvements performed at Little Sugar Creek Environmental Restoration – Hidden Valley Ecological Garden.

Commissioner Woodard removed this item from consent for more public awareness. She also asked that staff keep the Hidden Valley community abreast of what was occurring with this project on a frequent basis.
Dave Canaan, director of Storm Water Services addressed this project.

Commissioner Mitchell returned to the dais.

(24) GREENWAY LAND DONATIONS

Motion was made by Commissioner Roberts, seconded by Commissioner Puckett and carried 6-0 with Commissioners Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to accept the donation of the following properties on Torrence Creek from LandCraft Properties, Inc.:

(1) Tax Parcel 017-471-71 (3.095 acres)
(2) Tax Parcel 017-471-77 (2.163 acres)
(3) Tax Parcel 015-104-43 (0.51-acre)
(4) Tax Parcel 015-104-45 (0.29-acre).

Note: Parcels 017-471-71 and 017-471-77 are donated based on approved subdivision plans for the Melbourne Subdivision and the Gilead Road realignment in Huntersville. The parcels are adjacent to 5.062 acres of County greenway along Torrence Creek and will add to the greenway assemblage along this creek. Parcels 015-104-43 and 015-104-45 are also being donated to the County to serve as greenway along Torrence Creek and are adjacent to 18.11 acres of current greenway property. These parcels are also in the Melbourne Subdivision and can be accessed via Culcairn Road. All of these parcels are in the North Park District.

Commissioner Roberts removed this item from consent for more public awareness.

(STAFF REPORTS AND REQUESTS – NONE)

(COUNTY COMMISSIONERS REPORTS AND REQUESTS)

(27) CHARLOTTE VOLUNTEERS IN MEDICINE

This item was removed from the agenda.

(29) COMPENSATION COMMITTEE REPORT

Chairman Helms presented the Board’s Compensation Committee report. The report addressed compensation for the County Manager. Chairman Helms noted that the members of the Compensation Committee were Commissioners Clarke, Puckett, and Rembert.

A copy of the report is on file with the Clerk to the Board.

Motion was made by Commissioner Rembert, seconded by Commissioner Puckett and carried 6-0 with Commissioners Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to receive the report from the Compensation Committee and approve the County Manager’s compensation package as recommended by the Committee, which was as follows:

- A 4% increase in the Manager’s base salary from $180,000 to $187,200.
- A performance bonus for the fiscal year ended June 30, 2005 of $35,586.
- No changes in the County Manager’s benefits and retirement.
- Increase the County Manager’s deferred compensation payment to $12,000 for the current fiscal year.
- Additional longevity pay for the current fiscal year $3,600, a 4% increase over the amount
received in the fiscal year ended June 30, 2005.

- Increase expense allowance to $10,800.
- This compensation package is effective as of July 1, 2005.

Chairman Helms, as well as, other Commissioners complimented the County Manager for his excellence performance.

County Manager Jones expressed his appreciation to the Board.

(28) IMPACTS OF IMMIGRATION STUDY

Motion was made by Commissioner Roberts, seconded by Commissioner Rembert and carried 5-1 with Commissioners Helms, Mitchell, Puckett, Rembert, and Roberts voting yes and Commissioner Woodard voting no, to adopt a resolution directing County staff to participate in recent initiative announced by the City of Charlotte to study the issue of immigration in the Charlotte area.

Commissioner Roberts noted the following in her remarks with respect to this issue:

- Immigration is a complex issue and although immigration status is a federal issue, collaboration between local, state, and federal authorities is important.
- Most of the immigrants in the Charlotte-Mecklenburg region are legal and contribute greatly to the economy and the culture of Charlotte-Mecklenburg and North Carolina as a whole.
- The City of Charlotte has determined that before policy decisions can be made with respect to the immigrant population that a study needs to take place on the impact of this population on the economy, workforce, and services that are being provided.
- “When we talk about separating local law enforcement from federal regulations and separating local law enforcement from having to enforce those regulations there is a real reason behind that and that is it is a very complex issue, the laws change constantly and to put that kind of burden on local law enforcement, I believe would be a misuse of resources. I think that we need to collaborate with federal authorities but when we hear suggestions that we have local police officers trying to enforce federal regulations, I do not think that is going to work and would lead to a lot of mistrust and an increase in crime and less safety in the community.”
- Commissioner Roberts noted that she served as an immigration officer for two years.

Commissioner Puckett said his concern was for the illegal population and he hopes the task force provide deliverables to address this.

Commissioner Puckett said he would like to see an opinion on the legality and impact of, at least from the County’s perspective, including as a clause in county contracts that would permit contracts to be voided if the contractor is found to have employed illegal immigrants.

Commissioner Puckett said the only way the illegal activity can be cut off and jobs made available for those that seek to come here legally is to cut the jobs off.

Chairman Helms noted that this issue was more than just a law enforcement issue and that he thinks that what Commissioner Puckett is looking for, “as all us are, is to find a way to orderly assimulate people who come here legally” and to him that’s the underlying purpose of the resolution.

Resolution recorded in full in Minute Book 42-A, Document # ____.

(COMMISSIONERS’ COMMENTS) General comments were made at this time by various Commissioners regarding upcoming events and/or events they attended, as well as, other matters which they deemed noteworthy.
ADJOURNMENT

Motion was made by Commissioner Puckett, seconded by Commissioner Rembert, and carried 6-0 with Commissioners Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:00 p.m.

Janice S. Paige, Clerk

H. Parks Helms, Chairman
MINUTES OF CLOSED SESSION OF
MECKLENBURG COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 7, 2005 5:00 P.M.

The Board of Commissioners of Mecklenburg County, North Carolina, met in Closed Session in the Charlotte-Mecklenburg Government Center during its Regular Meeting held Wednesday, September 7, 2005. These Closed Session minutes are part of the minutes of that meeting and should be read in that context.

ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners Dumont Clarke, Bill James, Norman A. Mitchell, Sr. Jim Puckett, Wilhelmenia I. Rembert, Jennifer Roberts and Valerie C. Woodard County Manager Harry L. Jones, Sr. County Attorney Marvin A. Bethune Clerk to the Board Janice S. Paige

Absent: Commissioner J. Daniel Bishop

Commissioner Clarke was absent during this Closed Session matter.

Also Present: General Managers Janice Jackson and John McGillicuddy, Executive Assistant to the County Manager Michelle Lancaster, Finance Director Harry Weatherly, Sarah Heasley and Wanda Reeves with Finance, Steve Law, Nancy Brunnemer, Jacqueline McNeil and Bob Dulin with Real Estate Services

(2A1) CLOSED SESSION LAND ACQUISITION

Steve Law with Real Estate Services addressed the proposed purchase of Tax Parcels 015-214-03 (0.90 acre) and 015-214-04 (0.79 acre) encompassing +/- 1.69 acres along Gar Creek for $52,000 from David A. Jones and Shirley A. Jones.

Note: The subject properties are part of the on-going assemblage of land along Gar Creek by the County and the Catawba Lands Conservancy for open space preservation and watershed protection.

Motion was made by Commissioner James, seconded by Commissioner Puckett and carried 7-0 with Commissioners Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve the purchase of Tax Parcels 015-214-03 (0.90 acre) and 015-214-04 (0.79 acre) encompassing +/- 1.69 acres along Gar Creek for $52,000 from David A. Jones and Shirley A. Jones.

Janice S. Paige, Clerk H. Parks Helms, Chairman
MINUTES OF CLOSED SESSION OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

SEPTEMBER 7, 2005 5:00 P.M.

The Board of Commissioners of Mecklenburg County, North Carolina, met in Closed Session in the Charlotte-Mecklenburg Government Center during its Regular Meeting held Wednesday, September 7, 2005. These Closed Session minutes are part of the minutes of that meeting and should be read in that context.

ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners Dumont Clarke, Bill James, Norman A. Mitchell, Sr. Jim Puckett, Wilhelmenia I. Rembert, Jennifer Roberts and Valerie C. Woodard County Manager Harry L. Jones, Sr. County Attorney Marvin A. Bethune Clerk to the Board Janice S. Paige

Absent: Commissioner J. Daniel Bishop

Commissioner Clarke was absent during this Closed Session matter.

Also Present: General Managers Janice Jackson and John McGillicuddy, Executive Assistant to the County Manager Michelle Lancaster, Finance Director Harry Weatherly, Sarah Heasley and Wanda Reeves with Finance, Steve Law, Nancy Brunnemer, Jacqueline McNeil and Bob Dulin with Real Estate Services

(2A2) CLOSED SESSION LAND ACQUISITION

Nancy Brunnemer with Real Estate Services addressed the proposed purchase at auction of Tax Parcel 171-241-01 off Park Road at Little Sugar Creek for the Little Sugar Creek Greenway, owned by Radice of Charlotte, Inc. for $10,000.

Motion was made by Commissioner James, seconded by Commissioner Mitchell and carried 7-0 with Commissioners Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve the purchase at auction of Tax Parcel 171-241-01 off Park Road at Little Sugar Creek for the Little Sugar Creek Greenway, owned by Radice of Charlotte, Inc. for $10,000.

Janice S. Paige, Clerk

H. Parks Helms, Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in Budget/Public Policy Session in Conference Center Room 267 on the 2nd floor of the Charlotte-Mecklenburg Government Center on Tuesday, September 13, 2005 at 3:00 p.m.

ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners J. Daniel Bishop, Norman A. Mitchell, Sr., Jim Puckett Jennifer Roberts and Valerie C. Woodard County Manager Harry L. Jones, Sr. General Manager John McGillicuddy Clerk to the Board Janice S. Paige

Absent: Commissioners Dumont Clarke, Bill James, and Wilhelmenia I. Rembert

Commissioner Bishop was absent when the meeting was called to order and until noted in the minutes.

Note: General Manager McGillicuddy sat in for County Manager Jones, who was unable to be present the entire meeting.

(1) ADVOCATES FOR EDUCATION PRESENTATION

The Board received a report from Charlotte Advocates for Education, a Local Education Fund, one of about 90 organizations across the country that are a part of the Public Education Network. Each organization works in different ways to try to strengthen and improve the public school system in their community. Charlotte Advocates for Education have been in existence for 14 years. It was originally called the Charlotte-Mecklenburg Education Foundation but in 2001 the name was changed to Charlotte Advocates for Education because it was not a “foundation,” or fund raising body that raises funds and regrants those funds back to the community or for scholarships, etc.

Charlotte Advocates for Education is a school improvement organization. Its purpose is to empower the community to assure that every child in Mecklenburg County receives an excellent education. They do so by defining issues through research around school improvement and reform and advocating for permanent and systemic change and improvement in the system.

Margaret Carnes, Managing Director and Cheryl Pulliam, Director of Research gave the report.

The report addressed Charlotte Advocates for Education’s 2005 Community Assessment, which was conducted by KPC Research.

The purpose of the study was to:

- Discover what the community wants in a superintendent of Charlotte-Mecklenburg public schools and how they would measure his or her success.
- Better understand how the community feels about the structure of the Charlotte-Mecklenburg Board of Education and to rate their performance on traits of an effective school board.
- Identify how supportive the community is about specific issues related to education reform and funding of our schools.
Commissioner Bishop entered the meeting during the discussion of Community Support on Various Issues.

Noted also was the following:
- A total of 1,208 telephone interviews were conducted of registered voters throughout the six school board districts, 200+ in each district.
- A series of questions were asked of the participants relating to the above stated purposes of the study.
- The study was conducted June 17, 2005 – July 12, 2005.
- The study was demographically balanced by district, race, sex and age.
- Persons were selected at random.
- This type of survey was also conducted prior to Dr. Eric Smith becoming superintendent.

Summary of the results:

For the next superintendent of schools:
- 62% of the public indicated he or she could be someone with a background other than education.
- 82% indicated a preference for him or her to have experience as a superintendent and to have some experience in a system similar to Charlotte-Mecklenburg Schools.

The public has specific items they want the superintendent to have at the top of his/her agenda:
- Reduction of school violence (It was noted that this was also the top indicator when the survey was done prior to Dr. Eric Smith being hired.)
- Reduction of the dropout rate
- Working effectively with the Board of Education
- Ensuring the community and schools share a common vision for Charlotte-Mecklenburg Schools.

The majority of the public is willing to examine a variety of mechanisms for assuring necessary school capacity within the county. (e.g. land sale taxes, fees on new developments, building restrictions until infrastructure in place)

Less than 30% of the public strongly supported bonds for new construction or for extensive renovations.

The majority of the public would protect music and art, resources for struggling students, bringing all schools up to building standards, and foreign language from funding cuts.

The public is supportive of making certain all children in Charlotte-Mecklenburg have access to quality education.
- 65% do not want to cut additional resources for struggling students.
- 60% favor giving more resources to schools with large numbers of economically disadvantaged students.
- 68% of the public strongly support making certain all students in all schools have experienced/effective teachers.

A copy of the report is on file with the Clerk to the Board.

Comments

Chairman Helms questioned the reduction of school violence being the number one (74%) indicator of superintendent success.

Chairman Helms said there was a lot of misunderstanding out in the community when it comes to school violence because what he has heard has been the antidotal evidence of instances and whether that’s system wide is narrowly defined. He acknowledged that the perception was there.

Commissioner Mitchell said that he was surprised that Improvement in Test Scores did not rank higher.
Commissioner Woodard requested a breakdown by district for the responses received with respect to indicators of superintendent success.

Commissioner Woodard also requested a breakdown by race of the responses for the question regarding budget cuts with respect to New Schools in high-growth areas.

Commissioner Puckett asked was anything asked about budget cuts to overhead, management, or salaries. The response was no.

Commissioner Puckett suggested that this may be something to ask in future surveys.

Commissioner Puckett said many of the areas in the question regarding budget cuts were areas that would be difficult to cut.

Commissioner Puckett also said that from a funding perspective, he would remove building standards, renovations, and new schools because those were not operating issues.

Commissioner Bishop asked for clarification on the question concerning having water, sewer, roads, and schools in place or planned prior to granting building permits and questioned whether the respondents understood what was being asked. The response was that the intent of the question was that you don’t enable additional construction until those infrastructure needs are in place.

Commissioner Roberts commented in relation to the question that asked about the use of various fees as a means of providing additional funding for schools, that the community was ready to consider different ways to fund the public schools other than through the property tax.

Commissioner Roberts said this was something that should be studied.

Chairman Helms asked had any work been done with respect to the public’s reaction to a November bond referendum? The response was no.

Chairman Helms noted that there continues to be a disconnect on the part of the public, when they say they support bonded indebtedness for new schools and renovations, but don’t support property taxes to pay for it.

Commissioner Mitchell said he doesn’t think the general public understands how the bond process works.

At the conclusion of further general discussion, Chairman Helms thanked representatives from Advocates for Education for their report.

Advocates for Education representatives informed the Board that they would share the full report, which has breakdown information for the various questions by districts, race, and gender.

Note: The above is not inclusive of every comment and/or question asked but reflects key points and actions taken by the Board; however, no action was taken or required.

ADJOURNMENT

Motion was made by Commissioner Roberts, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bishop, Helms, Mitchell, Puckett, Roberts, and Woodard voting yes, that there being no further business to come before the Board, that the meeting be adjourned at 4:30 p.m.

Janice S. Paige, Clerk

H. Parks Helms, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COUNTY COMMISSIONERS

September 20, 2005  5:00 P.M.

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, September 20, 2005.

ATTENDANCE

Present:  Chairman H. Parks Helms and Commissioners
J. Daniel Bishop, Dumont Clarke, Bill James
Norman A. Mitchell, Sr., Jim Puckett
Wilhelmina I. Rembert, Jennifer Roberts
and Valerie C. Woodard
County Manager Harry L. Jones, Sr.
County Attorney Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent:  None.

Commissioner Clarke was absent when the meeting was called to order and until noted in the minutes.

-INFORMAL SESSION-

(1B)  STAFF BRIEFING - ROBBINS PARK LAND EXCHANGE

The Board received a presentation from the Town of Cornelius regarding a proposed land exchange between the County and the Town of Cornelius, regarding Robbins Park land.

The Board was asked to consider approving the concept of this proposed land exchange.

Town Manager Anthony Roberts was the presenter. Comments were also made by Cornelius Town Attorney Bill Brown.

Commissioner Clarke entered the meeting at this time.

Highlights:

• Mecklenburg County owns approximately 100 acres of undeveloped land located in Cornelius.
• Currently, the Town of Cornelius has a long term lease with Mecklenburg County to develop Robbins Park on 50 acres of the 100 acres. Mecklenburg County plans to manage and maintain the remaining 50 acres as a nature preserve.
• Developers, Simonini Builders and Provident Development currently own the tract of land adjacent to and north of the Robbins tract to develop a 155+ lot neighborhood.
• The Town of Cornelius has approached the County regarding the opportunity to reconfigure the land for the mutual benefit of all area citizens.
• The Town of Cornelius would like for the County to exchange land parcels to allow for private residential development, the preservation/protection of the 50-acres nature preserve and the development of the approximately 50-acres active park area.
• The Town has entered into an agreement with the developers to leverage private funds in
building the Park.

A copy of the presentation is on file with the Clerk to the Board.

County Attorney Marvin Bethune in response to questions from the Board, said that it was too early to know for certain, if this would be a straight out swap because there was a lot of due diligence to be done, including getting an appraisal of the properties involved.

Director of Park and Recreation Wayne Weston, at the request of Chairman Helms addressed this matter.

Director Weston referenced a letter dated August 24, 2005 from him to Town Manager Roberts with respect to the Robbins Park land exchange. Director Weston noted the following:

- The County welcomes participation of the suburban towns to extend experiences and facilities beyond the traditional resources of the County.
- His August 24th letter was based on several principles most of which were park design principles and developing practical and affordable parks within the County.
- The proposed development by the Town of Cornelius does not fit within Mecklenburg County’s standards and concepts for planned parks and natural areas.
- County staff has determined that it would be in the best interest of all parties associated with this proposal to revise the existing Lease Agreement between the County and the Town of Cornelius for the Robbins Park property.
- County staff’s perception is that the Robbins Park project is being driven by the developer’s needs and the Town’s transportation requirements versus citizen demands for a functional, safe and enjoyable park environment. These outside interests are incongruent with the County’s park planning processes.
- Some potential problems associated with the public’s use of the property for recreation are conflicts between automobiles and pedestrians because of the thoroughfare road that separates principal active and passive use areas; disconnection of natural areas by other roadways; and the limited public access from Catawba Avenue, which gives the perception of exclusive use or a private park environment for future residents, rather than being inviting to the general public along the proposed park’s frontage.
- Emphasis should be placed on recognizing the site’s essential characteristics that guide good site design to maximize the public’s patronage of the proposed park and its active and passive components.
- County staff would recommend supporting the Town’s concept of the land swap solely because of the added economic development opportunities that would benefit the Town, but with certain, but not limited to, stipulations and restrictions.

Those stipulations, which were addressed by Director Weston, covered five areas

1. Land Exchange
2. Integrity
3. Lease
4. Modifications
5. Cost of Transaction.

It was further encouraged that the County’s public input processes be considered, especially at the North Park District Advisory Council level, who feels they have not been involved with the proposal to this point.

A copy of Director Weston’s letter is on file with the Clerk to the Board.

Chairman Helms suggested this matter be referred to the Park and Recreation Commission to work out the final details on the proposal with respect to the land exchange as outlined in Director Weston’s August 24, 2005 letter, including the restrictions outlined in the letter. Also, that the Park and Recreation Commission report back to the Board at the October 4th meeting with a final resolution of how this could work out.

Per some concern that was expressed by Commissioners, it was clarified that the subject property
was not donated, but was purchased by the County using bond funds.

Chairman Helms noted that negotiations have been on-going and it’s at the point now that the County has received a letter as of today, September 20, 2005 from the Town of Cornelius stating that they would agree to the terms and conditions outlined in Director Weston’s August 24, 2005 letter.

Chairman Helms said that perhaps the next step would be for County Attorney Bethune and staff to put those stipulations as outlined in Director Weston’s letter into some type of format for Board approval.

Commissioner Puckett said it’s important that Rusty Rozzelle with Water Quality be involved and asked to sign-off on these best practices.

Attorney Bethune said staff could bring back a resolution that would authorize staff to proceed, if that’s the Board’s pleasure.

Chairman Helms said that resolution should include all of the specific conditions and restrictions that the Board believes need to be incorporated in the final agreement.

Attorney Bethune said staff could draft the resolution such that it would include all of the items noted by Director Weston’s letter, as well as, any other items that Park and Recreation may recommend.

County Manager Jones said what the Board would ultimately get back from the Town of Cornelius would be a park design that would not be what County Park and Recreation would recommend. He noted further that Director Weston has basically said to the Town of Cornelius that if they want to develop the project as they are proposing then he would wash his hands of it and allow Cornelius move forward subject to approval from the Board of County Commissioners; and that Cornelius meet the conditions that were outlined in his August 24th letter. In addition, the Town of Cornelius would take full responsibility for the project.

After further discussion, it was the consensus that this matter be brought back at the November 1, 2005 meeting, rather than the October 4th.

Cornelius Town Attorney Brown said the intent of the letter from Town Manager Roberts to Director Weston dated, September 20, 2005 was to inform Director Weston that the Town of Cornelius agrees with the terms outlined in his August 24, 2005 letter. He noted that this transaction has been going on for two-years and that time was becoming of the essence in terms of it being a doable project for the Town, as well as, the Developer.

Attorney Brown said the Town fails to see the need for the matter to go to the Park and Recreation Commission since they have agreed to the terms outlined by Director Weston.

Officials from the Town of Cornelius said that it was their understanding that they had gone through the full process as required by County Park and Recreation.

Chairman Helms informed Town Officials that some Board members had not seen Director Weston’s letter prior to today and therefore were not comfortable with moving forward until after a recommendation is received from the Park and Recreation Commission with respect to those recommendations.

Attorney Brown asked for information on the Park and Recreation Commission process, so that the Town would be prepared to address any questions. He said that the Town was not aware of any e-mails or letters from citizens with concerns for this project, as was referenced during the discussion by Commissioner Rembert and Chairman Helms.

Chairman Helms said that he would ask Robert Patterson, chair of the Park and Recreation Commission to provide the Town an outline of what the procedure will be in making the necessary decisions for a recommendation back to the Board of Commissioners on November 1st.
Stephanie Taylor, chair of the North Park District Advisory Council, asked the Board to refer the matter back to the Park and Recreation Commission because it had not gone through the full process. She expressed particular concern for public input on the full plan.

Commissioner James asked Town Officials if the November 1, 2005 timeframe would work. The Town Officials deferred to the Developers. The Developers said that they have been struggling with the timeframe for the last eighteen months and thought they had gone through the process to get where they were.

The Developers said they would have to go back and look at some things before they could answer because they thought things would be moving forward as of today. They said that they understood the County’s position, however. They noted further that they closed on the property December of 2004.

Commissioner Bishop asked that if the policy question was whether or not the Board was going to let the Town of Cornelius develop this as they have tentatively planned, with the understanding that it would not be designed as the County would have designed it, then why does the matter need to go to the Park and Recreation Commission? He questioned whether the Board should just go ahead and vote to support it or not to support.

Chairman Helms referenced an e-mail received from Mr. Robert Patterson who requested that the Board allow this matter to go through the County’s “proven process” as a result of which “a mutually satisfactory solution could be found.” “We understand the significant economic development implications involved, to date that is not the case, and as such our only recommendation for the Board of County Commissioners at this time is to refer this issue back to the Park and Recreation Commission for further negotiations.”

Motion was made by Commissioner James but died for lack of a second, to approve the land exchange in concept and in keeping with the points outlined in Director Weston’s August 24, 2005 letter and subject to input from the Park and Recreation Commission.

Commissioner James said he felt the developers needed to know if this was going to happen, which was why he suggested approve in concept.

Town Commissioner James Bensman noted that the design master plan process still has to go through the County Park and Recreation process, therefore there was still an opportunity for Park and Recreation Commission to be involved and to have input.

Motion was made by Commissioner Mitchell, seconded by Commissioner Clarke and carried 7-2 with Commissioners Clarke, Helms, James, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop and Puckett voting no, to refer the matter of a land exchange involving Robbins Park and the Town of Cornelius to the Park and Recreation Commission to finalize the negotiations as set forth in Park and Recreation Director Wayne Weston’s letter of August 24, 2005 to Cornelius Town Manager Anthony Roberts; and that the County Attorney prepare for the Board’s consideration at the November 1, 2005 meeting, an agenda item for specific action with the details leading up to concluding the transaction.

(1A) STAFF BRIEFING - WESTMORELAND PARK

The Board received a presentation from the Town of Cornelius regarding a proposal to acquire property for an athletic complex.

Town Manager Anthony Roberts was the presenter.

Highlights:
- The Town of Cornelius is proposing that Mecklenburg County acquire 23 acres for a future public/private Sportsplex by relinquishing Town Open Space Challenge Grant funds, such as it did for the Bailey Road High School campus, Cookson Farms project and others.
• It is proposed that the County will subsequently extend a long-term lease to the Town for the operation of the youth Sportsplex facility known as the Westmoreland Athletic Complex.

• The facility would be a tournament-class multi-sport ball field complex including four lighted fields and an indoor training facility.

• The Town of Cornelius has formally requested that the County purchase three parcels (PID # 00507166 “Property 1”, PID # 00507118 “Property 2”, PID # 00507116”), for the purpose of providing a recreational component and an entrance to Robbins Park off Westmoreland Road.

Commissioner Clarke asked about the development of the property and the financing involved.

Town Manager Roberts explained that the County would purchase the property from the Westmoreland Athletic Complex property owners, who would then take that money and develop the park, the County would still own the property. The Westmoreland Athletic Complex developers would receive priority play access to the fields.

Commissioner Clarke asked how would the developers recoup the monies they’ve invested?

Town Manager Roberts said they would make their money back through contracts for tournament play.

Commissioner Clarke questioned the availability of the park to the general public, in light of plans by the developers to host tournament play.

Town Manager Roberts said that any citizen of the County would be able to use the facility. It was noted that the majority of the tournaments would occur on weekends.

Park and Recreation Director Wayne Weston said that the Park and Recreation Department did not have a recommendation with respect to this project since it’s proposing to use Challenge Grant funds, which is handled under a different process.

Commissioner Puckett also questioned the availability of the facility to the general public. Commissioner Puckett asked was it fair to say that this was County land to basically build a private industry that when they aren’t able to book it out, they would allow the public to use it?

The response by Town Attorney Brown was that this was a fair statement to a certain degree. He said that he could not answer factually because he doesn’t know the facts. He said that he does know that there are leagues in the area that play and practice during the week. He said that a lot of the tournament play would involve kids from the area, as well as nationally leagues.

Chairman Helms asked that the Town of Cornelius provide the Board with additional information with respect to the times of usage by the public and the Westmoreland group.

Town Manager Roberts said that he would provide the Board with the Performa.

Chairman Helms asked the Town of Cornelius to report back at the Board’s October 4, 2005.

(2A) CLOSED SESSION - LAND ACQUISITION

Prior to going into Closed Session, Nancy Brunnemer with Real Estate Services announced the following land acquisition matters to be discussed in Closed Session:

• Tax Parcel 223-521-02 at Ardrey Kell Road and Boys Town Drive and Tax Parcel 223-521-01 on Ardrey Kell Road.
• Tax Parcel 007-152-17 on Bailey Road
• Tax Parcel 075-042-12 on Haines Street
Motion was made by Commissioner James, seconded by Commissioner Rembert and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to go into Closed Session to discuss Land Acquisition.

The Board went into Closed Session at 6:30 p.m. and came back into Open Session at 6:40 p.m.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified items they wanted removed from consent and voted upon separately. The items identified were Items 12 and 14.

The Board then proceeded to the Meeting Chamber for the remainder of the meeting.

- FORMAL SESSION -

Commissioner Puckett was away from the dais when the meeting was called to order and until noted in the minutes.

Invocation was given by Commissioner Roberts which was followed by the Pledge of Allegiance to the Flag.

Commissioner Puckett returned to the dais.

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) BIG SWEEP DAY

Motion was made by Commissioner Roberts, seconded by Commissioner Clarke and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to adopt a joint proclamation designating October 1, 2005 as Big Sweep Day in Charlotte and Mecklenburg County.

The proclamation was read by Commissioner Roberts.

A copy of the Proclamation is on file with the Clerk to the Board.

(1B) NACO ACHIEVEMENT AWARDS

The Board recognized winners in the recent NACo Achievement Award Program from various departments.

General Manager John McGillicuddy addressed the award winning programs and introduced the award recipients. They were as follows:

Drop Everything and Read Charlotte Day - The Public Library of Charlotte and Mecklenburg County partnered with Charlotte Reads to raise the level of awareness about the importance of reading just for fun and to educate local residents about the number of people living in our community who can not read. Accepting the award was Tony Tallent.

Service Excellence - The Department of Social Services implemented its Service Excellence program to strike a
sustainable balance between customer needs, employee needs and sound business practices. Accepting the award was Dept. of Social Services Director Jake Jacobsen, John Walton, and Meagan Palmer.

The Mecklenburgers - The Public Service and Information department expanded its partnership with WTVI, the local PBS affiliate in Charlotte, to create a series of half-hour “infotainment” programs called “The Mecklenburgers,” as an outreach tool to educate the public about the variety of programs and services offered by Mecklenburg County. “The Mecklenburgers” is a show about a show. The premise is that a television station tries to create a weekly program about County services. The television station has hired actors to play members of the fictional family with the last name Mecklenburger. When they’re not playing their parts, these actors and the crew liven things up with a variety of situations and personal issues. This innovative program has been very successful, achieving a rating of one (or 14,000 households) in the Neilson Ratings. This doubled the number for the show that had previously been running in “The Mecklenburgers” time slot. Accepting the award was Danny Diehl, director of Public Service and Information.

Address Information Center - Mecklenburg County’s GIS Address Information Center provides one-stop shopping for a wealth of information about any Mecklenburg County address. It gathers Geographic Information System (GIS) information from nearly a dozen sources and conveniently presents it within a single application. The system provides a very easy-to-use interface and reports commonly requested GIS information at a glance with links to specific applications for more advanced users or those requiring more details and functionality. Address Information Center consists of: Summarized Property Information, FEMA Information, Building photography, Solid Waste Collection Pickup Days, Parks and Libraries Proximity, General Crime Statistics, General Demographic Information, and School and Board of Elections Information. Accepting the award was Tobin Bradley.

2004 Preventing MRSA in the Athletic Setting - Methicillin Resistant Staphylococcus Aureus (MRSA) is a type of staph infection that causes skin infections such as boils and abscesses. MRSA is spread through direct physical contact. Until recently, MRSA infections occurred mostly among persons in hospitals and healthcare facilities. Now, MRSA is being seen in the community, particularly among student athletes. Athletes, school athletic personnel and parents can help prevent and control the spread of MRSA infections within the athletic setting by following simple health and hygiene practices. The Mecklenburg County Health Department staff created a partnership with Charlotte Mecklenburg Schools to address the emerging health problem. The results of this intergovernmental collaboration include an educational video, a brochure and a comprehensive communication plan covering school health staff, students, parents, school administrators, providers and the community. Results also included increased hand washing, equipment care and other prevention behaviors among athletes and decreased incidence and severity of infections. Accepting the award was Linda Sullivan and Sara Zimmerman.

2004 Mecklenburg County Employee Fit City Challenge Incentive Plan - Healthcare costs related to obesity and overweight continue to rise nationally and Mecklenburg County is feeling the impact. In an effort to proactively address this problem, Mecklenburg County implemented an Employee Fit City Challenge Incentive Plan to motivate County employees. The Fit City Challenge, a program of the Mecklenburg County Health Department, is a community-based initiative to encourage physical activity, and fruit and vegetable consumption. The program provides a Web site at www.fitcitychallenge.org where participants can log in their activities and track their progress. The primary goal of the Fit City Challenge is to impact the community through education and behavior modification. Accepting the award was Dianne Thomas.

HR Self-Service Human Resources Information System - In the late 1990s, Mecklenburg County realized it was fast outgrowing its mainframe human resources and payroll information system and that it was getting more difficult to maintain. The County replaced the system and, in September 2003, integrated four separate HR/payroll applications and provided information to employees and managers through self-service technology, including time-entry and approval as well as open benefits enrollment. The new system is already providing improved productivity and efficiency in reduced transaction times. One of the earliest and best indicators of the new technology’s benefits was the elimination of 5,000 paper time sheets being generated every two weeks. Accepting the award was Sharon Drennan.

(2) PUBLIC APPEARANCE

The following persons appeared to speak during public appearance:

Veteran John Mike Edwards addressed the needs of disabled veterans. Mr. Edwards said that on October 8, 2005, from 8:00 a.m. - 4:00 p.m., the Disabled American Veterans Organization, Chapter 10 of Charlotte would conduct a “Stand Down” operation to support homeless, medically disabled veterans. He asked the Board to support this effort by attending the event. He noted that 12 surrounding North Carolina counties would be participating and that various services would be provided to homeless, medically disabled veterans. The event will take place at the 108th Army Reserve located on Westover Street at Central and Pecan Avenues.
Commissioner Mitchell, who is a combat veteran and served with the 101st Airborne Brigade in Vietnam, noted to Mr. Edwards that his appearance was very timely. The reason being, that the Board’s Community Health and Safety Committee, which he chairs, just received a report from the County’s Director of Veteran Services, Robert Weeks concerning local veterans.

Commissioner Mitchell said, per that discussion, it was the consensus of the Committee that a study be conducted on the status of veterans in Mecklenburg County.

Brocklin Qualls, Director of the Bethlehem Center HeadStart Program addressed their need for additional site space and the Child Care Licensing requirements that must be met. He asked the Board to expedite the review of the Center’s architectural plans, so that they can serve those children and families that are need of their services. Mr. Qualls said that they had been informed that the review process could take up to two months.

County Manager Jones referred Mr. Qualls to General Manager Bobbie Shields for follow-up.

Jim Bensman addressed the need for more court funding and referenced an article that appeared in Creative Loafing regarding the murder of Zachary Montognese, which occurred about 18 months ago. His sister works for Mr. Bensman’s company. Mr. Bensman said that the prosecutors’ office has to plea down virtually all cases of murder and felony assault because they don’t have the resources to prosecute them. Mr. Bensman asked where he should go to address the need for additional court resources?

Tony Montognese addressed the murder of his son and his family’s experience with the court system. He also addressed the need for more court resources and encouraged the Board and other appropriate entities to pursue this need. Mr. Montognese said that he and wife would like to assist in this effort.

Chairman Helms concurred that there is a lack of funding with respect to the criminal justice system. He said that this has been and will continue to be an on-going problem. He noted that the County in an attempt to assist with this lack of adequate funding on the part of the state, provides local dollars, even though it’s not enough.

Chairman Helms encouraged Mr. Bensman and Mr. Montognese to continue to apply pressure on the State Legislative Delegation because it is a state court system.

Chairman Helms on behalf of the Board extended sympathy to Mr. Montognese and his family on the lost of his son.

Commissioner James, a member of the Board’s Community Health and Safety Committee noted that the subject of additional state and local funding to the District Attorney’s Office was something that the Board’s Community Health and Safety Committee could discuss, perhaps at their meeting in October. He invited Mr. Bensman and Mr. Montognese to attend that meeting.

(3) NOMINATIONS/APPOINTMENTS

ADULT CARE HOME ADVISORY COMMITTEE

Motion was made by Commissioner Puckett, seconded by Commissioner Bishop and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to reappoint Nancy Blough, Anthony Cirillo, Deborah Dirkse, Frances Hudson, Clarice Locke, Carol O’Dell, and Martha Roberts to the Adult Care Home Community Advisory Committee, each for a three-year term expiring November 3, 2008.

Commissioner Puckett nominated the following applicant, who was the only applicant, for appointment to the Adult Care Home Advisory Committee: Scott TenBroeck.

The appointment will occur on October 4, 2005.

CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE
Motion was made by Commissioner Puckett, seconded by Commissioner Roberts and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to reappoint Rebecca Cherry, Thomas Sigmon, and Terry Taylor-Allen to the Charlotte-Mecklenburg Community Relations Committee, each for a three-year term expiring September 3, 2008.

The following applicants were nominated for appointment to the Charlotte-Mecklenburg Community Relations Committee:

Demario Baker by Commissioner Woodard
Larry Hines by Commissioner Woodard
Frank Hopkins by Commissioner Puckett
Sandra Marshall by Commissioner Woodard
Ken Norwood by Commissioner Puckett
John Treadwell by Commissioner Puckett

An appointment will occur on October 4, 2005.

INDUSTRIAL FACILITIES & POLLUTION CONTROL FINANCING AUTHORITY

Commissioner Puckett nominated the following applicant, who was the only applicant, for appointment to the Industrial Facilities and Pollution Control Financing Authority: Cary Nadelman.

The appointment will occur on October 4, 2005.

LAKE WYLIE MARINE COMMISSION

Motion was made by Commissioner Puckett, seconded by Commissioner Roberts and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to reappoint Charles Ibach to the Lake Wylie Marine Commission for a three-year term expiring September 30, 2008.

Commissioner Roberts nominated the following applicants for appointment to the Lake Wylie Marine Commission: Sandra DuPuy, Sam Franklin, Jonathan Lucas, and John Pendleton.

An appointment will occur on October 4, 2005.

MOUNTAIN ISLAND LAKE MARINE COMMISSION

Motion was made by Commissioner Roberts, seconded by Commissioner Rembert and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to reappoint Alice Battle to the Mountain Island Lake Marine Commission for a three-year term expiring September 30, 2008.

NURSING HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner James, seconded by Commissioner Puckett and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to reappoint Wayne Chester, Carol Gaither, and Priscilla Johnson to the Nursing Home Community Advisory Committee, each for a three-year term expiring November 16, 2008.

SHELTER FOR BATTERED WOMEN ADVISORY COMMITTEE
Commissioner James nominated the following applicants for appointment to the Shelter for Battered Women Advisory Committee: Audrey Hitt, Weller Johnson, Carolyn McCandlish, and Hazel West.

An appointment will occur on October 4, 2005.

WASTE MANAGEMENT ADVISORY BOARD

Commissioner James nominated the following applicant, who was the only applicant, for appointment to the Waste Management Advisory Board: Mary Herold.

The appointment will occur on October 4, 2005.

WOMEN’S COMMISSION

Commissioner Puckett nominated the following applicants for appointment to the Women’s Commission: Barbara Bondra, Diann Cockerham, Cora Dickerson, Debra Nesbitt, Evita Pierce, Yanina Razak, and LaShonda Sparks.

Appointments will occur on October 4, 2005.

(3B) ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE AND NURSING HOME COMMUNITY ADVISORY COMMITTEE

The Board received a report regarding turnover and the low applicant pool on the Adult Care and Nursing Home Community Advisory Committees.

Clerk to the Board Janice S. Paige gave the report. Linda Miller, an Ombudsman, was also present and addressed this issue.

Highlights:
- The Adult Care Home Community Advisory Committee and the Nursing Home Community Advisory Committee are both required by North Carolina General Statutes.
- Each County in North Carolina is required to have an Adult Care and Nursing Home Community Advisory Committee, if it has at least one licensed adult care home or nursing home facility.
- The committees are comprised of volunteers who serve as advocates for residents who live in Assisted Living and Nursing Homes. Committee members visit facilities, as a group, on a regular basis to monitor for resident's rights and to speak out for quality of care for citizens in the facilities.
- Committee members are appointed by the County Commissioners in each county.
- There is a mandatory orientation and training that must be completed for both committees. Appointees are required to complete the orientation and in-facility training within three months from the date of appointment, anyone who fails to do so is removed per a formal request that is received from the Ombudsman.
- No person or immediate family member of a person with a financial interest in a home served by a committee or employee or governing board member of a home served by a committee, or has an immediate family member a resident in a home served by a committee may be a member of the committee. Note: This stipulation impacts participation because often persons interested in serving usually have a loved one in a facility but this impacts their eligibility to serve. In some cases, however, if a person has a family member in a Nursing Home they may be eligible to serve on the Adult Care Committee and vice-versa; that determination of eligibility is made by the Ombudsman.
- Proposed suggestions for enhancing recruitment efforts. The suggestions reflect proposed efforts on the part of the Ombudsman Program and the County.
Ombudsman Program Efforts

1. Have a feature story ran in the Charlotte Observer, as well as other appropriate print media, at least annually, regarding the care facilities that the Adult Care and Nursing Home Community Advisory Committees are responsible for. The story should address, at a minimum, the importance of these facilities within the community, the need for volunteers, and the time commitment involved.

2. Contact local television media regarding the airing of a feature story on the care facilities that the Adult Care and Nursing Home Community Advisory Committees are responsible for. The story should address, at a minimum, the importance of these facilities within the community, the need for volunteers, and the time commitment involved. The Chairs of each committee and/or the Ombudsman would be interviewed. The story could be shot at a care facility.

Note: These feature stories would enhance the monthly advertisement that Mecklenburg County does. (Note: Ads ran by Mecklenburg County list the names of the boards that have vacancies, the application deadline, nomination and appointment dates and contact information.)

3. Increase circulation of their newsletter and always insert a column asking for volunteers, if this is not already occurring. Local Churches would probably be a good communication resource.

4. Encourage chief administrators of adult care homes and nursing homes in the county to make recommendations.

Note: The statute indicates that at least one-third of the membership should be appointed from nominations made by facility chief administrators.

5. Seek a change in the legislation to allow persons to serve an additional one to three years, after having served six years, if they desire to do so.

Mecklenburg County Efforts

6. Consider providing some level of compensation to those that serve on the Nursing Home and Adult Care Home Community Advisory Committees, as an incentive, and in light of the critical need for these types of volunteers.

Note: The following advisory boards currently receive compensation: Alcoholic Beverage Control Board, Board of Elections, Board of Equalization & Review, Board of Motor Vehicle Review, and the Planning Commission.

7. Provide assistance, through County Public Service and Information, to the Lead Regional Ombudsmen in arranging for feature stories to be run by the print and television media.

8. Create links on the County’s website advisory boards page linking interested citizens to the Keys to the County brochure, which has a description of all the boards, and to the Centralina Area Agency on Aging Ombudsman Program. Through this link interested applicants could receive more detailed information regarding the responsibilities of the committees.

9. Invite the Ombudsmen and Chairs of the committees to appear on Mecklenburg Forum Live, which would be coordinated through Public Service and Information.

10. Mecklenburg County will continue to advertise on a monthly basis in the Charlotte Observer, Charlotte Post, and the Mountain Island Monitor, which is done at no cost to the County.

11. Mecklenburg County will ensure that advisory board literature is available at local libraries and in the lobby of the Charlotte/Mecklenburg Government Center.

12. Mecklenburg County will contact the local branches of the YMCA regarding the placement of literature in their facilities, as well as, local grocery chains.
13. Mecklenburg County will re-initiate having advisory board vacancy information printed in Mecklenburg Matters, which is produced by Public Service and Information and is inserted in monthly water bills.

14. Direct the Clerk and a representative from the Public Service and Information Department to meet with the Ombudsman for each respective committee regarding the feasibility of the above suggestions and any others that may come about per that meeting and to report back to the Board.

It was noted that per staff’s work with these two committees, the increase in turnover has clearly been the result of persons not being able to meet the mandatory participation requirements as required by statute. Also, that the applicant pool has changed from a majority of retirees to now persons that are still in the workforce.

The Board expressed support of the recommended enhancement efforts. It was noted with respect to the compensation enhancement, that this would have to be taken up during budget.

Commissioner Woodard, who asked that this review take place, said that she would be willing to assist in whatever way she could with recruitment efforts. Commissioner Woodard also suggested that nursing students be targeted to serve and that perhaps they could receive course credit for doing so.

Commissioner Rembert concurred with Commissioner Woodard noting that other disciplines could be targeted, such as, the field of Social Work and Gerontology.

County Manager Jones suggested that wording be placed on the application explaining the time commitment involved because often applicants are not aware of this until after they have been appointed.

Chairman Helms said that he would be willing to write a letter to the local care facility administrators encouraging them to make recommendations, since the statute states that at least one-third of the membership should be appointed from nominations made by facility chief administrators.

Commissioner Puckett suggested that perhaps a legislative change should be sought to allow persons with family members in facilities to serve under certain conditions.

Chairman Helms said that having a feature story ran in the Charlotte Observer, as it was recommended, was a very good idea and would help relay the importance of this issue.

It was the consensus of the Board that staff meets with the Ombudsmen regarding the recommended enhancements, as well as, any others that may come about as a result of that meeting; and that staff move forward with implementing as many of the recommended enhancements as possible; and report back to the Board.

A copy of the report is on file with the Clerk to the Board.

(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS – NONE

(2A2) CLOSED SESSION – LAND ACQUISITION

Motion was made by Commissioner Puckett, seconded by Commissioner James and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve the purchase price of $20,000 per acre for approximately 2.66-acre portion of Tax Parcel 007-152-17 on Bailey Road by the Board of Education.
(2A3) CLOSED SESSION – LAND ACQUISITION

Motion was made by Commissioner Mitchell, seconded by Commissioner Roberts and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop, James, and Puckett voting no, to approve the purchase of .344-acre Tax Parcel 075-042-12 on Haines Street from St. Stephenson Pentecostal Church Trustees for $185,000.

Note: The above property is part of the land assemblage for the Lincoln Heights neighborhood park.

(2A1) CLOSED SESSION – LAND ACQUISITION

Motion was made by Commissioner Puckett, seconded by Commissioner Roberts and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to adopt a resolution of intent to exchange a 2.97-acre portion of County Tax Parcel 223-521-02 at Ardrey Kell Road and Boys Town Drive for a 2.98-acre portion of Charlotte Sports Center Tax Parcel 223-521-01 on Ardrey Kell Road.

(6) MANAGER’S REPORT

County Manager Jones gave the Board an update on local Katrina Relief Efforts.

The following was noted:

- Persons were no longer being housed at the Coliseum.
- Evacuees are still coming to the community.
- The Red Cross is still on site and is processing Evacuees as they continue to arrive.
- The County and agencies such as Crisis Assistance, and the United Way will continue to play a significant role in this process as Evacuees continue to come.
- There are many living in hotels and have lost that one-stop service component that was available to them at the Coliseum.
- Efforts are being made to determine what the next level of service should be for these persons, who are without adequate financial and other resources.
- These efforts have to be done, in the context of continuing to provide and meet the needs of the County’s existing client base.
- The cost to the County in the relief efforts is still being examined.
- Many of the County’s cost may not be reimbursable through FEMA.

The County Manager expressed thanks to those County Agencies that assisted in this efforts, as well as other local entities.

CONSENT ITEMS

Motion was made by Commissioner James, seconded by Commissioner Puckett and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to approve the following item(s) with the exception of Items 12 and 14 to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held September 7, 2005 and Closed Session minutes of September 7, 2005.

(8) TAX REFUNDS
Approve refunds to be made by the Finance Department as requested by the Tax Assessor in the amount of $7,001.00 resulting from clerical errors, audits and other amendments.

*A list of the refund recipients is on file with the Clerk to the Board.*

(9) **DESTRUCTION OF DOCUMENTS – LUESA**

Approve the disposal of the following LUESA records and plans in accordance with North Carolina records retention policies:

- 8 boxes of permitting and inspections records dated June through August 2005 that have been imaged on optical disk and verified in lieu of originals.
- 947 commercial plans permitted June through August of 2003.

(10) **SPECIAL CONSUMPTION PERMIT FOR LATIN AMERICAN FESTIVAL, INC.**

Approve a special consumption permit that would allow the Latin American Festival, Inc. to consume malt beverages and unfortified wine on county park property (Eastover Park) during the Latin American Festival to be held on October 2, 2005.

(11) **BULLETPROOF VEST PARTNERSHIP PROGRAM GRANT—SHERIFF’S OFFICE**

Recognize, receive and appropriate funds from the Office of Justice Programs’ Bureau of Justice Assistance Bulletproof Vest Partnership Program for vest replacement for Mecklenburg County Sheriff’s Office Law Enforcement Officers in the amount of $8,739.

(13) **DSS CRISIS INTERVENTION PROGRAM FUNDING**

Amend the Department of Social Services’ FY06 budget to recognize, receive and appropriate $12,744 in additional Energy Administration funds from the U.S. Department of Energy for administration of the Crisis Intervention Program.

(15) **BRADFORD PARK OFF-SITE EASEMENTS**

Approve securing two off-site permanent drainage easements for Bradford Park:

- .291-acre on Tax Parcel 011-081-04, owned by Nell Bradford Jenkins,
- .251-acre on Tax Parcel 011-081-05, owned by J. Frank Bragg, Jr.

(16) **EXPENDITURE OF CAPITAL RESERVE FUNDS - LATTA PLANTATION EQUESTRIAN CENTER**

Recognize and appropriate $10,200 in Capital Reserve for repair and painting of structures at Latta Plantation Equestrian Center.

*Note: These funds are from user fees collected at the Center.*

**THIS CONCLUDED ITEMS APPROVED BY CONSENT.**
(12) CAPITAL PROJECT ORDINANCE

Motion was made by Commissioner Clarke, seconded by Commissioner Mitchell and carried 8-1 with Commissioners Bishop, Clarke, Helms, James, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioner Puckett voting no, to adopt the Pay-As-You-Go – 2006 capital project ordinance for projects approved by the Board in the capital improvement program.

Note: Adoption of this ordinance will provide budgetary authority for the projects approved by the Board on June 21, 2005 for Pay-As-You-Go funding during the capital improvement program process.

Commissioner Clarke removed this item from Consent for more public awareness.

Ordinance recorded in full in Minute Book 42-A, Document # _____.

(14) GREENWAY LAND DONATIONS

Motion was made by Commissioner Roberts, seconded by Commissioner James and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to accept the donation of the following properties on Six Mile Creek from John Wieland Homes and Neighborhoods of North Carolina, Inc., on Torrence Creek Tributary from Ranson Road, LLC and on Mallard Creek from Reed Enterprises of Charlotte, Inc. for Greenway:

(1) Tax Parcel 231-116-39 (6.524 acres)
(2) Tax Parcel 231-127-06 (6.945 acres)
(3) Tax Parcel 017-475-50 (6.698 acres)
(4) Tax Parcel 043-181-03
(5) Tax Parcel 043-181-02
(6) Tax Parcel 043-181-01
(7) Tax Parcel 043-261-10

Commissioner Roberts removed this item from Consent for more public awareness.

(STAFF REPORTS AND REQUESTS – NONE)

(COUNTY COMMISSIONERS REPORTS AND REQUESTS - NONE)

(COMMISSIONERS’ COMMENTS) General comments were made at this time by various Commissioners regarding upcoming events and/or events they attended, as well as, other matters which they deemed noteworthy.

ADJOURNMENT

Motion was made by Commissioner Puckett, seconded by Commissioner James, and unanimously carried with Commissioners Bishop, Clarke, James, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 8:25 p.m.

____________________
MINUTES OF CLOSED SESSION OF
MECKLENBURG COUNTY BOARD OF COMMISSIONERS

SEPTEMBER 20, 2005  5:00 P.M.

The Board of Commissioners of Mecklenburg County, North Carolina, met in Closed Session in the Charlotte-Mecklenburg Government Center during its Regular Meeting held Tuesday, September 20, 2005. These Closed Session minutes are part of the minutes of that meeting and should be read in that context.

ATTENDANCE

Present:  Chairman H. Parks Helms and Commissioners
J. Daniel Bishop, Dumont Clarke, Bill James
Norman A. Mitchell, Sr., Jim Puckett
Wilhelmenia I. Rembert, Jennifer Roberts
and Valerie C. Woodard
County Manager Harry L. Jones, Sr.
County Attorney Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent:  None

Also Present:  General Managers Janice Jackson, John McGillicuddy, and Bobbie Shields,
Executive Assistant to the County Manager Michelle Lancaster, Sarah Heasley
and Wanda Reeves with Finance, and Nancy Brunnemer, Real Estate Services

(2A1) CLOSED SESSION LAND ACQUISITION

Nancy Brunnemer with Real Estate Services addressed a proposed exchange of a 2.97-acre portion of County Tax Parcel 223-521-02 at Ardrey Kell Road and Boys Town Drive for a 2.98-acre portion of Charlotte Sports Center Tax Parcel 223-521-01 on Ardrey Kell Road.

Note: The County acquired the 122-acre Tax Parcel 223-521-02 (Elon property) for a future community park/elementary school site. This tract adjoins other County acreage bringing total holdings here to 680 acres (280 acres available for park/school and 400 acres for the Foxhole Landfill). Charlotte Sports Center owner Evan Miller plans to develop an indoor complex on Tax Parcel 223-521-01 at Ardrey Kell Road that will include soccer fields and other fitness activities. His plans are pending approval of a petition to rezone this 7.983-acre tract for institutional use. He has requested to exchange the above 2.97 and 2.98-acre tracts, and his request is supported by staff.

Motion was made by Commissioner Puckett, seconded by Commissioner Roberts and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to adopt a resolution of intent to exchange a 2.97-acre portion of County Tax Parcel 223-521-02 at Ardrey Kell Road and Boys Town Drive for a 2.98-acre portion of Charlotte Sports Center Tax Parcel 223-521-01 on Ardrey Kell Road.

Janice S. Paige, Clerk ____________________________  H. Parks Helms, Chairman
MINUTES OF CLOSED SESSION OF
MECKLENBURG COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 20, 2005 5:00 P.M.

The Board of Commissioners of Mecklenburg County, North Carolina, met in Closed Session in the Charlotte-Mecklenburg Government Center during its Regular Meeting held Tuesday, September 20, 2005. These Closed Session minutes are part of the minutes of that meeting and should be read in that context.

ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners J. Daniel Bishop, Dumont Clarke, Bill James Norman A. Mitchell, Sr., Jim Puckett Wilhelmenia I. Rembert, Jennifer Roberts and Valerie C. Woodard County Manager Harry L. Jones, Sr. County Attorney Marvin A. Bethune Clerk to the Board Janice S. Paige

Absent: None

Also Present: General Managers Janice Jackson, John McGillicuddy, and Bobbie Shields, Executive Assistant to the County Manager Michelle Lancaster, Sarah Heasley and Wanda Reeves with Finance, Nancy Brunner, Real Estate Services, and Kevin Bringewatt with Charlotte-Mecklenburg Schools

(2A2) CLOSED SESSION LAND ACQUISITION

Nancy Brunner, with Real Estate Services and Kevin Bringewatt with Charlotte-Mecklenburg Schools addressed the proposed purchase price of $20,000 per acre for approximately 2.66-acre portion of Tax Parcel 007-152-17 by the Board of Education.

Note: CMS, Mecklenburg County, Cornelius and Davidson entered into an “Agreement for Reallocation of Land Bond Dollars and Joint Use of Future High School/Park Site,” dated October 24, 2004 concerning certain land acquisition at Bailey Road. In accordance with that agreement, CMS has previously acquired certain land to be added to the landbanked high school site. As contemplated by that Agreement, CMS staff has negotiated for the acquisition of a tract of land from Bobby and Mickie Mayhew. The Mayhews have agreed to sell the approximately 2.66-acre portion of this tract at $20,000 per acre, which is approximately 8% more than they paid for the property on a per acre basis. In addition, the acquisition will include approximately .34-acre for a sanitary sewer/greenway easement. This purchase would be funded by 1999 Land Bonds reallocated to CMS by the Town of Cornelius and the Town of Davidson.

Motion was made by Commissioner Puckett, seconded by Commissioner James and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve the purchase price of $20,000 per acre for approximately 2.66-acre portion of Tax Parcel 007-152-17 by the Board of Education.

Janice S. Paige, Clerk H. Parks Helms, Chairman
MINUTES OF CLOSED SESSION OF
MECKLENBURG COUNTY BOARD OF COMMISSIONERS

SEPTEMBER 20, 2005 5:00 P.M.

The Board of Commissioners of Mecklenburg County, North Carolina, met in Closed Session in the Charlotte-Mecklenburg Government Center during its Regular Meeting held Tuesday, September 20, 2005. These Closed Session minutes are part of the minutes of that meeting and should be read in that context.

ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners
J. Daniel Bishop, Dumont Clarke, Bill James
Norman A. Mitchell, Sr., Jim Puckett
Wilhelmenia I. Rembert, Jennifer Roberts
and Valerie C. Woodard
County Manager Harry L. Jones, Sr.
County Attorney Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent: None

Also Present: General Managers Janice Jackson, John McGillicuddy, and Bobbie Shields,
Executive Assistant to the County Manager Michelle Lancaster, Sarah Heasley
and Wanda Reeves with Finance, and Nancy Brunnemer, Real Estate Services

(2A3) CLOSED SESSION LAND ACQUISITION

Nancy Brunnemer with Real Estate Services addressed the proposed purchase of .344-acre Tax Parcel 075-042-12 on Haines Street from St. Stephenson Pentecostal Church Trustees for $185,000.

Note: The above property is part of the land assemblage for the Lincoln Heights neighborhood park.

Motion was made by Commissioner Mitchell, seconded by Commissioner Roberts and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop, James, and Puckett voting no, to approve the purchase of .344-acre Tax Parcel 075-042-12 on Haines Street from St. Stephenson Pentecostal Church Trustees for $185,000.

Janice S. Paige, Clerk ________________________________ H. Parks Helms, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COUNTY COMMISSIONERS

OCTOBER 4, 2005 5:00 P.M.

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, October 4, 2005.

ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners J. Daniel Bishop, Dumont Clarke, Bill James Norman A. Mitchell, Sr., Jim Puckett Jennifer Roberts and Valerie C. Woodard County Manager Harry L. Jones, Sr. County Attorney, Marvin A. Bethune Clerk to the Board Janice S. Paige

Absent: Commissioner Wilhelmenia I. Rembert

-INFORMAL SESSION-

(1A) STAFF BRIEFING - LAND CONVEYANCE TO MCLEOD CENTER

Motion was made by Commissioner James, seconded by Commissioner Bishop and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Roberts, and Woodard voting yes, to approve a resolution declaring +/- .29-acre Tax Parcel 147-017-18 at 102 Lancaster Street as surplus property and convey said property to the McLeod Addictive Disease Center.

Prior to the above vote, Nancy Brunnemer with Real Estate Services addressed the conveyance.

It was noted that the property would revert back to the County, if it is used for any purpose other than for the public purposes associated with the treatment of persons with addictive disease disorders.

(1B) ALLISON FARM ACQUISITION IN DAVIDSON ETJ (New Item)

Motion was made by Commissioner Clarke, seconded by Commissioner Roberts and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Roberts, and Woodard voting yes, to approve purchase of Tax Parcel # 003-051-06 encompassing +/- 34.34 acres on Shearer Road for $12,000 per acre (+/- $412,000) for the Town of Davidson.

Note: The Town of Davidson is pursuing acquisition of the Allison Farm as part of an assemblage of future parkland that will preserve the rural character of the Shearer Road corridor and accommodate the active and passive recreational needs of the Davidson community. The Town requested the County purchase this land using the Town’s allocation of the open space challenge grant funds on a non-matching basis.

Prior to the above vote, Steve Law with Real Estate Services addressed the acquisition.
Prior to going into Closed Session, Nancy Brunnemer with Real Estate Services announced the following land acquisition matters to be discussed in Closed Session:

- Tax Parcel 067-061-04 at 2480 Wilkinson Boulevard, owned by U. S. Carwash, Inc.
- Tax Parcel # 003-051-06 encompassing +/- 34.34 acres on Shearer Road.

Motion was made by Commissioner Woodard, seconded by Commissioner Roberts and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Roberts and Woodard voting yes, to go into Closed Session to discuss Land Acquisition, Consult with Attorney, and Personnel Matter.

The Board went into Closed Session at 5:20 p.m. and came back into Open Session at 6:15 p.m.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board did not identify any items they wanted removed from consent and voted on separately.

The Board then proceeded to the Meeting Chamber for the remainder of the meeting.

-FORMAL SESSION-

Invocation was given by Commissioner Woodard, which was followed by the Pledge of Allegiance to the Flag.

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) SUBSTANCE ABUSE AWARENESS MONTH

Motion was made by Commissioner Woodard, seconded by Commissioner Puckett and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Roberts, and Woodard voting yes, to adopt a joint proclamation designating October 2005 as Substance Abuse Awareness Month in Charlotte and Mecklenburg County.

The proclamation was read by Commissioner Woodard and received by Karen Simon with Substance Abuse Prevention Services and Winona Chestnut, Director of Fighting Back.

A copy of the Proclamation is on file with the Clerk to the Board.

(1B) AREA MENTAL HEALTH AUTHORITY NCQA ACCREDITATION AWARD

The Board recognized and honored Area Mental Health staff for successfully receiving a full three-year accreditation award from the National Council for Quality Assurance.

Note: Mecklenburg County Area Mental Health, Developmental Disabilities and Substance Abuse Authority (AMHA) were awarded Full Accreditation by the National Committee for Quality Assurance (NCQA) on August 17, 2005. AMHA was first accredited by NCQA in September 2002. The accreditation continues to validate Area Mental Health as a high quality “Managed Behavioral Healthcare Organization.” The National Committee for Quality Assurance (NCQA) awarded this full accreditation for AMHA’s demonstration of commitment to achieving higher standards of care for the people they serve.

Note: Mecklenburg County Area Mental Health, Developmental Disabilities and Substance Abuse Authority (AMHA) were awarded Full Accreditation by the National Committee for Quality Assurance (NCQA) on August 17, 2005. AMHA was first accredited by NCQA in September 2002. The accreditation continues to validate Area Mental Health as a high quality “Managed Behavioral Healthcare Organization.” The National Committee for Quality Assurance (NCQA) awarded this full accreditation for AMHA’s demonstration of commitment to achieving higher standards of care for the people they serve.
Assurance (NCQA) is a private, not-for-profit organization dedicated to improving health care quality. NCQA is active in quality oversight and improvement initiatives at all levels of the health care system, from evaluating entire systems of care to recognizing individual providers that demonstrate excellence. This is a significant accomplishment for the Area Authority because they are the only public mental health organization to be accredited by NCQA in the country.

Grayce Crockett, Director of Area Mental Health addressed the accreditation and introduced members of her staff that were present.

(1C) NATIONAL 4-H WEEK

Motion was made by Commissioner Roberts, seconded by Commissioner Woodard and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Roberts, and Woodard voting yes, to recognize October 2-8, 2005 as National 4-H Week.

The proclamation was read by Commissioner Roberts and received by Lola Massad and Jim H. Monroe with Park and Recreation, Kristen Nolan a 4-H member, and Robert Furr, County 4-H Extension Agent.

A copy of the Proclamation is on file with the Clerk to the Board.

(2) PUBLIC APPEARANCE - NONE

(3A) APPOINTMENTS

ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE

The vote was taken on the following nominee for appointment to the Adult Care Home Community Advisory Committee:

Scott TenBroeck Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Roberts, and Woodard

Chairman Helms announced that Scott TenBroeck was appointed to the Adult Care Home Community Advisory Committee for a one-year term expiring October 4, 2006.

CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE

The vote was taken on the following nominees for appointment to the Charlotte-Mecklenburg Community Relations Committee:

Demario Baker Commissioners Bishop, Clarke, Helms, James, Mitchell, Roberts, and Woodard

Voting Ceased

Larry Hines
Frank Hopkins
Sandra Marshall
Ken Norwood
John Treadwell

Chairman Helms announced that Demario Baker was appointed to the Charlotte-Mecklenburg Community Relations Committee for a three-year term expiring September 3, 2008.
INDUSTRIAL FACILITIES & POLLUTION CONTROL FINANCING AUTHORITY

The vote was taken on the following nominee for appointment to the Industrial Facilities & Pollution Control Financing Authority:

Cary Nadelman Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Roberts, and Woodard

Chairman Helms announced that Cary Nadelman was appointed to the Industrial Facilities & Pollution Control Financing Authority for a six-year term expiring October 31, 2011.

Commissioner Puckett left the dais and was absent for the remainder of the meeting.

WASTE MANAGEMENT ADVISORY BOARD

The vote was taken on the following nominee for appointment to the Waste Management Advisory Board:

Mary Herold Commissioners Bishop, Clarke, Helms, James, Mitchell, Roberts, and Woodard

Chairman Helms announced that Mary Herold was appointed to the Waste Management Advisory Board to fill an unexpired term expiring October 5, 2007.

WOMEN’S COMMISSION

The vote was taken on the following nominees for appointment to the Women’s Commission:

Barbara Bondra Commissioners Bishop, Clarke, Helms, James, Mitchell, Roberts, and Woodard
Diann Cockerham None
Cora Dickerson None
Debra Nesbitt Commissioners Bishop, Clarke, Helms, James, Mitchell, Roberts, and Woodard

Voting Ceased

*Evita Pierce
Yanina Razak
LaShonda Sparks

*Evita Pierce was nominated at the September 20th meeting, however, she has moved out of Mecklenburg County and is therefore not eligible.

Chairman Helms announced that Barbara Bondra and Debra Nesbitt were appointed to the Women’s Commission to fill unexpired terms expiring June 19, 2007.

LAKE WYLIE MARINE COMMISSION

The vote was taken on the following nominees for appointment to the Lake Wylie Marine Commission:

Sandra “Sandy” DuPuy Commissioners Bishop, Clarke, Helms, James, Mitchell, Roberts, and Woodard

Voting Ceased

Sam Franklin
Jonathan Lucas
Chairman Helms announced that Sandra “Sandy” DuPuy was appointed to the Lake Wylie Marine Commission for a four-year term expiring September 30, 2009.

*Commissioners Bishop and James left the dais and were absent for the remainder of the meeting.*

**SHELTER FOR BATTERED WOMEN ADVISORY COMMITTEE**

The vote was taken on the following nominees for appointment to the Shelter For Battered Women Advisory Committee:

- Audrey Hitt
- Weller Johnson

The following commissioners voted yes:

Commissioners Clarke, Helms, Mitchell, Roberts, and Woodard

Voting Ceased

Chairman Helms announced that Weller Johnson was appointed to the Shelter For Battered Women Advisory Committee for a three-year term expiring October 31, 2008.

**MECKLENBURG EMS JOINT AGENCY BOARD OF COMMISSIONERS**

Motion was made by Commissioner Woodard seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Helms, Mitchell, Roberts, and Woodard voting yes, to appoint Lynn Boggs, Steven Burke, Paula Vincent, Robert (Buck) Wiggins, Paul Franz, Suzanne Freeman and Harry Weatherly to the Mecklenburg EMS Joint Agency Board of Commissioners for three-year terms, expiring in 2008.

**PUBLIC HEARING - NONE**

**ADVISORY COMMITTEE REPORTS - NONE**

**MANAGER’S REPORT - NONE**

**CLOSED SESSION CONSULT WITH ATTORNEY – ADELPHIA CABLE**

Motion was made by Commissioner Mitchell, seconded by Commissioner Roberts and carried 5-0 with Commissioners Clarke, Helms, Mitchell, Roberts and Woodard voting yes, to adopt a resolution entitled, “Resolution of the County Mecklenburg, North Carolina Denying Proposed Cable System Transfer” from Adelphia Prestige Cablevision, LLC to Time Warner NY Cable, LLC.

*Resolution recorded in full in Minute Book 42-A, Document # _______.*

**CLOSED SESSION – LAND ACQUISITION**

Motion was made by Commissioner Mitchell, seconded by Commissioner Roberts and carried
5-0 with Commissioners Clarke, Helms, Mitchell, Roberts and Woodard voting yes, to approve the purchase of Tax Parcel #003-051-06 encompassing +/- 34.34 acres on Shearer Road for $12,000 per acre (+/- $412,000) for the Town of Davidson; and authorize the County Manager to enter into a 99-year lease agreement with the Town of Davidson once the property is acquired.

Note: The Town of Davidson is pursuing acquisition of the Allison Farm as part of an assemblage of future parkland that will preserve the rural character of the Shearer Road corridor and accommodate the active and passive recreational needs of the Davidson community. The Town requested the County purchase this land using the Town’s allocation of the open space challenge grant funds on a non-matching basis.

(1A) STAFF BRIEFING - LAND CONVEYANCE TO MCLEOD CENTER

Motion was made by Commissioner Mitchell, seconded by Commissioner Roberts and carried 5-0 with Commissioners Clarke, Helms, Mitchell, Roberts, and Woodard voting yes, to approve a resolution declaring +/- .29-acre Tax Parcel 147-017-18 at 102 Lancaster Street as surplus property and convey said property to the McLeod Addictive Disease Center.

It was noted that the property would revert back to the County, if it is used for any purpose other than for the public purposes associated with the treatment of persons with addictive disease disorders.

Resolution recorded in full in Minute Book 42-A, Document #______.

CONSENT ITEMS

Motion was made by Commissioner Woodard, seconded by Commissioner Roberts and carried 5-0 with Commissioners Clarke, Helms, Mitchell, Roberts and Woodard voting yes, to approve the following items:

7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held September 20, 2005, Budget/Public Policy Meeting held September 13, 2005 and Closed Session minutes of September 20, 2005.

8) TAX REFUNDS

Approve refunds to be made by the Finance Department as requested by the Tax Assessor in the amount of $50,024 resulting from clerical errors, audits and other amendments.

A list of the refund recipients is on file with the Clerk to the Board.

9) INSURANCE REIMBURSEMENTS

Approve, recognize and appropriate insurance reimbursement funds in the amount of $8,800 for the Health Dept., $4,227 for General Services, $33,442 for Park & Recreation and $225 for the Sheriff’s Office.

10) MECKLENBURG COUNTY SOLID WASTE FEE ORDINANCE – LUESA

Approve an amendment to the Mecklenburg County Solid Waste Fee Ordinance.

Note: A Second Reading will be required before this amendment is effective. The first reading requires a 9-0 vote in the affirmative. Only five Commissioners were present when this matter was voted upon. It will be placed on the Board’s next agenda. The Second Reading does
not require a 9-0 vote in the affirmative, only a majority.

(11) UNITED STATES DEPARTMENT OF JUSTICE - JUSTICE ASSISTANCE GRANT—SHERIFF’S OFFICE

Recognize, receive and appropriate funds from the U.S. Department of Justice for a Justice Assistance Grant in the amount of $264,788 and recognize, receive, and appropriate interest income earned on the unspent proceeds of the grant term in accordance with grant requirements.

(12) FUNDING ADJUSTMENT – AREA MENTAL HEALTH

Approve Area Mental Health funding adjustments as follows:

- Approve, recognize, receive and appropriate one-time State funds in the amount of $17,200 for Traumatic Brain Injury community support.
- Approve, recognize, receive and appropriate one-time State funds in the amount of $242,555 to decrease admissions to State Psychiatric Hospitals.
- Approve, recognize, receive and appropriate recurring Federal funds in the amount of $27,300 for Geriatric Specialty Team funding.
- Approve, recognize, receive and appropriate recurring State funds in the amount of $34,744 for the Smart Start Program to establish one full-time Child Service Coordinator position.

(13) CONSERVATION EASEMENT – SMYTH PROPERTY

Authorize the County Manager to negotiate and execute a conservation easement on property owned by Patrick A. Smyth located at 10024 Janeiro Drive, Huntersville (tax parcel # 015-214-05).

Note: The conservation easement meets the acceptance criteria and will contribute to the preservation of open space and the protection of water quality in the Gar Creek basin.

(14) PARK AND RECREATION FACILITIES ORDINANCE

Approve amendment to the Park and Recreation Facilities Ordinance.

Note: The Park and Recreation Facilities Ordinance has been updated and revised with more appropriate fine amounts, inclusion of a feral animal prohibition and the alcohol permit process has been streamlined to allow the Director to approve permits without Board action. The Park and Recreation Commission approved by 12-1 majority on September 13, 2005.

Note: A Second Reading will be required before this amendment is effective. The first reading requires a 9-0 vote in the affirmative. Only five Commissioners were present when this matter was voted upon. It will be placed on the Board’s next agenda. The Second Reading does not require a 9-0 vote in the affirmative, only a majority.

(15) W. R. DAVIE PARK MASTER PLAN REVISION

Approve modification to the W. R. Davie Park Master Plan to allow for the inclusion of a dog park.

(16) CONSERVATION EASEMENT – CAROLINA GOLF CLUB, INC.

Authorize the County Manager to negotiate and execute a conservation easement on
property owned by Carolina Golf Club, Inc. located at 2701 McCombs Street, Charlotte (portion of tax parcel # 117-061-42).

Note: The owner has proposed to donate a conservation easement on approximately 5.60 acres of bottomland hardwood forest along a tributary to Irwin Creek as mitigation for impacts to 2.69 acres of the SWIM buffer. The buffer impacts will result from the construction of an irrigation pond for new areas of the golf course. A conservation easement is an acceptable mitigation technique in accordance with the SWIM Buffer Ordinance. The mitigation must be on a 2:1 acreage basis. The County is requesting a contribution to the Stewardship Fund (approved by the Board on June 1, 2004) for the long-term oversight of the property.

(17) ELON SITE LAND EXCHANGE

Adopt a resolution entitled: Mecklenburg County Board of Commissioners Resolution Authorizing Exchange of a Portion of County Tax Parcel 223-521-02 at Ardrey Kell Road and Boys Town Drive for a portion of Charlotte Sports Center Tax Parcel 223-521-01 on Ardrey Kell Road.

Note: The exchange is requested by Charlotte Sports Center to improve the configuration of their property at Ardrey Kell Road. Based on both 2003 tax values and on estimated current market values, the land to be received by the County has a greater monetary value. The re-configuration of the park property will improve its usefulness as park/open space in that the pond that straddles the two properties will then be almost entirely within the park and encircled by a walking trail for use by park patrons.

Resolution recorded in full in Minute Book 42-A, Document # _____.

(18) MALLARD CREEK GREENWAY ACQUISITION

Approve purchase of Tax Parcels 051-301-74 and 051-301-97 from Mid South Industries, Inc. for $8,000 and $12,000 for Mallard Creek Greenway.

(19) CLEAN AIR ACT SECTION 105 GRANT AWARD AMENDMENT

Recognize, receive, and appropriate $8,271 in additional Clean Air Act Section 105 Grant revenue.

THIS CONCLUDED ITEMS APPROVED BY CONSENT.

(STAFF REPORTS AND REQUESTS)

(20) WESTMORELAND ATHLETIC COMPLEX

The Board received a presentation from Town of Cornelius Town Manager Anthony Roberts regarding the potential acquisition of land adjacent to the proposed Robbins Park for future development of a Westmoreland Athletic Complex.

Note: The Town of Cornelius formally requested that the County purchase three parcels (PID # 00507166 "Property 1", PID # 00507118 "Property 2", PID # 00507116"), for the purpose of providing a recreational component and an entrance to the proposed Robbins Park off Westmoreland Road.

Highlights:
The Town of Cornelius is proposing that Mecklenburg County acquire 23 acres for a future public/private Sportsplex by relinquishing Town Open Space Challenge Grant funds, such as it did for the Bailey Road High School campus, the Cookson Farms project and others.

It is proposed that the County would subsequently extend a long-term lease to the Town for the operation of the youth Sportsplex facility known as the Westmoreland Athletic Complex.

The facility would be a tournament-class multi-sport ball field complex including four lighted fields and an indoor training facility.

The private entity would use the tournament level ball fields for up to 32 weekends out of the year.

The remaining 20 weekends would be available for the general public’s use, as well as Monday – Thursday during the entire year.

The private entity would have the first right of refusal on the 32 weekends out of the year.

A copy of the presentation is on file with the Clerk to the Board.

Jeff Carter, founder of the Carolina Copperheads Baseball Organization spoke in support of the Westmoreland Athletic Complex, which he said would address the need for more playing fields in the area. Mr. Carter said his involvement on an investment level was not for the money, but for creating a better space for kids to play ball.

Comments:

Commissioner Clarke asked

Will the monies to acquire the land come from County tax dollars and monies to develop the property from the Town? Town Manager Roberts said the Town would contract with the private developer to basically build the fields and to maintain the tournament aspects of it.

What is the Town putting into the project? Town Manager Roberts said the Town was asking that the County relinquish the Towns’ portion of the Open Space Challenge Grant funds for this purchase. Also, that the Town would have some staff involvement from an operational standpoint.

Is the Town putting up any monies to develop the fields? Town Manager Roberts said no.

Will the private entity have any interest in the property? Town Manager Roberts said no that the property would be owned by the County.

Will the private entity have any interest in the property through a lease with the Town, in light of the investment they’re making? Town Manager Roberts said the private entity would not own any of the facilities.

What will the private entity have? Town Manager Roberts said the private entity would have usage for tournament play for up to 32 weekends out of the year.

What sports will take place? Town Manager Roberts said baseball and fast pitch softball.

What about soccer fields? Town Manager Roberts said the fields could be used for soccer, but that the current plan was for baseball and fast pitch softball. The Town would
have the discretion to use the fields for soccer play when they were not being used during the week, Monday – Thursday or on the weekends when there was no tournament play.

- Will the private entity be entitled to the revenues during the period of exclusive use? Town Manager Roberts said yes, but that the terms have not been worked out. This was something the Town would work out with County Attorney Bethune and the private entity.

Commissioner Clarke said he was more inclined to see what the exact terms of the agreement would be between the Town and the private entity before taking any action.

Commissioner Clarke said he was also concerned about making sure that the use of the facility was not just limited to the residents of Cornelius and that any fees associated with the facility would be the same for all Mecklenburg County residents, since these were County dollars.

Town Manager Roberts said the fees would be the same for all County residents and that it would be open to all County residents.

Commissioner Clarke suggested the Westmoreland proposal be considered in conjunction with the Robbins Park proposal, since the two are to compliment one another. He said the Park and Recreation Commission could consider them as one package.

Town Manager Roberts said that this matter and the Robbins Park proposal had gone before the Park and Recreation North Park District Council for discussion. Further, that it was his understanding that the Robbins Park proposal would go before the full Park and Recreation Commission on October 11, 2005, however, he was not sure if the Westmoreland proposal would be included.

Town Manager Roberts said that the Westmoreland proposal may not go before the full Park and Recreation Commission since it was sort of an “out of the box situation”, like the Bailey Road School site, and since the 2 to 1 match was not being done or the passive open space requirement.

Town Manager Roberts said that they would, however, follow the Board’s instructions.

Commissioner Clarke noted that to his knowledge, only one Town has ever come up with their match since the program was started.

Commissioner Clarke said the Board wants to work with the Town of Cornelius, but that his concern was to make sure that the facility was open to everyone in the County.

Commissioner Roberts asked:

- What would the Town’s staff involvement be? Town Manager Roberts said the Town would be managing it, ultimately, and that the private entity’s portion would only come into play when they’re using the facility the 32 weekends out of the year.

- Who would be responsible for the on-going maintenance? Town Manager Roberts said the Town would have some staff involvement in the operational, but that the on-going maintenance issue would be worked out in the agreement with the private entity. He noted, however, it would ultimately be the Town’s responsibility.

- Is the Town willing to budget money for on-going maintenance, if it’s required? Town Manager Roberts said this had not been discussed by the Town Board, but that it would be a topic of discussion at their retreat in January.

- What about on-going maintenance at the proposed Robbins Park. Town Manager Roberts said the Town would be responsible for maintenance of the entire 100 acres.

- Who would make the decision to use the fields for soccer? Town Manager Roberts said the Town would make that decision.
Commissioner Roberts concurred with Commissioner Clarke that the Westmoreland and Robbins Park proposals, should be looked at together and a recommendation received from the Park and Recreation Commission on both proposals.

Commissioner Roberts noted that access had been a concern, but that it appeared from what was presented, access was pretty public.

Commissioner Roberts asked what would be the connection between the ball fields and Robbins Park if things go the way the Town has envisioned? Town Manager Roberts responded by commenting on the lay out of the properties.

Chairman Helms said he, too, felt the Board needed to see both proposals in their entirety in order to get a clearer picture of how they fit together.

Commissioner Mitchell asked if the Town’s 2005 and 2015 Comprehensive Park and Recreation Master Plan fit in with Mecklenburg County’s Park and Recreation Master Plan? The response was that the Town has shared their Plan with County staff.

Commissioner Woodard expressed concern for the number of weekends that the private entity would use the fields. She asked what time of the year would this occur. The response was that it would be in the prime playing season, March to October.

County Manager Jones stated that the intent of staff’s recommendation was to do as it has been suggested that the two proposals be looked at together.

County Manager Jones said it was important that as a part of the evaluation process that there be an evaluation around the issue of master planning sportsplexes. County Manager Jones said this was something that County Park and Recreation were studying.

County Manager Jones said that staff would further evaluate this proposal and report back to the Board, if the Board was interested in the concept.

County Manager Jones noted that staff’s recommendation may or may not be supportive of doing this in the manner in which it has been presented by the Town of Cornelius.

County Manager Jones said that more due diligence was necessary in order to get the Board to a level where it’s comfortable with moving forward with the project.

Chairman Helms said he believed the concept has value and that there were some advantages to the public/private partnership that the Town has described. He noted, however, that these were public dollars made available from the citizens in a vote, and that the Board needed to be certain that they were used essentially in the manner the Board was directed.

Chairman Helms suggested the Board 1) express support for the concept, 2) that the County and Town staffs, and the private developer work together to get answers to the questions that have been raised, and 3) that this matter be brought back as a comprehensive plan that incorporates both the proposed Robbins Park and the proposed Westmoreland Athletic Complex, showing how they fit together.

Commissioner Mitchell inquired about receiving a recommendation from the North Park District Advisory Council.

Chairman Helms said he felt a recommendation would be received on this when it comes back in November.

Town Manager Roberts said he was not sure if the North Park District Council would review the Westmoreland proposal, since it was brought forth as a separate component. He noted further, that the Board at the September 20th meeting only referred the Robbins Park proposal to the Council for review. He said the two proposals work well together, but that they stand alone, also.
Commissioner Clarke asked that the Town, when updating its proposal information, make it clear that the facility is not really a multi-sport facility, that it’s baseball and softball. Also, make it clear that the Town is not “developing” it, but rather, the Town is contracting with a private entity to develop it.

County Manager Jones said that the Westmoreland proposal could be placed on the Park and Recreation Commission agenda on October 11th and that staff would report back to the Board at the earliest possible date.

Commissioner Roberts noted that there had been some discussion about the open space requirement in the initial purchase of the land from the land banking funds. She said that she thought she had heard that there would be more open space from what had been presented.

Commissioner Roberts asked the Town to clarify the open space amount issue when they report back to the Board.

Motion was made by Commissioner Clarke, seconded by Commissioner Roberts and carried 5-0 with Commissioners Clarke, Helms, Mitchell, Roberts and Woodard voting yes, to express support for the Westmoreland Athletic Complex development concept; and authorize staff to work with the Town of Cornelius staff to do the further due diligence and evaluation with respect to the potential acquisition of land adjacent to the proposed Robbins Park for future development of a Westmoreland Athletic Complex; and report back to the Board at the earliest possible date.

(COUNTY COMMISSIONERS REPORTS AND REQUESTS - NONE)

(COMMISSIONERS’ COMMENTS) General comments were made at this time by various Commissioners regarding upcoming events and/or events they attended, as well as, other matters which they deemed noteworthy.

ADJOURNMENT

Motion was made by Commissioner Mitchell, seconded by Commissioner Woodard, and carried 5-0 with Commissioners Clarke, Helms, Mitchell, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 7:40 p.m.

____________________  ______________________________  __________________________
Janice S. Paige, Clerk  H. Parks Helms, Chairman
MINUTES OF CLOSED SESSION OF
MECKLENBURG COUNTY BOARD OF COMMISSIONERS

October 4, 2005 5:00 P.M.

The Board of Commissioners of Mecklenburg County, North Carolina, met in Closed Session in the Charlotte-Mecklenburg Government Center during its Regular Meeting held Tuesday, October 4, 2005. These Closed Session minutes are part of the minutes of that meeting and should be read in that context.

ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners J. Daniel Bishop, Dumont Clarke, Bill James Norman A. Mitchell, Sr., Jim Puckett Jennifer Roberts and Valerie C. Woodard County Manager Harry L. Jones, Sr. County Attorney Marvin A. Bethune Clerk to the Board Janice S. Paige

Absent: Commissioner Wilhelmenia I. Rembert

Also Present: General Managers Janice Jackson, John McGillicuddy, and Bobbie Shields, Executive Assistant to the County Manager Michelle Lancaster, Deputy County Attorney Sandra Bisanar, Nancy Brunnemer and Steve Law with Real Estate Services

(2A2) ALLISON FARM ACQUISITION IN DAVIDSON ETJ

This matter was addressed in Open Session during Staff Briefing. No action was required during Closed Session.
The Board of Commissioners of Mecklenburg County, North Carolina, met in Budget/Public Policy Session in Conference Center Room 267 on the 2nd floor of the Charlotte-Mecklenburg Government Center on Tuesday, May 10, 2005 at 3:00 p.m.

ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners J. Daniel Bishop, Dumont Clarke, Bill James Norman A. Mitchell, Sr., Jim Puckett Wilhelmenia Rembert, Jennifer Roberts and Valerie C. Woodard County Manager Harry L. Jones, Sr. Clerk to the Board Janice S. Paige

Absent: None

Chairman Helms and Commissioners Bishop, Puckett and Woodard were absent when the meeting was called to order and until noted in the minutes.

The meeting was called to order by Vice-Chairman Rembert in the absence of the Chairman.

FY 2006 BUDGET DEVELOPMENT

(1) REVENUE UPDATE

County Manager Jones informed the Board that he would defer providing a revenue update until he presents his recommended budget on May 17, 2005.

Commissioner Puckett entered the meeting.

(2) FEE CHANGES

Budget and Management Director Hyong Yi addressed proposed Fee Changes. The presentation covered

• The Program/Service for which the fee increase is being proposed
• Current fees and proposed fees
• Justification for the fee increases.

The departments requesting fee increases were

• Park and Recreation
• Public Health
• Land Use and Environmental Services Agency (LUESA).

A list of the proposed fee changes is on file with the Clerk to the Board.

Comments

Commissioner Clarke asked who typically paid the tipping fee? The response, which was given
by Cary Saul, Director of LUESA, was mostly the City of Charlotte for the disposal of solid waste.

Commissioner Rembert asked about the fee increase at Freedom Park. The response, which was given by Wayne Weston, Director of Park and Recreation, was that it would cover the operation costs for the new indoor shelter that is climatically controlled.

Chairman Helms entered the meeting and chaired the remainder of the meeting.

(3) 311 CALL CENTER

Brian Cox, E-Commerce Manager addressed the Charlotte and Mecklenburg County Customer Contact Center known as 311.

The following was noted:
- 311 is used by local governments to simplify access to services by centralizing call-taking functions from many departments into one center.
- It is an initiative to improve customer service.
- The FCC designated 311 for the public to reach non-emergency governmental services and reduce inappropriate 911 calls.

The presentation included an overview of the following:
- 311 Centers across the country
- The project plan, which would include Park and Recreation and the Tax Department (Collections)
- Action Steps
- Operating Agreement
- FY06 Costs
- Value to be gained
- 311 in comparison to other methods
- Project History
- Guiding Principles
- 311 General Types of Calls
- 311 County-wide Services (Types of Calls for Tax Collection and Park and Recreation)

Commissioner Woodard entered the meeting.

Comments

Commissioner Clarke made the following comments:

- He referenced the Project History and asked about the June 2004 communication to the City of Charlotte with respect to the County’s intent to participate in the 311 Center. The response was that communication came about as a result of an initiative by the County Manager and not as a result of Board action.

- He asked had the City for last year been operating and designing the system under the assumption that the County would participate? The response was yes, however, the City plans to move forward with or without the County’s participation. The City would operate the system and the County would purchase this service from the City.

- Commissioner Clarke suggested that staff include in the value gained, the fact that 311 would be a 24-hour system, which is a benefit to the public.

- He asked how staff derived at the per call cost, which was explained.
He asked why would the total start up cost be included in the annual cost, since that would be a one-time cost? The response was that staff was trying to get a sense of where the County stood in the industry average.

Commissioner Rembert asked what would the County’s share of the staffing entail? The response was that the 311 Center would be operated by the City with City staff only. Further, that the County would be purchasing this service with respect to call volume.

Commissioner Puckett noted that this request was a little less than $1 million. He asked if the amount needed was part of the budget “gap” for FY06. The response was yes.

Commissioner Puckett said that although this would be something good to make available to the public, and an enhancement to County services, he questions the need for it in light of the County’s budget situation for FY06.

General Manager John McGillicuddy said this was an initiative to improve customer service. He noted with respect to the “balanced scorecard” that the County had a yellow light when it came to service value, meaning improvement was needed. It was noted further that there’s a need for people to be able to access County services beyond the hours of 8:00 a.m. – 5:00 p.m.

General Manager McGillicuddy said currently a lot of time was being spent addressing calls that could be responded to through a 311 Center. He noted that 80% of calls received were requests for general types of information and 20% required more in depth response. He said staff feels the 311 Center would be of great value to the Tax Department and an enhanced service to Park and Recreation. He noted further that the system currently in place was decentralized and often confusing for the public with respect to knowing where to call.

County Manager Jones noted that Police Chief Stephens was supportive of the 311 Center because it would help reduce 911 non-emergency calls.

Commissioner Roberts asked if the Department of Social Services was included? The response was not initially but in a later phase.

Commissioner Roberts asked how would calls from citizens with limited English proficiency be handled? The response was that there would be bilingual staff available.

Commissioner Woodard expressed concern for the cost of this initiative. She asked how staff measures the need for services between 6:00 p.m. – 6:00 a.m.?

General Manager McGillicuddy clarified that currently when someone calls the City’s Customer Services Center they are referred to the appropriate place but with the 311 Center regardless of the time the call is received, there will be someone to answer that citizen’s question rather than transferring them to another number. There will be a database of information available to 311 Center staff that should cover 80% of the calls received. If it’s a more complicated question needing a more in depth response, then that person would have to be referred to someone else irrespective of when they may call, and that call would have to be responded to during normal business hours. It was noted further that all calls received would be logged into the database and any questions that could not be answered would be reviewed and a determination would be made as to whether a response could be develop so that in the future it can be addressed by 311 Center staff. The database would also be reviewed to see what the most frequently asked questions were. The 311 Center staff should be able to answer 80% of the calls received.

Commissioner Puckett asked staff to provide a breakdown on the number of calls received by Park and Recreation and the Tax Department? The response was that staff would provide that information to the Board.

Brian Cox said that this type of initiative does defray future costs in the long run.

Commissioner Puckett said the question facing the Board was whether the County could afford to provide this service at this time.
Budget and Management Director Hyong Yi addressed the Charlotte-Mecklenburg School (CMS) Funding Framework.

Commissioner Bishop entered the meeting at this time.

The presentation covered the following:
- Funding Framework Principles (five)
- Past actions taken by the Board with respect to the Funding Framework
- How the Funding Framework was being used
- The County Manager’s recommendation for using it

The five Principles are:
1. The funding formula – a guideline for continuation funding.
2. If CMS saves a dollar, the County will not take it.
3. CMS may request enhanced funding.
4. CMS will report actual spending on enhanced funding and categories that state statutes require the County to fund.
5. Total funding for CMS will not exceed a stated percentage of total County revenue defined as the average of the prior three years percentage of total County revenue.

County Manager Jones made the following comments:
- That his interpretation of actions taken by the Board with respect to the Funding Framework was that it was to be used as a guideline.
- He is aware that the Superintendent has some concerns about the Funding Framework and feels it needs “tweaking.” He, too, believes it needs some “tweaking” and he plans to challenge the School Superintendent around this issue. He will address this more in the presentation of his recommended budget.
- The Funding Framework lacks the use of all revenue sources.
- Limiting the Funding Framework only to the County portion, assumes, in his mind, that the school system was entitled to local funding beyond that which is provided for capital and beyond what the County was obligated to provide by law, to provide for maintenance.
- The Board will see in his budget presentation that he has not lost sight of the fact that CMS received a $57 million increase in funding this year from the state, and is projecting to receive a $40 million increase next year.
- The fact that the state has “stepped up to the plate” suggest to him that the shared responsibilities that are specified in the general statutes, with respect to how schools are be funded, have been working very well over the last few years, given the increase in funding the schools have received.
- He is going to challenge CMS, in conjunction with the County, to start looking at what the state is actually providing and have some discussion around whether or not that makes sense and incorporate into the Funding Framework some component that addresses that issue. He said that he doesn’t know if it would be some percentage of prior years or not.

Comments
Chairman Helms noted that the current operating budget for CMS this fiscal year was about $265 million and that CMS was asking for $316 million for FY06. He stated that according to the Funding Framework CMS would receive $280 million, which was an additional $15 million.

Commissioner James said as a follow-up to Chairman Helms’ comment that the Funding Framework was predicated on the pre-calculated debt service off of $170 million.

Commissioner Clarke asked how much of the $316 million was enhancement money? Staff did not know the specific answer, but it was estimated that it might be around $20 million.

Commissioner Puckett said that everything above somewhere between $90-95 million per year was enhancement funding.

Commissioner Bishop asked if the $396.3 million figure shown under Funding Framework, complied with Principle 5? The response was no.

Commissioner James said that the more CMS spends in capital the less they have in operating.

Commissioner James said he would like to know what the limit was going to be for CMS capital.

Commissioner James, with respect to a potential CMS bond proposal, said the County needs to find out from CMS when they plan to request the money.

Chairman Helms said that he agreed with the County Manager that the Funding Framework needs to be revised.

Chairman Helms asked the County Manager to comment on how he would like to see the Funding Framework revised.

County Manager Jones said he would like to see all sources of revenue incorporated into the Funding Framework, excluding perhaps federal funding.

County Manager Jones gave an overview of what the County was required to provide to the schools. He noted, however, that the general statutes state that the primary responsibility for funding schools was the state.

It was the consensus of the Board that the County Manager revised the Funding Framework to reflect the County Manager’s thoughts regarding including all sources of revenue and to bring it back to the Board for consideration.

Commissioner Clarke suggested also that the formula include a cost per seat that does not reflect fairly dramatically, increased construction costs.

Chairman Helms reminded the Board that the Funding Framework was just a guideline.

Commissioner Bishop said the point of the Funding Framework was that it presented certain ideas that made “sense” to think about. “How out of whack are total resources being devoted to CMS in any given year.” He said the farther “you get away from what the number is that the Funding Framework gives, the more out of “whack” you are and the more problems you’ll see in the rest of your budget in terms of the amount of debt service of how you take care the rest of your other needs.” He said that’s the value of the Funding Framework.

Commissioner Bishop said if the Board wants to consider revising the Funding Framework then it should hear about that idea in more specifics, other than what the County Manager has mentioned. He said before the Board changes the Funding Framework, the Board should approach it in a comprehensive way.

Chairman Helms said that the Board would have the option of approving, amending, or not approving what the County Manager brings back for the Board’s consideration.
Commissioner Puckett suggested the County Manager include in his revision to the Funding Framework the student projection that CMS provides to the state and not the projection that they send to the County because it's usually two different numbers. He also suggested that included in the Funding Framework should be the actual capital that County has to pay and their projected increase in capital and what does that represent the six months from January to June of next year; and extrapolate out what the state’s best guess of funding per pupil.

County Manager Jones said that he would draft something for the Board’s consideration and that he would also communicate with CMS staff.

Commissioner Rembert said clarity was needed from CMS with respect to when they plan to spend the money, for example is the $170 million or the $135 million for a 12-month period or 18-month period.

Note: The above is not inclusive of every comment and/or question asked but reflects key points and requested follow-up.

A copy of handouts relating to each of the above subjects is on file with the Clerk to the Board.

ADJOURNMENT

Motion was made by Commissioner Mitchell, seconded by Commissioner Woodard and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 5:04 p.m.

Janice S. Paige, Clerk H. Parks Helms, Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, October 18, 2005.

ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners J. Daniel Bishop, Dumont Clarke, Bill James Norman A. Mitchell, Sr., Jim Puckett Wilhelmenia I. Rembert, Jennifer Roberts and Valerie C. Woodard County Manager Harry L. Jones, Sr. County Attorney Marvin A. Bethune Clerk to the Board Janice S. Paige

Absent: None.

- INFORMAL SESSION -

Commissioner Clarke was absent when the meeting was called to order and until noted in the minutes.

(1) STAFF BRIEFINGS – NONE

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified items they wanted removed from consent and voted upon separately. The items identified were Items 9, 13, 14, 20 and 25.

(2A, B, & C) CLOSED SESSION - TO PREVENT DISCLOSURE OF INFORMATION THAT IS CONFIDENTIAL PURSUANT TO G.S. 105-259. (G.S. 143-318.11(A)/ CONSULT WITH ATTORNEY/ BUSINESS LOCATION AND EXPANSION

Motion was made by Commissioner Woodard, seconded by Commissioner James and carried 8-0 with Commissioners Bishop, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to go into Closed Session to a) Prevent Disclosure Of Information That Is Confidential Pursuant To G.S. 105-259. (G.S. 143-318.11(A); b) Consult with Attorney with respect to Paul Midgett V. James Pendergraph, Rodney Collins, Paul Gee, Doltheia Thigpen, Aerris Smith, And Gabriel Hill; and c) to discuss Business Location and Expansion.

The Board went into Closed Session at 5:25 p.m. and came back into Open Session at 6:07 p.m.

Commissioner Clarke was present when the Board came back into Open Session. He entered the meeting during Closed Session.
-FORMAL SESSION-

Invocation was given by Commissioner Woodard, which was followed by the Pledge of Allegiance to the Flag.

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) INDUCTION INTO THE ORDER OF THE HORNET

Motion was made by Commissioner Puckett, seconded by Commissioner Rembert and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to induct Carroll Gray, Executive President of the Charlotte Chamber of Commerce, into the Order of the Hornet for his outstanding service and contribution to the community.

Note: Charlotte Chamber President Carroll Gray has officially announced his departure/retirement from the organization, effective at year’s end. Mr. Gray has served as staff executive for the Charlotte Chamber for over 21 years. Mr. Gray has worked with a series of business leaders during two decades of rapid growth for the Queen City and the Charlotte Region.

Established in 1972, The Order of the Hornet is bestowed by the Board of County Commissioners on persons who have displayed valor or high order of service uniquely and specifically to the citizens of Mecklenburg County. The Board can pay no higher tribute to those who have given so generously of their time and talents to improve the quality of life for the citizens of Mecklenburg County.

Mr. Gray, who was joined by his wife at the podium, thanked the Board for this honor.

(2) PUBLIC APPEARANCE

The following persons appeared to speak during public appearance:

Jack Stratton commented on the following:

- Judge Libby Miller’s resignation, which he said was not to take another position, but because he was “moving in” on her. Mr. Stratton said that he was “closing in” on Judge Miller and that she would be indicted.
- Former Chairman Tom Cox – Mr. Stratton said he exposed that Mr. Cox had contracts with DSS.
- His willingness to take a polygraph test. Mr. Stratton said he had drafted documents to send to Mr. Kevin Kindred at the FBI regarding his consent to take a polygraph test, if the following persons also agree to take one: Chairman Helms, County Manager Jones, Jim Coleman, Sandra Bisanar, Jake Jacobsen, Tyrone Wade, Gretchen Caldwell, Libby Miller, Yvonne Mims-Evans, & Michael Giftose.
- Mr. Stratton read an example of the document that he wants Chairman Helms and County Manager Jones to sign. “I Parks Helms hereby consent to take an FBI polygraph test. This will provide solid evidence to the FBI that Mr. Stratton’s charges are false and will show the FBI and the public that I was truthful when I claimed that 1) Mr. Stratton’s children would be dead if we had not taken them. 2) What was going on the in Stratton’s household before we took his children was worst than sexual abuse.”

Lenny Springs, Ruth Samuelson (former Commissioner) and Elsie Garner, Executive Director, WTVI – Invited the Board to attend the premier of the documentary on the history of African Americans in Charlotte/Mecklenburg on October 28, 2005 at the Mint Museum at 6:00 pm
(reception) with showings at 7:00 pm and 9:00 pm or on November 2, 2005 at WTVI at 8:00 pm for the first airing of the documentary.

Chairman Helms thanked all speakers for appearing.

(3) NOMINATIONS/APPOINTMENTS

ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE

Commissioner Puckett nominated Rebeca Radecke for appointment to the Adult Care Home Community Advisory Committee.

*The appointment will occur on November 1, 2005.*

BUSINESS EXPANSION FUNDING CORPORATION

The following persons were nominated for appointment to the Business Expansion Funding Corporation:

- Mic Alexander by Commissioner Rembert
- Patricia Conley by Commissioner James
- John DiCristo by Commissioner James
- Joe Mynatt by Commissioner James
- Sandra Ridings by Commissioner James
- Kent Workman by Commissioner James

*An appointment will occur on November 1, 2005.*

NURSING HOME COMMUNITY ADVISORY COMMITTEE

Commissioner Puckett nominated Michelle Wingo for appointment to the Nursing Home Community Advisory Committee.

*The appointment will occur on November 1, 2005.*

WOMEN’S COMMISSION

Motion was made by Commissioner Mitchell, seconded by Commissioner Rembert and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to reappoint Pamela Hemphill to the Women’s Commission for a three-year term expiring October 31, 2008.

Commissioner Puckett nominated the following persons for appointment to the Women’s Commission:

- Diann Cockerham
- Cora Dickerson
- Yanina Razak
- Katie Simons
- LaShonda Sparks

*Appointments will occur on November 1, 2005.*

(4) PUBLIC HEARING - NONE
(5A) ADVISORY COMMITTEE REPORT – CENTRALINA AREA AGENCY ON AGING

Motion was made by Commissioner Woodard, seconded by Commissioner James and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to receive the Centralina Area Agency on Aging Year End Report, which was entitled, Building Senior Friendly Communities.

The report addressed the following:
- NC Aging Facts
- What are Senior Friendly Communities?
- The importance of Senior Friendly Communities
- Diversity and Disparity
- Population Shift
- Older and Younger Boomers
- Mecklenburg County Statistics
- Community issues impacting seniors, such as, transportation, economics, housing, etc.

The report cited the following 10 things that County Boards and City Councils can do:
- Redevelop downtown areas
- Improve walkability
- Support caregiving
- Recognize senior friendly entities
- Assess senior-friendliness of county/city services
- Assure adequate transportation
- Assure adequate emergency services & disaster special needs sheltering
- Develop information and assistance programs
- Assure strong health and human services
- Offer meaningful activities/programs
- Encourage senior friendly housing

Gayla Woody, Aging Program Administrator for the Centralina Area Agency on Aging gave the report.

Chairman Helms, on behalf of the Board, thanked Ms. Woody for her report.

Chairman Helms said that there were several things mentioned in the report that the County had already embarked upon, but that there was still much to do. Chairman Helms said senior issues was something that the Board needed to move up on its priority list and that perhaps it should be added to the County Manager’s Strategic Plan for FY06.

A copy of the report is on file with the Clerk to the Board.

(6) MANAGER’S REPORT – COUNTY MANAGER’S STRATEGIC MANAGEMENT PLAN

County Manager Jones presented his Strategic Management Plan for FY06.

The following was the list of proposed strategic objectives for FY06:

1) Present the Board with a revised CMS funding framework recommendation by the end of the calendar year.
2) Complete program review for the remaining 2/3 programs by May 2006.
3) With the Health Department, develop a comprehensive strategy to address the issue of health disparities, emphasizing the County’s role by April, 2006.
5) Conduct “leadership chats” with each department’s leadership team by June 30, 2006.
6) Conduct a review of the criminal justice system with the city manager and court officials and recommend improvement/funding strategies for BOCC consideration by June, 2006. (County Manager Jones said that he was going to recommend the Medical Examiner be included in their discussions.)

Comments

Chairman Helms, in connection to #6 (the criminal justice system), said Todd Nuccio, Trial Court Administrator, wants to meet with him regarding the administration of justice in Mecklenburg County. Chairman Helms said he was going to ask Commissioners Bishop and Clarke (both attorneys) to join him in discussing this topic with Mr. Nuccio.

Commissioner Puckett’s comments:
- He suggested that #4 (methamphetamine labs) be deleted or put off to another time. He views #4 as a police matter.
- He suggested instead that there be a strategy related to disaster preparedness, in light of the Hurricane Katrina disaster. He said it could based on the things the County Manager learned from this experience, as well as, what the country as a whole learned.
- With respect to #5 (leadership chats), he hopes a deliverable comes back to the Board in a worksession or through the distribution of a communication, regarding 1) how the County Manager feels the leadership is in each department. 2) What things he learned as a result of the chats. 3) Where are departments in relation to the balanced scorecard?
- Commissioner Puckett said the County was now at that point in the lifecycle of the balanced scorecard where it needs to make sure all department heads are “extremely” comfortable with that process and that if they are not, why and what needs to be done to help.

County Manager Jones said that one of the intents of his “leadership chats” is to do what Commissioner Puckett commented on.

County Manager Jones said that most, if not all, of the County’s commitment as an organization should be around “our managing to the scorecard.”

County Manager Jones said more needed to be done organizationally and legislatively with respect to the balanced scorecard. He said that #5 (leadership chats) is a part of the process of ensuring that we are in compliance with the balanced scorecard.

Chairman Helms said that it’s important also for the community to know and understand what the County is doing with respect to the balanced scorecard.

Chairman Helms suggested that the Board receive periodic updates regarding the balanced scorecard.

Commissioner Woodard asked County Manager Jones if there was anyone representing juveniles on the review team that he references in #6 concerning a review of the local judicial system?

County Manager Jones said there was no one from the juvenile side, except through the Sheriff’s Office.

Commissioner Woodard suggested that someone be invited to participate from the juvenile court side.

Commissioner Woodard asked Chairman Helms to include her as another representative from the Board in his meeting with the Trial Court Administrator because of her criminal justice background. Chairman Helms said that he would.
Commissioner Rembert asked if #3 (health disparities) could be expanded to include Area Mental Health.

Commissioner Rembert also noted her concurrence with Commissioner Puckett’s remarks with respect to disaster preparedness, not only to natural disasters, but having services available for those returning to the community from war.

Commissioner James noted with respect to #6 (the criminal justice system) that the Community Health and Safety Committee met with District Attorney Peter Gilchrist to discuss the issue of full funding. He said that Mr. Gilchrist would be back before the committee in about a month to further discuss this issue.

Commissioner James said those that were present at the meeting agreed that there were other ancillary aspects to consider when discussing the issue of funding, such as the Medical Examiner’s Office, as noted by the County Manager.

Commissioner James said although an analysis would need to done, that it appears that the District Attorneys Office is underfunded by at least half of what it should be.

Commissioner James said that he felt the next step for the committee was to talk with the Chief Judge to get his understanding of what is going on in the court system and what would be the impact on the courts if the District Attorney’s Office were fully staffed.

Commissioner Clarke asked the County Manager to consider adding to his list of strategic objectives, a strategy that would involve members of the Board, engaging with the State Department of Juvenile Justice regarding funding all or a part of a replacement facility for Gatling that would serve males and females.

Commissioner Puckett suggested that the issue of Gatling be considered when the Board develops its legislative package.

Commissioner Roberts with respect to #1 (CMS funding framework), said that she wanted to make the County Manager aware that there were changes or policy considerations underway in terms of planning and school construction, etc. She said in light this, she was not sure how much the Board would be able to evaluate the County Manager’s progress on that objective, in light of the changes going on with CMS.

Commissioner Roberts with respect to #3 (health disparities), said that environmental health should also be included.

Commissioner Roberts asked if #6 (the criminal justice system) would focus on the partnership between the Department of Social Services and the criminal justice system or just the justice piece? County Manager Jones said the focus would be on the justice piece only.

Commissioner James asked Commissioner Roberts to comment further with respect to her remarks concerning CMS.

Commissioner Roberts said she was referring to the fact that the Planning Commission was looking at different ways to try to plan better for school growth, which includes for example, a review of procedures for school construction, joint use, etc.

County Manager Jones noted that he made a commitment to the Board that he would have a funding framework to the Board by the end of this calendar year. Thus, the Board would have it in place when it began its strategic planning conference in January and that it could be used during the Board’s deliberations.

County Manager Jones said he would not be offended if the Board altered, modified or revised his recommended funding framework. He noted also that he intends to develop the funding framework collaboratively with CMS, but that if those attempts fail that he would give the Board a good and sound framework based on staff’s best thinking.
Motion was made by Commissioner Mitchell, seconded by Commissioner Clarke and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve the strategic management plan for the County Manager for FY06 as amended.

Amendments:
- Add a report and recommendations for Board consideration for addressing the “gaps” in our Disaster Preparedness procedures. Delete or make the issue of methamphetamine labs a lower priority.
- Expand #3 to include Area Mental Health and Environmental Health.
- Develop and begin implementing a strategy that would involve members of the Board, engaging with the State Department of Juvenile Justice regarding funding all or a part of a replacement facility for Gatling that would serve males and females.

_A copy of the report is on file with the Clerk to the Board._

CONSENT ITEMS

Motion was made by Commissioner Puckett, seconded by Commissioner Roberts and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to approve the following items:

(7) **APPROVAL OF MINUTES**

Approve minutes of Regular Meeting held October 4, 2005 and Closed Session minutes of October 4, 2005.

(8) **TAX REFUNDS**

Approve refunds to be made by the Finance Department as requested by the Tax Assessor in the amount of $819.00 resulting from clerical errors, audits, and other amendments.

(10) **GOVERNOR’S CRIME COMMISSION GRANT - 2ND YEAR FUNDING**

Recognize, receive and appropriate second year funding from the Governor’s Crime Commission in the amount of $151,199 for the MST Intervention for Court-Involved Youth project.

(11) **CDBG SCATTERED SITE HOUSING PROGRAM AMENDMENT – SET PUBLIC HEARING**

Schedule a public hearing on November 1, 2005 at 6:30 p.m. to receive public comment on the Community Development Block Grant Scattered Site Housing Program Amendment.

(12) **DISPLACED HOMEMAKER GRANT – WOMEN’S COMMISSION**

Recognize, receive, and appropriate an additional $29,240 in Displaced Homemaker Divorce Filing Fee grant funding from the North Carolina Council for Women/Domestic Violence Commission.

(15) **COMMUNITY HEALTH TRUST BUILDERS – GRANT SUBMISSION**

Approve submission of a $50,000 grant application to the North Carolina Office of Minority Health and Health Disparities (OMHHHD) for funding a community driven health education and training program entitled Community Health Trust Builders; and upon award of grant, recognize,
receive, and appropriate the grant award and authorize the carry forward of any unspent grant funds at June 30, 2006.

(16) SHERIFF’S SPECIAL REVENUE FUND

Recognize, receive and appropriate $60,000 for the Sheriff’s Special Revenue Fund for Inmate Commissary.

(17) PURCHASE OF JOHNSTON ROAD PARCEL AT LOWER MCALLPINE CREEK

Approve purchase of Tax Parcels 221-362-02 and 221-362-03 from City of Charlotte for $10,000.

Note: This property is contiguous to County-owned greenway land and is partially within the 100-year floodplain. Park and Recreation staff requested the acquisition of this 1-acre property for Lower McAlpine Creek Greenway.

(18) DAVIDSON LAND ACQUISITION REIMBURSEMENT

Approve reimbursement to the Town of Davidson in the amount of $78,000 from land bonds for the purchase of a greenway easement acquired from R.Y. Westmoreland & Sons, Inc. on August 30, 2005.

Note: The 20-foot wide permanent easement encompasses 7.513 acres on Tax Parcel 007-281-06A and will accommodate a greenway trail along the South Prong of the Rocky River. This trail corridor is identified in the 1999 Mecklenburg County Greenway Master Plan.

(19) FIREMAN’S HALL REDEVELOPMENT SITE SIGN

Adopt resolution declaring intent to convey area at 7th Street and Firefighter Place formerly designated as a sign easement to Assembly Tower Center Association, Inc.

Resolution recorded in full in Minute Book 42-A, Document # _______.

(21) MCMULLEN CREEK GREENWAY LAND ACQUISITION

Approve purchase of vacant .85-acre portion of Tax Parcel 163-122-01 on Shady Bluff Drive from Robert and Linda Landers for $55,000.

Note: This property would become part of the open space/greenway system along the County’s major creeks as described in the 1999 Mecklenburg County Greenway Master Plan.

(22) MECKLENBURG COUNTY SOLID WASTE FEE ORDINANCE –LUESA-SECOND READING

Approve, on Second Reading, an amendment to the Mecklenburg County Solid Waste Fee Ordinance.

Note: This amendment would increase the tipping fee at the Foxhole Landfill to $35 per ton and eliminate the maximum fee charged on a single container. The amendment would also reduce the tipping fee for clean concrete from $5 per ton to no charge. The revised fees would become effective on November 1, 2005.

Ordinance recorded in full in Minute Book 42-A, Document # _______.
(23) PARK AND RECREATION FACILITIES ORDINANCE – SECOND READING

Approve on Second Reading an amendment to the Park and Recreation Facilities Ordinance.

Note: The Park and Recreation Facilities Ordinance has been updated and revised with more appropriate fine amounts, inclusion of a feral animal prohibition and the alcohol permit process has been streamlined to allow the Director to approve permits without Board action.

*Ordinance recorded in full in Minute Book 42-A, Document # .*

(24) SETTLEMENT APPROVAL – TAX OFFICE

Approve settlement of taxes for Cricket Communications, Inc. in the amount of $147,087, which represents 84% of the original tax claim for the 2004 taxes as negotiated by the County Attorney.

(26) SALARIES – SHERIFF AND REGISTER OF DEEDS

Approve a 3% salary increase for the Sheriff retroactive to the beginning of fiscal year 2005.

Note: This figure represents his performance level consistent with the results achieved for FY05 relative to the balanced scorecard goals.

**THIS CONCLUDED ITEMS APPROVED BY CONSENT.**

(9) AREA MENTAL HEALTH SAMHSA GRANT

Motion was made by Commissioner Rembert, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert Roberts, and Woodard voting yes, to recognize, receive and appropriate $8,994,782 in federal Substance Abuse and Mental Health Services Administration grant dollars to be received over six years to implement “Mecklenburg Cares” System of Care project.

Note: The grant will target children in the community with serious emotional disturbances and their families.

*Commissioner Rembert removed this item from Consent for more public awareness.*

Grayce Crockett, Director of Area Mental Health addressed the grant.

*Commissioner James left the dais and was away until noted in the minutes.*

(13) FY 2005 TAX COLLECTOR’S SETTLEMENT

Motion was made by Commissioner Bishop, seconded by Commissioner Woodard and carried 8-0 with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to receive as information the FY 2005 Tax Collector’s Settlement Summary in accordance with North Carolina General Statute 105-373(3).

Note: The collection summary reflects the collection percentage for those real estate and personal property taxes that are not in bankruptcy.

*Commissioner Bishop removed this item from consent for informational purposes.*

Finance Director Harry Weatherly addressed this matter.
A copy of the summary is on file with the Clerk to the Board.

Commissioner James returned to the dais.

(14) CDC REACH 2010 FUNDING

Motion was made by Commissioner Bishop, seconded by Commissioner Woodard and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to recognize, receive and appropriate $306,403 from Charlotte-Mecklenburg Hospital Authority for the year six funding of the CDC REACH 2010 grant; and approve the carry forward to the next fiscal year of any unspent grant funds at June 30, 2006.

Commissioner Bishop removed this item from Consent for information purposes.

Dr. Wynn Mabry, Health Director, addressed the grant.

(20) GREENWAY DONATION

Motion was made by Commissioner Roberts, seconded by Commissioner James and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to accept the donation of Tax Parcel 013-164-97 (5.992 acres) adjacent to Stephen's Road Nature Preserve from Shea Homes, LLC.

Note: This donation provides additional watershed protection for Mountain Island Lake.

Commissioner Roberts removed this item from Consent for more public awareness.

(25) HEALTHY CAROLINIANS FUNDING

Motion was made by Commissioner Rembert, seconded by Commissioner Woodard and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to recognize, receive and appropriate $10,000 from Healthy Carolinians, Inc. to research Hispanic health issues in Mecklenburg County.

Commissioner Rembert removed this item from Consent for more public awareness.

STAFF REPORTS AND REQUESTS

(27) HEALTH BENEFIT RESERVE ANALYSIS AND RECOMMENDATIONS

Motion was made by Commissioner Bishop, seconded by Commissioner Woodard and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to receive the update on the status of the County’s health benefit reserves (medical and dental) and the actions being taken to build up the reserves.

Finance Director Harry Weatherly and Budget and Management Director Hyong Yi addressed this matter.

A copy of the report is on file with the Clerk to the Board.

(28) SUPPORT SERVICES FOR HURRICANE KATRINA EVACUEES

Motion was made by Commissioner Rembert, seconded by Commissioner Roberts and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett,
Rembert, Roberts, and Woodard voting yes, to approve allocating $25,000 from unrestricted contingency to contract with “A Way Home” for project management to coordinate services among local non-profit, faith based, and governmental social services for Hurricane Katrina Evacuees.

Note: Mecklenburg County staff has worked successfully with the Red Cross, Salvation Army, and other non-profit and faith-based social service agencies to assist 3200 evacuees from the devastated Gulf Coast area. The Emergency Shelter at the Charlotte Coliseum closed September 18, 2005 and all shelter residents had at least temporary housing. These agencies formed a network called Transitional Assistance to Survivors of Katrina (TASK) to ensure collaboration and effective results immediately and to assist evacuees who choose to remain here in obtaining stable housing, job placement, food, clothing, and transportation. Assistance is also provided to evacuees relocating to other states and communities. “A Way Home,” a local non-profit serving the homeless, was asked to provide project management for TASK focusing on coordination of services, communications, data base development, oversight, and planning. The initial phase of TASK is 60 days and an assessment of results will be provided within this time period.

Mecklenburg County is also providing in-kind services including public information consultation and arranging for a telephone system. A temporary office for TASK opened on Monday, October 3, 2005 at 202 E. 2nd Street (AME Zion building) staffed with volunteers and professionals from participating agencies.

The $25,000 would be used for administrative support, operations expenses and project management fees.

General Manager Janice Jackson and Chris Wolfe with “A Way Home” addressed this matter.

(COUNTY COMMISSIONERS REPORTS AND REQUESTS) - NONE

(COMMISSIONERS’ COMMENTS) General comments were made at this time by various Commissioners regarding upcoming events and/or events they attended, as well as, other matters which they deemed noteworthy.

ADJOURNMENT

Motion was made by Commissioner Puckett, seconded by Commissioner James, and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 8:46 p.m.

Janice S. Paige, Clerk
H. Parks Helms, Chairman
MINUTES OF CLOSED SESSION OF
MECKLENBURG COUNTY BOARD OF COMMISSIONERS
October 18, 2005 5:00 P.M.

The Board of Commissioners of Mecklenburg County, North Carolina, met in Closed Session in the Charlotte-Mecklenburg Government Center during its Regular Meeting held Tuesday, October 18, 2005. These Closed Session minutes are part of the minutes of that meeting and should be read in that context.

ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners
         J. Daniel Bishop, Dumont Clarke, Bill James
         Norman A. Mitchell, Sr., Jim Puckett
         Wilhelmenia I. Rembert, Jennifer Roberts
         and Valerie C. Woodard
         County Manager Harry L. Jones, Sr.
         County Attorney Marvin A. Bethune
         Clerk to the Board Janice S. Paige

Also Present: General Managers Janice Jackson, John McGillicuddy, and Bobbie Shields,
              Executive Assistant to the County Manager Michelle Lancaster, Finance Director
              Harry Weatherly, and Assistant to General Manager Jaz Tunnell

(2C) BUSINESS LOCATION AND EXPANSION

General Manager Bobbie Shields gave a report regarding a business that is considering expanding in Mecklenburg County.

Highlights

- The company is being referred to as Project Oscar.
- The company is headquartered in Illinois and has over 20,000 employees with offices in 19 states and 35 countries worldwide.
- The company provides consulting services and administers human resources, health care, payroll and retirement programs.
- The total of new jobs expected is 900 over the next three years.
- The average wage is $52,000-$55,000.
- The capital investment for Phase 1 is $14.2 million and $5.5 million for Phase 2.
- The additional annual revenue (all taxes) is $1.2 million for the City of Charlotte and $2 million for the County.
- The additional annual property tax on the capital investment would be $82,740 for the City of Charlotte and $164,850 for the County.
- North Carolina is competing with Texas, Florida, and Illinois for this project.

Mr. Shields shared information regarding

- What the other states were offering
- North Carolina’s incentives
- The general terms under which the grant would be received
• The grant criteria.

General Manager Shields said Charlotte City Council had already approved this and authorized the City Manager to move forward on this project.

Motion was made by Commissioner Clarke, seconded by Commissioner Roberts and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop, James, and Puckett voting no, to authorize the County Manager to move forward with the list of economic development incentives as presented by staff in negotiations with Project Oscar; and that the intent of the Board is to approve the County’s share of a Business Investment Grant to Project Oscar for a total estimated amount of $1,022,012 over eight years, contingent upon the selection of Charlotte for its expansion.

(Note: The total City/County grant for the eight-year term is estimated at $1,535,000.)

Motion was made by Commissioner Puckett, seconded by Commissioner Bishop and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to end Closed Session.

Janice S. Paige, Clerk

H. Parks Helms, Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, November 1, 2005.

ATTENDANCE

Present:  Chairman H. Parks Helms and Commissioners  J. Daniel Bishop, Dumont Clarke, Bill James  Norman A. Mitchell, Sr., Jim Puckett  Wilhelmenia I. Rembert, Jennifer Roberts  and Valerie C. Woodard  County Manager Harry L. Jones, Sr.  County Attorney Marvin A. Bethune  Clerk to the Board Janice S. Paige

Absent: None.

Commissioners Bishop and Puckett were absent when the meeting was called to order and until noted in the minutes.

-INFORMAL SESSION-

(1)  STAFF BRIEFINGS - NONE

(2A)(2B)(2C) CLOSED SESSION  A) LAND ACQUISITION;  B) PREVENT DISCLOSURE OF INFORMATION THAT IS CONFIDENTIAL PURSUANT TO G.S. 105-259, (G.S. 143-318.11(A); AND  C) CONSULT WITH ATTORNEY PATRICK M. MARTIN V. MECKLENBURG COUNTY

Prior to going into Closed Session, Nancy Brunnemer with Real Estate Services announced the following land acquisition matters to be discussed in Closed Session:

- Tax Parcel 067-113-44
- Tax Parcel 067-084-08
- Tax Parcel 067-084-18
- Tax Parcel 067-084-32

Motion was made by Commissioner James, seconded by Commissioner Woodard and carried 7-0 with Commissioners Clarke, Helms, James, Mitchell, Rembert, Roberts and Woodard voting yes, to go into Closed Session to a) discuss Land Acquisition, b) Prevent Disclosure of Information that is Confidential Pursuant To G.S. 105-259. (G.S. 143-318.11(A), and c) Consult with Attorney with respect to Patrick M. Martin v. Mecklenburg County.

The Board went into Closed Session at 5:15 p.m. and came back into Open Session at 5:57 p.m.
Commissioner Bishop was present when the Board came back into Open Session. He entered the meeting during Closed Session.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified items they wanted removed from consent and voted upon separately. Only Item 15 was identified.

Commissioner Puckett entered the meeting.

The Board then proceeded to the Meeting Chamber for the remainder of the meeting.

- FORMAL SESSION -

Invocation was given by Commissioner Bishop, which was followed by the Pledge of Allegiance to the Flag.

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) GIS DAY

Motion was made by Commissioner Roberts, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to adopt a proclamation designating November 16, 2005 as GIS (Geographic Information System) Day in Mecklenburg County.

The proclamation was read by Commissioner Roberts and received by Paul Martin with County GIS Services.

A copy of the Proclamation is on file with the Clerk to the Board.

(1B) CHARLOTTE EMERGENCY HOUSING DAY

Motion was made by Commissioner Woodard, seconded by Commissioner Rembert and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to adopt a joint proclamation designating November 13, 2005 as Charlotte Emergency Housing Day in Charlotte and Mecklenburg County.

The proclamation was read by Commissioner Woodard and received by Karen Montaperto, Executive Director of Charlotte Emergency Housing.

A copy of the Proclamation is on file with the Clerk to the Board.

(2) PUBLIC APPEARANCE

The following persons appeared to speak during the public appearance portion of the meeting:

Juanita Holt with the Paw Creek Senior Nutrition program addressed the need for a permanent site on the west side of town.

Commanders Sam and Patsy Gordon (Queen City Chapter 10 of the Disabled American Veterans)
addressed the support needs of disabled veterans and shared videos of several public service announcements.

Commander Sam Gordon said there were 69,000 veterans in Mecklenburg County. He noted also that Queen City Chapter 10 was a volunteer organization funded through membership dues, no government funding is received. Two upcoming events were noted, on November 14th veterans can eat free at any Golden Corral from 5:00 p.m. – 9:00 p.m. and on November 11th there will be a groundbreaking at 3:00 p.m. at 2017 Bay Street, which is where they plan to rebuild the Veteran Services Center.

Commander Sam Gordon said, “regardless of whether this country is divided about the war, we need to be united to support the veterans that have come home.”

Commissioner Mitchell noted to Commanders Gordon that the Board’s Community Health and Safety Committee received a presentation from County Veterans Services Director Robert Weeks on the status of veterans in Mecklenburg County.

Commissioner Mitchell said a presentation would be made to the full Board some time in the near future.

Commander Sam Gordon noted again that they were a volunteer organization and that the Board’s support would be needed in the future.

Chairman Helms thanked all speakers for appearing.

(3) APPOINTMENTS

ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE

The vote was taken on the following nominee for appointment to the Adult Care Home Community Advisory Committee:

Rebeca Radecke    Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard

Chairman Helms announced that Rebeca Radecke was appointed to the Adult Care Home Community Advisory Committee for a one-year term expiring November 3, 2006.

Motion was made by Commissioner Puckett, seconded by Commissioner James and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to waive the appointment policy and permit Michelle Wingo to be nominated and appointed to the Adult Care Home Community Advisory Committee at tonight’s meeting for a one-year term expiring November 3, 2006.

BUSINESS EXPANSION FUNDING CORPORATION

The vote was taken on the following nominees for appointment to the Business Expansion Funding Corporation:

Mic Alexander    Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard

Voting Ceased

Patricia Conley
John DiCristo
Joe Mynatt
Sandra Ridings
Kent Workman
Chairman Helms announced that Mic Alexander was appointed to the Business Expansion Funding Corporation to fill an unexpired term expiring April 30, 2007.

**WOMEN’S COMMISSION**

The vote was taken on the following nominees for appointment to the Women’s Commission:

**Round One**

- Diann Cockerham  Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, and Roberts
- Cora Dickerson  Commissioners James, Mitchell, and Puckett
- Yanina Razak  Commissioners Clarke, Helms, Puckett, and Roberts
- Katie Simmons  Commissioners Clarke, Helms, Rembert, Roberts, and Woodard
- LaShonda Sparks  Commissioners Bishop, Clarke, Helms, James, Puckett, Rembert, Roberts, and Woodard

**Round Two**

- Cora Dickerson  Commissioners Mitchell and Puckett
- Yanina Razak  Commissioners Bishop, Clarke, Helms, James, Rembert, Roberts, and Woodard

Chairman Helms announced that Diann Cockerham, Yanina Razak, Katie Simmons, and LaShonda Sparks were appointed to the Women’s Commission for three-year terms expiring October 31, 2008.

**4A) PUBLIC HEARINGS - COMMUNITY DEVELOPMENT BLOCK GRANT SCATTERED SITE HOUSING PROGRAM AMENDMENT**

Motion was made by Commissioner Puckett, seconded by Commissioner Roberts and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to open a public hearing on the Community Development Block Grant Scattered Site Housing Program Amendment.

Chairman Helms noted that due to severe conditions found in several residential structures being proposed for housing rehabilitation, it has been determined that it is more cost-effective to address these units through relocation. The original project scope and budget did not include relocation activities.

*Note: The total project budget would remain at $400,000. The amendment proposes to transfer $10,000 from the existing rehabilitation line item to form a new Clearance line item. The amendment also proposes to transfer $170,000 from the rehabilitation line item to a new Relocation line item. This would effectively reduce the original rehabilitation line item from $360,000 to $180,000.*

No one from the public appeared to speak.

Commissioner James asked for clarification with respect to the relocation and whether it was temporary housing or was new housing being purchased.

Bill Warren with the County Manager’s Office clarified that the use of the term relocation in this instance meant to rebuild on site.

Motion was made by Commissioner Puckett, seconded by Commissioner James and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to close the public hearing on the Community
Development Block Grant Scattered Site Housing Program Amendment and approve the program amendment, which is to transfer $10,000 from the existing rehabilitation line item to form a new Clearance line item; and transfer $170,000 from the rehabilitation line item to a new Relocation line item.

(4B) REAL ESTATE EXCISE TAX REFUND REQUEST

Motion was made by Commissioner Rembert, seconded by Commissioner James and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to hold a public hearing on a request by Gerard W. McNaught, LLC for reimbursement of North Carolina excise tax in the amount of $450.

Note: Gerard W. McNaught, LLC incorrectly filed a General Warranty Deed in Mecklenburg County that should have been recorded in Iredell. North Carolina General Statute 105-228.37 requires that the Board of Commissioners conduct a hearing on a request for refund of excise taxes collected on a deed that was incorrectly submitted for recording in Mecklenburg County. The deed has since been filed in Iredell County.

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Puckett and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to close the hearing on a request by Gerard W. McNaught, LLC for reimbursement of North Carolina excise tax in the amount of $450 and approve the reimbursement in the amount of $450.

(5) ADVISORY COMMITTEE REPORTS - NONE

(6) MANAGER’S REPORT – PANDEMIC INFLUENZA (FLU) PREPAREDNESS & RESPONSE

The Board received a report from Dr. Wynn Mabry, Health Director and Dr. Stephen Keener, Medical Director regarding Pandemic Influenza (Flu) preparedness and response.

The report addressed the differences in types of flu, such as annual/seasonal, pandemic, and Avian, and also local preparedness/response efforts associated with pandemic flu. State initiatives were also addressed.

The following was noted:

- The greatest health risk today in America is still the seasonal flu.
- “An influenza pandemic occurs when a new influenza virus appears, against which, the world population has no immunity, resulting in several simultaneous epidemics worldwide with enormous numbers of deaths and illness.”
- There is no pandemic flu anywhere in the world today.
- The Avian flu does exist, which is being carried by birds (wild and domestic) in Asia and has occasionally contaminated and made ill some individuals that have had a close association with sick birds.
- Over the past 18 months there have been 117 cases in four Asian countries resulting in 60 deaths, however this is not a high risk situation right now.
- The concern is that if this particular type of influenza drifts like other pandemics has in the last century that it could become highly infectious but there’s no scientific information right now that it has changed dramatically. It is not highly infectious to humans as of now, which provides time to prepare.
- Mecklenburg County adheres to the N. C. Pandemic Flu Plan developed in October 2004. This plan is part of a larger and more comprehensive State Emergency Operations Plan.
- N. C. has an Office of Public Health Preparedness and Response that would provide expertise and guidance in the event of a large pandemic flu outbreak.
The Health Department’s website has a wealth of information regarding influenza, www.meckhealth.org.

Commissioner Woodard asked Dr. Keener to explain the difference between the flu shot and the pneumonia shot, which he did.

Commissioner Mitchell asked Dr. Mabry to comment on the role of the County, Medic and the hospitals were there a pandemic outbreak. Dr. Mabry explained the process.

Commissioner James asked Dr. Mabry to comment on the Avian flu, which he did. He also asked him to comment on the County’s and/or City plan for addressing the more viral strands as it relates to policy in terms of quarantine and distribution of vaccines, etc.

Dr. Mabry said what Commissioner James was referring to was community containment, which he and Dr. Keener addressed. It was noted that this is addressed in the state’s pandemic response plan and that one of the concepts being considered at the state level is the concept of a “snow day,” wherein folks would just stay home, except for essential personnel.

Dr. Keener noted that there needs to be a cultural change, in that, if persons are ill they should stay home or not go to school rather than attending because it does not serve anyone’s best interest. It only lengthens recovery and exposes everyone else to the pathogen someone is carrying.

Dr. Keener said the issue of community containment was also being discussed by the Alert Team task force.

Commissioner James addressed containing the population in times of a pandemic and said that this was critical to containing and protecting the rest of the population.

Commissioner James requested a copy of the Alert Team’s pandemic response plan once it’s completed.

Commissioner Roberts noted the correlation between the “snow day” concept and air quality improvement initiatives, particularly working with the business community to reduce vehicle miles traveled by employees. Commissioner Roberts noted that part of that strategy is to increase telecommuting, particularly on ozone action days.

Commissioner Roberts suggested the County “think outside the box” and expand the transportation demand management plan to perhaps correlate with health concerns and terrorism concerns.

Commissioner Roberts asked whether someone between the ages of 15 and 55 should be overly concerned about influenza or is it the young and elderly that should take priority. The response was that in the case of a pandemic it could attack different segments of the population that traditionally have not been affected, which is unknown at this point.

This concluded the responses to questions concerning the report.

Chairman Helms thanked the County Manager, Dr. Mabry, and Dr. Keener for the report.

A copy of the report is on file with the Clerk to the Board.

(2A) CLOSED SESSION LAND ACQUISITION

Motion was made by Commissioner James, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to adopt a resolution of intent to exchange +/- 4.969-acre portion of Tax Parcel 067-113-44 off Ashley Road adjoining Camp Greene Park for: (1) all of Tax Parcel 067-084-08 (+/- 2.95 acres) on Royston Road (2) all of Tax Parcel 067-
084-18 (+/- .289-acre) on Royston Road; and (3) a portion of Tax Parcel 067-084-32 (+/- 2.27 acres) on Weyland Avenue.

*Resolution recorded in full in Minute Book 42-A, Document # ________.*

**CONSENT ITEMS**

Motion was made by Commissioner Mitchell, seconded by Commissioner Woodard and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to approve the following items with the exception of Item 15 to be vote upon separately:

(7) **APPROVAL OF MINUTES**

Approve minutes of Regular Meeting held October 18, 2005 and Closed Session minutes of October 18, 2005.

(8) **TAX REFUNDS**

Approve refunds to be made by the Finance Department as requested by the Tax Assessor in the amount of $13,862 resulting from clerical errors, audits, and other amendments.

*A list of the refund recipients is on file with the Clerk to the Board.*

(9) **BOARD OF ELECTIONS GRANT**

Recognize, receive and appropriate $1,256 in grant funds from the North Carolina State Board of Elections to purchase a computer workstation.

(10) **LUESA FEE ORDINANCE REVISION**

Approve amendment to LUESA Fee Ordinance to add fee for Sheathing Inspections.

*Ordinance recorded in full in Minute Book 42-A, Document # ________.*

(11) **NORTH CAROLINA DIVISION OF EMERGENCY MANAGEMENT – FLOOD MITIGATION GRANT APPROVALS**

(1) Recognize, receive and appropriate $3,338,212 in Hazard Mitigation funds from the NC Department of Crime Control and Public Safety, Division of Emergency Management; (2) Authorize the County Manager to execute contracts with the N.C. Department of Crime Control and Public Safety, Division of Emergency Management for Mitigation Assistance Grants; (3) Appropriate $350,000 from Storm Water Fund Balance for matching funds toward the acquisition of floodprone structures; (4) Adopt Resolution for Prioritization Plan For a Voluntary Property Acquisition For Twelve Commercial Floodprone Structures; (5) Adopt Resolution for Prioritization Plan for a Voluntary Property Acquisition for Two Residential Floodprone Structures.

*Resolutions recorded in full in Minute Book 42-A, Documents # ________ and ________.*

(12) **STRUCTURED DAY PROGRAM – SHERIFF’S OFFICE**

Reduce Criminal Justice Partnership Program, Structured Day Program Grant by $3,244 for
FY 06.

(13) HOUSING AUTHORITY STEPPING STONE PROGRAM
Recognize and receive payment in lieu of taxes (PILOT) of $52,453 from Housing Authority of the City of Charlotte for allocation to the Authority for the Stepping Stone housing program.

(14) HEALTH DEPARTMENT REVENUE ADJUSTMENTS
Increase total budgeted revenue for the Health Department by $127,211 to reflect actual state, federal and local allocations.

(16) FIREMAN’S HALL REDEVELOPMENT SITE SIGN
Adopt a resolution to authorize the sale of a portion of Tax Parcel 127-091-01 at East Seventh Street and Firefighter Place for a sign site.

Resolution recorded in full in Minute Book 42-A, Document # _______.

(17) DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION DEMONSTRATION GRANT
Recognize, receive and appropriate Department of Juvenile Justice and Delinquency Prevention (DJJDP) demonstration grant funds in the amount of $87,250 for intensive wraparound case management services as recommended by the Mecklenburg County Juvenile Crime Prevention Council.

(18) SALARY INCREASE FOR REGISTER OF DEEDS
Approve a 3% salary increase for the Register of Deeds retroactive to the beginning of fiscal year 2005.

Note: This figure represents her performance level consistent with the results achieved for FY05 relative to the balanced scorecard goals.

Commissioner James left the dais and was away until noted in the minutes.

THIS CONCLUDED ITEMS APPROVED BY CONSENT.

(15) ANNEXATION OF COUNTY PROPERTY BY TOWN OF CORNELIUS
Motion was made by Commissioner Mitchell, seconded by Commissioner Roberts and carried 8-0 with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to defer action on Item 15, Annexation of County Property by Town of Cornelius, until the November 15, 2005 meeting.

(STAFF REPORTS AND REQUESTS)
Commissioner James returned to the dais.
Motion was made by Commissioner Mitchell, seconded by Commissioner Rembert and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop, James, and Puckett voting no, to approve the County’s share of a Business Investment Grant to Nachi Machining Technology Company for a total estimated amount of $254,178 over 5 years.

Note: Nachi America, Inc., a division of Tokyo-based Nachi-Fujikosi Corporation, is a manufacturer of industrial machinery, precision cutting and forming tools, machining systems, robotic systems and electronics for several applications including the automotive industry. The Nachi group consists of 48 companies worldwide with over 5,000 employees. Nachi’s North American headquarters is located in Macomb, Michigan.

Nachi is planning to open a manufacturing operation in the Southeastern U.S. in efforts to provide enhanced support to new and existing customers and to lower its operating costs.

Nachi is expected to make a capital investment of $8.1 million and create 9 new jobs over three years with an average wage of $36,964. Additional jobs are expected over time as product lines are added to this facility.

General Manager Bobbie Shields addressed this matter.

(COUNTY COMMISSIONERS REPORTS AND REQUESTS – NONE)

(COMMISSIONERS’ COMMENTS) General comments were made at this time by various Commissioners regarding upcoming events and/or events they attended, as well as, other matters which they deemed noteworthy.

ADJOURNMENT

Motion was made by Commissioner Puckett, seconded by Commissioner Bishop, and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 8:10 p.m.
MINUTES OF CLOSED SESSION OF
MECKLENBURG COUNTY BOARD OF COMMISSIONERS

November 1, 2005  5:00 P.M.

The Board of Commissioners of Mecklenburg County, North Carolina, met in Closed Session in the Charlotte-Mecklenburg Government Center during its Regular Meeting held Tuesday, November 1, 2005. These Closed Session minutes are part of the minutes of that meeting and should be read in that context.

ATTENDANCE

Present:  Chairman H. Parks Helms and Commissioners
          J. Daniel Bishop, Dumont Clarke, Bill James
          Norman A. Mitchell, Sr., Jim Puckett
          Wilhelmenia I. Rembert, Jennifer Roberts
          and Valerie C. Woodard
          County Manager Harry L. Jones, Sr.
          County Attorney Marvin A. Bethune
          Clerk to the Board Janice S. Paige

Also Present:  General Managers Janice Jackson and Bobbie Shields, Executive Assistant to the County Manager Michelle Lancaster, Deputy County Attorney Sandra Bisanar, Nancy Brunnemer and Steve Law with Real Estate Services

Commissioners Bishop and Puckett were absent during this Closed Session matter.

(2A) LAND ACQUISITION  LAND EXCHANGE IN CAMP GREENE PARK AREA

Nancy Brunnemer with Real Estate Services addressed the proposed exchange of parcels off Ashley Road adjoining Camp Greene Park for parcels on Royston Road and on Weyland Avenue.

Note: The MW Group, LLC requested the exchange to enable them to assemble a site on Alleghany Street that they plan to rezone for multi-family development. The County land they want to acquire is not needed as first anticipated as a pedestrian link to Ashley Road from Camp Greene Park. Sidewalks associated with the new development will provide on-street linkage. The total area to be conveyed to the County would be +/- 5.509 acres; total area conveyed to MW Group would be +/- 4.969 acres.

The MW Group has also requested an exchange of property with the Board of Education (BOE), which the BOE has approved. All of the parcels involved in these exchanges are vacant. This series of transactions would (1) expand the Spaugh Middle School campus, (2) create linkages between Stewart Creek Greenway, the middle school and Camp Greene Park, and (3) create a tract for private town home development that will have the advantage of schools, a park and commercial services within walking distance. Another positive effect on the surrounding area is that several
acres of land will be preserved as open space and available for school athletic facilities.

Motion was made by Commissioner Clarke, seconded by Commissioner Mitchell and carried 7-0 with Commissioners Clarke, Helms, James, Mitchell, Rembert, Roberts, and Woodard voting yes, to adopt a resolution of intent to exchange +/- 4.969-acre portion of Tax Parcel 067-113-44 off Ashley Road adjoining Camp Greene Park for: (1) all of Tax Parcel 067-084-08 (+/- 2.95 acres) on Royston Road (2) all of Tax Parcel 067-084-18 (+/- .289-acre) on Royston Road; and (3) a portion of Tax Parcel 067-084-32 (+/- 2.27 acres) on Weyland Avenue.

Resolution recorded in full in Minute Book 42-A, Document # _______.

Janice S. Paige, Clerk

H. Parks Helms, Chairman
ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners
J. Daniel Bishop, Dumont Clarke, Bill James
Norman A. Mitchell, Sr., Jim Puckett
Wilhelmenia I. Rembert, Jennifer Roberts
and Valerie C. Woodard
County Manager Harry L. Jones, Sr.
County Attorney Marvin A. Bethune
Clerk to the Board Janice S. Paige

Also Present: General Managers Janice Jackson, John McGillicuddy, and Bobbie Shields,
Executive Assistant to the County Manager Michelle Lancaster, Finance Director
Harry Weatherly, Deputy County Attorney Sandra Bisanar, and Attorney Lou
Lesesne, Jr.

Commissioners Bishop and Puckett were not present for this Closed Session matter.

(2C) CONSULT WITH ATTORNEY – PATRICK M. MARTIN V. MECKLENBURG COUNTY

Deputy County Attorney Sandra Bisanar and Attorney Lou Lesesne, Jr. updated the Board on the status of
Patrick M. Martin v. Mecklenburg County.

Attorney Lesesne asked the Board to consider authorizing staff to file a petition for rehearing before the full
Fourth Circuit Court of Appeals.

In response to a question regarding the additional cost to the County, Attorney Lesesne estimated that it
would be $4,000 - $5,000.

In response to a question regarding the timeframe involved, Attorney Lesesne said the petition would have to
be filed by next week.

Motion was made by Commissioner James, seconded by Commissioner Rembert and carried 7-0 with
Commissioners Clarke, Helms, James, Mitchell, Rembert, Roberts, and Woodard voting yes, to authorize
staff to file a petition for rehearing with respect to Patrick M. Martin v. Mecklenburg County.

County Manager Jones thanked the Board for authorizing staff to pursue this matter further, due to the
importance of the issues in this case surrounding ethical conduct.
The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, November 15, 2005.

ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners J. Daniel Bishop, Dumont Clarke, Bill James Norman A. Mitchell, Sr., Jim Puckett Wilhelmenia I. Rembert, Jennifer Roberts and Valerie C. Woodard County Manager Harry L. Jones, Sr. County Attorney Marvin A. Bethune Clerk to the Board Janice S. Paige

Absent: None.

____________________

Commissioner Bishop was absent when the meeting was called to order and until noted in the minutes.

-INFORMAL SESSION-

(1) STAFF BRIEFINGS – LAND BOND STATUS REPORT

The Board received an update on the 1999 Land Bonds.

Nancy Brunnemer with Real Estate Services gave the report.

The report addressed the amount allocated for the six Towns, the balance remaining, authorized expenditures to date, amounts Towns estimate that they would like to spend out of the remaining funds, total acreage acquired, completed acquisitions, and acquisitions moving toward completion.

A copy of the report is on file with the Clerk to the Board.

It was noted that $1.4 million was expected to come back to the County from the sale of the Trolley Barn property back to Crescent Resources.

Commissioner James asked could funds from the sale of the Trolley Barn property be placed in the Historic Landmarks Revolving Fund?

Finance Director Harry Weatherly said the funds must go back into land bonds and explained why.

General Manager Bobbie Shields informed the Board that the Historic Landmarks Commission plans to come to the Board in December to ask if funds from the sale of the Trolley Barn property could be split between the Historic Landmarks Commission and Charlotte Trolley.

Chairman Helms asked staff to research whether the funds could be split, in anticipation of the Historic Landmarks’ request.
Commissioner James asked about the status of the $1 million that was left for the Town of Matthews.

Attorney Bethune addressed this inquiry and explained that this amount in actuality may not be left.

County Manager Jones noted that the defeat of the school bond and land bond in the last election has thus, limited the County’s availability of resources for the purchase of land.

County Manager Jones noted also that there were several items already being proposed for the use of a significant amount of the balance of land bonds, such as the Town of Matthews project, which the Board has made a firm commitment to and the Westmoreland Athletic Complex, which a commitment had not yet been made but was scheduled for Board consideration.

County Manager Jones suggested two options for Board consideration: 1) move forward with those requests being proposed, which would further reduce existing resources for land acquisition or 2) that the Board direct the County Manager to review what the County’s needs were and prioritize those needs and present to the Board a plan for expending funds based on the Board’s prioritization of those needs, which could be in concert with the County Manager’s recommendation or different.

County Manager Jones said he was not expressing opposition to any of the requests being presented to the Board, but was merely reminding the Board of existing circumstances, in light of the failed school and land bond referendums.

Commissioner Puckett asked whether the Town of Cornelius Multiple park/open space tracts shown in the report at $2 million, was tied to Robbins Park or over and above that? Nancy Brunnenemer with Real Estate Services said that it was over and above that and that it was a list of properties recently submitted by the Town for acquisition.

Commissioner Puckett asked for clarification with respect to the Town of Pineville, since the Town has not submitted any requests to the County. County Attorney Bethune explained the process for unspent funds.

County Attorney Bethune also noted that the items on the report shown in red were those that the County Manager was speaking of when he talked about prioritization of needs, except for the one for Matthews, which has been committed.

County Attorney Bethune explained that the County Manager would take the items noted in red in the report and prioritize them along with all of the County’s other needs and as result some may get funded and some may not.

This concluded the discussion of the 1999 Land Bonds.

Note: The land bond update was presented for information purposes only. No action was taken or required.

(2A) CLOSED SESSION LAND ACQUISITION

Motion was made by Commissioner James, seconded by Commissioner Woodard and carried 8-0 with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to go into Closed Session to discuss Land Acquisition.

The Board went into Closed Session at 5:45 p.m. and came back into Open Session at 5:48 p.m.

Commissioner Bishop was present when the Board came back into Open Session. He entered the meeting during Closed Session.
(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified items they wanted removed from consent and voted upon separately. The items identified were Items 9, 10, 15, and 18.

_The Board then proceeded to the Meeting Chamber for the remainder of the meeting._

-FORMAL SESSION-

Invocation was given by Commissioner Bishop, which was followed by the Pledge of Allegiance to the Flag.

CITIZEN PARTICIPATION

_Prior to the start of the meeting, several Commissioners and staff were given a flu shot at their request. After the shots had been administered, Dr. Wynn Mabry, director of the Health Department, addressed the availability of flu shots in the community._

PROCLAMATIONS AND AWARDS

(1A) NATIONAL ADOPTION AWARENESS MONTH 2005

Motion was made by Commissioner Rembert, seconded by Commissioner Woodard and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to adopt a proclamation recognizing November 2005 as “National Adoption Awareness Month” in Mecklenburg County.

The Board also recognized adoptive families in Mecklenburg County for their efforts to provide permanent homes for children.

_The proclamation was read by Commissioner Rembert, received and addressed by Richard Jacobsen, Director of Social Services and by Becky Eissert and Judge Rickye McKoy-Mitchell who are both adoptive parents._

_A copy of the Proclamation is on file with the Clerk to the Board._

(1B) AMERICAN INDIAN HERITAGE MONTH

Motion was made by Commissioner Roberts, seconded by Commissioner Rembert and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to adopt a proclamation designating November 2005 as American Indian Heritage Month.

_The proclamation was read by Commissioner Roberts and received by Letha Strickland._

_A copy of the Proclamation is on file with the Clerk to the Board._

(1C) PARTNERS FOR PARKS, INC. SCHOLARSHIP CHECK PRESENTATION

The Board received a check presentation from Partners for Parks, Inc. in the amount of $29,480 for Mecklenburg County Park and Recreation, Therapeutic Recreation Summer Day Camp Scholarships 2005.

_The check was presented by Partners for Parks board members, Joe Cogdell and Doug Youngblood, who were joined at the podium by Lola Masaad of Park and Recreation._

(2) PUBLIC APPEARANCE
No one appeared to speak during the Public Appearance portion of the meeting.

(3) **APPOINTMENTS - NONE**

(4) **PUBLIC HEARINGS - CERTIFICATES OF PARTICIPATION (COPS)**

Motion was made by Commissioner Rembert, seconded by Commissioner James and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to open a public hearing regarding financing Court, School and County Building facilities through Certificates of Participation.

<table>
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<th>Project</th>
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<th>Project Authorization</th>
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Note: The amounts recommended for sale at this time have been refined from the preliminary amounts estimated earlier this year. These amounts will allow the previously approved projects to continue and the sale proceeds are sufficient for construction needs to the next scheduled financing in January 2007.

No one appeared to speak.

The Board then considered Item 33 Bond and Certificates of Participation Sale Resolutions as noted.

(33) **BOND AND CERTIFICATES OF PARTICIPATION SALE RESOLUTIONS**

The Chairman announced that this was the hour, day and place fixed for a public hearing held pursuant to Sections 160A-20(g) and 153A-158-1 of the North Carolina General Statutes, as amended, for the purpose of considering (1) whether the Board of Commissioners for the County (the “Board”) should approve an installment financing contract under which the County would obtain financing pursuant to Section 160A-20 of the North Carolina General Statutes, as amended, in an amount not to exceed $110,000,000, for the purpose of accomplishing all or a portion of the Projects described in the Notice of Public Hearing and under which the County would secure the repayment by it of moneys advanced pursuant to such documents by granting a lien on a portion of the property subject to the Projects and (2) determining whether the County may acquire any interest in school property that is subject to the Projects from the Charlotte-Mecklenburg Board of Education. Any property acquired by the County would be subjected to the lien described above and leased back to the grantor.

The Chairman announced that the notice of the public hearing was published in The Charlotte Observer on November 3, 2005.

It was requested that the Clerk to the Board inquire to determine whether there were any persons who wished to speak at the public hearing. The names, addresses and testimony of the persons who were present and who offered comments on the proposed installment financing contract and the County’s acquisition of school property, pursuant to or who responded in writing to the notice of public hearing, are as follows:

After the Board had heard all persons who had requested to be heard, Commissioner James moved that the public hearing be closed. The motion was seconded by Commissioner Roberts and was unanimously adopted.
Commissioner James introduced the following Resolution which was read by title, and moved it be adopted:

RESOLUTION AUTHORIZING AND APPROVING AN INSTALLMENT FINANCING.

WHEREAS, financing pursuant to Section 160A-20 of the North Carolina General Statutes must be approved by the Local Government Commission of North Carolina and will only be approved if the findings of Section 159-151(b) of the North Carolina General Statutes are met;

WHEREAS, the Board of Commissioners of the County duly conducted a public hearing today regarding an installment financing agreement to finance the Project;

WHEREAS, there have been available at this meeting drafts of the following:

1. An Installment Financing Agreement to be dated as of February 1, 2006 (the “Contract”) between the County and Mecklenburg County Public Facilities Corporation (the “Corporation”);
2. A Deed of Trust to be dated as of February 1, 2006 (the “Deed of Trust”), from the County to a trustee for the benefit of the Corporation;
3. A Trust Agreement to be dated as of February 1, 2006 (the “Trust Agreement”) between the Corporation and a trustee (the “Trustee”);
4. An Official Statement (the “Official Statement”) relating to Variable Rate Certificates of Participation evidencing proportionate undivided interests in revenues to be received by the Corporation under the Contract (the “Certificates”);
5. A Certificate Purchase Agreement (the “Purchase Contract”) among Wachovia Bank, National Association (the “Underwriter”), the County and the Corporation;
6. A Standby Certificate Purchase Agreement to be dated as of February 1, 2006 (the “Liquidity Facility”) between the County and a provider (the “Bank”); and
7. A Remarketing Agreement dated as of February 1, 2006 (the “Remarketing Agreement”) among the County, the Corporation and Wachovia Bank, National Association (the “Remarketing Agent”).

WHEREAS, the Board of Commissioners of the County desires to approve the Contract and the sale of the Certificates and to authorize other actions in connection therewith; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County as follows:

1. The Board hereby finds and determines in connection with the proposed installment financing agreement that (a) such proposed installment financing agreement is necessary or expedient to the County, (b) such proposed installment financing agreement, under current circumstances, is preferable to a bond issue of the County for the same purpose, (c) the sums estimated to fall due under such proposed installment financing agreement are adequate and not excessive for its proposed purpose, (d) the County’s debt management procedures and policies are good and its debt will continue to be managed in strict compliance with the law, (e) any increase in taxes necessary to meet the sums estimated to fall due under such proposed installment financing agreement will not be excessive and (f) the County is not in default regarding any of its debt service obligations.

2. The Board hereby requests the Local Government Commission of North Carolina to approve such proposed installment financing agreement under Article 8 of Chapter 159 of the General Statutes of North Carolina.
3. The County Manager and Director of Finance are hereby designated as representatives of the County to file an application for approval of such proposed installment financing agreement with the Local Government Commission of North Carolina and are authorized to take such other action as may be advisable in connection with the negotiation of such proposed installment financing agreement and the development of the related financing; and all actions heretofore taken by the County Manager and Director of Finance relating to such matters are hereby approved, ratified and confirmed.

4. Each of the Contract, the Deed of Trust, the Purchase Contract, the Remarketing Agreement and the Liquidity Facility, in the form submitted to this meeting, is hereby approved, and the Chairman of the Board, the County Manager, the Director of Finance and the Clerk to the Board are each hereby authorized and directed to execute and deliver each of those documents, on behalf of the County, with such changes, insertions or omissions as each may approve, the execution thereof by any of them to constitute conclusive evidence of such approval.

5. The Trust Agreement, in the form submitted to this meeting, is hereby approved in substantially such form, with such changes, insertions or omissions as appropriate.

6. The Official Statement, in the form submitted to this meeting, is hereby approved, in substantially such form, with such changes, insertions and omissions as appropriate, and the use thereof in connection with the public offering and sale of the Certificates is hereby authorized. The Chairman of the Board, the County Manager and the Director of Finance are each hereby authorized and directed to execute and deliver on behalf of the County, the Official Statement in substantially such form, with such changes, insertions and omissions as each may approve, the execution thereof by any of them to constitute conclusive evidence of such approval.

7. The Chairman of the Board, the County Manager, the Director of Finance, the Clerk to the Board and the County Attorney are each hereby authorized to take any and all such further action and to execute and deliver such other documents as may be necessary or advisable to carry out the intent of this Resolution and to effect the installment financing pursuant to the Contract. Without limiting the generality of the foregoing, the Director of Finance is authorized to approve all details of the financing, including without limitation, the amount advanced under the Contract (which shall not exceed $110,000,000), the annual principal payments under the Contract, the term of the Contract, and the discount below the principal amount of the Certificates at which the Certificates are sold to the Underwriter, if any. Execution of the Contract by the Chairman of the Board, the County Manager or the Director of Finance shall conclusively evidence approval of all such details of the financing.

8. All actions of the County effectuating the proposed financing are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the documents referred to above.

9. This Resolution shall become effective immediately upon its adoption.

Commissioner Puckett seconded the motion and the motion was adopted by the following vote:

AYES: Commissioners Dan Bishop, Dumont Clarke, H. Parks Helms, Bill James, Norman A. Mitchell, Sr., Jim Puckett, Wilhelmenia I. Rembert, Jennifer Roberts, and Valerie C. Woodard

NAYS: None

Resolution and Extracts recorded in full in Minute Book 42-A, Document #_____.

* * *
Commissioner James introduced the following resolution, a copy of which had been provided to each Commissioner, and the title of which appeared in the agenda for the meeting:

RESOLUTION PROVIDING FOR THE ISSUANCE OF $89,000,000 VARIABLE RATE GENERAL OBLIGATION BONDS, SERIES 2006A

Upon motion of Commissioner James, seconded by Commissioner Clarke, the following resolution was passed by the following vote:

AYES: Commissioners Dan Bishop, Dumont Clarke, H. Parks Helms, Bill James, Norman A. Mitchell, Sr., Jim Puckett, Wilhelmenia I. Rembert, Jennifer Roberts, and Valerie C. Woodard

Noes: None.

* * * * * * *

BE IT RESOLVED by the Board of Commissioners (the “Board”) of the County of Mecklenburg, North Carolina (the “Issuer”):

WHEREAS, the Issuer has considered and evaluated both fixed and variable rate debt alternatives;

WHEREAS, the Issuer has considered and recognized that the current interest rates on fixed rate debt instruments are low and has determined that the estimated interest rate at which fixed rate could be issued is 4.35%;

WHEREAS, the Issuer has considered and recognized that variable interest rate debt instruments subject the Issuer to the risk of higher interest rates in the future, that the rate may be higher than the fixed rates that are currently available to the Issuer, and that in addition to the variable interest cost, the Issuer must pay the fees of the Liquidity Provider and the Remarketing Agent, which fees will increase the cost of the variable rate debt; and

WHEREAS, the Issuer believes that for this issue variable rate debt financing is preferable because (a) the initial interest rate is substantially below the fixed rate indicated above, (b) a variable rate provides the possibility of substantial cost savings over the life of the issue, and (c) the interest rate can be fixed at any time.

1. Pursuant to and in accordance with the following bond orders adopted by the Board, the Issuer shall issue its bonds in the principal amount of $89,000,000:

$2,000,000 from law enforcement facilities bond order approved at referendum November 8,
$7,000,000 from community college facilities bond order approved at referendum November 8, 2005;

$1,000,000 from park and recreation facilities bond order approved at referendum November 2, 2004;

$39,000,000 from school facilities bond order approved at referendum November 5, 2002;

$15,000,000 from school facilities bond order approved at referendum November 7, 2000;

$25,000,000 from land bond order approved at referendum November 2, 1999.

The period of usefulness of the capital projects to be financed by the issuance of the bonds is a period of 40 years, computed from the date of the bonds.

2. The bonds to be issued pursuant to the preceding paragraph shall be designated “County of Mecklenburg, North Carolina Variable Rate General Obligation Bonds, Series 2006A” (hereinafter referred to as the “Bonds”). The Bonds shall be issued pursuant to the terms of G.S. 159-79. The North Carolina Local Government Commission will specifically determine pursuant to G.S. 159-79(a)(1) that a Credit Facility in addition to the Standby Bond Purchase Agreement referred to below is not required.

3. The Bonds shall be issued substantially in the form and in accordance with the terms set forth in Exhibit 1 attached hereto and incorporated herein by reference, together with such changes not inconsistent with the general tenor hereof and thereof as the County Manager and the County Director of Finance, with the advice of counsel, may deem appropriate, their execution of closing certificates in connection with the issuance of the Bonds to evidence conclusively the authorization and approval thereof by the Board.

4. The Board hereby requests the North Carolina Local Government Commission to sell the Bonds with variable interest rate at private sale and without advertisement and designates the County Manager and the County Director of Finance as the persons who must approve the price or prices at which the Bonds are sold by the North Carolina Local Government Commission. The purchase price of the Bonds shall be 100% of the par amount of the Bonds, and the maximum initial interest rate shall be 12% per annum.

5. The forms, terms, provisions and distribution and use by Wachovia Bank, National Association (the “Underwriter”) of the Tender Agent Agreement among the Issuer, the Tender
Agent/Paying Agent and Wachovia Bank, National Association, the Bond Purchase Agreement among the Issuer, the Local Government Commission and the Underwriter, the Standby Bond Purchase Agreement between the Issuer and DEPFA Bank, PLC, New York Branch, the Remarketing Agreement between the Issuer and Wachovia Bank, National Association, and the Official Statement with respect to the Bonds are hereby approved in all respects, and each of the officers of the Board, the County Manager and the County Director of Finance are hereby authorized and directed to execute and deliver those documents in substantially the forms presented to this meeting, together with such changes not inconsistent with the general tenor hereof and thereof as they, with the advice of counsel, may deem necessary and appropriate, such execution and delivery to evidence conclusively the authorization and approval thereof by the Board. Each of those officers and employees are also authorized and directed to execute and deliver any certificates or other documents they, with the advice of counsel, may deem necessary or appropriate to effect the transactions contemplated by this resolution and the other documents described above, such execution and delivery to be conclusive evidence of the approval and authorization thereof by the Board.

6. The Issuer covenants to comply with the provisions of the Internal Revenue Code of 1986, as amended, to the extent required to preserve the exclusion from gross income of interest on the Bonds for federal income tax purposes.

7. This resolution shall take effect upon its passage.

EXHIBIT 1
Available for review in the Finance Department.

Resolution and Extracts recorded in full in Minute Book 42-A, Document # ______.

(2A) CLOSED SESSION LAND ACQUISITION

Motion was made by Commissioner James, seconded by Commissioner Rembert and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to approve the purchase of +/- 43.31 acres (all of Tax Parcels 019-191-02 and 019-191-21) off Holbrooks Road from Catawba Lands Conservancy for $8,195 per acre.

(5) ADVISORY COMMITTEE REPORTS - NONE

(6) MANAGER’S REPORT - NONE
CONSENT ITEMS

Motion was made by Commissioner Rembert, seconded by Commissioner Roberts and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to approve the following items with the exception of Items 9, 10, 15, and 18 to be vote upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held November 1, 2005 and Closed Session minutes of November 1, 2005.

Approve amending minutes of October 18, 2005 to make a correction in the motion to go into Closed Session that should have indicated the name of the case that was discussed in Closed Session under Consult with Attorney, which was Paul Midgett V. James Pendergraph, Rodney Collins, Paul Gee, Doltheia Thigpen, Aerris Smith, And Gabriel Hill.

(8) IV-E MAXIMIZATION FUNDING – DSS

Recognize, receive, and appropriate federal IV-E Maximization funds in the amount of $73,717.

Note: Federal IV-E Maximization funding in the amount of $73,717 was passed through via the State to Mecklenburg County. The funds are due and payable by the State of North Carolina to Lutheran Family Services, Inc., a contract service provider to the DSS Youth and Family Services Division that provides foster care and group home services to DSS children. Service providers receive these funds under the State IV-E Maximization program for the difference between their State-approved facility rate and the lesser reported amount paid by the County in the Child Welfare System for foster care services. Rather than send the funds directly to the service provider, the State sent the funds to Mecklenburg County with the request that DSS forward the funds to Lutheran Family Services, Inc.

(11) NORTH CAROLINA DEPARTMENT OF TRANSPORTATION COMMUNITY TRANSPORTATION GRANT APPLICATION – SET PUBLIC HEARING

Schedule a public hearing for December 6, 2005 at 6:30 p.m. to receive comments on the Mecklenburg County Department of Social Services’ application for the North Carolina Department of Transportation’s Community Transportation Grant for Fiscal Year 2006-2007; and authorize Clerk to the Board to publish notice of intent to hold a public hearing.

(12) VEHICLE PURCHASES – DSS

Approve the purchase of (4) 25 foot light transit vehicles with wheelchair lifts by the Department of Social Services.

(13) AREA MENTAL HEALTH AUTHORITY FIRST QUARTER FY 2006 REPORT

Recognize and receive the First Quarter 2006 Area Mental Health Authority Report.

Financial Management:

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>Budgeted Revenues</th>
<th>Actual Revenues</th>
<th>% Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicaid</td>
<td>$21,789,704.00</td>
<td>$635,396.92</td>
<td>2.92%</td>
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</tbody>
</table>

1.0
### Expenditures

<table>
<thead>
<tr>
<th>Service Continuum</th>
<th>Budgeted Expenditures</th>
<th>Actual Expenditures</th>
<th>% Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children's Developmental Services</td>
<td>$5,488,094.00</td>
<td>$1,222,664.55</td>
<td>22.28%</td>
</tr>
<tr>
<td>Child &amp; Adolescent Services</td>
<td>$19,300,279.00</td>
<td>$2,562,178.46</td>
<td>13.28%</td>
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<tr>
<td>Adult Mental Health</td>
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<td>16.24%</td>
</tr>
<tr>
<td>Adult Substance Abuse</td>
<td>$11,668,077.00</td>
<td>$1,907,260.40</td>
<td>16.35%</td>
</tr>
<tr>
<td>Local Management Entity</td>
<td>$12,866,762.00</td>
<td>$2,125,002.32</td>
<td>16.52%</td>
</tr>
<tr>
<td>BHC Randolph</td>
<td>$15,263,242.00</td>
<td>$3,261,632.76</td>
<td>21.37%</td>
</tr>
<tr>
<td>Developmental Disabilities</td>
<td>$22,244,270.00</td>
<td>$2,168,888.46</td>
<td>9.75%</td>
</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td><strong>$93,554,228.00</strong></td>
<td><strong>$14,339,838.99</strong></td>
<td><strong>15.33%</strong></td>
</tr>
</tbody>
</table>

Note: Regulations require that the Financial Management section of the report be noted in the minutes.

A copy of the report is on file with the Clerk to the Board.

(14) **DISPOSAL OF PUBLIC HEALTH PEST MANAGEMENT RECORDS**


(16) **BINGHAM ROAD AGREEMENT AT MALLARD CREEK COMMUNITY PARK**

Authorize the County Manager to enter into an agreement with the Charlotte-Mecklenburg Board of Education and the Oehler and Dixon Families to modify existing Bingham Road encumbrances to accommodate CMS’ plans for access to the new high school facility and to improve the road’s current functions serving the adjoining land owners.

Agreement recorded in full in Minute Book 42-A, Document # ______.

(17) **LAND ACQUISITION FOR MALLARD CREEK HIGH SCHOOL**

Approve $250,000 purchase price for 3.14-acre Tax Parcel 029-331-14 off Johnston-Oehler Road by the Charlotte-Mecklenburg Board of Education for Mallard Creek High School.

(19) **COMMUNITY HOUSE ROADWAY IMPROVEMENTS**

Approve conveyance of .74-acre for permanent right of way, .45-acre for a temporary construction easement and .01-acre for a permanent drainage easement from Tax Parcels 229-041-11, 229-041-18 and 229-041-31 along Community House Road at the Ballantyne District Park site to the North Carolina Department of Transportation for $108,500.

Note: Conveyance is in connection with Community House roadway improvements.

(20) **CHARLOTTE UNITED FUTBOL CLUB, INC (CUFI) – CONTRACT**
TERMINATION

Accept a notice by Charlotte United Futbol Club, Inc (CuFI) of an offer to terminate a 30-year lease agreement on Harrisburg Road Park property in exchange for a credit for planning and development improvements of up to $53,517 plus the potential of an additional $10,223 if existing permits and surveys are usable, toward field use after development; and authorize the County Manager to negotiate and execute a lease termination agreement.

Note: In 2001 Mecklenburg County entered into a 30-year lease agreement for CUFI to develop and maintain Harrisburg Road Park for the purpose of developing soccer fields. CUFI is not in a financial position to develop these fields yet, however they have completed plans for the fields as well as obtained some permits. Mecklenburg County Park and Recreation Department (MCPRD) is in a position to build much needed soccer fields in the eastern corridor. As a result of the planning and site work accomplished by CUFI, MCPRD can gain some beneficial use of the construction documents and expedite the construction process. The value of the plans and site work provided by CUFI has been valued at $53,517 plus the potential of an additional $10,223 if existing permits and surveys are usable.

(21) NATIONAL GARDENING ASSOCIATION YOUTH GARDEN GRANT

Approve submission of application for the National Gardening Association Youth Garden Grant for FY 2006; and recognize, receive and appropriate funds if grant is accepted by the National Gardening Association.

Note: The Therapeutic Recreation Division currently has a small gardening program for teens and young adults who have disabilities. This grant would be utilized to increase the reach of this program and strengthen the opportunities for participants within the existing program.

(22) COPS 2005 TECHNOLOGY GRANT (OMS) – SHERIFF’S OFFICE

Recognize, receive and appropriate funds from the COPS 2005 Technology Grant in the amount of $70,000 and recognize, receive, and appropriate interest income earned on this grant during the term of this grant in accordance with grant requirements.

Note: The 2005 COPS Technology Grant will allow the Sheriff’s Office to purchase an Offender Management System (OMS) community software module / address enhancements needed to the Offender Management System, which interfaces with the new CJIS system. The enhancements are needed to address business process and security improvements centered on inmate movement, program participation and mugshot integration.

(23) CDBG OPTIONAL COVERAGE RELOCATION POLICY

Adopt an Optional Coverage Relocation Policy for the Community Development Block Grant Scattered Site Housing Program.

Policy recorded in full in Minute Book 42-A, Document # _______.

(24) WEB SECURITY - IST

Approve requirement contracts for procuring Blue Coat Technology Equipment based on available funding, to Forsythe Solutions Group in an estimated amount of $129,802.

Note: Blue Coat is a web content filtering solution to block access to inappropriate web content. This solution replaces and enhances the existing web caching/site filtering solution.

(25) TAX REFUNDS
Approve refunds to be made by the Finance Department as requested by the Tax Assessor in the amount of $11,634 resulting from clerical errors, audits and other amendments.

*A list of the refund recipients is on file with the Clerk to the Board.*

(26) **KILBORNE PARK RENOVATIONS CONSTRUCTION CONTRACT**

Award a construction contract to Eaglewood, Inc. in the amount of $401,300 for Kilborne Park renovations.

(27) **LAND EXCHANGE IN CAMP GREENE PARK AREA**

Adopt a resolution entitled: Mecklenburg County Board of Commissioners Resolution Authorizing the Exchange of a Portion of Tax Parcel 067-113-44 at Camp Greene Park for Tax Parcels 067-084-08 and 067-084-18 on Royston Road and a Portion of Tax Parcel 067-084-32 on Weyland Avenue.

*Resolution recorded in full in Minute Book 42-A, Document # _____.*

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(9) **CONTRACT FOR PURCHASE OF A HYBRID VEHICLE**

Motion was made by Commissioner Roberts, seconded by Commissioner Bishop and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to defer consideration of a unit price contract for a hybrid vehicle sedan with Hendrick Honda at $19,550, until the December 6, 2005 meeting.

Commissioner Roberts and Bishop removed this item from Consent because of questions regarding bidders.

*Note: The appropriate staff was not present to address this issue, which is why it was deferred.*

(10) **REVISIONS TO THE MECKLENBURG COUNTY AIR POLLUTION CONTROL ORDINANCE (MCAPCO)**

Motion was made by Commissioner Roberts, seconded by Commissioner Rembert and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to adopt revisions to the Mecklenburg County Air Pollution Control Ordinance (MCAPCO) by reference.

Commissioner Roberts removed this item from Consent for more clarification regarding the revisions.

Randy Poole with Air Quality addressed the revisions.

*A summary of the revisions is on file with the Clerk to the Board.*

*Ordinance recorded in full in Minute Book 42-A, Document # ____.*

(15) **NC CLEAN WATER MANAGEMENT TRUST FUND GRANTS**

Motion was made by Commissioner Roberts, seconded by Commissioner Rembert and
unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve the submittal of McAlpine Creek - Sardis to Providence Road; Little Sugar Creek – 3rd to 7th Street; and McDowell Creek Watershed wetland construction/stream restoration grant applications to the North Carolina Clean Water Management Trust Fund; and upon award of grants, recognize, receive and appropriate the grant awards.

Commissioner Roberts removed this item from Consent for more public awareness.

(18) GREENWAY DONATIONS

Motion was made by Commissioner Roberts, seconded by Commissioner James and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to accept the donation of Tax Parcels #025-148-76 (8.73 acres) and a portion of 025-181-20 (9.2016 acres) on Long Creek from Centex Homes, LLC.

Note: These parcels will add to the greenway assemblage along Long Creek. They are located in the Northwest Park District.

Commissioner Roberts removed this item from Consent for more public awareness.

STAFF REPORTS AND REQUESTS

(28) PARK MASTER PLAN ADOPTION AND PARK NAMING FOR NEW WEST PARK IN THIRD WARD

This item was removed from the agenda.

(29) AMENDED TRANSIT GOVERNANCE INTERLOCAL AGREEMENT

Motion was made by Commissioner Clarke, seconded by Commissioner James and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to approve amendments to the Transit Governance Interlocal Agreement.

Note: These amendments include issues related to the timing of adding a North Carolina Department of Transportation (NCDOT) representative as a voting member of the MTC; the timing and criteria for adding representatives of jurisdictions outside of Mecklenburg County as voting members of the MTC; the need for amendments to certain provisions of the Interlocal Agreement that may be potential impediments to continue implementation of the System Plan (Budget Approval, New Membership, Under Representation Issues); and the reconstitution and Agreement to the eight original signatories (Mecklenburg County, City of Charlotte, Towns of Huntersville, Davidson, Mint Hill, Pineville, Cornelius, and Matthews) for adoption.

Ron Tober, Charlotte Area Transit System CEO addressed this matter.

Summary of Governance Changes

NCDOT
- NCDOT to become voting member of MTC in recognition of their funding partnership
- Representative could be NCDOT Board of Transportation Member or person designated by Secretary
- Timing: as soon as possible

Adding additional voting members from surrounding counties
- Refer to as new "non-party" voting members to MTC
- To become a member:
  - Completion of FTA sanctioned studies
  - Demonstrated financial commitment
Adoption of transit supportive land use and zoning policies

Under representation issue
- No action recommended or approved
- Revisit issues when 11 voting members on MTC is imminent

Future role for CTAG
- CTAG to continue with present make up of 13 members
- Revised mission, with seven primary activities/responsibilities:
  - Transit program review, comment, recommendation
  - Transit Policy review, comment, recommendation
  - Review, comment, recommendation on Corridor rapid transit alignment and Preliminary
  - Engineering and Environmental Study technology plans
  - Provide community insight and proactive efforts towards transit plans and system performance
  - Provide input and advice on community awareness efforts related to transit oriented land use planning
  - Provide proactive effort to increase community awareness on value of investing in transit
- CTAG meeting schedule to change
- Future MTC review of CTAG mission

Transit Program Review and Approval
- City Council review to continue
- Mecklenburg County Board of Commissioners review discontinued
- New dispute resolution procedure
  - Charlotte Mayor appoints 3 City Council members
  - BOCC Chair appoints 3 non-city MTC members
  - Resulting committee meets within 60 days to resolve differences and recommend to City Council and MTC an agreed upon transit program and budget

Timing of Annual Transit Program Submission
- Previous requirement of Staff submittal to MTC by December 15
- Approved change
  - Staff submittal to MTC by January 30
  - MTC review in January/February/March
  - MTC action by April 30
  - City Council review/approval in May

Future Amendments to Transit Governance Interlocal Agreement
- City Council and Mecklenburg County Board of Commissioners must approve any amendments
  - Recognizing City's fiduciary responsibility and County's role in enactment of sales tax
- At least 75% of towns must approve any amendments
  - Protects against a single town vetoing any amendment

Agreement recorded in full in Minute Book 42-A, Document # ____.

(30) MATTHEWS INTER-LOCAL AGREEMENT FOR LAND ACQUISITION

Motion was made by Commissioner James, seconded by Commissioner Clarke and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to approve an inter-local agreement with the Town of Matthews to acquire +/- 94.5776 acres on Matthews-Mint Hill Road and to lease the property to the Town for 50 years.

Park and Recreation Director Wayne Weston and Nancy Brunnemer with Real Estate Services addressed this issue, prior to the vote.

Note: The subject agreement would allow the portion of the 1999 Land Bonds designated for Matthews' use to be utilized in a different way than the original inter-local agreement provided. In short, the Town's share of those bonds would be encumbered for a time period during which the Town would determine whether to use those funds to purchase a particular par of parcels on Matthews-Mint Hill Road with no match to the County’s funding. Under this scenario, the County would own the land and lease the property to the Town for 50 years to be used for park and open space purposes. The specific Tax Parcels are 215-163-01 (Purser Family) and 215-163-11 (Hulsey Family) totaling approximately 94.5776 acres. Under the new agreement, the Town would be able to utilize their 2004 bond (of $5,000,000) to develop a park on the subject
property and also possibly acquire/develop other park and recreation facilities within their corporate limits. The Town may choose not to utilize the County’s land bonds.

Agreement recorded in full in Minute Book 42-A, Document # ____.

(31) ROBBINS PARK LAND EXCHANGE & WESTMORELAND ATHLETIC COMPLEX

Motion was made by Commissioner Bishop, seconded by Commissioner James and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodward voting yes, to direct County staff to work with Town of Cornelius staff and the developer to assemble necessary information to start the formal process for the Robbins Park land exchange with the developer and the revision to the Town of Cornelius park lease consistent with the Park and Recreation Commission and LUESA staff recommendations.

Note: The Park and Recreation Commission recommendation was to endorse the Robbins Park Land Swap subject to the Huntersville Low Impact Design Standard and compliance with the Mecklenburg County Park and Recreation Department letter dated August 25, 2005.

A copy of the letter is on file with the Clerk to the Board.

LUESA staff recommendations were:
1) All current forested areas remain forested and if there is any disturbance, the proposed mitigation has to be approved by County Water Quality prior to disturbance;
2) The Westmoreland Athletic Complex, the Waters/Simonini development and Robbins park will comply with the Huntersville LID Ordinance; and
3) An easement be granted to the County (approved by Storm Water) by Waters/Simonini development for potential greenway, stream restoration and stream buffer enhancements along McDowell Creek.

Robert Patterson, Chairman of the Park and Recreation Commission and Lee Jones of Park and Recreation addressed this issue prior to the vote.

Westmoreland Athletic Complex

The Board then considered the Westmoreland Athletic Complex issue.

Robert Patterson, Chairman of the Park and Recreation Commission, Lee Jones of Park and Recreation, and Wayne Weston, Park and Recreation Director addressed this issue.

Motion was made by Commissioner Roberts, seconded by Commissioner Mitchell, to defer consideration of the Westmoreland Athletic Complex issue until a report is received from the County Manager with respect to a reprioritization of existing land bonds, unspent and currently allocated.

Commissioner Roberts said that the motion was being made in light of the recent failure of land bond.

Commissioner Bishop asked whether the Westmoreland proposal fit into the County’s Park Master Plan? The response from Director Weston was that this was not a project that is identified in the County Park Master Plan, nor was it consistent with the County’s Master Plan.

Commissioner Puckett expressed concern for the availability of the fields to all citizens, since it appeared that the developer would control the property on the weekends during baseball/softball season. Commissioner Puckett said that the best that the citizens get out of this proposal was some additional practice fields during the week.

Commissioner Puckett said he would support the deferral, which would give County staff time to address his concern with respect to availability, along with addressing the status of fields in the area, and what could be done with these funds otherwise.
Town Manager Roberts informed the Board that the $1.5 million for the Westmoreland Athletic Complex was a priority for the Town. Town Manager Roberts said the Town would not have a problem with the County taking another look at the other $2 million and how it should be prioritized.

Town Manager Roberts said the Town of Cornelius went through the Park and Recreation Commission process as requested by the Board and that they have been working with County staff to develop the terms sheet. He noted that they have been using the Queens College agreement as a model for developing their agreement. He asked that the Board move forward with approving the project because it was a high priority for the Town of Cornelius.

Town Manager Roberts noted also that the facility was for public use 100% and that minority contracting was being addressed.

Commissioner Clarke asked Director Weston whether the agreement between the Town of Cornelius and the private business that’s going to operate the facility be subject to the County’s approval?

Director Weston said he did not believe the agreement would be subject to the Board’s approval.

Commissioner Clarke suggested the Board not approve the proposal unless it has the right to approve the agreement between the Town of Cornelius the private business that’s going to operate the facility.

Town Manager Roberts said he would want the County’s approval.

County Manager Jones noted that there appeared to be some inconsistencies in the information that was being received from Cornelius.

County Manager Jones said there was confusion about what the real outcome will be for this project.

County Manager Jones asked for clarification with respect to the deferral and the reprioritization of land bonds. He asked was it correct to move forward with the reprioritization, which would include the Westmoreland Athletic Complex, but with the understanding that the Westmoreland Athletic Complex was still subject to the Board’s review and action on the County Manager’s recommended reprioritization.

It was the consensus of the Board that the County Manager’s interpretation was correct.

Commissioner Puckett said he felt the Westmoreland Athletic Complex would be an asset to Cornelius, however, he has to look beyond the economic impact of this for the Town.

Commissioner Puckett said he also has to look at how the County uses its limited resources and what the deliverable is.

Commissioner Puckett said he was not convinced, at this time, with respect to the deliverable of this project.

Cornelius Park and Recreation Director Herbert said the agreement the Town of Cornelius would enter into with the private entity for the Westmoreland Athletic Complex would be the same type of First Right of Reservation agreement the County has at other park facilities, such as at the Renaissance park and what occurs already in Huntersville.

Commissioner Puckett asked would the facility be ran by a for-profit organization or non-profit?

Cornelius Town Attorney Brown said it would be ran by the Town, a non-profit government, with the private entity being under a contractual agreement with the Town, using essentially the identical documents that the County has used for its Queens athletic facilities at Marion Diehl Park.
Commissioner Woodard expressed concern regarding the availability of the facility to the public, since it would be used by the private entity 32 weekends out of the year.

Cornelius Town Attorney Brown asked the Board to consider keeping the Westmoreland Athletic Complex issue separate from the land bonds issue.

Chairman Helms noted that there was still confusion with respect to the project and conflicting information regarding the availability of the facility to the public. He said these types of conflicting statements and documents need to be cleared up.

Chairman Helms asked that the agreement concerning the Westmoreland Athletic Complex be provided to the Board.

Chairman Helms concurred also that the Board should deal with the reprioritization of land bonds as a separate issue.

Following further discussion of this matter, Commissioner Roberts amended her motion, which was seconded by Commissioner Woodard, to defer consideration of the Westmoreland Athletic Complex issue, pending the receipt of a draft of the agreement concerning the Westmoreland Athletic Complex and the Board’s questions being answered.

The vote was then taken on the motion as amended and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes.

Commissioner Mitchell left the dais and was absent until noted in the minutes.

(32) ANNEXATION OF COUNTY PROPERTY BY TOWN OF CORNELIUS

Motion was made by Commissioner Puckett, seconded by Commissioner Woodard and carried 8-0 with Commissioners Bishop, Clarke, Helms, James, Puckett, Rembert, Roberts and Woodard voting yes, to authorize the County Manager to execute a petition for the voluntary annexation of the County’s 101-acre Robbins Tract into the Town of Cornelius.

Commissioner Mitchell returned to the dais.

Chairman Helms, and Commissioners Bishop and Puckett left the dais and were absent until noted in the minutes.

Vice-Chairman Rembert chaired the meeting until noted in the minutes.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(34) NACO CONFERENCE 2011 OR 2012

Motion was made by Commissioner Mitchell, seconded by Commissioner Roberts and carried 6-0 with Commissioners Clarke, James, Mitchell, Rembert, Roberts and Woodard voting yes, to authorize the Chairman to submit a letter of interest to the National Association of Counties (NACo) to host the 2011 or 2012 NACo Annual Conference here in Mecklenburg County.

Commissioners Puckett, Bishop and Chairman Helms returned to the dais.

(35) HIV/AIDS DISEASE COUNCIL

Motion was made by Commissioner Woodard, seconded by Commissioner Clarke and
unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to approve the creation of an HIV/AIDS Disease Council but with an amendment to the composition, which is the deletion of the two advocate positions.

**HIV/AIDS Disease Council Charge and Composition**

**Charge of the HIV/AIDS Disease Council**

In January 2004, the HIV/AIDS Task Force presented its findings and recommendations to the Mecklenburg County Board of County Commissioners. Included in the recommendations was the formation of an HIV/AIDS Disease Council. The charge of the Council, as presented in the HIV/AIDS Task Force report, would be to act as a broad-based coordinating body that would focus on a communitywide, coordinated system of service delivery for prevention and care. This would be accomplished in the following ways:

- The Council would address the continuum of prevention and care services required by HIV disease, bring community assets such as support and collaboration to bear, convene shared planning processes, research and make recommendations on best practices and systems gaps, and provide a collaborative base for seeking additional funding.

- The Council would develop an action plan beyond the proposed First Steps Plan and monitor its progress.

- The Council would be inform Commissioners in their roles as the Board of Health, on current trends and needs related to HIV disease in the community twice a year, or more frequently if needed.

- Three positions on the proposed Council should be permanent. They are:
  - Mecklenburg County Health Director
  - Chair of the HSC Health Committee
  - Member of the Board of County Commissioners Community Health and Safety Committee (as appointed by the Board).

- The remaining positions should be filled using CDC guidelines. A template is below (as outlined at the 6/21 Community Health and Safety meeting):
  - Three persons who reflect the characteristics of the epidemic in the County
  - Three local Health Department staff members
  - An expert in Epidemiology, an expert in behavioral science, an expert in the social sciences, an expert in program evaluation and an expert in health planning.
  - Three representatives of key non-governmental organizations relevant to, but who may not necessarily provide, HIV prevention services (ex. Faith and business community)
- The proposed Council would meet quarterly with the Community Health and Safety FALT
- The proposed Council would meet semi-annually with the Community Health and Safety Committee of the Board of County Commissioners
- Members of the proposed Council would serve staggered three year terms

*Note: The following occurred prior to the above vote:*

**Commissioner Puckett questioned the need for the two advocate positions, in light of the fact that County staff appointed to the council would be advocates.**

**Commissioner Woodard, who proposed and addressed the creation of the council agreed to delete the two advocate positions, as suggested by Commissioner Puckett.**

**Commissioner Woodard said that what she was asking for at this point was the establishment of the council and that the charge and composition could be adjusted at a later date, if necessary.**

**General Manager Janice Jackson presented the initial proposal.**

**Chairman Helms resumed chairing the meeting.**
COPS ISSUANCE FOR COMMONSENSE SCHOOL CONSTRUCTION

Motion was made by Commissioner Bishop, seconded by Commissioner James and failed 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting no and Commissioners Bishop, James, and Puckett voting yes, to build new schools and new seat additions targeted to relieve severe overcrowding by the issuance of Certificates of Participation (COPs) in a cumulative amount not to exceed $254 million for the following project list:

Southeast High School
Belmeade Road Middle School
Ridge Road Middle School
Belmeade Road Elementary School
Bradley Elementary School
Dixie River Road Elementary School
Elon Park Elementary School
Hucks Road Elementary School
Idlewild Road Elementary School
Providence Road Elementary School
North Mecklenburg High School Addition (16 classrooms)
South Mecklenburg High School Addition (9 classrooms)
Alexander Middle School Addition (6 classrooms)
Alexander Graham Middle School Addition (17 classrooms)
Cochrane Middle School Addition (10 classrooms)
McClintock Middle School Addition (9 classrooms)
Idlewild Elementary School Addition (2 classrooms)
Long Creek Elementary School Addition (9 classrooms)

To facilitate and carry out this action, the Board directs the County Manager:

1. To develop in consultation with Charlotte-Mecklenburg Schools staff a debt-issuance schedule and such technical ordinances or resolutions as may be required to effectuate this COPs-funded construction package, with initial debt issuance by April 2006;
2. To tailor the debt-issuance schedule and technical ordinances or resolutions to a construction scheduler for the listed projects that prioritizes them according to severity of overcrowding conditions they are expected to relieve and to accomplishing completion of each project at the earliest practicable time;
3. To develop proposed action(s) as needed for the county-owned site on Highway 51 to be made available for the construction of the Southeast High School listed above;
4. To evaluate and make recommendations to the Board, in cooperation with CMS staff, as to the possibility of management of these projects through Mecklenburg County Real Estate Services;
5. To evaluate in light of existing and projected overcrowding at North Mecklenburg High School, the alternative of a new high school at the existing CMS Bailey Road site in lieu of the 16-classroom addition project in the above list, for a net increase in the maximum funding amount commensurate with such revision; and
6. To bring action items to the Board within 60 days for the consummation of the COPs financing authorization.

Prior to the above vote, the following persons spoke in support of Commissioner Bishop’s proposal:

Kaye McGarry, a member of the Board of Education

The following persons spoke in opposition:

Dwayne Collins
Richard McElrath
Queen Thompson
The following person was neither in favor or opposition but expressed support for the building of new schools and seats as soon as possible, Samuel R. Spencer, IV.

The proposal was also addressed by several of the Commissioners.

(37) BUILDING CONSENSUS ON A CMS CAPITAL PACKAGE

Motion was made by Commissioner Rembert, seconded by Commissioner Roberts and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to Direct the County Manager to develop and recommend a consensus-building process that asks stakeholders to help build a school capital package that will be supported by the community.

Note: This was proposed by Chairman Helms in light of the fact that On November, 8, 2005, the voters of Mecklenburg County said, “No” to a $427 million bond referendum for schools and a $66 million bond referendum for land.

Commissioner Roberts asked that staff also keep in mind the land bonds issue, as well.

COMMISSION COMMENTS – General comments were made at this time by various Commissioners regarding upcoming events and/or events they attended, as well as, other matters which they deemed note worthy.

ADJOURNMENT

Motion was made by Commissioner Puckett, seconded by Commissioner Mitchell, and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:18 p.m.

Janice S. Paige, Clerk

H. Parks Helms, Chairman
MINUTES OF CLOSED SESSION OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

November 15, 2005  5:00 P.M.

The Board of Commissioners of Mecklenburg County, North Carolina, met in Closed Session in the Charlotte-Mecklenburg Government Center during its Regular Meeting held Tuesday, November 15, 2005. These Closed Session minutes are part of the minutes of that meeting and should be read in that context.

ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners J. Daniel Bishop, Dumont Clarke, Bill James Norman A. Mitchell, Sr., Jim Puckett Wilhelmina I. Rembert, Jennifer Roberts and Valerie C. Woodard County Manager Harry L. Jones, Sr. County Attorney Marvin A. Bethune Clerk to the Board Janice S. Paige

Also Present: General Managers Janice Jackson, John McGillicuddy, and Bobbie Shields, Executive Assistant to the County Manager Michelle Lancaster, Finance Director Harry Weatherly, Wanda Reeves of Finance, Nancy Brunnemer and Jacqueline McNeil with Real Estate Services, and Director of Park and Recreation Wayne Weston

Commissioner Bishop arrived at the meeting during Closed Session.

(2A) LAND ACQUISITION AT HOLBROOKS ROAD

Nancy Brunnemer with Real Estate Services addressed the proposed the purchase of +/- 43.31 acres (all of Tax Parcels 019-191-02 and 019-191-21) off Holbrooks Road from Catawba Lands Conservancy for $8,195 per acre.

Note: The above property is needed to create a buffer along the southeasterly side of the closed Holbrooks Road Landfill (now David B. Waymer Flying Field) to help protect future development on adjoining properties from effects of the old landfill use (underground methane seepage, ground water impacts, etc.). The entire property would provide open space for this area east of Huntersville, and a portion of the tract southeast of the stream, farthest from the old landfill property, could be used for typical park and recreation purposes in the future when the surrounding area has fully developed.

Motion was made by Commissioner James, seconded by Commissioner Puckett and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve the purchase of +/- 43.31 acres (all of Tax Parcels 019-191-02 and 019-191-21) off Holbrooks Road from Catawba Lands Conservancy for $8,195 per acre.

Motion was made by Commissioner James, seconded by Commissioner Rembert and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to end Closed Session.

Janice S. Paige, Clerk  H. Parks Helms, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COUNTY COMMISSIONERS

NOVEMBER 15, 2005  3:00 P.M.

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Special scheduled session in Meeting Chamber Conference Room CH-14 of the Charlotte-Mecklenburg Government Center on Tuesday, November 15, 2005 at 3:00 p.m.

ATTENDANCE

Present:  Chairman H. Parks Helms and Commissioners
J. Daniel Bishop, Dumont Clarke, Bill James
Norman A. Mitchell, Sr., Jim Puckett
Jennifer Roberts, Wilhelmenia I. Rembert
and Valerie C. Woodard
County Manager Harry L. Jones, Sr.
County Attorney Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent:  None.

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Commissioners Clarke, Puckett, Rembert, and Woodard were absent when the meeting was called to order and until noted in the minutes.

(1)  THE LEANDRO LAWSUIT

Ann McColl, Associate Professor at UNC Charlotte, Department of Education Leadership, updated the Board on the Leandro Lawsuit.

The following was noted:

- The lawsuit was initiated in 1994 by plaintiffs in several rural counties because of issues of equity and adequacy with respect to public education.
  - Equity from the standpoint of unequal funding because of different local ability to raise local funds.
  - Adequacy from the standpoint of school facilities in poor conditions, the inability to attract and retain quality teachers, and low student achievement.

Commissioner Puckett entered the meeting.

- Several urban school districts, including Charlotte-Mecklenburg Schools, joined the lawsuit citing that there were insufficient funds for urban schools for serving large populations of students who are “at-risk” and high facility costs because of the growing population. They are referred to as the “Plaintiff Intervenors.”

Commissioner Clarke entered the meeting.

- The N. C. constitution says “the people have a right to the privilege of education, and it is the duty of the State to guard and maintain that right.” (Article I, Section 15)
- In 1996 the N. C. Court of Appeals basically said that the constitutional right to education doesn’t mean anything more than opening the doors to the school.
• In 1997 the N. C. Supreme Court held that there is no requirement for equal funding.

• The N. C. Constitution clearly creates the possibility of additional and different levels of funding by the counties.

Commissioner Woodard entered the meeting.

• The case has transformed from a case of funding to one of education adequacy.

• All children have an equal opportunity to a “sound, basic education.” (Professor McColl elaborated on the matter of a “sound, basic education”, including the “input measures and output measures.”)

• The “input measures” of a “Sound, Basic Education” were defined by the Trial Court and not appealed. They were:
  o Well-trained competent principals with leadership skills;
  o Competent, certified, well-trained teachers; and
  o Sufficient instructional resources to provide an equal opportunity to a “sound, basic education.”

Commissioner Bishop questioned why the State Supreme Court “in shrined” into law that teacher certification is part of a “basic education.” Commissioner Bishop said in his opinion this would be the kind of judgment that would be policy oriented.

Professor McColl said the State during the hearing process furnished volumes of evidence on what makes their system a “sound, basic education” with the main elements being the curriculum, the testing program, funding mechanisms, and licensure. She said a lot evidence was given to the courts on licensure and how that sets certain standards.

It was noted also that because of “No Child Left Behind” schools have to have certified teachers in order to meet the federal mandates.

Professor McColl said there was probably general agreement among the parties in the lawsuit with respect to certified teachers, as well as, the other main elements that the State addressed, that these were important things, which was probably why this aspect was never appealed.

Commissioner Puckett asked was licensure and certified the same in the minds of the court and the State? Professor McColl said yes.

Professor McColl said that Judge Manning has looked at the “output” measures of what a “sound, basic education is to provide, such as drop-out rates, various preparation for work or further education measures, and grade level proficiency. The “output” measures were defined by the Trial Court and accepted by the State Supreme Court.

Professor McColl went on to say:

• The State Supreme Court ruled that the Trial Court was right in finding that the State had failed its constitutional responsibility for “at-risk” students in Hoke County. She said the focus was on Hoke County because this was where they collected the evidence. There was agreement among the parties and the court that they would focus first on the plaintiffs, the poorest school systems and then they would look at the Plaintiff Intervenors. The court said that the evidence showed that the State did not identify and address the needs of the “at-risk” students in Hoke County who are prospective enrollees, but said the court went too far in ordering preK for 4 year-olds as the remedy.

• The Trial Court said also that there were constitutional violations all across the state using the measures that were used, especially grade level proficiency. The State Supreme Court however, did not fully agree because they said all of the evidence had not been provided and trials had not been conducted in other areas of the state, only in Hoke
County.

Professor McColl said thus far for the Charlotte-Mecklenburg area there has not been a finding of a constitutional violation by the court.

Professor McColl addressed the definition of “at-risk” students.

Commissioner Bishop questioned how the State Supreme Court came to certain conclusions and what evidence was presented. He noted as an example under the definition of “at-risk” student, #5 on the list of criteria for being considered “at-risk,” which said (5) are a member of a racial or ethnic minority group. He questioned how the court concluded that being a member of a racial group makes you “at-risk.”

Professor McColl said the only explanation she could give was that part of Judge Manning’s process involved getting evidence from the parties. He also did a great deal of his own data analysis and a great deal of disaggregating data, including by race and by free and reduced lunch.

Professor McColl said there were a lot of issues not fully addressed in the Court opinions, such as needed resources and programs.

Commissioner Mitchell questioned the facilities issue, noting that the Trial Court has said it’s not the facility but what goes on inside the facility that matters, yet State policy say facility requirements must be met by county governments.

Professor McColl said the issue of facilities is a valid concern but that it was not addressed.

Professor McColl said the focus of the lawsuit shifted to issues around “at-risk” students and the educational programs and resources for them.

Professor McColl said since the State Supreme Court’s ruling in 2004 the focus has been on teachers, funding formula for at-risk students, and failing High Schools, which did not come out as part of the State Supreme Court’s decision, but was something that Judge Manning saw as needing to be addressed.

Professor McColl addressed the hearings that were held regarding High Schools.

Chairman Helms asked Professor McColl to comment on whether she felt based on where things currently were, that Judge Manning would approve the State shifting the responsibility to the County.

Professor McColl said she felt the whole issue of state vs. local responsibility, especially on funding issues, was totally off the court’s radar. She said the focus is on educational programs and what school systems are doing for “at-risk” students.

Commissioner James said the way he interpreted what the courts have said is that every child is to be given the “opportunity” for a “sound, basic education” and that it’s not the County’s responsibility to “ensure” a “sound, basic education to every child but the “opportunity” to receive such.

Commissioner Rembert entered the meeting.

Professor McColl concluded by addressing possible implications for State/County/Local Board Relations. She posed the following questions for thought:

- Will school districts have to use the budget dispute process in order to demonstrate efforts to use the established system to procure needed resources? Does this process make sense given the State’s role?
- How should counties communicate to the state if too much of the burden for a sound, basic education has been delegated to the county?
• Should counties and local educational authorities be prepared to prove to the State that resources have been directed to providing a sound, basic education?
• What does “add to or supplement” mean in context of the constitutional right?
• How should the relationship between the State and counties be defined for funding a sound, basic education?
• How should counties address other school district costs that have not been tied yet to a sound, basic education (safety, maintenance, etc.)?
• Are other agencies funded by the county related to providing a sound, basic education?

County Manager Jones said he was aware of some instances in some states and cities where the political leadership determined that the school system had not performed adequately and they took control over the school system. He asked Professor McColl if there were criteria in the law and/or constitution of the State of N.C. to allow that take over to occur in N.C.

Professor McColl said there was some take over but that not all of it has been flushed out. She said that certainly what these opinions allow for is the notion that this could happen.

Professor McColl said that the lawsuit was still at the Trial Court stage and that the focus of Judge Manning’s attention is on state teams that have come into CMS and as a result of which there will be an assessment of CMS’s needs and of the Disadvantaged Student Supplemental Fund. The next hearing in the case will be sometime after February.

Chairman Helms thanked Professor McColl for her presentation and asked that she keep the Board informed.

A copy of the report is on file with the Clerk to the Board.

(2) STORM WATER CAPITAL PROGRAM

Attorney Bethune entered the meeting.

The Board received an update on the Storm Water Capital Program, which included an update on recent progress and a review of future strategies.

Dave Canaan, Water & Land Resources – Director and Tim Trautman, Flood Mitigation – Program Manager gave the report.

The following was noted:

• The County’s Storm Water pay-as-you-go Capital Program was expanded in FY05 to restore degraded surface water quality conditions and to enhance aquatic habitat in local streams – a Growth Management & Environment Focus Area.
• The expanded pay-as-you-go Capital Program is intended to implement flood mitigation measures consistent with County adopted Flood Mitigation Plans and the Community Health & Safety Focus Area.
• The expanded program is based on the historical funding arrangement of 65% federal/state and 35% local funding – averaging $5,800,000 annually.
• Since the expansion of the Capital Program in July 2004, over $2 million in state and federal grants have been approved for the construction of wetlands and the restoration of streams. Also, over the past 18 months, approximately $4 million in federal grants have been awarded to Mecklenburg County for the acquisition of over 20 flood prone structures.
• It was noted that today, November 15, 2005 staff received official notification that a quarter of million dollars was received for the Little Sugar Creek, Kings Drive section and a half million for Four Mile Creek.
• The approved Flood Hazard Mitigation Summary Document contains a Capital Program projects list. With the recent $4 million in federal grants, the County Flood Mitigation Program has removed the vast majority of high priority (cost benefit greater than 1) and
floodway (most restrictive portion of the floodplain) structures from the Capital Program acquisition list.

- Some structures were removed from the high priority list because they did not qualify. This now allows the Flood Mitigation Program to move into the second phase of the Capital Program, which includes focusing on the acquisition of high priority and non-floodway structures. There are 257 structures in Phase Two.
- The Doral/Cavalier Apartments are the highest priority property for the second phase. At this time, staff is in the process of working with the owners of the Doral/Cavalier Apartments for a December 2005 grant submittal to acquire the Cavalier Apartments side of the complex. With the Board’s approval, this will be the largest FEMA grant submittal by the County for the acquisition of land from a single property owner, business or entity. However, it also provides an opportunity for the County to address a historically chronic flooding problem and increase our open space in a highly developed portion of the County.
- Between 2000-2005 135 buildings were removed from the floodplain and 80 acres of deeded public open space.
- Between 2000-2005 the buyout funding awarded has been $14.1 million in federal funds, $1.7 million in state funds, and $8.9 million local storm water funds.

Commissioner James asked how is the market value determined for an apartment complex that continually floods up to 14 feet.

Mr. Trautman said it’s done through an appraisal process, market determination from an appraiser and in the case of apartments it’s typically what they can rent for. It’s an income base approach. There are also State guidelines that they go by as well.

Mr. Trautman said that staff’s forthcoming recommendation to the Board would be to simultaneously complete Phase 1 and begin implementation of Phase 2.

Future plans are to pursue funding to acquire Cavalier Apartments; develop mitigation strategy to acquire Doral Apartments; assemble grant application to FEMA on March 3, 2006; in January 2006 request the Board to approve submittal $7.5 - $9.0 million grant to acquire Cavalier Apartments; and in March 2006 ask the Board to adopt an updated Flood Mitigation Summary Document reflecting the changes in the County’s high and low prioritization.

Commissioner Clarke asked for clarification regarding the buy-out program, which was explained by Director Canaan.

Chairman Helms thanked Director Canaan and Mr. Trautman for their report.

A copy of the report is on file with the Clerk to the Board.

Note: The above is not inclusive of every comment and/or question asked but reflects key points and actions taken by the Board; however, no action was taken or required.

ADJOURNMENT

Motion was made by Commissioner Roberts, seconded by Commissioner James and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, that there being no further business to come before the Board, that the meeting be adjourned at 4:55 p.m.
MINUTES OF MECKLENBURG COUNTY BOARD OF COUNTY COMMISSIONERS

DECEMBER 6, 2005 5:00 P.M.

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, December 6, 2005.

ATTENDANCE

Present:  Chairman H. Parks Helms and Commissioners J. Daniel Bishop, Dumont Clarke, Bill James Norman A. Mitchell, Sr., Jim Puckett Wilhelmenia I. Rembert, Jennifer Roberts and Valerie C. Woodard County Manager Harry L. Jones, Sr. County Attorney Marvin A. Bethune Clerk to the Board Janice S. Paige

Absent:  None.

Chairman Helms and Commissioners Bishop, Puckett, and Woodard were absent when the meeting was called to order and until noted in the minutes.

Vice-Chairman Rembert chaired the meeting until noted in the minutes.

-INFORMAL SESSION-

(1) STAFF BREIFING - UNC-CHARLOTTE CAMPUS VILLAGE DEVELOPMENT

The Board received information from Chancellor Philip Dubois on the University of North Carolina at Charlotte’s plans for a new mixed-use area on campus.

It was noted that, although there were no immediate plans, the University is considering development of a mixed-use complex within the campus area bounded by NC 49, Mallard Creek Church Road, US 29 and W. T. Harris Boulevard. It was stated that several parcels within the area were conveyed to the State of North Carolina for educational purposes by the County. The deed conveying these tracts included a clause stating any of this property not needed or used by the University would automatically revert to the County.

Chairman Helms entered the meeting and assumed chairmanship of the meeting.

Dr. Dubois asked the Board to consider, at the appropriate time, removing the reversionary clause to accommodate planning and development of a complex to serve students, faculty and staff within the boundaries of the major roads that edge the full campus.

Chairman Helms thanked Dr. Dubois for appearing and sharing the University’s vision for future development. He asked Dr. Dubois to keep the transit corridor in mind as they pursue this matter.

No action was required at this time.

Commissioner Roberts noted for the record that when this matter comes before the Board she will
ask to be excused to avoid a conflict of interest, since she works part-time for the University.

(2A) (2B) (2C) CLOSED SESSION – (A) PREVENT DISCLOSURE OF INFORMATION THAT IS CONFIDENTIAL PURSUANT TO G.S. 105-259. (G.S. 143-318.11 (A) (1); (B) LAND ACQUISITION; (C) BUSINESS LOCATION AND EXPANSION

Prior to going into Closed Session, Nancy Brunnemer with Real Estate Services announced the following land acquisition matters to be discussed in Closed Session:

- Tax Parcel 075-043-25
- Tax Parcel 033-012-24
- Tax Parcel 007-303-35
- Tax Parcel 009-011-08 and 009-011-32

Motion was made by Commissioner Mitchell, seconded by Commissioner James and carried 6-0 with Commissioners Clarke, Helms, James, Mitchell, Rembert, and Roberts voting yes, to go into Closed Session to a) Prevent Disclosure of Information that is Confidential Pursuant to G.S. 105-259. (G.S. 143-318.11(A), b) discuss Land Acquisition and c) Business Location and Expansion.

The Board went into Closed Session at 5:40 p.m. and came back into Open Session at 6:11 p.m.

Commissioners Bishop, Puckett, and Woodard were present when the Board came back into Open Session. They entered during Closed Session.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified items they wanted removed from consent and voted upon separately. The items identified were Items 11 and 16.

The Board then proceeded to the Meeting Chamber for the remainder of the meeting.

Commissioner Clarke was away from the dais when the Formal Session was called to order and until noted in the minutes.

-FORMAL SESSION-

Invocation was given by Chairman Helms, which was followed by the Pledge of Allegiance to the Flag.

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

Commissioner Clarke returned to the dais.

(1A) ELECTION OF COUNTY COMMISSION CHAIRMAN

Commissioner Rembert nominated Commissioner Helms, which was seconded by Commissioner Mitchell, to serve as Chairman of the Mecklenburg County Board of Commissioners for a one-year term expiring December 4, 2006.

There were no other nominations.

Motion was made by Commissioner Roberts, seconded by Commissioner Rembert and
unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to close the nominations for Chairman of the Mecklenburg County Board of Commissioners and to re-elect Commissioner H. Parks Helms as Chairman of the Mecklenburg County Board of Commissioners for a one-year term expiring December 4, 2006.

Chairman Helms thanked the Board for its support.

(1B) ELECTION OF COUNTY COMMISSION VICE-CHAIRMAN

Commissioner Roberts nominated Commissioner Rembert which was seconded by Commissioner Mitchell, to serve as Vice-Chairman of the Mecklenburg County Board of Commissioners for a one-year term expiring December 4, 2006.

There were no other nominations.

Motion was made by Commissioner Mitchell, seconded by Commissioner Puckett and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to close the nominations for Vice-Chairman of the Mecklenburg County Board of Commissioners and to re-elect Commissioner Wilhelmenia I. Rembert as Vice-Chairman of the Mecklenburg County Board of Commissioners for a one-year term expiring December 4, 2006.

Vice-Chairman Rembert thanked the Board for its support.

Note: The Board at this time welcomed Peter Koucherenco who was present and a member of a Russian delegation visiting Charlotte-Mecklenburg. Mr. Koucherenco greeted and thanked the Board for allowing him to speak.

(2) PUBLIC APPEARANCE

The following persons appeared to speak during the Public Appearance portion of the meeting:

Dave Cable Executive Director of the Catawba Lands Conservancy thanked the Board for its support and partnership. Mr. Cable presented the Board with a plaque as a show of the Conservancy’s appreciation to the Board for its leadership and support of conservation in the community.

Bill Maddalon and Brennon Graham with Alexander Youth Network on behalf of The Relatives thanked the Board and County Manager Jones for working with The Relatives in getting a budgetary matter resolved.

County Manager Jones addressed the budgetary matter involving The Relatives, which was what he had planned to discuss under the Manager’s Report section of the agenda.

County Manager Jones said he has challenged the Department of Social Services to determine revenue that could continue funding for The Relatives through this fiscal year.

County Manager Jones said that he has asked General Manager Janice Jackson to inform The Relatives of his intention to fund them at the $450,000 this fiscal year. Also that The Relatives keep their door open to discuss ways to improve the service delivery that is provided and to look at the affect of changing the way those services are delivered.

Chairman Helms thanked County Manager Jones and General Manager Jackson for their work on this matter.
(3) APPOINTMENTS - NONE

(4A) NC DEPT. OF TRANSPORTATION’S COMMUNITY TRANSPORTATION GRANT APPLICATION – DSS

Motion was made by Commissioner Rembert, seconded by Commissioner Woodard and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to open a public hearing on the Mecklenburg County Department of Social Services’ application for the North Carolina Department of Transportation’s Community Transportation Grant for Fiscal Year 2006-2007.

No one appeared to speak.

Motion was made by Commissioner Clarke, seconded by Commissioner James and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to close the public hearing, and approve Mecklenburg County Department of Social Services submission of an application for the North Carolina Department of Transportation’s Community Transportation Grant for Fiscal Year 2006-2007, through the adoption of a resolution entitled: Community Transportation Program Resolution.

COMMUNITY TRANSPORTATION PROGRAM RESOLUTION

FY 2006-2007 RESOLUTION

Applicant Seeking Permission to Apply for Community Transportation Program Funding,

Enter Into Agreement with The North Carolina Department Of Transportation

And to Provide the Necessary Assurances.

A motion was made by Commissioner Dumont Clarke and seconded by Commissioner Bill James for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administrating federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural public transportation services consistent with the policy requirements for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis);

WHEREAS, Mecklenburg County hereby assures and certifies that it will comply with the federal and state Statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements which relates to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U. S. C.

NOW, THEREFORE, be it resolved that the County Manager of Mecklenburg County Board of County Commissioners is hereby authorized to submit a grant application for federal and state funding, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural public transportation services.

Resolution recorded in full in Minute Book 42-A, Document #_______.

(4B) REAL ESTATE EXCISE TAX REFUND REQUEST

Motion was made by Commissioner Woodard, seconded by Commissioner Clarke and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to hold a hearing on a request by McMillan & Terry, P.A. for reimbursement of North Carolina excise tax in the amount of $621.00.
McMillan & Terry, P.A. incorrectly filed Special Warranty Deeds in Mecklenburg County that should have been recorded in Gaston County. North Carolina General Statute 105-228.37 requires that the Board of Commissioners conduct a hearing on a request for refund of excise taxes collected on a deed that was incorrectly submitted for recording in Mecklenburg County. The deeds have since been filed in Gaston County.

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Clarke and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to close the hearing on a request by McMillan & Terry, P.A. for reimbursement of North Carolina excise tax in the amount of $621.00 and approve the reimbursement.

(5) WOMEN’S COMMISSION ANNUAL REPORT

The Board received a report from the Women’s Commission on the status of women in Mecklenburg County.

The report addressed Equal Political Participation with respect to County Advisory Boards, Pay Equity with respect to the City and County Government workforce, and Self-Sufficiency.

Nancy Klein, Chair of the Women’s Commission and member Rob Fuller gave the report.

A copy of the report is on file with the Clerk to the Board.

(6) MANAGER’S REPORT - NONE

(2B4) LAND ACQUISITION PENNINGTON PROPERTY ACQUISITION IN HUNTERSVILLE

Motion was made by Commissioner James, seconded by Commissioner Mitchell and unanimously carried Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve the purchase of Tax Parcels 009-011-08 and 009-011-32 encompassing +/- 40.86 acres on Oliver Hager Road from Doris V. Pennington for $13,800 per acre for +/- 6.74 acres encumbered with powerline ROW and $27,600 per acre for +/- 34.12 acres unencumbered by powerline ROW.

Motion was made by Commissioner Mitchell, seconded by Commissioner James and unanimously carried Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve leasing Tax Parcels 009-011-08 and 009-011-32 to the Town of Huntersville for future parkland development.

Motion was made by Commissioner James, seconded by Commissioner Roberts and unanimously carried Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to amend the Capital Project Ordinance to recognize and appropriate $180,500 from the Town of Huntersville for future parkland development.

It was noted that the sellers of the property have requested that any future park developed on the property be named after Charlie and Ida Graham. Chairman Helms said this would be taken into consideration at the appropriate time.

Ordinance recorded in full in Minute Book 42-A, Document #______.
(2B3) LAND ACQUISITION SHARP PROPERTY ACQUISITION IN DAVIDSON

Motion was made by Commissioner Rembert, seconded by Commissioner Roberts and unanimously carried Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve the purchase of Tax Parcel #007-303-35 encompassing +/- 0.7-acre at 1120 Hudson Place for $165,000 from Michael and Teresa Sharp.

Motion was made by Commissioner Rembert, seconded by Commissioner Roberts and unanimously carried Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve leasing Tax Parcel #007-303-35 to the Town of Davidson for future parkland/greenway development.

(2B2) LAND ACQUISITION SHUFFLETON DISTRICT PARK SITE ACQUISITION

Chairman Helms asked that he be excused from participating in the discussion of Item 2B2 Land Acquisition Shuffletown District Park Site Acquisition, to avoid a conflict of interest.

Motion was made by Commissioner Bishop, seconded by Commissioner Woodard and carried 8-0 with Commissioners Bishop, Clarke, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to excuse Chairman Helms from participating in the discussion of Item 2B2 Land Acquisition Shuffletown District Park Site Acquisition, to avoid a conflict of interest.

Chairman Helms left the dais and was away until noted in the minutes.

Vice-Chairman Rembert chaired this portion of the meeting.

Motion was made by Commissioner Roberts, seconded by Commissioner James and carried 8-0 Commissioners Bishop, Clarke, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve the purchase of Tax Parcel 033-012-24, 5.523-acre at Brookshire Boulevard and I-485 from Griffin Bros. Acquisitions, LLC for $225,000.

Chairman Helms returned to the dais and resumed chairing the meeting.

CONSENT ITEMS

Motion was made by Commissioner Puckett, seconded by Commissioner Roberts and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to approve the following items with the exception of Items 11 and 16 to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held November 15, 2005 as amended and Closed Session minutes of November 15, 2005.

Note: The amendment was a correction in the amount of the land bond referendum, which was $66 million and referenced on the last page of the minutes in Item 37. This correction was pointed out by Commissioner James.

(8) 2006 BOARD OF COUNTY COMMISSIONERS’ MEETING SCHEDULE

Approve the 2006 Board of County Commissioners’ Meeting Schedule.

A copy of the approved schedule is on file with the Clerk to the Board.

(9) DESTRUCTION OF DOCUMENTS - LUESA
Approve the disposal of LUESA records and plans in accordance with North Carolina records retention policies. These records are comprised of:

- 6 boxes of permitting and inspections records dated September thru October, 2005, that have been imaged on optical disk and verified in lieu of originals.
- 599 commercial plans permitted September through October of 2003.

(10) NOVEMBER 8, 2005 BOND REFERENDUM

The Clerk to the Board of Commissioners placed before the Board of Commissioners a Certificate of Canvass of the Mecklenburg County Board of Elections certifying to the Board of Commissioners the results of the special election held for the County of Mecklenburg on November 8, 2005. The Certificate was considered by the Board.

RESOLUTION CERTIFYING ELECTION RESULTS

Commissioner Puckett moved the adoption of the following resolution, the motion was seconded by Commissioner Roberts, and the resolution was read by the above title.

WHEREAS, the Board of Commissioners has considered the Certificate of Canvass of the Mecklenburg County Board of Elections canvassing the referendum held for the County of Mecklenburg on November 8, 2005 and certifying the results thereof to the Board of Commissioners and has canvassed the results of that special election;

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Mecklenburg that it be and hereby is certified and declared that the number of voters registered and qualified to vote at that special election was 503,851.

FURTHER RESOLVED, that it be and hereby is certified and declared that the total number of voters who voted “YES” in answer to the question, “SHALL the order authorizing $427,000,000 of bonds secured by a pledge of the faith and credit of the County of Mecklenburg to pay capital costs of providing school facilities, including the acquisition and construction of new school facilities, the improvement and expansion of existing school facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor; and a tax to be levied for the payment thereof, be approved?”, was 41,944. The total number of voters who voted “NO” in answer to such question was 54,150.

FURTHER RESOLVED, that it be and hereby is certified and declared that the total number
of voters who voted “YES” in answer to the question,

“SHALL the order authorizing $66,000,000 of bonds secured by a pledge of the faith and credit of the County of Mecklenburg to pay capital costs of providing land for present or future county corporate, open space, watershed protection, community college, and public school purposes, and the acquisition and improvements thereon and interests in such real property; and a tax to be levied for the payment thereof, be approved?”,

was 43,121. The total number of voters who voted “NO” in answer to such question was 49,262.

FURTHER RESOLVED, that it be and hereby is certified and declared that the total number of voters who voted “YES” in answer to the question,

“SHALL the order authorizing $14,500,000 of bonds secured by a pledge of the faith and credit of the County of Mecklenburg to pay capital costs of providing law enforcement facilities, including the acquisition and construction of new law enforcement facilities, the improvement and expansion of existing law enforcement facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor; and a tax to be levied for the payment thereof, be approved?”,

was 55,184. The total number of voters who voted “NO” in answer to such question was 34,717.

FURTHER RESOLVED, that it be and hereby is certified and declared that the total number of voters who voted “YES” in answer to the question,

“SHALL the order authorizing $46,500,000 of bonds secured by a pledge of the faith and credit of the County of Mecklenburg to pay capital costs of providing community college facilities, including the acquisition and construction of new community college facilities, the improvement and expansion of existing community college facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor; and a tax to be levied for the payment thereof, be approved?”,

was 48,807. The total number of voters who voted “NO” in answer to such question was 44,173.

FURTHER RESOLVED, that a statement substantially in the form hereinafter set forth declaring the result of the election shall be prepared and published in accordance with law:

STATEMENT OF RESULT OF SPECIAL ELECTION
HELD FOR THE
COUNTY OF MECKLENBURG
NOVEMBER 8, 2005
WHEREAS, by direction of the Board of Commissioners of the County of Mecklenburg, in the State of North Carolina, a special election was duly called and held for the County on November 8, 2005 for the purposes of submitting to the qualified voters of the County the questions hereinafter set forth, and that Board has received from the Mecklenburg County Board of Elections a certification of the results of the election, and has determined the results of the election to be as hereinafter stated;

NOW, THEREFORE, the Board of Commissioners of the County of Mecklenburg hereby makes the following statement of the result of the election pursuant to The Local Government Bond Act:

1. The total number of voters registered and qualified to vote at the election was 503,851.

2. The number of voters who voted “YES” in answer to the question, “SHALL the order authorizing $427,000,000 of bonds secured by a pledge of the faith and credit of the County of Mecklenburg to pay capital costs of providing school facilities, including the acquisition and construction of new school facilities, the improvement and expansion of existing school facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor; and a tax to be levied for the payment thereof, be approved?”, was 41,944. The total number of voters who voted “NO” in answer to that question was 54,510. The question in the form submitted was rejected by the vote of a majority of those who voted thereon at the election.

3. The number of voters who voted “YES” in answer to the question, “SHALL the order authorizing $66,000,000 of bonds secured by a pledge of the faith and credit of the County of Mecklenburg to pay capital costs of providing land for present or future county corporate, open space, watershed protection, community college, and public school purposes, and the acquisition and improvements thereon and interests in such real property; and a tax to be levied for the payment thereof, be approved?”, was 43,121. The total number of voters who voted “NO” in answer to that question was 49,262. The question in the form submitted was rejected by the vote of a majority of those who voted thereon at the election.

4. The number of voters who voted “YES” in answer to the question, “SHALL the order authorizing $14,500,000 of bonds secured by a pledge of the faith and credit of the County of Mecklenburg to pay capital costs of providing law enforcement facilities, including the acquisition and construction of new law enforcement facilities, the improvement and expansion of existing law enforcement facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor; and a tax to be levied for the payment thereof, be approved?”, was 55,184. The total number of voters who voted “NO” in answer to that question was 34,717. The question in the form submitted was approved by the vote of a majority of those who voted thereon at the election.

5. The number of voters who voted “YES” in answer to the question, “SHALL the order authorizing $46,500,000 of bonds secured by a pledge of the faith and credit of the County of Mecklenburg to pay capital costs of providing community college facilities, including the acquisition and construction of new community college facilities, the improvement and expansion of existing community college facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor; and a tax to be levied for the payment thereof, be approved?”, was 46,500,000. The total number of voters who voted “NO” in answer to that question was 34,717. The question in the form submitted was approved by the vote of a majority of those who voted thereon at the election.
was _48,807_. The total number of voters who voted “NO” in answer to that question was _44,173_. The question in the form submitted was approved by the vote of a majority of those who voted thereon at the election.

Any action or proceeding challenging the regularity of validity of this bond referendum must be begun within 30 days after _____________, the date of publication hereof.

Board of Commissioners of
the County of Mecklenburg,
North Carolina

[End of Statement of Result of Special Election]

The motion was adopted by the following vote:

AYES: Commissioners Dan Bishop, Dumont Clarke, H. Parks Helms, Bill James, Norman A. Mitchell, Sr., Jim Puckett, Wilhelmenia I. Rembert, Jennifer Roberts, and Valerie C. Woodard

NAYS: None

*****

Resolution and Extract recorded in full in Minute Book 42-A, Document # ______.

(12) TAX REFUNDS

Approve refunds to be made by the Finance Department as requested by the Tax Assessor in the amount of $24,779 resulting from clerical errors, audits and other amendments.

A list of the refund recipients is on file with the Clerk to the Board.

(13) FUNDING AGREEMENT, WATER QUALITY DESIGN MANUAL

1) Authorize the County Manager to negotiate and approve the Funding Agreement with the City of Charlotte for Design Manual Consulting Services. 2) Appropriate $65,903 in unspent Storm Water funds previously approved for various projects now completed. 3) Authorize appropriations to be carried forward to subsequent years until completion of project.

Agreement recorded in full in Minute Book 42-A, Document # ______.

(14) LATTA PLANTATION EQUESTRIAN CENTER – PARK AND RECREATION

Authorize the County Manager to negotiate and execute a five (5) year service agreement with two (2) possible one-year extensions with Country Time Carriages for operations of the Latta Plantation Equestrian Center. County reserves the right to offer the extensions.

Agreement recorded in full in Minute Book 42-A, Document # ______.

(15) ST. MARY’S CHAPEL CAPITAL RESERVE REQUEST – PARK AND RECREATION

Recognize and appropriate $11,000 from St. Mary’s Chapel revenues to be used to replace the existing HVAC system.
(17) HAZARD MITIGATION PROGRAM – FLOODPLAIN ACQUISITION

1) Accept the “Offer Of Sale Of Land” for the following property: Benjamin and Donna Powell of 2717 Chilton Place for $343,700; 2) Adopt a Resolution Approving Transfer Of Reusable Building Materials To Habitat for Humanity of Charlotte, Inc. to allow for salvage of materials prior to demolition of structures purchased by Mecklenburg County; 3) Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structures for training exercises.

Resolution recorded in full in Minute Book 42-A, Document #_______.

(18) AMENDED AND RESTATED VEHICLE RENTAL TAX ORDINANCE

Adopt an Amended and Restated Ordinance Levying a Tax on Gross Receipts Derived From Retail Short-term Lease or Rental of Motor Vehicles.

Note: The Amended and Restated Ordinance amends the text to designate the Tax Collector, rather than a Tax Administrator, as the person who administers the tax. The Amended and Restated Ordinance also makes other technical amendments to the ordinance.

Ordinance recorded in full in Minute Book 42-A, Document #_______.

(19) CONDEMNATION ON WILKINSON BOULEVARD

This item was removed from the agenda.

(20) BROWN-GRIER ROAD RIGHT-OF-WAY

Approve conveyance to the City of Charlotte of 5,359 square feet and a temporary construction easement over 3,910 square feet of Tax Parcel 201-472-01 for roadway improvements at Brown-Road and Gallant Lane.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

__________________________

(11) CONTRACT FOR HYBRID VEHICLES

Motion was made by Commissioner James, seconded by Commissioner Roberts and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve the establishment of a unit price contract for a hybrid vehicle sedan with Hendrick Honda at $19,550. The contract will be for one-year with options to renew for two one-year terms.

Commissioner Roberts removed this item from Consent for more public awareness.

Note: Commissioner Puckett questioned the cost versus the return with respect to purchasing hybrid vehicles.

Commissioner Puckett left the dais and was away until noted in the minutes.

(16) GRANT AWARD - NC CLEAN WATER MANAGEMENT TRUST FUND

Motion was made by Commissioner Roberts, seconded by Commissioner Rembert and carried 8-0
with Commissioners Bishop, Clarke, Helms, James, Mitchell, Rembert, Roberts, and Woodard voting yes, to 1) Recognize, receive and appropriate up to $639,000 from Clean Water Management Trust Fund for McDowell Creek BMPs; 2) Authorize the County Manager to negotiate contract with Clean Water Management Trust Fund; 3) Authorize appropriations to be carried forward to subsequent years until completion of project; and 4) Adopt capital project ordinance for the construction of rain gardens on McDowell Creek.

Commissioner Roberts removed this item from Consent for more public awareness.

*Ordinance recorded in full in Minute Book 42-A, Document #_______.*

*Commissioner Puckett returned to the dais.*

(Staff Reports and Requests – None)

**COUNTY COMMISSIONERS REPORTS AND REQUESTS**

(22) **CLIMATE PROTECTION CONSIDERATIONS**

Motion was made by Commissioner Roberts, seconded by Commissioner Rembert, to adopt a resolution entitled: Resolution to affirm that Mecklenburg County’s Environmental Leadership Policy addresses climate protection considerations, which has the following resolves:

**Be it further resolved,** that the Mecklenburg County Board of Commissioners, while not directly regulating land use and transportation activities, supports the following additional actions specified in the U.S. Mayors Climate Protection Agreement and other similar measures that reduce GHG emissions from the transportation sector:

- Adopting land-use policies that reduce sprawl, preserve open space, and create compact, walkable urban communities;
- Promoting transportation options such as bicycle facilities, commute trip reduction programs, incentives for car pooling and public transit; and
- Maintaining healthy urban forests and promoting tree planting to absorb CO₂ and increase shading.

The following persons spoke in support of the resolution:

- Brian Staton
- Nancy Bryant on behalf of the N. C. Council of Churches Climate Connection
- Tracey Crowe on behalf of the Sierra Club
- Todd Glasier on behalf of the Carolinas Clean Air Coalition

Commissioner Puckett expressed concern about the part of the resolution that addressed adopting land-use policies that reduce sprawl, preserve open space, and create compact, walkable urban communities. Commissioner Puckett said this could impact property rights. He also said he was not familiar with the U.S. Mayors Climate Protection Agreement referenced in the resolution, therefore he could not support it.

Commissioner Bishop said he concurred with Commissioner Puckett’s remarks and that additionally there is no test of cost effectiveness.

Commissioner James suggested the resolution be changed to simply state that the Board of Commissioners supports cost effective reductions in greenhouse gas emissions to the extent considered practicable by governing bodies, while allowing individuals the freedom of choice to choose between an urban or suburban life without significant additional costs.

Substitute motion was made by Commissioner Puckett, seconded by Commissioner Bishop and failed 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting
no and Commissioners Bishop, James, and Puckett voting yes, to affirm the County’s 2004 Environmental Leadership Policy adopted in February 2004.

The vote was then taken on the original motion and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop, James, and Puckett voting no.

Resolution recorded in full in Minute Book 42-A, Document #_______.

(21) DETER ILLEGAL IMMIGRATION BY LIMITING ELIGIBILITY FOR TAXPAYER-FUNDED CONTRACTS, SERVICES AND BENEFITS AND PROMOTING IMMIGRATION LAW ENFORCEMENT

Motion was made by Commissioner James, seconded by Commissioner Puckett, and failed 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting no and Commissioners Bishop, James, and Puckett voting yes, to adopt a resolution that directs the County Manager to implement to the fullest extent those provisions of Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) permitting agencies administering state and local benefits to deny some such benefits to illegal aliens and to participate in the SAVE system for determining legal immigration status for benefit eligibility purposes, and to report to the Board any previous efforts to implement this law and results of the same. Further, the Board directs the County Attorney to identify and research the permissibility of policy reforms to enhance the enforcement of immigration law in Mecklenburg County and to deter illegal immigrants from taking up residence in Mecklenburg County, reporting the results of such analysis to the Board in 60 days. Specific issues to be analyzed include:

1. With respect to nonprofit charitable organizations with which the county contracts for the provision of services, permissible methodology for obtaining sufficient identifying information about service recipients to enable the County to verify their qualified alien status.

2. Imposing requirements on for-profit persons or entities from whom the county contracts goods or services (including services rendered to members of the public) to verify the eligibility under PRWORA of their employees (and third-party service recipients) and disqualifying any contractor from County business for failure to meet such requirements.

3. A review of the feasibility of requiring that all Mecklenburg County employers work with the US Department of Homeland Security’s newly created pilot program that allows for the verification of employee identity and in particular social security numbers

The above motion was addressed by Commissioners James, Bishop, and Puckett who put forth the proposal.

Highlights:
Commissioner James said the following:
- When persons enter the United States illegally they are breaking the law and therefore should not be entitled to receive the benefits of citizenship, including things such as free legal counsel and other benefits through non-profits.
- The only thing illegal immigrants should be entitled to is emergency care if their life is threatened.
- The question is should people that break the law and come to the United States receive government, taxpayer paid benefits? “No.”

Commissioner Puckett said their proposal only directs staff to fully implement federal law.

Commissioner Puckett said the proposal impacts illegal immigrants and businesses that may have illegal immigrants working for them.

Commissioner Puckett said that there were a lot of people taking advantage of the illegal population and that “we allow this to happen because many of those people provide cheap jobs.”
Commissioner Puckett said that this was a “pretty sorry reason” to turn your head on the law.

Commissioner Puckett also said “when we turn our back on our law, made by immigrants, all immigrants, came from many different places and have established what is the constitution and the amendments in the law of this country; when we start to turn our back on the law then we are headed down the road of ceasing to be the very place that people hoped to come to. We cease to be the very type of community or nation that other countries hope to emulate.”

Commissioner Bishop during his remarks offered a friendly amendment to the motion made by Commissioners Puckett and James, which was to strike all of the Whereas clauses in the resolution, since many of those that spoke in opposition found some of them to be offensive. He specifically referenced the Whereas clause that said “Whereas, Citizens of Mecklenburg County are being killed by the reckless actions of illegal immigrants.” Commissioner Bishop said he agreed with those in opposition on this Whereas.

A copy of the resolution as proposed by Commissioners Bishop, James, and Puckett is on file with the Clerk to the Board.

Commissioners Puckett and James agreed to the amendment to delete all of the Whereas clauses in the resolution.

Prior to the above vote, the following person spoke in support of the motion: Barbara Eudy.

Ms. Eudy stated in her remarks that the County must “take the lead on the illegal immigrant problem and protect the residents who live here legally and abide by the laws of the land.”

A copy of Ms. Eudy’s remarks is on file with the Clerk to the Board.

Prior to the above vote the following persons spoke in opposition to the motion:

Maudia Melendez with Jesus Ministry
German De-Castro
Teresa Villamarín
Heather M. Ziemba representing Legal Services of Southern Piedmont and works with the immigrant population.
Steven Maysonet
Gilda Rubio-Festa with Latino Leadership In Action
Jose Hernandez-Paris with Latino Leadership In Action
Adriana Galvez Taylor with Latino Leadership In Action
J. Waddell Brunson, Pastor of Greater Fellowship Church
Robin K. Selby
Diane English with the Community Building Initiative
Dennis Grills
Sandy Ramos
Angeles Ortega-Moore, Director of the Latin American Coalition
Cynthia Hazees

Opposition Highlights:

- Several of the above speakers noted the contributions of immigrants to the community’s local economy and the United States as whole.
- It was also emphasized that the issue of immigration was a federal matter and not a local matter.
- It was said that immigrants come to the United States because it is a land of opportunity and freedom.
- The community benefits more when all persons are treated as members of the human family and not as “them and us.”
- Many immigrants will not receive needed services if the motion is approved, especially those that are victims of domestic violence, many of whom are undocumented.
- It was noted that the proposed resolution was an attack on all immigrants.
- Several took offense to many of the statements in the proposed resolution by Commissioners
Bishop, James, and Puckett, which was said to reflect negative stereotypes that build resentment and does not address the “core” of the issue.

- They asked that the Board make laws based on facts and not emotions.
- Many asked that the Board support the alternative resolution as proposed by Commissioner Roberts in Item 23.

(23) IMMIGRATION REFORM

Motion was made by Commissioner Roberts, seconded by Commissioner Mitchell and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop, James, and Puckett voting no, to adopt a resolution that 1) supports Immigration Reform at the federal level; 2) urges the Mayor’s Immigration Study Commission to complete its Study of Local Immigration Impacts and return with policy recommendations; 3) directs the Clerk to the Board to send a copy of the resolution to North Carolina’s congressional delegation urging support for timely federal immigration reform (currently under consideration by the US Congress) in line with proposals presented by President George W. Bush.

Secondly, to direct the Sheriff and county staff to support the work of the Mayor’s Immigration Study Commission (see County Resolution dated September 7, 2005) and return with practical and legal policy recommendations based on fact, and not attempt local action until the work of this study commission is complete, recognizing that, by law, immigration policy and enforcement remains under the jurisdiction of the federal government.

Prior to the above vote, Commissioner Roberts addressed the resolution, which she proposed. Commissioner Roberts noted the following, “Because of economic growth and labor needs in the 1990’s Mecklenburg County (and North Carolina) experienced the fastest growth in its immigrant population of the entire US. Today, one sixth of the County’s population were born in a foreign country. America, having always been a nation of immigrants, is a stronger and better nation because of the hard work, faith and entrepreneurial spirit of immigrants. Immigrants make up approximately 14 percent of the nation’s civilian workforce, and these workers are increasingly essential to filling a wide range of jobs in our society. Nearly 12 percent of the soldiers, sailors, airmen and marines on active duty are Latino and many are stationed here in N. C. Both documented and undocumented immigrants pay federal, state and local taxes, including Social Security and Medicare. The purchasing power of Latinos alone in N. C. is predicted to hit $24 billion by 2007. However, there is no current, accurate information about the immigrant population in our County, including public services used, taxes paid, crime, etc.”

Commissioner Roberts noted also that there were several independent studies currently underway, in addition to the Mayor’s Study Commission.

Commissioner Roberts said that it would be unwise, impractical, and a misuse of taxpayer dollars to attempt local action without accurate information on the economic, social, and public sector impact of the immigrant population, as well as on the legal requirements for local action.

Commissioner Clarke said that he thinks Congress is finally ready to deal with the issue of immigration. Commissioner Clarke said he thinks it’s going to take the President following his own advice with respect to the War on Terror, which is “staying the course.”

Commissioner Clarke said the President had some good ideas regarding the immigration issue and he knows it’s going to take not only strong enforcement, but it is also going to take a comprehensive reform that takes into account the fact that there are literally millions of people here in this country who are undocumented. “They are here and you can not and we are not going to be packing all those people up and sending them back. It’s not going to happen.”

Commissioner Clarke said also that our economy is extremely dependent upon the work and labor and commitment of these “extraordinary people” who come here, not for our benefits and services, but because this country is a “beacon of hope” and it stands for democracy and freedom and it’s a place where they can make a decent living. Commissioner Clarke went on to say that
studies have shown that immigrants are some of the most productive, entrepreneurial people in the world.

Chairman Helms concluded the discussion of the above motion and said what was really being discussed was an issue that deals with the “worth and dignity of persons”, regardless of where they are from or whether they’re legal or illegal. Chairman Helms said the real issue before the Board was how “do we” as a County and as citizens of Mecklenburg County deal with the human component of this community, that in “some respects are entrusted to our care.”

Resolution recorded in full in Minute Book 42-A, Document #_____.

COMMISSION COMMENTS – General comments were made at this time by various Commissioners regarding upcoming events and/or events they attended, as well as, other matters which they deemed note worthy.

ADJOURNMENT

Motion was made by Commissioner Puckett, seconded by Commissioner Mitchell, and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:30 p.m.

Janice S. Paige, Clerk H. Parks Helms, Chairman
MINUTES OF CLOSED SESSION OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

DECEMBER 6, 2005 5:00 P.M.

The Board of Commissioners of Mecklenburg County, North Carolina, met in Closed Session in the Charlotte-Mecklenburg Government Center during its Regular Meeting held Tuesday, December 6, 2005. These Closed Session minutes are part of the minutes of that meeting and should be read in that context.

ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners J. Daniel Bishop, Dumont Clarke, Bill James Norman A. Mitchell, Sr., Jim Puckett Wilhelmenia I. Rembert, Jennifer Roberts and Valerie C. Woodard County Manager Harry L. Jones, Sr. County Attorney Marvin A. Bethune Clerk to the Board Janice S. Paige

Also Present: General Managers Janice Jackson, John McGillicuddy, and Bobbie Shields, Executive Assistant to the County Manager Michelle Lancaster, Finance Director Harry Weatherly, Sarah Heasley of Finance, Nancy Brunnemer and Steve Law with Real Estate Services, and Jaz Tunnel with the Manager’s Office

Commissioner Puckett was not present for this Closed Session matter.

(2B1) LAND ACQUISITION LINCOLN HEIGHTS AREA

Nancy Brunnemer with Real Estate Services addressed the proposed purchase of Tax Parcel 075-043-25 at 1619 Catherine Simmons Avenue via a tax auction bid.

It was noted that this parcel would be auctioned this month for back taxes. The County would place a bid at $12,500, which is the minimum needed to cover the legal costs of the tax suit and the back taxes. It was noted further that should there be an opposing bidder, it could be necessary to bid higher to get the property. This vacant lot will be the 38th of 55 tracts to be assembled for a neighborhood park in the Lincoln Heights area.

Ms. Brunnemer said a later request would be brought to the Board for approval after the tax auction date.

Motion was made by Commissioner James, seconded by Commissioner Rembert and carried 8-0 with Commissioners Bishop, Clarke, Helms, James, Mitchell, Rembert, Roberts, and Woodard voting yes, to authorize a tax auction bid of up to $20,000 for Tax Parcel 075-043-25 at 1619 Catherine Simmons Avenue.

Janice S. Paige, Clerk

H. Parks Helms, Chairman
MINUTES OF CLOSED SESSION OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

DECEMBER 6, 2005 5:00 P.M.

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ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners J. Daniel Bishop, Dumont Clarke, Bill James Norman A. Mitchell, Sr., Jim Puckett Wilhelmenia I. Rembert, Jennifer Roberts and Valerie C. Woodard County Manager Harry L. Jones, Sr. County Attorney Marvin A. Bethune Clerk to the Board Janice S. Paige

Also Present: General Managers Janice Jackson, John McGillicuddy, and Bobbie Shields, Executive Assistant to the County Manager Michelle Lancaster, Finance Director Harry Weatherly, Sarah Heasley of Finance, Nancy Brunnemer and Steve Law with Real Estate Services, and Jaz Tunnel with the Manager’s Office

Commissioner Puckett entered the meeting at this time.

(2B2) LAND ACQUISITION SHUFFLETOWN DISTRICT PARK SITE ACQUISITION

Nancy Brunnemer with Real Estate Services addressed the proposed purchase of Tax Parcel 033-012-24, 5.523-acre at Brookshire Boulevard and I-485 from Griffin Bros. Acquisitions, LLC for $225,000.

Prior to the start of Ms. Brunnemer’s remarks, Chairman Helms asked that he be excused from participating in the discussion of this matter to avoid a conflict of interest.

Motion was made by Commissioner James, seconded by Commissioner Puckett and carried 8-0 with Commissioners Bishop, Clarke, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to excuse Chairman Helms from participating in the discussion of this matter to avoid a conflict of interest.

Chairman Helms left the meeting and was away until noted in the minutes.

It was noted that this property was part of the assemblage for a district park site to be located on north and south of Long Creek at Brookshire Boulevard (NC 16) and I-485.

Motion was made by Commissioner James, seconded by Commissioner Roberts and carried 8-0 Commissioners Bishop, Clarke, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve the purchase of Tax Parcel 033-012-24, 5.523-acre at Brookshire Boulevard and I-485 from Griffin Bros. Acquisitions, LLC for $225,000.

Janice S. Paige, Clerk H. Parks Helms, Chairman
ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners
J. Daniel Bishop, Dumont Clarke, Bill James
Norman A. Mitchell, Sr., Jim Puckett
Wilhelmenia I. Rembert, Jennifer Roberts
and Valerie C. Woodard
County Manager Harry L. Jones, Sr.
County Attorney Marvin A. Bethune
Clerk to the Board Janice S. Paige

Also Present: General Managers Janice Jackson, John McGillicuddy, and Bobbie Shields,
Executive Assistant to the County Manager Michelle Lancaster, Finance Director
Harry Weatherly, Sarah Heasley of Finance, Nancy Brunnemer and Steve Law with
Real Estate Services, and Jaz Tunnel with the Manager’s Office

Chairman Helms returned to Closed Session.

(2B3) LAND ACQUISITION SHARP PROPERTY ACQUISITION IN DAVIDSON

Steve Law with Real Estate Services addressed the proposed purchase of Tax Parcel #007-303-35 encompassing +/- 0.7-acre at 1120 Hudson Place for $165,000 from Michael and Teresa Sharp.

It was noted that the subject property is a vacant lot located at 1120 Hudson Place in Davidson. The Town of Davidson is pursuing acquisition of this property to serve as the trailhead/neighborhood entrance to the South Prong of the Rocky River Greenway, a greenway corridor identified in the 1999 Mecklenburg County Greenway Master Plan, and to also serve as a small neighborhood park. The Town is requesting the County purchase this land using the Town’s allocation of the open space challenge grant funds on a non-matching basis.

Motion was made by Commissioner James, seconded by Commissioner Roberts and unanimously carried Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve the purchase of Tax Parcel #007-303-35 encompassing +/- 0.7-acre at 1120 Hudson Place for $165,000 from Michael and Teresa Sharp.
MINUTES OF CLOSED SESSION OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

DECEMBER 6, 2005 5:00 P.M.

The Board of Commissioners of Mecklenburg County, North Carolina, met in Closed Session in the Charlotte-Mecklenburg Government Center during its Regular Meeting held Tuesday, December 6, 2005. These Closed Session minutes are part of the minutes of that meeting and should be read in that context.

ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners J. Daniel Bishop, Dumont Clarke, Bill James Norman A. Mitchell, Sr., Jim Puckett Wilhelmenia I. Rembert, Jennifer Roberts and Valerie C. Woodard County Manager Harry L. Jones, Sr. County Attorney Marvin A. Bethune Clerk to the Board Janice S. Paige

Also Present: General Managers Janice Jackson, John McGillicuddy, and Bobbie Shields, Executive Assistant to the County Manager Michelle Lancaster, Finance Director Harry Weatherly, Sarah Heasley of Finance, Nancy Brunnemer and Steve Law with Real Estate Services, and Jaz Tunnel with the Manager’s Office

(2B4) LAND ACQUISITION PENNINGTON PROPERTY ACQUISITION IN HUNTERSVILLE

Steve Law with Real Estate Services addressed the proposed purchase of Tax Parcels 009-011-08 and 009-011-32 encompassing +/- 40.86 acres on Oliver Hager Road from Doris V. Pennington for $13,800 per acre for +/- 6.74 acres encumbered with powerline ROW and $27,600 per acre for +/- 34.12 acres unencumbered by powerline ROW.

It was noted that the subject property is adjacent to the Cookson Farm parcels recently acquired by the County for parkland and open space preservation and also adjacent to the CMU water treatment facility along McDowell Creek. The Town of Huntersville has identified these parcels as priority acquisitions and is requesting the County purchase this land using the remaining funds allocated to the Town from the open space challenge grant program. The Town will supplement the remaining funds to provide sufficient funding to acquire the parcels.

It was noted also that the Seller is requesting that the County agree to name any future park developed on this property after Charlie and Ida Graham.

Motion was made by Commissioner James, seconded by Commissioner Roberts and unanimously carried Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve the purchase of Tax Parcels 009-011-08 and 009-011-32 encompassing +/- 40.86 acres on Oliver Hager Road from Doris V. Pennington for $13,800 per acre for +/- 6.74 acres encumbered with powerline ROW and $27,600 per acre for +/- 34.12 acres unencumbered by powerline ROW.

Janice S. Paige, Clerk  H. Parks Helms, Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in Budget/Public Policy Session in Conference Center Room 267 of the Charlotte-Mecklenburg Government Center on Tuesday, December 13, 2005 at 3:00 p.m.

ATTENDANCE

Present: Vice-Chairman Wilhelmenia I. Rembert and Commissioners J. Daniel Bishop, Dumont Clarke, Norman A. Mitchell, Sr., Jim Puckett, Jennifer Roberts and Valerie C. Woodard
General Manager Bobbie Shields
County Attorney, Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent: Chairman H. Parks Helms and Commissioner Bill James

The meeting was called to order by Vice-Chairman Rembert in the absence of Chairman Helms.

(1) BUSINESS INVESTMENT GRANT PROCESS

The Board received a presentation on the Business Investment Grant Process, specifically information with respect to Business Attraction and Retention Efforts undertaken by the County, the City of Charlotte, the Charlotte Chamber, and the Charlotte Regional Partnership.

The impact of the economic incentives was also addressed.

The presentation was made by General Manager Bobbie Shields, Tom Flynn, Director of the City of Charlotte’s Economic Development Office, and Jeff Edge, Group Vice President-Business Growth with the Charlotte Chamber of Commerce.

Highlights

- One of the County’s Focus Areas is Growth Management & Environment with the desired outcome of increased economic development and job opportunities. The performance measures for this desired outcome are new business growth rate and net job growth rate.

- The Business Investment Program seeks to encourage the creation, retention and/or expansion of new or existing businesses and jobs in identified Investment Zones within the community. The program provides grants to companies based upon the amount of property tax generated by the business investment being made.

- Companies that fall in certain business growth clusters, as outlined in the guidelines, who are relocating or expanding to or within the program’s geography may be eligible for participation in the program.

- The local Business Investment Zones include, Center City, targeted Business Districts, Transit Corridors, and the Arrowood-Westinghouse industrial area. Locations that are consistent with adopted land use policies and plans are also considered. Additional geographies are considered for projects that meet the program’s definition of a “large
economic impact project.”

- Grants may also be considered for projects that convert or adaptively reuse vacant retail “Big Box” sites, whether inside or outside the development zone, provided that the planned use is consistent with adopted plans for that area.

- The program guidelines and requirements require
  - A minimum investment of $1.5 million
  - A minimum of 20 new jobs must be created
  - Grant recipients must pay an average wage rate for all employees at the investment site equal to or greater than 100% of the average annual wage rate for the Charlotte-Gastonia-Rock Hill M.S.A.
  - The average wage can be lowered by up to 20% for those companies that pledge to employ Work First participants and/or residents of the development zone itself in 25% or more of the new job positions.
  - Manufacturing companies creating less than 20 new jobs may be considered for the program with a minimum investment of $3 million within the Investment Zone.
  - Investment and employment levels must be maintained throughout the term of the Grant in order for Grant payments to continue. Failure to maintain these levels during the Grant term will result in suspension of Grant payments until such time as the levels are again met and maintained.
  - Grant recipients that relocate outside of Charlotte during the term of the Grant or within 5 years after receipt of the final Grant installment will be required to repay a proportional amount of the Grant.

- Information was shared of companies that received Business Investment Grants (14) and those that did not and the reasons why.

- The City of Charlotte’s analytical approach to determining economic impacts was also shared.

- Information was shared with respect to incentives offered by North Carolina vs. South Carolina, which tend to be better in South Carolina. It was noted that the State was not “pulling their share of the load” currently as it relates to urban communities. Efforts are being made to improve the State’s program.

- Information was shared on the business retention strategies used by the Chamber and the City of Charlotte.

- The size of the investment is key but the main thing is that there is a program in place, which is what businesses want to know.

- Charlotte/Mecklenburg has a modest but necessary program.

- The most requested data on the Web for site selection decisions currently is information on incentives and if a program does not exist, often companies don’t even consider the city/county.

- When companies are considering relocation and/or expanding they look at the following key competitive factors: The education/workforce, infrastructure in a community, the business cost and business environment (basically taxes and regulatory environment), and the quality of life.

- As a growing urban community there is a lot of residential construction taking place. Residential construction brings about the need for a variety of services, such as schools, parks and other things that residents require. The cost of servicing those residents is not really going to be covered through the property taxes that they pay. It was stated that you have to have the commercial base through industrial and office type developments to “help foot” the bill of paying for schools, parks and all the quality of life features.
• It was said that the Business Investment Program should be a true investment in the future of the community. “Yes, we are giving up some of the revenue stream in the first few years of the project, but long term it is providing that revenue stream that’s going to provide the ability to build the schools and the parks and things that are required to maintain a high quality of life.”

Comments

Commissioner Mitchell asked if companies were coming to the community because of the land cost, lower taxes, and more affordable housing. The response was that it depends on where the company is coming from. Compared to some places, Charlotte/Mecklenburg does have lower taxes and more affordable housing. It was said also that one of the things that companies look at is the cost of doing business, part of that is taxes, labor, and utilities.

Commissioner Roberts asked were there any differences in the factors that attract foreign and American firms. The response was that they tend to look at the community in a similar manner, although some foreign firms tend to look for communities that have a larger foreign business presence, which is a comfort level for them. It’s felt that Charlotte/Mecklenburg generally has a good international reputation from a business perspective. It was noted however, that over the last several years there have been some issues with the business permit processes that are somewhat of a “disadvantage” for the community when it comes to Asian and European companies with respect to listing and labeling their equipment in order to place it in the building. This can be a very cumbersome and expensive process, but it’s required by state law.

Commissioner Roberts asked were exit interviews conducted when companies leave. The response was that there was not a formal survey, but that the Chamber will speak with them informally as to the reason for the departure. It was noted that the City does receive reports known as the Worker Adjustment and Retraining Notification Act (WARN), which companies are required to file with the Governor’s Office, when there are going to be substantial layoffs or a closing. It was stated that the response typically received when contacting companies is that it was a business decision.

Commissioner Puckett asked what reason do companies usually give when they relocate to South Carolina. The response was that they are usually expanding their operation and land is cheaper, they can keep their same workforce, pay lower taxes, and are offered a better incentive package.

Commissioner Rembert asked how does the Chamber’s role intersect with the role of the Charlotte Regional Partnership. Do they compete with one another or collaborate? The response was that they collaborate with each other.

Commissioner Rembert asked were there certain business sectors that the Chamber looks for to attract to the community. The response was yes, for example, they target the medical device industry, the optics industry, the high value added manufacturing type industries, like defense; financial services companies, headquarters, etc.

Commissioner Clarke asked was there a significant difference in getting a corporate headquarters versus other types of companies. The response was that they usually are not a major impact from a “head count” perspective typically. It was said that there was a certain prestige factor that’s associated with having corporate headquarters or other Fortune 500 Companies in the community. Having headquarters also offers the opportunity for “spend off” companies. Also, they do bring high paying jobs.

Commissioner Clarke asked about the difference between North Carolina and South Carolina’s political/cultural/business climate. The response was that in South Carolina they come together regardless of where the potential business may locate, but in North Carolina there’s a division amongst the different areas of the state. Also, that North Carolina tries to direct jobs to certain parts of the state. (This was Mr. Edge’s personal opinion, per his having worked in South Carolina.)

Commissioner Woodard left and was absent for the remainder of the meeting.
Commissioner Bishop asked if he knew of any urban counties that have a lot to offer, like Charlotte/Mecklenburg, but is focused on having a very low tax rate and do not do economic incentives? The response was no and that any urban area that was not in the economic incentive arena, “is going to be a dying” community.

Commissioner Bishop asked why the City doesn’t just pay for all of the cost associated with the incentives program, since the City seems to lead the decisions. The response was that it was designed as a city/county program.

Commissioner Puckett said he felt the program offers “certain people” a competitive advantage over existing businesses.

*It was noted that the incentive programs are available to existing businesses.*

Commissioner Puckett asked was it possible to find out what the incentive packages were for companies that moved to South Carolina. He specifically mentioned US Foods move to Rock Hill, South Carolina. Commissioner Puckett said that he was not interested in all of them but a select few that staff would choose. The response was that it was possible to get this information and that examples would be shared.

Commissioner Bishop asked was there any academic literature on the net economic impact of all of the economic incentives competition. The response was that there was a lot of information available, positive and negative with respect to incentives.

*Commissioner Clarke left and was absent for the remainder of the meeting.*

General Manager Shields said that he thinks each community has to decide whether it’s doing too much. He said that he doesn’t think the Charlotte/Mecklenburg community is doing too much.

Commissioner Bishop said he would be interested in reading something on the topic. General Manager Shields said he would get something to Commissioner Bishop.

General Manager Shields noted that he recently heard from the Town of Pineville on possibly working in partnership with the County with respect to economic incentives to attract a manufacturing operation.

General Manager Shields concluded by saying in speaking with the County Manager regarding the presentation, the County Manager said to him that he hope the approach to this would not be one of trying to convince anyone to change their mind about whether they like incentives or not. His desire was for staff to make the following points 1) that the Business Investment Program that the County has is a modest program, 2) that the program was carefully considered, and 3) that staff is consistent in what it does with respect to the program, meaning it’s consistent with public policy established by the Board. Further, that staff wants the Board to know that whenever the Board feels the need to consider revising the public policy with respect to this program, that staff would follow and implement the program based on the Board’s direction.

Vice-Chairman Rembert thanked the presenters for coming and sharing this information with the Board.

*Note: The above is not inclusive of every comment and/or question asked but reflects key points and actions taken by the Board; however, no action was taken or required.*

*Handouts related to the above discussion are on file with the Clerk to the Board.*

**ADJOURNMENT**

There being no further business to come before the Board, Vice-Chairman Rembert declared the meeting adjourned at 5:00 p.m.

Janice S. Paige, Clerk  
Wilhelmenia I. Rembert Vice-Chairman
ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners J. Daniel Bishop, Dumont Clarke, Bill James, Norman A. Mitchell, Sr., Jim Puckett, Wilhelmenia I. Rembert, Jennifer Roberts and Valerie C. Woodard
County Manager Harry L. Jones, Sr.
County Attorney Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent: None.

-INFORMAL SESSION-

(1A) STAFF BRIEFINGS - WTVI RESTRICTED CONTINGENCY

General Manager John McGillicuddy addressed a proposed allocation to WTVI and the need for a long-term plan and business model with respect to WTVI.

Background:
- Although the Board appropriated $210,000 in capital reserve for two repair projects at WTVI, further inspection revealed that these funds were insufficient to cover the total cost. One of these projects includes the repair of the transmission tower. Appropriating the additional funds to capital reserve would address urgent facility stewardship needs.
- A review conducted by the County’s Office of Strategic Organizational Improvement indicated high levels of concern regarding WTVI’s relevance, performance and efficiency as it relates to County funding. However, WTVI remains a publicly owned facility and asset that has significant potential to enhance the quality of life in Mecklenburg County. As a result, WTVI should develop a long-term plan and new business model to maximize its value to the community. This plan and business model should consider the most appropriate business relationship between WTVI and Mecklenburg County.

Elsie Garner, WTVI President and CEO was present along with two of her Board members.

Ms. Garner, in response to the County’s Office of Strategic Organizational Improvement’s assessment, said that she was sure if she agreed with the methodology that was used and perhaps needed a better understanding. Ms. Garner indicated a willingness to discuss this matter further with County staff.

Motion was made by Commissioner James, seconded by Commissioner Rembert and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to appropriate $101,000 from restricted contingency
to capital reserve for facility repairs at WTVI. Appropriate the remainder to the general fund.

Motion was made by Commissioner James, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to request the Charlotte-Mecklenburg Public Broadcasting Authority participate with the County Manager in developing a long-term plan and business model that maximizes the community value of a publicly owned TV station.

Note: Prior to the above votes, Commissioner Puckett asked the County Manager to include in his report back to the Board with respect to WTVI, an assessment of what it would mean if the County ended its partnership with WTVI.

(2) CLOSED SESSION – NONE

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified items they wanted removed from consent. The items identified were Items and .

The Board then proceeded to the Meeting Chamber for the remainder of the meeting.

-FORMAL SESSION-

Invocation was given by Commissioner Clarke which was followed by the Pledge of Allegiance to the Flag.

PROCLAMATIONS AND AWARDS

(1A) HOLY ANGELS 50TH ANNIVERSARY

Motion was made by Commissioner Rembert, seconded by Commissioner James and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to adopt a proclamation designating December 20, 2005 as Holy Angels Day in Mecklenburg County.

Note: For more than fifty years, Holy Angels has led the way in Mecklenburg County and throughout the Piedmont region and the state, in providing innovative programs for children and adults with varying degrees of mental retardation and developmental disabilities, many of whom are medically fragile.

The proclamation was read by Commissioner Rembert.

A copy of the Proclamation is on file with the Clerk to the Board.

(2) PUBLIC APPEARANCE

The following person appeared before the Board during the Public Appearance portion of the meeting:

Jessica Alise Floyd who was recently crowned Miss Charlotte. She was invited to appear before the Board by Commissioner Mitchell.

Miss Floyd thanked the Board for allowing her the opportunity to come and introduce herself. She said if she could ever be of assistance in her capacity as Miss Charlotte to let her know.

Miss Floyd was accompanied by her mother, Pearl Burris-Floyd, a member of the Gaston County
Board of Commissioners and the 12th District Director for the North Carolina Association of County Commissioners. Commissioner Floyd greeted the Board.

(23) NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN HAND IN HAND WITH CHILDREN: GUIDING AND PROTECTING PROGRAM

The Board received information from the National Center for Missing and Exploited Children regarding the “Hand in Hand with Children: Guiding and Protecting” program.

The “Hand and Hand with Children: Guiding and Protecting” program is a week long safety event designed to educate parents and children about methods that keep children safe and encourage communities to take an active role in helping to protect children. During the week long event, local elected officials work with community leaders to discuss topics such as abduction, sexual exploitation, health care and other safety messages.

JuRiese Colon with the National Center for Missing and Exploited Children made the presentation.

Note: Commissioner Mitchell invited representatives from the National Center for Missing and Exploited Children to come to Mecklenburg County after hearing their presentation at the annual NACo Conference this year.

A copy of the report is on file with the Clerk to the Board.

(3) APPOINTMENTS

AIR QUALITY COMMISSION

The following persons were nominated for appointment as chairman of the Air Quality Commission:

Mark Casper by Commissioner James
Randy Perkins by Commissioner Roberts

The vote was then taken on the nominees as follows:

Mark Casper Commissioners Bishop, James, and Puckett
Randy Perkins Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard

Chairman Helms announced that Randy Perkins was appointed chairman of the Air Quality Commission for the duration of his term.

Note: Mr. Perkins replaces Steve Webber, who resigned because of other commitments.

ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE

The following persons were nominated for appointment to the Adult Care Home Community Advisory Committee by Commissioner Woodard: Barbara Edwards and Tanya Monroe.

Appointments will occur on January 4, 2006.

AUDIT REVIEW COMMITTEE

At the request of Chairman Helms, it was the consensus of the Board to defer appointments to the Audit Review Committee in order to allow for the submittal of additional applications.
LIBRARY BOARD OF TRUSTEES

The following persons were nominated by Commissioner Roberts for appointment to the Library Board of Trustees: Robin Branstrom, Gregory Curl, and William Marchant.

Appointments will occur on January 4, 2006.

Motion was made by Commissioner Puckett, seconded by Commissioner Bishop and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to reappoint Robert Bisanar to the Library Board of Trustees for a four-year term expiring January 31, 2010.

NURSING HOME COMMUNITY ADVISORY COMMITTEE

The following person was nominated by Commissioner Puckett for appointment to the Nursing Home Community Advisory Committee: Gene Rogers.

The appointment will occur on January 4, 2006.

PLANNING COMMISSION

The following persons were nominated for appointment to the Planning Commission:

John Boatner by Commissioner Roberts
John Flynn by Commissioner Roberts
Ben Griffin by Commissioner Roberts
Nina Lipton by Commissioner Roberts
Rodney Moore by Commissioner Roberts
Timothy Murray by Commissioner Roberts
Michael Ray by Commissioner Roberts
Lynn Erin Tyler by Commissioner Puckett

An appointment will occur on January 4, 2006.

PUBLIC BROADCASTING AUTHORITY

The following persons were nominated for appointment to the Public Broadcasting Authority by Commissioner Roberts:

Andrew Freeman
Matthew Ipsan
Patricia Lambright
Angela Payne
Shannon Reichley
Ruth Samuelson
Lawrence Seitlin
Shirley Simpson
Joyce Waddell

An appointment will occur on January 4, 2006.

REGION F AGING ADVISORY COMMITTEE
The following persons were nominated for appointment to the Region F Aging Advisory Committee by Commissioner Rembert: Clarissy Knox, Marilyn O’Connor, and Hazel West.

Appointments will occur on January 4, 2006.

(4) PUBLIC HEARINGS – REAL ESTATE EXCISE TAX REFUND REQUEST

Motion was made by Commissioner Puckett, seconded by Commissioner James and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to hold a hearing on a request by Buckley McMullen & Buie, P.A. for reimbursement of North Carolina excise tax in the amount of $188.

Note: Buckley McMullen & Buie, P.A. mistakenly paid excise tax twice on a deed that was submitted for recording in Mecklenburg County.

No one appeared to speak.

Motion was made by Commissioner Puckett, seconded by Commissioner Roberts and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to close the hearing on the request by Buckley McMullen & Buie, P.A. for reimbursement of North Carolina excise tax in the amount of $188 and approve the reimbursement.

(5) ADVISORY COMMITTEE REPORTS – NONE

(6) MANAGER’S REPORT – CONSENSUS BUILDING PROCESS AND THIRD WARD PARK

CONSSENSUS BUILDING PROCESS

County Manager Jones noted that on November 15, 2005, the Board directed him to develop and recommend a consensus-building process that asks stakeholders to help build a school capital package that would be supported by the community. Among the ideas the Board wanted to consider was the process used by Wake County following a failed school bond referendum.

County Manager Jones presented a proposed framework for a consensus building process that he said has two distinct but related functions:

- Phase I/Process Design – Designing the recommended process for consideration by the Board of County Commissioners.
- Phase II/Process Implementation – Implementing the process approved by the Board.

County Manager Jones addressed the following related matters:

- The projected timetable involved
- Phase I/Process Design Desired Result
- The Design Team
- The recommended Design Team Members
  - John McGillicuddy, General Manager, Mecklenburg County (team leader)
  - Nora Carr, Chief Communications Officer, Charlotte Mecklenburg Schools
  - Willie Ratchford, Executive Director, Charlotte-Mecklenburg Community Relations Committee
  - Leslie Johnson, Planning & Evaluation Director, Mecklenburg County
  - Wanda Towler, Associate Vice President, CPCC
  - Debra Campbell, Director, Charlotte-Mecklenburg Planning Commission
Sheila Shirley, Chief Financial Officer, Charlotte Mecklenburg Schools

- Design Team Responsibilities
- Design Team Deliverables
- The Design Team Facilitators:
  - Anne Udall, Executive Director, The Lee Institute
  - David Chrislip, Facilitator, The Lee Institute
- Role of Facilitators
- Phase II/Process Implementation
  A portion of Phase II/Process Implementation would occur concurrently with Phase I/Process Design. This portion would include the selection of the chair of the stakeholders group and its membership. The chair would be recommended by the County Manager in consultation with and confirmed by the Board of County Commissioners.

- Stakeholders Selection: A 35-member stakeholders group is proposed. Membership selection is recommended as follows:
  1. 1 chair (recommended by the County Manager and confirmed by the Board of County Commissioners)
  2. 18 appointees by the Board of County Commissioners and Board of Education (1 appointee per member of the Board of County Commissioners and Charlotte-Mecklenburg Board of Education)
  3. 7 appointees by the mayors in Mecklenburg County (1 appointee by the mayor of each Mecklenburg municipality)
  4. 9 appointees by the stakeholders chair. (This is to ensure the stakeholders group is inclusive.)
  Note: Current elected officials or candidates for elected office should not be appointed to the stakeholders group.

- Cost

Motion was made by Commissioner Mitchell, seconded by Commissioner Roberts and carried 8-1 with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes and Commissioner Bishop voting no, to approve the framework for a consensus-building process as presented by the County Manager; and authorize the County Manager to proceed with Phase I/Process Design, and concurrent portion Phase II/Process Implementation to appoint stakeholders.

Motion was made by Commissioner Mitchell, seconded by Commissioner Bishop and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to appoint former Governor James Martin as chair of the stakeholders selection committee as recommended by the County Manager.

Prior to the above vote, Commissioner Puckett asked that the County Manager give consideration to allowing the northern town mayors and southern town mayors to appoint someone to represent the northern towns and southern towns on the Design Team.

Commissioner Clarke suggested that the issue of alternative resources for funding schools and cost containment be addressed during this process.

County Manager Jones said he would expect that the stakeholders committee would review every imaginable component that is related to school funding from “how do you pay for, to how do you build it.”

Commissioner Roberts noted the importance of having a well-balanced stakeholders committee.

Commissioner Rembert asked was any consideration given to appointing the chairs of the Bond Oversight Committee, the Citizen’s Capital Budget Advisory Committee, and the Education Budget Advisory Committee as members of the stakeholders committee?

Commissioner Rembert said all three of these advisory committees have been very instrumentally involved in forming public policy for the Board of Education and the Board of County Commissioners on funding issues capital and/or operating.
County Manager Jones said that he would expect that they would be involved.

Commissioner Clarke concurred with Commissioner Rembert and said that these persons should at least serve as ex-officio members.

Commissioner James asked how would the County’s Stakeholders Committee to build consensus merge with other existing task forces with similar missions with respect to CMS.

County Manager Jones said that he could not answer that question specifically at this time, but that he was confident that when the Design Team reports back those issues will have been thought through as to what the linkages and relationships should be with others that have an interest in this overall issue.

Commissioner James said that when this matter comes back to the Board he would like to understand the linkage to the CMS Task Force Report, the linkage to when a bond package might be presented as it’s developed and how it relates to the Board of Education.

Commissioner Bishop said he felt the right time to have created the Stakeholders Committee would have been at the creation of the CMS Task Force and before a bond referendum was submitted. He doubts if this action would have any significant impact.

THIRD WARD PARK

Mr. Mike Smith, President of Charlotte Center City Partners presented a proposal whose objectives are as follows:

- To optimize the location of the Third Ward Park with frontage on Tryon Street
- To bring baseball back to the Center City Charlotte
- To jumpstart the Second Ward Neighborhood Plan that was completed in 2002

He said what they were proposing was a synthetic version of what Civitas proposed as Choice #1.

Motion was made by Commissioner Bishop, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to authorize the County Manager to participate with Charlotte Center City Partners and other appropriate parties in a concept development process with respect to the proposal outlined by Mike Smith, president of Charlotte Center City Partners that has the following objectives:

- To optimize the location of the Third Ward Park with frontage on Tryon Street
- To bring baseball back to the Center City Charlotte
- To jumpstart the Second Ward Neighborhood Plan that was completed in 2002;

and

that the County Manager report back to the Board with respect to those discussions.

Prior to the above vote, Commissioner James suggested that the following be considered as this proposal is being discussed amongst the various parties:

- Consideration for perhaps shrinking the size of the stadium, which was something the Knights had indicated a willingness to do, in order to expand the park (It was noted that the size of the park under the new proposal is 5.2 acres, rather than the current almost 8 acres.
- Keep in mind that the buy-in of the Third Ward Neighborhood Association will be needed.
- It was noted that the County paid about $25 million for the current site.
- With respect to the possible relocation of the Charlotte-Mecklenburg Schools’ (CMS) Central Office Building, he would suggest that consideration be given to placing its administrative offices within the Government Center area. He noted that years ago there was discussion regarding possibly building a second Government Center tower, specifically for CMS.
Commissioner Bishop said that he was going to have some concern if the ledger system doesn’t result in the County obtaining “fair and full” value for the Third Ward Park property swap.

Commissioner Bishop said he also felt the proposal probably distorts the priority of building a new CMS Central Office, meaning it requires it to be moved up. Commissioner Bishop said he was not sure how that should be dealt with, but agrees it is a need.

Commissioner Bishop also noted concern regarding the ultimate swap of property between Mass Mutual and Second Ward, which appears to be “substantially” unequal. He said the amount of money that Mass Mutual would be putting in for that process was an enormous detail that also has implications for whether County monies are actually being devoted for another professional sports entertainment business downtown, which he personally does not think is the “right” thing to do.

Commissioner Puckett in his remarks concurred that CMS needs a new Central Office but that he was not sure if it needed to be within the Center City. He said that he has always felt the County’s Freedom Mall site would be a good location for CMS administrative offices.

Commissioner Puckett said he wants to make sure the County has land valued at least at the appraisal value of the equivalent of $24 million two years ago in a swap and whatever the land value for CMS Central Office property, because “we” would be giving up two assets.

Commissioner Puckett said what he wants to see come back to the Board is the numbers “value to value” not just how it reflects on what the County may have in relation to the City on the ledger system.

Commissioner Woodard said her concern was the perception of this by the Third Ward Neighborhood.

Commissioner Woodard said that she could support the concept but that she was uncomfortable with saying that this was an alternative to be considered until after she has had dialogue with the Third Ward Community.

Commissioner Woodard said that it’s “imperative” that a meeting be held with the Third Ward Community to get their input on this new proposal.

Commissioner Roberts asked would the County ceased work on the current Third Ward Park site until this concept is evaluated. County Manager Jones said yes.

Commissioner Roberts also echoed the need for citizen input on the new proposal.

Commissioner Rembert expressed concern also for the need for input from the Third Ward community.

Mr. Smith said he had spoken with Eric Davis, president of the Third Ward Neighborhood Association and few other neighborhood representatives because they did not want them caught off guard by this proposal.

Dennis Marsoun, an interested citizen, addressed a park being located in Third Ward and expressed support of the proposal that was presented by Mr. Smith. Mr. Marsoun said that he always had concerns for the current site and therefore welcomes Mr. Smith’s proposal.

Commissioner Mitchell said Mr. Smith’s proposal provides an opportunity to have both a park and baseball in the Center City and not baseball at the expense of a park, which he opposes.

Chairman Helms summarized by saying “the divergence of events and circumstances that bring a project (as outlined by Mr. Smith) like this to life occur only once in a lifetime.” He said he felt the County was at a point now where it could make a decision on this proposal that would forever shape the character and quality of life of the community.
Mr. Smith was complimented by Commissioners for his concept and assembly of ideas.

(20) CULTURAL FACILITIES MASTER PLAN

The Board received a presentation from Bob Bertges, Wachovia Corporation-Senior Vice President, regarding the proposed First Street Wachovia Project and the conceptual cultural facilities building program.

Note: On July 12, 2005 the Board of County Commissioners adopted a resolution instructing the County Manager to enter into negotiations with the City of Charlotte, Wachovia Corporation, its affiliates and representatives as well as any other interested parties regarding the County’s participation with the City of Charlotte to provide public support for a plan to finance the arts and cultural facilities associated with a proposed Wachovia project.

Mr. Bertges was introduced by General Manager Bobbie Shields, who also addressed this issue.

Note: The cultural facilities involve Discovery Place, a new 1,200 Seat Theater, a new Bechtler Art Museum, Mint Museum, and Afro-American Cultural Center.

General Manager Shields noted in his remarks that the County in this conceptual plan would be carrying about 25% of the total capital cost and the City of Charlotte 75%. He noted further that the proposal solicits the Board’s assistance in seeking additional revenue sources, such as the possible new car rental tax, if approved by the General Assembly. If it is approved by the General Assembly then it would have to be levied by the County. In addition General Manager Shields noted the following:

- The City of Charlotte would acquire the facilities from Wachovia.
- The County’s role would be to enter into an Inter-Local Agreement with the City of Charlotte.
- The County would use its best efforts to obtain and implement new revenue source.
- The County would need to also agree on a pro-rata share of the annual debt service based on that year’s tax rate to cover the new property tax amount of the capital.

A copy of the MOU major points is on file with the Clerk to the Board.

General Manager Shields informed the Board that the MOU, that the Board was being asked to authorize the County Manager to enter into at this stage of the process, would be a conceptual, non-binding agreement to authorize the County Manager to develop the terms of, as outlined by staff.

Motion was made by Commissioner Mitchell, seconded by Commissioner Roberts, to endorse the Cultural Facilities Capital Costs Plan.

A copy of the Capital Costs Plan is on file with the Clerk to the Board.

Substitute Motion was made by Commissioner Puckett, seconded by Commissioner Bishop and unanimously failed with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting no, that the Mecklenburg Board of County Commissioners use its best efforts to obtain authorization from the Legislature to increase the car rental tax to be used for the building and renovation of schools.

Note: Prior to the above vote, Chairman Helms said the N. C. General Assembly would not give Mecklenburg County a car rental tax to build schools.

Commissioner Puckett said although he made the motion, he was not supportive of it because he was not in favor of raising taxes to subsidize something other than schools as the Board’s first and highest priority. He was curious to see how his colleagues felt.

Motion was made by Commissioner Bishop, seconded by Commissioner James and failed 6-3
with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting no and Commissioners Bishop, James, and Puckett voting yes, to amend the original motion such that the MOU that is to be negotiated would specifically be required to provide that the request of the General Assembly for authority for a car rental tax or other revenue source include a requirement that for any levy to be made of that tax it must first be approved by a public referendum.

The vote was then taken on the original motion and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop, James, and Puckett voting no, to endorse the Cultural Facilities Capital Costs Plan.

Motion was made by Commissioner Clarke, seconded by Commissioner Mitchell and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts and Woodard voting yes and Commissioners Bishop, James, and Puckett voting no, to authorize the County Manager to develop a Memorandum of Understanding (MOU) with the City of Charlotte and Wachovia consistent with the “Major Points of MOU for Cultural Facilities at First Street Wachovia” and presented by staff.

Prior to the above votes, Commissioner James asked that the text from an e-mail from Attorney Bethune to him and others be included in the minutes with respect to this matter.

From: Marvin A. Bethune [mailto:mbethune@rbcwb.com]
Sent: Tuesday, December 20, 2005 10:35 AM
To: 'Commissioner Bill James'; 'Bobbie Shields'; normanams@aol.com;
2woodard@bellsouth.net; ihpucket@bellsouth.net; wirembert04@bellsouth.net;
mroberts5@carolina.rr.com; phelms@helmshenderson.com; 'DUMONT CLARKE';
dan@votedanbishop.com; rembertw@winthrop.edu
Cc: hj@alltel.net; 'Sandra Bisanar'; 'Janice Jackson'; 'Harry Jones';
'Michelle Lancaster'; 'John McGillicuddy'; bobbertges@wachovia.com
Subject: RE: Wachovia arts agenda item #20 (conflict question, additional info & Wachovia employment clause)

Bill,

From a legal standpoint, I feel fairly certain that the City and County could require Wachovia to make some type of covenant in its contract with the City and County about jobs in the County similar to what is contained in the City/County economic development grant contracts. However, I am not sure exactly how your proposal would work mechanically in this fact situation if they violated the covenant. In the normal economic development project, funds are paid to a company pursuant to a contract; if they violate the terms of the contract, under certain circumstances they must pay some or all of the grant money back to the City and County.

In this situation, once the facilities are built, the City would issue "debt" (COPs probably) to obtain the funds to purchase the facilities from Wachovia, use those funds to pay for the facilities, and then take title to the facilities, probably subject to a deed of trust in favor of a trustee for the "lenders". Both the City and County would provide funds to repay the debt.

If Wachovia violated some type of jobs covenant in its contract with the City and the County before the COPs were paid off, what would you want the remedy to be? Would you want (a) Wachovia to be required to purchase the cultural facilities back from the City at some price specified in the contract, or (b) would you want the City to retain title to the facility, but require Wachovia to pay some amount of money to the City and County, or (c) do you have some other remedy in mind?

In other words, your proposal is not complete without a remedy for the violation of the covenant you suggest be included in the contract with Wachovia.

A copy of the report is on file with the Clerk to the Board.

CONSENT ITEMS

Motion was made by Commissioner Puckett, seconded by Commissioner Roberts and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to approve the following item (s) with the exception of Items 11and 17 to be voted upon separately.
(7) APPROVAL OF MINUTES
Approve minutes of Regular Meeting held December 6, 2005 and Closed Session minutes of December 6, 2005.

(8) TAX REFUNDS
Approve refunds to be made by the Finance Department as requested by the Tax Assessor in the amount of $10,880 resulting from clerical errors, audits and other amendments.

A list of the refund recipients is on file with the Clerk to the Board.

(9) FUNDING ADJUSTMENT – AREA MENTAL HEALTH
Approve the following funding adjustment for Area Mental Health:

1. Recognize, receive and appropriate one-time Federal funds in the amount of $68,000 for Substance Abuse Prevention Pilot Project in collaboration with Chemical Dependency Center and Substance Abuse Prevention Services, Inc.

2. Reduction of $222,601 in Federal funds to reflect recent FY06 budget allocations from the North Carolina Department of Health and Human Services.

3. Recognize, receive and appropriate one-time State funds in the amount of $5,006 to support a Community Developmental Disabilities diversion site.

4. Reduction of $390,316 in State funds to reflect recent FY06 budget allocations from the North Carolina Department of Health and Human Services.

5. Reduction of $10,195 in State funds to reflect recent FY06 budget allocations from the North Carolina Department of Health and Human Services.

(10) SOLID WASTE CAPITAL RESERVE FUNDS
Approve appropriating $2,600,000 from the Solid Waste Enterprise Fund Unrestricted Net Assets to the Solid Waste Management Facilities Capital Reserve Fund.

Note: The monies in the Solid Waste Management Facilities Capital Reserve Fund will be used for physical improvements to active and closed solid waste facilities designed to improve customer access and safety, increase operational capacity and efficiency, enhance environmental performance, and facilitate prompt response to emergency storm debris management situations. Additionally, these funds will be applied to the purchase of fixed and mobile operating equipment where the projected useful life for that equipment is five years or greater.

(12) CONSERVATION EASEMENTS – THIS ITEM WAS REMOVED FROM THE AGENDA

(13) LAND ACQUISITION FOR BRADFORD PARK
Approve the purchase of Tax Parcels 011-271-08, 011-271-07 and 011-271-06 totaling +/- 42.55 acres from McAlpine Group, LLC for $1,470,000.

Note: The property would be utilized for additional park/open space to serve the towns of
Huntersville, Davidson and Cornelius east of I-77. This land will also allow for vehicular access to the park from Ramah Church Road, which is needed to complement the park’s currently planned access point from NC Highway 73. In addition, a portion of the land could be jointly planned with Charlotte Mecklenburg Schools and used for school and park purposes, i.e. an elementary school or middle school.

(14) PENNINGTON PROPERTY LEASE AND PARK NAMING RIGHTS

Authorize the County Manager to negotiate and execute a 40-year lease with the Town of Huntersville for the future development and operation of a park on the Pennington property (Tax Parcels 009-011-08 and 009-011-32).

Approve waiving the Public Areas and Facilities Naming/Renaming Policy and authorize the naming of a future public facility on the Pennington property in honor of Charles Edward Graham and Ida Torrence Graham.

(15) CAPITAL PROJECT ORDINANCES

Adopt the following capital project ordinances for projects funded by general obligation bonds: Central Piedmont Community College Approved in November 8, 2005 Referendum and Law Enforcement Facilities Approved in November 8, 2005 Referendum; and amend the following bond capital project ordinances: Land Bonds Approved in November 2, 1999 Referendum, School Facilities Approved in November 7, 2000 Referendum, School Facilities Approved in November 5, 2002 Referendum, and Park and Recreation Facilities Approved in November 2, 2004 Referendum.

Ordinances recorded in full in Minute Book 42-A, Document #’s _____.

(16) TRANSFER OF FUNDS, WATER QUALITY DESIGN MANUAL

Authorize the transfer of $48,097 from the FY06 Storm Water operating budget to the multi-year fund for the Water Quality Design Manual project.

THIS CONCLUDED ITEMS APPROVED BY CONSENT.

Commissioner James left the dais and was away until noted in the minutes.

(11) BETTE RAE THOMAS RECREATION CENTER – GYMNASIUM NAMING

Motion was made by Commissioner Woodard, seconded by Commissioner Rembert and carried 8-0 with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve the naming of the gymnasium in the Bette Rae Thomas Recreation Center in honor of Charlotte-Mecklenburg Police Department Officer Mark Hayes.

Note: Officer Hayes has worked hard and long hours, often on off-duty time to improve Enderly Park since 1994. Officer Hayes attends all of the community meetings and he has gone above and beyond with many dedicated hours to improve the quality of life for all citizens living around the recreation center.

Commissioner Woodard removed this item from Consent for more public awareness.

(17) GREENWAY DONATION

Motion was made by Commissioner Roberts, seconded by Commissioner Woodard and carried 8-0 with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and
Woodard voting yes, to accept the donation of Tax Parcel 043-211-97 (0.11 acres) and 043-211-99 (2.11 acres) on Mallard Creek from the McAlpine Group, LLC. For greenway assemblage along Mallard Creek.

Commissioner Roberts removed this item from Consent for more public awareness.

(STAFF REPORTS AND REQUESTS)

Commissioner Puckett left the meeting and was absent for the remainder of the meeting.

Commissioner James returned to the dais.

(18) EMPLOYEE CLASSIFICATION/COMPENSATION STUDY

Motion was made by Commissioner Rembert, seconded by Commissioner Woodard and carried 7-1, with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes and Commissioner Bishop voting not, to approve a new Classification and Compensation Plan as recommended by the County Manager that does the following:

- Reduces job classifications from 650 to 260
- Develops 25 job family groups
- Has five broad pay bands
- Adjust below-market salaries closer to market
- Maintain relative difference between salaries below market
- Above-market salaries would not change
- Increase the minimum wage for the lowest paid employees from $8.68 per hour to $10.12;

With an implementation approach at a cost of $4.4 million for FY06, which is within budgeted funds and consistent with the approved FY06 budget; and an FY07 annualized cost of $9.2 million.

Note: Prior to the above vote, Chairman Helms noted for the record that the Board received a detail presentation on this matter at a Special Meeting held earlier today.

Commissioner Bishop noted that his opposition was because of his concern that there was not a comparison conducted with respect to productivity and turnover. He also has concerns regarding the cost of implementation.

A copy of the report is on file with the Clerk to the Board.

(19) US NATIONAL WHITewater CENTER

Motion was made by Commissioner Roberts, seconded by Commissioner Mitchell and carried 7-1, with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes and Commissioner James voting no, to receive a construction status report from Jeffrey T. Wise, Executive Director of the US National Whitewater Center; and to authorize the County Manager to revise the Local Government Services Agreement to increase the $27,000,000 project financing cap to $32,000,000.

A copy of the report is on file with the Clerk to the Board.

A copy of the agreement is on file with the Clerk to the Board.

(21) WESTMORELAND ATHLETIC COMPLEX

Motion was made by Commissioner Bishop, seconded by Commissioner Roberts and carried 8-0, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Rembert, Roberts and Woodard voting yes, to approve the Westmoreland Athletic Complex proposal as
negotiated between the Town of Cornelius and County staff.

Prior to the above vote, Paul Herbert, Andrew Grant, Attorney Bill Brown, and Mayor Gary Knox of Cornelius spoke in support of the above motion.

Lee Jones addressed the item on behalf of Park and Recreation.

A copy of the report is on file with the Clerk to the Board.

(22) TROLLEY BARN PROPERTY SALES PROCEEDS

Motion was made by Commissioner Mitchell, seconded by Commissioner Rembert to approve the allocation of $697,445 (one-half of the funds realized from the sale of the Trolley Barn Property) to replenish the Revolving Fund of Charlotte-Mecklenburg Historic Landmarks Commission.

Substitute Motion was made by Commissioner James, seconded by Commissioner Bishop and failed 6-2 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting no and Commissioners Bishop and James voting yes, to approve the allocation of $697,445 (one-half of the funds realized from the sale of the Trolley Barn Property) to replenish the Revolving Fund of Charlotte-Mecklenburg Historic Landmarks Commission with the proviso that the Historic Landmarks Commission cannot spend more than $900,000 to acquire Grace A.M.E. Zion Church.

The vote was then taken on the original motion and carried 6-2 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop and James voting no, to approve the allocation of $697,445 (one-half of the funds realized from the sale of the Trolley Barn Property) to replenish the Revolving Fund of Charlotte-Mecklenburg Historic Landmarks Commission.

Prior to the above vote, Mike Sullivan, chairman of the Historic Landmarks Commission spoke in support of the above motion.

Motion was made by Commissioner Mitchell, seconded by Commissioner Clarke and carried 6-2 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts and Woodard voting yes and Commissioners Bishop and James voting no, to recognize and appropriate $697,445 (one-half of the funds realized from the sale of the Trolley Barn Property) in the capital reserve fund for the construction of a permanent interpretive center for designated landmark Trolley Car #85 and Charlotte’s streetcar history, which would be administered by Charlotte Trolley, Inc.

Prior to the above vote, Betty Chapin Rash and Terry Shook on behalf of Charlotte Trolley, Inc. spoke in support of the motion.

General Manager Bobbie Shields also addressed this matter.

A copy of the report is on file with the Clerk to the Board.

(COUNTY COMMISSIONERS REPORTS AND REQUESTS)

(COMMISSIONERS’ COMMENTS)

General comments were made at this time by various Commissioners regarding upcoming events and/or events they attended, as well as, other matters which they deemed noteworthy.
Motion was made by Commissioner James, seconded by Commissioner Bishop, and carried 8-0 with Commissioners Bishop, Clarke, Helms, James, Mitchell, Rembert, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:55 p.m.

Janice S. Paige, Clerk

H. Parks Helms, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COUNTY COMMISSIONERS

May 17, 2005 5:00 P.M.

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, May 17, 2005.

ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners J. Daniel Bishop, Dumont Clarke, Bill James Norman A. Mitchell, Sr., Jim Puckett Wilhelmenia I. Rembert, Jennifer Roberts and Valerie C. Woodard County Manager Harry L. Jones, Sr. County Attorney Marvin A. Bethune Clerk to the Board Janice S. Paige

Absent: None.

____________________

-INFORMAL SESSION-

(1A) STAFF BREIFING – BIZHUB

The Board received a report on the BizHub from Frank Gilmore, Executive Director.

The following was noted:
• In 2003 the BizHub was established as a 501(c) 3 Non-Profit Organization designed to operate as a first stop business resource center for entrepreneurs in the Charlotte region. It is a business initiative of its five founding partners, which includes Mecklenburg County, City of Charlotte, Central Piedmont Community College (CPCC), Charlotte Chamber of Commerce, and the Public Library of Charlotte-Mecklenburg.
• BizHub will accomplish its objectives by establishing both a physical and a virtual presence. The physical presence will be at two sites located at Central Piedmont Community College and the main Public Library location. These facilities will provide one-on-one professional assistance and convenient locations for trainings, meetings, educational resources and reference materials.
• The County will occupy approximately 1,000 sq. ft. of space at the CPCC location and operate its Minority Women and Small Business (MWSBE) program out of this location.

A copy of the report is on file with the Clerk to the Board.

Chairman Helms thanked Mr. Gilmore for his report.

Motion was made by Commissioner Rembert, seconded by Commissioner Woodard and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to appoint John Hall and Liz Mills to the BizHub Board of Directors as recommended by the County Manager.

(2A) CLOSED SESSION – TO PREVENT DISCLOSURE OF INFORMATION THAT IS
Prior to going into Closed Session, Nancy Brunnemer with Real Estate Services announced the following land acquisition matters to be discussed in Closed Session:

Tax Parcel: 217-271-02 and a portion of 217-261-01 from Withrow Capital located on McKee Road.

Motion was made by Commissioner Mitchell, seconded by Commissioner Woodard and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to go into Closed Session to Prevent Disclosure of Information that is Confidential Pursuant to G.S. 105-259. (G.S. 143-318.11(A) (1), to discuss Land Acquisition and Consult with Attorney.

The Board went into Closed Session at 5:40 p.m. and came back into Open Session at 6:15 p.m.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board did not identify any items they wanted removed from consent and voted upon separately.

The Board then proceeded to the Meeting Chamber for the remainder of the meeting.

-FORMAL SESSION-

Invocation was given by Commissioner Mitchell, which was followed by the Pledge of Allegiance to the Flag.

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) LITTLE SUGAR CREEK GREENWAY DAY

Motion was made by Commissioner Bishop, seconded by Commissioner Puckett and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to adopt a joint proclamation proclaiming June 4, 2005 as Little Sugar Creek Greenway Day.

The proclamation was read by Commissioner Bishop and accepted by Jonnie Stanley on behalf of Partners for Parks and the Mecklenburg County Southwest Rotary Club.

Following the presentation of the proclamation, Dr. Tony Zeiss on behalf of the Little Sugar Creek Greenway Committee and Park and Recreation Director Wayne Weston gave an update on the Little Sugar Creek Greenway.

A copy of the Proclamation is on file with the Clerk to the Board.

(1B) LAND TRUST DAY

Motion was made by Commissioner Roberts, seconded by Commissioner Clarke and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to adopt a proclamation proclaiming June 4, 2005 as Land Trust Day in Mecklenburg County.
The proclamation was read by Commissioner Roberts and accepted by Dave Cable with the Catawba Lands Conservancy.

A copy of the Proclamation is on file with the Clerk to the Board.

(1C) ASTHMA AWARENESS MONTH

Motion was made by Commissioner Clarke, seconded by Commissioner James and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to recognize the month of May as Asthma Awareness Month.

The proclamation was read by Commissioner Clarke and accepted by Nancy Langenfeld with the Mecklenburg County Asthma Coalition, Deborah Phifer-Smith and her daughter, Shavon Smith, who is an asthma sufferer.

A copy of the Proclamation is on file with the Clerk to the Board.

(1D) ARMED SERVICES DAY

Motion was made by Commissioner Rembert, seconded by Commissioner Woodard and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to adopt a proclamation designating May 17, 2005 as Armed Services Day in Mecklenburg County.

The proclamation was read by Commissioner Rembert and accepted by Major General Cornell Wilson.

County Employees that are serving or have served in the Armed Forces were asked to stand, as well as, all persons that were in the audience who are serving or have served.

A copy of the Proclamation is on file with the Clerk to the Board.

(2) PUBLIC APPEARANCE

The following persons appeared to speak during public appearance:

Nancy Pethel addressed the recent proclamation adopted by the Board with respect to Confederate History Week. Ms. Pethel noted that she was grandniece of John Logan a confederate general who was responsible for the holiday of Memorial Day. She thanked the Board for its recent adoption of the Confederate History Week proclamation.

Anna Bennett, Rob Weigle, and Michael Marks spoke on behalf of Homeless Helping the Homeless. They informed the Board that there were many homeless citizens that participate in the election process through voting and assisting others in getting to the polls. It was noted that a candidate’s forum would be held in the future when the current Board is up for re-election. The results of a recent survey of 75 homeless citizens were shared. The survey asked questions regarding employment status and barriers to finding employment. It was noted that of the 75 surveyed, 42 percent were employed full-time, others worked part-time, or were day laborers or seasonal workers. Twelve percent of those employed made over $8 per hour. It was noted that $8 per hour equates to $16,640 annually. Fifty-three percent of those surveyed made between $5.15 and $8.00 per hour. The most commonly listed jobs were construction (33%), restaurants (20%), warehousing (26%), custodial/housing keeping (15%). It was noted that transportation, as well as, just having the label of being homeless were barriers to keeping employment.

Zavier Johnson addressed the Thomasboro Youth Council community service achievements. The Board was also thanked for its support of the Thomasboro community. Zavier concluded his remarks by saying the Thomasboro Youth Council was “committed to excellence in our community, our schools, and our future. We are the leaders of tomorrow.”
Blanche Penn addressed the activities of Winners Plus, which is a youth program. Ms. Penn was joined at the podium by several students.

Shane Palmer addressed remarks that were made by Commissioner Mitchell at the last meeting regarding Confederate History Week, which she felt were inappropriate and too descriptive in nature with children being present in the audience. She said it should be kept in mind that children are often present. Ms. Palmer also stated that the issue of reparation, which was mentioned at a previous meeting, needs to be discussed. Ms. Palmer said slavery still goes on today “from the Sudan to the U.S.A. there are slaves, from the sweat shops, to illegal immigrants being sold on a dream for a better future, only to turn into a nightmare. If things are going to change one must look at the ugly. We speak about the horrors and atrocities of the past but no one says anything about what is happening now. Reparations, I ask what is a life worth these days? Life is precious and reparation is making sure that no one ever goes through that horror again, no matter what race you come from.”

Mark Palmer spoke on behalf of Take Back Charlotte/Mecklenburg. He addressed a recent event that took place in Marshal Park, Gay Pride Day. He said there were children present and pornographic information was being shown and sold. Mr. Palmer said that this should not occur. He shared with the Board CD’s that display the pornographic materials that were for sale at the event. Mr. Palmer asked the public to contact Mayor Pat McCrory, Bank of America and Hartford Insurance, who were sponsors and express opposition to this occurring.

(3) **APPOINTMENTS**

**ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE**

Commissioner Woodard nominated the following applicants for appointment to the Adult Care Home Advisory Committee: James Howard and Susan Shellhorn.

*Appointments will occur on June 7, 2005.*

**ALCOHOLIC BEVERAGE CONTROL BOARD**

Motion was made by Commissioner Rembert, seconded by Commissioner James and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to reappoint Spencer Thompson to the Alcoholic Beverage Control Board for a three-year term expiring June 30, 2008.

**BICYCLE COMMITTEE**

Commissioner James nominated the following applicants for appointment to the Bicycle Committee: Robert Adams, Robert Cannon, Elias R. Kruger, Thomas J. Raispis, Susan Schacht, and Cynthia Soliday.

*An appointment will occur on June 7, 2005.*

**BOARD OF EQUALIZATION AND REVIEW**

Commissioner James nominated the following applicants for appointment to the Board of Equalization and Review: William B. Hawkins and Daniel C. Warren.

*An appointment will occur on June 7, 2005.*
BOARD OF MOTOR VEHICLE REVIEW

Motion was made by Commissioner James, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to waive the Board’s term policy and to reappoint Shirley C. Floyd, to the Board of Motor Vehicle Review for another one-year term expiring July 18, 2006.

Motion was made by Commissioner James, seconded by Commissioner Puckett and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to reappoint Charles D. Roberts, Jr. to the Board of Motor Vehicle Review for a one-year term expiring July 18, 2006.

Commissioner James nominated the following applicants for appointment to the Board of Motor Vehicle Review: James Barnett and Andrew C. Sliwinski.

*Appointments will occur on June 7, 2005.*

BUILDING DEVELOPMENT COMMISSION

Commissioner Clarke nominated the following applicant for appointment to the Building Development Commission: Will Cauler.

*The appointment will occur on June 7, 2005.*

CENTRAL PIEDMONT COMMUNITY COLLEGE BOARD OF TRUSTEES

Commissioner James nominated the following applicants for appointment to the Central Piedmont Community College Board of Trustees: Anthony C. Aycock, Alfred Comfort, III, Mark W. Mealy, Sue Peck, Lloyd Scher, and Susan Shellhorn.

*An appointment will occur on June 7, 2005.*

CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE

Motion was made by Commissioner James, seconded by Commissioner Rembert and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to reappoint Philip K. Bell, Samuel Belnavis, John E. Burton, Gretchen Easton, Lawanda Horton, Andrea B. Huff, William W. Marchant, Jr, and Danny McKay to the Charlotte-Mecklenburg Community Relations Committee for three-year terms expiring July 2, 2008.

Commissioner James nominated the following applicants for appointment to the Charlotte-Mecklenburg Community Relations Committee: Demario M. Baker, Donna J. Dawson, Larry Hines, Frank Hopkins, Sandra Marshall, Donna North, Ken Norwood, Katherine K. Satchwill, Marcus S. Scurry, and John Treadwell.

*Appointments will occur on June 7, 2005.*

CMUD ADVISORY COMMITTEE

Motion was made by Commissioner James, seconded by Commissioner Woodard and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to reappoint Steven S. Wilson to the CMUD Advisory Committee for a three-year term expiring June 30, 2008.
CITIZEN’S TRANSIT ADVISORY COMMITTEE

Motion was made by Commissioner James, seconded by Commissioner Clarke and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to reappoint Robert H. Bischoff to a two-year term expiring June 30, 2007.

Commissioner Woodard nominated the following applicants for appointment to the Citizen’s Transit Advisory Group: Carolyn H. Carlburg, Charles Held, David Matvey, Samuel R. Spencer, IV, and Robert S. Zuckerman.

Note: Commissioner Rembert informed staff that Ms. Carlburg may no longer be in Mecklenburg County. Staff was advised to check.

An appointment will occur on June 7, 2005.

GROUNDWATER ADVISORY COMMITTEE

Commissioner James nominated the following applicant for appointment to the Groundwater Advisory Committee: Edwin Sullivan.

The appointment will occur on June 7, 2005.

JURY COMMISSION

Motion was made by Commissioner Clarke, seconded by Commissioner James and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to reappoint Gail L. Gibson to the Jury Commission for a two-year term expiring June 30, 2007.

NURSING HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner James, seconded by Commissioner Clarke and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to reappoint Hillary Broga, Susan Harmon, and Kent Rittenhouse to the Nursing Home Community Advisory Committee for three-year terms expiring May 17, 2008.

Commissioner James nominated the following applicant for appointment to the Nursing Home Advisory Committee: Peggy Byrne.

The appointment will occur on June 7, 2005.

PARK AND RECREATION COMMISSION

Motion was made by Commissioner Clarke, seconded by Commissioner James and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to reappoint William Brawley (Southern Town Rep.), James Brown (East Park Dist. Rep.) and Larry Huelsman (South Park Dist. Rep.) to the Park and Recreation Commission for three-year terms expiring June 30, 2008.

PLANNING COMMISSION
Motion was made by Commissioner James, seconded by Commissioner Puckett and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to reappoint Mark C. Loflin to the Planning Commission for a three-year term expiring June 30, 2008.

Commissioner James nominated the following applicants for appointment to the Planning Commission: John Boatner, Sabine Desamour, Kevin Geddings, Rodney W. Moore, Timothy Murray, Michael Ray, and LynnErin M. Tyler.

An appointment will occur on June 7, 2005.

PUBLIC BROADCASTING AUTHORITY

Motion was made by Commissioner James, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to reappoint Carolyn A. Mints and John R. Nicolay to the Public Broadcasting Authority for three-year terms expiring June 30, 2008.

Commissioner James nominated the following applicants for appointment to the Public Broadcasting Authority: Matthew Ipsan, Patricia A. Lambright, Hattie Leeper, Angela Payne, Shannon L. Reichley, Ruth C. Samuelson, Lloyd Scher, and Shirley G. Simpson.

An appointment will occur on June 7, 2005.

REGION F AGING ADVISORY COMMITTEE

Motion was made by Commissioner James, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to reappoint Albert M. Lyles to the Region F Aging Advisory Committee for a two-year term expiring June 30, 2007.

(2A) CLOSED SESSION – LAND ACQUISITION

Motion was made by Commissioner James, seconded by Commissioner Roberts and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to authorize the County Manager to exercise an option to acquire 35.11 acres (Tax Parcel 217-271-02 and a portion of 217-261-01) from Withrow Capital for $12,000 per acre for the Southwest Area District Park site expansion on McKee Road.

(4) PUBLIC HEARING - NONE

(5) ADVISORY COMMITTEE REPORTS - NONE

(6) MANAGER'S REPORT – FY06 RECOMMENDED BUDGET

County Manager Jones presented the Mecklenburg County Strategic Business Plan for FY2005-2007 and his recommended budget for FY2005-2006.

Highlights:
- The FY06 recommended budget provides $1,236,659,276 in total funding and supports 4,782 full-time equivalent staff.
- This change represents an 8.86 percent funding increase over the FY2005 amended budget, and a net decrease of 48 full-time equivalent staff.
• The recommended budget includes $879,724,010 in county revenue, which is an 8.41 percent increase from FY05.
• The current tax rate of 75.67 cents will not generate enough revenue to cover the 8.41 percent increase from FY05.
• A property tax rate increase of 8.21 cents is needed in order to generate enough revenue to cover the 8.41 percent increase.
• The tax rate increase is required to fund services that have demonstrated value to the community, to sustain successful programs, and to improve performance in achieving results desired by the Board.
• This increase in the tax rate will result in a $144 total tax increase for the owner of a home with an assessed valuation of $175,000, an increase of approximately $12 a month.
• The property tax rate increase needed to cover the costs for those in the Law Enforcement Service District, which are residents in the unincorporated areas of the County, is 17.68 cents. This is an increase of 1.42 cents above the FY05 rate of 16.26 cents.
• The Capital Improvement Program being recommended for FY06-08 is $562,844,000. This would include placing up to $534,216,000 in bond referendums on the November 2006 ballot, and approving an additional $28,628,000 in certificates of participation (COPs) and/or pay-as-you-go funding.
• The recommended budget includes information regarding approximately $3 million in reductions from the current service level as well as $79.9 million in requests for funding that were not recommended by the County Manager.
• The FY06 recommended budget proposes $283.4 million in operational funding for Charlotte-Mecklenburg Schools, which is an increase of $18 million from FY05.
• In addition, $3.6 million in funding is being recommended for the Charlotte-Mecklenburg Schools’ High School Challenge program.
• The FY06 recommended budget for Central Piedmont Community College is $33.4 million, which is an increase of $4 million from FY05.

No action was taken or required at this time.

A copy of the County Manager’s recommended budget is on file with the Clerk to the Board.

CONSENT ITEMS

Motion was made by Commissioner Mitchell, seconded by Commissioner Roberts and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to approve the following item(s):

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held May 3, 2005 and Budget/Public Policy meeting held April 12, 2005.

(8) TAX REFUNDS

Approve refunds to be made by the Finance Department as requested by the Tax Assessor in the amount of $6,930.34 resulting from clerical errors, audits and other amendments.

A list of the refund recipients is on file with the Clerk to the Board.

(9) MODULAR FURNITURE - CARLTON WATKINS CENTER

Award a purchase order for a maximum of $600,000 to Klingman Williams for modular furniture for the renovations at Carlton Watkins Center.
(10)  PLANNING COMMISSION INTERLOCAL AGREEMENT AMENDMENT

Adopt a Resolution Approving Amending The Planning Commission Interlocal Cooperation Agreement.

Note: In April 2005, the City and County approved changes to the Consolidated Shared Programs Joint Undertaking Agreement for the transfer of the City zoning functions back to the City. The Planning Commission Interlocal Cooperation Agreement needs to be modified, such that, the Planning Director’s duties are expanded to include “supervision for coordinating the administrative zoning functions involving the processing and granting of variance requests, the processing and hearing of appeals to the Zoning Administrator, and staffing for the Charlotte Zoning Board of Adjustment” Section (4.20.2(D).

Resolution recorded in full in Minute Book 42-A, Document #______.

(11)  MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

Adopt Multi-jurisdictional Hazard Mitigation Plan.

Note: The Federal Emergency Management Agency (FEMA) now requires all communities to develop and adopt an All Hazard Mitigation Plan that is compliant with the Disaster Mitigation Act of 2000 (DM2K).

The Plan’s focus is on potential natural hazards within Mecklenburg County by building on numerous existing plans currently in place.

Adopting this plan will allow Mecklenburg County Storm Water Services to continue to pursue Federal and State grant funding for the ongoing Flood Hazard Mitigation Program, which has removed over 135 structures from the floodplain. The plan must be adopted by each local municipality by May 2005, in order to obtain certain types of federal and state mitigation funding in the event of future natural disasters (such as flooding, wind/ice damage, etc). Adoption of the plan is also required in order to maintain and increase Mecklenburg County’s current Community Rating System (CRS) score given by the Insurance Services Organization. Participation in the CRS program affords Mecklenburg County citizens a discount on Flood Insurance based on the score awarded.

A copy of the Plan is on file with the Clerk to the Board.

(12)  STRUCTURED DAY PROGRAM—SHERIFF’S OFFICE

Recognize, receive and appropriate new revenue for the Sheriff’s Office Structured Day Program in the amount of $4,679 from the Criminal Justice Partnership Program through the North Carolina Department of Correction, Division of Community Corrections.

(13)  SUSAN G. KOMEN GRANT—SHERIFF’S OFFICE

Recognize, receive and appropriate funds from the Susan G. Komen Breast Cancer Foundation for the Sheriff’s Office Inmate Breast Cancer Education and Examination Project in the amount of $9,910.00.

(14)  MENTAL HEALTH COURT/JAIL DIVERSION GRANT (ITEM WAS REMOVED FROM THE AGENDA)

(15)  GRANT FUNDING REQUESTS – PUBLIC SERVICE AND INFORMATION
Approve submission of grant funding requests to various foundations and corporations to help support “The Mecklenburgers,” an innovative “infotainment” television series intended to provide needed information to County residents through WTVI, the local PBS affiliate. Funding requests will be sent to the following grantors:

<table>
<thead>
<tr>
<th>Grantor</th>
<th>Amount of Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>American Schlafhorst Foundation, Inc.</td>
<td>$ 40,000</td>
</tr>
<tr>
<td>The Annenberg Foundation</td>
<td>$250,000</td>
</tr>
<tr>
<td>Bridgestone/Firestone Fibers and Textiles</td>
<td>$250,000</td>
</tr>
<tr>
<td>Company – Kings Mountain</td>
<td></td>
</tr>
<tr>
<td>Bridgestone/Firestone North American Tire</td>
<td>$250,000</td>
</tr>
<tr>
<td>Curran Foundation, Inc.</td>
<td>$ 75,000</td>
</tr>
<tr>
<td>MetLife Corporate Giving Program</td>
<td>$100,000</td>
</tr>
<tr>
<td>Park Foundation, Inc.</td>
<td>$250,000</td>
</tr>
</tbody>
</table>

If awarded, recognize, receive, and appropriate the grant amount (s) awarded.

(16) DEPARTMENT OF JUVENILE JUSTICE & DELINQUENCY PREVENTION FY06 FUNDING

Recognize and approve the allocation of the Department of Juvenile Justice and Delinquency Prevention (DJJDP) funds of $1,460,859 for fiscal year 2006 as recommended by the Mecklenburg County Juvenile Crime Prevention Council (JCPC) and listed below.

<table>
<thead>
<tr>
<th>Program Name</th>
<th>Sponsoring Agency</th>
<th>Proposed FY06 Allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Present Day</td>
<td>Present Day Cares</td>
<td>$381,150</td>
</tr>
<tr>
<td>Youth Homes</td>
<td>Youth Homes, Inc.</td>
<td>$350,000</td>
</tr>
<tr>
<td>Intensive FACET</td>
<td>Youth &amp; Family Svcs.</td>
<td>$224,029</td>
</tr>
<tr>
<td>Transition House</td>
<td>Youth Network, Inc.</td>
<td>$275,000</td>
</tr>
<tr>
<td>Choices</td>
<td>Youth Network, Inc.</td>
<td>$  65,000</td>
</tr>
<tr>
<td>Juvenile Theft Diversion</td>
<td>Life Connections</td>
<td>$  35,000</td>
</tr>
<tr>
<td>JCPC</td>
<td>County Manager’s Office</td>
<td>$  15,500</td>
</tr>
<tr>
<td>Reserved</td>
<td></td>
<td>$115,180</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$1,460,859</td>
</tr>
</tbody>
</table>

(17) DEPARTMENT OF JUVENILE JUSTICE & DELINQUENCY PREVENTION (DJJDP) - REDUCE FUNDING

Reduce Department of Juvenile Justice and Delinquency Prevention (DJJDP) funds for Carolinas Healthcare Court Psychologist Program by $24,176.

*Note: The Court Psychologist Program offered by Carolinas Healthcare has been slow to start up and therefore will not use all of the funds allocated by DJJDP ($42,900).*

(18) CHILD CARE RESOURCES, INC. (CCRI) FUNDS

Recognize, receive and appropriate additional Federal and State revenues for the Child Care Subsidy program in the amount of $200,000.

(19) ROOF REPLACEMENT - HAL MARSHALL SERVICES CENTER

Award a construction contract in the amount of $693,800 to Weatherguard, Inc. for roof replacement at Hal Marshall Services Center.

(20) CARMEL ROAD PARK TOWER LEASE
Adopt Resolution Approving Lease with Berkley Group, LLC for Tower Site at Carmel Road Park.

*Resolution recorded in full in Minute Book 42-A, Document #_____.*

(21) **HAWTHORNE RECREATION CENTER LEASE ARRANGEMENT**

Approve a resolution of intent for a nine-year lease agreement between Mecklenburg County and The Charlotte Badminton Club and The Charlotte Table Tennis Club, in partnership, for the operation and maintenance of the Hawthorne Recreation Center for badminton and table tennis programming and for general public recreation use.

*Resolution recorded in full in Minute Book 42-A, Document #_____.*

(22) **PARK & RECREATION DEPARTMENT REVENUE & PRICING POLICY FOR FY 2005-2006**

Approve changes to Park & Recreation Department Revenue & Pricing Policy for FY 2005-2006.

*Policy recorded in full in Minute Book 42-A, Document #_____.*

(23) **ARTIFICIAL TURF SYSTEMS – PARK AND RECREATION**

Approve requirement contracts for providing and installing artificial turf systems based on available funding, for a term of one year with the option to renew up to four (4) additional one-year terms to the following companies:

- Medallion Athletic Products, Inc.  Mooresville, NC
- Carolina Green Corp.    Indian Trail, NC
- Ballard Sports     Richmond, VA

Medallion Athletic Products, Inc. will install the first field for a discounted total amount of $450,700. Park and Recreation will select one of the approved vendors for each subsequent approved project as determined to be best suited for the individual field situation and usage.

*Note: Park and Recreation plans to use a new generation of synthetic turf on the multi-purpose competition soccer/football/lacrosse/rugby field at Revolution Park with the intent of adding more synthetic fields throughout the park system over the next five (5) years. The estimated cost of installing artificial turf on a multi-purpose competition field is $450,000 to $640,000. The installation of this turf will eliminate the cost of mowing, fertilizing, aerating and other costs the County currently spends for maintaining the grass playing fields. Movement to these new surfaces will in the long term financially assist the County by significantly reducing, if not eliminating extensive “over-play” on existing facilities and related maintenance and rehabilitation expenses.***

(24) **ANNEXATION OF MECKLENBURG COUNTY PROPERTY INTO CORNELIUS**

Authorize the County Manager to execute a petition for the voluntary annexation of the entire Robbins Park tract into the Town of Cornelius.

*Note: Mecklenburg County owns land close to the Town of Cornelius (a 101-acre parcel - Tax Parcel 005-071-12) approximately 51 acres of which is to be developed into Robbins Park via a*
long term lease with the Town. The balance of the County's property will be managed as a nature preserve. The Town had originally asked that the County approve the voluntary annexation of only the 51-acre area. Both County park staff and Cornelius staff believe it would be more logical to annex the entire parcel rather than approximately half of the tract as requested on 2/15/05. There would not be any adverse consequences to the County created by such an annexation and the County has historically honored such requests by the Towns.

(25) LAND ACQUISITION FOR LINCOLN HEIGHTS PARK

Approve purchase of .086-acre Tax Parcel 075-042-13 on Haines Street from the Harvey P. Barrett Heirs for $12,500 for the Lincoln Heights Park.

(26) MEMORANDUM OF UNDERSTANDING WITH CITY OF CHARLOTTE - LUESA

1) Authorize the County Manager to enter into a Memorandum of Understanding with the City of Charlotte for a system requirements analysis and prototype development for an Environmental Data Management (E.D.M.) System.  2) Recognize, receive and appropriate approximately $50,000 in revenue from the City of Charlotte as their 50% share of Phase 1 funding for the Design Phase of the E.D.M. System and authorize carry-forward of said funds to subsequent fiscal years until completion of project.  3) Authorize the carry-forward of $455,000 in unspent Storm Water Services funds at June 30, 2005, as part of the County’s funding of the E.D.M. System, to subsequent fiscal years until completion of project.

(27) ENERGY SAVINGS PERFORMANCE CONTRACT FOR CHARLOTTE-MECKLENBURG SCHOOLS

Approve Resolution acknowledging the execution and delivery by the Charlotte-Mecklenburg Board of Education of a guaranteed energy savings performance contract.

Note: North Carolina General Statutes provide that Boards’ of Education may enter into Energy Savings Performance Contracts whereby energy-saving equipment may be financed by the Board of Education pledging the projected savings in utility costs to pay for financing the equipment. The County is not part of the financing, nor does the County have any responsibility for the financing; however, Statutes require acknowledgement of the financing by the Board of Commissioners through a resolution. This item is scheduled at the Local Government Commission for June 7, 2005, and this resolution is part of the required documentation.

Resolution recorded in full in Minute Book 42-A, Document # _____.

(28) BANKING SERVICES CONTRACT

Approve appointment of Wachovia Bank to provide banking services for Mecklenburg County for two years beginning July 1, 2005.

Note: Services will include: depository, general operating and payroll banking services for the County, as well as, provide banking services for the Department of Social Services accounts and Sheriff’s accounts, in accordance with policy.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

COUNTY COMMISSIONERS REPORTS AND REQUESTS
The Board considered a resolution entitled Resolution on Equal Employment Opportunity, which was placed on the agenda by Chairman Helms.

Chairman Helms said that the purpose of the resolution was to expand the Board’s policy on equal employment opportunity in order to be consistent with the County’s vision and to promote the equal treatment of all individuals.

It was the consensus of the Board to waive the Board’s speaking time policy and allow the proponents and opponents 20 minutes each side.

Motion was made by Commissioner Roberts, seconded by Commissioner Mitchell to adopt a resolution on Equal Employment Opportunity.

WHEREAS, the vision of the Mecklenburg Board of County Commissioners states that “We will have a local government that is highly effective, efficient, accountable and inclusive”; and,

WHEREAS, this vision also states that “We will have respect for and will celebrate diversity of and promote equality of opportunity for all of our citizens”; and,

WHEREAS, the Mecklenburg Board of County Commissioners extols the positive values and behaviors of compassion, equality, equity, tolerance, civility, inclusiveness, love and respect; and,

WHEREAS, the Mecklenburg Board of County Commissioners shuns the destructive values and behaviors of condemnation, blame, discrimination, hate, prejudice, greed, and self-righteousness and superiority; and,

WHEREAS, the Mecklenburg Board of County Commissioners wishes to affirm and declare its policy of equal employment opportunity consistent with this Resolution; now therefore, be it

RESOLVED that the Mecklenburg Board of County Commissioners adopts the following policy in lieu of its existing policy:

Equal Employment Opportunity

Mecklenburg County will not engage in unlawful discrimination with respect to all aspects of County employment policy and practice including with respect to race, color, religion, sex, national origin, handicap and age. In addition, the County will not engage in discrimination on the basis of sexual orientation with respect to all aspects of County employment policy and practice. Sexual orientation means heterosexuality, bisexuality or homosexuality. Adoption of this policy does not constitute approval of expansion of any County benefits beyond those which are expressly provided by the Board of County Commissioners at the date of adoption of this resolution. The County Manager shall adopt policies and procedures to ensure greater utilization of all persons protected by Article 6 of Chapter 126 of the General Statutes of North Carolina.

Commissioner Roberts spoke in support of the resolution.

Commissioner Bishop spoke in opposition and questioned the reasoning for the resolution.

Commissioner Puckett made the following remarks and requested that they be included in the minutes:

First I want to make it clear that from my own personal perspective:

I have no doubt there are those who firmly and passionately believe their same sex partner is their soul mate and I can’t, and won’t speculate on why they find themselves in that situation, but I pray that they seek forgiveness for what I understand to be a sin and further pray they find solace for the burden they bear. I have a few old friends and if they are watching they know who they are, who are as committed, perhaps more so, to each other than many, maybe even most heterosexual partners. However they have either chosen or determined to live within the limitations of their lifestyle in much the same way young widows and orphans and others whose personal circumstances don’t fit neatly into the norm. They often can’t quite connect as completely as the rest of us, but they relish in what they choose to accept AND dismiss.
No… it is to those with an agenda, often political in nature, who seek to change others rather than deal with their own choices or consequences that I focus my remarks.

First I am a Christian and as such I believe homosexuality to be a sin and I expect the government to respect MY right to MY beliefs; but beyond that I have watched as atheist and non-Christians have removed religion and religious symbols from public places and public schools because they find these things to be OFFENSIVE the minority trumping the majority.

I have watched as symbols of heritage are removed because they have been usurped and defiled and turned to symbols of hatred and therefore offensive to some.

If the right, not to be offended, trumps the majority’s wishes in regard to religion and heritage why shouldn’t the principle work both ways? Why should the majority who find homosexuality offensive have to support a government that proactively supports and advocates for something that is offensive to them? Especially when it is only manifest when the person engages in sexual behavior. It is not the color of their skin, or their accent, or their language that would mark them as someone to single out based on some prejudice. You have to volunteer the distinction to set up the discrimination.

Sexual orientation is not something you wear on your sleeve, or at least you shouldn’t. regardless of what that orientation is. Those with sexual addictions, adulterers, bigamist, sadomasochist, or for that matter Republicans or Democrats need not make their preferences a part of their hiring or job performance. If the person doing the hiring can’t determine who or what you like, then there is no reason to protect you from discrimination. The coincidental chance you might appear to have some atypical traits often identified with one lifestyle or another is as random and as inequitable as those Muggsy Boges encountered when he showed up to play ball. First impressions are compelling but they are not defining.

Furthermore our current policies protect individuals from sexual harassment and I believe that protects homosexuals and Bisexuals as well. We do not need to advocate for a lifestyle but only continue to see that all our employees are treated equally in their jobs and their expectations.

Therefore there is no reason to identify and protect anyone due to his or her sexual orientation. The only reason to make this a protected group is to lay the foundation for the next logical progression of this advocacy, and that is to extend same sex partner benefits, homosexual marriage, and potential job set asides and contractual goals. It is only by legitimizing the subgroup that you can take those next proactive and lineal steps.

The chairman wants to add homosexuals, and bisexuals, to the list of protected population groups in our human resources procedure manual And/or to remove entirely the section related to Equal Employment Opportunity.

This means one of two things.

1. Under our current policy we conduct an annual statistical study of our employees to determine the extent to which the recognized population groups may be underutilized and then “use affirmative recruitment efforts and other lawful measures to attempt to reduce any underutilization of those groups which may exist in any established job category”

OR

2. The chair will remove this requirement altogether, meaning that we will not review or report any underutilization of ANY population group or minority and therefore will not be in a position to use affirmative actions measures. (this would at least be one positive outcome of the proposal… but not one I would trade my support for)

This isn’t just a warm fuzzy statement about loving and respecting our homosexual, neighbors and celebrating our differences. This is about changing current policy to either balance all job categories by sexual preference or throwing out our requirements to measure and act on our lack of diversity.

I stated on the radio that this embracing an advocacy position on the homosexual agenda along with the tax burdens we are about to levy on our citizens is rapidly transforming us into the San Francisco of the South. A place many might like to visit but most wouldn’t want to raise a family.

Today we are seen as a relatively tolerant and accepting community. It is interesting that of all the divergent perspectives of our diverse religions; the view of homosexuality is one of the few constants.

But this proactive, gratuitous, embracing of an abnormal lifestyle will signify an enticement, a cognizant invitation to those seeking that lifestyle that runs counter to the religious and moral foundation this Bible Belt region of churches, synagogues and mosques has held out to families since the mid 1700’s.

While this country has witnessed a clear decline in family values and a decreased appreciation of the family structure, Mecklenburg County has stood as a beacon for those seeking a safe and secure environment that nurtures the family and the protects the sanctity of religious ideals.

This resolution marks the most significant signal IN OUR HISTORY that we are actively turning our back on those fundamental beliefs.

The now dog-eared expression  Build it and they will come… can be paraphrased… Tear it down and they will
Admit it or not; By design or not; this is a government sanctioned signal to the homosexual advocates that we have abandoned the steadfast moral underpinnings of our community and we now embrace any deviancy that marches under a banner of simply seeking acceptance.

I encourage my colleagues to build a community that is accepting, but not enticing to lifestyles our religious and moral codes seek to understand and reform. I ask you not to change our policy, but to continue direct our staff to ensure everyone who seeks to be employed by or do business with our county be treated with the dignity and respect any citizen of Mecklenburg is due justified solely on the wisdom they exhibit in making their home here.

Please demonstrate your capacity to reconsider when presented a reasoned alternative view. Please vote no on this resolution.

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Commissioner James made the following remarks and requested that they be included in the minutes:

Thank you Mr. Chairman. I ask the clerk to publish my comments in the minutes verbatim.

I have thought about this issue from a variety of approaches. Clearly I don’t agree with the proposed policy as I find the activity immoral and against the law. I agree with the comments of Commissioners Puckett and Bishop and I do find it strange that you would place a matter with such a great degree of division on the agenda at the last minute with no debate or discussion and without going through the normal committee processes. That in itself is strange enough but doing it on the night that a significant tax increase budget is presented is the first time this has happened in my nine years.

The one thing that surprised me and which I have decided to comment on was your statement in the paper saying that you were “driven to this decision by my Christian faith”.

That I find inappropriate and sinful not to mention insulting to most practicing Christians.

Clearly, you and others are entitled to your opinion but the Bible’s condemnation of sodomy (homosexual conduct) is not murky or hard to understand. Your attempts to wrap yourself in the mantel of Christ while ignoring his precepts is frankly something that I suspect God will have to deal with you directly about. It is wrong.

When you invoke that your decision was based on being a ‘Christian’ you defile both God, Christ as the only intercessor between God and man and most of the population of Mecklenburg who disagree that the “Christian” thing to do is to condone sodomy, lesbianism and other perversions. There are those that claim to represent Christ and call themselves Christians in Charlotte while denying the scriptures. It is a small step for them and you to re-translate the precepts of God for your own purposes.

The same folks that play fast and loose with Christianity, trying to turn it into some sort of universalist dogma, removing from God his sovereign righteousness, are the same that remove the requirement that individuals act morally and in accordance with his rules.

To these loose confederation of universalists, that claim the false mantle of Christ are an abomination to God and a stumbling block to Christ’s followers that know no better. When the Chairman of the County Commission says that he is following Christ in condoning sodomy it is time to challenge that no matter the howling from the liberal left.

Your comments on this issue of governmental approval of sodomy and by referencing Christ is at its core an assault on real Christians who actually believe in the Bible and its precepts.

In researching this I noted a scripture verse in 1st Corinthians 6 as follows:

6:9 Do you not know that the unrighteous will not inherit the kingdom of God? Do not be deceived! The sexually immoral, idolaters, adulterers, passive homosexual partners,5 practicing homosexuals,6 thieves, the greedy, drunkards, the verbally abusive,7 and swindlers will not inherit the kingdom of God. 6:10 Some of you once lived this way.8 But you were washed, you were sanctified, you were justified in the name of the Lord Jesus Christ9 and by the Spirit of our God.

6:13 "Food is for the stomach and the stomach is for food, but God will do away with both."10 The body is not for sexual immorality, but for the Lord, and the Lord for the body. 6:14 Now God indeed raised the Lord and he will raise us by his power. 6:15 Do you not know that your bodies are members of Christ?

6:18 Flee sexual immorality! "Every sin a person commits is outside of the body,"11 but the immoral person sins against his own body.

In the end, 1 Corinthians 6 above outlines very clearly that eyes are for seeing, noses for breathing and smelling, ears for hearing and if logic is used a Man’s backside or rear end is NOT for another mans private parts but for going to
the bathroom. It also says that those that do such things and do NOT REPENT will NOT inherit the kingdom of God. They will not go to heaven. Clearly, Christ does not support or condone Sodomites.

It is amazing to me and most Christian Charlotteans that you could take the plain language of the Bible and twist it into whatever you want slapping the “Christian” label on it figuring that will make it all right.

1st Timothy says essentially the same thing:

1:8 But we know that the law is good if someone uses it legitimately, 1:9 realizing that law is not intended for a righteous person, but for lawless and rebellious people, for the ungodly and sinners, for the unholy and profane, for those who kill their fathers or mothers, for murderers, 1:10 sexually immoral people, practicing homosexuals, kidnappers, liars, perjurers—in fact, for any who live contrary to sound teaching.

In 1st Timothy above it specifically says that the law is established for the ungodly and sinners and outlines specifically that “practicing homosexuals” are part of that group. The Law is either from a governmental perspective or from a religious one is designed to insure that bad behavior is punished.

The Bible outlines in Romans 13 that God created government to be a force for good. God would not create something and apply one set of rules for for the Bible and another to governmental authorities. Parks, you have set that concept on its head claiming that God and Christianity not only condone what is explicitly condemned but that government should adopt it. I suppose this is much the same wrong-headed thought processes that led you to express support for homosexual marriage.

Clearly, there are more examples of such statements through the old and new testaments however I will offer only a few more including one from the First Chapter of Romans which I am sure most Sodomites know:

1:26 For this reason God gave them over to dishonorable passions. For their women exchanged the natural sexual relations for unnatural ones, and likewise the men also abandoned natural relations with women and were inflamed in their passions for one another. Men committed shameless acts with men and received in themselves the due penalty for their error.

1:28 And just as they did not see fit to acknowledge God, God gave them over to a depraved mind, to do what should not be done.

1:32 Although they fully know God's righteous decree that those who practice such things deserve to die, they not only do them but also approve of those who practice them.

Ultimately, God gives each of us free will. The Bible clearly outlines that homosexuals are given the chance to change IF THEY WANT TO. If they refuse, God gives them over to a “depraved mind” the result of which ultimately death.

When I was first elected to office you indicated that you did not want to be divisive by bringing up such stuff about homosexuals. When Lloyd Scher suggested it you all ran for cover. Now, after the Democrats collectively receive $6,000 from the homosexual lobby you all bring it up in the dead of night. You criticized the “gang of 5” for doing so. And yet, you do exactly what you accused them of doing.

Over the last 9 years I have come to witness the “heathen” of Charlotte as an elected official. They (and you Mr. Helms) attempt to dismiss and demean anything involving real Christianity. If they can not demean it they cite “he who is without sin cast the first stone” to justify all manner of sin.

Since that is one of the heathen’s favorite scripture verses and used to justify sodomy and most other perversions here are a few thoughts. The scripture verse most often cited by those that wish to abandon God’s rules is:

Luke 6:37 - “Judge not, and you will not be judged; condemn not, and you will not be condemned; forgive, and you will be forgiven;

Romans 1:18 however says: For the wrath of God is revealed from heaven against all ungodliness and wickedness of men who by their wickedness suppress the truth. For what can be known about God is plain to them, because God has shown it to them.

Colossians 2 says: See to it that no one makes a prey of you by philosophy and empty deceit, according to human tradition, according to the elemental spirits of the universe, and not according to Christ.

That is what we have here Mr. Helms. Your view of what you want “human tradition” to be NOT what Christ would want or what is outlined in the Bible but the thoughts and views of a fringe element of apostate Christianity. God judges not me, not man. God decrees that sodomites who are unrepentant go to Hell. God sets the standard.

We, as humans all have sinned and fallen short of the glory of God. Re-writing the Bible for your own deigns is “judging” Mr. Helms. You are judging that God’s stated rules don’t count and you in your infinite wisdom can re-write them though the Bible says otherwise. That is the ultimate arrogance.
In Jude, it says “just as Sodom and Gomor'rah and the surrounding cities, which likewise acted immorally and indulged in unnatural lust, serve as an example by undergoing a punishment of eternal fire.” Yet in like manner these men in their dreamings defile the flesh, reject authority, and revile the glorious ones. But when the archangel Michael, contending with the devil, disputed about the body of Moses, he did not presume to pronounce a reviling judgment upon him, but said, “The Lord rebuke you.”

So, Mr. Helms and Democrats. I have nothing else to say except what the Bible instructs me to say. “The Lord Rebuke you”.

It will be up to him to settle matters with your souls and the voters to settle matters with the 6 of you in 18 months. If The Democrats are removed from office in 18 months time the Republicans are committed to reversing this completely. That is our collective “judgment” and the rock on which we stand.

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Commissioners Mitchell, Clarke and Rembert expressed their support for the resolution.

Chairman Helms said that he placed this matter on the agenda at this time because he believes that it is something “we need to do to speak for this community, to say this is who we are, this is what we believe.” He said this was particularly true when “we have come through a period in the history of this county, when we’ve talked about people living in a moral sewer. When we have condemned people who are different. When we’ve seen not only political condemnation but religious condemnation of men and women, all of whom are children of God.”

Chairman Helms said that he was not doing this for any “political opportunism,” nor was he trying to distract the County Manager’s recommended budget presented earlier in the meeting.

Chairman Helms also said that he felt based on his experience in the community that the community has for “too long discriminated against people because of their sexual orientation.” “We’ve discriminated against people for lots of reasons, but that one, in particular, has been unfair and it’s something that we can deal with certainly at the County level.”

The following persons spoke in support of the resolution and thanked the Board for taking this step. They said that all persons should be treated equally and afforded the same rights and privileges regardless of their sexual orientation. It was noted by one of the speakers that based on the comments that were made even from those in opposition that both sides have more in common than differences. It was said that the problem was “that we chose to focus on the differences.” Further, that people have said that this was a divisive issue, “the issue is not divisive but the rhetoric that we choose to use can be.”

1. Dr Steve Shoemaker (Sr. Minister, Myers Park Baptist Church)
2. Nyala Hunt (National Conference for Community and Justice (NCCJ)
3. Christopher A. Connelly (Atty., Employer, Business Owner, Republican, & Married)
4. Phil Wells (Co-chair of Mecklenburg Gay & Lesbian Political Action Committee)
5. James Johnson (on behalf County employees that are Gay or Lesbian) Mr. Johnson noted that at the Gay & Lesbian Pride Festival held May 7, 2005 almost 300 signatures were collected in support of the County adding sexual orientation to the County’s policy on Non-discrimination.
6. Shane Windmeyer
7. Butch Barksdale
8. Kevin A. Campbell
9. Marcy Badertscher
10. Connie Vetter
11. Hugh Hammond (Seminary Student)
12. Tom Chumbley

The following persons opposed the resolution. Several asked that the Board withdraw or table this matter and to consider the effects of the resolution. Many expressed concern for what may
be proposed next, such as benefits for partners. Many viewed the inclusion of sexual orientation as legitimizing gay and lesbian relationships. They expressed agreement on the fact that persons should be treated fairly, however, they feel this can be done without “condoning” behavior that they feel is not acceptable.

1. Dave Smith (Associate Pastor), representing Dr. Dan Burrell, Sr. Pastor of Northside Baptist Church and on behalf of the Mecklenburg Evangelical Alliance
2. Warren Smith
3. Martin Davis
4. Richard Pope (Minister)
5. Hoyle Martin (Former Commissioner)
6. Mr. Turek
7. Charlie T. Scott (Sr. Pastor, South Baptist Church - Pineville)
8. Phil Anderson (Minister of Family Life at First Baptist Church)

Substitute motion was made by Commissioner Puckett, seconded by Commissioner Bishop and failed 6-3 with Commissioners Clarke, Helms, Mitchell, Roberts, Rembert and Woodard voting no and Commissioners Bishop, James, and Puckett voting yes, to refer the Resolution on Equal Employment Opportunity to the Board’s Community Health and Safety Committee for further review and discussion.

The vote was then taken on the original motion, which was to approve the Resolution on Equal Employment Opportunity and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Roberts, Rembert and Woodard voting yes and Commissioners Bishop, James, and Puckett voting no.

Resolution recorded in full in Minute Book 42-A, Document #______.

(30) THIRD WARD PARK NAMING (COMMISSIONER WOODARD)

The Board received information from Commissioner Woodard regarding naming Third Ward Park and the Virginia Paper Mill building in honor of Mr. Romare Bearden. Commissioner Woodard informed the Board that Mr. Bearden’s name would be submitted to the Park and Recreation Department for consideration through its park naming process for the park and the building.

Ms. Nancy Pethel spoke in support of the Third Ward Park and the Virginia Paper Mill building being named after Mr. Romare Bearden, whom she noted was her cousin.

Commissioner James left the meeting during this time and was absent for the remainder of the meeting.

STAFF REPORTS AND REQUESTS

Commissioner Puckett left the dais and was away until noted in the minutes.

(29) BUSINESS INVESTMENT GRANT – FERGUSON SUPPLY & BOX MANUFACTURING COMPANY

Motion was made by Commissioner Rembert, seconded by Commissioner Roberts and carried 6-1 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioner Bishop voting no, to approve the County’s share of a Business Investment Grant to Ferguson Supply & Box Manufacturing Company for a total estimated amount of $175,932 over 5 years.

Note: The total City/County grant for the five-year period is estimated at $273,582. Ferguson Supply & Box Manufacturing Company (hereafter referred to as The Company) manufactures
corrugated containers and offers industrial packaging supplies. The Company currently operates a manufacturing facility located at 2500 Cindy Lane Charlotte, NC 28269. The Company has been headquartered and operating in Charlotte, NC since 1959.

The Company’s business is growing and is in need of a larger facility. The Company is contemplating construction of a 182,000 square foot manufacturing facility. The capital investment for the new facility will be approximately $6,200,000. The new facility will employ approximately 100 individuals, including 15 new positions with an average annual salary of $37,354.

Commissioner Puckett returned to the dais.

(32) RESOLUTION IN SUPPORT OF LEGISLATION FOR ALTERNATIVE REVENUE SOURCES

Commissioner Clarke addressed a resolution entitled Resolution in Support of Legislation for Alternative Revenue Sources, which he placed on the agenda.

Motion was made by Commissioner Mitchell, seconded by Commissioner Rembert and carried 6-2 with Commissioners Clarke, Helms, Mitchell, Roberts, Rembert and Woodard voting yes and Commissioners Bishop and Puckett voting no, to adopt a resolution in support of legislation that would provide counties, cities and towns with enabling authority for alternative revenue sources to help pay for new schools and other growth related capital budget items. Authorizing Counties and Cities in North Carolina to Impose Growth Taxes.

Resolution recorded in full in Minute Book 42-A, Document #______.

(COMMISSIONERS’ COMMENTS) NONE

ADJOURNMENT

Motion was made by Commissioner Bishop, seconded by Commissioner Puckett, and carried 8-0 with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 11:43 p.m.

Janice S. Paige, Clerk

H. Parks Helms, Chairman